

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
 5537 Emory Road, 200 ft. +/- \* ZONING COMMISSIONER  
 E of 67 1/2 Parrish Road \* OF BALTIMORE COUNTY  
 5537 Emory Road \* 4th ELECTION DISTRICT  
 4th ELECTION DISTRICT \* OF BALTIMORE COUNTY  
 3rd Councilmanic District  
 Leroy S. Biles, Jr., et al  
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 5537 Emory Road in the Glen Ewart subdivision of Baltimore County. Variance relief is requested from Sections 103.3 (1800.3.B.3) and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with side yard setbacks of 35 ft., in lieu of the required 50 ft., and to permit an existing storage building (20 ft. x 30 ft. x 12 ft.) to remain in the front yard in lieu of the required rear yard. The relief requested and subject property are more particularly shown on the site plan marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing for this case were the property owners/petitioners, Leroy S. Biles, Jr., and Janet E. Biles, his wife. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject site is approximately 4.10 acres and is zoned R.C.2. This is a triangular shaped parcel which is located near Emory Road in the rural northern section of Baltimore County near Uperco.

Mr. and Mrs. Biles indicated that they have owned the subject parcel since November 4, 1978. Subsequent to their ownership, they constructed a single family dwelling on the property and occupied same in approximately

June of 1979. As shown on the site plan, the dwelling is a two story structure with a deck. The property is also improved by a garage and an existing stone driveway.

Apparently, during a recent refinancing of the house, the Petitioners were advised of the need for the subject variances. The first variance relates to the side yard setbacks between the building envelope of the house and the side property line. A distance of 35 ft. is maintained in lieu of the required 50 ft. The second variance relates to a small framed shed which was constructed by the property owners shortly after their occupancy. This shed, which is located adjacent to the stone driveway leading from Emory Road, is in the front/side yard in lieu of the required rear yard. The Petitioners noted that a variance was justified for this shed due to the unusual shape of the property, the location of the existing driveway and the need for storage space for lawn tractors and similar items. As to the setback variances, the Petitioners noted that the site constraints of the property, including the lot's topography, justify this variance. Also, apparently a site error was made by the surveyor when the house was originally staked out.

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. Solley*, 270 Md. 200 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render compliance unreasonably burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relief than that applied for would give substantial relief; and

3) whether 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, Tom of Chassecoche Beach*, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will 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 a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variances will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of March, 1994 that a variance from Sections 103.3 (1800.3.B.3) and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with side yard setbacks of 35 ft., in lieu of the required 50 ft., and to permit an existing storage building (20 ft. x 30 ft. x 12 ft.) to remain in the front yard in lieu of the required rear yard, be and is hereby GRANTED, subject,

however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

*Larry E. Schwirtz*  
 LAWRENCE E. SCHWIRTZ  
 Zoning Commissioner  
 for Baltimore County

ORDER RECEIVED FOR FILING  
 Date 3/26/94  
 By TH/11/200

CERTIFICATE OF POSTING  
 2ND DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District 44T Date of Posting 3/24/94  
 Posted for 1000.00  
 Petitioner Leroy & Janet Biles  
 Location of property 5537 Emory Rd. 3rd of 4th Dist  
 Location of Sign Front yard on property being posted  
 Remarks:  
 Posted by [Signature] Date of return 3/29/94  
 Number of Signs 4

Baltimore County Government  
 Zoning Commissioner  
 Office of Planning and Zoning  
 Suite 113 Courthouse  
 400 Washington Avenue  
 Towson, MD 21284  
 (410) 887-4386

March 29, 1994

Mr. and Mrs. Leroy S. Biles, Jr.  
 5537 Emory Road  
 Uperco, Maryland 21155

RE: Petition for Zoning Variance  
 Property: 5537 Emory Road  
 Case No. 94-320-A

Dear Mr. and Mrs. Biles:  
 Enclosed please find the decision rendered in the above captioned cases. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 807-1391.

Very truly yours,  
*Larry E. Schwirtz*  
 LAWRENCE E. SCHWIRTZ  
 Zoning Commissioner

LES:mm  
 encl.

Petition for Variance  
 to the Zoning Commissioner of Baltimore County  
 for the property located at 5537 Emory Road

This Petition shall be filed with the Office of Planning Administration & Development Administration. The undersigned, legal owner(s) of the property shown in Baltimore County and which is described in the description and plat attached hereto and which is a single family dwelling (as defined in the Baltimore County Zoning Regulations) is/are: 103.3 (1800.3.B.3) and 400.1 - To permit an existing single family dwelling with side yard setbacks of 35 ft., in lieu of the required 50 ft., and to permit an existing storage building (20'x30'x12') to remain in the front in lieu of the required rear yard.

- Prerequisites for posting and advertisement as prescribed by Zoning Regulations:  
 I, or we, agree to pay expenses of above Variance advertisement, posting, etc., upon filing of this petition, and further agree to and we to be bound by the zoning regulations and restrictions of Baltimore County applicable pursuant to the Zoning Law for Baltimore County.

Current Petitioner Name: Leroy S. Biles, Jr.  
 Signature: [Signature]  
 Address: 5537 Emory Road  
 City: Towson State: MD Zip: 21155  
 Phone: 410-887-4386  
 Applicant Name: Janet E. Biles  
 Signature: [Signature]  
 Address: 5537 Emory Road  
 City: Towson State: MD Zip: 21155  
 Phone: 410-887-4386

By Submitting this petition, the petitioner certifies that:  
 1. The information provided is true and correct.  
 2. The petitioner is the legal owner of the property.  
 3. The petitioner is not a minor, an incompetent, or a person under a conservatorship.  
 4. The petitioner is not a party to any other pending or ongoing litigation involving the property.  
 5. The petitioner is not a party to any other pending or ongoing litigation involving the property.  
 6. The petitioner is not a party to any other pending or ongoing litigation involving the property.  
 7. The petitioner is not a party to any other pending or ongoing litigation involving the property.  
 8. The petitioner is not a party to any other pending or ongoing litigation involving the property.  
 9. The petitioner is not a party to any other pending or ongoing litigation involving the property.  
 10. The petitioner is not a party to any other pending or ongoing litigation involving the property.

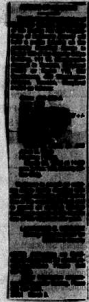
EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 5537 Emory Road, Uperco MD 21155  
 Election District 04 Councilmanic District 3  
 Beginning at a point on the 30th (name of street) (north, south, east or west) of Emory Road which is 24 ft. (number of feet of right-of-way width) (street on which property fronts) at a distance of 200 +/- (number of feet) (north, south, east or west) of the centerline of the nearest improved intersecting street PARRISH ROAD (name of street) which is 24 ft. (number of feet of right-of-way width) wide. Being Lot # 8 of Block 4, Section 1 in the subdivision of Glen Emory as recorded in Baltimore County Plat (name of subdivision) Book # 37, Folio # 101, containing 4.10 acres +/- 178,561 sq. ft. (square feet and acres) ITEM # 322

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber (see Folio #) and include the measurements and directions (twice and bounds only) here and on the plat in the correct location.  
 Example of notes and bounds: N. 07° 12' 13" E. 321.1 ft., S. 10° 03' E. 87.2 ft., S. 62° 19' 00" W. 218 ft., and N. 08° 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF PUBLICATION



TOWSON, MD. March 3, 1994  
 THIS IS TO CERTIFY, that the attached advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 consecutive weeks, the first publication appearing on March 3, 1994

THE JEFFERSONIAN,  
*A. Henikoff*  
 LEGAL AD - TOWSON

**receipt**

**Del. Zoning Administration & Development Management**  
111 West Chesapeake Avenue  
Townson, Maryland 21284

Account: R014190  
Number: 322

Date: 2/16/94  
94-320-A

CR - VARIANCE -- \$ 500  
CR - POSTING -- \$ 350  
TOTAL -- \$ 850

9432079

03A03002310308C \$65.00  
Please Make Checks Payable To Baltimore County 03A03002310308C-14-74

Cashier Validation

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Townson, MD 21204 94-320-A (410) 867-3353

**DUPLICATE: CLOSING DATE OF HEARING DATE**

**INVOICE**

Leroy and Janet Biles  
5537 Emory Road  
Upperco, Maryland 21155

CASE NUMBER/PROJECT NAME: 94-320-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 WAIVER**

CASE NUMBER/PROJECT NAME: 94-320-A  
Returned \_\_\_\_\_ Zoning Notice Sign and Post Set(s).  
DATE \_\_\_\_\_ for ZACM

\*Amount Due waived upon return of the COMPLETE sign and post set(s).  
When you return same, bring this form with you.

Printed with Barcode Ink  
An Unrecycled Paper

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Townson, MD 21204 94-320-A (410) 867-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper 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.

PAyment WILL BE MADE AS FOLLOws:

- Posting fees will be assessed 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 START ISSUANCE OF ZONING ORDER.

*Carlja*  
ARNOLD JAHNEN, Director

For newspaper advertising:  
Use No.: 322  
Petitioner: Janet E Biles  
Location: 5537 Emory Road Upperco, Md 21155  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Ms Janet E Biles  
ADDRESS: 5537 Emory Road  
Upperco, Md 21155  
PHONE NUMBER: 410-233-6452

AJ:ags (Revised 04/09/93)

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An Unrecycled Paper

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Townson, MD 21204 94-320-A (410) 867-3353

**NOTICE OF HEARING**

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 105 of the County Office Building, 111 W. Chesapeake Avenue in Townson, Maryland 21204 on:

Date: 2/16, 04/09/1994, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 94-320-A (Item 322)  
5537 Emory Road  
5537 Emory Road, 220'-0" x 4' of Parcel 66  
6th Election District - 3rd Councilmember  
Petitioner(s): Janet E. Biles, Jr., and Janet E. Biles  
SEARCH: P1281, 0802 25, 1994 as 1110 a.s., No. 156, County Office Bldg.

Persons to permit an existing single family dwelling with side yard setbacks of 35 feet in Use of the regulated 30 feet and to permit an existing storage building to remain in the front lot line of the regulated rear yard.

*Carlja*  
Arnold Jahn  
Director

cc: Leroy and Janet Biles

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO MR. JOE, 111 W. CHESAPEAKE AVENUE ON THE REGULAR DATE.  
(2) WARRANT AND UNRECORDED RECORDS FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-2953.  
(3) FOR COMMENTS CONCERNING THE FIELD WORKS NUMBER, CONTACT YOUR OFFICE AT 867-3353.

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An Unrecycled Paper

**Baltimore County Government**  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Townson, MD 21204 (410) 867-3353

March 16, 1994

Mr. and Mrs. Leroy S. Biles, Jr.  
5537 Emory Road  
Upperco, Maryland 21155

RE: Case No. 94-320-A, Item No. 322  
Petitioner(s): Leroy S. Biles, Jr., et. ux.  
Petition for Variance

Dear Mr. and Mrs. Biles:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on February 16, 1994, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing all requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**BALTIMORE COUNTY, MARYLAND**  
INTER OFFICE CORRESPONDENCE

TO: Arnold Jahn, Director DATE: March 7, 1994  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for March 7, 1994  
Item #332

The Developers Engineering Section has reviewed the subject zoning item. A portion of the existing storage shed is located in an existing 20-foot drainage and utility easement, shown in recorded plat book 37/101.

RWB:W

**Maryland Department of Transportation**  
State Highway Administration

D. James Lighizer  
Secretary  
Hal Kassaroff  
Administrator

3-1-94

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Townson, Maryland 21204

Re: Baltimore County  
Item No: 9-322 (er)

Dear Ms. Minton:

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 Administration project.

Please contact Bob Small at 410-333-1550 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
*for* Bob Small  
DAVID H. ENTZEL, ACTING CHIEF  
John Chomkowski, Chief  
Engineering Access Permits  
Division

BSV

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2264 TDD/VOICED MAIL  
Hearing Address: P.O. Box 717 • Baltimore, MD 21202-0717  
Street Address: 717 North Calvert Street • Baltimore, Maryland 21202

**BALTIMORE COUNTY, MARYLAND**  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jahn, Director DATE: March 1, 1994  
Zoning Administration and  
Development Management

FROM: Pat Koller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 299, 300, 312, 313, 319, 321 and 323.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 867-3490.

Prepared by: Jeffrey M. Long  
Division Chief: Patricia L. Lewis

PW/LL:lv

ZAC 239/PZ006/ZAC1

DATE: 02/25/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21286  
MAIL STOP 1105

RE: Property Owner: SEE BELOW  
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

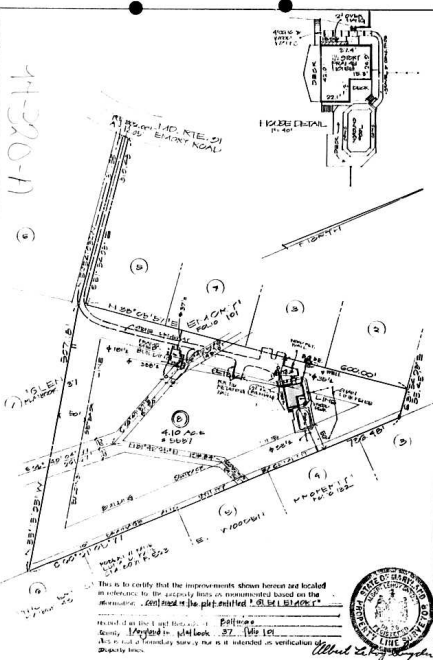
Comments:

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.  
7. The Fire Prevention Bureau has no comments at this time. FOR THE FOLLOWING ITEM NUMBERS: 312, 313, 316, 317, 318, 319 AND 322.

RECEIVED  
FEB 28 1994  
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Prevention. PHONE 887-4881, MS-1102F

602 FILE



LOCATION SUMMARY OF  
PLAT TO ACCOMPANY PETITION (MARKED)  
ALL PLAT DIMENSIONS SHALL BE IN FEET AND INCHES  
ALL PLAT DIMENSIONS SHALL BE TO CENTER OF LOT  
ALL PLAT DIMENSIONS SHALL BE TO CENTER OF LOT  
ALL PLAT DIMENSIONS SHALL BE TO CENTER OF LOT

PREPARED BY:  
A.L. SNYDER  
SURVEYOR, INC.  
1011 HANOVER PIKE  
HAMPSTEAD, MD 21084  
410-285-7744

109-110-2200-1

94-320-A

January 31, 1994

(410) 887-3333

Mr. and Mrs. Leroy S. Bilson, Jr.  
5517 Emory Road  
Gwynn, Maryland 21155

Re: Glen Emory  
Lot #8

Dear Mr. and Mrs. Bilson:

Your letter of January 11, 1994 has been referred to me for reply. Based on the information provided therein, and our research in the zoning office, the following has been determined.

The property known as 5517 Emory Road is currently zoned R.C.2. However, when the plat was recorded, including the subject lot, it was zoned R.D.P. Therefore, the latter of the two zoning classifications will be required to bring the lot into conformance.

Also, all accessory structures like sheds, pools, and any detached structure are required to be located in the rear yard. Since the existing shed is in the front yard, a variance would also be required to bring the shed into conformance.

If you have any questions, do not hesitate to contact me at 887-1991.

Sincerely,  
*Jim S. Fernando*  
Jim S. Fernando, Jr.  
Planning and Zoning Associate III

JSP/cm

c: File

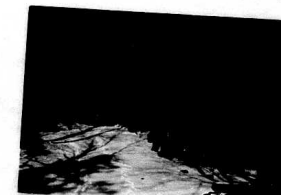
ITEM # 322



94-320A



94-320A



94-320A



94-320A

Plat to accompany Petition for Zoning  Variance  Special Hearing

PROPERTY ADDRESS: 5517 Emory Road  
see pages 2 & 3 of the CHECKLIST for additional required information

Submittal name: Glen Emory  
and name of owner: Leroy S. Bilson, Jr. and Janet F. Bilson

OWNER: Leroy S. Bilson, Jr. and Janet F. Bilson

North  
date: 1/25/1994  
prepared by: A.L. Snyder, Surveyor Scale of Drawing: 1" = 100'

LOCATION INFORMATION  
Electron District: 4  
County/MD District: 3  
1"200' scale MAP: NW 23K  
Zoning: RC2 / RDP  
Lot size: 11,171 1185/10 square feet  
SEWER:    
WATER:    
Chesapeake Bay Critical Area:    
Prior Zoning Hearing: NONE

Zoning Office USE ONLY!  
reviewed by: ITEM #: CASE#:  
RTI 322

