WOEN FROEIVED FOR FILING

IN RE: PETITION FOR VARIANCE N/S Rayville Road, 330' +/-N/E of Dairy Road 6th Election District 3rd Councilmanic District (1400 Rayville Road)

> Michael & Cindy Ariosa Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 00-064-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for variance filed by the legal owners of the subject property, Michael and Cindy Ariosa. The Petitioners are requesting a variance for property they own at 1400 Rayville Road located in the Parkton area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a detached accessory structure (garage) in the sideyard in lieu of the required rear yard. 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 No. 1.

Appearing at the hearing on behalf of the variance request were Michael and Cindy Ariosa, property owners. Appearing in opposition to the Petitioners request was Pat Holbrook, adjacent property owner.

Testimony and evidence indicated that the Petitioners own 2.9 acres of land, zoned R.C.5., located on the north side of Rayville Road near its intersection with Dairy Road. The subject property was purchased by the Petitioners in 1990 and they have lived on the property since that time. The property is improved with a one-story single family dwelling with an accessory aboveground swimming pool and garage, the latter of which is the subject of this variance request. Mr. and Mrs. Ariosa built the garage approximately 5 years ago. They obtained a valid Baltimore

County building permit for the garage. All inspections were made of the garage as it was built. The variance request being made today resulted from a dispute that the Petitioners are having with an adjacent property owner, Ms. Pat Holbrook. That dispute centers around the fact that Ms. Holbrook drives a Baltimore County school bus for a living which the Ariosas object to. Their objection is based on the fact that Ms. Holbrook utilizes the common driveway shared with the Ariosas to park the school bus at her home on a daily basis.

As was discussed at the hearing, the subject of the school bus is not relevant to the proceedings concerning the variance for this garage. Testimony and evidence indicated that the garage was built with a valid Baltimore County building permit. It was located and constructed in the only feasible area of the Ariosas' property, given that a well blocks access to the rear of their home. Therefore, the variance request to allow the garage to remain where it has been situated for the past 5 years shall be granted. Ms. Holbrook indicated that she had no real objection to the location of the garage, but was hopeful that the neighbors could have worked out their differences concerning the school bus at this public hearing. This was unable to be accomplished between the neighbors and the issue over the school bus continues to persist. I advised these neighbors that they should attempt to resolve the issue of the school bus between themselves and not involve Baltimore County government or the court system in that matter. As to the location of the garage, the variance shall be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

 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 due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this 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 relief 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.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 30th day of September, 1999, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a detached accessory structure (garage) in the sideyard in lieu of the required rear yard, be and is hereby GRANTED.

Dave 9/30/99
By A. Character

IT IS FURTHER ORDERED that any party has the right to file an appeal within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

September 29, 1999

Mr. & Mrs. Michael Ariosa 1400 Rayville Road Parkton, Maryland 21120

> Re: Petition for Variance Case No. 00-064-A

> > Property: 1400 Rayville Road

Dear Mr. & Mrs. Ariosa:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed 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 from 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 410-887-3391.

Very truly yours,

luntly 16 troco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Ms. Pat Holbrook 1412 Rayville Road Parkton, Maryland 21120



Petition for Variance

to the Zoning Commissioner of Baltimore County

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal

for the property located at 1400 Rayville Road

which is presently zoned RC 5

	owner(s) of the property situate in Baltimore County and w made a part hereof, hereby petition for a Variance from Se	vhich is described in the description and plat attached hereto and ection(s) 400.1
	TO PERMIT A DETACHED AC	CESSORY STRUCTURE (GARAGE)
	IN THE SIDE YARD IN LIE	
	YARD	
	•	ing law of Baltimore County, for the following reasons: (indicate
	* TO BE DISCUSSED AT	THE HEARING
	Property is to be posted and advertised as prescribed by t I, or we, agree to pay expenses of above Variance, advertising, regulations and restrictions of Baltimore County adopted pursua	posting, etc. and further agree to and are to be bounded by the zoning
		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/Lessee:	<u>Legal Owner(s):</u>
		Michael G. Ariosa
	Name - Type or Print	Name -Type or Print
		Michael N. An.
	Signature	Signature Cindy G. Ariosa
CEIVED FOR FILING	Address Telephone No.	Name - Typy or Print
=	City State Zip Code	Signature
II.	Attorney For Petitioner:	1400 Rayville Road 410-343-0764
Ö	A	Address Telephone No.
م م	Name - Type or Print	Parkton MD 21120 City State Zip Code
15 S	El	
To Sign	Suprature	Representative to be Contacted:
調学	<u></u>	
E 77	Company	Name
2 TAGE 0	Address Telephone No.	Address Telephone No.
ర్చి:	Dity State Zip Code	City State Zip Code
		OFFICE USE ONLY
		ESTIMATED LENGTH OF HEARING
	Case No. 20-64-A	
		UNAVAILABLE FOR HEARING Reviewed By CM/JRF Date 8/12/00
	REV 9115198	Reviewed by 17 51-1

ZONING DESCRIPTION FOR 1400 RAYVILLE ROAD

Beginning at a point on the HORTH side of						
Rayville Road which is 60						
wide at the distance of 330	of the	-				
centerline of the nearest improved intersecting street	DAIRY	RD				
which is 30 wide. *Being Lot #13	<u>2</u>					
Block Section # in the subdivision of Eden Derry						
37 75 as recorded in the Baltimore County Plat Book # <u>8449</u> , Folio # <u>464</u>						
containing 126,324 square feet. Also known as 1400 Rayville Road						
and located in the 6th Election District, 6th Councilmanic District.						

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	FROM: Michael G. AFIOSO 1400 RAYVILLE RO. I	DATE 8-12-99 ACCOUNT 8-001-6150	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT
	Item SH JEFLIM	150	No. 069838
CASHIER'S VALIDATION	Recet Tot 50. 50.00 CK Baltimore County, Maryland	REG W504 CASHIER JKAR JK DRAWER 5 DOD 5 528 ZUNING VERIFICATION REGULPT # 048267 OF NO OCCUPY	

RE: Case No. 00-64-A

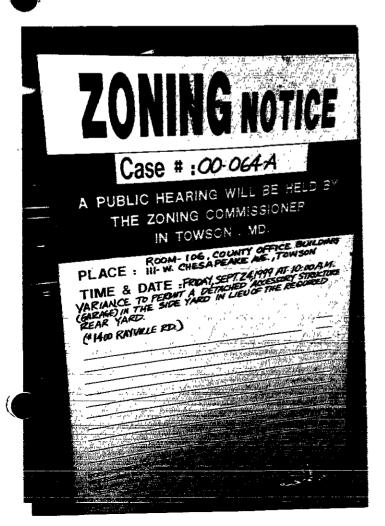
Petitioner/Developer OKEFE, ETAL AR105A, ETAL

Date of Hearing/Closing: 9/24/99

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.



Sincercly,

Sincercly,

9/12/99

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)

NOTICE OF ZONING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Tow. son, Maryland on the property identified herein as follows:

Case: #00-084-A
1400 Rayville Road:
NS Rayville Road: 330' +/- NE
of Dalry Road
of Dalry Road
of Dalry Road
Strict
Striction District
3rd Councilmanic District
Legal Owner(s): Cirdy G. &
Michael G. Ariosa

Variance: to permit a detached accessory structure (gargos) in the side yard in lieu of the required narryard. Hearing: Friday, September 24, 1999 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesspeake Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County Hearings are NOTES: (1) Hearings are Handicapped Accessible; for special accommindations Please, Contact, the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

9/115 Sept. 9

C338188

CERTIFICATE OF PUBLICATION

	TOWSON MD	
	٦	
,	٥	_
J	1990	-

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 ______9 9 9 .

THE JEFFERSONIAN,

S. WURKM87

RE: PETITION FOR VARIANCE 1400 Rayville Road, N/S Rayville Rd, 330' +/- NE of Dairy Rd 6th Election District, 3rd Councilmanic

Legal Owner: Michael G. and Cindy G. Ariosa Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 00-64-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

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

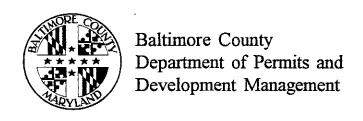
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this August, 1999 a copy of the foregoing Entry of Appearance was mailed to Michael G. and Cindy G. Ariosa, 1400 Rayville Road, Parkton, MD 21120, Petitioners.

PETER MAX ZIMMERMAN

Pax Timmerman



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

September 1, 1999

NOTICE OF ZONING 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: 00-064-A 1400 Rayville Road

N/S Rayville Road, 330' +/- NE of Dairy Road 6th Election District – 3rd Councilmanic District Legal Owner: Cindy G. & Michael G. Ariosa

<u>Variance</u> to permit a detached accessory structure (garage) in the side yard in lieu of the required rear yard.

HEARING: Friday, September 24, 1999 at 10:00 a.m. in Room 106, County Office

Building, 111 West Chesapeake Avenue

Arnold Jablon

Director

c: Cindy & Michael Ariosa, 1400 Rayville Road, Parkton 21120 Pat Holbrook, 1412 Rayville Road, Parkton 21120

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SEPTEMBER 9, 1999.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 9, 1999 Issue - Jeffersonian

Please forward billing to:

Michael & Cindy Ariosa 1400 Rayville Road Parkton, MD 21120 410-343-0764

NOTICE OF ZONING 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: 00-064-A

1400 Rayville Road

N/S Rayville Road, 330' +/- NE of Dairy Road 6th Election District – 3rd Councilmanic District Legal Owner: Cindy G. & Michael G. Ariosa

<u>Variance</u> to permit a detached accessory structure (garage) in the side yard in lieu of the required rear yard.

HEARING: Friday, September 24, 1999 at 10:00 a.m. in Room 106, County Office

Building, 111 West Chesapeake Avenue

LAWRENCE E. SCHMIDT

Hanne Estat

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:				
Item Number or Case Number:				
Petitioner: Michael : Cindy Arios A				
Address or Location: 1400 Rayville Rd 21120				
PLEASE FORWARD ADVERTISING BILL TO:				
Name: Michael . Cindy ARIOSA				
Address: 1400 RAYVILLE ROAD				
PARKTON, MO 21120				
Telephone Number: 410 - 343 - 0764				

Revised 2/20/98 - SCJ

COUNTY, MARYLAND BALTIMORE

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon; Director

Date: September 2, 1999

Department of Permits & Development

Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for August 30, 1999

Item Nos. 049, 051, 052, 053, 054, 055, 056, 058, 059, 061, 062, 063,

064, 065, 067, 068

and

Case Number 99-297-SPH 18414 Vernon Road)

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE:

August 19, 1999

TO:

Larry E. Schmidt

Zoning Commissioner

FROM:

James H. Thompson - HJ

Code Enforcement Supervisor

SUBJECT: ITEM NO.:

064

PETITIONER:

Cindy G. Ariosa and Michael G. Ariosa

VIOLATION CASE NO.:

99-2509

LOCATION OF VIOLATION:

N/S Rayville Road, 330' +/- NE of Dairy Road

(1400 Rayville Road)

DEFENDANT(S):

Cindy G. Ariosa and Michael G. Ariosa

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

Pat Holbrook

1412 Rayville Road Parkton, MD 21120

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/hj/lmh

Jist gla4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date: August 24, 1999

TO: Arnold Jablon, Director

Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):

Item No(s): 018, 049, 050, 056, and 064

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: (

AFK/JL



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 9.9.99

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

RE: Baltimore County

Item No. 064

JRF/ LTM

Dear. Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

In Kenneth A. McDonald Jr.

P.J. Dulle

Acting Chief

Engineering Access Permits Division

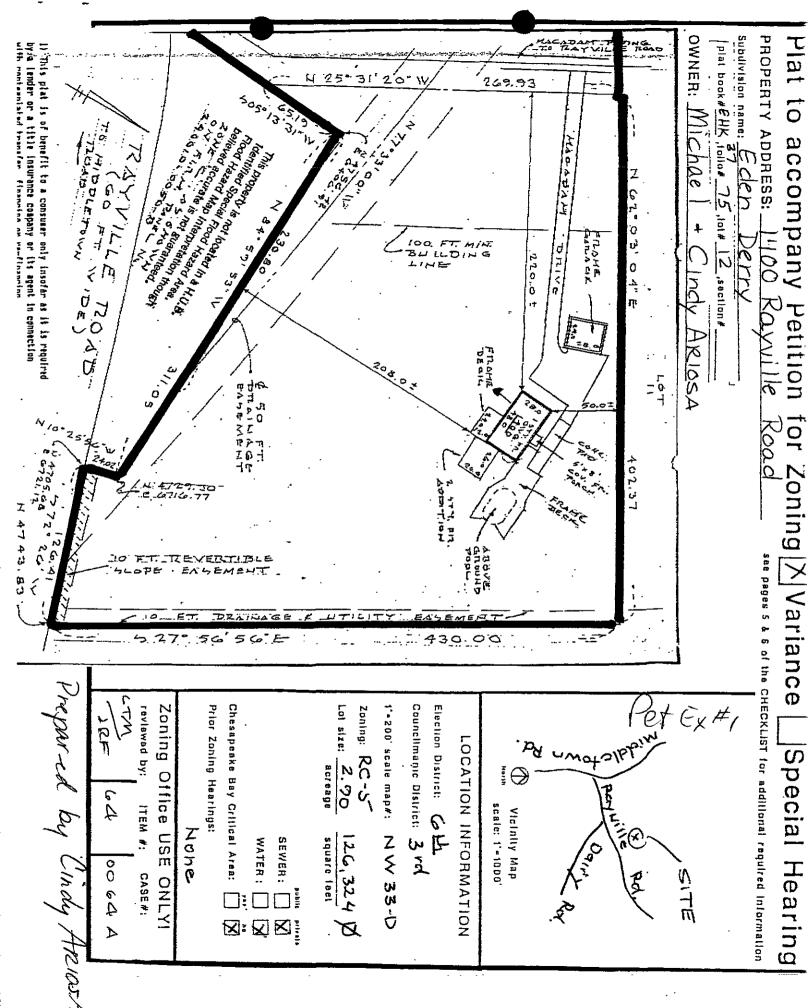
September 22, 1999

We the undersigned have <u>NO OBJECTION</u> to the Variance request, at 1400 Rayville, to having the existing garage built in 1994 receive an approval by your Board.

1. 1320 Rayville Road TAX#2200014320
John & Elaine Gradowski Jh Instant.
2. 1322 Rayville Road TAX#2200014319
Frank & Michelle Cimino michele Cimino
3. 1326 Rayville Road TAX#2000012620
Carl & Joan Runk Joan Runk
4. 1414 Rayville Road TAX#1600013248
Beamen Eddings
5. 1416 Rayville Road TAX#1600013251
Craig Timlin (roag that

1320 RAYVILLE ROAD JOHN & ELAINE GRADOWSKI TAX# 1600013250 N BROY HILLS **LOT #5 LIBER 10277 FOLIO 473** 1322-24 RAYVILLE ROAD FRANK & MICHELE CIMINO TAX# 2200014319/ 200014318 NSR BROY HILLS LOT #4 & 3 **LIBER** 10799/10232 FOLIO253/642 1326 RAYVILLE ROAD CARL & JOAN RUNK TAX# 2000012620 PARKTON LOT **LIBER 11885 FOLIO 227** 1412 RAYVILLE ROAD RUBIN& PATRICIA HOLBROOH TAX# 1600013249 **EDEN DERRY** LOT # 11 **LIBER 5956 FOLIO 107** 1414 RAYVILLE ROAD BEAMEN & SHARON EDDINGS TAX# 1600013248 EDEN DERRY LOT #10 **LIBER 6041 FOLIO 68** 1416 RAYVILLER ROAD CRAIG & PARICIA TIMLIN TAX# 1600013251 **EDEN DERRY LOT # 13 LIBER 7950 FOLIO 563**

64



1320 RAYVILLE ROAD N BROY HILLS

JOHN & ELAINE GRADOWSKI TAX# 1600013250 LOT #5 LIBER 10277 FOLIO 473

1322-24 RAYVILLE ROAD 200014318 NSR BROY HILLS FOLIO253/642

FRANK & MICHELE CIMINO TAX# 2200014319/

LOT #4 & 3

LIBER 10799/10232

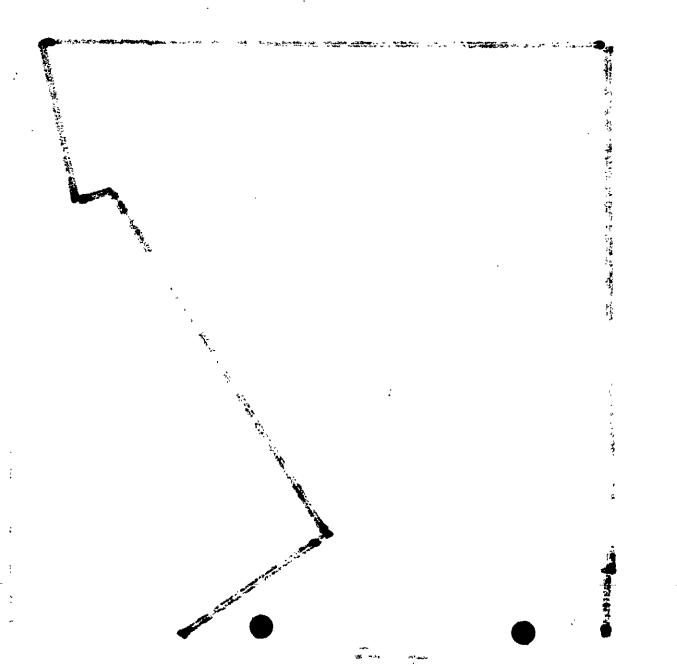
1326 RAYVILLE ROAD PARKTON

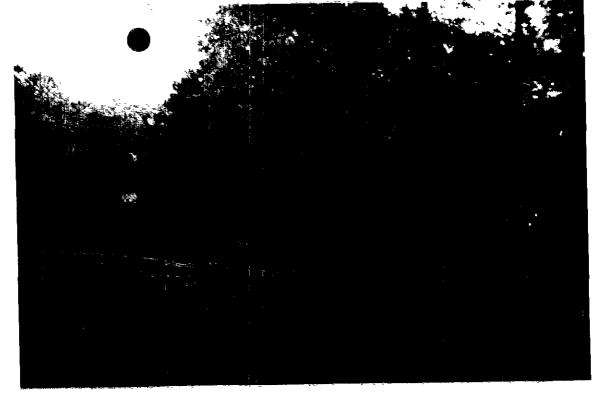
CARL & JOAN RUNK TAX# 2000012620 LOT LIBER 11885 FOLIO 227

1412 RAYVILLE ROAD EDEN DERRY RUBIN& PATRICIA HOLBROOH TAX# 1600013249
LOT # 11 LIBER 5956 FOLIO 107

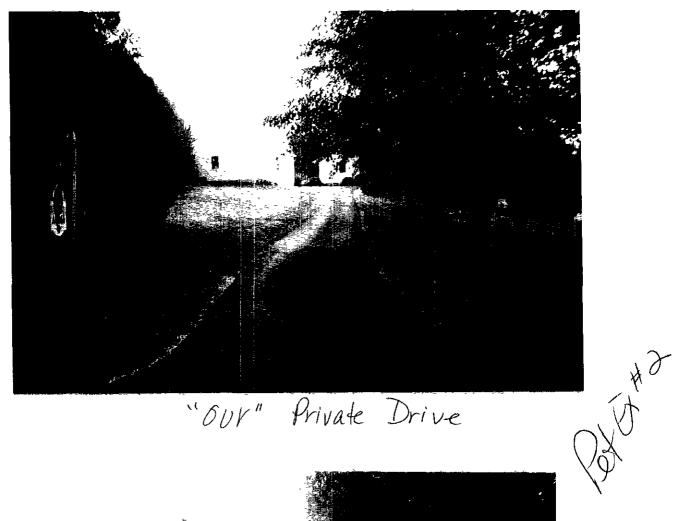
1414 RAYVILLE ROAD EDEN DERRY BEAMEN & SHARON EDDINGS TAX# 1600013248 LOT #10 LIBER 6041 FOLIO 68

1416 RAYVILLER ROAD EDEN DERRY CRAIG & PARICIA TIMLIN TAX# 1600013251
LOT # 13 LIBER 7950 FOLIO 563

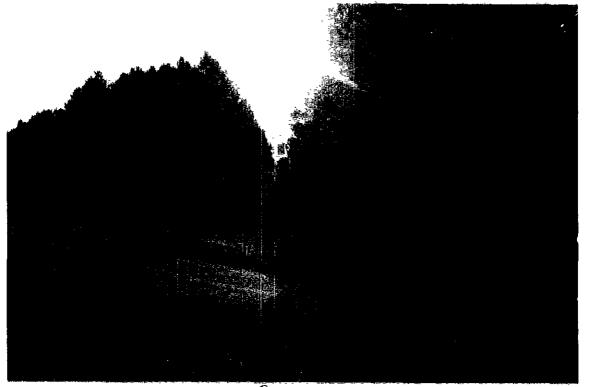




RAYVILLE RD - Estau to Lane



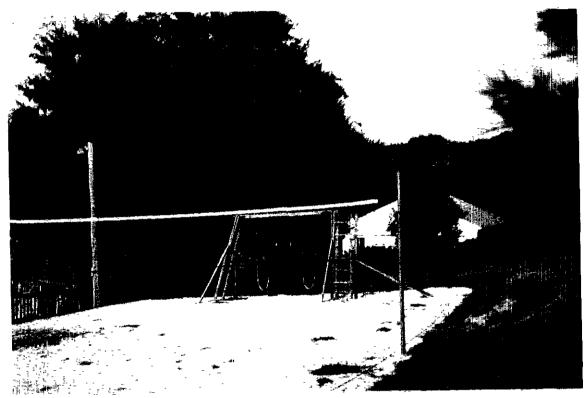
Private Drive "OUV"



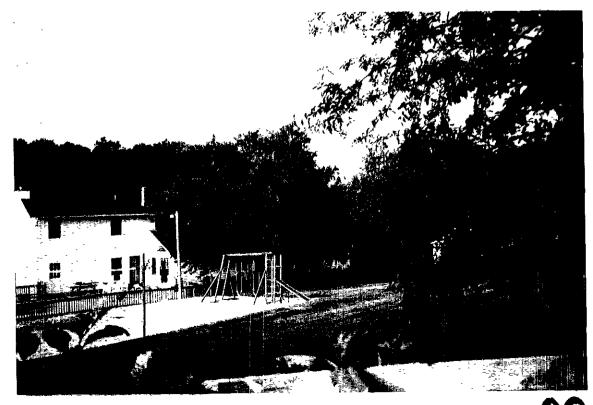
View from Eddings & Hollbroch



BACK OF HOUSE



BACK OF HOUSE



VIEW FROM ADJOINING LANE (GRADOWSKI, RUNK, CIMINO)

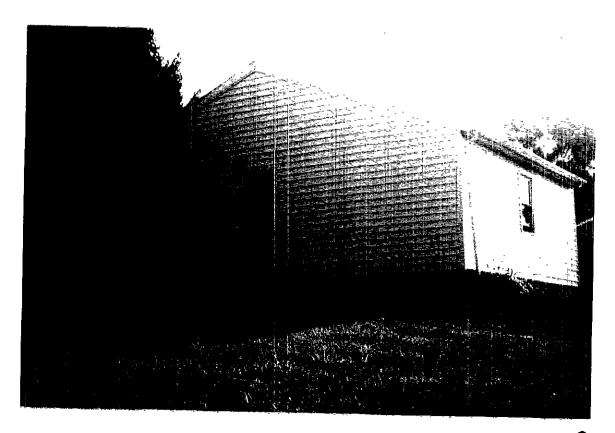
#64

00 - 064-A



GARAGE BUILT 1994

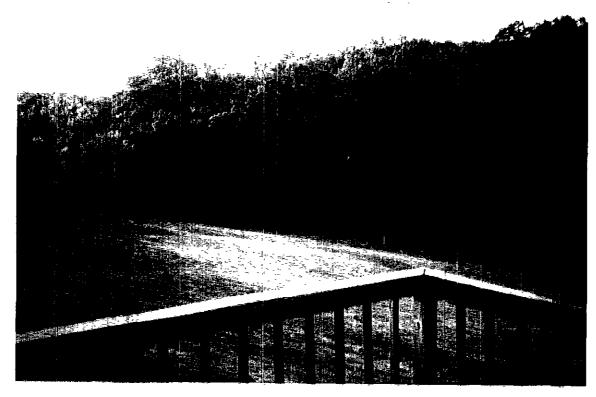




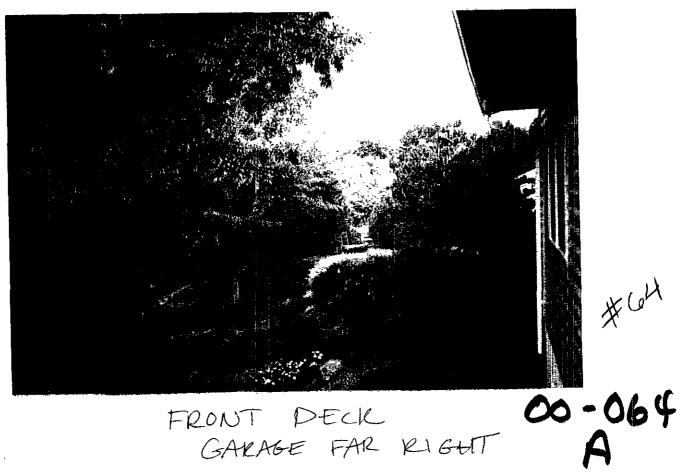
*Col

00-064-A





FRONT DECK (LOOKING RD OUTO



6H

FRONT PECK FAR RIGHT GARAGE

