

IN RE: PETITION FOR VARIANCE  
N/S Holly Court, 655' E of  
Birch Lane  
(14 Holly Court)  
4th Election District  
3rd Councilmanic District  
  
Mark Shpigel  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-375-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 14 Holly Court, located in the vicinity of Owings Mills Boulevard and Bonita Avenue in Owings Mills. The Petition was filed by the owner of the property, Mark Shpigel. The Petitioner seeks relief from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) {Section V.B.3 of the Comprehensive Manual of Development Policies (CMDP)} to permit an existing addition with a setback between buildings of 18 feet in lieu of the required 25 feet, and an amendment to the final development plan of Velvet Hills South, Lot No. 41 thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Mark Shpigel, legal owner of the property. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 10,715 sq.ft., more or less, zoned D.R. 2 and is improved with a two-story brick and frame dwelling with an attached wood deck to the rear and a newly constructed 22' x 26.5' two-story addition on the east side of the dwelling. Mr. Shpigel testified that he has lived on the property since 1989 and that he recently constructed the subject addition

ORDER RECEIVED FOR FILING  
Date 5/29/96  
By [Signature]

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after obtaining the requisite building permits. He testified that subsequent to construction of this addition, it was discovered that the addition actually crossed over the property line and encroached upon his neighbor's property on the east side. Apparently, the builder made a mistake during construction of the Petitioner's home and in fact, the driveway on his property actually encroaches several feet onto his neighbor's property. This encroachment was not revealed when Mr. Shpigel purchased his home in 1989 but was brought to his attention after he completed construction of the addition. In order to resolve this matter with the affected neighbor, who happens to be Mr. Shpigel's cousin, the Petitioner must remove 8 feet of the 22-foot wide addition he constructed, after which the addition will remain 14-feet wide. However, the subject addition will still be located a distance of 18 feet from his neighbor's garage. Thus, the requested variance is necessary in order to legitimize the addition, even after its size is reduced.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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Date 5/24/96  
By [Signature]

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29<sup>th</sup> day of May, 1996 that the Petition for Variance seeking relief from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) {Section V.B.3 of the Comprehensive Manual of Development Policies (CMDP)} to permit an existing addition with a setback between buildings of 18 feet in lieu of the required 25 feet, and an amendment to the final development plan of Velvet Hills South, Lot No. 41

ORDER RECEIVED FOR FILING

Date

By

RECEIVED

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

May 29, 1996

Mr. Mark Shpigel  
14 Holly Court  
Owings Mills, Maryland 21117

RE: PETITION FOR VARIANCE  
N/S Holly Court, 655' E of Birch Lane  
(14 Holly Court)  
4th Election District - 3rd Councilmanic District  
Mark Shpigel - Petitioner  
Case No. 96-375-A

Dear Mr. Shpigel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

✓ File

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# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 14 HOLLY COURT  
which is presently zoned DR 2

96-375-A

This Petition shall be filed with the Office of Zoning Administration & 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 (e) 1201.2.C.8 (V.B.3 CDR)

To allow an existing addition with a distance of 18 feet between building in lieu of the minimum required of 25 feet and to amend the final development plan of Velvet Hills South, Lot #41,

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

TO BE DISCUSSED AT THE HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

(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.

Legal Owner(s):

MARK SHPIGEL  
(Type or Print Name)

mark Shpigel  
Signature

(Type or Print Name)

Signature

14 HOLLY CT, 356-8332  
Address Phone No

OWINGS MILLS, MD 21117  
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING  
unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: gf DATE 3/29/76



Printed with Soybean Ink on Recycled Paper



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#374

ZONING DESCRIPTION FOR

14 HOLLY COURT

BEING LOT # 41, BLOCK C,  
SECTION # 2 IN THE SUBDIVISION  
OF VELVET HILLS SOUTH  
AS RECORDED IN BALTIMORE COUNTY  
PLAT BOOK # 58, FOLIO # 104,  
CONTAINING 10,715 SQ. FT.

ALSO KNOWN AS 14 HOLLY COURT  
AND LOCATED IN THE 4 ELECTION  
DISTRICT, 3 COUNCILMANIC DISTRICT.

# 374

Post by: 4/18/96

CASE NUMBER: 96-375-A (Item 374)

14 Holly Court

N/S Holly Court, 655' +/- of c/l of Birch Lane

4th Election District - 3rd Councilmanic

Legal Owner: Mark Shpigel

Variance to allow an existing addition with a distance of 18 feet

between buildings in lieu of the minimum required 25 feet and to amend

the final development plan of Velvet Hills South, Lot #41.

HEARING: FRIDAY, MAY 3, 1996 at 2:00 p.m. in Room 106, County

Office

Building.

Building.

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*Post by  
4/18/96  
[Signature]*

**NOTICE OF HEARING**

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the proposed rezoning of the property described herein, in Room 106 of the County Office Building, 111 W. Cross-

Case #95-375-A (Item 374)  
14 Holy Court  
WS Holy Court, 695 +/-  
of Birch Lane  
4th Election District  
3rd Congressional  
Legal Owner(s)  
Mark Shippel

Variance: to allow an existing addition with a distance of 18 feet between buildings in lieu of the minimum required 25 feet and to amend the final development plan of Velvet Hills South, Lot #41.  
Hearing: Friday, May 3, 1996 at 2:00 p.m. in Rm 106, County Office Building

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are Handicapped Accessible for special accommodations  
Please Call 887-3353.  
(2) For information concerning the file and/or hearing, Please Call 887-3391.

4/13/96 April 11 C44037

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 4/11, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/11, 1996.

**THE JEFFERSONIAN,**

*A. H. Williams*  
LEGAL AD. - TOWSON

UNRECORDED



BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCIAL & REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 276967

96-375-A

DATE 3/29/06 ACCOUNT P-001-615-000

AMOUNT \$ 135.00

RECEIVED FROM: SHPIGEL

010 - Variance -- 50 ITEM # 374

030 -- Spd Award -- 50

FOR: 010 -- SIGN -- 35 Taken by: JBF

\$135.00

QUANTITIES

MARKED

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER  
VALIDATION OR SIGNATURE OF CASHIER

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Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
 ARNOLD JABLON, DIRECTOR

-----  
 For newspaper advertising:

Item No.: 374 Petitioner: MARK SHPIGEL  
 Location: 14 HOLLY COURT, OWINGS MILLS, MD 21117

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MARK SHPIGEL  
 ADDRESS: 14 HOLLY CT.  
OWINGS MILLS, MD 21117  
 PHONE NUMBER: 410-356-8332

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TO: PUTUXENT PUBLISHING COMPANY  
April 11, 1996 Issue - Jeffersonian

Please forward billing to:

Mark Shpigel  
14 Holly Court  
Owings Mills, MD 21117  
410-356-8332

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-375-A (Item 374)  
14 Holly Court  
N/S Holly Court, 655'+/- of c/l of Birch Lane  
4th Election District - 3rd Councilmanic  
Legal Owner: Mark Shpigel

Variance to allow an existing addition with a distance of 18 feet between buildings in lieu of the minimum required 25 feet and to amend the final development plan of Velvet Hills South, Lot #41.

HEARING: FRIDAY, MAY 3, 1996 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

April 8, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-375-A (Item 374)  
14 Holly Court  
N/S Holly Court, 655'+/- of c/l of Birch Lane  
4th Election District - 3rd Councilmanic  
Legal Owner: Mark Shpigel

Variance to allow an existing addition with a distance of 18 feet between buildings in lieu of the minimum required 25 feet and to amend the final development plan of Velvet Hills South, Lot #41.

HEARING: FRIDAY, MAY 3, 1996 at 2:00 p.m. in Room 106, County Office Building.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon  
Director

cc: Mark Shpigel

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

April 26, 1996

Mr. Mark Shpigel  
14 Holly Court  
Owings Mills, MD 21117

RE: Item No.: 374  
Case No.: 96-375-A  
Petitioner: Mark Shpigel

Dear Mr. Shpigel:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 17, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: April 15, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 14 Holly Ct.

INFORMATION:

Item Number: 374

Petitioner: Shpigel Property

Property Size: \_\_\_\_\_

Zoning: DR-2

Requested Action: Variance

Hearing Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

SUMMARY OF RECOMMENDATIONS:

Pursuant to Section 1B01.3A.7.b(1) of the BCZR, the Director of the Office of Planning finds that the proposed amendment is in accordance with the specific standards and requirements of BCZR Article (1B) and other provisions of the CMDP.

Prepared by: \_\_\_\_\_

*Jeffrey W. Long*

Division Chief: \_\_\_\_\_

*Gary C. Kerns*

PK/JL

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BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 4-17-96

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: 4-8-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

362

363

364

369

370

371

372

374

375

LS:sp

LETTY2/DEPRM/TXTSBP

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B A L T I M O R E   C O U N T Y,   M A R Y L A N D

I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:           Arnold Jablon, Director  
              Department of Permits & Development  
              Management

Date:   April 15, 1996

FROM: *RWB* Robert W. Bowling, Chief  
          Development Plans Review Division  
          Department of Permits & Development  
          Management

SUBJECT:   Zoning Advisory Committee Meeting  
            For April 15, 1996  
            Item Nos. 362, 365, 366, 368, 371, 373,  
            374, & 375

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc:   File

ZONE6

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**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

4-12-96

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

RE: Baltimore County  
Item No. 374 (JRF)

Dear Ms. Watson:

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

Please contact Bob Small at 410-<sup>545-5581</sup>~~333-1350~~ if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for* *Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

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Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 04/09/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APR. 08, 1996

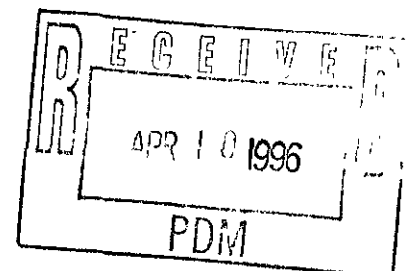
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 362, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374 AND 375.



REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

RE: PETITION FOR VARIANCE  
14 Holly Court, N/S Holly Court, 655'+/-  
of c/l of Birch Lane  
4th Election District, 3rd Councilmanic

Mark Shpigel  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 96-375-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to Mark Shpigel, 14 Holly Court, Owings Mills, MD 21117, Petitioner.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

MICROFILMED

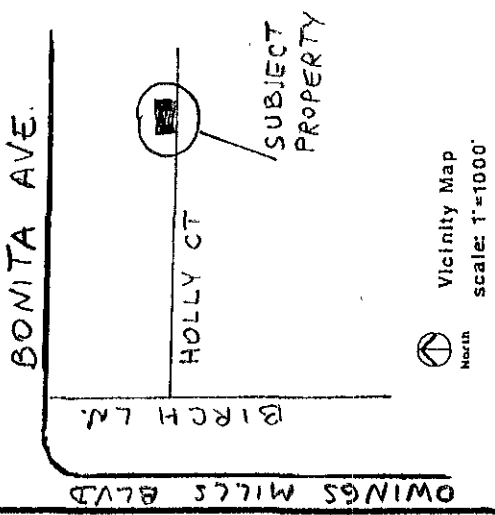
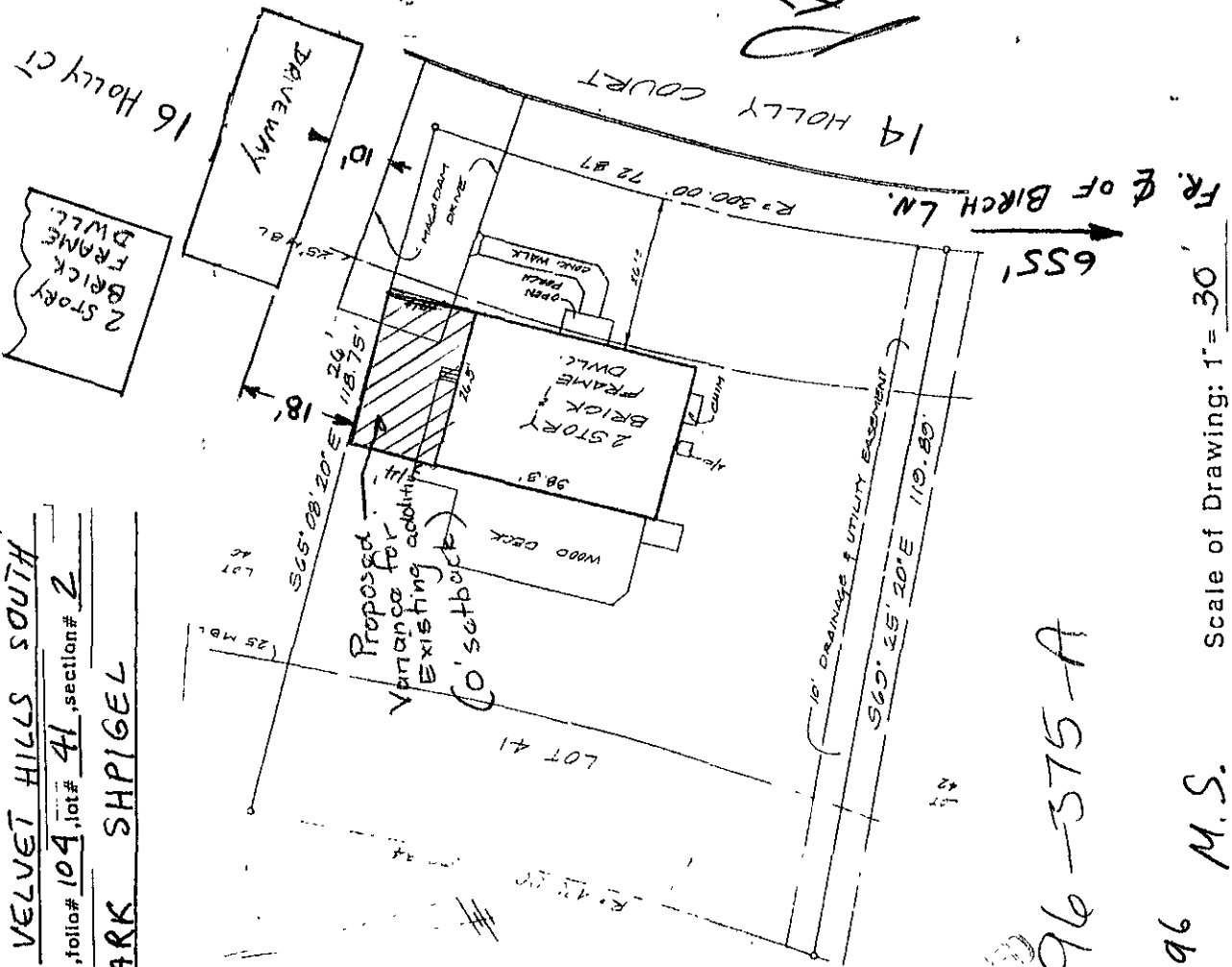
12

# Plat to accompany Petition for Zoning Variance Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 14 HOLLY CT. OWINGS MILLS

Subdivision name: VELVET HILLS SOUTH  
plat book # SB, folio # 104, lot # 41, section # 2  
OWNER: MARK SHPIGEL



## LOCATION INFORMATION

Election District: 4  
 Councilmanic District: 3  
 17"-200" scale map #: NW 15  
 Zoning: DR2  
 Lot size: 10,715 acreage square feet

SEWER:  public  private  
 WATER:  yes  no  
 Chesapeake Bay Critical Area:  yes  no  
 Prior Zoning Hearings: NONE

## Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 374 CASE #:

96-575-A

North  
 date: 3-29-96 M.S.  
 prepared by:

Scale of Drawing: 1"=30'



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
 ARNOLD JABLON, DIRECTOR

-----  
 For newspaper advertising:

Item No.: \_\_\_\_\_ Petitioner: \_\_\_\_\_

Location: \_\_\_\_\_

PLEASE FORWARD ADVERTISING BILL TO:

NAME: \_\_\_\_\_


ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_



thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioner is hereby made aware that proceeding at this time is at his 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 relief granted herein shall be rescinded.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

5/29/16

By

BP

IN RE: PETITION FOR VARIANCE  
 N/S Holly Court, 655' E of  
 Birch Lane  
 (14 Holly Court)  
 4th Election District  
 3rd Councilmanic District  
 Mark Shpigel  
 Petitioner

BEFORE THE  
 DEPUTY ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case No. 96-375-A

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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after obtaining the requisite building permits. He testified that subsequent to construction of this addition, it was discovered that the addition actually crossed over the property line and encroached upon his neighbor's property on the east side. Apparently, the builder made a mistake during construction of the Petitioner's home and in fact, the driveway on his property actually encroaches several feet onto his neighbor's property. This encroachment was not revealed when Mr. Shpigel purchased his home in 1989 but was brought to his attention after he completed construction of the addition. In order to resolve this matter with the affected neighbor, who happens to be Mr. Shpigel's cousin, the Petitioner must remove 8 feet of the 22-foot wide addition he constructed, after which the addition will remain 14-feet wide. However, the subject addition will still be located a distance of 18 feet from his neighbor's garage. Thus, the requested variance is necessary in order to legitimize the addition, even after its size is reduced.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of May, 1996 that the Petition for Variance seeking relief from Section 1801.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies (CMDP)) to permit an existing addition with a setback between buildings of 18 feet in lieu of the required 25 feet, and an amendment to the final development plan of Velvet Hills South, Lot No. 41

ORDER RECEIVED FOR FILING  
 Date 5/29/96  
 By [Signature]

thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his 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 relief granted herein shall be rescinded.

[Signature]  
 TIMOTHY M. ROTROCO  
 Deputy Zoning Commissioner  
 for Baltimore County

THK:bjs

WHICH RECEIVED FOR FILING  
 Date 5/29/96  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 5/29/96  
 By [Signature]

Post by: 4/18/96  
 CASE NUMBER: 96-375-A (Item 374)  
 14 Holly Court  
 N/S Holly Court, 655' E of c/l of Birch Lane  
 4th Election District - 3rd Councilmanic  
 Legal Owner: Mark Shpigel

Variance to allow an existing addition with a distance of 18 feet between buildings in lieu of the minimum required 25 feet and to amend the final development plan of Velvet Hills South, Lot #41.

HEARING: FRIDAY, MAY 3, 1996 at 2:00 p.m. in Room 106, County Office Building.

Post  
 with  
 Mark

Baltimore County Government  
 Zoning Commissioner  
 Office of Planning and Zoning

Suite 112 Counthouse  
 400 Washington Avenue  
 Towson, MD 21204 (410) 887-4386

May 29, 1996

Mr. Mark Shpigel  
 14 Holly Court  
 Owings Mills, Maryland 21117

RE: PETITION FOR VARIANCE  
 N/S Holly Court, 655' E of Birch Lane  
 (14 Holly Court)  
 4th Election District - 3rd Councilmanic District  
 Mark Shpigel - Petitioner  
 Case No. 96-375-A

Dear Mr. Shpigel:  
 Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,  
 [Signature]  
 TIMOTHY M. ROTROCO  
 Deputy Zoning Commissioner  
 for Baltimore County

THK:bjs  
 cc: People's Counsel  
 file

**Petition for Variance**  
 to the Zoning Commissioner of Baltimore County  
 for the property located at 14 HOLLY COURT  
96-375-A which is presently zoned DR 2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County, hereby petition for a Variance from Section 1801.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies (CMDP)) to allow an existing addition with a distance of 18 feet between buildings in lieu of the minimum required of 25 feet and to amend the final development plan of Velvet Hills South, Lot #41.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

TO BE DISCUSSED AT THE HEARING

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Certified Purchase Lease: \_\_\_\_\_  
 Type or Print Name: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zipcode: \_\_\_\_\_  
 Attorney for Petitioner: \_\_\_\_\_  
 Type or Print Name: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zipcode: \_\_\_\_\_

Legal Owner(s):  
 Type or Print Name: MARK SHPIGEL  
 Signature: [Signature]  
 Type or Print Name: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Address: 14 HOLLY CT, 356-8332  
OWINGS MILLS, MD 21117  
 Name, Address and phone number of representative to be contacted: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone No. \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zipcode: \_\_\_\_\_

OFFICE USE ONLY  
 ESTIMATED LENGTH OF HEARING: \_\_\_\_\_  
 Reviewable for Hearing: \_\_\_\_\_  
 the following date: \_\_\_\_\_ Next Two Months  
 ALL OTHER DATE: \_\_\_\_\_  
 REVIEWED BY: [Signature] DATE: 3/29/96  
 #374

96-375-A  
 ZONING DESCRIPTION FOR  
14 HOLLY COURT

BEING LOT # 41, BLOCK C,  
 SECTION # 2 IN THE SUBDIVISION  
 OF VELVET HILLS SOUTH  
 AS RECORDED IN BALTIMORE COUNTY  
 PLAT BOOK # 58, FOLIO # 104,  
 CONTAINING 10,715 SQ. FT.  
 ALSO KNOWN AS 14 HOLLY COURT  
 AND LOCATED IN THE 4 ELECTION  
 DISTRICT, 3 COUNCILMANIC DISTRICT.

# 374

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 4/11, 1996

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/11, 1996.

THE JEFFERSONIAN,  
 [Signature]  
 LEGAL AD. - TOWSON

NOTICE OF HEARING  
 The Zoning Commissioner of Baltimore County, to advertise the proposed Variance from Section 1801.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies (CMDP)) to allow an existing addition with a distance of 18 feet between buildings in lieu of the minimum required of 25 feet and to amend the final development plan of Velvet Hills South, Lot #41, on the property located at 14 Holly Court, in the 4th Election District, 3rd Councilmanic District, Baltimore County, Maryland, on Friday, May 3, 1996 at 2:00 p.m. in Room 106, County Office Building.

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT

No. 18887  
96-375-A  
 DATE 3/29/96 ACCOUNT B-001-615-000  
 AMOUNT \$ 135.00

RECEIVED FROM: SHPIGEL  
 010 - 111 - 111 - 50  
 111 - 111 - 111 - 50  
 00 - 111 - 111 - 35  
 FOR: 135.00 Taken by: JBF  
 #135.00

VALIDATION ON SIGNATURE OF CASHIER  
 [Signature]





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County zoning regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 374 Petitioner: MARK SHPIGEL  
Location: 14 HOLLY COURT, OWINGS MILLS MD 21117

PLEASE FORWARD ADVERTISING BILL TO:

NAME: MARK SHPIGEL  
ADDRESS: 14 HOLLY CT.  
OWINGS MILLS MD 21117  
PHONE NUMBER: 410-356-8332

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Please forward billing to:

Mark Shpigel  
14 Holly Court  
Owings Mills, MD 21117  
410-356-8332

**NOTICE OF HEARING**

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

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-375-A (Item 374)

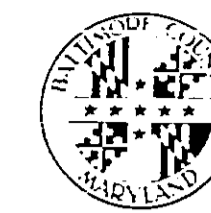
14 Holly Court  
N/S Holly Court, 655 +/- of c/1 of Birch Lane  
4th Election District - 3rd Councilmanic  
Legal Owner: Mark Shpigel

Variance to allow an existing addition with a distance of 18 feet between buildings in lieu of the minimum required 25 feet and to amend the final development plan of Velvet Hills South, Lot #41.

HEARING: FRIDAY, MAY 3, 1996 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

April 8, 1996

**NOTICE OF HEARING**

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

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-375-A (Item 374)

14 Holly Court  
N/S Holly Court, 655 +/- of c/1 of Birch Lane  
4th Election District - 3rd Councilmanic  
Legal Owner: Mark Shpigel

Variance to allow an existing addition with a distance of 18 feet between buildings in lieu of the minimum required 25 feet and to amend the final development plan of Velvet Hills South, Lot #41.

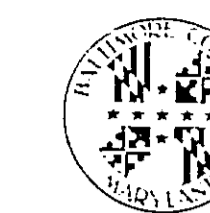
HEARING: FRIDAY, MAY 3, 1996 at 2:00 p.m. in Room 106, County Office Building.

Arnold Jablon  
Director

cc: Mark Shpigel

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink  
on Recycled Paper



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

April 26, 1996

Mr. Mark Shpigel  
14 Holly Court  
Owings Mills, MD 21117

RE: Item No.: 374  
Case No.: 96-375-A  
Petitioner: Mark Shpigel

Dear Mr. Shpigel:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 17, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
M. Carl Richards, Jr.  
Zoning Supervisor

MCR/jw  
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

**INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director, PDM DATE: April 15, 1996  
FROM: Arnold F. "Pat" Keller, III, Director, OP  
SUBJECT: 14 Holly Ct.

INFORMATION:  
Item Number: 374  
Petitioner: Shpigel Property  
Property Size:  
Zoning: DR-2  
Requested Action: Variance  
Hearing Date:

**SUMMARY OF RECOMMENDATIONS:**

Pursuant to Section 1801.3A.7.b(1) of the BCZR, the Director of the Office of Planning finds that the proposed amendment is in accordance with the specific standards and requirements of BCZR Article 18) and other provisions of the CHDP.

Prepared by: [Signature]  
Division Chief: [Signature]  
FK/JL

BALTIMORE COUNTY, MARYLAND

**DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT**

**INTER-OFFICE CORRESPONDENCE**

TO: ZADM DATE: 4-17-96  
FROM: DEPRM  
Development Coordination  
SUBJECT: Zoning Advisory Committee  
Agenda: 4-8-96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

- Item #'s:  
362  
363  
364  
369  
370  
371  
372  
374  
375

LS:sp

LETTYZ/DEPRM/TXATSP

BALTIMORE COUNTY, MARYLAND

**INTEROFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: April 15, 1996  
Department of Permits & Development  
Management

FROM: Robert W. Bowling, Chief  
Development Plans Review Division  
Department of Permits & Development  
Management

SUBJECT: Zoning Advisory Committee Meeting  
For April 15, 1996  
Item Nos. 362, 365, 366, 368, 371, 373,  
374, & 375

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE6



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

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

RE: Baltimore County  
Item No. 374 (218)

Dear Ms. Watson:

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

Please contact Bob Small at 410-433-1850 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

[Signature]  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_  
Please do not record Hearing or Speech



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 837-4880

DATE: 04/09/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APR. 08, 1996

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 362, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374 AND 375.



REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

CCS File  
Printed on Recycled Paper

RE: PETITION FOR VARIANCE  
14 Holly Court, N/S Holly Court, 655 +/-  
of 2/1 of Birch Lane  
4th Election District, 3rd Councilmanic

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Mark Shpigel  
Petitioner

CASE NO. 96-375-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

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

*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of May, 1996, a copy of the foregoing Entry of Appearance was mailed to Mark Shpigel, 14 Holly Court, Owings Mills, MD 21117, Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

Plat to accompany Petition for Zoning  Variance  Special Hearing

PROPERTY ADDRESS: 14 HOLLY CT. OWINGS MILLS

Subdivision name: VELVET HILLS SOUTH

plat books 52, 104, 105, 44 sections 2

OWNER: MARK SHPIGEL

see pages 2 & 6 of the C-ECKLIST for additional required information

BONITA AVE

HOLLY CT

BIRCH LN

14 HOLLY COURT

16 HOLLY CT

655 +/-

FR. E. OF BIRCH LN.

96-375-A

North  
date: 3-29-96  
prepared by: M.S. Scale of Drawing: 1" = 30'

LOCATION INFORMATION

Election District: 4

Councilmanic District: 3

2000 scale map: NW 14H

Zoning: DR 2

Lot size: 10,715 square feet

acreage

SEWER:

WATER:

Chesapeake Bay Critical Area:

Other Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM # 374 CASE #

