

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE  
 58/5 Washington Blvd., 325' SW  
 of the 21' of Northeast Ave.  
 (4315 Washington Boulevard)  
 13th Election District  
 1st Councilmanic District

• BEFORE THE  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case No. 94-278-A  
 Petitioners

**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, Robert J. and Millie I. Miller. The petitioners seek relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 21 feet in lieu of the required front average of 27 feet for a proposed addition 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 20-127 (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 14th day of February, 1994, that the Petition for Administrative Variance seeking relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback of 21 feet in lieu of the required front average of 27 feet, for a proposed addition, 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 relief granted herein shall be rescinded.

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

LEB:bjs

ORDER RECEIVED FOR FILING  
 Date 2/15/94  
 By [Signature]

Baltimore County Government  
 Zoning Commission  
 Office of Planning and Zoning

518 113 Courthouse  
 400 Washington Avenue  
 Towson, MD 21284

(410) 887-4386

February 18, 1994

Mr. & Mrs. Robert J. Miller, Jr.  
 4315 Washington Boulevard  
 Baltimore, Maryland 21227

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
 58/5 Washington Blvd., 325' SW of the 21' of Northeast Ave.  
 (4315 Washington Boulevard)  
 13th Election District - 1st Councilmanic District  
 Robert J. Miller, Jr., et ux - Petitioners  
 Case No. 94-278-A

Dear Mr. & Mrs. Miller:

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 807-3911.

Very truly yours,

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

LEB:bjs

cc: People's Counsel

file

**Petition for Administrative Variance**  
 in the Zoning Commission of Baltimore County  
 for the property located at 4315 WASHINGTON BLVD 21227

ORDER RECEIVED FOR FILING  
 Date 2/15/94  
 By [Signature]

303.1 permits a 21' front setback in lieu of the 27' front average setback

SECBACK FROM SHEET TO DWELLING

4315 WASHINGTON BLVD 21227

6300 MD 21227

Robert J. Miller Jr.

2/12/94

**CERTIFICATE OF POSTING**  
 BALTIMORE COUNTY 94-278-A  
 Towson, Maryland

Posted for: *Notice* Date of Posting: *2/22/94*

Petitioner: *Robert J. Miller, Jr.*

Location of property: *4315 Washington Blvd, SEB, 225' SW NE Ave*

Location of signs: *Being erected on property being posted*

Number of signs: *7*

94-278-A

**Affidavit in support of Administrative Variance**

The undersigned hereby affirms under the penalties of perjury in a Zoning Commission of Baltimore County, as follows:

The information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) believe competent to testify thereon in the event that a public hearing is scheduled in the future with regard thereto.

The Affiant(s) reside(s) at property located at 4315 WASHINGTON BLVD  
BALTO MD 21227

I, the undersigned, being personally known to and sworn to by each Affiant(s), and each sworn to in due form of law that the nature and facts hereinafter set forth are true and correct to the best of my knowledge and belief.

SWORN to and attested before me on this 14th day of February, 1994, at Baltimore, Maryland.

Robert J. Miller, Jr. and Millie I. Miller

*Robert J. Miller, Jr.* *Millie I. Miller*

My Commission Expires: 12/11/96

*Deanda K. Johnson*  
 My Commission Expires: 12/11/96

OUR HOUSE AS IT EXISTS NOW RESTS 29' FROM FRONT PROPERTY LINE. WE WISH TO REQUEST OUR ENCLOSED FRONT PORCH INTO A LIVING ROOM AREA THAT WOULD EXTEND 8' FURTHER INTO FRONT YARD LEAVING US WITH A 21' DISTANCE FROM THE PROPERTY LINE BUT 51' FROM CR OF ROAD.

94-278-A

Robert J. Miller, Jr.  
 Millie I. Miller  
 4315 Washington Boulevard  
 Baltimore, Maryland  
 (410) 242-1164  
 January 11, 1994

**ZONING DESCRIPTION FOR: 4315 WASHINGTON BOULEVARD**  
 BALTIMORE, MARYLAND 21227

Election District #13  
 Councilmanic District #1

Beginning at a point on the Southeast side of Washington Boulevard which is 66' wide at a distance of 315 feet Southwest of the centerline of the nearest improved intersecting street Northeast Avenue which is 30' wide. As recorded in Deed Liber C.W.B. 947, Folio 14 and include the measurements and directions 84° 2' 92" W, 546' 8" 206.35' W, 84° 3' 92" W, 846' W 207.66' W, 1 here and on the plat in the correct location.

**receipt**  
 94-278-A

Item Number: 278  
 Taken In By: 27911

010 - Res (Admin) Variance - \$50.00  
 080 - 1 sign - \$15.00  
 Total - \$65.00

Baltimore County Government  
 Office of Zoning Administration  
 and Development Management

111 West Chesapeake Avenue  
 Towson, MD 21284

February 8, 1994

Mr. and Mrs. Robert J. Miller, Jr.  
 4315 Washington Boulevard  
 Baltimore, Maryland 21227

RE: Case No. 94-278-A, Item No. 278  
 Petitioner: Robert J. Miller, Jr., 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. Obviously, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 11, 1994, 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 assessed zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petition filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

# 278



1-2194

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

Re: Baltimore County  
Item No: 278 (MJK)

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 410-332-1350 if you have any questions.  
Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
John Constable, Chief  
Engineering Access Permits  
Division

BS:

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2288 (Toll Free)  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
5th Fl. Address: 707 North Calvert Street • Baltimore, Maryland 21202

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: January 28, 1994

FROM: Pat Keller, 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):  
Item Nos. 277, 278, 281, 286, 287 and 287.  
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 887-3400.

Prepared by: *Jeffrey W. Long*  
Division Chief: *Pat Keller*  
PK/JL:lw

ZAC 277/PZOM/ZAC1

INTER-OFFICE CORRESPONDENCE

DATE: January 27, 1994

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilsbury, DEP  
Development Coordinator, DEP

SUBJECT: Zoning Item #278 - Miller Property  
4315 Washington Blvd.  
Zoning Advisory Committee Meeting of January 24, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.  
Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:MK:sp  
MILLERZ/DEPM/XTSP

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

DATE: 01/29/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21284  
PH: 812-1105

RE: Property Owners: ROBERT JESSE MILLER JR., MILLETTICENT IRENE MILLER  
LOCATION: 5215 WASHINGTON BLVD., 525' SW of CENTERLINE NORTHEAST AVE.,  
(4315 WASHINGTON BLVD.)  
Item No: 278 (MJK) Zoning Agenda: ADMINISTRATIVE VARIANCE

Comments:  
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.  
7. The Fire Prevention Bureau has no comments at this time.

RECEIVED  
JAN 29 1994  
ZADM

REVIEWERS: LT. ROBERT F. SAUERWALD  
Fire Prevention, PHONE 887-8681, RS-1100F  
CC: File

JANUARY 27, 1994

NOTICE OF ZONING VARIANCE ASSIGNMENT

TO: Robert Miller, Jr. and Millicent Miller  
4315 Washington Boulevard  
Baltimore, Maryland 21207

RE: CASE NUMBER: 94-278-A (Item 278)  
4315 Washington Boulevard  
525' Washington Boulevard, 325' SW of 1/2 Northwest Avenue  
13th Election District - 1st Councilmanic

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 887-3400. This notice also serves as a notice regarding the administrative process.

- Your property will be posted on or before January 30, 1994. The closing date (February 15, 1994) 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 notification as to whether or not your petition has been granted or by order of the Commissioner.
  - 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).
  - 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

Plat to accompany Petition for Zoning  Variance  Special Hearing

PROPERTY ADDRESS: 4315 WASHINGTON BLVD  
HALLS GORGE

LOCATION INFORMATION:  
Election District: 13  
Councilmanic District: 1  
1"=200' scale map: SW 6-D  
Zoning: BR-C5-2  
Lot size: 0.44 acres 17044 square feet

OWNER: Miller, Robert and Millicent

WASHINGTON BLVD (60' E/W), 52' FRINGE

North date: 1-29-94  
prepared by: RSM JR Scale of Drawing: 1"=50'

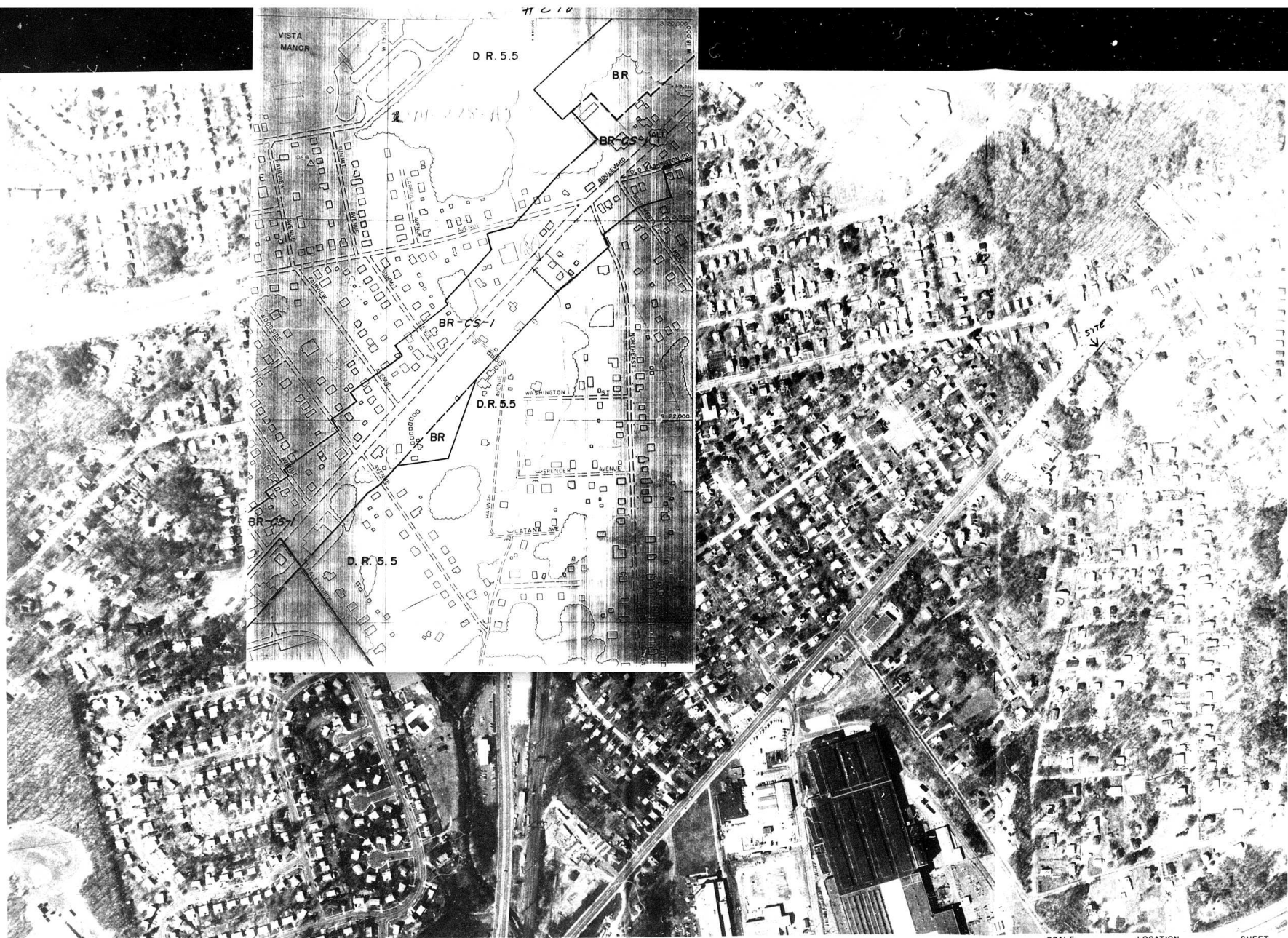


94-278-A



94-278-A





BALTIMORE COUNTY  
 OFFICE OF PLANNING AND ZONING  
 PHOTOGRAPHIC MAP

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

SCALE 1" = 200'	LOCATION #278 HALETHORPE	SHEET SW 6-D
DATE OF PHOTOGRAPHY JANUARY 1986		

94-278-A