

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE

* BEFORE THE
* ZONING COMMISSIONER

11824 Mays Chapel Road
8th Election District
3rd Councilmanic District

* OF BALTIMORE COUNTY
* Case No. 98-233-A

Paul Smolensky & Geraldine M. Legendre
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Paul Smolensky and Geraldine M. Legendre, property owners, for that property known as 11824 Mays Chapel Road in the West Chapel Subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section 202.3 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 2-1/2 ft. in lieu of the required 20 ft. (for a proposed garage/shed addition) in an R.C.5 zone. 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

OFFICE OF THE ZONING COMMISSIONER

Date

By

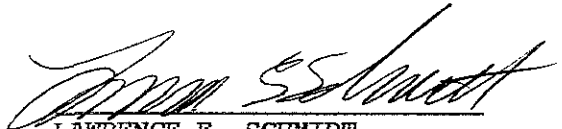
1/20/98
Sh. B. B. B.

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 BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

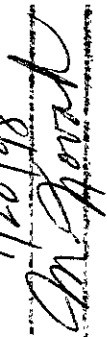
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of January 1998, that the Petition for a Residential Variance from Section 202.3 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 2-1/2 ft., in lieu of the required 20 ft. (for a proposed garage/shed addition) in an R.C.5 zone, be and is hereby GRANTED, subject, however, to the following restriction:

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

ORDERED: 1/20/98
BY: 
LES



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

January 15, 1998

Mr. Paul Smolensky
Ms. Geraldine M. Legendre
11824 Mays Chapel Road
Lutherville, Maryland 21093

RE: Petition for Administrative Variance
Case No. 98-233-A
Property: 11824 Mays Chapel Road

Dear Mr. Smolensky and Ms. Legendre:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, with restriction, 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, reading "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11824 MAYS CHAPEL RD.

which is presently zoned RC-5

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) 202.3 (1963 B.C.Z.R.)

TO PERMIT A SIDE YARD SETBACK OF 2 1/2 FT IN LIEU OF THE REQUIRED 20 FT. (FOR A PROPOSED GARAGE/SHED ADDITION).

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

SEE AFFIDAVIT

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)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s)

Paul Smolensky
(Type or Print Name)

Paul Smolensky
Signature

Geraldine M. Legendre
(Type or Print Name)

Geraldine M. Legendre
Signature

11824 Mays Chapel Rd
Address

Phone No. 560-5926

Lutherville MD 21093
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: JL

DATE

12/18/97

ESTIMATED POSTING DATE

12/29/97



Printed with Soybean Ink
on Recycled Paper

ITEM #:

233

98-233-A

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 11824 Mays Chapel Rd
address
Lutherville MD 21093
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)

The house is situated at the edge of the lot; the
asphalt driveway comes within 10' of the property
line. We are requesting a variance in order to build
in the existing driveway an attached garage shed in order
to provide dry, sheltered storage for cars, garden equipment
and bicycles, and covered access to the house.

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.

Paul Smolensky
(signature)
Paul Smolensky
(type or print name)



Geraldine M. Legendre
(signature)
Geraldine M. Legendre
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of Dec, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Paul Smolensky and Geraldine M. Legendre

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

Dec 9, 1997
date

Heaven A. Bamer
NOTARY PUBLIC

My Commission Expires:

Sept 1, 1999

A-EES-8P

233

ZONING DESCRIPTION FOR

11824 Mays Chapel Road

Beginning at a point on the North West side of Mays Chapel Road (width unknown) at the distance of 900 feet $\pm$ South West of the centerline of the nearest improved intersecting street Jennifer (width unknown).

Being Lot # 1 in the subdivision of West Chapel, as recorded in Baltimore County Plat Book #33,

Folio # 94, containing 1.7 acres.

Also known as 11824 Mays Chapel Road and located in the 8th Election District, 3rd Councilmanic District.

98-233-A

BALTIMORE COUNTY, MD
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

AND
#233
JL

No. 046900

DATE 12/18/97

ACCOUNT 7006150

AMOUNT \$ 50.00

RECEIVED FROM: LEGENDRE.

FOR: R. ELLIOTT

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY
YELLOW - CUSTOMER

98-233-A

CASHIER'S VALIDATION

PAID RECEIPT

PROCESS: 0304
231/197 12/18/1997 09:25:22
BY: 0304 CASHIER LHM LMS DEPT
5 MISCELLANEOUS DEPT RPT
DEPT: 046900
50.00 CASH
BALTIMORE COUNTY, Maryland

CERTIFICATE POSTING

ADMIN. VARIANCE

RE: Case No.: 98-233-A

Petitioner/Developer: GERALDINE LEGENDRE, ETAL

Date of Hearing/Closing: 1/13/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #11824 MAYS CHAPEL RD.

The sign(s) were posted on 12/23/97
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe, 12/23/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

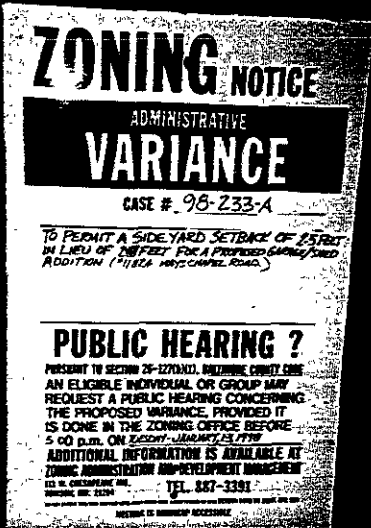
(City, State, Zip Code)

(410) 666-5366

Page (410)

905-8571

(Telephone Number)



ADMIN. VAR.

98-233-A

#11024 MAYS CHAPEL ROAD

CL. 1/13/98

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 233 -A

Address 11824 MAYS CHAPEL RD

Contact Person: _____

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 12/18/97

Posting Date: 12/29/97

Closing Date: 1/13/98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 98- 233 -A

Address 11824 MAYS CHAPEL RD

Posting Date: 12/29/97

Closing Date: 1/13/98

Wording for Sign: To Permit A SIDE YARD SETBACK OF 2 1/2 FT IN LIEU OF THE REQUIRED 20 FT. FOR A PROPOSED GARAGE/SHED ADDITION.



Baltimore County
Department of Permits and
Development Management

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

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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 233

Petitioner: Paul Smolensky and Geraldine Legendre

Location: 11824 Mays Chapel Rd Lutherville MD 21093

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Paul Smolensky

ADDRESS: 11824 Mays Chapel Rd
Lutherville MD 21093

PHONE NUMBER: 410 560-5926 / 516-5114

AJ:ggs

(Revised 09/24/96)

98.233.A 16-

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 11824 Mays Chapel Rd
address
Lutherville MD 21093
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)

The house is situated at the edge of the lot; the
asphalt driveway comes within 10' of the property
line - We are requesting a variance in order to build
in the existing driveway an attached garage shed in order
to provide dry, sheltered storage for cars, garden equipment
and bicycles, and covered access to the house.

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

Paul Smolensky
(signature)
Paul Smolensky
(type or print name)



Geraldine M. Legendre
(signature)
Geraldine M. Legendre
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of Dec, 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Paul Smolensky and Geraldine M. Legendre

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

Dec 9, 1997
date

Rebecca A. Barnes
NOTARY PUBLIC

My Commission Expires:

Sept 1, 1999



Baltimore County
Department of Permits and
Development Management

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

January 7, 1998

Mr. and Mrs. Paul Smolensky
11824 Mays Chapel Road
Lutherville, MD 21093

RE: Item No.: 233
Case No.: 98-233-A
Petitioner: Paul Smolensky, et ux

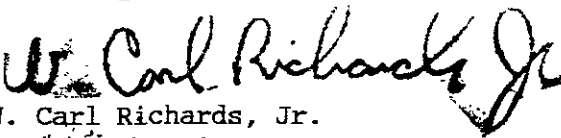
Dear Mr. and Mrs. Smolensky:

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 December 18, 1997.

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 Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 12-31-97
Item No. 233 (JLL)

Dear Ms. Eubanks:

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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
Dept. of Permits & Development Management

DATE: December 30, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item Nos. 232, 233, 236, 237, 241, and 242

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

AFK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: _____

FROM: R. Bruce Seeley. *RBS/48*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: *Dec 29, 97*

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

Item #'s:

230

232

233

236

240

241

229

RBS:sp

BRUCE2/DEPRM/TXTS8P

Baltimore County Government
Fire Department



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

(410) 887-4500

January 5, 1993

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 December 29, 1997

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.

9. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

231. 232. 233. 236. 237. and 241

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

cc: File



233

December 14, 1997

TO WHOM THIS MAY CONCERN

Please note that my immediate neighbors, Paul Smolensky and Geraldine Legendre, have discussed with me their desire to build an attached garage and shed in their existing driveway. I understand that this addition will extend to about 2.5 feet of the line which separates our respective properties but have no objection to their petitioning for a variance.

Sincerely,



Leo J. Bowers
11836 Mays Chapel Rd
Lutherville MD 21093
(410) 561-3445

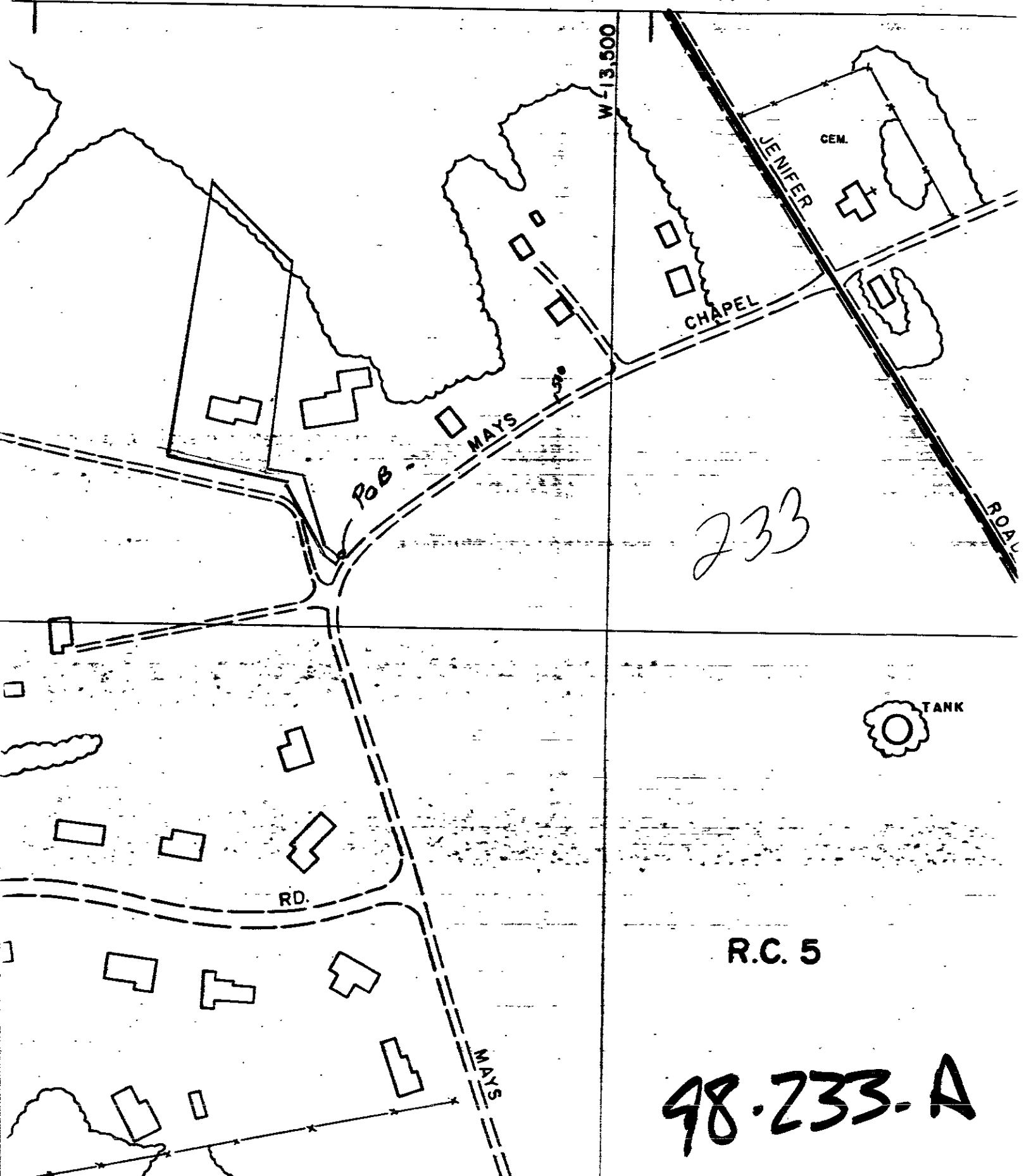
98-233-A

NW 14C

233



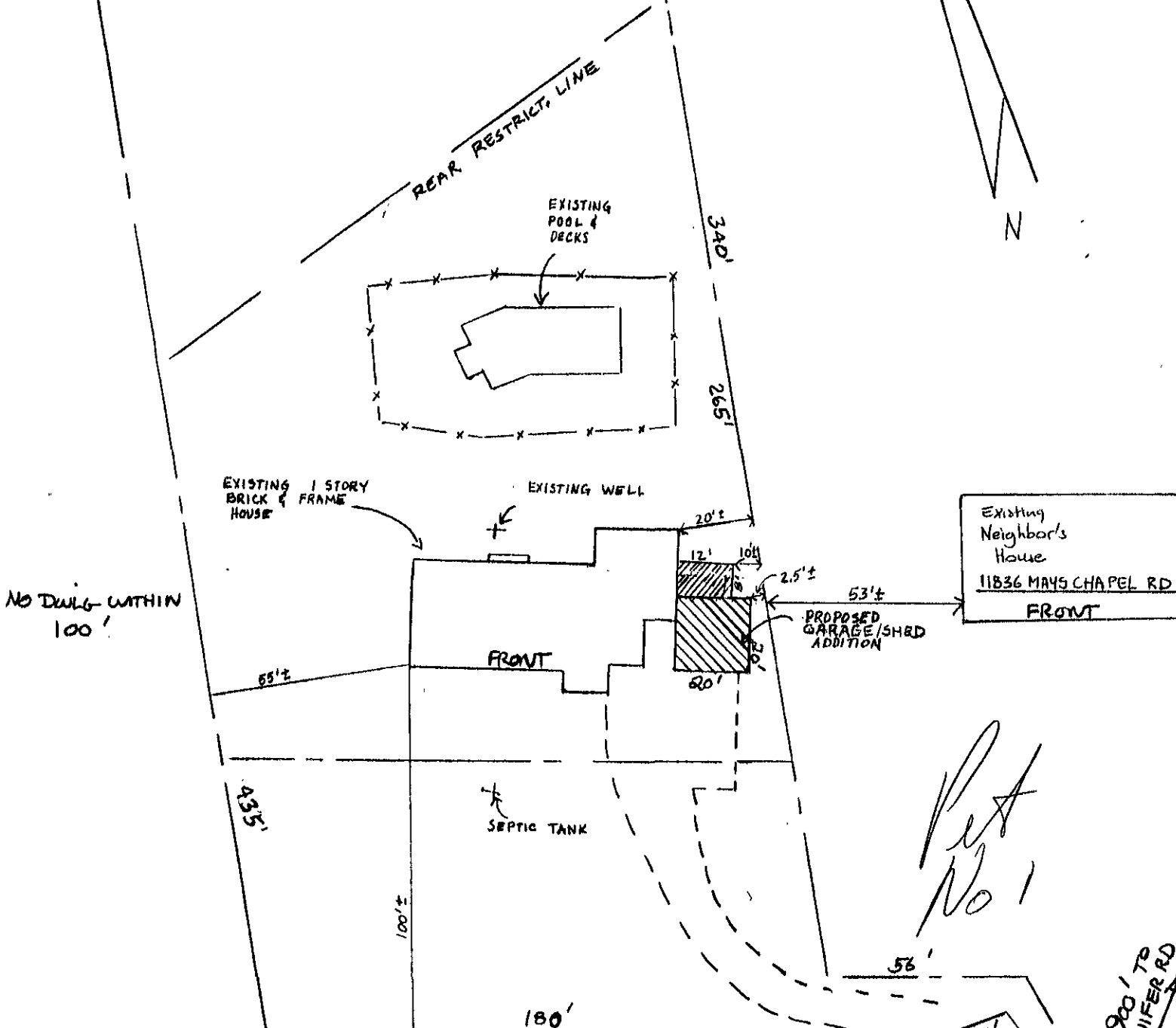
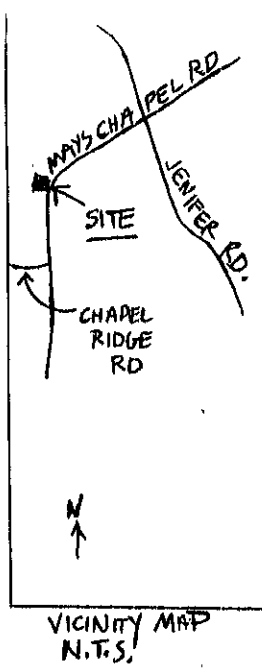
NW 14 C. RM 206



ZONING MAP # NW 14C
 UTILITIES PRIVATE WELL AND SEPTK
 ED 8 CD 3
 ZONING RC - 5
 LOT SIZE 1.70 AC. ±
 NOT CTBCA
 NOT IN 100 YR. FLOOD PLAIN.

WE THE UNDERSIGNED
 OWNERS ARE RESPONSIBLE
 FOR THE ACCURACY OF
 THE INFORMATION CONCERNING
 THIS PETITION AS DRAWN
 AND WRITTEN BY BALTO CO.

Paul Smolensky
Geraldine M. Legendre



Ref No 1

VARIANCE PLAN FOR
 PAUL AND GERALDINE M.
 SMOLENSKY LEGENDRE
 11824 MAYS CHAPEL ROAD
 "WEST CHAPEL"

SUBDIVISION OF
 WEST CHAPEL
 AS RECORDED IN PLAT BOOK
 # 33 FOLIO # 94 BEING
 LOT # 1

SCALE: 1"=40'

233

98-233-A



98-233-A



98-233-A



98-233-A