

IN RE: PETITION FOR ADMIN. VARIANCE
NE/S of Dunglow Road, 59 ft. S
of Mornington Road
12th Election District
7th Councilmanic District
(3003 Dunglow Road)

Kathryn V. & J. Stacey Mitchell
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-380-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Kathryn V. and J. Stacey Mitchell. The variance request is for property located at 3003 Dunglow Road in the Dundalk area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with a side yard setback of 4 ft. in lieu of the minimum required 10 ft. 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 on February 28, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning 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

ORDER RECEIVED FOR FILING

Date

3/18/04

By

R. O. Johnson

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 Deputy Zoning Commissioner for Baltimore County, this 18 day of March, 2004, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with a side yard setback of 4 ft. in lieu of the minimum required 10 ft., 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;



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ADDER RECORDED FOR FILMS
DATE 3/18/04
BY [Signature]

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

March 18, 2004

Mr. & Mrs. J. Stacey Mitchell
3003 Dunglow Road
Dundalk, Maryland 21222

Re: Petition for Administrative Variance
Case No. 04-380-A
Property: 3003 Dunglow Road

Dear Mr. & Mrs. Mitchell:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3003 DUNGLOW ROAD
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) BO2,3,C.1, BC2R, to permit a proposed

addition with a side yard setback of 4 feet in lieu of the minimum required 10 feet.

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

Address Telephone No.

City State Zip Code

Legal Owner(s):

J. STACEY MITCHELL
Name - Type or Print

J. Stacey Mitchell
Signature

KATHRYN V. MITCHELL
Name - Type or Print

Kathryn V. Mitchell
Signature

3003 DUNGLOW ROAD 410-282-2674
Address Telephone No.

DUNDALK, MARYLAND 21222
City State Zip Code

Representative to be Contacted:

Stacey Mitchell
Name

3003 DUNGLOW ROAD 410-282-2674
Address Telephone No.

DUNDALK, MARYLAND 21222
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, 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. 04-380-A

RECEIVED 10/25/01

Reviewed By JNP Date 2/19/04

Estimated Posting Date 2/29/04

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 3003 DUNGLOW ROAD
Address
DUNDALK, MARYLAND 21222
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):

My WIFE IS TOTALLY DISABLED WITH MULTIPLE SCLEROSIS
WE NEED A HANDICAP ACCESSIBLE BEDROOM AND
BATHROOM ON THE FIRST FLOOR OF OUR HOME
LOCATION OF PRESENT UTILITIES, ELEC, SEW PIPE, WATER SUPPLY
REQUIRE BEDROOM/BATHROOM TO BE ON THE SIDE OF HOUSE
NEW ADDITION WILL REPLACE CURRENT SUNROOM, WHICH NEEDS
MASSIVE RENOVATION

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.

J. Stacey Mitchell
Signature
J. STACEY MITCHELL
Name - Type or Print

Kathryn V. Mitchell
Signature
KATHRYN V. MITCHELL
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of February, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

J. Stacey Mitchell Kathryn V. Mitchell
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Rose M. Berry
Notary Public
My Commission Expires 11/01/06

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **29939**

DATE 2/19/04 ACCOUNT R-001-006-650

AMOUNT \$ 65.00

RECEIVED FROM: J. Gacey Mitchell & Kathryn U. Mitchell

FOR: Adm. Var. (3003 Dunlop Road

04-380-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DAY
2/20/2004	2/19/2004	11:58:07	5
REG 0505	WALKIN	LSO0 LES	
>> RECEIPT # 352288			2/19/2004 OFLN
Dept 5 528 ZIMING VERIFICATION			
CR NO. 029939			
Recpt Tot		\$65.00	
\$65.00 CK		\$1.00 CA	
Baltimore County, Maryland			

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-380-A

Petitioner/Developer: STACEY

MITCHELL

Date of Hearing/Closing: 3/15/04

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

ATTN: Kristen Matthews {(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:

3003 DUNGLOW ROAD

The sign(s) were posted on

2/28/04
(Month, Day, Year)

Sincerely,

Robert Black 2/28/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

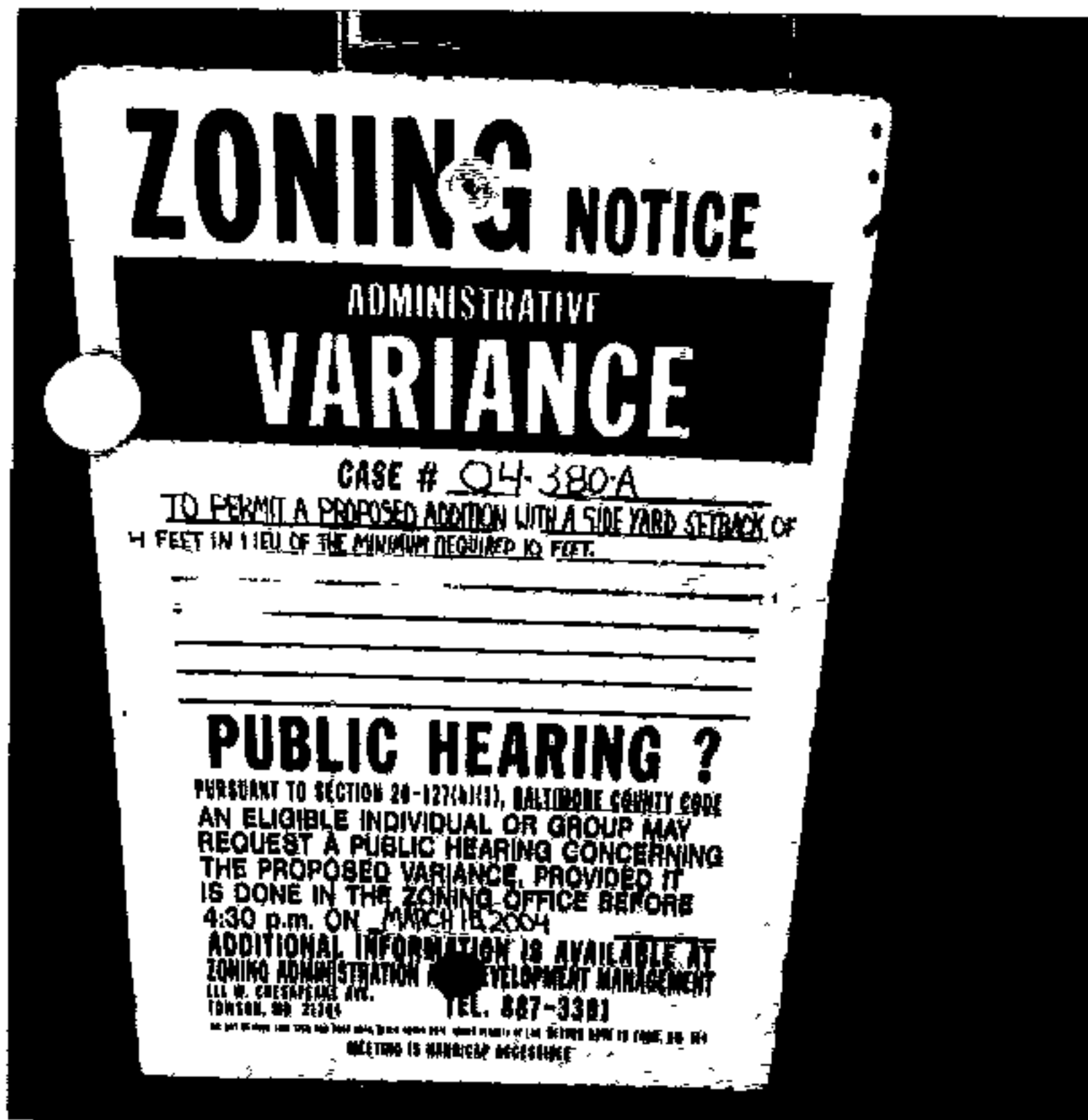
(410) 282-7940

(Telephone Number)

RECEIVED

MAR 05 2004

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04- 380 -A Address 3003 DUNGLOW ROAD
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 2/19/04 Posting Date: 2/29/04 Closing Date: 3/15/04

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- 380 -A Address 3003 DUNGLOW ROAD
Petitioner's Name MITCHELL Telephone 410-282-2674
Posting Date: 2/29/04 Closing Date: 3/15/04
Wording for Sign: To Permit a proposed addition with a side yard setback of 4 feet in lieu of the minimum required 10 feet.

WCR - Revised 6/28/00

**Department of Permits and
Development Management**

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

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

March 15, 2004

J. Stacey Mitchell
Kathryn V. Mitchell
3003 Dunglow Road
Dundalk, Maryland 21222

Dear Mr. and Mrs. Mitchell:

RE: Case Number: 04-380-A, 3003 Dunglow Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 19, 2004.

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 that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2.27.04

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

RE: Baltimore County
Item No. 380 JHP

Dear Ms. Matthews:

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
3/18/04*

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Ketroco
FROM: R. Bruce Seeley *AMS*
DATE: March 25, 2004
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 1, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-376
04-377
04-378
04-379
04-380
04-382
04-384
04-386
04-388

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 3, 2004

RECEIVED

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

MAR 4 2004

ZONING COMMISSIONER

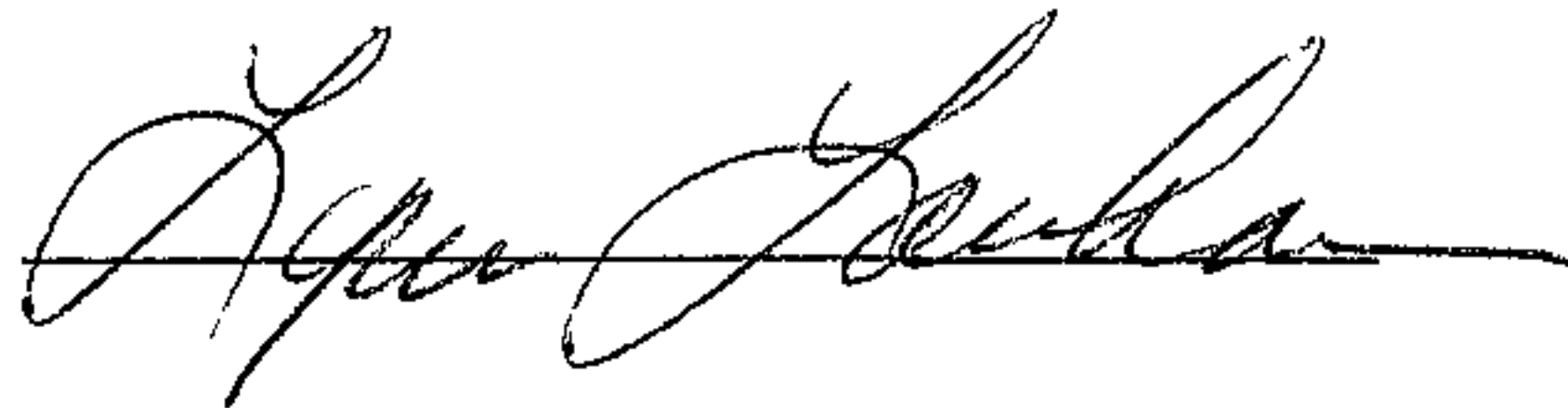
SUBJECT: Zoning Advisory Petition(s): **Case 4-370 and 4-380**
Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:



Section Chief:



AFK/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 25, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For March 8, 2004
Item Nos. 349, 376, 377, 378, 379, (380),
381, 382, 384, 385, 388, and 389

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

RWB:CEN:jrb

cc: File

February 2, 2004

Neighbors In support of a Variance Grant
for Mitchell Family Home Addition;

We the undersigned have seen the proposed construction plans for the single
story addition to the Mitchell family residence,

3003 Dunglow Road

Dundalk, Maryland, 21222-5103

The room addition will enhance the residence as well as the neighborhood.

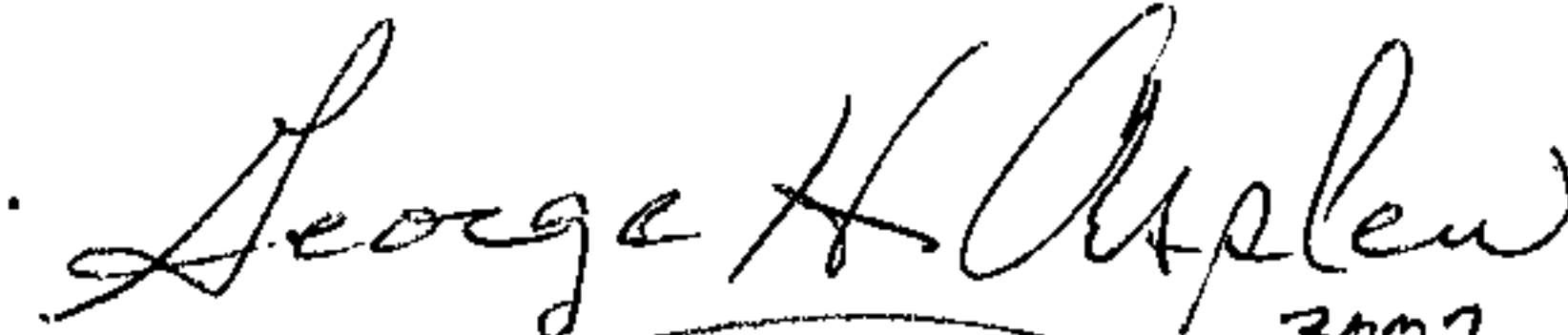
We sign here with our Name and Address to petition the Zoning Review
to grant this variance.

1.  2-2-04

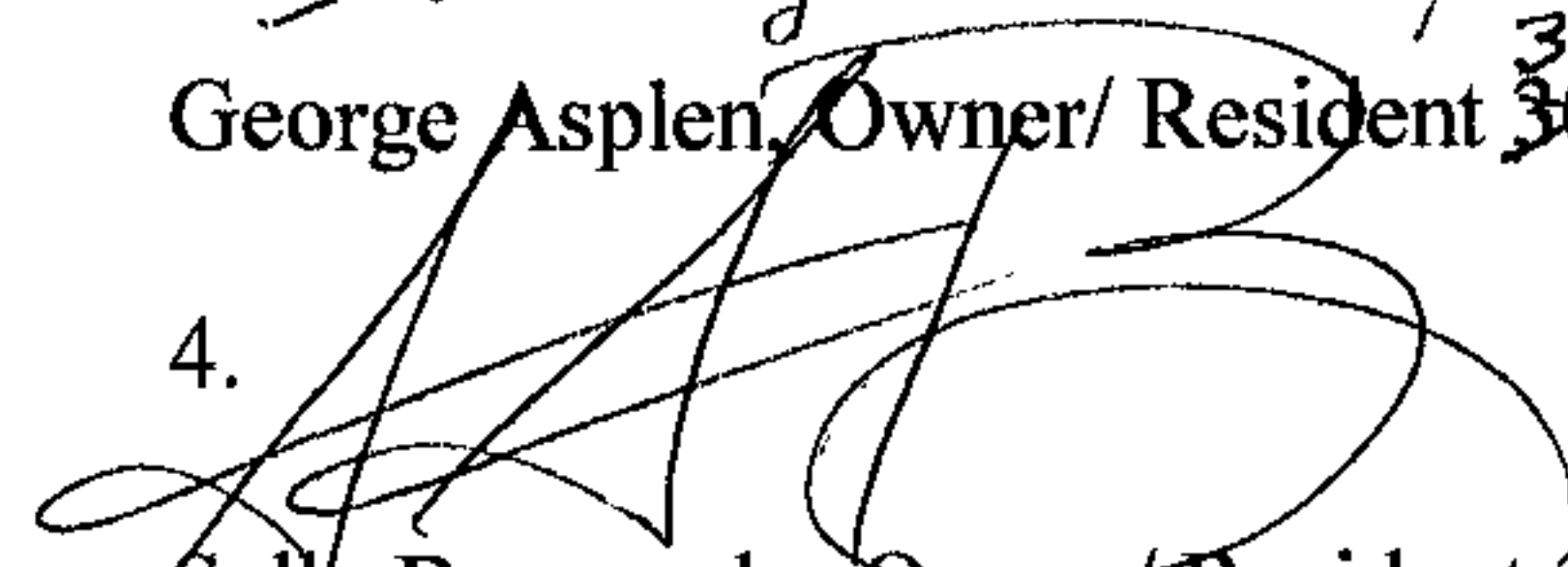
John Burdeski, Owner/ Resident 3001 Dunglow Road

2. 

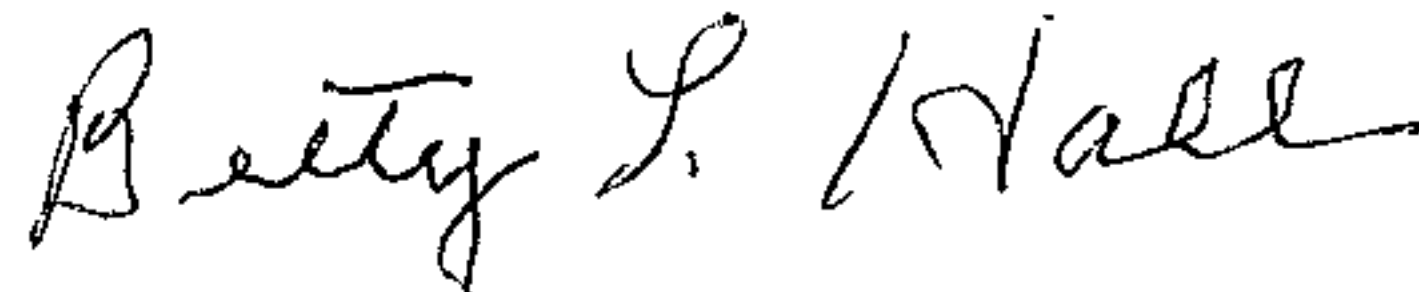
Linda Wade Hurd, Owner/ Resident 3005 Dunglow Road

3. 

George Asplen, Owner/ Resident ³⁰⁰⁷~~3005~~ Dunglow Road

4.  02/02/04

Sally Bonomolo, Owner/ Resident 3002 Dunglow Road

5. 

Betty Hall, Owner / Resident 3004 Dunglow Road

6. 

Lou Grumbach, Owner/ Resident 3008 Dunglow Road

04-380-A

February 2, 2004

Neighbors In support of a Variance Grant
for Mitchell Family Home Addition;

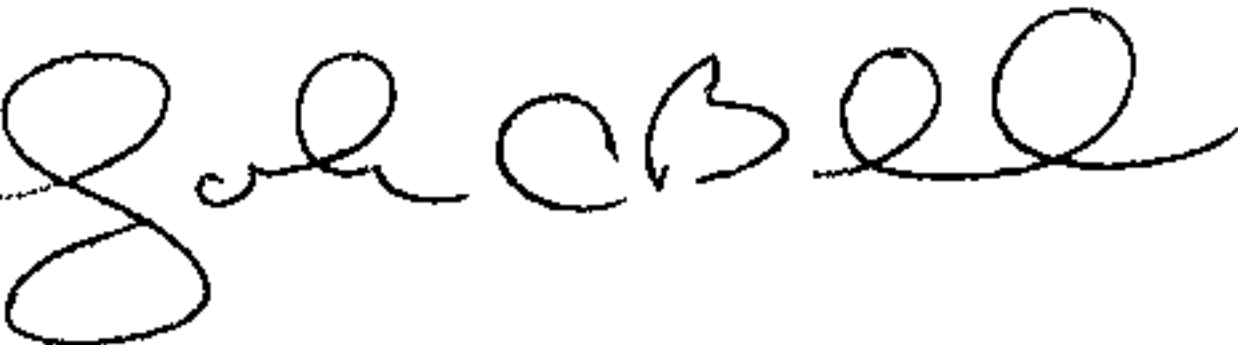
We the undersigned have seen the proposed construction plans for the single
story addition to the Mitchell family residence,

3003 Dunglow Road

Dundalk, Maryland, 21222-5103

The room addition will enhance the residence as well as the neighborhood.

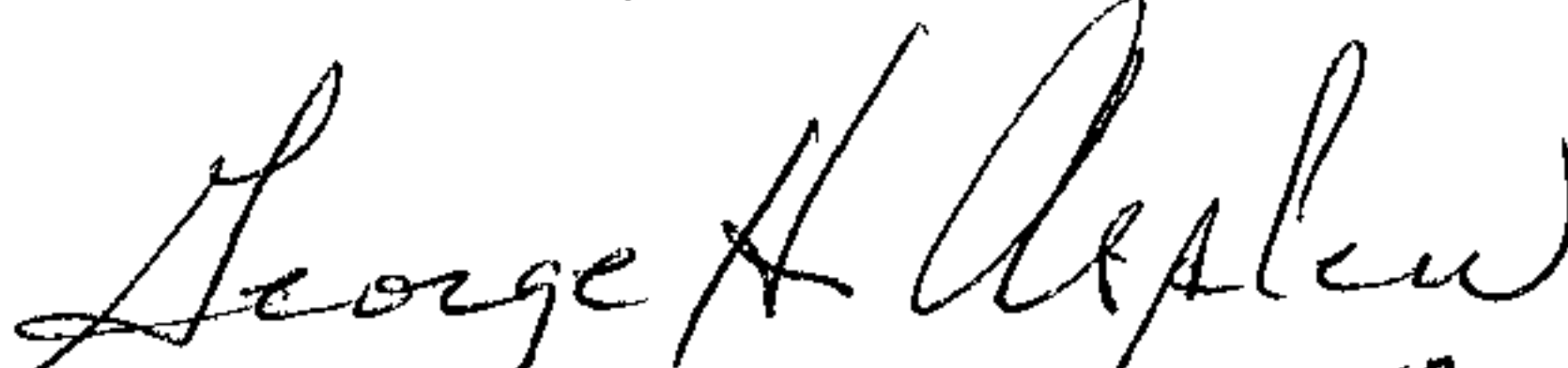
We sign here with our Name and Address to petition the Zoning Review
to grant this variance.

1.  2-2-04

John Burdeski, Owner/ Resident 3001 Dunglow Road

2. 

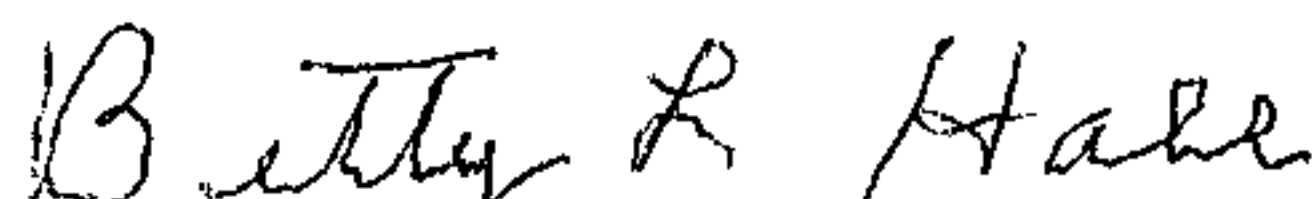
Linda Wade Hurd, Owner/ Resident 3005 Dunglow Road

3. 

George Asplen, Owner/ Resident 3007 Dunglow Road

4.  02/02/04

Sally Bonomolo, Owner/ Resident 3002 Dunglow Road

5. 

Betty Hall, Owner / Resident 3004 Dunglow Road

6. 

Lou Grumbach, Owner/ Resident 3008 Dunglow Road

04-380-A



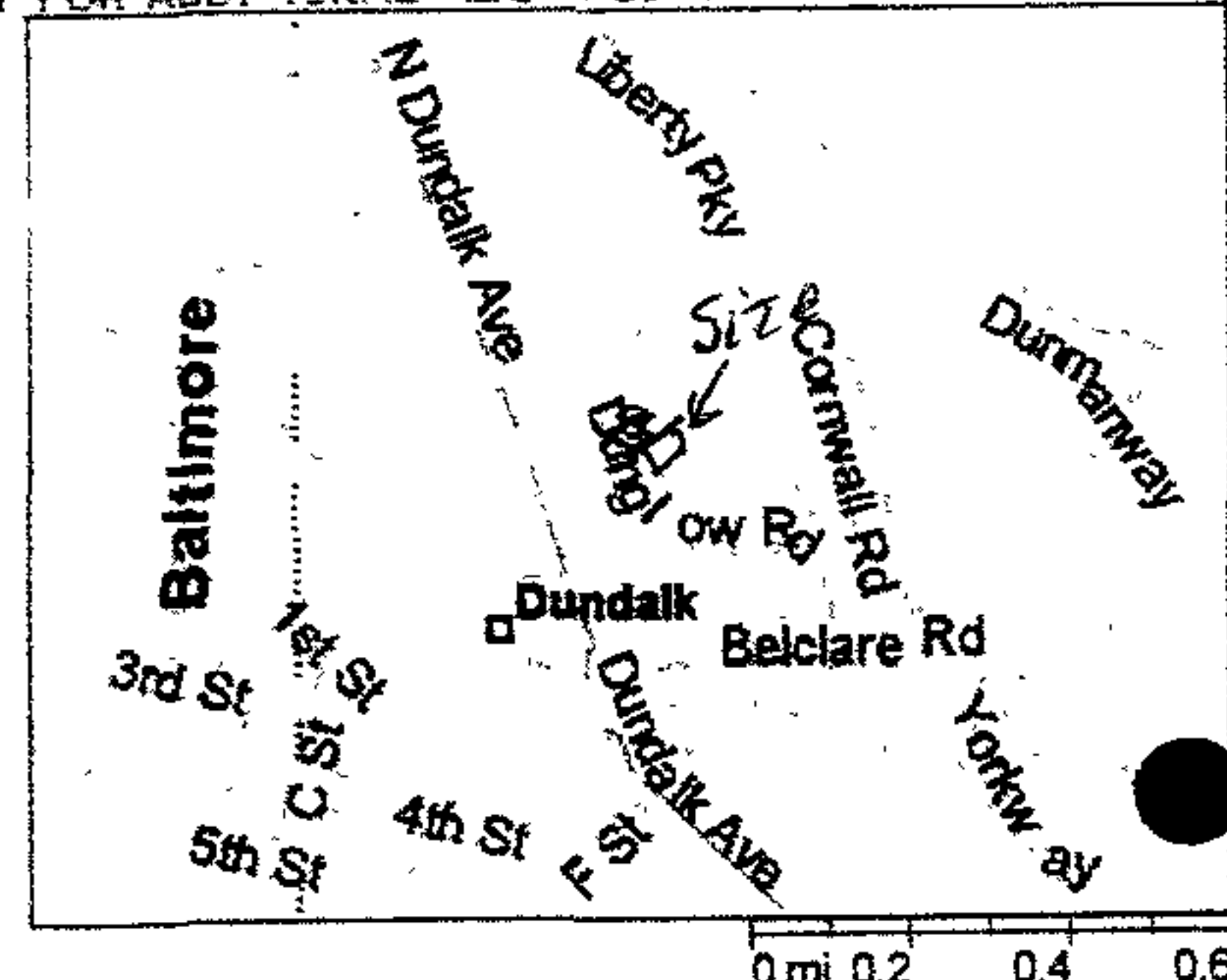
04-380-A

15

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

2/2/2004

AGE '2' Elec POLES
+ LINES RIGHT OF WAY

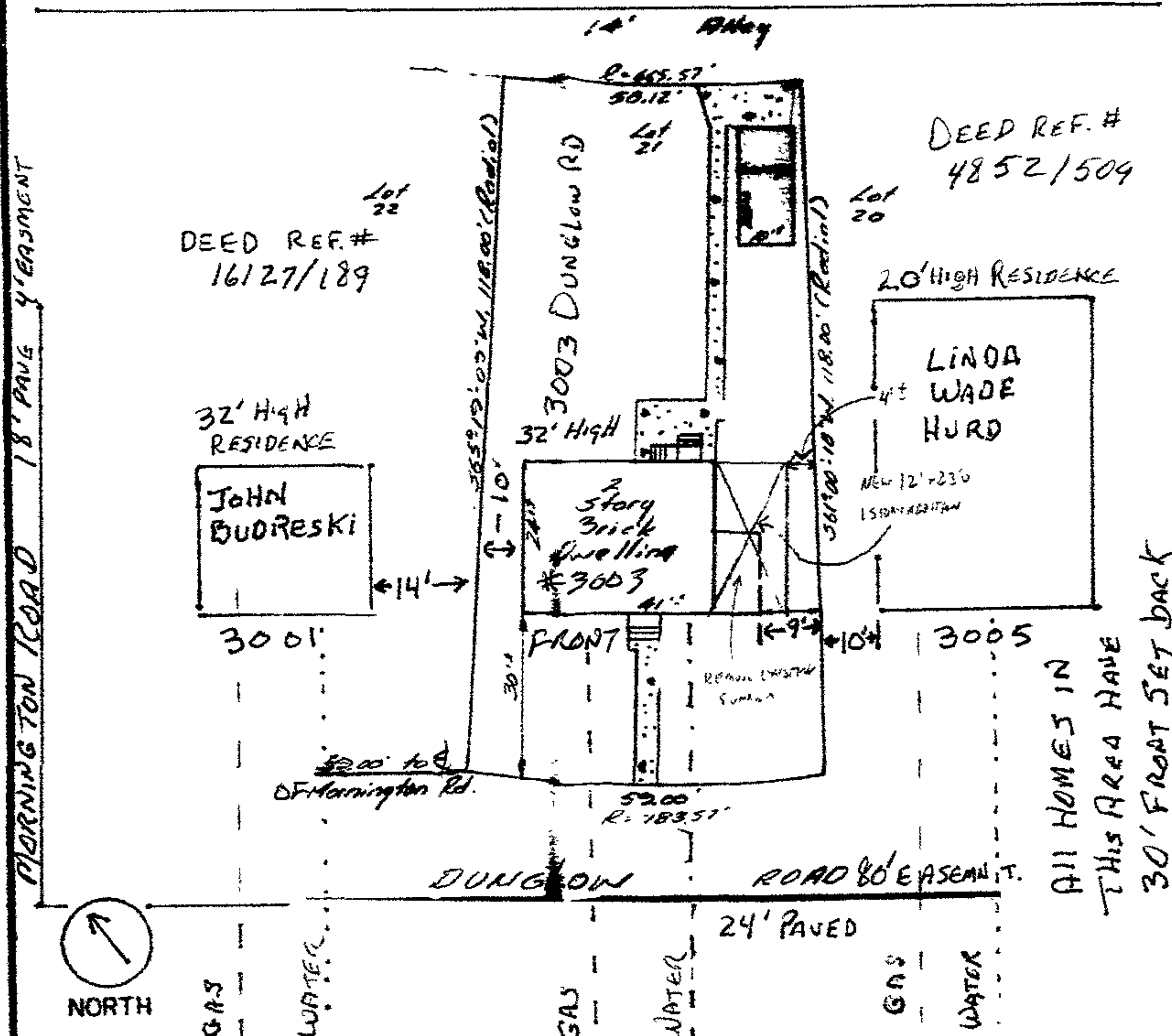


VICINITY MAP

SCALE: 1" = 1000'

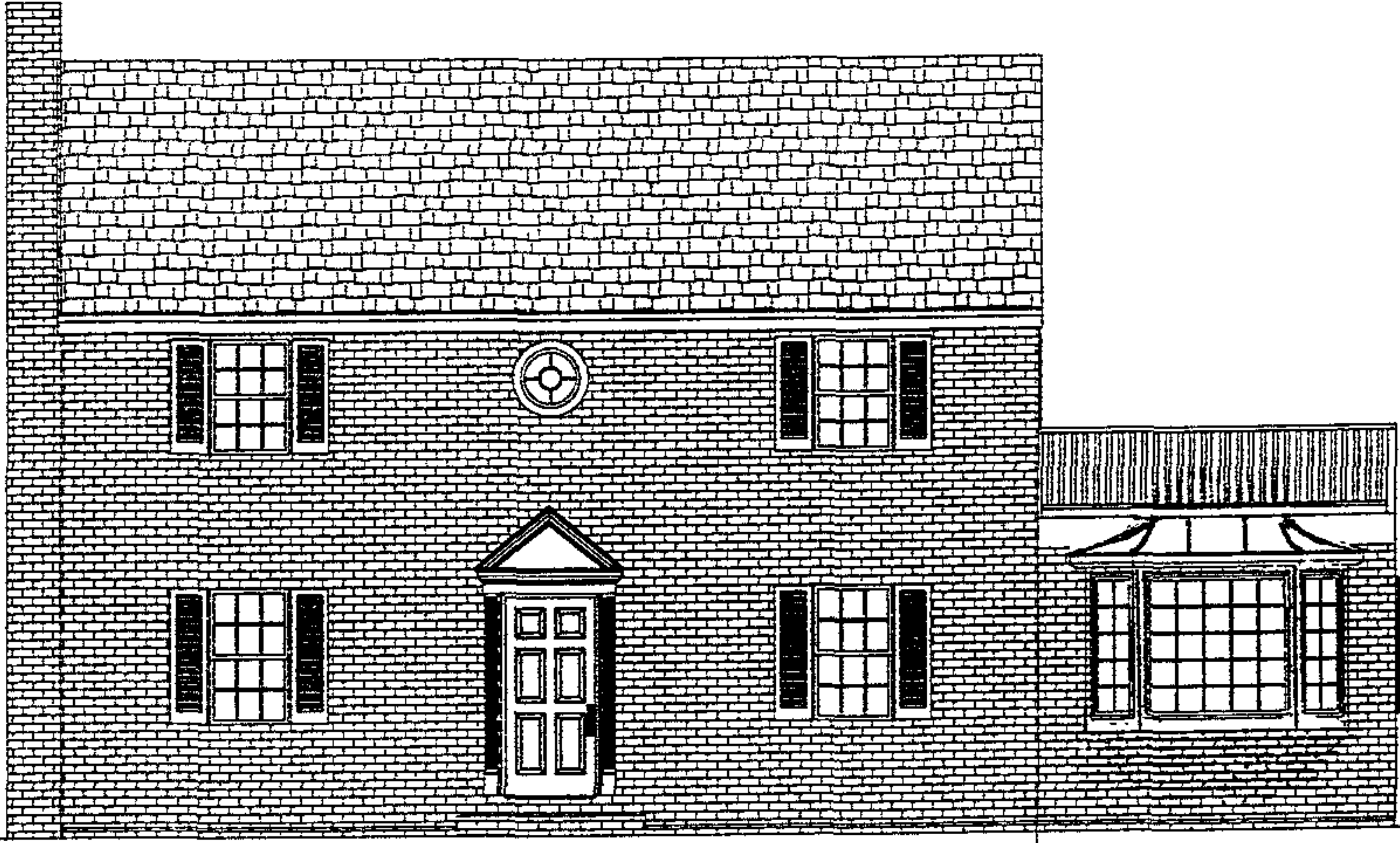
NP 380 04-380-A

Set #1



PREPARED BY STACEY MITCHELL

SCALE OF DRAWING: 1" = 30



G RIFFITH-BRILHAR
BUILDERS

3004 FALLSTON RD
410-557-8900

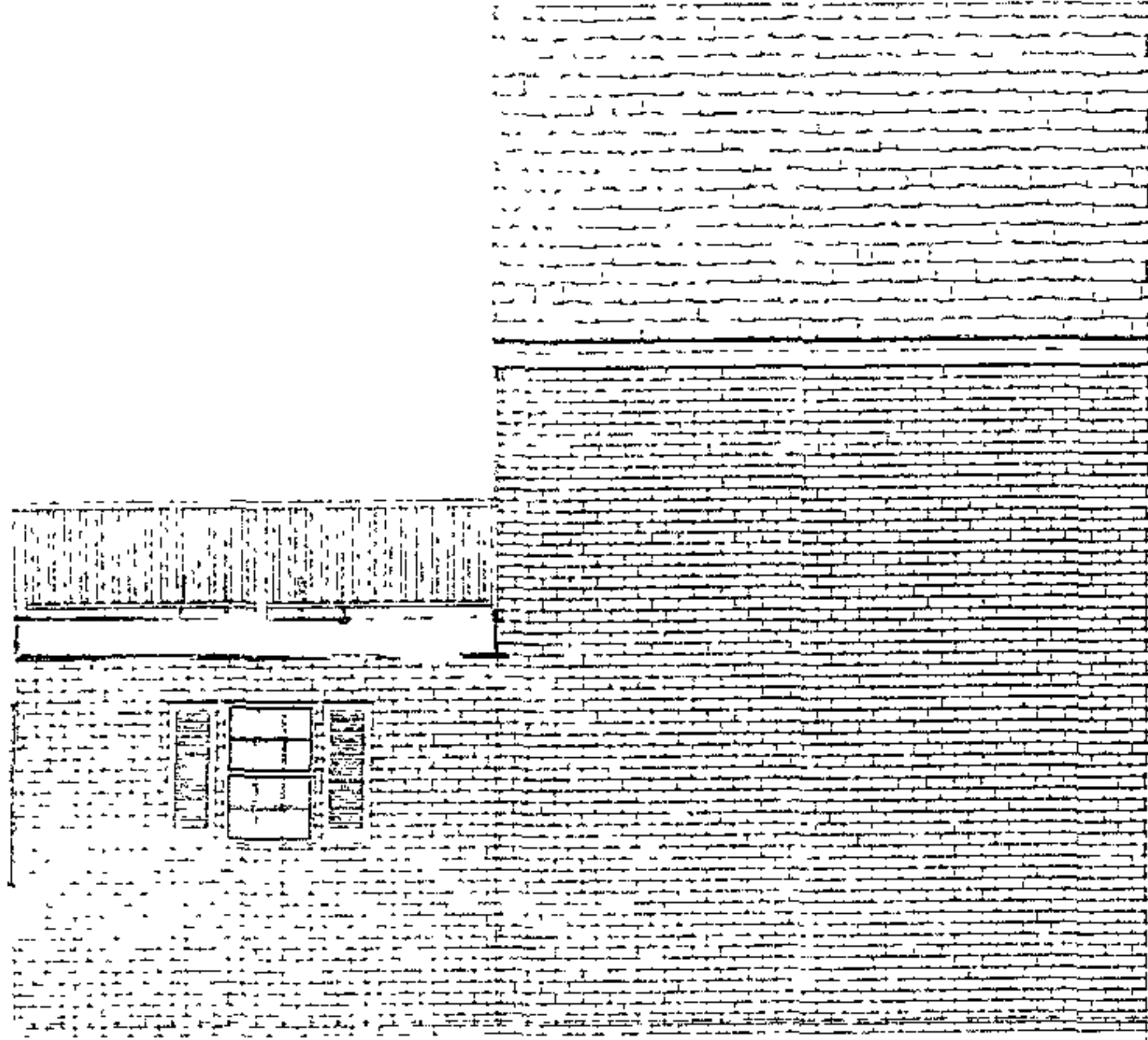
FALLSTON MD 21047
410-557-6319 FAX

MITCHELL RESIDENCE
OPTION D
FRONT

SCALE: 1/8" = 1'

PAGE 4

04-380-A



REAR



SIDE

G RIFFITH-BRILHAR
BUILDERS

3004 FALLSTON RD
410-557-8900

FALLSTON MD 21047
410-557-6319 FAX

MITCHELL RESIDENCE
OPTION D
SIDE AND REAR

SCALE: 1/8" =

PAGE 5

04-380-A

04-380-A



14200000

SIDE VIEW OF 3003 DUNGLow Road
WITH NEIGHBOR @ 3005 ON RIGHT



1/30/04

3003 DUNGLow ROAD FROM FRONT SIDE
WHERE SUNROOM WILL BE REMOVED
NEIGHBOR HOUSE @ 3005 IS TO RIGHT IN PHOTO



1/30/04

3003 DUNGLON ROAD FRONT SIDE

WHERE SUNROOM WILL BE REMOVED

NEIGHBOR HOUSE @ 3005 IS TO RIGHT IN PHOTO



1/30/04

3003 Douglass Road

CLOSE VIEW OF Right FRONT SIDE
OF House

Shows Sun Room THAT WILL BE REMOVED
FOR NEW 1 Story Addition



1/30/04

FRONT VIEW OF 3003
Donglow Road
Neighbor @ 3001 on Left in Photo



1/30/04

3003 DUNGLow ROAD - VIEW FRONT

FACING DOWN THE STREET TO SHOW NEIGHBOR
@ 3001 ON LEFT IN PHOTO AND NEIGHBOR @
3005 ON RIGHT IN PHOTO



1/30/04

3003 DUNGLOW ROAD FRONT VIEW

WITH NEIGHBOR @ 3005 AT RIGHT IN PHOTO

Zoning Description

Zoning Description for 3003 Dunglow Road

Beginning at a point on the north^{east} side of Dunglow Road which 80 feet wide at the distance of 59 feet south of the centerline of the nearest improved intersecting street, Mornington Road which is 24 feet wide.

Being Lot # 21, Block 13, Section # 13, in the subdivision of Dundalk Highlands as recorded in Baltimore County Plat Book # 8, Folio 54, containing 6,438 sq. feet. Also known as 3003 Dunglow Road and located in the 12th Election District, 7th Councilmanic District.

04-380-A