IN RE: PETITION FOR VARIANCE

W side of North Point Road 15th Election District 7th Councilmanic District (7509 and 7511 North Point Road)

> Stacy and Robert Crusse Jr. Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-423-A 06-424-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Robert Crusse Jr. and Stacy Crusse. The Petitioners are requesting variance relief for property located at 7509 and 7511 North Point Road, in the Sparrows Point section of the County.

In case no. 06-423-A (7511 North Point Road) the Petitioners request variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a lot width of 50 feet in lieu of the required 55 feet and a side yard setback for an existing house of 8.7 feet in lieu of the required 10 feet. In case no. 06-424-A (7509 North Point Road) the Petitioners request variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a lot width of 50 feet in lieu of the required 55 feet.

The property was posted with Notice of Hearing on March 27. 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 23, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

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Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated March 16, 2006, a copy of which is included in the file of this case.

Interested Persons

Appearing at the hearing on behalf of the variance request was Robert Crusse, Jr., Petitioner and Rick Richardson, professional engineer who prepared the Plat to Accompany. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

These case involve adjacent lots owned by the Petitioners. By agreement evidence taken in either case applies to the other.

Testimony and evidence indicated that the two properties are lots 404 and 405 of the Lodge Forest subdivision which Mr. Richardson opined was recorded in the land records of the County in the 1920's. Each lot is 50 x 200 feet zoned D.R.5.5. See Plat to Accompany, exhibits 1A and 1B. 7511 North Point Road is improved by a single family dwelling in which the Petitioner and his spouse reside. 7509 North Point Road is vacant. Mr. Richardson indicated that this lot has never been improved. See photograph, Petitioner's exhibit 6. He also noted that the each lot is separately assessed for tax purposes as shown in the SDAT records, exhibits 3A and 3B.

The Petitioner would like to build a single family dwelling on the vacant lot (7509) which would meet all DR 5.5 regulations including side yard setbacks. The lot however is only 50 feet wide whereas the DR 5.5 regulations require 55 feet. In addition the existing house at 7511 is located somewhat off center being 8.7 feet from the north property line and 14.8 feet from the south property line. Obviously it would be a hardship and practical difficulty to move the house to be centered on the lot.

Mr. Richardson proffered that the proposed house on 7509 fits the pattern of development in the area as shown the County aerial photograph marked as Exhibit No. 4 and the photographs of North Point Road, exhibits 7 A and 7 B. He noted that each lot on the west side of North Point Road has one home on each 50 foot lot. The Planning Office agrees as shown by their comments. The North Point Volunteer Fire Department is directly across the road from these lots.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This subdivision and the subject lots were created much before zoning was imposed on the area. The imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. In addition the existing house is not centered on the lot which is the kind of peculiar circumstance that make the property unique from a zoning standpoint.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Clearly it is impractical to move the house to meet the side yard setback requirement of 10 feet.

No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance as the density is. The vacant lot is 11,000 sq. ft. and nearly twice the minimum lot size for this zone.

Finally, I find these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The pattern of development shown by the Petitioner is similar to this plan so there will be no change to the character of the neighborhood.

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.



JAMES T. SMITH, JR. County Executive

April 12, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Robert Crusse, Jr. Stacy M. Crusse 7511 North Point Road Baltimore, Maryland 21219-1411

Re: Petitions for Variance
Case Nos. 06-423-A & 06-424-A
Property: 7509 & 7511 North Point Road

Dear Mr. and Mrs. Crusse:

Enclosed please find the decision rendered in the above-captioned case. The Petitions for Variance have been granted with conditions 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,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:dlw Enclosure

c: Rick Richardson, Richardson Engineering, LLC, 110 Old Padonia Road, Suite LC, Cockeysville, MD 21030
People's Counsel; Case File



TO THE PERSON NAMED IN

THE REPORT OF THE PARTY OF THE

reminim Variance

IWVe do solemnly declare and affirm, under the penaltics of

to the Louing Commissioner of Baltimore County
for the property located at 1569 North Fount KV
which is presently could 1218 5.5

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 here and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C, 1 TO PERMIT A MINIMUM LOT MIDTH OF 50 IN LIEU OF THE REGILIRED 55'

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) EXISTING LOT AND OTHER INFORMATION TO BE PROVIDED ATTHE HEARING

Properly 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

pertury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): RUSSENR Name - Type or Print Name - Type or Print **े**णुक्तासक Signature CRUSSE \bar{P} ddiess falephone No. Type or Pant City Sinte Zip Code Attorney For Petitioner: 7511 NORTH FUNT Telephone No. BALTIMORES 21219-1411 Name - Type or Pant City Representative to be Contacted: Samalaic RICE RICHARDSOM Elchardsonl Engineering, L.L.C. ±°emonay LIO OUD PADONIA KD, ST. L. 410-560-1502 Address folephone Mo Addiess Telephone No. COCKEYEVILLE State Zip Code TITEST USE ONLY ESTEMATED LENGTH OF HEARING 海嘯 图6. UNAVATLABLE FOR HEARING 12/06

110 Old Padonia Road, Suite LC Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

ZONING DESCRIPTION 7509 NORTH POINT ROAD 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the west side of North Point Road, a right-of-way (40) feet wide at the distance of 207 feet south of the centerline of the nearest improved intersecting street Lodge Farm Road, a right- of- way (30) feet wide. Being lot #404 in the subdivision of LODGE FOREST as recorded in Baltimore County Plat Book #10, Folio #76, containing 10,010 Sq.Ft. or 0.230 Ac.+/-. Also known as 7509 North Point Road and located in the 15th. Election District, 7th Councilmanic District.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE No. 4912	MILES VIN	THE
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(7511 N.PT. CD) (7509 N.PT RD)		
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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: #06-424-A
7509 North Point Road
Worlds of North Point Road 207 feet couth of

W/side of North Point Road, 207 feet south of centerline of Lodge Farm Road

15th Election District — 7th Councilmanic District
Legal Owner(s): Robert & Stacy Crusse, Jr.

Variance: to permit a minimum lot width of 50 feet in lieu of the required 55 feet.

Hearing: Monday, April 10, 2006 at 10 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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.

2070 Mar. 23 3/370 Mar. 23

CERTIFICATE OF PUBLICATION

3/23/_,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 323 ,2006.
The Jeffersonian Arbutus Times Catonsville Times Towson Times
☐ Owings Mills Times ☐ NE Booster/Reporter
☐ North County News

J. W. LEGAL ADVERTISING

CERTIFICATE OF POSTING

	RE: Case No.: 06-424-A
	Petitioner/Developer: ROBERT V
	STACY CRUSSE JR.
c c	Date of Hearing/Closing: 2-10-06
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	APRIC 10,2006
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	•
posted conspicuously on the property located	perjury that the necessary sign(s) required by law were at: TH POINT ROAD
The sign(s) were posted on	3-27-06
	(Month, Day, Year)
ZONING NOTICE CASE NOW 124A A PRIBLIC HI ARDNO WILL BY HILD BY	Sincercly, Descript Black 3-28-06 (Signature of Sign Poster) (Date) SSG Robert Black
PLAC YOU FLOWER APRIL 10, 2089 AT 10006 m.	(Print Name) 1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(410) 282-7940

(Telephone Number)

(City, State, Zip Code)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 28, 2006 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. Robert Crusse, Jr. 7511 North Point Road Baltimore, MD 21219-1411

410-477-0484

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: 06-424-A

7509 North Point Road

W/side of North Point Road, 207 feet south of centerline of Lodge Farm Road 15th Election District – 7th Councilmanic District

Legal Owners: Robert & Stacy Crusse, Jr.

Variance to permit a minimum lot width of 50 feet in lieu of the required 55 feet.

Hearing: Monday, April 10, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

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.

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

March 17, 2006

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: 06-424-A

7509 North Point Road

W/side of North Point Road, 207 feet south of centerline of Lodge Farm Road

15th Election District – 7th Councilmanic District

Legal Owners: Robert & Stacy Crusse, Jr.

Variance to permit a minimum lot width of 50 feet in lieu of the required 55 feet.

Hearing: Monday, April 10, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Robert & Stacy Crusse, Jr., 7511 North Point Road, Baltimore 21219-1411 Rick Richardson, 110 Old Padonia Road, Ste. LC, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 27, 2006.

- (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 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:O6-424-A	
Petitioner:	
Address or Location: 7509 NORTH POINT RD.	
PLEASE FORWARD ADVERTISING BILL TO: Name:MR YMRG . ROBERT CRUSSE Address:1511 NORTH POINT PD . BALTO : MD 21219 - 1411	
Telephone Number: \(\frac{\mathcal{H10} - \mathcal{H17} - 0\tau 84}{\tau} \)	

Department of Permits and Development Management

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



Baltimore County

James T Smith, Jr., County Executive Timothy M. Kotroco, Director

April 6, 2006

Robert Crusse, Jr. Stacy M. Crusse 7511 North Point Road Baltimore, MD 21219

Dear Mr. and Mrs. Crusse:

RE: Case Number: 06-424-A, 7511 North Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 2, 2006.

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,

u. Calliball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel Rick Richardson Richardson Engineering. LLC 110 Old Padonia Rd, Ste LC Cockeysville 21030



Visit the County's Website at www.baltimorecountyonline.info

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 March 14,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: March 13,2006

Item No.: 411, 418, 419, 420, 421, 423, 424, 426

Pursuant to your request, the referenced plan(s) have been reviewed 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.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office (0)410-887-4881 MS-1102F

cc: File





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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 March 7, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: March 6, 2006

Item No.: Item Numbers 409 through 417 and 425

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

LT. Roland P. Bosley Jr. Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: March 14, 2006

TO: Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM: Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For March 20, 2006

Item Nos. 411, 418, 419, 420, 421, 422,

423, 424, and 426

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-03142006.doc

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: March 16, 2006

MAR 2 1 2006

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JAMA JAMASSIONER

SUBJECT:

Zoning Advisory Petition(s): Case(s) 6-424 and 6-423- Variance

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following condition shall apply to the subject relief:

Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay with the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 3.14.02

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

RE:

Baltimore County

Item No. 4

DI

Dear. Ms. Matthews:

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,

Steven D. Foster, Chief

Engineering Access Permits Division

RE: PETITION FOR VARIANCE

7509 North Point Road; W/S North Point
Road, 207' S c/line Lodge Farm Road

*
15th Election & 7th Councilmanic Districts
Legal Owner(s): Robert, Jr. & Stacy Crusse *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

06-424-A

* * * * * * *

Petitioner(s)

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

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 13th day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to, Rick Richardson, Richardson Engineering, LLC, 110 Old Padonia Road, Suite LC, Cockeysville, MD 21030, Representative for Petitioner(s).

RECEIVED

MAR 13 2006

Per Ml

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

MEMO TO FILE

06-423-A

and

06-424-A

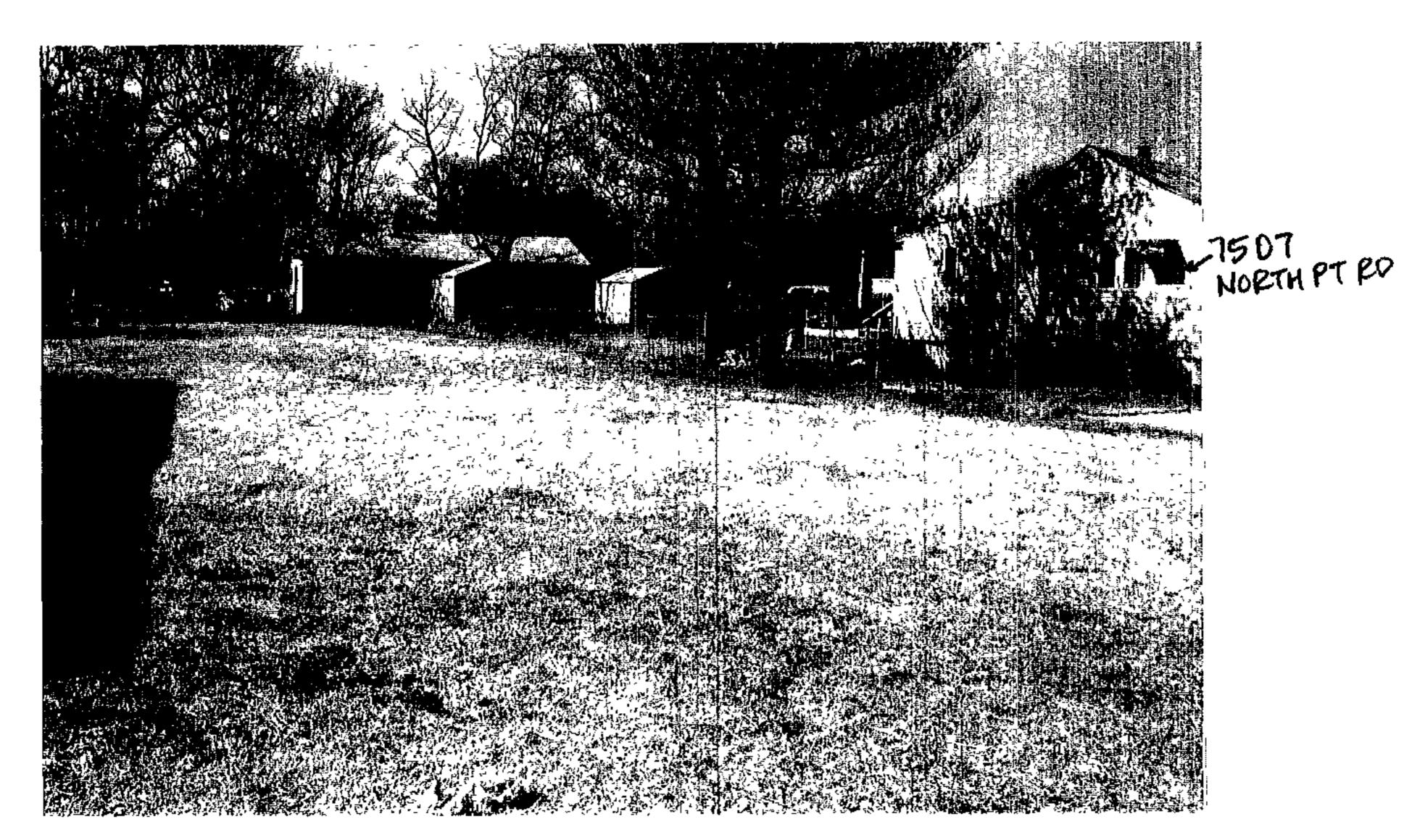
PLEASE SET THESE CASES TOGETHER FOR HEARING.

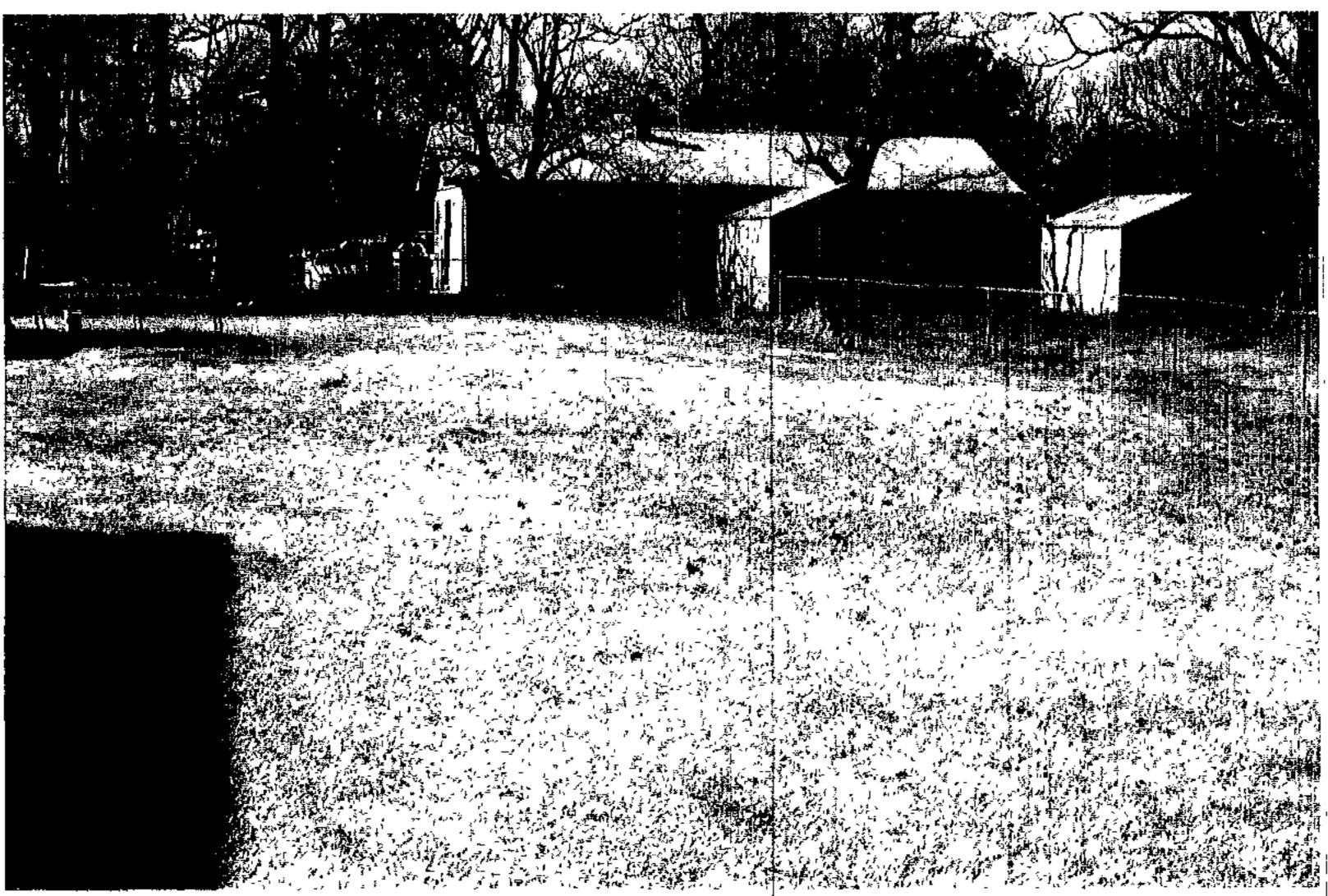
CASE NAME 06-424 CASE NUMBER DESSE DATE 4/10/06

PETITIONER'S SIGN-IN SHEET

RICK PLCHARDSON	10000 PROMARD SUITELC	COCCESSILLE MD 21030	REMORDING MESSEL
Rob CRUSSe	1511 N. P.P. RD.	3	act

#7509 ZOMING WAP # 111 C2 SCALE: 1's 200' BL

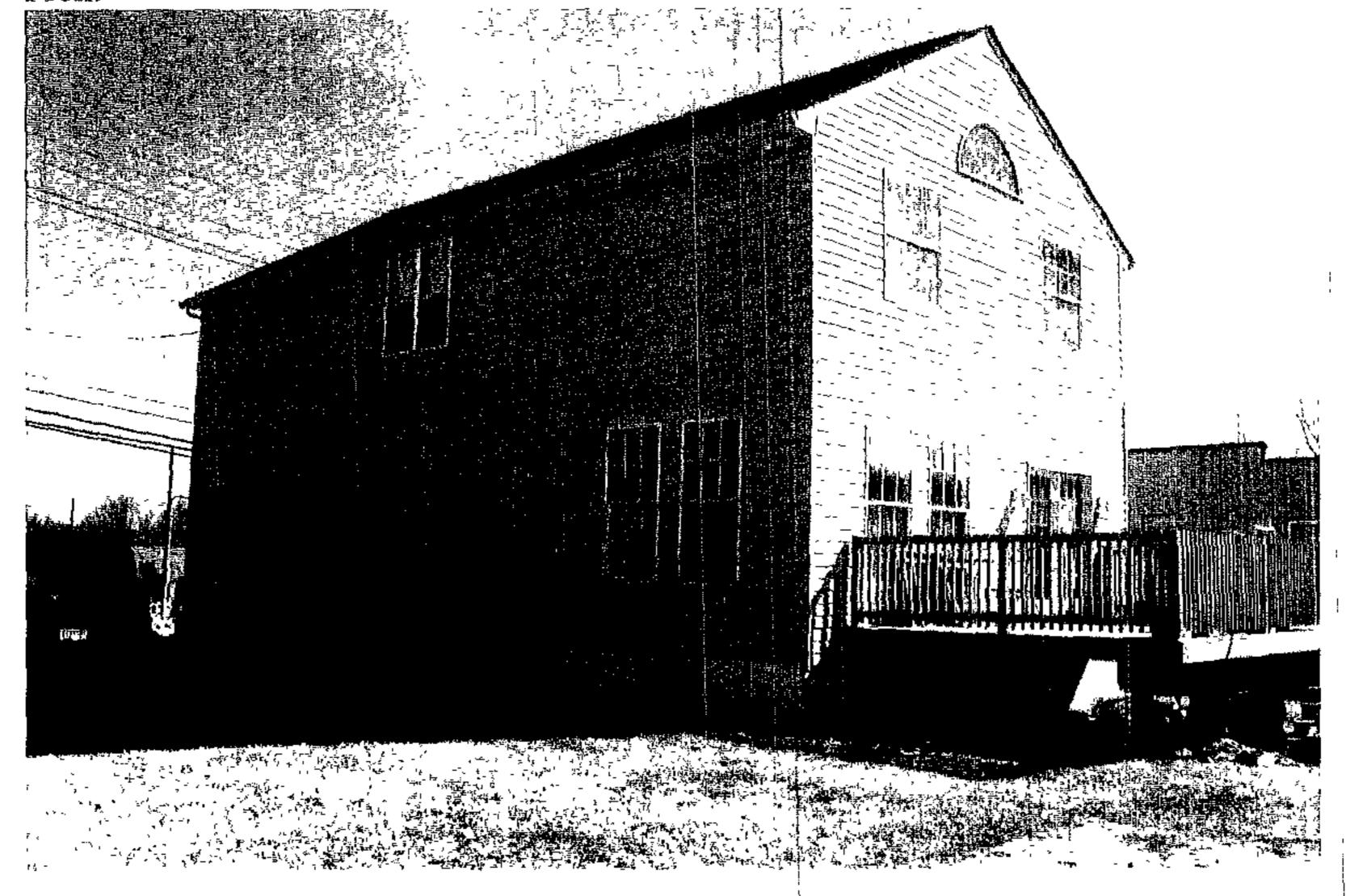




7509 North Point Road



Front



7511 North Point Road

