

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 E/S Dawnvale Road, 688' N of * ZONING COMMISSIONER
 Walters Avenue * OF BALTIMORE COUNTY.
 (9517 Dawnvale Road) * Case No. 90-539-A
 11th Election District
 5th Councilmanic District
 Louis W. Derr, et ex
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 7 feet in lieu of the required minimum of 8 feet and a sum of the side yards of 16 feet in lieu of the required minimum of 20 feet for a proposed patio enclosure in accordance with Petitioner's Exhibit 1.

The Petitioners, by Louis Derr, appeared and testified. Also appearing on behalf of the Petition was Richard Tice, President of Patio Enclosures, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 9517 Dawnvale Road, consists of .356 acres zoned D.R. 5.5 and is improved with a single family dwelling. Petitioners are desirous of enclosing an existing carport to provide more habitable space. Testimony indicated that the proposed patio enclosure will have no heat and will be used seasonally. Petitioner testified the relief requested 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 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 Zoning Commissioner for Baltimore County this 2nd day of August, 1990 that the Petition for Zoning Variance to permit a side yard setback of 7 feet in lieu of the required minimum of 8 feet and a sum of the side yards of 16 feet in lieu of the required minimum of 20 feet for a proposed patio enclosure 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.

J. Robert Haines
 J. ROBERT HAINES
 Zoning Commissioner
 for Baltimore County

JRH:bjs

ORDER RECEIVED FOR FILING
 Date 8/2/90
 By *J. Robert Haines*

ORDER RECEIVED FOR FILING
 Date 8/2/90
 By *J. Robert Haines*

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

August 2, 1990



Mr. & Mrs. Louis W. Derr
 9517 Dawnvale Road
 Perry Hall, Maryland 21236

RE: PETITION FOR ZONING VARIANCE
 E/S Dawnvale Road, 688' N of Walters Avenue
 (9517 Dawnvale Road)
 11th Election District - 5th Councilmanic District
 Louis W. Derr, et ux - Petitioners
 Case No. 90-539-A

Dear Mr. & Mrs. Derr:

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,

J. Robert Haines
 J. ROBERT HAINES
 Zoning Commissioner
 for Baltimore County

JRH:bjs

cc: People's Counsel

File

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 6, 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 July 5, 1990

THE JEFFERSONIAN,

S. Zeke Orkin
 Publisher

NOTICE OF HEARING
 The Zoning Commissioner of Baltimore County, by authority of the Zoning 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 West Chesapeake Avenue in Towson, Maryland 21284 as follows:
 Petitioner: Louis W. Derr, et ux
 Case No. 90-539-A
 Hearing Date: Wednesday, August 1, 1990 at 9:30 a.m.
 Variance: To permit a side yard setback of 7 feet in lieu of the required 8 feet minimum and a sum of side yards of 16 feet in lieu of the required minimum of 20 feet. To permit a building enclosure to be placed on the property in accordance with the attached petition. The hearing will be held in person during the period for oral evidence. Such oral evidence must be in writing and received in the office by the date of the hearing set above or presented at the hearing.
 J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 W47613 July 5

Legal Description of Property

Beginning on the Northeast side of Dawnvale Road, 50 feet wide, at the distance of 688 feet N.E. of the center line of Walters Avenue. Being lot No. 11 in the subdivision of Dawnvale B, Book 34, Folio 52, also known as 9517 Dawnvale Road in the 11th election district.

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 July 5, 1990.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zeke Orkin
 Publisher

PO 105562

NOTICE OF HEARING
 The Zoning Commissioner of Baltimore County, by authority of the Zoning 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 West Chesapeake Avenue in Towson, Maryland 21284 as follows:
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 J. ROBERT HAINES
 Zoning Commissioner of Baltimore County
 W47613 July 5

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 11th Date of Posting: 7/5/90
 Posted for: Variance
 Petitioner: Louis W. Derr, et ux
 Location of property: E/S Dawnvale Rd., 688' N of Walters Ave., 9517 Dawnvale Rd.
 Location of Sign: Property, Dawnvale Rd., across 15' from driveway on property of P. L. Haines
 Remarks: None
 Posted by: JRH Date of return: 7/2/90
 Number of Signs: 1

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

receipt

Account: R-001-6150
 Number: **2497**

Date: 8/2/90

	QTY	PRICE
PUBLIC HEARING FEES		
010 - ZONING VARIANCE (PRL)	1 X	\$35.00
LAST NAME OF OWNER: DERR		TOTAL: \$35.00

Cashier Validation: B 8100*****350018 X151F Please make checks payable to Baltimore County

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

receipt

Account: R-001-6150
 Number: **3070**

Date: 7/31/90

	QTY	PRICE
PUBLIC HEARING FEES		
080 - POSTING SIGNS / ADVERTISING	1 X	\$105.46
LAST NAME OF OWNER: DERR		TOTAL: \$105.46

Cashier Validation: D4848#08331CHR8 84 C09713AN08-01-90 \$105.46 Please make checks payable to Baltimore County

PETITION FOR ZONING VARIANCE #400
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **90-539-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 211.3 (1963 Regulations) To permit a side yard setback of 7 feet in lieu of the required 8 feet minimum and a sum of side yards of 16 feet in lieu of the required minimum 20 feet.

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

1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan patterns.
2. Insulate and reduce heating bills.
3. Reduce outside noise.
4. A place to sit out and not be concerned with the weather, bugs; mosquitoes, flies, etc.
5. Improve appearance of house.

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: (Type or Print Name) Signature Address City and State	Legal Owner(s): LOUIS W. DERR (Type or Print Name) <i>Louis W. Derr</i> Signature DIANE L. DERR (Type or Print Name) <i>Diane L. Derr</i> Signature
Attorney for Petitioner: (Type or Print Name) Address City and State	9517 DAWNVALE RD. 256-8630 PERRY HALL, MD. 21236 PATIO ENCLOSURES, INC. 224 8th AVE., N.W. 760-1919 GLEN BURNIE, MD., 21061

ORDERED By the Zoning Commissioner of Baltimore County, this 6 day of June, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of Aug, 1990, at 9:30 o'clock A.M.

ESTIMATED LENGTH OF HEARING: 15 min.
 APPLICABLE FOR HEARING: 1 HOUR TWO MONTHS
 ALL MONTHS, WEEKDAYS - BEST TWO MONTHS
 REVIEWED BY: *JRH* DATE: 5/15/90
J. Robert Haines
 Zoning Commissioner of Baltimore County

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

DATE: 7/24/90

Mr. & Mrs. Louis W. Derr
 9517 Dawnvale Road
 Perry Hall, Maryland 21236

Re: Petition for Zoning Variance
 CASE NUMBER: 90-539-A
 E/S Dawnvale Road, 688' N of Walters Avenue
 9517 Dawnvale Road
 11th Election District - 5th Councilmanic
 Petitioner(s): Louis W. Derr, et ux
 HEARING: WEDNESDAY, AUGUST 1, 1990 at 9:30 a.m.

Dear Petitioners:

Please be advised that \$105.46 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 ORDER 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 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

JRH:gs

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

J. Robert Haines
Zoning Commissioner

July 8, 1990



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 21204 as follows:

Petition for Zoning Variance
CASE NUMBER 90-539-A
E/S Dawnvale Road, 688' N of Walter Avenue
9517 Dawnvale Road
11th Election District - 5th Councilmanic
Petitioner(s): Louis W. Derr, et ux
HEARING: WEDNESDAY, AUGUST 1, 1990 at 9:30 a.m.

Variance to permit a side yard setback of 7 feet in lieu of the required 8 feet minimum and a sun of side yards of 16 feet in lieu of the required minimum 20 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.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Derr
Petition Enclosures

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

J. Robert Haines
Zoning Commissioner

July 11, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Louis W. Derr
9517 Dawnvale Road
Perry Hall, MD 21236

RE: Item No. 400, Case No. 90-539-A
Petitioner: Louis W. Derr, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Derr:

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

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

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
6th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Louis W. Derr, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: May 23, 1990

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

SUBJECT: Louis W. Derr, et ux, Item No. 400

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

MAY 24 1990

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

June 6, 1990



Dennis F. Rasmussen
County Executive

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 388, 394, 396, 397, 398, 399, 400, 403, 404, 402, 406 and 407.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
JUN 13 1990
ZONING OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reinecke
Chief

JUNE 4, 1990



Dennis F. Rasmussen
County Executive

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

RE: Property Owner: LOUIS W. DERR
Location: #9517 DAWNVALE ROAD
Item No.: 400 Zoning Agenda: JUNE 5, 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. CHAPTER 22

REVIEWER: *Paul H. Reinecke* Noted and Approved
Planning Group Special Inspection Division Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
DATE: May 29, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 5, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 387, 388, 394, 396, 397, 398, 399, 400, 402, 403, 404, 406 and 407.

For Item 401, the previous County Review Group comments still apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

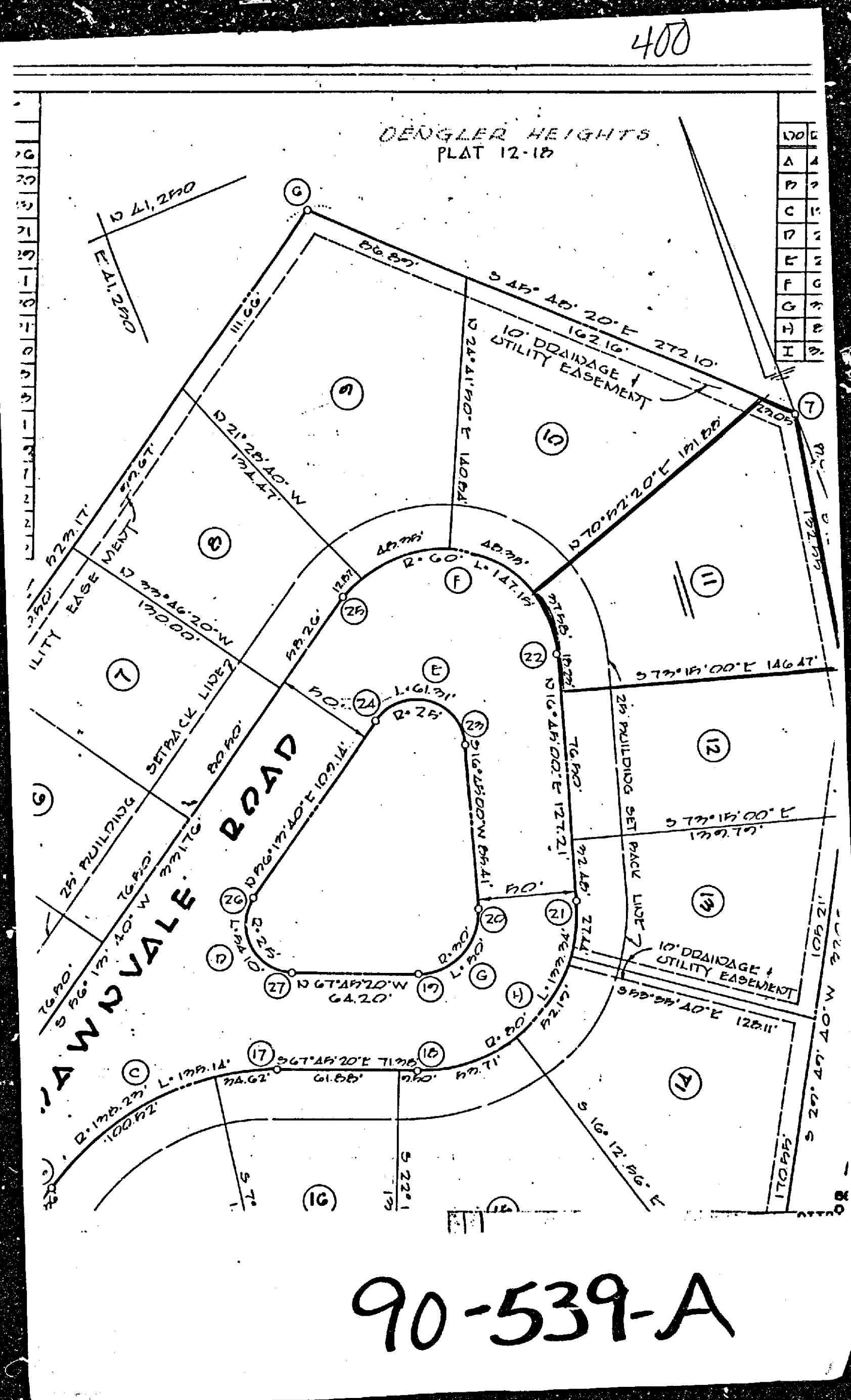
RWB:s

400
90-539-A

ADJOINING NEIGHBORS

Mr. and Mrs. Robert Scheidt
9519 Dawnvale Road

Mrs. Gloria Fisher
9515 Dawnvale Road



6885 PART 130 400

90-539-A

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

This Deed, Made This 25th day of February -----
 in the year one thousand nine hundred and eighty-five - ----- by and between
 HENRY H. WRONKA and JUANITA B. WRONKA, his wife -----
 of Baltimore County, State of Maryland ----- of the first part, and
 LOUIS W. DERR and DIANE L. DERR, his wife -----
 of the second part.

Witnesseth, That in consideration of the sum of NINETY THREE THOUSAND NINE HUNDRED DOLLARS (\$93,900.00) and other good and valuable considerations, this day paid, the receipt of which is hereby acknowledged, -----
 the said parties of the first part, -----

B RCF 14.00
 B T TX 469.50
 B RDCS 470.00

do grant and convey to the said parties of the second part, as tenants in fee simple, all that -----
 tract, the survivor of them, their assigns, the -----

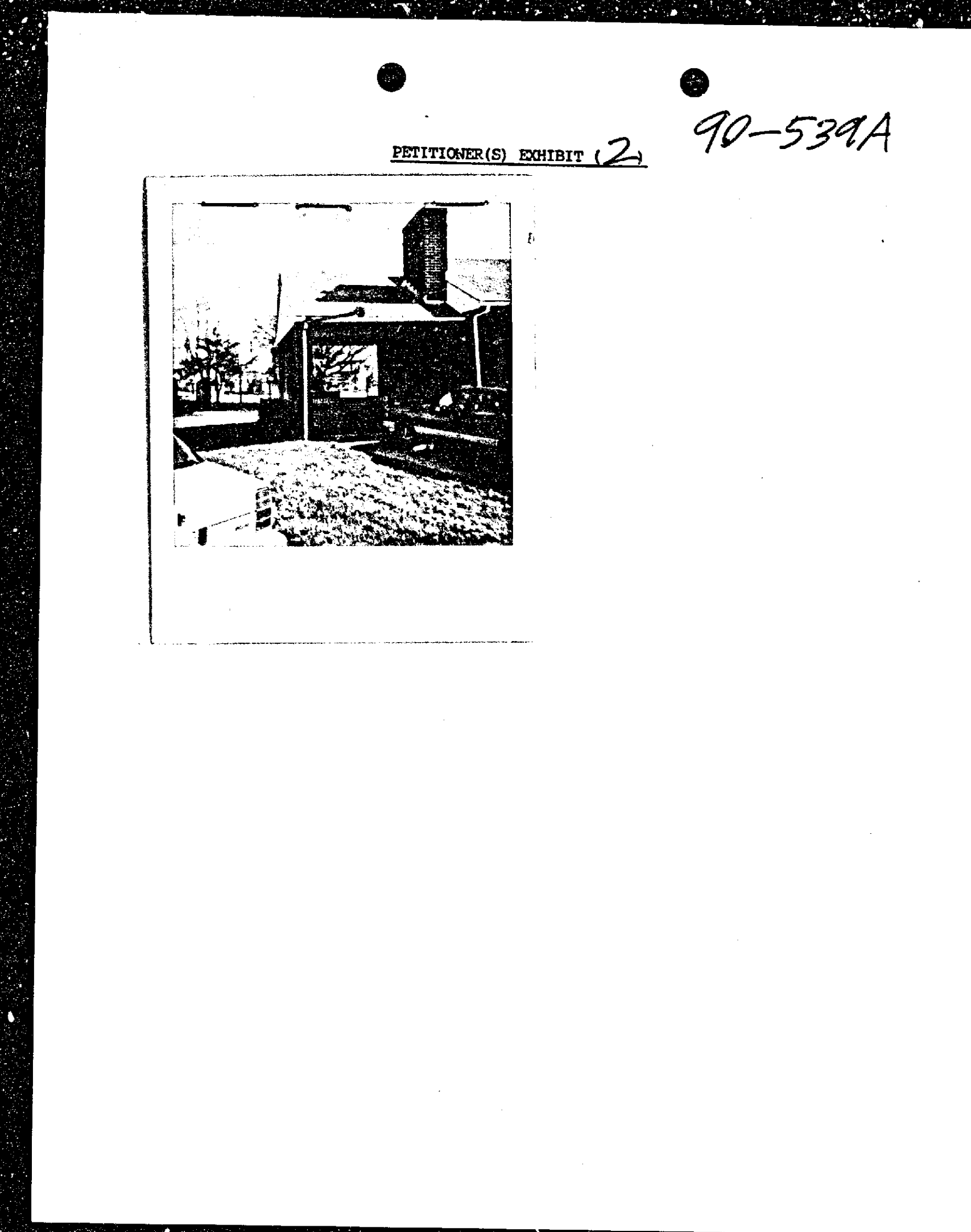
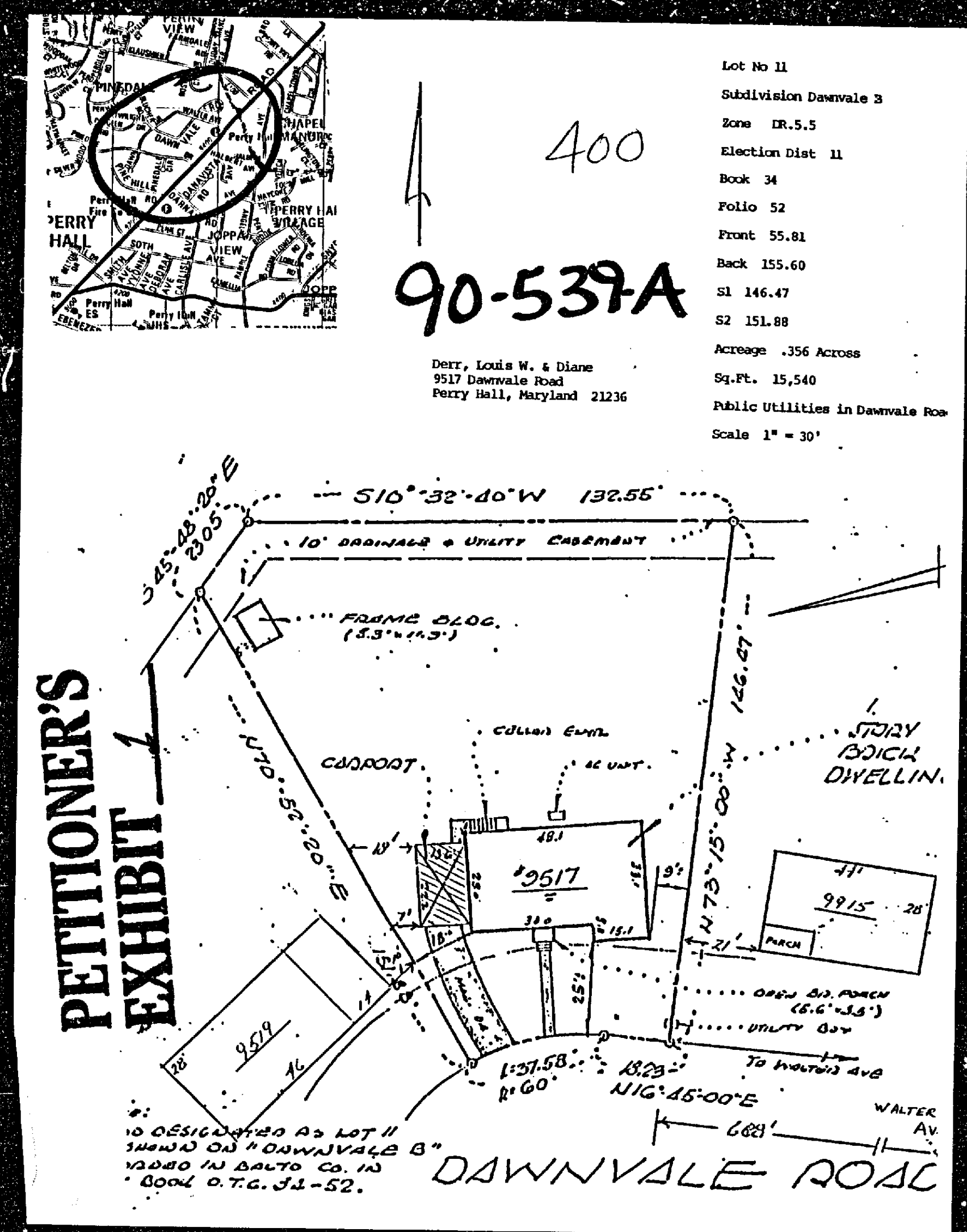
personal representatives/successors and assigns of the survivor -----, in fee simple, all that -----
 lot of ground situate in Baltimore County, State of Maryland, -----
 and described as follows, that is to say:

Lot numbered eleven (11), as shown on the Plat entitled "Dawnvale "B", which Plat is recorded among the Land Records of Baltimore County in Plat Book O. T. C. No. 34, folio 52. The improvements thereon being known as 9517 Dawnvale Road.

BEING the same lot of ground and premises which, by deed dated July 13, 1972 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 5285, folio 82B etc., was granted and conveyed by Dawnvale, Inc., unto Henry H. Wronka and Juanita B. Wronka, his wife, the Grantors herein.

STATE DEPARTMENT OF ASSESSMENTS & TAXATION
 3/18/85
 CULTURAL TRANSFER TAX NOT APPLICABLE
 SIGNATURE: [Signature] DATE: 3/18/85

C 153****150250A 5182A



\$2.00

patio ENCLOSURES, INC. **Patio & Porch Enclosures Greenhouses * Solariums**

An Affordable NEW Lifestyle

...Adding Value, Security and Charm to Your Indoor/Outdoor Living!

...battery

...seen such

...ington, DE

...service you

...you! Rest

...of this

...Bristol, PA

