



Baltimore County
Department of Permits and
Development Management

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

May 12, 2003

Shari Wilson
1501 LaBelle Avenue
Baltimore, MD 21204

Dear Ms. Wilson

RE: 1501 LaBelle Avenue
Spirit and Intent Case No. 86-464-A
9th Election District

Your letter, dated May 12, 2003, has been referred to me for reply. After careful review of the materials included with the letter and the zoning records for this property the following has been determined.

Provided the pool addition will not be situated less than 8 feet from the rear property line the proposal is considered to be within the "Spirit and Intent" of the Zoning Order granted in the above referenced case. In order to facilitate zoning approval of your building permit application a copy of this letter must be presented at time of zoning review.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd T. Moxley".

Lloyd T. Moxley
Planner II
Zoning Review

LTM



Printed with Soybean Ink
on Recycled Paper

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

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS: 1501 LA BELLE AVENUE

SUBDIVISION NAME: RUKTON HEIGHTS

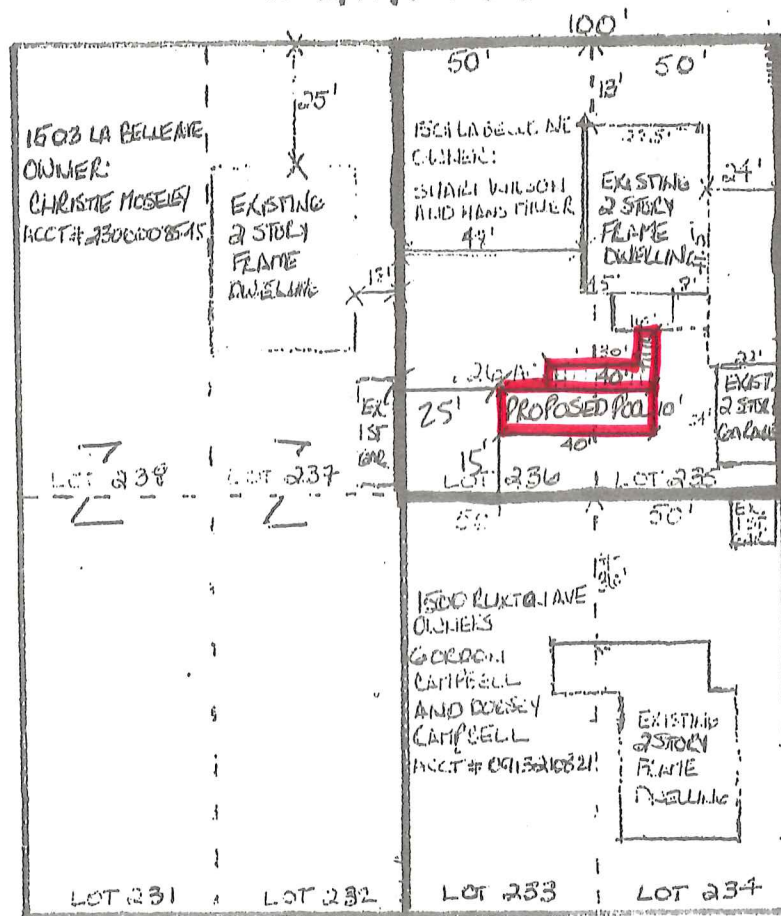
PLAT BOOK J.W.S. No. 1, FOLIO # 64

OWNER: SHARI WILSON

NANS MILLER

LA BELLE AVENUE

40' R/W, PAVED 22'



20' ± TO E OF PAULING LANE

PAULING LANE
40' R/W, PAVED 10'

APPROVED AS
BEING WITHIN
THE SPIRIT AND
INTENT OF CASE
NO. 86-464-A

BY

DATE 5/12/03

PUBLIC SEWER+WATER-YES

CITY CRITICAL AREA - NO

100-YEAR FLOOD PLAIN - NO

HISTORIC BUILDING/PROPERTY - NO

PLAT ZONING HEARING:

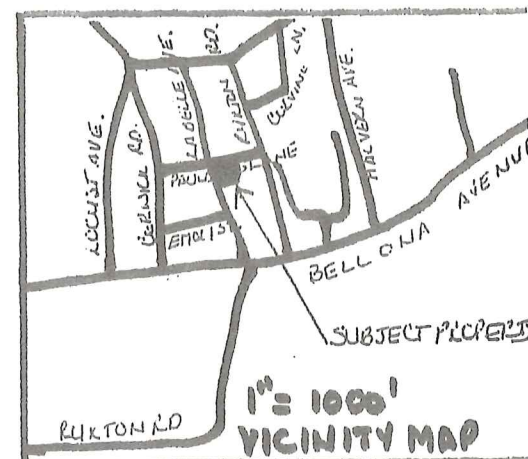
CASE NO. 86-464-A

MAY 19, 1986 ORDER TO PERMIT A SIDE STREET SETBACK OF 0' AND

A REAR YARD SETBACK OF 8' FOR GARAGE.

RUKTON ROAD

40' R/W



LOCATION DRAWING

1501 LA BELLE AVENUE
BALTIMORE CO. MD.

RUKTON HEIGHTS, ZONING DR
9TH ELECTION DISTRICT

2ND COUNCILMANIC DISTRICT

SCALE: 1" = 50'

PREPARED BY: SHARI WILSON

Shari Wilson & Hans Miller
1501 LaBelle Avenue
Baltimore, Maryland 21204

May 5, 2003

Arnold Jablon
Director of Planning and Zoning for Baltimore County
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Jablon:

We respectfully request your interpretation that the proposed location for a swimming pool on our single dwelling, residential property meets the spirit and the intent of a variance granted in 1986.

We propose to construct an in-ground swimming pool attached to the rear of our house as shown on the enclosed drawing. We would prefer to locate the pool in the middle of the rear yard to increase the setback from our neighbor to the west and to avoid removing trees in the southwest corner of the yard.

In 1986, your office granted a zoning variance to previous owners of our home allowing an exception to the set back requirements for an attached structure including the existing garage. The proposed pool extension would fall within those setbacks allowed, with a 15' foot setback to the rear property line and a 25' setback to the west. A copy of that order is enclosed. We have consulted with our adjacent neighbors to the south and west. Neither have any objections to this plan, as indicated by the enclosed letters.

Last, if possible, we ask that you assign this matter to Mr. Lloyd Moxley of your staff, as he is already familiar with this property. Thank you in advance for your consideration of this request. Please call me at 410-336-1519 if you would like to discuss this further or need additional information.

Sincerely,


Shari Wilson

Enclosures

Cc: Christie Moseley, 1503 LaBelle Avenue
Dorsey and Gordon Campbell, 1500 Ruxton Road
Lloyd Moxley



April 4, 2004

Shari Wilson and Hans Miller
1501 La Belle Avenue
Baltimore, MD 21204

Dear Shari and Hans:

We have reviewed the attached plat showing the proposed location for a swimming pool on your property at 1501 LaBelle Avenue and have no objection to this plan.

Sincerely,

A handwritten signature in dark ink that reads "Dorsey Campbell". The signature is written in a cursive, flowing style with a large, prominent "D" and "C".

Dorsey and Gordon Campbell
1500 Ruxton Road
Towson, MD 21204

Attachment

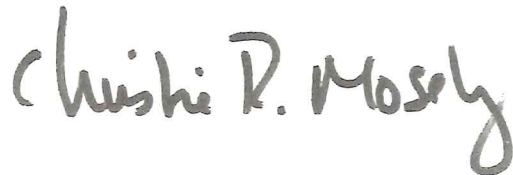
April 25, 2003

Shari Wilson and Hans Miller
1501 La Belle Avenue
Baltimore, MD 21204

Dear Shari and Hans:

I have reviewed the attached plat showing the proposed location for a swimming pool on your property at 1501 LaBelle Avenue and have no objection to this plan.

Sincerely,

A handwritten signature in dark ink that reads "Christie R. Moseley". The signature is written in a cursive, flowing style with a large initial 'C'.

Christie Moseley
1503 LaBelle Avenue
Towson, MD 21204

Attachment



**1501 LaBelle Avenue
Subject Property**

Shari and Hans' House
1501 Labelle Avenue

40 0 40 80 Feet

Printed courtesy of the RUXTON*RIDERWOOD*LAKE ROLAND Area Improvement Association, Inc.
April 15, 2000, picture taken in early 1996



IN RE: PETITION ZONING VARIANCES	*	BEFORE THE
SW/corner of LaBelle Avenue	*	ZONING COMMISSIONER
and Paulding Street	*	
(1501 LaBelle Avenue) -	*	OF BALTIMORE COUNTY
9th Election District	*	
Vernon V. Vane, et ux,	*	Case No. 86-464-A
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit a side street setback of zero feet and a rear yard setback of 8 feet in lieu of the required 30 feet, as described on Petitioners' Exhibit 1.

The Petitioners appeared and testified, as did their architect, Thomas Mannion. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.3.5 and located on the corner of LaBelle Avenue and Paulding Street, is improved with a two-story dwelling with an apartment. The Petitioners wish to raze the existing detached garage, which encroaches on a County right of way, and to replace it with a two-story frame addition attached to the home. The addition will wrap around the dwelling and include an improvement to the existing apartment. The second story of the addition will be for storage and the first floor will be the garage. The house faces LaBelle Avenue and the side yard would be to Paulding Street.

It was clear from the evidence and testimony presented that the apartment had been in existence prior to January, 1955. The 1945 Baltimore County Zoning Regulations (BCZR) permitted two living units in a dwelling as of right in a residential zone. The proposed expansion will not increase the area of the apartment beyond the limitations of Section 104.1, BCZR.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the 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 the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial 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).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, 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 requested variances should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of May, 1986, that the Petition for Zoning Variances to

permit a side street setback of zero feet and a rear yard setback of 8 feet instead of the required 30 feet be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building 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 applicable 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.
2. The existing apartment is nonconforming and no additional living units shall be permitted.

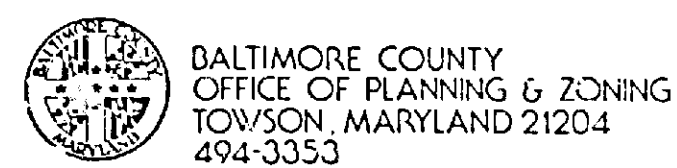


Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. Vernon V. Vane ✓

People's Counsel



ARNOLD JABLON
ZONING COMMISSIONER

May 6, 1986

Mr. Vernon V. Vane
Mrs. Carolyn D. Vane
1501 LaBelle Avenue
Baltimore, Maryland 21204

RE: PETITION FOR ZONING VARIANCES
SW/cor. of LaBelle Ave. and Pauling St.
(1501 LaBelle Ave.)
9th Election District
Vernon V. Vane, et ux - Petitioners
Case No. 86-464-A

Dear Mr. and Mrs. Vane:

This is to advise you that \$78.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing.

No. 021684

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 5-12-86 ACCOUNT 86-464-A

AMOUNT \$ 78.00

RECEIVED FROM: Vernon V. Vane et ux

FOR: Advertising, Posting 86-464-A

VALIDATION OR SIGNATURE OF CASHIER

Mr. Vernon V. Vane
Mrs. Carolyn D. Vane
1501 LaBelle Avenue
Baltimore, Maryland 21204

April 15, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES
SW/cor. of LaBelle Ave. and Pauling St.
(1501 LaBelle Ave.)
9th Election District
Vernon V. Vane, et ux - Petitioners
Case No. 86-464-A

TIME: 9:30 a.m.

DATE: Monday, May 12, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

C. E. Jablon
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 019865

DATE 5-12-86 ACCOUNT 86-464-A

AMOUNT \$ 35.00

RECEIVED FROM: Carolyn D. Vane

FOR: Variance # 399

VALIDATION OR SIGNATURE OF CASHIER

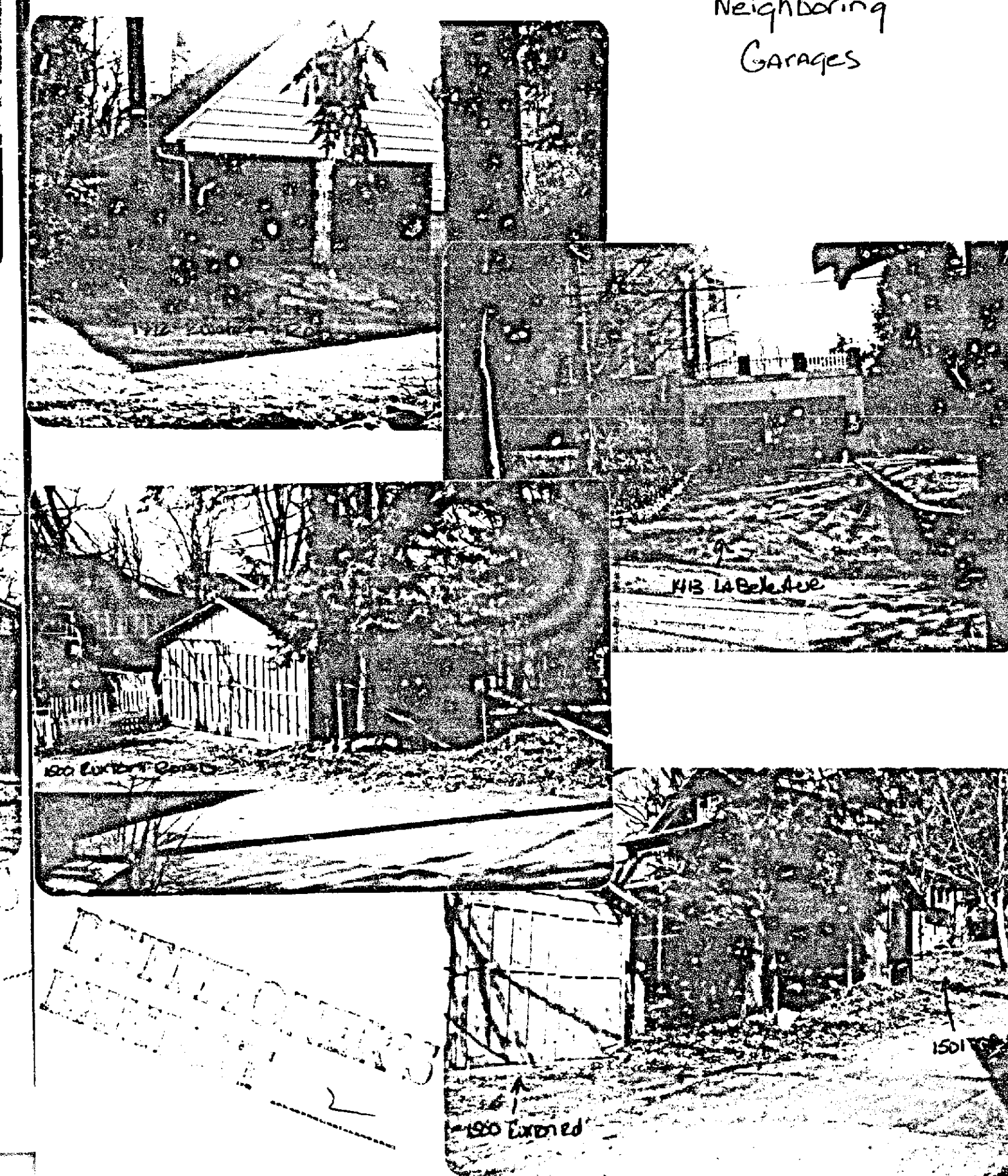
RE: 1501 LaBelle Avenue
Pauling Lane View

SIDE YARD VIEW
and existing garage

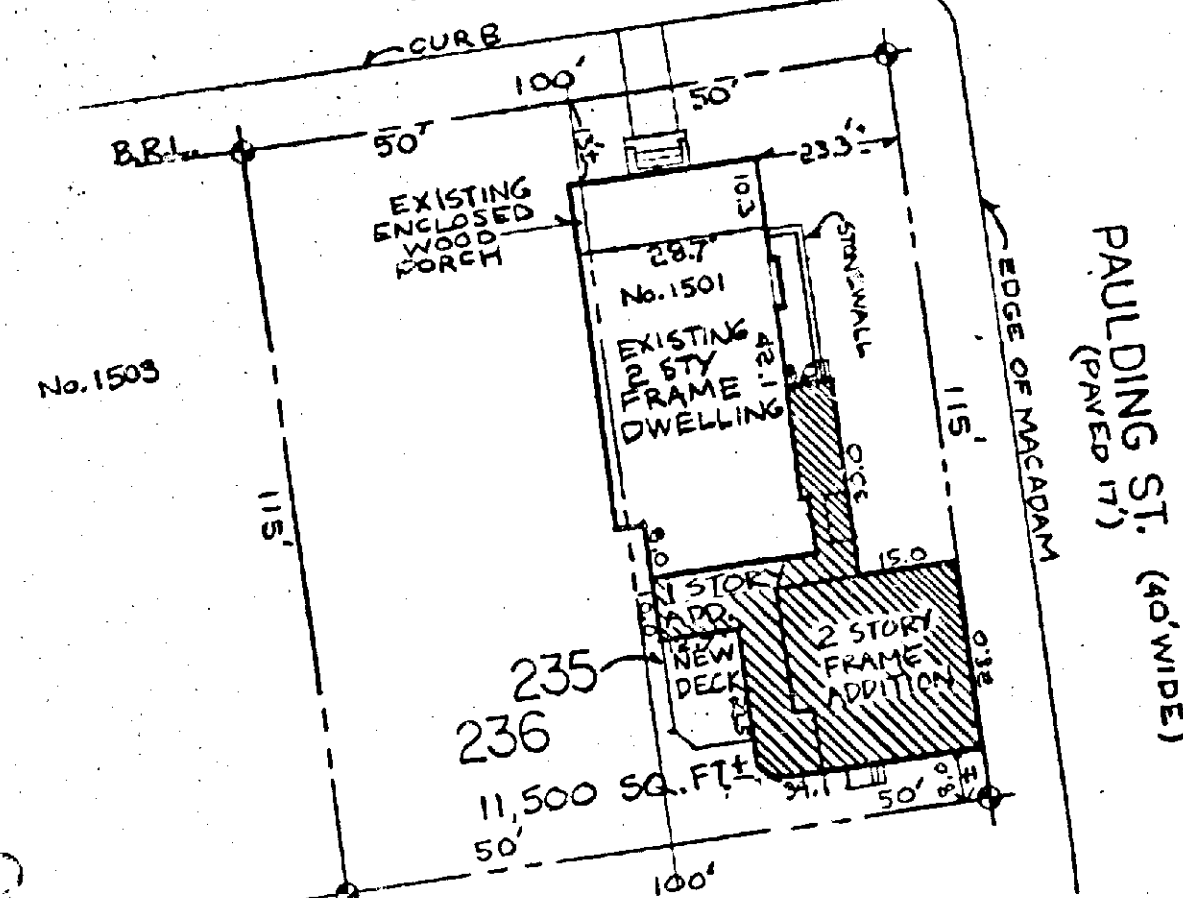


RE: 1501 LaBelle Avenue
Pauling Lane View

Neighboring
Garages



LABELLE AVE. (40' WIDE)
(PAVED 22')



SITE PLAN

SCALE: 1" = 30'-0"

1501 LABELLE AVENUE
9TH DISTRICT Zoning DE 3.5
BALTO. CO., MD.
LOTS NOS. 2354, 236
RUXTON HEIGHTS
PLAT BOOK J.W.S. NO. 2, FOLIO 64
IN THE LAND RECORDS OF BALTO. CO.

SURVEY BY:
EDWARD JOSEPH KRIS - NO. 3334
GENERAL SURVEYING CO.
9 LAKE FOREST COURT
BALTIMORE, MD. 21236



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
Zoning Commissioner
TO: Zoning Commissioner
FROM: Norman E. Gerber, AICP, Director
Office of Planning and Zoning
Zoning Petition Nos. 86-459-A, 86-460-A,
SUBJECT: 86-461-A, 86-463-A, 86-464-A and 86-469-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber
Norman E. Gerber, AICP

NEG/JGH/sf

Mr. C. E. Burnham
Baltimore County Department of Permits and Licenses
111 West Chesapeake Avenue
Room 122
Towson, Maryland 21204

Re: Comments on Item #399
Zoning Advisory Committee Meeting
Petition for Zoning Variance
SW corner of LaBelle Ave. and Pauling St.
(1501 LaBelle Avenue)
9th Election District
Vernon V. Vane et ux - Petitioners
Case No. 86-464-A

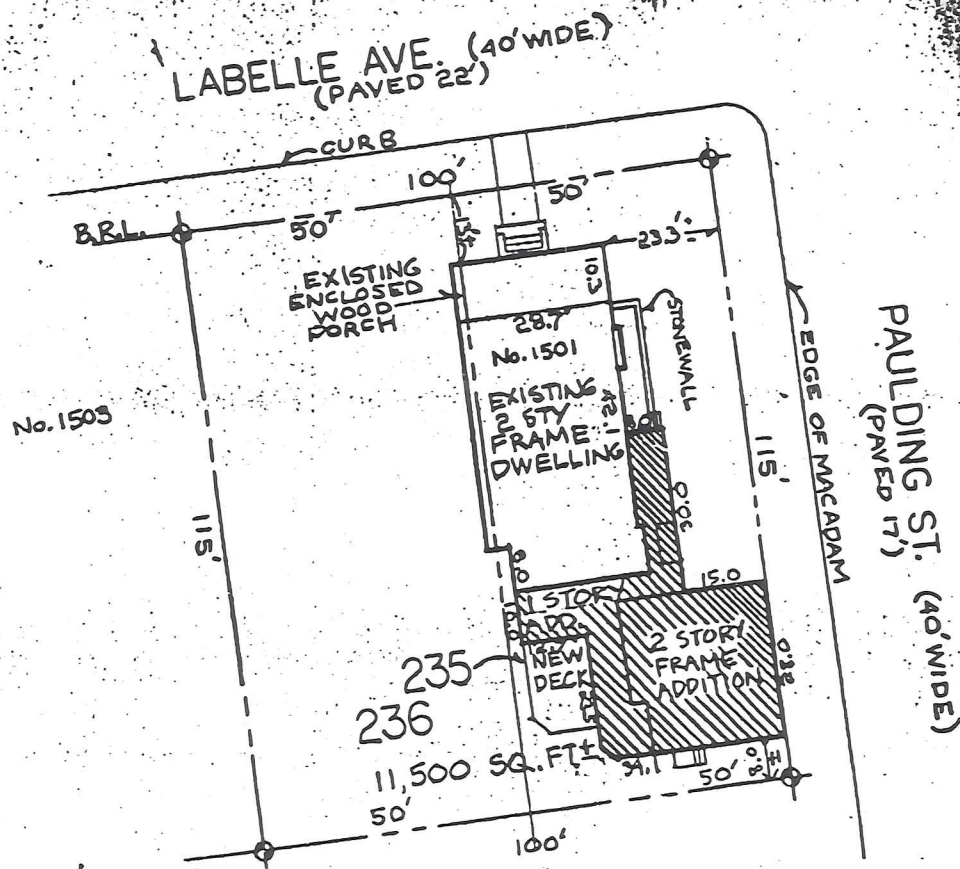
Dear Mr. Burnham:

In reference to your correspondence of April 30th on the above, there appears to be some confusion. The purpose of our petition for a Zoning Variance was to enable us to construct a two car garage, with a room above and storage which would be attached to our house. The use of this area is for residential purposes only. We do not request a change of use and occupancy as this is a quiet residential area. Your prompt attention to this matter would be greatly appreciated as our hearing has been scheduled for this Monday, May 12 at 9:30 A.M.

Sincerely,
Vernon V. Vane
Vernon V. Vane

CC: Mr. Arnold Jablon, Zoning Commissioner
Mr. James C. Dyer, Chairman, Zoning Plans Advisory Committee

6/4/87



SITE PLAN

SCALE: 1"=30'-0"

1501 LABELLE AVENUE
9TH DISTRICT Zoning DR 3.5
BALTO. CO., MD.
LOTS NOS. 235 & 236
RUXTON HEIGHTS
PLAT. BOOK J.W.S. NO. 2 FOLIO 64
IN THE LAND RECORDS OF BALTO. CO.

SURVEY BY:
EDWARD JOSEPH KRUS - NO. 3334
GENERAL SURVEYING CO.
LAND & TOPOGRAPHIC SURVEYS
9 LAKE FOREST COURT
BALTIMORE, MD. 21236

EDWARD JOSEPH KRUS
GENERAL SURVEYING CO.
LAND & TOPOGRAPHIC SURVEYS
9 LAKE FOREST COURT
BALTIMORE, MD. 21236

