IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Rebekka Circle, west of
Runnymeade Road
2<sup>nd</sup> Election District
4<sup>th</sup> Councilmanic District
(4533 Rebekka Circle)

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Amy E. Kraft Bitz & Michael Bitz Petitioners

\* CASE NO. 06-618-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, Amy E. Kraft Bitz and Michael Bitz. The variance request is for property located at 4533 Rebekka Circle. The variance request is from Section V.B.5.B of the Comprehensive Manual of Development Policies (C.M.D.P.) and Section 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R) to permit a rear yard setback of 24 feet for an addition in lieu of the required 35 feet and to amend the Final Development Plan of the Villages of Winterset for lot #457 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they want to construct a 20 feet x 12 feet single story addition to their home to create more living space on the main floor. The rear of the house is the best location for the proposed addition because it is the place where the addition is least likely to be visible to the neighbors. If the proposed variance is not granted, then the addition will not be able to be built since there is no room behind the house with the current setback, and the use of the side yard would require changes to the existing floor plan.

#### **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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 8, 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 5<sup>th</sup> day of July, 2006, that a variance from Section V.B.5.B of the Comprehensive Manual of Development Policies (C.M.D.P.) and Section 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R) to permit a rear yard setback of 24 feet for an addition in lieu of the required 35 feet and to amend the Final Development Plan of the Villages of Winterset for lot #457 only be and is hereby GRANTED, subject to the following:

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



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at _	4533	Rebekka	Circle	
which	is pres	sently zoned	DR 3.	5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal	ı
OWNORG) Of the property cities in Doltman County and which is described in the described in the second section of the section of t	
and made a part hereof, hereby petition for a Variance from Section(s) $\mathbf{V}_{s}B \leq \mathbf{A} \in \mathbf{MDP}$	*

nd made a part hereof, hereby petition for a Variance from Section(s) V. B. S. 6 (CMDP) & 504.2; BCZR,
TO PERMIT A REARMARD SETBACK OF 24ft for AN
ADDITION IN LIEU OF THE REQUIRED 35ft AND TO
AMEND THE FOR OF VILLAGES OF WINTERSET

of the zoning regulations of Baitimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

#### Contract Purchaser/Lessee:

#### Legal Owner(s):

Amy E. Kraft Bitz

Signature Address Telephone	· · · · · · · · · · · · · · · · · · ·	Signature STTZ	<del>()</del>	······
Address Telephone	<del> </del>	1 1 (./' /-4 /-4 /-		
	No.	Name - Type or Print	Bits	
City State Zip C	ode	Signature	1200	<del></del>
Attorney For Petitioner:		4533 Rebekka Ci Address	rcle 410	0-902-1398 Telephone No.
Name - Type or Print	City			21117 Code
		Representative to be t	•	<b>V</b>
Signature	13.77. <b></b>	John Motsco		
Company	<del></del>	Name 1055 Taylor Ave.	Suite 307	410-296-1636
Address Telephone N	<b>Vo.</b>	Address Towson	MD	Telephone No. 21286
City State Zip C	ode	City	State	Zip Code
CASE NO. $06-618-4$ Revie	wed By	Zoning Commissioner of Date	d, as required by the	imore County, this zoning regulations
4 # 4 # 1 # 1 # 21 # 21 # 1	J-24/44/4	ed-Posting Date		· · · · · · · ·
REV 9/15/98 10 10 10 10 10 10 10 10 10 10 10 10 10	CSIMIUI			

# 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	4533 Rebel
the same of the sa	

REV 09/15/98

4533 Rebekka Circle
Address
Owings Mills
MD
21117
City
State

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 wish to construct an 20 x 12' single story addition on our house to create more living space on the main floor for our family. The rear of the house is the best location for the proposed addition because it is the place where the addition is least likely to be visible to the neighbors. If the proposed variance is not granted then the addition will not be able to be built since there is no room behind the house with the current setback, AND USE OF THE STOF PARD WOULD REQUIRE CHANGES TO THE EXTITION FLOOR PLAN.

That the Affiant(s) acknowledge(s) that if a advertising fee and may be required to provide	formal demand is filed, Affiant(s) will be required to pay a reposting and le additional information.
Signature Augustus Signature	Michal Bity
Amy E. Kraft Bitz	MICHAEL BITZ
Name - Type or Print	Name - Type or Print
State of Maryland, in and for the County afore	May , 2006 , before me, a Notary Public of the said, personally appeared
the Affiant(s) herein, personally known or sat law that the matters and facts hereinabove se	isfactorily identified to me as such Affiant(s), and made oath in due form of it forth are true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal	Sull Albert  Notary Public  My Commission Expires 3/1/08
Date	Notary Public
	My Commission Expires $3/1/02$

May 15, 2006

### DESCRIPTION TO ACCOMPANY PLAN FOR ZONING VARIANCE

#### #4533 REBEKKA CIRCLE SECOND ELECTION DISTRICT THIRD COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the south side of Rebekka Circle (50 feet wide), said point being situate westerly 221 feet, more or less from the west side of Runnymeade Road (varying width). Being known and designated as Lot #457, as shown on the plat entitled "Plat of The Villages Of Winterset Addition (Lots 457 Through 484)" which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book S.M. 75, folio 51.

MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT BALTIMORE COUNTY,

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ACCOUNT

DATE

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RECEIVED FROM:

FOR

- CUSTOMER PINK - AGENCY WHITE - CASHIER DISTRIBUTION

CASHIER'S VALIDATION



# LONISCH MOTICE

# ADMINISTRATIVE CONTRACTIVE

CASE # 06-618-A

A VARIANCE TO PERMIT A REAR YARD BETBACK OF 24 FEET IN LIEU OF THE

REQUIRED 35 FEET FOR AN ADDITION

PLAN OF VILLAGES OF WINTERSOT"

### PUBLIC HEARING?

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391 DO NOT REMOVE THIS SION AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE

#### **CERTIFICATE OF POSTING**

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 properly located at #4533 RGBEKKA CIRCLE	
The sign(s) were posted on JUNES 700 (Month, Day, Year)	
Sincerely,  Sincerely,  Signature of Sign Poster and	Ø-N_L Date)
CARLAGED E, MG (Printed Name)	ONZ
3225 RY5250AL (Address)	incle
BALTIMORE, MD. (City, State, Zip Code)	21227
(Telephone Number)	3

RE: Case No.: 06-618-4

Petitioner/Developer: ANEY BITZ

Date of Hearing/Closing: DUNIE 26, 7006

## 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 Newspaper Ad	CCQ	
Item Number or Cas		
Petitioner:	Any BITZ	
Address or Location	: 4533 REBEKKA Cir, Owings Mills, Md. 2	{ ( )
PLEASE FORWARI	D ADVERTISING BILL TO:	
PLEASE FORWARI Name:	D ADVERTISING BILL TO:	
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#### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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#### Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



## Baltimore County

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

June 28, 2006

Amy Kraft Bitz Michael Bitz 4533 Rebekka Circle Owings Mills, MD 21117

Dear: Mr. & Mrs. Bitz

RE: Case Number: 06-618-A, 4533 Rebekka: Circle.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 2, 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)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel John Motsco 1055 Taylor Ave. Suite 307 Towson, MD 21286



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

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-618- 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 Dave Green in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

**DATE:** June 21, 2006

JUN 2 9 2006



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

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

#### Maryland Department of Transportation

Date: 6.13.004

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

RE:

**Baltimore County** 

Item No. 618

JCM

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. J. Dredt

Engineering Access Permits Division







JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

June 29, 2006

AMY E. KRAFT BITZ AND MICHAEL BITZ 4533 REBEKKA CIRCLE OWINGS MILLS MD 21117

> Re: Petition for Administrative Variance Case No. 06-618-A Property: 4533 Rebekka Circle

Dear Mr. and Mrs. Bitz:

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

John V. Munghy

JVM:pz Enclosure

c: John Motsco, 1055 Taylor Avenue, Suite 307, Towson MD 21286