

IN RE: PETITION FOR ADMIN. VARIANCE  
 S/S Proctor Lane, 135' W of  
 Oak White Road  
 (3835 Proctor Lane)  
 11th Election District  
 5th Councilmanic District  
 Donald R. Muir, et ux  
 Petitioners

\* BEFORE THE  
 \* ZONING COMMISSIONER  
 \* OF BALTIMORE COUNTY  
 \* Case No. 93-416-A

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Donald R. and Michelle L. Muir. The Petitioners request relief from Sections 1801.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) (1971-1992 Regulations) to permit a windowed wall to tract boundary setback of 17 feet in lieu of the required 35 feet for a proposed addition, and to amend the last amended development plan of Pinedale Woods to permit construction outside the building envelope for Lot 84-G of Section II, as more particularly described on 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.

It should be noted that a preliminary review of this proposal as set forth on Petitioner's Exhibit 1 left several questions unanswered concerning the future use of the existing garage and driveway on the property. Pursuant to my letter dated June 30, 1993 to the petitioners, a revised site plan addressing those issues was submitted to this office for

final review and consideration. Said plan has been incorporated into the file and marked as Petitioner's Exhibit 1A.

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, 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 Zoning Commissioner for Baltimore County this 22nd day of July, 1993 that the Petition for Administrative Variance requesting relief from Sections 1801.2.C.2.a of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) (1971-1992 Regulations) to permit a windowed wall to tract boundary setback of 17 feet in lieu of the required 35 feet for a proposed addition, and to amend the last amended development plan of Pinedale Woods to permit construction outside the building envelope for Lot 84-G of Section II, in accordance with Petitioner's Exhibit 1A, 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.

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

3) The existing driveway and curb cut are to be removed and replaced with a pervious surface prior to the issuance of any occupancy permits.

4) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

*Lawrence E. Schmidt*  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
 Date 7/23/93  
 By [Signature]

Baltimore County Government  
 Zoning Commissioner  
 Office of Planning and Zoning



Suite 113 Courthouse  
 400 Washington Avenue  
 Towson, MD 21284

July 22, 1993

(410) 887-4386

Mr. & Mrs. Donald R. Muir  
 3835 Proctor Lane  
 Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
 S/S Proctor Lane, 135' W of Oak White Road  
 (3835 Proctor Lane)  
 11th Election District - 5th Councilmanic District  
 Donald R. Muir, et ux - Petitioners  
 Case No. 93-416-A

Dear Mr. & Mrs. Muir:

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 and Development Management office at 887-3391.

Very truly yours,

*Lawrence E. Schmidt*  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

LES:bjs

cc: People's Counsel

File



**Petition for Administrative Variance**  
 93-416-A  
**to the Zoning Commissioner of Baltimore County**  
 for the property located at 3835 Proctor Lane  
 which is presently zoned DR 3.5 & B-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the 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 1801.2.C.2.a (BCZR) and V.B.5.a (CMDFP) 1971-1992 regulations. To permit a windowed wall to tract boundary setback of 17 ft. in lieu of the required 35 ft. (for a proposed addition) and to amend the last amended development plan of Pinedale Woods to permit construction outside of the building envelope for lot 84-G in Section II. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Due to the covenance of our Home Owner Association, we are unable to have a storage shed on our property. I am currently using my one car garage for storage.

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.

When do owners declare and affirm, under the penalties of perjury, that they are the legal owner(s) of the property which is the subject of the petition.

Legal Owner(s)  
 Donald Russell Muir  
 Michelle Lee Muir

Address  
 3835 Proctor Lane  
 Baltimore MD 21236

City State Zip Code  
 Baltimore MD 21236

**Affidavit in support of 93-416-A**  
**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 3835 Proctor Lane  
 Baltimore Maryland 21236

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)

Due to the covenance of our Home Owner Association, we are unable to have a storage shed on our property. I am currently using my one car garage for storage. Because of this, I am unable to use it as a garage. I would like to request a variance to construct a two car garage, such that I can have both storage and a place to park my vehicles. It is my intention that the construction would appear compatible with the existing neighboring homes.

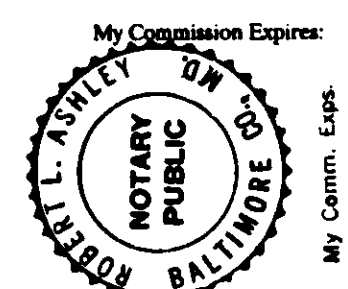
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

*Donald R. Muir*  
 Donald R. Muir  
*Michelle L. Muir*  
 Michelle L. Muir

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:  
 I HEREBY CERTIFY, this 26 day of July, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(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 Seal.  
[Signature]  
 My Commission Expires: Sept. 4, 1996



**M&H DEVELOPMENT ENGINEERS, INC.**

200 East Joppa Road  
 Room 101, Shell Building  
 Towson, Maryland 21284  
 (301) 828-9060

**ZONING DESCRIPTION FOR 3835 PROCTOR LANE**

Beginning at a point on the south side of Proctor Lane which is 70 foot of right-of-way wide at the distance of 135' +/- west of the centerline of Oak White Road which is 50 foot of right-of-way wide. Being Lot 84, Block G, Section II in the subdivision of Pinedale Woods as recorded in Baltimore County Plat Book 41, Folio 32, containing 0.22 acres, more or less. Also know as 3835 Proctor Lane and located in the 11th Election District.



811001VJ8

**CERTIFICATE OF POSTING**  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 11A Date of Posting: 6/1/93  
 Posted for: Variance  
 Petitioner: Donald L. Michell, Muir  
 Location of property: 3835 Proctor Lane, 5/4, 135' W of Oak White Rd  
 Location of Sign: Posting 900 sq. ft. property of Petitioner  
 Remarks:  
 Posted by: [Signature] Date of return: 6/1/93  
 Number of Signs: 1

Baltimore County  
 Zoning Administration &  
 Development Management  
 111 West Chesapeake Avenue  
 Towson, Maryland 21284

Date 5/27/93

93-416-A

Account: R-021-2118  
 Number 430  
 By JLL

ADMIN VARIANCE FILING FEE CODE: 010 = \$50.00  
 (1) SIGN POSTING FEE CODE: 080 = \$35.00  
 TOTAL: \$85.00

NAME: MICHELLE MUIR  
 LOCATION: 3835 PROCTOR LA.

03A0310192HCRC  
 BA C010127A05-27-93

Cashier Validation

RECEIVED BY: [Signature] DATE: 5/27/93  
 ESTIMATED POSTING DATE: 6/13/93

Zoning Commissioner of Baltimore County  
 ITEM #: 430

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/neighborhood 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 Jablon, Director

For newspaper advertising:  
Item No.: 430  
Petitioner: Michelle Muir  
Location: 3835 Proctor Lane Baltimore

PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Michelle Muir  
ADDRESS: 3835 Proctor Lane Baltimore, Md 21236  
PHONE NUMBER: 254-6620

AJ:998 (Revised 04/09/93)

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

June 21, 1993

Mr. and Mrs. Donald Russell Muir  
3835 Proctor Lane  
Baltimore, MD 21236

RE: Case No. 93-416-A, Item No. 430  
Petitioner: Donald Russell Muir, et ux  
Petition for Administrative Variance

Dear Mr. and Mrs. Muir:

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 27, 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.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

June 30, 1993 (410) 887-4386

Mr. & Mrs. Donald R. Muir  
3835 Proctor Lane  
Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
S/S Proctor Lane, 135' W of Oak White Road  
(3835 Proctor Lane)  
11th Election District - 5th Councilmanic District  
Donald R. Muir, et ux - Petitioners  
Case No. 93-416-A

Dear Mr. & Mrs. Muir:

This office is currently reviewing your request for variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.). Pursuant to the petition filed, the relief requested is for a proposed two-car garage addition on the east side of the existing dwelling.

The site plan and photographs submitted with your Petition show that there is an existing driveway on the west side of the dwelling at the entrance to the existing single garage. However, the plan does not show whether there will be a new driveway installed and whether the existing driveway will be eliminated. Further, there is no indication of the use proposed for the existing single car garage. Do you intend to continue using this space for storage purposes or do you plan to convert this area to habitable living space?

Prior to making a decision in this matter, the questions raised above need to be addressed. Furthermore, a revised site plan must be submitted which more clearly reflects the existing and proposed uses on the subject property. Therefore, no decision in this matter will be made until receipt of the requested documentation.

Your prompt attention in this matter will be greatly appreciated and should you have any questions on the subject, please do not hesitate to contact me.

Very truly yours,  
Lawrence E. Schmidt  
Zoning Commissioner  
for Baltimore County

LES:bjbs  
cc: File

Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kasoff  
Administrator

6-3-93

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No: # 430 (TLL)

Dear Ms. Kehring:

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 effected 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 \_\_\_\_\_  
Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5862 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

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

DATE: June 14, 1993

SUBJECT: 3835 Proctor Lane

INFORMATION:  
Item Number: 430  
Petitioner: Donald Russell Muir  
Property Size: \_\_\_\_\_  
Zoning: D.R. 5.5 and D.R. 3.5  
Requested Action: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_

SUMMARY OF RECOMMENDATIONS:  
Staff supports the applicant's request provided the following conditions are attached to the order.

- Eliminate the existing curb cut and driveway serving the present garage.
- Any improvement should be generally compatible with the built environment of the neighborhood.

Prepared by: Jeffrey W. Long  
Division Chief: Gary L. Kern  
PK/JL:lw

BALTIMORE COUNTY, MARYLAND  
Inter-Office Correspondence

TO: Zoning Advisory Committee  
DATE: June 7, 1993

FROM: Captain Jerry Pfeifer

SUBJECT: June 14, 1993 Meeting

#425 No Comments  
#426 Building shall comply with the 1991 Life Safety Code  
#427 No Comments  
#428 Building shall comply with the 1991 Life Safety Code  
#429 No Comments  
#430 No Comments  
#431 No Comments  
#432 No Comments

RECEIVED  
JUN 8 1993  
ZADM

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

JUNE 7, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Donald and Michelle Muir  
3835 Proctor Lane  
Baltimore, Maryland 21236

RE: CASE NUMBER: 93-416-A (Item 430)  
3835 Proctor Lane  
S/S Proctor Lane, 135' W of Oak White Road  
11th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case, should reference the case number and be directed to 887-3393. This notice also serves as a refilee regarding the administrative process.

- 1) Your property will be posted on or before June 13, 1993. The closing date (June 28, 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. They 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 requiring 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. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon  
Director

PHOTOGRAPH ADDENDUM

Owner: Donald R. & Michelle I. Muir  
Property Address: 3835 Proctor Lane  
City: Towson, Baltimore MD Zip Code: 21236  
Lender: Leeds Federal Savings & Loan

93-416-A

FRONT VIEW OF SUBJECT PROPERTY

REAR VIEW OF SUBJECT PROPERTY

STREET SCENE

