

IN RE: **PETITION FOR ADMIN. VARIANCE**

N/S Margate Road, 133 feet NW of c/l

Bedworth Road

(19 Margate Road)

8th Election District

3rd Council District

Steven W. Butz , et ux

Petitioners

*

BEFORE THE

*

ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

*

Case No. 2008-0311-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Steven W. and Jami L. Butz. Variance relief is requested from Section 1B02.3.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and (R-6 Section 211-1955) to permit an addition (garage) with a side street setback of 7 feet, 32 foot setback to the centerline of the street, and 20 foot rear setback in lieu of the required 25 feet, 50 feet and 30 respectively. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioners' Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code.

BY DATE 6-20-08
RECEIVED FOR FILING

On February 8, 2008, the York Improvement Association, a community association in the neighborhood, filed a formal demand for public hearing. The hearing was subsequently scheduled for Tuesday, March 25, 2008 at 9:00 AM in Room 407 of the County Courts Building, located at 401 Bosley Avenue, Towson, MD.

Appearing in support of the Petition were Steven W. and Jami L. Butz, property owners, and Jim Cabral, with Merrell Building Enterprises, the Petitioners' building contractor. Also in attendance was Juan Garcia, with the York Manor Improvement Association, the community association who filed the formal demand for hearing. There were no other Protestants or interested citizens in attendance.

Testimony and evidence offered disclosed that the subject property is an irregularly-shaped corner lot containing approximately 9,152 square feet zoned DR 5.5 and is improved with a single family dwelling. The corner lot is located in the York Manor subdivision. Petitioners are desirous of constructing an addition to their home which includes a garage to accommodate the growing family. Based on the confines of their lot size and present location of the house on the lot, they are limited as to how the addition can be accomplished. They prefer the needed improvements and addition over selling their home. Petitioners wish to remain in the excellent school district and stay in close proximity to family members who will be providing day care. The current home cannot accommodate the growing family.

Testifying on behalf of the Petition was Steven W. Butz, who has lived at the subject property for five years. Due to recent crime and property damage incidents in the neighborhood, Petitioners wish to construct a garage to protect their vehicles and personal belongings. Their first child is on the way and Petitioners want to preserve the rear yard as a play area. The garage needs to be 24 feet wide in order to accommodate the storage of a boat that they are inheriting. Petitioners are renovating the home by raising the roof to resemble a split-level home. They have

BY DATE 02-20-08
RECEIVED FOR FILING

taken great care to design the proposed garage in keeping with the architectural style of the renovated home. Next to testify was Mr. Cabral who indicated that a single car garage or carport will not meet the needs of the Petitioners and their growing family.

Testifying in opposition to the request was Juan Garcia, with the York Manor Improvement Association. The Association reviewed the plans for the second story and attached garage and approved the second story addition, but expressed concern with the request to extend the garage addition beyond the established side and front setbacks as setting a precedent for the community that could conceivably result in other types of setback encroachments within the subdivision. The Association has never approved an addition or enlargement that was extended almost to the property line, especially one that fronts on a street. The zoning regulations allow for open structures like porches or carports to project up to 25% into a front yard setback. However, the proposed garage addition will project almost 75% of that setback toward Bedworth Road. The Association does not object to the idea of a garage addition nor to other aspects of the proposed addition, but only to the placement and size of the proposed two car garage. (*See Protestant's Exhibit 1*)

In discussing the proposal with the Petitioners and Protestant, I will allow the Petitioners 30 days to develop an alternative site plan for the garage and have said plans reviewed and approved by the York Manor Improvement Association.

Amended Petition

Petitioners worked with their contractor, Jim Cabral and Merrell Building Enterprises, to develop an alternative garage version with a setback greater than 7 feet from the street. This alternative was submitted to the York Manor Improvement Association for their review. The amended site plan depicts a detached garage measuring 20 feet x 24 feet. In a letter dated April 16, 2008 from Richard Lea Shaw, AIA, York Manor Board of Directors he documented that the

By _____
Date 6-20-08
RECEIVED FOR FILING

Petitioners changed their plans with respect to the garage that was originally proposed to be attached to the southeast side of the house. As illustrated on the new site plan, the new garage will now be set at an angle to the axis of the house so that the front of the garage will be 13.5 feet from the right-of-way of Bedworth Road and essentially parallel with the long axis of the garage perpendicular to Margate Road and parallel to the south property line of the subject property. It appears, based on stakes placed into the ground that the garage will be located in proximity to the south property line and the overhead utility lines. The York Manor Improvement Association has no objections to the garage addition as shown on the color rendering or to the proposed colors of the proposed garage. They request that the garage provide one or more windows on the south side, flanked with shutters that match the shutters installed next to the other windows on the newly renovated house to provide a degree of visual relief on the otherwise blank wall. *(See letter from York Manor Improvement Association dated April 16, 2008)*

In the amended Petition, Variance relief is requested from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the side yard with a 13 foot setback to the side street in lieu of the required rear yard and 25 feet. In this regard, the Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that special circumstances or conditions exist that are peculiar to the land or structure which is subject to the variance request. I find that strict compliance with the zoning regulations of Baltimore County would result in practical difficulty. The imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. I further find that given characteristics of the lot in question, meeting the

100-20-08
RECEIVED FOR FILING
10/2/08

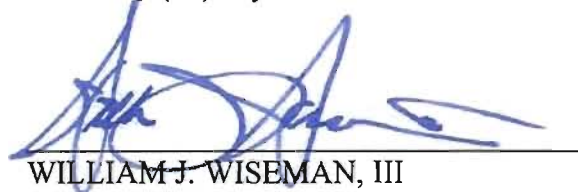
setback regulations of DR 5.5 zone would impose an undue hardship on Petitioners. Petitioners were able to modify their original site plan and achieve a 13 foot setback to the side street instead of the 7 feet as originally requested. The redesigned detached garage is now acceptable to the York Manor Improvement Association. The most affected adjacent property owner, Susan S. Weisman, at 1510 Bedworth Road, appears to now accept the location and size of the detached garage. Accordingly, I find that the relief can be granted in strict harmony with the spirit and intent of the said regulations, and in such a manner as to grant relief without injury to the public, health, safety or general welfare.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

20th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of June, 2008 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the side yard with a 13 foot setback to the side street in lieu of the required rear yard and 25 feet, respectively is hereby APPROVED subject to the following condition:

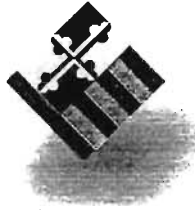
1. Petitioner may apply for building permits and be granted the same upon receipt of the Order; however, the Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The new detached garage shall contain one or more windows on the south side, flanked with shutters that match the shutters installed next to the windows on the newly renovated dwelling.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6-20-08
By [signature]



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 20, 2008

Steven W. and Jami L. Butz
19 Margate Road
Lutherville MD 21093

RE: Petition for Administrative Variance
19 Margate Road
Case No. 08-311-A

Dear Mr. and Mrs. Butz:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz

Enclosure

c: Jim Cabral, Merrell Building Enterprises, 721 Main Street, Reisterstown MD 21136
Juan Garcia, 31 Haddington Road, Lutherville MD 21093
Richard Lea Shaw AIA, 105 Ardon Road, Lutherville MD 21093
Susan S. Weisman, 1510 Bedworth Road, Lutherville MD 21093

Amended



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property

located at 19 MARGATE RD., LUTHERVILLE, MD 21093

which is presently zoned _____

Deed Reference: 17113/ __ 1 Tax Account # 1600003075

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) 400.1 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED IN THE SIDE YARD WITH A 13-FOOT SETBACK TO THE SIDE STREET IN LIEU OF THE REQUIRED REAR YARD AND 25-FEET, RESPECTIVELY.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative 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):

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

Address _____

City _____

State _____

Telephone No. _____

Zip Code _____

Representative to be Contacted:

Name _____

Address _____

City _____

State _____

Telephone No. _____

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. 2008-0311-A

Reviewed By D.T. Date 5/12/08

REV 7/20/07

Estimated Posting Date 5/25/08

COPIES RECEIVED FOR FILING

Date 6-20-08

By [Signature]

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

Address 19 Margate Road
City Lutherville State MD Zip Code 21093

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):

As our Family is expanding and our house has limited space, we are undertaking remodeling to include the construction of a garage. It is our hope that the garage may provide a secure off-street parking location to protect our property due to increased crime and vandalism in the area. However, finding placement for the garage on our property has been difficult as we have a small, corner lot. We have not been able to identify a practical location which would allow us to construct the garage without obtaining a Variance.

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 Steven W. Butz
Name - Type or Print Steven W. Butz

Signature Jami L Butz
Name - Type or Print Jami L Butz

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2 day of May, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Steven + Jami Butz only
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 7/21/2009



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 19 MARGATE RD, LUTHERVILLE
which is presently zoned D.R. 5.5

Deed Reference: 171131 Tax Account # 16 00000075

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) 1002.0A.1 (DCZR) + (A.6 SECTION 311-1955)

To permit an addition (garage) with a side street setback of 7-feet, 32-foot setback to the centerline of the street and 20-foot rear setback in lieu of the required 25-feet, 50-feet and 30-feet, respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative 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):

Name - Type or Print

Signature

Name - Type or Print

Signature

19 MARGATE RD
Address

410 627 0085
Telephone No.

LUTHERVILLE
City

MD
State

21093
Zip Code

Representative to be Contacted:

JIM CABRAL, MERRELL BUDG. ENT.
Name

721 MAIN ST.
Address

443 744 7565
Telephone No.

REISTERSTOWN
City

MD
State

21136
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 08-311-A 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. 08-311-A

Reviewed By D.T. Date 11/15/08

REV 7/20/07

ORDER RECEIVED FOR FILING

Posting Date 11/27/08

Date 11-20-08

By WSW

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

Address 19 Margate Road
City Lutheville State MD Zip Code 21093

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 undertaking an addition to our house which includes a garage to accommodate our growing family. Based on the confines of our lot size and present location of our house on the lot, we are limited as to how the addition can be accomplished. We recognize the need for an addition over selling our house for several reasons. Due to the housing situation in our area, the desire to remain in our excellent school district, and the close proximity to family members who will be providing day care, we realize the need to remain in our present house. However, our current home simply cannot accommodate our growing family.

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

Steven W. Butz

Name - Type or Print

Signature

Jami L Butz

Jami L Butz

Name - Type or Print

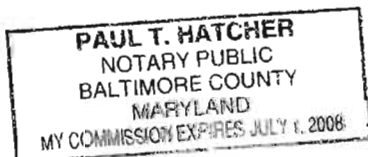
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of January, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Steven W. Butz + Jami L. Butz

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 7-1-2008



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 19 MARGATE RD, LUTHERVILLE
which is presently zoned D.R.S.S

Deed Reference: 171131 Tax Account # 1600003075

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) 120-2.3A.1. (DEER) + (R.6 SECTION 211-1955)

To permit an addition (garage) with a side street setback of 7-feet, 32-foot setback to the centerline of the street and 20-foot rear setback in lieu of the required 25-feet, 50-feet and 30-feet, respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative 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):

Name - Type or Print

Signature

Name - Type or Print

Signature

19 MARGATE RD
Address

410 627 0085
Telephone No.

LUTHERVILLE
City

MD
State

21093
Zip Code

Representative to be Contacted:

JIM CABRAL, MERRELL BLDG. ENT.
Name

721 MAIN ST.
Address

443 744 7565
Telephone No.

REISTERSTOWN
City

MD
State

21136
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 08-311-A 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.

08-311-A

Reviewed By

D.T.

Date

1/15/08

REV 7/20/07

Date

6-20-08

Estimated Posting Date

1/27/08

By

WV

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

Address 19 Margate Road
City Luttenville State MD Zip Code 21093

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 undertaking an addition to our house which includes a garage to accommodate our growing family. Based on the confines of our lot size and present location of our house on the lot, we are limited as to how the addition can be accomplished. We recognize the need for an addition over selling our house for several reasons. Due to the housing situation in our area, the desire to remain in our excellent school district, and the close proximity to family members who will be providing day care, we realize the need to remain in our present house. However, our current home simply cannot accommodate our growing family.

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

Steven W. Butz
Name - Type or Print

Signature

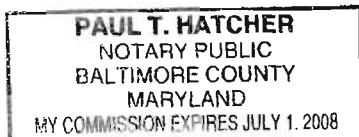
Jani L Butz
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of January, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Steven W. Butz & Jani L Butz
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



REV 7/24/07

Notary Public

My Commission Expires 7-1-2008

ZONING DESCRIPTION FOR 19 MARGATE ROAD

Beginning at a point on the north side of **Margate Road** which is **60 feet** wide at the distance of **133 feet north-west** of the centerline of the nearest improved intersecting street **Bedworth Road** which is **50 feet** wide. Being **Lot #8, Section #1** in the subdivision of **York Manor** as recorded in Baltimore County **Plat Book #23, Folio #5**, containing **9,152 square feet**. Also known as **19 Margate Road** and located in the **8th Election District, 3rd Councilmanic District**.

08-311-A

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #08-311-A

19 Margate Road

N/side of Margate Road, 133 feet n/west of centerline of Bedworth Road

8th Election District - 3rd Councilmanic District

Legal Owner(s): Steven & Jami Butz

Variance: to permit an addition (garage) with a side street setback of 7 feet, 32 foot setback to the centerline of the street and 20 foot rear setback in lieu of the required 25 feet, 50 feet and 30 feet respectively.

Hearing: Tuesday, March 25, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/3/686 Mar 11

166421

CERTIFICATE OF PUBLICATION

3/14/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/11/2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No.

135

Date:

2-8-08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			5150				50.00

Total:

50.00

Rec

From:

York Manor Improvement Assn.

For:

Formal Demand for Public Hearing

19 Margate Rd.

08-311-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S
VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 09740

Date: 1/15/08

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
 1/6/2008 1/15/2008 15:22:57 2

REC #02 MAIL JEW JEE
 >>RECEIPT # 538293 1/15/2008 OFFJ

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount	Dept
001	006			6150				65.00	

Total: 65.00

Rec

From: MERRELL BUILDING ENTERPRISES INC.

For: ITEM # 311 08-311-A
19 MARGATE RD

D THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

5 528 ZONING VERIFICATION

009740

Recpt Tot 165.00

165.00 CK 6.00 CA

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No.

Date: 5/14/02

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	001			000				

Total: 1.00

Rec

From: 1000 - 1000 - 1000 - 1000

For: 1000 - 1000 - 1000 - 1000

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S
VALIDATION

Certificate of Posting

RE: Case NO. 08-311-A

Petitioner/Developer Butz

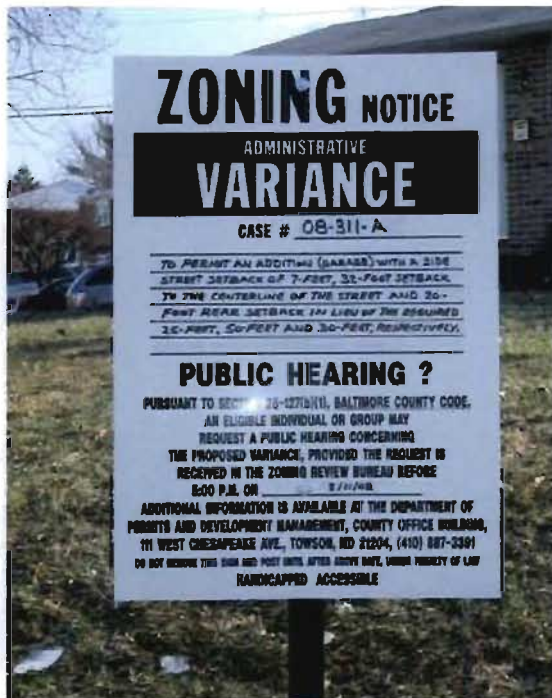
Date of Hearing/Closing 2/11/08

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

Attention:

This letter is to certify, under penalties of perjury, that the necessary sign(s) as required by law, were posted conspicuously on the property located at 19 MARGATE RD.

The sign(s) were posted on 1/27/08
(Month, Day, Year)



19 Margate Road

Sincerely,

Richard E. Hoffman 1/27/08
(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

Certificate of Posting

RE: Case NO. 08-311-A

Petitioner/Developer _____

Steven and Jani Butz

Date of Hearing/Closing 3/25/08

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

Attention:

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

19 Margate Road

The sign(s) were posted on 3/8/08
(Month, Day, Year)

Sincerely,


(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

See Attached
Photograph

Certificate of Posting
Photograph Attachment

Re: 08-311-A

Petitioner/Developer: _____

Steven and Jani Butz

Date of Hearing/Closing: 3/25/08



19 Margate Road

Michael G. H. 3/18/08



FORMAL DEMAND FOR HEARING

CASE NUMBER: 08311 A

Address: 19 Margate Rd

Petitioner(s): Steve and Jami Butz

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We York Manor Improvement Assoc.
Name - Type or Print

() Legal Owner OR () Resident of

P.O. Box 36
Address

Lutherville Md 21093
City State Zip Code

410-769-9209
Telephone Number

which is located approximately _____ feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

Delinda Petrucci 2/8/08
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

AMENDED

ATTN: JIM

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 08 - ²⁰ 0311 -AAddress 19 MARGATE RD.Contact Person: DONNA THOMPSON

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5/12/08Posting Date: 5/25/08Closing Date: 6/9/08

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 08 - ²⁰ 311 -AAddress 19 MARGATE RD.Petitioner's Name BOITZTelephone 410-627-0085Posting Date: 5/25/08Closing Date: 6/9/08Wording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE) TO BELOCATED IN THE SIDE YARD WITH A 13-FOOT SETBACK TO THESIDE STREET IN LIEU OF THE REQUIRED REAR YARD AND 25-FEET,RESPECTIVELY.

WCR - Revised 6/25/04

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 311 -A

Address 19 MARGATE RD.

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 1/15/08

Posting Date: 1/27/08

Closing Date: 2/11/08

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 08- 311 -A

Address 19 MARGATE RD.

Petitioner's Name BUTZ

Telephone 410-627-0085

Posting Date: 1/27/08

Closing Date: 2/11/08

Wording for Sign:

To permit an addition (garage) with a side street setback of 7-feet, 32-foot setback to the centerline of the street and 20-foot rear setback in lieu of the required 25-feet, 50-feet and 30-feet, respectively.

**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: 08-311-A

Petitioner: BUTZ

Address or Location: 19 MARGATE RD.

PLEASE FORWARD ADVERTISING BILL TO:

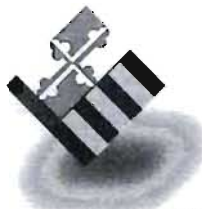
Name: MR. STEVEN W. BUTZ

Address: 19 MARGATE RD.

LUTHERVILLE, MD 21093

Telephone Number: 410-627-0085

Revised 7/11/05 - SCJ



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

February 14, 2008
TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-311-A

19 Margate Road

N/side of Margate Road, 133 feet n/west of centerline of Bedworth Road

8th Election District – 3rd Councilmanic District

Legal Owners: Steven & Jami Butz

Variance to permit an addition (garage) with a side street setback of 7 feet, 32 foot setback to the centerline of the street and 20 foot rear setback in lieu of the required 25 feet, 50 feet and 30 feet respectively.

Hearing: Tuesday, March 25, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Steven & Jami Butz, 19 Margate Road, Lutherville 21093
Jim Cabral, 721 Main Street, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 10, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 11, 2008 Issue - Jeffersonian

Please forward billing to:
Steven Butz
19 Margate Road
Lutherville, MD 21093

410-627-0085

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-311-A

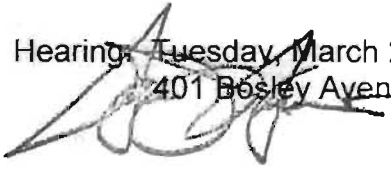
19 Margate Road

N/side of Margate Road, 133 feet n/west of centerline of Bedworth Road

8th Election District – 3rd Councilmanic District

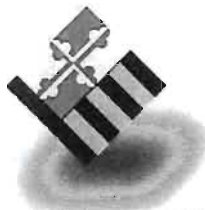
Legal Owners: Steven & Jami Butz

Variance to permit an addition (garage) with a side street setback of 7 feet, 32 foot setback to the centerline of the street and 20 foot rear setback in lieu of the required 25 feet, 50 feet and 30 feet respectively.

Hearing:  Tuesday, March 25, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
February 15, 2008 *Department of Permits and
Development Management*

Steven Butz
Jami Butz
19 Margate Road
Lutherville, MD 21093

Dear Mr. & Mrs. Butz:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 08-311-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand by the York Improvement Association, requiring a public hearing concerning the above proposed administrative procedure.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact Donna Thompson at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Jim Cabral
York Improvement Association



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

March 13, 2008

Steven Butz
Jami Butz
19 Margate Road
Lutherville, MD 21093

Dear Mr. & Mrs. Butz:

RE: Case Number: 08-311-A, 19 Margate Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 15, 2008.

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.

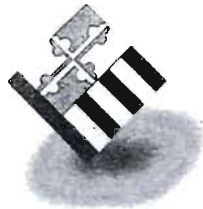
Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Jim Cabral, 721 Main Street, Reisterstown 21136
York Manor Improvement Assoc., P.O. Box 36, Lutherville 21093



2008-0311-A

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive
Steven W. & Jami L. Butz
19 Margate Rd.
Lutherville, MD 21136

TIMOTHY M. KOTROCO, *Director*
June 10, 2008
*Department of Permits and
Development Management*

Dear: Steven W. & Jami L. Butz

RE: Case Number 2008-0311-A, Address: 19 Margate Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 12, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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:lnw

Enclosures

c: People's Counsel
Jim Cabral, Merrell Bldg. Ent, 721 Main St., Reisterstown, MD 21136

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 31, 2007

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

RECEIVED
FEB 05 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 8-311- 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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:

Curtis Murray

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 28, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For June 2, 2008
Item Nos. 08-0311, 0535, 0536, 0537,
0538, 0539, and 0540

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

DAK: ~~CEN~~:lrk
cc: File

ZAC-05282008-NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 1, 2008

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

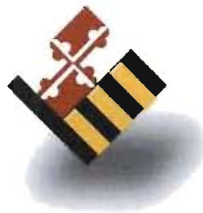
SUBJECT: Zoning Advisory Committee Meeting
For February 4, 2008
Item Nos. 08-298, 299, 300, 301, 302, 304,
306, 307, 308, 309, 310, 311, 312, 313, 314,
316, 317, 318, 319, 320, 321, 322 and 323

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS- 02042008.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

June 2, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 26, 2008

Item Number: 2008-0535-A, 0311-A, 0536-A, 0537-SPH, 0538-A, 0539-SPHX

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

January 29, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 29, 2008

Item Number:

298, 299, 300, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315,
316, 317, 318, 319, 320, 322, 323, 324

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

. 1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

Date: JAN. 30, 2008

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

RE: Baltimore County
Item No. 8-311-A
19 MARGATE ROAD
BLTZ PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-311-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For
Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

From: Debra Wiley
To: Duvall, David
Date: 03/25/08 12:33 PM
Subject: Search for Information

Hi Dave,

I called and left you a message (with Andrea), however, you were working the front desk. When you get a chance, Bill was asking if you could do some type of search to see if we ever did an Order for the following addresses:

9 Wenslow Place AND 122 Gothard Road (Both are located in York Manor - Lutherville. Our office did a computer search, however, it only goes back so far.

Also, Bill was asking if he could get a "clean" copy of R. 6 Zone - Section 211 - 1995. Perhaps, if you could email it to me or even fax it with a cover sheet so that it does not show anything else on it, that would be great.

Please call me if you have any questions or concerns.

Thanks and have a great day !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

9 Wenslow Pl

NW 12 A

no hearings

122 Gothard Rd

NE 12 A

no hearings

no search
for Deb
either
on
new
Spelling
3/26
including
"12"
in
Wenslow

BALTIMORE COUNTY ZONING REGULATIONS 1998 Edition Updated 02-25-2008, v19**THE REGULATIONS****ARTICLE 1, GENERAL PROVISIONS****Section 101A, Critical Area Definitions [Bill Nos. 32-1988; 9-1996EN]****Section 103, Application of Zoning RegulationsEN [BCZR 1955]****Section 1B02.3****Section 304**

103.5 Chesapeake Bay Critical Area; grandfathering. [Bill Nos. 32-1988; 9-1996; 137-2004; 100-2005]

- A. This subsection applies to grandfathering requirements of the Chesapeake Bay Critical Area Local Protection Program and to the residential densities at which certain land within the Critical Area may be developed after June 13, 1988.
- B. The rights conferred under this subsection are subject to:
1. The provisions in § 32-4-273 of the Baltimore County Code, pertaining to the time limit for validity of subdivision plats and, if applicable, to the provisions of Sections 103.3 and 103.4 of the Baltimore County Zoning Regulations;
 2. The provisions in Article 33, Title 2, Subtitles 3, 4, and 5 and § 33-2-604 of the Baltimore County Code, pertaining to wetlands, buffers, habitat protection areas and water-dependent facilities; and
 3. Other applicable county laws or regulations in effect at the time a right is exercised.
- C. The county shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on June 13, 1988. If the existing use does not conform with the provisions of the local protection program, its intensification or expansion may be permitted only in accordance with Section 104.5 of these regulations and with the variance provisions and procedures outlined in § 32-4-231, § 33-2-205, or § 33-2-603 of the Baltimore County Code, whichever is or are applicable.
- D. 1. Each individual lot or parcel of land that was either a lot of record or a record lot on December 1, 1985, may be developed with a single-family dwelling if a dwelling was not already in existence and if a single-family dwelling was a use permitted on the property under the zoning in effect on December 1, 1985, notwithstanding that such development may be inconsistent with the density provisions of the approved local protection program and provided that this right to develop is subject to all the Zoning Regulations, other than density or lot size, in effect at the time the right is to be exercised; unless the lot or parcel is within the recorded plan or plat of a land subdivision approved by the county before December 1, 1985, in which case the limitations and rights pertaining to the approved plan or plat shall govern.
2. All lots that are developed under this paragraph shall be brought into conformance with the local critical area program, including the consolidation or reconfiguration of lots not individually owned, to avoid or minimize impacts to wetlands, buffers, and habitat protection areas, as determined by the Department of Environmental Protection and Resource Management.
- E. Growth allocation will not be required for subdivisions of land where each resultant parcel or lot contains a dwelling which existed on December 1, 1985.
- F. Residential subdivision of land other than for single-family dwellings, as covered by Paragraphs D and E of this subsection, is permitted in accordance with an approved final development plan or record plat if the approval was granted by the county before June 1, 1984.

G. For nonresidential developments, a lot or parcel of land may be developed with a use permitted on http://gcp.esub.net/cgi-bin/om_isapi.dll?clientID=100023&advquery=1B02.3&infobase=balti... 03/21/08

the property under the zoning or use regulations in effect on December 1, 1985, notwithstanding that such development may be inconsistent with the provisions of Article 33, Title 2 of the Baltimore County Code and provided that this right to develop is subject to the Zoning Regulations in effect at the time the right is to be exercised; unless the lot or parcel is within the recorded or approved plat or a plan of a land subdivision approved by the county before December 1, 1985, in which case the limitations and rights pertaining to the approved plan or plat shall govern.

Section 104, Nonconforming Uses [BCZR 1955]



RICHARD LEA SHAW, AIA
105 ARDOON ROAD
LUTHERVILLE, MARYLAND 21093

April 16, 2008

To whom it may concern;

Members of the York Manor Improvement Association have reviewed the plans and sketches presented by the residents at 19 Margate Road to the Board at both the February and March Board meetings and a CADD color rendering submitted subsequently. The color rendering was not accompanied by a site plan.

The residents of 19 Margate Road have changed their plans with respect to the new garage that they propose to attach to the house that they are renovating. The new garage will be set at an angle to the axis of the house so that the end of the garage will essentially be parallel to Melton Road with the long axis of the garage perpendicular to Melton Road and parallel to the "South" property line of the property. It appears, based on stakes placed into the ground, that the garage will be located in proximity to the south property line and the overhead utility lines. We are aware that there is a 10-foot wide utility easement running along the south property line of this property, shared equally on each side of the property line.

We fully realize that this is a small lot that is difficult to work with, with respect to the addition of an enclosed garage. We are also aware of the requirements of the York Manor Covenants, the Baltimore County Building Code, and the Baltimore County Zoning Ordinances.

We have no objections to the garage addition as shown on the color rendering or to the proposed colors on the proposed garage. Our primary concern at this time is that the garage might be located in, or too close to, the utility easement along the south side of the property. We would also request that garage be provided with one or more windows on the south side, flanked with shutters that match the shutters installed next to the other windows on the newly renovated house, to provide a degree of visual relief on the otherwise blank south side wall.

Very truly yours;

Richard Lea Shaw

Richard Lea Shaw, AIA
York Manor Board of Directors

08-31A

DR 5.5

1B0203A.1

(R.6 Sect 211-1955)

REAR - 30'
SIDEYARD (100)

X-??

DIMENSIONS OF IMPROVEMENTS ?

CORNER Lot —

irregularly shaped lot

Want to make it appear as a split level

~~##~~ Crime and Property Damage incidents have occurred.

1st Child on way - Want to preserve the rear yard as a Play Area

Needs 24' to House a Boat that they are inheriting

5 years on property

Rancher - Roof Raised to resemble a split level

122 Margaret - about 13' sidewalk
9 Windsor - 10' from sidewalk

Cabral with Merrell Bldg Enterprises

single car garage won't work
Car Port will not work

They have taken Great Care
to design their garage especially
corner lot - Redworth is
not a 90° but
cuts in and impacts

York Manor -

Garcia - Secretary

Garcia says Board has
met and voted

Association Reviewed plans

- approved 2nd story
- garage raised issues
 - a) proximity to sidewalk
 - b) drainage

Drainage issues addressed
Object to sidewalk

Other Properties do not appear
to project out as far
as this proposal.

By Mid May →

PLEASE PRINT CLEARLY

CASE NAME _____

CASE NUMBER _____

DATE _____

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Steve Butz

19 Margate Road

Lutherville MD 21093

subutz@comcast.net

Sami Butz

19 Margate Road

Lutherville MD 21093

jlbutz@comcast.net

Jim Cabral

(REPRESENTING) 19 MARGATE

JIMCABRAL@HOTMAIL.COM

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

Case No.: 08-311-A 19 MARGATE RD.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	York Manor Improv. Association. 3/25/08
No. 2	Elevation of Subject Proposed	Photographs
No. 3	Other Garages - in neighborhood.	YORK MANOR SUBDIVISION PLAT
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Jim CABRAL - Merrell Bldg Mgt.

(SIGN IN SHEETS - OPPORTUNITY TO SIGN) - (RECORDER)

Good Morning - My name is Bill Wiseman, I am the Zoning Commissioner for Baltimore County and I've been assigned to hear your case pursuant to Art. 32 of the Baltimore County Code. **THESE PROCEEDINGS ARE BEING RECORDED**

FOR THE RECORD, THIS IS A PUBLIC HEARING ON case number 08-311A.

This is a Petition for Administrative Variance
Special Hearing
Special Exception

filed by STEVEN & JAMI BUTZ for property located at
19 Margate Rd and zoned DR S.5.

"Read language from file"

The Code requires that notice of today's hearings be provided to neighbors and interested parties by the posting of a sign on the property for at least 15 days prior to the hearing. The sign was posted 3-8-08 by Richard Hoffman, an approved sign poster and shows the time, date, place and subject matter of the hearing.

The Code further requires that notice be placed in a newspaper of general circulation, in this case the Jeffersonian, and the file contains the requisite certification of publication.

I THEREFORE FIND THAT THE POSTING AND NOTICE REQUIREMENTS HAVE BEEN SATISFIED

IF ATTORNEYS PRESENT, HAVE THEM IDENTIFY THEMSELVES; ASK IF THERE ARE ANY PRELIMINARY MATTERS

LOOK AROUND ROOM - AND ASK - IS ANYONE HERE APPEARING IN OPPOSITION TO THE REQUEST?

NO PROTESTANTS: For the record, no one is here in opposition to the request. Mr./Ms. _____, since there is no opposition, if you want to make AN **INFORMAL PROFFER** of the *testimony* and *evidence*, you're welcome to do so.

IF PROTESTANTS: This is your opportunity to come forward and have a seat at the table. You will be able to see and hear better, so come forward and I have a sign-in sheet here for you to sign so that we can mail you a copy of the decision in this case.

York Manor Improvement Assoc.

Garcia

EXPLAIN PROCESS:

First the owner of the property will have an opportunity to present testimony and evidence regarding the _____ request for the property at _____.

Listen carefully, if you have any questions that you want to ask of any witness who testifies, I'll give you an opportunity to do so.

Once Petitioner is finished putting forward their testimony, and you've had an opportunity to ask questions, you will be given an opportunity to present testimony and evidence for me to consider in this _____ request. I'll tell you when it's appropriate to ask questions and when it's appropriate to testify – help you along as we proceed.

PRESENT CASE

SWEAR WITNESS – NAME AND ADDRESS – HAVE A SEAT

All right Mr./Ms. _____, please proceed with your case:

TO PROTESTANTS: Do you have any questions about the testimony that Mr./Ms. _____ just gave? I don't want to hear any testimony from you at this point, but if you would like to ask him/her any questions go ahead.

CLOSE OF PETIONERS CASE: This is your opportunity to tell me why you might be opposed to this _____. Where do you live? How long have you lived there? What is it about the _____ that bothers you/or what would you like to tell me about this case.

CONCLUSION: ALRIGHT – THANK YOU. THIS WILL CONCLUDE THE MATTER.
THANK YOU FOR ATTENDING

I'm not prepared to make a decision here and now.

I want some time to think about the evidence presented – might want to look at the property

Hopefully, within a few weeks, I'll issue a written decision in the case

If you do not like my decision, YOU HAVE A RIGHT TO APPEAL TO THE Board of Appeals. This must be done within 30 days from date of my Order.

affected property

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 08 Account Number - 1600003176

Owner Information

Owner Name: WEISMAN SUSAN S **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 1510 BEDWORTH RD **Deed Reference:** 1) /10394/ 598
 LUTH-TIMONIUM MD 21093 2)

Location & Structure Information

Premises Address **Legal Description**
 1510 BEDWORTH RD 1510 BEDWORTH RD WS
 YORK MANOR

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
61	13	285			1	D	9	2	Plat Ref: 23/ 5

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1958	1,586 SF	9,545.00 SF	04

Stories	Basement	Type	Exterior
2	NO	SPLIT LEVEL	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	100,130	163,130		
Improvements:	166,480	150,360		
Total:	266,610	313,490	266,610	282,236
Preferential Land:	0	0	0	0

Transfer Information

Seller: WEISMAN SUSAN S	Date: 03/09/1994	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /10394/ 598	Deed2:
Seller: CESEWSKI SUSAN S	Date: 08/12/1986	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 7265/ 657	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

[Go Back](#)
[View Map](#)
[New Search](#)

The map shows a residential area with several streets and numbered plots. Key features include:

- Streets:** Haddington, M60, P.241, Margate, Helton, Vendslov, and Manor.
- Plots:** Numbered plots are shown throughout the area, including plots 1-11, 12-14, 15-17, 18-20, 21-23, 24-26, 27-29, 30-32, 33-35, 36-38, 39-41, 42-44, 45-47, 48-50, 51-53, 54-56, 57-59, 60-62, 63-65, 66-68, 69-71, 72-74, 75-77, 78-80, 81-83, 84-86, 87-89, 90-92, 93-95, 96-98, 99-101, 102-104, 105-107, 108-110, 111-113, 114-116, 117-119, 120-122, 123-125, 126-128, 129-131, 132-134, 135-137, 138-140, 141-143, 144-146, 147-149, 150-152, 153-155, 156-158, 159-161, 162-164, 165-167, 168-170, 171-173, 174-176, 177-179, 180-182, 183-185, 186-188, 189-191, 192-194, 195-197, 198-200, 201-203, 204-206, 207-209, 210-212, 213-215, 216-218, 219-221, 222-224, 225-227, 228-230, 231-233, 234-236, 237-239, 240-242, 243-245, 246-248, 249-251, 252-254, 255-257, 258-260, 261-263, 264-266, 267-269, 270-272, 273-275, 276-278, 279-281, 282-284, 285-287, 288-290, 291-293, 294-296, 297-299, 300-302, 303-305, 306-308, 309-311, 312-314, 315-317, 318-320, 321-323, 324-326, 327-329, 330-332, 333-335, 336-338, 339-341, 342-344, 345-347, 348-350, 351-353, 354-356, 357-359, 360-362, 363-365, 366-368, 369-371, 372-374, 375-377, 378-380, 381-383, 384-386, 387-389, 390-392, 393-395, 396-398, 399-401, 402-404, 405-407, 408-410, 411-413, 414-416, 417-419, 420-422, 423-425, 426-428, 429-431, 432-434, 435-437, 438-440, 441-443, 444-446, 447-449, 450-452, 453-455, 456-458, 459-461, 462-464, 465-467, 468-470, 471-473, 474-476, 477-479, 480-482, 483-485, 486-488, 489-491, 492-494, 495-497, 498-500.
- Labels:** 'P.263', 'P.290', 'AP60-603', 'RD.', 'M.60', 'P.241', 'Margate', 'Helton', 'Vendslov', 'Manor'.
- Circled Letters:** A, B, C, D, E, F.

6/20/2008

R. 10 ZONE

per cent of the lots may have an area less than 10,000 square feet (see Section 304).

208.2—Front Yard—For dwellings, the front building line shall be not less than 30 feet from the front lot line and not less than 55 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—50 feet from the front lot line and not less than 75 feet from the center line of the street, except as specified in Section 303.1.

208.3—Side Yards—For dwellings, 10 feet wide for one side yard and not less than 25 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 30 feet from the side lot line and not less than 55 feet from the center line of the street; for other principal buildings—20 feet wide, except that for a corner lot the building line along the side street shall be not less than 35 feet from the side lot line and not less than 60 feet from the center line of the street.

208.4—Rear Yard—30 feet deep.

R. 6 Zone—Residence, One and Two-Family

Section 209—USE REGULATIONS

The following uses only are permitted:

209.1—Uses permitted and as limited in R. 40 Zone;

209.2—Two family dwellings, as defined in Section 101;

209.3—Special Exceptions—Same as R. 10 Zone, except sanitary landfills and trailer parks which are not permitted (see Sections 270 and 502).

Section 210—HEIGHT REGULATIONS:

Same as R. 40 Zone.

Section 211—AREA REGULATIONS

Minimum requirements, except as provided in ARTICLE 3, shall be as follows:

211.1—Lot Area and Width—Each one-family dwelling and each other principal non-residential building hereafter erected shall be located on a lot having an area of not less than 6,000 square feet and a width at the front building line of not less than 55 feet; each two-family dwelling hereafter erected shall be located on a lot(s) having an area of not less than

R. 6 ZONE

10,000 square feet and a width at the front building line of not less than 80 feet for a duplex dwelling and 90 feet for the pair of lots occupied by a semi-detached dwelling (see Section 304).

211.2—Front Yard—For dwellings, the front building line shall be not less than 25 feet from the front lot line and not less than 50 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—40 feet from the front lot line and not less than 65 feet from the center line of the street, except as specified in Section 303.1.

211.3—Side Yards—For one-family dwellings, 8 feet wide for one side yard and not less than 20 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 25 feet from the side lot line and not less than 50 feet from the center line of the side street; for two-family dwellings, side yards shall be as provided in Sections 214.1 and 214.3; for other principal buildings, same as in Section 208.3.

211.4—Rear Yard—30 feet deep.



MARYLAND

JAMES I. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO
Director
Department of Permits and
Development Management

YORK MANOR IMPROVEMENT ASSN.

LUTHERVILLE, MARYLAND 21093

MARCH 25, 2008

The Board of the York Manor Improvement Association has reviewed the plans and sketches presented by the owners of the property located at 19 Margate Road to the Board at both the February and March Board meetings and again on Wednesday, March 12, 2008.

The Board has considered the plans in light of the restrictive covenants which the Association is charged with enforcing, as well as the setbacks imposed by the County zoning regulations for DR zones. With respect to the new garage that the owners of 19 Margate Road propose to attach to the house that they are renovating, the Board fully appreciates that they have a small and difficult lot to work with. We are also aware of the requirements of the York Manor Covenants, the Baltimore County Building Code, and the Baltimore County Zoning Ordinances.

The Board is most concerned with the request to extend the garage addition beyond the established side and front setbacks as setting a precedent for the community that could conceivably result in other types of setback encroachments within the subdivision..

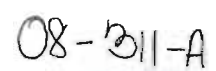
The York Manor Board has worked with numerous home owners over the years to allow them to renovate, add to ,and enlarge their homes. However, we have never approved an addition or enlargement that has extended almost to the property line, especially of one of the facing streets. The zoning ordinances allow for open structures, like porches or carports, to project up to 25% into a front yard setback. In the instance of 19 Margate Road, the setback on both Bedworth and Margate Roads is 25 feet. The proposed garage addition will project almost 75% of that setback toward Bedworth Road.

The York Manor Board has no objections to the idea of a garage addition, nor to the other aspects of the proposed addition, but only to the placement and size of the proposed two car garage.

**BOARD OF DIRECTORS
YORK MANOR IMPROVEMENT ASSOCIATION**

PROTESTANT' S

EXHIBIT NO. 1

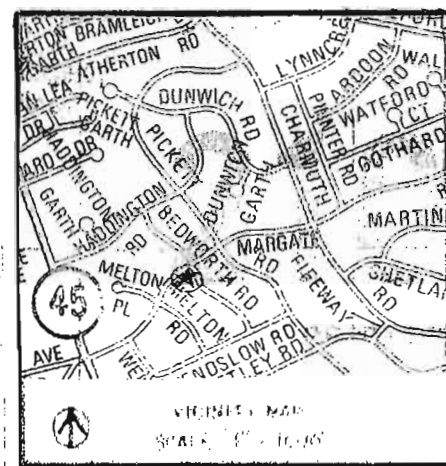


-51-

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

OWNER STEVEN + JAMI BUTZ

AMENDED PLAN



VICINITY MAP

SCALE 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 8

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # 061A2

ZONING D.R. S.S

LOT SIZE 0.21 9152
ACREAGE SQUARE FEET

SLURR PUBLIC PRIVATE
[X] []

WATER ☒ 1

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

D.T. | 311 | 08-311-A

SCALE OF DRAWING: 1" = 30'

PREPARED BY

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

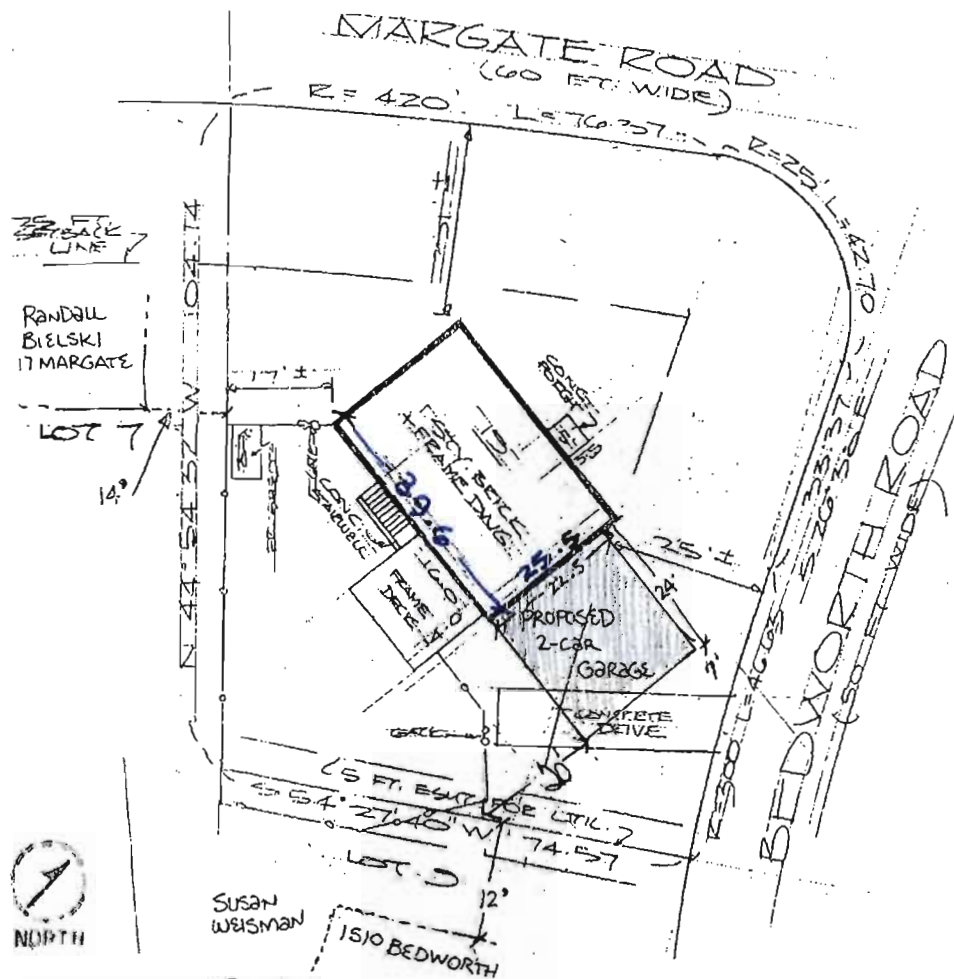
PROPERTY ADDRESS 19 MARGATE ROAD

SEE PAGES 2 & 6 OF THE CHECK, 1ST AND ADDITIONAL REQUIRED INFORMATION ON

ADJUDICATION NAME YORK MANOR

PLAT BOOK # 23 FOLIO # 5 LOT # 8 SECTION # 1

OWNER STEVEN & JAMI BUTZ



Butz Residence
19 Margate Rd. Lutherville

Proposed
garage here



08-311-A





PETITIONER'S

EXHIBIT NO.

B



