

IN RE: PETITION FOR ZONING VARIANCE
 533 Fuselage Avenue, 1677 E.
 of the C/I of Yew Road
 (604 Fuselage Avenue)
 15th Election District
 with Councilmanic District

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 (Case No. 91-463-A)

Thomas P. Sisk, et ux
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 415.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the minimum required 2.5 feet and a recreational vehicle projection of 4 feet forward of the front foundation line in lieu of the required 8 feet to the rear of that line, all as more particularly described on Petitioner's Exhibit 1.

Mr. Thomas P. Sisk appeared and testified on behalf of himself. There were no Protestants.

Testimony indicated that the subject property, known as 604 Fuselage Avenue, consists of 0.146 acres zoned D.R. 5.5 and is improved with a single family dwelling. Petitioners are desirous of parking a recreational vehicle in the side yard in the location depicted on petitioner's Exhibit 1 on a concrete pad extending from the existing driveway. Testimony indicated that due to the size of the lot, its configuration and the location of existing improvements thereon, petitioners are unable to park the recreational vehicle in the rear yard as required. Testimony and evidence presented indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

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 Date 8/21/91
 By [Signature]

his property. *Melan v. Seley*, 276 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 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 health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of August, 1991 that the Petition for Zoning Variance from Section 415.A.1 of the B.C.Z.R. to permit a side yard setback of 1 foot in lieu of the minimum required 2.5 feet and a recreational vehicle projection of 4 feet forward of the front foundation line in lieu of the required 8 feet to the rear of that line, in accordance with Petitioner's Exhibit 1 be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The 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) In the event Petitioners no longer reside on the subject property or have transferred title to the subject recreational vehicle, the relief granted herein shall terminate.

TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjjs

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 By [Signature]

CASE NUMBER

91-463-A

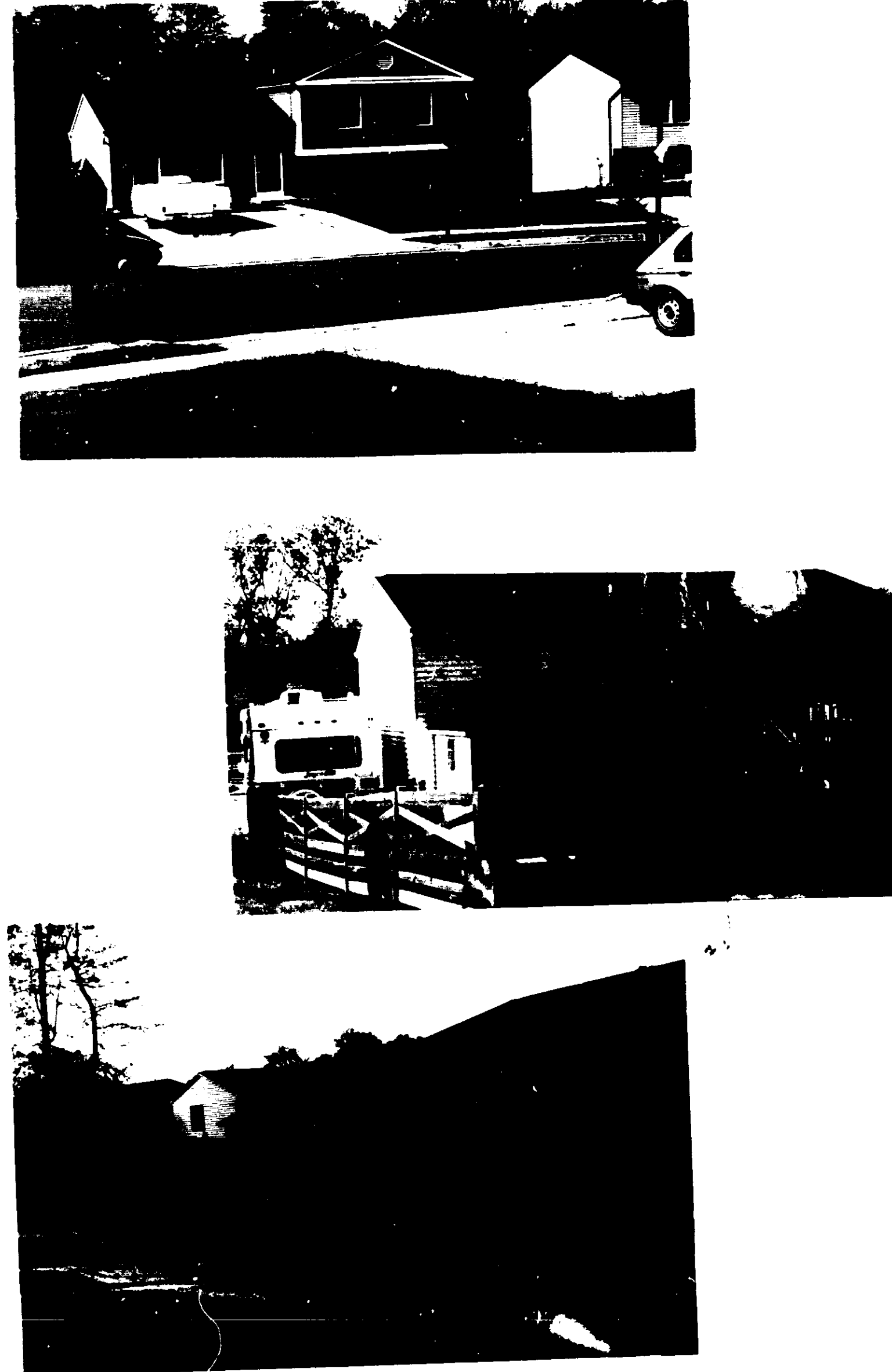
PETITIONER'S EXHIBIT #



CASE NUMBER

91-463-A

PETITIONER'S EXHIBIT #



PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-463-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 415.A.1 To Allow Recreational Vehicle Setback and Projection

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

PRACTICAL DIFFICULTY IN GAINING ACCESS TO REAR YARD DUE TO:

- 1 - EXISTING GRADE OF PROPERTY AND ADJACENT PROPERTY
- 2 - LOCATION OF DWELLING IN RELATION TO LOT LINE RESTRICTIONS REAR YARD BY R.V.
- 3 - LIMITATIONS OF LOT SIZE

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: _____ Legal Owner(s):
 (Type or Print Name) *MR. THOMAS P. SISK*
 Signature *Thomas P. Sisk*
 Address *MRS. PATRICIA E. SISK*
 (Type or Print Name)
 City and State *Jalisco, Calif.*
 Signature

Attorney for Petitioner: _____
 (Type or Print Name) *W. 396-6270*
 Address *604 FUSELAGE AVE*
 (Type or Print Name) *H. 682-6374*
 City and State *BALTIMORE, MD 21221*
 Signature
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Address _____
 City and State _____
 Name _____
 Attorney's Telephone No.: _____ Phone No. _____

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 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 _____ day of _____, 19____, at _____ o'clock _____ M.

LENGTH OF HEARING -1/2HR. -1HR. -1 1/2HR. -2HR. -3HR. -4HR. -5HR. -6HR. -7HR. -8HR. -9HR. -10HR. -11HR. -12HR.

ORDER RECEIVED FOR FILING
 Date 8/21/91
 By [Signature]

CASE NUMBER

91-463-A

PETITIONER'S EXHIBIT #



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21284

887-3353

August 8, 1991

Mr. & Mrs. Thomas P. Sisk
604 Fuselage Avenue
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
S/S Fuselage Avenue, 167' E of the c/l of Yew Road
(604 Fuselage Avenue)
15th Election District - 6th Councilmanic District
Thomas P. Sisk, et ux - Petitioner
Case No. 91-463-A

Dear Mr. & Mrs. Sisk:

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,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21284

887-3353

July 9, 1991

Mr. & Mrs. Thomas P. Sisk
604 Fuselage Avenue
Baltimore, MD 21221

RE: Item No. 441, Case No. 91-463-A
Petitioner: Thomas P. Sisk, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Sisk:

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 Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21284

887-3353

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

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Thomas P. Sisk, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: June 10, 1991

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

SUBJECT: Michael Prince, Item No. 420
Michael J. Maccubin, Item No. 431
Jay S. Lebow, M.D., Item No. 433
Raymond A. Ricci, Item No. 434
Terry W. Deitz, Item No. 435
Kathleen B. Thompson, Item No. 436
William Buzby, Item No. 437
Thomas P. Sisk, Item No. 441
Elmer S. Cochran, Item No. 444
Richard W. Offutt, Item No. 448
Joseph C. Hiltner, Item No. 449
Jan Frederick, Item No. 451
Joseph Klein, III, Item No. 452
Carl W. Miles, Item No. 457

In reference to the Petitioners' requests, 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

VARIED.ZAC/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: June 26, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: June 4, 1991

This office has no comments for items number 431, 441, 443, 447, 448, 449, 450, 451 and 453.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department



590 East Joppa Road, Suite 901
Towson, MD 21284-5800

887-3353

MAY 31, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21284

RE: Property Owner: THOMAS P. SISK
Location: 604 FUSFLAGE AVENUE
Item No.: 441 Zoning Agenda: JUNE 4, 1991

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: *John J. Kelly* 6.3.91 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 3, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 4, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 431, 441, 442, 443, 448, 449, and 451.

For Items 432, 439 and 444, the previous County Review Group comments are still applicable.

For Items 445, 446, 450 and 453, County Review Group Meetings are required.

For Item 447, this site is subject to the previous minor subdivision comments.

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

RWB:s

received
6/10/91

*Petitioner's
Exhibit 2*

91-463-A

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21286

COPY

Mr. & Mrs. Thomas P. Slak
604 Furlong Avenue
Baltimore, Maryland 21221

RE: Case Number: 91-463-A
S/S Furlong Avenue, 167' E of c/1 New Road
604 Furlong Avenue
15th Election District - 6th Councilmanic
Petitioner(s): Thomas P. Slak, et ux
HEARING: WEDNESDAY, AUGUST 7, 1991 at 2:00 p.m.

Your Petitioner(s):

Please be advised that \$100.00 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 BE ISSUED. NO WORK BEHIND 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 (11:00 a.m. - 15:00 p.m.) before your hearing is scheduled to begin.

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21286

COPY

THE 19, 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 21286 as follows:

Case Number: 91-463-A
S/S Furlong Avenue, 167' E of c/1 New Road
604 Furlong Avenue
15th Election District - 6th Councilmanic
Petitioner(s): Thomas P. Slak, et ux
HEARING: WEDNESDAY, AUGUST 7, 1991 at 2:00 p.m.

Variance to allow a side yard setback of 1 ft. in lieu of 2.5 ft. and a recreational vehicle projection of 4 ft. forward of the front foundation line in lieu of 8 ft. to the rear of that line.

J. Robert Orlow

Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Slak

receipt

Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21286

Date: _____

Account: N.U. 1810
Number: _____

Cashier Validation

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604 Furlong Avenue
15th Election District - 6th Councilmanic
Petitioner(s): Thomas P. Slak, et ux
HEARING: WEDNESDAY, AUGUST 7, 1991 at 2:00 p.m.

Variance to allow a side yard setback of 1 ft. in lieu of 2.5 ft. and a recreational vehicle projection of 4 ft. forward of the front foundation line in lieu of 8 ft. to the rear of that line.

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 7/14, 1991.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zebe Orlow
Publisher

\$ 66.34

NOTICE OF HEARING

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Variance to allow a side yard setback of 1 ft. in lieu of 2.5 ft. and a recreational vehicle projection of 4 ft. forward of the front foundation line in lieu of 8 ft. to the rear of that line.

CERTIFICATE OF PUBLICATION

TOWSON, MD. 7/19, 1991

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 7/14, 1991.

THE JEFFERSONIAN,

S. Zebe Orlow
Publisher

\$ 66.34

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th
Date of Posting: 7/24/91

Posted for: Variance

Petitioner: Thomas P. Slak, et ux

Location of property: S/S Furlong Ave, 167' E of New Rd

Location of Sign: Posting on property of petitioner

Remarks: Posting on property of petitioner

Posted by: *M. Orlow*

Number of Signs: 1