IN RE: PETITION FOR ADMIN. VARIANCE

N/S Huntfield Court, approximately 225' W

centerline of Hunting Tweed Drive

4th Election District

2nd Councilmanic District

(4 Huntfield Court)

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 03-538-A

Aleksander & Tatyana Zemeishtern Petitioners

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by Aleksander and Tatyana Zemeishtern, the legal owners of the subject property. The variance request is for property located at 4 Huntfield Court 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 attached garage with a side yard setback of 20 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 subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative 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 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

The following the following the same of th

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

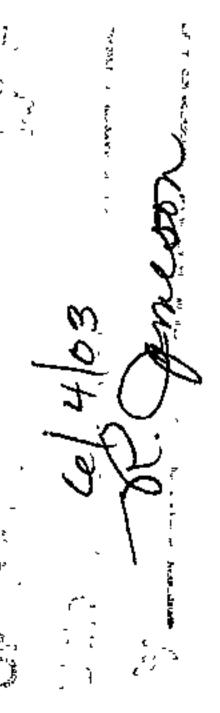
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

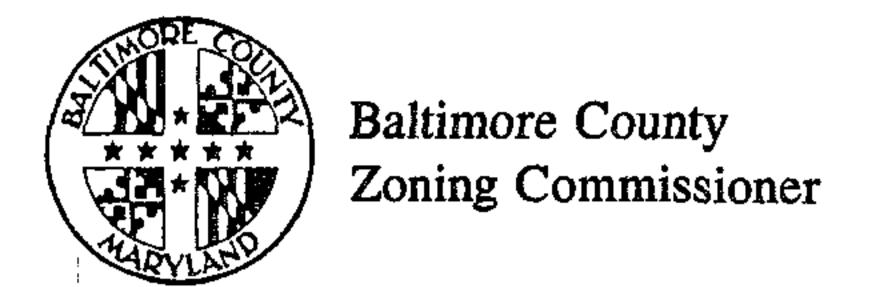
THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 4th day of June, 2003, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an attached garage with a side yard setback of 20 ft. in lieu of the required 50 ft. be and is 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.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

LES:raj





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

Fax: 410-887-3468

June 4, 2003

Mr. & Mrs. Aleksander Zemeishtern 4 Huntfield Court Owings Mills, Maryland 21117

> Re: Petition for Administrative Variance Case No. 03-538-A Property: 4 Huntfield Court

Dear Mr. & Mrs. Zemeishtern:

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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Reviewed By 1000 Date 5-9.

Estimated Posting Date ____

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<u> Attorney For Petitioner</u>	·· 	4 Huntf Address	ield Court 44	[3-83]-0268 Telephone No.
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ddress	Telephone No.	2835 SM Address	11TH AVE, SUITE G	443-646-653-3
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ity Z	State Zip Code	City	Stat	
Public Hearing having been f	formally demanded and/or found to be	e required, it is and	ered by the Zonica Commiss	oner of Ratimore County
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[人 4]		Zoni	ng Commissioner of Baltimore	County

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		FIELD COU	JRT	
	Address OWINGS	MILLS,	MD	21117
•	City		State	Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the fa p or practical di	cts upon whi ifficulty):	ch I/we base th	ne request for an Administrative
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additional construction to	o the side	es.		
2. The addition of the garage	e will per	mit conf	Eormity wi	th the majority
of homes in the subdivision	on.			
That the Affiant(s) acknowledge(s) that if a fo	rmal demand	is filed, Affia	nt(s) will be re	equired to pay a reposting and
advertising fee and may be required to provide a	additional inform	nation $\mathcal{T}\mathcal{Z}_{\mathcal{C}}$	melshte	ru
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Signature		Signature	latyana Ze	emelshtern
Aleksander Zemelshtern		_	l Zemelsht	
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STATE OF MARYLAND, COUNTY OF BALTIN	-		_ 1	
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Weksander Zemelshtern, Tatva	na Zemela	shern &	Mikhai	1 Zemelshern
the Affiant(s) herein, personally known or satisfa	ictorny identinet	, to me as su	ca Amani(s).	
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REV 10/25/01

Affidavit in Support of Administrative Variance

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Address

That the Affiant(s) does/do presently reside at

REV 10/25/01

4 HUNTFIELD COURT

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2. The addition of	the garage	will per	emit co	onformity	with the majo	rity
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Aleksander Zemelsht	ern		Mikha	ail Zemels		
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REV 10/25/01

Petition for Administrative Variance

for the property located at 4 HUNTFIELD COURT

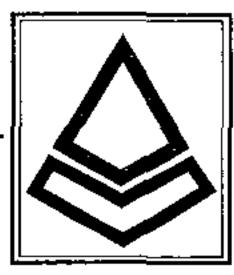
to the Zoning Commissioner of Baltimore County

			which is presently zoned R.C.	5
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Property is to be posted and a l, or we, agree to pay expenses or regulations and restrictions of Ba	of above Variance, a	advertising posti	ning regulations. ng, etc. and further agree to and are to be bound the zoning law for Baltimore County.	ed by the zoning
			I/We do solemnly declare and affirm, under the perjury, that I/we are the legal owner(s) of the is the subject of this Petition.	e penalties of property which
Contract Purchaser/Less	<u>ee:</u>		Legal Owner(s):	
Name - Type or Print		<u>-</u>	Alekander Zemelshtern Name-Type or Print	
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Attorney For Petitioner:			4 Huntfield Court 443-6	31-0268 Telephone No.
Name - Type or Print	-	 -	Owings Mills, MD City State	21117 Zip Code
Signature			Representative to be Contacted:	
oignature			RICHMON F. MAD - CALBERT M.	ATT PASSIET
Company	······································		RICHARD E. MATZ - COUBERT MA	10-484-875
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Estimated Posting Date ____

Colbert Matz Rosenfelt, Inc.

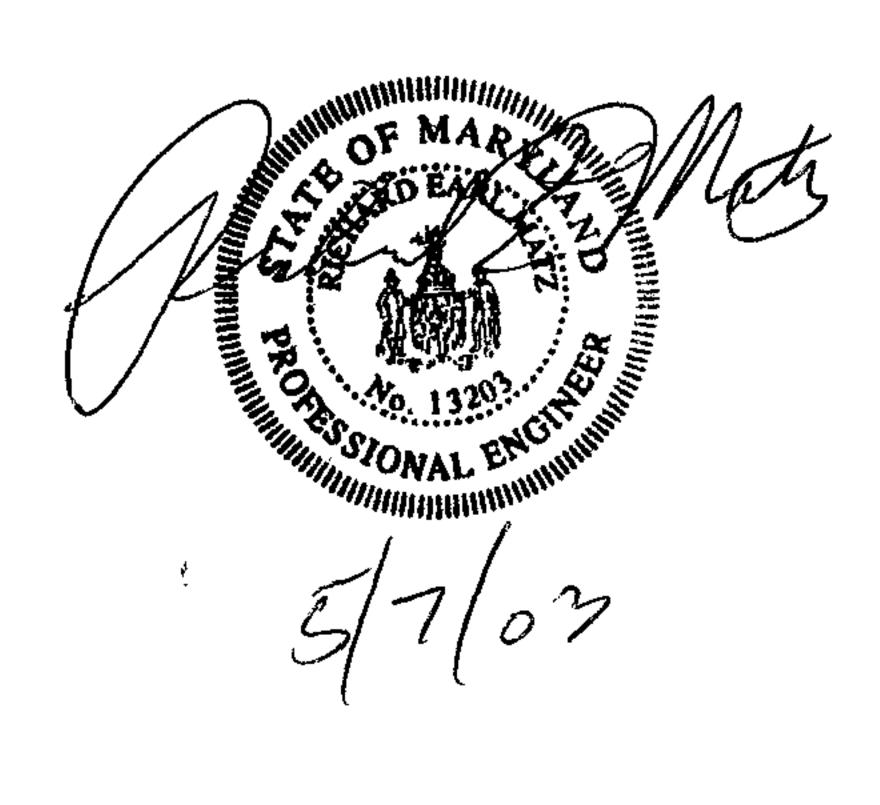
Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION 4 HUNTFIELD COURT

Beginning at a point on the north side of Huntfield Court, which is 50 feet wide, approximately 225 feet west of the centerline of Hunting Tweed Drive, which is 50 feet wide.

Being Lot 118, Section 2 of the Valley Hills subdivision, as recorded in Baltimore County Plat Book EHK, Jr. 39. Folio 88, and containing 1.09 acres. Also known as 4 Huntfield Court and located in the 4th Election District, 2nd Councilmanic District.



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DISTRIBUTION

WHITE - CASHIER PINK - AGENCY

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CASHIER'S VALIDATION

CERTIFICATE OF POSTING

AT	TENTION: BECKY HART Date: May 20, 2003										
RE:	Case Number <u>03-538-A</u> Petitioner/Developer: <u>Colbert, Matz+RosewSel+</u> /ETAL Date of Hearing/Closing: <u>JUNE</u> 2, 2003										
were	This is to certify under the penalties of perjury that the necessary sign(s) required by law posted conspicuously on the property located at										
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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.

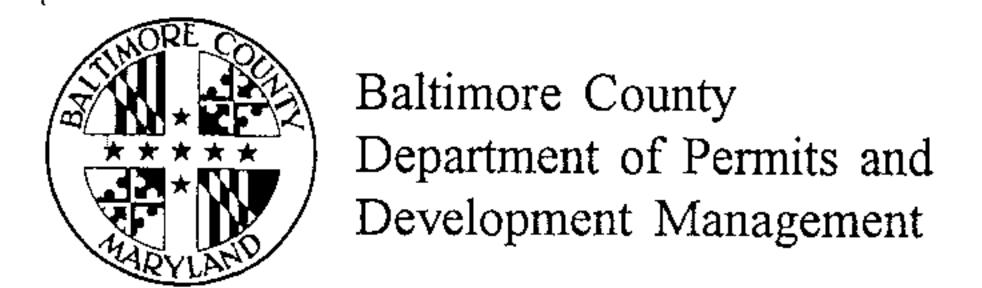
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

tem Number or Case Nur	mber: 538
Petitioner	IAIL ZEMELSHTERN
	+ HINTELEGO OT. BALD. Md. Z/117
PLEASE FORWARD ADV	VERTISING BILL TO:
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Address.) Ame
	CF(C) (27)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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

June 2, 2003

Aleksander Zemelshtern Tatyana Zemelshtern Mikhail Zemelshtern 4 Huntfield Court Owings Mills, MD 21117

Ladies and Gentlemen:

RE: Case Number: 03-538-A, 4 Huntfield Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 9, 2003.

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,

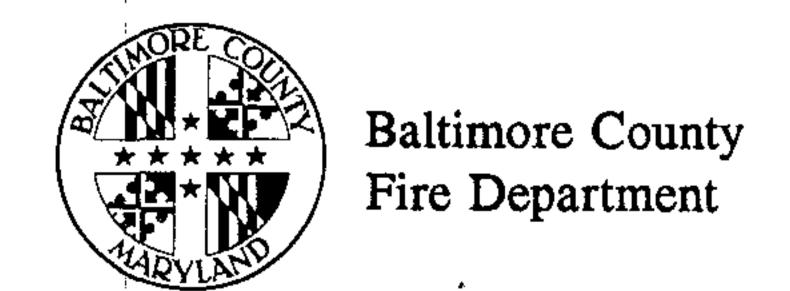
W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Richard Matz, Colbert Matz & Rosenfelt, 2835 Smith Ave., Ste. G, Baltimore 21209



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

June 3, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 19, 2003

Item No.:

532-536, 533-542

Dear Ms. Hart:

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.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

JCM

MARYLAND DEPARTMENT OF TRANSPORTATION

RE:

Date: 5.27.03

Baltimore County

Item No. 538

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

Dear. Ms. Hart:

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,

~

Menneth A. McDonald Jr., Chief Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 03-535 and 03-538

Administrative Variance

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/LL:MAC

RECEIVED

DATE: May 27, 2003

MAY 26 2003

ZONING COMMISSIONER

5

Zoning Commisioner Baltimore County, MD

Dear Mr. Commissioner:

We are neighbors of the Zemelshterns and are aware of the garage addition they plan. We have no problem with your granting a variance as long as they do not exceed the 30 foot maximum width as shown on the Plan.

Signed

Signature

Date

314UNT Tield CT.
Address

Signature

Date

Address

Signature

Date

Address

Robert L. Ehrlich, Jr.

Michael S. Steele

Lt. Governor



Audrey E Scott Secretary

Florence E. Burlan
Deputy Secretary

May 19, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Zoning Advisory Committee Agenda 05/27/03 re: case numbers 03-532-X, 03-533-A, 03-534-SPH, 03-535-A, 03-536-SPH, 03-537-XA, 03-538-A, 03-539-A, 03-540-A, 03-541-A,

03-542-A, 03-543-X

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 05/19/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Luite Gatto

Planning Services

cc: Mike Nortrup

