

IN RE: PETITION FOR VARIANCE
S/S Wentworth Avenue, 175' E of
the c/l of Hillsway Avenue
(1617 Wentworth Avenue)
9th Election District
4th Councilmanic District

Richard A. Finn
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-102-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Richard A. Finn. The Petitioner seeks relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed) to be located within 0 feet of the property line in lieu of the minimum required 2.5 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Richard Finn, property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of .0389 acres, more or less, zoned D.R.10.5 and is improved with a single family, inside-group, townhouse dwelling. Mr. Finn has owned and resided on the property for the past 10 years. Testimony revealed that Mr. Finn recently constructed a 9'6"x16' deck immediately behind his home and built the 8'x14' shed in the southeastern corner of the deck, without the benefit of a building permit. Mr. Finn testified that he was unaware that a shed of this nature required a building permit until he was cited with a zoning violation notice. Mr. Finn testified that he was advised

ORDER RECEIVED FOR FILING

Date

By

11/17/97
[Signature]

that a variance was needed for the shed due to its location on the property line. Thus, the Petitioner seeks relief to legitimize the shed so that it can remain in its present location.

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:

- 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 a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient 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).

After considering the testimony offered by Mr. Finn and the lack of opposition from any of his neighbors, I am persuaded to grant the variance. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R. However, as a condition to the granting of this variance, I will require that the Peti-

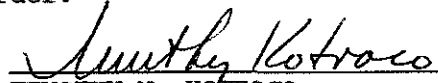
ORDER RECEIVED FOR FILING
Date 11/17/77
By [Signature]

tioner install gutters and downspouts on the shed to insure that all storm water runoff is diverted away from his neighbor's property and directed out to the alley behind his property.

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 17th day of November, 1997 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed) to be located within 0 feet of the property line in lieu of the minimum required 2.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that a 30-day appeal period runs from the date of this Order. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioner shall install gutters and downspouts on the shed to insure that all storm water runoff is diverted away from his neighbor's property and directed out into the alley behind the Petitioner's property.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 11/17/97

By 



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

November 17, 1997

Mr. Richard A. Finn
1617 Wentworth Avenue
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE
S/S Wentworth Avenue, 175' E of the c/l of Hillsway Avenue
(1617 Wentworth Avenue)
9th Election District - 4th Councilmanic District
Richard A. Finn - Petitioner
Case No. 98-102-A

Dear Mr. Finn:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Zoning Enforcement Division (DPDM)

People's Counsel; Case/Files





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

98-102-A

1617 Wentworth Ave

which is presently zoned

DR.10.5

This Petition shall be filed with the Department of Permits & Development Management

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(s) 400-1, BCZR, TO PERMIT A

SHEED WITHIN 0ft. of The PROPERTY LINE IN LIEU of
The REQUIRED 2.5 ft.

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

criminal case # SP188697 District Court of MD. # 0804
120 East Chesapeake Ave. Towson, MD. 21286, lease of storage
of contractors Equipment in yard. Not enough room for
standard 8ft wide shed due to property lines &
Zoning Laws & layout of property

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

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

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):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

ORDER RECEIVED FOR FILING

Date

By

Zoning Description

98-102-A

ZONING DESCRIPTION FOR 1617 WENTWORTH AVE

Beginning at a point on the south side of Wentworth Ave which is 36 feet wide at the distance of 175 Feet east of the center line of the nearest improved intersecting street Hillsway Ave which is 42 Feet wide. Being lot #9 Block N Section 2 in the subdivision of Parkside Heights as recorded in Baltimore County Plat Book # Folio 59 containing 1,696 Square Feet. Also known as 1617 Wentworth Ave and located in the 9th Election District and the 4th Councilmanic District

102



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 102

Petitioner: Richard A. Finn

Location: 1617 Wentworth Ave Balto, MD. 21234

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Richard A. Finn

ADDRESS: 1617 Wentworth Ave
Balto, md. 21234

PHONE NUMBER: (410)-882-4850

AJ:ggs

(Revised 09/24/96)

102

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

044418

No.

DATE 7-15-97

ACCOUNT 1001-1150

AMOUNT \$ 50.00

RECEIVED FROM: R. FINN

1617 WENTWORTH

Ave.

UPR (010)

FOR:

PAID RECEIPT

PROCESS ACTUAL TIME
9/18/1997 9/18/1997 15:07:18
REC 0504 CASHIER LSN1 LXS BROWER 4
5 MISCELLANEOUS CASH RECEIPT
Receipt # 020831
CR NO. 044418
OFLN

50.00 CHECK
Baltimore County, Maryland

LOCATION
W. - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCM

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 2, 1997

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 Oct. 2, 1997.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

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 in Towson, Maryland on the property identified herein as follows:

Case: #98-102-A
1617 Wentworth Avenue
S/S Wentworth Avenue, 175'
± E from of Hillsway Avenue
9th Election District
4th Councilmanic
Legal Owner(s):
Richard A. Finn

Variance: to permit a shed within zero feet of the property line in lieu of the required 2.5 feet.

Hearing: Wednesday, October 22, 1997 at 9:00 a.m., Room 407 Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

10/070 Oct. 2 C178285

CERTIFICATE OF POSTING

RE: Case No.: 98-102-A

Petitioner/Developer: _____

R. FINN

Date of Hearing/Closing: 10/22/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

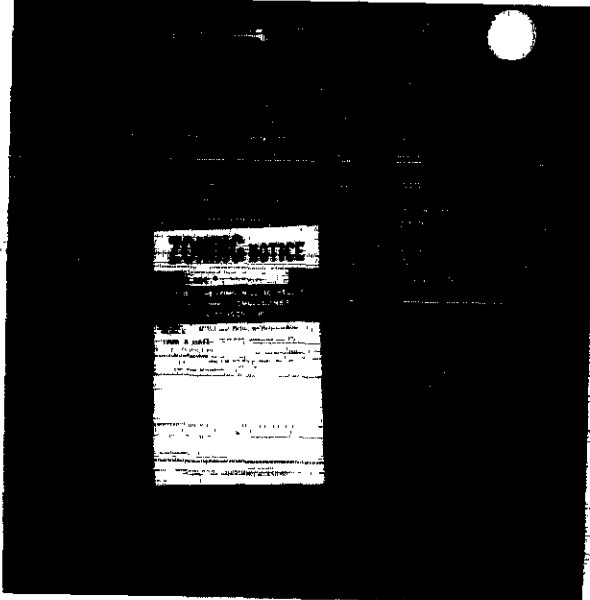
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

1617 WENTWORTH AVE.

The sign(s) were posted on 10/7/97
(Month, Day, Year)

CS. # 98-102-A



Sincerely,

Richard E. Hoffman 10/7/97
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD. 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

1617 WENTWORTH AVE.

POSTED 10/7/97

Richard E. Hoffman 10/7/97

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-102-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: A VARIANCE TO PERMIT A SHED
WITHIN 0 ft. OF THE PROPERTY LINE IN
 lieu of the Required 2.5 ft.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 26, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-102-A
1617 Wentworth Avenue
S/S Wentworth Avenue, 175' +/- E from c/l Hillsway Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Richard A. Finn

Variance to permit a shed within zero feet of the property line in lieu of the required 2.5 feet.

HEARING: WEDNESDAY, OCTOBER 22, 1997 at 9:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Richard A. Finn

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 8, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



TO: PUTUXENT PUBLISHING COMPANY
October 2, 1997 Issue - Jeffersonian

Please forward billing to:

Richard A. Finn
1617 Wentworth Avenue
Baltimore, MD 21234
410-882-4850

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-102-A
1617 Wentworth Avenue
S/S Wentworth Avenue, 175' +/- E from c/l Hillsway Avenue
9th Election District - 4th Councilmanic
Legal Owner(s): Richard A. Finn

Variance to permit a shed within zero feet of the property line in lieu of the required 2.5 feet.

HEARING: WEDNESDAY, OCTOBER 22, 1997 at 9:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 17, 1997

Mr. Richard A. Finn
1617 Wentworth Avenue
Baltimore, MD 21234

RE: Item No.: 102
Case No.: 98-102-A
Petitioner: Richard Finn

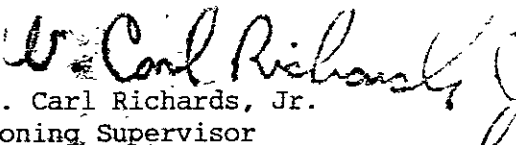
Dear Mr. Finn:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 18, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 102

9/26/97
JCM

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 10/2/97

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: SEP 29, 1997

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

99

100

101

102

103

104/

RBS:sp

BRUCE2/DEPRM/TXTS8P

B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: October 7, 1997

FROM:  Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for October 6, 1997
 Item Nos. 099, 100, 101, 102, 103,
 104, 107
 Case 97-65-A (Perry Hall Farms)
 Case CR-96-270-A (Hollins Ferry Road
 Senior Housing/ACC)

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

Sept 19/22

BALTIMORE COUNTY, MARYLAND

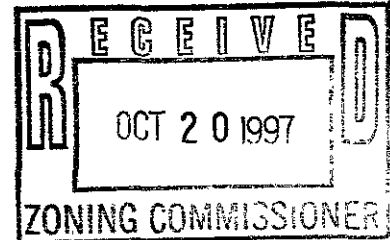
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

Date: October 20, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 1617 Wentworth Avenue



INFORMATION

Item Number: 102

Petitioner: Richard A. Finn

Zoning: DR 10.5

Based upon the stated hardship indicated on the Petition for Variance, the Office of Planning recommends that the applicant's request be denied since granting of the requested variance may encourage commercial activity within an established residential community.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol Kerns

AFK/JL

RE: PETITION FOR VARIANCE	*	BEFORE THE
1617 Wentworth Avenue, S/S Wentworth Ave,		
175'+/- E from c/l Hillsway Avenue	*	ZONING COMMISSIONER
9th Election District, 4th Councilmanic	*	
	*	OF BALTIMORE COUNTY
Richard A. Finn		
Petitioner	*	CASE NO. 98-102-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

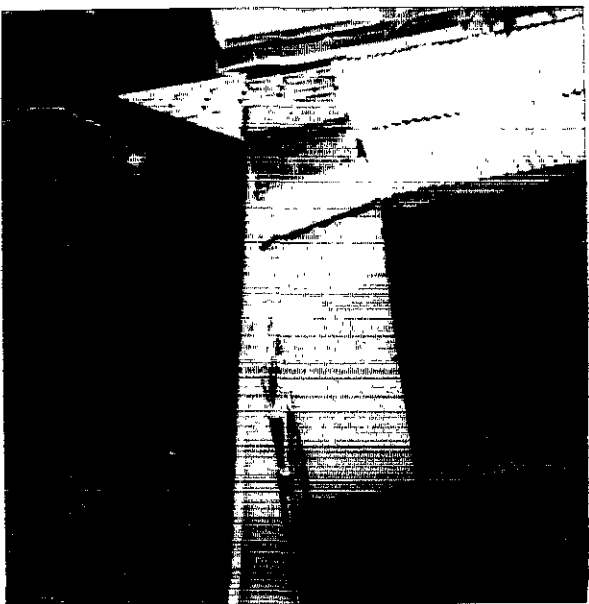
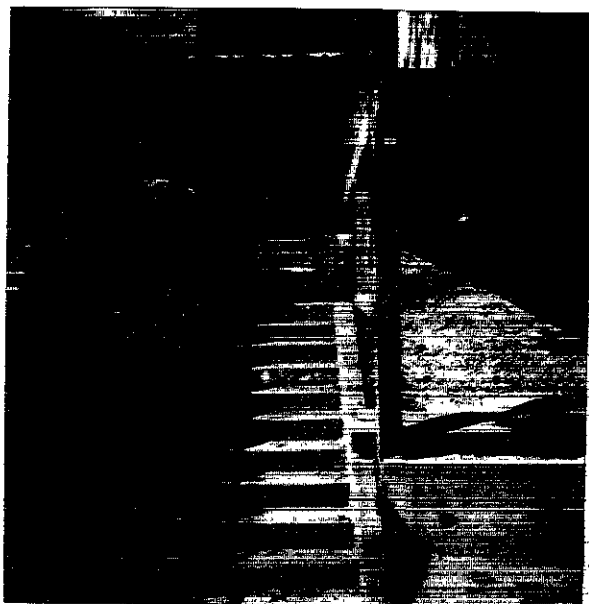
CERTIFICATE OF SERVICE

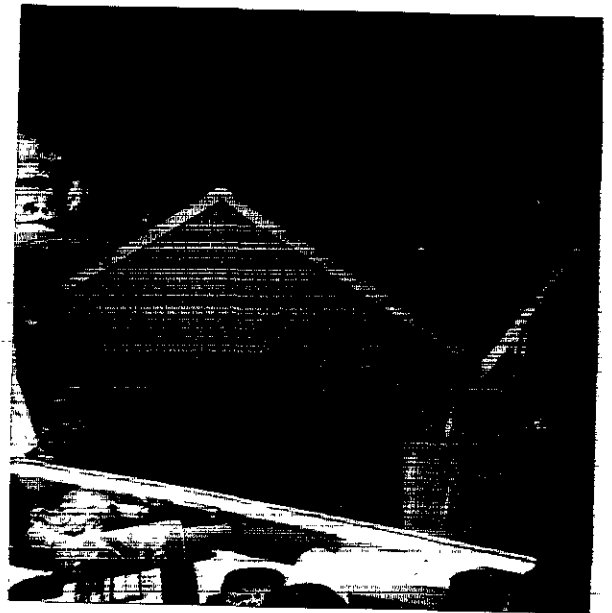
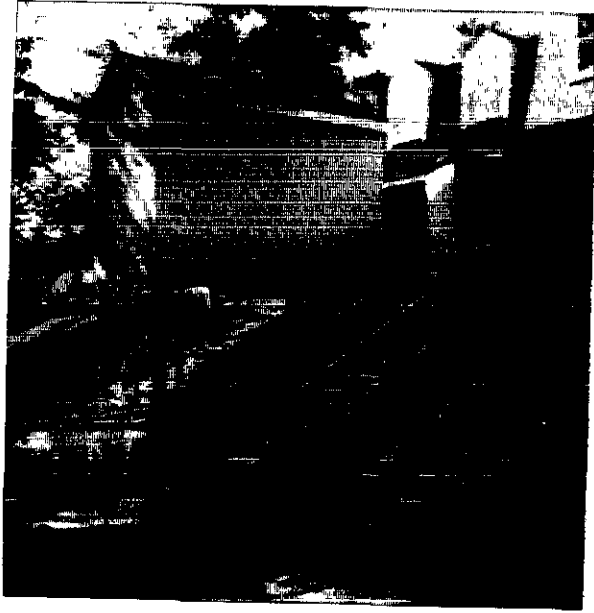
I HEREBY CERTIFY that on this 6th day of October, 1997, a copy of the foregoing Entry of Appearance was mailed to Richard A. Finn, 1617 Wentworth Avenue, Baltimore, MD 21234, Petitioner.

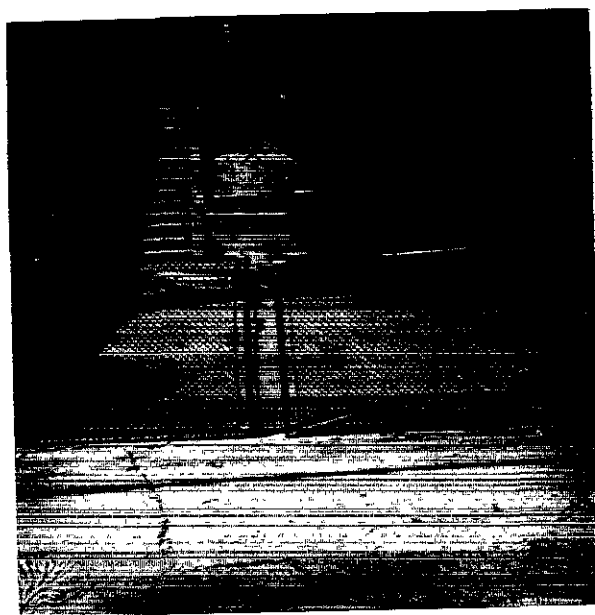
Peter Max Zimmerman
PETER MAX ZIMMERMAN

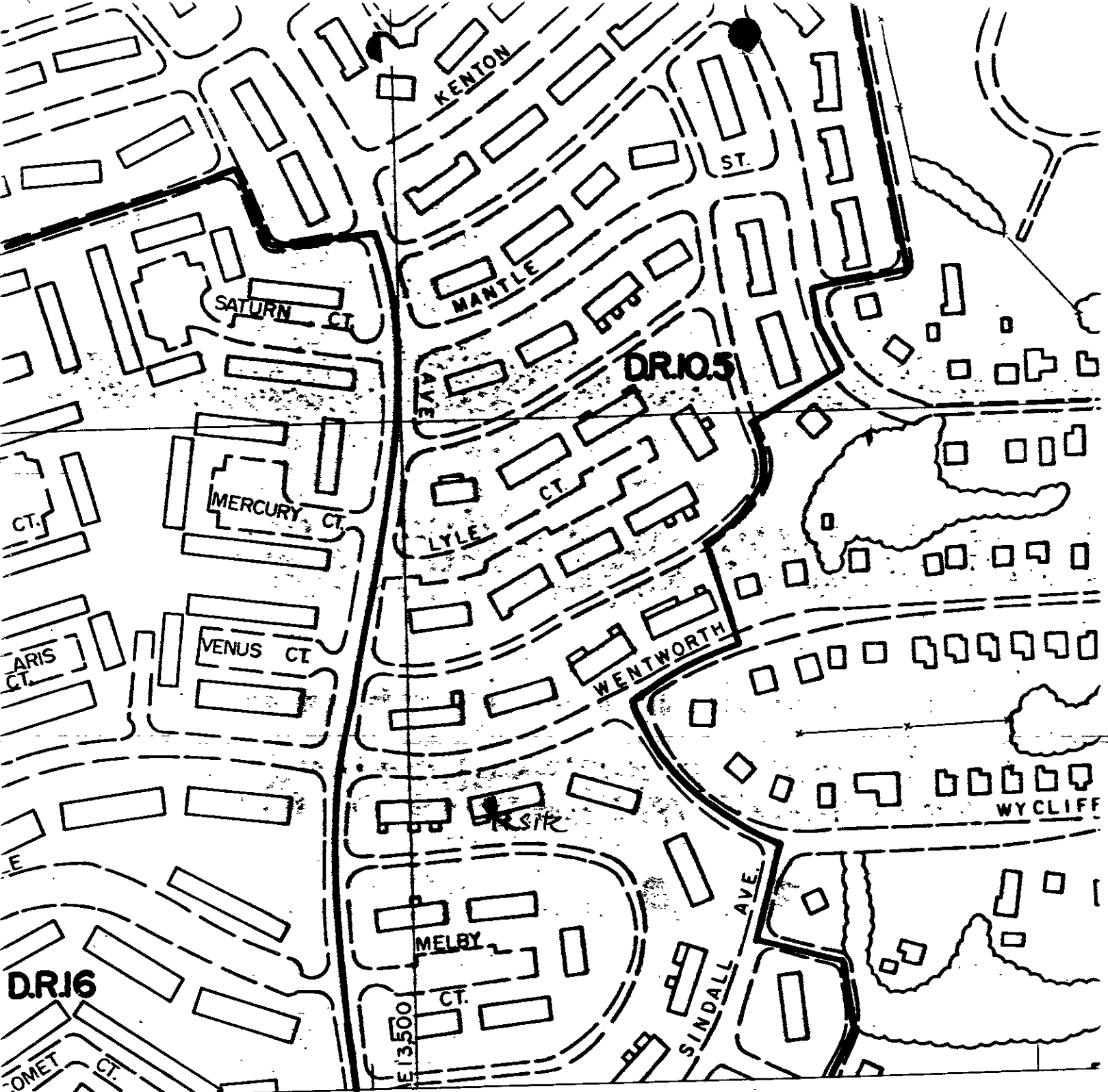
photograph

98-162-A









1996 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996

Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Kevin Kamenev

Chairman, County Council

NE 8C
1" = 200'

102

BALTIMORE COUNTY
OFFICE OF THE
CLERK

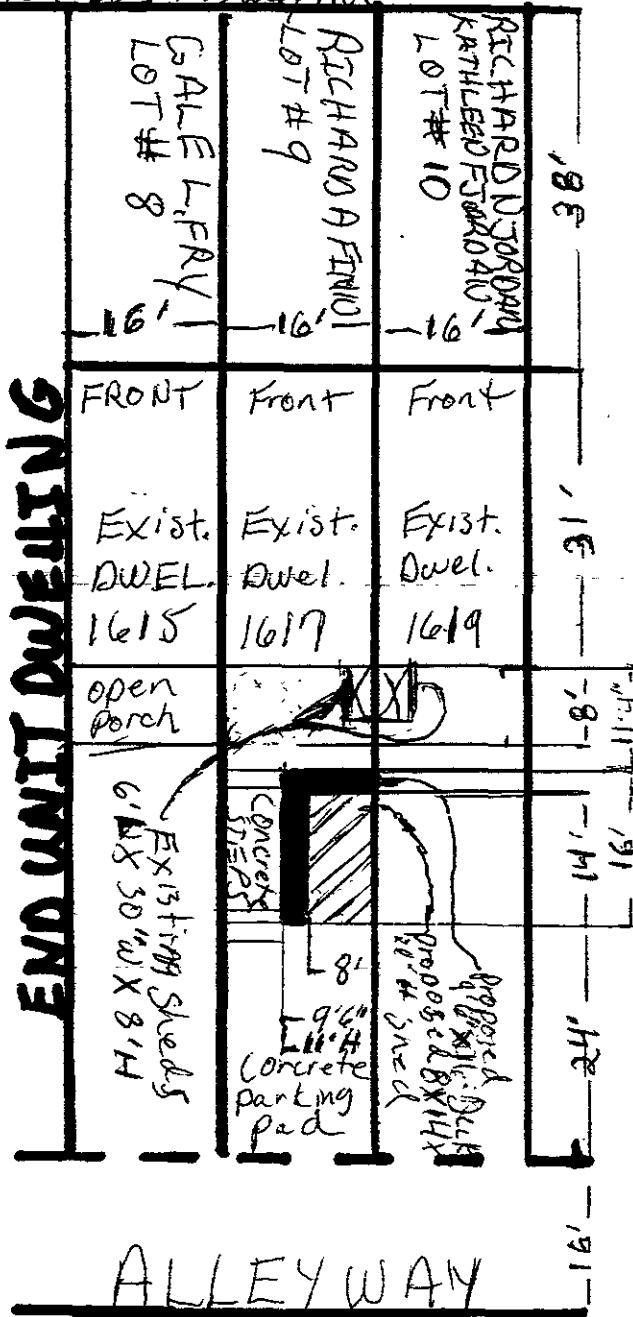
98-102-A

Plat to Accompany Petition for Zoning Variance

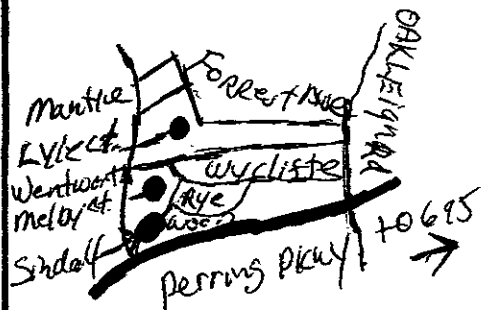
Property Address: 1617 Wentworth Ave.
 Subdivision Name: Parkside Heights
 Plat Book # Folio 59 Lot # 9 Section 2
 OWNER: RICHARD FINNU

Wentworth Ave.

← 175' to E of Hills Way Ave



98-102-A



NORTH Scale 1" = 2000'

LOCATION INFORMATION

Election District - 09

Councilmanic District 04

1" = 200' scale Map # NEBC

ZONING - DR. 10.5

LOT SIZE .0389 1,696.00 SF.

ACREAGE SQUARE FOOT

Sewer - Public

Water - Public

Chesapeake Bay } NO
Critical Area }

Prior ZONING } NO
HEARINGS }

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

Jan 102



NORTH

Proposed 9'6" x 16' Deck to hold proposed shed

Proposed 8' x 14' shed to sit on proposed deck

DATE: Prepared by: Richard A. Finnu Scale of Drawing 1" = 20'