

IN RE: PETITION FOR VARIANCE  
SE/S Dellwood Court, 630' E of  
Falls Road  
(5A Dellwood Court)  
8<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
  
T. Brien Haigley, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 99-118-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 owners of the subject property, T. Brien and Janet R. Haigley. The Petitioners seek relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations to permit a property line setback of 30 feet in lieu of the required 50 feet for a proposed addition, and to amend the Last approved Final Development Plan for Dellwood, Lot #7, thereof. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Jonathan McGowen, Contractor. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.220 acres, more or less, zoned R.C.5 and is improved with a two-story, single family dwelling with an attached two-car garage, deck and patio. The Petitioners are desirous of constructing a 24' x 38', three-car garage addition to the existing dwelling, as shown on Petitioner's Exhibit 1, and converting the existing two-car garage to a family room. Testimony indicated that the Petitioners have discussed their plans with their neighbors and that there were no objections. Due to the layout of the existing dwelling and its location on the property, the

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Date 11/27/99  
BY [Signature]

requested variance relief is necessary in order to proceed with the proposed improvements.

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 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 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.

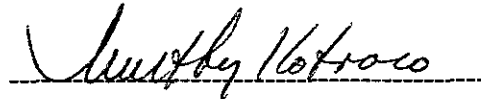
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24<sup>th</sup> day of November, 1998 that the Petition for Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations to permit a

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11/24/98  
[Signature]

property line setback of 30 feet in lieu of the required 50 feet for a proposed addition, and to amend the last approved Final Development Plan for Dellwood, Lot #7, thereof, 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.



TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
For Baltimore County

TMK:bjs

SEARCH RECEIVED FOR FILING  
Date 11/24/18  
By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning

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

November 24, 1998

Mr. & Mrs. T. Brien Haigley  
5 Dellwood Court  
Cockeysville, Maryland

RE: PETITION FOR VARIANCE  
SE/S Dellwood Court, 630' E of Falls Road  
(5A Dellwood Court)  
8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
T. Brien Haegley, et ux – Petitioners  
Case No. 99-118-A

Dear Mr. & Mrs. Haigley:

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 that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel; Case File





# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 54 Dellwood Court  
8th which is presently zoned R.C.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)

**PROPERTY LINE SETBACK OF 30 FT. IN LIEU OF THE REQUIRED 50 FT. (FOR A PROPOSED ADDITION) AND TO AMEND THE LAST APPROVED FINAL DEVELOPMENT PLAN FOR DELLWOOD, LOT #1**

(R.C.5)-Section 1A04.3.B.2 TO PERMIT A

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

Request For Adjustment of Minimum Setback From 50 Feet To 30 Feet From Southwest Lot Line (N 62° 55' 32" W). For Constructing An Attached Garage. Established Driveway, Site Drainage & Grade Conditions Make This Variance Request Necessary.

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.

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

Legal Owner(s):

T. Brian Haigley  
(Type or Print Name)

Signature

Janet R. Haigley  
(Type or Print Name)

Home-410-252-7902  
Office-410-771-1997

Signature

5 Dellwood Court  
Address Phone No

Cockeysville MD 21030  
City State Zipcode

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

Brian Haigley  
Name Home-410-252-7902

5 Dellwood Ct. Office-410-771-1997  
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING  
Unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_ DATE \_\_\_\_\_

Printed with Soybean Ink on Recycled Paper

Revised 9/5/95

COPIES RECEIVED FOR FILING  
Date \_\_\_\_\_  
By \_\_\_\_\_

99-118-A

Zoning Description.  
5-A DELLWOOD CT.

118

BEING AT A POINT ON THE SOUTH EAST SIDE OF DELLWOOD CT,  
A 50 FT. RIGHT OF WAY AT A DISTANCE OF 630 FT ± EAST OF  
FALLS RD. BEING LOT #7 IN THE PLAT OF SECTION ONE. DELLWOOD.  
RECORDED IN EHK JR PLAT BOOK 46 FOLIO 21.  
BEING 2.20 AC ±, COUNCIL DISTRICT 3, ELECTION DISTRICT 8

THE UNDERSIGNED PETITIONER  
IS RESPONSIBLE FOR THE  
INFORMATION WITH THIS  
ZONING PETITION AS DRAWN  
By BALTO. CO.

J. Brian Langley  
9-17-98

99-118-A

BALTIMORE COUNTY, MARY  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

ID  
JL 118

No. 054725

DATE 9/17/98 ACCOUNT R0016150

AMOUNT \$ 100.00

RECEIVED FROM: HAILEY

FOR: RV FILING + AMEND FDP.

DISTRIBUTION  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
9/17/1998	9/17/1998	11:57:17
REG MS07	CASHIER PMSB PEM DRAWN	3
5 MISCELLANEOUS CASH RECEIPT		
Receipt #	058633	CFD#
CF NO.	054725	

100.00 CHECK  
Baltimore County, Maryland

99-18-A

CASHIER'S VALIDATION

# CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/15/, 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 10/15/, 1998.

THE JEFFERSONIAN,

*A. Henrickson*

LEGAL AD. - TOWSON

## NOTICE OF ZONING 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 on the property herein as follows:

9-118-A  
Wood Court  
Wood Court, 630'  
Road

Wood District  
Baltimore District

Applicant(s):

John & Janet R. Haigley

to amend to permit a proposed  
setback of 30 feet in  
of the required 50 feet (for  
proposed addition) and to  
amend the last approved Final  
Development Plan for Del-  
la-Wood, Lot #7.

Hearing: Friday, October 30,  
1998 at 10:00 a.m., in Room  
105, County Office Building,  
111 W. Chesapeake 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 concern-  
ing the File and/or Hearing,  
Please Call (410) 887-3391.

10/25/ Oct 15 c266192



CERTIFICATE OF POSTING

RE: Case No.: 99-118-A

Petitioner/Developer: T.B. HAIGLEY, ETAL

Date of Hearing/Closing: 10/30/98

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

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 #5-A DELLWOOD CT.

The sign(s) were posted on 10/10/98  
(Month, Day, Year)

Sincerely,

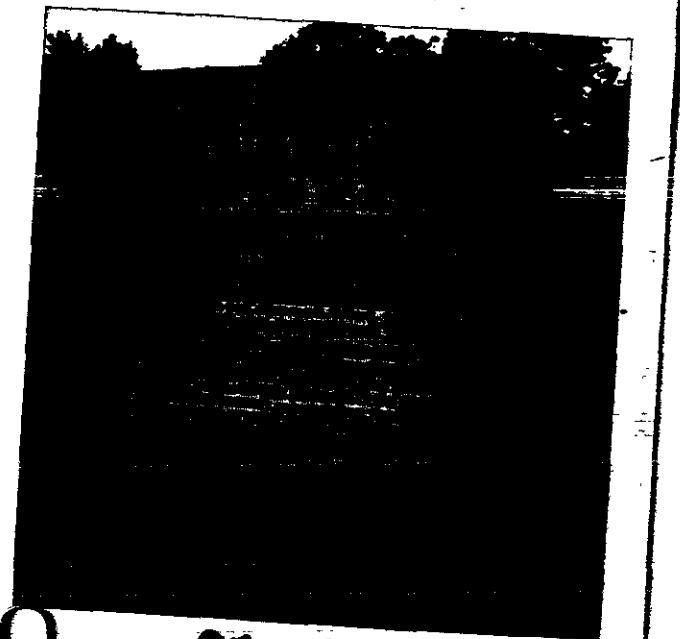
Patrick M. O'Keefe 10/12/98  
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE  
(Printed Name)

523 PENNY LANE  
(Address)

HUNT VALLEY, MD. 21030  
(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571  
(Telephone Number)



99-118-A  
#5A DELLWOOD CT  
T.B. HAIGLEY, ETAL  
10/10/98 10/30/98

RE: PETITION FOR VARIANCE  
5A Dellwood Court, SE/S Dellwood Ct, 630' E of  
Falls Rd, 8th Election District, 3rd Councilmanic

Legal Owners: T. Brien Haigley and  
Janet R. Haigley

Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case Number: 99-118-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 of 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  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 8<sup>th</sup> day of October, 1998, a copy of the foregoing Entry of Appearance was mailed to T. Brien Haigley and Janet R. Haigley, 5A Dellwood Court, Cockeysville, MD 21030, Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

September 30, 1998


## NOTICE OF ZONING 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: 99-118-A  
5A Dellwood Court  
SE/S Dellwood Court, 630' E of Falls Road  
8th Election District - 3rd Councilmanic District  
Legal Owner: T. Brien & Janet R. Haigley

Variance to permit a property line setback of 30 feet in lieu of the required 50 feet (for a proposed addition) and to amend the last approved Final Development Plan for Dell-Wood, Lot #7.

HEARING: Friday, October 30, 1998 at 10:00 a.m. in Room 106, County Office Building,  
111 West Chesapeake Avenue

  
Arnold Jablon  
Director

c: T. Brien & Janet R. Haigley

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 15, 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.

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



TO: PATUXENT PUBLISHING COMPANY  
October 15, 1998 Issue - Jeffersonian

Please forward billing to:

T. Brien Haigley 410-252-7902  
5-A Dellwood Court  
Cockeysville, MD 21030

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**NOTICE OF ZONING 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: 99-118-A  
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111 West Chesapeake Avenue



Lawrence E. Schmidt

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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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**For Newspaper Advertising:**

Item Number or Case Number: 99-118-A

Petitioner: HAIGLEY

Address or Location: 5-A DELLWOOD CT. Cockeysville, MD. 21030

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: T. BRIEN HAIGLEY

Address: 5-A DELLWOOD CT.  
Cockeysville, MD. 21030

Telephone Number: 410 252 7907

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.: 99-118-A

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

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: A VARIANCE TO PERMIT A ~~30~~ PROPERTY LINE SETBACK OF 30 FT  
IN LIEU OF THE REQUIRED 50 FT. AND TO AMEND THE LAST APPROVED  
FINAL DEVELOPMENT PLAN FOR DELL-WOOD LOT # 7 (FOR A BUILDING-  
ADDITION TO AN EXISTING RESIDENCE)

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, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon  
FROM: R. Bruce Seeley *RBS*  
DATE: October 22, 1999  
SUBJECT: Zoning Item #118, #119, #120, #121  
842, 844, 846, 848 Hayfields Road, Hayfields

Zoning Advisory Committee Meeting of October 12, 1999

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).


Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: October 5, 1998

FROM:  Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for October 5, 1998  
Item Nos. 115, 116, 118, and 119

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File





**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor  
David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

Date: 9-25-94

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

RE: Baltimore County  
Item No. 118 JLL

Dear Ms. Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

A handwritten signature in cursive script, appearing to read 'R. J. Burns'.

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  
Fire Department

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

September 28, 1998

TO: Arnold Jablon, Director  
Permits and Development Management  
MAIL STOP-1105

FROM: LT. ROBERT P. SAUERWALD  
FIRE MARSHAL OFFICE  
MAIL STOP - 1102F, PHONE 887-4881

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF SEPT. 28, 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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 113, 114, 115, 116, 117, 118 AND 119.



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

TO: PDM

DATE: 9/23/98

FROM: R. Bruce Seeley RBS/98  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: 9/23/98

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

Item #'s: 114

115

117

118

119

99-93-57A

RBS:sp

BRUCE2/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: September 28, 1998

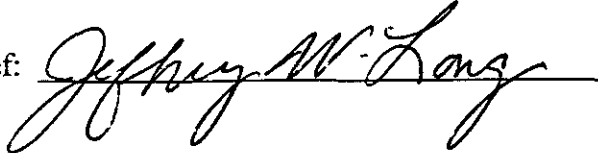
FROM: Arnold F. 'Pat' Keller, III, Director  
Office of Planning

SUBJECT: Zoning Advisory Petitions

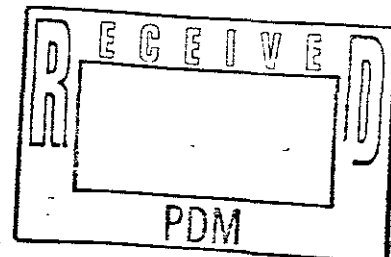
The Planning Office has no comment on the following petition (s):  
Item No (s): 113, 115, 117, 118, and 119

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



A-811-66

SCALE  
1" = 200' ±  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

GRACE CHURCH

17-E

N.W.

SHEET

LOCATION

N-64,000  
W-24,000

W-25,500

E-884,000

N-598,000

N-65,000

N-66,000

SHEET N.W. (7-D)

R.C. 5

R.C. 5

SITE

Lot 7

PROPOSED  
ADDITION

118

