

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Five Springs Road, 1,400 ft. +/- S
centerline of Greenspring Avenue
3rd Election District
2nd Councilmanic District
(11201 Five Springs Road)

Lea & Mechel Frydman
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-533-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, Lea and Mechel Frydman. The variance request is for property located at 11201 Five Springs Road in the Lutherville area of Baltimore County. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an addition with a rear yard setback of 30 ft. in lieu of the minimum required 50 ft. and to amend the latest approved Final Development Plan to allow projection. 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 May 1, 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

RECEIVED FOR FILE

5/19/05

Ray

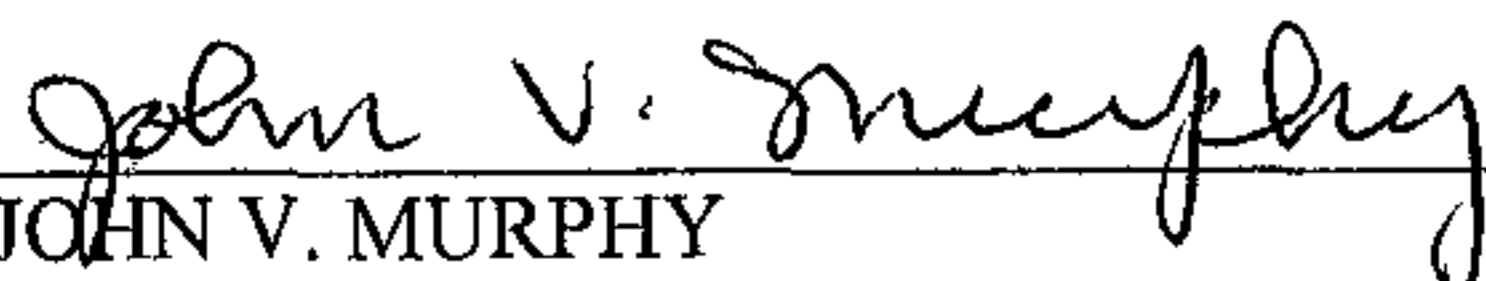
compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 19 day of May, 2005, that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an addition with a rear yard setback of 30 ft. in lieu of the minimum required 50 ft. and to amend the latest approved Final Development Plan to allow projection, 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

JVM:raj

RECEIVED FOR FILE
5/19/05


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

May 19, 2005

Mr. & Mrs. Mechel Frydman
11201 Five Springs Road
Lutherville, Maryland 21093

Re: Petition for Administrative Variance
Case No. 05-533-A
Property: 11201 Five Springs Road

Dear Mr. & Mrs. Frydman:

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 black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Edward Haladay, AIA
1810 Kenway Road
Baltimore, MD 21209

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





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

11201 FIVE SPINGS ROAD
for the property located at LUTHERVILLE, MD. 21093
which is presently zoned RC5

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) 1 A04.3.B.2.6. To allow an addition with a rear yard setback of 30 ft. in lieu of the minimum required 50 ft. AND to amend the latest approved Final Development Plan to allow projection

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 NA
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

Name - Type or Print
Signature NA
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

MECHEL FRYDMAN
Name - Type or Print
X Mechel Frydman
Signature
LEA FRYDMAN
Name - Type or Print
X Lea Frydman
Signature
11201 FIVE SPRINGS RD. 410-337-9477
Address Telephone No.
LUTHERVILLE, MD 21093
City State Zip Code

Representative to be Contacted:

EDWARD HALADAY AIA
Name
1810 KENWAY RD 410-466-8892
Address Telephone No.
BALTIMORE MD 21209
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 15 day of May, 2005, 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. 15-533A

REV 10/25/01

Reviewed By [Signature] Date 4-19-05
Estimated Posting Date 5-01-05

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

Address 11201 FIVE SPRINGS RD
City LUTHERVILLE State MD Zip Code 21093

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):

This request is felt to be reasonable for approval because the major Garden Room Addition will be virtually unseen from neighboring properties, and that both additions will be positive additions to the home and the neighborhood.

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 *Mechel Friedman*
Name - Type or Print MECHEL FRIEDMAN

Signature *Lea Friedman*
Name - Type or Print LEA FRIEDMAN

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19 day of APRIL 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



Signature *Steven J. Geesey*
Notary Public
My Commission Expires 8/31/08

Affidavit in Support of Administrative Variance

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Address 11201 FIVE SPRINGS RD
City LUTHERVILLE State MD Zip Code 21093

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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 MECHEL FRIEDMAN

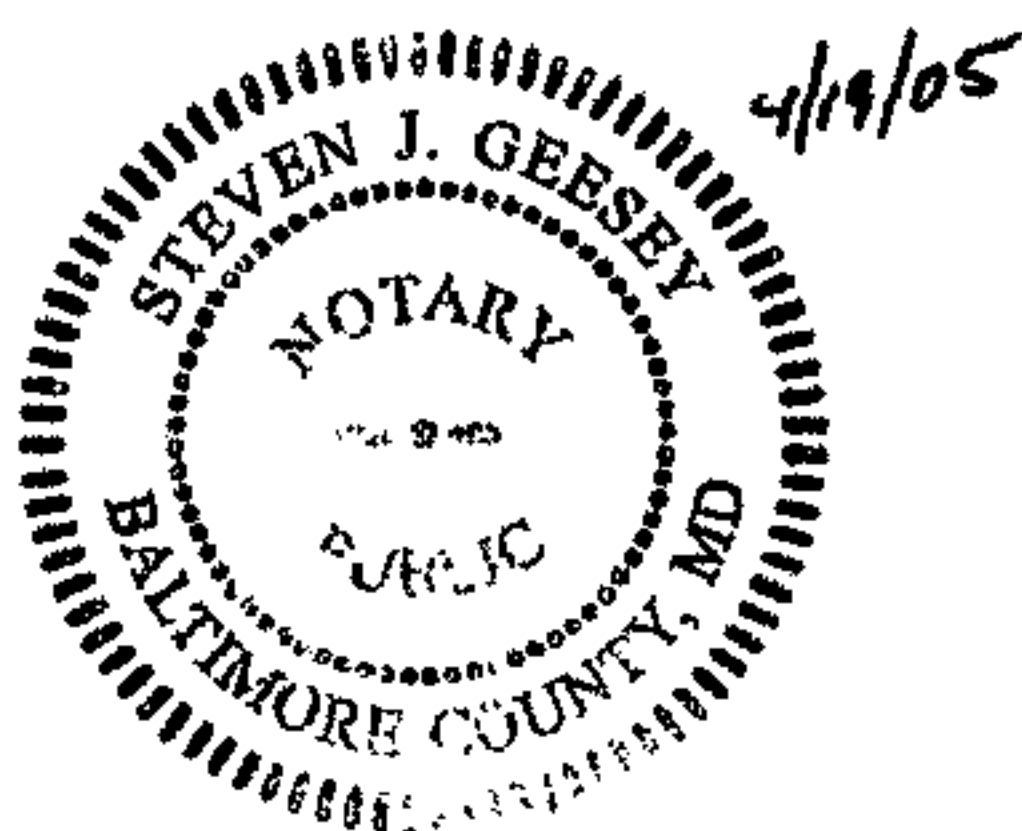
Signature [Signature]
Name - Type or Print LEA FRIEDMAN

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19 day of APRIL 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



Notary Public [Signature]
My Commission Expires 8/31/08



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

11201 FIVE SPINGS ROAD
for the property located at LUTHERVILLE, MD 21093
which is presently zoned RC5

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) 1A04.3.B.2.6 To allow an

addition with a rear yard setback of 30 ft. in lieu of the minimum required 50 ft AND to amend the latest approved FINAL Development Plan to allow projection of some outside of the building envelope.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

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 5 day of May, 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. 05-533 A

REV 10/25/01

Reviewed By [Signature] Date 4-19-05

Estimated Posting Date 5-01-05

5/16

ZONING DESCRIPTION for 11201 Five Springs Road, Lutherville, Md., 21093

Beginning at a point on the east side of Five Springs Road, which is a 50' ROW at a distance of approximately 1400' south of the nearest major intersection centerline at Green Spring Avenue, which is an 80' ROW. Being Lot 12, Block A, in the subdivision of Five Springs as recorded in Baltimore County Plat Book #61, Folio #92, containing 48,961 square feet. Also known as 11201 Five Springs Road, Lutherville, Md., 21093, and located in the 3rd Election District, and 2nd Councilmanic District.

533

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Che No. 443557

05 533A

DATE 4 19 05 ACCOUNT R-001-000-6150

AMOUNT \$ 115.00

RECEIVED FROM

Edward Holiday

FOR: Respected Variances filing fee & Administration
for Development of the 1500 of the 1500 1500 1500

DISTRIBUTION

WHITE CASHIER

FINES AGENCY

YELLOW CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME DAY
4/20/05 4/20/05 10:00 AM 1

BY: [Signature] TITLE: [Title]

DEPARTMENT: [Department] DATE: 4/19/2005

FOR: [Purpose] AMOUNT: \$115.00

BY: [Signature] TITLE: [Title]

PAID (to)

\$115.00

DATE: 4-19-05

BY: [Signature] TITLE: [Title]

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Attention: Kristen Matthews

Date May 1, 2005

RE: Case Number 05-533-A

Petitioner/Developer MECHHEL FRYDMAN/ED HALADAY-ARCHITECT

Date of Hearing(Closing) MAY 16, 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 11201 FIVE SPRINGS ROAD

The sign(s) were posted on

May 1, 2005

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 05-533-A

TO PERMIT AN ADDITION WITH A REAR
YARD SETBACK OF 30 FEET IN LIEU OF THE
MINIMUM REQUIRED 50 FEET AND TO
AMEND THE LATEST APPROVED FINAL
DEVELOPMENT PLAN TO ALLOW PROJECTION OF
SAMP OUTSIDE THE BUILDING ENVELOPE
11201 FIVE SPRINGS RD.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MON. MAY 16, 2005

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE. TEL: 887-3391

HUNTSVILLE, MD 21030

WHEELING IS HANDICAP ACCESSIBLE

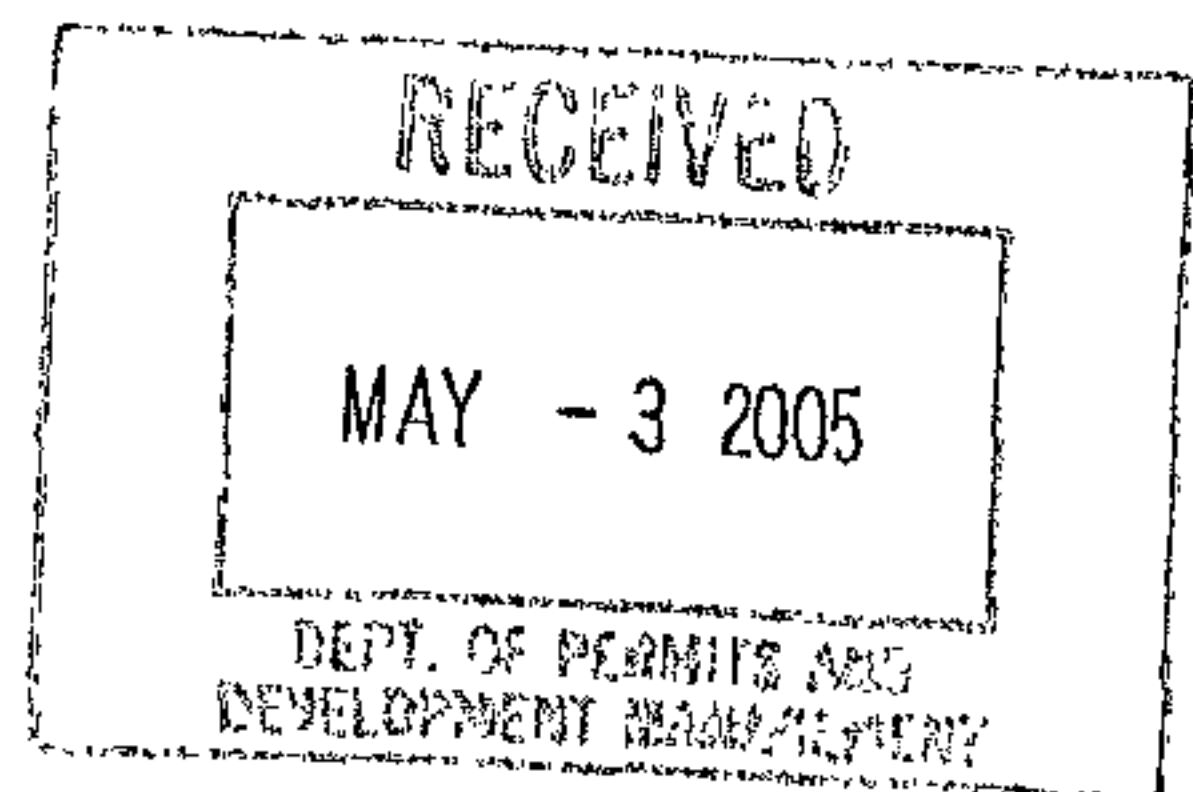
Linda O'Keefe
(Signature of Sign Poster)

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 105-533-A
Petitioner M. M. Mechel Frydman
Address or ^{site} Location 11201 Five Springs Rd.

PLEASE FORWARD ADVERTISING BILL TO

Name Same

Address Lutherville, Md. 21093

Telephone Number 410-337-9477

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 533 -A

Address 11201 Five Springs Rd.

Contact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 4-19-05

Posting Date: 5-01-05

Closing Date: 5-16-05

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- 533 -A

Address 11201 Five Springs Rd.

Petitioner's Name Mechel Frydman

Telephone 410-337-9477

Posting Date: 5-01-05

Closing Date: 5-16-05

Wording for Sign: To Permit an addition with a rear yard setback of 30ft. in lieu of the minimum required 50ft. AND To amend the latest approved Final Development Plan to allow project of same outside the building envelope.

WCR - Revised 6/25/04

**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*

May 16, 2005

Mechel Frydman
Lea Frydman
11201 Five Springs Road
Lutherville, Maryland 21093

Dear Mr. and Mrs. Frydman:

RE: Case Number: 05-533-A, 11201 Five Springs Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 19, 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,

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
Edward Haladay 1810 Kenway Road Baltimore 21209

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



Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

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

May 5, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: May 5, 2005

Item No.: 529-541

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.

Lieutenant J.D. Mezick
Fire Marshal's Office
410-887-4881
MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

MAY 25 2005

ZONING COMMISSIONER

TO: Tim Kotroco
FROM: John D. Oltman, Jr *JDO*
DATE: May 24, 2005
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 2, 2005

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

05-530 - *Granted 5/26/05*
~~05-531~~ *BW (6/17)*
05-532 *JM (6/8)*
05-533 *→ Granted 5/19/05*
05-538 *(5/12 AV)*
05-539 *(5/12 AV)*
05-540 *→ Granted 6/1*
~~05-541~~ *BW (6/17)*

Reviewers: Sue Farinetti, Dave Lykens

RECEIVED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

ZONING COMMISSIONER

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

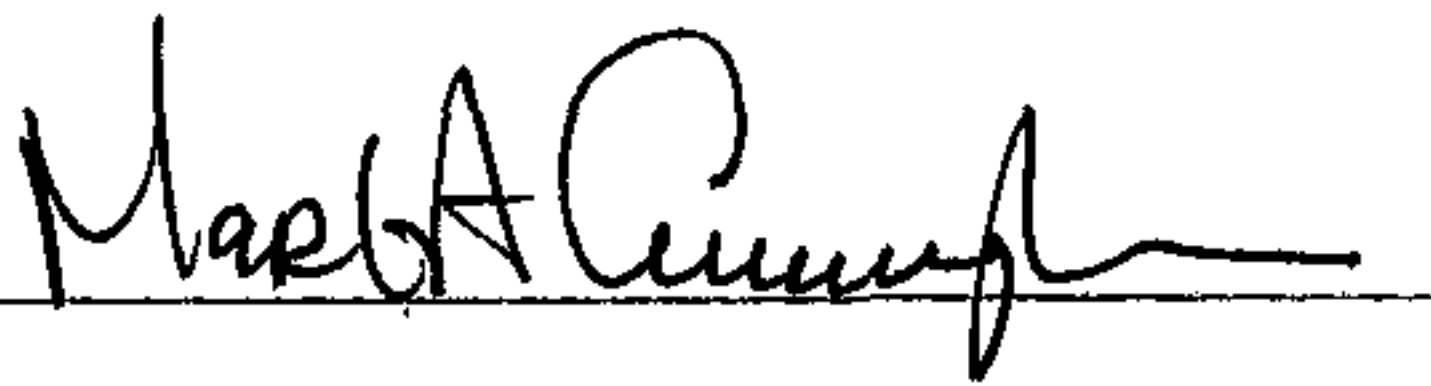
DATE: April 29, 2005

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

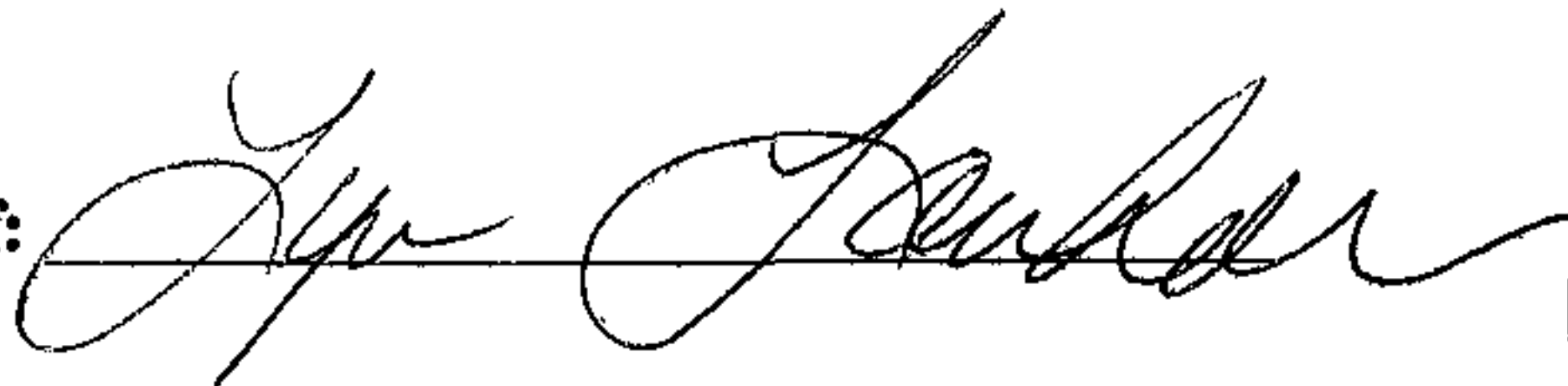
SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-533 – Administrative Variance**

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



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 4.29.05

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

RE: Baltimore County
Item No. 533 JJS

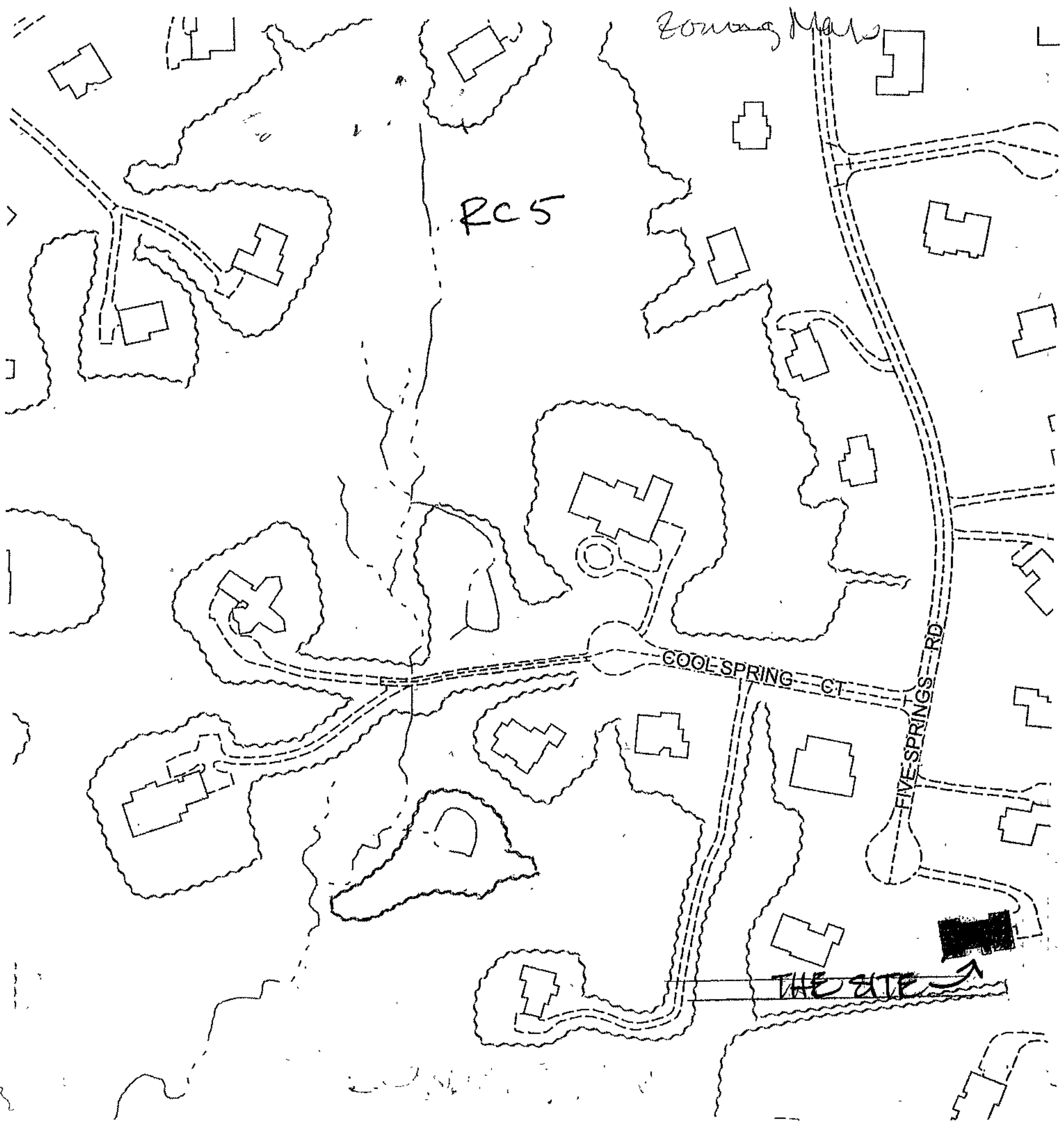
Dear Ms. Matthews:

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



ZONING MAP for 11201 Five Springs Road, Lutherville. Md., 21093

#533

LUTHERVILLE, MD., 21093

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

LUTHERVILLE, MD., 21093

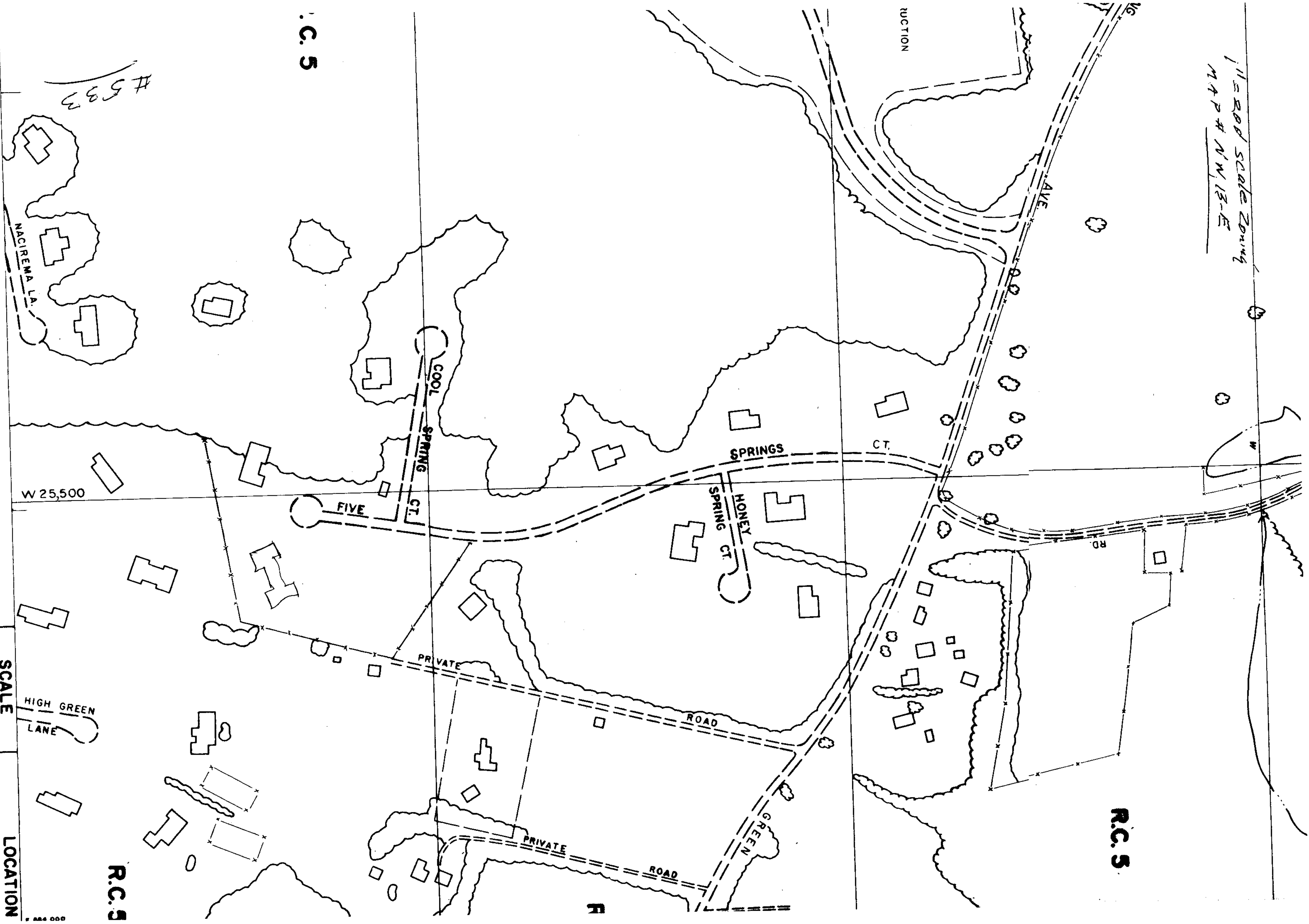
LUTHERVILLE, MD., 21093

LUTHERVILLE, MD., 21093



Part 94 #

1" = 200' SCALE Zoning
MAP # NW 13-E



R.C. 5

#533

NACIREMA LA.

COOL SPRING CT.

FIVE CT.

SPRINGS

HONEY SPRING CT.

PRIVATE

ROAD

PRIVATE

ROAD

GREEN

HIGH GREEN LANE

W 25,500

R.C. 5

INTY
ND ZONING

SCALE
1" = 200' ±
DATE OF

STEVENS

LOCATION

R.C. 5

Proposed Addition



REAR YARD

24'

Rear Facade

52



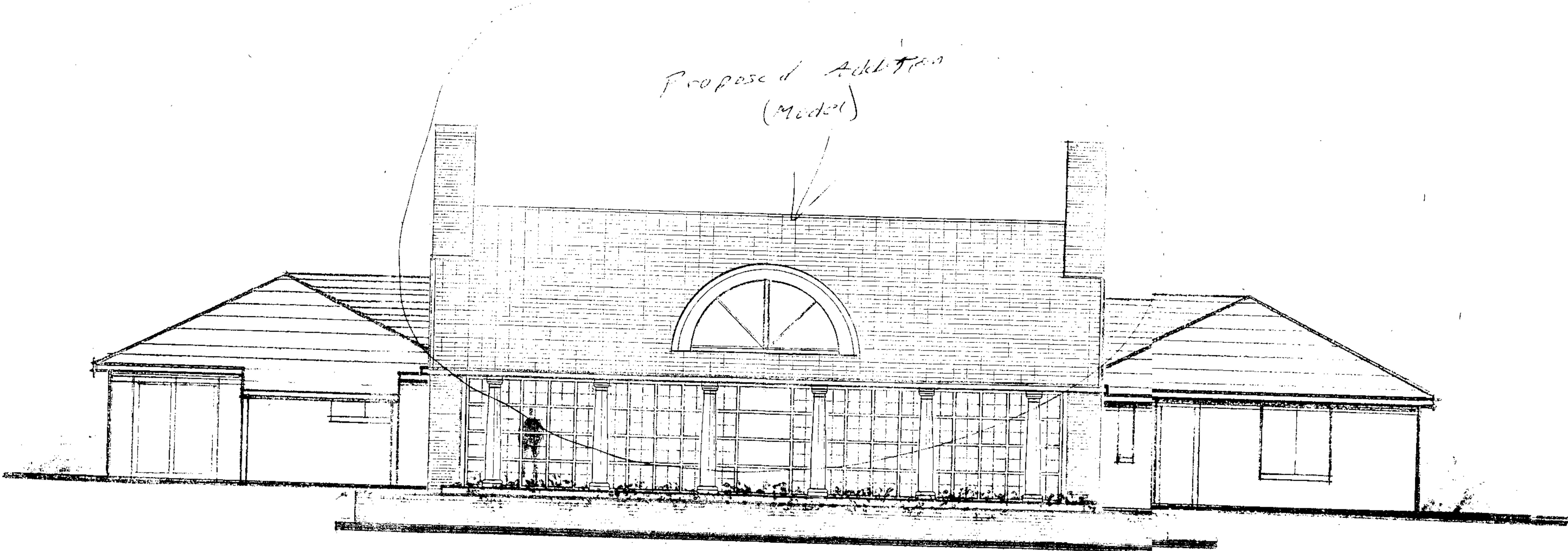
front yard

197³

533

Front Facade

New Rear Massing



Proposed Addition
(Model)

REAR yard

34'

#533