IN RE: PETITION FOR VARIANCE
NE/S Curving Lane, 285' S
of Ruxton Road
9th Election District
4th Councilmanic District
(7605 Curving Lane)

Sally B. Willse Petitioner * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 01-302-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, Sally B. Willse. The Petitioner is requesting a variance for property she owns at 7605 Curving Lane. The property is zoned DR 3.5. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 6 ft. in lieu of the required 30 ft. for a porch addition.

Appearing at the hearing on behalf of the variance request were Sally Willse and her husband, Stuart Arnold. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.39 acres, more or less, zoned DR 3.5. The subject property is improved with a single family residential dwelling wherein the Petitioner and her husband have resided for the past 12 years. The Petitioner wishes to add a small porch addition onto her home as shown on the site plan submitted into evidence. The Petitioner intends to enclose the porch once it is constructed. Therefore, the variance request to allow a 6 ft. setback in lieu of 30 ft. for this addition is necessary.

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An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and her 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.

THEREFORE, IT IS ORDERED this 2/ day of March, 2001, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1B02.3.C.1 of the B.C.Z.R., to permit a rear yard setback of 6 ft. in lieu of the required 30 ft. for a porch addition,

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.

ГІМОТНУ М. КОТROCO

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

March 21, 2001

Ms. Sally B. Willse 1309 Ruxton Road Towson, Maryland 21204

> Re: Petition for Variance Case No. 01-302-A

> > Property: 7605 Curving Lane

Dear Ms. Willse:

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, buther lotroco

Timothy M. Kotroco

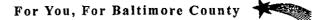
Deputy Zoning Commissioner

TMK:raj Enclosure

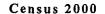
Census 2000



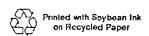














Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7605 CURVING LA.

which is presently zoned DR3.5

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) | BOZ, 3, C, | TO PERMITA REAR YARD SETBACK OF 6 FT, IN LIEU OF 30 FT. FOR A PROPOSED ADDITION,

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

		I/We do solemnly declare perjury, that I/we are the is the subject of this Petiti	legal owner(s) of the	ne penalties of e property which
Contract Purchaser/Lessee:		Legal Owner(s):		
x Sally G. Willse Name - Type or Print		Saly B. Name - Type or Plint	Willse	
Signature		* Sally B. Signature	Wille	
17605 CURVING Lane	. ×410 803 405% Telephone No.	Name - Type or Print		
* LOWSON * MD	x 21204 Zip Code	Name - Type of Phili		
City State	Zip Code	Signature		-
Attorney For Petitioner:		× 1309 Ruxton	Road	<u> </u>
		Address		Telephone No
Name - Type or Print		A TOWSON City	× MD	4 21304
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		City	State	Zip Code
Signature		Representative to b	<u>e Contacted:</u>	
Olgrandia				
Company	······································	Name		
<u></u>				
Addyess	Telephone No.	Address		Telephone No
State	Zip Code	City	State	Zip Code
		<u>OFFIC</u>	E USE ONLY	
Case No. 01-302-A		ESTIMATED LENGTH	OF HEARING	
	-	UNAVAILABLE FOR I		
RAV 9115198		Reviewed By <i>JR_F</i>	Date _	1/24/01

ZONING DESCRIPTION FOR 7605 Curving Lane

Beginning at a point on the *Northeast* side of *Curving Lane* which is *40 feet* wide at the *90 degree bend in the road said point being 285 ft south of Ruxton Road* which is *40 feet* wide. Being Lots # *268, 270, 271,*Block_____, Section # ____ in the subdivision of *Ruxton Heights* as recorded in Baltimore County Plat Book# *JWS 1,* Folio# 64, containing *17,325 sq.ft.*Also known as *7605 Curving Lane* and located in the *9th* Election District,

4th Councilmanic District

302

01-302-A

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FOR: OF VOLCO	2	Taken h,: Jer	
•			- 101-302-A

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: #01-302-A 7605 Curving Lane NE/S Curving Lane, 285' S of Ruxton Road 9th Election District 4th Councilmanic District Legal Owner(s): Sally B. Willse Contract Purchaser: Sally G. Willse

Variance: to permit a rear yard setback of 6 feet in lieu of 30 feet for a proposed addition.

Hearing: Tuesday, March 20, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave-

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible; for special accommodations 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.

3/016 Mar 1 C453201

CERTIFICATE OF PUBLICATION

TOWSON, MD,	311	, 20 <u>0\</u>
THIS IS TO CERTIFY, that the	he annexed adve	rtisement was
published in THE JEFFERSONIAN,	a weekly newspape	er published in
Towson, Baltimore County, Md., once	in each of	successive
weeks, the first publication appearing	on3	
	,	
SHE	JEFFERSONI	AN,
J. 0	DULMA	1—
LE(GAL ADVERTIS	SING

CERTIFICATE OF POSTING

RE: Case No. 01-302-A

Politioner/Developer ARNID, ETAL.

40 B. JERNIGAR ARNOLD

Date of Hearing/Closing 3/19/01

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 #7605-CURYING LANE

The sign(s) were posted on

3/1/0/ (Month, Day, Year)

Sincerely,

Patrick W. O Karjar 3/2/01
(Signature of Sign Poster and Date)

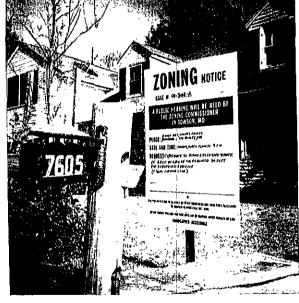
PATRICK M. O'KEEFE (Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666:5366; CELL: 410:905:8571 (Telephone Number)



01-202-1

Post-it® Fax Note 7671	Date # of pages ►
То	From
Co./Dept.	Co.
Phone #	Phone #
Fax#	Fax #

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.

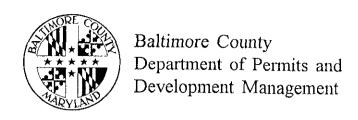
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:			
Item Number or Case Number: 01-302-A Petitioner: Sally Willse			
Address or Location: 7605 CURUING LANE			
PLEASE FORWARD ADVERTISING BILL TO:			
Name: Saly Willse			
Address: 7605 CURVING LANE			
Baltimore, MD 21201			
Telephone Number: 40-823-4058			

Revised 2/20/98 - SCJ

Plat to accompany				Special Hearing
Subdivision name:				
plat book#,folio#,lot#,s	ection#			ļ
OWNER:				
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				Vicinity Map **Scale: 1'=1000'
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				Election District:
				Councilmanic District:
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				Prior Zoning Hearings:
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North				Zoning Office USE ONLY! reviewed by: ITEM #: CASE#:
date:		.	•	The state of the s
prepared by:	Scale of Drawing	: 1 ⁻ =		

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

Fax: 410-887-5708

February 7, 2001

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: 01-302-A

7605 Curving Lane

NE/S Curving Lane, 285' S of Ruxton Road 9th Election District – 4th Councilmanic District

Legal Owner: Sally B. Willse

Contract Purchaser: Sally G. Willse

<u>Variance</u> to permit a rear yard setback of 6 feet in lieu of 30 feet for a proposed addition.

HEARING: Monday, March 19, 2001 at 9:00 a.m. in Room 407, Country Courts

Building, 401 Bosley Avenue

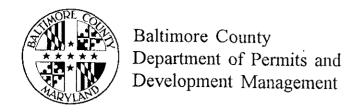
Arnold Jablon Director

C: Sally B Willse, 1309 Ruxton Road, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 2, 2001

(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.



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

Fax: 410-887-5708

February 12, 2001

NOTICE OF ZONING HEARING CHANGE OF HEARING DATE

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:

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Building, 401 Bosley Avenue

Arnold Jablon Director

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TO: PATUXENT PUBLISHING COMPANY

Thursday, March 1, 2001 Issue - Jeffersonian

Please forward billing to:

Sally Willse 7605 Curving Lane

Baltimore MD 21204

410 823-4058

NOTICE OF ZONING HEARING

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HEARING: (

Monday, March 19, 2001 at 9:00 a.m. in Room 407, Country Courts Building, 401 Boslev Avenue

lease change to Tuesday MARCH 20, 2001

Adduell Campaille Lawrence E. Schmidt

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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.

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SUE FAX 2-12-01 TO: PATUXENT PUBLISHING COMPANY

Thursday, March 1, 2001 Issue - Jeffersonian

Please forward billing to:

Sally Willse

7605 Curving Lane Baltimore MD 21204 410 823-4058

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Monday, March 19, 2001 at 9:00 a.m. in Room 407, Country Courts

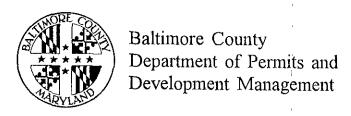
Building, 401 Bosley Avenue

677

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.



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

March 16, 2001

Sally B Willse 1309 Ruxton Road Towson MD 21204

Dear Ms. Willse:

RE: Case Number 01-302-A:, 7605 Curving Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 26, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 9, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

F33 - S

SUBJECT:

7605 Curving Lane

INFORMATION:

Item Number:

01-302

Petitioner:

Sally B. Willse

Zoning:

DR 3.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has determined that it is incumbent upon the petitioner to prove practical difficulty and unreasonable hardship. Should the variance be granted, it should be required that the petitioner repair the existing fence.

Prepared by:

Section Chief:

AFK:MAC:



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

February 8, 2001

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 February 5, 2001

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:

290, 291, 292, 293, 294, 295, 297, 298, 299, 300, 302, 303, 304, and 308

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F Williams Administrator

Date:

2.7.01

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

RE:

Baltimore County

Item No. 302

Dear. Ms. Jackson:

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,

P. J. Goedle

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: March 6, 2001

TO: Arnold Jablon, Director

Department of Permits & Development Mgmt.

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For February 12, 2001 Item Nos. 288, 289, 290, 291, 293, 295,

297, 298, 299, 300, 301, 302, 303, 304,

and 308

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 DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley My

DATE:

March 19, 2001

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of February 5, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
288	10260 York Road
289	10240 York Road
290	2522 Venetian Road
291	5126 Edmondson Avenue
293	998 Rohe Farm Lane
295	Gwynnbrook Property
296	1909 Halethorpe Avenue
297	2707-2709 Rolling Road
298	326 Stone Castle Avenue
299	2127 York Road
300	2127 York Road
301	3916 Old North Point Road
302	7605 Curving Lane
303	703 Main Street
308	104 McCormick Avenue

RE: PETITION FOR VARIANCE 7605 Curving Lane, NE/S Curving Ln, 285' S of Ruxton Rd 9th Election District, 4th Councilmanic

Legal Owner: Sally B. Willse Contract Purchaser: Sally G. Willse

Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 01-302-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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter May Cinneinas PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

ible S. Samilio

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 20th day of February, 2001 a copy of the foregoing Entry of Appearance was mailed to Legal Owner Sally B. Willse, 1309 Ruxton Road, Towson, MD 21204, and to Contract Purchaser Sally G. Willse, 7605 Curving Lane, Towson, MD 21204, Petitioners.

Peter Max Zimmernan PETER MAX ZIMMERMAN

Plat to accompany Petition for Zoning Variance	e Special Hearing
PROPERTY ADDRESS: 7665 CURLING LAW See pages 5 & 6 of the C	HECKLIST for additional required information
Subdivision name: Ruxton Heights plat book##1 ,tolio# 64 ,lot# 211 .section# section#	LOCUST AVE
OWNER: Sally Barbon Willer Extract Front Thory	BERWICK BERWICK PROBLEM BOTTONS GOTTONS GOTT
TRUETE STATE TO STATE THE STATE OF STATE THE STATE OF STA	LOCATION INFORMATION Election District: 9th Councilmanic District: 4th 1'-200' scale map#: NW 10 B Zoning: DR 3.5 Lot size: .39 17,325 acreage square feel Per applicant + Duck Schwan Nor 1 historic sewer: Dispublic private North on in Mistoric district WATER: Dispublic district WATER: Dispublic private Chesapeake Bay Critical Area: Dispublic private Prior Zoning Hearings:
North date: 1/14/2001 prepared by: Sally Wilse Scale of Drawing: 1'= 50'	Zoning Office USE ONLY! reviewed by: ITEM #: CASE#: JF 302

