ORDER RECEIVED FOR FILING
Date 8/9/00

IN RE: PETITION FOR ADMIN. VARIANCE

NE/S of Michelle Way, 950' NE centerline of Shuger Hill Road 3rd Election District 2nd Councilmanic District

2nd Councilmanic District (3605 Michelle Way)

Robb Cohen and Gail Schwartz

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 01-017-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Robb Cohen and Gail Schwartz. The variance request is for property located at 3605 Michelle Way in the Anton Woods subdivision of Baltimore County. The Petitioners herein seek a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear and side yard setback of 36 ft. in lieu of the required 50 ft. to construct an addition in a RC 5 zone and to amend the Final Development Plan. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative 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 Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the 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 Deputy Zoning Commissioner for Baltimore County this 2rd day of August, 2000, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear and side yard setback of 36 ft. in lieu of the required 50 ft. to construct an addition in a RC 5 zone and to amend the Final Development Plan, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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.

TIMOTHY M. KOTROCO

Sunthey 16 troco

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:rai





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

Fax: 410-887-3468

August 9, 2000

Mr. Robb Cohen Ms. Gail Schwartz 3605 Michelle Way Baltimore, Maryland 21208

Re: Petition for Administrative Variance

Case No. 01-017-A

Property: 3605 Michelle Way

Dear Mr. Cohen & Ms. Schwartz:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed 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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

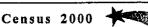
Lunthy Motroco

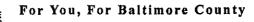
Timothy M. Kotroco

Deputy Zoning Commissioner

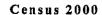
TMK:raj Enclosure















Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

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	for the p	roperty locate				LTIMORE2 M
		-	which is prese	-	RC-5	
This Petition shall be filed wi owner(s) of the property situate made a part hereof, hereby peti (B.C.Z.P	tion for a Variance from	m Section(s)	Development Macribed in the des	anagement. cription and pl	The unders at attached	signed, legal d hereto and
1A 04.3B.2 To perm	it a rear side	e yard set	back of 36	ft. in 1	ieu of	the
required 50 ft. in a	R.C5 zone	and to ame	nd the Deve	elopment	Plan.	
			FINAL		•	
of the zoning regulations of Balt of this petition form.	imore County, to the z	oning law of Ba	iltimore County, f	or the reasons	indicated	on the back
Property is to be posted and adv I, or we, agree to pay expenses of regulations and restrictions of Baltin	ahove Variance adverti	sing poeting oto	and further serves	to and are to be re County.	e bounded t	by the zoning
		perji	edo solemnly decla ury, that I/we are the e subject of this Pe	e legal owner(s	nder the pe) of the prop	nalties of perty which
Contract Purchaser/Lessee	i	Lec	ial Owner(s):			
			Rall	Cohen	1	
Name - Type or Print	(**) (**) (**)	Nam	Type of Print	Loner	1 -	r
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City	State Zip Co	de Signa	iture	simuu	\	
Attorney For Petitioner:	65.	360)5~MICHELLE	WAY	F10 967	-2526
		Addre BAI	rss LTIMORE,	МГ) .	elephone No. 21208
Name - Type or Print		City	1.1.1.1.1.	Sta	te	Zip Code
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gnatule Ompany.	1	Name 15				0-581-010 <i>4</i>
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au i		•				Zip Code
Rubbis Hearing having been formall day of altimore County and that		d to be required, tter of this petition i	oe set tor a public he	aring, advertised,	as required	more County, by the zoning
			Zoning Commiss	ioner of Baltimore	County	
9ASP NO. 01-017	- A	Reviewed By	com	Date	1/13/	00
220 9[15] 98		Estimated Pa	osting Date	7/23	100	

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 based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

and proposed garage is necessary to support the family needs. The additional

The orientation of the house on the lot prohibits any other location for

City

That the Affiant(s) does/do p	presently	reside at
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the additional garage bay.

Variance at the above address (indicate hardship or practical difficulty):

3605 MICHELLE WAY

BALTIMORE, MARYLAND

State

The addition of two bedrooms above the existing

21208

Zip Code

garage location is necessary to maintai Additional garage space was necessary t belongings, while providing protection	o support the family's vehicle(s) and
That the Affiant(s) acknowledge(s) that if a formal demand is advertising fee and may be required to provide additional inform	s filed, Affiant(s) will be required to pay a reposting and ation.
Roll-Ghen Signature	Signaturé Signaturé
ROBB COHEN	GAIL SCHWARTZ
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 5 day of July of Maryland, in and for the County aforesaid, personally appeared to the Affiant(s) herein, personally known or satisfactorily identified law that the matters and facts hereinabove set forth are true and	chwartz d to me as such Affiant(s), and made oath in due form of
AS WITNESS my hand and Notarial Seal 7 5 00 Date Notary My Cor Rev 09 15 98	awn M. Martin Public mmission Expires 10/1/03

ZONING DESCRIPTION

ZONING DESCRIPTION FOR: 3605 MICHELLE WAY, BALTIMORE, MD. (address)
Election District: 3RD Councilmanic District: 2ND
·
Beginning at a point on theNORTHEAST
(north, south, east of west)
side of MICHELLE WAY which is (street on which property fronts)
(street on which property fronts)
50 FT W 10G
(number of feet of right-of-way width)
wide at a distance of 950 FT. (number of feet)
(number of feet)
NORTHEAST
NORTHEAST of the centerline of the (north, south, east or west)
· · · · · · · · · · · · · · · · · · ·
nearest improved intersecting street SHUGER HILL ROAD
nearest improved intersecting street SHUGER HILL ROAD (name of street)
15
which is 15 450 A. wide. (number of feet of right-of-way width)
(number of feet of right-of-way width)
Being Lot # 8 , Block, Section # 1
in the subdivision of ANTON WOODS
(name of subdivision)
recorded in Baltimore County Plat Book # 52
Folio # 133 , containing 1.15 +/- acre
(square feet and acres)

:2 :2

21208

OFFICE OF	re County, M Budget & Finan Aneous Recei	CE	No.	08354	1
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CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 01-017-A
PETITIONER/DEVELOPER
(Robb Cohen)
DATE OF Closing
(8-7-00)

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 SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

3605 Michelle Way Baltimore, Maryland 21208				
THE SIGN(S) WERE POSTED ON	7-22-00			
	(MONTH, DAY,YEAR)			
	SINCERELY,			
	(SIGNATURE OF SIGN POSTER & DATE)			
	THOMAS P. OGLE SR			
	325 NICHOLSON ROAD			
	BALTIMORE, MARYLAND 21221			
	A10 CO7 GAGE			

(TELEPHONE NUMBER)



Posted at 3605 Michelle Way

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

								_
	Case	Number 01-	017	-A	Address	3605 M	ICHELLEN	AY
	Conta	act Person: _	C/OYD Planner	7. MOX	LET Name	Pr	none Number: 410)-887-3391
							Closing Date: &	3/7/00
	Any of through	contact made gh the contac	e with this of ot person (plan	fice regarding ner) using the	g the status e case numb	of the admin er.	istrative variance	should be
	1.	POSTING/O reverse side reposting m is again res property on date.	COST: The period of this form) nust be done of the grant of the consible for a correct the correct or before the correct or the correct of the correct or th	etitioner must and the peti nly by one of all associated posting date	use one of the tioner is respicted the sign positions. The noted above.	ne sign posters consible for al iters on the ap zoning notice It should rem	s on the approved I printing/posting of proved list and the sign must be vis nain there through	list (on the costs. Any petitioner ible on the the closing
	2.	a formal re	: The closing quest for a p a public hearir	ublic hearing	ı. Please ur	nderstand tha	owner within 1,000 t even if there is osing date.	feet to file no formal
	3.	commission order that	er. He may: the matter be	(a) grant the set in for a	e requested :	relief; (b) den ina. You wil	he zoning or dep y the requested re Il receive written ne petition has bee u by First Class m	elief; or (c)
	4.	POSSIBLE (whether du commission changed giv posted, cert this office.	PUBLIC HEA ue to a neigh er), notification ving notice of t ification of this	RING AND F bor's formal in will be for the hearing d is change and	REPOSTING: request or to warded to y ate, time and a photograp	In cases that by order of the course of the sign location. As the of the alterest	t must go to a pub ne zoning or dep in on the propert when the sign wa ed sign must be fo	olic hearing uty zoning y must be s originally rwarded to
				(Detac	ch Along Dotted Line	е)		
١	Petitio	oner: This F	Part of the Fo	m is for the	Sign Poster	Only		
			USE THE A	ADMINISTRA	TIVE VARIA	NCE SIGN FO	DRMAT	
	Case	Number 01-	017 -	A Addre	ess <u>360</u> 9	5 MICH	ELLE WAY	
	Petitic	ner's Name	COHEN	/SCHW	ARTZ	Teler	phone 40 58	10104
	Posti	ng Date:	7/23/00	<u> </u>	_ Clos	sing Date:	3/7/00	
	Wordi	ng for Sign:	To Permit /	4 REAR	AHD 51	OE YARD	SETBACK	OF
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

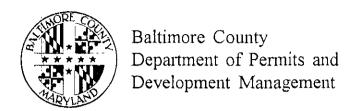
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 01-017-A	
Petitioner: ROBB COHEN	
Address or Location: 3605 MICHELLE WAV	
•	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: TOEB COHEN	
Address: 3605 MICHELLE WAY	
BALTIMORE, MD 21208	
Telephone Number: 410-967-2526	
1	
CONTACT:	
LEVIN/BEOWN ARCHITECTS	Revised 2/20/98 - SCJ
IS GERENSPEING VALLEY PD	
CWINGS MILLS, MO 21117-4101	
(410)-581-0104	
15 GREENSTANG MACLEY FO CWINGS MILLS, MO 21117-4101 (910)-581-0104 AM: JAMES MARTIN	



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

August 3, 2000

Mr. Rob Cohen & Ms. Gail Schwartz 3605 Michelle Way Baltimore, MD 21208

Dear Petitioners:

RE: Case Number: 01-017-A, 3605 Michelle Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 13, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Levin/Brown & Associates, Inc., 15 Greenspring Valley Road, Owings Mills, MD

21117

People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 29, 2000

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 31, 2000

Item Nos. 006, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, and

020

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

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

July 31, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF July 24, 2000

Item No.: See Below

Dear Ms. Stephens:

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.

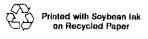
8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

008, 009, 011, 012, 013, 018, 019, 017, and 020

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROFECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon					
FROM:	R. Bruce Seeley My					
DATE:	July 27, 2000					
SUBJECT:	Zoning Item #017 3605 Michell Way					
Zonin	g Advisory Committee Meeting of July 24, 2000					
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.					
The Department of Environmental Protection and Resource Management re an extension for the review of the above-referenced zoning item to determine extent to which environmental regulations apply to the site.						
-,	epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item:					
	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).					
***************************************	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).					
	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).					
<u>X</u>	Groundwater Management: The addition must maintain at least 30 feet from the well and 20 feet from the septic system.					

Reviewer: Kevin Koepenick Date: July 27, 2000

P7 8/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: July 26, 2000

TO:

Arnold Jablon, Director

Department of Permits and' Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 563,01-003, and 01-017

The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/JL:MAC

NOTE TO FILE

APPCICANT HAD MODIFIED PETITION

INTO 2 SEPARATE FORMS.

BECAUSE APP WAS UNSUCCESSFUL IN

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HE WAS PHYSICALLY DISABLED IT

WAS DETERMINED THAT THE FORMS

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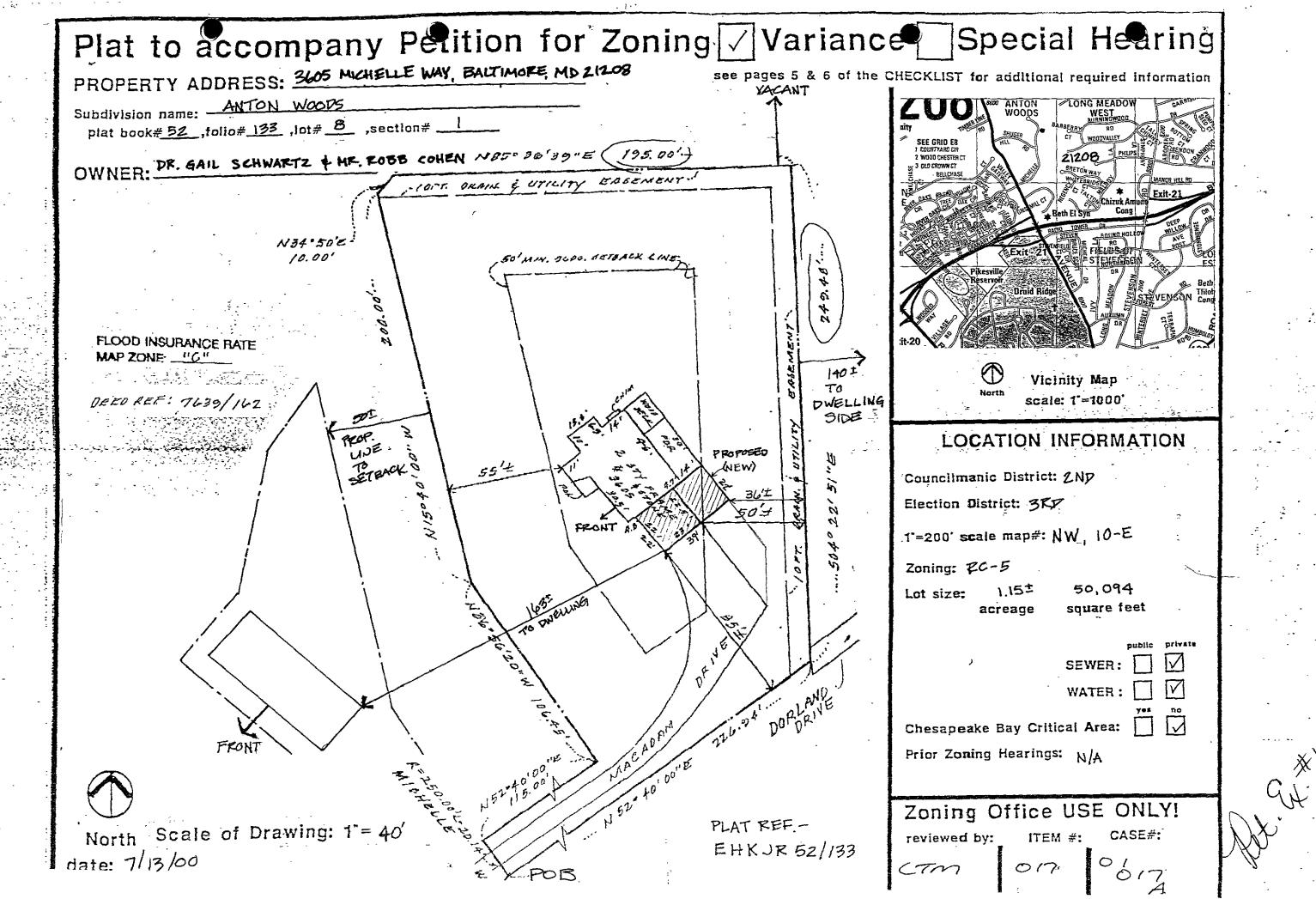
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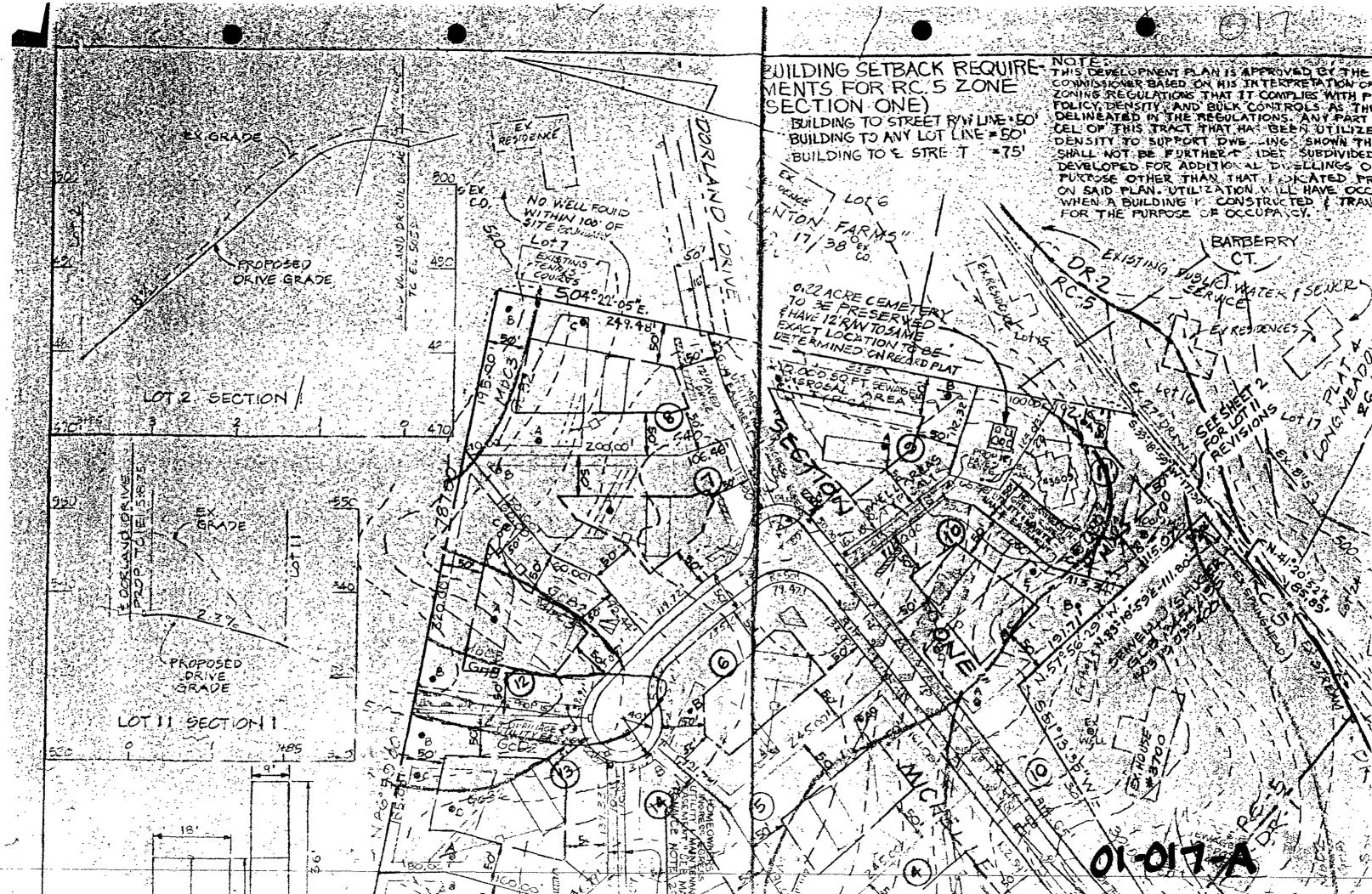
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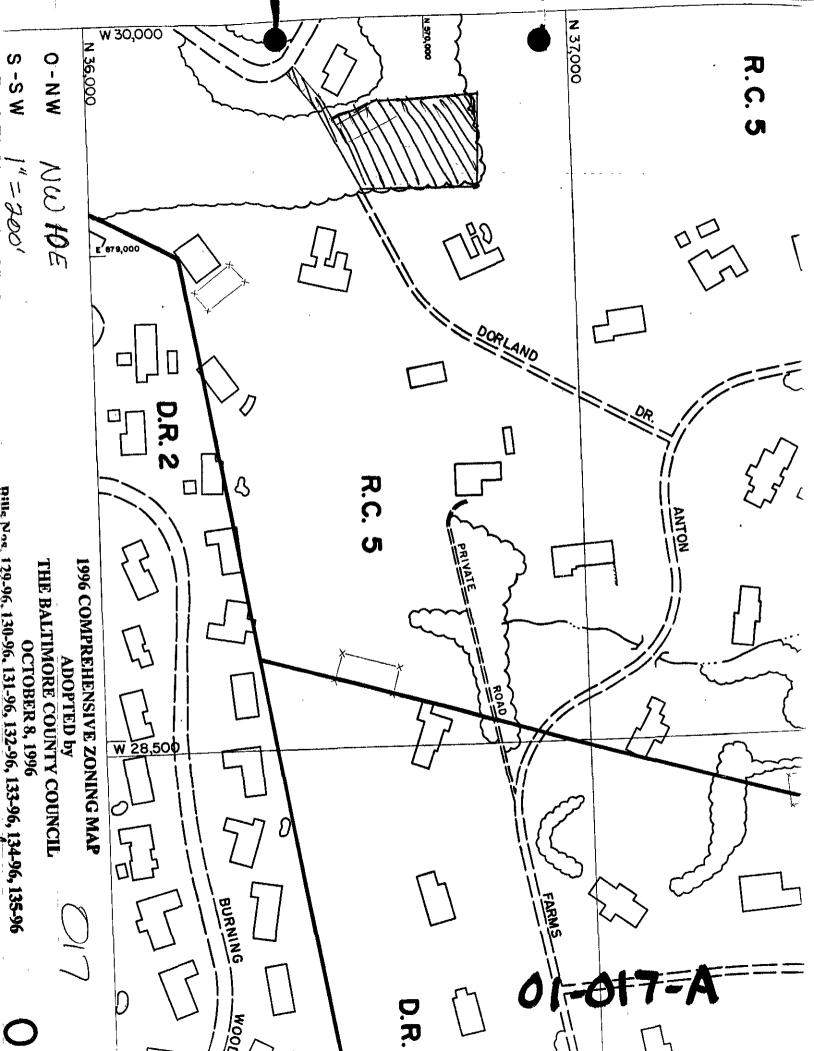
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S. S. 210

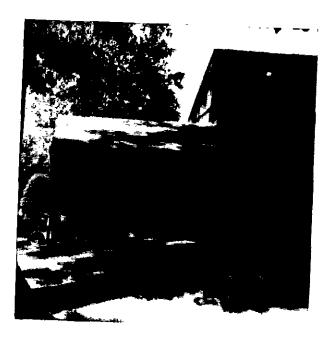








View looking Southward toward-Existing rear of garage, house & deck.



View looking Southwest toward-Existing rear of garage & house.



View looking West toward-Existing rear corner of garage & driveway.



View looking Northeast toward- $\bigcirc \bigcirc$ Existing front of garage & house.



View looking South toward- OIT Existing rear of deck & house.

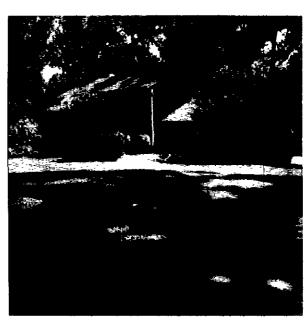


View looking Westward toward-Existing rear corner of garage, house & deck.



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View looking Northwest toward-Existing side of garage & driveway.



View looking North toward- 017 Existing corner of garage & house.

PREPARED BY AIR PHOTOG MARTINSBURG, W.V. 25401 ONING