

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Academy Avenue, 140' NW of
Embleton Road
(409 Academy Avenue)
4th Election District
3rd Councilmanic District

Axaykumar Dave, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-407-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Axaykumar and Shital Dave. The Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 208.3, 1963) to permit a side yard setback of 3 feet in lieu of the minimum required 10 feet, and a sum of the side yards of 18 feet in lieu of the required 25 feet, for a proposed garage addition. The subject property and relief sought are more particularly described on the site plan submitted which was marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information submitted provides sufficient facts that the relief requested complies with the requirements of Section 307.1 of the B.C.Z.R.

ORDER RECEIVED FOR FILING

Date

By

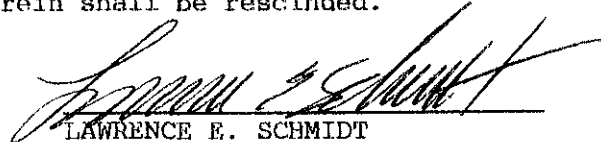
5/29/98
[Signature]

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

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of May, 1998 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 208.3, 1963) to permit a side yard setback of 3 feet in lieu of the minimum required 10 feet, and a sum of the side yards of 18 feet in lieu of the required 25 feet, for a proposed garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 5/29/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

May 29, 1998

Mr. & Mrs. Axaykumar Dave
409 Academy Avenue
Owings Mills, Maryland 21117

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Academy Avenue, 140' NW of Embleton Road
(409 Academy Avenue)
4th Election District - 3rd Councilmanic District
Axaykumar Dave, et ux - Petitioners
Case No. 98-407-A

Dear Mr. & Mrs. Dave:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 409 Academy Avenue

which is presently zoned Resident-DR-3.5

This Petition shall be filed with the Dept. of Permits & 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) 1.B02.3.B (208, 3, 1963)

To allow a side yard setback of 3 ft. and a sum of side yard setbacks of 18 ft. in lieu of the minimum required 10 ft. and 25 ft. respectively.

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

Currently unable to secure my personal belonging which is too large and heavy to put in home. I have to use neighbour's Yard to gain entrance in my back yard with van on daily basis. This would eliminate above problem.

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

Legal Owner(s)

(Type or Print Name)

Axaykumar & Shital Dave

(Type or Print Name)

Signature

(Handwritten signature of Axaykumar & Shital Dave)

Axaykumar & Shital Dave

(Type or Print Name)

Address

(Handwritten signature of Axaykumar & Shital Dave)

City State Zipcode

409 Academy Ave. (410) 356-0448

Address Phone No

Attorney for Petitioner

Owings Mills, MD 21117

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

(Type or Print Name)

Signature

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 posted

Zoning Commissioner of Baltimore County

REVIEWED BY: *(Signature)* DATE: **4-28-98**

Printed with Recycled Paper on Recycled Paper

ESTIMATED POSTING DATE: **5/10**



98-407-A

IT #: **407**

ORDER RECEIVED FOR FILING
Date **5/29/98**
By *(Signature)*

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

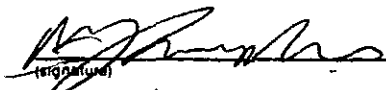
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 409 Academy Avenue
address
Owings Mills, MD 21117
City State Zip Code

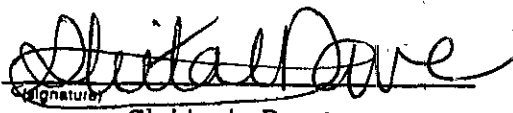
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

With current layout in order for me to access my back
yard with van I have to use adjacent property to gain entrance.
I can able to use my garage with propose width. 12foot will
not able me to open my car door.

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.


(signature)
Axaykumar Dave
(type or print name)



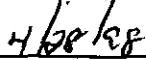

(signature)
Shital Dave
(type or print name)

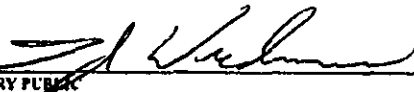
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of April, 19 98, 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.


date


NOTARY PUBLIC

My Commission Expires:

S. J. Wiedmaier, Notary Public
City of Baltimore
State of Maryland
My Commission Expires Nov. 7, 2001

A-104-98

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 409 Academy Avenue
address
Owings Mills, MD 21117
City State Zip Code

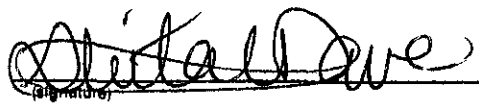
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

With current layout in order for me to access my back
yard with van I have to use adjacent property to gain entrance.
I can able to use my garage with propose width. 12foot will
not able me to open my car door.

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.


(signature)
Axaykumar Dave
(type or print name)




(signature)
Shital Dave
(type or print name)

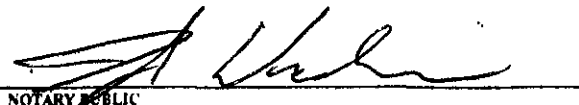
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of April, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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.

4/28/98
date


NOTARY PUBLIC

My Commission Expires:

S. J. Wiedmaier, Notary Public
City of Baltimore
State of Maryland
My Commission Expires Nov. 7, 2001

A-104-8P



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 409 Academy Avenue

which is presently zoned Resident DR-3.6

This Petition shall be filed with the Dept. of Permits & 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) 1502.3.B, (208.3, 1963)

To allow a sideyard setback of 3 ft. & a sum of sideyard setbacks of 18 ft. in lieu of the minimum required 10 ft. & 25 ft. respectively.

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

Currently unable to secure my personal belonging which is too large and heavy to put in home. I have to use neighbours Yard to gain entrance in my back yard with van on daily basis. This would eliminate above problem.

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

Legal Owner(s)

(Type or Print Name)

Axaykumar & Shital Dave

(Type or Print Name)

Signature

Signature

Address

Axaykumar & Shital Dave

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

409 Academy Ave.

(410) 356-0448

Address

Phone No

(Type or Print Name)

Owings Mills, MD 21117

City

State

Zipcode

Signature

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: *JAA*

DATE: *4-28-98*

ESTIMATED POSTING DATE: *5/10*

98-407-A

ITEM #: *407*

ZONING DESCRIPTION FOR 409 Academy AVE.
(address)

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

wide at the distance of 140' Northwest of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Embleton Rd.
(name of street)

which is 30 wide. *Being Lot # 5,
(number of feet of right-of-way width)

Block -, Section # 5 in the subdivision of Suburbia
(name of subdivision)

as recorded in Baltimore County Plat Book # 31, Folio # 88,

containing 21,788 ^{sq. ft.} Also known as 409 Academy Ave.
(square feet) (property address)

and located in the 4th Election District, 3rd Councilmanic District.

~~409~~
#407

98-407-A

A-004-20

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

407
40901001
40901001
40901001

DATE 4-28-98 ACCOUNT RESERVED

AMOUNT \$ 50.00

RECEIVED FROM: MR. IAVE

FOR: RES. Variance Filing fee
409 Academy Ave.

98-407-A

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 407 -A Address 409 Academy Ave

Contact Person: John Sullivan Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4-28-98 Posting Date: 5-10-98 Closing Date: 5-25-98

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

- 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.
- 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.
- 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.
- 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- 407 -A Address 409 Academy Ave

Posting Date: 5-10-98 Closing Date: 5-25-98

Wording for Sign: To Permit a sideyard setback of 3 ft. & a sum of sideyard setbacks of 18 ft in lieu of the minimum required 10 ft and 25 ft. respectively

CERTIFICATE OF POSTING

RE: Case No. 98-407-A
Petitioner/Developer:
(Axaykumar Dave)
Date of Hearing/Closing:
(May 26, 1998)

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

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

**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 _____
409 Academy Ave. Baltimore, Maryland 21117 _____**

**The sign(s) were posted on _____ May 8, 1998 _____
(Month, Day, Year)**

Sincerely,

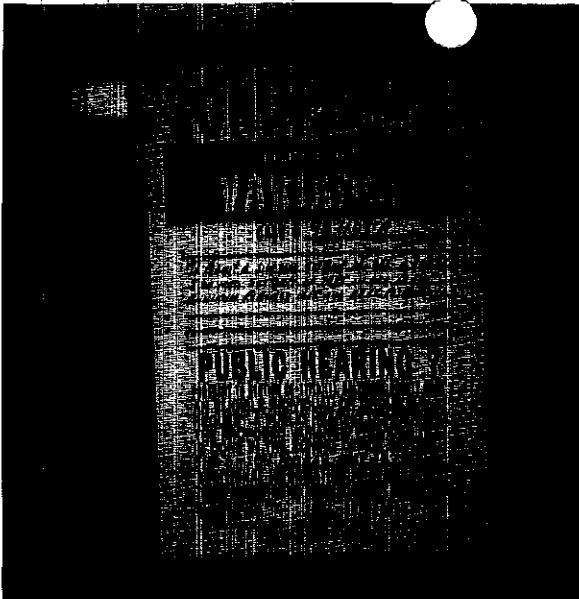

(Signature of Sign-Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)





Baltimore County
Department of Permits and
Development Management

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

May 21, 1998

Mr. and Mrs. Axaykumar Dave
409 Academy Avenue
Owings Mills, MD 21117

RE: Item Number: 407
Case Number: 98-407-A
Petitioner: Axaykumar Dave, et ux

Dear Mr. and Mrs. Dave

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 April 28, 1998.

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 Gwen Stephens in the zoning office (410-887-3391).

Sincerely,

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

W. Carl Richards, Jr.
Zoning Supervisor

WCR:rye

Enclosures





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 5-12-21
Item No. 407 JJS

Dear Ms. Stephens:

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 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

to

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
Department of Permits
and Development Management

DATE: May 12, 1998

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

SUBJECT: Zoning Advisory Petitions

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

Item No. 381, 393, [REDACTED], 407, 408, 409, and 410

If there should be any questions or if this office can provide additional information,
please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

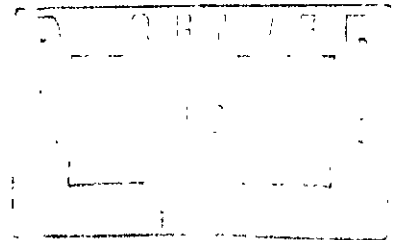
Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: May 18, 1998

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for May 18, 1998
Item Nos. 404, 405, 406, (407), 408,
409, 411, 412, 413, 415

ALSO:

Use Permit for Farmer's Roadside Stand
(W/S Jarrettsville Pike, Opposite
South Side Avenue (14350 Jarrettsville
Pike)

ALSO:

Revised Plans for Case #98-328-SPHXA
(9205 Harford Road)

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

RWB:HJO:jrb

cc: File

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

TO: PDM
FROM: R. Bruce Seeley,
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: May 11, 98

DATE: _____

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

Item #'s:	406	411
	<u>407</u>	412
	408	413
	409	414
	410	415

RBS:sp

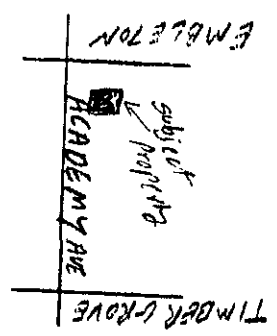
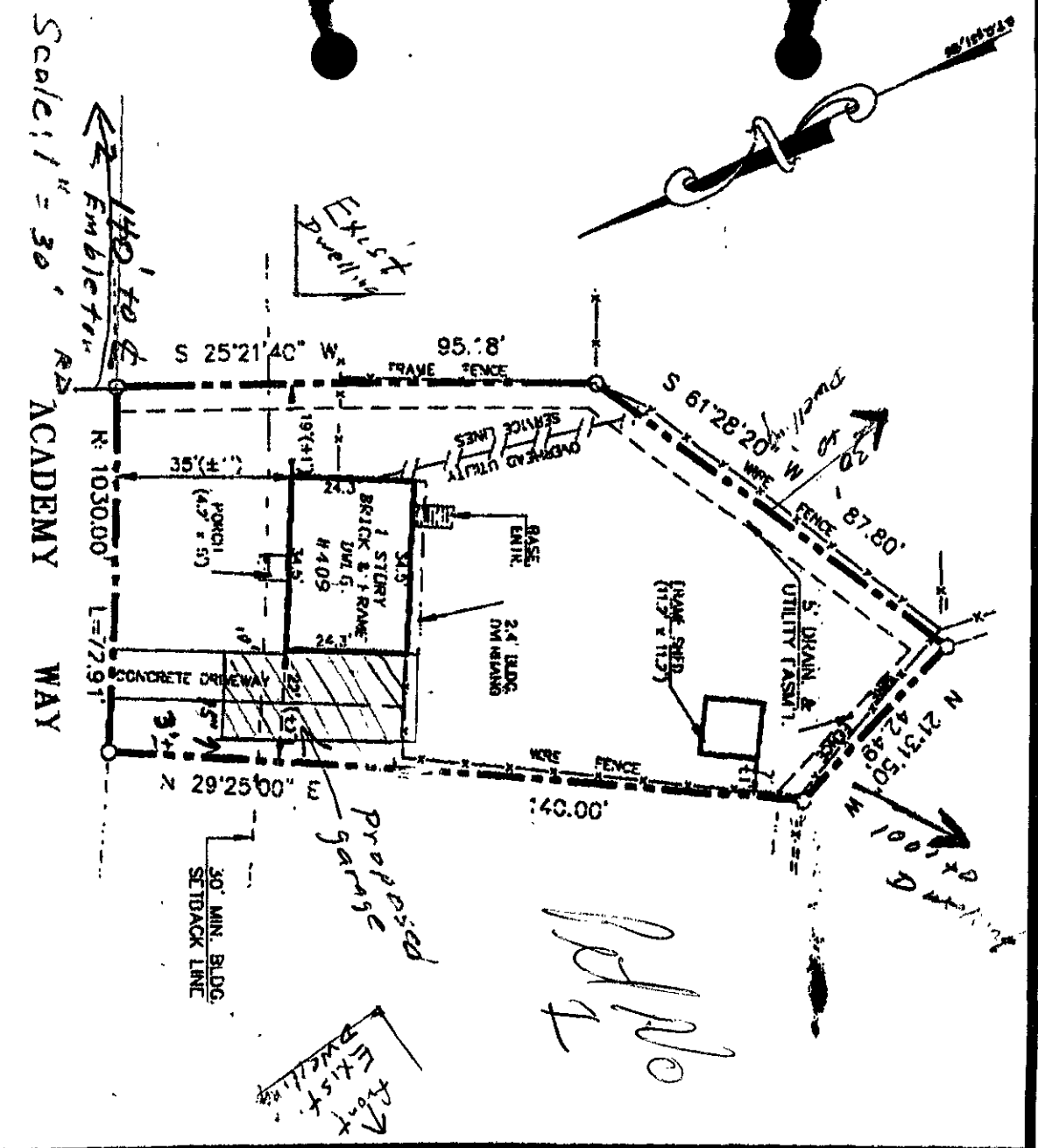
BRUCE2/DEPRM/TXTSBP

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: #409 ACADEMY WAY

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Suburbia
 plat book # 31, folio # 88, lot # 5, section # 5
 OWNER: AXAYKUMAR AND SHITAL DAVE



LOCATION INFORMATION

Election District: 4th
 Councilmanic District: 3 CD

1" = 200' scale map: NW-14 I

Zoning: DR-3 S

Lot size: .5 Acres 21,780 ± square feet

- public private
- SEWER:
- WATER:

Chesapeake Bay Critical Area:

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

[Signature] 407

98-407-A

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY MICHAEL HORN, INC. BALTIMORE, MD. 21210

1976 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 6, 1976
JAN. 26, 1976; 12-26, 1976; 12-26, 1976; 12-26, 1976; 12-26, 1976

Karin Kennedy
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE
1" = 200'
DATE OF PHOTOGRAPHY
JANUARY 1976

LOCATION
DELIGHT
GWYNBROOK

SHEET
N 52000
M 14-1

98-400-A





#107

98-487-A

SCALE	1" = 200' ±	DATE OF PHOTOGRAPHY	JANUARY 1966	
LOCATION	DELIGHT GWYNNBROOK		SHEET	NW 14-1

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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