IN RE: PETITION FOR ADMIN. VARIANCE

NE/Corner Deer Park Road and

Ivy Mill Road

(6233 Deer Park Road)

4th Election District

4th Council District

Jay S. Friedlander, et ux Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 05-026-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Jay S. Friedlander, and his wife, Leslie J. Bowman-Friedlander. The Petitioners seek relief from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) replacement with a height of 20 feet in lieu of the maximum allowed 15 feet and located 38 feet from the side street in lieu of the required 1/3 of the rear yard, farthest removed from the street. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

ORDER RECE

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OR FILING

ORDER RECEI

Based upon the information contained within the case file, I am persuaded to grant the requested relief. It was indicated that the existing dwelling is small and lacks sufficient storage space. The proposed structure will replace an existing one-car garage and provide additional storage space on the second floor. There were no adverse comments from any County reviewing agency and there is apparently no opposition from any of the neighbors. Thus, relief will be granted subject to certain conditions to insure compliance with the use regulations.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______ day of August 2004 that the Petition for Administrative Variance seeking relief from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) replacement with a height of 20 feet in lieu of the maximum allowed 15 feet and located 38 feet from the side street in lieu of the required 1/3 of the rear yard, farthest removed from the street, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his 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.
- 2) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioner shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bis

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

August 23, 2004

Mr. & Mrs. Jay S. Friedlander 6233 Deer Park Road Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE NE/Corner Deer Park Road and Ivy Mill Road (6233 Deer Park Road)

4th Election District – 4th Council District Jay S. Friedlander, et ux - Petitioners Case No. 05-026-A

Dear Mr. & Mrs. Friedlander:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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:bis

cc: People's Counsel; Case/File







Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6233 Deer Park Road

which is presently zoned <u>RC-4</u>

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) 400! 400. I To allow a replacement detached ganage with a height of 2018. A located 38 st. from the ide street in lieu of the maximum allowed 15 ft. and outsidest learny and farthest nemoved from the Side street nestective!

of the zoning regulations of Baitimore County to the zoning law of Baltimore County, for the reasons indicated on the back

Property is to be posted and advertised as prescribed by the zoning regulations. i, or we lagree 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.

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Name - Type or Print		Jay S. Friedlan	ider /	
Signature	· · · · · · · · · · · · · · · · · · ·	Signature Signature		
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City			Mah	
Attorney For Petitio		Signature 6233 Deer Par	le Dood 410 5	26 0120
	<u> </u>	Address	K KOad 410-5.	26-0120
Name - Type or Print	·	Reisterstown	Maryland 21	Telephone No 136
, ypa 0,,		City	State	Zip Code
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		Name	201 206 71	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
dodress	Telephone No	Daytime Address	301-286-71	/ Z Telephone No
				rempasse no
2510	State Zp Code	City	State	Zip Code
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	nty and that the property be reposted		roomig acrestised, as requi	red by the zoning
g I		Zoning Commis	sioner of Baltimore County	
SASE ND. 05	5-0267 Rev	iewed By	Date 7-13	04
V 8/2 801		mated Posting Date	7-25-04	
				 _

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

6233 Deer Park Road

Address
Reisterstown Maryland 21136

City State

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 currently have a small (1 car) garage in need of repair. We also reside in small (900 Square Feet) house. We would like to improve our basement to increase our living space.

To do this we require more storage space. The easiest way to accomplish this would be to rebuild our garage as a two level structure with space for two cars below and full room size area above for storage. The current height limit of 15 feet restricts the amount of storage area on the second floor. We are requesting a variance to construct a 20' x 20' garage with a 20' height. The structure would be over the same footprint as the original garage. The structure would not impede any sight lines. Our property is on the comer of two country roads but the garage would not impact views from either direction.

That the Affiant(s) acknowledge(s) that if a formal demand advertising fee and may be required to provide additional information. Signature Jay S. Friedlander Name - Type or Print	is filed, Affiant(s) will be required to pay a reposting and mation. Signature Leslie J. Bowman-Friedlander Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to with the Hereby Certify, this 23 day of the County aforesaid, personally appearance of Maryland, in and for the County aforesaid, personally appearance of the Affiailt(s) herein, personally known or satisfactority identification.	200 f, before me, a Notary Public of the State ared
AS WITNESS my hand and Notarial Seal	
	Commission Expires — MOTARY PUBLIC PUBLIC

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STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 23 day of	iend leader
	Public Morary Part Public Notary Part Public Public Notary Part Public P



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6233 Deer Park Road

which is presently zoned RC-4

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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 to is the subject of this P	he legal owner(s) of the pr	operty which
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OUNTRACT WICHESCHILES.	<u>366.</u>		Legal Owner(s):		
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City	State	Zip Code	Signature V		
Attorney For Petitioner:			6233 Deer Par	k Road 410-52	6-0120
			Address	Mar-1 211	Telephone No
Name - Type or Print			Reisterstown	Maryland 211	
			•	State	Zip Code
Signature			Representative to	o be Contacted:	
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Address City A Public Hearing having been for this day of regulations of Baltimore County and	rmally demand	Zip Code led and/or found to be at the subject matter of to ty be reposted	Jay Friedlande Name Daytime Address City required, it is ordered by the his petition be set for a public	State e Zoning Commissioner of 8 hearing, advertised, as require	Zip Code Zip Code altimore County. ed by the zoning



Zoning Description for 6233 Deer Park Road

The property Point of Beginning (POB) is at the exact northeast corner of Deer Park Road and Ivy Mill Road. The Property heads easterly along Deer Park Road for 100'. The property turns directly North for 384'. The property then turns west for 262'. The property then heads to POB.

As recorded in Deed Liber 7566 Folio 668 among the land records of Baltimore County Maryland. Also known as 6233 Deer Park Road and located in the 4th Election District, 4th Councilmanic District.

026

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CERTIFICATE OF POSTING

7	

RE: Case No.: <u>05-026-A</u>
Petitioner/Developer: Jay+Leslie
Friedlander
Date of Hearing/Closing: 8 9 04

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

Attention: Kristen Matthews

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 6233 Deer Park Road

Reisterstown, MD 21136



July 23, 2004

(Month, Day, Year)

Sincerely,

Signature of Sign Poster and Date)

Stacy Gardner

SHANNON-BAUM SIGNS INC. 105 COMPETITIVE GOALS DR. ELDERSKURGSMD. 21784

410-781-4000

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 026 -A Address 6233 Deer Park Rd
Contact Person: John Sullivan Phone Number: 410-887-3391
Filing Date: 7-13-04 Posting Date: 7-25-04 Closing Date: 8-09-04
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 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.
2. <u>DEADLINE:</u> 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.
(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 this office.
(Detach Along Dotted Line)
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
ase Number 05- 026 -A Address 6233 Deer Park Rd-
Telephone 4/0-52/-012
Closing Date: Description of the Control of the Con
ording for Sign: To Permit a (replacement) detached garage with a height of 20 pl. s
of near yord fanthest removed from the side street respectively.

Department of Permits and Development Management

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





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

August 9, 2004

Jay S. Friedlander Leslie L. Bowman-Friedlander 6233 Deer Park Road Reisterstown, Maryland 21136

Dear Mr. and Mrs. Friedlander:

RE: Case Number: 05-026-A, 6233 Deer Park Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 13, 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.

W. Callial Ailal

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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 22, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of July 26, 2004

Item No.:

017-035

Dear Ms. Mathews:

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



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

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

Maryland Department of Transportation

Date: 7.23.64

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

Item 1

RE:

Baltimore County
Item No. 626

266

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,

Steven D. Foster, Acting Chief Engineering Access Permits Division

1. 1. South

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** August 3, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

AUG - 5 2004

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case(s) 5-008, 5-026, and 5-033

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.

Division Chief:

MAC/LL

Zoning

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 4, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 2, 2004

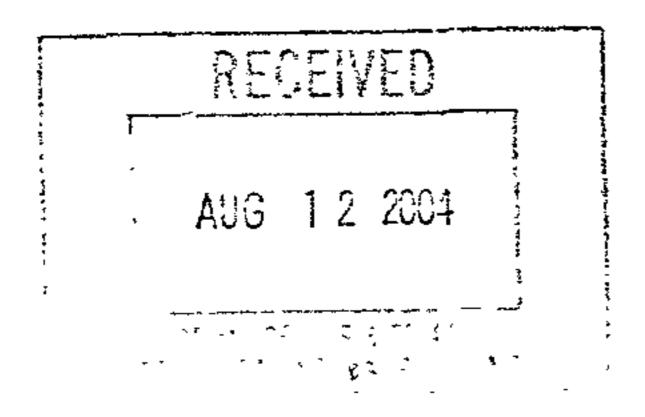
Item Nos. 017, 020, 022, 024, 025, 026, 026, 027, 028, 029, 030, 033, 034,

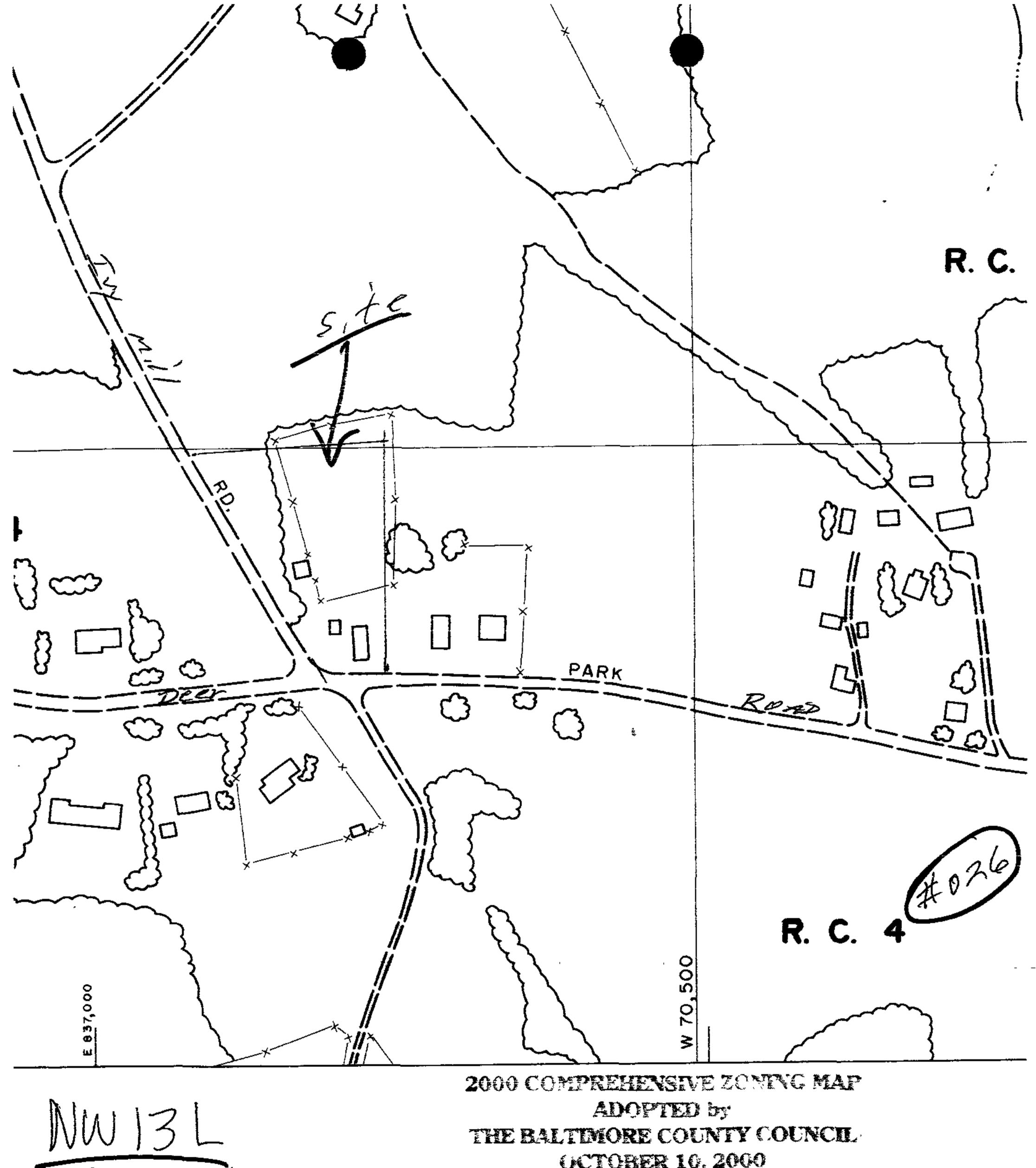
and 035

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

RWB:CEN:jrb

cc: File





OCTOBER 10, 2000

Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

ISED IN SELECTED AREAS. BY PHOTOGRAMMETRIC METHODS BALTIMORE, MD. 21210

Chairman. County Council







6233 Peer Park Road Back



6233 Peer Park Road west Side



