IN RE: PETITION FOR ADMIN. VARIANCE

N/S of Janellen Drive, 2,500 ft. N centerline of Keyser Road 3rd Election District 2nd Councilmanic District

(3402 Janellen Drive)

Dolores & Neil Novin **Petitioners**

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-453-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, Dolores and Neil Novin. The variance request is for property located at 3402 Janellen Drive in Baltimore County. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.),to permit side yard setbacks of 8.5 ft. for an existing dwelling and 10 ft. for a proposed addition in lieu of the required 15 ft. respectively. 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 April 10, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Applicable Law

Section 307 of the B.C.Z.R. – Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where

CHANGON ANDRO

ORDER RECEIVED FOR THIS

special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

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 compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' variance request should be GRANTED.

THEREFORE, IT IS ORDERED, this <u>30</u> day of April, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 8.5 ft. for an existing dwelling and 10 ft. for a proposed addition in lieu of the required 15 ft. respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

Service Contractions of the Solot Contraction of the Solot Contraction

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;

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM: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

April 29, 2004

Mr. & Mrs. Neil Novin 3402 Janellen Drive Baltimore, Maryland 21208

> Re: Petition for Administrative Variance Case No. 04-453-A Property: 3402 Janellen Drive

Dear Mr. & Mrs. Novin:

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,

John V. Murphy

Deputy Zoning Commissioner

Enclosure

c: Charles Millenburg, Jr.
15 Greenspring Valley Road
Owings Mills, MD 21117





FEV 10 25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3402 Janellen Dr., Ballo, MD which is presently zoned D.R. 2

This Petition shall be filed with the Department of Permowner(s) of the property situate in Baltimore County and who made a part hereof, hereby petition for a Variance from Section	nits and Development Management. The undersigned, legal sich is described in the description and plat attached hereto and tion(s) BO2,3,B + Perm + side yar
▲	existing dwelling and 10 ft. for a
	of the required 15 ft. respective
of the zoning regulations of Baltimore County, to the zoning of this petition form.	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the i, or we, agree to pay expenses of above Variance, advertising, percentage and restrictions of Baltimore County adopted pursuant	osting, etc. and further agree to and are to be bounded by the zoning
	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:	Legal Owner(s):
	1/.1
Name - Type or Print	Name - Type of Print Ooo a.
Signature	Signature
	Dolores Novin
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature / WOOTCA
Attorney For Petitioner:	3402 Janellen Dr. (410) 186-71
-	Address Telephone No.
, , , , , , , , , , , , , , , , , , ,	13a (40) 21208
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Signature	CHARLES MILLENBURG IR.
Company	Manage
	15 GREENSPRING VALLEY RD . 410 - 581-0104
Address Telephone No.	Address Telephone No.
	OWNOS MILLS MD: 21117
City State Zip Code	City State Zip Code
A Rublic Hearing having been formally demanded and/or found to be this day of, that the subject matter of the gulations of Baltimore County and that the property be reposted.	e required, it is ordered by the Zoning Commissioner of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
VT\	Zoning Commissioner of Dailling County

Reviewed By

Estimated Posting Date

Date

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	402 Jane	llen Drive	
Add City	iress 2	State	Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hardship or	g are the facts upon practical difficulty):	which I/we base the req	uest for an Administrative
Presently there			
port on a pie	shape	70 lox	which
we would lilve			
garage. Ohe c	orner	of the	Car
garage. One c Port is over	the	setbaal	
That the Affiant(s) acknowledge(s) that if a formated advertising fee and may be required to provide additional advertising fee and may be required to provide additional advertising fee.	l demand is filed, a tional information.	Affiant(s) will be require	d to pay a reposting and
advertising fee and may be required to provide addit		Ilour)	Nover
Signature Name - Type or Print	Signafu Name -	Type or Print	Novin
I HEREBY CERTIFY, this 2 day of 1 day of 1 day of 1 day of 2 day of 3 day o		,2 <u>004</u> , before me, a	Notary Public of the State
the Affiant(s) herein, personally known or satisfactor	ily identified to me a	s such Affiant(s).	
AS WITNESS my hand and Notarial Seal	(Os.	(Dec	
	Notary Public My Commission	on Expires 3/13	10p
REV 10/25/01			!

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	3402 Vanelleh Drive
	Address State Address Zip Code
Variance at the above address (indicate hardshi	wing are the facts upon which I/we base the request for an Administrative p or practical difficulty):
Presently there	shaped lot which we
port on a pie	shaped 10+ which we
would like to	enclose for a garage.
One corner of	the carport is over
the set back	. 1
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
16/ Count	Delous Marin
Signature // // // // // // // // // // // // //	Signature May 1
Name - Type or Print	Name Type or Print
STATE OF MARYLAND, COUNTY OF BALTIN	MRE, to wit:
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, per	sonally appeared , Down , before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	ctorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	Orio Con
	Notary Public Notary Public

My Commission Expires $\frac{1}{2}\sqrt{2}\sqrt{2}$



made a part hereof, hereby petition for a Variance from Section(s)

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

which is presently zoned PR2

for the property located at 3402 Jakelleh Drive

made a part nereor, nereby petition for a variance from	section(s) (BO2.3. B to permit side yard
setbacks of 8.5 ft. for an	existing dwelling and 10 ft. Cora
Proposed addition in lieu	of the required 15 ft, respectively
of the zoning regulations of Baltimore County, to the zon of this petition form.	ning law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by i, or we, agree to pay expenses of above Variance, advertising regulations and restrictions of Baltimore County adopted purs	ig, posting, etc. and further agree to and are to be bounded by the zoning
	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:	<u>Legal Owner(s):</u>
	Neilstorin
Name - Type or Print	Name - Type or Print
Signature	Signature Signature
Address Telephone No	Name - Type or Print — / Novin
	Dolores Noon
City State Zip Code	7/2/2011
Attorney For Petitioner:	Address () Cahe (eh) (41) 186-1
Niama - Pina	Balto MD 21208
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Company	CHARLES MILLEN BURG J.P. Name
o o mpany	15 GREENSPRING VALLEY RD. 410-581-010
Address Telephone No.	Address Telephone No
City State Zip Code	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 matt regulations of Baltimore County and that the property be reposted.	er of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. <u>04-453-A</u>	Reviewed By 1/64 Date 3/3//64
REV 10/25/01	Estimated Posting Date 4/11/24

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

ZONING DESCRIPTION

Zoning Description For 3402 Janellen Drive

Beginning at a point on the north side of Janellen Drive which is 50 feet wide at the distance of 2,500 feet north of the centerline of the nearest improved intersecting street Keyser Road which is 70 feet wide. Being Lot # 7, Block F, resubdivision of Sections 3 & 4 in the subdivision of Glenmar as recorded in Baltimore County Plat Book #25, Folio 3, containing 22,651 square feet. Also known as 3402 Janellen Drive and located in the 3rd Election District, 2nd Councilmanic District.

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WILDATION				

CERTIFICATE OF POSTING

	RE: Case No.: 04-453-A
* *	Petitioner/Developer: DR. WEIL \$
	DECORES NOVIN
	Date of Hearing/Closing: 4/26/04
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 o posted conspicuously on the property locate	of perjury that the necessary sign(s) required by law were
	PAHELLEH DR
<u> </u>	MHCLLEH DIC
	4//4/6
the sign(s) were posted on	7/10/04 (Month, Day, Year) ~
	Sincerely,
	Dohert Rand 4/10/04
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
Applify the state of the state	(City, State, Zip Code)
	· · · · · · · · · · · · · · · · · · ·
	(City, State, Zip Code)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-	453	-A	Address_	3402	Jahe/len	Dr.
Contact Person: _	Bruno	Rudaitis Please Print Your?	·		Phone Nur	mber: 410-887-3391
Filing Date: 3/			ng Date: _	4/11/04	Closin	ig Date: <u>4/ας/υ</u> 4
Any contact made through the contact	with this off person (plant	ice regarding	tha status	2 f tha		variance should be
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2. <u>DEADLINE:</u> a formal request for a	ucstion a pt	iono neanno.	– Piease u	nderstand	that ayan if	hin 1,000 feet to file there is no formal e.
order that th	e matter be in 7 to 10 day	set in for a	requested public hea	relief; (b) ring. You	deny the req will receive	g or deputy zoning uested relief; or (c) written notification has been granted. Class mail.
4. POSSIBLE P (whether due commissione) changed giving	to a neighbor), notification	or's formal rewall be forved to the second days	EPOSTING: request or varded to y	In cases by order of you. The	that must go of the zoning sign on the	to a public hearing or deputy zoning property must be sign was originally ust be forwarded to
*** ****** ***** ****** ***		****	Along Dotted Lin			
Petitioner: This Pa	rt of the Forn	n is for the S	ign Poster	Only		ال الرافية المرافقة
		OMINISTRAT				
Case Number 0#-	453 -A	Addres	ss <u>340</u>	2 Jahr	llen Dr.	
Petitioner's Name	VI. Neil d	Delotes 1	Your	T	elephone <u>4</u>	40-486-7122
Posting Date: Wording for Sign:	To Dorout	0	Clos	ing Date:	4/26/09	
Wording for Sign:	of the for a	proposed	addition	at 8.5	n of the	an existing tegnited 15 ft
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baitimore 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 resconsible 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

<u>For Newspaper Advertising</u>
Item Number or Case Number 04-453- A
Petitioner DR. NEIL AND DEWRES NOVIN
Address or Location 2402 JANELLEN DRIVE GLENMAR - BALTIMORE, MD, 2
PLEASE FORWARD ADVERTISING BILLITS
Name _ * DR. HELL NOVIN & DELORES NOVIN
Address & 3402 JANELLEN DRIVE
GLENMAR - BALTIMORE, MD. 21200
Teiephone Number: x 410 - 486 - 7122

Department of Permits and Development Management

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





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

April 26, 2004

Neil Novin Dolores Novin 3402 Janellen Drive Baltimore, Maryland 21208

Dear Mr. and Mrs. Novin:

RE: Case Number:04-453-A, 3402 Janellen Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 31, 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. Call Richard

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

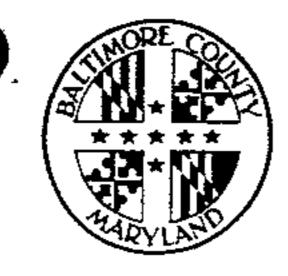
c: People's Counsel Charles Millenburg, Jr. 15 Greenspring Valley Road Owings Mills 21117



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

Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel 410-887-4500





James T Smith, Jr, County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

April 9, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: April 12, 2004

Item No.: 341, 450-456

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.

6. 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



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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

4.13.04 Date:

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

RE:

Baltimore County

Item No. 453

BPR

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,

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley 185/100

DATE:

April 5, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of April 12, 2004

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

04-341

04-451

04-456

Reviewers:

Sue Farinetti, Dave Lykens

Date: May 5, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE APRIL 15, 2004 DELEVED

APR 1 6 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 4-453 and 4-454 – 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:

Division Chief:

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 18, 2004

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 19, 2004

Item Nos. 341, 450, 451, 452, 453,

455, and 456

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

RWB:CEN:jrb

cc: File

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Zoning Commissioner

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





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

May 13, 2004

Dr. & Mrs. Neil Novin 3402 Janellen Drive Baltimore, Maryland 21208

> Re: Petition for Administrative Variance Case No. 04-453-A Property: 3402 Janellen Drive

Dear Dr. & Mrs. Novin:

Thank you for bringing to our attention the error concerning your address on page 1, paragraph 1, of the administrative variance granted to you on April 30, 2004. The correct address has been inserted into the original order and we are enclosing a copy for your records.

Please accept our apologies for any inconvenience this may have caused. Should you have any questions or need any additional information, please feel free to contact this office at 410-887-3868.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Charles Millenburg, Jr.
15 Greenspring Valley Road
Owings Mills, MD 21117



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

