IN RE: PETITION FOR VARIANCE
N/S of Caves Road, 500' NE
centerline of Garrison Forest Road
4th Election District
3rd Councilmanic District
(3224 Caves Road)

James T. Hall Petitioner

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 03-230-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, James T. Hall. The Petitioner is requesting a variance for property he owns at 3224 Caves Road, which property is zoned R.C.2. The variance request is to permit two accessory structures in the front yard of a proposed dwelling in lieu of the required rear yard and to permit one of the accessory structures to have a height of 20 ft. in lieu of the maximum permitted 15 ft.

Appearing at the hearing on behalf of the variance request were James Hall, owner of the property, Geoffrey Schultz, representing McKee & Associates, the engineers who prepared the site plan of the property, and Howard L. Alderman, Jr., attorney at law, representing the Petitioner. Appearing as interested parties were Jack Dillon and Elizabeth O'Hara, both representing the Valleys Planning Council.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 3.151 acres, more or less, zoned R.C.2. The property is currently improved with a 1½-story dwelling and an accessory garage. The property is located on the north side of Caves Road, east of its intersection with Garrison Forest Road. Mr. Hall testified that he has owned the property for the past seven years. He is interested in one day constructing a new single-family dwelling further to the rear of the property, the location of which is shown on

21.103

Petitioner's Exhibit No. 1. Once that new dwelling was complete, Mr. Hall would vacate his existing dwelling and occupy the new. His plans call for him to abandon the old dwelling, but to keep the structure and use it as accessory to the new principal dwelling. Mr. Hall testified that he would remove the kitchen from the old dwelling and would use the structure for storage purposes. He also indicated that he would not heat the old house. In order to construct a home in the future as proposed, the variance requests are necessary.

As stated previously, Mr. Jack Dillon and Elizabeth O'Hara appeared at the hearing on behalf of the Valleys Planning Council. Mr. Dillon indicated that his association was not opposed to the granting of this variance so long as certain conditions and restrictions were imposed upon the future use of this property. Those conditions and restrictions were discussed with Mr. Hall and shall be imposed at the end of this order. As to the variance requests, they shall be granted to allow Mr. Hall to construct a new single-family residential dwelling in the future in the area depicted on Petitioner's Exhibit No. 1.

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

THEREFORE, IT IS ORDERED, this day of January, 2003, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 400.1 of the B.C.Z.R., to permit two accessory structures in the front yard of a proposed dwelling in lieu of the required rear yard and to permit one of the accessory structures to have a height of 20 ft. in lieu of the maximum permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. Prior to the issuance of a use and occupancy permit for the new dwelling to be constructed on the property, the Petitioner shall be required to abandon the use of the old house as a dwelling unit. All kitchen facilities shall be removed from the old house and no one shall be permitted to occupy this structure as a dwelling. The Petitioner shall be prohibited from having any overnight guests in the old dwelling itself.
- 2. The granting of the relief herein shall in no way be interpreted to increase the amount of density associated with this property. There shall be only one dwelling unit associated with this 3.151-acre parcel of property.
- 3. The Petitioner shall be required to keep and maintain the existing garage and the existing dwelling in an acceptable state of repair. The Office of Planning shall, at

their discretion, determine whether the property owner is complying with this restriction to ensure compliance with same.

- 4. Prior to the issuance of a building permit for the construction of the proposed dwelling, the property owner shall submit to the Office of Planning, for their review and approval, elevation drawings of the new house to be constructed.
- 5. The property owner shall be required to record this Order in the Land Records of Baltimore County within sixty (60) days from the date of its issuance, for the purpose of advising any future purchaser of this property of the conditions and restrictions imposed on the use of this land.

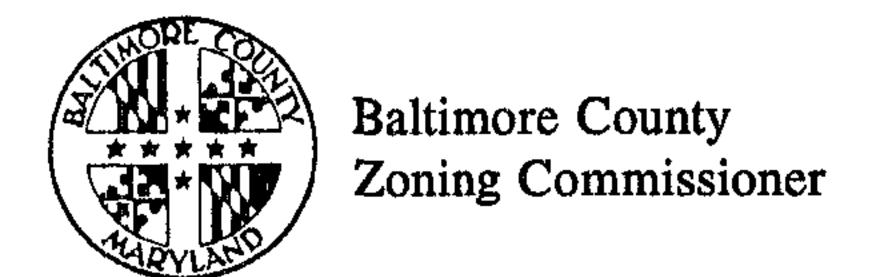
IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

ΓΙΜΟΤΗΥ Μ. ΚΌΤROCO

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

January 21, 2003

Howard L. Alderman, Jr., Esquire Levin & Gann, P.A. Nottingham Centre, 8<sup>th</sup> Floor 502 Washington Avenue Towson, Maryland 21204

Re: Petition for Variance Case No. 03-230-A

Property: 3224 Caves Road

Dear Mr. Alderman:

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,

Whooco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

### Copies to:

James T. Hall 500 Washington Avenue Towson, MD 21204

Geoffrey C. Schultz McKee & Associates, Inc. 5 Shawan Road Cockeysville, MD 21030

Elizabeth O'Hara
Jack Dillon
Valleys Planning Council
207 Courtland Avenue
Towson, MD 21204



### Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 3224 Caves Road which is presently zoned \_\_\_\_RC-2

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) 400.1 to permit two accessory

structures (existing dwelling and garage) in the front yard of the proposed dwelling in-lieu-of the required rear yard location and Section 400.3 to permit an accessory structure height (existing dwelling) of 20 feet in-lieu-of the maximum allowed 15 feet.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The buildings are existing and the Owner desires to retain them upon constructing the proposed dwelling. The residential use of the existing dwelling will cease. The location of the existing buildings in relation to the property lines and Caves Road precludes siting of the new dwelling without the requested relief.

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.

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

Date 11 13 02

DINAVAILABLE FOR HEARING \_

### Contract Purchaser/Lessee:

### <u>Legal Owner(s):</u> Name - Type or Print Name - Type or Print Signature Signature Address Telephone No Name - Type or Print City Zip Code State Signature (410) 935**-**9457 3224 Caves Road **Attorney For Petitioner:** Address Telephone No. Owings Mills, Maryland 21117 Howard L. Alderman, Jr. Name - Type or Print City State Zip Code Representative to be Contacted: Signature Georgrey C. Schultz McKee and Associates, Inc. Levin and Gann, P.A. Company Nottingham Centre, 8th Floor Name (410) 321-0600 502 Washington Avenue (410) 527-1.555 5 Shawan Road, Suite 1 Address Telephone No. Address Telephone No. 21.204 Towson, Maryland 21030 Cockeysville, Maryland City Zip Code State State Zip Code OFFICE USE ONLY

Reviewed By \_\_\_

Engineering • Surveying • Environmental Planning Real Estate Development

November 13, 2002

ZONING DESCRIPTION OF 3224 CAVES ROAD 4<sup>TH</sup> ELECTION DISTRICT 3<sup>RD</sup> COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND



BEGINNING at a point in the centerline of Caves Road, said point being 500 feet northeast of the centerline of Garrison Forest Road; thence leaving Caves Road and running, 1) North 22 degrees 33 minutes 00 seconds West, 327.09 feet, 2) North 69 degrees 25 minutes 00 seconds East, 495.70 feet, and 3) South 10 degrees 24 minutes 00 seconds East, 267.80 feet to the centerline of Caves Road; thence running along said centerline, 4) South 61 degrees 05 minutes 00 seconds West, 412.20 feet, and 5) South 62 degrees 27 minutes 00 seconds West, 29.57 feet to the place of beginning.

CONTAINING 137,276 square feet or 3.151 acres of land as recorded in Deed Liber 11841, folio 492.

4th Election District, 3rd Councilmanic District

Item #230

### 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 <u>Towson Maryland</u> on County will hold a public hearing in <u>Towson Maryland</u> on the property identified herein as follows:

Case #3-230-A
3224 Caves Road
N/side Caves Road
Ath Election District — 3rd Councilmanic District
Legal Owner(s). James T. Hall
Variance: to permit two accessory structures in the front yard of the proposed dwelling in lieu of the required rear yard location and to permit an accessory structure height of 20 feet in lieu of the maximum allowed 15 feet.

Hearing: Friday, January 17, 2003 at 11:00 a.m. in Hearing: Friday, January 17, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E SCHMIDT
Zoning Commissioner for Baltimore County
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
missioner's Office at (410) 887-4386
(2) For information concerning the File and/or Hearing,
Contact the Zoning Review Office at (410) 887-3391.

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing newspaper published in Baltimore County, Md., in the following weekly once in each of

The Jeffersonian

Arbutus Times

Catonsville Times

Times Towson 

Mills Times Owings North County News

NE Booster/Reporter

Warms.

LEGAL ADVERTISING

WHITE - CASHIER DISTRIBUTION FOR: FROM: RECEIVED MISCELLANEOUS OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, PINK - AGENCY RECEIPT (ţ AMOUNT ACCOUNT YELLOW - CUSTOMER 47 Ç No. SOCO 是是 Sanda Manual Manual Manual CASHIER'S and and VALIDATION THE THE Against a series **新教** EE | take 7 | take 1 | take 1 | take 1 | take 1 

ю,

### CERTIFICATE OF POSTING

RE Case No 03-230-A
Pennoner Developer HALL Date of Hearing/Closing

15 and fax transmittal memo 7673 公司と 1

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

Ladies and Gentlement

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 #3224 C The sign(s) were posted on

of Sign Poster and Date)

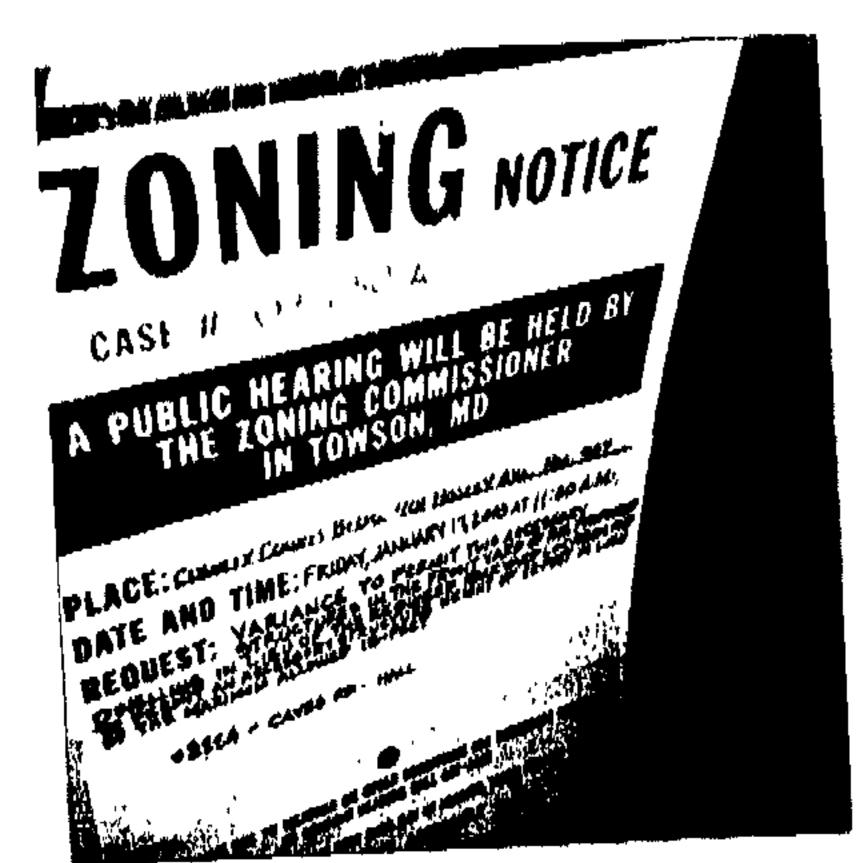
PATRICK M. O'KEEFE/a (Printed Name)

523 PENNY LANE

(Address)

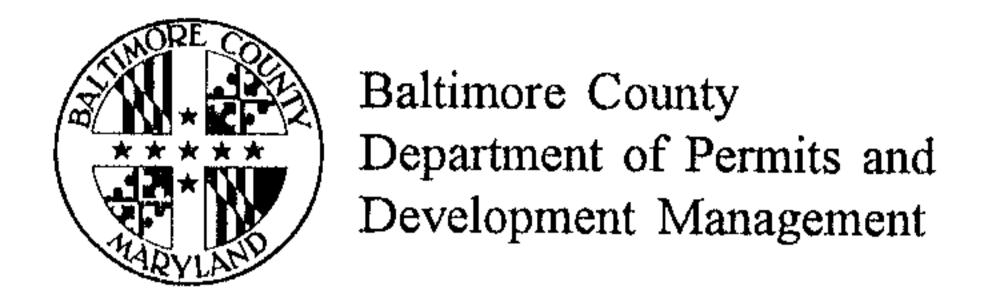
(City, State, Zip Code)

410-666:5366 ; CELL: 410.905.8571 (Telephone Number)



#32:24 CAVES RO. 11.

1/11/03



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

Fax: 410-887-5708

December 10, 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: 03-230-A

3224 Caves Road

N/side Caves Road, 500 feet northeast of centerline Forest Road

4<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: James T. Hall

Variance to permit two accessory structures in the front yard of th proposed dwelling in lieu of the required rear yard location and to permit an accessory structure height of 20 feet in lieu of the maximum allowed 15 feet.

Hearings:

Friday, January 17, 2003 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

AJ:rlh

C: Levin and Gann, 502 Washington Ave., 8th Floor, 210 W. Pennsylvania Avenue, Towson 21204

James T. Hall, 3224 Caves Road, Owings Mills 21117

Geoffrey Schultz, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 2, 2003.

- (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, January 2, 2003 Issue - Jeffersonian

Please forward billing to:

James T. Hall 3224 Caves Road

410-935-9457

Owings Mills, MD 21117

### **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: 03-230-A

3224 Caves Road

N/side Caves Road, 500 feet northeast of centerline Forest Road

4<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owner: James T. Hall

<u>Variance</u> to permit two accessory structures in the front yard of th proposed dwelling in lieu of the required rear yard location and to permit an accessory structure height of 20 feet in lieu of the maximum allowed 15 feet.

Hearings:

Friday, January 17, 2003 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(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

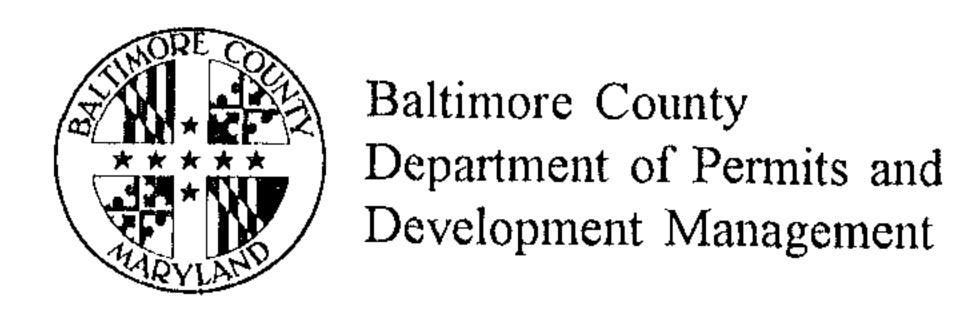
### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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: 03-230 A  Petitioner: James T. Hall  Address or Location: 3224 Carres Road
Petitioner: James T. Hall
Petitioner: James T. Hall
Address or Location: 3224 Caves Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: James T. Hall
Address: 3224 Caver Road
Dwings Hells, Haryland 21117
Telephone Number: 410-935-9457



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

January 10, 2003

Mr. Howard L. Alderman 502 Washington Avenue Towson, MD 21204

Dear Mr. Alderman:

RE: Case Number: 03-0230-A, 3224 Caves Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 13, 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. Supervisor, Zoning Review

U. Callibal)

WCR:rlh

Enclosures

c: People's Counsel James T. Hall, 3224 Caves Road, Owings Mills 21117 Geoffrey Schultz, McKee & Associates, Inc., 5 Shawn Road, Suite 1, Cockeysville 21030



### Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 12.4.02

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

RE:

Baltimore County

Item No. 230

ZDD

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,

1.

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

1. J. Hadle



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

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

December 11, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.: Distribution Meeting of 12/9/02

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

224-240

,230

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

cc: File

)N |11

### DEPARTMENT OF THANKSON MEMPARTROPECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley Res T6T

DATE:

January 13, 2003

SUBJECT:

Zoning Item 230

Address

3224 Caves Road

Zoning Advisory Committee Meeting of 12/09/02

An evaluation of the well and septic system will be required. Soil evaluations will be required. Soil evaluations may be required so contact Ground Water Management for more information.

Reviewer:

Sue Farinetti

Date: January 13, 2003

### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley Res 1767

DATE:

January 14, 2003

SUBJECT:

Zoning Item 230

Address

3224 Caves Road

Zoning Advisory Committee Meeting of 12/09/02

Recommend a conditional approval that the existing residential structure be demolished once a new structure is completed. Furthermore, a time limit should be given for the removal of the old dwelling.

Reviewer:

Wally Lippincott

Date: January 14, 2003

35 63

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 30, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 03-230 & 03-259

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

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

**DATE:** January 17, 2003

TO: Arnold Jablon, Director

> Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** Zoning Advisory Committee Meeting

For December 16, 2002 Item Nos. 224, 225, 228, 229, 230, 231, 232, 233, 234, 235, 236, 238, 239, and

240

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE

3224 Caves Road

N/side Caves Rd, 500ft NE ctrline Garrison \*

Forest Road

4<sup>th</sup> Election District

3<sup>rd</sup> Councilmanic District

Legal Owner: James T. Hall

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

\* FOR

**BALTIMORE COUNTY** 

03-230-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.

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  $\frac{240}{1000}$  day of December, 2002, a copy of the foregoing Entry of Appearance was mailed to, Geoffrey C. Schultz, McKee & Associates, 5 Shawan Road, Suite 1, Cockeysville, MD 21030 and to Howard L. Alderman, Jr., Levin & Gann, P.A., Nottingham Center, 502 Washington Avenue, 8th Floor, Towson, MD 21204, Attorney for

Petitioner(s).

People's Counsel for Baltimore County

CASE NAME HALL PEOPERTY
CASE NUMBER 03-230-4
DATE 1/17/03

## CITIZEN'S SIGN-IN SHEET

								MCK Millon	Elizabeth O'Hara	NAME
								207 Courtland Ave	and Ave	ADDRESS
								10wson, MO 21204	Towson, MO 21204	CITY, STATE, ZIP
								dillon sporte comiastine	charape @ yesters	E- MAIL

CASE NAME HAC PARAM CASE NUMBER 03-236-4 DATE 17 JAN 03

# PETITIONER'S SIGN-IN SHEET

								TAMES T. HALL	Howard) ( Awarman JA	のなが、いるなが	NAME
•								500 WARHINGTON AUC	LEVINGGANN, PA SUITEST	か NTASAS のき	ADDRESS
								Towson MD 21204	7	HAST VALEY, NO 2003	CITY, STATE, ZIP
											E-MAIL



Parris N. Glendening Governor Kathleen Kennedy Townsend Lt. Governor

Roy W Kienitz Secretary Mary Abrams Deputy Secretary

December 11, 2002

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

Re: Zoning Advisory Committee Agenda, 12/16/02 re: case numbers 03-224-A, 03-225-SPH, 03-226-SPH, 03-228-A, 03-229-A, 03-230-A, 03-231-SPH, 03-232-SPH, 03-233-SPHA, 03-234-A, 03-235-SPHA, 03-236-A, 03-237-A, 03-238-A, 03-239-A, 03-240-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 12/11/02. 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,

Milhar - Amiliation of the

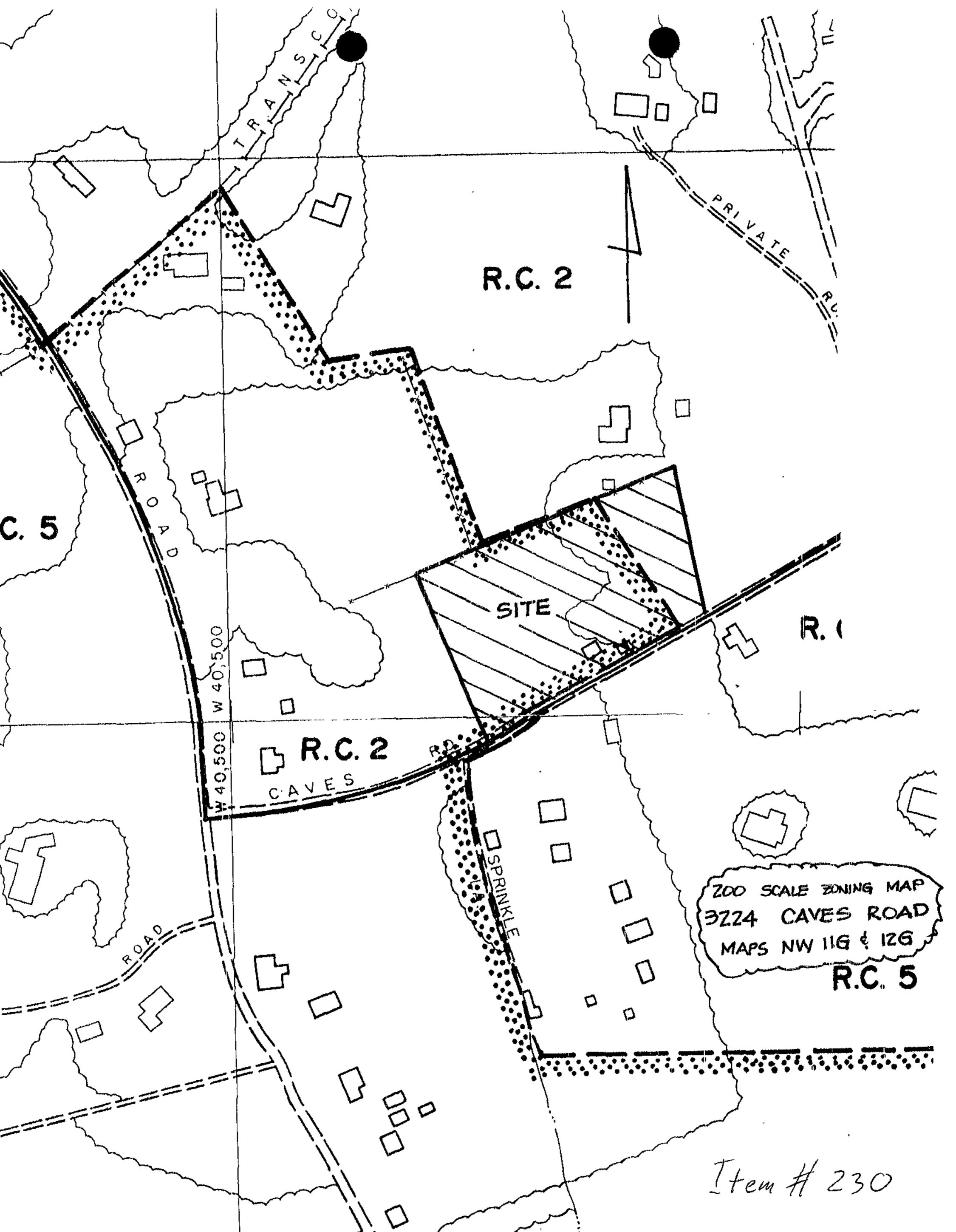
James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

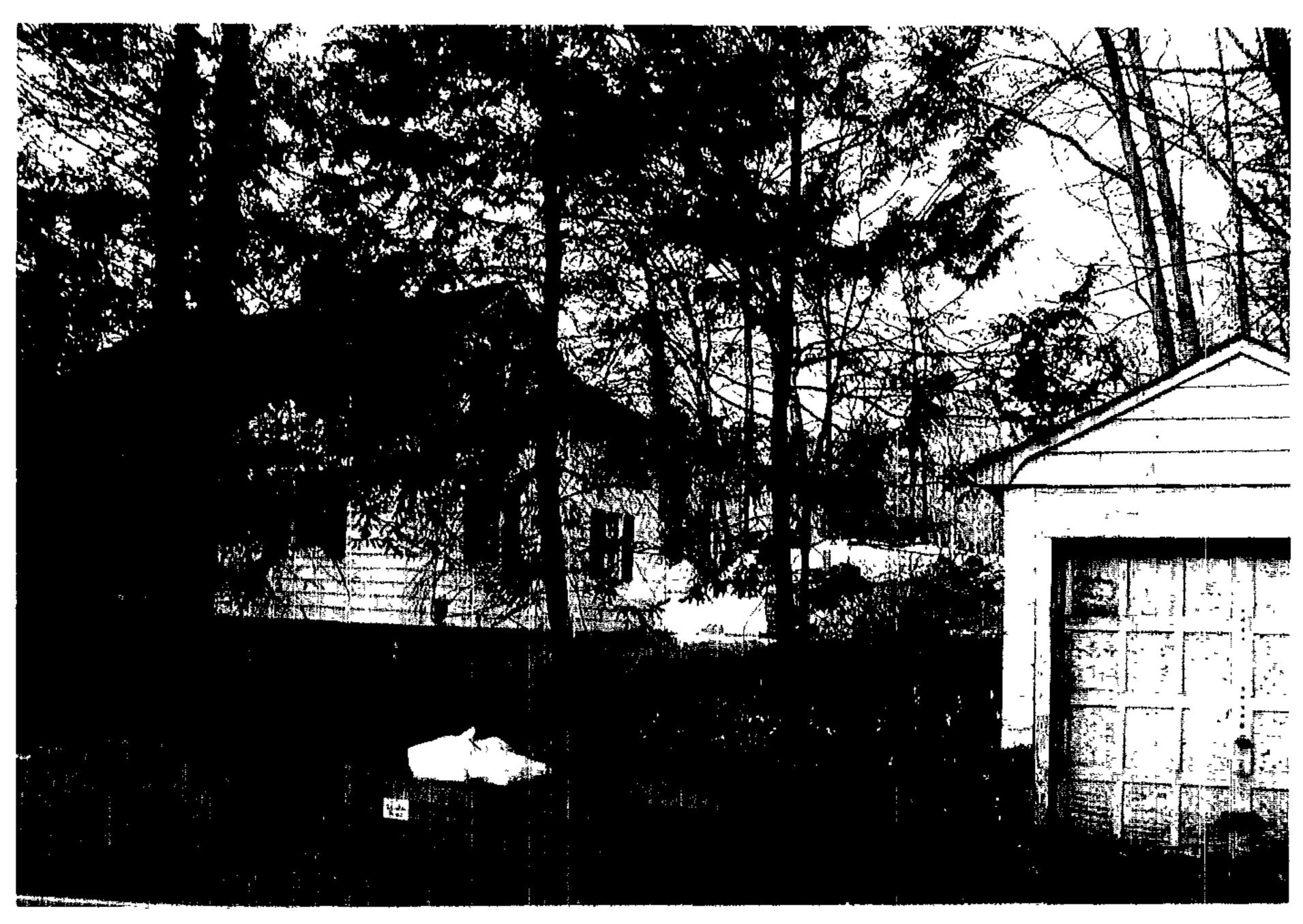
cc: Mike Nortrup













### 010065.385

:SH NI

PETITION FOR SPECIAL HEARING E/S Carrison Forest Road, 165' H of Caves Road

(505 Garrison Potest Road and 3224 Caves Road)
4th Blection District

3rd Councilmanic District
Richard H. Krianger, et ux
Petitioners

BEFORE THE

\* DEPUTY NONTING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 95-76-899

. . . . .

### PINDINGS OF FACT AND CONCLUSIONS OF LAW

Patition for Special Hearing for those properties known as 505 Garrison Forest Road and 3224 Caves Road, located in the vicinity of Reisterstown in northwestern Heitimore County. The Patition was filed by the owners of the properties, Richard H. and Florette Erlanger. The Patitioners seek special hearing relief to approve the nonconforming use of two dwellings on one lot, a honconforming setback for the property known as 3224 Caves Road, and the subdivision of the subject property to create two separate lots. The subject property and relief sought are more particularly described on the site plan submitted into evidence as Patitioner's Exhibit 1.

Appearing on behalf of the Petition filed were Richard Erlanger, property owner, Thomas Church, Professional Engineer, and Harry Shapiro, Esquire, attorney for the Petitioners. Appearing as interested parties were Margaret Morrall, Executive Director of the Valleys Planning Council, and Heverly Moore, a nearby resident of the area.

Testimony and evidence offered revealed that the subject property, which is improved with two single family dwellings, consists of a gross area of 4.84 acres, more or less, zoned R.C. 2 and enjoys frontage on both Garrison Forest Road and Caves Road. The Petitioners are desirous of selling the two homes and have requested that the subject property be

ALL-STATE LEGAL®

EXHIBIT

Output

Description

State Legal®

subdivided to create two suparate lots so that each house can be sold independently of the other. Proposed Lot 1 would consist of 1.689 acres the dwelling known as 905 Carrison Forest Road, and proposed Lot 2 would consist of 3.1514 acres, more or less and contain the other dwelling known as 3224 Cavas Road. This new configuration is more particularly described on the site plan marked Petitioner's Exhibit 1. tostimony revealed that the two dwellings have existed on this property for some 50 to 60 years and as such, were constructed prior to the effective date of the soning regulations on January 2, 1945. Therefore, the existence and location of the two dwellings in question are nonconforming. Further testimony noted that the dwelling on proposed Lot 2, known as 3224 Caves Road, is located 45 fost from Caves Road in lieu of the required 75 feet. While the Petitioners did not request a variance for this particular dwelling, they did request a special hearing to approve that its location on proposed Lot 2 is nonconforming. As noted earlier, the two dwellings have existed in their present location for over 50 years. To require strict compliance with current setback regulations would result in a practical difficulty and unreasonable hardship for the Petitioners. In the opinion of this Deputy Zoning Commissioner, the granting of the relief requested would not adversely impact the surrounding locale and meets the epirit and intent of the zoning regulations.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seaks relief would unduly restrict the use of the land due to the special condi-

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tions unique to this particular parcel. In addition, the rolled requested will not be detrimental to the public health, andety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

HEREFORE, IT IS ORDERED by the Deputy Soming Commissioner for Baltimore County this Add day of October, 1994 that the Petition for Special Hearing seaking approval of the nonconforming use of two dwellings on one lot, a nonconforming setback for the property known as 3224 Caves Road, and the subdivision of the subject property to create two separate lots, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The 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 relief granted herein shall be rescinded.
- 2) There shall be no further subdivision of proposed Lots 1 and 2, by any future owner. Pursuant to Section 502.2 of the 8-C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Administration and Development Management (ZADM) office for inclusion in the case file.
- 3) When applying for any building permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOMIY N. KOTROCO

Deputy Zohing Commissioner for Baltimore County

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