

IN RE: PETITION FOR ADMIN. VARIANCE
SE/Cor Oakleigh Beach Road
And Watervale Roads
15th Election District
7th Councilmanic District
(855 Oakleigh Beach Road)

Susan & Joseph P. Rosenthal
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO. 05-366-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, Susan and Joseph P. Rosenthal. The variance request is for property located at 855 Oakleigh Beach Road in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 1-1.3a (ZDPM), to permit a side street setback of 16 ft. in lieu of the required 25 ft. and a rear yard setback of 25 ft. in lieu of the required 30 ft. for a garage addition. 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 30, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

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2/15/05

By [Signature]

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 15 day of February, 2005, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 1-1.3a (ZDPM), to permit a side street setback of 16 ft. in lieu of the required 25 ft. and a rear yard setback of 25 ft. in lieu of the required 30 ft. for a garage addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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;

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

2/15/05
Ray

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 ¹⁵/₁₄, 2005

Mr. & Mrs. Joseph P. Rosenthal
855 Oakleigh Beach Road
Baltimore, Maryland 21222

Re: Petition for Administrative Variance
Case No. 05-366-A
Property: 855 Oakleigh Beach Road

Dear Mr. & Mrs. Rosenthal:

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





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 855 OAKLEIGH BEACH RD
which is presently zoned DR 5.5

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)

(20 P.M.) TO PERMIT A SIDE STREET SETBACK OF 16 FT. IN LIEU OF THE REQUIRED 25 FT. AND A REAR YARD SETBACK OF 25 FT. IN LIEU OF THE REQUIRED 30 FT. FOR A GARAGE ADDITION

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

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

Representative to be Contacted:

Name

Address

City

Zoning Commissioner of Baltimore County

Reviewed By

Date

Estimated Posting Date

ORDER RECEIVED FOR FILING

A Public Hearing 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 regulations of Baltimore County and that the property be reposted.

CASE NO.

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 855 OAKLEIGH BRANCH RD.
Address
BAITIMORE MD 21222
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):

INABILITY to SAFELY PARK OUR
VEHICLES AND STORE SEASONAL EQUIPMENT

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.

Susan Rosenthal
Signature
SUSAN ROSENTHAL
Name - Type or Print

Joseph P. Rosenthal
Signature
JOSEPH P. ROSENTHAL
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21 day of Jan, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

SUSAN ROSENTHAL & JOSEPH P ROSENTHAL
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Subscribed and sworn to in my presence, this
21 day of Jan, 2005, at Notary Public
in and for the County of Calvert
REV 10/25/01 Karen Ann Chase
Notary Public
My commission expires Aug 12, 2007

Karen Ann Chase
Notary Public
My Commission Expires Aug 12, 2007

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 855 OAKRIDGE BEACH RD.
Address
BALTIMORE MD 21222
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):

INABILITY To SAFELY PARK OUR VEHICLES
AND STORE SEASONAL EQUIPMENT

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.

Susan Rosenthal
Signature
SUSAN ROSENTHAL
Name - Type or Print

Joseph P. Rosenthal
Signature
JOSEPH P. ROSENTHAL
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21 day of JANUARY, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

SUSAN ROSENTHAL & JOSEPH P. ROSENTHAL
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Subscribed and sworn to before me, in my presence, this
21 day of Jan, 2005, a Notary Public
in and for the County of Baltimore, Md.
REV 10/25/01 Kathleen Class
Notary Public
My commission expires Aug 12, 2007

Kathleen Class
Notary Public
My Commission Expires Aug 12, 2007



(20PM) TO PERMIT A SIDE STREET SETBACK OF 16ft IN LIEU OF THE REQUIRED 25ft, AND A REAR YARD SETBACK OF 25ft IN LIEU OF THE REQUIRED 30ft FOR A GARAGE ADDITION.

Estimated Posting Date 1-30-05

ZONING DESCRIPTION FOR 855 OAKLEIGH BEACH ROAD:

Beginning at a point on the south side of Oakleigh Beach Rd. which is 20 ft. wide at the distance of 39 ft. South of the centerline of the nearest improved intersection street, Watervale Rd., which is 19 ft. wide. Being Lot #124, in the subdivision of Oakleigh Beach as recorded in Baltimore County Plat Book #12, Folio# 46, containing 9,270 sq. ft. Also known as 855 Oakleigh Beach Ave. and located in the 15th Election District, 7th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1641318

366

DATE 1-21-05

ACCOUNT Full-Cab - 6150

AMOUNT \$ 65.00

RECEIVED FROM J. ROSENTHAL 855 CORKLEIGH

FOR Adm. Unit Board

PAID RECEIPT

CHECKS: AMOUNT TIME
1/23/2005 1/23/2005 14:23:22

DEPOSIT: 1/23/2005 1/23/2005

DEPOSIT: 1/23/2005 1/23/2005

DEPOSIT: 1/23/2005 1/23/2005

DEPOSIT: 1/23/2005 1/23/2005

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No. : 05-366-A

Petitioner/Developer: _____

J. ROSENTHAL

Date of Hearing/Closing: 2/14/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

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 855 OAKLEIGH BEACH RD

This sign(s) were posted on January 30, 2005
(Month, Day Year)

Sincerely,

Martin Ogle 1/30/05
(Signature of Sign Poster and Date)

Martin Ogle

Sign Poster

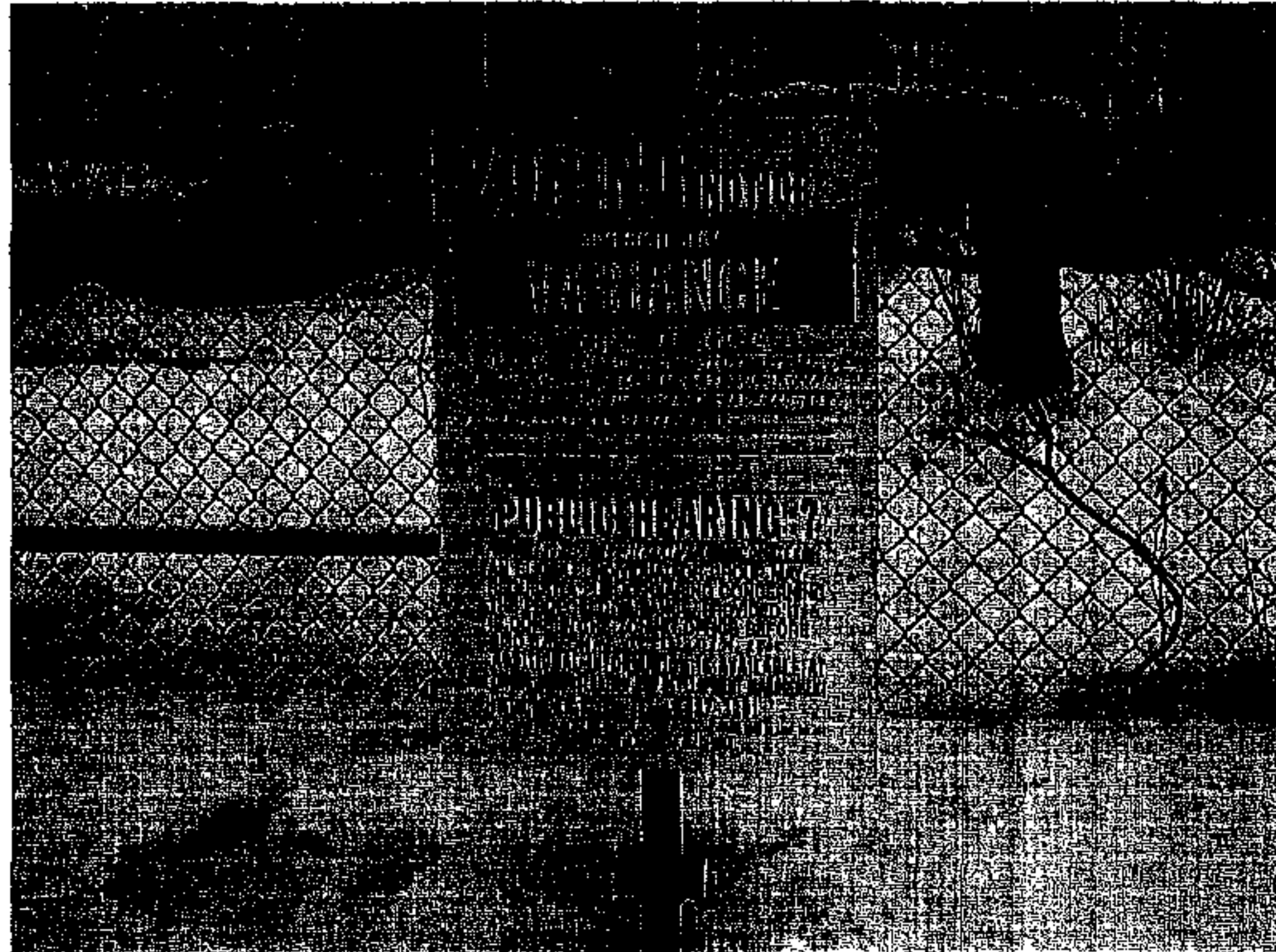
5016 Castlestone Drive

Address

Balto. Md 21237

(443-629-3411)

im000201 (1152x864x24b jpeg)



myattm08 1/30/05

**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: _____

366

Petitioner: JOSEPH ROSENTHAL

Address or Location: 855 OAKLEY BEACH Rd. BALD. Md. 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Same

Telephone Number: 410-388-2058

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 366 -A Address 855 OAKLeigh Beach Rd
Contact Person: J. Menn Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 1-21-05 Posting Date: 1-30-05 Closing Date: 2-14-05

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- 366 -A Address 855 OAKLeigh Beach Rd
Petitioner's Name J. ROSENTHAL Telephone 410-388-2058
Posting Date: 1-30-05 Closing Date: 2-14-05
Wording for Sign: A VARIANCE
To Permit A SIDE - STREET SETBACK of 16ft. in
LIEU of THE REQUIRED 25ft. AND A REAR
SETBACK of 25ft. in LIEU of THE REQUIRED 30ft
FOR AN ATTACHED GARAGE.

WCR - Revised 6/25/04

**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

February 14, 2005

Joseph P. Rosenthal
Susan Rosenthal
855 Oakleigh Beach Road
Baltimore, Maryland 21222

Dear Mr. and Mrs. Rosenthal:

RE: Case Number: 05-366-A, 855 Oakleigh Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 21, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

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 28, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 31, 2005

Item No.: 226,360-364/366-367

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
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



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



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

Maryland Department of Transportation

Date: 1.25.05

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

RE: Baltimore County
Item No. 366 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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr. JDO

DATE: February 25, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 7, 2005

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

05-371

05-373

05-374

05-375

05-377

05-366

05-367

Reviewers: Sue Farinetti, Dave Lykens

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

AV
2/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 3, 2005

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

RECEIVED

FEB - 4 2005

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-366

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 Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Mark A Cunningham

Division Chief:

Lynn Senbauer

MAC/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 9, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For February 7, 2005
Item Nos. 360, 361, 363, 365, 366, 367

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

RWB:CEN:cp

cc: File



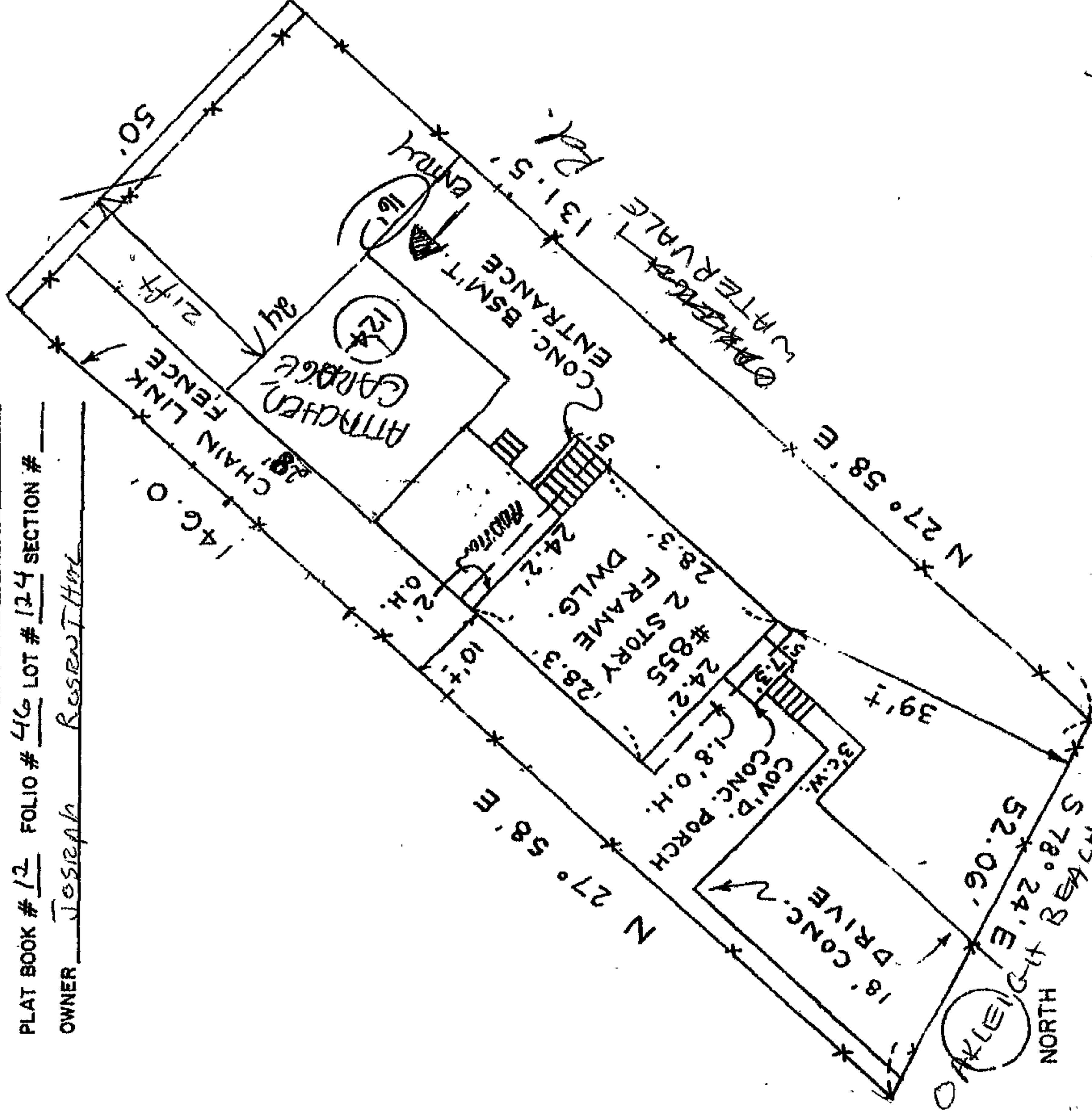
PLAT TO

PROPERTY

SUBDIVISION

PLAT BOOK

OWNER _____



SCALE OF DRAWING: 1" = 20'

PREPARED BY

Ref. # 1302

