IN RE: PETITION FOR VARIANCE
E/S Vincent Road, 130' S
of centerline Lytle Road
15th Election District
5th Councilmanic District
(10407 Vincent Road)

Howard and Eva Parker Petitioners

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 01-259-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 owners of the subject property, Howard and Eva Parker. The Petitioners are requesting a variance for property they own at 10407 Vincent Road, which property is zoned RC 3. The variance request is from Section 1A02.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a diametral dimension of 146 ft. in lieu of the required 150 ft.

Appearing at the hearing on behalf of the variance request was Ed Parker, appearing on behalf of his parents. Vince Moskunas, a representative of Site Rite Surveying, Inc. also attended the hearing. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.895 acres, more or less, zoned RC 3. The subject property is improved with an existing dwelling and accessory garage. The Petitioners propose to tear down the existing dwelling which has become run down and no longer suits their needs. They propose to construct a one-story dwelling on the property in place of the existing house. The one-story dwelling will allow the Parkers to continue to live in the home with all of their accommodations being on one level of the home. In order to proceed with the construction of their new home the variance request is necessary.

2/23/0/ M23/0/ In addition, the Petitioners are requesting permission to be allowed to continue to live in the existing dwelling until such time as the use and occupancy permit is issued for the newly constructed home. This will allow the Parkers the ability to stay on the property while their new home is being constructed. Therefore, as a condition of approval of the variance, I shall order that the Petitioners can continue to live in their home during the construction of their new home and that the old dwelling must be razed within 30 days after the issuance of the use and occupancy permit for their new home.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. <u>McLean v. Soley</u>, 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 February, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A02.3.B.3 of the B.C.Z.R., to permit a diametral dimension of 146 ft. in lieu of the required 150 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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.
- 2) The Petitioners shall be permitted to continue to live in their existing dwelling until such time as a use and occupancy permit is issued for their new home. The Petitioners shall be required to raze the old dwelling within 30 days after the issuance of their use and occupancy permit.

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

February 22, 2001

Mr. & Mrs. Howard Parker 10407 Vincent Road White Marsh, Maryland 21162

> Re: Petition for Variance Case No. 01-259-A

> > Property: 10407 Vincent Road

Dear Mr. & Mrs. Parker:

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, Suntly 16 tros

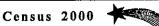
Timothy M. Kotroco

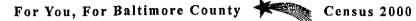
Deputy Zoning Commissioner

TMK:raj Enclosure

Mr. Vincent Moskunas Site Rite Surveying, Inc. 200 E. Joppa Road, Room 101 Towson, MD 21286













Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at # 10407 Vinuit Road
which is presently zoned 23

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

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) 1A 02.3. B, 3 to permit a diametral dimension of 146 ft. in lieu of the required 150 ft.

- of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
- 1. Does not own adjacent property in order to meet the 150' diametral dimension requirement per B.C.Z.R.
- Raze exisiting two story dwelling to construct a one story dwelling due to health conditions of the property owners.
- 3. Will not cause injury to public health, safety or general welfare and meets the spirit and intent of B.C.Z.R.

 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.

			is the subject of this retition.
Contract Purchase	r/Lessee:		Legal Owner(s):
-			Howard Parker
Name - Type or Print			Name - Type or Print X Y W V. Ranker
Signature			Signature PW Kev
Address		Telephone No.	Name - Type or Print
City	State	Zip Code	Signature 10407 VINUUT Poud (410) 335-878
Attorney For Petition	oner:		Address Telephone No. WWW MWSh WO 2062
Name - Type of Print			City State Zip Code Representative to be Contacted:
Signature C			Buralita L. Moskuns
Company 2			200 E toroxa Road Ru 101 410 828-9
Address		Telephone No.	Address 11 Talephone No
CITY 8	State	Zip Code	City State Zip Code
			OFFICE USE ONLY
Case No 0/-	250- A	1.15/4 / / 1	ESTIMATED LENGTH OF HEARING
Case No. $O/-$	259-A		INVAVATI ADI E EOD HEADTNIG

REV 9115198

ZONING DESCRIPTION FOR #10407 VINCENT ROAD

BEGINNING at a point on the east side of Vincent Road, 40' wide at a distance of 130' south of Lytle Road which is 50' wide. As recorded in Deed Liber 4208, folio 355, running thence S 87 degrees W, 325 feet; thence S 3 degrees W, 145.92 feet; thence N 87 degrees W, 325 feet; thence along the centerline of Vincent Road N 3 degrees E, 145.83 feet to the Place of Beginning, containing 46,319 square feet. Also known as #10407 Vincent Road and located in the 15th. Election District, 5th. Councilmanic District.

J. Tilghman Downey, Jr.

Site Rite Surveying, Inc. 200 E. Joppa Road Suite 101 Towaon, MD 21286 (410)828-9060

DATE 12/31/03 ACCOUNT 12/02/-6/50 PER 1800 CASHER MILL INC. TASHER 1800 MILL INC. TAS	BALTIMORE COUNTY, MAR OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	YLAN' No.	90154	PATE MILET TO THE TOTAL
RECEIVED Howard Parket lands its visal to the second to th	DATE 12/81/03		<u> </u>	ET USOC CREMIEN DOOL IND TREMER THE B 528 ZIMING VERUS STATION ESCUL: N 165/62 F NO. 090154
FOR: Zening Jaranee	RECEIVED Howard	Parker		Figure 12 de la constante de l
	FOR: Zowing	Jar auce	·	

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: #01-259-A
10407 Vincent Road
E/S Vincent Road, 130' S of
centerline Lytle Road
15th Election District
5th Councilmante District
Legal Owner(s): Eva &
Howard Parker
Variance: to permit a
diametral dimension of 146
feet in lieu of the required
150 feet.
Hearing: Wednesday, February 14, 2001 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

JT/1/796 Jan. 30 C447353

CERTIFICATE OF PUBLICATION

TOWSON, MD,, 2001
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 oni 30, 2001
THE JEFFERSONIAN,
J. Warmsy
<u> </u>

ZONING NOTICE

CHSE # OI-259-A

A PUBLIC HEARING WILL BE HELD BY "THE YOUING COMMISSIONER IN TOWSON, MO

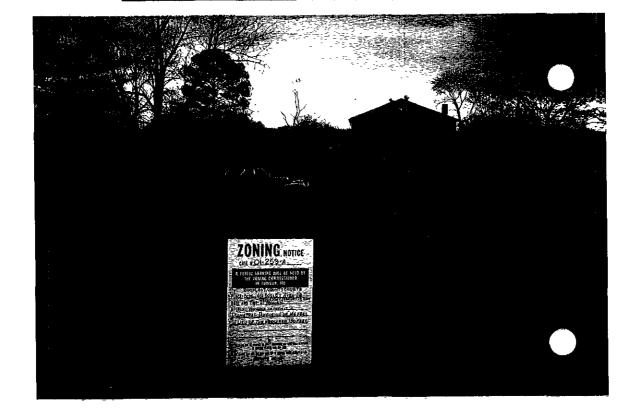
PLACE PLOS A GOLDON PLACE AVEA U.S.
WEDDAS DO PEDRURY 14,720,0

DATE AND TIME SUPPOS A.M.

RECORD VARIABLE TO PARK IT A

DAKE PAL DIFFEREIGN OF 146 FEET Daise of the Regulate South

Company of the company of the second of the



CERTIFICATE OF POSTING

cert.doc

	RE: Case No.: 01- 259-A
	Petitioner/Developer:
	EVA & HOWARD PARKER
	Date of Hearing/Closing: FED, 14, 700
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perjudere posted conspicuously on the property located # 10407 VIL	ed at
The sign(s) were posted on	24 25 TH ZOO1 Ionth, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date) (Signature of Sign Poster and Date) (Printed Name) 3225 RYERSONI (INCLE (Address) BACTIMONE, MD. 2122) (City, State, Zip Code)
	(410) 247-4263
9/96	(Telephone Number)

RE: PETITION FOR VARIANCE 10407 Vincent Road, E/S Vincent Rd, 130' S of c/l Lytle Rd 15th Election District, 5th Councilmanic

Legal Owner: Howard & Eva Parker

Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 01-259-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

Peter May Tinnerman

dule 5, Demilis

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

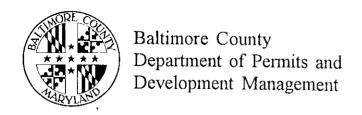
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of January, 2001 a copy of the foregoing Entry of Appearance was mailed to Bernadette L. Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioners.

Feler Max Zimmeinan PETER MAX ZIMMERMAN



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353 Fax: 410-887-5708

January 10, 2001

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: 01-259-A

10407 Vincent Road

E/S Vincent Road, 130' S of centerline Lytle Road 15th Election District – 5th Councilmanic District

Legal Owners: Eva & Howard Parker

Variance to permit a diametral dimension of 146 feet in lieu of the required 150 feet.

HEARING: Wednesday, February 14, 2001 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon Director

C: Eva & Howard Parker, 10407 Vincent Road, White Marsh 21162 Bernadette L. Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 30, 2001.

(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, January 30, 2001 Issue - Jeffersonian

Please forward billing to:

Howard Parker 10407 Vincent Road White Marsh MD 21162

410 335-8786

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:

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E/S Vincent Road, 130' S of centerline Lytle Road 15th Election District – 5th Councilmanic District

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HEARING: Wednesday, February 14, 2001 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

awrence E. Schmidt

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

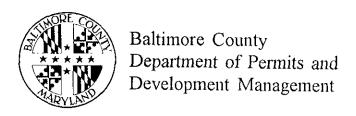
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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: 01-259-A	
Petitioner: Site Rite Surveying Inc.	
Address or Location: #10407 Vincent Poad	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Howard Parker	
Address: 10407 Vincent Poad	
White Marsh, MD 21162	
Telephone Number: (46) 335-8786	

Revised 2/20/98 - SCJ



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

Fax: 410-887-5708

February 12, 2001

Eva & Howard Parker 10407 Vincent Road White Marsh MD 21162

Dear Mr. & Mrs. Parker:

RE: Case Number: 01-259-A, 10407 Vincent Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 21, 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.

W. Carl Richards, Jr. らりこ Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Bernadette L Moskunas, Site Rite Surveying Inc, 200 E Joppa Road, Room 101, Towson 21286
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits & Development Mgmt.

DATE: March 6, 2001

DDAX.

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 16, 2001

Item Nos. 251, 252, 253, 254, 255, 256, 257, 259, 260, 261, 262, 263, 264, and

265

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

RWB:HJO:jrb

cc: File



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

January 9, 2001

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 January 8, 2001

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:

253, 256, 258, 259, 260, 261, 263, 264, 265

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley MRBS

DATE:

January 19, 2001

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of January 8, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
251	2855 Lodge Farm Road
254	6311 Sherwood Road
255	800 Race Road
257	2005 Security Boulevard
258	15505 Carroll Road
259	10407 Vincent Road
261	1018 Wagner Road
262	15 Hanover Road 10 Westminster Pike
263	9639 Belair Road
265	1678 Bullock Circle

2/14 TK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

J#425

DATE: January 26, 2001

SUBJECT:

10407 Vincent Rod

INFORMATION:

Item Number:

01-259

Petitioner:

Howard Parker

Zoning:

RC3

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a diametral dimension of 146 feet in lieu of the required 150 feet.

Prepared by:

Section Chief:

AFK:MAC:



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

Date: 1.10.01

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

RE:

Baltimore County

Item No. 259

BR

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.md.us).

Very truly yours,

f. f. Gredle

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

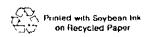


PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
SITERITE SURVEYING INC.	200 6. JOPPA Rd. 21286
Ed Parker	2006. JOHARD. 21286 10407 VINCENT 21224

	-1





Per your request, I am writing this letter to explain some concerns you have about the property at 10407 Vincent Road in White Marsh, MD. My husband and I have contacted a builder to build a one level rancher in front of our existing house which is located at the above address. I myself which is 68 years of age and with severe arthritis, D.J.D. and have had two bilateral knee replacements; my husband which is 72 years of age and on oxygen 24/7 and limited to climbing stairs are in need of a house with all the essential amenities(bathroom, bedroom, etc.) on one floor.

In order to comply with Baltimore County Zoning our existing house must be torn down. Our existing house which is two stories and has our bedrooms on the second floor, which at our age is very difficult to go up and down the steps on a daily bases. The door ways are also to small and would not allow a wheelchair to pass through if need be. The house is also in need of major repair due to termite damage and would be very costly to repair. With the list of repairs that are needed and to build a bedroom on the first floor of the exisiting house, it would be more feasible to build a house with everything on one floor.

My husband and I have lived in this neighborhood for more then 40 years and have many friends and family members that live nearby. We truly wish to stay in this neighborhood; it would be more realistic to build a house that can comply with our needs as we get older, then to move to a retirement community or such.

Thank you for your time and consideration in this matter. If you have any questions or concerns please feel free to contact us at the phone and or address below.

Sincerely,

Eva Jane Parker

Evagane Parlate

Eva Jane and Howard Parker 10407 Vincent Road White Marsh, MD. (410) 335-8786

EXHIBIT"B"

