IN RE: PETITION FOR ADMIN. VARIANCE SW/S Pot Spring Road, 300 ft. NW centerline of Shepton Road 8th Election District 3rd Councilmanic District (1604 Pot Spring Road)

> Kaye & Kurt Wittelsberger Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 03-602-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Kaye and Kurt Wittelsberger, the legal owners of the subject property. The variance request is for property located at 1604 Pot Spring Road in the Lutherville area of Baltimore County. The Petitioners herein seek a variance from Section 1B02.3.B (1955 Zoning Regulations, §202.3 and §202.4) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition (garage and breezeway) with a side yard setback of 12 ft. in lieu of the minimum required 20 ft., and a rear yard setback of 28 ft. in lieu of the minimum 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 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 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

2019/03 E. Jameson. 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 Deputy Zoning Commissioner for Baltimore County, this 29 day of July, 2003, that a variance from Section 1B02.3.B (1955 Zoning Regulations, §202.3 and §202.4) of the B.C.Z.R., to permit a proposed addition (garage and breezeway) with a side yard setback of 12 ft. in lieu of the minimum required 20 ft., and a rear yard setback of 28 ft. in lieu of the minimum required 50 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

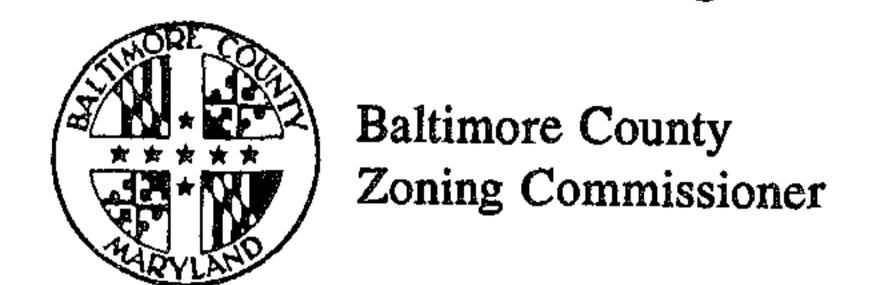
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

IVM·rai



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

Fax: 410-887-3468

July 23, 2003

Mr. & Mrs. Kurt Wittelsberger 1604 Pot Spring Road Lutherville, Maryland 21093

Re: Petition for Administrative Variance

Case No. 03-602-A

Property: 1604 Pot Spring Road

Dear Mr. & Mrs. Wittelsberger:

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.

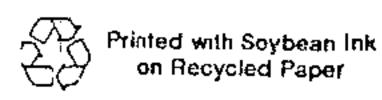
Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Paglia Contracting Co., Inc. 3006 Andover Road Forest Hill, MD 21050





ĝ,

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1604 Pot Spring Rd., Lutherville, mb which is presently zoned DR 1 (Formerly R-40)

	which is presently zoned 1/K 1 (formerly K-40)
This Petition shall be filed with the Department of owner(s) of the property situate in Baltimore County as made a part hereof, hereby petition for a Variance from and 202,4) to permit a proposed addition of 12 feet in lieu of the Minimum required feet in lieu of the Minimum required	Permits and Development Management. The undersigned, legal and which is described in the description and plat attached hereto and a Section(s) 1BO2.3. B (1955 Zoning Regulations, Section 202.3 find (garage and breezeway) with a side yard set back required 20 feet, and a rear yard set back of 28 d 50 feet.
of the zoning regulations of Baltimore County, to the zon this petition form.	oning law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed to a compart of the compart	ing, bosting, etc. and further agree to and are to be bounded by the zoning
	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:	Legal Owner(s):

Name - Type or Print Name - Type or Print Signature Signature Laye Wittelsberger Address Name - Type or Print Telephone No. City State Zip Code Signature/ 410.321.8210 Attorney For Petitioner: Address Telephone No. Lutherville, MD Name - Type or Print Zip Code State Representative to be Contacted: Signature Company 3006 And over Rd 410-557-7444 Address Telephone No. Address Telephone No. Forest Hill MD 21050 City Zip Code City State 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, thus ______ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning repolations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County Reviewed By Date 10/25/01 **Estimated Posting Date**

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	1604 Evethe	cuille	Pot Spring	Road
	Address Lutherville,	mo	21093	
	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):

We are asking for a side yard setback variance due to the way the house was placed on the lot which creates a pie shape building envelope for the proposed garage. Although the front right corner of the proposed garage (20.8') exceeds the side yard setback of 15' the back right corner (12.2') will go 2.8' into the setback. Moving the garage back is not an option since the building envelope just gets more narrow. Moving forward would eliminate the setback problem but it would take away from the architectural integrity of the property since the garage would become the dominant structure from the road view. We have kept the width of the garage at a minimum (25') for a two car garage and have only allowed an 8' breezeway to access the back yard. Vehicles are currently exposed to the elements and the garage would be used for Storing them.

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.

Signature Signature Wat Wittelsberger Name - Type or Print	Signature Kaye WitkISberg Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to we have the County aforesaid, personally aport the Affiant(s) herein, personally known or satisfactority identical statements.	peared $\frac{2003}{\text{peared}}$, before me, a Notary Public of the State $Wiffelds$
AS WITNESS my hand and Notarial Seal	Mond A. Kontuska Iotary Public Ny Commission Expires 4/1/65

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
-----------------------------	---------------------

1604 Pot Spring Road

Address
Luther ville, MD 21093

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):

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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.

Signature Signature Name - Type or Print	Signature Kay Wittelsberger Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 2 day of 1000 day of 1000 of Maryland, in and for the County aforesaid, personally appearance to the Affiant(s) herein, personally known or satisfactorily identified	, <u>2003</u> , before me, a Notary Public of the State Fired ViHels becare
AS WITNESS my hand and Notarial Seal	ed to me as such Afriant(s). Down (a) A Kondunder

My Commission Expires

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

is the subject of this Petition.

for the property located at 1604 Pot Spring Rd., Lutherville, mb which is presently zoned DR 1 (Formerly R-40)

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

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) 1802,3.8 (1955 20ning Regulations, Sections 202,3 and 202,4) to permit a proposed addition (garage and breezeway) with a side yard setback of 12 feet in lieu of the minimum required 20 feet, and a rear yard setback of 18 feet in lieu of the minimum required 50 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.

Contract Purchaser/Le	essee:		<u>Legal Ow</u>	ner(s):	-	
			mr. 6000	6. Kurt Wi	Helsber	rger
Name - Type or Print			Name - Type	or Print		
Signature	<u> </u>		Signature	Willely		
Address		Telephone No.		caue with	els bero)e/
Addiess		текрионе мо.	Name - Type			-
City	State	Zip Code	Signature	ayan		
Attorney For Petitione	<u>r:</u>		1604	Pot Spring	Rd.	410.321.8210
			Address	.34 100 0		Telephone No
Name - Type or Print			City	ville, MD à	21093 State	Zip Code
			Represen	tative to be Co	ntacted:	
Signature						T
Company			1921116.) (Contracti	ng co	<u> ne.</u>
- <u></u>	·		3006 7	Indover Rd.	니	10.557.7444
Address		Telephone No.	Address -	+ Hill mo	2105	Telephone No.
City	State	Zip Code	City		State	Zip Code
A Public Hearing having been this day of	formally demand	ed and/or found to	be required, it is ord of this petition be set fo	ered by the Zoning C	ommissione	of Baltimore County
regulations of Baltimore County a	and that the proper	ly be reposted.	w this petition of set it	n a papilo nearing, ad	VC(11360, 25	equired by the zoning
			Zoni	ng Commissioner of E	Baltimore Co.	inty
CASE NO. 03-60.	2-A	R	leviewed By	JNP Dat	e 6/	24/03
REV 10/25/01		E	stimated Posting	Date7/6	6/03	

ZONING DESCRIPTION

Beginning at a point on the southwest side of Pot Spring Road which is

90 feet wide at the distance of 300 feet northwest of the centerline of the nearest improved intersecting street street to the subdivision of sections. Brenton as recorded in Baltimore County Plat Book #28, Folio #86, containing 39,883 sq. ft. Also known as 1604 Pot Spring Road and located in the 8 Election District, 3 Councilmanic District.

OFFICE	NORE COUNTY, MAR OF BUDGET & FINANCE LLANEOUS RECEIPT	YLAND	No. 25	514
DATE	6/24/03	ACCOUNT	-07-006-6	5/50
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FOR:	1604 Pal S	pring	Rock	<u> </u>
	03-602	- A		
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PAID RECEIPT

BUSINESS ACTUAL TIME DRW

\$/24/2003 6/24/2003 09:53:50 4

RIG W506 WALKIN KMCM KXW

>> RECEIPT # 164740 6/24/2003 OFLN

Devt 5 528 ZONING VERIFICATION

CR NO. 025514

Recet fot \$65.00

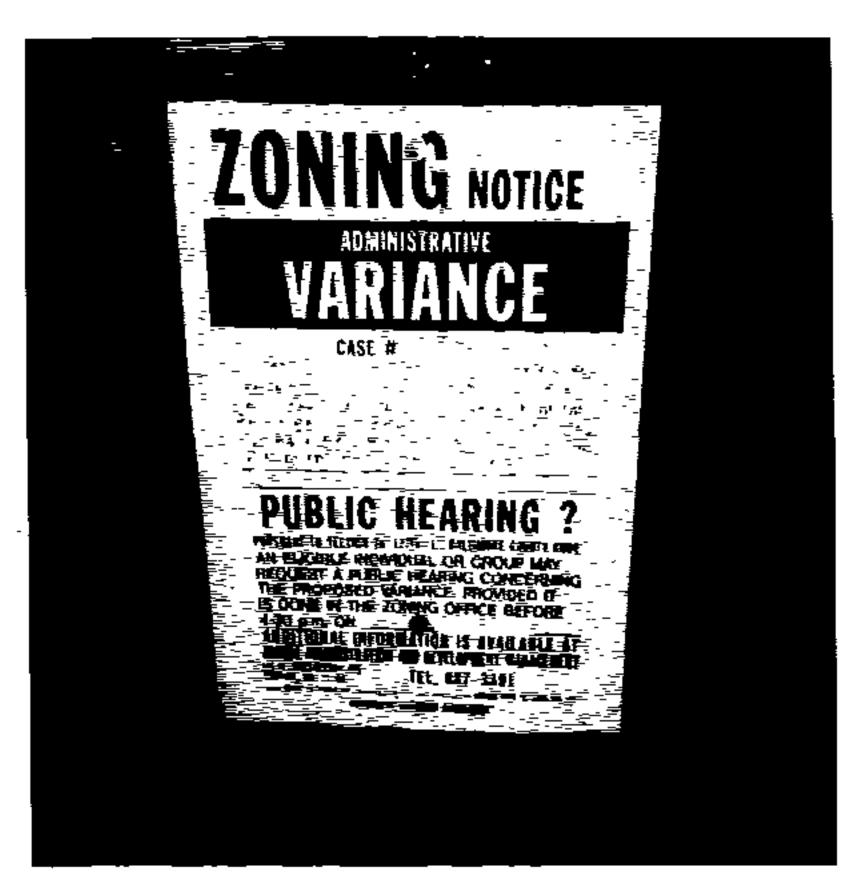
65.00 CK .00 CA

Baltimore County, Maryland

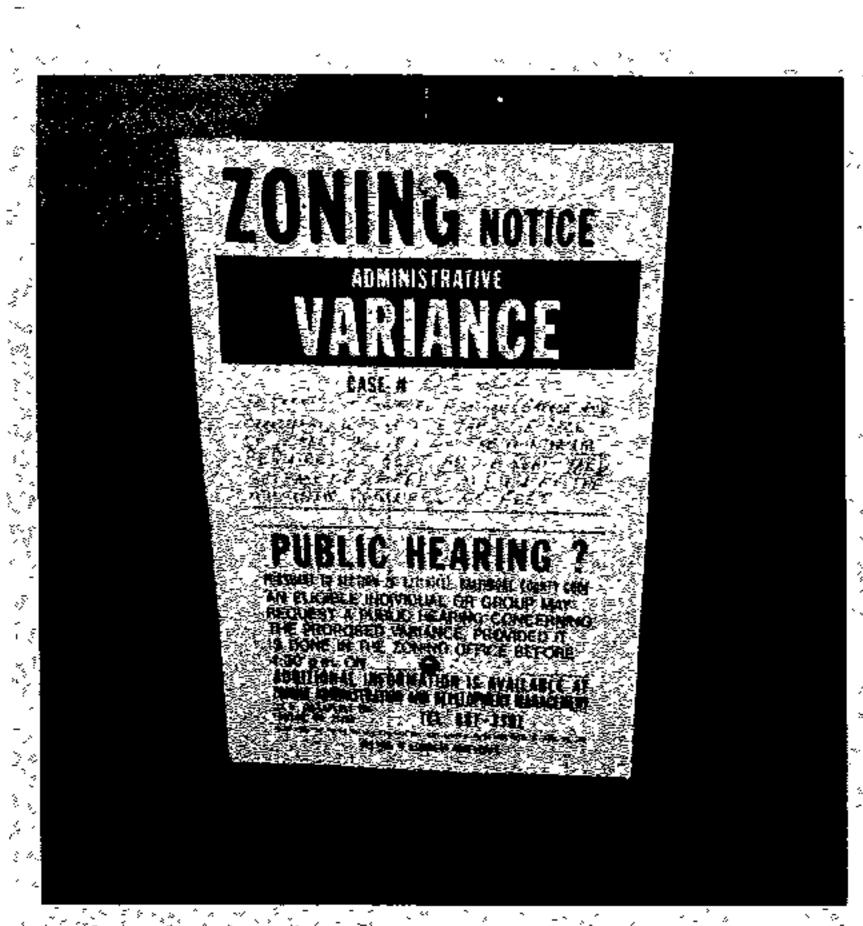
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DATE 69403 ACCOUNT R.	001-006-61	er for the		i 2003 (F)
AMOUNT \$	65,00	CP NO.	. 025514 Recet Tot	\$65.00
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FOR: 1604 Pat Spring	Port			r
03-602-A				
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Martin Ogle.



11/6/03 Thatal



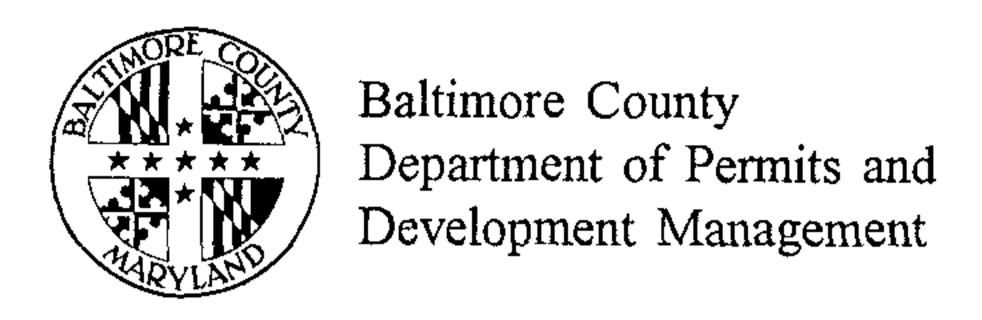
11/6/03 - Posted Zefort ()

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03-

Address 1604 Pot Spring Road

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Filing	Date:		5/24/	03 ·	Р	osting Dat	te:	7/6/03	_	Closing	g Date:	7/21/0	3
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Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 21, 2003

Mr. Kurt Wittelsberger Mrs. Kaye Wittelsberger 1604 Pot Spring Road Lutherville, MD 21093

Dear Mr. and Mrs. Wittelsberger:

RE: Case Number: 03-602-A, 1604 Pot Spring Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 24, 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

M. Callidal D

WCR:klm

Enclosures

c: People's Counsel Paglia Contracting, Co., Inc., 3006 Andover Road, Forest Hill 21050



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

July 2, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: July 7, 2003

Item No.:

602/610

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

7.7.03

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

RE:

Baltimore County

Item No. 602

SHP

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,

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Zoning Advisory Petition(s): Case 03-602 and 03-603

DATE: July 8, 2003

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: Mar A Cum

Section Chief: Why Schlabnon

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: September 8, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 14, 2003 Item Nos, 602, 603, 604, 605, 606, 607, 608, 609, and 610

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File



July 16, 2003

Mr. Tuinottey M. Kotroco, Director

Départment of Permits & Dévelopment Management

Baltievore Corenty, Maryland 111 W. Chesapeake Avenue Towson, MD. 21204

Re: Case # 03-602 A DEVELOR

DCPT. OF PERMITS PRODUCTION

Jean Me. Kotroco

My wife, Dorothy Ridgely Thomas, and I own two residences at 1606 and 1616 Pot Spring Road, Lutherville, Md. Both residences are served by a lane and recorded right-of-way fifteen feet wide from Pot Spring Road to our properties, which are adjacent to each other.

We understand our nice neighbors, Mr and Mus. Wittelsberger, want to build another garage, and that their desired location will require some variances in zoning to reduce the setbacks from the lane that are regional by law. As my wife and I will be out of town when any hearing would take place, I am writing to inform you of our concerns.

Every visitor and every delivery to either of our two properties uses the lane adjacent to the

(ova)

Wittelsberger property, and if the lane were any nanower, or were to appear nanower, some truck drivers would not attempt to regotiote it. A fuel oil delivery truck would not try to reach our home last February because the driver did not think there was known because the show banked on extensions. He was wrong, but we had to want another day for one delivery; so I hope you understand my poriet.

We will have no objection to the Wittelsberger uneprovement if it will not encroach on or "crowd" our right of way, which must not be diministed. This is a very nice neighborhood now, and we'd not like to see it become crowded.

Scircarely yours, Reedrew B. Howen

Administrative Variances Check List

Case Number
03-603A
Location 1604 Pot Spring Rd
Zoning
DRI (1955 Zoning Regs
Request
Garage breezeway - Ay 3 12' instead 20
Zoning Regs 28 5
1955 Vig Section 202,3,202,4
Verify sign posting
de 1/10 Closing 7/21
ZAC comments
Mone
Reason for request
House placed at angle from road Site Plan
Site Plan
L_
<u>Pictures</u>
<u>Opinion</u>
(ob)

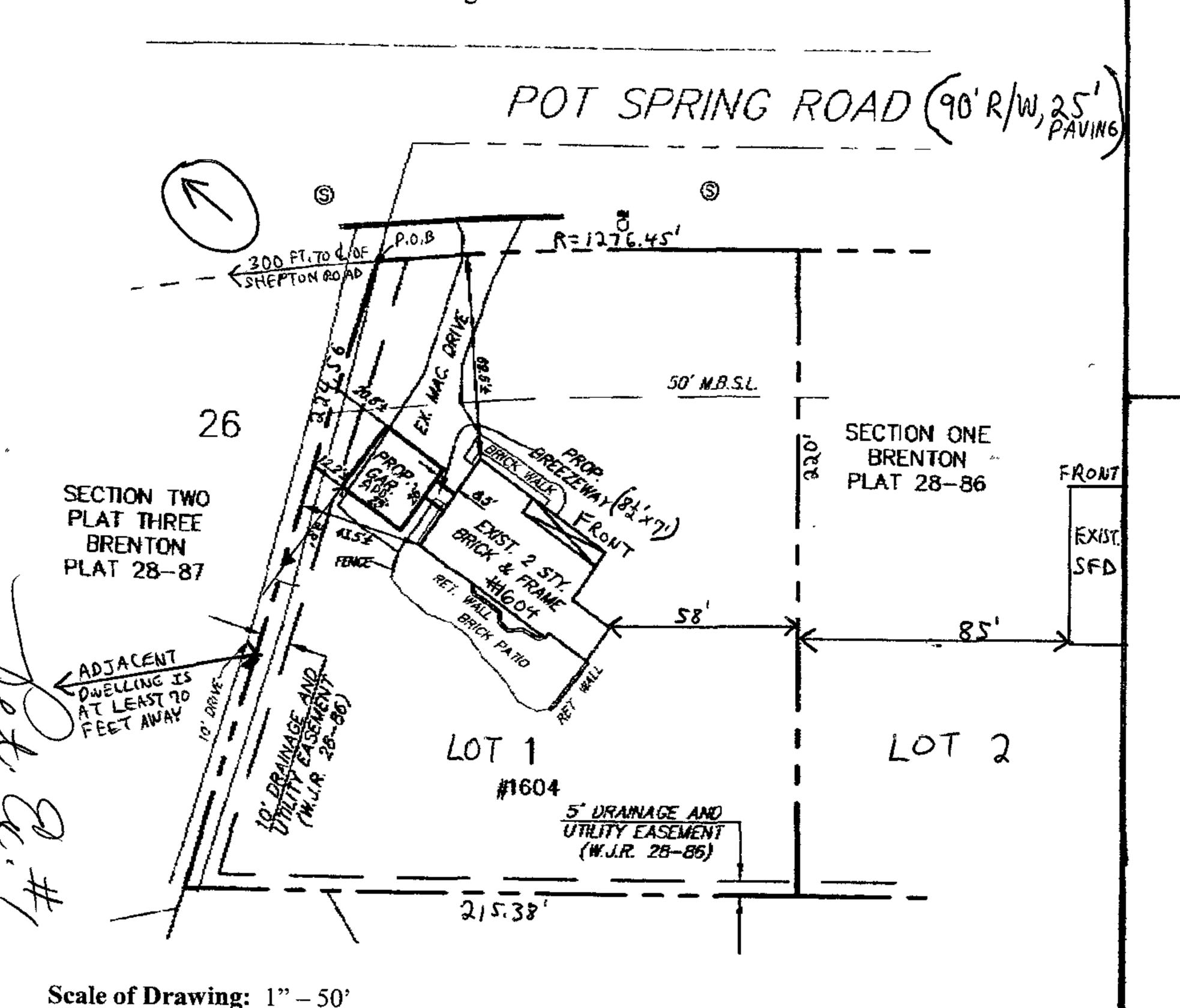
PLAT TO ACCOMPANY PETITION FOR ZONING - Administrative Variance

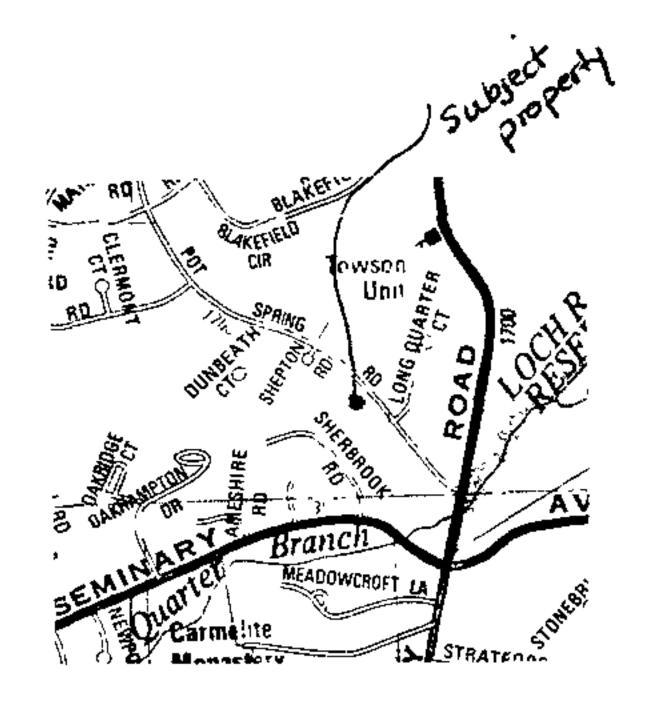
Property Address: 1604 Pot Spring Road, Timonium, MD 21093

Subdivision Name: Section One Brenton

Plat Book #28 Folio #86 Lot #1 Block A Section #1

Owner: Mr. and Mrs. Kurt Wittelsberger





Vicinity Map Scale: 1" = 2000'

Location Information

Election District 8
Councilmanic District 3
1"=200' scale map # NE13A
Zoning D.R.1 (formerly R-40)
Lot size 39,883 sq. ft.
Public water
Public sewer
Chesapeake Bay critical area – No
100 year flood plain – No
Historic property/building – No
Prior zoning hearing – None

03-602-A

03-602-A HIE 12 A D.R. 1 QUARTER BRENTON RD.1 SHIRE AME AMESHIRE AVENUE









