

IN THE MATTER OF THE APPLICATION OF ALLEN YIYEN TIEN, ET AL FOR A VARIANCE ON PROPERTY LOCATED ON THE EAST SIDE RUXWAY RD, 571' SOUTH OF C/L JOPPA RD (7921 RUXWAY ROAD) 9TH ELECTION DISTRICT 4TH COUNCILMANIC DISTRICT

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 90-243-A

OPINION

This is an appeal from the decision of the Zoning Commissioner dated January 18, 1990 in the Appellant's request for a zoning variance to permit an accessory structure (shed) in the side yard in lieu of rear yard as required by zoning regulations was denied.

As the only witness in this case, the Petitioner testified that he and his wife have resided at 7921 Ruxway Road for 3 years. Approximately 1-1/2 years ago, Mr. Tien constructed an 8-foot by 8-foot by 10-foot storage shed of plywood with a peaked roof in the side yard of his property.

Mr. Tien further testified that he placed the shed in the side yard due to the extensive planting and family use of his back yard.

Case No. 90-243-A Allen YiYen Tien, et al

He submitted a hand-drawn plat and photographs to indicate the planting of fruit and decorative trees, vegetables and flowers, as well as the location of a 20-foot by 30-foot paved patio in the rear yard. Mr. Tien said he had approached his neighbors prior to constructing the shed and that they voiced no objections to its location.

Additionally, the Petitioner testified to and submitted photographs of two other residences in his neighborhood which have accessory structures similar to his in place.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974) states that a petitioner must meet the following to prove practical difficulty to obtain an area variance:

...whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome....

The testimony and evidence on record in this matter does not prove that the Petitioner would experience practical difficulty or unreasonable hardship if the accessory building was placed in the rear yard as required by zoning regulations. The plat and photographs submitted, in fact, demonstrate ample space for such a structure in the rear yard which would not detract in any way from the Petitioner's use of that space.

Case No. 90-243-A Allen YiYen Tien, et al

allow property owners to assume that similar variances will be granted with or without due process under Baltimore County Zoning Regulations. The Board is convinced and will so order that Mr. Tien's petition for variance should be denied.

ORDER

IT IS THEREFORE this 14th day of November, 1990 by the County Board of Appeal of Baltimore County ORDERED that the Petition for Zoning Variance to permit a side yard location of an accessory structure in lieu of the required rear yard location be and is hereby DENIED;

IT IS FURTHER ORDERED that Petitioner shall remove the accessory structure from its present side yard location within 90 days of the date of this Opinion and 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 Arnold G. Foreman, Acting Chairman Lynn B. Moreland Harry E. Buchheister, Jr.

IN RE: PETITION FOR ZONING VARIANCE BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 90-243-A Allen YiYen Tien & Nai Qing Chen Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section S.III.A.13. to permit an accessory structure (shed) in the side yard with a front lot line setback of 59 feet in lieu of the required rear yard and 60 feet, respectively, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Allen YiYen Tien, appeared and testified. Ms. Louise Schultz, Executive Director of the Ruxton-Riderwood Association appeared and testified as a Protestant.

Testimony indicated that the subject property, known as 7921 Ruxway Road, consists of .34 acres +/-, zoned D.R.3.5, and is currently improved with a single family dwelling, attached carport and accessory tool shed which is at issue herein.

The Petitioner testified that he has constructed an 8 x 8 x 10 foot high wooden shed in his side yard approximately 8 feet from the property line. He testified that, in view of the trees, garden and patio in his rear yard, the current location of the tool shed is the only practical location on his property.

Mrs. Schultz stated that Mr. Tien's shed would be more appropriately located in his rear yard where it could easily be situated without requiring a variance from the zoning regulations.

ORDER RECEIVED FOR FILING Date 1/11/91 By [Signature]

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, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variance was denied. The testimony presented by the Petitioner was in support of a matter of a preference rather than of the necessity for the variance. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

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

ORDER RECEIVED FOR FILING Date 1/11/91 By [Signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of January, 1990 that a variance to permit an accessory structure (shed) in the side yard with a front lot line setback of 59 feet in lieu of the required rear yard and 60 feet, respectively, as more particularly described on Petitioner's Exhibit 1, be and is hereby DENIED.

J. Robert Haines Zoning Commissioner for Baltimore County

JRH/mm cc: Peoples Counsel

ORDER RECEIVED FOR FILING Date 1/11/91 By [Signature]

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-243-A

The undersigned, legal owner(s) of the property situated 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 S.III.A.13. (1945, to 33) To PERMIT AN ACCESSORY STRUCTURE (shed) in the side yard with a front lot line setback of 59 feet in lieu of the required rear yard and 60 feet, respectively.

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

See attached sheet.

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 of 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: Allen YiYen Tien; Legal Owner(s): Allen YiYen Tien; Address: 7921 Ruxway Road, Baltimore, MD 21204; Attorney for Petitioner: [Signature]

ORDERED by The Zoning Commissioner of Baltimore County, this 14th day of Dec 1990 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 19th day of Dec 1990, at 2:30 o'clock P.M.

J. Robert Haines Zoning Commissioner of Baltimore County

This area variance is requested for reasons of practical difficulty. I wish to locate an eight by eight (64 square feet) lawn and garden toolshed in a side yard rather than in the back yard as required by the current regulations. There is no garage, lawnmower, chainsaw, gasoline and oil, clippers, etc. for both practical and safety purposes. These items should not be stored in the house nor should they be left outdoors.

Due to the full use of the rear portion of the back yard for a large garden and a patio, there is no practical place along the rear of the back yard to place a toolshed. If the toolshed were put on the back of the garden, a path to the toolshed for access would use up an additional substantial amount of ground. The design and use of the patio would be severely negatively affected by placing a toolshed on or next to it. The other parts of the back yard are occupied by fruit trees and ornamental trees at the edges, while the center has been left open lawn as a play area for children. Any location for the toolshed in the back yard would do a substantial injustice by grossly reducing the use of the land and detract considerably from the efforts which have been made and are further planned to create an attractive and productive recreational and gathering area.

Due to the existence of a stream along the north edge of the property, there is a small triangular area of yard on the north side of the house which has not been planted more evergreens so that the house is partially shielded from the road by trees, and I have planted more evergreens so that the house is further shielded from the road. The proposed location is very close to the house, and the house is further shielded from view. Thus, if the variance is allowed, there will be no or little compromise of the spirit of the ordinance nor to public safety and welfare.

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

No. 077189

DATE 09-14-89 ACCOUNT R01615

AMOUNT \$ 36.00

RECEIVED FROM Tien

FOR RV sale of 4th of July Item #101

VALIDATION OR SIGNATURE OF CASHIER

**Tracking System**  
 Baltimore County  
 Zoning Commissioner  
 Office of Planning & Zoning

Date Receipt FEE  
 Day Month Year Number TYPE Identification Number Council District Election District Zip Code

09/14/89 77189 36.00 - 101 09 21204

Petitioner: TIEN ALLEN  
 (Last) (First) (Middle Initial)

Property Address: 7921 RUXWAY RD  
 (Number) (Street)

101  
 90-243-A

Beginning on the east side of Ruxway Road 130 feet wide, at the distance of 571 feet south of the centerline of Joppa Road, measured along the east edge of the paving of Ruxway Road, Block 6 in the subdivision of Ruxwood, Book No. 17, Folio 14, also known as 7921 Ruxway Road in the 9th Election District.

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

November 14, 1990

Allen Yiyen Tien  
 7921 Ruxway Road  
 Baltimore, MD 21204

RE: Case No. 90-243-A  
 Allen Yiyen Tien, et al

Dear Mr. Tien:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,  
 Kathleen C. Weidenhammer  
 Administrative Assistant

encl

cc: Ms. Louise Schultz  
 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  
 111 W. CHESAPEAKE AVENUE  
 TOWSON, MARYLAND 21204  
 (301) 887-3180

May 3, 1990  
 NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND 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. 90-243-A ALLEN YIYEN TIEN, ET AL  
 E/s Ruxway Rd., 571' S of c/l of Joppa Rd.  
 (7921 Ruxway Road)  
 9th Election District  
 4th Councilmanic District  
 VAR - accessory structure shed  
 1/18/90 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: FRIDAY, AUGUST 24, 1990 at 1:00 p.m.

cc: Allen Yiyen Tien & Nai Quing Chen Petitioners/Appellants  
 Ms. Louise Schultz Ruxton-Riderwood Assoc.  
 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. Kuszmaul  
 Legal Secretary

*7/10/90 - Ppd at request of appellant reset for 10/30/90 @ 1:30 pm 5/19/90*

101  
 90-243-A

**PETITION FOR ZONING VARIANCE**  
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description on a plat attached hereto and made a part hereof, hereby petition for a Variance from Section S.III.A.13. (1945 to 53) To permit an accessory structure (shed) in the side yard with a front lot line setback of 59 feet in lieu of the required rear yard and 60 feet, respectively.

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

See attached sheet.

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) Address Phone No. Address Phone No.  
 City and State City and State  
 Attorney's Telephone No. Attorney's Telephone No.  
 Address Address

ORDERED BY THE Zoning Commissioner of Baltimore County, this 4 day of September 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 104, County Office Building in Towson, Baltimore County, on the 17 day of October 1989, at 1:30 o'clock.

J. Robert Haines  
 Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING 1/2 HR. (over)  
 AVAILABLE FOR HEARING MON. TUES. WED. THURS. FRI. SAT. SUN. 120 MONTHS  
 ALL OTHERS  
 REVIEWED BY DATE 9/14/89

101

This area variance is requested for reasons of practical difficulty. I wish to locate an eight by eight (64 square feet) lawn and garden toolshed in a side yard rather than in the back yard as required by the current regulations. There is no garage lawnmower, chainsaw, gasoline and oil, clippers, etc, for both practical and safety purposes. These items should not be stored in the house nor should they be left in the existing carport, where they are subject to theft or to causing a mishap with children.

Due to the full use of the rear portion of the back yard for a large garden and a patio, there is no practical place along the rear of the back yard to place a toolshed for access would use up an additional substantial amount of ground. The design and use of the patio would be severely negatively affected by placing trees and ornamental trees at the edge, while the center of the back yard are occupied by fruit as a play area for children. Any location for the toolshed in the back yard would do a substantial injustice by considerably reducing the use of the land, and detract create an attractive and productive recreational and gardening area.

Due to the existence of a stream along the north edge of the property, there is a small triangular area of yard on the north side of the house which is of no other use. Furthermore, this area is partially shielded from the road by trees, and I have planted more evergreens to block view of the proposed site from the road. The proposed location is very close to the side of the house, which further shields it from view. Thus, if the variance is allowed, there will be no or little compromise of the spirit of the ordinance nor to public safety and welfare.

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

July 10, 1990  
 NOTICE OF POSTPONEMENT AND REASSIGNMENT

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. 90-243-A ALLEN YIYEN TIEN, ET AL  
 E/s Ruxway Rd., 571' S of c/l of Joppa Rd.  
 (7921 Ruxway Rd.)  
 9th Election District  
 4th Councilmanic District  
 VAR - accessory structure shed in side yard in lieu of rear  
 1/18/90 - Z.C.'s Order DENYING Petition.

which was scheduled for hearing on August 24, 1990 has been POSTPONED at the request of Appellant and has been

REASSIGNED FOR: TUESDAY, OCTOBER 30, 1990 at 1:30 p.m.

cc: Allen Yiyen Tien & Nai Quing Chen Petitioners/Appellants  
 Ms. Louise Schultz Ruxton-Riderwood Assoc.  
 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. Kuszmaul  
 Legal Secretary

June 22, 1990

County Board of Appeals  
 Baltimore County

Re: Case No. 90-243-A

This is a request for postponement of the hearing currently scheduled for August 24, 1990. The reason for the request for postponement is that we will not be in town at that time. We will be back in town after September 3, and any time following September 3 should be possible.

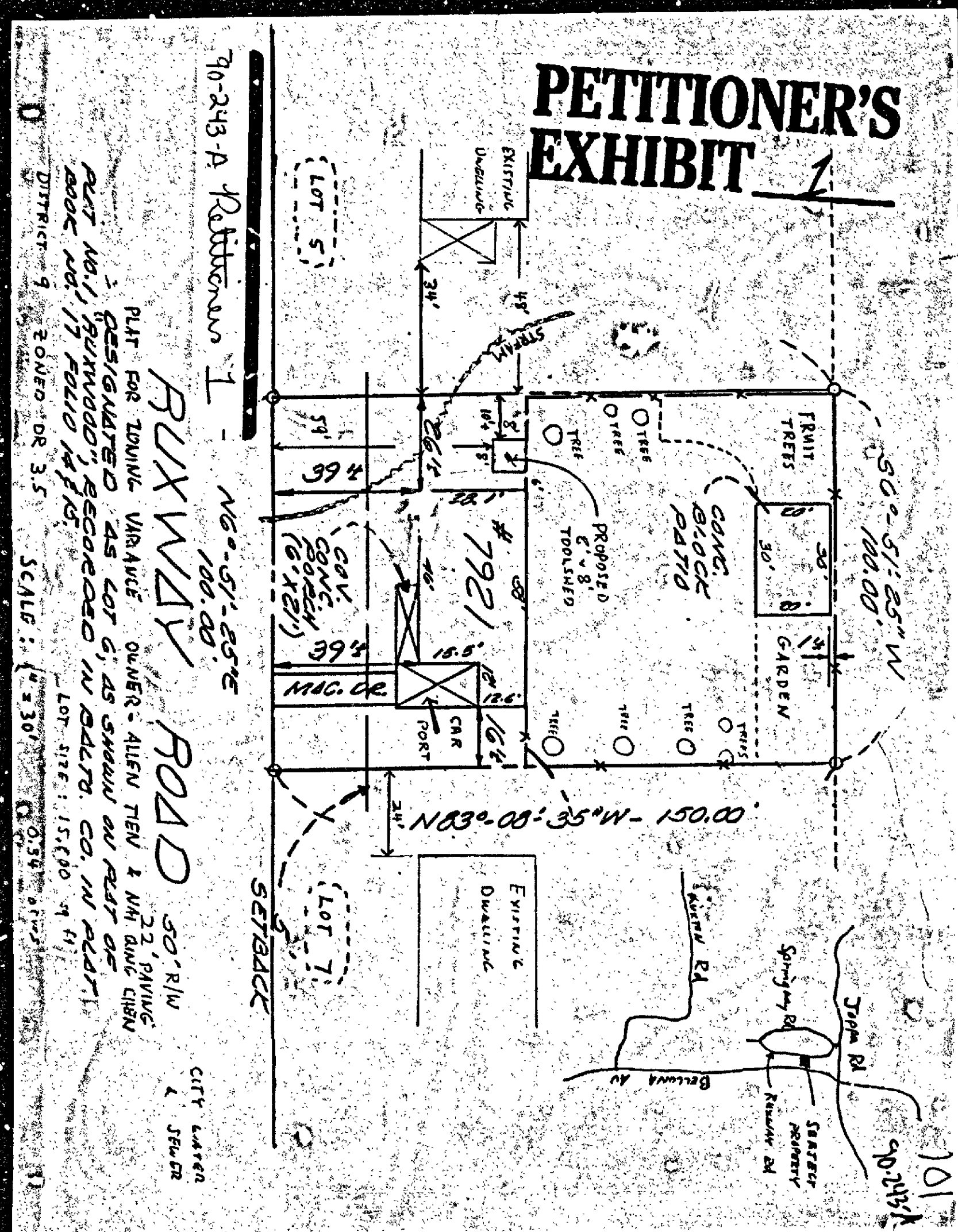
Thank you.

Allen Y. Tien & Nai Quing Chen  
 7921 Ruxway Road  
 Baltimore, MD 21204

cc: People's Counsel for Baltimore County  
 Arnold Jablon, County Attorney

*PP-8 1:30 pm 10/30/90*

RECEIVED COUNTY BOARD OF APPEALS  
 90 JUL 10 AM 11:37



**County Board of Appeals of Baltimore County**  
 COUNTY OFFICE BUILDING  
 1111 W. CHESAPEAKE AVENUE  
 TOWSON, MARYLAND 21204  
 (301) 887-3180

May 3, 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. 90-243-A ALLEN YIYEN TIEN, ET AL  
 E/S Ruxway Rd., 571' S of c/l of Joppa Rd.  
 (7921 Ruxway Road)  
 9th Election District  
 4th Councilmanic District  
 VAR - accessory structure - shed  
 1/18/90 - Z.C.'s Order DENYING Petition.

ASSIGNED FOR: FRIDAY, AUGUST 24, 1990 at 1:00 p.m.

cc: Allen YiYen Tien & Nai Quing Chen Petitioners/Appellants  
 Ms. Louise Schultz Ruxton-Riderwood Assoc.  
 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. Kusznick  
 Legal Secretary

RECEIVED  
 COUNTY BOARD OF APPEALS  
 MAY 6 1990

RECEIVED  
 PEOPLE'S COUNCIL  
 MAY 03 1990

5/3/90 - Following parties notified of hearing set for August 24, 1990 at 1:00 p.m.:

Mr. Allen YiYen Tien & Nai Quing Chen  
 Ms. Louise Schultz  
 People's Counsel  
 P. David Fields  
 Pat Keller  
 J. Robert Haines  
 Ann M. Nastarowicz  
 James E. Dyer  
 W. Carl Richards, Jr.  
 Docket Clerk - Zoning  
 Arnold Jablon

7/10/90 - Above parties notified of POSTPONEMENT at the request of Appellants resset for October 30, 1990 at 1:30 p.m. (Tuesday).

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

District: 9th Date of Posting: 3-15-90

Filed for: Appeal

Petitioner: ALLEN YIYEN TIEN

Location of property: E/S Ruxway Road, 571' S of the c/l of Joppa Road (7921 Ruxway Road)

Location of sign: On front of 7921 Ruxway Road

Remarks: None

Filed by: M. J. Anta  
 Date of return: 3-15-90

Number of Signs: 1

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

March 1, 1990

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

RE: Petition for Zoning Variance  
 E/S Ruxway Road, 571' S of c/l of Joppa Road  
 (7921 Ruxway Road)  
 9th Election District, 4th Councilmanic District  
 ALLEN YIYEN TIEN & NAI QUING CHEN - Petitioner  
 Case No. 90-243-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on February 14, 1990 by Allen Y. Tien - 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.

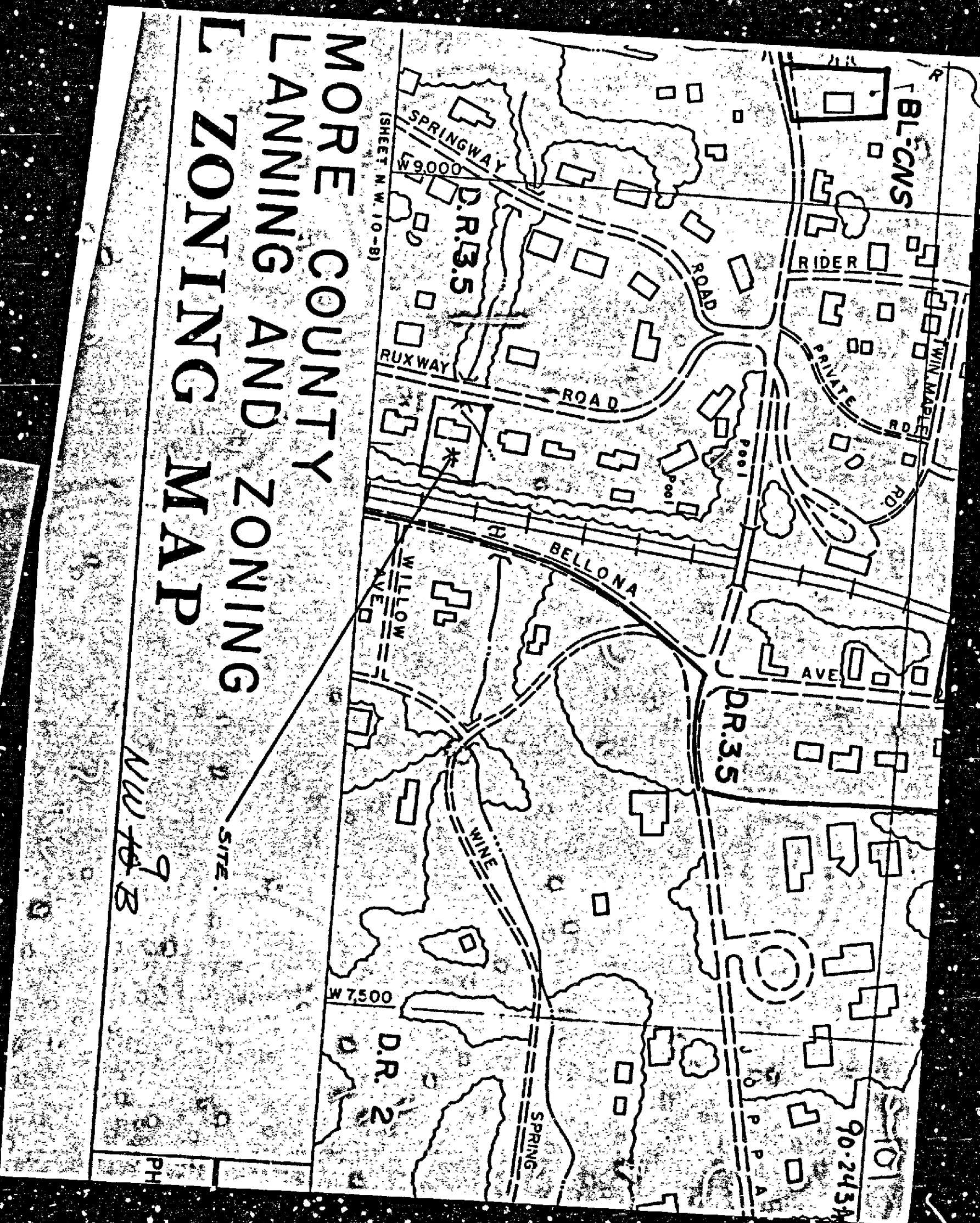
Very truly yours,  
 J. Robert Haines  
 Zoning Commissioner

JRH:cer  
 Enclosures

cc: Allen YiYen Tien & Nai Quing Chen  
 7921 Ruxway Road, Baltimore, MD 21204  
 Ms. Louise Schultz, Ruxton-Riderwood Association  
 222 Bosley Avenue, Towson, MD 21204  
 People's Counsel of Baltimore County  
 Rm. 304, County Office Bldg., Towson, MD. 21204  
 File



E/S Ruxway Rd., 571' S of c/l of Joppa Rd.  
 (7921 Ruxway Road)  
 ALLEN YIYEN TIEN  
 Petitioner



February 12, 1990

J. Robert Haines  
 Baltimore County Zoning Commissioner  
 Rm 109  
 1111 W. Chesapeake Ave  
 Towson, Maryland 21204

RE: Petition for Zoning Variance  
 Case No. 90-243-A

Dear Mr. Haines,

I wish to appeal the recent decision to deny a variance to permit an accessory structure to be located in the side yard of my property.

Sincerely,  
 Allen Y. Tien  
 7921 Ruxway Road  
 Baltimore, MD 21204  
 301-828-0827

RECEIVED  
 FEB 14 1990  
 ZONING OFFICE

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

December 11, 1989

Mr. Allen Yiwen Tien  
7921 Ruxway Road  
Baltimore, MD 21204

RE: Item No. 101, Case No. 90-243-A  
Petitioner: Allen Yiwen Tien, et al  
Petition for Zoning Variance

Dear Mr. Tien:

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 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 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  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21284  
(301) 887-3383

Robert Haines  
Zoning Commissioner

November 9, 1989

Dear Mr. Tien:

Your petition has been received and accepted for filing this 4th day of October, 1989.

J. Robert Haines  
ZONING COMMISSIONER

Received By:  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

Petitioner: Allen Yiwen Tien, et al  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

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

DATE: December 5, 1989

SUBJECT: Allen Yiwen Tien, Item 101  
Zoning Petition No. 90-243

The Petitioner requests a variance to permit an accessory structure in the side yard with a reduced setback.

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

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Townson, Maryland 21284

Account R-001.6150  
Number  
No 1404

receipt

Date 2/13/90

| APPEAL FEES                       | QTY | PRICE    |
|-----------------------------------|-----|----------|
| 140 - OF ALL OTHER ORDERS         | 1 X | \$125.00 |
| 150 - POSTING SIGNS / ADVERTISING | 1 X | \$25.00  |
| TOTAL:                            |     | \$150.00 |

LAST NAME OF OWNER: TIEN  
CASE # 90-243-A

8 113\*\*\*\*150001 3164F  
Please make checks payable to - Baltimore County

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Building, Suite 405  
Townson, Maryland 21284  
(301) 887-3654

November 9, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Townson, Maryland 21284

RECEIVED  
NOV 16 1989  
ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 87, 94, 95, 96, 97, 98, 99, 100, 101, 102 and 104.

Very truly yours,  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lab

Baltimore County  
Fire Department  
800 York Road  
Townson, Maryland 21284-2536  
(301) 887-4500

Paul H. Rotzko  
Chief

SEPTEMBER 25, 1989

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

Dennis F. Rasmussen  
County Executive

RE: Property Owner: ALLEN YIYEN TIEN AND NAI QING CHEN  
Location: E/S OF RUXWAY ROAD  
Item No.: 101  
Zoning Agenda: SEPTEMBER 26, 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.

7. The Fire Prevention Bureau has no comments at this time.

Noted and Approved  
Special Inspection Division

JK/ZEK

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
(301) 887-3383

J. Robert Haines  
Zoning Commissioner

February 12, 1990

Dear Mr. Haines,

I wish to appeal the recent decision to deny a variance to permit an accessory structure to be located in the side yard of my property.

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Townson, Maryland 21284

Account R-001.6150  
Number  
No 1404

| APPEAL FEES                       | QTY | PRICE    |
|-----------------------------------|-----|----------|
| 140 - OF ALL OTHER ORDERS         | 1 X | \$125.00 |
| 150 - POSTING SIGNS / ADVERTISING | 1 X | \$25.00  |
| TOTAL:                            |     | \$150.00 |

LAST NAME OF OWNER: TIEN  
CASE # 90-243-A

8 113\*\*\*\*150001 3164F  
Please make checks payable to - Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Townson, Maryland 21204  
(301) 887-3383

J. Robert Haines  
Zoning Commissioner

January 18, 1990

Mr. Allen Yiwen Tien  
Mrs. Nai Qing Chen  
7921 Ruxway Road  
Townson, Maryland 21204

Dennis F. Rasmussen  
County Executive

RE: Petition for Zoning Variance  
Case No. 90-243-A

Dear Mr. Tien and Mrs. Chen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:cmm  
encl.  
cc: Peoples Counsel

County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING  
1111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

HEARING ROOM - Room 301  
County Office Building

May 3, 1990  
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASON. 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. 90-243-A  
ALLEN YIYEN TIEN, ET AL  
E/S RUXWAY ROAD, 7921 RUXWAY ROAD, 9th ELECTION DISTRICT, 4th COUNCILMAN DISTRICT  
VAR - accessory structure - shed

1/18/90 - Z.C.'s Order DENYING Petition

ASSIGNED FOR: PRINCE GEORGE'S COUNTY

cc: Allen Yiwen Tien & Nai Qing Chen  
Ms. Louise Schultz  
Buxton-Riderwood Assoc.  
People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Mastarowicz  
James E. Dyer  
M. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney

Petitioners/Applicants

Lindalee M. Kutzmaul  
Legal Secretary

**County Board of Appeals of Baltimore County**  
 COUNTY OFFICE BUILDING  
 111 W. CHESAPEAKE AVENUE  
 TOWSON, MARYLAND 21284  
 (301) 887-3180  
 July 10, 1990

**NOTICE OF POSTPONEMENT AND REASSIGNMENT**

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. 90-243-A ALLEN YIYEN TIEN ET AL.  
 E/S Ruxway Rd., 571' S of c/l of Joppa Rd.  
 (7921 Ruxway Rd.)  
 9th Election District  
 4th Councilmanic District

VAR - accessory structure (shed) in side yard in lieu of rear 1/18/90 - Z.C.'s Order DENYING Petition.

which was scheduled for hearing on August 24, 1990 has been POSTPONED at the request of Appellant and has been

REASSIGNED FOR: TUESDAY, OCTOBER 30, 1990 at 1:30 p.m.

cc: Allen YiYen Tien & Nai Quing Chen Petitioners/Appellants  
 Ms. Louise Schultz Ruxton-Riderwood Assoc.  
 P. David Fields  
 Pat Keller  
 J. Robert Haines  
 Ann M. Nastarowicz  
 James E. Dyer  
 W. Carl Richards, Jr.  
 Tocket Clerk - Zoning  
 Arnold Jablon, County Attorney

LindaLee M. Kuszmali  
 Legal Secretary

**CERTIFICATE OF POSTING** 90-243-A  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 9th Date of Posting: November 28, 1989

Posted for: *No answer*

Petitioner: *Allen YiYen Tien and Nai Quing Chen*

Location of property: *E/S Ruxway Road, 571' S of c/l of Joppa Road, 7921 Ruxway Road*

Location of Sign: *In front of 7921 Ruxway Road*

Remarks:

Posted by: *L.J. Brata* Date of return: *December 7, 1989*

Number of Signs: \_\_\_\_\_

**CERTIFICATE OF PUBLICATION** \$104.81  
 TOWSON, MD. November 30, 19 89

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 \_\_\_\_\_ successive weeks, the first publication appearing on *Nov 29, 19 89*

TOWSON TIMES.  
 S. Zebe Orlan  
 Publisher

DEC 1 1989  
 12/14/89  
 NOV 27 1989

Allen YiYen Tien  
 Nai Quing Chen  
 7921 Ruxway Road  
 Baltimore, Maryland 21204

Petition for Zoning Variance  
 CASE NUMBER: 90-243-A  
 E/S of Ruxway Road, 571' S of c/l of Joppa Road  
 7921 Ruxway Road  
 9th Election District - 4th Councilmanic District  
 Petitioner(s): Allen YiYen Tien and Nai Quing Chen  
 HEARING SCHEDULED: TUESDAY, DECEMBER 19, 1989 at 9:30 a.m.

**Baltimore County Zoning Commissioner**  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21284

Account: R-0014150  
 receipt  
 No 738  
 90-243-A

12/19/89  
 PUBLIC HEARING FEES  
 080 - POSTING SIGNS / ADVERTISING 1 x PRICE 5  
 \$104.81

**CERTIFICATE OF PUBLICATION**  
 TOWSON, MD. November 30, 19 89

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 \_\_\_\_\_ successive weeks, the first publication appearing on *Nov 30, 19 89*

THE JEFFERSONIAN  
 S. Zebe Orlan  
 Publisher

Baltimore County Zoning Commissioner  
 Office of Planning & Zoning  
 Towson, Maryland 21204  
 (301) 887-3333

J. Robert Haines  
 Zoning Commissioner

March 1, 1990

Dennis F. Rasmussen  
 County Executive

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

RE: Petition for Zoning Variance  
 E/S Ruxway Road, 571' S of c/l of Joppa Road  
 9th Election District, 4th Councilmanic District  
 ALLEN YIYEN TIEN & NAI QUING CHEN - Petitioner  
 Case No. 90-243-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on February 14, 1990 by Allen Y. Tien - Petitioner. All materials relative to the case are being forwarded

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: Allen YiYen Tien & Nai Quing Chen  
 7921 Ruxway Road, Baltimore, Md. 21204  
 Ms. Louise Schultz, Ruxton-Riderwood Association  
 222 Bosley Avenue, Towson, MD 21204  
 People's Counsel of Baltimore County  
 Rm. 304, County Office Bldg., Towson, Md. 21204

**APPEAL**

Petition for Zoning Variance  
 E/S Ruxway Road, 571' S of c/l of Joppa Road  
 (7921 Ruxway Road)  
 9th Election District - 4th Councilmanic District  
 ALLEN YIYEN TIEN & NAI QUING CHEN - Petitioner  
 Case No. 90-243-A

Petition for 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 (None submitted)  
 Petitioner's Exhibits: 1. Plat to accompany Zoning variance  
 Zoning Commissioner's Order dated January 18, 1990 - Denied  
 Notice of Appeal received February 14, 1990 from Allen YiYen Tien - Petitioner

cc: Allen YiYen Tien & Nai Quing Chen  
 7921 Ruxway Road, Baltimore, Md. 21204  
 Ms. Louise Schultz, Ruxton-Riderwood Association  
 222 Bosley Avenue, Towson, MD 21204  
 People's Counsel of Baltimore County  
 Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: \_\_\_\_\_  
 J. Robert Haines, Director of Planning & Zoning  
 Ann M. Nastarowicz, Deputy Zoning Commissioner  
 James E. Dyer, Zoning Supervisor  
 W. Carl Richards, Jr., Zoning Coordinator  
 Tocket Clerk  
 Arnold Jablon, County Attorney

**Baltimore County Zoning Commissioner**  
 Office of Planning & Zoning  
 Towson, Maryland 21204  
 (301) 887-3333

J. Robert Haines  
 Zoning Commissioner

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 315 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance  
 CASE NUMBER: 90-243-A  
 E/S of Ruxway Road, 571' S of c/l of Joppa Road  
 7921 Ruxway Road  
 9th Election District - 4th Councilmanic District  
 Petitioner(s): Allen YiYen Tien and Nai Quing Chen  
 HEARING SCHEDULED: TUESDAY, DECEMBER 19, 1989 at 9:30 a.m.

Variance to permit an accessory structure (shed) in the side yard with a front lot line setback of 59 feet in lieu of the required rear yard and 60 feet, respectively.

It is the intent that this Petition if 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: Petitioners

**ZONING ENFORCEMENT** Baltimore County Zoning Office Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND  
 INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer  
 Zoning Supervisor

FROM: James H. Thompson  
 Zoning Enforcement Coordinator

RE: Item No. (if known) 101  
 Petitioner: (if known) *See Defendant below*

VIOLATION CASE # C-90-248  
 LOCATION OF VIOLATION 7921 Ruxway Rd.  
 DEFENDANT ALLEN YIYEN TIEN & NAI QUING CHEN  
 ADDRESS 7921 Ruxway Rd, Balto, MD 21204

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

7923 Ruxway Road  
 Towson  
 Maryland 21204

December 18, 1989

RECEIVED  
 DEC 20 1989  
 ZONING OFFICE

Robert J. Haines, Esq.  
 Zoning Commissioner  
 Baltimore County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

Dear Mr. Haines:

We, the undersigned, moved into 7923 Ruxway Road in June of 1969. About a month after we moved into the house our neighbor, Mr. Tien began to construct a shed on the side of his house. Mr. Tien not only new to the neighborhood but new to Baltimore County, having lived in Montgomery County for the past thirty years, having within his rights to do so. We were upset that he decided to locate the shed on the side of his house next to us because it is quite close to his property line directly across from our patio and is in full view when we sit outside in the summertime. In addition, the structure is higher than the normal garden shed.

Because we were disturbed by the location of the shed we contacted the Executive Director of the Ruxton Riderwood Association, Louise Schultz, to see if there were any covenants or restrictions in our neighborhood which would regulate or require approval of sheds, fences, etc. Mrs. Schultz advised us that there were not but she suggested someone in the Zoning Commissioner's office who informed her that Mr. Tien needed a zoning variance to erect the shed in his side yard and they did not object to its location. A few days later a zoning inspector did come out to look at the shed and to take pictures of it from various angles. I understood that Mrs. Schultz also called on Mr. Tien to apprise him of the zoning regulations and Mrs. Schultz also called on Mr.