ORDER RECEIVED FOR FILING
Value // 3 /2000
V

IN RE: PETITION FOR VARIANCE

SEC Falls Road and Cooper Hill Road 9th Election District 4th Councilmanic District (1301 Copper Hill Road)

Adelaide C. Rackemann Petitioner * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 00-228-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 owner of the subject property, Adelaide C. Rackemann. The Petitioner is requesting a variance for property she owns at 1301 Copper Hill Road located in the Ruxton area of Baltimore County. Ms. Rackemann is desirous of constructing a one-story guest house on the rear of her property as shown on Petitioner's Exhibit No. 1, the site plan of the property.

Appearing at the hearing on behalf of the request was Ms. Adelaide Rackemann, property owner and Ed Hord and Laura Dulski, architects for the Petitioner. There were no protestants in attendance.

Testimony indicated that Ms. Rackemann owns approximately 2.5 acres of land zoned DR
1. The property is already improved with an existing two-story residence wherein Ms.

Rackemann has resided since 1962. Ms. Rackemann is concerned about continuing to reside in a two-story residence and, therefore, proposes to construct a one-story guest house on the rear of the property wherein she may move in her elder years. She has chosen to proceed by way of a zoning use division line as opposed to proceeding through the minor subdivision process. As a result of locating the new one-story guest house on the rear of the property, several accessory structures will be situated in the front yard of that one-story guest house. Ms. Rackemann wishes

ORES ESCENES POR FILING
Date 1/3/2000
By H. January

to leave those accessory structures, which consist of an in-ground swimming pool, a barn and shed in tact, and does not wish to tear any of those structures down. In order to proceed with her plans, the variance request is necessary.

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 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.

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 M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1301 Copper Hill Road which is presently zoned DR-1

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)

See attached.

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

Hardship and practical difficulty - to be discussed at hearing.

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.

				is the subject of thi	s Petition.
	Contract Purchaser/Lessee:			Legal Owner(s):	
				Adelaide C.	Rackemann
	Name - Type or Print	and the state of t		Name - Type or Print	Ter C.
	Signature			Signature	<u>~</u>
	Address		Telephone No.	Name - Type or Print	
	City	State	Zip Code	Signature	
	Attornev For Petitioner:			1301 Copper l	Hill Road
		- 1.12.1.		Address	
				Baltimore	
5	Name Type or Print			City	
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150	Signature			Ed Hord,	Hord Cop
12 3	Company	· · · · · · · · · · · · · · · · · · ·		Name	
23 Tag	Address			111 Market P	lace, Sui
	Additess		Telephone No.	Address	
THE N	City			<u>Baltimore</u>	MD
3) City	State	Zip Code	City	
2	3/2			9	OFFICE US
	Case No. <u>00 -</u>	220-1	•	ESTIMATED L	ENGTH OF
	Case 110. 00			UNAVAILABLE	FOR HEAL
0 0	1 10			Reviewed By	41
	REV 9115198				1

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

Adelaide C. Rackemann		
Name - Type or Print	Ruch	emaun
Signature		
Name - Type or Print		
Signature		
1301 Copper Hill Road	(410) 8	23-4709
Address		Telephone No.
Baltimore	MD	21209
City	State	Zip Code
Representative to be Com	tacted:	

Ed Hord,	Hord	Cop1ar	n Mac	ht, Inc.
Name 111 Market	Place,	Suite	710	410-837-7311
Address	,			Telephone No.
Baltimore		MD	2120	2
City			State	Zip Code

SE ONLY

ESTIMATED	LENGTH OF	HEARING,	g JAN, 24 11-30-99
UNAVAILAB	LE FOR HEAF	ING WEEK	g JAN, 24
Reviewed By		Date _	11-30-99

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)

IB02.3.C.1 BCZR

1) To allow a front yard setback of 28 foot and side yard setback of 12 foot for the proposed guest house in lieu of the required setback of 50 foot and 20 foot, respectively.

400 - BCZR

- 1) To allow an existing swimming pool to be located on the side yard in lieu of the required rear yard.
- To allow an existing barn/shed to be located on the side yard in lieu of the required rear yard, and to allow a 22.5-foot height in lieu of the required 15 foot.

228

H. MALMUD & ASSOCIATES, INC. 100 CHURCH LANE BALTIMORE, MARYLAND 21208

TELEPHONE 410 653-9511

ZONING DESCRIPTION
1301 COPPER HILL ROAD
BALTIMORE COUNTY, MARYLAND



BEGINNING AT THE INTERSECTION OF THE SOUTHEAST CORNER OF FALLS ROAD, 60 FEET WIDE, AND COPPER HILL ROAD, 50 FEET WIDE, THENCE BINDING ON FALLS ROAD:

- 1. SOUTH 53 DEGREES 20' 06" EAST 106.80 FEET, THENCE LEAVING FALLS ROAD AND RUNNING THE TWO (2) FOLLOWING COURSES AND DISTANCES:
 - 2. NORTH 48 DEGREES 43' 20" EAST 659,25 FEET AND
- 3. NORTH 50 DEGREES 15' 08" WEST 175.25 FEET TO THE SOUTH SIDE OF COPPER HILL ROAD, THENCE BINDING THEREON THE THREE (3) FOLLOWING COURSES AND DISTANCES:
 - 4. SOUTH 51 DEGREES 42' 06" WEST 366.13 FEET,
 - 5. SOUTH 27 DEGREES 27' 57" WEST 185.28 FEET AND
- 6. SOUTH 38 DEGREES 41' 03" WEST 117.71 FEET TO THE PLACE OF BEGINNING.

CONTAINING 2.49 ACRES OF LAND, MORE OR LESS.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE.



HERBERT MALMUD REGISTERED L AND SURVEYOR MARYLAND # 7558

NOVEMBER 14, 1999

FILE: DES1301COPPER

228

NOTICE OF ZONING HEARING

Zoning Commissioner for Balumore County NOTES: (1) Hearings are Handicapped Accessible; for spe- rial accommodations Please Contact the Zoning Commis- sioner's Office at (410) 887-4386.	The Zoning Commissioner of Baltimore County, by authorty 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: #00-228-A 1301 Copper Hill Road SEC Falls Road and Copper Hill Road 9th Election District — 4th Councilmanic District Legal Owner(s): Adelaide C. Rackemann Variance: to allow a front yard setback of 28 feet and side yard setback of 12 feet in lieu of the required 50 feet and 20 feet, respectively; to allow an existing swimming pool to be located in the side yard in lieu of the required rear yard; and to allow an existing barn/shed to be located in the side yard in lieu of the required rear yard and to allow a 22.5-foo height in lieu of the required 15 feet. Hearing: Wednesday, January 12, 2000 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue.
	cial accommodations Please Culture Ine Zoning Commis

JT/12/694 Dec. 28

CERTIFICATE OF PUBLICATION

. 0
TOWSON, MD, 12-30 1999,
THIS IS TO CERTIFY, that the annexed advertisement was
oublished in THE JEFFERSONIAN, a weekly newspaper published in
Towson, Baltimore County, Md., once in each ofsuccessive
weeks, the first publication appearing on $\frac{20/99\%}{20}$.
THE JEFFERSONIAN,
S. Wilking
J. OCCUMENT
LEGAL ADVPHPHOPEING

DISTRIBUTION

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

ACCOUNT & COLOMBIA COMMENT

AMOUNT \$ 50,445

AMOUNT \$ 50,445

AMOUNT \$ 50,445

AMOUNT \$ 50,445

COLOMBIA COMMENT FOR STATE OF THE PROPERTY OF THE

YELLOW - CUSTOMER

WHITE - CASHIER

PINK - AGENCY

PATE TOTAL TENTON TO THE TOTAL TENTON TO THE TENTON TO THE TOTAL TENTON TO THE TOTAL TENTON TO THE TOTAL TENTON THE TENTON THE TOTAL TENTON THE TENTON THE TENTON THE TENTON THE TENTON THE TOTAL TENTON THE TENTO

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Jim

*	RE: Case No.: 00-228-A
	Petitioner/Developer:
	ADELAIDE RACKEMANN
	Date of Hearing/Closing: 1/12/00
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:	
were posted conspicuously on the property	f perjury that the necessary sign(s) required by law located at
The sign(s) were posted on	/2/28/99 (Month, Day, Year)
458 4 CO-228-A	Sincoroly
	Sincerely, Sincerely, (Signature of Sign Poster and Date)
The state of the s	(Printed Name)
	(Address) FALL STON, HO. 21047 (City, State, Zip Code)
Territorial Late	(410) 879 3122

RE: PETITION FOR VARIANCE
1301 Copper Hill Road, SEC Falls Rd
and Copper Hill Rd
9th Election District, 4th Councilmanic
Legal Owner: Adelaide C. Rackemann

Legal Owner: Adelaide C. Rackemanr Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 00-228-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

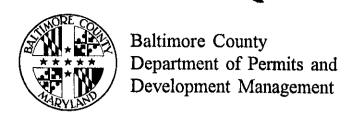
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of December, 1999 a copy of the foregoing Entry of Appearance was mailed to Ed Hord, Hord, Coplan, Macht, Inc., 111 Market Place, Suite 710, Baltimore, MD 21202, representative for Petitioners.

PETER MAX ZIMMERMAN



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

Fax: 410-887-5708

December 16, 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: 00-228-A
1301 Copper Hill Road
SEC Falls Road and Copper Hill Road
9th Election District – 4th Councilmanic District
Legal Owner: Adelaide C. Rackemann

<u>Variance</u> to allow a front yard setback of 28 feet and side yard setback of 12 feet in lieu of the required 50 feet and 20 feet, respectively; to allow an existing swimming pool to be located in the side yard in lieu of the required rear yard; and to allow an existing barn/shed to be located in the side yard in lieu of the required rear yard and to allow a 22.5-foot height in lieu of the required 15 feet.

HEARING: Wednesday, January 12, 2000 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

Arnoid Jablon

Director

c: Adelaide Rackemann, 1301 Copper Hill Road, Baltimore 21209 Ed Hord, Hord Coplan Macht Inc., 111 Market Place, Suite 710, Baltimore 21202

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY DECEMBER 28, 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

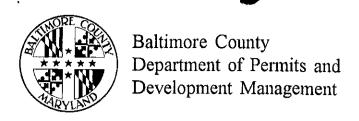
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County</u> 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: 00-228-4 Petitioner: Adelaide C. Rackemann					
Address or Location: 1301 Copper Hill Road					
PLEASE FORWARD ADVERTISING BILL TO: Name: Ed Hord; Hord Coplan Macht, Inc.					
_		Place, Suite 710;		21202	
Telephone	Number: _	410-837-7311	FAX:	410-837-6530	



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

January 7, 2000

Mr. Ed Hord Hord Coplan Macht Inc 111 Market Place . Suite 710 Baltimore MD 21202

Dear Mr. Hord:

RE: Case Number 00-228-A, 1301 Cooper Hill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 30, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor

Zoning Review

WCR:rsi

Enclosures

C:



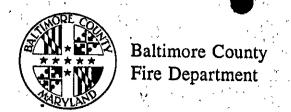












Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

December 30, 1999

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 December 13, 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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS AT THIS TIME.

THE FOLLOWING ITEMS: 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 235,

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: December 21, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for December 20, 1999

Item Nos. 181, 222, 223, 224, 225, 226, 227, 228, 229, 231, 232, 233,

and 235

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

RWB:HJO:jrb

cc: File

Sem 1/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

22

Date: December 22, 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): 228

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: Offing W. Long

AFK/JL



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

Date: 12.17.99

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

RE:

Baltimore County

Item No. 228

115

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).

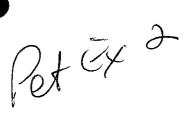
Very truly yours,

for Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

1. J. Gredle

My telephone number is _

Peter C. Maloney and Gail Stetten 6219 Falls Road Baltimore, MD 21209



December 29, 1999

Zoning Board Baltimore County Towson, Maryland

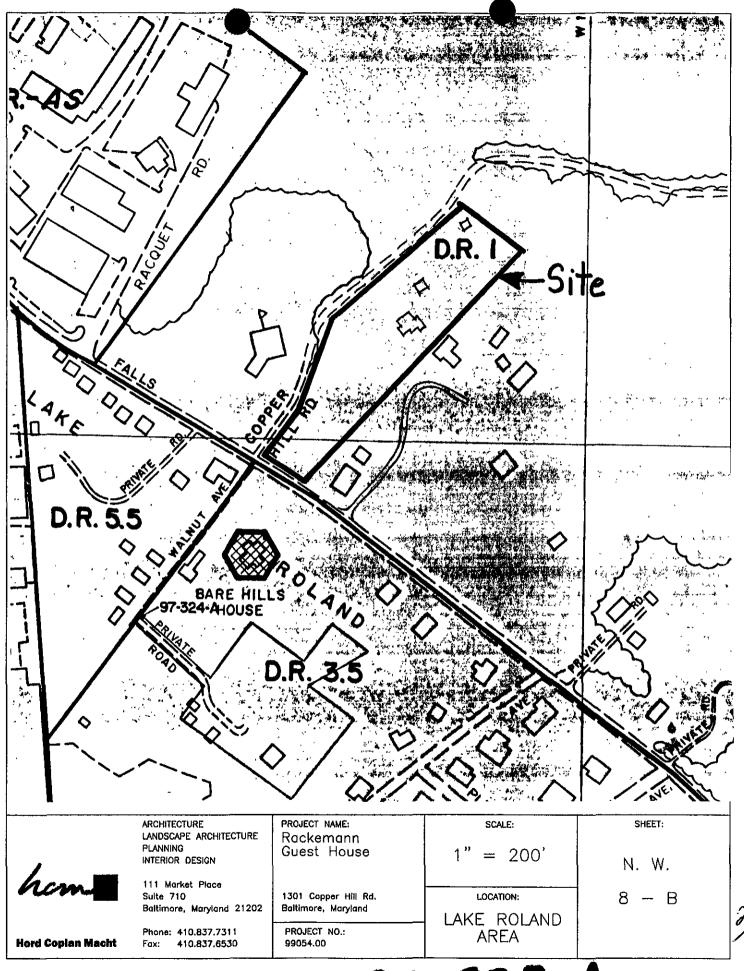
To Whom It May Concern:

This letter will certify that we (Peter Maloney and Gail Stetten) have no objections to the current plans for construction of a guest house on the property of our immediate neighbor, Adelaide Rackeman, on Copperhill Road.

Sincerely,

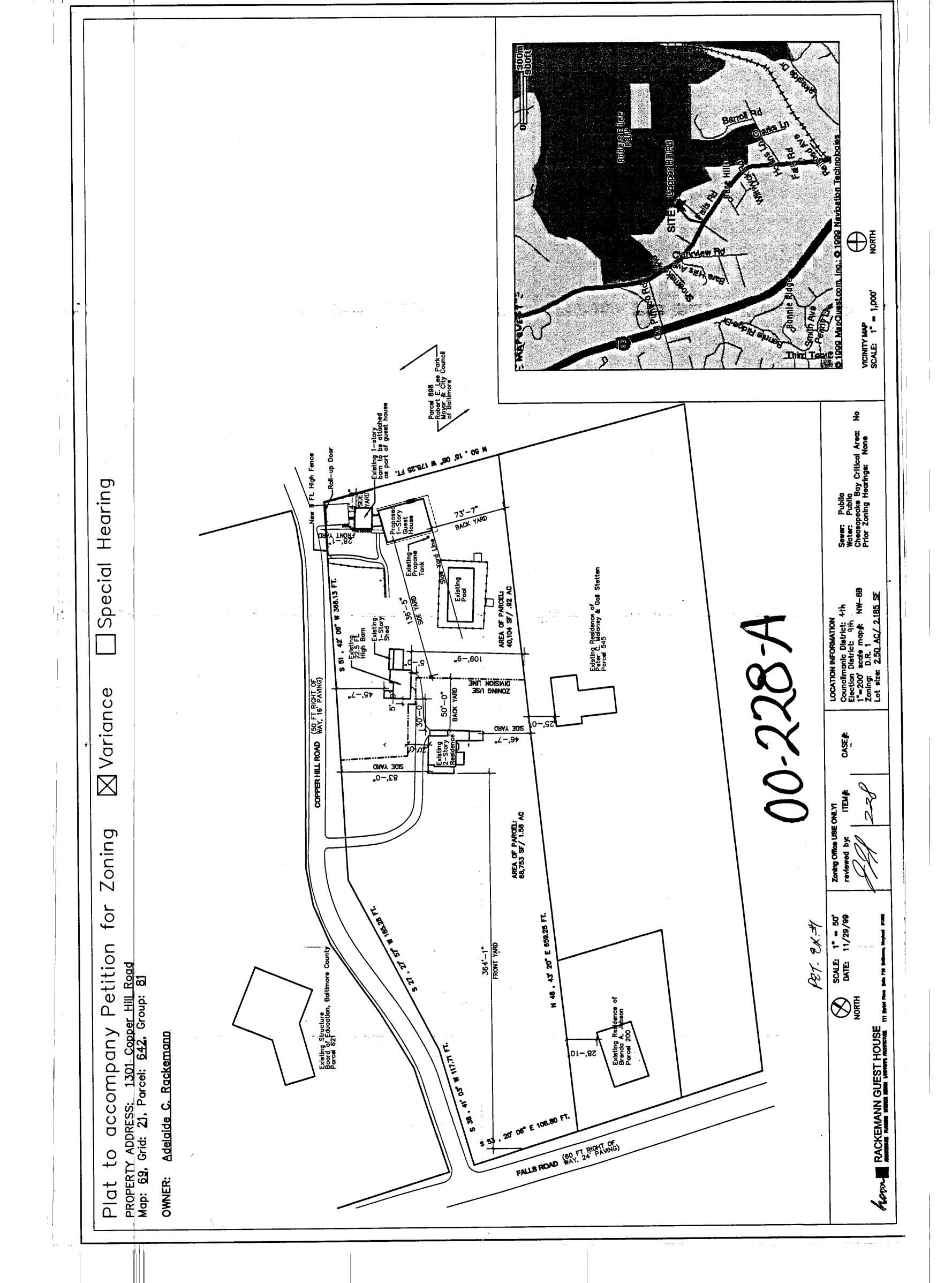
Peter C. Maloney

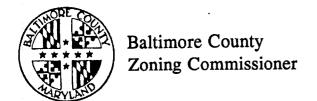
Gail Stetten



....

00-228-A





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

Fax: 410-887-3468

January 13, 2000

Ms. Adelaide C. Rackemann 1301 Copper Hill Road Baltimore, Maryland 21209

> Re: Petition for Variance Case No. 00-228-A

> > Property: 1301 Copper Hill Road

Dear Ms. Rackemann:

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 Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

> Very truly yours, hutly llotroes

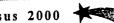
Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Mr. Ed Hord Hord Coplan Macht, Inc. 111 Market Place, Suite 710 Baltimore, Maryland 21202





For You, For Baltimore County



Census 2000





TO: PATUXENT PUBLISHING COMPANY

Tuesday, December 28, 1999 Issue - Jeffersonian

Please forward billing to:

Ed Hord

410-837-7311

Hord Coplan Macht, Inc.

410-837-6530 (fax)

111 Market Place

Suite 710

Baltimore, MD 21202

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: 00-228-A 1301 Copper Hill Road

SEC Falls Road and Copper Hill Road

9th Election District – 4th Councilmanic District

Legal Owner: Adelaide C. Rackemann

<u>Variance</u> to allow a front yard setback of 28 feet and side yard setback of 12 feet in lieu of the required 50 feet and 20 feet, respectively; to allow an existing swimming pool to be located in the side yard in lieu of the required rear yard; and to allow an existing barn/shed to be located in the side yard in lieu of the required rear yard and to allow a 22.5-foot height in lieu of the required 15 feet.

HEARING: Wednesday, January 12, 2000 at 9:00 a.m. in Room 106, County Office

Building, 111 West Chesapeake Avenue

LAWRENCE E. SCHMIDT

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.