IN RE: PETITION FOR ADMIN. VARIANCE E/S Park Heights Avenue, 586' S of the c/l Walnut Avenue (12137 Park Heights Avenue) 4th Election District

4th Election District
3rd Councilmanic District

Michael R. Sturm, et ux Petitioners \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 98-332-A

\*

\* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Michael R. and Teresa A. Sturm. The Petitioners seek relief from Section 1A04.3.B.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 35 feet in lieu of the required 50 feet for a proposed bedroom addition. 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.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, 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.

ACER RECEIVED REING ate Y

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

Ealtimore County this Ath day of April, 1998 that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 35 feet in lieu of the required 50 feet for a proposed bedroom addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

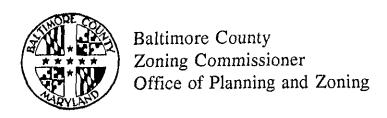
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

April 9, 1998

Mr. & Mrs. Michael R. Sturm 12137 Park Heights Avenue Owings Mills, Maryland 21117

RE: PETITION FOR ADMINISTRATIVE VARIANCE

E/S Park Heights Avenue, 586' S of the c/l Walnut Avenue

(12137 Park Heights Avenue)

4th Election District - 3rd Councilmanic District

Michael R. Sturm, et ux - Petitioners

Case No. 98-332-A

Dear Mr. & Mrs. Sturm:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 Permits and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: People's Counsel

File

### Petition for Administrative Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at

12137 PARK Heights Aug. Owings Mills MD which is presently somed RC-5-

**Loning Commissioner of Baltimore County** 

<u> </u>
This Petition shall be filed with the Dept. of Permits & 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) 14 04 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3
hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A 04.3 B3; BCZR To  Funt. A BIDDAND SUBACIO OF 35 FT IN Lieu of The
Regulary 50 FT FOR A BEDOOM ADDITION.
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons; (indicate hardship or practical difficulty)

See BAUL

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

circulation inroughout Baltimore County, and that the property be reposted,

REVIEWED BY: SCM DATE: 3-12-98
ESTIMATED POSTING DATE: 3-22-98

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filling 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.

	State	Zipco	de	de Address
Address	Phone N	٥,		Name
'				
Signature				Name, Address and phone
				City
(i.kba ai i				Owings Mi
(Type or Print Name)				12137 Par Address
Attorney for Petitioner:				
City	State	Zipcode		Signature
*				Tura
Address		<del></del>		(Type or Print Name)
Signature				Teresa
Oleman				Signature
(Type or Print Name)		,		(Type or Print Name)  Muchus
				MICHALL (Type or Print Name)
Contract Purchaser/Lesseer				Legal Owner(s):

Printed with Soybean Ink on Recycled Paper

## 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 12137 Pank Heights Aul
Owings MILLS MD 21117
City State Zip Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)
I Am Applying For this Varionce To provide : ADDITIONAL.
Bisnoom space For a growing family. This 20x24 ADDITION WILL
OWAY ADD DEDOOM THE THE THE HARMS I'M HARMS
There is No frammerat gain impolves in this project. This
ADDITION IS FOR LIVING Space only AMD WILL MOT EMPACE ON THE OTher properties or The Arin . As Seen From the Phat The Mos
other properties or the Aria . As Seen from the Phat The Mos,
Remonable Place FOR This: ADDITION is on the BeDIOOM and OF The
Fristing . Existing while 4 Septic Lines prevent race From ADDING on Toes
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and
may be required to provide additional information.
Muchael Keep Time ( Internation) (signature)
MICHAIL Reid STURM TERESA AMM STURM
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
1 HEREBY CERTIFY, this 12th day of mac c +1, 19 9 , before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
of Maryland, in and for the County aforesaid, personally appeared
Michael & Sturm + Teresul. Sturm
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal.
date NOTARY PUBLIC Sug De Rose
My Commission Expires: 8/1/91

## 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 17137 PARIC Heights Ave.
Owings MILLS MD 21117 City States 3p 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)
I Am Applying For this Variance To Provide ADDITIONAL
Bedroom Space for A growing family , This 20x24 Addition will
ONLY ADD BEDROOM Spinel: Not Inciense. The Number of Bedrooms.
Leve is No formamust grain involves in This project. This
ADDITION is for Living Space only And will not impact on
The order properties on the AniA . As Seen From the Phot The Mosi
Reasonarde place For this ADDITION is on The Bedroom end of the
Existing Structure: Texisting Weth & Septic Lines prevent me from Assing on to
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.
Michael Reid Frum  (signature)  Michael Reid Sturm  (type or print name)  Michael Reid Sturm  (styne or print name)
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit;
1 HEREBY CERTIFY, this 12+6 day of MARCH, 19 98, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Michael R Sturm + Teresa A Sturm.
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Scal.  3/12/98  NOTABLE PLANT DOOR
date NOTARY PUBLICY
My Commission Expires: \$\\ \begin{aligned} \begin{aligned} \lambda & \\ \eta & \eta \eta \eta \eta \eta \eta \eta \eta

### Petition for Administrative Variance

#### to the Zoning Commissioner of Baltimore County

This Petition shall be filed with the Dept. of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

for the property located at 12137 PARK Heights Auc Owings Mills MD 21117 which is presently zoned RC-5

of the Zoning Regulations of Baltimore County, to the Zoning Law practical difficulty)  See 139 CC	of Baltimore County; for the following reasons: (Indicate hardship or
Jee Ishuc	
Property is to be posted and advertised as prescrib I, or we, agree to pay expenses of above Variance advertising, posted bound by the zoning regulations and restrictions of Baltimore Community	osting, etc., upon filing of this petition, and further agree to and are to
'	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/Lesses:	Legal Owner(s):
•	Michael Reid Sturm
(Type of Print Name)	(Type or Print Name)
	Michael Kerd Trum
Signature	Signature
Address	Teresa Amn Sturm (Type or Print Name)
<b>X</b>	Teres Ann Star
City State Zipcode	Signature W- 332-94
Attorney for Petitioner:	<b>7</b>
(Type or Print Name)	12137 PARIC Heights Auc 581-161 Address Phone No
,	Owings MILLS MD 2117
Signature	City State Zipcode Name, Address and phone number of representative to be contacted
Address Phone No.	Name
City State Zipcode	, Address Phone No.
A Public Hearing having been requested and/or found to be required, if is order	

1-332-1

#### ZONING DESCRIPTION FOR 12137 PARK HEIGHTS AVENUE

Beginning at a point on the EAST side of PARK HEIGHTS AVENUE, which is

60 FEET wide at the distance of 586 FEET ± SOUTH of the centerline of the

nearest improved intersecting street, WALNUT AVENUE, which is 50 FEET wide.

As recorded in Baltimore CountyDeed Liber 9461 (PAGES 307-308),

Folio 620, containing 2.25 ACRES. Also known as 12137 PARK HEIGHTS

AVENUE, and located in the 4" Election District, 3" Councilmanic District.

332

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### CERTIFICATE OF POSTING

AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE

5:00 p.m. ON MONDAY, APRIL 6,1998 ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

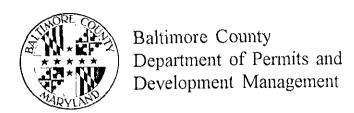
TEL. 887-3391

III W. CHESAPEAKE AVE.

	RE: Case No.: 98/332-A
	Petitioner/Developer: M. STURM (ETAL
	POKEFE  Date of Hearing/Glosing: 4/6/98
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties were posted conspicuously on the property	of perjury that the necessary sign(s) required by law y located at #12137 PARK H615. AVE,
The sign(s) were posted on	3/16/98 (Month, Day, Year)
ONING HOTIOF	Sincerely
ADMINISTRATIVE	(Signature of Sign Poster and Date)
VAMIANUE	PATRICK M. O'KEEFE
CASE # <u>9</u> 8-332- <u>A</u>	(Printed Name)
O PERMIT A SIDE YARD SETBACK OF 35 FEET IN LIEU OF THE REQUIRED SO FEET FOR A	523 PENNY LANE (Address)
BEDROOM ADDITION #12137- PARK HEIGHTS AVE.) 17 A-9	HUNT VALLEY, MD. 21030
DUDITO HEADING O	(City State Zin Code)
PUBLIC HEARING !  PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE  AN ELIGIBLE INDIVIDUAL OR GROUP MAY	410-666-5366 ; CELL: 410-905-8571 (Telephone Number)

#### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 98- 332 -A Address 12 (37 PARK Heigh & Au
Contact Person:
Filing Date: $3-12-98$ Posting Date: $3-22-98$ Closing Date: $4-6-98$
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.
2. <u>DEADLINE</u> : 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.
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 98-332 -A Address 12137 PAPK HEIGHTS PAE.
Posting Date: 3-22-98 Closing Date: 4-6-98
Wording for Sign: To Permit To permit a sideral settland of the required 50ft. In a bedroom addition.



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

April 6, 1998

Michael and Teresa Sturm 12137 Park Heights Avenue Owings Mills, MD 21117

RE:

Item No.: 332 Case No.: 98-332-A

Petitioner: Michael and Teresa Sturm Location: 12137 Park Heights Avenue

Dear Mr. & Mrs. Sturm:

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 March 12, 1998.

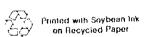
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are 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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely, Continuer, ...

W. Carl Richards, Jr. Zoning Supervisor

WCR:ggs
Attachment(s)



David L Winstead Secretary Parker F Williams Administrator

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

Baltimore County 3.2.5 V RE: Item No. 337

Dear Ms. Eubanks:

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

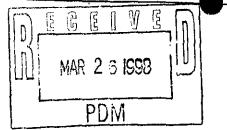
1. J. Dredle

Am Ronald Burns, Chief **Engineering Access Permits** Division

LG



#### Baltimore County Fire Department



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

March 23, 1998

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

PE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MARCH 23, 1998

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:

320, 322, 326, 324, 325, 326, 329, 330, <u>332</u>, 335, 385 AND USE PERMIT FOR FARMER'S ROADSIDE STAND (DAPYL C. DUTRO)

PEVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881. MS-1102F



#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

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

**DATE**: March 24, 1998

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

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 322, 324, 329, 332, and 335

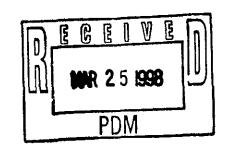
If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

My Mong

Prepared by:

Division Chief

AFK/JL



#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: March 30, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief Bureau of Developer's Plans Review

SUBJECT

Zoning Advisory Committee Meeting

for March 30, 1998

Item Nos. 320, 323, 324, 325, 329,

330, 331, 332, 333, and 335

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

### BALTIMORE COUNTY, MARYLAND

## DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

POM

FROM:

R. Bruce Seeley . RMS/4/

Permits and Development Review

DEPRM

SUBJECT: Zoning Advisory Committee

Meeting Date: Man

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

Item #'s:

336

RBS:sp

BRUCE2/DEPRM/TXTSBP

December 3, 1997

#### To Whom it May Concern:

I understand that my next-door neighbors, Michael and Teresa Sturm plan to build a bedroom addition to the end of their existing ranch home. I also understand that they are applying for a variance from Baltimore County because the proposed addition extends within the 50 foot setback from my property line.

Please be advised that this addition to the Sturms' home will remain on their property and I have no objection to this structure being built, even though it will exceed the zoning setback for this area.

Sincerely,

Judith M. Sturm

12145 Park Heights Avenue

Judith In Sturm

Owings Mills, MD 21117

332

March 10, 1998

#### To Whom it May Concern:

I understand that my next-door neighbors, Michael and Teresa Sturm, plan to build a bedroom addition to the end of their existing ranch home. I also understand that they are applying for a variance from Baltimore County because the proposed addition would extend within the 50 foot setback from the property line on the north side of their house.

Please be advised that I have no objection to this structure being built, even though it will exceed the zoning setback for this area. My property is located immediately south of the Sturms' and since the proposed addition will be built on the north end of their house, it will not be visible from my house and will not affect my property line.

Sincerely,

Manetta Krause

12133 Park Heights Avenue

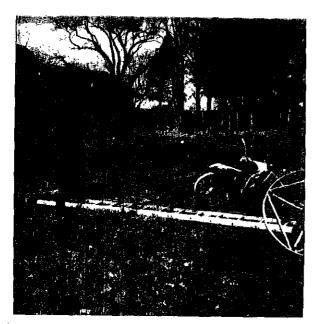
Manetta Krause

Owings Mills, MD 21117

332

# V-288-86

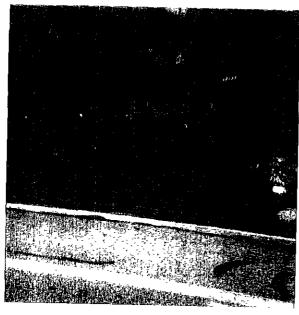




332



North Sine Proposed Addition END



STREET VIEW



332

48-332-A



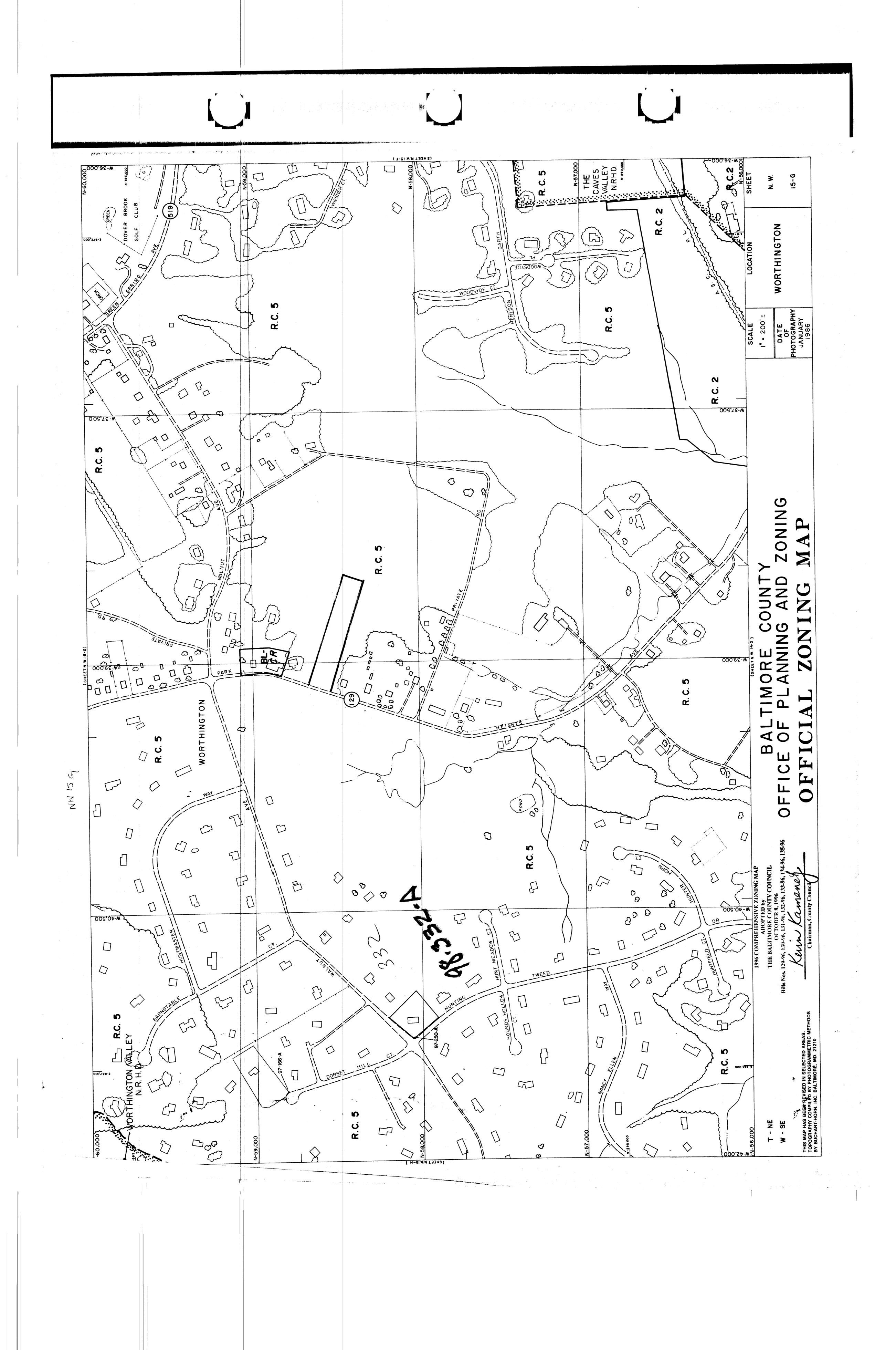
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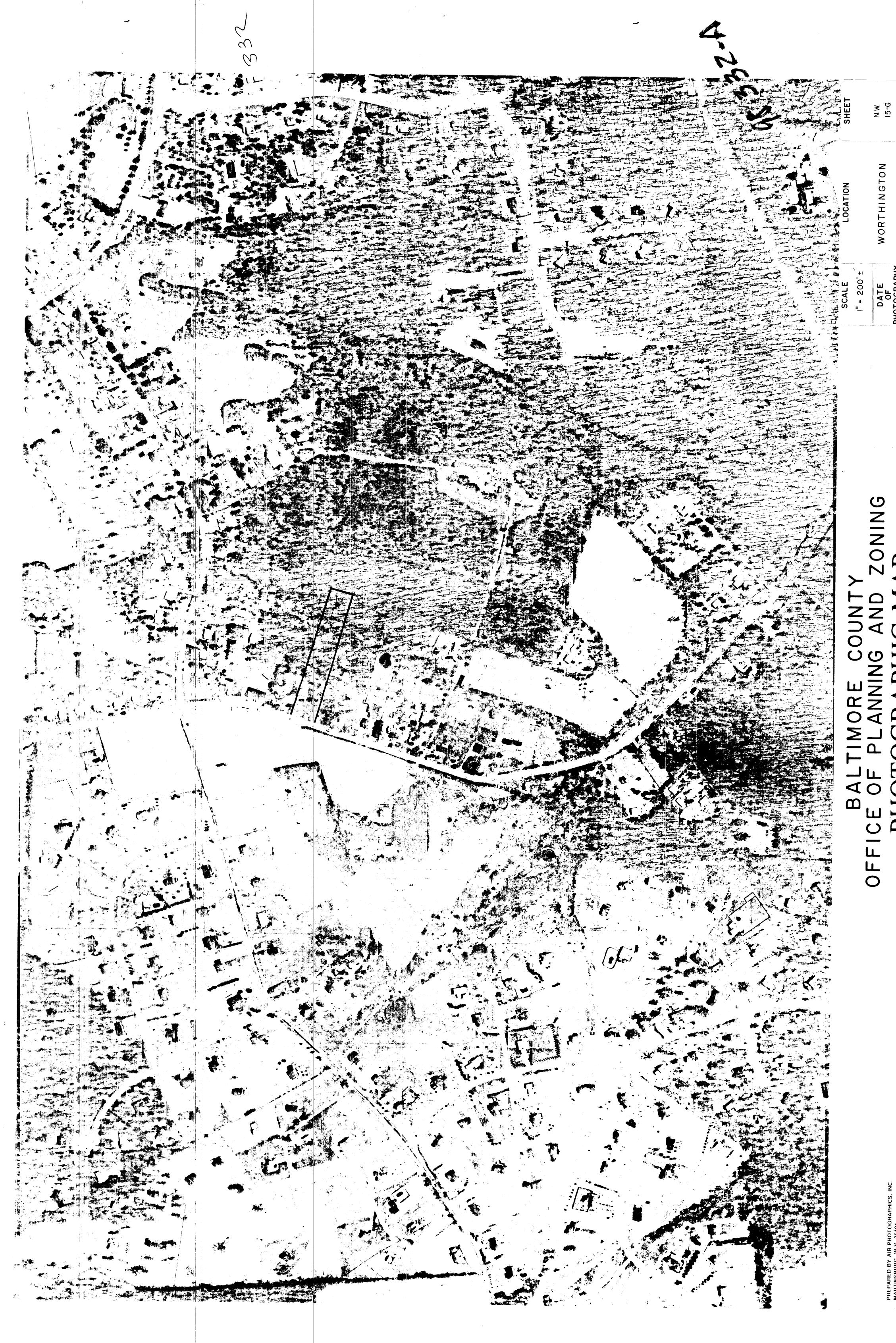
332



Rena View 35

48.332-A





S N N

PREPARED BY AIR PI MARTINSBURG, W.V.