IN RE: PETITION FOR ADMIN. VARIANCE E/S of Aintree Road, 325 ft. S centerline of Seminary Avenue 9th Election District 3rd Councilmanic District

(1313 Aintree Road)

Petitioners

Kathleen C. & Edmund R. Novak

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 05-516-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, Kathleen C. and Edmund R. Novak. The variance request is for property located at 1313 Aintree Road in the Towson area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing dwelling with a proposed addition to have a rear yard setback of 25 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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 8, 2005, 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 32-3-303 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

S/11/05 CORFUS

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 1 day of May, 2005, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing dwelling with a proposed addition to have a rear yard setback of 25 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:

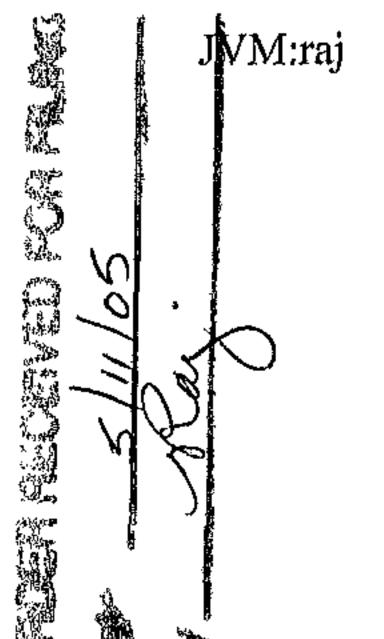
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

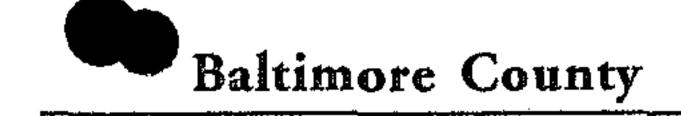
FOR BALTIMORE COUNTY



Zoning Commissioner

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





James T. Smith, Jr., County Executive William J. Wiseman III, Zoning Commissioner

May 11, 2005

Mr. & Mrs. Edmund R. Novak 1313 Aintree Road Baltimore, Maryland 21286-1345

Re: Petition for Administrative Variance Case No. 05-516-A
Property: 1313 Aintree Road

Dear Mr. & Mrs. Novak:

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: Gerhold, Cross & Etzel, Ltd. 320 E. Towsontown Blvd. Towson, Maryland 21286



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



Petition for Administrative Variance

for the property located at 1313 Aintrea Road

to the Zoning Commissioner of Baltimore County

| | WHERE HE RESCHARY ZORICH U.K. |
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| made a part hereof, hereby petition for a Variance from | Permits and Development Wanagement. The undersigned, legal I which is described in the description and plat attached hereto and Section(s) 「Bo೭,3,C,L ᇬ ႕ ᇉ B.C.Z,R, |
| To permit in existing dwelling wit | La proposed addition a rear ward cothad |
| of 25' in lieu of the required: | • |
| of the zoning regulations of Baltimore County, to the zon of this petition form. | ning law of Baltimore County, for the reasons indicated on the back |
| Property is to be posted and advertised as prescribed by an agree to pay expenses of above Variance, advertising egulations and restrictions of Baltimore County adopted pursuable for the county adop | a nosting sic and further sares to and are to be bounded by the seminar |
| | 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: | <u>Legal Owner(s):</u> |
| lame - Type or Print | Name-Type or Pript Leawid R. Novak Noull Double |
| Ignature . | Signature |
| ddress Telephone No. | Name - Type or Print Catcheen C. Novak Name - Type or Print Catcheen C. Novak |
| ity State Zip Code | Signature |
| Attorney For Petitioner: | 1313 Aintree Road (10)-828-49: Address Telephone No. |
| arne - Type or Print | Clty State Zip Code |
| ignature | Representative to be Contacted: |
| ompany _v | Gerhold, Cross & Elzel, Ltd. Mike Alexander Name |
| ddress Telephone No. | 320 E. Towson town Blvd. (410)-823-447 Address Telephone No. |
| State Zip Code | Towson Maruland 21286. |
| Public Hearing having been formally demanded and/or found in | o be required, it is ordered by the Zoniaa Commissioner of Baltimore County |
| that the subject matter that the property be reposted. | or of this petition be set for a public hearing, advertised, as required by the zoning |
| NE . | Zoning Commissioner of Baltimore County |
| ABÉ NO. 05-516-1 | Reviewed By 3/2 Date 4/7/05 |
| EV 10/25/01 | Estimated Posting Date $4/17/05$ |

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 | 1313 | Aintree | Road | <u></u> |
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| Surroundings and does In addition, my his our multilevel home will have a second | usba beca hip | nd is to buse of teplace | raving diffications are the hip post on the | culty dealing worklems. He pril 18,2005 |
| The addition will pl on one level and climb steps to a | ace elin | many c | the need | for him to |
| our current space | ,= | | | |
| That the Afflant(s) acknowledge(s) that if a feathertising fee and may be required to provide | additional | information. | | Sall land |
| Signature Kathleen C. Novak Name - Type or Print | | Signature Name - T | ype or Print | Ak, J- |
| STATE OF MARYLAND, COUNTY OF BALTI | MORE, to | wit: | | |
| of Maryland, in and for the County aforesaid, po | ersonally | appeared | | Notary Public of the State |
| the Affiant(s) herein, personally known or satisf | actorily id | entified to me as | such Affiant(s). | <u>, in a grande de la companya de la compa</u> |
| AS WITNESS my hand and Notarial Seal | | Moueu | I Deminu | |
| - - | | Notary Public My Commission | Expires FEBRUAR | 1/22008 |

REV 10/25/01

Affidavit in Support of Administrative Variance

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| the side yard. The ar | -chitect's d | esign blends 1 | well with t |
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| That the Affiant(s) acknowledge(s) that if a feadvertising fee and may be required to provide | ormal demand is filed, additional information. | Affiant(s) will be required to | pay a reposting and |
| K. A. | | | |
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| Kathleen C. Novak | 7-1- | R. Nouski | IT ! |
| Name - Type or Print | Name - | Type or Print | <u></u> |
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| OTATE OF MARYLAND, COUNTY OF BALTI | MODE to wit | | * - * + * |
| STATE OF MARYLAND, COUNTY OF BALTI | 00/1 2005 | boforo mo a No | tary Public of the State |
| I HEREBY CERTIFY, this 4 day of 4 day of All of Maryland, in and for the County aforesaid, pe | ersonally appeared | | aly Fublic of the otal |
| KATHLEEN C. NOVAK AM the Affiant(s) herein, personally known or satisf | actorily identified to me | No VAK JR. as such Afflant(s). | |
| the Amanda) horom, personally known or oalla | , | | , |
| AS WITNESS my hand and Notarial Seal | Man | w Ramin | 10- |
| | Notar / Public | | |
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| REV 10/25/01 | | | |
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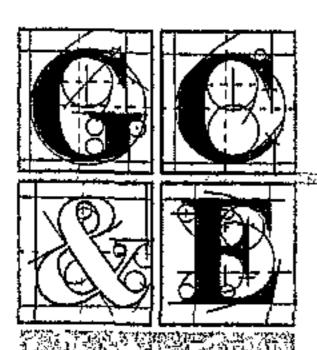
Petition for Administrative Variance

for the property located at 1313 Aintree Road

to the Zoning Commissioner of Baltimore County

which is presently zoned D.R. - !

| This Petition shall be filed with the owner(s) of the property situate in Balt made a part hereof, hereby petition for | a Variance from | Section(s) 1 BOZ, 3 | the description and p . C. i of the B. (| olat attached hereto and . 궁. 尽. |
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| of 25' in lieu of the | 1 | | ~ | |
| of the zoning regulations of Baltimore (of this petition form. | County, to the zor | ing law of Baitimore C | ounty, for the reasor | ns indicated on the back |
| Property is to be posted and advertised I, or we, agree to pay expenses of above \ regulations and restrictions of Baltimore Co | /arlance, advertisin | a posting etc and furth | er saree to and are to | be bounded by the zoning |
| | i i | I/We do solem perjury, that I/v is the subject o | ve are the legal owner(| under the penalties of (s) of the property which |
| Contract Purchaser/Lessee: | | <u>Legal Own</u> | er(s): | |
| Name - Type or Print | ************************************** | Name - Type or | Print | vale |
| Signature | · | Signature | | |
| Address | Telephone No. | Name Type or | | Word |
| State | Zip Code | Signature | | |
| Attorney For Petitioner: | | 1313 Ain l Address | | (410) -828 - 795 Telephone No. |
| Name - Type or Print | | City | الا دو الانادو | late Zip Code |
| Signature | <u> </u> | | tive to be Contac | |
| Company | | | 1055 8 E62el, Ltd. | Mike Alexander |
| Address | Telephone No. | Address | sentown Blud. | (410) - 823 - 4470 Telephone No. |
| ity | Zip Code | <u>Towson</u> City | Marus | tate ZIp Code |
| Public Hearing having been formally demains day of egulations of Baltimore County and that the prop | nded and/or found that the subject matte erty be reposted. | o be required, it is ordered of this petition be set for a | ed by the Zoning Commis public hearing, advertise | ssioner of Baltimore County, ed, as required by the zoning |
| | 1 | Zoning | Commissioner of Baltimo | ore County |
| CASE NO. 05-5 | -16-A | Reviewed By | Date | 4/7/05 |
| REV 10/25/01 | ; ; ; | Estimated Posting D | ate <u>4/17</u> | / ₀₅ - |



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

March 1, 2005

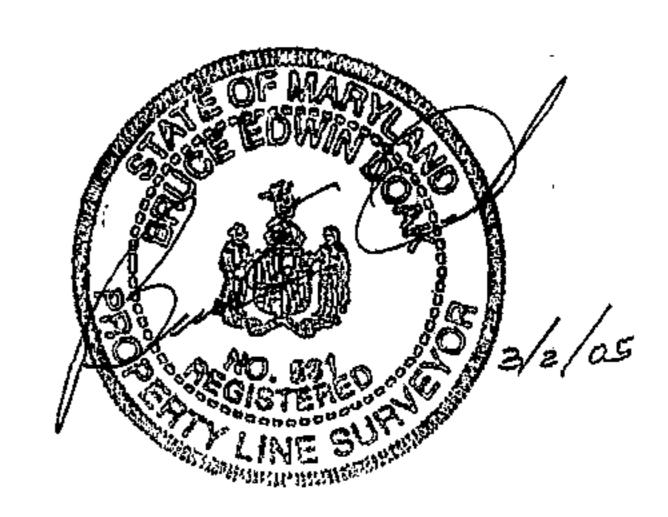
Zoning Description 1313 Aintree Road

All that piece or parcel of land situate, lying and being in the Ninth Election District and Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point on the east side of Aintree Road as laid out fifty feet wide and measured at right angles 42 feet more or less from a point in center of Aintree Road, said point being southerly along the centerline on Aintree Road at a distance of 325 feet more or less from the intersection of the centerline of Aintree Road with the centerline of Seminary Avenue as laid out fifty feet wide and running thence 1) Southwesterly binding on the east side of Aintree Road by a curve to the right with a radius of 531.55 feet for a distance of 152.12 feet, said curve subtended by a chord South 22 degrees 18 minutes 20 seconds West 152 feet, thence leaving said Aintree Road, 2) South 65 degrees 21 minutes 20 seconds East 217.11 feet, 3) North 24 degrees 53 minutes 08 seconds East 199.54 feet, and thence 4) North 77 degrees 21 minutes 16 seconds West 229.77 feet to the place of beginning. Being Lot 51-B in "Revised Plat of Lots Nos. 40, 42, and of Lots Nos. 44 to 54 Inclusive, as Shown on the Plat of Hampton The Hampton Company" as recorded in Baltimore County Plat Book C.W.B.Jr. No. 12 Folio 38.

Containing 38380 sq. ft. or 0.90 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



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CERTIFICATE OF POSTING

RE: CASE #05-516-A

PETITIONER/DEVELOPER: Edmand & Kathleen Novak DATE OF CLOSING: 5/2/05

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 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

LOCATION:

1313 Aintree Road

(see page 2 for full size print)

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD SUITE 100 320EAST TOWSONTOWN BLVD TOWSON, MARYLAND 21286 410-823-4470 PHONE 410-823-4473 FAX

STED ON: 4/8/05

04/08/2005

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04/08/2005



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.

Revised 2/20/98 - SCJ

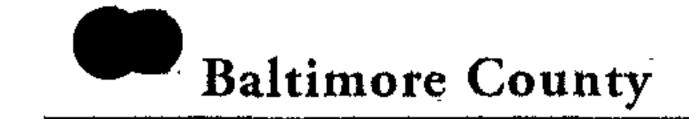
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Case Number 05- 5-16 -A Address 1313 Aintree Rd. |
|--|
| Contact Person: Bruno Rudaitis Phone Number: 410-887-3391 |
| Filing Date: $\frac{4/7/65}$ Posting Date: $\frac{4/17/65}$ Closing Date: $\frac{5/2/35}$ |
| 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 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. |
| 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. |
| 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. |
| 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) |
| etitioner: This Part of the Form is for the Sign Poster Only |
| USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT |
| Case Number 05- $5/6$ -A Address 1313 Aintree R.O. |
| etitioner's NameFlimend + Kathlees Novalc Telephone |
| osting Date: 4/17/05 Closing Date: 5/1/05 |
| Vording for Sign: To Permit an existing dwelling with a proposed addition |
| with a rear yard setback of 55 ft, in lieu of the required |
| 50 C |
| |

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

May 2, 2005

Edmund R. Novak Kathleen C. Novak 1313 Aintree Road Baltimore, Maryland 21286-1345

Dear Mr. and Mrs. Novak:

RE: Case Number: 05-516-A, 1313 Aintree Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 7, 2005.

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, U. Call Rilla OS

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Gerhold, Cross & Etzel 320 E. Towsontown Blvd. Towson 21286



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

Fire Department



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





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 12, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: April 18, 2005

Item No.: 506, 507, 508, 509, 510, 513, 514, 515, 516.

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.

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

Acting Lieutenant Don W. Muddiman Lieutenant Franklin J. Cook Fire Marshal's Office (0)410-887-4881 (C)443-829-2946MS-1102F

cc: File



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



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

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

Maryland Department of Transportation

Date: 4.17.05

RE:

Baltimore County
Item No. 5//

73 P1

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

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

1. 1. Smille

Engineering Access Permits Division

BALTIMORE COUNTY MARYLAND. DEPARTMENT OF ENVIRONMENTALEPROFECTION & RESOURCE MANAGEMENT!

RECEIVED

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr 500

MAY 2 5 2005

DATE:

May 24, 2005, 2005

ZONING COMMISSIONER

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of April 18, 2005

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

05-506 Granted 5/4/05 05-507 Granted 5/4/05 05-508 00 cm; 05-511 Granted 5/23/05 05-512 Granted 5/19/05 05-513 Granted 5/4/05 05-515 Granted 5/4/05

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: May 9, 2005

RECEIVED

MAY 1 0 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case(s) 5-516 and 5-537

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 Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 25, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 1, 2006

Item Nos. 491, 492, 493, 494, 495, 498, 499, 500, 502, 504, 505, 507, 508, 509,

511, 513, 514, 515, 516, 517

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-04252006.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 21, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 25, 2005

Item No. 506, 507, 509, 510, 511,

512, 513, 515, 516)

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

DAK:CEN:clw

cc: file

ZAC-NO COMMENTS-04212005.doc

Roberta Jameson

Subject:

From:

To:

Cunningham, Mark 05-516-A

At your convenience, I need ZAC comments for the above-captioned admin. variance.

Petitioners: Kathleen & Edmund Novak

Property: 1313 Aintree Road

Thanks.

Robin

45/6

06183



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