

IN RE: PETITION FOR VARIANCE
SW/S West Shore Drive, 521' S
of Sue Grove Road
(826 Sue Grove Road)
15th Election District
5th Councilmanic District

John Edward Hauser, Jr.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-585-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, John Edward Hauser, Jr. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling to be located on a lot with a lot width at the front building line of 58 feet in lieu of the required 70 feet, a side setback of 4 feet in lieu of the required 10 feet, and a sum of the side yards of 14 feet in lieu of the required 25 feet, and to approve an under-sized lot, pursuant to Section 304, with any other variances deemed necessary by the Zoning Commissioner. The subject property is a waterfront lot located on the southwest side of West Shore Drive, just north of Riverside Road in Turkey Point and fronts on Sue Creek. The relief requested and proposed improvements 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 Petition were John E. Hauser, Jr., property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 10,575 sq.ft., zoned D.R. 3.5, and is improved

ORDER RECEIVED FOR FILING

Date

By

with a small, residential dwelling which has existed on the property for many years. The Petitioner has owned and resided on the property for the past 14 years and now wishes to remove the existing home and replace same with a larger, more modern dwelling. Due to the irregular shape and small size of the subject property, as well as present-day zoning requirements, the requested variances are necessary in order to proceed with the proposed improvements. Testimony and evidence offered indicated that construction of the new dwelling will greatly improve the subject site and benefit the adjacent properties.

This property is located within the Chesapeake Bay Critical Areas and as such, is subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), to minimize any effects the proposed development might have on the Bay and its tributaries. As of the date of this Order, DEPRM had not completed its review of this project. Therefore, the relief granted herein shall be conditioned upon Petitioner's compliance with any recommendations made by DEPRM upon completion of their review.

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 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).

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 subject property 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 variance 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.

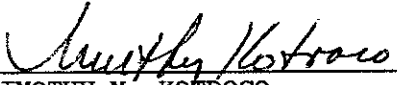
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of August, 1997 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling to be located on a lot with a lot width at the front building line of 58 feet in lieu of the required 70 feet, a side setback of 4 feet in lieu of the required 10 feet, and a sum of the side yards of 14 feet in lieu of the required 25 feet, and to approve an undersized lot, pursuant to Section 304, 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM).

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO

Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/14/97
[Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

August 14, 1997

Mr. John E. Hauser, Jr.
826 Sue Grove Road
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
SW/S West Shore Drive, 521' S of Sue Grove Road
(826 Sue Grove Road)
15th Election District - 5th Councilmanic District
John Edward Hauser, Jr. - Petitioner
Case No. 97-585-A

Dear Mr. Hauser:

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 dark ink, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM
People's Counsel
Case File



RE: PETITION FOR VARIANCE	*	BEFORE THE
826 Sue Grove Road, W/S West Shore Drive,		
521' S of Sue Grove Road, 15th	*	ZONING COMMISSIONER
Election District, 5th Councilmanic		
	*	OF BALTIMORE COUNTY
John Edward Hauser, Jr.		
Petitioner	*	CASE NO. 97-585-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 5th day of August, 1997, a copy of the foregoing Entry of Appearance was mailed to John Edward Hauser, Jr., 826 Sue Grove Road, Baltimore, MD 21221, Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

OK
FBA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

WEST SHORE DRIVE BUT PER MAILING-ADDRESS

826 SUE GROVE RD

which is presently zoned

DR 3.5

This Petition shall be filed with the Department of Permits & 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) 1B02.3.C.1 TO PERMIT A PROPOSED

DWELLING TO BE LOCATED ON A LOT WITH A 58 FT. LOT WIDTH AT FRONT BUILDING LINE AND SIDE SETBACKS OF ~~10 FT.~~ 4 FT. WITH A SUM OF SIDE YARDS OF 14 FT. IN LIEU OF THE REQUIRED 70 FT., 10 FT. AND 25 FT. RESPECTIVELY, AND TO APPROVE AN UNDERSIZED LOTTER SECTION 304 WITH ANY OTHER VARIANCES DEEMED NECESSARY BY THE ZONING COMMISSIONER.

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

X PROPERTY IS 65' AT ROAD BUT DUE TO TRIANGULAR EFFECT A VARIANCE IS NEEDED. ADJOINING HOME HAS A 3' SETBACK FROM MY PROPERTY.

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:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(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):

JOHN EDWARD HAUSER JR.

(Type or Print Name)

X John Hauser

Signature

(Type or Print Name)

Signature

826 SUE GROVE RD. 410 391 9386

Address

Phone No

BALTO MD. 21221

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

SAME AS ABOVE

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1 HR

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: JLL

DATE

6/26/97

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

585

97-585-A

ZONING DESCRIPTION FOR LOT 58 WEST SHORE DRIVE

Beginning at a point on the *West* side of *West Shore Drive* which is 30 feet wide at the distance of 521 feet south of the centerline of the nearest improved street *Sue Grove Road* which is 30 feet wide. Being Lot #58 Block 15, in the subdivision of *SueGrove* as recorded in Baltimore County Plat Book# 07, Folio 011, containing 10,575 square feet. Also known as 826 *Sue Grove Road* and located in the 15th Election District, 5th Councilmanic District.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/24, 19 97

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 7/24, 19 97

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

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 in Towson, Maryland on the property identified herein as follows:

Case: 197-585-A
826 Sue Grove Road
W/S West Street Drive, 522 S

of Sue Grove Road
15th Electoral District
5th Councilman
Legal Owner:
John Edward Kaiser, Jr.

Variance to permit a proposed dwelling to be located on a lot with a 58 foot lot width at front building line and side setback of 4 feet with a sum of side yards of 14 feet in lieu of the required 70 feet, 10 feet, and 25 feet respectively; and to approve an undersized lot with any other variances deemed necessary by the Zoning Commissioner.

Hearing: Tuesday, August 12, 1997 at 10:00 a.m., Room 487 Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

7/310 July 24 C160003

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

036555

DATE

6/26/97

ACCOUNT

80016150

AMOUNT

\$ 50.00

RECEIVED
FROM:

HAUSER

FOR:

RV FILING WITH UNDERSIZE LOT

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
6/26/1997 6/26/1997 11:10:57

REG 1502 CASHIER JRIC JMR DRYMER 2

MISCELLANEOUS CASH RECEIPT

Receipt # 002166

CR NO. 036555

OF LN

50.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

TO: PUTUXENT PUBLISHING COMPANY
July 24, 1997 Issue - Jeffersonian

Please forward billing to:

Mr. John Hauser
826 Sue Grove Road
Baltimore, MD 21221
410-391-9381

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-585-A
826 Sue Grove Road
W/S West Shore Drive, 521'' S of Sue Grove Road
15th Election District - 5th Councilmanic
Legal Owner(s): John Edward Hauser, Jr.

Variance to permit a proposed dwelling to be located on a lot with a 58 foot lot width at front building line and side setback of 4 feet with a sum of side yards of 14 feet in lieu of the required 70 feet, 10 feet, and 25 feet respectively; and to approve an undersized lot with any other variances deemed necessary by the Zoning Commissioner.

HEARING: TUESDAY, AUGUST 12, 1997 at 10:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

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.



Baltimore County
Department of Permits and
Development Management

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

July 17, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-585-A
826 Sue Grove Road
W/S West Shore Drive, 521' S of Sue Grove Road
15th Election District - 5th Councilmanic
Legal Owner(s): John Edward Hauser, Jr.

Variance to permit a proposed dwelling to be located on a lot with a 58 foot lot width at front building line and side setback of 4 feet with a sum of side yards of 14 feet in lieu of the required 70 feet, 10 feet, and 25 feet respectively; and to approve an undersized lot with any other variances deemed necessary by the Zoning Commissioner.

HEARING: TUESDAY, AUGUST 12, 1997 at 10:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: John Edward Hauser, Jr.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JULY 28, 1997.
(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.



Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

*Copied Broke.
This is Verbatim Copy
of original to owner.*

ZONING NOTICE

Case No.: 97-585-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: A VARIANCE TO PERMIT A PROPOSED DWELLING ON A LOT WITH A 58 FT. WIDTH
AT FRONT BUILDING LINE, A SIDE SETBACK OF 4 FT AND A SUM OF SIDE YARDS OF 14 FT.
IN LIEU OF THE REQUIRED 70 FT, 10 FT, AND 25 FT. RESPECTIVELY AND TO APPROVE
AN UNDERSIZED LOT WITH ANY OTHER VARIANCES DEEMED NECESSARY

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



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/neighboring 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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 585

Petitioner: MR JOHN EDWARD HAUSER

Location: LOT 58 WEST SHORE DRIVE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MR. JOHN HAUSER

ADDRESS: 826 SUE GROVE RD.

BALTIMORE, MD 21221

PHONE NUMBER: 410-391-9381

AJ:ggs

(Revised 09/24/96)

3mk
8/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: July 15, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

SUBJECT: 826 Sue Grove Road

INFORMATION

Item Number: 585

Petitioner: Hauser Property

Zoning: DR 3.5

Requested Action: Variance

Summary of Recommendations:

Staff does not support the variance request to allow a sideyard setback of 4 feet in lieu of the required 10 feet and the sum of sideyard width of 14 feet in lieu of the required 25 feet. The need for variances would be reduced or eliminated altogether, if the applicant would change the orientation of the proposed house in a manner consistent with the arrangement of the homes on adjacent parcels.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

97-585-A

DATE: July 7, 1997

TO: Hearing Officer

FROM: John L. Lewis
Planner II
Zoning Review, PDM

SUBJECT: Item #585
826 Sue Grove Road

Zoning map, plat, etc. shows this location as West Shore Drive;
however, 826 Sue Grove Road is the mailing address and is received at this location.

Just letting you know.

JLL:scj

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

ZONING FILE
COPY ONLY
CIP PACK SENT
6/25 B TO ERV MCD.
OP.

TO: Director, Office of Planning and Zoning
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

ZONING VAR
ITEM # 585

Permit Number

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☐ JOHN HAUSER 826 SUE GROVE RD 410-391-9386
Print Name of Applicant Address Telephone Number

☐ Lot Address 826 SUE GROVE RD. Election District 15th Council District 5th Square Feet 10,575

Lot Location: N E S W / side / corner of W/SIDE SUE GRIER RD. lot from N E S W corner of NORTH ST RIVERSIDE DR.
(corner) (street)

Land Owner JOHN E. HAUSER JR. Tax Account Number 15-13-203020

Address 826 SUE GROVE RD. Telephone Number 410-391-9386
BALTO. MD. 21221

☐ CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)

PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☒	☐
3. Site Plan	☒	☐
Property (3 copies)	☒	☐
Topo Map (available in Rm 206 C.O.B.) (2 copies)	☒	☐
(please label site clearly)	☒	☐
4. Building Elevation Drawings	☒	☐
5. Photographs (please label all photos clearly)	☒	☐
Adjoining Buildings	☒	☐
Surrounding Neighborhood	☒	☐

Residential Processing Fee Paid
Codes 030 & 080 (\$85)

Accepted by [Signature]
ZOM

Date 6/25/97

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY

RECOMMENDATIONS/COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: _____
for the Director, Office of Planning & Zoning

Date:

What to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 826 SUE GROVE RD

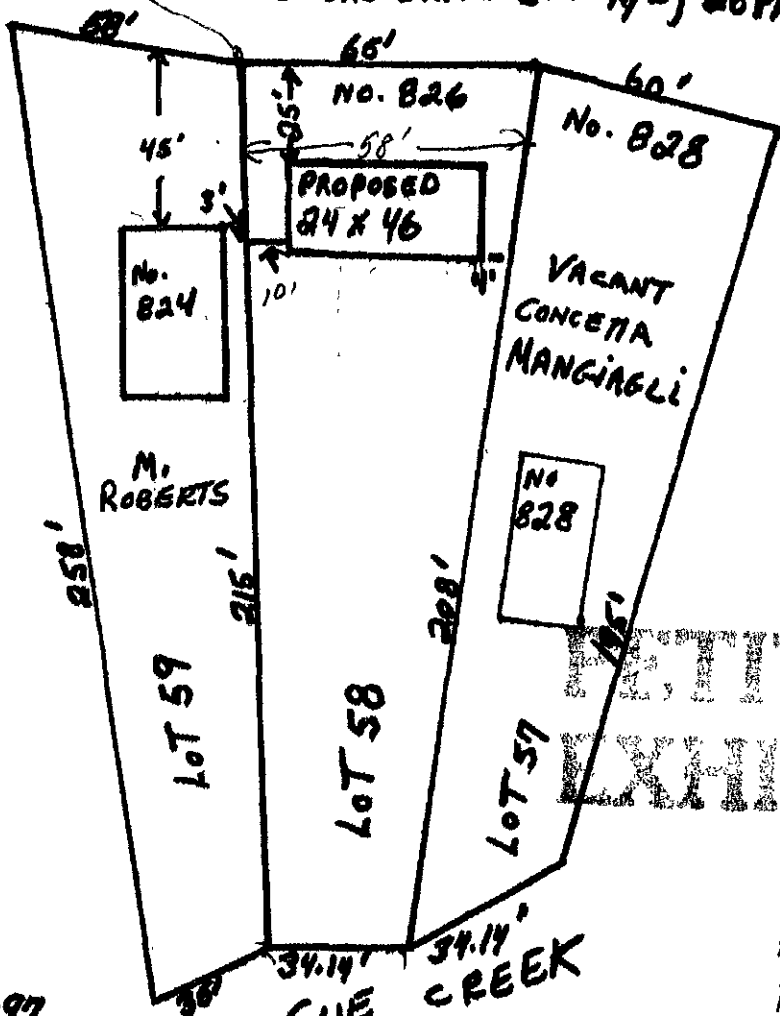
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: SUE GROVE

plat book # 09, folio # 011, lot # 58, section #

OWNER: MR. JOHN HAUSER JR.

WEST SHORE DRIVE (30' R/W, 20' PAVING)

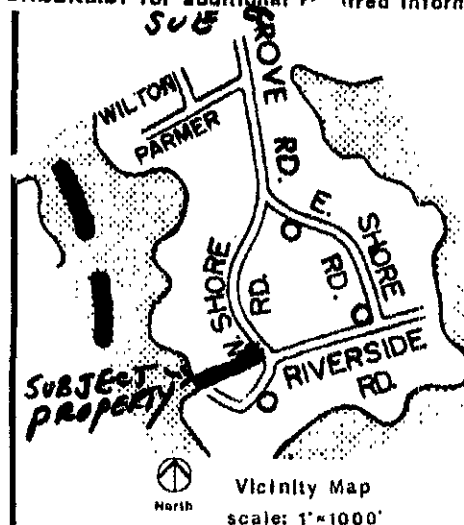


North
date: 6-18-97

prepared by: JEH

Scale of Drawing: 1" = 50

PROP DWLG
NOT IN 100 YR
2600 PLAIN



LOCATION INFORMATION

Election District: 15th
Councilmanic District: 5th
1"=200' scale map #: SE-15
Zoning: DR 3.5
Lot size: .25 acreage 10,575 square feet

	public	private
SEWER:	☒	☐
WATER:	☒	☐
Chesapeake Bay Critical Area:	☒ yes	☐ no
Prior Zoning Hearings:	<u>NONE</u>	

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:

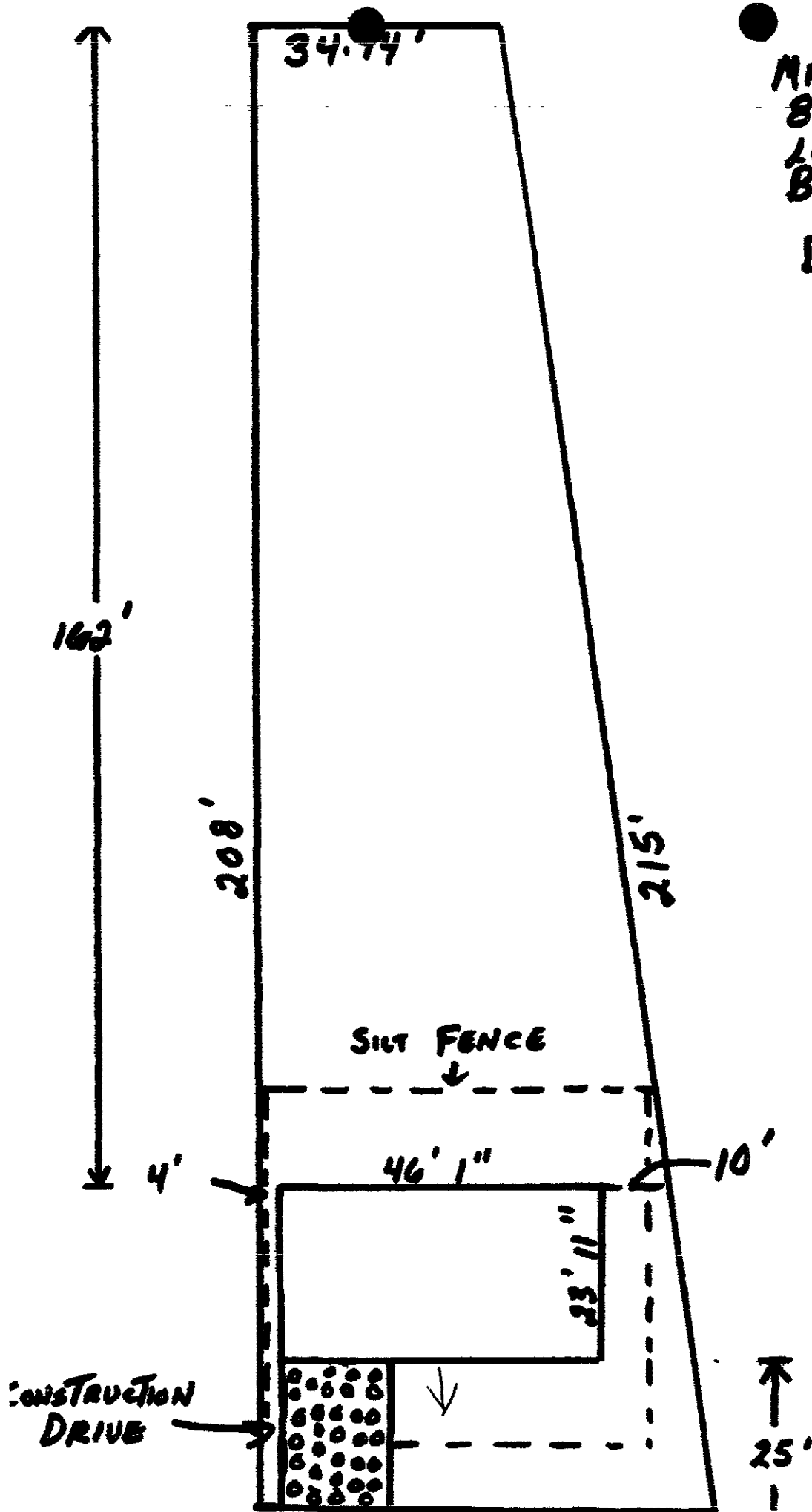
JL

585

MR. JOHN HAUSER
826 SUE GROVE RD
LOT 58
BALTO. MD. 21221

D.R. 5.5

1" = 20'



Petitioner's
Exhibit
2A-2F

97-285-A



