

IN RE: PETITION FOR ADMIN. VARIANCE BEFORE THE
 E/S Beaumont Avenue, 410' S of DEPUTY ZONING COMMISSIONER
 the c/l of Frederick Road OF BALTIMORE COUNTY
 (13 S. Beaumont Avenue) 1st ELECTION DISTRICT
 1st Councilmanic District Case No. 93-405-A
 David P. Warshaw, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, David P. and Gay L. Warshaw. The Petitioners request relief from Sections 1802.3.B and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20 feet in lieu of the minimum required 22.5 feet and a side yard setback of 5.4 feet in lieu of the minimum required 6 feet for an open deck in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for 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 Deputy Zoning Commissioner, the information, pictures, 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 Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 23rd day of June, 1993 that the Petition for Administrative Variance requesting relief from Sections 1802.3.B and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20 feet in lieu of the minimum required 22.5 feet and a side yard setback of 5.4 feet in lieu of the minimum required 6 feet for an open deck, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 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.

Timothy M. Kotroco
 TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
 Date 6/23/93
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21204

(410) 887-4386

June 23, 1993

Mr. & Mrs. David P. Warshaw
 13 S. Beaumont Avenue
 Catonsville, Maryland 21228-5024

RE: PETITION FOR ADMINISTRATIVE VARIANCE
 E/S Beaumont Avenue, 410' S of the c/l of Frederick Road
 (13 S. Beaumont Avenue)
 1st Election District - 1st Councilmanic District
 David P. Warshaw, et ux - Petitioners
 Case No. 93-405-A

Dear Mr. & Mrs. Warshaw:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 the Zoning Administration Office at 887-3391.

Very truly yours,
Timothy M. Kotroco

TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjs

cc: People's Counsel

file

Petition for Administrative Variance
 to the Zoning Commissioner of Baltimore County

for the property located at 13 South Beaumont Ave. Catonsville, MD 21228
 which is presently zoned R.C.-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of this property situated 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 Sections 1802.3.B and 301.1.A of the B.C.Z.R. To permit a rear yard setback of 20' in lieu of the required 22.5' and a side yard setback of 5.4' in lieu of the required 6' for an open deck.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)
 - Building within the setback would make the deck too small to be used as an outdoor living area or a play area for our child.
 - The existing concrete slab is in very poor condition. Building within the setback would have a significant impact upon the property. The proposed deck would cover the entire slab.

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.

(We do solemnly declare and affirm, under the penalties of perjury, that the facts and the legal interests of the property which is the subject of this petition.)
 Legal Owner(s):
 David P. Warshaw
 David P. Warshaw
 Gay L. Warshaw
 David P. Warshaw
 (410) 744-4947
 13 South Beaumont Ave. (410) 224-1715
 Catonsville, MD 21228-5024
 David P. Warshaw
 13 South Beaumont Ave. (410) 224-1715

A Public Hearing having been required and/or found to be required by the Zoning Regulations of Baltimore County, this petition is set for a public hearing, convenient, as required by the Zoning Regulations of Baltimore County, in the presence of the Zoning Commissioner of Baltimore County, and that the property be regulated.

REVIEWED BY: JLM DATE 5-19-93
 ESTIMATED POSTING DATE: 6-6-93
 ITEM #: 419

ORDER RECEIVED FOR FILING
 Date 6/23/93
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 6/23/93
 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) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at: 13 South Beaumont Avenue
 Catonsville, MD 21228-5024

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 hardship or practical difficulty.)
 Practical Difficulty:
 - Building within the setback would make the deck too small to be used for an outdoor living area or a play area for our child.
 - The existing concrete slab is in very poor condition. Building within the setback would have a significant impact upon the property. The proposed deck would cover the entire slab.

That Affiant(s) acknowledge(s) that if a process is filed, Affiant(s) will be required to pay a reprinting and advertising fee and may be required to provide additional information.

David P. Warshaw
 David P. Warshaw
 Gay L. Warshaw

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
 I HEREBY CERTIFY, this 17th day of May, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared DAVID P. & GAY L. WARSHAW

AS WITNESS my hand and Notarial Seal.
 17 May 93
 David P. Warshaw
 My Commission Expires: 1/26/94

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 13 South Beaumont Avenue
 Election District 1 Councilmanic District 1

Beginning at a point on the East side of South Beaumont Avenue which is 50 feet (number of feet of right-of way width) wide at a distance of 410 feet South of the centerline of the nearest improved intersecting street Frederick Road which is 66 feet wide. *Being Lot 11

Block Section in the subdivision of Beaumont Gardens as recorded in Baltimore County Plat Book # 618-25, Folio # 72, containing 6816.3 sq feet of land.

*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.

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

419

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 101 Date of Posting: 6/3/93
 Posted for: Variance
 Petitioner: David & Gay Warshaw
 Location of property: 13 (E/S) Beaumont Ave, 410' S of Frd. Rd.
 Location of Sign: City of Baltimore
 Remarks:
 Posted by: [Signature] Date of return: 6/1/93
 Number of Signs: 1

Baltimore County Zoning Administration & Development Management
 111 West Chesapeake Ave
 Towson, Maryland 21204
 Account: R-001-6150
 Date: 5-19-93
 Amount: \$85.00

DAVID WARSHAW - 13 SOUTH BEAUMONT AVENUE
 Admin. V (010) 50
 Posting (080) 35
 85
 93-405-A

Please Make Checks Payable To: Baltimore County
 Cashier Validation

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:
 1) Posting fees will be assessed and paid to this office at the time of filing.
 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
 NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jarlon, Director

For newspaper advertising:
 Item No.: 419
 Petitioner: David Warshaw

Location: 13 South Beaumont Ave.
 PLEASE FORWARD ADVERTISING BILL TO:
 NAME: David Warshaw
 ADDRESS: (Same)

PHONE NUMBER: (410) 744-4947

Ad: ggs (Revised 04/09/93)

Name and Address	Time	Class	Remarks
Stanley Rochkind Thomas Dean Benjamin H. Lewis, III THE GINTEX CORPORATION c/o Old Father's Texas Style Barbeque 6000 Liberty Road Baltimore, MD 21207	4:00 p.m.	B(BWL) SHOW CAUSE	Hearing to Show Cause Why License Should Not Be Suspended or Revoked Due to Alleged Violations. Article 2B-Ann. Code of MD Sect. 69. Causes Sect. 70. Procedure Sect. 2. Definitions Sect. 3. Prohibition Without License or Permit Sect. 19. Beer, Wine & Liquor License, Class B (on Sale) Sect. 76 Display of License RULES & REGS LIQUOR LI.COMM. Rule 16. Cooperation Rule 33. Definition of Restaurant
District (03) Kropfelder			

*Postponed
Rescheduled for
June 21, 1993
at 4:00 P.M.*

BALTIMORE COUNTY LIQUOR BOARD
June 14, 1993

SUPPLEMENT

Name and Address	Time	Class	Remarks
John A. Luetkemeyer, Jr. BLAKEHURST CLUB, INC. 1055 West Joppa Road Towson, MD 21204 District 09	12:45 p.m.	C(BWL) NEW LICENSE	Application for New Class C (on Sale) Beer, Wine, and Liquor License Atty. Robert A. Hoffman

Page 4 of 4

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 11, 1993

Mr. and Mrs. David P. Warshaw
13 South Beaumont Avenue
Catonsville, MD 21228-5024

RE: Case No. 93-405-A, Item No. 419
Petitioner: David P. Warshaw, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Warshaw:

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 May 19, 1993, and a hearing was 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.



5-26-93

HELENE KEHRING
Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 419 (JCM)

Dear Ms. Winiarski:

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.

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

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: June 3, 1993

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Thomas Stankovic, Item No. 418, One High Noon Way
David P. Warshaw, Item No. 419, 13 S. Beaumont Ave.
Mary Catherine Boteler, Item No. 422, 9001 Harford Hills Garth
James G. Green, Item No. 423, 1501 Serpentine Road

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 887-3480.

Prepared by: *Jeffrey M. Long*
Division Chief: *Edny L. Kerns*

PK/JL:lw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
Captain Jerry Pfeifer
Fire Department
Date: May 27, 1993

FROM: Fire Department

SUBJECT: Comments for 06/08/93 Meeting

Item 405	Building shall comply with applicable provisions of the 1991 Life Safety Code.
Item 416	No Comments
Item 417	No Comments
Item 418	No Comments
Item 419	No Comments
Item 420	No Comments
Item 421	No Comments
Item 422	No Comments
Item 423	No Comments
Item 424	No Comments

JP/dmc

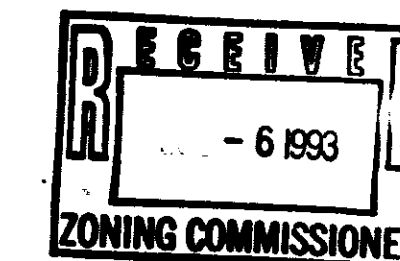
RECEIVED
MAY 28 1993
ZADM

CPS-008

file

David P. Warshaw
13 South Beaumont Avenue
Catonsville, MD 21228-5024
(410) 744-4947 (home)
(410) 224-8770 (work)

6/30/93



Timothy M. Kotroco
Deputy Zoning Commissioner
For Baltimore County
Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Proposed amendment to petition for administrative variance
Case No. 93-405-A

Dear Mr. Kotroco:

Enclosed please find a copy of the decision rendered in the above-captioned case. Additionally, please find a copy of the original site plan as well as a redlined copy of the proposed amended plan. The only difference proposed is to square off the northeast corner of the deck so that it would be a 10' x 23' rectangle. The proposed change would still fall within the setbacks granted in the attached decision.

If you find that the proposed change falls within the spirit and intent of the original decision, I would appreciate it if you would indicate that to me.

Thank you for your assistance.

David P. Warshaw
David P. Warshaw

*The Petitioner's
Request to square off
this deck is approved.
Timothy Kotroco
7/9/93*

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

May 27, 1993

(410) 887-3353

David and Gay Ibrahim
13 S. Beaumont Avenue
Catonsville, Maryland 21228

Re: CASE NUMBER: 93-405-A (Item 419)
13 S. Beaumont Avenue
1/3 Beaumont Avenue, 410' S of c/o Frederick Road
1st Election District - 1st Commercial

Dear Petitioner(s):

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refreshers regarding the administrative process.

1) Your property will be posted on or before June 6, 1993. The closing date (June 21, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases regarding public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Arnold Jablon
Arnold Jablon
Director

To whom it may concern:

We, Helen and Frank Whittle, residing at 11 South Beaumont Avenue, have reviewed the plans for the 10' x 23' deck, proposed by David Warshaw to be built on the northeast corner of his home, and have no objections to its construction.

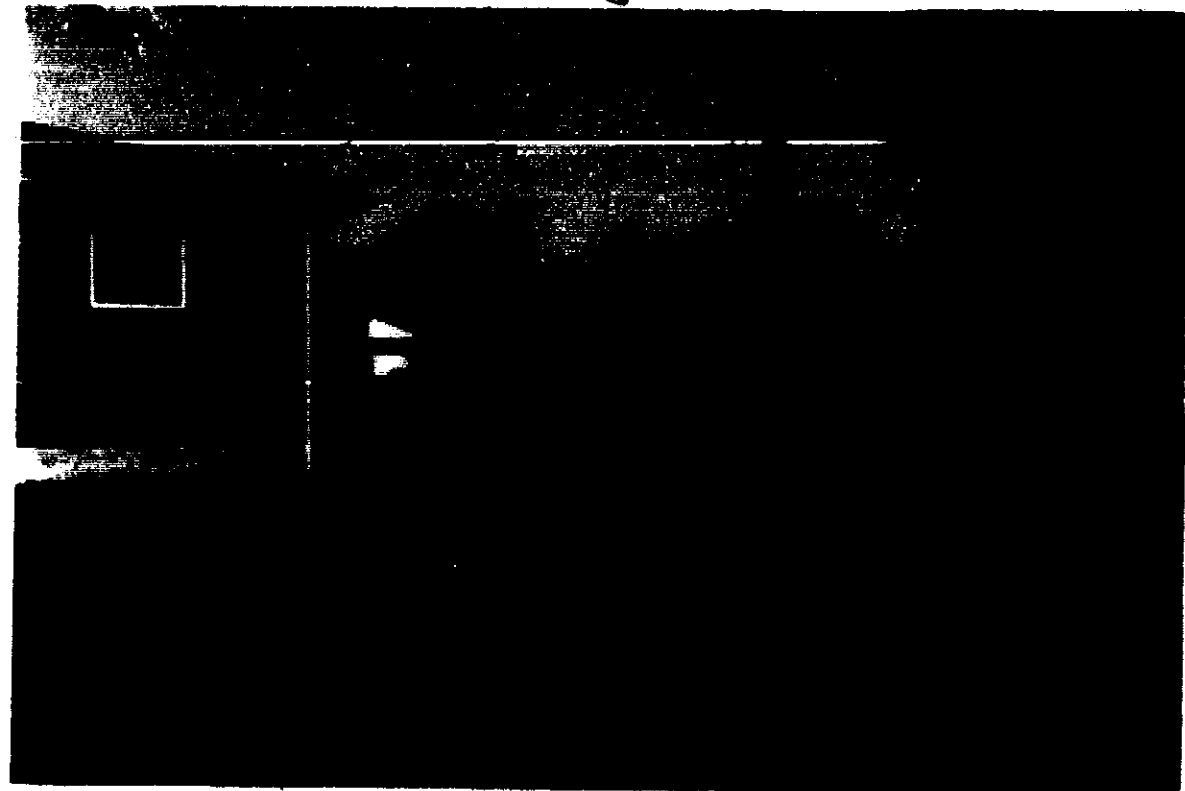
Helen M. Whittle 5/10/93
Helen Whittle Date

Frank Whittle 5/12/93
Frank Whittle Date

419

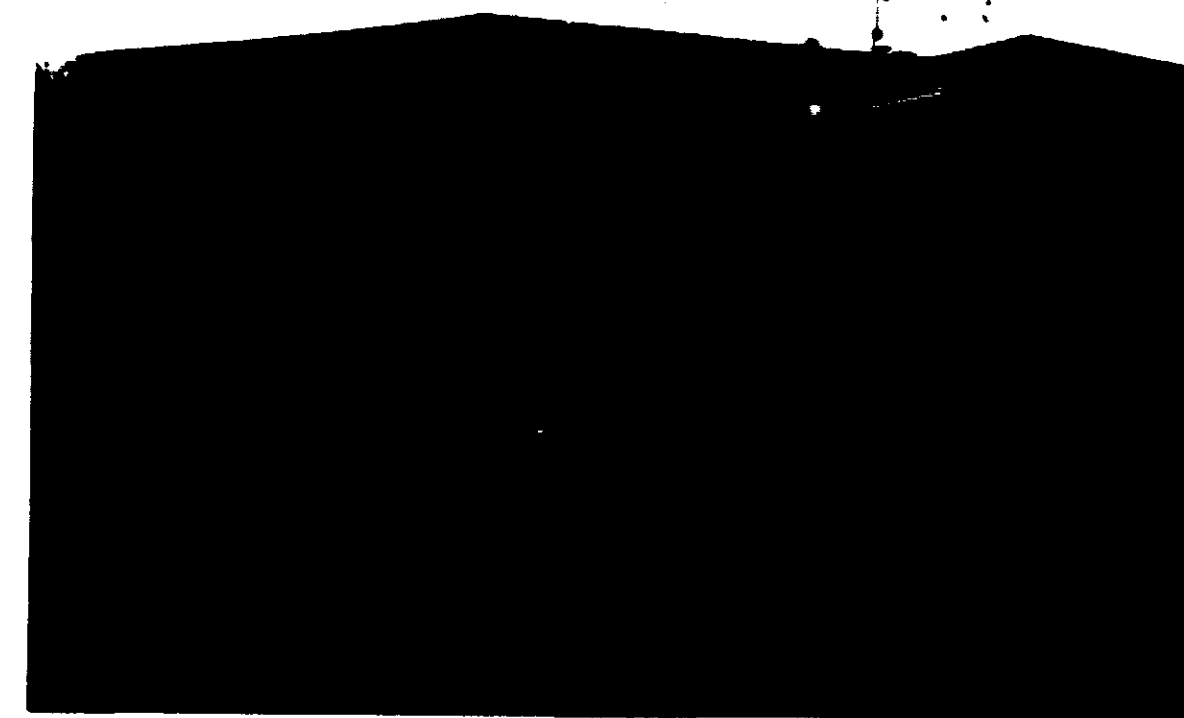


Looking East



Looking West

93-405-A



Looking South



Looking East

93-405-A

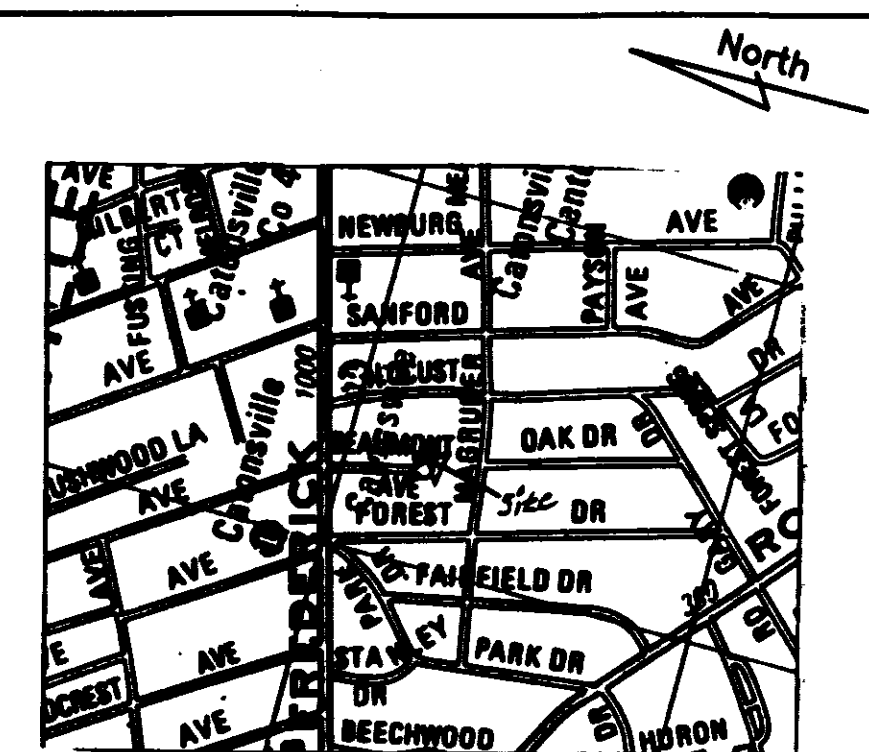
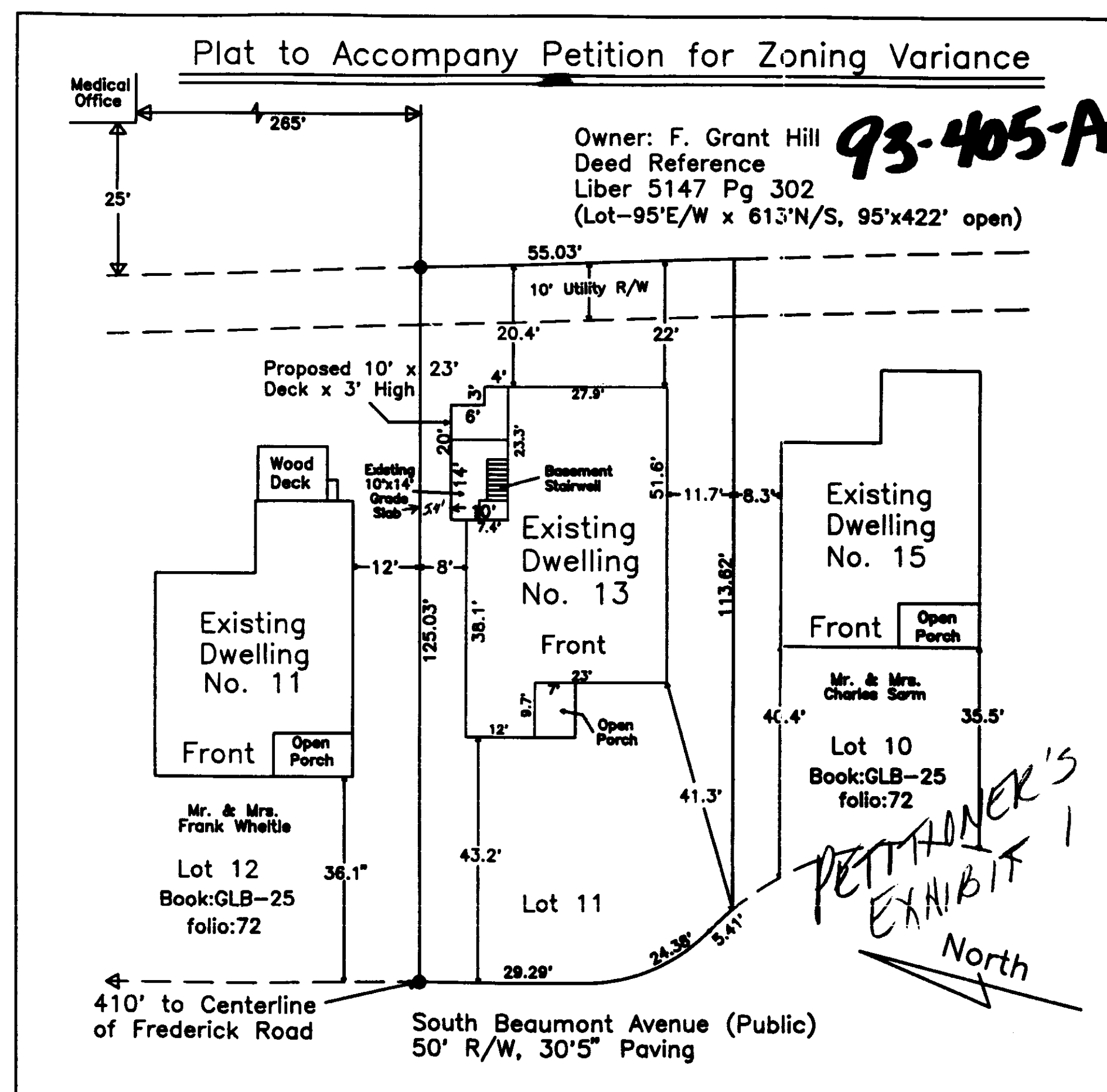


Looking West



Looking West

93-405-A

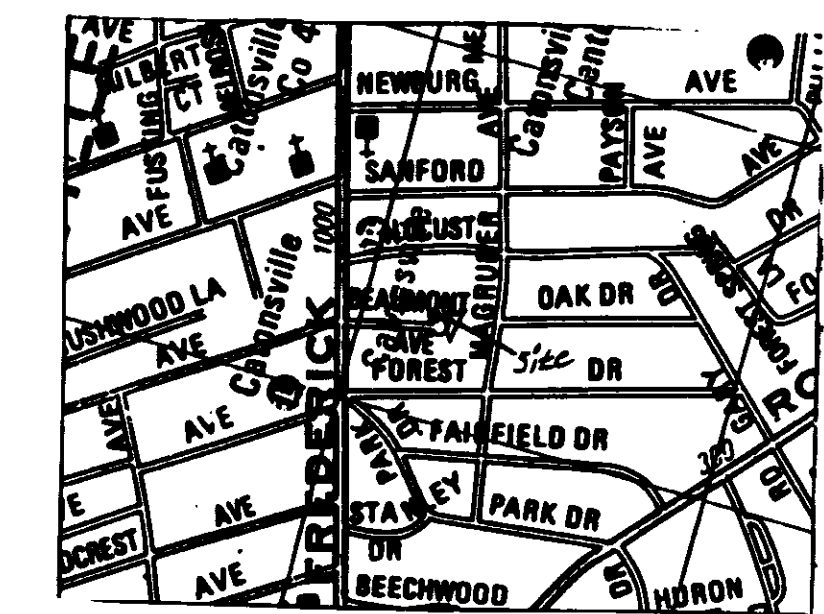
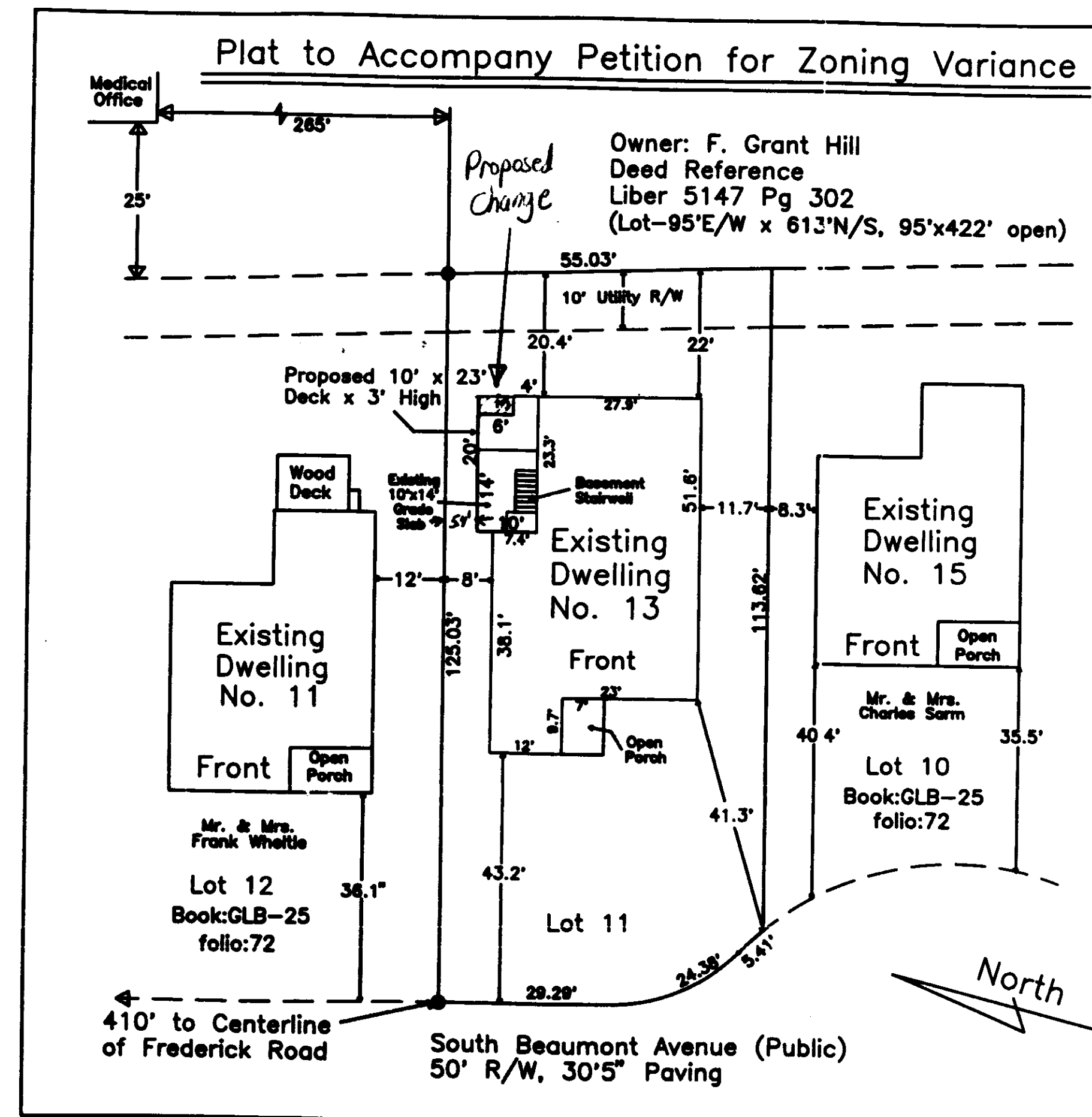


Property Address: 13 South Beaumont Avenue
Subdivision name: Beaumont Gardens
Plat book: GLB-25 folio: 72 lot: 11
Owner: David & Gay Warshaw
Date: May 15, 1993
Prepared by: David Warshaw
Scale of Drawing: 1" = 20'

Councilmanic District: 1
Election District: 1
1"=200' scale map: SW-3F
Zoning: D.R.-5.5
Lot size: 0.157 Acres, 6816.3 Sq. Feet
Public Sewer & Water
Chesapeake Bay Critical Area: No
Prior Zoning Hearings: None

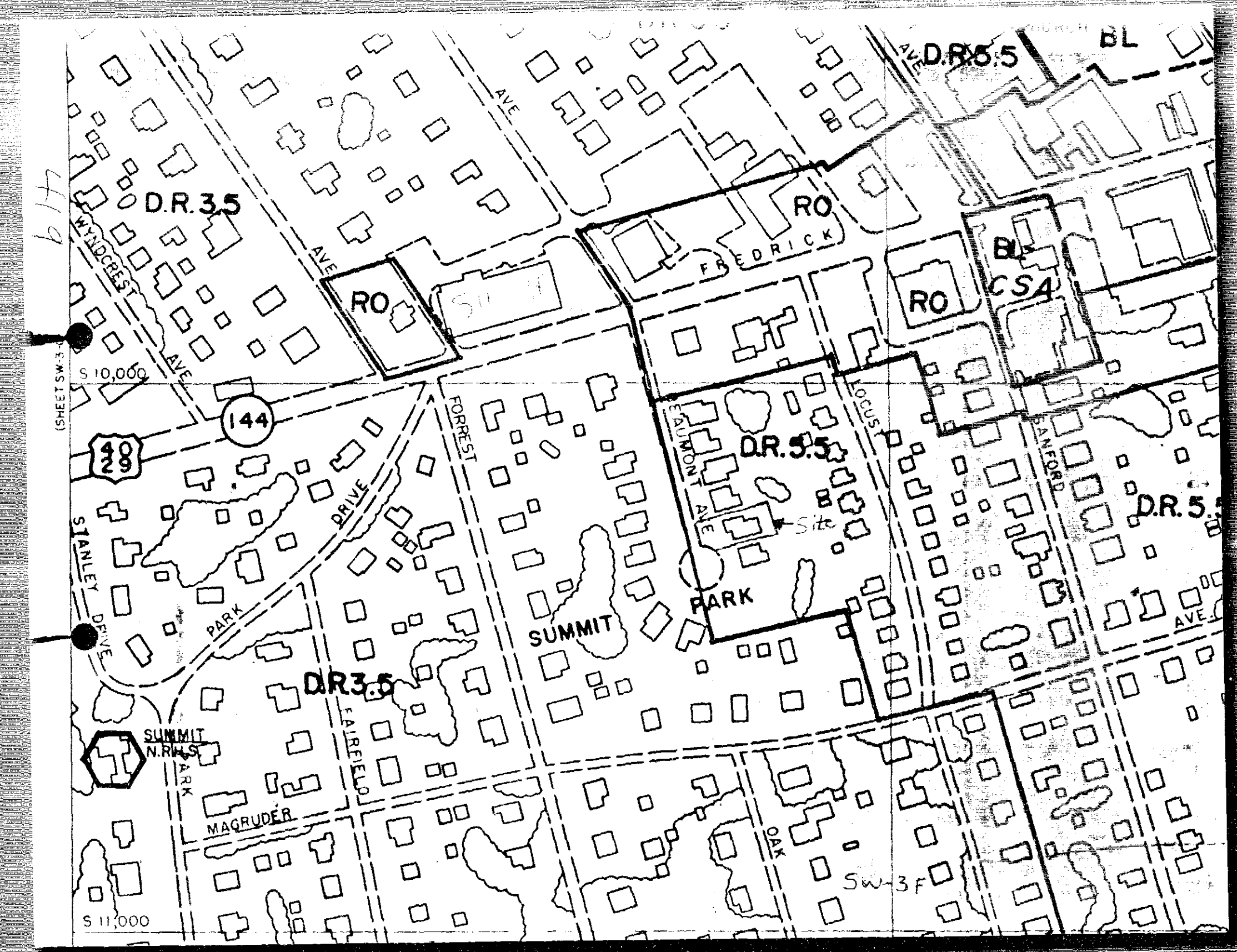
PETITIONER'S EXHIBIT 1

JCM 419



Property Address: 13 South Beaumont Avenue
Subdivision name: Beaumont Gardens
Plat book: GLB-25 folio: 72 lot: 11
Owner: David & Gay Warshaw
Date: May 15, 1993
Prepared by: David Warshaw
Scale of Drawing: 1" = 20'

Councilmanic District: 1
Election District: 1
1"=200' scale map: SW-3F
Zoning: D.R.-5.5
Lot size: 0.157 Acres, 6816.3 Sq. Feet
Public Sewer & Water
Chesapeake Bay Critical Area: No
Prior Zoning Hearings: None



93-405-A BALTIMORE CO OFFICE OF PLANNING PHOTOGRAPHY

PREPARED BY AIR PHOTOGRAPHS, INC.
MARTINSBURG, W. V. 25401

#419 SW-3F