

IN RE: PETITION FOR ADMIN. VARIANCE

SE side of Rossford Circle, 122 feet
SW of Perry Spring Way
14th Election District
6th Councilmanic District
(4703 Rossford Circle)

Dorothy E. Currie
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0019-A**

* * * * *

OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Dorothy E. Currie for property located at 4703 Rossford Circle. The variance request is from Section 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open deck with a rear yard setback as close as 10 feet, with no roof and no steps, in lieu of the required 22.5 feet, and to amend the Final Development Plan of the Chapolini Property, Lot 23 only. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. As evidenced by photographs submitted with the Petition, there is water settlement in the rear yard. Adjacent properties are much higher than Petitioner's property, and these properties drain down into the Petitioner's rear yard. The rear yards of 7503 Perry Spring Way, 7505 Perry Spring Way and 7515 Gilley Terrace all drain into the Petitioner's back yard as evidenced by the photographs. Drainage from these adjacent properties makes Petitioner's backyard unusable a good portion of the year. Constructing the deck as proposed will allow the Petitioner to enjoy her backyard as much as her neighbors enjoy their yards. There is an outside stairway leading to the basement which further limits the size and location of the proposed deck.

ORDER RECEIVED FOR FILING

Date 8-25-11

By 

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 30, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 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 Administrative Law Judge, 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 compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

A deck smaller than proposed would not be of sufficient size to allow the Petitioner to have a table, chairs and a grill on the deck. Petitioner would be unable to enjoy reasonable use of the property, suffering further practical difficulty.

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 Administrative Law Judge for Baltimore County, this 25th day of August, 2011 that a Variance from Section 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open deck with a rear yard setback as close as 10 feet, with no roof and no steps, in lieu of the required 22.5 feet, and to amend the Final

ORDER RECEIVED FOR FILING

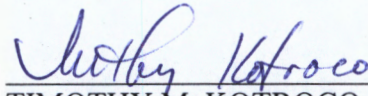
Date 8-25-11

By [Signature]

Development Plan of the Chapolini Property, Lot 23 only be and is hereby GRANTED, subject to the following:

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.

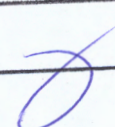
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

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Date 8-25-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

August 25, 2011

DOROTHY E. CURRIE
4703 ROSSFORD CIRCLE
ROSEDALE MD 21237

Re: Petition for Administrative Variance
Case No. 2012-0019-A
Property: 4703 Rossford Circle

Dear Ms. Currie:

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 with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 4703 Rossford Circle
which is presently zoned DR 3.5

Deed Reference: 2482300 / 595 Tax Account # 2400006944

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) 301.1, BC2R,

To permit an open deck with a rear yard set back as close as 10 feet. with no roof and no steps; in lieu of the required 22 1/2 feet.
I request to amend the F.D. P. of the Chapolini Property Lot 23.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative 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.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Dorothy E. Currie

Name - Type or Print

Signature

Name - Type or Print

Signature

4703 Rossford Circle

410-665-2447

Address

Telephone No.

Rosedale,

Maryland

21237

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

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.

Zoning Commissioner of Baltimore County

Case No.

2012-0019-A

Reviewed By

JNP

Date

7/20/2011

ORDER RECEIVED FOR FILING

Estimated Posting Date

7/31/2011

FRM476 09

Date

8-25-11

Rev 3/09

By

[Signature]

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 own and reside at 4703 Rossford Circle
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed)

There is water settlement in the back yard. In order for us to enjoy the backyard and for the children to be able to play in a clean and safe environment I desire to construct a deck. A variance is needed for a reasonable size deck.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.



Signature

Dorothy E. Currie

Name- print or type

Signature

Name- print or type

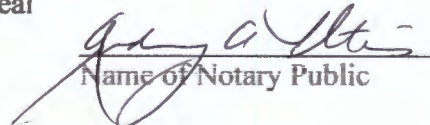
A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 18th day of July, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Dorothy E. Currie
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Name of Notary Public

9/24/2011
Commission expires



Zoning Description

Zoning Property Description for 4703 ROSSFORD CIRCLE

Beginning at a point on the ^{southeast} ~~North~~ side of ROSSFORD CIRCLE

Which is 50 feet R/W wide at the distance of 122 feet southwest

~~East~~ of the centerline of the nearest improved intersecting street

Perryspring Way. Which is 50 feet R/W wide.

"Being Lot # 23 Block _____ # in the subdivision of Chaplini Property

~~William B. Perry~~ as recorded in Baltimore County Plat Book # 78

Folio # 012 containing .1709 AC Also known as 4703 Rossford Circle and

Located in the 14 Election District 6 Council District.

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CERTIFICATE OF POSTING

Date: 7/30/11

RE: Case Number: 2012-0019-A

Petitioner/Developer: Dorothy Currie

Date of Hearing/Closing: 8/15/11

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4703 Rosford Cr

The sign(s) were posted on 7/30/11
(Month, Day, Year)

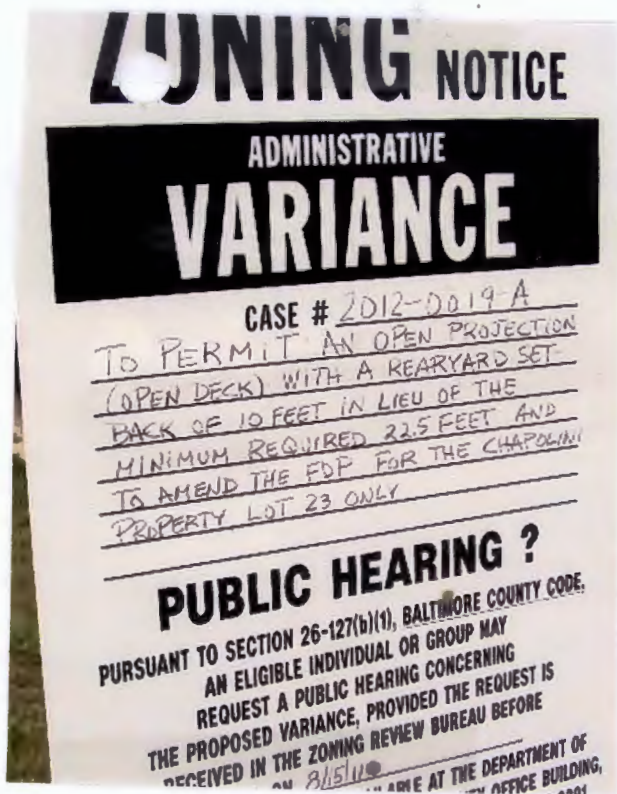
J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)



Rear Images of :
 4703 Rossford Circle
 Rosedale MD, 21237
 July 9, 2011



7514
 Gilley
 Terrace
 Backs up
 To Lot
 #23.



7505 Perry Spring Way
 Lot #25



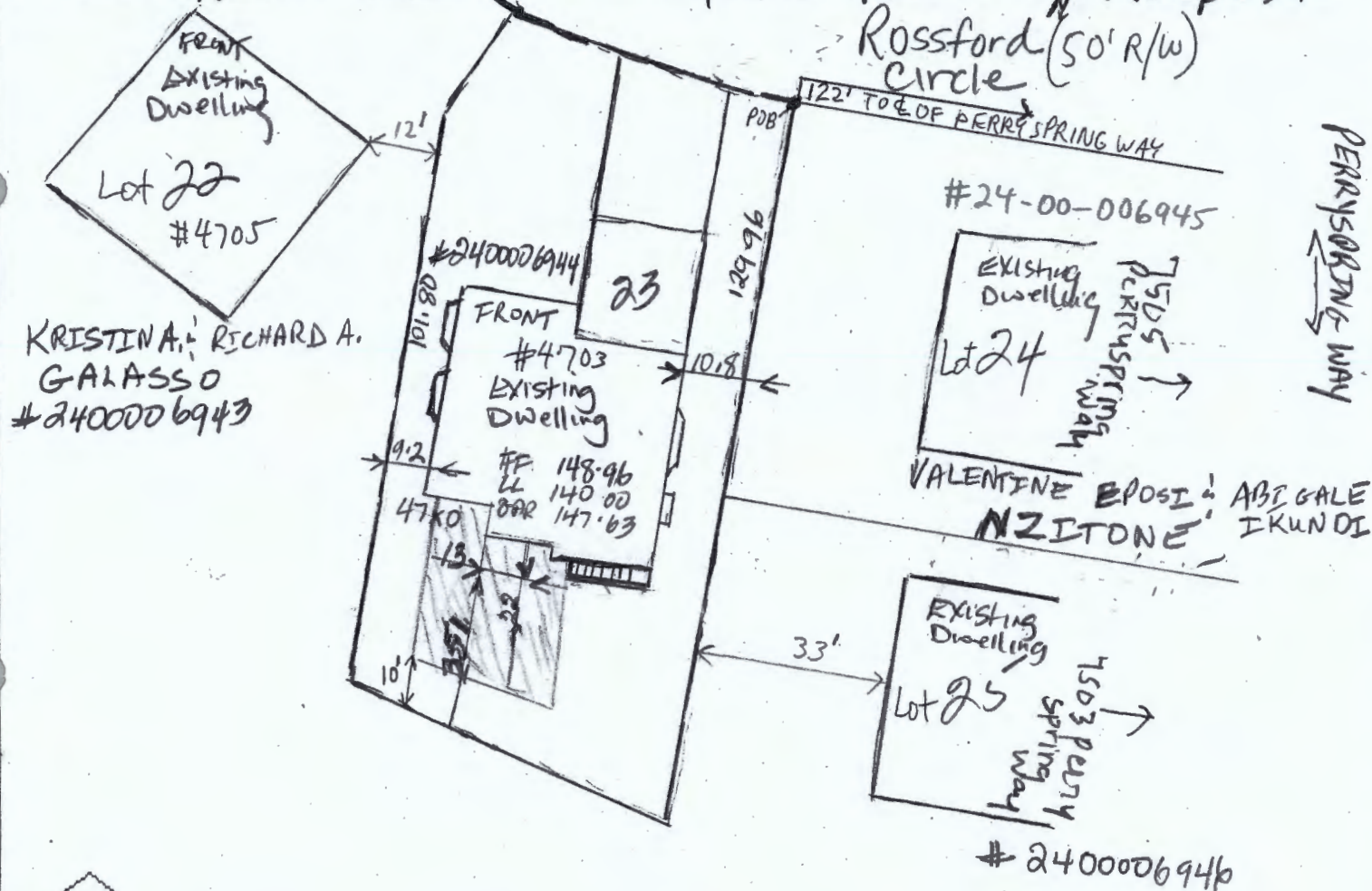
7503 Perry Spring Way
 Slopes down to Lot #23

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 4703 Rossford Cir OWNER(S) NAME(S) DOROTHY E. CURRIE

SUBDIVISION NAME Chapoline Property LOT # 23 BLOCK # _____ SECTION # _____

PLAT BOOK # 78 FOLIO # 012 10 DIGIT TAX # 2400006945 DEED REF. # 12482860595



SITE VICINITY MAP

Rossford way

SITE

N

MAP IS NOT TO SCALE

ZONING MAP# 081C3

SITE ZONED DR3.5

ELECTION DISTRICT 14

COUNCIL DISTRICT 6

LOT AREA ACREAGE .1709

OR SQUARE FEET 7444

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

PLAN DRAWN BY DOROTHY E. CURRIE DATE 7/7/11 SCALE: 1 INCH = 30 FEET

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