CALLEY TROMENED FOR THING

IN RE: PETITION FOR VARIANCE S/S Townsend Road, 900' NW Centerline Mace Avenue 15th Election District 5th Councilmanic District (341 Townsend Road)

> Mark Fuchslager Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 00-155-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, Mark Fuchslager. The variance request is for property located at 341 Townsend Road located in the Essex area of Baltimore County and the property is zoned D.R.5.5. The petition for variance is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 ft. in lieu of the required 55 ft.; to permit a front yard setback of 30 ft. in lieu of the required front yard average of 40 ft.; to approve an undersized lot; and to approve any other variances deemed necessary. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence at Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the variance request were Mark Fuchslager, property owner and Vince Moskunas, professional engineer with M & H Development Engineers, Inc. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, is known as Lot No. 20 of Back River Highlands. The subject property is currently improved with a small single family residential dwelling. Mr. Fuchslager has recently purchased the subject property and is desirous of tearing down the old dwelling which has been on the property for approximately 70 years. The dwelling is very small and is in need of extensive renovation in order to be livable. Therefore, Mr. Fuchslager would like to tear down the old

THE SECTION FOR FILMS

dwelling and construct a new single family dwelling in its place. He submitted into evidence elevation drawings of the house he intends to build on the property. Furthermore, he intends to reside in the house with his family once it is completed. In order to proceed with his plans a variance request is necessary. The front yard setback variance is generated by virtue of the house that is situated adjacent to the subject property, having a street address of 339 Townsend Road. For whatever reason, that particular house is situated 87 feet off of Townsend Road thereby causing a larger than normal front yard set back requirement. All the other houses situated along Townsend Road are located approximately 30 feet from the street right-of-way. Therefore, the house that Mr. Fuchslager intends to build will be in line with all the other houses along Townsend Road, except for his adjacent neighbor. He has spoken with the neighbors around him, all of whom support him in his request to construct a house on this property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. <u>McLean v. Soley</u>, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 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

TMK:raj

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 after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this day of December, 1999, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 ft. in lieu of the required 55 ft.; to permit a front yard setback of 30 ft. in lieu of the required front yard average of 40 ft.; to approve an undersized lot; and to approve any other variances deemed necessary, 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 his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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



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

Fax: 410-887-3468

December 2, 1999

Mr. Mark Fuchslager 2118 Riverview Road Baltimore, Maryland 21221

> Re: Petition for Variance Case No. 00-155-A

Property: 341 Townsend Road

Dear Mr. Fuchslager:

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

TMK:raj Enclosure

c: Mr. Vince Moskunas
M & H Development Engineers, Inc.
200 E. Joppa Road, Room 101
Towson, Maryland 21286



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at #34 Townsend Poad

which is presently zoned D.P.5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, lega: 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.1 to permit a lot width of 50 ft. in lieu of the required 55 ft., Section 303.1 to permit a front yard set back of 30 ft. in lieu of the required front yard average of 40 ft., to approve an undersized lot per Section 304, and to approve 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) hardship or practical difficulty)

- 1. Lot size exists on recorded plat book no. 4, folio 64 dating back to 1913.
- 2. Contiguous ownership of only 100 feet width.
- Zoning allows two (2) lots for area of property.

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.

	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:	Legal Owner(s):
Name - Type or Print Signature	Name - Type or Print Name - Type or Print Signature
Address Telephone No.	Name - Type or Print
City State Zip Code Attorney For Petitioner:	Signature 2118 RIVEVVICW POAD (410)574-0008 Address Telephone No Baltimore MD 2122 State Zip Code
Name - Type or Print Signature	Representative to be Contacted: MAH DEVELOPMENT GO BEVNAACHC ENGINEERS, INC. MOSKUNAS
Company Address Telephone No.	Name 200 E. JOPPA ROAD 410-574-0008 Address ROOM 101 Telephone No. TOWSON, MD 21286
City State Zip Code	City (410)828-9060 State day Zip Code OFFICE USE ONLY
Case No. 60-155-A	UNAVAILABLE FOR HEARING Reviewed By
299) 915198	

00-155-A

ZONING DESCRIPTION FOR #341 TOWNSEND ROAD

Beginning at a point on the south side of Townsend Road which is 50 feet wide at the distance of 900 feet northwest of Mace Avenue which is 50 feet wide. Being Lot #20, Block "F" in the subdivision of "Back River Highlands" as recorded in Baltimore County Plat Book #4, folio 64, containing 20,000 S.F. Also known as #341 Townsend Road and located in the 15th. Election District, 5th. Councilmanic District.



J. Tilghman Downey, Jr.

M&H DEVELOPMENT ENGINEERS, INC. 200 E. JOPPA ROAD ROOM 101 TOWSON, MD 21286 (410)828-9060

CERTIFICATE OF PUBLICATION

TOWSON, MD, 11/12 ,01999
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 ofsuccessive
weeks, the first publication appearing on
· ·
THE JEFFERSONIAN,
J. COSCRUTS STORIES
LEGAL ADVERTISING

The Zoring Commissioner of Battimore County, by authority of the Zoring Act and Regulations of Battimore County will hold a public hearing in <u>Towson</u>, Maryland on the property identified herein as follows:

Case: #00-155-A

341 Towsend Road, 900' NW centerline Mace Ave
15th Election District - 5th Councilmanic District
Legal Owner(s): Mark Fuchslager
Variance: to permit a lot width of 50 feet in lieu of the required 55 feet, to permit a front yard setback of 30 ft. in lieu of the required front yard average of 40 ft. to approve an undersized lot and to approve any other variances deemed necessary by the Zoning Commissioner.

Hearing: Wednesday, December 1, 1999 at 9:06 a.m. in Room 467, County Counts Bidg., 481 Bosley Avenue.

LAWRENCE E SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations. Please Contact the Zoning Commissioner of Contact the Zoning Review Office at (410) 887-4385.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/11/675 Nov 9

LTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 07	3222	PAID RECEIPT
DATE 10/18/99 ACCOUNT	RODI-6153	Des	47 003
	50.00		eter # 102723 10. 073222 Peret Tot. 24 100.00 CK
RECEIVED FULL Slaget			Baltimore County
	ng Varione dersized le		
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUS	TOMER Itom	# 155	CAS.

CERTIFICATE OF POSTING

RE: CASE # 00-155-A
PETITIONER/DEVELOPER
(Mark Fuchslager)
DATE OF Hearing
(Dec. 1, 1999)

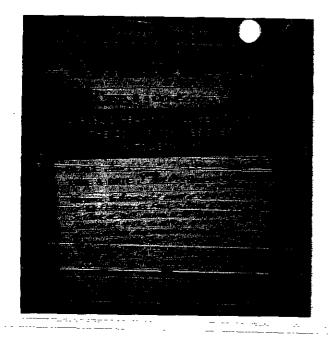
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

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 341 Townsend Road Baltimore, Maryland 21221__

The sign(s) were posted on	11-15-99
,	(Month, Day, Year)



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

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:
Address or Location: #341 Townsund Pond.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Mark Fuchslager Address: 2118 Riverview Poad
Baltman, MO 21221 Telephone Number: 410 574-0008

RE: PETITION FOR VARIANCE 341 Townsend Road, S/S Townsend Rd, 900' NW c/I Mace Ave 15th Election District, 5th Councilmanic

Legal Owner: Mark Fuchslager Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- Case No. 00-155-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

e S. Domilio

Mary Zimmeiman

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 9th day of November, 1999 a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunas, M & H Development Eng., Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioners.

PETER MAX ZIMMERMAN

TO: PATUXENT PUBLISHING COMPANY
November 9, 1999 Issue - Jeffersonian

Please forward billing to:

Mr. Mark Fuchslager 2118 Riverview Road Baltimore, MD 21221 410-574-0008

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: 00-155-A
341 Towsend Road
S/S Towsend Road, 900' NW centerline Mace Avenue
15th Election District - 5th Councilmanic District
Legal Owner(s): Mark Fuchslager

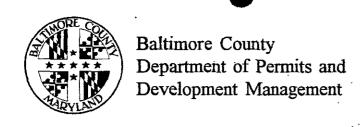
<u>VARIANCE</u>: to permit a lot width of 50 feet in lieu of the required 55 feet; to permit a front yard setback of 30 ft. in lieu of the required front yard average of 40 ft.; to approve an undersized lot and to approve any other variances deemed necessary by the Zoning Commissioner.

HEARING: WEDNESDAY, DECEMBER 1, 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 ACCOMMODATIONS 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.



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

Fax: 410-887-5708

November 3, 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: 00-155-A

341 Towsend Road

S/S Towsend Road, 900' NW centerline Mace Avenue 15th Election District - 5th Councilmanic District

Legal Owner(s): Mark Fuchslager

<u>VARIANCE:</u> to permit a lot width of 50 feet in lieu of the required 55 feet; to permit a front yard setback of 30 ft. in lieu of the required front yard average of 40 ft.; to approve an undersized lot and to approve any other variances deemed necessary by the Zoning Commissioner.

HEARING: WEDNESDAY, DECEMBER 1, 1999 at 9:00 A.M. IN ROOM 407 COUNTY COURTS BUILDING, 401 BOSLEY AVENUE.

Arnold Jablon Director

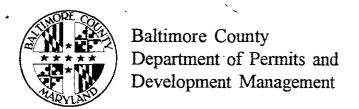
cc:

Mark Fuchslager
M & H Development

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY NOVEMBER 16, 1999.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT 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.



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

November 30, 1999

Ms. Bernadette Moskunas M & H Development Engineers, Inc. 200 E. Joppa Road, Rm 101 Towson, MD 21286

Dear Ms. Moskunas:

RE: 00-155-A, 341 Townsend Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 10/18/99.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor

Zoning Review

WCR:rsi

Enclosures

c: Mark Fuchslager



Census 2000



For You, For Baltimore County



Census 2000



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: November 16, 1999

Department of Permits & Development

Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for November 8, 1999 Item Nos. 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166,

167, 168, 169 & 170

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comment.

RWB:HJO:cab

cc: File

ZAC11089.NOC

Sem 12/1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

5

Date: November 12, 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

The Office of Planning has no comment on the following petition(s):

Item No(s): 155, 156, 160, and 179

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

RECOMMENDATION FORM lanning & Community Conservat TO: Director, Office of Permit Number Attn: Ervin McDaniel County Courts Bldg, Rm 406 Case # 00-155-A 401 Bosiev Av Towson, MD 21204 Arnold Jablon, Director, Department of Permits & Development Management FROM: **Undersized Lots** RE: 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 & Community Conservation prior to this office's approval of a dwelling permit. MINIMUM APPLICANT SUPPLIED INFORMATION: Room LOI Tankon 200 E JUDGA Pd. 20,000SF Council District **Election District** feet from II E S W corner of-Lot Location: NESW/side/corner of 1507581340 Land Owner Lillian Viola Gniffin Tax Account Mumbe Montrose Ave 410 828-9060 CHECKLIST OF MATERIALS: to be submitted for design review by the Office of Planning & Community Conservation PROVEDED? Residential Processing Fee Paid Codes 030 & 080 (\$85) 1. This Recommendation Form (3 copies) 2. Permit Application 3. Site Plan Property (3 copies) Topo Map (eveilable in Rm 206 C.O.B.) (2 copies) (please tobal site clearly) 4. Building Elevation Drawings 5. Phatographs (please label all photos clearly) Adjoining Buildings Surrounding Neighborhood TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMINITY CONSERVATION ONLY!! RECOMMENDATIONS/COMMENTS: Approval conditioned on required modifications of the permit to conform with the following Disaperevei Azerevei recommendations:

by the Darwins. Office of Planning & Community Conservation

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2 DEPARTMENT OF PERMITS & DEVELOPMENT ANAGEMENT

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted for filing by on
A sign indicating the proposed Building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00 and posting \$35.00; total \$85.00.
In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.
*SUGGESTED POSTING DATE D (15 Days Before C)
DATE POSTED
HEARING REQUESTED-YESNODATE
CLOSING DAY (LAST DAY FOR HEARING DEMAND) C (B-3 Work Days)
TENTATIVE DECISION DATE B (A + 30 Days)
*Usually within 15 days of filing
CERTIFICATE OF POSTING
District
Location of property:
Posted by: Date of Posting:
Number of Signs:

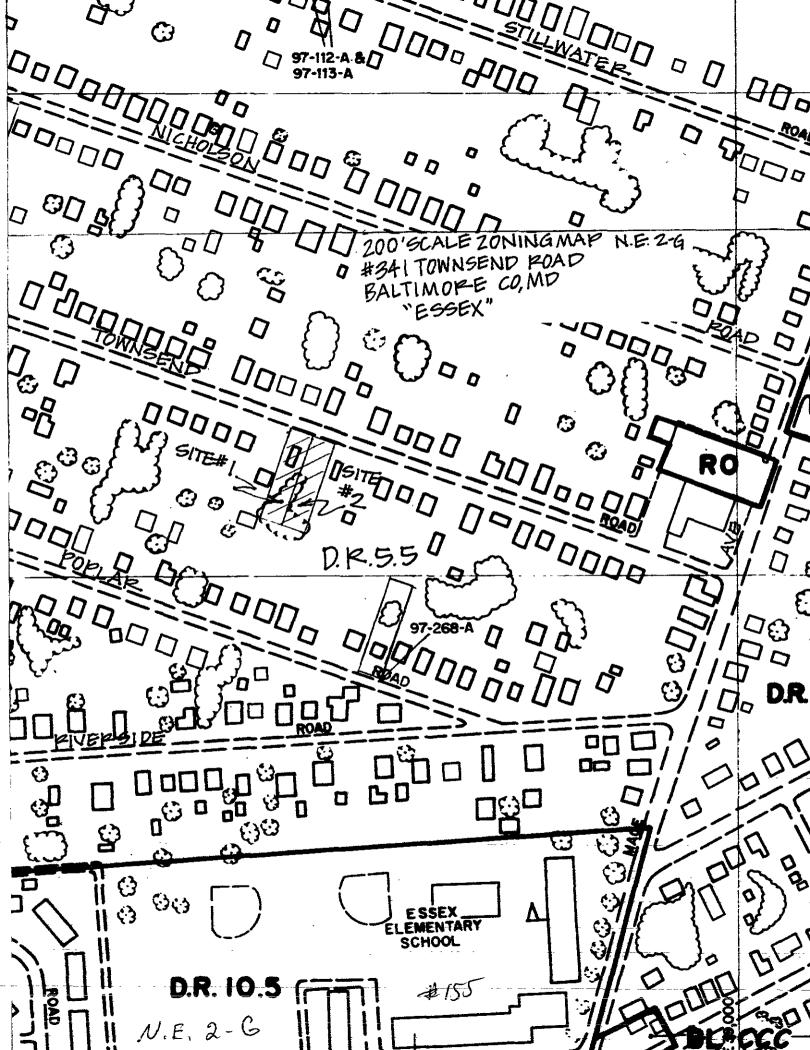






#341 TOWNSUND FORD 00-155-A

#155





TOPOGRAPHY MAP SCALE: 1"=200' #341 Townsund Poad Vndwsiù lot application

00·155-A

M&H DEVELOPMENT ENGINEERS, INC. 200 E. JOPPA ROAD ROOM 101 TOWSON, MD 21286 (410)828-9060

#155

SAVANNAH AND
PLAN TO ACCOMPANY APPLICATION
FOR UNDERSIZE LOT FOR
SITE #1: #341 TOWNSEND ROAD
LOT 20, BLOCK "F"
SITE #2: #343 TOWNSEND ROAD
LOT 19, BLOCK "F"

"BACK RIVER HIGHLANDS" (4/64)
ELECTION DISTRICT NO. 15
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30"
JOB NO. 99-8259 DET. EX. 1 OCTOBER 4, 1999 38 01 10, 4, 10, 10, TAX MAP. 97 GRID: 1 PARCEL: 3 DEED REFERENCE: OLD DEED REF. TAX ACCT. Nº: 1507581340 S. 850' NORTHWEST 8525000007 HIIWS NAMAY ELBERT WAYNE & ALICE FAPMED 248# 420-9089 824/6089 092008809 02L099809! DAVID MELVIN & LEUA A. HUBER ATTOM PIPPLE 048# 517E #2 9L1/LS811 0211022051 ZI38 Hd3500 8EE # 20 684/1099 0875598051 FINER JENNINGS TOWNSEND SLZ/IELZI 0000526091 FERDINAND J. ILLIAN JE. OLE-LUIL 0860918291 DOOM ALGOID & ONOWYAS

B-1551-B



