IN RE: PETITION FOR ADMIN. VARIANCE

SW/Corner of Neel Avenue and Third Avenue 4th Election District 3rd Councilmanic District (115 Neel Avenue)

Jill J. and Ira J. Libowitz

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 03-465-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

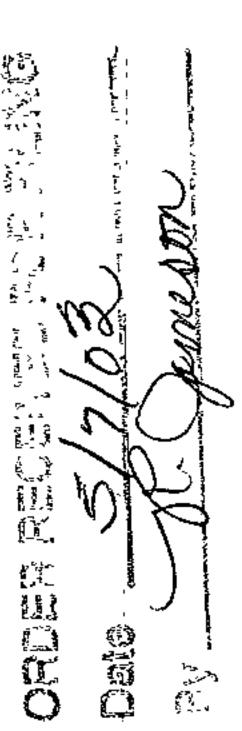
*

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Jill J. and Ira J. Libowitz, the legal owners of the subject property. The variance request is for property located at 115 Neel Avenue in the Reisterstown area of Baltimore County. The Petitioners herein seek variances for a proposed garage as follows:

- 1. from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 1 ft. in lieu of the required 2.5 ft.;
- 2. from Section 400.2 of the B.C.Z.R., to permit an accessory structure with a setback of 8 ft. to the centerline of an alley in lieu of the required 15 ft.; and
- 3. from Section 400.3 of the B.C.Z.R., to permit an accessory structure with a height of 23 ft. in lieu of the maximum height of 15 ft.

The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

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

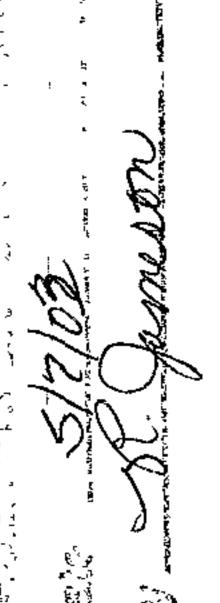


The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 2th day of May, 2003, that variances for a proposed garage: (1) from Section 400.1 of the B.C.Z.R., to permit a side yard setback of 1 ft. in lieu of the required 2.5 ft.; (2) from Section 400.2 of the B.C.Z.R., to permit an accessory structure with a setback of 8 ft. to the centerline of an alley in lieu of the required 15 ft.; and (3) from Section 400.3 of the B.C.Z.R., to permit an accessory structure with a height of 23 ft. in lieu of the maximum height of 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



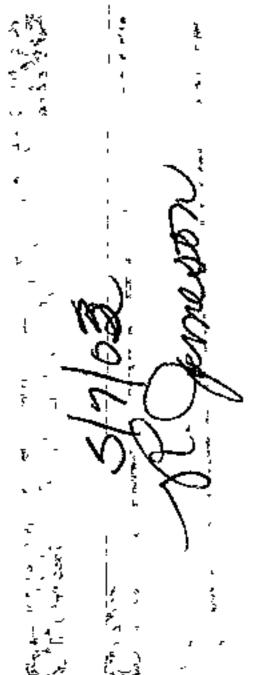
- 2. The Petitioners or subsequent owners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartment.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

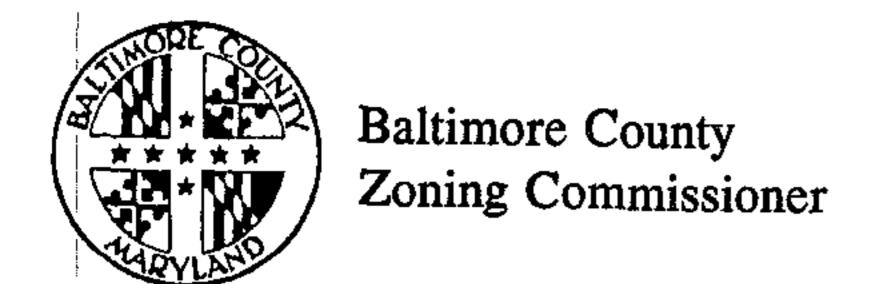
FIMOTHY M. KOTROCO

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

May 7, 2003

Mr. & Mrs. Ira J. Libowitz 115 Neel Avenue Reisterstown, Maryland 21136

Re: Petition for Administrative Variance

Case No. 03-465-A

Property: 115 Neel Avenue

Dear Mr. & Mrs. Libowitz:

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,

Timothy M. Kotroco

Deputy Zoning Commissioner

: luthy lotro co

TMK:raj Enclosure



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Petit In for Administrative Variance

to the Zeming Commissioner of Baltimore County

	which is presently zoned
This Petition shall be filed with the Department of Peowner(s) of the property situate in Baltimore County and made a part hereof, hereby petition for a Variance from S	ermits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and section(s)
1) SECTION 400.1 TO PERMIT A SIDE YARD REQUIRED 2.5'	AND REAR YARD SETBACKS OF I'M LIEU OF THE
2) SECTION 400.2 TO PERMIT AN ACCESSORY OF AN ALLEY IN LIEU OF	STRUCTURE WITH A SETBACK OF B' TO THE CENTERUNG REQUIRED 15'
3) SECTION 400.3 TO PERMIT AN ACCESSORY	STRUCTURE WITH A HEIGHT OF 23' IN LIEU OF THE MAXI
	ing law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by l, or we, agree to pay expenses of above Variance, advertising regulations and restrictions of Baltimore County adopted pursua	i, posting, etc. and further agree to and are to be bounded by the zoning
SECTION 400.1 TO PERMIT AN ACCUSSORY STR 4) TO BE PARTIALLY LOCATED IN THE PORTION OF THE YARD CLOSEST TO THE SIDE STREET IN LIEU OF T REQUIRED THIRD OF THE REAR YARD FARTHEST A	IN THE STIMINAL OF THE STIME IN THE STIME STATE
Contract Purchaser/Lessee:	Legal Owner(s):
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Signature	Signature
Address Telephone No.	Name Type or Print
City State Zip Code	Signature J hours
Attorney For Petitioner:	115 NEEL AVENUE 410-833-126/ Address Telephone No
Name - Type or Print	City Mo 2/36 State Zip Code
Signature	Representative to be Contacted:
Company	GERHOLD, CROSS & ETREL, LTD Name
Address Telephone No.	320 E. TOWSON TOWN BLVO. 410-823-4470 Address Telephone No
City State Zip Code	Towsou Mo 2/286 City State Zip Code
A Public Hearing having been formally demanded and/or found to	o be required, it is ordered by the Zoning Commissioner of Baltimore County.
this that the subject matter regulations of Baitimore County and that the property be reposted.	r of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
	Reviewed By JRF Date 4/8/03
REV 10/25/01	Estimated Posting Date 4-20-03
	•

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.

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	City.	7042	State	<i>211</i> 36 Zip Code
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THAT THE ROOF PITCH CONFORMS	W1721 0746	FR. HOMES AND	GARAGES 1	N 745 AR5A.
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Signature	<u></u>	Signature	/	
Name - Type or Print		Name - Type or Prin		
STATE OF MARYLAND, COUNTY OF BALTII	MORE to with	· 		
		7002		
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TRAJ (BONITO + JIU) the Affiant(s) herein, personally known or satisf	I. UBOU	UITZ	(ant/a)	· · · · · · · · · · · · · · · · · · ·
the Amanto, herein, personally known or satist	actorily identifie	o to me as such All	idill(S).	
AS WITNESS my hand and Notarial Seal		Amid	11. 11mis	4

Notary Public

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.

competent to testify thereto in the event that a p	public hearing is sched	luled in the future with regard t	thereto.
That the Affiant(s) does/do presently reside at	115 1/6EL A	ในธมบุธ	
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Signature / Signat		Jul I. Libowitz	
Name - Type or Print		e - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:		
I HEREBY CERTIFY, this 4.74 day of 4.75 of Maryland, in and for the County aforesaid, pe	ersonally appeared	, <u>Z003</u> , before me, a No	otary Public of the State
TRAJ (BOWITZ + JIU) the Affiant(s) herein, personally known or satisfa	I. UBOWITE		
the Amant(s) nerein, personally known or satisfa	actorily identified to me	e as such Amant(s).	
AS WITNESS my hand and Notarial Seal		Grald Willowis	5
	Notary Publi		3er 2005
	My Commis	sion Expires	JCK LUUD

REV 10/25/01

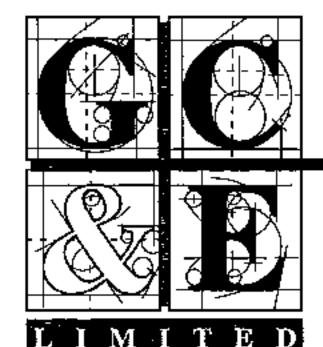


Petit on for Administrative Variance

for the property located at 1/5 NEEL AVENUE

to the Zoning Commissioner of Baltimore County

			which is presen	tly zoned	D.R. 3.5
made a part hereof, h	e filed with the Departmenty situate in Baltimore Co ereby petition for a Varian	ce from Secti	its and Development I ch is described in the de on(s)	Management. Tescription and pla	he undersigned, legal at attached hereto and
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	TO PERMIT AN ACC				
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Contract Purchase	er/Lessee:		<u>Legal Owner(s):</u>		
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ity	State	Zip Code	Signature	<u></u>	
ttorney For Petiti	oner:		115 NEEL AV	/6×LUE	410-833-1261
			Address		Telephone No
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ity	State	Zip Code	City	Stat	
uay or	been formally demanded and/ that the su- unty and that the property be rep	piect matter of ti	required, it is ordered by the nis petition be set for a public	ne Zoning Commissi hearing, advertised,	oner of Baltimore County, as required by the zoning
			Zoning Comm	issioner of Baltimore	County
CASE NO. 03	-465-A	Rev	iewed By <u>JR</u> F	Date	4/8/03
EV 10/25/01		Esti	mated Posting Date	4-20-	03



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

March 17, 2003

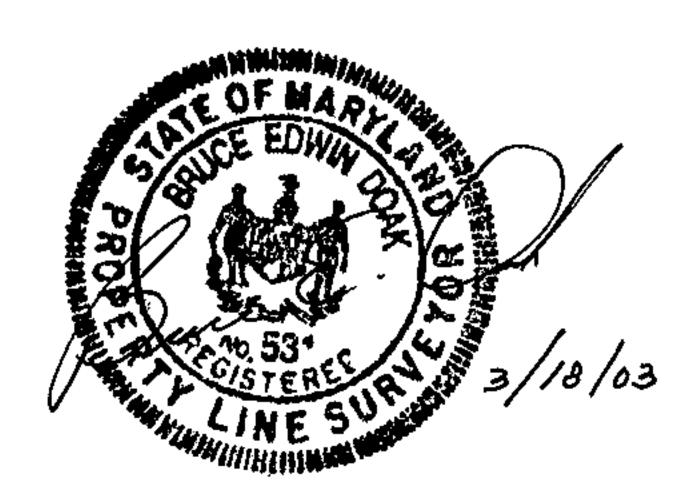
LIBOWITZ PROPERTY 115 NEEL AVENUE BALTIMORE COUNTY, MARYLAND

All that piece or parcel of land situate, lying and being in the Fourth Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same at a point in the center of Neel Avenue being distant seven feet, more or less, westerly from the center of the intersection formed by Neel Avenue and Third Avenue, twenty-three feet, more or less, perpendicular to the south to the zoning point of beginning, thence running and binding, along the west side of Third Avenue, the following course and distance, viz: (1) South 18 degrees 25 minutes West 150 feet, thence leaving the side of Third Avenue and running and binding, the following two courses and distances, viz: (2) South 71 degrees 35 minutes West 67 feet, and (3) North 18 degrees 35 minutes East 150 feet to the south side of Neel Avenue, thence binding on the south side of Neel Avenue, the following course and distance, viz: (4) South 18 degrees 25 minutes West 150 feet to the zoning point of beginning.

Containing 0.23 of an Acre of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



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OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, MARY

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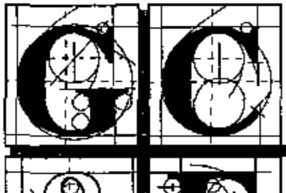
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Gerhold, Cross & Etzel, Ltd.

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Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE # 03-465-A
PETITIONER/DEVELOPER:
ira & Jill Libowitz
DATE OF HEARING:
May 5, 2003

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: REBECCA 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

VARIANCE VARIANCE PARTIES AND STATE OF THE PAR

LOCATION: 115 Neel Avenue

DATE:

April 22, 2003

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

JSTED ON: April 19, 2003

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 465 -A Address 115 NEEL AVE.
Contact Person: JUN R. FERNANDO 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.
DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
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.
l. Detaen Along Domed Line
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 03- H65 -A Address 115 NEEL AVE
Petitioner's Name TRAY JILL LIBOWITZ Telephone 410-833-1261
Posting Date: <u>4-20-03</u> Closing Date: <u>5-5-03</u>
Wording for Sign: To Permit a side yard & rear yard setbacks of I'in lieu of the require 2.5. To permit an accessory structure with a setback of 8' to the centerline of alley in lieu of the required 15'. To permit an accessory structure with a height of 23' in lieu of the maximum height of 15'. To permit an accessory structure to be partially located in the partien of the rear yard closest to the side street in lieu of the required third of the rear yard farthest removed from the side street.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

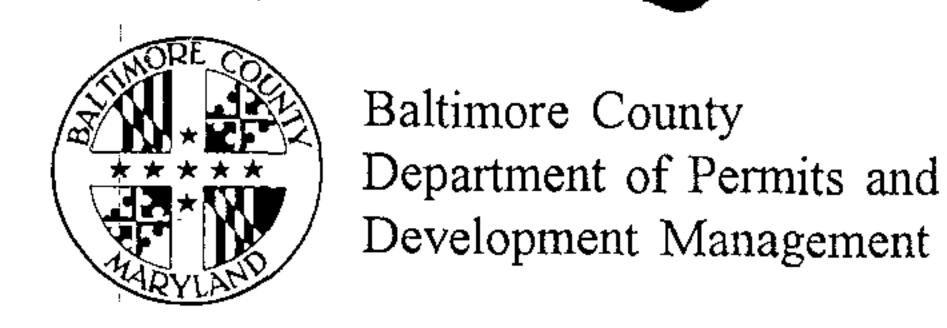
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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:
Petitioner: /RA J. LIBOWITZ & JILL I. LIBOWITZ
Address or Location: 115 Neel Avenue
PLEASE FORWARD ADVERTISING BILL TO:
Name: /RA J. LIBOWITZ
Address: 115 NEEL AVENUE
REISTURSTOWN MO 21/36
· · · · · · · · · · · · · · · · · · ·
Telephone Number:



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

May 2, 2003

Mr. & Mrs. Ira Libowitz 115 Neel Avenue Reisterstown MD 21136

Dear Mr. & Mrs. Libowtiz:

RE: Case Number: 03-465-A, 115 Neel Avenue

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,

Supervisor, Zoning Review

WCR:rjc Enclosures

c: Bruce E. Doak Gerhold, Cross & Etzel, Ltd. Suite 100 320 East Towsontown Blvd. Towson, MD 21286 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 24, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 21, 2003

Item No.:

465, 467-477

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

c: File

BALTIMORE COUNTY, MARYICANDO
INTER-OFFICE CO-

DATE: April 24, 2003

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Zoning Advisory Petition(s): Case(s) 03-465 – Administrative Variance **SUBJECT:**

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.

Section Chief:

AFK/LL:MAC



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

11 - SYLVIC DEPARTMENT OF TRANSPORTATION

RE:

Date: 4.18.03

Baltimore County

Item No. 465

125

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

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

