

IN RE: PETITION FOR ZONING VARIANCE  
W/S Plainfield Road, 253' N of Westfield Road (2854 Plainfield Road) 12th Election District 7th Councilmanic District  
Brian Rix, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 31 inches in lieu of the required 10 feet to enclose an existing deck as more particularly described in Petitioner's Exhibit 1. The Petitioners, by Mr. Rix, appeared and testified. Also appearing on behalf of the Petition was Gary Sipes with Patio Enclosures, Inc. There were no Protestants. Testimony indicated that the subject property, zoned D.R. 10.5 and known as 2854 Plainfield Road, has been the Petitioners' family residence for approximately 6 years. The Petitioners propose enclosing an existing deck attached to the rear and side of the dwelling to use as an unheated, seasonal patio enclosure. Mrs. Rix cannot sit in the sun for health reasons. The Petitioners have discussed the matter with the adjoining neighbors who have indicated they have no objection. See Petitioner's Exhibit 4. Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy 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 Deputy Zoning Commissioner for Baltimore County this 16th day of September, 1988 that the Petition for Zoning Variance to permit a side yard setback of 31 inches in lieu of the required 10 feet to enclose an existing deck, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

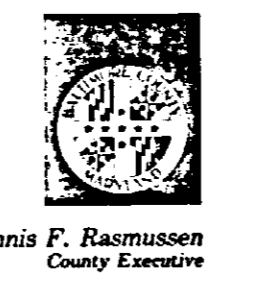
- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjjs

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21284  
494-3333  
J. Robert Haines  
Zoning Commissioner

September 16, 1988



Mr. & Mrs. Brian Rix  
2854 Plainfield Road  
Dundalk, Maryland 21222

RE: PETITION FOR ZONING VARIANCE  
W/S Plainfield Road, 253' N of Westfield Road (2854 Plainfield Road) 12th Election District - 7th Councilmanic District  
Brian Rix, et ux - Petitioners  
Case No. 89-60-A

Dear Mr. & Mrs. Dix:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bjjs

cc: Mr. Gary Sipes  
Patio Enclosures, Inc.  
224 8th Avenue, N.W., Glen Burnie, Md. 21061

People's Counsel  
File

PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-60-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 1802.3.B(VI.C.3) to permit a side yard setback of 31 inches in lieu of the required 10 feet.

- 1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan pattern.
- 2. Insulate and reduce heating bills.
- 3. Reduce outside noise.

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):  
BRIAN RIX (Type or Print Name)  
Signature: *Brian Rix*

DEBORAH RIX (Type or Print Name)  
Signature: *Deborah Rix*

2854 PLAINFIELD ROAD, 288-6475  
Address Phone No.  
DUNDALK, MARYLAND 21222  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
PATIO ENCLOSURES, INC.  
Name  
224 8th Avenue, N.W., Glen Burnie, Md. 21061  
Address Phone No. 760-1919

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of September, 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 13th day of September, 1988, at 2:30 o'clock P.M.

ESTIMATED LENGTH OF HEARING: 1/2 HR. + 1/2 HR. (over)  
AVAILABLE FOR HEARING: MON. THROUGH FRI. - 9:00 AM TO 5:00 PM  
CHECKED BY: *CR2* DATE: 9/1/88

J. Robert Haines  
Zoning Commissioner of Baltimore County

SAFELO TITLE INSURANCE CO. OF MD. LIBER 604 PAGES 68  
App. H-106013

This Deed, Made this 16th day of September, 1988, in the year one thousand nine hundred and eighty-eight, by and between JULIO F. VAZQUEZ and CHRISTINA F. VAZQUEZ, his wife, parties of the first part, Grantors, and BRIAN J. P. RIX and DEBORAH A. RIX, his wife, parties of the second part, Grantees.

The actual consideration paid or to be paid is \$48,000.00.

Witnesseth: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey, and assign unto the said Grantees, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs, personal representatives and assigns, in fee simple, all that certain lot or lots of land, together with the buildings and improvements thereon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

And the said Grantor covenants to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said land as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness the hand (s) and seal (s) of the said grantor(s):  
WITNESS: *Julio F. Vazquez* [Seal] JULIO F. VAZQUEZ  
*Christina P. Vazquez* [Seal] CHRISTINA F. VAZQUEZ

State of Maryland, County of Baltimore, this 16th day of September, 1988.  
I HEREBY CERTIFY, that on this 16th day of September, 1988, before me, a Notary Public of the State of Maryland, personally appeared JULIO F. VAZQUEZ and CHRISTINA F. VAZQUEZ, his wife, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, who signed the same in my presence, and acknowledged that they executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.  
Notary Public  
My commission expires July 1, 1986.

Per Elmer A. Kahline, Jr., Clerk  
Mail to Safeco Title Ins Co  
Receipt No. 112-22

LIBER 604 PAGES 69

Together with the buildings and improvements thereon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

To have and to hold the said described lot(s) of ground and premises, unto and to the use of the said Grantees, as tenants by the entireties, their assigns and unto the survivor of them, his or her heirs, personal representatives and assigns, in fee simple.

And the said Grantor covenants to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said land as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness the hand (s) and seal (s) of the said grantor(s):  
WITNESS: *Julio F. Vazquez* [Seal] JULIO F. VAZQUEZ  
*Christina P. Vazquez* [Seal] CHRISTINA F. VAZQUEZ

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WITNESS my hand and Notarial Seal.  
Notary Public  
My commission expires July 1, 1986.

Per Elmer A. Kahline, Jr., Clerk  
Mail to Safeco Title Ins Co  
Receipt No. 112-22

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY 89-60-A  
Townson, Maryland

District: 12th  
Location of property: W/S Plainfield Rd - 253' N of Westfield Rd  
Location of Signs: 2854 Plainfield Rd  
Remarks: Petition for Zoning Variance

Posted by: *M. N. Nastarowicz* Date of return: 9/1/88

Number of Signs: 1

CERTIFICATE OF PUBLICATION

OFFICE OF  
Dundalk Eagle

4 N. Center Place  
P.O. Box 8936  
Dundalk, Md. 21222 August 18, 1988

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings-Case #89-60-A - P.O. #02751 - REQ. #M18851 - 72 lines was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 19th day of August 1988; that is to say, the same was inserted in the issues of August 18, 1988

Kimbel Publication, Inc.  
per Publisher.

By: *K.C. Oelke*

**"DUPLICATE"**  
**CERTIFICATE OF PUBLICATION**

TOWSON, MD., August 18, 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., once in each of two successive weeks, the first publication appearing on August 18, 1988.

**THE JEFFERSONIAN,**  
S. Zake Olson  
Publisher

#35.63  
PO# 02752  
Reg# M1852

**THURSDAY, AUGUST 11, 1988**  
**SALES & LEGAL NOTICES**  
**NOTICE OF HEARING**  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the Petition for Zoning Variance filed with the Zoning Commission on August 11, 1988 at 2:30 p.m. in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland at 11:15 a.m. on August 11, 1988 at 2:30 p.m.  
Petition for Zoning Variance  
Case Number: 88-60-A  
W/S Plainfield Road, 253' N Westfield Road (2854 Plainfield Road)  
12th Election District - 7th Councilmanic District  
Petitioner(s): Brian Rix, et ux  
Hearing Date: Tuesday, September 13, 1988 at 2:30 p.m.  
Variance to permit a side yard setback of 31 feet in lieu of the required 10 feet.  
In the event 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.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

July 15, 1988

**NOTICE OF HEARING**

Dennis F. Rasmussen  
County Executive

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: 88-60-A  
W/S Plainfield Road, 253' N Westfield Road  
(2854 Plainfield Road)  
12th Election District - 7th Councilmanic District  
Petitioner(s): Brian Rix, et ux  
HEARING SCHEDULED: TUESDAY, SEPTEMBER 13, 1988 at 2:30 p.m.

Variance to permit a side yard setback of 31 feet in lieu of the required 10 feet.

#443

**Variance Notification**

To whom it may concern:

I am applying for a variance on my property so that I might be able to have a Patio Enclosure built on the back of my house. It is necessary for me to request this variance because of the Baltimore County Building Codes. I would like to have this patio built on the existing deck. The building code would restrict me from having the patio built to the end of the deck because there is only a distance of thirty inches to the property line from that point. I have had a drawing of my house made with the deck and patio enclosure pictured on it. I am asking that between looking at the house and deck, and a copy of the attached drawing of how I envision the patio will look, that you decide to sign this letter and drawing stating that you do not have any reservations about this patio being built and that I have your consent if my variance is approved.

We are the neighbors with the home that is adjacent but not attached to the home of Brian and Deborah Rix and as stated above we are in agreement with the approval of this variance.

Deborah A. Fales  
William P. Fales 3rd

We are the neighbors with the home that is adjacent and attached to the home of Brian and Deborah Rix and as stated above we are in agreement with the approval of this variance.

Robert Sanders  
Rose Sanders

NOTARY \_\_\_\_\_ Sincerely yours, \_\_\_\_\_

PLAT FOR ZONING VARIANCE

Rix, Brian & Deborah  
2854 Plainfield Rd.  
Dundalk, MD. 21222

\* 2856 William & Deborah Fales  
2856 Plainfield Rd.

\* 2852 Robert & Rose Sanders  
2852 Plainfield Rd.

**PETITIONER'S EXHIBIT 1**

#443

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3353

J. Robert Haines  
Zoning Commissioner

Date: 8/30/88

Mr. & Mrs. Brian Rix  
2854 Plainfield Road  
Dundalk, Maryland 21222

Re: Petition for Zoning Variance  
CASE NUMBER: 88-60-A  
W/S Plainfield Road, 253' N Westfield Road  
(2854 Plainfield Road)  
12th Election District - 7th Councilmanic District  
Petitioner(s): Brian Rix, et ux  
HEARING SCHEDULED: TUESDAY, SEPTEMBER 13, 1988 at 2:30 p.m.

Dear Mr. & Mrs. Rix:

Please be advised that \$36.63 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 the hearing.

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

No. 058920

DATE: 7/13/88 ACCOUNT: 8-01-15-0010

AMOUNT: \$ 36.63

RECEIVED Deborah A. Rix

FOR: Printing & Advertising (89-60 A)

B 105\*\*\*\*\*866316 4145F

**Variance Notification**

To whom it may concern:

I am applying for a variance on my property so that I might be able to have a Patio Enclosure built on the back of my house. It is necessary for me to request this variance because of the Baltimore County Building Codes. I would like to have this patio built on the existing deck. The building code would restrict me from having the patio built to the end of the deck because there is only a distance of thirty inches to the property line from that point. I have had a drawing of my house made with the deck and patio enclosure pictured on it. I am asking that between looking at the house and deck, and a copy of the attached drawing of how I envision the patio will look, that you decide to sign this letter and drawing stating that you do not have any reservations about this patio being built and that I have your consent if my variance is approved.

We are the neighbors with the home that is adjacent but not attached to the home of Brian and Deborah Rix and as stated above we are in agreement with the approval of this variance.

Deborah A. Fales  
William P. Fales 3rd

We are the neighbors with the home that is adjacent and attached to the home of Brian and Deborah Rix and as stated above we are in agreement with the approval of this variance.

Robert Sanders  
Rose Sanders

NOTARY \_\_\_\_\_ Sincerely yours, \_\_\_\_\_

**PETITIONER'S EXHIBIT 4**

PETITIONER(S) EXHIBIT (3)

**PETITIONER'S EXHIBIT 2**

Stamp: STAMP PAD INK, PAD INKER, MADE IN U.S.A.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
Date: July 26, 1988
FROM: P. David Fields, Director, Office of Planning and Zoning
SUBJECT: Zoning Petitions: 89-30-A, 89-59-A, 89-55-A, 89-60-A, 89-61-A, 89-64-A, 89-65-A, 89-83-A, 89-66-SpHA

There are no comprehensive planning factors requiring comment on the subject petitions.

P. David Fields, Director, Office of Planning and Zoning

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

RECEIVED
JUL 28 1988
ZONING OFFICE

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

July 18, 1988



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 391, 413, 438, 439, 442, (443) 444, 446, 447, 448, 450, 451, 452, 453, 454, 455, 456, and 457.

Very truly yours,

Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/cps

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 31, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

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- 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. Brian Rix
2854 Plainfield Road
Dundalk, MD 21222

RE: Item No. 443 Case No. 89-60-A
Petitioner: Brian Rix, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Rix:

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.

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.

Very truly yours,

James E. Dyer, Chairman
Zoning Plans Advisory Committee

JED:acj

cc: Patio Enclosures, Inc.
224 8th Avenue, N.W.
Glen Burnie, MD 21061

Enclosures

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

Paul H. Reincke
Chief

June 21, 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: Brian Rix, et ux

Location: W/S Plainfield Rd., 253' N. Westfield Road
2854 Plainfield Road

Item No.: 443

Zoning Agenda: Meeting of 6/21/88

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

\* 36 inches between property lines shall be maintained for fire dept. access to rear of building.

/j1

89-60-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
22nd day of June, 1988.

J. Robert Haines
ZONING COMMISSIONER

Petitioner: Brian Rix, et ux
Received by: James E. Dyer
Chairman, Zoning Plans
Attorney: [Signature]
Advisory Committee