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## 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 429 Ingleside Avenue, located in the Catonsville Heights area of western Baltimore County. The Petition was filed by the owners of the property, Douglas Poling and Harold Thomas. The Petitioners seek relief from Section 402.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 34 feet at the front building line in lieu of the required 90 feet, a minimum side yard setback of 1 foot in lieu of the required 15 feet, and a combined sum of both side yards of 19 feet in lieu of the required 35 feet for a proposed semi-detached dwelling (two apartments). In the alternative, the Petitioners seek relief from Section 1802.3. C.1 of the B.C.Z.R. to permit a side ward setback of 1 foot in lieu of the required 10 feet, a rear yard setback of 18 feet in lieu of the required 30 feet, and a front yard setback of 23 feet in lieu of the required 25 feet. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Douglas Poling, a property owner. There were no Protestants present.

Testimony presented revealed that the subject property consists of .359 acres, more or less, zoned D.R. 5.5 and is improved with a one-story block building. The Petitioners filed the instant Petition to utilize the existing building for residential purposes. Specifically, the Petitioners are desirous of converting the existing building and creating two apartments. Mr. Poling testified that the property was previously the site of a dry cleaning business and that at the time of their purchase in July 1993, the property had been abandoned and the building was extremely run-He testified that they have invested considerab's time and money cleaning up the site to make it a more viable piece of property and an asset to the community. Mr. Poling testified that upon completion of the ments, the Petitioners will lease the property to tenants. Mr. Poling further testified that he lives approximately one block away from the site and that the neighbors surrounding this property have indicated their full support of the proposed project

an area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. Holean 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 burdensome.
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser releasation than that applied for would give substantial relief; and
- whether relief can be granted in such fashi that the spirit of the ordinance will be observed a public afety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesspeake Beach, 22 Hd. App. 28 (1974).

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ORDER RECEIVED FOR FILING
Date
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Upon reviewing the Sections from which the Petitioners requests relief. I believe it is more appropriate for the Petitioners to proceed on the variance requested from Section 402.2 of the B.C.Z.R. Inasmuch as I believe that Section 402.2 applies in this particular instance, I believe

After due consideration of the testimony and evidence prese it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special or conditions exist that are peculiar to the land or struc which is the subject of this variance request and that the require ments from which the Detitioner cooks relief will unduly restrict the use 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 Detitioner's request is in strict harmony with the smirit and intent of

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Beltimore County this 37th day of April, 1994 that the Petition for Variance seeking relief from Section 402.2 of the Beltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 34 feet at the front building line in lieu of the required 90 feet, a minimum side yard setback of 1 foot in lieu of the required 15 feet, and a combined sum of both side yards of 19 feet in lieu of the required 35 feet for a proposed semi-detached

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dwelling (two spartments), in accordance with Petitioner's Exhibits 1 and 2, be and is hereby CRANTED, subject to the following restriction:

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

TIMOTHY M. NOTROCO Deputy Zoning Commissio for Baltimore County

TMK:bis



Bultimore County Governmen 1

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

April 27, 1994

Mr. Douglas Poling 515 Dorchester Road Bultimore, Maryland 21228-3218

BE: PETITION FOR VARIANCE
M/S Ingleside Avenue, 100° E of the c/l of Raynor Avenue
to Resident State of the conclination of the Councilments District
Douglas Poling and Marold Thomas - Petitioners
Case No. 34-346-A

Dear Mr. Poling:

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.

able, any party may finds the decision rendered is unfavor-thirty (30) days of the date of this Order. For further information or filling an appeal, please contact the Zoning Administration and Development Amangement office at 087-391;

Very truly yours. luthy Kotroco TIMOTHY M. KOTROCO Deputy Zoning Commissi for Ballimore County

TMK:bis



SEC ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate ha

AN EXISTING BUILDING AND HAS BEEN EXISTING FOR MANY YEARS. PRIOR USE OF BUILDING WAS A DRYCLEANERS ZONED COMMERCIAL. COUNTY NOW HAS ZONED THE PROPERTY RESEDENTIAL WHICH RESULTS IN A SETBACK PROBLEM.

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

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Douglas Poune	Lougles lela
BONTIMORE MD 21238-3318	Horaro Thomas
8 1 Ames & May	515 Depotested Ro. 410 788-154 Beltimbre MD 21998-30
Tosos Arrica 20 440 740 9401	DOUBLAS POLING 505 DOORHESTER P. 410-188-854
<u></u>	OFFICE UNIT CO-1

- Prom section 402.2;BCER to permit a let width of 34° at the front beilding line for a sami-detached dealling side yard set then to 1' in line of the required 15'; and a combined sum of both side yards of 15' in live of the required 35', or in the alternative;
- Porm section 1802.3.C.1;RCER, to permit a side yard set back of 1' in lieu of the required 10'; a rear yard set back of 18' in lieu of the required 30'; and a front yard set back of 23' in lieu of the required 25'.

XAMPLE	3 - Zonino	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.

		1	-		
ZONING	DESCRIPTION FO	R 429	INGLESIDE.	HVENUE	

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Election District Councilmanic District Beginning at a point on the North couth h, east or west) OF THERESIDE AVERAGE which is 30 FFET (number of feet of right-of way width) wide at a distance of 100 FEET EAST [number of feet) (north, south, east centerline of the nearest improved intersecting street RAVAICE Are finance of attect which is 40 PEET (number of feet of right-of-way width) wide. \*Being Lot # 15 - 29 Block 19 , Section # \_\_ in the subdivision of CATENSVILLE HEIGHTS as recorded in Baltimore County Plat Book . WPC No. 6 , Folio . 178 15,68/ .389 (square feet and acres)

\*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 \_\_, Folio \_\_," and include the secsurements and directions (sets and bounds only) here and on the plat in the

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

332

111 West Chesapeake Avenu Towson, MD 21204 April 6, 1994 Nessgre. Douglas Poling and Harold Thomas 515 Dorchester Road Baltimore, Maryland 21228-3218. RE: Case No. 94-347-A, Item No. 332 Petitioner: Douglas Poling and Harold Thomas Petition for Variance The Society Plans Solviery Committee (SMC) has evertesed the plans make above of the consequence of the solvier of the society extracted committee of the society extracted committee of the society extracted parties. I.e., society committees, at the society extracted the society extracted by the

DUE DATE: CLOSING DATE OF HEARING DATE

Douglas Poling 515 Dorchester Road Baltimore, Maryland 21228-3218

CASE NUMBER/PROJECT NAME: 94-346-A

CASE HURBER/PROJECT HARE: 94-346-A

Returned \_\_\_\_\_ Zoning Notice Sign and Post Set(s).

INVOICE

( 1 ) Zoning Notice Sign and Post Set(s) @ \$60.00/set - \$60.00 Dos\*

(In lieu of payment, we ask that you make use of the following waiver)

THUNDER MATURE

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

Ms. Charlotte Minton

MUST BE SUPPLIED

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Maryland Department of Transportation State Highway Administration

O. James Lighthiz Hal Kassoff

(410) 887-3353

CONTING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Ballimore County Zoning Regulations require that notice be given to the sparsal publishes lighthoring property conners relative to property the property such requires a public hearing. For these patitions which require a public hearing the published by posting a sign on the property and placement of a notice in all least one necessages of peneral circulation in the County.

This office will ensure that the legal requirements for poeting and edvertising 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. 2) Billing for legal advertising, dee upon receipt, will come from and should be resitted directly to the newspaper. FOR PARKET OF ADVERTISING PRES WILL STAY ISSUED OF INCIDENTAL DOG-PARKET OF ADVERTISING PRES WILL STAY ISSUED OF INCIDENTAL PARKET OF THE PARKET OF

ARMOLD JABLON, DIRECTOR

PAYMENT WILL BE HADE AS FOLLOWS:

For newspaper advertising:

MARKE POSSERS ADVERTISING SILL TO:

Politioner: Douglas Politica Location: 429 Ingles oc Ar.

ADDRESS: 515 DORCHESTER PO".

BALD. MJ. 2(229-3218)

PHONE HUNBER: 788-8542

3-11-94

Baltimore County Item No.: \$\overline{P}\$ 332 (JCH)

111 W. Chesapeake Avenu 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. RATTSEY, ACTING CONE

Maryland Relay Service for Impaired Hearing or Speech

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CASE MARKE: 94-346-8 (Item 332)

429 Ingleside Brenze B/S Ingleside Brenze, 100°+/- E of c/l Regnor Brenze

let Election District - Let Councilment: Legal Omer(e): Douglas Pollay and Harold Thomas Contract Purchaser(e): Enuglas Pollay EMERICH: CURRECONY, APRIL 13, 1994 at 9:00 a.m., No. 118 Old Courthouse.

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NOTES: (1) MERALING AND HARDICAPPED ACCUSENIAS; FOR SPECIAL ACCOMMODATIONS PLANES CALL 807-3383.

(2) FOR INCOMMENTON CONCRECION THE FILE SEC/OR MERALING, PLEASE CALL 807-3391.

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HOUSE: (1) DESIGN SING A FORF MEY BY DECEMBED TO SE. 104, 113 C. CHRANGES ANGEST OF THE MERCHAN MOST.

(2) SHANCES AND RESIDENCE OF A PROPERTY AND RECEIVE ACCORDANCE STATES CALL SET-3553.

(3) FOR THE RESIDENCE OF CHRANCE SET WITH A STATE OF THE SET OF THE SET OF THE SET.

Enclosed are all comments submitted thus far from the numbers of Each that offer or request information on profit information on the control of the control The following comments are related only to the filing of future goning patitions and are aimed at expediting the patition filing process with this office. The director of Zoning Administration and Development Resonance: has instituted a system shouldy seasoned social tentionary should be supported to the state of the social respictions and petitions filips requirements can file their petitions with this office without the secondary of a preliabnary review by coming personnal.

Molling Address: P.O. Bex 717 - Battimers, MD 21303-0717 Street Address: 707 Horth Colvect Street - Battimers, Maryland 21302

