

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
 W/S Jackson Cabin Road, 669.78' S Hampshire Knob Road
 3607 Jackson Cabin Road
 10th Election District
 6th Councilmanic District

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
 OF BALTIMORE COUNTY
 Case No. 90-501-A

The Fields of Four Corners Development Corp. Legal Owner
 T. Wray McCurdy, et ux
 Contract Purchasers
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback on the south side of the property of 46 feet instead of the required 50 feet, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to permit a side yard setback on the south side of the property of 46 feet in lieu of the required 50 feet.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of June, 1990 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback on the south side of the property of 46 feet instead of the required 50 feet, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the relief granted herein:

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.

J. Robert Haines
 Zoning Commissioner
 for Baltimore County

JRH:mmm
 cc: Peoples Counsel

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

J. Robert Haines
 Zoning Commissioner

June 20, 1990



Dennis F. Rasmussen
 County Executive

Mr. and Mrs. T. Wray McCurdy
 2115 Old Orems Road
 Baltimore, Maryland 21220

RE: Petition for Residential Zoning Variance
 Case No. 90-501-A

Dear Mr. and Mrs. McCurdy:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, 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:mmm
 encl.
 cc: Peoples Counsel
 cc: Mr. Thomas Koch, President
 The Fields of Four Corners Development, Corp.

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

90-501-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, petition for a Variance from Section 1A04.3.B.3 to permit a side yard setback on the south side of 46 feet instead of the required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The subdivision requires 2500 square foot of living space. A 2560 square foot home proposed is 63'8" wide. The envelope only allows a 55' wide home. The square footage requirement cannot be met within the building envelope with the proposed design. This amounts to practical difficulty and we the contract purchasers, are requesting a variance, to allow a 46' setback on one side in lieu of the 50' required side yard setback.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, 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:
 T. Wray McCurdy/Gail H. McCurdy
 The Fields of Four Corners Development Corporation
 2115 Old Orems Road
 Baltimore, Maryland 21220
 Attorney for Petitioner:

Legal Owner(s):
 The Fields of Four Corners Development Corporation
 Thomas Koch President
 19 Inverin Circle
 Timonium, Maryland 21053
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
 T. Wray McCurdy
 2115 Old Orems Road
 Baltimore, Md. 21220

ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of June, 1990, that the subject matter of this petition be posted on the property on or before the 30th day of June, 1990.

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IF IT IS FURTHER 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 the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock, _____.

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE
 A-102-0P
 The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/does presently or upon settlement will reside at 3607 Jackson Cabin Road, Phoenix, Maryland (Address)

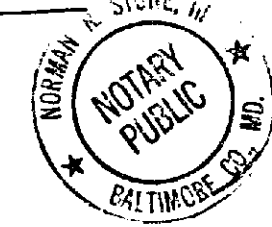
That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)
 The recorded restrictions require 2500 square foot of living space exclusive of side load 2 car garage. The building envelope only allows a 55' wide home and must be widened to a 46' side setback to accommodate a 2560 square foot 63'8" wide home exclusive of two car garage due to the practical difficulty in locating a 2500' home within the building envelope.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Gail H. McCurdy
 Affiant (Handwritten Signature)
 Gail H. McCurdy
 Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
 I HEREBY CERTIFY, this 21st day of May, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared T. Wray McCurdy & Gail H. McCurdy
 the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.
 5-8-90
 My Commission Expires: 7-1-90



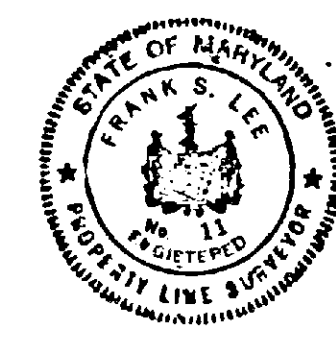
Phone: 687-6922
 FRANK S. LEE
 Registered Land Surveyor
 1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

May 2, 1990

No. 3607 Jackson Cabin Road
 10th District Baltimore County, Maryland

Beginning for the same on the southwest side of Jackson Cabin Road at the distance of 669.78 feet measured southerly along the southwest side thereof from the southeast side of Hampshire Knob Road, and being known as Lot 27, Plat 2, The Fields of Four Corners.

Containing 1.253 acres of land more or less.



CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 1076 Date of Posting: 6/1/90
 Posted for: Variance
 Petitioner: T. Wray McCurdy et ux
 Location of property: 3607 Jackson Cabin Rd, 669.78' S Hampshire Knob Rd
 Location of Signs: 3607 Jackson Cabin Rd, 669.78' S Hampshire Knob Rd
 Remarks: See Survey, and Property of J. Robert Haines
 Posted by: [Signature] Date of return: 6/1/90
 Number of Signs: [Signature]

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

Account: R001 6150
 Number

receipt
 No: 2404

Date	5/21/90	AMOUNT	4999.00
FOR THE SERVICE OF			
FOR ZONING VARIANCE FILING	1	\$25.00	
FOR POSTING SIGN	1	\$25.00	
TOTAL		\$50.00	
LAST NAME OF OWNER, INCLUDING			

Cashier Validation: B BESP*****SAPCS County ESF
 Please make checks payable to "Baltimore County"

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

May 17, 1990

Mr. & Mrs. T. Wray McCurdy
 2115 Old Orems Road
 Baltimore, Maryland 21220

Re: CASE NUMBER: 90-501-A*
 ITEM NUMBER: 384
 LOCATION: 3607 Jackson Cabin Road

Dear Petitioner:

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case numbers. Any contact made to this office should reference this number.

After the closing date to file a request for hearing has passed, the file will be taken to the Zoning Commissioner for review. You will next receive from this office:

1) Notice that a formal request for hearing has been filed, taking the matter out of the administrative process. This will mean advertising and reposting of the property and a public hearing to be scheduled approximately 30 - 45 days from receipt of said notice.

2) Notice that the matter has completed the administrative process and that you may return the sign/post and pick-up your Order.

Very truly yours,

G. G. Stephens

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3353

May 18, 1990



Dennis F. Rasmussen
County Executive

Mr. Thomas Koch
The Field of Four Corners
19 Inverin Circle
Timonium, MD 21053

RE: Item No. 384, Case No. 90-501-A
Petitioner: Thomas Koch, et al
Petition for Residential Variance

Dear Mr. Koch:

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 plans 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

cc: Mr. & Mrs. T. Wray McCurdy
2115 Old Orem Road
Baltimore, MD 21220

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21284
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 15th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

Julie Winarski
Chairman,
Zoning Plans Advisory Committee

Petitioner: Thomas Koch, et al
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 22, 1990

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

SUBJECT: The Fields of Four Corners Development Corp.
Item No. 384

The Petitioners request a Variance to side yard setback requirements.

In reference to the Petitioner's request, staff offers no comments.

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
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21284-3300
(301) 887-4200

Paul H. Reincke
Chief

MAY 21, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21284

RE: Property Owner: THE FIELDS OF FOUR CORNERS
DEVELOPMENT CORPORATION

Location: #3607 JACYPSON CABIN ROAD

Item No.: 384 Zoning Agenda: MAY 29, 1990

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.

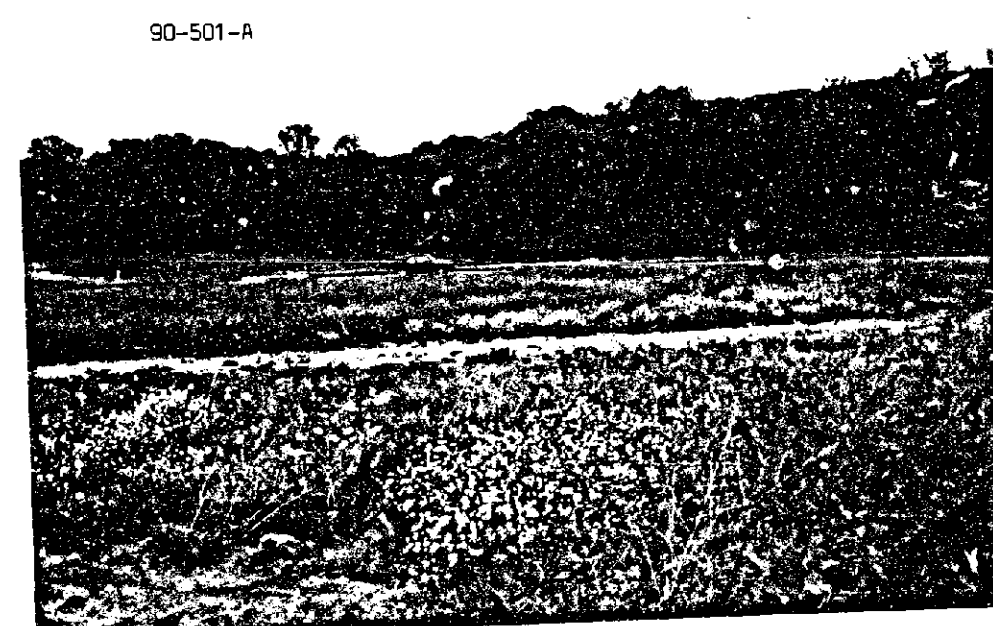
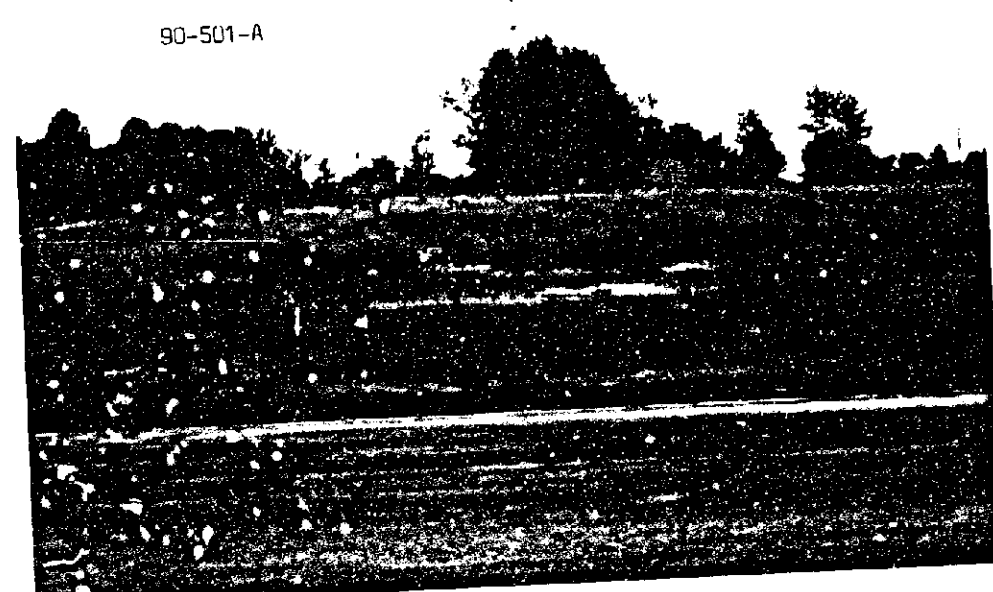
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl J. ...* Noted and Approved *Paul H. Reincke*
Fire Prevention Bureau
Special Inspection Division

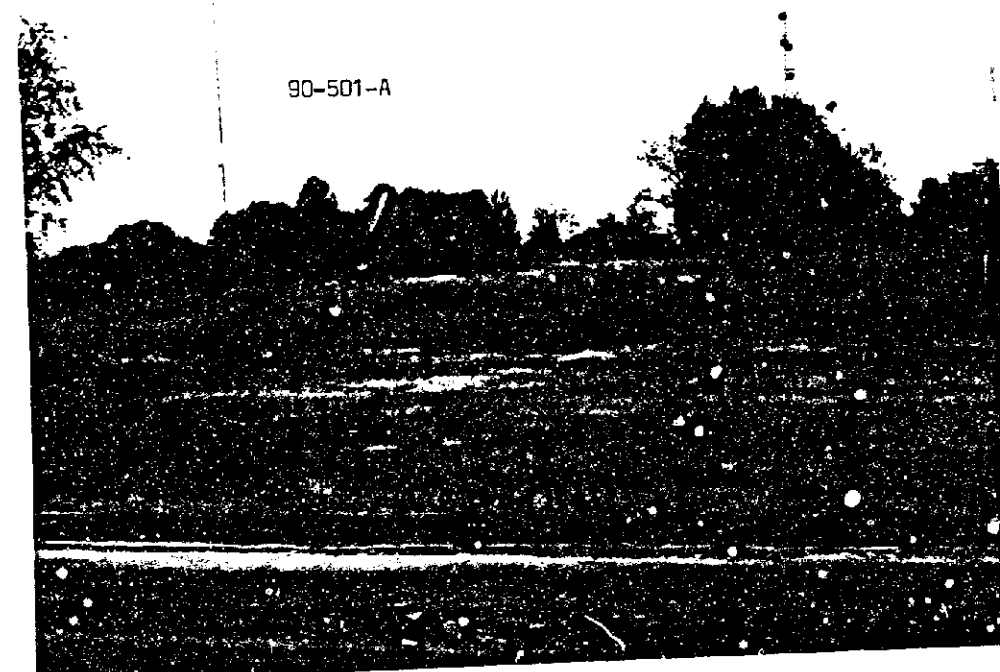
JE/TEK



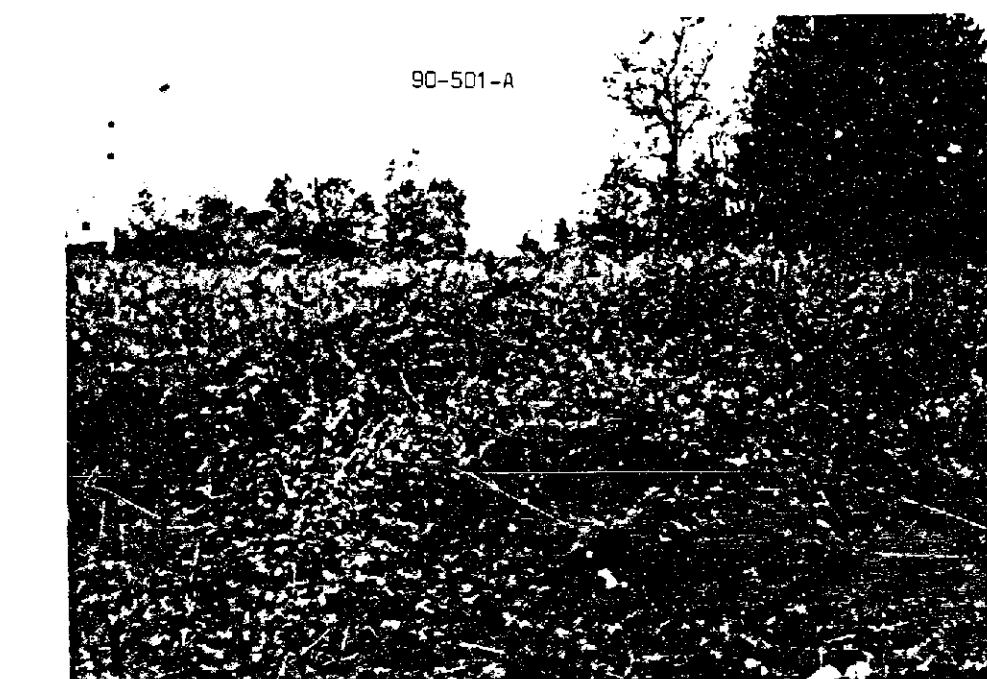
*Petitioner's Exhibit 4
90-501 A*



*Petitioner's Exhibit 5
90-501 A*



*Petitioner's Exhibit 2
90-501 A*



*Petitioner's Exhibit 3
90-501 A*



OWNER
T. Wray McCurdy
2115 Old Orens Road
Baltimore, Md. 21220

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FRANK S. LEE
1277 NEIGHBORS AVE.
BALTIMORE, MD. 21247

JACKSON CABIN (50')

1.253 Ac. ±

EXISTING ZONING - R.C. 5

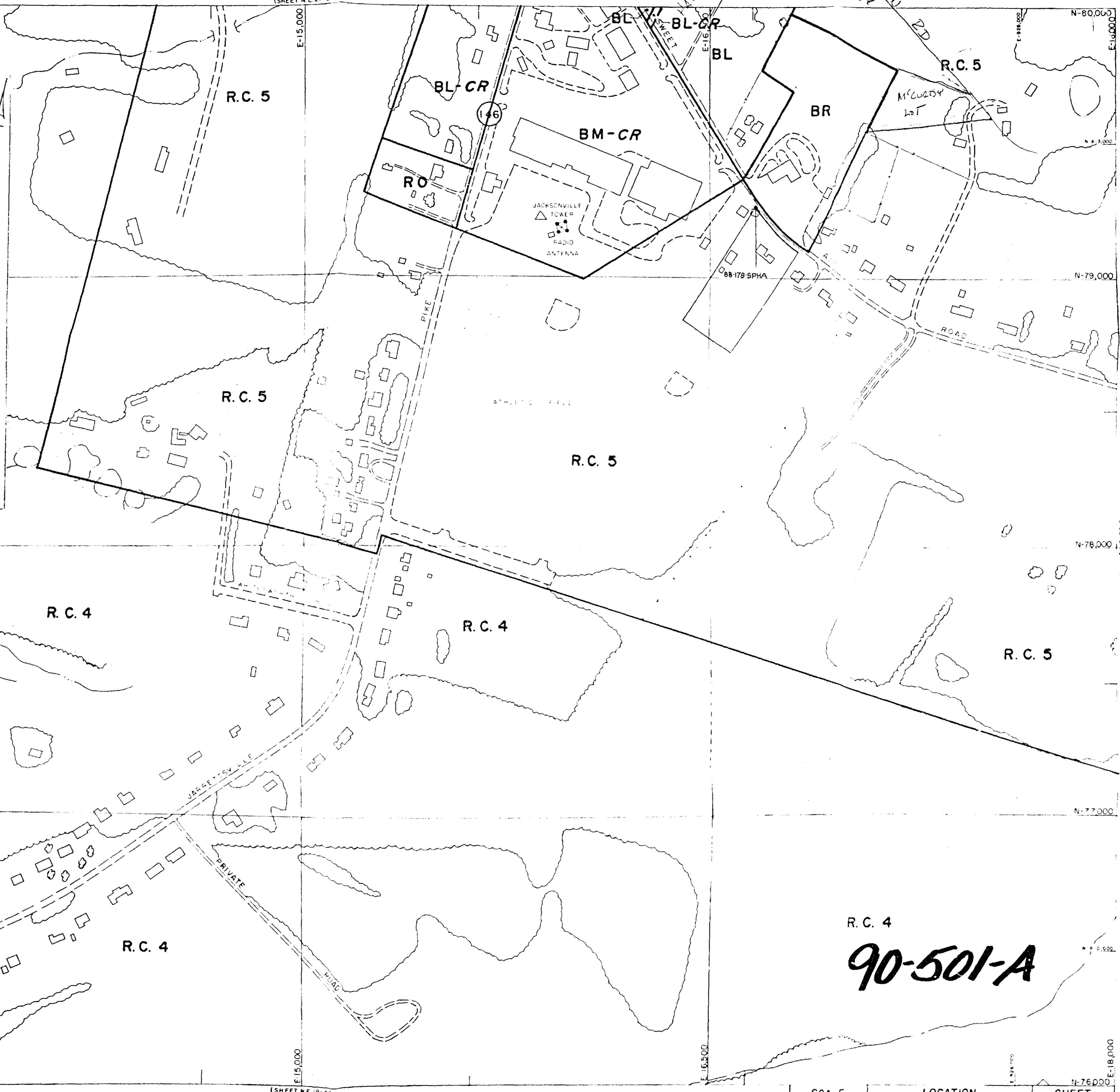
PLAT TO ACCOMPANY PETITION FOR A SIDE YARD VARIANCE OF 40' IN LIEU OF THE REG. 50'

Petitioner's Exhibit 1

No. 3607
LOT 27 PLAT II
THE FIELDS OF FOUR CORNERS

90-501-A

10TH DISTRICT BALTIMORE CO. MARYLAND
SCALE 1"=50' DATE 5-2-70



U-NW U-NE
EE-SW EE-NW

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

John J. [Signature]
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE 1" = 200'	LOCATION SOUTH OF JACKSONVILLE	SHEET NE 20-C
DATE OF PHOTOGRAPHY JANUARY 1956		

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