IN RE: **PETITION FOR ADMIN. VARIANCE** E/S Park Heights Avenue, 662' S of the c/l Fox Creek Court **(12215 Park Heights Avenue)** 4th Election District 3rd Council District Adam Shpritz Petitioner	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 06-299-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, William M. Francis, Jr., and his wife, Dawn M. Francis. The Petitioners seek relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit property line setbacks of 3 feet and 18 feet in lieu of the required 50 feet each, and a street centerline setback of 70 feet in lieu of the required 150 feet for an existing dwelling and proposed garage addition. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked 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 Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been

ORDER RECEIVED FOR FILING
Date 11/6/06
By

posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon all of the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the unique configuration of the property and the location of existing improvements thereon. There were no adverse comments submitted by any County reviewing agency and there was no opposition voiced by any of the neighbors. Thus, it appears that relief can be granted without detrimental impact to adjacent properties. However, it is to be noted that the Office of Planning questioned whether a rear yard setback variance was necessary for the proposed garage addition, which as shown on the plan, will be located 10 feet from the side/rear property line. Apparently, this setback was overlooked when the Petition was filed; however, in that it is clearly shown on the plan, I will grant a variance to allow a 10-foot setback from the side/rear property line accordingly. The Office of Planning also requested that building elevation drawings showing the front elevation of existing and proposed improvements as viewed from Park Heights Avenue. Thus, as a condition of approval, said drawings shall be submitted to the Office of Planning prior to the issuance of any permits.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of January 2006 that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit property line setbacks of 3 feet, 10 feet (as modified herein) and 18 feet in lieu of the required 50 feet each, and a street centerline setback of 70 feet in lieu of the required 150 feet, for an existing dwelling and proposed garage 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

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Date 1/10/06
By

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.

2) Prior to the issuance of any permits, Petitioner shall submit building elevation drawings of existing and proposed improvements to the Office of Planning. Said drawings shall show the front elevation of the existing dwelling and proposed breezeway and garage addition as viewed from Park Heights Avenue.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:bjs

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/4/16
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 10, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. Adam Shpritz
12215 Park Heights Avenue
Owings Mills, Maryland 21117

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
E/S Park Heights Avenue, 662' S of the c/l Fox Creek Court
(12215 Park Heights Avenue)
4th Election District – 3rd Council District
Adam Shpritz - Petitioner
Case No. 06-299-A

Dear Mr. Shpritz:

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: Office of Planning; People's Counsel; Case File

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12215 Park Heights Ave
which is presently zoned RC 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) 1A04.3.B.2.b (BCZR)
TO PERMIT A SINGLE FAMILY DWELLING WITH ADDITION TO HAVE A PROPERTY LINE SETBACK OF 3' AND 18' AND A CENTERLINE SETBACK OF 70' IN LIEU OF THE REQUIRED 50' AND 150' 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):

Adam Shpritz
Name - Type or Print

Signature

Name - Type or Print

Signature

12215 Park Heights Ave 410-365-3595
Address — Telephone No.

Owings Mills MD 21117
City — State — Zip Code

Representative to be Contacted:

Adam Shpritz
Name

12215 Park Heights Ave 410-365-3595
Address — Telephone No

Owings Mills MD 21117
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 ____ 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

ORDER RECEIVED FOR FILING
Date 11/10/05
By

CASE NO. 06-299-A

Reviewed By CTM **Date** 12/9/05

Estimated Posting Date 12/18/05

REV 10/25/01

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 12215 Park Heights Ave
Address
Owings 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):

I am requesting an Administrative Variance to raise and rebuild the current garage that is in disrepair. The current structure is unusable for parking any vehicles and does not meet the aesthetics of the area. Moreover, I would like to build a breezway to connect the dwelling to garge for safety from the elements, to have access to the garge and for aesthetics.

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

Adam Spratz
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of December, 2005 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maryland

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

AS WITNESS my hand and Notarial Seal

FRANCES H. MITNICK
NOTARY PUBLIC - MARYLAND
BALTIMORE COUNTY
My Commission Exp. 10/29/06

Frances H. Mitnick
Notary Public

My Commission Expires 10/29/06

REV 10/25/01

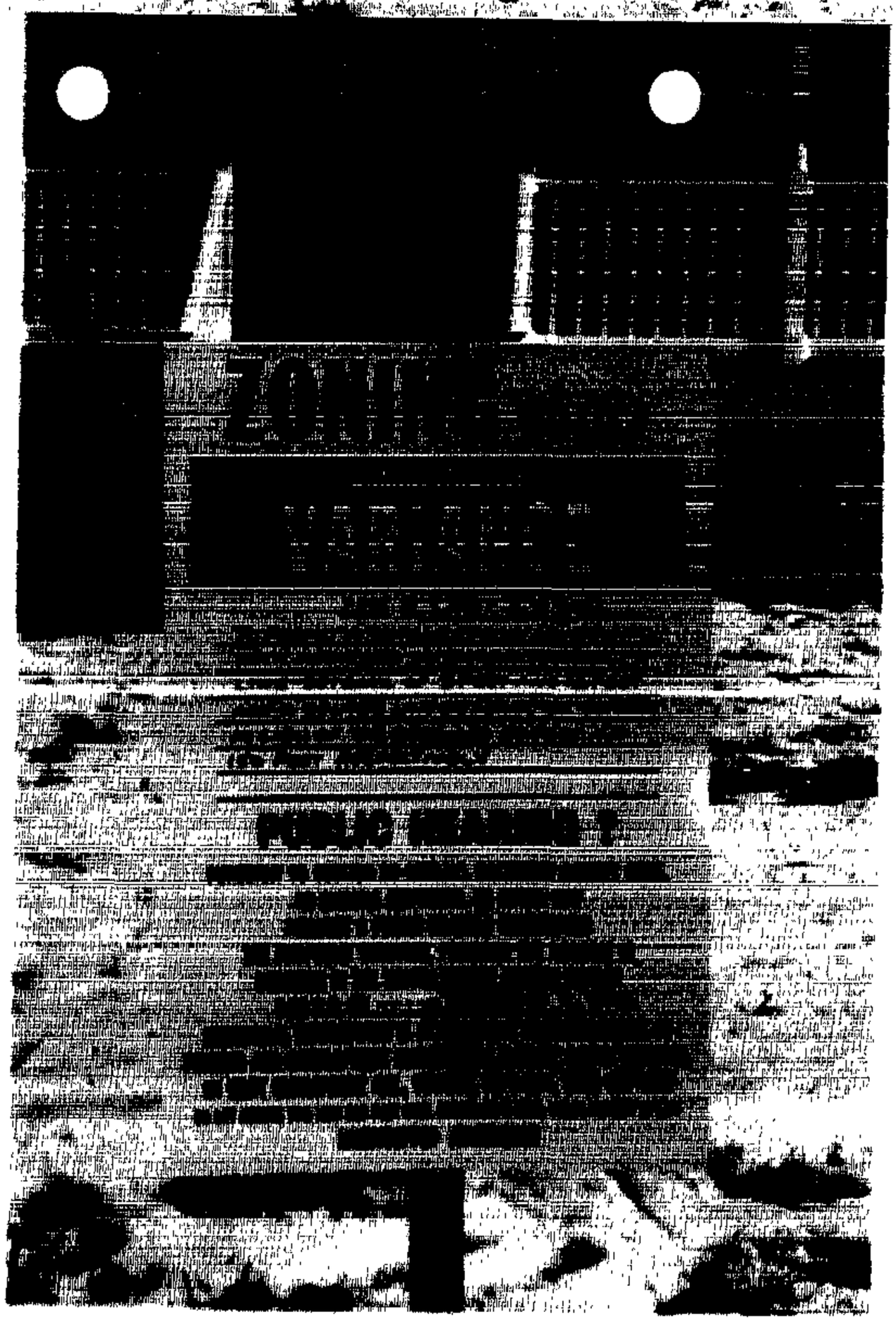
ZONING DESCRIPTION FOR
#12215 PARK HEIGHTS AVENUE

BEGINNING at a point on the east side of the centerline of Park Heights Avenue at the distance of 662 feet south of the centerline of Fox Creek Court which is 50 feet wide. As recorded in Deed Liber 22295, folio 454 and running S80°E, 581.51′ from the centerline of said road; thence S26°W, 8 feet; thence S88°25′W, 548 feet to a point on the centerline of said road; thence running and binding along Park Heights Avenue N10°W, 127 feet to the Point of Beginning, containing 0.83 acres of land, more or less.
Also known as #12215 Park Heights Avenue and located in the 4th Election District, 3rd Councilmanic District.

Michael V. Moskunas
Reg. No. 21175

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

ZONING
VARIANCE
PUBLIC HEARING



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1573

DATE 12/9/05 ACCOUNT R001 006 6150

AMOUNT $ 65.00

RECEIVED FROM: A. SHPITZ

FOR: CC-299-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
12/09/2005	12/09/2005	09:16:53	4

REG: WG06 WALKIN KRCH KXN
>>RECEIPT # 406430 12/09/2005 OFLH
Dept: 5 ZONING VERIFICATION
CR NO. 001573
Recpt Tot $65.00
$65.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-299-A

Petitioner/Developer: ADAM SHPRITZ

Date of Hearing/Closing: 1-2-06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: **Christen Matthews**

Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the propery located at

#12215 PARKHEIGHTS AVE.

The sign(s) were posted on DEC. 16, 2005
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

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: 06-299-A

Petitioner: Adam Shpritz

Address or Location: 12215 Park Heights Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Adam Shpritz

Address: 12215 Park Heights Avenue
Owings Mills, MD 21117-1013

Telephone Number: 410 488-3124

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06-299 -A Address 12215 PARK HEIGHTS AVE.

Contact Person: LLOYD MOXLEY Phone Number: 410-887-3391
Planner Please Print Your Name

Filing Date: 12/9/05 **Posting Date:** 12/18/05 **Closing Date:** 1/2/06

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 06-299 -A Address 12215 PARK HEIGHTS AVE.

Petitioner's Name ADAM SHPRITZ Telephone (410) 365 3595

Posting Date: 12/18/05 **Closing Date:** 1/2/06

Wording for Sign: To Permit A SINGLE FAMILY DWELLING WITH ADDITION TO HAVE A PROPERTY LINE SETBACK OF 3' ~~IN LIEU OF THE REQ'D~~ AND 18' AND A CENTER LINE SETBACK OF 70' IN LIEU OF THE REQUIRED 50' AND 150' 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

January 2, 2006

Adam Shpritz
12215 Park Heights Avenue
Owings Mills, Maryland 21117

Dear Mr. Shpritz:

RE: Case Number: 06-299-A, 12215 Park Heights Avenue

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 21, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For *December* 19, 2005
Item Nos. 267, 286, 295, 296, 298, 299, 301, 302, 303, 304, and 305

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-12212005 doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 3, 2006

RECEIVED
JAN 6 2006
ZONING COMMISSIONER

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

SUBJECT: 12215 Park Heights Avenue
INFORMATION:

Item Number: 6-299

Petitioner: Adam Shpritz

Zoning: RC 5

Requested Action: Administrative Variance

The property in question is an undersized lot of record that is improved with an existing single-family dwelling and a detached garage. The proposal is to raze the existing detached garage and construct a 24' x 32' garage attached to the side of the dwelling via a 14' long breezeway. Setback variances are required for a three foot and eighteen foot side setback and 70 feet to the centerline of the street in lieu of the required 150 feet. It appears that an additional variance is also needed for a 10-foot rear yard setback in lieu of 50 feet.

SUMMARY OF RECOMMENDATIONS:
The Office of Planning requests additional information before it can make a recommendation. Provide architectural elevation drawings that show the front elevation of the garage and breezeway and the existing dwelling. The applicant shall also provide elevations as viewed from Park Heights Avenue, which is a designated scenic route.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by: Cynthia Murray

Division Chief: Lynn Lanham
AFK/LL: CM

W:\DEVREVIEW\6-299.doc

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

SHA
State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 12.16.05

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

RE: Baltimore County
Item No. 299 LTM

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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

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

December 19, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of

Item No. 267, 286, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304 and 305

Pursuant to your request, the above referenced plan(s) have been reviewed by this Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Department has no comments at this time.
If you have any questions contact my office.

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 17, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. Adam Shpritz
12215 Park Heights Avenue
Owings Mills, Maryland 21117

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
E/S Park Heights Avenue, 662' S of the c/l Fox Creek Court
(12215 Park Heights Avenue)
4th Election District – 3rd Council District
Adam Shpritz - Petitioner
Case No. 06-299-A

Dear Mr. Shpritz:

Your recent telephone inquiry to the Department of Permits and Development Management (DPDM) has been forwarded to me for a response. Specifically, it has been brought to my attention that the first paragraph of the Order issued by me in the above-captioned matter inadvertently misidentified the owners of the subject property as being William M. Francis, Jr., and his wife, Dawn M. Francis.

Since the heading of the Order correctly identifies you as the owner of the property, and the location of the property and the relief requested were accurately identified within the Opinion and are not in dispute, an Amended Order will not be necessary. However, please be advised that our copy of the Order has been corrected to accurately reflect you as owner of the property. Moreover, a copy of this letter is being forwarded to DPDM for inclusion in the case file and all recipients of the Order are being requested to correct their copy to reflect that you are indeed the owner of the subject property.

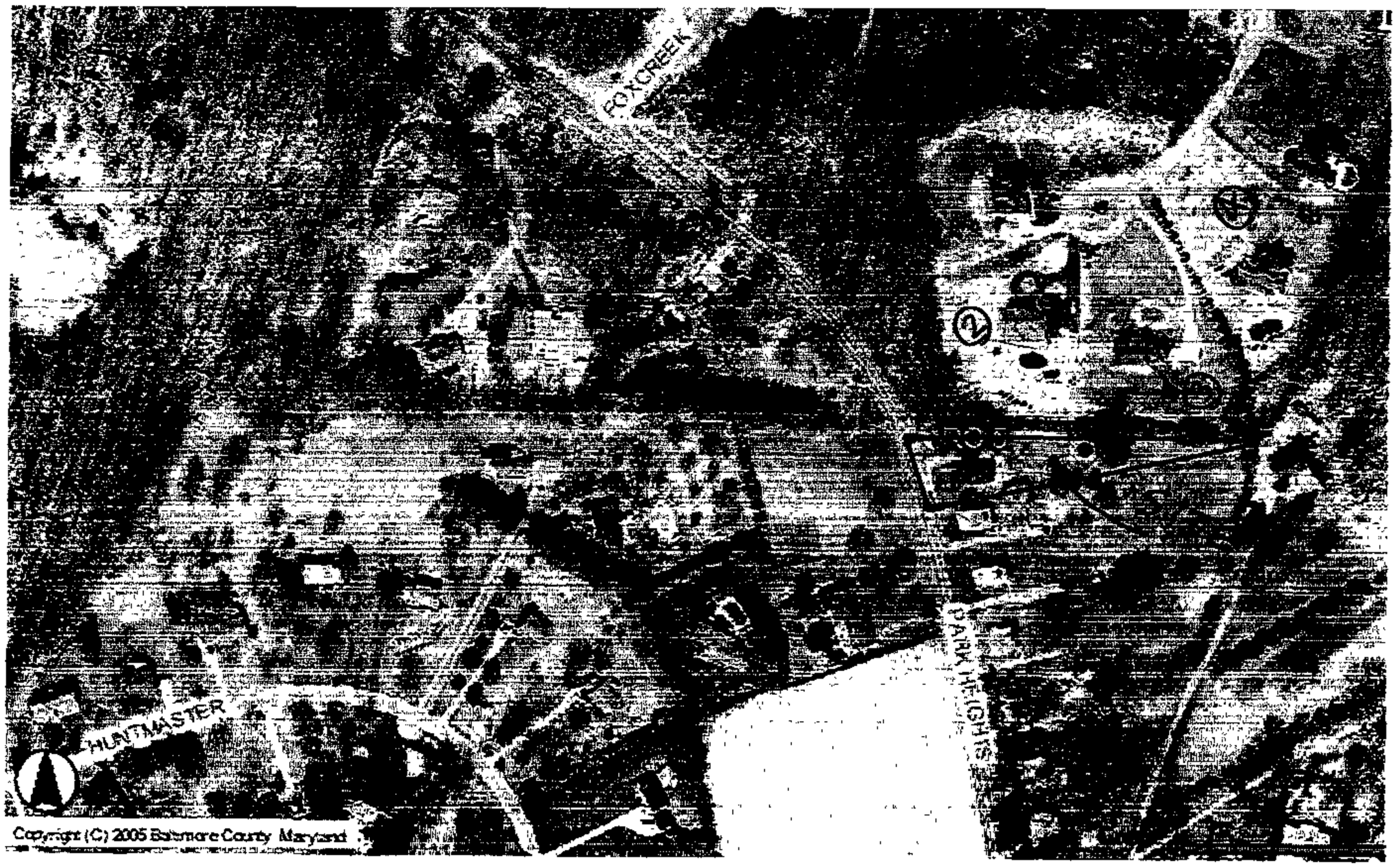
Thank you for bringing this matter to our attention and I apologize for any inconvenience this may have caused.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

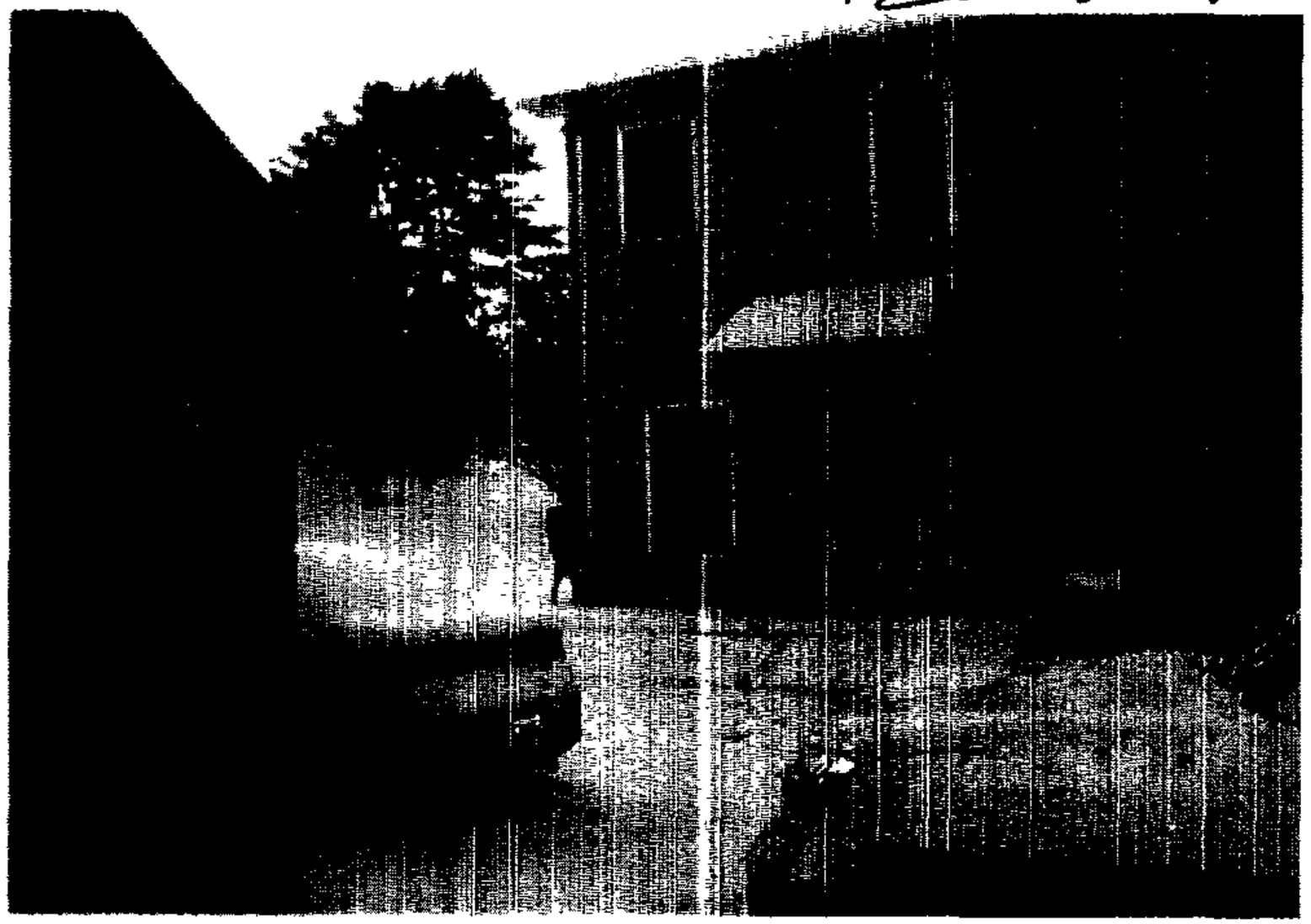
cc: Office of Planning; People's Counsel; Case File

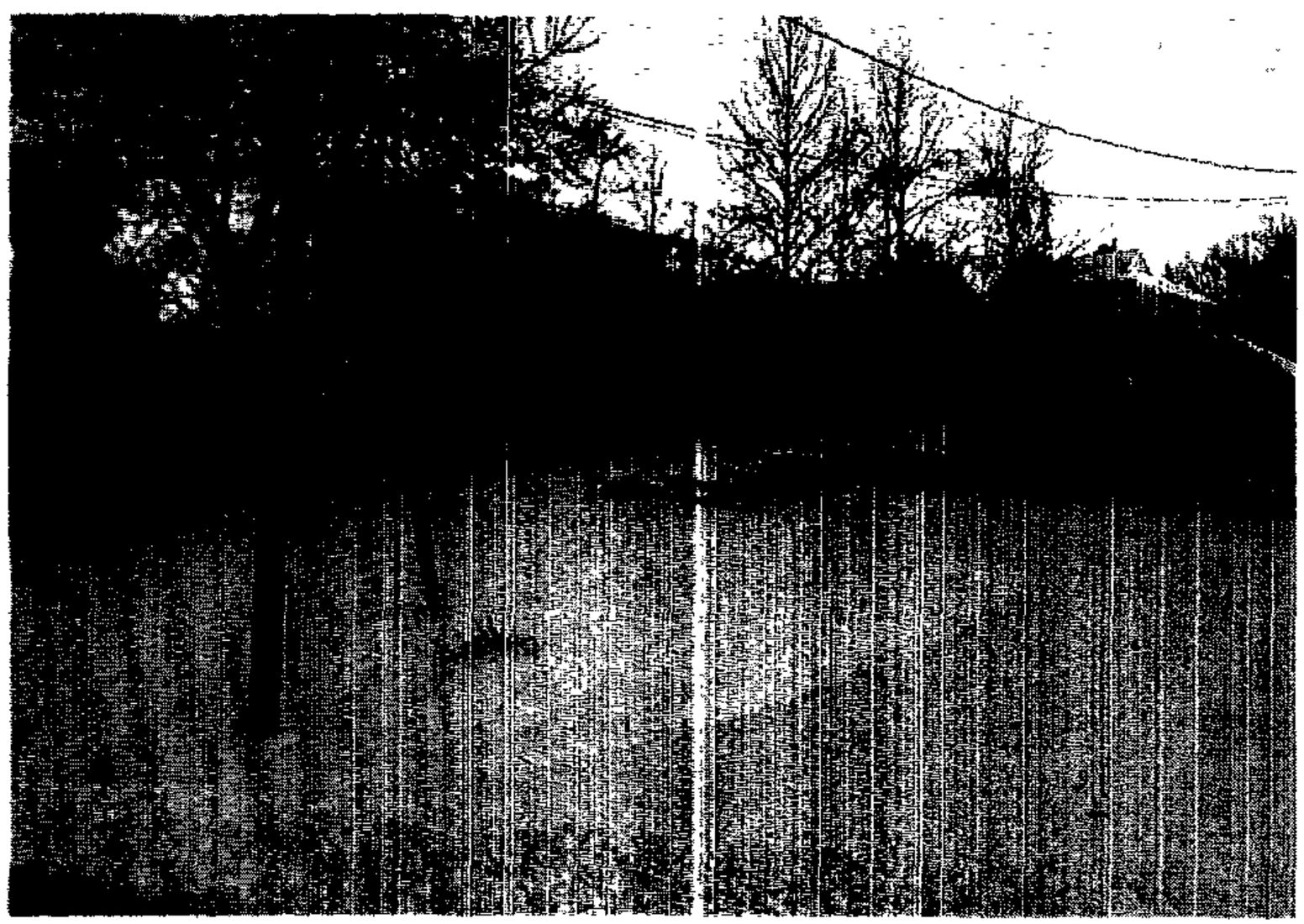


#12215 Park Heights Avenue
Zoning Map
P.O.B. 662' south of Fox creek Ct.

#299

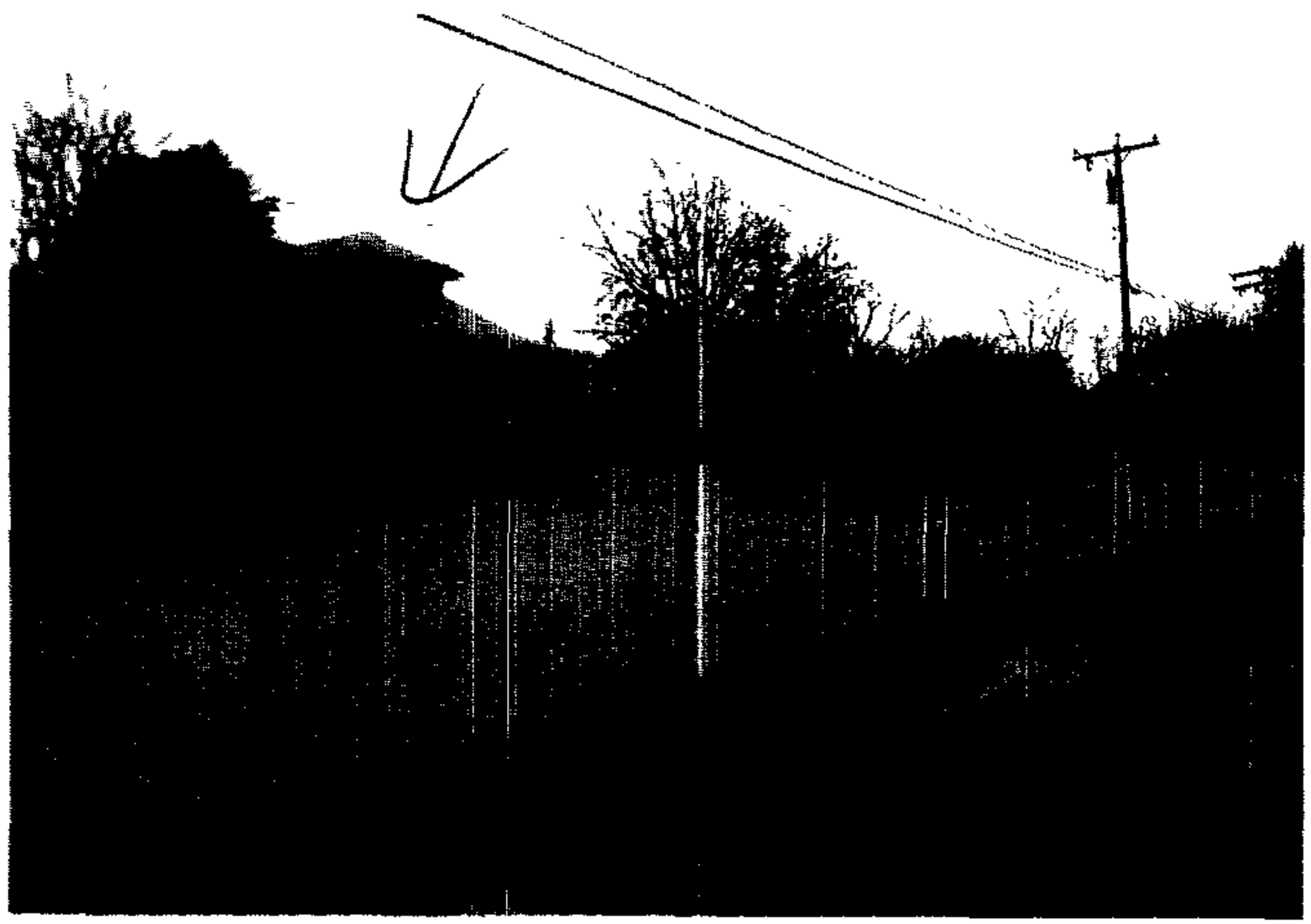
12215 Park Heights Ave



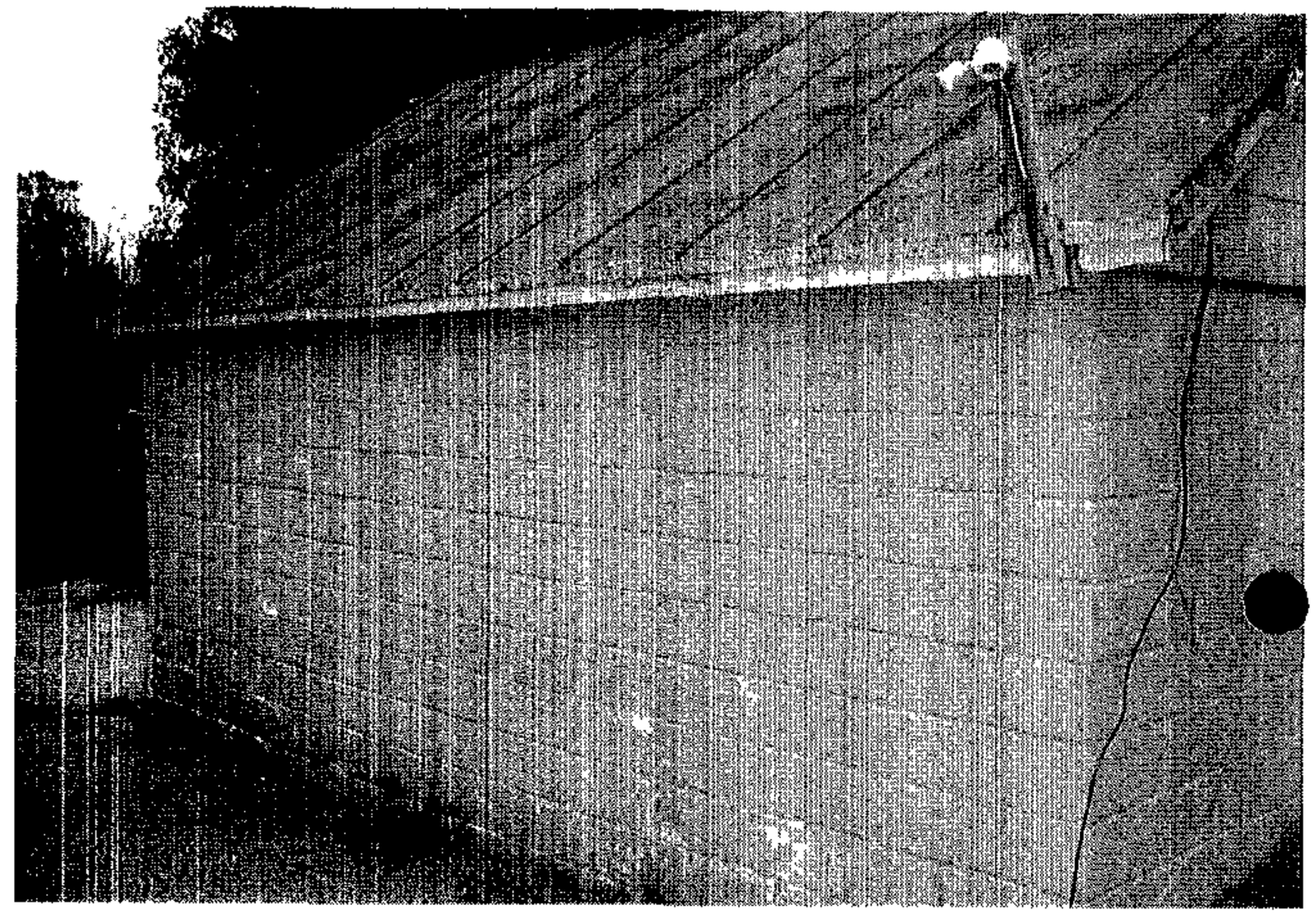


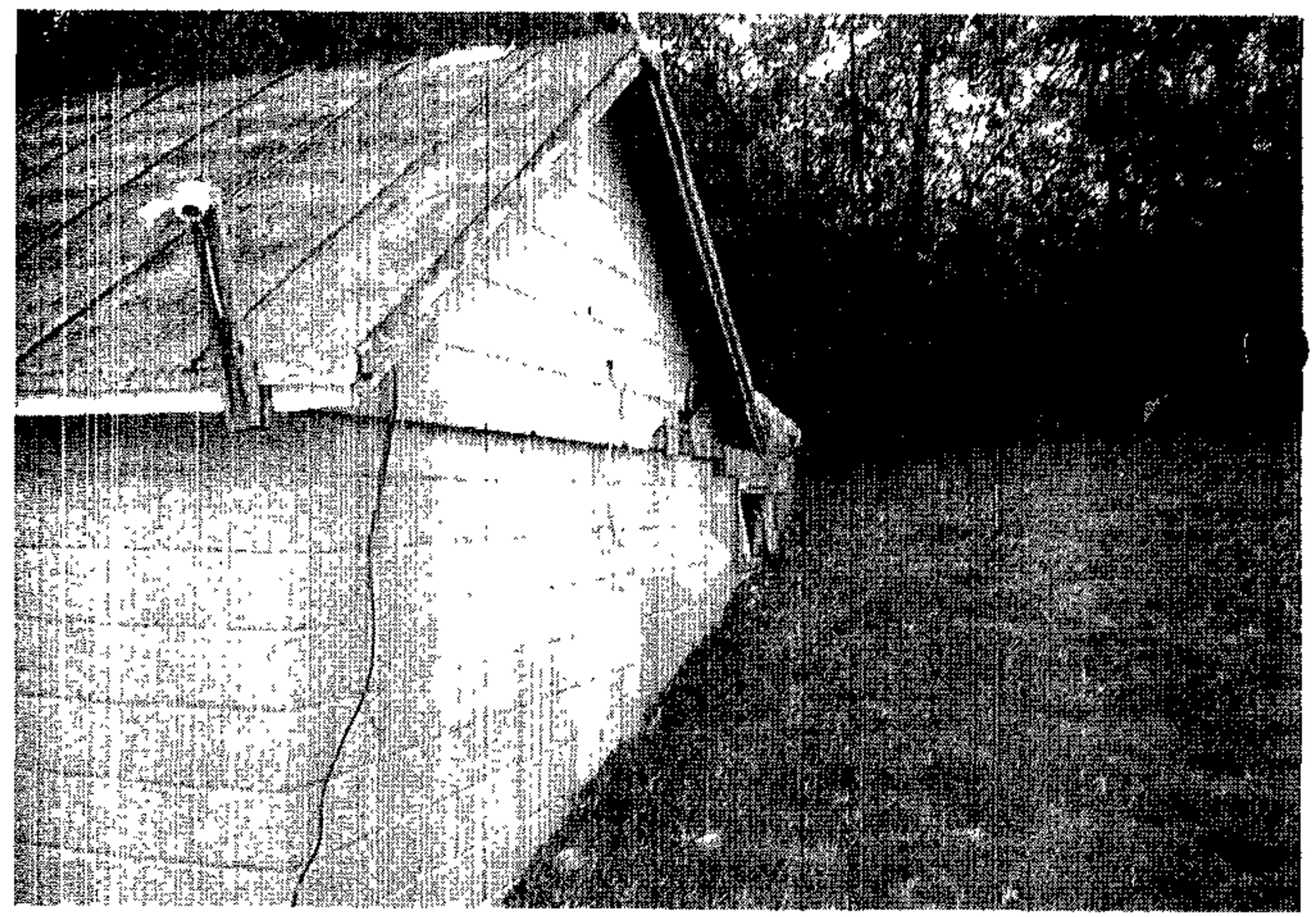
299

12213 Park Heights Ave



12215 Park Heights





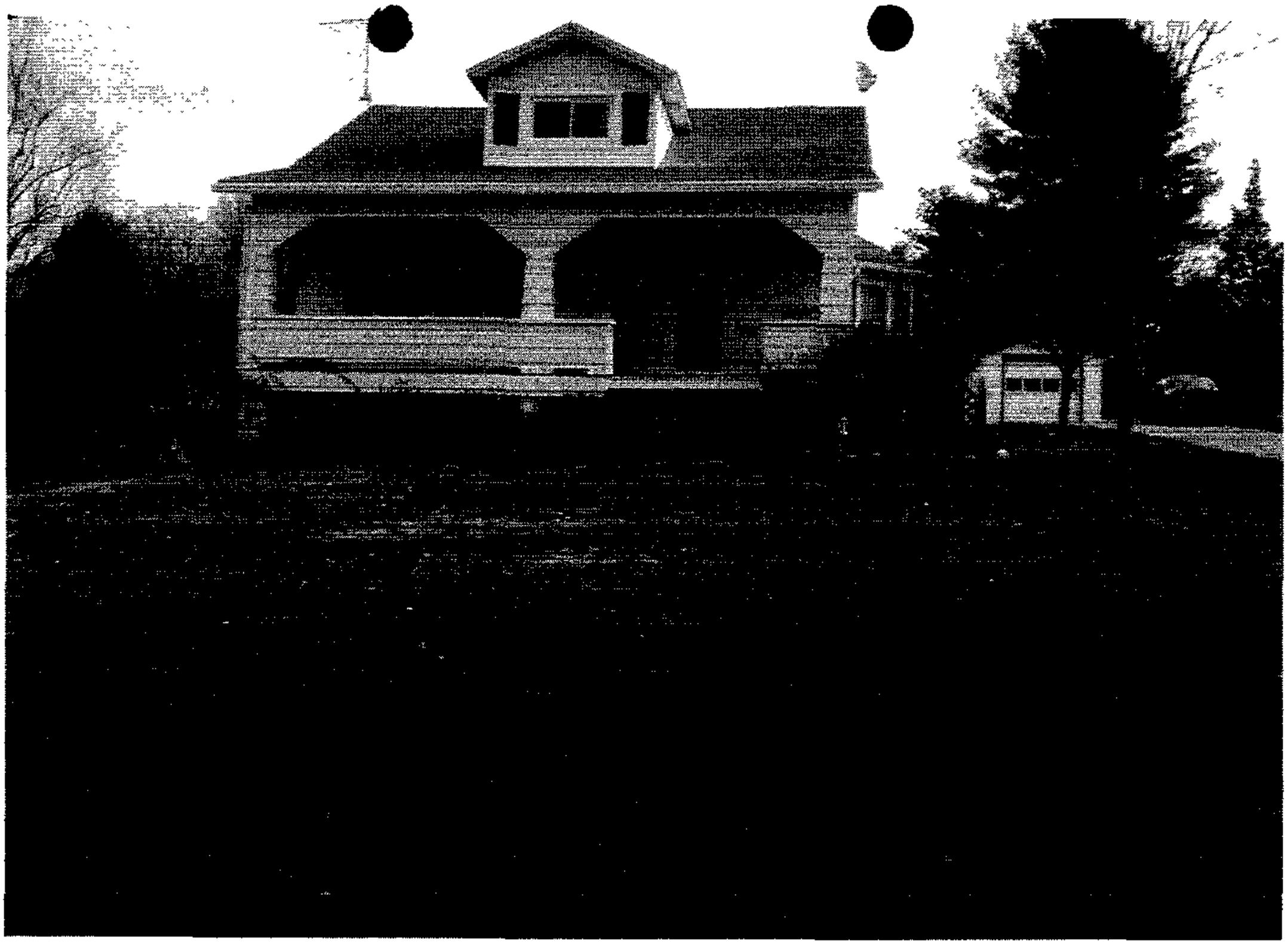
962

12215 Park Heights

12213 Park Heights

299

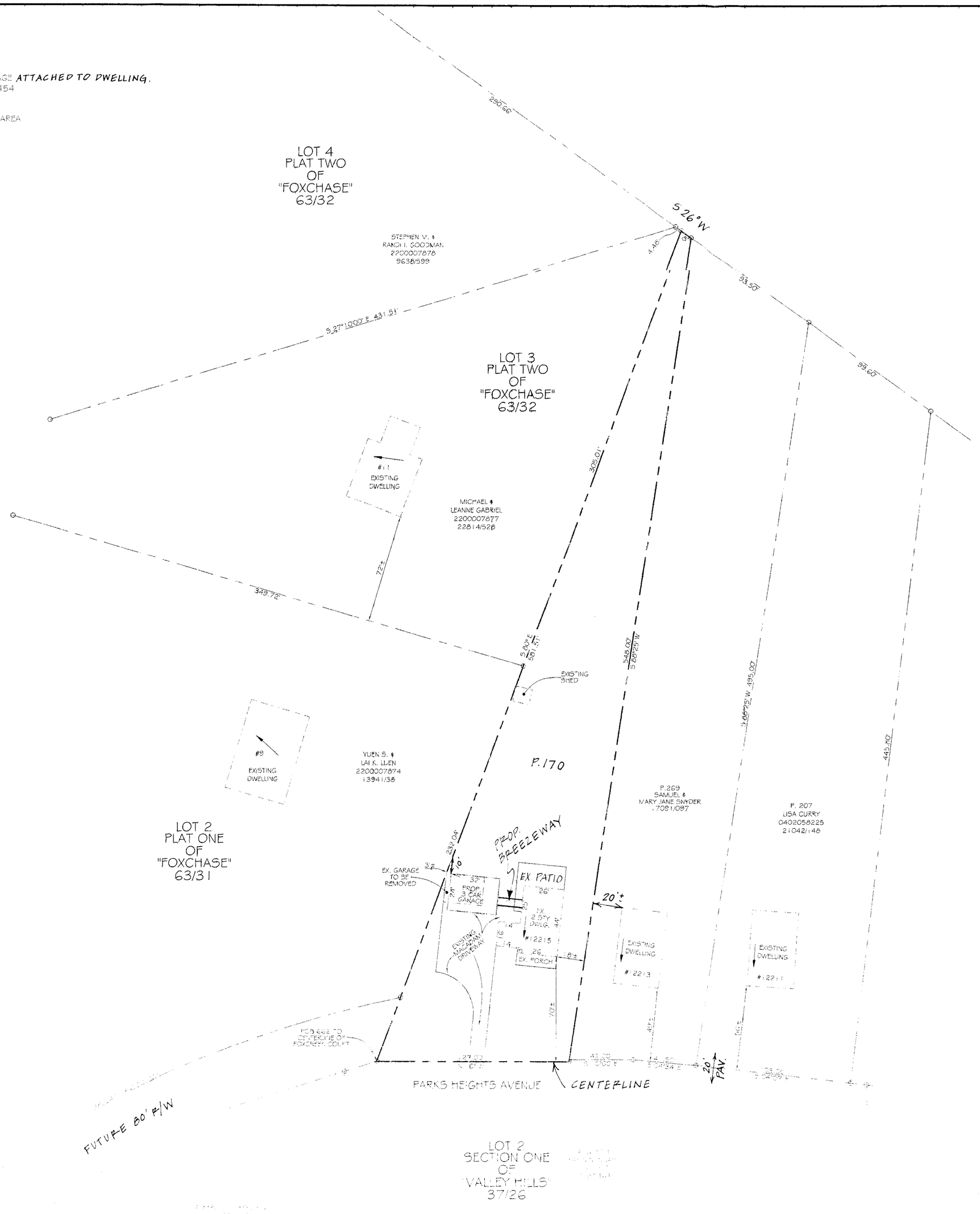
12211 Park Heights Ave

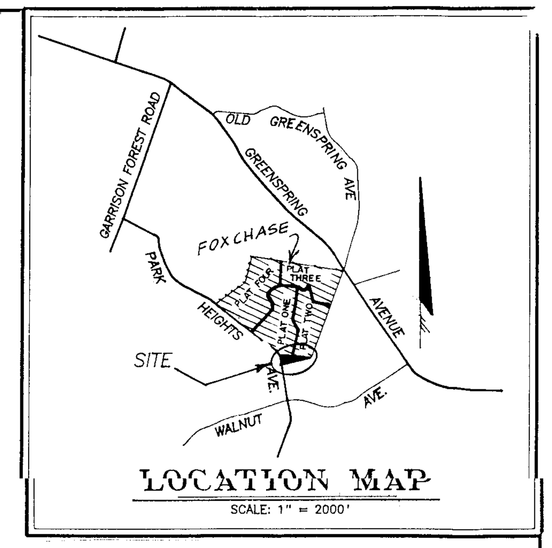


662

GENERAL NOTES
1. EXISTING ZONING: R.C. 5
2. LOT AREA: 0.83 AC +/- 36,194.4 S.F. +
3. EXISTING USE: SINGLE FAMILY DWELLING
4. PROPOSED USE: SINGLE FAMILY DWELLING WITH REPLACEMENT GARAGE **ATTACHED TO DWELLING.**
5. CURRENT OWNERSHIP ACQUIRED JULY 22, 2005 PER DEED 22235/454
6. 2000 SCALE ZONING MAP: 04C2
7. PROPERTY IS NOT LOCATED IN AN HISTORIC AREA
8. PROPERTY IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA
PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD PLAIN AREA
9. COMMUNITY PANEL NO. 24005C0215D ZONE: "C"

10. NO PRIOR ZONING HEARING
11. PRIVATE WELL AND SEPTIC EXISTING.





PLAN TO ACCOMPANY
PETITION FOR ADMINISTRATIVE VARIANCE

#12215 PARK HEIGHTS AVENUE
ELECTION DISTRICT: 4
COUNCILMANIC DISTRICT: 3

siterite
200 E. JOPPA RD
SUITE 101
TOWSON, MD 21286
T: (410)828-9060
F: (410)828-9066