

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
E/S Kaufman Road, 200' S of the c/l		
Bee Tree Road	*	ZONING COMMISSIONER
(416 Kaufman Road)		
7 th Election District	*	OF BALTIMORE COUNTY
3 rd Council District		
	*	Case No. 06-388-A
Alan Peltzer, et ux		
Petitioners	*	

* * * * *

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, Alan Peltzer, and his wife, Stephanie Peltzer. The Petitioners request variance relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (detached garage) to be located in the front/side yard in lieu of the required rear yard, with a height of 20 feet in lieu of the maximum allowed 15 feet. 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, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may 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 posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

ORDER RECEIVED FOR FILING

Date 3/2/06

By [Signature]

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the unique configuration of the property and the site constraints associated therewith. It was indicated that the rear of the property is steeply sloped and susceptible to flooding during heavy rains. It was also indicated that the additional height is necessary to provide sufficient storage space on the second level and a proportional roof pitch. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and no one voiced any objection. Thus, I am persuaded that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, as a condition of approval, building elevation drawings of the proposed garage shall be submitted to the Office of Planning for review and approval prior to the issuance of any permits. Moreover, use of the structure shall be limited to that accessory to the primary use of the property for residential purposes.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

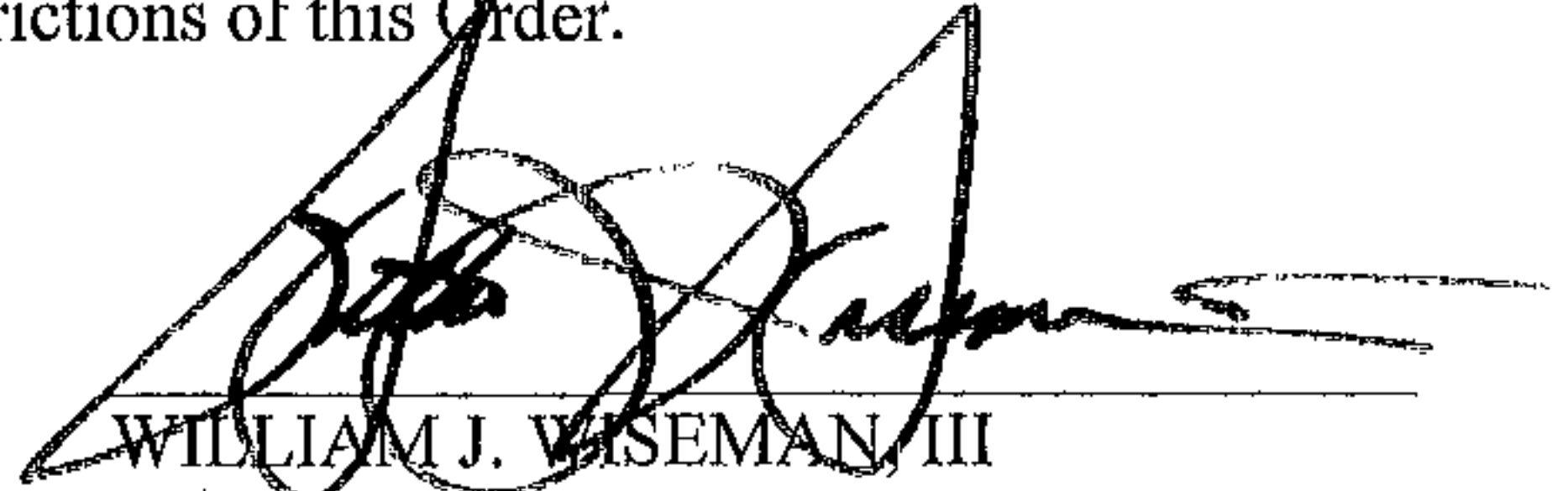
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of March 2006 that the Petition for Administrative Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required rear yard, with a height of 20 feet in lieu of the maximum allowed 15 feet, 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.
- 2) Prior to the issuance of any permits, Petitioners shall submit building elevation drawings of the proposed garage to the Office of Planning for review and approval.

3/2/06
Jep

- 3) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 4) 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 3/7/06
By RJP



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 7, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Alan Peltzer
416 Kaufman Road
Parkton, Maryland 21120

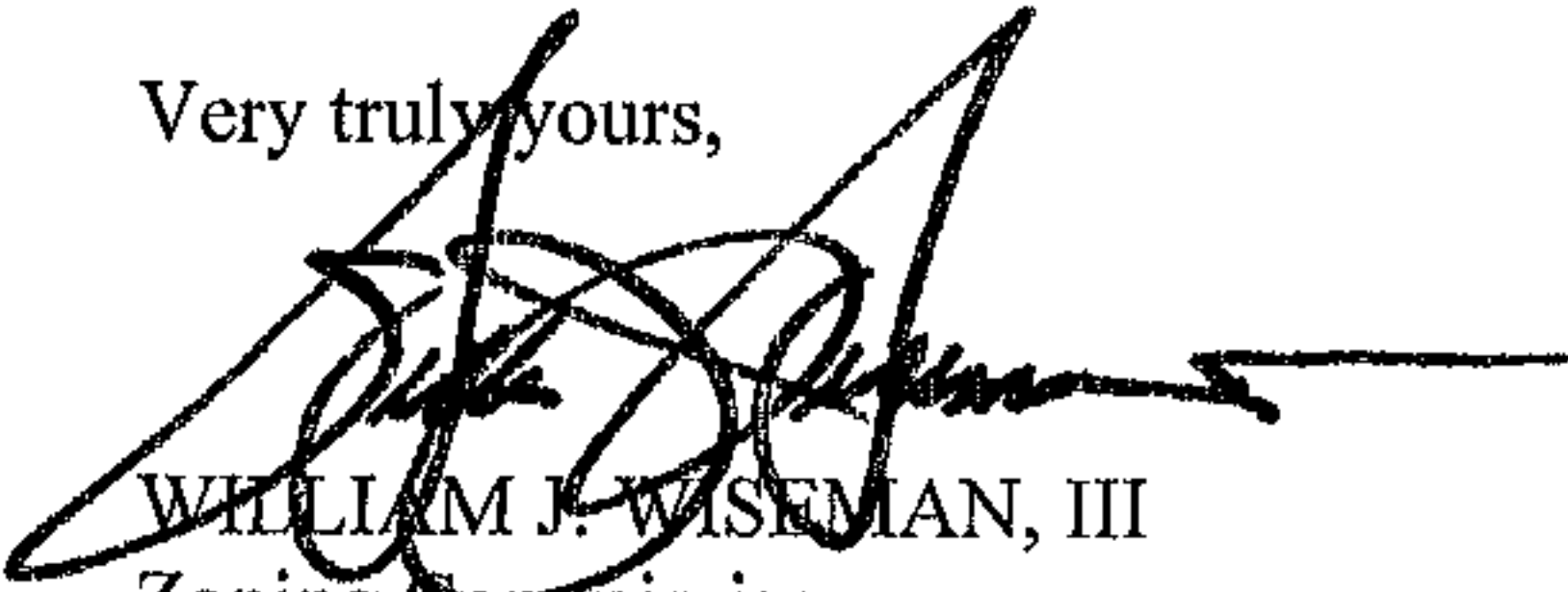
RE: PETITION FOR ADMINISTRATIVE VARIANCE
E/S Kaufman Road, 200' S of the c/l Bee Tree Road
(416 Kaufman Road)
7th Election District – 3rd Council District
Alan Peltzer, et ux - Petitioners
Case No. 06-388-A

Dear Mr. & Mrs. Peltzer:

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 416 Kaufman Rd
which is presently zoned RCY

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) 400.1, 400.3 to allow an accessory

structure (detached garage) to be located in the front/side yard with a height of 20 ft. in lieu of the required rear yard & maximum 15 ft. 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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 3/7/06 day of March 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.

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By [Signature]

Date 2-9-06

Estimated Posting Date 2-19-06

CASE NO. 00-3887

REV 10/25/01

ORDER RECEIVED FOR FILING

Date

3v

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 416 Kaufman Rd
Address
Parkton MD 21120
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):

- 1) Location is impractical due to lot layout, drainage and hill.
 - 1A) Yard behind house is a hill.
 - 1B) The part of the yard that is not a hill is a drainage plain, which is susceptible to flooding during heavy rains and snow melt. Basement has flooded when drainage plain has been blocked by ice. Garage in that location would create permanent barrier.
 - 1C) A six foot privacy fence and several large trees occupy area that garage would need to be built to meet code.
- 2) 15 foot height restriction is too low.
 - 2A) Building is planned to have second level storage area. 15 feet is too low to make storage area feasible. 20 foot variance is requested.
 - 2B) In order to make the 15 foot requirement the roof trusses would need to be 4x12 and would make the garage look like a wave house. Roof needs steeper pitch to be proportional.

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.

Alan Peltzer Alan Peltzer
Signature
Alan Peltzer Alan Peltzer
Name - Type or Print

Stephanie Peltzer
Signature
STEPHANIE PELTZER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of February, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Gabriele M. Black
Notary Public
My Commission Expires June 21, 2008
GABRIELE M. BLACK
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires June 21, 2008

Property and Zoning Description for 416 KAUFMAN RD, PARKTON MD.

Beginning at the point on the NORTHEAST side of KAUFMAN RD which is **21** feet wide at the distance **700** feet SOUTH of the centerline of the nearest improved intersecting street BEE TREE RD which **21** feet wide.

Being Lot **5**, Block **N/A**, Section **N/A**, in the subdivision of the SIMPSON PROPERTY as recorded in the Baltimore County Plat Book **65**, Folio **93**, containing **4.7578** acres. Also known as 416 Kaufman Rd and located in the **7th** Election District and **3rd** Councilman District.

The property is zoned **RC8**.

388

No. 27

ACCOUNT

7-610092

AMOUNT \$

100

RECEIVED
FROM: _____

FROM:

FOIA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: Kristen Mathhews

DATE: 2/21/06

Case Number: 06-388-A

Petitioner/Developer: ALAN PELTZER

Date of Hearing (Closing): 3/06/06

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: 416 KAUFMAN ROAD

The sign(s) were posted on: 2/19/06

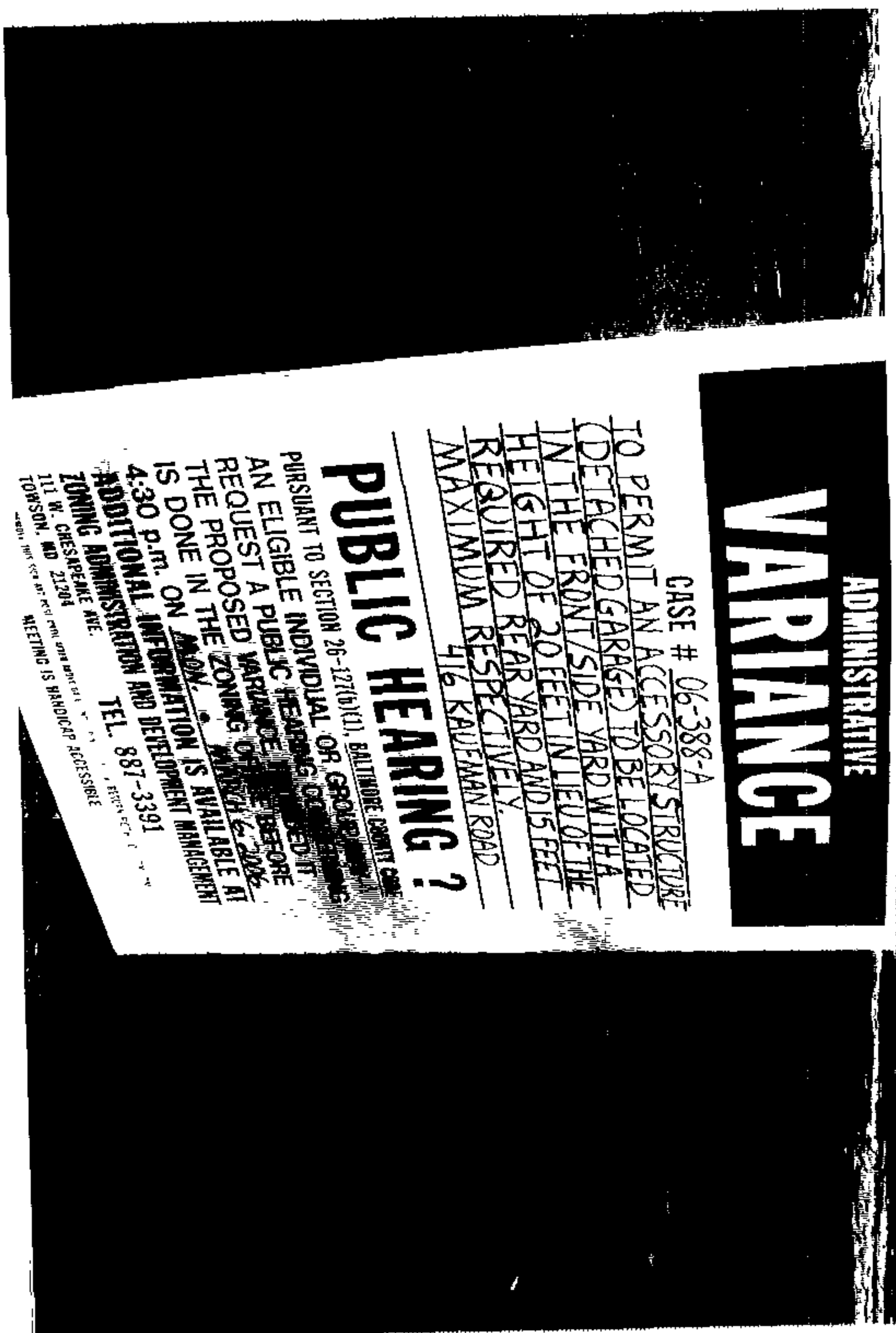
Linda O'Keefe
(Signature of Sign Poster)

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)



**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: 06-388A
Petitioner: Mr. & Mrs. Alan Peitzer
Address or ^{site}Location: 416 Kaufman Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same
Address: Parkton, Md. 21120

Telephone Number: 410-343-0512 OR
410-285-1900

Revised 7/11/05 - SCJ

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 388 -A Address 416 Kaufman Rd.

Contact Person: John Sullivan Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2-09-06 Posting Date: 2-19-06 Closing Date: 3-06-06

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- 388 -A Address 416 Kaufman Rd

Petitioner's Name Alan Petzer Telephone 410-285-1900 012
410-343-0512

Posting Date: 2-19-06 Closing Date: 3-06-06

Wording for Sign: To Permit an accessory structure (detached garage) to be
located in the front/side yard with a height of 20 ft. in lieu
of the required rear yard & 15 ft. maximum respectively

WCR - Revised 6/25/04



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 416 Kaufman Rd
which is presently zoned RC8

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) 400.1, 400.3 To allow an

accessory structure (detached garage) with a height of 20 ft
in the front/side yard in lieu of the required rear yard & maximum
15 ft. height.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

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 2-9-06 day of February, 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.

06-388A

Reviewed By

Date

2-9-06

Estimated Posting Date

2-19-06

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 416 Kaufman Rd
Address
Parkton MD 21120
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):

- ① Location is impractical due to lot layout, drainage and hill.
 - ①A Yard behind house is a hill.
 - ①B The part of the yard that is not a hill is a drainage plain, which is susceptible to flooding during heavy rains and snow melt. Basement has flooded when drainage plain has been blocked by ice. Garage in that location would create permanent barrier.
 - ①C A six foot privacy fence and several large trees occupy area that garage would need to be built to meet code.
- ② 15 foot height restriction is too low.
 - ②A Building is planned to have second level storage area. 15 feet is too low to make storage area feasible. 20 foot variance is requested.
 - ②B In order to make the 15 foot requirement the roof trusses would need to be 4x12 and would make the garage look like a warehouse. Roof needs steeper pitch to be proportional.

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.

Alan Peltzer Alan Peltzer
Signature
Alan Peltzer Alan Peltzer
Name - Type or Print

Stephanie Peltzer
Signature
STEPHANIE PELTZER
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of February, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Gabriele M. Black
Notary Public
My Commission Expires June 21, 2008
GABRIELE M. BLACK
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires June 21, 2008

**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*

March 6, 2006

Alan and Stephanie Peltzer
416 Kaufman Rd.
Parkton, MD 21120

Dear Mr. Peltzer:

RE: Case Number: 06-388-A, 416 Kaufman Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 9, 2006.

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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "W" and a cursive "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 6, 2006
Item Nos. 387, 388, 389, 390, 391, 392,
393, 394, 395, 396, 398, 399, 401, 402, 403
404, 405, and 406

DATE: March 7, 2006

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-03072006

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



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

Maryland Department of Transportation

Date: 2.28.06

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

RE: Baltimore County
Item No. 388 JJJ

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 14, 2006

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

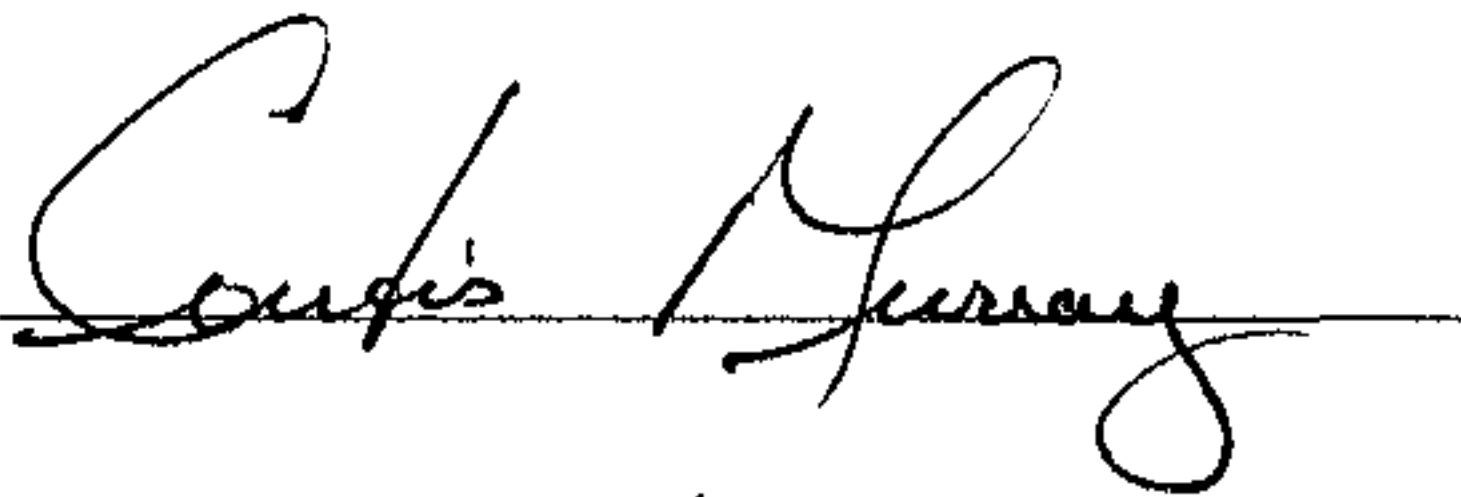
SUBJECT: 6-388 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) in the front/side yard with a height of 20 feet in lieu of the required rear yard and maximum permitted 15 feet respectively provided the following conditions are met:

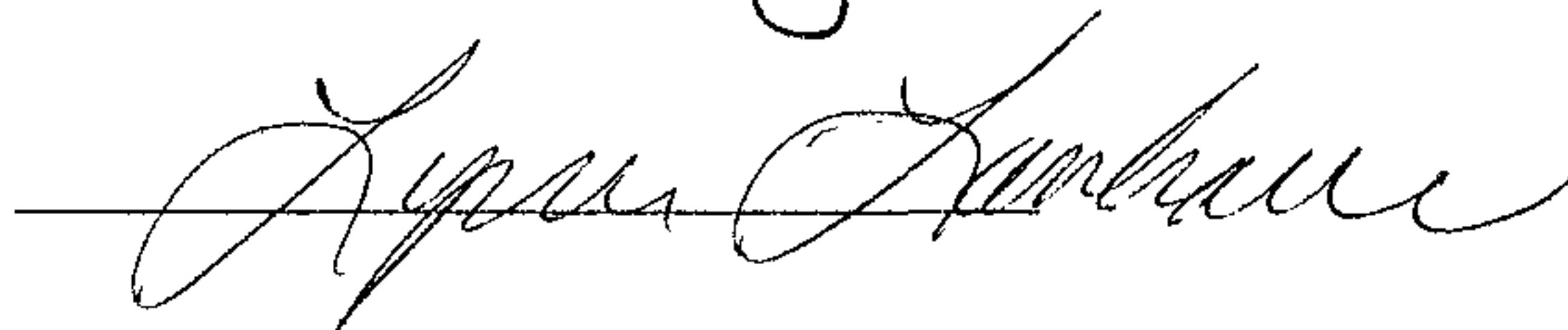
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM

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

3-4

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

February 28, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: February 27, 2006

Item No.: 387, 388, 389, 390, 391, 392, 394, 395, 396, 397, 398, 399, 400,
401, 402, 403, 404, 405 and 406

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
Phone (O) 410-887-4881
Mail Stop - 1102F

cc: File

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



PLOT PLAN

FOR ZC's Ale

Application Number

OWNER Alan & Stephanie Ritzer
 ADDRESS 416 Kaufman Rd Parkton, MD 21120

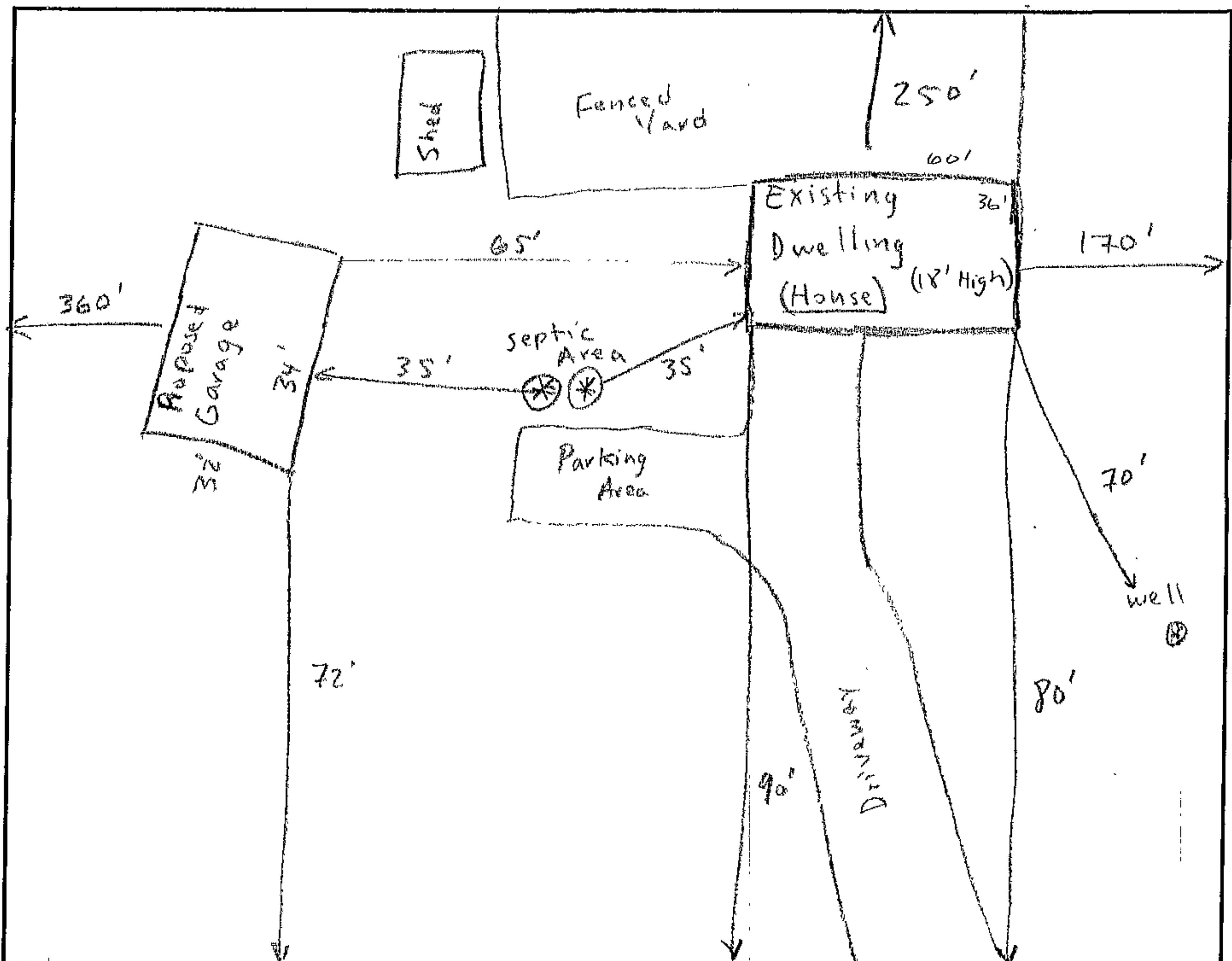
PLEASE SHOW BELOW:

- Property line dimensions and easements;
- Existing buildings;
- Existing well/septic; (show distance to nearest structure)
- Road names and locations of alleys;
- If property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work;
- The proposed work and the setback distances to the proposed work.

Front Setback 72' Left Setback 360'
 Rear Setback 250' Right Setback 270'

388

NOTE: Cannot fence access easement.



Close Up View of House

Zoning

▼

Proposed Garage Location

PO 8

PO 7

Copyright (C) 2005 Baltimore County, Maryland



#388

2403

Property Overview

Zoning*

Copyright (C) 2015 Baltimore County, Maryland



0.05700

#388

1/10/23

Neighborhood Overview

Zoning* ▼

▼



Copyright (C) 2005 Baltimore County, Maryland

#388

343

