IN RE: PETITION FOR ADMIN. VARIANCE S/S of Pickett Road, 300 ft. +/-

centerline of Pickett Garth

8th Election District

3rd Councilmanic District

(5 Pickett Road)

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 04-466-A

Paraskevi & Zacharias Mavrodontis

Petitioners

\* \* \* \* \* \* \* \* \* \* \* \* \*

#### 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, Paraskevi and Zacharias Mavrodontis. The variance request is for property located at 5 Pickett Road in the Lutherville area of Baltimore County. The variance request is from Section 1B02.3.B (211.4, 1955 Regs.) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 27.5 ft. for a proposed addition in lieu of the minimum required 30 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 on April 23, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

#### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

#### Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where

special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

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.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioners' variance request should be GRANTED.

THEREFORE, IT IS ORDERED, this \_\_\_\_\_ day of May, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.B (211.4, 1955 Regs.) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 27.5 ft. for a proposed addition in lieu of the minimum required 30 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;

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

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### **Zoning Commissioner**

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



### Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

May 14, 2004

Mr. & Mrs. Zacharias Mavrodontis 5 Pickett Road Lutherville, Maryland 21093

Re: Petition for Administrative Variance

Case No. 04-466-A Property: 5 Pickett Road

Dear Mr. & Mrs. Mavrodontis:

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





# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 5 fickett Road which is presently zoned N.R.5.5

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 undersign	ed, legal
owner(s) of the property situate in Baltimore County and which is described in the descrip <b>ti</b> on and plat attached he	ereto andr
made a part hereof hereby petition for a Variance from Section(s) 1 Boz. 3. B (2/1.4) 1955-	Regs
To allow a reary and setback & 27/2 to for a p	
add to a lieu of the minimum brounds 30 th	

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.

			is the subject of this	Petition	
Contract Purchaser/L	essee:		Legal Owner(s).	<u>:</u>	
			Zacharias	Marrodontis	
Name - Type or Print			Name - Type or Print	/ /	<del>/</del> :
Signature			Signature	movicolema	<i>2</i>
Address	······································	Telephone No	Paraskevi Name - Type or Print	Marrodontis	
		reseptione rec	0 " "	symmoutis	
City	State	Zip Code	Signature	###############	
Attorney For Petitions	er:		5 Pickett Address	Road 410-9	7921-5287 Telephone No.
Name - Type or Print			LU+berville City	MD - State	21093 Zip Code
			_		Zip Que
Signature			Representative	to be Contacted:	· -
				3 ABOVE	
Company			Name		
Addles		Telephone No	Address	<del></del>	Telephone No
Gity 3	State	Zip Code	City	State	Zip Code
A Public Hearing having been	n formally demand	ed and/or found to be	required, it is ordered by	the Zoning Commissioner of	Baltimore County,
day of regulations of Baltimore County	and that the proper	at the subject matter of t ty be reposted.	nis petition be set for a public	c hearing, advertised, as req	uired by the zoning
N (					
			Zoning Comn	nissioner of Baltimore Count	y
ASE NO. 04	-466-	g Day	iewed By	2 Date 4-12	2-046
		•		//	<u> </u>
REV 10/25/01		Est	imated Posting Date _	4-25-0	<del></del>

# 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 Adding	Pickett	Road	
•	therville	MD.	21093 Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hardship or proposed request for an addition to the fact that an addition to the and comfort. The extra room is provide more cabinet and clopens, and all other kitchen is rather small in sized kitchen table to fit a together at alimner time. The facts of our current living in order to provide more existing home.	Administry existing sill Serve sex Spac sex Spac stensils size, wh whom wit	ative Varia property us as a kit e to be a and tools ich doesn' h our fami	se the request for an Administrative  nee is alve to the  cill allow for more space  chen and will  ble to store pots.  The existing  t allow for a small  ill of fore to six
That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide additional advertising fee and may be required to provide advertising fee and fee and may be required to provide advertising fee and may be required to provide advertising fee and may be required to provide advertise advertise advertise advertise advertise advertise adv	onal information. Sign	A Affiant(s) will be ature  A RASKEVI  Letype or Print	,
STATE OF MARYLAND, COUNTY OF BALTIMORE  I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, persona		,, bef	ore me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactorily	y identified to me	e as such Affiant(	s).
AS WITNESS my hand and Notarial Seal	Notary Publ	•	Jovanbert, Wob

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That the Affiant(s) does/do presently reside at	5 Pickett Address	Road	<u> </u>
	LUther ville	MD	2\093 Zip Code
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rvame - Type or Print	Nam	ie - 1 ype or Print	· 
STATE OF MARYLAND, COUNTY OF BALTING  I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, per	•	,, before m	ne, a Notary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified to me	e as such Affiant(s).	· · · · · · · · · · · · · · · · · · ·
AS WITNESS my hand and Notarial Seal	Notary Publ	hall Jouran	
	My Commis	sion Expires <u>Move</u>	ber 1, 2006



# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

for the property located at 5 Pickett Road which is presently zoned  $D_{\bullet}R_{\bullet}5_{\bullet}5_{\bullet}$ 

This Petition shall be filed owner(s) of the property situ made a part hereof, hereby	with the Deatim ate in Baltim petition for a	<b>epartment o</b> ore County a Variance fro	of Permit and whic om Section	ts and Developments described on (s) / Bos	in the descri	agement. To ption and place of the place of	he unders	igned, legal hereto and
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of the zoning regulations of too of this petition form.	Baltimore Co	unty, to the	zoning le	aw of Baltimor	e County, for	the reasons	indicated	on the back
Property is to be posted and i, or we, agree to pay expenses regulations and restrictions of E	s of above Var	iance, advert	ising, pos	ting, etc. and fu	irther agree to	and are to be County.	bounded t	y the zoning
				perjury, tha	iemniy declare it I/we are the l ect of this Petiti	egal owner(s)		
Contract Purchaser/Les.	see:			<u>Legal O</u>	vner(s):			
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City	State	Zip C	ode	Signature	is Mouro	dolltis		
Attorney For Petitioner:				Address	cett Ro	rad A	<u>168 - 01</u>	elephone No
Name - Type or Pant	- <u></u>			City City	rville	<u>MD</u> . Stat	e	21095 Zip Code
Signature	——————————————————————————————————————	<del></del>	<del></del>		ntative to b		<u>d:</u>	
Company		······································	<del></del>	Name	E AS A	1BOVE		
Address	<u></u>	Telephone	No	Address		····.	Te	elephone No
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				Zo	ning Commissio	ner of Baltimore	County	<del></del>
CASE NO. <u>04-</u>	466-4	2	Revi	iewed By	2200	Date	1-1-2-	04
REV 10/25/01			Estir	mated Postin	g Date	4-25	04	

#### **ZONING DESCRIPTION FOR 5 PICKETT ROAD**

Beginning at a point on the south side of Pickett Road which is 50 feet wide at the distance of 300 feet north east of the centerline of the nearest improved intersecting street Pickett Garth which is 20 feet wide. Being Lot # 16, Block N, Section # 1 in the subdivision of York Manor as recorded in Baltimore County Plat Book #23, Folio # 5, containing 6741.79 square feet. Also known as 5 Pickett Road and located in the 8<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.

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# CERTIFICATE OF POSTANCE

attention: Kristen Matchews Date april 27, 2004 RE: Case Number 84-466-A

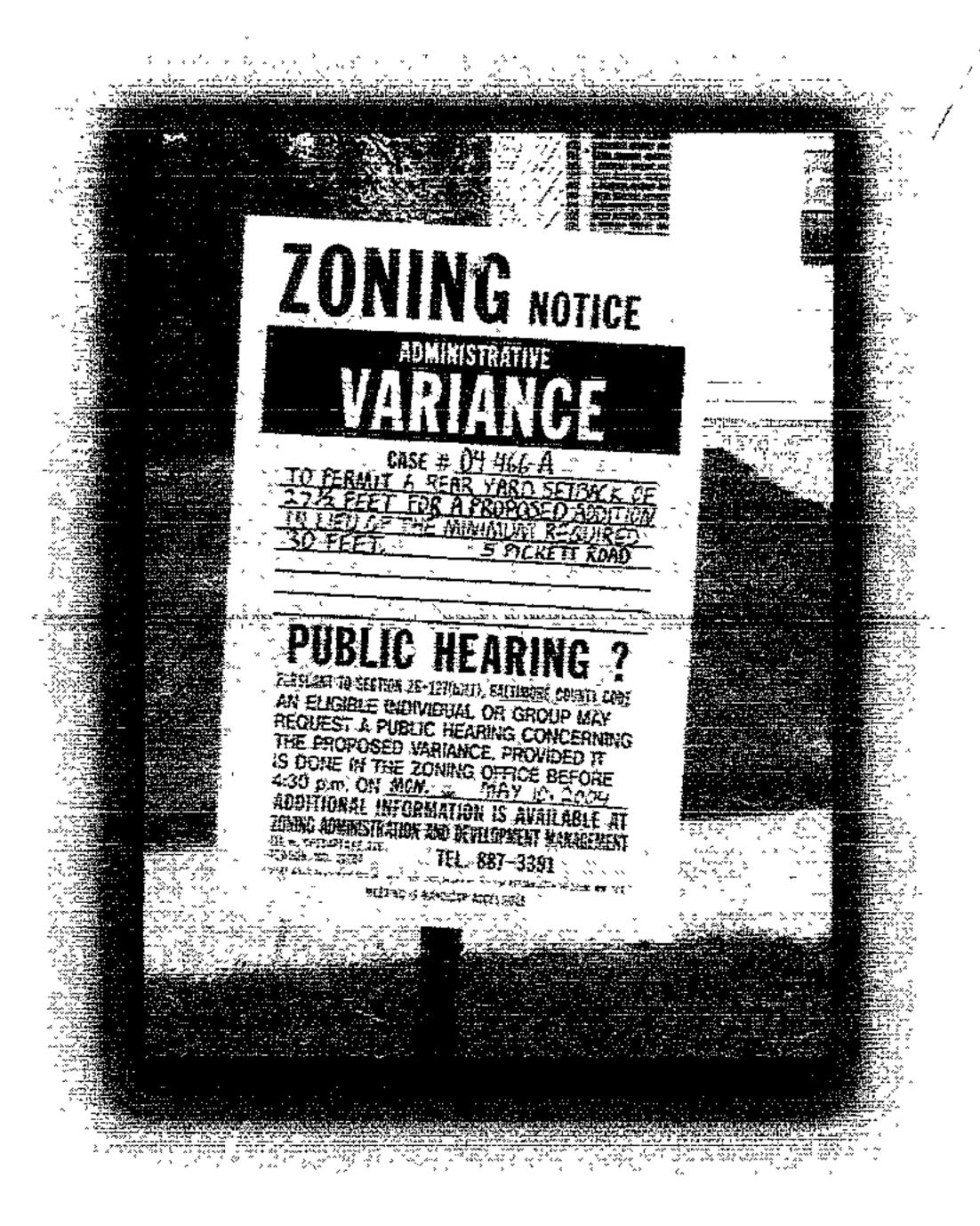
Petitioner/Developer MARIA MAVRODONTIS

Date of Hearing/Closing) May 10, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 5 Publish Route

The sign(s) were posted on

April 23, 2004



Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City. State, Zip Code of Sign Poster)

410-666-5366 (Telephone Number of Sign Poster)

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04-	466 -A			
Contact Person:		Address	PICKE	-T-Rd-
oomacri erson:	Planner Please Pr	UNI YOU NOON	Ph	one Number. 410-887-3391
Filing Date: 4-				-110-007-339
Any contact made		Posting Date: 4		Closing Date: 5~10-04
through the contact p	Derson (planner) usi	larding the status of ing the case number.	the admini	Closing Date: 5~/8-04/ strative variance should be
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(whether due to commissioner), changed giving posted, certificat this office	a neighbor's form notification will be notice of the hearing and this change	nal request or by o forwarded to you. g date, time and local and a photograph of	cases that maked of the The sign of the sign of the altered sign.	nust go to a public hearing zoning or deputy zoning on the property must be sen the sign was originally sign must be forwarded to
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## 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 posts 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.
tem Number or Case Number 04-466-A
Petitioner Mr. Eme. Z. MAVRODONTIS
Address or Location # 5 Pickett Rd-
PLEASE FORWARD ADVERTISING BILLITO
Vame
Address
Lutherville, Md., 21093
21093
eiephone Number

# Department of Permits Development Management

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





James T. Smith, Jr, County Executive Timothy M. Kotroco, Director

May 6, 2004

Zacharias Mavrodontis Paraskevi Mavrodontis 5 Pickett Road Lutherville, Maryland 21093

Dear Mr. and Mrs. Mavrodontis:

RE: Case Number:04-466-A, 5 Pickett Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 12, 2004.

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, Callaball Callaball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: db

Enclosures

c: People's Counsel



### Fire Department

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



### **Baltimore County**

James T Smith, Jr, County Executive John J Hohman, Chief

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

April 20, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: April 26, 2004

Item No.:

457-469

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.

6. 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



Visit the County's Website at www.baltimorecountyonline.info





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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

4.19.04 Date:

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

RE:

Baltimore County

Item No. 466

122

Dear. Ms. Matthews:

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,

Engineering Access Permits Division





#### BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

April 5, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 8, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-457

04-458

04-459

04-460

04-461

04-462

04-465

.04-466)

04-467

04-468

04-468

04-469

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** April 20, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

APR 2 2 2004

ZONING COMMISSIONER

**SUBJECT:** 

Zoning Advisory Petition(s): Case 4-466 - 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:

Division Chief

AFK/LL

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

**DATE:** May 18, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 26, 2004

Item Nos. 457, 458, 459, 460, 461, 462,

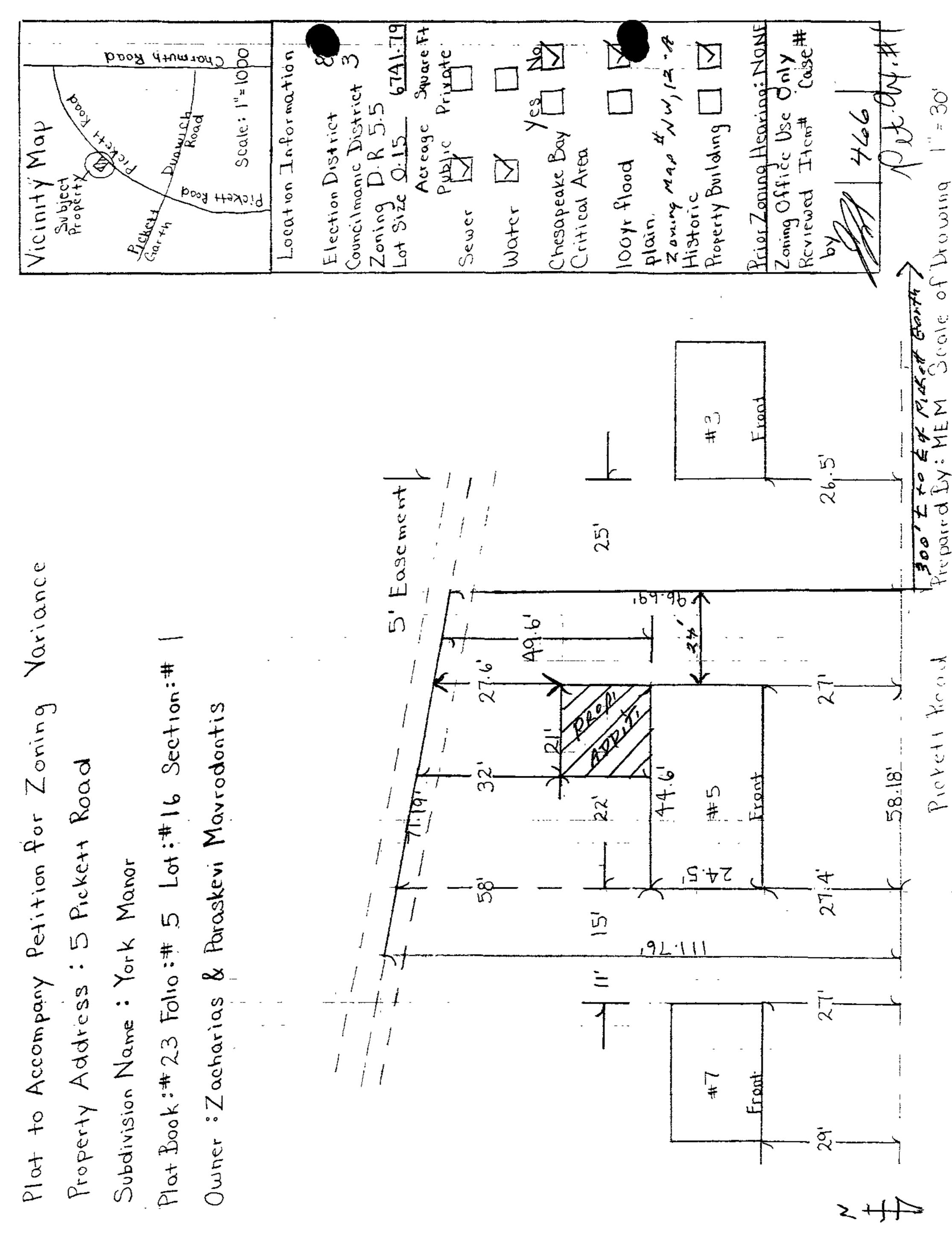
465, 466, 468, and 469

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

RWB:CEN:jrb

cc: File

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