

IN RE: PETITION FOR ADMIN. VARIANCE

N/S of Oxeye Road, 361.5' NW

Intersecting Pheasant Cross

3rd Election District

2nd Councilmanic District

(2208 Oxeye Road)

Joseph & Dorothy Blitz

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 00-038-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by Joseph & Dorothy Blitz, property owners, for that property known as 2208 Oxeye Road in the Orpento area of Baltimore County. The Petitioners herein seek a variance from Sections 301.1A and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 ft. in lieu of the required 11.25 ft.; and a combination of side yard setbacks of 25.25 ft. in lieu of the required 40 ft. to build an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, 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 26-127 (b)(1) 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.

8/30/99
J. R. Jameson

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 30th day of August, 1999 that a variance from Sections 301.1A and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 ft. in lieu of the required 11.25 ft.; and a combination of side yard setbacks of 25.25 ft. in lieu of the required 40 ft. to build an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORIGINAL RECEIVED FOR FILING
Date 8/30/99
By J.R. Jameson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 30, 1999

Mr. & Mrs. Joseph Blitz
2208 Oxeye Road
Baltimore, Maryland 21209

Re: Petition for Administrative Variance
Case No. 00-038-A
Property: 2208 Oxeye Road

Dear Mr. & Mrs. Blitz:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

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

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2208 Oxeys Rd
which is presently zoned D.F.2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 301.1A and 1B02.3.C.1 to

permit a side yard setback of 3 feet in lieu of the permitted 11.25 feet;
and a combination of side yard setbacks of 25.25 feet in lieu of the
required 40 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

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 Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address

City

Barbara Harthausen
3407 Benson Ave day & evening
Baltimore MD 21227
Telephone No. 410-644-9297

Zoning Commissioner of Baltimore County

CASE NO. 00-38-A

REV 9/15/98

Reviewed By BR/RDD Date 7/28/99

Estimated Posting Date 8/8/99

ORIGINAL RECEIVED FOR FILING

Date 8/30/99 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

2208 OXLEY RD.
Address
BALTIMORE, MD. 21209
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):

To serve as a protectent from the elements for the elderly handicap couple.

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.

Joseph Blitz
Signature
JOSEPH BLITZ
Name - Type or Print

Dorothy Blitz
Signature
DOROTHY BLITZ
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5TH day of MARCH, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Dorothy & Joseph Blitz
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(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

3-5-99
Date

[Signature]
Notary Public

My Commission Expires 10-1-02

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

2208 OXFORD RD.
Address
BALTIMORE, MD. 21209
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):

To serve as a protectent from the elements for
the elderly, handicap couple

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.

✓ Joseph Bliz
Signature
✓ JOSEPH BLIZ
Name - Type or Print

✓ Dorothy Bliz
Signature
✓ Dorothy Bliz
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of MARCH, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Dorothy + Joseph Bliz
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(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

3-5-99



Irvin Rosenblatt
Notary Public

My Commission Expires 10-1-02



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2208 Oxye Rd
which is presently zoned D.R.2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 301.1A and 1B02.3.C.1 to permit a side yard setback of 3 feet in lieu of the permitted 11.25 feet; and a combination of side yard setbacks of 25.25 feet in lieu of the required 40 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

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):

✓ JOSEPH BLITZ
Name - Type or Print _____
✓ Joseph Blitz
Signature _____
✓ DOROTHY BLITZ
Name - Type or Print _____
✓ Dorothy Blitz
Signature _____
2208 Oxye Rd 486-6487
Address _____ Telephone No. _____
BALTO MD 21209
City _____ State _____ Zip Code _____

Representative to be Contacted:

Barbara Harthausen
Name _____
3407 Benson Ave (410) 644-0939 day
Address _____ Telephone No. _____
Baltimore MD 21227
City _____ State _____ 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. 00-38-A

Reviewed By BR/RDP Date 7/28/99

REV 9/15/98

Estimated Posting Date 8/8/99

LON-RAY CONSTRUCTION

3407 BENSON AVE

M.H.I.C. # 2011

Baltimore MD. 21227

PHONE #410 644-0939

FAX# 410 646-2326

June 30, 1999

Zoning Description for 2208 Oxeye Rd.

Beginning at a point on the North side of Oxeye Road at
the distance of ~~100~~ ^{361.5 ft} Northwest of the ^{centerline of the} nearest improved intersecting
street Pheasant Cross. Being Lot # 26 Block D, section #2 plat 1
in the subdivision of Green Gate as recorded in Baltimore
County Plat Book # 34, Folio # 143 containing 17,55 Sq Ft.
Also known as 2208 Oxeye Rd and located in the 3rd Election
District, 2nd Councilmanic District.

00-038-A

38

A-850-00

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 070469

DATE 7/28/99 ACCOUNT Recess

AMOUNT \$ 50.00

RECEIVED FROM: Lee San Construction

FOR: Calculation zoning variance

DATA DEPT/INT
FUND RECEIPT
OFFICE ACTUAL TIME
7/28/1999 7/28/1999 10:30:09
REF 1500 CASHIER 1501 LXS DRAWER
Dept 5 528 ZONING VERIFICATION
Receipt # 101895
CR ML 070469
Receipt Int 50.00
50.00 EX .00 CA
Baltimore County, Maryland

00.038.A

CASHIER'S VALIDATION

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
J. T. M. 23

ADMIN. VAR.

RE: Case No

00-38-A

Petitioner/Developer

O'KEEFE, ETAL
BLITZ

Date of Hearing/Closing

8/23/99

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

Attention: Ms. Gwendolyn Stephens

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 #2208 OXEYE

The sign(s) were posted on

8/8/99

(Month/Day, Year)

Sincerely,

Patrick M. O'Keefe 8/12/99
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

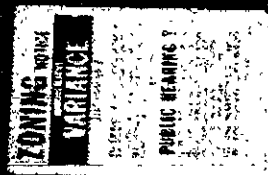
(Address)

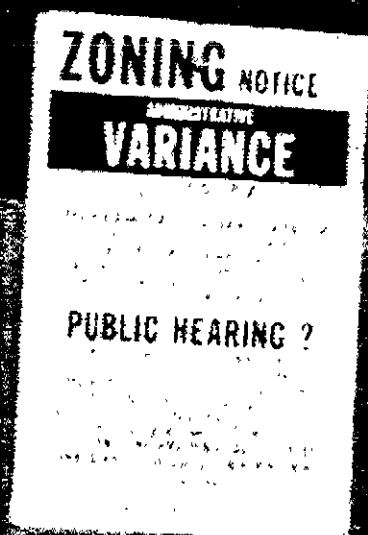
HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410 905-8571

(Telephone Number)





00-38-A

BLITZ

CLOSE 8/23/99

[Signature] 8/12/99

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁰99- 38 -A Address 2208 Oxeeye Rd
Contact Person: Bruno Radais David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 7/28/99 Posting Date: 8/8/99 Closing Date: 8/23/99

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 ⁰⁰99- 38 -A Address 2208 Oxeeye Rd
Petitioner's Name Joeshph Blitz Telephone 410 486-6487
Posting Date: Aug. 8, 1999 Closing Date: Aug 23, 1999
Wording for Sign: To Permit a side yard setback of 3 feet in lieu of the
permitted 11.25 feet and a combination of side yard setbacks of
25.25 feet in lieu of the required 40 feet

**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: 00-38-A

Petitioner: Joseph Blitz

Address or Location: 2208 Oxeye Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Joseph Blitz

Address: 2208 Oxeye Rd
Baltimore MD 21209

Telephone Number: 410 486-6487



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 24, 1999

Mr. & Mrs. Joseph Blitz
2208 Oxeye Road
Baltimore, MD 21209

Dear Mr. & Mrs. Blitz:

RE: Case No.: 00-38-A
Petitioner: Mr. & Mrs. Joseph Blitz
Location: 2208 Oxeye Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 28, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County 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 regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

8/23 AV

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: August 11, 1999

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

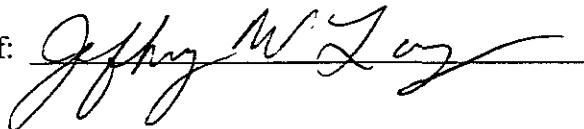
SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):

Item No(s): 001, 005, 023, 028, 030, 031, 032, 033, 034, 035, 038, 043, and 044

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 8.10.99

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

RE: Baltimore County
Item No. 038

TR/DD

Dear. Ms Stephens:

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

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

Very truly yours,

/s/ Michael M. Lenhart, Chief
Engineering Access Permits Division

My telephone number is _____

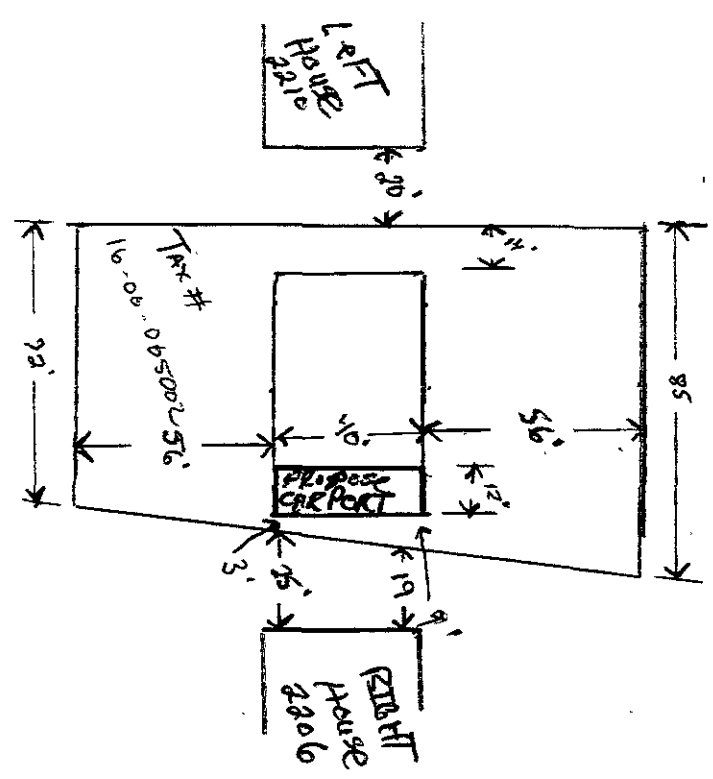
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

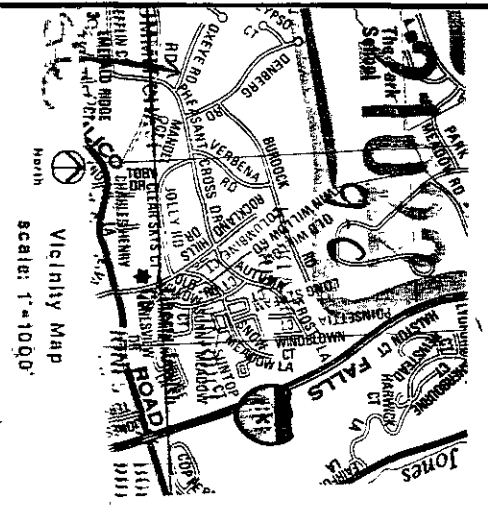
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 2208 Overly Rd see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Green gate
 plat book # 34, folio # 143, lot # 24, section # 2 Block D Plat 1
 OWNER: Joe Bl. 13



North
 date: 7-28
 prepared by: T. Barnes
 Scale of Drawing: 1" = 50'



LOCATION INFORMATION

Election District: 3rd
 Councilmanic District: and

1"=200' scale map#: nwac

Zoning: Dr-2

Lot size: 40 17,550
 acreage square feet

Public Private
 SEWER: ☒ ☐
 WATER: ☒ ☐
 Chesapeake Bay Critical Area: ☐ ☒
 Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: BR/DP ITEM #: 38 CASE#: 00-28-A

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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For Newspaper Advertising:

Item Number or Case Number: _____

Petitioner: _____

Address or Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Telephone Number: _____

Revised 2/20/98 - SCJ

D.R.1

GREENGATE

NW 9C

D.R.2

DENBERG

BURDOCK

VERBENA

OXEYE

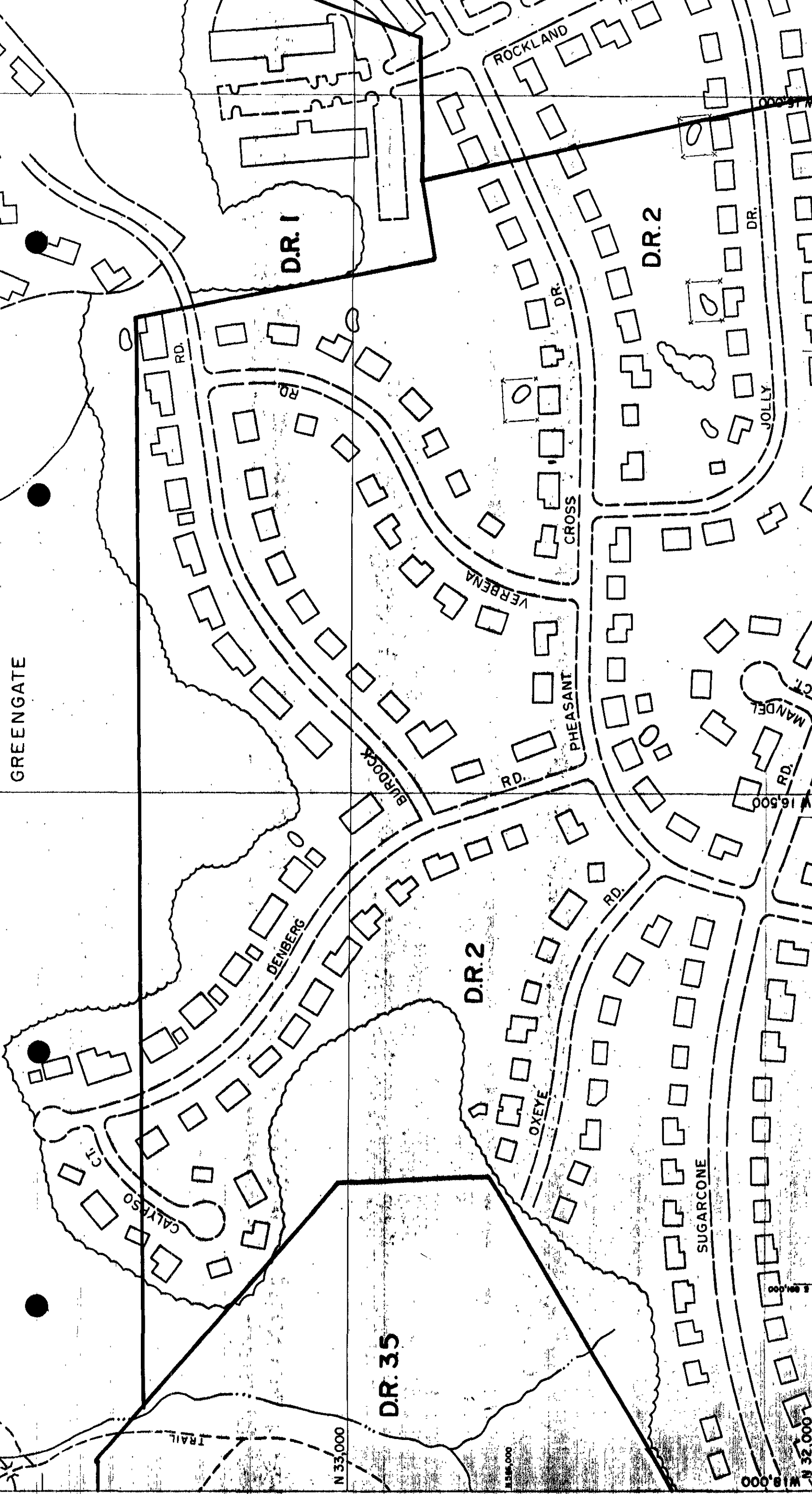
PHEASANT

CROSS

ONE

00-038-A

#38



(SHEET NW-8-C)

BALTIMORE C OFFICE OF PLANNING OFFICIAL ZONING

1996 COMPREHENSIVE ZONING MAP

ADOPTED BY

THE BALTIMORE COUNTY COUNCIL

OCTOBER 8, 1996

Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

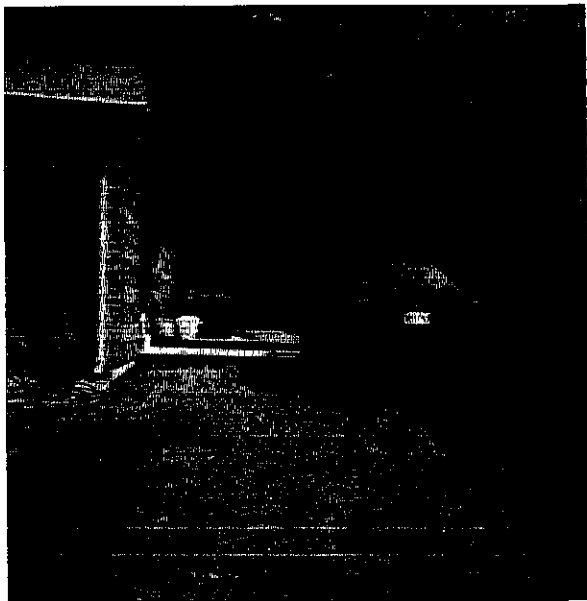
Kevin Kammerer

Chairman, County Council

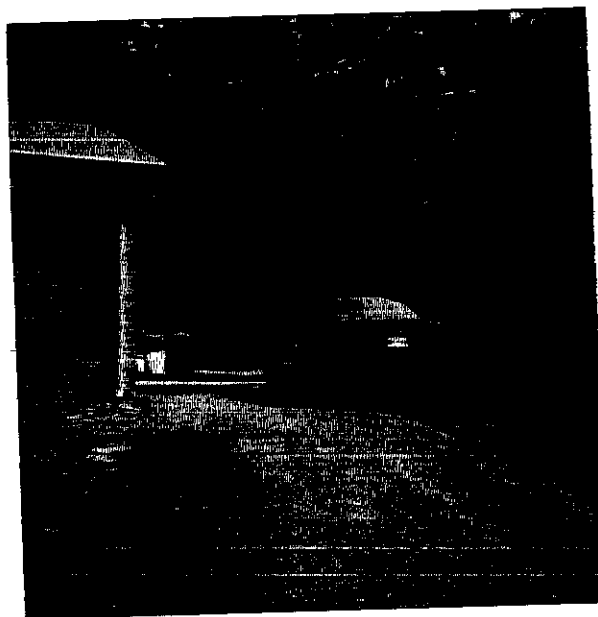
00-038-A

0-NW 0-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD 21210



38



38

00-038-A



00-038-A

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

38

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±		
DATE OF PHOTOGRAPHY	ORPENTO	N.W. 9-C
JANUARY 1986		

N.W.
9-C

MICROFILMED