

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Berans Road, 419 feet north of c/l
Bullock Circle
8th Election District
2nd Councilmanic District
(1253 Berans Road)

Michael D. and Shari L. Cohen
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 07-043-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, Michael D. and Shari L. Cohen. The variance request is for property located at 1253 Berans Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with addition to have a property line setback of 28 feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they are in need of space for a personal artist studio as well as additional storage for cars. Given the location of the existing house on the site, the most logical place for the addition is to the rear of the house on the west side. In order to gain the space needed, the new construction would require the setback to be changed from 50 feet to 28 feet. The site is 1.56 acres in size and is zoned RC 5.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Department of Environmental Protection and Resource Management dated August 16, 2006 and a copy of which is incorporated herein and placed in the file.

ADDITIONAL FILED
10-16-06
B3

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Peoples Counsel Letter

In a letter dated August 10 2006 to this office, Peoples Counsel indicated that the requested artist's studio had to be processed via special exception and variance procedures and not by administrative variance. In response the Petitioner explained in a letter dated August 14, 2006 that the Petitioner is a doctor who does art work strictly as a hobby and not for commercial purposes. Satisfied by this explanation, Peoples Counsel agreed the request could proceed as an administrative variance as indicated by their letter of September 26, 2006, all of which are included in the file.

Findings of Fact and Conclusions of Law

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 7, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

RECEIVED FOR FILING
10-16-06
CJ

The Petitioners have filed the supporting affidavits and photographs 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 Petitioner.

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 16th day of September, 2006, that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with addition to have a property line setback of 28 feet in lieu of the required 50 feet be and is hereby GRANTED, subject to the following:

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. The proposed addition encroaches on the septic system and septic reserve area. Prior to building permit approval, the septic must be relocated.
3. The use of the art studio is limited to personal use and accordingly prohibits commercial and/or instructional activity.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

COPIES RECEIVED FOR FILING
16-16-06
10/1

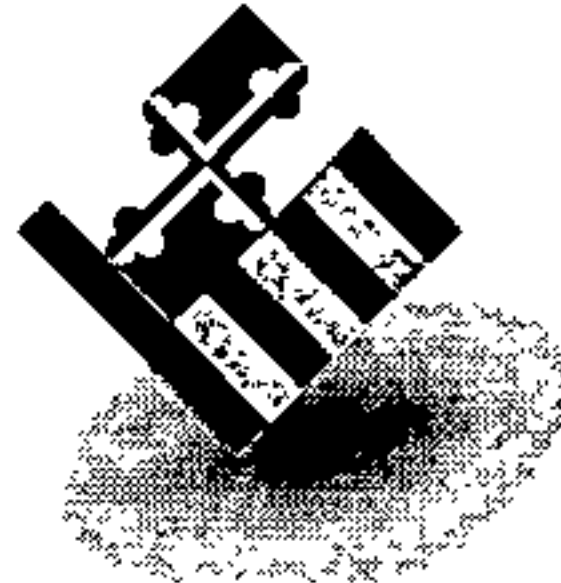
John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

NOTED RECEIVED FOR FILED

107606

P3



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 16, 2006

MICHAEL D. AND SHARI L. COHEN
1253 BERANS ROAD
OWINGS MILLS MD 21117

Re: Petition for Administrative Variance
Case No. 07-043-A
Property: 1253 Berans Road

Dear Mr. and Mrs. Cohen:

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,

Handwritten signature of John V. Murphy in cursive.

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Kitty Daly, 2e Architects, 1777 Reisterstown Road, Suite 118, Baltimore MD 21208

RECEIVED FOR FILING
10-16-06
PZ



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1253 Berans Road
which is presently zoned RC5

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.A04.3.B.2.6 (BCZR)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH
ADDITION TO HAVE A PROPERTY LINE SETBACK OF 28' IN
LIEU OF THE ~~50~~ REQUIRED 50'.

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):

Michael D. Cohen

Name - Type or Print

Signature

Shari L. Cohen

Name - Type or Print

Signature

1253 Berans Rd. 410-252-9264
Address Telephone No.

Owings Mills MD 21117
City State Zip Code

Representative to be Contacted:

Kitty Daly, 2e Architects

Name Suite 118

1777 Reisterstown Rd. 410-486-0253

Address Telephone No.

Baltimore MD 21208
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 10-16-06 day of October 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. 07-043-A FILED

Reviewed By LTm Date 8/2/06

REV 9/15/98

Estimated Posting Date 8/13/06

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

1253 Berans Road
Address
Owings Mills MD 21117
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):

We are in need of space for an artist studio as well as additional storage for cars. Given the location of the existing house on the site, the most logical place for the addition is to the rear of the house on the west side. In order to gain the space needed, the new construction would require the setback to be changed from 50' to 28'.

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.

Michael D. Cohen
Signature

Michael D. Cohen
Name - Type or Print

Shari L. Cohen
Signature

Shari L. Cohen
Name - Type or Print

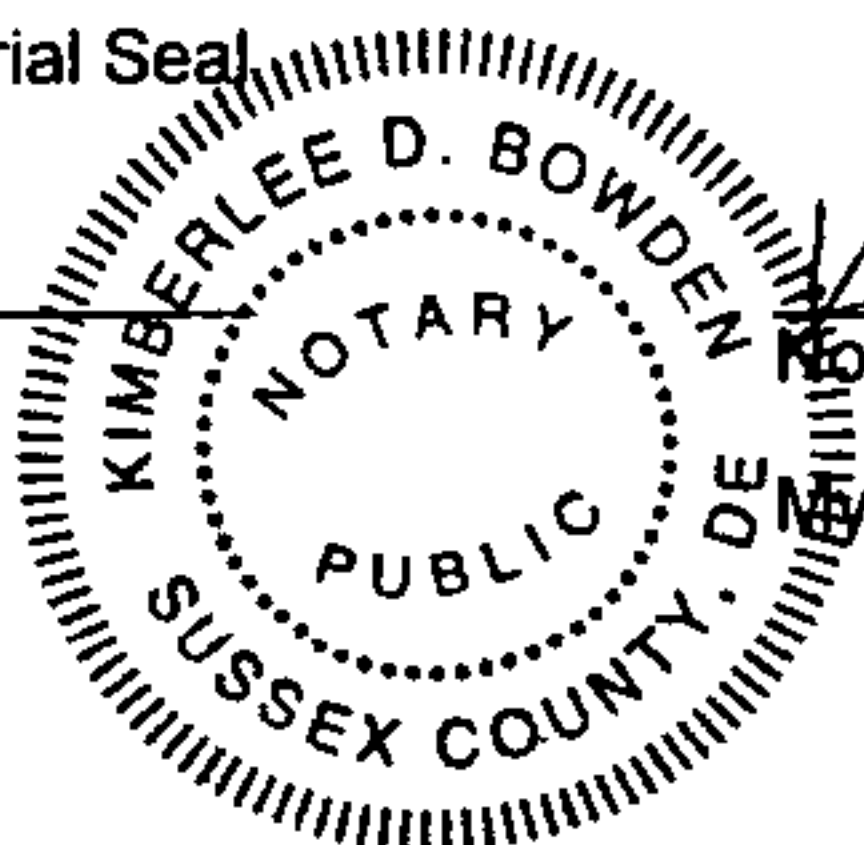
~~DUPES~~ ~~SUSSEX~~
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of JULY, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael D. Cohen & Shari L. Cohen
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

7/24/06
Date



Kimberlee D. Bowden
Notary Public

My Commission Expires 8-27-06

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 1253 Berans Road
Address
Owings Mills MD 21117
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):

We are in need of space for an artist studio as well as additional storage for cars. Given the location of the existing house on the site, the most logical place for the addition is to the rear of the house on the west side. In order to gain the space needed, the new construction would require the setback to be changed from 50' to 28'.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature

Michael D. Cohen
Name - Type or Print

[Signature]
Signature

Shari L. Cohen
Name - Type or Print

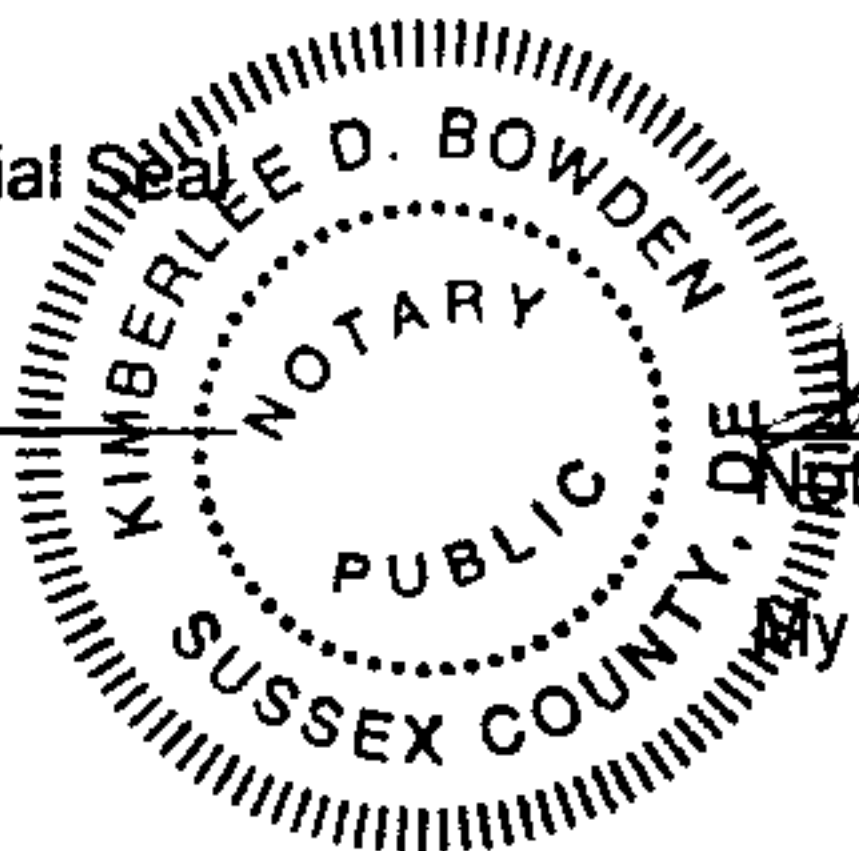
DELAWARE SUSSEX
STATE OF ~~MARYLAND~~, COUNTY OF ~~BALTIMORE~~, to wit:

I HEREBY CERTIFY, this 31st day of JULY, 2004, before me, a Notary Public of the State of ~~Maryland~~, in and for the County aforesaid, personally appeared DELAWARE SUSSEX

Michael D. Cohen + Shari L. Cohen
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

7/31/04
Date



[Signature]
Notary Public

My Commission Expires 8-27-06



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1253 Berans Road
which is presently zoned RC5

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 A 0 4 . 3 . B . 2 . b (B C Z R)

*TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH
ADDITION TO HAVE A PROPERTY LINE SETBACK OF 28' IN
LIEU OF THE REQUIRED 50'.*

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):

Michael D. Cohen

Name - Type or Print

Signature

Shari L. Cohen

Name - Type or Print

Signature

1253 Berans Rd.

410-252-9264

Address

Telephone No.

Owings Mills

MD

21117

City

State

Zip Code

Representative to be Contacted:

Kitty Daly, 2e Architects

Name Suite 118

1777 Reisterstown Rd. 410-486-0253

Address

Telephone No.

Baltimore

MD

21208

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 07 day of August, 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. 07-043

Reviewed By: LTW Date 8/2/06

REV 9/15/98

Estimated Posting Date 8/13/06

ZONING DESCRIPTION FOR: 1253 BERANS ROAD, OWINGS MILLS, MD 21117:

Beginning at a point on the North side of Berans Road which is 50 feet R/W wide at the distance of 419± NORTH of the centerline of the nearest improved intersecting street BULLOCK CIRCLE which is 50' wide.

Being Lot # 26, _____ in the subdivision of ~~NS Berans Road~~, Morrisville 8th PB 46 PG 74

as recorded in Deed Liber 15261, Folio 127, containing 67,950 SF.

Also known as 1253 Berans Road, and located in the 8th ~~2nd~~ Election District,
2nd Councilmanic District.

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **1188**

DATE **2/2/00** ACCOUNT **RECEI 0016 0150**

AMOUNT \$ **65.00**

RECEIVED FROM: **LIBE BUS INC.**

FOR: **0-72843-A**

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

DATE **2/2/00** TIME **11:01AM** BY **OFFICE**
 RECEIPT # **37087** AMOUNT **65.00**
 FOR **LIBE BUS INC.** OFFICE OF BUDGET & FINANCE
 BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 07-043-A
PETITIONER/DEVELOPER:
Michael Cohen, Et. Ux.
DATE OF POSTING: August 23, 2006

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

(see page 2 for full size photo)

LOCATION:
1253 Berans Road

SIGNATURE OF SIGN POSTER

John J. Dill

POSTED ON: August 7, 2006

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE #: 07-043-A

To permit: an existing single family dwelling with addition to have a property line setback of 28' in lieu of the required 50'.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON August 28, 2006

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST REMOVE DATE UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE

08/07/2006

RE: PETITION FOR ADMINISTRATIVE * BEFORE THE
VARIANCE *
1253 Berans Road; N/S Berans Road, * ZONING COMMISSIONER
419' N c/line Bullock Circle *
8th Election & 2nd Councilmanic Districts * FOR
Legal Owner(s): Michael & Shari Cohen *
Petitioner(s) * BALTIMORE COUNTY
* 07-043-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of August, 2006, a copy of the foregoing Entry of Appearance was mailed to Michael & Shari Cohen, 1253 Berans Road, Owings Mills, MD 21117 and to Kitty Dale, 2e Architects, 1777 Reisterstown Road, Suite 118, Baltimore, MD 21208, Representative for Petitioner(s).

RECEIVED

AUG 10 2006

Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 043 -A Address 1253 BERANS ROAD
Contact Person: LLOYD T. MOXLEY Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: ~~8/1/06~~ 8/2/06 Posting Date: 8/13/06 Closing Date: 8/28/06

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 07- 043 -A Address 1253 BERANS ROAD
Petitioner's Name MICHAEL COHEN ET UX Telephone (410) 252 9264
Posting Date: 8/13/06 Closing Date: 8/28/06
Wording for Sign: To Permit AN EXISTING SINGLE FAMILY DWELLING
WITH ADDITION TO HAVE A PROPERTY LINE SETBACK
OF 28' IN LIEU OF THE REQUIRED 50'

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: 07-043-A

Petitioner: MICHAEL D. & SHARI COHEN

Address or Location: 1253 BERANS ROAD, OWINGS HILLS, MD 21117

PLEASE FORWARD ADVERTISING BILL TO:

Name: KITTY DALY 2E ARCHITECTS

Address: SUITE 118

1777 REISTERSTOWN ROAD

BALTIMORE MD 21208

Telephone Number: 410 486 0253



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

October 4, 2006

Michael D. Cohen
Shari L. Cohen
1253 Berans Road
Owings Mills, MD 21117

Dear Mr. and Mrs. Cohen:

RE: Case Number: 07-043-A, 1253 Berans Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 2, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Kitty Daly, 2e Architects 1777 Reisterstown Road, Suite 118 Baltimore 21208

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5600
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

August 3, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: August 3, 2006

Item No.: 031, 036, 037, 038, 039, 040, 041, 042, 043 and 044

Pursuant to your request, the referenced plan(s) have been reviewed by the Fire Marshal's Office 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.

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

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: August 8, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 14, 2006
Item Nos. 036, 037, 040, 042, and 043

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-08082006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *DLV*

DATE: August 16, 2006

SUBJECT: Zoning Item # 07-043-A
Address 1253 Berans Road
(Cohen Property)

Zoning Advisory Committee Meeting of August 7, 2006

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

The proposed addition encroaches on the septic system and septic reserve area. Prior to building permit approval, the septic must be relocated.

Reviewer: S. Farinetti

Date: August 11, 2006

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 11, 2006

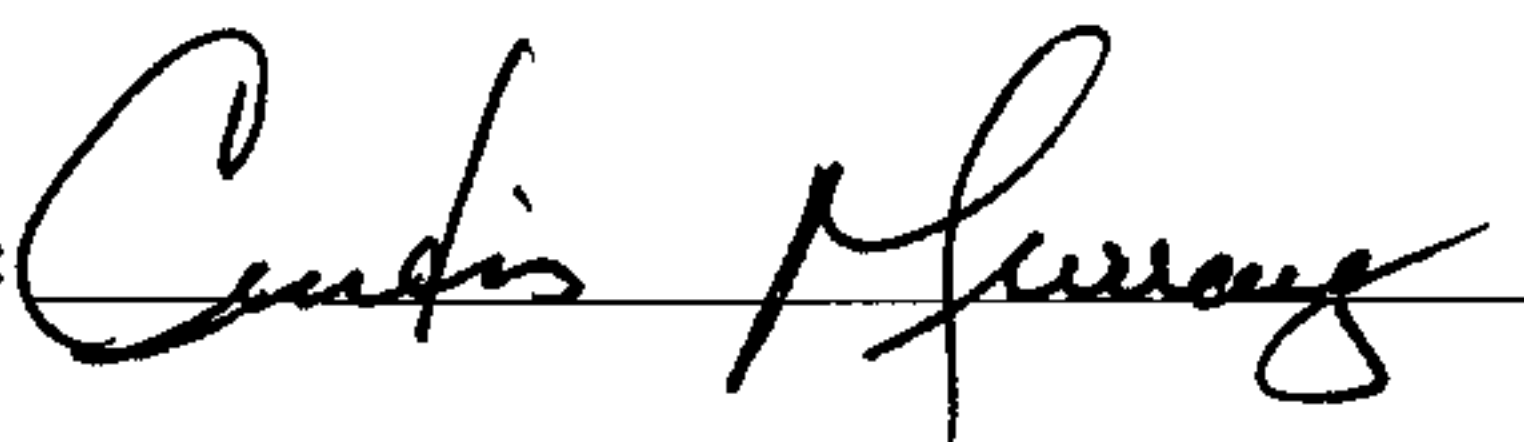
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-043- Administrative Variance**

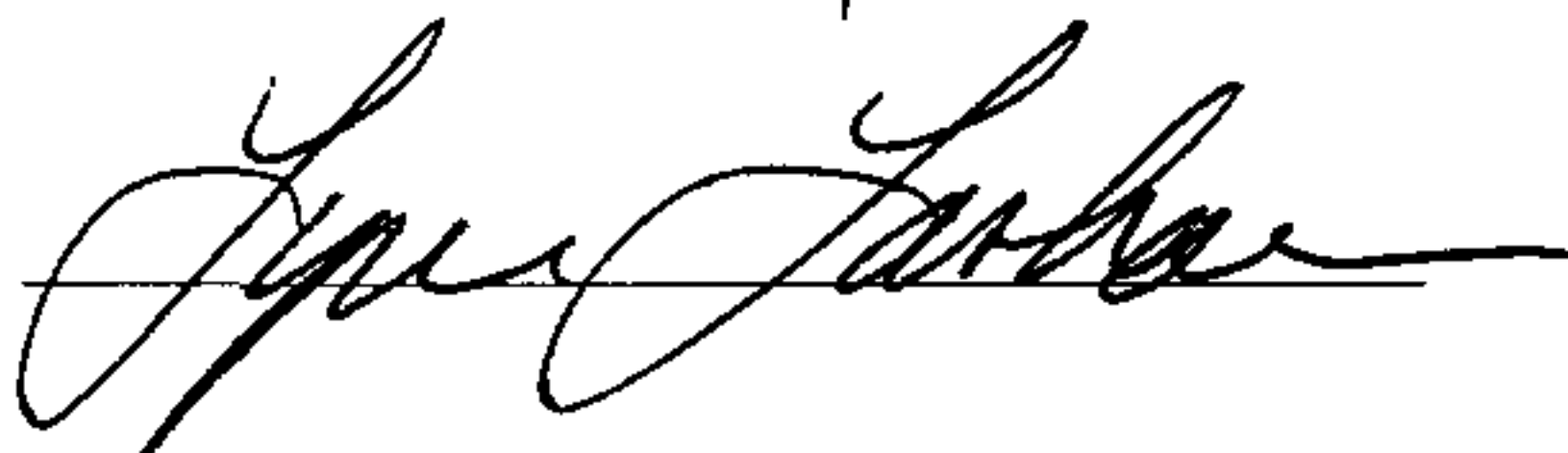
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Diana Itter in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

RECEIVED

AUG 18 2006

ZONING COMMISSIONER



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

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: 8.3.06

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

RE: Baltimore County
Item No. 043 LTM

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

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

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



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

September 26, 2006

RECEIVED

SEP 27 2006

William J. Wiseman, III, Zoning Commissioner
John V. Murphy, Deputy Zoning Commissioner
401 Bosley Avenue, 4th Floor
Towson, MD 21204

ZONING COMMISSIONER

Re: Petition for Administrative Variance
Michael & Shari Cohen – Legal Owner
Case No.: 07-043-A

Dears Messrs. Wiseman and Murphy:

In light of the letter dated August 14, 2006 from Kitty Daly, the representative for the Petitioners, and consistent with subsequent conversations, our office has no objection to the case proceeding as an administrative variance so long as the art studio is for the personal use of the property owners and does not involve commercial and/or instructional activity. Under these circumstances, in the event that the petition is approved in the administrative variance process, we do ask that any order approving the petition include a condition which limits the use of the art studio to personal use and accordingly prohibits commercial and/or instructional activity.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Kitty Daly, 2e Architects
Michael & Shari Cohen, Petitioners
Lloyd Moxley, Zoning Office

August 14, 2006

RECEIVED

AUG 15 2006

Peter Max Zimmerman, People's Counsel for Baltimore County
Carole S. Demilio, Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, Maryland 21204

ZONING COMMISSIONER

Re: Petition for Administrative Variance
Michael & Shari Cohen, Legal Owner
Case No: 07-043-A

Dear Mr. Zimmerman and Ms. Demilio,

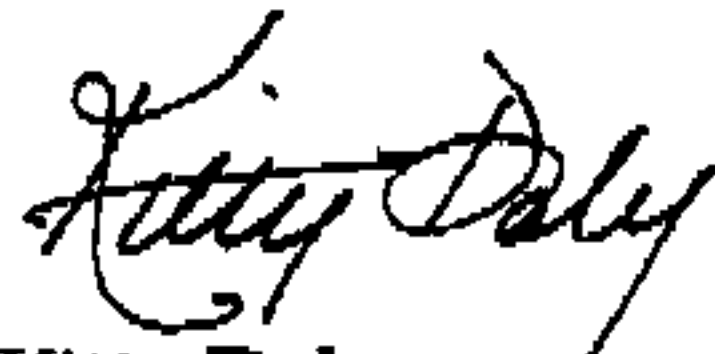
I am in receipt of a letter dated August 10, 2006 concerning the above referenced Petition for Administrative Variance requiring a hearing for a special exception and variance for this project.

As the representative for the Owners; 2e Architects prepared and filed the paperwork for the petition for the project which we have designed. I believe there is a misunderstanding as to the intent of the use of the second floor of the project. The term "Art Studio" on the affidavit does not in this case signify its use for a commercial enterprise.

The Owner is a doctor who does art work strictly as a hobby, not for sale. As such, the space above the garage is not meant for commercial activity of any kind and will not involve any added traffic to the site. Therefore it should not be subject to a special hearing. It is strictly for a quiet space away from the main house where he can pursue his art interest.

Please feel free to call with any questions on this matter or should you require any additional information.

Very truly yours,



Kitty Daly
enclosures

cc: Michael & Shari Cohen
Lloyd Moxley, Zoning Office
William J. Wiseman III, Zoning Commissioner
John V. Murphy, Deputy Zoning Commissioner



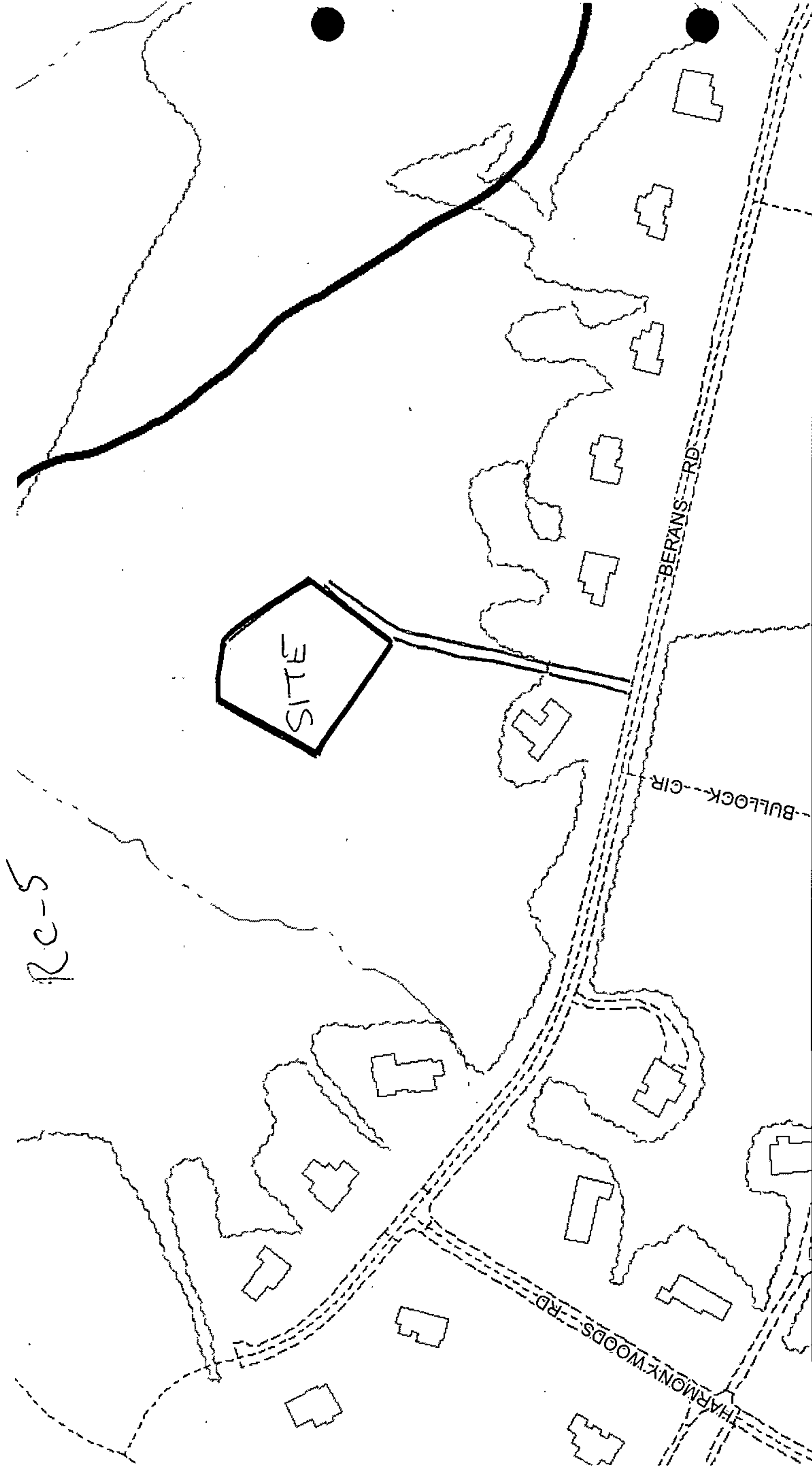
1777 Reisterstown Road
Suite 118
Baltimore, Maryland
21208

410.486.0253
(fax) 410.486.0256
peter@2e-architects.com

Design Reach

Baltimore County - My Neighborhood





049C1	050A1	050B1	050C1	051A1
049C2	050A2	050B2	050C2	051A2

Baltimore County of Planning and Zoning

Plat to accompany Petition for Zoning

☒ Variance

☐ Special Hearing

PROPERTY ADDRESS: 1253 BERANS ROAD, OWINGS MILLS, MD 21117

Subdivision Name:

MORRISVILLE: DEED REFERENCE: 15261/127
PLAT REF. 46/74
MAP 50 GRID 16 PARCEL 256 LOT 26

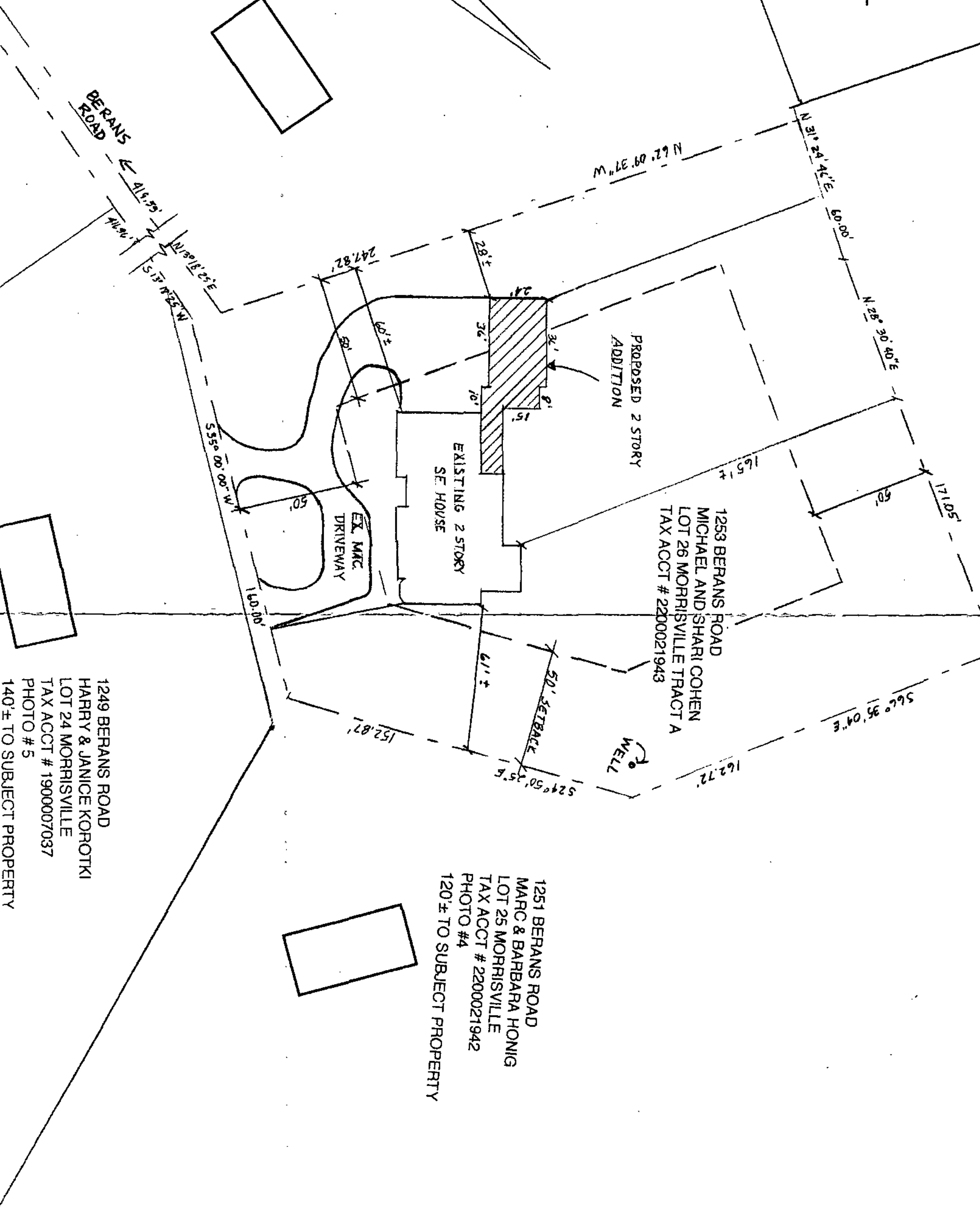
OWNER: MICHAEL D. AND SHARIL COHEN
TAX ACCT: 2200021943

23 WINDFLOWER COURT
DARIO & STACEY KUNAR
LOT 67 BEAVERBROOK
TAX ACCT # 2300001255
700'± TO SUBJECT PROPERTY

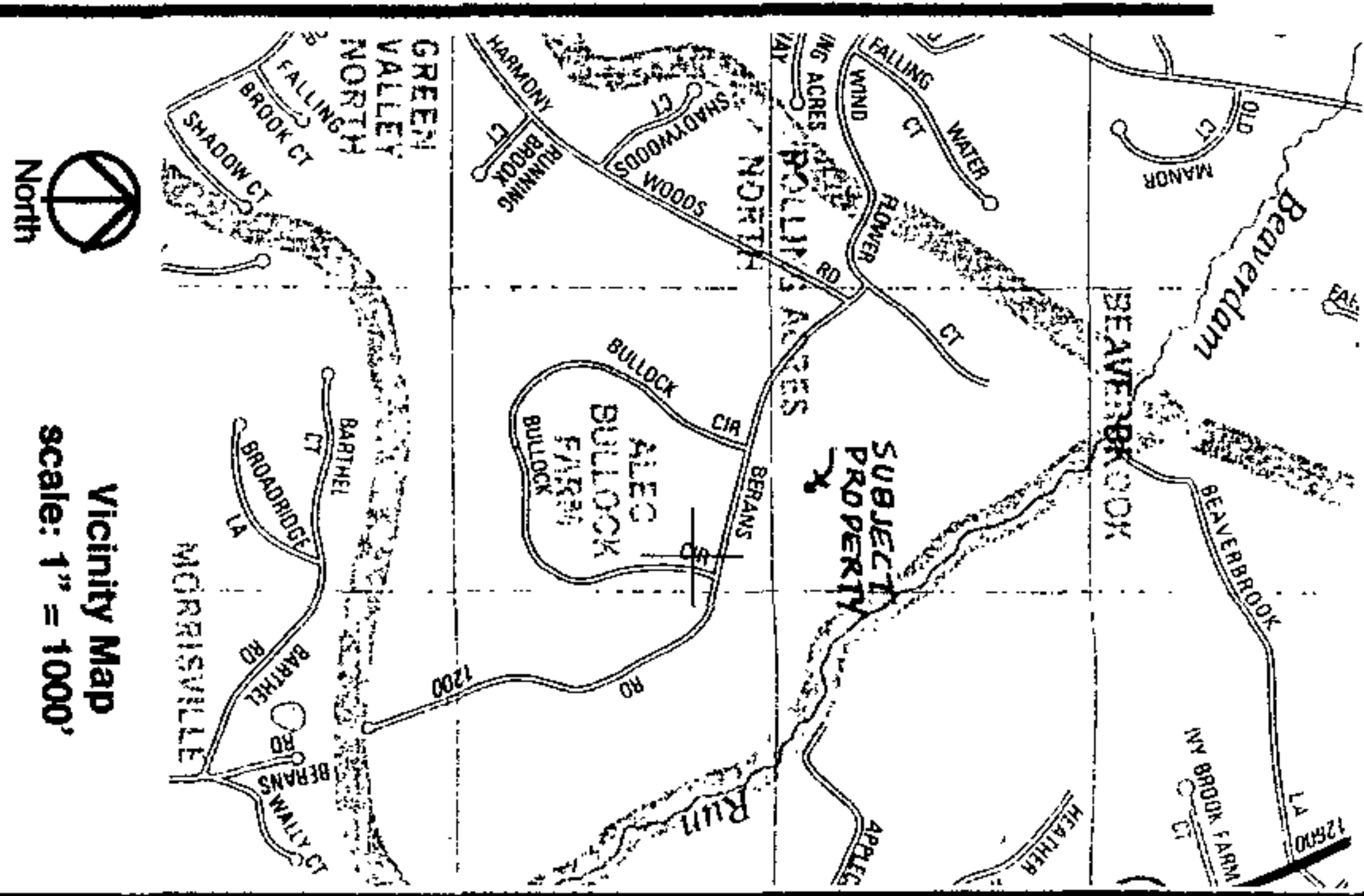
1253 BERANS ROAD
MICHAEL AND SHARIL COHEN
LOT 26 MORRISVILLE TRACT A
TAX ACCT # 2200021943

1251 BERANS ROAD
MARC & BARBARA HONIG
LOT 25 MORRISVILLE
TAX ACCT # 2200021942
PHOTO #4
120'± TO SUBJECT PROPERTY

1255 BERANS ROAD
DAVID & LESLIE GOLDSTEIN
LOT 27 MORRISVILLE
TAX ACCT # 1900007040
PHOTO #2 AND #3
120'± TO SUBJECT PROPERTY



SCALE: 1" = 50'
DATE: 7/6/06
PREPARED BY: 2e ARCHITECTS



LOCATION INFORMATION

Councilmanic District: 2

Election District: 28

1"=200' scale map#: 050B2

Zoning: BC5

Lot Size: 1.56 Acres 67,950 SF

Sewer: Private

Water: Private

Chesapeake Bay Critical Area: No

100 Year Flood Plain: No

Historic Poperty/Building: No

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:

67m 643

1253 BERANS RD.

EXISTING DWELLING



043



PHOTO #1

SUBJECT PROPERTY : 1253 BERANS RD. (LOT 26)



PHOTO #2

VIEW FROM SUBJECT PROPERTY TO 1255 BERANS RD. (LOT 27)



PHOTO #
3

VIEW TO 1255 BERANS RD. FROM PROPOSED NEW SETBACK

VIEW FROM SUBJECT PROPERTY TO 1251 BERAR RD. (LOT 25)



PHOTO
#4

VIEW FROM SUBJECT PROPERTY TO 1249 BERNIS RD. (LOT 24)



PHOTO
#5