IN RE: PETITION FOR ADMIN. VARIANCE W/S South Marlyn Avenue, 150' +/-N of centerline Lena Lane 15th Election District 7th Councilmanic District

(712 South Marlyn Avenue)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 01-375-A

Rodney Fleischman Petitioner

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 owner of the subject property, Rodney Fleischman. The variance request is for property located at 712 South Marlyn Avenue in the Essex area of Baltimore County. The Petitioner herein seeks a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage with a height of 25 ft. in lieu of the maximum permitted 15 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioner 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 Petitioner has 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 Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioners; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioners of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioners any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management (DEPRM) has submitted recommendations (attached herewith) which describe what steps the Petitioners must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2. Conserve fish, wildlife, and plant habitat; and
- 3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance

Constitution of the Consti

with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

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 Aday of April 2001, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage with a height of 25 ft. in lieu of the maximum permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Compliance with the Zoning Advisory Committee (ZAC) recommendations submitted by the Office of Planning dated April 6, 2001.
- 3. Compliance with the Zoning Advisory Committee (ZAC) recommendations submitted by (DEPRM) dated April 4, 2001, to minimize any effect the proposed development might have on the Bay and its tributaries.
- 4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

ΓMK:raj



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

Fax: 410-887-3468

April 20, 2001

Mr. Rodney Fleischman 712 South Marlyn Avenue Baltimore, Maryland 21221

Re: Petition for Administrative Variance

Case No. 01-375-A

Property: 712 South Marlyn Avenue

Dear Mr. Fleischman:

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

Surtay 16 troco

TMK:raj Enclosure



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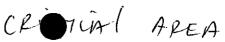
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CASE NO. 01-375 A

REV 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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This Petition shall be filed owner(s) of the property situal made a part hereof, hereby n	ite in Baltim etition for a	nore County and which	ch is described in the	e description and plat att	ached hereto and
made a part hereof, hereby p		variance nom secti	un(s) 400,31	1BLZP, TO	DERMIT
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of this petition form.			•		
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		,	Zoning Con	mmissioner of Baltimore Cour	nty

Reviewed By 9 WM

Estimated Posting Date ___

Affidavit in Support of Administrative Variance

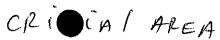
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as

follows: That the information herein given competent to testify thereto in the event that a	is within the personal is public hearing is scheo	(nowledge of the Affiant(s) and luled in the future with regard the	that Affiant(s) is/are
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Modney fleischmann			
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the Affiant(s) herein, personally known or sat law that the matters and facts hereikabove ser	tisfactorily identified to r	ne as such Affiant(s), and made oct to the best of his/her/their knows	e oath in due form of owledge and belief.
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3-15-01 Date	Notary Publi	in Some les	Te .
	My Commiss	400) Z

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.

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REU 9/15/98

Petition for Administrative Variance

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ZONING DESCRIPTION FOR 712 South Marlyn Avenue

Beginning at a point on the West side of South Marlyn Avenue which is 40 feet wide at the distance of 150 feet North of the centerline of the nearest improved intersecting street Lena Lane which is 30 feet wide. "As recorded in Deed Liber #10754, Folio #044" containing 1.24 acres. Also known as 712 South Marlyn Avenue and located in the 15th Election District, 7th Councilmanic District.

Typical metes and bounds: N.06W 53', S. 84W 1058', S.08W 53.6', N.84E 1045' to place of beginning.

375

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	FOR: (E(C) A)	RECEIVED E. ILELICATION SON	DATE 3.22.01 ACCOUNT OO 1.7.1	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT
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	RE. Case No.: (7/25/5-74
	Petitioner/Developer: Rodrey
•	FLEISHMAN
	Date of Hearing/Closing: 4/14/01
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
Ave	ocated at 712 South MARLYN
The sign(s) were posted on AP	(Month, Day, Year)
	Sincerely,
ADMINISTRATE.	(Signature of Sign Poster and Date)
	SSG Robert Black
	(Printed Name)
	1508 Leslie Road
	(Address)
	Dundalk Maryland 21222
	(City, State, Zip Code)
	(City, State, Zip Code) (410) 282-7940 (Telephone Number)

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.

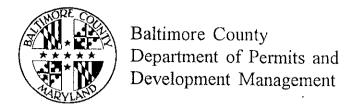
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted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

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

For Newspaper Advertising:
Item Number or Case Number: 375
Petitioner: Rodney Fleischmann Address or Location: 712 South Marlyn Aue
Address or Location: 712 South MARLIN Ave
·
PLEASE FORWARD ADVERTISING BILL TO:
Name:SAME
Address: Sane
Telephone Number: 410 686-9796

ADMINISTRATE VARIANCE INFORMATION HEET AND DATES

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Permits and Licenses County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 (410) 887-3900

Fax: (410) 887-2824

April 16, 2001

Rodney Fleischman 712 South Marlyn Avenue Baltimore MD 21221

Dear Mr. Fleischman:

RE: Case Number: 01-375-A, 712 S Marlyn Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 22, 2001.

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

W. Carl Richards Jr.

WCR: gdz

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 6, 2001

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

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SUBJECT:

712 South Marlyn Ave.

INFORMATION:

Item Number:

01-375

Petitioner:

Rodney Fleischmann

Zoning:

DR 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to allow an accessory structure with a height of 25 feet in lieu of the required 15 feet provided the structure is not used for residential purposes, and is constructed of materials compatible with the adjacent residential structures.

Prepared by:

Section Chief: AFK:MAC:

W:\DEVREV\ZAC\01-375.doc

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon R. Bruce Seeley FROM: DATE: April 4, 2001 SUBJECT: Zoning Item 712 South Marlyn Avenue Zoning Advisory Committee Meeting of April 2, 2001 The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item. The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site. X The Department of Environmental Protection and Resource Management offers the following 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). X 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).

Reviewer: Keith Kelley Date: April 4, 2001





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

March 29, 2001

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 April 2, 2001

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:

365, 366, 372, 373, 374, 375, 376, 377,

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 4.2.01

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

RE: Baltimore County

Item No. 375 124

Dear. Ms. Jackson:

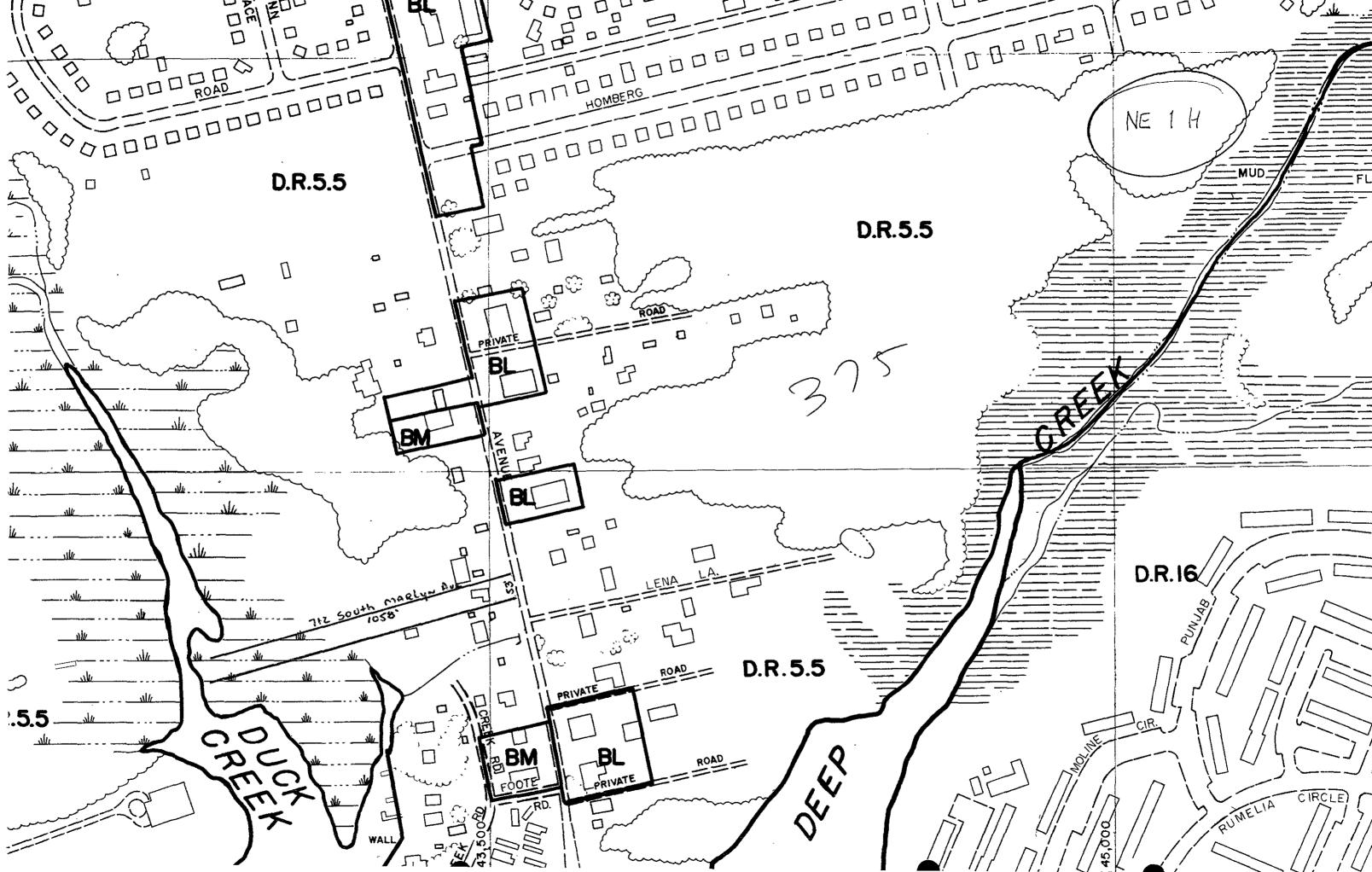
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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,

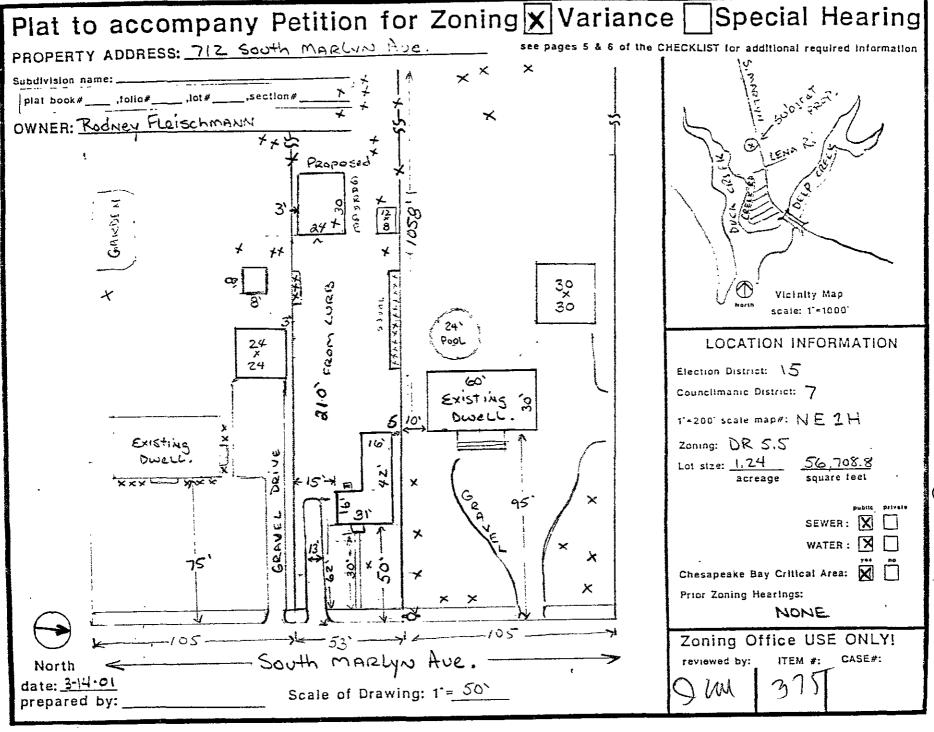
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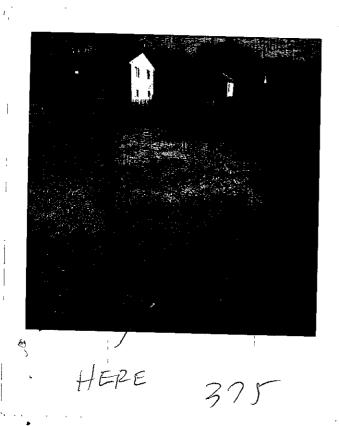
Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

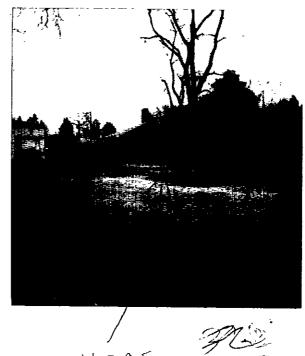


712 South MARLYN Aue.

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