IN RE: PETITION FOR VARIANCE
E/S of Donerin Way, 1,180' S
centerline of Dunstan Court
10th Election District
6th Councilmanic District
(3922 Donerin Way)

Misty & Matthew T. Murnane *Petitioners*

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 03-128-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, Misty and Matthew T. Murnane. The Petitioners are requesting variance relief for property they own at 3922 Donerin Way. The subject property is a single-family lot of record comprising 1.26 acres, zoned R.C.5. It is known as "Locksley's Conserve".

Appearing at the hearing on behalf of the variance request were Matthew Murnane, owner of the property, Richard Matz, the engineer who prepared the site plan of the property, Gary Houston, and Howard Alderman, Jr., the attorney representing the Petitioners. There were no protestants or others in attendance.

Testimony and evidence indicated that the Petitioners are in the process of constructing a home on their property located at 3922 Donerin Way. As is usual and customary, during the construction process, the lending institution required a surveyor's certificate as to the location of the foundation on the Petitioners' property. At that time, it was discovered that the corner of the Petitioners' foundation is actually situated 73 ft. from the street centerline in lieu of the required 75-ft. For the most part, this was attributable to the curvilinear nature of Donerin Way, the street upon which this property is located. There were other factors discussed at the hearing, which attributed to the location of the foundation, which warrants this variance relief.

Sold

There were no protestants in attendance and no one has complained of this very minor setback infraction. Therefore, based on the testimony and evidence offered at the hearing, I find that the variance should be granted to allow the Petitioners' home to be situated 73 ft. from the centerline of Donerin Way in lieu of the required 75 ft.

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

- 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 Aday of October, 2002, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations, for a 73 ft. setback from a dwelling to the centerline of a street in lieu of the 75 ft. required, be and is hereby GRANTED.

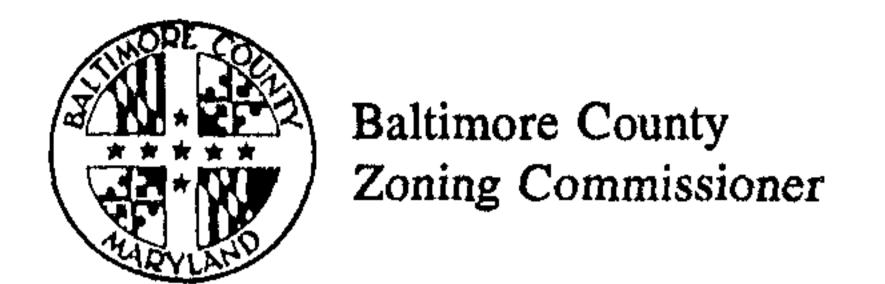
IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

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

October 22, 2002

Howard L. Alderman, Jr., Esquire Levin & Gann 502 Washington Avenue, 8th Floor Towson, Maryland 21204

> Re: Petition for Variance Case No. 03-128-A

Property: 3922 Donerin Way

Dear Mr. Alderman:

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

Multing Kotroco

TMK:raj Enclosure

c: Mr. & Mrs. Matthew T. Murnane, 1 Gunview Farm Ct., Perry Hall, MD 21128 Richard Matz, P.E., 2835 Smith Ave., Suite G, Baltimore, MD 21209 Gary Houston, 2328 Blue Mount Road, Monkton, MD 21111



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3922 Donerin Way which is presently zoned R.C.-

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

UNAVAILABLE FOR HEARING

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 of thereof, hereby petition for a Variance from Section(s)

1A01.3.B.3, for a 73-foot setback from a dwelling to the center line of a street in lieu of 75 feet required.

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

The uniqueness and peculiarity of the property causes the zoning provisions to impact disproportionately upon the property. Practical difficulty and unreasonable hardship result from the disproportionate impact of the provisions of the zoning regulations caused by the property's uniqueness.

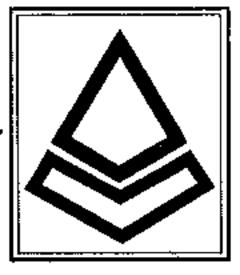
Property to be posted and advertised as prescribed by the zoning regulations.

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.

		perjury, that I/we are the legal owner(s) of the price is the subject of this Petition.	operty which	
Contract Purchaser/Lessee:		<u>Legal Owner(s):</u>		
		Matthew T. Murnane		
Name Type or Print		Name A Type or Print		
Signature		Signature		
		Misty Murnane		
Address.	Telephone No.	Name – Type or Print	·	
		Musty Murnane		
City	State Zip Code	Signature		
Attorney For Petitioner:		1 Gunview Farm Court	410-256-0856	0
A A		Address.	Telephone No.	<u> </u>
		Perry Hall	Md. 21128	ł
Name + Type or Print		City	State Zip Cod	
i de la companya de La companya de la co		Representative to be Contacted:		
Signature	· · · · · · · · · · · · · · · · · · ·		•	
		Richard E. Matz, P.E.		
Company) 410-484-875	7
		2835 Smith Avenue, Suite G (day)	410-653-3838	
Address	Telephone No.	Address	Telephone No.	
		Baltimore	MD 21209	}
City	State Zlp Code	City	State Zip Cod	
		OFFICE USE ONLY		
Case No	• •	ESTIMATED LENGTH OF HEARING_	Ti'a	

Colbert Matz Rosenfelt, Inc.

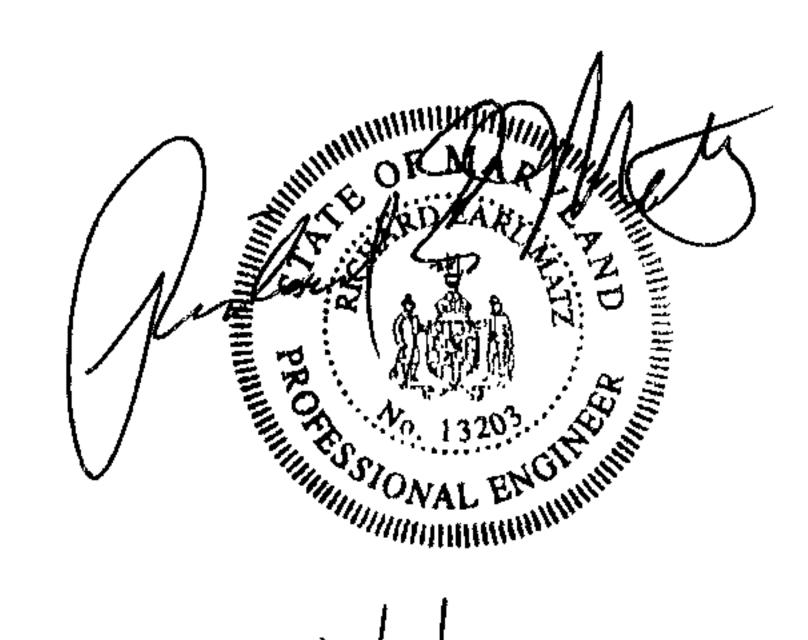
Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 3922 DONERIN WAY

Beginning at a point on the east side of Donerin Way, which is 40 feet wide, at the distance of 1180 feet south of the centerline of Dunstan Court, which is 40 feet wide.

Being Lot 13 in the subdivision of Locksley Conserve, as recorded in Baltimore County Plat Book No.72, folio 27, containing 54,885 square feet (1.26 acres). Also known as 3922 Donerin Way and located in the 10th Election District, 6th Councilmanic District.



2835 Smith Avenue, Suite G Baltimore, Maryland 21209 Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

DISTRIBUTION
WHITE - CASHIER FOR: FROM: DATE. RECEIVED OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT BALTIMORE COUNTY, MARYLAND PINK - AGENCY AMOUNT ACCOUNT YELLOW - CUSTOMER 47

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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: #03-128-A 3922 Donerin Way E/side of Donerin Way 1,180 south of centerline of Dunstan Court 10th Election District 6th Councilmanic District Legal Owner(s): Matthew T. Murnane Variance: to permit a 73-foot setback from a dwell-ing to the centerline of a street in lieu of 75 feet required. Hearing: Monday, October 21, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave-

nya.

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) 8873391.

3391.

10/036 Oct. 3 C566383

CERTIFICATE OF PUBLICATION

10/3/,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 $103/,2002$.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkings
LEGAL ADVERTISING

RE Case No <u>03-128-A</u>

Petitioner/Developer <u>MURNAME</u>, ET

MATZ Date of Hearing/Closing: 10 21 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 & GEORGE ZAHNER

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 #3922 DONERIN WAY

The sign(s) were posted o		10	5	$\frac{\sqrt{02}}{\text{Year}}$
	(Mor	ith.	Day.	Year)

Sincerely, (Signature of Sign Poster and Date)

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)

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3722- FORERIN WAY 10/21/02

rand fax transmittal memo 7671

Post-It® Fax Note 7671	Date	# of ▶
То	From	
Co./Dept.	Co.	
Phone #	Phone #	
Fax #	Fax #	

RE:	PETITION FOR VARIANCE.
	3922 Donerin Way E/side of Donerin Way
	1180' south of ctrl of Dunstan Court
	10th Election District 6th Councilmanic
	District

District
Legal Owner: Matthew & Misty Murnane
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

* FOR

*

* BALTIMORE COUNTY

* 03-128-A

* * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 25th day of September, 2002, a copy of the foregoing Entry of Appearance was mailed to Richard E. Matz, P.E., COLBERT MATZ ROSENFELT, INC., 2835 Smith Avenue, Suite G, Baltimore, MD 21209 Representative for Petitioner(s)

ETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Thursday, October 3, 2002 Issue - Jeffersonian

Please forward billing to:

Richard Matz, Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue, Suite G Baltimore, MD 21209

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: 03-128-A

3922 Donerin Way E/side of Donerin Way 1,180 south of centerline of Dunstan Court 10th Election District – 6th Councilmanic District Legal Owner: Matthew T. Murnane

<u>Variance</u> to permit a 73-foot setback from a dwelling to the centerline of a street in lieu of 75 feet required.

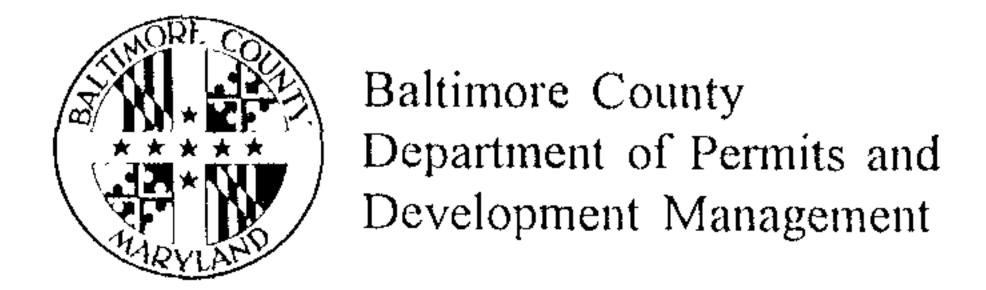
HEARING: Monday, October 21, 2002 at 11:00 a.m. in Room 407, County Courts

Building

LAWRENCE E. SCHMIDT 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

September 25, 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: 03-128-A

3922 Donerin Way E/side of Donerin Way 1,180 south of centerline of Dunstan Court 10th Election District – 6th Councilmanic District Legal Owner: Matthew T. Murnane

<u>Variance</u> to permit a 73-foot setback from a dwelling to the centerline of a street in lieu of 75 feet required.

HEARING: Monday, October 21, 2002 at 11:00 a.m. in Room 407, County Courts

Building

Arnold Jablon

Director

C: Matthew T. Murnane, 1 Gunview Court, Perry Hall 21128

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 5, 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

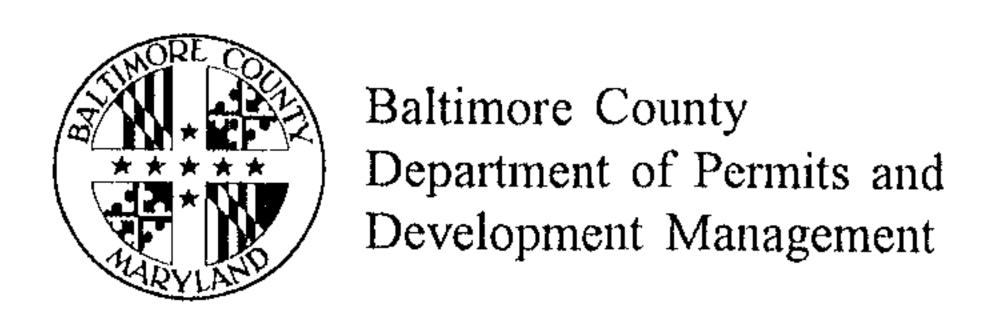
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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: 03-128A
Petitioner: MURNAWES
Address or Location: K COUNTED FAILM COURT
3922 DONERIN WAY
PLEASE FORWARD ADVERTISING BILL TO:
Name: RICHARD MATE, COLBERT MATE ROSENFELT, INC.
Address: 2835 SMITH AVENUE, SUITE G.
BALTIMORE, MD 21209
Telephone Number: 410-4653-3838

Revised 2/20/98 - SCJ



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

October 16, 2002

Matthew T. Murnane Misty Murnane 1 Gunview Farm Court Perry Hall, MD 21128

Dear Mr. and Mrs. Murnane:

RE: Case Number: 03-128-A, 3922 Donerin Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 13, 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 Richards, Jr.

Supervisor, Zoning Review

W. Carl Richard, Jr.

WCR:rlh

Enclosures

c: Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Baltimore 21209

People's Counsel



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

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

September 24, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: (128)
116-117, 121-130

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: October 21, 2002

Department of Permits & Development Management

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

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 30, 2002

Item Nos. 106, 116, 117, 118, 149, 120, 121, 122, 123, 124, 126, 128,

129, and 130

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

RWB:CEN:jrb

cc: File

Sunt 10/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 25, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SEP 2 6 ...

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-103, 03-128, & 03-130

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

Parker F. Williams Administrator

Secretary

Date: 9.24.02

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

RE: Baltimore County

Item No. 128 JRA

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-

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

PLEASE PRINT CLEARLY

CASE NAME 3922 DAVERING WAY
CASE NUMBER 03-128-4
DATE MONDAY OCTOBER 21,2002

PETITIONER'S SIGN-IN SHEET

E- MAIL				
CITY, STATE, ZIP 21209 PERRY HALL ZIIZB ADDITION WO ZIIII	Trush My Usur			
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Parris N Glendening Governor Kathleen Kennedy Townsend Lt. Governor

Roy W' Kienitz Secretary Mary Abrams Deputy Secretary

September 23, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re:

Zoning Advisory Committee Agenda re: case numbers 03-106-SPH, 03-116-A, 03-117-A, 03-118-A, 03-119-A, 03-120-XA, 03-121-A, 03-122-A, 03-123-XA, 03-124-A, 03-125-A, 03-126-A, 03-127-SAHSPH (03-128-A, 03-129-A, 03-130-A)

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 09/23/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE PROPERTY ADDRESS 3922 DONERIN WAY SEE PAGES 5 B 6 OF THE CHECKLIST F	E SPECIAL HEARING OR ADDITIONAL REQUIRED INFORMATION
SUBDIVISION NAME LOCKSLEY CONSERVE.	
PLAT BOOK # 72 FOLIO # 27 LOT # 13 SECTION #	COURT ME
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	LOCATION INFORMATION
# 3920	ELECTION DISTRICT 10
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ACCT.# 23000017 - H3922- LOCKSLEY CONSERVE INC.	1"=200' SCALE MAP # NE 21-1> 6
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	MISTORIC PROPERTY /
	BUILDING
OF (X#)	PRIOR ZONING HEARING 人の以巨
NORTH CX (X # / 13203 INDIVIDUAL ENCIRCULAR 13/02	ZONING OFFICE USE ONLY
, , , , , , , , , , , , , , , , , , , 	REVIEWED BY ITEM # CASE #
PREPARED BY COLBECT MATZ ROSEN FELT SCALE OF DRAWING: 1" = 100	- 500A C3-178-A

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