IN RE: PETITION FOR VARIANCE
W/S of Greenspring Avenue,
305' N of Walnut Avenue
4th Election District
3rd Councilmanic District
(12508 Greenspring Avenue)

Dorothy E. & Guy L. Shaneybrook Petitioners * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-052-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, Dorothy E. & Guy L. Shaneybrook. The Petitioners are requesting a variance for property they own at 12508 Greenspring Avenue, which property is located in Greenspring Valley. 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 35 ft. and 45 ft. in lieu of the required 50 ft. for a single-family residential dwelling.

Appearing at the hearing on behalf of the variance request were Guy and Dorothy Shaneybrook, owners of the property, David Billingsley, the engineer who prepared the site plan of the property, and Buck Jones, the contractor hired to build the dwelling in question.

Testimony and evidence indicated that the property, which is the subject of this variance request, has been owned by the Shaneybrook's for many years. The property in question has proceeded through the minor subdivision process. The Shaneybrooks are interested in subdividing their property to create a 1.2402-acre parcel of property upon which they intend to construct a one-story single-family dwelling. The house in which they live at this time will remain on the 8.9464-acre parcel of property, as shown on the site plan. The purpose of constructing the new single-family dwelling is to provide more appropriate accommodations to the Shaneybrooks as they grow older. The new house to be constructed will provide living conditions on one floor which better

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suits their needs at this time and in the future. In order to proceed with the construction of a dwelling, as proposed, the variance request is necessary.

After considering the testimony and evidence offered at the hearing, I find that the variance requests necessary to allow the Petitioners to construct this new single-family residential dwelling should be approved.

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 19 day of September, 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 35 ft. and 45 ft. in lieu of the required 50 ft. for a single-family residential dwelling., 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 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.

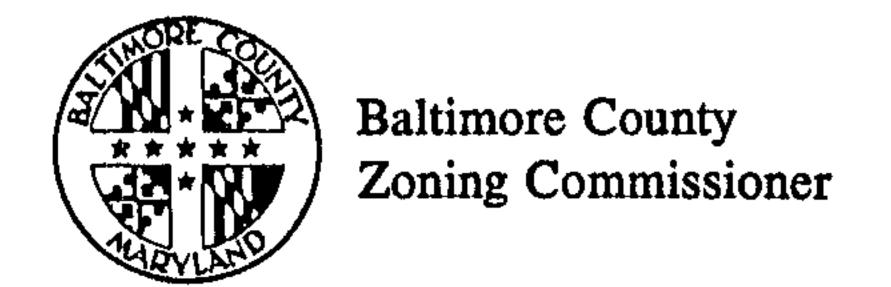
TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

Churthy llotroco

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

September 17, 2002

Mr. & Mrs. Guy L. Shaneybrook 12508 Greenspring Avenue Owings Mills, Maryland 21117

> Re: Petition for Variance Case No. 03-052-A Property: 12508 Greenspring Avenue

Dear Mr. & Mrs. Shaneybrook:

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

Muthy Hobroco

TMK:raj Enclosure

c: David Billingsley



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at			
which is p	resently z	oned_R.C.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)

1A04.38.2 TO ALLOW SIDE YARD SETBACKS OF35 FEET AND 45 FEET INSTEAD OF THE REQUIRED 50 FEET.

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

SEE ATTACHED BRIEF

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.

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.

Contract Purchaser/Lessee:

Legal Owner(s);

			EUV I SULLENDO
Name - Type or Print		Na	Me - Type or Print
Signature		····	Signature T. Many Mook.
Address		Telephone No.	DOROTHY E. SHANEYBROOK Name Type or Print
City	State	Zip Code	Signature Signature
Attorney For Peti	tioner:		12508 GREENSPRING AVE. (410)356-573 Address Telephone No.
Maria Tanana Tanana			QWINGS MILLS, MD. 21117
Name - Type or Print		City	State Zip Code
Signature			Representative to be Contacted: UAVIU BILLINGSLEY CENTRAL DRAFTING AND DESIGN, INC
Company			Name 601 CHARWOOD COURT (410)679-8719
Address		Telephone No.	Address EDGEWOOD, MARYLAND 21040
City	State	Zip Code	City State Zip Code
A B			OFFICE USE ONLY
Case No. <u>03</u>	052 A	-	ESTIMATED LENGTH OF HEARING 104/C
REV 9X15/98		Reviewed By _	UNAVAILABLE FOR HEARING 7/19/02
CE A DIVISION OF			7 11

BRIEF TO ACCOMPANY PETITION FOR ZONING VARIANCE

SHANEYBROOK PROPERTY 12508 GREENSPRING AVENUE

Guy L. and Dorothy E. Shaneybrook purchased and have resided at the referenced property since February 1960. The property contains 10.1866 acres and is improved with a two story dwelling, barn and shed.

Mr. and Mrs. Shaneybrook are retired and know wish to construct a new dwelling on a lot containing approximately 1.2 acres while retaining the remainder of the property which will eventually be conveyed to their children.

Locating the proposed dwelling where the Shaneybrooks wish it to be constructed makes it impossible to provide 50 foot side yard setbacks as required Section 1A04.3B.2. So that adjacent properties will not be effected by this request, 50 foot minimum side yards will be provided along the exterior property lines.

DESCRIPTION TO ACCOMPANY PETITION FOR ZONING VARIANCE

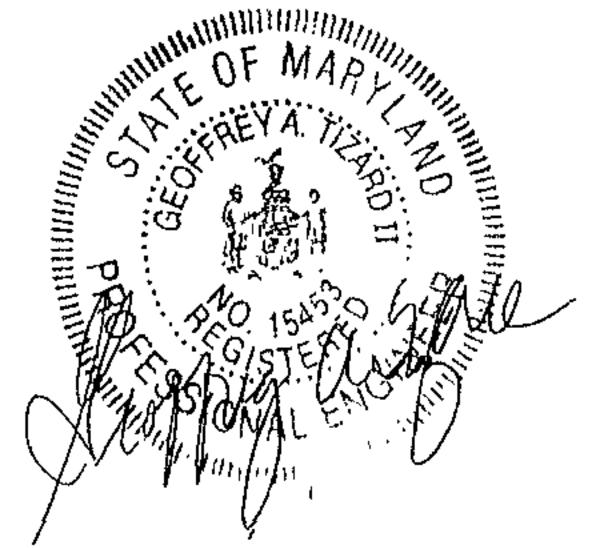
SHANEYBROOK PROPERTY 12508 GREENSPRING AVENUE

Beginning for the same at a point in the center of Greenspring Avenue, distant northwesterly 305 feet from it's intersection with the center of Walnut Avenue, thence (1) N 25°10′00′W 333.00 feet, thence (2) S 67° 05′00″W 1320.00 feet, thence (3) S 20°30′10″E 333.04 feet, thence (4) N 67°05′00″E 1347.00 feet to the place of beginning.

Containing 10.1866 acres of land more or less

Being known as 12508 Greenspring Avenue and located in the Fourth Election District of Baltimore County, Maryland





DISTRIBUTION WHITE - CASH	FOR:	RECEIVED	· 3·49.56.24.49	DATE	MISCE
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NOTICE OF ZONING

The Zoning Commissioner of Battimore County, by authority of the Zoning Act and Regulations of Battimore County will hold a public hearing in Towson identified herein as follows: HEARING

Case: #03-052-A
12508 Greenspring Avenue
W/side of Greenspring Avenue,
305 feet north of Wahut Avenue
4th Election District
3rd Councilmanic District
Legal Owner(s): Guy L. and
Dorothy E. Shaneybrook
Variance: to allow side yard
setbacks of 35 feet and 45
feet instead of the required
50 feet.

Hearing: Wednesday, September 11, 2002 at 11:00 a.m. in Room 106, Baltimore County Office Building, 111 W. Chesa-peake 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) 887-4386.
(2) For information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-

C558958 3391. JT/8/744 Aug. 27

E OF PUBLICATION ERTIFICAT

that the annexed advertisement was published THIS IS TO CERTIFY

successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., once in each of

G

凶 The Jeffersonian

Catonsville Times es Arbutus Tim

Towson Times

Owings Mills Times

/Reporter North County News NE Booster,

Mulling.

LEGAL ADVERTISING

JU 9/11

CERTIFICATE OF POSTING

RE: Case No. 03-052-A
Petitioner/Developer:
Guy L. and Dorothy E.
Shaneybrook
Hearing Date: 09/11/02

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Mr. George Zahner

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 12508 Greenspring Ave.

The sign(s) were posted on 08/27/02.

Sincerely,

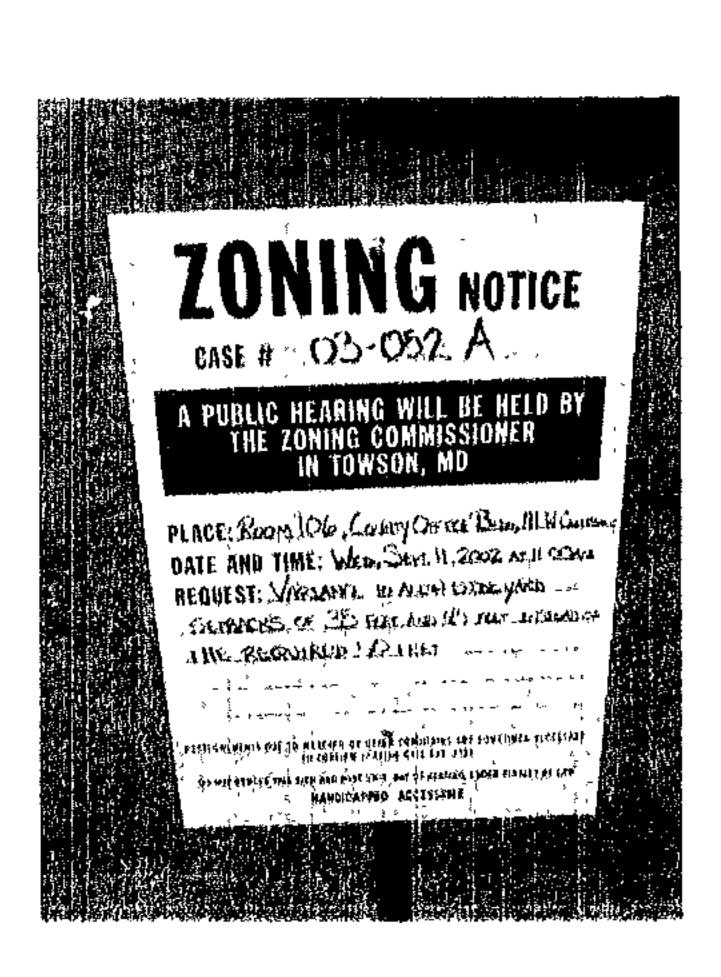
Diana Sugiuchi

Thomas J. Hoff, Inc.

406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



9

RE:	PETITION FOR VARIANCE.
	12508 Greenspring Avenue
	W/side of Greenspring Avenue
	305' north of Walnut Avenue
	4 th Election District 3 rd Councilman

nic

District

Legal Owner: Guy L. & Dorothy E. Shaneybrook

Petitioner(s)

* **BEFORE THE**

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

03-052-A

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 Balkimore 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 14th day of August, 2002, a copy of the foregoing Entry of Appearance was mailed to Guy L. & Dorothy E. Shaneybrook, 12508 Greenspring Avenue, Owings Mills, MD 21117 Petitioner(s).

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Wednesday, August 14, 2002 Issue – Jeffersonian

Please forward billing to:

Guy L. Shaneybrook 12508 Greenspring Avenue Owings Mills, MD 21117

410-356-5738

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: 03-052 A 12508 Greenspring Avenue W/side of Greenspring Avenue, 305 feet north of Walnut Avenue Election District 4th - Councilmanic District 3rd Legal Owner: Guy L and Dorothy E. Shaneybrook

VARIANCE to allow side yard setbacks of 35 feet and 45 feet in stead of the required 50 feet.

Wednesday, 9/11/02 at 11:00 p.m. in Rm 106, Balt Cty Ofc Bldg, 111 W. **HEARING:**

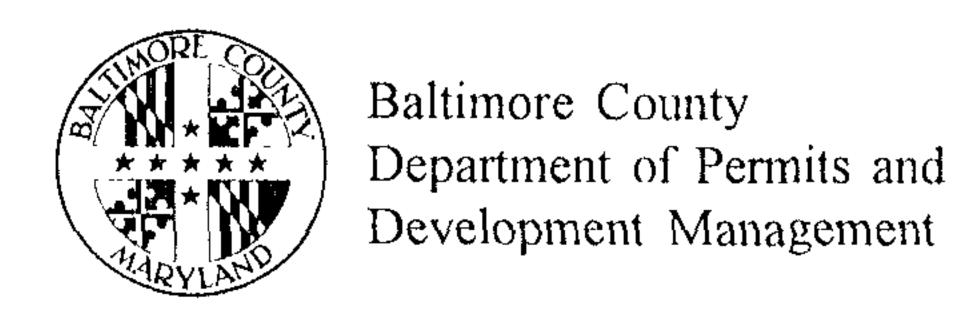
Chesapeake Ave

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.



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

August 6, 2002

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: 03-052-a 12508 Greenspring Avenue

Company of the Control of the Contro

W/side of Greenspring Avenue, 305 feet north of Walnut Avenue

Election District 4th - Councilmanic District 3rd Legal Owner: Guy L. and Dorothy E. Shaneybrook

VARIANCE to allow side yard setbacks of 3 feet and 45 feet instead of the required 50 feet.

HEARING:Wednesday, September 11, 2002 at 11:00 AM Room 106 County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon Director

C:

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY Tuesday, August 27, 2002

(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.



Baltimore County
Department of Permits and
Development Management

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

August 14, 2002

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: 03-052 A
12508 Greenspring Avenue
W/side of Greenspring Avenue, 305 feet north of Walnut Avenue
Election District 4th - Councilmanic District 3rd
Legal Owner: Guy L and Dorothy E. Shaneybrook

VARIANCE to allow side yard setbacks of 35 feet and 45 feet in stead of the required 50 feet.

HEARING: Wednesday, 9/11/02 at 11:00 p.m. in Rm 106, Balt Cty Ofc Bldg, 111 W.

Chesapeake Ave

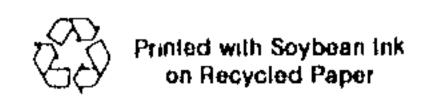
Arnold Jablon Director

Cc:

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY .Tuesday, August 27, 2002

- (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.

Come visit the County's Website at www.co.ba.md.us



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

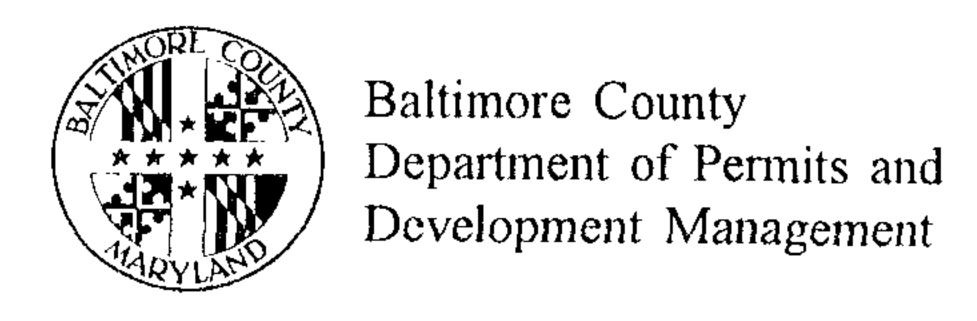
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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: <u>3° 052° A</u> Petitioner: <u>SHANETBROCK</u>
Address or Location: 12508 GREENSPRING AVE,
PLEASE FORWARD ADVERTISING BILL TO: Name: GUY L. SHANEYBROOK
Address: 17508 GREENSPRING AVE
OWINGS MILLS, MO. 21117
Telephone Number: (410) 356 - 5738



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

September 6, 2002

Mr. & Mrs. Guy L Shaneybrook 12508 Greenspring Avenue Owings Mills MD 21117

Dear Mr. & Mrs. Shaneybrook:

RE: Case Number: 03-052-A, 12508 Greenspring Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 29, 2002.

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. 60 て

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: gdz

Enclosures

c: David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court,

Edgewood 21040 People's Counsel



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

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

August 5,2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF August 5, 2002

Item No.: See Below

Dear Mr. Zahner:

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,

IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

057

142-054

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 29, 2002

Department of Permits & Development Mgmt.

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 12, 2002

Item Nos. 042, 044, 045, 046, 049, 051,

(052),053, and 054

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

RWB:CEN:jrb

ce. File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley (14)

DATE:

August 23, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of <u>August 5, 2002</u>

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

44,46,52

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley

DATE:

August 27, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of August 5, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

42,44,45,46,52,54

Sint 9/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 5, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-045, & 03-052

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/LL:MAC

19-6



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams
Administrator

Date: 8.7.07

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE:

Baltimore County

Item No. 052

JL

Dear. Mr. Zahner:

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,

for

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



Parris N. Glendening Governor Kathleen Kennedy Townsend Lt. Governor

Roy W. Kumitz Secretary Mary Ahrams Deputy Secretary

August 7, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
Room 111
111 West Chesapeake Avenue
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 8/12/02

Case numbers 03-042-SPH, 03-043-SPH, 03-044-A, 03-045-A, 03-046-A, 03-047-A, 03-048-A, 03-049-A, 03-050-SPHX, 03-051-A, 03-052-A, 03-053-SPH, & 03-054-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 8/6/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

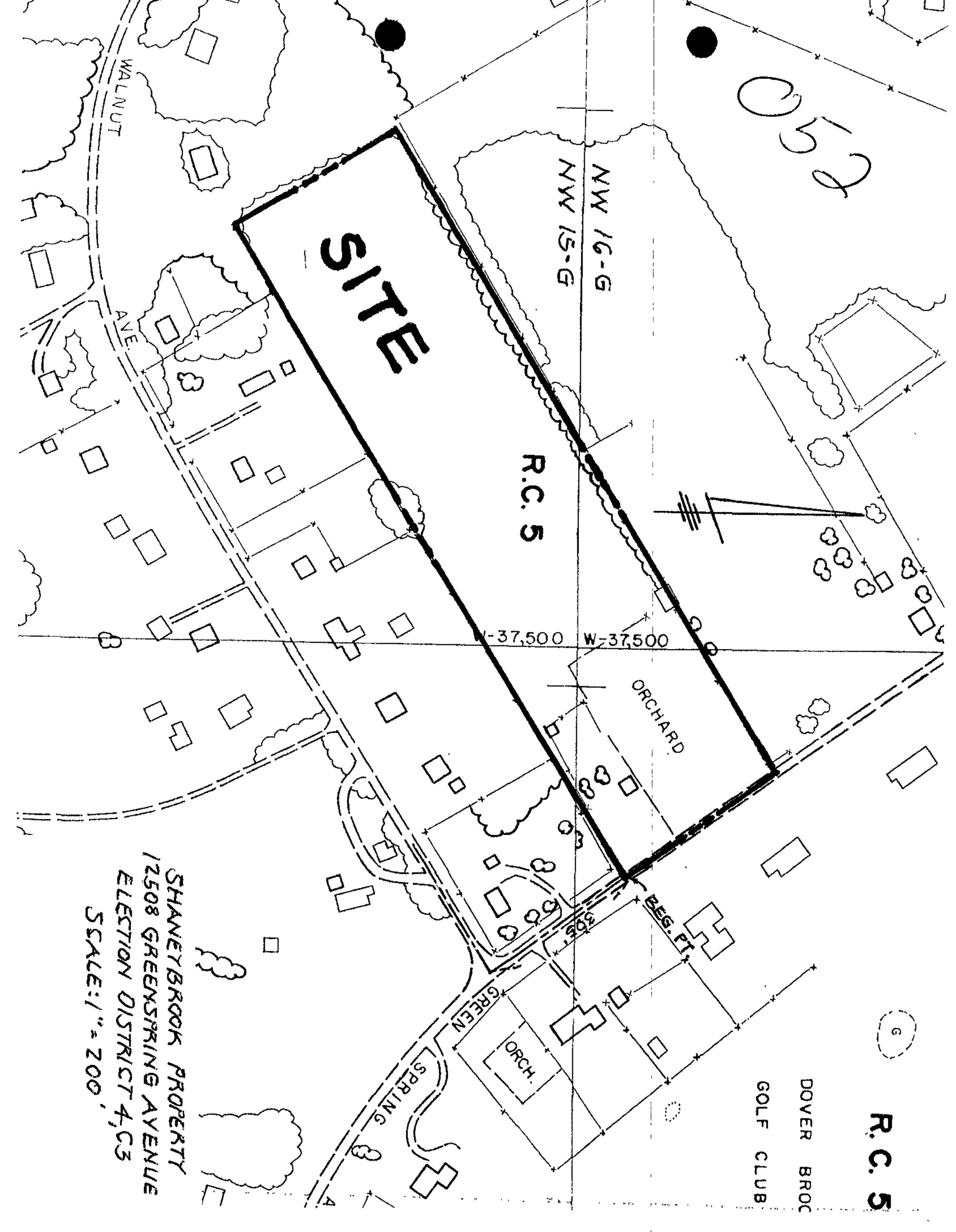
James R. Gatto

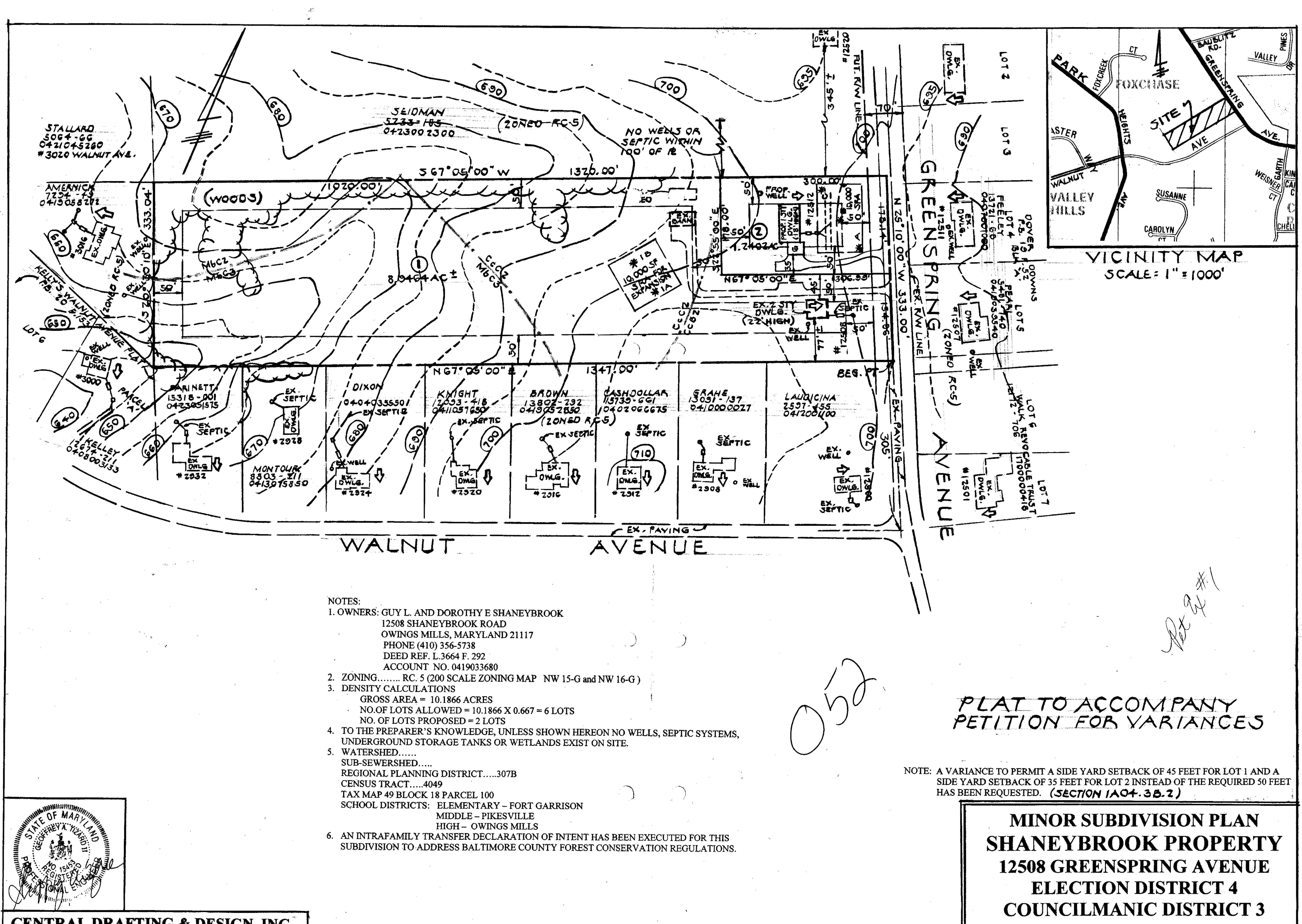
Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup





CENTRAL DRAFTING & DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MD 21040 (410) 679-8719

BALTIMORE COUNTY, MARYLAND SCALE: 1" = 100 APRIL 16, 2002