

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Marleigh Circle, 990' NE of the c/l
Kenilworth Drive
(1031 Marleigh Circle)
9th Election District
5th Council District

Dennis R. Cain, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-217-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, Dennis R. Cain and his wife, Theresa A. Cain. The Petitioners seek relief from Section 1B02.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard depth of 17 feet in lieu of the required 22.5 feet for an open projection (front porch) on an existing single family dwelling. 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, the property in question is posted with a sign advertising the requested relief for a period of 15 days during which time any property owner residing within 1,000 feet thereof may 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 regard, a letter was received from H. L. Frey, a nearby resident of the community, requesting that a public hearing be held. Thus, the matter was scheduled for a public hearing before the undersigned Zoning Commissioner on January 7, 2004.

ORDER RECEIVED FOR FILING

Date

By

1/28/04

[Signature]

Appearing at the hearing in support of the request were Dennis and Theresa Cain, property owners. Mr. Frey appeared in opposition. There were no other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the south side of Marleigh Circle, east of Kenilworth Drive in Towson. The property contains a gross area of 7,593.73 sq.ft., more or less, zoned D.R.5.5, and is improved with a one-story brick dwelling. In addition, there is a concrete driveway in the front portion of the site, which provides off-street parking, and a frame shed and covered concrete patio to the rear of the dwelling. Presently, a small, concrete porch with two steps leads up to the front door of the house. The Petitioners are desirous of replacing that porch with an open, covered patio to provide a protected entranceway as well as an area to sit and enjoy the view. As shown on the site plan, the new porch will be 28' wide by 8' deep and feature a hip roof. There will be no railings and the structure will be architecturally designed to be compatible with the existing house

In support of the variance, the Petitioners noted that the house has existed on the property since approximately 1959 and obviously cannot be relocated. Additionally, the 8-foot depth is necessary to provide a reasonably sized area to be usable. The Petitioners indicated that they had designed the porch carefully to match the architectural style of the house and neighborhood and believe that the porch will be an attractive feature. The Petitioners also produced a copy of correspondence from the Riderwood Hills Community Association indicating that they are not opposed to the request. Additionally, letters of support were received from the immediately adjacent property owners on either side of the property. Moreover, the Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning indicates that they are not opposed to the requested variance; however, requested that elevation drawings of the proposed porch be submitted for their review and approval to insure compatibility with the house and surrounding neighborhood.

Mr. Frey testified in opposition to the request. He believes that the request would alter the architectural character of the neighborhood. He opined that the original developer did not

intend for the houses in this community to have exterior porches. Interestingly, however, it is to be noted that there are no architectural covenants that were established by the developer when the community was built in the 1950s. Mr. Frey also fears a domino effect will occur in the neighborhood and that others will request similar variance relief. In this regard, it appears that a number of residents in the neighborhood have already made exterior modifications to their homes. The Petitioners submitted photographs and other evidence indicating that a number of the houses have been altered with one- and two-story additions, porches, garages, carports, etc.

Based upon the testimony and evidence offered, I am easily persuaded that variance relief should be granted. In order for the Petitioners to have a reasonably sized porch, the requested relief is necessary and will not, in my judgment, alter the character of the neighborhood. Mr. Frey's objections are not credible given the fact that other houses in this community have had similar exterior alterations. However, in granting the relief, I will adopt the ZAC comment submitted by the Office of Planning requesting that building elevation drawings of the proposed porch addition be submitted for their review and approval prior to the issuance of any building permits.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of January 2004 that the Petition for Administrative Variance seeking relief from Section 1B02.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard depth of 17 feet in lieu of the required 22.5 feet for an open projection (front porch) on an existing single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject 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) The Petitioners shall submit building elevation drawings of the proposed porch addition to the Office of Planning for review and approval prior to the issuance of any permits.
- 3) When applying for any permits, 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

LES:bjs

ORDER RECEIVED FOR FILING
Date 11/28/04
By Ryp

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

January 28, 2004

Mr. & Mrs. Dennis R Cain
1031 Marleigh Circle
Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Marleigh Circle, 990' NE of the c/l Kenilworth Drive
(1031 Marleigh Circle)
9th Election District – 5th Council District
Dennis R. Cain, et ux - Petitioners
Case No. 04-217-A

Dear Mr. & Mrs. Cain:

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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. H. L. Frey
1004 Marleigh Circle, Towson, Md. 21204
Office of Planning; People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1031 Marleigh Cor.
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 (s) 1 B02. B (BC2R)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH OPEN PROJECTION (FRONT PORCH) TO HAVE A FRONT YARD DEPTH OF 17' IN LIEU OF THE REQUIRED 22.5'

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

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.

Legal Owner(s):

DENNIS R. CAIN
Name - Type or Print

Dennis R. Cain
Signature

THERESA A CAIN
Name - Type or Print

Theresa A Cain
Signature

1031 MARLEIGH CR 410583-0626
Address Telephone No.

TOWSON MD 21204
City State Zip Code

Representative to be Contacted:

Same as ~~above~~ above
Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By LTM Date 10/31/03

Estimated Posting Date 11/9/03

CASE NO. 04-217-A

REV 10/25/01

ORDER RECEIVED FOR FILING

Date 11/25/03
By [Signature]

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

1031 Marleigh Cir.
Address
Towson MD. 21204
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):

We wish to build a front porch that will measure 8' x 28'.
This will require us to extend 21 inches into the set back zone.
We would like to utilize the porch for sitting and are not able to move the house back.

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.

Dennis F. Cain
Signature

Dennis F. Cain
Name - Type or Print

Theresa A. Cain
Signature

Theresa A. Cain
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of October, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maryland Dennis + Theresa Cain
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 3/22/05

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 1031 MARLEIGH CR
Address
TOWSON MD 21204
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):

We wish to build a front porch that will measure 8'x28'.
This will require us to extend 21 inches into the Set Back zone.
We would like to utilize the porch for sitting and are not able to move the house back.

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.

Dennis R. Cain
Signature
DENNIS R. CAIN
Name - Type or Print

Theresa A. Cain
Signature
THERESA A. CAIN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of October, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maryland Dennis + Theresa Cain
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Chris Trapani
Notary Public

My Commission Expires 3/22/05

CHRIS TRAPANI

NOTARY PUBLIC

BALTIMORE COUNTY, MD.

My Commission Expires March 22, 2005



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1031 Marleigh Cor.
which is presently zoned D.F. 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) ~~503~~, 1 B02.B 1 (BCZR)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING
WITH OPEN PROJECTION (FRONT PORCH) TO HAVE A
FRONT YARD DEPTH OF 17' IN LIEU OF THE
REQUIRED 22.5'

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):

DENNIS R. CAIN

Name - Type or Print

Signature

THERESA A. CAIN

Name - Type or Print

Signature

1031 MARLEIGH CR 4105830626

Address

Telephone No.

TOWSON MD 21204

City

State

Zip Code

Representative to be Contacted:

Same as above

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 217 day of October, 2003 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. 04-217-A

Reviewed By CTM Date 10/31/03

REV 10/25/01

Estimated Posting Date 11/9/03

Zoning Description

Zoning Description for 1031 Marleigh Circle

Beginning at the point on the ^{SOUTH}~~North~~ side of **Marleigh Circle**, which is 50'~~36'~~ feet wide at the distance of 990 ft. N, NE of the centerline of the nearest improved intersecting street Kennilworth Dr. which is 39 feet wide. Being Lot # **38**, Block **B**, Section **3**, in the subdivision of **Orchard Hills** as recorded in Baltimore County Plat Book # **25**, Folio. **22**, containing 7593.73 sq. ft. Also known as **1031 Marleigh Circle** and located in the 9th Election District, 5th Councilmanic District.

217
216

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23596

DATE 10/31/03 ACCOUNT R001 006 6150

AMOUNT \$ 65.00

RECEIVED FROM D. CAN

FOR 217
04-218-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS NO. 10/31/2003 10:51:00 AM
RECEIVED BY WALKIN CAMP ELL
RECEIPT # 2003-10-31-003
FOR \$ 520.00
OR NO. 02576
Receipt Int \$5.00
\$5.00 OK \$5.00 OK
Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #04-217-A
1031 Marleigh Circle
S/s Marleigh, 990 feet north
northeast Kenilworth Drive
9th Election District
5th Councilmanic District
Legal Owner(s): Dennis R.
and Theresa A. Cain
Administrative Variance: to
permit an existing single
family dwelling with open
projection to have a front
yard depth of 17 feet in lieu
of the required 22.5 feet.
Hearing: Wednesday,
January 7, 2004 at 11:00
a.m. in Room 106, County
Office Building, 111 W.
Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT/12/749 De23 C642263

CERTIFICATE OF PUBLICATION

12/24/2003

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 12/23/2003.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.:

04-217-A

Petitioner/Developer:

DENNIS +
THERESA CAIN

Date of Hearing/Closing:

NOV 24, 2003

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

ATTN: Becky Hart {(410) 887-3394}

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: _____

1031 MARLEIGH CIRCLE

The sign(s) were posted on _____

11/9/03
(Month, Day, Year)

Sincerely,

[Signature]
(Signature of Sign Poster)

11/9/03
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

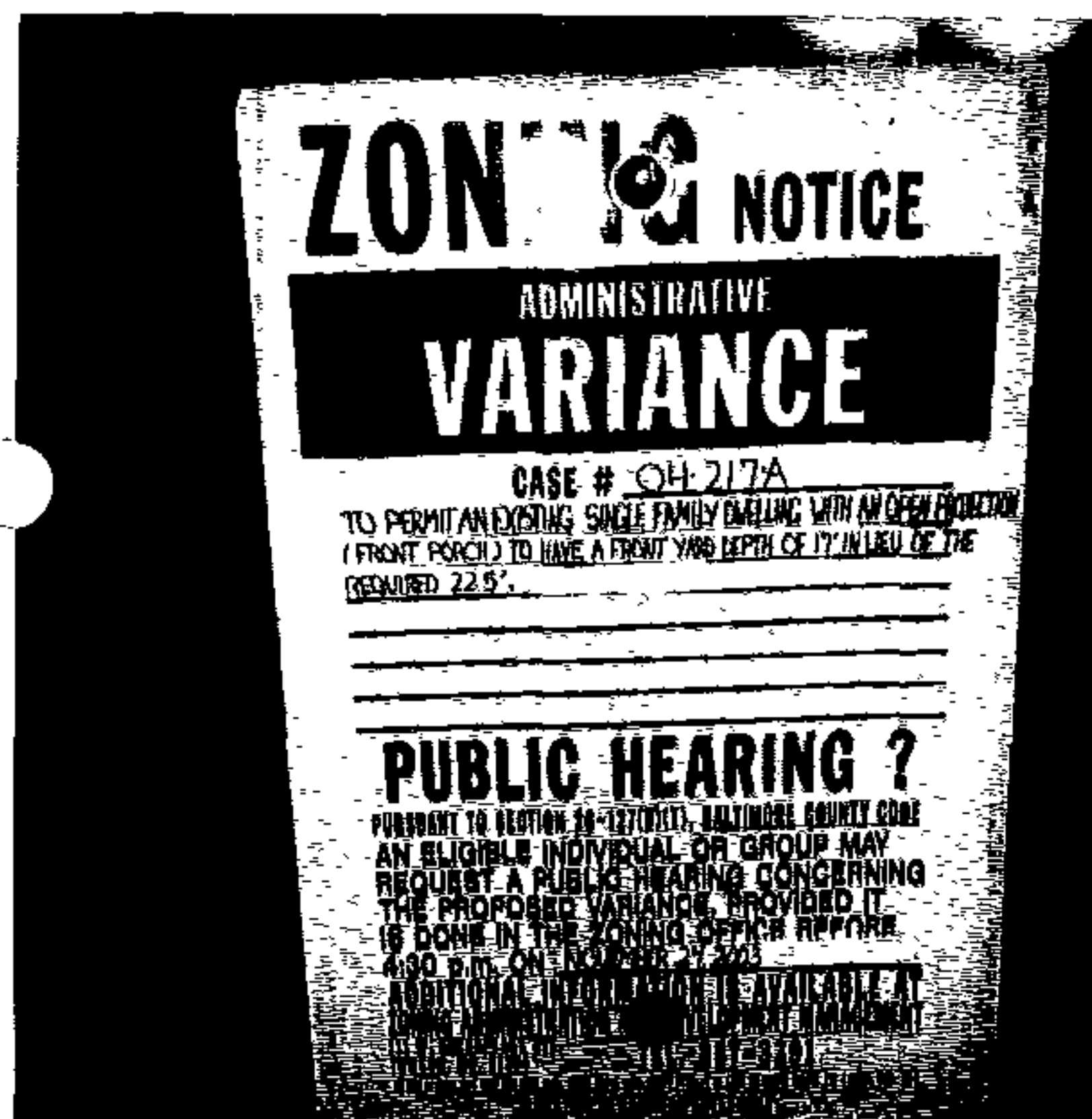
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #04-217-A
1031 Marleigh Circle
S/s Marleigh, 990 feet north
northeast Kenilworth Drive
9th Election District
5th Councilmanic District
Legal Owner(s): Dennis R.
and Theresa A. Cain
Administrative Variance: to
permit an existing single
family dwelling with open
projection to have a front
yard depth of 17 feet in lieu
of the required 22.5 feet.
Hearing: Wednesday,
January 7, 2004 at 11:00
a.m. in Room 106, County
Office Building, 111 W.
Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For Information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT/12/749 Da23 C642263

Published: 12/23/03
Jeffersonian

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 23, 2003 Issue - Jeffersonian

Please forward billing to:

Dennis Cain
1031 Marleigh Circle
Towson, MD 21204

410-583-0626

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-217-A

1031 Marleigh Circle

S/s Marleigh, 990 feet north northeast Kenilworth Drive

9th Election District – 5th Councilmanic District

Legal Owner: Dennis R. and Theresa A. Cain

Administrative Variance to permit an existing single family dwelling with open projection to have a front yard depth of 17 feet in lieu of the required 22.5 feet.

Hearing: Wednesday, January 7, 2004 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue


Lawrence E. Schmidt

Post-it® Fax Note 7671		Date 12/12	# of pages 1
To Jeffersonian	From		
Co./Dept. 226	Co.		
Phone # 877-74	Phone #		
Fax # 410-834-8811	Fax #		

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**Department of Permits and
Development Management**

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



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

December 10, 2003

CORRECTED NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-217-A

1031 Marleigh Circle
S/s Marleigh, 990 feet north northeast Kenilworth Drive
9th Election District – 5th Councilmanic District
Legal Owner: Dennis R. and Theresa A. Cain

(PORCH)

~~Administrative~~ Variance to permit an existing single family dwelling with open projection to have a front yard depth of 17 feet in lieu of the required 22.5 feet.

Hearing: Wednesday, January 7, 2004 at 11:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:rlh

C: Dennis R. and Theresa A. Cain, 1031 Marleigh Circle, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 23, 2003.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04 217 216 -A

Address 1031 MARLEIGH CIR

Contact Person: LYOYD MOXLEY
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 10/31/03

Posting Date: 11/9/03

Closing Date: 11/24/03

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.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04 217 216 -A

Address 1031 MARLEIGH CIR

Petitioner's Name DELLIS, THERESA CAIN

Telephone 410 583 0626

Posting Date 11/9/03

Closing Date: 11/24/03

Wording for Sign: To Permit AN EXISTING SINGLE FAMILY DWELLING

WITH OPEN PROJECTION (FRONT PORCH) TO HAVE A FRONT
YARD DEPTH OF 17' IN LIEU OF THE REQUIRED 22.5'

WCR - Revised 6/28/00

I HAVE RECEIVED POSTING INFO

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 04-²¹⁷~~346~~-A

Petitioner: DENNIS CAIN - THERESA CAIN

Address or Location: 1031 MARLEIGH CR 21204

PLEASE FORWARD ADVERTISING BILL TO:

Name: DENNIS CAIN

Address: 1031 MARLEIGH CR
TOWSON MD 21204

Telephone Number: (410) 583-0626

**Department of Permits and
Development Management**

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



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

January 2, 2004

Dennis Cain
Theresa Cain
1031 Marleigh Circle
Towson, MD 21204

Dear Mr. and Mrs. Cain:

RE: Case Number: 04-217-A, 1031 Marleigh Circle

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 21, 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



**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

November 12, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: November 10, 2003

Item No.: 207-210, 213-219²¹⁷

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
INTEROFFICE CORRESPONDENCE

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

DATE: November 21, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For November 17, 2003
Item Nos. 207, 208, 209, 210, 212,
213, 214, 216, 217, 218, and 219

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 20, 2003

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

RECEIVED

SUBJECT: 1031 Marleigh Circle

NOV 20 2003

INFORMATION:

Item Number: 04-217

ZONING COMMISSIONER

Petitioner: Dennis R. Cain

Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit an existing single family dwelling to have a front yard setback of 17 feet in lieu of the minimum permitted 22.5 feet provided elevations of the proposed porch are submitted to this office for review and approval.

For further information concerning the matters stated herein, please contact Karin Brown at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL:MAC:

11/24/03
Zoning
Demanded.
per L. Schmidt



State Highway
Administration

MARYLAND DEPARTMENT OF TRANSPORTATION

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

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

Date: 11.10.03

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

RE: Baltimore County
Item No. 217 LTM

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

November 24, 2004

Lawrence E. Schmidt
Zoning Commissioner
Baltimore County
Courts Building, Suite 405,
401 Bosley Avenue
Towson, Maryland 21204

RECEIVED
NOV 24 2003
ZONING COMMISSIONER

Re: Administrative Variance
04-217-A
Rider wood Hills
1031 Marleigh Circle
Towson, Md. 21204

Commissioner:

As a citizen of Baltimore County, a member of the Riderwood Hills Community, and the Community Association, I am writing to you to request a formal administrative hearing on the referenced Administrative Variance request, # 04-217-A, # 1031 Marleigh Circle, Towson, Maryland.

It is the opinion of the writer, and others within the community, that the proposed Variance, if approved, would modify the Architectural Character of # 1031 Marleigh Circle. This; could cause a domino effect, impacting other properties, within the Community, and a negative effect on their present and further values.

If the original developer, Architect, and individual property owners had planned that each residence have its own unique front exterior façade; the houses would have been designed in that fashion. Why tamper with the charm of the existing houses and the entire Community by granting one petitioner the right to a change that could be far reaching and encroach on the rights of everyone in the Riderwood Hills Community.

I await your offices response to this request.

H.L. Frey

Riderwood Hills
1004 Marleigh Circle
Towson, Md. 21204-2205

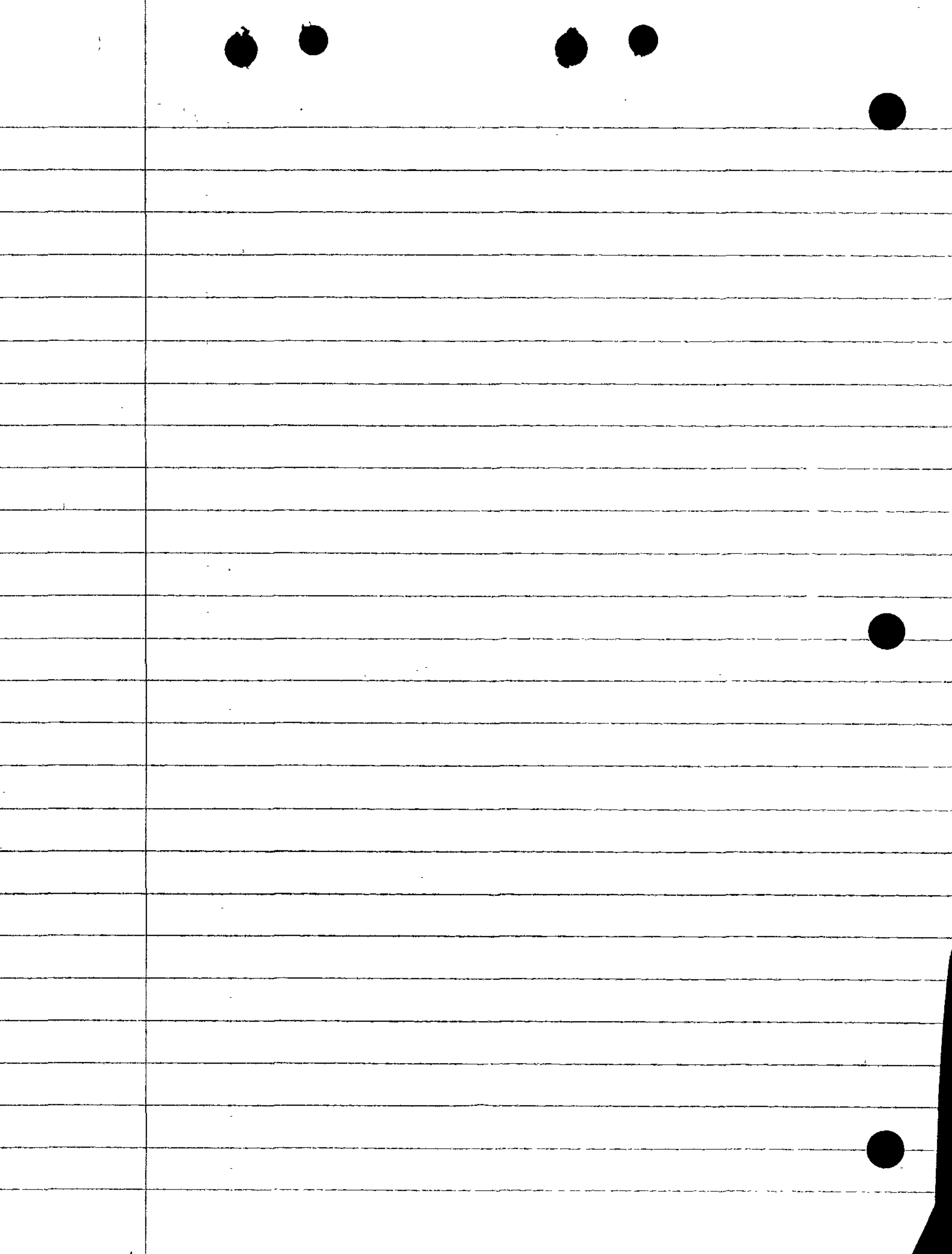
CC: Timothy Kotroco

11/24/03

To Whom It May Concern,
I have no objections
to the front porch that
Dennis + Terri Cain are
building on their house.

Douglas Diane Sappereytn
1029 Monaghan Circle
Baltimore MD 21204

CASE NO. 04-217A



DATE _____

E-MAIL

h1freycorp@yahoo.co

CASE NAME D4-217-A
CASE NUMBER _____
DATE 1-7-04

PETITIONER'S SIGN-IN SHEET

[illegible]

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1031 Marleigh Cir.

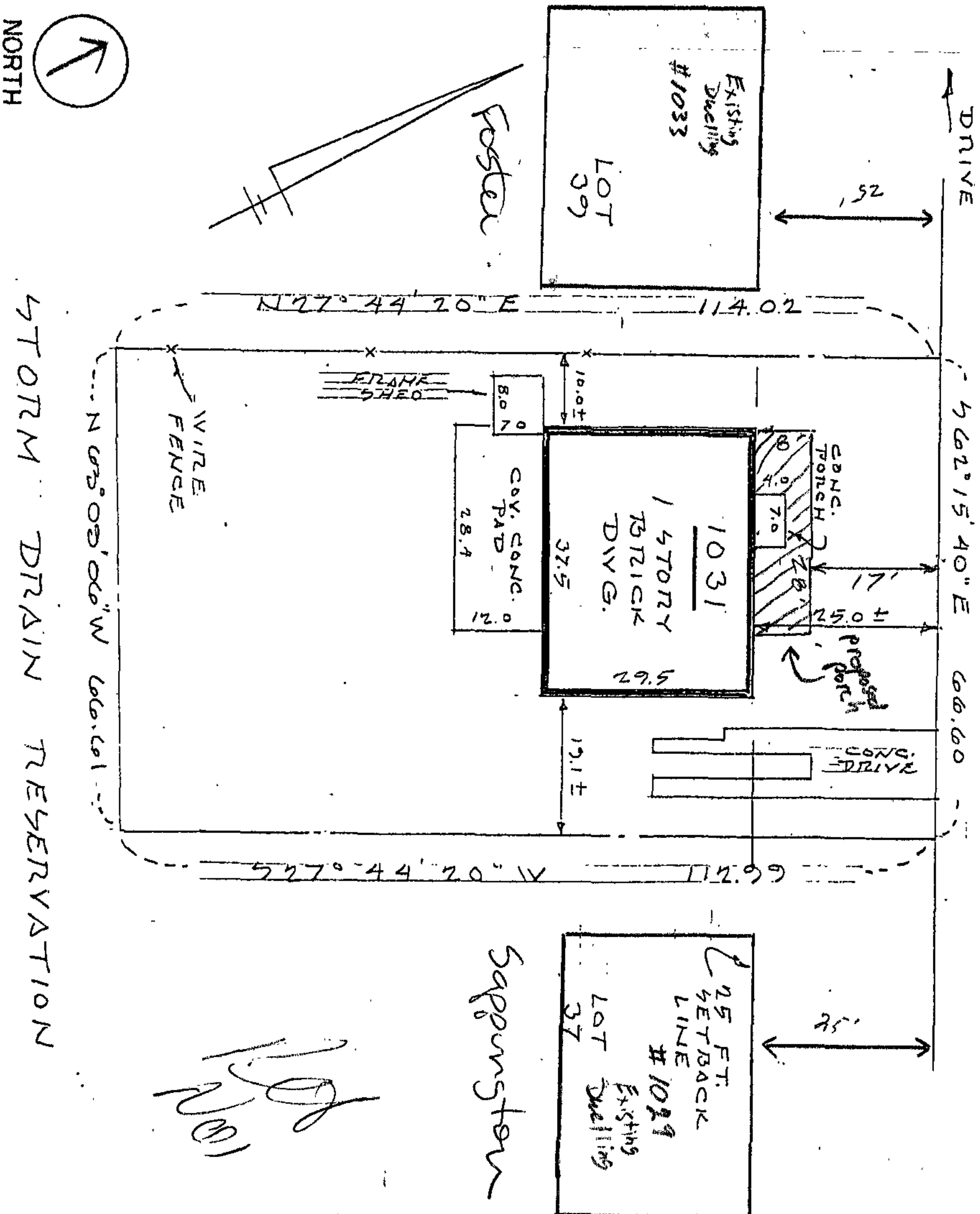
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Orchard Hills

PLAT BOOK # 25 FOLIO # 22 LOT # 38 SECTION # 3
OWNER Dennis + Theresa Cain

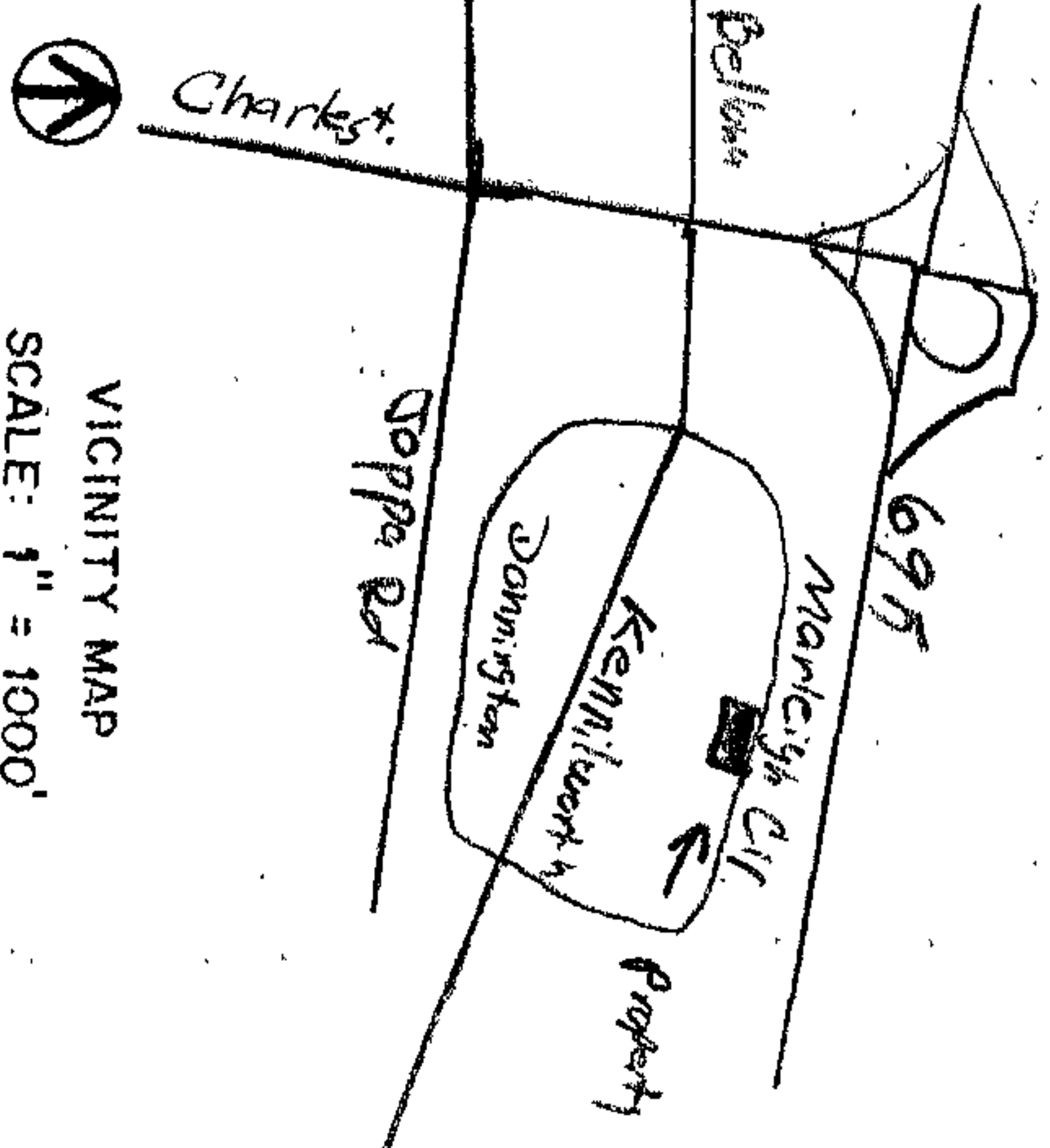
MARLEIGH CIRCLE
(50 FT. WIDE)

TO KENILWORTH



PREPARED BY

SCALE OF DRAWING: 1" = 20'



LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1"=200' SCALE MAP # NW 11A

ZONING D.P. 5.5

LOT SIZE .17 7593.73

[illegible]

PUBLIC PRIVATE

☒ SEWER

WATER ☒

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING

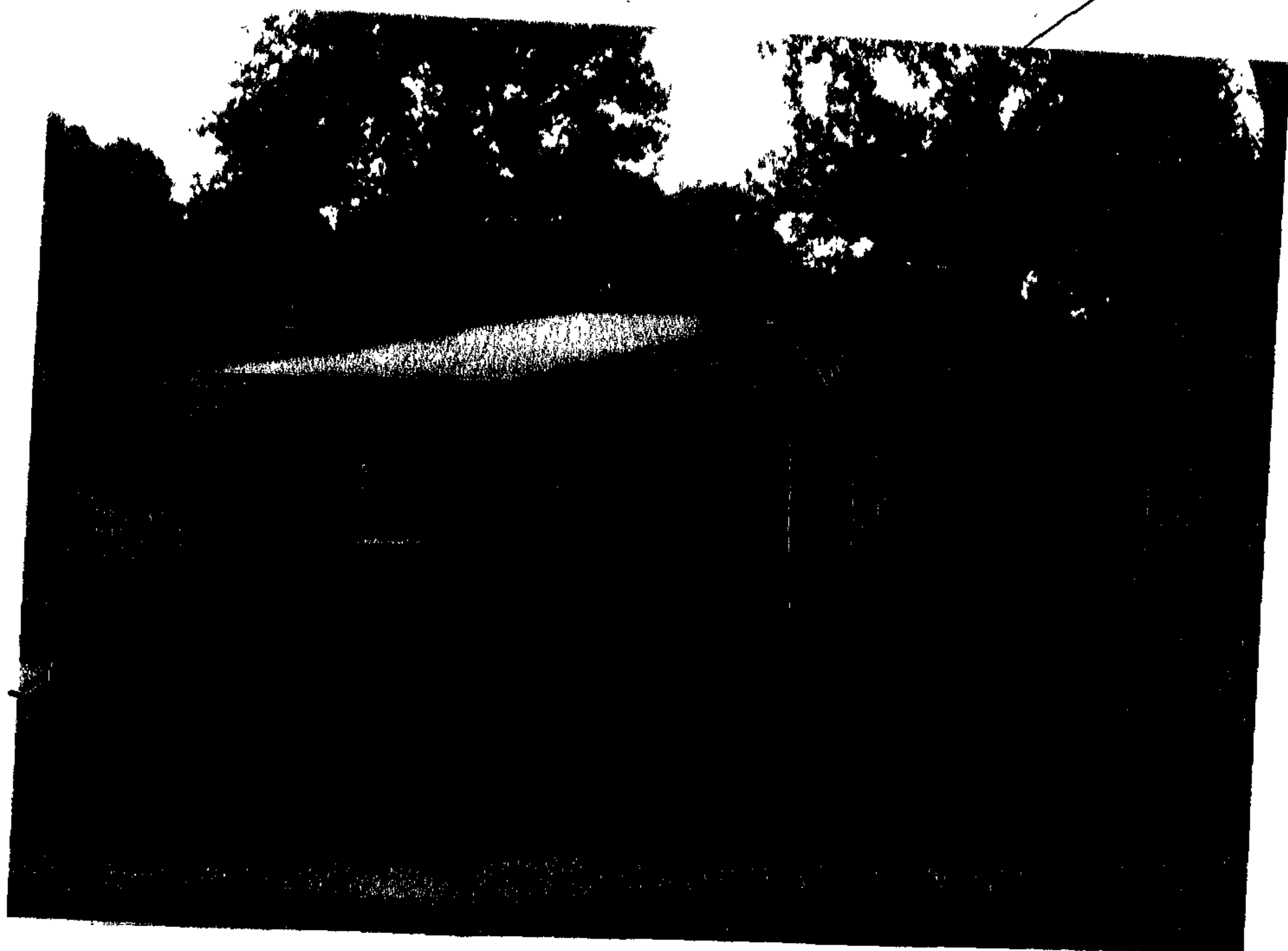
ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

12/10/2019

~~216~~
217

Raw sketch of Front porch to be
Built onto House

Red No
3



Timothy Kotroco - 1031 Marleigh Circle - Variance Hearing 01/08/04

Page 1

From: "Corinne Becker" <cbecker@bcpl.net>
To: "Keller, Pat" <pkeller@co.ba.md.us>, "Kotroco, Tim" <tkotroco@co.ba.md.us>, "Brown, Karin" <kebrown@co.ba.md.us>
Date: 1/4/2004 8:02:21 PM
Subject: 1031 Marleigh Circle - Variance Hearing 01/08/04

Pat, Tim and Karin,

Please be advised that Riderwood Hills Community Association does not oppose the proposed addition at 1031 Marleigh Circle, which is to be heard at a variance hearing on 01/08/04, but rather has no position on this matter. The RHCA Board has not taken a position on this matter and to my knowledge, there has been no opposition brought to the RHCA Board. Thank you.

Sincerely,
Corinne Becker, Board Member
Riderwood Hills Comm. Assoc.
1019 Kenilworth Drive
Towson, MD 21204
410-484-0747

CC: "Vincent Gardina" <vgardina@yahoo.com>, "Gardina, Vincent" <bcodistrict6@comcast.net>, "McCarthy, Bill" <BMcCarthy@RTKL.com>, "Cain, Terri & Dennis" <tcain@comcast.net>

Betty - a
Roben



Kelly

Pat 4

TO WHOM IT MAY CONCERN

1033 Marleigh Circle
Towson, Md. 21204

November 19, 2003

Re - 1031 Marleigh Circle
Zoning Change

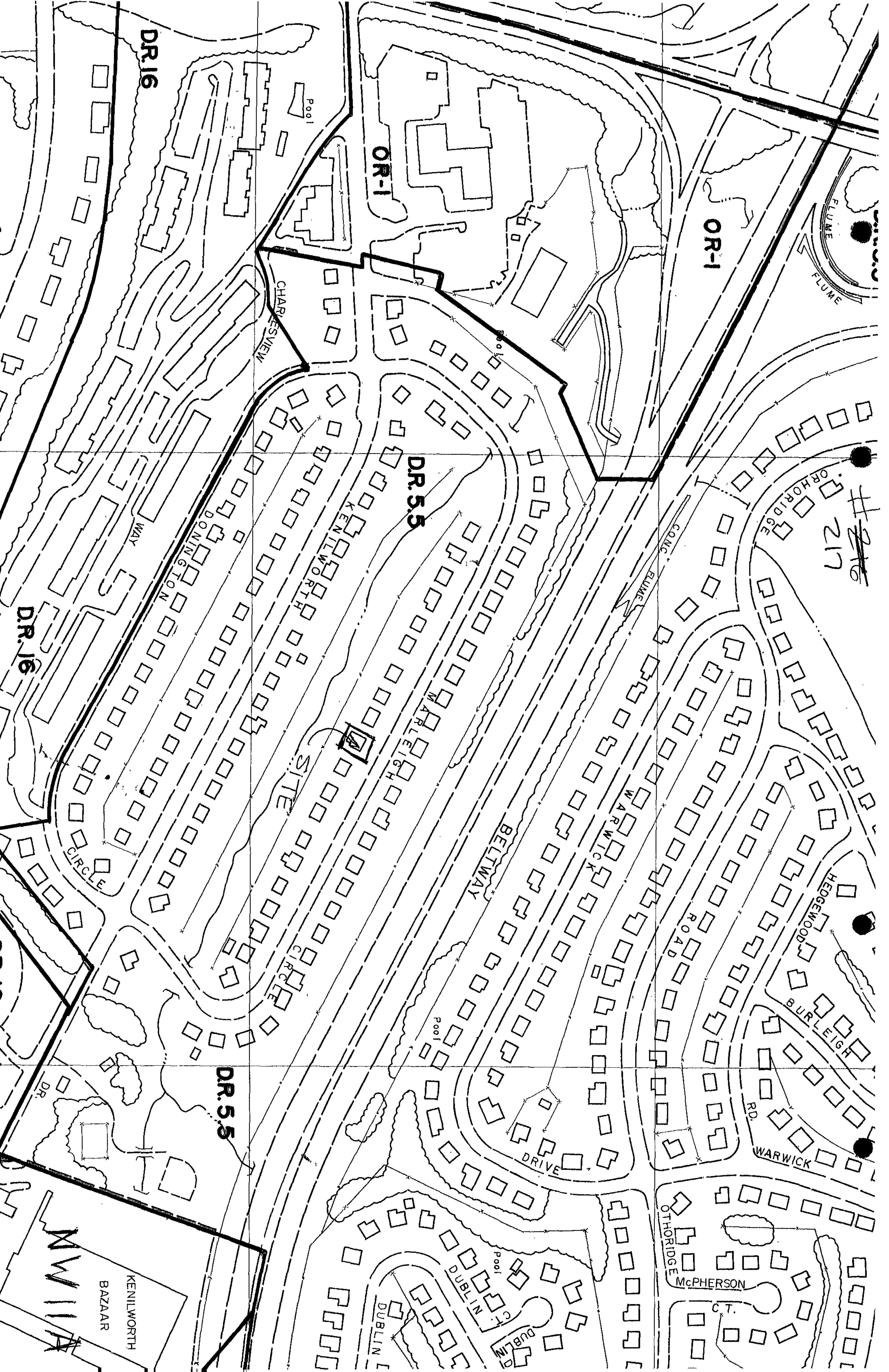
We are next door neighbors to Dennis & Terri Cain and HAVE NO OBJECTIONS to their zoning change request to build a front porch.

Melville T. Foster, Jr.
Melville T. Foster, Jr.

Jacqueline H. Foster, Jr.
Jacqueline H. Foster, Jr.

CASE NO. 04-217A

Ref 5



DR.16

OR-1

OR-1

DR.5.5

DR.16

DR.5.5

#216
217

SITE

KENILWORTH
BAZAAR

NW 11A

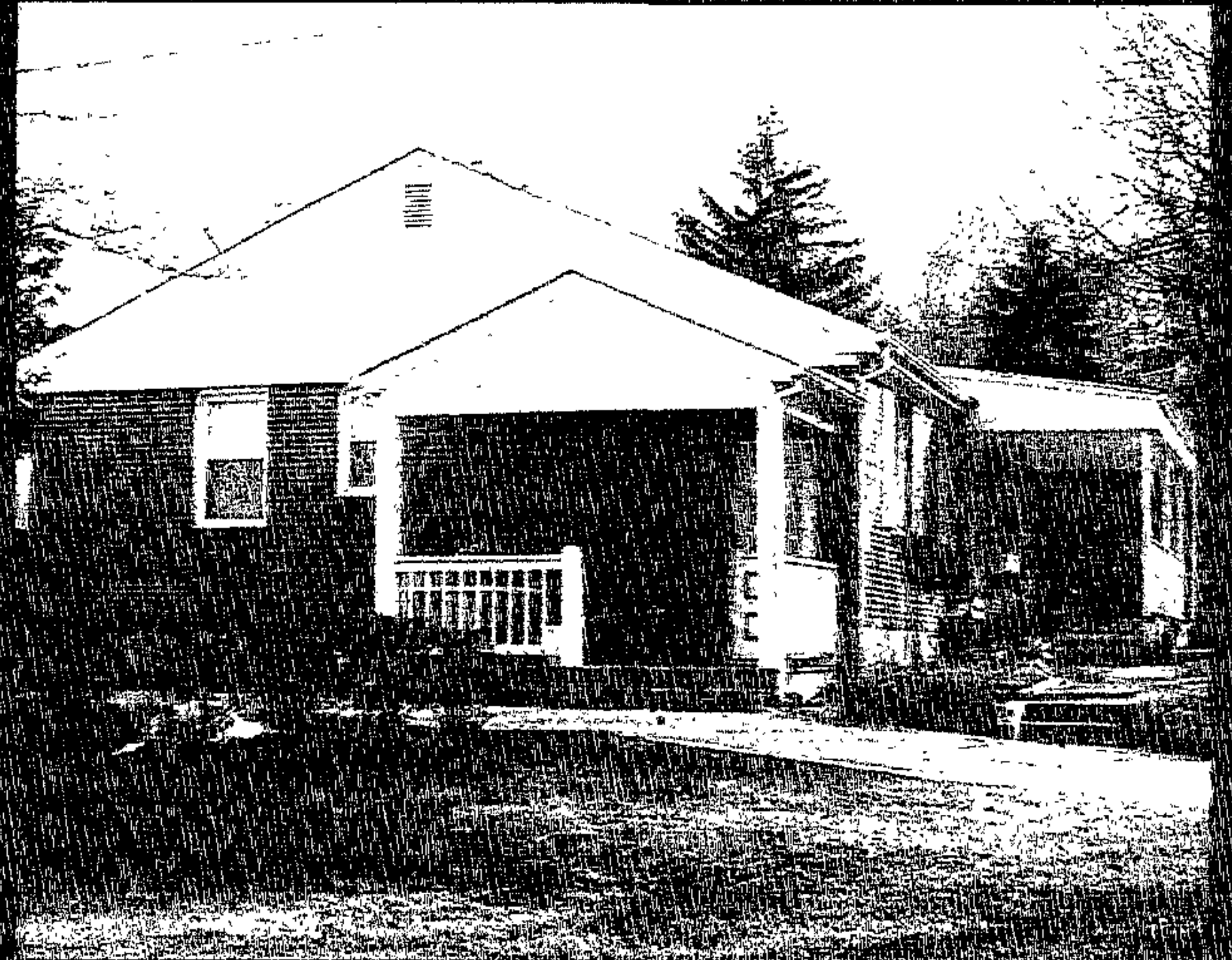
- Riderwood Hills Subdivision

- Of 129 homes, 47% have additions
- 34 room additions
- 6 porch additions
- 4 second story additions
- 7 carport additions
- 9 garage additions

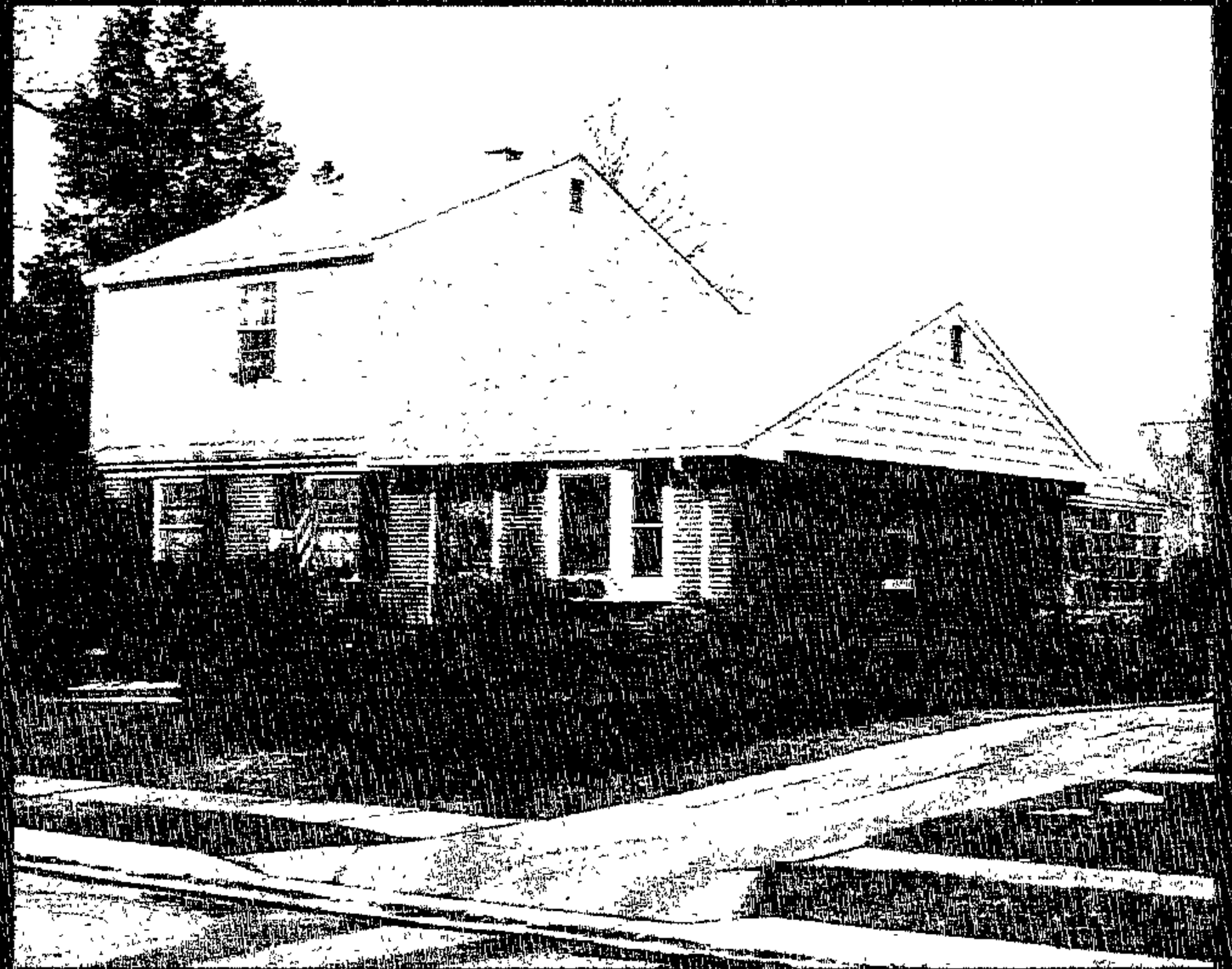
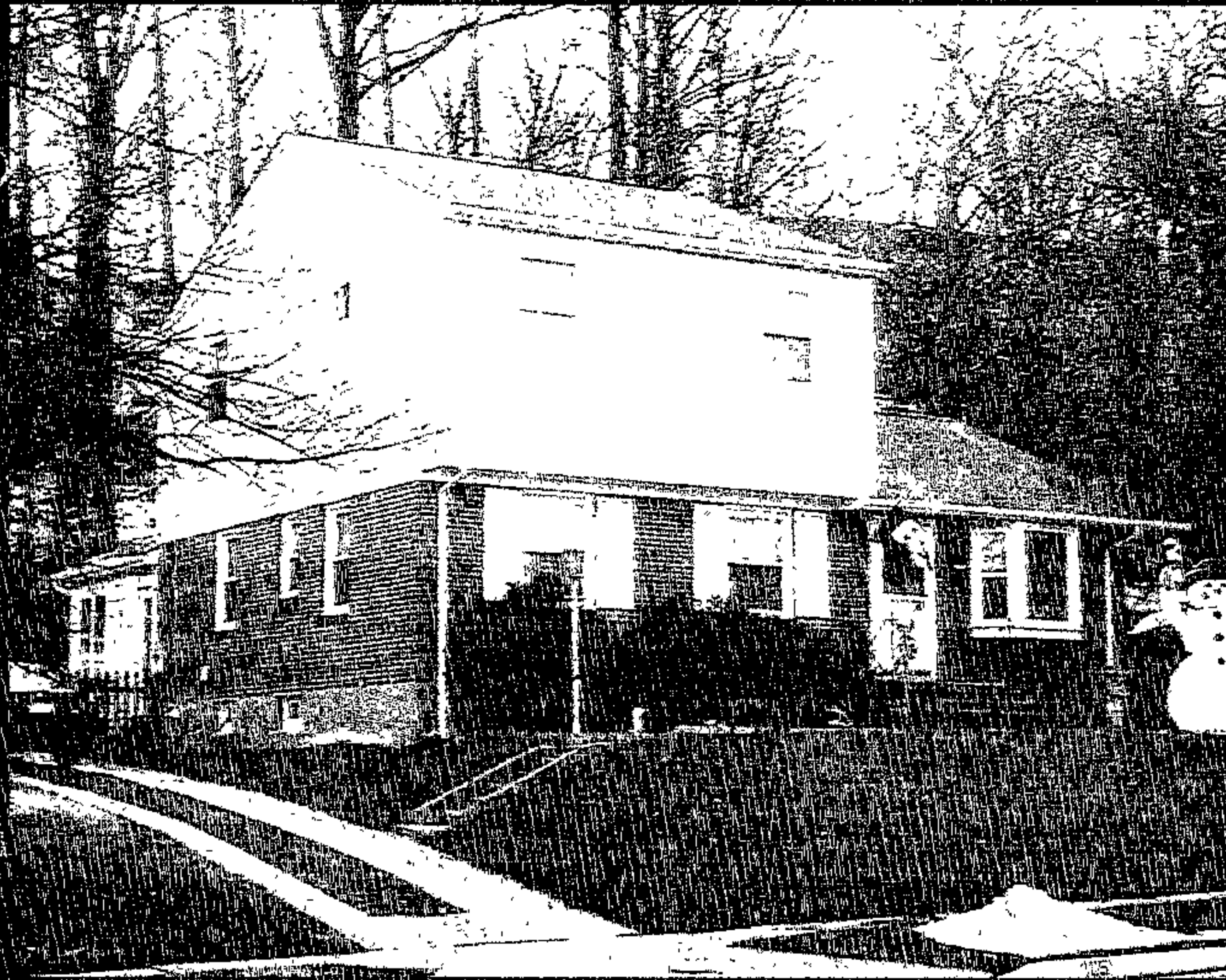
34 houses have room additions



6 houses have porch additions



4 houses have 2nd story additions



7 houses have carport additions



9 houses have garage additions

