

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
Center of Circle Road, approx.
3,750 ft. from Ruxton Road
1800 Circle Road
9th Election District
4th Councilmanic District
Fray F. Marshall, M.D., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-28-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Fray F. Marshall, M.D., and Lindsay W. Marshall, his wife, for that property known as 1800 Circle Road in the Ruxton section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 8 ft., in lieu of the minimum 20 ft., and a sum of sides of 27 ft. in lieu of the required 50 ft., for an attached garage. The property and relief sought are 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

ORDER RECEIVED FOR FILING
Date 8/24/95
By M. Howard

MICROFILMED

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.

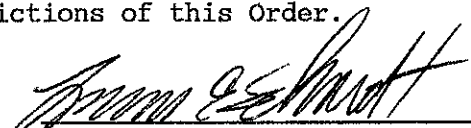
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of August, 1995 that the Petition for a Residential Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 8 ft. in lieu of the minimum 20 ft., and a sum of sides of 27 ft. in lieu of the required 50 ft., for an attached garage, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

MICROFILMED

COPIES OF THIS
ORDER
3/20/95
M. G. H. H.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 23, 1995

Dr. and Mrs. Fray F. Marshall
1800 Circle Road
Ruxton, Maryland 21204

RE: Petition for Administrative Variance
Case No. 96-28-A
Property: 1800 Circle Road

Dear Dr. and Mrs. Marshall:

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





Petition for Administrative Variance

96-28-A

to the Zoning Commissioner of Baltimore County

for the property located at 1800 Circle Road - Ruxton 21204
which is presently zoned DRI

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) 1B02.3.C.1 to allow a side yard setback of 8' in lieu of the minimum 20' and a sum of sides of 27 in lieu of the required 50'.

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

- 1- Desire for security of enclosed space vs. carport
- 2- Need for storage for lawnmowers, bicycles, one car, etc.
- 3- Space for garage is exact space of carport in existence for 20+ years.

✓ 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:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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

Name

Address

Phone No.

✓ 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.

Fray F. Marshall, MD

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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

Name

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: CM

DATE: 27 July

Printed with Soybean Ink on Recycled Paper

ITEM #: 41

ESTIMATED POSTING DATE: _____

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 1800 CIRCLE ROAD
address
Ruxton MD. 21204
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)

We bought this house April 1, 1976. It had a carport. We are presently adding a den on the rear of our home. When the construction began the contractor took the carport down for access. We now wish to put an enclosed garage for our lawnmower and one car instead of putting the carport back. The garage will occupy the exact space the carport occupied for the past 20 years. Security is an issue for us in wanting the space enclosed.

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.

Fray F. Marshall, MD
(signature)
(type or print name)



Lindsay W. Marshall
(signature)
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26 day of July, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7-26-95
date

Lacelle L. Moore
NOTARY PUBLIC

My Commission Expires:

Oct. 4, 1995

1800 Circle Road 96-28-A

Beginning for the same in the center of Circle Road at a distance of approximately 3750' following the circle to the right from the intersection of Ruxten Rd, thence bearing on the center of Circle Road $S 70^{\circ} 10' E$ 135.8' thence leaving Circle Road following the lines $S 25^{\circ} 20' W$ 249.0', $N 65^{\circ} 29' W$ 100, $N 17^{\circ} 37' E$ to the point of Beginning containing .66 acres of ground located in the 9th Election District, 4th Councilmanic District.

MICROFILMED

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

96-78-A

Towson, Maryland

District: 9th Date of Posting: 8/4/95

Posted for: Variance

Petitioner: Fray & his son Michael

Location of property: 1800 Circle Rd

Location of Signs: Along roadway on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 8/17/95

Number of Signs: 1

Signature: [Signature]

MICROFILMED



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/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 41

Petitioner: Fray F. and Lindsay W. Marshall

Location: 1800 Circle Road Ruxton, MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Lindsay Marshall

ADDRESS: 1800 Circle Road
Ruxton, MD 21204

PHONE NUMBER: (410) 296-7069

AJ:ggs

(Revised 04/09/93)



RECEIVED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

96-28-A 004839

DATE 27 July 91 ACCOUNT RE001-6150

AMOUNT \$ 85.00

RECEIVED FROM: Marshall

FOR: Item 41

1804 C. R. 03A03#002771CHRC \$85.00
BA C003:112M07+27-95

DISTRIBUTION VALIDATION OR SIGNATURE OF CASHIER
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

887-3610

August 4, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-28-A (Item 41)
1800 Circle Road
center of Circle Road, approximately 3,750' from Ruxton Road
9th Election District - 4th 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 6, 1995. The closing date (August 21, 1995) 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, appearing to read "Arnold Jablon".

Arnold Jablon
Director
Department of Permits and Development Management

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 22, 1995

Ms. Lindsay W. Marshall
1800 Circle Road
Ruxton, Maryland 21204

RE: Item No.: 41
Case No.: 96-28-A
Petitioner: L. W. Marshall, et al

Dear Ms. Marshall:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 27, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)





**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-7-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 041 (CAM)

Dear Ms. Watson:

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 affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 8, 1995

FROM: Pat Keller, 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. 26, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 48, 49, 50, 51,
53, and 54. 1⁹

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 887-3480.

Prepared by: Jeffrey W. Long
Division Chief: Sam L. Lewis

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 14, 1995
Zoning Administration and Development Management

FROM: ^{DWS} Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for August 14, 1995
Items 030, 031, 032, 033, 034, 035, 036, 037, 9
041 and 042

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

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Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 08/08/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 07, 1995.

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: 28, 30, 31, 32, 33, 34, 35, 36,
37, 38, 39, 41 AND 42.

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

cc: File

RECEIVED

AUG 11 1995

ZADM



ZAC COMMENTS

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM *Joyce Watson*

DATE: *8/7/95*

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: *Aug. 7, 1995*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 30

38

41

LS:sp

LETTY2/DEPRM/TXTSBP

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PETITION PROBLEMS AGENDA OF AUGUST 7, 1995

#38 --- JLL

1. No zoning indicated on petition form.

#41 --- CAM

1. No fee codes indicated on receipt. †
2. Notary section is incomplete. †
3. No posting date indicated on bottom of petition form. †

July, 26, 1995

To whom it may concern —

It is fine for the Marshalls
to build an enclosed garage where
their carport was located.

Sharon P. Lieberman
SHARON C. LIETMAN
1750 Cuicle Rd.
Baltimore, Md 21204
(337-9541)

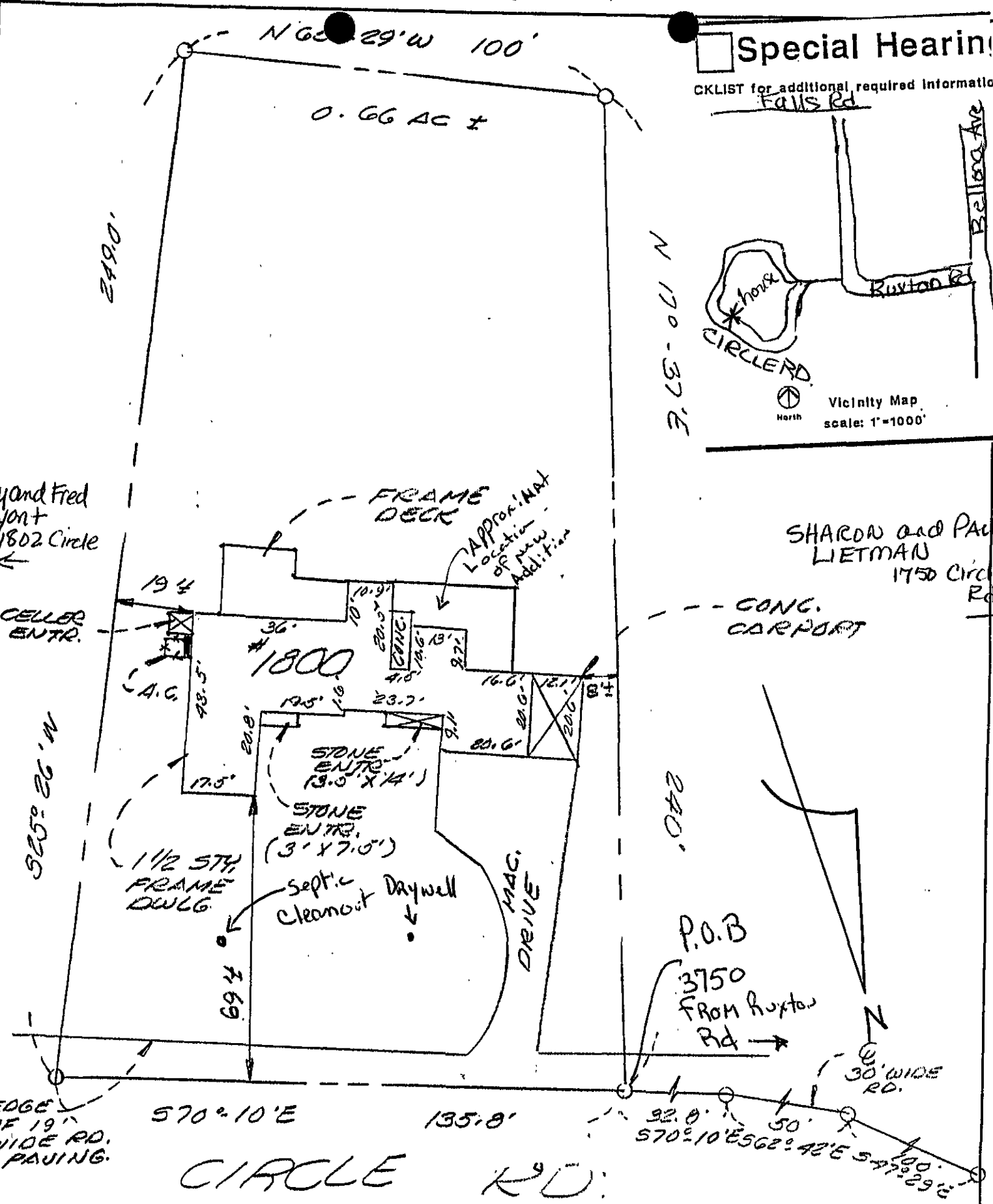
MICROFILMED

41

1 LHA TO ACCOMPANY ZONING VARIANCE

Special Hearing

CKLIST for additional required information



CIRCLE RD:

NOTE: THIS PROPERTY LIES IN ZONE 'C' (AREA OF MINIMAL FLOODING) AS SHOWN ON FIRM MAP NO. 240010 0245 DATED FEB. 2, 1989.

Fray F. and Lindsay Marshall
 1800 CIRCLE ROAD
 RUXTON, MD. 21204
 7/27/95

LOCATION INFORMATION

Election District: 9
 Councilmanic District: 4
 T=200' scale map#: NW, 10-B
 Zoning: R1
 Lot size: .66 acreage square feet
 Chesapeake Bay Critical Area: No
 Prior Zoning Hearings: No

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

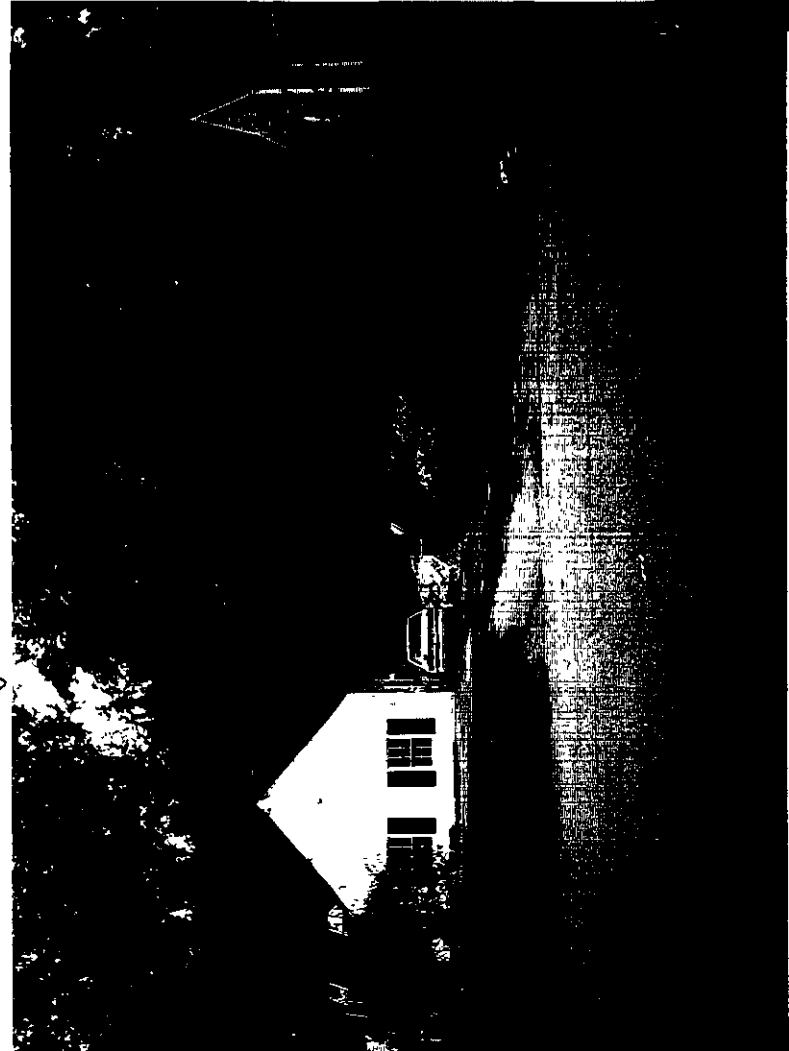
SEWER: public private
 WATER: public private

SSM
 SPOTTS, STEVENS and McCOY, INC
 ENGINEERS • SURVEYORS
 PLANNERS • SCIENTISTS
 555 Fairmount Ave., Suite 230
 Towson, MD 21204
 (301) 494-0500

96-28-A

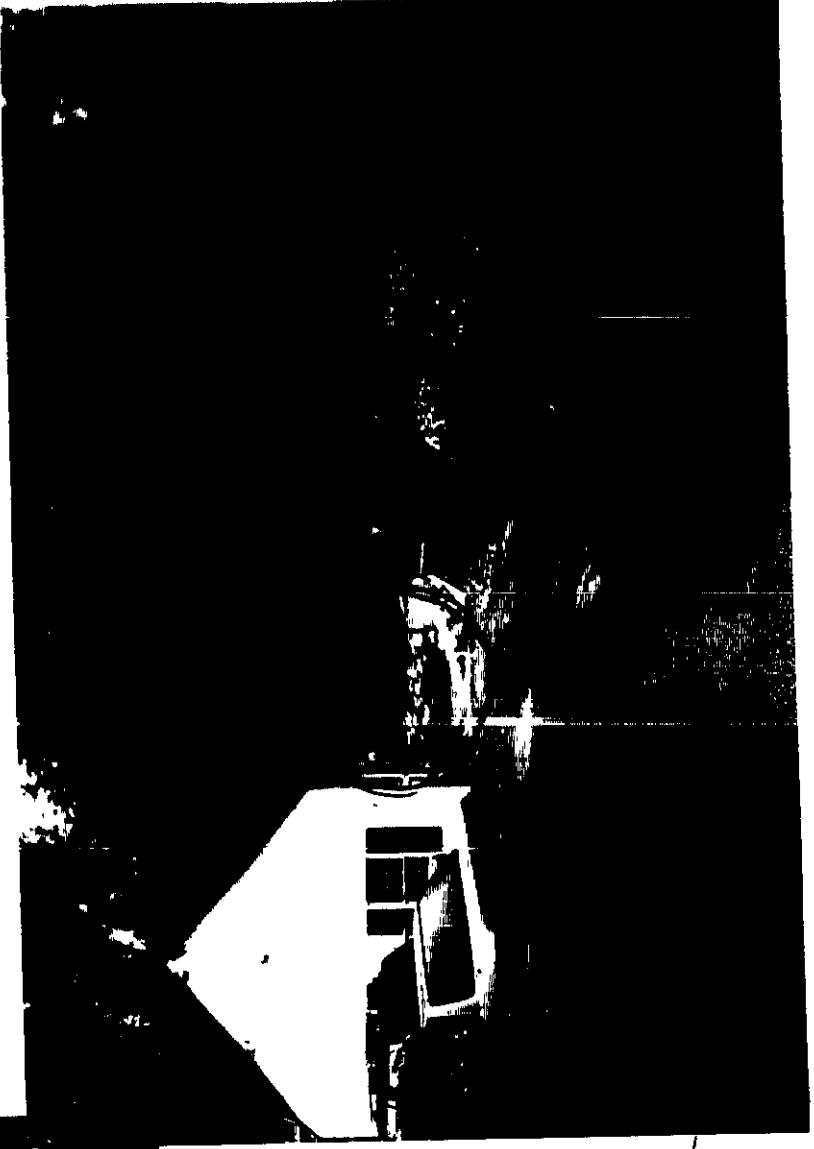
BY	TRD	11-30	2-13-98	92247/93/065
CHECK BY		SCALE	DATE	JOB NO.

Proposed garage (1 car) area
where car is parked, to be
built in line with house



Marshall
1800 Circle Rd.
Ruxton, MD 21274

← nearest neighbor
Lietman
1850 Circle Rd.
(letter of agreement in file with us)



1 car garage to occupy
exact space where
previous carport was

Closest neighbor
Lietman
1750 Circle Rd.

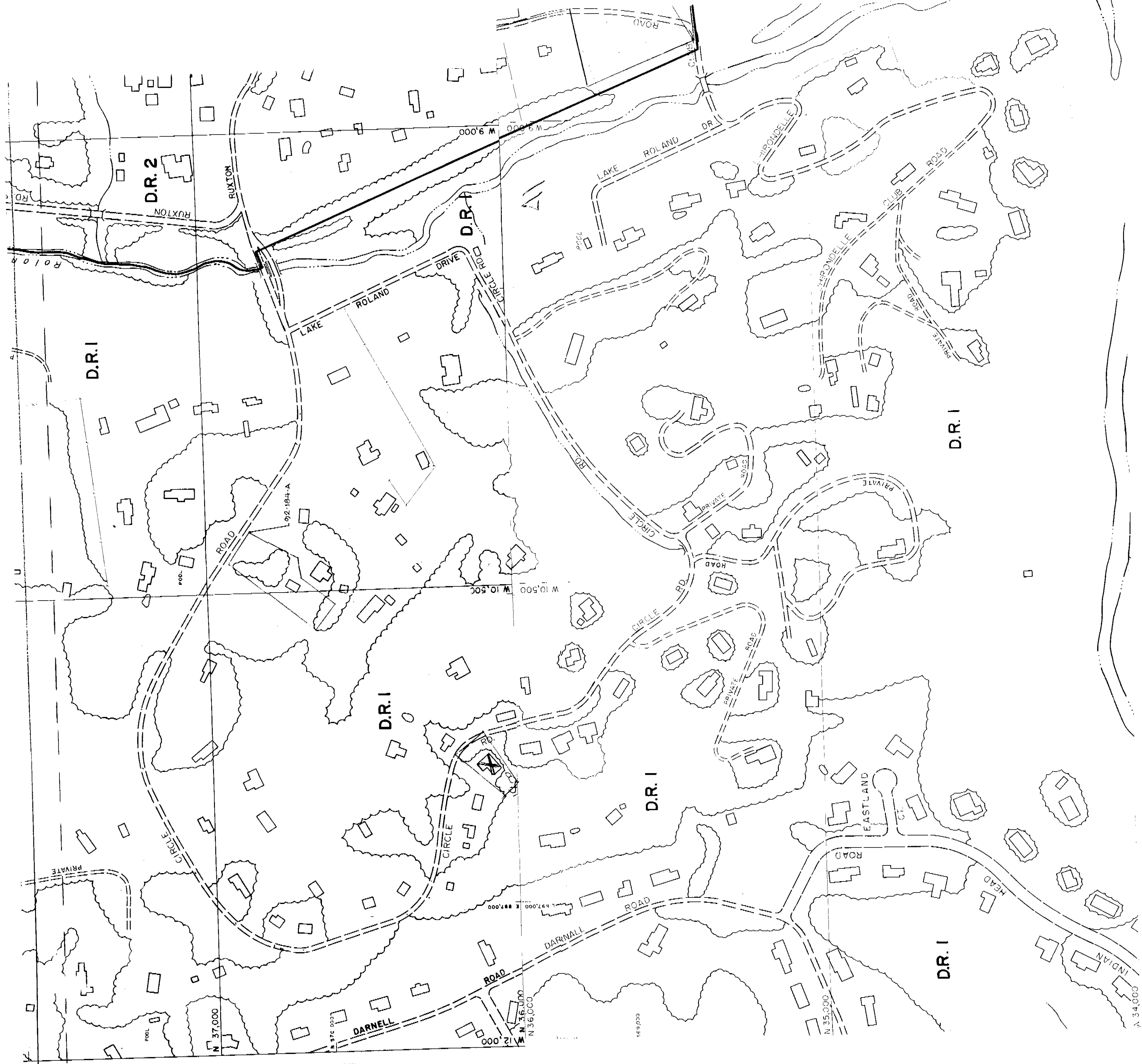


1800 Circle Rd.
garage (1 car) to be where car is

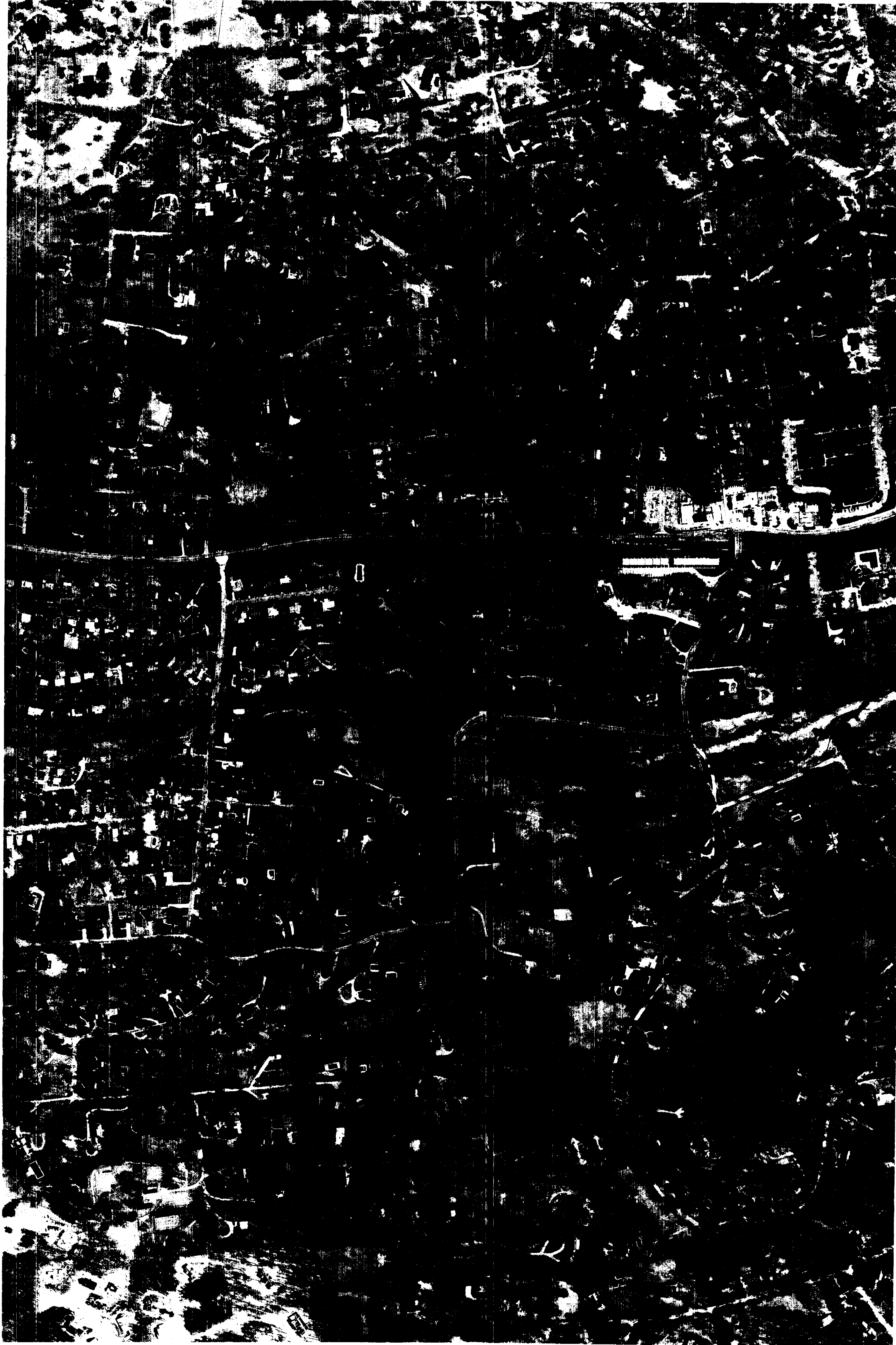


1800 Circle Rd.
from near 495





2/1/10-B 96-28-A



MAPS FILMED

MICROFILMED

SHEET

N.W.
10-B

LOCATION

RUXTON

SCALE

1" = 200' ±

DATE
OF
PHOTOGRAPHY

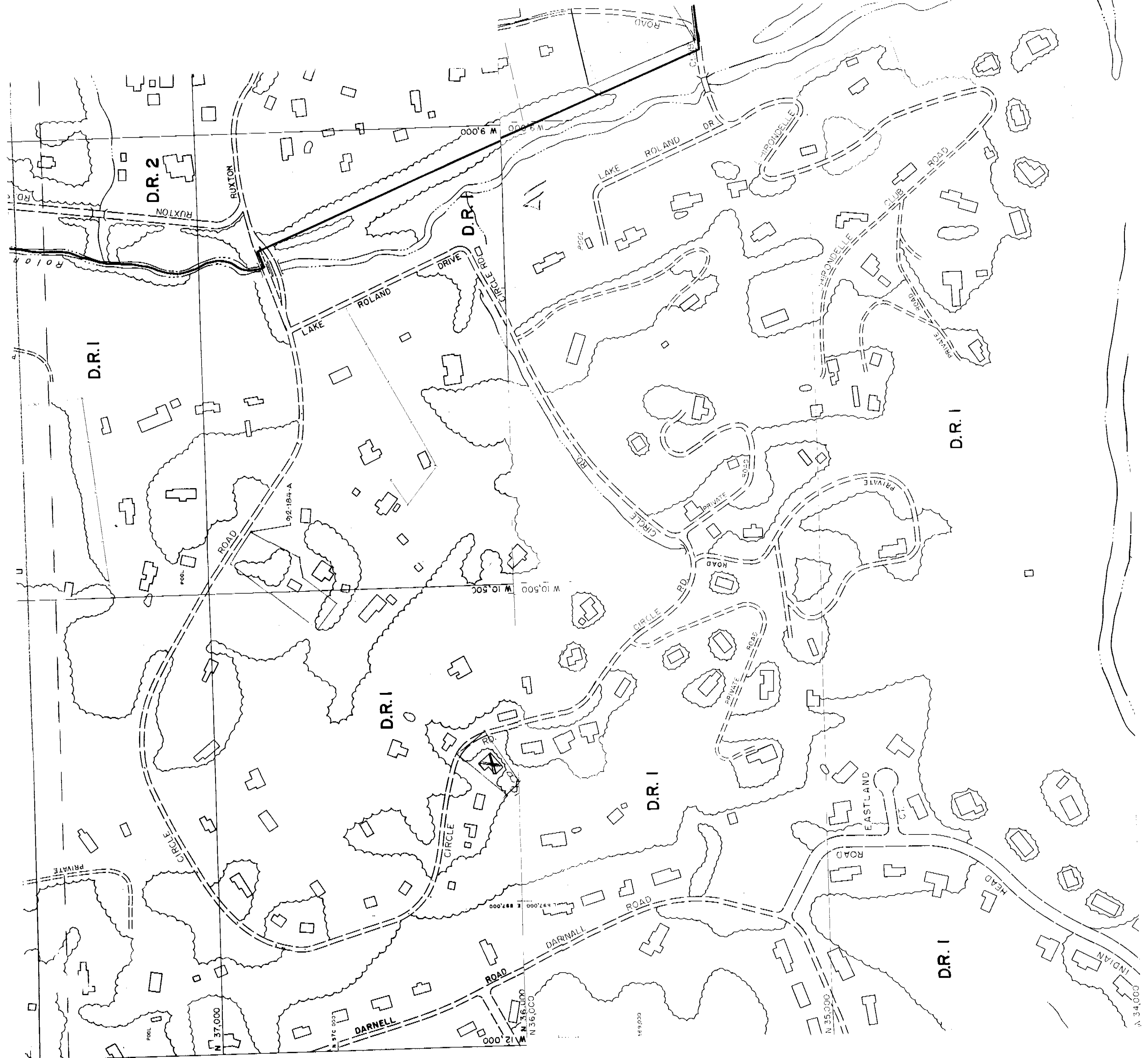
JANUARY
1986

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

N

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

96-28-A



2/11/10-B 96-28-A



MAPS FILMED
MICROFILMED

SHEET	N.W.	10-B
LOCATION	RUXTON	
SCALE	1" = 200' ±	
DATE OF PHOTOGRAPHY	JANUARY 1986	

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP



PREPARED BY AIR PHOTOGRAPHICS, INC.
BARTHSBURG, M.D. 21013

96-28-A

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
 Center of Circle Road, approx. 3,750 ft. from Ruxton Road
 1800 Circle Road
 9th Election District
 4th Councilmanic District
 Fray F. Marshall, M.D., et ux
 Petitioners

* BEFORE THE
 * ZONING COMMISSIONER
 * OF BALTIMORE COUNTY
 * Case No. 96-28-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Fray F. Marshall, M.D., and Lindsay W. Marshall, his wife, for that property known as 1800 Circle Road in the Ruxton section of Baltimore County. The Petitioners/property owners herein seek a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 8 ft., in lieu of the minimum 20 ft., and a sum of sides of 27 ft. in lieu of the required 50 ft., for an attached garage.

The property and relief sought are more particularly described as follows. The property and relief sought are more particularly described as follows. The property and relief sought are more particularly described as follows.

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.

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 27th day of August, 1995 that the Petition for a Residential Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 8 ft. in lieu of the minimum 20 ft., and a sum of sides of 27 ft. in lieu of the required 50 ft., for an attached garage, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

LES:mmn

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 112 Courthouse
 400 Washington Avenue
 Towson, MD 21204

(410) 887-4386

August 23, 1995

Dr. and Mrs. Fray F. Marshall
 1800 Circle Road
 Ruxton, Maryland 21204

RE: Petition for Administrative Variance
 Case No. 96-28-A
 Property: 1800 Circle Road

Dear Dr. and Mrs. Marshall:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, 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 1800 Circle Road - Ruxton 21204
 which is presently zoned DRI

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) 1802.3.C.1 to allow a side yard setback of 8' in lieu of the minimum 20' and a sum of sides of 27 in lieu of the required 50'.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
- 1- Desire for security of enclosed space vs. carport
 - 2- Need for storage for lawnmower, beachies, one car, etc.
 - 3- Space for garage is exact space of carport in existence for 20+ years.
- Property is to be posted and advertised as prescribed by Zoning Regulations.
 I do not 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:
 Type or Print Name: Fray F. Marshall, MD
 Signature: *Fray F. Marshall*
 Address: 1800 Circle Rd. (410) 296-7069
 City: Ruxton State: MD Zipcode: 21204
 Type or Print Name: Lindsay W. Marshall
 Signature: *Lindsay W. Marshall*
 Address: 1800 Circle Rd. (410) 296-7069
 City: Ruxton State: MD Zipcode: 21204

REVIEWED BY: *CAJ* DATE: 27/8/95
 ESTIMATED POSTING DATE: _____
 Zoning Commissioner of Baltimore County
 ITEM #: 21

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) does/do presently reside at 1800 CIRCLE ROAD
RUXTON MD. 21204

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 variance or variance difficulty)
We bought this house April 1, 1976. It had a carport. We are presently adding a den on the rear of our home. When the construction began the contractor took the carport down for access. We now wish to put an enclosed garage for our lawnmower and one car instead of putting the carport back. The garage will occupy the exact space the carport occupied for the past 20 years. Security is an issue for us. We want the space enclosed.
 That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a posting and advertising fee and may be required to provide additional information.

Fray F. Marshall
Lindsay W. Marshall
 Fray F. Marshall
 Lindsay W. Marshall

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
 I HEREBY CERTIFY, this 27 day of August, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.
 AS WITNESS my hand and Notarial Seal.
7-26-95
 My Commission Expires: Oct. 4, 1995

1800 Circle Road 96-28-A

Beginning for the same in the center of circle road at a distance of approximately 3750' following the circle to the right from the intersection of Ruxton Rd, thence bounding in the center of circle road S 70° 10' E 135.8' thence leaving circle road following the lines S 25° 20' W 249.0', N 65° 29' W 100, N 17° 37' E to the point of Beginning containing .66 acres of ground located in the 9th Election District, 4th Councilmanic District.

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 9th Date of Posting: 7/4/95
 Posted for: Variance
 Petitioner: Fray F. Marshall
 Location of property: 1800 Circle Rd.
 Location of Signs: From today on property being zoned
 Remarks: _____
 Posted by: Marshall Date of return: 1/2/95
 Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT 96-28-A 004839
 DATE: 2-7-95 ACCOUNT: ROD-6150
 RECEIVED FROM: Marshall AMOUNT: 85.00
 FOR: to 41
 VALIDATION OR SIGNATURE OF CASHIER

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/interested 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.

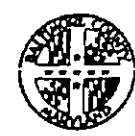
This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

- 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.

Carl John
 ARNOLD JABLON, DIRECTOR

For newspaper advertising:
 Item No.: 41
 Petitioner: Fray F. and Lindsay W. Marshall
 Location: 1800 Circle Road Ruxton, MD 21204
 PLEASE FORWARD ADVERTISING BILL TO:
 NAME: Lindsay Marshall
 ADDRESS: 1800 Circle Road
Ruxton, MD 21204
 PHONE NUMBER: (410) 296-7069

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

887-3610

August 4, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-28-A (Item 41)
1800 Circle Road
center of Circle Road, approximately 3,750' from Ruston Road
9th Election District - 4th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact each 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.

- Your property will be posted on or before August 6, 1995. The closing date (August 21, 1995) 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.
- 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 notices 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

Arnold Jablon
Director
Department of Permits and Development Management



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 22, 1995

Ms. Lindsay W. Marshall
1800 Circle Road
Ruxton, Maryland 21204

RE: Item No.: 41
Case No.: 96-28-A
Petitioner: L. W. Marshall, et al

Dear Ms. Marshall:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 27, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-7-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 041 (CAM)

Dear Ms. Watson:

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 affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2259 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 8, 1995

FROM: Pat Keller, 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. 26, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 48, 49, 50, 51,
53, and 54.

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 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carly L. Reno*

PK/JL

ITEM26/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: August 14, 1995

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for August 14, 1995
Items 030, 031, 032, 033, 034, 035, 036, 037, 041, and 042

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 08/08/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 07, 1995.

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.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, AND 42.

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

cc: File

Printed on Recycled Paper

RECEIVED
AUG 11 1995

ZADM

ZAC COMMENTS

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM *Joyce Watson*

DATE: *8/7/95*

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: *Aug 7, 1995*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 30
38
41

LS:sp

LETTY2/DEPRM/TXTSP

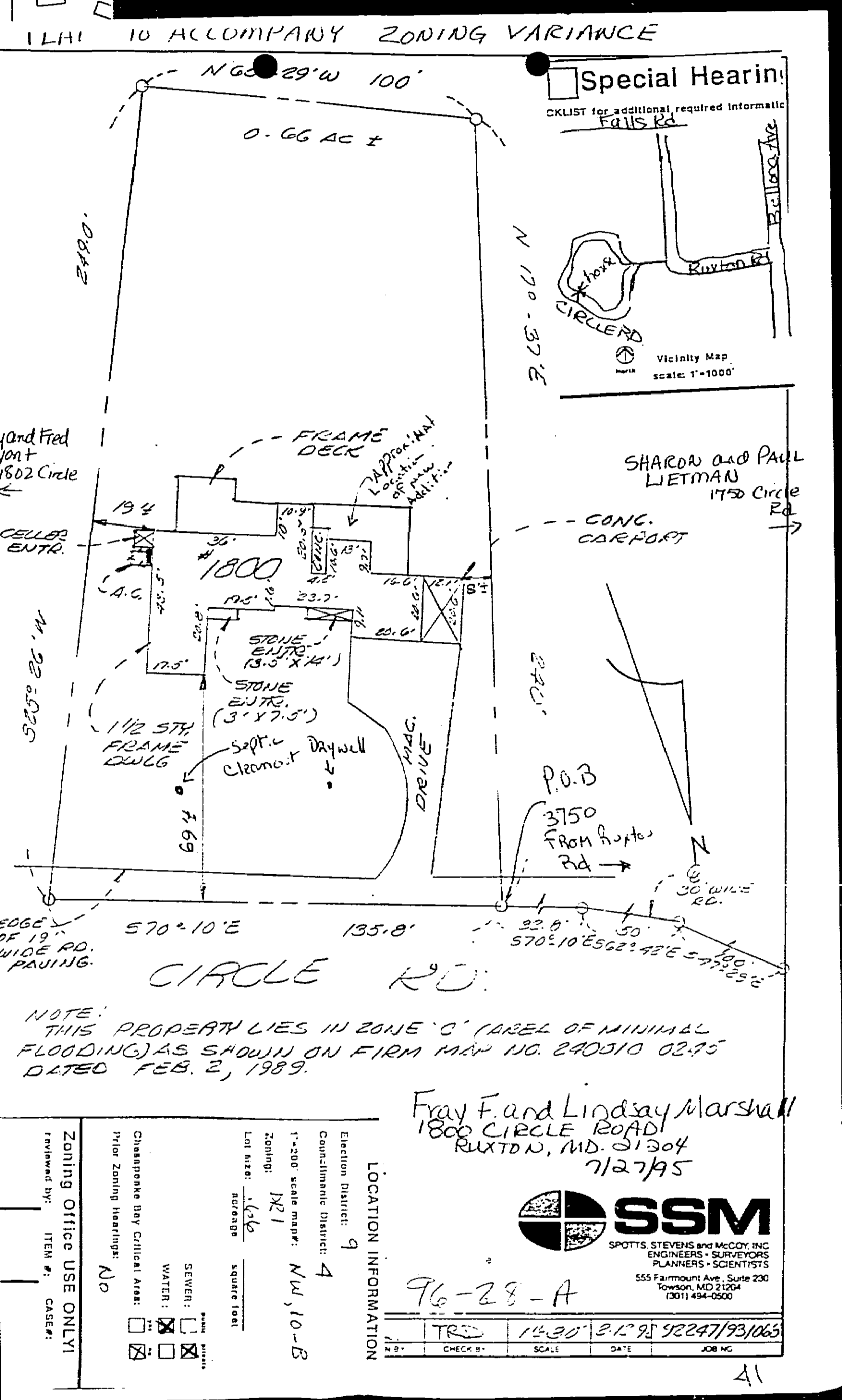
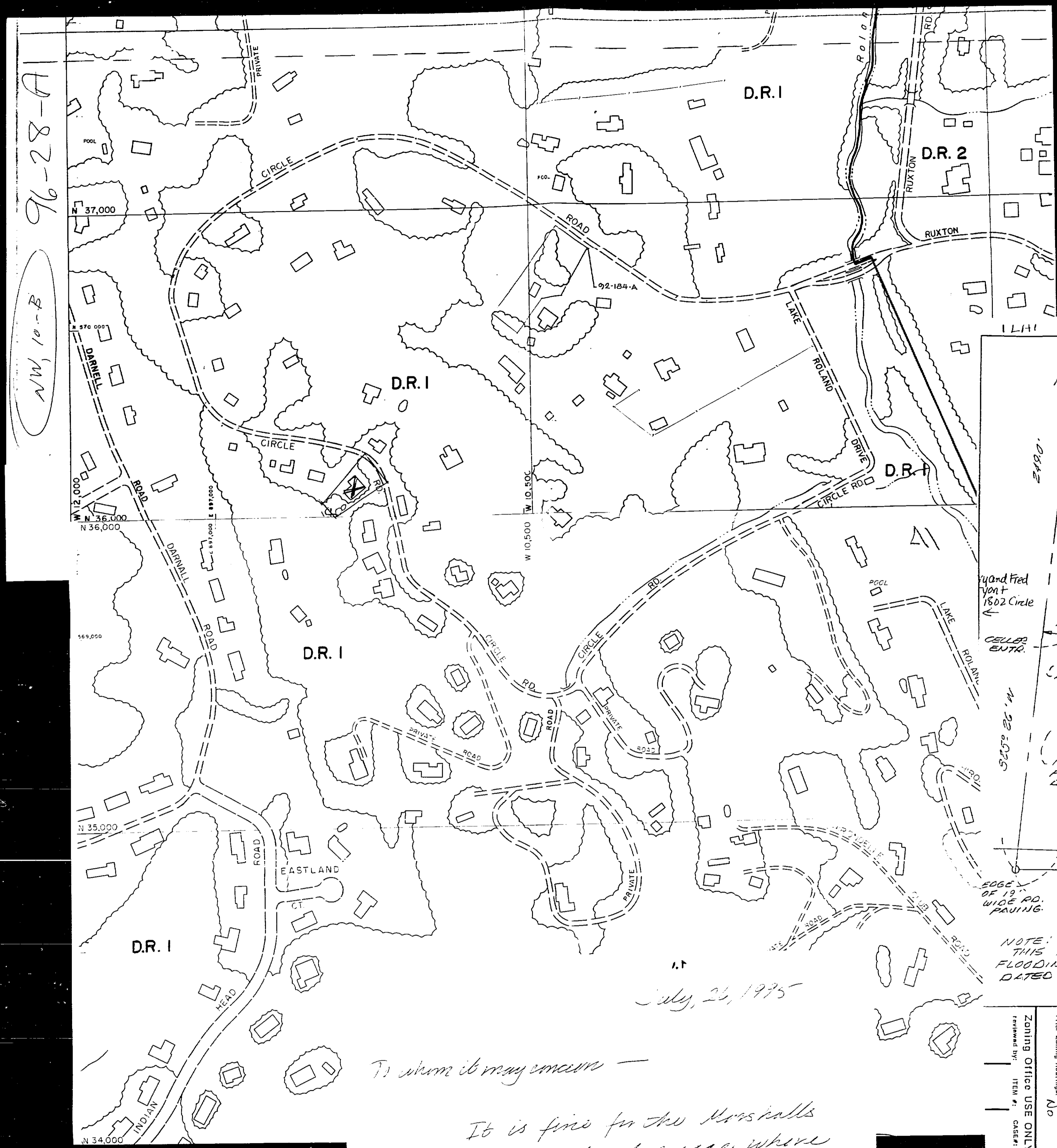
PETITION PROBLEMS
AGENDA OF AUGUST 7, 1995

#38 --- JLL

- No zoning indicated on petition form.

#41 --- CAM

- No fee codes indicated on receipt.
- Notary section is incomplete.
- No posting date indicated on bottom of petition form.



To whom it may concern -

It is fine for the Marshalls to build an enclosed garage where their carport was located.

Sharon P. Lietman
 SHARON C. LIETMAN
 1750 Circle Rd.
 Ruxton, Md 21204
 (337-9541)

Proposed garage (1 car) area where car is parked, to be built in line with house

Marshall
 1800 Circle Rd.
 Ruxton, MD 21204

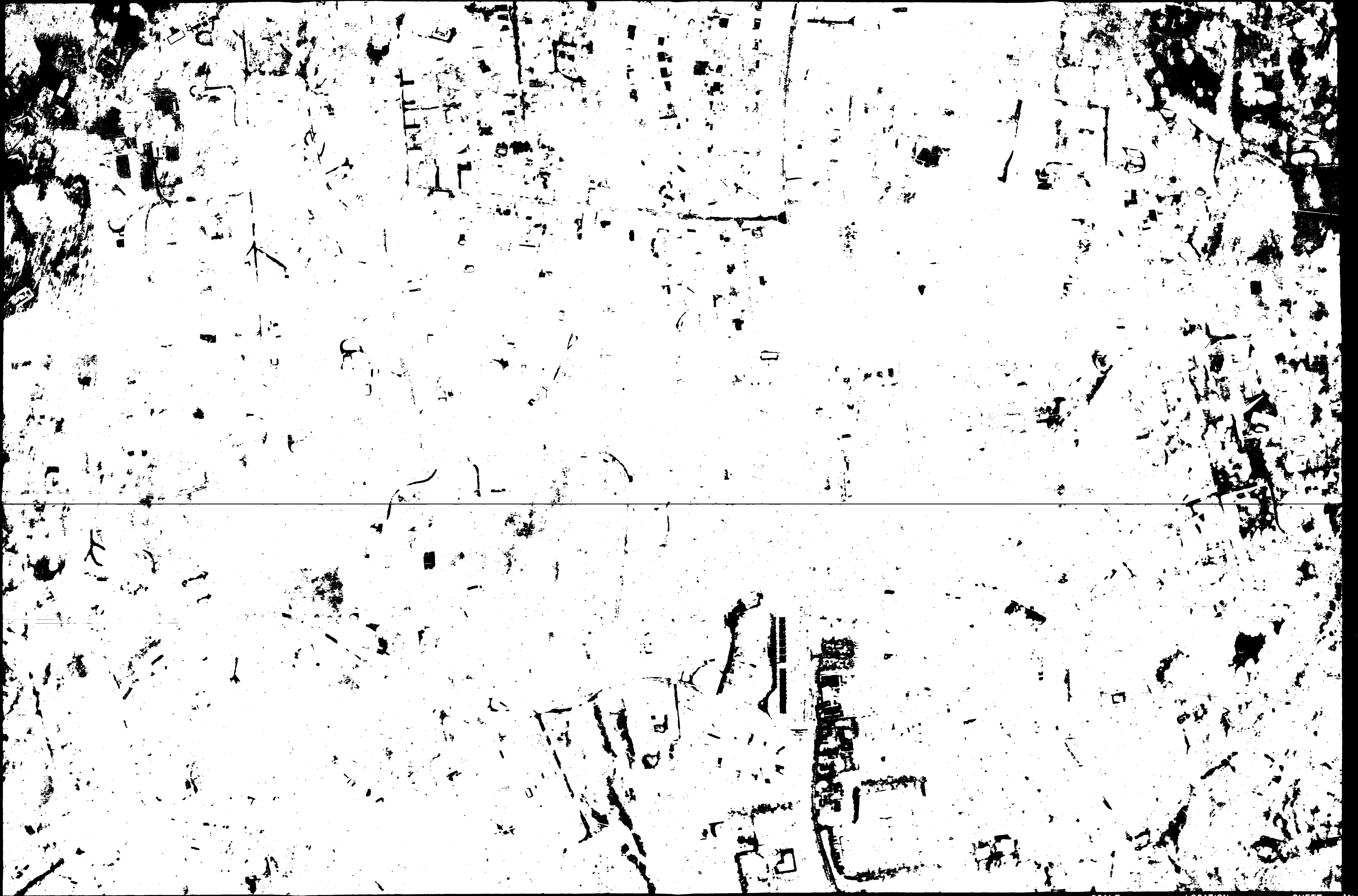
Nearest neighbor Lietman 1750 Circle Rd. (letter of agreement in file - item 4)

Clear space to occupy same space where previous carport was

Closest neighbor Lietman 1750 Circle Rd.

1800 Circle Rd. from near 1995 when existing carport was there

96-28-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

RUXTON

SHEET

N.W.
10-B

MICROFILMED