

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
E/S Park Heights Avenue, 576' S		
of Walnut Avenue	*	DEPUTY ZONING COMMISSIONER
4th Election District		
3rd Councilmanic District	*	OF BALTIMORE COUNTY
(12137 Park Heights Avenue)		
	*	CASE NO. 02-476-A
Teresa A. & Michael R. Sturm		
<i>Petitioners</i>	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Teresa A. and Michael R. Sturm. The variance request is for property located at 12137 Park Heights Avenue in the Owings Mills area of Baltimore County. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 37 ft. in lieu of the required 50 ft. 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.

ORDER RECEIVED FOR FILING
 Date 12/30/02
 by J. P. Johnson

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 May, 2002, that a variance from Section 1A04.3.B.2 of the B.C.Z.R., to permit an addition with a side yard setback of 37 ft. in lieu of the required 50 ft., 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

ORDER RECEIVED FOR FILING
Date 5/30/02
By R. Jemison



Baltimore County
Zoning Commissioner

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

May 30, 2002

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

Re: Petition for Administrative Variance
Case No. 02-476-A
Property: 12137 Park Heights Avenue

Dear Mr. & Mrs. Sturm:

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 Department of Permits and Development Management. 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



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on Recycled Paper



L Hood

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12137 Park Heights Ave 21117
which is presently zoned RC-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) 1A043.B2

To Permit A Side Yard Set Back OF 37 Ft. in Lieu OF 50 Ft For A Proposed Addition

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

Telephone No.

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 5/30/02 day of May, 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. 02 476 A

Reviewed By JL

Date 4/30/02

Estimated Posting Date 5/13/02

REV 10/25/01

ORDER RECEIVED FOR FILING
Date 5/30/02
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

12137 Paril Heights Ave
Address
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):

With this Petition we are seeking Relief from the 50 foot set Back Required in the R0-5. Zone. We would like to place a Family Room Addition on the South Side of our house. Our Reasons To Request A Variance are as follows:

- 1.) We are no longer able to accommodate all our children some grown with children of their own.
- 2.) An existing parking pad with footers and Block could be used as a partial foundation helping to defray costs.
- 3.) With the existing 50 foot set Back we would only have 2 feet of land use before impacting the zoning Regulation.
- 4.) The only other option is at the Back of the house which would require a new foundation and the existing outdoor structures (ie Deck and Gazebo) be torn down.

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.

Michael R Sturm
Signature
Michael R Sturm
Name - Type or Print

Teresa A. Sturm
Signature
Teresa A. Sturm
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of April, 2002 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael Sturm and Teresa Sturm
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Asbury R. Jones, III
Notary Public
My Commission Expires Nov 14, 2005
ASBURY R. JONES, III
Notary Public, State of Maryland
My Commission Expires Nov 14, 2005

ZONING DESCRIPTION FOR 12137 PARK HEIGHTS AVENUE

All that lot of ground lying in 4th Election District, 3rd Councilmanic District, of Baltimore County, approximately 586 feet South of Walnut Avenue.

Beginning at spike set 1.6 feet East of Center Line

- 1) S 19° 47' 59" W 165.915 feet;
- 2) S 72° 38' 24" E 681.50 feet;
- 3) W 19° 28' 38" E 121.835 feet;
- 4) N 68° 55' 52" W 680.36 feet to the place of beginning.

The above property is listed in Liber 5541, Folio 620, as The Maurice C. Sturm Property, Lot #2, containing 2.24 acres.

A76

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 13324

A76

DATE 4/30/02 ACCOUNT 001 006 6150

AMOUNT \$ 50.00

RECEIVED FROM: STURM

FOR: RES. VPR. FILING 50 02 4/30/02

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME
4/01/2002 4/30/2002 12:00:55

REG MS05 WALKIN RDOS LRB DRAWER 5

>> RECEIPT # 263858 4/30/2002 OFLN

Dep 5 529 ZONING VERIFICATION

CR ID. 013324

Recpt Tot \$50.00

50.00 CK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN

RE: Case No. 02-476-A

Petitioner/Developer: FTORM, ETAL

Date of Hearing/Closing: 5/28/02

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

Attention: Ms. Gwendolyn Stephens/
MR. GEORGE ZAHNER

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 #12137-PARK HILLS

AVE.

The sign(s) were posted on

5/10/02
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 5/14/02
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

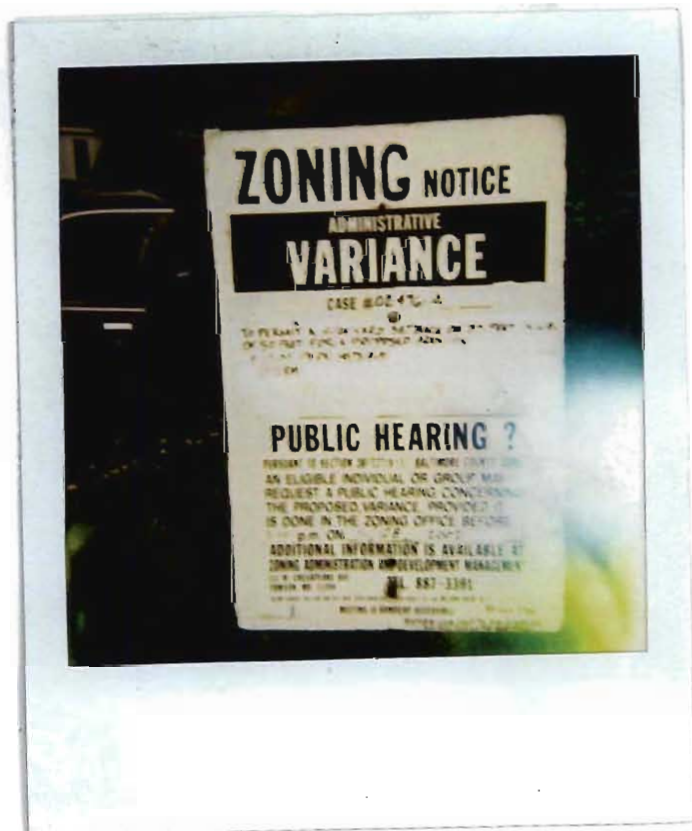
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

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

(Telephone Number)



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: 476
Petitioner: Michael R. Sturm
Address or Location: 12137 Park Hgts Ave Owings Mills MD 21117

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michael R. Sturm
Address: 12137 Park Hgts Ave
Owings Mills MD 21117
Telephone Number: 410-581-1610

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**Case Number 02- 476 -AAddress 12137 PARK HTS AVE OWINGS MILLS MD
21117Contact Person: JOHN LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 4/30/02Posting Date: 5/13/02Closing Date: 5/28/02

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 02- 476 -AAddress 12137 PARK HTS. AVE.Petitioner's Name MIKHAEL + TERESA STURMTelephone 410 581 1610Posting Date: 5/13/02Closing Date: 5/28/02

Wording for Sign: To Permit A SIDE YARD SETBACK OF 37 FT. IN LIEU OF
50 FT. FOR A PROPOSED ADDITION.



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

May 28, 2002

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

Dear Mr. & Mrs. Sturm:

RE: Case Number: 02-476-A, 12137 Park Heights Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 30, 2002.

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. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

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Baltimore County
Fire Department

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

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

May 9, 2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 13, 2002

Item No.: See Below

Dear Mr. Zahner:

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:

472, 475-479, 482-487

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

Ans
5/27

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 20, 2002

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

MAY 2

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-463, 02-476, & 02-484

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:

Mark A. Cunningham

Section Chief:

John L. Lukan

AFK/LL:MAC



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 5.10.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 476

JL

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 129 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,

for

Kenneth A. McDonald Jr., 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

April 28, 2002

To Whom It May Concern:

I understand that my next-door neighbors, Michael and Teresa Sturm, plan to build a family room addition to their existing 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 I have no objection to this structure being built, even though it will be less than 50 feet from my property line.

Sincerely,



Janet Sprinkle
12133 Park Heights Avenue
Owings Mills, MD 21117

410-356-5388

A76

April 23, 2002

To: Whom It May Concern

RE: Addition to the home of Mike and Terri Sturm
12137 Park Heights Ave.
Owings Mills, MD 21117

I, Cynthia Nichols, executor to the estate of my mother, Judith M. Sturm located at 12145 Park Heights Avenue, Owings Mills, MD thoroughly approve of an addition to the above mentioned home.

Please contact me directly if you desire: 770-945-4409

Sincerely,

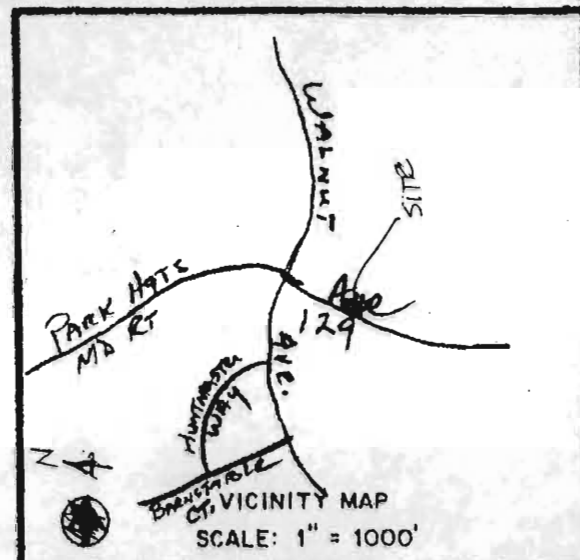


Cynthia Nichols
3980 Thompson Mill Rd.
Buford, GA 30519

476

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

OWNER Michael & Teresa Sturm



ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

PREPARED BY Michael R Stuart - owner SCALE OF DRAWING: 1" = 50'

JL | A76

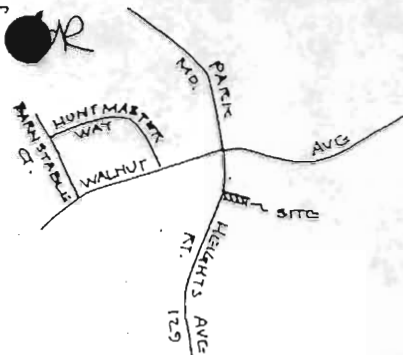
Ret. Ex. #1

BUFFER NOTES:

There shall be no clearing, grading, construction or disturbance of vegetation in the Forest Buffer, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

Forest Buffer shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.

SHEET 2 OF 2 VARIANCE PLAN LOT 2.



VICINITY MAP

N 58°25.7278
W 34°09.2931
1" = 2000'

420' to Walnut Ave.

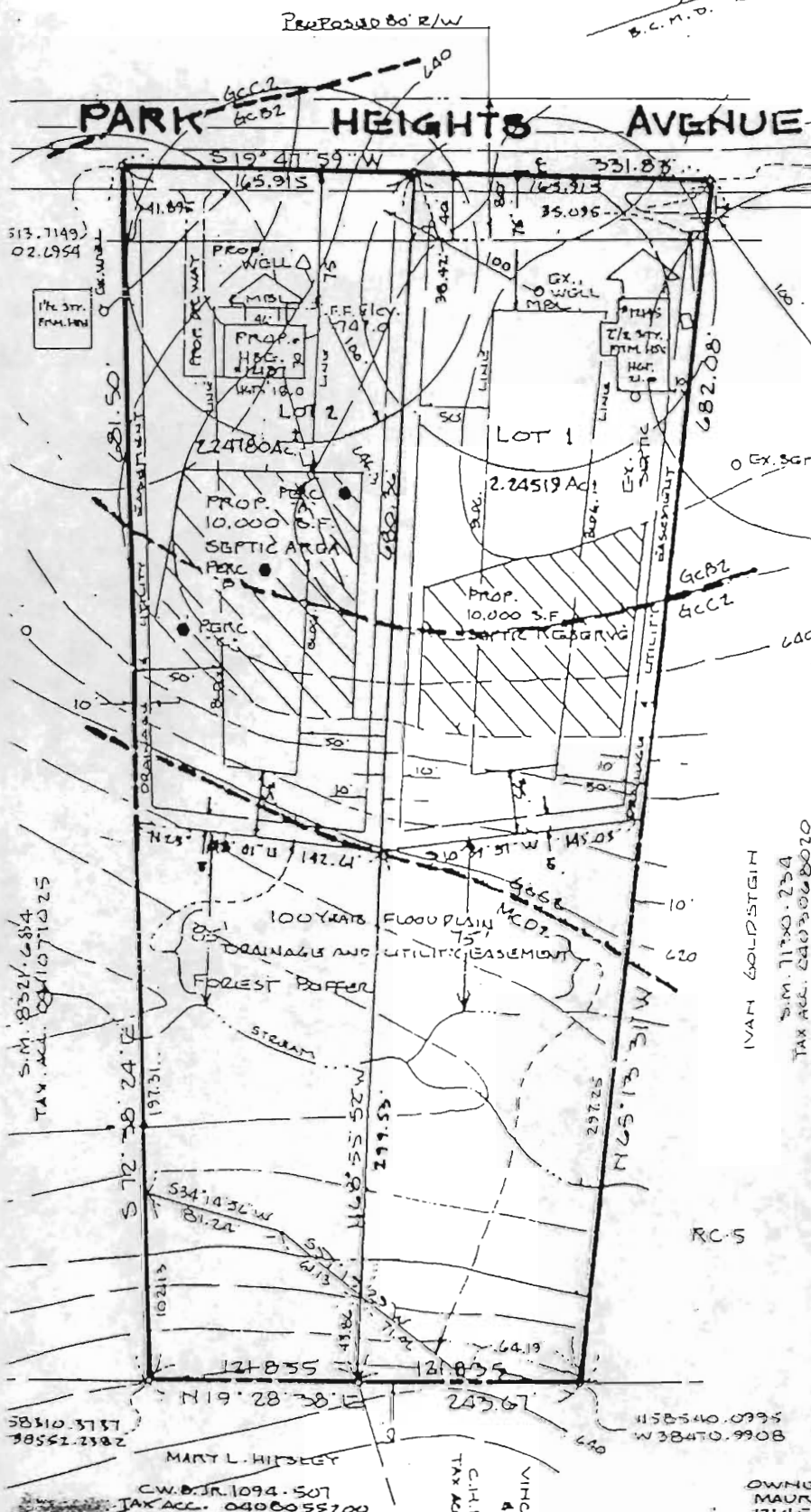
1" = 100'

NOTE: COORDINATES AND BEARINGS SHOWN ON THIS PLAN ARE REFERENCED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRANSIT STATIONS:

#12671	#1030
N 59°27.887	N 58°45.67
W 39°06.59	W 39°05.65

GENERAL NOTES:

- 1) CURRENT TITLE REFERENCE: MAURICE C. STURM JR., MARY ELIZABETH PROPERICH, E.H.K.J.S.S.1 FOLIO 620
- 2) CURRENT ZONING: RC-5
- 3) SOILS MAP: BALTIMORE COUNTY SOILS MAP #21
- 4) TOPOGRAPHY SHOWN HEREON IS TAKEN FROM BALTIMORE COUNTY ZOO SCALE SHEET NW 15 G.
- 5) TOTAL AREA: 4.3038 AC
- 6) NGT AREA: 4.3038 AC
- 7) DENSITY: NO OF LOTS ALLOWED = 2 (4.3038 x 0.667 = 2.87) NO OF LOTS PROPOSED = 2 THIS PROPERTY AS SHOWN ON THIS PLAN HAS BEEN HELD IN TRACT BY THE OWNERS OF RECORD SINCE APRIL 29, 1975. NO PART OF THE GROSS AREA OF THIS PROPERTY HAS BEEN RECORDED PREVIOUSLY TO SUPPORT DENSITY OR AREA OF ANY OFF SITE DWELLINGS.



IVAN GOLDSTEIN
S.M. 71700.234
TAX ACC. 0403000070

RC-5

58510.3737
38562.2382
MARTY L. HILFLEY
C.W.B.J.R. 1094.507
TAX ACC. 0406055200

OWNER & DEVELOPER
MAURICE C. STURM JR.
12145 PARK HEIGHTS AVE

12137 PARK HILLS AVE



Back of House Looking
Toward Street #476

12137 PARK HILLS AVE



View from Back Shows
Sett & Side Yard #476

12137 PARK HILLS AVE



Front of House #476
Looking Toward Backyard Set

