

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
5/5 Perryhurst Place, 127' E of * DEPUTY ZONING COMMISSIONER
the c/l of Seven Courts Drive (3803 Perryhurst Place) * OF BALTIMORE COUNTY
11th Election District * Case No. 90-272-A
5th Councilmanic District
Gregory J. Weinberger, et al
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a recreational vehicle (boat with trailer) to be located in the front and side yards in lieu of the required rear yard and side yard at least 8 feet to the rear of a lateral project, a of the front foundation line, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Deborah M. Wesley, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 3803 Perryhurst Place, consists of 6,468 sq. ft. zoned D.R. 5.5 and is improved with a single family dwelling which has been Petitioners' residence for the past 18 months. Petitioner testified that since April, 1989, they have parked a 20-foot boat on a trailer in the front of the property on a parking pad as depicted in Petitioner's Exhibit 1. As a result of receiving a zoning violation notice, Petitioners filed the instant Petition to request permission to continue to park the boat in the front yard. Testimony indicated that strict compliance with the zoning regulations would make ingress and egress of the boat difficult for Petitioners as a result of the steep incline of the property from the side yards towards the rear. Ms. Wesley further testified that they would lose the full use of

their property if required to park the boat in the rear yard and that it would be very costly to store the boat elsewhere.

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).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have 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.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of January, 1990 that the Petition for Zoning Variance to permit a recreational vehicle (boat with trailer) to be located in the front and side yards in lieu of the required rear yard and side yard at least 8 feet to the rear of a lateral projection of the front foundation line, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

C. M. NAST-KOWICZ
ANN M. NAST-KOWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:mjs

PETITION FOR ZONING VARIANCE #129 90-272-A

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 and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 415.A.1 and .2 To permit a recreational vehicle (a boat with trailer) in the front & side yard in lieu of the permitted rear yard & side yard 8 ft. to the rear of a lateral projection of the front foundation line.

1. 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.
2. PROPERTY HAS STEEP INCLINE ON BOTH SIDES OF HOME
3. NOT HAVING FULL USE OF PROPERTY
4. GREAT EXPENSE TO STORE BOAT ELSEWHERE

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.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Address: _____
City and State: _____
Signature: _____
Address: _____
City and State: _____
Attorney's Telephone No.: _____
Address: _____
Phone No.: _____

ORDERED By the Zoning Commissioner of Baltimore County, this _____ day

of _____, 19____, 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 _____ day of _____, 19____, at _____ o'clock _____ M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

BEGINNING AT A POINT ON THE SOUTH SIDE OF PERRYHURST PLACE AT A DISTANCE OF 127 FT. EAST OF THE CENTER LINE OF SEVEN COURTS DRIVE BEING KNOWN AS LOT 17 BLOCK 0 ON PLAT #43 FOLIO 130 IN THE SUBDIVISION OF OAKHURST PLAT 9 SECT 2 ALSO KNOWN AS 3803 PERRYHURST PLACE IN THE 11TH ED.

OWNERS WILL TAKE FULL RESPONSIBILITY AS TO THE INFORMATION PROVIDED ON SAID PLAT PREPARED BY SAID CO.
William J. Weinberger DATE
Deborah M. Wesley DATE
OWNER

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 12/14/89
Posted for: Variance
Petitioner: Gregory J. Weinberger / Deborah M. Wesley
Location of property: 3803 Perryhurst Place, 127' E of Seven Courts Drive
Location of Sign: 3803 Perryhurst Place
Remarks: on property of Petitioner
Posted by: M. Haines Date of return: 12/14/89
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 14, 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 14, 1989.

THE JEFFERSONIAN

S. Zebe Orlan
Publisher

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 14, 1989.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zebe Orlan
Publisher

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

receipt
No. 927

1/10/90
PUBLIC HEARING FEES QTY PRICE
080 - POSTING SIGNS / ADVERTISING 1 X \$118.57
TOTAL: \$118.57
LAST NAME OF OWNER: WEINBERGER

8 010 *****118578 5108F
Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 827-3353

Gregory J. Weinberger
Deborah M. Wesley
3803 Perryhurst Place
Baltimore, Maryland 21208

Re: Petition for Zoning Variance
CASE NUMBER: 90-272-A
5/5 of Perryhurst Place, 127' E of Seven Courts Drive centerline
3803 Perryhurst Place
11th Election District - 5th Councilmanic
Petitioner(s): Gregory J. Weinberger / Deborah M. Wesley
HEARING: WEDNESDAY, JANUARY 10, 1990 at 9:00 AM

Dear Petitioners:

Please be advised that \$118.57 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 OR THE OFFICE SHALL NOT ISSUE. 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 West 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

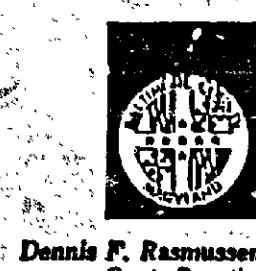
JRH
cc: File

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, telephone 827-3353 to confirm hearing date.)

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

DEC 05 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:

Petition for Zoning Variance
CASE NUMBER: 90-272-A
S/S of Perryhurst Place, 127' E of Seven Courts Drive centerline
3803 Perryhurst Place
11th Election District - 5th Councilmanic
Petitioner(s): Gregory J. Wesinberger/Debra M. Wesley
HEARING: WEDNESDAY, JANUARY 10, 1990 at 9:30 a.m.

Variance to permit a recreational vehicle (a boat with a trailer) in the front and side yard in lieu of the permitted rear yard and side yard 8 feet to the rear of a lateral projection of the front foundation line.

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.

(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, telephone 887-3391 to confirm hearing date.)

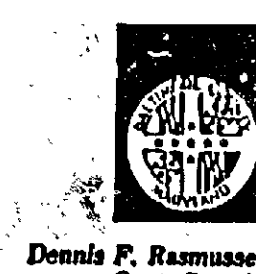
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:js
cc: Petitioners

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

DEC 05 1989

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11th Election District - 5th Councilmanic
Petitioner(s): Gregory J. Wesinberger/Debra M. Wesley
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(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, telephone 887-3391 to confirm hearing date.)

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

JRH:js
cc: Petitioners

ZONING ENFORCEMENT

#129
90-272-A

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer DATE: October 10, 1989
Zoning Supervisor

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Item No. 129 (if known)
Petitioner: William Wesley (if known)

VIOLATION CASE # C-90-450

LOCATION OF VIOLATION 3803 Perryhurst Place

DEFENDANT William Wesley

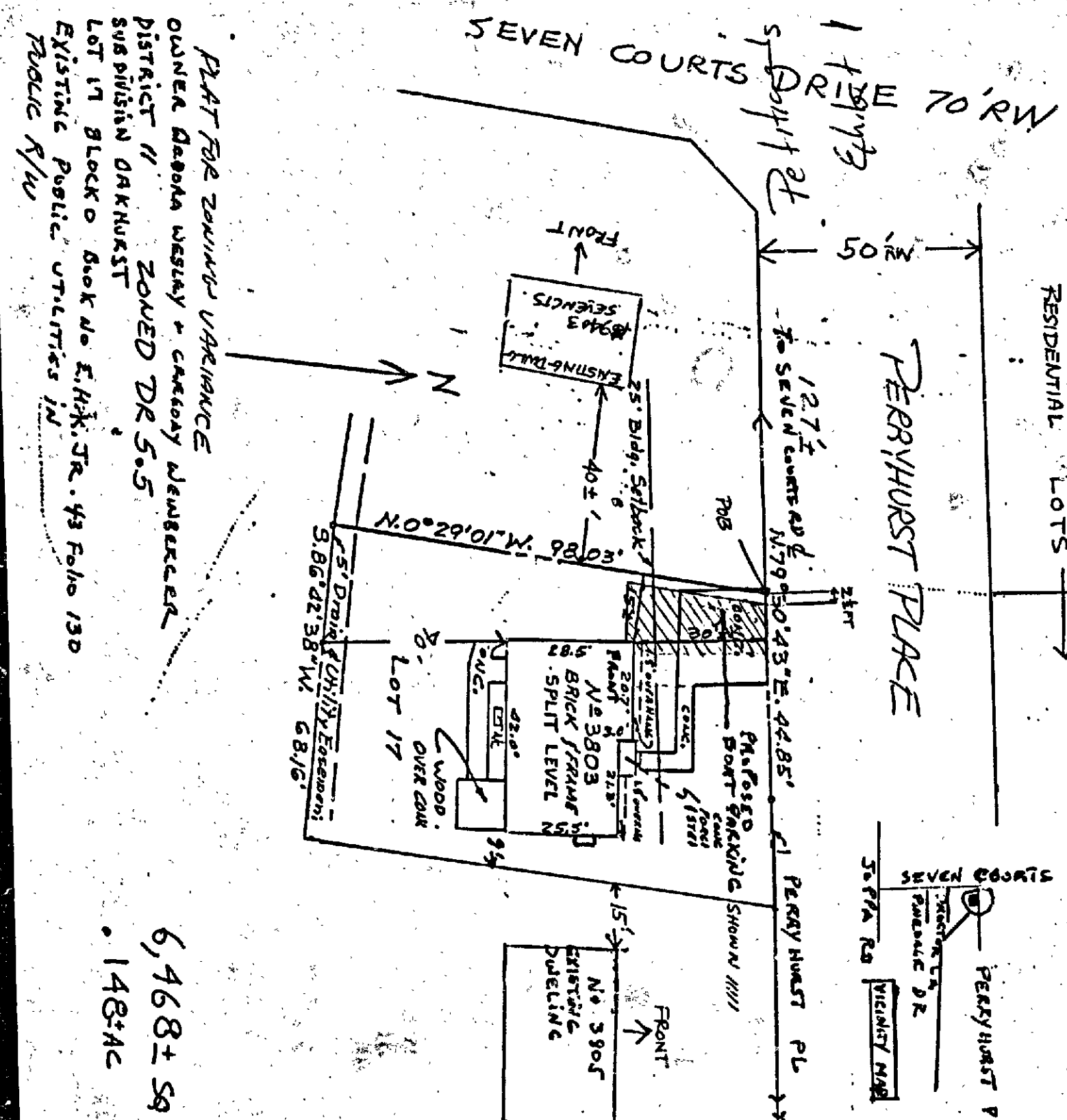
ADDRESS 3803 Perryhurst Place Baltimore, MD 21236

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.

ech/



DATE: 10/10/89
BY: J. Robert Haines
Zoning Commissioner
BALTIMORE COUNTY, MARYLAND

90-272-A

129

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 4, 1989

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

Mr. & Mrs. Gregory Wesinberger
3803 Perryhurst Place
Baltimore, MD 21236

RE: Item No. 129, Case No. 90-272-A
Petitioner: Gregory J. Wesinberger
Petition for Zoning Variance

Dear Mr. & Mrs. Wesinberger:

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 comments are not requested, but to assure that all parties are the zoning action problems with regard to the development made aware of plans or problems with the Zoning Commissioner 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
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



Your petition has been received and accepted for filing this 24th day of October, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

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

Petitioner: Gregory J. Wesinberger, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: December 12, 1989
Zoning Commissioner

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

SUBJECT: Gregory J. Wesinberger, et al, Item 129
Zoning Petition No. 90-272A

The Petitioners request a variance to allow a recreational vehicle to be stored in the front yard of a residential lot.

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
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
(301) 887-3554

November 9, 1989

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

RECEIVED
NOV 16 1989
ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item number 129 and 130.

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

MSF/lab

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

Paul H. Reincke
Chief

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



Dennis F. Rasmussen
County Executive

RE: Property Owner: GREGORY J. WESINBERGER/D.M. WESLEY

Location: S/S OF PERRYHURST PLACE

Item No.: 129 Zoning Agenda: OCTOBER 24, 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.

REVIEWER: *[Signature]*
Planning Group
Special Inspection Division

Noted and
Approved

[Signature]
Fire Prevention Bureau

JK/AEK

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

J. Robert Haines
Zoning Commissioner

January 18, 1990



Dennis F. Rasmussen
County Executive

Mr. Gregory J. Weinberger
Ms. Debora M. Wesley
3803 Perryhurst Place
Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE
S/S Perryhurst Place, 127' E of the c/l of Seven Courts Drive
(3803 Perryhurst Place)
11th Election District - 5th Councilmanic District
Gregory J. Weinberger, et al - Petitioners
Case No. 90-272-A

Dear Mr. Weinberger & Ms. Wesley:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied 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,

[Signature]

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

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

J. Robert Haines
Zoning Commissioner

February 21, 1990



Dennis F. Rasmussen
County Executive

Ms. Debora M. Wesley
3803 Perryhurst Place
Baltimore, Maryland 21236

RE: Petition for Zoning Variance
S/S Perryhurst Place, 127' E of the c/l of Seven Courts Drive
(3803 Perryhurst Place)
11th Election District - 5th Councilmanic District
Gregory J. Weinberger, et al - Petitioners
Case No. 90-272-A

Dear Ms. Wesley:

In response to your letter dated February 14, 1990 in which you requested an extension of time to comply with the Order issued in the above-captioned matter, please be advised that an extension will be granted you until May 1, 1990 to find suitable storage for your boat.

Thank you for your cooperation in this matter.

Very truly yours,

[Signature]

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Case File
Violation Case File

Debora M. Wesley
3803 Perryhurst Place
Baltimore, MD 21236
(H) 529-0725
(W) 765-6142
February 14, 1990

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, MD 21204

RE: PETITION FOR ZONING VARIANCE
S/S Perryhurst Place, 127' E of the c/l Seven Courts Drive
(3803 Perryhurst Place)
11th Election District - 5th Councilmanic District
Gregory J. Weinberger, Debora M. Wesley - Petitioners
Case No. 90-272-A

Dear Sirs,

Upon receiving a denial of our petition for Zoning Variance to permit a recreational vehicle (boat on trailer) to be located in the front side yard, we have found an appeal would also give the same decision. Therefore, we are making arrangements for an alternate location for the boat. However, due to the winter season it is difficult to find an open marina. So we are asking for time to find a storage location without being found non-compliant with your decision. We believe a storage location could be found prior to June 1, 1990. We ask that we be allowed to keep the boat in its current location until it is moved to the storage location without fine. Please reply to our request.

Sincerely,

[Signature]
Debora M. Wesley

RECEIVED
FEB 15 1990

ZONING OFFICE