

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Cliffside Court, 125 ft. E
centerline of Bucksway Road
3rd Election District
2nd Councilmanic District
(3 Cliffside Court)

Svetlana & Joel Koman
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-542-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, Svetlana and Joel Koman. The variance request is for property located at 3 Cliffside Court in the Owings Mills area of Baltimore County. The variance request is from Section 1A04.3.B.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), (Ref R-40, Sec. 202.1, 1955 Zoning Regs.), to permit a front yard setback of 30 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 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

5/19/05
Raj

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.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), (Ref R-40, Sec. 202.1, 1955 Zoning Regs.), to permit a front yard setback of 30 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

JVM:raj

RECEIVED FOR FILING
5/19/05
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

May 19, 2005

Mr. & Mrs. Joel Koman
3 Cliffside Court
Owings Mills, Maryland 21117

Re: Petition for Administrative Variance
Case No. 05-542-A
Property: 3 Cliffside Court

Dear Mr. & Mrs. Koman:

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

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 3 CLIFFSIDE COURT
which is presently zoned RC-5 (R-40)

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 A 04, 3 B. 4 (RC-5 (R-40),

SEC. 202.1, 1955 ZONING REGULATIONS) TO PERMIT A FRONT YARD
SETBACK OF 30 FT. IN LIEU OF 50 FT.

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 _____ City _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

JOEL KOMAN
Name - Type or Print _____
Signature _____
SVETLANA KOMAN
Name - Type or Print _____
Signature _____

3 CLIFFSIDE COURT 410-363-2853
Address Telephone No.
OWINGS MILLS MD 21117
City State Zip Code

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of _____ 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. 05-542 Reviewed By SPM Date 04-22-05

REV 9/15/98

Estimated Posting Date 05-01-05

NOT RECORDED FOR FILING

5/19/05

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 3 Cliffside Court
Address
Owens Mills MD 21117
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):

All the homes in our subdivision are custom built and situated in various directions. Each home is unique and different from the surrounding properties. Due to the location of the house on the lot and the setbacks, we are requesting a zoning variance. The current setback requirement is 50 feet from the front of our home to the front property line. We are requesting that it be reduced to 30 feet. We are located at the end of a cul de sac, there are no streets directly near us.

Our home currently has 2 bedrooms on the ground level, we occupy one bedroom and our 2 year old daughter occupies the 2nd bedroom. We are expecting another child in June, therefore, we converted our dining room and entry way into a 3rd bedroom. We are in the process of converting our existing garage into a dining room and entry way. We would like to add on a new garage.

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
JOEL KOMAN
Name - Type or Print

[Signature]
Signature
SVETLANA KOMAN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22ND day of April, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JOEL KOMAN & SVETLANA KOMAN

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

April 22 2005
Date

[Signature]
Notary Public
My Commission Expires 5-1-06

ZONING DESCRIPTION FOR 3 CLIFFSIDE COURT

Beginning at a point East side of Cliffside Court which is 50' wide at the distance of 125' of the centerline of the nearest improved intersecting street Bucksway Road which is 50' wide. *Being Lot # 22, Block B, Section #3 in the subdivision of Velvet Ridge as recorded in Baltimore County Plat Book #33, Folio #134, containing 36,764 square feet. Also known as 3 Cliffside Court and located in the 3rd Election District, 2nd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

65-542 9

No. 4438710

DATE 01-27-65

ACCOUNT

001-006-610

AMOUNT \$

65.00

RECEIVED FROM

Mr. C. H. Kowalski

FOR

Res. UAR. HYDRA.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

5077

PAID RECEIPT

AMOUNT \$

65.00

DATE 01-27-65

PAID BY 001-006-610

FOR RES. UAR. HYDRA.

BY 001-006-610

RECEIPT FOR

65.00

BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Attention: Kristen Matthews

Date May 1, 2005

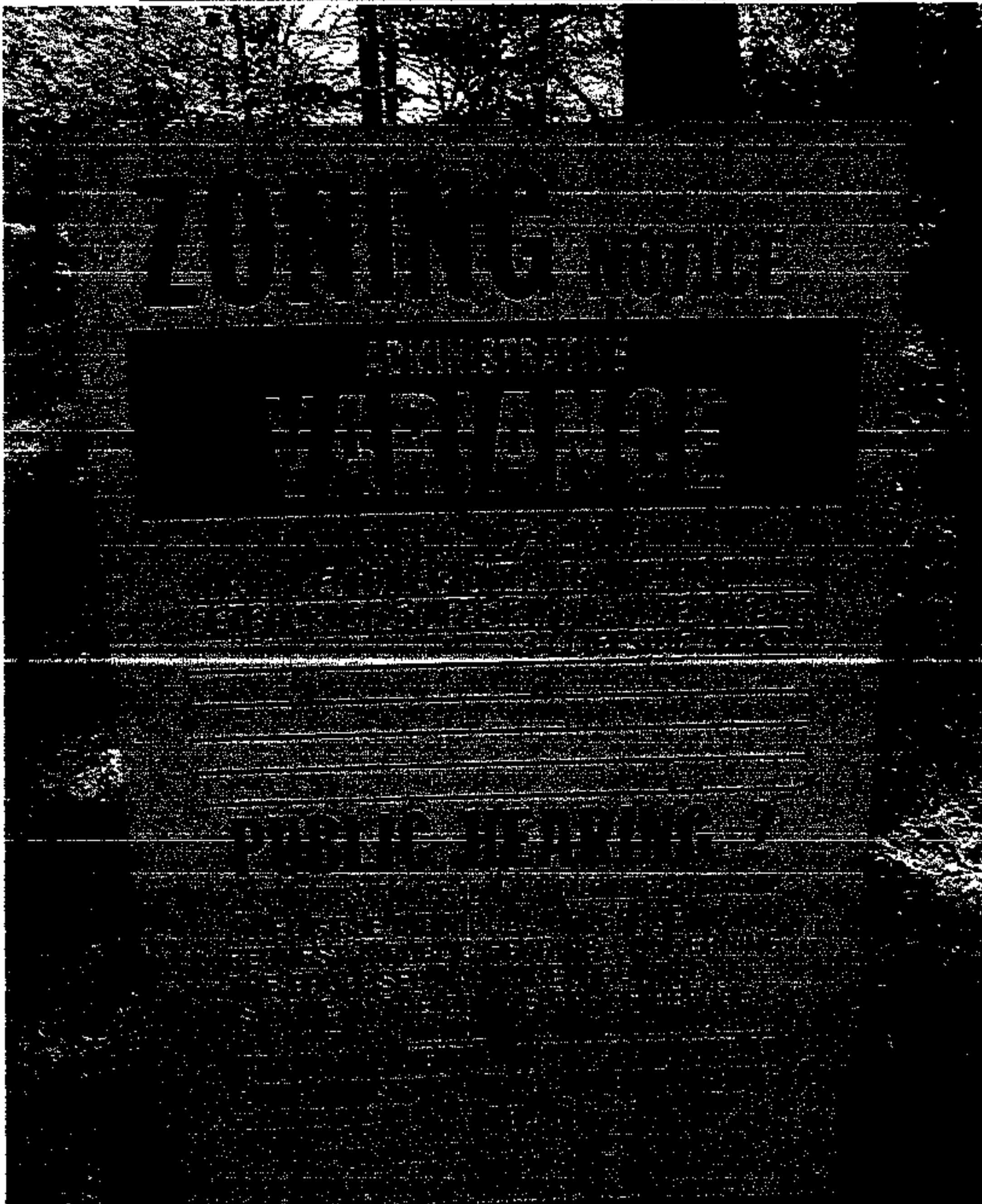
RE: Case Number 05-542-A

Petitioner/Developer JOEL & LANA KOMAN

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 3 CLIFFSIDE COURT

The sign(s) were posted on May 1, 2005



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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 542 -A

Address 3 CLIFFSIDE CT

Contact Person: SONIA R. ALEXANDER
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 04-22-05 Posting Date: 05-01-05 Closing Date: 05-16-05

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- 542 -A

Address 3 CLIFFSIDE COURT

Petitioner's Name MR & MRS. KOMAN

Telephone 410-563-2853

Posting Date: 05-01-05

Closing Date: 05-16-05

Wording for Sign: To Permit A Front Yard Setback of 30 Ft
IN LIEU OF 50 FT.

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 OS-542-A
Petitioner JOEL & SVETLANA KOMAN
Address or Location 3 CLIFFSIDE COURT OWINGS MILLS MD 21117

PLEASE FORWARD ADVERTISING BILL TO

Name: JOEL & SVETLANA KOMAN
Address 3 CLIFFSIDE COURT
OWINGS MILLS, MD 21117

Telephone Number 410-363-2853

OS-542-A

**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

Joel Koman
Svetlana Koman
3 Cliffside Court
Owings Mills, Maryland 21117

Dear Mr. and Mrs. Koman:

RE: Case Number: 05-542-A, 3 Cliffside Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 22, 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.", written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: May 16, 2005
Department of Permits & Development
Management

FROM: Dennis A. ^{Dak}Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 16, 2005
Item No. 542, 543, 545, 550, 552,
553, 554, 555, 563

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

Dak:CEN:clw
x cc: file
ZAC-NO COMMENTS-05162005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

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

DATE: May 23, 2005

SUBJECT: Zoning Item # 05-542
Address 3 Cliffside Court

Zoning Advisory Committee Meeting of May 9, 2005

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

A variance to construct the proposed garage closer than the maximum set back of 30-feet has been approved by the Groundwater Management section of this Department.

Reviewer: Sue Farinetti Date: May 23, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 17 2005 **RECEIVED**

MAY 17 2005

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

ZONING COMMISSIONER

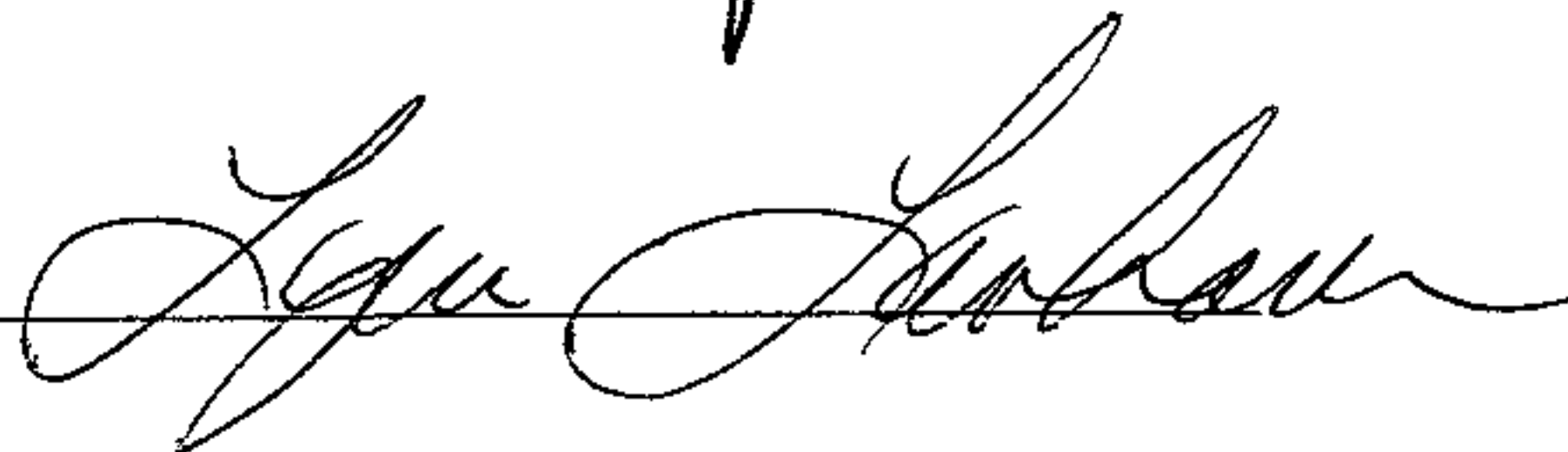
SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-534 and 5-542**
Administrative Variance(s)

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*



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

Maryland Department of Transportation

Date: 5.6.05

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

RE: Baltimore County
Item No. 542 JRA

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

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3 CREEPSIDE COURT

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

SUBDIVISION NAME NEVET RIDGE

PLAT BOOK # 33 FOLIO # 131 LOT # 22 SECTION # 3

OWNER JOEL & SHERMAN KORMAN

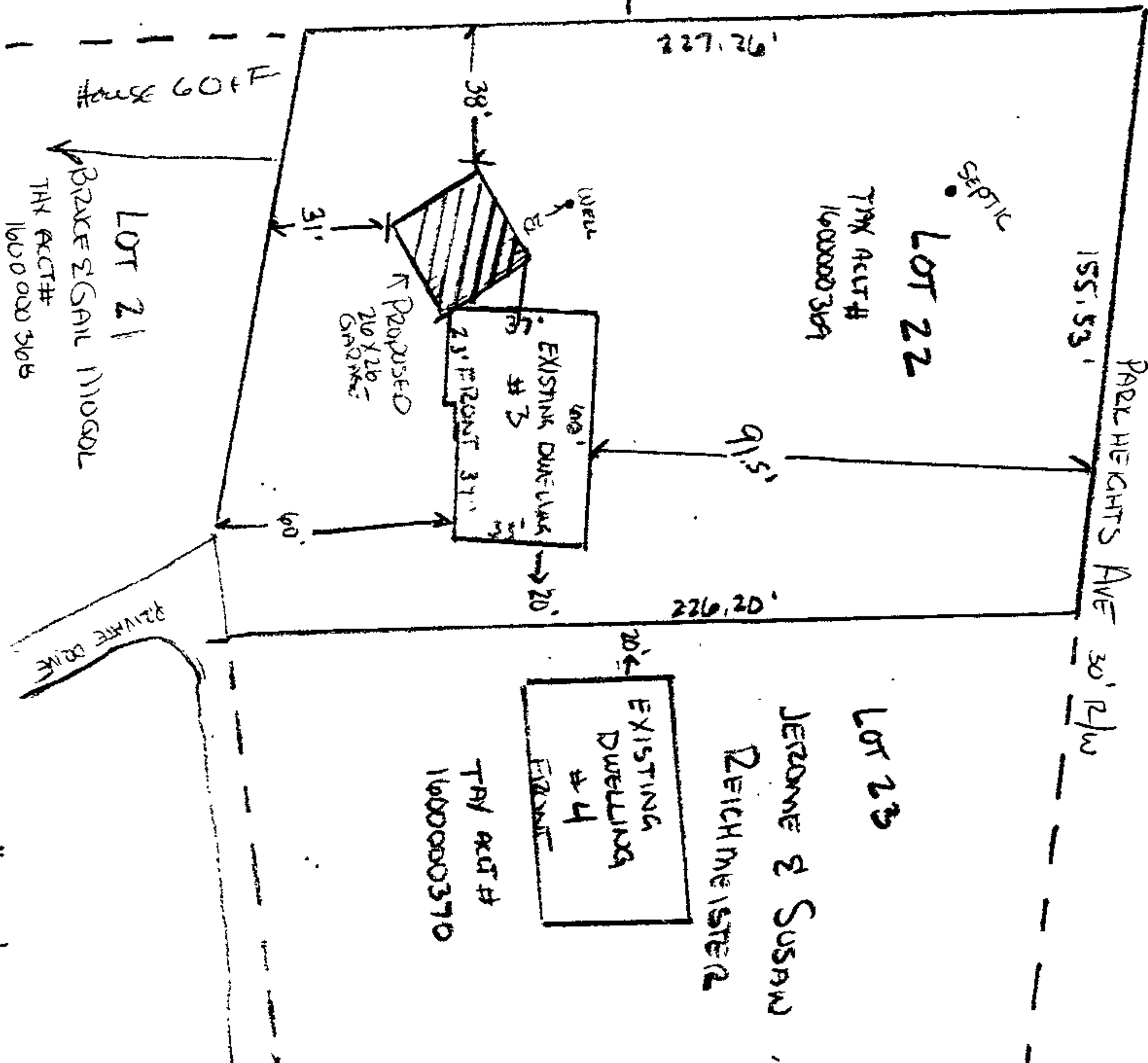
PREPARED BY

NORTH

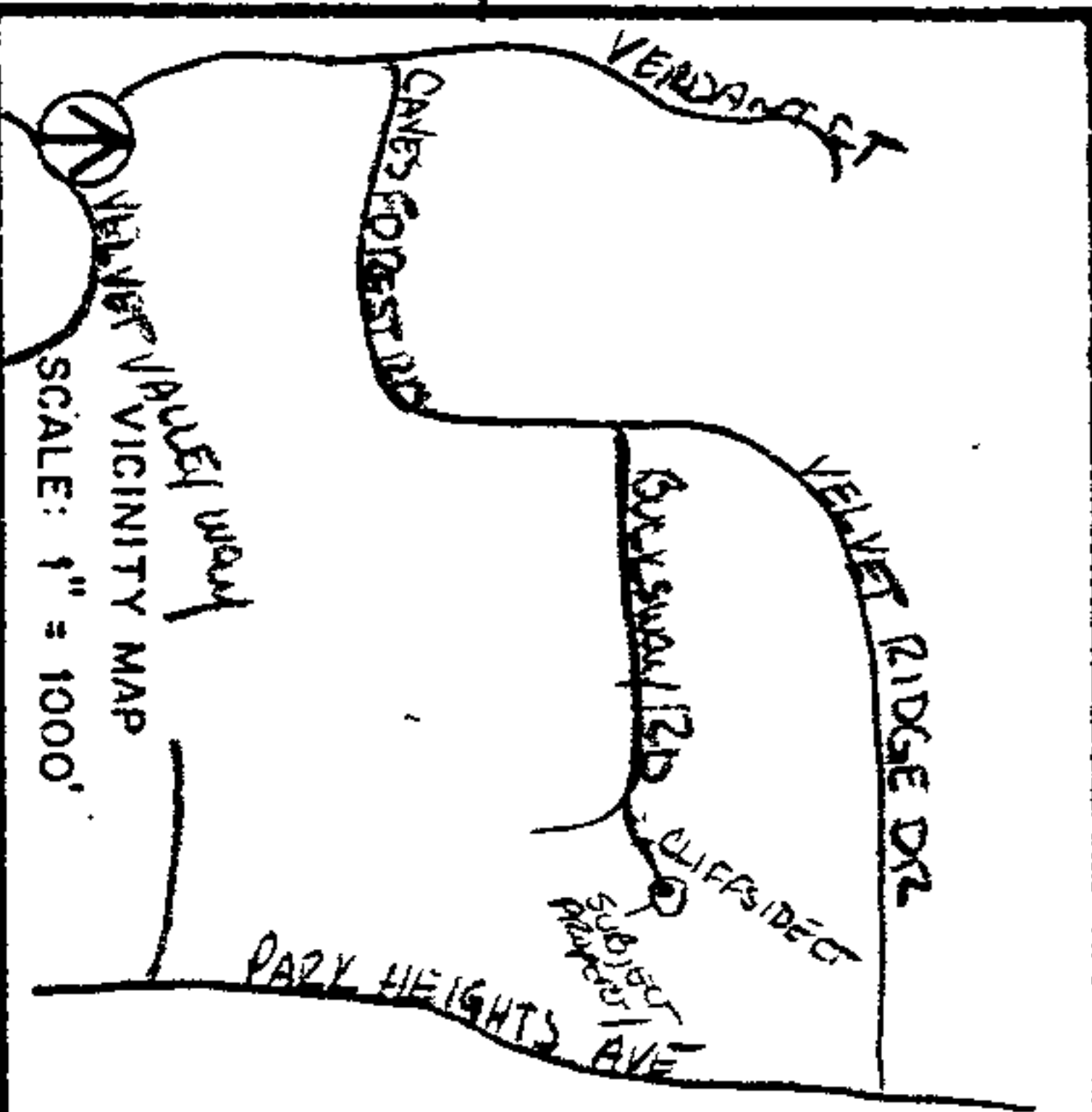


LOT 4

LOT 2



SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT 3

COUNCILMANIC DISTRICT 2

1"=200' SCALE MAP #

ZONING Z 40 (old) ZCS

LOT SIZE 0.8440 367164
ACREAGE SQUARE FEET

PUBLIC PRIVATE

SEWER

WATER

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/
BUILDING

PRIOR ZONING HEARING N/D

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

8007

05-542-1

R. 40 ZONE**Section 201—HEIGHT REGULATIONS**

No building shall exceed a height of 35 feet or 3 stories, except as provided in ARTICLE 3.

Section 202—AREA REGULATIONS

Minimum requirements, except as provided in ARTICLE 3, shall be as follows:

202.1—Lot Area and Width—Each principal building hereafter erected shall be located on a lot having an area of not less than 40,000 square feet and a width at the front building line of not less than 150 feet, except that for two or more lots in the same ownership, and in the same tract, a minimum lot area of 30,000 square feet is permitted if the average of all the lot sizes in the same ownership and in the same tract equals 40,000 square feet or more. A wedge shaped lot at the end of a cul-de-sac street may have a width at the front building line of not less than 100 feet (see Section 304).

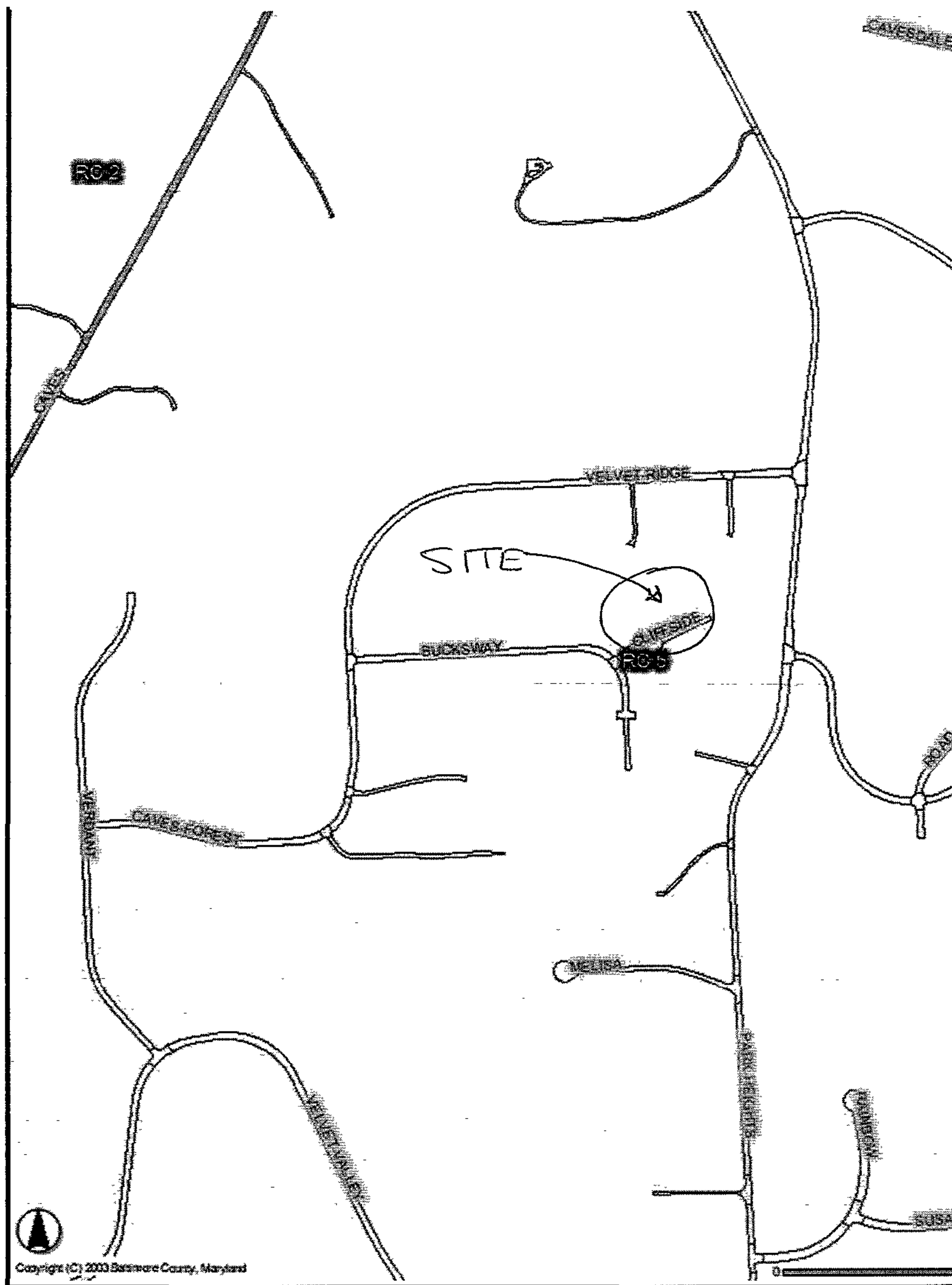
202.1.1—In a cluster subdivision a minimum lot area of 25,000 square feet is permitted, provided that the average area of all lots in the subdivision equals at least 30,000 square feet and that the total area in residential lots plus the area of the local open space tract(s) equals or exceeds the number of lots multiplied by 40,000 square feet. In such subdivision not more than 75 per cent of the lots may be less than 30,000 square feet in area and the minimum permitted width at the front building line is 100 feet.

202.2—Front Yard—For dwellings, the front building line shall be not less than 50 feet from the front lot line and not less than 75 feet from the center line of the street; for other principal buildings—70 feet from the front lot line and not less than 95 feet from the center line of the street.

202.3—Side Yards—For dwellings, 20 feet wide for one side yard and not less than 50 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 50 feet from the side lot line and not less than 75 feet from the center line of the street; for other principal buildings—40 feet wide, except that for a corner lot the building line along the side street shall be not less than 65 feet from the side lot line and not less than 90 feet from the center line of the street.

202.4—Rear Yard—50 feet deep.

OS-542-A



Copyright (C) 2003 Baltimore County, Maryland

05-542-A



EXISTING CONDITION

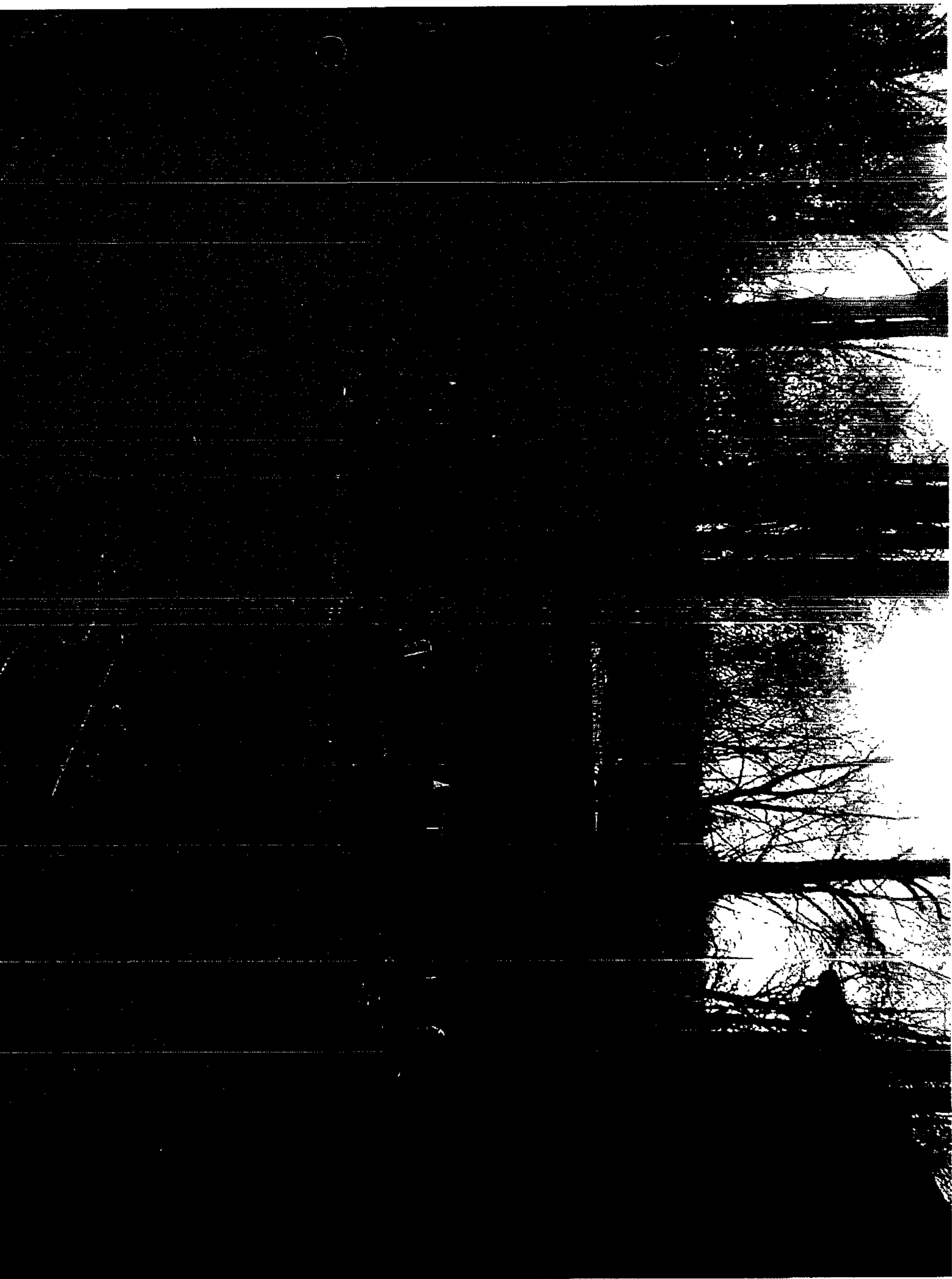
05-542-A

EXISTING CONDITION

05-542-19



WHITE - FACS - PROPOSED GARAGE 26X26 05-1542-A



4 CURSIDE COURT LOT 23 OS-542-101



3 CURFSIDE CT B 2 CURFSIDE COURT DS-542-17



2 CLIFFSIDE COURT
LOT 21 OS-542-A



2. CLIFFSIDE CT
2
3 CLIFFSIDE CT
05-5542-19



lot 2

05-542-A



lot 4

05-542-A

