ORDER RECEIVED FOR FILING
Date 7/1/6 v
By M. Qualitation

IN RE: PETITION FOR VARIANCE
NE/corner Mt. Vista Road
and El Ray Road
11th Election District
5th Councilmanic District
(1 El Ray Road)

Raymond & Doris Weitz Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 02-478-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Raymond and Doris Weitz. The Petitioners are requesting a variance for property they own at 1 El Ray Road, located in the Kingsville area of Baltimore County. The subject property is zoned R.C.5. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition to a single-family residential dwelling with a side yard setback of 30 ft. in lieu of the required 50 ft.

Appearing at the hearing on behalf of the variance request were Mr. & Mrs. Weitz, owners of the property and Gerald Garland, their son. There were no others in attendance.

Testimony and evidence demonstrated that the property contains 1.02 acres of land and is improved with a single-family, residential dwelling wherein Mr. Garland resides with his wife and 3 children. The Garland's are desirous of constructing an addition off the rear of the existing dwelling in the fashion depicted on Petitioners' Exhibit No. 1, the site plan submitted. In order to proceed with the construction of the addition, the variance request is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. <u>McLean v. Soley</u>, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

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- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this ______ day of July, 2002, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition to a single-family residential dwelling with a side yard setback of 30 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:

Date 7/162

By M. Dructh

1) The Petitioners may apply for their 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.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

July 1, 2002

Mr. & Mrs. Raymond Weitz 2 Glen Gate Court Bel Air, Maryland 21014

> Re: Petition for Variance Case No. 02-478-A Property: 1 El Ray Road

Dear Mr. & Mrs. Weitz:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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, Lenthy llotroes

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Gerald Garland 1 El Ray Road Kingsville, MD 21087





Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 1 El Ray Road

which is presently zoned

	made a part hereof, he	ry situate in Balting reby petition for a	nore County and wh Variance from Sect	its and Development Mich is described in the described in the described in the described.	scription and plat atta	ched hereto and
	To permit o	in addition	n with a .	side yard se	Hoack of 3	o' in
	lieu of the	reguired	d 50.			•
	hardship or practical dif house grew to five people for older children in middle sch cost of a larger house in the present bedrooms. We are I side by the distance to the scallowed by environmental re to the property line in questi	fficulty) The presence our years ago and are a would force use timited in distance to the petic tank. The locate egulations. This praison is my neighbor's feet. There are hostic the subject property advertised as presence to and are to be to of Baltimore County	ent house is a three been additional bedroom in the property from their establishes to move to a less dessorther earlier by the presentions of septic system actical difficulty limits is house which is sever uses across Mount Vision than on the surrounding the Variance, advertising bounded by the zoning	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.		
				Raymond Weitz		
	Name - Type or Print			Name - Type or Print	> ~~	
	Signature			Signature	De la	
	Address		Telephone No.	Name - Type or Print		· · · · · · · · · · · · · · · · · · ·
	City	State	Zip Code	Signature	_	
	Attorney For Petition	ner:		2 GlenGate Court Address	(410)893-3933	Telephone No.
	Name - Type or Print			Bel Air,	Md 21014 State	Zip Code
8				Representative to		ш,р обоб
ALC: UNKNOWN	Signature			<u>Representative</u> to	be comacted.	
Ī				Gerald Garland		
FOR	Company			Name 1 El Ray Road	₩ (410)592-8498	W 410 765-2381
	Adolfress		Telephone No.	Address	(410)392-8498	Telephone No.
间	3		·	Kingsville,	Md. 21087	
面	City	State	Zip Code	City	State	Zip Code
RECEIVED	30			OFFICE USE ONLY		
	Care No. O2-	µ78- ×		ESTIMATED LENG	TH OF HEARING _	
ORDER	Case No. 02	478- A		UNAVAILABLE FOR Reviewed By		4/30/02

ZONING DESCRIPTION FOR 1 EL RAY ROAD

Beginning at a point North East Corner of Mount Vista Road which is sixty feet wide at a distance one hundred fifty of the centerline of the nearest improved intersecting street El Ray Road which is fifty feet wide. Being Lot#1 Block B in the subdivision of El-Ray Farm as recorded in Baltimore County Plat Book # 47, Folio # 144 containing 1.02 acres. Also known as 1 El Ray Road and located in the 11th Election District, 5th Councilmanic District.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT

No. 13328

DATE 4-30-02

____ ACCOUNT_001-006-6150

AMOUNT \$ 50.00

RECEIVED Gerald Garland

FOR: OI YARIANSE

ITEM # 478

TAKEN BY: JRF

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

BUSINESS ACTUAL TIME 701/2002 4/30/2002 15:22:47

REG USO2 WALKIN JEVA JEE DRAWER >>RECEIPT # 199765 4/30/2002

5 528 ZUNING VERIFICATION

CR 10. 013328

Recet Tot \$50.00 50.00 CK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

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: #02-478-A

1 El-Ray Road
NE/corner of Mt. Vista Road &
El Ray Road

11th Election District
5th Councilmanic District
Legal Owner(s): Doris &
Raymond Weitz
Variance: to permit an addition with a side yard set-back of 30 feet in lieu of the required 50 feet.
Hearing: Tuesday, June
25, 2002 at 11:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible; for special accommodations 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.

JT/6/677 June 11 C544323

CERTIFICATE OF PUBLICATION

6/13/2002
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing on,20_2
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
J. W. LEGAL ADVERTISING
LEGAL ADVERTIGING

CERTIFICATE O. POSTING

	RE: Case No.: 02-478-A
	Petitioner/Developer:
	MR. & HRS. RAYMOND WEITZ
	Date of Hearing/Closing: 6/25/02
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 MR. GEORGE ZAHNER Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
were posted conspicuously on the property l	f perjury that the necessary sign(s) required by law located at
<i></i>	S 11 (15 (15 (15 (15 (15 (15 (15
The sign(s) were posted on	6/10/02
	(Month, Day, Year)
ZONING NOTICE CASE & CR. ATB-A A PRICE READING PLA SE RESO IN THE ZUNING COUNTISSIONER IN TOWNSON, NO INC. SACRET SEA John S. San AS TOWN REQUISIT: LASS TIME Takes John S. San AS TOWN REQUISIT: LASS TIME TAKES JOHN S. San AS TOWN REQUISIT: LASS TIME TAKES JOHN S. San AS TOWN REQUISIT: LASS TIME TAKES JOHN S. SAN AS TOWN REQUISITE LASS TIME TAKES JOHN S. SAN AS TOWN REQUISITE LASS TIME TAKES JOHN S. SAN AS TOWN REQUISITE LASS TOWN S. SAN AS TOWN REQUISITE AND TAKES TOWN REQUISITE AND TAKES TOWN REQUISITE READING TOWN REQUISITE READING TOWN REQUISITE READING TOWN REQUISITE READING TOWN READING READING TOWN READING RE	(Signature of Sign Poster and Date) RICHARD E. HOFFMAN (Printed Name) 904 DELLWOOD DR. (Address) FALLS TON, MO 21047 (City, State, Zip Code) (410) 879-3127 (Telephone Number)
PI-RAY ROAD	

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: 02-478-A
Petitioner: RAYMOND + DOPIS WETZ
Address or Location: EL RAY ROAD
PLEASE FORWARD ADVERTISING BILL TO:
Name: GERALD GARLAND
Address: 1 EL RAY ROAD
KINGSUILLE ML 21087
Telephone Number: 416 592-8498(H) (410) 765-238) (ω) DAY TIME
DAYTIME

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 11, 2002 Issue – Jeffersonian

Please forward billing to:

Gerald Garland 1 El Ray Road

Kingsville MD 21087

410 492-8498

410 765-2381

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: 02-478-A

1 El-Ray Road

NE/corner of Mt Vista Road & El Ray Road 11th Election District – 5th Councilmanic District

Legal Owner: Doris & Raymond Weitz

Variance to permit an addition with a side yard setback of 30 feet in lieu of the required 50 feet.

HEARING: Tuesday, June 25, 2002 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

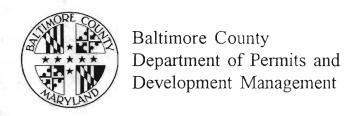
awrence B. Schmidt

LAWRENCE E. SCHMIDT Gラマ

ZONING COMMISSIONER FOR BALTIMORE COUNTY

HEARINGS ARE HANDICAPPED ACCESSIBLE: FOR SPECIAL NOTES: (1) 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

May 23, 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: 02-478-A

1 El-Ray Road

NE/corner of Mt Vista Road & El Ray Road 11th Election District – 5th Councilmanic District

Legal Owner: Doris & Raymond Weitz

<u>Variance</u> to permit an addition with a side yard setback of 30 feet in lieu of the required 50 feet.

HEARING: Tuesday, June 25, 2002 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

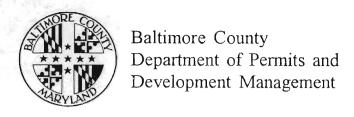
Arnold Jablon Gップ Director

C: Mr. & Mrs. Raymond Weitz, 2 GlenGate Court, Bel Air 21014 Gerald Garland,1 El Ray Road, Kingsville 21087

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 10, 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.



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

June 21, 2002

Mr. & Mrs. Raymond Weitz 2 Glen Gate Court Bel Air MD 21014

Dear Mr. & Mrs. Weitz:

RE: Case Number: 02-478-A, 1 El Ray Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 30, 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,

W. Carl Richard, Jr.

W. Carl Richards, Jr. G ▷ 乙 Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Gerald Garland, 1 El Ray Road, Kingsville 21087 People's Counsel



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

Department of Permits and Development Management (PDM) County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 May 9,2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 13, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

472, 475-479, 482-487

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 29, 2002

Department of Permits & Development

Management

Robert W. Bowling

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for May 13, 2002

Item No. 473, 475, 476, 477, 478, 479, 481, 482, 483, 484,

485, 486 and 487

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

RWB:CEN Cc: file

Sin

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: May 20, 2002

MAY 2 0 2002

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1 El Ray Road

INFORMATION:

Item Number:

02-478

Petitioner:

Raymond Weitz

Zoning:

RC 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a side yard setback of 30 feet in lieu of the minimum required 50 feet.

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: 5.10.01

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

RE: Baltimore County

Item No. 478

JRF

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,

1. J. Bull

W

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division RE: PETITION FOR VARIANCE
1 El Ray Road, NE Cor Mt. Vista Rd
and El Ray Rd
11th Election District, 5th Councilmanic

Legal Owner: Raymond & Doris Weitz Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 02-478-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 22nd day of May, 2002 a copy of the foregoing Entry of Appearance was mailed to Legal Owners Raymond & Doris Weitz, 2 Glen Gate Court, Bel Air, MD 21014, Petitioners, and to Gerald Garland, 1 El Ray Road, Kingsville, MD 21087, representative for Petitioners...

PETER MAX ZIMMERMAN

	PLAT TO ACCOMPANY PETITION I	FOR ZONING VERIANC SEE PAGES 5 & 6 OF THE CHECKLIST FO	
	PLAT BOOK # 47 FOLIO # 144 LOT # 1 SECTION # OWNER RAYMOND + DORIS WEITZ		EL RAY BOAD
	PRIVE WAY TO 3 EL RAY		SUBJECT PROPERTY X
*	DRYWELLS ADDITION DRY	NELL	TO PERRY HALL
90 S	SEPTIC POSED SEPTIC POSED TANK ZI' Y ADDITION	MELABETTY	VICINITY MAP SCALE: 1" = 1000'
RAY ROI	DRIVE WAY	FRONT T	LOCATION INFORMATION ELECTION DISTRICT 11 TH COUNCILMANIC DISTRICT 5 1"= 200' SCALE MAP # NORTH EAST 13 I
#2	#1 FRONT SO' BUILDING SETBACK	# 7018	ZONING RC 5 LOT SIZE 1.02 44370 ACREAGE SQUARE FEET
LOT1	MT. VISTA ROAD		PUBLIC PRIVATE SEWER
	30' PAVINO, GO' P/W	Ook Ext	CHESAPEAKE BAY CRITICAL AREA 100 YEAR FLOOD PLAIN HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING NONE
	NORTH		ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
	PREPARED BY G. GARLAND	SCALE OF DRAWING: 1" = 50	JRE 478

NF 13 |