IN RE: PETITION FOR ADMIN. VARIANCE

S/S Lochview Terrace, 25' E of the c/l

Lochview Court

(303 Lochview Terrace)

8th Election District

4th Council District

Dolores R. Munafo

Petitioner

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

^k Case No. 03-163-A

*

ORDER ON THE MOTION FOR RECONSIDERATION

This matter came before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Dolores R. Munafo. As originally filed, the Petitioner sought relief from Sections 1B02.3.B and 202.3 (1963) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed garage addition to the existing dwelling in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1. Specifically, a side yard setback of 7 feet in lieu of the required 20 feet; a street centerline setback of 32 feet in lieu of the required 75 feet; and a sum of the side yards of 36 feet (29 feet and 7 feet).

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In this case, a letter was received by the Zoning Commissioner's Office from the adjacent property owner, J. Michael Potter, in which he raised several concerns regarding the proposal and the matter was scheduled for a public hearing on December 19, 2002. Appearing at the hearing in support of the

request were Marc Munafo, the Petitioner's son, and Vincent Moskunas, on behalf of Site Rite Surveying, Inc., the consultants who prepared the site plan. Neither Mr. Potter nor anyone else appeared in opposition to the request.

Subsequent to the hearing, the undersigned denied the request for reasons set forth in the Findings of Fact and Conclusions of Law and Order dated January 16, 2003. The instant Motion for Reconsideration was filed pursuant to Rule 2(K) of the Zoning Commissioner's Rules of Practice and Procedure. The Motion seeks approval of an amended site plan, which shows that the garage will be smaller and has been reconfigured on the property to be consistent with the orientation of the existing dwelling. Specifically, the revised plan shows that the proposed garage addition will now be 28' x 27' in dimension and oriented to face the street the same as the existing house. This will result in a side yard setback of 15 feet in lieu of the originally proposed 7 feet and a street centerline setback of 40 feet from Lochview Court in lieu of the originally proposed 32 feet. Finally, the sum of the side yard setbacks will be 44 feet in lieu of the required 50 feet.

Upon due consideration of the testimony and evidence offered, I am persuaded to grant the Motion. The revised plan reflects a more reasonable and aesthetically pleasing proposal. Moreover, the reconfiguration of the garage will provide additional setback distances so that the building will not interfere with the panhandle driveway that accesses the other lots to the rear of this parcel, including Mr. Potter's property.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______day of March, 2003 that the Motion for Reconsideration filed in the above-captioned matter be and the same is hereby GRANTED; and,

of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback to the lot line of 15 feet in lieu of the required 20 feet; a street centerline setback of 40 feet in lieu of the required 75 feet; and a sum of the side yards of 44 feet in lieu of the required 50 feet for a proposed garage addition to an existing dwelling, in accordance with the revised plan, marked as Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING Date 3y - AND SALES AND SALES

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 proposed garage addition shall be constructed substantially in accordance with Petitioner's Exhibit 1A.

3) When applying for any permits, 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



March 14, 2003

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

Fax: 410-887-3468

Ms. Dolores R. Munafo 303 Lochview Terrace Timonium, Maryland 21093

RE: MOTION FOR RECONSIDERATION PETITION FOR ADMINISTRATIVE VARIANCE

(303 Lochview Terrace) Case No. 03-163-A

Dear Ms. Munafo:

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

cc: Mr. Marc Munafo

3578 Jarrettsville Pike, Monkton, Md. 21111

Mr. Vincent J. Moskunas, Site Rite Engineering, Inc.

200 E. Joppa Road, #101, Towson, Md. 21286

Mr. J. Michael Potter, 3 Lochview Court, Timonium, Md. 21093

People's Counsel; Case/File

IN RE: PETITION FOR ADMIN, VARIANCE S/S Lochview Terrace, 25' E of the c/l

Lochview Court

(303 Lochview Terrace)

8th Election District

4th Council District

Dolores R. Munafo Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 03-163-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, Dolores R. Munafo. The Petitioner seeks relief from Sections 1B02.3.B and 202.3 (1963) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback to the lot line of 7 feet in lieu of the required 20 feet; a street centerline setback of 32 feet in lieu of the required 75 feet; and a sum of the side yards of 36 feet (29 feet and 7 feet) in lieu of the required 50 feet for a proposed garage addition to an existing dwelling. 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.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. In this case, the Petitioners applied for an administrative variance on or about October 1, 2002. The property was duly posted and advertised on October 12, 2002, giving public notice of the requested relief. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested can demand a public hearing for a determination as to the merits of the request, provided they do so within 15 days of the sign posting. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner, upon review of the case file, can schedule the matter for a public hearing. In this case, a letter was received by the Zoning Commissioner's

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Office from the adjacent property owner, J. Michael Potter, in which he raised several concerns regarding the proposal. In view of these concerns, the matter was scheduled for a public hearing, which was held before the undersigned and conducted on December 19, 2002.

Appearing at the hearing in support of the request were Marc Munafo, the Petitioner's son, and Vincent Moskunas, on behalf of Site Rite Surveying, Inc., the consultants who prepared the site plan. Neither Mr. Potter nor anyone else appeared in opposition to the request.

The subject property is an irregular shaped parcel located with frontage on the south side of Lochview Terrace and abuts the west side of Lochview Court in the subdivision known as Pot Spring in Timonium. This is a highly desirable residential subdivision of attractive single family dwellings on substantial lots. The property contains a gross area of 0.78 acres, more or less, zoned D.R.1 and is improved with a two-story, brick single family dwelling, which features a one-story family room on the west side, and an extensive patio/deck that extends nearly the entire length of dwelling to the rear. Testimony revealed that Ms. Munafo has owned and resided on the property since 1968. Apparently, she is now widowed and has certain health constraints.

As noted above, the property has frontage on Lochview Terrace and is accessed via a circular driveway from that street. Interestingly, the property line on the west side of the house abuts a panhandle driveway that provides access to five other lots to the rear of the subject property. As shown on the site plan, the subject property is more specifically identified as Lot 1 of Plat 2, Section II of Pot Spring. The lots to the rear of the subject property are identified as Lots 2, 3, 4, 5 and 6. Each of those property owners own a narrow strip of land that extends from their respective lots, past the subject property, to Lochview Terrace. Centered within those strips is a 16-foot wide paved driveway that provides access to those lots. This configuration is shown not only on Petitioner's Exhibit 1, but also the plat for the community, which was submitted into evidence as Petitioner's Exhibit 2. Mr. Potter owns and resides on Lot 2, and his home is located immediately to the rear of the subject property.

Testimony indicated that although Ms. Munafo lives alone on the property, she has regular visits by aides and members of her family. Since there is currently no garage on the

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property, the Petitioner proposes constructing a one-story, three-car garage adjacent to the family room. The configuration and placement of the proposed garage is most unusual in that it is proposed to be located at a 45° angle to the dwelling. In addition, the westernmost corner of the structure will be located 7 feet from the panhandle rights-of-way for Lots 2, 3, 4, 5 and 6.

In my judgment, the configuration and location of the proposed garage was not adequately justified at the hearing. It was explained at the hearing that the garage is proposed so that Ms. Munafo will have a place to park her car and be shielded from inclement weather. There is no doubt that this is an appropriate request; however, the design and location of the proposed garage is unusual. As shown on the site plan, the garage will not be constructed so as to be consistent with the existing house and family room addition, but will be cantilevered at an angle so that it does not directly face Lochview Terrace. Moreover, due to the orientation of the garage, the Petitioners propose the construction of a breezeway to connect the garage to the family room. Apparently, this configuration is proposed, in part, due to the location of an existing chimney on that side of the family room and because of the topography of the site. It is also noted that the garage will be large enough to accommodate three vehicles, although Ms. Munafo apparently resides alone at the house. In my view, the size of the proposed garage appears excessive, given the fact that there would be significant area to park cars along the circular driveway.

The grant of variance relief from the provisions of the B.C.Z.R. is regulated by Section 307 of the B.C.Z.R. This Section has been construed by the appellate courts of this State, most notably in the matter of Cromwell v. Ward, 102 Md. App. 691 (1995). Therein, the Court of Special Appeals opined that variance relief should be granted sparingly. A variance may not be granted for mere matters of convenience but only upon a showing that the subject property is unique. Moreover, variance relief should be granted only if the property owner would sustain a practical difficulty if strict adherence to the regulations was required. Moreover, relief should be granted only if there will be no detrimental impact to adjacent properties.

In this case, I am not persuaded that the Petitioner has met her burden. The Petitioner's desire to construct a garage on the property so vehicles can be stored inside during

inclement weather is appropriate and reasonable, and a variance might well be granted to accommodate such construction. What is objectionable here, however, is the unusual orientation, size and configuration of the proposed structure. Moreover, Mr. Potter's concerns as to the location of the garage a mere 7 feet from his property line is appropriate. For these reasons, the Petition for Variance will be denied; however, the Petitioner is reminded that the Zoning Commissioner may consider a revised request within thirty (30) days of the date of this Order. Such a Motion for Reconsideration is provided under the Zoning Commissioner's Rules of Policy and Procedure. However, as an alternative, the Petitioner may file an appeal of this decision to the County Board of Appeals in accordance with the applicable provisions of law.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be denied.

this ______day of January, 2003 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.B and 202.3 (1963) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback to the lot line of 7 feet in lieu of the required 20 feet; a street centerline setback of 32 feet in lieu of the required 75 feet; and a sum of the side yards of 36 feet (29 feet and 7 feet) in lieu of the required 50 feet for a proposed garage addition to an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

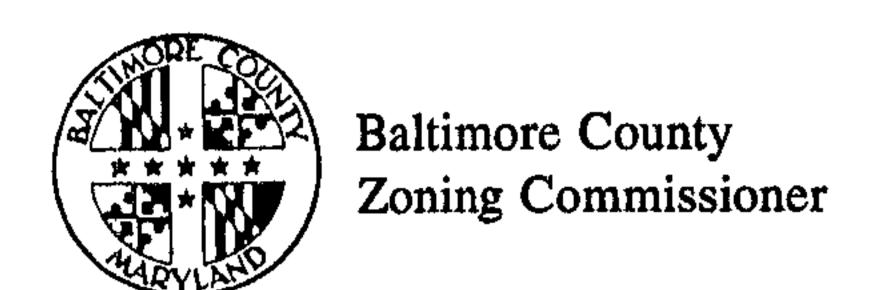
Any appeal of this decision must be filed within thirty (30) days of the date hereof.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

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

Fax: 410-887-3468

January 16, 2003

Ms. Dolores R. Munafo 303 Lochview Terrace Timonium, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Lochview Terrace, 25' E of the c/l Lochview Court
(303 Lochview Terrace)
8th Election District — 3rd Council District
Dolores R. Munafo - Petitioner
Case No. 03-163-A

Dear Ms. Munafo:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been denied, 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

cc: Mr. Marc Munafo

3578 Jarrettsville Pike, Monkton, Md. 21111

Mr. Vincent J. Moskunas, Site Rite Engineering, Inc.

200 E. Joppa Road, #101, Towson, Md. 21286

Mr. J. Michael Potter, 3 Lochview Court, Timonium, Md. 21093

People's Counsel; Case File

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.

303 Lochview Terrace

Address
Timonium, MD 21093
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):

I am a 71 year old widow who is in very poor health and recently (April, 2002) had my left leg amputated below the knee. Presently, I must use a wheelchair and am unable to walk unaided even with a prosthesis. It is imperative for my health and safety that a connected garage be built onto the house to have unimpeded access to a transpot vehicle at all times, in all weather.

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.

Signature R. M. afe	Signature
Dolores R. Munafo Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 17th day of September of Maryland, in and for the County aforesaid, personally appears	······································
the Affiant(s) herein, personally known or satisfactorily identified law that the matters and facts hereinabove set forth are true and	

AS WITNESS my hand and Notarial Seal

September 17, 2002 arol ann Mercer Date Notary Public CAROL ANN MERCER

My Commission Expires December 1, 2005

REV 09/15/98



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

303 Lochview Terrace

	which is presently zoned R40 D121
This Petition shall be filed with the Department of Pe owner(s) of the property situate in Baltimore County and we made a part hereof, hereby petition for a Variance from Some To purmet an existing single family and struct subsack of 7' to the lot wand a sum of sidey and of 36' in liver and a sum of sidey and of 36' in liver	ermits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and ection(s) 1802.3.B, 202.3 (1963 BCZP) dwelling with an addition (gavage) to have me and 32' to the centralize of the strue of the strue of the veguend 50', 75' and 50' respective
of the zoning regulations of Baltimore County, to the zoning of this petition form.	ng law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by to long the long of t	, posting, etc. and further agree to and are to be 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.
Contract Purchaser/Lessee:	Legal Owner(s):
	Dolores R. Munafo
Name - Type or Print	Name - Type or Print Solones R. Marrolo
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	303 Lochview Terrace (410) 252-2610 Address Telephone No.
Name - Type or Print	Timonium, MD 21093 City State Zip Code
	Representative to be Contacted:
Signature	Site Rite Surveying, Inc.
	<u>Vincent J. Moskunas</u> Name
Company	200 E. Joppa Road, Room 101 410-828-9060
Address Telephone No.	Address Telephone No.
State Zip Code	Towson, MD 21286 City State Zip Code
Public Hearing having been formally demanded and/or found to that the subject matter that the property be reposted.	be required, it is ordered by the Zoning Commissioner of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. 03-163-A	Reviewed By CTM Date 10/1/07
	Estimated Posting Date 10/14/07
AUR TIMETO	

for the property located at _

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	303 Lochview Ter	race	
	Address		
	Timonium, MD 210	93	
,	City	State	Zip Code

City

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):

State

I am a 71 year old widow who is in very poor health and recently (April, 2002) had my left leg amputated below the knee. Presently, I must use a wheelchair and am unable to walk unaided even with a prosthesis. It is imperative for my health and safety that a connected garage be built onto the house to have unimpeded access to a transpot vehicle at all times, in all weather.

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.

Signature R. M. of	Signature
Dolores R. Munafo	
Name - Type or Print	Name - Type or Print
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STATE OF MARYLAND, COUNTY OF BALTIMOR	
I HEREBY CERTIFY, this 17th day of Septement of Maryland, in and for the County aforesaid, person	nally appeared
DoLoges R. A.	MUNAFO
the Affiant(s) herein nersonally known or satisfact	orily identified to me as such Affiant(s), and made oath in due form of are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal	
September 17, 2002 Date	Notary Public CAROL ANN MERCER
Date	Notary Public CAROL ANN MERCER
	My Commission Expires <u>December</u> 1, 2005

Affida Vit 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	303 Lochview Terrac		·
	Address Tilmonium MD 21003		
•	Timonium, MD 21093 City	State	ZIp Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh		hich I/we base the re	quest for an Administrative
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That the Affiant(s) acknowledge(s) that if a foodward fee and may be required to provide a foodward foodward. Signature Dolores R. Munafo	additional information. Signature		ed to pay a reposting and
idvertising fee and may be required to provide a signature	additional information.		ed to pay a reposting and
Idvertising fee and may be required to provide a local R. Munafo Dolores R. Munafo Jame - Type or Print STATE OF MARYLAND, COUNTY OF BALTIN	Additional information. Signature Name - Tyr		ed to pay a reposting and
Dolores R. Munafo STATE OF MARYLAND, COUNTY OF BALTIM HEREBY CERTIFY, this 17th day of September Maryland, in and for the County aforesaid, per	Signature Name - Type MORE, to wit: Tember ersonally appeared	2002, before me, a	Notary Public of the State
Dolores R. Munafo STATE OF MARYLAND, COUNTY OF BALTIM HEREBY CERTIFY, this 17th day of September Maryland, in and for the County aforesaid, per	Signature Name - Type MORE, to wit: Tember ersonally appeared	2002, before me, a	Notary Public of the State
idvertising fee and may be required to provide a local R. Munafo Dolores R. Munafo lame - Type or Print	Signature Name - Type MORE, to wit: Tember ersonally appeared	2002, before me, a	Notary Public of the State
Dolores R. Munafo STATE OF MARYLAND, COUNTY OF BALTIM HEREBY CERTIFY, this 17th day of Server Maryland, in and for the County aforesaid, per server be Affiant(s) herein, personally known or satisfaw that the matters and facts hereinabove set for the County and the county aforesaid of the County aforesaid.	Signature Name - Type MORE, to wit: Tember ersonally appeared factorily identified to me as forth are true and correct to	be or Print 2002, before me, as such Affiant(s), and the best of his/her/the	Notary Public of the State made oath in due form of eir knowledge and belief.
Dolores R. Munafo STATE OF MARYLAND, COUNTY OF BALTIM HEREBY CERTIFY, this 17th day of September of Maryland, in and for the County aforesaid, per the Affiant(s) herein, personally known or satisfaw that the matters and facts hereinabove set for the county aforesaid.	Signature Name - Type MORE, to wit: Tember ersonally appeared factorily identified to me as forth are true and correct to	be or Print 2002, before me, as such Affiant(s), and the best of his/her/the	Notary Public of the State made oath in due form of eir knowledge and belief.

My Commission Expires <u>December</u> 1, 2005



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

	for the property	located at	303 Lochview Ter	race
			is presently zoned	-R40 DR1
This Petition shall be filed with the owner(s) of the property situate in Barnade a part hereof, hereby petition for the purent and existing street and a sum of situate and a sum of situation.	altimore County and which for a Variance from Section Section Section of the Mark 10 to the 10 t	th is described on (s) 1302.3 Willing which was a war with the way and war	in the description and 3. B. 202.3 (196) 114 addition (9) 11 32' to the	mage) to have
of the zoning regulations of Baltimore of this petition form.	e County, to the zoning la	aw of Baltimore	County, for the reason	ns indicated on the bac
Property is to be posted and advertise I, or we, agree to pay expenses of above regulations and restrictions of Baltimore	e Variance, advertising, pos	sting, etc. and fu	irther agree to and are to	be bounded by the zonin
		periury, tha	lemnly declare and affirm it I/we are the legal owner ect of this Petition.	n, under the penalties of r(s) of the property which
Contract Purchaser/Lessee:		Legal Ov	vner(s):	
		Dolores	R. Munafo	
Name - Type or Print	N/1-2	Name - Type	_	0
Signature	p	Signature	me R. Mura)
Address	Telephone No.	Name - Type	or Print	
City State Attorney For Petitioner:	Zip Code	Signature 303 Loc Address	hview Terrace	(410) 252-26 Telephone No
			ım, MD 21093	71. Oade
Name - Type or Print		City		State Zip Code
Signature		Site Rit Vincent	ntative to be Contacte Surveying, Inc. J. Moskunas	
Company			Joppa Road, Room l	101 410-828-9060
Address	Telephone No.	Address Towson.	MD 21286	Telephone No.
City	Zip Code	City		State Zip Code
A Public Hearing having been formally de this day of regulations of Baltimore County and that the p	that the subject matter of the	required, it is or is petition be set	dered by the Zoning Comn for a public hearing, advertis	nissioner of Baltimore County sed, as required by the zonin
		Zo	ning Commissioner of Baltin	nore County
CASE NO. 03-163	A Rev	iewed By <u>(</u>	Ton Date	10/1/02
REV 9/15/98		mated Postin	g Date 10/14	102

ZONING DESCRIPTION FOR #303 LOCHVIEW TERRACE

BEGINNING at a point on the south side of Lochview Terrace which is 50 feet wide at the distance of 25 feet east of the centerline of Lochview Court which is 50 feet wide. Being Lot No. 1, Plat Two, Section Two in the subdivision of "Pot Spring" as recorded in Baltimore County Plat Book No. 29, Folio No. 69, containing 33,977 square feet. Also known as #303 Lochview Terrace and located in the 8th. Election District, 4th. Councilmanic District.

J. Tilghman Downey, Jr.

Site Rite Surveying, Inc. 200 E. Joppa Road Suite 101 Towson, MD 21286 410-828-9060

#163

YELLOW - CUSTOMER

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PINK - AGENCY

DISTRIBUTION

WHITE - CASHIER

PAID RECEIPT

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Dep 5 528 ZONING VERIFICATION

CR 10. 017830

Recet Tot \$50.00 50.00 CK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

B. A.

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 #03-163-A

303 Lochylew Terrace

S/s of Lochview Terrace 25 feet east of centerline

Lochview Court

8th Election District - 4th Councilmanic District

Legal Owner(s): Delores R Munato Administrative Variance: to permit an existing singlefamily dwelling with an addition (garage) to have a side street setback of 7 feet to the lot line and 32 feet to the centerline of the street and a sum of side yard 36 feet in lieu of the required 50 feet, 75 feet, and 50 feet respectively.

Hearing: Thursday, December 19, 2002 at 2:00 p.m. in Room 106, Baltimore County Office Building, 111 W.

Chesapeake Avenue.

LAWRENCE E, SCHMIDT

Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Com-

missioner's Office at (410) 887-4386.

(2) For Information concerning the file and/or Hearing. Contact the Zoning Review Office at (410) 887-3391. C577151. 12/004 Dec. 5

CERTIFICATE OF PUBLICATION

12/5/,2002
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
$\frac{1215}{2002}$
The Jeffersonian
Arbutus TimesCatonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
North County News
D/1/01/105

ZONING NOTICE

TO DERMIT AN EXISTING SINGLE FAMILY A SIDE STREET SETBACK OF TIT. TO THE 32 FT. TO THE CONTENLINE OF E REQUIRED SOFT, 75FT, AND SOFT

AN ELIGIBLE INDIVIDUAL OR GROUP MAY DONE IN THE ZONING OFFICE HEFORE

ZONING HOTICE

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PUBLIC HEARING ?

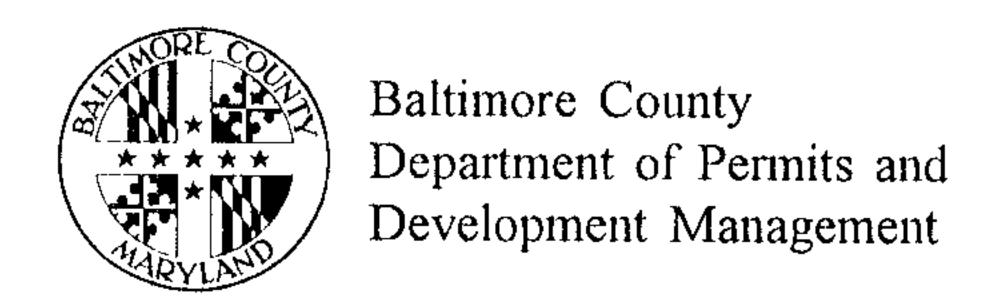
CERTIFICATE OF POSTING

	RE: Case No.: 02-16573
	Petitioner/Developer:
	DOLOROS RIMUNARO
	Date of Hearing/Closing: 10-79-07
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Fowson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
# 303 6	CHUIGW TORRACE
	OCHUIGU TOMPACE.
	·
	5p 17,2007
	(Month, Day, Year)
	Sincerely, Sincerely, Sincerely,
	Sincerely, Sincerely, Sincerely, Signature of Sign Poster and Date) GARLAND E, MOORE (Printed Name) 3225 RYERSON CIRCLE
	(Month, Day, Year) Sincerely, Signature of Sign Poster and Date) GARLAND E. MOORE (Printed Name)
The sign(s) were posted on Second OCT 12 2002	Month, Day, Year) Sincerely, Sincerely, (Signature of Sign Poster and Date) GARLAND E. MOORE (Printed Name) 3225 RYERSONI CIRCLE (Address) BALTIMORE, MD, 2122
The sign(s) were posted on Serons	(Month, Day, Year) Sincerely, Sincerely, Signature of Sign Poster and Date) (Signature of Sign Poster and Date) CJARLAND E. MOORE (Printed Name) 3225 RYERSON CIRCLE (Address) BALTIMORE, MD, 2122 (City, State, Zip Code) (410) 242-4263



CERTIFICATE OF POSTING

	RE: Case No.: 03-163-A
	Petitioner/Developer:
	DELORES R. MUMAFO
	Date of Hearing/Closing: DEC: 19,2007
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:	
were posted conspicuously on the property lo	cated at
The sign(s) were posted on DEC .	3, 2007
	(Month, Day, Year)
	Sincerely, Sincerely, (Signature of Sign Poster and Date)
	GARLANDE, MOORE (Printed Name)
	3225 RYERSONI (CRCLE (Address) BALTIMORE, MD, 21227 (City, State, Zip Code) (410) 242-4-263 (Telephone Number)



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

November 18, 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: 03-163-A

303 Lochview Terrace

S/s of Lochview Terrace 25 feet east of centerline Lochview Court

8th Election District – 4th Councilmanic District

Legal Owner: Delores R. Munafo

Administrative Variance to permit an existing single-family dwelling with an addition (garage) to have a side street setback of 7 feet to the lot line and 32 feet to the centerline of the street and a sum of sideyard 36 feet in lieu of the required 50 feet, 75 feet, and 50 feet respectively.

Hearings: Thursday, December 19, 2002 at 2:00 p.m. in Room 106, Baltimore County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon Director

AJ:rlh

C: Dolores R. Munafo, 303 Lochview Terrace, Tomonium 21093
Site Rite Surveying, Inc., Vincent J. Moskunas, 200 E. Joppa Road, Room 101,
Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 4, 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 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.

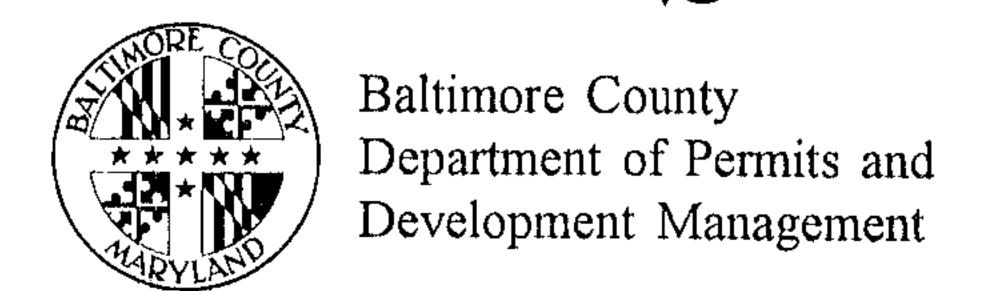
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 03-163-A
Petitioner: Doloves Munato
Address or Location: 303 lochview Tewace
PLEASE FORWARD ADVERTISING BILL TO:
Name: Doloris Munato
Address: 303 Wchview Temace
Timonium, MO 21093
Telephone Number: (410) 252-2610
\

Revised 2/20/98 - SCJ

	[BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
}	و. کی	ZONING REVIEW
		ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
d		S S S S S S S S S S
K	Case	Number 03- 163 -A Address 303 LOCHVIEW TERRAC
; }	Cont	tact Person: LIOYOT. MOXLEY Phone Number: 410-887-3391
•	Filin	g Date: 10/1/02 Posting Date: 10/14/02 Closing Date: 10/29/0
-	Any throu	contact made with this office regarding the status of the administrative variance should be ugh the contact person (planner) using the case number.
	1	<u>POSTING/COST:</u> 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.
7 7	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.
10107/	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
してして	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.
4		(Detach Along Dotted Line)
	Petit	ioner: This Part of the Form is for the Sign Poster Only
		USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
	Case	Number 03- 163 -A Address 303 LOCHVIEW TEIRRACE
	Petiti	oner's Name DOLORES P MUNAFO Telephone (410) 252. 7610
		ing Date: 10/14/02 Closing Date: 10/29/02
	Word	ling for Sign: To Permit AH EXISTILLY SINGLE FAMILY DWELLING WITH
		DITION (GARAGE) TO HAVE A SIDE STREET SETBACK OF 7'TO
		LUT LINE AND 32'TO THE CENTERLINE OF THE STREET AND A
		OF SIDEYARDS OF 36'IN LIEU OF THE REQUIRED VOR-Revised 6/28/00



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

October 29, 2002

Delores R. Munafo 303 Lochview Terrace Timonium, MD 21093

Dear Ms. Munafo:

RE: Case Number: 03-163-A, 303 Lochview Terrace

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 1, 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,

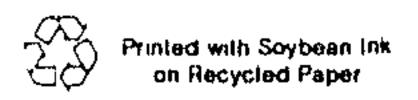
W. Carl Richards, Jr. Supervisor, Zoning Review

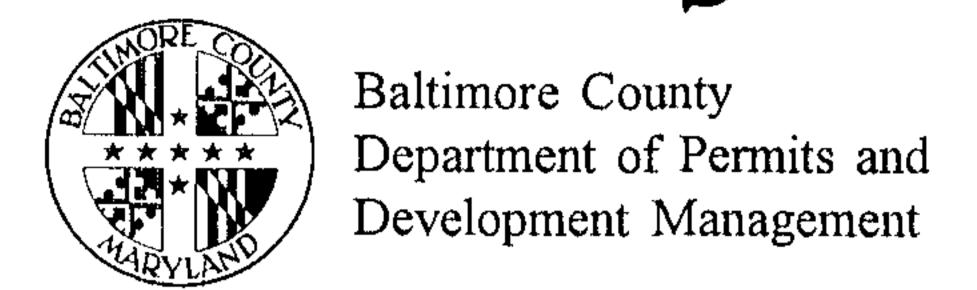
U. Callibal)

WCR:rlh

Enclosures

c: People's Counsel Site Rite Surveying, Inc., Vincent Moskunas, 200 E. Joppa Rd., Room 101 Towson 21286





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

December 13, 2002

Dolores R. Munafo 303 Lochview Terrace Timonium, MD 21093

Dear Ms. Munafo:

RE: Case Number: 03-163-A, 303 Lochview Terrace

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 1, 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

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WCR:rlh

Enclosures

c: People's Counsel

Site Rite Surveying, Inc., Vincent J. Moskunas, 200 E. Joppa Rd., Room101,

Towson 21286



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

October 15, 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

Distribution meeting: 10/15/02

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: 159 & 160, 162-172

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 30, 2002

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 21, 2002 Item No. 159, 160, 161, 162, 63, 164, 165, 166, 167, 168, 169, 170, and 172

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley R65/761

DATE:

November 6, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of October 15, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

163

160, 162-165, 167-172

10/29

DATE: November 6, 2002

- 1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 303 Lochview Terrace

INFORMATION:

Item Number: 03-163

Petitioner: Dolores R. Munafo

Zoning: DR 1

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request provided landscaping consistent with the existing evergreen vegetation is provided along Lochview Terrace so as to screen the subject addition from public view.

Prepared by:

Section Chief:

AFK/LL:MAC:



Maryland Department of Transportation State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker E. Williams

Parker F. Williams Administrator

Date: 187.11.772

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

RE: Baltimore County

Item No. 143 LTM

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



Parris N. Glendening Governor Kathleen Kennedy Townsend L.t. Governor

Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

October 16, 2002

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

Re: Zoning Advisory Committee Agenda, 10/21/02 re: case numbers 03-159-SPHA, 03-160-SPH, 03-161-SPH, 03-162-A, 03-163-A, 03-164-A, 03-165-A, 03-166-A, 03-167-A, 03-168-A, 03-169-A, 03-170-A03-172-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 10/15/02. 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. Gatte

Manager

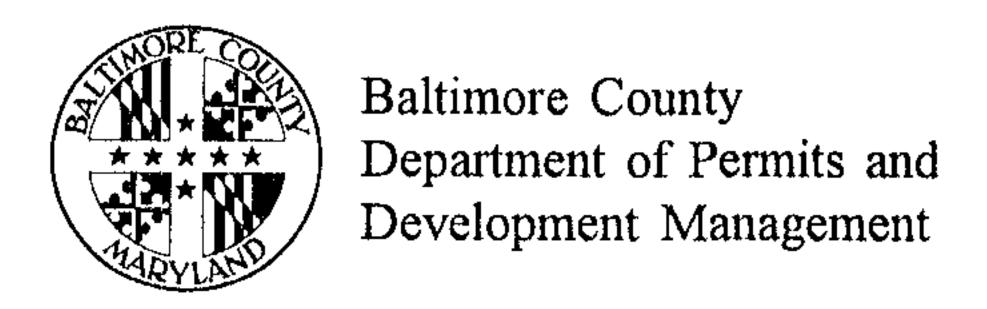
Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

OCT 2 1 2002

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT



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

November 15, 2002

Dolores R. Munafo 303 Lochview Terrace Timonium, MD 21093

Dear Ms. Munafo:

RE: Demand for Public Hearing, Administrative Variance, Case Number 03-163-A

The purpose of this letter is to officially notify you that the zoning commissioner is requiring a public hearing concerning the above-proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

As a result of the above, the property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact me at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.

Supervisor Zoning Review

WCR:rlh

c: Lawrence Schmidt, Zoning Commissioner Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson 21286



10/29/02

Larry Schmidt Zoning Commissioner Baltimore County 111 W. Chesapeake Ave Towson, MD

Re: Case No. 03-163-A.
303 Lochview Terrace
Timonium, MD

Dear Mr. Schmidt,

J. Michael Potter, P.E.

Partner

81 Mosher Street • Baltimore, MD 21217-4250
Telephone: 410-728-2900 • Facsimile: 410-728-2834
Toll Free: 800-787-3755 • Cell: 410-456-1881
E-mail: mpotter@rkkengineers.com

Jenson Proventing of the services of the servi

Regarding the referenced case, as owners of the adjoining property, Lot 2, we have concerns with the zoning variance proposed. Please note the following:

- What may appear to be property owned by the Munafo property is actually property owned by Lot 2 and 3. These panhandles are land-scaped with Pines and other trees. Concern is for inevitable construction equipment damage of this property due to the proximity of the new structure (7').
- make the property more appealing for sale, not for current needs.
- If a need for garage is demonstrated, we question why the structure must be so large. A standard two-car garage would provide much more clearance to property lines.

Pg2of2 Larry Schmidt Case 03-163-A

If Lochview Court is ever taken by the County and improved/widened (the court is currently privately owned), we question if the minimal setbook is a concern for DPW.

If nothing else, we would hope that the County would place restrictions on the variance to ensure no damage to edjacent property. I am concerned that such infringement on a property could occur without the owners of the impacted property being contacted.

Thank you for your consideration.

Muhail Etter

J. Michael Potter, P.E.

3 Lochview Court

Timonium, MD 21093

LEPTER OF TRANSMOTTAL

Site Rite Surveying, Inc.

DIRECT CORRESPONDENCE TO:

101 SHELL BUILDING 200 EAST JOPPA ROAD TOWSON, MARYLAND 21286 410-828-9060

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CASE NAME CASE NUMBER

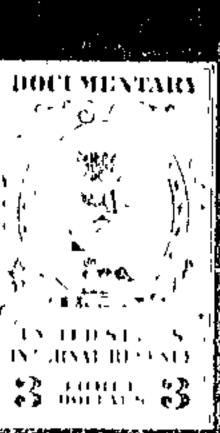
DATE 12-19-RECORS R. MUNAJEO ER 03-163A -19-02

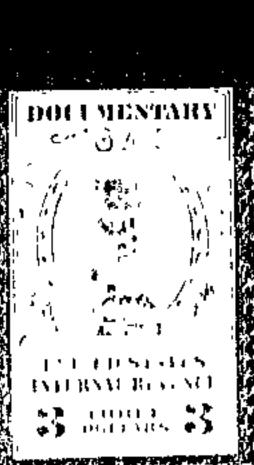
R'S SIGN-IN SHEET

M@A.o.L.	Towson, MD. 21286	CODE. JOPPA RO	NINCENT HOS KNOWS
MARC OCAMBUICOS. COM	MONKTON MO 21111	3578 JARRETTSYILLE PIKE	MARCHUNAFO
E- MAIL	CITY, STATE, ZIP	ADDRESS	NAME

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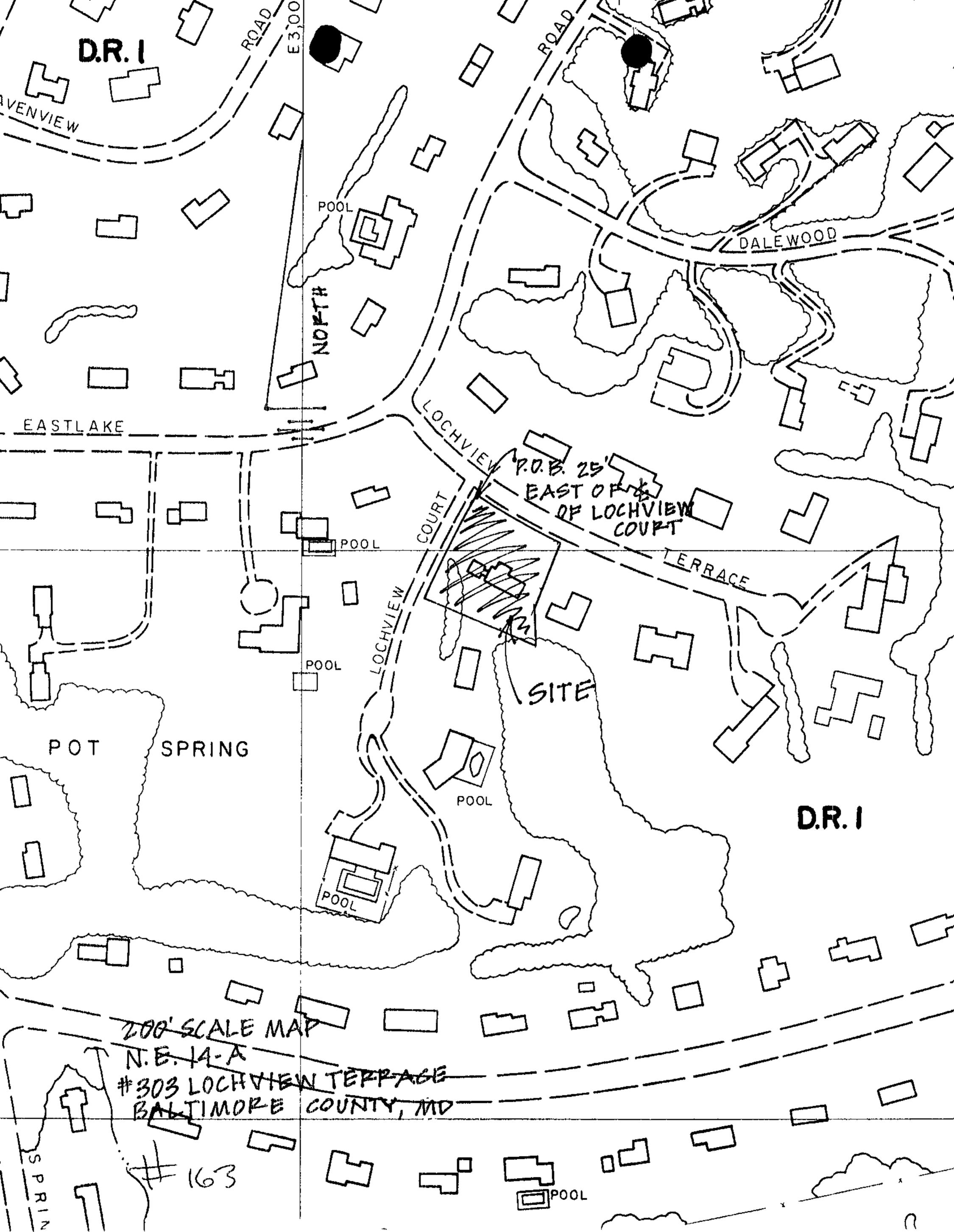
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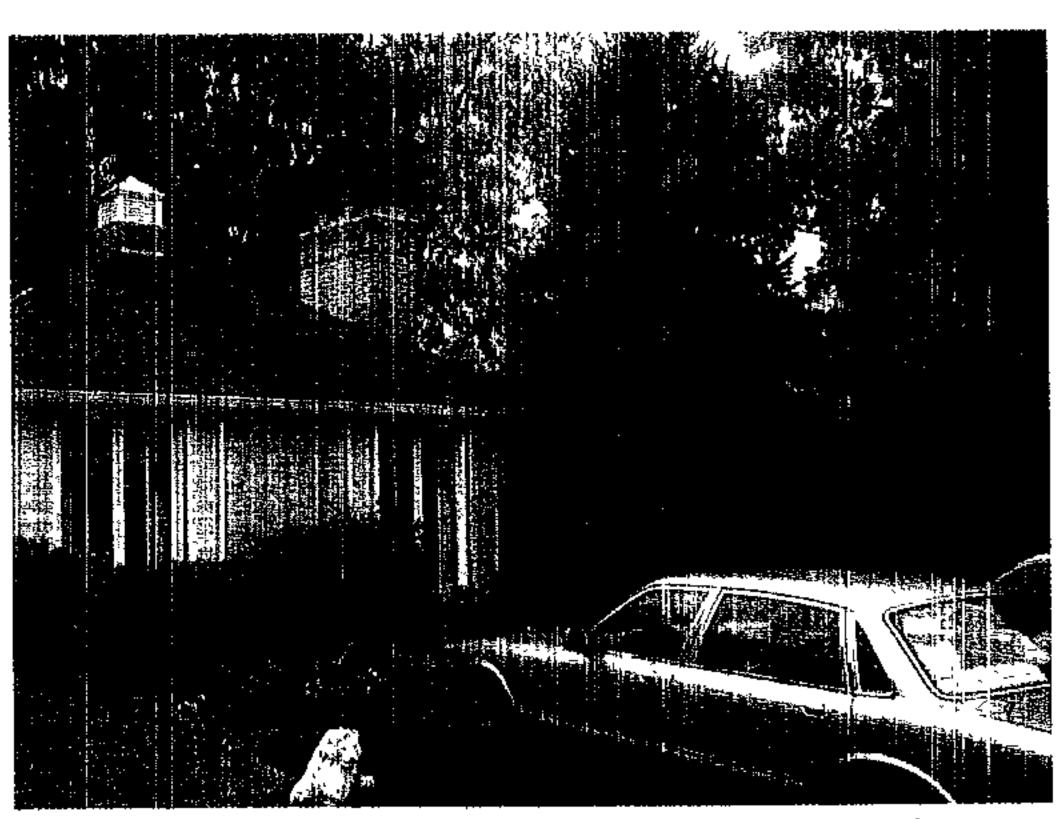
LIBER 4390 PAGE 435

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

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Margaret L. Ambrose				(SEAL)
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STATE OF MARYLAND,	· City of Bait	lmore -, to wit:		
I HEREBY CERTIFY,				
in the year one thousand nine h				
a Notary Public of the State of	Maryland, in and fo	or Baltimore Co	ounty	xaforesaid,
personally appeared LUCILI	E S. PILLATT,	Widow		
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Per Robert R Gill, Blerk

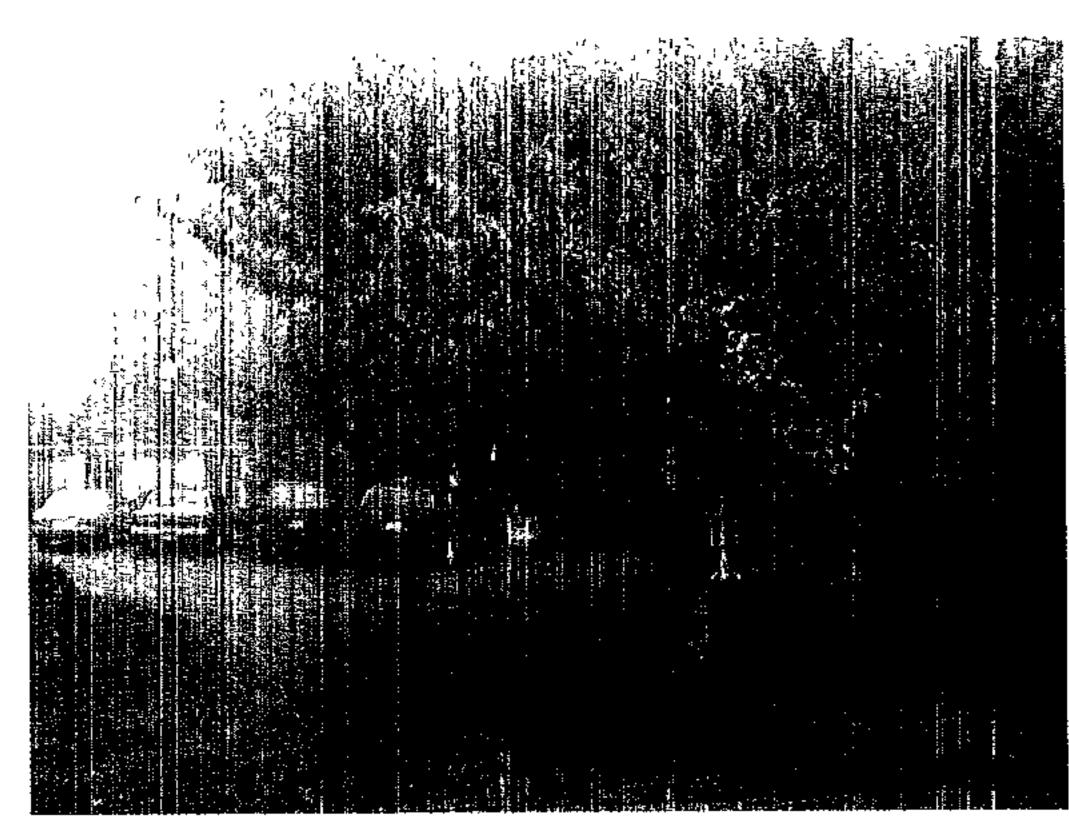




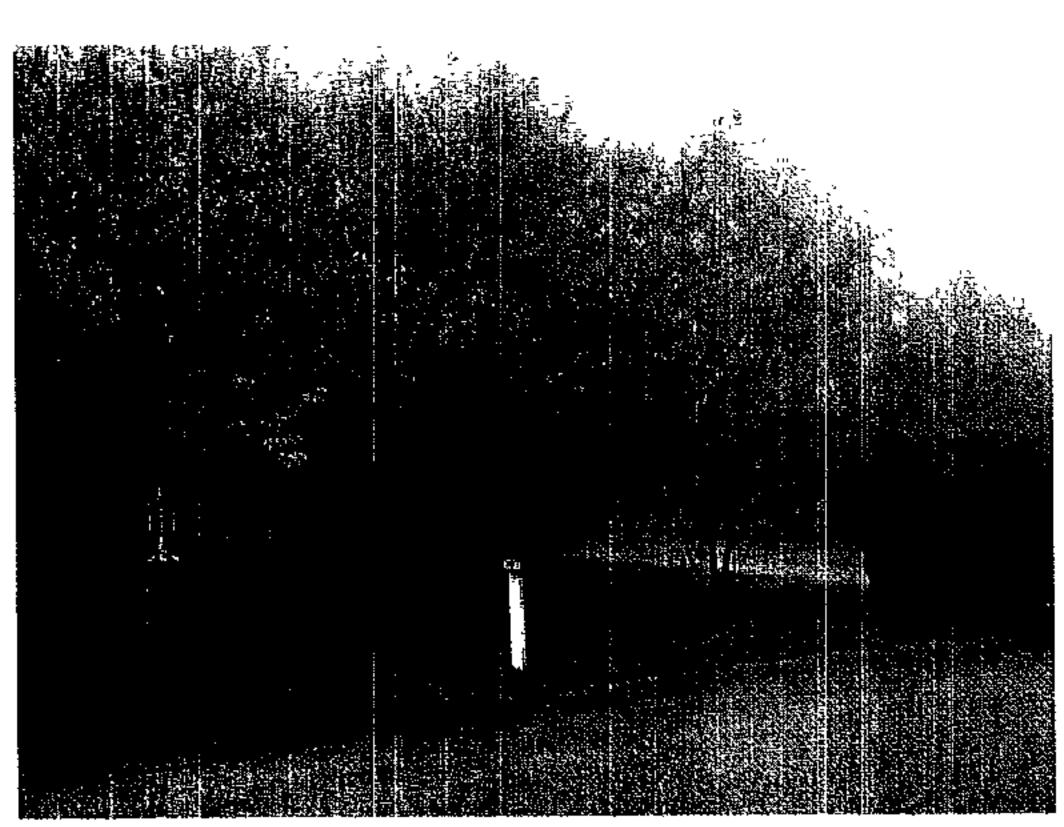
Subject prop., proposed.



Subject prop.



Subject prop. Front

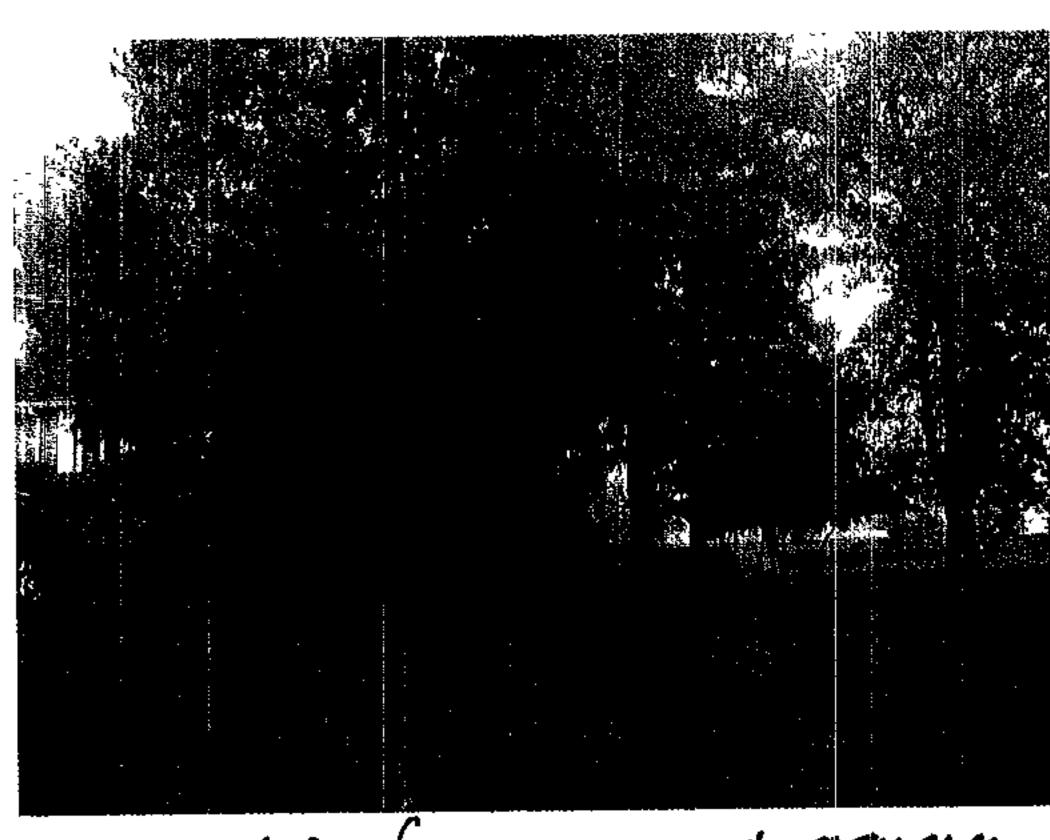


corner of both view Tennace and both view Count

#163



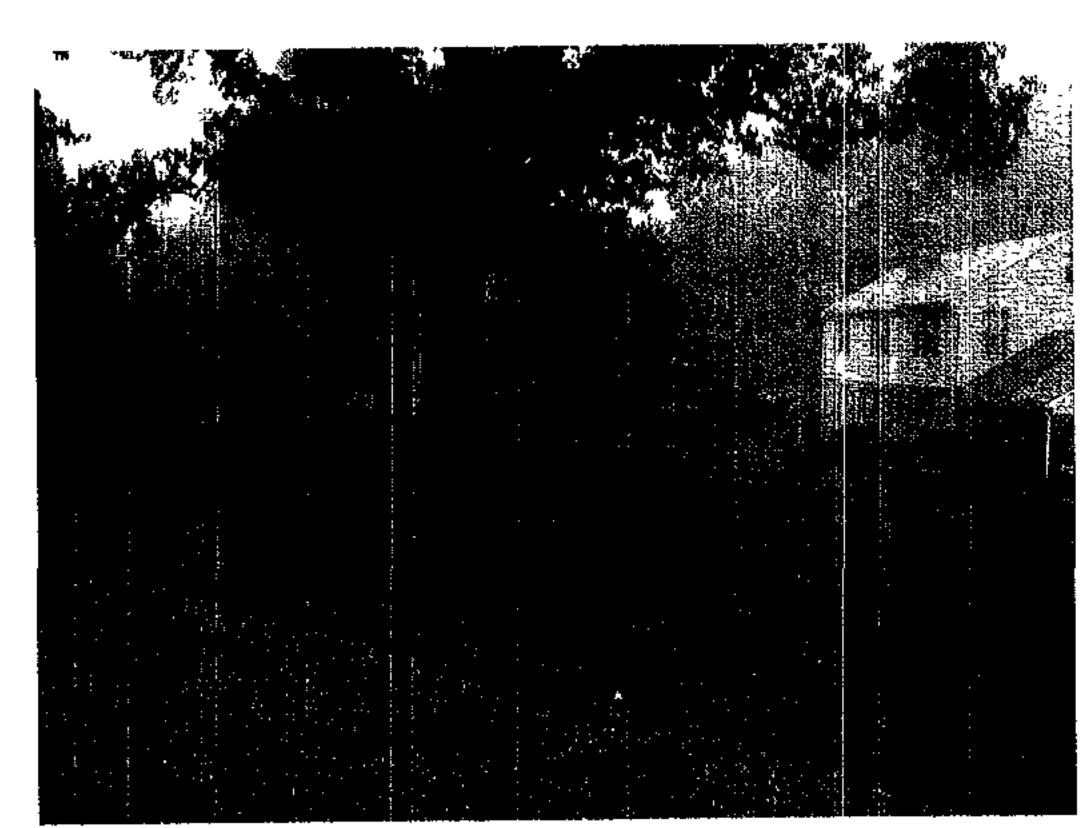
Standing on property looking North across behview terrace



Site for proposed gange



Corner of bothview Terrace and bothview Court

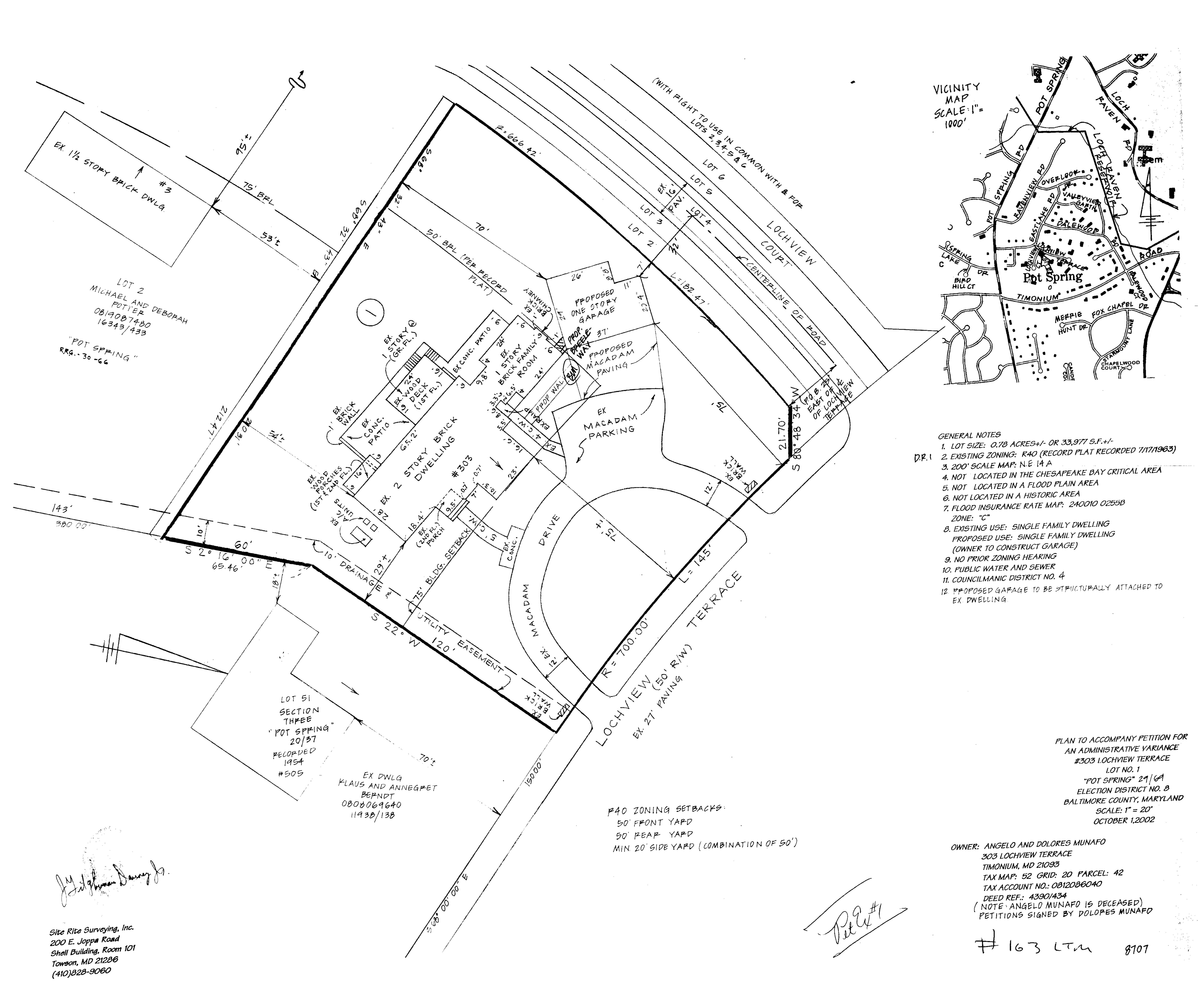


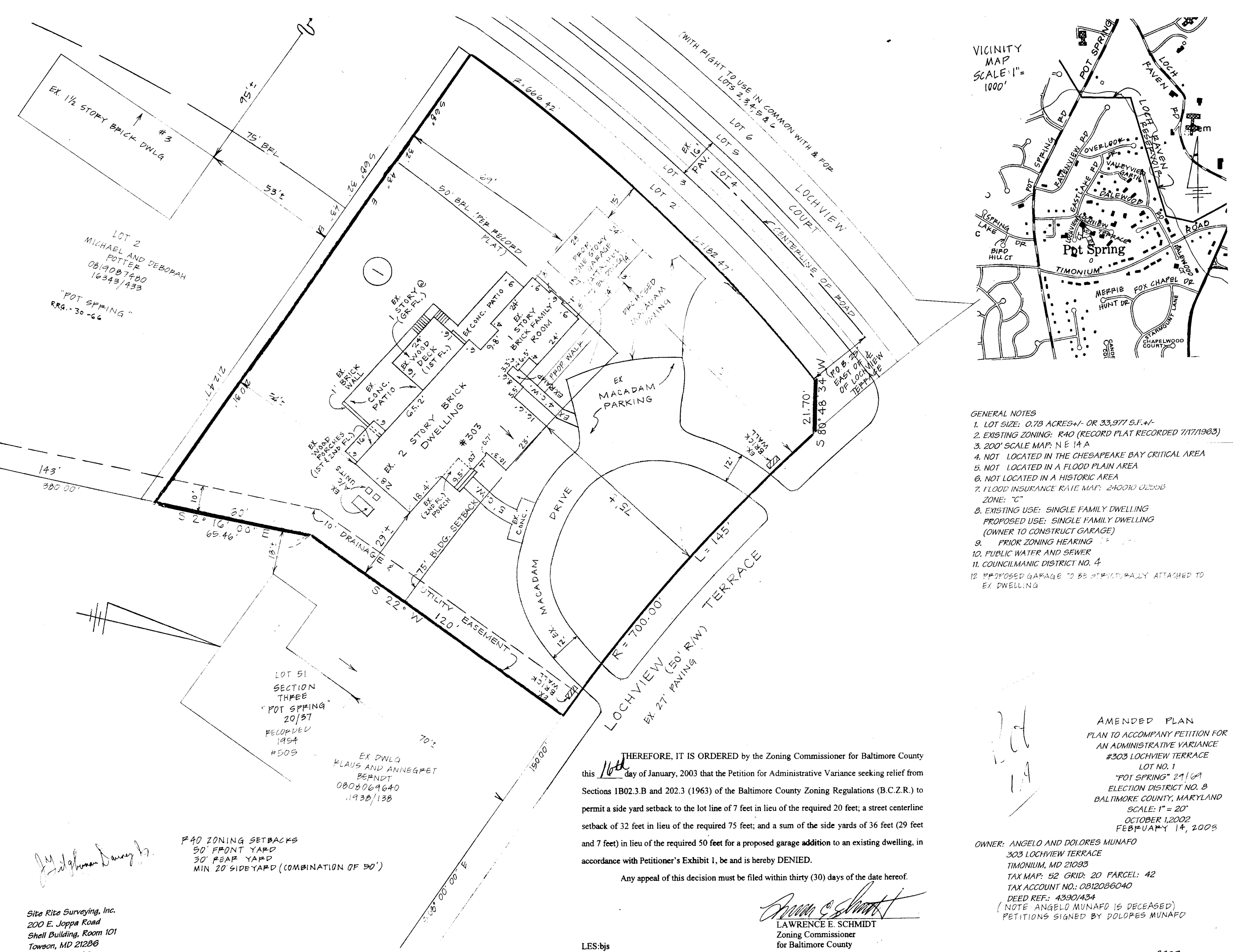
Rear of dwelling

#= 163

Front of ex. dwg. bochview Terrace.

7163





(410)828-9060

