## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 12 ft. for a proposed breezeway and garage, and a 16 ft. side yard setback for the existing dwelling, in lieu of the required 50 ft.; a variance from Section 400.1 of the B.C.Z.R. to allow an accessory structure in the front (water) yard, in lieu of the required rear yard, all as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

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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 Petitioners.

This property lies within close proximity to the Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management must submit recommendations which describe what steps the Petitioners must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

> 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands:

- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

As of the date hereof, these recommendations have not been submitted and the Department of Environmental Protection and Resource Management has f requested an extension to complete their study. This extension has been approved and the granting of the variance herein shall be conditioned upon the receipt of, and compliance with, those recommendations.

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.

-2-

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22 day of January, 1993 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 12 ft. for a proposed breezeway and garage, and a 16 ft. side yard setback for the existing dwelling, in lieu of the required 50 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.1 of the B.C.Z.R. to allow an accessory structure (shed) in the front yard (water), in lieu of the required rear yard, all in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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

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

> 3. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

> > -3-

Zoning Commissioner for Baltimore County

LES/mmn

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

January 21, 1993

Mr. and Mrs. James G. Miller 1231 Engleberth Road Baltimore, Maryland 21221

RE: Petition for Administrative Zoning Variance Case No. 93-199-A 1231 Engleberth Rd.

Dear Mr. and Mrs. Miller:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached 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 of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 1231 ENGLEBERTH RD. BALTIMORE MD 21221 which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & 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) 1A04.3.B.3 To allow a side yard setbacks of 12 ft for proposed breezeway and garage at 16 ft. for exisiting dwelling in lieu of the required 50 ft.

400.1 To allow an accessory shed on the waterfront pard in lieu of the required rear yard. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or CABLE, PHONE, POWER lines and septic system in back yard.

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/Lessee			Legal Owner(a):	
(Type or Print Name)			TAMES G. WILLER	
Signature			Signestre Signestre	
orginature			famela J Miller	
Address			(Type or Print Name)	
			Panila & mellin	
City	State	Zipcode	Signature	
Attorney for Petitioner.			1231 ENGLEBERTH RD. 21221	
(Type or Print Name)		<del></del>	Address Phone No.	
			SALTIMORE MD 21221	
Signature			Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.	
Address	Phone	r Na.	JAMES 6 MILLER	
City	State	Zipcode	1231 ENGLEBERTH RD. (H) 682-674" Address	
•		·		

that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

ITEM #: 209

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to

testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 1231 ENGLEBERTH RO. BALTIMORE MD 21221 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 hardenip or practical difficulty) CABLE, PHOHE and power lines, and septic System in back yard. That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

JAMES & PAMERA MILLER

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notarial Scal.

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 1231 ENGLEBERTH PD

wide at the distance of 170' SOUTF (number of feet) (north, south, east or west) centerline of the nearest improved intersecting street CROSS RD (name of street) which is  $\frac{20'}{\text{(number of feet of right-of-way width)}}$  wide. \*Being Lot \*  $\frac{69-61}{\text{(number of feet of right-of-way width)}}$ Block \_\_\_\_, Section # A89 in the subdivision of EAGLES NEST POINT (name of subdivision) as recorded in Baltimore County Plat Book \*8, Folio \*70, containing (square feet or acres) Also known as 1231 ENGLE BEKIF PD (property address) and located in the 15 Election District, 5 Councilmanic District.

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_\_, Folio \_\_\_\_ " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

Zoning Administration & Development Management

from the first adding to

	CENTIFICATE OF POSTING
	Towns Meried
	Towns, Maryland
7.1	
1-31	Date of Day 18/09/81

Location of Signer Faciny too dury on froperty offit, timer

ESTIMATED POSTING DATE 1/03/93

. 209

111 West Chesapeake Avenue Towson, MD 2120+

January 6, 1993

(410) 887-3353

Mr. and Mrs. James G. Miller 1231 Engleberth Road Baltimore, MD 21221

> RE: Case No. 93-199-A, Item No. 209 Petitioner: James G. Miller, et ux Petition for Administrative Variance

## Dear Mr. and Mrs. Miller:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this

17th day of December 1992.

Zoning Plans Advisory Committee

Petitioner: James G. Miller, et ux Petitioner's Attorney:

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: January 5, 1993

Pat Keller, Deputy Director

Office of Planning and Zoning

Petitions from Zoning Advisory Committee (December 28, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

Charles Wagandt, Item No. 203 Walter and Carolyn Shaw, Item No. 204 Michael and Bonnie Conner, Item No. 207 James and Pamela Miller, Item No. 209 Sarkis and Susan Aghazarian, Item No. 210 Stephen and Mary Catherine Fox, Item No. 211

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

PK/FM: rdn

ITM20479.ZAC/ZAC1

Ms. Julie Winiarski Zoning Administration and **Development Management** County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

does not access a State roadway and is not effected by any State Highway Administration

Thank you for the opportunity to review this item.

My telephone number is 410-333-1350

O. James Lighthizer Hal Kassuit

DPW/Traffic Engineering

Project Name

DED DEPRM RP STP TE

DED DPERM RP STP TE

DED DEPRM RP STP TE

COUNT 9

Pickersgill, Inc.

FINAL TOTALS Rec'd 1/4/43

Charles A. Wagandt

File Number

Development Review Committee Response Form

Waiver Number

Walter Dempsey Lee and Carolyn Shaw

Michael J. and Bonnie Conner

James G. and Pamela J. Miller

Sarkis G. and Susan T. Aghazarian

Stephen Thomas Fox and Mary Catherine Wilson

ZON DED TE (Waiting for developer to submit plans first)

Stonegate at Patapsco (Azreal Property)

Thomas Booth, Louis and Elmer Morsberger

Wyaness Associates Limited Partnership

Authorized signature MULLON K. L. Date 1/4/93

ED DEPRIM RP SIP IE

VV, ~

Zoning Issue

AL WIL

:	Baltimore County	/
	Item No.: # 209	(LJG)

Dear Ms. Winiarski: This office has reviewed the referenced item and we have no objection to approval as it

Please contact Bob Small at 410-333-1350 if you have any questions.

Teletypewriter for impaired Heering or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

(Public Services) 01/04/93 Development Review Committee Response Form Authorized signature Desuis A. Kounty Date 1/4/93 Project Name File Number Zoning Issue Meeting Date Robert E. Ryan and Marianne H. Gillette 12-21-92 DED DEPRM RP STP Baker Land Company DED DEPRM RP STP Kenneth E. and Carol C. Lentz Aubrey N. and Ruth N. Freeman COUNT 4 Charles A. Wagandt 12-28-92 Command 503 DED DEPRM RP STP TE Walter Dempsey Lee and Carolyn Shaw Thomas Booth, Louis and Elmer Morsberger Comment DED DEPRM RP STP TE Michael J. and Bonnie Conner DED DEPRM RP STP TE Wyaness Associates Limited Partnership James G. and Pamela J. Miller DED DEPRM RP STP TE Sarkis G. and Susan T. Aghazarian DED DEPRM RP STP TE // Pickersgill, Inc. 212

93 199-A 1/0/95 FROM: J. Lawrence Pilson

The Department of Environmental Protection and Resource Management requests an extension for the review of the above referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

BALT ORE COUNTY, MARY AND

Mr. Arnold Jablon, Director

Zoning Administration and

Zoning Item #209

Development Coordinator, DEPRM

1231 Engleberth Road

Development Management

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

Zoning Advisory Committee Meeting of December 28, 1992

DATE: January 6, 1993

LP:sp

ENGLEBER/TXTSBP



700 East Joppa Road Suite 901 Towson, MD 21286-5500

01/04/93

Meeting Date

12-28-92

6-1-92

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building

RE: Property Owner: JAMES G. MILLER AND PAMELA J. MILLER

#1231 ENGLEBERTH ROAD Item No.: \*209(LJG) Zoning Agenda: DECEMBER 28, 1992

Gentlemen:

Towson, MD 21204

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.

DECEMBER 28, 1992

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", 1988 edition prior to occupancy.

Special Inspection Division

JP/KEK











