DESIGNATION FOR VARIANCE PETITION FOR VARIANCE
M/S Far Hills Court, 75' E of
the c/l of Far Hills Drive
(402 Far Hills Court)
The Election District
th Councilmanic District · OF BALTIMORE COUNTY . Case No. 94-312-A Larry D. Jenkins, et ux

## . . . . . . . . . . . FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 402 Far Hills Court. The Petition was filed by the owners of the property, Larry D. and Barbara J. The Petitioners seek relief from Section 402.1 of the Baltimore County Zoning Regulations (S.C.Z.R.) to permit the conversion of an existing dwelling into two apartments, a lot width of 40 feet in lieu of the required 90 feet, and side yard setbacks of 7 feet and 9 feet in lieu of the minimum required 15 feet and 20 feet respectively, for a proposed addition. The subject property and relief sought are more particularly described on the plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Larry Jenkins, property owner, Gary Mheatiey, General Contractor, and Mildred Cirri, the Petitioner's mother-in-law. There were no Protestants present.

Testimony revealed that the subject property consists of .36 acres more or less, zoned D.R. 5.5 and is improved with a one story single family dwelling and swimming pool. The Petitioners commenced construction of a  $16^{\circ} \times 28^{\circ}$  addition on the southeast side of the existing dwelling to provide living quarters for Mrs. Jenkins' mother, Ms. Hildred Cirri. During the construction phase, the Petitioners decided to include kitchen facilities in the promosed addition so that Ms. Cirri would have the ability to prepare small meals for herself without interference from the family. As a result of the proposed second kitchen, the Petitioners were advised to file the instant Putition to permit the use of the dwelling as two separate living units. The proposed addition will contain a bedroom, bath, family room and kitchen and will be connected to the main dwelling via French doors. Testimony indicated that the prop sed addition is for Mrs. Cirri, only, and will not be rented to any other third party. Further testimony indicated that the Petitioners have discussed the matter with the adjoining neighbors who have indicated they have no objections to their plans.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

whother relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use, as proposed, ' '1 not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result - 2-

if the variance is not granted. It has been established that special ces or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

public hearing on this Petition held, and for the reasons given above, the variance requested should be granted. THEREPORE, IT IS ORDERED by the Deputy Zoning Commissioner for

Baltimore County this 14th day of April, 1994 that the Petition for Variance seeking relief from Section 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the conversion of an existing deelling into two apartments, a lot width of 40 feet in lieu of the required 90 feet, and side yard setbacks of 7 feet and 9 feet in lieu of the minimum required 15 feet and 20 feet respectively, for a proposed addition, in accordance with Petitioner's Exhibit 1, he and is hereby .RANTED, subject to the following restrictions:

The Petitioners may apply for their building permit and be granted same upon receipt of this order; however, Petitioners are hereby made sware that pro-ceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

The proposed addition shall be constructed is accordance with Petitioner's Exhibit 1. The size of the addition is limited to 16' x 28' as shown on the plan and shall be constructed of the same or similar

Pursuant to the advertisement, posting of the property, and

3) The proposed addition shall be occupied only by the proposed addition shall be occupied only by the proposed addition and the complete year other individuals, including other family smalers. In the event Ms. Circl on latter residue in Supersed addition, then all the proposed addition, then all the proposed addition, the proposed addition of the proposed addition and the proposed addition of the proposed addition and the proposed addition a

4) In the event Ms. Cirri moves many from the property and the Petitioners find it necessary to provide housing for another family member, the Petitioners have the right to file for a new hearing to determine the appropriateness of allowing another family member to reside in the subject addition.

5) In the event the Petitioners desire to sell the property, it shall be listed and sold as a single family dwelling and shall in no way be represented as a two-spartment dwelling.

6) Within sixty (60) days of the date of this Order and prior to the issuance of any occupancy permits, the Putitionners shall cause a copy of this order to be recorded in the Land Records of Baltimore County so that any potential purchaser of the subject property will be on motice that this property can only be con-veyed as a simple family develing.

7) When applying for any permits, the site plan filed must reference this case and set forth and ad-dress the restrictions of this Order.

- 4-

Mustby 16 from

THK:bj:

Baltimore County Government Zoning Commissioner Office of Planning and Zoning 1

Suite 113 Courthouse 400 Washington Avenu Towson, MD 21204

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ORDE Date

(410) 887-4386

April 14, 1994

Mr. & Mrs. Larry D. Jenkins Towson, Maryland 21286 DE: DETITION FOR PARIANCE PETITION FOR 'ARIANCE N/S Far Hills Court, 75' E of the c/l of Far Hills Drive (402 Far Hills Court)
9th Election District - 4th Councilmanic District
Larry D. Jenkins, et ux - Petitioners
Case No. 94-312-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty [30] days of the date of this Order. For further Information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Sunthy Vatron TIMOTHY M. KOTROCO

TMK:bis

cc: Mr. Gary Wheatley 17415 Wesley Chapel Road, Monkton, Md. 21111 People's Counsel File

Petition for Variance to the Zening Commissioner of Bultimore County 

402.1 - To permit the conversion of an existing dwelling into two apartments (semi-detached) and a lot width of 40 ft. in lieu of the required 90 ft. and a side yard setback of 7 ft. and 9 ft in lieu of the required 15 ft. and 25 ft. respectively.

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Property is to be posted and advertised as prescribed by Zoning Regulations.

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ONDER RECEIVED FOR FLANG	Nga o Nacitions	Jany D. Jonkis 931. 1588(4)
	-	Barbara J Jenkins
	-	Bully Darkers
	2	402 Far Hills Ct. 583-9555 (A.
	Dype o Pint House	Towson Md. sizel
		Care Barrier
CARY WHEA		Larry Jankins  402 Fac Hills Gr 931-2578(4)
KATHY WHE	ATLEY COR	
Wheatt	c) Associates	and the same of th

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ITEM# 314

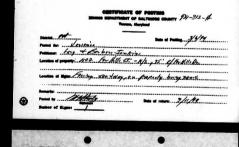
94-312-A

TOWING DESCRIPTION FOR AN EAR LINE & COUNTY

BI BOTION DISTRICT O

Deginning at a point on the forth south feigh for west) side of Far Hills Court which is 50' (number of feet of right of way width) wide at a distance of 75 ± (number of feet)(north, south cast or west) of the centerline of the searest improved intersecting street FATAILS Drives (sense of street) which is 35' (number of feet of right-of-year width) wide. Deing Let \$4. Block K. Section \$3 in the subdivision of Donnybrock as recorded in Baltimore County Plat Book #17 Felio #85

ITEM# 314





receipt Account: 8-001-6150 Dete 2-15-74 LANRY TEXANS + arz = + + + + cus or. con VARIANCE ... 1/ 50 % MO - PROTING - # 3855 MAL = # 852 94-312-A (ICCNOCKTOYATORE FOR A CHEST STANDED TO BASE Make Checks Payable To: Baltimere County 11.1 West Chesapeake Avenue Towson, MD 21204 (410) 887-3353 Mr. and Mrs. Larry D. Jenkins 402 Far Hills Court Towson, Maryland 21286

RE: Case No. 94-312-A, Item No. 314
Petitioner: Larry D. Jonkins, et ux.
Petition for Variance

Dear Mr. and Mrs. Jenkins:

The Zoning Flats Soviency Committee (ZC) has reviewed the place makes reviewing spency are not intended to indicate the appropriateness of each reviewing spency are not intended to indicate the appropriateness of the zoning action repeated, but to assure that all parties, i.e., coming commissioner, attempt small, such to assure that all parties, i.e., coming commissioner, attempt and the proposed improvements that may have a bearing on this case. Enclosed are all comments submitted thus far from the members of 2DC.

that offer or request information on your petition.

one of the control of the contro The following comments are related <u>poly to the filing of future</u> <u>soning petitions</u> and are alsed at expediting the petition filing process with this office. The director of Zoning Administration and Development Mesuperant. has instituted a syview whereby associated axing attempts who feel that the Zoning reputation of the Comply with the Computation of the Zoning regulations and petitions filing requirements can file their petitions with this office without the mecessity of a preliminary review by zoning personning.

Baltimore County Government Office of Zoning Administration and Development Management 111 West Chesapeake Avenue Towson, MD 21204 24-312-A DUE DATE: CLOSING DATE OF HEARING DATE CASE NUMBER/PROJECT NAME: 94-312-A ( 1 ) Zoning Notice Sign and Post Set(s) # \$60.00/set = \$60.00 Due\* (In lieu of payment, we ask that you make use of the following waiver) INVOICE MAIVER CASE NUMBER/PROJECT NAME: 94 312-A Returned \_\_\_\_\_ Zoning Notice Sign and Post Set(s). for ZADW \*Amount Due waived upon return of the COMPLETE sign and post set(s).

When you return same, bring this form with you. Maryland Department of Transportation State Highway Administration 3-1-94 Ms. Charlotte Minton Re: Bultimore County Item No.: # 3/4 (RT) Zoning Administration and Development Management County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item. Bob Small DAVID N. RAMSSY, ACTING CHIEF

Maryland Relay Service for Impaired Hearing or Speech 1-800-73"-2258 Statewide Toll Free Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street - Baltimore, Maryland 21202 Baltimore County Go Office of Zoning Adm

94-312-A

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES <u>sations County Zonion Requistions</u> require that notice be given to the questar justification and the property owners relative to property which is the subject of the property owners are the property which is the subject of the property of the property of the property of placement of a notice in at least coe-nexpepter of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

 Posting fees will be accessed and paid to this office at the time of filing. Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSURECE OF ZONING ORDER.

BULLA

ARNOLD JABLON, DIRECTOR

PAYMENT WILL BE MADE AS POLICIES.

For newspaper advertising:

Petitioner: Larry + Barbara Jenkins

Bathmore, MD 21286

BALTIMORE COUNTY, MARYLAND

The proposed two apartment dwelling is located within the Knollwood-Donnybrook community, which is designated as a Community Conservation area (Inner Meighborhoods) in the Towson Community Plan, adopted by the Baltimore County Council on 2/3/92.

If the Zoning Commissioner should grant the requested Variances, the Office of Planning requests that a restriction should be placed in the order, and a deed covenant recorded with the deed to the property. It should stipulate that the second kitchen will be removed and returned to a single family deelling if the widowed mother—in-law should move from the deelling.

Court Kern

Location: 402 Fer Hills Ct.

PLEASE FORMARD ADVERTISING BILL TO: NUME: Larry, Barbara Jenkins

ADDRESS: 402 Far Hylls Ct.

PHONE NUMBER: 410 - 583-9555

Item No.: 314

Arnold Jablon, Directo Zoning Administration

D.R. 5.5

Item Number:

Property Size:

Requested Action:

SUMMARY OF RECOMMENDATIONS:

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353 111 West Chesapeake Avenue Towson, MD 21204

94-312-A

(410) 887-3353

The Zoning Commissioner of Bmiltimore County, by methority of the Zoning act and Bmphistions of Bmiltimore County, will hold a public hearing on the property identified herein in Rown 106 of the County Office Bmilding, 111 of Communication Process in Tor---, Raryland 21204 of

Boom 118, Old Courthouse, 400 Machinston Avenue, Towner, Marriand 21204 on College

CASE MUNICA: 54-312-6 (Inm 314)
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947 Per UII: Court, 75-5/- tof c/f Fer Hills beim
940 Election Siteriet - 4th Councilmonic
Politionor(i) Large 75. Sendors and Barbers J. Josétias
REMINET TRENSF, MARCH 27, 1994 at 11100 c.m., No. 118, Old Courthouse.

Variance to permit the conversion of an existing deciling into two apartments (semi-detached) and a lot width of 40 feet in lies of the required 50 feet and a side part setback of 7 feet and 9 feet in lies of the required 15 feet and 20 feet, respectively.

NOTES: (1) ZURINO SIGNE A POST HEST DE RETURNED TO RE. 104, 111 M. CHEARMER CHE DE HEARING DETE.
(2) HEARINGS MAN RADOCLAPPID ACCESSIBLE; DES SPECIAL SCONGRECTION PLANES CALL RET. 2053.
(3) FOR INTERMEDITION CONCERNES THE PLEI MANON, NEARING, CONTRIC THIS SPECIA ES 4957-2951.

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Baltimore County Gove Fire Department 700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 02/25/94

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Tomeon, ND 21208 MAIL STDP-1105

RE: Property Owner: SEE BELOW LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard Mo. 10! "Life Safety Code", 1991 edition prior to occupancy, FOR THE FOLLOWING ITEM MUMBERS: 308, 316, 323 AMD 323.

RECEIVED ZADA.

REVIEWER: LT. ROBERT P. SAUERWALD

ion, PHONE 887-4881, MS-1102F cc: File

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