

IN RE: PETITION FOR ZONING VARIANCE BEFORE THE
SW/end Roland Court, 465' SW DEPUTY ZONING COMMISSIONER
of the c/1 of Ruxton Hill Rd. OF BALTIMORE COUNTY
(1 Roland Court)
9th Election District
4th Councilmanic District Case No. 88-309-A
Peyapong Patanaphan, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure/use (tennis court) in the front yard in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Mr. Patanaphan, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1 Roland Court, was purchased by the Petitioners two years ago. The Petitioners propose to construct a tennis court and due to the topography of the property cannot locate the court in the rear yard. The Petitioners have discussed the project with their neighbors and the community association who have no objection to their proposal provided the Petitioners screen the fence. See Petitioner's Exhibits 2 and 3.

The Petitioners seek relief from Section 400.1, pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973).

It is clear from the testimony that if the variance was granted, such use as proposed would not be contrary to the spirit and intent of the B.C.Z.R. and would not result in substantial detriment to the public good.

February 12, 1988

Mr. & Mrs. Peyapong Patanaphan
1 Roland Court
Ruxton, Maryland 21204

RE: Petition for Zoning Variance
SW/end Roland Court, 465' SW of the c/1 of Ruxton Hill Road
9th Election District, 4th Councilmanic District
Case No. 88-309-A

Dear Mr. & Mrs. Patanaphan:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restrictions stated in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN H. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bjjs

Enclosures

cc: People's Counsel

File

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance 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 variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of February, 1988 that an accessory structure/use (tennis court) in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Prior to construction of the tennis court, the Petitioner shall submit a landscaping plan to the Office of Current Planning for approval. The plan shall, at a minimum, be in compliance with the Baltimore County Landscaping Manual.

ANN H. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AMN:bjjs

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan 20, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md, once in each of successive weeks, the first publication appearing on Jan 20, 1988.

TOWSON TIMES,

December 2, 1987

Susan Leuchter
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan 21, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md, appearing on Jan 21, 1988.

THE JEFFERSONIAN,

Susan Leuchter
Publisher

ORDER RECEIVED FOR FILING

Date: 2/12/88
By: [Signature]

Peyapong Patanaphan
SW/end Roland Court 465' SW of c/1
Ruxton Hill Road (1 Roland Ct.)

88-309-A

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property shown and below in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Case #88-309-A
SW/end Roland Court, 465' SW of c/1 of Ruxton Hill Road
9th Election District, 4th Councilmanic District
Petitioners: Peyapong Patanaphan, et ux
DATE TIME: Thursday, February 11, 1988 at 9:00 a.m.
Notice is given that an accessory structure (Tennis Court) in the front yard in lieu of the required rear yard.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stop of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
2182 Jan 21

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property shown and below in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
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SW/end Roland Court, 465' SW of c/1 of Ruxton Hill Road (1 Roland Court)
9th Election District - 4th Councilmanic District
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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
2182 Jan 21

PETITION FOR ZONING VARIANCE

156
88-309-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 400.1 TO PERMIT AN ACCESSORY STRUCTURE/USE (TENNIS COURT) IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD.

1. Not enough space in the back of the house, too close to the neighbors.
2. Very steep hill in the back.
3. To build in the back, we have to put up high retaining wall, and too close to the house. Will be very expensive.

MAP NUMBER 3C
E. D. 9th
DATE 4-11-88
300 BF
1000 BF
DP

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.

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.

Contract Purchaser: [Signature]
Signature: [Signature]
Address: [Address]
City and State: [City and State]
Attorney for Petitioner: [Signature]
Address: [Address]
City and State: [City and State]
Attorney's Telephone No.: [Phone No.]
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: [Name, address and phone number]

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of Nov 1987 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 11th day of Dec, 1988 at 9 o'clock a.m.
J. Robert Haines
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
Date: 12/13/87
By: [Signature]

ESTIMATED LIMITS OF LIABILITY
TOWSON, MD. (over)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Peyapong Patanaphan
1 Roland Court
Ruxton, Maryland 21204
RE: Case numbers 88-309-A
SW/end Roland Court, 465' SW of c/1 Ruxton Hill Road
(1 Roland Court)
9th Election District - 4th Councilmanic District
Petitioners: Peyapong Patanaphan, et ux

Dear Mr. & Mrs. Patanaphan:
Please be advised that \$100.00 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign(s) from the property from the time it posted by this office until the day of the hearing itself.

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.
Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 45956
DATE 1/14/88
ACCOUNT [Signature]
AMOUNT \$ 100.00
RECEIVED FROM [Signature]
FOR [Signature]
VALIDATION OR SIGNATURE OF CASHIER

ZONING DESCRIPTION
BEGINNING ON THE SW/END OF ROLAND COURT, 465 FEET SW OF THE CENTERLINE OF RUXTON HILL ROAD. BEING LOT # 36, PLAT 3, SECTION 2, BRIDLESHIRE, 52/117. ALSO KNOWN AS #1 ROLAND COURT IN THE 9 TH. ELECTION DISTRICT. CONTAINING 2.14 AC.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District 2th
Date of Posting: 1-25-88
Posted for: [Signature]
Petitioner: PEYAPONG PATANAPHAN
Location of property: SW/end of Roland Court, 465' SW of c/1 of Ruxton Hill Road
Location of Sign: SW/end of Roland Court, 465' SW of c/1 of Ruxton Hill Road
Remarks: [Signature]
Posted by: [Signature]
Date of return: 1-28-88
Number of Signs: 2

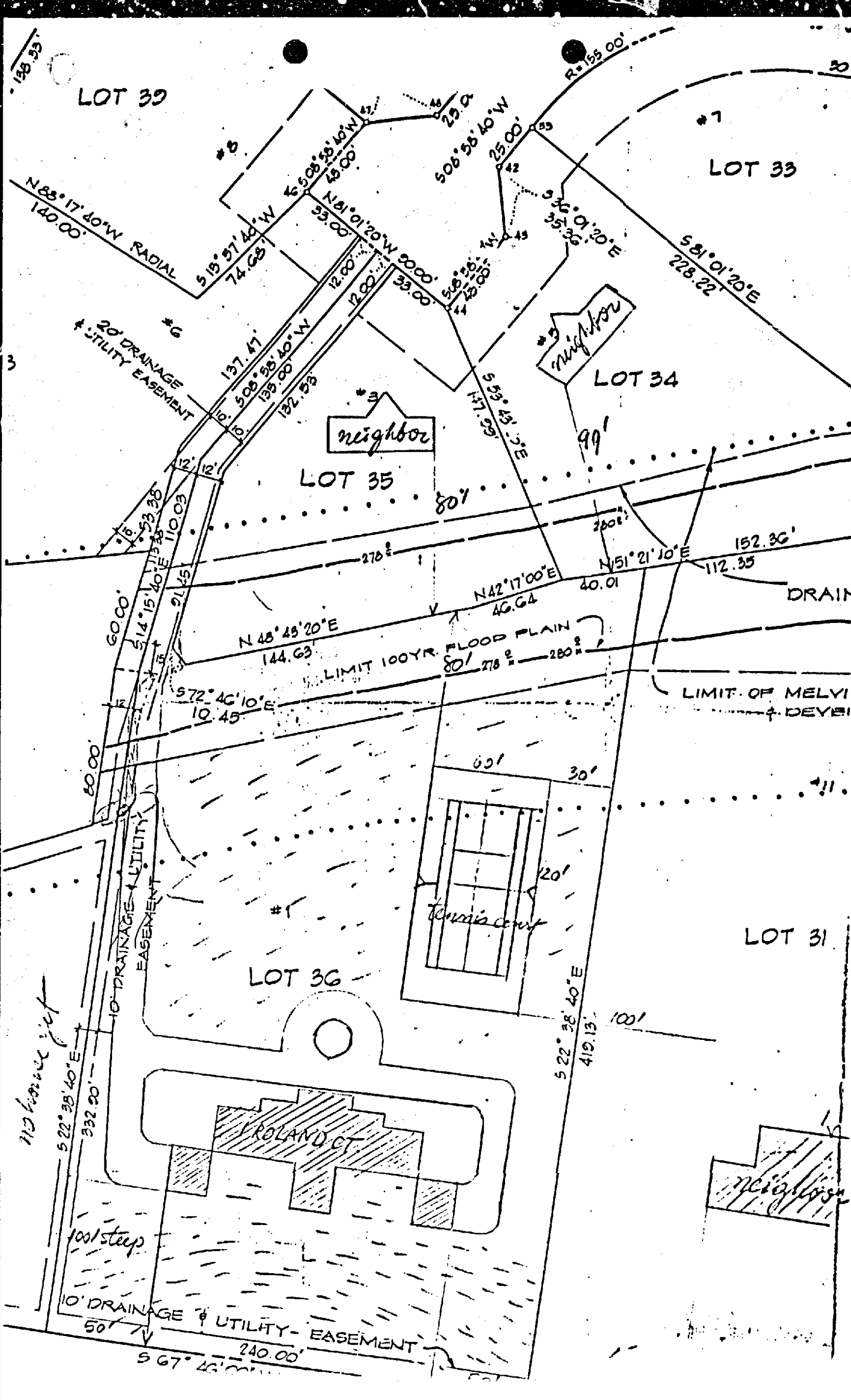
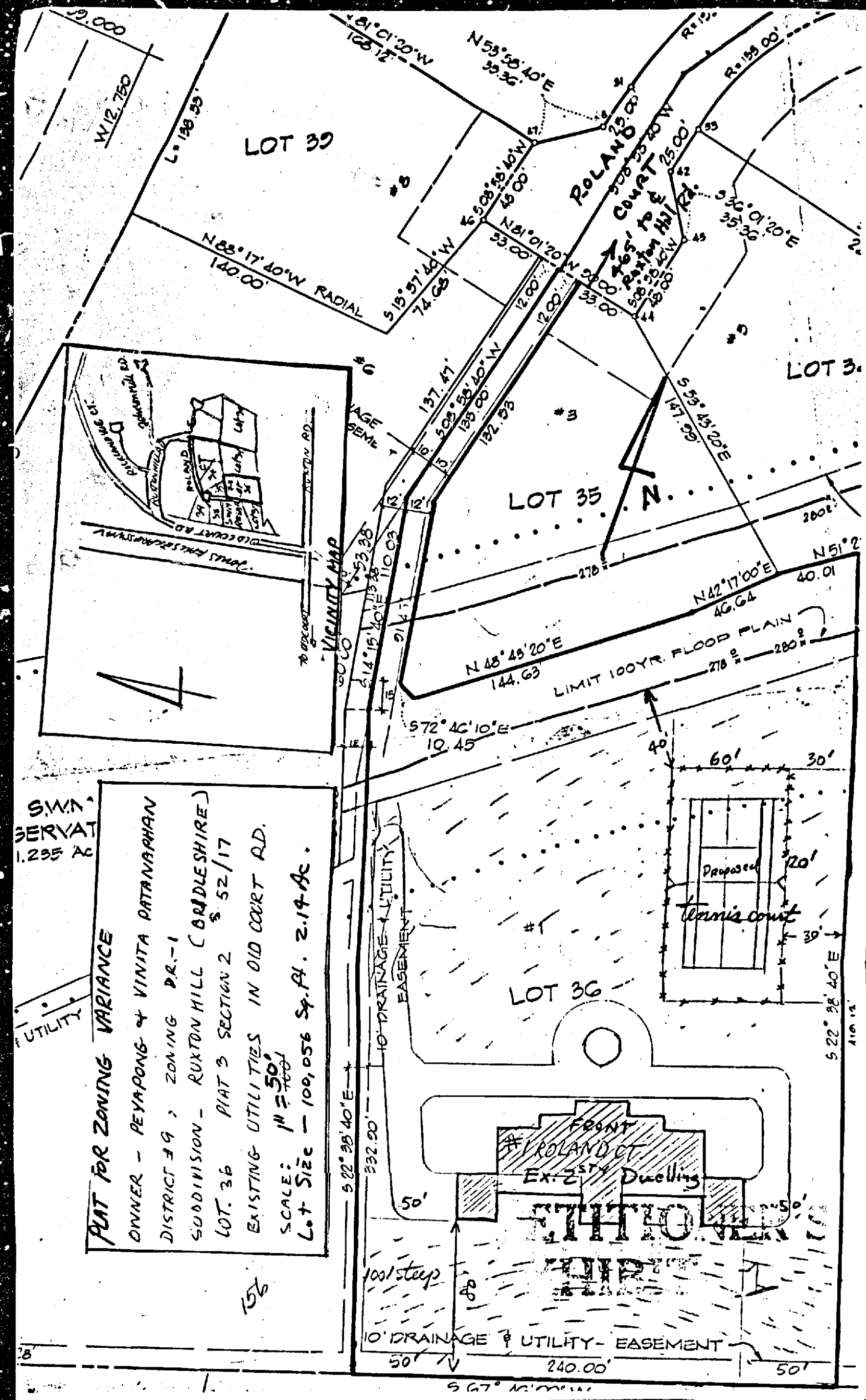
NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Case numbers 88-309-A
SW/end Roland Court, 465' SW of c/1 Ruxton Hill Road
(1 Roland Court)
9th Election District - 4th Councilmanic District
Petitioners: Peyapong Patanaphan, et ux
DATE/TIME: THURSDAY, FEBRUARY 11, 1988 at 9:00 a.m.

Variance to permit an accessory structure/use (Tennis Court) in the front yard in lieu of the required rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stop of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 41754
DATE 1/28/88
ACCOUNT [Signature]
AMOUNT \$ 250.00
RECEIVED FROM [Signature]
FOR [Signature]
VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21284
494-3534

November 10, 1987

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Zoning Commissioners:

The Bureau of Traffic Engineering has no comments for items number 149, 150, 151, 152, 153, 154, 155, (156) and 158.

Very truly yours,
Michael S. Flinnigan
Traffic Engineer Associate II

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
February 3, 1988

Mr. Peysong Patanaphan
Roland Court
Ruxton, Maryland 21204

RE: Item No. 156 - Case No. 88-309-A
Petitioner: Peysong Patanaphan, et ux
Petition for Zoning Variance

Dear Mr. Patanaphan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following 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 suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:kbb
Enclosures

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Ruszke
Chief

November 25, 1987

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Peysong Patanaphan
Location: SW end Roland Ct., 465' SW c/1 Ruxton Hill Rd.
Item No.: 156 Zoning Agenda: Meeting of 11/3/87

Attention:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown is _____ EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

88-309-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 12th day of November, 1987.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: Peysong Patanaphan, et ux Received by: James E. Dyer
Petitioner's Attorney: _____ Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner Date: December 21, 1987

Norman E. Gerber, AICP
FROM: Director of Planning and Zoning

Zoning Petition Nos. 88-304-A, 88-305-A,
SUBJECT: 88-100-A, 88-101-A, 88-102-A, 88-103-A, 88-309-A

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

Norman E. Gerber, AICP
Director

NEG:JGH:dme
cc: Ms. Shirley N. Ross, Legal Assistant, People's Counsel
File

PATANAPHAN
1 ROLAND COURT
BALTIMORE, MARYLAND 21204

August 10, 1987

Mrs. Martha J. Hartman
19 Roland Court
Baltimore, Maryland 21204

Dear Mrs. Hartman:

I am writing to you to have the approval to construct a tennis court at my property Lot 36.

The back of my house is very steep. We do not have enough space to install the tennis court, and we plan to locate the court on the right side in front of the house. It will be 30 feet away from the property line to Lot 31, 80 feet away from the Lot 35, and about 90 feet away from Lot 34. The tennis perimeter will be 60 x 120 feet, direction north and south. The surface will be concrete, with possible latex acrylic green color, with the net and post, and 10 feet high fencing around the perimeter of the tennis court. The lights will be installed in the future. The fencing will be in green color, and we plan to put plants to cover around the fencing area.

I have discussed with my immediate neighbors about constructing the tennis court and they do not have any objections.

They are Lot 35 [Signature]
Lot 34 [Signature]
Lot 31 [Signature]
Lot 38 [Signature]

Thank you for your consideration.

Very truly yours,
Pat Tana, M.D.

PT/lmj

PETITIONER'S
EXHIBIT