ORDER RECEIVED FOR FILING
Date 1/30/6/
3y 1. June 1

IN RE: PETITION FOR VARIANCE
W/S Dipping Pond Court, approximately
450' S centerline Broadway Road
8th Election District
3rd Councilmanic District
(8 Dipping Pond Court)

Elda & William Meiers, Legal Owners and Worthington Homes, LLC, Contract Purchaser Petitioners * BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 01-538-A

* * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the property, Elda and William Meiers, legal owners and Worthington Homes, LLC, contract purchaser. The Petitioners are requesting a variance for property located at 8 Dipping Pond Court, 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 allow side yard setbacks of 42 ft. on each side of a proposed new dwelling in lieu of the minimum requirement of 50 ft.

Appearing at the hearing on behalf of the variance request were Sharon Yelling, on behalf of Worthington Homes, LLC and the adjacent property owner, Robert Kutner.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1.19 acres, more or less, zoned RC 5. The subject property is known as Lot #12 of the Menzies Properties. That particular subdivision was recently approved by this Deputy Zoning Commissioner. The contract purchaser of this lot is desirous of constructing a new dwelling on it as is shown on Petitioners' Exhibit No. 1, the site plan submitted. The house is of substantial size and the Petitioners wish to turn it slightly so that it better faces the cul-de-sac upon which it is situated. By doing so, the corners of each side of the house extend beyond the

ORDER RECEIVED FOR FILING

building restriction line. Therefore, the variance request is necessary in order for the house to be constructed as shown on the site plan.

As stated previously, Mr. Robert Kutner appeared as an interested party. After reviewing the plan and hearing of the Petitioners' intentions, Mr. Kutner had no objection to the plan as proposed. The house to be constructed is situated approximately 115 ft. away from his common property line. Accordingly, he has no objections to this variance.

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.

THEREFORE, IT IS ORDERED this 30 day of July, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow side yard setbacks of 42 ft. on each side of a proposed new dwelling in lieu of the minimum requirement of 50 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

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

30 July 21, 2001

Ms. Sharon Yelling c/o Worthington Homes, LLC 6117 Shaded Leaf Court Columbia, Maryland 21044

> Re: Petition for Variance Case No. 01-538-A Property: 8 Dipping Pond Court

Dear Ms. Yelling:

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

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TMK:raj Enclosure

c: Mr. & Mrs. William Meiers 2021 Moses Harper Williamsburg, VA 23185 Mr. Robert Kutner 604 Corysbrook Road Pikesville, MD 21208



Printed with Soybean Ink

on Recycled Paper

Census 2000



For You, For Baltimore County







Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at & Dipping Pond Climbrian which is presently zoned Ross

	2011ed <u>R21-3</u>
This Patition shall be filed with the Department of Pe owner(s) of the property situate in Baltimore County and made a part hereof, hereby petition for a Variance from S	ermits and Development Management. The undersigned, lega which is described in the description and plat attached hereto and lection(s) 1904.3.8.2. To allow side yard seductions in lieu of the minimum required final Development Plan (management)
backs of 42 ft. Each for a proposed	1 Av4.3. B. 2. To allow side yard se
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to allow the hulding arovertion and	Find Development Plan (Menzies Proper to de the envelope,
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Property is to be posted and advertised as prescribed by the property is to be posted and advertised as prescribed by the property of the prop	he zoning regulations.
regulations and restrictions of Baltimore County adopted pursua	he zoning regulations, posting, etc. and further agree ic and are to be bounded by the zoning int to the zoning law for Baltimore County
o and the state of	int to the zoning law for Baltimore County.
	i/We do solemnly declare and affirm, under the penalties of
·	
	is the subject of this Palition.
Contract Purchaser/Lasses:	Legal Owner(s):
WOTHTUGTON HOMES LIC	WILLIAME/ELDM, MEIERS
Name - Type of Print	rama. Type of Print
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Signature C.	Signature
617 Shanen Leaf Ct. 410-740-97	
I siephone No.	Mane . Tale of bild
City State Zin Code	Elda M. Muis.
alp Seat	757 2.75
Attorney For Petitioner:	ZOZIMOSES HARPER DOUG
N/A	Address Telephone No.
Name 4 Type or Print	WILL LAWSOURG DA 2318-
	City State Zip Code
Signature	Representative to be Contacted:
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Company '	
	Name
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Telephone No.	Address Telephone No.
State Code	
State Vin Carla	76.
State Zp Code	City State Zip Code
State Zp Code	OFFICE USE ONLY
	OFFICE USE ONLY
State Zp Code Case No. 01-538-4	OFFICE USE ONLY ESTIMATED LENGTH OF HEARING
	OFFICE USE ONLY

Zoning Description

Zoning description for:

8 Dipping Pond Court (Lot #12) Lutherville, Maryland 21093

Beginning at a point on the west side of Dipping Pond Court, which is 40 feet wide, at the distance of 420 feet south of the centerline of the nearest improved intersecting street, Broadway Road, which is 60 feet wide: and being Lot #12, in the subdivision Menzies Property, as recorded in Baltimore County Plat Book # 72/18, containing 1.19 acres and also being known as 8 Dipping Pond Court and located in the 8th election district.

538

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE TIME 10:21:49 MISCELLANEOUS RECEIPT 6/11/200 72172001: CASHIER KNCK KXN DRAWER 17.0 MW PRICEIPT II OZEVYY 5 528 JUNING L' RIFICATION g 10. 092990 AMOUNT \$ Recet To 1 50.00 LK .00∰00. Baltimore County - Maryland DISTRIBUTION WHITE - CASHIER CASHIER'S VALIDATION PINK - AGENCY YELLOW - CUSTOMER

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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, Marviand on the property Identified herein as follows:

Bullion Fold Court: Approximately 450' S centerline Broadway Road

Bit Election District - 3rd Councilmanic District
Legal Owner(s): Elda M. & William E. Melers

Variance: to allow side yard setbacks of 42 feet each for a proposed dwelling in Ileu of the minimum required 50 feet each and to amend the latest Final Development (Menzies Property) to allow the building outside the envelope. Hearing: Friday, July 27, 2001 at 11:00 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.

7/125 July 12

CERTIFICATE OF PUBLICATION

-
7/12,2001
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 7 12 ,2001.
☑ The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. WUKMST- LEGAL ADVERTISING

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: 01-538-9
Petitioner: _ alm. E. Meiens
Address or Location: 8 Drpping Pand Ct.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Worthing ton Homes LLC
Address: 6117 Shaded Leaf Ct
Columbia, Md., 21044
Telephone Number: (40) 833-2416

TO: PATUXENT PUBLISHING COMPANY

Thursday, July 12, 2001 Issue - Jeffersonian

Please forward billing to:

Sharon Yellon Worthington Homes LLC 6117 Shaded Leaf Court

Columbia MD 21044

410833-2416

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: 01-538-A

8 Dipping Pond Court

W/S Dipping Pond Court, approximately 450' S centerline Broadway Road

8th Election District – 3rd Councilmanic District Legal Owners: Elda M & William E Meiers

<u>Variance</u> to allow side yard setbacks of 42 feet each for a proposed dwelling in lieu of the minimum required 50 feet each and to amend the latest Final Development (Menzies Property) to allow the building outside the envelope.

HEARING:

Friday, July 27, 2001 at 11:00 a.m. in Room 407, County Courts Building,

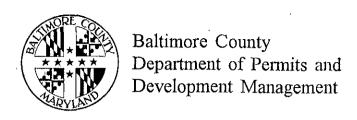
401 Bosley Avenue

Lawrence, E. Schmidt

LAWRENCE E. SCHMIDT GDZ 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.



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

Fax: 410-887-5708

June 28, 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: 01-538-A

8 Dipping Pond Court

W/S Dipping Pond Court, approximately 450' S centerline Broadway Road 8th Election District – 3rd Councilmanic District

Legal Owners: Elda M & William E Meiers

Variance to allow side yard setbacks of 42 feet each for a proposed dwelling in lieu of the minimum required 50 feet each and to amend the latest Final Development (Menzies Property) to allow the building outside the envelope.

HEARING:

Friday, July 27, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

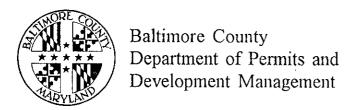
Arnoid Jablon GDZ Director

C: Elda M & William E Meiers, 2021 Moses Harper, Williamsburg VA 23185 Sharon Yellon Worthington Homes LLC, 6117 Shaded Leaf Court, Columbia 21044

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 12, 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.



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

July 23, 2001

Elda M & William E Meiers 2021 Moses Harper Williamsburg VA 23185

Dear Mr. & Mrs. Meiers:

RE: Case Number: 01-538-A, 8 Dipping Pond Court

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

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

WCR: gdz

Enclosures

c: Worthington Homes LLC, 6117 Shaded Leaf Court, Columbia 21044 People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 18, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 9, 2001

Item Nos. 521, 522, 524, 525, and 538,

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

July 10, 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 July 2, 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:

521, 522, 523, 524, 525 and 538

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

RECEIVED

JUL 12 2001

DEPT. OF PERMITS AND DEVELOPMENT DANAGEKENT

Imh 7/27

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: July 11, 2001

TO: Arnold Jablon, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-538

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



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary

Parker F. Williams Administrator

Date: 6.22.01

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

RE:

Baltimore County

Item No. 538 115

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,

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

1. J. Godle





RE: PETITION FOR VARIANCE 8 Dipping Pond Court, W/S Dipping Pond Ct, appx 450' S of c/l Broadway Rd 8th Election District. 3rd Councilmanic

Legal Owner: William E. & Elda M. Meiers Contract Purchaser: Worthington Homes, LLC Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- BALTIMORE COUNTY
- * Case No. 01-538-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 13th day of July, 2001 a copy of the foregoing Entry of Appearance was mailed to Legal Owners William E. & Elda M. Meiers, 2021 Moses Harper, Williamsburg, VA 23185, and to Contract Purchaser Worthington Homes, LLC, 6117 Shaded Leaf Court, Columbia, MD 21044, Petitioners.

PETER MAX ZIMMERMAN

or Depping Brack. Im & Elda Weirs

JUN 2 6

Worthington Homes LLC

6117 Shaded Leaf Court Columbia, MD 21044 410-740-9725

June 25, 2001

Mr. Lawrence E. Schmidt Zoning Commissioner Baltimore County 401 Bosley Avenue Towson, Maryland 21204

Dear Mr. Schmidt:

Se Mos ol 8 shiple

Re: Request for expedited hearing schedule on Variance Case Number 01-538-A

We need your help! We respectfully request an expedited hearing date for our case.

We have entered into a purchase contract for Lot 12, Menzies Properties, in Lutherville and have petitioned for a zoning variance. The variance, once approved, will allow us to exceed the building restriction limits on two angled corners of the house allowing us to construct the house on a diagonal such that none of the neighbors' needs face our backyard. Additionally, the home will be able to front towards the circle drive in the subdivision. We believe this is an appropriate use of the lot and we hope you'll approve our request.

John Sullivan, at the county has indicated that the process for approval normally takes six weeks. He indicated that we could request an expedited hearing by writing to you. If possible, we would very much appreciate an expedited hearing. Our reason is simply that we had previously scheduled vacation with all the partners in the Firm being away at the same time in August. Luckily, one of our team can and will change vacation schedule if needed. Nevertheless, we are hopeful that you might be able to move our hearing into July, the earlier the better, so that plans do not have to be adjusted..

Thank you for your consideration.

Gail Glazer

