ORDER RECEIVED FOR FILING Date

By

IN RE: PETITION FOR ADMIN. VARIANCE

S/S Nancy Ellen Way, 35' E of the c/l

Garrison Forest Road

(3413 Nancy Ellen Way)

11th Election District 2nd Council District

Joel H. G. Marcus, et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 04-103-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Joel H. G. & Helen G. Marcus. The Petitioners seek relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback of 32 feet from a property line in lieu of the required 50 feet, and a street centerline setback of 57 feet in lieu of the required 75 feet, for a proposed 26.5' x 26.5' garage addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. That information is sufficient to support a finding that the relief requested meets the spirit and intent of Section 307.1 of the B.C.Z.R. and will not result in any

ORDER RK ĝ

LES:bjs

detriment to the health, safety and general welfare of the surrounding locale. Moreover, there were no adverse comments submitted by any County reviewing agency. Thus, I am persuaded to grant the variance. However, the Office of Planning has requested that building elevation drawings of the proposed garage be submitted for their review and approval prior to the issuance of permits. Thus, I shall impose this request as a condition of approval.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County day of September 2003 that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side street setback of 32 feet from a property line in lieu of the required 50 feet, and a street centerline setback of 57 feet in lieu of the required 75 feet, for a proposed 26.5' x 26.5' garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioners shall submit building elevation drawings of the proposed garage to the Office of Planning for review and approval.
- 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.

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

September 24, 2003

Mr. & Mrs. Joel H. G. Marcus 3413 Nancy Ellen Way Owings Mills, Maryland 21117

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Nancy Ellen Way, 35' E of the c/l Garrison Forest Road
(3413 Nancy Ellen Way)
11th Election District – 2nd Council District
Joel H. G. Marcus, et ux - Petitioners
Case No. 04-103-A

Dear Mr. & Mrs. Marcus:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc:

People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at						<u>s Mills</u>
which is	s pres	ently zo	ned	' K	1C-51	

· · · · · · · · · · · · · · · · · · ·
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) $1AO4,3.B,2.$, $BC22,70$ A
SIDESTREET SETBACK OF 32ft. From PROPERTY LINE AND 57ft. from STREET CENTERLINE IN LIEU of THE REQUIRED 50ft. AND 75ft. RESPECTIVELY POR AN ATTACHED GARAGE.

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.

•			are and affirm, under the period in the peri	
Contract Purchaser/Lessee:		Legal Owner(s):		
NA The state of the state o	······································	Helen G.	Marcus	
Name - Type or Print		Name - Type or Print	Danus	
Signature	· · · · · · · · · · · · · · · · · · ·	Signature / /	α	<u> </u>
Address	Telephone No.	Name - Type or Print	2. Vareus	
City	Zip Code	Signature		· · ·
Attorney For Petitioner:	•		y Ellen Way	10-654-007
		Address Wings Mi		Telephone No.
Name - Type or Print		City	State	Žip Code
Signature		Representative to	be Contacted:	
THE TOTAL STREET	· · · · · · · · · · · · · · · · · · ·	<u>same</u> as	above	
Company		Name		
Address	Telephone No.	Address		Telephone No.
State	Zip Code	City	State	Zip Code
A Rublic Hearing having been formally demand	at the subject matter of t	required, it is ordered by the his petition be set for a public h	Zoning Commissioner of learing, advertised, as requi	Baltimore County,
regulation for Baltimore County and that the prope	rty be reposted.			
				
CASE NO. 04-103 14	Rev	iewed By Commis	sioner of Baltimore County Date	7.03
REV 10/25/01		mated Posting Date	9.7.03	THE STATE OF THE S
.^ □ ·@ `				· · · · · · · · · · · · · · · · · · ·

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 result thereto in the event that a public fied	aning is scrieduled in the luttile with regard thereto.
That the Affiant(s) does/do presently reside at Address	13 Nancy Ellen Way
	vings (Y): 11s, (Y)) 21117
City	Zip Code
Variance at the above address (indicate hardship or practional does not have a	garage and we want to increase the safe and secure
area of our home. 3) The only logical location for a garage is 3) All the other homes on our street were	on the side where our driveway is how. built with garages. Ours was the first house alyone with no garage.
Duilt on the street, in the setback on the sides	built with garages. Ours was the first house ly one with no garage. The first house from the Garrison Forest Road side of our property. facing Nancy Ellen Way and Garrison Forest ed.
3 The garage width will be 26.5 ft. or	na one-acre lot, not large relative to the lot.
The proposed garage will be 44 ft. to and hidden by trees from view o	n a one-acre lot, not large relative to the lot. 48 ft. from the curb of Nancy Ellen Way, f most of Garrison Forest Road.
	mand is filed, Affiant(s) will be required to pay a reposting and
Sighature Valen Chazer Marens	Signature Signature
Helen Glazer Marcus Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to	wit:
I HEREBY CERTIFY, this 27/16 day of	appeared NOTARIZATION FOR JOSE MARCUS
. I	
Helen Glazer Marcus only the Affiant(s) herein, personally known or satisfactorily id	entified to the as such Affiant(s), In July (spins) 55/a/
AS WITNESS my hand and Notarial Seal	Market State of the State of th
Mille Englishing	Cuert Stone
	Notary Public Commission Expires
	My Commission Expires
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 Address	3 Nancy Ellen 1)ay
	ings Mills, MT	Zip Code
That based upon personal knowledge, the following are Variance at the above address (indicate hardship or pract	tical difficultul:	
Hardship: 1 House at present does not have a q	arage and we want to	
The only logical location for a garage is or All the other homes on our street were be built on the street, in 1975, and the or Garage would be well within the setbace property. It will be faced in brick or Carrison Forest Road and will be a composition to the Jot.	with with garages. (driveway is how. Durs was the first house ae.
Duilt on the Stock within the set bac arage would be well within the set bac	x from the Gatrisanthe Stating	Nancy Ellen Way and
Corrison Forest Road and will be in The agrage width will be 26.5 ft	attractively lands to	apped. I st, not large relative to
the flot.	1 10 06 0 16	and PAL CILLIA
The proposed garage will be 44 ft. and hidden by trees from view of	nost of Garrison	Forest Road.
That the Affiant(s) acknowledge(s) that if a formal der advertising fee and may be required to provide additional		ill be required to pay a reposting and
Signature Pazer Marcus	Signature	H-62/ce
Helen Glazer Marcus Name - Type or Print	Name - Type or Print	H.G. Marcus
	- 	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to		
of Maryland, in and for the County aforesaid, personally a	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactority (d)	entitled to me as such Affia	D(S) = -1/11/1/1/10/155/16
AS WITNESS, my hand and Notarial Seal	Milling	MULTERPRES 1-1-2007
	Cart & Stone	
	Notary Public My Commission Expires	My Commission Expinss
	My Commission Cypies	



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3413 Nave	y Ellen Way	Owings Mills
which is present	ly zoned	PC-50

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) | AOH, 3.B.2., BCZR, TO PERMIT A SIDESTREET SETBACK OF 32 FT. FROM PROPERTY LINE AND 57 FT. FROM STREET CENTERLINE IN LIEU OF THE REQUIRED 50 FT. AND 75 FT. RESPECTIVELY FOR AN ATTACHED GARAGE.

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.

				nly declare and affirm, unverted the legal owner(s) of this Petition.	
Contract Purchaser/Less	see:		Legal Owne	er(s):	
		·· ·· · · · .	Helen	G. Maccus.	
Name - Type or Print			Name - Type or	Print D. Marcus	
Signature	<u></u>		Signature	.G. Marcus	<u> </u>
Address		Telephone No.	Name - Type or I		
City	State	Zip Code	Signature		
Attorney For Petitioner:	•		3413 Address	Vancy Ellenli	ay 410-654-0077 Telephone No.
			Dwing	s Mills MT	21117
Name - Type or Print			City	State	Zip Code
	 		Representa	tive to be Contacted	<u>d:</u>
Signature	•		Same	as above	
Company			Name		
Address		Telephone No.	Address		Telephone No.
City A A A A A A A A A A A A A A A A A A A	State	Zip Code	City	State	Zip Code
A Public Hearing having been for this day of regulations of Baltimore County and	, tha	t the subject matter o	required, it is ordered this petition be set for	ed by the Zoning Commission public hearing, advertised,	oner of Baltimore County, as required by the zoning
· .		A	Zoning	Commissioner of Baltimere	County
CASE NO. 04-	103/	j Re	eviewed By	M Date	2763
REV 10/25/01	•	Es	ر کس timated Posting D	ate 9,7,03	3

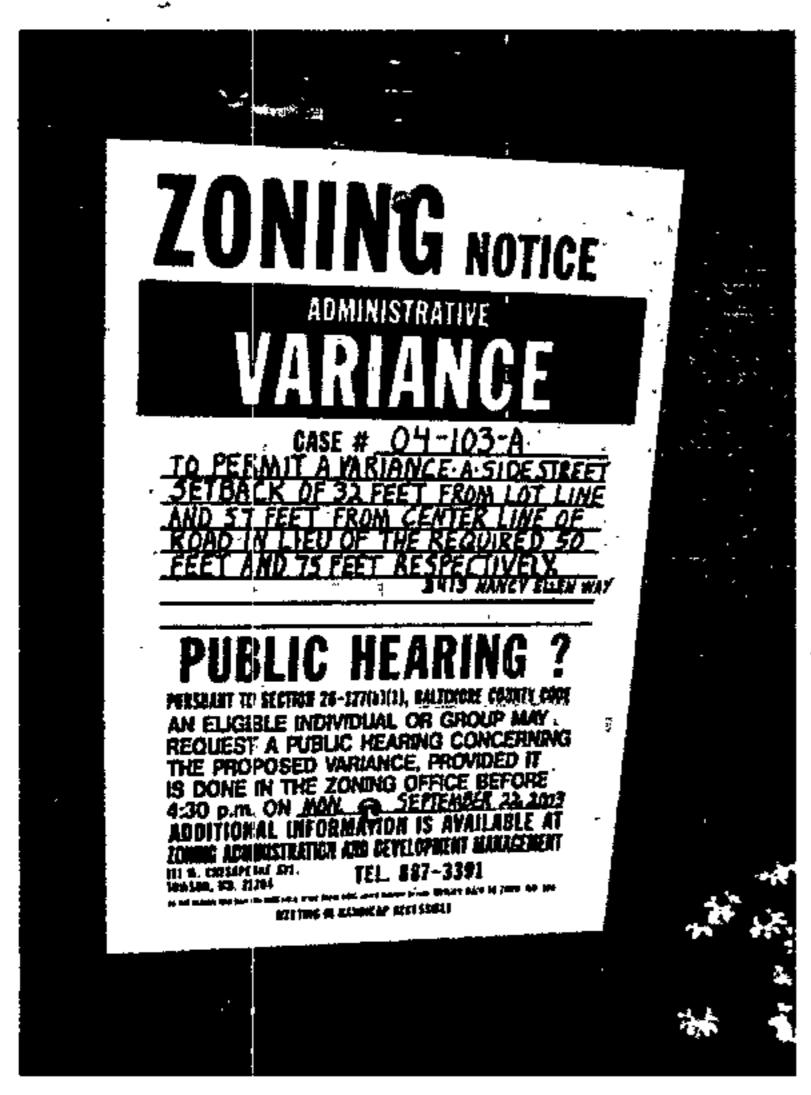
ZONING DESCRIPTION FOR 3413 NANCY ELLEN WAY

Beginning at a point on the south side of Nancy Ellen Way which is 50 feet wide at the distance of 35 feet of the centerline of the nearest improved intersecting street Garrison Forest Road which is 70 feet wide. Being Lot #1, Block C in the subdivision of Timberfield in the Valley as recorded in Baltimore County Plat Book #37, Folio # 150, containing 1.003 acres. Also known as 3413 Nancy Ellen Way and located in the 11th Election District, 2nd Councilmanic District.

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DISTRIBUTION WHITE - CASHIER PINK - AGENCY	For: A	FROM:	DATE 6.27.03	BALTIMORE COUNTY, M. OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIP
YELLOW - CUSTOMER		2 Cus	AMOUNT 9 6 500 (MARYLAND / C.3 No.
		3473 MANCY		28168 三
CASHIER'S VALIDATION		Recort Tot \$65.00 CK 65.00 C 65.00 CK 65.00 C	2005 8/27/2003 12:18:48 WALKIN KRON KXH 1 189510 8/27/2003 5 528 ZONING VERIFICATION 28168	
		\$	5 ~	골

CERETICATE OF POSTING

•	ADMINISTRATIVE Date: September 9, 2003
RE.	Case Number <u>04-103-A</u> Petitioner/Developer: <u>HELEN MARCUS</u> Date of Hearing/Closing: <u>SEPTEM BER</u> 22, 2003
were	This is to certify under the penalties of perjury that the necessary sign(s) required by law posted conspicuously on the property located at 3413 Mancy Ellen Way
	The sign(s) were posted on September 5, 2003 (Month, Day, Year)



(Signature of Sign Poster)

LINDA O KEFFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY Mp 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

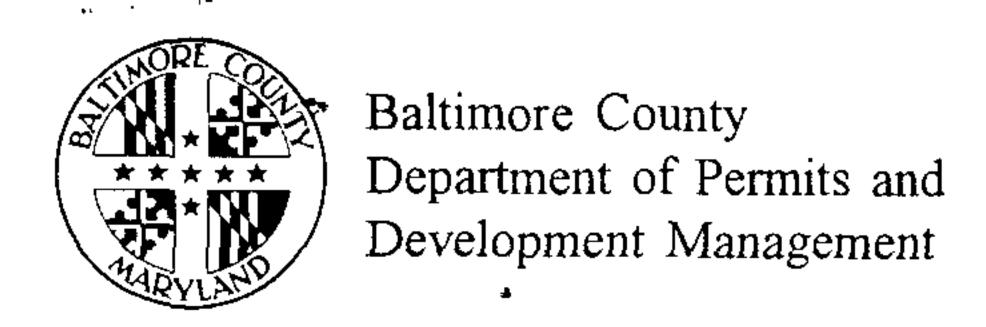
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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: 103
Petitioner: Joel 4 Helen Marcus
Address or Location: 3413 Nancy Ellen Way, Owings Mills, MD 21117
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address:
me
Sa
Telephone Number: 410 - 654 - 0017



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

September 22, 2003

Helen Marcus Joel Marcus 3413 Nancy Ellen Way Owings Mills, MD 21117

Dear Mr. and Mrs. Marcus:

RE: Case Number: 04-103-A, 3413 Nancy Ellen Way

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

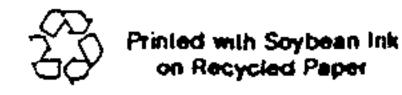
W. Carl Richards, Jr. Supervisor, Zoning Review

U. Callibal)

WCR:klm

Enclosures

c: People's Counsel





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

September 11, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: September 8, 2003

Item No.:

098 - 111

10%

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, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

9.10.03 Date:

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

RE:

Baltimore County

Item No. 103 ()(m)

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

Granted 9/26/03

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley RES TOT

DATE:

October 17, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of September 8, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

04-98,99,103,108,109

RECEIVED

OCT 2 0 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 18, 2003

RECEIVED

SEP 2 2 2003

VC DOMM

MNG COMMISSIONER

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

3413 Nancy Ellen Way

INFORMATION:

Item Number:

03-103

Petitioner:

Helen G. Marcus

Zoning:

RC 5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not opposed the petitioner's request provided building elevations of the proposed addition is submitted to this office for review and approval prior to the issuance of any building permits.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 26, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits &

Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

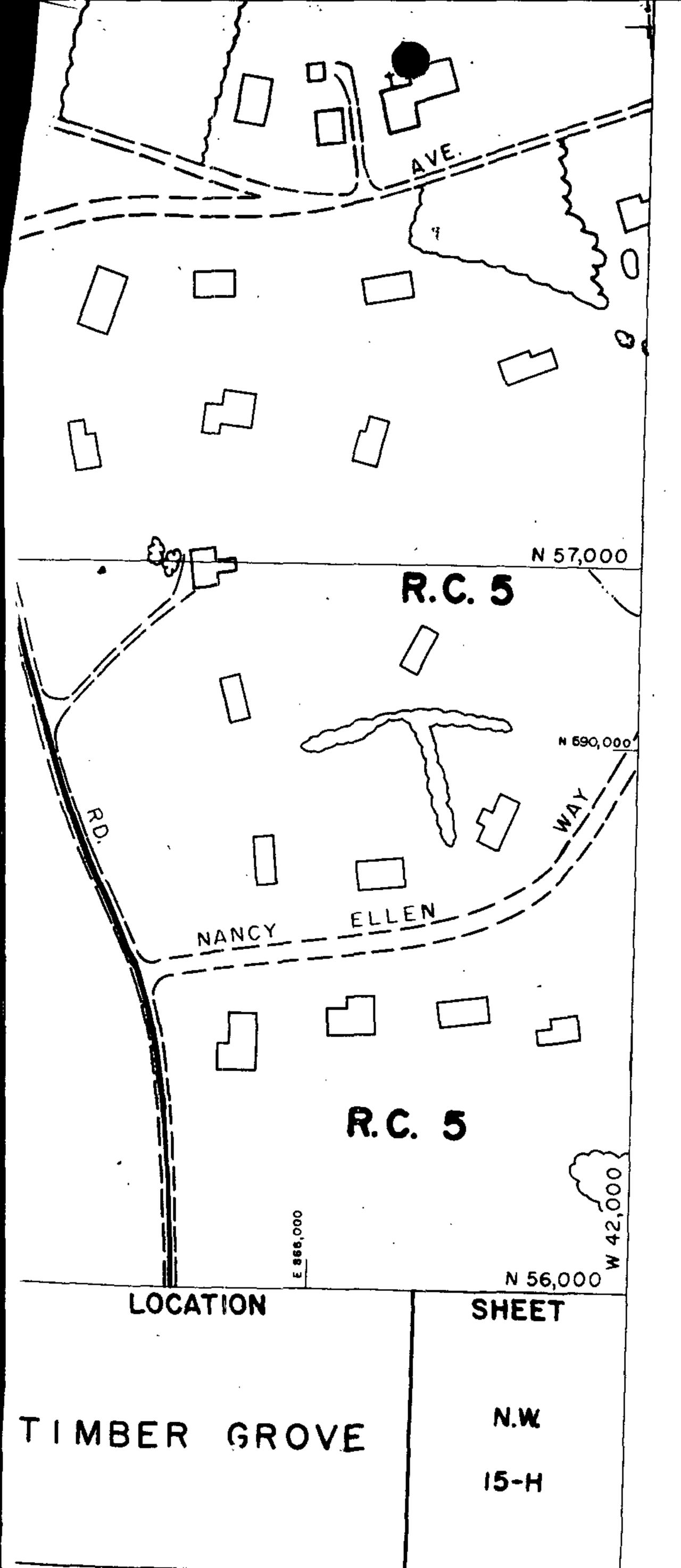
Zoning Advisory Committee Meeting

For September 15, 2003 Item Nos. 099, 101, 102, 203, 104, 106, 107, 108, and 109

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

RWB:CEN:jrb

cc: File



Top: Side view showing approximate footprint of proposed garage addition.

Bottom: Another side view, from property line with 3411 Nancy Ellen Way.





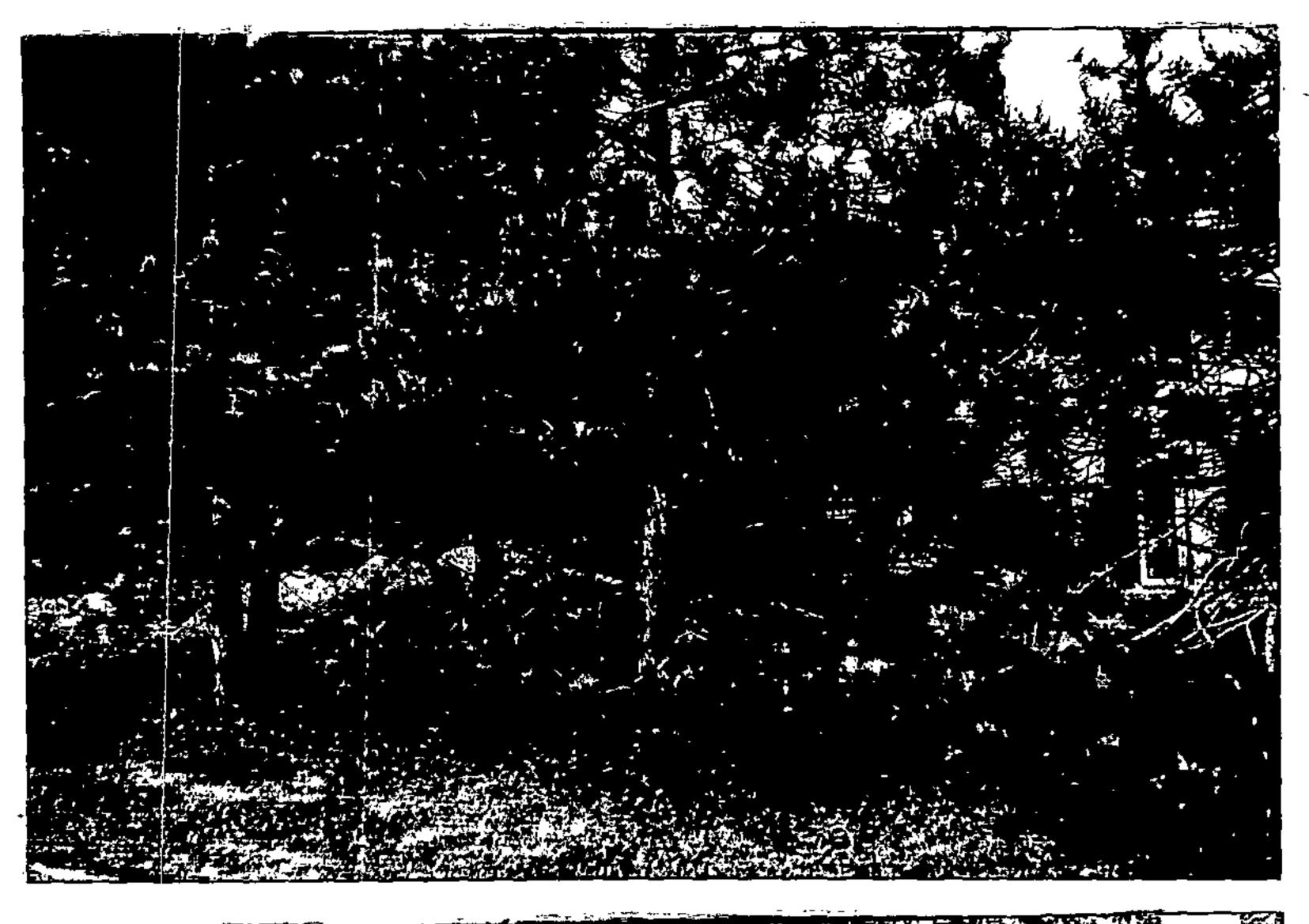
Top: View from 3411 Nancy Ellen Way, showing corner of Garrison Forest Road (stop sign in distance).

Bottom: Close-up of our house from the property line with 3411 Nancy Ellen Way.



Top: Front of house as seen from Garrison Forest Road (left portion)

Bottom: Front of house as seen from Garrison Forest Road (right portion)





Top: Back corner of house as seen from Garrison Forest Road.

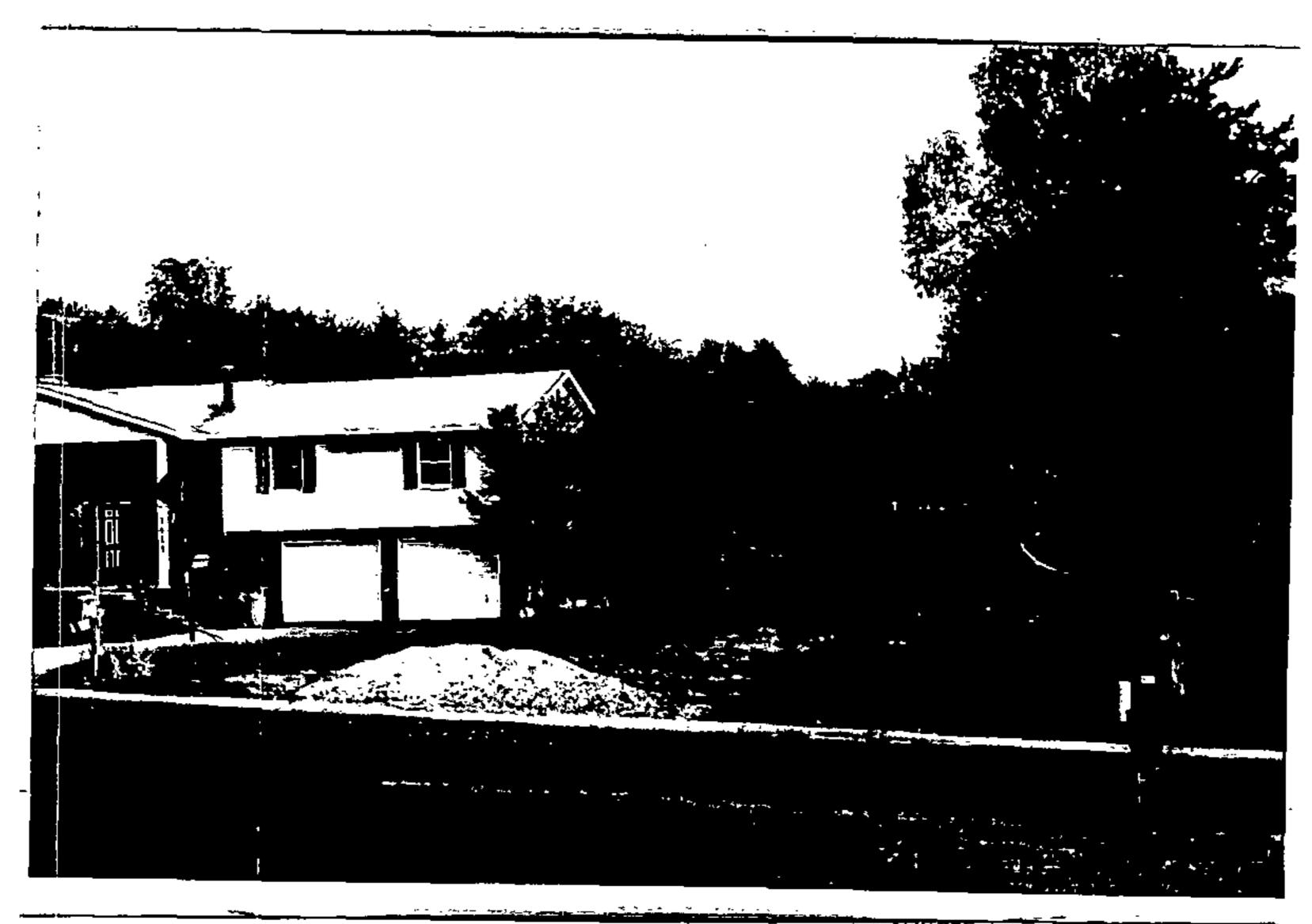
Bottom: Back of house as seen from within our backyard.





Top: House on 3411 Nancy Ellen Way, next door to ours.

Bottom: House across the street from us on Nancy Ellen Way.

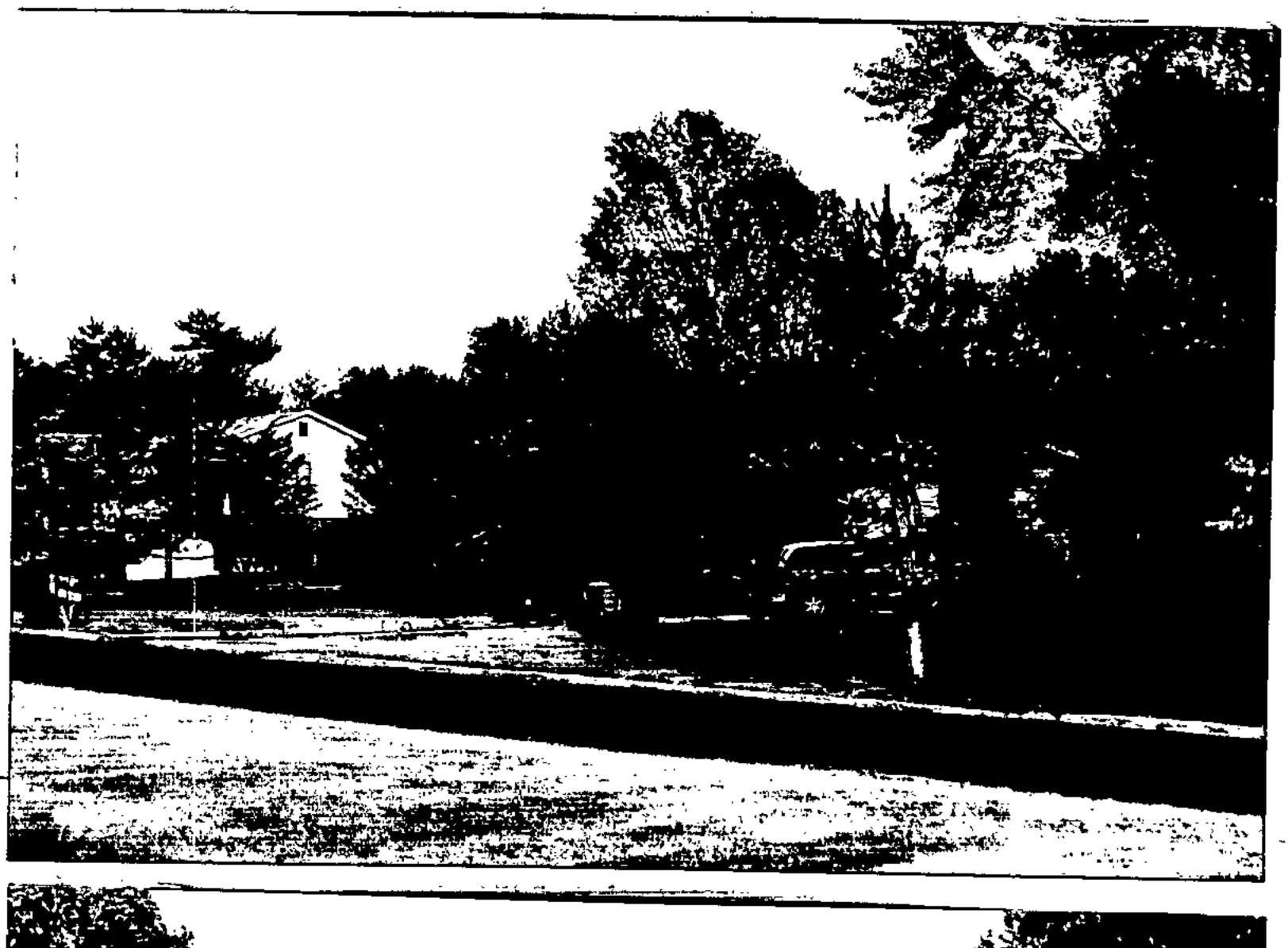


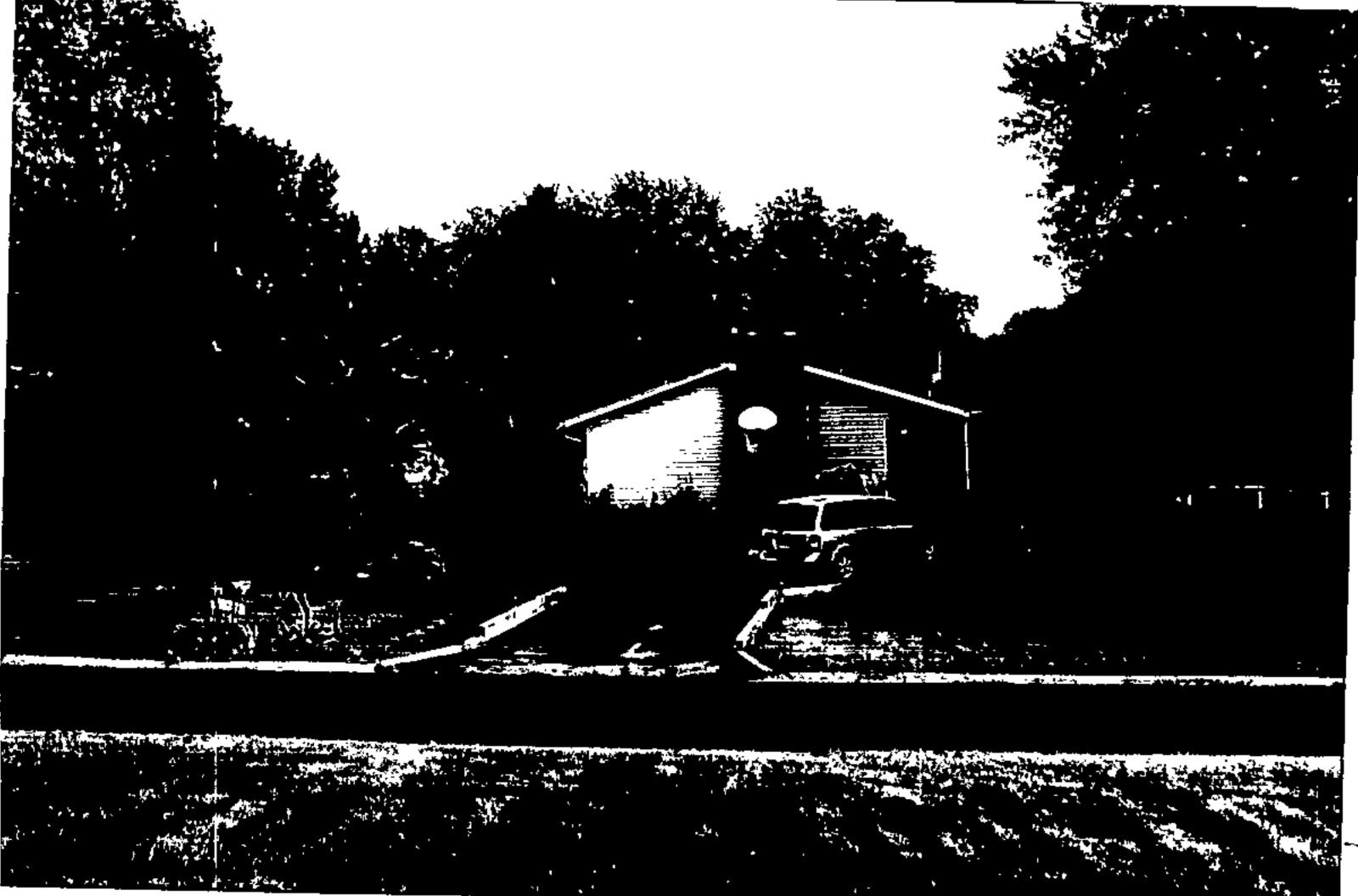


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Top: View from slightly north of the northeast corner of Garrison Forest Road.

Bottom: View from directly across Nancy Ellen Way.



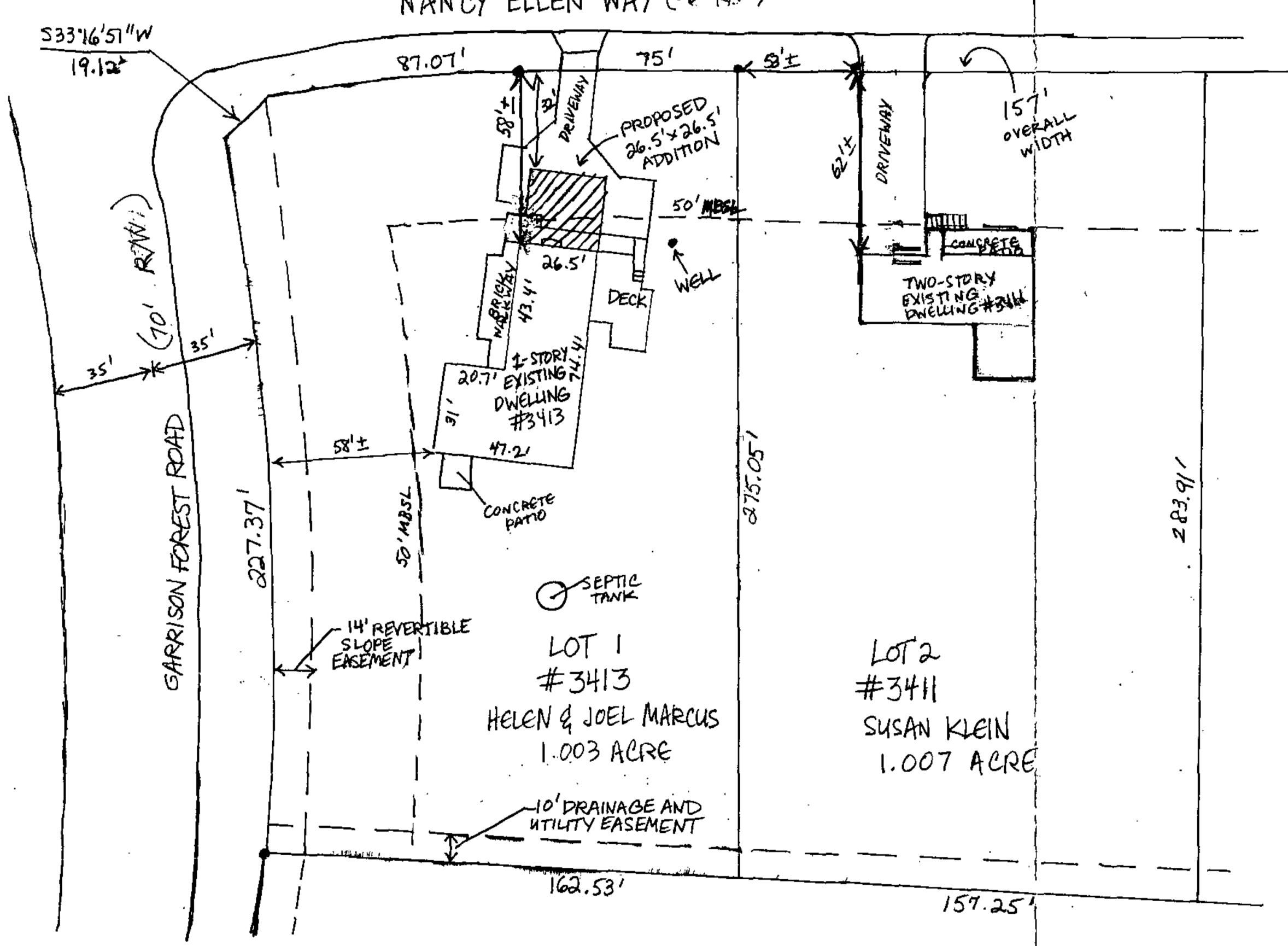


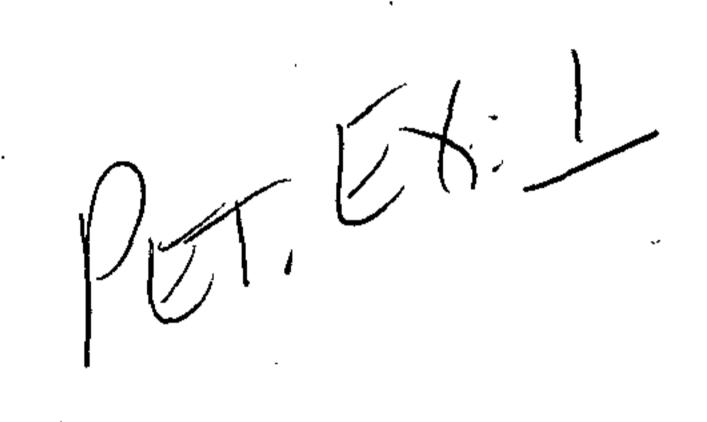
Top: View from northeast corner of Garrison Forest Road. Our mailbox, on the east corner of our driveway, is circled.

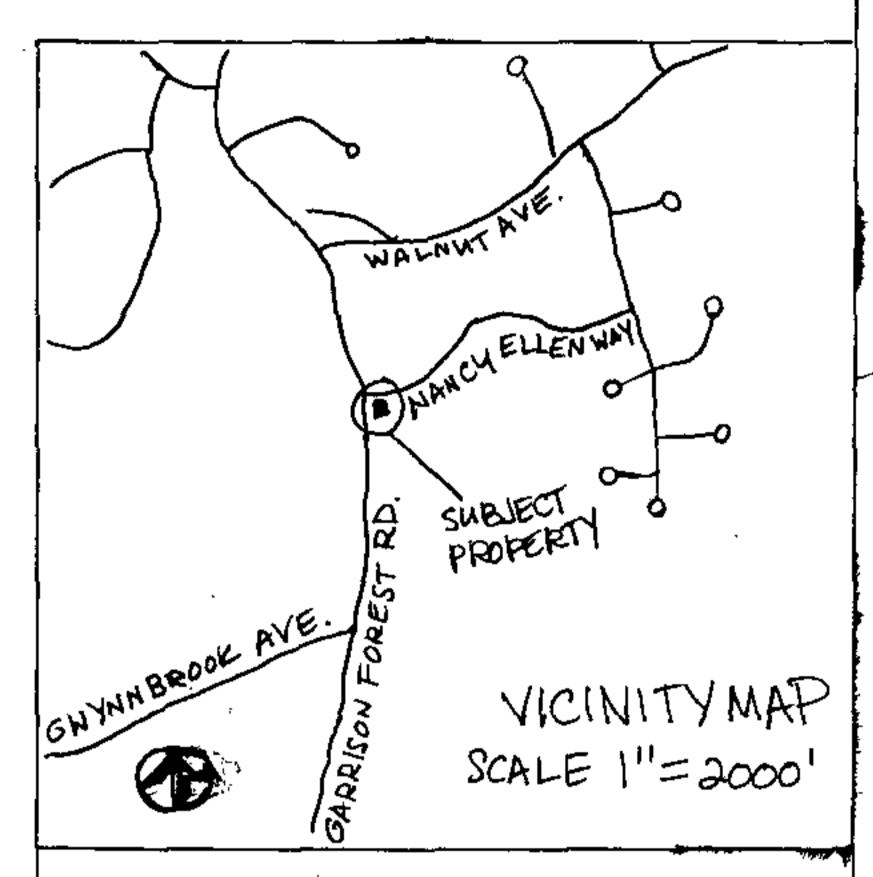
Bottom: View of the southeast corner of Garrison Forest Road. Garage will be mostly obscured by trees and the slope of the yard. The van you see parked in the driveway in the other photos can be glimpsed through the trees.











LOCATION INFORMATION

ELECTION DISTRICT 11th COUNCILMANIC DISTRICT 2nd 14 = 200' SCALE MAP#NW15H

ZONING RC-5

LOT SIZE 1.003 ACREAGE

SENER DENER SENER

WATER D

CRITICAL AREA

100 YEAR FLOOD D

HISTORIC PROPERTY/ 17 12

M

PRIOR ZONING NONE HEARING

REVIEWED BY ITEM# CASE#

(M)

PREPARED BY HELEN G. MARCUS

SCALE OF DRAWING 1"=50"