IN RE: PETITION FOR VARIANCE
NW/S of Dorchester Avenue, 20 ft.
SW of Charles Street
1st Election District
1st Councilmanic District
(1314 Dorchester Avenue)

Elizabeth L. & John L. Sands Petitioner BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 04-419-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 Elizabeth L. and John L. Sands. The variance request is for property located at 1314 Dorchester Avenue in the western area of Baltimore County. The variance request is from Section 402 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing two-family (duplex) dwelling with a side yard (corner lot) setback of 24 ft. in lieu of the minimum required 25 ft. (corner lot).

The property was posted with Notice of Hearing on April 14, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 15, 2004 to notify any interested persons of the scheduled hearing date.

#### Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances.

CADER RECEIVED FOR SERVICE

SOURCE FOR FLANCE

Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

#### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

#### **Interested Persons**

Appearing at the hearing on behalf of the variance request were Elizabeth L. & John L. Sands, Petitioners. There were no protestants or citizens attending the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, is zoned DR 5.5 and is located on the corner of Chester Avenue and Charles Street in the "Catonsville Manor" Subdivision. The Petitioners wish to convert this single-family home into two apartment dwellings. However, the chart of Section 402 requires corner lots to have at least a 25 ft. side yard setback and this home has 24 ft. Thus, the Petitioners request a variance.

Mr. Sands testified that the building had been used for many years as two dwellings but that when he purchased the property he reverted the home to a single-family dwelling. The property comprises four lots of the Catonsville Manor, Plat 2 Subdivision. The house is located on the center of the four lots so that the side yards are 24 ft. and 23 ft. He testified that there was no property on either side that he could purchase to avoid the request for variance. His request would provide affordable housing for two families in two apartments that he has renovated. There is adequate parking on the premises for the two families.

He points out that the variance is requested for the side that is adjacent to Charles Street. This is a 40 ft. right-of-way so that the home nearest the requested variance across Charles Street is nearly 80 ft. away. He testified that it would be a hardship and a practical difficulty to remove 1 ft. from his home, although he looked at this option. However, the cost to undertake this option was prohibitive.

#### Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure, which is the subject of the variance request, as the home is located in the center of four lots in the old "Catonsville Manor" subdivision which was recorded in 1917. The subsequent application of the DR 5.5 zoning impacts this lot as a corner lot more then non-corner lots in the neighborhood which are required only to have 15 ft. side yard setbacks. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. It is unreasonable to require Mr. Sands to remove 1 ft. of his home to meet the regulations. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will result due to the granting of such a variance from the regulations. Furthermore, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

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 <u>5</u> day of May, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 402 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing two-family (duplex) dwelling with a side yard

(corner lot) setback of 24 ft. in lieu of the minimum required 25 ft. (corner lot), be and it is hereby GRANTED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



#### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



#### **Baltimore County**

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

May 5, 2004

Mr. & Mrs. John L. Sands 1314 Dorchester Avenue Catonsville, Maryland 21207

Re: Petition for Variance
Case No. 04-419-A
Property: 1314 Dorchester Avenue

Dear Mr. & Mrs. Sands:

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,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



Visit the County's Website at www.baltimorecountyonline.info



or practical difficulty)

REV 9/15/98

# Petition for Variance

to the Zoning Commissioner of Baltimore County

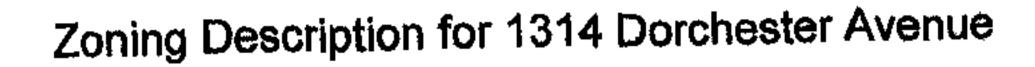
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for the property located at	esently zoned Single Family (PRS.5
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which is pr	esently zoned sing a large pros

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) 402 BC2R, to permit an existing two-family (diplex) dwelling with a side yard (corner lot) setback of 24 feet, in lieu of the minimum required 25 feet (corner lot).

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

Our house meets all requirements for a two family duples except for being 25 feat from the side street, the Mortgage location survey Shows it to be close to 25 feet, we want to rent it as a duplerand this is saw prevents as from doing sa

i, or we, agree to pay	ed and advertised as presented expenses of above Variations of Baltimore County a	ance, advertising, po	sting, etc. and further agree to and are to be bounded by the zoni e zoning law for Baltimore County.
	is th	I/We do perjury, that I/we e subject of this Petitle	solemnly declare and affirm, under the penalties of are the legal owner(s) of the property which on.
Contract Purchase	er/Lessee:		Legal Owner(s):
			Elizabeth Lucille Sands
Name - Type or Print		· · · · · · · · · · · · · · · · · · ·	Name - Type or Print Lucille Sand
Signature			Signature Sands
Address	······································	Telephone No.	Name Type or Brint
City	State	Zip Code	Signature 301-9
Attorney For Petit	tioner:		Address Orchester Hughun 6151 Telephone No.
			Address Cators vi/le  MD  Telephone No.  21207
me - vpe d Print	······································	······································	City State Zip Code
			Representative to be Contacted:
empary 3			John Lee Sands
Sempary 3		_	Name 86/1 34th Avenu 301-935-6151
Godes 3		Telephone No.	Address Telephone No.
W W	State	Zip Code	OFFICE USE ONLY
	04-419-A		ESTIMATED LENGTH OF HEARING
		Reviewed By	UNAVAILABLE FOR HEARING  Date 8/12/04



Here is the requested zoning description for 1314 Dorchester Avenue; beginning at a point on the west side of Dorchester Avenue which is feet wide at the distance of a feet of the centerline of the nearest improved intersecting street, Charles Street, which is 40 feet wide. Being lots numbered 69, 70, 71, and 72 in the subdivision of Catonsville Manorias recorded in Baltimore County Plat Book number 6, Folio number 116 containing 10,625 square feet. Also know as 1314 Dorchester Avenue and located in the 1<sup>st</sup> election District, Baltimore Councilmanic District 1.

04-419-A

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BALTIMORE COUNTY OFFICE BUDGET & FR			
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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. Maryland on the property identified herein as follows: Case: #04-419-A 1314 Dorchester Avenue, 20 feet e/west of Charles Street 1st Election District 1st Councilmanic District 1st

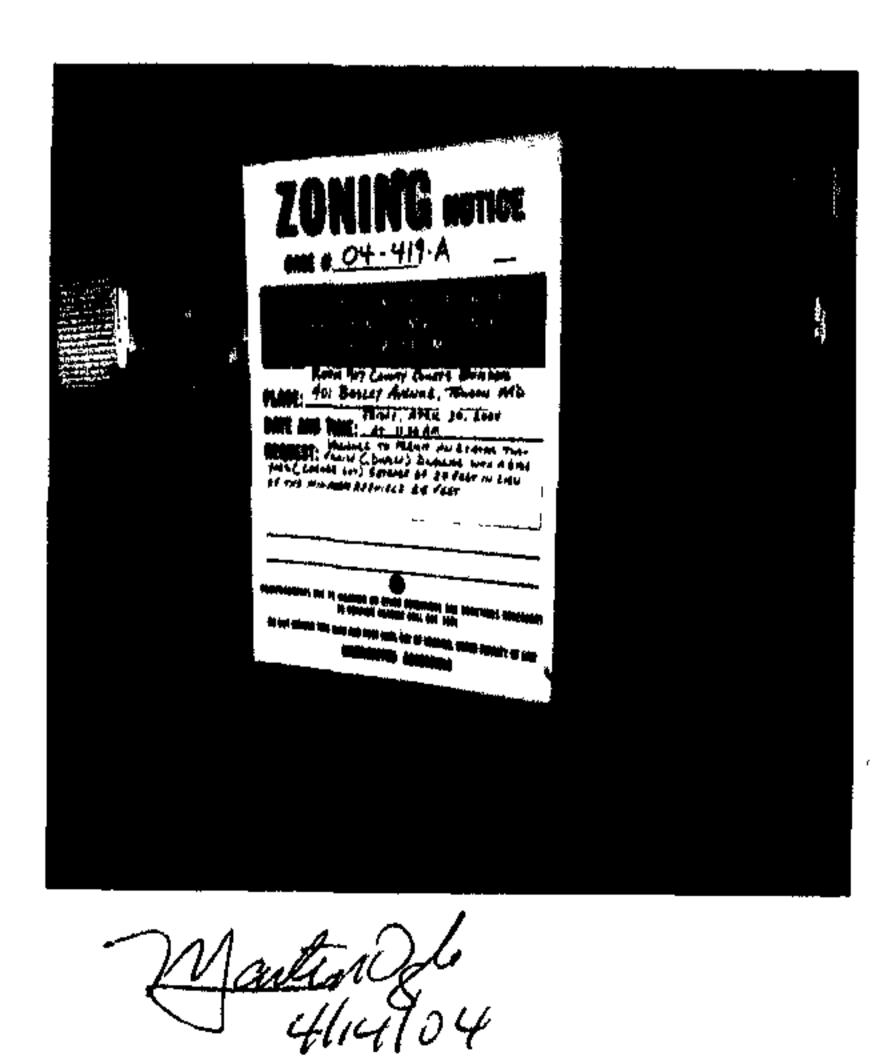
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.
(2) For information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 8873391.
4/213 Apr. 15 C659698

#### CERTIFICATE OF PUBLICATION

<u>4/15/, 2004</u>
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 4/15/_,20 <u>04</u> .
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkinson
LEGAL ADVERTISING

#### Certificate Of Posting

	RE: Case NO.: 04-419-1
<b>\</b>	Petitioner/Developer: TOHN EUZABETH SANDS
	Date of Hearing/Closing: 4/30/04
Baltimore County Department of Permits and Development Managen County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	-
This letter is to certify under the persign(s) required by law were posted at /314 2	
	•
This sign(s) were posted on	4 14 04
. (1)	Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster and Date)
CONING MALLOS	
ent # 04-419-A	Martin Ogle
	(Printed Name)
Robin 147 Canny Court With him 1964 1965 1965 1965 1965 1965 1965 1965 1965	5016 Castlestone Drive (Address)
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	(City,State,Zip Code)
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Company of the Compan	(Phone Number)
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## Department of Permits Development Management

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



#### **Baltimore County**

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

March 23, 2004

#### **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: 04-419-A

1314 Dorchester Avenue

N/west side of Dorchester Avenue, 20 feet s/west of Charles Street

1 st Election District – 1st Councilmanic District

Legal Owners: Elizabeth & John Sands

Variance to permit an existing two-family (duplex) dwelling with a side yard (corner lot) setback of 24 feet in lieu of the minimum required 25 feet.

Hearing: Friday, April 30, 2004, at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Elizabeth & John Sands, 1314 Dorchester Avenue, Catonsville 21207 John Sands, 8811 34<sup>th</sup> Avenue, College Park 20740

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 15, 2004.

- (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.



Visit the County's Website at www.baltimorecountyonline.info

TO: PATEUXENT PUBLISHING COMPANY.
Thiursday Adul 15, 2004 Issue Editions on lan

Please forward billing to:

John Sands

88/1/32 Avenue

College Park, MD 20740

301-935-6151

#### NOTICE ZONNCHEARING

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1314 Dorchester Avenue

N/west side of Dorchester Avenue 20 feets west of Charles Street

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ZONING COMMISSIONER FOR BALLIMORE GOUNTY

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# 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: 04-4/9-A Petitioner: 5ANDS
Address or Location: 1314 DORCHESTER AVENUE
TO KUITES LEK PUENUE
PLEASE FORWARD ADVERTISING BILL TO:
Name: JOHN SANDS
Address: 881/ 347H AVENUE
COLLEGE PART MD 20740
Telephone Number: 30[-935-615]

## Department of Permits and Development Management

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





James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

April 23, 2004

Elizabeth Sands John Sands 1314 Dorchester Avenue Catonsville, MD 21207

Dear Mr. and Mrs. Sands:

RE: Case Number: 04-419-A, 1314 Dorchester Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 12, 2004.

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

WCR:klm

**Enclosures** 

c: People's Counsel



Visit the County's Website at www.baltimorecountyonline.info



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

March 24, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: March 22, 2004

Item No.:

413-416, 418-423

Dear Ms. Hart:

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.

6. The Fire Marshal's Office has no comments at this time.

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

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Fianagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

3.19.64

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

RE:

**Baltimore County** 

Item No. 419

INS

Dear. Ms. Matthews:

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

77/30

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

RECEIVED

**DATE:** March 24, 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MAR 2 5 2004

SUBJECT: Zoning Advisory Petition(s): Case 4-419

ZONING COMMISSIONER

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:

Division Chief:

AFK/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** April 14, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For March 29, 2004

Item Nos. 413, 414, 415, 416, 418,

(419) 420, 421, and 423

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

\*

1314 Dorchester Avenue; NW/side of Dochester Avenue, 20' SW Charles Street \*1<sup>st</sup> Election & 1<sup>st</sup> Councilmanic Districts

Legal Owner(s): Elizabeth L & John L Sands\*
Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

BALTIMORE COUNTY

04-419-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 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 25<sup>th</sup> day of March, 2004, a copy of the foregoing Entry of Appearance was mailed to, John L. Sands, 8811 34<sup>th</sup> Avenue, College Park, MD 20740, Petitioner(s).

RECEIVED

MAR 2 5 2014

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

### CONVERSION OF ONE-FAMILY DWELLINGS MINIMUM DIMENSIONS

	Width	of Lot in Feet Building Lin	;	1	In Square eet	Side Yards (feet)			
Zone	Duplex <sup>1</sup>	Semi- Detached <sup>1</sup>	Each Add. Fam.	Two Families	Each Add. Family	Min. For One	Sum of Both		
D.R.1	175	175	25	50,000	10,000	Int. 25 Cor. 50	Int. 60 Cor. 75		
D.R.2	125	125	25	25,000	7,500	Int. 20 Cor. 35	Int. 50 Cor. 60		
D.R.3.5	90	100	15	12,500	4,000	Int. 20 Cor. 30	Int. 40 Cor. 50		
D.R.5.5	80	90	15	10,000	3,000	Int. 15 Cor. 25	Int. 35 Cor. 40		
D.R.10.5	70	80	10	Interior 8,050 Corner 9,200	2,500	Int. 15 Cor. 25	Int. 30 Cor. 40		
D.R.16	70	80	10	Interior 8,050 Corner 9,200	2,500	Int. 15 Cor. 25	Int. 30 Cor. 40		

#### NOTES:

The original BCZR 1955 definitions of "dwelling, duplex" and "dwelling, semi-detached" were deleted from Section 101 by Bill No. 100-1970. The entries previously read as follows:

<sup>&</sup>quot;Dwelling, Duplex: A two-family detached building with one housekeeping unit over the other.

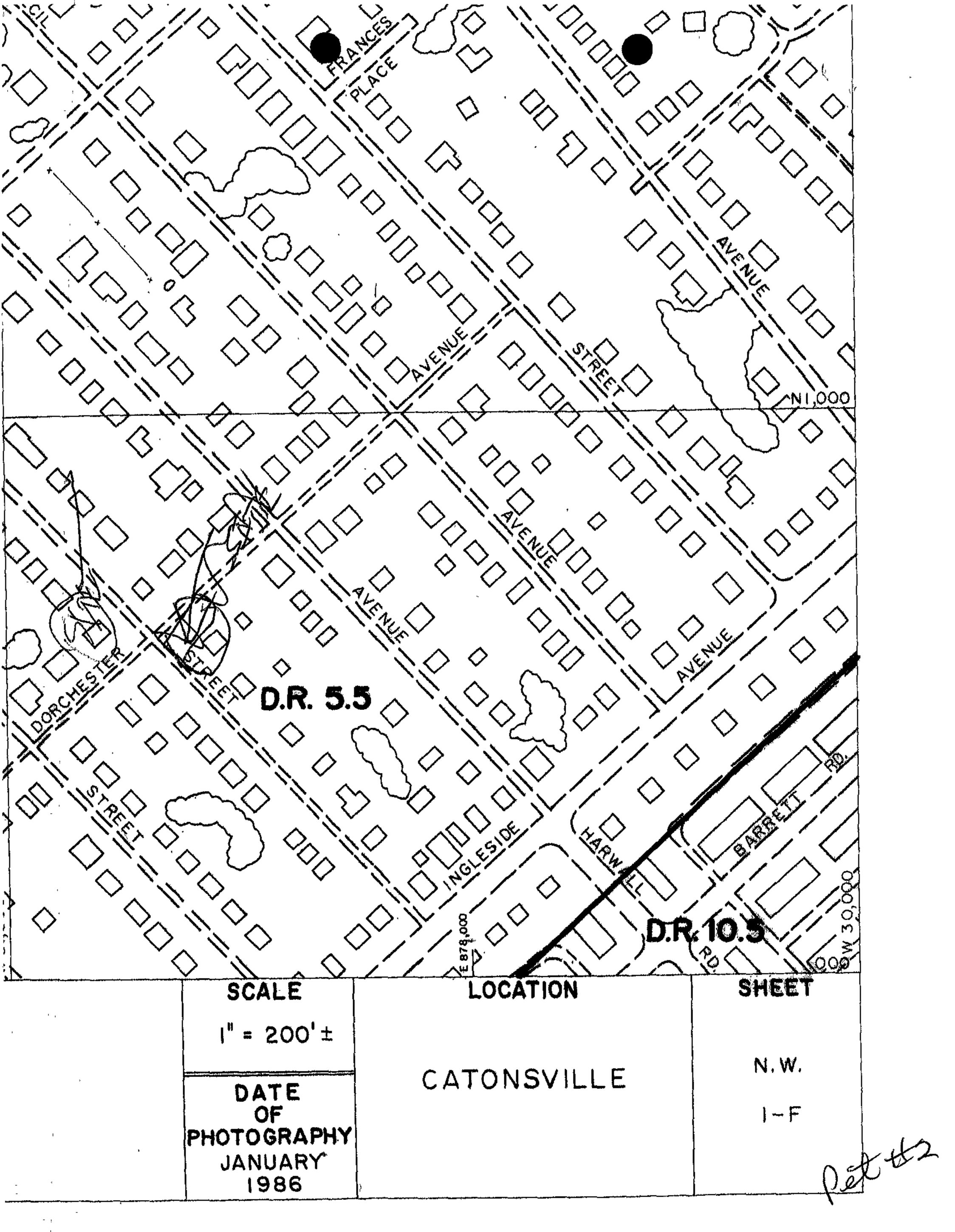
<sup>&</sup>quot;Dwelling, Semi-detached: A building that has two one-family housekeeping units erected side by side on adjoining lots, separated from each other by an approved masonry party wall extending from the basement or cellar floor to the roof along the dividing lot line, and separated from any other building by space on all sides."

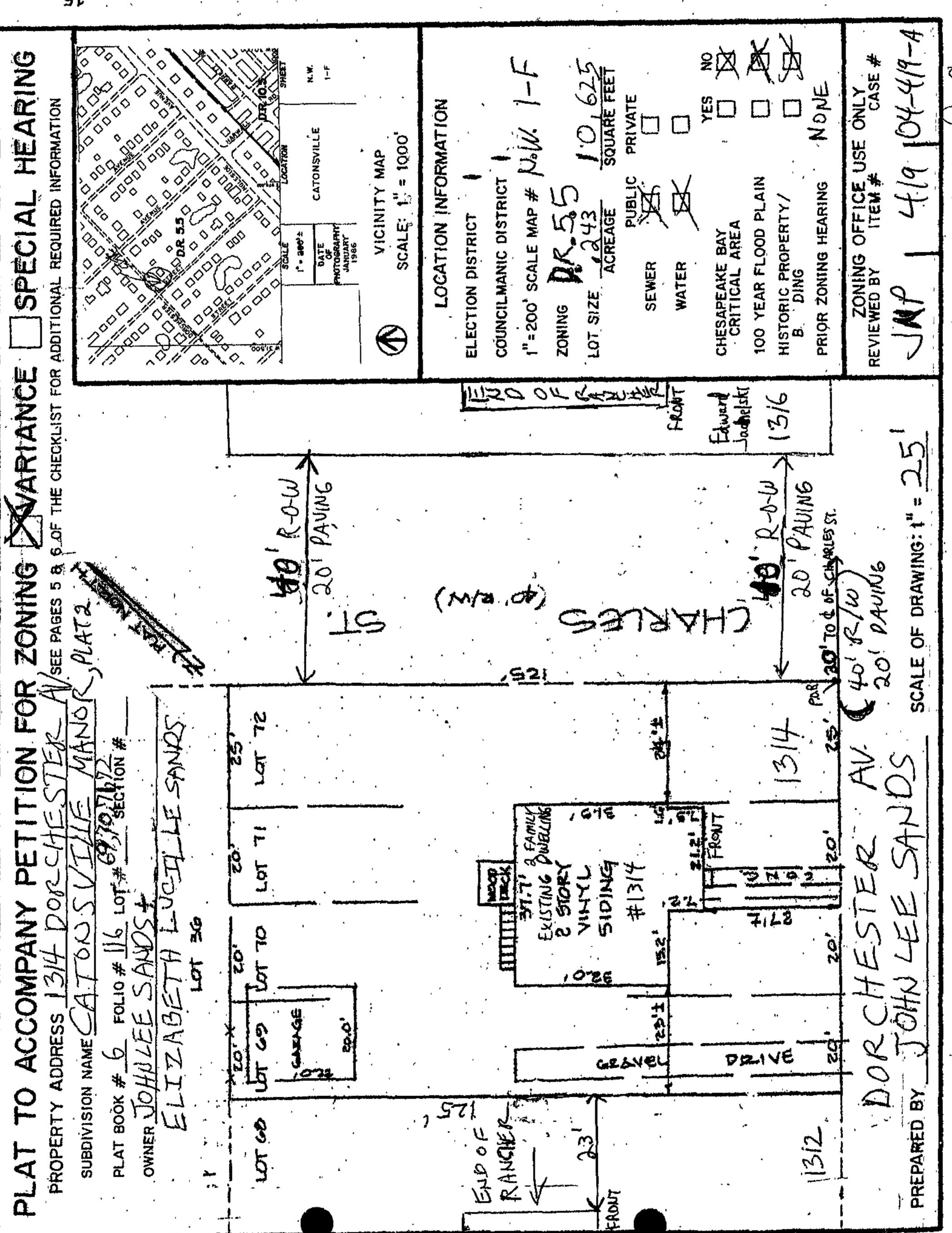
PLEASE PRINT CLEARLY

CASE NAME 1314 DORCHESTER 1 CASE NUMBER 04-419-A DATE 4/30/04

# PETITIONER'S SIGN-IN SHEET

ESSANDSON SACON	6 ESSANDSEMSU, Com										
CALEGE MAKAND 2017	4020M										
XXII 34 III FIII	8811 344 Av. CH			1							
TOWN SANOS	Elizabeth 1. Sand				-						





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