

87-198-A

98

10/1/86

10/1/86

11/19/86

11/21/86

S/S of Lowell Dr., 255' E of Plymouth Rd.
(4101 Lowell Dr.)

3rd Elec. Dist.

Variance - filing fee \$35.00 - Daniel M. Shemer, et ux

Hearing set for 11/19/86, at 10:15 a.m.

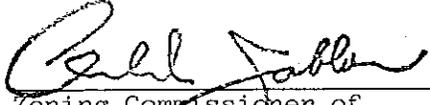
Advertising and Posting - \$61.75

Ordered by the Zoning Commissioner that the Petition for Zoning Variance to permit a side yard setback of 0.5' in lieu of the required 25' is GRANTED with conditions.

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance requested ~~will~~/will not adversely affect the health, safety, and general welfare of the community, the variance should /~~should not~~ be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of November, 1986, that the Petition for Zoning Variance to permit a side yard setback of 0.5 feet in lieu of the required 25 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

- 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 applicable 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.


Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. Daniel M. Shemer

People's Counsel

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 1802.3.C.1 to permit a side yard street setback of 0.5 feet in lieu of the required 25 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound 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: _____ Legal Owner(s): _____
 (Type or Print Name) Daniel Morris Shemer
 Signature *[Signature]*
 Address: _____
 City and State: _____
 Attorney for Petitioner: _____
 (Type or Print Name) Address Phone No.
 Signature _____ City and State _____
 Address _____ Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 City and State _____ Daniel Morris Shemer
 Name _____
 Address _____ 4101 Lowell Dr. 21208 486-7097
 City and State _____ Name _____
 Address _____ Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of October, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 19th day of November, 1986, at 10:15 o'clock _____ M.

[Signature]
Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING
Date _____
By _____

MAP NOTE
2C
E.D. 3
DATE 5/6/87
200
1000
DP

Daniel M. Shemer 87-198-A
S/S of Lowell Dr., 255' E of Plymouth Rd.
C/O Plymouth Rd. (4101 Lowell Dr.)

DENIAL OF THE VARIANCE WILL CREATE A HARDSHIP FOR THE FOLLOWING REASONS:

- The existing house has no family room/den type rooms.
- We plan to have more children in the very near future and there is barely enough playroom for the one child we have.
- Kathleen Fantom-Shemer, is the director of the Women's Law Center, a small non-profit organization. That organization recently closed its office forcing Kathleen to work at home. Although her work is administrative, involving no client visits, the closing of the office has forced us to store all of the files, pamphlets, documents and other items in our home. There is just no room for storage of these things or for Kathleen to work.

The addition would be used in part as an office with a desk and filing cabinets and part as a family room.

REASONS WHY COMPLIANCE WITH THE ZONING ORDINANCE CAUSES SEVERE DIFFICULTIES:

- We cannot expand to the other side of the house as our property line is only 6 ft. from the house on that side.
- We cannot expand to the rear because of the deck and the stairwell to the basement. In addition, there is a large maple tree which would interfere with such a venture.
- We cannot expand to the front without violating the same set back requirements and destroying the look of the home.
- The proposed side is peculiarly suited as there is an existing door on that side of the house, so a means of access is already in place.

PETITION FOR ZONING VARIANCE

3rd Election District
Case No. 87-198-A

LOCATION: South Side of Lowell Drive, 255 feet East of Plymouth Road (4101 Lowell Drive)
 DATE AND TIME: Wednesday, November 19, 1986, at 10:15 a.m.
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit a side street setback of 0.5 feet in lieu of the required 25 feet

Being the property of Daniel Morris Shemer, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit will be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

ZONING DESCRIPTION

Beginning on the south side of Lowell Drive, 50 feet right of way at a distance of 255.75 feet east of Plymouth Road, being Lot 98 in the subdivision of Colonial Village Plat book C.W.B. Jr. No. 12 folio's 66 and 67. Also known as 4101 Lowell Drive in the 3rd Election District.

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
 S/S of Lowell Dr., 255' E of : OF BALTIMORE COUNTY
 Plymouth Rd. (4101 Lowell Dr.)
 3rd District
 DANIEL MORRIS SHERMER, et ux, : Case No. 87-198-A
 Petitioners

ENTRY OF APPEARANCE

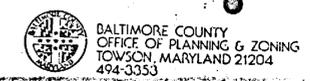
Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

[Signature]
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland - 1204
494-2188

I HEREBY CERTIFY that on this 8th day of October, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Daniel M. Shemer, 4101 Lowell Dr., Baltimore, MD 21208, Petitioners.

[Signature]
Peter Max Zimmerman
Peter Max Zimmerman



ARNOLD JABLON
ZONING COMMISSIONER
JEAN M. H. KING
DEPUTY ZONING COMMISSIONER

November 12, 1986

Mr. Daniel M. Shemer
Mrs. Kathleen F. Shemer
4101 Lowell Drive
Baltimore, Maryland 21208

RE: PETITION FOR ZONING VARIANCE
S/S of Lowell Dr., 255' E of Plymouth Rd.
(4101 Lowell Dr.)
3rd Election District
Daniel M. Shemer, et ux - Petitioners
Case No. 87-198-A

Dear Mr. and Mrs. Shemer:

This is to advise you that \$61.75 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

BALTIMORE COUNTY, MARYLAND No. 025624
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 DATE 11/19/86 ACCOUNT B-01-615-000
 SIGN & POST RETURNED AMOUNT \$ 61.75
 Daniel M. Shemer, Esq., 4101 Lowell Dr., Baltimore, Md. 21208
 RECEIVED FROM
 ADVERTISING & POSTING COSTS RE CASE #87-198-A
 FOR: 8 8025*****5175:a 2188F
 VALIDATION OR SIGNATURE OF CARRIER

LEGAL NOTICE

PETITION FOR ZONING VARIANCE
 3rd Election District
 Case No. 87-198-A
 LOCATION: South Side of Lowell Drive, 255 feet East of Plymouth Road (4101 Lowell Drive)
 DATE AND TIME: Wednesday, November 19, 1986, at 10:15 a.m.
 PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
 Petition for Zoning Variance to permit a side street setback of 0.5 feet in lieu of the required 25 feet
 Being the property of Daniel Morris Shemer, et ux, as shown on plat plan filed with the Zoning Office
 In the event that this Petition(s) is granted, a building permit will be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

CERTIFICATE OF PUBLICATION

81460
 Pikesville, Md., Oct. 29, 19 86
 I CERTIFY, that the annexed advertisement in the NORTHWEST STAR, a weekly published in Pikesville, Baltimore and before the 19th day of 19 86 publication appearing on the 19th day of Oct., 19 86 the second publication appearing on the _____ day of _____, 19 _____ the third publication appearing on the _____ day of _____, 19 _____

THE NORTHWEST STAR

[Signature]
Manager

Cost of Advertisement \$22.00

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District 3rd Date of Posting October 31, 1986
 Posted for: Variance
 Petitioner: Daniel Morris Shemer, et ux
 Location of property: S/S of Lowell Dr., 255' E of Plymouth Rd. (4101 Lowell Dr.)
 Location of Signs: In front of 4101 Lowell Dr.
 Remarks: _____
 Posted by: S.J. Grata Date of return: November 7, 1986
 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 30, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 30, 1986

THE JEFFERSONIAN,

Lisaan Studer Abbott

Publisher

Cost of Advertising

24.75

PETITION FOR ZONING VARIANCE... LOCATION: South Side of Lowell Drive, 255 feet East of Plymouth Road (4101 Lowell Drive) DATE AND TIME: Wednesday, November 19, 1986, at 10:15 a.m. PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO: Zoning Commissioner Date: November 7, 1986

Norman E. Gerber, AICP, Director FROM: Office of Planning and Zoning SUBJECT: Zoning Petitions No. 87-197-A, (87-198-A); 87-200-A, 87-202-A, 87-203-A, 87-204-A, 87-214-A, 87-215-A, 87-219-A, 87-220-A, 87-222-A and 87-223-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber, AICP Director

NEG:JGH:slb

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING TOWSON, MARYLAND 21204 494-3211 NORMAN E. GERBER DIRECTOR

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

OCTOBER 27, 1986

Re: Zoning Advisory Meeting of SEPTEMBER 16, 1986 Item # 98 Property Owner: DANIEL M. SHERER, et al Location: S/S LOWELL DRIVE, 255' E. OF PLYMOUTH RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- X There are no site planning factors requiring comment. A County Review Group Meeting is required. A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services. This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract. A record plat will be required and must be recorded prior to issuance of a building permit. The access is not satisfactory. The circulation on this site is not satisfactory. The parking arrangement is not satisfactory. Parking calculations must be shown on the plan. This property contains soils which are defined as wetlands, and development on these soils is prohibited. Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-9B of the Development Regulations. Development of this site may constitute a potential conflict with the Baltimore County Master Plan. The amended Development Plan was approved by the Planning Board on Landscaping: Must comply with Baltimore County Landscape Manual. The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council. Additional comments:

David Fields, Acting Chief Current Planning and Development

cc: James Hoswell

BALTIMORE COUNTY FIRE DEPARTMENT TOWSON, MARYLAND 21204-2586 494-4500

PAUL H. REINCKE CHIEF

Sept. 10, 1986

Mr. Arnold Jablon Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

RE: Property Owner: Daniel M. Shemer, et ux Location: S/S Lowell Dr., 255 ft. E of Plymouth Road Item No.: 98 Zoning Agenda: Meeting of Sept. 16, 1986

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. 2. A second means of vehicle access is required for the site. 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department. 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy. 6. Site plans are approved, as drawn. 7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: [Signature] Noted and Approved: [Signature] Planning Group Fire Prevention Bureau Special Inspection Division

/mb

Mr. Daniel M. Shemer October 3, 1986 Mrs. Kathleen P. Shemer 4101 Lowell Dr Baltimore, Maryland 21208

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE S/S of Lowell Dr., 255' E of Plymouth Rd. (4101 Lowell Dr.) 3rd Election District Daniel M. Shemer, et ux - Petitioners Case No. 87-198-A

TIME: 10:15 a.m.

DATE: Wednesday, November 19, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 5, 1986

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Chairman

MEMBERS

- Bureau of Engineering Department of Traffic Engineering State Roads Commission Bureau of Public Prevention Health Department Project Planning Building Department Board of Education Zoning Administration Industrial Development

Mr. Daniel Morris Shemer 4101 Lowell Drive Baltimore, Maryland 21208

RE: Item No. 98 - Case No. 87-198-A Petitioner: Daniel M. Shemer, et ux Petition for Zoning Variance

Dear Mr. Shemer:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, kkb JAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:kkb

Enclosures

BALTIMORE COUNTY DEPARTMENT OF TRAFFIC ENGINEERING TOWSON, MARYLAND 21204 494-3550

STEPHEN E. COLLINS DIRECTOR

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 95, 96, 97, 98, and 99.

Very truly yours,

Michael S. Flanigan Traffic Engineer Associate II

MSF:lt

BALTIMORE COUNTY DEPARTMENT OF PERMITS & LICENSES TOWSON, MARYLAND 21204

September 17, 1986

TED ZALESKI, JR. DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 98 Zoning Advisory Committee Meeting are as follows: Property Owner: Daniel M. Shemer, et ux Location: S/S Lowell Drive, 255 ft. E of Plymouth Road District: 3rd.

APPLICABLE ITEMS ARE CIRCLED:

- All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 21-85; the Maryland Code for the Handicapped and Age (A.M.S.I. #117-1 - 1980) and other applicable Codes and Standards. A building and other miscellaneous permits shall be required before the start of any construction. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced scale are not acceptable. All Use Groups except 2-1 Single Family Detached Buildings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. For Use Groups require a one hour wall if closer wall. See Table 101, Section 1107, Section 1102.2 of Table 1101. No openings are permitted in an exterior wall within 3'-0" of an interior lot line. The structure does not appear to comply with Table 505 fire penetrable height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department. The requested variance appears to conflict with Section (a) of the Baltimore County Building Code. When filing for a required Change of Use/occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ See Section 312 of the Building Code. The proposed project appears to be located in a Flood Plain. Flood Protection. Please see the attached copy of Section 314.2 of the Building Code as adopted by Bill 217-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement. Comments: These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any review. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 West Chesapeake Avenue, Towson, Maryland 21204.

LJ2776

BALTIMORE COUNTY, MARYLAND No. 025941

OFFICE OF FINANCE-REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE: 9/15/86 ACCOUNT: 01-615

AMOUNT: \$ 35.00

RECEIVED FROM: DANIEL SHERER

FOR: ZONING VARIANCE PETITION

8015*****3500: 805JEM # 98

VALIDATION ON SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this 1st day of October 28, 1986.

ARNOLD JABLON Zoning Commissioner

Petitioner: Daniel M. Shemer, et ux Petitioner's Attorney

Received by: James E. Dyer Chairman, Zoning Plans Advisory Committee

