IN RE: PETITION FOR ADMIN. VARIANCE

S/S Donerin Way, 255' E

Edgarwood Court

8th Election District
6th Councilmanic District
(3813 Donerin Way)

* CASE NO. 01-522-A

Stella and Philip Der Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Stella and Philip Der. The variance request is for property located at 3813 Donerin Way in the Monkton area 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 garage addition with a side yard setback of 35 ft. in lieu of the required 50 ft. 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 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.

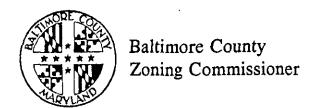
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of July 2001, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage addition with a side yard setback of 35 ft. in lieu of the required 50 ft., be and is hereby 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.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES:raj

ORDER RECEIVED FOR FILING
Date 2/26/



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

Fax: 410-887-3468

July 17, 2001

Mr. & Mrs. Philip Der 3813 Donerin Way Phoenix, Maryland 21131

Re: Petition for Administrative Variance

Case No. 01-522-A

Property: 3813 Donerin Way

Dear Mr. & Mrs. Der:

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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure



REV 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3813 DONERIN which is presently zoned

I/We do solemnly declare and affirm, under the penalties of

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) 1A04.3B2 (BCZR) to permit a garage addition with a side yard setback of 35 feet in lieu of the required 50 feet.

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.

		is the subject of this Pe	etition.	e property which
Contract Purchaser/Lessee:		Legal Owner(s):		
		PHILIP D	E 2	
Name - Type or Print		Name - Type of Print	20	
Signature		Signature	70-0	·
Address	Telephone No.	STELLA Name - Type or Pant	DER DO	
City State	Zip Code	Signature	a Du	
Attorney For Petitioner:	T.	3813 DONERI	N WAY 411	1-667-1755
N/7.		Address Rios NIX	MD	Telephone No.
Name - Type or Print		City	State	Zip Code
		Representative to	be Contacted:	
ignature dempan	•	WEUM		
dempany Z		Name		410-512-45
garess 3	Telephone No.	Address	unt Ave	Telephone No.
State		BALTIMORE	MD	21266
	Zip Code	City	State	Zip Code
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		_	ioner of Baltimore Count	<i>'</i> 1
ARENO ()(-C)) - A	D !	INP		11/01

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 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

That the Affiant(s) does/do presently reside at

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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.
Signature PC+ LLIP DEN Name - Type or Print	Signature STELLA DER Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 9th day of June of Maryland, in and for the County aforesaid, personally appeared Phillip Der & Stella Der	
the Affiant(s) herein, personally known or satisfactorily identified law that the matters and facts hereinabove set forth are true and AS WITNESS my hand and Notarial Seal CLAE. KULGER	
Date NOTARY PUBLIC Notary Notary Notary Notary Notary Notary	Paturi E. Mahle Public mmission Expires 12/23/203

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	200			
/	Address PHOEAN	MI	>	2113
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of Maryland, in and for the County aforesaid, portion of the Count) ∪∼ ersonally appear Der	, <u>Z∘∘∫_</u> , b	efore me, a Notary Public	of the State
the Affiant(s) herein, personally known or satisfiaw that the matters and facts hereinabove set	sfactorily identifie	ed to me as such Aff d correct to the best o	ant(s), and made oath ir of his/her/their knowledge	due form of and belief.
AS WITNESS my hand and Notarial Seal	A E. AUGE	Patrini S.	Kell	
A RELIEF	OBLIC SWY Co	/ Public ommission Expires	New 12/23/2003	
REV 09 15 98	PE COUNTY			



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3813 DONIBUN WAY which is presently zoned DC-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) 1A04,3B2 (BCZR) to permit a garage addition with a side yard set back of 35 feet in lieu of the required 50 feet.

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.

T(S): DER Jint LA DER Tint Tella In	410-667-1755
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State	
ive to be Contacte	<u>d:</u>
4	410-517-05
MOUNT AV	E SUITE 100
	Telephone No.
2	State d by the Zoning Commission public hearing, advertised,

Estimated Posting Date

Zoning Commissioner of Baltimore County

ZONING DESCRIPTION FOR #3813	DONERIN WAY (address)
Beginning at a point on the South (north, south, east	side of t or west)
Street on which property fronts	which is 50-FEET right-of-way width
DONERIN WAY street on which property fronts wide at the distance of 255-FEET (north	EAST of the
centerline of the nearest improved intersecting str	eet EDGARWOOD COURT
which is 50 - FEET right-of-way width	wide. *Being Lot # <u>19</u> ,
Block A ,Section # in the subdivision	n of MANOR GLEN subdivision
as recorded in Baltimore County Plat Book # 3	6 , Folio # 131
containing ONE ACRE. Also know acres	n as #3813 DONERIN WAY (property address)
and located in the 10 TH Election District, 6 th Cou	uncilmanic District.

P. O'K / DER

PHONE NUMBER: 410-512-4621

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BALTIMORE COUNTY, MARYLAND	1	17				
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MISCELLANEOUS RECEIPT			PAYMENT	ACTUAL	TIME	
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, Mar.

TEL:410-324-4100

Jul 16'01 10:18 No.003 P.01

CERTIFICATE OF OSTING

ADMIN.

RE: Case No.: 01-522-A

Petitioner Developer: DER_

% O'KEEFE

Date of Hearing Closing. 7/9/01

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

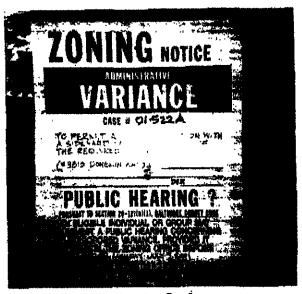
Attention: Ms. Gwendolyn Stephens-

r It* Fax Note / 7671	Date # of pages }
	From OVEEFE
Co./Dept. ZONING COMM	Co.
Phone #9901 4386	Phone #
Fax 887-3468	Fax # 324 -4 10

Ladies and Gentlement

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 # 38/3 DONERIN WAY

The sign(s) were posted on



38/3-DONERIN WAY 7/9/01 DER

Sincerely,

PATRICK M. O'KEEFE (Printed Name)

523 PENNY LANE
(Address)

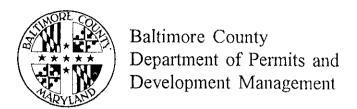
HUNT VALLEY, MD. 21030 (City, State, Zip Code)

410-666:5366 ; CELL-410.905-8571

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 522 -A Address 3813 Donerin Way
Contact Person: Jeffrey Perlow . Phone Number: 410-887-3391
Case Number 01- 522 -A Address 3813 Donerin Way Contact Person: Jeffrey Perlow Phone Number: 410-887-3391 Plannel, Please Print Your Name Filing Date: 6/24/01 Closing Date: 7/9/0/
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.
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.
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 01- 522 -A Address 3813 Donerin Way
Petitioner's Name Philip Der Telephone 410-667-1755
Posting Date: $6/24/01$ Closing Date: $7/9/01$
Vording for Sign: To Permit a garage addition with a side yard set back of 35 feet in
ieu of the required 50 feet
}



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

July 11, 2001

Stella & Philip Der 3813 Donerin Way Phoenix MD 21131

Dear Mr. & Mrs. Der:

RE: Case Number: 01-522-A, 3813 Donerin Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 11, 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.
W. Carl Richards, Jr.
Supersider Zapin Deviation

Supervisor, Zoning Review

WCR: gdz

Enclosures

c: WBCM, 849 Fairmount Avenue, Suite 100, Baltimore 21286 People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 18, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 9, 2001

Item Nos. 521, 522, 524, 525, and 538

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 10, 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 July 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:

521, 522, 523, 524, 525 and 538

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

PV 19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zon

Zoning Advisory Petition(s): Case(s) 01-513, & 01-522

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

.111 - 2

DATE: July 2, 2001



Maryland Department of Transportation State Highway Administration

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

Administrator

Date: 6.23.01

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

Baltimore County RE:

Item No. 522 JAP

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,

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

1. J. Holle

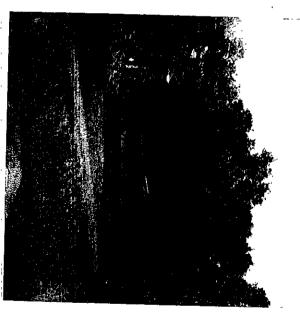


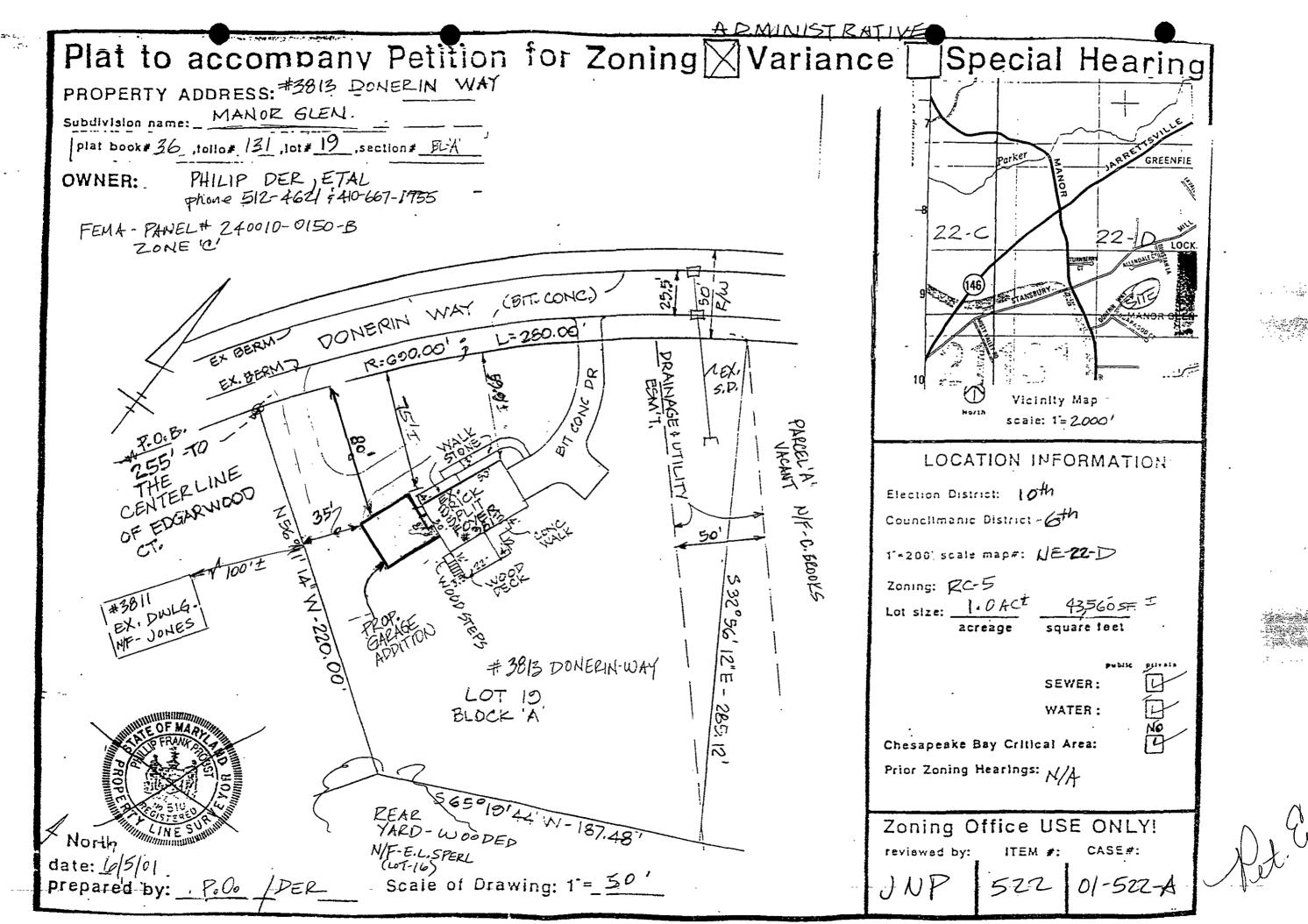
FRONT YARD#3813 DONERIN WAY
P. DER. - LOT- 19 (36/131)

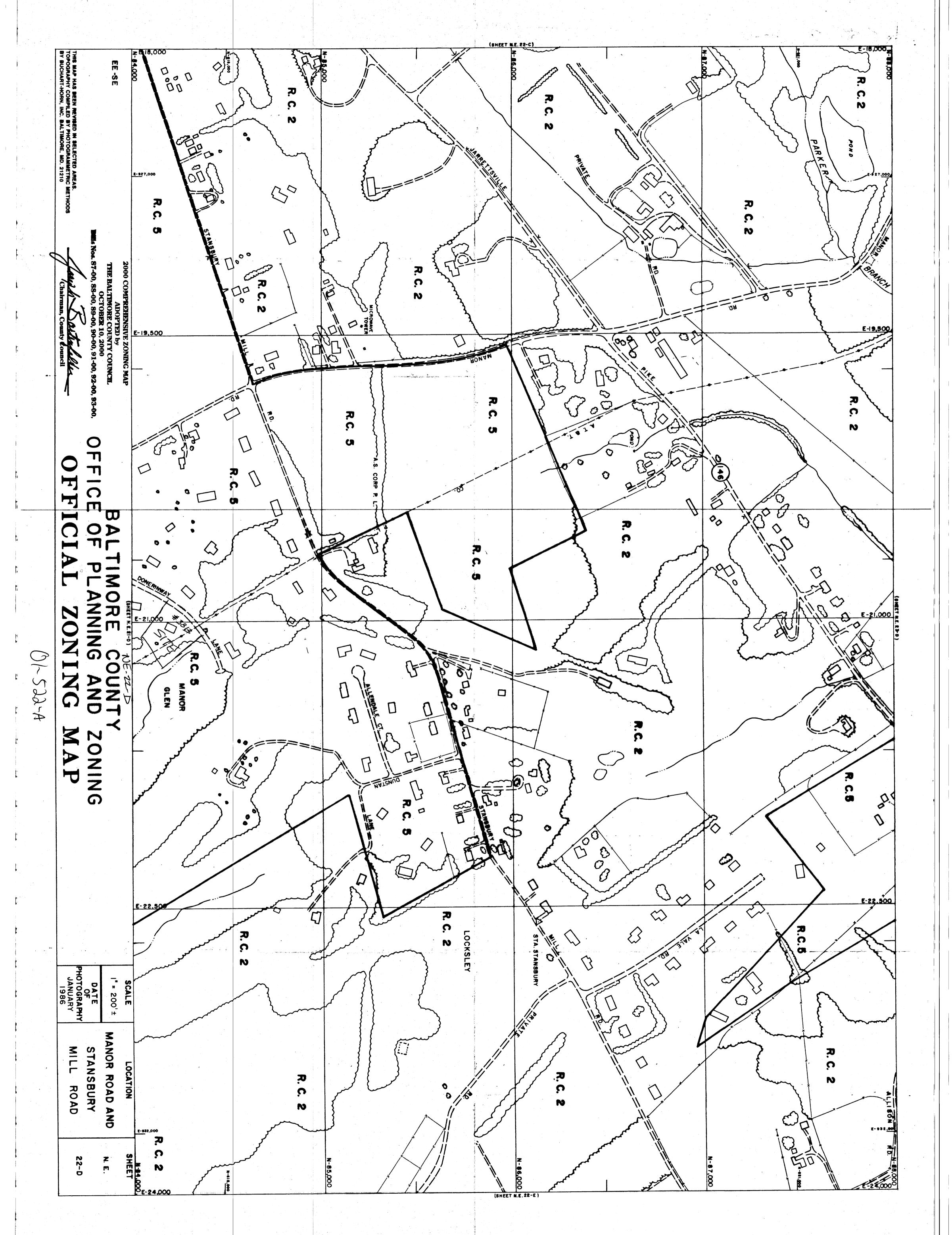


RIGHT FRONT YARD#3813 PONERIN WAY LOT-19, BKK'A' P. DER, OWNER

FRONT RIGHT # 3813 DONERIN







NE 55 D

