

IN RE: **PETITION FOR ADMIN. VARIANCE**
NW/Corner Tarragon Road and
Blake Court
(13044 Tarragon Road)
4th Election District
4th Council District

Larry Katz, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-262-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Larry Katz and his wife, Cherlyn Katz. The Petitioner seeks relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) (Sections V.B.6.b and V.B.6.c of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window to property line setback of 11 feet in lieu of the required 15 feet, and a window to window setback of 30 feet in lieu of the required 40 feet, for a proposed sunroom addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the

ORDER RECEIVED FOR FILING

Date

By

documentation contained within the case file.

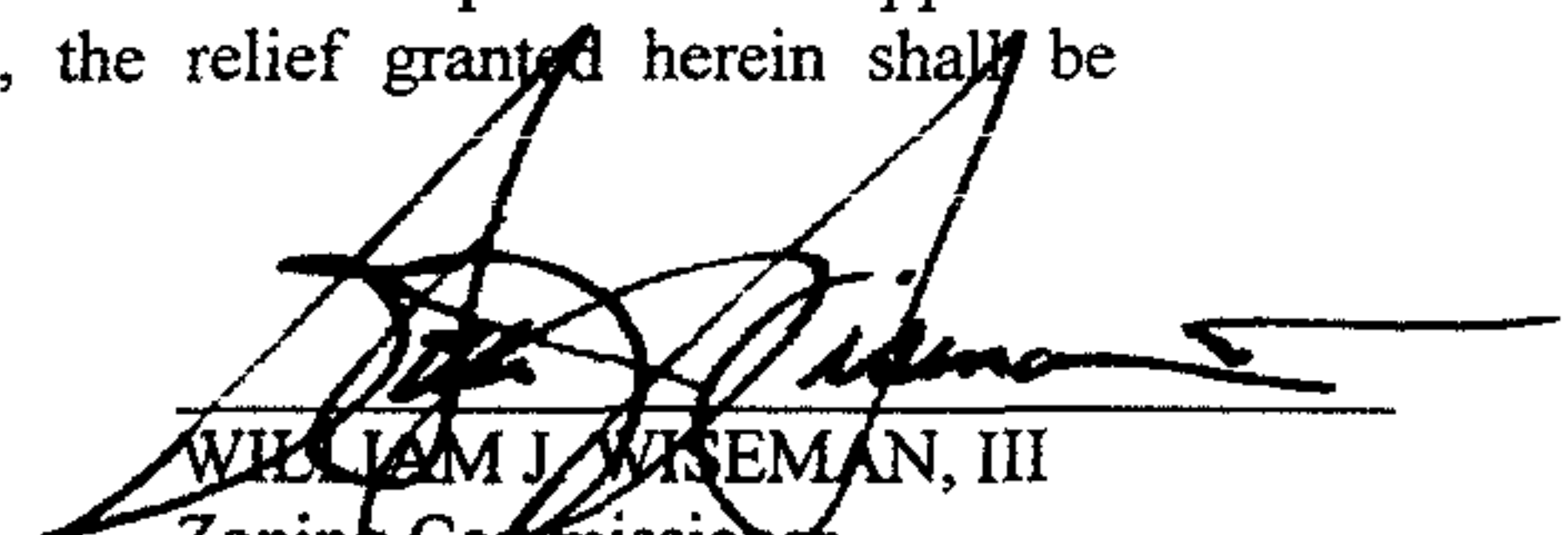
Based upon the information contained therein, I am persuaded to grant the variance. Relief is necessitated given the property's corner location and the location of the existing dwelling thereon. The Petitioners propose to enclose an existing 12' x 12' deck, which is located immediately to the rear of the dwelling. Given the location of the existing dwelling, strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioner. There were no adverse comments submitted by any County reviewing agency and the neighbor on the affected side has no objections as evidenced by her letter of support which is contained within the case file. Thus, it appears that relief can be granted without detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the advertisement, posting of the property(s) and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

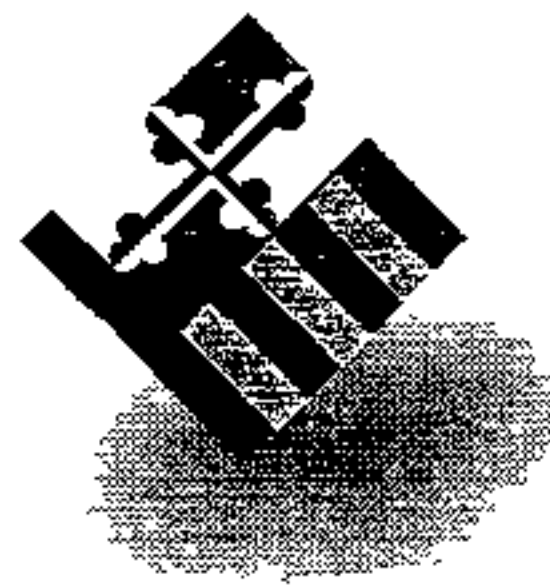
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of December 2005 that the Petition for Administrative Variance seeking relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) (Sections V.B.6.b and V.B.6.c of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window to property line setback of 11 feet in lieu of the required 15 feet, and a window to window setback of 30 feet in lieu of the required 40 feet, for a proposed sunroom addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12/13/05
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 12, 2005

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Larry Katz
13044 Tarragon Road
Reisterstown, Maryland 21136

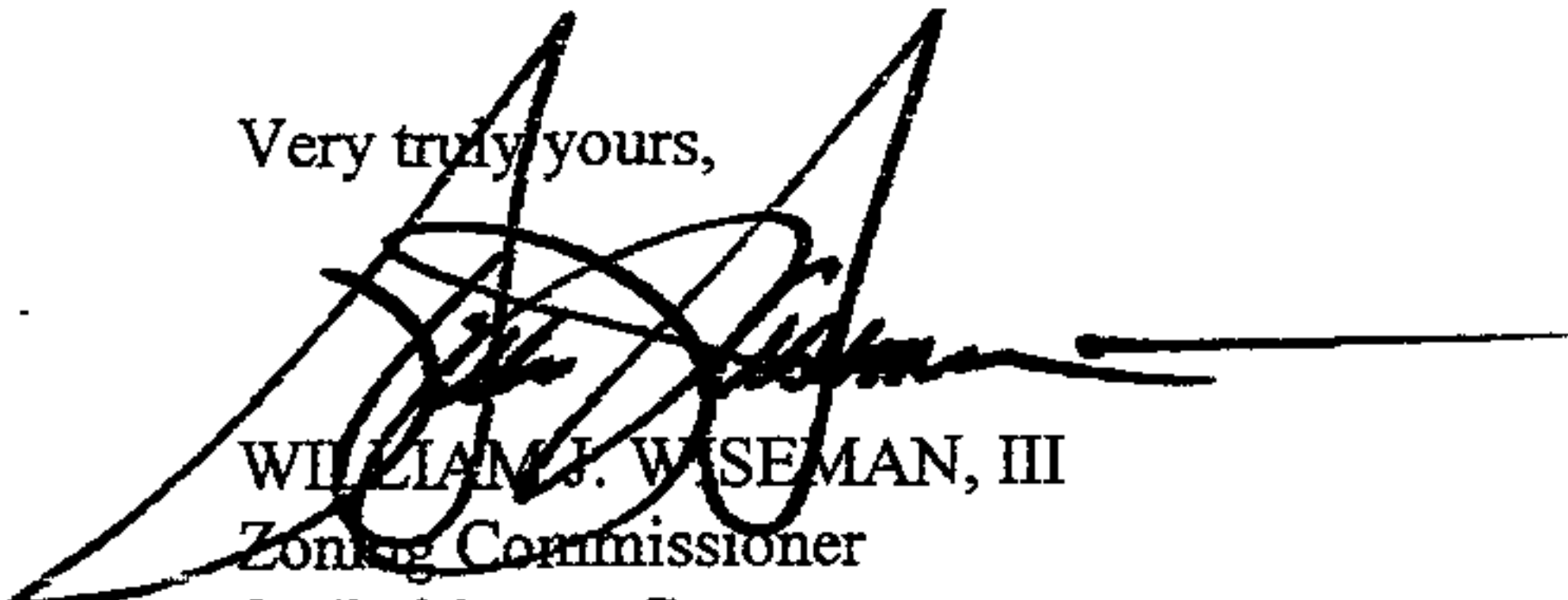
RE: PETITION FOR ADMINISTRATIVE VARIANCE
NW/Corner Tarragon Road and Blake Court
(13044 Tarragon Road)
4th Election District – 4th Council District
Larry Katz, et ux - Petitioners
Case No. 06-262-A

Dear Mr. & Mrs. Katz:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: People's Counsel; Case File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 13044 Tarragon Road
which is presently zoned DR 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) 1301.2.C.2.6 BCZR

(V.B.G.C § V.B.G.6) CMDP

To permit an addition with a window to property line setback of 11' and window to window setback of 30' in lieu of the required 15' and 40', respectively.

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):

Larry Katz

Name - Type or Print

Signature [Signature]

CHERYLYN KATZ
Name - Type or Print

Signature [Signature]

13044 Tarragon Rd. 410-833-7164
Address Telephone No.

Risterstown MD 21136
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

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, 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. 06-262-A

Reviewed By JF Date 11/17/05

Estimated Posting Date 11-27-05

ORDER RECEIVED FOR FILING
Date 11/17/05
By [Signature]

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 13044 Tarragon Rd
Address
Reisterstown MD 21136
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):

We have an existing 12' x 12 deck which we would like to enclose as a sunroom. We are requesting an administrative variance as the windows in said room will be 30' from our neighbors existing window, instead of the 40' required by Baltimore County Zoning Regulations.

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 Larry Katz

Signature [Signature]
Name - Type or Print CHARLYN KATZ

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of November, 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]
Notary Public
My Commission Expires 6/1/09

ZONING DESCRIPTION FOR 13044 Tarragon Road, Reisterstown, MD, 21136

Beginning at a point on the WEST side of TARRAGON ROAD which is 60 FEET wide at the distance of 0 FEET NORTH of the centerline of the nearest improved intersecting street BLAKE COURT which is 50 FEET wide. Being Lot # 5, Block A, Section # 2 in the subdivision of BERRYMAN'S HOLLOW as recorded in Baltimore County Plat Book # 56, Folio # 2 containing 9144 square feet. Also known as 13044 Tarragon Road, Reisterstown, MD, 21136 and located in the 4TH Election District, 4TH Councilman district.

262

NO.

71-1761

ACCOUNT 007-006-075

AMOUNT \$ 65.85

RECEIVED
FROM: _____

7-000000

FOR

100

SECRET

3

1980

30-10-1964

SECRET

11

1000

1920s - 1940s

1991

[illegible]

SECRET

29

THE NEW YORK PUBLIC LIBRARY

1977

1000

36

100

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW & CURTOMBI

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

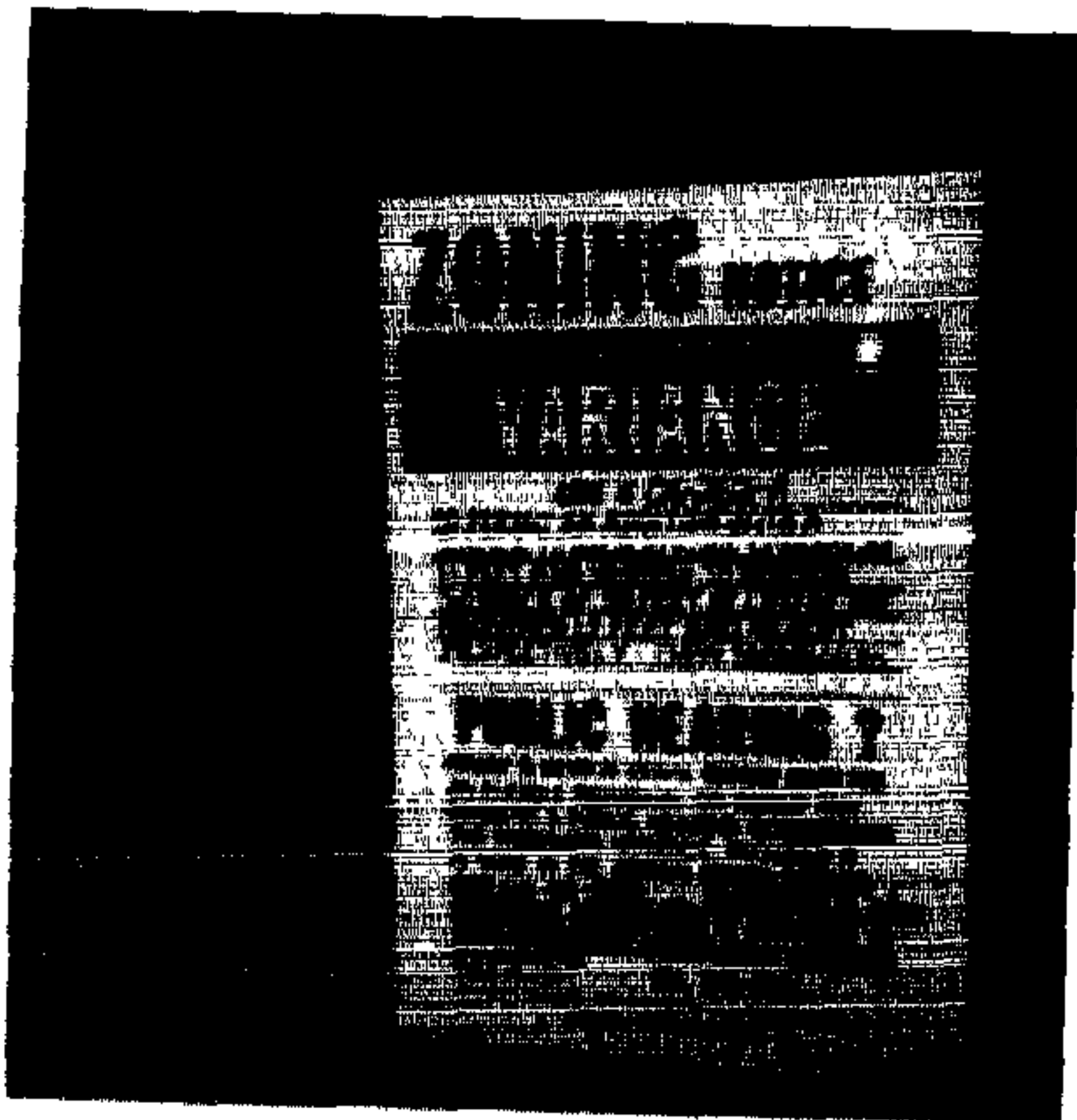
ATTENTION: KRISTEN MATTHEWS

Date November 28, 2005

RE Case Number 06-262-A
Petitioner/Developer CHERYL KATZ
Date of Hearing (Closing) DECEMBER 12, 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 13044 TARRAGON ROAD

The sign(s) were posted on November 26, 2005
(Month, Day, Year)



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 MD 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/neighbors 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 06-262-A
Petitioner LARRY & CHERYL KATZ
Address or Location 13044 TARRAGON RD

PLEASE FORWARD ADVERTISING BILL TO

Name LARRY KATZ
Address 13044 TARRAGON RD
REISTERSTOWN, MD 21136
Telephone Number 410-833-7164

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 262 -A Address 13044 TARRAGON RD

Contact Person: Jun Fernando Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11-17-05 Posting Date: 11-27-05 Closing Date: 12-12-05

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 06- 262 -A Address 13044 TARRAGON RD

Petitioner's Name Larry & Cheryl Kotz Telephone 410-833-7164

Posting Date: 11-27-05 Closing Date: 12-12-05

Wording for Sign: To Permit an addition with a window to property
line setback of 11' and window to window setback
of 30' in lieu of the required 15' and 40', respectively.

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*

December 12, 2005

Larry Katz
Cherlyn Katz
13044 Tarragon Road
Reisterstown, Maryland 21136

Dear Mr. and Mrs. Katz:

RE: Case Number: 06-262-A, 13044 Tarragon Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 17, 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." 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



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 29, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 14, 2005

Item No.: 250, 252, 253, 254, 255, 256, 257, 258, 260, 262.

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 5, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 21, 2005
Item Nos. 103, 250, 256, 257, 258, 259,
260 and 262

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-12052005.doc

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



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

Maryland Department of Transportation

Date: 11.28.05

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

RE: Baltimore County
Item No. 262 JRF

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,

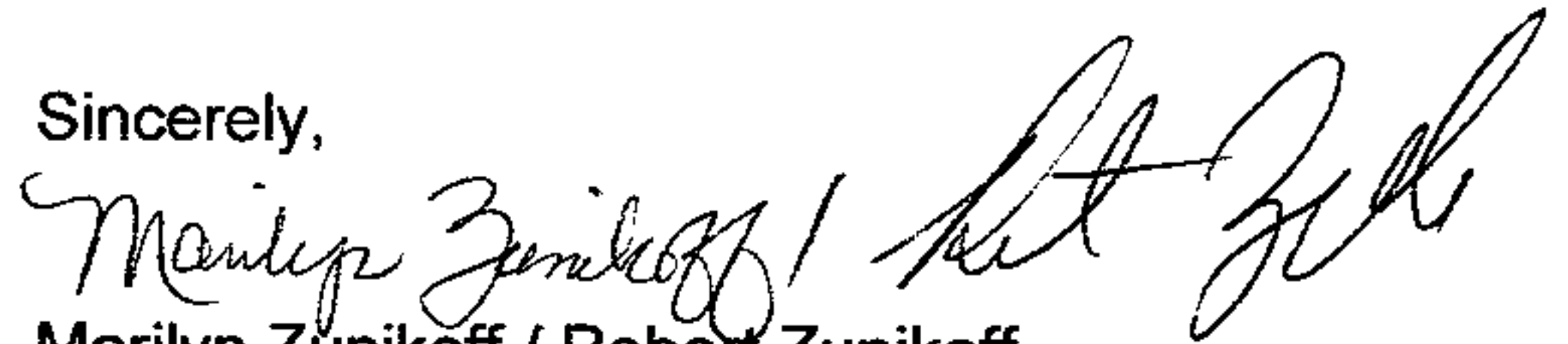
Steven D. Foster, Chief
Engineering Access Permits Division

November 13, 2005

To Whom It May Concern:

This letter is concerning the proposed addition of a sunroom at the home adjacent to mine. At this time, I have no objection to a porch enclosure that does not pass beyond the current structure of the existing home at 13044 Tarragon Road, Reisterstown, MD 21136.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marilyn Zunikoff / Robert Zunikoff".

Marilyn Zunikoff / Robert Zunikoff
4 Blake Court
Reisterstown, MD 21136

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PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 13044 Tarragon Road SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Berryman's Hollow

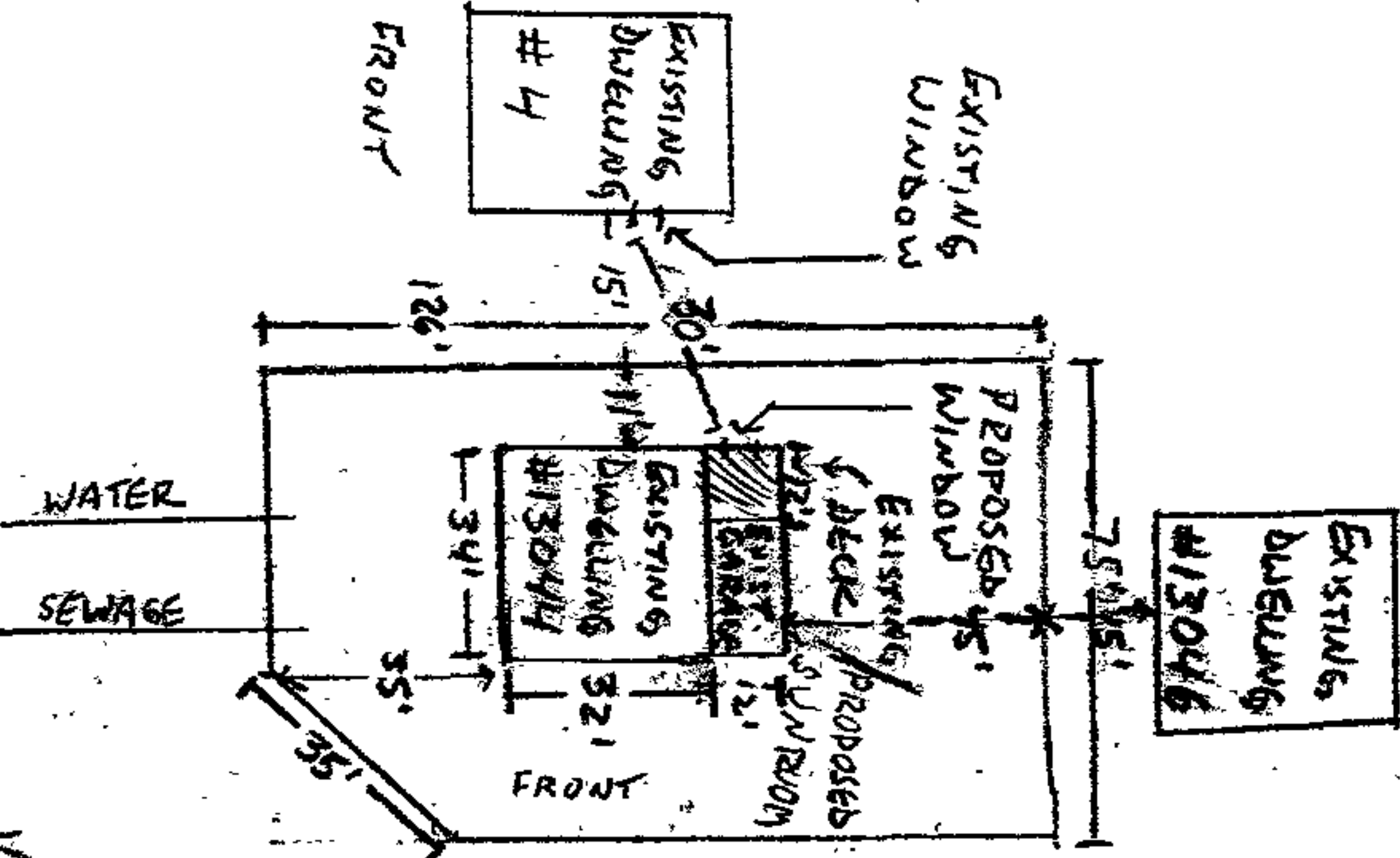
PLAT BOOK # 56 FOLIO # 2 LOT # 5 SECTION # 2

OWNER Larry and Cheryl Katz



PREPARED BY LARRY KATZ 14-Nov-2005 SCALE OF DRAWING: 1" = 50'

BLAKE COURT
50' R/W

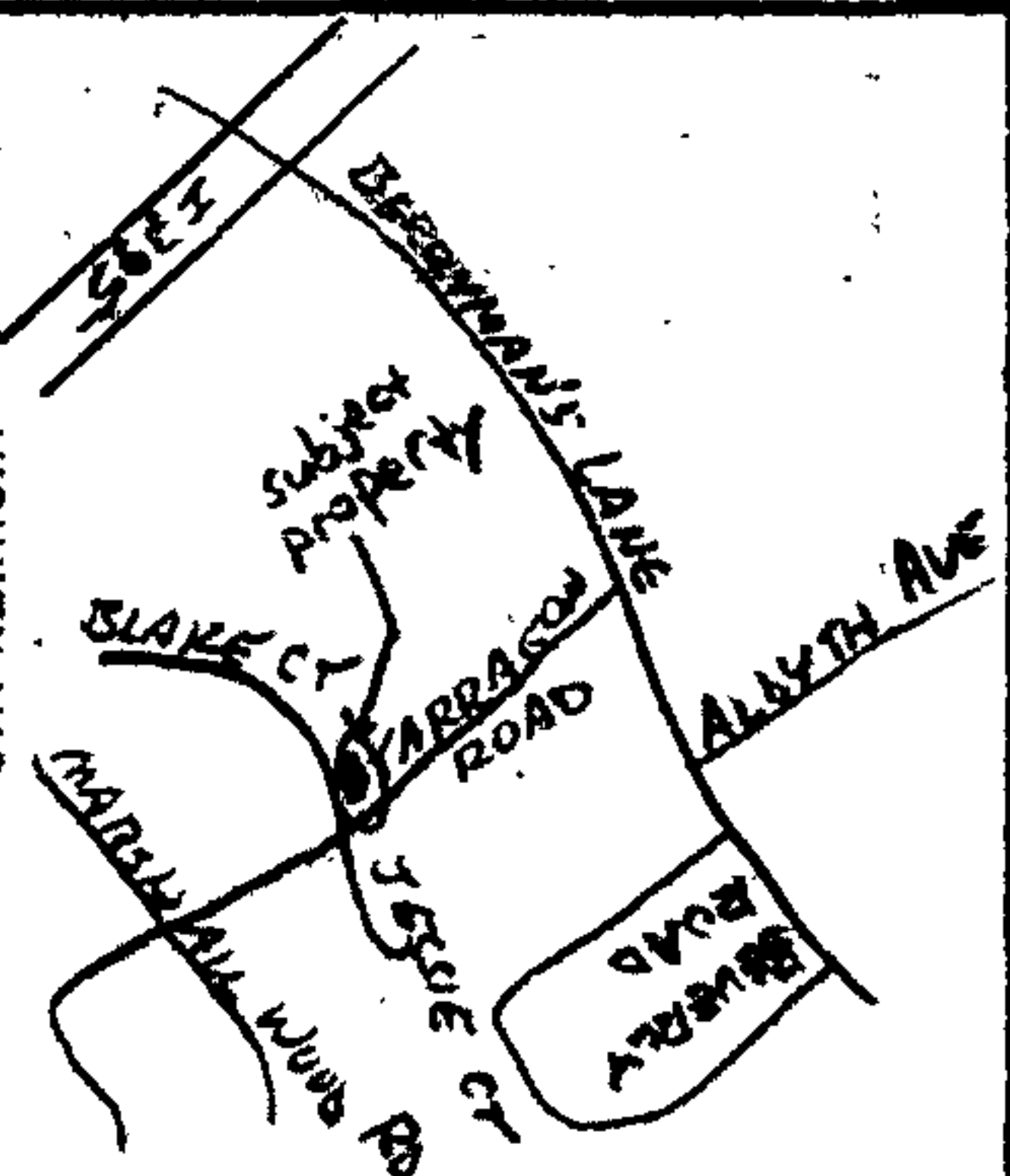


TARRAGON ROAD
60' R/W

Pl. Ch. 1



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 4

COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP #

ZONING DR 3.5

LOT SIZE 0.21 9144

ACREAGE 0.21 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

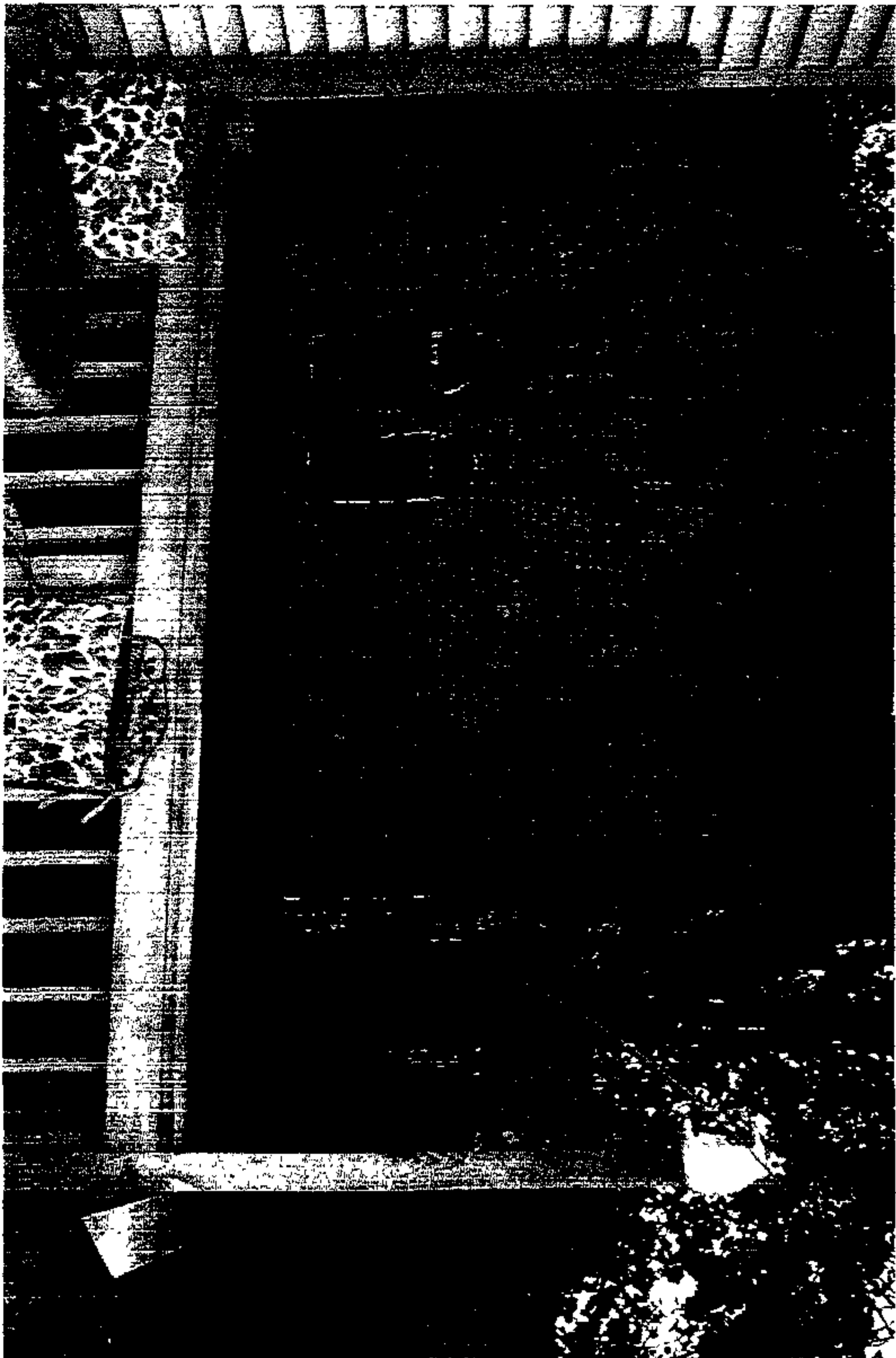
100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING N/A

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

JF 262



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