ORDER RECEIVED FOR FILING
Sate 8/2/1/2

IN RE: PETITION FOR VARIANCE

N/S Shawan Road, 280' W of the c/l

York Road

(3 Shawan Road)

8th Election District

3rd Council District

Shawan Associates, LLC

Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

^k Case No. 02-264-A

*

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Shawan Associates, LLC, by John E. Day, Member. The Petitioners request relief from Section 255.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (BR Section 238.2) to permit a side yard setback of 24 feet in lieu of the required 30 feet for a proposed two-story addition. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was John E. Day, on behalf of Shawan Associates, LLC, owner of the subject property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the north side of Shawan Road, just west of its intersection with York Road, not far from the Hunt Valley Mall in Hunt Valley. The property is improved with a two-story building, which is presently used to house the offices of Mr. Day's business. Mr. Day is a contractor by trade, specializing in the development/redevelopment of retail and commercial sites. The Petitioner proposes enclosing an existing porch, which is located to the rear (northwest) corner of the dwelling. The proposed addition will be 11.1' x 16.3' in dimension and provide additional office space to the interior of the building. Although the proposed addition will not bring the

ORDER RECEIVED FOR FILING
Date
By

building any closer to the property line, the new construction requires a variance in view of the location of the existing structure, which currently provides a 24-foot setback on that side. It is also to be noted that the side yard setback on the other side of the building is 5.5 feet. Both side yards are insufficient, but nonconforming, inasmuch as the building was constructed many years ago, prior to the establishment of the zoning regulations. However, the relief requested is necessary in order to legitimize the location of the existing structure and allow for the proposed improvement.

Based upon the testimony and evidence presented, I am persuaded to grant the relief. I am satisfied that the Petitioner has satisfied the requirements of Section 307 of the B.C.Z.R. It is clear that the proposed construction is minor and will not materially alter the use or appearance of the structure. Moreover, the relief requested will cause no detrimental impact to adjacent properties.

Pursuant to the advertisement, posting of the property and public hearing on this petition held, and for the reasons set forth herein, the relief requested shall be granted.

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 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



March 15, 2002

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

Fax: 410-887-3468

Mr. John E. Day Shawan Associates, LLC 3 Shawan Road Cockeysville, Maryland 21030

RE: PETITION FOR VARIANCE

N/S Shawan Road, 280' W of the c/l York Road

(3 Shawan Drive)

8th Election District – 3rd Council District Shawan Associates, LLC - Petitioners

Case No. 02-264-A

Dear Mr. Day:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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

c: People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #3 Shawan Road

which is presently zoned MER MER

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).

255.1 (ER Section 238.2) to allow a sideyard setback of 24 feet in lieu of the minimum

required 30 feet.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The existing building is an old converted house that already has deficient sideyard setbacks. The petitioner desires to add 329 square feet of space and the location shown is the most practical given the layout of the existing floors.

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 perjury, that I/we are the legal is the subject of this Petition.	d affirm, under il owner(s) of th	the penalties of le property which
Contract Purchaser/Lessee:			Legal Owner(s):		
			Shawan Associates, IIC		
Name - Type or Print			John E. Day, Member Name Type of Print	<u> </u>	·
			Name type of Fint	1.1	
Signature			Signature	ay	
			0	,	
Address		Telephone No.	Name - Type or Print		· · · · · · · · · · · · · · · · · · ·
City	State	Zip Code	Signature	<u>, , , , , , , , , , , , , , , , , , , </u>	
Attorney For Petitioner:			. 3 Shawan Road	(410	771-9100
			Address		Telephone No.
Name Tree or Crist			Cockeysville, Maryland	21030	
Name - Type or Print			City	State	Zip Code
Signature ·			Representative to be C Geoffrey C. Schultz	Contacted:	•
=			McKee & Associates, Inc.	(410) 527-	1555
Company			Name	(410) 327	1777
5 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \			5 Shawan Road, Suite 1	(410)	527-1555
IAddiess .		Telephone No.	Address	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	Telephone No.
Paris d	State	7:- 0-1	Cockeysville, Maryland 2		
The state of the s	State	Zip Code	City	State	Zip Code
			<u>OFFICE L</u>	JSE ONLY	
Case No. 02-264	-A	•	ESTIMATED LENGTH O	F HEARING	
φ			UNAVAILABLE FOR HEAREVIEWED BY	ARING Date	12/20/01

Real Estate Development

December 17, 2001

ZONING DESCRIPTION **#3 SHAWAN ROAD** 8TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND



BEGINNING at a point on the north side of Shawan Road, said point being 280 feet west of the centerline of York Road; thence running along the north side of Shawan Road, South 85 degrees 35 minutes 42 seconds West, 60.03 feet; thence North 04 degrees 00 minutes 13 seconds West, 197.89 feet; thence North 85 degrees 34 minutes 40 seconds East, 59.98 feet, and South 04 degrees 01 minutes 07 seconds East, 197.91 feet to the place of beginning. Containing 11,874 square feet or 0.273 acres of land as recorded in Deed Liber 11297, folio 171.

12-264-A

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030 Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

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Srd Councimanie District
Ligal Ourier(s); John E. Day
Varianse: To allow a stder
Varia seidant of 24 feet in
Neur of the minimum Jeturied 30 feet.
Hearing: Monday, March
4, 2002 at 11:00 a.m. in
Room 407, County Courts
Building, 401 Bostey Ave-Case: #02-264-A #3 Shawan Road WS Shawan Road, 280' W If Yerk Road

EAWRENCE E. SCHMIDT Zoning Commissioner for Beltimore County NOTES. (1) Hearings are Handicapped Accessible; for special accommindations Please Contact the Zoning Commissioner's Office at (440) 887-4386. (2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-336.

CERTIFICATE OF PUBLICATION

, 20 (20 (20 (20)

once in each of ___ in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing

Owings Mills Times	☐ Towson Times	☐ Catonsville Times	Arbutus Times	🕅 The Jeffersonian

☐ NE Booster/Reporter

☐ North County News

Y Walman LEGAL ADVERTISING

RE: Case No.: 02-264-A M° KEE / G. SCHULTZ Date of Hearing/Closing: _

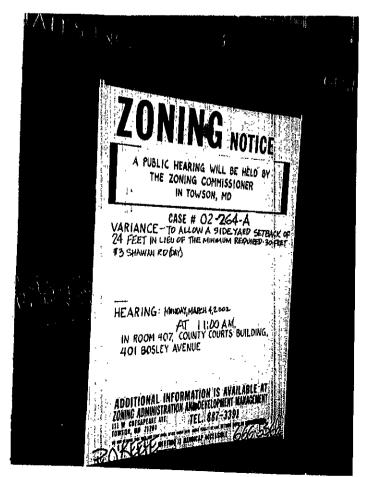
Baltimore County Department of Permits and Development Management County Office Building, Room 111, 111 West Chesapeake Avenue Towson, MD 21204

Attention Ms. Gwendolyn Stephens | GEORGE ZAYNER

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 #3-SHAWAN RD.

The sign(s) were posted on



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)

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 adcomplished 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: 02-264-A
Petitioner: SHAWAN ASSOCIATES, LLC
Address or Location: 3 SHAWAN ROAD, COCKETS WILLE, MD 21530
PLEASE FORWARD ADVERTISING BILL TO:
Name: SHAWAN ASSOCIATES, LLC C/O JOHN DAY
Address: 3 SHAWAN ROAD
Address: 3 SHAWAN ROAD COCKEYSVILLE, MD 21030
Telephone Number <u>410-771-9100</u>

TO: PATUXENT PUBLISHING COMPANY

Thursday, February 14, 2002 Issue - Jeffersonian

Please forward billing to:

John E Day Shawan Associates

3 Shawan Road Cockevsville MD 21030 410 771-9100

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-264-A

#3 Shawn Road

N/S Shawn Road, 280' W of York Road

8th Election District – 3rd Councilmanic District

Legal Owner: John E Day

Variance to allow a side yard setback of 24 feet in lieu of the minimum required 30 feet.

HEARING: Monday, March 4, 2002 at 11:00 a.m. in Room 407, County Courts

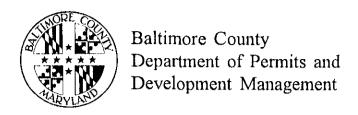
Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT 677
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

January 30, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 02-264-A

#3 Shawan Road

N/S Shawan Road, 280' W of York Road

8th Election District – 3rd Councilmanic District

Legal Owner: John E Day

Variance to allow a side yard setback of 24 feet in lieu of the minimum required 30 feet.

HEARING: Monday, March 4, 2002 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

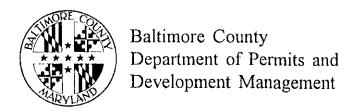
Arnold Jablon ていて Director

C: John E Day, Shawan Associates, 2 Shawan Road, Cockeysville 21030 Geoffrey C Schultz, McKee & Associates Inc, 5 Shawan Road, Suite 1, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SUNDAY, FEBRUARY 17, 2002.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353 Fax: 410-887-5708

March 1, 2002

Shawan Associates LLC John E Day 2 Shawan Road Cockeysville MD 21030

Dear Mr. Day:

RE: Case Number: 02-264-A, #3 Shawan Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 20, 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. GDZ Supervisor, Zoning Review

WCR: gdz

Enclosures

 c: Geoffrey C Schultz, McKee & Associates Inc, 5 Shawan Road, Suite 1, Cockeysville 21030 People's Counsel

10 314

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 28, 2002

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for February 4, 2002

Item Nos. 263 (264), 265, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 278, 279, 280, 281, 282, 283, 284, 285, 286,

287, 288, 290 and 292

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

RWB:HJO.cab

cc: File

MAR 5

ZAC-2-4-2002-NO COMMENT-02282002.doc

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

Todd Taylor

DATE:

264

March 1, 2002

Zoning Advisory Committee Meeting of January 28, 2002

SUBJECT: NO COMMENTS for the FOLLOWING ZONING ITEMS:

263 - 265, 268, 271, 272, 275 - 277, 279 - 281, 283, 284, 286, 287, 290 - 292

Agricultural Preservation is still reviewing Zoning Items: 270, 273, 278, and 288.

314

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 5, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

F58 - 5 2002

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-264,02-270 & 02-278, & 02-287

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



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: 1.29.02

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

RE: Baltimore County

Item No. 264

JMP

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,

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

f. f. Dredle

RE: PETITION FOR VARIANCE
3 Shawan Road, N/S Shawan Rd,
280' W of York Rd
8th Election District, 3rd Councilmanic

Legal Owner: Shawan Associates, LLC Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-264-A

* * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

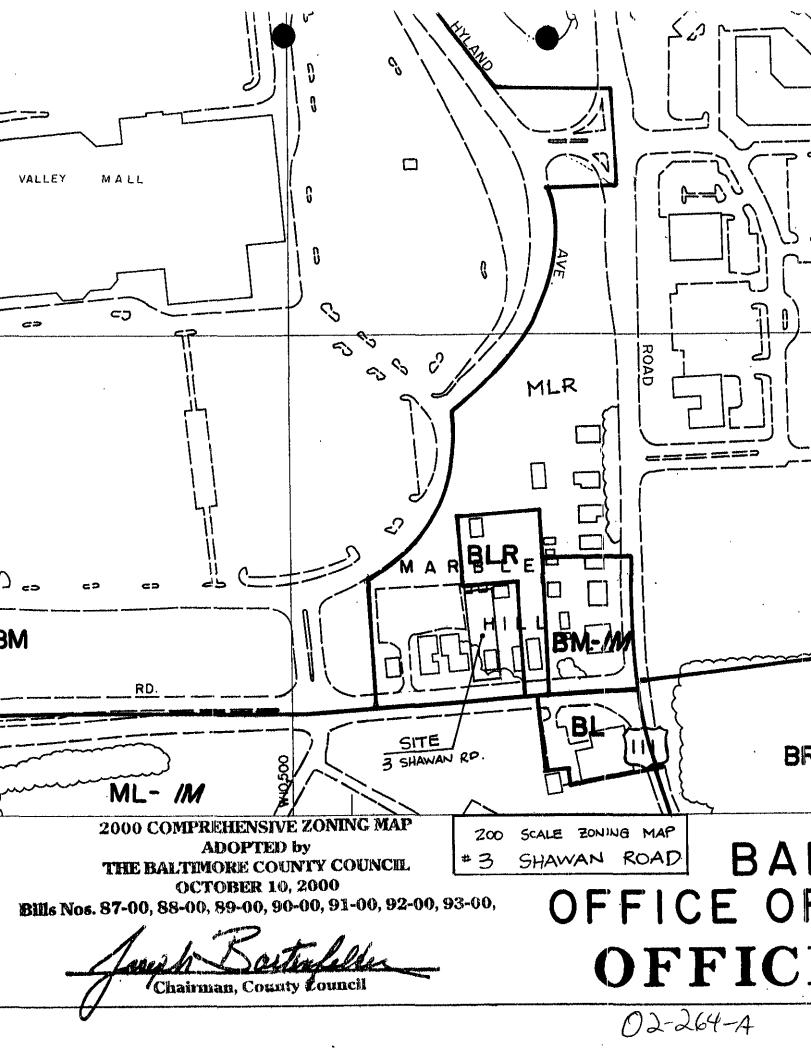
Towson, MD 21204

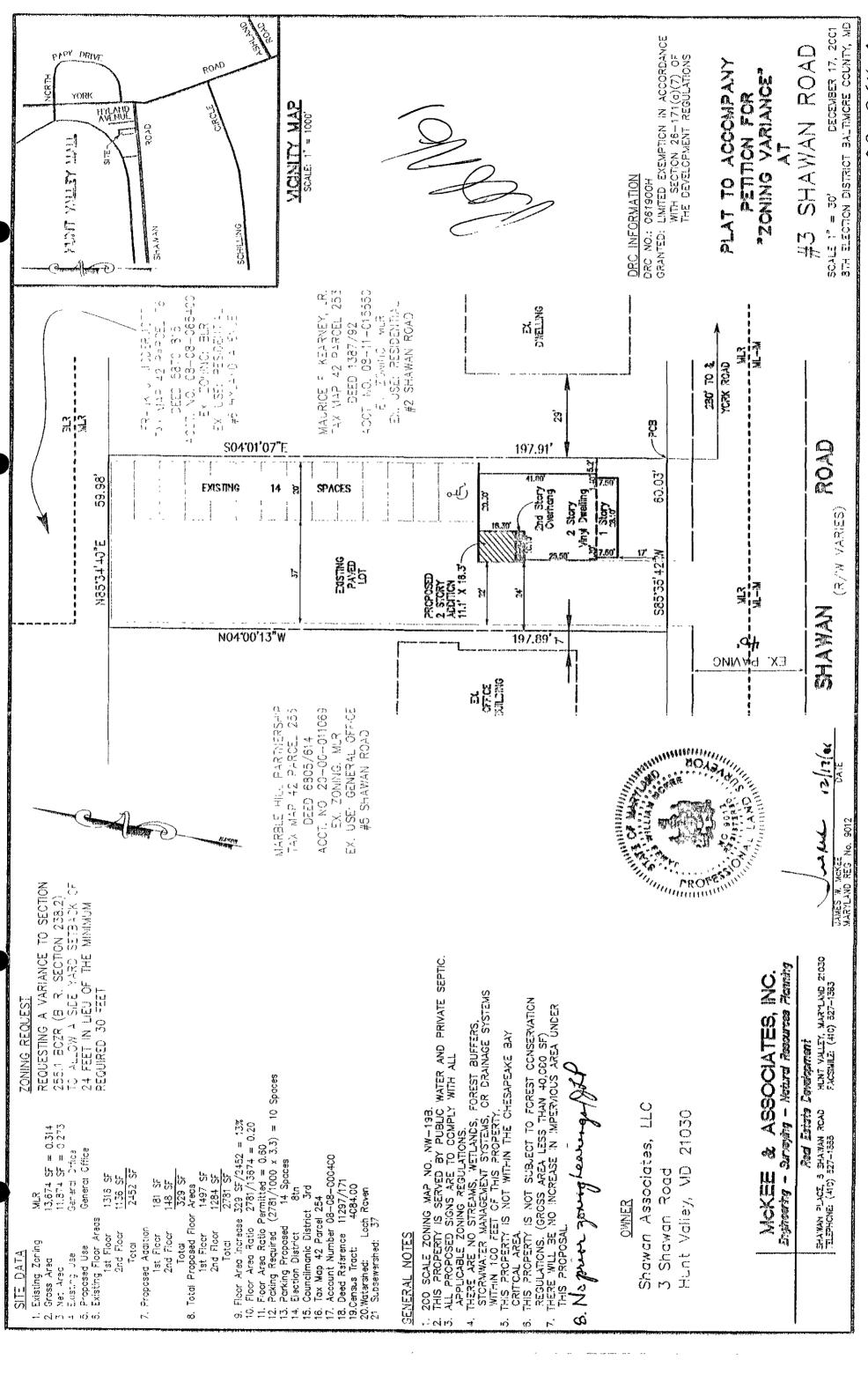
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of January, 2002 a copy of the foregoing Entry of Appearance was mailed to Geoffrey C. Schultz, McKee & Assoc., Inc., 5 Shawan Road, Suite 1, Hunt Valley, MD 21030, representative for Petitioners.

PETER MAX ZIMMERMÁN





77-264-4