

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE  
SEC. W. Seminary Avenue and Front Avenue  
333 W. Seminary Avenue  
8th Election District  
4th Councilmanic District  
W. Curtis Russell, et ux  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 94-120-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by W. Curtis Russell and Sarah B. Russell, his wife, for that property known as 333 W. Seminary Avenue located in the Lutherville (Historic District) section of Baltimore County. The Petitioners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) with a height of 21 ft., in lieu of the maximum permitted 15 ft., as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

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 variance 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 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 Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21<sup>st</sup> day of October, 1993 that the Petition for a Zoning Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) with a height of 21 ft., in lieu of the maximum permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- The 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.
- The construction of the garage shall be in a manner consistent with the architectural plans submitted to, and approved by, the Baltimore County Landmarks Preservation Commission.
- When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

LES:mn

ORDER RECEIVED FOR FILING  
Date 10/21/93  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 20, 1993

Mr. and Mrs. W. Curtis Russell  
333 W. Seminary Avenue  
Lutherville, Maryland 21093

RE: Petition for Administrative Variance  
Case No. 94-120-A  
Property: 333 W. Seminary Avenue

Dear Mr. and Mrs. Russell:

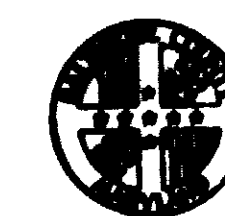
Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

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.

Very truly yours,

[Signature]  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mn  
encl.



Petition for Administrative Variance  
94-120-A  
to the Zoning Commissioner of Baltimore County

for the property located at 333 WEST SEMINARY AVE.  
which is presently zoned DR-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property located 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 400.3 To allow an accessory structure (detached garage) with a height of 21 FT. in lieu of the maximum permitted 15 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons. (Indicate hardship or practical difficulty)

NEW STRUCTURE WAS DESIGNED TO CONFORM WITH EXISTING HISTORIC STRUCTURES. ROOF PEAK COULD NOT BE WELD TO 15'-0" HEIGHT REGULATION.

Property is to be posted and advertised as prescribed by Zoning Regulations 1 or as agreed to any variance advertisement, 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.

Form with signatures of W. Curtis Russell, Sarah B. Russell, and Lawrence E. Schmidt. Includes address: 333 W. SEMINARY AVE, LUTHERVILLE, MD 21093.

All Public Hearings having been requested and/or held as required, as indicated by the Zoning Commissioner of Baltimore County, this is a true and correct copy of the petition as filed for a public hearing, advertisement, or required by the Zoning Regulations of Baltimore County, in full compliance with the Zoning Regulations of Baltimore County, and that the property is as required.

RECEIVED BY 10-24-93 9-17-93  
ESTIMATED POSTING DATE 10-3-93  
ITEM # 129

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) hereunto competent to testify thereon in the event that a public hearing is scheduled in the future with respect thereto.

That the Affiant(s) do(es) presently reside at 333 WEST SEMINARY AVE., LUTHERVILLE, MD 21093

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)

- PROPERTY IS LOCATED IN A BALTIMORE COUNTY HISTORIC PRESERVATION DISTRICT.
- NEW STRUCTURE WAS DESIGNED TO CONFORM AESTHETICALLY WITH SURROUNDING HISTORIC STRUCTURES.
- THE DESIGN INCORPORATES A "12-12" PITCH ROOF (COMMON TO ALL SURROUNDING HISTORIC STRUCTURES)
- THIS ROOF PITCH COULD NOT BE MAINTAINED TO A 15'-0" PEAK ELEVATION.

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

[Signatures of W. Curtis Russell and Sarah B. Russell]

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17<sup>th</sup> day of September, 1993, before me, a Notary Public of the State of Maryland, and in the County aforesaid, personally appeared

W. Curtis Russell and Sarah B. Russell

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the 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, 9/17/93

[Signature]  
My Commission Expires: 10/01/96

EXAMPLE 3 - Zoning Description - 3 copies

94-120-A \$129

ZONING DESCRIPTION FOR 333 WEST SEMINARY AVE.

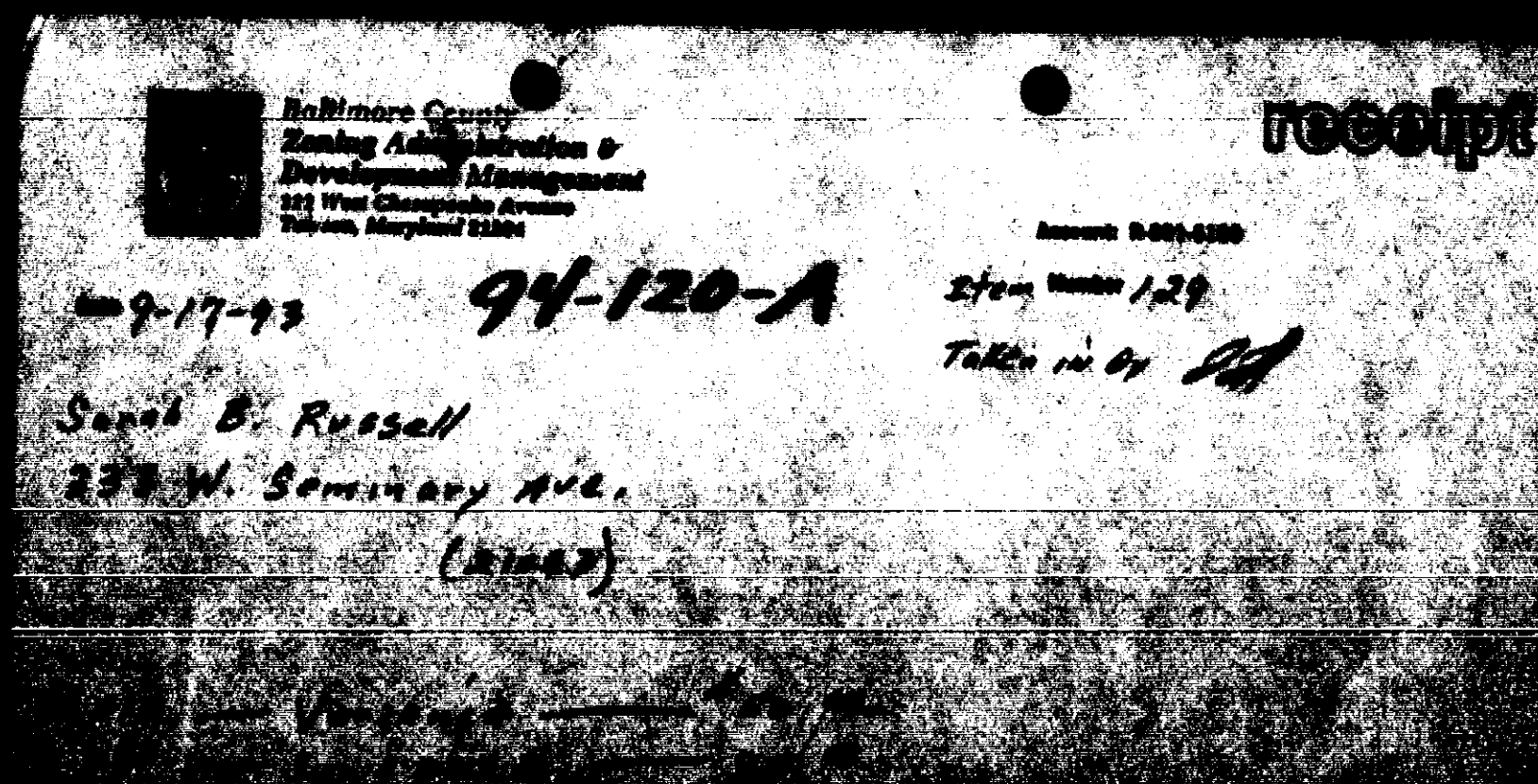
Election District DB Councilmanic District 4

As recorded in Deed Liber \_\_\_\_\_, Folio \_\_\_\_\_:

Beginning at a point on the north side of Seminary Avenue which is 60 feet wide at the center of Front Avenue which is 40 feet wide, S 67° 45' 0" E 120 feet, S 31° 45' 0" W 210 feet, N 67° 45' 0" W 120 feet (to the Center of Front Avenue), N 31° 45' 0" E 210 feet to the place of beginning.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 8th Date of Posting: 10/11/93  
Posted for: Variance  
Petitioner: W. Curtis & Sarah Russell  
Location of property: 333 W. Seminary Ave., Lutherville, Md  
Location of signs: Signs placed on property to be posted  
Remarks:  
Posted by: [Signature] Date of return: 10/15/93  
Number of Signs: 1



Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

October 6, 1993

Mr. and Mrs. W. Curtis Russell  
333 W. Seminary Avenue  
Lutherville, Maryland 21093

RE: Case No. 94-120-A, Item No. 129  
Petitioner: W. Curtis Russell, et ux  
Petition for Administrative Variance

Dear Mr. and Mrs. Russell:

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 September 17, 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.

- 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.

SHA  
**Maryland Department of Transportation**  
**State Highway Administration**

O. James Lighthizer  
 Secretary  
 Hal Kassoff  
 Administrator

9-2243

Re: BALTO. CO.  
 Item No: \*129 (JJS)

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

Dear Ms. Minton:

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 project.

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

BS/

My telephone number is \_\_\_\_\_  
 Maryland Relay Service for Impaired Hearing or Speech  
 1-800-735-2258 Statewide Toll Free  
 Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

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: October 1, 1993

SUBJECT: 333 West Seminary Avenue

INFORMATION:

Item Number: 129

Petitioner: Russell Property

Property Size: \_\_\_\_\_

Zoning: D.R. 2

Requested Action: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

SUMMARY OF RECOMMENDATIONS:

The petition for Administrative Variance is being forwarded to the Baltimore County Landmarks Commission for review and comment as the site is located in the Lutherville Historic District.

Should there be any questions, or if staff can provide additional information, please contact John McGrain at 887-3495.

Prepared by: Jeffrey M. Lewis  
Carol L. Keras

Division Chief: \_\_\_\_\_

PK/JL:lw

*I called John McGrain, was not at home, no cell send me message 10/29/93*

Baltimore County Government  
 Department of Permits and Licenses

111 West Chesapeake Avenue  
 Towson, MD 21204

SEPTEMBER 28, 1993 (410) 887-3610

Arnold Jablon  
 Director  
 Zoning Administration and  
 Development Management  
 Baltimore County Office Building  
 Towson, MD 21204

ZONING AGENDA - MEETING OF SEPTEMBER 27, 1993

RE: Property Owner: Clarence Cox  
 Location: #2929 Eastern Boulevard  
 Item No.: #113 (MJK)  
 No Comments.

RE: Property Owner: Jacqueline Lois LeConte  
 Location: #3 St. Timothy's Lane  
 Item No.: # 118 (RT)  
 1. Fire hydrants for the referenced property are required and shall be located at intervals of 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.  
 Sprinklers shall be installed in accordance with MD State Code, State Bill #658.

RE: Property Owner: Eva M. Nolan & Nicholas J. Nolan  
 Location: #4342 Penn Avenue  
 Item No.: #119 (PT)  
 No Comments.

RE: Property Owner: Dorothy M. Reaman  
 Location: #1402 Edmondson Avenue  
 Item No.: # 120 (JCM)  
 No Comments.

RE: Property Owner: Melvin Gladney and Farmie Gladney  
 Location: #6734 Dogwood Road  
 Item No.: 121 (JCM)  
 No Comments.

RE: Property Owner: Sandra Andrejak  
 Location: NE/S Stemmers Run Road & #613 <Norris Lane - Kenwood's>  
 Item No.: #122 (WCR) & 123 (WCR)  
 No Comments.

RE: Property Owner: William Hirschfeld and Loretta Hirschfeld  
 Location: #15 Merry Hill Court  
 Item No.: 124 (JLL)  
 No Comments.

Baltimore County Government  
 Office of Zoning Administration  
 and Development Management

111 West Chesapeake Avenue  
 Towson, MD 21204

(410) 887-3351

NOTICE OF CASE NUMBER ASSIGNMENT

To: W. Curtis and Sarah B. Russell  
 333 W. Seminary Avenue  
 Lutherville, Maryland 21093

Re: CASE NUMBER: 94-120-A (Item 129)  
 333 W. Seminary Avenue  
 88C W. Seminary Avenue and Front Avenue  
 8th Election District - 4th Case-Planetic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to 887-3351. This notice also serves as a reminder regarding the administrative process.

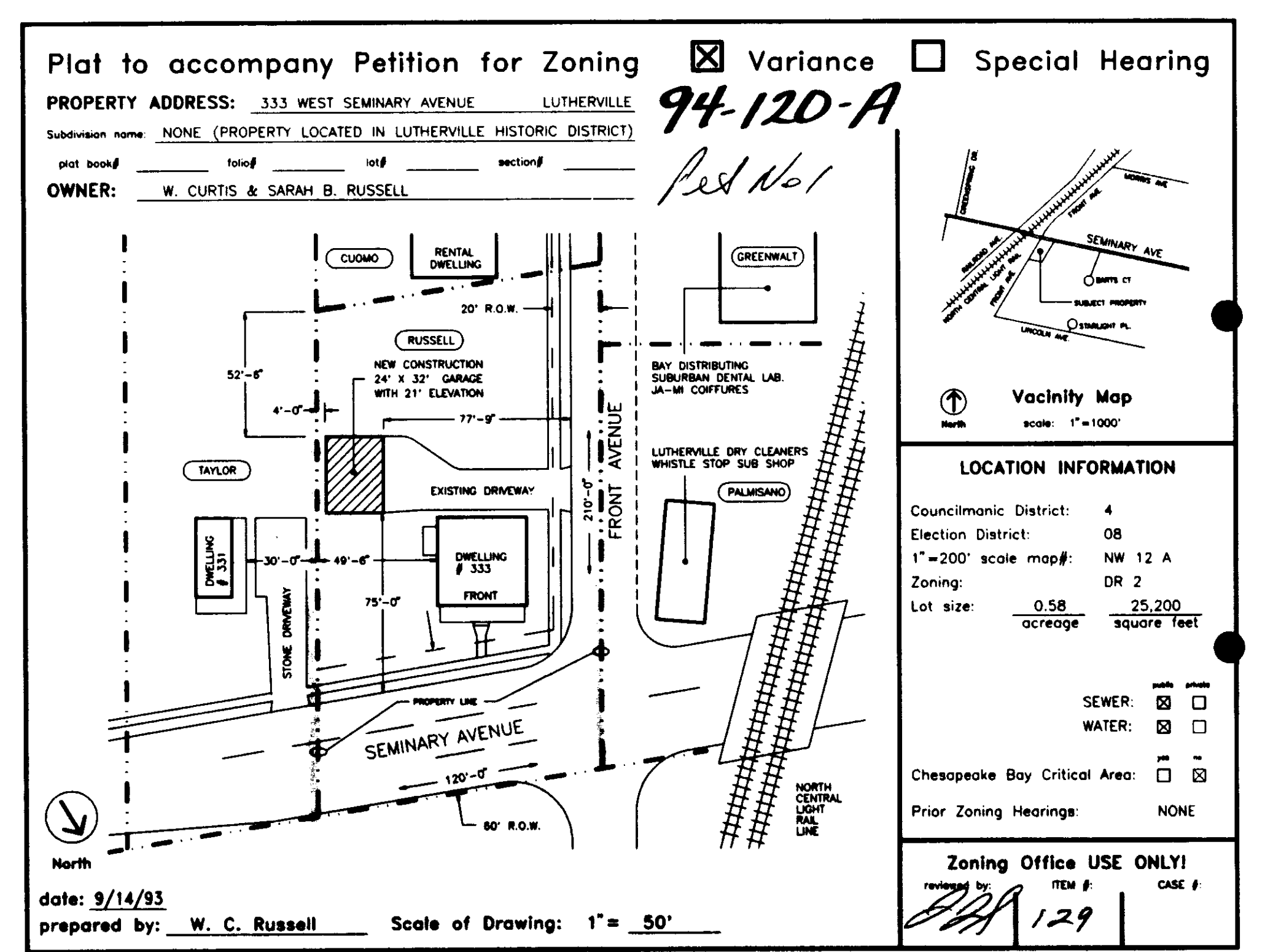
1) Your property will be posted on or before October 1, 1993. The closing date (October 18, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested 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 reposted 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 \$60.00 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



MINUTES OF THE LANDMARKS PRESERVATION MEETING OF JULY 8, 1993 (continued)

Baltimore County, Maryland  
 Date OCT 20 1993

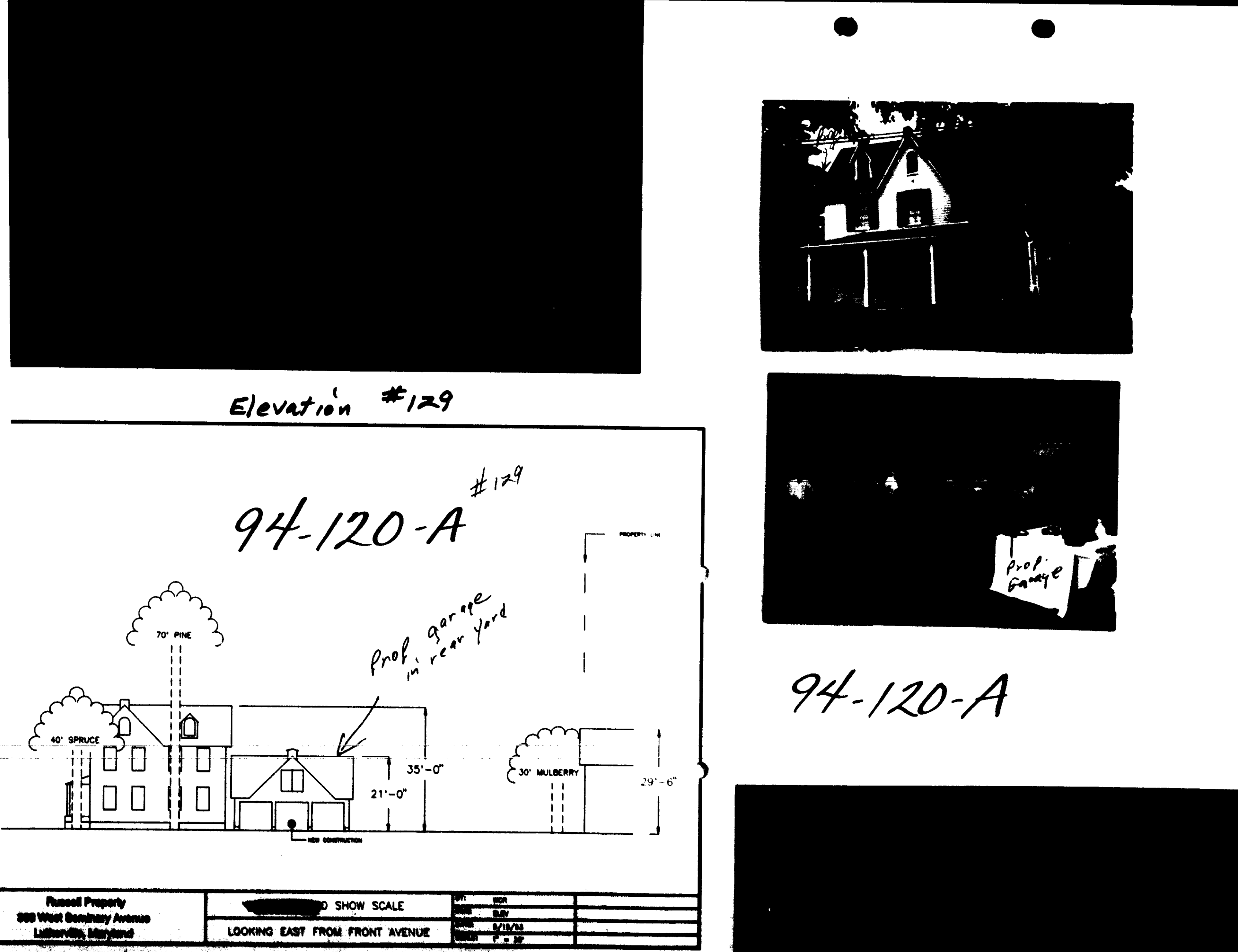
4. Letter from Historic Glyndon  
 Mrs. Mascari had received a copy of the OPZ praising the efforts of OP protecting the historic quality of the Glyndon.

5. Maryland Line Village  
 Mr. Bruce Guthrie introduced the line present and stated that the historic district. He distributed historical photographs of the town to the benefits of having a historic commission expected any more and well preserved by never having being by-passed by I-83. He noted that the town was now much used by produced ten-minute traffic by a P99 was proposed for a strip-galvanized by the traffic and color photos of the houses also ensued.

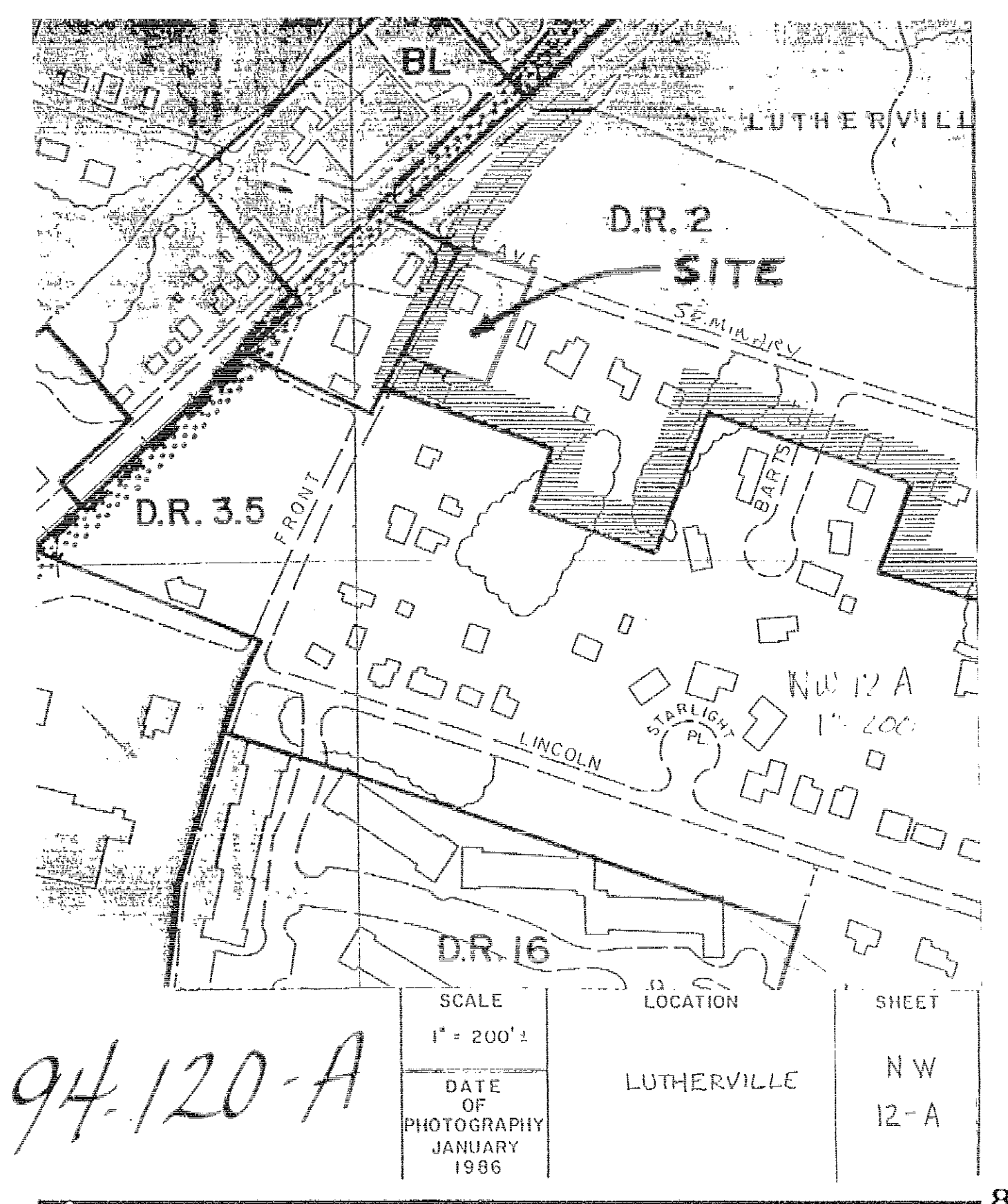
Mr. Guthrie felt that most protection for the historic district but it is physically separated from the main cluster of residences because the bank building and other structures interrupt the string of continuous residences. Mrs. Becky Guthrie noted their concern with the Domino Effect. The chairman pointed out the continuous row of dwellings in the 1877 C. M. Hopkins Atlas. Mrs. Mascari urged Mr. Guthrie to check with the Rev. Edwin Schell of the Methodist Museum about the present ownership and management of the large cemetery next to the former county school. The chairman noted that we wanted to build a strong district. "They are on the right track," noted Mr. Davis.

Mr. Guthrie noted that he would accept comments on his handout sheet addressed to the local property owners and he could be reached at 343-0738. The chairman noted that Maryland Line was to have a community informational meeting at the fire hall on July 19th at 7:30 p.m. It was also mentioned that every district contained a few non-contributing structures.

6. Curtis Russell House  
 Mr. McGrain introduced a professionally drawn plan for the home of Mr. W. Curtis Russell at the SE corner of Seminary and Front Avenues in the Lutherville LPC district. The plan involved infilling the rear of an L-shaped frame house and building a matching garage. The plans were examined and the motion to approve was made by Mr. Davis, seconded by Mrs. Weeks, and unanimously approved.

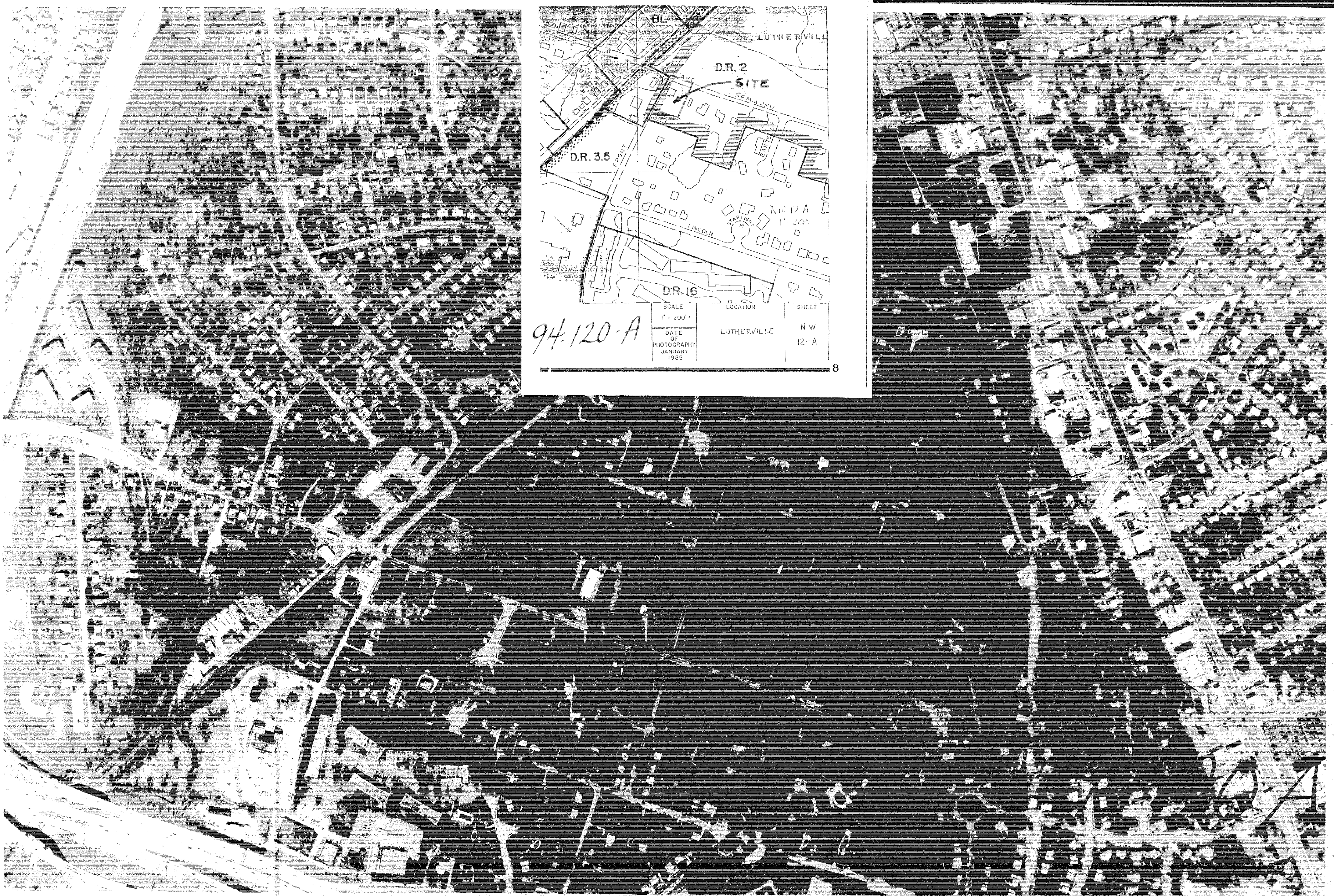


94-120-A



94-120-A

8



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE 1" = 200'±	LOCATION LUTHERVILLE	SHEET NW 12-A
DATE OF PHOTOGRAPHY JANUARY 1986		

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

#244