IN RE: PETITION FOR ADMIN. VARIANCE
SE corner of Keyser Road and
Fielding Road

3rd Election District

2nd Councilmanic District (3401 Fielding Road)

Richard and Barbara Meshulam Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

*

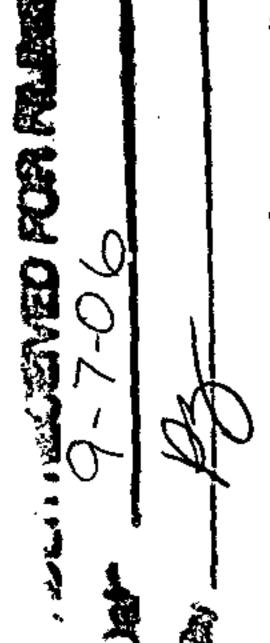
* CASE NO. 07-045-A

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, Richard and Barbara Meshulam. The variance request is for property located at 3401 Fielding Road. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 35 feet and a rear yard setback of 37 feet in lieu of the required 40 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that their house is oriented on the lot in such a way that the proposed garage can only be added where the existing carport is located. The existing carport is too small for a suitable garage. The carport has a flat roof which does not architecturally match the house. The location of the proposed family room is the only practical location due to the interior room layout of the house. The proposed addition measures 22 feet x 49 feet.

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 Office



enclose a carport and add a family room.

Applicable Law

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

of Planning dated August 18, 2006. That office does not oppose the Petitioner's request to

"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."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 13, 2006 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 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 7th day of September, 2006, that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 35 feet and a rear yard setback of 37 feet in lieu of the required 40 feet, respectively 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.

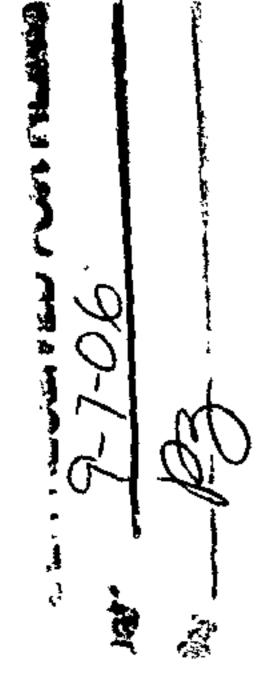
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

September 7, 2006

RICHARD AND BARBARA MESHULAM 3401 FIELDING ROAD PIKESVILLE MD 21208-1804

Re: Petition for Administrative Variance

Case No. 07-045-A

Property: 3401 Fielding Road

Dear Mr. and Mrs. Meshulam:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Thomas Huskins, 1446 Knopp Road, Jarrettsville MD 21084



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at S40/ FIELDING RD. PIKESVILLE, MID which is presently zoned DR 2

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)

see attached

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.

is the subject of this Petition.
Legal Owner(s):
RICHARD MESHULAM
Name - Type or Print 1 Ruchard Meshulam
Signature BARBARA MESHULAM
Name-Type or Print 1 Darbara Moshulton
e Signature
3401 FIELDING RD 410.653.3914
Address Telephone No.
PIKESVILLE MD 21208-1800
City Zip Code
Representative to be Contacted:
THOMAS P. HUSKINS
1446 KNOPP RD 410.557.6050 Address Telephone No.
TARRETTSVILLE MD 21084
le City State Zip Code
to be required, it is ordered by the Zoning Commissioner of Baltimore County, tter of this petition be set for a public hearing, advertised, as required by the zoning
Zoning Commissioner of Baltimore County
Zoning Commissioner of Baltimore County Reviewed By Br Date 5/5/06

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	3401 FIELD	ING ROAD	
	Address PIKESVILLE		21208-180
	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts using or practical difficu	upon which I/we base the ity):	e request for an Administrative
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That the Affiant(s) acknowledge(s) that if a f	ormal demand is fil	led, Affiant(s) will be red	quired to pay a reposting and
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Biehard Meshulam Name - Type or Print		BARBARA NE	SHULAM
Name - Type or Print	N	ame - Type or Print	•
STATE OF MARYLAND, COUNTY OF BALTI	MORE, to wit:		
HEREBY CERTIFY, this day of	JULY	200 hefore m	ne, a Notary Public of the State
of Maryland, in and for the County aforesaid, pe	ersonaliy(<i>a</i> ppeared		
RICHARD MESHULAN	MFBARE	SARA MESHU	LAM.
the Affiant(s) herein, personally known or satisf	actorily identified to	me as such Affiant(s).	
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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.

competent to testify thereto in the event that a p	oublic hearing is s	cheduled in the	future with regar	rd thereto.
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Petition for Administrative Variance

to the Zoning Commissioner of 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

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)

see attached

is the subject of this Petition.

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.

<u>Legal Owner(s):</u> Contract Purchaser/Lessee: MESHULAM RICHARD Name Type or Print Name - Type or Print Signature Signature BARBARA MESHULAM Telephone No. Name - Type or Print Address Zip Code State City HM 410.653-3914 3401 FIELDING RD Attorney For Petitioner: **Address** Telephone No. 21208-1804 PIKESVILLE Zip Code State Name - Type or Print Representative to be Contacted: Signature THOMAS P. HUSKINS WK Company 410.557.6050 1446 KNOPP RD Telephone No. Telephone No. Address Address 21084 JARRETTSVILLE MD Zip Code Zip Code State State City 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 day of this regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore Count Reviewed By CASE NO. REV 10/25/0 **Estimated Posting Date**

1B02.3.B to permit a side yard setback of 35 ft. and a rear yard setback of 37 ft. in lieu of the required 40 ft., respectively.

#045

ZONING DESCRIPTION FOR: 3401 Fielding Road, Pikesville, MD 21208

Beginning at a point on the east side of Fielding Road which is 50 feet wide, and a point on the south side of Keyser Road which is also 50' wide. Lot is located at the southeast Corner of Keyser and Fielding Roads. Being Lot #13 Block F Section 3 in the subdivision of Glenmar as recorded in Baltimore County Plat Book #25, Folio #3 Containing 29,178 square feet. Also known as 3401 Fielding Road, Pikesville, MD 21208 And located in the 3rd election district, 2nd councilmatic district.

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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE OFFICE OF BUDGET & FINANCE AMERICAN ANEOLIS RECEIPT	3	FROM:	DISTRIBUTION WHITE - CASHIER WAITE - CASHIER

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CERTIFICATE OF POSTING

	RE: Case No: 07-045-A
	Petitioner/Developer: ZICHARD & BARBARA MESHULAM
	Date Of Hearing/Closing: 8/28/06
Baltimore County Department of Permits and Development Mana County Office Building, Room 111 West Chesapeake Avenue	agement
ų.	
Attention:	
•	
Ladies and Gentlemen:	
This letter is to certify under the sign(s) required by law were post	e penalties of perjury that the necessary sted conspicuously on the property of FIECDING ED
This sign(a) man a set of	
This sign(s) were posted on	(Month, Day, Year)
b	Sincerely,
•	Maturille 8/13/26
	(Signature of sign Poster and Date)
	Martin Ogle Sign Poster
	16 Salix Court
	Address
•	Balto. Md 21220
	(443-629 3411)

ZONING NOTICE

VARIANCE

TO PHYSICAL A SLOP 1435

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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Petitioner: RICHARD MESHUL AM Address or Location: 3401 FIELDINS ROAD, PIKESVILLE, MD. 21208 PLEASE FORWARD ADVERTISING BILL TO: Name: RICHARD MESHUL AM Address: 3401 FIELDING ROAD, PIKESVILLE, MD. 21208	tem Num	ber or Case Number: 07 - 045- A
PLEASE FORWARD ADVERTISING BILL TO: Name: RICHARD MESHULAM Address: 3401 FIELDING ROAD, PIKESVILLE, MD. 21208	Petitioner	: RICHARD MESHULAM
PLEASE FORWARD ADVERTISING BILL TO: Name: RICHARD MESHULAM Address: 3401 FIELDING ROAD, PIKESVILLE, MD. 21208	Address o	or Location: 3401 FIELDING ROAD, PIKESVILLE, MD. 21208
Name: RICHARD MESHULAM Address: 3401 FIELDING ROAD, PIKESVILZE, MD. 21208		• ·
Address: 3401 FIELDING ROAD, PIKESVILLE, MD. 21208	PLEASE	FORWARD ADVERTISING BILL TO:
	Name: _	
		RICHARD MESHULAM
		RICHARD MESHULAM
Telephone Number: <u>(410)</u> 653 -3914		RICHARD MESHULAM



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

Richard Meshulam Barbara Meshulam 3401 Fielding Road Pikesville, MD 21208-1804

Dear Mr. and Mrs. Meshulam:

RE: Case Number: 07-045-A, 3401 Fielding 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Thomas P. Huskins 1446 Knopp Road Jarrettsville 21084

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 August 17,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: August 14,2006

Item No. (045) 046, 047, 048, 049, 050, 051, 052, 053, 054, 055 and 056.

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 16, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 21, 2006 Item Nos. 045, 046, 047, 048, 050,051, 052, 053, 054, 055, and 056

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-08162006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 18, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

SUBJECT:

3401 Fielding Road

AUG 2 2 2006

INFORMATION:

Item Number:

7-045

ZONING COMMISSIONER

Petitioner:

Richard and Barbara Meshulam

Zoning:

DR 2

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to enclose a carport and add a family room.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL: CM



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

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

Maryland Department of Transportation

Date: 8.15.01

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

RE:

Baltimore County

Item No. 045 372

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.

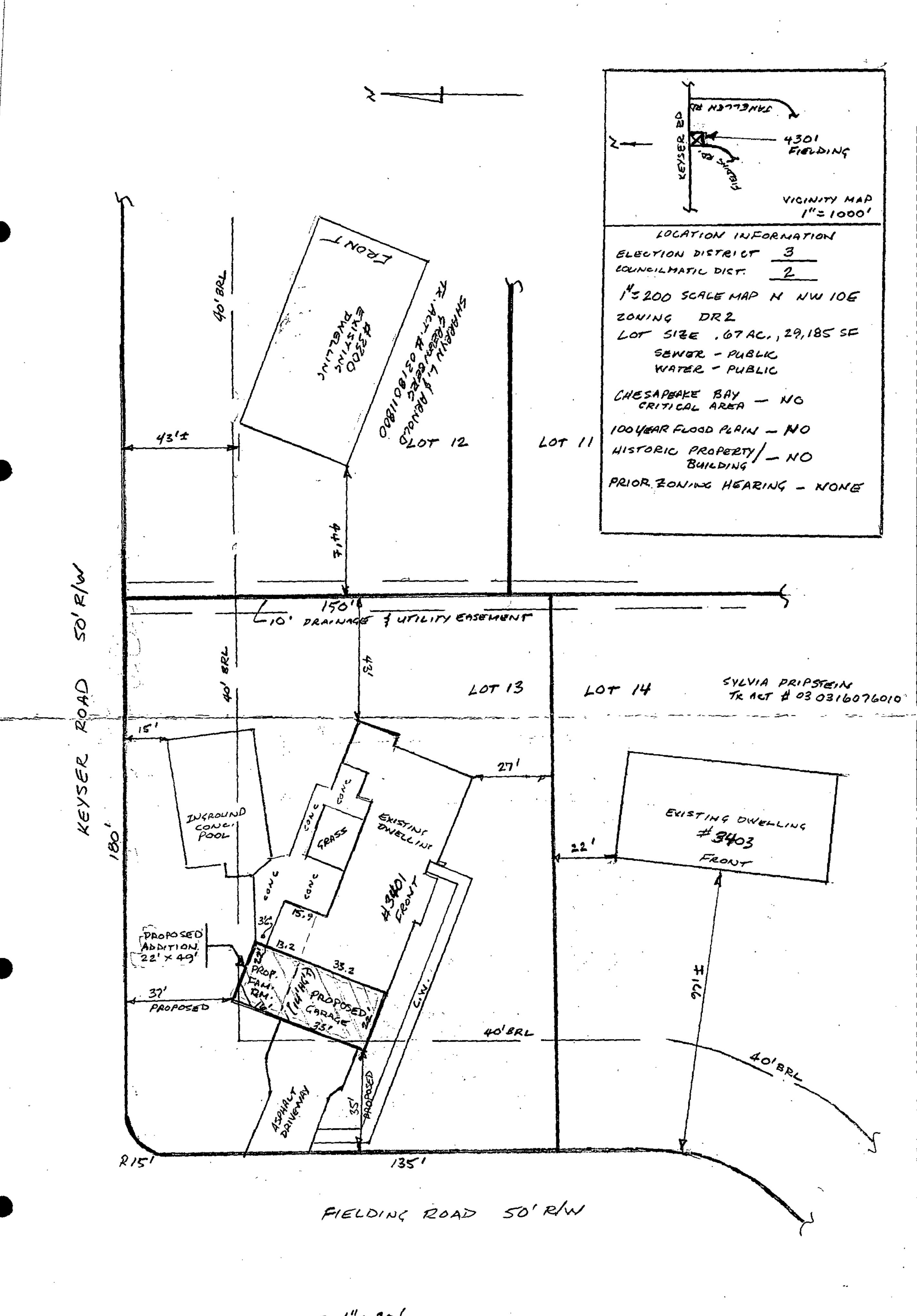
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

REDRO BATHS A'N' W.Y. DIX. W. Isuno. Ry SALA People Carry. 18301 FIELDING ROAD



PLAT FOR ZONING-VARIANCE

3401 FIELDING ROAD

PIKESVILLE, MD

QLENHAR SUBDINISION

PLAT BOOK 25 FOLIO 3, LOT #13, BLK F.

OWNER RICHARD AND BARBARA MESHULAM

TAX ACCT. NO. 03-07062261

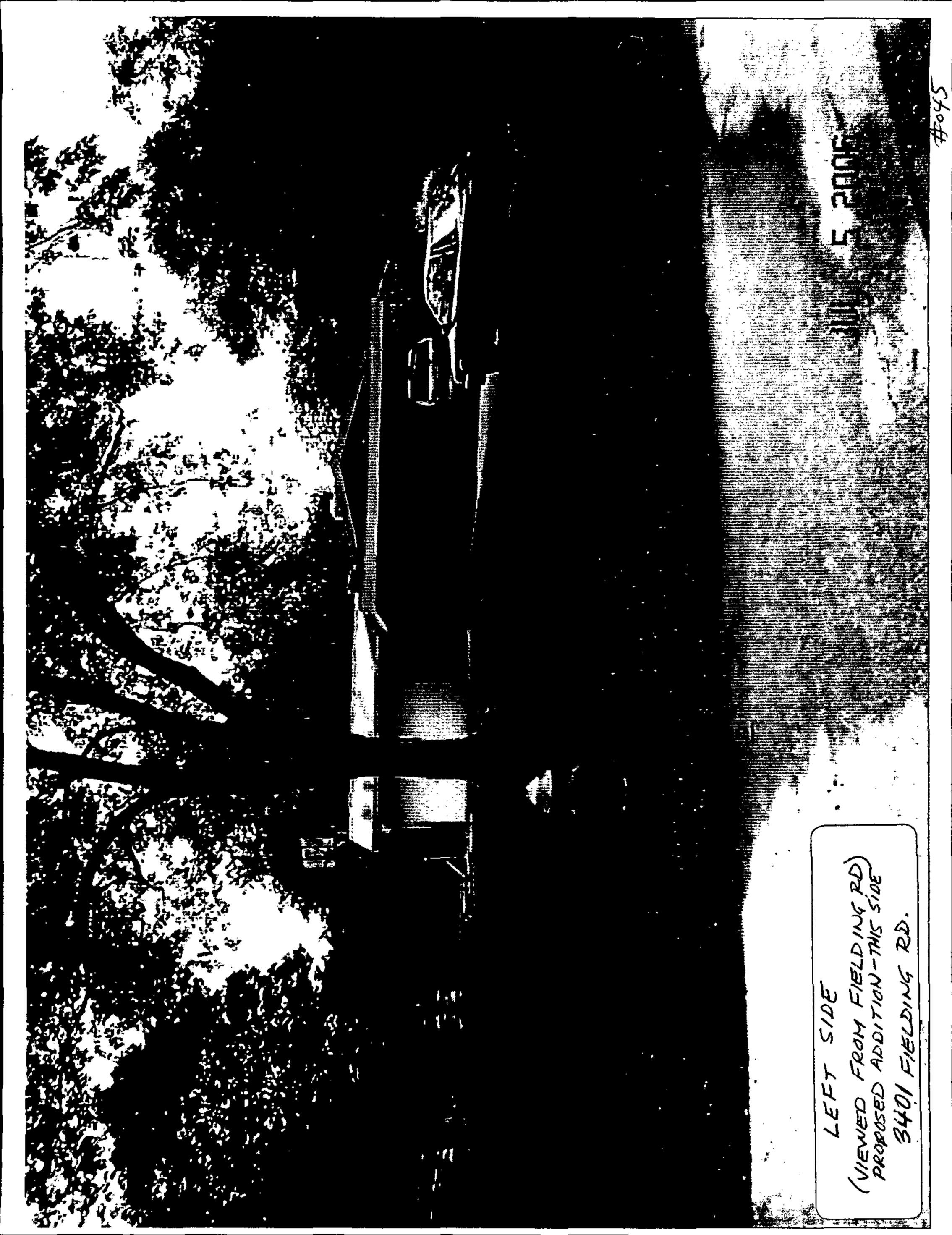
3401 FIELDING ROAD, PIKESVILLE, MD. 21208 -> N Baltimore County - My Neighborhood

Copyright (C) 2005 Britmare County, Maryland



REAR RD (FROM KEYSER RD) 3401 FIELDINS

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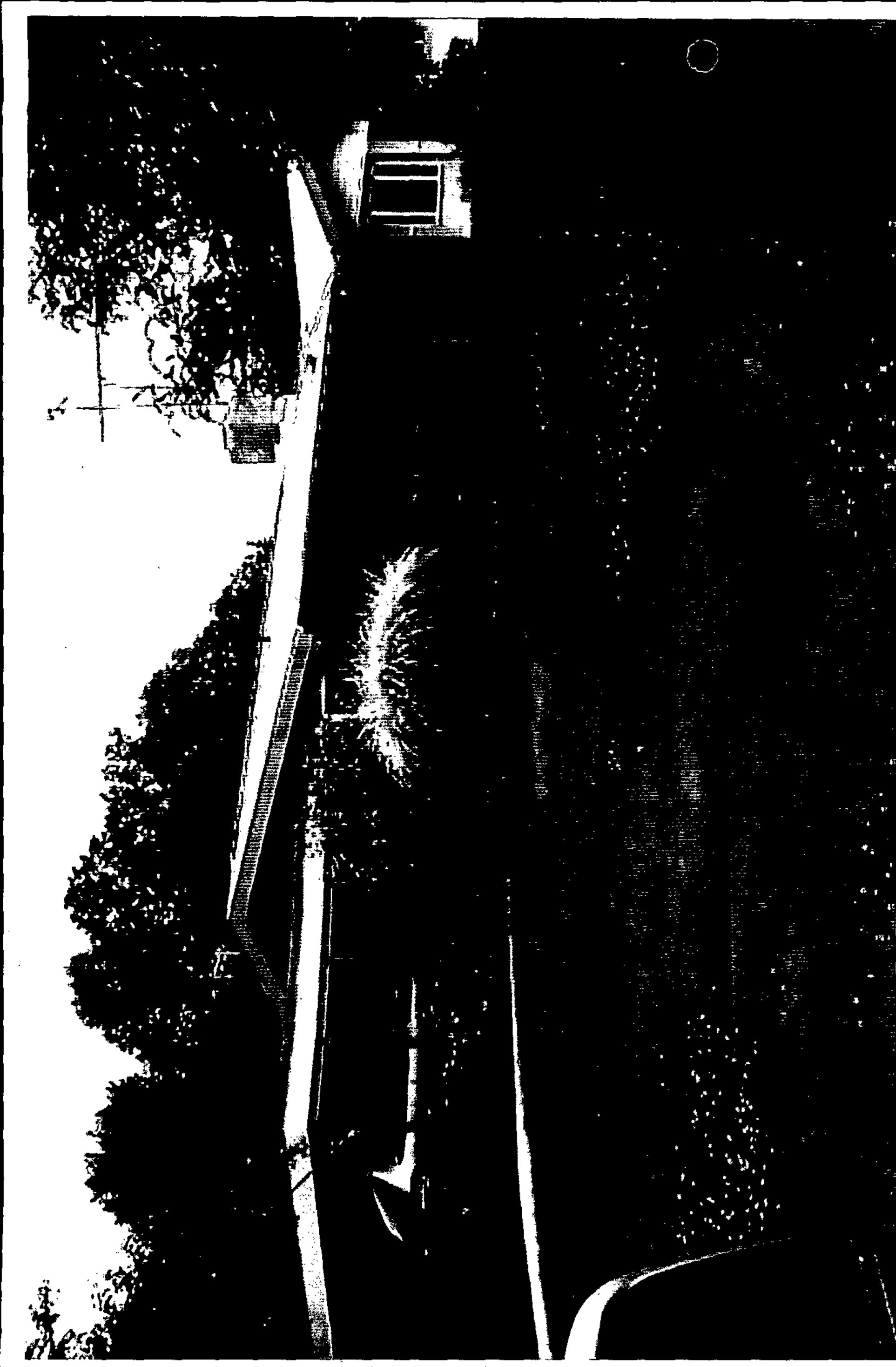


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