IN RE: PETITION FOR ADMIN. VARIANCE N/S of Sugarcone Road, 155' W

Pheasant Cross Drive
3rd Election District
2nd Councilmanic District
(2202 Sugarcone Road)

Anne and Donald Levin

BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 03-535-A

Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Anne and Donald Levin. The variance request is for property located at 2202 Sugarcone Road in the Pikesville area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of 10 ft. (for an enclosed addition) and a sum of side yard setbacks of 25 ft. in lieu of the minimum required 15 ft. and 40 ft. respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for 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 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

solution.

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 Zoning Commissioner for Baltimore County, this day of June, 2003, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a side yard setback of 10 ft. (for an enclosed addition) and a sum of side yard setbacks of 25 ft. in lieu of the minimum required 15 ft. and 40 ft. respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

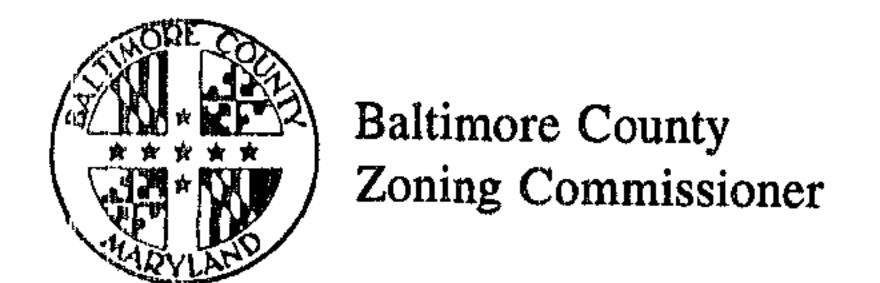
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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

LAWRENCE E. SCHMIDT ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES:raj

Louis Contraction



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

Fax: 410-887-3468

June 4, 2003

Mr. & Mrs. Donald Levin 2202 Sugarcone Road Baltimore, Maryland 21209

Re: Petition for Administrative Variance

Case No. 03-535-A

Property: 2202 Sugarcone Road

Dear Mr. & Mrs. Levin:

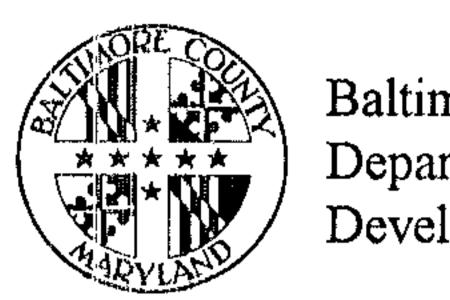
Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure



Baltimore County Department of Permits and Development Management

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

July 29, 2003

Mr. Joseph McDowell Welsh Construction Remodeling Co. 3901 East Monument Street Baltimore, MD 21205-2913

Dear Mr. McDowell:

Re: Zoning Case No. 03-535-A, 2202 Sugarcone Road, 3rd Election District

Your letter to Timothy Kotroco, Director of Permits and Development Management, has been referred to me for reply. Your client's request is that a side setback of 5ft. be granted. At the petition filing appointment the submitted site plan was missing several important required facts as shown in the self-explanatory sample procedural booklet. At the time of appointment, the applicant was asked to supply the missing information, which was then added to the site plans. I have reviewed your client's situation with Mr. Lawrence Schmidt, the Zoning Commissioner. Per Mr. Schmidt, (since you have submitted a letter from the next door neighbors, Mr. and Mrs. Old of 2200 Sugarcone Road, stating that they have no objection) and provided that the proposed addition will not project into the drainage and utility easement a side setback of 5 ft. and a sum of side yard setbacks of 20 ft. in lieu of the minimum required 15 ft. and 40 ft. respectively will be approved as being within the spirit and intent of the above referenced case.

If you have any questions you may contact this office at 410-887-3391.

Sincerely,

John J. Sullivan, Jr.

Planner II

Zoning Review

Enclosure '
JJS/klm

C: Mr. & Mrs. Donald Levin, 2202 Sugarcone Road, Baltimore 21209

Zoning Case File #03-535-A



Petition for Administrative Variance

for the property located at 2202 Sugarcone Rd.

to the Zoning Commissioner of Baltimore County

		which is present	tly zoned	DR-2	
This Petition shall be filed with the Departmowner(s) of the property situate in Baltimore Comade a part hereof, hereby petition for a Varian	ounty and which nce from Section	is described in the des (s) カカカカラス	scription and pl	at attached he	reto and د حکوم
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respectively.					
of the zoning regulations of Baltimore County, to	to the zoning law	of Baltimore County,	for the reasons	s indicated on	the back
Property is to be posted and advertised as pres l, or we, agree to pay expenses of above Variance, regulations and restrictions of Baltimore County ado	advertising postir	on etc. and further sures	e to and are to bore County.	e bounded by th	ne zoning
		I/We do solemnly decl perjury, that I/we are this P	he legal owner(s	inder the penalt) of the property	ies of / which
Contract Purchaser/Lessee:		Legal Owner(s):			
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	Donald Levin Name - Type or Print Monuela Levin	<u>. </u>		······································
Signature	_	Signature	<u> </u>	·	···
Address	ephone No.	Anne Levin Name Type or Print			<u></u>
	·	June 34	un		
City State	Zip Code	Signature		^ 404 777	7.4
Attorney For Petitioner:	; f	2202 Sugarco	ne ka. 41		hone No
Name - Type or Print		Baltimore, M	. 	.4	·2 (\\ _ \)
		Representative to	Sta n ha Cantact		Zip Code
Signature				· · · · ·	
Company, ,		Welsh Constr Name	uction Re	modering	
Address	phone No	3901 E. Monu Address	ment St.	410-732-1 Teleph	360 none No
City State	Zip Code	Baltimore, M City	Sta		ip Code
A Public Hearing having been formally demanded and this carry of that the suregulations of Baltimore County and that the property be re-	HIDEN MISHER AT THE	ul red, it is ordered by the petition be set for a public I	e Zoning Commiss hearing, advertised	sioner of Baltimor I, as required by t	e County, he zoning
		Zoning Commis	sioner of Baltimor	•	
CASENO. 23 335-7	Reviev	ved By		-08-03	
REV 10/25/01	Estima	ted Posting Date	5-18-6	<u> </u>	

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 scheduled in the future with regard thereto.	
That the Affiant(s) does/do presently reside at	2202 Sugarcone Rd. Address	
	Baltimore, Maryland 21209	·····
,	City	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts upon which I/we base the request for an Anip or practical difficulty):	Administrative
	/laundry room to the kitchen side of my of the house is a two story and not ion.	Ÿ
recent surgery. As my bare trying to make our b	ry due to severe back problems and husband and I are getting older we home as physically adaptable to our this addition adjacent to the kitchen us.	
That the Affiant(s) acknowledge(s) that if a for a divertising fee and may be required to provide a	formal demand is filed, Affiant(s) will be required to pay a radditional information.	eposting and
	1.	
Signature	Signature / MMW	
Donald Levin Name - Type or Print	Anne Levin Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN		*****
HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	, 203, before me, a Notary Publi	c of the State
MONALD IPUIN,	HAMP LOUN	
the Affiant(s) herein, personally known or satisfa	actorilý identified to me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal	AMMIN MINIMUM MARYIAN	<u> </u>
	Notary Public NOTARY PUBLIC, MARYLAN My Commission Expires	-
	My Commission Expires My Commission Expires Feb. 22	· · · · · · · · · · · · · · · · · · ·

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 restify thereto in the event the	at a public hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside	e at <u>2202 Sugarcone Rd.</u> Address
	Baltimore, Maryland 21209
	City State Zip Code
That based upon personal knowledge, the Variance at the above address (indicate ha	following are the facts upon which I/we base the request for an Administrative and strative for an infinity or practical difficulty):
I want to add a mudro house. The other side accesible for the add	oom/laundry room to the kitchen side of my de of the house is a two story and not dition.
recent surgery. As nare trying to make ou	ssary due to severe back problems and my husband and I are getting older we are home as physically adaptable to our ag this addition adjacent to the kitchen ate us.
That the Affiant(s) acknowledge(s) that if advertising fee and may be required to prov	a formal demand is filed, Affiant(s) will be required to pay a reposting and vide additional information.
Signature Sonald Terri	Signature Jum
Donald Levin	Anne Levin
Name - Type or Print	Name - Type or Print
HEREBY CERTIFY, thisday of Maryland, in and for the County aforesaid	before me, a Notary Public of the State
MARA PARAM	P P A
he Affiant(s) herein, personally known or s	atisfactorily identified to me as such Affiant(s).
A\$ WITNESS my hand and Notarial Seal	AMMAN MAN
	Notary Public / Notary Public / Notary Public / Notary

My Commission Expires Feb. 22, 2006

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

ior the propert	ly located at 2202 Sugarcone Rd.
	which is presently zoned <u>DR-2</u>
made a part hereof, hereby petition for a Variance from S	ermits and Development Management. The undersigned, lega which is described in the description and plat attached hereto and Section(s) ノ Bゥス, 3, ム, ノ, アン なんしい ロ らんと
ford setbuck of rout and a s	um of side yard setbacks of 25 fts to
40 pt. respectively.	
of the zoning regulations of Baltimore County, to the zon of this petition form.	ing law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by i, or we, agree to pay expenses of above Variance, advertising regulations and restrictions of Baltimore County adopted pursuit	Thresting of and further agree to and are to be becomed at leastly and an in-
	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	Donald Levin Name - Type or Print
Signature	Signature Zevn
Address Telephone No	Name Type or Print
City State Zip Code	Signature Jume
Attorney For Petitioner:	2202 Sugarcone Rd. 410-484-7774 Address Telephone No.
Name - Type or Print	Baltimore, MD. 21209 City State Zip Code
Signature	Representative to be Contacted:
Company	Welsh Construction Remodeling
Address Telephone No.	Name 3901 E. Monument St. 410-732-1360 Address Telephone No.
City State Zip Code	Baltimore, MD. 21205 City State Zip Code
A Public Hearing having been formally demanded and/or found to this day of that the subject matteregulations of Baltimore County and that the property be reposted.	o be required, It is ordered by the Zoning Commissioner of Baltimore County, r of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. 03-535-9	Reviewed By 22 2 Date 5-08-03
REV 10/25/01	Estimated Posting Date 5-18-03

Zoning DESCRIPTION

2202 Sugarcone Rd.

Beginning at a point on the North side of Sugarcone Rd, 135 At. I west of the Centerlinese Phenson cross DR. Being Lot # 26, Block By Sect I in the Subdivision of Green gate as recorded in Bultimone County Plat Book 2 folio 48 Contain.

-ing 13,137 sq ft. Also Known as 2202 Sugarcone Rd and located in the 3 rd Election District 2nd Council.

-matic District.

#535

ORE COUNTY, MARYLA F BUDGET & FINANCE LANEOUS RECEIPT 部門部語 1/08/2003 5/00/2005 化硬化 相对和 "宽制市出 5-08-03 ACCOUNT 1 20106-6150 三相陆进门 作为5569 — 5708 DOMESTIC BERNELLE BERNELLE AMOUNT \$ 65 张准. 设为路 Report for 街。的 保 Welsh Romod Ahing Billimie County. Codentiel Variance tiling to HER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VAI

CERTIFICATE OF POSTING

	RE: Case No.: 03-535-A
	Petitioner/Developer: DONALD
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue	Date of Hearing/Closing: $\frac{6/2-/03}{2}$
Towson, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	
This letter is to certify under the penalties of per posted conspicuously on the property located at	rjury that the necessary sign(s) required by law were :
	ARCONE RD
The sign(s) were posted on	5/17/03 (Month, Day, Year)
	Sincerely,
	5/12/22
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

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

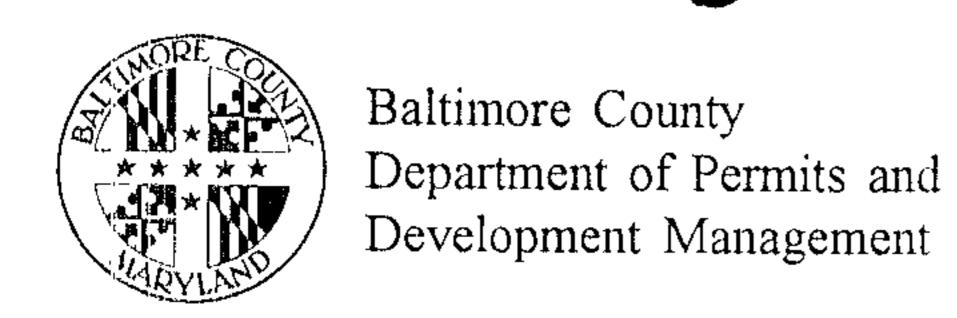
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number 05-535-9
Petitioner Donald Levin
Address or Location 2202 Sugarcone Rd
PLEASE FORWARD ADVERTISING BILL TO
Name Many RUSS
Address Welsh Remodeling
Address Welsh Remodeling 3901 E. Monument 55.
Balto, nd, 21205
Telephone Number 410-732-1360

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number	03-	535	A		Address	220	25.	igar con	€ 17 d	/
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Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 2, 2003

Donald Levin Anne Levin 2202 Sugarcone Road Baltimore, MD 21209

Dear Mr. and Mrs. Levin:

RE: Case Number: 03-535-A, 2202 Sugarcone Road

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,

W. Carl Richards, Jr.

· Supervisor, Zoning Review

U. Callibal)

WCR:klm

Enclosures

c: People's Counsel Welsh Construction Remodeling, 3901 E. Monument St., Baltimore 21205



Robert L. Ehrlich, Jr., Governor-Michael S. Steele, Lt. Governor Robert L. Flanagan, Sceretary Neil J. Pedersen, Acting Administrator

772

do no Department of Taxing only

Date: 5.27.03

Item No.

Baltimore County

RE:

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,

Su

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



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

June 3, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 19, 2003

Item No.:

532-536, 538-542

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

6/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 27, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 03-535 and 03-538

Administrative Variance

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

RECEIVED

MAY 2 6 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 30, 2003

TO:

Arnold Jablon, Director

Department of Permits & Development Management

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

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 27, 2003 Item Nos. 532, 533, 534, 535, 536, 538, 542, and 543

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

RWB:CEN:jrb

cc: File

Arnold G. Foreman, PA.

ATTORNEY AT LAW
THE SUSQUEHANNA BUILDING
29 W. SUSQUEHANNA AVENUE, SUITE 707
TOWSON, MARYLAND 21204

(410) 337-8600 FAX #(410) 337-0975

September 17, 2003

Baltimore County
Department of Permits & Development
Management Office
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE:

Case No.: 03-535-X

Gentlemen:

Pursuant to the Order of the Zoning Commissioner issued on August 21, 2003, enclosed please find a floor plan of 3405 Janellen Drive indicating that the office space in the residence does not exceed more than 25% of the total floor area of the dwelling. It would be appreciated if you would place this copy in the file.

Thank you for your attention in this matter.

Very truly yours,

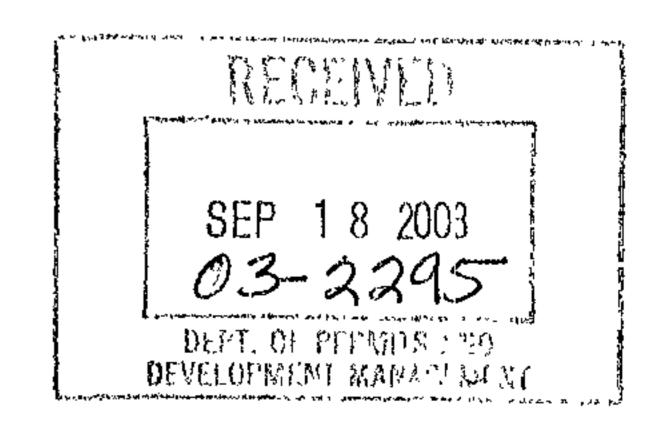
ARNOLD G. FØREMAN

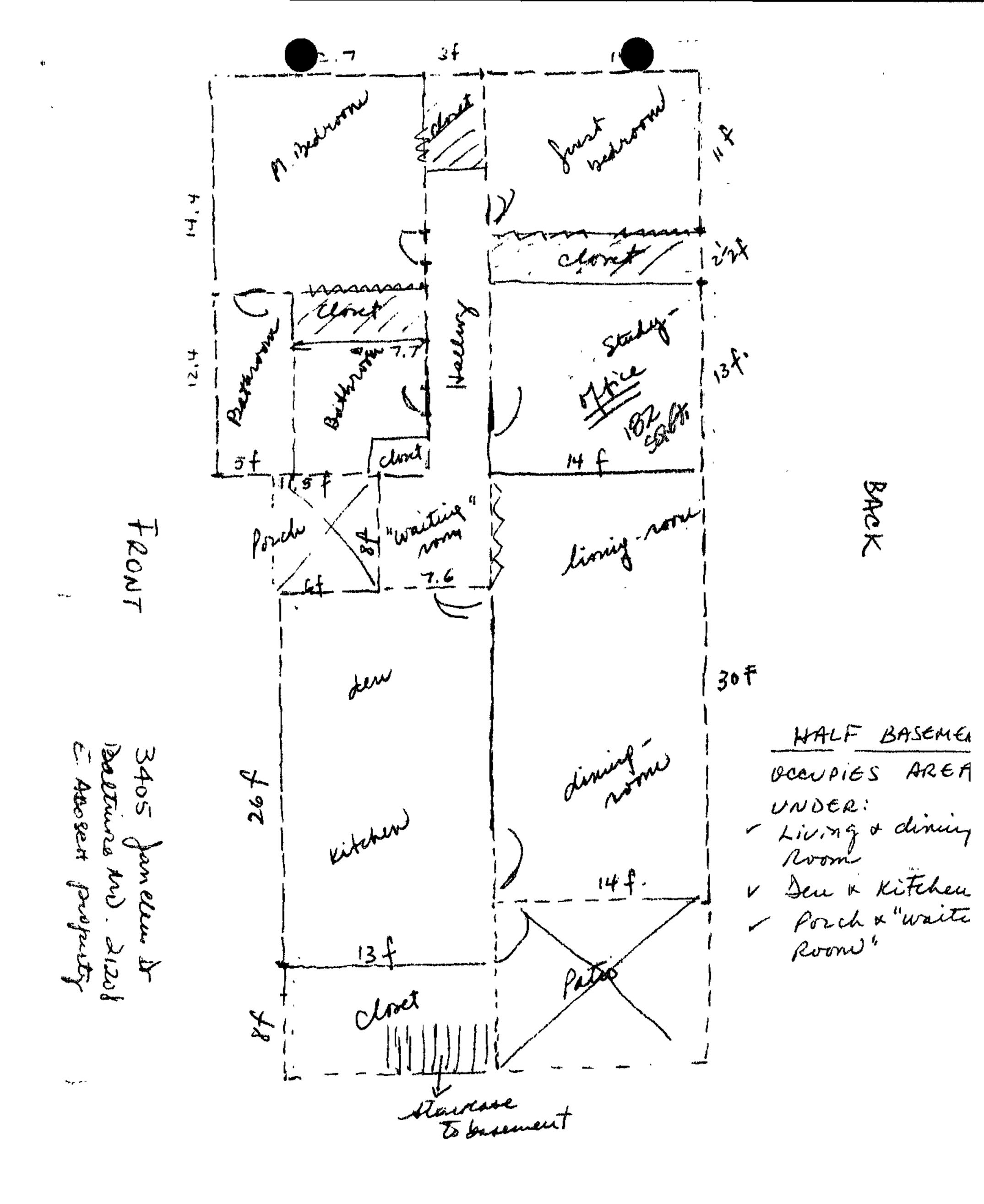
AGF/mh

Enc.

cc: Client

AGF#9 ABOSCH Dept Permits itr







Audrey E. Scott Secretary

Florence E. Burlan
Deputy Secretary

May 19, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda 05/27/03 re: case numbers 03-532-X, 03-533-A, 03-534-SPH 03-535-A, 03-536-SPH, 03-537-XA, 03-538-A, 03-539-A, 03-540-A, 03-541-A, 03-542-A, 03-543-X

Dear Ms. Hart:

L. Governor

The Maryland Department of Planning has received the above-referenced information on 05/19/03. The information has been submitted to Mr. Mike Nortrup.

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

Sincerely,

James R. Gatto

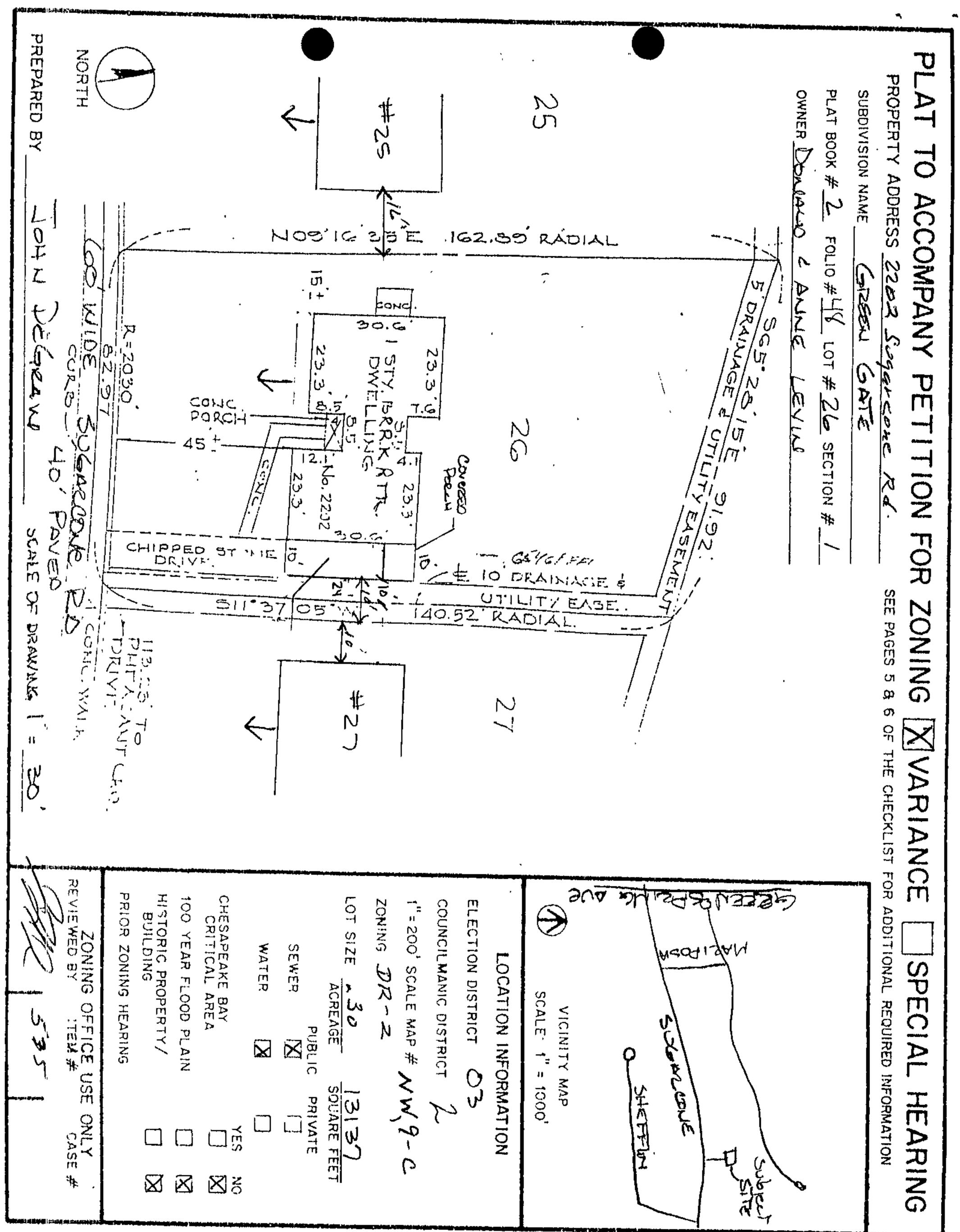
Manager

Metropolitan Planning

Lande Catto

Planning Services

cc: Mike Nortrup



Pet. Ey #1

