IN RE: PETITION FOR VARIANCE
E/S Avondale Road, 250' N
0f Putty Hill Avenue
14<sup>th</sup> Election District
6<sup>th</sup> Councilmanic District
(8805 Avondale Road)

Shirley M. Gunderson Petitioner

- \* BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* CASE NO. 00-029-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for variance filed by the legal owner of the subject property, Shirley M. Gunderson. The variance request is for property owned by Ms. Gunderson located at 8805 Avondale Road in the Parkville area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a lot width of 50 ft. in lieu of the required 55 ft. and a sideyard setback of 7 ½ ft. in lieu of 10 ft. for a new dwelling to be constructed on this vacant lot. Furthermore, the Petitioner is requesting approval to construct a house on an undersized lot. 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 request were Shirley M. Gunderson, property owner, Lawrence and Sharon Lester, her daughter and son-in-law who intend to construct the dwelling on this vacant lot. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.41 acres, more or less, and is zoned D.R.5.5. The subject property is unimproved and has been owned by Ms. Gunderson for many years. She desires to transfer the property to her daughter and son-in-law for the purpose of their constructing a single family residential dwelling thereon. The Lesters have a disabled child and are in need of constructing a new dwelling with handicap accessible facilities. They intend to sell the house they currently reside

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in and construct a new dwelling on this vacant lot. In order to proceed with their plans, the requested variances are necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and her 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 property which is the subject of this 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 this day of September, 1999, by this Deputy Zoning Commissioner, that the Petitioner's variance request from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a lot width of 50 ft. in lieu of the required 55 ft. and a sideyard setback of 7 ½ ft. in lieu of 10 ft. for a new dwelling to be constructed on this vacant lot, and request for approval to construct a house on an undersized lot in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

### ORIGINAL KEEP IN ZONING FILE

## Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 885 At which is presently zoned

8805 Avandale R

This Petition shall be filed with the Department of Permits and 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) 1802, 3, C. I to PERMITA LOT WIDTH OF 50 FT. IN LIEU OF THE REQVIRED 55 FT AND SIDE YARD SETBACKS OF TY2 FT. IN LIEU OF 10 FEET AND FROM SECTION 304 BCZR TO APPROVE AN UNDERSIZED LOT WITH ANY OTHER VARIANCES DEEMED NECESSARY BY THE ZOWING COMMISSIONER

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Request variance to build a one level house on this Property because our claugther became disabled and our current house has three levels making it difficult for my claugther to move around safely. Shirley Gunderson, my wifes mother, has a heart condition. Building on this lot would allow my wife to assist her mother if needed.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Name - Type or Print

Signature

Address

Telephone No.

City
State

Zip Code

Attorney For Petitioner:

Figure - Type or Print

Company

Address

Telephone No.

City
State

Zip Code

Contract Purchaser/Lessee:

Case No. \_00-29-A

REV 9/15/98

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):

Name - Type or Print				
Shirley M. Gunderson				
Name - Type or Print Shirling In Gerndeness				
Signature / 8805 Avanciale Rd (410)665-4533 Address Telephone No.				
Address  Baltimore Md. 21234  City State Zip Code				
Representative to be Contacted:				
Sharon M. Lester				
9323 Shady creek Wy (410) 661-6880				
Baltimore Md. 21234				
OFFICE USE ONLY				
ESTIMATED LENGTH OF HEARING LIKE				
UNAVAILABLE FOR HEARING Date 7/23 99				

#29

# ZONING DESCRIPTION FOR - 8805 Avondale Road

Beginning at a point on the East side of Avondale Road which is 50 feet wide at the distance of 250 feet North of the centerline of the nearest improved intersecting street Putty Hill Avenue which is 60 feet wide. Being Lot #17, Block --, Section --, in the subdivision of Ridge Grove as recorded in the Baltimore County Plat Book #05, Folio#084, containing 18,200 square feet. Also known as 14th Election District, 6th Councilmanic District.

MISCELLANEOUS RECEIPT  JU ROO16150  REG  DEP  REG REG REG REG REG REG REG REG REG RE	PAID RECEIFT  PROCESS ACTUAL TIME  PROCESS ACTUAL TIME  PAID 7/25/1999 09:37:25  4505 CASHIER NOTE NES INPAER S  4505 CASHIER NOTE NES INPAER S  4500 CASHIER NOTE NES INPAER S  4500 CASHIER NOTE NES INPAER S  4500 CASHIER NOTE NOTE NOTE NOTE NOTE NOTE NOTE NOTE
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## NOTICE OF ZONING A

The Zoning Commissioner of Baltimore Gounty, by authority of the Zoning Advang Regulations of Baltimore County will hold a public hearing in Tow-son. Maryland on the property identified herein as follows:

Case: #00:029-A 6805 Avondale Road E/S Avondale Road, 250' N of Putty Hill Avenue 14th Election District 6th Councilmanic District Legal Owner(s): Shirley M. Günderson

Variance: to permit a lot width of 50 feet in lieu of the required 55 feet; to permit side yard serbacks of 7-½ feet in lieu of 10 feet; and to approve an undersized by with any other variances deemed necessary by the zonling commissioner.

essary by the zoning commissioner.

Hearing: Tuesday, September 14: 1999 at 9:00 a.m. in Room 407; County Courts Bidg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4396.

(2) For Information concern-

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3991, 8/241 August 26 C334320

### CERTIFICATE OF PUBLICATION

towson, md.,	1999
THIS IS TO CERTIFY, that the annexed advertiseme	ent was
published in THE JEFFERSONIAN, a weekly newspaper pu	blished
in Towson, Baltimore County, Md., once in each of $\frac{1}{\sqrt{1-1}}$ such	
weeks, the first publication appearing on $826$	1999
THE JEFFERSONIAN,	
3. Wilkingon	
LEGAL ADVERTISING	

#### **CERTIFICATE OF POSTING**

RE: CASE #00-029-A
PETITIONER/DEVELOPER:
(Shirley M. Gunderson)
DATE OF Hearing
(Sept. 14, 1999)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 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 8805 Avondale Road Baltimore, Maryland 21234\_\_\_\_\_\_

The sign(s) were posted on \_\_\_\_\_ 8-29-99 \_\_\_\_\_\_\_

[Month, Day, Year]

A PORT OF THE CONTROL OF THE CONTROL

Sincerely,
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)

RE: PETITION FOR VARIANCE 8805 Avondale Road, E/S Avondale Rd, 250' N of Putty Hill Ave 14th Election District, 6th Councilmanic

Legal Owner: Shirley M. Gunderson Petitioner(s)

- BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- Case No. 00-29-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

People's Counsel for Baltimore County

Peter May Timmouman

ole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

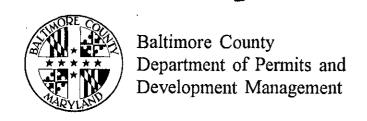
(410) 887-2188

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this \_\_\_\_\_\_ day of August, 1999 a copy of the foregoing Entry of

Appearance was mailed to Sharon M. Lester, 9323 Shadycreek Way, Baltimore, MD 21234, representative for Petitioners.

PETER MAX ZIMMERMAN



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

August 12, 1999

#### 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: 00-029-A 8805 Avondale Road E/S Avondale Road, 250' N of Putty Hill Avenue 14<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District Legal Owner: Shirley M. Gunderson

<u>Variance</u> to permit a lot width of 50 feet in lieu of the required 55 feet; to permit side yard setbacks of 7-1/2 feet in lieu of 10 feet; and to approve an undersized lot with any other variances deemed necessary by the zoning commissioner.

HEARING: Tuesday, September 14, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon Director

c: Shirley M. Gunderson, 8805 Avondale Road, Baltimore 21234 Sharon M. Lester, 9323 Shadycreek Way, Baltimore 21234

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 30, 1999.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

PATUXENT PUBLISHING COMPANY TO:

Thursday, August 26, 1999 Isue – Jeffersonian

Please forward billing to:

Lawrence G. Lester 9323 Shadycreek Way Baltimore, MD 21234

410-661-6880

#### 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: 00-029-A

8805 Avondale Road

E/S Avondale Road, 250' N of Putty Hill Avenue 14th Election District - 6th Councilmanic District

Legal Owner: Shirley M. Gunderson

Variance to permit a lot width of 50 feet in lieu of the required 55 feet; to permit side yard setbacks of 7-1/2 feet in lieu of 10 feet; and to approve an undersized lot with any other variances deemed necessary by the zoning commissioner.

**HEARING:** 

Tuesday, September 14, 1999 at 9:00 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

> (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

For Newspaper Advertising:  Item Number or Case Number:				
Item Number or Case Number:				
Petitioner: Shirley M. & Gunderson				
Address or Location: 8805 Avondale Road				
Baltimore, Maryland 21234				
PLEASE FORWARD ADVERTISING BILL TO:				
Name: Lawrence G. Lester				
Address: 9323 Shady creek Wy.				
Address: 9323 Shady creek Wy, Baltimore, Maryland 21234				
Telephone Number: (410) 661-6886				

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 16, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for August 16, 1999

Item No. 029

The Bureau of Development Plans Review has reviewed the subject zoning item. Developer must insure that the proposed sewer house connection is tied into the 8-inch gravity sewer in Avondale Road not the 12-inch force main that runs parallel to it. See record drawing #49-0880 for details.

RWB:HJO:jrb

cc: File



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

August 26, 1999

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 AUGUST 9, 1999

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:

015, 016, 017, 019, 022, 023, 024, 025, 026, 027,

028, (029) 030, 031, 032, 033, 034, 035, 036, 038,

039, 040, 043, 044,

REVIEWER: LT. HERB TAYLOR

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

cc: File

Sin

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

Date: August 11, 1999

TO: Arnold Jablon, Director

Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

**SUBJECT:** Zoning Advisory Petitions Item No. 029

The Office of Planning recommends approval of the subject undersized lot request (see attached) and any accompanying zoning relief pertaining to the subject property.

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: Jeffry W Long

AFK/JL

1 2

1.	MUTIN ZOWING CASE FILE	8/16/99 F.			
91	THE INCLUSION OF COMMENTS INTER-OFFICE CORRES	PONDE 0/10/177 1 1tm.			
1	INTO ORDER IS UP TO ZIC. RECOMMENDATION	FORM			
TO:	SPOKE TO NEFF LONG + TIM K, 8(12)99 Director, Office of Planning & Community Conservation	VI R Pennit or Case No. 00 -29-A			
10,	Attention: Jeffrey Long	V E D			
	County Courts Building, Room 406	Fire and the state of the state			
	401 Bosley Avenue Towson, MD 21204 JUL 2 6 IS	Residential Processing Fee Paid			
		(\$50.00)			
FROM:	: Arnold Jablon, Director	Accepted by VL			
	Department of Permits & Development Management OFFICE OF PL/	Date 7/23/99			
RE:	Undersized Lots				
	nt to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, thi				
	•	у ретпи.			
MINIMU	UM APPLICANT SUPPLIED INFORMATION:	21234			
	Shirley M. Gunderson 8805 Avandal	Rd. Baltimore, Nd (40)665453			
	Lot Address 8805 Avondale Rd. Election District 14	Councilmanic District 6 Square Feet 18,200			
Lot Loca	cation: NES W/side/corner of Avandale Rd., 250 (street)	feet from (NESW corner of Putty Hill Ave.			
		Tax Account Number 14-13 - 020 475			
	A-1	Telephone Number (440) 665-4533			
	LIST OF MATERIALS (to be submitted for design review by the Office of Planning a				
TO BE	BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPM	PROVIDED?			
		YES NO			
1. This R	Recommendation Form (3 copies)	<u> </u>			
2. Permi	nit Application				
3. Site P	Plan				
Prop	operty (3 copies)	<del></del>			
Торо	o Map (2 copies): available in Room 206, County Office Building - (please label site clearly)				
4. Buildi	ding Elevation Drawings	<u> </u>			
	ographs (please label all photos clearly)	$\checkmark$			
•	punding Neighborhood				
	ent Zoning Classification: DR 5, 5				
o. Ouriei	on zoning diasancation.				
	TO BE FILLED IN BY THE OFFICE OF PL	ANNING ONLY!			
RECOMM	MENDATIONS / COMMENTS:				
Approval Disapproval Approval conditioned on required modifications of the application to conform with the following recommendations					
	See affeched				
Signed by		Date: 8/11/99			
/	for the director Office of Planning and Community Conservation				

#### Attachment to Undersized Lot Request

New dwellings on undersized lots must be appropriate in the context of the neighborhood in which they are to be located (see Paragraphs 1 and 2 in Section 304.2.B of the BCZR). In this particular case, the Office of Planning recommends conditional approval subject to strict compliance with the following conditions.

- The dwelling should have 1½ stories, but a 1-story dwelling exhibiting compatible architectural design would be acceptable.
- The required off-street parking spaces should be provided in the rear yard or on a single-width driveway in a side yard. If a garage is provided, it should be a detached accessory building in the rear yard.
- A front porch large enough to serve as more than a covered entrance to the dwelling should be provided.
- The petitioner's plat does not show the 1-story addition to the petitioner's existing dwelling located on Lot 16 (8805 Avondale Road). The addition and its side setback should be shown on the plat.

The front yard depth should be the average of the front yard depths of the lots immediately adjoining on each side (i.e., 8805 and 8809 Avondale Road).

If there should be any questions, please contact Dennis Wertz at 410-887-3480.



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date:

8. 10.99

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

RE:

Baltimore County

Item No. 029

JLL

Dear. Ms Stephens:

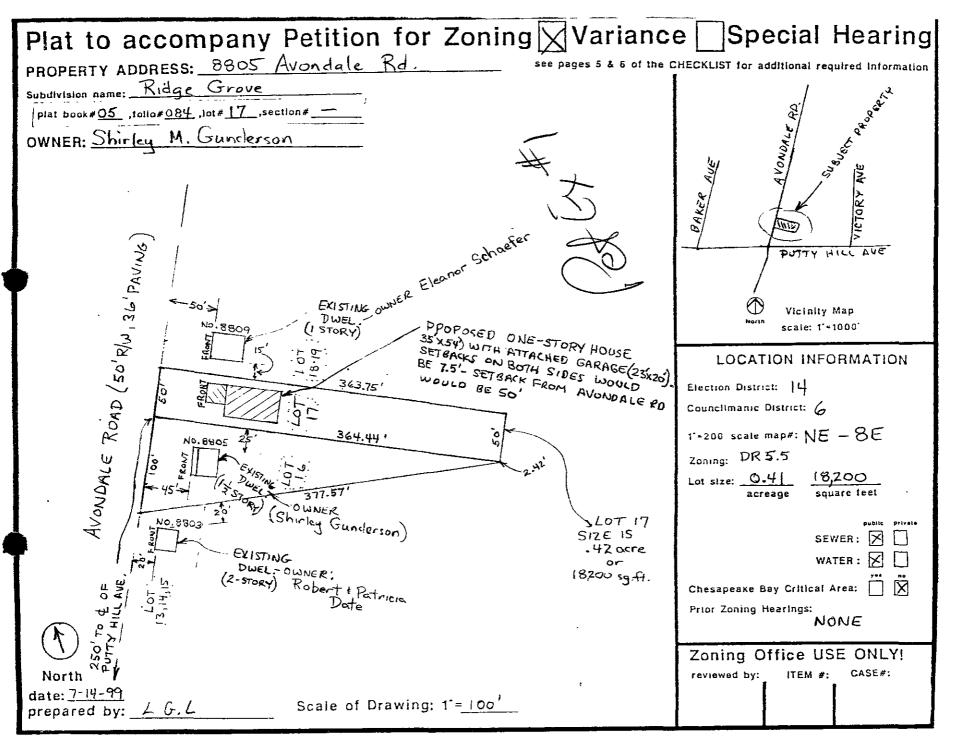
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

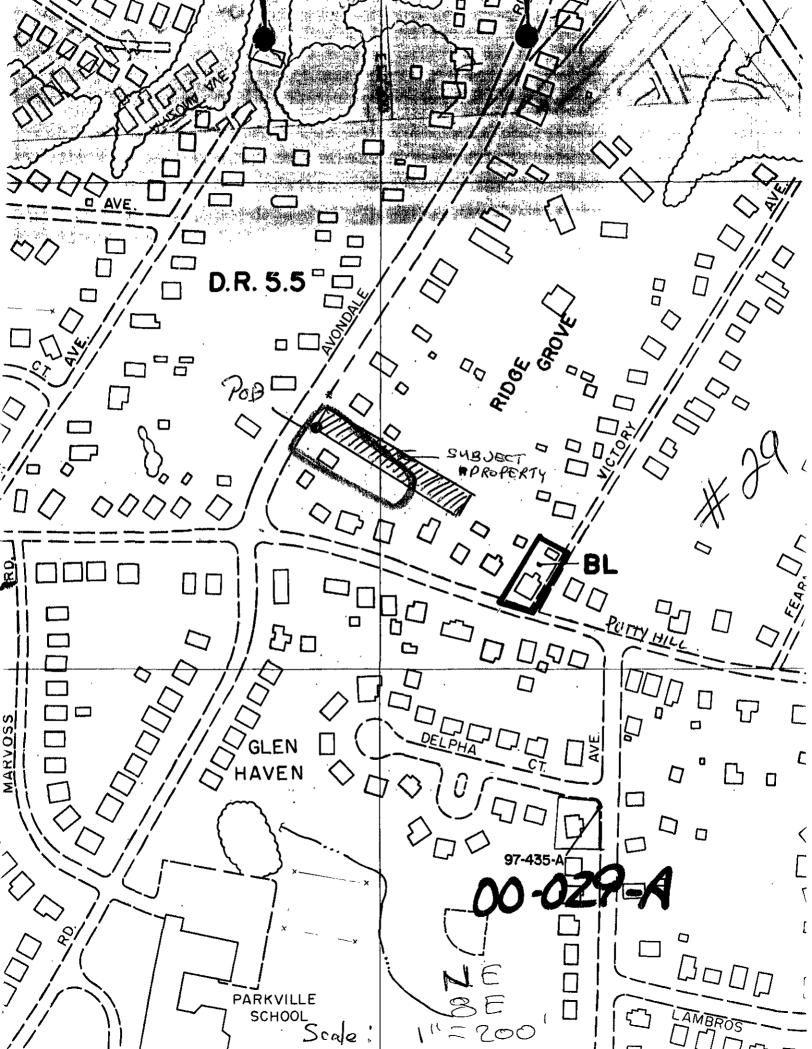
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. J. Greble 46 Michael M. Lenhart, Chief

Engineering Access Permits Division







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

Fax: 410-887-3468

September 23, 1999

Ms. Shirley M. Gunderson 8805 Avondale Road Baltimore, Maryland 21234

> Re: Petition for Variance Case No. 00-029-A

> > Property: 8805 Avondale Road

Dear Ms. Gunderson:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed 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 from 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 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

luithey lotroco

TMK:raj Enclosure

C: Ms. Sharon M. Lester 9323 Shadycreek Way Baltimore, Maryland 21234