IN RE: PETITION FOR ADMIN. VARIANCE W/S of Gardenwick Road, south of

C/l of Summorson Road

3<sup>rd</sup> Election District
2<sup>nd</sup> Councilmanic District

(6512 Gardenwick Road)

Dr. Kenneth and Mrs. Friedman *Petitioners* 

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

<sup>k</sup> CASE NO. 07-013-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, Dr. Kenneth and Mrs. Friedman. The variance request is for property located at 6512 Gardenwick Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18 feet in lieu of the required 30 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that their three bedroom house is no longer sufficient for their growing family. Orthodox Jewish laws necessitate kosher kitchens with space for dairy/meat sinks, cabinets for all dishes for each and the existing kitchen is not feasible. They are unable to move out of the Orthodox Jewish community to a larger home.

#### 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 1, 2006. That office does not oppose the request, as it will have no impacts on the neighboring properties or the surrounding community.

S-1S-06 M.

#### 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.

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 15<sup>th</sup> day of August, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18 feet in lieu of the required 30 feet for an addition 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.

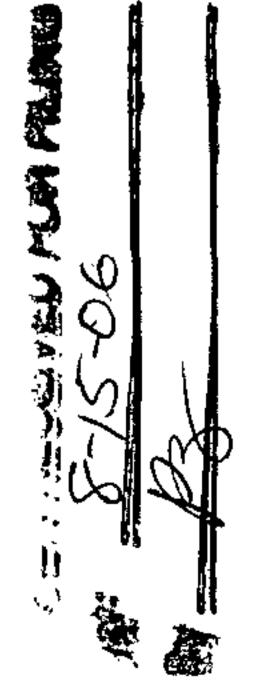
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

August 15, 2006

DR. KENNETH AND MRS. FRIEDMAN 6512 GARDENWICK ROAD BALTIMORE MD 21209

Re: Petition for Administrative Variance

Case No. 07-013-A

Property: 6512 Gardenwick Road

Dear Dr. and Mrs. Friedman:

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 6512 Govdenwick Rd

to the Zoning Commissioner of Baltimore County

This Petition shall be filed with the Depoyner(s) of the property situate in Baltimo	ore County and which	r is described in the description	ı and plat attach	ned hereto and
made a part hereof, hereby petition for a \	/ariance from Section	n(s) 11302,3,0	2 ,1 ; Ba	CZR, to
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of the zoning regulations of Baltimore Cou of this petition form.	unty, to the zoning la	w of Baltimore County, for the	reasons indicate	ed on the back
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	•	I/We do solemnly declare and perjury, that I/we are the legal is the subject of this Petition.	affirm, under the owner(s) of the p	penalties of property which
Contract Purchaser/Lessee:		Legal Owner(s):		
	·	DR. KENNETH S	. TRIEDM	AN
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City	Zip Code	Signature /		
Attorney For Petitioner:	-	Address GARDENWIC	KRO "	10484021 Telephone No.
		BALTIMORE	MD	21209
Name - Type or Print		City	State	Zip Code
Signature	·· <del></del>	Representative to be C	ontacted:	-
Company		Name SAME	43 ABO	VE-
Address	Telephone No.	Address	· -	Telephone No.
City	Zip Code	City	State	Zip Code
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	•	Zoning Commissioner o	f Baltimore County	
CASE NO. 07-013-A	Revi	ewed ByD	ate	7,0p
REV 10/25/04 EM MELETVEL POR	Estir	nated Posting Date	1.23.6	26
8-15-06				

# Affida Vit 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	GS12 G Address	jardenwick Roc	20
	Baltimore City	MD State	21209 Zip Code
That based upon personal knowledge, the folio Variance at the above address (indicate hardshi	wing are the fact ip or practical diffi	s upon which I/we base thiculty):	e request for an Administrative
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2. orthodox Je	wish laws	necessitate	kosher kitchens
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is additional informa	filed, Affiant(s) will be reation.	equired to pay a reposting and
Signature 122	····	S gnature	<u></u>
Name - Type or Print	DC_	Name - Type or Print	iedman
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:		
I HEREBY CERTIFY, this day of day of of Maryland, in and for the County aforesaid, pe	rsonally appeare	d ,, before r	ne, a Notary Public of the State
KENNOTH S- FRIEDMAN - M.	MELA FRIG	DMAN	
the Affiant(s) herein, personally known or satisf	actorily identified	to me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal		R 20-	
	•	Public 4	- / ) - 4
	My Cor	mrnission Expires	, 200
REV 10/25/01			

# Affidavit in Support of Administrative Variance

Address

That the Affiant(s) does/do presently reside at

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.

65.12 Gardenwick

	Balt:more	MD.	21209
	City	State	Zip Code
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for all dishes for	each.		•
3. Unable to nove	out of th	re orthodox.	•
Jewish Comm	unity to la	arger home.	- -
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Zonc.		M. 1.	<u></u>
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Name - Type or Print	Nar	ne - Type or Print	
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of Maryland, in and for the County aforesaid,			stary r abile or are create
the Affiant(s) herein, personally known or satisfied the series of the s	MARLA FRIE	an as such Affiant(s)	
the Amant(s) herein, personally known or sau	Stactority Identified to It		
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	My Commi	ssion Expires October	1,2008
REV 10/25/01		•	-



## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at	6512	GARDENWICK	Ro	BACTIMORE	21200
		sently zoned			<del>-</del> ·

I/We do solemnly declare and affirm, under the penalties of

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) 1802.3.C.1; BCZR, TO PERMIT A REARMARD SETBACIL OF 18ft. IN LIEU of THE REQUIRED 30ft. FOR AN ADDITION

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.

The state of the s

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.

			perjury, that I/we is the subject of t	are the legal owner(s) of the this Petition.	e property which
Contract Purchaser/L	<u>Lessee:</u>		<u>Legal Owner</u>	<u>(s):</u>	
			DR. KENNE	ETH S. FRIEDMA	4~V
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City	State	Zip Code	Signature	way.	· · · · · · · · · · · · · · · · · · ·
Attorney For Petition	<u>er:</u>	•	Address	Bardenwick Road	) 410-484-0211 Telephone No.
Name - Type or Print			Boltinor. City	e MD State	2 / 209 Zip Code
Signature			<u>Representati</u>	ve to be Contacted:	
Company	•		Name SA	ME AS AR	20VE
Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.	Address		Telephone No.
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# Zoning Description 6512 Gardenwick Road

Beginning at a point on the west side of Gardenwick Road which is 60' wide at the distance of 400' +/- south of the centerline of the nearest improved intersecting street, Summerson Road, which is 60' wide. Being Lot #9, Block D, Section 24 in the subdivision of Pickwick, as recorded in Baltimore County Plat Book #29, Folio #32 containing 6540.00 square feet. Also known as 6512 Gardenwick Road and located in the 3<sup>rd</sup> Election District, 2<sup>nd</sup> Councilmanic District.

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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT  DATE  RECEIVED FROM: FOR:	DISTRIBUTION WHITE - CASHIER   PINK - AGENCY YELLOW - CUSTOMER

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## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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# 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 Advertising:
<u>i oi itotropapor rarorna.</u>
Item Number or Case Number: 013
Petitioner: KENNETH S. FRISDNAN
Address or Location: 6512 GAMENWICK ROBATINONS MD 2120
PLEASE FORWARD ADVERTISING BILL TO:  Name: KENNETH S. FRIEDMAN
Address: 6512 GARDENWICK RD
BATIMONES MD 21209
Telephone Number: 410 484 0 2-11



JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO. Director

Department of Permits and

Development Management

Dr. Kenneth s. Friedman Mrs. Marla Friedman 6512 Gardenwick Road Baltimore, MD 21209

Dear Dr. and Mrs. Friedman:

RE: Case Number: 07-013-A, 6512 Gardenwick Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 14, 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

U. Callaball

WCR:amf

**Enclosures** 

c: People's Counsel

### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

D. ATE: July 31, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 31, 2006

Item Nos. 06-010, 06-176, 07-012 013, 016, 017, 018, 020, 021, 022, and 023

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-07282006.doc



#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** August 1, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVEL)

AUG 0 2 2006

ZONING COMMISSION

**SUBJECT:** 

6512 Gardenwick Road

**INFORMATION:** 

Item Number:

7-013

**Petitioner:** 

Dr. Kenneth and Mrs. Maria Friedman

Zoning:

DR 5.5

Requested Action:

Administrative Variance

The petitioners request a rear yard setback variance of 18 feet in lieu of the required 30 feet to construct a 2-story room addition.

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request, as it will have no impacts on the neighboring properties or the surrounding community.

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

Prepared by:

**Division Chief:** 

AFK/LL: CM

W:\DEVREV\ZAC\7-013.doc



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

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

Maryland Department of Transportation

Date:

7.21.01

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

RE:

**Baltimore County** 

Item No. 013

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

June 8th, 3560

The Friedman's have discussed their building plans with us and we do not object to any of their plans.

Monn you,

Clin Kager

ELLIE KAUN

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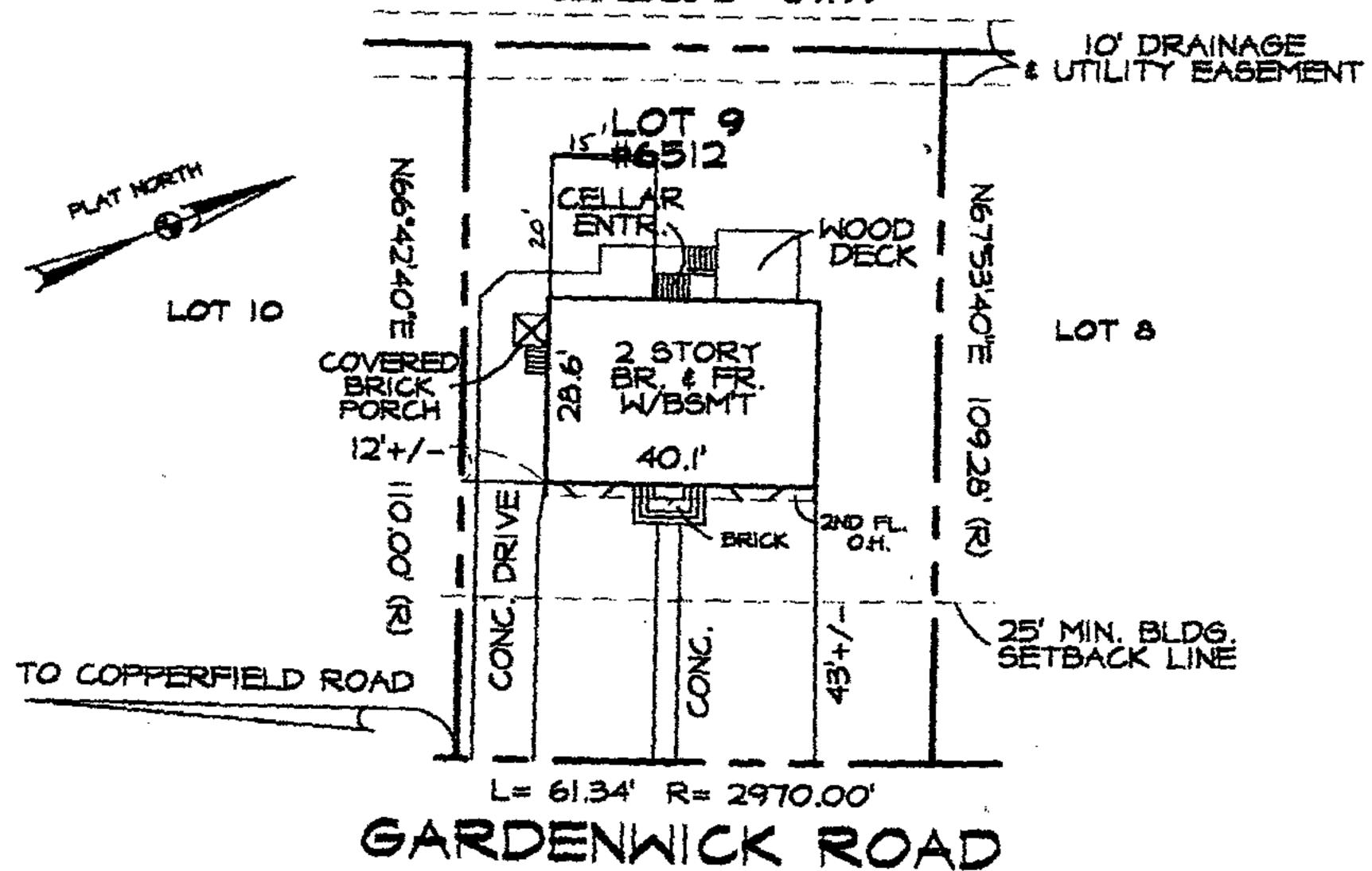
JEEF KAGANI

Coct as nonver.

(4110) 653.1316

LOT 20

523'23'20'E 69.99'



(60' R/W)

This does not constitute a lot survey, this will certify to Universal Title, Ridgeway, Griffin, Kastner & Cogan that I have located the existing improvements on the above lotts) as established by methods accepted under COMAR 09.18.08-Min. Standards of Practice for Location Surveys and in accordance with the plat and/or deed of records. This plat was proposed without a title report and does not purport to reflect all casements, encumbrances, or other circumstances affecting the title to the shown lotter.

or other circumstances affecting the title to the shown lot(s).

TAX MAP 78, PARCEL 4564, LOT 9

DEED REFERENCE : LIBER: 6675, POLIO : 454

PLAT REFERENCE: SOOK 99, FOLIO 32

NOTE :

THIS PROPERTY LIES WITHIN FLOOD ZONE 'C' WREA OF MINIMAL FLOODING) AS SHOWN FIRM COMMUNITY PANEL. NO 340010 0565 & DATED MARCH 2 1961.



# Richardson Engineering, LLC

730 W. Padonia Road, Sulte 101 Baltimore, Maryland 21030 Tele.:410-560-1502 Fax:410-560-0827 LOCATION DRAWING OF 6512 GARDENWICK ROAD BALTIMORE COUNTY, MARYLAND

CASE NO. 095868P

DRAWN BY: BUT

REVIEW BY: 6.17

DATE: JUNE 2002

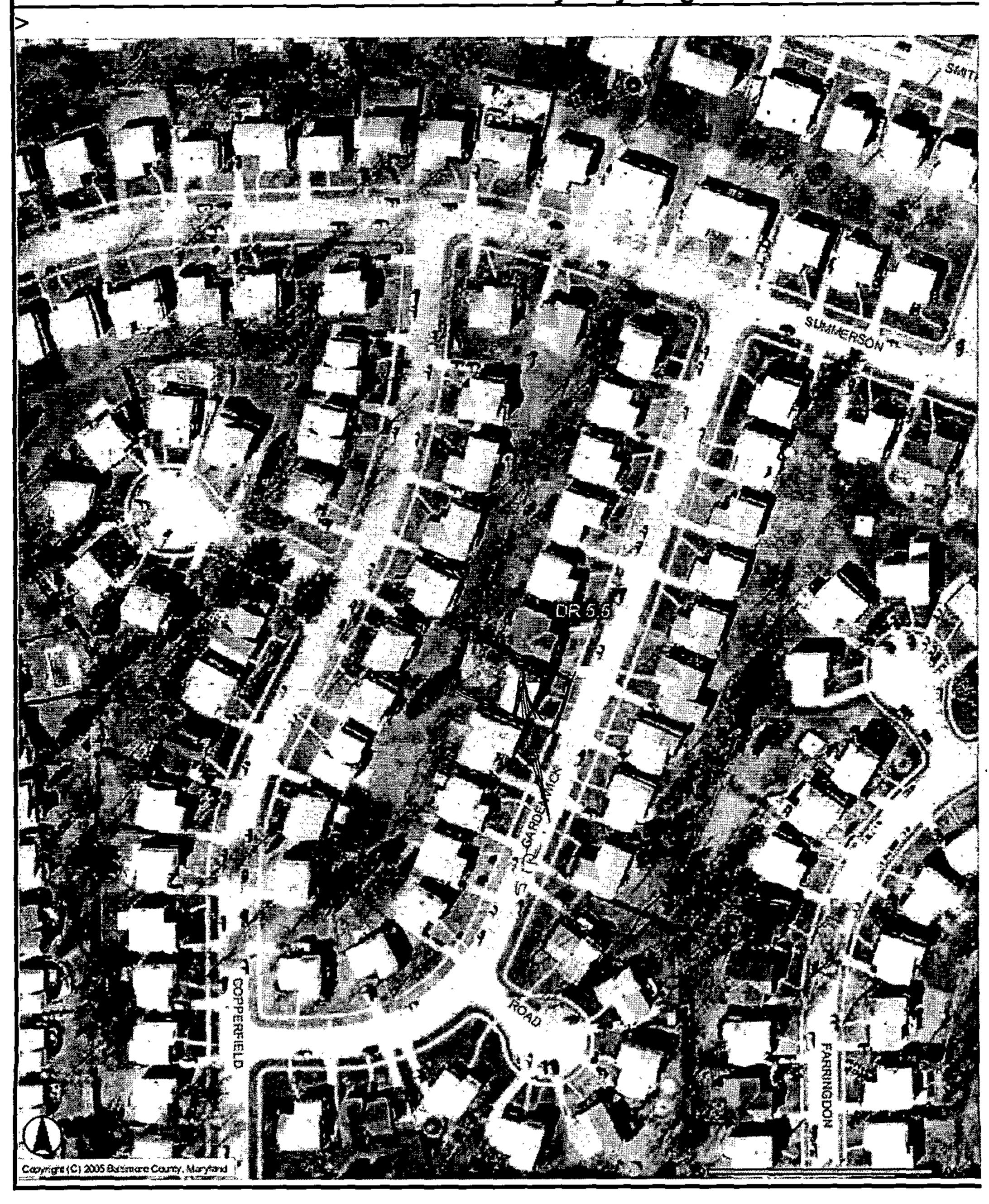
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**بر بن** 

## Baltimore County - My Neighborhood





## 6512 GARDENWICK RO



FRONT VIEW

4572 GARDENWICK RD



SIDE VIEW

6512 GARDENWICK RO.



BACKVIEW - AREA OF PROPOSED ADDITION

6514 GARDENWICK RD



FRONT



FRONT

DECINATE

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# CERTIFICATE OF OSTING

	RE: Case No.: 07-0/3-A
	Petitioner/Developer:
	K. FRIEDMAN
	Date of Hearing/Closing: 8/7/06
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	•
Ladies and Gentlemen:	•
were posted conspicuously on the property lo	cated at
The sign(s) were posted on	7/23/06 (Month, Day, Year)
6512 GARDERWICK RD	Sincerely,  (Signature of Sign Foster and Date)  RICHARD E. HOFFMAN  (Printed Name)  904 DELLWOOD DR.  (Address)  FALLS TON, MO 21047  (City, State, Zip Code)  (410) 879-3127  (Telephone Number)
POSTED 7/23/06  Pulled 2006 7/23/06	•