

77-14-A 244 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, William & Patricia A. Dear, legal owners of the property, situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof,

herby petition for a Variance from Section 1202.3.51 to permit a rear setback of 10...

...feet in lieu of the required 30 feet and a side setback of 20 feet in lieu of the required 22.3 feet and to permit a setback of 10 feet from...

...centerline of the side street in lieu 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)

Additional to existing house.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I do 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: William & Patricia A. Dear Legal Owner

Address: 1405 Ruxton Road, Baltimore, Md. 21204

DATE: July 22, 1976

Petitioner's Attorney: John W. Hession, III Protestant's Attorney

Address: John W. Hession, III

APPROVED BY The Zoning Commissioner of Baltimore County, this 25th day of July, 1976.

Section 197.6 of 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 12th day of July, 1976, at 10:15 o'clock A.M.

(over)

RE: PETITION FOR VARIANCE
SE/corner of Ruxton Rd. & Curving Lane,
9th District

DEAR, WILLIAM, et ux, Petitioners Case No. 77-14-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

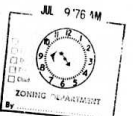
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kuntz, Jr.
Charles E. Kuntz, Jr.
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

THIS IS TO CERTIFY that on this 8th day of July, 1976, a copy of the foregoing Order was mailed to Mr. and Mrs. William Dear, 1405 Ruxton Road, Baltimore, Maryland 21204, Petitioners.

John W. Hession, III
John W. Hession, III



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Eric S. DiMenna, Zoning Commissioner Date: July 1, 1976

FROM: William D. From, Director of Planning

Petition #77-14-A. Petition for Variance for Rear and Side Yards.

SUBJECT: Southeast corner of Ruxton Road and Curving Lane.

Petitioner - William Dear and Patricia A. Dear

9th District

HEARING: Monday, July 12, 1976 (10:15 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

William D. From
William D. From
Director of Planning

WDF:jgh:rw

July 15, 1976

Dr. & Mrs. William Dear
1405 Ruxton Road
Baltimore, Maryland 21204

RE: Petition for Variance
SE/corner of Ruxton Road and Curving
Lane - 9th Election District
Dr. William Dear, et ux - Petitioners
NO. 77-14-A (Item No. 244)

Dear Dr. & Mrs. Dear:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

Eric S. DiMenna
Eric S. DiMenna
Deputy Zoning Commissioner

GJM/mc

Attachments

cc: John W. Hession, III, Esquire
People's Counsel



July 13, 1976

Mr. Eric S. DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 244 - ZAC - June 8, 1976
Property Owner: William & Patricia A. De
Location: SE/C Ruxton Road & Curving Lane
Existing Zoning: D.W. 3.5
Proposed Zoning: Var. to permit a rear setback of 10' in lieu of req. 30' and to permit a side setback of 20' in lieu of req. 22.3' and to permit a side yard distance of 40' from the centerline of the road in lieu of req. 50'

Acres: 0.28
District: 9th

Dear Mr. DiMenna:

No traffic engineering problems are anticipated by the requested variances to the side and rear yards.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate

MSF:mc

SPELLMAN, LARSON & ASSOCIATES, INC.

ROBERT E. SPELLMAN, P.E.
JOSEPH L. LARSON
LOUIS J. PASECKI, P.E.

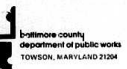
REGISTRATION FOR VARIANCE TO ZONING
1405 RUXTON ROAD, 9th, DISTRICT
BALTIMORE COUNTY, MARYLAND

Application is the same as the corner formed by the intersection of the South side of Ruxton Road and the East side of Curving Lane and running thence east along the South side of Ruxton Road westerly 100.50 feet thence leaving the South side of Ruxton Road and running southerly and parallel to Curving Lane 100.50 feet and thence at right angles to Curving Lane 100.00 feet to the East side of Curving Lane and running thence and binding thereon 115.00 feet to the place of beginning.

Stabilizing the slopes of land, more or less.



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • SUBDIVISION DESIGN • PROJECT MANAGEMENT • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION



July 22, 1976

Mr. E. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #252 (1975-1976)
Property Owner: Robert E. Greenfield
S/E cor. Elm Dr. and 4th St.
Existing Zoning: DM 5.3
Proposed Zoning: Variance to permit a minimum front yard setback of 13' in lieu of the required 25' and a rear setback of 16' in lieu of the required 30'.
Acres: 60 x 110
District: 15th

Dear Mr. DiMenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Elm Drive and Fourth Road, existing public roads, are proposed to be improved in the future as 30-foot closed section roadways on 50-foot and 40-foot rights-of-way, respectively. Highway improvements are not required at this time. Highway rights-of-way widening, including a right-of-way for right distance at the intersection and any necessary reversible easements for slopes will be required in connection with any grading or building permit application. The submitted plan does not indicate the proposed highway improvements. Further information may be obtained from the Baltimore County Bureau of Engineering.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping or top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

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 that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners, the Variances should be had; and it further appearing that by reason of the granting of the Variances requested not adversely affecting the health, safety and general welfare of the community, Variances to permit a rear setback of 10 feet instead of the required 30 feet; a side setback of 20 feet instead of the required 22.3 feet; and a setback of 40 feet from the center line of the side street instead of the required 50 feet should be granted.

Deputy
IS ORDERED by the Zoning Commissioner of Baltimore County this 15th day of July, 1976, that the herein Petition for the aforementioned Variances should be and the same are GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works 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 July, 1976, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

July 15, 1976

Re: Item #244 (1975-1976)
Property Owner: William & Patricia A. Dear
S/C cor. Ruxton Rd. & Curving Ln.
Existing Zoning: D.R. 3.5
Proposed Zoning: Variance to permit a rear setback of 10' in lieu of the required 30' and to permit a side setback of 20' in lieu of the required 22.3' and to permit a side yard distance of 40' from the centerline of the road in lieu of the required 50'.
Acres: 0.28 District: 9th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Ruxton Road and Curving Lane, existing public roads, are proposed to be improved in the future as 36-foot closed section roadways on 50-foot and 40-foot rights-of-way, respectively. Highway improvements are not required at this time. Highway right-of-way widening for Ruxton Road, including a fillet area at the intersection and any necessary reversible easements for slopes, will be required in connection with any grading or building permit application. Further information may be obtained from the Baltimore County Bureau of Engineering. The submitted plan does not indicate the proposed highway improvements.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #244 (1975-1976)
Property Owner: William & Patricia A. Dear
Page 2
July 15, 1976

Water and Sanitary Sewer:

An old 3-inch and a 6-inch water main exist in Ruxton Road and Curving Lane, respectively. Public sanitary sewerage is not available to serve this property. The existing private sewage disposal system is not shown on the submitted plan. Future public sanitary sewerage is proposed as shown on drawing 850-1204, File 1. The submitted plan indicates this proposed sanitary sewer as existing. This property is tributary to the Jones Falls Sanitary Sewer System, subject to State Health Department imposed moratorium restrictions. Additional fire hydrant protection is required in the vicinity.

Very truly yours,

Blawie M. Dwyer
Blawie M. Dwyer, P.E.
Chief, Bureau of Engineering

END:SAH/PMB:MS

cc: J. Tremmer
S. Ballistreri
J. Loos
W. Mundahl
J. Somers

O-NE Key Sheet
37 NW 5 Pos. Sheet
NW 10 B Topo

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

June 30, 1976

COUNTY OFFICE BLDG.
111 E. Calverton Ave.
Towson, Maryland 21204

Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRADING AND FINANCING

STATE ROAD COMMISSION

BUREAU OF PUBLIC UTILITIES

HEALTH DEPARTMENT

PLANNING DEPARTMENT

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INTERNAL DEVELOPMENT

Mr. William Dear
1405 Ruxton Road
Baltimore, Maryland 21204

RE: Variance Petition
Item #244
William & Patricia A. Dear -
Petitioners

Dear Mr. Dear:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These 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 with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the southeast corner of Ruxton Road and Curving Lane, and is currently improved with single family dwellings. The petitioner is requesting Variances in order that a rear addition may be constructed to the existing house. Adjacent properties are improved with single family dwellings. The site plan must be revised prior to the hearing to indicate the status of sanitary sewer facilities in Ruxton Road.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held

Mr. William Dear
Re: Item #244
June 30, 1976
Page 2

not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Franklin T. Hogue, Jr.
FRANKLIN T. HOUGE, JR.
Chairman, Zoning Plans
Advisory Committee

FWH:JD

Enclosure

cc: Spellman, Larson & Associates, Inc.
Suite 110, Jefferson Building
Towson, Md. 21204

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: June 11, 1976

Mr. S. Eric DiNenna
Zoning Commissioner
Baltimore County Office Building
Towson, Maryland 21204

Z.A.C. Meeting of: June 6, 1976

Re: Item #244
Property Owner: Dear
Location: S/C Ruxton Rd. and Curving Lane
Present Zoning: DR 3.5
Proposed Zoning: Var.

District: 9
No. Acres: 0.28

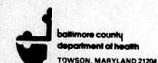
Dear Mr. DiNenna:

No bearing on student population

WDP/ml

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich, Jr.
Field Representative



DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

August 16, 1976

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #244, Zoning Advisory Committee Meeting, June 1, 1976, are as follows:

Property Owner: William & Patricia A. Dear
Location: S/C Ruxton Rd. & Curving Ln.
Existing Zoning: D.R. 3.5
Proposed Zoning: Variance to permit a rear setback of 10' in lieu of the required 30' and to permit a side setback of 20' in lieu of the required 22.3' and to permit a side yard distance of 40' from the centerline of the road in lieu of the required 50'.
Acres: 0.28
District: 9th

Since this is a variance to permit a side yard setback for an existing building and metropolitan water and sewer are available, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HE:whd



