

IN RE; PETITION FOR VARIANCE
E/S John Avenue, 260' S of the c/l
Misty Meadows
(413 John Avenue)
15th Election District
7th Councilmanic District

Steven W. Miller, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-028-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, Steven W. and Rose M. Miller. The Petitioners seek relief from Section 1B02.3.C.1(Chart) to permit a rear yard setback of 20 feet in lieu of the required 30 feet, for a proposed 25' x 10' addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

As noted above, this matter was originally filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code. That Section empowers the Zoning Commissioner to grant variances for owner-occupied residential properties without a public hearing. Under that Section, the property owner is required to post a notice on his property of the relief being sought and if a request for public hearing is made within 15 days from the date of posting by any adjacent property residing within 1,000 feet of the lot in question, a public hearing is scheduled. If no such request is made, the Zoning Commissioner may rule on the Petition without a hearing.

In this case, Notice of the proposed variance was posted and within the requisite 15-day period, a demand for hearing was filed by George Zurek, an adjacent property owner, who resides to the rear of the subject property at 412 Theresa Avenue. Thus, the matter was scheduled for a public hearing.

Appearing at that hearing was the aforementioned Mr. Zurek. His property abuts the rear yard of the subject site. Also appearing was Rose Miller, co-Petitioner, and Keith Jewell, the Contractor retained by the property owners to construct the proposed addition.

ORDER RECEIVED FOR FILING
Date 9/17/00
By [Signature]

Testimony and evidence presented revealed that the subject property is approximately .145 acres in area, zoned D.R.5.5 and is improved with a single family dwelling in which the Petitioners and their family reside. The property is a rectangular shaped parcel, located on the northwest side of John Avenue, not far from its intersection with Stemmers Run Road, in eastern Baltimore County. As noted above, the rear of the property abuts Mr. Zurek's lot which is similar in shape and size. Mr. Zurek's property fronts on Theresa Avenue and is located immediately across the street from the campus of Kenwood High School.

At issue in this case is the Petitioners' proposal to construct a 10' x 25' addition to the rear of their dwelling, across roughly 2/3 the width of the house. Mrs. Miller testified that the addition is necessary to enlarge the kitchen and other living areas. She indicated that certain improvements to the house were contemplated in order to accommodate another member of the family who will be immobilized due to knee surgery and subsequently confined to a wheelchair. Photographs of the site were submitted which show that the property is attractively maintained. Additionally, following the hearing, I made a site visit to the property and walked the grounds. My inspection revealed an extremely well-developed line of mature evergreen trees across the rear property line. I observed during my inspection that these trees were sufficient to provide a complete buffer to Mr. Zurek's property and his home could barely be seen.

At the hearing, Mr. Zurek voiced objections to the house in general. He indicated that he believes the proposed addition will adversely impact his property and represents an over-development of the site. Mr. Zurek also contended that the Petitioners' home already sits back further from John Avenue than the other houses on that street. During my site inspection, I viewed other houses along John Avenue to determine if this contention was correct. Indeed the houses are somewhat staggered and not precisely uniform in terms of their rear yard setback. Obviously, this staggering was done by the developer of the community to avoid a plain wall of buildings. That is, by recessing each house slightly, the walls of the houses are broken up and a more residential character is established. The subject dwelling is slightly closer to the rear property line than the immediately adjacent houses; however, not that much closer as alleged by Mr. Zurek (10 feet). Moreover, houses two lots on either side are set back approximately the same distance.


ORDER RECEIVED FOR FILING
Date 9/19/99
By [Signature]

Based upon the testimony and evidence offered as well as my site visit to the property, I am persuaded to grant the Petition for Administrative Variance. Notwithstanding Mr. Zurek's contentions, I do not find that there will be any adverse impact on his property caused by the variance. The proposed addition will extend from the rear of the house a distance less than the existing patio. Moreover, the existence of the evergreen buffer along the rear property line effectively shields the proposed addition from the Zurek property. I also find that the property is unique in that existing site constraints and improvements would prohibit an expansion of the house elsewhere. Thus, I find that the Petitioners would suffer a practical difficulty if variance relief were denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of September, 1999 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1(Chart) to permit a rear yard setback of 20 feet in lieu of the required 30 feet, for a proposed 25' x 10' addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject 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.
- 2) The Petitioners shall maintain the line of mature evergreen trees along the rear property line which provide a substantial buffer to the Zurek property.
- 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:bjs

ORDER RECEIVED FOR FILING
Date 9/17/99
[Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 16, 1999

Mr. & Mrs. Steven W. Miller
413 John Avenue
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S John Avenue, 260' S of the c/l Misty Meadows
(413 John Avenue)
15th Election District - 7th Councilmanic District
Steven W. Miller, et ux - Petitioners
Case No. 00-028-A

Dear Mr. & Mrs. Miller:

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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Keith Jewell
4514 Woodlea Avenue, Baltimore, Md. 21206
Mr. George Zurek
412 Theresa Avenue, Baltimore, Md. 21221
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 413 John Ave
which is presently zoned D.R.S.S

This Petition shall be filed with the Department of Permits and 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) BOZ-3c.1 (CUTBACK) to

PERMIT A 20 FT. REAR YARD SETBACK IN LIEU OF THE REQUIRED 30 FT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____

Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

ROSE M. MILLER
Name - Type or Print _____
Rose M. Miller
Signature _____
STEVEN W MILLER
Name - Type or Print _____
STEVEN W MILLER
Signature _____
413 John Ave 410-682-3451
Address _____ Telephone No. _____
Baltimore Md 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

KEITH JEWELL
Name _____
4514 WOODLEA AVE 410 488 9050
Address _____ Telephone No. _____
BALT M.D. 21206
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-28-A

Reviewed By SM Date 7-27-99

Estimated Posting Date 8-1-99

ORDER RECEIVED FOR FILING

SEP 9 1998
D&P

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

413 John Avenue
Address
Baltimore, Md
City State Zip Code
21221

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):

My future mother in law is living with us. She confine to a wheel chair. The door ways are not large enough to get through. And the kitchen and dining room is small, not large enough for her to sit at the table.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Rose M. Miller
Signature
Rose M Miller
Name - Type or Print

Steven W Miller
Signature
STEVEN W MILLER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12TH day of July, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ROSE C. MILLER & STEVEN W. MILLER
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

7-12-99
Date
JW

James W. Donahue
Notary Public
My Commission Expires 6-1-2000

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

413 John Ave
Address
Baltimore Md 21221
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):

my future mother in law is living with us. she confine to a wheel chair. The door ways are not large enough to get through. And the kitchen and dining room is small, not large enough for her to sit at the table.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Rose M. Miller
Signature
Rose M Miller
Name - Type or Print

Steven W Miller
Signature
Steven W Miller
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of JULY, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ROSE C. MILLER & STEVEN W. MILLER
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

7-12-99
Date [Signature]

[Signature]
Notary Public
My Commission Expires 6-1-2000



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 413 John Ave
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and 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)

BOZ. 32. (QUART) to
permitt A 20 FT REAR YARD SET BACK IN
VIEW OF THE REQUIRED 30 FT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Rose M Miller
Name - Type or Print _____
Rose M. Miller
Signature _____
STEVEN W MILLER
Name - Type or Print _____
Steven W Miller
Signature _____
413 John Ave 410-682-3451
Address _____ Telephone No. _____
Baltimore Md 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

KEITH JEWELL
Name _____
4514 WOODLEA AVE 410 988 9050
Address _____ Telephone No. _____
BALT M.D.
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-28-A

Reviewed By [Signature] Date 7-22-99

Estimated Posting Date 8-1-99

ZONING DESCRIPTION FOR 413 JOHN AVE.
BEGINNING AT A POINT ON THE EAST SIDE OF JOHN AVE
WHICH IS 40 FEET WIDE AT THE DISTANCE OF 260 FEET SOUTH
OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING
STREET MISTY MEADOWS WHICH IS 40 FEET WIDE "BEING LOT #22
IN THE SUBDIVISION OF GRIME DALE AS RECORDED IN BALTIMORE
COUNTY PLAT BOOK # 45 FOLIO #90 CONTAINING 6300, SQ. FEET
ALSO KNOWN AS 413 JOHN AVE. AND LOCATED IN THE 15th
ELECTION DISTRICT 7th COUNCILMANIC DISTRICT

00-28-A



FORMAL DEMAND FOR HEARING

CASE NUMBER: 00-28-A

Address: 413 JOHN AVENUE
BALT. MD. 21221

Petitioner(s): ROSE M. MILLER
STEVEN W. MILLER

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We GEORGE ZUREK
Name - Type or Print

Legal Owner OR Resident of

412 THERESA AVE.
Address

BALTIMORE MD 21221
City State Zip Code

410 780 3860
Telephone Number

which is located approximately 0 feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.

George W. Zurek 8/6/99
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 070590

DATE 8/6/99 ACCOUNT RC0176150

AMOUNT \$ 40.00

RECEIVED FROM: GEORGE ZUREK

FOR: REQUEST FOR FORMAL

HEARING 00-28-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
8/06/1999 8/06/1999 10:32:36

REG 0303 CASHIER PWES PEN DRSMER
Dept 5 528 ZONING VERIFICATION
Receipt # 093887 OFL:
CR NO. 070590

Receipt Tot 40.00

.00 OK 40.00 OK

Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

TDA

No. 070459

DATE 7-22-99 ACCOUNT R-001-6150

AMOUNT \$ 50⁰⁰

RECEIVED FROM: JEWELL CONTRACTORS -

FOR: Res. UAL: \$50

TOTAL \$50

0025-A-

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
7/22/1999 7/22/1999 1:20:41
REG 4505 CASHIER NOTE RES DEPT 2
Dep 5 528 ZONING VERIFICATION
Receipt # 112427 0810
OF 10 070459

Receipt Tot 50.00
50.00 EX 00.00
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #00-028-A
413 John Avenue
E/S John Avenue, 280' S of centerline Misty Meadows
15th Election District
7th Councilmanic District
Legal Owner(s): Rose M. Miller & Steven W. Miller

Administrative Variance: to permit a 20-foot rear yard setback in lieu of the required 30 feet.

Hearing: Friday, September 3, 1999 at 9:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4396.

(2) For information concerning the File and/or Hearing Contact the Zoning Review Office at (410) 887-3391.

8/194-Aug: 19 C332814

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/20/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in *THE JEFFERSONIAN*, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/19/, 1999.

THE JEFFERSONIAN,



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE 00-028-A
PETITIONER/DEVELOPER:
(Pete Jewell)
DATE OF Hearing
(Sept. 3, 1999)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 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
413 John Ave. Baltimore, Maryland 21221 _____

The sign(s) were posted on _____ 8-18-99 _____
[Month, Day, Year]

Sincerely,

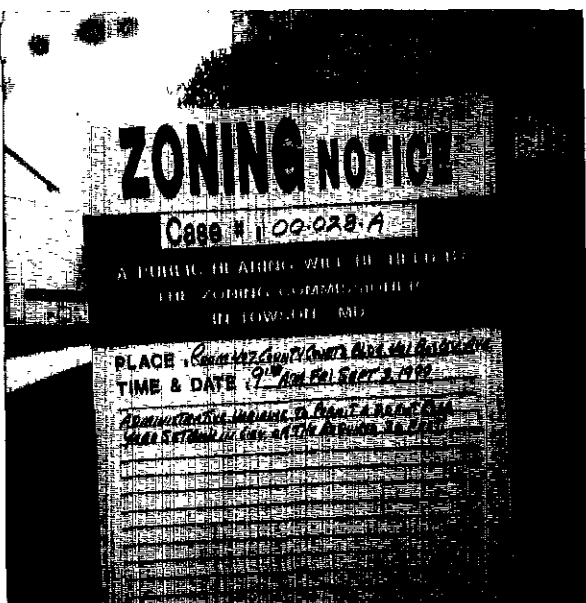

(Signature of Sign Poster & Date)

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
[Telephone Number]



Les
9/3/99

CERTIFICATE OF POSTING

RE: CASE # 00-028-A
PETITIONER/DEVELOPER:
(Pete Jewell)
DATE OF Closing
(Aug. 16, 1999)

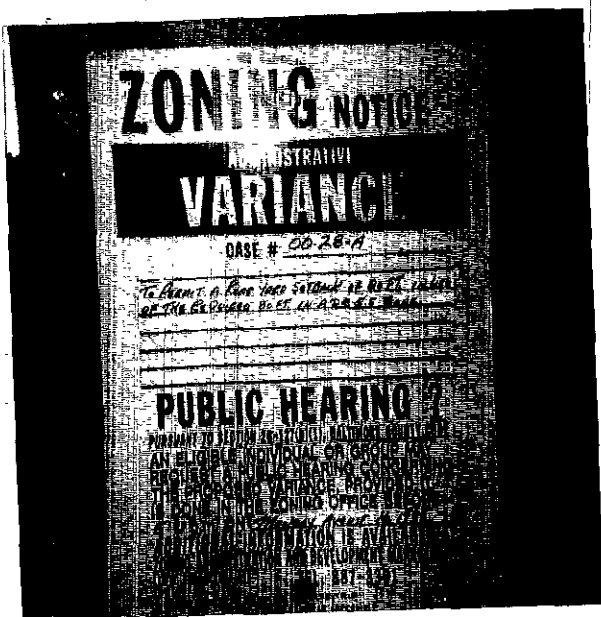
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
413 John Ave. Baltimore, Maryland 21221_____

The sign(s) were posted on _____ 7-29-99 _____
(Month, Day, Year)



Sincerely,

Thomas P. Ogle, Sr.
7/29/99
(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

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 10, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-028-A
413 John Avenue
E/S John Avenue, 260' S of centerline Misty Meadows
15th Election District – 7th Councilmanic District
Legal Owner: Rose M. Miller & Steven W. Miller

Administrative Variance to permit a 20-foot rear yard setback in lieu of the required 30 feet.

HEARING: Friday, September 3, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: Rose & Steven Miller, 413 John Avenue, Baltimore 21221
Keith Jewell, 4514 Woodlea Avenue, Baltimore 21206
George Zurek, 412 Theresa Avenue, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 19, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, August 19, 1999 Issue – Jeffersonian

Please forward billing to:
Jewell Contractors 410-488-9050
4514 Woodlea Avenue
Baltimore, MD 21206

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-028-A
413 John Avenue
E/S John Avenue, 260' S of centerline Misty Meadows
15th Election District – 7th Councilmanic District
Legal Owner: Rose M. Miller & Steven W. Miller

Administrative Variance to permit a 20-foot rear yard setback in lieu of the required 30 feet.

HEARING: Friday, September 3, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt SA

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00 28 -A Address 413 South Ave
Contact Person: Steve Alexander Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 7-22-99 Posting Date: 8-1-99 Closing Date: 8-16-99

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 00 28 -A Address 413 South Ave
Petitioner's Name Rose S. Alexander Telephone 410-7
Posting Date: 8-1-99 Closing Date: 8-16-99
Wording for Sign: To Permit A REAR YARD SETBACK OF 20 FT IN LIEU
OF THE REQUIRED 30 FT. UNDER S.S. ZONE

807 - 0028.A

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-28-A
Petitioner: ROSE + STEVEN MILLER
Address or Location: 413 JOHN AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: NEWELL CONTRACTORS
Address: 4514 WOODLEA AVE
BALT M.D. 21206
Telephone Number: 410 488 9050

Revised 2/20/98 - SCJ

0028-A

- 16 -

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: _____

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

Subdivision name: _____

plat book# _____, folio# _____, lot# _____, section# _____

OWNER: _____



North

Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____
 acreage square feet

SEWER: public private

WATER:

Chesapeake Bay Critical Area: yes no

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

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



North

date: _____

prepared by: _____

Scale of Drawing: 1"= _____



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 27, 1999

Ms. Rose M. Miller
Mr. Steven W. Miller
413 John Avenue
Baltimore, MD 21221

Dear Petitioners:

RE: Case No.: 00-28-A, Petitioner: Rose and Steven Miller,
Location: 413 John Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 22, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

A handwritten signature in cursive script, reading "W. Carl Richards, Jr.", followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: August 16, 1999

FROM: *fwk* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for August 16, 1999
Item Nos. 016, 017, 018, 019, 020,
021, 022, 023, 024, 026, 028, 030,
031, 032, 033, 034, 035, 042, 043,
044

and

Case Number 99-200-SPHXA
1010 Eastern Avenue and
1017 Eastern Boulevard

Item #37 (commercial)
Radcliffe Shopping Center
1017 York Road

Item #38 (residential)
OXEYE ROAD - Greengate
2208 OXEYE ROAD

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

RWB:HJO:jrb

cc: File

ZAC08169.NOC



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

August 26, 1999

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 9, 1999

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:

015, 016, 017, 019, 022, 023, 024, 025, 026, 027, ;
028) 029, 030, 031, 032, 033, 034, 035, 036, 038,
039, 040, 043, 044,

REVIEWER: LT. HERB TAYLOR
Fire Marshal Office, PHONE 887-4881, MS-1102F
cc: File

Come visit the County's Website at www.co.ba.md.us



Hearing
Demanded

AV
8/16

9/3/99

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: August 11, 1999

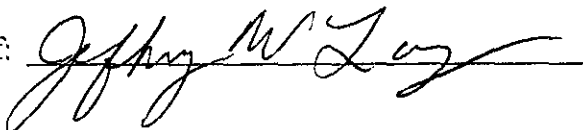
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 001, 005, 023, 028, 030, 031, 032, 033, 034, 035, 038, 043, and 044

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 8.10.99

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

RE: Baltimore County
Item No. 028 JRA

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

M. M. Lenhart
for Michael M. Lenhart, Chief
Engineering Access Permits Division

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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 10, 1999

Mr. & Mrs. Steven W. Miller
413 John Avenue
Baltimore, MD 21221

Dear Mr. & Mrs. Miller:

RE: Demand for Public Hearing, Case Number 00-028-A, 413 John Avenue

The purpose of this letter is to officially notify you that the posting of the subject property has resulted in a timely demand on August 6, 1999 for a public hearing concerning the above proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

As a result of the above, the property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact me at 410-887-3391.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:scj

C: Keith Jewell
George Zurek

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

5/21/99

To whom it may concern,

This note is authorization
that we have no objection
to our neighbors, at 413 John
Ave., enlarging their kitchen.

Sincerely,

John + Sandra Wood
415 John Ave.
Balt., Md. 21221
410-391-2114

00-28-A.

411 John Ave
BALTIMORE, MD 21221

6/13/99

TO Whom it MAY CONCERN:

We have no problem with
our neighbors AT 413 John Ave.
building AN Addition to the back
ot their house.

Joyce Paugh

Joyce Paugh

Daniel Paugh

DANIEL PAUGH

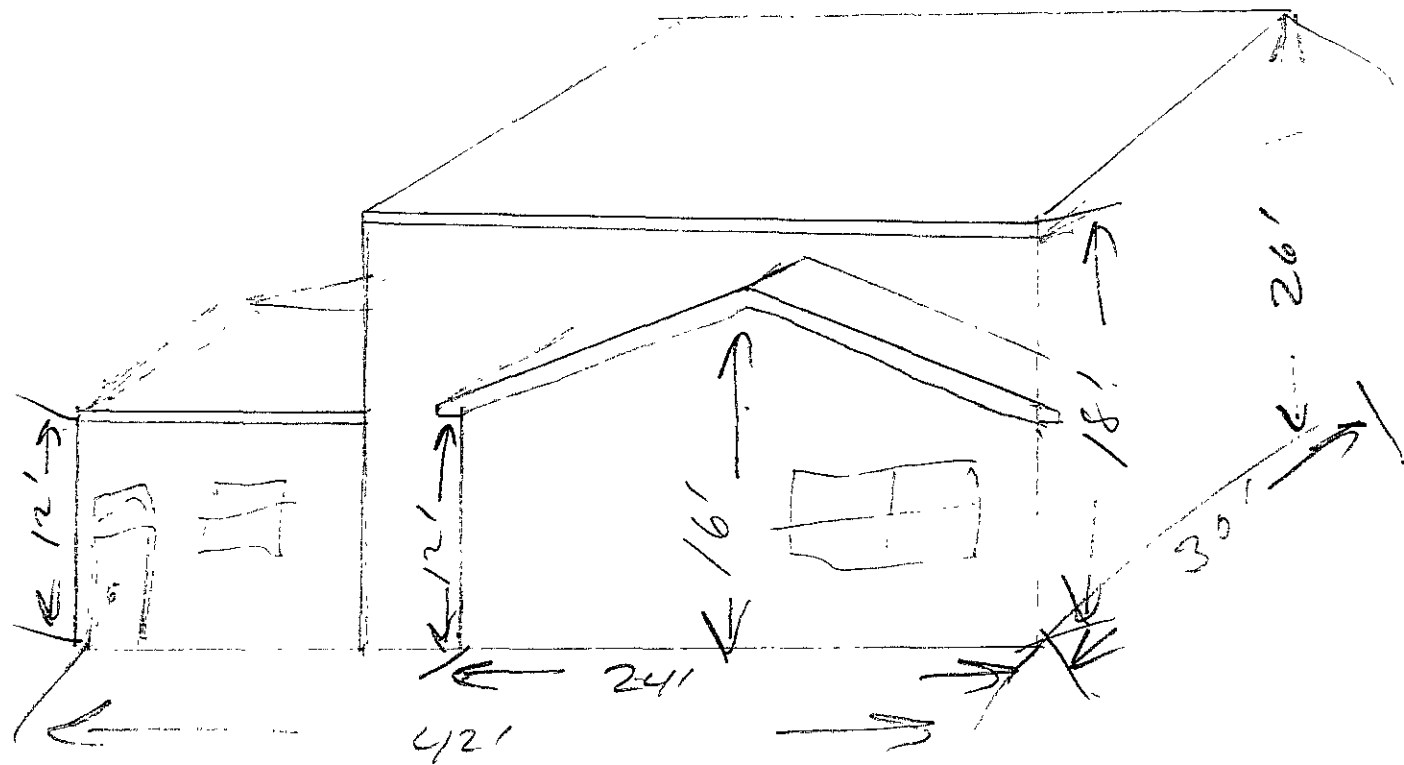
00-28-A

Martin Murray 407 John Ave.

I am opposed to any addition to House
413 John Ave.

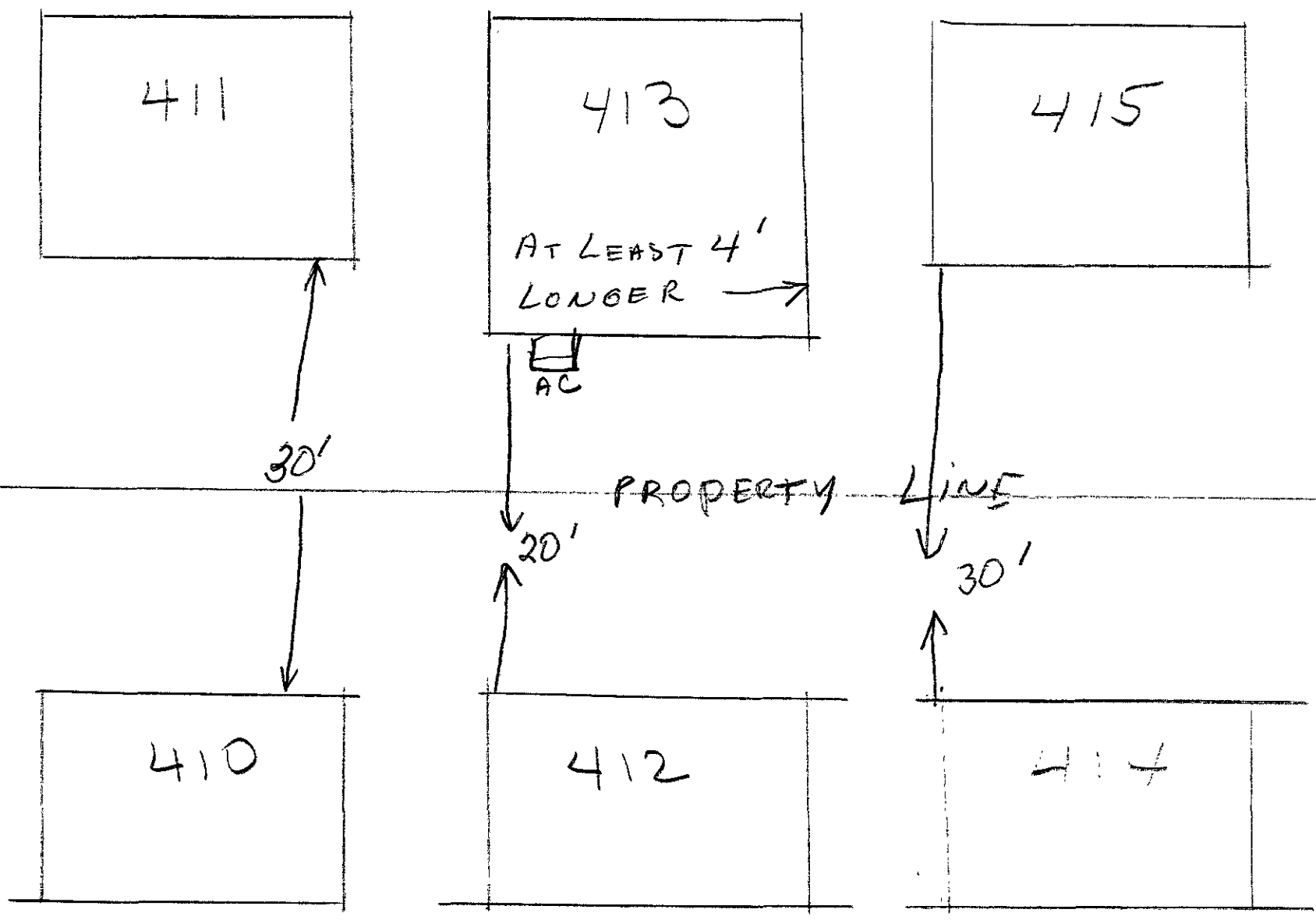
Martin Murray
John H Schaefer
414 Theresa Ave

WILLIAM NIKITIN
410 THERESA AVE
21221



00-28-A

FRONT JOHN AVE



FRONT
THERESA AVE

Plat to accompany Petition for Zoning Variance Special Hearing

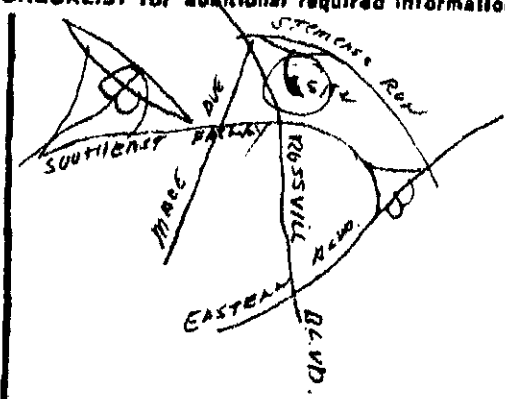
PROPERTY ADDRESS: 413 JOHN AVE

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

Subdivision name: GRIMES DALE

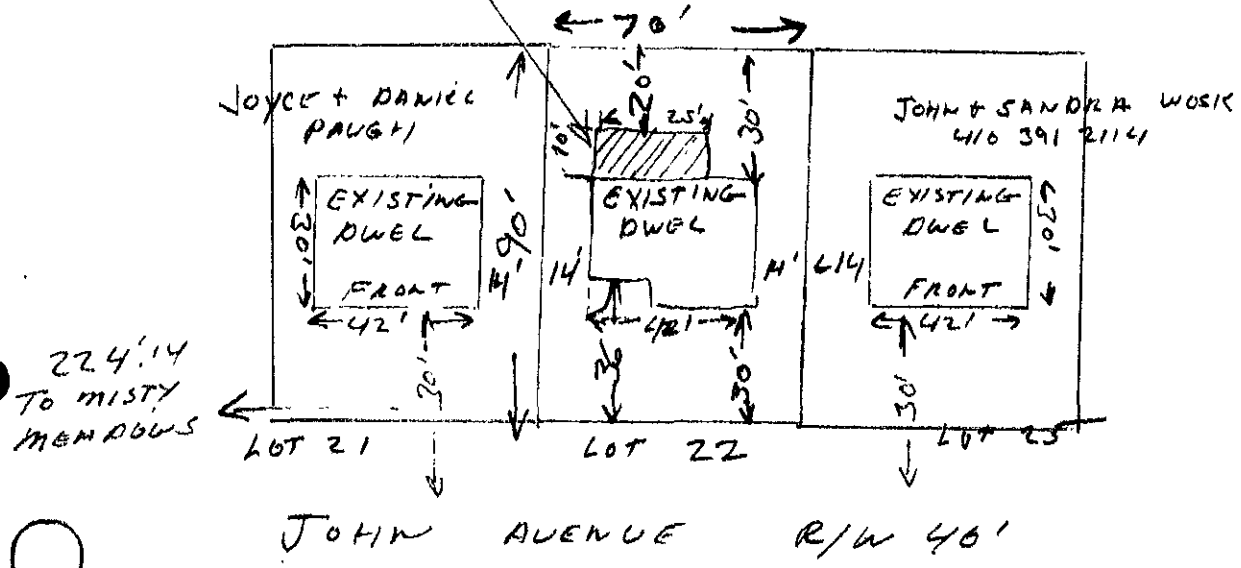
plat book # 45, lot # 90, lot # 22, section #

OWNER: ROSE + STEVEN MILLER



Vicinity Map
Scale: 1"=1000'

PROPOSED 25' 4/10' ADD
5' DRAINAGE & UTILITY EASEMENT



LOCATION INFORMATION

Election District: 15
 Councilmanic District: 7
 1"=200' scale maps: NE-3H
 Zoning: DR 5.5
 Lot size: 0.145 6300.50 FT
 acreage square feet

	PUBLIC	PRIVATE
SEWER:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WATER:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chesapeake Bay Critical Area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: 28 CASE #: 00-28-A

North
 date: 7-1-99
 prepared by: PETE JEWELL

Scale of Drawing: 1"=50'

DR 5.5

OREMS

BL

ML-IM

BL

ML

BM

MLR

MIDDLESEX

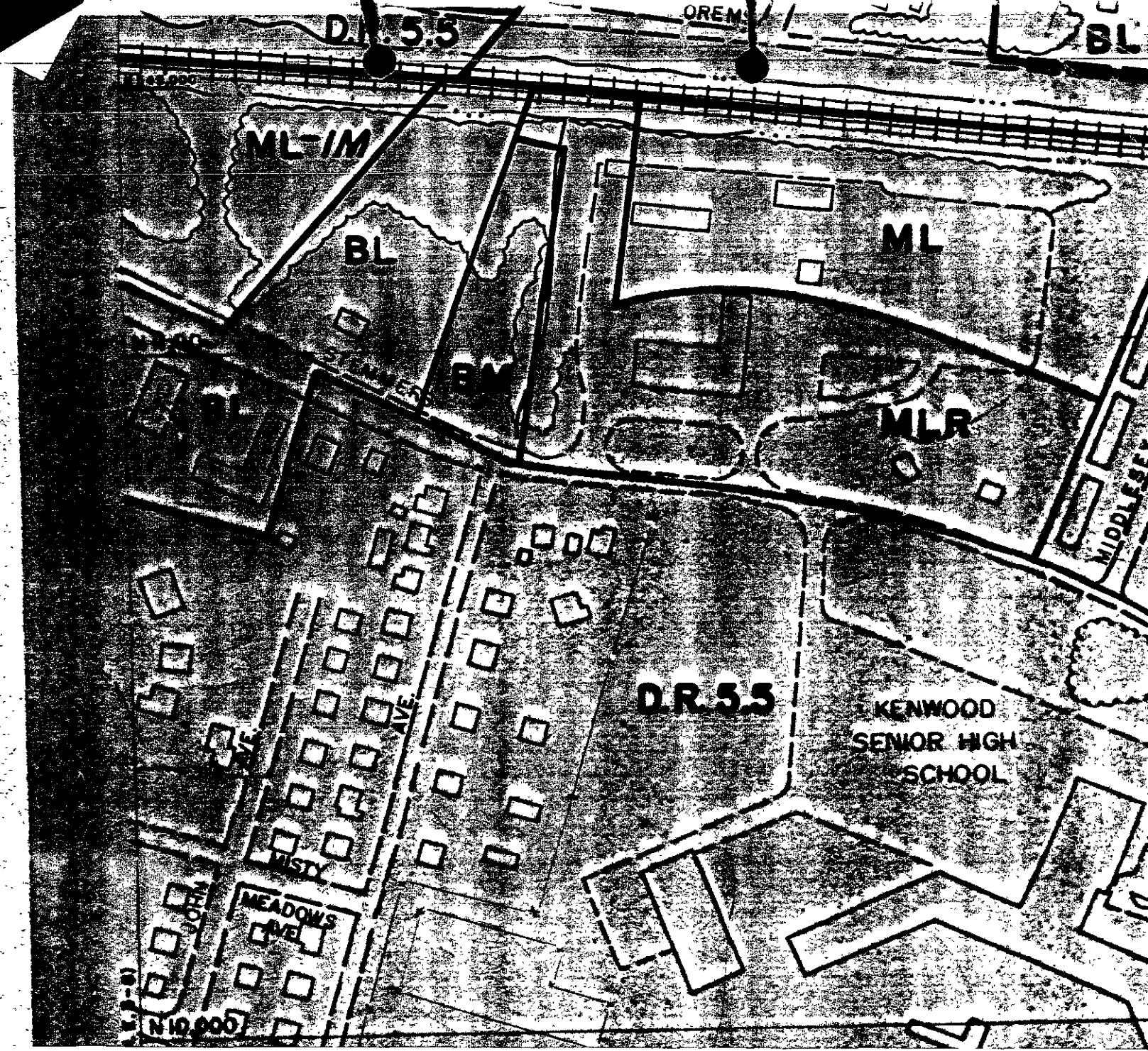
DR 5.5

KENWOOD SENIOR HIGH SCHOOL

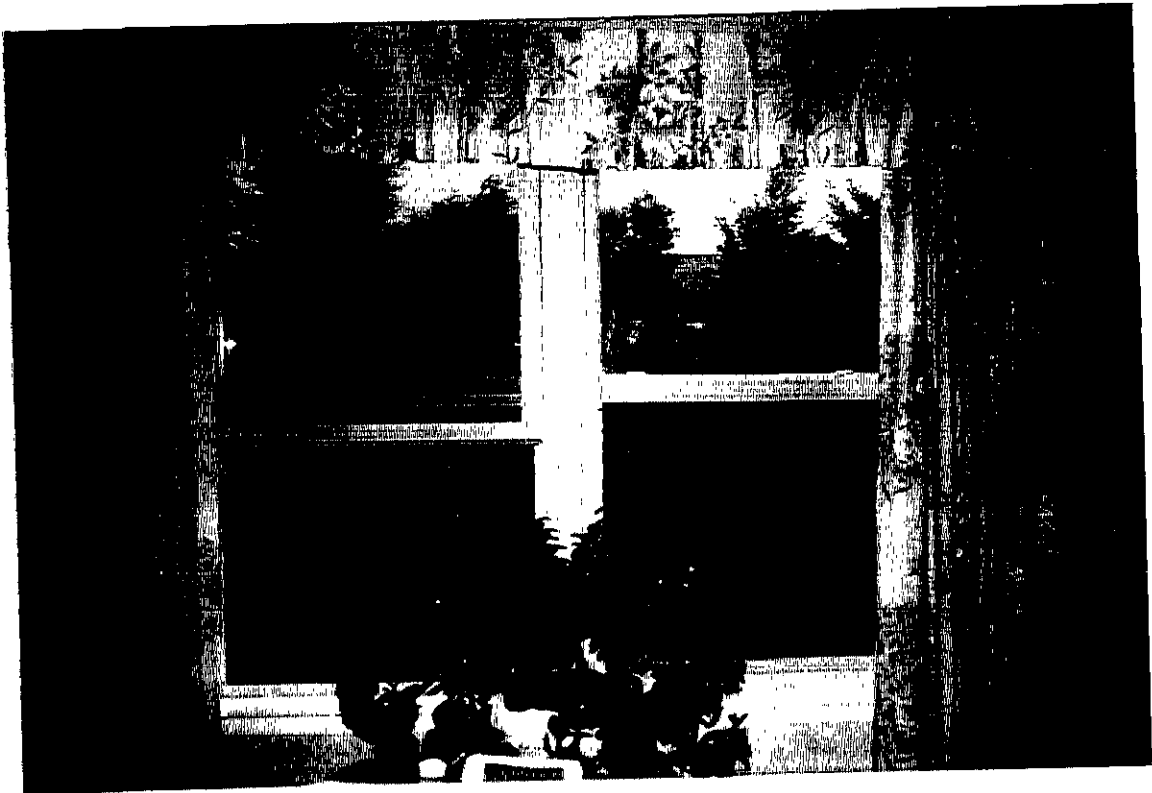
MISTY

MEADOWS AVE

N 10,000

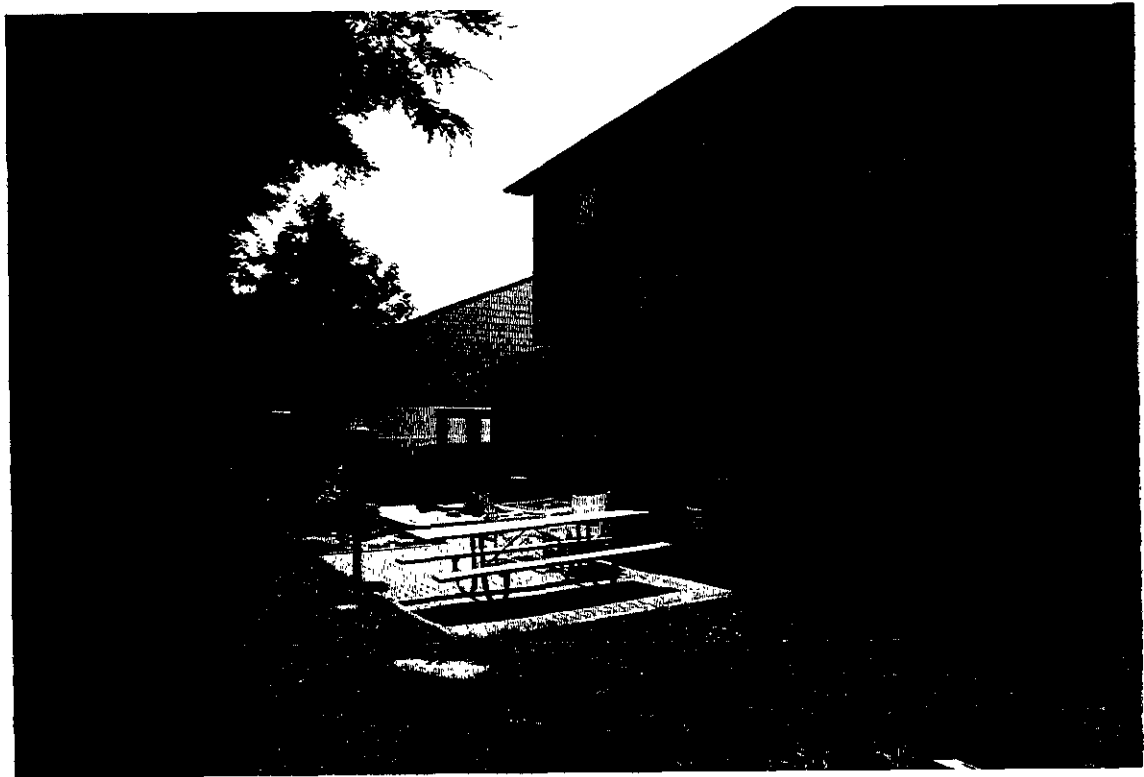
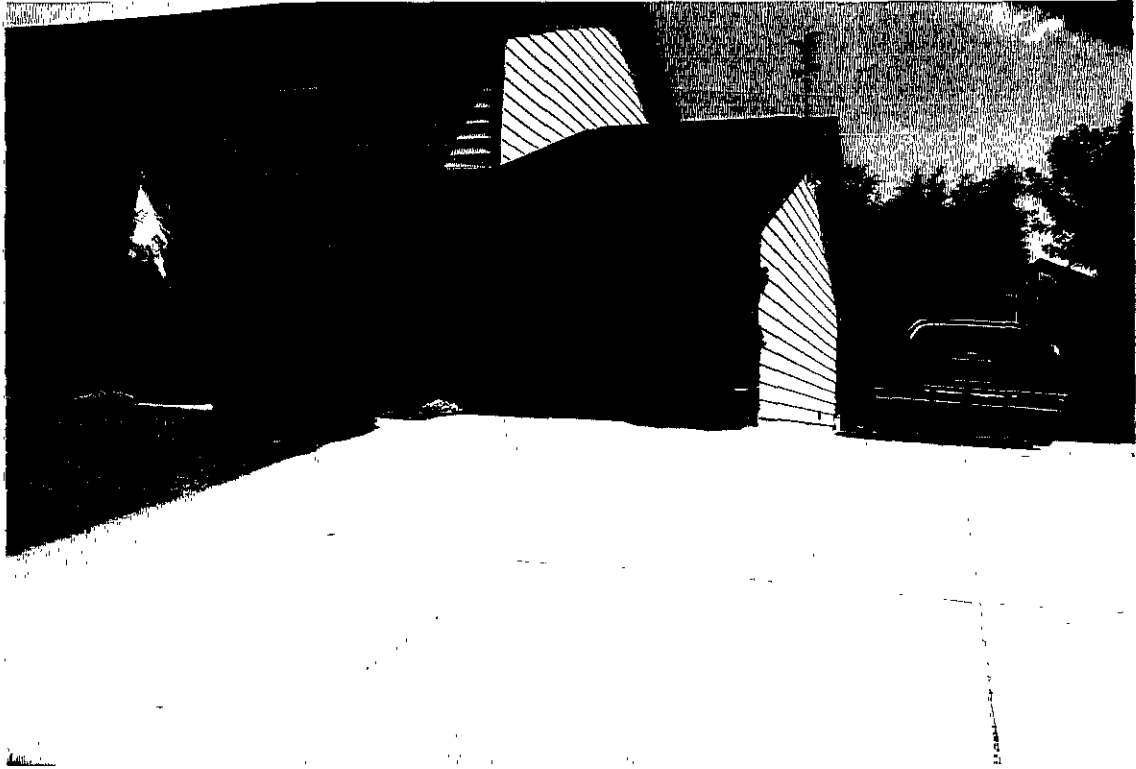


photographs
00-028-A

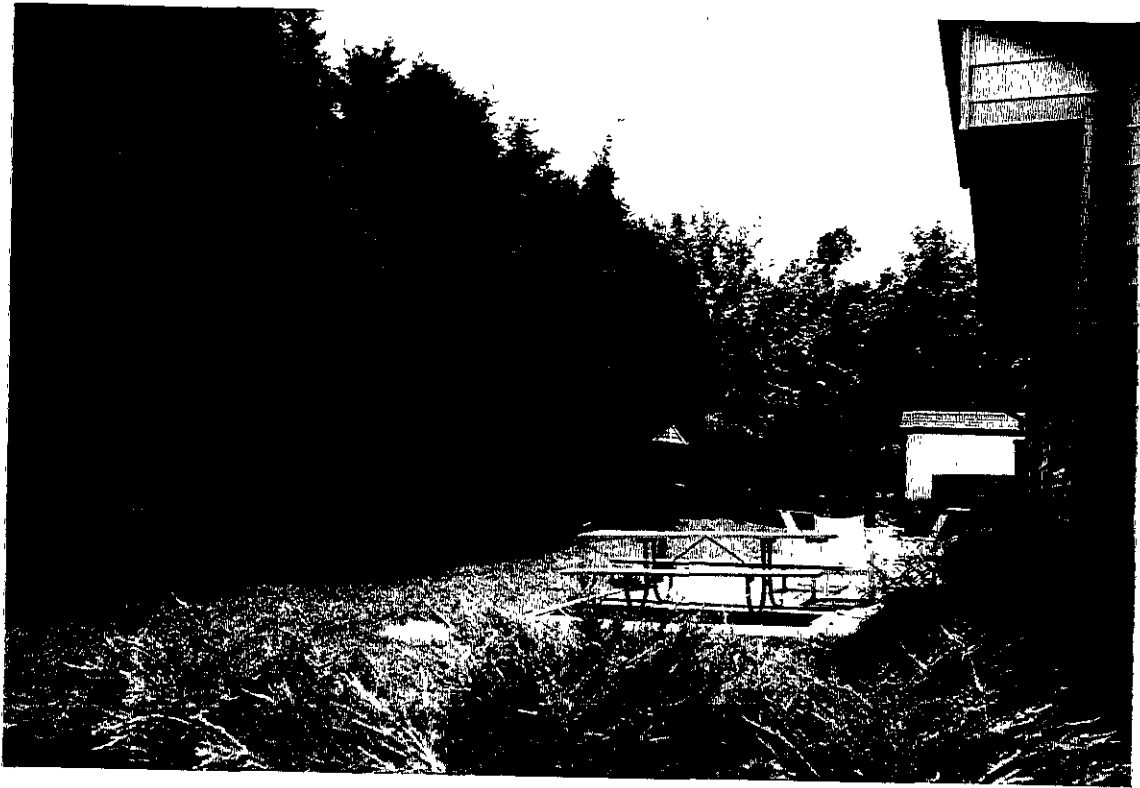






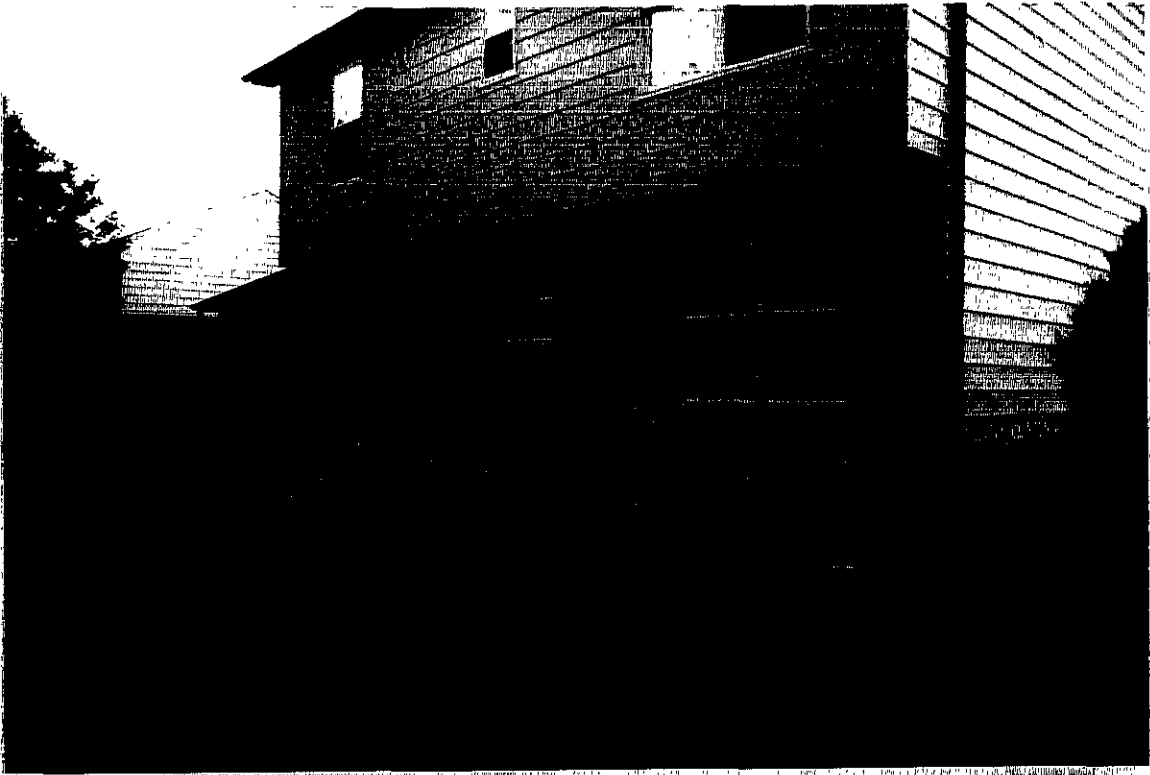




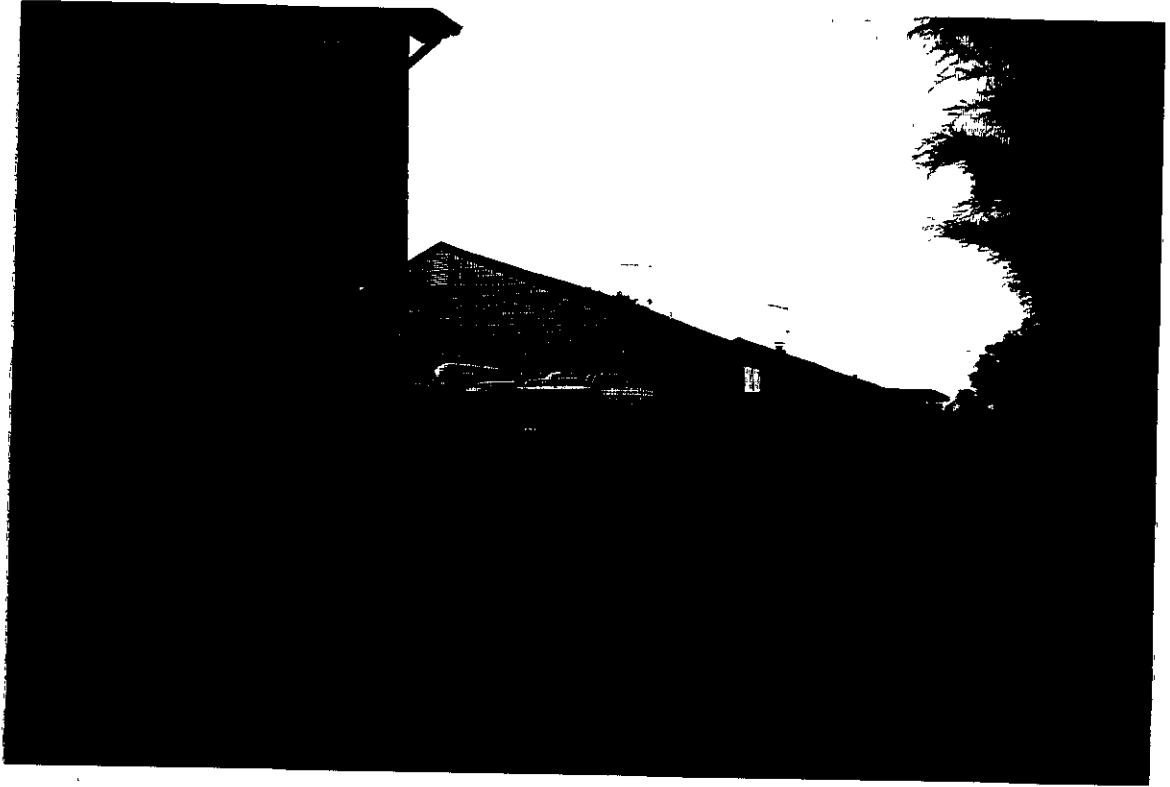




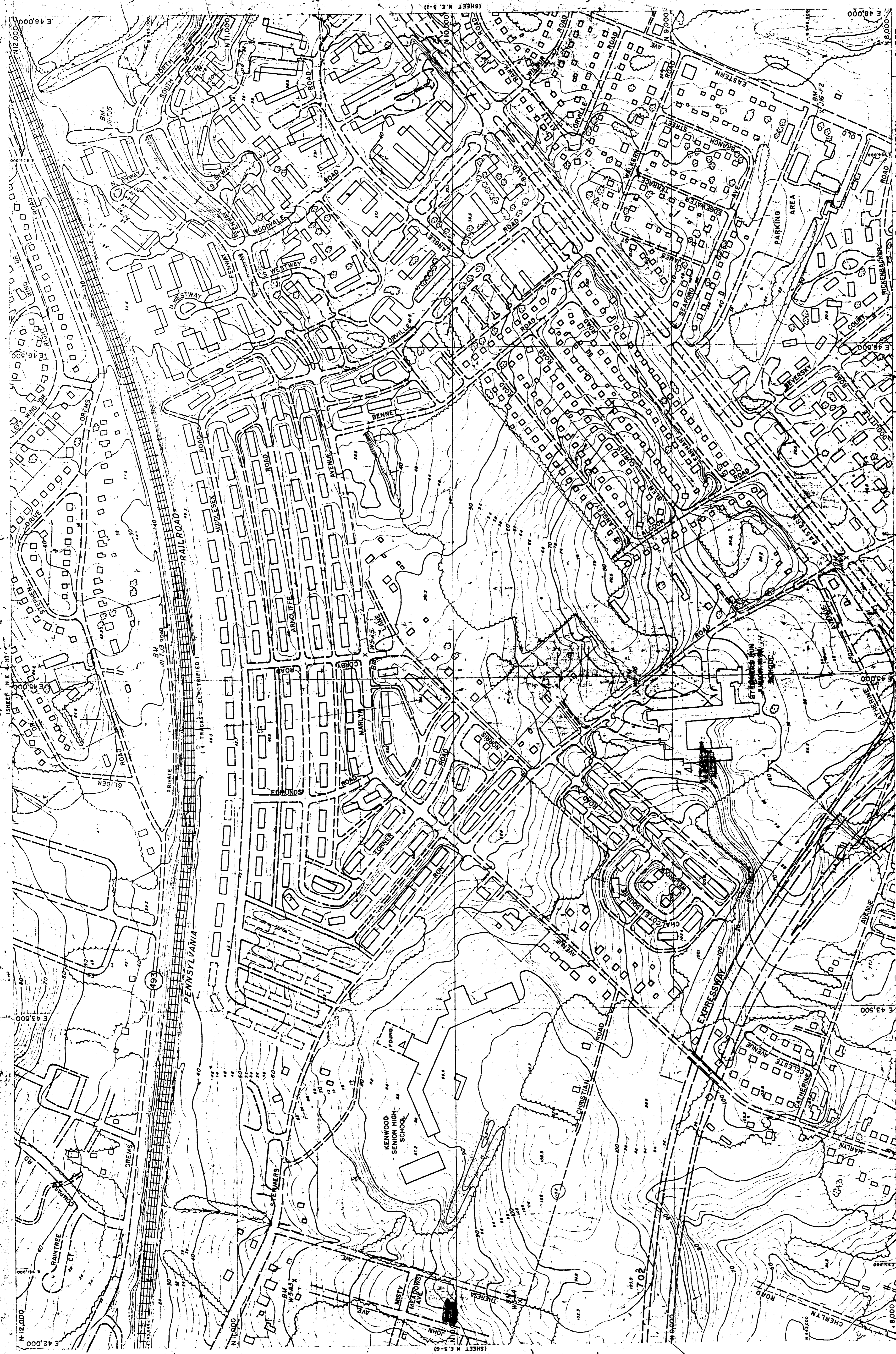
00-028-A



00-028-A



00-028-A



PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

I-SW I-SE
 E-NW I-NE

STEMMERS RUN
 AERO ACRES

REVISIONS	BY	DATE	SCALE	LOCATION
	ASR	1/19/64	1" = 200'	
DATE OF PHOTOGRAPHY				
DEC 1954				

Photogrammetry Compiled By Photogrammetric Methods
 APPROX. AERIAL SURVEY, CONTROL POINTS, METERS

A B C

N E
 3 H

SHEET

00287

00-2807



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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200'	LOCATION STEMMERS RUN AERO ACRES	SHEET N.E. 3-H
DATE OF PHOTOGRAPHY JANUARY 1986		