

IN RE: PETITION FOR ADMIN. VARIANCE
E side Melvin Avenue, 220 feet S
c/l Edmondson Avenue
1st Election District
1st Councilmanic District
(46 Melvin Avenue)

Daniel K. and Lisa J. Zakai
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-322-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, Daniel K. and Lisa J. Zakai for property located at 46 Melvin Avenue. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a partially built accessory structure (garage) with a height of 21 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners need the additional garage roof height to accommodate storage. The home's basement cannot be used for storage due to water issues and the attic contains finished rooms. The Petitioners submitted a petition in support of their request from adjacent properties located at 31 Melvin Avenue, 33 Melvin Avenue, 35 Melvin Avenue, 100 Melvin Avenue, 44 Melvin Avenue, 42 Melvin Avenue and 30 Melvin Avenue. The additional height will also allow the roof pitch of the new garage to blend aesthetically with the design of the home.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated February 1, 2008 which recommends that the accessory structure not be converted into a

[Faint stamp]

2-21-08

[Signature]

dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 25, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 21st day of February, 2008 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a partially built accessory structure (garage) with a height of 21 feet in lieu of the required 15 feet 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.

ORDER RECEIVED FROM FILED
2.21.08
[Signature]

2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER ACCEPTED FOR FILING
2.21.06
PZ

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 46 MELVIN AVE
Address
CATONSVILLE MD 21075
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Catonsville has many OLD structures, adding a garage is desirable, however, because of height restrictions the roof line does not fit with the 12/12 pitched roofs. We propose to match our existing roof pitch to blend in architecturally with our property and that of the surrounding properties. Placing a low pitch garage structure would detract from our property value and that of the other neighboring properties. We have hired an architect to help us blend into the neighborhood.

Our basement space cannot accomodate storage due to water issues. Our attic area is actually finished rooms. We need storage space over our Garage to protect of VALUABLES.

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

[Signature]
Signature
Daniel K Zakai
Name - Type or Print

[Signature]
Signature
L ZAKAI
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of January, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public
My Commission Expires 5-01-2008
Howard County

Zoning Description of: Daniel and Lisa Zakai
46 Melvin Avenue
Catonsville, MD 21228

Beginning at a point on the East side of Melvin Avenue, a paved road, a distance of approximately 220 feet south west of Edmondson Avenue, 68' southeasterly to 200' northeasterly, to 64'5" Northwesterly to 200' southwesterly. This property is recorded in Baltiore County Records MAP # 101; GRID 7; PARCEL 933, containing 13,200 square feet. This property is known as 46 Melvin Avenue, located in the 1st Election District and in the 1st Councilmanic District

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

No. **09750**

Date: 1/10/08

PAID RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	1500			2150				145.00

Total: 145.00

Rec

From: Deed. Mgr.

For: Administrative Services

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

ADDRESS: 4700 THE WH
1/10/2008 1/10/2008 11:13:22 9
RECEIPT # 451230 1/10/2008 15.00
5 208 20000 VERIFICATION
09750
Dept Tot 145.00
177.00 0 1.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

Item # 323

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 08-322-A

TO PERMIT AN ACCESSORY STRUCTURE
(GARAGE) WITH A HEIGHT OF 21 FEET IN LIEU
OF THE REQUIRED 15 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON ---- FEBRUARY 11, 2008

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE. UNDER PENALTY OF LAW. RETURN BOTH TO ZADM, RM. 304

MEETING IS HANDICAP ACCESSIBLE



ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 08-322-A

TO PERMIT AN ACCESSORY STRUCTURE
(GARAGE) WITH A HEIGHT OF 2 FEET IN LIEU
OF THE REQUIRED 15 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 24-127(A)(3), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY

CERTIFICATE OF POSTING

RE: Case No.: 08-322-A

Petitioner/Developer: L. & D. ZAKAI

Date of Hearing/Closing: FEB. 11, 2008

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

Attention: **Christen Matthews**

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

46 MELVIN AVE.

The sign(s) were posted on JAN. 25TH 2008

(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 322 -A Address 46 Melvin Ave.
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 1/12/08 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.

- 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.
- 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.
- 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.
- 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- 322 -A Address 46 Melvin Ave.
Petitioner's Name Lisa & Daniel Zakai Telephone 410-788-1888
Posting Date: 1/27/08 Closing Date: 2/11/08
Wording for Sign: To Permit an accessory structure (garage) with a height of 21ft.
in lieu of the required 15 ft.

WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 08-322-A
Petitioner: DANIEL ZAKAI
Address or Location: 46 MELVIN AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: DANIEL ZAKAI
Address: 46 MELVIN AVE
CATONSVILLE MD 21228
Telephone Number: 410 788-1888



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

February 11, 2008

Daniel K. Zakai
Lisa J. Zakai
46 Melvin Avenue
Catonsville, MD 21228

Dear Mr. and Mrs. Zakai:

RE: Case Number: 08-322-A, 46 Melvin Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 18, 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:amf

Enclosures

c: People's Counsel
David Maier 5782 Main Street Elkridge 21075



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

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



State Highway Administration

Maryland Department of Transportation

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pederson, Administrator

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. 08-322-A
46 MELVIN AVENUE
ZAKAI 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. 08-322-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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 1, 2008

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

RECEIVED
FEB 05 2008

SUBJECT: 8-322 – Administrative Variance

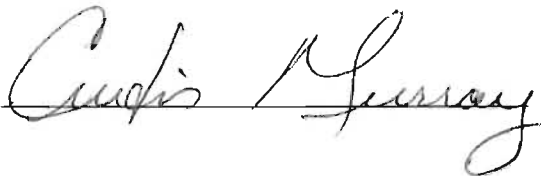
BY:.....

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 21 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



AFK/LL: CM

Subject Property: Daniel and Lisa Zakai
46 Melvin Avenue
Catonsville, MD 21228
410-788-1888 (H)
410-465-6219

Neighboring Properties:

31 Melvin Ave: Stephen & Patricia Hennessey #0126750021
33 Melvin Ave: Adele Simpler #0119390580
35 Melvin Ave: Bruce & Nancy Hamilton #0106450090
100 Melvin Ave: Lawrence & Cheryl Lewis #0113142504
44 Melvin Ave: Patricia Price # 0118351310
42 Melvin Ave: June Getka & Holly Brown # 0107150330
30 Melvin Ave: Archbishop of Balto # 0101740531

I approve the building of the garage at 46 Melvin Avenue, Catonsville, MD 21228. I have no issues that it is 21 feet in height rather than the 15 foot maximum height allowed by the county. I understand that a variance has been submitted for this change in height.

Name	Address
1. Larry Jones	100 Melvin
2. [unclear]	102 Melvin
3. Lois Krieger	106 Melvin
4. Kathie Helt	105 Melvin Ave
5. Christy Durost	103 Melvin Ave.
6. Elaine Conley	101 Melvin Ave
7. Harry [unclear]	35 Melvin Ave
8. Adole Simpler	33 MELVINE AVE
9. Patricia Hennessey	31 Melvin Avenue
10. Patricia Price	44 Melvin
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	



Foundation



View from Neighbor to Right



Street View SE



View from Deck



Rear of Property to Street



Street View



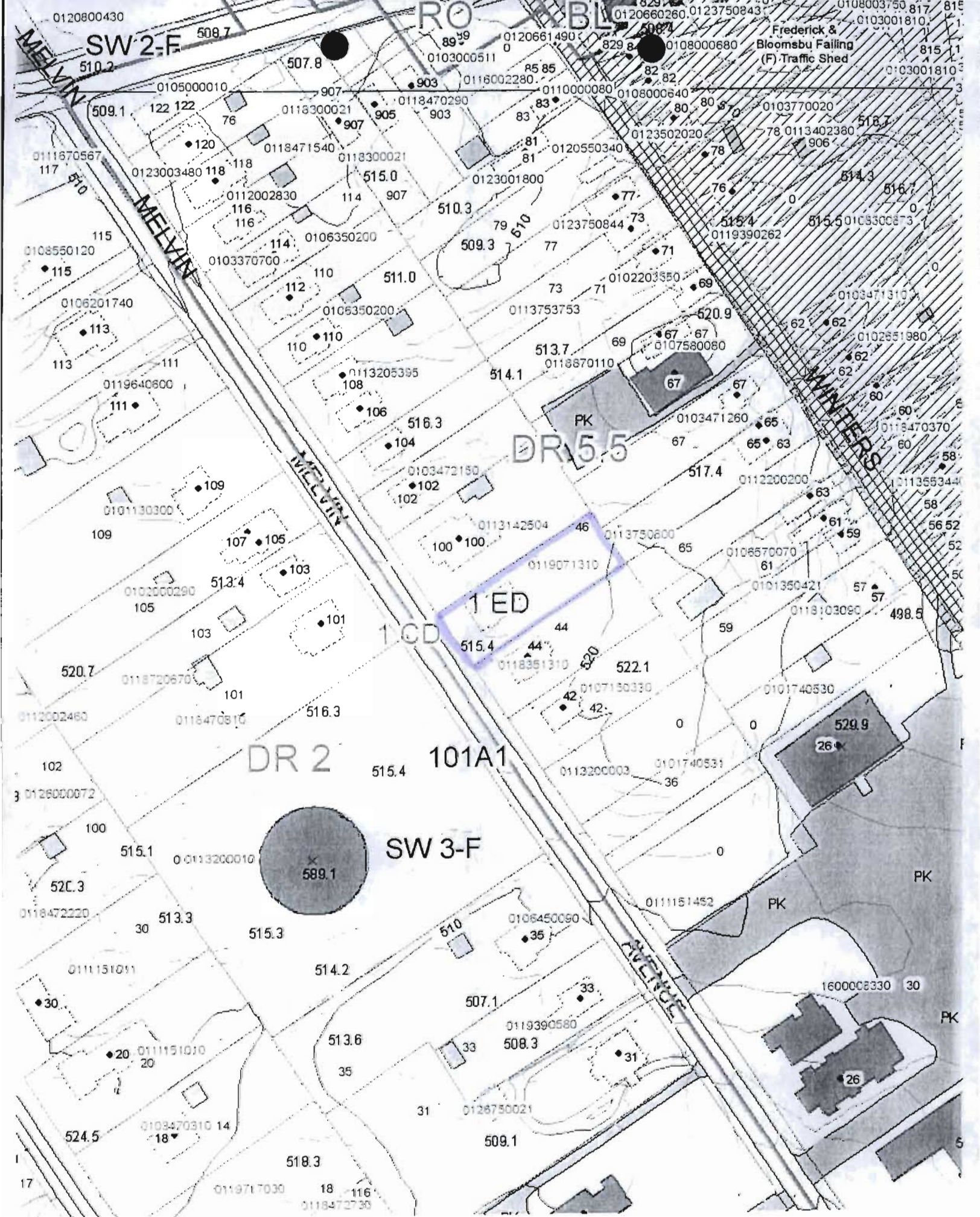
Foundation



From Rear



Driveway View



EXHIBIT

312

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

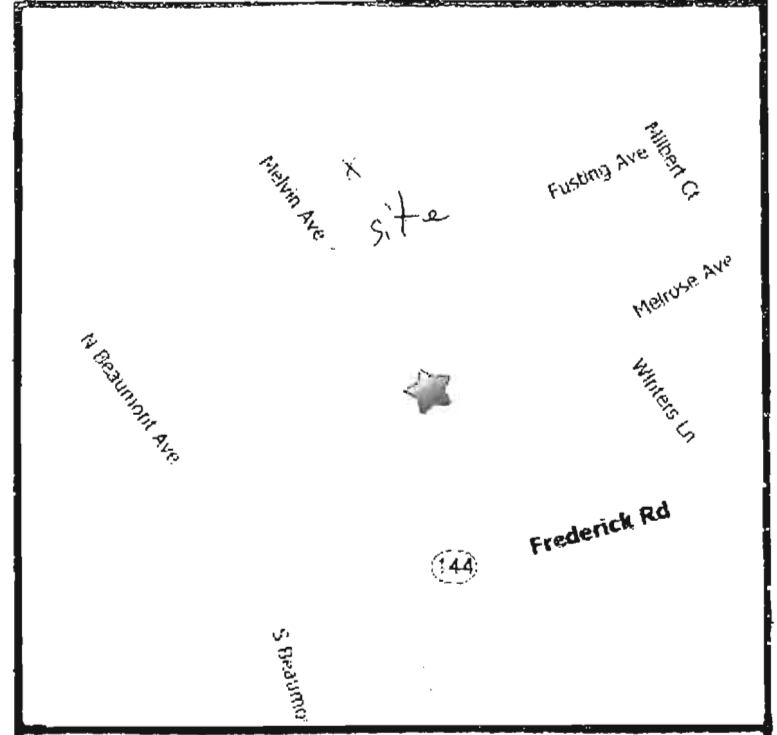
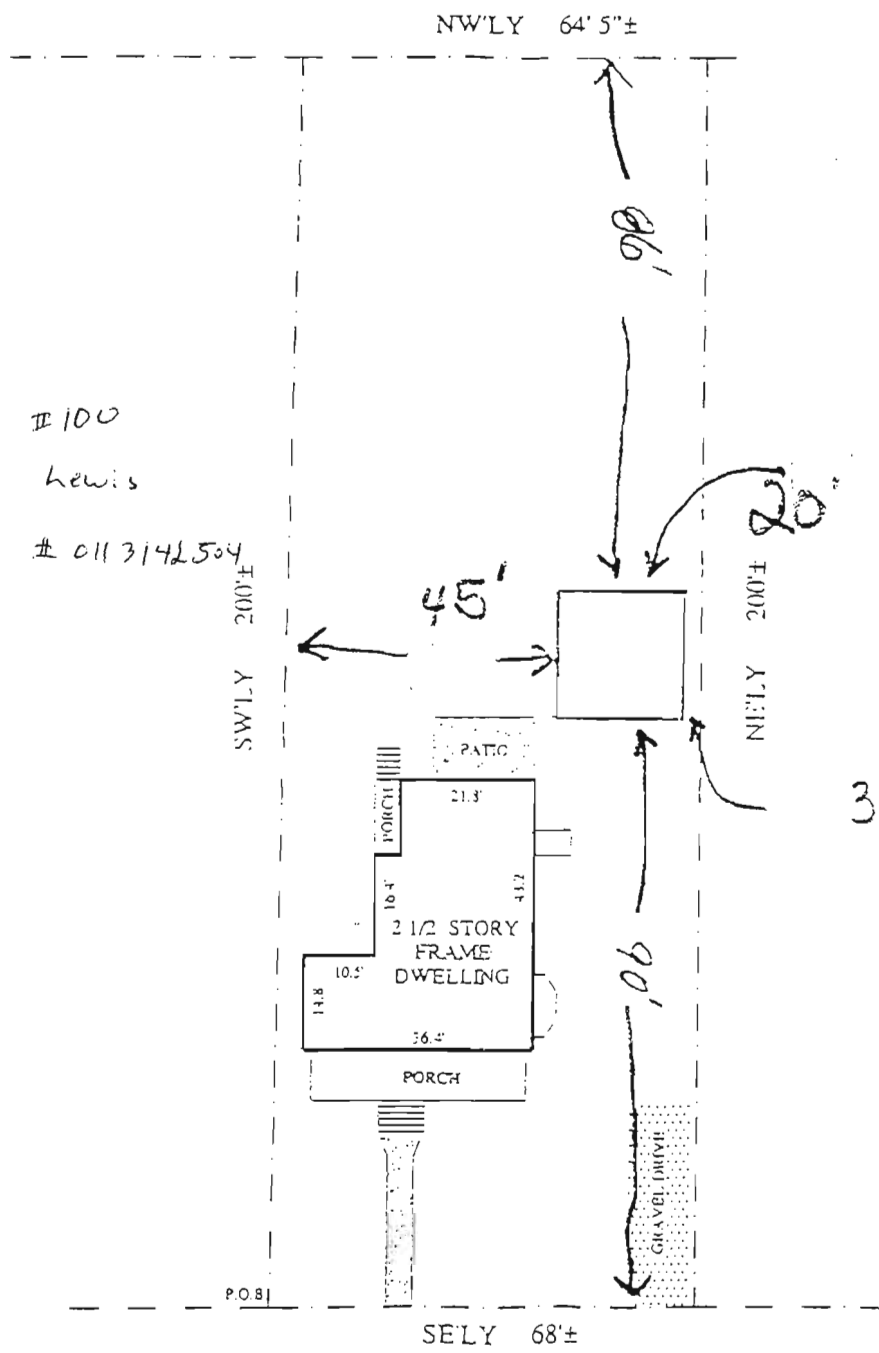
PROPERTY ADDRESS 46 Melvin Ave.

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

SUBDIVISION NAME N/A

PLAT BOOK # N/A FOLIO # N/A LOT # N/A SECTION # N/A

OWNER Lisa & Daniel Zakai



LOCATION INFORMATION

ELECTION DISTRICT 1
 COUNCILMANIC DISTRICT 1
 1" = 200' SCALE MAP # 101A1
 ZONING DR-5.5
 LOT SIZE 13,200 SQUARE FEET
 SEWER PUBLIC PRIVATE
 WATER PRIVATE
 CHESAPEAKE BAY CRITICAL AREA YES NO
 100 YEAR FLOOD PLAIN
 HISTORIC PROPERTY/BUILDING
 PRIOR ZONING HEARING



PREPARED BY David Mauer

SCALE OF DRAWING: 1" = 30'

ZONING OFFICE USE ONLY
 REVIEWED BY BK ITEM # 322 CASE # 08-322-A