

IN RE: PETITION FOR ADMINISTRATIVE * BEFORE THE
 ZONING VARIANCE *
 S/S Micarol Road, 175 ft. W of * ZONING COMMISSIONER
 c/l Baythorne Road *
 2325 Micarol Road * OF BALTIMORE COUNTY
 3rd Election District *
 2nd Councilmanic District * Case No. 95-39-A
 Alan Auerbach *
 Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Alan Auerbach for that property known as 2325 Micarol Road in the Lake Roland section of Baltimore County. The Petitioner herein seeks a variance from Sections 1B02.3.C.1 and 300.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback (screened porch) of 4 ft. in lieu of the required 11.25 ft. and a sum of side yard setbacks of 14.00 ft. in lieu of the required 21.25 ft., as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner 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 Petitioner has 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

ORDER RECEIVED FOR FILING
 Date 8/31/90
 By M. Hood

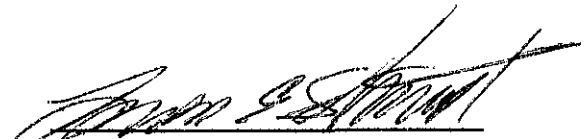
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Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 31ST day of August, 1994 that the Petition for a Zoning Variance from Sections 1B02.3.C.1 and 300.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback (screened porch) of 4 ft. in lieu of the required 11.25 ft. and a sum of side yard setbacks of 14.00 ft. in lieu of the required 21.25 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner 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

COPY RECEIVED FOR FILING
Date 8/31/94
By M. Hawk

303307 3/27/94

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 31, 1994

Mr. Alan Auerbach
2325 Micarol Road
Baltimore, Maryland 21209

RE: Petition for Administrative Zoning Variance
Case No. 95-39-A
Property: 2325 Micarol Road

Dear Mr. Auerbach:

Enclosed please find the decision rendered in the above captioned case. The Petition for an 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 cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

Handwritten note: 10/1/94 10:00 AM



95-39-A



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2325 Micarol Rd Balto, MD 21209
which is presently zoned DR 35

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) **1B02.3C.1 and 300.1A BCZR**

To allow a side yard setback (for a screened porch) 4 feet in lieu of the required 11.25 feet and a sum of side yard setbacks of 14.00 feet in lieu of the required 21.25 feet of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

screened porch to exceed existing patios size

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.

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

Contract Purchaser/Lessee

(Type or Print Name)

Legal Owner(s)
Alan Auerbach

(Type or Print Name)

Signature

Signature
Alan Auerbach

Address

(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

2325 Micarol Rd 410-653-2353
Address Phone No

Signature

Baltimore MD 21209
City State Zipcode
Name, Address and phone number of representative to be contacted

Address Phone No

Name

City State Zipcode

Address Phone No.

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: *JF* DATE: 8/5/94
ESTIMATED POSTING DATE: 8-14-94



Printed with Soybean Ink on Recycled Paper

ITEM #: 45

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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 2325 Micarol Rd
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)

IF we had a screened in porch, our four children will be able to play in the fresh air in full safety from cars, dogs and insects.

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.

Alun Amber
(signature)
Alun Amber
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of August, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Alun Amber

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.

date 8/4/94

NOTARY PUBLIC

My Commission Expires: 2/1/97



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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 DR 3.5
Election District 03 (address) Councilmanic District 2

Beginning at a point on the South side of Micarol Road
(north, south, east or west)
which is 50 feet wide
(street on which property fronts) (number of feet of right-of way width)

wide at a distance of 175 West of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street Baythorne Road
(name of street)

which is 50 wide. *Being lot # 32, 33, 34
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of
Plat of Mt. Washington Summit as recorded in Baltimore County Plat
(name of subdivision)

Book # WPC 8, Folio # 51, containing
9,375 or 0.215 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.

45

Plat Requirements

12 copies required. The plat shall be legible and clear enough for micro-filming and in no case can it be larger than 24" x 36". Plats must be trimmed or folded to a neat 8-1/2" x 11" size. It shall contain all the information as set forth on the checklist as follows:

1. ___ NORTH ARROW, ELECTION AND COUNCILMANIC DISTRICT, TITLE PLAN "PLAN TO ACCOMPANYHEARING". THE OWNER'S NAME, PROPERTY ADDRESS AND DATE.
- ✓ 2. ___ SCALE OF DRAWING: 1"=20' or 1"=50'. If acreage exceeds 40 acres, use 1"=100' scale.
- ✓ 3. ___ OUTLINE OF PROPERTY: Indicated by a heavy bold line include lot lines, distances and area of the parcel(s) by square feet and acreage. (To figure acreage, divide square feet by 43,560.)
4. ___ VICINITY MAP: A vicinity map must be included on all plats with the scale of 1"=1,000' WITH SITE CLEARLY AND ACCURATELY DEPICTED. DO NOT PUT THIS MAP ON A SEPARATE SHEET; IT MUST BE ON THE SAME SHEET AS THE SITE PLAT!
5. ___ PRIOR ZONING HEARINGS: The case number(s), date of the Order(s), what was granted or denied, and any restrictions must be listed and addressed on the plat for any prior zoning hearings.
6. ___ OWNERSHIP: Of all adjacent parcel(s) of property including owner's name(s), lot numbers, subdivision names, tax account numbers, and/or deed references.
7. ___ LOCATION: Street address and name of adjoining street(s), beginning point of description and distance from property corner to the nearest intersecting public street centerline. (Check record plats, State tax maps, or utility maps in Room 206, County Office Building.) This beginning point and distance should also be the first statement in the zoning description on Page 5.
8. ___ STREETS, WIDENING, R/W, EASEMENTS: Include all existing public boundary streets with the existing right-of-way and paving width. Include any existing or proposed easements or right-of-ways and indicate if it is public or private.
9. ___ BUILDINGS: Use, dimensions, height and location of all existing buildings and improvements on property with building-to-property line and building-to-building setbacks shown for each structure. Also, the front orientation of any dwellings and the use, dimension and location of all proposed buildings or additions and the proposed use if the use is to be changed. The general use, building and lot dimensions and all facing property line setbacks of buildings on adjoining lots.
10. ___ STREET SETBACKS: If a new dwelling is proposed or the proposed addition or improvement is located on the street side (front) and if either adjacent side is unimproved and your property is zoned D.R.-2, D.R.-3.5 or D.R.-5.5, then you must show on your site plan the front setback of all dwellings on your side of the street within a distance of 200 feet from the joint side property lines.
11. ___ UTILITIES: Show location and size of all public utilities and right-of-ways both adjacent to and on-site. If no public water or sewer exist, well and septic system locations and setbacks must be indicated. (Public utilities reference - Room 206, County Office Building.)
12. ___ FEATURES: Location of streams, storm water management systems drainage, and pipe systems on or within 50 feet of the property.
13. ___ B.O.C.A.: Buildings must meet the building code, as well as the fire code requirements, with regard to type of construction, windows, etc.
14. ___ SPECIAL REQUIREMENTS: For Special Hearings on 2 apartment dwellings, floor plans detailing each floor with room square footages and uses are required.

All of the above information MUST be complete and accurate or the petition CANNOT be accepted for filing! and another appointment will have to be made!

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

93-39-12

District 3rd Date of Posting 8/12/94

Posted for: Variance

Petitioner: Alan Axelback

Location of property: 2325 Michrol Rd., S/S

Location of Signs: Facing road way on property being zoned

Remarks:

Posted by M. Stealey Date of return: 8/19/94

Signature

Number of Signs: 1



95-39-A
receipt



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

Account: R-001-6150

Number 45

Date 8/5/94

Taken by: JRF

Auerbach - - 2325 Micarol Rd. 5

OIO Variance - - - \$50.00

O&U Sign - - - \$35.00

\$85.00

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DEPARTMENT OF RECORDS
BALTIMORE COUNTY, MD

8/10/94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/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 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.: 45

Petitioner: Alan Auerbach

Location: 2325 Mccarol Rd Balt. MD. 21209

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Alan Auerbach

ADDRESS: 2325 Mccarol Rd.

Balt. MD. 21209

PHONE NUMBER: (410) 653-2353

AJ:ggs

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUG. 29 1994

Alan Auerbach
2325 Micarol Road
Baltimore, Maryland 21209

RE: Item No. 45, Case No. 95-39-A
Petitioner: Alan Auerbach

Dear Mr. Auerbach:

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 August 5, 1994.

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.
- 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.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.,
Zoning Coordinator

WCR:ggs

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Maryland Department of Transportation
State Highway Administration

O James Lighthizer
Secretary
Hal Kassoff
Administrator

8-12-94

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

Re: Baltimore County
Item No.: * 45 (JRF)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not 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,

David Ramsey, Acting 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

SEP 17 1994

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: 08/11/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21284
MAIL STOP 1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agendas

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.

B. The Fire Marshall's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 35, 36, 39, 40, 41, 42,
43, 44, 45, 46 AND 47.

RECEIVED

AUG 11 1994

ZADM

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

cc: File

Robert P. Cauerwald



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 12, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Alan Auerbach
2325 Micarol Road
Baltimore, Maryland 21209

Re: CASE NUMBER: 95-39-A (Item 45)
2325 Micarol Road
S/S Micarol Road, 175' W of c/l Baythorne Road
3rd Election District - 2nd 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 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before August 14, 1994. The closing date (August 29, 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 that reads "Arnold Jablon".

Arnold Jablon
Director



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS - 2325 MICAZOL ROAD
 OWNERS - ALAN AND SHARON AUERBACH

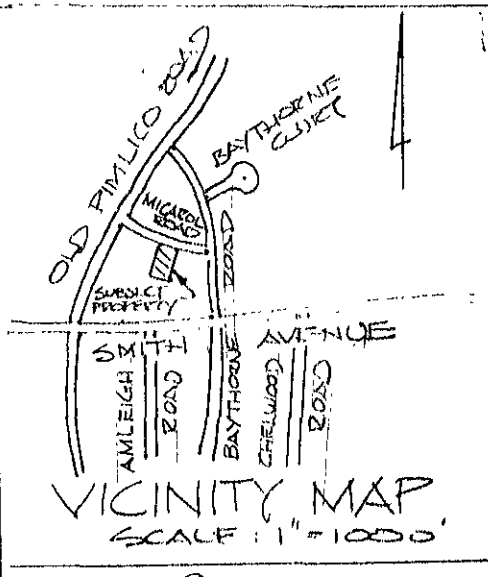
LOCATION INFORMATION -

COUNCILMATIC DISTRICT 2
 ELECTION DISTRICT 3
 1"=200' SCALE MAP: NW B-C
 ZONING - DR 3.5
 LOT SIZE
 0.215 AC ± 9275 SQ FT

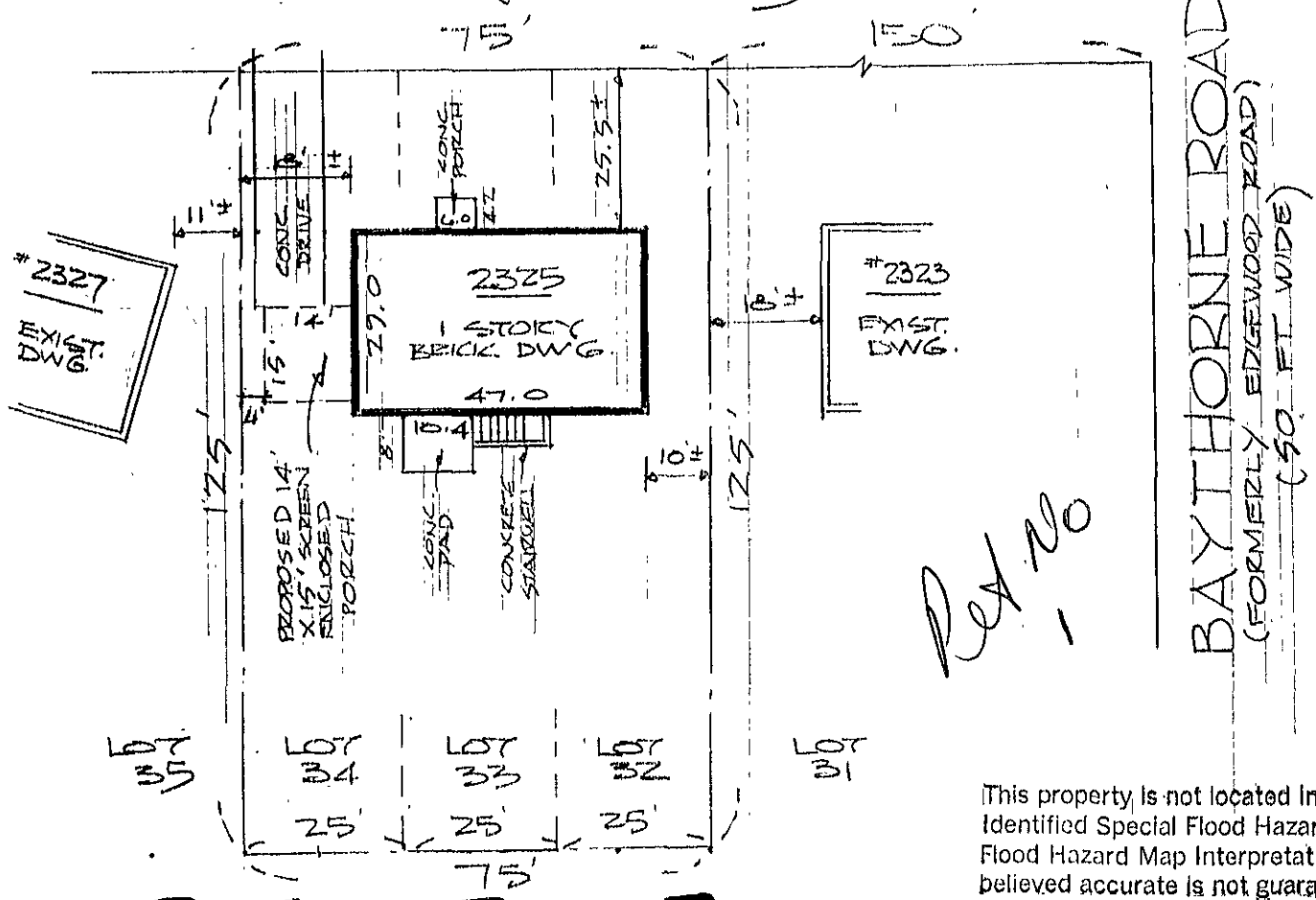
SEWER - PUBLIC
 WATER - PUBLIC

THIS PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

PREVIOUS ZONING HEARINGS - NONE



MICAZOL ROAD
 (FORMERLY BENTWOOD ROAD)
 (50 FT. WIDE)



Ref No 1

This property is not located in a F.U.D. Identified Special Flood Hazard Area. A Flood Hazard Map Interpretation though believed accurate is not guaranteed.

95-39-A

This reproduction subject to 1% reduction in scale.

I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

6/8/94 *[Signature]*

LOTS 32, 33 AND 34,
 PLAT OF MOUNT WASHINGTON SUMMIT, PAT BOOK W.P.C. No. 8, FOLIO 51.

This plat is not to be used for the establishment of property lines.

REG. NO. 8675

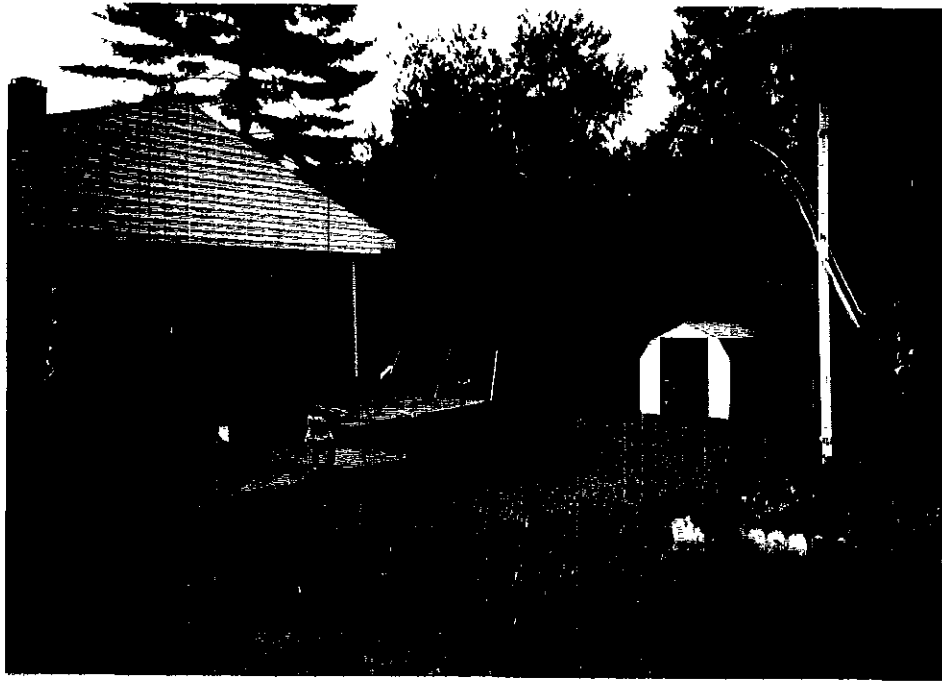


LOCATION SURVEY
 2325 MICAZOL ROAD, BALTO. CO., MD.
 OFFICE OF
MANK & KUNST
 408 YORK ROAD
 TOWSON, MARYLAND 21204

SCALE
 1"=30'
DATE
 6/8/94
JOB NO.
 103 K
 94

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#45



#45

Proposed location of screened in ~~porch~~ porch in the side yard.



#45

Proposed location of screened in ~~porch~~ porch in the side yard.



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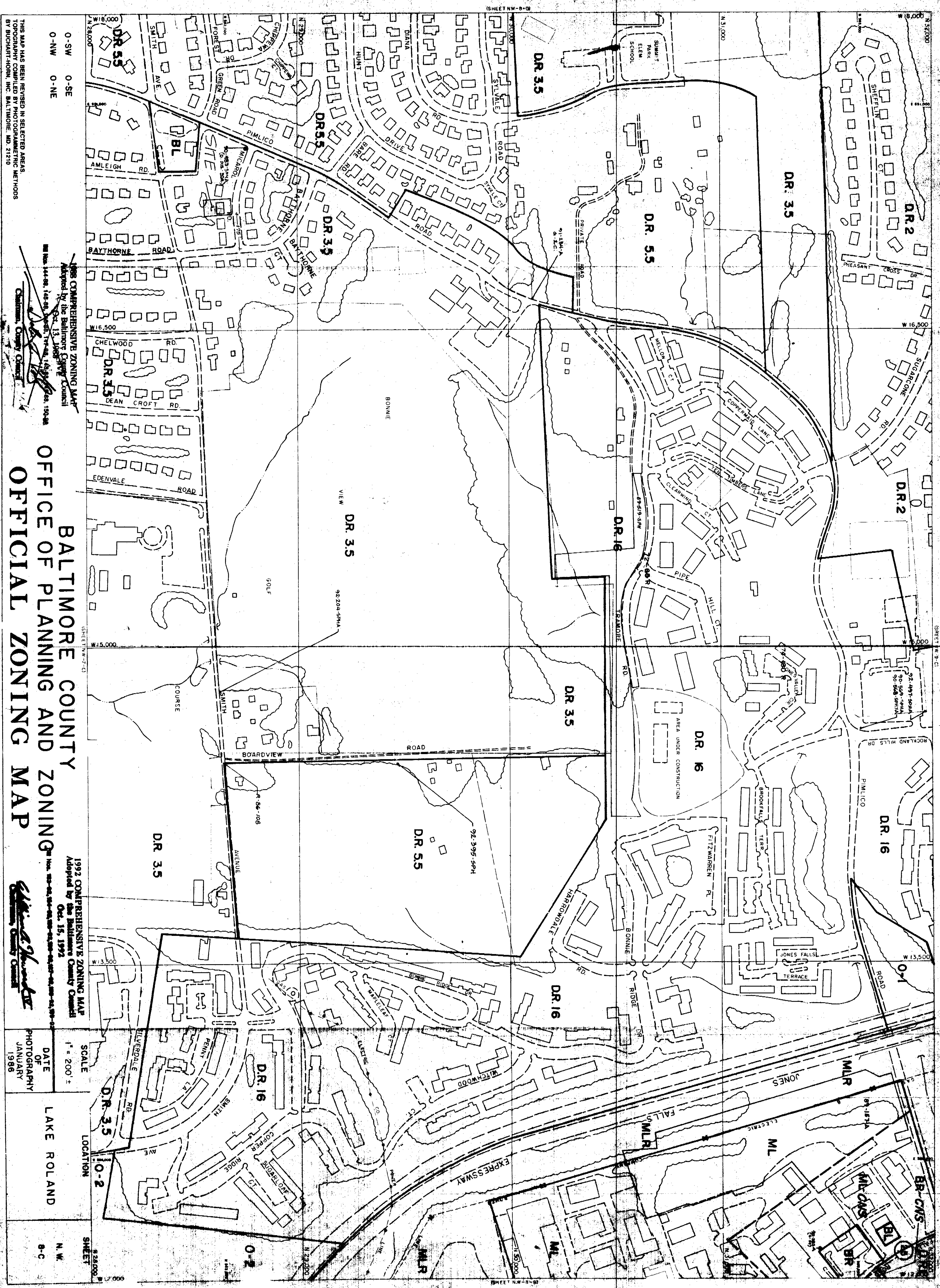
LOCATION SHEET
LAKE ROLAND N.W. 8-C
MICROFILMED

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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

95-39-17



THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

0-SW 0-SE
0-NW 0-NE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Map Nos. 14-88, 16-88, 17-88, 18-88, 19-88, 20-88, 21-88, 22-88, 23-88, 24-88, 25-88, 26-88, 27-88, 28-88, 29-88, 30-88, 31-88, 32-88, 33-88, 34-88, 35-88, 36-88, 37-88, 38-88, 39-88, 40-88, 41-88, 42-88, 43-88, 44-88, 45-88, 46-88, 47-88, 48-88, 49-88, 50-88, 51-88, 52-88, 53-88, 54-88, 55-88, 56-88, 57-88, 58-88, 59-88, 60-88, 61-88, 62-88, 63-88, 64-88, 65-88, 66-88, 67-88, 68-88, 69-88, 70-88, 71-88, 72-88, 73-88, 74-88, 75-88, 76-88, 77-88, 78-88, 79-88, 80-88, 81-88, 82-88, 83-88, 84-88, 85-88, 86-88, 87-88, 88-88, 89-88, 90-88, 91-88, 92-88, 93-88, 94-88, 95-88, 96-88, 97-88, 98-88, 99-88, 100-88

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Map Nos. 14-92, 15-92, 16-92, 17-92, 18-92, 19-92, 20-92, 21-92, 22-92, 23-92, 24-92, 25-92, 26-92, 27-92, 28-92, 29-92, 30-92, 31-92, 32-92, 33-92, 34-92, 35-92, 36-92, 37-92, 38-92, 39-92, 40-92, 41-92, 42-92, 43-92, 44-92, 45-92, 46-92, 47-92, 48-92, 49-92, 50-92, 51-92, 52-92, 53-92, 54-92, 55-92, 56-92, 57-92, 58-92, 59-92, 60-92, 61-92, 62-92, 63-92, 64-92, 65-92, 66-92, 67-92, 68-92, 69-92, 70-92, 71-92, 72-92, 73-92, 74-92, 75-92, 76-92, 77-92, 78-92, 79-92, 80-92, 81-92, 82-92, 83-92, 84-92, 85-92, 86-92, 87-92, 88-92, 89-92, 90-92, 91-92, 92-92, 93-92, 94-92, 95-92, 96-92, 97-92, 98-92, 99-92, 100-92

SCALE	1" = 200'
DATE OF PHOTOGRAPHY	JANUARY 1988
LOCATION	LAKE ROLAND
SHEET	N.W. 8-C

95-39-A

MICROFILMED

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE
 S/S Micarol Road, 175 ft. W of c/1 Baythorne Road
 2325 Micarol Road
 3rd Election District
 2nd Councilmanic District
 Alan Auerbach
 Petitioner

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
 Case No. 95-39-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Alan Auerbach for that property known as 2325 Micarol Road in the Lake Roland section of Baltimore County. The Petitioner herein seeks a variance from Sections 1B02.3.C.1 and 300.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback (screened porch) of 4 ft. in lieu of the required 11.25 ft. and a sum of side yard setbacks of 14.00 ft. in lieu of the required 21.25 ft., as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner 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 Petitioner has 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 Petitioner.

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 31st day of August, 1994 that the Petition for a Zoning Variance from Sections 1B02.3.C.1 and 300.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback (screened porch) of 4 ft. in lieu of the required 11.25 ft. and a sum of side yard setbacks of 14.00 ft. in lieu of the required 21.25 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LES:mmn

Lawrence E. Schmidt
 LAWRENCE E. SCHMIDT
 ZONING COMMISSIONER
 FOR BALTIMORE COUNTY

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21204

(410) 887-4386

August 31, 1994

Mr. Alan Auerbach
 2325 Micarol Road
 Baltimore, Maryland 21209

RE: Petition for Administrative Zoning Variance
 Case No. 95-39-A
 Property: 2325 Micarol Road

Dear Mr. Auerbach:

Enclosed please find the decision rendered in the above captioned case. The Petition for an 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
 LAWRENCE E. SCHMIDT
 Zoning Commissioner

LES:mmn
 encl.



Petition for Administrative Variance
 to the Zoning Commissioner of Baltimore County

for the property located at 2325 Micarol Rd, Baltimore, MD 21209 which is presently zoned DR 35

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) 1B02.3C.1 and 300.1A RCZR To allow a side yard setback (for a screened porch) 4 feet in lieu of the required 11.25 feet and a sum of side yard setbacks of 14.00 feet in lieu of the required 21.25 feet. I am requesting this variance for the following reasons: (indicate hardship or practical difficulty)

screened porch to exceed existing patio size

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 this Zoning Law for Baltimore County.

Contract Purchaser/Lessee: Alan Auerbach
 (Type or Print Name)
 Signature: *Alan Auerbach*
 Address: 2325 Micarol Rd, Baltimore, MD 21209
 City, State, Zipcode
 Name: Alan Auerbach
 Address: 2325 Micarol Rd, Baltimore, MD 21209
 City, State, Zipcode

REVIEWED BY: [Signature] DATE: 8/15/94
 ESTIMATED POSTING DATE: 8/14/94
 ITEM #: 45

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/does not presently reside at 2325 Micarol Rd, Baltimore MD 21209

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: (please describe or attach photos)

If we had a screened in porch, our four children will be able to play in the fresh air in full safety from cars, dogs and insects.

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.

Alan Auerbach
 Signature
 Alan Auerbach
 Type or Print Name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 31st day of August, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Alan Auerbach

AS WITNESS my hand and Notarial Seal.

8/14/94
 My Commission Expires: 7/11/99

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 DR 3.5 (address)
 Election District 03 Councilmanic District 2

Beginning at a point on the South side of Micarol Road (north, south, east or west) which is 50 feet wide (number of feet of right-of-way width) wide at a distance of 175 West (number of feet) (north, south, east or west) of the

centerline of the nearest improved intersecting street Baythorne Road (name of street) which is 50 wide. *Best Lot # 32, 33, 34 (number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of Plat of Mt. Washington Summit as recorded in Baltimore County Plat (name of subdivision)

Book # WPC 8, Folio # 51, containing 9,375 or 0.215 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.

45

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 3rd Date of Posting: 9/1/94
 Posted for: Alan Auerbach
 Petitioner: Alan Auerbach
 Location of property: 2325 Micarol Rd., S/S
 Location of Signs: Facing road sign on property sign 20x4
 Remarks:
 Posted by: *Michelle* Date of return: 9/19/94
 Number of Signs: 1

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

95-39-A receipt

Date 8/15/94

Auerbach -- 2325 Micarol Rd. 5

010 Variance --- \$50.00

080 Sign --- \$35.00

\$85.00

Account: R-01-010
 Number 45

Taken by: JRF

BOARD OF APPEALS
 86 COORDINATOR-95-96 \$85.00
 Please Make Checks Payable To Baltimore County

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.: 45
 Petitioner: Alan Auerbach
 Location: 2325 Micarol Rd Baltimore MD 21209

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Alan Auerbach
 ADDRESS: 2325 Micarol Rd.
 Baltimore MD 21209
 PHONE NUMBER: (410) 653-2353

AJ:ggg

Alan Auerbach
2325 Microl Road
Baltimore, Maryland 21209

RE: Item No. 45, Case No. 95-39-A
Petitioner: Alan Auerbach

AUG. 29 1994

Dear Mr. Auerbach:

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 ensure 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 August 5, 1994.

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.
- 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.

Very truly yours,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

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

Re: Baltimore County
Item No. 45 (JRF)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not 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
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

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

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

DATE: 08/11/94

RE: Property Owner: SEE BELOW
LOCATION: SEE BELOW

Item No.: SEE BELOW Zoning Agenda:
Gentlemen:

- 1) 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.
- 2) The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 35, 36, 39, 40, 41, 42, 43, 44, 45, 46 APR 47.

REVIEWER: LT. ROBERT P. BAUERWALD
Fire Marshal Office, PHONE 887-4861, MS-1102F

cc: File

Printed with Soybean Ink on Recycled Paper

August 12, 1994

TO: Alan Auerbach
2325 Microl Road
Baltimore, Maryland 21209

Re: CASE NUMBER: 95-39-A (Item 45)
2325 Microl Road
S/S Microl Road, 175' W of e/1 Baythorne Road
3rd Election District - 2nd Councilmanic

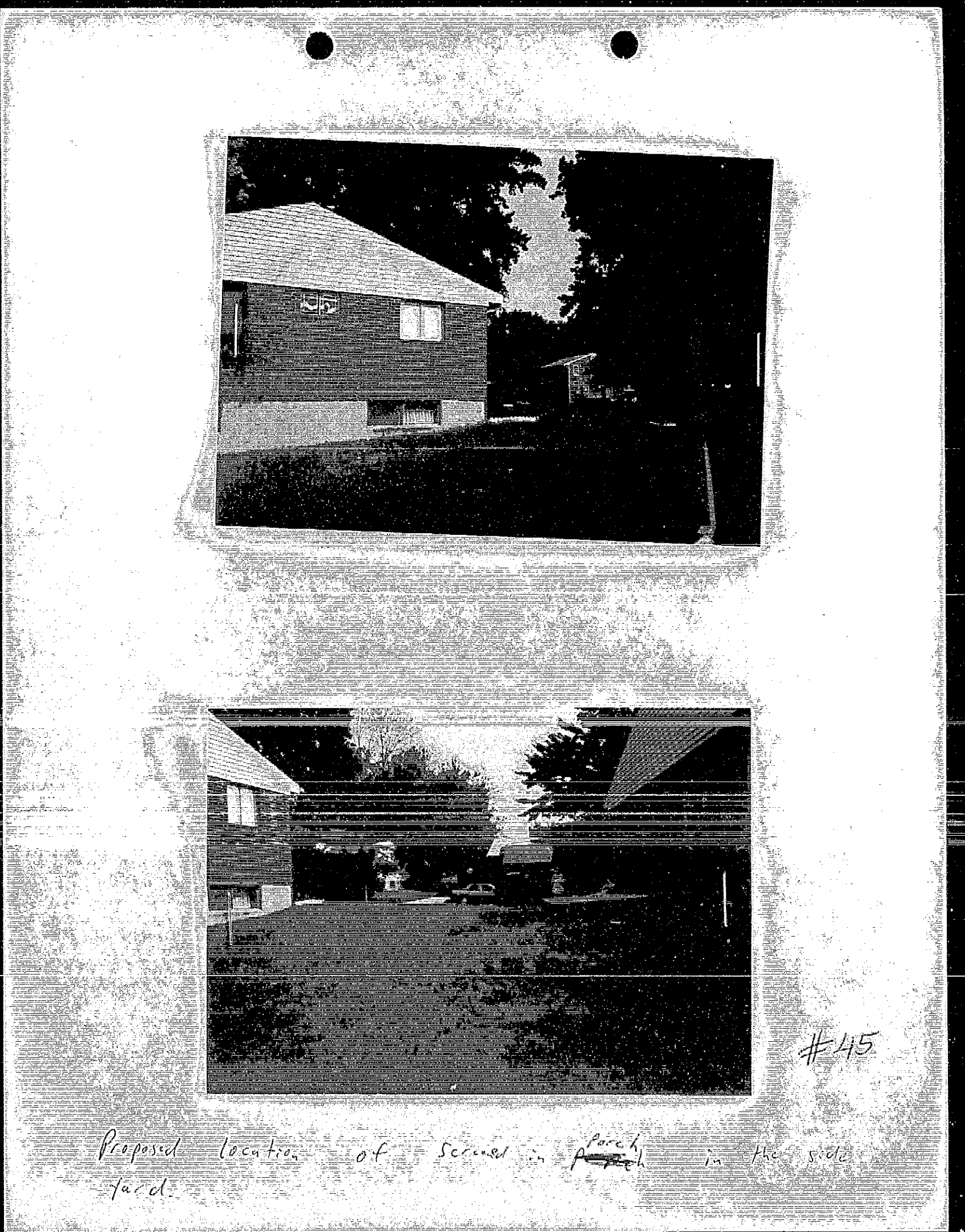
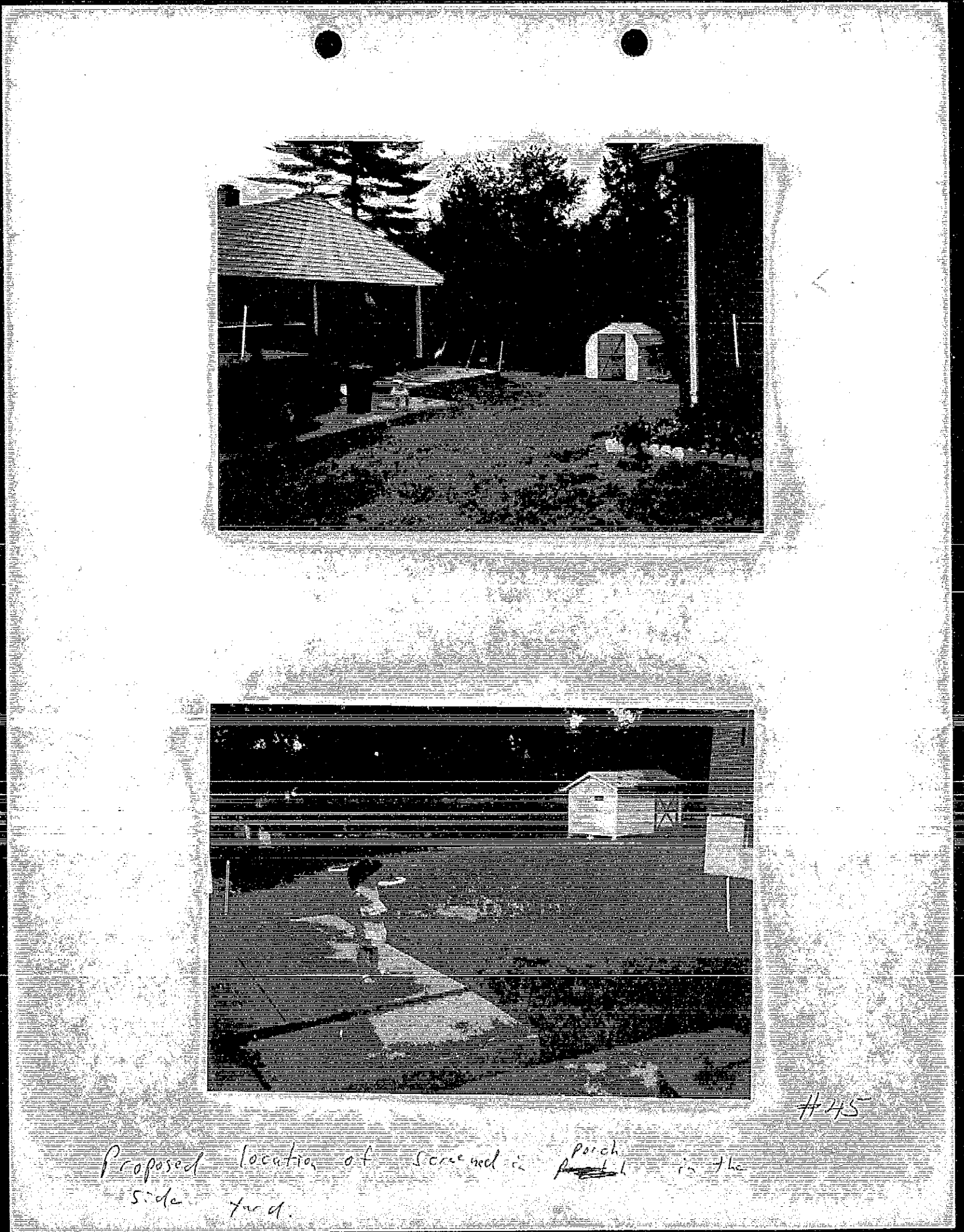
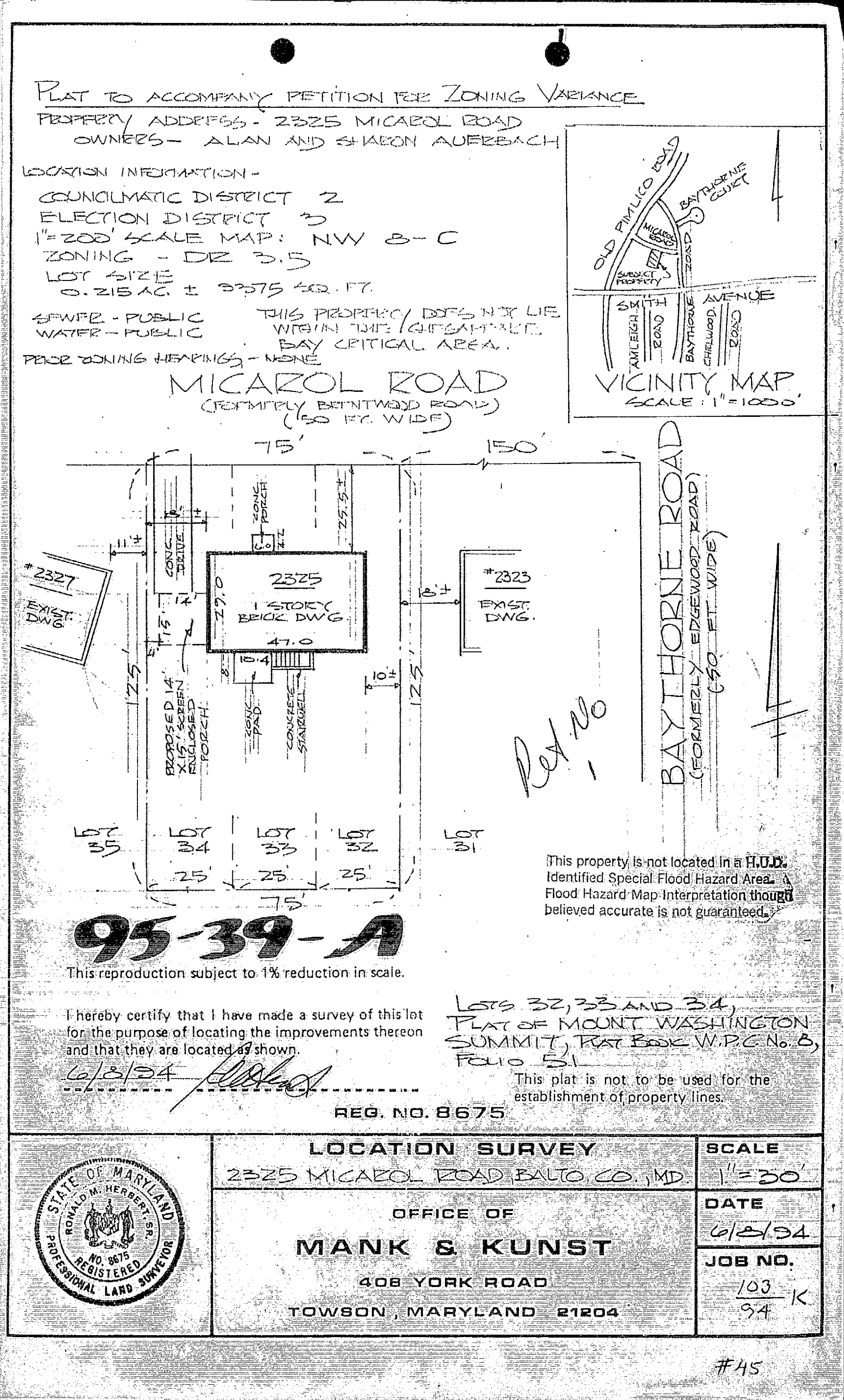
Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3331. This notice also serves as a refractive regarding the administrative process.

- 1) Your property will be posted on or before August 14, 1994. The closing date (August 29, 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 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.

Carl Jablon
Arnold Jablon
Director

Printed with Soybean Ink on Recycled Paper





0-SW 0-SE
0-NW 0-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988

Ord. Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

[Signature]
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

[Signature]
Chairman, County Council

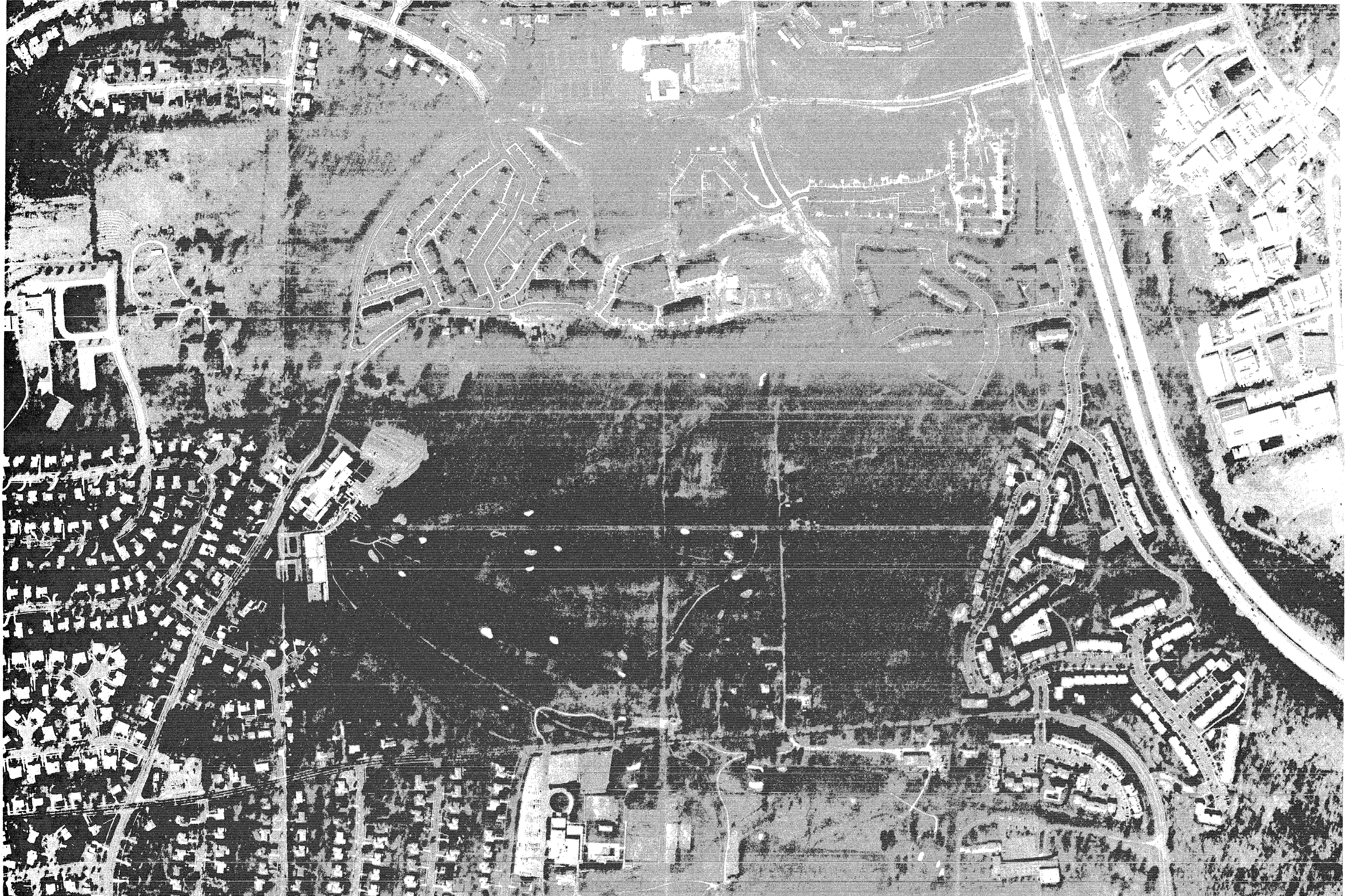
SCALE
1" = 200' ±

DATE OF PHOTOGRAPHY
JANUARY 1988

LOCATION
LAKE ROLAND

SHEET
N.W.
8-C

95-39-A



95-29-17

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

SCALE 1" = 200' ±	LOCATION LAKE ROLAND	SHEET N.W. 8-C
DATE OF PHOTOGRAPHY JANUARY 1986		

MICROFILMED