

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
 W/S Battersea Bridge Court
 128 ft. E Thornton Rd.
 9 Battersea Bridge Court
 8th Election District
 3rd Councilmanic District

Wayne A. Dickie, et ux
 Petitioners

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 90-544-A

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 301.1. 504 (CMPD VB7.B) Baltimore County Zoning Regulations (B.C.Z.R.) to allow an open projection (deck) with a rear yard setback of 4 feet and a rear yard with a contiguous open space area of 88 square feet in lieu of the required 11.25 feet and 500 square feet respectively, and to amend the First Amended Partial Development Plan of Padonia Complex, Section VII, Lot #331 to allow construction of same outside of the building envelope, as more particularly described on Petitioners' Exhibit No. 1.

The petitioners having filed a Petition for a Residential Variance, the subject property, known as Battersea Bridge Court, zoned D.R. 3.5, 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 allow an accessory structure (deck and hot tub) to be located in the rear yard.

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 23rd day of July, 1990 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 301.1 and 504 (CMPD VB7.5) to allow an open projection (deck) with a rear yard setback of 4 feet in lieu of the required 11.25 feet, and a rear yard with a contiguous open space area of 88 square feet in lieu of 500 square feet, and to amend the First Amended Partial Development Plan of Padonia Complex, Section VII, Lot #331 to allow construction of same outside of the building envelope, 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
 ROBERT HAINES
 Zoning Commissioner
 for Baltimore County

JRH:mm
 cc: Peoples Counsel

ORDER RECEIVED FOR FILING
 Date 7/23/90
 By M. Corvick

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

J. Robert Haines
 Zoning Commissioner

July 20, 1990



Dennis F. Rasmussen
 County Executive

Mr. and Mrs. Wayne A. Dickie
 9 Battersea Bridge Court
 Lutherville, Maryland 21093

RE: Petition for Residential Zoning Variance
 Case No. 90-544-A

Dear Mr. and Mrs. Dickie:

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:mm
 encl.
 cc: Peoples Counsel

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

90-544-A

District: E. 8th Date of Posting: June 22, 1990
 Posted for: Residential Variance
 Petitioner: Wayne A. Dickie, et ux
 Location of property: W/S Battersea Bridge Court, 128 E. Thornton Road, 9 Battersea Bridge Court
 Location of Signs: In front of 9 Battersea Court
 Remarks: S.D. Drake
 Date of return: June 29, 1990

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

J. Robert Haines
 Zoning Commissioner

June 12, 1990



Dennis F. Rasmussen
 County Executive

Mr. & Mrs. Wayne A. Dickie
 9 Battersea Bridge Court
 Lutherville, MD 21093

RE: CASE NUMBER: 90-544-A
 ITEM NUMBER: 432
 LOCATION: 9 Battersea Bridge Court

Dear Petitioner:

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

Your property will be posted on or before June 26, 1990. After the closing date (July 12, 1990) for filing 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 of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice.

OR

- 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,

S.D. Drake / CEO
 Owen G. Stephens
 Docket Clerk

ORDER RECEIVED FOR FILING
 Date 7/23/90
 By M. Corvick

PETITION FOR RESIDENTIAL VARIANCE
 90-544-A

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, petition for a Variance from Section 301.1, 504 (CMPD VB7.B) - To allow an open projection (deck) with a rear yard setback of 4 ft. & a rear yard with a contiguous open space area of 88 sq. ft. in lieu of the required 11.25 ft. & 500 sq. ft. respectively AND To amend the First Amended Partial Development Plan of Padonia Complex, Section VII, Lot #331 to allow construction of same outside of the building envelope.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):
 THE ONLY PRACTICABLE PLACE TO CONSTRUCT A DECK ON OUR PROPERTY IS IN THE REAR OF THE PROPERTY. HOWEVER, THE SETBACK RESTRICTS THE BUILDING INTO THE SETBACK ZONE TO 25% OF THE ZONE, OR 6 1/4 FEET. SINCE WE WILL BE INSTALLED ONE HOT TUB UPON THE DECK, IT IS NECESSARY TO HAVE A STRUCTURE GREATER THAN 22 FEET WIDE BY 22 FEET DEEP. THEREFORE, A VARIANCE FOR A DECK EQUIVARIANT 22 FEET WIDE BY 20 FEET DEEP IS HEREBY REQUESTED. OUR PROPERTY BACKS UP TO HOA OPEN SPACE CAUSING NO COMPLIANCE WITH NEIGHBORING PROPERTIES.
 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 owner(s) of the property which is the subject of this petition.

Contract Purchaser(s)
 (Type or Print Name)
 Signature
 Address
 City/State/Zip Code
 Attorney for Petitioners
 (Type or Print Name)
 Signature
 Address
 City/State/Zip Code
 Attorney's telephone number
 Name
 Address
 Phone

Legal Owner(s)
 WAYNE A. DICKIE
 (Type or Print Name)
 Signature
 ROSEANNA GUARINO DICKIE
 (Type or Print Name)
 Signature
 ROSEANNA GUARINO DICKIE
 (Type or Print Name)
 Signature

9 BATTERSEA BRIDGE CT., H. 821-6957
 LUTHERVILLE, MD 21093
 H. 625-4070

ADVERTISED by the Zoning Commissioner of Baltimore County, this 5th day of June, 1990, that the subject matter of this petition be posted on or before the 27th day of June, 1990.

J. Robert Haines
 ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,
 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 reported, 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.

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

90-544-A

The undersigned hereby affirm 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/do presently or upon attainment will reside at 9 BATTERSEA BRIDGE COURT, LUTHERVILLE, MARYLAND 21093 (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)

WE DESIRE TO CONSTRUCT A DECK OF MAXIMUM DIMENSIONS ALLOWED BY OUR HOMEOWNERS ASSOCIATION - THAT BEING 22'x20'. THIS IS NEEDED TO FACILITATE OUR HOT TUB. OUR PROPERTY BACKS UP TO OPEN SPACE BELONGING TO THE HOA. THE HOA HAS APPROVED OUR PLANS' FREE THIS PROJECT.

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.

Wayne Dickie
 AFFIANT (Handwritten Signature)
 WYANNE DICKIE
 AFFIANT (Printed Name)

Roseanna Guarino Dickie
 AFFIANT (Handwritten Signature)
 ROSEANNA GUARINO DICKIE
 AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit, I HEREBY CERTIFY, this 20th day of July, 1990, before me, a Notary Public of the State of Maryland, in and for the county aforesaid, personally appeared WAYNE A. DICKIE and ROSEANNA GUARINO DICKIE

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due 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.
 7-1-90
 Notary Public
 My Commission Expires:

Stephanie K. Field
 Notary Public

PETITION FOR RESIDENTIAL VARIANCE

ZONING DESCRIPTION

432

90-544-A

Beginning at a point on the north side of Battersea Bridge Court which is 22 feet wide at the distance of 128 feet ± east of the centerline of the nearest improved intersecting street of Thornton Road which is 40 feet ± wide. Being Lot # 331, Block # 25, Section 7 in the subdivision of Padonia Complex as recorded in the Baltimore County Plat Book # E. H. K. Jr 52, Folio 132, containing 2,037.2 total square feet ±. Also known as 9 Battersea Bridge Court, Lutherville, Maryland 21093 and located in the 8th Election District.

Prepared by: Wayne A. Dickie 5/17/90

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

Account: R-001-6150
 Number

No 2665

Date	Description	Amount
5/17/90	RECEIVED FOR FILING	13.00
5/17/90	90 - ZONING VARIANCE (IFL)	125.00
5/17/90	90 - POSTING SIGNS / ADVERTISING	25.00
5/17/90	TOTAL	160.00

Cashier Validation: 8 817*****6000:3054F
 Please make checks payable to: Baltimore County

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

July 5, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Wayne A. Dickie
9 Battersea Bridge Court
Lutherville, MD 21093

RE: Item No. 432, Case No. 90-544-A
Petitioner: Wayne Dickie, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Dickie:

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 the 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 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
Townson, 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 5th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Wayne A. Dickie, et ux

Petitioner's Attorney:

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Townson, Maryland 21204
(301) 887-3354



Dennis F. Rasmussen
County Executive

June 27, 1990

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 221, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, and 438.

Very truly yours,

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

MSF/lw

RECEIVED
JUL 3 1990

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: June 19, 1990

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

SUBJECT: Wayne A. Dickie, Item No. 432

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

JUN 22 1990

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Townson, Maryland 21204-5500
(301) 887-4500
Paul H. Kucirke
Chief

JUNE 27, 1990



Dennis F. Rasmussen
County Executive

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

RE: Property Owner: WAYNE A. DICKIE
Location: #9 BATTERSEA BRIDGE COURT
Item No.: 432 Zoning Agenda: JUNE 26, 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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. 3 FEET ALONG SIDE PROPERTY LINES SHALL BE PROVIDED FOR FIRE DEPARTMENT ACCESS TO REAR OF BUILDING.

REVIEWER: *Paul H. Kucirke* Noted and Approved
Special Inspection Division
Fire Prevention Division

JK/KEK

JUL 05 1990

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

JUNE 22, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES C.E.B.

SUBJECT: ZONING ITEM #: 432
PROPERTY OWNER: Wayne A. Dickie, et ux
LOCATION: W/S Battersea Bridge Ct, 128' E of Thornton Rd (#9 Battersea Bridge Rd)
ELECTION DISTRICT: 8th
COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- (X) OTHER - see code Memo #1 for fire separation @ side yard see section 711.1 & 711.1.1 for minimum rear yard depth

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

Plat to accompany Petition for Zoning Variance/Special Hearing

PROPERTY ADDRESS: 9 BATTERSEA BRIDGE COURT (TOWNHOUSE)

OWNER: WAYNE A. DICKIE & ROSANNA GUARINO DICKIE

LOCATION INFORMATION

Councilmanic District: 5th
Election District: 8th
Zoning: D.R.-3.5
Lot size: 0.046 ACRES
2,037.2 sq ft

SEWER public private
WATER public private

Chesapeake Bay Critical Area:
Prior Zoning Hearings: NONE

Zoning Office USE ONLY
#432 90-544A

prepared by: W. DICKIE 5/17/90 Scale of Drawing: 1" = 20'

