

LAUENSTEIN & LAUENSTEIN
ATTORNEYS AT LAW
First National Bank Building
809 Eastern Boulevard
Essex, Maryland 21221

NORMAN W. LAUENSTEIN
DOUGLAS C. LAUENSTEIN
MARY E. GEHARDT

TELEPHONE
(410) 687-2299
TELEFAX
(410) 687-2618

June 27, 1994

Office of Zoning Administration
and Development Management
Attn: Arnold Jablon, Director
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 94-465-A (Item 450)
2827 Northwind Road
My Client: Robert C. Bragg
Hearing Date: Tuesday, June 28, 1994

Dear Mr. Jablon:

Please enter my appearance in the above entitled matter as attorney for Robert C. Bragg.

Very truly yours,

Douglas C. Lauenstein
Douglas C. Lauenstein

DCL:krk

Robert Bragg
5305 Plymouth Road
Baltimore, MD 21214
Work 523-7520
Home 254-6867

May 11, 1994

Mr. Carl Richards
Baltimore County
Office of Zoning Administration
and Development Management
111 W. Chesapeake Avenue Room 109
Towson, MD 21204

Dear Mr. Richards:

Thank you for returning my call last week regarding my zoning variance petition. You suggested that I drop my package off to your office because I had already completed my initial meeting with Mr. Merry. I believe everything is in order and I would like the process to begin as quickly as possible.

This front setback variance will allow two very large oak trees to be saved during the construction of my new home. And I believe it will help prevent an erosion problem from the hillside on the lot. I want to make the ethical decision and save the trees even though it will cause me and my family to find temporary housing during the delay. If there is any assistance I can provide to speed the process, please call me.

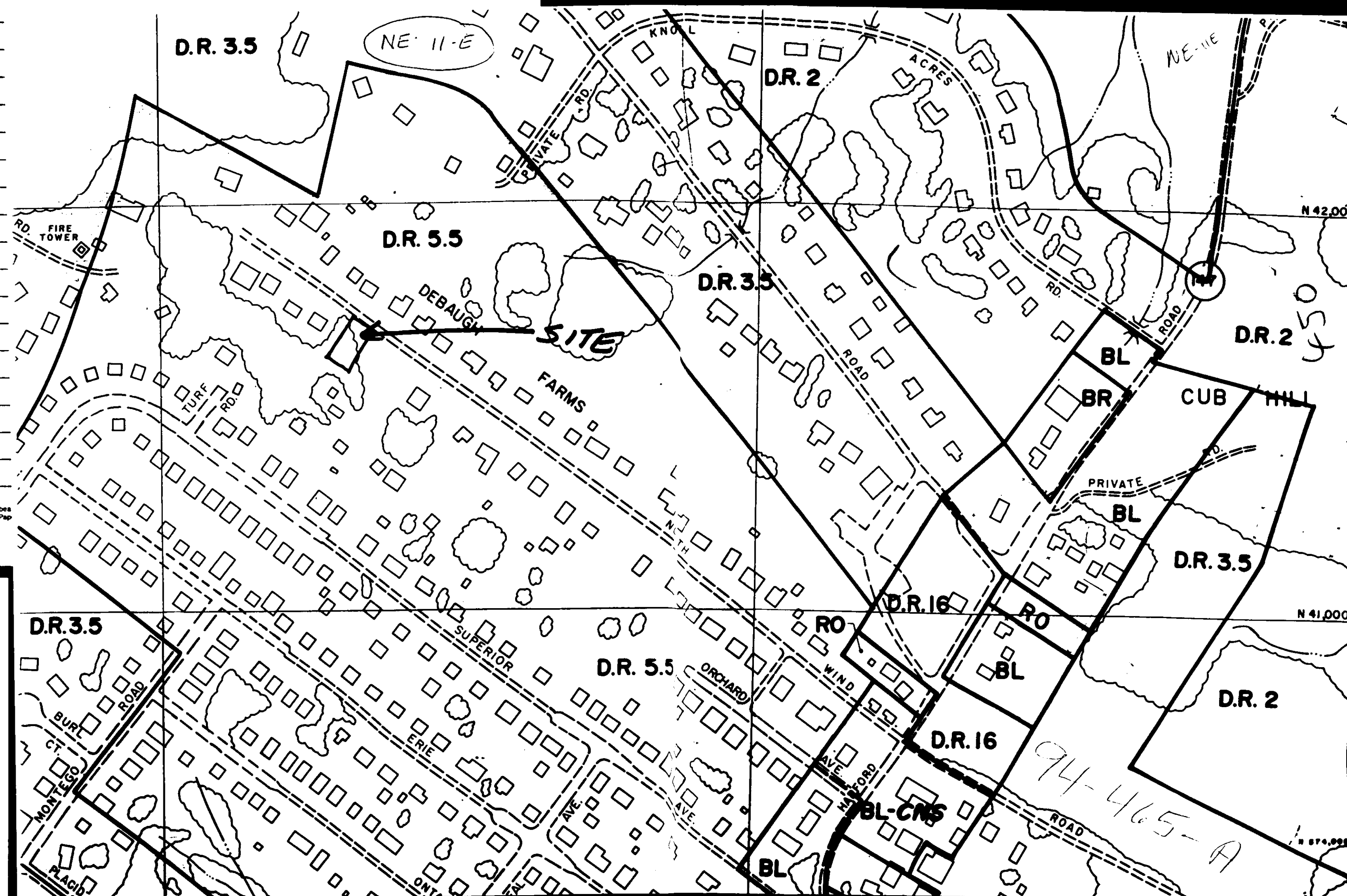
Sincerely,

Robert Bragg
Robert Bragg

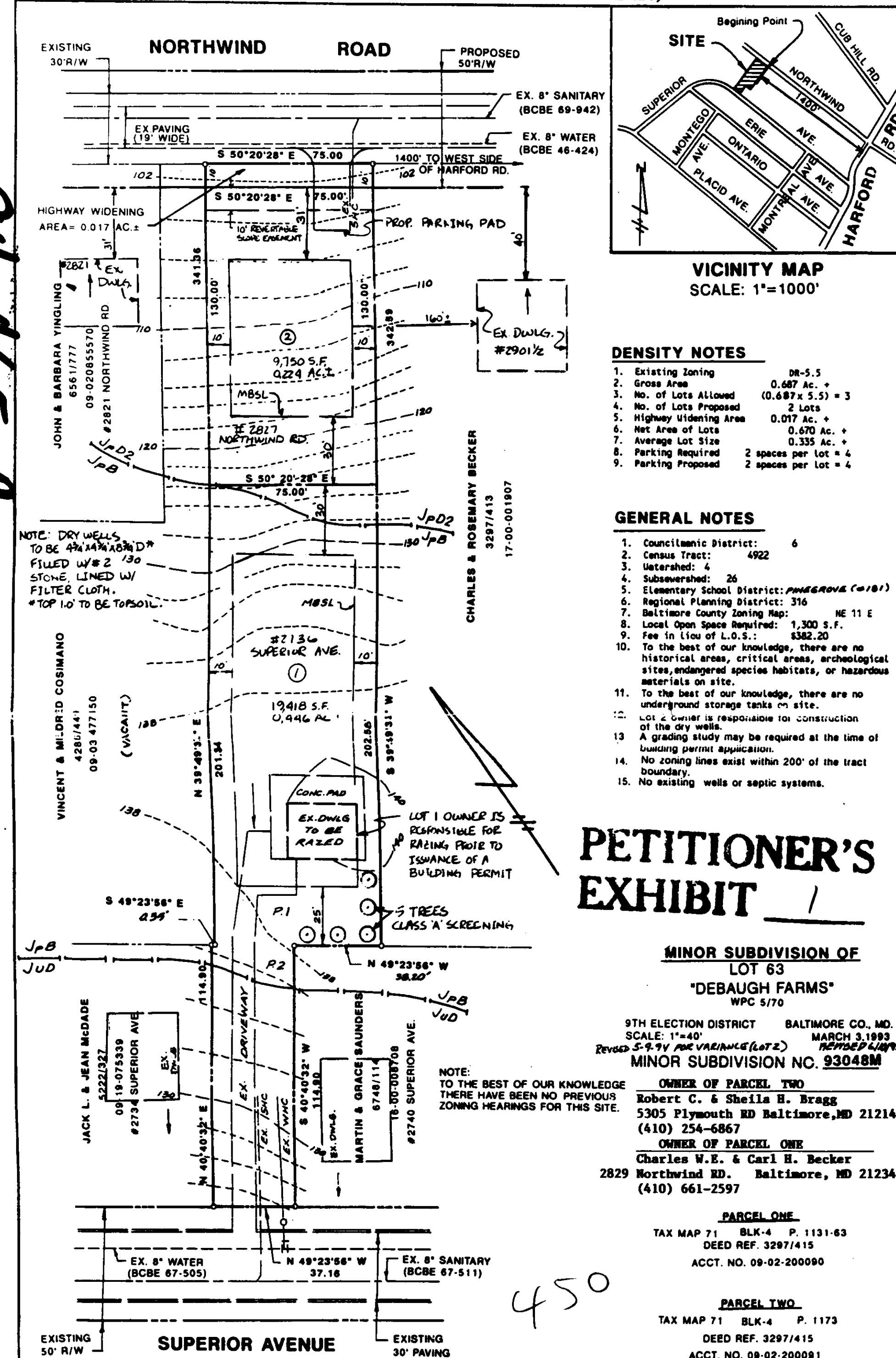
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Sheila Bragg	5305 Plymouth Rd. 21214
Robert Bragg	5305 Plymouth Rd. 21214



* PETITION FOR A VARIANCE FROM SECTION 301.1; B.C.Z.R.; TO PERMIT A FRONT YARD SETBACK OF 31' IN LIEU OF THE REQUIRED FRONT YARD AVERAGE OF 38' (PERTAINS TO PARCEL TWO-2827 NORTHWIND RD.)



PETITIONER'S EXHIBIT 1

MINOR SUBDIVISION OF
LOT 63
"DEBAUGH FARMS"
WPC 570

9TH ELECTION DISTRICT BALTIMORE CO. MD.
SCALE: 1"=40'
Revised 5-9-94 by [signature]
MINOR SUBDIVISION NO. 930488

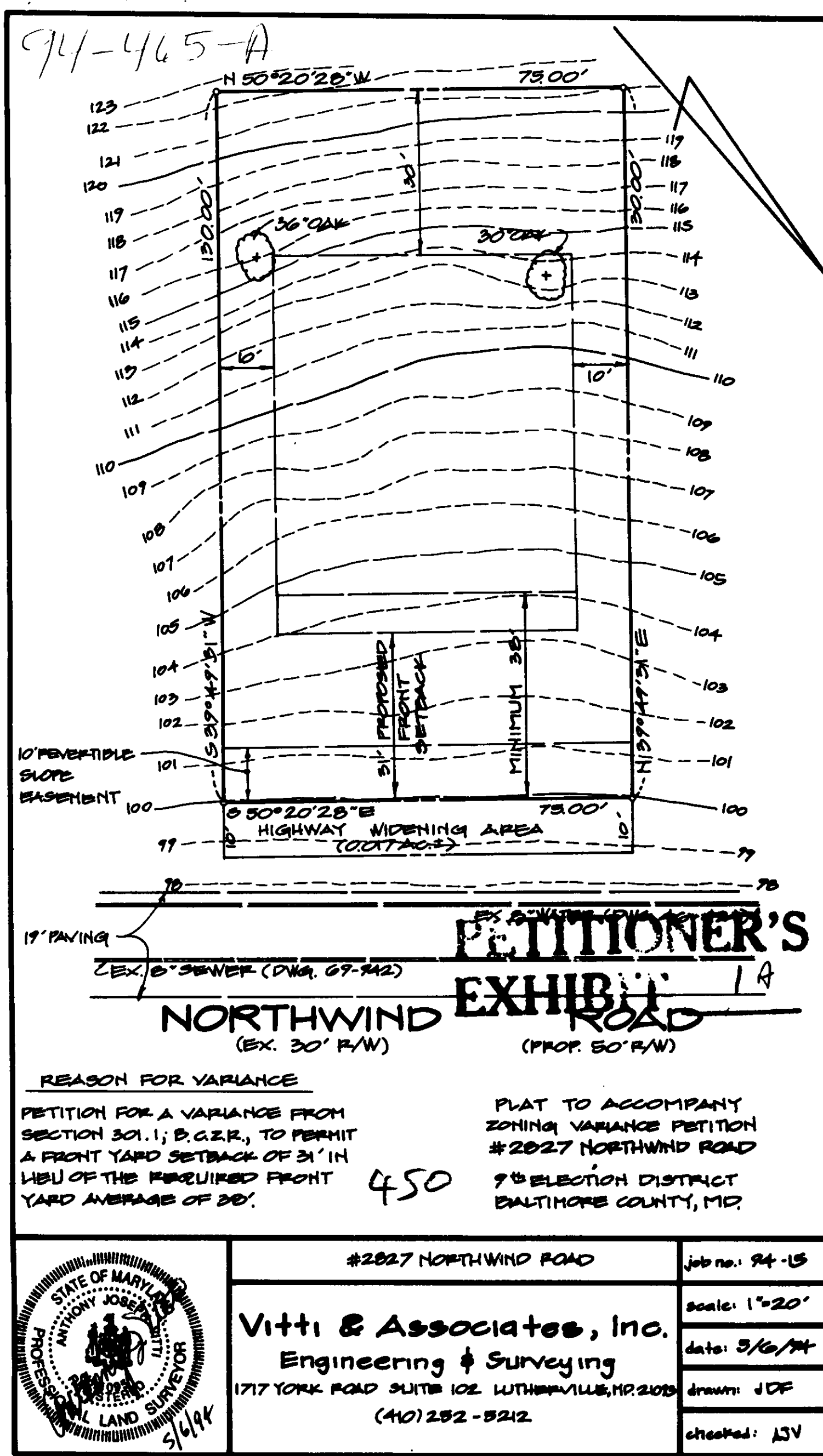
OWNER OF PARCEL TWO
Robert C. & Sheila H. Bragg
5305 Plymouth Rd Baltimore, MD 21214
(410) 254-6867

OWNER OF PARCEL ONE
Charles W. E. & Carl H. Becker
2827 Northwind Rd. Baltimore, MD 21234
(410) 661-2597

PARCEL ONE
TAX MAP 71 BLK-4 P. 1131-43
DEED REF. 3297/415
ACCT. NO. 09-02-200090

PARCEL TWO
TAX MAP 71 BLK-4 P. 1173
DEED REF. 3297/415
ACCT. NO. 09-02-200091

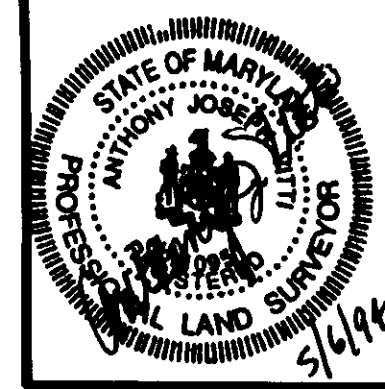
McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
SHAWAN PLACE, 8 SHAWAN ROAD
HUNT VALLEY, MD 21030
PHONE - (410) 827-1858



PETITIONER'S EXHIBIT 1A

REASON FOR VARIANCE
PETITION FOR A VARIANCE FROM SECTION 301.1; B.C.Z.R., TO PERMIT A FRONT YARD SETBACK OF 31' IN LIEU OF THE REQUIRED FRONT YARD AVERAGE OF 38'.
450

PLAT TO ACCOMPANY ZONING VARIANCE PETITION #2827 NORTHWIND ROAD 9TH ELECTION DISTRICT BALTIMORE COUNTY, MD



#2827 NORTHWIND ROAD
Vitti & Associates, Inc.
Engineering & Surveying
1717 YORK ROAD SUITE 102 LUTHERVILLE, MD 21030
(410) 292-3212

Job no. 94-15
Scale: 1"=20'
Date: 5/16/94
Drawn: JDP
Checked: JSV

PETITIONER'S EXHIBIT 2

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood 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:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) 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 ISSUANCE OF ZONING ORDER.

Carl Jahn
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 450
Petitioner: Robert Bragg
Location: 2827 Northwind Rd.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: R. BRAGG
ADDRESS: 5305 Plymouth Rd.
Towson, MD 21204
PHONE NUMBER: 254-6867

MUST BE SUPPLIED

TO: POTTERY PUBLISHING COMPANY
June 2, 1994 Issue - Jeffersonian

Please forward billing to:

R. Bragg
5305 Plymouth Road
Baltimore, Maryland 21204
254-6867

NOTICE OF HEARING

The Zoning Commissioner 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 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-465-A (Item 450)
2827 Northwind Road
SW/S Northwind Road, 400 feet to W/S Harford Road
9th Election District - 6th Councilmanic
Legal Owner(s): Robert C. Bragg and Sheila H. Bragg
HEARING: TUESDAY, JUNE 28, 1994 at 9:00 a.m., Rm. 118, Old Courthouse

Variance to permit a front yard setback of 31 feet in lieu of the required front yard average of 38 feet.

LAWRENCE E. SCHWEDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 26, 1994

NOTICE OF HEARING

The Zoning Commissioner 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 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-465-A (Item 450)
2827 Northwind Road
SW/S Northwind Road, 400 feet to W/S Harford Road
9th Election District - 6th Councilmanic
Legal Owner(s): Robert C. Bragg and Sheila H. Bragg
HEARING: TUESDAY, JUNE 28, 1994 at 9:00 a.m., Rm. 118, Old Courthouse

Variance to permit a front yard setback of 31 feet in lieu of the required front yard average of 38 feet.

Carl Jahn
Arnold Jablon
Director

cc: Robert C. Bragg

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 17, 1994

Mr. & Mrs. Robert C. Bragg
5305 Plymouth Road
Baltimore, MD 21214

RE: Case No. 94-465-A, Item No. 450
Petition for Variance
Petitioner: Robert C. Bragg, et ux

Dear Mr. & Mrs. Bragg:

The above-referenced petition and accompanying plans were accepted for filing on May 19, 1994 and a hearing was scheduled accordingly. Respectively, the Zoning Advisory Committee (ZAC) has reviewed those plans. Enclosed are copies of the comments received to date from the reviewing agency/agencies offering or requesting information on the petition. These comments are not intended to indicate the appropriateness of the zoning action requested, but rather to ensure that all parties; i.e., zoning commissioner, attorney, and/or petitioner, are aware of any issues that may have a bearing on this case. Should we receive any additional informative comments, they will be forwarded to you immediately. (Comments that are not informative are placed in the case file; you will not receive a copy.)

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.

1. The director of the Office of Zoning Administration and Development Management has instituted a system whereby those zoning attorneys who regularly file petitions that comply with all aspects of the zoning regulations and petition(s) filing requirements can file their petition(s) with this office without the necessity of a preliminary review by zoning personnel. However, previous staff reviews and violations must be identified at that time.

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

Re: Baltimore County
Item No.: 450 (JCM)

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 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
BOB SMALL, ACTING CHIEF
John Comestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2288 Statewide Toll Free
Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 05/25/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner/SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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 Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 445, 448, 449, 450, 451, 452, 453, AND 454.

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

cc: File

Printed on Recycled Paper

RE: PETITION FOR VARIANCE
2827 Northwind Road
SW/S Northwind Road, 400 feet to W/S
Harford Road, 9th Election Dist.,
6th Councilmanic Dist.
Robert C. Bragg and Sheila H. Bragg
Petitioners

BEFORE THE
ZONING COMMISSIONER
FOR BALTIMORE COUNTY
CASE NO.: 94-465-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

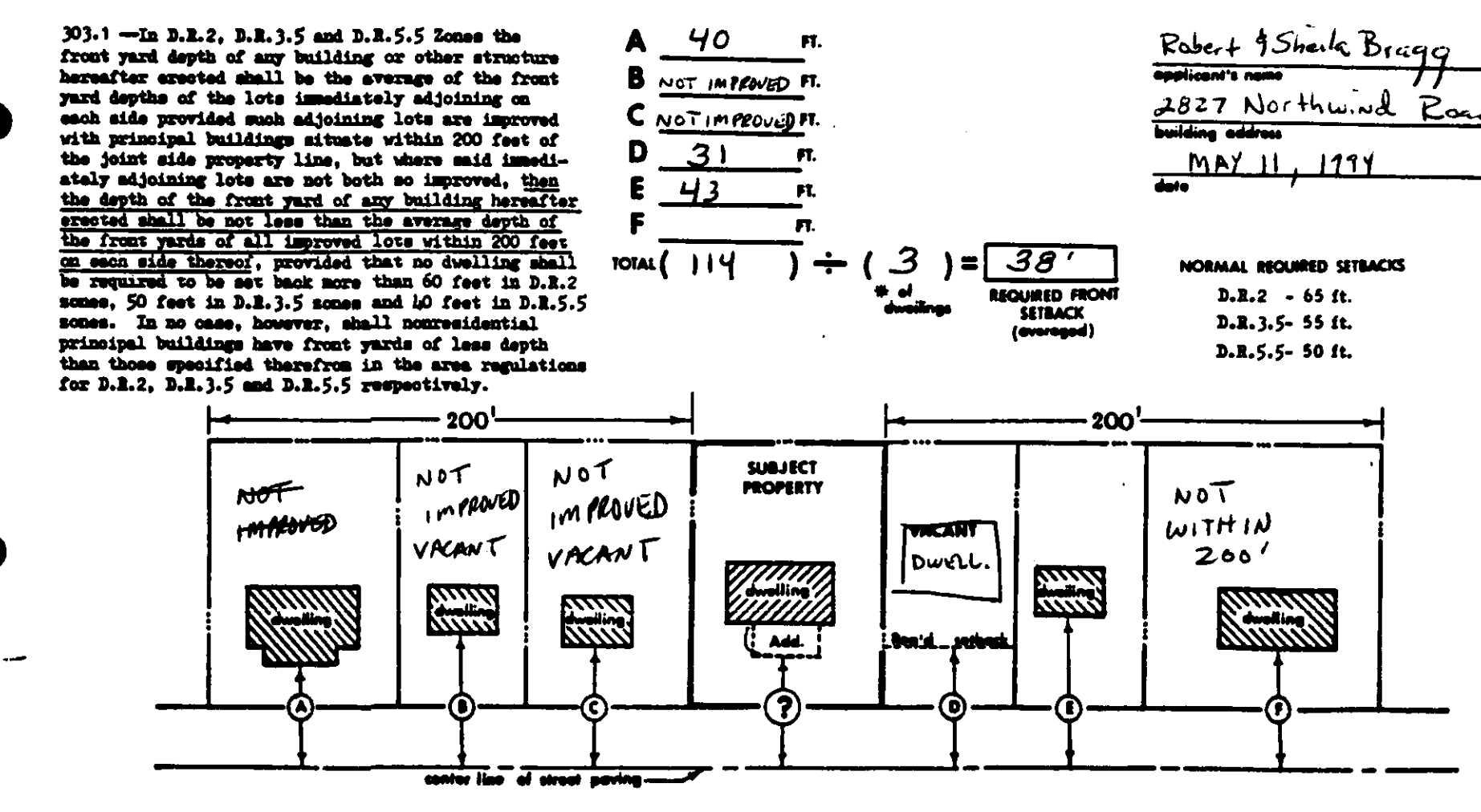
Carole S. Denilio
CAROLE S. DENILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Robert C. Bragg and Sheila H. Bragg, 5305 Plymouth Road, Baltimore, MD 21214, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES
SEE THE IMMEDIATE ADJOINING LOTS AND NOT DEPICTED
Reference - Section 303.1 Baltimore County Zoning Regulations



IN RE: PETITION FOR VARIANCE
SW/S Northwind Road, 1400' W of
Harford Road
(2827 Northwind Road)
9th Election District
6th Councilmanic District
Robert C. Bragg, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-465-A

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 2827 Northwind Road, located near the Cub Hill area of eastern Baltimore County. The Petition was filed by the owners of the property, Robert C. and Sheila H. Bragg. The Petitioners seek relief from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 31 feet in lieu of the required front yard average of 38 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Robert and Sheila Bragg, property owners, and their attorney, Douglas C. Lauenstein, Esquire. There were no Protestants present.

Testimony and evidence presented revealed that the subject property is also known as Parcel Two of Lot 63 of Debaugh Farms, an approved minor subdivision as of March 3, 1993. The property consists of 9,750 sq.ft. zoned D.R. 5.5 and is presently unimproved. The Petitioners are desirous of developing the site with a single family dwelling in accordance with Petitioner's Exhibits 1 and 1A. The Petitioners have requested the instant variance due to the existence of two large oak trees to the rear of the property, which, if strict compliance with the B.C.Z.R. is required, would have to be removed. In order to keep the two oak trees, the Peti-

tioners request a variance from area setback requirements to permit placement of the proposed dwelling 31 feet from the front property line in lieu of the required average of 38 feet. Further testimony revealed that the dwelling on the adjoining property is also located 31 feet from the road.

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:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) 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
- 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, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is 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 practical difficulty or unreasonable hardship will result if the variance is 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 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.

- 2 -

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 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 variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of June, 1994 that the Petition for Variance seeking relief from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 31 feet in lieu of the required front yard average of 38 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, 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 relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 6/28/94
By [Signature]

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

June 28, 1994

(410) 887-4386

Douglas C. Lauenstein, Esquire
809 Eastern Boulevard
Essex, Maryland 21221

RE: PETITION FOR VARIANCE
SW/S Northwind Road, 1400' W of Harford Road
(2827 Northwind Road)
9th Election District - 6th Councilmanic District
Robert C. Bragg, et ux - Petitioners
Case No. 94-465-A

Dear Mr. Lauenstein:

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.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Robert C. Bragg
5305 Plymouth Road, Baltimore, Md. 21214

People's Counsel

File

Printed on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County
2827 Northwind Road, Baltimore, MD 21234
for the property located at (Parcel Two, LOT 63 "DEBAUGH FARMS")

which is presently zoned DR-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 301.1; BCZR, to permit a front yard setback of 31' in lieu of the required front yard average of 38'.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
1. Current front setback is 38 feet. A front setback of 31 feet is requested. Closest neighbor (2821 Northwind Road) has a 31 foot setback.
 2. Excavation during construction with the current 38 foot front setback will kill one or both mature oak trees at the rear of the lot—based on our site engineer.
 3. Loss of tree(s) will cause erosion problems on the hill at the rear of the lot.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zipcode

With do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Robert C. Bragg

(Type or Print Name)

Signature

Sheila H. Bragg

(Type or Print Name)

Signature

5305 Plymouth Road work-523-7520

Address

Baltimore, MD 21214

City, State and phone number of representative to be contacted

Same As Above

Name

Address

City State Zipcode

Phone No.

ESTIMATED LENGTH OF HEARING

uninterruptible for Hearing

the following date: Real Two Months

ALL OTHER

REVIEWED BY: JCM DATE: 6-19-94

450

Zoning Description for 2827 Northwind Road, Baltimore, MD 21234

Election District: 9

Councilmanic District: 6

Beginning for the same at a point on the southwest side of Northwind Road (formerly Debaugh Avenue) along the future 50 foot right-of-way line, said point lying in the division line between Lots 62 and 63 as shown on a plat entitled "Debaugh Farms" and recorded among the land records of Baltimore County in Plat Book W.P.C. 5; page 70; thence binding on a part of said division line as now surveyed, South 50 20' 28" East 75.00 feet to a point lying in the division line of Lots 63 and 64 of the aforementioned plat; thence binding on a part of said division line North 39 49' 31" East 130.00 feet to the southwest side of Northwind Road; thence along said road South 50 20' 28" East 75.00 feet to the place of beginning.

Containing 0.224 acres, more or less.

Being known and designated as #2827 Northwind Road and also Lot 2 as shown on the minor subdivision plat of "Lot 63 - Debaugh Farms" as approved by Baltimore County as Minor Subdivision No. 93048 W.

Together with the full use of the area labeled "Highway Widening Area" on the attached plat intended to be conveyed by the grantor hereof unto Baltimore County, Maryland for purposes of the widening of the right-of-way of Northwind Road.

Being a part of that parcel of land which by deed dated January 14, 1958, and recorded among the land records of Baltimore County in Liber 3297; Folio 415, was granted and conveyed by Mildred C. Becker unto Charles W. E. Becker and Carl H. Becker.

450

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

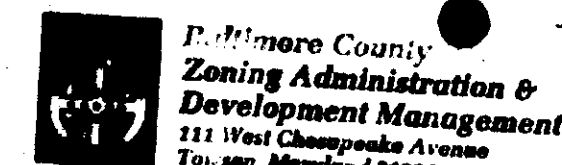
District: 9th Date of Posting: 6/4/94
Posted for: Variance
Petitioner: Robert & Sheila Bragg
Location of property: 2827 Northwind Rd. 595
Location of Sign: Along road way, on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 6/18/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 3, 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 1 successive weeks, the first publication appearing on June 2, 1994.

THE JEFFERSONIAN,
A. Honickman
LEGAL AD. - TOWSON



Date: 5-19-94

ROBERT BRAGG

VAR. (010)

Posting (080)

receipt
94-465-A

Account: R-001-4150

Number

2827 Northwind Rd.

50.00

35.00

85.00

Please Study Carefully Before the Baltimore County

465.00