

IN RE: PETITION FOR ZONING VARIANCE
S/S Hydroplane Drive, 250' NW
of the c/s of Cord Street
(15 Hydroplane Drive)
14th Election District
6th Councilmanic District
Paul Chaney, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-331-A

AMENDED ORDER

WHEREAS, the Petitioners requested and were granted a variance to permit a side yard setback of 5 feet in lieu of the required minimum of 10 feet for a proposed addition in accordance with the plan submitted as Petitioner's Exhibit 1 by Order issued April 23, 1991;

WHEREAS, subsequent to commencement of construction of said addition, Petitioners were advised by a Building Inspector that a greater variance than that approved was needed;

WHEREAS, Petitioner notified this Office of the discrepancy and requested a reconsideration of the matter;

WHEREAS, a review of the case file, site plan and documents submitted, including a letter of support from the adjoining affected property owner, indicates that a modified relief is appropriate in this instance, and that such modification will not result in any detriment to the health, safety or general welfare of the surrounding community;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of May, 1991 that the Order issued April 23, 1991 be and the same is hereby AMENDED to grant a variance to the 10-foot minimum required side yard setback of 16 inches in lieu of the originally approved 5 feet, for a proposed addition; and,

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Date 5/23/91
By [Signature]

IT IS FURTHER ORDERED that the variance to permit a side yard setback of 5 feet in lieu of the minimum required 10 feet be rescinded; and,
IT IS FURTHER ORDERED that all other terms and conditions of the Order issued April 23, 1991 shall remain in full force and effect.

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

JRH:bjs

cc: Mr. & Mrs. Paul Chaney
35 Hydroplane Drive, Baltimore, Md. 21220

People's Counsel

File

ORDER RECEIVED FOR FILING
Date 5/23/91
By [Signature]

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IN RE: PETITION FOR ZONING VARIANCE
140 ft. NW of 6/1 Cord Street
in Victory Villa
35 Hydroplane Drive
14th Election District
6th Councilmanic District
Paul Joseph Chaney, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-331-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 5 ft. side yard setback in lieu of 10 ft. for an addition, in a D.R.5.5 zone, as more particularly described on Petitioners' Exhibits No. 1 and 2.

The Petitioners appeared and testified. There were no Protestants.

Testimony and evidence indicated that property known as No. 35 Hydroplane Drive, lot No. 133, in the community known as Victory Villa, consists of 0.25 acres +/-, zoned D.R.5.5 and is improved with a single family detached house.

The Petitioners are desirous of constructing a 16 ft. x 8 ft. addition to the rear of the existing house for a laundry room. The Petitioners have discussed this matter with their most affected residential neighbor located at No. 37 Hydroplane Drive and the neighbor has provided a letter of agreement to the variance which is marked Petitioners' Exhibit No. 3.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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By [Signature]

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of April, 1991 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a 5 ft. side yard setback in lieu of 10 ft. for an addition, in a D.R.5.5 zone, in accordance with Petitioners' Exhibits No. 1 and 2, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to 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

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Date 5/23/91
By [Signature]

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PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 1802.3.C.1

To allow 5 ft. in lieu of 10 ft. side yard setback in D.R.-5.5

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

Please see attached sheet.

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

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

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

Name

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 20 day

of April, 1991, 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 held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 21 day of April, 1991, at 9:30 o'clock

Attest:

[Signature]

ORDER RECEIVED FOR FILING

Date 5/23/91

By [Signature]

(over)

J. Robert Haines
Zoning Commissioner of Baltimore County

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:mmm

cc: Peoples Counsel

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 22, 1991

Mr. and Mrs. Paul Joseph Chaney
35 Hydroplane Drive
Baltimore, Maryland 21220

RE: Petition for Zoning Variance
Case No. 91-331-A

Dear Mr. and Mrs. Chaney:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning 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
J. Robert Haines
Zoning Commissioner

JRH:mmm

encl.

cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 5/23/91
By [Signature]

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TO WHOM IT MAY CONCERN:

The family of four live in a small 4-room house in Victory Villa, District #15, Precinct 3. We have been needing this room for laundry purposes for eleven years. The house sits on an angle which creates the problem. All the plumbing exists on this side of the house, which makes this the only possible place for a laundry room. This is not a luxury, it is a need. We have enclosed some pictures of our house on laundry day to show how difficult and inconvenient it is to have a normal functioning house on these days, which is at least three times a week. We have been waiting for money for this very much needed room. PLEASE HELP US WITH THIS!! Thank You for your assistance in this matter.

COPIES:
Mr. & Mrs. Paul J. Chaney
35 Hydroplane Drive
Baltimore, MD 21220

91-331-A

BEING KNOWN AND DESIGNATED as Lot No. 155, Section 2, of the Victory Villa Subdivision as shown on the Subdivision Plat recorded among the Land Records of Baltimore County in Plat Book No. 22, folios 97 through 116. THE IMPROVEMENTS thereon being known as No. 35 Hydroplane Drive.

91-331-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1-1
Date of Posting: 3-21-91
Posted for: Paul Joseph Chaney
Petitioner: Paul Joseph Chaney
Location of property: 250' NW of c/o Cord Street in Victory Villa
Location of Sign: 35 Hydroplane Drive
Remarks: Paul Joseph Chaney, et ux
Posted by: J. Robert Haines
Number of Signs: 1

CERTIFICATE OF PUBLICATION
TOWSON, MD., 3-24-91

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 3-21-91.

THE JEFFERSONIAN,

S. Zeke Orlean
Publisher

\$ 32.83

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222 March 21, 19 91

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice of Hearing - Case #91-331-A - P.O. #0111236 - Reg. #M50292 - 55 lines @ \$27.50 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the 22nd day of March 1991; that is to say, the same was inserted in the issues of March 21, 1991.

Kimbel Publication, Inc.
per Publisher.

By: Kimbel Publication, Inc.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 4-5-91

Paul Joseph and Rose Marie Chaney
35 Hydroplane Drive
Baltimore, Maryland 21220

RE:

Case Number: 91-331-A
250' NW of c/o Cord Street in Victory Villa
35 Hydroplane Drive
15th Election District - 6th Councilmanic
Petitioner(s): Paul Joseph Chaney, et ux
HEARING: MONDAY, APRIL 22, 1991 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 85.33 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.

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J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 1, 1991

NOTICE OF HEARING

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:

Case Number: 91-331-A
250' NW of c/o Cord Street in Victory Villa
35 Hydroplane Drive
15th Election District - 6th Councilmanic
Petitioner(s): Paul Joseph Chaney, et ux
HEARING: MONDAY, APRIL 22, 1991 at 9:30 a.m.

Variance to allow 5 ft. in lieu of 10 ft. side yard setback.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Paul Joseph Chaney, et ux

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 3, 1991

Mr. & Mrs. Paul J. Chaney
35 Hydroplane Drive
Baltimore, MD 21220

RE: Item No. 296, Case No. 91-331-A
Petitioner: Paul J. Chaney, et al
Petition for Zoning Variance

Dear Mr. & Mrs. Chaney:

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
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 20th day of February, 1991.

J. Robert Haines
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Paul J. Chaney, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO Zoning Advisory Committee DATE: February 22, 1991
FROM Robert W. Bowling, P.E.
RE Zoning Advisory Committee Meeting
for February 19, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 296, 299, 302, 305, 312, 313, 314, 315 and 317.

For Items 300 and 316, County Review Group Comments are required.

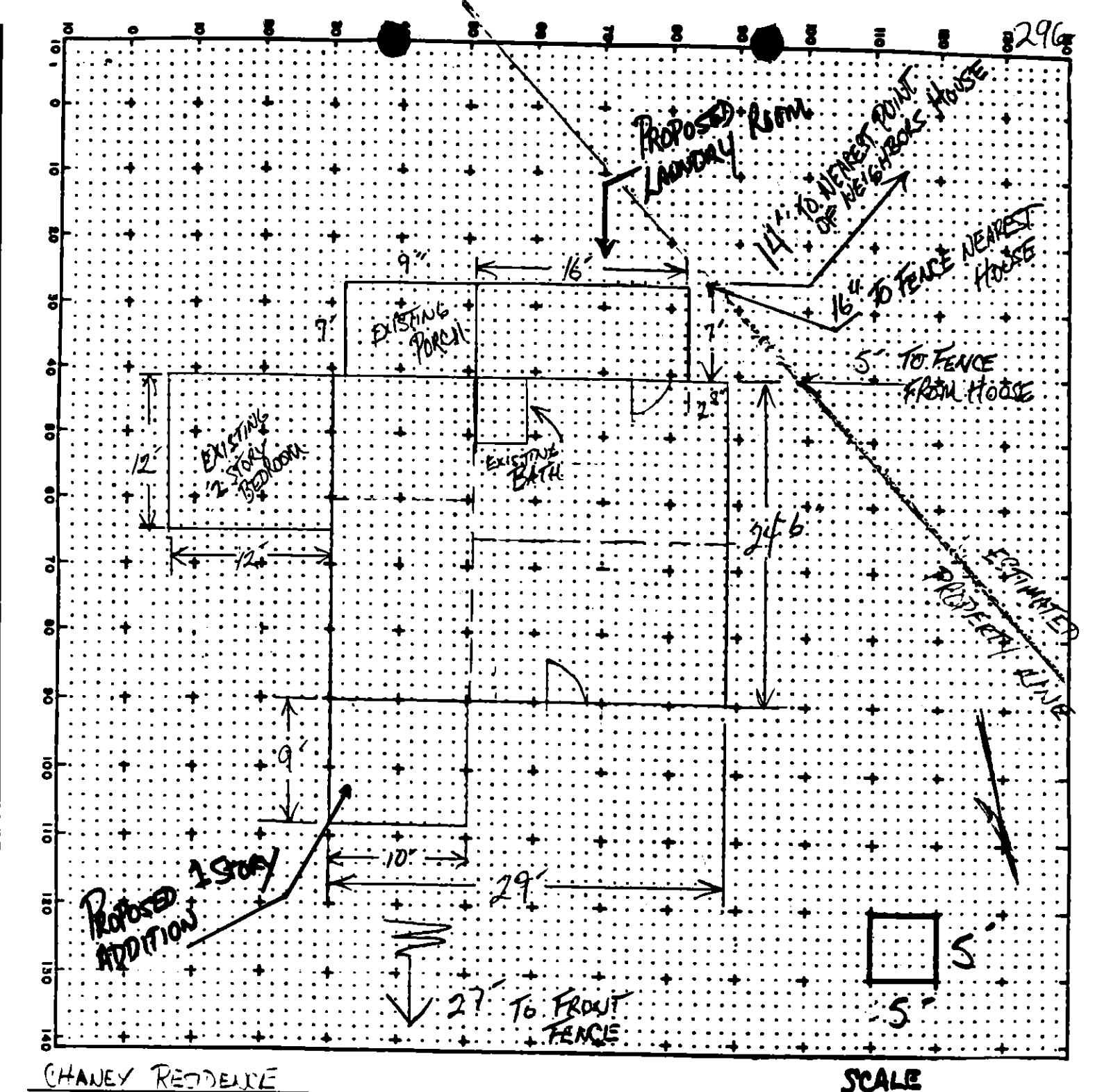
For Item 310 the previous County Review Group Comments are still applicable.

For Item 307, the previous minor subdivision comments are still applicable.

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

RWB:s

received
2/28/91



CHANEY REDDIE
35 HYDROPLANE DRIVE
PROPOSED LAUNDRY ROOM

91-331-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 35 Hydroplane Drive see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Victor Villa
plat book # 22 folio # 112 lot # 155 section # 2

OWNER: Paul + Rosie Chaney

91-331-A

PETITIONER'S EXHIBIT 2

COMPASS
SYRO
HYDROPLANE DR.
SUBJECT PROPERTY

Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION
Councilmanic District: 06
Election District: 15
1"-200' scale map: N 4-4
Zoning: R-1
Lot size: 0.2 acreage square feet

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

Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#:

North
date: 1-28-91
prepared by: Chaney

Scale of Drawing: 1"=50'

CORD ST
50' R/W 80' WIDENING
206' TO HYDROPLANE LANE

296-

8 January 1991

Mr. and Mrs. Paul Chaney
35 Hydroplane Drive
Baltimore, Maryland 21220

91-331-A

Dear Paul,

As per our discussion a couple of weeks ago, the following is forwarded for whom ever it may concern:

Shortly after Thanksgiving this past year, Paul came over to my residence at 37 Hydroplane Drive for a brief discussion concerning a small addition that he had plans to begin on. The discussion centered around the fact that his project would come a little closer to the property line than would have been the "normal allowance" according to the county. He asked me at that time if I had any objections to this and my reply was no, and I also wished him luck on the project at that time.

Around the Christmas Holidays Paul told me that a "stop work order" had been issued preventing him to complete his addition, and at that time we discussed the matter in depth. I again told Paul that I personally had no objections to the matter in regards to the closeness to our property lines. I also told him that I would do whatever I could to help him rectify this problem and that is why I am writing this letter.

I am attaching a snap-shot of our properties from the front view, and you can see that even though he is a "little" closer than normal, I don't see any hazard in this.

I might also add that on the date of our last conversation regarding this, Paul told me that he would be using a fire-proof material on the side that faces my property line. I again told him that this was totally acceptable to me.

If I may be of further assistance in this matter, please don't hesitate to call me at home (391-4771) or at my office (391-1629) anytime at all. I hope that this helps to settle the problem for Paul because I realize that for his size of family the room addition is definitely going to make life much more enjoyable for the Chaney's.

Sincerely,

Gary D. Horton

PETITIONER'S EXHIBIT 3

CASE NUMBER 91-331-A



Front View



Rear View →



← *Front View*

PETITIONER'S EXHIBIT # 4

CASE NUMBER 91-331-A



35 Hydroplane Drive
Neighbors
14' from his to mine My House



296
FRONT VIEW
35431 HYDROPLANE

PETITIONER'S EXHIBIT # 5

CASE NUMBER 91-331-A



35 Hydroplane Drive



35 Hydroplane Drive



35 Hydroplane Drive

PETITIONER'S EXHIBIT # _____

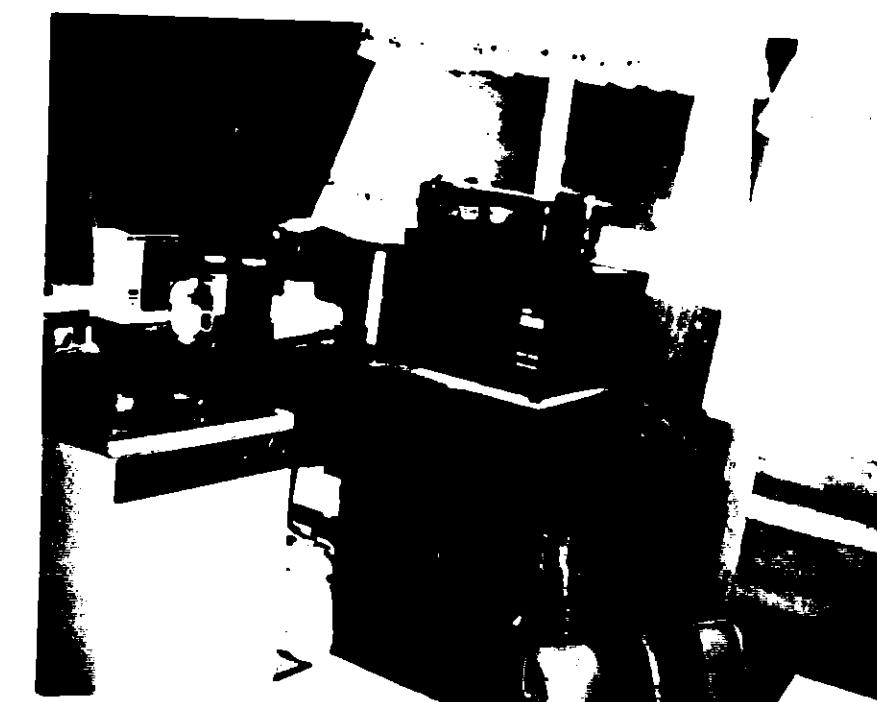
CASE NUMBER 91-331-A



35 Hydroplane Drive



35 Hydroplane Drive



35 Hydroplane Drive

PETITIONER'S EXHIBIT # _____

