

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
3/5 Hydes Road, 330' E of the DEPUTY ZONING COMMISSIONER
c/1 of Manor Road * OF BALTIMORE COUNTY
(4507 Hydes Road) * Case No. 89-412-A
11th Election District
6th Councilmanic District
Dennis D. Rioux, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side setback of 10 feet in lieu of the required 30 feet, and a side yard setback sum of 30 feet in lieu of the required 50 feet, for a proposed dwelling in accordance with Petitioner's Exhibit 1.

Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 4507 Hydes Road, consists of .87 acres more or less zoned R.C. 5, and is currently unimproved. Petitioners testified they purchased the property three years ago with the intention of constructing a new home for their family. Testimony indicated that Petitioners hired an architect to design a home that would meet their needs. Petitioners testified that upon completion of the final drawings and application for a building permit, they were advised the proposed dwelling would not meet setback requirements and that a variance would be needed. Testimony indicated that Petitioners have spoken with the neighbors on both sides of the property who have no objection to their plans. Petitioners testified that the variance requested would not result in any detriment to the health, safety or general welfare of the community.

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:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, own 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 this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of April, 1989 that the Petition for Zoning Variance to permit a side yard setback of 10 feet in lieu of the required 30 feet, and a side yard setback sum of 30 feet in lieu of the required 50 feet, for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at

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this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21284
(301) 887-3333
J. Robert Haines
Zoning Commissioner

April 26, 1989



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Dennis D. Rioux
8545 Harris Avenue
Baltimore, Maryland 21234

RE: PETITION FOR ZONING VARIANCE
5/5 Hydes Road, 330' E of the c/1 of Manor Road
(4507 Hydes Road)
11th Election District - 6th Councilmanic District
Dennis D. Rioux, et ux - Petitioners
Case No. 89-412-A

Dear Mr. & Mrs. Rioux:

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

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

Very truly yours,

J. Robert Haines

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. John Kraft
4505 Hydes Road, Hydes, Md. 21082

Mr. Milton Price
4509 Hydes Road, Hydes, Md. 21082

People's Counsel

File

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PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-412-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for Variance from Section 1104.3.B.5. (202, 300, & 400, 1955.)

To permit a side yard setback of 10' and a side yard setback sum of 30' in lieu of the minimum 30' and 50', respectively.

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 accommodate desired house designed by Mr. & Mrs. Dennis Rioux to fit on existing lot as to permit total side setbacks of 10 and 20 in lieu of the required 20 and 30.
2. Also to permit access into garage via side yard driveway.

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: DENNIS DAVID RIOUX
(Type or Print Name)
Signature: Dennis David Rioux
Address: 8545 HARRIS AVE. BALTIMORE, MD. 21234
City and State
Atorney for Petitioner: DENNIS DAVID RIOUX
(Type or Print Name)
Signature: Dennis David Rioux
Address: 8545 HARRIS AVE. BALTIMORE, MD. 21234
City and State
Attorney's Telephone No.: 410-549-5400

MAP REF
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ORDERED By the Zoning Commissioner of Baltimore County, this 1st day of April, 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 through out Baltimore County, 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 11:30 o'clock a.m.

J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

Beginning on the south side of Hydes Road, 30 feet wide, from the distance of 330' east of the centerline of Manor Road, being Lot 1, Book 22, Folio 46 in the subdivision of Hydes View. Also known as 4507 Hydes Road containing .890 acres in the 11th Election District

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

District: 11th Date of Posting: 4/14/89
Posted for: Notices
Petitioner: Dennis David Rioux, et ux
Location of property: 4507 Hydes Rd., 330' E of Manor Rd.
Location of Sign: 11th Election District, approx 12' to roadway, on property of Petitioner
Remark:
Posted by: [Signature] Date of return: 4/17/89
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21284
494-3333

J. Robert Haines
Zoning Commissioner

Date: 4-3-89



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Dennis D. Rioux
8545 Harris Avenue
Baltimore, Maryland 21234

Re: Petition for Zoning Variance
CASE NUMBER: 89-412-A
5/5 Hydes Road, 330' E of Manor Road
4507 Hydes Road
11th Election District - 6th Councilmanic
Petitioner(s): Dennis David Rioux, et ux
HEARING SCHEDULED: THURSDAY, APRIL 20, 1989 at 10:30 a.m.

Dear Mr. & Mrs. Rioux:

Please be advised that \$10.29 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 106, Towson, Maryland 21284, 15 minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 037012
DATE: 4/20/89 ACCOUNT: 201-615-000
AMOUNT: \$ 110.29
RECEIVED: Dennis David Rioux
FOR: P.M. 4/20/89 Lining 89-412-A
VALIDATION OR SIGNATURE OF CASHIER
DATE - CASHIER FIVE - AGENCY YELLOW - CUSTOMER

post set(s), there each set not

or of

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21284
494-3333

J. Robert Haines
Zoning Commissioner

March 8, 1989



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

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

Petition for Zoning Variance
CASE NUMBER: 89-412-A
5/5 Hydes Road, 330' E of Manor Road
4507 Hydes Road
11th Election District - 6th Councilmanic
Petitioner(s): Dennis David Rioux, et ux
HEARING SCHEDULED: THURSDAY, APRIL 20, 1989 at 10:30 a.m.

Variance to permit a side yard setback of 10 ft. and a side yard setback sum of 30 ft. in lieu of the minimum 30 ft. and 50 ft., respectively.

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. Rioux
File

