

IN RE: PETITION FOR ZONING VARIANCE
NE/S Gorsuch Road, 86' E of
Vista Lane
(40 Gorsuch Road)
8th Election District
4th Councilmanic District
Barbara L. Stripp
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a sum of the side yards of 24'4" in lieu of the required 25 feet, and an open projection (attached carport) with a side yard setback of 2'6" in lieu of the required 7'6", all as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 40 Gorsuch Road, consists of 0.351 acres more or less split zoned D.R. 3.5 and D.R. 5.5, and is improved with a single family dwelling. Petitioner is desirous of constructing a carport on the west side of the existing dwelling to provide protection during inclement weather and easy access to the dwelling. Mrs. Stripp testified the carport will be helpful as she suffers from coronary artery disease and is currently under a physician's care as evidenced in Petitioner's Exhibit 2. Testimony indicated that due to the layout of the existing dwelling and the location of existing improvements on the property, the proposed site for the carport is the most practical; however, the carport will be located within the side yard setback required. Evidence presented indicated that the adjoining property owner on the affected side has no objection to Petitioner's request. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community. Further testimony indicated that to deny the variance requested will result in

practical difficulty and unreasonable hardship upon Petitioner.

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

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of December, 1989 that the Petition for Zoning Variance to permit a sum of the side yards of 24'4" in lieu of the required 25 feet and an open projection (attached carport) with a side yard setback of 2'6" in lieu of the required 7'6", in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

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

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

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

December 29, 1989

Ms. Barbara L. Stripp
40 Gorsuch Road
Timonium, Maryland 21093

RE: PETITION FOR ZONING VARIANCE
NE/S Gorsuch Road, 86' E of Vista Lane
(40 Gorsuch Road)
8th Election District - 4th Councilmanic District
Barbara L. Stripp - Petitioner
Case No. 90-239-A

Dear Ms. Stripp:

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 887-3391.

Very truly yours,

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

JRH:bjs

cc: Ms. Marie M. Junghans
38 Gorsuch Road, Timonium, Md. 21093

People's Counsel

File

LEO W. RADER
REGISTERED PROFESSIONAL SURVEYOR
HYDROGRAPHY
TOPOGRAPHY
CEODESY
SURVEYING
ENGINEERING
TITLE SURVEYS
LAND PLANNING
90-239-A
301-252-2920

38 Belfast Road - Timonium, Maryland 21093

August 3, 1989

BARBARA STRIPP
DESCRIPTION FOR VARIANCE - # 40 GORSUCH ROAD

BEGINNING for the same on the northwest side of Gorsuch Road distant North 78 degrees 59 minutes East 486.32 feet measured along said northwest side from its intersection with the centerline of Vista Lane, thence North 11 degrees 01 minute West 229.01 feet, South 88 degrees 30 minutes East 51.22 feet, South 11 degrees 01 minute East 51.22 feet, South 88 degrees 30 minutes East 25.61 feet, South 11 degrees 01 minute East 161.14 feet and South 78 degrees 59 minutes West 75.00 feet to the place of beginning.
BEING Lot 28 and 1/4 of Lot 29 Section J Plat No. 1 "Addition to Yorkshire", and known as #40 Gorsuch Road.

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-239-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 3-1802.3.C.1 and 3-301.1 (Per Policy 9-11.B) To permit a sum of side yards of 24 ft., 4 in. in lieu of the required 25 feet, and an open projection (attached carport) with a side setback of 2 ft., 6 in. in lieu of the required 7 ft., 6 in. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

- 1) The proposed carport would extend 8.1' over the sideyard setback line, requiring a zoning variance.
- 2) The adjoining neighbor has no objections to the proposed construction.

TO BE FURTHER ESTABLISHED AT HEARING

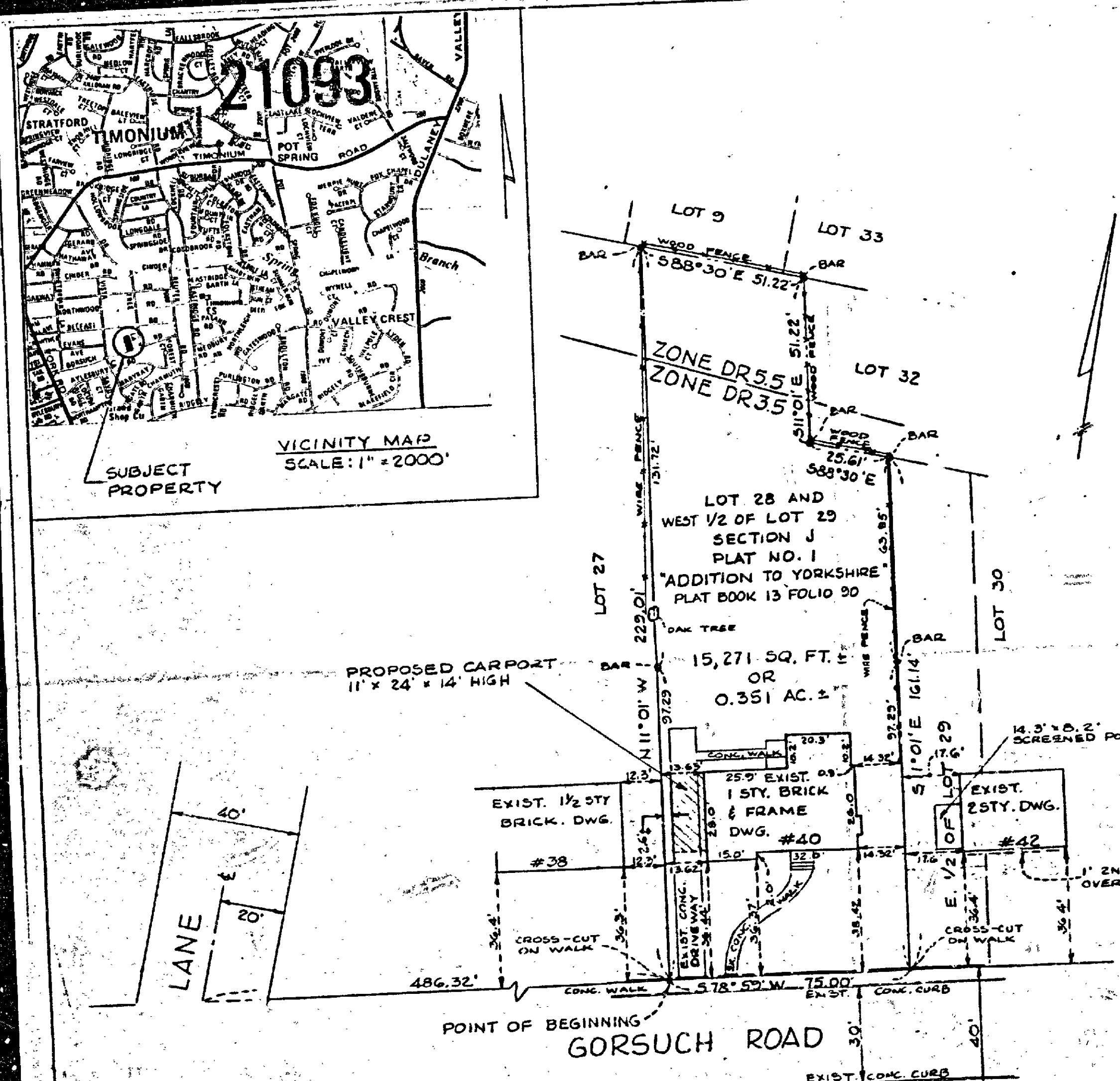
Property is to be posted and advertised as prescribed by Zoning Regulations.
I, we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant 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:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Name
Address
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of December, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of December, 1989, at 9:30 o'clock P.M.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
(over)



PETITIONER'S EXHIBIT 1

PLAT FOR ZONING VARIANCE

OWNER - BARBARA L. STRIPP
40 GORSUCH RD
DEED REF: OTG 5039-544
ZONING: DR 3.5 AND DR 5.5
DISTRICT: 8, BALTO. CO., MD.
EXISTING UTILITIES IN GORSUCH ROAD
SCALE: 1"=30'
AUG. 3, 1989

#92
90-239-A
LEO W. RADER
REG. LAND SURVEYOR
38 BELFAST ROAD
TIMONIUM, MARYLAND 21093
(301) 252-2920

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 077478
DATE 9/7/89 ACCOUNT 2-01-615
AMOUNT \$ 35.00
RECEIVED FROM: [Signature]
FOR: [Signature]
VALIDATION OR SIGNATURE OF CLERK

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 11, 1989

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

000

Ms. Barbara L. Stripp
40 Gorsuch Road
Timonium, MD 21093

RE: Item No. 92, Case No. 90-239-A
Petitioner: Barbara L. Stripp
Petitioner for Zoning Variance

MEMBERS

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

Dear Ms. Stripp:

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 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 WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
2nd day of October, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Barbara L. Stripp

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner DATE: December 5, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Barbara L. Stripp, Item 92
Zoning Petition No. 90-239A

The Petitioner requests a variance for relief from setback requirements.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

DEC 05 1989

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
SEP 14 1989
ZONING OFFICE

September 12, 1989

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 83, 84, 85, 86, 88, 89, 90, 92, and 93.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan

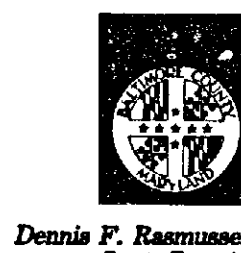
MSF/efm

SEP 19 1989

Baltimore County
Fire Department
300 East Road
Towson, Maryland 21204-2536
(301) 887-4500

Paul H. Raitche
Chief

September 15, 1989



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

RE: Property Owner: BARBARA L. STRIPP
Location: NE SIDE OF GORSUCH ROAD
Item No.: 92 Zoning Agenda: AUGUST 19, 1989

Gentlemen:

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

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", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Raitche* 9-14-89
Planning Group
Special Inspection Division

Noted and
Approved: *Paul H. Raitche*
Fire Prevention Bureau

JK/KEK

SEP 20 1989

Barbara L. Stripp
40 Gorsuch Road
Timonium, Maryland 21093
November 26, 1989

Mr. J. Robert Haines
Zoning Commissioner

Dear Sir:

Your notice of hearing letter of Nov. 17th states my hearing is Dec. 18th at 9:30 A.M. If granted this petition my builder thinks there may still be time to erect my carport before winter really closes in. I am, therefore, appealing the thirty day appeal period.

Attached are copies of two letters stating (1) my driveway side neighbor does not object to my proposed carport and (2) my doctor stating why he feels my need for this carport. I will be 70 years old this January and I am looking for ways to reduce my yard/house work. My house-mate died in the summer of 1988 so now all tasks fall on my shoulders.

This carport would sufficiently reduce my physical labor of snow shovels by 24 linear feet. It would also protect my car from leaves, frosted windows and rain thus reducing the need for frequent washings, scrapings and waxings, and I would retain the present distance from car to door way.

If I am granted said clearance and a shorten waiting time it would be appreciated. The early 4 inch snowfall of Thanksgiving Day makes this need most apparent.

Yours truly,
Barbara Stripp

I, Marie M. Junghans, owner of property and ground at 38 Gorsuch Road, Timonium, MD 21093, have no objection of my neighbor, Barbara Stripp, at 40 Gorsuch Road building a car port.

Marie M. Junghans 9/21/89
Signed Date

Notary Public - Carolyn E. Hoss
Commission Expires - July 1, 1990

PETITIONER'S
EXHIBIT 3

X
THE SEAL DID
NOT COME THROUGH
ON THIS COPY.

PETITIONER'S
EXHIBIT

RECEIVED
NOV 28 1989
ZONING OFFICE

DONALD O. WOOD, M.D., P.A.
2 GREENMEADOW DRIVE
TIMONIUM, MARYLAND 21093

September 8, 1989

To Whom It May Concern:

RE: Barbara Stripp

The above patient is under this observer's care for ischemic coronary artery disease and I believe it would be in her best interest to locate her carport attached to the side of her house to provide the shortest distance.

Yours truly,

Donald O. Wood

DONALD O. WOOD, M.D., P.A.

DOW:ps

PETITIONER'S
EXHIBIT 2

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

DATE DEC 12 1989



Dennis F. Rasmussen
County Executive

Barbara L. Stripo
40 Gorseuch Road
Timonium, Maryland 21063

Re: Petition for Zoning Variance
CASE NUMBER: 90-238-A
NE side of Gorseuch Road, 85' E of Vista Lane
40 Gorseuch Road
8th Election District - 4th Councilmanic
Petitioner(s): Barbara L. Stripo
HEARING: MONDAY, DECEMBER 18, 1989 at 9:30 a.m.

Dear Ms. Stripo:
Please be advised that \$123.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ABOVE SIGN. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gc
cc:File

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephoning 837-3331 to confirm hearing date.)

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

November 17, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

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

Petition for Zoning Variance
CASE NUMBER: 90-238-A
NE side of Gorseuch Road, 85' E of Vista Lane
40 Gorseuch Road
8th Election District - 4th Councilmanic
Petitioner(s): Barbara L. Stripo
HEARING: MONDAY, DECEMBER 18, 1989 at 9:30 a.m.

Variance to permit a sum of side yards of 4 feet, 4 inches in lieu of the required 25 feet and an open projection (attached carport) with a side setback of 2 feet, 6 inches in lieu of the required 7 feet, 6 inches.

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.

NOTES

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephoning 837-3331 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gc
cc:File

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 7, 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 Dec 6, 1989.

TOWSON TIMES,

S. Zehe Olson
Publisher

NOTICE OF HEARING
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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
BALTIMORE COUNTY, MARYLAND
TOWSON, MD., Dec 7, 1989

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 7, 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 Dec 7, 1989.

THE JEFFERSONIAN,

S. Zehe Olson
Publisher

NOTICE OF HEARING
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J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND
TOWSON, MD., Dec 7, 1989

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th
Date of Posting: 12/1/89
Posted for: Variance
Petitioner: Barbara L. Stripo
Location of property: NE side of Gorseuch Rd, 85' E of Vista Lane
40 Gorseuch Rd
Location of Sign: Facing Gorseuch Rd, approx. 15' from driveway, on property of Petitioner
Remarks: 1/1/89
Posted by: J. Robert Haines
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Ne 708
Number 90-238

Date: 12/15/89
PUBLIC HEARING FEES
QTY PRICE
080 - POSTING SIGNS / ADVERTISING 1 X \$125.00
TOTAL: \$125.00
LAST NAME OF CARRIER: STRIPO

8 8007***125051* 01655
Please make checks payable to: Baltimore County