IN RE: PETITION FOR ADMIN. VARIANCE
N/S Ruxton Road, 350' E
centerline of Old Court Road
9th Election District
2nd Councilmanic District
(2004 Ruxton Road)

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 03-432-A

Marcia C. & J. M. Dryden Hall, Jr. Petitioners

\*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Marcia C. and J. M. Dryden Hall, Jr., the legal owners of the subject property. The variance request is for property located at 2004 Ruxton Road in the Towson area of Baltimore County. The Petitioners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners 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 Petitioners have 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

2 Jacon

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this day of April, 2003, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

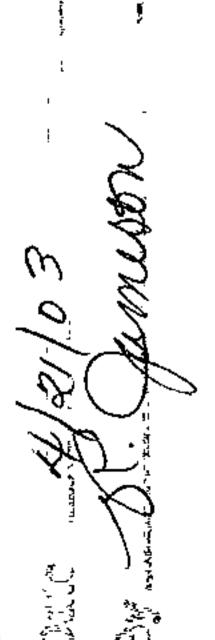
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

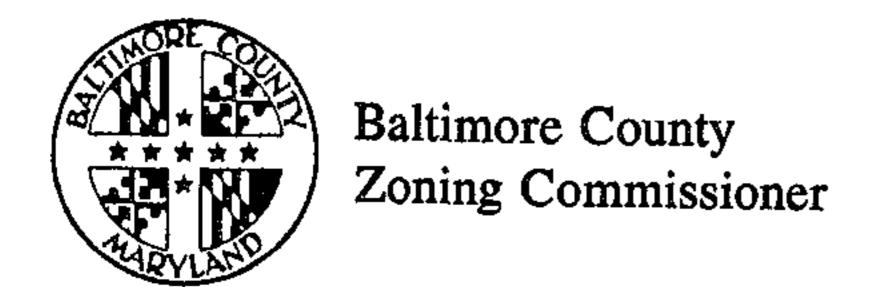
TIMOTHY M. KOTROCO

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 21, 2003

Mr. & Mrs. J. M. Dryden Hall, Jr. 2004 Ruxton Road Towson, Maryland 21204

Re: Petition for Administrative Variance

Case No. 03-432-A

Property: 2004 Ruxton Road

Dear Mr. & Mrs. Hall:

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 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,

Timothy M. Kotroco

Deputy Zoning Commissioner

Muthy 16 troco

TMK:raj Enclosure

c: Peter W. Ratcliffe 10404 Stevenson Road Stevenson, MD 21153



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at	2004	Ruxto	m 121	
which is	presently	zoned _	DRI	

I/We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore County

3-30-03

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) 400. [ BCZR

To permit an accessory structure Cdetached garage) to be located in the side yard in lieu of the reguired rear yard.

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.

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): J.M. Dryden Hall, Jr. Name - Type or Print Name - Type or Print Signature Signature <u>Marcia</u> C. Hall Address Telephone No. Name - Type or Print City State Zip Code 410-825-6562 2004 Ruxton Road **Attorney For Petitioner:** Address Telephone No MD 21204 Towson Name - Type or Print City State Zip Code Representative to be Contacted: Signature Company Name Addiess Telephone No. Address elephone No TEKENSON City Zip Code State State . ∴Zio Code blid Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, **S**play of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning ations of Baltimore County and that the property be reposted.

Reviewed By

Estimated Posting Date

# 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

REV 10/25/01

2004 Ruxton Road

Address
Towson
M0
21204
City
State

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):

The owners are elderly and minimizing the gradient that they must traverse from the garage to their residence is essential. The grade at the rear of the existing dwelling drops off considerably. Locating the garage at the side of the dwelling would allow the owners to enter the garage close to and at the same grade as the house.

advertising fee and may be required to provide additional information.	pay a reposting and
Signature  J. M. Dryden hall, Jr.  Name - Type or Print  Marcia C. Hall  Name - Type or Print	Laco
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
I HEREBY CERTIFY, this 17th day of March , 2003, before me, a Nota of Maryland, in and for the County aforesaid, personally appeared	ry Public of the State
J. M. Dryden Hall, Jr. and Marcia C. Hall	-
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal	j
Laura a. Sarchen	÷ •
Motatry Public	,

My Commission Expires 1/03/05

# 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

REV 10/25/01

2004 Ruxton Road	1	
Address		
Towson	MO	21204
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):

The owners are elderly and minimizing the gradient that they must traverse from the garage to their residence is essential. The grade at the rear of the existing dwelling drops off considerably. Locating the garage at the side of the dwelling would allow the owners to enter the garage close to and at the same grade as the house.

My Commission Expires



# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at	2004	Ruxton	Rd
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he Department of Bermite and Bereley	nannant Männan	The	

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)

To pennet an accessory structure (detached garage) to be located in the side yard in lieu of the regulated near yard.

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.

Zoning Commissioner of Baltimore County

Date 3/19/07

#### Contract Purchaser/Lessee: <u>Legal Owner(s):</u> J. M. Dryden Hall, Jr. Name - Type or Print Name Type or Print, Signature Signature $H_{h}ll$ Marcia C/ Address Telephone No. Name - Type or Print Carcia C. 7 City State Zip Code Signature 410-825-6562 2004 Ruxton Road **Attorney For Petitioner:** Address Telephone No. MD 21204 Towson Name - Type or Print City State Zip Code Representative to be Contacted: Signature Company 0404 Address Telephone No. Address elephone No City State Zip Code State 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.

Reviewed By JRF

Estimated Posting Date 3~30~03

03-432-A

CASE NO.

REV 10/25/01

### Zoning Description-2004 Ruxton Road

Zoning Description for: 2004 Ruxton Road

Beginning at a point on the North Side of Ruxton Road which is approximately 350 ft east of the center line of Old Court Road.

As recorded in Deed Liber 16490, Folio 87:

Being:

N 75 Degrees 15' 00" E 15 76/100 ft thence,

N 81 degrees 30' 00" E 307 54/100 ft thence,

N 2 degrees 0'00" W 276 54/100 ft thence, N 86 degrees 45'00" W 374 52/100 ft thence,

S 10 degrees 57' 00" E 345 17/100 ft

To the place of the beginning. Containing 2.25 acres. Also known as the "Wright House" and located in the 9<sup>th</sup> Election District, A<sup>th</sup> Councilmanic District.

A copy of the deed is below from which I took the above information.

BEGINNING for the same at the beginning of the third line of the land which by deed dated December 14, 1916 and recorded among the Land Records of Baltimore County In Liber WPC No 474 folio 56 was conveyed by Johnson B. Wright and wife to Clarence Wright thence binding on said third line south ten degrees fifty-seven minutes no seconds east three hundred forly-five and seventeen one-hundredths feet to the north side of Ruxton Road to intersect the fourth line of the Land which by deed dated July 8, 1904 and recorded among the aforesaid Land Records in Liber WPC No 278 (olio 224 was conveyed by Rockland Bleach & Dye Works to Johnson B. Wright and wife thence binding reversely on part of said fourth line and reversely on the third line of said tast mentioned land and binding on the north side of said Auxion Road north seventy-live degrees fifteen minutes no seconds east filleen and seventy-six one-hundreths feet and north eighty-one degrees thirty minutes no seconds east three hundred and seven and fifty-slx one-hundredths feet to the beginning of sald third line thence binding reversely on the second and first lines of sald last mentioned land the two tallowing courses and distances north two degrees no minutes no seconds west two hundred seventy-six and lifty-four one hundredths feet and north eighty-six degrees forty-five minutes no seconds west three hundred and seventy-four and lifty-two hundredths feet to the place of beginning.

The Improvements thereon being known as No 2004 Ruxton Road.

Tax 10 # (09) 09-16 450130.

Being the same lot of ground described in a Deed dated September 18, 1947 and recorded among the land records of Baltimore County In Liber JWB No 1592, folio 263 was granted and conveyed by Mary A. Wright widow unto

BALTIFICRE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21954

RECEIVED J.M. Dryden Hall Jr.
FROM: 2004 Ruxton Rd. ITEM # 432
FOR: Admin. Var.

PALL RELEASE ACTUAL TIME DATE
VID/2003 J/19/2003 10:22:35 2

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OR D. 021:54

PRODE TO: NO. 021:54

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RESULT OF THE TOTAL DATE

RESU

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND OFFICE DRIBUDGET & FINANCE MISCELLANEOUS RECEIPT

No. 21954

ACCOUNT 001-006-6150 AMOUNT \$65.00 RECEIVED J.M. Dryden Hall Jr.

2004 Ruxton Rd. ITEM # 432

FOR: Admin. Vor.

Taken by: JRP

ATTIAL THE. 3/19/2003 10:22:25 H 528 ZINIK WEIFTON ION <u>Re</u> R.O. ELG 物污渍则 Recet lot 战。曲量 Baltimore County, Haryland

DISTRIBUTION WHITE - CASHIER

THE REPORT OF THE PARTY OF THE

PINK - AGENCY 

YELLOW - CUSTOMER

CASHIER'S VALIDATION

#### CERTIFICATE OF POSTING

RE: Case No. 03-432-A Petitioner/Developer: Dryden & Marcia Hall Closing Date: 4/17/03

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

RECEIVED

APR 1 7 2003

Attention: Mr. George Zahner

ZONING COMMISSIONER

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 2004 Ruxton Rd.

The sign(s) were posted on 4/02/03.

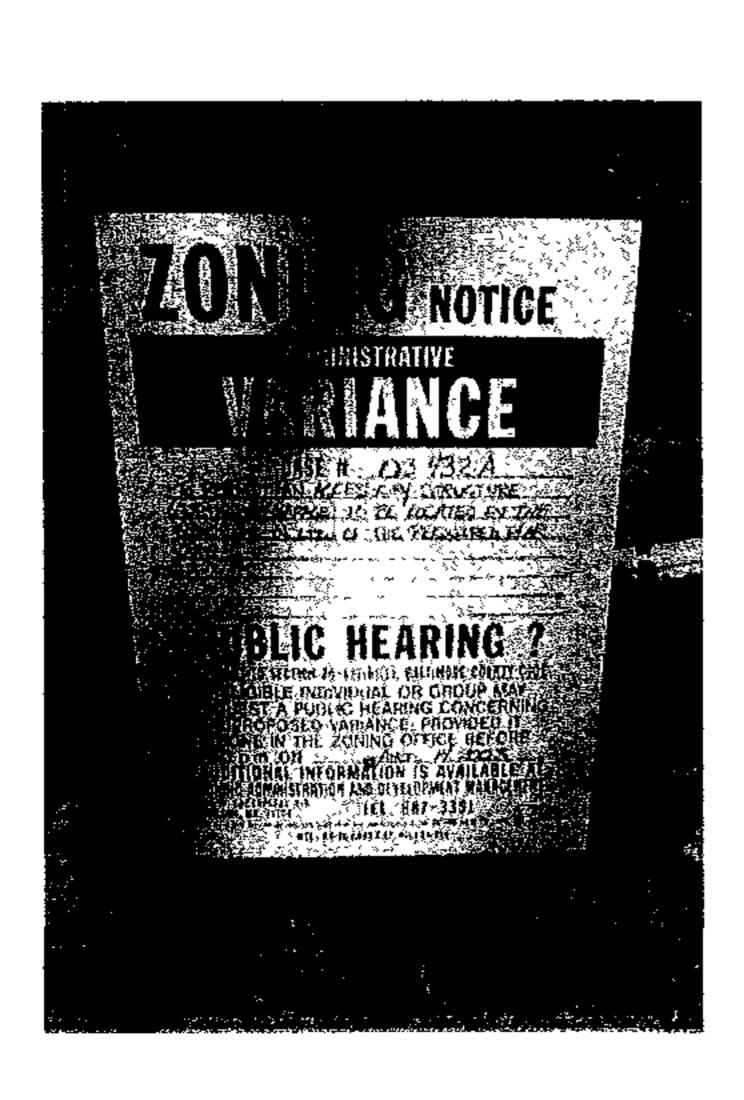
Sincerely

Diana Sugilughi

Thomas J. Hoff, Inc. 406 West Pennsylvania Avenue

Towson, MD. 21204

410-296-3668



# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Address

R. FERNANDO

RUXTON

RD.

Phone Number: 410-887-3391

-A

Planner Please Print Your Name

Case Number 03-

Contact Person:

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# 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: 03 -432-A
Petitioner: J. M. Dryden Hall Jr.
Address or Location: 2004 Ruxton Rd.
PLEASE FORWARD ADVERTISING BILL TO:  Name: PETER W. RATCLIFFE
Address: 10404 STEVENSON RD.
STEVENSON MD 21153
Telephone Number: 410-484-7010



### Baltimore County Department of Permits and Development Management

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

April 14, 2003

J.M. Dryden Hall, Jr. Marcia C. Hall 2004 Ruxton Road Towson, MD 21204

Dear Mr. and Mrs. Hall:

RE: Case Number: 03-432-A, 2004 Ruxton Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 19, 2003.

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.

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

Very truly yours,

u. Cal Robal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

**Enclosures** 

People's Counsel C: Peter W. Ratcliffe, 10404 Stevenson Road, Stevenson 21153



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.1.03

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

RE: Baltimore County

Item No. 432 JRF

Dear. Ms. Hart:

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,

Som

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



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

County Office Building, Room III

April 1, 2002

Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Rebecca Hart

Distribution Meeting of: March 31, 2003

Item No.: 431 - 438, 441 - 444

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File

# BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** April 18, 2003

TO:

Arnold Jablon, Director

Department of Permits and Development Management

Developino

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-432

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

**Section Chief:** 

AFK/LL:MAC

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

APR 3 2003

ZONING COMMISSIONER

Zoning Advisory Petition(s): Case(s) 03-430 – Administrative Variance **SUBJECT:** 

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Section Chief: \_

AFK/LL:MAC

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** April 21, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

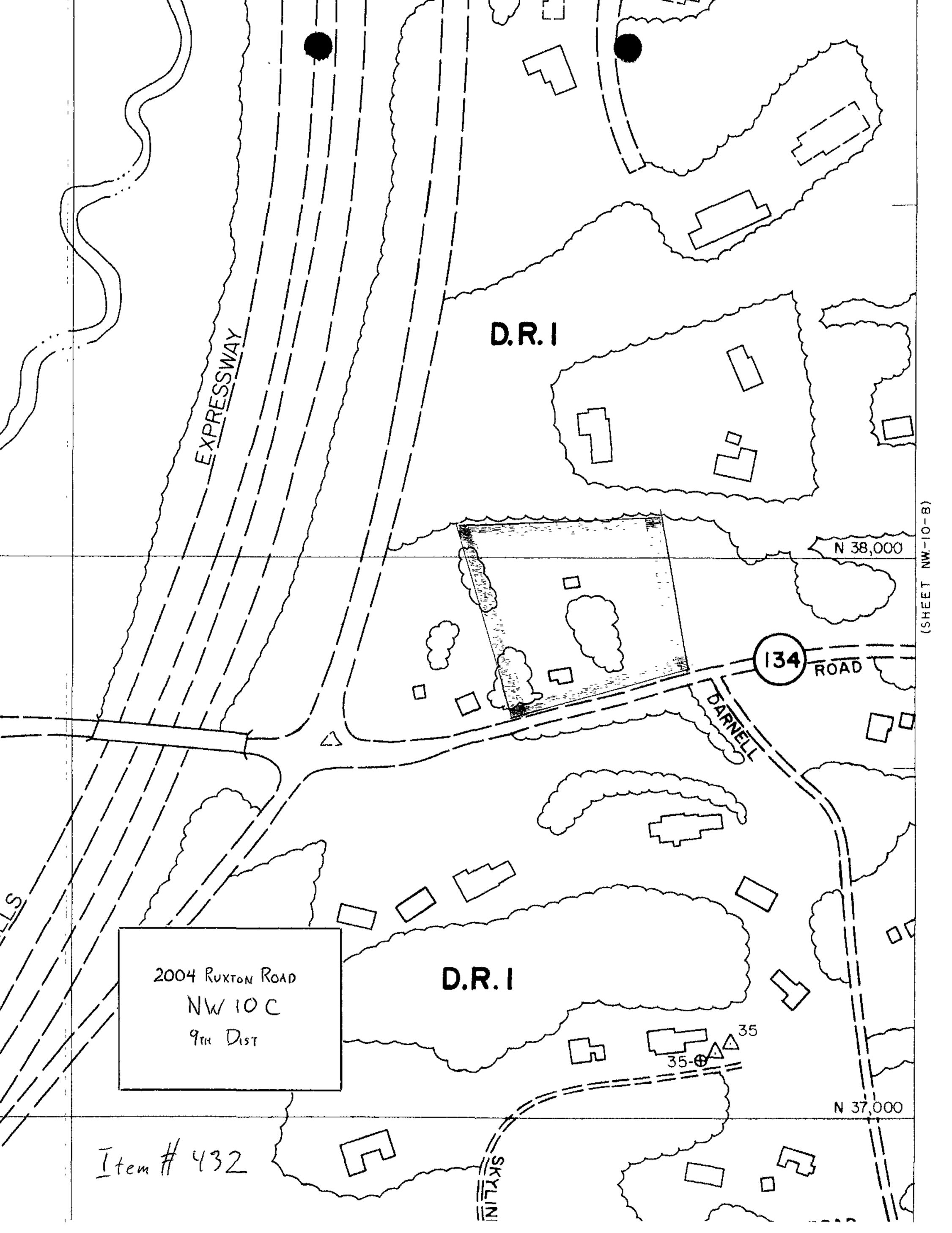
For April 7, 2003 Item Nos. 431, 432, 433, 435, 436, 437, 438, 439, 440, 441, 442, 443,

and 444

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

RWB:CEN:jrb

cc: File





2004 RUY SIPE ENTRY S.W.

#432.

	PLAT TO ACCOMPANY PETITION FOR ZONING X VARIANCE 3	SDECIAL ME ADIMO
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