

IN RE: PETITION FOR ADMIN. VARIANCE

E/S Nicholas Lane, 1,941' N
of Western Run Road
8th Election District
3rd Councilmanic District
(701 Nicholas Lane)

Monica E. B. Levine &
Dr. Richard G. Levine
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-556-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an Administrative Variance filed by Monica E. B. Levine and Dr. Richard G. Levine, legal owners of that property known as 701 Nicholas Lane in the Cockeysville area of Baltimore County. The Petitioners herein seek relief from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (patio) with a setback of 13 ft. from a property line in lieu of the minimum required 18 ¾ ft. from a property line, and to amend the latest Final Development Plan for "Hayfields Manor" (Lot 10). 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

6/25/03
R. Johnson

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 Zoning Commissioner for Baltimore County, this 25th day of June, 2003, that a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (patio) with a setback of 13 ft. from a property line in lieu of the minimum required 18 $\frac{3}{4}$ ft. from a property line, and to amend the latest Final Development Plan for "Hayfields Manor" (Lot 10), 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

6/25/03
R. J. Janssen



Baltimore County
Zoning Commissioner

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

June 25, 2003

Dr. & Mrs. Richard G. Levine
701 Nicholas Lane
Cockeysville, Maryland 21030

Re: Petition for Administrative Variance
Case No. 03-556-A
Property: 701 Nicholas Lane

Dear Dr. & Mrs. Levine:

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 black ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES: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 701 Nicholas Lane
which is presently zoned RC4

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) 301.1, BC2R, to permit an open projection

(patio) with a setback of 13 feet from a property line in lieu of the minimum required $18\frac{3}{4}$ feet from a property line, and to amend the latest Final Development Plan for Hayfields Manor (Lot 10).

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

* Legal Owner(s):

Dr. Richard G. Levine

Name - Type or Print

Signature

Mrs. Monica EB Levine

Name - Type or Print

Signature

701 Nicholas Lane 410 785-3270

Address

Telephone No

Cockeysville Maryland 21030

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 5/27/02 day of May, 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

Reviewed By JNP

Date 5/27/02

Estimated Posting Date 6/8/03

CASE NO. 03-556-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

701 Nicholas Lane
Address
Cockeysville Maryland 21030
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):

* This is a personal residence built for current owners as new construction. Location of house within property was determined by County of Baltimore guidelines. House was designed to accommodate a deck directly behind back wall of house. Due to permanent positioning of house within property, proposed deck will encroach upon 18 Foot Setback from property line as required by code. We therefore request an Administrative Variance to allow construction within this area. Positioning of Deck is critical for access from Driveway by foot to enter house.

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]
Signature
Richard Levine
Name - Type or Print

[Signature]
Signature
Monica EB Levine
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of May, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Richard F. Levine and Monica EB Levine
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires _____ Jennifer L. Pansoy

Notary Public

Baltimore City, MD

My Commission Expires October 6, 2003

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

701 Nicholas Lane
Address
Cockeysville Maryland 21030
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):

* This is a personal residence built for current owners as new construction. Location of house within property was determined by County of Baltimore guidelines. House was designed to accommodate a deck directly behind back wall of house. Due to permanent positioning of house within property, proposed deck will encroach upon 18 Foot Setback from property line as required by code. We therefore request an Administrative Variance to allow construction within this area. Positioning of Deck is critical for access from Driveway by foot to enter house.

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]
Signature
Richard Levine
Name - Type or Print

[Signature]
Signature
Monica E B Levine
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of May, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Richard F. Levine and Monica E B Levine the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires _____
Jennifer L. Pansoy
Notary Public



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 701 Nicholas Lane
which is presently zoned RC 4

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)

(patio) with a setback of 13 feet from a property line in lieu of the minimum required $18\frac{3}{4}$ feet from a property line, and to amend the latest Final Development Plan for Hayfields Manor (Lot 10).

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

* Legal Owner(s):

Dr. Richard G. Levine
Name - Type or Print

[Signature]
Signature

Mrs. Monica EB Levine
Name - Type or Print

[Signature]
Signature

701 Nicholas Lane 410 785-3270
Address Telephone No.

Cockeysville Maryland 21030
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. 03-556-A

REV 10/25/01

Reviewed By JNP Date 5/27/03

Estimated Posting Date 6/2/03

ZONING DESCRIPTION FOR
701 Nicholas Lane Cockeysville, Maryland 21030

Property is located in the County of Baltimore: Beginning at a point on the east side of Nicholas Lane which is 40 feet wide at a distance of 1941 feet north of the centerline of the nearest intersecting street Western Run which is 60 feet wide. Being Lot 10, As shown on a Plat entitled, Plat E, Hayfields Manor. As recorded among the Land records of Baltimore County, Maryland in Plat Book 72, Page 35. Containing 1.09 acres.

Being the same property described in Deed recorded among the aforesaid land records in Liber 15245, at Folio 564.

Tax ID# 08-23-00-007796

Parcel ID Number 08-23-00-007796 which currently has the address of 701 Nicholas Lane Cockeysville, Maryland 21030, and located in the 8th Election District and 3rd Councilmanic District

03-556-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 22290

DATE

9/27/03

ACCOUNT

R-001-006-6150

AMOUNT

\$ 130.00

RECEIVED
FROM:

Richard Levine & Monica Levine

FOR:

701 Nicholas Lane (03-554-A)

Adm. Variance

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAYD RECEIPT

BUSINESS	ACTUAL	TIME	DRW
9/27/2003	9/27/2003	10:12:31	2
REC W804	WALKIN	DDOL DMD	
REC W804	WALKIN	DDOL DMD	
DATE	9/27/2003	10:12:31	0111
CR NO.	02590		

RECEIVED 101 \$130.00

130.00 CR .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-556-A

Petitioner/Developer: _____

LEVINE

Date of Hearing/Closing: 6/23/03

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

Attention: Ms. 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 _____

701 NICHOLAS LA.

The sign(s) were posted on 6/8/03
(Month, Day, Year)

CASE # 03-556-A

Sincerely,

Richard E. Hoffman 6/8/03
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 03-556-A

TO: DENY AN AREN PROTECTION
SETBACK OF 15 FEET FROM A FRONT
OF THE PROPERTY. REQUIRED 18 FT.
PROPERTY LINE AND TO AVOID THE
DEVELOPMENT OF A FRONT YARD.

PUBLIC HEARING ?

PURSUANT TO SECTION 25-127 (A)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 P.M. ON
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 WEST CHESAPEAKE AVE.
TOWSON, MD 21204
TEL: 881-3391

NOTICE IS HEREBY POSTED

701 NICHOLAS LA.

POSTED 6/8/03

Richard E. Hoffman 6/8/03

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 556 -A Address 701 Nicholas Lane
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner Please Print Your Name
Filing Date: 5/27/03 Posting Date: 6/8/03 Closing Date: 6/23/03

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.

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 556 -A Address 701 Nicholas Lane
Petitioner's Name Levine Telephone 410-785-3270
Posting Date: 6/8/03 Closing Date: 6/23/03
Wording for Sign To Permit an open projection (~~patio~~) with a setback ^{of} 13 feet ~~is~~ ~~from~~ ~~a~~ ~~property~~ ~~line~~ in lieu of the minimum required 18 $\frac{3}{4}$ feet from a property line, and to amend the ^{latest} Final Development Plan for Hayfields Manor (Lot 10)



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

June 23, 2003

Dr. Richard Levine
Mrs. Monica Levine
701 Nicholas Lane
Cockeysville, MD 21030

Dear Mr. and Mrs. Levine:

RE: Case Number: 03-556-A, 701 Nicholas Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 27, 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 black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

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





**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

June 3, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: June 2, 2003

Item No.: 552-557 556

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



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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6.3.03

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

RE: Baltimore County
Item No. 556 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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 2, 2003

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-542, 03-556 and 03-557**
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: Mark A. Cunningham

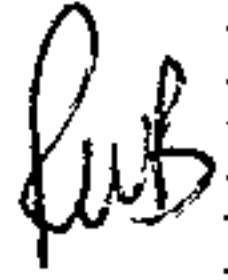
Section Chief: Lynn T. Johnson

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: June 17, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For June 9, 2003
Item Nos. 552, 553, 554, , and
557

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

RWB:CEN:jrb

cc: File

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

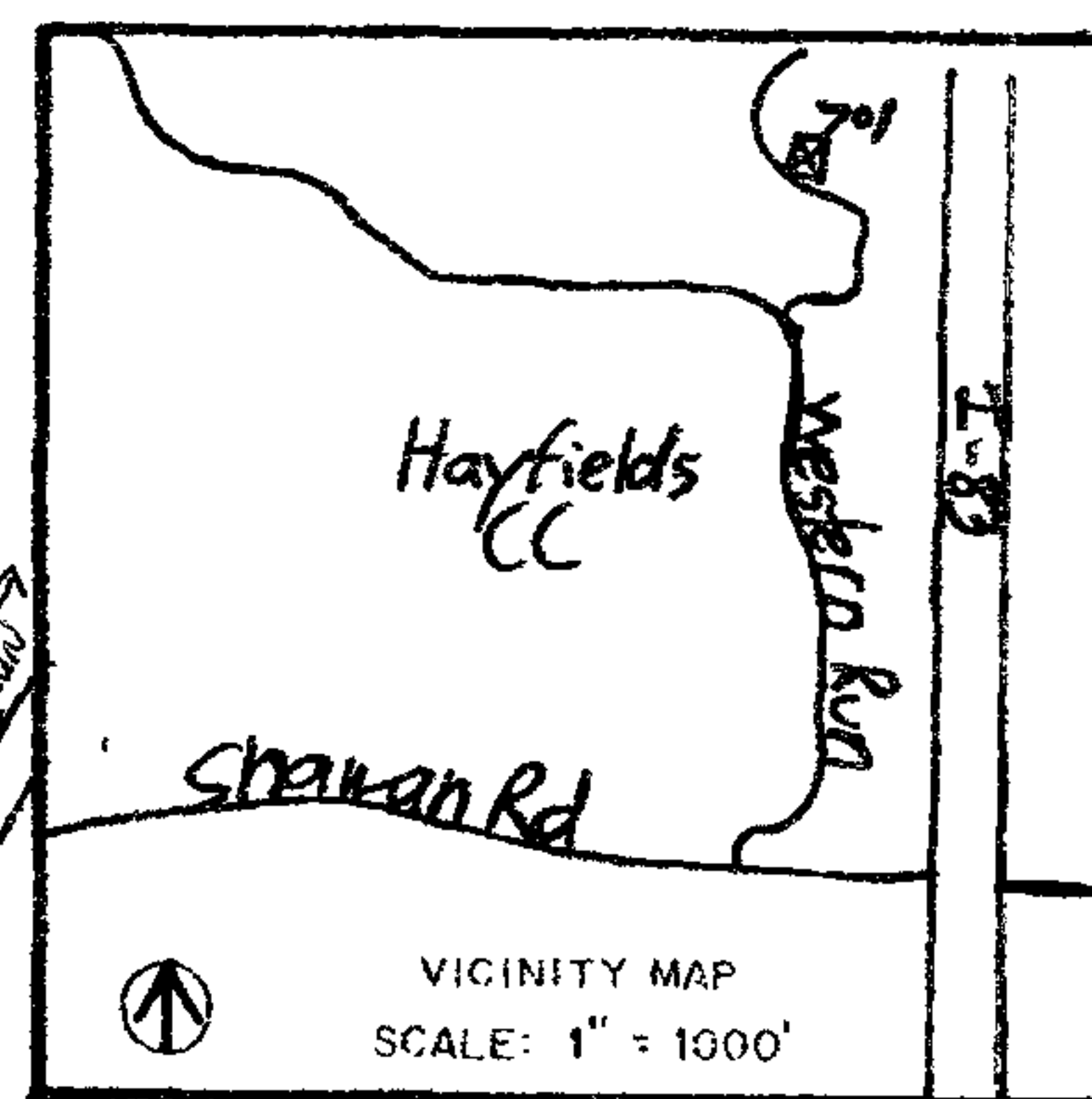
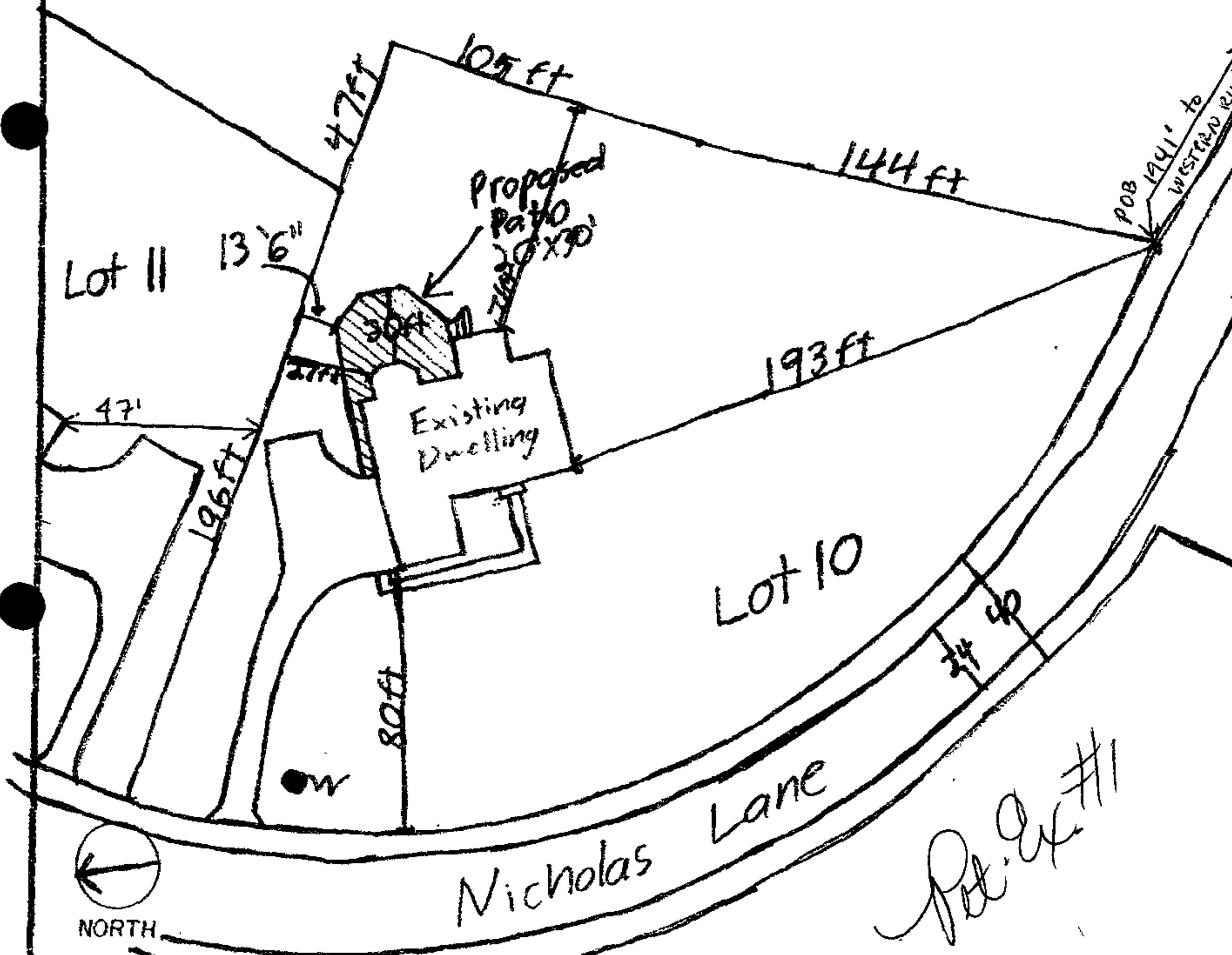
PROPERTY ADDRESS 701 Nicholas Lane

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

SUBDIVISION NAME Hayfields Manor

PLAT BOOK # 72 FOLIO # 513 LOT # 10 SECTION # 35

OWNER Richard and Monica Levine



LOCATION INFORMATION

ELECTION DISTRICT 8

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # NW 20C

ZONING RC 4

LOT SIZE 1.09 47,480
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

100 YEAR FLOOD PLAIN	☐	☒
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HISTORIC PROPERTY/ BUILDING	☐	☒
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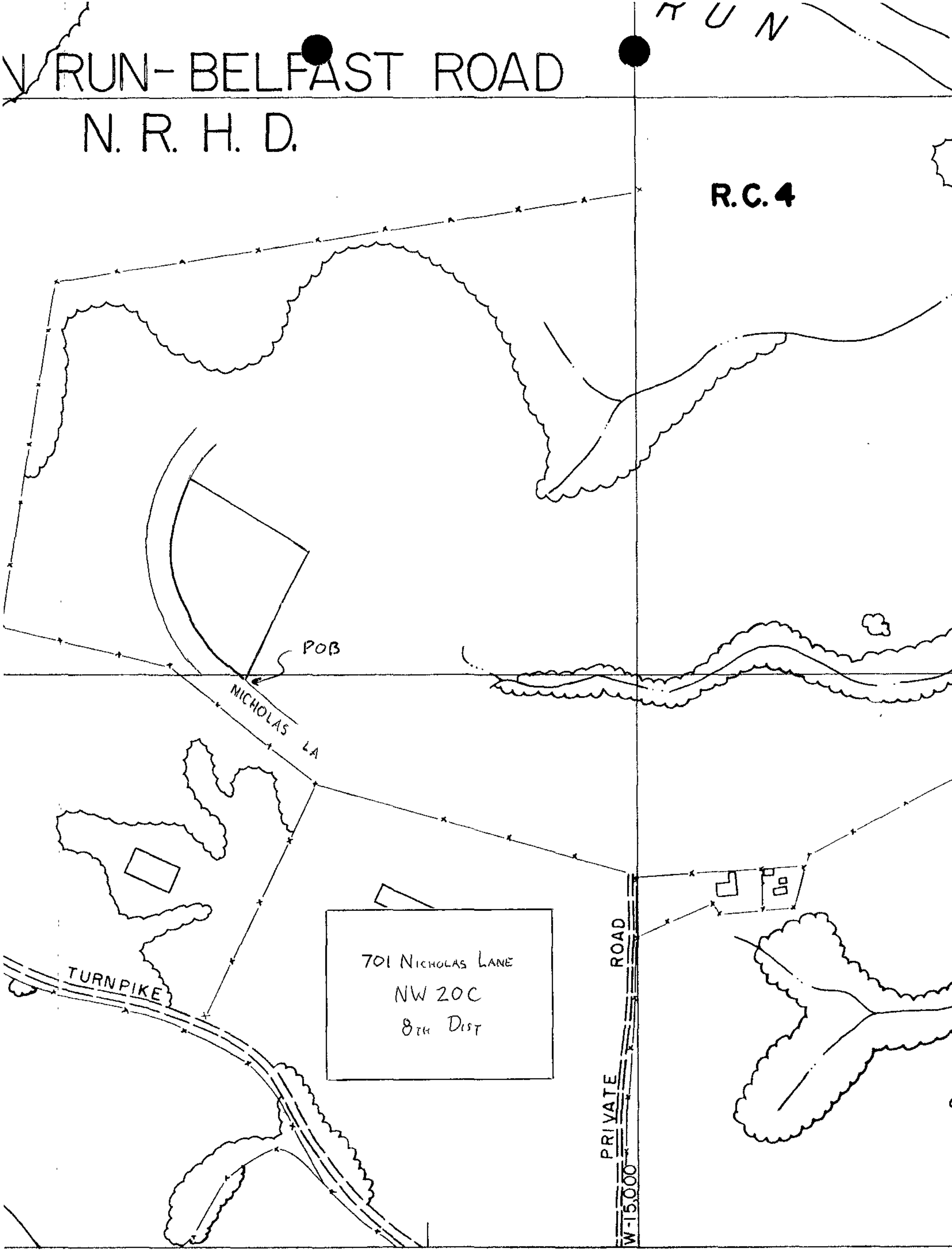
PRIOR ZONING HEARING 96-347-SPHA
95-308-X; CR 95-138

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

JNP | 556 | 103-556-A

PREPARED BY Richard Levine

SCALE OF DRAWING: 1" = 50 ft



V RUN-BELFAST ROAD
N. R. H. D.

R.C. 4

POB

NICHOLAS LA

TURNPIKE

701 NICHOLAS LANE
NW 20C
8TH DIST

PRIVATE ROAD
W-15,000



