

IN RE: PETITION FOR ADMIN. VARIANCE
N/S Avery Hill Drive, 500' W of the c/l
Garrison Forest Road
(3508 Avery Hill Drive)
4th Election District
3rd Council District

Lois B. Cohen
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-128-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 owner of the subject property, Lois B. Cohen. The Petitioner seeks relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit front and side yard setbacks of 30 feet in lieu of the required 50 feet each, and to amend the Final Development Plan for Worthington Park, Lot 36 thereof, accordingly, for a proposed three-car garage addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition 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 provided, 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 the relief requested complies 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 11/11/01

By [Signature]

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 6th day of November, 2001 that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit front and side yard setbacks of 30 feet in lieu of the required 50 feet each, and to amend the Final Development Plan for Worthington Park, Lot 36 thereof, for a proposed three-car garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, 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 Petitioner shall not allow or cause the proposed garage addition to be converted to a second dwelling unit and/or apartments. There shall be no kitchen facilities within the garage addition.
- 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 RECORDED FOR FILING
Date 11/6/01
By Rep



Baltimore County
Zoning Commissioner

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

November 6, 2001

Mr. & Mrs. Scott Cohen
3508 Avery Hill Drive
Owings Mills, Maryland 21117

RE: PETITION FOR SPECIAL HEARING
N/S Avery Hill Drive, 500' W of the c/l Garrison Forest Road
(3508 Avery Hill Drive)
4th Election District – 3rd Council District
Lois B. Cohen - Petitioner
Case No. 02-128-A

Dear Mr. & Mrs. Cohen:

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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3508 Avery Hill Dr. 21117
which is presently zoned RC-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) 1A04.3.B.3 to permit front and side yard setbacks of 30 ft. in lieu of the required 50 ft., and to amend the Final Development Plan.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

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. 02-128-A

Reviewed By BR

Date 9/25/01

Estimated Posting Date 10/7/01

REV 9/15/98

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

3508 Avern Mill Dr
Address
Swings 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):

We are a family of 7 we need additional storage space for cars. We feel this is the best location for space, plus staying away from septic & repair area. This will allow us to build a family room above.

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.

Russ B. Cohen
Signature
Lois B Cohen
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of August, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Lois Cohen

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

8/16/01
Date

Susan Griffith
Notary Public
SUSAN GRIFFITH
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 26, 2003

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, a follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/an 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 3508 Avery Rd
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):

We Are A Family of 7 we need Addition storage space for extra furniture. This is the best location for space, plus staying away from septic + repair Area. This will allow us to build a family room above.

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.

Lois B. Cohen
Signature
Lois B Cohen
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of August, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Lois Cohen

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

8/16/01
Date

Susan Griffith
Notary Public
My Commission Expires _____
SUSAN GRIFFITH
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 26, 2003



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3508 Avery Hill Dr 21117
which is presently zoned RC-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)

1A04.3.B.3 to permit front and side yard setbacks of 30 ft. in lieu of the required 50 ft., and to amend the Final Development Plan.

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):

Lois B Cohen

Name - Type or Print

Lois B. Cohen

Signature

Name - Type or Print

Signature

3508 Avery Hill Drive (410) 363-7378

Address

Telephone No.

Owings Mills Md 21117

City

State

Zip Code

Representative to be Contacted:

Scott & Lois Cohen

Name

3508 Avery Hill Drive (410) 363-7378

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, 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. 02-128-A

Reviewed By BK Date 9/25/01

REV 9/15/98

Estimated Posting Date 10/7/01

ZONING DESCRIPTION FOR 3508 Avery Hill Drive.

Beginning at a point on the north side of Avery Hill Drive which is 50 feet wide at the distance of 500 feet west of the centerline of the nearest improved intersecting street Garrison Forest Road, which is 70 feet wide. *Being Lot #36, Section #2, in the subdivision of Worthington Park, as recorded in Baltimore County Plat Book #61, Folio #91, Containing 1.386 Acre. Also known as 3508 Avery Hill Drive and Located in the 4th Election District, 3rd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5682

DATE 9/25/01 ACCOUNT Route 006-6150

AMOUNT \$ 50.00

RECEIVED FROM: Lois Cohen

FOR: Zoning Variance

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
Item # 128

CASHIER'S VALIDATION

PAID RECEIPT
FORWARD ACTUAL TIME
9/25/2001 09:27:39
RECEIVED BY: LOIS COHEN
DATE: 9/25/01
AMOUNT: \$50.00
CASHIER: [Signature]
BALTIMORE COUNTY, MARYLAND

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5683

DATE 9/25/01 ACCOUNT Route 006-6150

AMOUNT \$ 50.00

RECEIVED FROM: Lois Cohen

FOR: Zoning Variance

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
Item # 128

CASHIER'S VALIDATION

PAID RECEIPT
FORWARD ACTUAL TIME
9/25/2001 09:52:27
RECEIVED BY: LOIS COHEN
DATE: 9/25/01
AMOUNT: \$50.00
CASHIER: [Signature]
BALTIMORE COUNTY, MARYLAND

CERTIFICATE OF POSTING

RE: Case No.: 02-128-A

Petitioner/Developer: Scott & Lois

Cohen

Date of Hearing/Closing: _____

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

Attention: Ms. Gwendolyn Stephens

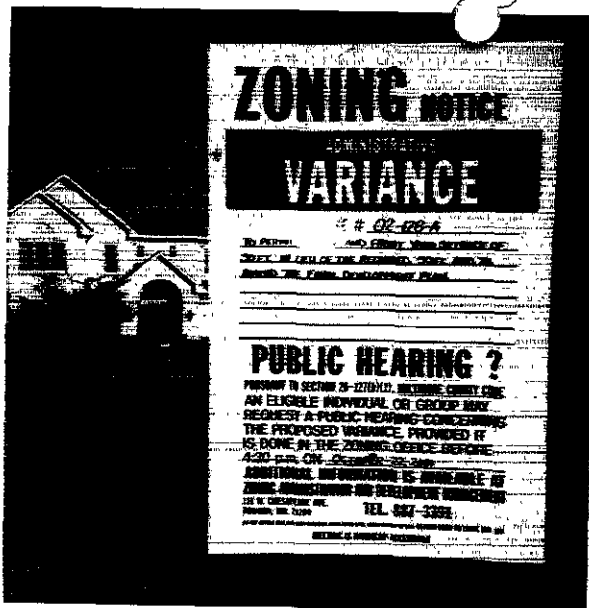
Ladies and Gentlemen:

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 3508 Avery Hill Drive
Owings Mills, MD 21117

The sign(s) were posted on

October 2, 2001

(Month, Day, Year)



Sincerely,

Stacy Gardner 10/2/01
(Signature of Sign Poster and Date)

Stacy Gardner

(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

(City, State, Zip Code)

410.781.4000

(Telephone Number)

**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: 02-128-A

Petitioner: Lois Cohen

Address or Location: 3508 Avery Hill Drive, Owings Mills, Md
21117

PLEASE FORWARD ADVERTISING BILL TO:

Name: Scott & Lois Cohen

Address: 3508 Avery Hill Drive

Owings Mills, Md 21117

Telephone Number: 410 363-7378

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 128 -A Address 3508 Avery Hill Dr.
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 9/25/01 Posting Date: 10/7/01 Closing Date: 10/22/01

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 02- 128 -A Address 3508 Avery Hill Dr.
Petitioner's Name Scott & Lois Cohen Telephone 410-363-7378
Posting Date: 10/7/01 Closing Date: 10/22/01
Wording for Sign: To Permit a side and front yard setback of 30 ft.
in lieu of the required 50 ft. and to amend the
Final Development Plan.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 26, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For November 5, 2001
Item Nos. 121, 123, 124, 125, 126, 127,
 129, 130, 131, 133, 134, 135, 162,
and 163

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**

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

AV
10/22

October 30, 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 October 29, 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:

121, 122, 123, 124, 125, 126, 127, 128, 130,
133, 134, 135, and 163

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

cc: File

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

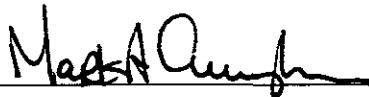
DATE: October 30, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-123, 02-128, 02-134, and 02-163

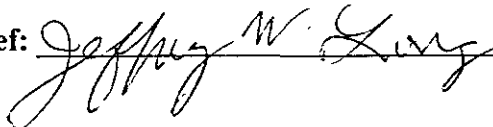
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

_____

- 1 -

Section Chief:

_____

AFK/JL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 10.29.01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 128 BR

Dear Mr. Zahner:

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).~~

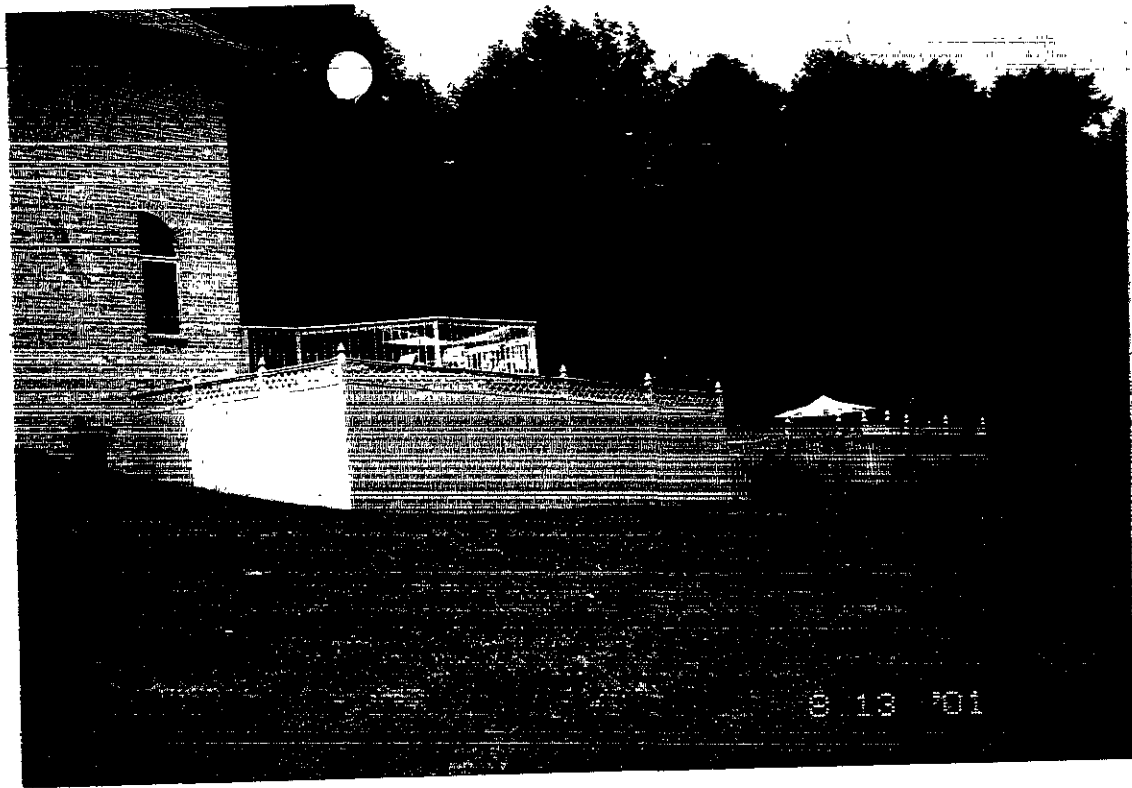
Very truly yours,

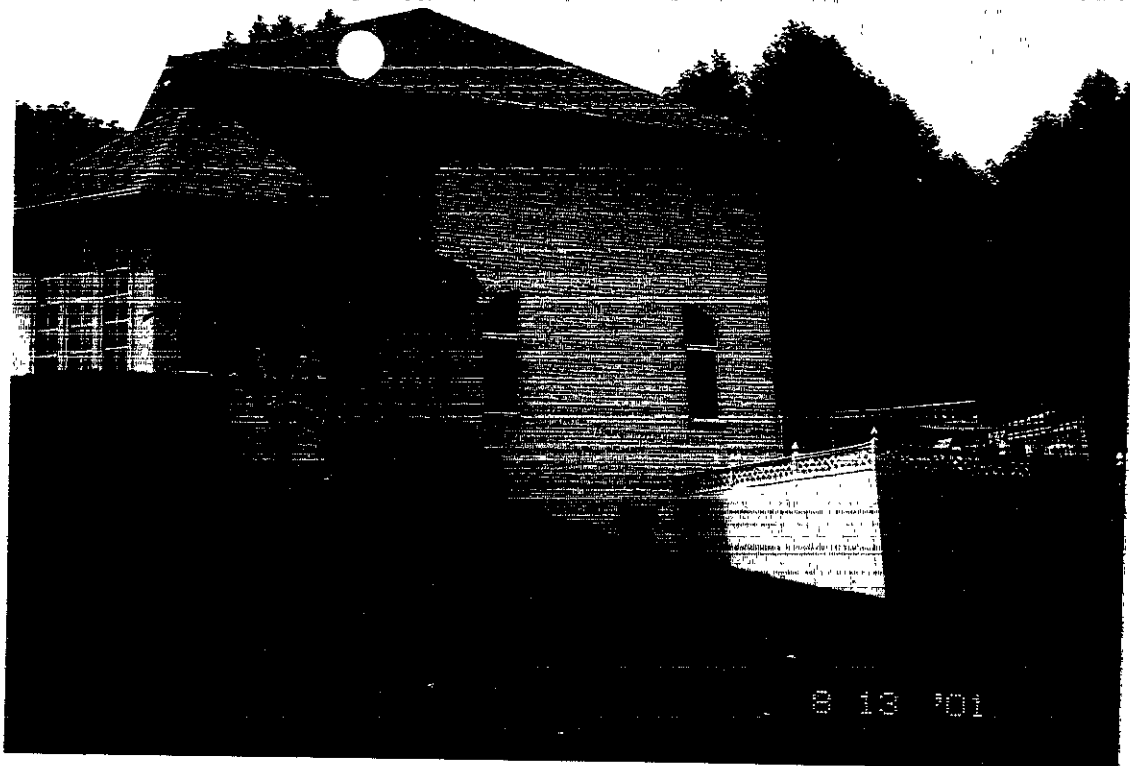
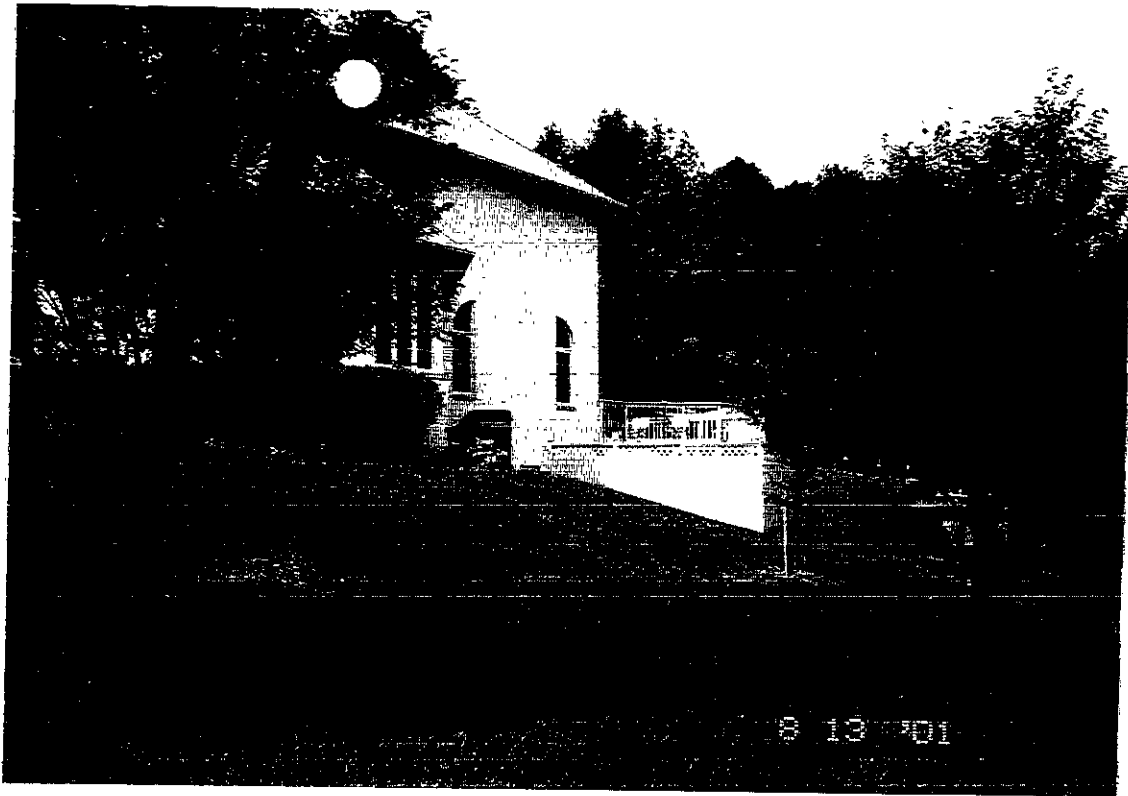
Kr Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

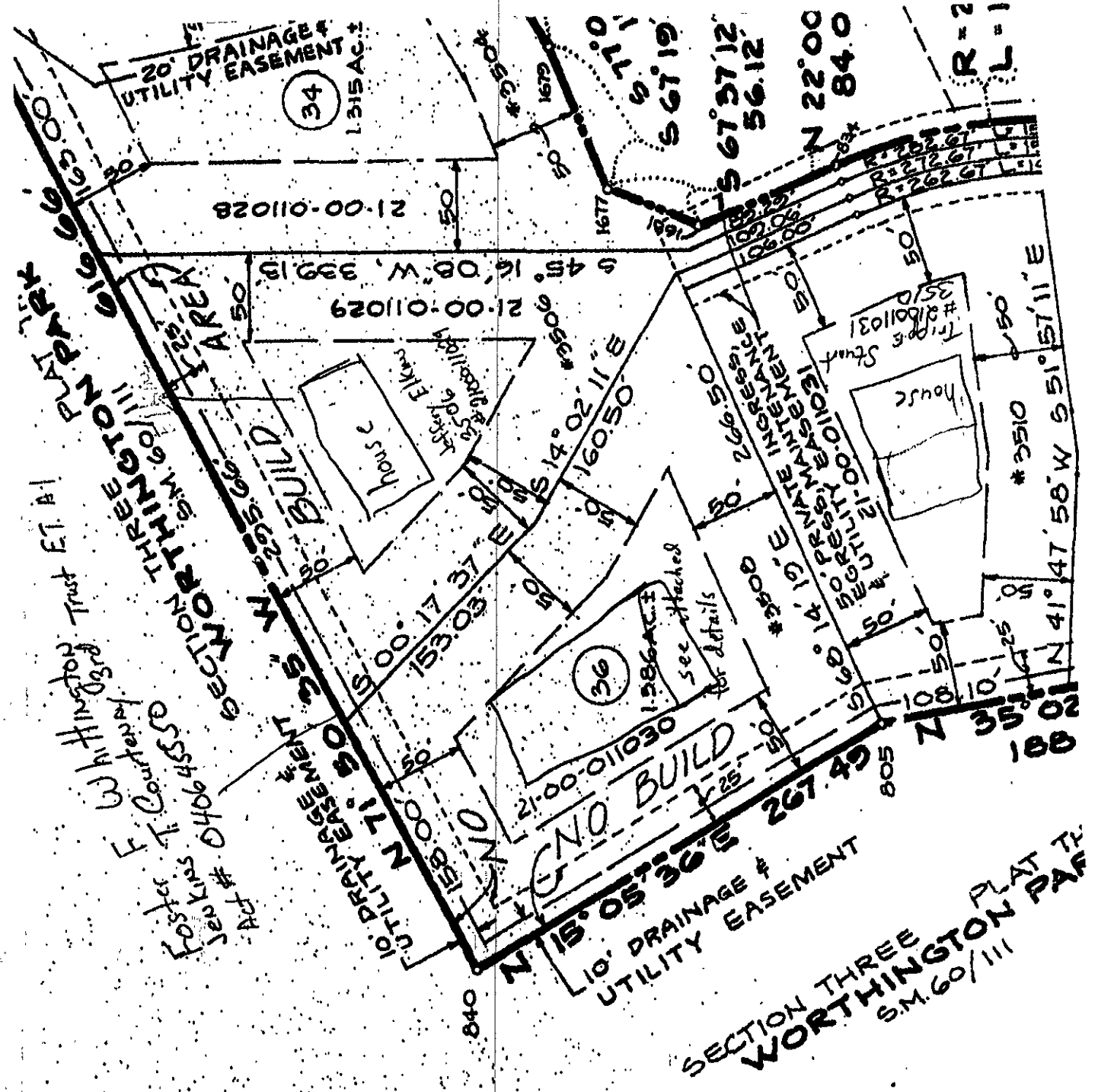




Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

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

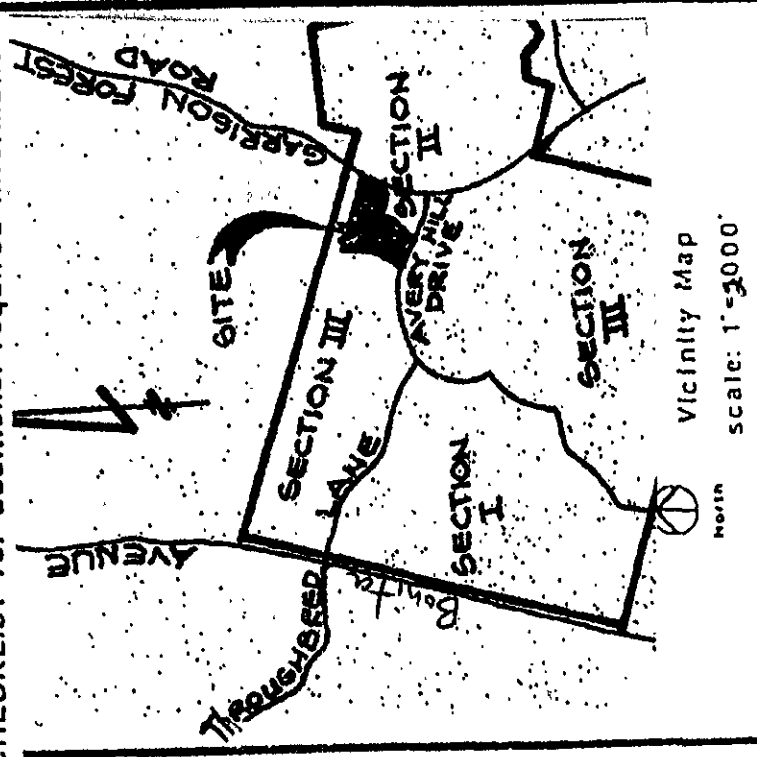
PROPERTY ADDRESS: 3508 Avery Hill Dr.
Subdivision name: Worthington Park
plat book # 61, folio # 91, lot # 36, section # 2
OWNER: Lois B. Cohen



North

date: 9/25/11
prepared by: S.C.

Scale of Drawing: 1" = 100'

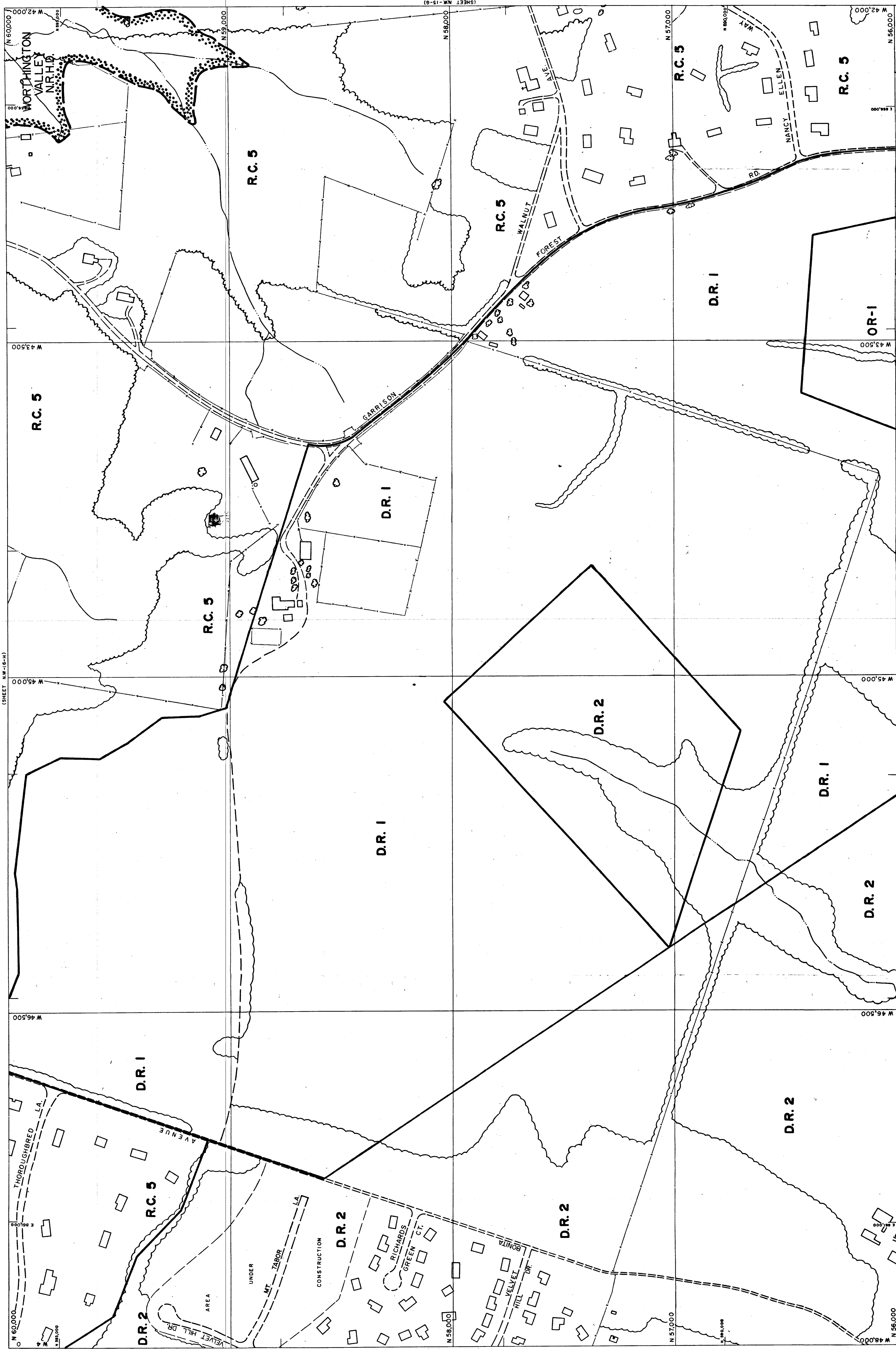


LOCATION INFORMATION

Election District: 4th
Councilmanic District: 3rd
1"=200' scale map#: N.W. 15-H
Zoning: RC-5
Lot size: 1.386 acreage square feet
public ☐ private ☒
SEWER: ☐ WATER: ☐
Chesapeake Bay Critical Area: ☐ no ☒
Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE #: _____
AK 128 02-128-A



T-NW	T-NE	2000 COMPREHENSIVE ZONING MAP		SHEET NW-(A-H)		LOCATION	SHEET
		ADOPTED by THE BALTIMORE COUNTY COUNCIL				SCALE	
		OCTOBER 10, 2000				1" = 200' ±	
		BILLS Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,				DATE OF PHOTOGRAPHY	NW 15-H
						JANUARY 1986	
						TIMBER GROVE	
						</	

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

Joseph Battaglia
Chairman, County Council



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

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

#123

SCALE		LOCATION	SHEET
1" = 200' ±			
DATE OF PHOTOGRAPHY JANUARY 1986	TIMBER GROVE		N.W. 15-H