

IN RE: PETITION FOR ZONING VARIANCE
SE/End of Devonbrook Road,
Cul-de-sac
(13600 Devonbrook Road)
11th Election District
6th Councilmanic District
James E. Tracy, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-51-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard, and to permit a height for said structure of 17 feet in lieu of the maximum permitted 15 feet, all as more particularly described in Petitioner's Exhibit 1.

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

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 Zoning Commissioner for Baltimore County this 29th day of July, 1988 that the Petition for Zoning Variance to permit an accessory structure (detached garage) in the side yard in lieu of the required rear yard, and to permit a height for said structure of 17 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

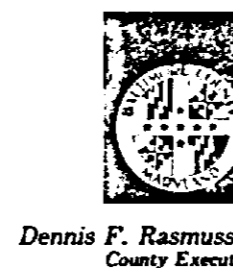
- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this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

JRH:hjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

July 22, 1988



Mr. James E. Tracy
13600 Devonbrook Road
Baldwin, Maryland 21013

RE: PETITION FOR ZONING VARIANCE
SE/End of Devonbrook Road, Cul-de-sac
11th Election District; 6th Councilmanic District
Case No. 89-51-A

Dear Mr. Tracy:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached 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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:hjs
Enclosure
cc: People's Counsel

File

PETITION FOR ZONING VARIANCE #437

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-51-A

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 400.1.400.3 TO ALLOW AN ACCESSORY STRUCTURE (detached garage) to be located in the side yard in lieu of the required rear yard and to allow a height of 17 feet in lieu of the permitted 15 feet.

15 Feet.

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

1. See Attached
2. See Attached
3. See Attached

as prescribed by Zoning Regulations.

above Variance advertising, posting, etc. upon filing of this petition by the zoning regulations and restrictions of 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.

Legal Owner(s):

James E. Tracy

(Type or Print Name)

J. Robert Haines

Signature

Judith A. Tracy

(Type or Print Name)

Judith A. Tracy

Signature

13600 DEVONBROOK RD.

Address

BALTIMORE, MD 21013

City and State

Name

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Address

City and State

Name

Phone No.

Address

City and State

Phone No.

Address

City and State

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day of July, 1988, 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 21st day of July, 1988, at 9 o'clock A.M.

ESTIMATED LENGTH OF HEARING 1 1/2 HR
AVAILABLE FOR HEARING 1 1/2 HR
ALL NON-TUES./WED. NEXT TWO MONTHS (over)
REVIEWED BY JRH DATE 6-22-88

J. Robert Haines
Zoning Commissioner of Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th Date of Posting 7/6/88
Posted for: variance
Petitioner: James E. Tracy, et ux
Location of property: SE/End of Devonbrook Rd., 13600 Devonbrook Rd.
Location of Signs: Tracy, Devonbrook Rd., across W. end of W. Wagoner, property of Baltimore
Remarks:
Posted by: [Signature] Date of return: 7/8/88
Number of Signs: 1

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD, June 29, 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 1 successive weeks, the first publication appearing on June 29, 1988

TOWSON TIMES,
S. Zake Delmar
Publisher

\$69.60

\$122.10

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

July 6, 1988



Mr. & Mrs. James E. Tracy
13600 Devonbrook Road
Baldwin, Maryland 21013

RE: Petition for Zoning Variance
CASE NUMBER: 89-51-A
SE end of Devonbrook Rd., cul-de-sac
(13600 Devonbrook Road)
11th Election District - 6th Councilmanic
Petitioner(s): James E. Tracy, et ux
HEARING SCHEDULED: THURSDAY, JULY 21, 1988 at 9:00 a.m.

Dear Mr. & Mrs. Tracy:

Please be advised that \$122.10 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

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

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

RE COUNTY, MARYLAND No. 52860
FINANCE - REVENUE DIVISION
ANNUOUS CASH RECEIPT
7/21/88 ACCOUNT P.O. 115-000 sign and post set(s), there fee for each set not

AMOUNT \$ 122.10 y yours,

James E. Tracy + *Haines*
Judy Tracy HAINES
Commissioner of County

0100000012210:89-51-A
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

June 23, 1988

NOTICE OF HEARING



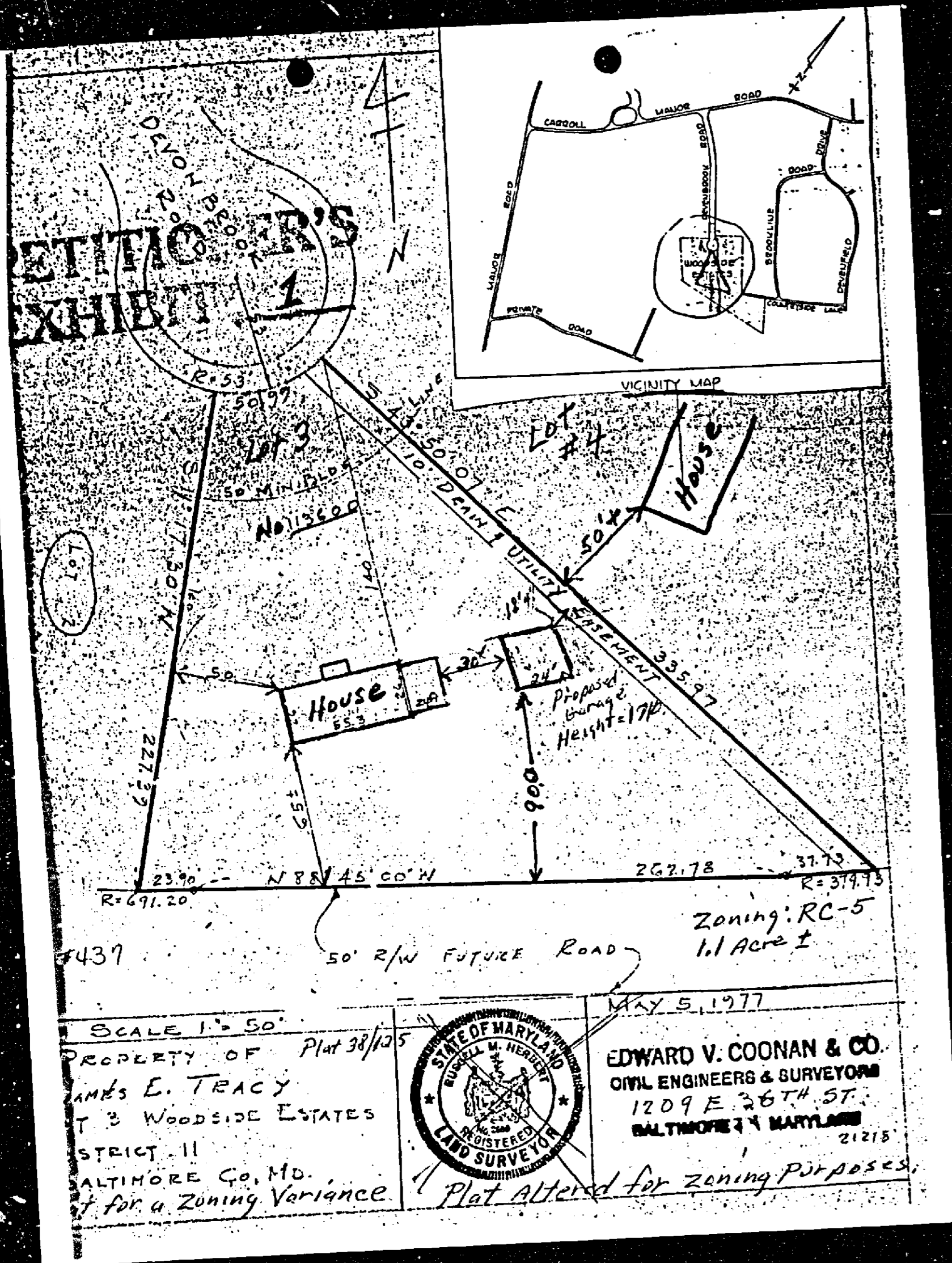
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-51-A
SE end of Devonbrook Rd., cul-de-sac
(13600 Devonbrook Road)
11th Election District - 6th Councilmanic
Petitioner(s): James E. Tracy, et ux
HEARING SCHEDULED: THURSDAY, JULY 21, 1988 at 9:00 a.m.

VARIANCE to allow an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard and to allow a height of 17 feet in lieu of the permitted 15 feet.

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 stay 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



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

Paul H. Reincke
Chief
June 14, 1988
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

Re: Property Owner: Tracy, et ux
Location: S/E End of Devonbrook Road, cul-de-sac
13600 Devonbrook Road
Item No.: 437 Zoning Agenda: Meeting of 6/14/88

Gentlemen:
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 at _____ 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.
- (x) 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.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: C. C. McNeil 6-14-88 Noted and Approved: John F. O'Neill
Planning Group Fire Prevention Bureau
Special Inspection Division

/j1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner Date: June 24, 1988
FROM: P. David Fields, Director, Office of Planning and Zoning
SUBJECT: Zoning Petition #89-51-A

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

P. David Fields per J. G. Hoswell
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. G. Hoswell
Zoning File

*c.c. McNeil & Mrs. James E. Tracy
6/30/88*

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 11, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21284

- MEMBERS
- Bureau of Engineering
 - Department of Traffic Engineering
 - State Roads Commission
 - Bureau of Fire Prevention
 - Health Department
 - Project Planning
 - Building Department
 - Board of Education
 - Zoning Administration
 - Industrial Development

Mr. & Mrs. James E. Tracy
13600 Devonbrook Road
Baldwin, Maryland 21013

RE: Item No. 437 - Case No. 89-51-A
Petitioner: James E. Tracy, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Tracy:

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. 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
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

89-51-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
15th day of June, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

Petitioner: James E. Tracy, et ux
Petitioner's
Attorney