

IN RE: PETITION FOR ZONING VARIANCE
 NE/CORNER DALE & BELINDA AVES.
 (713 DALE AVENUE)
 14TH ELECTION DISTRICT
 6TH COUNCILMANIC DISTRICT
 Phyllis L. Szamborski
 Petitioner

AMENDED ORDER

WHEREAS, the Petitioner requested a variance to permit a rear yard setback of 15 feet in lieu of the required 22.5 feet for a proposed open deck in accordance with the plan submitted and identified as Petitioner's Exhibit 1;

WHEREAS, the relief requested in the Order issued in the above-captioned matter on January 22, 1990 erroneously set forth a request for a variance of 22.5 feet and granted such relief;

WHEREAS, subsequent to the issuance of said Order, the Deputy Zoning Commissioner reviewed the case file and has determined that an Amended Order is necessary to correct the error;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of May, 1990 that the Order issued January 22, 1990 be and the same is hereby AMENDED to grant a rear yard setback of 15 feet in lieu of the required 22.5 feet for a proposed open deck.

IT IS FURTHER ORDERED that all other conditions and restrictions contained in the Order issued January 22, 1990 shall remain in full force and effect.

A. M. Haines
 ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:bjis
 cc: Ms. Phyllis L. Szamborski
 713 Dale Avenue, Baltimore, Md. 21206
 People's Counsel; File

ORDER RECEIVED FOR FILING
 Date 5/9/90
 By *[Signature]*

IN RE: PETITION FOR ZONING VARIANCE
 NE/CORNER DALE & BELINDA AVES.
 (713 DALE AVENUE)
 14TH ELECTION DISTRICT
 6TH COUNCILMANIC DISTRICT
 Phyllis L. Szamborski
 Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a rear yard setback of 22.5 feet for a proposed open deck in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 713 Dale Avenue, consists of 5,706 sq. ft. zoned D.R. 5.5, and is improved with a two story single family dwelling. Said property is pie-shaped and adjoins a grass alley. Petitioner proposes the construction of a 10' x 23' deck on the rear of the existing dwelling, however, due to the shape of the lot and the location of the dwelling thereon, the requested variance is needed for the deck construction to conform to the existing dwelling and surrounding neighborhood. Ms. Szamborski indicated that she has discussed her plans with her neighbors who have no objections. She further testified that the granting of the variance will not result in any detriment to the health, safety, or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy 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

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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 Deputy Zoning Commissioner for Baltimore County this 9th day of January, 1990 that the Petition for Zoning Variance to permit a rear yard setback of 15 feet for a proposed open deck 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.

A. M. Haines
 ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:bjis

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 Date 5/9/90
 By *[Signature]*

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 887-3333

J. Robert Haines
 Zoning Commissioner

January 22, 1990



Dennis F. Rasmussen
 County Executive

Ms. Phyllis L. Szamborski
 713 Dale Avenue
 Baltimore, Maryland 21206

RE: PETITION FOR ZONING VARIANCE
 NE/CORNER DALE AND BELINDA AVENUES
 (713 DALE AVENUE)
 14TH ELECTION DISTRICT - 6TH COUNCILMANIC DISTRICT
 Phyllis L. Szamborski - Petitioner
 Case No. 90-273-A

Dear Ms. Szamborski:

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,

A. M. Haines
 ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

AMN:bjis

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

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 1. B. 02.3.C.1.Y.T. TO PERMIT A REAR YARD SETBACK OF 15 FT. IN LIEU OF THE REQUIRED 22.5 FT. FOR AN OPEN DECK.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County for the following reasons (state hardship or practical difficulty):
1. DECK MUST MAINTAIN CONFLUENCE OF DWELLING FOR ARCHITECTURAL CONTROL
 2. SUBJECT PROPERTY IRREGULAR IN CONTRAST WITH OTHERS
 3. HOUSE LOCATION ON PROPERTY NOT RESULT OF ARBITRARY ACTION

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 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)

Legal Owner(s): PHYLLIS L. SZAMBORSKI
 (Type or Print Name)

Signature: _____
 (Type or Print Name)

City and State: _____
 Signature: _____

Attorney for Petitioner: 713 DALE AVE 661-3409
 (Type or Print Name) Phone No. _____

City and State: BALTO MD 21206
 (Type or Print Name) Phone No. _____

Signature: _____
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted

City and State: _____
 Name _____

Attorney Telephone No.: _____
 Address _____ Phone No. _____

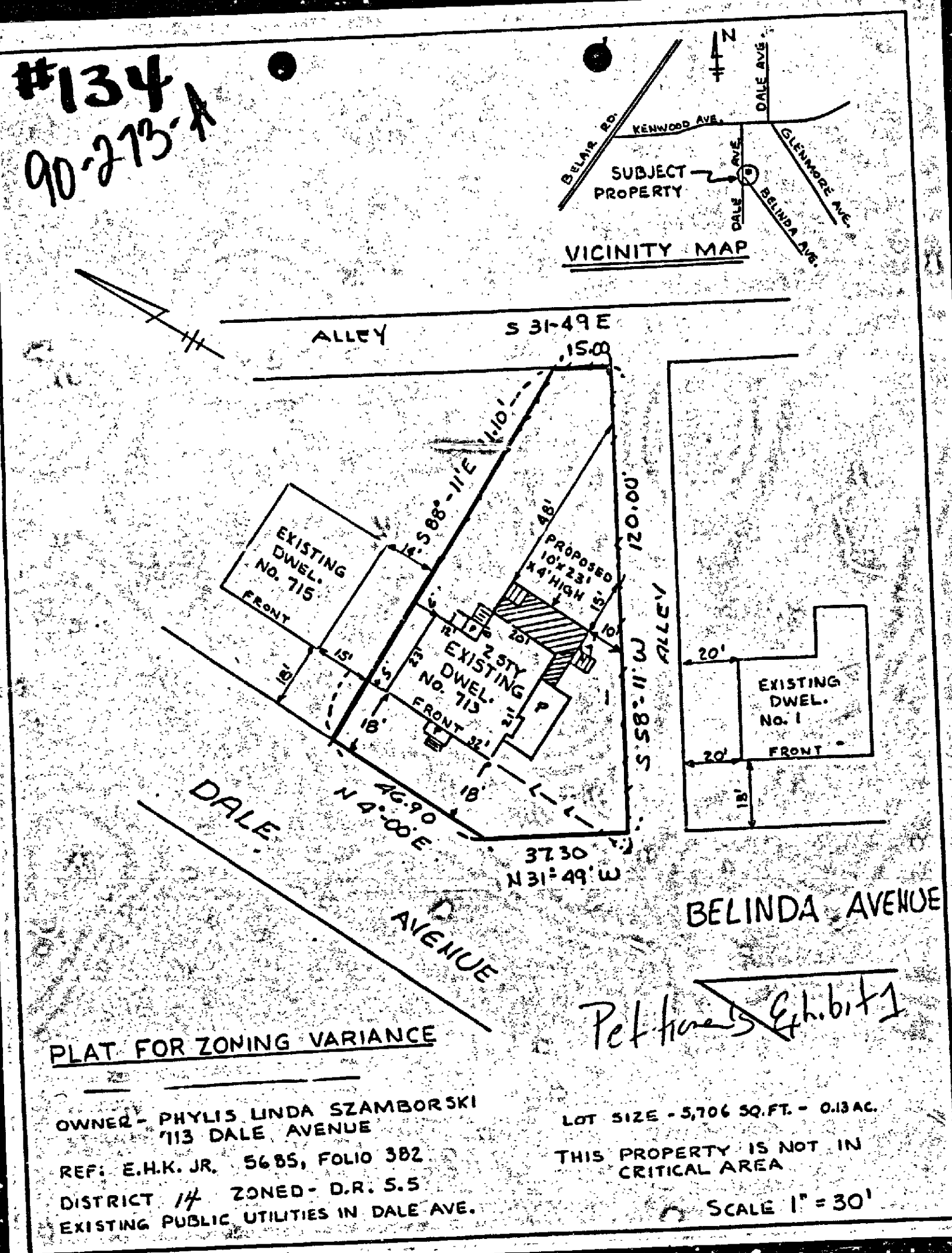
ORDERED By the Zoning Commissioner of Baltimore County, this 1st day of Jan, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-out Baltimore County, last previously so posted, and that the public hearing be had before the Zoning Commission of Baltimore County in Room 166, County Office Building in Towson, Baltimore County, on the 10 day of Jan, 1990, at 2:30 o'clock.

ESTIMATED LENGTH OF HEARING: 1/2HR.
 1HR.
 1 1/2HR.
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ORDER RECEIVED FOR FILING
 Date 1/10/90
 By *[Signature]*

Zoning Description

Beginning at the intersection of the easternmost side of Dale Avenue with the northeasternmost side of Belinda Avenue and running thence bounding on the easternmost side of Dale Avenue, North 4 degrees East 46.9 feet to an iron pipe; thence running - a line of division now made, South 88 degrees 11 minutes East 111.10 feet to the westernmost side of an alley 15 feet wide; thence bounding on the westernmost side of said alley, South 31 degrees 49 minutes East 15 feet; thence bounding on the northernmost side of another alley 15 feet wide, 49 minutes West 37.3 feet to the place of beginning. As laid on the Plat of Kenwood, Section D, Plat Book W.P.C. No. 4, folio 36; being parts of Lots Nos. 34.35, and 36. The improvements thereon being known as No. 713 Dale Avenue. Recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 7207, folio 826.



#134
 90-273-A

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 887-3333

J. Robert Haines
 Zoning Commissioner

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 90-273-A
 NE/Cor Dale and Belinda Avenues
 713 Dale Avenue
 14th Election District - 6th Councilmanic
 Petitioner(s): Phyllis L. Szamborski
 HEARING: WEDNESDAY, JANUARY 10, 1990 at 9:30 a.m.

Variance to permit a rear yard setback of 15 feet in lieu of the required 22.5 feet for an open deck.

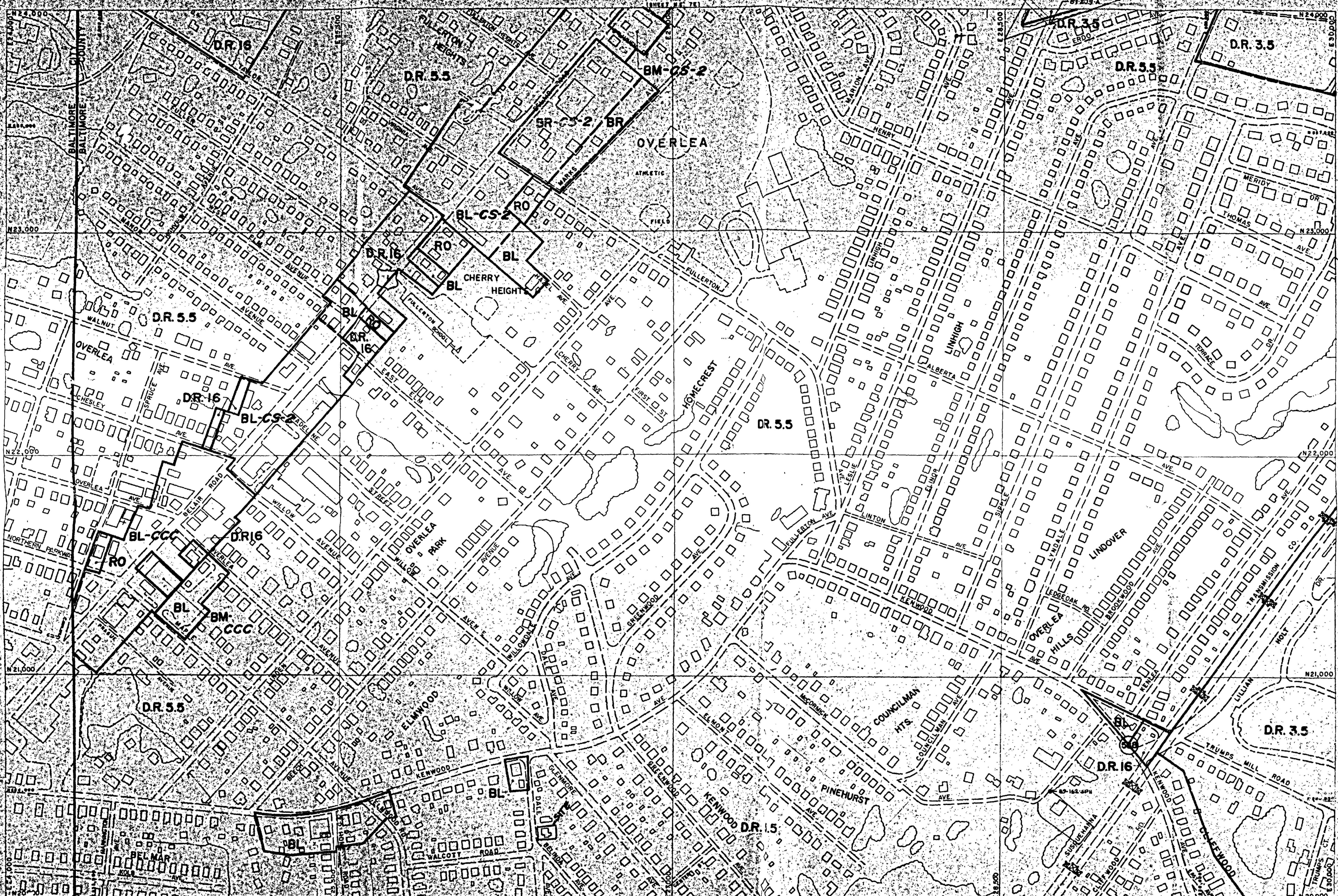
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, maintain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office of the hearing set above or presented at the hearing.

NOTES
 (If "PHASE II" of the "500M 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:gs
 cc: Petitioner

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 By *[Signature]*



N-SE M-SW
J-NE I-NW

1968 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
On 11/15/1968

**#134 BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

SCALE 1" = 200'	LOCATION OVERLEA	SHEET N.E. 6-E
DATE OF PHOTOGRAPHY JANUARY 1966		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-MORRIS, INC., BALTIMORE, MD. 21216

Chairman, County Council

90-213-A