IN RE: PETITION FOR VARIANCE
W/S Powers Road, 100' N
of Sherwood Road
8th Election District
3rd Councilmanic District
(10802 Powers Road)

Schelly William Taylor Petitioner * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 00-365-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, Schelly William Taylor. The Petitioner is requesting a variance for property located at 10802 Powers Road in the Cockeysville area of Baltimore County. The property is zoned D.R.2. 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 55 ft. in lieu of the required 100 ft. and a sum of the side yards of 25 ft. in lieu of 40 ft. and to approve an undersized lot pursuant to Section 304 of the Baltimore County Zoning Regulations.

Appearing at the hearing on behalf of the variance request was Schelly William Taylor, owner of the property. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.28 acres, more or less, zoned D.R.2. The subject property is unimproved at this time. Mr. Taylor is desirous of constructing a single family dwelling on this property. He testified that he inherited the property approximately 6 years ago. The subject property has been in his family for over 100 years and was last owned by his great grandmother. The house wherein his great grandmother and grandfather use to reside caught fire and was burned down. It

CALLES CONTRACTOR PORT FILLING

HALLE MARKED FOR FILING

was not rebuilt. Mr. Taylor, as heir to the property, now wishes to construct a single family dwelling on the property for himself and his family.

The Petitioner's request to build a home on the subject property was submitted to the Office of Planning and they have recommended that the variance request be approved by letter dated March 28, 2000.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and their property. McLean v. Soley, 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,
- 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 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 April, 2000, 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 approve a lot width of 55 ft. in lieu of the required 100 ft. and a sum of the side yards of 25 ft. in lieu of 40 ft. and to approve an undersized lot pursuant to Section 304 of the Baltimore County Zoning Regulations, 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

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386 Fax: 410-887-3468

April 25, 2000

Mr. Schelly William Taylor 118 West Jeffrey Street Baltimore, Maryland 21225

> Re: Petition for Variance Case No. 00-365-A

> > Property: 10802 Powers Road

Dear Mr. Taylor:

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 Department of Permits and Development Management. 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

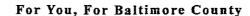
Deputy Zoning Commissioner

buthy Kotroco

TMK:raj Enclosure













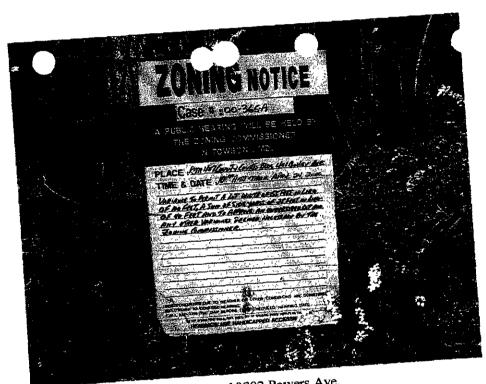
Petition for Wariance

to the Zoning Commissioner of Baltimore County for the property located at 10802 Powers Rd Cockers Ville

		which is presently zone	d <u>DR -</u>	2
Twe have to build with which would make it	imore County and which a Variance from Section FT. In Clear of OF LOTT, And PRINCIPLE ASN'S OF LISS COUNTY, to the zoning County, to the zoning Land on either In the current too small for our	in is described in the description on(s) 1802.3 C.1. (cum F 100 FT) A Sumo of The Propose AN Under County, for the law of Baltimore County, for the mily for over ahandred side of the current zoning, the home would family.	F Super LANDERSUT LANDERSUT LANDERSUT LANDERSUT LANDERSUT Following re and thinky Land.	ACTED TO A TO
Property is to be posted and advertised I, or we, agree to pay expenses of above vegulations and restrictions of Baltimore Co	Variance, advertising, pos	sting, etc. and further agree to and o the zoning law for Baltimore Cour	nty.	
		I/We do solemnly declare and perjury, that I/we are the legal is the subject of this Petition.	affirm, under to owner(s) of the	he penalties of e property which
Contract Purchaser/Lessee:		Legal Owner(s):		
		Schelly William	m Taylo	/
Name - Type or Print		Name - Type or Print Schelly Willia: Signature Signature	7	
Signature		Signature W Sayles		
Address	Telephone No.	Name - Type or Print		
City State	Zip Code	Signature		
Attorney For Petitioner:		118 West Jeffrey Address Baltimore	Strect	MIO 789 5064
	•	Aridress /	MJ	2.12 7 K
Name - Type or Print		City	State	Zip Code
		Representative to be C	ontacted:	
Signature				
Company		Name		
Address	Telephone No.	Address		Telephone No.
City State	Zip Code	City	State	Zip Coae
-	-	OFFICE U	ISE ONLY	
	• •	ESTIMATED LENGTH C	F HEARING	
Case No. 00-365.4	_	UNAVAILABLE FOR HE		
		Reviewed By	Date	03-09-00
REU 915198				

Zoning Description for 10802 Powers Rd.

Beginning at a point on the west side of Powers Rd., 100 ft. north of Sherwood Rd, thence running north-east for 60 ft. thence west 235.12ft thence south west 47.97 thence east 230 ft. to the point of beginning; containing 0.28 acre and located in the 8th Election District.



Posted at 10802 Powers Ave.

The Zonard Columns some of Basiner Column, the authority of the Zoning Act, and Regulations of Battimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #00-365-A
10802 Powers Road
W/S Powers Road, 100' N of Sherwood Road
W/S Powers Road

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.
4/020 Apr. 6. C381856

CERTIFICATE OF PUBLICATION

TOWSON, MD,	41	, 20
THIS IS TO CERTIFY, that the	annexed adver	tisement was
published in THE JEFFERSONIAN, a w	eekly newspape	er published in
Towson, Baltimore County, Md., once in 6	each of	successive
weeks, the first publication appearing on	46	, 20 <u>00</u>
J. Wu	EFFERSONI LUNST	IAN,



CERTIFICATE OF POSTING

RE: CASE # 00-365-A
PETITIONER/DEVELOPER
(Schelly William Taylor)
DATE OF Hearing
(4-24-00)

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 SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

10802 Powers Ave. Baltimore, Maryland 21030		
THE SIGN(S) WERE POSTED ON	4-7-00	
	(MONTH, DAY,YEAR)	
	SINCERELY,	
	Ohomo? Oglef 4/1/00	
	(SIGNATURE OF SIGN PÓSTER & DATE)	
	THOMAS P. OGLE SR	
	325 NICHOLSON ROAD	
	BALTIMORE, MARYLAND 21221	
	410-687-8405	
	(TELEPHONE NUMBER)	





RE: PETITION FOR VARIANCE 10802 Powers Road, W/S Powers Rd, 100' N of Sherwood Rd 8th Election District, 3rd Councilmanic

Legal Owner: Schelly William Taylor Petitioner(s) * BEFORE THE

- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 00-365-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

eter Max Timneinan

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 14th day of March, 2000 a copy of the foregoing Entry of Appearance was mailed to Schelly William Taylor, 118 W. Jeffrey Street, Baltimore, MD 21225, Petitioner.

PETER MAX ZIMMERMAN



Baltimore County Department of Permits and Development Management

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

Fax: 410-887-5708

March 27, 2000

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: 00-365-A 10802 Powers Road W/S Powers Road, 100' N of Sherwood Road 8th Election District – 3rd Councilmanic District Legal Owner: Schelly William Taylor

Variance to permit a lot width of 55 feet in lieu of 100 feet, a sum of side yards of 25 feet in lieu of 40 feet, and to approve an undersized lot and any other variances deemed necessary by the Zoning Commissioner.

Monday, April 24, 2000 at 10:00 a.m. in Room 407, County Courts **HEARING:** Building, 401 Bosley Avenue

Arnold Jablon Director

Schelly Taylor, 118 W. Jeffrey Street, Baltimore 21225 👙 C:

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY APRIL 9, 2000.

- (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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, April 6, 2000 Issue – Jeffersonian

Please forward billing to:

Schelly W. Taylor 118 West Jeffrey Street

Baltimore, MD

410-789-5064

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: 00-365-A

10802 Powers Road

W/S Powers Road, 100' N of Sherwood Road 8th Election District – 3rd Councilmanic District

Legal Owner: Schelly William Taylor

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Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(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.

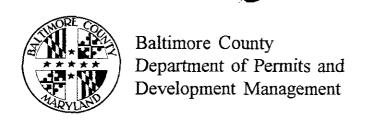
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:			
Item Number or Case Number: 00 - 365 - A			
Petitioner: Scholy W Taylor			
Address or Location: 10802 Powers Road Cockeys ville Md			
PLEASE FORWARD ADVERTISING BILL TO:			
Name: Schelly W Taylor			
Address: 118 west Jeffrey 5t			
Address: 118 west Jeffrey 5t Baltimore Md.			
Telephone Number: 410 789 5064			

Revised 2/20/98 - SCJ

00-365.7

	prepared by: Scale of Drawing: 1"=
Zoning Office USE ONLY! reviewed by: ITEM #: CASE#:	North
Chesapeaxe Bay Critical Area: [_] [_] Prior Zoning Hearings:	
SEWER:	,
Lot size: acreage square feet	
1"=200' scale map#:	
Election District. Councilmanic District:	
LOCATION INFORMATION	
North Scale: 1"=1000"	
	·
	Subdivision name:, lot#, section#
& 6 of the CHECKLIST for additional required informatic	ADDRESS: see pages 5
e Special Hearin	Plat to accompany Petition for Zoning Variance



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

April 21, 2000

Mr. Schelly William Taylor 118 West Jeffrey Street Baltimore MD 21225

Dear Mr. Taylor:

RE: Case Number 00-365-A, 10802 Powers Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 9, 2000.

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 Řichards, Jr Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures



Printed with Soubeau lok

on Recycled Paper







BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 21, 2000

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 27, 2000 Item No. 365

The Bureau of Development Plans Review has reviewed the subject zoning item. Powers Avenue is an existing road which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

Public water and sewer must be extended from Sherwood Road up Powers Avenue to the southern property line of your site.

RWB:HJO:jrb

cc: File



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

March 21, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MARCH 20, 2000

Item No.: 362, 364, 365) 366, 367, 368, 369

Dear Ms. Stephens:

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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS AT THIS TIME.

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

10:	Arnold Jabion
FROM:	R. Bruce Seeley Mif
DATE:	March 22, 2000
SUBJECT:	Zoning Item #365 10802 Powers Road
Zoning	g Advisory Committee Meeting of March 20, 2000
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
an exte	epartment of Environmental Protection and Resource Management requests ension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.
	epartment of Environmental Protection and Resource Management offers lowing 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).
X	<u>Groundwater Management:</u> Soil evaluation tests must be conducted and a septic reserve area must be designated. This property must be served by public water.

Reviewer: Sue Farinetti Date: March 23, 2000

Jun 4/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

APR - A

Date: March 30, 2000

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):

ffry W. Long

Item No(s): 365

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



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

Date: 3.22.00

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

RE: Baltimore County

Item No. 365

JRA

Dear, Ms. Jackson:

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.ind.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

f. J. Doll

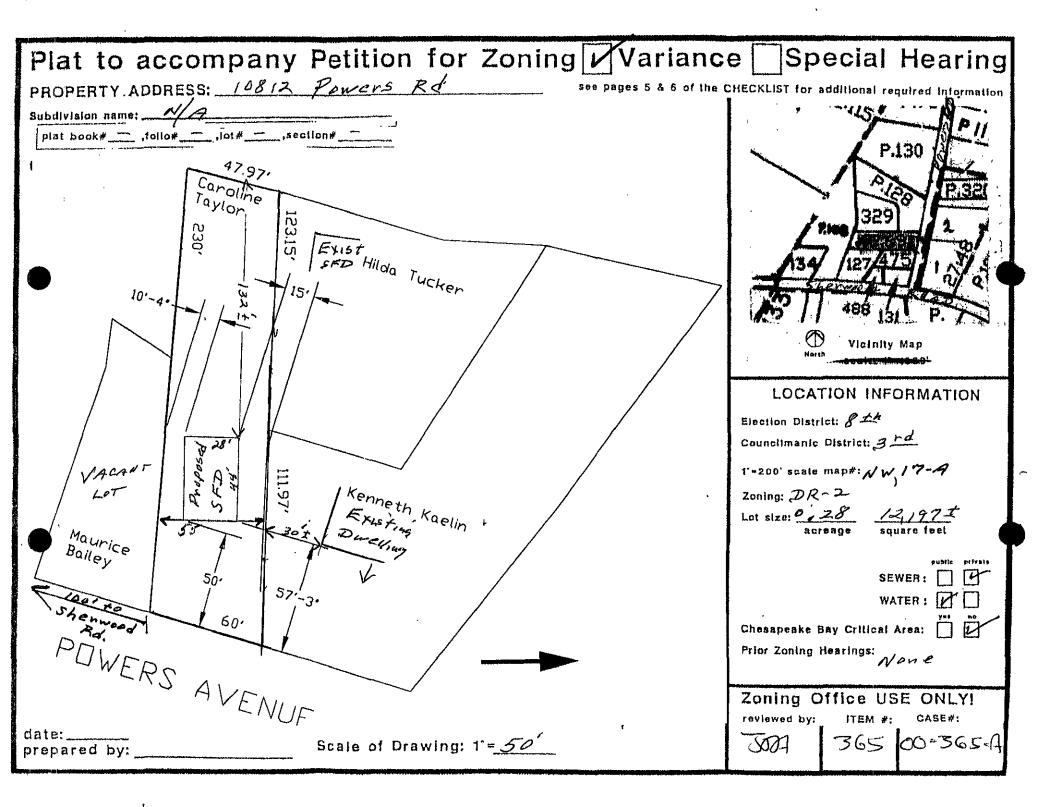
INTER-OFFICE CORRESPONDENCE RECOMMENDATION FORM

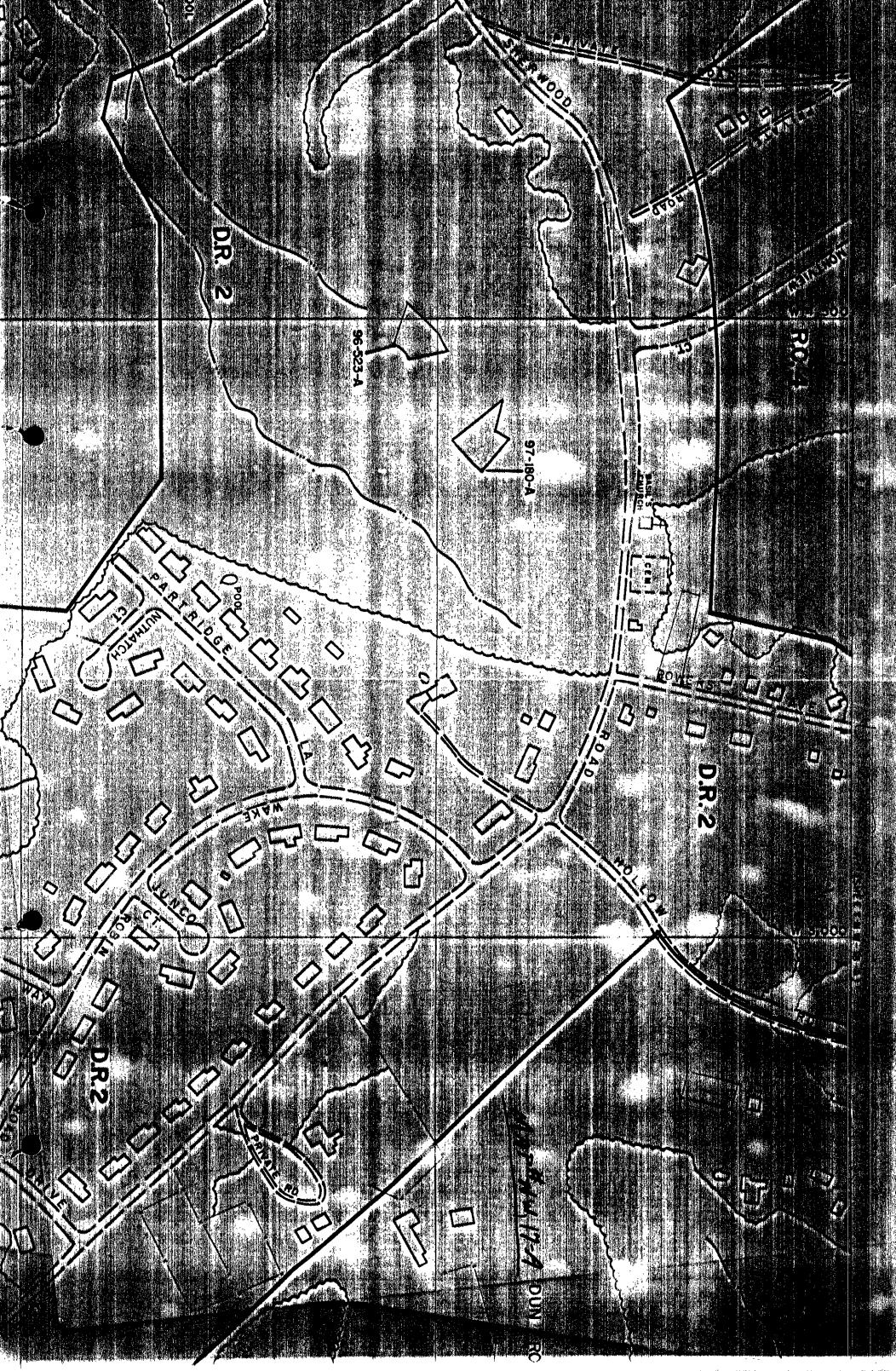
го:	Director, Office of Planning & Community Conservation	Permit or Case No.
· .	Attention: Jeffrey Long County Courts Building, Room 406 401 Bosley Avenue	Posidential Processing Fee Paid
FROM:	Arnold Jablon, Director Department of Permits & Development Management	Accepted by Date
RE:	Undersized Lots	
Pursuant he Office	to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 19 e of Planning and Community Conservation pnor to this office's approval of a d	392, this office is requesting recommendations and comments from iwelling permit.
UMININ	M APPLICANT SUPPLIED INFORMATION:	
	Schelly W. Taylor 118 W. Jeffrey Print Name of Applicant Address	
	Lot Address 10802 POWERS Rd Election Distri	317.
Lot Loca	ation: NES W/side corner of POWRCS RA (street)	
Land Ov		Tax Account Number <u>0804 000351</u>
Address	s: 118 W. Jeffrey St. Balt. more m	7d Telephone Number (4/0) 789-5044
CHECKL	3103 IST OF MATERIALS (to be submitted for design review by the Office of Plan	nning and Community Conservation)
TO BE	E FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVE	FROVIDED?
1. This F	Recommendation Form (3 copies)	YES NO
2. Permi	it Application Penduce Hear	ALING.
3. Site P	Plan perty (3 copies)	<u> </u>
	o Map (2 copies). available in Room 206, County Office Building - (please label site clearly	n <u> </u>
4. Buildi	ing Elevation Drawings	
	ographs (please label all photos clearly) ning Buildings	
Surrou	unding Neighborhood	<u> </u>
6. Curre	ent Zoning Classification: DR-7.	
	TO BE FILLED IN BY THE OFFICE	OF PLANNING ONLY!
RECOMN	MENDATIONS / COMMENTS:	
X	Approval Disapproval Approval conditioned on required modifications and approval conditioned on required modifications.	lifications of the application to conform with the following recommendations:
1	MARIE TO TOTAL	
Signed by	y: for the Director Office of Planning and Community Conservation	Date: 4/14/00

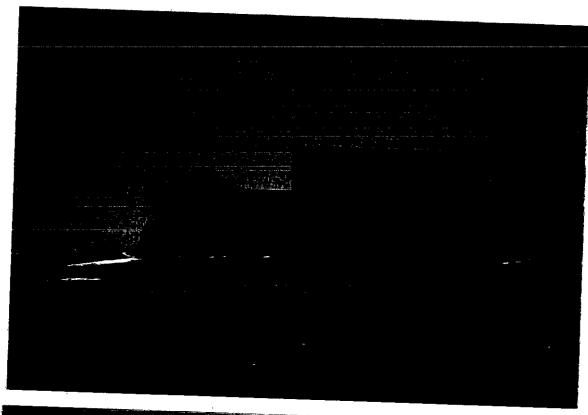
Revised 2/25/99

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

U.S.L. 00-365-A

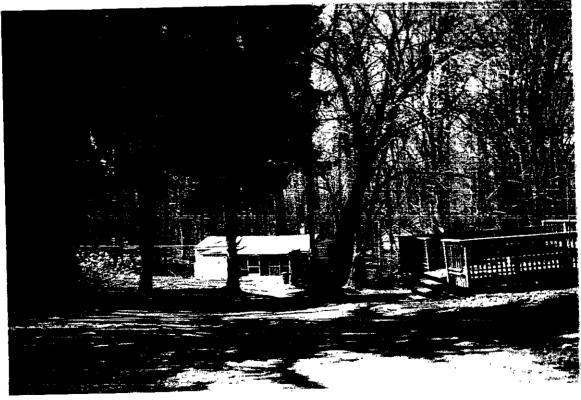






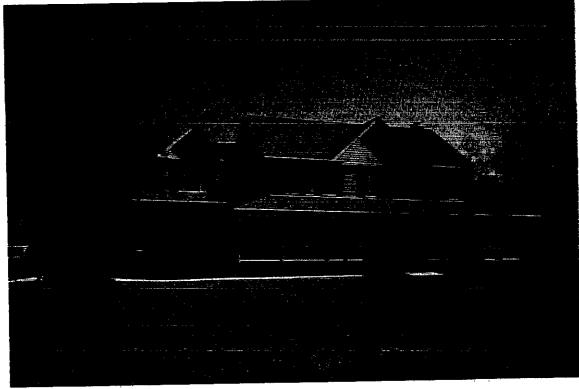


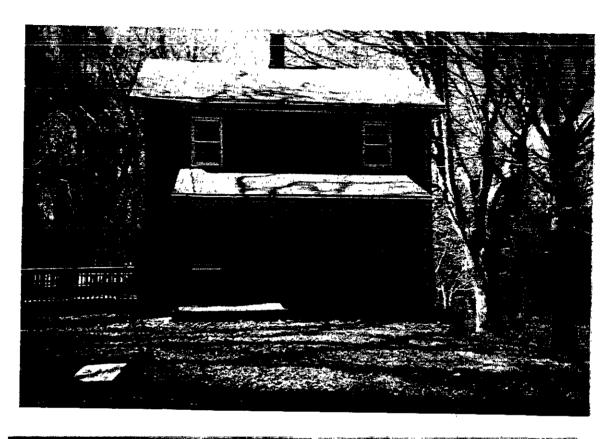




00-365-A













00-365-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
DUGTOCRAPAPITO NAD

N.W. 17-A

COCKEY

PREPARED BY AIR PHOTOGRAPHICS, IN MARTINSBURG, W.V. 25401