This matter comes before the Zoning Commissioner as a Petition for Variance for the property known as 227-229 Mount DeSales Road in the Meridale Farm subdivision of Baltimore County. Variance relief is requested from Section 1802.3.C.1 of the Baitimore County Zoning Regulations (B.C.Z.R.) to permit two lot widths of 52.9 ft., in lieu of the required 55 ft., and two side yard setbacks of / ft. and 9 ft., in lieu of the required 10 ft. Approval is also requested for development of an under sized lot pursuant to Section 304.2 of the B.C.Z.R. The subject property and proposed relief is more particularly shown on Petitioner's Exhibit No. 1. the plat to accompany the Petition for Zoning Variance

Appearing at the public hearing held for this case was David L. Thurston. President of Candlewood Realty Corporation, Contractor Purchaser The property is owned by the Estate of Ruby F. Seylar, deceased. Also present was Thomas Hoffman on behalf of Hoffman and Hoffman, surveyors Appearing in opposition to the request were several residents of the sur rounding locale. They included Catherine Taylor, Richard B. Nordeck, and Edwin and Judith Edwards

Testimony and evidence presented by the Petitioner was that the subject property is comprised of two lots, known as lots 162A and 162B of the

Meridale Para subdivision. This is a residential subdivision of single and Auniew family homes located not far from Academy Boad and Boute 40 in the Catonsville section of Baltimore County. Both lots are 52.9 ft. wide at their frontage on Mount DeSales Road, However, lot No. 162A widens towards the rear of the property to a width of 65.1 ft. Lot No. 1628 retains a 52.9 ft. width at its rear. Moreover, both lots are approximately 142-1/2 ft. deep.

Presently, lot No. 162A, the slightly larger lot, is improved with an existing single family deelling. This deelling is known as 229 Mount DeSales Road. Lot No. 1628 is unimproved. The Petitioner proposes constructing a single family house on that lot, known as 227 Mount DeSales Road. The proposed elevations and architectural style of the house are shown on Petitioner's Exhibit No. 2. This shows a single family house with attached single car garage. That house will be approximately 36 ft. in width and 27 ft. in depth. Thus, a 7 ft. side yard setback would result on the south side of the property and a 9 ft. side yard setback on the north side

The Petitioner armes that the construction is consistent with other houses in the area. As noted above, other houses in the community include single family dwellings and duplemes. Moreover, the Petitioner notes that this subdivision was originally laid out on 50 ft. +/- lots. Many of these single lots have been developed. Thus, the Petitioner urges that the proposed construction is consistent with other dwellings and property uses in this area.

As to the Protestants, testimony was received from Mr. Mordeck, who resides at 223 Mount DeSales Road immediately next door. He stated that an underground spring is present on lot No. 162B. He believes that construction of the proposed deelling may be difficult due to the existence of

that spring. He also notes the traffic congestion and parking difficulties in this area. He observed that many people use Mount DeSales Road as a shortcut to Mount St. Joseph's High School, Cardinal Gibbons High School and other similar institutions in the community. Thus, Mount DeSales Boad is frequently crowded and is overburdened. Mr. Mordeck believes that additional construction will be detrimental to the surrounding locals and improper. Lastly, he believes that a 9 ft, eatherk on his side of the subject property is inspercentate. He hallowes that the subject house will be too close to his dwelling and should not be allowed

This testimony was echoed by Catherine Taylor who resides at 223 Mount DeSales Road with Mr. Nordeck. She cited parking and traffic prob lens in the community and believes that strict adherence to the required setbacks should be maintained.

Lastly, testimony was received from Mr. and Mrs. Edwards who live at 219 Mount DeSales Road. This is but a short distance down the street free the proposed dwelling. Mr. and Mrs. Edwards noted the steep grade of Mount DeSales Road and believe that any increase in traffic in this already overburdened road will be difficult

All variance requests considered by this office must be adjudged in accordance with Section 307 of the B.C.Z.R. In essence, that section lists three criteria which must be met in order for a variance to be granted. First, the Petitioner must demonstrate that a practical difficulty or mable hardship will result if the variance is denied. Second. and relief afforded must be fashioned so to be within the spirit and intent of the regulations. Lastly, relief can only be granted if the proceed us will not be detrimental to the surrounding locale.

In evaluating the requested variance, in accordance with that criteris, I am unpersuaded that a grant of the relief requested and proposed use of the property will not be detrimental to the surrounding locale. I am particularly mindful of the Protestants' testimony that the subject site is located on an overburdened tworoughfare. Although construction of an additional residence on this property is consistent with the property's zoning classification (D.R.5.5), the mere fact that a residentially zoned lot is unimproved does not mandate that the property must be developed. In this case, an additional dwelling in the community will exacerbate an already difficult traffic situation. I am appreciative of the fact that the proposed house will have a garage which might eliminate additional parking on the street, however, the garage will house a single car only and there is no limitation on a potential buyer's number of vehicles. Moreover, even with the garage, additional traffic will result from the residents who will occupy the proposed dwelling.

For these reasons, I believe that the Petitioner failed in satisfying its burden of proof that the proposed use will not be detrimental to the surrounding locale. In my view, crowding this community with another residence on an undersized lot is not warranted or appropriate. Therefore, the Petitioner must and should be denied

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 denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26 Theay of April, 1994 that a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two lot widths of 52.9 ft., in lieu of the required 55 ft., and two side yard setbacks of 7 ft. and 9 ft., in lieu of the required 10 ft., be and is hereby DENIED; and,

IT IS FURTHER ORDERED that approval for development of an undersized lot pursuant to Section 304.2 of the B.C.Z.R., be and is hereby DENIED

LES/mm

Suite 113 Courthou 400 Washington Ave Towson, MD 21214

SELVED.

(410) 887-4386

April 26, 1994

Mr. David L. Thurston, President Candlewood Realty Corp. 7484 Candlewood Road

RE: Petition for Zoning Variance
Contract Purchaser: Dave Thurston, Candlewood Realty
Legal Owner: Estate of Ruby F. Seylar (deceased)
Case No. 94-328-A

Enclosed please find the decision rendered in the above captioned s. The Petition for Zoning Variance has been denied, in accordance

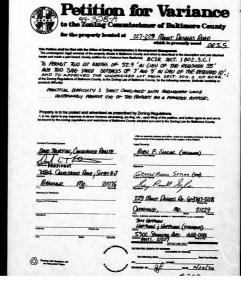
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to

New truly yours,

New truly yours,

Lawrence E. Schnidt

Zoning Commissioner



ZONING DESCRIPTION FOR #227 MOUNT DESINES ROAD
ELECTION DISTRICT: 1 CONDUCTAMENT DISTRICT: 1 94-328-A

Beginning for the same at a point on the southeast side of Mount Desales Road which is 50 'wide at a distance of 198 feet northeast of Academy Road.

Being Lot * 162 B in the subdivision of Meredale Farm "as recorded in Bolhanore County Plat Book * 6 Folio 76, containing 7538 square feet or 0.17

FOR #229 MOUNT DESMES ROBD.
DISTRICT: 1 COUNCILMENCE DETRICT: 1

Beginning for the same at a point on the southeast side of Mount Desales Road which 13 50' wide at a distance of 145 feet northeast of Academy Road.

Being Lot # 1624 in the sobdivision of "Meridale Farm " as recorded in Baltimore County Plat Book #6, Folio 76, containing 8407 square feet or 0.19 acres.

#329

CERTIFICATE OF POSTING HENT OF BALTIMORE COUNTY 94 -328- A

Duteto 1574 Day of Parties 3/1/87 Posted for Venezie Postore Pub 4 bears Soular - Con Hower & Roal ty Location of property 227-279 Mt. O. Sel, Re, Sals Location at Same France, To a de wey over free by being to x-d Posted by ... Although Date of return 3/18/84 Amber of Signer CERTIFICATE OF PUBLICATION TOWSON, MD. March 11 1994 THIS IS TO CERTIFY, that the annexed advertisement was

> published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on March 10, 19 94

> > THE JEFFERSONIAN a. Henrikson LEGAL AD. - TOWSON

(410) 887-3353

94-308-A

information concern-

111 West Chesapeake Avenue Towson, MD 21204

MUST BE SUPPLIED

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

<u>Religiore County Zonior Regulations</u> require that notice be given to the general politions/phoring property consers relative to property to the property of the property as gip on the property and piacement of a notice in at least one energaper of general circulation in the County, at least one

This office will ensure that the legal requirements for posting and advertising are satisfied. Movever, the petitioner is responsible for the costs associated with these requirements. PAYMENT WILL BE MADE AS TOLLOWS.

Posting fees will be accessed and paid to this office at the time of filing.

2) Silling for legal severtising, dos upon receipt, will come from and should be remitted directly to the newspaper. ROM-NATION OF ADVENTISING FIRST WILL STAY INSURED TO TRAIN OF THE STAY OF THE STA

For rewspaper advertising: Item No.: 329 Petitioner: CANDIFUODD ROKLTY Location: 227-229 MOUNT DESAIRS ROAD PLEASE FORWARD ADVERTISING BILL TO: HARE: HOFFMAN & HOFFMAN ADDRESS: 5502 STOUNGTON AVE * PHONE NUMBER: (410) 448-0181

1 -2 :- 37/931

111 West Chesapeake Avenue Towson, MD 21204

receipt

8

3

J

0

(410) 887-3353

\$135.00

Taken by : JRF

New 329



(410) 887-3353

DUE DATE: CLOSING DATE OF HEARING DATE

Hoffman and Hoffman 5502 Stonington Avenue Baltimore, Maryland 21207

CASE NUMBER/PROJECT NAME: 94-328-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) THEOTOP MATERIA

CASE NUMBER/PROJECT NAME: 94-328-A Zoning Notice Sign and Post Set(s).

for ZADR

*Amount Due waived upon return of the COMPLETE sign and post set(s).

When you return same, bring this form with you.

Printed with September 148

111 West Chesapeake Avenue Towson, MD 2120-i

March 28, 1994

RE: Case No. 94-328-A, Item No. 329 Patition for Variance Patitioner: George R. Seylar, et al

The down-referenced pitties and accompanying plane were accepted for filing on Personage 170 and the property of the property

The following comments are related only to the filing of future soning patitions and are sized at expediting the patition filing process with this office.

The director of the Office of Zoning Administration and Develop-ment Management has instituted a system whereby those zoning attorneys the compay with all aspects of the zoning regulations with this office without the necessity of a proliminary eviden by zoning personnel.

Planner: Date Filed: 94-328-A

PETITION PROCESSING PLAG

This patition has been accepted for filing, after an initial review, and has been the spands for the soning advisory committee. However, the following acceptance of the state of the soning advisory committee. However, the following spands by Sophia. A copy of this "fits when the patition case fits for the Zoning Commissioner's review. The planner that accepted the patit case fits for the Zoning Commissioner's review. The planner that accepted the patition of the patitioner advisory and the patitioner advisory at a consistent patient of the patitioner advisory at the patitioner advisory at the patitioner advisory at the patition of the patitioner advisory at the patition and patients and patition and patition and patition and patition and mensuary additional appears and the modeled by correcting the patition to the

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LTE . OF ALL .

Mr. Tom Hoffman March 28, 1994 Page 2

2. Any attornay choosing to file without preliminary review should be fully sware of their responsibility for accuracy and completeness. Any petitions, filed in this sames will be reviewed and commented on by moting personnel prior to the informatic, there is the possibility that another hearing will be required or that the zoning commissioner will deep the petition.

3. Attorneys, engineers, and applicants who make appointments to file petitions on a require basis and who fail to keep the appointment appropriate filing fee at the time any further appointment are appropriate filing fee at the time any further appointments are made. Failure to keep those appointments without 72 hours advance notice will result in the forfeiture of the filing fees.

Geljan

111 West Chesapeake Avenue Towson, MD 21204

Dete 2/24/94

010 - 2 Variances = \$100.00

= # 35.00

\$ 135.00

The locing Commissioner of Baltimore County, by sudocity of the Joring hot and Republican of Baltimore County, will hold a public bearing on the property identified herein in Some 10s of the founty office ballials; 118. Companies American in Somes, Replyand 220M or Some 118, Old Courthouse, 400 Seakington beamen, Towner, Shryland 2200 as follows:

Variance to pecuit two lot widths of 52.9 feet in lies of the required 55 feet and two mids yeard setbacks of 7 feet and 9 feet in lies of the required 10 feet.

() DOMING SIDE & POST HERT DE RETURNED TO DM. 104, 111 G. CHEMPELEK AVENUK OF THE HEMBERS DETT. 2) HEMBERS HER HEMBICHPUD ACCESSIBLE, FOR SPECILA ACCOMPANYTION FLARM CALL BST-3553. 3) FOR INTERNITOR CHEMBERS HE FLIL HENDY HEMBERS, CHEMPET THIS OFFICE AS SPE-3591.

CASE SERBER: 94-30-4 (files 329)
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94-308-4

1 Sign



O James Lighthizer Secretary Hal Kassoff Administrator 3-1-94

Re: Baltimore County Item No.: \$\psi 339 (JEF)

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 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Date Small DAVID M. EANSEY, ACTING CHIEF.
John Contessabile, Chief
Engineering Access Permits
Division

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET NAME

Planted and Continent Int.

1 DAVID L. Thurston Pus. 7484 Candlewood Road Candlewood Really Corp Hanover md 21076 Sirveyor /GASHXAR 5502 STONIALTON AVE THOMAS HOFFINSH, OR HEFFINENS HOFFMAN BHUSI. DO. 21207

PLEASE PRINT CLEARLY PROTESTANT (S) SIGN-IN SHEET CATHERINE TAYLOR 223 MT DESMUES RO 219 HT. de SALES RO WARLE K. EDWARDS 219 Mt de SALES RE UCHARD R. NORNECK 223 MT. DESALES ROAD

8 CM

(410) 887-4500

DATE: 01/27/94

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, HD 21204 HAIL SIDP-1105 RE: Property Owner: SEE BELOW LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

700 East Joppa Road Suite 901 Towson, MD 21286-5500

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

8. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 325, 326, 327, 328 & 329.

RECEIVED ZADM

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

cc: File

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

94-328-A Arnold Jablon, Director Zoning Administration &

MAR 2 3 694

Pat Keller, Deputy Director Office of Planning and Zoning

ZONING COMMISSIONER Seylar Property D.R. 5.5

SUMMARY OF RECOMMENDATIONS: Based upon a review of the information provided, staff offers the following com-

Should the applicant's request be granted, it is recommended that every effort be made to preserve the large oak tree located in the front yard.

Prepared by: Jeffry W. Long
Division Chief: Bary L. V.

To Hearing officer

Based on our staff maching (March 10, 1994).

Any questions pls. call me or Mitch ,

Thanks,

In this petition, the order , if granted , should also state "and to approved building on an undersized

lot per section 304.2 of BCZR.

3

In reference to Case Number 94-328A (Item 32*), the undersigned are in oppisation to granting the requested noning variance to the property commonly known as 227-229 Nount Desiales Road, 196* NR and 165 * NE of Academy Road, located in the lat Election District - 1 st Councilmanic. In reference to Case Number 94-328A (Item 329), the undersigned are in opposition In reference to case named 44-220 (1983), the state of the property commonly known as 227-229 Mount DeSales Road, 198 NE and 165 NE of Academy Road, located in the last Election District - 1 st Councilmanic. Mr De Selas 323 mx 1 . dole Yd D. Wererell 519 Mr. de SALES RD BALTO. 21229 206 MT. DESALE 2432 Acarbosa 100 HTDE SAUS RO Contraction of the June pol X of the Mid 21239 RUBY E. SEYLAR 100 Tax De Sale Bo Jamont Edward 98 Ht. DE Sales Ld. 204 MI DSILLS RO BULO HD 2229 Trum & Edward 98 my De Siles Rd 224 m+ Desaks PD BAHO MU 21229 Evelyn meare MOUNT DESALES 653 Coleraine Rd DESAE KOD BALTIMORE MARJUND 21229 651 Colerany X 321 No 16 Salve Rel Baltemore Med 21224 211 M. De Sauce Uma Miguero 656 Cherane Re Buto Mrs 21229 216 Mr Do Solv 220 Mr Q S.O. Segure Mysian 65 Colerane Pa Butto led 3,229 Manat 214 Ml De Jales Rd. 312 29 mou Ratt Theut 314 he be day, to Feet The 2129 200 met De hos 228 Mt. DeSales Rd margaret & Barnette 215 mthe Sales Rd 21229 Shuon Partiral 228 Mt DeSales KY some voke 100 hitch Sales Por 3/229 228 mx Detaler of ZUE AT DE SALESKO Mulon of Bosin 654 Educan Rd 21229 219 mt De Sale Rd (624) 1.42 Hurane 228 M. DeSalos Rd. 2029 224 Ni DeSairs RD 21229 Van betron Hobert 3. Heatwol 224 Mount DeSalles Rd 21229 North date: 2:17.94-prepared by: Harmond & Harm 321 Mount De Sales Rd 2/229 Scale of Drawing: 1'- 40' 94-320 A Barena Pripps 609 heade my lead 607 Academy Rd 607 Academy Road Dougles Reader

