

IN RE: PETITION FOR ZONING VARIANCE
8/5 Russet Court, 251' W of
Golden Tree Lane
(8 Russet Court)
15th Election District
6th Councilmanic District
Charles J. Shanks, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-308-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a minimum horizontal distance between buildings of 12 feet in lieu of the required 16 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners, by Charles Shanks, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 8 Russet Court, consists of 5,700 sq. ft. zoned B.C.2.C.1 and is improved with a two story dwelling which has been Petitioners' residence for the past 10 years. Petitioners propose constructing a 12' x 26' addition on the north-east side of the existing dwelling to provide additional habitable space. Testimony indicated that due to the layout of the dwelling and its location on the property, the variance requested is necessary. Petitioner testified that he has spoken with the adjoining affected property owner who has no objection to his plans. To support his testimony, Petitioner introduced as Petitioner's Exhibit 2 a signed statement by his neighbors indicating their approval. Testimony indicated the proposed addition could not be placed on the rear of the dwelling due to the existence of the outside basement stairway. Further testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the 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 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 February, 1990 that the Petition for Zoning Variance to permit a minimum horizontal distance between buildings of 12 feet in lieu of the required 16 feet for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(90) 887-3333

J. Robert Hines
Zoning Commissioner

February 9, 1990

Mr. & Mrs. Charles J. Shanks
8 Russet Court
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
8/5 Russet Court, 251' W of Golden Tree Lane
(8 Russet Court)
15th Election District - 6th Councilmanic District
Charles J. Shanks, et ux - Petitioners
Case No. 90-308-A

Dear Mr. & Mrs. Shanks:

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,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel
File



Dennis F. Rasmussen
County Executive

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-308-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 1801.2.C.1 - To permit a minimum horizontal distance between buildings of 12 feet in lieu of the required minimum of 16 feet.

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

- Practical Difficulty
1. Strict compliance with current requirements would unreasonably prevent expansion of current living quarters and use of this property.
 2. A lesser relaxation will not offer any substantial relief.
 3. If relief is granted public safety and welfare will be maintained.

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 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.:

Legal Owner(s):

Mr. Charles J. Shanks

Signature

Mrs. Charles J. Shanks

Signature

#8 Russet Court 574-9132

Baltimore, MD 21221

City and State

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

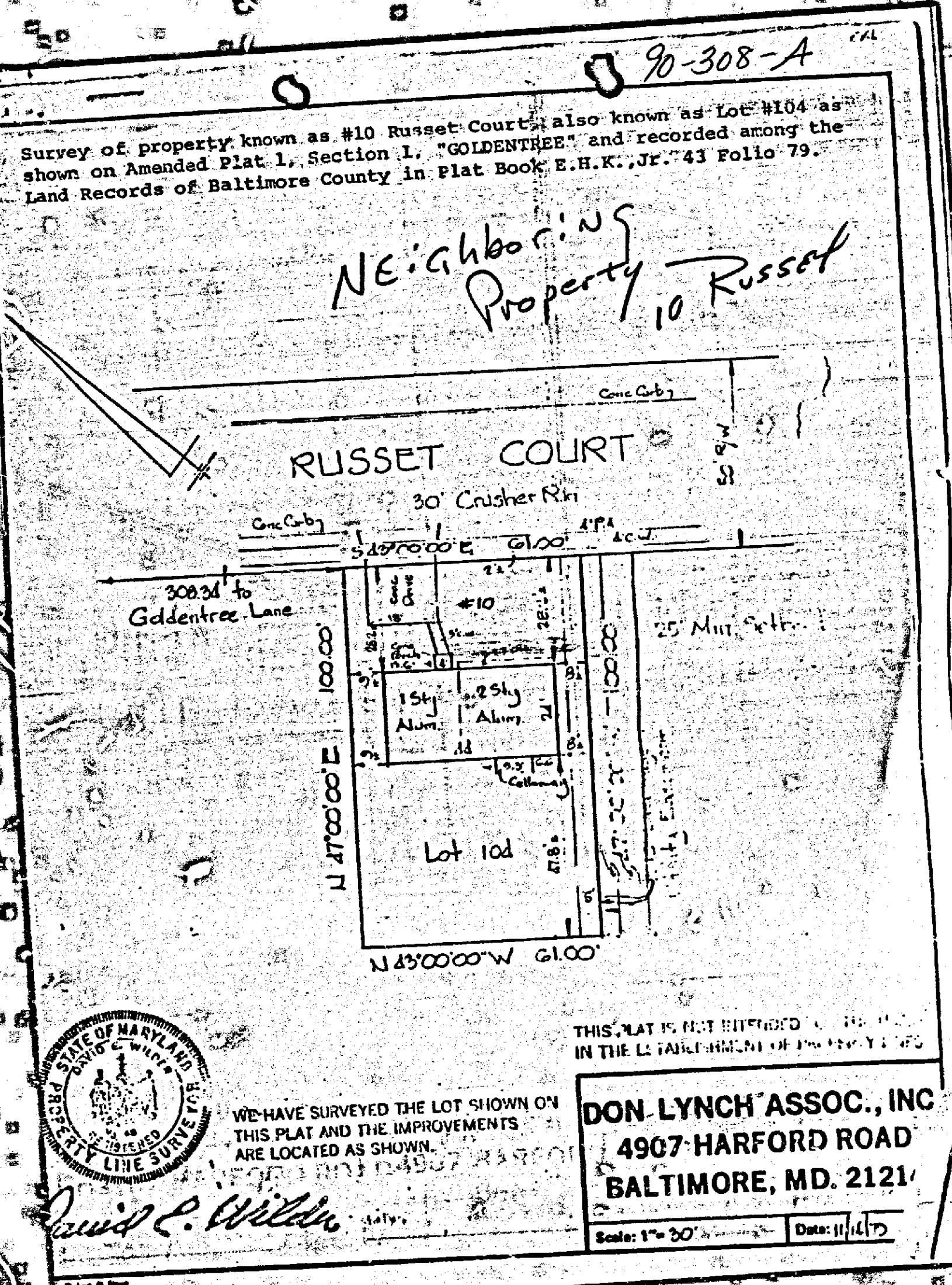
Name

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 29 day of February, 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5 day of Feb, 1990, at 9:30 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County
(over)



PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-308-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 1801.2.C.1 - To permit a minimum horizontal distance between buildings of 12 feet in lieu of the required minimum of 16 feet.

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

- Practical Difficulty
1. Strict compliance with current requirement would unreasonably prevent expansion of current living quarters and use of this property.
 2. A lesser relaxation will not offer any substantial relief.
 3. If relief is granted public safety and welfare will be maintained.

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 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.:

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 29 day of February, 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5 day of Feb, 1990, at 9:30 o'clock A.M.

J. Robert Hines
Zoning Commissioner of Baltimore County
(over)

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-308-A #166

I, William A. Roberts, and my wife, Michele A. Roberts, residents of 10 Russet Court, Baltimore, MD 21221 (Baltimore County) hereby give notice that we waive any right, title, or interest with respect to Mr. & Mrs. Charles J. Shanks' proposed construction, which would exceed the normal setback limitations. Specifically, we are supporting their request to Baltimore County for variances which would allow them to construct closer to the property line than what is now allowable pursuant to Baltimore County regulations. We will be happy to execute any further assurances as may be required with respect to their endeavor.

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:
I hereby certify that on this 5th day of April, 1989, before me, the subscriber, a Notary Public of the State and subdivision aforesaid, personally appeared William A. and Michelle Roberts who made oath in due form of law that the foregoing agreement is their voluntary act and deed and that the matters and facts set forth therein are true and correct.

As witness my hand and Notarial Seal.

Witness

Signature

Signature

Signature

Signature

Signature

Signature

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PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-308-A #166

Survey of property known as #10 Russet Court, also known as Lot #104 as shown on Amended Plat 1, Section 1, "GOLDENTREE" and recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. 43 Folio 79.

NEIGHBORING PROPERTY 10 Russet

RUSSET COURT

30' Crutcher Rd

Golden Tree Lane

15' 25' 15'

15' 25' 15'

15' 25' 15'

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90-308-A 166

I, William A. Roberts, and my wife, Michelle A. Roberts, residents of 10 Russet Court, Baltimore, MD 21221 (Baltimore) hereby give notice that we waive any right, title, or interest with respect to Mr. & Mrs. Charles J. Roberts' proposed construction, which would exceed the normal setback limitations. Specifically, we are supporting their request to Baltimore County for variances which would allow them to construct closer to the property line than what is now allowable pursuant to Baltimore County regulations. We will be happy to execute any further assurances as may be required with respect to their endeavor.

Sandra Bittiger
Witness

William A. Roberts

Michelle Roberts

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:
I hereby certify that on this 5th day of April, 1988, before me, the
subscriber, a Notary Public of the State and subdivision aforesaid, personally
appeared William A. and Michelle Roberts who made oath in due form of law that
the foregoing agreement is their voluntary act and deed and that the matters and
facts set forth therein are true and correct.
As witness my hand and Notarial Seal.

Sandra L. Gittinger
Notary Public
My commission expires: 9/1/90

My commission expires: 9/1/90

My commission expires: 9/1/90

Religious
Exhibits
2

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 Jan 3, 1990.

**NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER**

S. Zehe Ober

Public

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 4, 1990

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 Jan 4, 1990.

THE JEFFERSONIAN

S. Zehe Obern

Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

OF BALTIMORE COUNTY
Towson, Maryland

Donco

✓ J. S. A. _____ Date of Posting _____

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Page 12

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12-13

Date of return: 1/1/71

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

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Charles J. Sherk
8 Runnet Court
Baltimore, Maryland 21221

Petition for Zoning Variance
 CASE NUMBER: 90-308-A
 5/3 Russett Court, 251' N. Eldon Tree Lane
 8 Russett Court
 15th Election District - 8th Councilmanic
 Petitioner(s): Charles J. Sharke, et al
 HEARING: MONDAY, FEBRUARY 5, 1990 at 9:30 a.

Please be advised that \$ 121.56 is due for advertising and posting of the above captioned property.

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

J. ROBERT HAINES
ZONING COMMISSIONER

NOTE:
(If "PHASE II" of the
"SNOW EMERGENCY PLAN"
is in effect in Baltimore
County on the above hear-
ing date, the Hearing
will be postponed. In
the event of snow, tele-
phone 887-3391 to confirm
hearing date.)

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

Variance to permit a minimum horizontal distance between buildings of 12 feet in lieu of the required minimum of 18 feet.

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.

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 A87-3391 to confirm hearing date.)

J. Robert Haines

J. ROBERT HAINES

Mr. & Mrs. Sharles

