IN RE: PETITION FOR VARIANCE
N/S Greenspring Avenue, 200' W
centerline of Sugarvale Way
8th Election District
3rd Councilmanic District
(11737 Greenspring Avenue)

Diane & Raymond Lee Petitioners

\* BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 01-473-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, Raymond and Diane Lee. The Petitioners are requesting a variance for property they own at 11737 Greenspring Avenue, which property is zoned RC 5. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single-family dwelling to have a property line setback of 25 ft. in lieu of the required 50 ft.

Appearing at the hearing on behalf of the variance request were Raymond Lee, owner of the property and Dwight Little, professional engineer who prepared the site plan. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 2.59 acres, more or less, zoned RC 5. The property is currently improved with an existing dwelling and accessory barn which Mr. Lee has owned and resided in since 1972. The house wherein he and his family reside is beyond renovation. Mr. Lee proposes to construct a new single-family dwelling on his property in the location shown on Petitioners' Exhibit No. 2. In order to accommodate the existing well, septic reserve area and very mature trees on the property, the Petitioners have chosen to locate their new dwelling in an area that leaves a rear yard setback of 25 ft. to the adjacent property line. It should be noted that the property line from which the variance is being requested is an existing cemetery. Therefore, the

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variance request will have no adverse impact on any surrounding residents, at least those which are living. In order to proceed with the construction of their new dwelling, the variance request is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to 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.

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.

IT IS FURTHER ORDERED, that Mr. and Mrs. Lee shall be permitted to continue to reside in their existing house until such time as their new house is completed. Furthermore, Mr. and Mrs. Lee shall be granted a use and occupancy permit for their new house upon its completion and thereafter shall have thirty (30) days within which to tear down their existing house. This will allow Mr. and Mrs. Lee to move themselves and their belongings into their new dwelling while thereafter tearing down the old house and barn.

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

July 9, 2001

Mr. Dwight Little c/o W. Duvall & Associates, Inc. 530 E. Joppa Road Towson, Maryland 21286

> Re: Petition for Variance Case No. 01-473-A

> > Property: 11737 Greenspring Avenue

Dear Mr. Little:

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 lotroco

TMK:raj Enclosure

C: Mr. & Mrs. Raymond Lee 11737 Greenspring Avenue Timonium, Maryland 21093



# Petition for Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at _	11/25/	Greenspri	ng	Avenue	
which is p	presently z	oned RC	5		

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.Z (BCZZ)

TO PERMIT A PROPOSED SINGLE FAMILY DWELLING TO HAVE A PROPERTY LINE SETBACK OF 25' IN LIEU OF THE REQUIRED 50'.

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

To Be discussed at the Hearing

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

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

Name - Type or Print		
Signature		
Address		Telephone No.
City	State	Zip Code
<u> Attorney For Petit</u>	ioner:	
lame - Type or Print		
Signature		
om <b>p</b> any		
3		
		Telephone No.
ddreas		Zip Code
doleas	State	Z.p 0000
dareas	State	2,5 0000

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):

Raymond Le	e	
Name - Type or Print		
	<b>ー</b> フ/	
Signature		
Diane Lee		
Name - Type or Print	1	
Diane 7.1	hee	
Signature		
11737 Green	nspring Ave.	(410)486-8228
Address		Telephone No.
Baltimore,	Maryland	21093
City	State	Zip Code
<u>Representative</u>	to be Contacted	<u>d:</u>
Charles Me		
	Duvall & Ass	
530 East Jo	oppa Road	(410)583-9571
Address		Telephone No.
Towson,	Maryland	21286
City	State	Zip Code
<u>o</u>	FFICE USE ONL'	<u>Y</u>
ESTIMATED LENGTH OF HEARING		

UNAVAILABLE FOR HEARING Reviewed By ZONING DESCRIPTION FOR: <u>11737 Greenspring Avenue</u>

Beginning at a point on the North side of Greenspring Avenue which is 70' wide at the distance of 200 feet West of the centerline of the nearest improved intersecting street Sugarvale Way which is 50' wide.

As recorded in Baltimore County Land Records Deed Liber 7906 Folio 767 containing 112, 820, SF or 2.59 AC ±. Also known as 11737 Greenspring Avenue and located in the 8<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.

- (1) N 42°55'40"W Z91.Z7
- (2) N 51° Z4' 25" E 395.00"
- (3) 544° 29' 32" E 305.70"
- (4) 5 29° 48' 10" W 175.45
- (5) N 41° 28' 15" W 166.45
- (G) 5 30° 42' 40" W 248.99'

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	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT 928	LUASSIAL <b>VCATALI</b> TIPA S
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	AMOUNT \$ 50.00	POLE 5 529 ZONING PERIFICATION 7 PMG. 092878 Secret Tol. 50.00
:	FROM: 121/MOND H LEC	50.00 CK .00 CA Bultimoro County, Maryland
	FORE CIO VACIAVICE	
	DISTRIBUTION WHITE CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

### 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 perein as follows:

Case: #01-473-A 11757 Greenspring Avenue N/S Greenspring Avenue 200' W centerline Sugarvale

200' W centerline Sugarvale Way 8th Election District, 3rd Councilmanic District Legal Owner(s): Diane & Raymorio Leg Variance: to permit a proposed single family dwelling to have a property line setback of 25 feet in lieu of the required 50 feet. Hearing: Friday, July 6, 2001 at 10:00 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 Elle and/or
Hearing, Contact the Zoning
Review Office at (410) 8873391

3391. 6/170 June 21 C475938

#### **CERTIFICATE OF PUBLICATION**

621,2001
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 621,2001.
🔀 The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkingn
I EGAL ADVERTISING



A PUBLIC HEARING WILL BE HELD BY THE ZOHING COMMISSIONER IN TOYSON, MD

PROPERTY OF THE PROPERTY OF THE PARTY OF THE

A PURLIC HEARING VIEL OF MELD BY THE ZONING CONNECTIONAL IN TOWSOO, WIR

# CERTIFICATE OF BOSTING

· •	RE: Case No.: 01-473-A
	Petitioner/Developer:
	DIANA & RAYMOND LEE
	Date of Hearing/Closing: July 6, 2001
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:	•
were posted conspicuously on the property	f perjury that the necessary sign(s) required by law located at AVE,
The sign(s) were posted on	( Month, Day, Year)
	Sincerely,  (Signature of Sign Poster and Date)  (Signature of Sign Poster and Date)  (Printed Name)  3225 RYERSON (CINCLE  (Address)  (City, State, Zip Code)  (Clip) 24 Z - 4263  (Telephone Number)
196	



RE: PETITION FOR VARIANCE 11757 Greenspring Avenue, N/S Greenspring Ave, 200' W of c/l Sugarvale Way 8th Election District, 3rd Councilmanic

Legal Owner: Raymond & Diane Lee Petitioner(s) BEFORE THE

\* ZONING COMMISSIONER

\* FOR

\* BALTIMORE COUNTY

\* Case No. 01-473-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

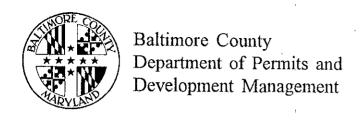
Towson, MD 21204

(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of June, 2001 a copy of the foregoing Entry of Appearance was mailed to Chuck Merritt, W. Duvall & Assoc., Inc., 530 E. Joppa Road, Towson, MD 21286, representative for Petitioners.

PETER MAX ZIMMERMAN



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

Fax: 410-887-5708

June 6, 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: 01-473-A 11757 Greenspring Avenue N/S Greenspring Avenue 200' W centerline Sugarvale Way 8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District Legal Owners: Diane & Raymond Lee

<u>Variance</u> to permit a proposed single family dwelling to have a property line setback of 25 feet in lieu of the required 50 feet.

HEARING: Friday, July 6, 2001 at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon Goz

C: Diana & Raymond Lee, 11737 Greenspring Ave, Baltimore 21093 Charles Merritt, W Duvall & Assoc Inc, 530 E Joppa Rd, Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 24, 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

Thursday, June 24, 2001 Issue - Jeffersonian

Please forward billing to:

Raymond Lee

11737 Greenspring Avenue

Baltimore MD 21093

410 486-8228

#### NOTICE OF ZONING HEARING

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Lawrence E. Schmidt

LAWRENCE E. SCHMIDT 672
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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Baltimore County Department of Permits and Development Management

STOOP

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

Fax: 410-887-5708

June 6, 2001

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CASE NUMBER: 01-473-A 11757 Greenspring Avenue ~ SHOULD BE 11737

N/S Greenspring Avenue 200' W centerline Sugarvale Way 8th Election District -- 3th Councilmanic District

Legal Owners: Diane & Raymond Lee

Variance to permit a proposed single family dwelling to have a property line setback of 25 feet in lieu of the required 50 feet.

HEARING: Friday, July 6, 2001 at 10:00 a.m. in Room 407, County Courts Building. 401 Bosley Avenue

Arnoid Jabion BDZ\_ Director

C: Diana & Raymond Lee, 11737 Greenspring Ave, Baltimore 21093 Charles Merritt, W Duvail & Assoc Inc. 530 E Joppa Rd, Towson 21286

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POST JUNE 22, 2001

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

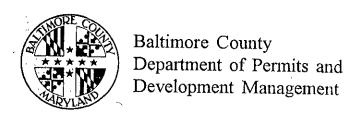
#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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: 01-473-A  Petitioner: Raymond Lee		
Address or Location: 11737 Greenspring Avenue		
PLEASE FORWARD ADVERTISING BILL TO:		
Name: Raymond Lee		
Address: 11737 Greenspring Avenue		
Baltimore, Maryland 21093		
Telephone Number:		



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

June 29, 2001

Diane & Raymond Lee 11737 Greenspring Avenue Baltimore MD 21093

Dear Mr. & Mrs. Lee:

RE: Case Number: 01-473-A, 11757 Greenspring Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 9, 2001.

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 Richard, Jr.

W. Carl Richards, Jr. らうこ Supervisor, Zoning Review

WCR: gdz

**Enclosures** 

c: Chuck Merritt, W Duvall & Assoc. Inc., 530 E Joppa Road, Towson 21286 People's Counsel

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 5, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 29, 2001

Item Nos. 461, 463, 464, 465, 466, 467, 469, 470, 472, 473, 474, 475, 478, 480,

483, and 006

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

June 5, 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 May 21, 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:

461, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 477, 478, 479, 482, 483,

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

cc: File

Sini

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 4, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-464, 01-473, 01-474, 16-477, & 01-479

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For 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:

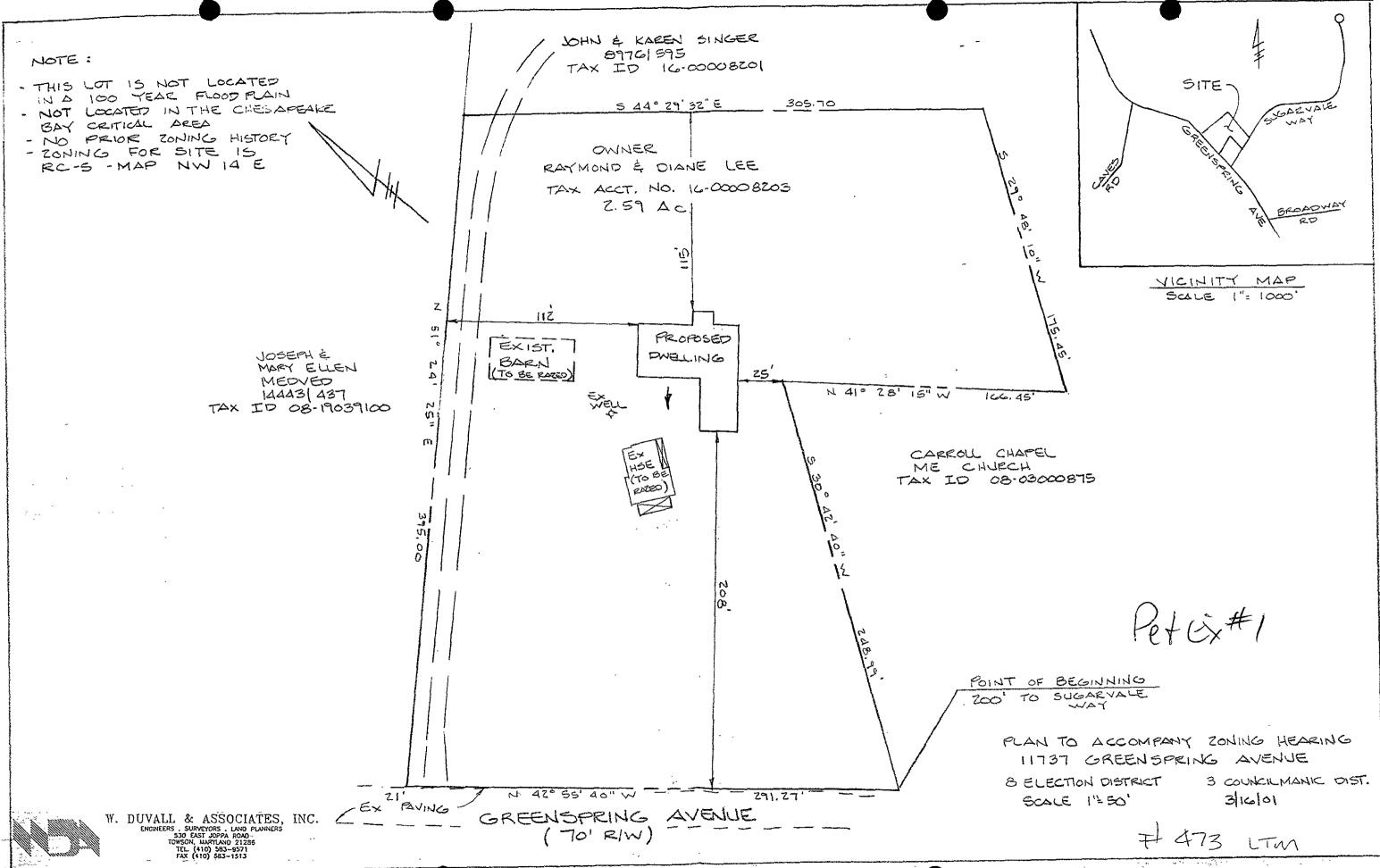
AFK/JL:MAC

#### PLEASE PRINT CLEARLY

#### PETITIONER(S) SIGN-IN SHEET

NAME Duight Little	Little + Associates Sur 101, Touson 21286
Ray Lee	11737 Greenspring Ave.





Lugality Ary

