

File

PCF: ✓
LMZ: ✓

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY

RECEIVED

IN THE

CIRCUIT COURT

Appellant

APR 12 1991 *

FOR

VS.

ZONING OFFICE

BALTIMORE COUNTY

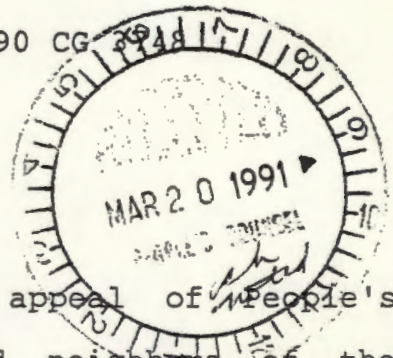
MICHAEL RUBY, et ux

Appellees

CASE NO. 90 CG

* * * * *

OPINION AND ORDER



This case comes before this Court on an appeal of People's Counsel for Baltimore County and assorted neighbors of the Appellees.

The Court has reviewed the memorandum of Appellant, memorandum of the Appellees, the Opinion of the Board and the transcript and exhibits that were entered before the Board. In addition, the Court has entertained the arguments of counsel and taken all of this into consideration of its Opinion and Order.

The Baltimore County Board of Appeals (the "Board") granted the Rubys a special exception and a variance for the side yard setback of their residence in Towson, Baltimore County, Maryland. The Board found that the property, improved with a single family dwelling, could be improved further by the construction of an artist's studio on the north side of the dwelling. It is uncontroverted that the use of an artist's studio is permitted by a special exception in this zone, Baltimore County Zoning Regulations, §1-B01.1.C.9B. The question is whether the proposed use is as a school or as an artist's studio. The Board of Appeals found the use to be that of an artist's studio. The appellate courts have

repeatedly stated that it is not the function of this Court to substitute its judgment for that of the administrative body, even if this Court would have not reached the same conclusion as the administrative body. If the issue is "fairly debatable," the Court must affirm the administrative body. This Court is convinced by a review of all of the evidence and argument of counsel that the issue is fairly debatable and is supported by substantial evidence of record and, therefore, affirms the decision of the County Board of Appeals.

The second prong of the appeal is that the Board failed to make adequate findings of fact with respect to a variance which was granted for a side yard setback. The Court finds that in reviewing the Opinion and Order in its entirety the Board clearly made findings of fact and imposed in that eight conditions. This Court finds the decision sufficient and does not find it to suffer from the deficiencies noted in Gray v. Anne Arundel County, 73 Md. App. 301, 313 (1987). The Opinion and Order of the Board will be affirmed.

Therefore, it is this 15th day of March, 1991, by the Circuit Court for Baltimore County,

ORDERED that the decision of the Board of Appeals in the above entitled matter dated September 5, 1990 granting the special exception and variance for the property at 7 Florida Road is hereby AFFIRMED.

151

THOMAS J. BOLLINGER, JUDGE

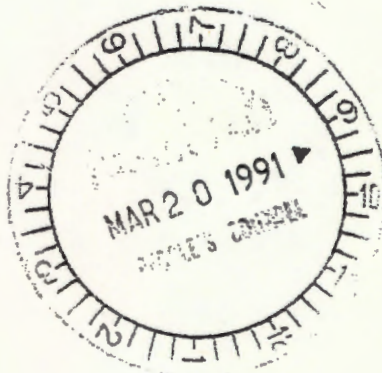
TJB:adm

Copies sent to:

✓ Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Deborah W. Steele, Esquire
Stuart D. Kaplow, Esquire
Frank, Bernstein, Conaway & Goldman
210 W. Chesapeake Avenue, Suite 630
Towson, Maryland 21204

John C. Murphy, Esquire
516 N. Charles Street, Suite 206
Baltimore, Maryland 21201



PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY

Appellant

vs.

MICHAEL RUBY, et ux

Appellees

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

CASE NO. 90 CG-3748

OPINION AND ORDER

This case comes before this Court on an appeal of People's Counsel for Baltimore County and assorted neighbors of the Appellees.

The Court has reviewed the memorandum of Appellant, memorandum of the Appellees, the Opinion of the Board and the transcript and exhibits that were entered before the Board. In addition, the Court has entertained the arguments of counsel and taken all of this into consideration of its Opinion and Order.

The Baltimore County Board of Appeals (the "Board") granted the Rubys a special exception and a variance for the side yard setback of their residence in Towson, Baltimore County, Maryland. The Board found that the property, improved with a single family dwelling, could be improved further by the construction of an artist's studio on the north side of the dwelling. It is uncontested that the use of an artist's studio is permitted by a special exception in this zone, Baltimore County Zoning Regulations, §1-B01.1.C.9B. The question is whether the proposed use is as a school or as an artist's studio. The Board of Appeals found the use to be that of an artist's studio. The appellate courts have

repeatedly stated that it is not the function of this Court to substitute its judgment for that of the administrative body, even if this Court would have not reached the same conclusion as the administrative body. If the issue is "fairly debatable," the Court must affirm the administrative body. This Court is convinced by review of all of the evidence and argument of counsel that the issue is fairly debatable and is supported by substantial evidence of record and, therefore, affirms the decision of the County Board of Appeals.

The second prong of the appeal is that the Board failed to make adequate findings of fact with respect to a variance which was granted for a side yard setback. The Court finds that in reviewing the Opinion and Order in its entirety the Board clearly made findings of fact and imposed in that eight conditions. This Court finds the decision sufficient and does not find it to suffer from the deficiencies noted in Gray v. Anne Arundel County, 73 Md. App. 301, 313 (1987). The Opinion and Order of the Board will be affirmed.

Therefore, it is this 15th day of March, 1991, by the Circuit Court for Baltimore County,

ORDERED that the decision of the Board of Appeals in the above entitled matter dated September 5, 1990 granting the special exception and variance for the property at 7 Florida Road is hereby AFFIRMED.

THOMAS J. BOLLINGER, JUDGE

TJB:adm

Copies sent to:

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Deborah W. Steele, Esquire
Stuart D. Kaplow, Esquire
Frank, Bernstein, Conaway & Goldman
210 W. Chesapeake Avenue, Suite 630
Towson, Maryland 21204

John C. Murphy, Esquire
516 N. Charles Street, Suite 206
Baltimore, Maryland 21201

IN THE MATTER OF THE APPLICATION * IN THE
OF MICHAEL RUBY, ET UX FOR A * CIRCUIT COURT
SPECIAL EXCEPTION AND VARIANCE *
ON PROPERTY LOCATED ON THE EAST *
SIDE OF FLORIDA ROAD, 90' NORTH *
OF GEORGIA COURT (7 FLORIDA *
ROAD) * BALTIMORE COUNTY
9TH ELECTION DISTRICT *
4TH COUNCILMANIC DISTRICT * CG Doc. No. 85
PEOPLE'S COUNSEL FOR BALTIMORE * Folio No. 148
COUNTY/ROBERT W. LINDSAY, ET AL, *
PLAINTIFFS * File No. 90-CG-3748
ZONING CASE NO. 89-410-XA

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE
BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Arnold G. Foreman, and Lynn B. Moreland, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Office of the Zoning Commissioner and the Board of Appeals of Baltimore County:

No. 89-410-XA
February 22, 1989 Petition filed by Mr. and Mrs. Ruby for a Special Exception for a professional person's (artist) studio to include tutoring of maximum of 20 students.
February 22 Petition filed by Mr. and Mrs. Ruby for a Variance for a side yard setback of 2' in lieu of the required 10'.
March 23 Publication in newspaper.
April 4 Certificate of Posting of property.
April 5 Comments of Baltimore County Zoning Plans Advisory Committee.
April 20 Hearing held on Petition by the Deputy Zoning Commissioner.

Michael Ruby, et ux, File No. 90-CG-3748
Case No. 89-410-XA

May 3, 1989 Order of the Deputy Zoning Commissioner GRANTING Petitions with restrictions.
June 1 Notice of Appeal received from Michael Ruby, Petitioner.
June 1 Notice of appeal received from John C. Murphy, Esquire, on behalf of Southland Hills Improvement Association, Protestants.
March 23, 1990 Hearing before the Board of Appeals.
June 29 Continued Hearing before the Board of Appeals.
July 30 People's Counsel's Hearing Memorandum filed.
July 30 Memorandum of Protestants filed by John C. Murphy, Esquire.
July 31 Petitioner's Closing Statement filed by Michael Ruby, Petitioner.
September 5 Opinion and Order of the Board GRANTING the Petition with restrictions.
September 17 Order for Appeal filed in the Circuit Court for Baltimore County by the Office of People's Counsel for Baltimore County; Petition to accompany appeal also filed.
September 17 Certificate of Notice sent to interested parties.
October 3 Order for Appeal filed in the Circuit Court for Baltimore County by John C. Murphy, Esquire on behalf of Robert W. Lindsay, et al; Petition to accompany appeal also filed.
October 4 Certificate of Notice sent to interested parties.
October 16 Transcript of testimony filed.

Petitioners' Exhibit No. 1 - Plat 1/16/89 by John C. Mellona, Sr.
2 - Plat 7/25/89
3 - Series of photos (A-F)
a-front view w/driveway & garage
b-back view of additions
c-interior of kitchen addition
d-outside view of kitchen additions

Michael Ruby, et ux, File No. 90-CG-3748
Case No. 89-410-XA

Petitioners' Exhibit No. 3 - e-first floor views - interior
f-first floor bedroom interior (2)
4 - 200 scale Comprehensive Map as marked by Petitioner.

Petitioners' Exhibit No. 5 - Series of photos (A & B)
6 - Resume
7 - Series of Photos of art (A-D)
a-pencil sketch child's head
b-2 color framed still life
c-pastel - child
d-pastel - giraffe
8 - Series of photos of art (A-D)
a-sea scene, b-sea scene w/shark
c-small photos sea scene
d-jungle scene
9 - Series of photos (A-J)
a-lion & artist revs., 3 photos
b-panda & artist Ward revs., 2 photos
c-Tiger & artist revs., 2 photos
d-Panda & artist Doub revs., 1 photo
e-Llama & artist revs., 2 photos
f-2 black & wht. art pieces
g-2 black & wht. art pieces owl
h-4 black & wht. art pieces
i-puppy, fawn, panda & bear
j-3 sculptures
10 - Series of photos (A-E)
a-north view of house
b-2 access to basement & corner of house
c-stone wall & vehicle
d-north side of property w/survey stakes
11 - Florida room at 5 Florida Rd.
12 - Existing window which will be duplicated in studio.
13 - 318 Alabama Ave.
14 - 411 Alabama Ave.
15 - 17 Florida Rd.
16 - Brochure advertising classes
17 - 4/20/89 ltr. from adj. neighbors to Comm. Haines.
18 - Petition from neighbors
19 - Xerox of insurance bill
20 - Xerox of 5/23/89 bldg. permit
21 - Copy COMAR 13A.09.06 w/attach. business card.

Michael Ruby, et ux, File No. 90-CG-3748
Case No. 89-410-XA

People's Counsel Exhibit No. 1 - Ltr. to Comm. Haines from Michael Flanigan 3/2/89.

Protestants' Exhibit No. 1 - Photo 7 & 9 Florida Rd. driveway
Protestants' Exhibit No. 2 - Plat NE portion Southland Hills community 1926.
3 - Aerial photo - marked by Protestant.

October 16 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Respectfully submitted,

Linda Lee M. Kuzmaul
Linda Lee M. Kuzmaul, Legal Secretary,
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland 21204 (301) 887-3180

cc: People's Counsel for Baltimore County
Mr. and Mrs. Michael Ruby
John C. Murphy, Esquire

IN THE MATTER OF THE APPLICATION * IN THE
OF MICHAEL RUBY, ET UX FOR A * CIRCUIT COURT
SPECIAL EXCEPTION AND VARIANCE *
ON PROPERTY LOCATED ON THE EAST *
SIDE OF FLORIDA ROAD, 90' NORTH *
OF GEORGIA COURT (7 FLORIDA *
ROAD) * BALTIMORE COUNTY
9TH ELECTION DISTRICT *
4TH COUNCILMANIC DISTRICT * CG Doc. No. 85
PEOPLE'S COUNSEL FOR BALTIMORE * Folio No. 148
COUNTY/ROBERT W. LINDSAY, ET AL, *
PLAINTIFFS * File No. 90-CG-3748
ZONING CASE NO. 89-410-XA

CERTIFICATE OF NOTICE

Kadum Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Arnold G. Foreman, and Lynn B. Moreland, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, John C. Murphy, Esquire, 516 N. Charles Street, Baltimore, Maryland 21201, Counsel for Plaintiffs; Mr. Robert W. Lindsay, 413 Georgia Court, Towson, Maryland 21204, Plaintiff; Mrs. James Forner, 13 Florida Road, Towson, Maryland 21204, Plaintiff; Ms. Sue Schenning, 308 Dixie Drive, Towson, Maryland 21204, Plaintiff; Peter Max Zimmerman, Deputy People's Counsel for Baltimore County, Room 304, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, Plaintiff; Mr. and Mrs. Michael Ruby, 7 Florida Road, Towson, Maryland 21204, Defendants; and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

IN THE MATTER OF
MICHAEL RUBY, ET UX
FOR SPECIAL EXCEPTION AND
VARIANCE ON PROPERTY LOCATED
E/S FLORIDA RD, 90' N OF
GEORGIA CT. (7 FLORIDA RD.),
9th ELECTION DISTRICT
4th COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 89-410-XA

PETITIONER'S CLOSING STATEMENT

Two issues are before the Board in Case No. 89-410-XA: A special exception for a professional person's (artist) studio and a variance for a side yard setback of 2' in lieu of the required 10'. Though the two petitions are related they are not dependent upon each other. Either may be granted separately from the other though the testimony presented has clearly demonstrated that requested matters can be and should be granted.

VARIANCE

Let's address the side yard setback variance first. The set back is being requested to construct an artist's studio, approximately 338 square feet in size, on the north side of the house at 7 Florida Road. See Petitioner's Exhibit #2.

Ms. Georgia Chantiles-Ruby, a professional artist and art instructor (Petitioner's Exhibit #6), is seeking the fulfillment of a lifelong dream to have her own studio where she can continue her personal and professional development. Part of Ms. Chantiles-Ruby's employment requirements at The Park School,

which she began in the 1989-90 academic year, is that she be a practicing artist and submit art works annually for inclusion in a faculty art show.

An artist's studio is a permitted use under the property's D.R. S.S zoning classification. The current layout of the house and the size of the family living at 7 Florida Rd. does not allow for a single, existing room to be utilized as a studio, for the reasons given in Ms. Chantiles-Ruby's testimony.

To gain the necessary square footage to accommodate large scale art work, various works in progress, storage and display of works in many degrees of completion, and to allow for the free exchange of ideas with other artists and students, a room with the dimensions of 26 feet by 13 feet is proposed, as depicted on the plat labeled Petitioner's Exhibit #2.

Ms. Chantiles-Ruby testified that the artist studio must go on the north side of the house to take advantage of the north light. Northern light is preferred by artists because it is shadowless and unchanging over the course of the day.

Also, only by placing the studio on the north side can Mrs. Chantiles-Ruby gain direct access to the existing house's basement where art materials may be stored and where there is easy accessibility to existing water, heat and electricity for the proposed addition. See Petitioner's Exhibits 10a through 10e.

By placing the studio on the northern side, Ms. Chantiles-Ruby also circumvents the existing house's English Colonial architectural style which limits the placement of

additions to the structure by its steep gabled roof lines.

As proposed, the studio will be three walls of glass, utilizing French doors and circle head windows (an established architectural theme, See Petitioner's Exhibit #12), and will be at least 12 feet away from the adjacent and nearest building at 5 Florida Road for only six feet when the distance between the structures grows to 20 feet. See Petitioner's Exhibit #11.

Bosley Tawney, resident of 5 Florida Road and experienced real estate agent, testified before the Board that he did not object to the proposed addition nor to the granting of the variance. Mr. Tawney also stated he expected the studio would be an enhancement to the community and would in no way have a detrimental impact on his property economically or aesthetically.

Neighbors residing at 9 Florida Rd. (Carl and Anne Wannen) also testified by their presence -- shunning the witness stand in deference to the Board's desire to reduce cumulative evidence -- and with a notarized statement, Petitioner's Exhibit #17. Residents of 11 Florida Rd. (Julie Collier-Adams and Walter Kapolka) appeared in support of the variance, too.

Mrs. Chantiles-Ruby also submitted a petition with the signatures of residents living along Florida Road in support of the variance, Petitioner's Exhibit #18.

In considering the variance requested, the Board is obligated to apply the standards stated in Section 307 of the Baltimore County Zoning Regulations. Of course, the Board is familiar with this section which allows it to grant variances

"only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship."

As Schmidt preached in his epistle to the Towson Commonites (Case No. 90-130-SPHA) through citations from the appellate courts, an area variance requires the application of the lesser practical difficulty standard.

The prongs of that standard which must be satisfied by the Petitioner, are as follows:

- 1) Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners;
- 3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured." (See Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974) and McLean v. Soley, 270 Md. 208 (1973).

Ms. Chantiles-Ruby has testified that the north light is critical to an artist studio, a permitted use, and that without the variance as requested the studio could not be constructed. Compliance with the strict letter of the restrictions would unreasonably prevent Ms. Chantiles-Ruby from using her property for a permitted purpose.

All the immediate neighbors have stated that the granting of this variance would not do substantial injustice to their properties.

In light of the history of variances granted to other homes in the Southland Hills community (Petitioner's Exhibits #13, 14, 15), the spirit of the setback ordinance is being observed with the public safety and welfare being secured.

The Southland Hills community was established in the 1920's, long before the existing zoning categories and setback regulations were set. As the community matured, homeowners enclosed porches and built additions which have blurred the regulated 10-foot side yard setback distance. Because of the established character of Southland Hills, variances in the community have in general been granted with little opposition.

Once again, there is no hue and cry from the community protesting the variance requested for 7 Florida Road because it is in keeping with the ambience and charm that is Southland Hills.

In fact, under the newly revised Title 22, this variance request could have qualified for the recently implemented administrative variance procedure save for Mr. Robert Lindsay's objection, the only one expressed to the variance by anyone living within the proscribed 1,000-foot distance of 7 Florida Rd. Indeed, Mr. Lindsay testified that he felt the requested variance was not in character with the community while the distance between his house and his neighbor's is only three feet greater

than that being sought by Ms. Chantiles-Ruby.

For all the reasons stated above, the Board should be satisfied that all the requirements for the side yard setback have been met and that the variance should be granted.

SPECIAL EXCEPTION

The special exception requested for 7 Florida Rd. by the Petitioner is for an artist studio, a use which is specifically included in the Home Occupation Classification defined in Section 101 of the B.C.Z.R.

Because the artist studio is permitted by special exception, it is therefore legislatively determined to be a mandated use providing that the conditions set forth in Section 502.1 and Section 1801.C.9B are satisfied. As much was stated by the Board in Mary S. Furth, M.D., Case No. 88-442-X, where on page two of the opinion it states:

"The Board has carefully considered the testimony and evidence presented this day, and finds as a fact that the petition as presented and testified to complies with all Baltimore County Regulations and SHALL be granted. (Emphasis added.)"

The requirements designated in B.C.Z.R. 1801.C.9B are three fold:

- 1) The studio is established within the same building as that serving as the professional person's primary residence;
- 2) The studio does not occupy more than 25 percent of the total floor area of such residence;
- 3) The studio does not involve the employment of more

than one non-resident professional associate nor two other non-resident employees.

According to the uncontradicted testimony of Ms. Chantiles-Ruby, the studio would encompass only 338 square feet with about another 50 square feet of storage space in the basement devoted to studio art supplies. On the other hand, the existing house at 7 Florida Rd. contains a total of nearly 2,600 square feet. Clearly, the special exception request meets the area requirement of the B.C.Z.R.

No other employees than the resident professional Ms. Chantiles-Ruby are proposed for the artist studio so, again, the special exception request meets the requirements of 1801.C.9B.

As for satisfying the requirements of Section 502.1, the Petitioner is in a unique situation because the studio has been in operation and classes with 10 students each (ages five to 15 years) have been held during a 40-week period between September 1989 and June 1990. Three one-and-a-half-hour-long classes were held each Saturday with a half-hour break between each class. Parents dropped off or picked up their children at the beginning and ending of each class.

The testimony of Ms. Chantiles-Ruby and that of adjacent neighbors are therefore not merely speculations as to whether the conditions of Section 502.1 can be met. Instead, the comments reflect an actual history of performance from which compliance with the B.C.Z.R. can be established empirically.

Again, Petitioner can cite the testimony of those

neighbors most immediately impacted by the classes -- Bosley Tawney, Carl and Anne Wannen, Julie Collier-Adams -- who said they have not noticed any adverse effects, ranging from traffic to light and noise to parking, from the on-going art lessons.

And again, Petitioner can present the petition with the signatures of residents living along Florida Road in support of the special exception, Petitioner's Exhibit #18.

In addition, Russell White, a resident of 309 W. Chesapeake Avenue, lives at the entrance to Florida Road where most of the traffic coming to the artist studio turns into. Mr. White testified before the Board that he noticed little, if any, increase in the number of cars using Florida Road during the time the classes occur. Mr. White supported the special exception request.

According to the plat submitted with the special exception petition (Petitioner's Exhibit #1), only two on-site parking spaces have been provided by Petitioner. But those two are more than adequate because Ms. Chantiles-Ruby has voluntarily limited the ages of the children she teaches to only those less than 16-years old. Parents must deliver and pick up the students, so no additional parking is necessary than the two on-site spaces and those curbside in front of 7 Florida Rd. To ensure that the parking condition will be met with the spaces provided, the Board can impose a restriction that sets the ages of students who can attend classes at the artist studio on 7 Florida Rd.

With this one restriction in place, the requirements of

Section 502.1 are met. Therefore, since the conditions set forth in Section 502.1 and Section 1901.C.9B have been satisfied, the Board shall grant the requested special exception.

However, the compelling matter of this case is not and has not been whether Ms. Chantiles-Ruby meets the spirit and intent of the B.C.Z.R. because clearly she has. Ms. Chantiles-Ruby could have her own studio and continue her personal and professional development without the need for a Home Occupation special exception, especially absent any other employees.

Only because Ms. Chantiles-Ruby is offering classes to students has she gone through the costly and time consuming special exception procedure. Why is it necessary to hear this request in a public forum before the zoning commissioner and the Board? The answer can be found in a review of permitted Baltimore County zoning practices for tutoring or tending children in the home. Within this context, the legislative intent can be better understood for inclusion of artist studio as a specifically mentioned use under the Home Occupation special exception.

Baltimore County zoning commissioner's policy A-20 allows tutorial services in a residential zone providing that no more than six students can be seen a day and tutoring is on a one-to-one or two-to-one basis.

Throughout history, art students have learned technique at their instructor's studio, working in the shadow of the master, copying his style, mixing his paints, even finishing his

portraits. The generally small, intimate classes common with studios are similar to tutorial instruction.

Art, however, is a subject which does not require constant tutorial supervision. The children need time after individual instruction to explore and attempt techniques on their own. Once Ms. Chantiles-Ruby has helped one student, she can focus her attention on another. Because of the professional expertise of Ms. Chantiles-Ruby from her 17 years as a teacher, she is able to accommodate 10 students at a time into a class while meeting the individual needs of each child.

This number is easily manageable, at least from the neighbors' stand point who testified to no adverse effects from the classes. It also is large enough for some children to learn by helping others and for the free exchange of different perspectives to the same assignment.

Also permitted as a matter of right in a D.R. zone are day care providers. Zoning and health regulations allow multiples of six children at a time, seven days a week, 24 hours a day as long as the children go home to sleep within a 24-hour period. No parking is required for the pick-up and drop-off system very much like that in place at the Chantiles Studio of Fine Arts.

Under current regulations, Ms. Chantiles-Ruby could open a day care center, featuring art classes with six children at a time, without going through the special exception process.

The creators of the B.C.Z.R. included artist studio in the same home occupation use category as physicians, dentists,

lawyers, architects and engineers. In each of these uses, as many as four employees -- two professionals and two non-professionals -- may be housed in the home occupation office. The designers of the zoning regulation legislation certainly expected there would be instances when each employee could be visited by one, two or more clients at the same time, creating a household of four employees and, say, eight visitors for a total of from eight to 12 people.

Even this was not considered an onerous burden on the surrounding community until 1982 when legislation changed Home Occupation from permitted as a matter of right to one permitted by special exception to safeguard the community. Now the number of clients is regulated through Section 502.1 and it is incumbent upon each petitioner to demonstrate that the proposed Home Occupation is consistent with the health, safety and welfare of the general community.

The Deputy Zoning Commissioner granted the special exception requested by the Petitioner but imposed a restriction permitting only six students per class. That's the same number permitted as a matter of right for day care providers. But because artist studio is allowed by special exception, then any petitioner should be able to expect a use over and above that permitted by right, still satisfying the appropriate conditions, and comparable to other uses within the designated B.C.Z.R. section.

Ms. Chantiles-Ruby has successfully demonstrated her

concern for the community's health, safety and welfare week after week after week for 40 weeks to the satisfaction of those people most dramatically impacted by the classes, her immediate neighbors. She consistently has demonstrated her professionalism by taking whatever steps have been necessary to minimize any detrimental effects upon the community while maximizing the benefits.

Consequently, Ms. Chantiles-Ruby should be allowed to conduct her instructional lessons with at least 10 children per class, having proven she can satisfy the conditions of the special exception and having shown how the request for at least 10 children per class is within the spirit and intent of the B.C.Z.R.

Were there more than one instructor or if a complete curriculum were presented, then the question of when a studio becomes a school could be raised. And then the Board could refer to Webster's dictionary or to other arcane and alien regulations to formulate an answer.

Instead, Ms. Chantiles-Ruby is offering little more than tutorial art lessons to students who want to experience the personal growth and development that comes from individual instruction over and above what is offered in a school-like setting. She is doing it following the natural and logical progression inferred by county zoning policies and regulations: from the tutorial policy to the day care regulations to the Home Occupation uses governed by the special exception conditions.

The granting of the requested special exception will in no way detract from the residential character of the surrounding community. In fact, it will help strengthen and support the liveability of the area.

The property at 7 Florida Rd. abouts what the Board called in its F & E Limited Partnership, Case No. R-89-459, order "an enormous five-story office building with an enormous commercial parking lot." This northern section of Southland Hills is under extraordinary pressure from commercial uses stemming from the nearby Towson town center.

By granting the requested special exception, the Board would only enhance the community and strengthen the residential integrity of 7 Florida Rd.

Submitted on 31 May 1990 by:

Michael Ruby
7 Florida Road
Towson, MD 21204

MICHAEL RUBY ET UX * BOARD OF APPEALS
7 FLORIDA ROAD * OF
SPECIAL EXCEPTION AND * BALTIMORE COUNTY
AND VARIANCE * CASE NO. 89-410-XA

MEMORANDUM OF PROTESTANTS

1
SUMMARY OF FACTS

For many years, Mrs. Chantiles-Ruby taught art classes at the Roland Park Country School in after-school sessions using the school's classroom facilities. Recently she has transferred to Park School which does not have after-school sessions. She wishes to continue her art classes to students and for that reason has asked the Board to approve a special exception for an artist's studio, to include classes for as many as 20 students, in her home at 7 Florida Road in Towson in the subdivision of Southland Hills. Mrs. Ruby proposes to construct an addition on the north side of the house in order that it might utilize the northern light. Besides providing space for the art classes, the addition will serve as Mrs. Ruby's studio. She is requesting a variance from the side yard requirements to reduce the side yard from the required 10 feet to 2 feet.

The Ruby house sits on a lot 60' wide by 125' deep, the standard size for lots in Southland Hills according to a copy of the original subdivision plat introduced through the witness

Sue Schenning. There is nothing unusual about the Ruby house which makes it any different from any other house in the neighborhood. Since the Rubys purchased it several years ago, they have added an addition on the south side and an addition in the rear. It shares a common driveway with the house to the south.

The neighbors on either side testified that they had no objection to the request. Mr. Russell White, who obtained a special exception for a law office at Florida and Chesapeake, testified that he had no objection.

Mr. Robert Lindsay of Georgia Court testified against the proposal. According to him, traffic congestion resulted because he observed as many as 9 students being dropped off for classes. He thought it set a bad precedent of a non-residential use in the neighborhood. Mrs. James Forner, of 13 Florida Road, testified that she and her husband had experienced several instances where it was difficult to pass because of cars parked while children were being dropped off for classes. Sue Schenning, the President of the Southland Hills organization, lives several blocks away on Dixie Drive. She too observed traffic congestion as a result of the use; she happened to notice it when she was jogging through the neighborhood. Ms. Schenning explained to the Board that parents from neighborhoods like Roland Park or Ruxton would most likely drive completely through the neighborhood, thus causing considerable traffic. She testified that in her view the proposed use was a school because its principal purpose seemed to be to provide a place for instructing students. Mrs. Gloria Bond, of 21 Florida Road, testified that she feared adverse traffic effects.

Mrs. Ruby has been conducting the art classes since she was granted permission by the Zoning Commissioner's ruling of May 3, 1989. Despite the explicit ruling of the Zoning Commissioner that the use was limited to a maximum of 6 students, Mrs. Ruby testified several times that her classes consisted of 10 students.

II
THE USE REQUESTED IS MORE THAN AN ARTIST'S STUDIO:
IT IS A SCHOOL

Although the Protestants have no doubt of Mrs. Ruby's sincerity or that her classes serve a useful educational purpose, one cannot review the facts of this case and come to any conclusion but that Mrs. Ruby is requesting more than an artist's studio. What precipitated the application was a change in jobs from Roland Park to Park School. At the former, she had an arrangement to conduct art classes in the afternoon. At the latter, she does not have this opportunity. She wishes to conduct the classes which she formerly conducted at Roland Park out of her home. At Roland Park, the classes were certainly conducted as part of an educational or school function. At Mrs. Ruby's house, the same classes have the same function. She requested 20 students, and apparently now seeks only 10 students. Whatever the figure, 20 or 10 students, these are not insignificant numbers. Please note, in addition, that these are students at any one time. Suppose its several classes on Saturday, and two during the week. Now its 40 students at 10 children per class. Again a significant number.

The standard definition of a school is:

No doubt there is a rule of reason somewhere, which this Board is admirably situated to articulate, which would say that an artist might instruct one or two students in the course of her artistic endeavors. But that is not the case here. Here the reason for being for this studio is the conduct of classes for 10 or 20 students. It is a case of the tail wagging the dog. It is not consistent with the "spirit and intent" of the zoning regulations as set forth in Section 502.1. For these reasons, the use should be disapproved since it involves more than an artist's studio.

III

In response to repeated questions, Mrs. Ruby freely admitted that the sole reason for wishing to build the addition is to conduct the classes. There is nothing unusual about the house or lot at all. The lot is the same size as almost every other lot in the neighborhood. The case is purely one of Mrs. Ruby's desire to conduct classes from her house.

In order to grant a variance, the zoning law requires that the applicant demonstrate "practical difficulty or unnecessary hardship". In the case of Carney v. City of Baltimore, 201 Md. 130, 137 (1952), the Court of Appeals held that the reason for a variance must be "...urgent and substantial, and not merely for the convenience of the applicant". Isn't this a case where its purely for the convenience of the applicant?. In the case of Leyola Loan Ass'n. v. Buschman, 227 Md. 243 (1961), a variance was

In all the variance cases, the distinguishing characteristic is that where the application is purely for the convenience of the applicant, as in Carney, it is not eligible since there is no "practical difficulty" beyond inconvenience. Where there is something peculiar about the property itself which causes difficulty in complying with the terms of the ordinance, then a variance may be allowed. Here it is clear there is nothing peculiar about the property. The only special characteristic of this case is Mrs. Ruby's desire to conduct classes from her home. This is purely for her convenience and does not constitute "practical difficulty" or "unnecessary hardship".

TV

This is a case where the application is on an interior street in Southland Hills. It is thus distinguishable from cases involving properties on Chesapeake Avenue, a major principal thoroughfare to and from central Towson. Here there is no place other than the street for parents to drop off their children. There is bound to be some congestion in the coming and going of parents

The more classes, the worse the congestion will be. The testimony was undisputed that the neighborhood already suffers congestion for the over-flow parking from central Towson, and that special "resident-only" parking signs exist to attempt to alleviate this. This is a case, therefore, where the traffic will have an unusual impact because of an already existing congested situation.

Because the use requested is beyond an artist's studio, because no practical difficulty or unnecessary hardship has been shown, and because the use will result in congestion in the streets, the protestants ask that the applications for a special exception and a variance be disapproved.

I hereby certify that on this 30 day of July, 1990, I mailed a copy of the foregoing Memorandum to Mr. and Mrs Michael Ruby, 7 Florida Road, Towson, Md. 21204, and to the People's Counsel, County Office Building, Towson, Md. 21204.

John C. Murphy
John C. Murphy

MICHAEL RUBY, et ux, Petitioners : Case No. 89-410-XA
.: .:

This case presents some of the same issues that are present in other variance cases. Accordingly, we are resubmitting the memorandum filed in the Peverley case (No. 90-35-SPHA) for your consideration on the issue of "practical difficulty." The Ruby petition for variance simply does not meet the standard under McLean v. Scelvey, however the requested use is described. Of particular interest is the New York case of McLaren v. Schick, 492 NYS 2d 226 (NY App. 1985), involving a setback variance request in order to do design and drafting work. Because the Ruby variance request is one relating to the personal situation, need, and convenience of the Petitioner (and does not relate to any inherent problem with the property), the question of whether the request adversely affects the neighborhood does not need to be reached. Suffice it to say that there was evidence presented on both sides going to that issue. In this connection, it should simply be noted that despite the pressure for more office uses west from Bosley Avenue, including the 307 and 309 West Chesapeake Avenue properties, the present case is the first request for such a use in the interior of Southland Hills.

From a land use point of view, it is apparent that the County Council intended a relatively low density activity. In order to do so, it drew restrictive definitions as to type of use, and also

Therefore, it is suggested that the Board address all issues.

I HEREBY CERTIFY that on this 30th day of ~~November~~ ^{July} 1990, a copy of the foregoing People's Counsel's Hearing Memorandum was mailed to Mr. and Mrs. Michael Ruby, 7 Florida Rd., Towson, MD 21204; and John C. Murphy, Esquire, Suite 206, 515 N. Charles St., Baltimore, MD 21201.

Peter Max Zimmerman
Peter Max Zimmerman

DEPT. OF COMMERCE - ECONOMIC MEMORANDUM

"1) Whether compliance with the strict letter of the restrictions governing area, set backs, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

(d) whether a grant of the variance applied for would be substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more substantial justice to other property owners.

1. 在下列各题中，选择正确的答案，将序号填入括号内。

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE COUNTY BOARD OF APPEALS
AND ZONING VARIANCE : OF BALTIMORE COUNTY
E/S Florida Rd., 90' N of :
Georgia Ct. (7 Florida Rd.) :
9th Election District :
4th Councilmanic District :
MICHAEL RUBY, et ux, : Case No. 89-410-XA
Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 877-2188

I HEREBY CERTIFY that on this 29th day of June, 1989, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Michael Ruby, 7 Florida Rd., Towson, MD 21204; and John C. Murphy, Esquire, 516 N. Charles St., Baltimore, MD 21201.

Phyllis Cole Friedman
Phyllis Cole Friedman

61 JUN 29 62 NOV 68
COUNTY BOARD OF APPEALS
07-1323

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND ZONING VARIANCE - E/S
Florida Road, 90' N of * DEPUTY ZONING COMMISSIONER
Georgia Court
(7 Florida Road) * OF BALTIMORE COUNTY
9th Election District
4th Councilmanic District * Case No. 89-410-XA

Michael Ruby, et ux *
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception to permit a professional artist's studio on the subject property to include tutoring of a maximum of 20 students, and a variance to permit a side yard setback of 2 feet in lieu of the required 10 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the petition were Bosley Tawney, Carl and Anne Wannen, Julie Collier-Adams, Bonnie Jaeger, and Barbara Cavanaugh. The following individuals appeared as Protestants: Timothy C. Kolarik as President of the Southland Mills Improvement Association, Martin and Carole Eby, Peggy Jarboe, Barbara Curtin, Karen Robins, George E. Vandenbrink, Robert W. and Janet Lindsay, Beth Sykes, Sue Schenning, and Catherine Cox.

Testimony indicated that the subject property, known as 7 Florida Road, consists of 7800 sq.ft. zoned D.R. 5.5, and is improved with a single family dwelling. Petitioners propose constructing a 13' x 26' addition on the north side of the existing dwelling for Mrs. Ruby to use as an art studio and to conduct art classes for a maximum of 20 students between the ages of 5 to 15 years. Testimony indicated that Mrs. Ruby was on the faculty of the Roland Park Country School for the past 11 years and has been teaching art for 16 years. Testimony indicated that due to the inter-

REPORT REQUESTED FOR FBI INQ

DATE _____

found to be met. It must first be determined if the conditions delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. In the opinion of the Deputy Zoning Commissioner, the Petitioners have shown that the proposed use, as hereinafter restricted, would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. In fact, the neighbors who would be most affected by the proposed use appeared and testified in support of Petitioners' request. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Fritts, 432 A.2d 1319 (1981).

The testimony and evidence presented indicated the proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R. Further testimony presented by Petitioners indicated that the conditions set forth in Section 1801.C.98 could be met.

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). To prove practical difficulty for an area variance, the Petitioner must meet the following:

ORDERED FOR FILING

1992-93

and various attorneys' offices, as well as County employee and Towson State University student parking in the area. Testimony indicated the proposed use would be a benefit to the community and is similar in character to other desirable home occupation uses currently existing in the area. Mrs. Ruby testified that the conditions delineated in Section 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) would be satisfied and there would be no adverse impact on the community as a result of their proposal.

The adjoining affected property owners, Bosley Tawney, Carl and Anne Wannen, Jr., and Julie Collier-Adams, testified as to their support of the proposed addition, and its proposed use as an artist's studio and for art classes. In their opinion, the proposed addition and its use will be a welcome asset to the community. Bonnie Jaeger and Barbara Cavanaugh testified as to their childrens' enrollment in Petitioner's classes and as to their opinion of the reed and benefit of such classes to the community.

Testimony regarding the variance indicated that due to the size of the lot and existing improvements thereon, the requested variance is necessary. Petitioners presented pictures and testimony regarding the character and design of the proposed addition. Petitioners argued the addition will be an asset to their property and the community. Further testimony indicated the adjoining property owner on the side of the variance has no objection to Petitioners' plans. Petitioners opined the granting of the variance for the addition will not result in any detriment to the health, safety, or general welfare of the community.

Testimony presented by Mr. Kolarik on behalf of the Southland Hills Community Association indicated they are opposed to the requested special exception as they believe it will set a dangerous precedent for

establishing such uses throughout the community. Testimony indicated that as a result of a news letter issued by the Association advising the community of Petitioners' proposal, numerous area residents had called or written to voice similar concerns.

Mr. Eby, who resides four houses down from the subject property, testified he was concerned that the proposed use would set a precedent and create a traffic hazard in an already congested area.

It is clear that the B.C.Z.R. permits an artist's studio in a D.R. 5.5 zone by special exception. Preliminarily, a determination must be made as to whether the use of the proposed addition for art tutoring classes for 20 students at one time as well as Ms. Chantilly-Ruby's private art studio falls within the definition of an artist's studio. However, the zoning regulations do not define studio or artist's studio. Therefore, the regulations have us look to Webster's Third New International Dictionary, which does not define artist's studio, but defines "studio" as "(a) the working place for the creative worker (as a painter or sculptor), (b) a place for the study or practice of various performing or individual arts..." The definition does not refer to schools or a place where classes are held. The number of students Petitioner is requesting to tutor at any one time places her more in the classification of an art school. The number requested is found to be excessive and not within the spirit and intent of the artist's studio classification. While Petitioner may be accustomed to handling a number of students and has had an appropriate setting in which to do so in the past, the number proposed for this location is inappropriate. However, a much smaller number may be appropriate if the conditions set forth in Section 502.1 and Section 1801.C.28 are

ORANGE COUNTY, CALIFORNIA

1990

est shown by students and their parents in her curriculum, Mrs. Ruby expanded her program to include after school sessions two days a week at the school. She testified that as a result of the caliber of her classes, she was awarded two enrichment grants which enabled her to take off the summer months to further enhance her artistic talents as well as develop programs for her students. Mrs. Ruby testified she will be transferring to the Park School in the fall and that said school does not permit after school classes. Petitioners are desirous of constructing the proposed studio addition for Mrs. Ruby's personal use and to provide the after school sessions in her home for children between the ages of 5 and 15 on a limited basis to meet the needs of the community.

Testimony indicated that initially, Petitioner would have art classes only on Saturday mornings for approximately three hours. However, Petitioners would like the flexibility to expand the program at a later date to include one or two nights per week in addition to the Saturday morning sessions and a summer session. All classes are expected to run an average of one and one-half hours. Petitioners testified in their opinion, the proposed use of the property would not create any detriment to the health, safety or general welfare of the community. They indicated that any traffic which may be generated by the proposed use of the property would not create a safety hazard or parking problems for the community in that students would be dropped off and picked up at a time when other commercial uses in the vicinity would not be active. Testimony indicated that across the street from the subject property is the Presbyterian Home of Maryland, Inc. and to the rear of the subject site is a five story office building. Further testimony indicated that there are other non-residential uses in the vicinity of the subject property, including a Church

2016 RELEASE UNDER E.O. 14176

DATE _____
 By _____

- 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 safeguarded.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception, as hereinafter modified, and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this gth day of May, 1989 that a special exception for a professional artist's studio to include the tutoring of no more than 6 students at any one time, and a variance to permit a side yard setback of 2 feet in lieu of the required 10 feet for a proposed addition in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

100

100

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 30-day 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 special exception for an artist's studio to include tutoring of a maximum of 6 students at any one time is limited to the Petitioners. In the event the subject property is sold, transferred, or leased, the special exception use must cease immediately. The new property owners or Lessee must file a new Petition for a determination as to whether or not the special exception granted herein should continue.

3) Art tutoring classes shall be limited to two classes per Saturday and one evening class per week. No session shall be more than one and one-half hours in length. At no time shall students arrive before 9:00 AM and leave after 4:00 PM for Saturday classes, or after 8:00 PM for the weekday evening class.

4) Students shall be limited to the ages of between 5 and 15 years inclusive.

5) The design of the proposed addition shall be as set forth in Petitioner's Exhibits 1 and 5, with the windows as set forth in Petitioner's Exhibit 6.

6) Petitioner shall keep records regarding the number of students attending class, their names, addresses and telephone numbers, and which days of the week they attend. Petitioner shall permit the Zoning Commissioner's Office access to said records and the studio addition to insure compliance with this order.

7) Prior to the issuance of any permits, Petitioners shall submit plans verifying the studio addition does not occupy more than 25 percent of the total floor area of the existing residence.

8) Petitioners shall not employ any non-resident personnel.

9) There shall be no commercial sales, wholesale or retail, from the premises.

10) The special exception granted herein is limited to an artist's studio for Georgia Chantilles-Ruby only.

- 7 -

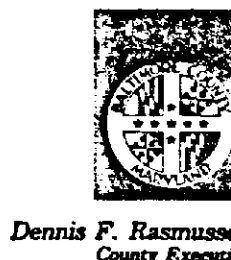
11) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 837-3333
J. Robert Haines
Zoning Commissioner

May 3, 1989



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Michael Ruby
7 Florida Road
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
E/S Florida Road, 90' N of Georgia Court
(7 Florida Road)
9th Election District - 4th Councilmanic District
Michael Ruby, et ux - Petitioners
Case No. 89-410-XA

Dear Mr. & Mrs. Ruby:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have 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:bjs

cc: All Protestants

People's Counsel

File

- 8 -

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-410-XA

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 Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for ARTIST'S STUDIO TO INCLUDE TUTORING OF MAXIMUM OF 20 STUDENTS.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception 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:	Legal Owner(s):
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney for Petitioner:	Attorney for Petitioner:
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney's Telephone No.:	Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of July, 1989, 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 20th day of April, 1989, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1

(over)

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-410-XA

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 8.01.01.02.

8.01.01.02

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

1. TO HAVE ADVERTISING OF ADVERTISING ARTIST'S STUDIO
2. TO VENTURE BASEMENT AND UTILITIES AS RESIDENTIAL
3. SEVERAL OF VARIANTS BY SIZE & SHAPE AS NOT ESTABLISHED BY BALTIMORE COUNTY

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:	Legal Owner(s):
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney for Petitioner:	Attorney for Petitioner:
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	Address
City and State	City and State
Attorney's Telephone No.:	Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of July, 1989, 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 20th day of April, 1989, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING (over)

AVAILABLE FOR HEARING

ALL PETITIONERS MUST BE PRESENT

NOTED BY: AMN DATE: 2-3-89

JOHN C. MELLEMA SR.
Registered Surveyor

6100 BALTIMORE NATIONAL PIKE
SUITE 5 AND 6
CATONSVILLE, MARYLAND 21228

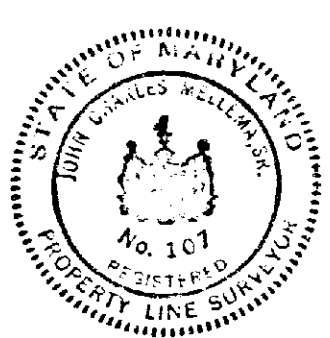
January 3, 1989

DEED DESCRIPTION FOR # 7 FLORIDA ROAD

Beginning for the same at the intersection of the Easternmost right-of-way line of Florida Road (50 foot wide) and the division line between lots 5 and 6 block 4 as shown on plat of Part of subdivision of Southland Hills and recorded among the land records of Baltimore County, Maryland in plat book W.1 C. 7 folio 187, thence leaving the easternmost right-of-way line of Florida Road and running with and binding on the division line between lot 5 and 6 South 76 degrees 34 minutes 00 seconds east a distance of 125.00 feet to the end of said division line, thence South 13 degrees 26 minutes 00 seconds west a distance of 60.00 feet to the rear corner of lots 6 and 7, thence running with and binding on the division line between lots 6 and 7 block 4 as shown on the aforementioned plat North 76 degrees 34 minutes 00 seconds west a distance of 125.00 feet to where the division line between lots 6 and 7 intersect the easternmost right-of-way Florida Road, thence running with the easternmost side of Florida road North 13 degrees 26 minutes 00 seconds East a distance of 60.00 feet to the place of beginning containing 0.1721 acres of land more or less.

Being all of lot 6 block 4 as shown on plat of Part of Subdivision of Southland Hills recorded among the land records of Baltimore County, Maryland in Plat book W.P.C. 7 folio 187.

Subject to a use in common driveway running with the third or North 76 degree 34 minutes 00 seconds West a 125 foot line as described above.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 4/4/89
Posted for: Special Exception & Variance
Petitioner: Michael Ruby, et ux
Location of property: 7 Florida Rd., 90' N/Georgia Ct
Location of Sign: Florida Rd., 90' N/Georgia Ct
Remarks: W.P.C. 7 folio 187
Posted by: W.P.C. 7 folio 187 Date of return: 4/1/89
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/24, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/23, 1989

THE JEFFERSONIAN,

Publisher

PO 10846
reg M 27096
ca 89-410-XA
price 100.05

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/24, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper, published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/23, 1989

TOWSON TIMES,

Publisher

PO 10846
reg M 27096
ca 89-410-XA
price 100.05

Form C-4

CIRCUIT COURT FOR BALTIMORE COUNTY

Irene Summers — 887-2660
Civil Assignment Commissioner

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21285-6754
October 24, 1990

Kathy Rushton — 887-2660
Jury Assignments—Civil
General Settlement Conferences

Margo Tyler — 887-2661
Non-Jury Assignments—Civil
Special Settlement Conferences

TO: Peter Max Zimmerman, Esq.
County Board of Appeals
Arnold Jablon, Esq.
John C. Murphy, Esq.

RE: Non-Jury 90-CG-3748 People's Counsel for Justice, Co. vs. Michael Ruby ET AL

HEARING DATE: Tuesday, February 19, 1991, @ 9:30 a.m.

ON THE FOLLOWING: Appeal: 1 hour

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grinn-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

Form C-4

CIRCUIT COURT FOR BALTIMORE COUNTY

Irene Summers — 887-2660
Civil Assignment Commissioner

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21285-6754
December 28, 1990

Kathy Rushton — 887-2660
Jury Assignments—Civil
General Settlement Conferences

Margo Tyler — 887-2661
Non-Jury Assignments—Civil
Special Settlement Conferences

TO: Peter Max Zimmerman, Esq.
County Board of Appeals
Stuart D. Kaplan, Esq.
Deborah W. Steele, Esq.
John C. Murphy, Esq.

RE: NON JURY 90-CG-3748 PEOPLE'S COUNSEL FOR BALTIMORE COUNTY VS. MICHAEL RUBY ET AL

HEARING DATE: TUESDAY, FEBRUARY 19, 1991 @ 9:30 A.M.

ON THE FOLLOWING: APPEAL: 1 HOUR

Please see the below notations.

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute reason for postponement.

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS PRIOR TO 30 DAYS OF TRIAL should be directed to the attention of Irene Summers. POSTPONEMENTS WITHIN 30 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments-Joyce Grinn-887-3497.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

CASE NO. 90-CG-3748
People's Counsel for Baltimore County v. Michael Ruby, et ux
RECEIVED FROM THE COUNTY BOARD OF APPEALS EXHIBITS, BOARD'S RECORD EXTRACT & TRANSCRIPT FILED IN THE ABOVE-ENTITLED CASE, AND ZONING COMMISSIONER'S FILE & EXHIBITS.
Date: 10/16/90
Clerk's Office

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 February, 1991.

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

Petitioner: Michael Ruby
Petitioner's Attorney

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

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

VALIDATION OR SIGNATURE OF CASHIER

DATE: 2-2-91 ACCOUNT: 7-01-615-000
AMOUNT: \$ 125.00
RECEIVED FROM: J. Robert Haines

FOR: APPEAL FILING - CASE # 89-410-X1
MICHAEL RUBY - PETITIONER
B 8042*****115001a 8062F

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

J. Robert Haines
Zoning Commissioner

Date: 4-3-89

Mr. & Mrs. Michael Ruby
7 Florida Road
Towson, Maryland 21204

Re: Petitions for Special Exception and Zoning Variance
CASE NUMBER: 89-410-XA
ES Florida Road, 90' N Georgia Court
7 Florida Road
9th Election District - 4th Councilmanic
Petitioner(s): Michael Ruby, et ux
HEARING SCHEDULED: THURSDAY, APRIL 20, 1989 at 9:30 a.m.

Dear Mr. & Mrs. Rubys:

Please be advised that \$130.05 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 your hearing is scheduled to begin.

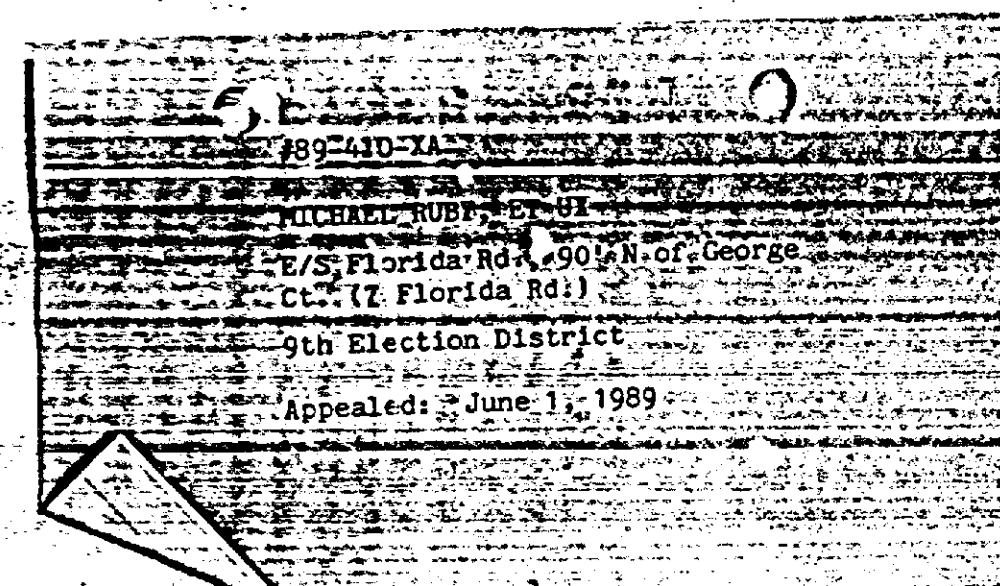
Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
Zoning Commissioner of
Baltimore County

JRH:gs

cc: File



**CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland**

District: 9th Date of Posting: 6/16/89
Posted for: Approval
Petitioner: Michael Ruby, et ux
Location of property: ES Florida Rd, 90' N Georgia Ct, 7 Florida Rd
Location of Sign: ES Florida Rd, 90' N Georgia Ct, 7 Florida Rd
Remarks: 703 Sway, On Property of Baltimore
Posted by: J. Robert Haines
Number of Signs: 1

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

J. Robert Haines
Zoning Commissioner

March 7, 1989

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:

Petitions for Special Exception and Zoning Variance
CASE NUMBER: 89-410-XA
ES Florida Road, 90' N Georgia Court
7 Florida Road
9th Election District - 4th Councilmanic
Petitioner(s): Michael Ruby, et ux
HEARING SCHEDULED: THURSDAY, APRIL 20, 1989 at 9:30 a.m.

Special Exceptions A Professional person's (Artist) studio, to include tutoring of maximum of 20 students.
Variance side yard setback of 2 ft. in lieu of the required 10 ft.

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

cc: Mr. & Mrs. Ruby
File



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 944-3180 887-3180
October 9, 1989

HEARING ROOM -
Room 301, County Office Bldg.

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 50-79.

CASE NO. 89-410-XA MICHAEL RUBY, ET UX
E/S Florida Rd., 90' N of Georgia Ct.
17 Florida Rd. 1
9th Election District
4th Councilmanic District
SE - for a professional person's (artist) studio
to include tutoring for a maximum of 20 students.
VAR - side yard setback of 2' in lieu of the req'd 10'
5/3/89 - Z.C.'s Order GRANTING Petitions with restrictions

ASSIGNED FOR: FRIDAY, MARCH 23, 1990 at 10:00 a.m.

cc: Mr. and Mrs. Michael Ruby Appellants/Petitioners
John C. Murphy, Esquire Counsel for Southland Hills Improvement Assoc.
Bosley Tawney
Carl and Anne Wannen
Julie Collier-Adams
Bonnie Jaeger
Timothy C. Kolarik Southland Hills Improvement Assoc.
Martin and Carole Eby
Peggy Jarboe
Barbara Curtin
Karen Robins
George E. Vandenbrink
Robert W. and Janet Lindsay
Beth Sykes
Sue Schenning
Catherine Cox
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Rastawicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney
Linda Lee M. Kuzmuk
Legal Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 587-3180
March 23, 1990

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-410-XA MICHAEL RUBY, ET UX
E/s Florida Rd., 90' N of Georgia Ct.
(7 Florida Rd.)
9th Election District
4th Councilmanic District

SE - for a professional person's (artist) studio to include tutoring for a maximum of 20 students.

Day #2 (Cont'd from 3/23/90) VAR - side yard setback of 2' in lieu of the req'd 10'

5/3/89 - Z.C.'s Order GRANTING Petitions with restrictions.

ASSIGNED FOR: FRIDAY, JUNE 29, 1990 at 12:00 NOON

cc: Mr. and Mrs. Michael Ruby Appellants/Petitioners
John C. Murphy, Esquire Counsel for Southland Hills Impr. Assoc.
Bosley Tawney
Carl and Anne Wannan
Julie Collier-Adams
Bonnie Jaeger
Timothy C. Kolarik
Martin and Carole Eby
Peggy Jarboe
Barbara Curtin
Karen Robins
George E. VandenBrink
Robert W. and Janet Lindsay
Beth Sykes
Sue Schenning
Catherine Cox
People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

LindaLee M. Kusznau
Legal Secretary



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 587-3180
April 11, 1990

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-410-XA MICHAEL RUBY, ET UX
E/s Florida Road, 90' N of Georgia Court
(7 Florida Road)
9th Election District; 4th Councilmanic District

Day #2 (cont'd fr 3/23/90) SE - for a professional person's (artist) studio to include tutoring for a maximum of 20 students
VAR - side yard setback of 2' in lieu of required 10'

5/03/89 - Z.C.'s Order which GRANTED Petitions with restrictions.

which is assigned for hearing on June 29, 1990 WILL STILL BE HEARD ON THAT DATE; HOWEVER, THE HEARING TIME HAS BEEN MOVED TO 10:00 a.m. and all parties have been notified this date of this change; and is therefore

ASSIGNED FOR: FRIDAY, JUNE 29, 1990 at 10:00 a.m.

cc: Mr. and Mrs. Michael Ruby Appellants/Petitioners
John C. Murphy, Esquire Counsel for Southland Hills Improvement Assn.
Bosley Tawney
Carl and Anne Wannan
Julie Collier-Adams
Bonnie Jaeger
Timothy C. Kolarik
Martin and Carole Eby
Peggy Jarboe
Barbara Curtin
Karen Robins
George E. VandenBrink
Robert W. and Janet Lindsay
Beth Sykes
Sue Schenning
Catherine Cox

People's Counsel for Baltimore County
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

Kathleen C. Weidenhamer
Administrative Assistant

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 5, 1989

Mr. Michael Ruby
7 Florida Road
Towson, MD 21204

RE: Item No. 330, Case No. 89-410-XA
Petitioner: Michael Ruby, et ux
Petition for Zoning Variance and Special Exception

Dear Mr. Ruby:

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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

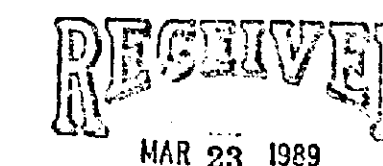
Very truly yours,

James E. Dyer, Jr.
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Building, Suite 405
Towson, Maryland 21204
484-3554



March 2, 1989 ZONING OFFICE

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

Item 330
Property Owner:
Location:

Existing Zoning:

Area:
District:

Dear Mr. Haines,

The property owner should provide off street parking for students.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lab

Baltimore County
Fire Department
Towson, Maryland 21204-2586
484-4500

Paul H. Reincke
Chief

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

Re: Property Owner: Michael Ruby, et ux

Location: 85 of Florida Road, 90' N of Georgia Court

Item No.: 330 Zoning Agenda/February 21, 1989

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 of _____ 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: *Paul H. Reincke* 3-17-89
Signature of Paul H. Reincke
Special Inspection Division

NOTED & APPROVED: *Paul H. Reincke*
Fire Prevention Bureau

1/31

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: 04/20/89

FROM: Pat Keller
Deputy Director

SUBJECT: ZONING ADVISORY COMMENTS

Case # 89-410-XA
Item # 330

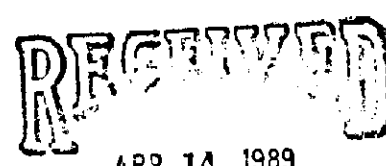
The Petitioner requests a special exception to allow a professional persons (artist) studio to include tutoring of a maximum of 20 students and a variance to permit a side yard setback of 2 feet in lieu of the required ten feet. In reference to this request, staff offers the following comment:

This office has no comment with reference to the requested variance.

The requested use as an artist studio is appropriate, subject to the limitations of Section 1801.1.C.9B, BOZB. The floor area of the proposed studio and of the entire residence should be indicated on the site plan.

This office is concerned with the number of students proposed. There are not adequate provisions for the drop off and pick up or parking for 29 students. Traffic congestion is an item to be considered in the review of any special exception. If the petition is granted, the number of students at any one time should be limited.

The use should be limited to the Petitioner only and should not be transferred with the property.



ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Office of the Zoning Commissioner DATE: April 18, 1991

FROM: LindaLee M. Kusznau
County Board of Appeals

Closed File
SUBJECT: Case No. 89-410-XA (Michael Ruby, et ux)

As no further appeals have been taken regarding the subject case, we have closed the file and are returning same to you herewith.

Linda

Attachment

IMPORTANT NOTICE

TO: PETITIONER
FROM: ZONING COMMISSIONER
SUBJECT: PETITION FOR ZONING VARIANCE

The following information is provided to you as a forwarding and it is not to be considered complete legal advice.

First, and most importantly, you must understand that the hearing you have requested is a quasi-judicial hearing and you are responsible for meeting the burden of law required by the Baltimore County Zoning Regulations. A judicial hearing is an adversary process, and therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence and cross-examine witnesses. Either the Zoning Commissioner or the Deputy Zoning Commissioner will rule on the evidence and testimony to determine whether or not the variance will be granted.

Second, you must understand that you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation.

Third, it is strongly recommended that you read and understand the requirements of Section 202 of the Baltimore County Zoning Regulations, provided below.

Fourth, all employees of the Baltimore County Zoning Office may provide legal advice to anyone. The representations and opinions of any employee are not to be construed as definitive of any case. Only the decision of the Zoning Commissioner and Deputy Zoning Commissioner is dispositive of any matter after the statutory required public hearing.

Section 202 empowers the Zoning Commissioner to grant variances from height and area regulations when strict compliance would result in practical difficulty or unreasonable hardship, but only if it is in strict harmony with the spirit and intent of the regulations and then only in such a manner as to grant relief without substantial injury to the public health, safety, and general welfare.

The Court of Special Appeals in *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 22 Md. App. 29, stated:

"To prove undue hardship for a use variance the following three criteria must be met:

- (1) APPLICANT MUST BE UNABLE TO OBTAIN A REASONABLE RETURN OR MAKE ANY REASONABLE USE OF HIS PROPERTY HEREIN FINANCIAL HARDSHIP OR OPPORTUNITY FOR GREATER PROFIT IS NOT ENOUGH.
 - (2) THE DIFFICULTIES OR HARDSHIP IS PECULIAR TO THE SUBJECT PROPERTY IN CONTRAST WITH OTHER PROPERTIES IN THE ZONING DISTRICT.
 - (3) HARDSHIP WAS NOT THE RESULT OF APPLICANT'S OWN ACTIONS.
- To prove practical difficulty for an area variance the following criteria must be met:
- (1) WHETHER STRICT COMPLIANCE WITH REQUIREMENT WOULD UNREASONABLY PREVENT THE USE OF THE PROPERTY FOR A PERMITTED PURPOSE OR RENDER CONFORMANCE UNREASONABLY HARDSHIP.
 - (2) WHETHER THE GRANT WOULD DO SUBSTANTIAL INJUSTICE TO APPLICANT AS WELL AS OTHER PROPERTY OWNERS IN THE ZONING DISTRICT.
 - (3) WHETHER RELIEF CAN BE GRANTED IN SUCH FASHION THAT THE SPIRIT OF THE ORDINANCE WILL BE OBSERVED AND PUBLIC SAFETY AND WELFARE SECURED.

This Notice is not to be considered legal advice.

Even though there may not be opposition in a given case, your request may be denied.

This information is provided by J. Robert Haines, Zoning Commissioner, as a public service.

SECTION 202 - VARIANCES

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations from otherwise applicable regulations and from area regulations only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The granting of such variances shall be based on the following criteria: (1) The granting of such a variance shall be based on the fact that the applicant is unable to obtain a reasonable return or make any reasonable use of his property herein financial hardship or opportunity for greater profit is not enough. (2) The difficulties or hardship is peculiar to the subject property in contrast with other properties in the zoning district. (3) Hardship was not the result of applicant's own actions. To prove practical difficulty for an area variance the following criteria must be met: (1) Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render compliance unreasonably hardship. (2) Whether the grant would do substantial injustice to applicant as well as other property owners in the zoning district. (3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured. This Notice is not to be considered legal advice. Even though there may not be opposition in a given case, your request may be denied. This information is provided by J. Robert Haines, Zoning Commissioner, as a public service.

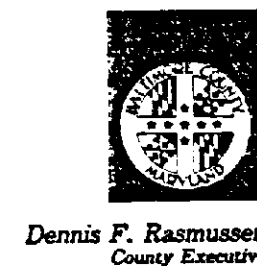
#330

Received 2-20-89
Item #330
Ref in 205 file

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 837-3333

J. Robert Haines
Zoning Commissioner

June 15, 1989



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petitions for Special Exception & Zoning Variance
E/S Florida Road, 90' N of Georgia Court
(7 Florida Road)
9th Election District, 4th Councilmanic District
MICHAEL RUBY, ET UX - Petitioners
Case No. 89-410-XA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 1, 1989 by John C. Murphy, Attorney for Protestants. In addition, the Special Exception portion only was also appealed on June 1, 1989 by Michael Ruby, Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. Michael Ruby, 7 Florida Road, Towson, MD 21204

Bosley Tawney, 5 Florida Road, Towson, MD 21204

Carl and Anne Wannen, 9 Florida Road, Towson, MD 21204

Julie Collier-Adams, 11 Florida Road, Towson, MD 21204

15-22 HP 51 JUN 69
STANDARD 68-1559A-1000

Appeal - Case No. 89-410-XA
MICHAEL RUBY, ET UX - Petitioners
June 12, 1989
Page 2

Bonnie Jaeger, 1114 Hampton Garth, Towson, MD 21204
John C. Murphy, 516 N. Charles Street, Baltimore, MD 21201
Timothy C. Kolarik, Southland Hills Improvement Association
404 Carolina Road, Towson, MD 21204
Martin and Carole Eby, 15 Florida Road, Towson, MD 21204
Peggy Jarboe, 3 Alabama Court, Towson, MD 21204
Barbara Martin, 4 Alabama Court, Towson, MD 21204
Karen Robins, 402 Carolina Road, Towson, MD 21204
George E. VandenBrink, 405 Carolina Road, Towson, MD 21204
Robert W. and Janet Lindsay, 413 Georgia Court, Towson, MD 21204
Beth Sykes, 16 Dixie Drive, Towson, MD 21204
Sue Schenning, 308 Dixie Drive, Towson, MD 21204
Catherine Cox, 406 Carolina Road, Towson, MD 21204
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
File

APPEAL

Petition for Special Exception & Zoning Variance
E/S Florida Road, 90' N of Georgia Court
(7 Florida Road)
9th Election District - 4th Councilmanic District
MICHAEL RUBY, ET UX - Petitioners
Case No. 89-410-XA

Petition for Special Exception & Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits:

1. Plat to accompany Petitions
2. Photocopy of map
3. Twelve (12) photographs of location
4. Photocopy of Georgia Ruby's Resume
5. Painted diagram of studio
6. Photograph of proposed studio
7. Ten (10) photographs of neighboring residences
8. Letter of support from neighbor
9. Letter of Release from Presbyterian Home
10. Letter of support from neighbor

Zoning Commissioner's Order dated May 3, 1989 (Granted w/ R's)

Notice of Appeal received June 1, 1989 from John C. Murphy, Attorney for Southland Hill Improvement Association (Protestants)

Notice of Appeal received June 1, 1989 from Michael Ruby, Petitioner. This notice of appeal is for the Special Exception portion only.

cc: Mr. & Mrs. Michael Ruby, 7 Florida Road, Towson, MD 21204

Bosley Tawney, 5 Florida Road, Towson, MD 21204

Carl and Anne Wannen, 9 Florida Road, Towson, MD 21204

Julie Collier-Adams, 11 Florida Road, Towson, MD 21204

Bonnie Jaeger, 1114 Hampton Garth, Towson, MD 21204

Appeal - Case No 89-410-XA
June 15, 1989
Page 2

*John C. Murphy, 516 N. Charles Street, Baltimore, MD 21201
Timothy C. Kolarik, Southland Hills Improvement Association
404 Carolina Road, Towson, MD 21204

Martin and Carole Eby, 15 Florida Road, Towson, MD 21204

Peggy Jarboe, 3 Alabama Court, Towson, MD 21204

Barbara Martin, 4 Alabama Court, Towson, MD 21204

Karen Robins, 402 Carolina Road, Towson, MD 21204

George E. VandenBrink, 405 Carolina Road, Towson, MD 21204

Robert W. and Janet Lindsay, 413 Georgia Court, Towson, MD 21204

Beth Sykes, 16 Dixie Drive, Towson, MD 21204

Sue Schenning, 308 Dixie Drive, Towson, MD 21204

Catherine Cox, 406 Carolina Road, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

MICHAEL RUBY, ET UX #89-410-XA
E/S Florida Rd., 90' N of Georgia Ct. 9th Election District
(7 Florida Rd.) 4th Councilmanic District

VAR-side yard setback of 2' in lieu of req'd 10'.
SE-a professional person's (artist) studio to
include the tutoring of maximum of 20 students.

February 22, 1989 Petition filed by Mr. and Mrs. Ruby for
a Special Exception for a professional person's
(artist) studio to include tutoring of maximum
of 20 students.

February 22 Petition filed by Mr. and Mrs. Ruby for
a Variance for a side yard setback of 2' in
lieu of the required 10'.

May 3, 1989 Order of the Deputy Zoning Commissioner
GRANTING Petitions with restrictions.

June 1 Notice of Appeal received from Michael Ruby,
Petitioner.

June 1 Notice of appeal received from John C. Murphy,
Esquire, on behalf of Southland Hills
Improvement Association, Protestants.

September 5, 1989 Opinion and Order of the Board GRANTING the
Petition with restrictions.

September 17 Order for Appeal filed in the Circuit Court for
Baltimore County by the Office of People's
Counsel for Baltimore County; Petition to
accompany appeal also filed.

September 17 Certificate of Notice sent to interested
parties.

October 16 Transcript of testimony filed; Record of
Proceedings filed in the Circuit
Court for Baltimore County.

October 3 Notice of Appeal filed in Cct,BCo by John C. Murphy, Esquire
on behalf of Robert W. Lindsay, et al.

March 15, 1991 Order of the Circuit Court AFFIRMING Board of Appeals
(Hon. Thomas J. Bollinger).

SOUTHLAND HILLS IMPROVEMENT ASSOCIATION OF BALTIMORE COUNTY, INC.

TOWSON, MARYLAND 21204

Resolved: That at the Annual Meeting of the Southland Hills
Improvement Association held on June 5, 1988, it was decided by the
Association that responsibility for review and action on all zoning
matters for the period June 5, 1988 through June 30, 1989 be placed
in the Board of Directors consisting of the following members:

Officers

President:	Timothy C. Kolarik
Vice President:	Peggy Jarboe
Recording Secretary:	David Cox
Corresponding Secretary:	Toni Krometis
Treasurer:	Ginny Dorfler
Past President:	Bob Mueller

Directors

Mary Burke
Paul Burke
Austin Doman
Gloria Bond
Edgar Schneider
Mindy Roche
Vince Nesline
Kay Turner
Phil Kenney
Stephanie DiPaula
Sue Schenning
Ron Dilonardo

AS WITNESS OUR HANDS AND SEAL THIS FIFTH DAY OF JUNE, 1988.

ATTEST: The Southland Hills Improvement Association

David C Cox
Secretary

Timothy C Kolarik
President

AFFIDAVIT

STATE OF MARYLAND
BALTIMORE COUNTY, SS:

TO WIT:

I hereby swear upon penalty of perjury that I am currently a
duly elected member of the Board of Directors of the Southland Hills
Improvement Association of Baltimore County, Inc.

ATTEST:

David C Cox
Secretary

Timothy C Kolarik
President

4 June 1991
7 Florida Rd.
Towson, MD 21204

89-410-XA

Mr. Jun Fernando
Baltimore County Office of Zoning
111 W. Chesapeake Ave.
Towson, MD 21204

Dear Mr. Fernando,

My wife and I have recently completed a legal battle at the
Baltimore County circuit court for a variance and special
exception to be utilized at 7 Florida Road, our residence.

That case, 90-CG-3748, has recently been closed since no appeal
of the circuit court judge's order has been taken. However, in
presenting our arguments, we included photographs and other items
as evidence that were incorporated as part of the record.

Please accept this as a formal request to recover those
photographs and other items that have very little meaning to the
case's history but mean a great deal to us. Please let us know
what we can do to facilitate the recovery of these items.

Sincerely,

Michael Ruby

Michael Ruby
337-2695

752-3849

CALLED M. RUBY - INFORMED HIM
TO CALL GLORIA BUTTA (C.C.)
TO RETRIEVE EXHIBITS WITH A
COURT ORDER + PETITION.

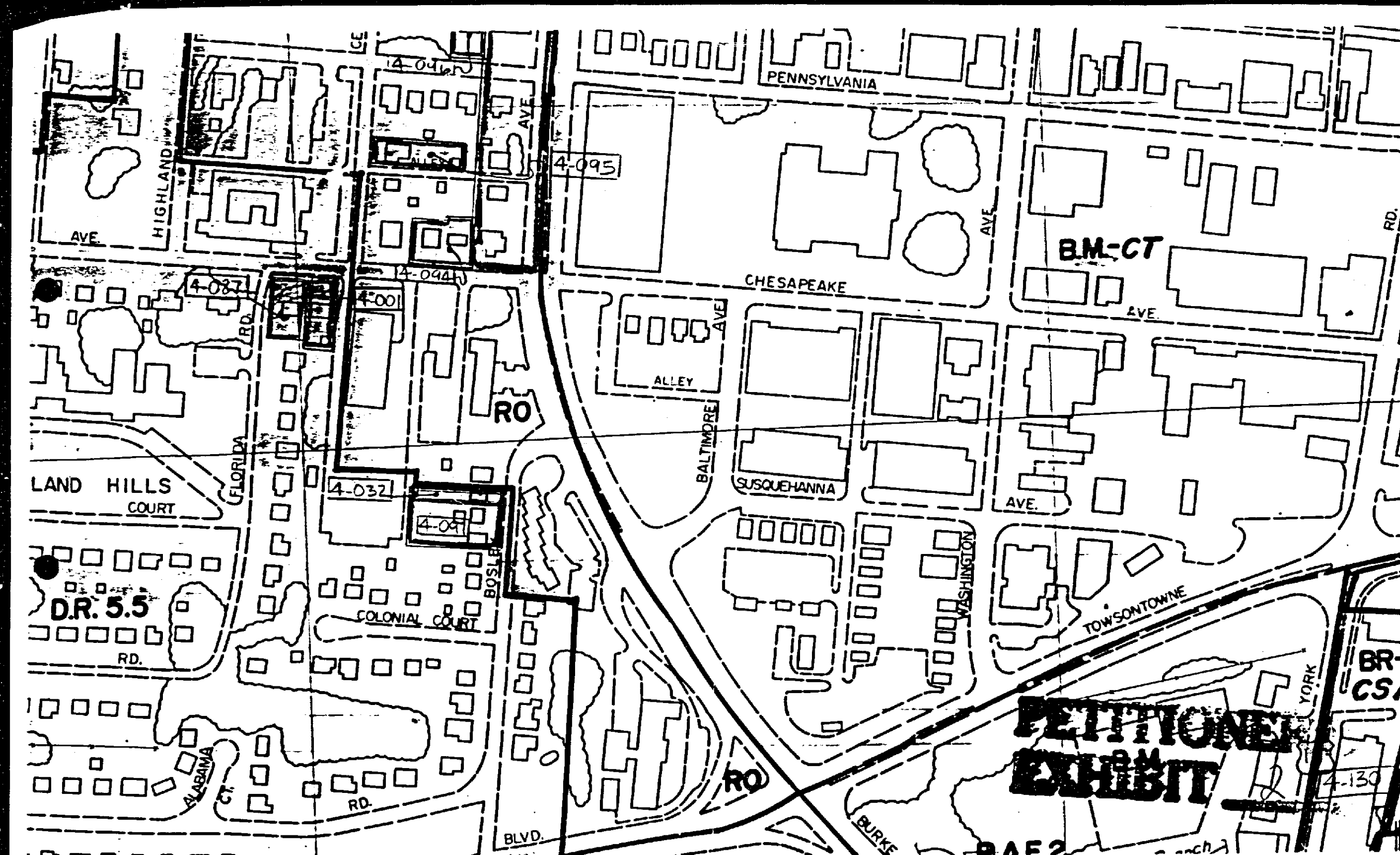
Michael E. ...

Lindson.

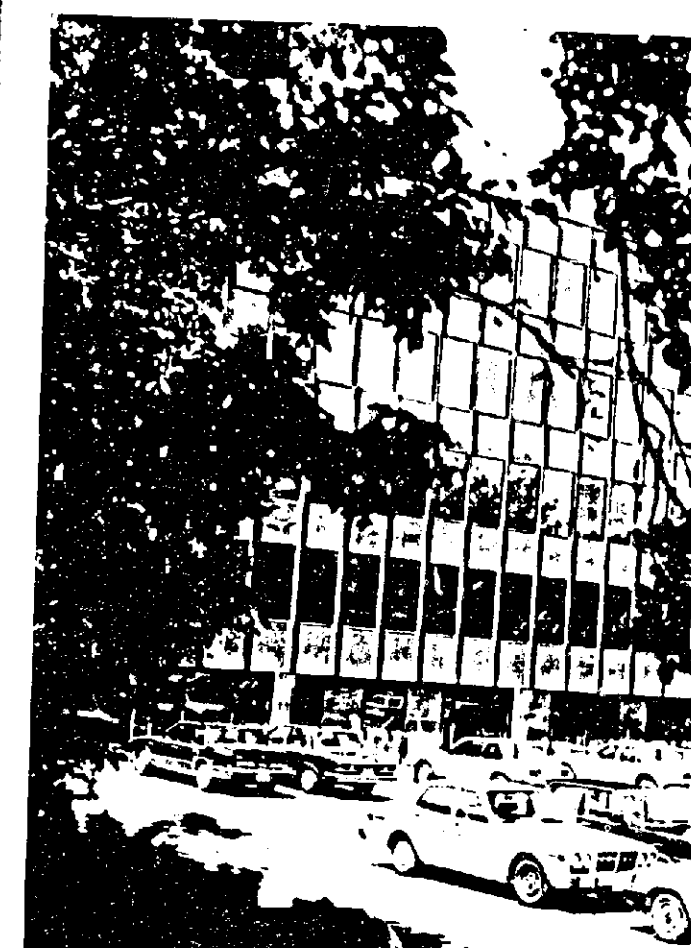
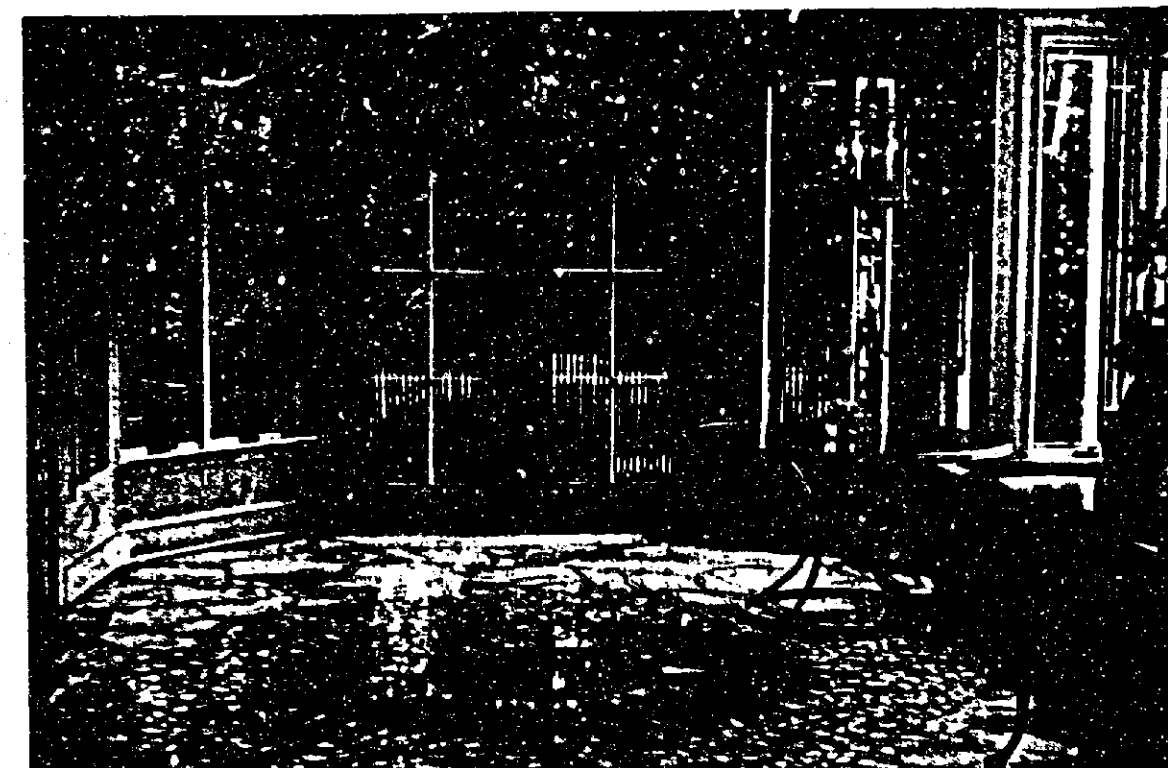
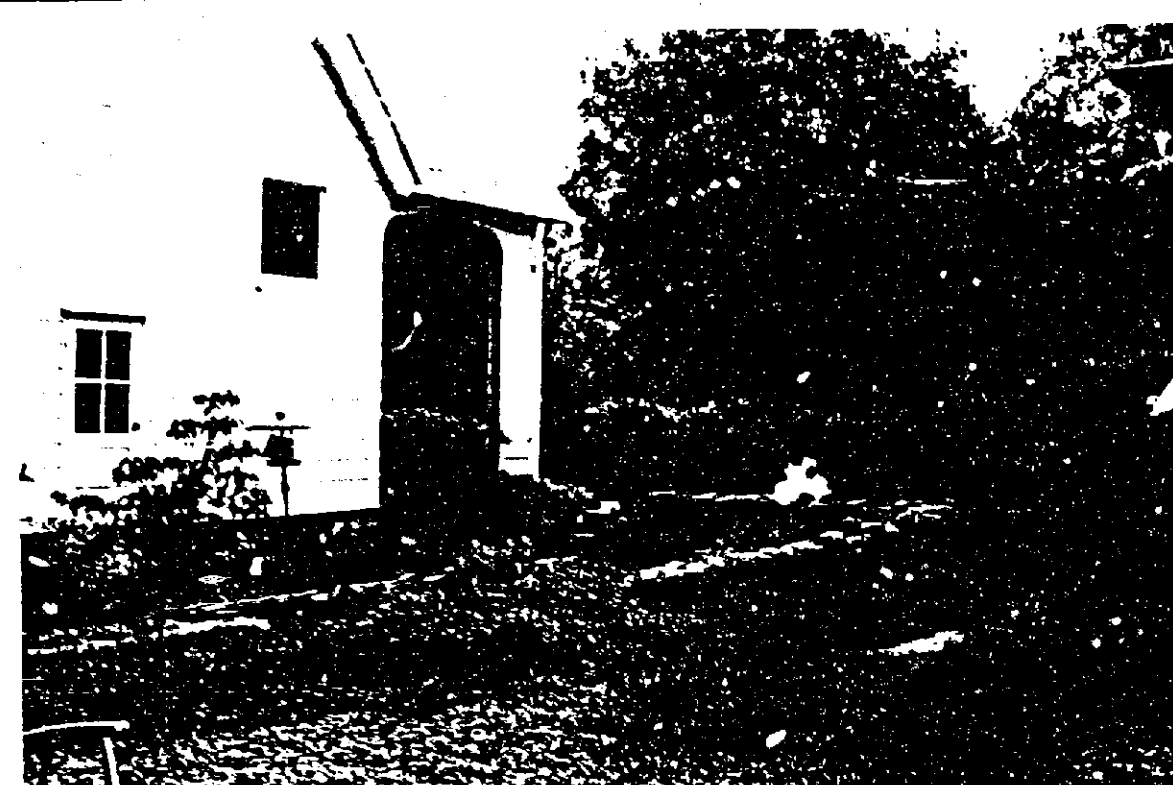
7 Florida Rd Towson
7 Florida Rd 21204
5 Florida Road Towson Md 21204
9 FLORIDA ROAD Towson Md
9 Florida Rd. Towson 21204
11 Florida Rd, Towson 21204
1114 Hampton Court 21204

ADDRESS

404 CAROLINA RD 2204
15 Florida RD 2124
3 ALABAMA COURT 2204
4 Alabama Ct 2124
402 Carolina Rd. "
405 Carolina Rd. "
413 Georgia Court
413 Angus Ct.
16 River Drive.
308 Dixie Dr.
406 CAROLINA RD



42
井二



GEORGIA CHANTILES-RUBY
7 Florida Road
Towson, MD 21204
337-2695

OBJECTIVE: Lower School art teacher at Park School.

EMPLOYMENT HISTORY: 1960-Present Lower School Art Teacher at Roland Park Country School, Baltimore, Md.
Designed and implemented art curriculum for grades pre-first through fifth.

1978-1980 Fourth Grade Teacher, Roland Park Country School, Baltimore, Md.

1977-1978 Special Education Teacher, Lincoln Intermediate Unit, York, Pa.

1973-1977 Special Education Teacher, Roland Park Public School, Baltimore City Public School System, Baltimore, Md.

Summer employment has included teaching at: Roland Park Country School, Creative Workshop at the Bryn Mawr School, and The Maryland Institute College of Art.

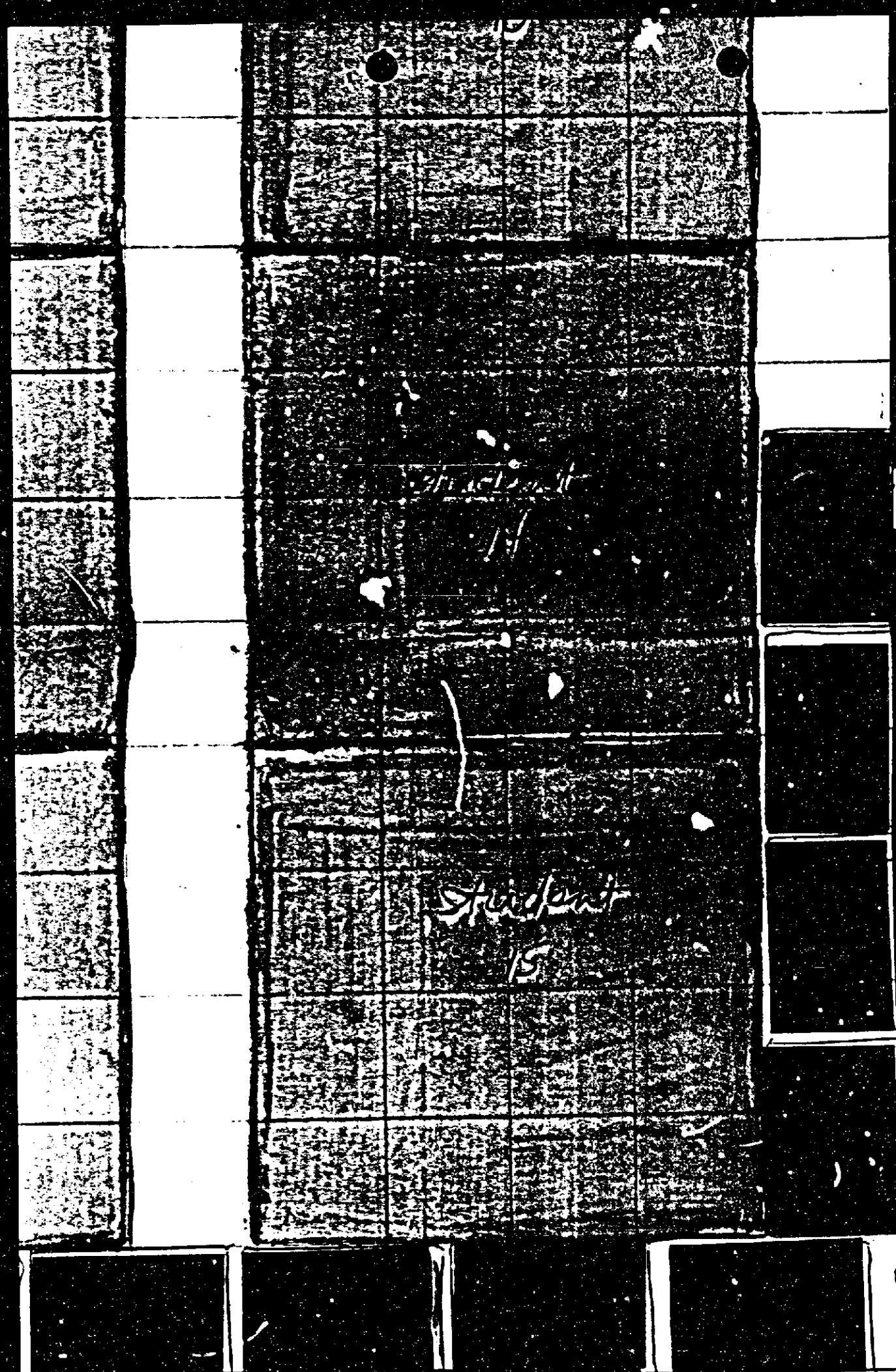
EDUCATION: M.S.Ed. The Johns Hopkins University, Balt., Md. 1978.
B.S. in Elementary Education, West Chester State College, West Chester, Pa. 1973.

Private instruction at:
The Mitchell School of Fine Arts, Ruxton, Md.
The Maryland Institute College of Art, Balt., Md.
The Schuler School of Fine Arts, Balt., Md.

Certified by the Maryland State Department of Education in art and elementary education.

AWARDS: 1983 Roland Park Country School Board of Trustees Faculty Enrichment Grant
1983 National Gifted Art Teacher Award, Chroma Acrylics Corporation
1982 National Gifted Art Teacher Award, Chroma Acrylics Corporation
1981 Roland Park Country School Faculty Enrichment Grant

**PETITIONER'S
EXHIBIT 4**



side circlehead window

51 wide French doors SW

60' wide arched window

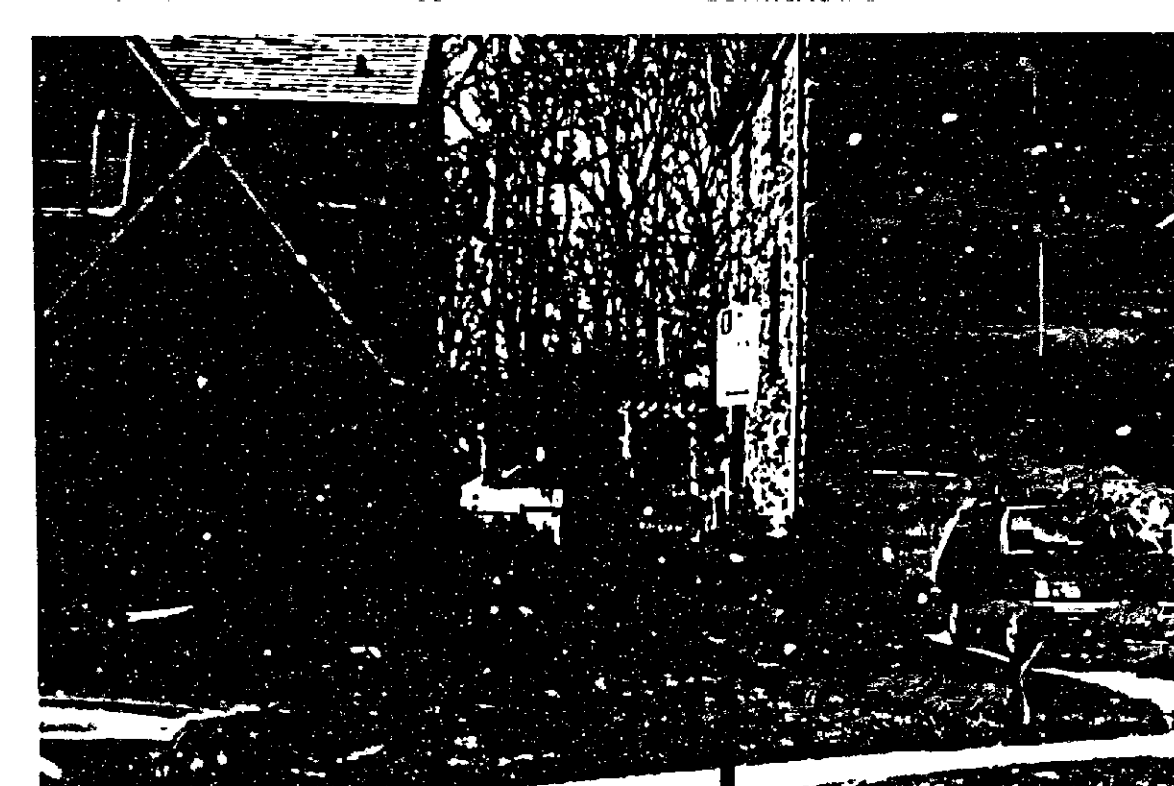
Florida Rd 4-13-8

**PETITIONER'S
EXHIBIT 5**



Michael Ruby
Case # 89-410XA
4 Florida Rd

**PETITIONER'S
EXHIBIT 6**



Side yard views of 404 & 406 Dixie Drive



503 W. Chesapeake side yard view.

TS
#7



338 Baltimore



450 Baltimore



455 Mike 458 Mike



462 454 458 Mike



318 Mike 325 Mike



464 455 458 Mike



Side yard view 404 Carolina



422 425

20 April 1989

Mr. J. Robert Haines
Baltimore County Zoning Commissioner
Towson, MD 21204
Dear Mr. Haines,

We, the undersigned, are the immediate neighbors of Michael Ruby and Georgia Chantiles-Ruby and support their requests that are before you today.

The Rubys have explained to our satisfaction that they are seeking a sideyard setback variance of two feet in lieu of the required 10-foot minimum and a special exception to allow an artist studio as a home occupation use. Any special exception granted should contain the condition that no more than 20 students may attend any one class.

Thank you,
Sincerely,

Barbara Tawney
Barbara Tawney
5 Florida Road
Carl E. Wannan, Jr.
Carl Wannan, Jr., 9 Florida Road
Anne Wannan
Anne Wannan

**PETITIONER'S
EXHIBIT 8**

RELEASE

WE, MICHAEL RUBY and CARL WANNEN, JR. for and in consideration of PRESBYTERIAN HOME OF MARYLAND agreeing not to oppose any Petition concerning the attached proposal, marked Exhibit A, to us in hand paid, hereby release and forever discharge PRESBYTERIAN HOME OF MARYLAND, their successors and assigns, from all claims and demands, rights and causes of action of any kind we now have or hereafter may have arising out of a zoning petition of said PRESBYTERIAN HOME OF MARYLAND and opposition thereto by us and any claim or cause of action flowing therefrom.

FURTHER, PRESBYTERIAN HOME OF MARYLAND hereby releases and forever discharges said MICHAEL RUBY and CARL WANNEN, JR., their heirs, successors, personal representatives and assigns, from all claims, demands, rights and causes of action of any kind it now has or hereafter may have on a zoning petition filed by it and opposition thereto by said MICHAEL RUBY and CARL WANNEN, JR. and any claim or cause of action flowing therefrom, and further agrees not to oppose any Petition concerning the proposal contained in Exhibit A attached hereto.

This release expresses a full and complete settlement of any and all liability to the undersigned, regardless of the adequacy of the above consideration.

Witness our hands and seals this ____ day of _____, 1988.

WITNESS MICHAEL RUBY

WITNESS CARL WANNEN, JR.

PRESBYTERIAN HOME OF MARYLAND

By Its

WITNESS

**PETITIONER'S
EXHIBIT 9**

March 29, 1989

Mr. Timothy C. Kolarik
President
Southland Hills Improvement Association of
Baltimore County, Inc.
Towson, MD 21204

Dear Timothy:

I was pleased to read in your letter from the Southland Hills Improvement Association of Georgia and Mike's request to build an addition to their home. It might be remiss of me, but I have never seen such a request put before the entire Association, and there have certainly been many additions to homes in this area. So, I would like to commend Georgia and Mike for their concern for the community.

Our home is two houses down from the Rubys; so, we are in many ways close neighbors. They are exemplary neighbors and all improvements to their home has been done with meticulous and aesthetic care. I am sure the new addition will be constructed with the same attention.

I applaud Georgia's effort to offer the instruction of art to children. This is an area of learning missing from many children's education. Unlike a lawyer's office, there will be no parking problem, since the children will be left off by their parents.

Walter and I are in total support of the addition the Rubys are requesting. We will try to be present at the hearing on the 20th of April, but if we are unable to attend, please express our support.

Sincerely,

Julie Collier-Adams

JCA/sq

**PETITIONER'S
EXHIBIT 10**

Towson, Md 21204
301-337-6000

Michael Ruby, et ux, File No. 90-CG-3748
Case No. 89-410-XA

2.

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland 21204 (301) 887-3180

I HEREBY CERTIFY that a copy of the a. foregoing Certificate of Notice has been mailed to John C. Murphy, Esquire, 516 N. Charles Street, Baltimore, Maryland 21201, Counsel for Plaintiffs; Mr. Robert W. Lindsay, 413 Georgia Court, Towson, Maryland 21204, Plaintiff; Mrs. James Forner, 13 Florida Road, Towson, Maryland 21204, Plaintiff; Ms. Sue Schenning, 308 Dixie Drive, Towson, Maryland 21204, Plaintiff; Peter Max Zimmerman, Deputy People's Counsel for Baltimore County, Room 304, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, Plaintiff; Mr. and Mrs. Michael Ruby, 7 Florida Road, Towson, Maryland 21204, Defendants; and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 on this 4th day of October, 1990.

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland 21204 (301) 887-3180



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

October 4, 1990

Mr. and Mrs. Michael Ruby
7 Florida Road
Towson, Maryland 21204

Re: Case No. 89-410-XA (Michael Ruby, et ux)

Dear Mr and Mrs. Ruby:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure

cc: Peter Max Zimmerman, Deputy People's Counsel
Bosley Tawney
Carl and Anne Wannen
Ms. Julie Collier-Adams
Ms. Bonnie Jaeger
Mr. Timothy C. Kolarik
Martin and Carole Eby
Ms. Peggy Jarboe
Ms. Barbara Curtin
Ms. Karen Robins
Mr. George E. VandenBrink
Ms. Beth Sykes
Ms. Catherine Cox
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

October 4, 1990

John C. Murphy, Esquire
516 N. Charles Street
Baltimore, Maryland 21201

Re: Case No. 90-410-XA (Michael Ruby, et ux)

Dear Mr. Murphy:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of a copy of the transcript of the record must be paid by you.

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mr. Robert W. Lindsay
Mrs. James Forner
Ms. Sue Schenning

IN THE MATTER OF THE APPLICATION * IN THE
OF MICHAEL RUBY, ET UX FOR A * CIRCUIT COURT
SPECIAL EXCEPTION AND VARIANCE * FOR
ON PROPERTY LOCATED ON THE EAST * BALTIMORE COUNTY
SIDE OF FLORIDA ROAD (7 FLORIDA * CG DOC. NO. 85
RD) 4TH COUNCILMANIC DISTRICT * FOLIO NO. 148
* FILE NO. 90-CG-3748

NOTICE OF APPEAL

Please enter an appeal to the Circuit Court for Baltimore County on behalf of Robert W. Lindsay, 413 Georgia Court, Towson 21204, Mrs. James Forner, 13 Florida Road, Towson, 21204, and Sue Schenning, 308 Dixie Drive, Towson, Md. 21204, from the decision of the Board of Appeals dated September 5, 1990, granting a special exception and variance for the property at 7 Florida Road to Michael Ruby and his wife.

John C. Murphy
John C. Murphy

516 N. Charles St.
Baltimore, Md. 21201
301-625-4828

PETITION OF APPEAL

For petition of appeal, Appellants say that the decision of the Board of Appeals granting the variance and special exception was legally deficient in the following respects:

1

1. The variance was granted purely for the convenience of the applicants and there was no special character of the property, practical difficulty or unnecessary hardship sufficient to grant a variance from the regulations;

2. The use proposed by Appellees is not in fact an artist's studio but rather is a place for the instruction of children in art classes;

3. The decision was contrary to the evidence presented at the hearing, arbitrary and capricious, violative of the standards for variances and special exceptions set forth in the Baltimore County Zoning Regulations, and otherwise illegal and contrary to law.

The Appellants ask that the decision of the Board be reversed.

John C. Murphy
John C. Murphy
Attorney for Appellants

CERTIFICATE OF MAILING

I hereby certify that on this 2 day of Oct, 1990, I mailed a copy of the foregoing Notice and Petition to the Board of Appeals, County Office Building, Towson, Md. 21204, to Mr. and Mrs. Michael Ruby, 7 Florida Road, Towson, Md. 21204, and to the People's Counsel, County Office Building, Towson, Md. 21204.

John C. Murphy
John C. Murphy

2

IN THE MATTE. OF THE APPLICATION * IN THE
OF MICHAEL RUBY, ET UX FOR A * CIRCUIT COURT
SPECIAL EXCEPTION AND VARIANCE * FOR
ON PROPERTY LOCATED ON THE EAST *
SIDE OF FLORIDA ROAD, 90' NORTH * BALTIMORE COUNTY
OF GEORGIA COURT (7 FLORIDA *
ROAD) * CG Doc. No. 85
9TH ELECTION DISTRICT *
4TH COUNCILMANIC DISTRICT * Folio No. 148
PEOPLE'S COUNSEL FOR BALTIMORE *
COUNTY, PLAINTIFF * File No. 90-CG-3748

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Arnold G. Foreman, and Lynn B. Moreland, constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, People's Counsel for Baltimore County, Room 304, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, Plaintiff; Mr. and Mrs. Michael Ruby, 7 Florida Road, Towson, Maryland 21204, Defendants; John C. Murphy, Esquire, Suite 206, 516 N. Charles Street, Baltimore, Maryland 21201, and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, a copy of which Notice is attached hereto and prayed that it may be made a part hereof.

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland 21204 (301) 887-3180

Michael Ruby, et ux, File No. 90-CG-3748

2.

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to People's Counsel for Baltimore County, Room 304, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, Plaintiff; Mr. and Mrs. Michael Ruby, 7 Florida Road, Towson, Maryland 21204, Defendants; John C. Murphy, Esquire, Suite 206, 516 N. Charles Street, Baltimore, Maryland 21201, and Arnold G. Foreman, Esquire, c/o County Board of Appeals, Room 315, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 on this 17th day of September, 1990.

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul, Legal Secretary,
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland 21204 (301) 887-3180



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180
September 17, 1990

Mr. and Mrs. Michael Ruby
7 Florida Road
Towson, Maryland 21204

Re: Case No. 89-410-XA (Michael Ruby, et ux)

Dear Mr. and Mrs. Ruby:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure

cc: John C. Murphy, Esquire
Bosley Tawney
Carl and Anne Wannen
Ms. Julie Collier-Adams
Ms. Bonnie Jaeger
Mr. Timothy C. Kolarik
Martin and Carole Eby
Ms. Peggy Jarboe
Ms. Barbara Curtin
Ms. Karen Robins
Mr. George E. VandenBrink
Robert W. and Janet Lindsay
Ms. Beth Sykes
Ms. Sue Schenning
Ms. Catherine Cox
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 837-3180

September 17, 1990

Peter Max Zimmerman, Deputy People's Counsel
for Baltimore County
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 89-410-XA (Michael Ruby, et ux.)

Dear Mr. Zimmerman:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within 15 days.

The cost of the transcript of the record must be paid by you. In addition, the cost incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Linda M. Kuszmaul
Linda M. Kuszmaul
Legal Secretary

Enclosure

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY,
Appellant,
v.
MICHAEL RUBY, et ux,
Appellees
(Zoning Case No. 89-410-XA)

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
Docket No. 85
Folio No. 148
File No. 90-CE-3748

NOTICE OF APPEAL

Please note an appeal to the Circuit Court for Baltimore County from the Opinion and Order of the County Board of Appeals under date of September 5, 1990, in the above-captioned matter.

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

Peter Max Zimmerman
Peter Max Zimmerman
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

RECEIVED
COUNTY BOARD OF APPEALS
30 SEP 17 AM 9:30

I HEREBY CERTIFY that on this 17th day of September, 1990, a copy of the foregoing Notice of Appeal was served on the Administrative Secretary, County Board of Appeals, Rm. 315, County Office Bldg., Towson, MD 21204; and a copy mailed to Mr. and Mrs. Michael Ruby, 7 Florida Road, Towson, MD 21204; and John C. Murphy, Esquire, Suite 206, 516 N. Charles Street, Baltimore, MD 21201.

Peter Max Zimmerman
Peter Max Zimmerman

PEOPLE'S COUNSEL FOR
BALTIMORE COUNTY,
Appellant,
v.
MICHAEL RUBY, et ux,
Appellees
(Zoning Case No. 89-410-XA)

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
Docket No. _____
Folio No. _____
File No. _____

PETITION ON APPEAL

People's Counsel for Baltimore County, Protestant below and Appellant herein, having heretofore filed a Notice of Appeal from the Opinion and Order of the County Board of Appeals under date of September 5, 1990, in compliance with Maryland Rule B-2(e), files this Petition on Appeal setting forth the grounds upon which this Appeal is taken, viz:

1. There was no competent evidence of practical difficulty or hardship to support the side yard setback variance.
2. The Board of Appeals further failed to make proper findings as to hardship or practical difficulty.
3. Any perceived "hardship" was purely self-created.
4. It further appears that the requested special exception was not permissible because it involved an art school and did not qualify under the "art studio" special exception provisions.
5. The decision of the Board was otherwise unsupported by legally competent evidence, and was arbitrary and capricious.

- 2 -

WHEREFORE, People's Counsel prays that the Order of the Board dated September 5, 1990 be reversed.

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY

Peter Max Zimmerman
Peter Max Zimmerman
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(887-2188)

I HEREBY CERTIFY that on this 17th day of September, 1990, a copy of the foregoing Petition on Appeal was served on the Administrative Secretary, County Board of Appeals, Room 315, County Office Bldg., Towson, MD 21204; and a copy was mailed to Mr. and Mrs. Michael Ruby, 7 Florida Road, Towson, MD 21204; and John C. Murphy, Esquire, Suite 206, 516 N. Charles Street, Baltimore, MD 21201.

Peter Max Zimmerman
Peter Max Zimmerman

IN THE MATTER OF THE
THE APPLICATION OF
MICHAEL RUBY, ET UX
FOR A SPECIAL EXCEPTION AND
VARIANCE ON PROPERTY LOCATED
ON THE EAST SIDE OF FLORIDA
ROAD, 90' NORTH OF GEORGIA
ROAD, 7th FLORIDA ROAD
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

OPINION

This case comes before this Board on appeal from a decision of the Deputy Zoning Commissioner which granted the Petitions with restrictions. Testimony and evidence obtained in this case consumed two full days of hearing. The matter before the Board is two-fold, one a Special Exception for an artist's studio to include the tutoring of students, and a variance of a side yard setback of 2 feet in lieu of the required 10 feet to permit the erection of the studio.

Petitioners appeared and testified at the Hearing. Also in favor of the Petition, either by direct testimony or stipulation, were Bosley Tawney who resides at 5 Florida Road, Carl and Anne Wannen who reside at 9 Florida Road, Julie Pollier-Adams who resides at 11 Florida Road, Bonnie Jaeger, Barbara Cavanaugh, and Russell White. The following individuals appeared as Protestants in this case; Marjorie Forner of 13 Florida Road, Sue Schenning, Robert Lindsay, and Gloria Bond.

The subject property known as 7 Florida Road consists of 7,800 square feet zoned D.R. 5.5 and is improved with a single family dwelling. The Petitioners propose constructing a 13 foot by 26 foot addition on the north side of the existing dwelling for use as an artist's studio and to conduct therein art classes for students between the ages of 5 and 15 years. The proposed addition

Michael Ruby, et ux, Case No. 89-410-XA

2

is clearly indicated on Petitioners' Exhibit No. 1. Baltimore County Zoning Regulation (BCZR) 1B01.1.C.9B, by Special Exception in a D.R. 5.5 zone, permits studios of artists provided that any such studio is established within the same building as that serving as the professional person's primary residence, does not occupy more than 25 percent of the total floor area and does not involve the employment of more than one non-resident professional associate. It is clear that the proposed studio is to be established within the same building as the Petitioners' primary residence, does not occupy more than 25 percent of the floor area of such a residence, and does not involve the employment of more than one non-resident professional associate. Of special significance and importance in the considerations of this artist's studio, as evidenced by lengthy testimony, was the necessity that it have the advantage of the northern exposure. After consideration of these facts, the Board is of the opinion that the existence of the proposed studio is a matter of right. In this instance, the studio depends for its existence upon the compliance with the necessary provisions under which the variance can be granted. Section 307 of the BCZR states the requirements under which a variance may be granted. These requirements have been ruled upon in many cases by the upper Courts. The variance requested here is an area variance. Three general conditions must be complied with in order to grant an area variance.

1. Whether strict compliance with the requirements 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 the relief can be granted in such fashion that

Michael Ruby, et ux, Case No. 89-410-XA

3

the spirit of the ordinance will be observed and the public safety and welfare secured.

In applying these standards to the requested area variance of a 2 foot side yard setback, the Board is of the opinion that these requirements have been met and the variance should be granted.

There was ample testimony from the Petitioner and the Petitioner's witnesses that all the requirements of 502.1 would be complied with if the Special Exception were to be granted. The testimony from the Protestants concentrated mainly on the possible effect on traffic from the delivery and retrieval of the students from the studio, the possible domino effect of this use into the neighborhood, and the general possible effect from the side yard setbacks throughout the neighborhood. There was no concrete evidence that the traffic would be a problem since the students would be attending classes mostly on Saturdays when the normal traffic is much less. The Board is of the opinion that the proposed use will indeed comply with all sections of 502.1. The Board will also state that it was much impressed with the work products entered as exhibits by these children that are students of Ms. Ruby. With the current emphasis on the attempt to generally upgrade all forms of education, the Board in its opinion would be remiss in not making every legal effort to provide this further type of education to those children whose talents need to be developed.

ORDER

It is therefore this 5th day of September, 1990 by the County Board of Appeals of Baltimore County ORDERED that a Special Exception for a professional artist's studio to include the tutoring of art students and a variance to permit a side yard setback of 2 feet in lieu of the required 10 feet for the proposed

Michael Ruby, et ux, Case No. 89-410-XA

4

addition in accordance with Petitioners' Exhibit No. 1, be and are hereby GRANTED subject to the following restrictions:

1. The Special Exception for an artist's studio to include tutoring of a maximum of 10 students at any one time is limited to the Petitioners. In the event the subject property is sold, transferred, or leased, the Special Exception use must cease immediately. The new property owners or Lessees must file a new Petition for a determination as to whether or not the Special Exception granted herein should continue.
2. Art tutoring classes shall be limited to three classes per Saturday and one evening class per week. No session shall be more than one and one-half hours in length. At no time shall students arrive before 9:00 a.m. and leave after 4:00 p.m. for Saturday classes, or after 8:00 p.m. for the one weekday evening class.
3. Students shall be limited to the ages of between 5 and 15 years inclusive.
4. The design of the proposed addition shall be as set forth in Petitioners' Exhibit No. 1 (Board of Appeals) and Petitioners' Exhibit No. 5 (Zoning Commissioner), with the windows as set forth in Petitioners' Exhibit No. 6 (Zoning Commissioner).
5. Petitioner shall keep records regarding the number of students attending class, their names, addresses and telephone numbers, and which days of the week they attend. Petitioner shall permit the Zoning Commissioner's office access to said records and the studio addition to insure compliance with this order.
6. There shall be no commercial sales, wholesale or retail, from the premises.
7. The Special Exception granted herein is limited to an artist's studio for Georgia Chantilles-Ruby only.
8. Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman
William B. Moreland
William B. Moreland
Arnold G. Foreman
Arnold G. Foreman

NOTES

7TH ELECTION DISTRICT

OWNER: MICHAEL RUBY &

RECORD: 10/1/83-10/1/83

SUBDIVISION: 1/2 SECTION 10

LOT 6 BLOCK 4

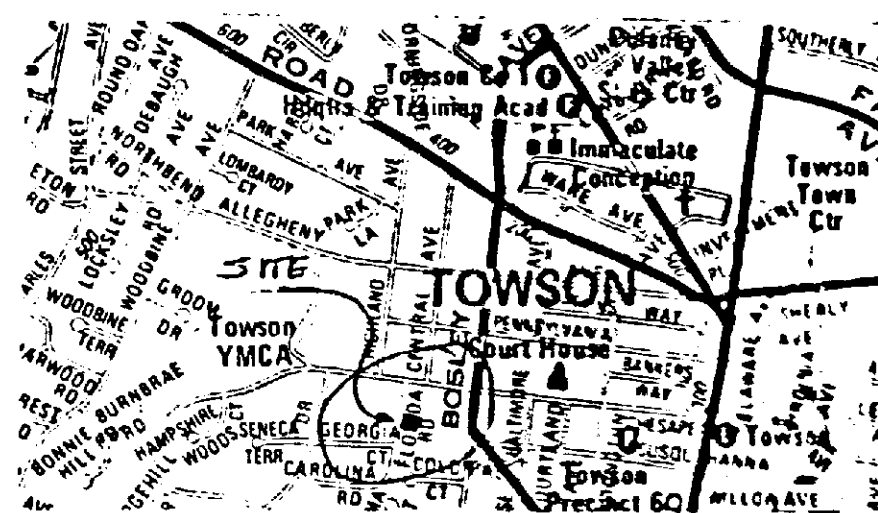
BOOK 7 FOLIO 187

SIZE: 7300 S.F.

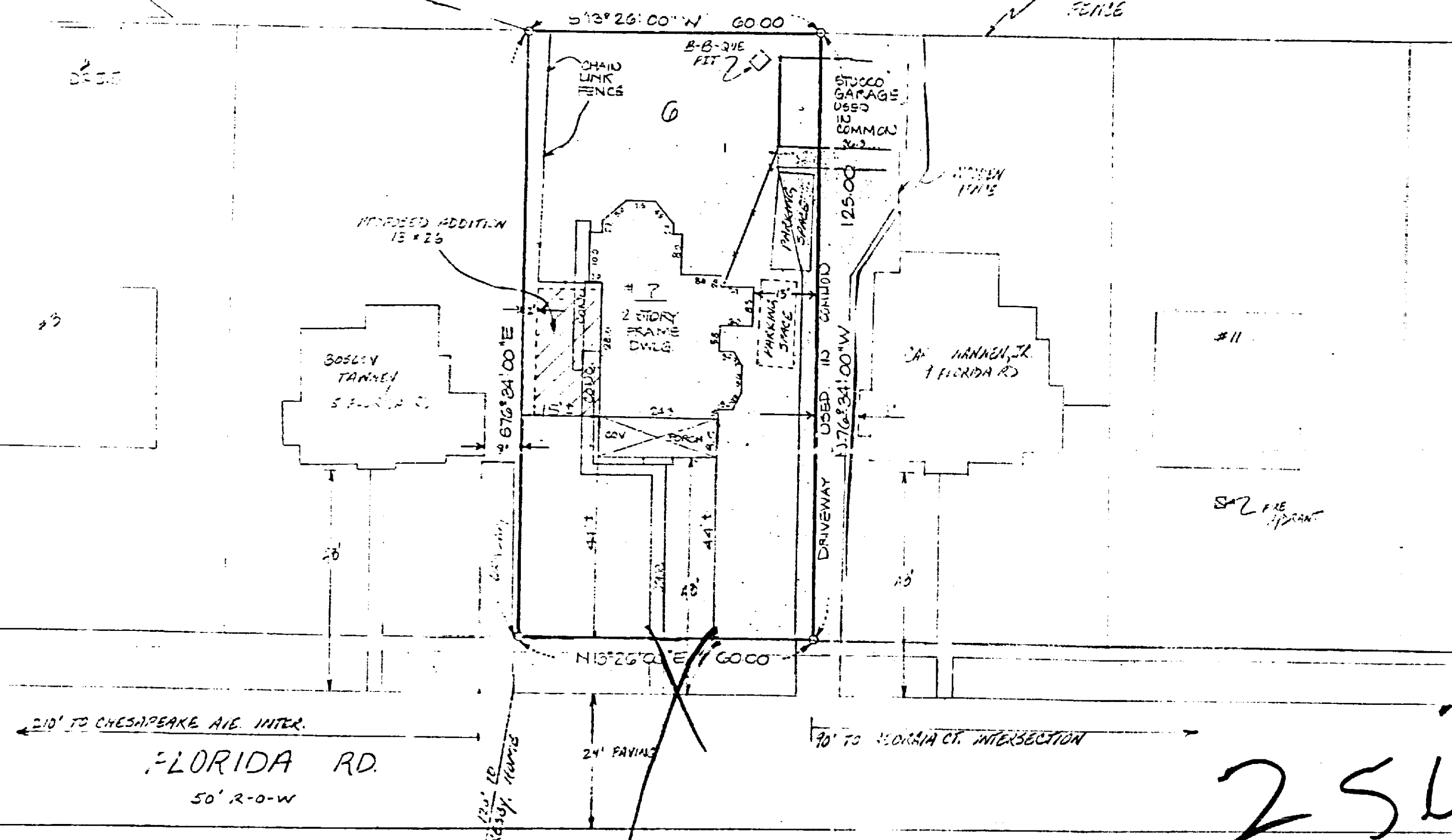
EXISTING UTILITIES ON LOT 6 TO

305 CHESAPEAKE BLVD.

PARKING LOT FOR 305 3123.



CHAIN LINK FENCE

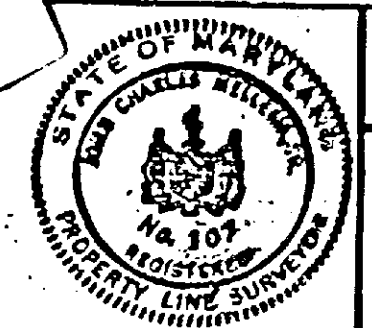


2 Signs

I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS LOT FOR THE PURPOSE OF LOCATING THE IMPROVEMENTS THEREON AND THAT THEY ARE LOCATED AS SHOWN. THIS PLAN IS NOT INTENDED FOR USE IN ESTABLISHING PROPERTY LINES.

John C. Mellema, Jr.

#330



LOCATION SURVEY		SCALE
7 FLORIDA ROAD	BALTIMORE CO. MD.	1"=20'
JOHN C. MELLEMA SR., INC.		DATE
LAND SURVEYORS		1-18-83
6100 BALTIMORE NATIONAL PIKE - BALTIMORE, MARYLAND 21228		JOB NO.
		87015

PLAT TO ACCOMPANY SPECIAL ERECTION AND VARIANCE PETITIONS

CHESAPEAKE INTERSECTION

SCALE
1"=20'
DATE
1-18-83
JOB NO.
87015

PLAT TO ACCOMPANY SPECIAL ERECTION AND VARIANCE PETITIONS

PETITIONER EXHIBIT 1