IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Northbrook Road, 300 feet
west of Hatton Road
3rd Election District
2nd Councilmanic District
(3309 Northbrook Road)

Yakou and Anna Pinsker Petitioners BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 06-576-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, Yakou and Anna Pinsker. The variance request is for property located at 3309 Northbrook Road in the Greenspring Manor Keystone subdivision area of Baltimore County. The variance request is from Section 1B02.3A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) "A" Res. (1945-55) to permit an open projection (deck) with a 4 foot side yard setback in lieu of the required 7 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state the proposed deck will replace an old patio which is falling apart. The new deck will also make it easier for Mrs. Pinsker's mother to go outside as the deck and house would be on one level without any extra steps. The proposed deck is 11 feet x 28 feet 6 inches in size.

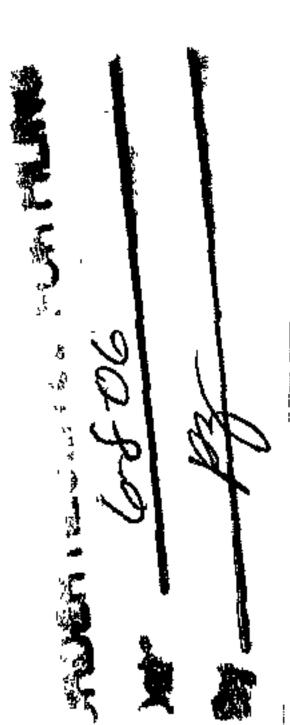
Zoning Advisory Committee Comments

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

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height



and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 20, 2006, 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 and photographs 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 8th day of June, 2006, that a variance from Section 1B02.3A.1 of the Baltimore

County Zoning Regulations (B.C.Z.R.) "A" Res. (1945-55) to permit an open projection (deck) with a 4 foot side yard setback in lieu of the required 7 feet.

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:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

June 8, 2006

YAKOU AND ANNA PINSKER 3309 NORTHBROOK ROAD BALTIMORE MD 21208

Re: Petition for Administrative Variance

Case No. 06-576-A

Property: 3309 Northbrook Road

Dear Mr. and Mrs. Pinsker:

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:pz Enclosure



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3309 North 6 rook 10 which is presently zoned ___ D.R. 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) 1000. 3A.1.(607R), "A" RES. (1945-55)

TO PERMIT AN OPEN DECK WITH A H-FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 7-FEET.

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

Signature Address Telephone No. Attorney For Petitioner: Signature Attorney For Petitioner: Signature Address Name - Type or Print Address DALTQ MD 21208 City State Zip Code Representative to be Contacted; Name Representative to be Contacted; Name HR. I. KRASNIK Name HOS HOMEVALE CT. HIO.833.4197 Address Telephone No. Reisterstown MD 21136 City State Zip Code A Public Hearling having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of regulations of Baltimore County and that the property be reposted.				is the subject of this Pe	etition.	•
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City State Zip Code Attorney For Petitioner: Address Telephone No. BALTQ MD 21208 City State Zip Code Representative to be Contacted: Name Vos Homevalle Ct. Vio.833. Vig 7 Address Telephone No. Relisterstwood Address Telephone	<u> </u>	<u></u>			ER ANNA	
Attorney For Petitioner: Attorney For Petitioner: Address Name - Type or Print Signature Name Company Address Telephone No. Representative to be Contacted: Name 405 NomeVale Ct. 410.833.4147 Address Telephone No. Reiste Zip Code Address Telephone No. Reiste Restown WD 2136 City State Zip Code Address Telephone No. Reiste Restown WD 21136 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 reguliations of Baltimore County Zoning Commissioner of Baltimore County Zoning Commissioner of Baltimore County	Address	•	Telephone No.	H . \sim) ! .	
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Name - Type or Print State Zip Code	Attorney For Pe	<u>titioner:</u>			DICOUNT COM	
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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	330	Worth	brook	1-d	
	Address	more	1111	21208	
	City		State		Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the fac ip or practical di	cts upon which fficulty):	I/we base the	request for an Ad	ministrative
SEE	E ATTACH	(ED			
That the Affiant(s) acknowledge(s) that if a feadvertising fee and may be required to provide	ormal demand i additional inform	is filed, Affianto	(s) will be requ	ired to pay a rep	osting and
Lew Pinsky		Au	-a /	"usker	
Signature Signature PINSKET Name - Type or Print	 	Signature Anna - Type or	Print Print	ter_	<u>, , , , , , , , , , , , , , , , , , , </u>
STATE OF MARYLAND, COUNTY OF BALTIS I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, pe	MORE, to wit:		before me	e, a Notary Public	of the State
of Maryland, in and for the County aforesaid, pertine Affiant(s) herein, personally known or satisf	ersonally appear actorily identified	nsker d to me as such	Affiant(s).		

AS WITNESS my hand and Notarial Seal

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the perfollows: That the information herein given is competent to testify thereto in the event that a p	within the personal knowledge ublic hearing is scheduled in the	of the Affiant(s) future with regard	and that Affiant(s) is/are thereto.
That the Affiant(s) does/do presently reside at	1 3309 Worth	Grook	10/
	Address City	Mb	21208
	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts upon which I/ip or practical difficulty):	we base the requ	est for an Administrative
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Signature Paul Paul	Signature	- Pin	1.5 Kes
Name - Type or Print		PINS A	
YAKOU PINSKEr	, ,,,,,_,,,,,,,,,,,,,,,,,,,,,,,,	, 	
STATE OF MARYLAND, COUNTY OF BALTII		•	
of Maryland, in and for the County aforesaid, pe	ersonally appeared	<u>م,</u> before me, a	Notary Public of the State
the Affiant(s) herein, personally known or satisf	actorily identified to me as such	Affiant(s).	<u> </u>
AS WITNESS my hand and Notarial Seal	Notary Public	Si Ban	Module
	My Commission Expire	es <u>8/1/0</u>	9
REV 10/25/01		•	



CASE NO

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3309 NORTHBROOK RD.

which is presently zoned D.R. 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) 1801. 3A.1. (2028), "A" RES. (1945-55)

TO PERMIT AN OPEN DECK WITH A 4-FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 7-FEET.

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. <u>Legal Owner(s):</u> Contract Purchaser/Lessee: Name -Type or Print Name - Type or Print Signature Signature Name - Type or Print Address Telephone No. Zip Code State Signature City Attorney For Petitioner: Address Telephone No WD State Zip Code Name - Type or Print Representative to be Contacted: Signature Company 7 7 4 Telephone No. Telephone No. Address Address State City Zip Code City Zip Code State 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 day of this regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County

Reviewed By

Estimated Posting Date

To Whom It May Concern,

There are several reasons why we need a deck:

- 1. It would replace our old patio, which is currently falling apart.
- 2. It would make our neighbors happier as they don't like the look of the old patio. They actually want us to get a new deck.
- 3. It would make it easier for us and also Anna's mother to get outside, as everything would only be on one level, without any extra steps.

Sincerely,

Yakov & Anna Pinsker

Tulan Pins las

5.2.06

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Zoning Description for 3309 Northbrook Road

Beginning at a point on the south side of 3309 Northbrook Road having a 50-foot right-of-way 300-feet west of the centerline of Hatton Road having a 50-foot right-of-way. Being Lot #3, Block C, Section 1 in the subdivision known as "Green Spring Manor Keystone" as recorded in Baltimore County Plat Book #16, Folio #34, containing 8125 square feet. Also known as 3309 Northbrook Road and located in the 3rd Election District, 2nd Councilmanic District.

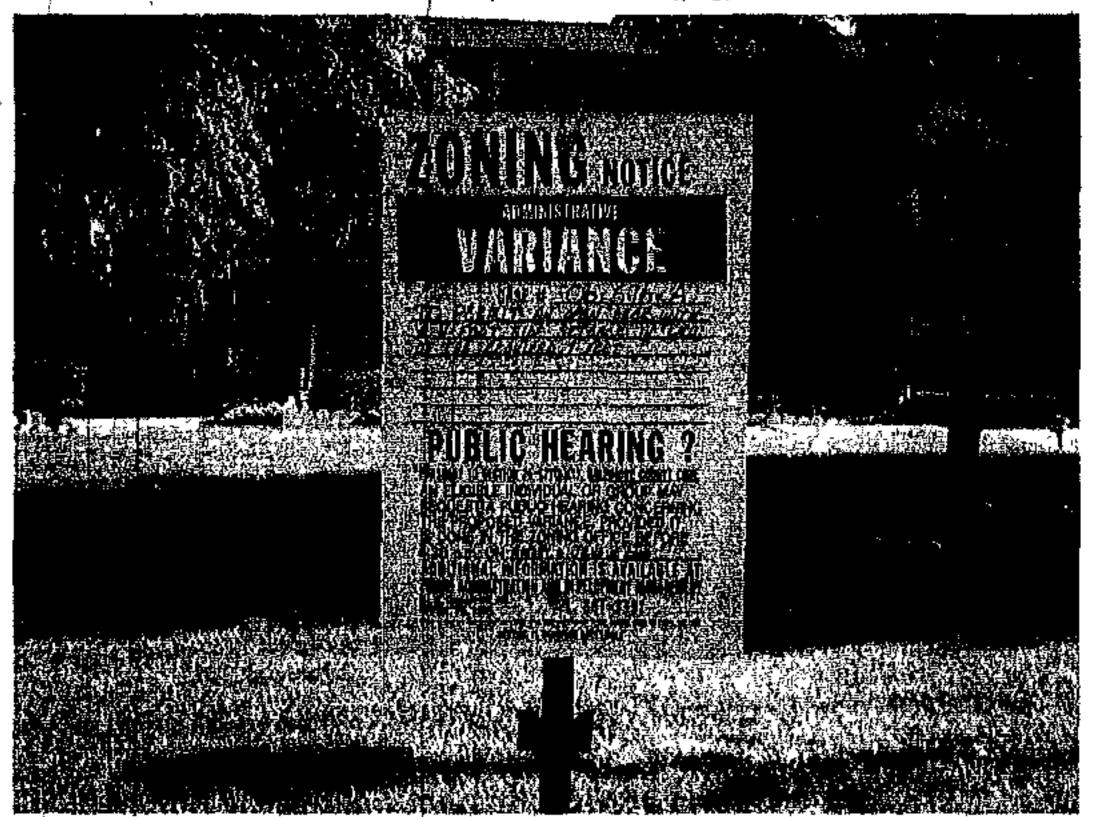
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		Memory
	ARTI ALLENIA	WHITE CASHER

4.

CERTIFICATE OF POSTING

	!	RE: Case No: 06-516-4
! !	-	Petitioner/Developer: PINSKER
		Date Of Hearing/Closing: 6/5/06
Permits and County Offi	County Department of Development Managemeice Building, Room 111 hesapeake Avenue	ent
Attention:		
his letter i	ired by law were posted c	alties of perjury that the necessary onspicuously on the property
bia alama(a)		
nts sign(s)		Inth, Day, Year) Sincerely, Charles 6 5/20/00 Charles Poster and Date)
	$\frac{1}{\mathbf{Ba}}$	Martin Ogle Sign Poster 6 Salix Court Address lto. Md 21220 43-629 3411)

im000687 (1152x864x24b jpeg)



Martin Oglo 5/20/06

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 576 -A	Address 3309 NORTH BROOK RD
Contact Person: DONNA HOMPSON Planner, Please Print Your	· · · · · · · · · · · · · · · · · · ·
Filing Date: 5100 Posti	ing Date: 5/21/06 Closing Date: 6/5/06
Any contact made with this office regarding through the contact person (planner) using the	the status of the administrative variance should be case number.
reverse side of this form) and the petit reposting must be done only by one of is again responsible for all associated.	use one of the sign posters on the approved list (on the tioner is responsible for all printing/posting costs. Any the sign posters on the approved list and the petitioner costs. The zoning notice sign must be visible on the noted above. It should remain there through the closing
2. <u>DEADLINE:</u> The closing date is the de a formal request for a public hearing request for a public hearing, the process	adline for an occupant or owner within 1,000 feet to file. Please understand that even if there is no formal is is not complete on the closing date.
commissioner. He may: (a) grant the order that the matter be set in for a (typically within 7 to 10 days of the close)	file will be reviewed by the zoning or deputy zoning requested relief; (b) deny the requested relief; or (c) public hearing. You will receive written notification sing date) as to whether the petition has been granted, order will be mailed to you by First Class mail.
(whether due to a neighbor's formal commissioner), notification will be for changed giving notice of the hearing daposted certification of this change and this office.	EPOSTING: In cases that must go to a public hearing request or by order of the zoning or deputy zoning warded to you. The sign on the property must be te, time and location. As when the sign was originally a photograph of the altered sign must be forwarded to
======================================	Along Dotted Line)
Petitioner: This Part of the Form is for the	
	TIVE VARIANCE SIGN FORMAT
	SS 3309 NORTHBROOK RD.
Petitioner's Name PINGKER Posting Date: 5/2/06	Telephone 410-484-1930
	Closing Date: 65/06 K WITH A FOOT SIDE SETBACK
IN LIEU OF THE REQUIRED	
	<u> </u>
	WCR - Revised 6/25/04

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 Newsp	aper Advertising:	
Item Numbe	r or Case Number:	<u>. </u>
Petitioner:	PINSKER	
Address or	ocation: 3309 NORTHBROOK RD.	
	· !	
PLEASE FO	RWARD ADVERTISING BILL TO:	
Name:	MR.+MRS. YAKOV PINSKER	,
Address:	3309 NORTHBROOK RD.	
	BALTO MD 21208	
· • • • • • • • • • • • • • • • • • • •		
Telephone-	Number: 410-484-1930	*****
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ZONING HEARING FILE INTERNAL CHECKLIST

Date Completed/Initials	
5/12/06	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
· · · · · · · · · · · · · · · · · · ·	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder, file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
<u> </u>	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
- ,	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
5/20/06.	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
6/5/04	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

Department of Permits and Development Management

Director's Office County Office Building 11 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

June 5, 2006

Yakou Pinsker Anna Pinkser 3309 Northbrook Rd. Baltimore, MD, 21208

Dear: Mr. Pinkser and Mrs. Pinkser

RE: Case Number: 06-576-A, 3309 Northbrook Rd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 11, 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,

u. Callibal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

People's Counsel

Mr. I. Krasnik 405 Homevale Ct. Reisterstown, 21136

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



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



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

Maryland Department of Transportation

Date: 5.19.01

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. 57%

DV

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

1. f. theell.

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

DATE: June 6, 2006

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 6-576- 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

Plan Charles William Care

JUN 0 7 2006

ZONING COMMISSIONER

W;\DEYREV\ZAC\6-576 doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 25, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT

Zoning Advisory Committee Meeting

For May 30, 2006

Item No. 569, 570, 574, 575, 576, 577,

578, 579, 583, 584, 586, and 588

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:clw

ce: File

ZAC-NO COMMENTS-05252006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Jeff Livingston, DEPRM - Development Coordination TWL

DATE:

May 31, 2006

SUBJECT:

Zoning Item # See List Below

Zoning Advisory Committee Meeting of May 22, 2006

The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

06-569-A

06-570-A

06-574-SPH

06-57<u>5-</u>∆

60-210-bx

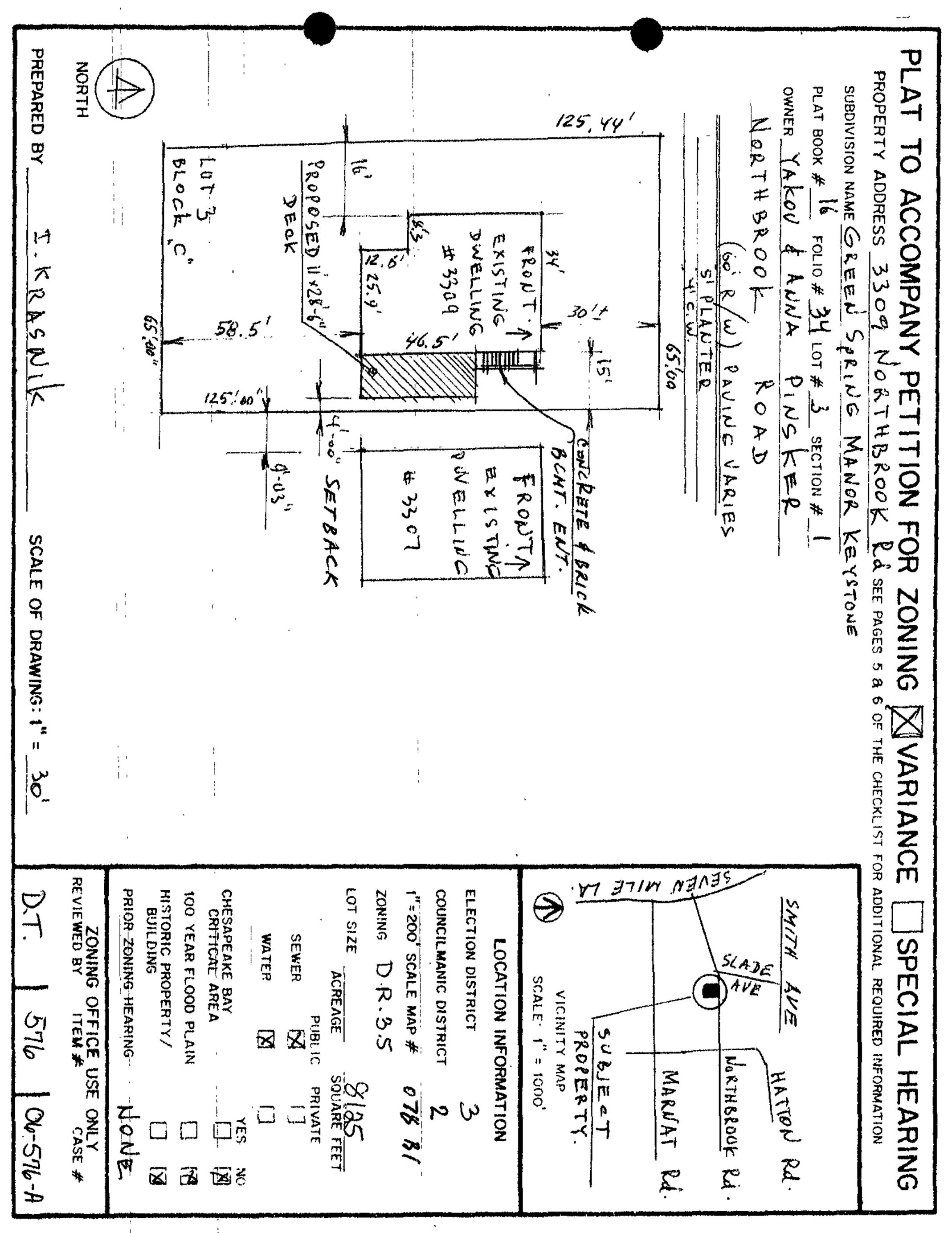
06-577-A

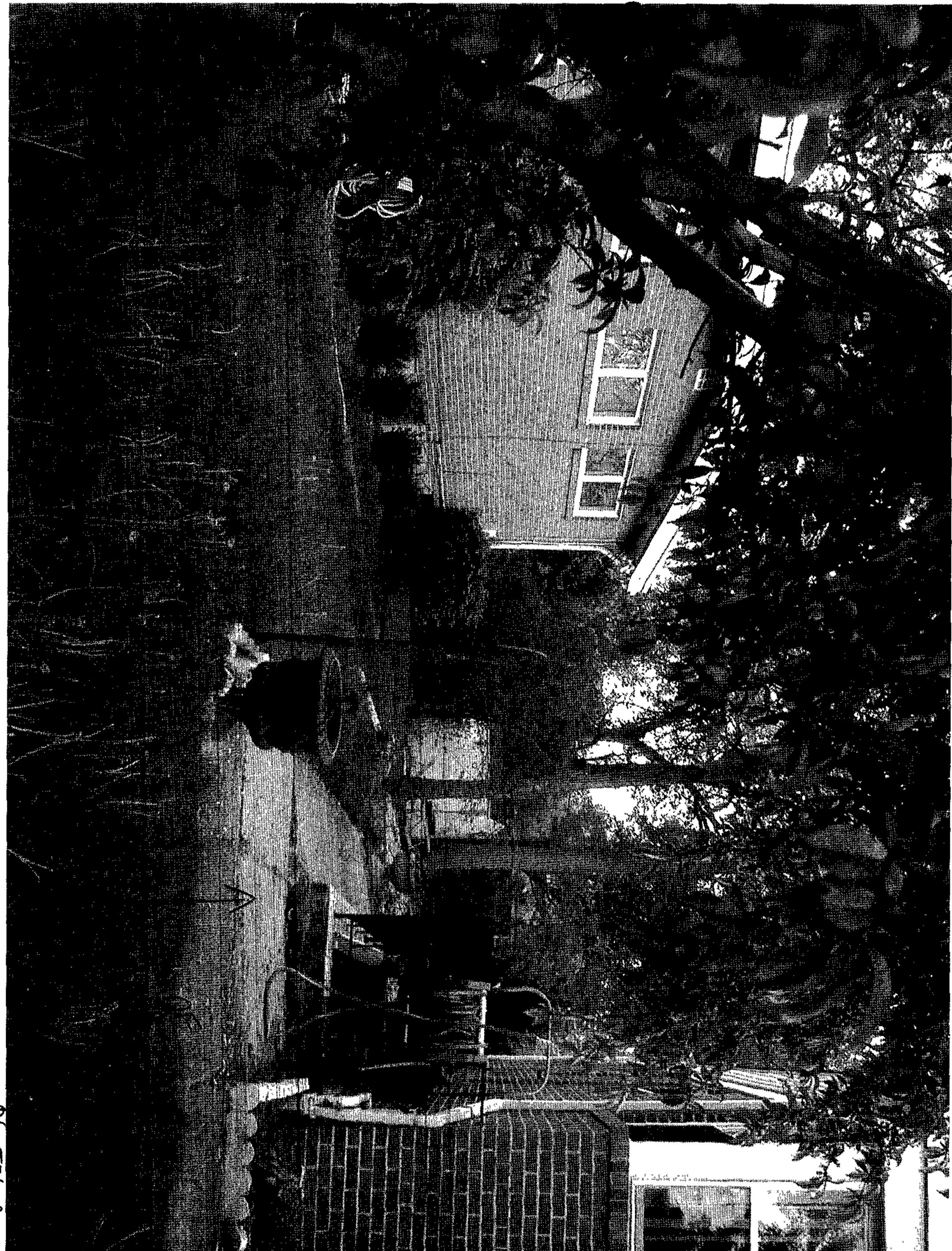
06-580-SPH

06-583-SPH

06-584-SPHA

06-586-A





A-912-90

