

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Marnat Road, 220 ft. +/- W
centerline of Hatton Road
3rd Election District
2nd Councilmanic District
(3312 Marnat Road)

Rachel & David Mitnick
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-246-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, Rachel and David Mitnick. The variance request is for property located at 3312 Marnat Road in the western 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 side yard setbacks of 9 ft. and 9 ft. 4 in. for a proposed addition in lieu of the 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 November 21, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the following County agencies: A ZAC comment was submitted by the Office of Planning dated November 22, 2004, a copy of which is attached hereto and made a part hereof, wherein they state that they do not oppose Petitioners' request provided that the attached declaration of understanding is recorded in the Land Records of Baltimore County.

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

ORDER RECEIVED FOR FILING

Date

By

12/14/04

Ray

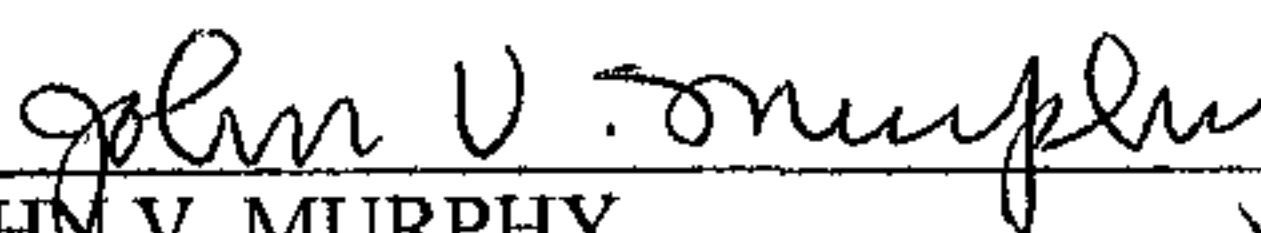
the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the 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 14 day of December, 2004, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 9 ft. and 9 ft. 4 in. for a proposed addition in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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;
2. Compliance with the ZAC comments submitted by the Office of Planning dated November 22, 2004, a copy of which is attached hereto and made a part hereof, wherein they state that they do not oppose Petitioners' request provided that the attached declaration of understanding is recorded in the Land Records of Baltimore County; and
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

ORDER RECEIVED FOR FILING

12/14/04
By 

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
William J. Wiseman III, Zoning Commissioner

December 14, 2004

Mr. & Mrs. David Mitnick
3312 Marnat Road
Baltimore, Maryland 21208

Re: Petition for Administrative Variance
Case No. 05-246-A
Property: 3312 Marnat Road

Dear Mr. & Mrs. Mitnick:

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 that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Mr. Moshe Miller/Archserv
3409 Menlo Drive
Baltimore, MD 21215

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





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3312 MARNAT Rd
which is presently zoned DRS-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) 1802.3.C.1, BCZR, TO PERMIT
SIDEYARD SETBACKS OF 9' & 9'-4" FOR AN ADDITION
IN LIEU OF THE REQUIRED 10ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

DAVID MITNICK
Name - Type or Print

Signature

RACHEL MITNICK
Name - Type or Print

Signature

3312 MARNAT RD 410 580 0457
Address Telephone No.

BALTIMORE MD 21208
City State Zip Code

Representative to be Contacted:

MONTE MILLER / ARCHERY
Name

3409 MENLO DR 410 949 7249
Address Telephone No.

BALTIMORE MD 21215
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 12/14/04, 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

Reviewed By JCM Date 11-12-04

Estimated Posting Date

DEC 12/14/04 RECEIVED FOR FILING

CASE NO.

05-246-A

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

Address 3312 MARJAT RD
City BALTIMORE MD 21208 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):

THE PLANNED RESIDENTIAL ADDITION, WHICH WILL BE A
SEPARATE LIVING UNIT FOR THE OWNERS MOTHER,
REQUIRES A DECLARATION OF UNDERSTANDING AND
POSSIBLE SETBACK VARIANCE.

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.

[Signature]
Signature

DAVID MITNICK
Name - Type or Print

[Signature]
Signature

RACHEL MITNICK
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

David Mitnick and Rachel Mitnick
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public

My Commission Expires 12/22/07

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

3312 MARJAT RD
Address
BALTIMORE MD 21208
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):

THE PLANNED RESIDENTIAL ADDITION, WHICH WILL BE A
SEPARATE LIVING UNIT FOR THE OWNERS MOTHER,
REQUIRES A DECLARATION OF UNDERSTANDING AND
POSSIBLE SETBACK VARIANCE.

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.

[Signature]

Signature

DAVID MITNICK

Name - Type or Print

[Signature]

Signature

RACHEL MITNICK

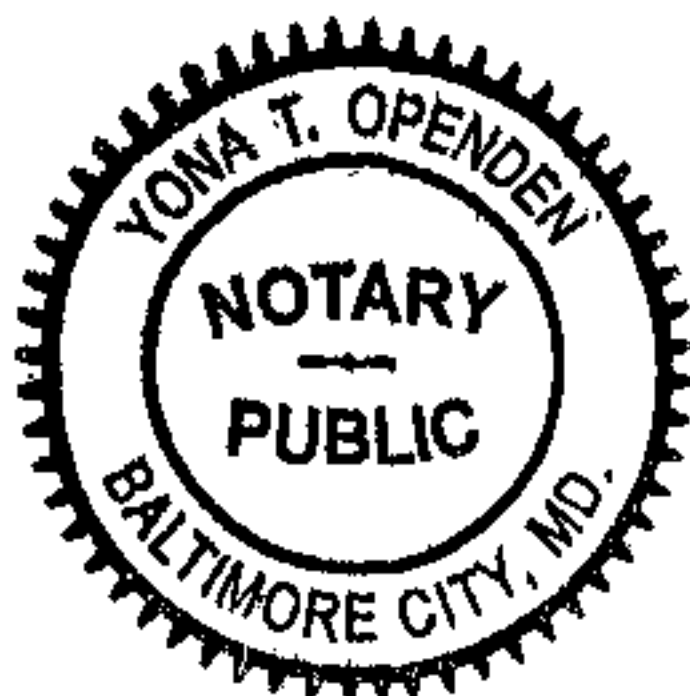
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of November, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

David Mitnick and Rachel Mitnick
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public

My Commission Expires 12/22/07



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3312 MARNAT ROAD
which is presently zoned OR5.5

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) 1B02, 3.C.1, BCZR, TO PERMIT
SIDEYARD SETBACKS of 9' & 9'-4" FOR AN ADDITION
IN LIEU OF THE REQUIRED 10 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

DAVID MITNICK
Name - Type or Print _____

[Signature]
Signature _____

RACHEL MITNICK
Name - Type or Print _____

[Signature]
Signature _____

3312 MARNAT RD 410 580 0457
Address _____ Telephone No. _____

BALTIMORE MD 21208
City _____ State _____ Zip Code _____

Representative to be Contacted:

MOSHE MILLER / ARCHSERV
Name _____

3409 MENLO DR 410 949 7249
Address _____ Telephone No. _____

BALTIMORE MD 21215
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. _____

Reviewed By _____ Date _____

REV 10/25/01

Estimated Posting Date _____

ZONING DESCRIPTION

Zoning Description for **3312 Marnat Rd**

As recorded in Deed Liber 15909, Folio 593, beginning for the first parcel at a point on the North side of Marnat Rd, which is 50' wide south 88 degrees, 40 minutes, 37 seconds west 339.5' from the intersection formed by the north side of Marnat Road and the west side of Hatton Road 40' wide; and running at right angles to Marnat Rd north 1 degree 19 minutes 23 seconds west 120'; then north 88 degrees, 40 minutes, 37 seconds east 48.5', then south 1 degree 19 minutes 23 seconds east 120' to the north side of Marnat Rd; and then binding on the north side of Marnat Rd south 88 degrees 40 minutes, 37 seconds west 48.5' to the place of beginning.

Beginning for the second parcel at the intersection of the first and second line of the first parcel, north 88 degrees, 40 minutes, 37 seconds east 48.5'; then by a line across said first mentioned land north 1 degree, 19 minutes, 23 seconds west 38' to intersect the fourth line of the first mentioned land; then westerly binding on a part thereof 48.5'; and then south 51 degrees, 19 minutes, 23 seconds east 38' to the place of beginning.

Said parcels contain 7,905 sf / .18 acres. Also known as 3312 Marnat Rd, and located in the third Election District, and the second Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 42883

DATE 11.12.04

ACCOUNT 001-006-6150

AMOUNT \$ 65.00

RECEIVED

D. McNeill

11/12/04

FOR

AA CAR

PAID RECEIPT

AMOUNT \$65.00

DATE 11/12/04

BY 1001 BAKER MD 200

DEPOSIT 1 2004 11/02/2004

REF 3 TO BUDGET VERIFICATION

BY 1001 BAKER MD 200

PAID TO

\$65.00

Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

Certificate Of Posting

RE: Case NO.: 05-246-A

Petitioner/Developer: _____

DAVID MITNICK

Date of Hearing/Closing: 12/6/04

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
at 3312 MARPAT ROAD

This sign(s) were posted on November 21, 2004
(Month, Day, Year)

Sincerely,

Martin Ogle 11/21/04
(Signature of Sign Poster and Date)

Martin Ogle

(Printed Name)

5016 Castlestone Drive

(Address)

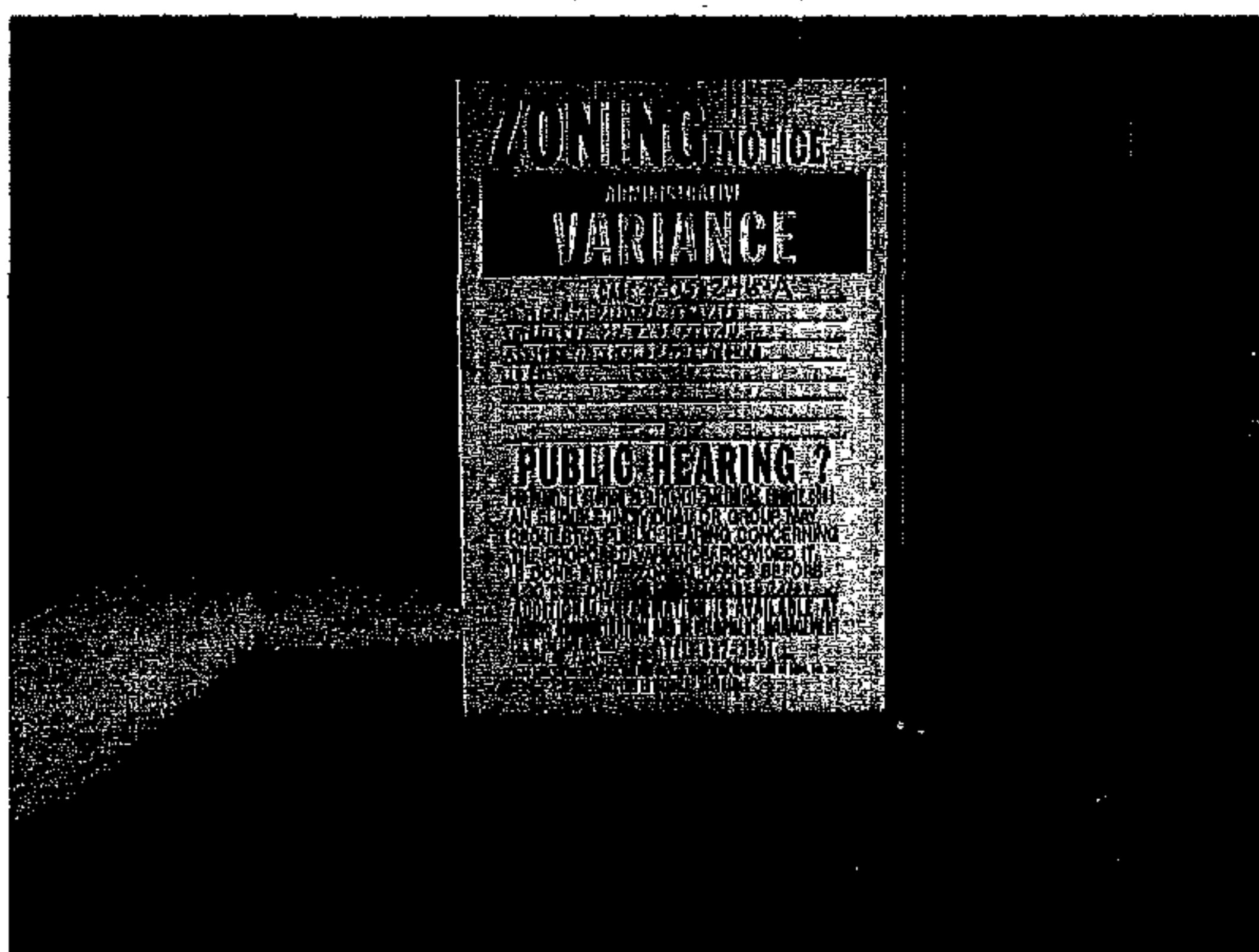
Balto, MD 21237

(City, State, Zip Code)

(410)-933-9470

(Phone Number)

lm000118 (1152x884x256 jpeg)



myatt 11/21/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number

246

Petitioner. DAVID MITNICK

Address or Location: 3312 MARWAT Rd., BALTO. Md 21208

PLEASE FORWARD ADVERTISING BILL TO

Name: Moshe Miller / ARCHERY

Address 3409 MENLO DR.

BALTO., Md. 21215

Telephone Number: 410-949-7249

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 246 -A Address 3312 MARNAT Rd.
Contact Person: J. Mennery Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 11.12.04 Posting Date: 11.21.04 Closing Date: 12.6.04

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 05- 246 -A Address 3312 MARNAT Rd.
Petitioner's Name D. MITNICK Telephone 410-580-045
Posting Date: 11.21.04 Closing Date: 12.6.04
Wording for Sign: A VARIANCE
To Permit SIDEYARD SETBACKS OF 9' & 9'-4
FOR AN ADDITION IN LIEU OF THE REQUIRED
10 ft.

**Department of Permits and
Development Management**

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



Baltimore County

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

December 6, 2004

David Mitnick
Rachel Mitnick
3312 Marnat Road
Baltimore, Maryland 21208

Dear Mr. and Mrs. Mitnick:

RE: Case Number:05-246-A , 3312 Marnat Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 12, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Moshe Miller/ Archserv 3409 Menlo Drive Baltimore 21215

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



Fire Department

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



Baltimore County

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

November 22, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 22, 2004

Item No.: 227-241, 243, 245-249

Pursuant to your request, the referenced plan(s) have been reviewed 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



Printed on Recycled Paper

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



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

Maryland Department of Transportation

Date: 11.22.04

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

RE: Baltimore County
Item No. 242 JCM

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, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr JPO
DEPRM

DATE: December 10, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 22, 2004.

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

05-227
05-229
05-230
05-232
05-233
05-234
05-235
05-238
05-239
05-240
05-241
05-242
05-243
05-244
05-245
05-246
05-247
05-248

Reviewers: Sue Farinetti, Dave Lykens

RECEIVED

DEC 10 2004

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 122, 2004

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

SUBJECT: 3312 Marnat Road

INFORMATION:

Item Number: 5-246

Petitioner: David and Rachel Mitnick

Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit the construction on an in-law addition provided the attached declaration of understanding is recorded in the Land Records.

Prepared by:

Mark A. Cunningham

Division Chief:

Lynn J. Golan

AFK/LL:MAC:

ZONING COMMISSIONER

NOV 22 2004

RECEIVED

12/14/04
Ray

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 7, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For November 29, 2004
Item Nos. 227, 228, 229, 230, 231, 232,
233, 234, 237, 238, 239, 240, 241, 242,
243, 244, 246, and 248

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

RWB:CEN:jrb

cc: File

DECLARATION OF UNDERSTANDING

This DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this _____ day of _____, 2004, by and between **David and Rachel Mitnick** (hereinafter referred to as the "Declarant"), and the Department of Permits and Development Management (hereinafter referred to as "PDM").

RECITALS

- A. The Declarant has filed an application for permit with PDM requesting approval to construct an addition to the improvements of the property located at **3312 Marnat Rd**, and more particularly described by metes and bounds in Exhibit A, attached hereto and made a part hereoff. The property is zoned D.R. 5.5, which is the particular zone in which the property is located.
- B. PDM has approved the Declarants' request to build an 'in-law' addition, complete with kitchen, provided the improvement and addition are used as a single family residence. The addition will be the housing of Declarants' elder, widowed parent with the benefit of being attached to her family. Upon the death of the parent, or if the parent leaves or moves from the residence, the second kitchen will be converted to the Declarants' Passover kitchen (used only for two weeks around the Month of May each year in food preparation for the Jewish Passover Holiday), and the addition's living space will be taken over by the Declarant. If the Declarant moves or sells the property, the second kitchen will be removed at that time.
- C. As a condition to its approval of the Declarant's request, PDM has required the filing of this Declaration among the Land Records of Baltimore County to provide notice to any future owners, subsequent bonafide purchasers, or users of this property that no part of any improvement or addition on the Property may be used for separate living quarters and that all such improvement shall only be used as a single family residence, unless otherwise approved by and at the discretion of PDM.

DECLARATIONS

Now, Therefore, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarant and PDM hereby declare as follows:

- 1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit.

The kitchen for the parent will be constructed as part of the addition to the Property, and shall be accessory use to the principal use of the Property as a single family residence. Living quarters for the parent shall be used only by the parent, and not as an independant residential unit.

ORDER RECEIVED FOR FILING

Date

12/14/04

By

R. Ray

DECLARATION OF UNDERSTANDING

3. Upon the death of the parent, or if the parent leaves or moves from the residence, the second kitchen will be converted to the Declarants' Passover kitchen (used only for two weeks around the Month of May each year in food preparation for the Jewish Passover Holiday), and the additions' living space will be taken over by the Declarant. If the Declarant moves or sells the property, the second kitchen will be removed at that time.

In witness whereoff, the parties hereto have duly executed this Declaration under seal on the date written above.

_____	Witness	_____	Declarant
_____	Witness	_____	Declarant

State of Maryland, County of Baltimore: to wit:

I hereby certify that on this _____ day of _____, 2004, before the Subscriber, a Notary Public of the State of Maryland, personally appeared **David and Rachel Mitnick**, the declarant herein, satisfactorily proven to me to be the persons whose names are subscribed to the within instrument, and they acknowledge that they executed for the foregoing instrument for the purposes therein contained.

In witness whereoff, I have hereby set my hand and Notarial Seal.

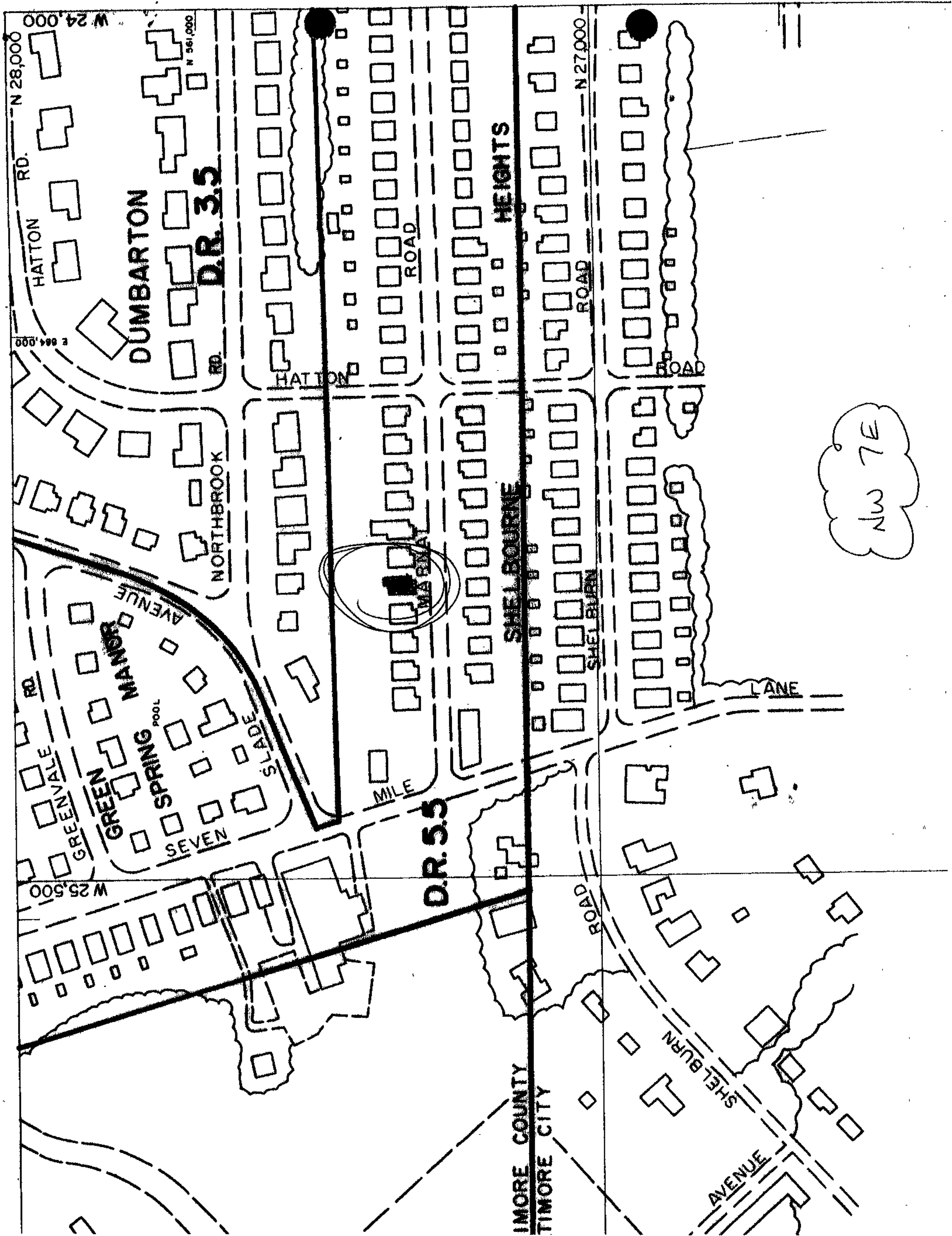
Notary Public

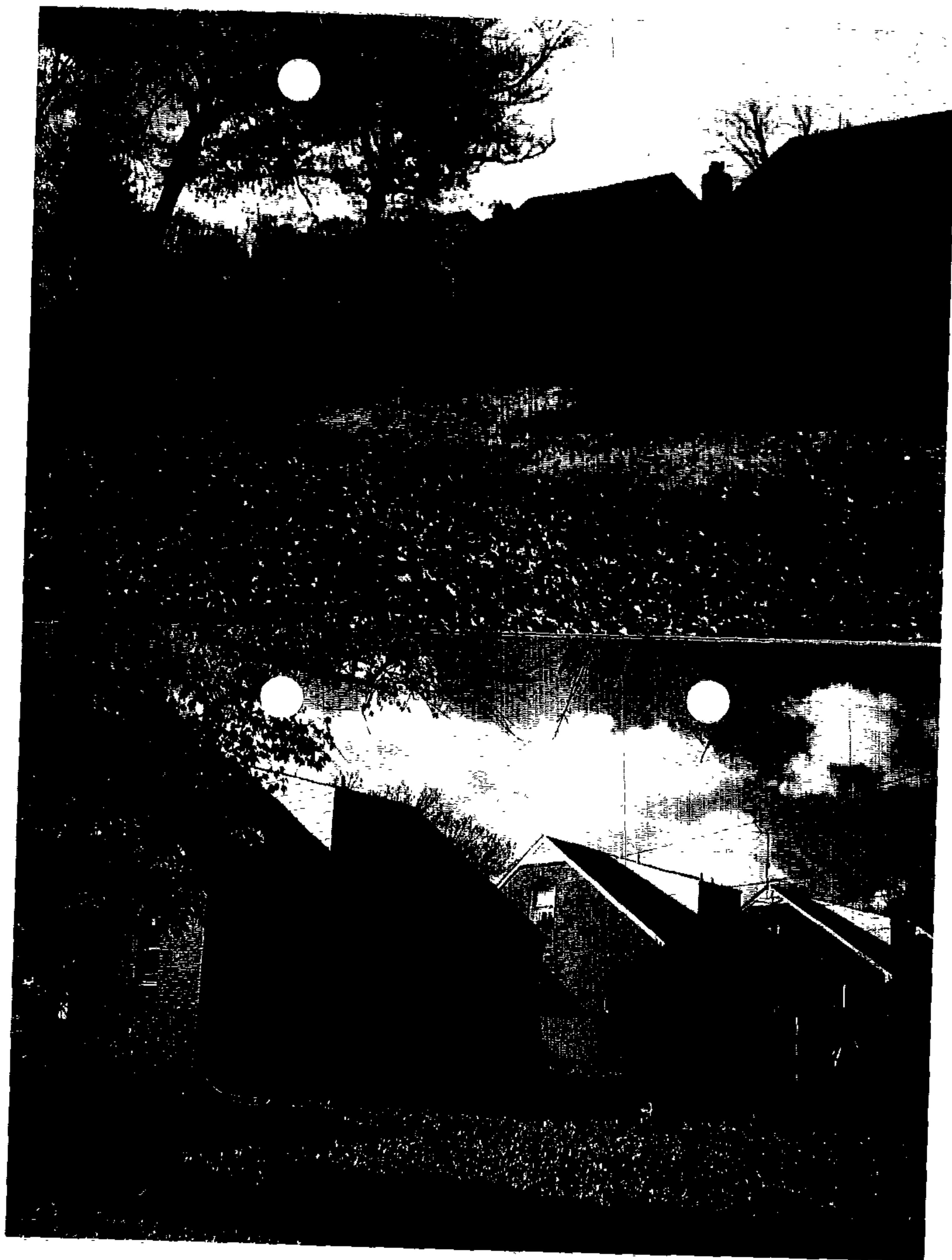
My commission expires: _____

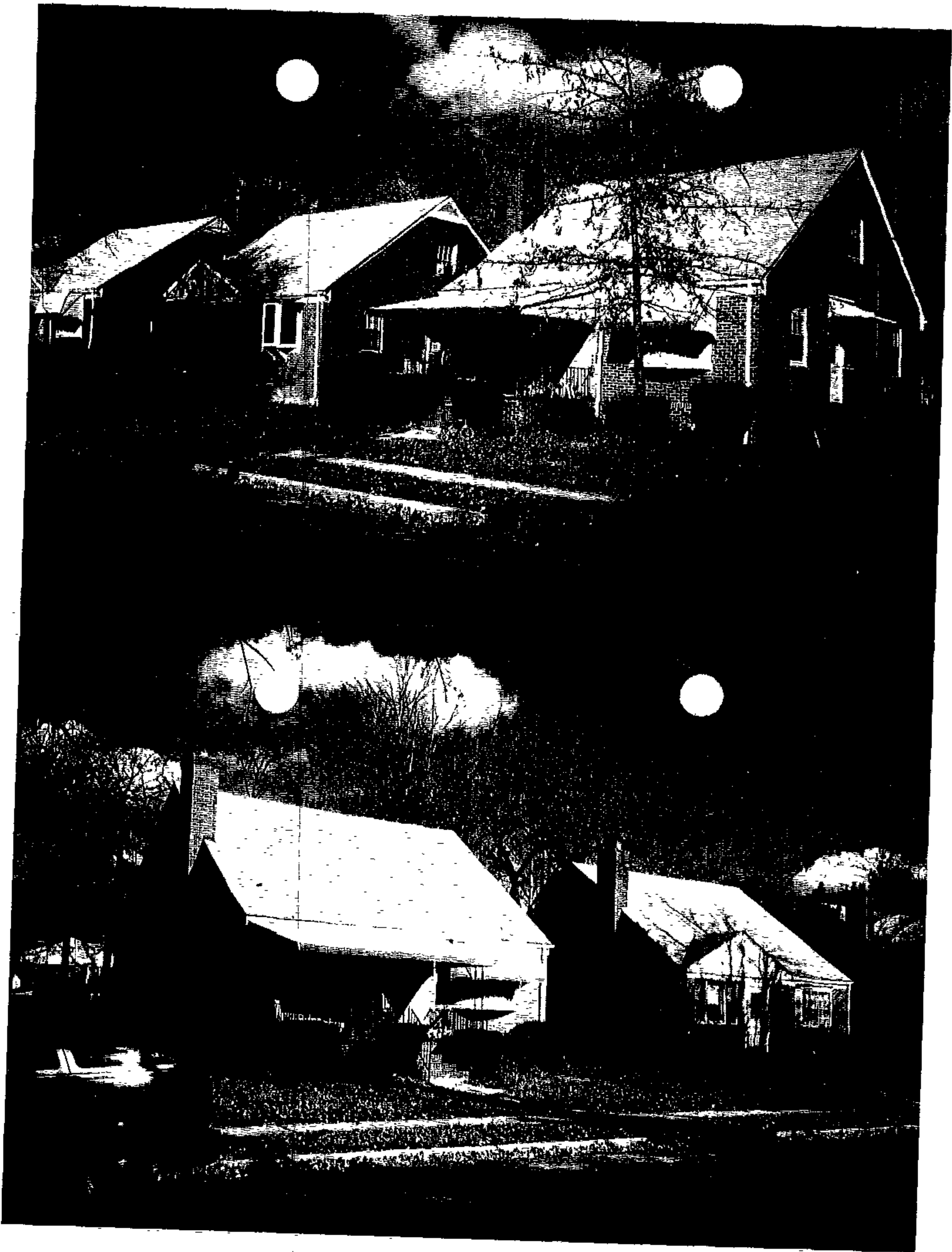
ORDER RECEIVED FOR FILING

12/14/04

By _____



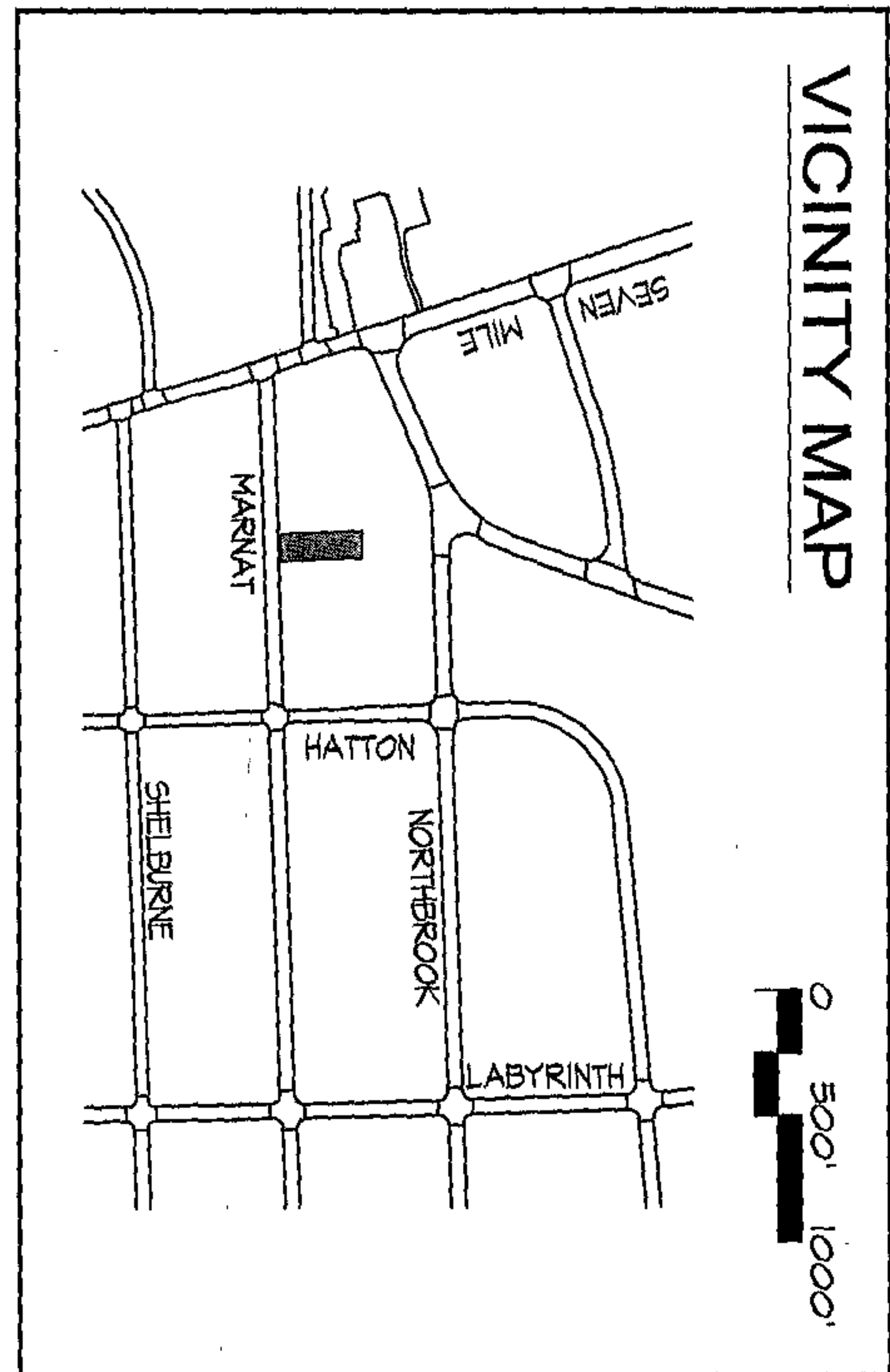




PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCE SPECIAL HEARING

Property address: 3312 Marnat Rd
Subdivision name: [Deed dated Dec 18, 2001, Balt County Book 15909, Page 593]
Plat book: Folio: Lot: Section: Owner: David and Rachel Mitnick

ARCHSERV, LLC
3409 Menlo Dr
Baltimore, MD 21215
410.466.1034 ofc
410.949.7249 cell
www.archserv.org
moshe@archserv.org



LOCATION INFO

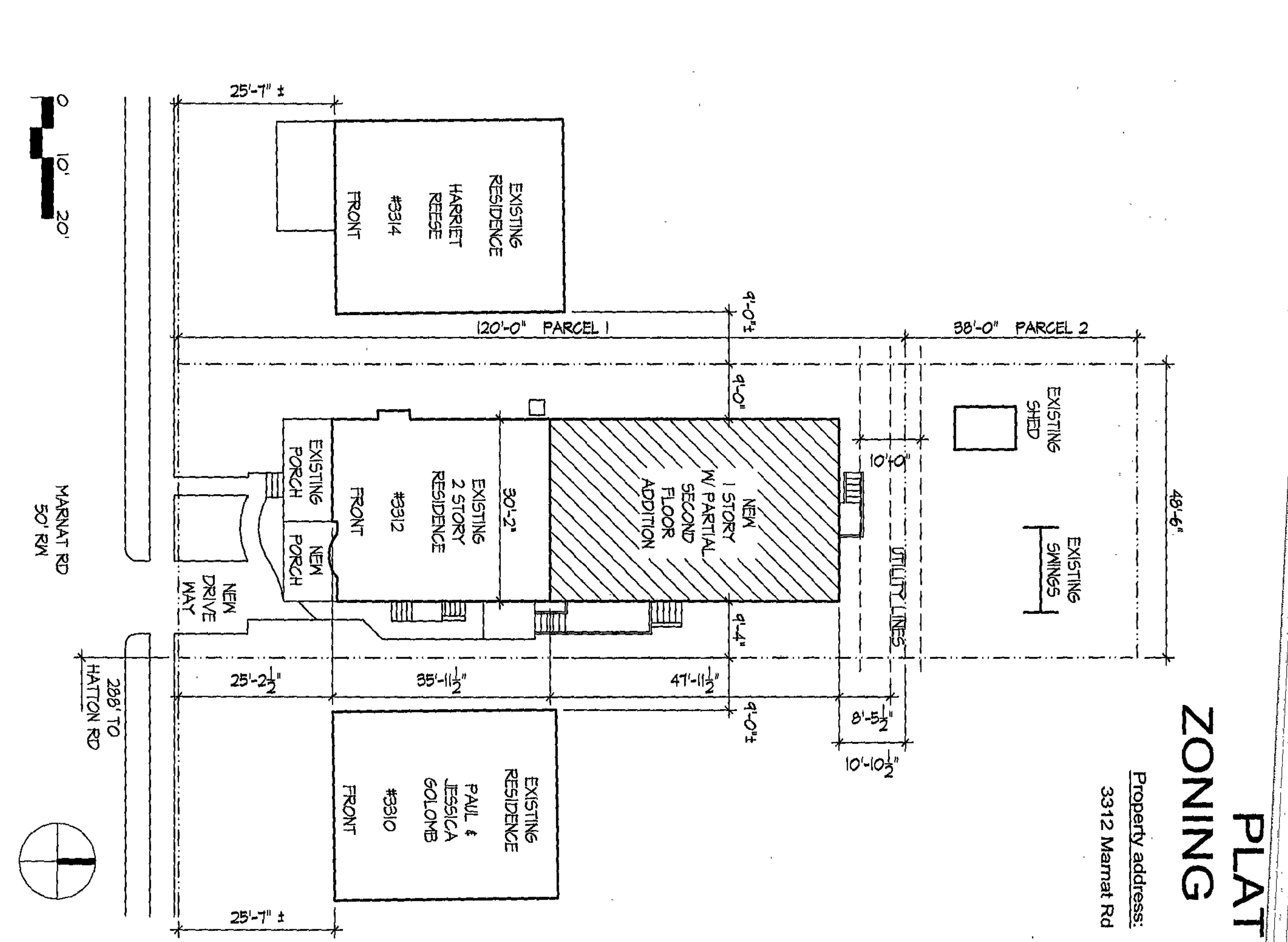
Election District:	3
Councilmanic District	2
1"=200' scale map #:	NW 7E
Zoning:	DR 5.5
Lot acreage:	.18
Lot square feet:	7905.5
Sewer:	Public
Water:	Public
Chesapeake Bay critical area:	No
100 year flood plain:	No
Historic Property / Building:	No
Prior zoning hearing:	No

Arch #1

ZONING OFFICE USE

REVIEWED BY	ITEM #	CASE #

PL



MITNICK RESIDENCE
3312 Marnat Rd Baltimore, MD

DATE: 11.8.04
DRAWING: 04139
SCALE: 1" = 20'

PLAT MAP