

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
NE/S Marcie Drive, 150' W		
centerline of Tama Court	*	DEPUTY ZONING COMMISSIONER
3rd Election District		
2nd Councilmanic District	*	OF BALTIMORE COUNTY
(8213 Marcie Drive)		
	*	CASE NO. 03-464-A
Daniel A. Levy		
<i>Petitioner</i>	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Daniel A. Levy. The variance request is for property located at 8213 Marcie Drive in the Pikesville area of Baltimore County. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (Section 202.3, 1955 Zoning Regs.), to permit a proposed addition with a side yard setback of 14 ft. and sum of side yard setbacks of 35 ft. in lieu of the minimum required side yard setbacks of 35 ft. in lieu of the minimum required side yard setback of 20 ft. and sum of side yard setbacks of 50 ft. respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning

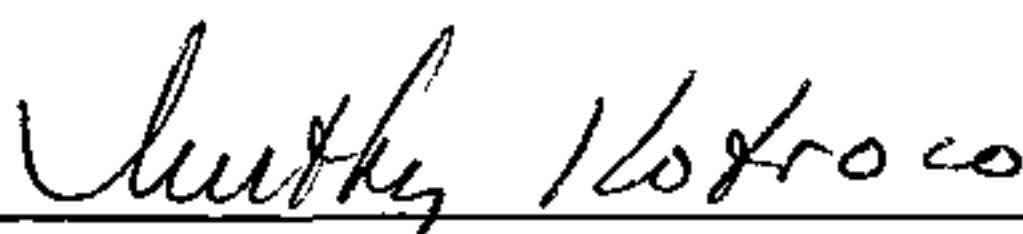
5/5/03
R. J. Jernigan

Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 15th day of May, 2003, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (Section 202.3, 1955 Zoning Regs.), to permit a proposed addition with a side yard setback of 14 ft. and sum of side yard setbacks of 35 ft. in lieu of the minimum required side yard setbacks of 35 ft. in lieu of the minimum required side yard setback of 20 ft. and sum of side yard setbacks of 50 ft. respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner 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

3/5/03




Baltimore County
Zoning Commissioner

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

May 15, 2003

Mr. Daniel A. Levy
8213 Marcie Drive
Pikesville, Maryland 21208-1942

Re: Petition for Administrative Variance
Case No. 03-464-A
Property: 8213 Marcie Drive

Dear Mr. Levy:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8213 MARCIE DR. PIKESVILLE

which is presently zoned DR-1 (Formerly R-40)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 B02.3.B, BCZR (Section 202.3, 1955 Zoning Regs.)

to permit a proposed addition with a side yard setback of 14 feet and sum of side yard setbacks of 35 feet in lieu of the minimum required side yard setback of 20 feet and sum of side yard setbacks of 50 feet, respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

If a public hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

DANIEL A. LEVY

Name - Type or Print

Signature

Name - Type or Print

Signature

8213 MARCIE DRIVE 410-486-8213

Address Telephone No.

PIKESVILLE MD 21208-1942

City State Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By JNP Date 4/8/03

Estimated Posting Date 4/20/03

CASE NO. 03-464-A

REV 10/25/01

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 8213 MARCIE DRIVE
Address
PIKESVILLE MD 21208-1942
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 WOULD LIKE TO BUILD AN ATTACHED 2-CAR GARAGE. BUILDING IS SITED AT AN ANGLE TO THE PROPERTY LINES WHICH PREVENTS MEETING THE 20' MINIMUM AND 50' COMBINED SIDE SETBACKS. THE AVERAGE SETBACK ON EACH SIDE WILL MEET THE REQUIREMENTS. THE FRONT SETBACK OF THE GARAGE WILL BE A MINIMUM OF APPROXIMATELY 90'.
- NEIGHBORHOOD NORM IS ATTACHED GARAGES & CARPORTS, AND I PREFER TO PROTECT VEHICLES FROM THE ELEMENTS.
- A GARAGE PROJECTING FURTHER INTO THE BACKYARD WILL BLOCK THE DRAINAGE SWALE. SWALE CANNOT BE MOVED BECAUSE THERE IS A HILL BEHIND THE HOUSE APPROXIMATELY 8' HIGH.

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.

Daniel A. Levy
Signature
DANIEL A. LEVY
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6th day of April, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Daniel A. Levy
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Harriet Charkatz
Notary Public
My Commission Expires March 31, 2004

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 8213 MARCIE DRIVE
Address
PIKESVILLE MD 21208-1942
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 WOULD LIKE TO BUILD AN ATTACHED 2-CAR GARAGE. BUILDING IS SITED AT AN ANGLE TO THE PROPERTY LINES, WHICH PREVENTS MEETING THE 20' MINIMUM AND 50' COMBINED SIDE SETBACKS. THE AVERAGE SETBACK ON EACH SIDE WILL MEET THE REQUIREMENTS. THE FRONT SETBACK OF THE GARAGE WILL BE A MINIMUM OF APPROXIMATELY 90'.
- NEIGHBORHOOD NORM IS ATTACHED GARAGES & CARPORTS, AND I PREFER TO PROTECT VEHICLES FROM THE ELEMENTS.
- A GARAGE PROJECTING FURTHER INTO THE BACKYARD WILL BLOCK THE DRAINAGE SWALE; SWALE CAN'T BE MOVED BECAUSE THERE IS A HILL BEHIND HOUSE APPROXIMATELY 8' HIGH.

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.

Daniel A. Levy
Signature

DANIEL A. LEVY
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6th day of April, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Daniel A. Levy
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Harriet J. Chaffetz
Notary Public

My Commission Expires: March 31, 2003



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8213 MARCIE DRIVE

which is presently zoned DR-1 (Formerly R-40)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 B02.3.B, BC2R (Section 202.3, 1955 Zoning Regs.)

to permit a proposed addition with a side yard setback of 14 feet and sum of side yard setbacks of 35 feet in lieu of the minimum required side yard setback of 20 feet and sum of side yard setbacks of 50 feet, respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

DANIEL A. LEVY

Name - Type or Print

Signature

Name - Type or Print

Signature

8213 MARCIE DRIVE

Address

Telephone No.

PIKESVILLE

MD

21208-1942

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 03-464-A

Reviewed By JNP

Date 4/8/03

REV 10/25/01

Estimated Posting Date 4/20/03

ZONING DESCRIPTION FOR 8213 MARCIE DRIVE

BEGINNING AT A POINT ON THE NORTHEAST SIDE OF
MARCIE DRIVE WHICH IS 50'
WIDE AT THE DISTANCE OF 150 FEET WEST OF THE
CENTERLINE OF THE NEAREST IMPROVED
INTERSECTING STREET TAMA COURT
WHICH IS 50 FEET WIDE.

BEING LOT #5, BLOCK B, SECTION #3
IN THE SUBDIVISION OF STEVENSON RIDGE
AS RECORDED IN BALTIMORE COUNTY PLAT BOOK
#25, FOLIO #75, CONTAINING 45,738
SQUARE FEET. ALSO KNOWN AS 8213 MARCIE DR.
AND LOCATED IN THE 3 ELECTION DISTRICT
2 COUNCILMANIC DISTRICT.

03-464-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23666

DATE 4/5/03 ACCOUNT R-001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: Daniel A. Levy

FOR: 213 Morrie Drive - Adm. Variance

03 464-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

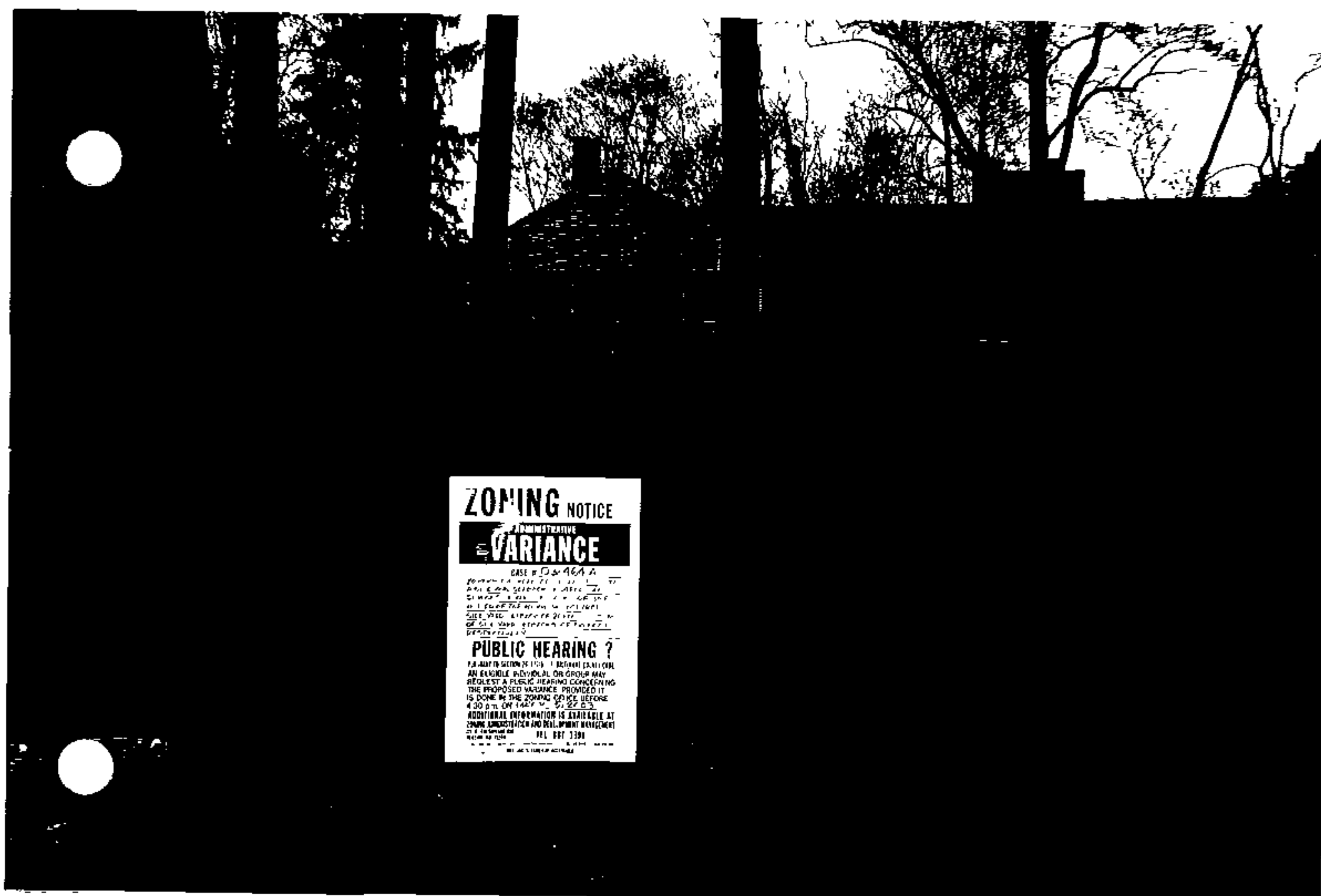
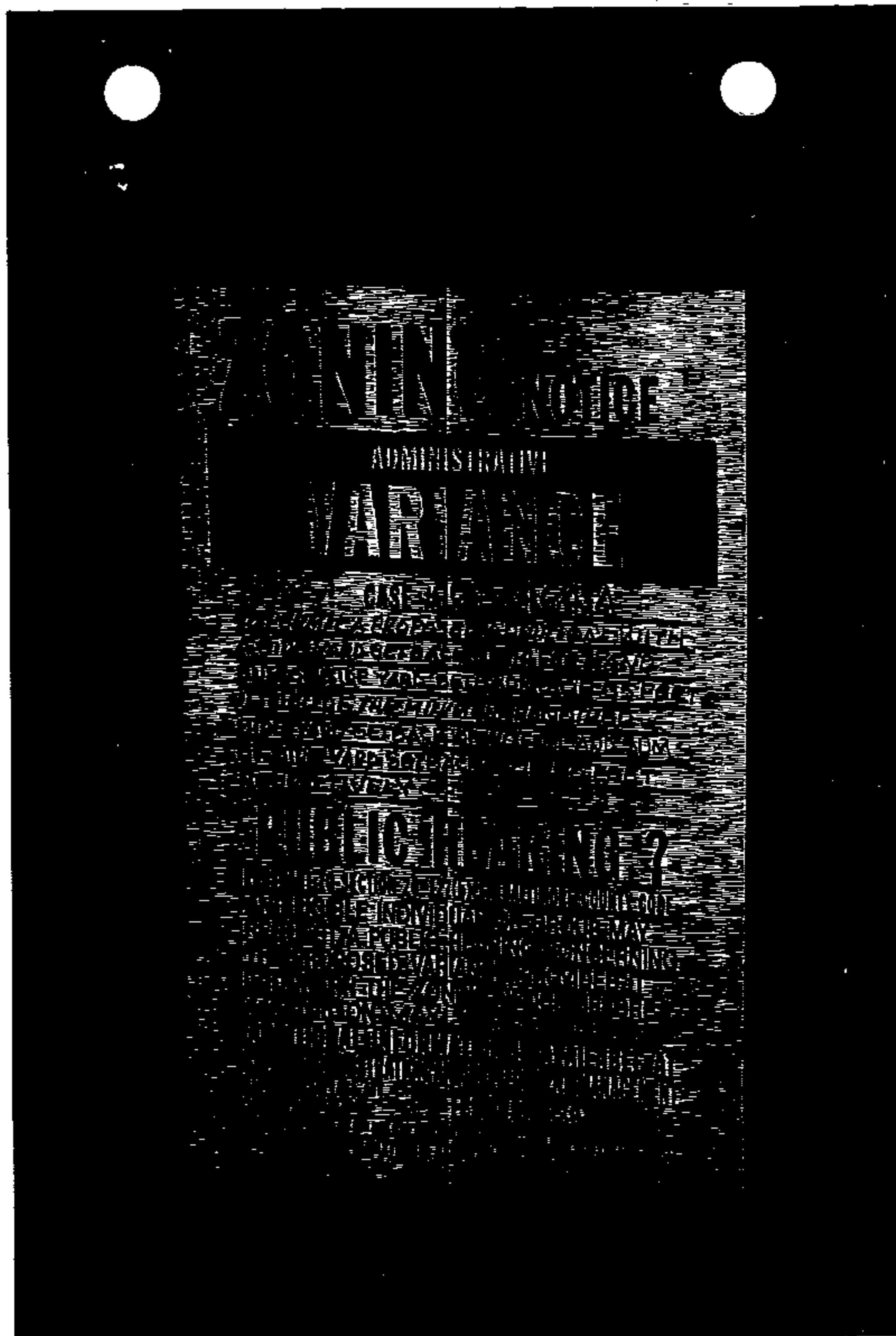
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	TRM
4/08/2003	4/08/2003	10:06:42	4
REG 4806	UN KIN	FROM KCH	
RECEIPT # 147096	4/08/2003		OFLR
Ref	5	503 ZONING VERIFICATION	
CR NO.	003086		

Receipt Tot \$65.00
15.00 PK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION



CERTIFICATE OF POSTING

RE: Case No.: 03-464-A

Petitioner/Developer: DANIELA LEVY

Date of Hearing/ Closing: MAY 5, 2003

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

Attention: BECKY HART

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 # 8213 MARCIE DRIVE

The sign(s) were posted on APRIL 17, 2003
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

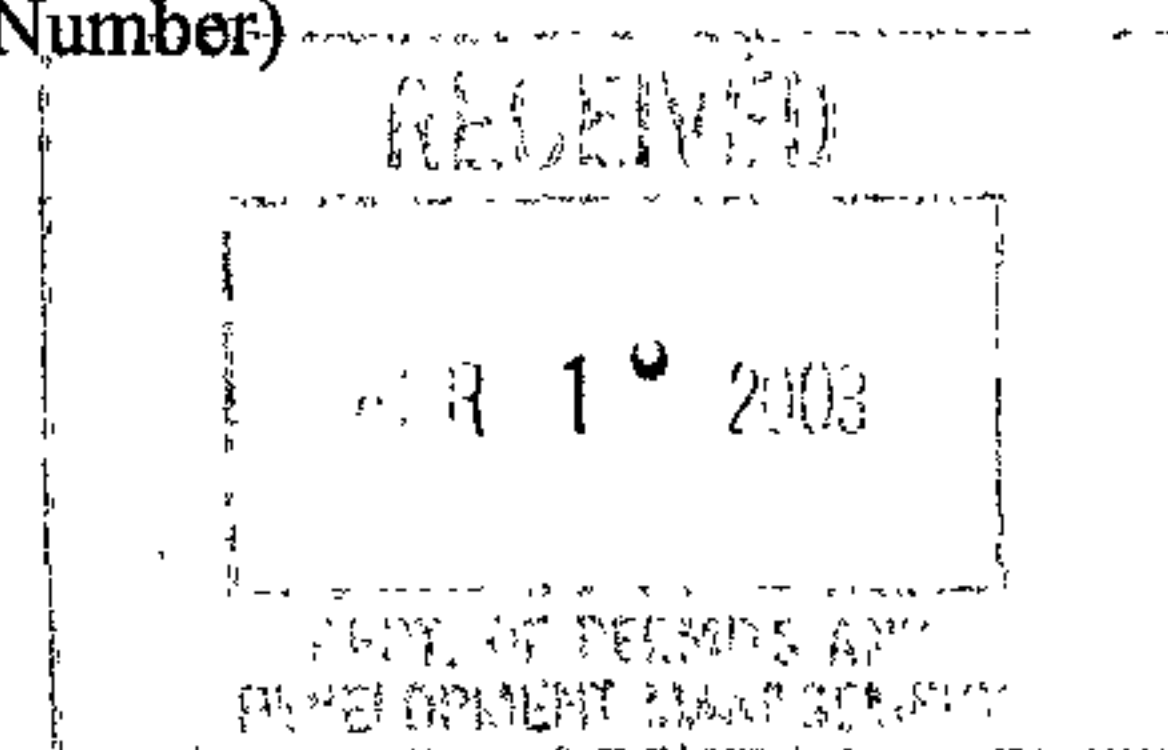
(Address)

BAUTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 464 -A

Address 8213 Marcie Drive

Contact Person: Jeffrey Perlow
Planner Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 4/8/03

Posting Date: 4/20/03

Closing Date: 5/5/03

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. 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
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.
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.
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.

DO NOT ALTER OR REMOVE

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 464 -A

Address 8213 Marcie Drive

Petitioner's Name Daniel A. Levy

Telephone 410-486-1213

Posting Date: 4/20/03

Closing Date: 5/5/03

Wording for Sign To Permit a proposed addition with a side yard setback of 14 feet and sum of side yard setbacks of 35 feet in lieu of the minimum required side yard setback of 20 feet and sum of side yard setbacks of 50 feet, respectively.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 2, 2003

Mr. Daniel A. Levy
8213 Marcie Drive
Pikesville, MD 21208-1942

Dear Mr. Levy:

RE: Case Number: 03-464-A, 8213 Marcie Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 8, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures

c: People's Counsel



**Baltimore County
Fire Department**

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 17, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 14, 2003

Item No.: 456 - 464

Dear Ms. Hart:

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.

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 29, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For April 21, 2003
Item Nos. 456, 458, 460, 461, 462,
463, and 464

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

RWB:CEN:jrb

cc: File

AV/
5/5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 18, 2003

RECEIVED

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

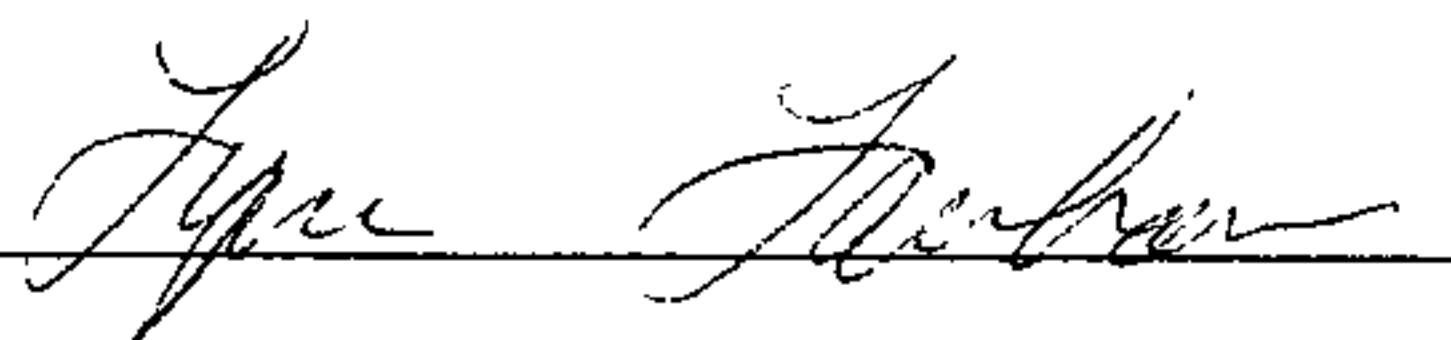
APR 18 2003

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-464, 03-462

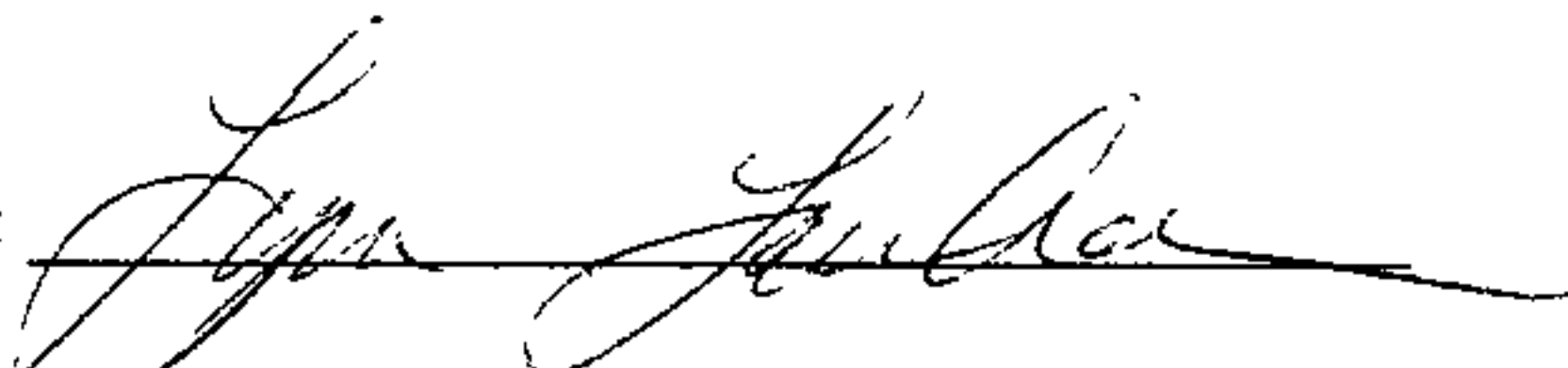
ZONING COMMISSIONER

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

Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor



Robert L. Flanagan, Secretary
Neil J. Pedersen, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.11.03

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 464 JHP

Dear Ms. Hart:

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

W 21,000

~~03-464-A~~
~~NW-10-D~~

000'22 M

00.0' 488 3

W 24,000

D.R. I

四

MARCIE

TAMA

—
உ
உ

DRIVE

NINA CT.

MAXINE

SUTHERLAND ST.

SCHLOSS

CIRCLE

ANITA

WHISPERWOOD

RD.

signs of a house

ROAD

~~PRIVATE~~

(WOODVALLEY)

HARROW
CT.

N 38,000

N 37,000

W 570,00

IN 36,000

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 8213 MARCIE DRIVE

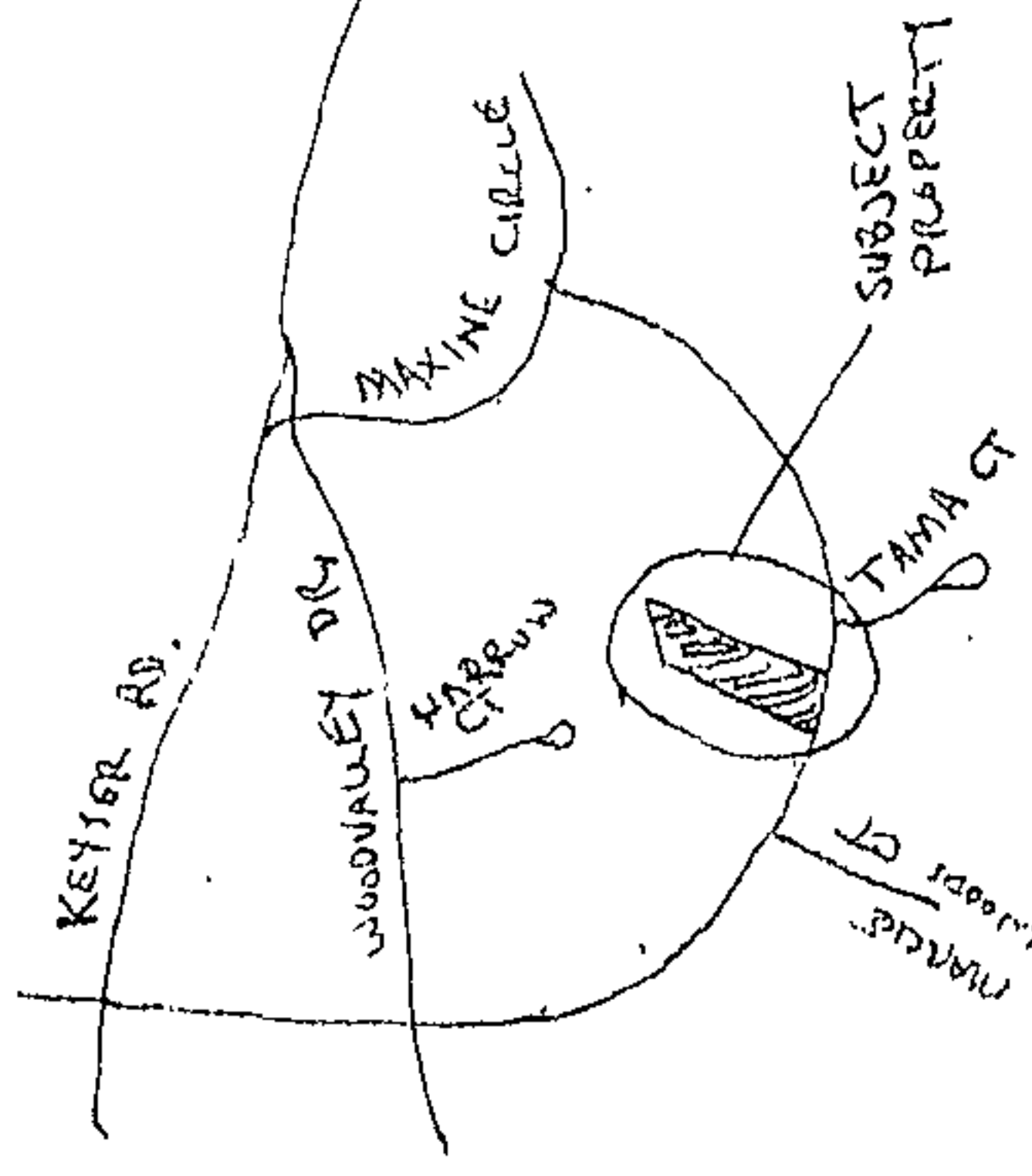
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME STEVENSON RIDGE

GLB

PLAT BOOK # 25 FOLIO # 75 LOT # 5 SECTION # 3 BLOCK B

OWNER DANIEL A. LEVY



VICINITY MAP

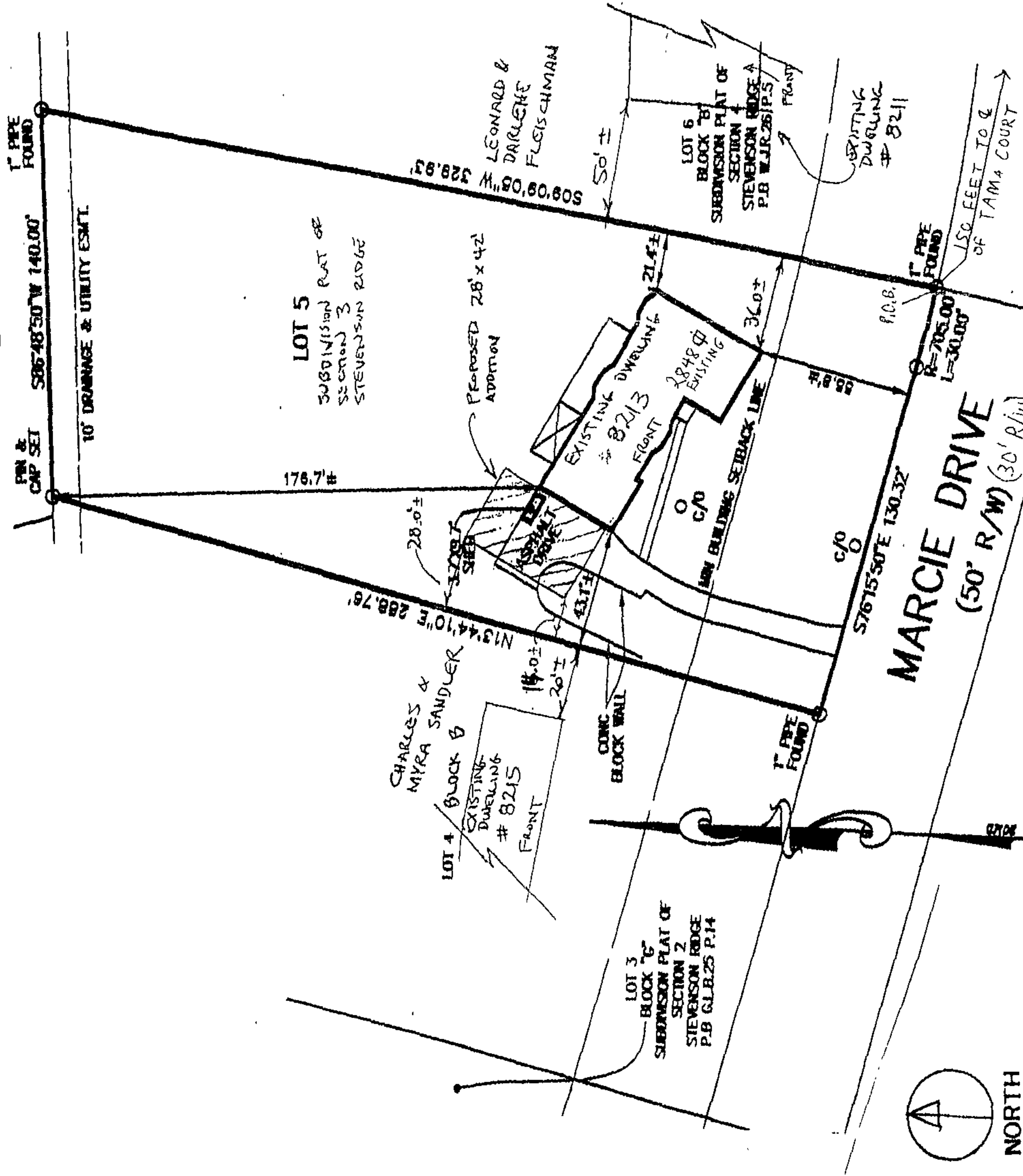
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 3
COUNCILMANIC DISTRICT 2
1"=200' SCALE MAP # NW 10-D
ZONING DR-1 (formerly R-40)
LOT SIZE 1.05 ACRES 45,738 SQUARE FEET
SEWER ☒ PUBLIC ☒ PRIVATE ☐
WATER ☒ ☐
CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
100 YEAR FLOOD PLAIN YES ☐ NO ☒
HISTORIC PROPERTY/BUILDING YES ☐ NO ☒
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

JNF 464 103-464-A



PREPARED BY DAN LEVY

SCALE OF DRAWING: 1" = 50'













