

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
N/S Shaded Brook Drive, 210' W of the c/l *
Hidden Trail Drive * ZONING COMMISSIONER
(2306 Shaded Brook Drive) *
3rd Election District * OF BALTIMORE COUNTY
3rd Council District *
Jay Weinberg, et ux *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Jay and Louise Weinberg. The Petitioners seek relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side property line setback of 26 feet in lieu of the required 50 feet for a proposed addition. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed which was accepted and 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 variance 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, pictures, 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.

ORDER RECEIVED FOR FILING

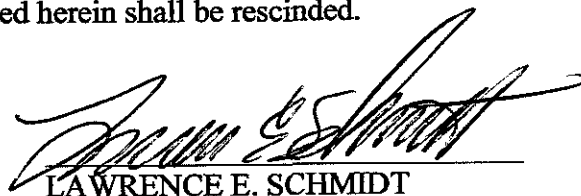
Date

By

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 18th day of August, 2000 that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side property line setback of 26 feet in lieu of the required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject 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 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 8/18/00
By [Signature]



Baltimore County
Zoning Commissioner

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

August 18, 2000

Mr. & Mrs. Jay Weinberg
2306 Shaded Brook Drive
Owings Mills, Maryland 21117

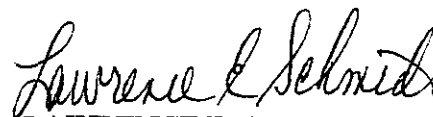
RE: PETITION FOR ADMINISTRATIVE VARIANCE
N/S Shaded Brook Drive, 210' W of the c/l Hidden Trail Drive
(2306 Shaded Brook Drive)
3rd Election District - 3rd Council District
Jay Weinberg, et ux - Petitioners
Case No. 01-032-A

Dear Mr. & Mrs. Weinberg:

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Levin/Brown & Assoc., Inc.
15 Greenspring Valley Road, Owings Mills, Md. 21117
People's Counsel; Case File





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2306 SHADED BROOK DR., OWINGS MILLS
which is presently zoned RC-5 MD. 21117

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)

*1A04.3.B.2. to permit a 26-ft lot line (side) setback
in lieu of 50 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):

MR. JAY WEINBERG

Name - Type or Print

Signature

MRS. LOUISE WEINBERG

Name - Type or Print

Signature

2306 SHADED BROOK DR. 410 363 3322

Address Telephone No.

OWINGS MILLS, MD. 21117

City State Zip Code

Representative to be Contacted:

LEVIN/BROWN & ASSOCIATES, INC.

Name
15 GREENSPRING VALLEY RD. 410-581-010

Address Telephone No.

OWINGS MILLS, MD. 21117

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 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 posted

Zoning Commissioner of Baltimore County

Reviewed By *MDK* Date *7/21/01*

Estimated Posting Date *7/30/01*

01-032-A

ORDER RECEIVED FOR FILING
Date *8/13/01*
By *[Signature]*

CASE NO. *01-032-A*

201 915 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 2306 SHADED BROOK DRIVE

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):

The addition provides for an increase in the size of the Master Bedroom and Bath. The rear of the property is not suitable for the addition as the well is in the way. The front slopes are too steep and an addition in this area would exceed the line of facades along the street.

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.

Signature

JAY WEINBERG

Name - Type or Print

Signature

LOUISE WEINBERG

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of June 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

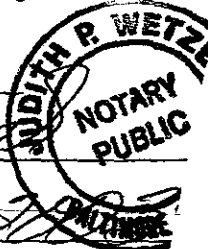
Maryland
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

Date

Notary Public

My Commission Expires



Z O N I N G D E S C R I P T I O N

ZONING DESCRIPTION FOR: 2306 SHADED BROOK DR., OWINGS MILLS, MD. 21117
(address)

Election District: 3 Councilmanic District: 3

Beginning at a point on the NORTH SIDE
(north, south, east of west)

side of SHADED BROOK DRIVE which is
(street on which property fronts)

50
(number of feet of right-of-way width)

wide at a distance of 210.00 FT.
(number of feet)

WEST of the centerline of the
(north, south, east or west)

nearest improved intersecting street HIDDEN TRAIL DRIVE
(name of street)

which is 50 wide.
(number of feet of right-of-way width)

Being Lot # 71, Block --, Section # --

in the subdivision of VALLEY HEIGHTS
(name of subdivision)

recorded in Baltimore County Plat Book # 40

Folio # 37, containing 1.25+/- acres
(square feet and acres)

032

01-032-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 083550

DATE 7/21/10 ACCOUNT 601+6150

BY: MDA AMOUNT \$ 50.00

RECEIVED FROM: Assembly 2300.1300.1215

FOR: G10-Ros Ver. \$ 50.00

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

7/21/2000 09:15:33
 DEPT 5 CASHIER SMAT 3000 DRAFTER 4
 RECEIPT # 122076
 CR NO. 083550

Receipt Tot 50.00
 50.00 OK
 Baltimore County, Maryland

CASHIER'S VALIDATION

01-032-A

CERTIFICATE OF POSTING

**RE: CASE # 01-032-A
PETITIONER/DEVELOPER
(Jay Weinberg)
DATE OF Closing
(8-14-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

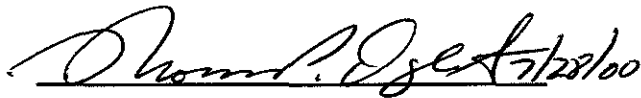
LADIES AND GENTLEMEN:

**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**

2306 Shaded Brook Drive Baltimore, Maryland 21117_____

THE SIGN(S) WERE POSTED ON_____ 7-28-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

_____ 410-687-8405 _____
(TELEPHONE NUMBER)

ZONING NOTICE
ADMINISTRATIVE
VARIANCE

CASE # 07-0387-A

TO: Permit A-26, EX. 121 LINDSEY STREET
IN LIEU OF SET

PUBLIC HEARING ?

PRESENT TO SECTION 24-123(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE. PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
5:00 PM ON 2004 AUGUST 14

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. 68th St.
BALTIMORE, MD 21201
TEL. 887-3391

RECEIVED AND FORWARDED TO PERMITTING OFFICE RECEIVED
MUNICIPAL PLANNING DEPARTMENT

2306 Shaded Brook Drive

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 032 -A Address 2306 Shadel Brook Drive
Contact Person: Mitchell J. Kellman Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 7/21/08 Posting Date: 7/30/08 Closing Date: 8/14/08

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 01- 032 -A Address 2306 Shadel Brook Drive
Petitioner's Name Jay + Louise Weinberg Telephone 410-363-3322
Posting Date: 7/30/08 Closing Date: 8/14/08
Wording for Sign: To Permit a 26-ft lot line (side) setback
in lieu of 50 ft.

01-032-A

WCR - Revised 6/28/00

**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: 01-032-A

Petitioner: Jay & Louise Weinberg

Address or Location: 2306 Shadel Brook Drive

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jay & Louise Weinberg

Address: 2306 Shadel Brook Drive

Owings Mills, MD 21117

Telephone Number: 410-363-3322

Revised 2/20/98 - SCJ

01-032-A



Baltimore County
Department of Permits and
Development Management

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

August 9, 2000

Mr. & Mrs. Jay Weinberg
2306 Shaded Brook Drive
Owings Mills, MD 21117

Dear Mr. & Mrs. Weinberg:

RE: Case Number: 01-032-A, 2306 Shaded Brook Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 30, 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:gdz

Enclosures

C: Levin/Brown & Associates, Inc., 15 Greenspring Valley Road, Owings Mills 21117
People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 17, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For August 7, 2000
Item Nos. 022, 023, 024, 026, 027, 028
030, 031, 032, 033, 034, 035, 036

and

00-550-A, Revised 7/14/2000

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

August 8, 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 31, 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:

023, 026, 028, 030, 031, 032,

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *ac/RBS*

DATE: September 11, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of July 31, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
024	7103 Milford Industrial Road
025	2900 Taylor Avenue
027	3825 Blenheim Road
028	700 Western Run Road
030	12324 Michaelsford Road
031	412 Bloomsbury Avenue
032	2306 Shaded Brook Drive
036	12040 & 12407 Falls Road
550 Revised	Phillips Purchase

8114 AV

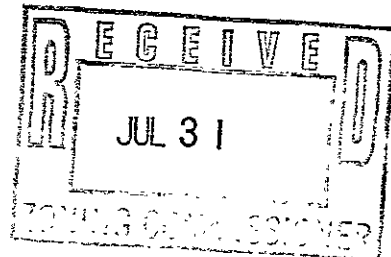
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 31, 2000

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



SUBJECT: Zoning Advisory Petition(s): Case(s) 00- 550, 01-031, 6 and 028, 01-030, 01-032, 01-036.

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:

A handwritten signature in black ink, appearing to be "Mark A. Cunningham", written over a horizontal line.

Section Chief:

A handwritten signature in black ink, appearing to be "Gary L. Keller", written over a horizontal line.

AFK/JL:MAC



**Maryland Department of Transportation
State Highway Administration**

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

Date: 7-31-00

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

RE: Baltimore County
Item No. 032 MJK

Dear Ms. Jackson:

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).

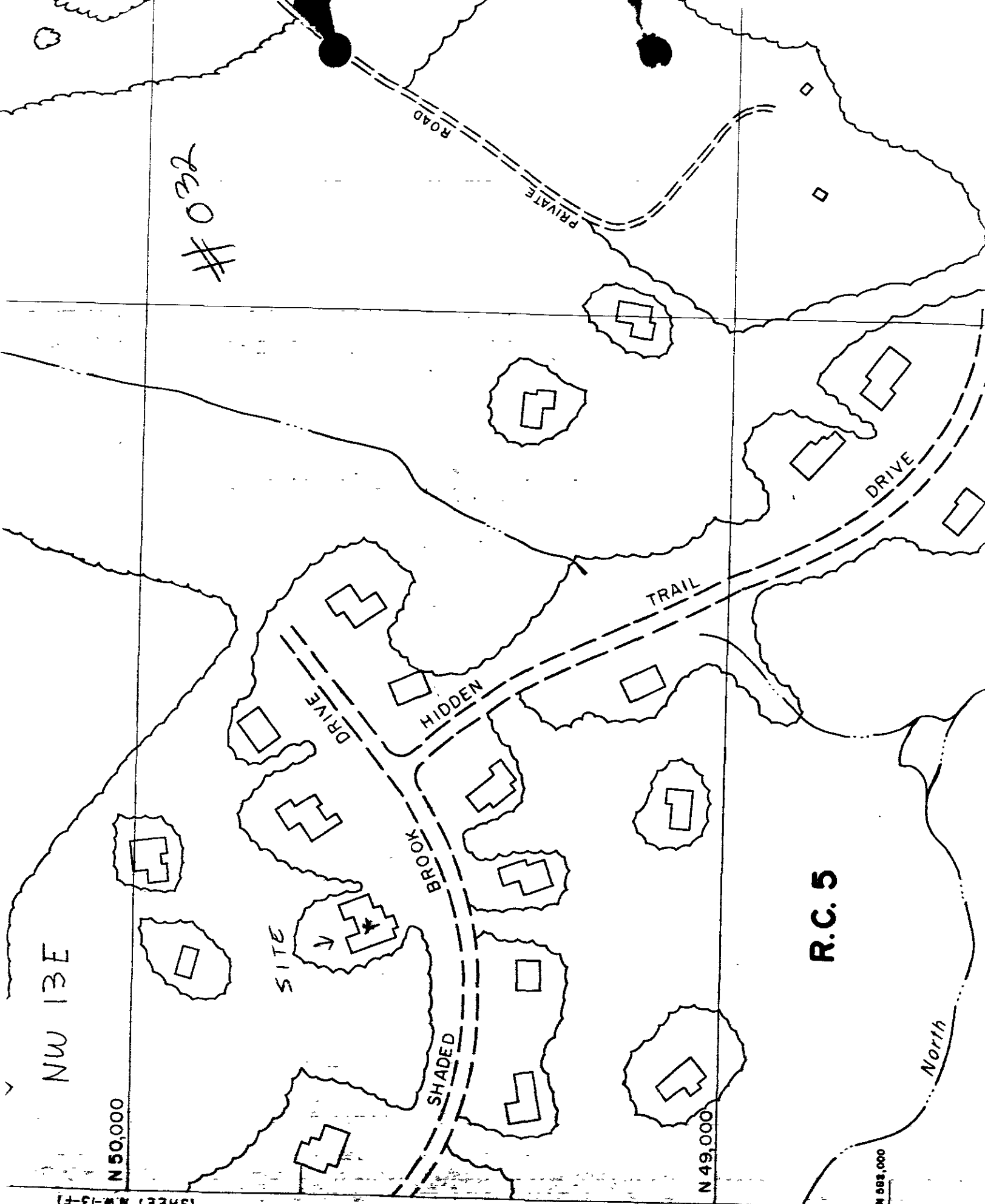
Very truly yours,

K.A. Kenneth A. McDonald Jr., 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



(SHEET N-13-F)

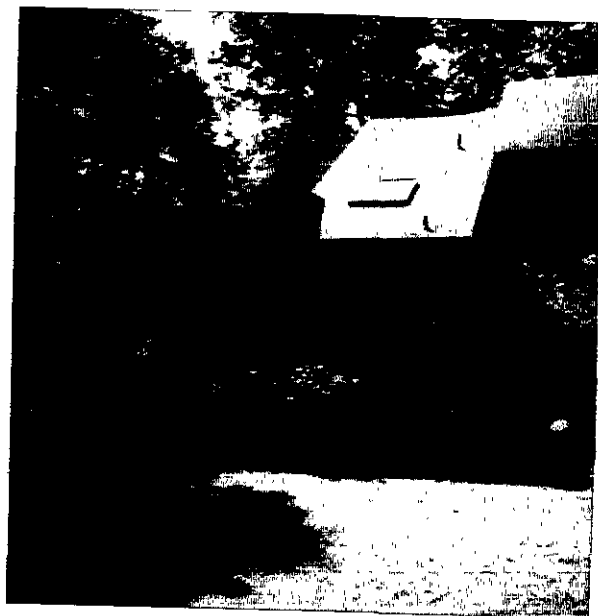
01-032-A



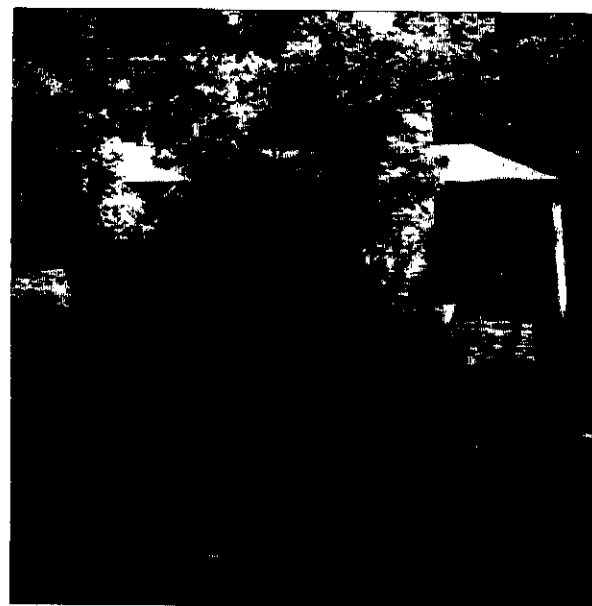
View looking Northwest toward-
Existing side of house.



View looking Northwest toward-
Existing corner of house.



View looking Southward toward-
Existing rear of house.



View looking Northward toward-
Existing front of house.

01-032-A