

IN RE: PETITION FOR ADMIN. VARIANCE

S/S of Luiss Deane Drive, 366' S
Of centerline of Old Harford Road
9th Election District
6th Councilmanic District
(2610 Luiss Deane Drive)

Gale E. Rutherford
Petitioner

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 00-131-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Gale E. Rutherford, property owner, for that property known as 2610 Luiss Deane Drive in the Carney area of Baltimore County. The Petitioner herein seeks a variance from Sections 1B01.C.1.b and 301 of the Baltimore County Zoning Regulations (BCZR), to permit an addition (open projection deck and patio) with a rear yard setback of 16 ft. in lieu of the required 22.5 ft. and to amend the Final Development Plan of Pine Grove, Lot #6. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative 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 Deputy 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

11/14/99

By

J. C. Jamison

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of November, 1999 that a variance from Sections 1B01.C.1.b and 301 of the Baltimore County Zoning Regulations (BCZR), to permit an addition (open projection deck and patio) with a rear yard setback of 16 ft. in lieu of the required 22.5 ft. and to amend the Final Development Plan of Pine Grove, Lot #6, be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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.

Timothy Kotroco
TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

11/4/99
JL Jameson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

November 4, 1999

Ms. Gale E. Rutherford
2610 Luiss Deane Drive
Baltimore, Maryland 21234

Re: Petition for Administrative Variance
Case No. 00-131-A
Property: 2610 Luiss Deane Drive

Dear Ms. Rutherford:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative 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,

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

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2610 LUISS DEANE DRIVE
which is presently zoned RESIDENTIAL DR5.5 OCCUPIED

This Petition shall be filed with the Department of Permits and 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) 1801.C.1.b and 301 BCZR.

To permit an addition (open projection deck and patio) with a rear yard setback of 16' in lieu of the required 22.5'.
And to amend the FDP of Pine Grove, Lot #6.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11/14/99 day of November that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-131-A

Reviewed By JRF Date 9/27/99

R20 9/15/98

Estimated Posting Date 10-10-99

Affidavit in Support of Administrative 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 that 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 2610 LUSS DEANE DRIVE
Address
PARKVILLE MD 21234
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

① Requesting relief from setback regulations to make deck for practical use in size for family of four to cookout & eat on deck.

② Home was graded in between a walkout on ground basement so even trying to access the backyard to let the dog out ^(for dog fire exit) would require steps more than 7ft. with the code for a 3x3 landing.

③ The grading drops 5ft making use of backyard impossible without a deck to provide a level place to sit or walk.

④ For some reason my house is setback 2ft further than other houses making a small yard smaller.

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

Gale E. Rutherford
Signature
Gale E. RUTHERFORD
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of September, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Gale Rutherford

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

9/24/99
Date

Pamela Marshall Jones
Notary Public
My Commission Expires Jan 2, 2003

Affidavit in Support of Administrative 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 that 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 2610 LUISS DEANE DRIVE
Address PARKVILLE MD 21234
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- ① Requesting relief from setback regulations to make deck size for practical use in size for family of four to cookout + eatout on deck.
- ② Home was graded in between a walkout and inground basement so even trying to access the backyard to let the dog out ^(go to assist for fire) would require steps more than 7 feet with the code for a 3x3 landing.
- ③ The grading drops 5ft making use of backyard impossible without a deck that provides a level place to stand or sit or walk.
- ④ ~~FOR~~ some reason my house is setback 2 feet further than other houses making a small backyard smaller.

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

Gale E. Rutherford
Signature
GALE E. RUTHERFORD
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of September, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Gale Rutherford
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

9/24/99
Date

Pamela Mulvihill
Notary Public
My Commission Expires Jan 2, 2003



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2610 LUISS DEANE DRIVE
which is presently zoned RESIDENTIAL
DRSS OCCUPIED

This Petition shall be filed with the Department of Permits and 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) 1801-C.1.6 and 301 BCZR

To permit an addition (open projection deck and patio) with
a rear yard setback of 16' in lieu of the required 22.5'.
And to amend the FDP of Pine Grove, Lot #6.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Gale E. RUTHERFORD

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

410

Telephone No.

21234

Representative to be Contacted:

Name

Address

City

State

Zip Code

Telephone No.

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-131-A

REV 9/15/98

Reviewed By JRF Date 9-27-99

Estimated Posting Date 10-10-99

ZONING DESCRIPTION FOR 2610 Luiss Deane Dr Pktn 4 MD 21224
(address)

Beginning at a point on the South side of
(north, south, east or west)

Luiss Deane Drive which is 40'
name of street on which property fronts) (number of feet or right-of-way width)

wide at the distance of 366' South of the
(number of feet) (north, south, east or west)

centerline of nearest improved intersecting street old Hartford Rd
(name of street)

which is 60' wide. *Being lot # 6
(number of feet of right-of-way width)

Block C, Section # _____ In the subdivision of Pine Grove
(name of subdivision)

as recorded in Baltimore County Plat Book # 68, Folio # 124.

containing 5000 sf. Also known as 2610 Luiss Deane Drive
(square feet of acres) (property address)

and located in the 9 Election District, 6 Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 072159

DATE 9-27-99 ACCOUNT R-001-0150

AMOUNT \$ 100.00

RECEIVED FROM: Gale Rutherford
2010 LUISS Ocean Dr. Item # 131

FOR: 01 - Variance Taken by: JRF

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT
DATE 9/27/99
FEE 0.00
AMOUNT 100.00
TOTAL 100.00
BALANCE 0.00
CASHIER'S SIGNATURE
DATE 9/27/99
100.00
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 00-131-A
PETITIONER/DEVELOPER:
(Gale Rutherford)
DATE OF Closing
(Oct. 25, 1999)

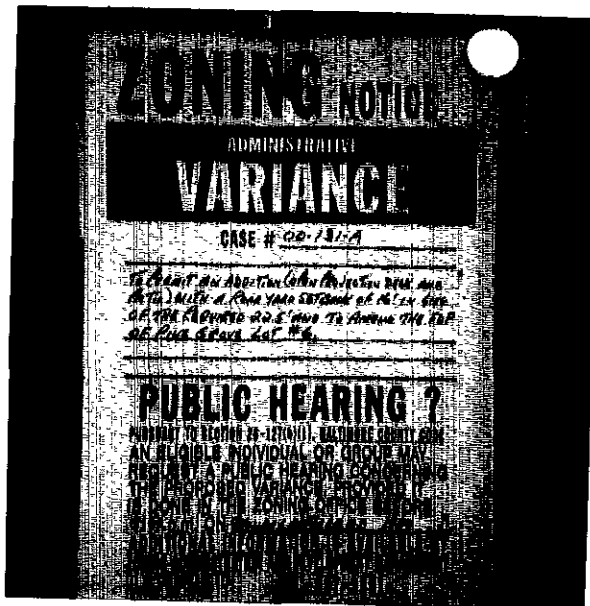
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
2610 Luiss Deane Dr. Baltimore, Maryland 21234_____

The sign(s) were posted on _____ 10-10-99 _____
[Month, Day, Year]



Sincerely,

Thomas P. Ogle, Sr.
(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 131 -A Address 2610 Luiss Deane Dr.

Contact Person: Jun Fernando Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9-27-99 Posting Date: 10-10-99 Closing Date: 10-25-99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 00- 131 -A Address 2610 Luiss Deane Dr.

Petitioner's Name Gale Rutherford Telephone 410-882-7484

Posting Date: 10-10-99 Closing Date: 10-25-99

Wording for Sign: To Permit an addition (open projection deck) with a
rear yard setback of 16' in lieu of the required 22.5'.
And to amend the FDP of Pine Grove Lot #6.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 131
Petitioner: Gale Rutherford
Address or Location: 2610 LUISS Deane Dr

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gale E Rutherford
Address: 2610 LUISS Deane Dr
PARKVILLE MD 21234
Telephone Number: (410) 882-7484



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

November 29, 1999

RECEIVED JAN 06 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCTOBER 25, 1999

Item No.: See Below

Dear Ms. Stephens:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

130, 131, 133, 134, 135, 137, 140, 142, 143, 144, 148,
149, 150, 151, 152,

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



AV

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: October 29, 1999

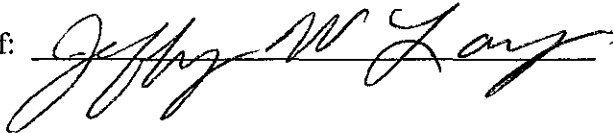
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 131

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

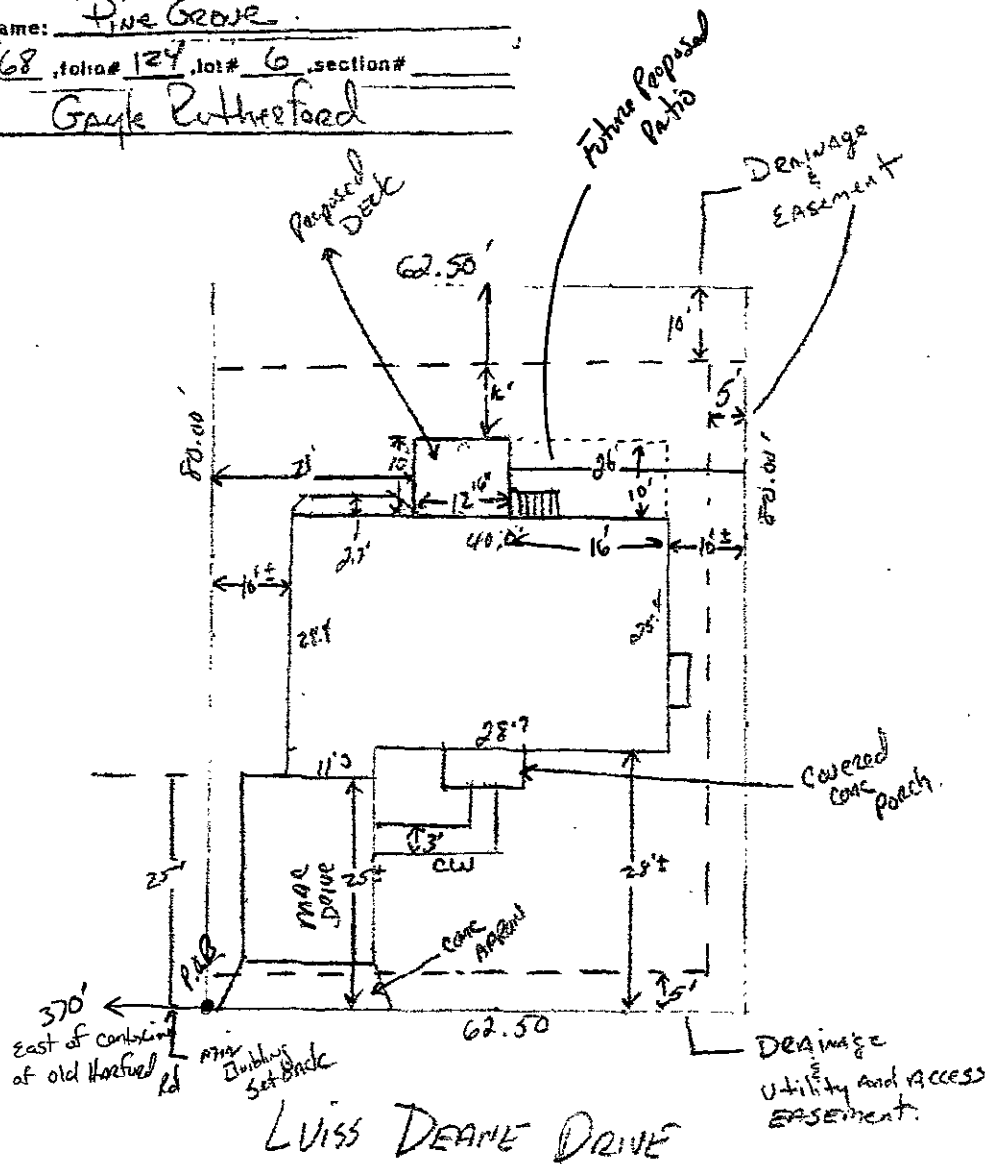
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2610 Luiss Drive De Parkville MD 21234 see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Pine Grove

plat book # 68, folio # 124, lot # 6, section #

OWNER: Gayle Rutherford



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 9

Councilmanic District: 6

1"=200' scale map #: N.E. 10-E

Zoning: D.R. 5.5

Lot size: 0.11478 5000
acres square feet

SEWER: ☒ public ☐ private

WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: JRF ITEM #: 131 CASE #: 00-131-A

JRF

131

00-131-A

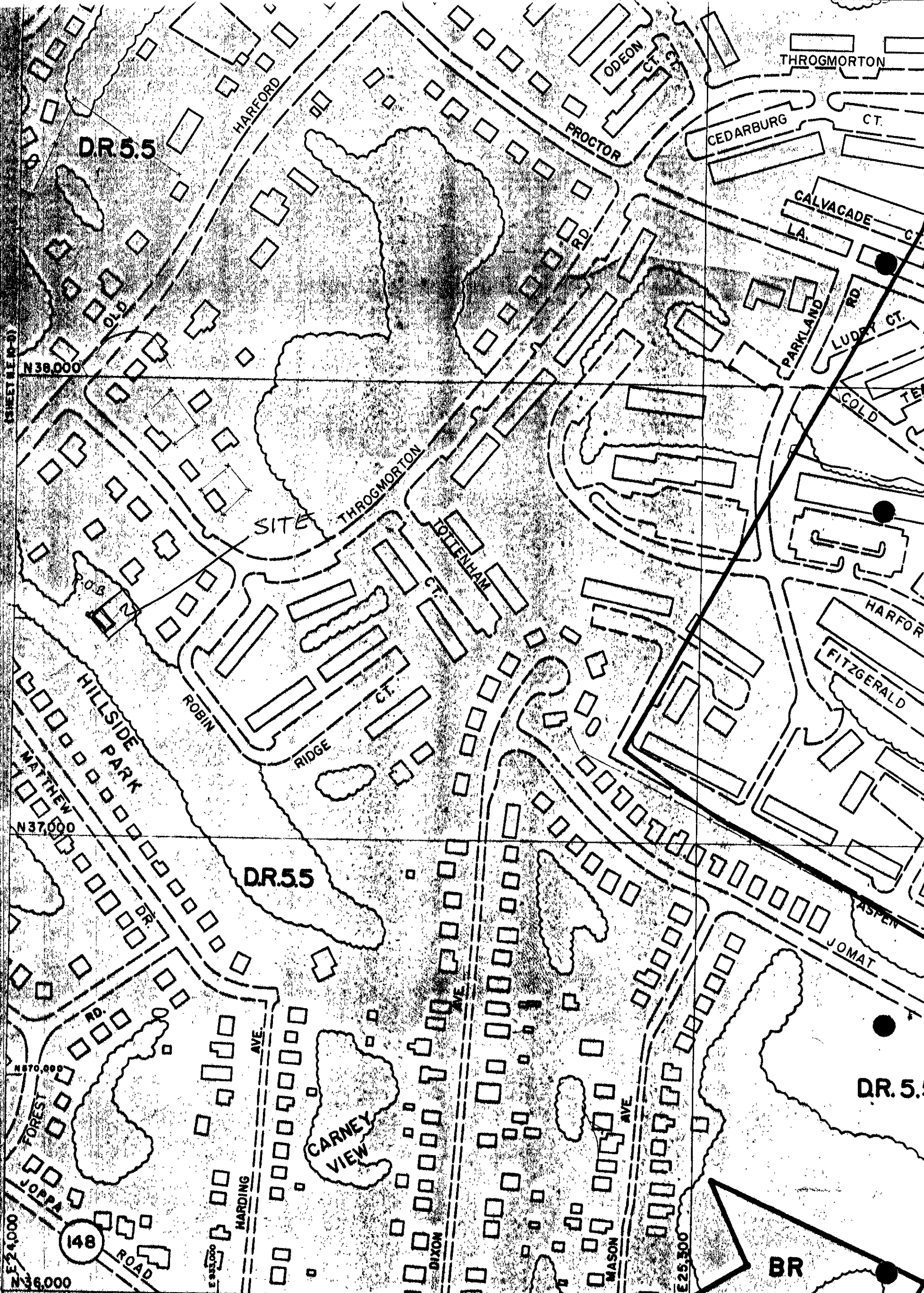
North

date: 9/27/98

prepared by: JRF

Scale of Drawing: 1"= 20'

PET EX. #1



N-NE M-NW
R-SE Q-SW

NE 10-E
#131

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

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

Rear yard
proposed
site of
(deck) addition



00-131-A

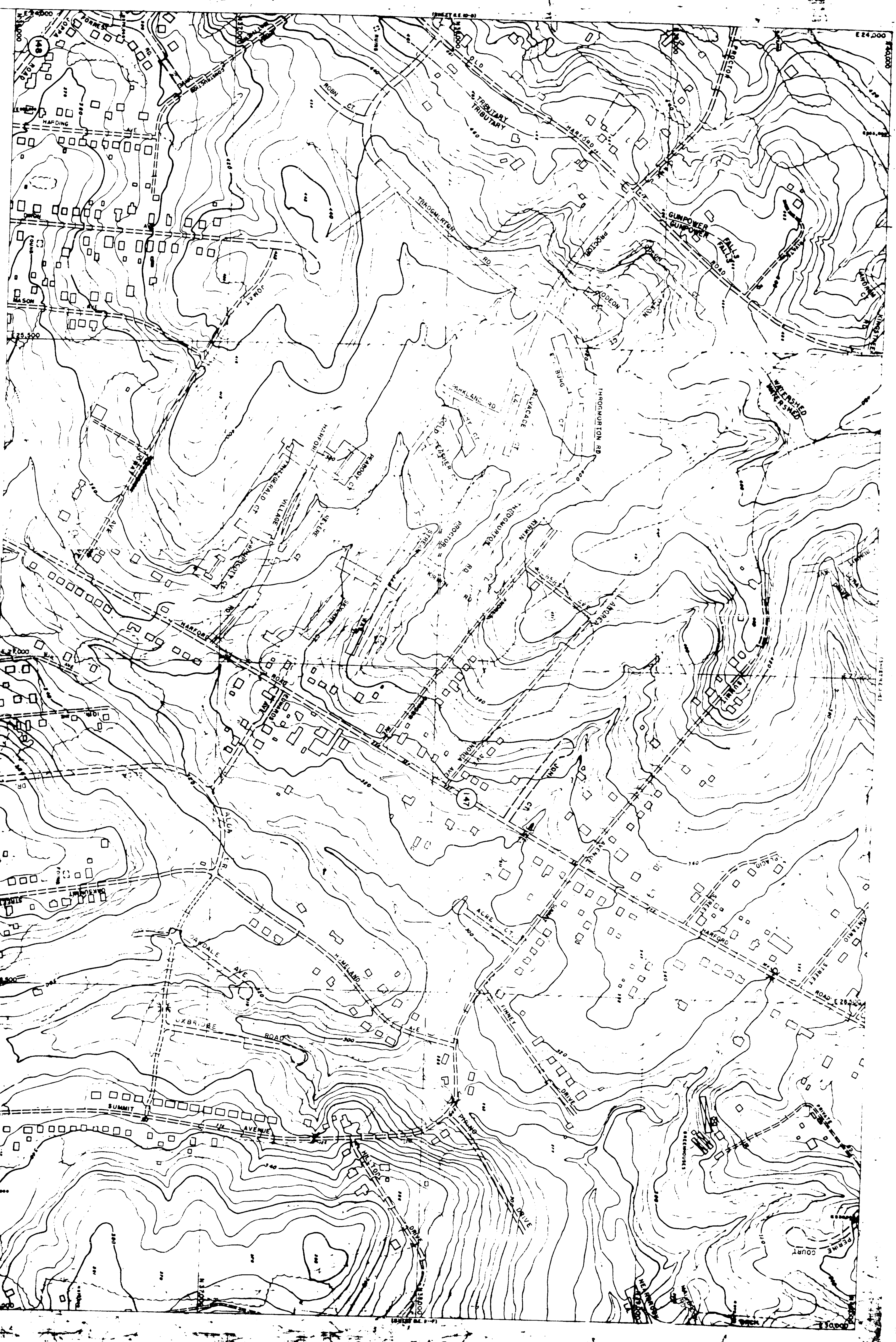


00-131-A

00-131-A

POTOGAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS	DATE	SCALE	LOCATION
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N-NE M-NW
R-SE Q-SW

REVISIONS

SCALE

LOCATION

CARNEY