FOR FILING

IN RE: PETITION FOR VARIANCE

N/S Aston Court, 387.99' E of the c/l

Garrison Forest Road (6 Aston Court) 4th Election District 3rd Council District

Greg P. Smarslok Petitioner

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 01-245-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Greg P. Smarslok. The Petitioner seeks relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building setback distance from the eastern lot line of 43.7 feet in lieu of the required 50 feet, and an amendment to the Final Development Plan for Worthington Park, Lot 43 thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was Greg Smarslok, property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the north side of Aston Court, just east of Garrison Forest Road in the subdivision of Worthington Park in Owings Mills. The property contains a gross area of 1.6219 acres, more or less, zoned R.C.5 and is presently unimproved. The Petitioner is desirous of developing the property with a single family dwelling in accordance with Petitioner's Exhibit 1. Due to the configuration of the property and its location on a curve in Aston Court, the rear corner on the north side of the proposed dwelling will be located within the required 50-foot side setback. Thus, the requested variance is necessary in order to orient the front of the house towards the street. In support of his request, the Petitioner submitted a letter from the adjacent property owners on the affected side indicating that they have no objections to the requested variance. Moreover, testimony indicated that the homeowners' association has no objections. Thus, the relief requested should be granted.

Based upon the testimony and evidence presented, I am persuaded to grant the variance. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any Baltimore County reviewing agency. Moreover, no one appeared in opposition to the request. Therefore, it appears that the relief requested can be granted without causing any detriment to the health, safety or general welfare of the surrounding locale.

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

this day of January, 2001 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building setback distance from the eastern lot line of 43.7 feet in lieu of the required 50 feet, and an amendment to the Final Development Plan for Worthington Park, Lot 43 thereof, 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.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



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

Fax: 410-887-3468

January 30, 2001

Mr. Greg P. Smarslok 2 Rebecca Lane Owings Mills, Maryland 21117

RE: PETITION FOR VARIANCE

N/S Aston Court, 387.99' E of the c/l Garrison Forest Road

(6 Aston Court)

4th Election District – 3rd Council District

Greg P. Smarslok - Petitioner

Case No. 01-245-A

Dear Mr. Smarslok:

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: People's Counsel; Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at	#	6	ASTON	COURT	
which is presently	y Z	one	ed F	R.C.5	

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) 1A04.3.B.3 (BCZR) to permit a building setback distance from the eastern lot line of 43.7 feet in lieu of the required 50 feet and an amendment to the Final Development Plan for Lot #23 of WORTHINGTON PARK , Section Two, accordingly, for a proposed dwelling.

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

Due to the tight building envelope and the location of the septic reserve area, strict compliance would unreasonably prevent construction of this custom home. The only acceptable fit will require a variance.

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.

		perjury, that I/we are the legal is the subject of this Petition.	owner(s) of the pr	operty which
Contract Purchaser/Lessee:		Legal Owner(s):		
Name - Type or Print	***************************************	GREG P SMARSLOK Name Type or Plut	<u></u>	
Signature	·	Signature		
Address	Telephone No.	Name - Type or Print	···	
City State	Žip Code	Signature		
Attorney For Petitioner:		2 Rebecca Lane	410-7	95-6240 Telephone No.
Name - Type or Print		Owings Mills	MDState	21117 Zip Code
Signature		Representative to be C	ontacted:	a , p 0 0 0 0 0
G npan		Edwin J.Kirby Jr. Name	SURVEY	OR
Kerinesa 3	Telephone No.	*800 Greenspring Address		<u>410-337-7</u> 94 Telephone No
City State	Zip Code	Lutherville, Md. 2	21093 State	Zip Code
993		OFFICE U	SE ONLY	
Caero 01-245-A		ESTIMATED LENGTH OF	f HEARING $\not\perp$	2 HR
		UNAVAILABLE FOR HEAReviewed By	ARING	2 14 00
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245

ZONING DESCRIPTION FOR # 6 ASTON COURT , OWINGS MILLS, MD., 21117

Beginning at a point on the NORTH side of Aston Court which is 50 feet wide at the distance of 387.99 feet EAST of the centerline of the nearest improved intersecting street Garrison Forest Road which is 75 feet wide. Being Lot # 23 ,Section Two in the subdivision of WORTHINGTON PARK as recorded in Baltimore County Plat Book #60, Folio # 50, containing 1.6219 acres. Also known as #6 Aston Court and located in the 4TH Election District, 3RD Councilmanic District.



BALTIMORE COUNTY, MAR AND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE 2 14 00 ACCOUNT ROUGHS	THE TOTAL PROPERTY OF THE PROP
RECEIVED FROM: \$ 100.00	Andrew 1 to 1844 (1864)
DISTRIBUTION JAMES DISTRIBUTION JAMES CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #01-245-A 6 Aston Court N/S Aston Court, 387.99' E of Garrison Forest Road 4th Election District
3rd Councilmanic District
Legal Owner(s): Greg P.
Smarslok Marsiok
Variance: to permit a
building setback of 43.7feet in lieu of the required
50-feet and to approve an
amendment to the Final Development Plan for Lot # 23 of Worthington Park. Hearing: Monday, January 29, 2001 at 11:00 a.m. In Room 407, County Courts Building, 401 Bosley Ave.

LAWRENCE'E SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.
(2) For information concerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 8873391.

3391. 1/081 Jan. 11 C443273

CERTIFICATE OF PUBLICATION

		, 1		
,	TOWSON, MD,	1/11		_,2001_
THIS IS	S TO CERTIFY, the	at the annexed	advertise	ement was
published in	THE JEFFERSONIA	AN, a weekly new	spaper p	ublished in
Towson, Balti	more County, Md., o	nce in each of	1	_successive
weeks, the fi	rst publication appea	ring on		, 20 <u>OI</u> .
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CERTIFICATE OF POSTING

RE	:: Case No.: <u>01-245-A</u>
	Petitioner/Developer:
	Greg P. Smarslok
	Date of Hearing/Closing: 1-29-01
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 were posted conspicuously on the property located Owings Mills, MD 21117	that the necessary sign(s) required by law at 6 Aston Court
The sign(s) were posted on <u>Unuary</u> 5, 2	.001
(Mo	nth, Day, Year)
ZONING NOTICE CASE # (1 4/2 A) A PUBLIC HEALING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MO PLACE: COUNTY COURTS FLOOR MOST PLACE COUNTY COURTS FLOOR FLU COURTS DATE AND TIME: NOW, JANUARY 54, 7000 Mr. 10004	Sincerely, Sincerely, (Signature of Sign Poster and Date) Stacy Gardrer
REQUEST: MELANCE TO PERMIT A BUT DRICE OF THE PERMIT OF TH	SHANNON-BATIMESTENS INC. 105 COMPETITIVE GOALS DR. ELDERSBURG, MD. 21784
TO CONTINUE ALLANG AND HAVE AND HAVE BEEN AND HAVE AND HA	(City, State, Zip Code) 410-781-4000
	(Telephone Number)

RE: PETITION FOR VARIANCE
6 Aston Court, N/S Aston Ct,
388' E of Garrison Forest Rd
4th Election District, 3rd Councilmanic

Legal Owner: Greg P. Smarslok Petitioner(s)

- * BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- ^k Case No. 01-245-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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

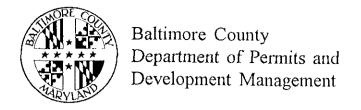
400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of December, 2000 a copy of the foregoing Entry of Appearance was mailed to Edwin J. Kirby, Jr., 800 Greenspring Valley Road, Lutherville, MD 21093, representative for Petitioners.

Peter Max Zimmerman PETER MAX ZIMMERMAN



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

December 22, 2000

NOTICE OF ZONING HEARING

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

CASE NUMBER: 01-245-A

6 Aston Court

N/S Aston Court, 387.99' E of Garrison Forest Road

4th Election District – 3rd Councilmanic District

Legal Owner: Greg P. Smarslok

<u>Variance</u> to permit a building setback of 43.7-feet in lieu of the required 50-feet and to approve an amendment to the Final Development Plan for Lot # 23 of Worthington Park.

HEARING: Monday, January 29, 2001 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon Director

C: Greg P. Smarslok, 2 Rebecca Lane, Owings Mills 21117 Edwin J. Kirby, Jr., Surveyor, 800 Greenspring Valley Road, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 12, 2001.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, January 11, 2001 Issue - Jeffersonian

Please forward billing to:

Greg P. Smarslok 2 Rebecca Lane

Owings Mills, MD 21117

410 795-6240

NOTICE OF ZONING HEARING

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

CASE NUMBER: 01-245-A

6 Aston Court

N/S Aston Court, 387.99' E of Garrison Forest Road

4th Election District – 3rd Councilmanic District

Legal Owner: Greg P. Smarslok

<u>Variance</u> to permit a building setback of 43.7-feet in lieu of the required 50-feet and to approve an amendment to the Final Development Plan for Lot # 23 of Worthington Park.

HEARING: Monday, January 29, 2001 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

GDZ-

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

awrence E. Schmidt

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

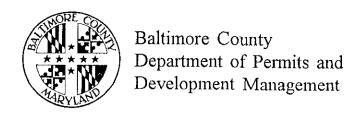
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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: 01-245-A
Petitioner: GREG P. SMARSLOK
Address or Location: #6 ASTON COURT, OWINGS MILLS MD 21117
21117
PLEASE FORWARD ADVERTISING BILL TO:
Name: GREG P. SMARSLOK
Address: 2 REBECCA LANE
OWINGS MILLS, MD. 21117
Telephone Number: 410-795-6240

Revised 2/20/98 - SCJ



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

January 26, 2001

Greg P Smarslok 2 Rebecca Lane Owings Mills MD 21117

Dear Mr. Smarslok:

RE: Case Number: 01-245-A, 6 Aston Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 14, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. しって Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Edwin J. Kirby Jr, Surveyor, 800 Greenspring Valley Road, Lutherville 21093 People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

DATE: January 18, 2001

Department of Permits & Development Mgmt.

FROM: Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For January 2, 2001 Item No. 245

The Bureau of Development Plans Review has reviewed the subject zoning item.

As indicated on the Recorded Plat Book 60, Folio 50 access to Lot #23 is along its frontage with the local street, Aston Court, not the private 16-foot panhandle driveway as shown. To use the private easement as access to the public road the owner of Lot #23 must obtain written permission from the property owners of the paved panhandle driveway.

RWB:HJO:jrb

cc: File



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

December 27, 2000

Department of Permits and Development Management (PDM) County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF December 26, 2000

Item No.: See Below

Dear Ms. Stephens:

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.

The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

231, 233, 234, 235, 236, 237, 238, 240, 241, 243, 244, 245, 246, 247, 249, and 250

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE GOUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley Ac/RBS

DATE:

January 18, 2001

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of December 26, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
231	8100 Salt Lake Drive
233	1305 Lincoln Woods Drive
234	3 Arrowhead Court
235	1223 Lake Falls Road
238	Oak Grove Parcel B
239	Crondail Corner
241	10 McCormick Avenue
242	1324 & 1325 Chippendale Road
243	Pikesville Giant
244	4800 Mt. Carmel Road
245	6 Aston Court
246	3700 Essex Road
247	7163 E. Baltimore Street
248	113 Westminster Road
250	10002 & 10002A Lodge Road
L	<u> </u>

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 2, 2001

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-239, 01-242, 01-245 & 01-248

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480

Prepared by:

Section Chief:

AFK/JL:MAC



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

Date: 1 · 3 · 01

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

RE: **Baltimore County**

Item No. 345

JLL

Dear, Ms. Jackson:

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.ind.us).

Very truly yours,

J. J. Dredle

Iw Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

Date: December 13, 2000

To: Greg P. Smarslok

From: Michael and Rachel Raphael

Re: Property setback variance for new construction at 6 Aston Court

Mr. Smarslok,

This letter is for you to present to the officials at the Baltimore County Planning division in reference to the proposed variance request for your property. Having discussed the plans and the request with you, we are hereby not opposed to the variance as you presented.

As we understand the plans, you are requesting a variance from the County on the required 50-foot minimum building setback from your property line. The engineering survey drawing that you presented describes a maximum 6-foot deviation from this requirement. The plan shows that only one corner of the proposed structure would encroach on this limit and that the balance of the house would angle away. Given that at the apex of this corner, the distance to our house exceeds the 100-foot structure separation design limit, we are not opposed to this plan. You also discussed that you would be adding landscaping in the form of trees and shrubs that would act as a visual barrier between our two properties. This will help minimize the effect of the variance.

Again, given that we understand the request and that its remains as presented, we are not opposed to the request to the County. If you or any official at the County has any questions or would like to discuss the matter, please contact us at 410-356-9758.

Michael J. Raphael

Rachel A. Raphael

Property owners, 8 Aston Court Owings Mills, MD 21117

Rachel a. Raphael

