

RE: PETITION FOR VARIANCES
 from Section 208.3 and
 Section 208.4 of the
 Zoning Regulations
 SW corner of Rider and
 Dennis Avenues,
 8th District
 Kenneth W. Fowler,
 Petitioner

BEFORE
 COUNTY BOARD OF APPEALS
 OF
 BALTIMORE COUNTY
 No. 68-59-A

OPINION

The petitioner in this case seeks a variance from Section 208.3 and Section 208.4 of the Zoning Regulations to permit a lesser setback than is required under the Regulations. Section 208.3 requires a 30 foot side yard setback, while Section 208.4 requires a 30 foot rear yard setback. The petitioner is the owner of a house and lot on the corner of Dennis and Rider Avenues in a subdivision known as Spring Valley in the Eighth Election District of Baltimore County.

The petitioner proposes two fifteen foot additions to the house in order to accommodate his family which has grown since his purchase of the property in 1959. He contends that he will be unable to economically expand his house on its present lot without seeking some variance from the Zoning Regulations. The property is presently zoned R-10, however, the Spring Valley subdivision is laid out with R-20 lots. Subsequent to the filing of the record plat on the Spring Valley subdivision the County, by the adoption of the zoning map, zoned the entire tract R-10. However, all of the lots in the Spring Valley development are one-half acre lots.

The petitioner purchased his lot, lot #11, in 1959 and then subdivided the lot creating lot #11-A which he sold to a Dr. Sinton who constructed a house on that portion of the lot. In the entire subdivision of Spring Valley, the lot in question and lot #11-A are the only lots which are not R-20 lots.

Various neighbors appeared in protest and generally felt that the proposed addition would be out of character with the rest of the neighborhood and would depreciate their properties.

The Board finds that the petitioner himself has created his own dilemma by subdividing his lot in such a way that he requires a variance from the Zoning Regulations to enlarge his present home. The Board also finds that the petitioner has not proven any practical difficulty or unreasonable hardship that would warrant the granting of the variances requested, and further finds that the granting of the requested variances to allow the construction of the house as proposed would not be in harmony with the rest of the community.

Kenneth W. Fowler - #68-59-A

ORDER

For the reasons set forth in the foregoing Opinion, it is this 19th day of March, 1968 by the County Board of Appeals, ORDERED that the variances petitioned for, be and the same are hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
 OF BALTIMORE COUNTY

William S. Baldwin, Chairman

W. Giles Parker

John A. Slawik

**PETITION FOR ZONING VARIANCE
 FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, Kenneth W. Fowler, legal owner 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 208.3 Side Yard. Request a 25' side yard from PL and 50' from CL of street instead of the required 30' and 55' from CL of street. Section 208.4 to permit a rear yard setback of 27' instead of the required 30'.

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

No sufficient room to add another bedroom required by growth of family; and to add to living and dining room space for the same reason.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser: Kenneth W. Fowler, Legal Owner
 Address: 8104 Rider Avenue, Baltimore, Maryland 21204

Petitioner's Attorney: R.C. Murray, Protestant's Attorney
 Address: 1603 Essex Farm Rd., Towson, Md.

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of August, 1967, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of September, 1967, at 10:30 o'clock A.M.



Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts, hardship shown:

the above Variance should be had, such as (indicate reasons why the variance should be granted):

to permit a side yard of 25' from property line & 50' from centerline of street instead of the required 30' and 55'; to permit a rear yard of 27' instead of the required 30'; subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 26th day of September, 1967, that the herein Petition for a Variance should be and the same is granted, from and after the date of this order, to permit a side yard of 25' from property line & 50' from centerline of street instead of the required 30' and 55'; to permit a rear yard of 27' instead of the required 30'; subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of:

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of August, 1967, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
 DATE 9/14/67
 BY [Signature]

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
 111 W. CHESAPEAKE AVE.
 TOWSON, MD. 21286

GEORGE E. GAVRELLI
 DIRECTOR

JOHN G. ROSE
 COUNTY COMMISSIONER

August 29, 1967

Mr. Kenneth W. Fowler
 8104 Rider Avenue
 Baltimore, Maryland 21204

RE: Side and rear yard variances
 for Kenneth W. Fowler, located
 on the SW corner of Rider Avenue
 and Dennis Avenue
 8th District
 (Item 11, August 22, 1967)

Dear Sir:

The Zoning Advisory Committee has reviewed the subject petition and has no comment to offer with regard to the proposed development plan.

The above comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems that may have a bearing on this case. The Director or/and the Deputy Director of the Office of Planning and Zoning will submit recommendations on the appropriateness of the requested zoning 10 days before the Zoning Commissioner's hearing.

Very truly yours,

JAMES E. TREN, Principal
 Zoning Technician

JED:djd

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: September 8, 1967

FROM: George E. Gavrelli, Director

SUBJECT: Petition #68-59-A. Variance to permit a side yard of 25 feet from property line and 50 feet from the center line of the street instead of the required 30 feet and 55 feet; and to permit a rear yard of 27 feet instead of the required 30 feet. Southwest corner of Rider and Dennis Avenues. Being the property of Kenneth W. Fowler.

8th District

HEARING: Monday, September 18, 1967 (10:30 A.M.)

The planning staff of the Office of Planning and Zoning will offer no comment on the subject petition.

September 26, 1967

Mr. Kenneth W. Fowler
 8104 Rider Avenue
 Baltimore, Maryland 21204

RE: Petition for Variance
 SW corner of Rider and
 Dennis Avenues - 8th Dist.
 Kenneth W. Fowler, Petitioner
 NO. 68-59-A

Dear Mr. Fowler:

I have this date passed my Order granting the above Variance to permit a side yard of 25 feet from property line and 50 feet from center line of the street instead of the required 30 feet and 55 feet; to permit a rear yard of 27 feet instead of the required 30 feet, subject to approval of the site plan by the Bureau of Public Services and the Office of Planning and Zoning.

Very truly yours,

Edward D. Hardesty
 EDWARD D. HARDESTY
 Deputy Zoning Commissioner

EDH:jdr

cc: R. C. Murray, Esquire
 Loyola Federal Building
 Towson, Maryland 21286

we, the undersigned residents of Spring Valley, wish to register our opposition to the application of Mr. Kenneth Fowler for waivers of zoning restrictions applicable to his property on such other venue.

It is our earnest belief that the exceptions sought will, if granted, endanger the safety of residents of the neighborhood, particularly children, and will otherwise adversely affect the immediate and long range welfare of the community.

we therefore respectfully urge that the exceptions sought by Mr. Fowler be disallowed.

Lois M. [Signature] 8115 Rider Ave. [Signature] 9/22/67

Everlyn Stevens 8115 Rider Ave.

Frank M. Jacobs 8115 Rider Ave.

Leo H. Winimiller 8117 Rider Ave.

Everlyn Winimiller 8117 Rider Ave.

Thomas D. Bowler 8115 Rider Ave.

Marie S. Heller 8118 Rider Ave.

Henry J. [Signature] 8107 Rider Ave.

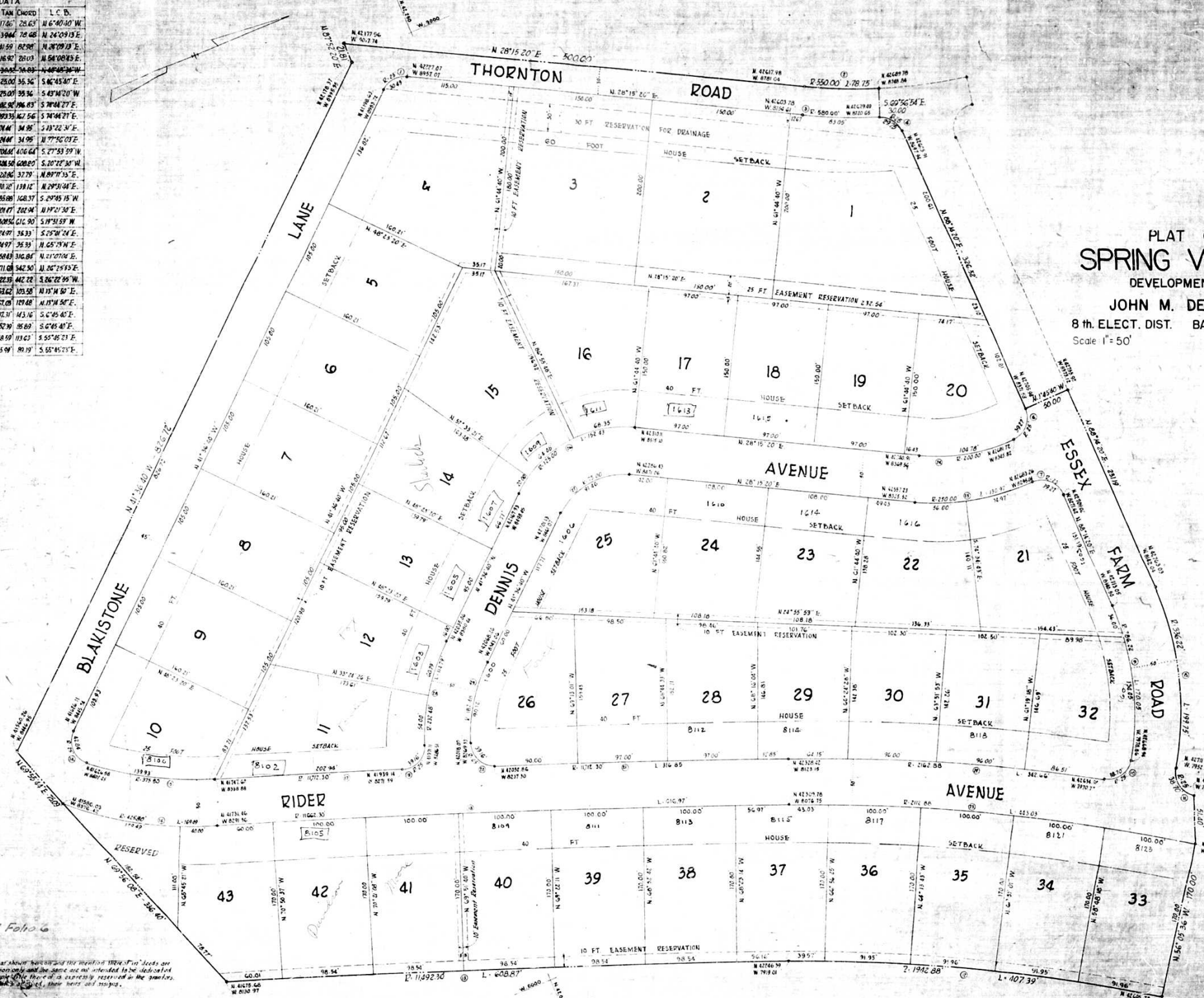
Alfred C. Chew 1603 Essex Farm Rd.

Edythe C. Chew 1603 Essex Farm Rd.

Virginia W. Howard 8123 Rider Ave.

Francis J. [Signature] 1609 Dennis Ave. [Signature] 9/22/67

No.	RADIUS	Δ	ARC	TAN CHORD	L.C.D.	
1	25	69°30'00"	30.93	17.66	28.63	N 6°40'40" W
2	50	0°12'44"	30.76	3.94	78.68	N 24°09'15" E
3	50	6°12'44"	63.08	41.89	62.98	N 20°09'15" E
4	25	68°41'26"	29.79	16.92	28.03	N 54°00'45" E
5	25	68°41'26"	29.79	16.92	28.03	N 40°00'45" W
6	25	90°00'00"	39.27	25.00	35.36	S 6°45'40" E
7	25	90°00'00"	39.27	25.00	35.36	S 43°44'20" W
8	50	34°02'26"	159.78	102.92	196.83	S 70°44'27" E
9	50	34°02'26"	159.78	102.92	196.83	S 74°44'27" E
10	25	68°41'26"	29.79	16.92	28.03	S 43°42'34" E
11	25	68°41'26"	29.79	16.92	28.03	S 77°50'01" E
12	100	12°00'36"	407.59	206.61	406.64	S 27°53'59" W
13	100	37°02'08"	628.87	388.50	628.89	S 27°22'30" W
14	25	98°11'35"	42.84	22.82	37.79	N 89°27'55" E
15	375	21°20'02"	139.93	78.12	138.12	N 29°21'04" E
16	475	21°48'26"	169.89	65.88	168.37	S 29°45'15" W
17	1172	0°59'34"	202.94	104.07	202.94	N 19°21'30" E
18	1142	3°12'36"	416.97	308.54	416.90	S 19°31'59" W
19	25	99°45'21"	39.16	24.97	36.33	S 25°20'24" E
20	25	99°45'21"	39.16	24.97	36.33	N 65°29'54" E
21	1172	1°33'00"	316.86	160.89	316.86	N 21°07'02" E
22	2162	9°04'38"	342.05	171.08	342.30	N 26°29'53" E
23	2162	12°00'50"	443.03	222.33	442.28	S 26°22'35" W
24	200	30°00'00"	104.78	63.62	103.58	N 15°14'03" E
25	250	30°00'00"	126.97	77.08	129.48	N 15°14'56" E
26	125	69°52'00"	152.43	87.31	143.16	S 6°45'45" E
27	75	67°52'00"	91.46	52.36	85.89	S 6°45'40" E
28	232.48	28°17'25"	114.79	58.59	113.63	S 55°45'23" E
29	182.85	28°17'25"	90.15	45.99	89.19	S 55°45'23" E



PLAT OF
SPRING VALLEY
 DEVELOPMENT OF
JOHN M. DENNIS, JR.
 8th. ELECT. DIST. BALTO. COUNTY, MD.
 Scale 1" = 50'
 June 1, 1951

NOTE
 The streets and/or roads as shown herein and the location of the lots are for the purpose of description only and the same are not intended to be taken as a guarantee of the location of the lots or the location of the streets and/or roads. The plat is subject to the provisions of the Subdivision Control Act, Chapter 100, of the Code of Baltimore City, and the provisions of the Subdivision Control Act, Chapter 100, of the Code of Baltimore County, Maryland.
 The requirements of Sections 72 A, 72 B and of Article 17 of the Annotated Code of Md. 1950 Edition, (Title Clerk of Court, Sub Title Clerk of Circuit Court), so far as they relate to the making of this plat and selling the same have been complied with.

John M. Dennis, Jr.
 Professional Engineer and Land Surveyor, Inc. 1950

HIGHWAYS DEPARTMENT OF BALTIMORE COUNTY
 APPROVED FOR STREET ALIGNMENT AND LOCATION
 By: *Frank Effett* July 10th 1951
 ROAD ENGINEER DATE

APPROVED FOR BALTIMORE COUNTY PLANNING COMMISSION
 By: *Malcolm H. Hill* July 5, 1951
 DIRECTOR DATE

THOMPSON, GRACE, AND MAYES, INC.
 ENGINEERS - CONTRACTORS
 FIDELITY TRUST COMPANY BLDG.
 TOWSON 3, MARYLAND