ORDER RECEIVED FOR FILLING.
By

IN RE: PETITION FOR ADMIN. VARIANCE

S/S Ellen Avenue, 400' W of the c/l

Old Harford Road
(2318 Ellen Avenue)

9<sup>th</sup> Election District 6<sup>th</sup> Council District

James D. Zinkhan, et ux Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 05-030-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, James D. Zinkhan, and his wife, Teresa Zinkhan. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (pole barn/garage) with a side yard setback of 1 foot in lieu of the minimum required 2.5 feet. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

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Based upon the documentation contained therein, I am persuaded to grant the requested variance. It was indicated that there are two existing portable canopies located in the side yard at the end of the existing driveway and that the proposed pole barn/garage will replace these structures. The relief requested appears appropriate in this instance. There were no adverse comments from any County reviewing agency and the neighbors on the affected side submitted a letter of support indicating they have no objection to the proposal. Thus, it appears that relief can be granted and that there will be no detrimental impact to adjacent properties.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of August 2004 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (pole barn/garage) with a side yard setback of 1 foot in lieu of the minimum required 2.5 feet, 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) Within sixty (60) days of completion of the new pole barn/garage, the Petitioners shall remove the two existing canopies.
- 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

^

#### 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

August 25, 2004

Mr. & Mrs. James D. Zinkhan 2318 Ellen Avenue Baltimore, Maryland 21234

PETITION FOR ADMINISTRATIVE VARIANCE RE: S/S Ellen Avenue, 400' W of the c/l Old Harford Road (2318 Ellen Avenue) 9<sup>th</sup> Election District – 6<sup>th</sup> Council District James D. Zinkhan, et ux - Petitioners Case No. 05-030-A

Dear Mr. & Mrs. Zinkhan:

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,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

People's Counsel; Case Jile





\* 1

## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 33/8 ELLEN AVENUE 

iWe do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

owner(s) o made a pa	tion shall be filed of the property situated art hereof, hereby pe	ite in Ba etition fo	altimore County or a Variance fr	and whom Sec	nich is d ction(s)	escribed in t	he desc	ription an Bcz	id plat attach∈ 1≳	ed hereto ar	al id
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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.

			is the subject of this	Petition.	
Contract Purchaser/	<u>Lessee:</u>		Legal Owner(s)	<u>:</u>	
Name - Type or Print			Name - Type or Print	ZINKHAN	- - <u>-</u> -
Signature			Signature		
Address		Telephone No.	Name - Type or Print	ZINKHAN	———————————————————————————————————
City	State	Zip Code	Signature Signature	Zisk	
Attorney For Petition	<u> ;er:</u>		23/8 EL. Address	LENAVE	410/661-753
			BALTIMOR	E US	Telephone No.
Name - Type or Print			City	State	Zip Code
Signature	···	· · · · · · · · · · · · · · · · · · ·	Representative	to be Contacted	<u>f</u>
Company		<del> </del>	TERESA Z	2/NKHAN	
<b>4</b>			2318 ELLE	-N AVE	410/370-1818
Addre s		Telephone No.	Address		/ Telephone No.
<b>5</b> 0	State	Zip Code	BALTO_ City	State	<u> </u>
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			Zonina Com	missioner of Baltimore (	County
	-030-A		•		111/2
CASE 10. 05  RE 10/05/01		Rev	iewed By	Date/	14104
RE 0/25/01		Esti	mated Posting Date _	1/25/04	<u> </u>

## 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

AS WITNESS my hand and Notarial Seal

REV 10/25/01

Address
Address

BALTIMORE UB

City

AVENUE

21234

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):

SEE ATTACHMENT

Notary Public

My Commission Expires \_

MY COMMISSION EXPIRES MAY 1, 2006

# 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 gives in within the personal knowledge of the Afficiety's) and that Afficiety's information

competent to testify thereto in the event that a part that the Affiant(s) does/do presently reside at	•		EN AV	•
mat the Amant(s) does do presently reside at	Address BALTII		1.1	21234
	City	TIDKE	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh			ch I/we base th	e request for an Administrative
SEE A	MACH			
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand additional inform	is filed, Affiar nation.	nt(s) will be re	quired to pay a reposting and
Signature Signature	•	Signature	esa Za	ikhan
Name - Type or Print	·	Name - Type		NKHAN
STATE OF MARYLAND, COUNTY OF BALTING  I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	July	<u>,20</u>	before n	ne, a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified	to me as suc	ch Affiant(s).	•
AS WITNESS my hand and Notarial Seal			- ]	/

MY COMMISSION EXPIRES MAY 1, 2006

Demilie Kylochies

My Commission Expires \_\_\_\_



CASE NO. 05-030-A

REV 10/25/01

## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at <u>3318 ELLEN AVENUE</u> which is presently zoned <u>DR 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) 400.188

TO PERMIT A DETACHED ACCESSORY STRUCTURE (POLE BARM) TO HAVE A SETBACK OF I' IN LIEU OF THE REQUIRED 2.5'

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 a perjury, that I/we are the legist is the subject of this Petition	gal owner(s) of the	
Contract Purchaser/L	essee:		Legal Owner(s):		
			JAMES D:	ZINKHAN	]
Name - Type or Print			Name - Type or Print		
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Address		Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature	2 mario	
Attorney For Petitione	<u>er:</u>		23/8 * ELLEN Address	AVENUE	1/10/661-753) Telephone No
•			BALTIMORE	UD	21234
Name - Type or Print			Crty	State	Zıp Code
Signature	· <b></b> ·		Representative to be	Contacted:	
			TERESA ZI	NKHAN	
Company			Name 23/8 Ellen Address		410/370-1818
Address		Telephone No.	Address BALTO MD	MD	Telephone No
City	State	Zip Code	City	State	Zip Code
Rublic Hearing having been his day of egulations of Baltimore County	and that the prope	ded and/or found to be nat the subject matter of erty be reposted	required, it is ordered by the Zon this petition be set for a public hearing	ing Commissioner o	of Baltimore County, quired by the zoning

Zoning Commissioner of Baltimore County

ATTACHMENT

We are requesting an Administrative Variance of 1 foot in lieu of the required 2½ foot setback required for the proposed 1 story, 22 x 30 foot pole barn/garage we would like to build. The reasons this structure needs to be built in the proposed area are as follows:

- 1 We need to replace the 2 existing aging portable canopies with a permanent, safe and more secure structure to store our restored antique 1937 Chevrolet Coupe and 1967 Chevelle Malibu
- 2 Sidewalks, trees, shrubs, deck and arbor are in conflict

To build the pole barn/garage on the opposite side of the house would cause great hardship due to the following:

- 1 We would have to cut down an ornamental cherry tree that was a Wedding gift
- 2 Would require installation of additional driveway, walkways and fencing
- 3 We would lose access to back yard required by large lawn equipment for care and maintenance of lawn and extensive gardens
- 4 We would lose opportunity to build future first floor bedroom

April 30, 2004

James & Teresa Zinkhan Property

Petition for Zoning Variance

#### Property Description for 2318 Ellen Avenue

Beginning for the same in the center of Ellen Avenue 30' wide as laid out on the plat of Grindon Little Farms. Said place of beginning being at the division line between Lots Nos. 39 and 40 as laid out on the aforesaid plat, said plat being recorded among the Land Records of Baltimore County in Plat Book no. 7 Folio 34 and running thence from the aforesaid place of beginning and binding on the center of Ellen Avenue aforesaid North Eighty Five degrees Thirty minutes west one hundred feet (N 85 30' W 100') thence binding on the division line between lots Nos 38 and 39 as laid out on the aforesaid plat North Four Degrees thirty minutes East Two Hundred, Twenty feet (N 4 30' E 220") thence binding on the northernmost outline of the aforesaid Lot No 39 South Eighty Five degrees Thirty minutes east One Hundred Feet (N 85 30' E 100') and thence binding on the division line between Lots Nos. 39 and 40 as laid out on the aforesaid plat South Four degrees Thirty Minutes West Two Hundred Twenty Feet (N 4 30' W 220') to the places of beginning. The improvements thereon being known as 2318 Ellen Ave.

Being Lot #39 as laid out on the aforesaid plat of Grindon Little Farms and recorded in Baltimore County Plat Book 7 Folio 34 which contains 22,000 square feet, located in the 9<sup>th</sup> Election District and 6<sup>th</sup> Councilmanic District.

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#### Certificate Of Posting

RE: Case NO.: 05-030 - 4

Petitioner/Developer: IAS.

D. ZINKHAN ET UX

Date of Hearing/Closing: 8/9/04 Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 Attention: 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 2318 ELLEN AUE. at This sign(s) were posted on , 2004 (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) Martin Ogle (Printed Name) 5016 Castlestone Drive (Address) Balto, MD 21237 (City,State,Zip Code) (410)-933-9470 (Phone Number)

## 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.

For Newspaper Advertising:	
Item Number or Case Number: OS-030-A	
Petitioner: Jim + TERESA ZINKHAN	
Address or Location: <u>23/8 E</u> LLEN AVE 2/234	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: JIM + TERESA ZINKHAN	
Address: 23/8 Etlen AVE	- ' <u></u>
BALTO MD 21234	<u></u>
Telephone Number: (H) 410/661-7531 (4) 410/828-	8456
CP11 410/370-1818	
	Revised 2/20/98 - SCJ

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 030 -A Address 2318 ELLEH AVE.
Contact Person: LIOYD T. NOXLEY Phone Number: 410-887-339 Planner, Please Print Your Name
Filing Date: 7/14/04 Posting Date: 7/25/04 Closing Date: 8/9/0
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. An reposting must be done only by one of the sign posters on the approved list and the petitione 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.
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 forma request for a public hearing, the process is not complete on the closing date.
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 05-030 -A Address 2318 ELLEH AVE
Petitioner's Name JAS. D. ZIHKHAH Telephone 410 661-7531
Posting Date: 7/25/04 Closing Date: 8/9/04
Vording for Sign: To Permit A DETACHED ACCESSORY STRUCTURE
(POLE BARH) TO HAVE A 1'SETBACK IN LIEU OF
TUE REQUIRED 2.51.
WCD Deviced COF/04

# 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

August 9, 2004

James D. Zinkman Teresa Zinkman 2318 Ellen Avenue Baltimore, Maryland 21234

Dear Mr. and Mrs. Zinkman:

RE: Case Number: 05-030-A, 2318 Ellen Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 14, 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.

W. Calling yours, Calling Office of the Calling of

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: db

**Enclosures** 

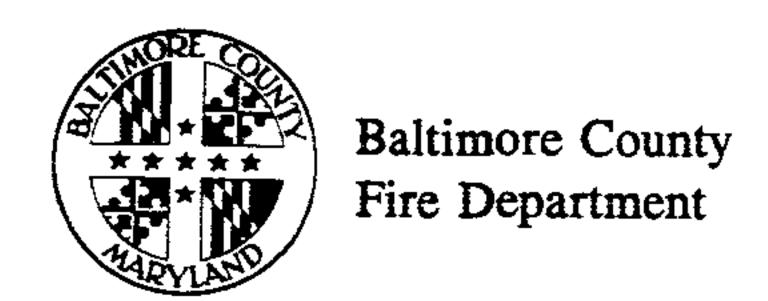
c: People's Counsel



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







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

July 22, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of July 26, 2004

Item No.:

017 = 035

Dear Ms. Mathews:

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



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

Maryland Department of Transportation

Date:

7.23.04

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

RE:

Baltimore County

Item No. 030

LTM

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,

Steven D. Foster, Acting Chief ... Engineering Access Permits Division

1.1. Gredle

Granted 8/25/04

**DATE:** August 19, 2004

## 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

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 5-030 and 5-036

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:

MAC/LL

Zon ra

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** August 4, 2004

Department of Permits & Development Management

FROM:

R B R

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For August 2, 2004

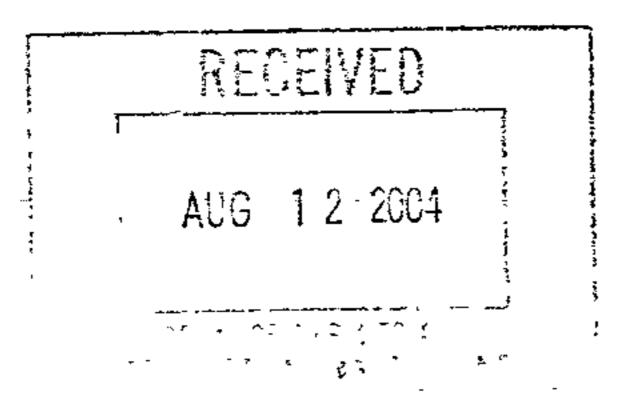
Item Nos. 017, 020, 022, 024, 025, 026, 027, 028, 029, 030, 033, 034,

and 035

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

RWB:CEN:jrb

cc: File



Darlene and Tim Garrett 2320 Ellen Avenue Parkville, MD 21234 410/665-5449

To Whom It May Concern:

We have lived at 2320 Ellen Avenue, next door to Teresa and Jim Zinkhan (2318 Ellen Avenue) for near 10 years and understand that they propose to erect a pole barn/garage on their property line in lieu of the 2 ½ feet setback. The reason for this note is to let you know, we have absolutely no objections to the proposed pole barn/garage being built on the property line.. If you need to speak with us regarding this issue, please feel free to call.

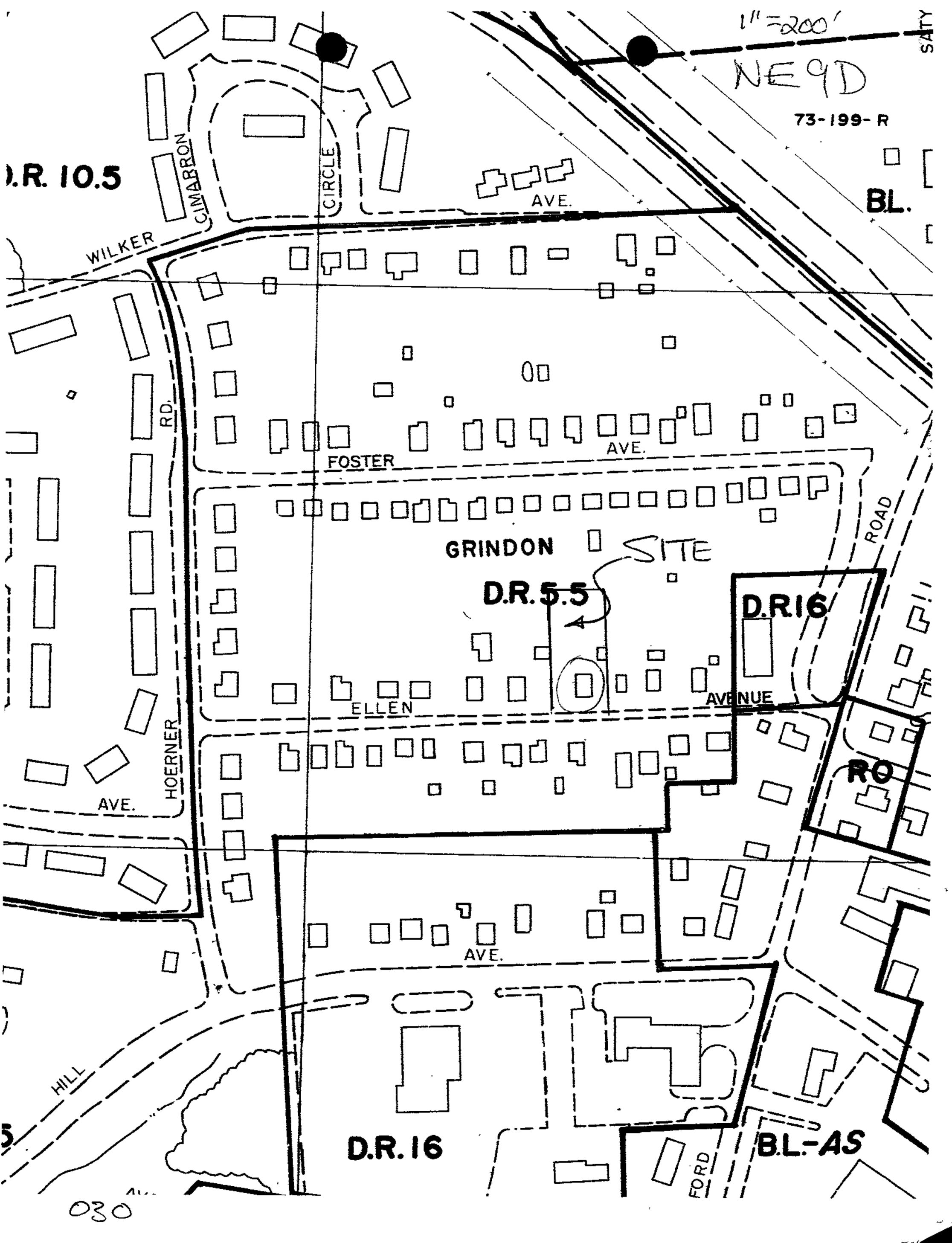
Thank you,

WRAMBS. Tim Garath

Mr. & Mrs. Tim Garrett

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# TO TO THE REAL PROPERTY OF THE PARTY OF THE ZONING NOTICE ADMINISTRATIVE

CASE # O5-030-A.
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## PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1). BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON MODER AUGUST 9, 2004
ADDITIONAL INFORMATION IS AVAILABLE AT
20HING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
1071505, 710 71701
TEL. 887-3391

MEETING IN HANDIE AP ACCESSIBLE

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