

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
W/S Starview Court, 272.26 ft. SW of Ponderosa Lane
4301 Starview Court
11th Election District
6th Councilmanic District
Russell E. Morris, III, et ux
Petitioners

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Case No. 91-201-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 400.1 to allow accessory structures (proposed pool, existing detached garage and playhouse) to be located in the front yard in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 4301 Starview Court in the Long Green section of Baltimore County, consisting of 2.9 acres +/-, zoned R.C.4, improved with a detached single family dwelling house, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting variances to allow for a pool, existing detached garage and a playhouse to be located in the front yard, as more particularly described on Petitioners' Exhibit No. 1. Due to the topography of their lot and the location of the present septic system for the existing house make it a hardship to locate the pool to the rear of the existing home.

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 variances 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 Petitioner. 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 variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of January, 1991 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow accessory structures (proposed pool, existing detached garage and playhouse) to be located in the front yard in lieu of the required rear yard, 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.

ORDER RECEIVED FOR FILING
Date 1/11/91
By [Signature]

2. The Petitioners shall not allow or cause the accessory structure (detached garage) to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. The Petitioners shall not allow or cause the accessory structure (playhouse) to be converted to a dwelling unit and may not contain any kitchen or bathroom facilities.

4. Upon request and reasonable notice, the 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
Zoning Commissioner
for Baltimore County

JRH/mm

ORDER RECEIVED FOR FILING
Date 1/11/91
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21284
887-3353

January 11, 1991

Mr. and Mrs. Russell E. Morris, III
4301 Starview Court
Glen Arm, Maryland 21057

RE: Petition for Residential Zoning Variance
Case No. 91-201-A

Dear Mr. and Mrs. Morris:

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 887-3351.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mm
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-201-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

400.1 To allow accessory structures (proposed pool, existing detached garage & playhouse) to be located in the front yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty) We wish to put an inground pool on our property and the place chosen is the only suitable location due to the topography and the location of the septic system; placement behind the house is impossible due to the 45° slope of the ground and the existence of the septic system on the only fairly flat portion of land. Placement of the pool on the southeast side would eliminate access to be before we removed it last winter.

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

Address

City/State/Zip Code

Attorney for Petitioners:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Russell E. Morris III

(Type or Print Name)

Signature

C Geraldine M. Morris

(Type or Print Name)

Signature

4301 Starview Court

Glen Arm MD 21057

Address

City/State/Zip Code

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

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 23rd day of Nov, 1990, that the subject matter of this petition be posted on the property on or before the 22nd day of Dec, 1990.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE NECESSARY, 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, ___.

ORDER RECEIVED FOR FILING

Date

By

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-201-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/does presently or upon settlement will reside at 4301 Starview Ct Glen Arm MD 21057 (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 wish to put an inground pool on our property and the place chosen is the only suitable location due to the topography and the location of the septic system; placement behind the house is impossible due to the 45° slope of the ground and the existence of the septic system on the only fairly flat portion of land. Placement of the pool on the southeast side would eliminate access to the septic system. In addition, the site chosen is where the paddle tennis court used to be before we removed it last winter.

To be before we removed it last winter.

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.

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.

Russell E. Morris III

AFFIANT (Handwritten Signature)

Russell E. Morris III

AFFIANT (Printed Name)

Geraldine M. Morris

AFFIANT (Handwritten Signature)

Geraldine M. Morris

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23rd day of November, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Geraldine M. Morris and Russell E. Morris III

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.

12/23/90

DATE

[Signature]

NOTARY PUBLIC

My Commission Expires: December 30, 91

ZONING DESCRIPTION

Beginning at a point on the west side of Starview Court at the distance of 272.26' southwest of the nearest improved intersecting street Ponderosa Lane. Being lot # 10, Section III, in the subdivision of Ravenhurst as recorded in Baltimore County Plat Book # 34, Folio # 29, containing 2.9 acres. Also known as 4301 Starview Court and located in the 11th Election District.

91-201-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th
Date of Posting: 12/14/90
Posted for: 10 days
Petitioner: Russell E. Morris III et ux
Location of property: 4301 Starview Ct., 272.26' SW of Ponderosa Lane, 11th Election District
Location of Sign: 10' x 14' sign on SE corner of Starview Ct. & Ponderosa Lane
Remarks: [Signature]
Posted by: [Signature]
Date of return: 12/14/90
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21284
Account: R 011-6150
3956
Date: _____
CASHIER VALIDATION
Please make check's payable to: Baltimore County
8140490701010
SA P. 100-11-15-90
150.00

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21284

887-3553

December 4, 1990

Mr. & Mrs. Russell E. Morris, III
4301 Starview Court
Glen Arm, Maryland

Re: CASE NUMBER: 91-201-A
LOCATION: W/S Starview Court, 272.26' SW of Penderosa Lane
4301 Starview Court

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 refresher regarding the administrative process.

1) Your property will be posted on or before December 19, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is January 3, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will occur after the public hearing and reporting of the property. The public hearing will be scheduled approximately 20 - 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 can 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,

James E. Dyer
James E. Dyer
Chairman
Zoning Plans Advisory Committee
(301) 887-3391

January 31, 1990

Mr. & Mrs. Russell E. Morris
4301 Starview Court
Glen Arm, MD 21057

RE: Item No. 218, Case No. 91-201-A
Petitioner: Russell E. Morris, et ux
Petition for Variance

Dear Mr. & Mrs. Morris:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are intended to indicate the approval of the zoning action requested, but to ensure 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 JUDIE WINDHAGER. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-1931.

Very truly yours,

James E. Dyer
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

111 West Chesapeake Avenue
Towson, MD 21284

887-3353

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Your petition has been received and accepted for filing this
23rd day of November, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Russell E. Morris, et ux
Petitioner's Attorney:

received
12/19/90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: December 17, 1990
Zoning Commissioner

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

SUBJECT: Caves Valley Club, Inc., Item No. 167
Caves Valley Club, Inc., Item No. 168
Dianna Lynn Peterson, Item No. 192
Charles F. Hohman, Item No. 213
Russell F. Morris, III, Item No. 218
Laura E. Barles, Item No. 220
Herbert Balzanna, Item No. 221
Terrell R. Johnson, Joseph Hartman, Trustees, Item No. 224
Michael Robert Snowman, Item No. 225
Herbert J. Scism, Item No. 226
James Stabler, Item No. 232
Douglas A. Pooley, Item No. 233

In reference to the above-listed cases, 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
NCITEMS/ZAC1

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21284-5300
(301) 887-4599
Paul H. Reincke
Chief

DECEMBER 13, 1990

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

Dennis F. Rasmussen
County Executive

RE: Property Owner: RUSSELL E. MORRIS, III
Location: #4301 STARVIEW COURT
Item No.: 218 Zoning Agenda: DECEMBER 18, 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.

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

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

JK/KEK

received
12/14/90

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DECEMBER 11, 1990

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

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

SUBJECT: ZONING ITEM #: 218
PROPERTY OWNER: Russell E. Morris, III, et ux
LOCATION: W/S Starview Court, 272.26' SW of Penderosa Lane (#4301 Starview Court)
ELECTION DISTRICT: 11th
COUNCILMANIC DISTRICT: 6th

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

- () PROPOSED SITE PLAN 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 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 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.

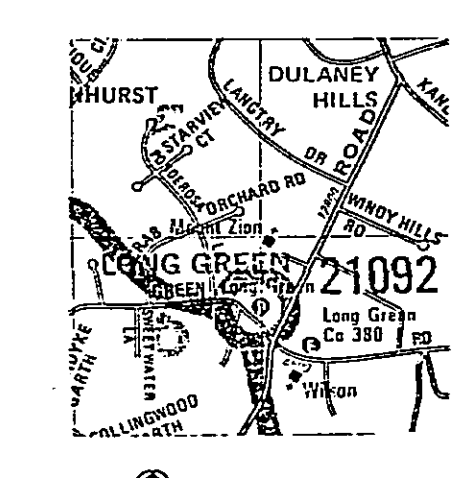
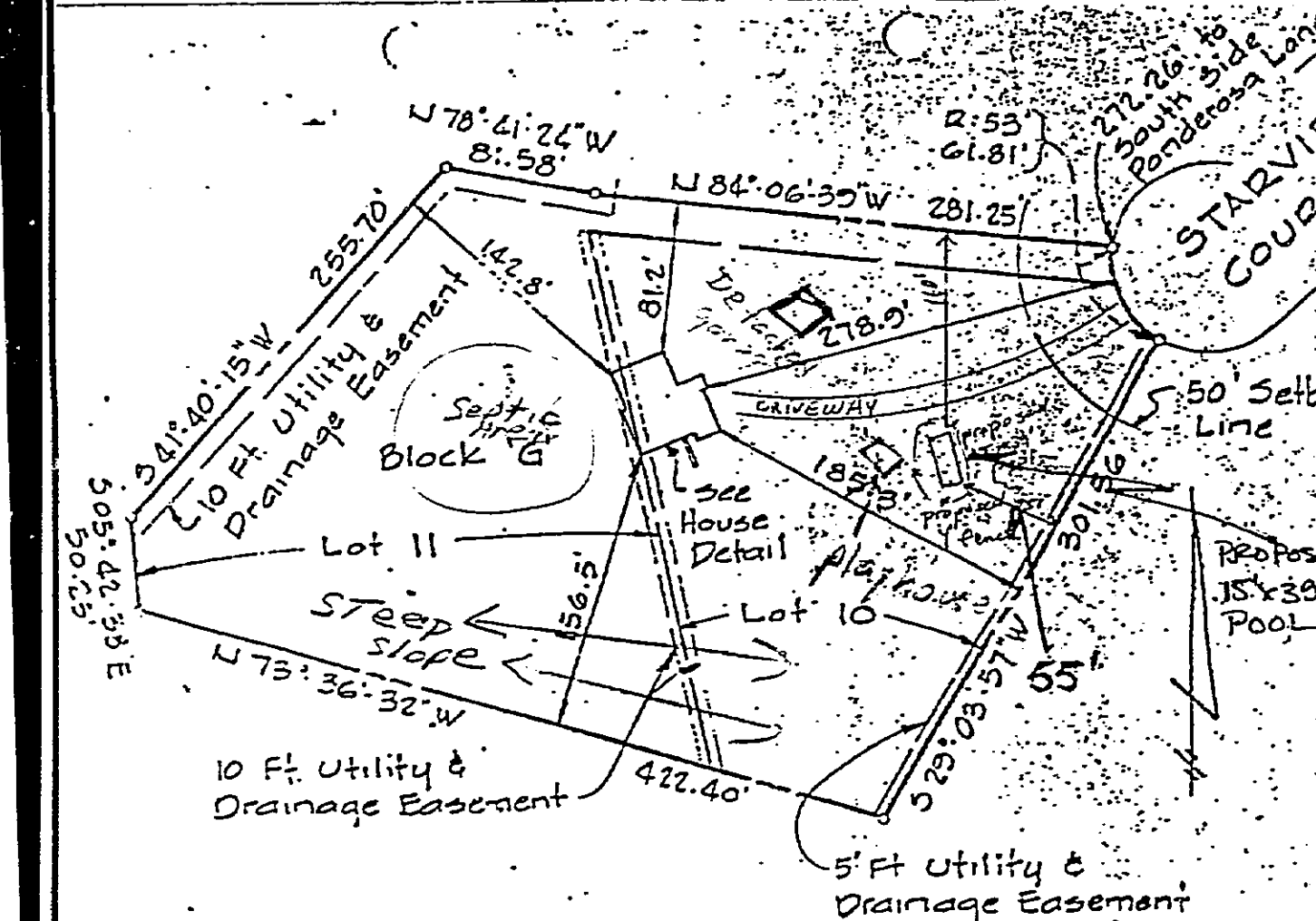
APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 4301 Starview Court, Glenarm 21057 see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Ravenhurst
plat book# 36, folio# 29, lot# 10, section# III

OWNER: Russell E. and Geraldine M. Morris III



LOCATION INFORMATION

Councilmanic District: 6
Election District: 11
1"=200' scale map: NE, 17E
Zoning: R-C-1
Lot size: 2.9 acres
126,329 square feet

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

REFERENCE:
Plat entitled, "Plat Two, Section Three, RAVENHURST" dated October 6, 1969 and recorded in Baltimore County Md., in Liber O.T.G. 34, Folio 29.
date: 11/18/90
prepared by: REM:K Scale of Drawing: 1"=100'

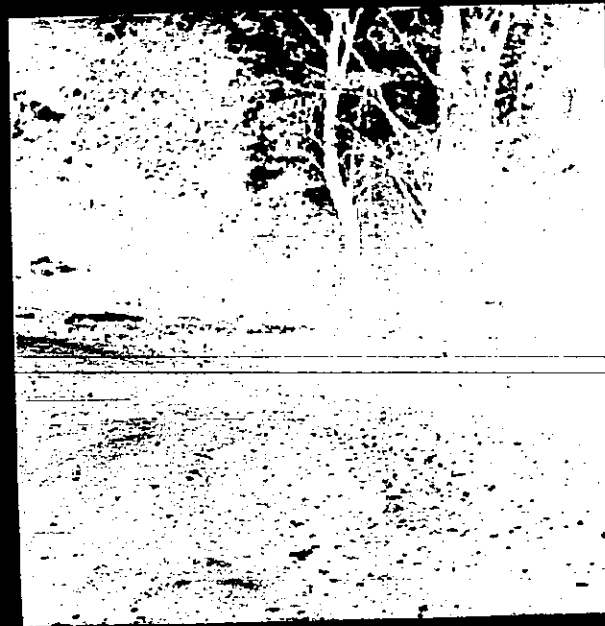
Zoning Office USE ONLY!
reviewed by: *PK* ITEM #: 218 CASE#: 91-201-A

Robert Bowling
Robert Bowling
Surveyor

CASE #: 91-201-A



#218 from Wilder



#218 1/2 way down

PETITIONER'S EXHIBIT # 2

