ORDER RECEIVED FOR FILING

IN RE: PETITION FOR ADMIN. VARIANCE

N/S Orems Road, 1100' E of the c/l

Golden Ring Road
(610 Orems Road)
15th Election District
7th Council District

Lee R. Mantell, et ux Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 05-034-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, Lee R. Mantell, and his wife, Robin R. Mantell. The Petitioners seek relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Section V.B.5.b of the Comprehensive Manual of Development Policies (C.M.D.P.) (1970 Regulations) to permit a side yard setback of 5 feet in lieu of the required 30 feet for an attached garage, and to amend the Final Development Plan of Golden Tree, Lot 423, only, accordingly. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked 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.

Based upon the information contained within the case file, I am persuaded to grant the requested relief. It was indicated that the proposed garage will have a second story to provide a hobby workspace area for the Petitioner and that there is no other intention for the structure but for

SANDER RECEIVED FOR FILING.

the purpose of providing more storage space. There were no adverse comments from any County reviewing agency and there is apparently no opposition from any of the neighbors. In fact, a letter of support was received from the adjacent neighbor on the affected side. Thus, relief will be granted subject to certain conditions to insure compliance with the use regulations.

It is also to be noted that the Zoning Advisory Committee (ZAC) comment submitted by the Office of Planning dated July 26, 2004 indicates that they have no objection to the requested relief provided the proposed garage addition does not extend beyond the front wall of the existing dwelling. Therefore, the relief granted herein is contingent upon the Petitioner's compliance with this request.

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 504 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Section V.B.5.b of the Comprehensive Manual of Development Policies (C.M.D.P.) (1970 Regulations) to permit a side yard setback of 5 feet in lieu of the required 30 feet for an attached garage, and to amend the Final Development Plan of Golden Tree, Lot 423, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, 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) Pursuant to the ZAC comment submitted by the Office of Planning, the proposed garage addition shall not extend beyond the front wall of the existing dwelling.
- 3) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioner shall not allow or cause the garage to be

converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.

4) When applying for a building permit, 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

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 23, 2004

Mr. & Mrs. Lee R. Mantell 610 Orems Road Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE N/S Orems Road, 1100' E of the c/l Golden Ring Road (610 Orems Road)

15th Election District – 6th Council District Lee R. Mantell, et ux - Petitioners Case No. 05-034-A

Dear Mr. & Mrs. Mantell:

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

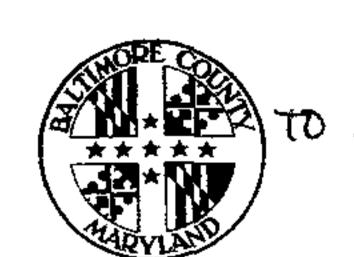
Zoning Commissioner for Baltimore County

cc: Office of Planning; People's Counsel; Case File



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

LES:bjs



Petition for Administrative Variance TO AMEND THE FOR OF GOLDEN TREE COUNTY

for the property located at	610	Orens	Rd	
		ntly zoned		

	which is presently zoned Dicsas
This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which in hade a part hereof, hereby petition for a Variance from Section (s described in the description and plat attached hereto and solution in the description and plat attached hereto and solution of 504.2、BCZR AND V.B.5.6(CMDP)
TO PERMIT A SIDEMARD SET	BACK OF 5 ft. IN LIEU
OF THE REQUIRED 30ft.	•
TO AMEND THE FINAL DE	EUELOPMENT PLAN OF
GOLDEN TIZEE. If the zoning regulations of Baltimore County, to the zoning law of this petition form.	of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the zone or we, agree to pay expenses of above Variance, advertising, posting advertising and restrictions of Baltimore County adopted pursuant to the second country adopted country ad	g. 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):
	100 R. Mantell

Name - Type or Print Name Type or Print Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature **Attorney For Petitioner:** Telephone No. Address Type or Print City State Zip Code Representative to be Contacted: **E**ture Con pany Name Telephone No. **Address** Telephone No State Zip Code City State Zip Code ublid Healing 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 day egulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County CASE NO. **Reviewed By** REV 10/25/01 **Estimated Posting 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.

competent to testify thereto in the event that a po	ublic hearing is	scheduled in the	future with regard	thereto.
That the Affiant(s) does/do presently reside at	Address 0	ORems	Rd	
	Bes	two Re	MB	21221
That based upon personal knowledge, the followariance at the above address (indicate hardship			State we base the requ	Zip Code est for an Administrative
 Practical difficulty: The curway" restricts any practical 7 ft. in which to build on. Hardship: Without a garag rurther vandalism to our vertacks across the street provehicles without being see 	e structure or	the premises, w	the past. The ra	ilroad vs of our
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a Signature Name - Type or Print	ormal demand additional information (is filed, Affiant(s) mation. Signature Name - Type or Pr	marteel Martel	to pay a reposting and
of Maryland, in and for the County aforesaid, per	rsonally appea		, belole lile, a iv	otary Public of the State
AS WITNESS my hand and Notarial Seal		y Public ommission Expire	f Wil	14 1,2008

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	610 ORUNS Rd-
	Address Baltinope Md 2122/ City State Zip Code
Variance at the above address (indicate hardshi 1) Practical difficulty: The curre 1) Practical difficulty: The curre 1) Practical difficulty: The curre 1) Practical difficulty: The curre	owing are the facts upon which I/we base the request for an Administrative ip or practical difficulty): ont offset of 30 ft. due to property boundary "green arage structure because it leaves only approximately arage structure because it leaves only approximately arage.
7 ft. in which to out a garage s 2) Hardship: Without a garage s	structure on the premises, we shall have to endure ticles as has been reported in the past. The railroad de cover for vandals to shoot out the windows of our This has happened several times in the past.
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a Signature Name - Type or Print	ormal demand is filed, Affiant(s) will be required to pay a reposting and additional information. Signature Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTING I HEREBY CERTIFY, this flay of flug of Maryland, in and for the County aforesaid, per	5 - 1-
the Affiant(s) Merein, personally known or satisfa	Ctorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	Notary Public J. Willy
- -	My Commission Expires March 1, 2008



CASE NO. 05-034A

REV 10/25/01

Petition for Administrative Variance To Amend the For OF Golden Tree to the Zoning Commissioner of Baltimore County

for the property located at \(\(\lambda \)	Rd
which is presently zoned	-

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) 504. 2' BCZR AND V.B. 5. b(CMDP), To Permit a Side yard Set back of 5 ft. in lieu of the required 30 ft. for an attached garage, and To Amend the final development plan of Golden Tree.

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 a perjury, that I/we a is the subject of the	declare and affirm, unde re the legal owner(s) of is Petition.	er the penalties of the property which
Contract Purchaser/L	essee:		Legal Owner(s	Mantell	
Name - Type or Print			Name Type or Print	1	
Signature			Signature	R. Mantell	
Address		Telephone No.	Name - Type or Print	2000	
City	State	Zip Code	Signature		
Attorney For Petitione	<u>er:</u>		<u></u> ≺(0(0 0) Address	rems Rd	410 391-638 a Telephone No
Name - Type or Print			* Bathm	ore Md State	フ(22/ Zip Code
		<u>,</u>	_	e to be Contacted:	•
Signature					
Company	<u></u>		Name	SAME	
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having beer this day of regulations of Baltimore County	. th	iat the subject matter of t	required, it is ordered be this petition be set for a pul	y the Zoning Commissione blic hearing, advertised, as	er of Baltimore County, required by the zoning

Reviewed By

Estimated Posting Date

Zoning Commissioner of Baltimore County

Date

ZONING DESCRIPTION FOR: 610 OREMS ROAD

Beginning at a point on the <u>NORTH</u> side of <u>OREMS ROAD</u> which is <u>50FT</u> wide of the distance of <u>1100FT ± EAST</u> of the centerline of the nearest improved intersection street <u>GOLDEN RING RD</u> which is <u>50FT</u> wide. Being Lot# <u>423</u>, Block <u>n/a</u>, section # <u>n/a</u> in the subdivision of <u>GOLDEN TREE</u> as recorded in Baltimore County Plat Book# <u>56</u>, Folio# <u>141</u>, containing <u>8568 sq. ft</u>. Also known as <u>610 OREMS RD</u> and located in the <u>15</u> Election District, <u>7</u> Councilmanic District.

RICHVED		

-

•

· ·

CERTIFICATE OF POSTING

	RE: Case No.: <u>05-034-A</u>
	Petitioner/Developer: LEE MAN
	Date of Hearing/Closing: 8-9-04
Baltimore County Department of Permits and Development Managem County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 88	7-3394}
Ladies and Gentlemen:	
This letter is to certify under the pen	alties of perjury that the necessary sign(s) required by law were
posted conspicuously on the property	/ located at:
61	O OREMS RD
The sign(s) were posted on	7/25/04
	(Month, Day, Year)
	Sincerely,
	Polist Rhal Wolve
	(Signature of Sign Poster) (Date)
	SSG Robert Black
10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
	(Print Name)
	· · · · · · · · · · · · · · · · · · ·
	(Print Name)
	(Print Name) 1508 Leslie Road
	(Print Name) 1508 Leslie Road (Address)
	(Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Address WIO OF IMS F-OC-
Contact Person: Places Places Park Value Phone Number: 410-887-339
Filing Date: 7-16.04 Posting Date: 7-25.04 Closing Date: 8-9
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.
2. <u>DEADLINE:</u> 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 format 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- 034 -A Address 6/0 OREMS Rd.
Petitioner's Name Lee MANTEU Telephone
Posting Date: 7-25-04 Closing Date: 8-9-04
Wording for Sign: To Permit A SIDEMARN SETBACK OF
5th for AN ATTACHED GARAGE IN LIEU
ot the REQUIRED 30ff.





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: 034
Petitioner: x Lee K. Mantell
Address or Location: x 610 Orems Rd Batto Md 2122
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address:
Telephone Number: > 410 391-6382

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

Lee R. Mantell Robin R. Mantell 610 Orems Road Baltimore, Maryland 21221

Dear Mr. and Mrs. Mantell:

RE: Case Number:05-034-A, 610 Orems Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 16, 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, Callacle De

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

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.

034

3 CM

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. Gred L

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

DATE: July 26, 2004

SUBJECT:

610 Orems Road

JUL 2 8 2004

INFORMATION:

Item Number:

5-034

ZONING COMMISSIONER

Petitioner:

Lee R. Mantell

Zoning:

DR 5.5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the proposed garage addition does not extend forward of the front building wall of the existing dwelling.

Prepared by:

Division Chief:

AFK/LL:MAC:

ORDER RECEIVE Date

W:\DEVREV\ZAC\5-034.doc

Zoning

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 4, 2004

Department of Permits & Development Management

FROM:

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

RECEIVED

AUG 1 2 2004

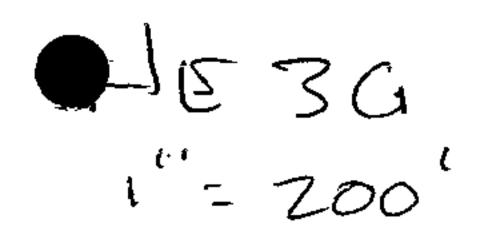
I/We as an adjacent neighbor(s) agree with the setback variance requested by Lee Mantell and to erect an attached garage with overhead room to the existing residence located at 610 Orems Rd 21221.

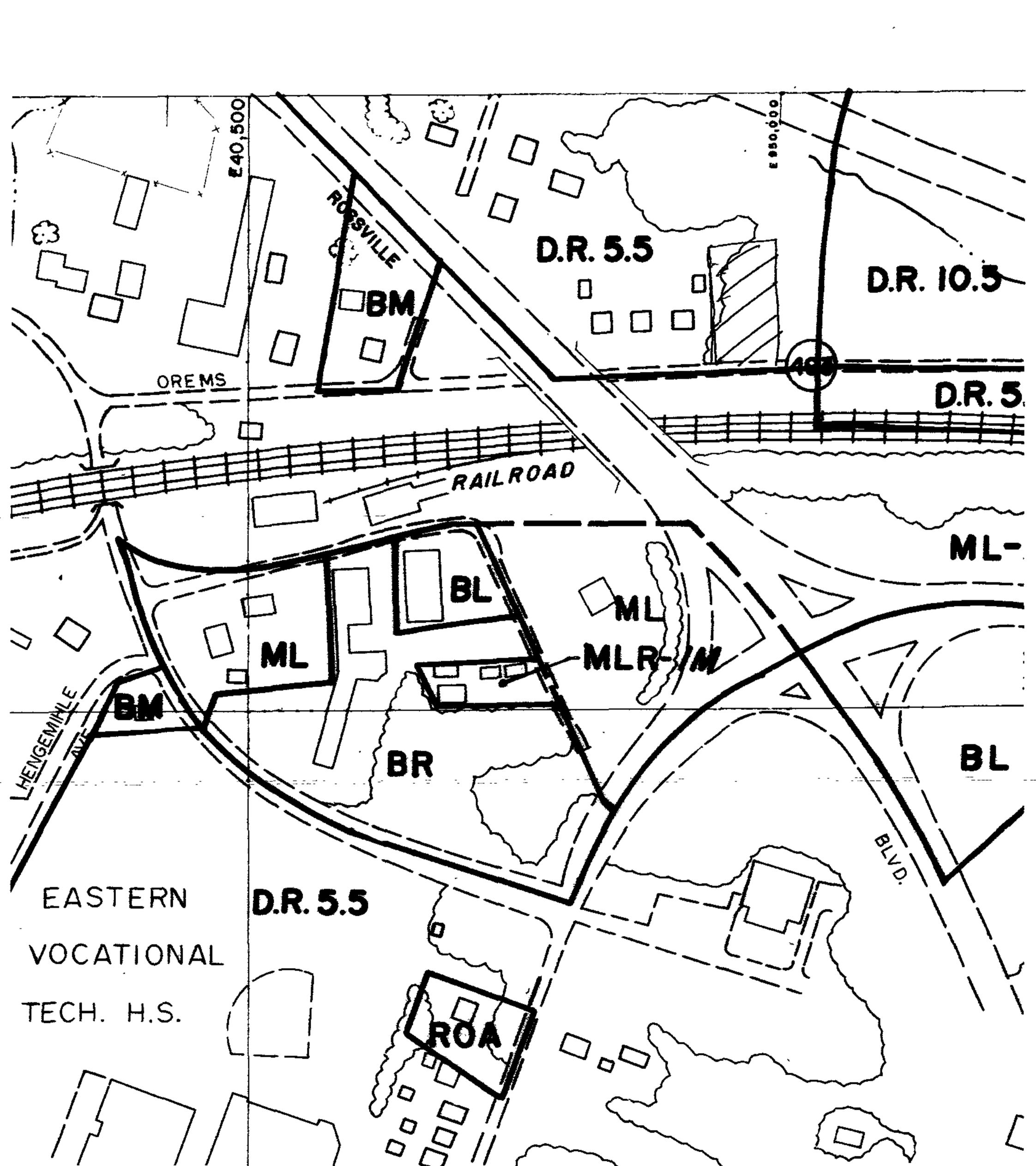
William DeCarlo, 612 Orems Rd

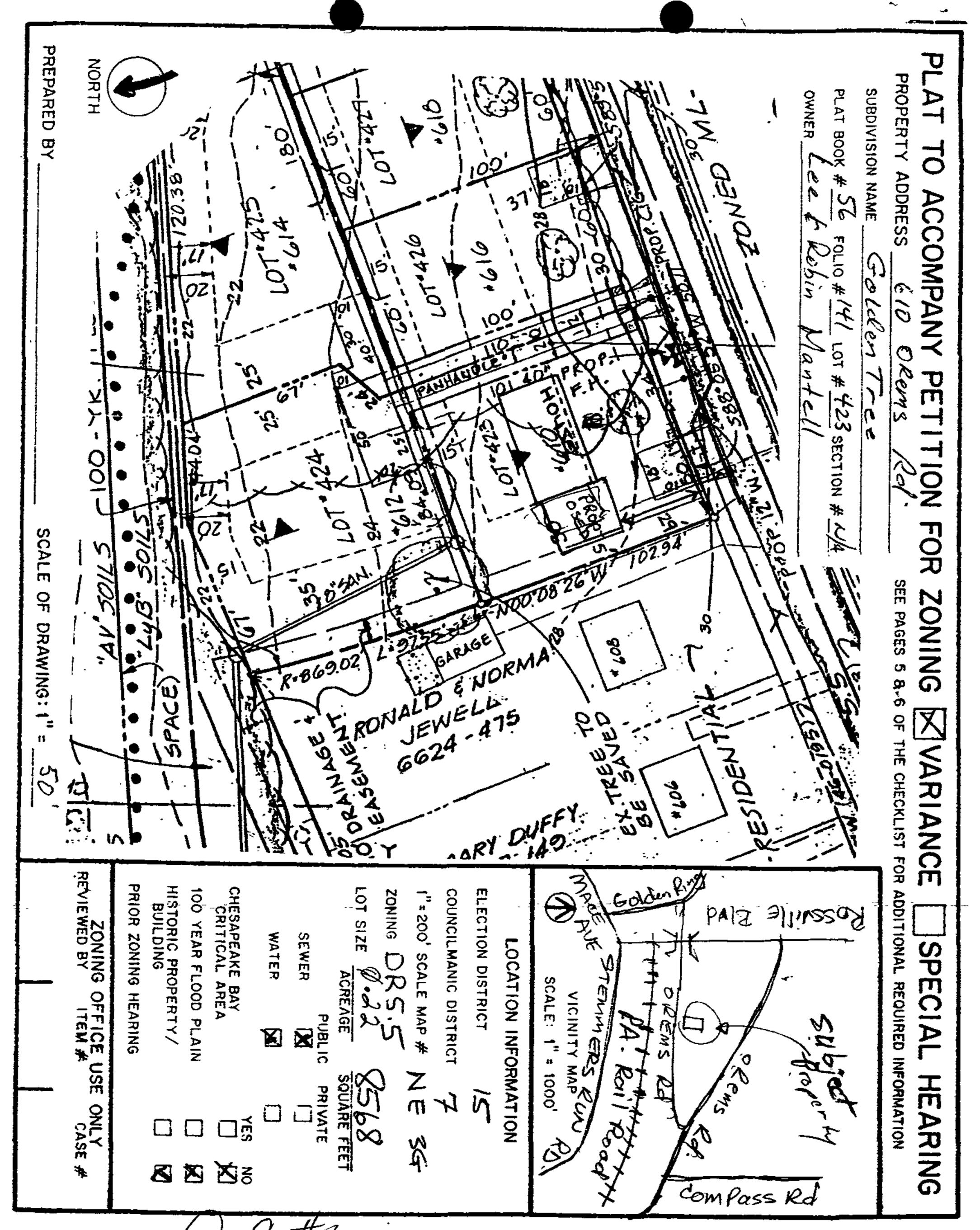
Signature Milliam F Palallok Date 4/26/04

Ronald Jewell, 608 Orems Rd

Signature Parall Dewill ate 4/2/14







-15-

NOTE TO FILE 07/16/04 05-034-A

Petitioner's confirm that the 29 foot setback from the proposed garage meets the front averaging requirements of section 303.1 of the Baltimore County Zoning Regulations, as the adjoining homes are located closer to the street right-of-way than 29 feet.

