

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Proctor Lane, 175 ft. E
centerline of Dorby Town Court
11th Election District
5th Councilmanic District
(3737 Proctor Lane)

Carol Carr-Amer & Ellathy Amer
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-559-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, Carol Carr-Amer and Ellathy Amer. The variance request is for property located at 3737 Proctor Lane in Baltimore County. The variance request is from Section V.B.6.b (CMDP) 1971-1992 Regs., to permit an addition with a side yard setback of 13 ft. in lieu of the required 15 ft. from window to property line. 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 May 15, 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 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.

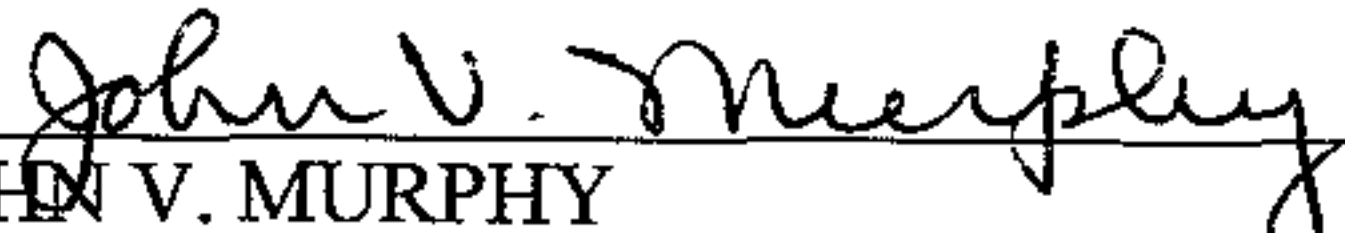
FILED RECEIVED FOR FILING
6/3/05
Ray

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 3 day of June, 2005, that a variance from Section V.B.6.b (CMDP) 1971-1992 Regs., to permit an addition with a side yard setback of 13 ft. in lieu of the required 15 ft. from window to property line, 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

RECEIVED FOR PAID
6/3/05
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

June 3, 2005

Mr. & Mrs. Ellathy Amer
3737 Proctor Lane
Nottingham, Maryland 21236

Re: Petition for Administrative Variance
Case No. 05-559-A
Property: 3737 Proctor Lane

Dear Mr. & Mrs. Amer:

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

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 3737 Proctor Lane
which is presently zoned DR 3.5

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) CMDP V.B.6.b

To permit an addition with a side yard setback of 13'
in lieu of the required 15' from window to property line.

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):

Ellathy Amer
Name - Type or Print

Signature

Carol Carr-Amer
Name - Type or Print

Signature

3737 Proctor Lane.
Address

Nottingham Md 21236
City State Zip Code

Representative to be Contacted:

Dan Dutton
Name

7110 Golden Ring Rd.
Address

Baltimore Md 21221
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 05 day of May, 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. 05-559-A

Reviewed By JF Date 5-2-05

REV 10/25/01

Estimated Posting Date 5-15-05

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

3737 Proctor Lane
Address

Baltimore
City

MD
State

21236
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):

We would like to build a 36x12 patio room on the rear of our home. This room will be a combination: family - hot tub - exercise room. The room is no wider then our house, but our property lines do not run parallel with our house, Our front property line is 85 ft, and our rear property line is 57ft. This is why we have only 13' on the east and 18' on the west side of our home.

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

Ellanthy Amer

Name - Type or Print



Signature

Carol Carr-Amer

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of April, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ellanthy Amer & Carol Carr-Amer
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Notary Public

My Commission Expires

DELORES A. SCOTT
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires November 26, 2005

11-26-05

Affidavit in Support of Administrative Variance

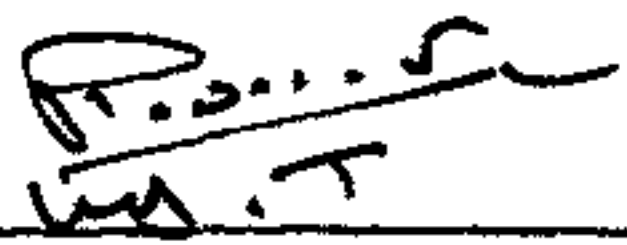
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That the Affiant(s) does/do presently reside at 3737 Proctor Lane
Address
Baltimore MD 21236
City State Zip Code

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):

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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

Ellanthy Amer
Name - Type or Print


Signature

Carol Carr-Amer
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of April, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ellanthy Amer & Carol Carr-Amer
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public

My Commission Expires

DELORES A. SCOTT
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires November 26, 2005



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3737 Proctor Lane
which is presently zoned DR 3.5

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) CMDP V.B.6.b

To permit an addition with a side yard setback of 13'
in lieu of the required 15' from window to property line.

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):

Elbathy Amer

Name - Type or Print

Signature

Carol Carr-Amer

Name - Type or Print

Signature

3737 Proctor Lane.

Address

410-529-1011

Telephone No.

Nottingham

City

Md

State

21236

Zip Code

Representative to be Contacted:

Dan Dutton

Name

7110 Golden Ring Rd.

Address

410-780-0062

Telephone No.

Baltimore

City

Md

State

21221

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. 05-559-A

Reviewed By JF Date 5-2-05

REV 10/25/01

Estimated Posting Date 5-15-05

Zoning Description for 3737 Proctor Lane

Beginning at a point on the south side of proctor lane which is 50 feet wide at the distance of 175 feet east of the centerline of nearest improved intersection street Darby town court which is ~~72~~ 72 feet wide. *Being lot # 72, Block H, Section#2, in the subdivision of Pinedale Woods as recorded in the Baltimore Counter Plat Book # 49, Folio#38 containing 8,407 sq.ft.. Also Known as 3737 Proctor Lane and located in the 11th Election district, 5th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 4430990

DATE 5-2-03

ACCOUNT 001-006-6150

AMOUNT \$ 65.00

RECEIVED

FROM: 3737 PINE AVE

FOR:

Adm's. Vap.

ITEM # 550

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PRINT RECEIPT

DATE: 5/2/03

TIME: 11:11 AM

BY: [Signature]

FOR: 3737 PINE AVE

AMOUNT: \$65.00

RECEIVED BY: [Signature]

DATE: 5/2/03

TIME: 11:11 AM

BY: [Signature]

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-559-A

Petitioner/Developer: ELLATAY

+ CAROL AMER

Date of Hearing/Closing: 5/30/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews ((410) 887-3394)

Ladies and Gentlemen:

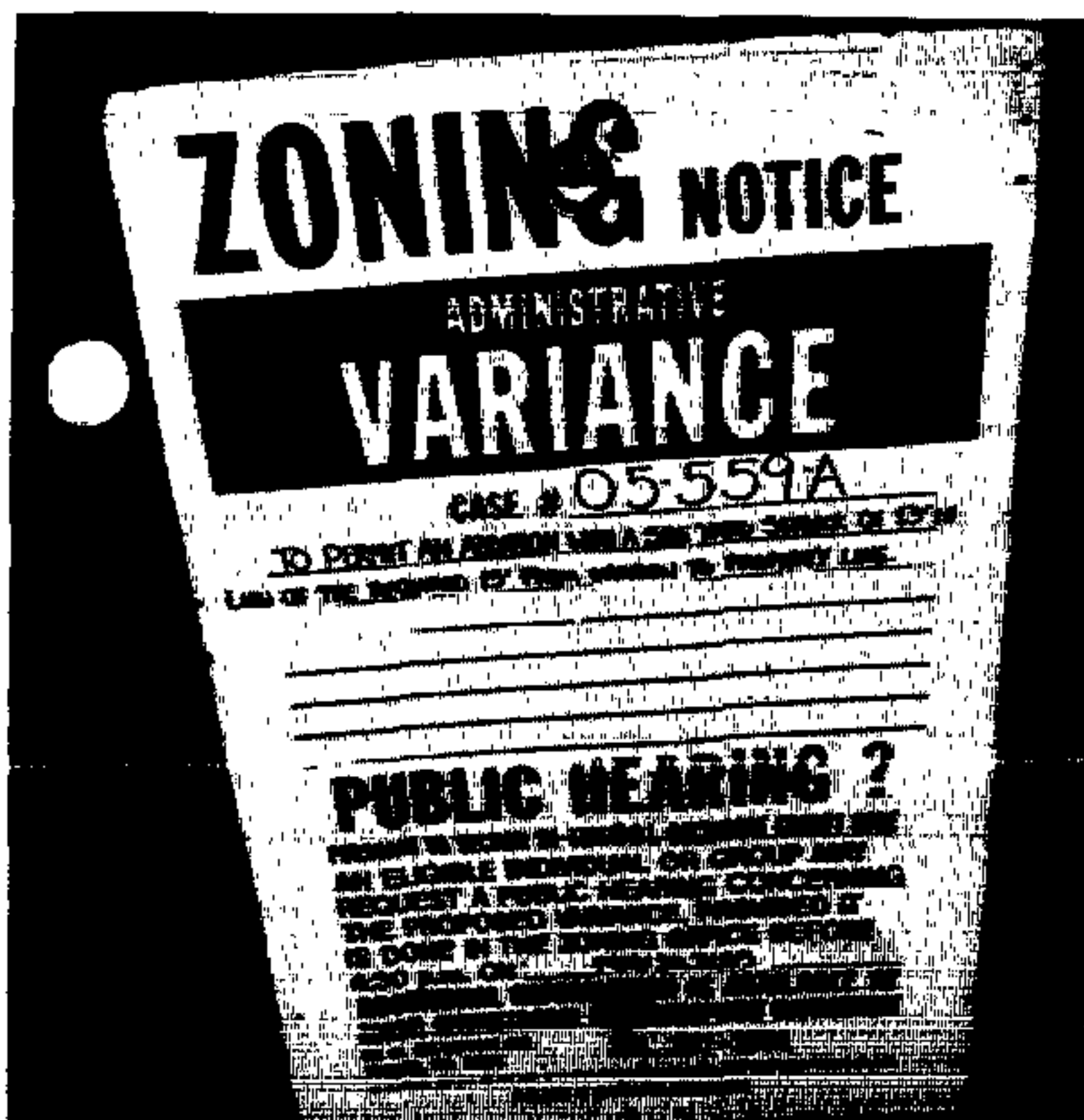
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

3737 PROCTOR LANE

The sign(s) were posted on

5/15/05
(Month, Day, Year)

Sincerely,



Robert Black 5/17/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

**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: 05-559-A
Petitioner: Gerard Andersen
Address or Location: 3737 Proctor Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Champion
Address: 7110 Golden Ring Rd
Balto MD 21221

Telephone Number: 410 780-0062

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 559 -A Address 3737 PROCTOR LN

Contact Person: JUN R FERNANDO Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5-2-05 Posting Date: 5-15-05 Closing Date: 5-30-05

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- 559 -A Address 3737 PROCTOR LN

Petitioner's Name Ellathy & Carol Amer Telephone 410-529-1011

Posting Date: 5-15-05 Closing Date: 5-30-05

Wording for Sign: To Permit an addition with a side yard setback of
13' in lieu of the required 15' from window to property line.

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

May 31, 2005

Ellathy Amer
Carol Carr-Amer
3737 Proctor Lane
Nottingham, Maryland 21236

Dear Mr. and Mrs. Amer:

RE: Case Number: 05-559-A, 3737 Proctor Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 2, 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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "W" and a cursive "Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Dan Dutton 7110 Golden Ring Road Baltimore 21221

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For May 23, 2005
Item No: 558, 559, 561, 563, 565, 566, 569,

DATE: May 20, 2005

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

DAK:CEN:clw S & N

cc: File

ZAC-NO COMMENTS-05202005.doc

Granted
6/3/05

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr ^{JRO}
DATE: June 3, 2005
SUBJECT: Zoning Items # See List Below

RECEIVED
JUN 3 2005
ZONING COMMISSIONER

Zoning Advisory Committee Meeting of May 16, 2005

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

05-557
05-558
05-559
05-561
05-564
05-566

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 19, 2005

RECEIVED

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

MAY 19 2005

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-559 – Administrative Variance(s)

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: [Signature]

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: 5.13.05

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

RE: Baltimore County
Item No. 559 JRF

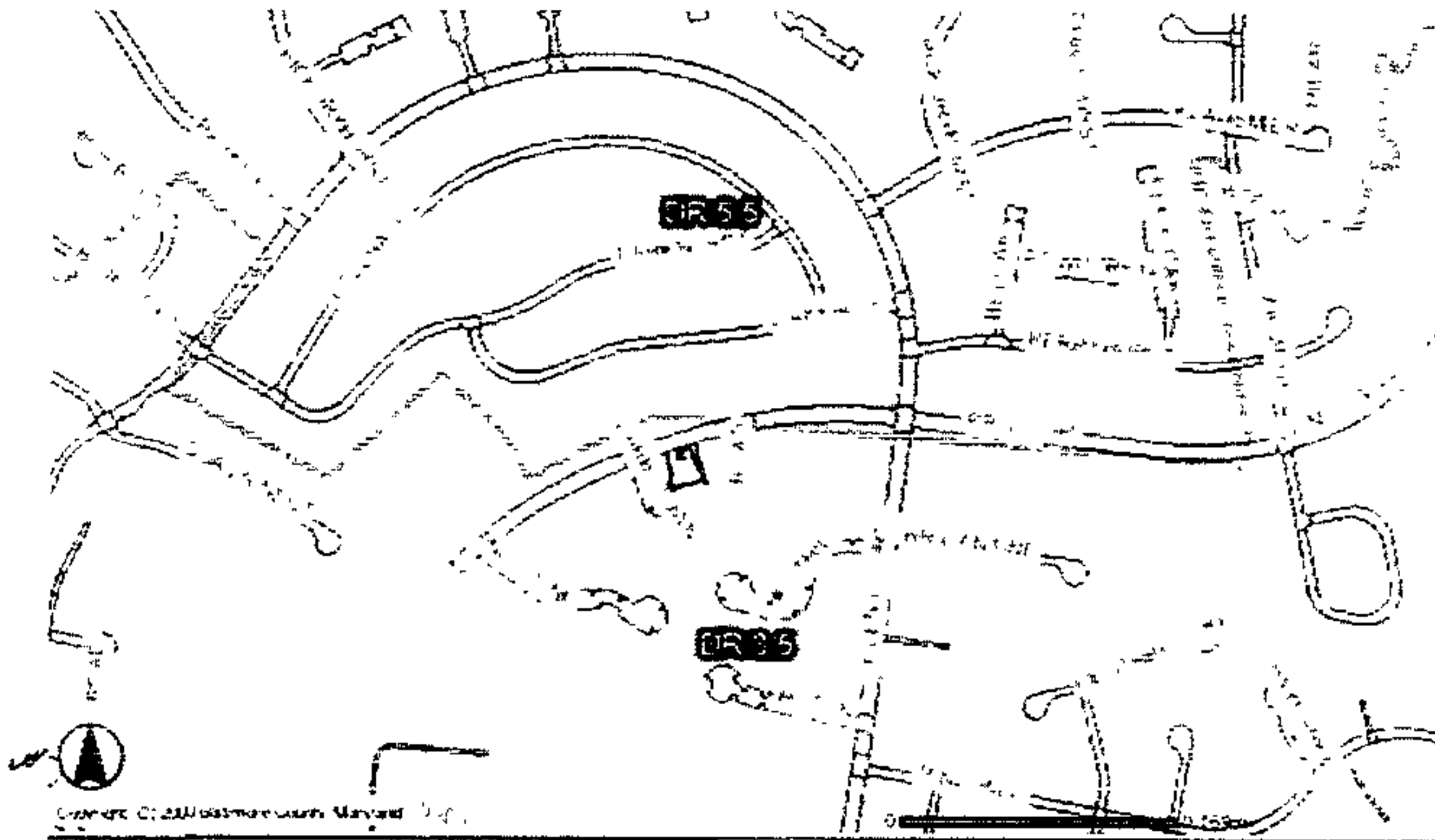
Dear Ms. Matthews:

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



3737 Proctor Lane

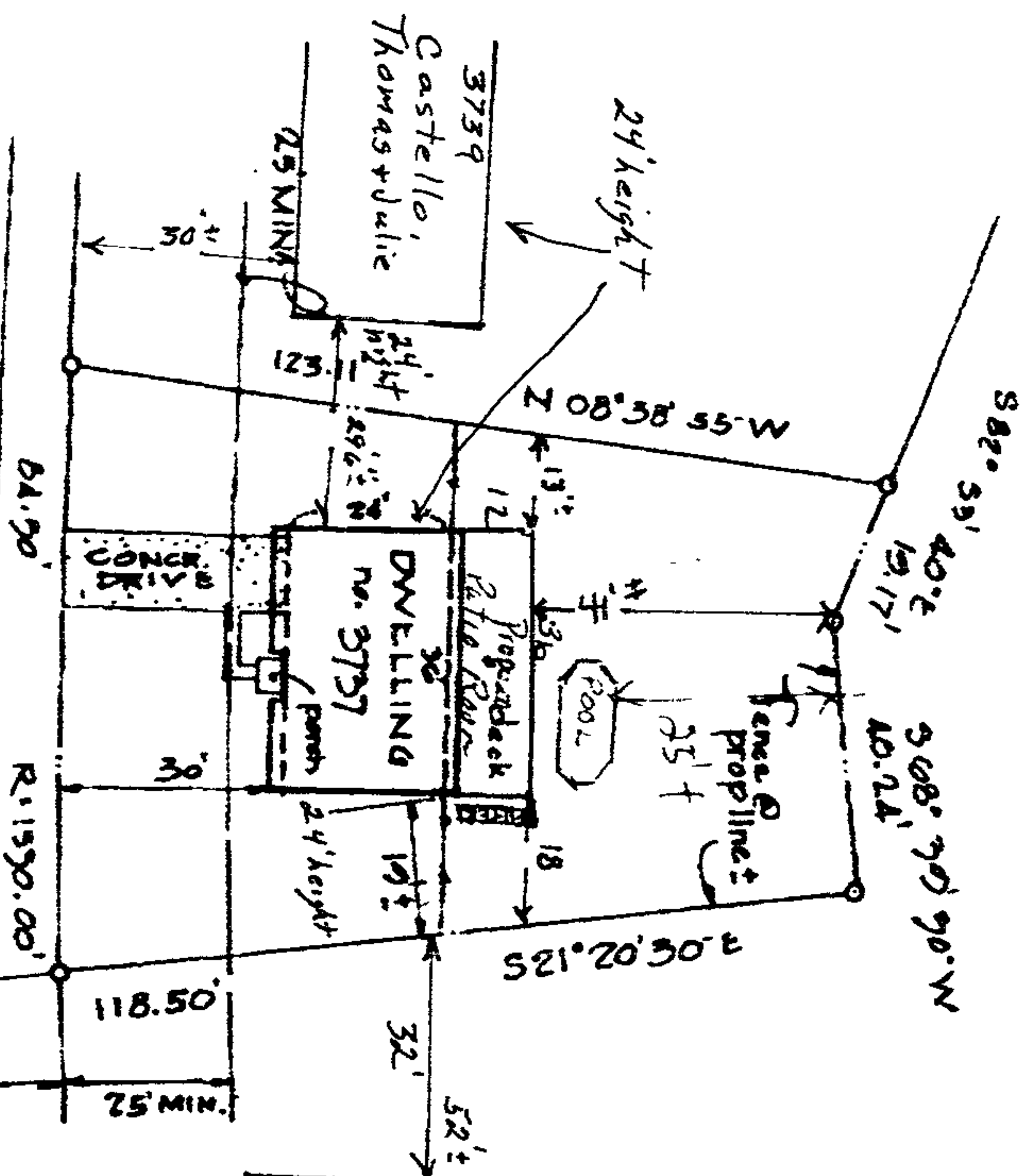
559

PLAT 10 ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS 3737 Proctor Ln
 SUBDIVISION NAME Pinedale Woods
 PLAT BOOK # 49 FOLIO # 3B LOT # 72 SECTION # 2
 OWNER Amor, Lethy + Carol

Town Homes
on Darby Town Ct

- | | |
|---|-------------------|
| 9 | Bennett, Richard |
| 7 | Parks, Lawson |
| 5 | Casaleno, Leonard |
| 3 | Bond, Wendy |
| 1 | Stowe, Charles |



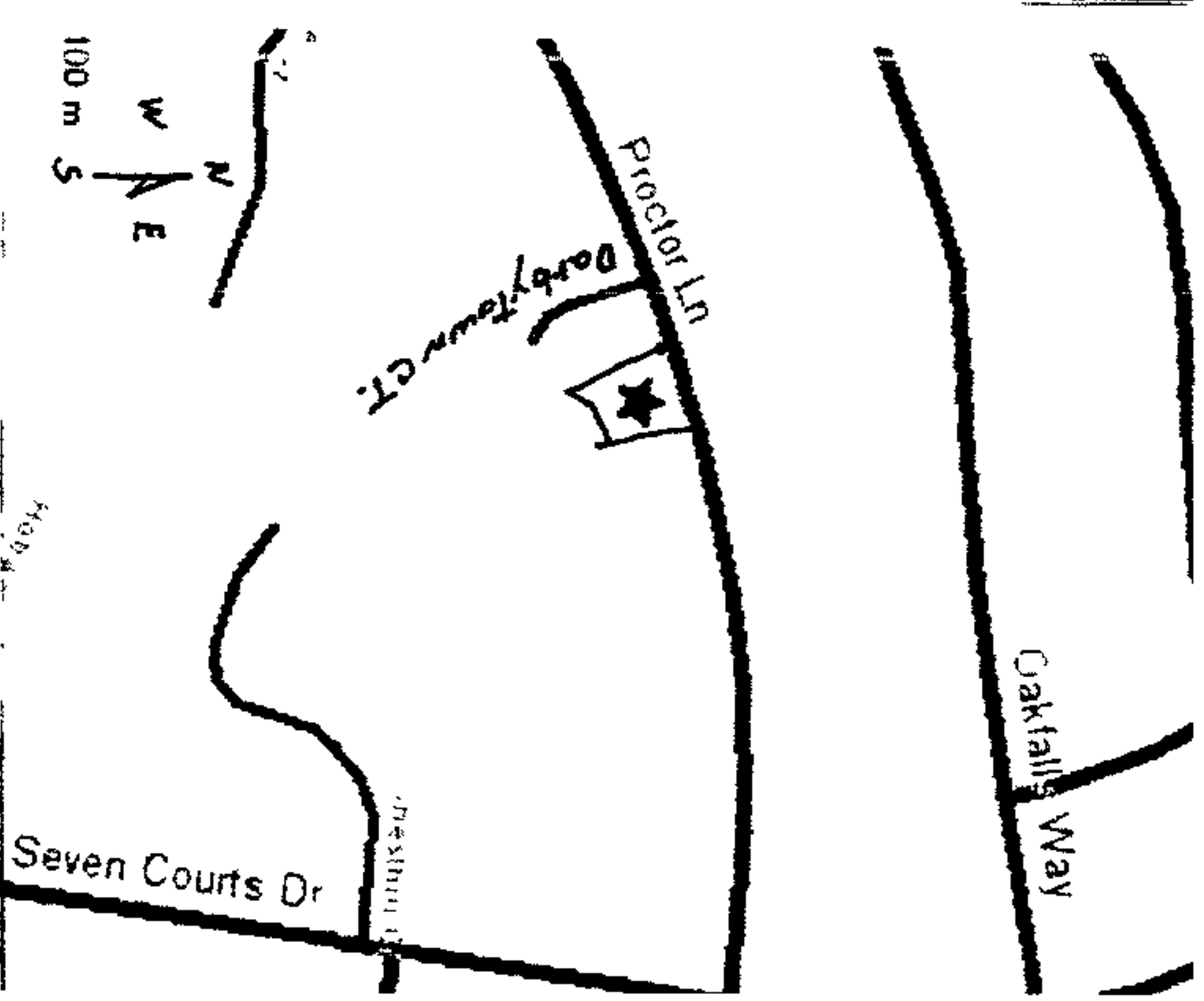
PROCTOR LANE



PREPARED BY Gerard Andersen

SCALE OF DRAWING: 1" = 20'

Plat 24#1



LOCATION INFORMATION

ELECTION DISTRICT 11
 COUNCILMANIC DISTRICT 5
 1" = 200' SCALE MAP #
 ZONING DR.3.5

LOT SIZE 8,407
 ACREAGE 0.192
 SQUARE FEET 8,407

SEWER ☒ PUBLIC ☐ PRIVATE
 WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
 100 YEAR FLOOD PLAIN ☐ YES ☒ NO
 HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO
 PRIOR ZONING HEARING No

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

5F 1 559 1



Right side of house
Toward right



Left side
of house

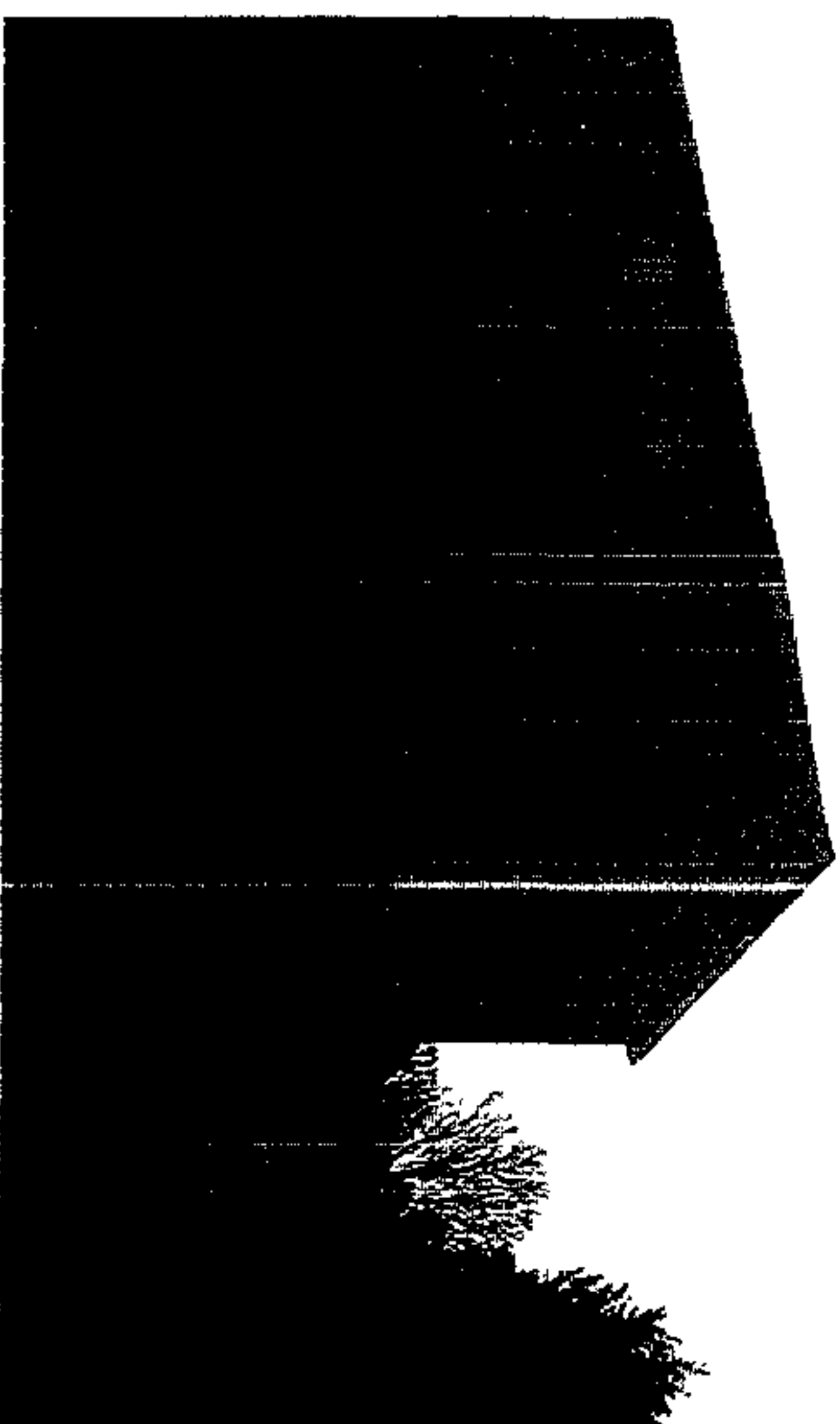


Right side

559



Rear of house



3738 Proctor

559