

IN RE: PETITION FOR RESIDENTIAL VARIANCE BEFORE THE
 SW/S Woodside Avenue, 40' NE of the c/l of Claridge Avenue (1519 Woodside Avenue) 13th Election District 1st Councilmanic District
 Joseph P. Kinsey, et ux Petitioners

ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 91-137-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 4.3 feet in lieu of the required 8 feet for a proposed porch enclosure in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted 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.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of November, 1990 that the Petition for Residential Variance to permit a side yard setback of 4.3 feet in lieu of the required 8 feet for a proposed porch 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.
- 2) Petitioners shall not allow or cause the proposed porch enclosure to be converted to a second dwelling unit and/or apartments.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

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

JRH:bjs

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

J. Robert Haines
 Zoning Commissioner

November 20, 1990



Dennis F. Rasmussen
 County Executive

Mr. & Mrs. Joseph P. Kinsey
 1519 Woodside Avenue
 Halethorpe, Maryland 21227

RE: PETITION FOR RESIDENTIAL VARIANCE
 SW/S Woodside Avenue, 40' NE of the c/l of Claridge Avenue (1519 Woodside Avenue)
 13th Election District - 1st Councilmanic District
 Joseph P. Kinsey, et ux - Petitioners
 Case No. 91-137-A

Dear Mr. & Mrs. Kinsey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential 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

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-137-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, petition for a Variance from Section 1302.3.C.1 (2) of the 1989 Reg'd-60 zoning ordinance, a setback of 4 ft. 3 in. in lieu of the required 8 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty):
 1. Hardship was not the result of applicant's own action.
 2. Relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

The present patio was built in 1958 and is deteriorating. We bought the house in July 1963 and until now were unaware that the patio was in violation of the zoning code. (see attached sheet for further details)
 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: _____
 (Type or Print Name)

Signature: _____
 (Type or Print Name)

Address: _____
 City/State/Zip Code: _____

Attorney for Petitioner: _____
 (Type or Print Name)
 Address: _____
 City/State/Zip Code: _____

Attorney's telephone number: _____
 Address: _____
 City/State/Zip Code: _____

ORDERED by the Zoning Commissioner of Baltimore County, this 27 day of Sept., 1990, that the subject matter of this petition be posted on the property on or before the 17 day of Oct., 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 posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 109, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock, _____.

By: *J. Robert Haines*
 Zoning Commissioner of Baltimore County

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-137-A

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/so presently or upon settlement will reside at _____
 1519 Woodside Avenue, Halethorpe, Maryland 21227
 (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)

1. Hardship was not the result of applicant's own action.
 2. Relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.
- The present patio was built in 1958 and is deteriorating. We bought the house in July 1963 and until now were unaware that the patio was in violation of the zoning code. (see attached sheet for further details)

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.

Joseph P. Kinsey
 AFFIANT (Handwritten Signature)
 Joseph P. Kinsey
 AFFIANT (Printed Name)

Helen E. Kinsey
 AFFIANT (Handwritten Signature)
 Helen E. Kinsey
 AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to _____, I HEREBY CERTIFY, this 14th day of September, 1990, before me, a Notary Public of the State of Maryland, by and in the county aforesaid, personally appeared _____

Joseph P. Kinsey & Helen E. Kinsey
 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.

Barbara Shuster
 Notary Public
 My Commission Expires June 1, 1995

The only practical location for a patio enclosure is at the side entrance to our house which is where it is presently located. We want to utilize the present 9 1/2' deep x 12' wide cement pad in the proposed 9 1/2' deep x 19' wide enclosure. Anything narrower than the 9 1/2' would create a problem arranging the furniture. The present patio only seats six people comfortably. There are 26 homes in the Vista Manor Development and 12 of these have added patios.

This combination screen and glass patio enclosure will be used as a three season porch and not heated for permanent living quarters in cold weather. It will have 2 doors and the balance will be sliding screens and windows above a 18 inch knee wall. The new enclosure will eliminate the problem of having to store the patio furniture inside the house. Plus we would use it as a cold weather entrance.

The present 12' wide x 9 1/2' deep x 9' 10" high screened enclosure will be widened 4' 8" towards the front of the house and 2' 4" towards the back of the house; for an overall width of 19 feet. We also plan to add a 13' wide x 9' 6" deep cement pad which will extend out to the back wall of the house.

Both adjacent neighbors have no objections to the proposed patio extension.

ZONING DESCRIPTION

Beginning at a point on the East side of Woodside Avenue which has a right-of-way of 50 feet wide at the distance of 40 feet North of the centerline of the intersection of Claridge Avenue which has a right-of-way of 50 feet wide. Being Lot 4, Block E, Section 1 in the subdivision of Vista Manor as recorded in Baltimore Count Plat Book #22, Folio #122 containing 6,387.5 square feet. Also known as 1519 Woodside Avenue and located in the 13th Election District.

The site is zoned DR 5.5. There are no easements for utilities on or adjacent to the site. The minimum setback off of Woodside and Claridge Avenues is 25 feet.

91-137-A

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

Account: R 001-6150
 Number: _____
 No 3539

Date: 9-27-90

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES		
DR 5.5 ZONING VARIANCE (IRL)	1 X	\$25.00
DR 5.5 POSTING SIGNS & ADVERTISING	1 X	\$25.00
TOTAL:		\$50.00

LAST NAME OF OWNER: KINSEY

044048066M13RC \$60.00
 BA C010:27AN9-27-90

Cashier Validation: _____
 Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 13th Date of Posting: 10-8-90

Posted for: N/A

Petitioner: Joseph P. Kinsey, et ux

Location of property: SW/S. of Woodside Ave., 40' NE of the c/l of Claridge Ave., 1519 Woodside Ave.

Location of Sign: Corner of 1519 Woodside Ave.

Remarks: _____

Posted by: A. J. Doherty Date of return: 10-12-90

Number of Signs: _____

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

November 7, 1990

Mr. & Mrs. Joseph P. Kinsey
 1519 Woodside Avenue
 Halethorpe, MD 21227

RE: Item No. 141, Case No. 91-137-A
 Petitioner: Joseph P. Kinsey, et ux
 Petition for Residential Variance

Dear Mr. & Mrs. Kinsey:

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 ZULIE WIMERSKI. 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 21284
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
27th day of September, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

Charles E. Burnham
Charles E. Burnham
Zoning Plans Advisory Committee

Petitioner: Joseph P. Kinsey, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: October 12, 1990
Zoning Commissioner

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

SUBJECT: Joseph P. Kinsey, Item No. 141

The Petitioner requests a Variance to allow a sideyard setback
of 4 feet 3 inches in lieu of the required 8 feet.

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
ITEM141/ZAC1

file
10/17/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21284-5500
(301) 887-4500

Paul H. Reinbold
Chief

OCTOBER 11, 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: JOSEPH P. KINSEY
Location: #1519 WOODSIDE AVENUE
Item No.: #141 Zoning Agency: OCTOBER 12, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the contents below are applicable and required to be
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: *Ch. Kelly 10-11-90* Noted and Approved *Capt. W. Brady Jr.*
Fire Prevention Bureau
Special Inspection Division

JK/REK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
October 10, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF
PERMITS & LICENSES
SUBJECT: ZONING ITEM # 141
PROPERTY OWNER: Joseph P. Kinsey, et ux
LOCATION: 1519 Woodside Ave., 40' NE centerline
Claridge Avenue (#1519 Woodside Avenue)
ELECTION DISTRICT: 13th
COUNCILMANIC DISTRICT: 1st

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.
- () A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN.
SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE ASSET
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).
- () OTHER -

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.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 18, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for October 15, 1990

The Developers Engineering Division has reviewed
the subject zoning items and we have no comments for
Items 115 and 141.

Item 137 is subject to the previous County Review Group
comments.

For Items 100, 138, 139 and 142, County Review Group
Meetings may be required for these improvements.

For Item 118, the property outline and square footage
are incorrect as per B/W plat 78-150-15A. The Maple Road
right-of-way at frontage equals 42 feet.

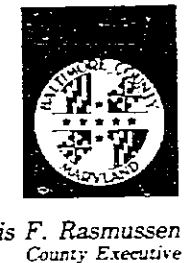
For Item 143, a 10-foot widening strip is required
for future 50-foot right-of-way on High Beach Road.

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

RWB:s

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

October 5, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Joseph P. Kinsey
1519 Woodside Avenue
Halethorpe, Maryland 21222

Re: CASE NUMBER: 91-137-A
ITEM NUMBER: 141
LOCATION: SW/8 Woodside Avenue, 40' NE of Claridge Avenue
1519 Woodside Avenue

Dear Petitioner(s):

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. This letter also serves as a
receipt regarding the administrative process.

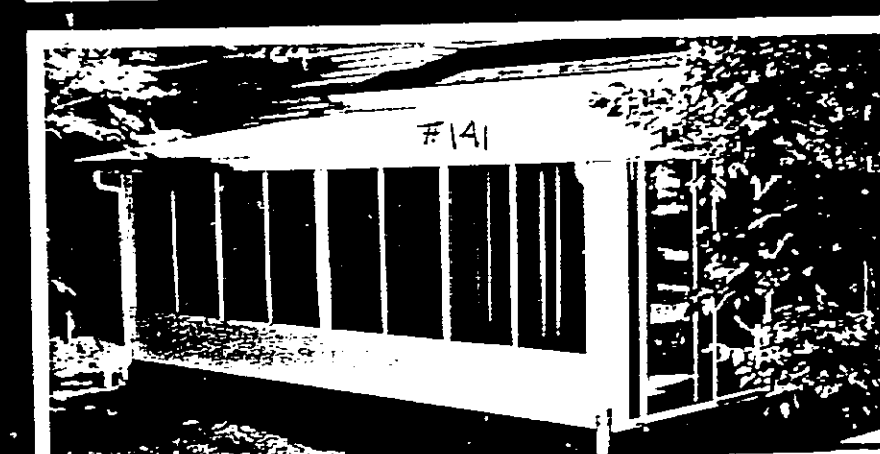
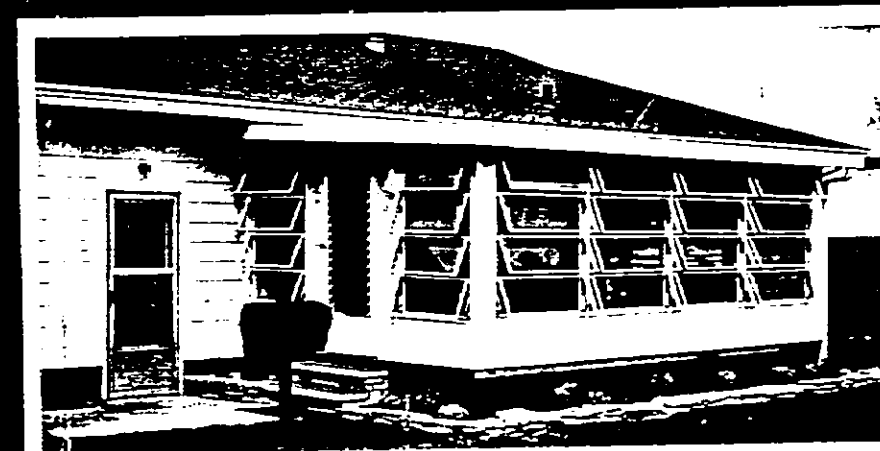
1) Your property will be posted on or before October 17, 1990. The last date (closing date) on which a
neighbor may file a formal request for hearing is November 1, 1990. Should such request be filed, you will
receive notification that the matter will not be handled through the administrative process. 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. In either case, (a) receipt of notification that you
will have a public hearing or, (b) the passing of the closing date, the sign and post one then be removed
from the property and returned to this office. Failure to return the sign and post will cause your order to be
held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the
day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of
the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He
also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD,
THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL
REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS
READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.
ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING
MAILED TO YOU.

Very truly yours,

G. S. Stephens
G. S. Stephens
(301) 887-3391



APR 91-137-A
**Windows
and Doors**

We offer a wide variety of window
and door designs. All are prime
products, which means that they
are used in new residential and
commercial construction. They
meet or exceed all Federal
Specifications for strength and
wind load as well as air and
water infiltration. All feature long-
lasting white or bronze finish.

THE CHOICE IS YOURS...

- APR Awning Window:
100% (maximum) Ventilation
Full Control of Inclement Weather
Double Weather Stripping
Dual Self-Locking System
Full Screen Inside
Easy Single Roll-hand Operation
Low E High Performance Glass
- Sliding Glass Door:
Full View Design
50% Ventilation
Ball-bearing Adjustable Rollers
Heavy-Duty Weather Stripping
Key Lock Wood-Trim Handle
Tempered Glass
Low E High Performance Glass
- Sliding Window:
Full View Design
50% Ventilation
Full Screen
Heavy-Duty Lock
Double Weather Stripping
Low E High Performance Glass
- 4 1/2" Swing Door:
Two Style Choices -
Jalousie or Single Hung
Extra Heavy-Duty Tube
Construction
Key and Knob Lock
Heavy-Duty Closer
Bumper threshold

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 1519 WOODSIDE AVE. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: VISTA MANOR
plat book # 22, folios 122, 123, 124, sections ONE

OWNER: JOSEPH P. & HELEN E. KINSEY

91-137A

North date: 8/15/90
prepared by: WER

Scale of Drawing: 1"=20'

LOCATION INFORMATION
Councilmanic District: 1
Election District: 13
1"=200' scale map: SW-6D
Zoning: DR-5.5
Lot size: 15 6387.5
acres square feet

SEWER:
WATER:
Chesapeake Bay Critical Area:
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: ITEM #: CASE #:
CAM 141 91-137-A

91-137-A

1603 Claridge Avenue
Halethorpe, MD 21227
August 24, 1990

TO: Baltimore County Zoning Department:

This letter is to certify that we live on the property adjacent to the rear of the 1519 Woodside Avenue property of Joseph P. and Helen L. Kinsey. We are fully aware of their proposal to enlarge their existing patio enclosure to 19'-1/2' by 9'-1/2', and voice absolutely no objection whatsoever.

If you need any further clarification, please do not hesitate to contact us. We may be reached at 333-8180 or 242-7717.

Very truly yours,

Francis J. Cullen
Francis J. Cullen
1603 Claridge Avenue
Halethorpe, MD 21227

Sandra L. Cullen
Sandra L. Cullen
1603 Claridge Avenue
Halethorpe, MD 21227

Petitioner's
Exhibit 2

PETITIONER'S EXHIBIT # 3 CASE NUMBER: 91-137-A

August 26, 1990

To the Baltimore County Zoning Dept.

This letter is to verify that Ronald and Lyle Merion who live next door at 1517 Woodside Ave. have no objections to Mr. & Mrs. Joseph Kinsey enlarging their present 9' 1/2' x 12' ft. screened-in patio to a 9' 1/2' x 19' 1/2' ft. combination screen and glass patio enclosure.

Ronald H. Merion
Lyle L. Merion

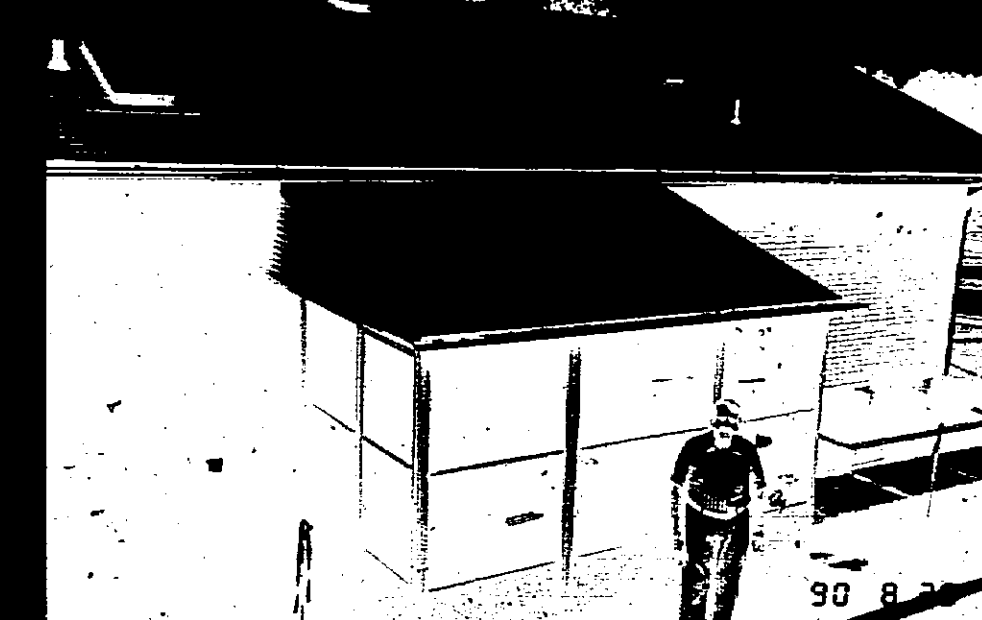
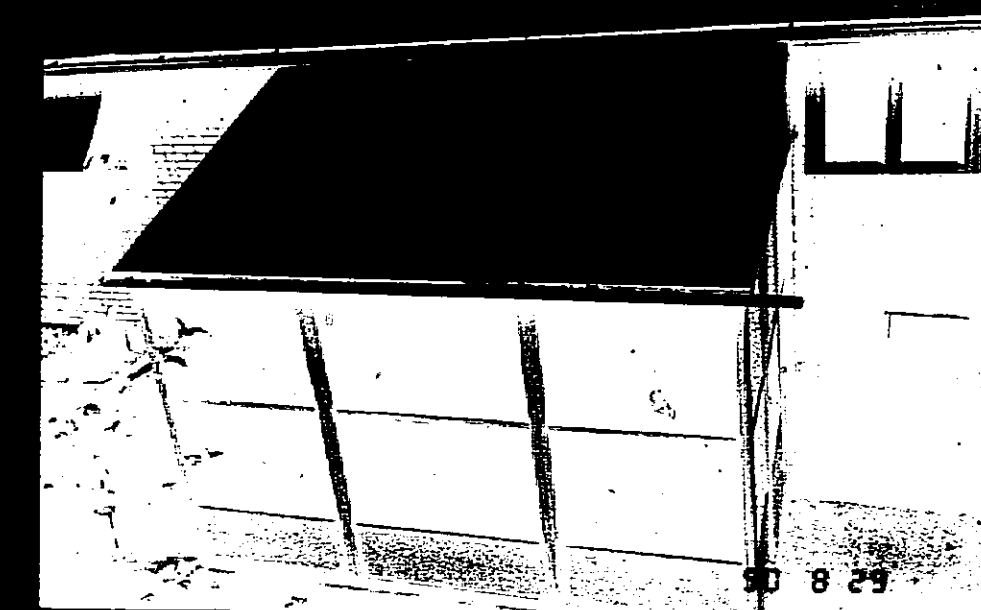
SUBSCRIBED AND SWORN TO ME, IN MY PRESENCE, THIS 14th DAY OF Sept 19 90, A NOTARY PUBLIC IN AND FOR THE COUNTY OF BALTIMORE, MARYLAND.
Antonia M. [Signature]
NOTARY PUBLIC
MY COMMISSION EXPIRES 6-1-95

My Commission Expires June 1, 1995

PETITIONER'S EXHIBIT # 4 CASE NUMBER: 91-137-A



PETITIONER'S EXHIBIT # 5 CASE NUMBER: 91-137-A



PETITIONER'S EXHIBIT # 6 CASE NUMBER: 91-137-A

