TROUND BOND SON THE

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Woodvalley Drive, 274 ft. E
centerline of Swanhill Court
3rd Election District
2nd Councilmanic District
(3211 Woodvalley Drive)

Karen & Lawrence Adashek

Petitioners

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 05-635-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, Karen and Lawrence Adashek. The administrative variance is requested for property located at 3211 Woodvalley Drive in Baltimore County. The administrative variance request is from Section 1B02.3.C.1 (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 10 ft. in lieu of 20 ft. for a garage. 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 June 4, 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 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 24 day of June, 2005, that a variance from Section 1B02.3.C.1 (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 10 ft. in lieu of 20 ft. for a garage, 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.

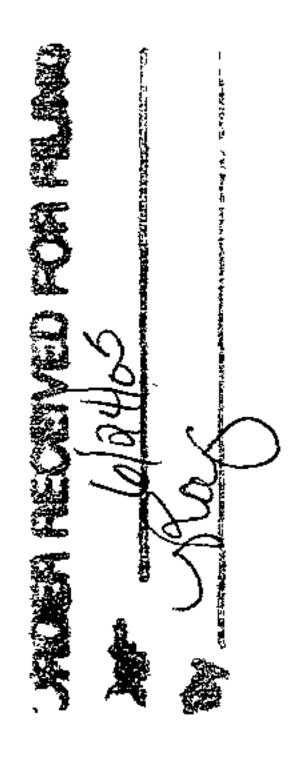
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



# 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

June 23, 2005

Mr. & Mrs. Lawrence Adashek 3211 Woodvalley Drive Baltimore, Maryland 21208

> Re: Petition for Administrative Variance Case No. 05-635-A Property: 3211 Woodvalley Drive

Dear Mr. & Mrs. Adashek:

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



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 3211 Woodvalley Drive which is presently zoned DR1

I/We do solemnly declare and affirm, under the penalties of

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

owner(s) of the property situate in Ballimore County and made a part hereof, hereby petition for a Variance from Section(s) 1307.3c1 (CHART) TO PERMIT A SIDE PARTS SE-OBARER OF 10 FT IN LIGHTOF 20 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.

	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>
Name - Type or Print	Lawrence Adashek Name Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Frint
City State Zip Code  Attorney For Petitioner:	Signature  3211 Woodvalley Drive C:410-493=040  Address  Telephone No.
Name - Type or Print	Baltimore, MD 21208  City State Zip Code
Signature  Company	Representative to be Contacted:  Lawrence Adashek  Name  Same
Address Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
this ay of that the subject matter of regulations of Baltimore County and that the property be reposted.  CASE NO S Recommendations of Baltimore County and that the property be reposted.	Zoning Commissioner of Baltimore County  Zoning Commissioner of Baltimore County  Date 65-76-05  Stimated Posting Date 65-05-05

# Affida Vit 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	3211	Woodvalley	Drive,	Baltimore,	MD 21208
That the Amant(s) decarde presently reside at	Address	· <del></del>		-	
	City		State	<u></u>	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the find in the properties of the find in the find	acts upon which I/	we base th	e request for an A	Administrative
See Attached					
		-			
That the Affiant(s) acknowledge(s) that if a feadvertising fee and may be required to provide	ormal demand additional infor	l is filed, Affiant(s) mation.	will be re	equired to pay a	reposting and
Signature		Signature	shek		
Lawrence Adashek		_	Adashe	k	
Name - Type or Print	<u></u> .	Name - Type or Pr			
STATE OF MARYLAND, COUNTY OF BALTII					<del>-</del> <del>-</del> -
i HEREBY CERTIFY, this 25 day of day of of Maryland, in and for the County aforesaid, pe	ersonally appea	ared		ne, a Notary Publ	ic of the State
the Affiant(s) herein, personally known or satisf	actorily identifi	ed to me as such A	Shelc_ Affiant(s).	<u></u>	<u> </u>
AS WITNESS my hand and Notarial Seal		Huste S	L Kul	. <u> </u>	~
		Commission Expire	es (T)	127/08	

# Affida Vit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at	3211 Address	Woodvalley			MD 2120
_	City	<del></del>	State	···	Zip Code
That based upon personal knowledge, the folion variance at the above address (indicate hardsh			e base th	e request for an A	∖dministrative
See Attached					
					•
	•			•	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand additional infor	is filed, Affiant(s) mation.	will be re	quired to pay a r	eposting and
Signature		Signature	hek	<del></del>	
Lawrence Adashek		Karen	Adashel	k	
Name - Type or Print	,, <del>,</del>	Name - Type or Prin	it		
STATE OF MARYLAND, COUNTY OF BALTIN		5000			
I HEREBY CERTIFY, this $25^{\text{ML}}$ day of $6^{\text{MC}}$ of Maryland, in and for the County aforesaid, pe	ersonally appea	ared , <u>2005</u>	_, before n	ne, a Notary Publi	c of the State
the Affiant(s) herein, personally known or satisfa	actorily identifie	ed to me as such Af	fiant(s).		
AS WITNESS my hand and Notarial Seal			11/201	L.	•
	Nota	ry Public		<u> </u>	
	Му	Commission Expires		27/08	



# Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

for the property located at 3211 Woodvalley Drive, De Livie which is presently zoned DR1

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his Petition shall be filed with the Department of Permits and	Development Management. The undersigned legal
nade a part hereof, hereby netition for a Variance from Section(s)	<i>K</i> _
wner(s) of the property situate in Baltimore County and which is denate a part hereof, hereby petition for a Variance from Section(s)  TERMITA SIDE LAND SE OBDELL OF	- 502,3c,1 (CHART) TO
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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.

			perjury, that I/we are the legal owr is the subject of this Petition.	ner(s) of the p	property which
Contract Purchaser/Le	essee:		Legal Owner(s):		
Name - Type or Print			Lawrence Adashek Name Type or Frint		<u> </u>
Signature			Signature		
Address		Telephone No.	Name - Type or Print	<u> </u>	
City	State	Zip Code	Signature 3211 Woodvalley Dri	VB (: 4	10-493-0400 -110-415-5880
Attorney For Petitione	<u>Y:</u>		Address Baltimore, MD 2120		7/0 - 4/5 - 58 80 Telephone No.
Name - Type or Print	<u></u>	<u> </u>	City	State	Zıp Code
Signature		<del></del>	Representative to be Cont	acted:	
<u></u>			Lawrence Adashek		
Company			Name Same	•	
Address		Telephone No.	Address	<u></u>	Telephone No.
City	State	Zip Code	City	State	Zip Code
this day of	. tha	at the subject matter of t	equired, it is ordered by the Zoning Cor is petition be set for a public hearing, adve	nmissioner of ertised, as requ	Baltimore County, ired by the zoning
regulations of Baltimore County a	and that the proper	ty be reposted.			
			Zoning Commissioner of Ba	Itimore County	<del></del>
CASE NO.	05-6	35-H Rev	ewed By Date	<u> </u>	<u> 26.05</u>
REV 10/25/01		Esti	nated Posting Date	5.05	~05

# Attachment Basis of Request for Administrative Variance

- 1. Most other residences in the neighborhood have carports or garages attached to their houses.
- 2. Because of the design of the subject property, the best access to the house from an attached garage is as drawn on the attached plat. That the simplest design for an attached garage would not be allowed unless the relief requested is granted.
- 3. Therefore strict compliance with the BCZR would result in unreasonable hardship because it would prevent a reasonable use of the property (attached garage) and this is peculiar to the subject property as most other properties have attached garages or carports and the hardship was not the result of the applicant's actions.
- 4. Strict compliance with the BCZR would result in practical difficulty because the requirement of a twenty foot side set back would unreasonably prevent the use of the property for a permitted purpose (attached garage), that strict compliance with the requirement would result in a substantial injustice to applicant, that a lesser relaxation than that applied for would not give relief and that the relief requested abides the spirit of the ordinance without impinging on public safety and welfare.
- 5. The relief requested does not result in an increase in residential density beyond that allowed by the BCZR.
- 6. The relief requested is in strict harmony with the spirit and intent of the area regulations.
- 7. Granting the relief requested would not result in substantial injury to the public health safety and general welfare.

#### **ZONING DESCRIPTION**

Zoning Description for 3211 Woodvalley Drive, Pikesville, Maryland 21208.

Beginning at a point on the North side of Woodvalley Drive which is 60 feet wide at the distance of 274 feet East of the centerline of the nearest improved intersecting street, Swanhill Court, which is 60 feet wide. Being known and designated as Lot No. 7, Block "C" as shown on Plat Three, Halcyon Gate, which Plat is recorded among the Land Records of Baltimore County in Plat Book RRG No. 29, folio 47, containing 1.63 acres.

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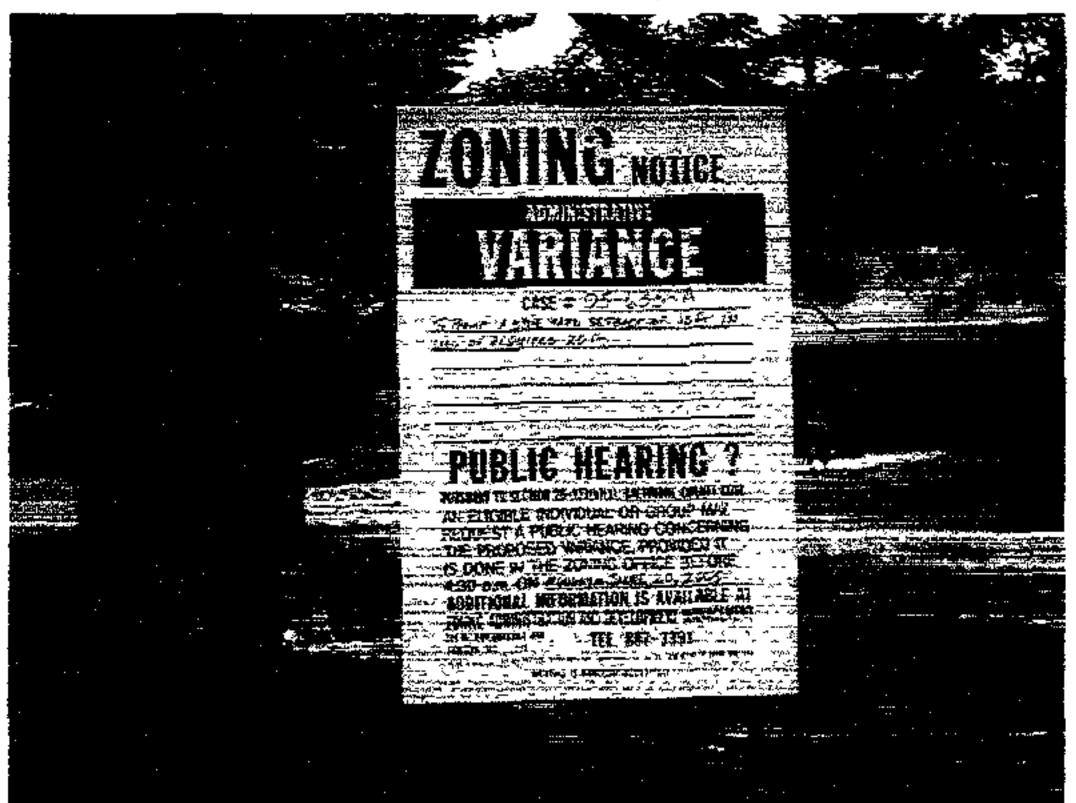
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### CERTIFICATE OF POSTING

RE:Case No. 06-435 - 1

	Petitioner/Developer:
	LARLY ADASCHEK
	Date of Closing/Hearing
Baltimore County Department of Permits and Development Manage County Office Building, Room 11 11 West Chesapeake Avenue	ement
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were poste	enalties of perjury that the necessary ed conspicuously on the property
This sign(s) xyora postad on	
This sign(s) were posted on	Month, Day, Year
	Sincerely,
	Sign Poster and Date Martin Ogle

ım000330 (576x432x256 jpeg)



material 4/05

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### 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.

For Newspaper Advertising:
Item Number or Case Number: 05-635-A  Petitioner: Lawrence + Kanen Adas Hek
Address or Location: 3211 Woodyallay Drive, Balt 21208
PLEASE FORWARD ADVERTISING BILL TO:  Name: Lawrence Adastek  Address: 3211 woodvalley prive  Baltmane, MD 2008,
Telephone Number: 40 486-6680

Revised 2/20/98 - SCJ

OS.635.

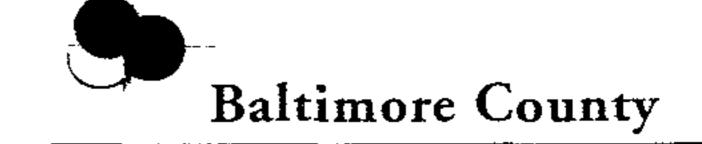
# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 635 -A Address 32/( Contact Person: 50640 R HOS ANDER Phone Number: 410-887-3391  Planner, Please Print Your Name
Contact Person: South KHOSCANDER Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 05 26.05 Posting Date: 060505 Closing Date: 0626.0
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.
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
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 05-635 -A Address 3211 Wood URILLY DT.  Petitioner's Name LAWRENCE & KAREN ADASHER. Telephone & 416-493-0400
Posting Date: <u>06-05-05</u> Closing Date: <u>06-20-05</u>
Nording for Sign: <u>To Permit A SIDE YARD SE-OBJACK OF WOFT. LN (IGW</u>

## 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

June 20, 2005

Lawrence Adashek Karen Adashek 3211 Woodvalley Drive Baltimore, Maryland 21208

Dear Mr. and Mrs. Adashek:

RE: Case Number: 05-635-A, 3211 Woodvalley Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 26, 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. Callaball

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel



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

June 6, 2005

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

ATTENTION: Zoning Review Planners

Distribution Meeting of: June 13, 2005

Item No,: 634 635 636, 637, 640, 642

Pursuant to your request, this Office has reviewed the referenced plan(s) 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 William F. Connolly, Jr. Lieutenant Franklin J. Cook Fire Marshal's Office (O) 410-887-4881 (C) 443-829-2946 MS-1102F

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 10, 2005

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 20, 2005

Item No. 634, 635, 636, 638, 640, 641,

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-06102005.doc

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** June 16, 2005

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JUN 1 5 2005

ZONING COMMISSIONER

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 5-635

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 Curtis Murray in the Office of Planning at 410-887-3480.

Prepared By

**Division Chief:** 

CM/LL

State Highway

Administration

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

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

#### Maryland Department of Transportation

Date: 6.7.03

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

RE: Baltin

**Baltimore County** 

Item No.  $\leq 35$ 

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

P. J. Gall

Engineering Access Permits Division

We, Bruce A. Goldstein and Lynn R. Goldstein, of 3209 Woodvalley Drive, being the next door neighbors impacted by the administrative variance request #05-635-A hereby consent to said variance.

Bruce A. Goldstein

date

Lynn R. Goldstein

date

05-635-6

## ADDENDUM TO ADMINSTRATIVE VARIANCE #05-635-A

TO:

John R. Alexander

FROM:

Lawrence Adashek

DATE:

5-29-05

Please find attached the architectural plan for 3211 Woodvalley Drive highlighting the entrance that we plan to utilize for the garage. As stated in the petition, strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship. We would like to add the following explanation to our request:

#### **UNDUE HARDSHIP**

Not locating the garage as requested could jeopardize the safety of our small children (five and seven years old).

A detached garage would not provide the same level of protection from slippery

conditions (snow, ice and rain).

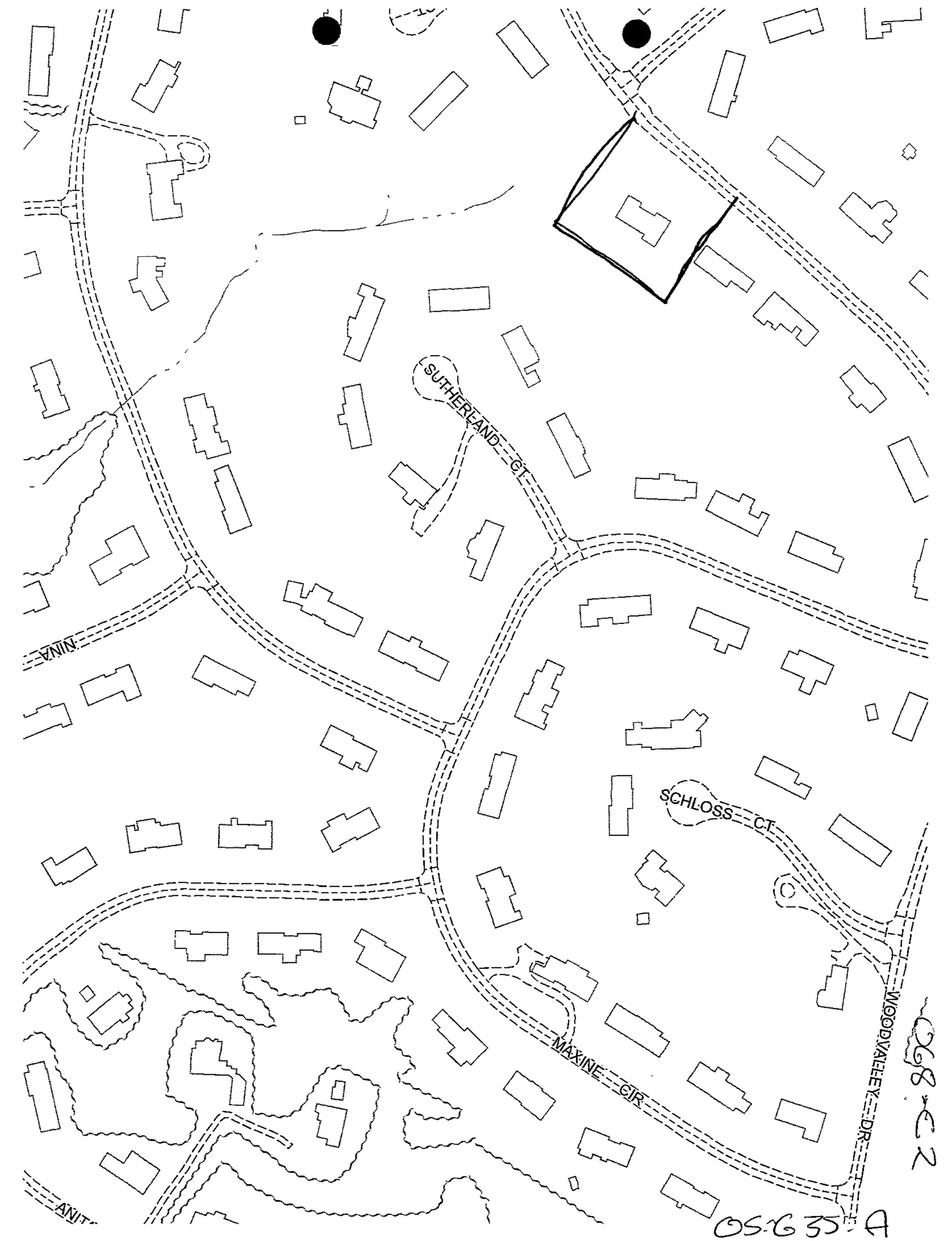
A detached garage would not provide the same level of safety and security as an 3. attached garage because the residents with an attached garage can go directly into the house.

#### PRACTICAL DIFFICULTY

- As shown in the attached architectural plan the side door chosen for the garage entrance is the only practical entrance to use. A garage placed in the front of the house would be unsightly, block many windows and not allow entrance to guests. A garage placed on the right side of the house (west) would not be practical because the elevation is for a down stairs basement. No other practical entrance on that side of the house exits.
- The only practical location for a detached garage (behind the house-northeast corner) 2. (which for the reasons stated above result in undue hardship) would block numerous windows, produce unsightly results, and require the destruction of multiple trees including an eighty year old, ninety foot tulip poplar tree.

Please also find attached the consent of Bruce and Lynn Goldstein, our neighbor at 3209 Woodvalley. This is the only neighbor directly affected by our request.







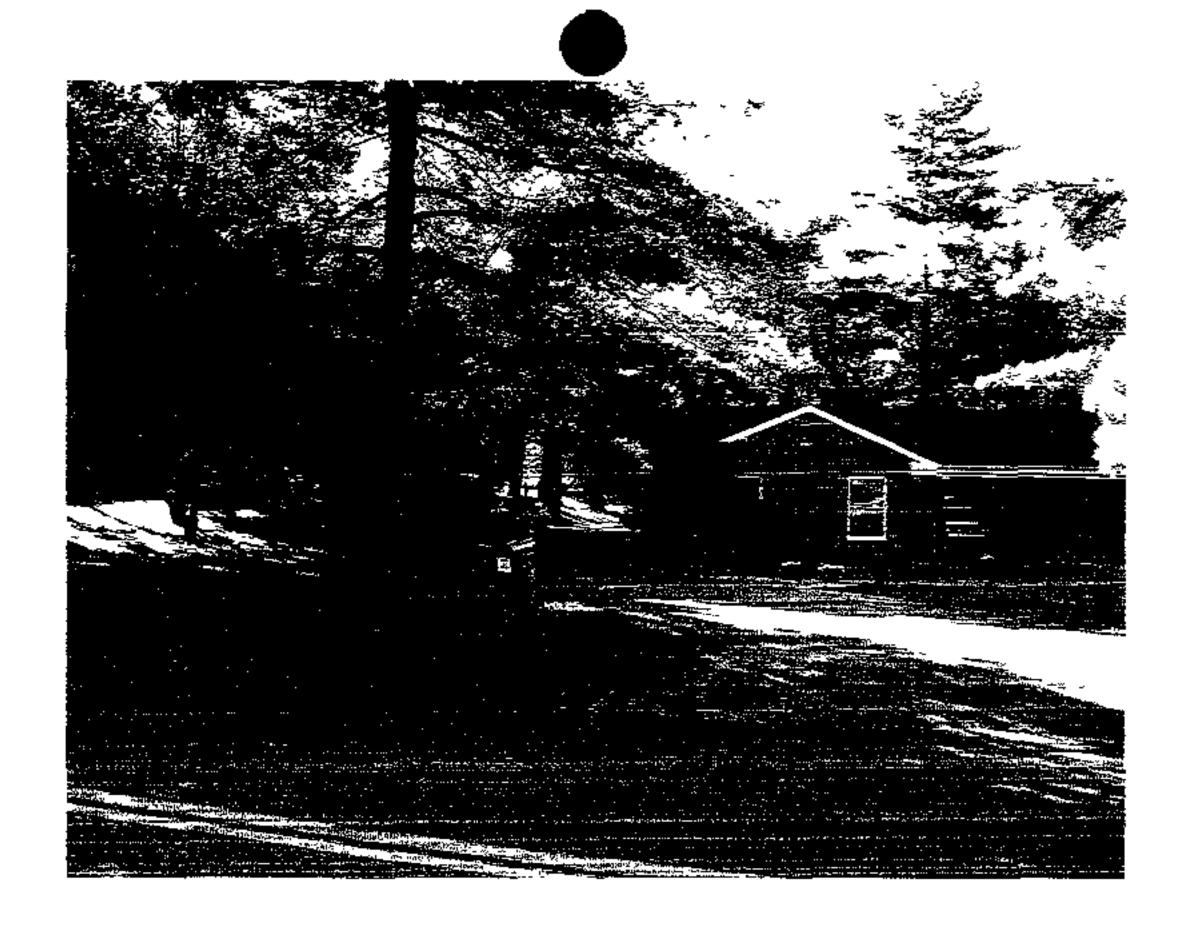
View coming up driveway toward proposed garage.



View coming up driveway toward proposed garage.



View of door for access to house.



View from accross street facing front of driveway.



View from accross street facing front of driveway.



View coming up driveway toward proposed garage.



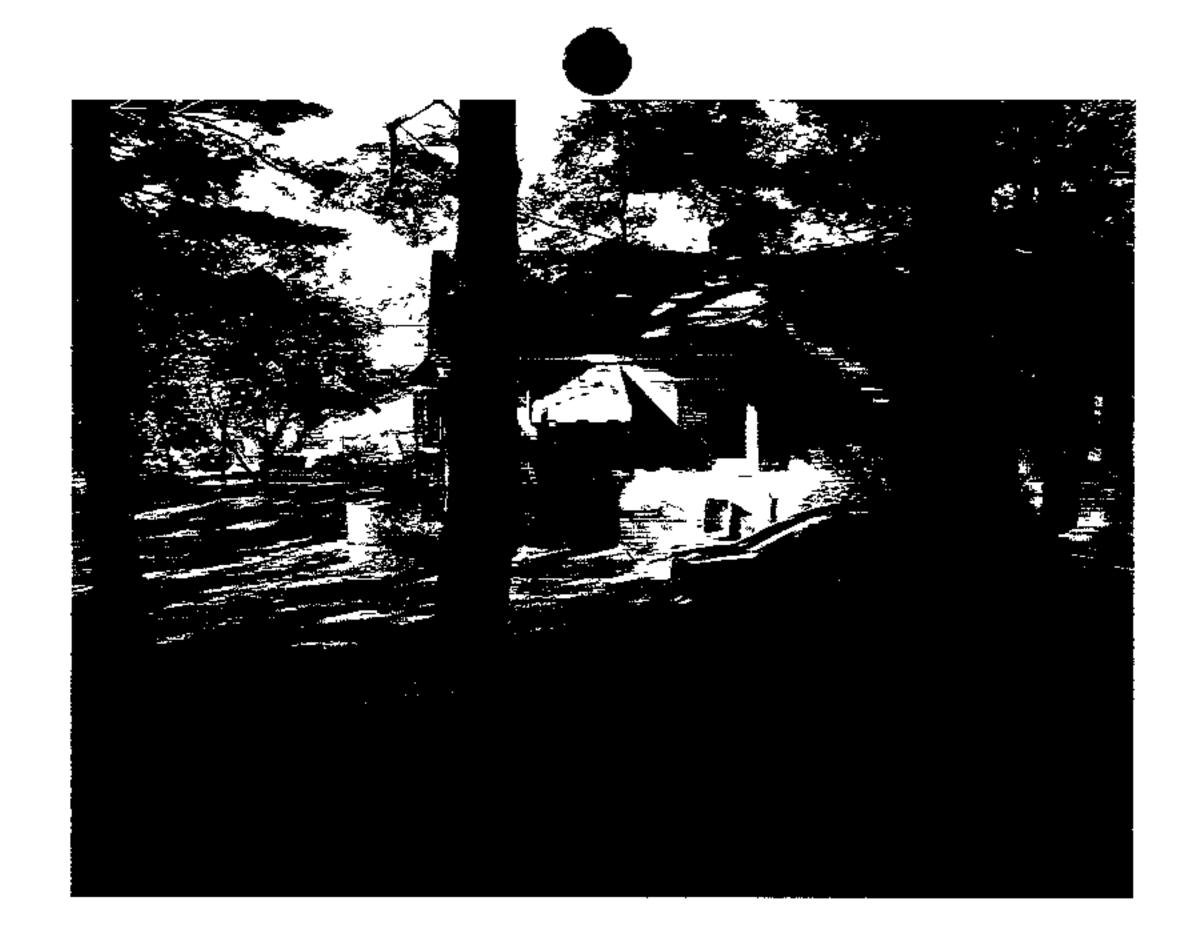
View of door for access to house.



View from adjoining neighbor.



View from adjoining neighbor.



View from adjoining neighbor.



Veiw from rear of house of proposed location.



Veiw from rear of house of proposed location.



View of rear side facing neighbor.



View of rear side facing neighbor.



View of rear showing opposite elevation from proposed garage.

