

IN RE: PETITION FOR ZONING VARIANCE
N/S of North Marlyn Avenue,
opposite the c/l of Bennett Road
(1030 North Marlyn Avenue)
15th Election District
5th Councilmanic District
William L. Luh, et ux
Petitioners

* BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-510-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit side yard setbacks of 1 foot each in lieu of the minimum required 2.5 feet, a rear yard setback to the centerline of an alley of 11 feet in lieu of the required 15 feet for a proposed accessory structure (garage), and to permit said structure to occupy 48% of the rear yard in lieu of the maximum permitted 40%, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 1030 North Marlyn Avenue, consists of 1600 sq.ft. zoned D.R. 10.5 and is improved with a single family townhouse dwelling which has been Petitioners' residence since 1954. Petitioners are desirous of constructing a single car garage to the rear of the subject site to provide protection for the family's automobile and easy access during inclement weather. Testimony further indicated that Mr. Luh is in poor health and has difficulty walking. Petitioners testified that parking in front of their home is impossible due to the fact that the townhouses are small and many homeowners have two and three cars. In support of their request, Petitioners introduced several photographs evidencing that numerous residents in the area have constructed garages and/or carports in their rear yards, some with little or no setback from the side or rear property lines. Petitioners also introduced a

signed Petition of support from several of their neighbors indicating they have no objection to the proposed garage. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, 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 10th day of September, 1990 that the Petition for Zoning Variance to permit side yard setbacks of 1 foot each in lieu of the minimum required 2.5 feet, a rear yard setback to the centerline of an alley of 11 feet in lieu of the required 15 feet for a proposed accessory structure (garage), and to permit said structure to occupy 48% of the rear yard in lieu of the maximum permitted 40%, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 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.

2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) The proposed garage shall be constructed in accordance with all building code requirements. Further, all water runoff from the proposed garage shall be directed away from the adjoining properties.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

September 10, 1990



Dennis F. Rasmussen
County Executive

Mr. & Mrs. William L. Luh
1030 N. Marlyn Avenue
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
N/S North Marlyn Avenue, opposite the c/l of Bennett Road
(1030 North Marlyn Avenue)
15th Election District - 5th Councilmanic District
William L. Luh, et ux - Petitioners
Case No. 90-510-A

Dear Mr. & Mrs. Luh:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING
Date 9/10/90
By J. Robert Haines

ORDER RECEIVED FOR FILING
Date 9/10/90
By J. Robert Haines

ORDER RECEIVED FOR FILING
Date 9/10/90
By J. Robert Haines

- 2 -

- 3 -

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-510-A

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 400.1, 400.2 -- To allow accessory structure (detached garage) with side yard setbacks of 1 ft. each and a rear yard setback to the alley centerline of 11 ft. in lieu of the required 2 1/2 ft. each and 15 ft., respectively.

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.

1. I had a fire by pass heart question, can't walk too far
2. I have arthritis in my hips.
3. Parking in front of my house is impossible

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: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
City and State: _____
Attorney's Telephone No.: _____
Address: _____
Phone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of May, 1990, 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 9th day of July, 1990, at 2:30 o'clock P.M.

ESTIMATED LENGTH OF HEARING: 1 1/2 HRS.
AVAILABLE FOR HEARING: 10:00 AM - 1:00 PM
ALL NON-PAID ORDERS
REVIEWED BY: J. Robert Haines
DATE: 9/10/90

ZONING DESCRIPTION

Beginning at a point on the north side of North Marlyn Ave. which is 12 ft. wide at the distance of 30 ft. east of the centerline of the nearest improved intersecting street Bennett Road which is 60 feet wide.

Being Lot # (73) Block 5 Section # (02) in the Subdivision of Middlesex as recorded in Baltimore County Plat Book (19) Folio # (116) containing 1600 Sq. Ft. Also known as 1030 N. Marlyn Ave. and located in the #151 Election District.

Being known and designated as Lot No. 73 in Block 5 as shown on the Subdivision Plan Section 2, Plat B, Middlesex, which Plat is recorded among the Land Records of Baltimore County in Plat Book GLB No. 19, Folio 116.

The improvements on said lot of ground being known as No. 1030 N. Marlyn Ave. 1030 N. Marlyn Ave. Baltimore, Maryland 21221. Retired
SIGNED BY LEGAL OWNERS
686-7732

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Number

receipt

No 2215

Date

4/20/90

H9000370

PUBLIC HEARING FEES

QTY PRICE

010 - ZONING VARIANCE (1RL)

1 X \$35.00

TOTAL: \$35.00

Cashier Validation:

Please make checks payable to: Baltimore County

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th

Date of Posting: 8/31/90

Posted for: 10/1/90

Petitioner: Wm. L. Luh, et ux

Location of property: N/S N. Marlyn Ave. opposite c/l of Bennett Rd

Location of Sign: 1030 N. Marlyn Ave. at c/l of Bennett Rd

Remarks: 1030 N. Marlyn Ave. at c/l of Bennett Rd

Posted by: J. Robert Haines

Date of return: 8/17/90

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 18, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 14, 1990.

THE JEFFERSONIAN.

S. Zake Orlan
Publisher

PG 105513

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Balto., Md. 21221

June 14, 1990

THIS IS TO CERTIFY, that the annexed advertisement of William L. Luh in the matter of Petition for Zoning Variance of 1030 N. Marilyn Ave. Case # 90-510-A, P.O. #0105514, Req #M44219 98 lines @.55 or \$53.90

was inserted in The Avenue News a weekly newspaper

published in Baltimore County, Maryland once a week for 1 successive week(s) before the 15 day of June 1990.

that is to say, the same was inserted in the issues of June 16, 1990.

The Avenue Inc.

per publisher

By *Disa Bledwell*

Notice Of Hearing

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 90-510-A
N/S North Marilyn Avenue, opposite c/l of Bennett Road
1030 N. Marilyn Avenue
15th Election District - 5th Councilmanic
Petitioner(s): William L. Luh, et ux
Hearing Date: MONDAY, JULY 9, 1990 at 9:30 a.m.

Variance: To allow accessory structure (detached garage) with side yard setbacks of 1 ft. each and a rear yard setback to the alley centerline of 11 ft. in lieu of the required 2 1/2 ft. each and 15 ft. respectively and to allow this structure to occupy 48% of the rear yard in lieu of the permitted 40%.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
Maryland

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 21, 1990

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-510-A
N/S North Marilyn Avenue, opposite c/l of Bennett Road
1030 N. Marilyn Avenue
15th Election District - 5th Councilmanic
Petitioner(s): William L. Luh, et ux
HEARING: MONDAY, JULY 9, 1990 at 9:30 a.m.

Variance to allow accessory structure (detached garage) with side yard setbacks of 1 ft. each and a rear yard setback to the alley centerline of 11 ft. in lieu of the required 2 1/2 ft. each and 15 ft., respectively.

In the event that this Petition is granted, a building permit may 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of Baltimore County
cc: Mr. & Mrs. Luh

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 6/1/90
Posted for: Variance
Petitioner: William L. Luh, et ux
Location of property: 1030 N. Marilyn Ave.
Location of Sign: Corner of 1030 N. Marilyn Ave. & Bennett Rd.
Remarks: *See map of property*
Posted by: *Disa Bledwell* Date of return: 6/6/90
Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 6/1/90
Posted for: Variance
Petitioner: William L. Luh, et ux
Location of property: 1030 N. Marilyn Ave. opposite Bennett Rd.
Location of Sign: Corner of 1030 N. Marilyn Ave. & Bennett Rd.
Remarks: *See map of property*
Posted by: *Disa Bledwell* Date of return: 6/6/90
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/10, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/1, 19__.

THE JEFFERSONIAN,

Steve Orlan

Publisher

P.O. 106221
\$46.97

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 90-510-A
N/S North Marilyn Avenue, opposite c/l of Bennett Road
1030 N. Marilyn Avenue
15th Election District - 5th Councilmanic
Petitioner(s): William L. Luh, et ux
Hearing Date: MONDAY, JULY 9, 1990 at 11:30 a.m.

Variance: To allow accessory structure (detached garage) with side yard setbacks of 1 ft. each and a rear yard setback to the alley centerline of 11 ft. in lieu of the required 2 1/2 ft. each and 15 ft. respectively and to allow this structure to occupy 48% of the rear yard in lieu of the permitted 40%.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
8/10 August 2.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 8-30-90



Dennis F. Rasmussen
County Executive

Mr. & Mrs. William L. Luh
1030 N. Marilyn Avenue
Baltimore, Maryland 21221

Re: Petition for Zoning Variance
CASE NUMBER: 90-510-A
N/S North Marilyn Avenue, opposite c/l of Bennett Road
1030 N. Marilyn Avenue
15th Election District - 5th Councilmanic
Petitioner(s): William L. Luh, et ux

Dear Petitioners:

Please be advised that \$125.87 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Balto., Md. 21221

AUGUST 2, 1990

THIS IS TO CERTIFY, that the annexed advertisement of William L. Luh in the matter of Petition for Zoning Variance of 1030 N. Marilyn Ave Case # 90-510-A, P.O. #0106222, Req #M44281 98 lines @.55 or \$53.90

was inserted in The Avenue News a weekly newspaper

published in Baltimore County, Maryland once a week for 1

successive week(s) before the 3 day of August 1990.

that is to say, the same was inserted in the issues of Aug 2, 19 90

The Avenue Inc.

per publisher

By *Disa Bledwell*

Notice Of Hearing

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 90-510-A
N/S North Marilyn Avenue, opposite c/l of Bennett Road
1030 N. Marilyn Avenue
15th Election District - 5th Councilmanic
Petitioner(s): William L. Luh, et ux
Hearing Date: WEDNESDAY, SEPTEMBER 5, 1990 at 11:30 a.m.

Variance: To allow accessory structure (detached garage) with side yard setbacks of 1 ft. each and a rear yard setback to the alley centerline of 11 ft. in lieu of the required 2 1/2 ft. each and 15 ft. respectively and to allow this structure to occupy 48% of the rear yard in lieu of the permitted 40%.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
Maryland

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 12, 1990

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-510-A
N/S North Marilyn Avenue, opposite c/l of Bennett Road
1030 N. Marilyn Avenue
15th Election District - 5th Councilmanic
Petitioner(s): William L. Luh, et ux
HEARING: WEDNESDAY, SEPTEMBER 5, 1990 at 11:30 a.m.

Variance to allow accessory structure (detached garage) with side yard setbacks of 1 ft. each and a rear yard setback to the alley centerline of 11 ft. in lieu of the required 2 1/2 ft. each and 15 ft. respectively and to allow this structure to occupy 48% of the rear yard in lieu of the permitted 40%.

In the event that this Petition is granted, a building permit may 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Mr. & Mrs. Luh

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 22, 1990

Mr. & Mrs. William L. Luh
1030 N. Marlyn Avenue
Baltimore, MD 21221

RE: Item No. 370, Case No. 90-510-A
Petitioner: William L. Luh
Petition for Zoning Variance

Dear Mr. & Mrs. Luh:

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. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

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

JED:jw

Enclosures

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this
9th day of May, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: William L. Luh, et ux

Petitioner's Attorney:

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: May 10, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: William L. Luh, Item No. 370

The Petitioner requests Variances to setback requirements in order to construct a garage in the rear yard.

In reference to this request, staff offers the following comments:

- The proposed garage (315 square feet) is in conflict with Section 400.1 because it occupies over 40% of the rear yard (608 square feet).

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

MAY 11 1990

MICROFILMED

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(301) 887-3554

May 24, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 332, 333, 354, 359, 362, 363, 364, 365, 366, 367, 369, 370, 371, and 372.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/lvw

RECEIVED
MAY 25 1990
ZONING DIVISION

MICROFILMED

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WILLIAM L. LUH, ET UX
Location: N/S NORTH MARLYN AVENUE
1030 NORTH MARLYN AVENUE
Item No.: 370 Zoning Agenda: MAY 8, 1990

Gentlemen:

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Three feet clear width between fence or property line shall be provided for fire department access to rear of building.

REVIEWER: *Paul H. Reincke* Noted and Approved *Capt. Wm. F. Budy, Jr.*
Planning Group Fire Prevention Bureau
Special Inspection Division

MAY 10 1990

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 11, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for May 8, 1990

The Developers Engineering Division has reviewed the subject revised zoning items and we have no comments for Items 332, 333, 354, 362, 363, 365, 369 and 370.

For Items 367, the previous County Review Group Comments still apply.

For Item 359, 2-foot setback for parking is inadequate for vehicle overhand against State Highway Administration fence.

For Item 364, the address on the plat is #9400 for Lot 53.

For Item 366, the correct plat reference is SM 56/138.

For Items 371 and 372, no plans were received for review and comment.

For 89-483A, we have no comment.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

MICROFILMED

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WILLIAM L. LUH, ET UX
Location: N/S NORTH MARLYN AVENUE
1030 NORTH MARLYN AVENUE

Item No.: 370 Zoning Agenda: MAY 8, 1990

Gentlemen:

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Three feet clear width between fence or property line shall be provided for fire department access to rear of building.

REVIEWER: *Paul H. Reincke* Noted and Approved *Capt. Wm. F. Budy, Jr.*
Planning Group Fire Prevention Bureau
Special Inspection Division

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 5, 1990

William L. Luh
1030 N. Marlyn Avenue
Baltimore, Maryland 21221

Re: Petition for Zoning Variance
Case Number: 90-510-A

Dear Mr. Luh:

This will acknowledge receipt of your correspondence dated June 28, 1990. Pursuant to your request therein, this matter will not go forward on July 9, 1990 and will be held in order to allow you the necessary time to file an amendment.

Please contact Mr. John Sullivan of this office at 887-3391. He will schedule an appointment for you to come in and file the revisions.

Very truly yours,

G. G. Stephens
887-3391

MICROFILMED

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
DATE: May 10, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: William L. Luh, Item No. 370

The Petitioner requests Variances to setback requirements in order to construct a garage in the rear yard.

In reference to this request, staff offers the following comments:

14x21 = 294 square feet
The proposed garage (315 square feet) is in conflict with Section 400.1 because it occupies over 40% of the rear yard (608 square feet). 40x16 = 672 square feet

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

MAY 11 1990

J. Robert Haines
Zoning Commissioner of
Baltimore County

RECEIVED
JUN 29 1990
ZONING OFFICE

Dear Sir:

I received a letter to-day from James E. Dyer, Chairman, Zoning Plans Advisory Committee, stating the Plans Advisory Committee has reviewed the plans submitted by me, William L. Luh requesting a Zoning Variance to set back requirements in order to construct a garage in my rear yard. Item No. 370 Case No. 90-510-A.

Along with the letter were two comments, one from Pat Keller, Deputy Director, Office of Planning and Zoning, with the following comments. The proposed garage (315 square feet) is in conflict with section 400.1 because it occupies over 40% of the rear yard (608 square feet).

These figures are in error according to my figures. My wife and I measured our back yard. From the back wall of our house to the back alley line is 42 feet the width of our yard is 16 feet from fence to fence. 42 x 16 = 672 square feet. The garage is to be 14x21 feet, 14x21 = 294 square feet.

I called Miss Julie Winiarski of Chairman of Zoning Plans Advisory Committee, James E. Dyer's office to see if I could rectify this error. She referred me to Jeffrey Long in the Office of Planning. He is on vacation. I called Miss Winiarski again, she put me in contact with Mr. John Alexander of Zoning. I explained everything to him, he in turn contacted Mr. John Sullivan.

Mr. Sullivan called me and explained that something else had to be added to the Zoning Variance and re-posted fee free. This would add an additional six weeks to my hearing date. He also suggested that I write this letter to you asking you for a continuance of my petition of Zoning Variance.

My date of hearing originally was July 9, 1990 at 9:30 AM.

I hope this set-back doesn't delay granting me my petition and a building permit. I've waited so many years for this chance to have a garage.

I'm 74 years old and this is my dream.

RECEIVED
JUN 29 1990
ZONING OFFICE

Sincerely,

William L. Luh
William L. Luh

Confidential
Graded
June 28, 1990
686-7732
Sullivan
and Keller

James E. Dyer, Chairman
Zoning Plans Advisory Committee

RE: Item No. 370, Case No. 90-510-A
Petitioner: William L. Luh
Petition for Zoning Variance

Dear Sir:

Please find enclosed, letter to J. Robert Haines, Zoning Commissioner by William L. Luh, Petitioner, as advised by Mr. John Sullivan. Also find photos of other garages in our neighborhood, in hope they will help me get a permit for a garage in my back yard.

As you can see, in the letter to the Commissioner from Pat Keller, Deputy Director, Office of Planning and Zoning, there is an error in the figures on size of the proposed garage and size of yard, as explained in my letter to the Commissioner. When I noticed this discrepancy in the figures in Mr. Keller's Staff's comment, I thought it was my duty to report it. I called Miss Julie Winiarski of your office and told her of the mistake. She put me in contact with the office of Planning and to ask for Jeffrey Long. When I did I was told he was on vacation. I again called Miss Winiarski, this time she put me in contact with a Mr. John Alexander. I explained the mistake to him, then told to hold on. After a while I was told by Mr. Alexander, that he was turning me over to someone else and to hold on. After a while Mr. Alexander came on the phone again and asked me for my phone number, saying this other person was still looking up my case.

After some time a Mr. John Sullivan called me, acknowledging the mistake in math, and due to this fact more had to be added to my petition and I would have to fill out and sign more forms. Mr. Sullivan also suggested I write a letter to Zoning Commissioner J. Robert Haines, asking him for a continuance of my petition of Variance, as this adding to the Variance, filling out and signing new forms will along with re-posting fee free petition of Variance will add six weeks to my hearing date, which is originally scheduled for July 9, 1990 9:30 AM.

I can't see how a small mistake in math, on their part can cause such drastic changes in my hearing date.

To save time I hand delivered the letter to Commissioner Haines secretary. I went to room 113 to fill out and sign any forms necessary, but I was told Mr. Sullivan was to busy to see me. This lady told me she would tell Mr. Sullivan I was there and had delivered the letter to Commissioner Haines secretary.

Sincerely,

William L. Luh
William L. Luh

P.S. Also please find enclosed a petition signed by my neighbors.

TO WHOM IT MAY CONCERN:

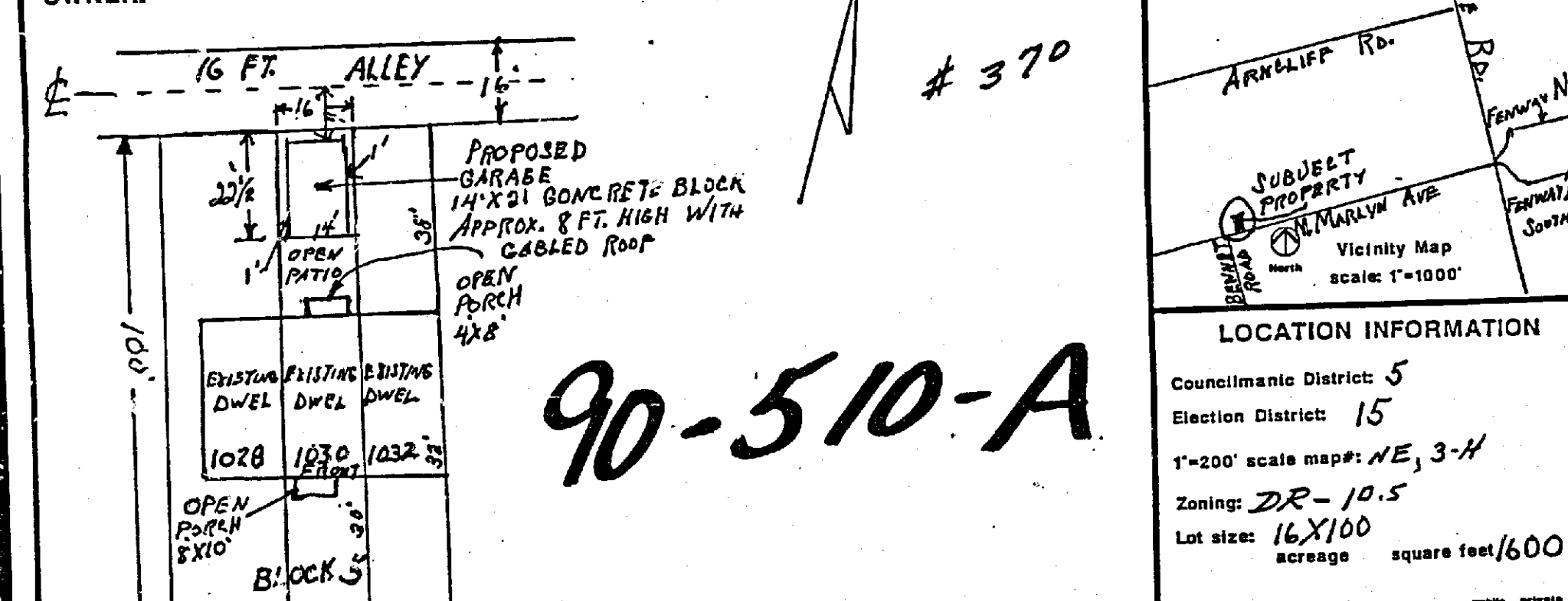
We the undersigned, neighbors of Mr. William Luh of 1030 N. Marlyn Ave. have no objections what-so-ever, to his having a garage built in his back yard.

NAME	ADDRESS
Lelia C. Leach	1036 N. Marlyn Ave
Maria Leach	1036 N. Marlyn Ave
Vukie Leach	1036 N. Marlyn Ave
Richard Brin	1028 N. Marlyn Ave.
Shirley Knapp	1025 Annapolis Rd.
Tony Kopp	1035 Annapolis Rd.
Richard A. Williams	1038 N. Marlyn Ave
April Williams	1038 N. Marlyn Ave
Clara C. Lewis	1027 Annapolis Rd.
Edwin Brin	1027 Annapolis Rd.
William Brin	1027 Annapolis Rd.
Michael Sumner	1025 Annapolis Rd.
Phyllis Sumner	1025 Annapolis Rd.
Stacy Sumner	1027 N. Marlyn Ave.
Robert L. Bell	1026 N. Marlyn Ave
Anna T. Hachek	1022 N. Marlyn Ave
John Bell	1042 N. Marlyn Ave
Charles Knapp	1029 Annapolis Rd. 21221
Tom & Annie Page	1016 N. Marlyn Ave. 21221

PETITIONER'S
EXHIBIT

Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1030 N. MARLYN AVE. BALTIMORE, MD 21221
Subdivision name: MIDDLESEX
plat book 19, lot 116, lot 117, sections 02
OWNER: WILLIAM L. and GENEVIEVE C. LUH



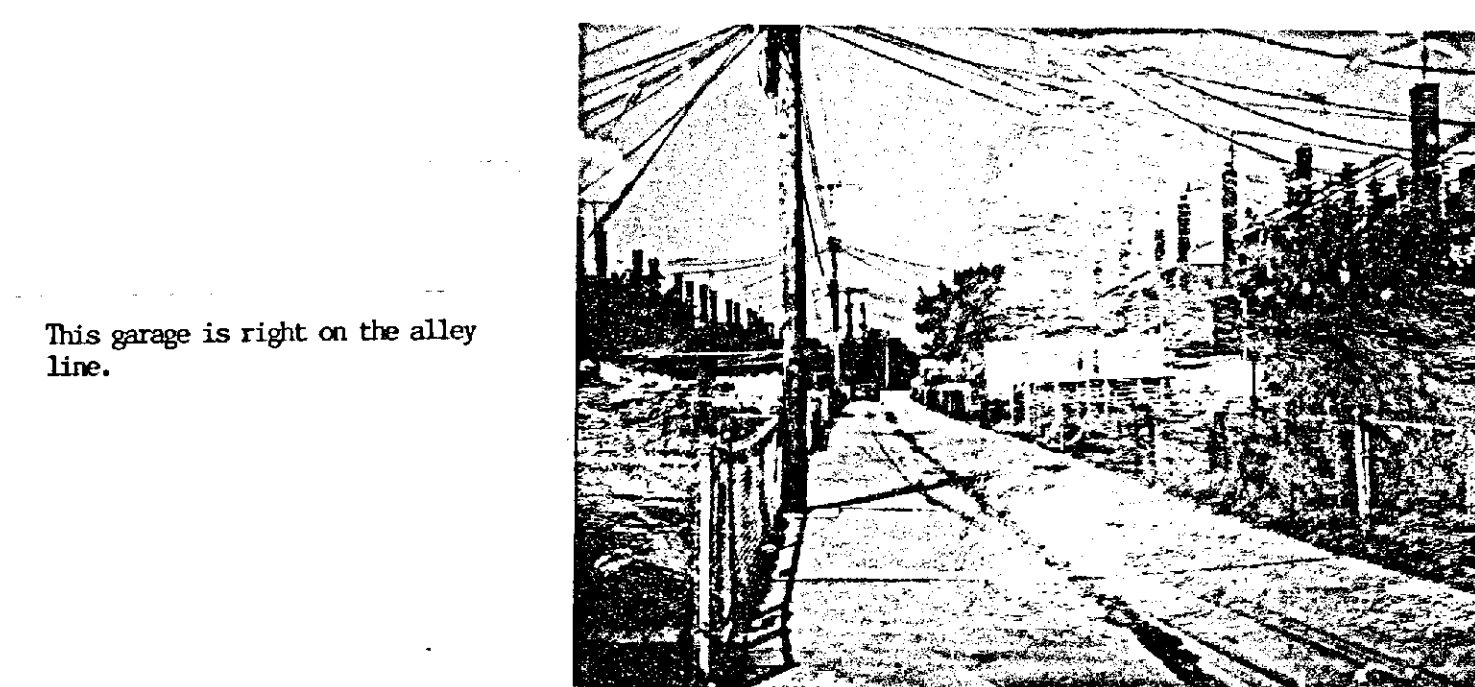
North Marlyn Ave 70 FT. WIDE
PLAT FOR ZONING VARIANCE (or special hearing) LOT SIZE 1600 SQ. FT.
EXISTING PUBLIC UTILITIES IN NORTH MARLYN AVENUE
THIS PROPERTY IS NOT IN CRITICAL AREA
SIGNED BY LEGAL OWNERS: William L. Luh, 1030 N. Marlyn Ave. Baltimore, Maryland 21221, RETIRED
date: 24/05/90
prepared by: WILLIAM L. LUH
Scale of Drawing: 1" = 30'



PETITIONER'S
EXHIBIT 3
90-510-A



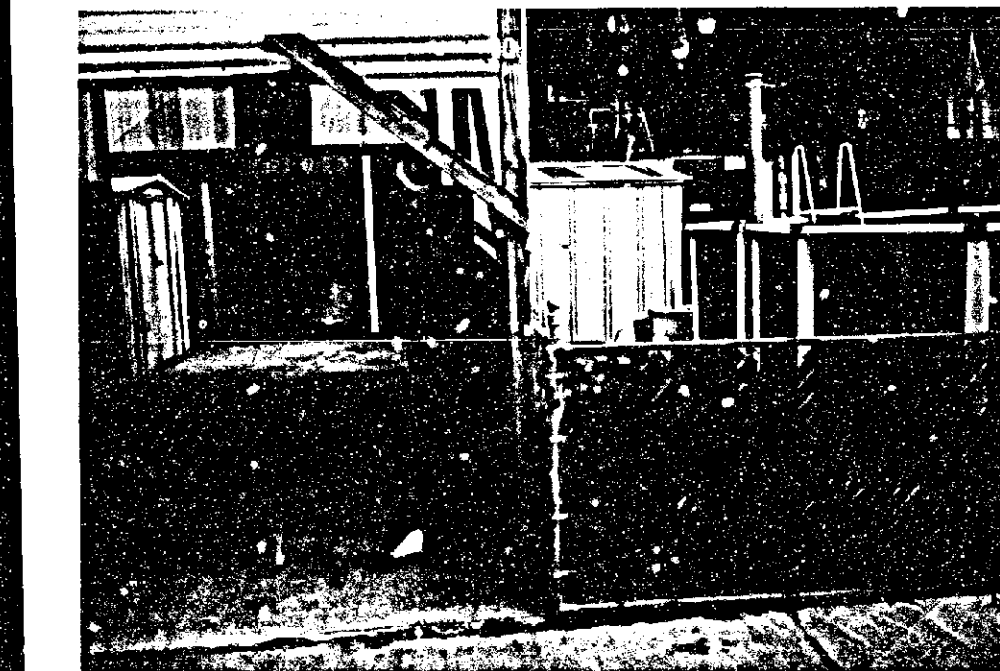
Right Side - There's no 3 ft. clearance from fence or property line.



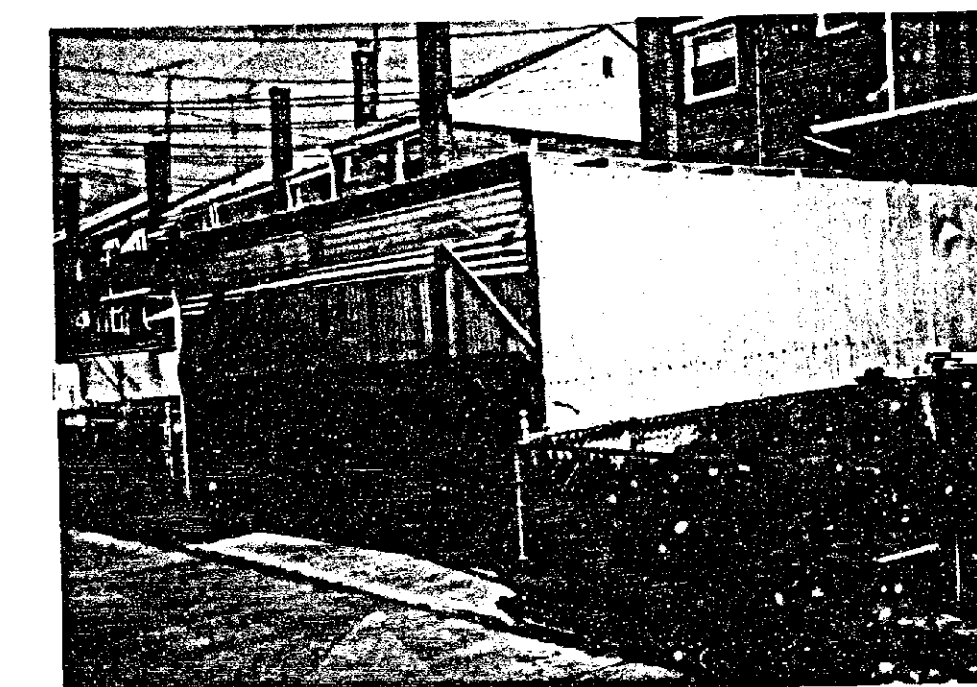
This garage is right on the alley line.



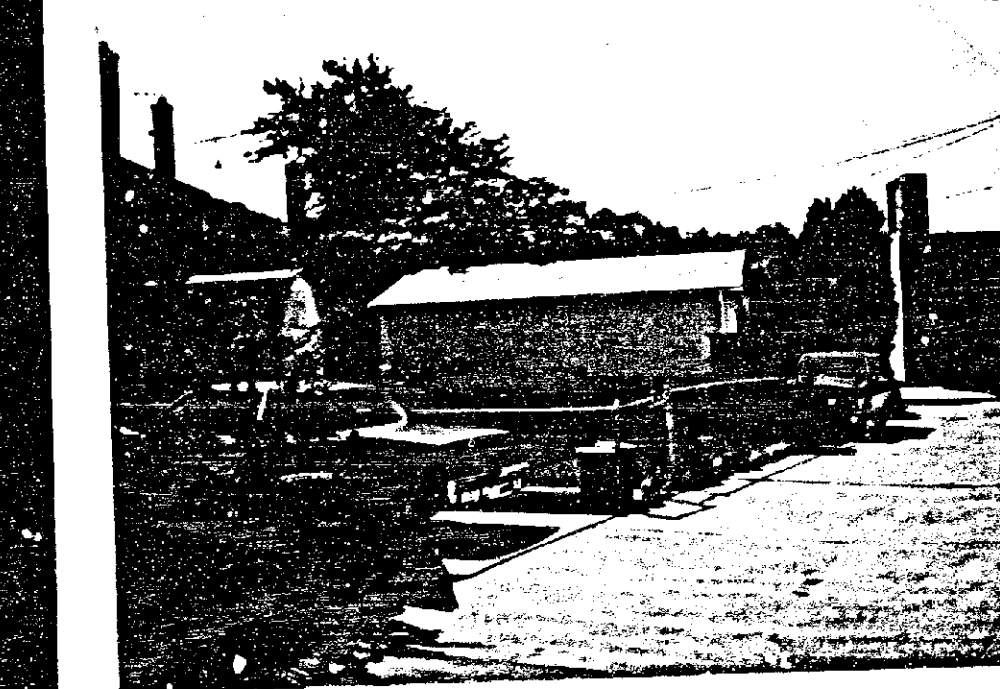
There is no 3 ft. here from fence or property line.



There is no 3 ft. clearance here from fence or property line.



There is no 11 or 15 ft. from center of alley, which is 16 ft. to the beginning of the garage.



Not only does this person have a garage in his yard but also a large shed.