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IN RE: PETITION FOR VARIANCE W/S Striminic Court, 400' S centerline of Bart Allen Lane

11th Election District

5th Councilmanic District (Lot 6 Striminic Court)

Stephen P. and Deborah A. Hoeck, Legal Owners & Mark Allen Kessler, Contract Purchaser Petitioners * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 01-335-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, Stephen and Deborah Hoeck and the contract purchaser, Mark Kessler. The variance request is for property located at Lot No. 6 Striminic Court. The subject property is zoned RC 5. The variance request is from 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 30 ft. and 32 ft. in lieu of the required 50 ft.

Appearing at the hearing on behalf of the variance request were Mark and Susan Kessler, the purchasers of the property. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1.81 acres, more or less, zoned RC 5. The subject property is unimproved at this time. The Kesslers are desirous of constructing a single-family home on the property. However, they wish to face their proposed house towards the cul-de-sac from which they take access. They believe the property would be better developed with the house facing towards the cul-de-sac than the way it was originally designed. In order to turn the house in this direction, the variance request is necessary.

HALLING TOP FLING

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners 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 Petitioners seek 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 Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this //day of April, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 30 ft. and 32 ft. in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners 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





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

April 12, 2001

Mr. & Mrs. Mark Kessler 48 Tudor Court Timonium, Maryland 21093

> Re: Petition for Variance Case No. 01-335-A

> > Property: Lot 6 Striminic Court

Dear Mr. & Mrs. Kessler:

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, Suuthy 16 troco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

C: Mr. & Mrs. Stephen P. Hoeck 135113 Devonfield Drive Baldwin, MD 21013



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at $\frac{\lambda c}{c}$	+#1-6Striminic Court
which is pres	ently zoned <u>RC-5</u>
This Petition shall be filed with the Department of Permits and Developmer	nt Management. The undersigned, legal

owner(s) or the property situate in Baltimore County and which	
side yord set backs of 30 ft a	(5) 1 AO4.3, B. 3 to permit
of the Zoning Regulations of Baltimore County, to the zoning la hardship or practical difficulty)	•
The house selected will not lit	icithin existing building envelope
Present crientation of house w	while building envelope provides
Uncles 177ble Sight lines into six	e of Delabbors (waren) hours
Property is to be posted and advertised as prescribed by the zor I, or we, agree to pay expenses of above Variance, advertising, posting regulations and restrictions of Baltimore County adopted pursuant to the second se	ning regulations.
	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:	Legal Owner(s):
MARK Allen Keisler	Stephen P. Hoeck
Name - Type or Print	Name - Type or Print Leah Philip Huck
Signature (40) 56-4859	Signature The same to the same
Address Telephone No.	Deborah Ann Hoeck Name-Type or Print
1000000000000000000000000000000000000	Signature Signature
Attorney For Petitioner:	13513 Devonfield Dr. 410-592-6016 Address Telephone No.
Name - Type or Print	Baldwin Md. 21013
Marine - Type of Frint	City State Zip Code Representative to be Contacted:
Signatura	MARK Kessler
Company	Name 11/- 468-787
Address Telephone No.	Address Telephone No.
State Zip Code	Timenum MD ZOSS City State Zip Code
	OFFICE USE ONLY
Gride of 225 A	ESTIMATED LENGTH OF HEARING
Address Telephone No. State Zip Code Case No. 0/- 335- A	UNAVAILABLE FOR HEARING
	Reviewed By BR Date 2/21/01

ZONING DESCRIPTION 6 Striminic Court

Zoning description for Lot #1 Striminic Court

Beginning at a point on the West side of Striminic Court

feet wide at the distance of 400 feet 504th of the Which is 24 Centerline of the nearest improved intersecting street 3 or + Alleh Lake

Which is 24 feet wide.

Block , Section # in the subdivision of Manor's Choice as Being lot #1

Recorded in Baltimore County Plat Book # 64, Folio # 75, containing

1.81 acres. Also known as Lot #1 (#6) Striminic Court and located in the 11th

Election District, 5th Councilmatic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

MART STATE AND AND A STATE OF A STATE OF THE STATE OF THE

No.

91794

DATE 2/21/01 ACCOUNT 120014006.6150

AMOUNT \$ 50,000

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FOR: 200149 UNFINARE

CR (1), 091794 Pecel: Tot 50.00 50.00 CK ,00 CA

2/21/2001 12:06:21

TIME

OFLA

Paltimore County, Maryland

5 508 JAHRS VERTFICATION

REG MOOT CASHIER TRIC THR DRAWER

THE THE PROPERTY OF THE PROPER

72272001

Dept

>>MCEIPT # 033/290

01-335-A

CASHIER'S VALIDATION

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 335

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: 01-335-A
Petitioner: Mark Kessler
Address or Location: 24 #1 Strange Court
PLEASE FORWARD ADVERTISING BILL TO:
Name: MARK KESSIER
Address: 48 TUDOR COURT Throwith, AD 210/3
Thronicium, all 210/3
Teiephone Number: (40) 561-4859

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 27, 2001 Issue - Jeffersonian

Please forward billing to:

Mark Kessler 48 Tudor Court Timonium MD 21093

410 561-4859

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: 01-335-A

6 Striminic Court

W/S Striminic Court, 400' S of centerline Bart Allen Lane

11th Election District – 5th Councilmanic District Legal Owners: Deborah Ann & Stephen P. Hoeck

Contract Purchaser: Mark Allen Kessler

<u>Variance</u> to permit side yard setbacks of 30 feet and 32 feet in lieu of the required 50 feet.

HEARING: Wednesday, April 11, 2001 at 9:00 a.m. in Room 407, County Courts

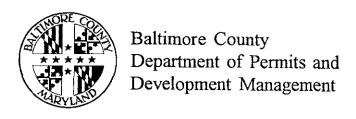
Building, 401 Bosley Avenue

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.



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

March 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:

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Building, 401 Bosley Avenue

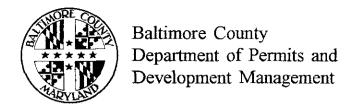
Arnold Jablon Director

C: Deborah A & Stephen P Hoeck, 13513 Devonfield Drive, Baldwin 21013 Mark Kessler, 48 Tudor Court, Timonium 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 27, 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.



Permits and Licenses County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3900

Fax: (410) 887-2824

April 6, 2001

Deborah A & Stephen P Hoeck 13513 Devonfield Avenue Timonium MD 21093

Dear Mr. & Mrs. Hoeck:

RE: Case Number: 01-335-A, 6 Striminic Court, Lot 1

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 21, 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, Ir

WCR: gdz

Enclosures

c: Mark Kessler, 48 Tudor Court, Timonium 21093 People's Counsel

Sept 4/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: March 12, 2001

TO:

Arnold Jablon, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

6 Striminic Court

INFORMATION:

Item Number:

01-335

Petitioner:

Stephen P. Hoeck

Zoning:

RC 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the requested variance(s). However, adequate evergreen screening should be provided along the rear lot line of lot 4 in order to mitigate any front to rear orientation that might result from the proposal.

Prepared by:

Section Chief: AFK:MAC:

W:\DEVREV\ZAC\01-335.doc



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

March 14, 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 March 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:

332, 333, 334, 335, 336, 338, 339, 340, and 341

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 19, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 12, 2001

Item Nos. 332, 334, 335, 337, 340 and

341

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

RWB:HJO:jrb

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D Porcari Secretary

Parker F Williams
Administrator

Date: 3 . 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. 335 BZ

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. Doell

In

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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

ГО:	Arnold Jabion
FROM:	R. Bruce Seeley Mg
DATE:	March 8, 2001
SUBJECT:	Zoning Item #335 6 Striminic Court
Zoning	g Advisory Committee Meeting of March 5, 2001
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
an ext	epartment of Environmental Protection and Resource Management requests ension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.
	epartment of Environmental Protection and Resource Management offers llowing comments on the above-referenced zoning item:
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
<u></u>	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
<u>X</u>	Groundwater Management: The proposed house must be a minimum of 30 feet from the well and 20 feet from the septic reserve area.

Reviewer: Sue Farinetti Date: March 8, 2001





RE: PETITION FOR VARIANCE 6 Striminic Court, W/S Striminic Ct, 400' S of c/l Bart Allen Ln 11th Election District, 5th Councilmanic

Legal Owner: Stephen P. & Deborah A. Hoeck Contract Purchaser: Mark A. Kessler Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 01-335-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 MAX ZIMMERMAN

People's Counsel for Baltimore County

Ale S. Demilio

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 14th day of March, 2001 a copy of the foregoing Entry of Appearance was mailed to Legal Owners Stephen P. & Deborah A. Hoeck, 13513 Devonfield Drive, Baldwin, MD 21013, and to Contract Purchaser Mark A. Kessler, 48 Tudor Court, Timonium, MD 21093, Petitioners.

PETER MAX ZIMMEKMAN

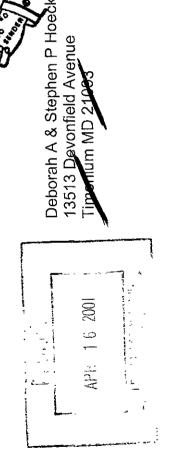
Plat to accompany Petition for Zoning X Varianc	e Special Hearing
	CHECKLIST for additional required information
Subdivision name: Manor's Choice	JE E //
plat book# 64 ,tolio# 75 ,lot# 1 ,section#	3/201
OWNER. Stephen Hoeck	
	Boy Con
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1.03 Ac WALLEY	Tono Allen
LOI 3. Block E. V. S.	
Michael de Valorie Miloda Septe Marie Miloda Septe Miloda	
Lot 2, Block E	\
Joseph & Karen Jucentto J 8296/0018 Prop.10; trainage & Wary Lassment	Vicinity Map
Prop.10' Drainage & Vitility Easement	scale: 1°=1000'
Lot 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	LOCATION INFORMATION
107 Act of the contract of the	Election District: 11 th
1.82 Ac. Va cant All Va cant	Councilmanic District: $m{f}^{+h}$
	1°=200' scale map#: N.E. 19 - F
	Zoning: RC-5
Total Total	Lot size: 1.81 78843.6
200043	acreage square feet ·
57000	public privata
The state of the s	SEWER: 🔲 🗶
28	WATER:
	Chesapeake Bay Critical Area: 🔲 🛣
1035	Prior Zoning HearIngs:
(igwedge)	None
North	Zoning Office USE ONLY!
date: 221 m	reviewed by: TEM #: CASE#:
prepared by: My Scale of Drawing: 1'= /00'	Br 3.35 01-335-A
	M 3.35 01-335-A

Pet. Ex. #1



Baltimore County
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Return Service Requested



13513 Devonfield Avenue Tum MD 21083 Printed with Soybean Ink

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 will conson. Maryland on the property identified herein as follows:

6 Striminic Court, 400'S of centerline Bart Allen Lane 11th Election District 5th Councilmanic District 5th Councilmanic District Legal Owner(s): Deborah Ann & Stephen P. Hoeck Contract Purchaser: Mark Case: #01-335-A Allen Kessler

quired 50 feet. Hearing: Wednesday, April 11, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave-Variance: to permit side yard setbacks of 30 feet and 32 feet in lieu of the re-

special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386. (2) For Information con-cerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT/3/756 Mar. 27. C458922 LAWRENCE E. SCHMIDT Zoning Commissioner for Battimore County NOTES: (1) Hearings are Handicapped Accessible: for

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published

_successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., once in each of

The Jeffersonian

☐ Catonsville Times Arbutus Times

☐ Towson Times

☐ NE Booster/Reporter □ Owings Mills Times

☐ North County News

S. Williams

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE:	Case No.: 01-335-A
	Petitioner/Developer: KESSLER, ETAL
	561-4859
	Date of Hearing/Closing: 4/11/0/

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 #6 STRIMINIC

The sign(s) were posted on

Sincerely,

PATRICK M. O'KEEFE (Printed Name)

PENNY LANE
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

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

(Telephone Number)

