IN RE: PETITION FOR ADMIN. VARIANCE NE/Side of Pegram Avenue, 209' sw of c/l of Morris Way 4th Election District

2nd Councilmanic District

(4 Pegram Avenue)

Martin Pittinger Petitioner BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-238-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

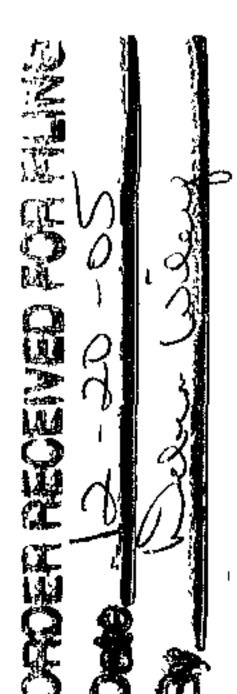
This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Martin Pittinger. The variance request is for property located at 4 Pegram Avenue in the Owings Mills area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed addition with a side yard setback of 7 feet in lieu of the minimum required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

The Petitioners having filed a Petition for Administrative Variance and the subject property not having been posted for the original closing date of November 28, 2005 received a new closing date of December 19, 2005. The subject property having been posted on December 2, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, 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 Petitioner.

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 30 day of December, 2005, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed addition with a side yard setback of 7 feet in lieu of the minimum required 10 feet, be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

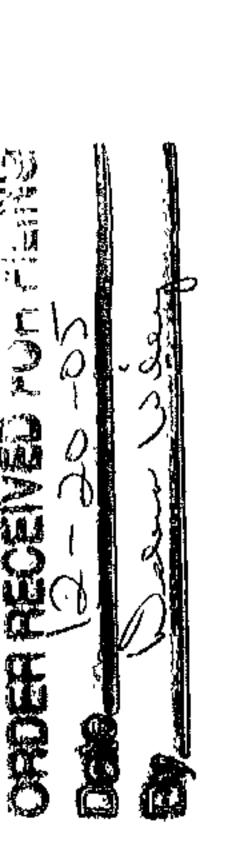
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this 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:dlw



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

December 20, 2005

Martin Pittinger 4 Pegram Avenue Owings Mills, Maryland 21117

> Re: Petition for Administrative Variance Case No. 06-238-A Property: 4 Pegram Avenue

Dear Mr. Pittinger:

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

for Baltimore County

JVM:dlw Enclosure

c: Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson, MD 21286 People's Counsel; Code Enforcement; Case File



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

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	4 Pegram Road		
	Address Owings Mills, M	D 21117	,
	City	State	Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ing are the facts upon voice or practical difficulty):	vhich I/we base the requ	uest for an Administrative
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STATE OF MARYLAND, COUNTY OF BALTIM	CHOWIC	2005	
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he Affiant(s) herein, personally known or satisfactors and the the matters and facts hereinabove set for	torily identified to me as	s such Afflant(s), and mother/the	nade oath in due form of ir knowledge and belief.
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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4 Pegram ROMA Avenue which is presently zoned DiR. 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s), B02,3,C.1, BCZR, to permit a proposed addition with a side yard setbady of 7 feet in lieu of the minimum required 10 feet. 1.) In a series of the series of the A. I his was plant when which will are 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: Legal Owner(s): Martin Pittinger Name - Type or Print Name - Type of Print Signature Signature Address Telephone No. Name - Type or Print City Zip Code Signature State 443-326-1783 4 Pegram Road **Attorney For Petitioner:** Address Telephone No. Owings Mills, MD 21117 Name - Type or Print Zip Code Clty State Representativé to be Contacted: Signature Site Rite Surveying, Inc. Company Name 200 E. Joppa Road, Room 101 410-828-9060 Address Telephone No. Address Telephone No. Towson, MD 21286 City Zip Code Zip Code City State State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations day of

of Baltimore County and that the property be reposted.

	6) P 330-1	Zoning Commissioner of Baltimore County
CASE N	o. 06-238-A	Reviewed By JUP Date 11/105
REV 9/15/98	•	Estimated Posting Date 11/13/05

ZONING DESCRIPTION FOR #4 PEGRAM AVENUE

BEGINNING AT A POINT ON THE NORTHWEST SIDE OF

PEGRAM AVENUE WHICH IS 30 FEET WIDE AT THE DISTANCE

OF 209 FEET SOUTHWEST OF THE CENTERLINE OF MORRIS

WAY WHICH IS 30 FEET WIDE. BEING ALL OF LOT NO. 10 AND

PART OF LOT NO. 9 IN THE SUBDIVISION OF "PLEASANT HILL

PARK" AS RECORDED IN BALTIMORE COUNTY PLAT BOOK

NO. 8, FOLIO 35, CONTAINING 34,398 SQUARE FEET, MORE OR

LESS. ALSO KNOWN AS #4 PEGRAM AVENUE AND LOCATED

IN THE 4TH. ELECTION DISTRICT, 2ND. COUNCILMANIC

DISTRICT.

MICHAEL V. MOSKUNAS REG. NO. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road Room 101 Towson, MD 21286 (410)828-9060

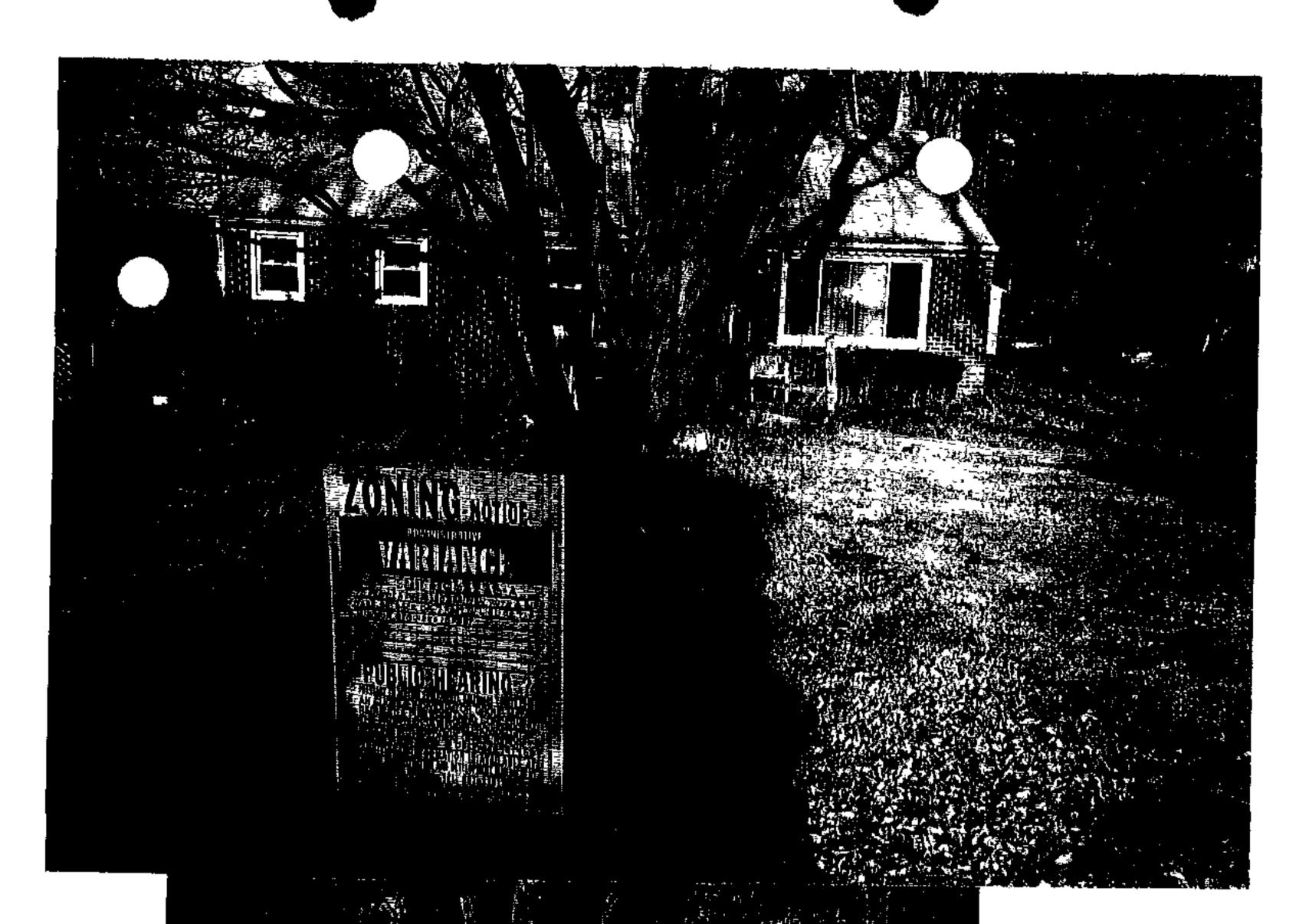
06-238-A

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT		一般など は は は は は は は は は は は は は は は は は は は
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ADMINISTRATIVE

CASE # 06-238-A
TO PARMIT A PROPOSED ADDITION WITH A SIDE
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MINIMUM REQUIRED IN FEET

PUBLIC HEARING CONTY OF AND EXCENSIVE PROVIDE PROVIDE

CERTIFICATE OF POSTING

	RE: Case No.: 06-238-A				
	Petitioner/Developer: M. P1771116	Z.			
	Date of Hearing/Closing: TEC, 19, 2	2005			
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue					
Towson, MD 21204	DEC # 2005				
Attention: Christen Matthews Ladies and Gentlemen: This letter is to certify under the per	nalties of perjury that the necessary sign(s)	, 1 , 1 , 1 , 2 , 3 , 4 , 4 , 4 , 4 , 4 , 4 , 4 , 4 , 4			
required by law were posted conspicuously on the propery l	ocated at				
The sign(s) were posted on	(Month, Day, Year)				
	Sincerely, Sincerely, (Signature of Sign Poster and Date)				
	CARLAGED E. MOORE (Printed Name)				
	3225 RY5(250M Circ (Address)				
	BAUTIMORE, MD, 21 (City, State, Zip Code)	227			
	(Telephone Number)				
	1				



Site Rite Surveying, Inc.

 $\Pi_{\mathbb{C}}$: 2005

DIRECT CORRESPONDENCE TO:

Shell Building, Room 101 200 East Joppa Road Towson, Maryland 21286 410-828-9060

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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Department of Permits a 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

November 28, 2005

Martin Pittinger 4 Pegram Avenue Owings Mills, Maryland 21117

Dear Mr. Pittinger:

RE: Case Number: 06-238-A, 4 Pegram Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 1, 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 Rihall S.

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: clb

Enclosures

People's Counsel Site Rite Surveying, Inc. 200 E. Joppa Road, Rm. 101 Towson 21286



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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: November 8, 2005

NOV 1 5 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-238- 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 Diana Itter in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 16, 2005

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

Department of Permits & Development

SUBJECT:

Zoning Advisory Committee Meeting

For November 7, 2005

Item Nos. 223, 224, 225, 227, 228, 233,

234, 235, 236, 238, 239,

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-11162005.doc

Fire Department

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



Baltimore County

James T Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 9, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: October 31, 2005

Item No.: 219, (220), 221, 222, 223, 224, 225, 226, 227, 228, 229, 233, 234, 235, 236, 237, (238,) 239, 241 and 242

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 Fire Marshal's Office 410-887-4880 MS-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 Nell J. Pedersen, Administrator

Maryland Department of Transportation

Date: 11-15.015

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

RE:

Baltimon County Item No

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. Delh

Engineering Access Permits Division



Zoning map 058A2. (NW 13 I) 4 Pegram Avenue Administrative Variance.



Subject property view from Pegram Avenue Area for addition #4 Pegram Avenue

06-2387

Adjacent Property



06-238-A

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06-238-A

