

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Mandel Court, 97 ft. N
centerline of Sugarcone Road
3rd Election District
2nd Councilmanic District
(3 Mandel Court)

Lois & Howard C. Weinstein
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-464-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, Lois and Howard C. Weinstein. The variance request is for property located at 3 Mandel Court in Baltimore County. The variance request is from Section 1B02.3.B (§205.3.4 of old R-20 Regs.) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing attached garage with a side yard setback of 12.5 ft. and a proposed addition with a rear yard setback of 17 ft. in lieu of the minimum required 15 ft. and 40 ft. respectively, and to amend the latest approved Final Development Plan to allow projection of same outside of the building envelope. 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 March 26, 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 32-3-303 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

ORDER RECEIVED FOR FILING

4/12/05

Ry

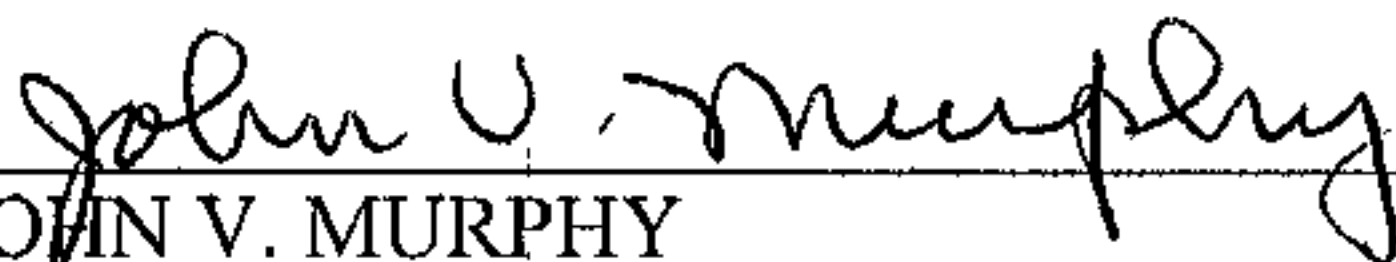
that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 12 day of April, 2005, that a variance from Section 1B02.3.B (§205.3.4 of old R-20 Regs.) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing attached garage with a side yard setback of 12.5 ft. and a proposed addition with a rear yard setback of 17 ft. in lieu of the minimum required 15 ft. and 40 ft. respectively, and to amend the latest approved Final Development Plan to allow projection of same outside of the building envelope, 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

4/12/05
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

April 12, 2005

Mr. & Mrs. Howard C. Weinstein
3 Mandel Court
Baltimore, Maryland 21209

Re: Petition for Administrative Variance
Case No. 05-464-A
Property: 3 Mandel Court

Dear Mr. & Mrs. Weinstein:

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 dark ink, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Walter Daniels, 1426 Broadway Rd., Timonium, MD 21093

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 3 Mandel court
Baltimore, Maryland 21209
which is presently zoned DR-2 (old R-20)

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) 1 B02.3.B (205.3,4 old R-20)

To allow an existing attached garage with a side yard setback of 12.5 ft. and a proposed addition with a rear yard setback of 17 ft. in lieu of the minimum required 15 ft. & 40 ft. respectively.

AND
To amend the latest approved Final Development Plan to allow projection of same outside the building envelope.
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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 4/12/05 day of April 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.

Legal Owner(s):

Howard C. Weinstein

Name - Type or Print

Signature

Lois Weinstein

Name - Type or Print

Signature

3 Mandel Court

410-486-2702

Address

Telephone No.

Baltimore, Maryland

21209

City

State

Zip Code

Representative to be Contacted:

Walter Daniels

Name

1426 Broadway Road

410-5603588

Address

Telephone No.

Timonium, Maryland

21093

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 05-4649

REV 10/25/01

Reviewed By [Signature]

Date 3-15-05

Estimated Posting Date 3-27-05

4/11

RECEIVED FOR FILING 4/12/05

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

3 Mandel Court

Address

Baltimore, Maryland

City

State

21209

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):

Our existing house was set back 57' from Mandel Ct. instead of the required 40', thus limiting the size of our rear yard. We hope to construct a new 24'x34' kitchen and great room, screened porch and deck, to the rear of our house. At 2080 s.f. we are currently one of the smaller houses in the neighborhood. Our neighbors have increased the size of their houses, one as large as 4000 s.f. Our addition will visually have little impact on the neighbors, with an open space directly behind us and the radial arrangement of houses on Mandel Ct., no one will be directly viewing the addition.

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.

Howard C. Weinstein

Signature

Howard C. Weinstein

Name - Type or Print

Lois Weinstein

Signature

Lois Weinstein

Name - Type or Print

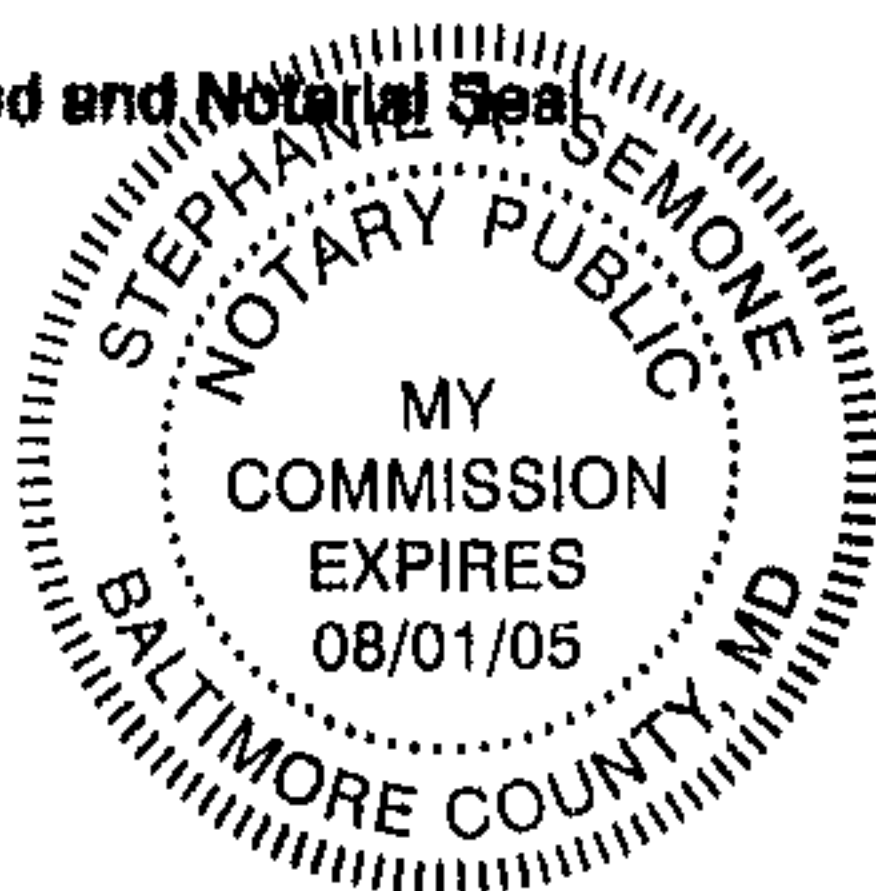
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of March, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Howard C. Weinstein and Lois Weinstein

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

AS WITNESS my hand and Notarial Seal



Stephanie A. Semone

Notary Public

My Commission Expires

8/1/05

REV 10/25/01

464

Zoning Description

3 Mandel Ct

Beginning at a point on the East side of Mandel Ct. 97 ft ± North of Sugarcane Rd. Being Lot # 32 Block V Sect 6 in the Subdivision of GreenGate as recorded in Baltimore County Plat Book Liber 38 folio 129 Containing .315 acre ± and located in the 3rd Election District.

464

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

DATE 3-15-05

ACCOUNT

R 001-006-6150

Plan No. 443404
05-464 A

RECEIVED FROM

Dan's & Associates

AMOUNT \$

115.00

FOR

Provided for Baltimore City of 115.00
to the Baltimore City of 115.00
for 115.00

DISTRIBUTION

WRITE CASHIER

PAID AGENCY

BELOW CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME 2005
3/15/2005 14:44:51

TO: 001 MARYLAND

PROJECT: 001-006-6150

DATE: 3-15-2005

BY: 001 MARYLAND

RECEIVED FOR

AMOUNT \$

115.00

BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

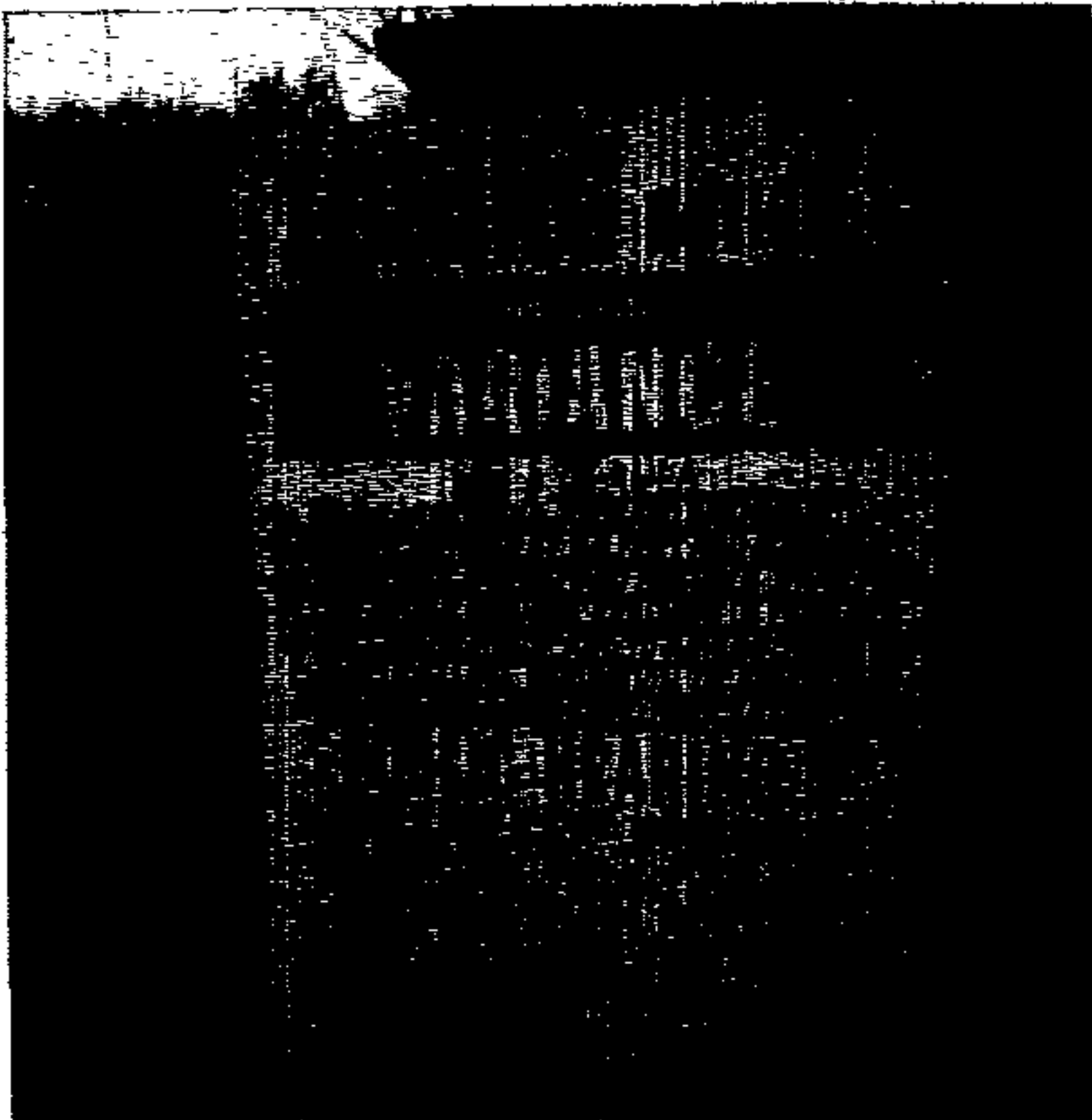
CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date March 31, 2005

RE: Case Number 05-464-A
Petitioner/Developer: HOWARD + LOIS WEINSTEIN
Date of Hearing(Closing): April 11, 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3 MANDEL COURT

The sign(s) were posted on March 26, 2005
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 464 -A

Address [#] 3 Mandel CT

Contact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 3-15-05

Posting Date: 3-27-05

Closing Date: 4-11-05

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- 464 -A

Address [#] 3 Mandel CT

Petitioner's Name Howard Weinstein

Telephone 410-486-2702

Posting Date: 3-27-05

Closing Date: 4-11-05

Wording for Sign: To Permit an existing attached garage with a side yard setback of 2.5 ft. and a proposed addition with a rear yard setback of 17 ft. in lieu of the minimum required 15 ft. & 40 ft. respectively AND TO amend the latest approved Final Development Plan to allow projection of same outside the building envelope.

WCR - Revised 6/25/04

**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: 05-464 A

Petitioner: Mr. + Mrs Howard Weinstein

Address or Location: 3 Mandel Ct. Baltimore, Md. 21209

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: same

Telephone Number: 410-486-2702

**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*

April 11, 2005

Howard C. Weinstein
Lois Weinstein
3 Mandel Court
Baltimore, Maryland 21209

Dear Mr. and Mrs. Weinstein:

RE: Case Number: 05-464-A, 3 Mandel Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 15, 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 faint, circular official stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Walter Daniels 1426 Broadway Road Timonium 21093

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

March 29, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of April 4, 2005

Item No. 458, 459, 460, 464, 465, 466, 467, 468, 469, 470, 471, 472,

Pursuant to your request, the above 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 site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 19, 2005

FROM: Dennis A. Kennedy, ^{DAK} Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 4, 2002
Item No. 459, 463, 464 465, 467,
469, 470, 472

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

DAK:CEN
cc: file
ZAC-NO COMMENTS-04192005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr ^{JDO}
DATE: April 13, 2005
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 28, 2005

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

05-458

05-459

05-460

05-464

05-465

05-471

05-472

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE ~~April 1~~ 2005
RECEIVED

APR - 1 2005

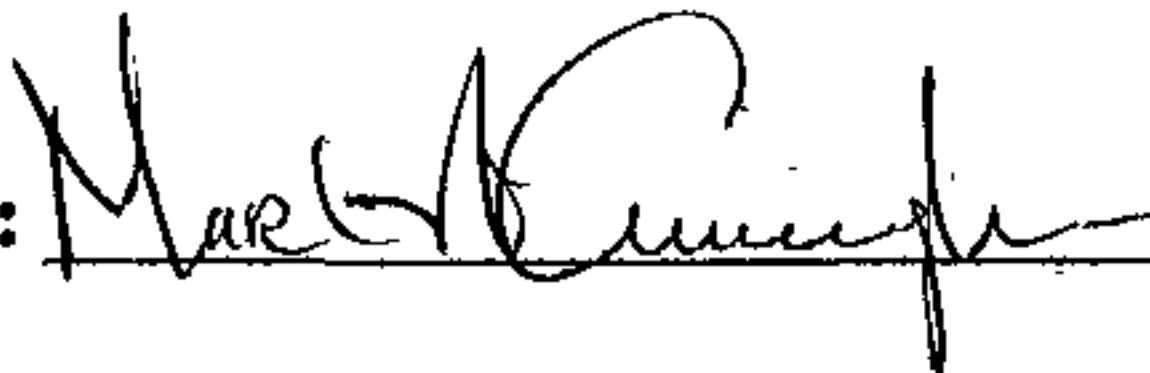
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

ZONING COMMISSIONER

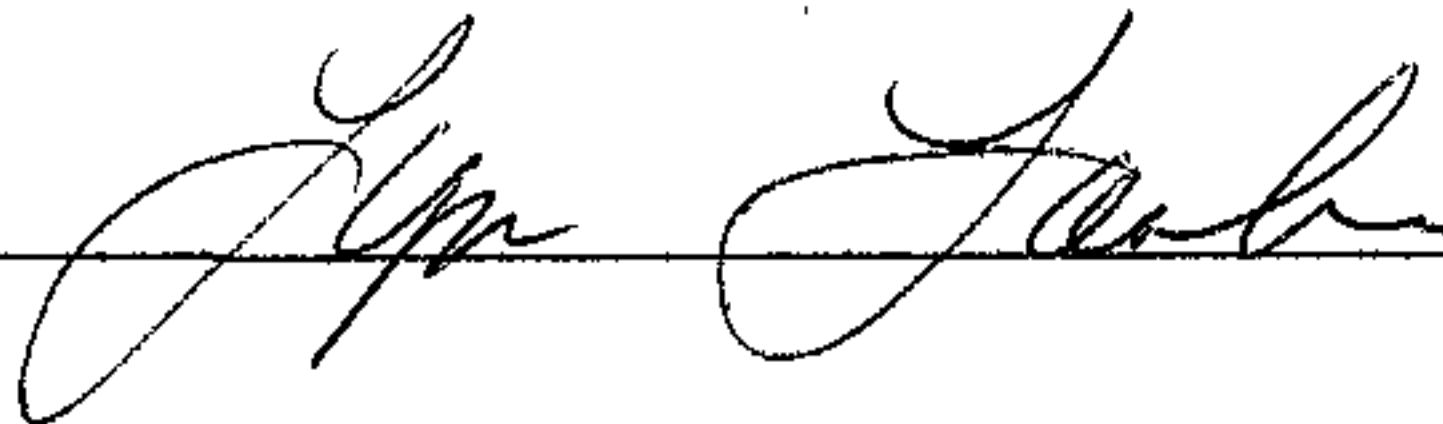
SUBJECT: Zoning Advisory Petition(s): Case(s) 5-464 – Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark Cunningham in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



MAC/LL

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



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

Maryland Department of Transportation

Date: 3.25.05

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

RE: Baltimore County
Item No. 464 JJS

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).

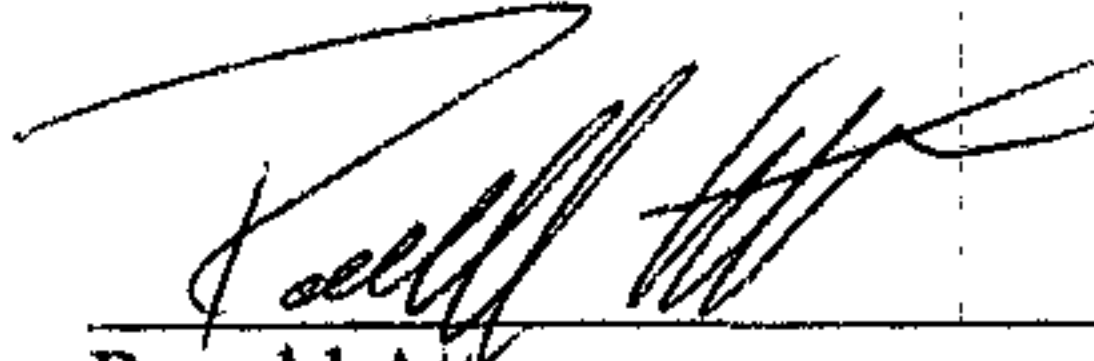
Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

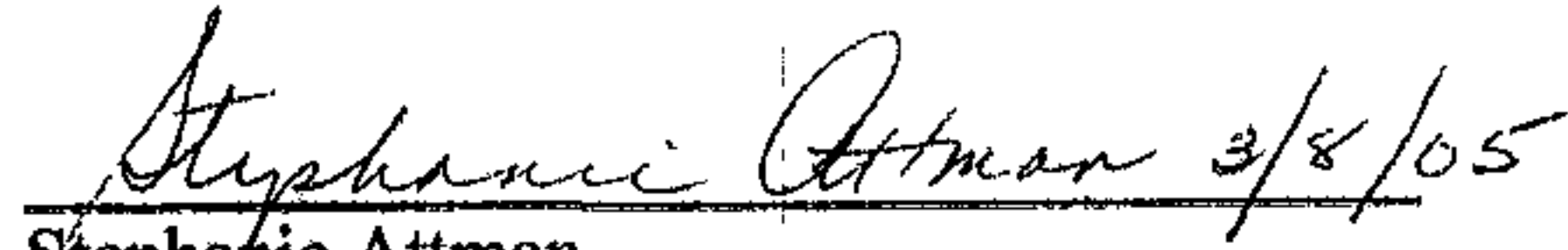
To: Baltimore County Planning and Zoning

Re: Weinstein addition—3 Mandel Court

I am presently a neighbor of Lois and Howard Weinstein, residing at 5 Mandel Court. I have no objection to their plans to build an addition to the rear of their house that goes beyond the required setback.



Ronald Attman



Stephanie Attman

464

To: Baltimore County Planning and Zoning

Re: Weinstein addition—3 Mandel Court

HP ap
1.

I am presently a neighbor of Lois and Howard Weinstein, residing at ~~3~~ Mandel Court. I have no objection to their plans to build an addition to the rear of their house that goes beyond the required setback.

Audrey Polt

Audrey Polt

Leslie Polt

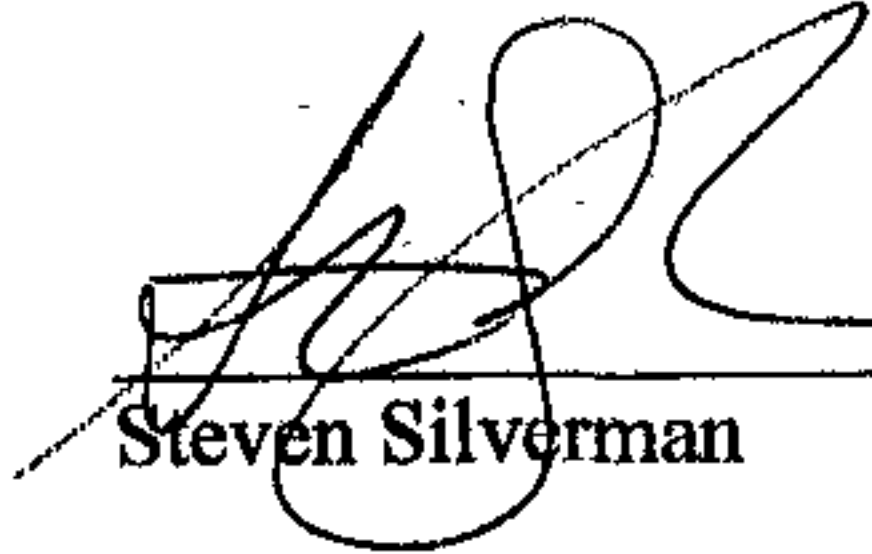
Leslie Polt

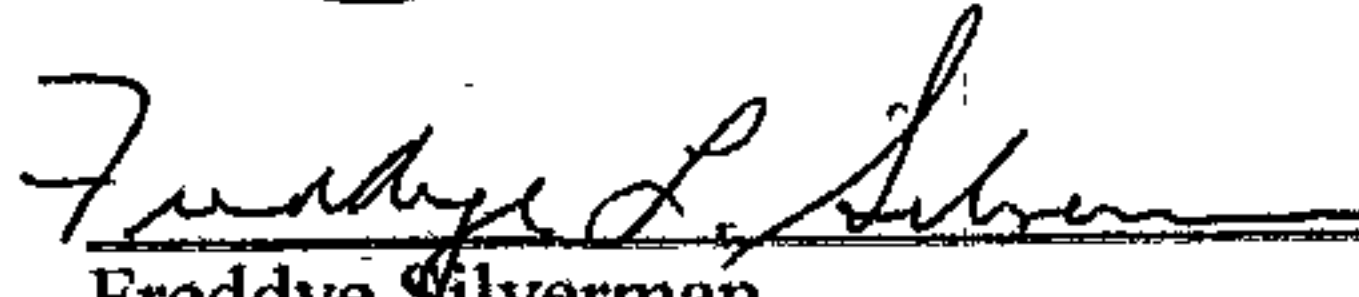
464

To: Baltimore County Planning and Zoning

Re: Weinstein addition—3 Mandel Court

I am presently a neighbor of Lois and Howard Weinstein, residing at 6 Mandel Court. I have no objection to their plans to build an addition to the rear of their house that goes beyond the required setback.


3/10/05
Steven Silverman


3/10/05
Freddie Silverman

464

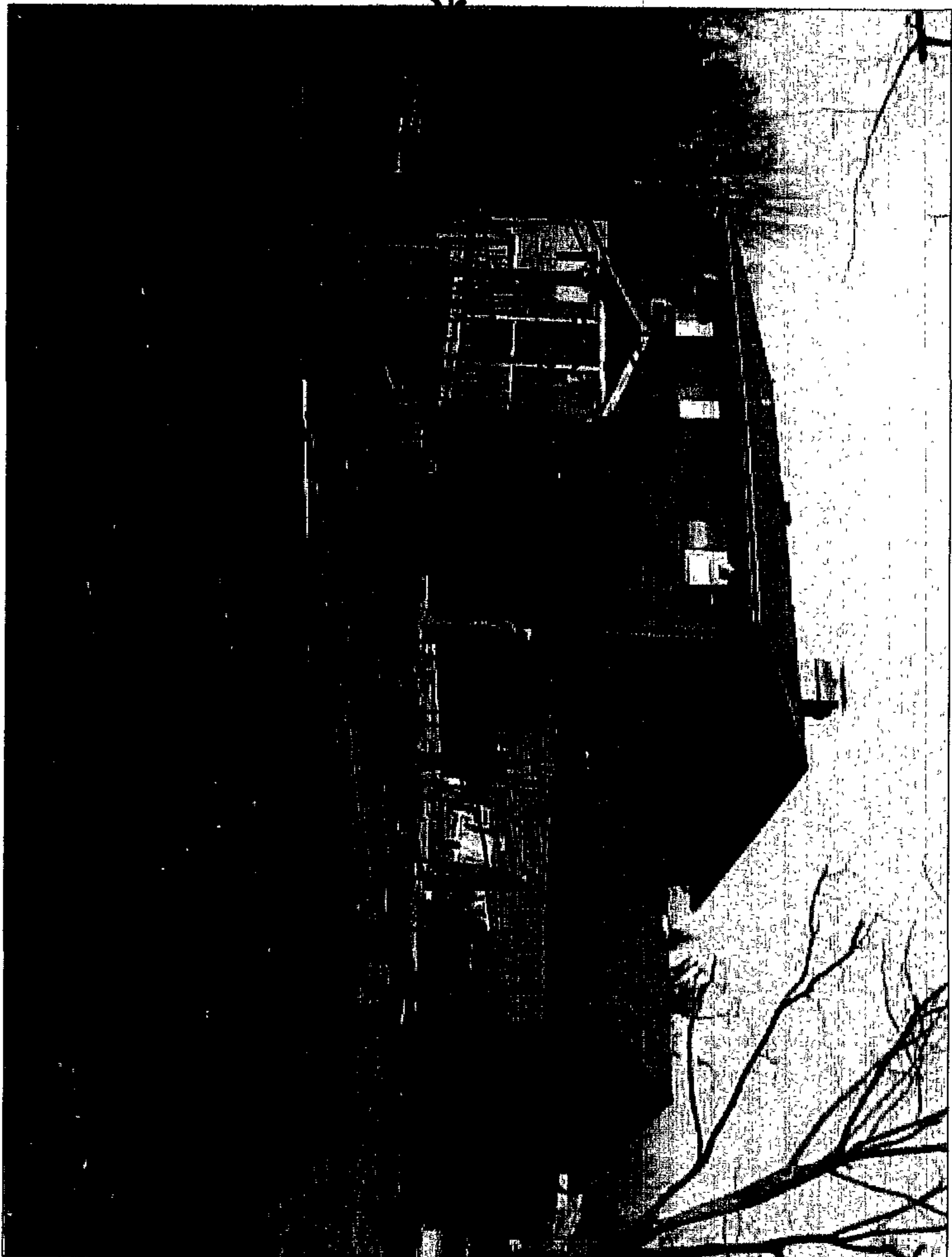
PHOTO #1

Proposed Rear addition

* See Numbers
on Site Plans

464

REMOVE
DECK



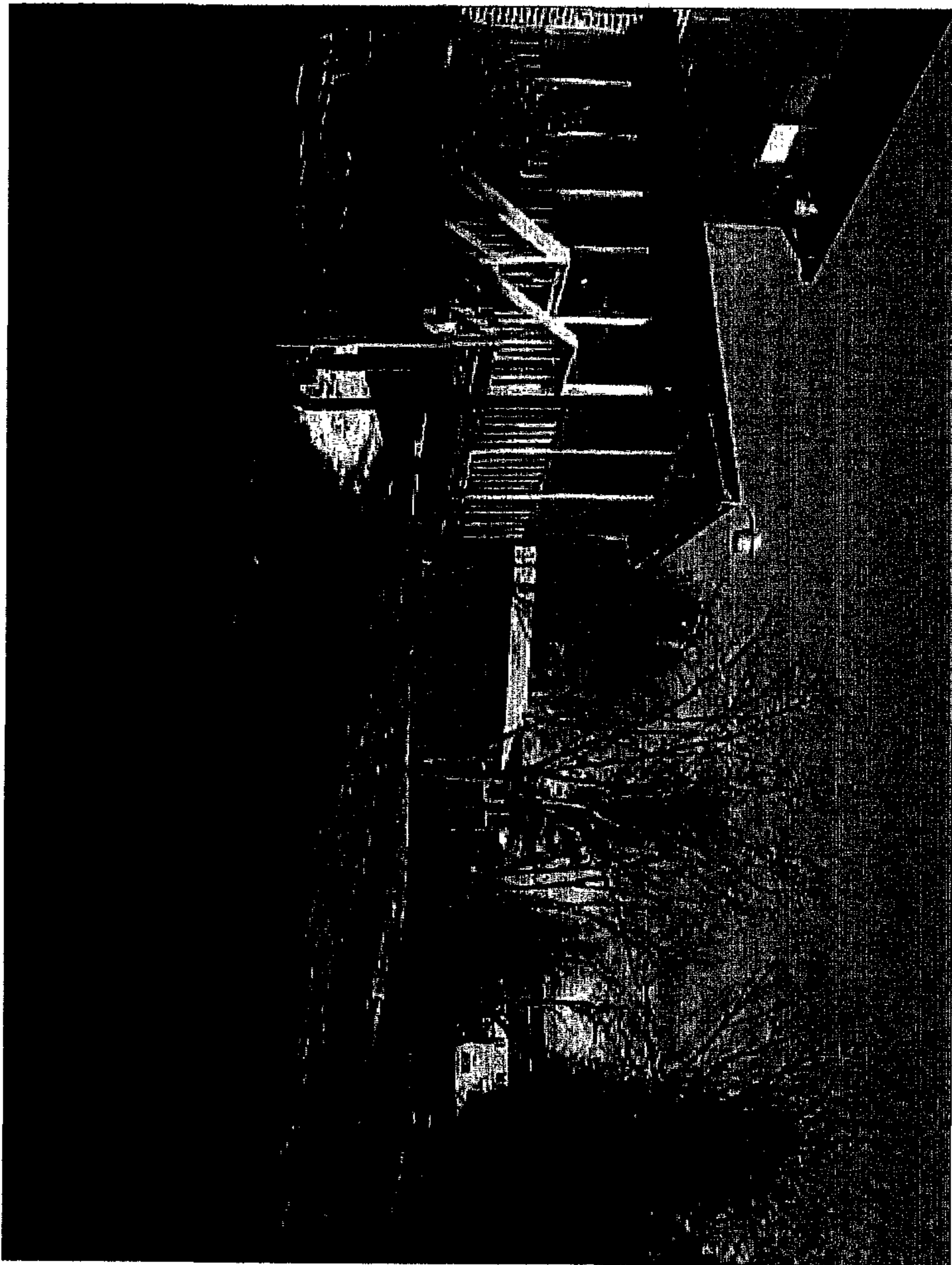


PHOTO #3

464



PHOTO #2

464

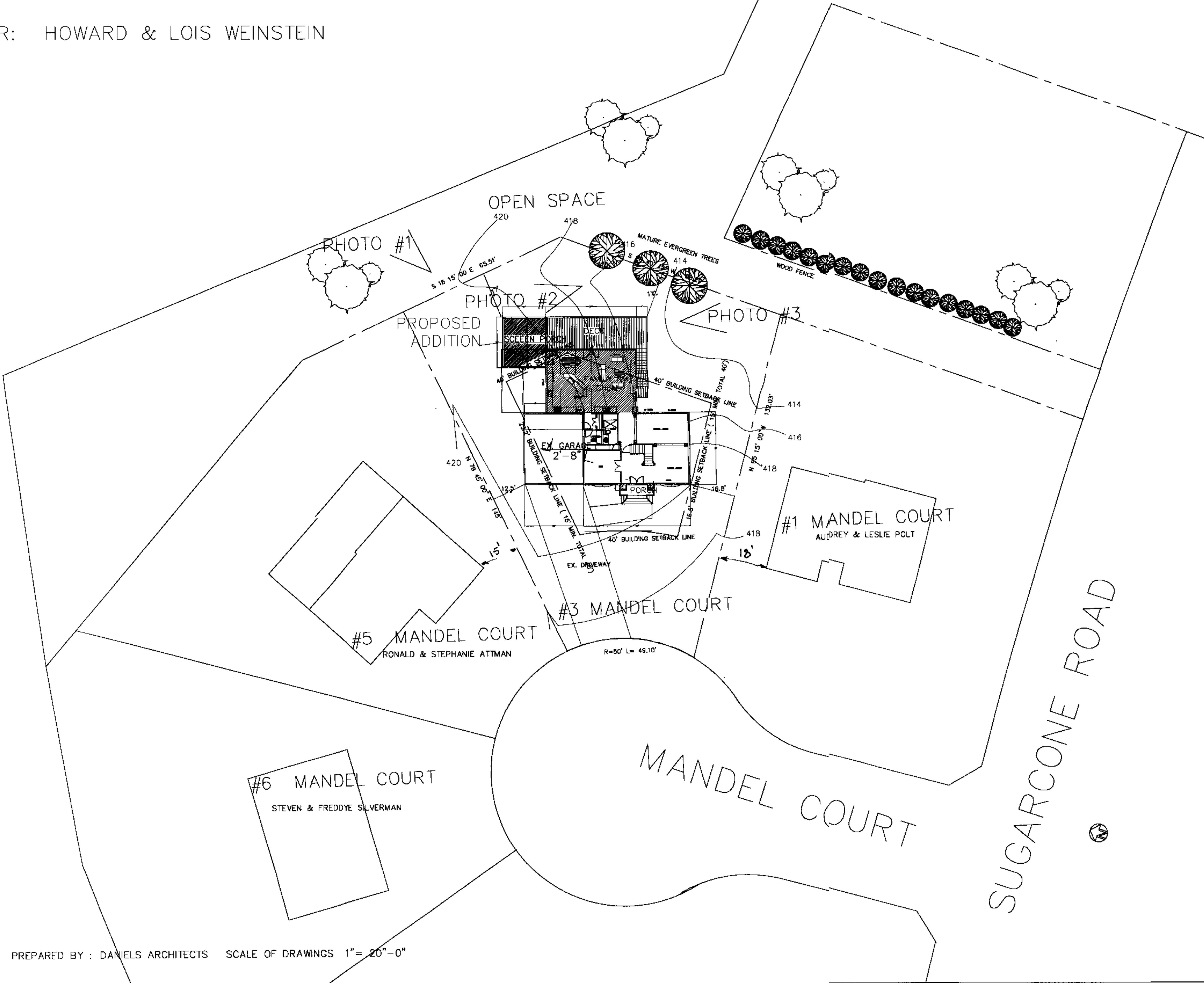
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS- 3 MANDEL COURT - BALTIMORE - MARYLAND - 21209

SUBDIVISION NAME: GREEN GATE SECTION SIX

PLAT BOOK: 38 FOLIO;129 LOT: # 32 BLOCK "J" SECTION# SIX

OWNER: HOWARD & LOIS WEINSTEIN



LOCATION INFORMATION

Councilmanic District : 2
Election District: 3
1" = 200' scale map:
Zoning: DR2
Lot Size: 13,733sf or .315 ACRES
Sewer : PUBLIC
Water: PUBLIC
Chesapeake Bay Critical Area: No
100 Year Flood Plain : No
Historic Property: No
Prior Zoning Hearings: None

Zoning Office Use Only

reviewed by: *[Signature]* item #: 464 case #: *[Signature]*

DANIELS & ASSOCIATES
ARCHITECTS, Ltd.
1428 Broadway Road
Timonium, MD 21093
Suite #100
(410) 580-3688

RESIDENCE OF:
Mr. & Mrs. Weinstein
3 MANDEL COURT - BALTIMORE - MARYLAND 21209

Date: 3/7/05		
Revisions		
No.	Date	Reference

Drawing Title
SITE
PLAN
1" = 20'-0"
Drawing Number
SITE