IN RE: PETITION FOR ADMIN. VARIANCE SE/S of Burdock Road, corner of NE Side of Verbena Road

3<sup>rd</sup> Election District

2<sup>nd</sup> Councilmanic District

(7219 Verbena Road)

Bennett R. and Ruchama A. Kantorow *Petitioners* 

\* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

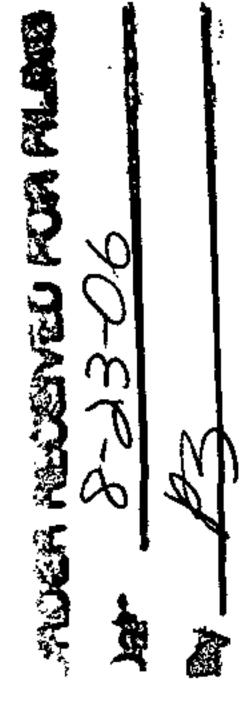
CASE NO. 07-005-A

#### 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, Bennett R. and Ruchama A. Kantorow. The variance request is for property located at 7219 Verbena Road. The variance request is from Section 1B02.3.B and 504 County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (garage and breezeway) with a window to street right of way setback of 14 feet in lieu of the minimum required 25 feet, and a building to street centerline setback of 39 feet in lieu of the minimum required 50 feet, and to amend the Final Development Plan for Green Gate Plat 1, Section 4, Lot 1. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they want to construct an attached garage and dining area addition to their home. Their home is on a corner lot and has a 40 foot setback from the front and left side both of which the existing dwelling almost touches. The unique setbacks of their corner lot create difficulty in complying with the setback restrictions. The garage and dining area must be constructed on the left side adjacent to both streets because:

- 1) The existing driveway and curb cut are on Verbena Road on the left side.
- 2) It would not work to construct a garage and eating area on the right side of the house where the bedrooms are located. The existing floor plan would not permit access



8-3306 B306

- from the garage to the house through the bedrooms and it would encroach on the side yard with their neighbor.
- 3) Their lot falls to the rear and therefore a garage cannot be constructed in the rear yard and align with the living room. There is also no access from the street to the rear yard.
- 4) The existing kitchen is on the left side of the house and that is where the dining area and garage should be located.

Petitioners state there are several similar additions in their neighborhood.

#### **Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated August 2, 2006 and contains restrictions. A copy of which is attached hereto and made a part hereof.

#### 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 July 23, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

S-356

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 23<sup>rd</sup> day of August, 2006, that a variance from Section 1B02.3.B and 504 County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (garage and breezeway) with a window to street right of way setback of 14 feet in lieu of the minimum required 25 feet, and a building to street centerline setback of 39 feet in lieu of the minimum required 50 feet, and to amend the Final Development Plan for Green Gate Plat 1, Section 4, Lot 1 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.
- 2. Architectural elevation drawings should be in accordance with those submitted to the Office of Planning with a minor revision. Add two windows on the Burdock Avenue side street garage elevation. This element will break up the mass of the building façade.

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

August 23, 2006

BENNETT R. AND RUCHAMA KANTOROW 7219 VERBENA ROAD BALTIMORE MD 21209

Re: Petition for Administrative Variance
Case No. 07-005-A

Property: 7219 Verbena Road

Dear Mr. and Mrs. Kantorow:

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

for the property located at 1219 Verbena Rose

to the Zoning Commissioner of Baltimore County

	which is presently zoned $\mathbb{DR} \cdot \mathbb{Q}$
This Petition shall be filed with the Department of Perowner(s) of the property situate in Baltimore County and winder a part hereof, hereby petition for a Variance from Seand V.B. 9, 1970 CMP, B. ((100-1970) to with a window to street right of way required 25 feet, and a building to street he minimum required 50 feet, and to Plat 1, Section 4, Lot 1.	rmits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and ection(s)  1802,3BL504, BCZR (Sections V.B.G. a permit a proposed addition (garage a breezeway setback of 14 feet in lieu of the minimum rect centerline setback of 39 feet in lieu of amend the Final Development Plan for Greating law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the light of we, agree to pay expenses of above Variance, advertising, regulations and restrictions of Baltimore County adopted pursuance.	posting, etc. and further agree to and are to be bounded by the zoning
Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print Signature	Name - Type or Print  Signature  **  **  **  **  **  **  **  **  **
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature Signature
Attorney For Petitioner:	Address Telephone No BALTIMORES AND - 2009
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Company	Name
Address Telephone No.	Address Telephone No.
City = State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found to this day of that the subject matter regulations of Baltimore County and that the property be reposted.	be required, it is ordered by the Zoning Commissioner of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning
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REV 10/25/01 8 27 06	Estimated Posting Date <u>「【て3</u> [06

# 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

7219 Verbe	ena Road	
Address	<del></del>	
Baltmore	MP	21209
City	State	Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We request a variance to construct an attached Garage and Dining Area Addition to our house. Our house is on a corner lot and thus has a 40 foot setback on the front and left side, both of which our existing dwelling almost touches. The unique setbacks of a corner lot create difficulty complying with the set back restrictions.

Our garage and dining area has to be constructed on the left adjacent to both streets because:

- 1. Our existing driveway and curb cut is on Verbena Road on the left side.
- 2. It would not work to construct a garage and eating area on the right side of the house where the bedrooms are located. The existing floor plan would not permit access from the garage to the house thru the bedrooms and it would encroach on the side yard with our neighbor.
- 3. Our lot falls to the rear and therefore a garage cannot be constructed in the rear yard and align with the living area. There is also no access from the street to the rear yard.
- 4. The existing kitchen is on the left side of the house and that is where the dining area and garage should be located.

There are several similar additions in Green Gate, 2107 Burdock Road is just one example.

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

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this O day of Oday of O

Notary Public

My Commission Expires

# 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.

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Address		
Baltimore	MD	21209
City	State	Zip Code

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STATE OF MARYLAND, COUNTY OF BALTIMORE, to			
I HEREBY CERTIFY, this O day of O some of Maryland, in and for the County aforesaid, personally a	<u>ე</u> და 6, ედა 6,	before me, a Notary Pub	lic of the State
BENNETT R KANTORDW	RUCHAMA	KANTOROU.	<u>-</u>
the Affiant(s) herein, personally known or satisfactorily ide	entified to me as such Affia	nt(s).	
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# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	7219 Verbena Road
	is presently zoned $\mathbb{D}\mathbb{R}\cdot 2$ .

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), BOD, 3, B & 504, BCZR (Sections, V. B. 6, a and V. B. 9, 1970 CMDP, Bill 100-1970) to permit a proposed addition (garage & breezeway) with a window to street right of way setback of 14 feet in lieu of the minimum required 25 feet, and a building to street centerline setback of 39 feet in lieu of the minimum required 50 feet, and to a mend the final Development Plan for Green Cofe Plat 1, Section 4, Lot 1, 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.
1, 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.

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):

\*\*\*ISENTETT A.\*\* Admitted and the penalties of the property which is the subject of this Petition.

Name - Type or Print Name Signature Telephone No. Address Signature Zip Code State City VERBENA Attorney For Petitioner: Telephone No. State Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Telephone No. Address Address Zip Code City State Zip Code State City\* 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 regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County CASE NO. **Estimated Posting Date** 

Zoning Description for 7219 Verbena Road.

Beginning at a point on the southeast side of the intersection of Verbena Road and Burdock Road which are both forty feet wide. Being Lot #1, Plat Book 37, Folio 27, in the Subdivision of Green Gate, Plat 1, Section 4, containing 18,228 square feet. Also known as 7219 Verbena Road, Baltimore, MD 21209, located in the 3<sup>rd</sup> Election District, 2<sup>nd</sup> Councilmanic District.

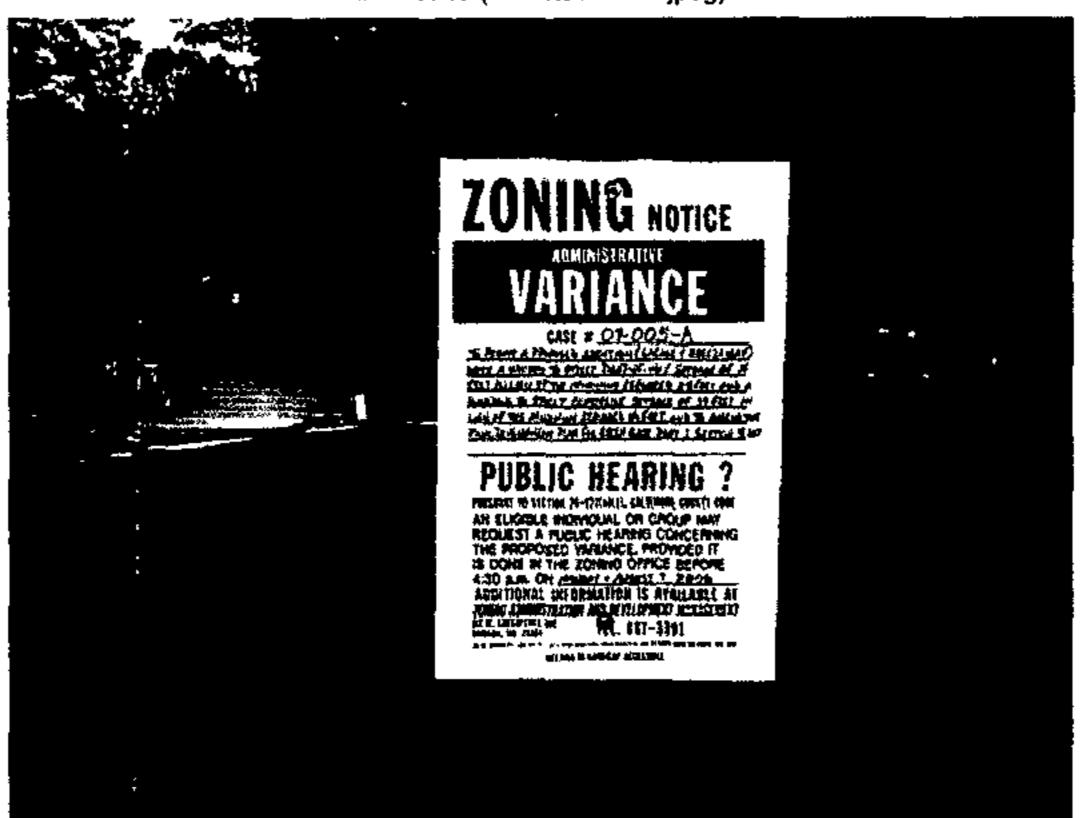
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## CERTIFICATE OF POSTING

RE: Case No: 07-205-A

	Petitioner/Developer: BENIJEH
	Petitioner/Developer: BENDEH E PUCHAWAA LANTOROW
	Date Of Hearing/Closing: 8/7/06
Baltimore County Department Permits and Development Man County Office Building, Room I I 1 West Chesapeake Avenue	agement
Attention:	
	ne penalties of perjury that the necessary osted conspicuously on the property
it	7219 UERBENA ROAS
÷	
	•
This sign(s) were posted on	
	July 23, 2006.
	(Month, Day, Year)
, 3	(Month, Day, Year) Sincerely.
, »,	(Month, Day, Year) Sincerely.
	(Month, Day, Year) Sincerely,  2006 (Signature of sign Poster and Date)
	(Month, Day, Year) Sincerely,  1/2306 (Signature of sign Poster and Date)  Martin Ogle
	(Month, Day, Year) Sincerely,
· · · · · · · · · · · · · · · · · · ·	(Month, Day, Year) Sincerely,  Maching 7/2306  (Signature of sign Poster and Date)  Martin Ogle
	(Month, Day, Year) Sincerely,  (Signature of sign Poster and Date)  Martin Ogle  Sign Poster  16 Salix Court
	(Month, Day, Year) Sincerely,  (Signature of sign Poster and Date)  Martin Ogle  Sign Poster  16 Salix Court  Address

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Martin Of 7/23/0C

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 07-	005	-A	Address 7	219 Vert	bena Road	<del></del>
Conta	ct Person:	···-· - · - · - · - · - · · - · · - · · - ·	Please Print Your No	ame	P	ione Number: 41	0-887-3391
Filing	Date:	12/06	Postii	ng Date: 1/2	3/06	Closing Date:	8/7/06
-			<b>—</b>	the status of case number.	the admin	istrative variance	should be
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2.	a formal rec	uest for a p	ublic hearing:		erstand tha	owner within 1,00 teven if there is osing 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.						
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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

Bennett Kantorow Ruchama Kantorow 7219 Verbena Road Baltimore, MD 21209

Dear Mr. and Mrs Kantorow:

RE: Case Number: 07-005-A, 7219 Verbena Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 12, 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,

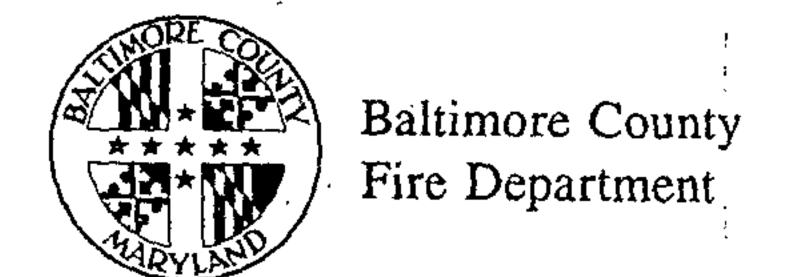
W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

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

July 20,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 24, 2006

Item Number(s): 001 through 011

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.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Tin othy M. Kotroco, Director

**DATE:** July 26, 2006

Dej artment of Permits & Development

I la lagement

FROM:

Dei nis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Cor ing Advisory Committee Meeting

For July 24, 2006

Her i Nos. 002, 003, 004 005, 006, 007, 008, 009, 010, and 011

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have 10 comments.

DAK:CEN:clw

cc: File

ZAC-NO COMMENITS -07252006.doc



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

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

Maryland Department of Transportation

Date: 7.21.06

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

RE: Baltimore County

Item No. 005 JHP

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.

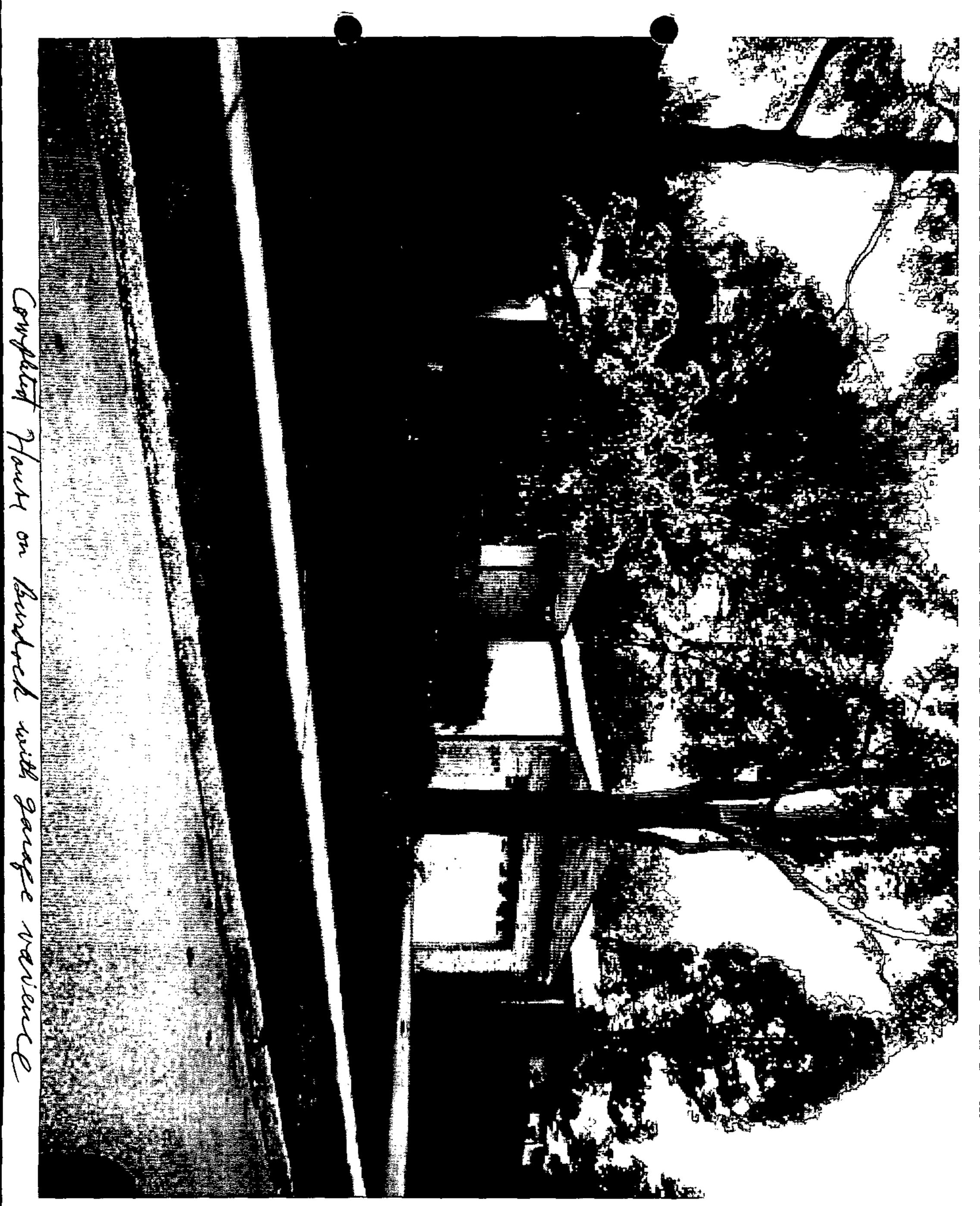
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

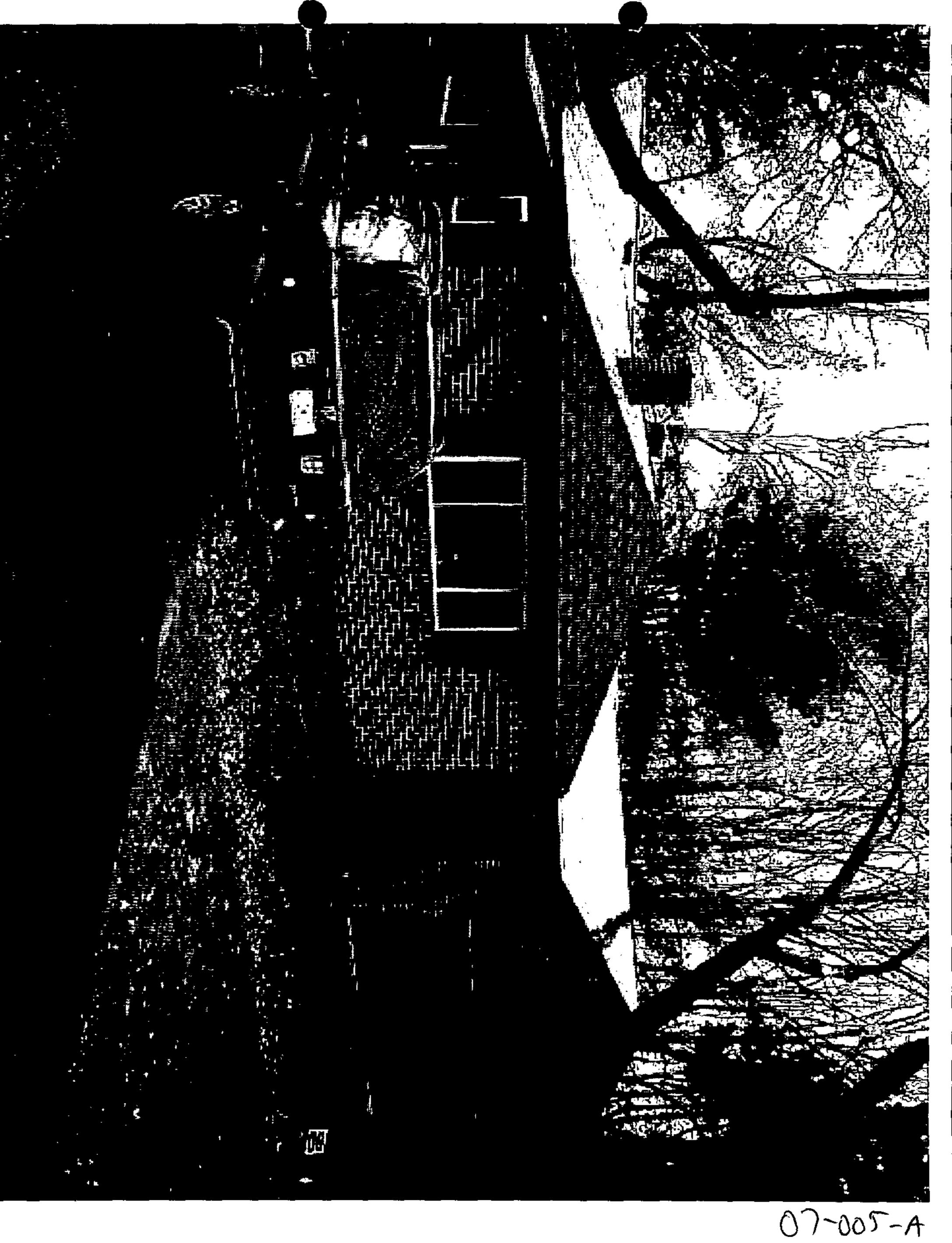






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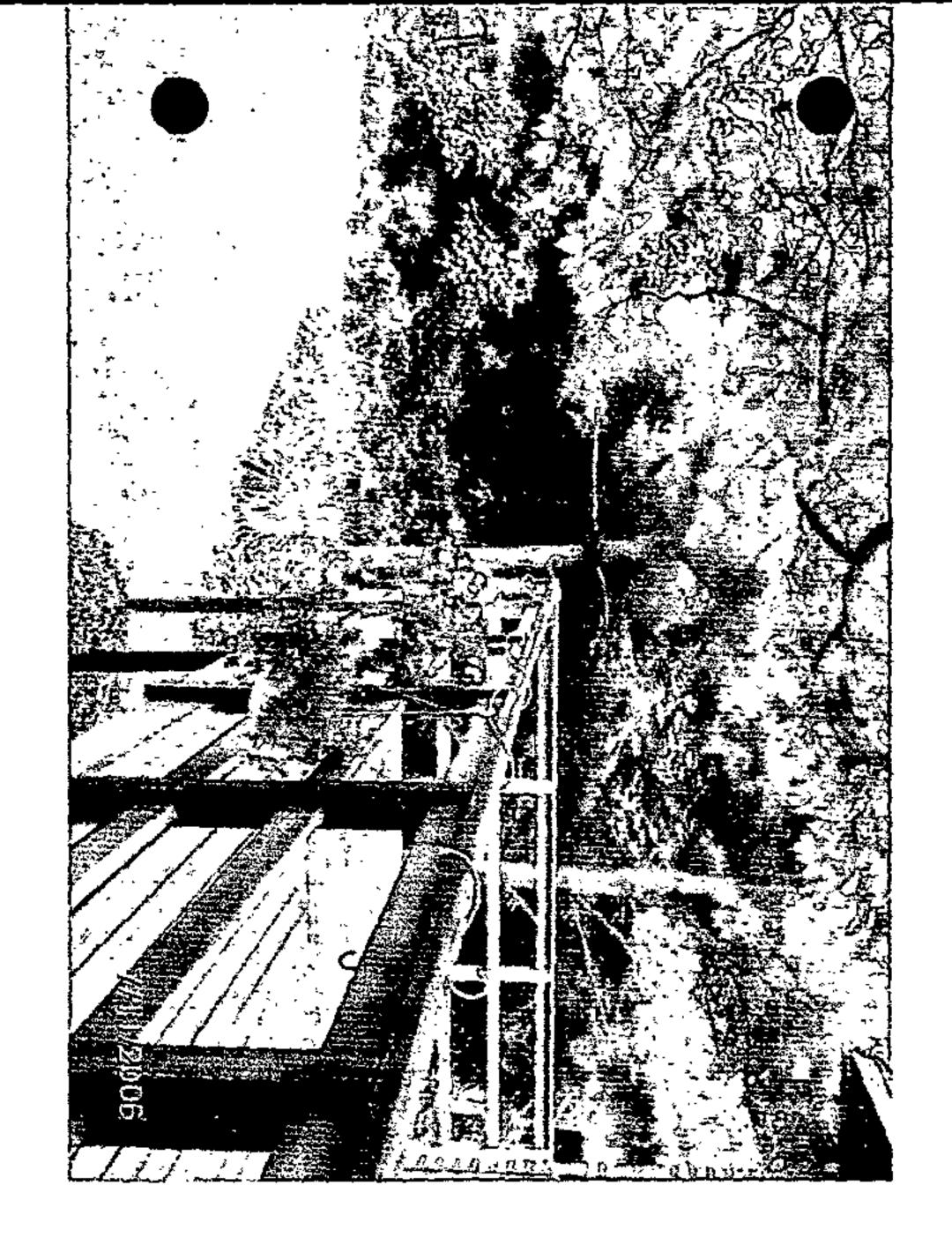




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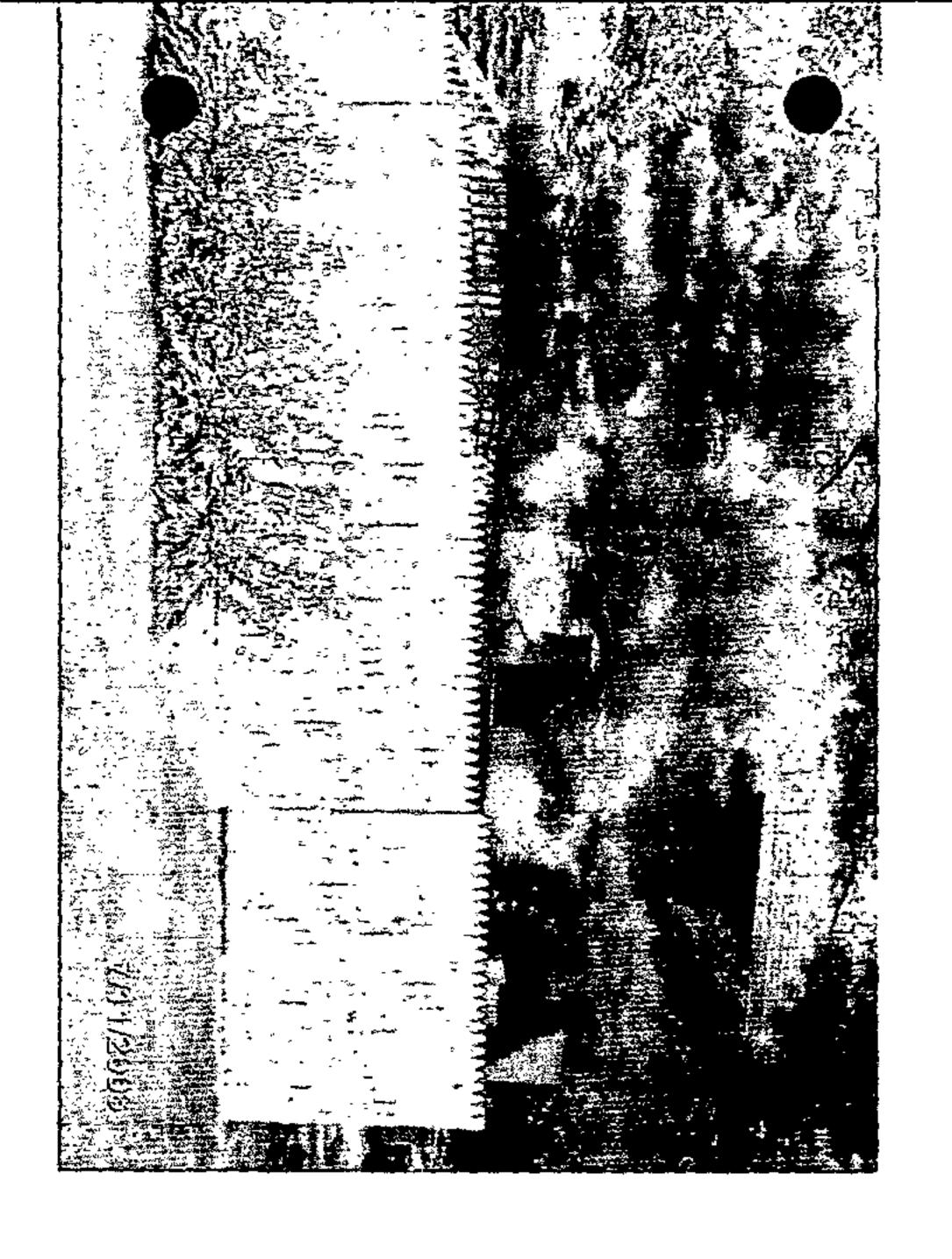




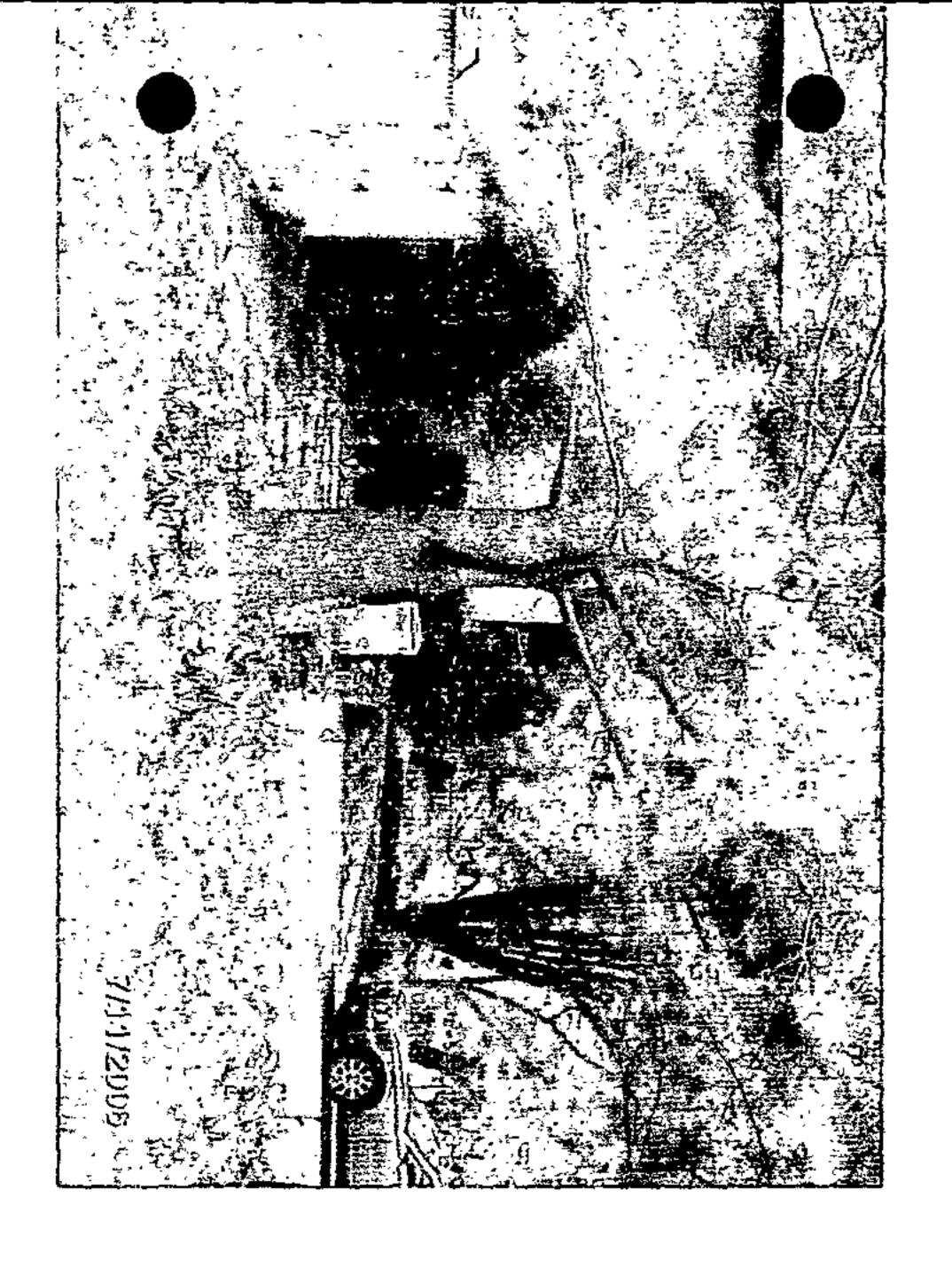
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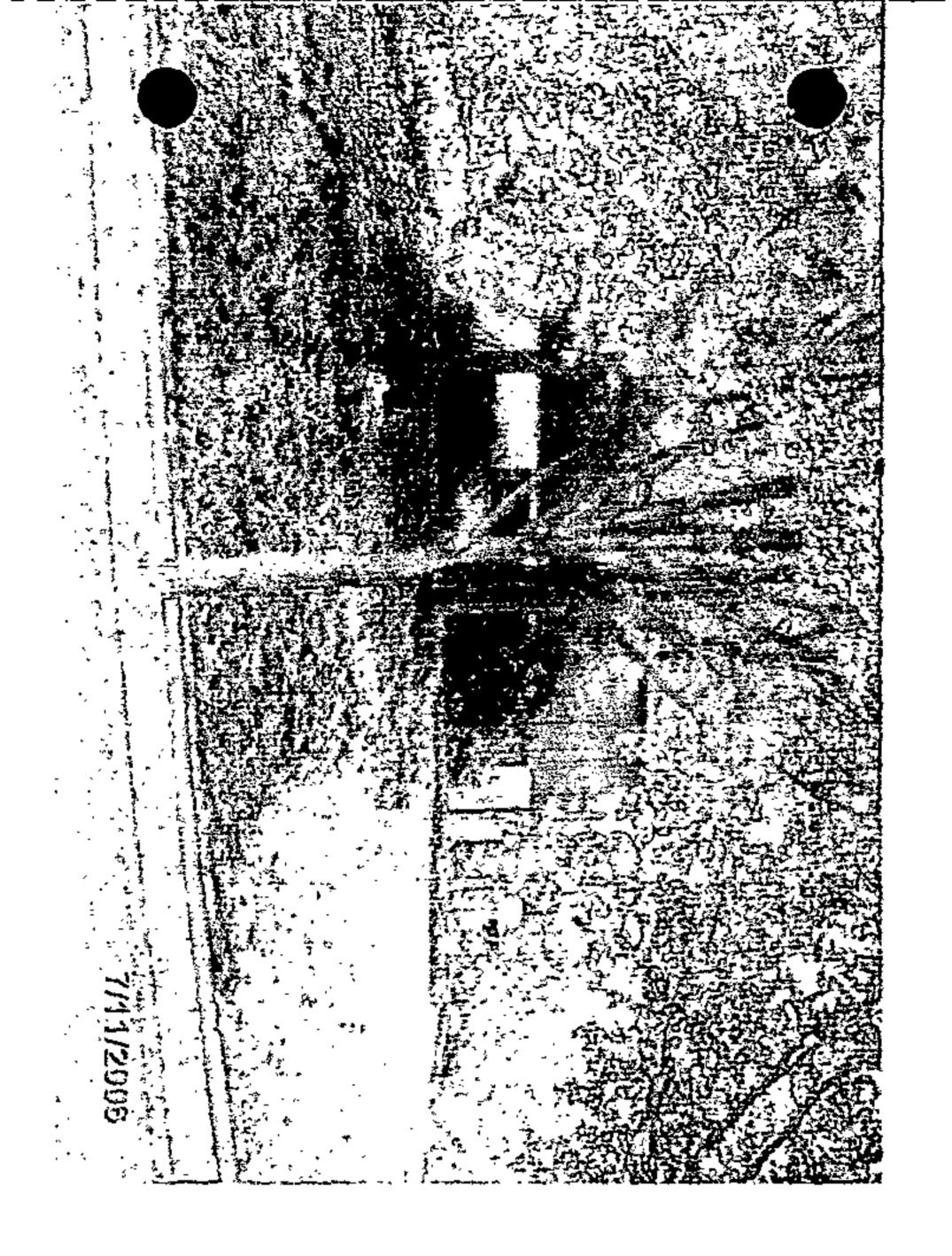
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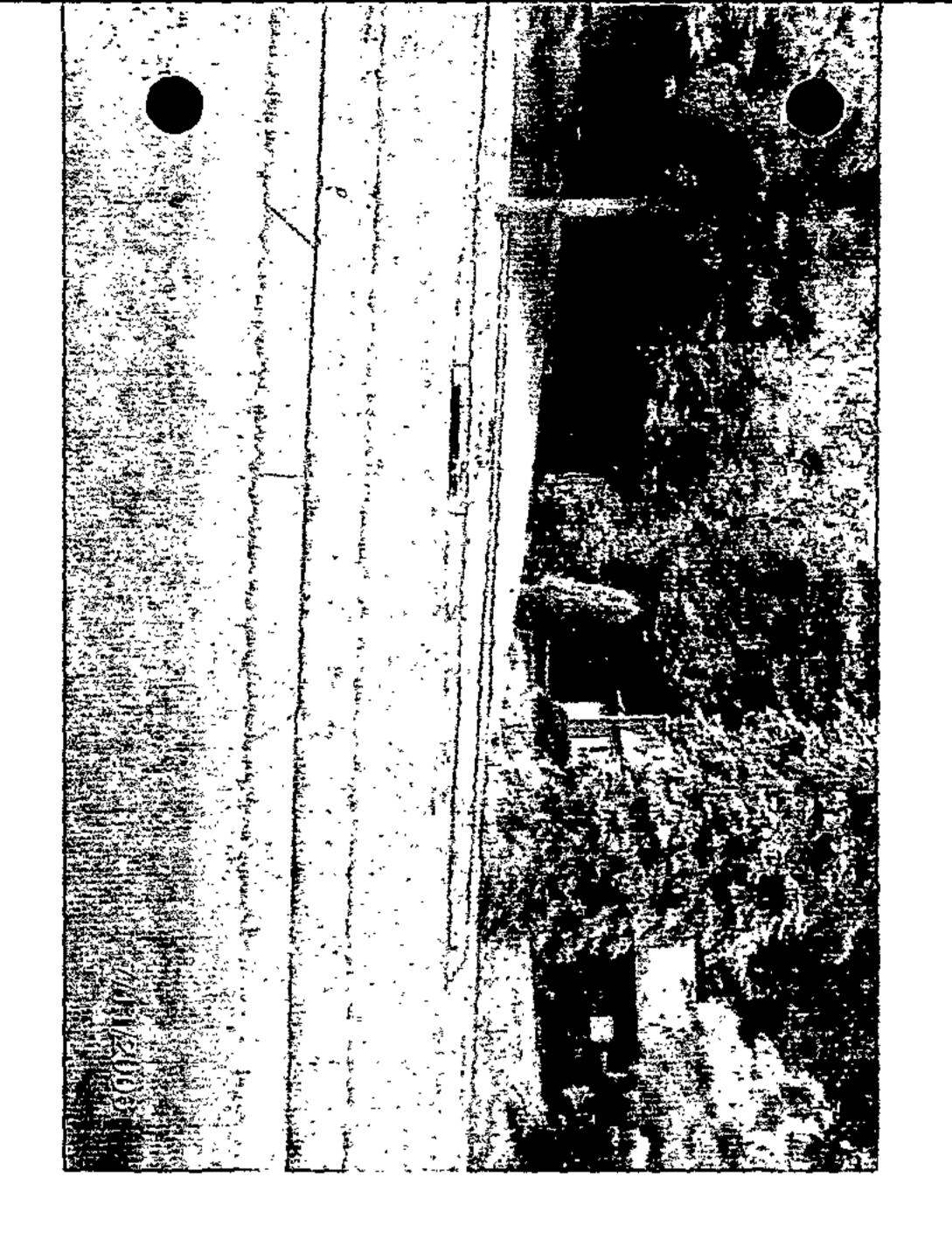


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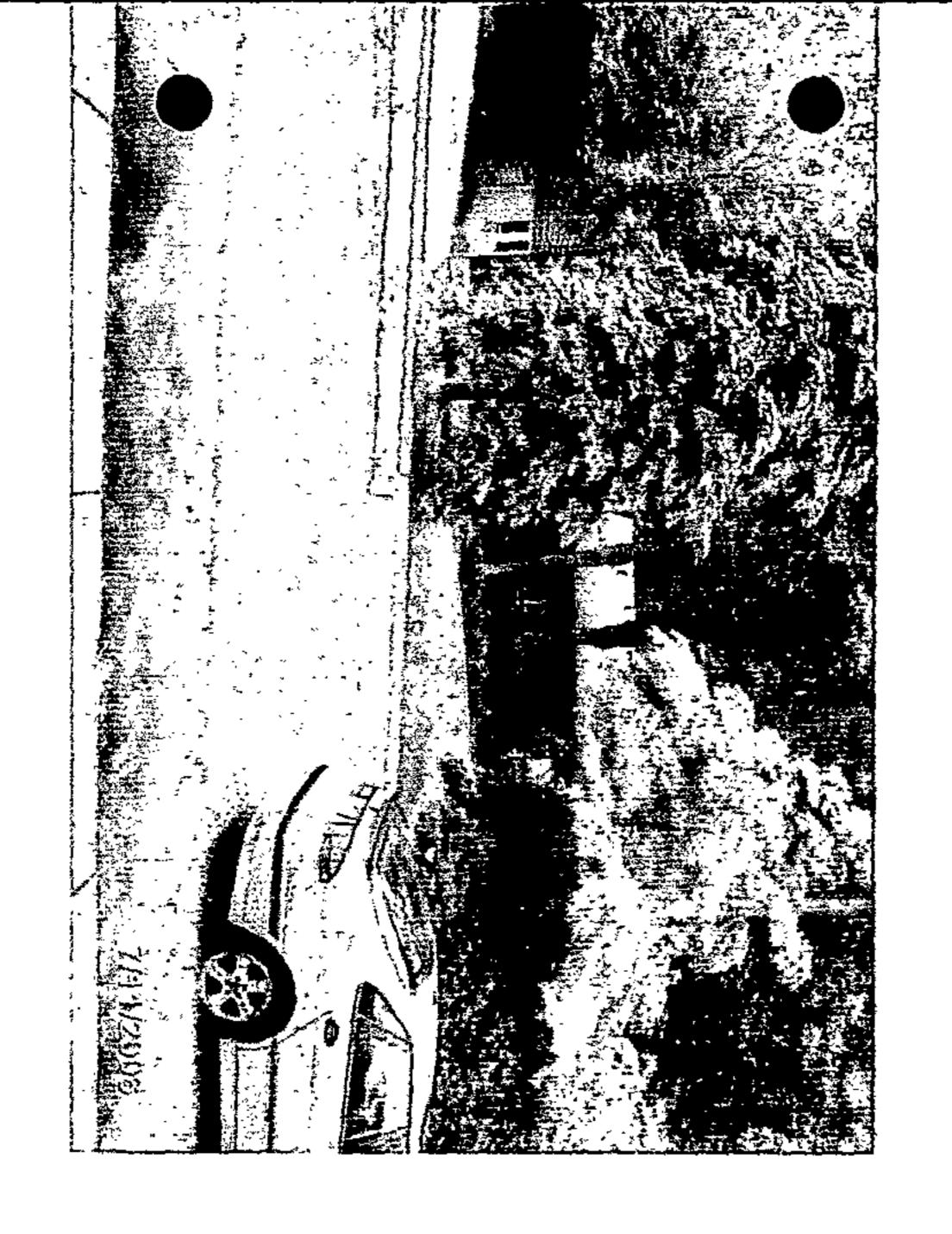


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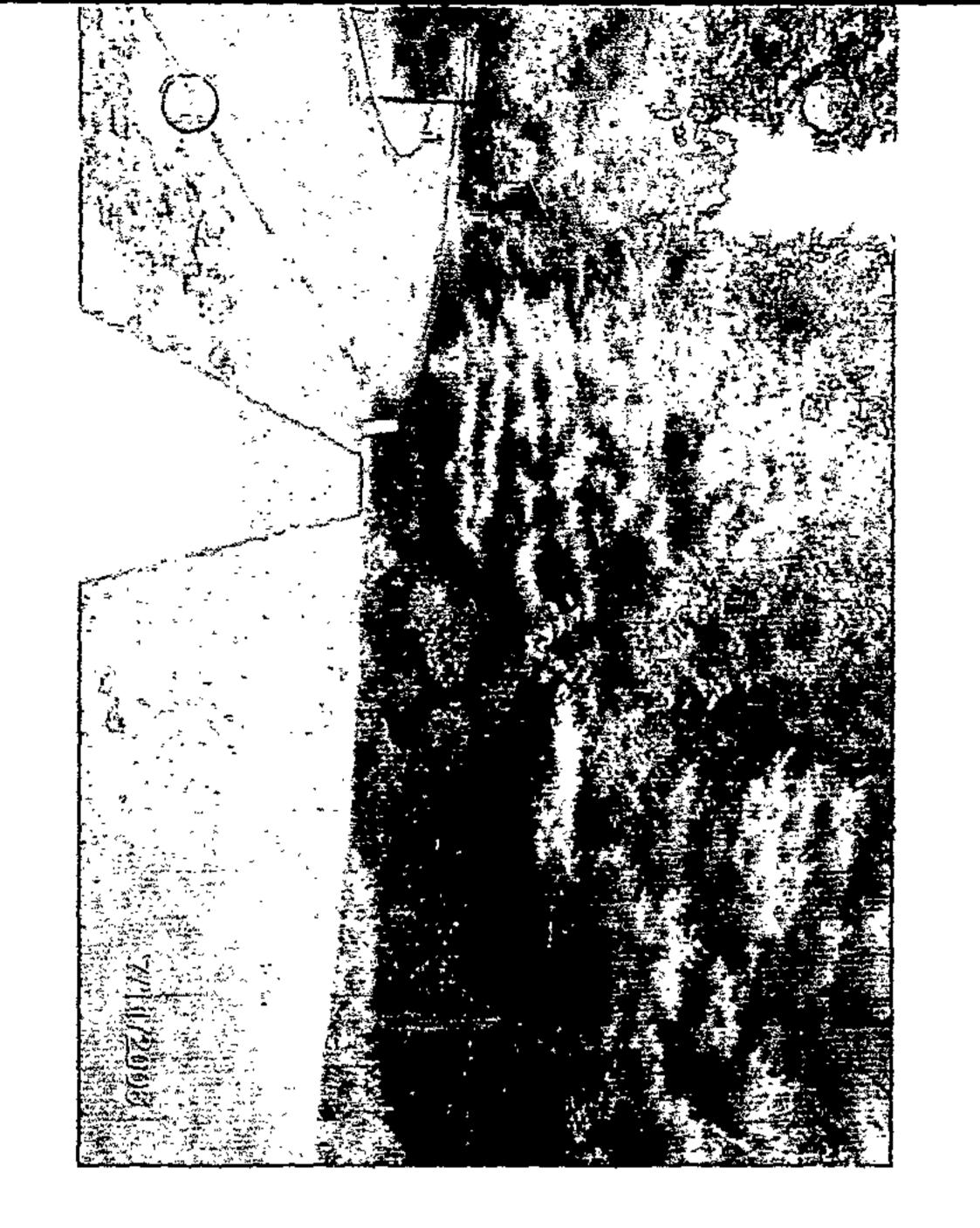
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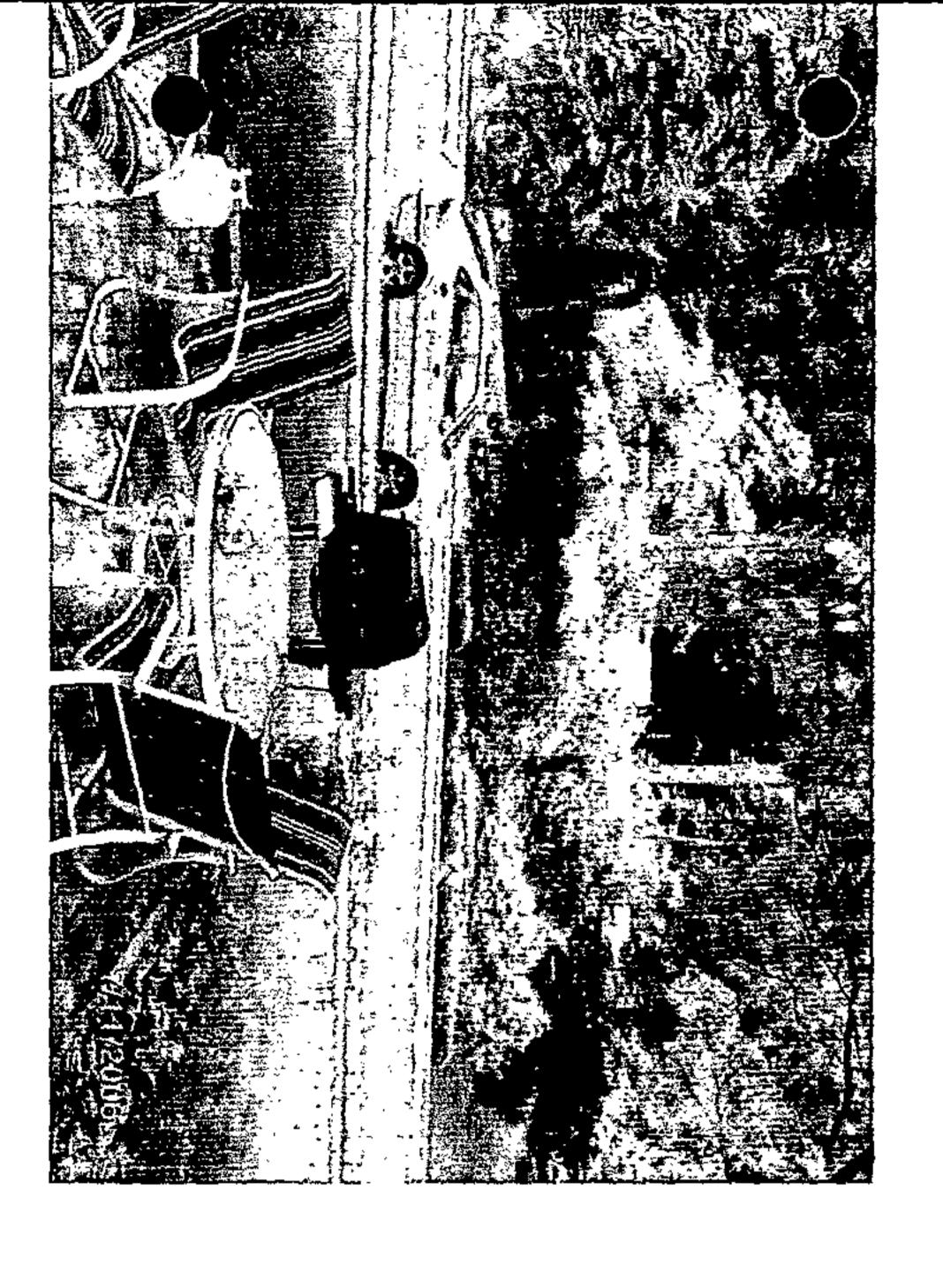


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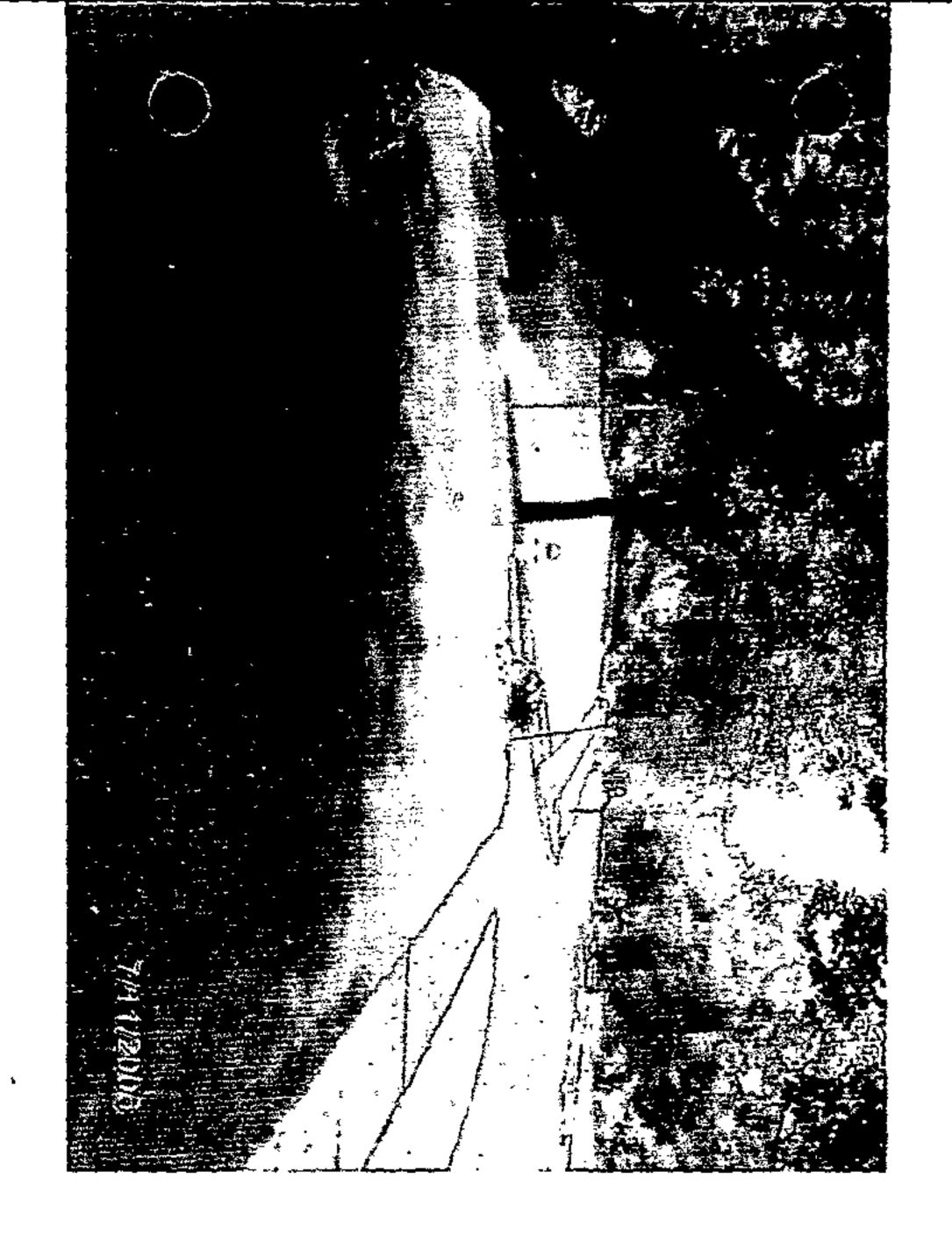




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him of 2020 Bundock from Side of House



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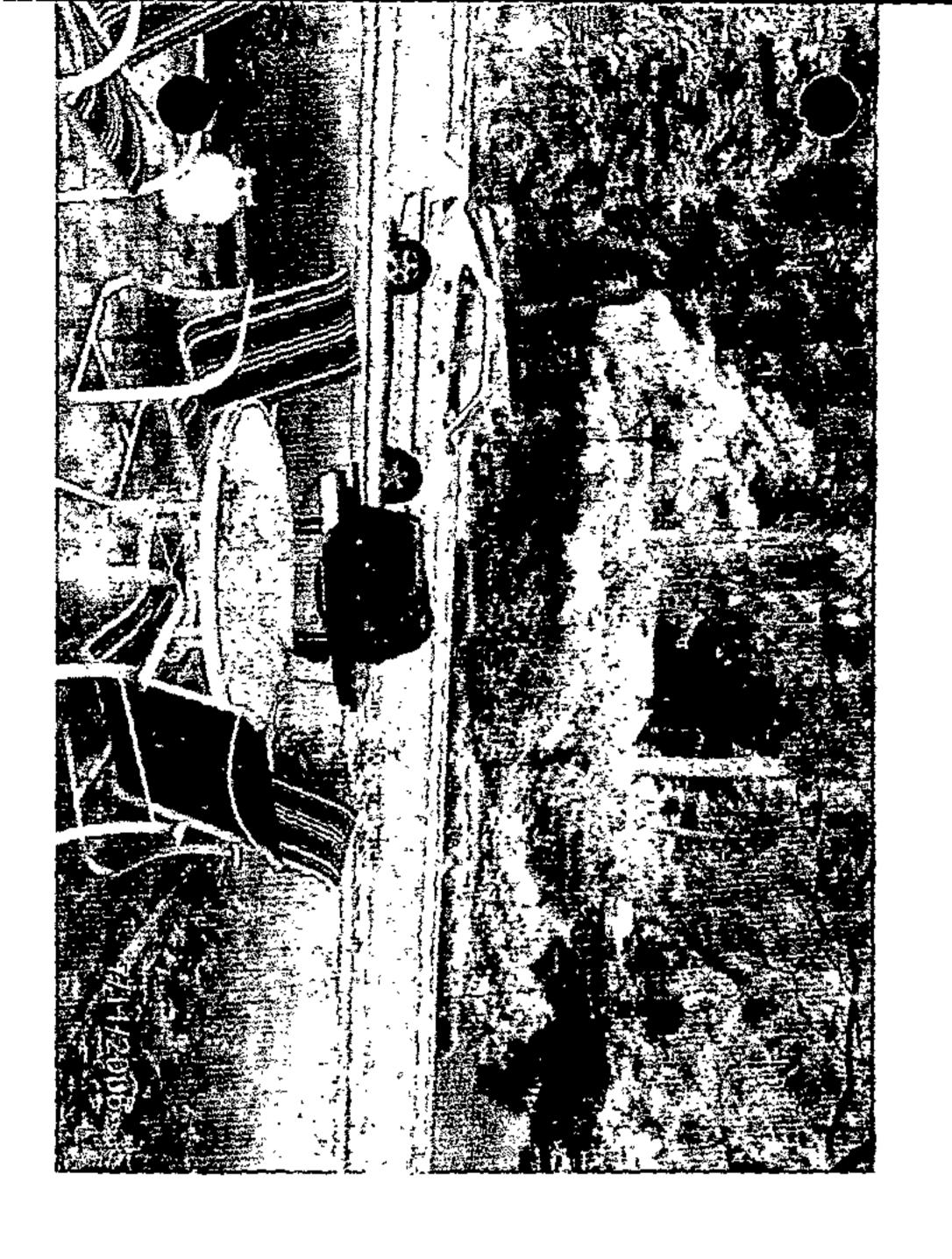
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View of 2100 bunded from

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View of 2020 Burdock from Side of House

