

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
5/5 Elm Road, 195 ft. E/S
Ashburn Road
1307 Elm Road
13th Election District
1st Councilmanic District
Rita L. Ruff
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 ft., in lieu of the required 10 ft., for a first floor addition, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner 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 Petitioner has 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 Petitioner.

ORDER RECEIVED FOR FILING
Date 5/28/92
By Ruff

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 28th day of May, 1992 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 ft., in lieu of the required 10 ft., for a first floor addition, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 5/28/92
By Ruff

LES:mmm

-2-

Baltimore County Department of
Zoning, Planning and Community
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

May 28, 1992

Ms. Rita L. Ruff
1307 Elm Road
Baltimore, Maryland 21227

RE: Petition for Residential Zoning Variance
Case No. 92-405-A

Dear Ms. Ruff:

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.

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-405-A

The undersigned, legal owner(s) of the property located 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 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 ft. in lieu of the required 10 ft.

I am unable to make more than two trips a day up and down the stairs a day it is necessary for me to add a 1st floor addition to my house

Property is to be advertised and posted as prescribed by Zoning Regulations.

I do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:
(Type or print name)
Signature: Rita L. Ruff
Address:
City: State: Zip Code:
Attorney for Petitioner:
(Type or print name)
Signature: Rita L. Ruff
Address:
City: State: Zip Code:
Name, address and phone number of owner, landlord, landlord or representative to be contacted:
Name: Address: Phone:

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of May, 1992, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Law of Baltimore County, and that the property be posted.

ORDER RECEIVED FOR FILING
Date 5/28/92
By Ruff

RECEIVED BY PETITIONER DATE 5-27-92
ESTIMATED POSTING DATE 5-17-92 ESTIMATED CLOSING DATE

AFFIDAVIT
IN SUPPORT OF ADMINISTRATIVE VARIANCE 92-405-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 that Affiant(s) herein competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/done presently reside at 1307 Elm Rd., Baltimore, MD 21227

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (please describe in detail)

I am unable to make more than two trips a day up and down the stairs a day it is necessary for me to add a 1st floor addition, a bedroom to my house.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a responding and advertising fee and may be required to provide additional information.

Signature: Rita L. Ruff
Type or print name: Rita L. Ruff

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of April, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Rita L. Ruff

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath to the facts of law that the nature and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

4-27-92

My Commission Expires:
January 1, 1996

Zoning Description 92-405-A

Being and comprising lot H as shown on the revised Plat of a portion of Plot No. 2 of Haleshorpe Heights which plat is recorded among the land records of Baltimore County in Plot Book C.W.B., Jr. No. 12 Folio 55. The improvements thereon being known as No. 1307 Elm Road. Being the same lot of ground described in a deed from Charles C. Rittenhouse and wife to the herein Grantors dated January 3, 1942 and recorded among the land records of Baltimore County in Liber C.H.K. No. 1210 Folio.

beg. at a point south side of Elm Rd. 180' EAST from the centerline of Ashbourne Rd.

THE DESCRIPTION
- 3 copies required 92-405-A

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

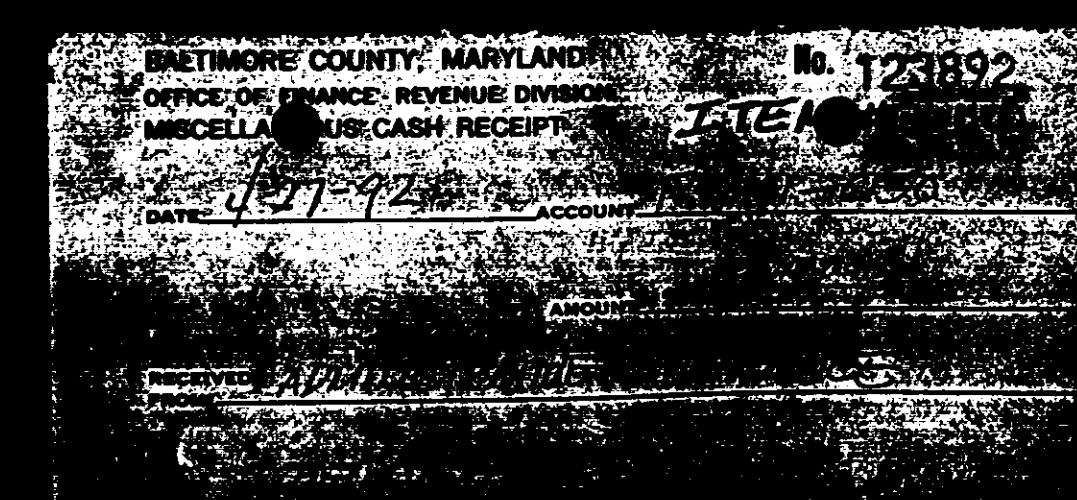
ZONING DESCRIPTION FOR 1307 ELM ROAD (Address)
Beginning at a point on the SOUTH side of (name of street) which is 50 FT. wide at the distance of 145 FT. (number of feet of right-of-way width) of the centerline of the nearest improved intersecting street ASHBURN RD (name of street) which is 40 FT. wide. *Being lot (number of feet of right-of-way width) (H), Block (2), Section (2) in the subdivision of HELETHORPE HEIGHTS as recorded in Baltimore County Plat Book (12), Folio (55), containing 7,500 SQ. FT. Also known as # 1307 ELM RD. and located in the (12) Election District. (property address)

*If your property is not recorded by Plat Book and Folio number, then DO NOT attempt to use the lot, block and subdivision description as shown, instead state: "As recorded in Liber (12), Folio (55)" and include the measurement and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18° 27' 03" E. 87.2 ft., S. 42° 19' 00" W. 118 ft., and N. 06° 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13 Date of Posting: 5/7/92
Posted for: Residential Variance
Petitioner: Rita L. Ruff
Location of property: 1307 Elm Rd. 195' E. of Ashburn Rd.
Location of Signs: 1307 Elm Rd. 1307 Elm Rd.
Remarks: Duff Prepares
Posted by: Duff Prepares Date of return: 5/17/92
Number of Signs: 1



receipt

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

Date: 5/04/92

Account: R-001-6150
Number: H9200444

PAID PER HAND-WRITTEN RECEIPT DATED 4/27/92

PUBLIC HEARING FEES	QTY	PRICE
010 -ZONING VARIANCE (IRL)	1 X	\$50.00
080 -POSTING SIGNS / ADVERTISING	1 X	\$35.00
TOTAL:		\$85.00

LAST NAME OF OWNER: RUFF

Please Make Checks Payable To: Baltimore County

Cashier Validation

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

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 19, 1992

Ms. Rita L. Ruff
1307 Elm Road
Baltimore, MD 21227

RE: Item No. 444, Case No. 92-405-A
Petitioner: Rita L. Ruff
Petition for Administrative Variance

Dear Ms. Ruff:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 27th day of April 1992.

Arnold Jablon
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Rita L. Ruff

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

DATE: May 5, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - May 4, 1992

The Office of Planning and Zoning has no comments on the following petitions:

George Raduano - Merritt Blvd.
Huntington Development Corp. - Hunting Tweed Drive
Waldon J. Stevanus - 8524 Vollmert Avenue
Rita L. Ruff - Elm Road - 444
Eric Van Den Beemt - Monkton Road
Warren E. Downey - Weddel Avenue

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

5_4_92.txt
Petitns.txt

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

DATE: May 7, 1992

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: May 4, 1992

LEGAL OWNER: Rita Ruff 444

There are no comments for this site.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/dm

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

5087-92
5/11/92

MAY 8, 1992 (301) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RITA L. RUFF

Location: #1307 ELM ROAD

Item No.: 444 (RT) Zoning Agenda: MAY 4, 1992

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: [Signature] Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
MAY 11 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 7, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for May 11, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for the following properties:

Scripps Howard Broadcasting Company
6400 York Road

Huntington Development Corporation
3216 Hunting Tweed Drive

Waldon J. Stevanus & Margaret O. Stevanus
8524 Vollmert Avenue

Rita L. Ruff 444
1307 Elm Road

Jeffrey W. Sheldon & Charles H. Sheldon
211 Nicodemus Road

Eric vanden Beemt & Patricia vanden Beemt
16816 Benare Road

Wm R. Sturgeon & Carol L. Sturgeon
8715 Windsor Mill Road

Warren E. Downey & Linda M. Downey
1227 Weddel Avenue

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

RWB:DAK:s

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature: [Signature] Date: 5/4/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
1500 Glencoe Road - Oldfields School, Inc.	432	CR-92-399-XA	4-27-92
STP DEPRM RP (To EIRD)		No Comments	

COUNT 1

✓ George Raduano And Elizabeth Raduano	5-4-92
DED DEPRM RP STP TE #440	No Comments
✓ Scripps Howard Broadcasting Company	
DED DEPRM RP STP TE #441	No Comments
✓ Huntington Development Corporation (Hunting Tweed Drive)	
DED DEPRM RP STP TE #442	No Comments
✓ Waldon J. And Margaret O. Stevanus	
DED DEPRM RP STP TE #443	No Comments
✓ Rita L. Ruff	
DED DEPRM RP STP TE #444	No Comments
✓ Jeffery W. And Charles H. Sheldon	
DED DEPRM RP STP TE #445	No Comments
✓ Eric and Patricia vanden Beemt	
DED DEPRM RP STP TE #446	No Comments
✓ William R. And Carol L. Sturgeon	
DED DEPRM RP STP TE #447	No Comments
✓ Larry R. And Dianna L. Long	
DED DEPRM RP STP TE #448	No Comments
✓ Warren E. And Linda M. Downey	
DED DEPRM RP STP TE #449	No Comments



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	HALETHORPE	S.W.
		DATE OF PHOTOGRAPHY APRIL 1953		6-D
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION-PHILADELPHIA, PA.				

92-485-A