

IN RE: PETITION FOR ADMIN. VARIANCE
SE/S Railway Avenue, 150' NE
of Monumental Avenue
12th Election District
7th Councilmanic District
(6731 Railway Avenue)

Katherine D. & Henry F. Nelson
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-373-A

* * * * *

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 owners of the subject property, Katherine D. & Henry F. Nelson. The variance request is for property located at 6731 Railway Avenue in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 3 ft. in lieu of the required 10 ft. for a proposed addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for 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 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 Petitioners.

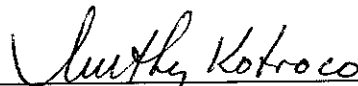
DATE FOR FILING
4/11/02
By: [Signature]

As of the date of this Order, the Department of Environmental Protection & Resource Management (DEPRM) has not completed its review of this project. Therefore, the relief granted herein is subject to the Petitioners' compliance with any recommendations made by DEPRM upon completion of their review.

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 11th day of April, 2002, that a variance from Section 1B02.3.C.1 of the B.C.Z.R., to permit a side yard setback of 3 ft. in lieu of the required 10 ft. for a proposed addition, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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.
2. Compliance with any recommendations, if any, made by DEPRM.
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.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

DATE: 4/11/02
By: 



Baltimore County
Zoning Commissioner

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

April 11, 2002

Mr. & Mrs. Henry F. Nelson
6731 Railway Avenue
Baltimore, Maryland 21222

Re: Petition for Administrative Variance
Case No. 02-373-A
Property: 6731 Railway Avenue

- Dear Mr. & Mrs. Nelson:

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,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 6731 Railway Lt 304
which is presently zoned _____

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)

*1 B02, 3. C. 1 TO PERMIT A
SIDE YARD SETBACK OF 3FT. IN LIEU OF THE REQUIRED 10 FT.
FOR A PROPOSED ADDITION.*

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:

Legal Owner(s):

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

HENRY F NELSON
Name - Type or Print _____
Henry F Nelson
Signature _____
Katherine D. Nelson
Name - Type or Print _____
Katherine D. Nelson
Signature _____

Attorney For Petitioner:

6731 RAILWAY AVE (410) 285-7421
Address _____ Telephone No. _____
BALTO MD 21222
City _____ State _____ Zip Code _____

Name - Type or Print _____
Signature _____

Representative to be Contacted:

Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Name _____
Address _____ Telephone No. _____
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. 02 373 A

Reviewed By JL Date 3/7/02

Estimated Posting Date 3/17/02

REV 10/25/01

ORDER RECORDED FOR FILING

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 6731 RAILWAY AVENUE
Address
BALTIMORE MD 21222
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):

CAN NOT MEET SET BACK STANDARDS BECAUSE OWNER WANTS TO BUILD GARAGE NEXT TO HOUSE, AND NOT BEHIND HOUSE.

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.

Henry F. Nelson 3/1/02
Signature
HENRY F NELSON 3/1/02
Name - Type or Print

Katherine D. Nelson 3/1/02
Signature
Katherine D. Nelson 3/1/02
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1 day of March, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Henry Nelson & Katherine Nelson
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Patricia P. Ede
Notary Public
My Commission Expires July 1, 2003

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ZONING DESCRIPTION FOR 6731 Railway Avenue
(Address)

Beginning at a point on the S, East side of the Railway Avenue
(North, South, East, West) (Name of street on which property fronts)

which is 30 feet wide at the distance of ~~10~~ 150 feet
(Number of feet of right-of-way width) (Number of feet)

N, East of the centerline of the nearest improved intersecting street which
(North, South, East, West)

is Monumental Avenue which is 30 feet wide. *Being Lot # 3, Block 6,
(Name of street) (Number of feet of right-of-way width)

Section # 5.5 in the subdivision of Delray Park as recorded in the Baltimore County Plat
(Name of subdivision)

Book #6, Folio #100, containing 9,000 square feet. Also known as
(Square feet or acres)

6731 Railway Avenue and located in the 12th Election District, Councilmanic District.
(Property Address)

J.P.

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **11125**

JL 373

DATE 3/07/02

ACCOUNT 010066150

AMOUNT \$ 50.00

RECEIVED FROM:

FOR Res Variances

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTION TIME

3/07/2002 3/07/2002 14:51:37

REC NO. 0001 CASHIER REC JMR PRAMPT

RECEIPT # 004479

DEPT 5 528 ZONING VERIFICATION

UP NO. 01125

Receipt Tot 50.00

00 CR

50.00 EA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 02-378-A
NELSON
Petitioner/Developer: ~~J. E. Nelson~~

Date of Hearing/Closing: 4/1/02

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 6731 RAILWAY AVE

The sign(s) were posted on 3/9/02
(Month, Day, Year)

Sincerely,

[Signature] 3/9/02
(Signature of Sign Poster and Date)

SSC ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

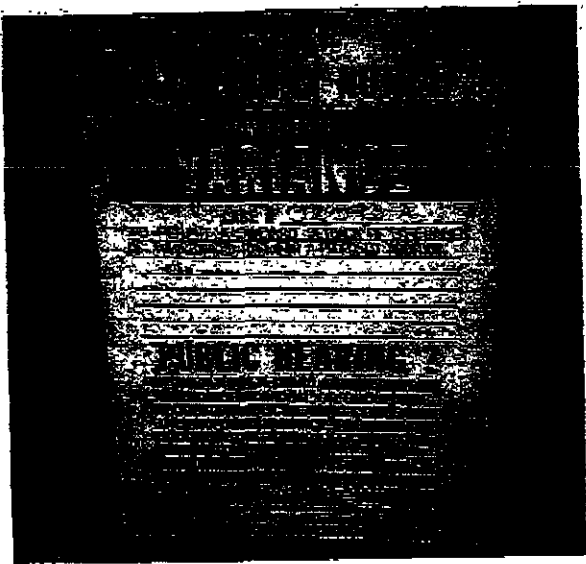
(Telephone Number)

PAID

CASH

9/96
cert.doc

F.I.E. COPY



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 02- 373 -A Address 6731 BAILWAY AVE.

Contact Person: J. L. LEWIS Phone Number: 410-887-339
Planner, Please Print Your Name

Filing Date: 3/07/02 Posting Date: 3/17/02 Closing Date: 4/01/02

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. A 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.
- 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)

SAT 8:50

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 02- 373 -A Address 6731 RAILWAY

Petitioner's Name HENRY AND KATHERINE NELSON Telephone 410 285 742

Posting Date: 3/17/02 Closing Date: 4/01/02

Wording for Sign: To Permit A SIDEYARD SETBACK OF 3 FT. IN LIEU OF THE REQUIRED 10 FT. FOR A PROPOSED ADDITION.

PAID

CASH

FILE COPY

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/neighborhood 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. 373 - A
Petitioner NELSON
Address or Location ✓ 6731 RAILWAY AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name ✓ MR. HENRY NELSON
Address - 6731 RAILWAY AVENUE
- BALTIMORE, M.D. 21222
Telephone Number 410-285-7421



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 1, 2002

Mr. & Mrs. Henry F Nelson
6731 Railway Avenue
Baltimore MD 21222

Dear Mr. & Mrs. Nelson:

RE: Case Number: 02-373-A, 6731 Railway Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 07, 2002.

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 cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel


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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 17, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
for *March 25, 2002*
Item Nos. 360, 361, 362, 363, 364, 365,
366, 367, 368, 369, 370, 371, 372, 373,
375, 376 and 377

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

RWB:CEN:cab

cc: File



Baltimore County
Fire Department

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

March 18, 2002

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 18, 2002

Item No.: 360-366, 368, 370-377

Dear Ms. Zahner:

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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.

7. The Fire Marshal's Office has no comments at this time.

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
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *TBS/TGT*
DATE: April 16, 2002

Zoning Advisory Committee Meeting of March 18, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

360, 361, 362, 365, 366, 367, 369, 370, 371, 372, 373 375, 377

Waiting on AG Comments for #364, 368

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS KBT*

DATE: April 25, 2002

Zoning Advisory Committee Meeting of March 18, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

360, 361, 362, 365, 366, 367, 369, 370, 371, 372, 373, 375, 377

No AG Comments for #364, 368

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 26, 2002

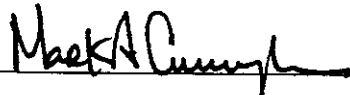
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

MAR 28 2002

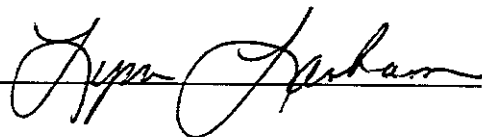
SUBJECT: Zoning Advisory Petition(s): Case(s) 02-366, & 02-373

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/LL:MAC



Maryland Department of Transportation
State Highway Administration

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

Date: 3-19-02

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


RE: Baltimore County
Item No. 373 JL

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,


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

My telephone number is _____

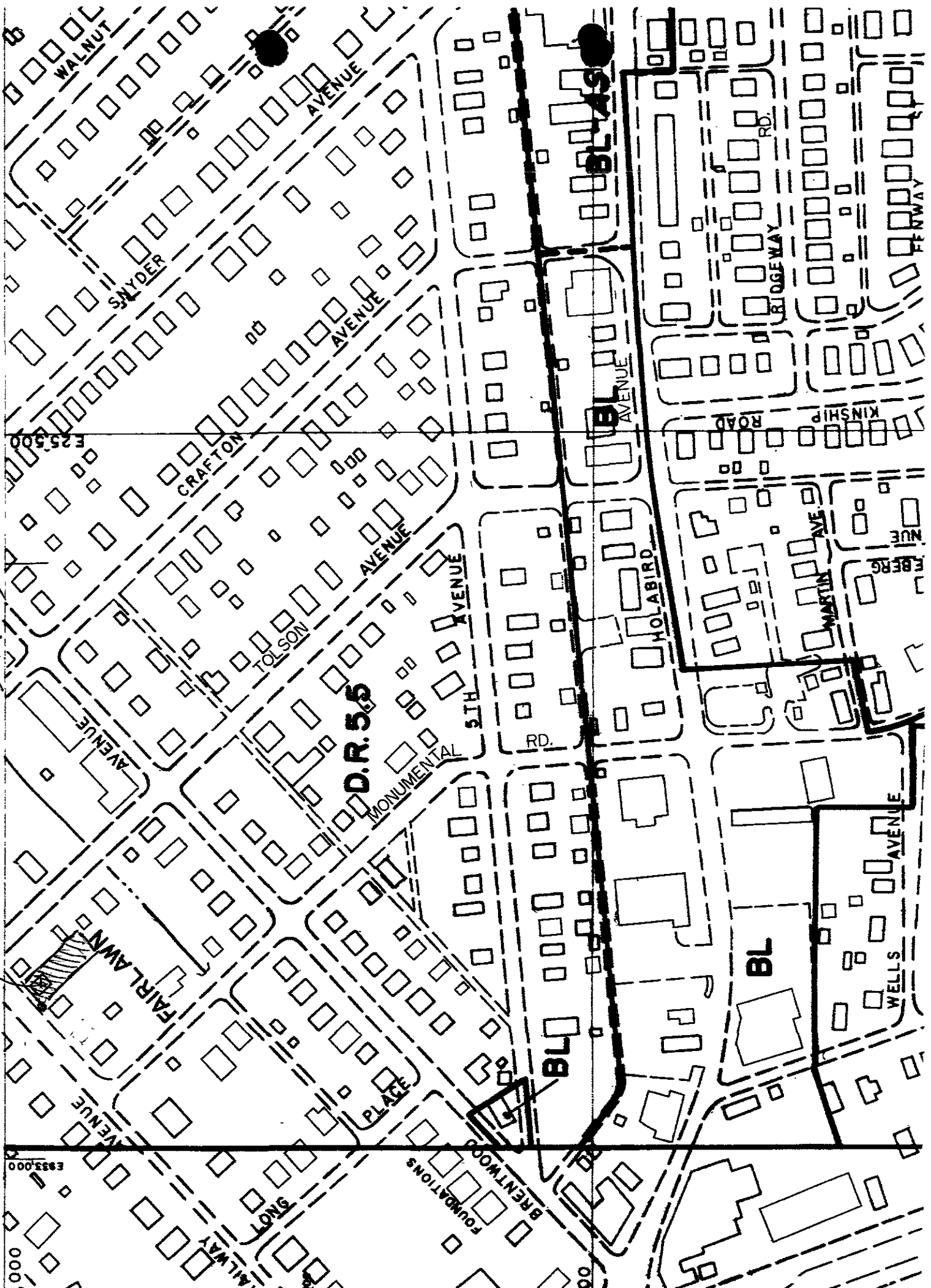
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

SE 3E

373

SITE



E25500

E935000

WALNUT

SNYDER

CRAFTON

TOLSON

D.R. 55

MONUMENTAL

5TH AVENUE

BLAIR

BLAIR

BLAIR AVENUE

HOLABIRD

BL

BLIDGEWAY

KINSHIP

MARTIN AVE

FIBERS

NEUF

WELLS AVENUE

FAIRLAWN AVENUE

FOUNDATIONS

BRENTWOOD

LONG

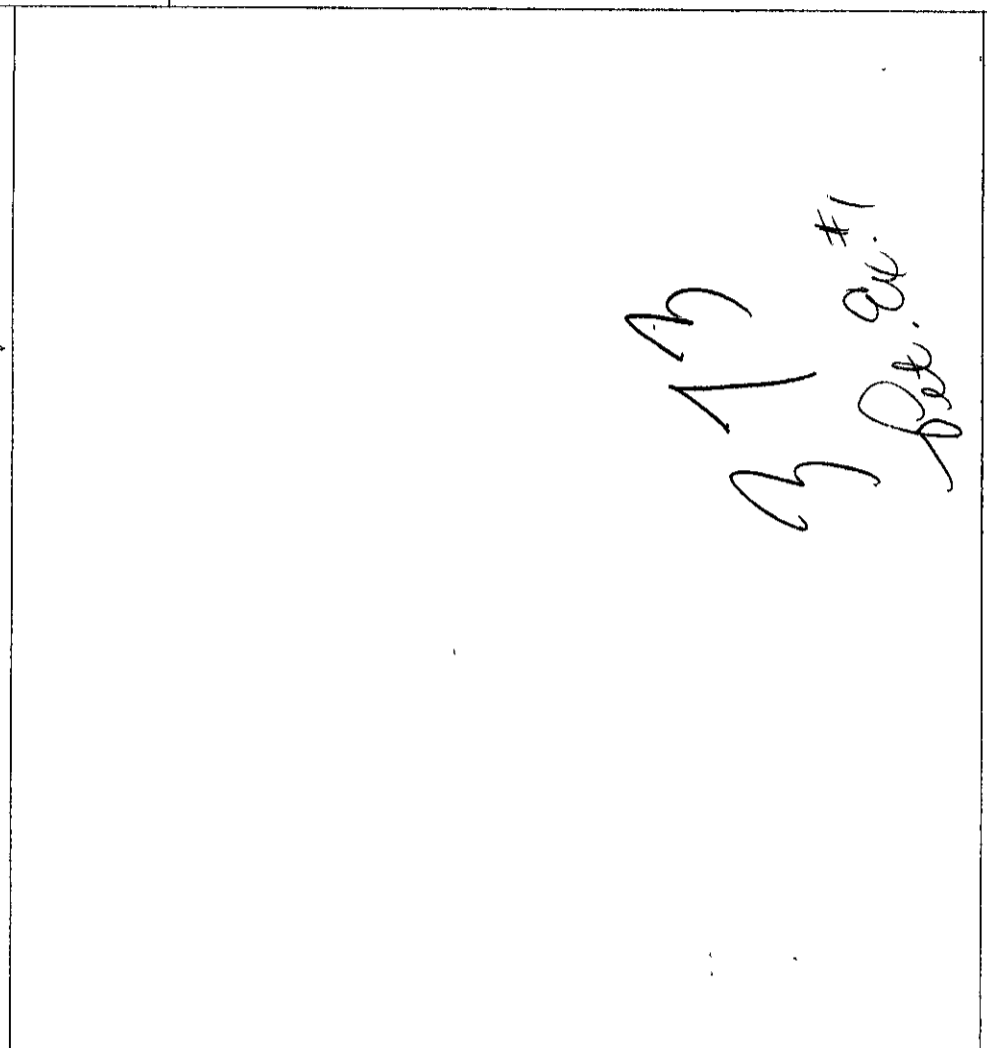
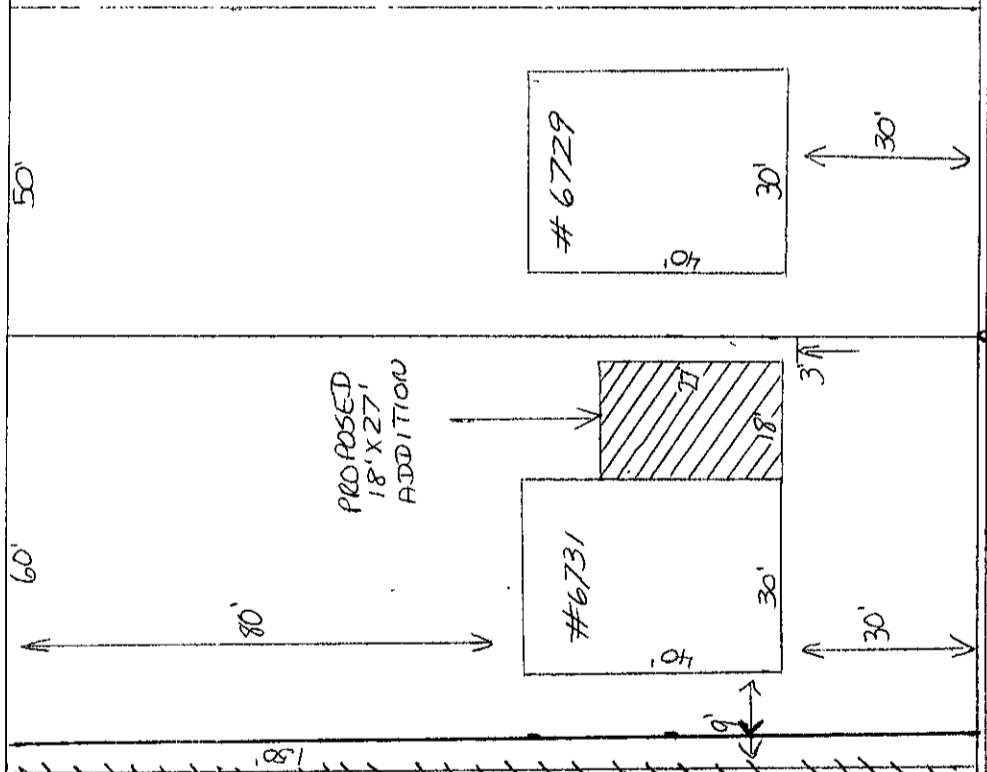
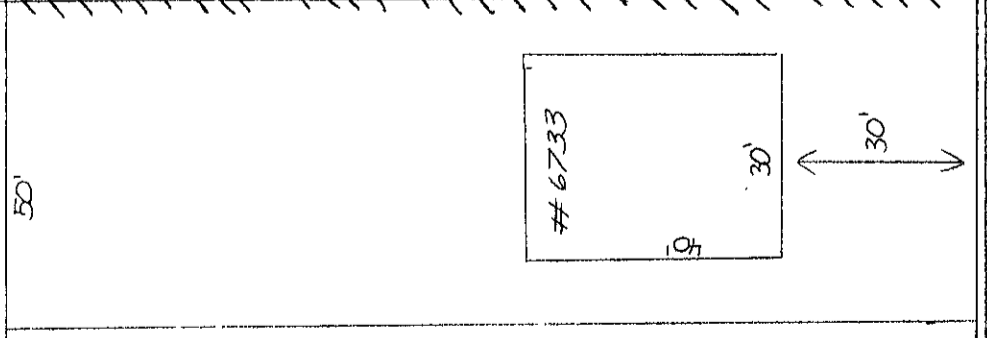
ALLEYWAY

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING
 PROPERTY ADDRESS 6731 RAILWAY AVENUE.
 SUBDIVISION NAME DELAY PARK
 PLAT BOOK #6 FOLIO #100 LOT #3 SECTION #A155
 OWNER HENRY & KATHERINE NELSON

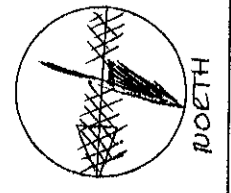
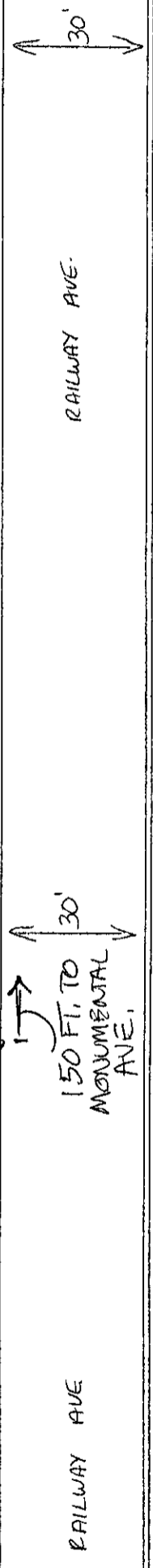
EASEMENT GRASS

EASEMENT GRASS

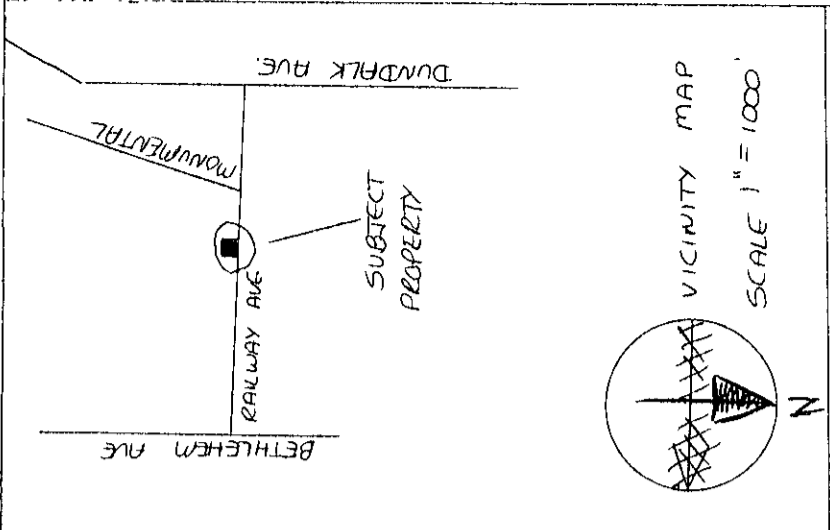
15'



Handwritten signature and initials



PREPARED BY JAMES PHILLIPS SCALE OF DRAWING 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT #12
 COUNCIL MANDIC DISTRICT #7

1" = 200' SCALE MAP # SE 3E
 ZONING PR 5.5
 LOT SIZE .34 9,000 SQUARE FEET

SEWER	<input checked="" type="checkbox"/>	PUBLIC	<input checked="" type="checkbox"/>	PRIVATE	<input type="checkbox"/>
WATER	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
CHESAPEAKE BAY CRITICAL AREA	<input type="checkbox"/>	100 YEAR FLOOD PLAIN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
HISTORIC PROPERTY	<input type="checkbox"/>	PROR ZONING HEARING	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>

ZONING OFFICE USE ONLY
 REVIEWED BY _____ ITEM # _____ CASE # _____



