

IN RE: PETITION FOR ZONING VARIANCE
N/S Hickory Falls Way, 230' W
of Glen Hurst Garth
(9534 Hickory Falls Way)
11th Election District
5th Councilmanic District
James C. Tyson, Jr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-82-A

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 recreational vehicle (boat) to be located in the front yard 15 feet from the lateral projection of the front foundation line of an existing dwelling in lieu of the permitted 8 feet from the rear lateral projection, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 9534 Hickory Falls Way, consists of 14,837 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling, swimming pool and shed as depicted on Petitioner's Exhibit 1. Petitioners received a zoning violation notice for storing a 19-foot trailer boat in the driveway of their front yard and were advised to file the instant Petition to legalize same. Testimony indicated that due to the location of existing improvements on the property and the steep slope of the rear yard, there is no other suitable location to store the boat on the property. Petitioners argued that the driveway is long enough to accommodate the trailer boat and a station wagon without impeding pedestrian traffic on the sidewalk or creating any traffic visibility problem. Testimony indicated that Petitioners have spoken with their immediate neighbors on both sides who have no objections to their

request. Further testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the community.

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. Solovy*, 270 Md. 208 (1974). 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, as restricted herein, 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 October, 1991 that the Petition for Zoning Variance from Section 415.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational vehicle (boat) to be located in the front yard 15 feet from the lateral projection of the front foundation

line of the existing dwelling in lieu of the permitted 8 feet from the rear lateral projection, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject 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 10-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) The variance granted herein is limited to storage of the existing 19-foot boat, or any future boat of the same size, in the location shown on Petitioner's Exhibit 1. In no event shall Petitioners store a boat of larger size in the location shown on Petitioner's Exhibit 1.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

October 14, 1991

887-3353

Mr. & Mrs. James C. Tyson, Jr.
9534 Hickory Falls Way
Baltimore, Maryland 21236

RE: PETITION FOR ZONING VARIANCE
N/S Hickory Falls Way, 230' W of Glen Hurst Garth
(9534 Hickory Falls Way)
11th Election District - 5th Councilmanic District
James C. Tyson, Jr., et ux - Petitioners
Case No. 92-82-A

Dear Mr. & Mrs. Tyson:

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
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING
10/14/91
10/14/91

ORDER RECEIVED FOR FILING
10/14/91
10/14/91

- 2 -

- 3 -



Petition for Variance

to the Zoning Commissioner of Baltimore County

92-82-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 a Recreational Vehicle (Boat) to be Located 15' in Front of a Lateral Projection of the Front Foundation Line in Lieu of 8' to the Rear of that Line of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate herein or practical difficulty)

- The reasons for making this petition are as follows:
1. Because of the steep slope of our lot, it would be impossible to park the boat behind the house.
 2. Since our boat sits 10 feet off the front sidewalk, it does not impede any foot traffic or visibility of vehicle traffic. 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.

Contract Purchaser/Lessee:

(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.

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.

Legal Owner(s):

James C. Tyson, Jr.

(Type or Print Name)

Signature

Address

City and State

Signature

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

James C. Tyson, Jr.

Name

9534 Hickory Falls Way, 236-3925

Address

City and State

Phone No.

Office Use Only

ESTIMATED LENGTH OF HEARING

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY: SBAJ

DATE

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 111

Date of Posting: 10/14/91

Posted for: James C. Tyson, Jr.

Petitioner: James C. Tyson, Jr.

Location of property: 9534 Hickory Falls Way, Towson, MD 21236

Location of Signer: James C. Tyson, Jr.

Remarks: Variance from Section 415.A.1 of the Baltimore County Zoning Regulations to allow a recreational vehicle (boat) to be located 15 feet in front of a lateral projection of the front foundation line in lieu of the 8 feet to the rear of that line.

Posted by: James C. Tyson, Jr.

Signature

Number of Signs: 1

Date of return: 10/14/91

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 on the date and time specified below. The hearing will be held at the Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 92-82-A
N/S Hickory Falls Way, 230' W of Glen Hurst Garth
9534 Hickory Falls Way
11th Election District
5th Councilmanic District

Person(s): James C. Tyson, Jr., et ux
Hearing Date: Friday, Oct. 18, 1991 at 9:00 a.m.

Variance: to allow a recreational vehicle (boat) to project 15 ft. in front of a lateral projection of the front foundation line in lieu of the 8 ft. to the rear of that line.

Zoning Commissioner of Baltimore County
NEJ:9-286 September 26

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/12/91

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 successive weeks, the first publication appearing on 10/12/91.

THE JEFFERSONIAN,

S. Zefe Orlov
Publisher

NOTICE OF HEARING

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Zoning Commissioner of Baltimore County
NEJ:9-286 September 26

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 successive weeks, the first publication appearing on 10/12/91.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zefe Orlov
Publisher



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

Date

Account: R-001-6150
Number

10/12/91

10/12/91

10/12/91

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

111 West Chesapeake Avenue
Towson, MD 21204

887-3454

DATE: 10/18/91

COPY

James and Linda Tyson
9534 Hickory Falls Way
Baltimore, Maryland 21236

RE:
Case Number: 92-82-A
N/S Hickory Falls Way, 230' W of Glenhurst Garth
9534 Hickory Falls Way
11th Election District - 5th Councilmanic
Petitioner(s): James C. Tyson, Jr., et ux
HEARING: FRIDAY, OCTOBER 18, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 66.91 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 forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 115, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Lawrence E. Schmidt
Lawrence E. Schmidt
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 21204

887-3454

SEPTEMBER 13, 1991

COPY

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: 92-82-A
N/S Hickory Falls Way, 230' W of Glenhurst Garth
9534 Hickory Falls Way
11th Election District - 5th Councilmanic
Petitioner(s): James C. Tyson, Jr., et ux
HEARING: FRIDAY, OCTOBER 18, 1991 at 9:00 a.m.

Variance: to allow a recreational vehicle (boat) to project 15 ft. in front of a lateral projection of the front foundation line in lieu of the 8 ft. to the rear of that line.

J. Robert Hines
Zoning Commissioner of
Baltimore County

cc: James C. Tyson, Jr., et ux

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

111 West Chesapeake Avenue
Towson, MD 21204

887-3454

October 1, 1991

Mr. & Mrs. James C. Tyson, Jr.
9534 Hickory Falls Way
Baltimore, MD 21236

RE: Item No. 85, Case No. 92-82-A
Petitioner: James C. Tyson, et ux
Petition for Variance

Dear Mr. & Mrs. Tyson:

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 21204

887-3454

Your petition has been received and accepted for filing this
26th day of August, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James C. Tyson
Chairman
Zoning Plans Advisory Committee

Petitioner: James C. Tyson, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 13, 1991
Zoning Administration and
Development Management

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

SUBJECT: HELBING Property, Item No. 53
Smith Property, Item No. 64
McClure Property, Item No. 65
Boehnlein Property, Item No. 66
Marx Property, Item No. 68
Baile Property, Item No. 69
Pulaski Property, Item No. 70
Wollschlager Property, Item No. 72
Bray Property, Item No. 74
Graves Property, Item No. 75
Sylvia Property, Item No. 76
Long Property, Item No. 78
Pearl Property, Item No. 79
Casey Property, Item No. 80
Edwards Property, Item No. 81
Tyson Property, Item No. 85
Skidmore Property, Item No. 88
Williams Property, Item No. 89
Restivo Property, Item No. 90
Didier Property, Item No. 97
Wesolowski Property, Item No. 102
Griffin Property, Item No. 103
Burgwin Property, Item No. 104
Ghent Property, Item No. 110
Lings Property, Item No. 111
Bates Property, Item No. 112
Bond Property, Item No. 115

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/rdn
ITEM47/TXTROZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 14, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for September 3, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 55, 56, 54, 82, 85, 88, 89, 90, 93, 94, 96, 97, 98, and 99.

For Item 84, see the County Review Group comments for the St. Lukes Apartment site.

For Item 91, the previous County Review Group and Public Works Agreement comments remain in effect.

For Item 92, the previous County Review Group comments remain in effect.

For Item 95, see the County Review Group comments for this site.

For Item 101, comments are reserved for this site until the County Review Group meeting.

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

RWB:s

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

DATE: October 9, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 3, 1991

This office has no comments for item numbers 54, 82, 85, 88, 89, 90, 91, 93, 94, 96 and 97.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

ZONING ENFORCEMENT SECTION

11900 Belle G. Office
TELEPHONE: 887-3351

***** CORRECTION NOTICE FOR ALLEGED ZONING VIOLATION *****

CASE NUMBER C- 92-101 ELECTION DISTRICT: 11

LOCATION: 9534 HICKORY FALLS WAY
JAMES C. TYSON JR. / LINDA S. TYSON

PLEASE BE ADVISED THAT AN INSPECTION OF THE ABOVE REFERENCED LOCATION REVEALED:

☐ THERE WAS NO VIOLATION OBSERVED AND THE CASE WILL BE CLOSED.

☒ THERE IS AN APPARENT VIOLATION AND THE FOLLOWING CORRECTION IS REQUIRED:

SENT ON TRUCK, MUST BE MOVED IN SIDE OF
ROAD TOWARD E. BEHIND FRONT WALL OF HOUSE
AND 2 1/2' FROM SIDE OF REAR PROPERTY LINE.

FAILURE TO COMPLY BY 8-3-91 WILL RESULT IN THE ISSUANCE OF A CITATION WHEREIN YOU ARE SUBJECT TO A CIVIL PENALTY OF \$200.00 FOR EACH VIOLATION, AND EACH DAY SHALL BE CONSIDERED A SEPARATE VIOLATION (CIVIL PENALTY BILL #132-85).

☐ COMPLIANCE HAS BEEN ATTAINED AND THE CASE WILL BE CLOSED.

INSPECTOR: IRENE W DATE: 10-15-91

92-82-A

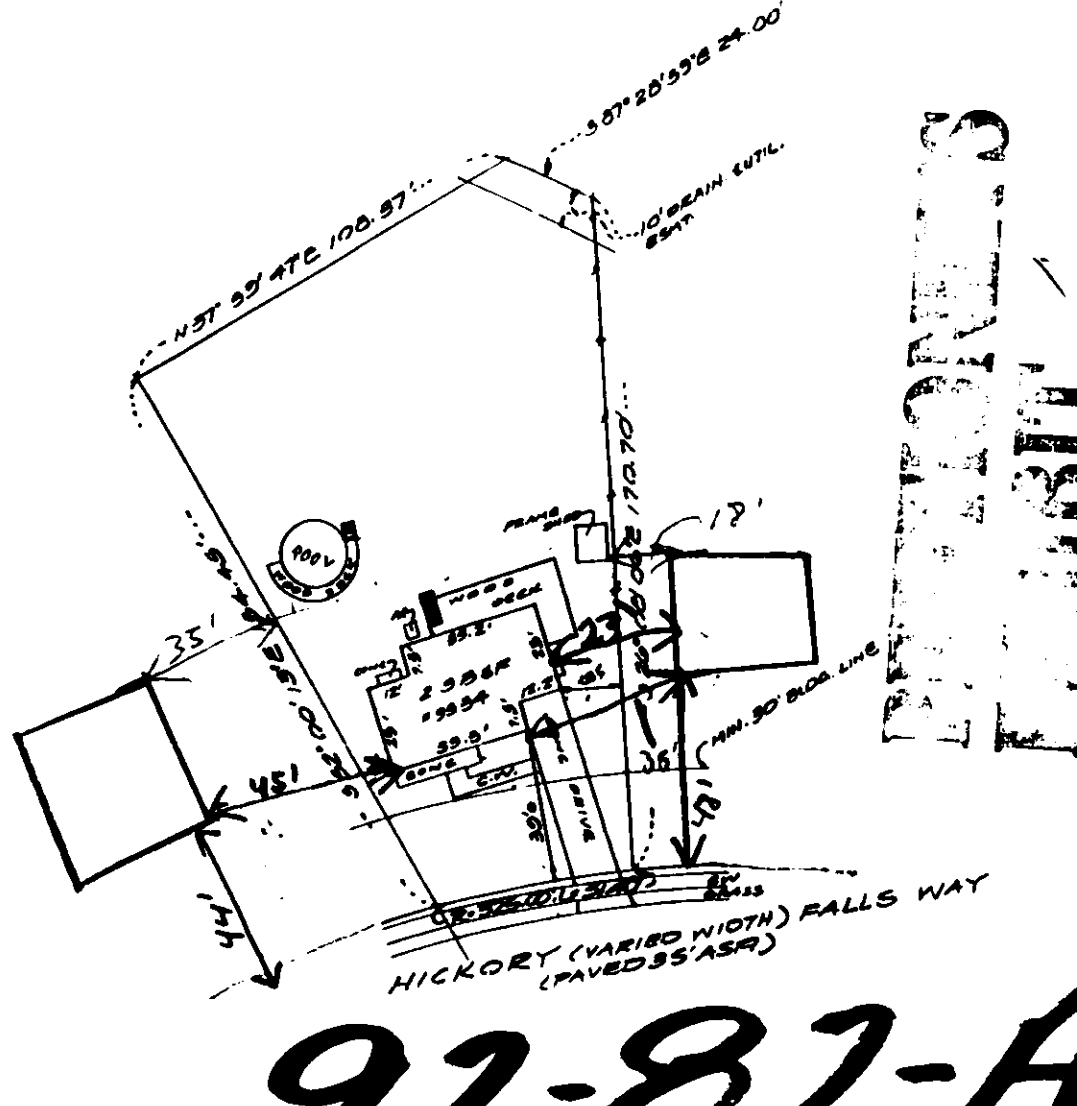
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9534 HICKORY FALLS WAY NW see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: OAKHURST

plat book # 22, folio # 132, lot # 18, section # 3, PLAT 2

OWNER: TYSON, JAMES C. JR. & LINDA S.



92-82-A

North
date: 3/14/91
prepared by: C. Tyson

Scale of Drawing: 1" = 50'

LOCATION INFORMATION

Councilmanic District: 5

Election District: 11

1"=200' scale map: NE 12 F

Zoning: DR.S.S

Lot size: 0.3406 acreage 14,837 square feet

Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:

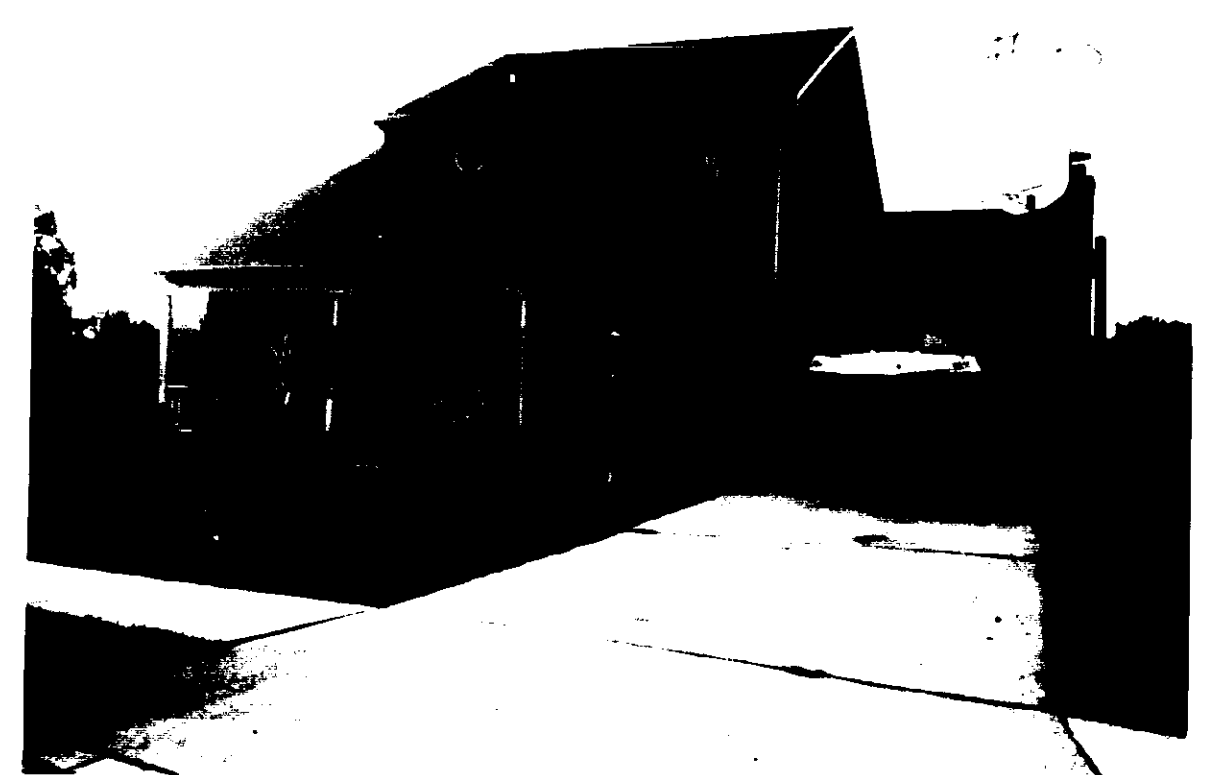
5/1/91 55

CASE NUMBER **92-82-A**

PETITIONER'S EXHIBIT # 2

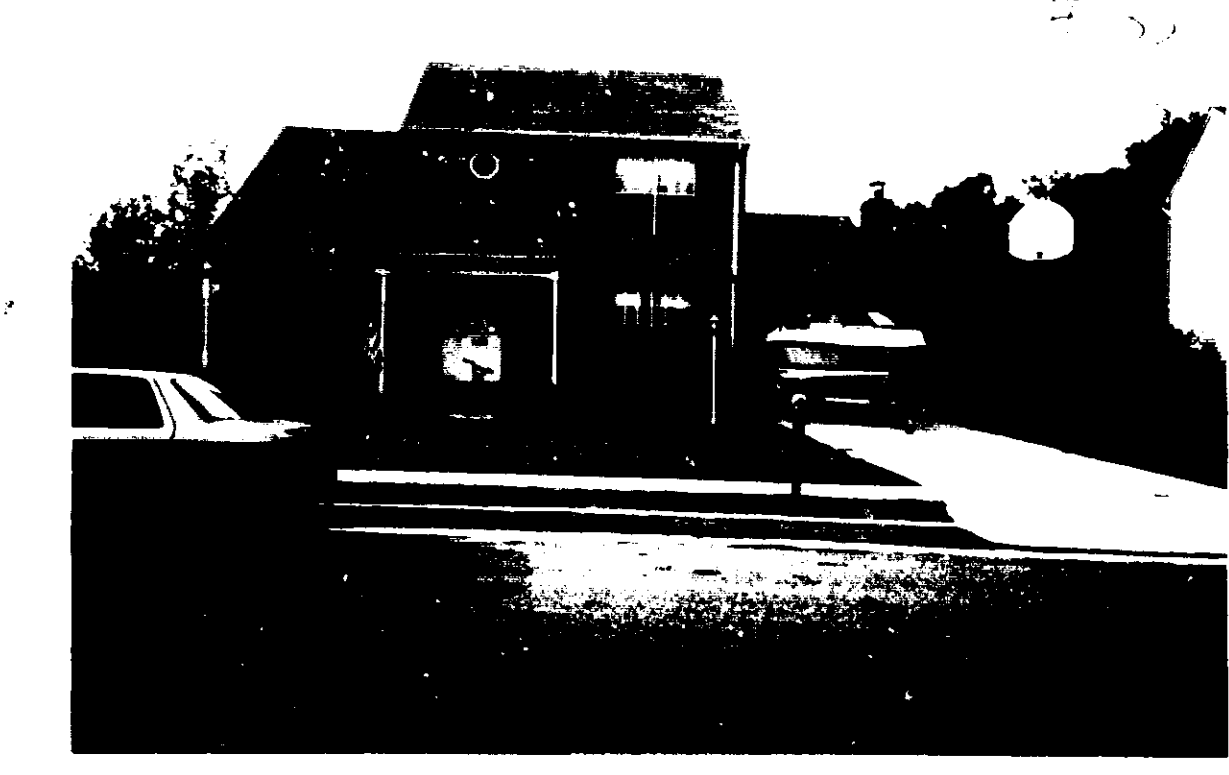


Drop off on right side of house where boat is kept.



CASE NUMBER **92-82-A**

PETITIONER'S EXHIBIT # 3




Drop off on right side of house.



Drop off on left side of house.

CASE NUMBER **92-82-A**

PETITIONER'S EXHIBIT # 4






92-82-A

ORE COUNTY
PLANNING AND ZONING
MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP**

92-82-A

SCALE: 1" = 200' ±

LOCATION: SOUTHEAST OF SUMMERFIELD

SHEET: NE 12-F

DATE OF PHOTOGRAPHY: JANUARY 1986