

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
 AND ZONING VARIANCE * ZONING COMMISSIONER
 S/S Worthington Avenue, 1700 ft. * OF BALTIMORE COUNTY
 NE of Sagamore Forest Lane * Case No. 98-258-SPHA
 4123 Worthington Avenue
 4th Election District
 3rd Councilmanic District
 Legal Owners: David B. Posner, et ux

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Variance for the property located at 4123 Worthington Avenue in northern Baltimore County. The Petitions were filed by David B. Posner and Nancy H. Posner, his wife, property owners. Special hearing relief is requested to approve an accessory building (three car garage) in an R.C.2 zone on the same lot with the principal building in an R.C.5 zone. Variance relief is requested from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit the aforesaid garage to be located in a side and front yard, in lieu of the required rear yard, and with a height of 20 ft., in lieu of the permitted 15 ft. All of the requested relief and subject property are more particularly shown on the site plan, marked as Petitioners' Exhibit No. 1.

Appearing and testifying at the requisite public hearing held for this case was Nancy H. Posner, property owner/co-Petitioner. Also present was Paul Lee, the engineer who prepared the site plan. Robert Sellers, Esquire, a neighbor, appeared in support of the Petitions. There were no Protestants or other interested persons present.

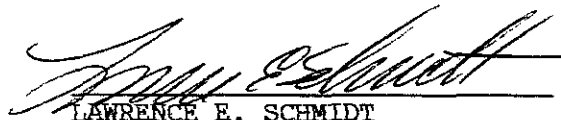
Testimony and evidence offered was that the subject lot is approximately 11.63 acres in area, split zoned R.C.2 and R.C.5. The zone line runs through the center of the property and divides the site into two nearly equal sized sections. The property is improved with a large single family dwelling in which Dr. and Mrs. Posner reside. That dwelling is

OFFICE OF ZONING
 DATE 7/25/98
 BY M. H. [Signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 25th day of February 1998 that, pursuant to the Petition for Special Hearing, approval for an accessory building (three car garage) in an R.C.2 zone on the same lot with the principal building in an R.C.5 zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 400.1 and 400.3 of the BCZR to permit the aforesaid garage to be located in a side and front yard, in lieu of the required rear yard, and with a height of 20 ft. in lieu of the permitted 15 ft., be and is hereby GRANTED; subject, however, to the following restrictions:

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.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

RECORDED
INDEXED
BY
LES:mmn



Baltimore County
Zoning Commissioner
Office of Planning

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

February 23, 1998

Dr. and Mrs. David B. Posner
4123 Worthington Avenue
Reisterstown, Maryland 21136

RE: Petitions for Special Hearing and Variance
Property: 4123 Worthington Avenue
Case No. 98-258-SPHA

Dear Dr. and Mrs. Posner:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, with restrictions, in accordance with the attached Order.

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 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.

c: Mr. Paul Lee
Century Engineering, Inc.
32 West Road
Towson, Md. 21204





Petition for Variance

258

to the Zoning Commissioner of Baltimore County

for the property located at

4123 Worthington Avenue

which is presently zoned 'RC-2 & RC-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) 400.1 & 400.3 of the BCZR to permit a garage to be located in a side and front yard in lieu of the required rear yard and a 20' height for a proposed 3-car garage in lieu of the permitted 15' (a variance of 5')

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

to be presented at 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.

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.

XXXXXXXXXXXXX Engineer:

Paul Lee
Century Engineering, Inc.

(Type or Print Name)
Signature

32 West Road
Address

Towson, Maryland 21204
City State Zipcode

Attorney for Petitioner:
(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

David B. Posner
(Type or Print Name)

Signature

Nancy H. Posner
(Type or Print Name)

Signature

4123 Worthington Ave. (410) 833-7536
Address Phone No

Reisterstown, Maryland 21136
City State Zipcode

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

Paul Lee
Century Engineering, Inc.

Name
32 West Road (410) 823-8070
Address Phone No.

Towson, Maryland 21204
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates Next Two Months

ALL OTHER
REVIEWED BY: DATE 1/9/98



Revised 9/5/92

98-258-SPHA

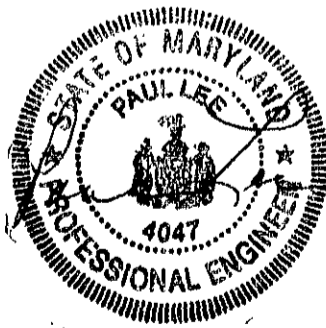
258

**DESCRIPTION
#4123 WORTHINGTON AVENUE
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING for the same at a point on the South side of Worthington Avenue; said point also being located Northeasterly – 1700' ± from the center of Sagamore Forest Lane; thence leaving said south side of Worthington Avenue and running for the following 5 courses and distances

- (1) South 27 degrees 26 minutes 29 seconds East – 657.00 feet
- (2) South 62 degrees 33 minutes 31 seconds West – 761.00 feet
- (3) South 12 degrees 22 minutes 22 seconds East – 639.57 feet
- (4) North 59 degrees 27 minutes 38 seconds East – 935.63 feet and,
- (5) North 27 degrees 26 minutes 29 seconds West – 1,224.00 feet to the South side of Worthington Avenue, thence running with and binding on said South side of Worthington Avenue
- (6) South 62 degrees 33 minutes 03 seconds West – 7.00 feet to the point of beginning.

CONTAINING 11.63 Acres of land, more or less and recorded as Lot 2 on the “Amended Plat of Lots 1 & 2, Block D, Worthington Hillside as recorded among the Land Records of Baltimore County in Plat Book 44 Folio 94.



2bmv
08-528-

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-5, 1998

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 2-5, 1998.

THE JEFFERSONIAN,

A. Henickson

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: #98-258-SPHA
4123 Worthington Avenue
(21136),
S/S Worthington Avenue,
1700' NE of Sagamore Forest
Lane

4th Election District
3rd Councilmanic District

Legal Owner(s):
David B. Posner &
Nancy H. Posner

Special Hearing: to approve an accessory building in a R.C.-2 zone (3 car garage) on the same lot with a principal building in a R.C.-5 zone. Variance: to permit a garage to be located in a side and front yard, in lieu of the required rear yard and a 20-foot height for a proposed 3-car garage in lieu of the permitted 15 feet

Hearing: Friday, February 20, 1998 at 11:00 a.m. in Room 407, County 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.

2/025 Feb. 5 C204786

CERTIFICATE OF POSTING

RE: Case No. 98-258-SPHA
Petitioner/Developer:
(David B. Posner)
Date of Hearing/Closing:
(Feb. 20, 1998)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21284

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____

4123 Worthington Ave. Baltimore, Maryland 21136 _____

The sign(s) were posted on _____ Feb. 4, 1998 _____
(Month, Day, Year)

Sincerely,

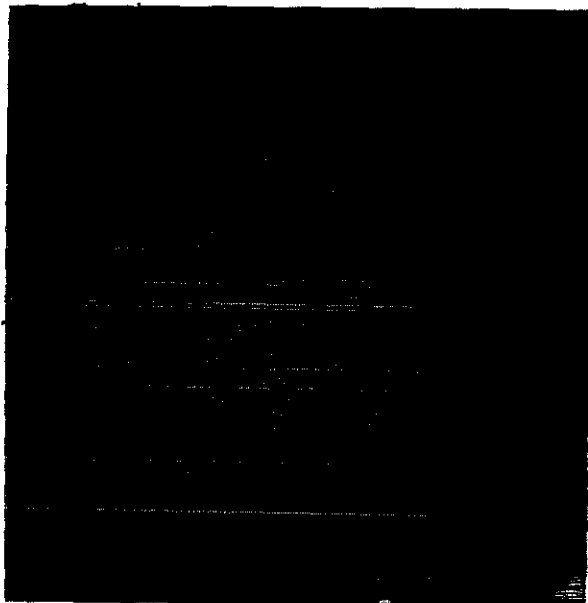

(Signature of Sign/Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)



98-258-SPHA

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:

ZONING NOTICE

Case No.: 98-258 SPA

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

PLACE: *

DATE AND TIME: *

REQUEST: A SPECIAL HEARING TO APPROVE AN ACCESSORY STRUCTURE IN A RC-2
ZONE ON THE SAME LOT WITH A PRINCIPAL BLDG. IN A RC-5 ZONE AND
A VARIANCE TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) IN
SIDE AND FRONT YARD WITH A 20 FT. HEIGHT IN LIEU OF IN THE REAR YARD
WITH A MAXIMUM 15 FT. HEIGHT

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/neighbor 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.: 258

Petitioner: DAVID & NAUCY PESNER

Location: # 4123 WORTHINGTON AVE.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DAVID PESNER

ADDRESS: 4123 WORTHINGTON AVE

REISTERSTOWN, MD 21136

PHONE NUMBER: (410) 833-7536

AJ:ggs

(Revised 09/24/96)

98-258-SPAA



TO: PATUXENT PUBLISHING COMPANY
February 5, 1998 Issue - Jeffersonian

Please forward billing to:

David Posner 410-833-7536
4123 Worthington Avenue
Reisterstown, MD 21136

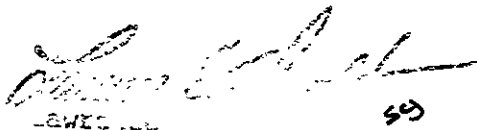
NOTICE OF HEARING

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: 98-258-SPHA
4123 Worthington Avenue (21136)
S/S Worthington Avenue, 1700' NE of Sagamore Forest Lane
4th Election District - 3rd Councilmanic District
Legal Owner: David B. Posner & Nancy H. Posner

Special Hearing to approve an accessory building in a R.C.-2 zone (3 car garage) on the same lot with a principal building in a R.C.-5 zone. Variance to permit a garage to be located in a side and front yard in lieu of the required rear yard and a 20-foot height for a proposed 3-car garage in lieu of the permitted 15 feet.

HEARING: Friday, February 20, 1998 at 11:00 a.m. in Room 407, County Courts Building,
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.



Baltimore County
Department of Permits and
Development Management

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

January 15, 1998

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: 98-258-SPHA
4123 Worthington Avenue (21136)
S/S Worthington Avenue, 1700' NE of Sagamore Forest Lane
4th Election District - 3rd Councilmanic District
Legal Owner: David B. Posner & Nancy H. Posner

Special Hearing to approve an accessory building in a R.C.-2 zone (3 car garage) on the same lot with a principal building in a R.C.-5 zone. Variance to permit a garage to be located in a side and front yard in lieu of the required rear yard and a 20-foot height for a proposed 3-car garage in lieu of the permitted 15 feet.

HEARING: Friday, February 20, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Century Engineering, Inc.
David & Nancy Posner

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY FEBRUARY 5, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

February 12, 1998

Mr. and Mrs. David Posner
4123 Worthington Avenue
Reisterstown, MD 21136

RE: Item No.: 258
Case No.: 98-258-SPHA
Petitioner: David Posner, et ux

Dear Mr. and Mrs. Posner:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 9, 1998.

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 (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 Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr." with a flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: January 22, 1997

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

SUBJECT: 4123 Worthington Avenue Item 258

The Office of Planning does not oppose the request to permit an accessory structure with a height in excess of the permitted 15 foot height limitation. However, a condition should be placed in the Zoning Commissioner's Order restricting future conversion of the accessory structure for dwelling purposes.

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: January 22, 1997

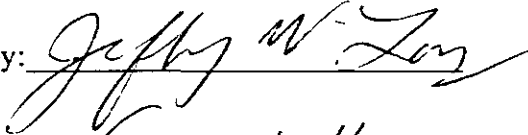
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Office of Planning

SUBJECT: 4123 Worthington Avenue Item 258

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If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:



Division Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 1/16/98
Item No. 258 JLL

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

A handwritten signature in cursive script that reads "Cindy R. Webb".

For Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 1/27/92

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Jan 20, 92

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

Item #'s:

258

RBS:sp

BRUCE2/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: January 26, 1998

FROM:  Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for January 26, 1998
Item Nos. 250, 252, 253, 255,
and 258

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

January 28, 1998

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 January 20, 1998

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.

B. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

249, 250, 251, 252, 254, 255, 256, and 258

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 PETITION FOR VARIANCE *
 4123 Worthington Avenue, S/S Worthington * ZONING COMMISSIONER
 Ave, 1700' NE of Sagamore Forest Ln * OF BALTIMORE COUNTY
 4th Election District, 3rd Councilmanic *
 David B. & Nancy H. Posner * CASE NO. 98-258-SPHA
 Petitioners *
 * * * * *

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.

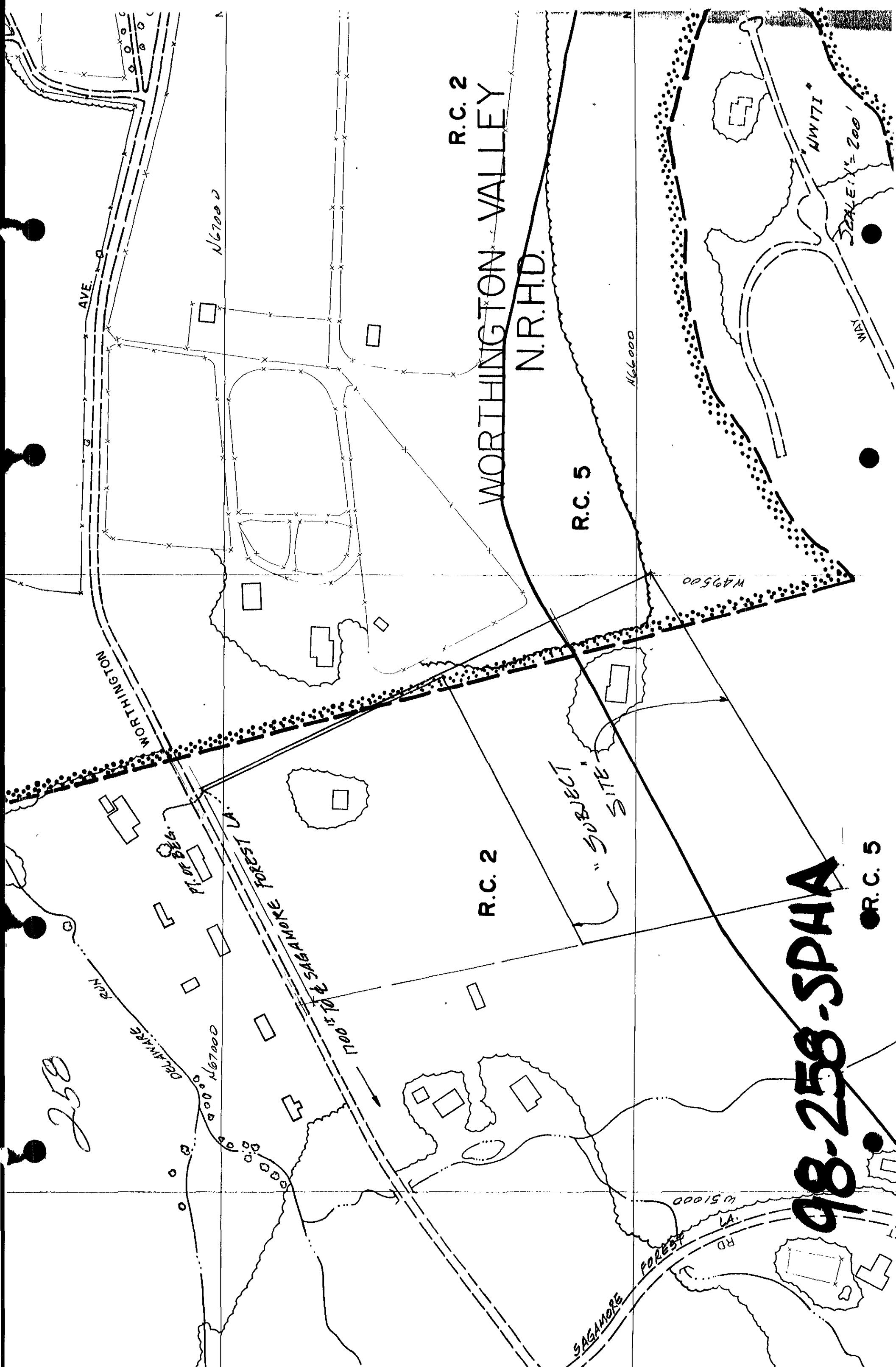
Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

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 February, 1998, a copy of the foregoing Entry of Appearance was mailed to Paul Lee, Century Engineering, 32 West Road, Towson, MD 21204, representative for Petitioners.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN



R.C. 2

WORTHINGTON VALLEY
N.R.H.D.

R.C. 5

R.C. 2

" SUBJECT SITE "

98-258-SPHA

R.C. 5

SCALE: 1" = 200'

AVE.

WORTHINGTON

DELAWARE RUN

SAGAMORE FOREST LA.

RD LA.
SAGAMORE FOREST

SAGAMORE FOREST

HAWITI WAY

N67000

N67000

W51000

W49500

N66000

258

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 046723

JLL
258

DATE 1/9/98 ACCOUNT 100.00
AMOUNT \$ ROO16150

RECEIVED FROM: POSNER

FOR: SPHA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
1/09/1998	1/09/1998	10:56:00
MS01	CASHIER CLIN CML PRINTER	
5 MISCELLANEOUS CASH RECEIPT		
Receipt #	033991	1514
CR NO.	046723	
100.00 CHECK		
Baltimore County, Maryland		

98-258-SPHA

CASHIER'S VALIDATION