

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
 S/S Caves Road, 900 ft. E of c/l Garrison Forest Road
 3219 Caves Road
 3rd Election District
 3rd Councilmanic District

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 92-223-A

Francis Rurka, et ux
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request relief from Sections 1A04.3.B.3 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 35 ft. street centerline setback (for a dwelling existing prior to 1945) in lieu of 75 ft. and to permit an accessory structure (garage) in the side yard in lieu of the rear yard, as more particularly described on Petitioners' Exhibit No. 1.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance 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, photographs, 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 Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of January 1992 that the Petition for a Zoning Variance from Sections 1A04.3.B.3 and 400.1 of the B.C.Z.R. to permit a 35 ft. street centerline setback (for a dwelling existing prior to 1945) in lieu of 75 ft. and to permit an accessory structure (garage) in the side yard in lieu of the rear yard, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 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.
- The Petitioners shall not allow or cause the accessory structure 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.

LAWRENCE E. SCHMIDT
 Zoning Commissioner
 for Baltimore County

LES/mmm

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 113 Courthouse
 410 Washington Avenue
 Towson, MD 21284

(410) 887-4386

January 8, 1992

Mr. and Mrs. Francis Rurka
 3219 Caves Road
 Owings Mills, Maryland 21117

RE: Petition for Residential Zoning Variance
 Case No. 92-223-A

Dear Mr. and Mrs. Rurka:

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 887-3391.

Very truly yours,
 LAWRENCE E. SCHMIDT
 Zoning Commissioner

LES:mmm
 encl.

#244
 PETITION FOR RESIDENTIAL 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, petition for a Variance from Section 1A04.3.B.3 and 400.1 to permit a 35' street centerline setback (for a dwelling existing prior to 1945) in lieu of 75' and to permit an accessory structure (garage) in the side yard in lieu of the rear.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (indicate hardship or practical difficulty)
 If the garage were constructed in the Rear Yard, it would encroach upon the existing specimen Chokecherry trees and their root systems. Also the extreme grade change in this area would make construction of garage impracticable.

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 Petitioner:
 (Type or Print Name)
 Signature
 Address
 City/State/Zip Code
 Attorney's telephone number

Legal Owner(s):
 (Type or Print Name)
 Signature
 Address
 City/State/Zip Code
 Name, address and phone number of legal owner, contact purchaser or representative to be contacted.
 same as above
 Name
 Address

ORDERED by the Zoning Commissioner of Baltimore County, this 8th day of January, 1992, that the subject matter of this petition be posted on the property on or before the 10th day of January, 1992.

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 8th day of January, 1992, 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 had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.



ZONING COMMISSIONER OF BALTIMORE COUNTY

REVIEWED BY: *mmk* DATE: 1/24/91
 est post - 12/15/91

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

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/do presently reside at 3219 Caves Road
 Owings Mills, MD 21117
 (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)

if garage were constructed in the Rear Yard, it would encroach upon the existing specimen Chokecherry trees & their root systems. Also the extreme grade change in this area would make construction of garage impracticable.

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.

Francis X. Rurka III
 AFFIANT (Handwritten Signature)
 Francis X. Rurka III
 AFFIANT (Printed Name)

Wendy L. Rurka
 AFFIANT (Handwritten Signature)
 Wendy L. Rurka
 AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of November 1991 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Francis X. Rurka III and Wendy L. Rurka

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.

November 23, 1991
 NOTARY PUBLIC
 My Commission Expires: MY COMMISSION EXPIRES JULY 1, 1994

ZONING DESCRIPTION

Beginning at a point on the centerline of Caves Road (formerly Ridge Road) on which the property fronts and has a 22 ft. wide paving section, at the distance of 900 ft. east of Garrison Forest Road, containing 1.108 acres, also known as 3219 Caves Road, Owings Mills MD, zip code 21117 and located in the 3rd Election District, as recorded in Deed Liber 8580, Pages 182, 190, 191, 192.

TYPICAL METES. & BOUNDS:

N 69 deg. - 15 min. E	183.0 ft.
S 22 deg. - 29 min. E	119.40 ft.
S 02 deg. - 29 min. - 20 sec. E	192.63 ft.
N 86 deg. - 21 min. - 20 sec. W	165.98 ft.
N 02 deg. - 29 min. - 20 sec. W	91.27 ft.
S 61 deg. W	5.5 ft.
N 19 deg. - 59 min. W	146.70 ft. to the place of beginning

#244

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 3rd Date of Posting: 12-16-91
 Posted for: Francis X. Rurka III and Wendy L. Rurka
 Petitioner: Francis X. Rurka III and Wendy L. Rurka
 Location of property: S/S of Caves Road, 200 ft. E of the c/l of Garrison Forest Road, 1.108 Acres, Owings Mills, MD
 Location of Signs: Along front of S/S of Caves Road
 Remarks: See Deed
 Posted by: LES Date of return: 12-16-91
 Number of Signs: 1

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

receipt

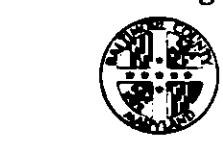
Account: R-001 6190
 Number

Date

Cashier Validation

Please Make Checks Payable To: Baltimore County

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



111 West Chesapeake Avenue
 Towson, MD 21204

November 3, 1991

887-3353

Francis and Wendy Rurka
 3219 Caves Road
 Owings Mills, Maryland 21117

RE: CASE NUMBER: 92-223-A
 LOCATION: S/S Caves Road, 200' E of c/l Garrison Forest Road
 3219 Caves Road
 3rd Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a reaffirmation regarding the administrative process.

1) Your property will be posted on or before December 15, 1991. The closing date is December 30, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

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.

Lawrence E. Schmidt
 LAWRENCE E. SCHMIDT
 Zoning Commissioner, Baltimore County

Maryland Department Of Natural Resources
 Forest, Park and Wildlife Service
 Tawes State Office Building
 Annapolis, Maryland 21401

William Donald Schaefer
 Governor

Torrey C. Brown, M.D.
 Secretary

Donald E. MacLaughlan
 Assistant Secretary

November 19, 1991

Frank X. Rurka
 3219 Caves Road
 Owings Mills, MD 21117

Dear Mr. Rurka,

This letter is to verify the nomination of your Common chokecherry into Maryland's Big Tree Champion Program. Our records show that your Common chokecherry, *Prunus virginiana*, measures 14'0" in circumference, 80' in height with an average crown width of 44.5' for a point total of 259.1. Your tree is the largest Common chokecherry on record living in the State of Maryland. Congratulations on your champion tree which I hope you continue to enjoy for many years. If I can be of further service, please feel free to contact me at 974-3776.

Sincerely,
Maureen Brooks
 Maureen T. Brooks
 Assistant Stewardship Coordinator

#244

Telephone: (301) 974-3195
 DNR TTY for the Deaf: 301-974-3683

Maryland Department Of Natural Resources
 Forest, Park and Wildlife Service
 Tawes State Office Building
 Annapolis, Maryland 21401

William Donald Schaefer
 Governor

Torrey C. Brown, M.D.
 Secretary

Donald E. MacLaughlan
 Assistant Secretary

Dear Wild Acres Participant:

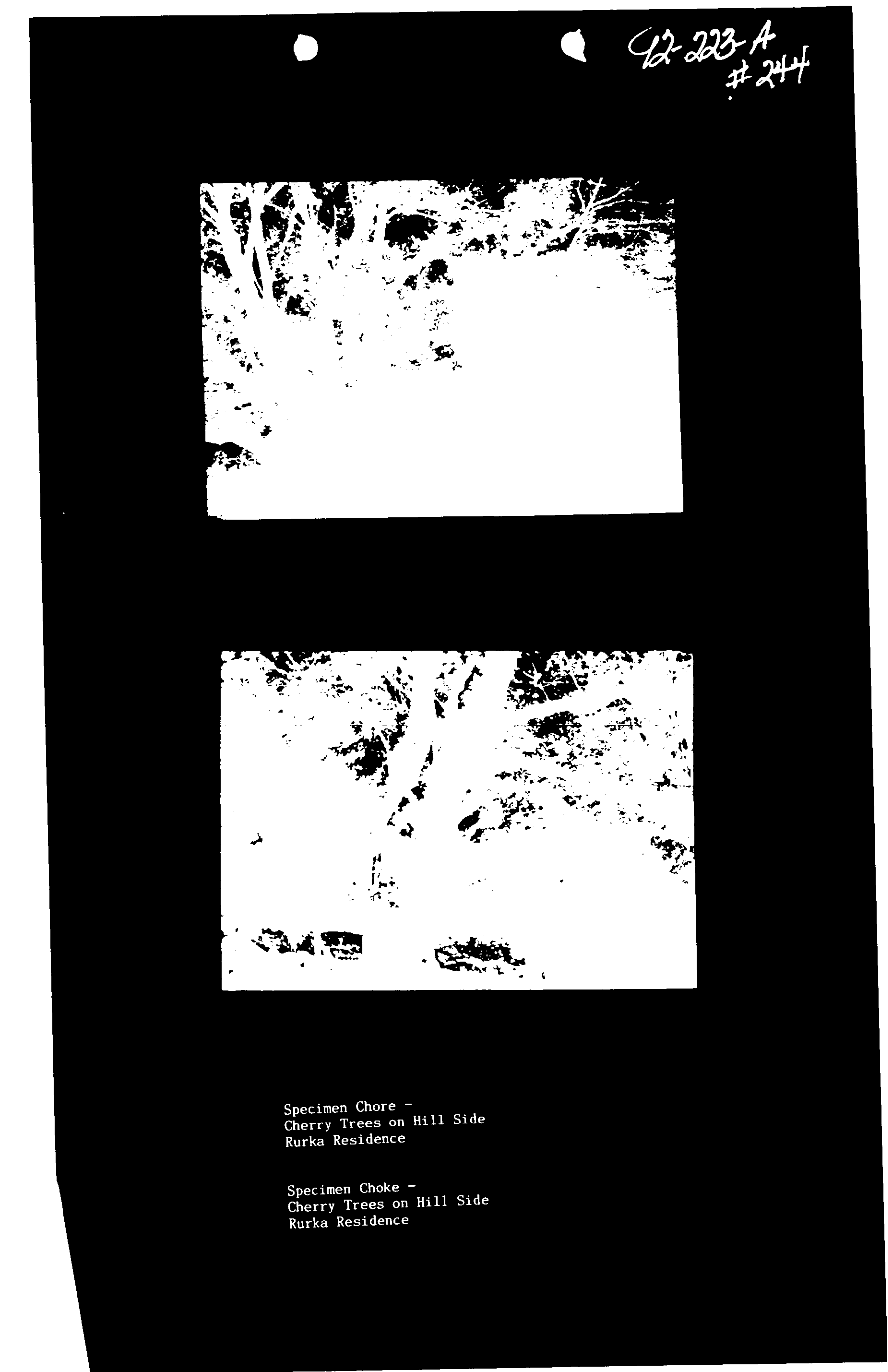
Welcome to Wild Acres and congratulations on your wildlife habitat certification! Because wildlife species will only live where they can find food, shelter, water, and space, you are contributing greatly to wildlife conservation efforts by providing these habitat needs on your property.

The Wild Acres Program will grow to include additional information sheets over time. We invite comments from you about the subjects we need to cover in these sheets. If you have any comments or questions about your backyard or about the Wild Acres Program in general, please contact the Urban Wildlife Office at the Tawes State Office Building B-2, Annapolis, MD 21401.

Sincerely,
Edith R. Thompson
 Edith R. Thompson
 Urban Wildlife Biologist

#244

Telephone: (301) 974-3195
 DNR TTY for the Deaf: 301-974-3683



The Maryland Department of Natural Resources
 Forest, Park and Wildlife Service
 and the Maryland Big Tree Champion Program
 recognizes your

Common chokecherry

as the most outstanding specimen
 known in the State of Maryland

#244

Torrey C. Brown, M.D.
 Secretary
 Department of Natural Resources

Donald E. MacLaughlan
 Assistant Secretary
 Forest, Park and Wildlife Service
 Department of Natural Resources

James B. Roberts
 State Forester

The property of Frank & Wendy Rurka has been certified as a

Maryland Wild Acre

for the care and protection of Maryland's wildlife

Number 1319
 Date Nov 19, 1991

Edith R. Thompson
 URBAN WILDLIFE BIOLOGIST
 Maryland Forest, Park and Wildlife Service

James B. Roberts
 DIRECTOR, WILDLIFE DIVISION
 Maryland Forest, Park and Wildlife Service

SPONSORED BY THE MARYLAND FOREST, PARK AND WILDLIFE SERVICE

#244

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 3219 CAVES ROAD, OWINGS MILLS, MD 21117

plat book# _____ folio# _____ section# _____

OWNER: FRANCIS X. & WENDY RURKA

92-223-A

North
 date: 11/20/91
 prepared by: ROBERT J. BAYER

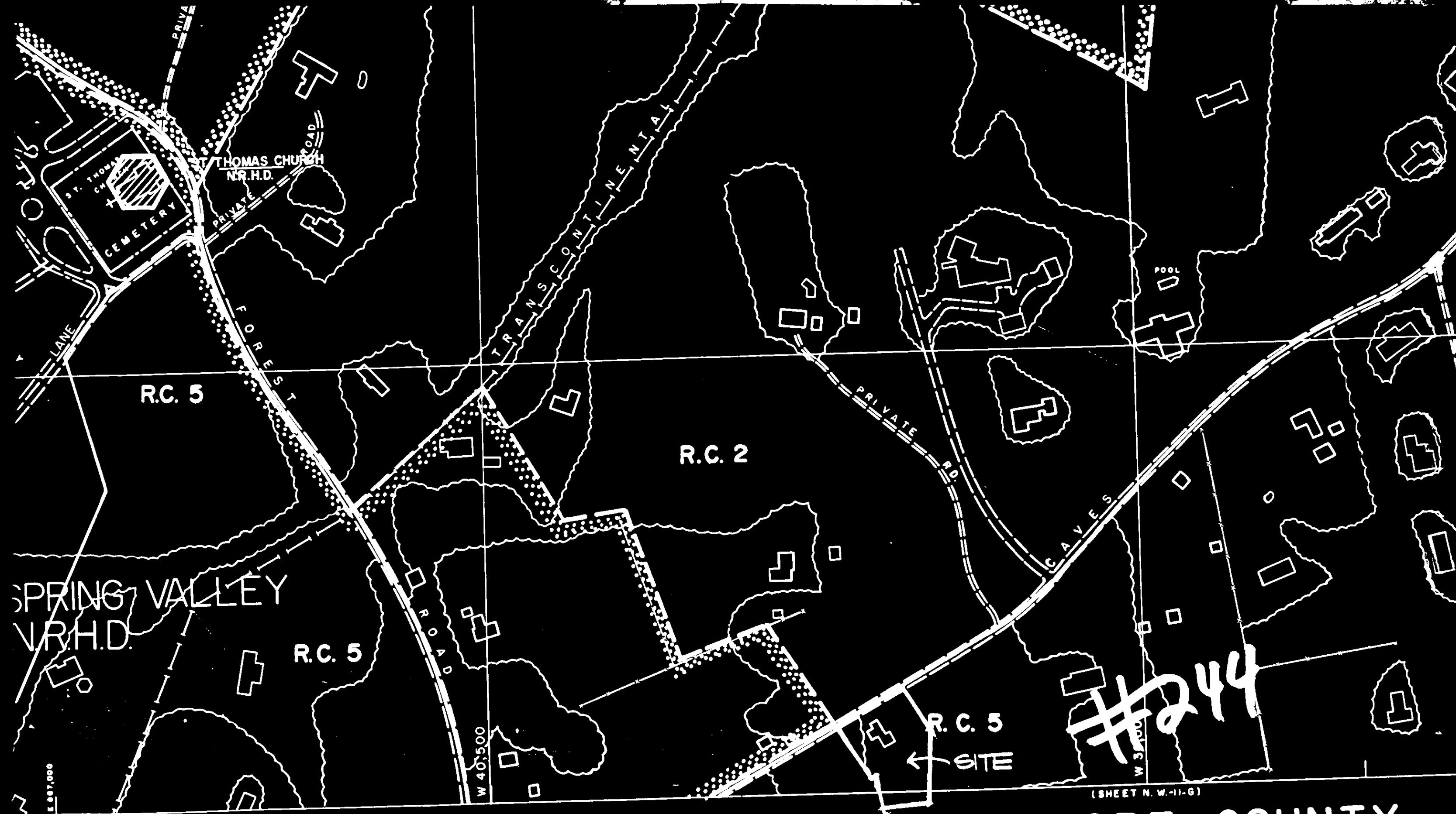
Scale of Drawing: 1" = 50'

LOCATION INFORMATION
 Councilmanic District: BRD,
 Election District: 3RD,
 1"=200' scale map: NW-012
 Zoning: RC-5
 Lot size: 1.108 48264.40
 acreage square feet

SEWER:
 WATER:
 Chesapeake Bay Critical Area:

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
 reviewed by: _____ ITEM #: _____ CASE#: _____
 MKL 244 92-223



NW-G 12

1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 13, 1988
 Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
 Chairman, County Council

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 OFFICIAL ZONING MAP

#244

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	THE CAVES	N.W. 12-G
DATE OF PHOTOGRAPHY		
JANUARY 1986		

#244

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

MICROFILM