

IN RE: PETITION FOR VARIANCE
E/S Harford Road, 510' N of the
c/l of Sunshine Avenue
(12619 Harford Road)
11th Election District
5th Councilmanic District

Paul E. Feild, Jr.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-509-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 12619 Harford Road, located in the vicinity of Fork Road in Fork. The Petition was filed by the owner of the property, Paul E. Feild, Jr. The Petitioner seeks relief from Sections 232.2.B and 259.3.C.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yards and buffers to be as close as 7 feet in lieu of the minimum required, and to retain existing landscaping in lieu of the requirements of Section 259.3.C.3 of the B.C.Z.R. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitoin were Paul E. Feild, Jr., owner of the property, Larry Jones, Professional Engineer who prepared the site plan submitted into evidence as Petitioner's Exhibit 1, and Patrick O'Keefe, zoning consultant. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.61 acres, more or less, split zoned B.L.-C.R. and R.C.5, and is improved with a two and one-half story building which has housed the Petitioner's dental practice for many years. Dr. Feild testified that he is the only Dentist at this location, but that he does

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Date 5/15/96
By [Signature]

have eight (8) employees. His practice serves the local residents as well as those in the immediately adjacent communities. The Petitioner wishes to construct a small addition to the rear of the property to add a waiting area and much needed additional office space, and to provide handicapped access to the building as well as bathroom area. In addition to these improvements, the Petitioner intends to expand the existing driveway and parking area to meet parking requirements as a result of the proposed improvements. It should be noted that the proposed addition will maintain the same side setbacks as the existing building and all parking requirements will be met; however, due to the narrow width of the lot and the location of existing improvements thereon, the relief requested is necessary in order to proceed as proposed.

As to landscaping, testimony indicated that strict compliance with the landscaping requirements would be impossible, given the small size of the lot and existing as well as proposed improvements. However, there are some existing shrubs and evergreens on the property and an additional dense evergreen screen planting is proposed along the north side property line adjacent to the driveway and parking area, as well as a planting island.

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. Solcy, 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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser

relaxation than that applied for would give sufficient 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.

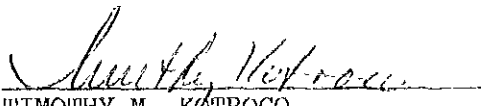
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject 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. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and meets 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 8th day of August, 1996 that the Petition for Variance seeking relief from Sections 232.2.B and 259.3.C.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yards and buffers to be as close as 7 feet in lieu of the minimum required, and to

retain existing landscaping in lieu of the requirements of Section 259.3.C.3 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
DEC 8 1996
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 8, 1996

Dr. Paul E. Feild, Jr.
12619 Harford Road
Fork, Maryland 21051

RE: PETITION FOR VARIANCE
E/S Harford Road, 510' N of the c/l of Sunshine Avenue
(12619 Harford Road)
11th Election District - 5th Councilmanic District
Paul E. Feild, Jr. - Petitioner
Case No. 96-509-A

Dear Dr. Feild:

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,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Larry Jones
949 Beaverbank Circle, Towson, Md. 21286

People's Counsel

File

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-509-A

12619 HARFORD RD.

which is presently zoned BL-CR

4 RC-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)

SEE ATTACHMENT 'A'

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

PRACTICAL DIFFICULTY TO BE DETERMINED
AT VARIANCE HEARING.

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.

Contract Purchaser/Lessee:

N/A
(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

N/A
(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

I/We 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):

PAUL E. FEILD, JR.
(Type or Print Name)

Paul Steinfeld
Signature

(Type or Print Name)

Signature

12619 HARFORD RD. 592-5420
Address Phone No.

Fork MD. 21051
City State Zipcode
Name, Address and phone number of representative to be contacted

JONES ASSOCIATES
Name

949 BEAVERBANK CIRCLE
Address TOWSON 21286 Phone No. 296-7111

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: JF DATE 6-24-96

#509

ORDER RECEIVED FOR FILING
8/13/96

Printed with Soybean Ink
on Recycled Paper



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• JONES ASSOCIATES • registered professional engineers • technology management consultants •

LAWRENCE E. JONES, P.E.

ATTACHMENT 'A' 12619 HARTFORD RD.

PETITION FOR VARIANCE TO PERMIT:

SIDEYARDS AND BUFFERS TO BE AS CLOSE
AS ^{7' min} ~~8~~ FEET IN LIEU OF REQUIREMENTS
(50 ft) (15 ft.)
OF SECTIONS 232.2 B AND 259.3 C 2 b.;

AND, RETENTION OF EXISTING LANDSCAPING
IN LIEU OF REQUIREMENTS OF
SECTION 259.3 C 3.

944 Beaverbank Circle
Towson, Maryland 21286

410-296-7111

ORDER RECEIVED FOR FILING

Date

By

RECEIVED

#509

• JONES

ASSOCIATES •

registered professional engineers • technology management consultants •

LAWRENCE E. JONES, P.E.

ZONING DESCRIPTION

FOR THE PROPERTY LOCATED AT #12619 HARFORD ROAD
11TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT ON THE EAST SIDE OF HARFORD ROAD, WHICH IS A RIGHT OF WAY OF FORTY FEET WIDE AT A DISTANCE OF 510.0 FEET NORTHERLY FROM THE CENTERLINE OF THE NEAREST INTERSECTING STREET: SUNSHINE AVENUE, WHICH IS A RIGHT OF WAY OF FORTY FEET WIDE,

BEING AS RECORDED IN DEED: LIBER 5499, FOLIO 132 ETC. AND INCLUDE THE MEASUREMENTS AND DIRECTIONS (METES AND BOUNDS) DESCRIBED HEREIN AND ON THE PLAT IN THE CORRECT LOCATION:

- 1.) NORTH 42 DEGREES 27 MINUTES 29 SECONDS EAST 83.03 FEET
- 2.) SOUTH 64 DEGREES 20 MINUTES 00 SECONDS EAST 296.20 FEET
- 3.) SOUTH 04 DEGREES 55 MINUTES 00 SECONDS WEST 85.00 FEET
- 4.) NORTH 64 DEGREES 20 MINUTES 00 SECONDS WEST 350.30 FEET

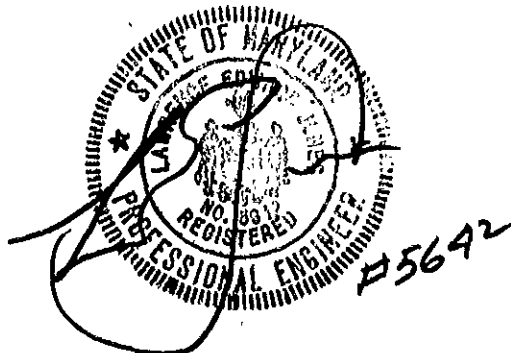
TO THE PLACE OF BEGINNING AND CONTAINING
26,506 SQUARE FEET OF LAND MORE OR LESS

THE IMPROVEMENTS BEING KNOWN AS #12619 HARFORD ROAD
AND LOCATED IN THE 11TH ELECTION DISTRICT, 5TH
COUNCILMANIC DISTRICT OF BALTIMORE COUNTY, MARYLAND.

944 Beaverbank Circle
Towson, Maryland 21286

410-296-7111

#509



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

96-509-17

Towson, Maryland

District: 114 Date of Posting: 7/6/96

Posted for: [Signature] Variance

Petitioner: Paul F. Field, Jr.

Location of property: 12619 Harford Rd.

Location of Sign: Facing New Way St. property being posted

Remarks: [Signature] Date of return: 7/10/96

Posted by: [Signature] Signature

Number of Signs: 1

RECORDED



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 022810

96-501-A

DATE 6/14/96 ACCOUNT B-001-C15 CCO

CV+Sign

AMOUNT \$ 285.00

RECEIVED FELLD
FROM:

020 - No. 1000000 - 250.00 Item # 509

040 - Sign - 35.00 Taken by JRF

FOR:

MICROFILMED

030110112MICHRC \$285.00
04011114AMDA-24-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

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 accessed 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, DIRECTOR

For newspaper advertising:

Item No.: 509 Petitioner: PAUL E. FEILD, Jr.

Location: 12619 HARFORD RD. FORK MD. 21051

PLEASE FORWARD ADVERTISING BILL TO:

NAME: PAUL E. FEILD, JR. D.D.S., P.A.

ADDRESS: 12619 HARFORD ROAD
FORK MD 21051

PHONE NUMBER: 410-592-5420

TO: PUTUXENT PUBLISHING COMPANY
July 4, 1996 Issue - Jeffersonian

Please forward billing to:

Paul E. Field, Jr., D.D.S.
12619 Harford Road
Fork, Maryland 21051
592-5420

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: 96-509-A (Item 509)
12619 Harford Road
E/S Harford Road, 510' from c/l Sunshine Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Paul E. Field, Jr.

Variance to permit sideyard and buffers to be as close as 9 feet in lieu of the required 50 feet and 15 feet and retention of the existing landscaping in lieu of the requirements of section 259.3C3.

HEARING: WEDNESDAY, JULY 24, 1996 at 9:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
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.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 28, 1996

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: 96-509-A (Item 509)
12619 Harford Road
E/S Harford Road, 510' from c/l Sunshine Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Paul E. Field, Jr.

Variance to permit sideyard and buffers to be as close as 9 feet in lieu of the required 50 feet and 15 feet and retention of the existing landscaping in lieu of the requirements of section 259.3C3.

HEARING: WEDNESDAY, JULY 24, 1996 at 9:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Paul E. Field, Jr., D.D.S.
Jones Associates

- 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.



RE: PETITION FOR VARIANCE
12619 Harford Road, E/S Harford Road,
510' from c/l Sunshine Avenue
11th Election District, 5th Councilmanic

Paul E. Field, Jr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-509-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 19th day of July, 1996, a copy of the foregoing Entry of Appearance was mailed to Jones Associates, 944 Beaverbank Circle, Towson, MD 21286, representative for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

WITNESSED

N 63,000

DR GORSUCH HOUSE

POND

R.C. 2

R.C. 5

BL-CR

510

93-430-A

POST
OFFICE

R.C.C.

HARFORD

R.C. 5

SUNSHINE
AVE.

96-509-A

R.C. 2

PRIVATE

MICROFILMED

ROAD

E 49,500

N 61,000

STONEY

SITE

R.C. 5

FORK

509

MAP NE 16-1



FIELD 4-10-96



FIELD 4-10-96



FIELD 3-26-96



FIELD 4-10-96

EXHIBIT NO. 24

EXHIBIT "F"

MICROFILMED



FIELD 4-10-96



FIELD 4-10-96



FIELD 4-10-96



FIELD 3-26-96

EXHIBIT "E"



FIELD 4-10-36



FIELD 3-26-36



FIELD 3-26-36



FIELD 4-10-36

EXHIBIT "D"

PERMANENT RECORDS
EXHIBIT "D" INC. 2C

MICROFILMED



FIELD 3-26-96



FIELD 4-10-96



FIELD 3-26-96



FIELD 4-10-96

EXHIBIT NO. 20

EXHIBIT "C"

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 #86-609-A

(Item 519)
12619 Harford Road
ES Harford Road, 510' from
of Sunrise Avenue
11th Election District
5th Councilmanic
Legal Owner(s):
Paul E. Field, Jr.

Variance: to permit sideyard
and buffers to be as close as 9
feet in lieu of the required 50
feet and 15 feet and retention
of the existing landscaping in
lieu of the requirements of
section 253.323
Hearings: Wednesday, May 24,
1996 at 9:00 a.m. in Room 106,
County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3353.
(2) For information concern-
ing the File number Hearing,
Please Call 887-3391.

7/029 July 4

CS4329

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/5, 1996

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 7/4, 1996.

THE JEFFERSONIAN,

A. Henkle
LEGAL AD. - TOWSON

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