IN RE: PETITION FOR ADMIN. VARIANCE SS/S of Proctor Lane, 250 ft. W centerline of Waltham Woods Road 9th Election District 5th Councilmanic District

(2515 Proctor Lane)

Debra l. & Mohabat Khan Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-338-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 Debra L. and Mohabat Khan. The variance request is for property located at 2515 Proctor Lane in Baltimore County. The variance is requested from Section 1B02.3.C.1(Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) and Final Development Plan for "Satyr Woods", to permit a side yard setback of 4 ft. (existing foundation) in lieu of 15 ft. in a D.R. 3.5 zone. 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 January 18, 2005, 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 agency: A ZAC comment was submitted by the Office of Planning dated January 24, 2005, a copy of which is attached hereto and made a part hereof.

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 Pthe public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the

PLOET RECEIVED FO

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, this <u>3</u> day of February, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1(Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) and Final Development Plan for "Satyr Woods", to permit a side yard setback of 4 ft. (existing foundation) in lieu of 15 ft. in a D.R. 3.5 zone, be and it is hereby APPROVED, 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 January 24, 2005, a copy of which is attached hereto and made a part hereof.
- 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.

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

2

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

February 3, 2005

Mr. & Mrs. Mohabat Kahn 2515 Proctor Lane Baltimore, Maryland 21234

> Re: Petition for Administrative Variance Case No. 05-338-A Property: 2515 Proctor Lane

Dear Mr. & Mrs. Kahn:

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

JVM:raj Enclosure



Printed on Recycled Paper

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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

	for	the property l	ocated at 25/	5 PRO	·TOR	CANE
			which is pres	ently zone	ed	2 3.5
This Petition shall be filled worker(s) of the property situate made a part hereof, hereby performed to the following the filled worker in the property situate made a part hereof, hereby performed to the filled worker in the filled worker in the filled worker in the property situate made a part hereof, hereby performed to the filled worker in the filled worker in the filled worker in the property situate made a part hereof, hereby performed to the filled worker in th	e in Baitimo	Variance from Sect	ch is described in the $\frac{100(s)}{3}$	description a	and plat attac	hed hereto and
		- 2				
of the zoning regulations of Ba of this petition form.	altimore Cou	unty, to the zoning	law of Baltimore Cou	nty, for the re	asons indical	ed on the back
•					-	- '
Property is to be posted and additional additional and posted and additional and restrictions of Bal	of above Vari	iance, advertising, po	osting, etc. and further a	igree to and ar Itimore County	e to be bound /.	ed by the zoning
· · · · · · · · · · · · · · · · · · ·	-	ı .	I/We do solemniy perjury, that I/we a is the subject of th	are the legal ov	firm, under the properties of	penalties of property which
Contract Purchaser/Lesse	96 :		Legal Owner(<u>s):</u>	, ,	,
			MOHAR	a-	Ichan	,
Name - Type or Print	······································		Name - Type or Prin	1	(Z () V V	
Signature	······································	· · · · · · · · · · · · · · · · · · ·	Signature Signature	SAMA	· · · · · · · · · · · · · · · · · · ·	
	· <u>-</u> .	······································	Dehn		nn K	han
\ddress	14 4 1 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Telephone No.	Name 71 ype or Prin	Y O	1	
City	State	Zip Code	Signature	Bylin	- / Wa	
Attorney For Petitioner:	•	- ,	2515 PK Address	POCTOR	LANS	410-66
			Baltimor	, HD	, ,	Telephone No.
larne - Type or Print		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	City		State	Zip Code
ignature	······································		Representativ	e to be Cor	rtacted:	, ,
		······································				
mpany			Name			
ddres	· · · · · · · · · · · · · · · · · · ·	Telephone No.	Address	· · · · · · · · · · · · · · · · · · ·	·	Telephone No.
ity	State	Zip Code	City		State	Zip Code
2 3						

EV 10/25/01

Reviewed By 800 Date 01-05-05

Zoning Commissioner of Baltimore County

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	25 15 Address	PROCTOR	LA-NE	······································
		MORE	1D State	2123U Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the ip or practica	facts upon which I/	we base the request	for an Administrative
(1) The Strict (empliane	e Will Nego	ironant World	Unreasonally Durpose
Prement #5 lbe	57 76	property for	a grounding	7 1 0 .
· · · · · · · · · · · · · · · · · · ·	charge of t	The medicus	are keving	Mill BO
(2) Expanded family 31 The Slope of the	property	World not	permitmet	tuild in The Ba
That the Affiant(s) acknowledge(s) that if a fe	ormal demar	nd is filed, Affiant(s)		
advertising fee and may be required to provide	additional inf	ormation.		·
Mohatat Oklay	, , , , , , , , , , , , , , , , , , ,	Alleva	Lynn	Cha-
Signature Name - Type of Print Signature KHAV	- ,	Name - Type or P	rint Lynn	Khan
	, 		<i></i>	
STATE OF MARYLAND, COUNTY OF BALTII			. /	
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	ersonally app	eared Zoo	⊈, before me, a Nota	ary Public of the State
the Affiant(s) herein, personally known or satisf	actorily identi	fied to me as such A	Affiant(s).	
AS WITNESS my hand and Notarial Seal				
BEEN AND SERVICE OF THE PARTY O	No	tary Public		<u> </u>
TO THE THE	Му	Commission Expire	s <u>////////////////////////////////////</u>	<u></u>

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

PROCTOR

· · · · · · · · · · · · · · · · · · ·	BALTIMORE MIT	21234 To Code
That based upon personal knowledge, the Variance at the above address (indicate he	· ·	ase the request for an Administrative
(i) The Striet Compl	ionce with requivement wor	ud unreasonatly
Prevent the use	of the professity for a Por	mitted flagose.
2) Expanded fam	ily, my Two Nophows	s are living Will wo.
(3.1 To Skipe of	property Wowdonst per	conit mets fuild in 15 tre
That the Affiant(s) acknowledge(s) that i advertising fee and may be required to pro	f a formal demand is filed, Affiant(s) will	
Signature Signature	Signature	Lym Kla
Name - Type or Print	Name - Type or Print	gnn Khan
STATE OF MARYLAND, COUNTY OF BA		
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesa	d, personally appeared	efore me, a Notary Public of the State
the Affiant(s) herein, personally known or s	atisfactorily identified to me as such Affian	t(s).
AS WITNESS my hand and Notarial Seal		
SE	Notary Public My Commission Expires	11/1/25
REV 10/25/01	· · · · · · · · · · · · · · · ·	



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	2515	PROCTO	R	ANE
				R-3.5

owner(s) of the property situate in Baitim	ore County and Which is described	opment Management. The undersigned, legal in the description and plat attached hereto and
CO TESCIMIT A SIDE Y	ARD SETBACK OF	301 CEMANTS FOR FOR SATTRUDOOS. 4 FT. CEXISTINDG FORLNOODS
IN Lieux OF THE	CEQUIZED 15 FT.	LIVA DIR-3.5 ZOWE.

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.

1	, 	 	i/We do solemnly dependency that i/we are is the subject of this	eclare and affirm, under the the legal owner(s) of the Petition.	e penalties of property which
Contract Purchaser/L	essee:		Legal Owner(s)) <u>:</u>	
Name - Type or Print	· · · · · · · · · · · · · · · · · · · 	i	Name - Type or Print	TKHAN	<u> </u>
Signature		<u> </u>	Signature	2 GRACIU	Kha .
Address		Telephone No.	Name Type or Print	Dem La	VIV.
City	State	Zip Code	Signature	zymn tha	
Attorney For Petition	<u> 87:</u>	i 	2515 PR Address	OCTOR LAN	E 410-661-7 Telephone No.
Name - Type or Print		<u> </u>	BALTIM	ORE MD State	≥ /2.3 4 Zip Code
Signature		 	Representative	to be Contacted:	
Company	**=*_*****************************	i 	Name		
Address	······································	Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
A Public Hearing having bee this day of regulations of Baltimore County	n formally demand	ded and/or found to be at the subject matter of rty be reposted.	required, it is ordered by this petition be set for a publ	the Zoning Commissioner of ic hearing, advertised, as req	Baltimore County, uired by the zoning
			Zoning Com	missioner of Baltimore County	 y
CASE NO	- 338	A. Rev	lewed By 500	Date <u>O(-C</u>	25 <u>0</u> 5.
REV 10/25/01		Est	imated Posting Date	01-18-05	<u></u>

ZONING DESCRIPTION FOR 2515 PROCTOR LANE (address)
Beginning at a point on theSour Hside of (north, south, east or west)
(north, south, east or west)
PROCTOR LANE which is 50 ft (number of feet of right-of-way width)
wide at the distance of <u>950 ft</u> <u>WEST</u> of the (number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street WALTHAM Woods Road (name of street)
which is
Block, Section #, in the subdivision of SATYR WooDS (name of subdivision)
as recorded in Baltimore County Plat Book #, Folio #9
containing 13,668 Also known as 2515 PROCTOR LANG (square feet or acres) (property address)
and located in the CITH Election District 5TH Councilmanic District

				STEERS WITHOUT STATES
	Account Filtra			YELDE CUSTOSIES (
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FRANCE MISCELLANEOUS RECEIPT				PMK-Ages
MORE C COF BUD ELLANE			\\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\	
		HECEWED TO SECOND		DISTRIBUTION OF THE CLASSICS

•

1

ι

•





CERTIFICATE OF POSTING

	RE: Case No.: 25 - 338 - A.
	Petitioner/Developer:///OH/BAZ
	KHAN
Baltimore County Department of Permits and Development Mana County Office Building, Room 1: 111 West Chesapeake Avenue Towson, Maryland 21204	- Camoni
ATTN: Kristen Matthews {(410)) 887-33943
Ladies and Gentlemen:	,
nes letter is to certify under the posted conspicuously on the prop	penalties of perjury that the necessary sign(s) required by law were erty located at: 25/5 PROCTOR LANE
The sign(s) were posted on	(Month, Day, Year)
	Sincerely, Robert Black (Signature of Sign Poster) (Date) SSG Robert Black (Print Name) 1508 Leslie Road (Address)
	Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940
4 ° 4	(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case N	lumber	05-	<u>-3</u> 38	-A	^	Address	S	25	15	Proc-	COR.	<u> </u>	<u>)</u>
Contac	t Person	ı: <u> </u>	Plan	ner, Please Pr	rint Your N	XA-N	DEN	<u> </u>	Pho	ne Num	ber: 4	10-887	7-339 1
Filing I	Date: <u>C</u>	<u> </u>	OS · OS			ng Date:	0(-	18.0	5	Closing	g Date:	01-3	31-09
Any co through	ntact mathematical interest in the con	ade tact	with this person (pl	office reg anner) us	arding ing the	the stat	tus of mber.	the ac	dminis	trative v	/ariance	e shou	ıld be
1. <u>F</u>	POSTING everse s eposting s again	G/C side mu resp	of this form of this form st be done onsible for r before th	petitioner m) and the only by c	must use the petitions of the ciated in the	ise one coner is represented the sign processes to the contract of the contrac	of the espon poster	sign po sible for s on th	or all p e appr	orinting/proved lis	oosting t and th	costs. ne peti	Any
Ų	OTTION	가으다	The closin uest for a public hear	DUDIIC 116	eanna.	Please	Hinde	retand	that a	avan if	thara ic	0 feet s no f	to file ormal
o (t d	rder that ypically enied, or	t the with	er the clo He may matter to 10 go to publ	days of the hearing	for a te closi	requeste public he ng date) order will	earing earing as to be m	et; (b) You whethe	deny to will represent the popular to the popular t	he requestion by First (ested r written has be Class m	elief; notific en gra ail.	or (c) cation inted,
cl po	ommission of the commission of	oner givin ertifi	to a neignotificate of the cation of the cat	ion will b	e forwing dat	equest of arded to a	or by Digital you.	oraer (The	of the sign	zoning on the	or dep	buty zo	oning st be
				*= 		Along Dotted	,						
etition	er: This	Pa	rt of the F	orm is fo	r the Si	ign Post	er On	ly	**************************************	*******	**************************************	*******	
			USE THE								•		
ase Nu	mber 0	5-	538.	-A	Addres	s 25	315	5	100	Zon	<u> </u>) -	
'etitione	r's Name	e	101-1	ABAT	- (HAN		T	elepho	ne <u> </u>	10 G	6(-	7877.
osting	Date: _		0(-18	<u>'-05.</u>		Cle	osing	Date:		1.3	1-09	5.	· · · · · · · · · · · · · · · · · · ·
Vording	for Sign	: _7	o Permit	<u>a</u> S	1706	SE 77	3 <u>17</u> C. (X 07	- 4	FT. L	<u> </u>	ec ct	,
		<u>(</u>	-		<u></u>	- 			-, -, -, -, -, -, -, -, -, -, -, -, -, -		·.·	·	7
					· 	 				 	······································	· · · · · · · · · · · · · · · · · · ·	······································

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

January 31, 2005

Mohabat Khan Debra Khan 2515 Proctor Lane Baltimore, Maryland 21234

Dear Mr. and Mrs. Khan:

RE: Case Number: 05-338-A, 2515 Proctor Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 5, 2005.

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,

u. Callabal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

January 16, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 24, 2005

Item No.:

334-336, (338) 344, 346

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.

The Fire Marshal's Office has no comments at this time.

Lieutenant Franklin J. Cook Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: January 24, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 24, 2005

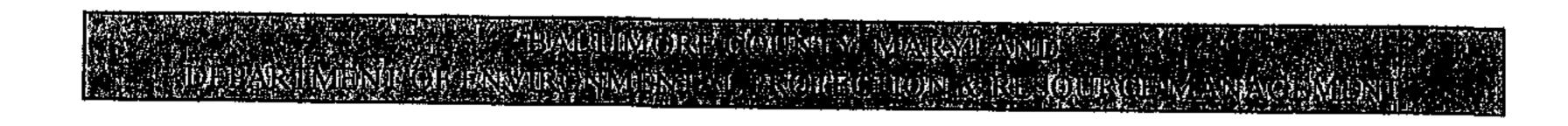
Item Nos. 336, 337, 338, 339, 344,

346, and 347

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

RWB:CEN:jrb

cc: File



TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr Joo

DEPRM

DATE:

February 3, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 18, 2005.

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

05-335 05-336 05-339 05-344 05-345

05-347

Reviewers:

Sue Farinetti, Dave Lykens

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:

2515 Proctor Lane

INFORMATION:

Item Number:

5-338

Petitioner:

Mohabat Kahn

Zoning:

DR 3.5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided building elevations are submitted to this office for review and approval prior to the issuance of building permits. The elevations shall indicate that the proposed structure will front on Proctor Lane, and shall indicate all exterior material to be used.

For further information concerning the matters stated herein, please contact Kevin Gambrill at 410-887-3480.

Prepared by:

Division Chief: AFK/LL:MAC:

Mr () Durba

DATE: January 24, 2005

PC The Day

JAN 2 6 2005

ZOWING COMMISSIONER

8



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

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

Maryland Department of Transportation

Date: 1.19.05

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

RE:

Baltimore County

Item No. 338

ZA

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.

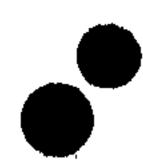
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

CASE NUMBER 05 338 -A



To Whom It May Concern:

We, Mr. Ki Sun Kim and Mrs. Eun Sook Kim, are thoroughly informed and well-aware of the proposed addition and side 4 feet set back on the property located 2515 Proctor Lane. We absolutely have no objection to the proposed addition and side 4 feet set back.

Sincerely,

Kim, Ki Sun Kim, Eun Sook 2513 Proctor Lane Baltimore, MD 21234

(40) 882-5071



SE Number 05 [338]-A

01/08/05

To Whom It May Concern:

We, Mr. Mark Miller and Mrs. Joyce Miller, are thoroughly informed and well-aware of the proposed addition and side 4 feet set back on the property located 2515 Proctor Lane. We absolutely have no objection to the proposed addition and side 4 feet set back.

Sincerely, Mark R. Miller Jayu M. Miller

Mark Miller Joyce Miller

2517 Proctor Lane

Baltimore, MD 21234

410-663-4554

PREPARED NORTH **PROPERT** SUBDIVISION NAME PLAT BOOK 8Y **ADDRESS** MOHABA urwous FOLIO SECTION 10 CONCPAIRS. SC X m DRAWING: 2517 ADD IONA Ø SKINOZ PROPERTY 000 REQUIRED INFORMATION 1000 ONLY **\$**

19th W 11/

