IN RE: PETITION FOR VARIANCE
E/S Nob Hill Park Drive, 390' N
centerline of Maryland Rte. 140
4th Election District
3rd Councilmanic District
(9A Nob Hill park Drive)

Sue G. Wright, Legal Owner and John & Josephine Doller, Contract Purchasers Petitioners * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 01-135-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, Sue Wright and the contract purchasers, John and Josephine Doller. The Petitioners are requesting a variance for property located at 9A Nob Park Drive. The variance request is from Section 202.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1955 B.C.Z.R.), to permit a front yard setback of 21 ft. in lieu of the required 50 ft. for a proposed dwelling.

Appearing at the hearing on behalf of the variance request were Sue Wright, owner of the property, John Doller, contract purchaser and Linda Langrall, a nearby neighbor. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1.744 acres, more or less, and is zoned RC 4. The subject property is unimproved at this time. The owner of the property is interested in selling this vacant lot to the contract purchaser for the purpose of constructing a single family dwelling thereon. Mr. & Mrs. Doller intend to use the house as their primary residence. Ms. Wright indicated that she has owned this lot for the past 30 years and is now desirous of selling it to Mr. Doller. In order to proceed with the construction of a home in the location shown on Petitioners' Exhibit No. 1, the

site plan submitted, the variance request is necessary. The variance is generated by virtue of some steep slopes, a septic reserve area and a stream that is situated on the property. The Petitioners have situated the house in the only feasible building area on the lot.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners 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 Petitioners seek 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 Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this day of October, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 202.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) (1955 B.C.Z.R.), to permit a front yard setback of 21 ft. in lieu of the required 50 ft. for a proposed dwelling, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCC

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9 A NOB PARK DR which is presently zoned RC

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) 202.2 (1955 BCZR)

TO PERMIT A 21 FT. FRONT YARD SETBACK IN LIEUCIF THE REQUIRED

50 FT. (FOR A PROPOSED DWELLING)

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

1 Forest & stream buffers

(2) Existing Well & Septic circus

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

Address

John & Juse	hine Juller	
Name - Type or Print M/MM Signature	hine Juller siphine R a	Deller
	410	
Address ICEISterstown		Telephone No.
City	State	Zip Code
Attorney For Petition	<u>er:</u>	
Name - Type or Print		
Signature		and the state of t
Company		
Address'	-	Telephone No.
A COLOR	State	Zip Code
ELE!		
Case No. 0/ /3	5 A	
280 9115198		

Contract Purchaser/Lessee:

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):	
SUE G. WRIGHT	
Name - Type or Print Signature Name - Type or Print Signature	
Signature	
Name - Type or Print	
Signature	
Signature	
Address Telephone No	
BEL AIR MD 21015	
City State Zip Code	
Representative to be Contacted:	
LINDA A. LANGRALL	

OFFICE USE ONLY ESTIMATED LENGTH OF HEARING _ UNAVAILABLE FOR HEARING Date

ZONING DESCRIPTION FOR <u>9A Not</u>	Hill Park Drive
Beginning at a point on theeast (north, south, east	
(norm, soum, e	ast of west)
Nob Hill Park Drive	which is 30 PAULUC- (number of feet of right-of-way width)
(name of street on which property fronts)	(number of feet of right-of-way width)
wide at the distance of 390+/- (number of feet)	north of the
(number of feet)	(north, south, east or west)
which is (number of feet of right-of-way widt. Block B Section in the subditional subditional state of the nearest improved intersecting the subditional state of the nearest improved intersecting the section	(name of street)wide. *Being Lot #5
	(name of subdivision)
as recorded in Baltimore County Plat Book # containing Also known :	23, Folio #147 as9A Nob Hill Park Drive
(square feet or acres)	(property address)
and located in the 4th Election District, 3r	d Councilmanic District.

BALTIMORE COUNTY, M OFFICE OF BUDGET & FINAN MISCELLANEOUS RECEI	CE 1, 130 No.	ANTO COM THE
DATE 1/22/00	_ ACCOUNT	THE REPORT OF THE PARTY OF THE
•	AMOUNT \$ 50.00	THE PERMITTER SERVICES
FROM: DOLLER	<u>· </u>	Bellione Control North
FOR: RV:		- 01-135A

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CERTIFICATE OF POSTING

RE: CASE # 01-135-A
PETITIONER/DEVELOPER
(Josephine Doller)
DATE OF Hearing
(10-25-00)

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

9A Nob Hill Park Drive Baltimore, Ma	aryland 21136
THE SIGN(S) WERE POSTED ON	10-10-00(MONTH, DAY,YEAR)
	SINCERELY,
	(SIGNATURE OF SIGN POSTER & DATE)
•	THOMAS P. OGLE SR
	325 NICHOLSON ROAD
	BALTIMORE, MARYLAND 21221
	410-687-8405

(TELEPHONE NUMBER)

NOTICE OF ZOMING

The Zoning Commissioner of Battimore County, by 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: #01-135-A
9A Nob Hill Park Drive
E/S Nob Hill Park Drive, 390
feet N of MD Route 140
4th Election District
3rd Councilmanic District
Legal Owner. Sue G. Wright
Contract Purchaser: Josesphing & John Doller
Variances to permit a 21foot front yard setback in
lieu of the required 50 feet
(for a proposed dwelling).
Hearing: Wednesday, October 25, 2006 at 2:00
p.m. in Room 407, County
Courts Boilding, 401 Besley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Battimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4336.

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

JT/10/665 Oct., 10: C425771

CERTIFICATE OF PUBLICATION

TOWSON, MD, 1013 , 20∞
THIS IS TO CERTIFY, that the annexed advertisement was
oublished in THE JEFFERSONIAN, a weekly newspaper published in
Towson, Baltimore County, Md., once in each ofsuccessive
weeks, the first publication appearing on 1010, 2000.
THE JEFFERSONIAN,
J. Walley
LEGAL ADVERTISING





RE: PETITION FOR VARIANCE
9-A Nob Park Drive, E/S Nob Park Dr,
390' N of Route 140
4th Election District, 3rd Councilmania

4th Election District, 3rd Councilmanic

Legal Owner: Sue G. Wright

Contract Purchasers: John & Josephine Doller

Petitioner(s)

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

Case No. 01-135-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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

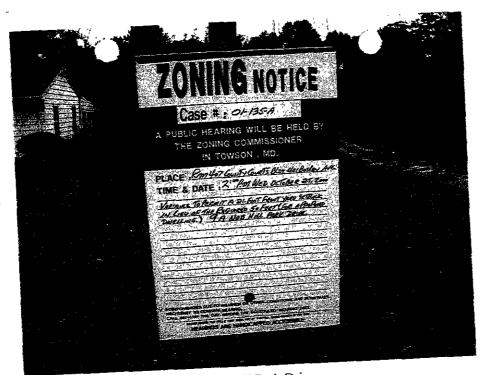
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

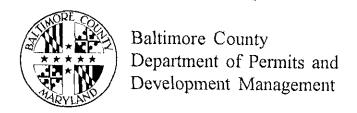
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of October, 2000 a copy of the foregoing Entry of Appearance was mailed to Linda Langrall, 616 Main Street, Reisterstown, MD 21136, representative for Petitioners.

Peter Max Zimmernan PETER MAX ZIMMERMAN



9a Nob Hill Park Drive



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

Fax: 410-887-5708

September 28, 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: 01-135-A

9A Nob Park Drive

E/S Nob Park Drive, 390 feet N of MD Route 140 4th Election District – 3rd Councilmanic District

Legal Owner: Sue G. Wright

Contract Purchaser: Josephine & John Doller

<u>Variance</u> to permit a 21-foot front yard setback in lieu of the required 50 feet (for a proposed dwelling).

HEARING: Wednesday, October 25, 2000, at 2:00 p.m. in Room 407, County Courts

Building, 410 Bosley Avenue

Arnold Jablon Director

C: Linda A. Langrall, 616 Main Street, Reisterstown 21136 Josephine & John Doller, 415 Dyer Avenue, Reisterstown 21136 Sue G. Wright 1004 E. Wheel Road, BelAir 21015

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY OCTOBER 10, 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
Tuesday, October 10, 2000 Issue – Jeffersonian

Please forward billing to:
John & Josephine Doller
415 Dyer Avenue
Reisterstown, MD 21136

410 526-6596

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:

Called Patrixent to have street address correctly

CASE NUMBER: 01-135-A

9A Nob Park Drive NOB HILL PARK DRIVE E/S Nob Park Drive, 390 feet N of MD Route 140 4th Election District – 3rd Councilmanic District

Legal Owner: Sue G. Wright

Contract Purchaser: Josephine & John Doller

<u>Variance</u> to permit a 21-foot front yard setback in lieu of the required 50 feet (for a proposed dwelling).

HEARING: Wednesday, October 25, 2000, at 2:00 p.m. in Room 407, County Courts Building, 410 Bosley Avenue

Lawrence E. Schmidt

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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

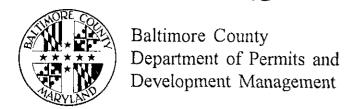
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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: 01-135-A
Petitioner: SUE G, WRIGHT
Address or Location: 9 A NOB HILL PARK DRIVE
PLEASE FORWARD ADVERTISING BILL TO:
Name: JOHN AND VOSEPHINE DOLLER.
Address: 415 DVER AVE,
REISTERSTOWN, MD. 21236
Telephone Number: 410 526 6596

Revised 2/20/98 - SCJ



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

October 20, 2000

Linda A. Langrall 616 Main Street Reisterstown, MD 21136

Dear Ms. Langrali:

RE: Case Number: 01-135-A, 9A Nob Hill Park Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 22, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

W. Carl Richards, Jr.

G DZ

WCR: gdz

Enclosures

C: Josephine & John Doller, 415 Dyer Avenue, Reisterstown 21136 Sue G. Wright, 1004 E. Wheel Road, BelAir 21015 People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director Department of Permits &

DATE: October 10, 2000

Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for October 10, 2000

Item Nos. 114, 127, 128, 130, 131,

132, 134, and 135

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

RWB:HJO:jrb

cc: File



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

October 3, 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 OCTOBER 2, 2000

Item No.: See Below

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.

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

114, 127, 128, 129, 130, 131, 133, AND 135

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

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Arnold Jablon

TO:

FROM:	R. Bruce Seeley My
DATE:	October 16, 2000
SUBJECT:	Zoning Item #135 9A Nob Park Drive
Zoning	g Advisory Committee Meeting of October 2, 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:
X	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).
<u>X</u>	The approved Forest Buffer Easement must be correctly shown and labeled on all future plans.

Reviewer: John Russo Date: October 6, 2000

JUN 10/25

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 25, 2000

26

Department of Permits and' Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-135, 01-140, 01-141, and 01-145.

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/JL:MAC



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

Date:

10-2-00

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

RE:

Baltimore County

Item No. 135

 $A \perp L$

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 (Igredlein@sha.state.ind.us).

Very truly yours,

1. J. Dredh

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

