

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

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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 RECEIVED FOR FILING

Date

By

9/26/03

[Signature]

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 this 26th 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

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

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.



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

September 11, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: September 8, 2003

Item No.: 098 - 111

Dear Ms. Hart:

103

Granted 9/26/03

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *RBS/TBT*

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 20 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 26, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For September 15, 2003
Item Nos. 099, 101, 102, 103, 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)

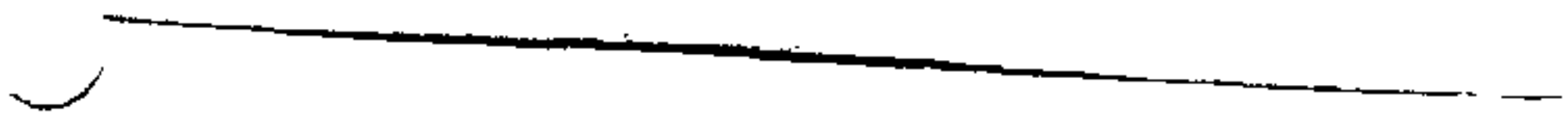
Bottom: Front of house as seen from
Garrison Forest Road (right portion)

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.



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.

