IN RE: PETITION FOR ADMIN. VARIANCE S/S of Murdock Road, 225 ft. SE centerline of York Road 9th Election District 5th Councilmanic District

(503 Murdock Road)

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY \*

CASE NO. 04-199-A

Leigh M. & Henry Lowe **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, Leigh M. and Henry Lowe. The variance request is for property located at 503 Murdock Road, south of the Towson area of Baltimore County. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing dwelling and a proposed addition with an 8 ft. 3 in. side setback in lieu of the minimum required 10 ft. setback. 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 In the opinion of the Zoning welfare of the public and should therefore be granted. 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.

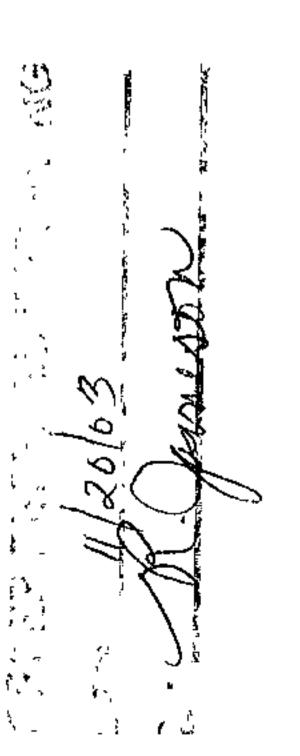
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this day of November, 2003, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing dwelling and a proposed addition with an 8 ft. 3 in. side setback in lieu of the minimum required 10 ft. setback, 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



# 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

November 20, 2003

Mr. & Mrs. Henry Lowe 503 Murdock Avenue Baltimore, Maryland 21212

> Re: Petition for Administrative Variance Case No. 04-199-A Property: 503 Murdock Avenue

Dear Mr. & Mrs. Lowe:

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

c: Vincent Greene, Architect 4800 Roland Avenue Baltimore, MD 21210



# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

for the property located at <u>503 Murdock RJ.</u> which is presently zoned <u>D.R. - 5.5</u>

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) 1002.38 (802R)

TO PERMIT AN EXISTING DWELLING AND A PROPOSED ADDITION WITH AN 8-FOOT 3-INCH SIDE SETBACK IN LIEU OF THE MINIMUM REQUIRED 10-FOOT SETBACK.

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 perjury, that I/we are the is the subject of this Petit	legal owner(s) of the	he penalties of e property which
Contract Purchaser	<u>/Lessee:</u>	•	Legal Owner(s):		
Name - Type or Print	·		Name - Type or Print	owe,	
Signature		· · · · · · · · · · · · · · · · · · ·	Signature Jus	me.	·
Address	<del> </del>	Telephone No.	Name - Type or Print	an Cout	······································
City	State	Zip Code	Signature Day	•	<del></del>
Attorney For Petition	ner:		503 Munds Address	eck fol t	10 317 0162 Telephone No.
	······································	· · · · · · · · · · · · · · · · · · ·	Baltemure	Mo	21212
Name - Type or Print			City	State	Zlp Code
Signature		<del></del>	Representative to b	e Contacted:	
Company		<del></del>	VINCENT GREENT	E, ARCHITEC	<u>: T</u>
Address		Talanhana Ma	Name H800 ROLAND F	WE. L	110-31do-9986
1 3		Telephone No.	Address	21210	Telephone No.
Carlo	State	Zip Code	City City	State	Zip Code
A Public dearing having be talk day of Baltimore Count	en formally demand tha ly and that the propert	ed and/or found to be it the subject matter of the y be reposted.	required, it is ordered by the Zo his petition be set for a public hea	oning Commissioner of ring, advertised, as rec	f Baltimore County, Julred by the zoning
				•	
			Zoning Commissio	ner of Baltimore Coun	ly
CASE NOO	4-199-A	Rev	lewed By DTHOMPSON	Date 10 00	03
REV 10/25/01		Esti	mated Posting Date	11203	

# 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.

Address

That the Affiant(s) does/do presently reside at

•	Baltimore	MD State	2/2/2 Zip Code
That based upon personal knowledge, the f Variance at the above address (indicate hard	following are the facts upon v		
We riquest a varie		act that me	spacial
I have increased	following a m	surage and	Consolidation
1 to do lie We al	es foresse a ku	lue need t	rue is int
presence of grandchild	hen. The size of	y cu addice	on is the
minimum amount M	eeway to que	ent us this	relief.
	IT		
That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	i formal demand is filed, Af de additional information.	fiant(s) will be require	d to pay a reposting and
Signature Signature	Signature	igh Martin	Lowe
Name - Type or Print	LA6	H MARTIN LO	WE
	Name - 1y	pe or Print	
STATE OF MARYLAND, COUNTY OF BAL	•		
I HEREBY CERTIFY, this 13 day of 0 for the County aforesaid,	personally appeared	<u> ಇಂತ</u> ್ರ before me, a	Notary Public of the State
Henry Lawe and Light he Afflant(s) herein, personally known or sati	stactorily identified to me as	such Affiant(s).	<del></del>
AS WITNESS my hand and Notarial Seal			
	Notary Public	1. Schaefful Expires 10/20/0	0
	My Commission	Expires 10/20/0	4
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.

Address

That the Affiant(s) does/do presently reside at

503 Murdock Rd

Daltim	ore	MD	2 (2 12 Zip Code
following are the fac	ts unon whi	•	Zip Code equest for an Administrative
asub or bractical dif	ncuity):	,	
uance due	to the	each that	nu spacial
following	a man	uage and	consolidation
la Jacesce	a du	Tun mud	due to the
deen. The	size q	the add	itim is the
cersony to	grant	us this.	relief.
	-		
r,			•
a formal demand is de additional informa	filed, Affiar ation.	nt(s) will be requi	red to pay a reposting and
*	Lu	zh Martn	Lowe
	<b>~</b>	1111	1100
······································		<del></del>	/ COWE
TIMORE, to wit:	****		
Ictober	20	o3 before me	a Notary Public of the State
personally appeared	<u> </u>		a rectary r abile of the otate
martin Sowe	) 	·	
isfactorily identified t	to me as suc	h Affiant(s).	
Ø.	enas Dr.	Kohnes I int	10.
Notary	Public		
My Con	nmission Exp	oires 10/20/0	4
		• /	
	following are the factoring of practical differences of the following law formal demand is de additional information of the formal demand information of the following personally appeared martin Sowelsfactorily identified in the following personally appeared martin Sowelsfactorily identified in the following state of the following personally appeared martin Sowelsfactorily identified in the following personally appeared the following personally appeared the following personally identified in the following personally identified in the following personally identified in the following personal	description practical difficulty):  Liance due to the following a mane lass formal demand is filed, Affiar de additional information.  Les Signature  Name - Type of the following appeared  Martin Sowe isfactorily identified to me as such	following are the facts upon which I/we base the redship or practical difficulty):  Liance dere to the fact that  following a manage and  los forese a future need  clear. The sege of the additional information.  Legh Martin  Signature  Ligh Martin  Name-Type or Print  TIMORE, to wit:  9ctober  personally appeared



REV 10/25/01

# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 503 Murdock Fd which is presently zoned D.R.-5.5

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) 1002.30 (802)

TO PERMIT AN EXISTING DWELLING AND A PROPOSED ADDITION WITH AN 8-FOOT 3-INCH SIDE SETBACK IN LIEU OF THE MINIMUM REQUIRED 10-FOOT SETBACK.

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 declar perjury, that I/we are the is the subject of this Peti	legal owner(s) of the	ne penalties of property which
Contract Purch	naser/Lessee:	ı	<u>Legal Owner(s):</u>		
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	<del></del>	Name - Type or Print	Lowe	<del></del>
Signature	,		Signature (** 164 M)	ARTIN LOWE	
Address		Telephone No.	Name - Type or Print		<del>-</del>
City	State	Zip Code	Signature		· _ · · · · · · · · · · · · · · · · · ·
Attorney For Po	etitioner:		503 Muni	dock Rd	410.377-016
			Bast	Mo	21212
Name - Type or Print			Baltimens	State	Zip Code
Signature			Representative to L	e Contacted:	
Company	· · · · · · · · · · · · · · · · · · ·		VINCENT GREEN Name	E, ARCHITE	CT
Address	······································	Telephone No.	4800 ROLAND P Address	VE: H	(0-366-9982) Telephone No.
			DAKTO MD	2121	D.
City	State	Zlp Code	City	State	Zip Code
A Public Hearing have this day of regulations of Baltimore	ring been formally demand the e County and that the prope	ded and/or found to be at the subject matter of t rty be reposted.	required, it is ordered by the Z his petition be set for a public hea	oning Commissioner of tring, advertised, as req	Baltimore County, uired by the zoning
			Zoning Commission	oner of Baltimore County	<del></del>
CASE NO.	O4-199-A	Rev	iewed By DTHomeson		

Estimated Posting Date \_

### **ZONING DESCRIPTION:**

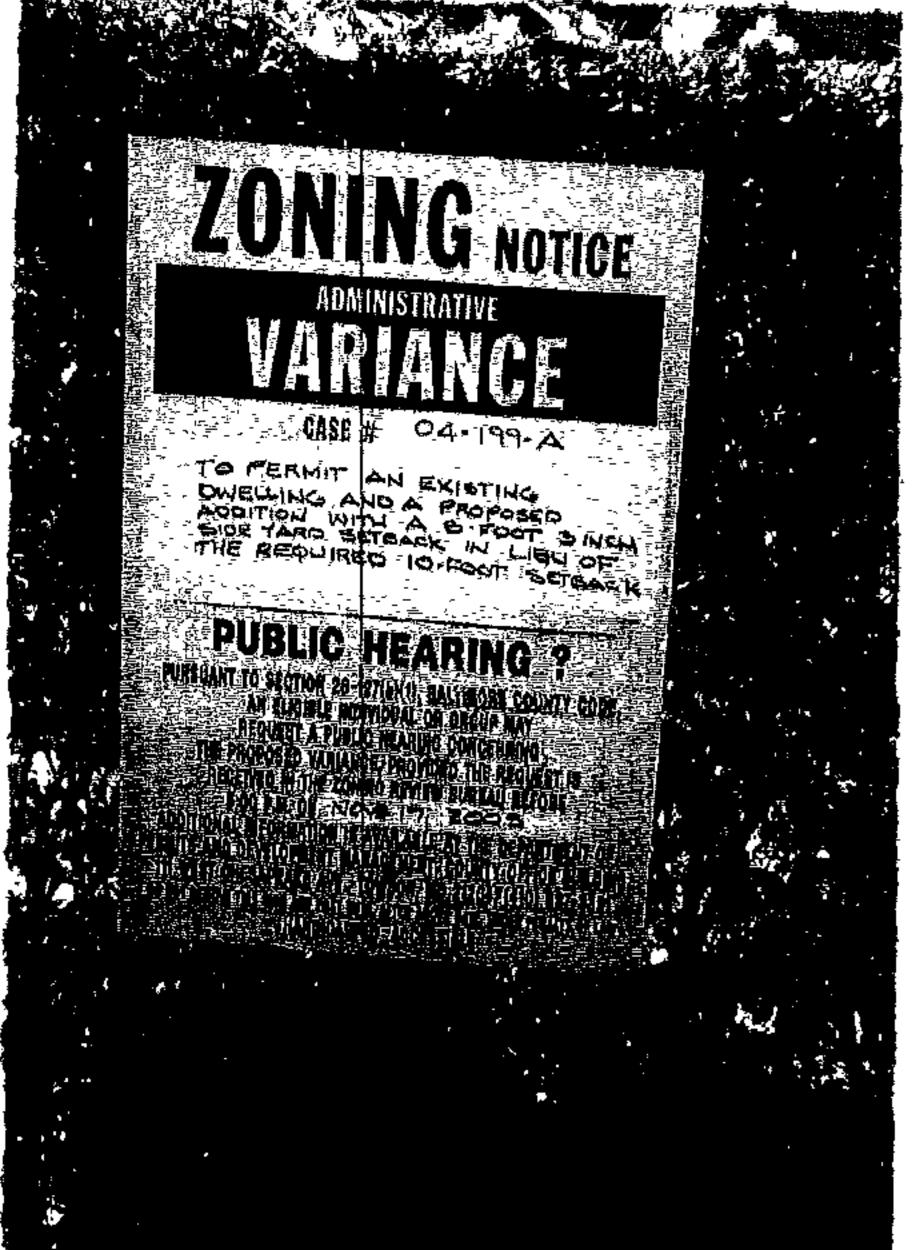
Zoning description for 503 Murdock rd beginning at the point on the South side of Murdock rd. which is 50' wide at the distance of 225' South East of the centerline of the nearest improved intersecting street York rd which is approx 80' wide. Being Lot 3 & 4, Block F, in the subdivision of Anneslie as recorded in Baltimore County Plat Book # 7 Folio # 40 containing 6250 sq. ft. Also known as 503 Murdock rd. and located in the 9th Election District, and 5th Councilmanic District.

BALTIMORE COUNTY, MARYLAND FICE OF BUDGET & FINANCE VISCELLANEOUS RECEIPT	No. 29976	
DATE 10 000 ACCOUNT	001006650	HEIRES AT IN TO THE TOTAL TOTA
RECEIVED FROM: CREEKE	RCHITEC	March Int H5.00  MOUNT INTO A S.M. CA  MILLIAM TO TRANSPORT TO A STATE OF THE PROPERTY AND
FOR: ITEM 199 04-199-	A DOWN HON PSON	
FIBUTION E - CASHIER PINK - AGENCY YELLOW - CUSTO		CASHIER'S VALIDATION

. \*\* '

### CERTIFICATE OF POSTING

Date: 11/3/03
RE: Case Number: 04-199-A  Petitioned/ Developer: LowE  Date of Hearing/ Closing: Nov. 17, 2003
This is to certify under the penalties of perjury that the necessary sing(s) required by law were posted conspicuous on the property located at 503 Murdock RD
The sign(s) were posted on OCT. 31, Z003  (Month, Day, Year)



Charles E. Merritt 9831 Magledt Road Baltimore, MD 21234 410-665-5562

(Signature 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

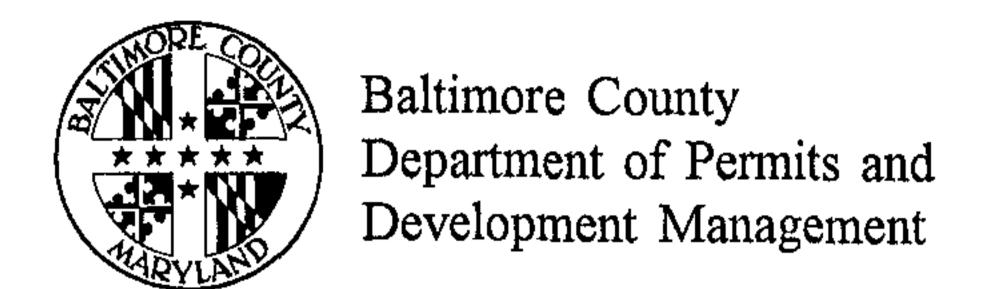
Zoning Review will ensure that the legal requirements for advertising are satisfied However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID

Item Number or Case	e Number 🔺	OH-199-A	
Petitioner	LOWE		
Address or Location	503	MURDOCK RD.	
		Luitects	

#### <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Number	OSF	1	99	-A		Address	200	2 11101	RDO CK	RD.	· · · · · · · · · · · · · · · · · · ·
Conta	ct Perso	n: _				MPSON Print Your Na		<u> </u>	P	hone Nu	mber: 41	0-887-3391
Filing	Date: _	10	20	03	<del></del> -	Postin	g Date:	11/3/0	3	Closir	ng Date:	11/17/03
-						egarding Ising the			e admir	nistrative	variance	should be
1.	reverse repostir is agair	side ng m n res	of to ust b pons	his form e done ible for	n) and to only by all ass	the petition of the ociated of	oner is r he sign p costs. T	esponsib posters o he zonin	ole for a on the ap og notice	II printing oproved to sign m	g/posting ist and thust be vi	d list (on the costs. Any ne petitioner sible on the the closing
2.	a forma	al re	quesi	t for a	public		Please	underst	and tha	at even i	f there i	0 feet to file s no forma
3.	commis order the (typical)	sion nat t y wit	er. I he m hin 7	te may natter b	: (a) g e set i days of	rant the in for a	requeste public h ng date)	ed relief; earing. as to wh	b) der) You wi nether tl	ly the re- Ill receive ne petitio	quested e written n has be	puty zoning relief; or (c) notification en granted, nail.
4.	(whethe commis change	er du ssion d giv cert	ie to er), i ring n	a neignotificate of the original of the origin	hbor's ion will the he	formal r be forw aring dat	equest of arded to the time a	or by ord o you. and locat	der of t The sig tion. As	the zonir gn on th when th	ng or de e prope ne sign w	puty zoning rty must be as originally forwarded to
						(Detach	Along Dotted	d Line)				
Petitio	ner: T	his F	art c	f the F	orm is	for the S	ign Pos	ter Only			•	
			Ų	SE THE	ADMI	NISTRAT	IVE VAF	RIANCE	SIGN F	ORMAT		
Case	Number	04-	]9	9	-A	Addres	ss	503	MUR	DOCK	RD.	<del></del>
Petitio	ner's Na	ame		LOWE	<u> </u>		<u>.</u>		Tele	phone 🛧	110-3º	77-0162
Postir	ng Date	:		1121	<u>13</u>	<del> </del>	. С	losing D	)ate:		7/03	<del></del>
Wordi	ng for S	ign:	То	Permit	ANE	EXISTIN	(G DW	ELLING	AND	9 PRÓP	0SED	
	TIOAF	ION	wı	TH AN	8-F00	T 3-1N	CH S11	DE YAR	RD SE	TBACK	IN	
	JEU C	)F ]	HE	REQU	JIRET	) 10-F	DOT SE	ETBACK	<u> </u>			
<del></del>	<u></u> , ., .,	<del></del>	<del> </del>	. <u></u>			<del></del>		· · · · · · · · · · · · · · · · · · ·	<u></u>	WCB - B	evised 6/28/00
											44 OII - 11	1041000 OLEO100



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

November 17, 2003

Henry Lowe Leigh Lowe 503 Murdock Road Baltimore, MD 21212

Dear Mr. and Mrs. Lowe:

RE: Case Number: 04-199-A, 503 Murdock Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 20, 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,

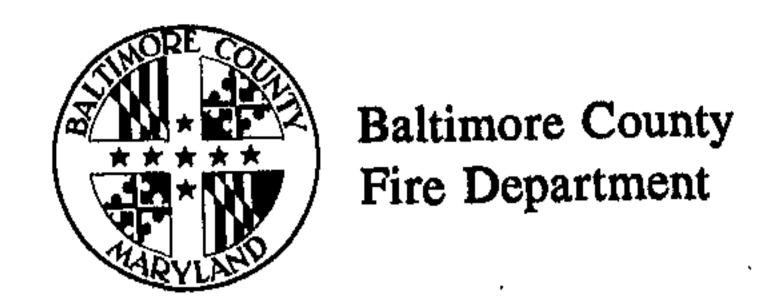
W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:klm

**Enclosures** 

c: People's Counsel Vincent Greene, 4800 Roland Avenue, Baltimore 21210



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 November 5, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 3, 2003

Item No.:

195, 197-211

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

# BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

**DATE:** November 5, 2003

**SUBJECT:** 

503 Murdock Road

NOV - 6 2003

INFORMATION:

**Item Number:** 

04-199

ZONING COMMISSIONER

Petitioner:

Henry Lowe

Zoning:

DR 5.5

Requested Action:

Administrative Variance

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning supports the petitioner's to permit an existing dwelling to have an addition with an 8-foot 3-inch setback in lieu of the minimum required 10-foot setback.

Prepared by:

Section Chief:

AFK/LL:MAC:

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** November 13, 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

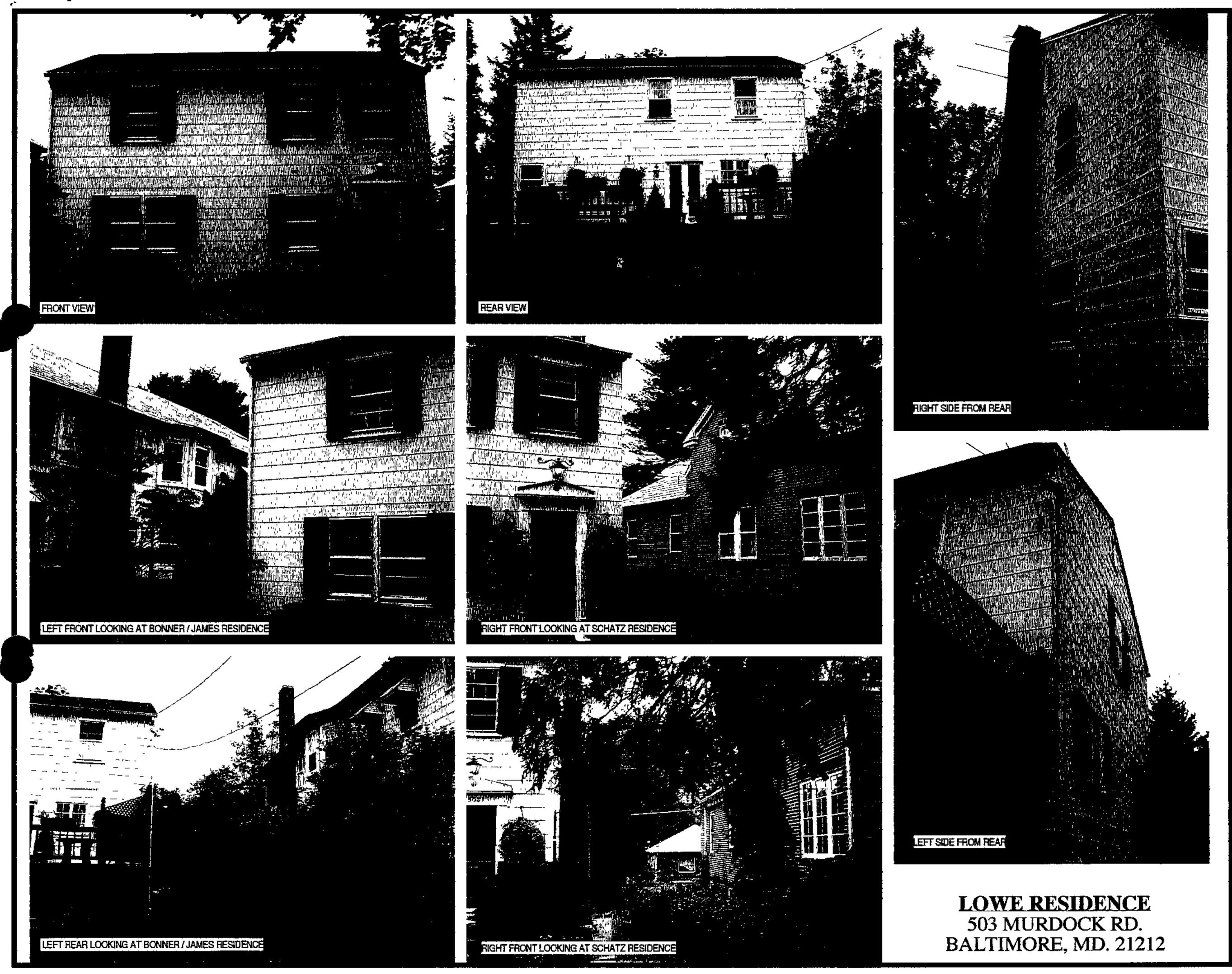
For November 10, 2003 Item Nos. 195, 196, 197, 198, 199, 200, 202, 203, 204, 205, 206, and 211

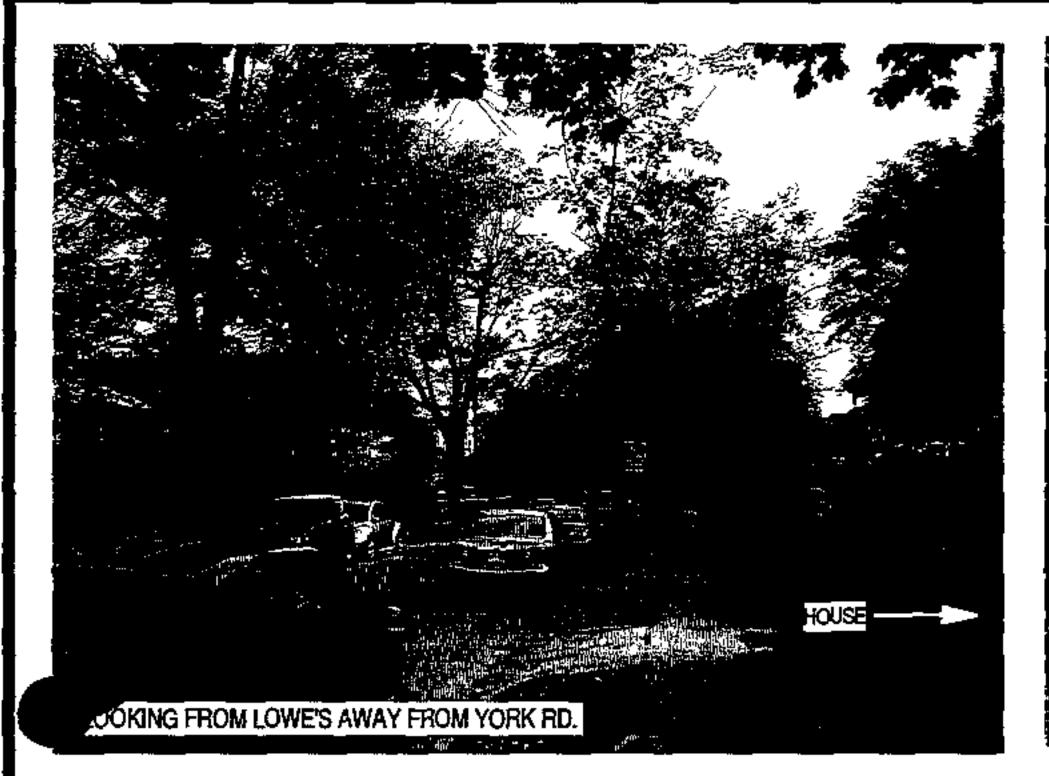
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

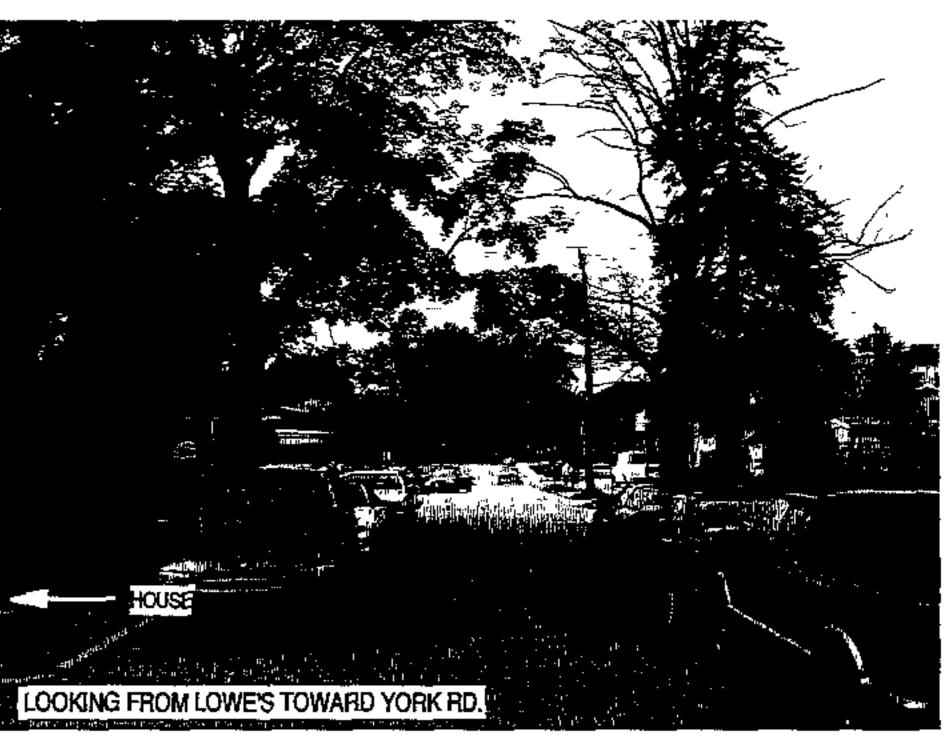
RWB:CEN:jrb

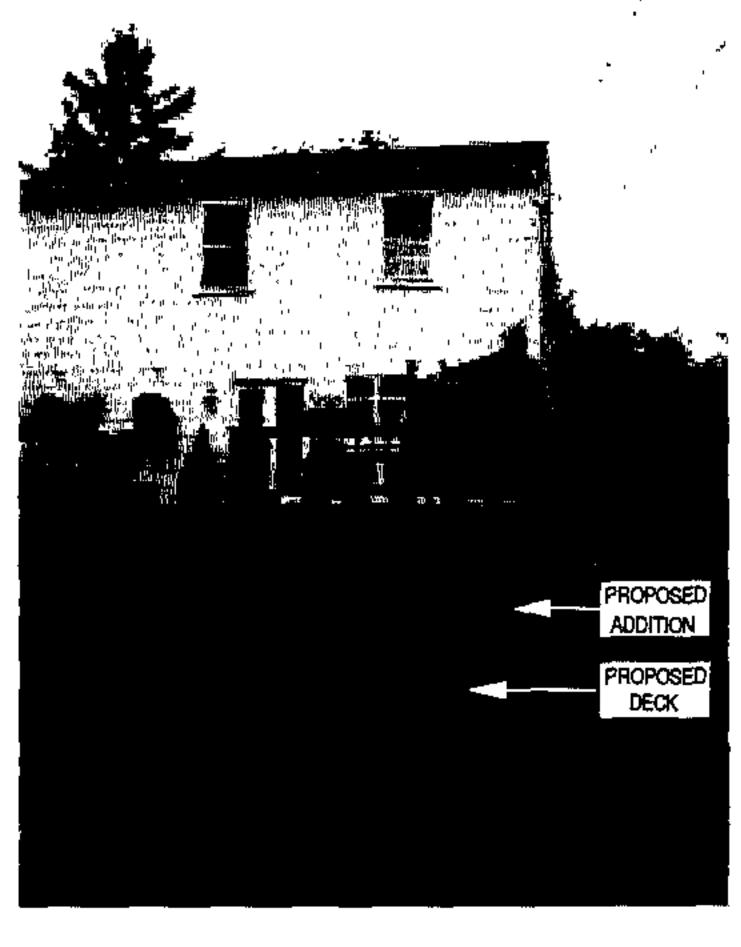
cc: File

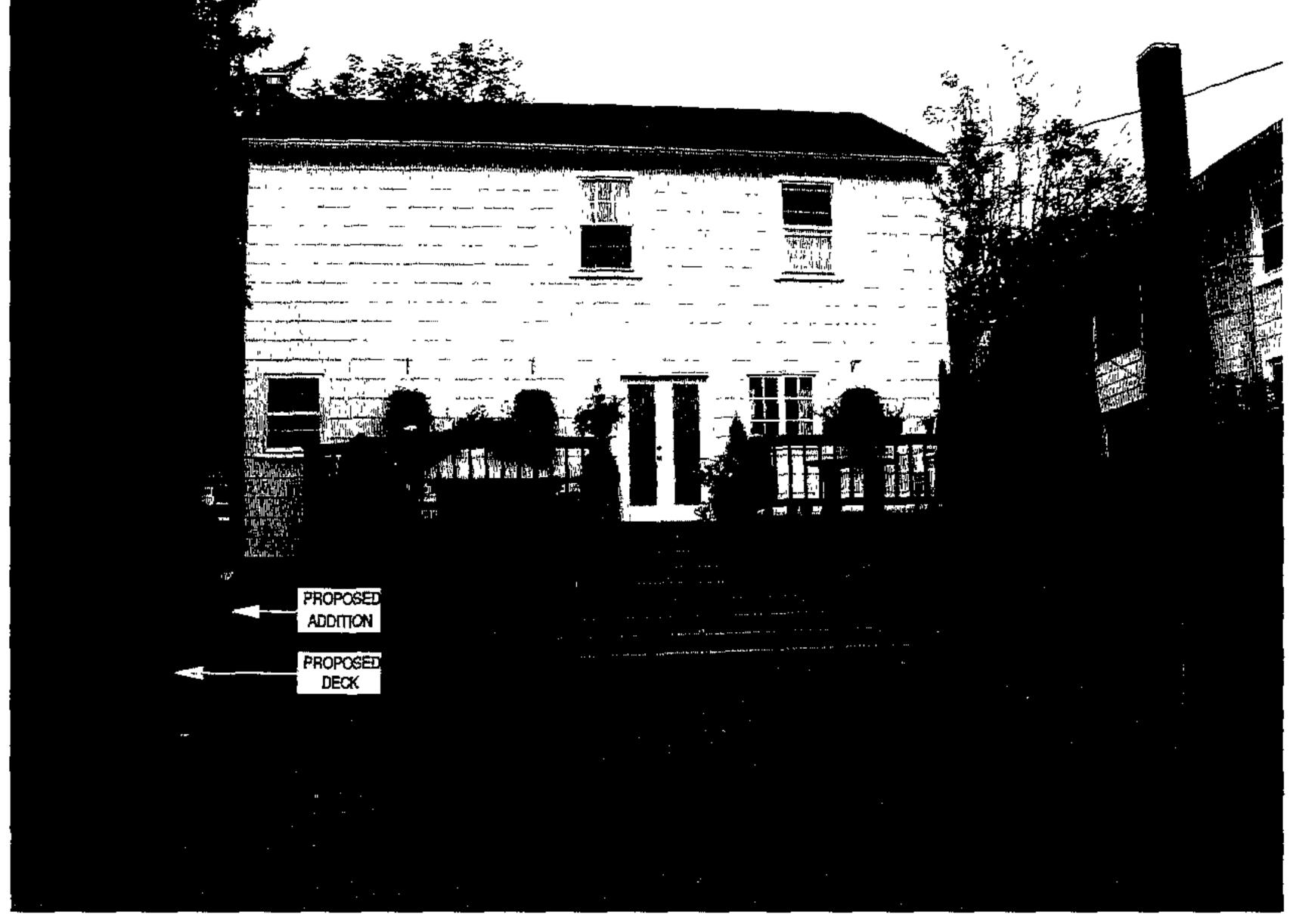
Q ANNESL 8 ROOK  $\infty$ 10 BK E ZONING MAI AVENUE PI













### PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

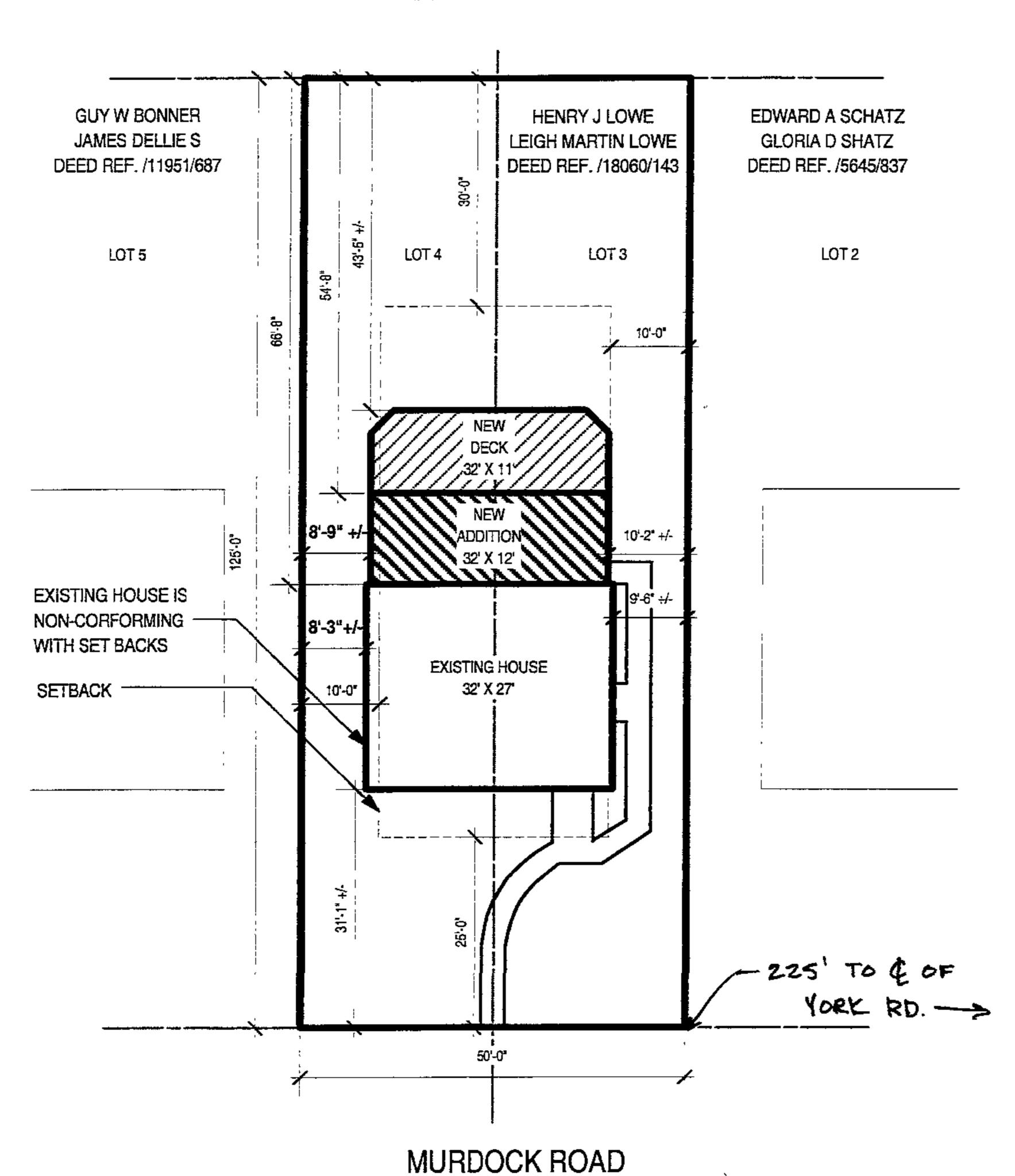
LOT 64

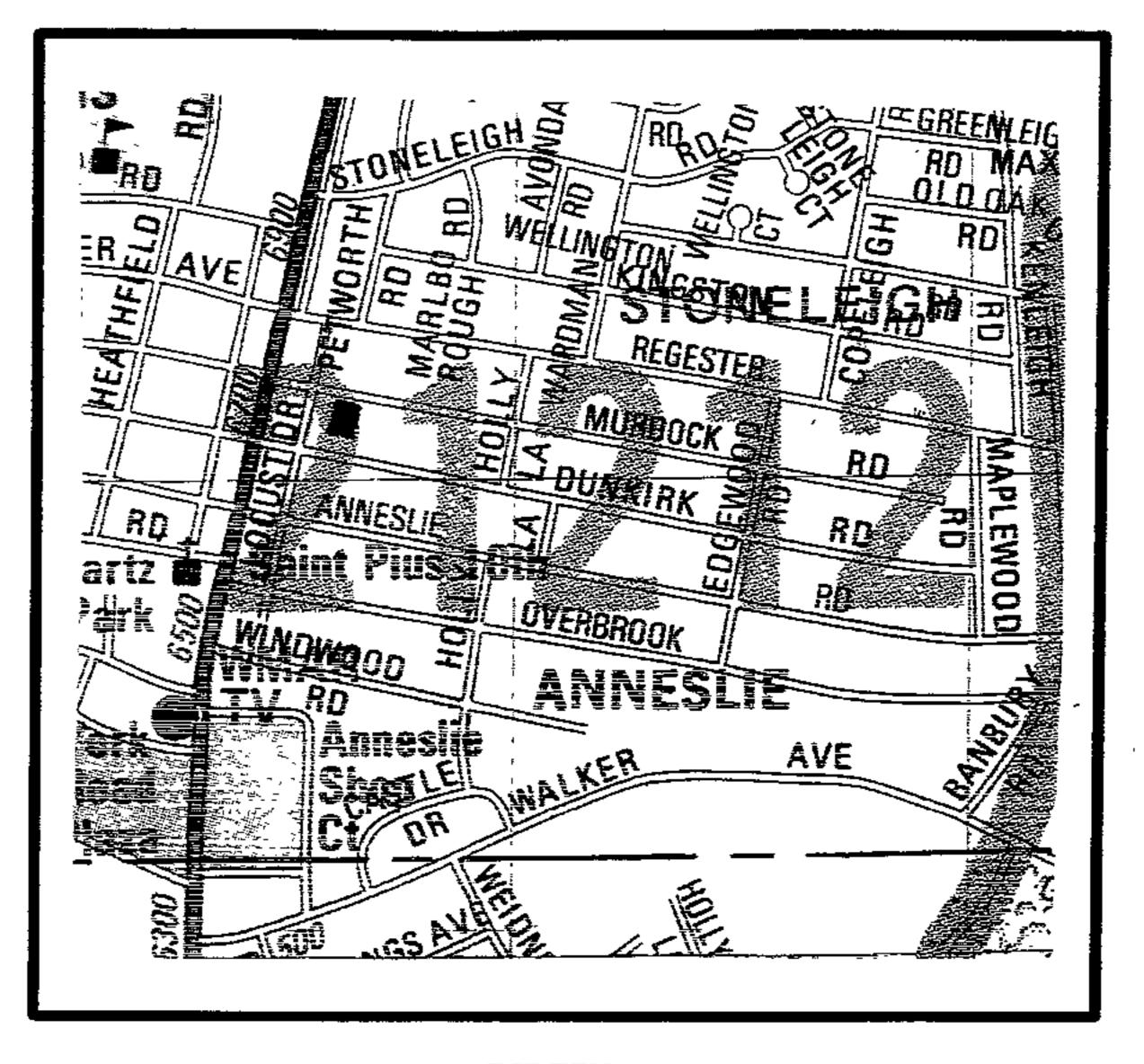
LOT 65

LOT 66

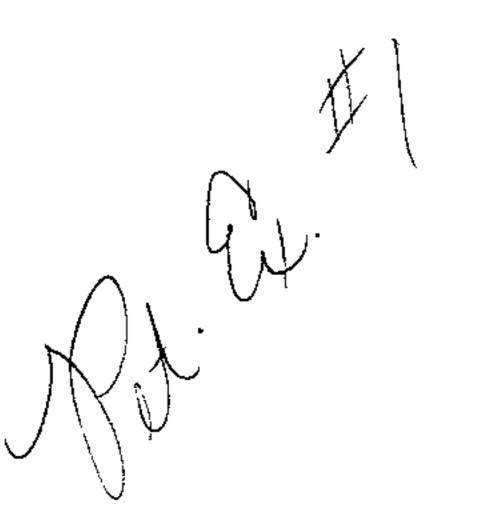
LOT 67

HELEN KORNMANN DEED REF. /3043/30





VICINITY MAP SCALE 1" = 1,000"





PROJECT NAME:

### LOWE RESIDENCE

503 MURDOCK RD. BALTIMORE, MD 21212

PLAT BOOK #: 7 LOT #: 3 & 4

FOLIO#: 40 SECTION#:

SCALE: 1'' = 20'-0''

DATE: 10/20/03

ELECTION DISTRICT: 9

COUNCILMANIC DISTRICT: 5

1" = 200' SCALE MAP #: NE8-A

ZONING: D.R.-5.5

LOT SIZE: .143 A. 6,250 SQ. FT.

SEWER: PUBLIC

WATER: PUBLIC

CHESAPEAKE BAY

CRITICAL AREA:

100 YEAR FLOOD PLAIN: NO

HISTORIC PROPERTY/

**BUILDING:** 

NO

NO

NO

PRIOR ZONING:

ZONING OFFICE USE ONLY

REVIEWED BY:

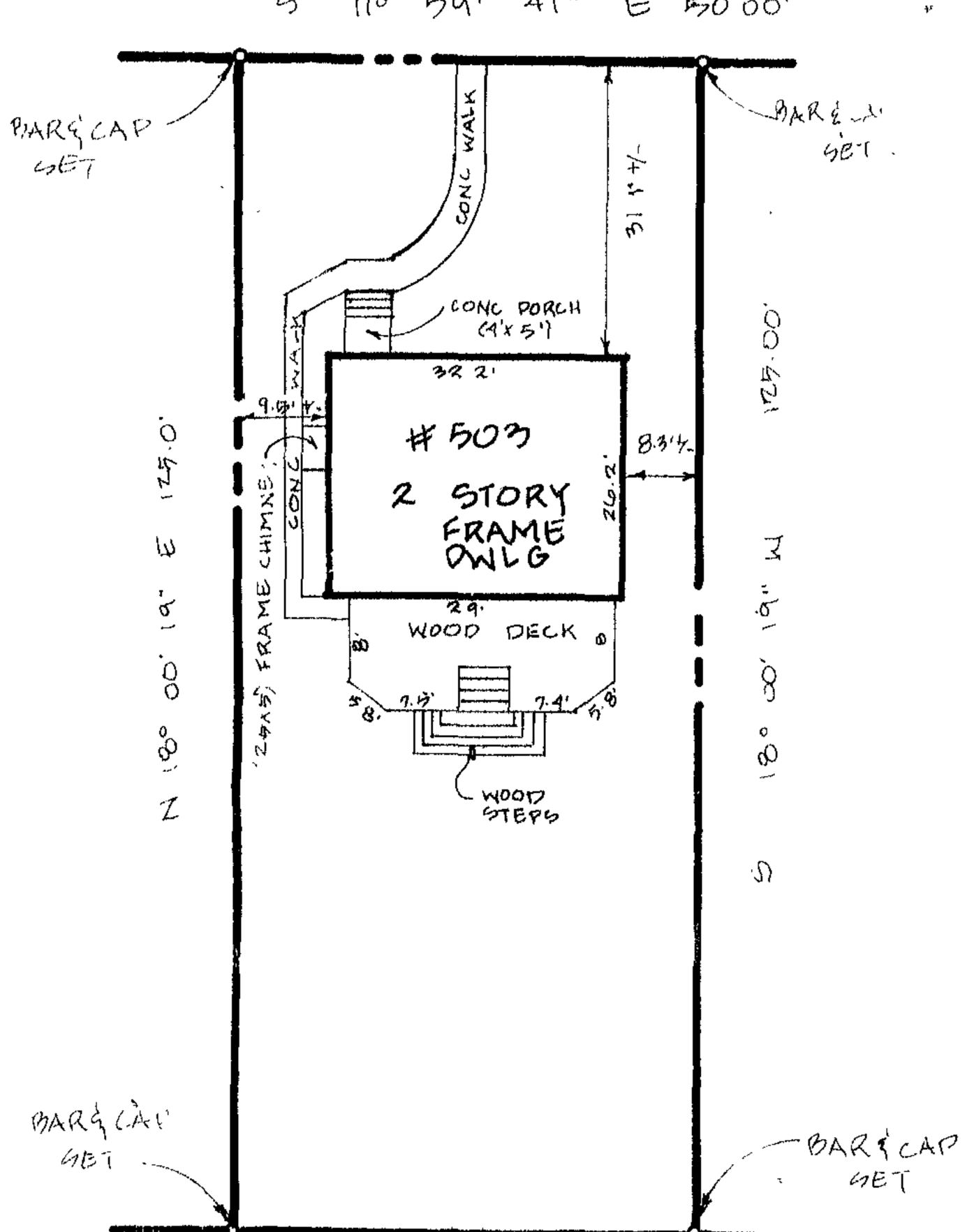
04-199-A



# MURDOCK ROAD

(50 FT. RIW. 24 FT. PAVING)

5 710 59' 41" 巨 5000°



N 710 59' 41" W 50.00'

OUTLINE SURVEY

LOCATION GURVEY

503 MURDOCK ROAD

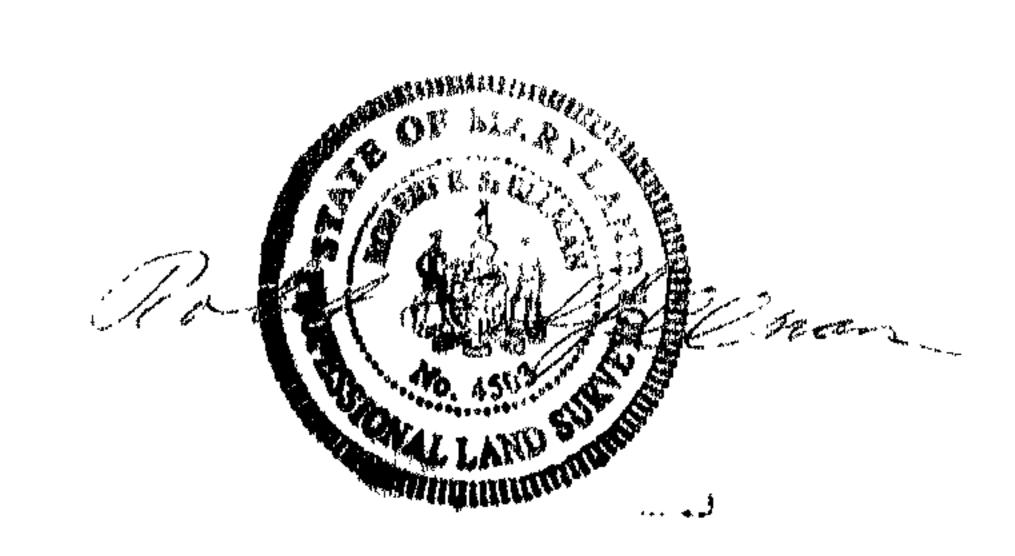
BLOCK F LOTG 34 4 ANNEGLIE

7-40

9TH DISTRICT

BALTIMORE CO., MO

90 ALE: 11 20' OCTOBER 6, 2003



SPELLMAN, LARSON & ASSOCIATES, INC. CIVIL ENGINEERS AND LAND SURVEYORS SUITE 406, JEFFERSON BUILDING TOWSON, MARYLAND 21204 PHONE: 410-823-3535 FAX: 410-825-5215

