

IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Overbrook Road, 571 ft. E
centerline of York Road
9th Election District
5th Councilmanic District
(517 Overbrook Road)

Kristen & David Martignetti
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-296-A

* * * * *

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, Kristen and David Martignetti. The variance request is for property located at 517 Overbrook Road in Baltimore County. The variance is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the extension of a dwelling addition with a 5 ft. setback in lieu of 10 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 December 17, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the following County agency: A ZAC comment was submitted by the Office of Planning dated January 3, 2005, a copy of which is attached hereto and made a part hereof.

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

ORDER RECEIVED FOR FILING

Date 11/7/05

By Ray

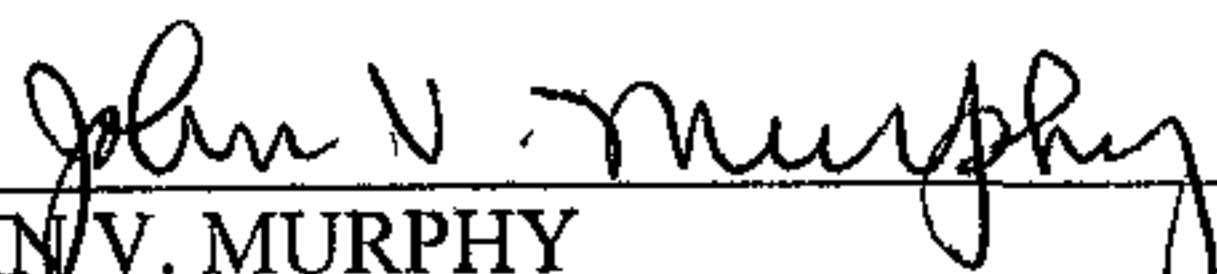
information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the 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, this 7 day of January, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the extension of a dwelling addition with a 5 ft. setback in lieu of 10 ft., be and it is hereby APPROVED, subject, however, to the following restrictions which are conditions 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;
2. Compliance with the ZAC comments submitted by the Office of Planning dated January 3, 2004, a copy of which is attached hereto and made a part hereof;
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.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING

Date

1/7/05

By

Raj

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
William J. Wiseman III, Zoning Commissioner

January ⁷/₆, 2005

Mr. & Mrs. David Martignetti
517 Overbrook Road
Baltimore, Maryland 21212

Re: Petition for Administrative Variance
Case No. 05-296-A
Property: 517 Overbrook Road

Dear Mr. & Mrs. Martignetti:

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 that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 517 Overbrook Rd
which is presently zoned DR S.S

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)

1802.3C1 to permit the extension of a dwelling addition with a 5' setback in lieu of 10'.

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):

Kristen Martignetti
Name - Type or Print

Kristen Martignetti
Signature

David Martignetti
Name - Type or Print

David Martignetti
Signature

517 Overbrook Rd 410 377 7768
Address Telephone No.

Baltimore MD 21212
City State Zip Code

Representative to be Contacted:

Kristen Martignetti
Name

517 Overbrook Rd 410 377 7768
Address Telephone No.

Baltimore MD 21212
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 12/10/04 day of December, 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. 05 296 A

Reviewed By JL

Date 12/10/04

REV 10/25/01

Estimated Posting Date 12/19/04

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.

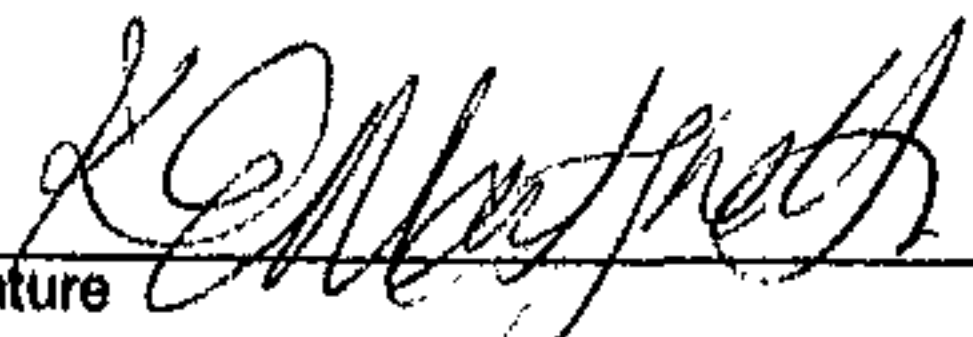
That the Affiant(s) does/do presently reside at

517 Overbrook Rd
Address
Baltimore MD 21212
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):

See attached

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
Kristen Martignetti
Name - Type or Print


Signature
David Martignetti
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of DECEMBER, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DAVID MARTIGNETTI AND KRISTEN MARTIGNETTI
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public
My Commission Expires FEBRUARY 26, 2007

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

517 Overbrook Rd
Address
Baltimore MD 21212
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):

See Attached

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.

Kristen Martignetti
Signature
Kristen Martignetti
Name - Type or Print

David Martignetti
Signature
David Martignetti
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of DECEMBER, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DAVID MARTIGNETTI AND KRISTIN MARTIGNETTI
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Sharon Kay Laing
Notary Public
My Commission Expires FEBRUARY 26, 2007



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 517 Overbrook Rd
which is presently zoned DR S.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)

1602.3.C.1 to permit the extension of a dwelling addition with a 5' setback in lieu of 10'.

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):

Kristen Martignetti
Name - Type or Print

[Signature]
Signature

David Martignetti
Name - Type or Print

[Signature]
Signature

517 Overbrook Rd 410.377.7768
Address Telephone No.

Baltimore MD 21212
City State Zip Code

Representative to be Contacted:

Kristen Martignetti
Name

517 Overbrook Rd 410.377.7768
Address Telephone No.

Baltimore MD 21212
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 12/10/04 day of December, 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. 05 296 A

REV 10/25/01

Reviewed By [Signature]

Date 12/10/04

Estimated Posting Date 12/19/04

The home was built originally with an existing side setback of approximately 5'. We would like to maintain this setback and extend the house back 20'. Maintaining this setback is crucial to acquiring needed interior space, as well as creating an architecturally pleasing structure. The home is narrow, less than 30' wide, and making the extended space a lesser this width would make it far less usable. Expansion space is necessary because the current dwelling does not allow for the homeowners to have home office space (as we both work from home), nor does it allow for the eat-in kitchen and family room that are desired in a family with 2 young children. We have investigated moving to a larger home, however this option, in today's housing market, is cost prohibitive. Adding space to our existing home is the only way we can afford the size home that meets our needs.

296

ZONING DESCRIPTION FOR 517 OVERBROOK RD.
Beginning at a point on the south side
of Overbrook Rd., which is 50' wide
at the distance of 571' east of the centerline
of the nearest improved intersecting street,
York Rd., which is 52' wide. Being Lots #17 & 18
as recorded in the Baltimore County Plat Book #7.
Folio #40, containing 6,250 sq. ft. Also known
as 517 Overbrook Rd., and located in the 9th
Election District, 5th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 441083

296

DATE 12/10/04 ACCOUNT 0010066150

AMOUNT \$ 655.00

RECEIVED
FROM:

Martinez

FOR:

Rev. Hernandez

517 Overbrook Rd

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME

12/10/2004 12:10:30PM 09:37:05

SSS WITH WALDEN 001 000

AMOUNT \$ 2062.00 07/10/2004 09:37:05

Dept. 5 532 TRADING VERIFICATION

SP. NO. 000003

Amount for \$655.00

\$655.00 07/10/2004

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date December 22, 2004

RE: Case Number 05-296-A

Petitioner/Developer KRISTEN & DAVID MARTIGNETTI

Date of Hearing (Closing) JANUARY 3, 2005

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 517 OVERBROOK ROAD

The sign(s) were posted on December 17, 2004



Linda O'Keefe
(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)

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: 05 - 296 - A
Petitioner: MARTIGNETTI
Address or Location: 517 OVERBROOK RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kristen Martignetti
Address: 517 Overbrook Rd.
Baltimore MD 21212
Telephone Number: 410 377 7768

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 296 -A

Address 517 OVERBROOK RD

Contact Person: JOHN LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 12/10/04

Posting Date: 12/19/04

Closing Date: 1/03/05

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

1. **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.
2. **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.
3. **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.
4. **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 05- 296 -A

Address 517 OVERBROOK RD

Petitioner's Name KRISTEN & DAVID MARTINETTI

Telephone 410 377 7768

Posting Date: 12/19/04

Closing Date: 1/03/05

Wording for Sign: To Permit THE EXTENSION OF A DWELLING ADDITION
WITH A 5 FT. SETBACK IN LIEU OF 10 FT.

**Department of Permits and
Development Management**

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



Baltimore County

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

January 3, 2005

Kristen Martignetti
David Martignetti
517 Overbrook Road
Baltimore, Maryland 21212

Dear Mr. and Mrs. Martignetti:

RE: Case Number:05-296-A , 517 Overbrook Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 10, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



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

December 23, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: December 20, 2004

Item No.: 252, 291-296, 298-300, 302-304

Pursuant to your request, the referenced plan(s) have been reviewed 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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: January 21, 2005

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 27, 2004
Item Nos. 291, 293, 294, 296, 297, 299,
300, 301, 302, and 304

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

RWB:CEN:jrb

cc: File

ZAC-12-27-2004-NO COMMENT ITEMS-291-304-01212005

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr J^{DO}
DEPRM

DATE: January 19, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of December 20, 2004.

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

05-291

05-293

05-296

05-297

05-299

05-301

05-304

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr *JDO*
DEPRM

DATE: January 24, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of December 27, 2004.

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

05-291
05-293
05-296
05-297
05-299
05-301
05-304

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: January 3, 2005

RECEIVED

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

JAN 5 2005

SUBJECT: 517 Overbrook Road

ZONING COMMISSIONER

INFORMATION:

Item Number: 5-296

Petitioner: David Martignetti

Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the proposed addition does not alter the character of the existing single-family dwelling. Exterior materials and design shall be complimentary with the surrounding neighborhood (e.g. stone, brick, and bleached wood accents).

Prepared by:

Marla A. Cunningham

Division Chief:

John L. [Signature]

AFK/LL:MAC:

ORDER RECEIVED FOR FILING

Date

1/7/05

By

Ray



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

State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 12.21.04

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

RE: Baltimore County
Item No. 296 JLL

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, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com







#515
(rear)



