

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SE/S Padonia Road, 670 ft. * ZONING COMMISSIONER
4/- SW of c/l Happy Hollow Rd *
815 W. Padonia Road * OF BALTIMORE COUNTY
8th Election District *
3rd Councilmanic District * Case No. 95-372-A
James A. Donohue, et ux
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 815 W. Padonia Road in the Cockeysville section of Baltimore County. The Petition is filed by James A. Donohue and Maureen A. Donohue, his wife, property owners and Kenneth D. Parrish, Contract Purchaser. Variance relief is requested from Section 1A04.3.A.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 29 ft., in lieu of the required 50 ft. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plan to accompany the Petition for Zoning Variance.

Appearing at the public hearing held for this case was Kenneth D. Parrish, the contract purchaser. Maureen A. Donohue, co-owner of the property also appeared and testified. There were no Protestants or other interested persons present.

Testimony and evidence submitted was that the subject property is a deep, yet narrow, lot which abuts Padonia Road in Cockeysville. The lot is presently unimproved. The tract is zoned R.C.5 and is 3.44 acres (+/-) in area. The property adjoins other residential lots and uses. Immediately to the northeast of the tract and abutting same are 4 residential properties. These four lots are all improved with residential dwellings. One of the lots is owned by Mr. and Mrs. Donohue, who own the subject property, and another lot is owned by A. Scott Parrish and Jean C. Parrish, parents of Kenneth W. Parrish.

Mr. Parrish proposes acquiring the subject site and constructing a

single family dwelling thereon. The house will be 77 ft. in width and 40 ft. in depth and will face Padonia Road. The house is of similar dimensions to other houses in the neighborhood. As sited on the lot, 29 ft. side yard setbacks will be provided. If the strict 50 ft. setbacks were strictly observed, an extremely narrow house, incompatible with other houses in the neighborhood, would result.

Based on the testimony and evidence offered, all of which is uncontradicted, I am persuaded that the Petition for Variance should be granted. The unique feature associated with this lot, which justifies the variance, is its narrow width. The gross area of the lot exceeds the minimum lot area requirement and the density regulations. Moreover, the proposed construction will be compatible with the neighborhood and will not be detrimental to the surrounding properties. For these reasons, the Petition for Variance shall be granted.

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 17th day of June, 1995 that a variance from Section 1A04.3.A.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 29 ft., in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following restriction:

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.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 2, 1995

Mr. and Mrs. James M. Donohue
809 W. Padonia Road
Cockeysville, Maryland 21030

RE: Case No. 95-312-A
Petition for Variance
James M. Donohue, et ux, Legal Owner
Kenneth D. Parrish, Contract Purchaser

Dear Mr. and Mrs. Donohue:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restriction.

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 887-3353.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att:
cc: Mr. Kenneth D. Parrish
807 W. Padonia Road, 21030

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on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 815 W. Padonia Road 8C3
which is presently zoned R.C. 5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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) 1A04.3.A.3, Building Setbacks, for sideyard setbacks of 29.0 feet in lieu of the required 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. The proposed house is 77 feet wide by 40 feet deep and the width of the property is 136.0 feet at the intended building site, thus allowing a house no wider than 36 feet; and
 2. The contract purchaser desires to front the proposed house on W. Padonia and not to face his parents house to the east or the swimming pool on lot 1 to the west; 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

Kenneth D. Parrish 252-5463
(Type or Print Name) 746-9321 -W

Address

807 W. Padonia Road
Cockeysville, Md. 21030
(Type or Print Name) 21030

Address for Petitioner

(Type or Print Name) 807 W. Padonia Road 252-2234
Cockeysville, Md. 21030

Signature

(Type or Print Name) Douglas W. DuVal, L. S.
c/o DuVal & Associates, P. A.

Address 8 Edgarwood Ct., Phoenix, Md. 21131
City Phoenix State MD Zip Code 21131

ESTIMATED LENGTH OF HEARING 45 minutes
The following date 4/18/95 is available for hearing

ALL OTHER DATE 4/18/95
REVIEWED BY: R.T. DATE 4/18/95

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on Recycled Paper

ESTIMATED LENGTH OF HEARING

Next Two Months

ITEM # 363

DuVAL & ASSOCIATES, P.A.

Engineers • Surveyors
8 Edgarwood Court
Phoenix, Maryland 21131
(410) 666-5467
Fax (410) 583-4688

March 15, 1995

ZONING DESCRIPTION FOR 815 W. PADONIA ROAD

Beginning at a point in the centerline of W. Padonia Road at the distance of 670 feet Southwest of the centerline of Happy Hollow Road, as recorded in Deed Liber 5866, Folio 860, and running S. 42° 07' W. 148.88 ft., S. 42° 06' 36" E. 1060.96 feet, N. 42° 09' E. 135.34 ft., and N. 41° 23' W. 1062.48 ft. to the place of beginning, containing 3.44 acres, more or less. Also known as 815 W. Padonia Road and located in the 8th Election District, 3rd Councilmanic District.

ITEM # 363

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th Date of Posting 6/6/95

Posted for: Variance

Petitioner: James M. Donohue, et ux

Location of property: 815 W. Padonia Rd, SEB

Location of Signs: Along roadway on property being zoned

Remarks:

Posted by: Matthew Date of return: 5/12/95

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 5/5, 1995

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 5/4, 1995.

THE JEFFERSONIAN,

Attest:

TOWSON.



Baltimore County
Zoning Administration &
Development Management
11 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-372-A

Account: R-801-4130

ITEM Number 363

R.T.

Date 4/15/95

* 815 PADONIA RD.
COCKEYSVILLE MD. 21030.

010 -- VARIANCE -- \$ 50.00

080 -- SIGN -- \$ 35.00

TOTAL - \$ 85.00

01A010040MICHRC \$85.00

86 COL0103AM04-18-95

Please Make Checks Payable To: Baltimore County

V.T. 88-82-4-5-15

Customer Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



11 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

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.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 363

Petitioner: Kenneth D. Parrish

Location: 815 West Padonia Road, Cockeysville 21030

PLEASE FORWARD ADVERTISING BILL TO:

NAME: _____

ADDRESS: Kenneth Parrish

807 W. Padonia Road Cockeysville MD 21030

PHONE NUMBER: 252-5463

AJ:gga

(Revised 04/09/93)

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 28, 1995

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 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: 95-372-A (Item 363)
815 W. Padonia Road
SE/S Padonia Road, 670' +/- SW of c/l Happy Hollow Road
8th Election District - 3rd Councilmanic
Legal Owner(s): James R. Donohue and Maureen A. Donohue
Contract Purchaser: Kenneth D. Parrish
HEARING: THURSDAY, MAY 30, 1995 at 9:00 a.m. in Room 118 Old Courthouse.

Variance for side yard setbacks of 29 feet in lieu of the required 50 feet.

Arnold Jablon
Director

cc: James and Maureen Donohue
Kenneth D. Parrish
Douglas W. DuVal, L.S.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE OF 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

May 19, 1995

Mr. and Mrs. James M. Donohue
809 W. Padonia Road
Cockeysville, Maryland 21030

RE: Item No.: 363
Case No.: 95-372-A
Petitioner: J. M. Donohue, et ux

Dear Mr. and Mrs. Donohue:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on April 18, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 4, 1995

SUBJECT: Variance Requests

INFORMATION:

Item Numbers: 362, 363, 364, 367, 372, 374, 380 and 383.

SUMMARY OF RECOMMENDATIONS:

While staff does not oppose the requested Variances, it is clear that the petitioners will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variances.

Prepared by: *Jeffrey M. Day*

Division Chief: *Carol L. Lissner*

PK/JL

ITEM362/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: *5/1/95*

DATE: *5/16/95*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 362
363
368
370
371
372
373
374
375

LS:sp

LETTYZ/DEPRM/TXTSBP

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

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

Re: Baltimore County
Item No.: 363 (RT)

Dear Ms. Watson:

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
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 05/05/95

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

RE: Property Owner: SEE BELOW
LOCATION: DISTRIBUTION MEETING OF MAY 1, 1995.

Item No.: SEE BELOW Zoning Agenda:

Re: Item No.: SEE BELOW

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.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 362, 363, 364, 365, 366, 367, 369, 370, 371, 372, 373, 375, 376 and 377.

RECEIVED
MAY 8 1995
ZADM

REVIEWER: LT. ROBERT P. BAUERWALD
Fire Marshal Office, PHONE 687-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for May 8, 1995
Items 362, 363, 364, 366, 367, 369, 372, 373, 374 and 375 and Case No. 95-308-X

The Developers Engineering Section has reviewed the subject zoning item and we have no comments.

RWB:sw

RE: PETITION FOR VARIANCE
815 W. Padonia Road, SE/S Padonia Road,
670' +/- SW of c/l Happy Hollow Road
8th Election District, 3rd Councilmanic
James M. and Maureen A. Donohue /
Kenneth D. Parrish
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-372-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. Demilio
CAROLE S. DEMILIO
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 *9th* day of May, 1995, a copy of the foregoing Entry of Appearance was mailed to Douglas W. DuVal, L.S., DuVal and Associates, 8 Edgarwood Court, Phoenix, MD 21131, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PETITION PROBLEMS AGENDA OF MAY 1, 1995

#363 --- RT

1. No signature for contract purchaser.

#366 --- MJK

1. Need authorization for person signing for legal owner.
2. Need authorization for person signing for contract purchaser.
3. Why isn't "Franklin Avenue" (property location) mentioned in the description?

#367 --- JCM

1. Folder not marked critical.

#372 — RT

1. Only one legal owner signature on back of petition form.

#376 -- RT

1. Folder not marked critical.

#377 --- RT

1. Folder not marked critical.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME _____

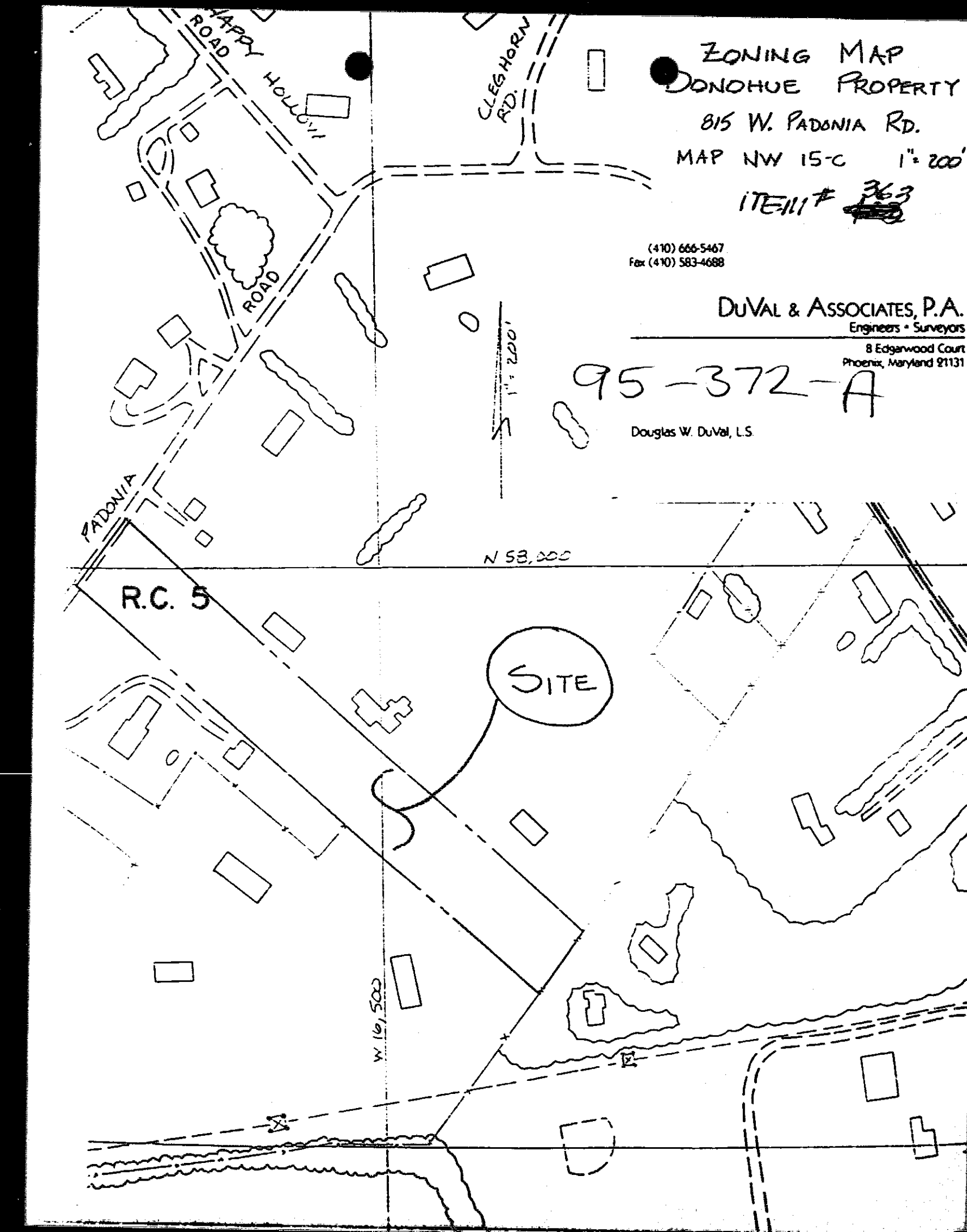
ADDRESS

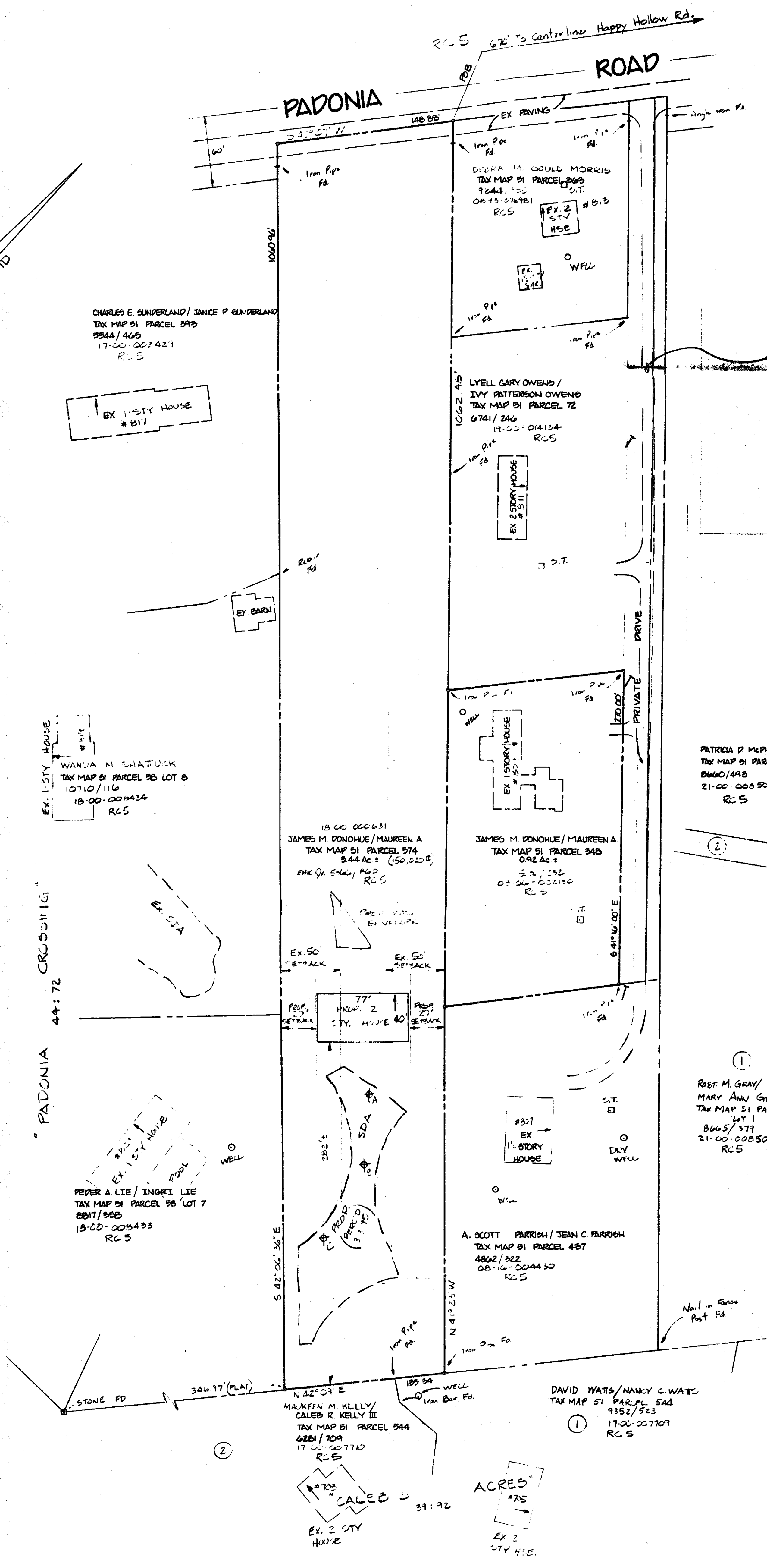
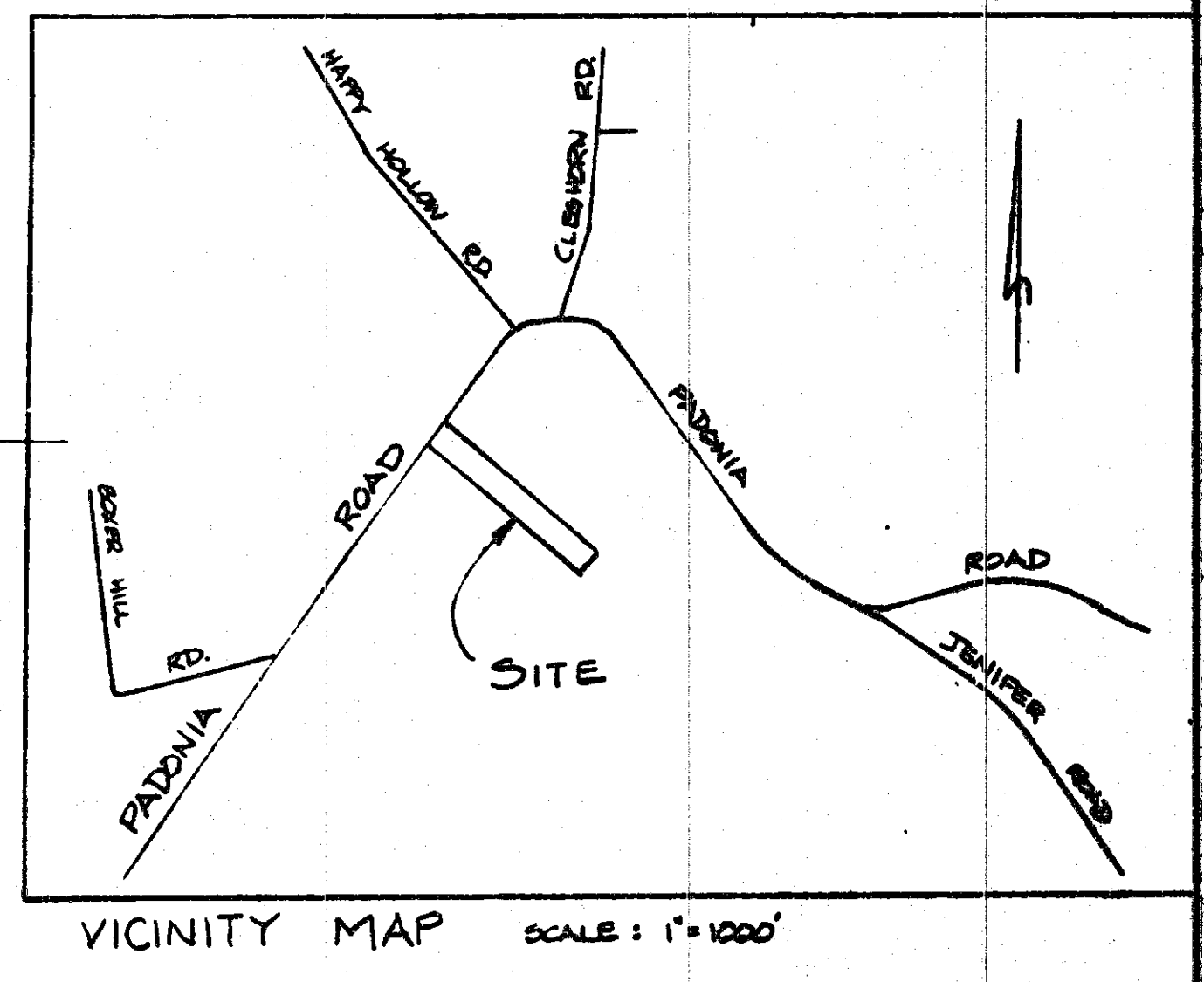
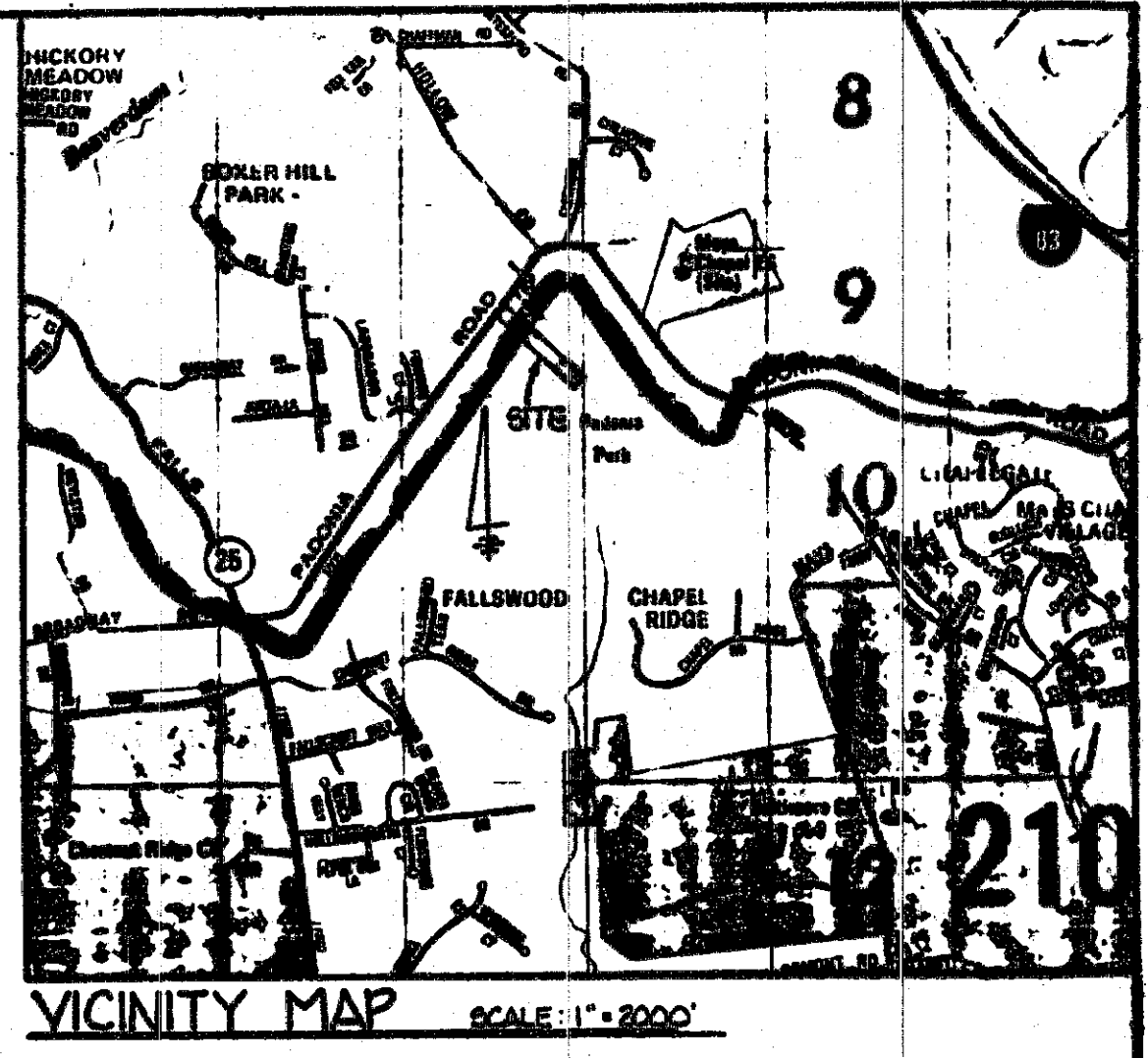
KON PARRISH

807 W. PADONIA ROAD

Maureen Donohue

809 W. Padonia Road





- NOTES:
1. OWNERS: JAMES M. & MAUREEN A. DONOHUE
809 W. PADONIA RD.
COCKEYSVILLE, MD 21030
410-252-2234 W 410-360-2430 W
 2. TITLE REF: 5866-060
 3. ZONING: RCS MAP REF: NW 15-C
 4. TRACT SIZE: 3.444 AC.±
 5. SUBJECT PROPERTY AND ADJOINING PROPERTIES SERVED BY PRIVATE WELL AND SEPTIC SYSTEMS.
 6. NOT IN CHESAPEAKE BAY CRITICAL AREA
 7. NO PRIOR ZONING HEARINGS
 8. TAX MAP 51, BLK. 19, P. 574 18-00-000631
 9. REQUEST: VARIANCE TO SECT. 1A04.3.A.3, FOR SIDEYARDS OF 29', IN LIEU OF 50'.
 10. COUNCILMANIC DISTRICT: 3
 11. ELECTION DISTRICT: 8
 12. PRIVATE SEWER, PRIVATE WATER

DUVAL & ASSOCIATES, P.A.
ENGINEERS • SURVEYORS
8 Edgarwood Court
Phoenix, Md. 21131
410-666-5467

95-372-A

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
DONOHUE PROPERTY
815 W. PADONIA RD.
SCALE: 1"=50'
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
MARCH 15, 1995