

IN RE: PETITION FOR ADMINISTRATIVE	* BEFORE THE
ZONING VARIANCE	
N/S Moore's Branch Ct., 35 ft.	* ZONING COMMISSIONER
W of c/1 Old Court Road	
2 Moore's Branch Court	* OF BALTIMORE COUNTY
3rd Election District	
2nd Councilmanic District	* Case No. 95-4-A
Legal Owners: Donald C. and	
Sharon Mills	*
Contract Purchasers: Robert &	
Damian Schwarcz	*
Petitioners	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Donald C. Mills and Sharon Mills, his wife, for that property known as 2 Moore's Branch Court in the Glenncliffe subdivision of Baltimore County. The Petitioners herein seek a variance from Sections 1B02.3.C.1 and 1B02.3.B of the Baltimore County Zoning Regulations (BCZR) to permit a front street setback of 42 ft., in lieu of the minimum required 50 ft., for an addition, 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

ORDER RECEIVED FOR FILING
 Date 8/4/99
 By Mr. Board

MICROFILMED

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 4th day of August, 1994 that the Petition for a Zoning Variance from Sections 1B02.3.C.1 and 1B02.3.B of the Baltimore County Zoning Regulations (BCZR) to permit a front street setback of 42 ft., in lieu of the minimum required 50 ft., for an addition, be and is hereby GRANTED, subject, however, to the following restriction 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.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmm

COPIES RECEIVED FOR FILING

Date

By

1000-1-1

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 3, 1994

Mr. and Mrs. Donald C. Mills
2 Moore's Branch Court
Brooklandville, Maryland 21022

RE: Petition for Administrative Variance
Case No. 95-4-A
Property: 2 Moore's Branch Court

Dear Mr. and Mrs. Mills:

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,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

cc: Mr. and Mrs. Robert Schwarcz
6936 Ten Timbers Lane
Baltimore, Maryland 21209

cc: Mr. Peter Notari
Notari and Associates
190 W. Ostend Street, Suite 110
Baltimore, Maryland 21230

RECEIVED
AUG 10 1994





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at

2 MOORE'S BRANCH CT. BROOKLANDVILLE, MD 21022

which is presently zoned D.R.I.

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)

BCZR 1B02.3C.1 and 1B02.3B

To permit a front street setback of 42 feet in lieu of the minimum required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The existing house is a small 6-room house, including two bedrooms. The contact purchaser is a growing family of two adults and two children. Due to the narrowness of the lot, a proper addition will not fit within the existing setbacks.

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.

Contract Purchaser/Lessee:

Robert & Damian Schwarcz

(Type or Print Name)

Signature

6936 Ten Timbers Lane.

Address

Baltimore, MD

21209

City

State

Zipcode

Attorney for Petitioner:

N/A

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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.

Legal Owner(s):

Donald C. Mills

(Type or Print Name)

Signature

Sharon Mills.

(Type or Print Name)

Signature

2 Moore's Branch Ct.

Address

Phone No.

Brooklandville

MD

21022

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Peter Notari, Notari Associates

Name

190 W. Ostend St. #110 Baltimore, MD 21230

Address

Phone No.

752-0330

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ 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.

Zoning Commissioner of Baltimore County

REVIEWED BY: *JS*

DATE: 7/8/94

ESTIMATED POSTING DATE: _____



Printed with Soybean Ink
on Recycled Paper

ITEM #: #6

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 6936 Ten Timbers Lane
address
Baltimore, MD 21209
City State Zip Code

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)

It is requested that a variance for a front yard setback of 40 feet
instead of the required 50 feet be permitted in order to allow the
construction of a living/bedroom addition. The lot is narrow,
prohibiting expansion within the existing setbacks. The home
currently has only 6 rooms including two bedrooms. The family has
2 adults and 2 children. The existing house is too small for a
growing family.

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.

Robert Schwarcz
(signature)
Robert Schwarcz
(type or print name)



Damian Schwarcz
(signature)
Damian Schwarcz
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7th day of JULY, 19 94, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ROBERT SCHWARCZ & DAMIAN SCHWARCZ

the Affiants(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.

7/7/94
date

Barbara A. Ely
NOTARY PUBLIC

My Commission Expires:

4/1/95

95-4-A

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 2 MOORE'S BRANCH CT.

(address)

Election District 3

Councilmanic District 2

Beginning at a point on the NORTH side of MOORE'S
(north, south, east or west)

BRANCH CT. which is 40 FEET WIDE
(street on which property fronts) (number of feet of right-of way width)

wide at a distance of 35 FEET WEST of the
(number of feet) (north, south, east or west)

Centerline of the nearest improved intersecting street OLD COURT ROAD
(name of street)

which is 70 FEET wide. *Being Lot # 18,
(number of feet of right-of-way width)

Block PLAT 3, Section # 3 in the subdivision of

GLENCLIFFE as recorded in Baltimore County Plat
(name of subdivision)

Book # 38, Folio # 107, containing

36,969 SF 0.8487 ACRES
(square feet and acres)

*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., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

MICROFILMED

#10

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

B-4-A

District: 3rd

Date of Posting: 7/15/84

Posted for: Variance

Petitioner: Ronald & Sharon Mills

Location of property: 2 Moore's Branch Court

Location of Signs: Facing road way on property being zoned.

Remarks: _____

Posted by: M. Healy

Signature

Date of return: 7/22/84

Number of Signs: 1

MICROFILMED





Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-4-A

Account: R-001-6150

Number #6

Date

7/8/94

Taken by: JRF

2 Moore's Branch Ct.

010 - Variance - \$50.-

080 - Sign \$35.-

\$85.-

MICROFILMED

01A01#0253MICHRD
BA 0002:44PM07-08-94

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Item Number: 6
Planner: JRF
Date Filed: 7-8-94

P E T I T I O N P R O C E S S I N G F L A G

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

✓ _____
The following information is missing:

Descriptions, including accurate beginning point

Actual address of property

Zoning

Acreage

Plats (need 12, only _____ submitted)

200 scale zoning map with property outlined

Election district

Councilmanic district

BCZR section information and/or wording

Hardship/practical difficulty information
✓ _____
~~Owner's signature (need minimum 1 original signature) and/or
printed name and/or address and/or telephone number~~

Contract purchaser's signature (need minimum 1 original
signature) and/or printed name and/or address

Signature (need minimum 1 original signature) and/or
printed name and/or title of person signing for legal
owner/contract purchaser

Power of attorney or authorization for person signing for
legal owner and/or contract purchaser

Attorney's signature (need minimum 1 original signature)
and/or printed name and/or address and/or telephone number

Notary Public's section is incomplete and/or incorrect
and/or commission has expired

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 accessed 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.: 6

Petitioner: DONALD + SHARON Mills

Location: 2 Moore's BRANCH Ct. BALto ~~21022~~
21022

PLEASE FORWARD ADVERTISING BILL TO:

NAME: P. DAMIAN SCHWARZ

ADDRESS: 6936 Ten Timbers Lane
BALtimore, Md. 21209

PHONE NUMBER: 410-486-6180

AJ:ggs

(Revised 04/09/93)



Printed on Recycled Paper

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 22, 1994

Mr. and Mrs. Donald C. Mills
2 Moore's Branch Court
Brooklandville, Maryland 21022

RE: Case No. 95-4-A, Item No. 6
Petition for Administrative Variance
Petitioner: Donald C. Mills, et al.

Dear Mr. and Mrs. Mills:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on July 8, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

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.

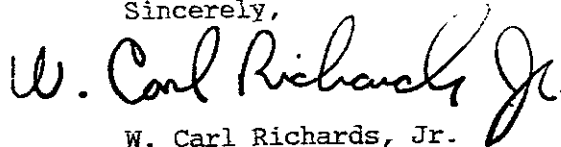
ENCLOSURE

Zoning Plans Advisory Committee Comments
Mr. and Mrs. Donald C. Mills
Date: July 22, 1994
Page 2

2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,



W. Carl Richards, Jr.
Zoning Supervisor

WCR:cmn



Maryland Department of Transportation
State Highway Administration

U. James Lighthizer
Secretary
Hal Kassoff
Administrator

7-19-94

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.: * 6 (JRF)

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

for

DAVID N. RAMSEY, ACTING CHIEF
~~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 Government
Fire Department



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

(410) 887-4500

DATE: 07/19/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 2, 3, 5, AND 6.

RECEIVED

JUL 20 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 14, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Robert and Damian Schwarcz
6936 Ten Timbers Lane
Baltimore, Maryland 21209

Re: CASE NUMBER: 95-4-A (Item 6)
2 Moore's Branch Court
N/S Moore's Branch Court, 35' W of c/l Old Court Road
3rd Election District - 2nd Councilmanic
Legal Owner(s): Donald C. Mills and Sharon Mills
Contract Purchaser(s): Robert and Damian Schwarcz

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 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 17, 1994. The closing date (August 1, 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.

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 reposting 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.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

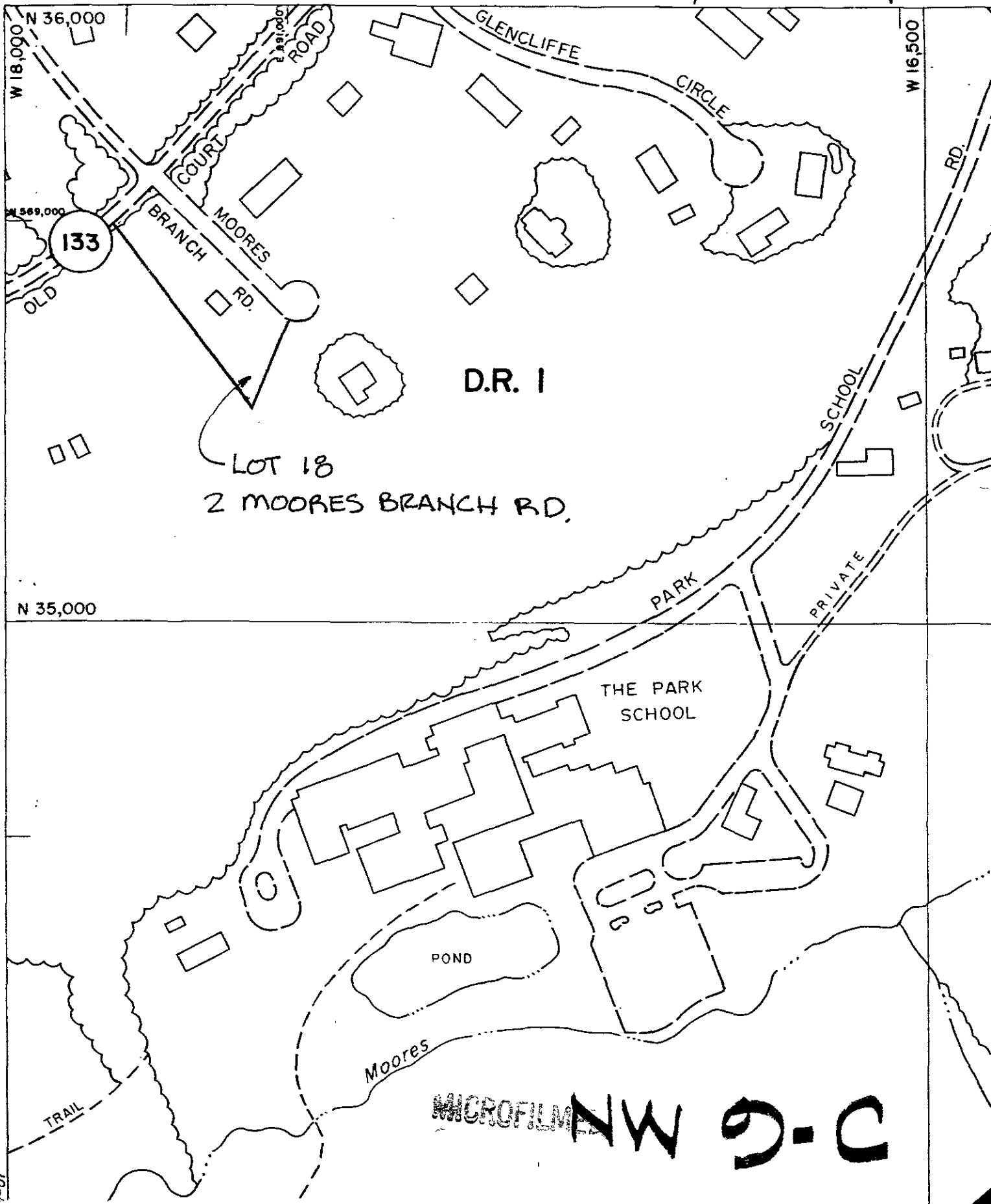
MICROFILMED

cc: Donald and Sharon Mills
Peter Notari



#6

95-4-A



MICROFILMED NW 9-C

PROJECT NAME: SCHWABE ADDITION

PHOTO LOG

PROJECT NUMBER:

DATE:



VIEW: VIEW FROM HOUSE EAST TOWARDS
4 MOORE'S BRANCH CT.



VIEW: VIEW FROM DRIVEWAY NORTH

MICROFILMED

#6



PROJECT NAME: SCHWARTZ ADDITION

PHOTO LOG

PROJECT NUMBER:

DATE:



VIEW: VIEW FROM HOUSE TOWARDS OLD COURT ROAD



VIEW: VIEW FROM HOUSE NORTH



NOTARI ASSOCIATES, PA

#6

PROJECT NAME: SCHWABZ ADDITION

PHOTO LOG

PROJECT NUMBER:

DATE:



VIEW: NORTHEAST VIEW TOWARDS HOUSE



VIEW: WEST VIEW TOWARDS HOUSE

#6



PROJECT NAME: SCHWARTZ ADDITION

PHOTO LOG

PROJECT NUMBER:

DATE:



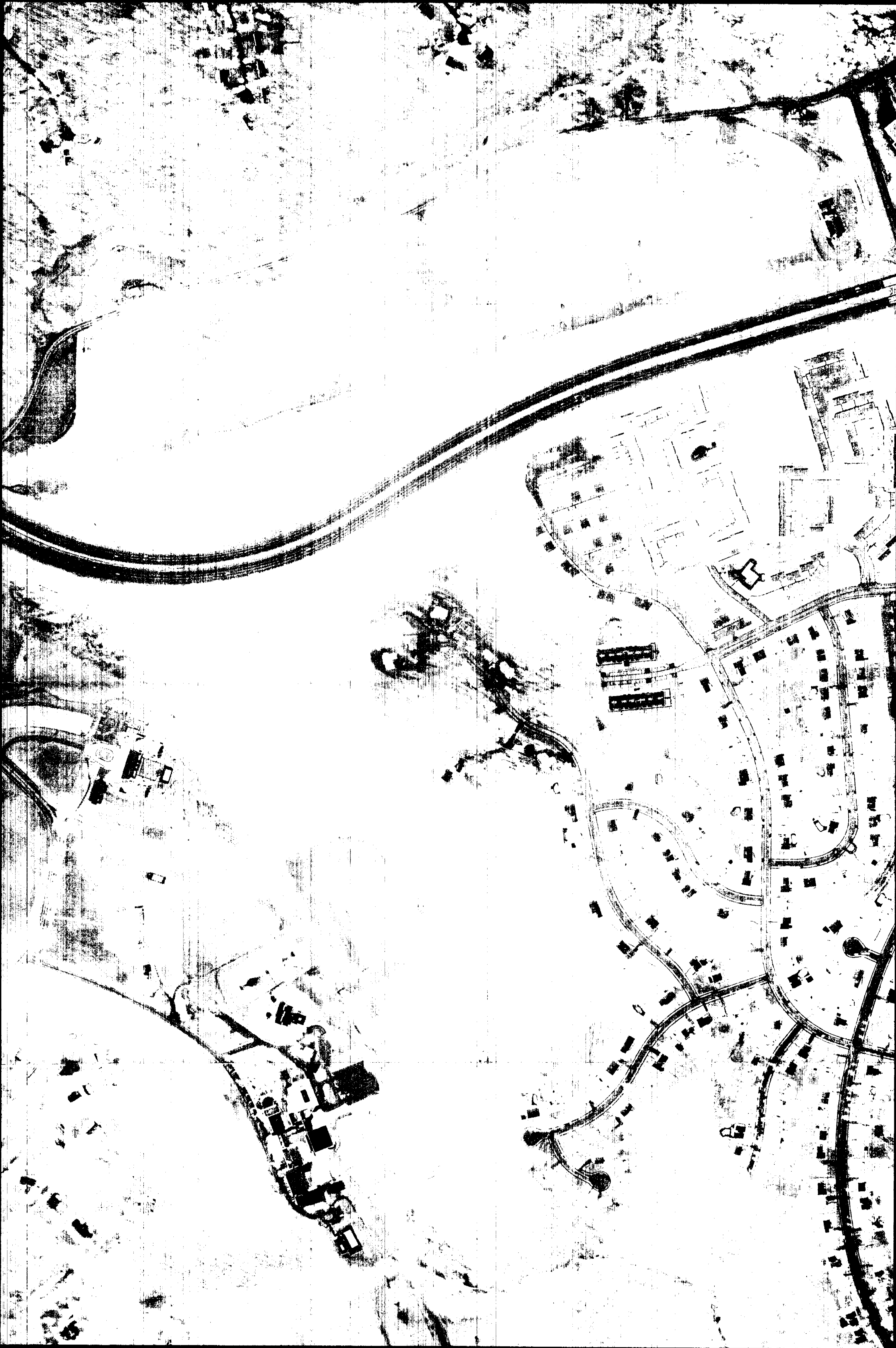
VIEW: SOUTHWEST VIEW TOWARDS HOUSE



VIEW: SOUTHWEST VIEW TOWARD PROPOSED
ADDITION BUILDING AREA

#6





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

MICROFILMED

ORPENTO

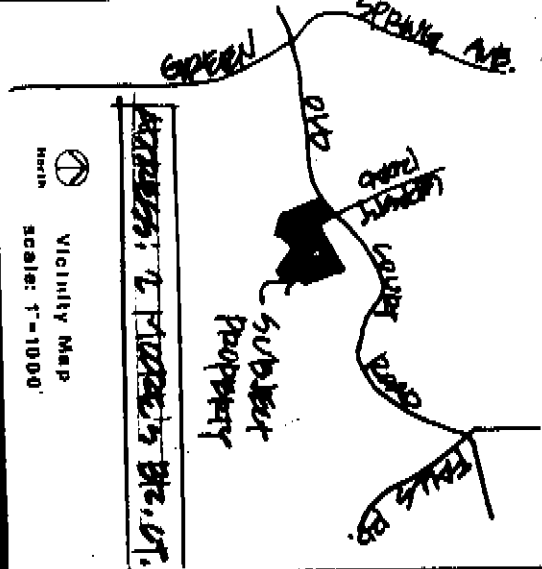
SHEET

N.W.

9-C

95-4-A

PLAT TO ACCOMPANY PERMITAL FOR SOLID WASTE
 APPROVAL NAME: STEPHEN
 PLAT BOOK # 38, PAGES 103,
 LOT 112, 113 & 114
 OWNER: STEPHEN MILLER



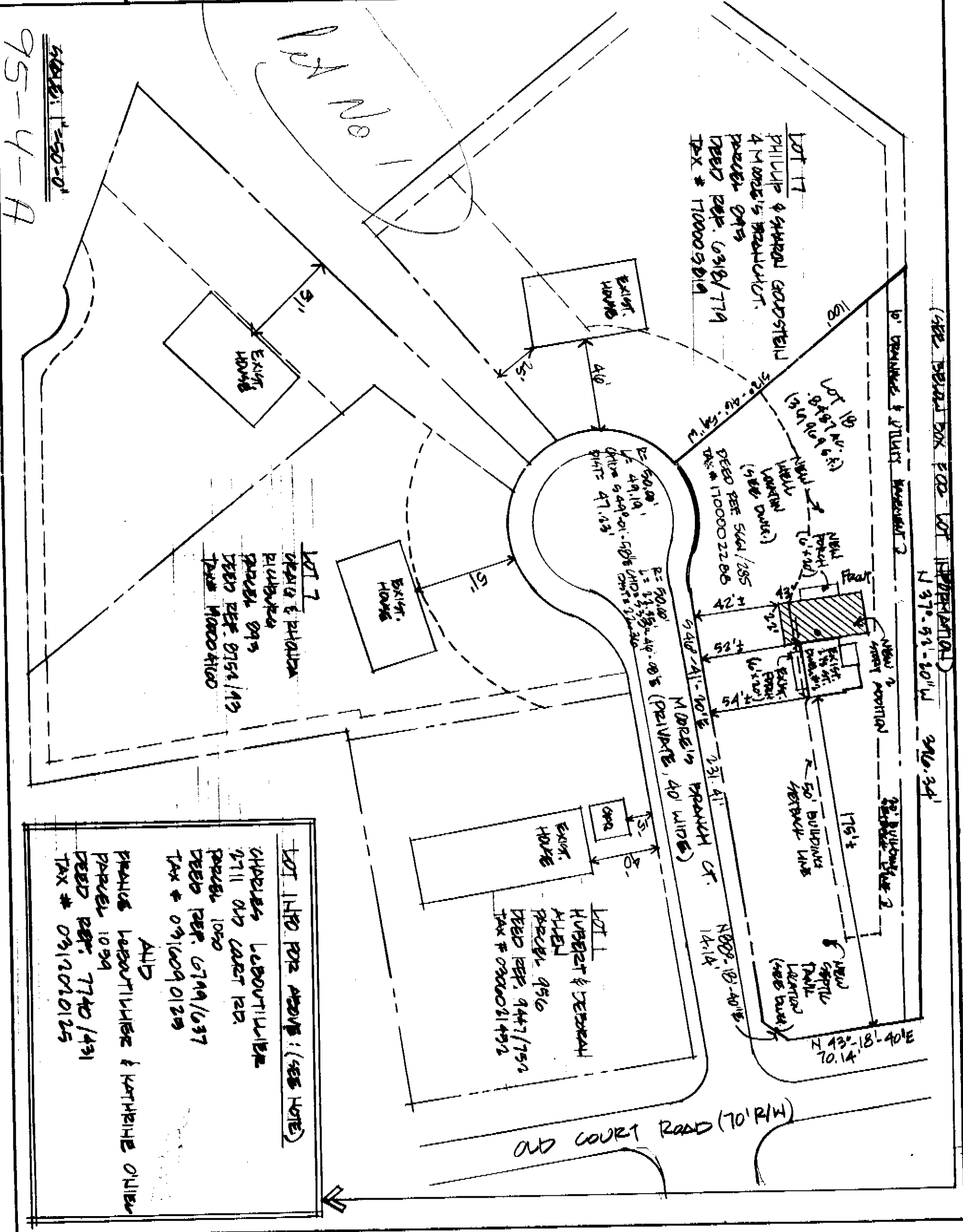
LOCATION INFORMATION

Election District: #3
 Councilmanic District: 2
 1"=200' scale map: NW 9-C
 Zoning: RE-1
 Lot size: 36,969 square feet

SEWER: ☐ public ☒ private
 WATER: ☐ public ☒ private
 Chesapeake Bay Critical Area: ☐ yes ☒ no
 Prior Zoning Hearings:
 CASE NO. 84-165-A

Zoning Office Use ONLY!
 reviewed by: ITEM #: CASE#:

DATE: 7.6.94
 prepared by: JPD



LOT 1110 FOR ABOVE: (SEE NOTE)
 APPROX. LEADOUT LINE
 1711 OLD COURT RD.
 DEED REF. 0754/119
 TAX # 0710090123
 APPROX. LEADOUT LINE & KITCHEN OUTLET
 DEED REF. 0754/119
 TAX # 0710090123

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Moore's Branch Ct., 35 ft.
W of c/l Old Court Road
2 Moore's Branch Court
3rd Election District
2nd Councilmanic District
Legal Owners: Donald C. and Sharon Mills
Contract Purchasers: Robert & Damian Schwarcz
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Donald C. Mills and Sharon Mills, his wife, for that property known as 2 Moore's Branch Court in the Glencliffe subdivision of Baltimore County. The Petitioners herein seek a variance from Sections 1802.3.C.1 and 1802.3.B of the Baltimore County Zoning Regulations (BCZR) to permit a front street setback of 42 ft., in lieu of the minimum required 50 ft., for an addition, 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 4th day of August, 1994 that the Petition for a Zoning Variance from Sections 1802.3.C.1 and 1802.3.B of the Baltimore County Zoning Regulations (BCZR) to permit a front street setback of 42 ft., in lieu of the minimum required 50 ft., for an addition, be and is hereby GRANTED, subject, however, to the following restriction 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.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmn

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



(410) 887-4386

August 3, 1994

Mr. and Mrs. Donald C. Mills
2 Moore's Branch Court
Brooklandville, Maryland 21022

RE: Petition for Administrative Variance
Case No. 95-4-A
Property: 2 Moore's Branch Court

Dear Mr. and Mrs. Mills:

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,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.

cc: Mr. and Mrs. Robert Schwarcz
6936 Ten Timbers Lane
Baltimore, Maryland 21209

cc: Mr. Peter Notari
Notari and Associates
190 W. Ostend Street, Suite 110
Baltimore, Maryland 21230



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2 MOORE'S BRANCH CT., BROOKLANDVILLE, MD 21022
which is presently zoned D.R.1.

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 Section(s) 1802.3.C.1 and 1802.3.B.

To permit a front street setback of 42 feet in lieu of the minimum required 50 feet.

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

The existing house is a small 6-room house, including two bedrooms. The contact purchaser is a growing family of two adults and two children. Due to the narrowness of the lot, a proper addition will not fit within the existing setbacks.

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.

Contract Purchaser/Lessee
Robert & Damian Schwarcz
Type of Print Name
Signature
6936 Ten Timbers Lane
Address
Baltimore, MD 21209
City State Zip Code
Mortgage for Petitioner
N/A
Type of Print Name
Signature
2 Moore's Branch Ct.
Address
Brooklandville MD 21022
City State Zip Code
Name Address and phone number of representative to be contacted
Peter Notari, Notari Associates
190 W. Ostend St. #110 Baltimore, MD 21230
City State Zip Code
Phone No.
752-0330

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 3rd day of August, 1994, that the subject matter of this petition be set for a public hearing, to be held on August 11, 1994, at 7:00 PM, in the Zoning Commission Room, 400 Washington Avenue, Baltimore, Maryland 21204, and that the property be posted.

REVIEWED BY: JRF DATE: 7/8/94
ESTIMATED POSTING DATE: 7/8/94
Printed with Soybean Ink on Recycled Paper
ITEM # 40

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 6936 Ten Timbers Lane

Baltimore, MD 21209
City State Zip Code

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)

It is requested that a variance for a front yard setback of 40 feet instead of the required 50 feet be permitted in order to allow the construction of a living/bedroom addition. The lot is narrow, prohibiting expansion within the existing setbacks. The home currently has only 6 rooms including two bedrooms. The family has 2 adults and 2 children. The existing house is too small for a growing family.

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.

Robert Schwarcz
Signature
Damian Schwarcz
Signature

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 7th day of July, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared ROBERT SCHWARCZ and DAMIAN SCHWARCZ

the Affiant(s) herein, personally known and 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

7/7/94
Notary Public
My Commission Expires 4/1/95

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 2 MOORE'S BRANCH CT.
(address)
Election District 3 Councilmanic District 2
Beginning at a point on the NORTH side of MOORE'S
(north, south, east or west)
BRANCH CT. which is 40 FEET WIDE
(street on which property fronts) (number of feet of right-of-way width)
wide at a distance of 35 FEET WEST of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street OLD COURT ROAD
(name of street)
which is 70 FEET wide. *Being Lot # 18
(number of feet of right-of-way width)
Block PLAT 3, Section # 3 in the subdivision of
GLENCLIFFE as recorded in Baltimore County Plat
(name of subdivision)
Book # 38, Folio # 107, containing
36,969 SF 0.8487 ACRES
(square feet and acres)

*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., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 3 Date of Posting 7/15/94
Posted for Variance
Petitioner: Robert & Sharon Mills
Location of property: 2 Moore's Branch Court
Location of Signs: Along roadway on property being zoned
Remarks:
Posted by JRF Signatures
Number of Signs: 1 Date of return: 7/22/94

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-4-A

Date 7/8/94

2 Moore's Branch Ct.

010 - Variance - \$50.-
050 - Sign - \$35.-
\$85.-

Account: R-001-6150
Number # C

Taken by: JRF

01A0180253MCHRC
B# C002144PM07-08-94
Please Make Checks Payable To Baltimore County

\$85.00

Item Number: 10
Planner: JRF
Date Filed: 7-8-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

✓
Descriptions, including accurate beginning point
Actual address of property
Zoning
Acres
Plats (need 12, only submitted)
200 scale zoning map with property outlined
Election district
Councilmanic district
BCZR section information and/or wording
Hardship/practical difficulty information
Owner's signature (need minimum 1 original signature) and/or
pre-inked name and/or telephone number
Contract purchaser's signature (need minimum 1 original
signature) and/or printed name and/or address
Signature (need minimum 1 original signature) and/or
printed name and/or title of person signing for legal
owner/contract purchaser
Power of attorney or authorization for person signing for
legal owner and/or contract purchaser
Attorney's signature (need minimum 1 original signature)
and/or printed name and/or address and/or telephone number
Notary Public's section is incomplete and/or incorrect
and/or commission has expired

PET-FLAG (TXTBOPH)
11/17/93

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
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 6

Petitioner: DONALD + SHARON MILLS

Location: 2 MOORE'S BRANCH CT. BALTO 21204

PLEASE FORWARD ADVERTISING BILL TO:

NAME: P. DAMIAN SCHWARZ

ADDRESS: 6936 TEN TIMBERS LANE
BALTIMORE, MD 21209

PHONE NUMBER: 410-486-6180

Atty: (Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 22, 1994

Mr. and Mrs. Donald C. Mills
2 Moore's Branch Court
Brooklandville, Maryland 21022

RE: Case No. 95-4-A, Item No. 6
Petition for Administrative Variance
Petitioner: Donald C. Mills, et al.

Dear Mr. and Mrs. Mills:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on July 9, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

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.

Printed with Soybean Ink

Maryland Department of Transportation
State Highway Administration

U. James Lightfelter
Secretary
Hal Kassoff
Administrator

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: * 6 (JRF)

7-19-94

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
for DAVID N. RAMSEY, ACTING CHIEF
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 Government
Fire Department

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

(410) 887-4500

DATE: 07/19/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 2, 3, 5, AND 6.

REVIEWER: LT. ROBERT P. SAHERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

RECEIVED
JUL 20 1994
ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 14, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Robert and Danian Schwarcz
6936 Ten Timbers Lane
Baltimore, Maryland 21209

Re: CASE NUMBER: 95-4-A (Item 6)
2 Moore's Branch Court
N/S Moore's Branch Court, 35' W of c/1 Old Court Road
3rd Election District - 2nd Councilmanic
Legal Owner(s): Donald C. Mills and Sharon Mills
Contract Purchaser(s): Robert and Danian Schwarcz

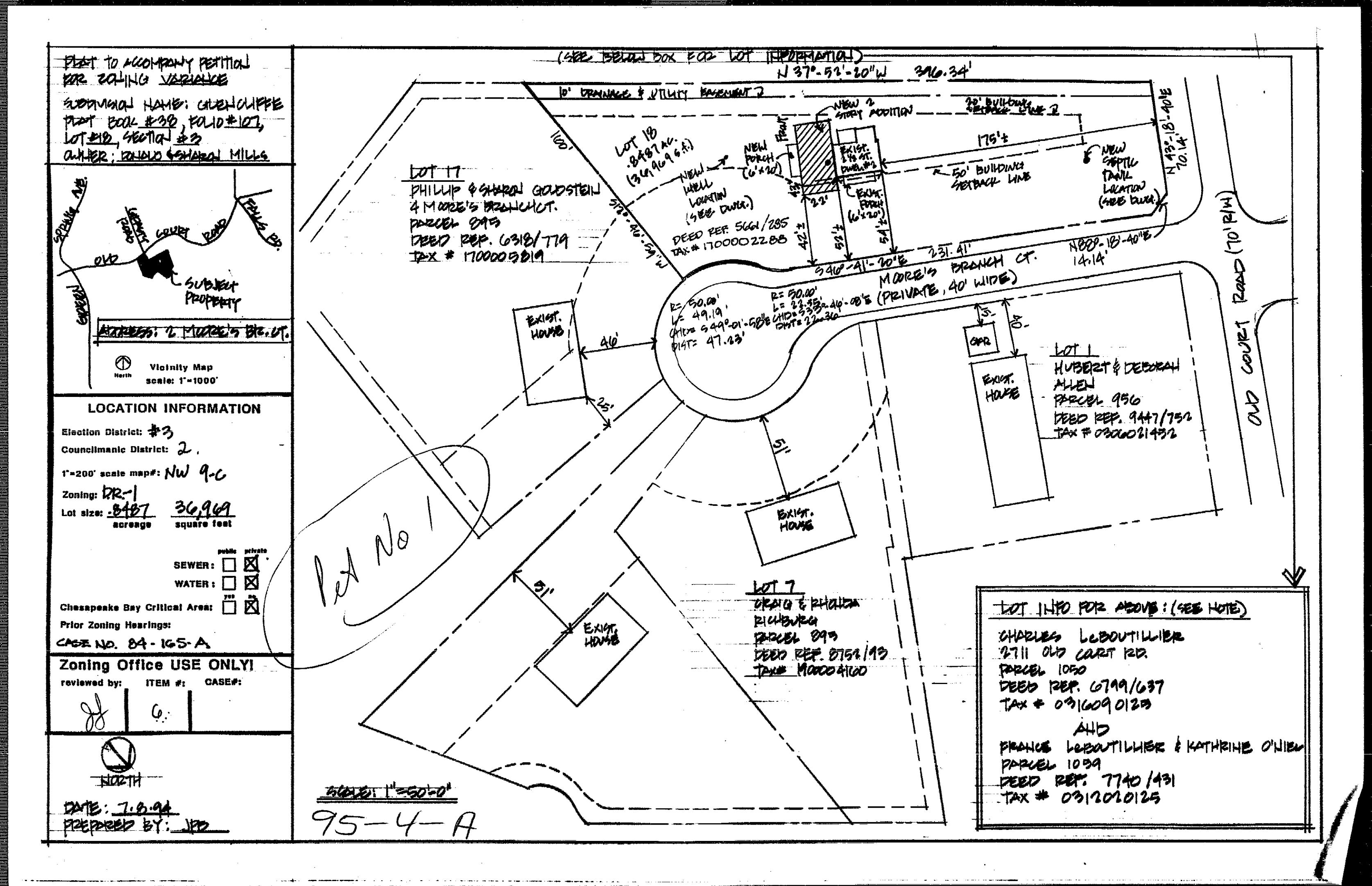
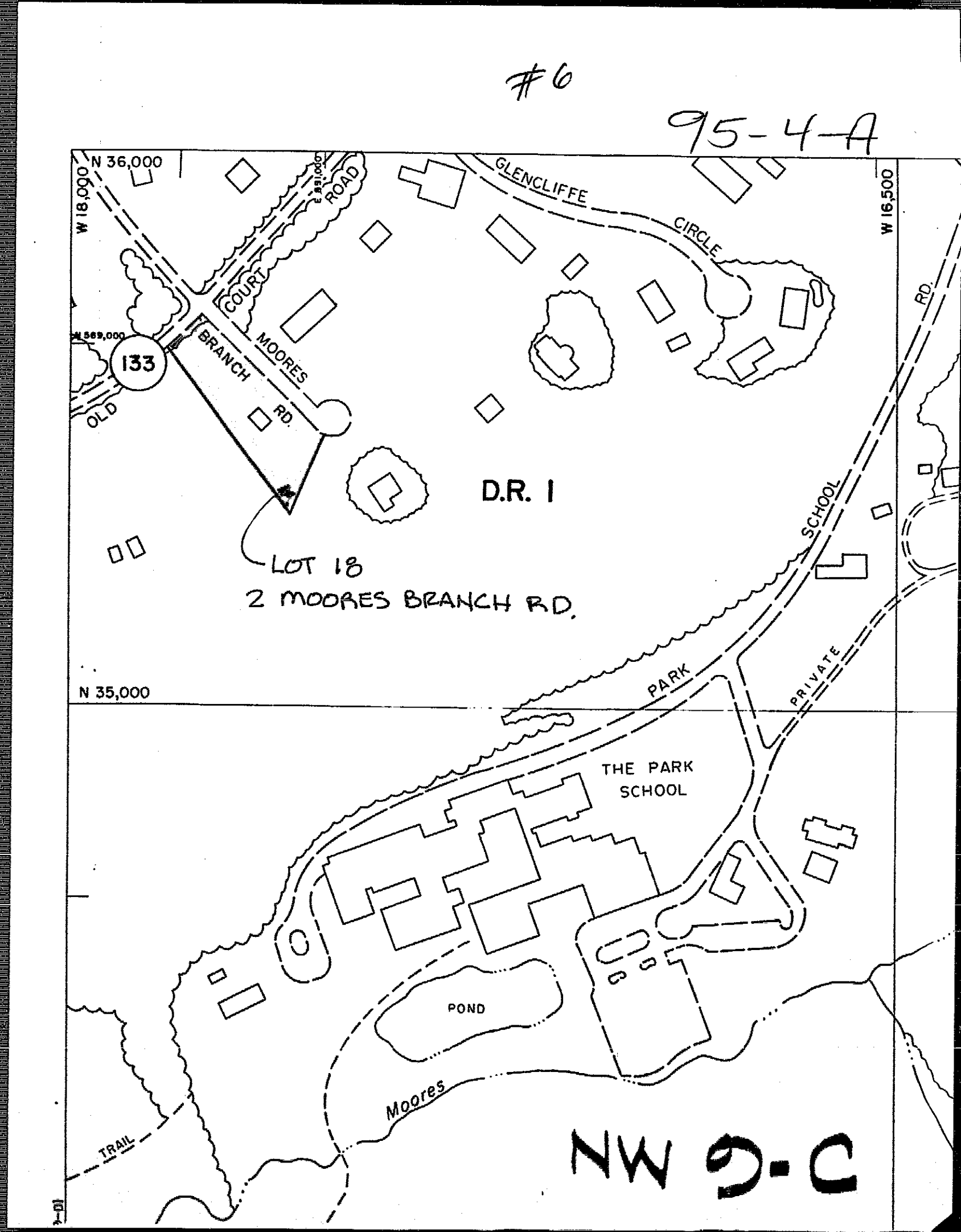
Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3353. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before July 17, 1994. The closing date (August 1, 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.
- 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
Arnold Jablon
Director
cc: Donald and Sharon Mills
Peter Notari

Printed with Soybean Ink on Recycled Paper



PROJECT NAME: SCHWARTZ ADDITION
PROJECT NUMBER:

PHOTO LOG
DATE:

VIEW FROM HOUSE EAST TOWARDS 4TH STREET & BRANCH CT.

VIEW FROM DRIVEWAY NORTH

Notari Associates, PA • 190 W. Ostend St., Suite 110 • Baltimore, MD. 21230-3731 • (410) 752-0330

PROJECT NAME: SCHWARTZ ADDITION
PROJECT NUMBER:

PHOTO LOG
DATE:

VIEW FROM HOUSE TOWARDS OLD COURT ROAD

VIEW FROM HOUSE NORTH

Notari Associates, PA • 190 W. Ostend St., Suite 110 • Baltimore, MD. 21230-3731 • (410) 752-0330

PROJECT NAME: SCHWARTZ ADDITION
PROJECT NUMBER:

PHOTO LOG
DATE:

NORTHEAST VIEW TOWARDS HOUSE

WEST VIEW TOWARDS HOUSE

Notari Associates, PA • 190 W. Ostend St., Suite 110 • Baltimore, MD. 21230-3731 • (410) 752-0330

PROJECT NAME: SCHWARTZ ADDITION
PROJECT NUMBER:

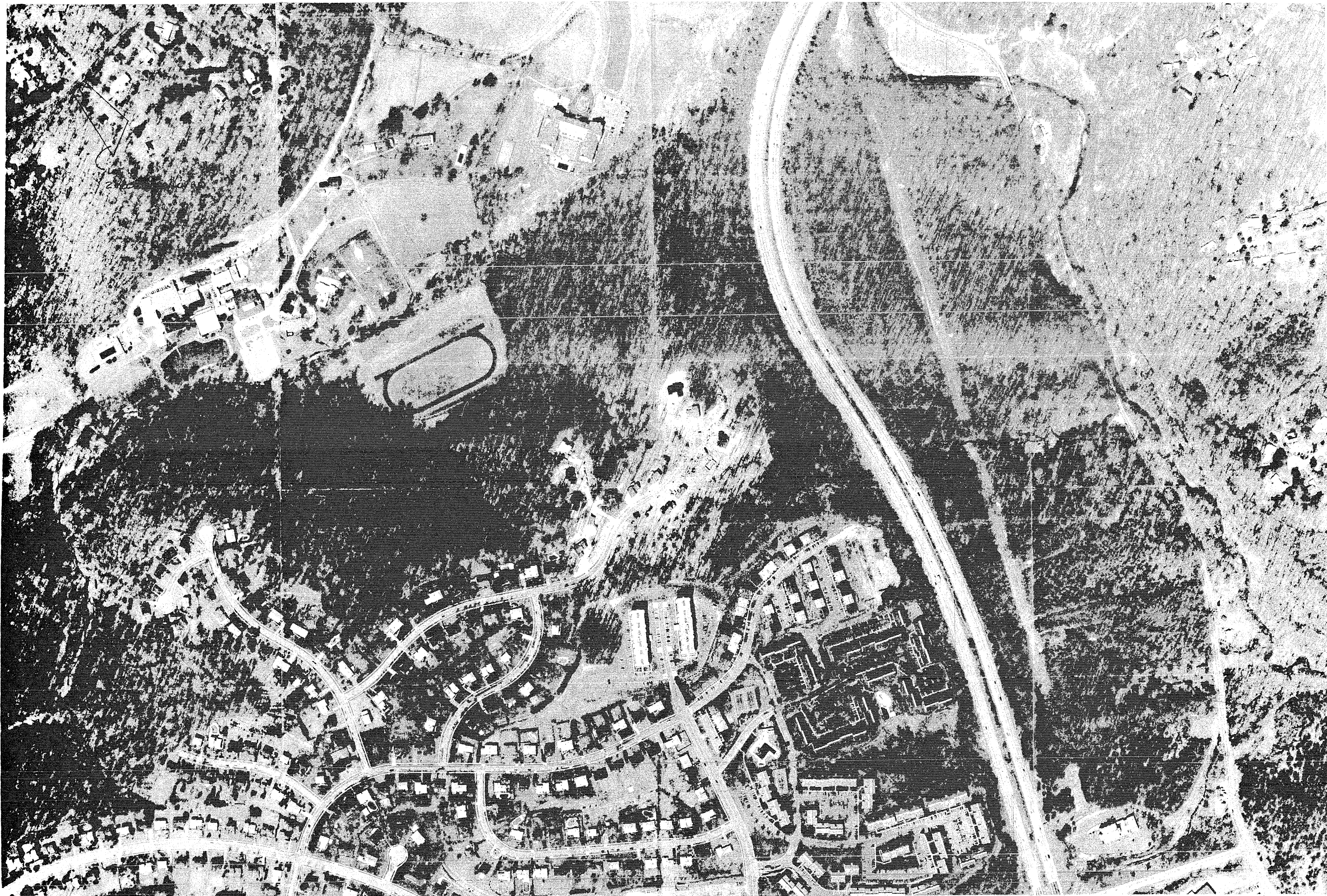
PHOTO LOG
DATE:

SOUTHWEST VIEW TOWARDS HOUSE

STREET VIEW TOWARDS HOUSE

Notari Associates, PA • 190 W. Ostend St., Suite 110 • Baltimore, MD. 21230-3731 • (410) 752-0330

95-44-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
ORPENTO

SHEET
N.W.
9-C

MICKY