IN RE: PETITION FOR SPECIAL HEARING

SW/S Greenspring Avenue, 450' SE of the c/l

Lindeman Lane

(11506 Greenspring Avenue)

3rd Election District

2nd Council District

Jeffrey L. Puente Petitioner BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 07-027-SPH

* * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Jeffrey L. Puente. The Petitioner requests a special hearing to approve lot line setbacks of 24 feet and 35.5 feet in lieu of the required 50 feet each, pursuant to Sections 1A04.3.B.1.b(1) and 1A04.3.B.1.b(2) of the Baltimore County Zoning Regulations (B.C.Z.R.), for two proposed additions to an existing dwelling. 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 2.

Appearing at the requisite public hearing in support of the request were Jeffrey Puente, property owner, his brother Mark Puente, and Bruce Doak, the Surveyor who prepared the site plan for this property. Appearing as interested citizens were Marianna Solovyousky, adjacent property owner, and her mother-in-law, Nelly Solovyousky, who resides nearby. Also appearing was Diana Itter, who appeared on behalf of the Office of Planning. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a roughly square-shaped parcel located on the southwest side of Greenspring Avenue (fka Dover Road), just east of Lindeman Lane in Lutherville. The property has no direct road frontage; however, is accessed via a 30' wide right-of-way easement that leads into the site from Greenspring Avenue. The property is approximately 174' wide and 150' deep and contains a gross area of 0.56 acres, more or less, zoned, R.C.5. The property is presently improved with a one-story dwelling and a detached accessory structure. The Petitioner purchased the property in March 2006 and is desirous of upgrading and

Sate Contraction of the Contract

improving the existing dwelling. It was indicated that the existing house is a small bungalow which was built in 1963 and that it lacks sufficient living and storage space. Thus, the Petitioner proposes renovating the building and constructing two additions to create a two-story structure, which will feature an attached two-car garage. Given the R.C.5 zoning classification of the subject property and the location of the existing dwelling thereon, relief is requested as set forth above to allow lot line setbacks of 24 feet and 35.5 feet, respectively, for the proposed additions. The specifics of the proposed improvements are more particularly described on the building elevation drawings submitted into evidence as Petitioner's Exhibit 3.

In support of the request, the Petitioner noted that the existing dwelling was built in 1963, well prior to the enactment of Council Bill #55-04, which required a minimum lot area of 1.5 acres for development in the R.C.5 zone. Moreover, building elevation drawings of the existing dwelling and proposed improvements were submitted to the Office of Planning, which ultimately approved same as being consistent with the spirit and intent of the R.C.5 zoning regulations and performance standards set forth in Bill No. 55-04. (See their revised ZAC comment dated September 5, 2006). Finally, the Petitioner testified that the proposed improvements will be consistent with others in the community and will not adversely impact any adjacent property. In this regard, the Petitioner testified that he discussed his plans with several of his neighbors and that no one had any objections, as evidenced by the letters of support contained within the case file.

As noted above, Marianna Solovyousky, owner of the adjacent property, and her mother-in-law, Nelly Solovyousky, who lives nearby, appeared as interested citizens. They indicated that they had no objections to the Petitioner's plans and noted that Marianna and her husband, Pavel, had recently obtained similar approvals from Baltimore County under prior zoning Case No. 06-021-SPH to redevelop the immediately adjacent property to the south with a new single family dwelling.

After due consideration of the testimony and evidence presented, I find that relief is warranted given the unique configuration of the property and the location of existing improvements thereon. There were no adverse ZAC comments submitted by any County reviewing agency, and no one voiced any opposition to the request. Indeed, the revised ZAC comment submitted by the Office

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of Planning indicates that the proposal is consistent with the spirit and intent of the R.C.5 zoning regulations and meets the performance standards set forth in Section 1A04.3.B.1.b of the B.C.Z.R. It is clear that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship upon the Petitioner and prohibit use of the property for a permitted purpose. Finally, I find that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. for relief to be granted and that there will be no detrimental impact to adjacent properties or the surrounding locale.

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 day of September 2006 that the Petition for Special Hearing to approve lot line setbacks of 24 feet and 35.5 feet in lieu of the required 50 feet each, pursuant to Sections 1A04.3.B.1.b(1) and 1A04.3.B.1.b(2) of the Baltimore County Zoning Regulations (B.C.Z.R.), for two proposed additions to an existing dwelling, in accordance with Petitioner's Exhibits 2 and 3, be and is hereby GRANTED, subject to the following restrictions:

- 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) The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings marked into evidence as Petitioner's Exhibit 3, which were reviewed and approved by the Office of Planning, and subsequently revised, pursuant to their comments of September 5, 2006 to include certain architectural exterior finishes as detailed thereon.

3) 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

WHELIAMAL WISEMAN, III Zoning Commissioner for

Baltimore County



JAMES T. SMITH, JR. County Executive

September 12, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. Jeffrey L. Puente 11506 Greenspring Avenue Lutherville, Maryland 21093

RE: PETITION FOR SPECIAL HEARING

SW/S Greenspring Avenue, 450' SE of Lindeman Lane

(11506 Greenspring Avenue)

3rd Election District – 2nd Council District

Jeffrey L. Puente - Petitioner

Case No. 07-027-SPH

Dear Mr. Puente:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing 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 traly yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. Bruce E. Doak, Gerhold, Cross & Etzel
320 E. Towsontown Blvd., Towson, Md. 21204
Ms. Nelly Solovyousky, 1814 Ridgeway Avenue, Lutherville, Md. 21093
Ms. Marianna Solovyousky, 2305 Ridge Road, Reisterstown, Md. 21136
Office of Planning; People's Counsel; Case File

TO: JEFF



A COMPONIED TO

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

| for the property located at | 11506 | Greenspr | ing A | venue | |
|-----------------------------|-------|----------|-------|-------|--|
| | | y zoned | | 9C5 | |

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

two proposed additions with lot line setbacks of 24 feet and 35.5 feet, respectively, in lieu of the minimum required 50 feet (for both), pursuant to Sections 1A04.3.B.1.b.(1) and 1A04.3.B.2.b, BCZR.

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

I, or we, agree to pay expenses of above Special Hearing, 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 ded perjury, that I/we are is the subject of this I | clare and affirm, under the legal owner(s) of the Petition. | he penalties of e property which |
|--|---------------------------------------|--|---|----------------------------------|
| Contract Purchaser/Lessee: | | Legal Owner(s): | . 0 | |
| Name - Type or Print | · · · · · · · · · · · · · · · · · · · | Name Type or Print | 2. Ruente | |
| Signature | | Signature | | |
| Address | Telephone No. | Name - Type or Print | | |
| City State | Zip Code | Signature | spring Avenue | 410-207-8311 |
| Attorney For Petitioner: Name - Type or Print | | Address Lutherville City | MD State | Telephone No. 2/093 Zip Code |
| Signature | | • | to be Contacted: | |
| Company | | Name | | <u></u> |
| ddress | Telephone No. | Address | | Telephone No. |
| City | Zip Code | City | State | Zip Code |
| | | <u>OF</u> | FICE USE ONLY | • |
| | | ESTIMATED LEN | IGTH OF HEARING | <u> </u> |
| Case No. 07-027-5PH | | UNAVAILABLE F | OR HEARING | _ |
| | Rev | iewed By JNP for | TH Date | 21/06 |

Jeff Puente 11506 Greenspring Avenue Lutherville, MD 21093 410-207-8316

July 20, 2006

ZONING DESCRIPTION FOR 11506 Greenspring Avenue, Lutherville, MD 21093

Beginning at a point on the Southside of Greenspring Avenue which is 30'wide at the distance of 450' of the centerline of Greenspring Avenue through which the property is accessed by a 30-foot private right away, 400 feet.

Southeast of Lindemann Lane.

North 54 45' West 165.5 feet, North 49 53' East 150 feet, South 53 51' East 174.1 feet, and ending South 53 20' West 150 feet to the place of beginning

Said property having been recorded in the Land Records of Baltimore County Maryland in Liber 4508, Folio 230, containing .56 acres.

Also known as 11506 Greenspring Avenue and located in the 3rd Election District, 2nd Councilmanic District.

TAX ID# 0303052941

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| BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE NO. 339 AMOUNT \$ 6 1.06 FOR. ACCOUNT AMOUNT \$ 6 1.06 FOR. ACCOUNT AMOUNT \$ 6 1.06 BECEIVED FOR. ACCOUNT AMOUNT \$ 6 1.06 AMOUNT \$ 6 1.06 BECEIVED PROCEIVED AMOUNT \$ 6 1.06 BUSTRIBUTION MATTER DASHIER BUSTRIBUTION MATTER DASHIER BUSTRIBUTION | ORE COUNTY, M. F BUDGET & FINAN. ANEOUS RECEI | 722 C6 ACCOUNT R-0 0/ 206-6/10 | ED D. F. V. D. L. | J. 303 11 - 11 C. C. | HER PINK AGENCY YELLOW |

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NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #07-027-SPH

11506 Greenspring Avenue
11506 Greenspring Avenue
450 feet southwest side of Greenspring Avenue, 450 feet southeast of Lindemann Lane
3rd Election District — 2nd Councilmanic District
Legal Owner(s): Jeffrey L. Puente
Special Hearing: to allow two proposed additions with lot line setbacks of 24 feet and 35.5 feet, respectively, in lieu of the minimum required 50 feet (for both), pursuant to Sections 1A04.3.81.b (1) and 1A04.3.8.2.b, BCZR
Hearing: Tuesday, September 5, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bostey Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for
special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing,
Contact the Zoning Review Office at (410) 887-3391.

JT 8/751 August 22

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in the following weekly newspaper published in Baltimore County, Md., once in each of _____successive weeks, the first publication appearing once in each of THIS IS TO CERTIFY, that the annexed advertisement was published ,20<u>0</u>6

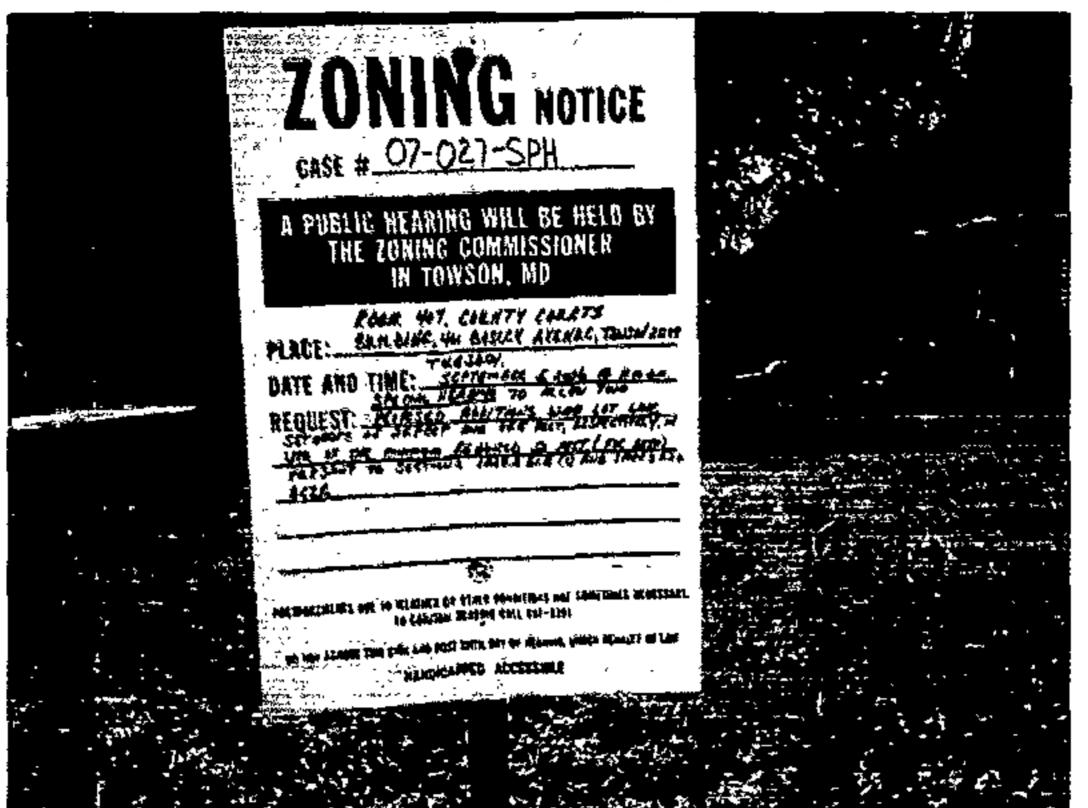
LEGAL ADVERTISING

Williams

CERTIFICATE OF POSTING

| | RE: Case No: <u>07-027-594</u> |
|---------------------------------------|--|
| | Petitioner/Developer: IEFFLEY L, PUFWIF |
| | LI PUTNIF |
| | Date Of Hearing/Closing: 9/5/06 |
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| Raltimara Caunty Dynasty | 1 |
| Baltimore County Department of | |
| Permits and Development Mana | |
| County Office Building, Room | |
| 111 West Chesapeake Avenue | į Į |
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| Attention: | i |
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| | |
| Ladies and Gentlemen: | |
| | <u>‡</u> 1 |
| This letter is to certify under the | penalties of perjury that the necessary |
| ign(s) required by law were nos | ted conspicuously on the property |
| t / | 1506 GREENSPRING AVE. |
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| his sign(s) were posted on | 1 |
| ma aign(a) were hosted ou | August 20, 2006 |
| | (Month, Day, Year) |
| • | Sincerely, // |
| | Martin 8/20/06 |
| | (Signature of sign Poster and Date) |
| | Martin Ogle |
| | Sign Poster |
| | 16 Salix Court |
| | Address |
| | Balto. Md 21220 |
| • | (443-629 3411) |
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AUG 28 2006

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: |
|---|
| Item Number or Case Number: 07-027-SPH Petitioner: Jeffrey L. Puente |
| Address or Location: 11506 Greenspring Avenue |
| PLEASE FORWARD ADVERTISING BILL TO: Name: Jeffrey L. Puente |
| Address: 1506 Greenspring Avenue Lutherville, MD 21093 |
| Lutherville, MD 21093 |
| Telephone Number: 410-207-8316 |

Department of Permits de de 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

July 28, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-027-SPH

11506 Greenspring Avenue

450 feet southwest side of Greenspring Avenue, 450 feet southeast of Lindemann Lane

3rd Election District – 2nd Councilmanic District Legal Owner: Jeffrey L. Puente

buth Rotroco

<u>Special Hearing</u> to allow two proposed additions with lot line setbacks of 24 feet and 35.5 feet, respectively, in lieu of the minimum required 50 feet (for both), pursuant to Sections 1A04.3.B1.b (1) and 1A04.3.B.2.b, BCZR.

Hearing: Tuesday, September 5, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Jeffrey Puente, 11506 Greenspring Avenue, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 21, 2006.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 22, 2006 Issue - Jeffersonian

Please forward billing to:

Jeffrey Puente 11506 Greenspring Avenue Lutherville, MD 21093 410-207-8316

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-027-SPH

11506 Greenspring Avenue

450 feet southwest side of Greenspring Avenue, 450 feet southeast of Lindemann Lane

3rd Election District – 2nd Councilmanic District

Legal Owner: Jeffrey L. Puente

<u>Special Hearing</u> to allow two proposed additions with lot line setbacks of 24 feet and 35.5 feet, respectively, in lieu of the minimum required 50 feet (for both), pursuant to Sections 1A04.3.B1.b (1) and 1A04.3.B.2.b, BCZR.

Hearing: Tuesday, September 5, 2006 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

Jeffrey L. Puente 11506 Greenspring Avenue Lutherville, MD 21093

Dear Mr. Puente:

RE: Case Number: 07-027-SPH, 11506 Greenspring Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 21, 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. Callibal)

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 5, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

11506 Greenspring Avenue

INFORMATION:

Item Number:

7-027 (revised)

Petitioner:

Jeffrey L. Puente

Zoning:

RC 5

Requested Action:

Special Hearing

The Office of Planning has reviewed revised architectural elevation drawings, which added brick on the garage's south façade (labeled left rear elevation) adjacent to the Solovyosky property. These drawings now comply with the requirements of Section 1AO4.4 Performance standards of the Baltimore County Zoning Regulations.

A note has also been added to a revised plan stating that the coverage factor for the lot in question is less than 15 %.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning makes a finding that the proposed new residential construction complies with the RC5 performance standards. The office recommends approval provided the new construction is in accordance with the site plan and architectural elevation drawings revised on 9/5/06.

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

Prepared by:

Division Chief:

AFK/LL: CM

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

RECEIVED

DATE: August 16, 2006

SUBJECT:

11506 Greenspring Avenue

AUG 3 1 2006

IG COMMISSIONER

INFORMATION:

Item Number:

7-027

Petitioner:

Jeffrey Puente

Zoning:

RC 5

Requested Action:

Special Hearing

The property is an existing .56-acre undersized lot of record that is improved with a single-family dwelling. While the site plan appears to show the existing dwelling to remain with a substantial addition well beyond 50% of the existing building area, the petitioner has indicated to planning staff that he may need to remove the walls of the existing dwelling (a razing permit was applied for on 8/16/2006). If that is the case, the office of planning will treat this as new residential construction, and such new construction should be indicated on the site plan. The new residential construction must meet all of the performance requirements for the RC 5 zone. The petitioner has submitted photographs of the site and the adjacent dwelling to the north. There is a coverage factor requirement, which states that no more than 15% of the lot may be covered with impermeable surfaces. That calculation has not been indicated on the plan.

SUMMARY OF RECOMMENDATIONS:

- 1. The Office of Planning does not have sufficient information to make a finding of compliance with the RC 5 zone.
- 2. Provide calculations on a revised plan that show the coverage factor for the impervious surfaces.
- 3. Revise the architectural elevation drawings to comply with the similar materials section.

woul

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

Prepared by

Division Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 4, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 7, 2006 Item Nos. 06-492, 07-015, 024, 025, 027, 029, 030, 032, and 033

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-08012006.doc



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

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

Maryland Department of Transportation

Date: 8.1.06

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

RE:

Baltimore County

Item No. 027

7 HC

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

Fire Departmen:

700 East Joppa Road
Towson, Maryland 21286-5 600
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105
111 West Chesapeake .venue
Towson, Maryland 212 4

August 1,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: July 31,2006

Item No.: 492, 015, 124, 025, 027, 028, 029, 030, 032, 033, 034 and 035.

Pursuant to your request, the referenced plan(s) have been reviewed by the Fire Marshal's Office 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 410-887-4880 MS-1102F



RE: PETITION FOR SPECIAL HEARING *
11506 Greenspring Avenue; 450' SW/S
Greenspring Avenue, 450' SE Lindemann Ln*

3rd Election & 2nd Councilmanic Districts

Legal Owner(s): Jeffrey L. Puente

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-027-SPH

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of August, 2006, a copy of the foregoing Entry of Appearance was mailed to, Jeffrey Puente, 11506 Greenspring Avenue, Lutherville, MD 21093, Petitioner(s).

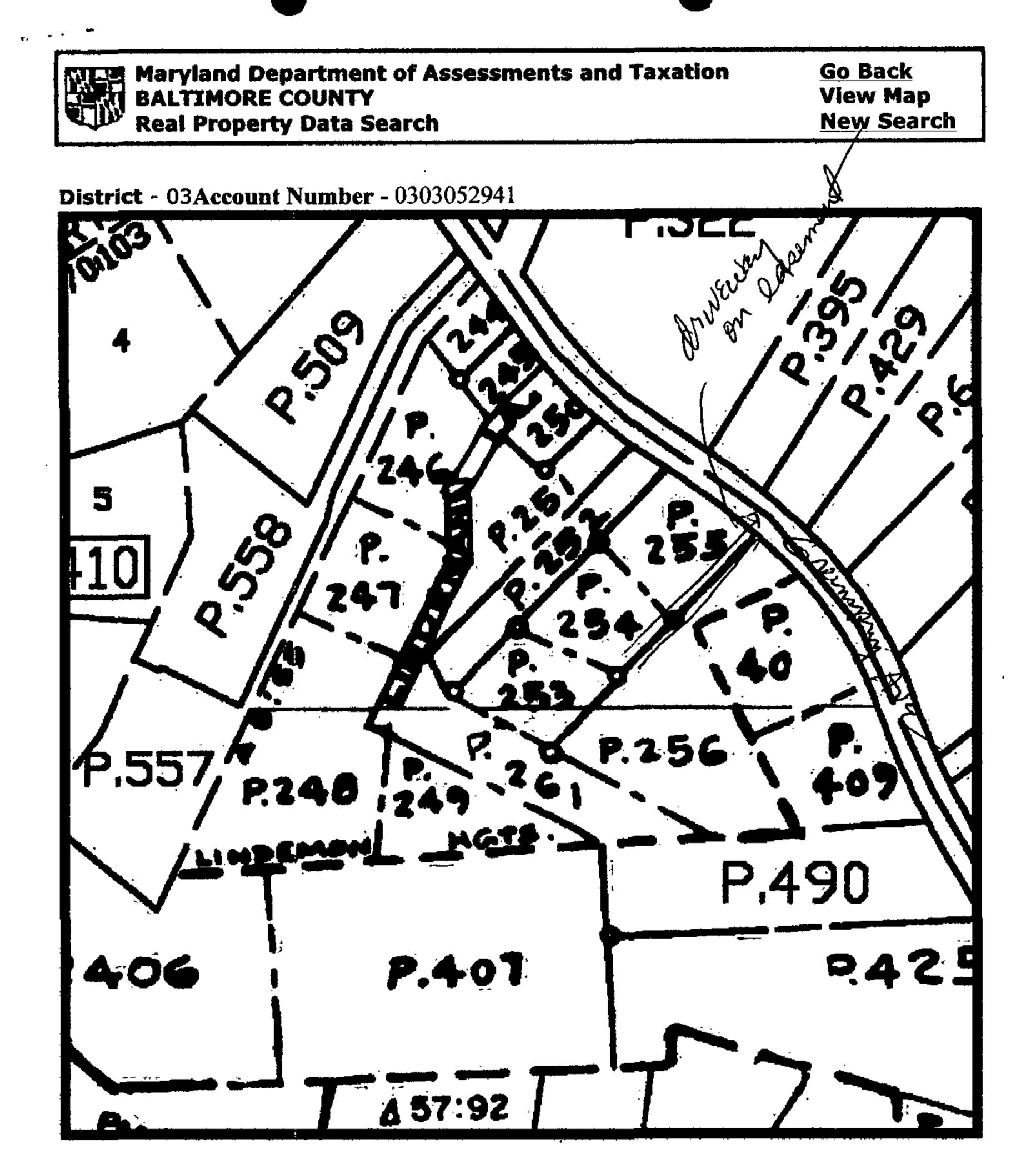
RECEIVED

AUG 0 3 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....



Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

Click here for a plain text ADA compliant screen.



Go Back View Map New Search Ground Rent

Account Identifier:

District - 03 Account Number - 0303052941

Owner Information

Owner Name:

PUENTE JEFFREY L

Use: Principal Residence: RESIDENTIAL

Mailing Address:

11506 GREENSPRING AVE

LUTHERVILLE TIMONIUM MD 21093-1408

YES
1) /23585/ 419

...

Deed Reference:

2)

Location & Structure Information

Premises Address

11506 GREENSPRING AVE

Preferential Land:

Legal Description

.56 AC 30FT R/W LEAD 11506 GREENSPRING AVE

500 S KELLY AVE

Map Grid Parcel Sub District Subdivision Section Block Lot Assessment Area Plat No: 59 9 253 2 Plat Ref:

Town Ad Val

Special Tax Areas Ad Valorem
Tax Class

Primary Structure BuiltEnclosed AreaProperty Land AreaCounty Use1963732 SF24,393.00 SF04StoriesBasementTypeExterior1YESSTANDARD UNITASBESTOS SHINGLE

Value Information

Phase-in Assessments Base Value As Of Value As Of As Of 01/01/2005 07/01/2006 07/01/2007 85,090 49,840 Land: 48,080 74,330 Improvements: Total: 97,920 138,920 159,420 159,420

Transfer Information

Seller: COCKEY NORMAN E 03/27/2006 \$265,377 Date: Price: Deed1: /23585/ 419 Deed2: IMPROVED ARMS-LENGTH Type: Seller: Price: Date: Deed1: Deed2: Type:

Selier:
Type: Deed1:

Exemption Information

 Partial Exempt Assessments
 Class
 07/01/2006
 07/01/2007

 County
 000
 0
 0

 State
 000
 0
 0

 Municipal
 000
 0
 0

Tax Exempt: Exempt Class: NO

Special Tax Recapture:

Price:

Deed 2:

* NONE *

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

FITTIONER'S SIGN-IN SHEET

| JIP 2/00 grasn/ca | | | | | | | | | |
|---|----------------------------------|----------------|--|--|--|--|--|--|--|
| CITY, STATE, ZIP Lutherwile MD 21093 | 9822 Me 2286 | Thurming 21094 | | | | | | | |
| 11506 Grenspring Aug | 320 E. TOWNDUM & LVD | PD Box 4801 | | | | | | | |
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PLEASE PRINT CLEARLY

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Exhibit Sheet

Petitioner/Developer

Protestant

| No. 1 | Sitz PEAN |
|--------|---|
| No. 2 | 2A - orientation Plat for Photographs 2B1 Thru 2B47 |
| No. 3 | BLAG ELEVATIONS 9 Pages |
| No. 4 | Latters OF SUPPORT |
| No. 5 | Letter OF SUPPORT Rembusyewski |
| No. 6 | Order - 06 - 021 - SPH |
| No. 7 | Order - 05-289-A |
| No. 8 | E-MAIL - impervious Surface will be less than |
| No. 9 | |
| No. 10 | |
| No. 11 | |
| No. 12 | |

Rachel Ellis 11510 Greenspring Avenue Lutherville, MD 21093

August 28, 2006

Re: 11506 Greenspring Avenue

Dear Zoning Commissioner,

I am writing in support of the variance request submitted to the county by Jeffrey Puente for his residence at 11506 Greenspring Avenue. My property is immediately adjacent to Mr. Puente's property. He purchased the property earlier this spring and has been very respectful in maintaining an open communication about the condition of the property and about his intention to improve upon the property. He has shared with me his building plans and the time frame with which he intends to complete the projected rehabilitation.

Over the last year I have spent considerable time and money in improving my own property. I believe Mr. Puente's intent is to improve upon the existing condition of the property and do not believe that the request to build his addition with the 37 feet proposed setback will adversely affect my property. Mr. Puente has been a good neighbor and I encourage your approval of his request. Thank you for the opportunity to comment on his zoning request. If you have any questions or concerns please feel free to contact me at the above address.

Sincerely,

Rachel Ellis

Rachel a Eller

PETITIONER'S

EXHIBIT NO.

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Zbigniew and Wieslawa Rembiszewski 11508 Greenspring Avenue Lutherville, MD 21093

August 27, 2006

Re: 11506 Greenspring Avenue

Dear Zoning Commissioner,

We are writing in support of the variance request submitted to the county by Jeffrey Puente for his residence at 11506 Greenspring Avenue. Our property is immediately adjacent to Mr. Puente's property. He purchased the property earlier this spring and has been very respectful in maintaining an open communication about the condition of the property. We were aware when his septic system was failing and that he quickly reconciled the problems. He has shared with us his building plans and the time frame with which he intends to complete the projected rehabilitation.

Over the last year we have spent considerable time and money improving our own property. We believe Mr. Puente's intent is to improve upon the existing condition of the property and do not believe that the request to build his addition with the proposed 24 feet setback will adversely affect our property. Mr. Puente has been a good neighbor and we encourage your approval of his request. Thank you for the opportunity to comment on his zoning request. If you have any questions or concerns please feel free to contact us at the above address.

Sincerely,

Mr. and Mrs. Rembiszewski

Semb; Sected!

PETITIONER'S

EXHIBIT NO.

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IN RE: PETITION FOR SPECIAL HEARING

SE/S Lindemann Lane, 6,625' SW of the c/l

Greenspring Avenue

(1911 Lindemann Lane)

3rd Election District 2nd Council District

Pavel Solovyousky, et ux Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 06-021-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Pavel Solovyousky, and his wife, Marianna Solovyousky. The Petitioners request a special hearing to approve the subject property. that does not meet the minimum area requirements as a buildable lot, with side yard setbacks of 12 feet and 13 feet in lieu of the required 50 feet each, pursuant to Sections 1A04.3.B.1.b(1) and 304.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), for a proposed dwelling. 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.

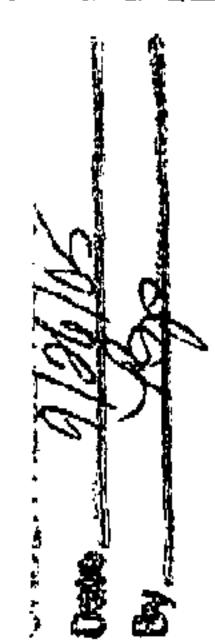
Appearing at the requisite public hearing in support of the request were Paul (Pavel) and Marianna Solovyousky, property owners, Mr. Solovyousky's mother, Nelly Solovyousky, who resides nearby. Bruce E. Doak, the Surveyor who prepared the site plan for this property, and Robert A. Hoffman, Esquire, attorney for the Petitioners. Appearing as an interested citizen/Protestant was Donald Smith, an adjacent property owner, who was represented by Nathaniel Fick, Esquire.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel located on the southeast side of Lindemann Lane, just south of its intersection with Greenspring Avenue (fka Dover Road) in Lutherville. The property has approximately 126 feet of frontage along Lindemann Lane and an average depth of 450 feet; however, tapers to a width of 150 feet across the rear property line. The property contains a gross area of 0.947 acres, more

or less, zoned, R.C.5 and is improved with a small, one-story dwelling in the front portion of the lot, and an accessory shed towards the rear of the property. The Petitioners purchased the property in June 2005 and are desirous of redeveloping the site with a new single family dwelling. It was indicated that the existing house was built in 1959 and is apparently uninhabitable; however, the shed will be retained for storage purposes. Given the R.C.5 zoning classification of the subject property, relief is requested as set forth above to allow the proposed improvements. As shown on the site plan, the new house will be centered on the lot, approximately 180 feet from the front property line, which is consistent with neighboring homes, and provide side yard setbacks of 12 feet and 13 feet, respectively. Building elevation drawings submitted into evidence as Petitioner's Exhibit 3 show that the proposed dwelling will be a two-story structure, featuring an attached two-car garage and unfinished basement.

In support of the request, the Petitioners noted that many other houses in the community are built on undersized lots (albeit most of which were built prior to Council Bill #55-04). Moreover, prior to the hearing the Petitioners submitted the elevation drawings of the proposed structure to the Office of Planning, which approved same as being consistent with the spirit and intent of the R.C.5 zoning regulations and performance standards set forth in County Council Bill No. 55-04. (See their ZAC comment dated September 6, 2005). Finally, the Petitioners testified that they discussed their proposal with their neighbors on both sides and that no one had any objections.

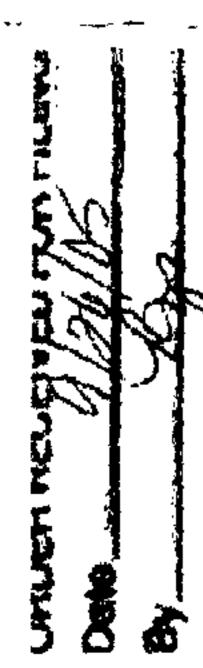
As noted above, Donald Smith, the adjacent property owner, appeared at the hearing along with his attorney. Mr. Smith had significant concerns regarding the Petitioner's plans for this property. He testified that this property had been the subject-of numerous complaints filed with the Code Enforcement Division of the Department of Permits and Development Management (DPDM). Apparently, the prior owner of the property, Eaton Douglas, neglected to properly maintain the property and it has deteriorated to deployable conditions. Photographs submitted show that the property contains a number of unlicensed or inoperable motor vehicles and a considerable amount of trash and debris, including car parts, tires, etc., despite the



Petitioners' efforts to have Mr. Douglas remove this debris over the past three roonths. Another issue raised by Mr. Smith relates to the potential use of heavy equipment and trucks, and access to the property on the southwest side of the proposed dwelling, immediately adjacent to his property. Mr. Smith described this area as containing a steep slope and feared that a septic truck or other heavy equipment/vehicles would destabilize the existing bank much to his detriment. As a result of these and other concerns, Counsel for the parties met and worked out suitable conditions, which were noted on the plan and will be made part of this Order. In this regard, all access to the rear yard will be from the northeast side of the subject property. In addition, landscaping will be provided along the southwest property line in the vicinity of the proposed dwelling to further stabilize the bank.

After due consideration of the testimony and evidence presented, I find that relief is warranted given the narrow width and configuration of the property. There were no adverse ZAC comments submitted by any County reviewing agency, and no one voiced any opposition to the request. Indeed, the ZAC comment submitted by the Office of Planning indicates that the proposal is consistent with the spirit and intent of the R.C.5 zoning regulations and meets the performance standards set forth in Section 1A04.3.B.1.b of the B.C.Z.R. It is clear that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship upon the Petitioners and prohibit use of the property for a permitted purpose. Finally, I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted and that there will be no detrimental impact to adjacent properties or the surrounding locale.

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.



a proposed dwelling, 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, all untagged/unlicensed/inoperable motor vehicles, and all trash and debris shall be removed from the property.
- 3) The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings dated August 16, 2005, which were reviewed and approved by the Office of Planning. However, pursuant to that agency's comment of September 6, 2005, the Petitioners shall submit revised elevation drawings, which include a note that building materials will be neutral in color, and details for the articulations of the recessed garage door, prior to the issuance of any permits.
- 4) All vehicular access to the rear of the property will be from the northeast side in the area shown on the site plan as "Access to Rear Yard." No heavy equipment or trucks shall be allowed access to the rear yard from the southwest side of the property, between the proposed dwelling and the property owned by Donald Smith.
- 5) In accordance with the agreement reached between the parties at the hearing, the Petitioners shall provide year-round landscaping and ground cover within an 8-foot wide strip along the southern property line to stabilize the bank adjacent to the proposed dwelling. As shown on the plan, this landscaping strip shall be centered along the property line, so as to be 4 feet wide on both the Petitioner's property and the Smith property.

6) When applying for any permits, the site plan filed must reference this -case and set forth and address the restrictions of this Order

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STATE OF STA

CHISEMAN, III Zoning Commissioner for

Baltimore County

IN RE: PETITION FOR ADMIN. VARIANCE
180 ft. W Greenspring Avenue, 1,500 ft.
N centerline of Ridgeway Avenue
3rd Election District
2nd Councilmanic District
(11508 Greenspring Avenue)

Wiesława & Zbigniew Rembiszewski Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-289-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, Wieslawa and Zbigniew Rembiszewski. The variance request is for property located at 11508 Greenspring Avenue in the Lutherville area of Baltimore County. The variance request is from Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition (garage) with an 18 ft. side setback in lieu of the required 50 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 19, 2004, 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 as required by Section 26-127 (b)(1) 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

PETITIONER'S

EXHIBIT NO.

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compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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.

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;

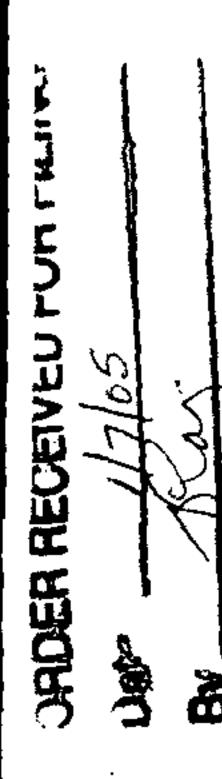
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

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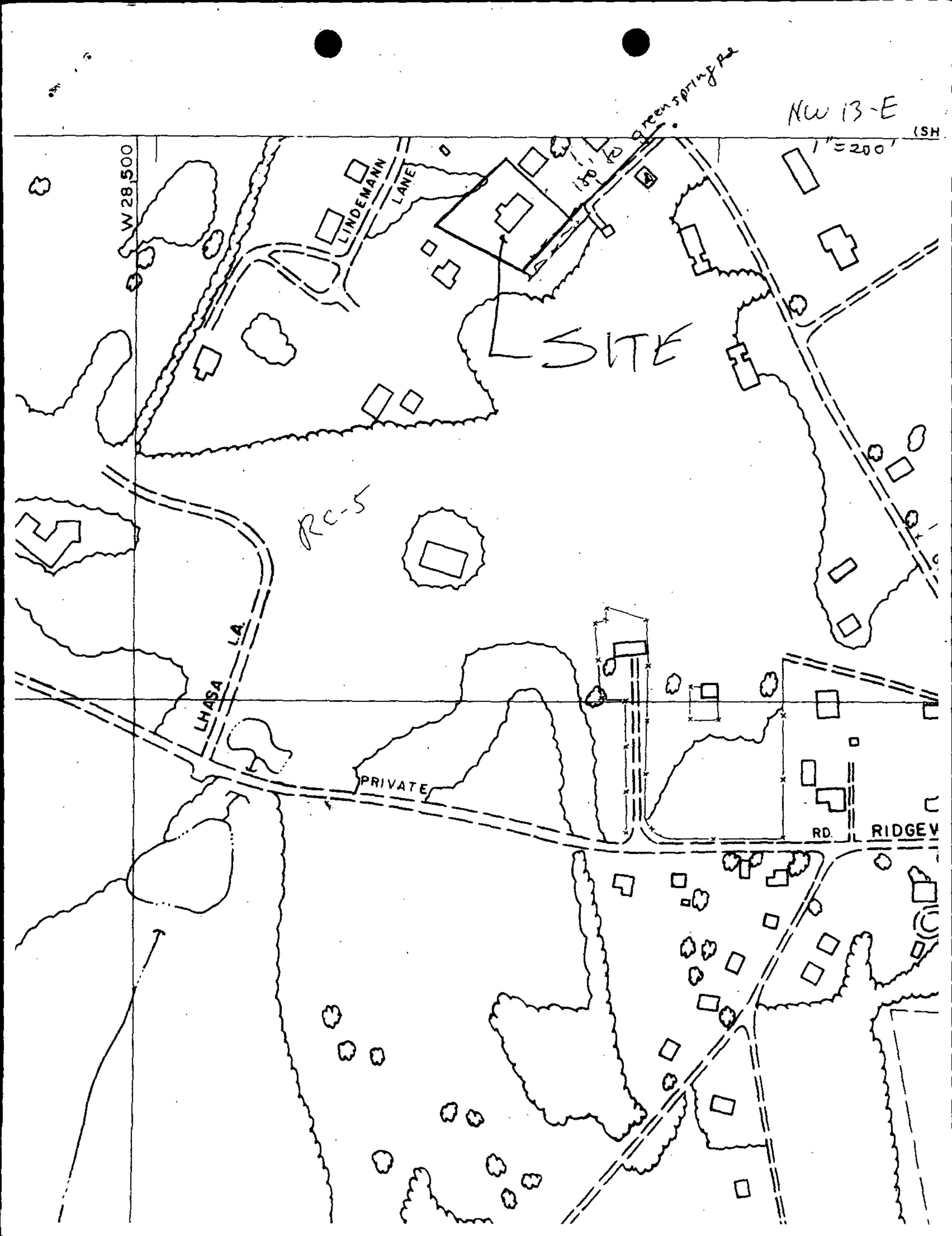
PROPERTY NORTH OWNER VICKY REMBISZEWSKI SUBDIVISION NAME PLAT BOOK # ~.15.25M **ADDRESS** 1.AT1 ACCC FOLIO **ಎ**ಎರ 79 m29 SEPTIC DRN-FLD. ラマロ 53'E LOT # GRID PARCEL SECT BLOCK LOT Ŕ 553 X 8 2 - ୧୯ SEC **₹** = 7 TION % 2 8 Ġ 7 Ď FRONT oμ̃ GROUP 81 SEE 20.00 .83 4.81 ZONING PROPOSED 6ARAGE **PAGES** 22. Proposed drive PO.13. C 740 23 18 THE CHECKLIST **VARIANCE** Divier 88 TXISTING . Er 721 #00020W0330 TIMA M. SUSOE THOMAS **EXISTING** 3.00.5 24 X FRONT S 8 20 FOR ZONING REVIEWED BY RIDGEWAY HISTORIC PR PRIOR SNINOZ CHESAPEAKE BAY LOT SIZE ELECTION DISTRICT 03 ADDITIONAL 00 COUNCILMANIC DISTRICT OF 1"=200 LINDMAN YEAR FLOOD PLAIN "ALPAN" SEWER WATE **ZONING** SP LOCATION INFORMATION SCALE MAP #-NW19E RCG PROPERTY/ SUPLECT æ, ぐ ACREAGE KOPKKTY ECIAL **Carroll United Meth** REQUIRED INFORMATION Scale 1" VINCINITY MAP OFFICE (HEARING AVE 289 PUBLIC 11 USE ONLY 1000 HEARING SQUARE F SROOKWAY RO NONG PRIVATE ų. 05-289-1 G Z

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"Jeff Puente" <jlp2100@msn.com>

To:

<ditter@co.ba.md.us>
08/14/06 12:14:55 PM

Date: Subject:

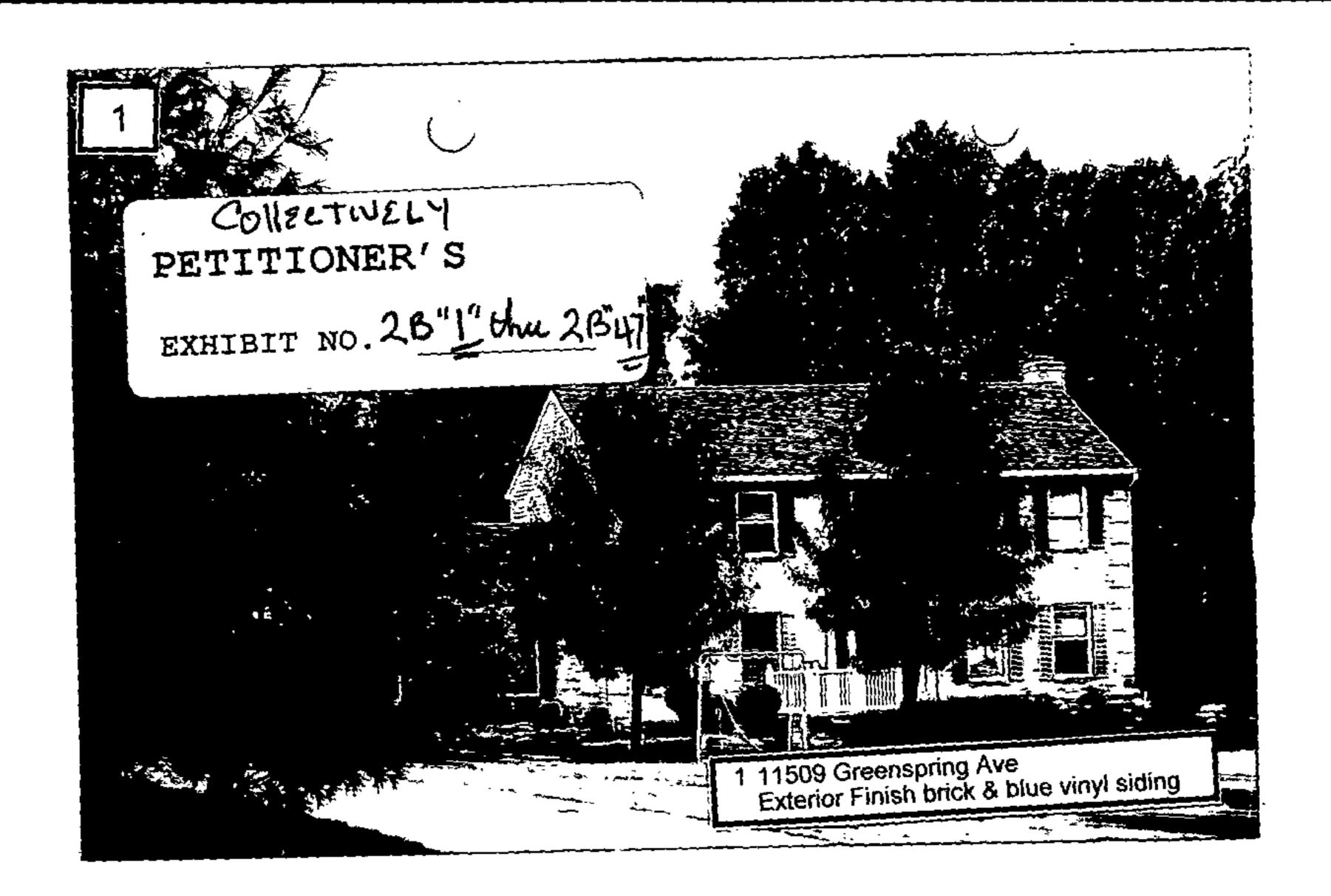
Variance hearing Case Number07-027

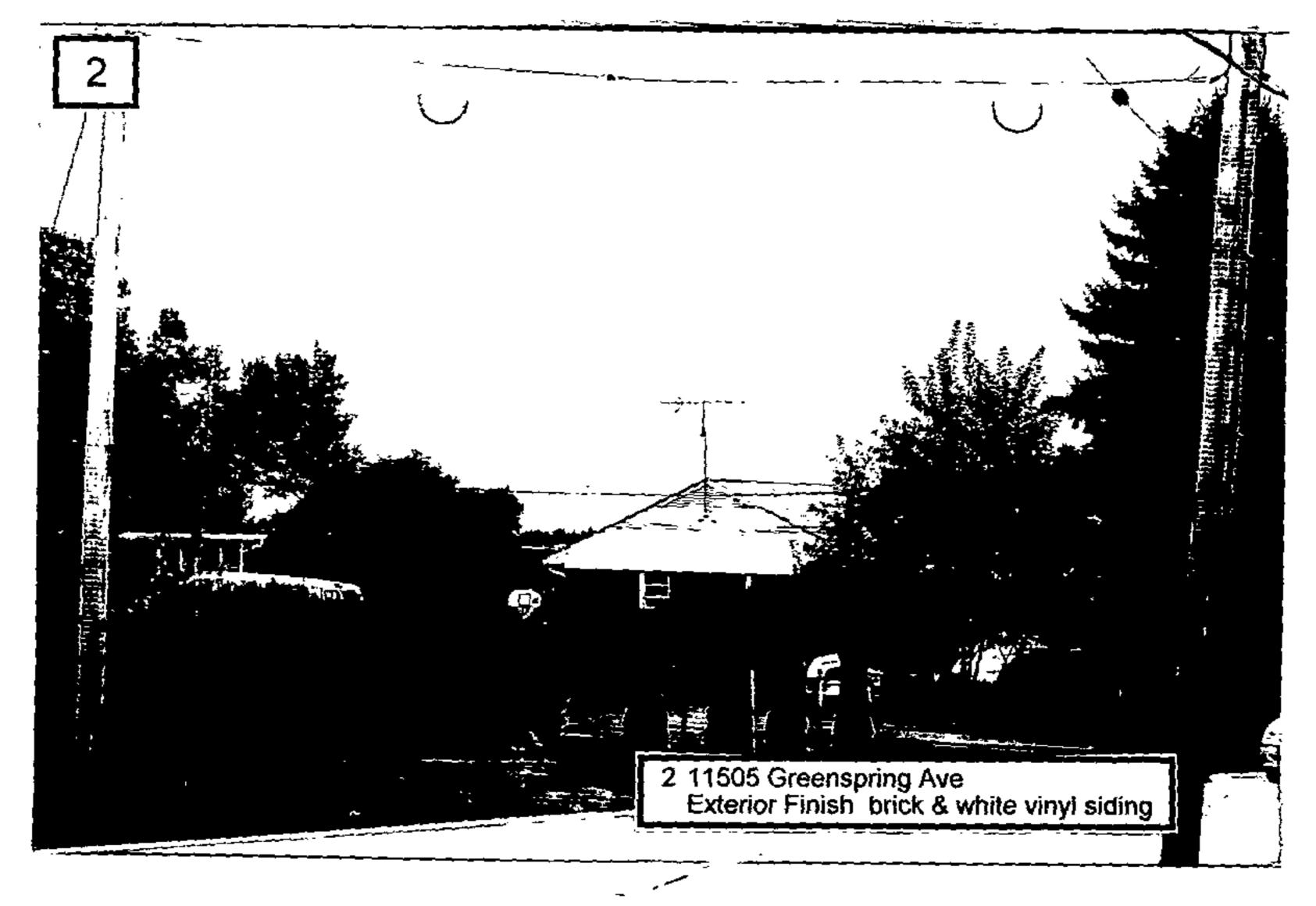
Dear Ms. Itter,

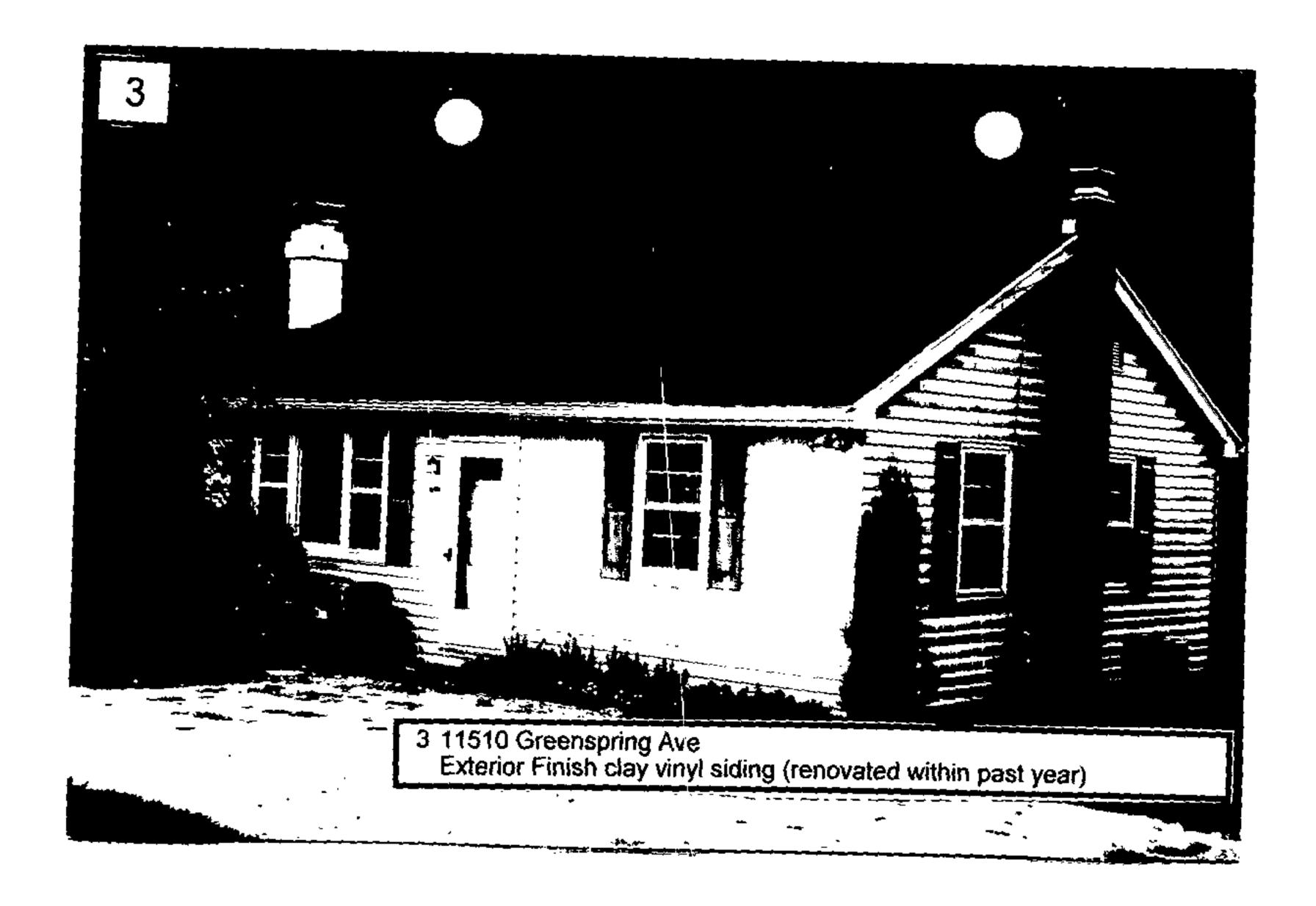
In response to some questionsyou raised from our meeting last week, I met with Doug Swam. He said that he would write this up as an addition to an existing structure to create a new single family dwelling. He also suggested that I talk to his supervisor, the Deputy Director for further clarificationon this. I have been unable to get in touch with the Deputy Director at this point. I will Keep trying. I also calculated the square footage of coverage. The lot square footage is 25,500. The house square footage is 1,958.65. The drive square footage is 1196. The total for both is 3154.65 square feet. The allowable based on 15 % coverage is 3825. I should be fine on this matter. Thank you for your time.

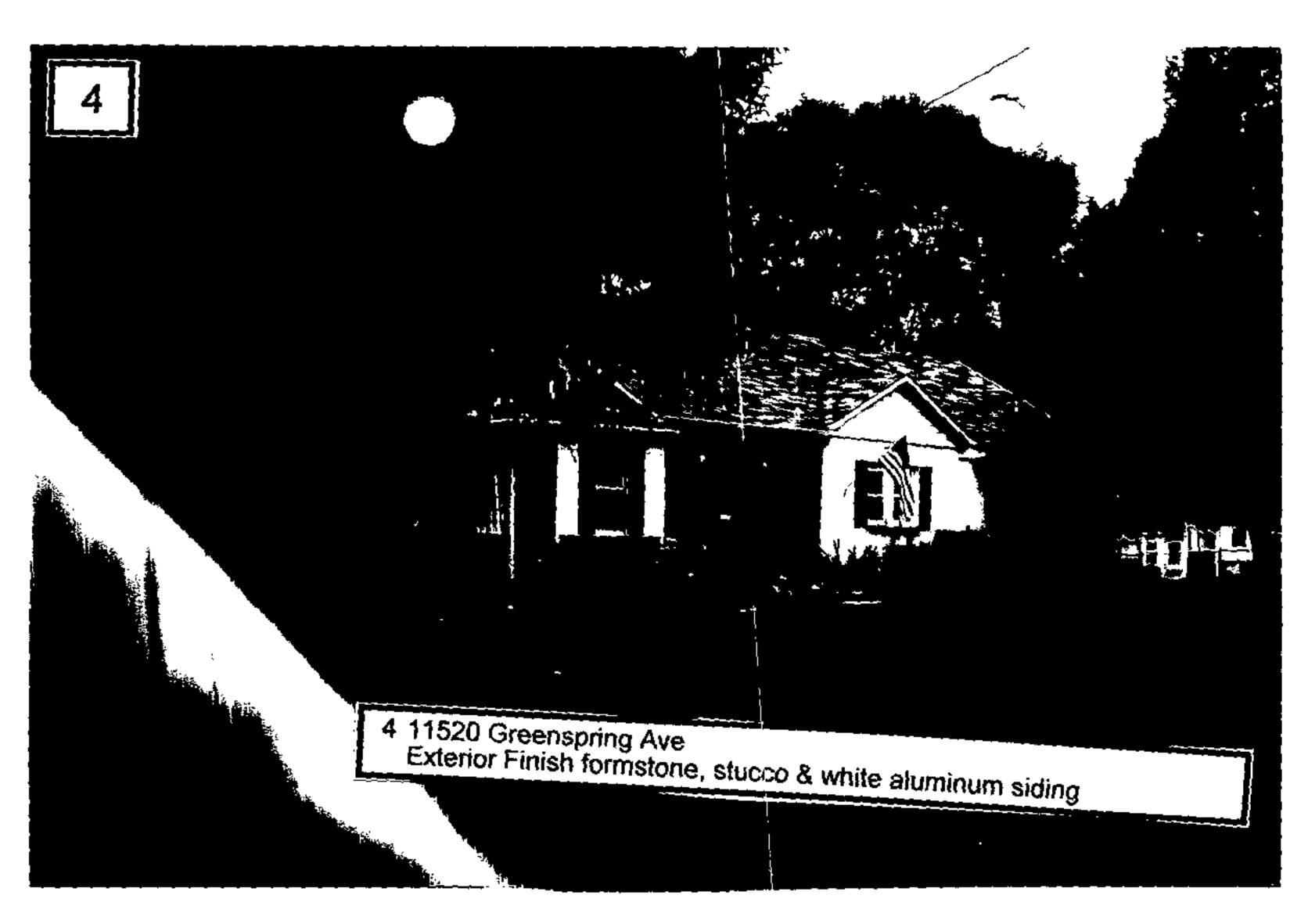
Jeff Puente

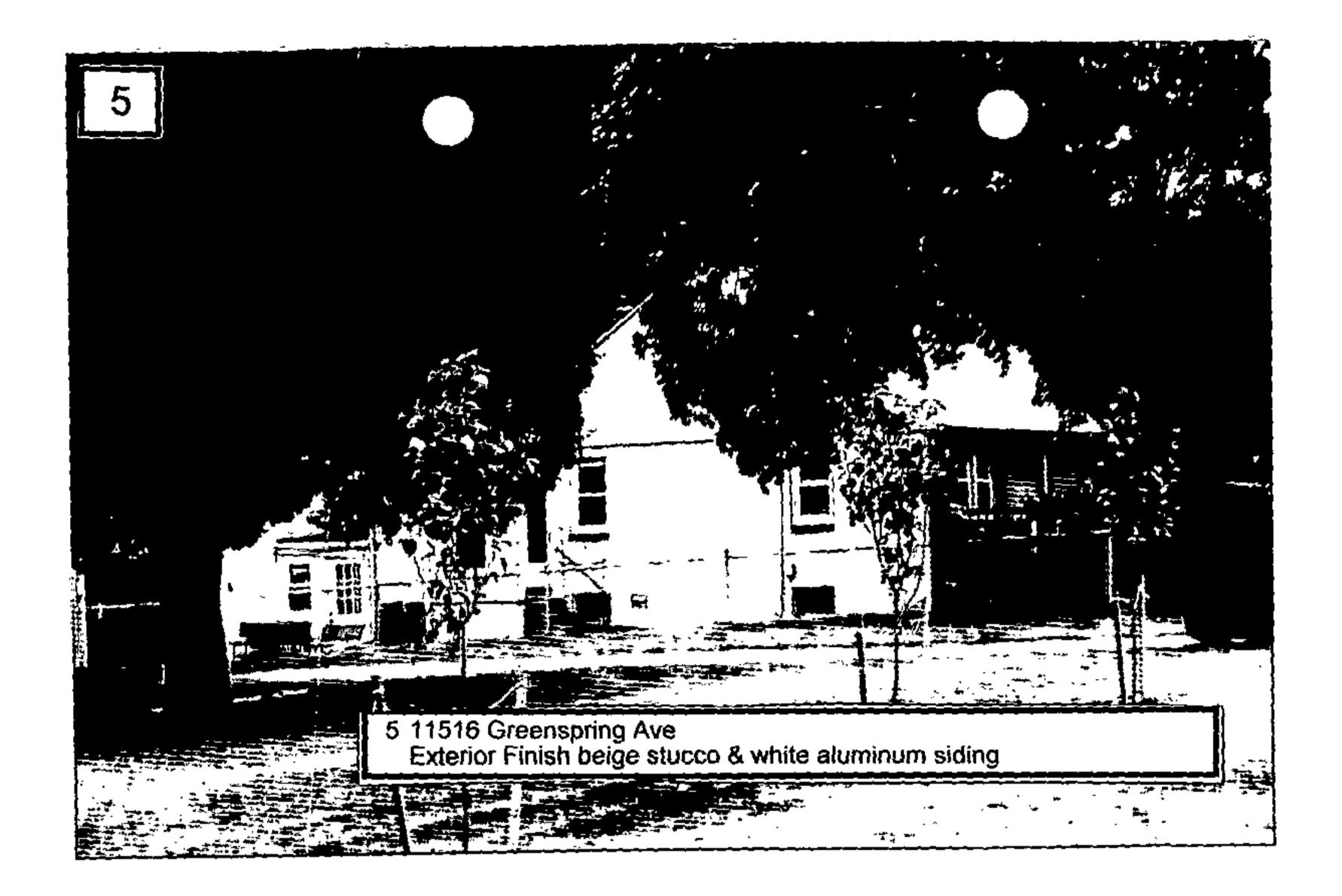
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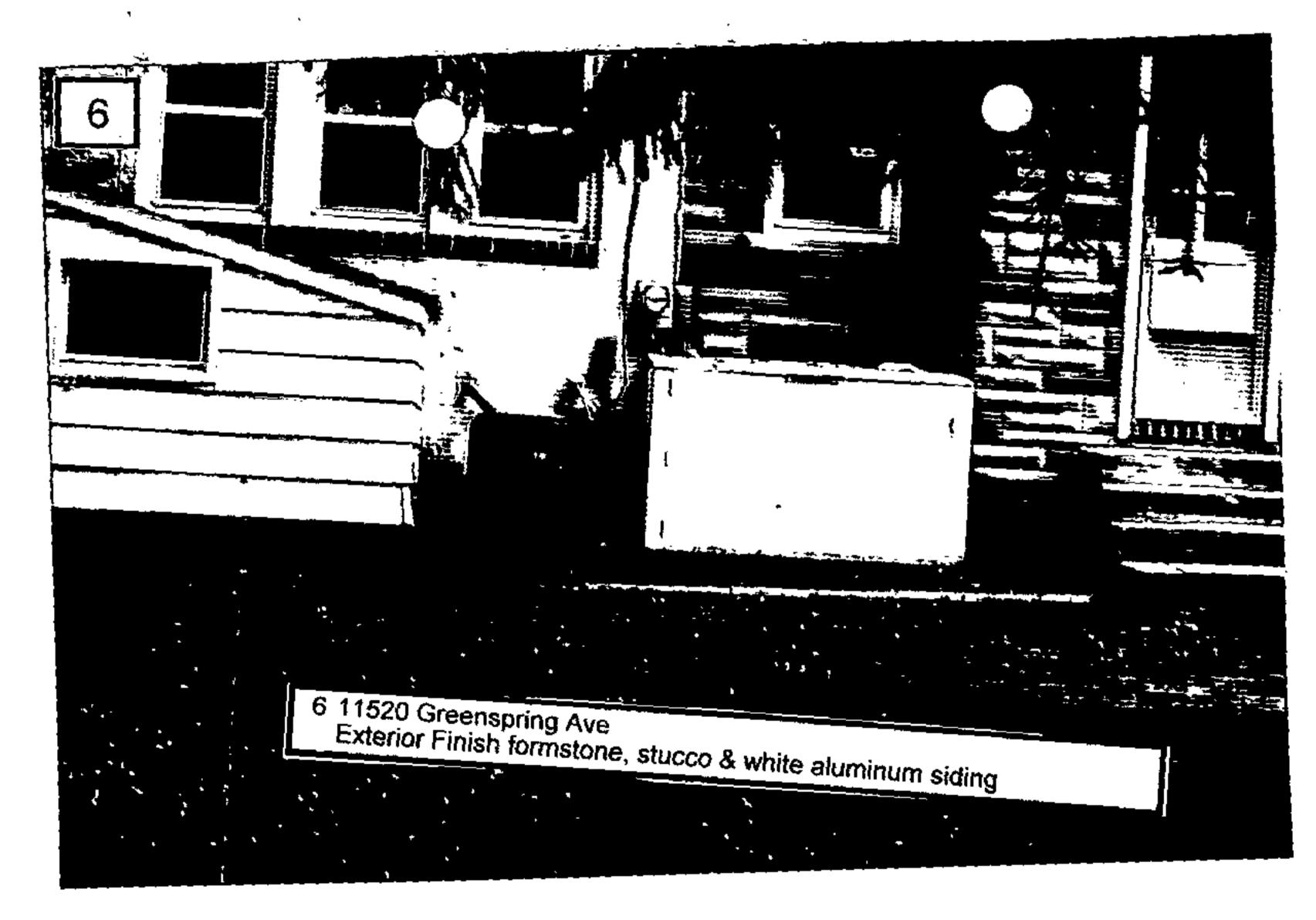






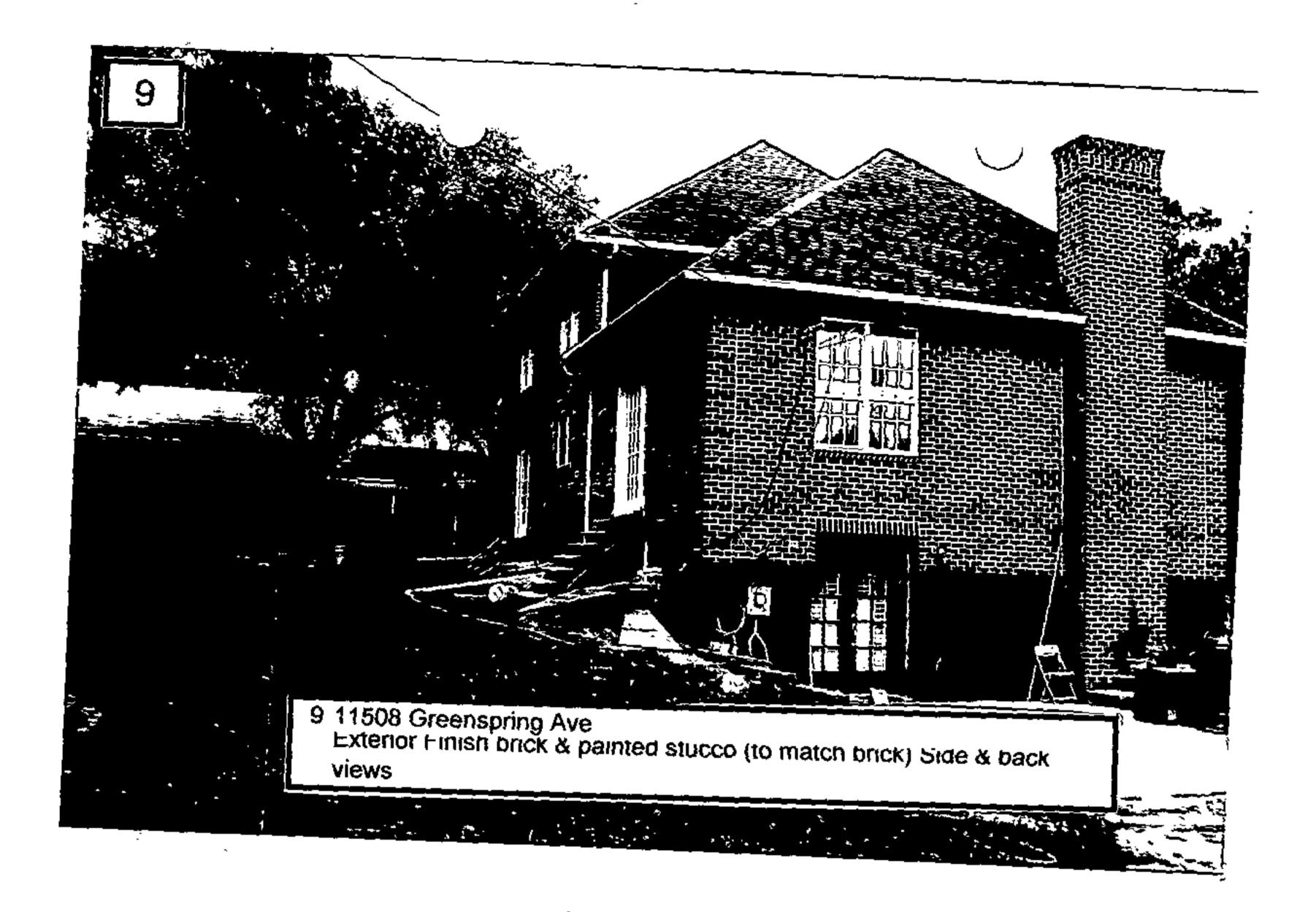


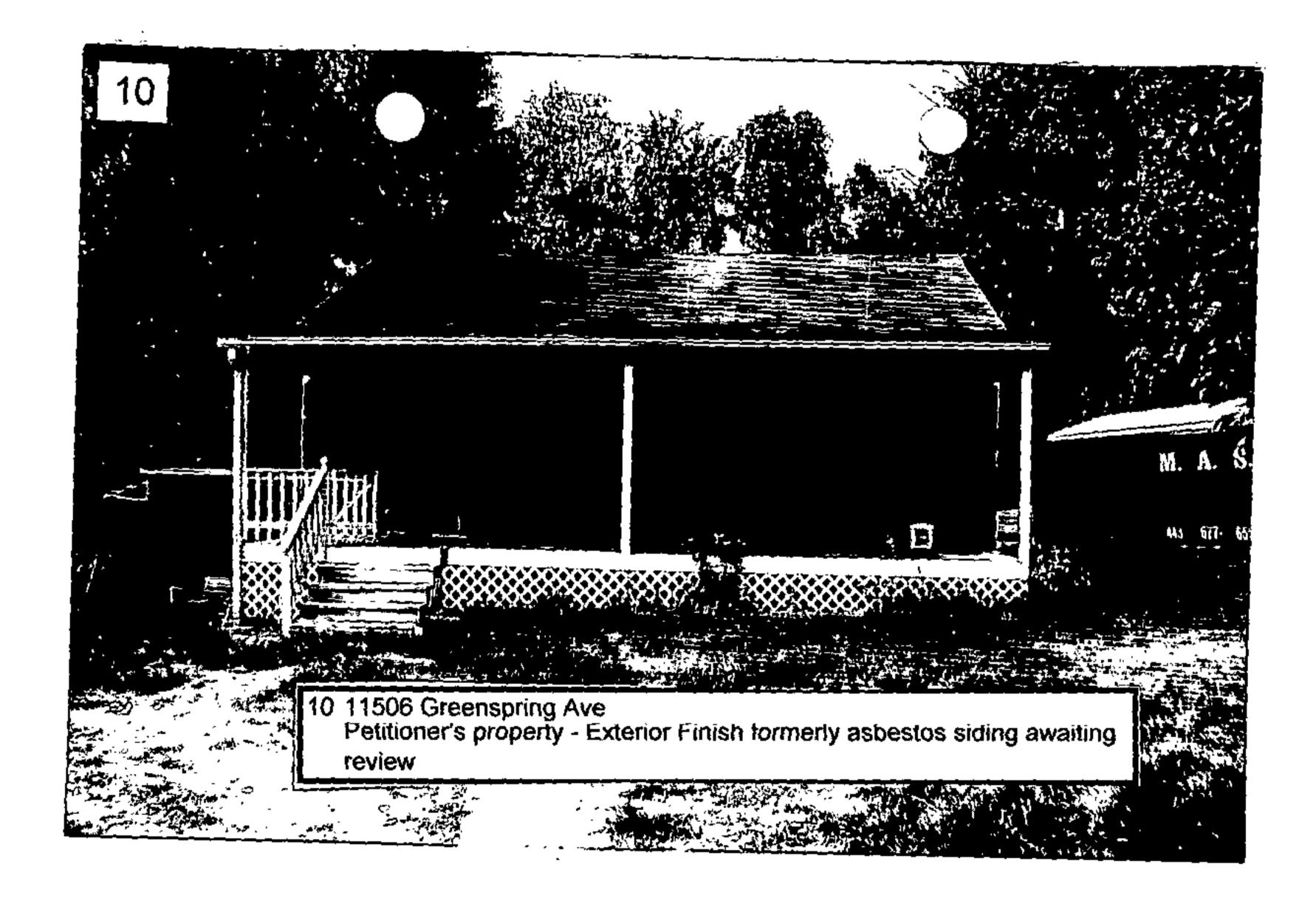


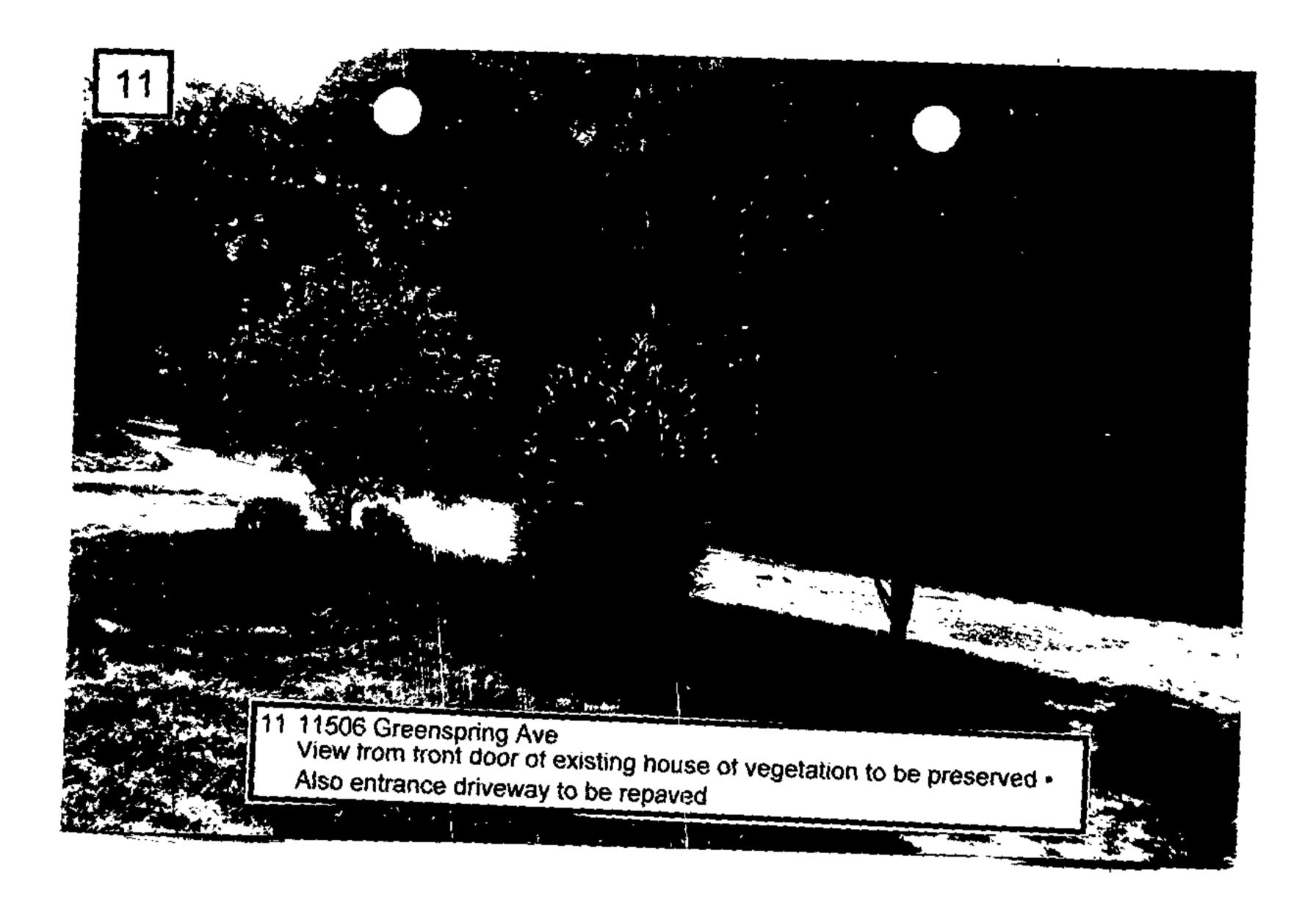


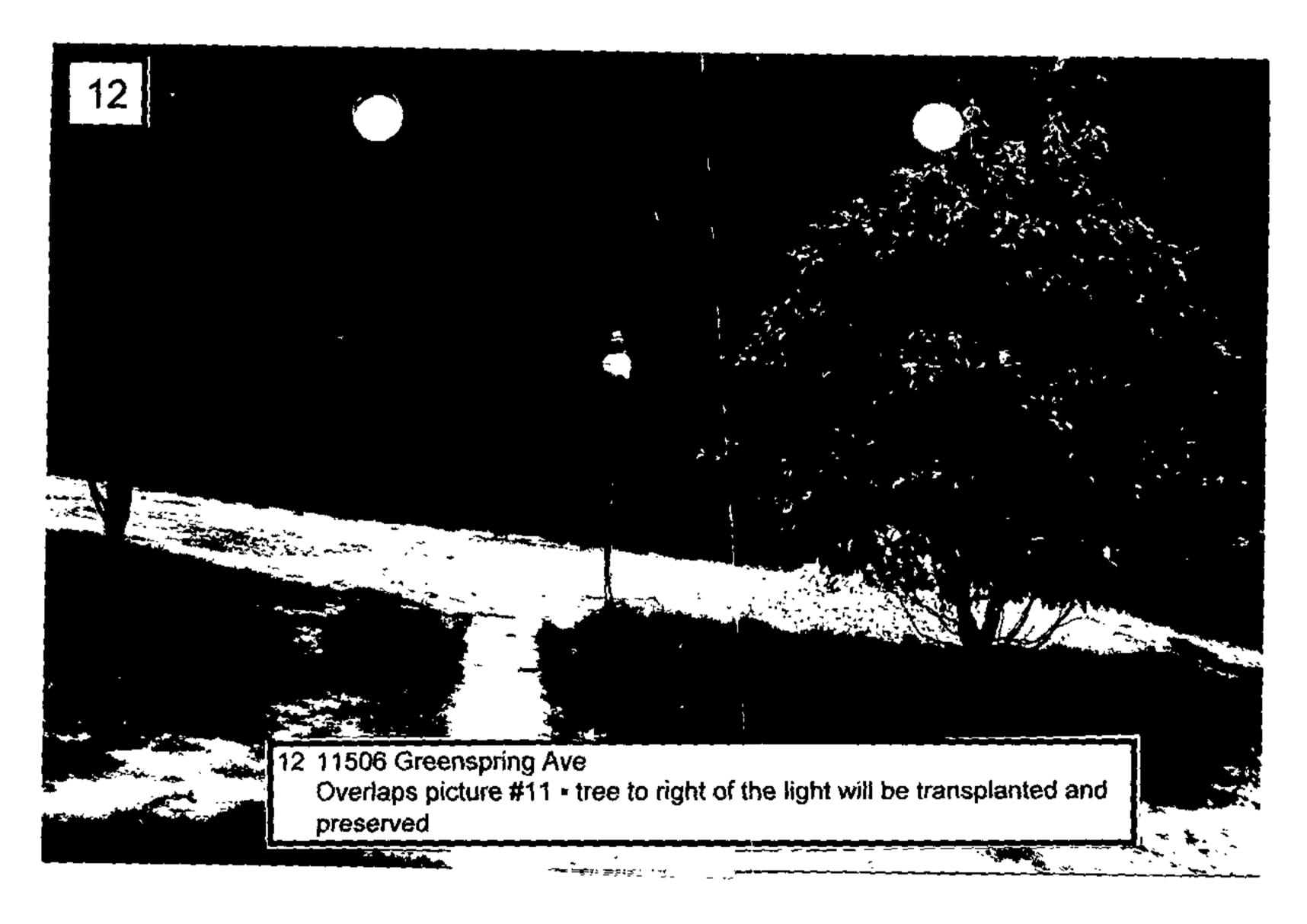


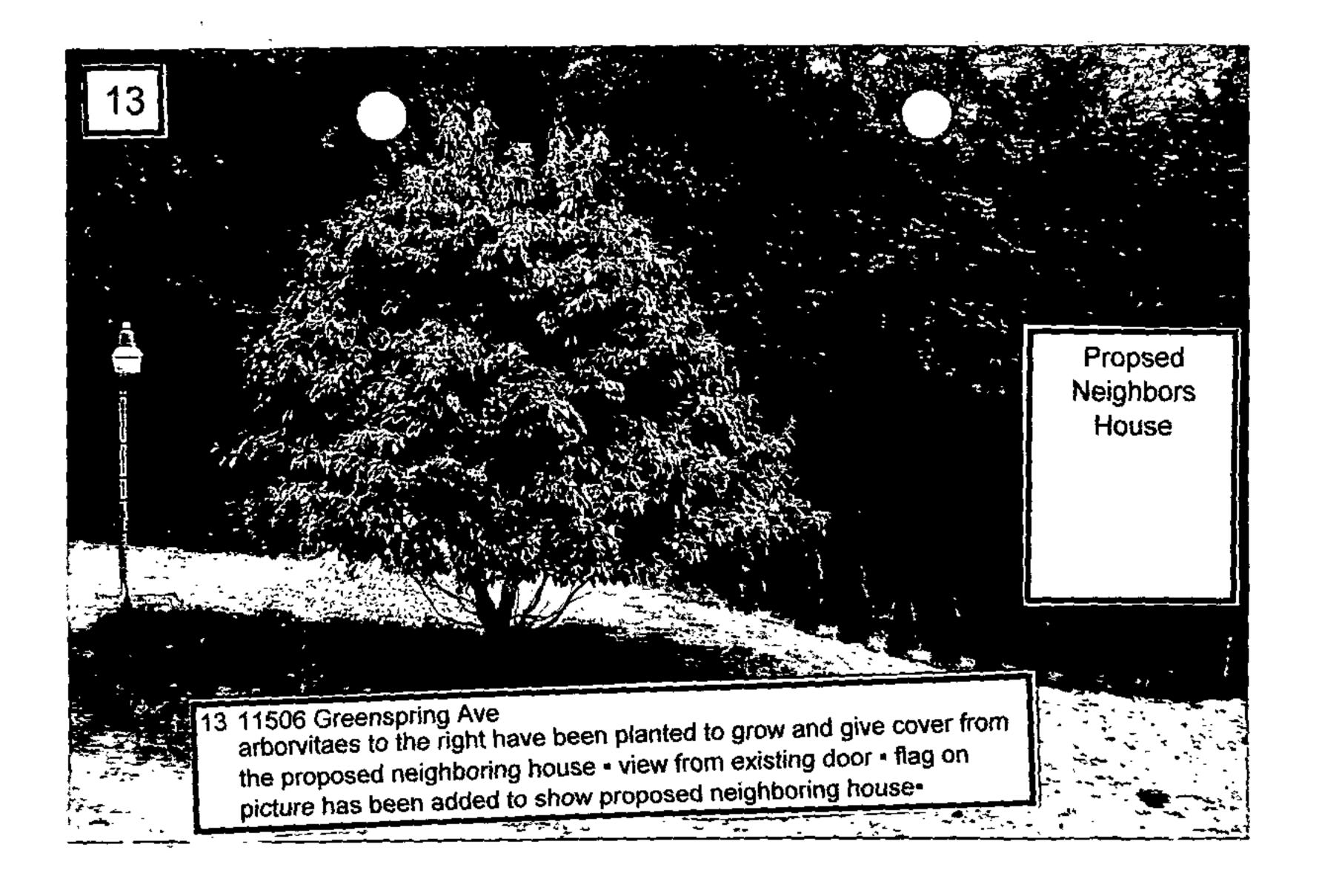


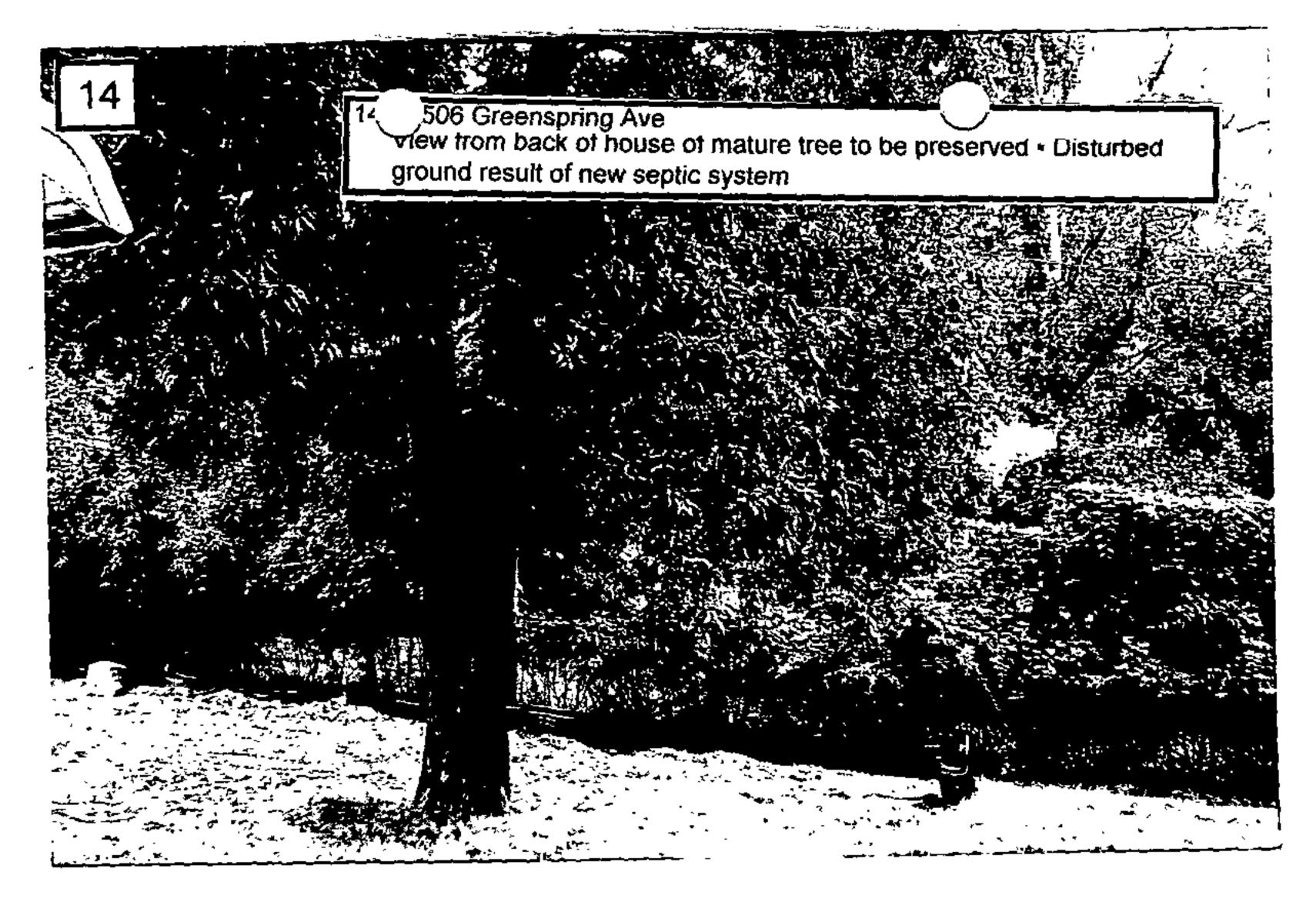


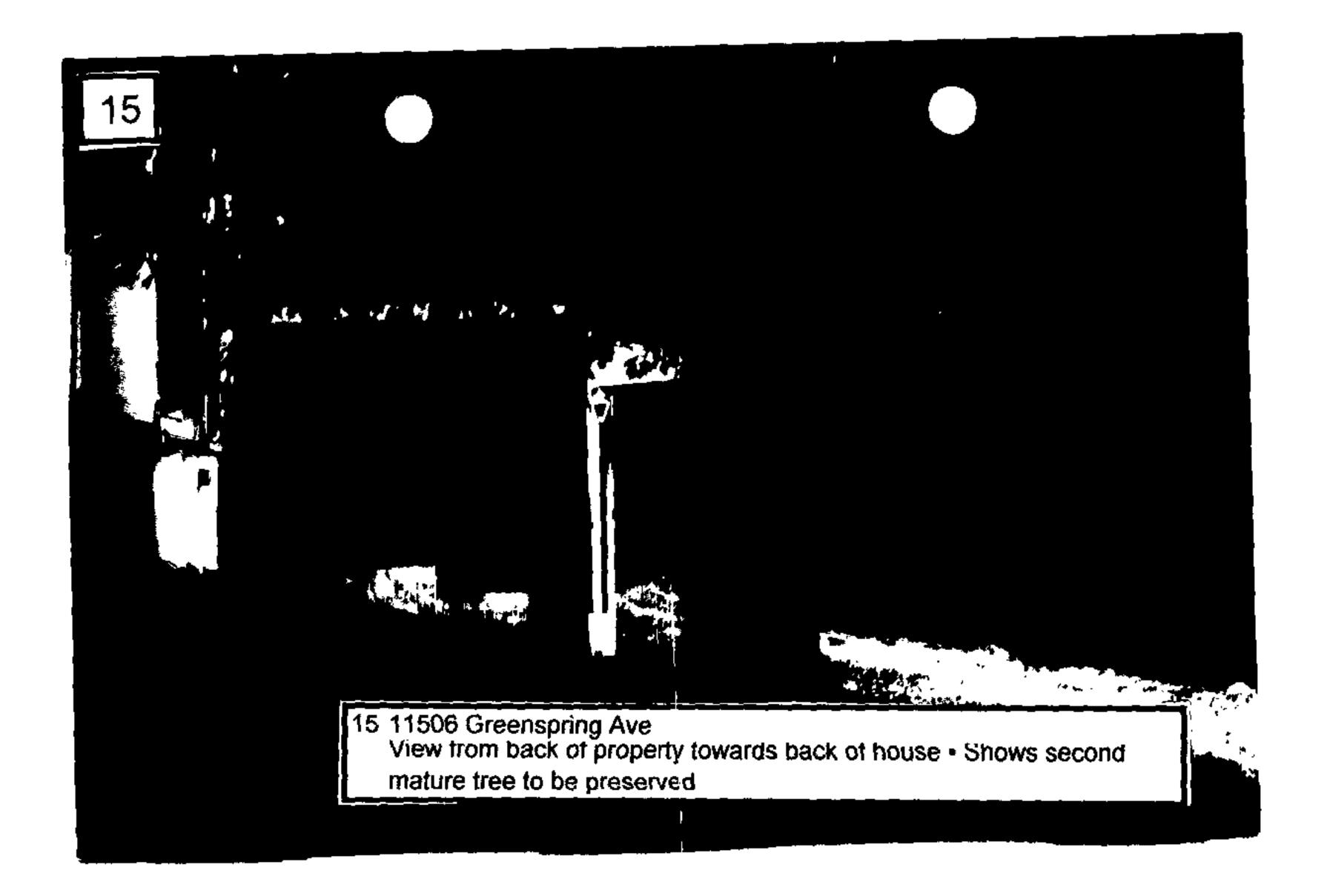


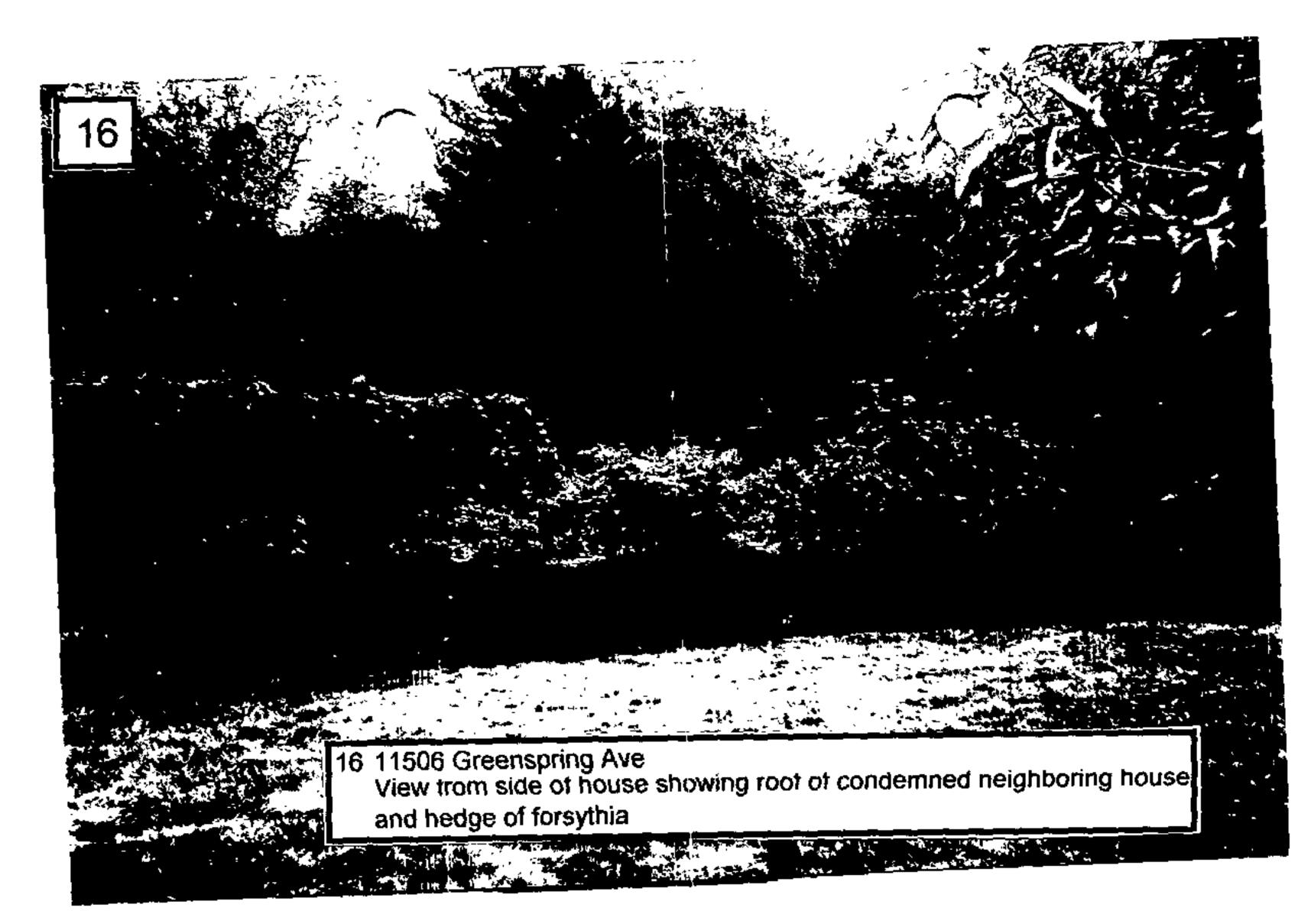


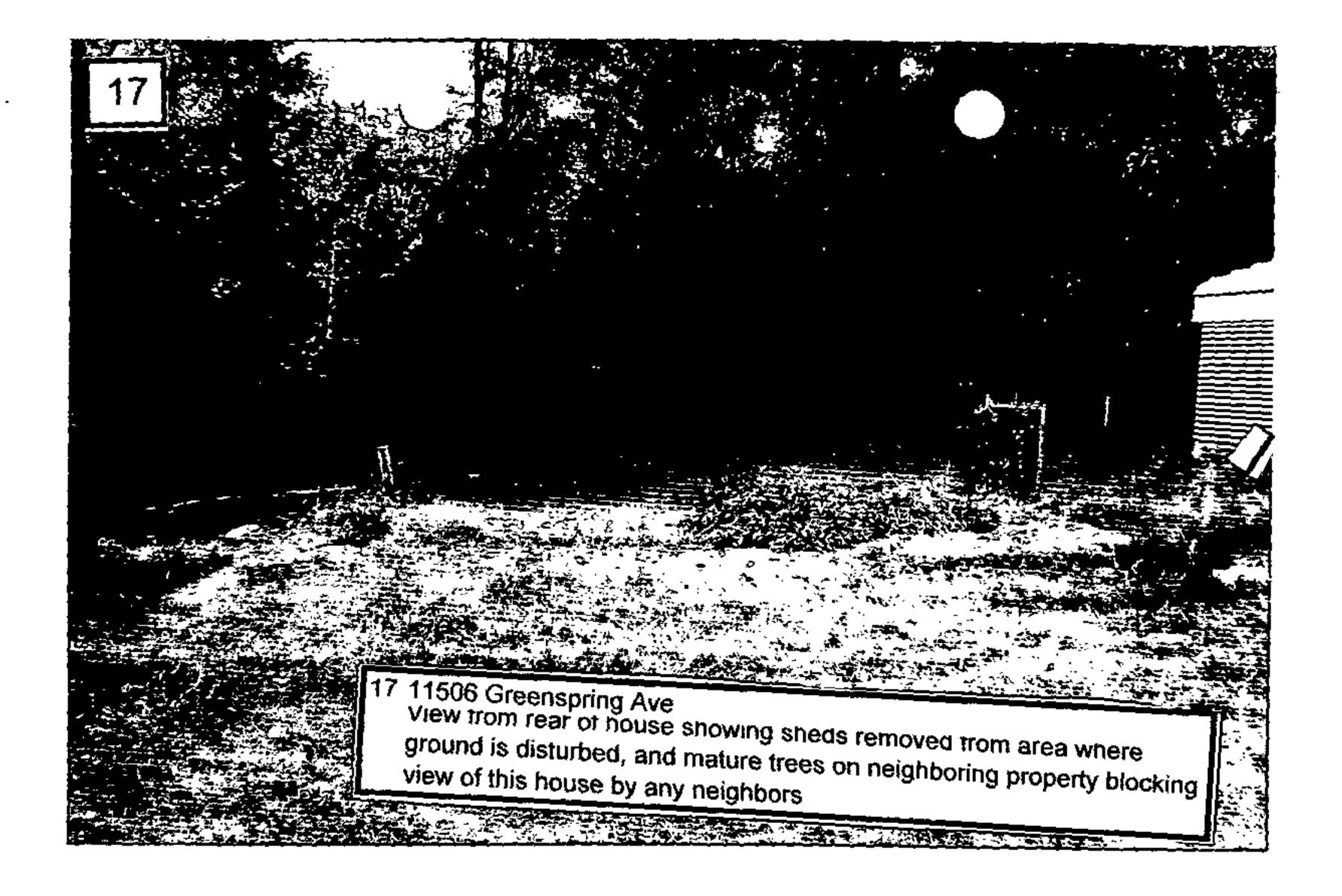


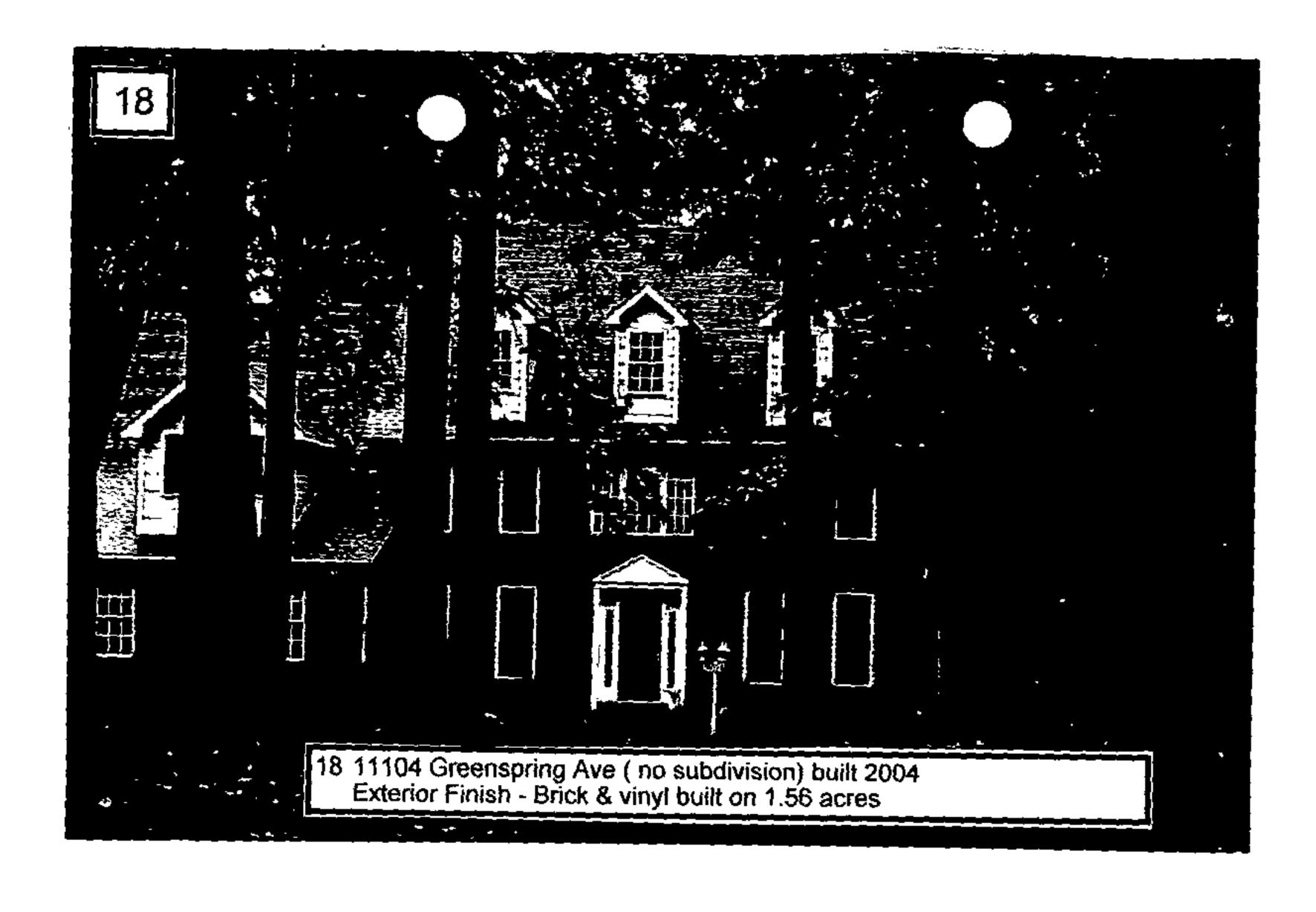


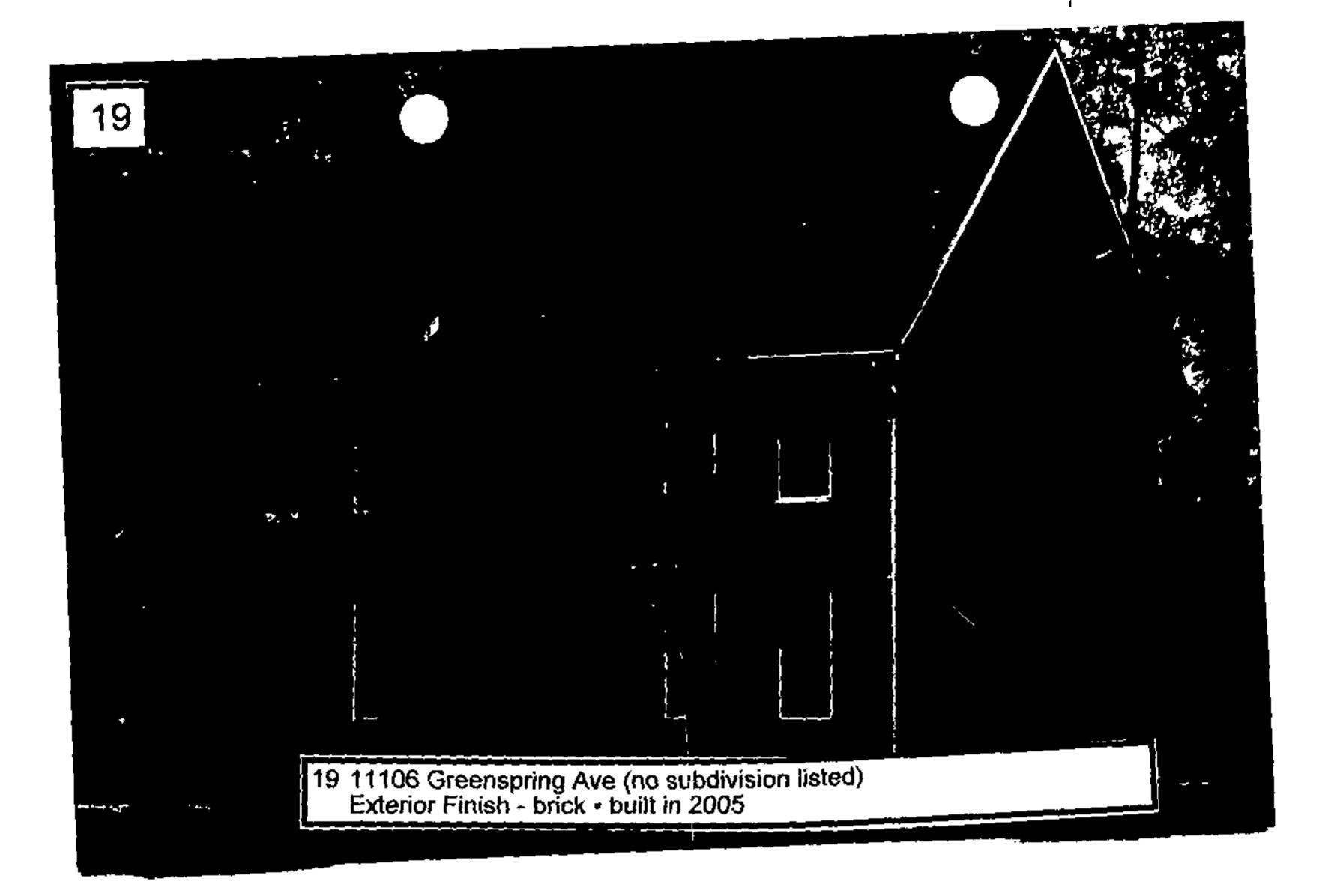


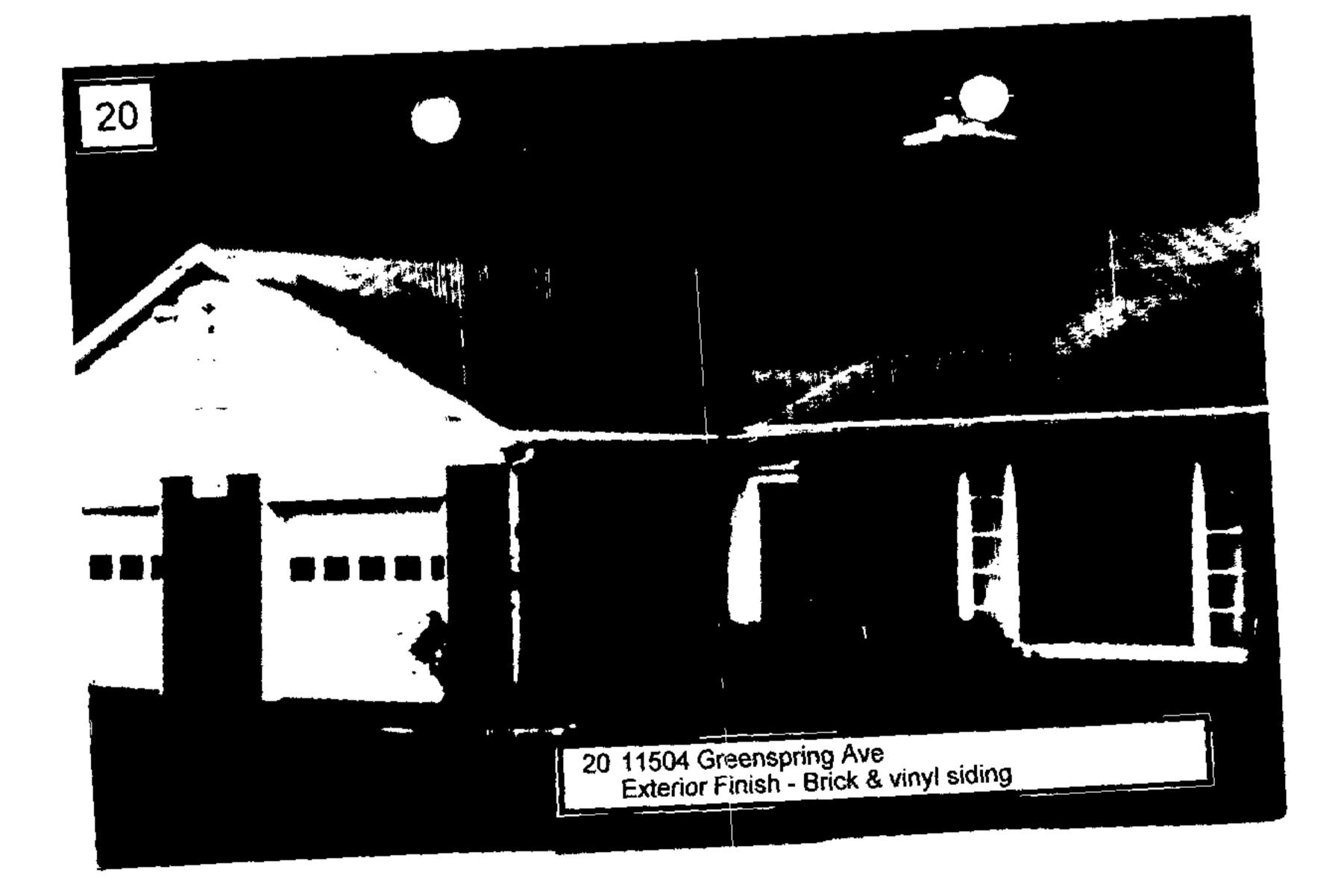


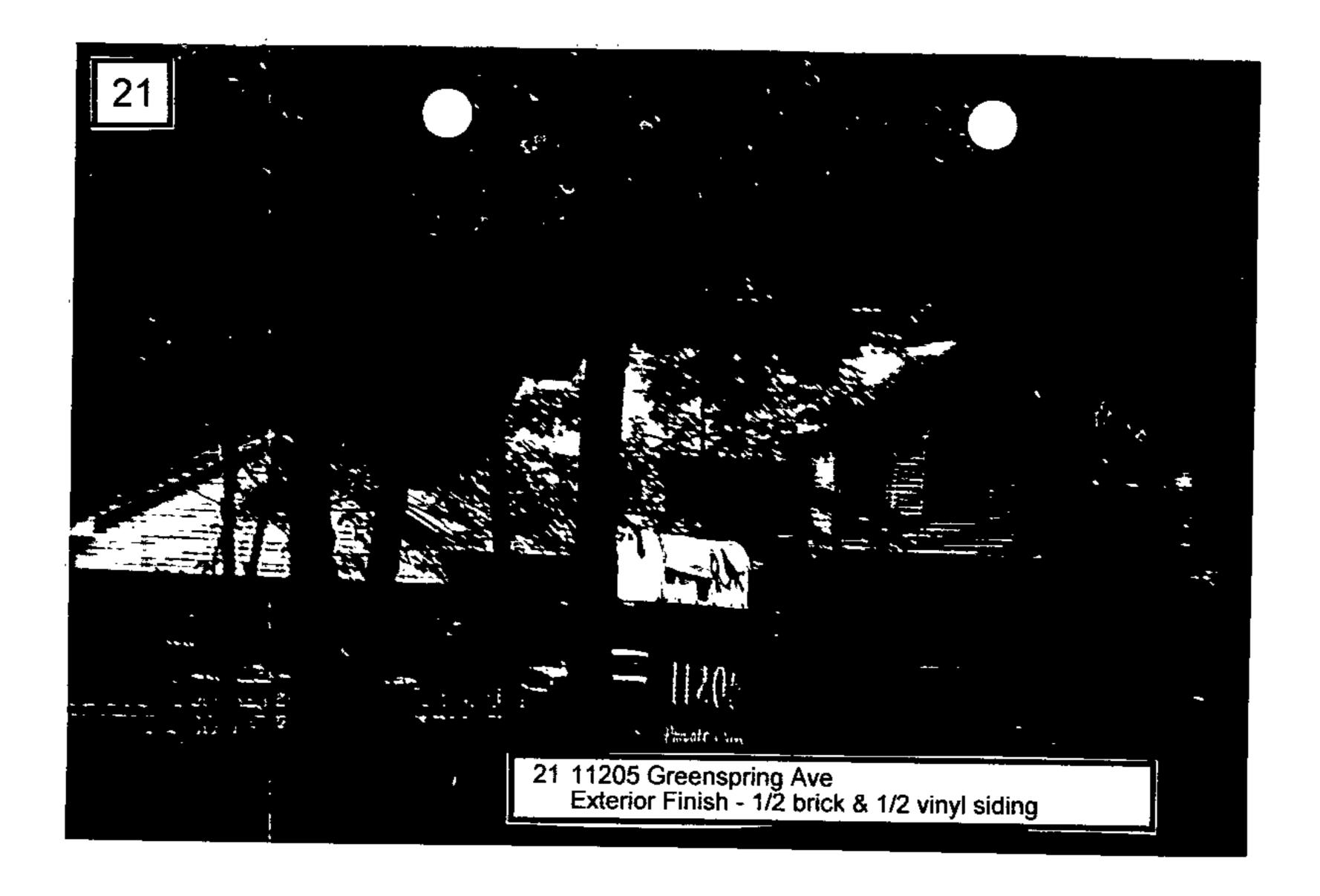


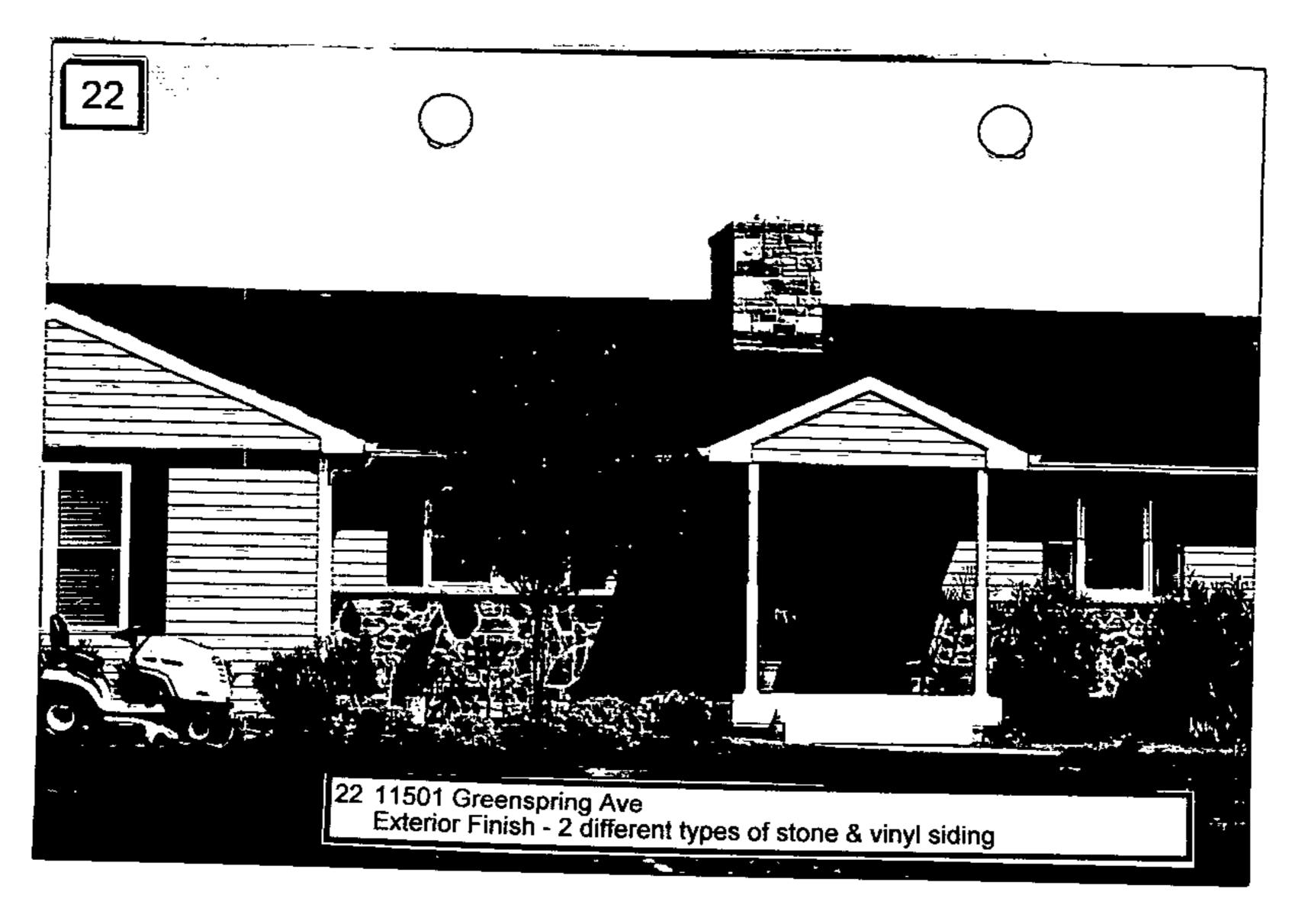


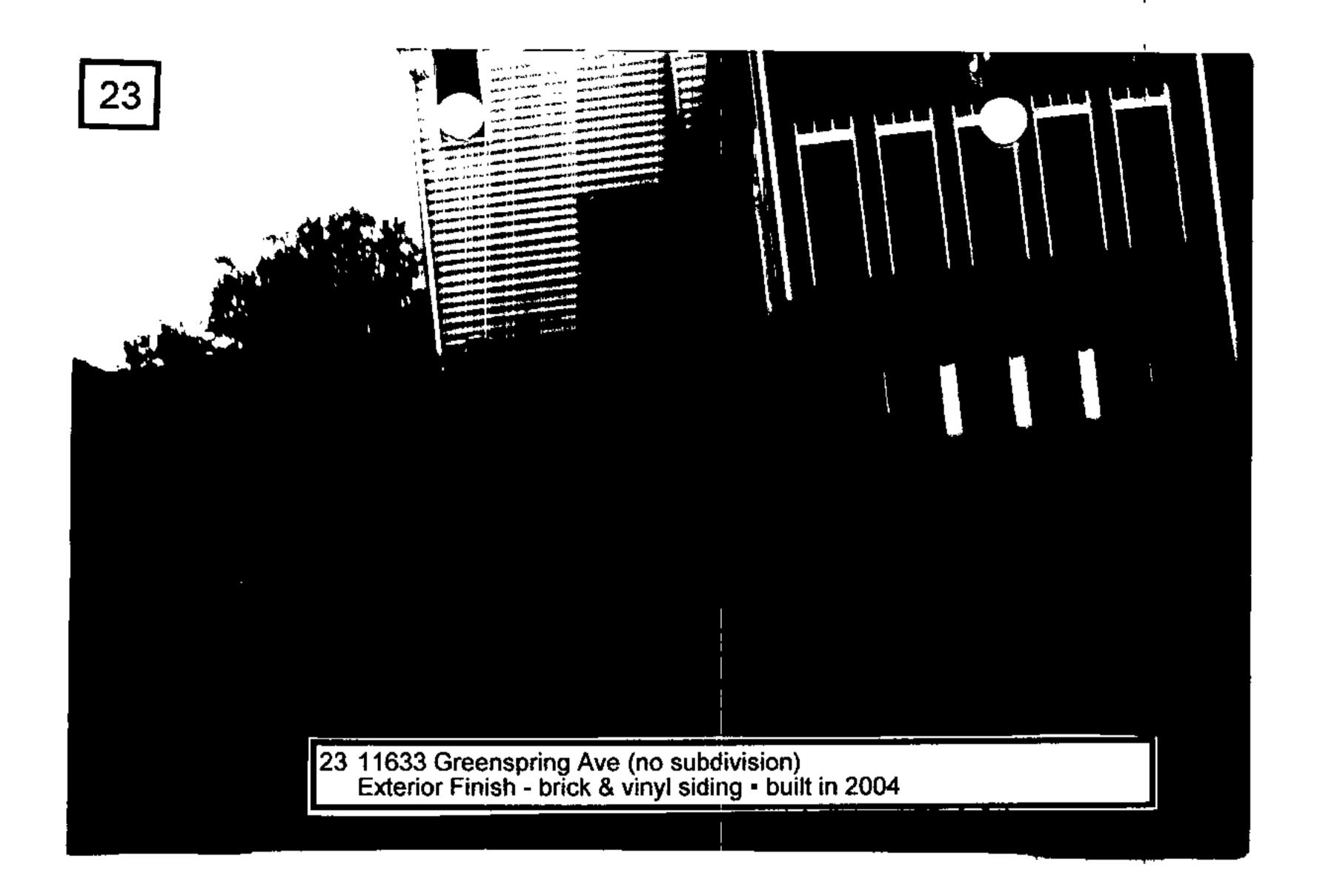




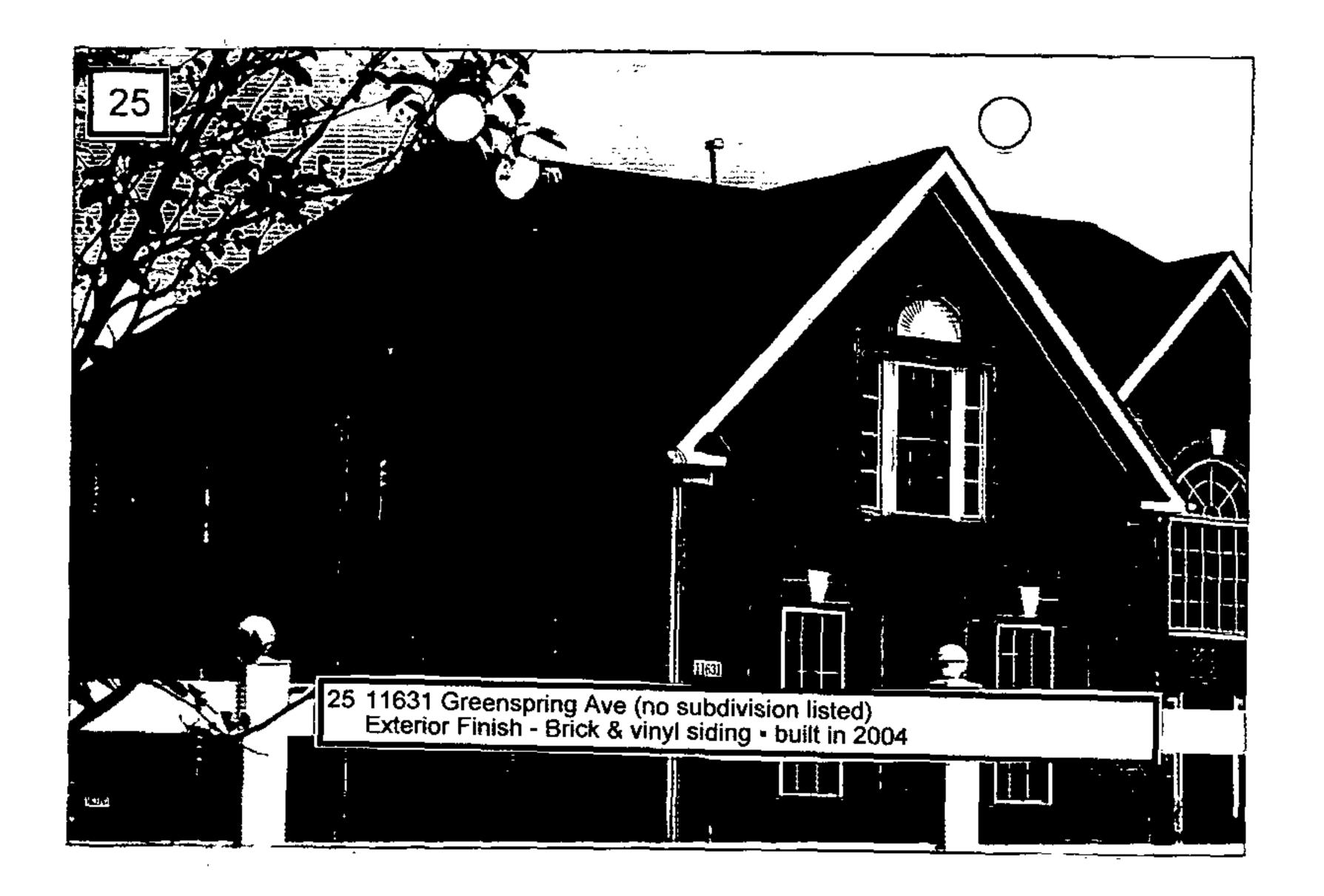


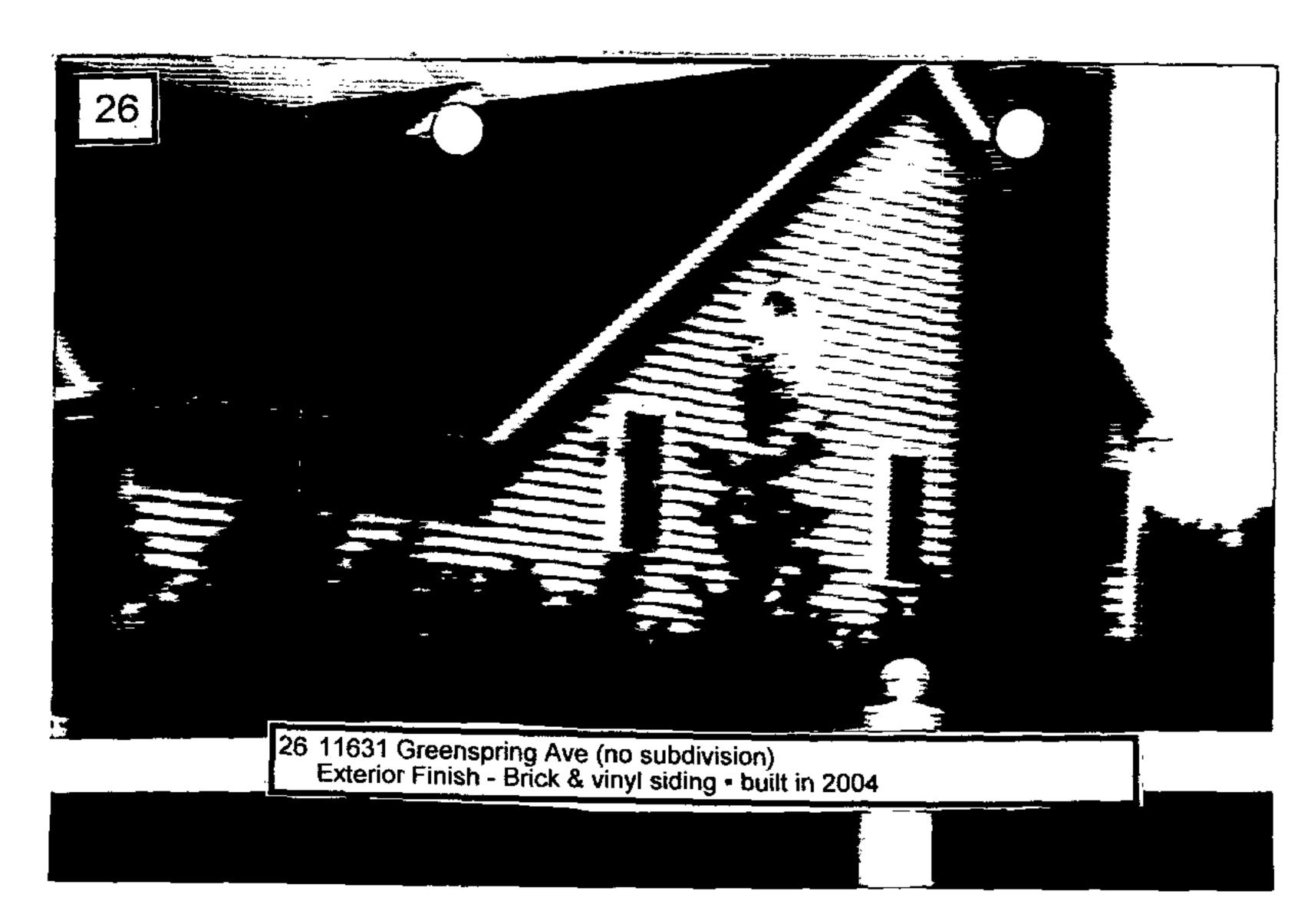


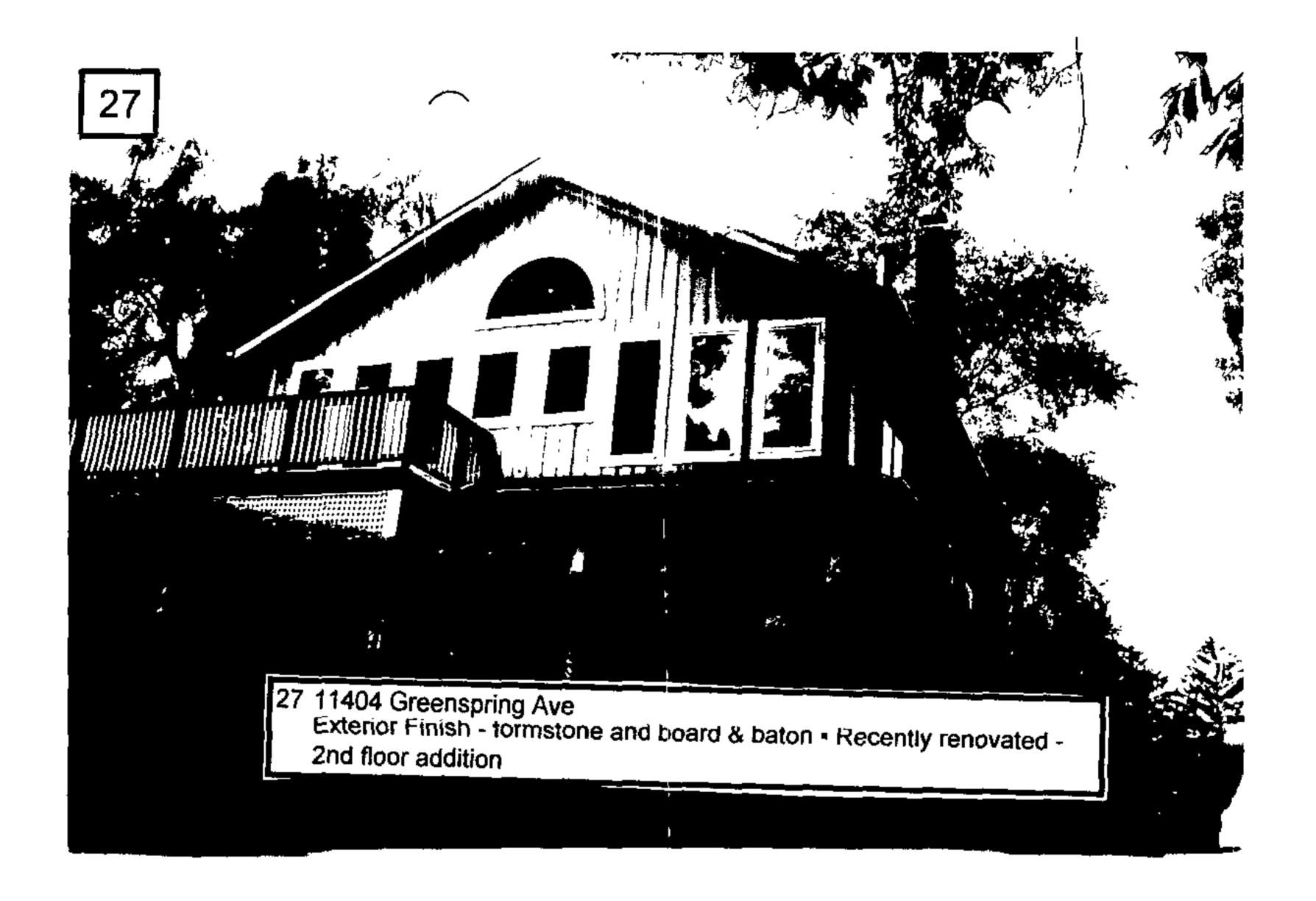


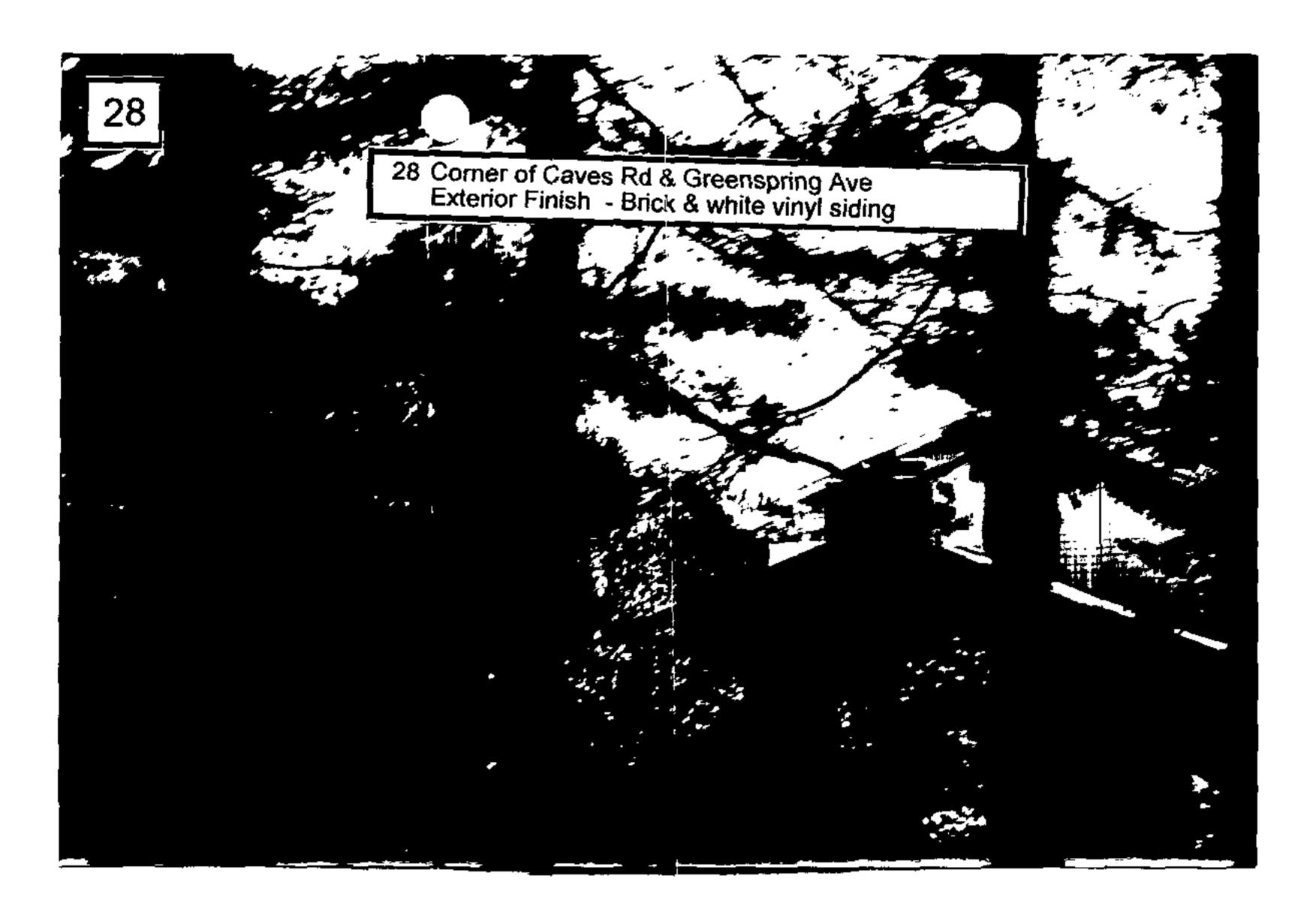




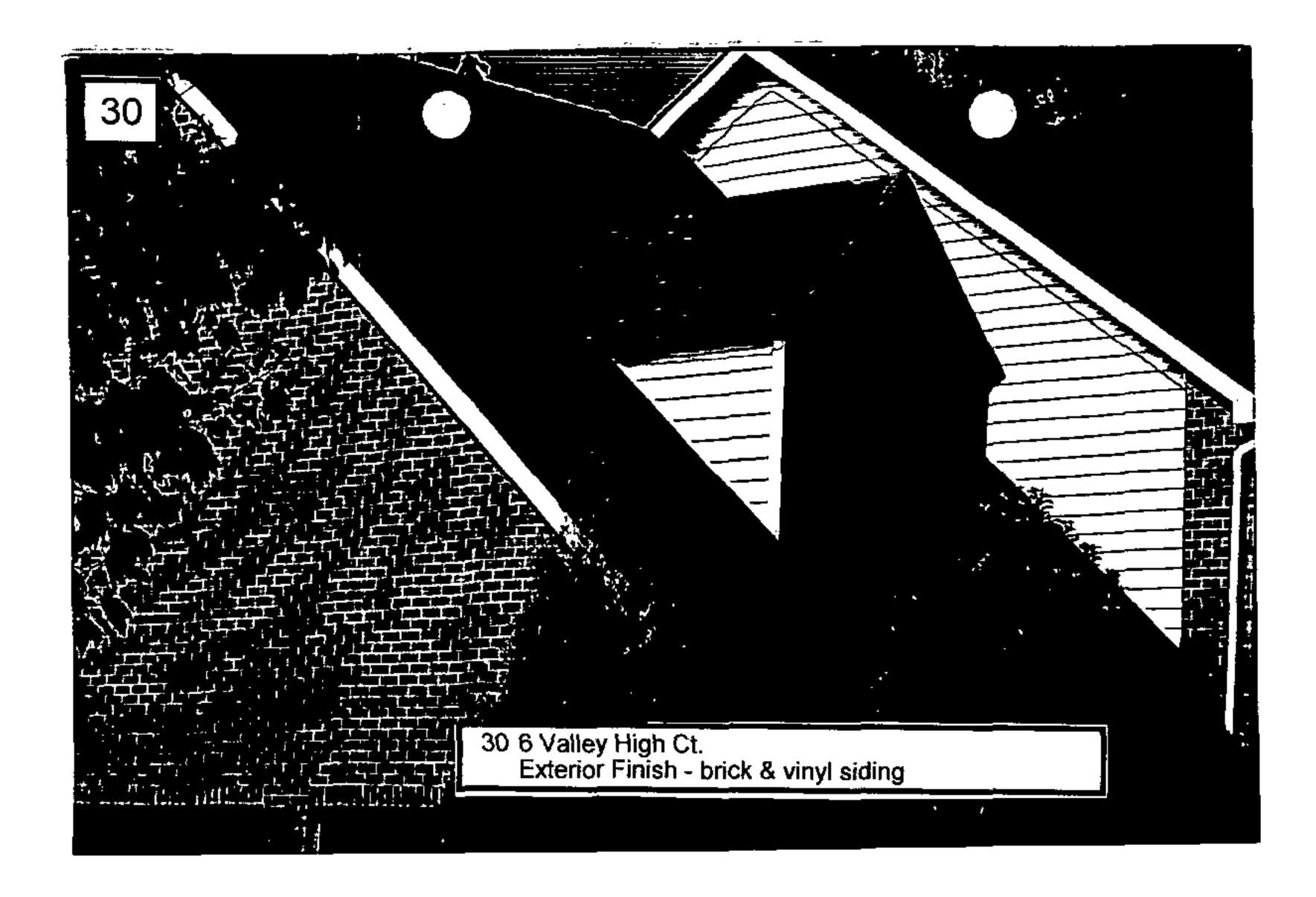


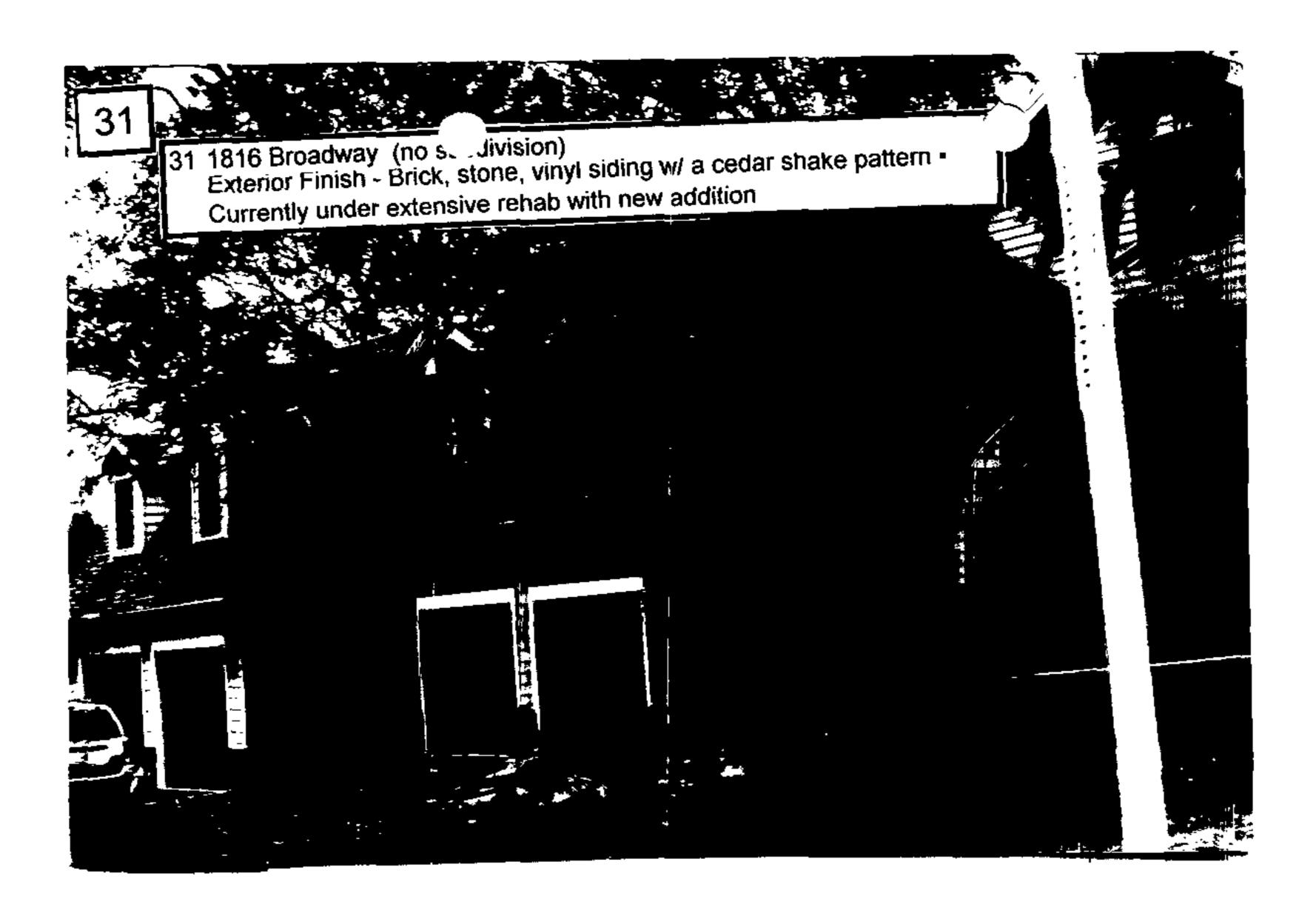


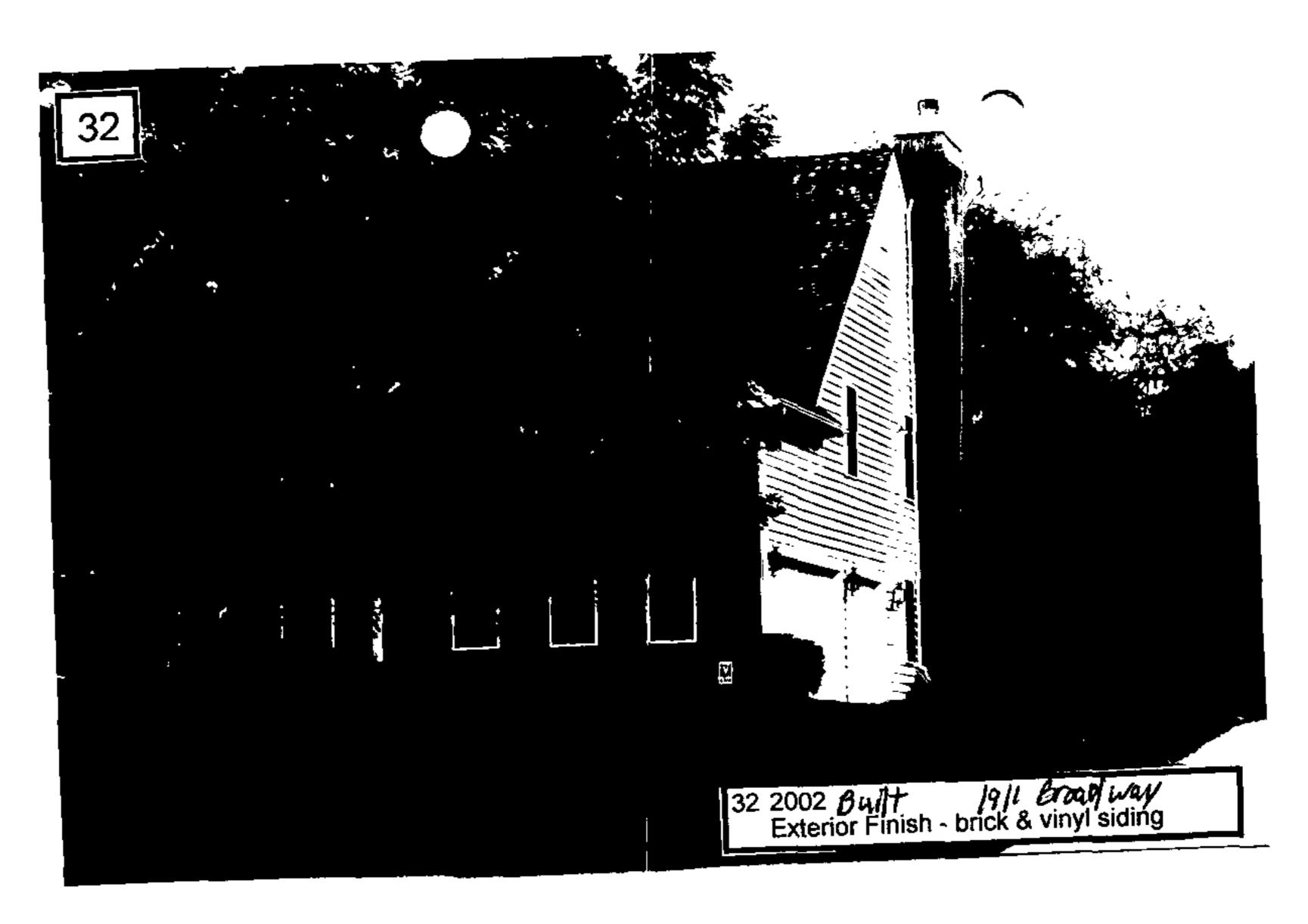


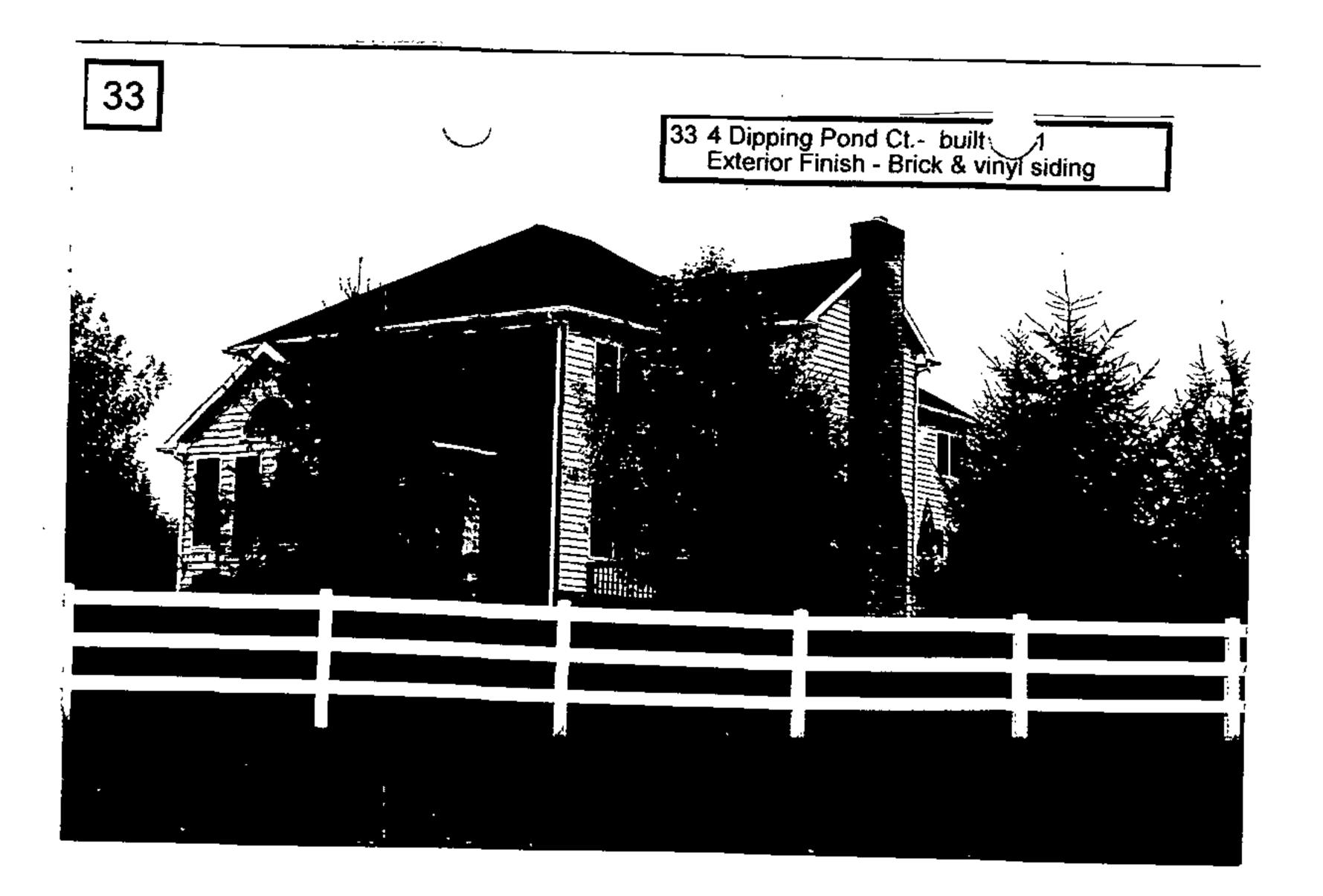


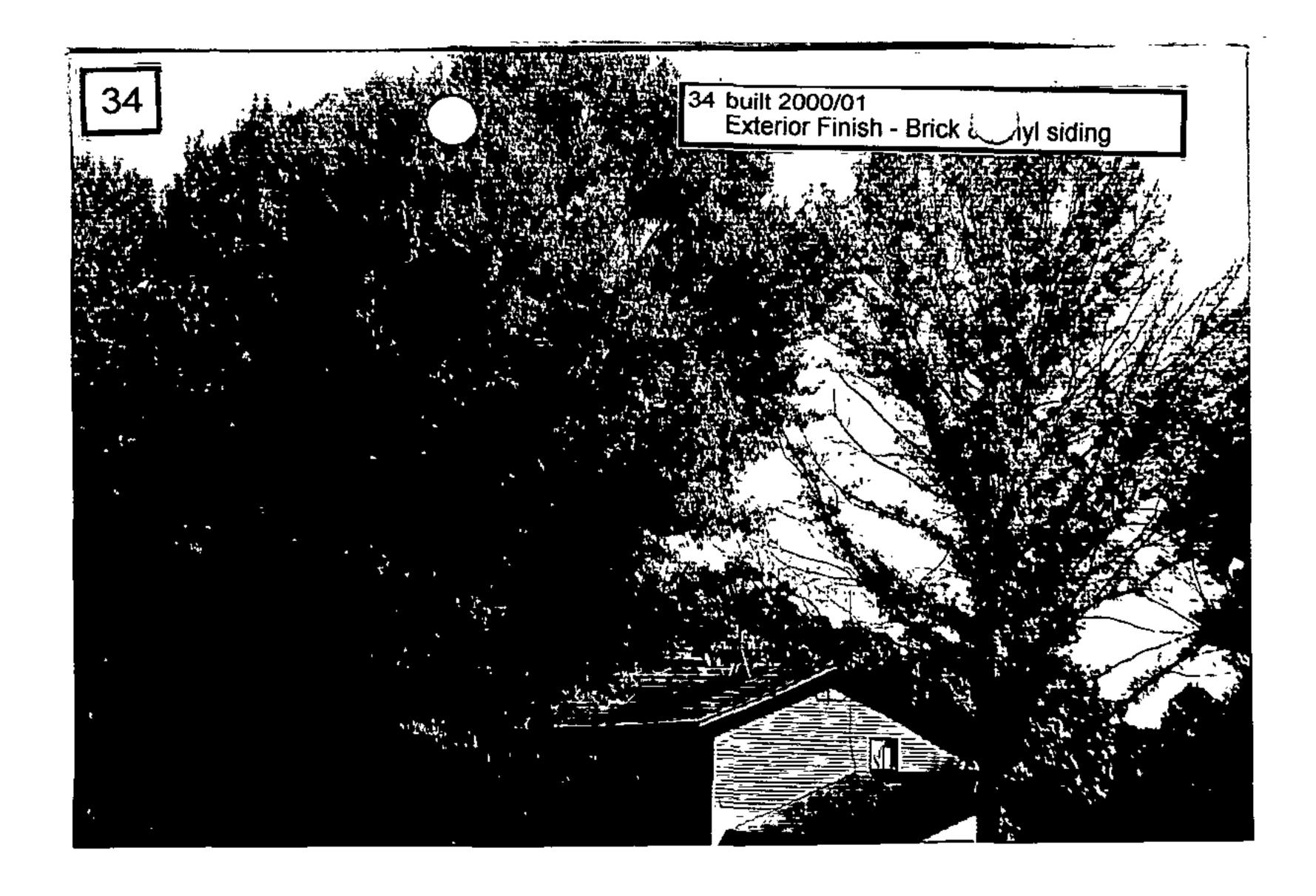


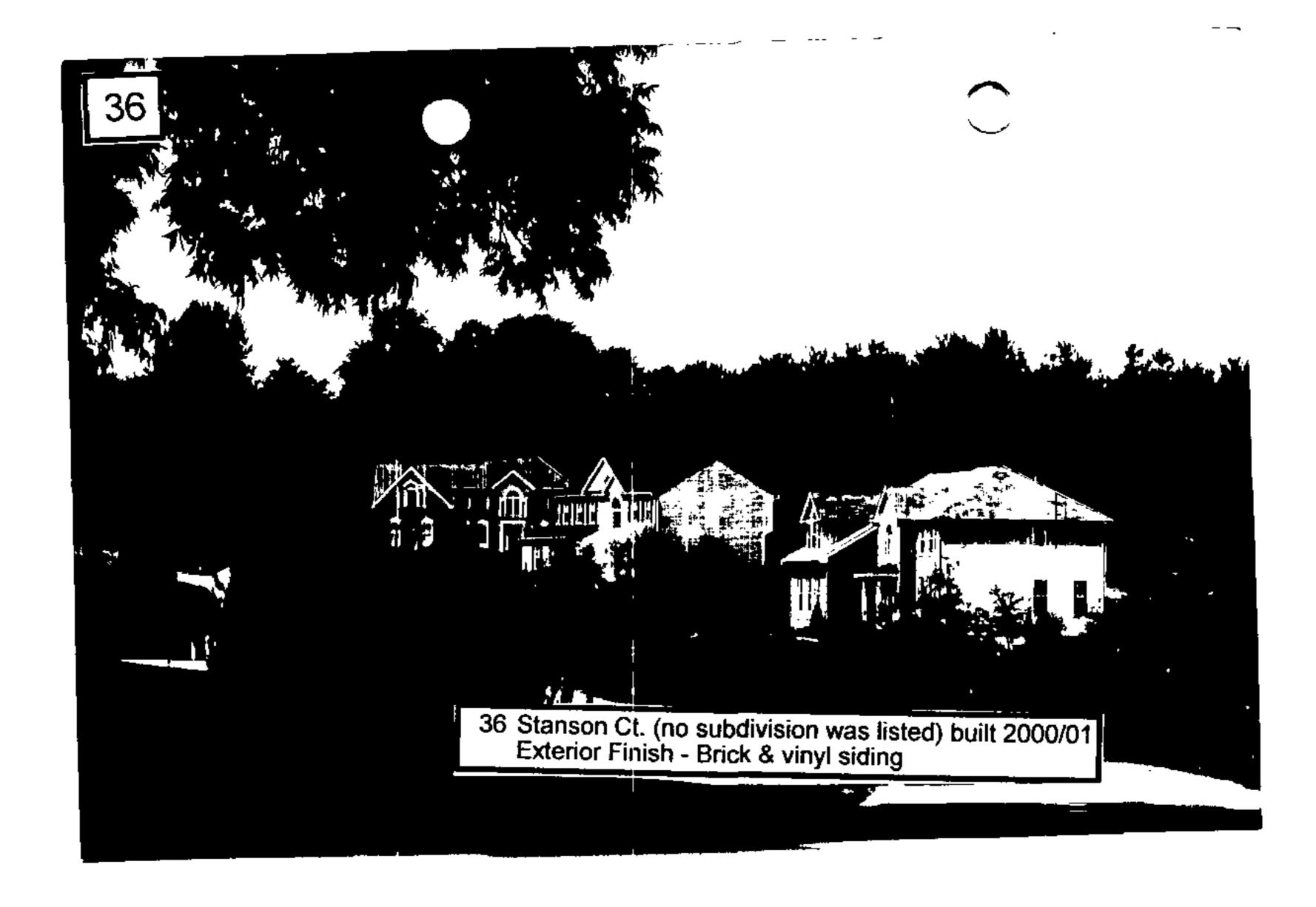


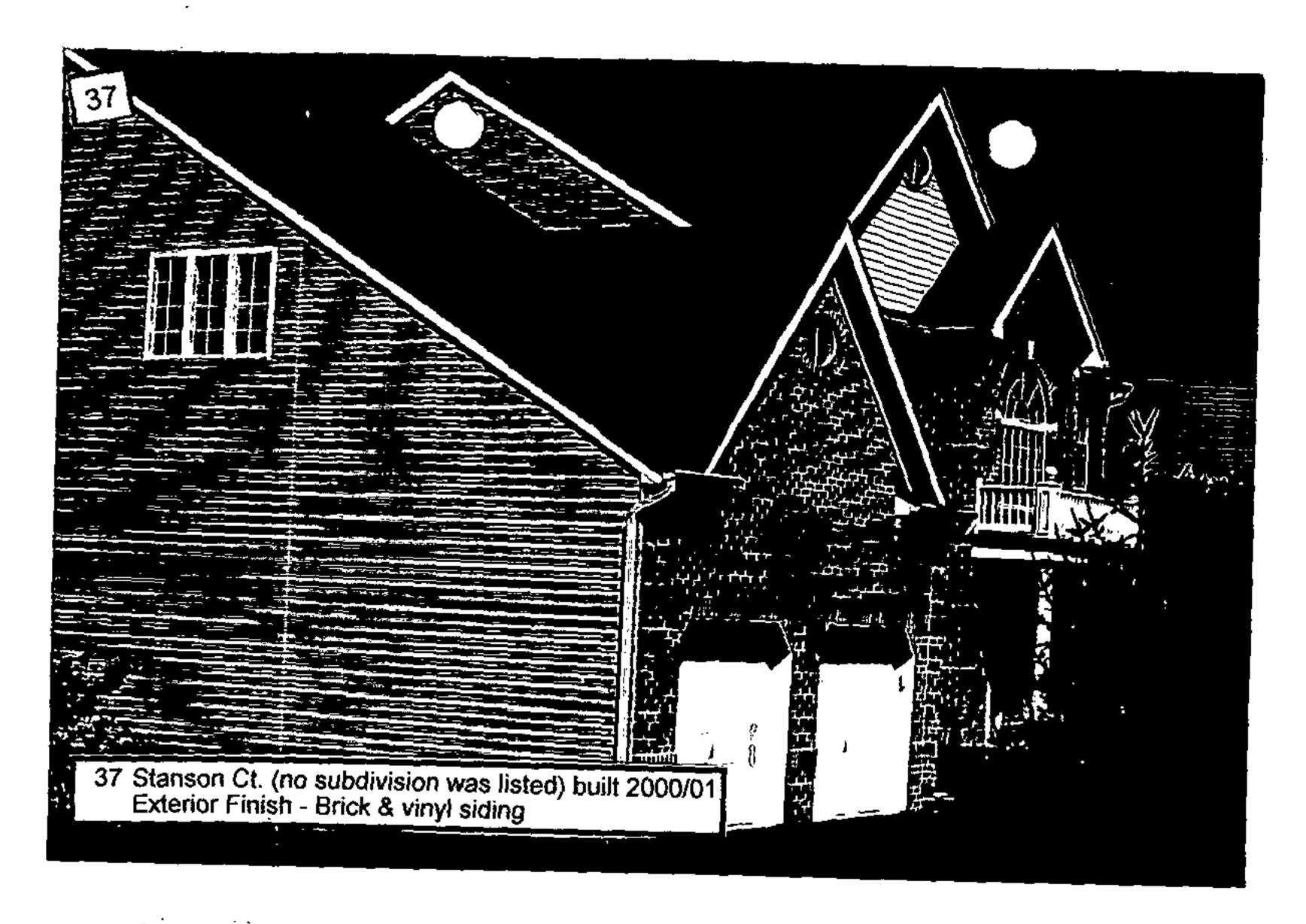


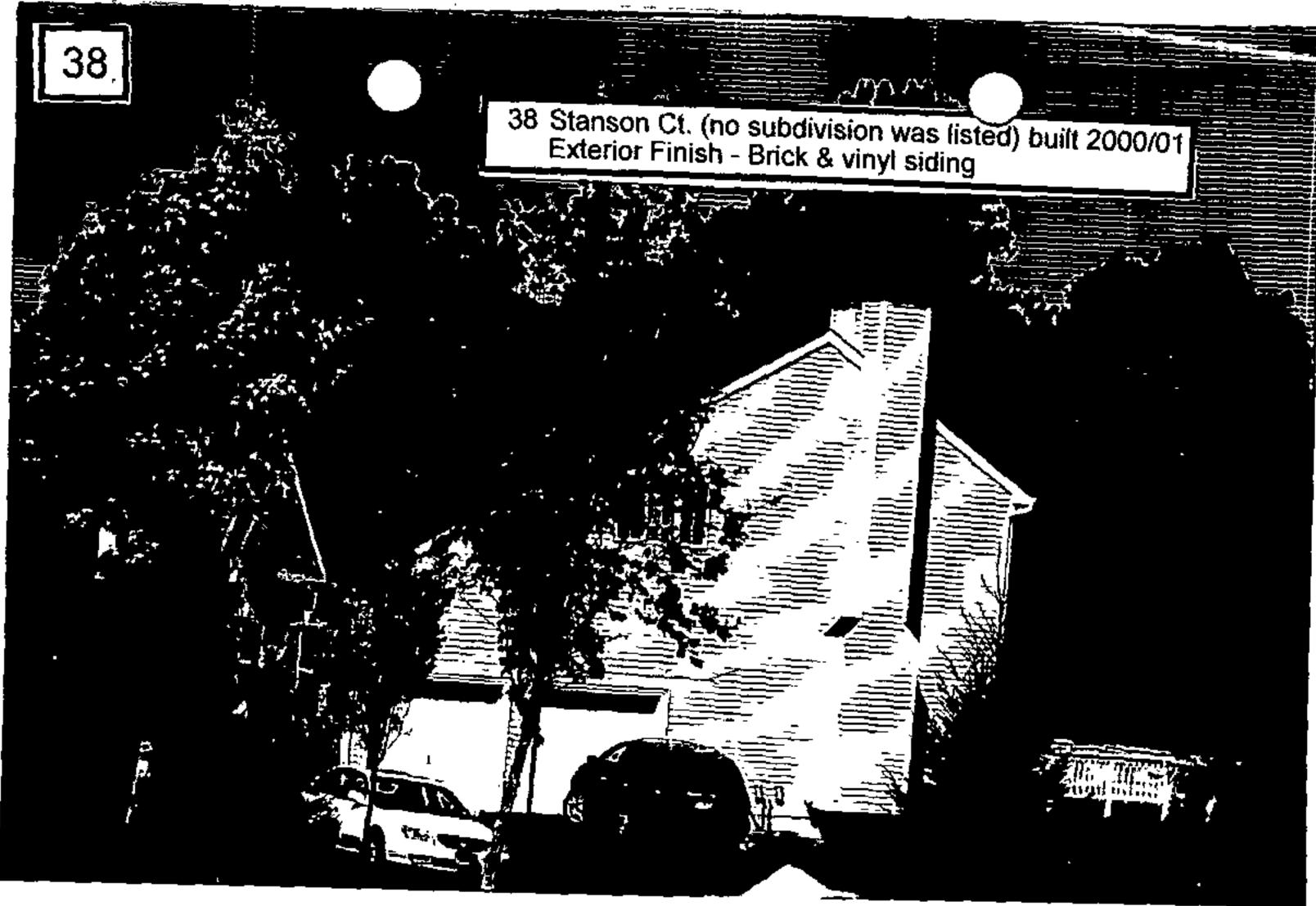




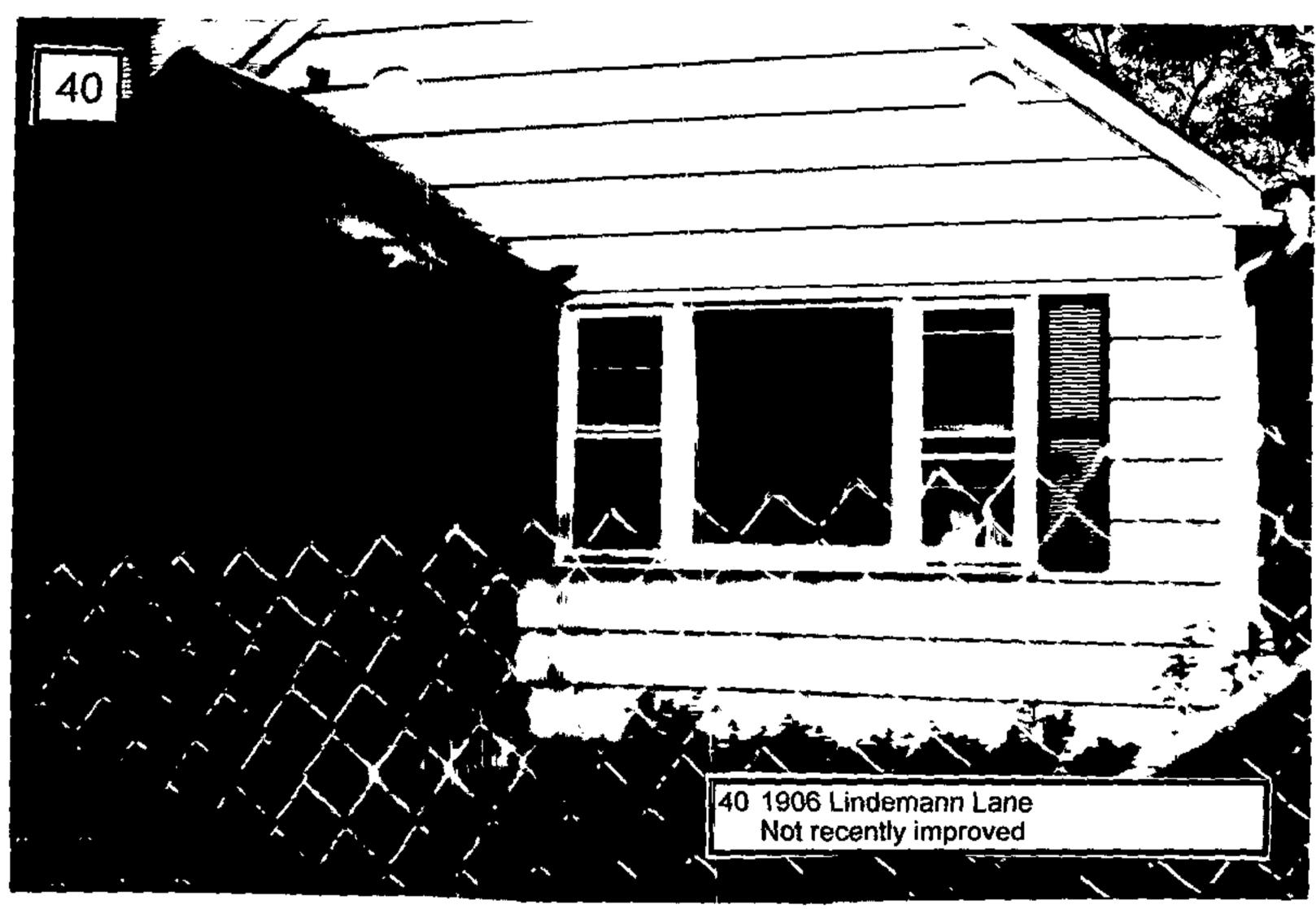


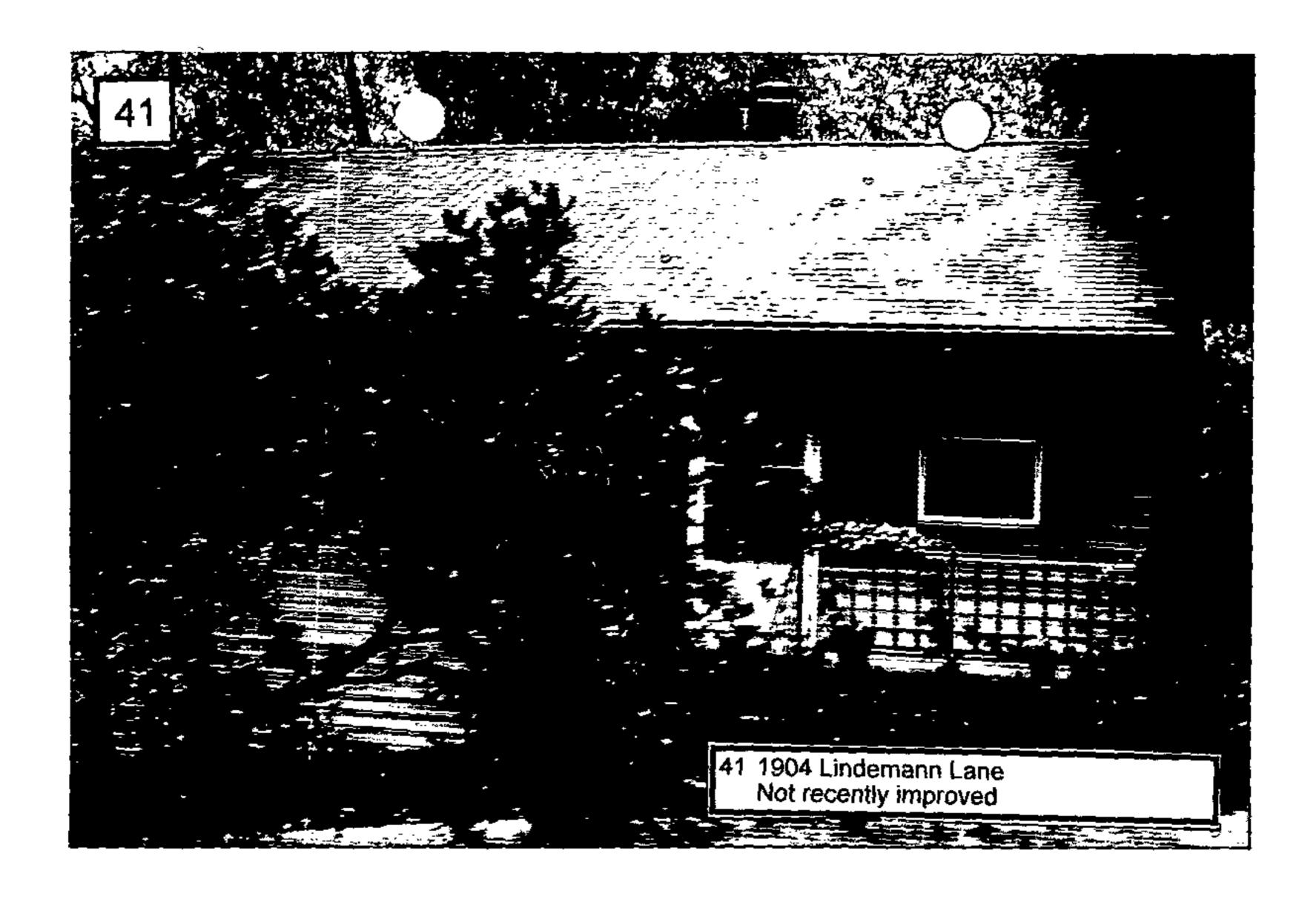






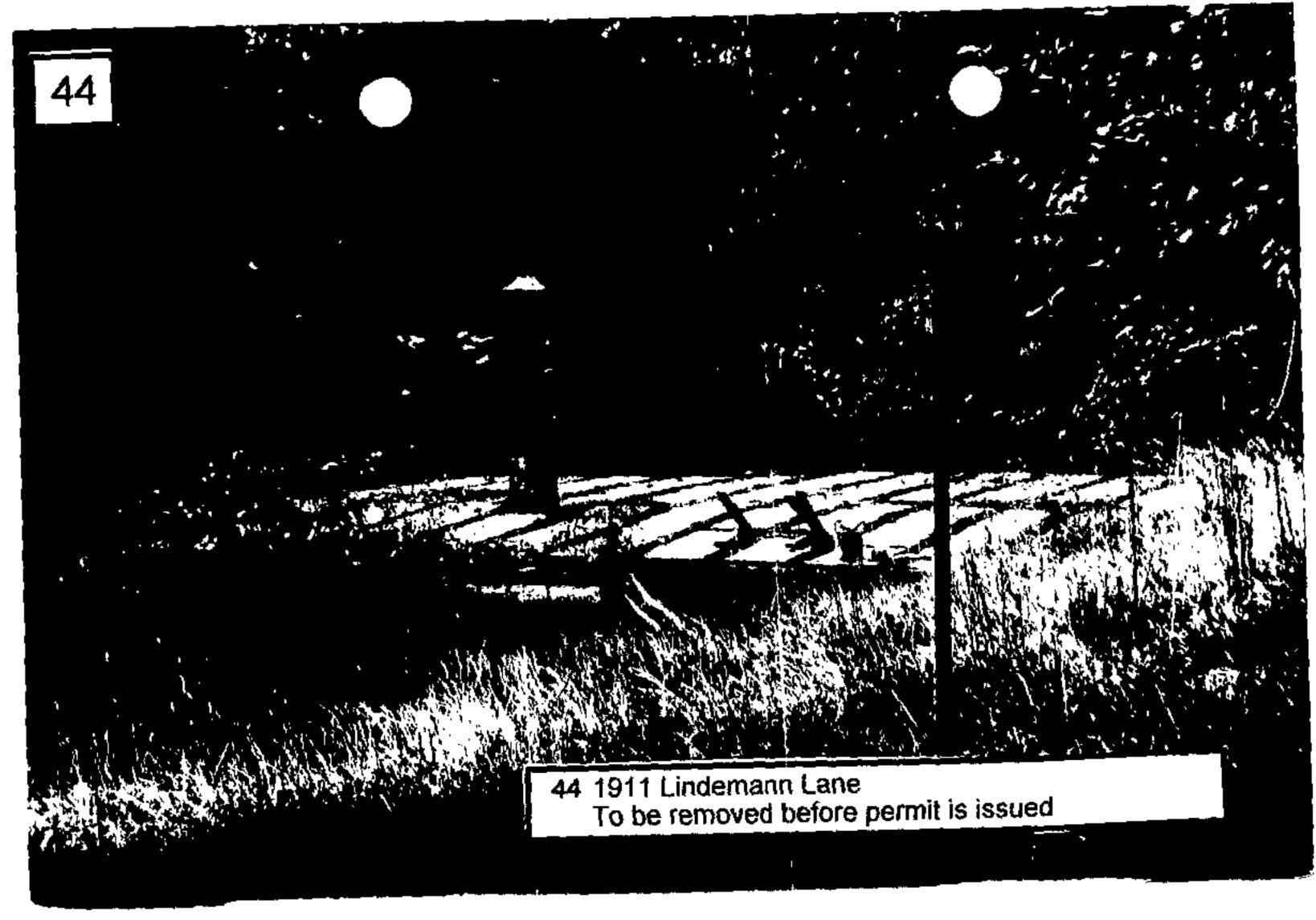


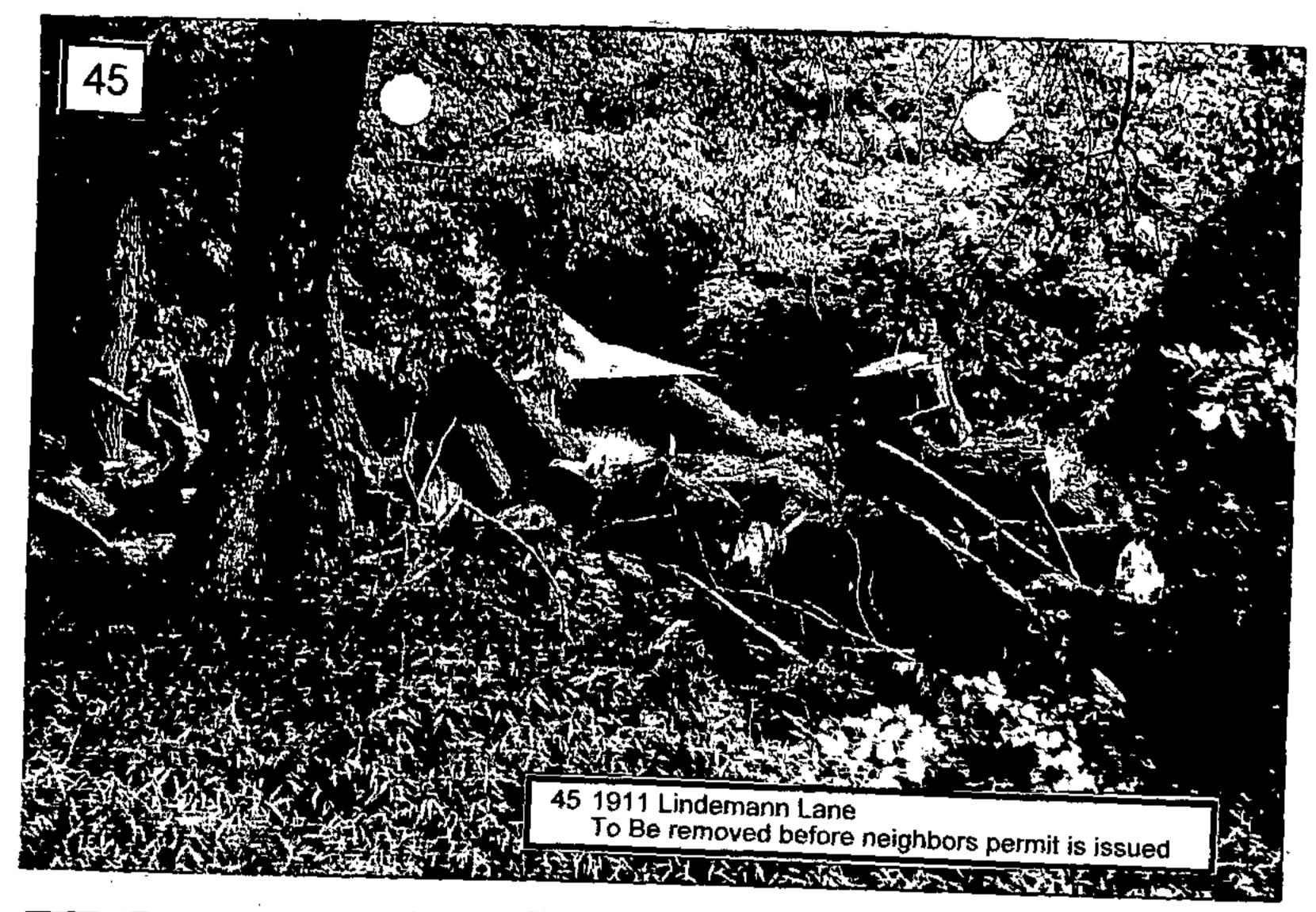


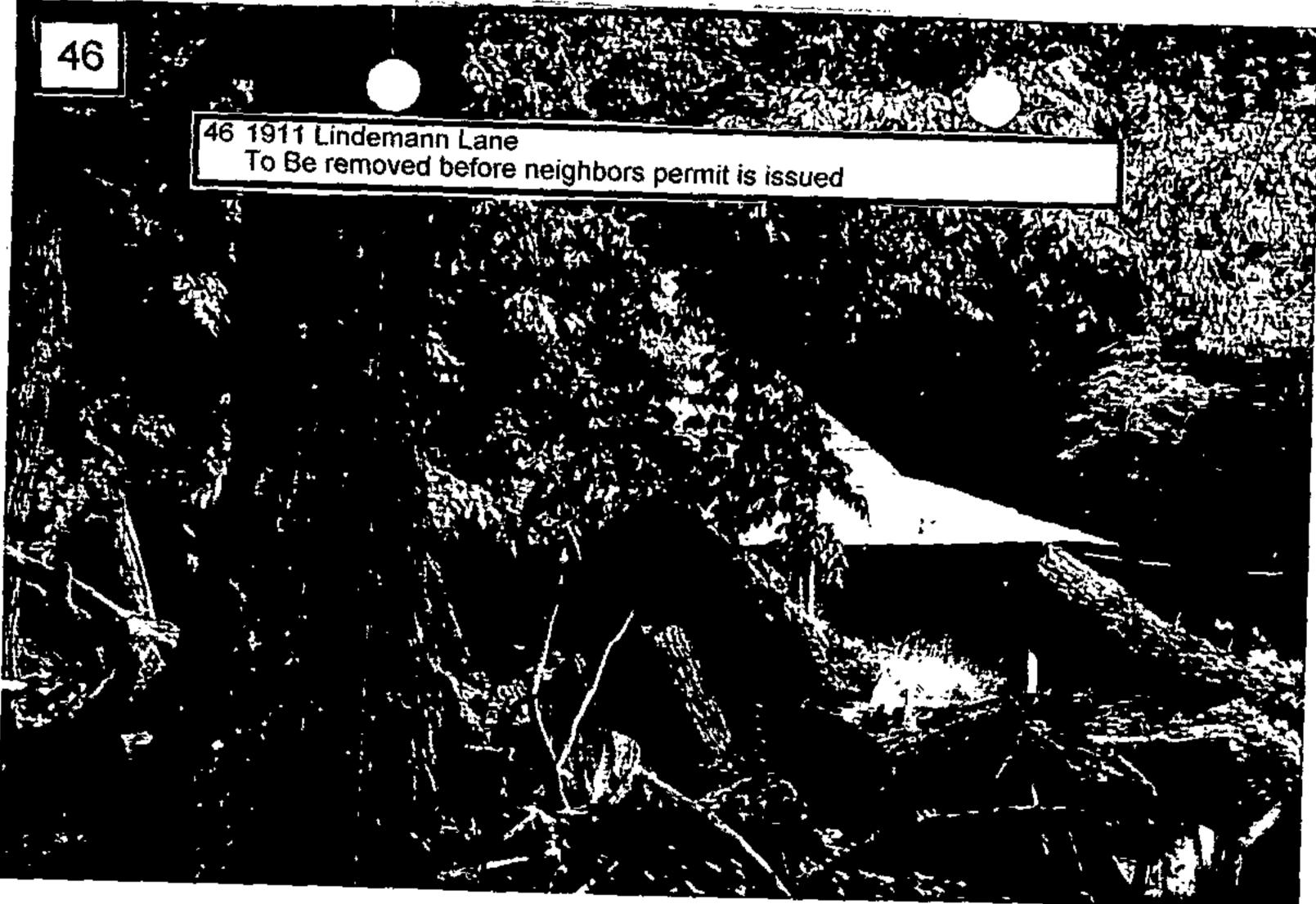















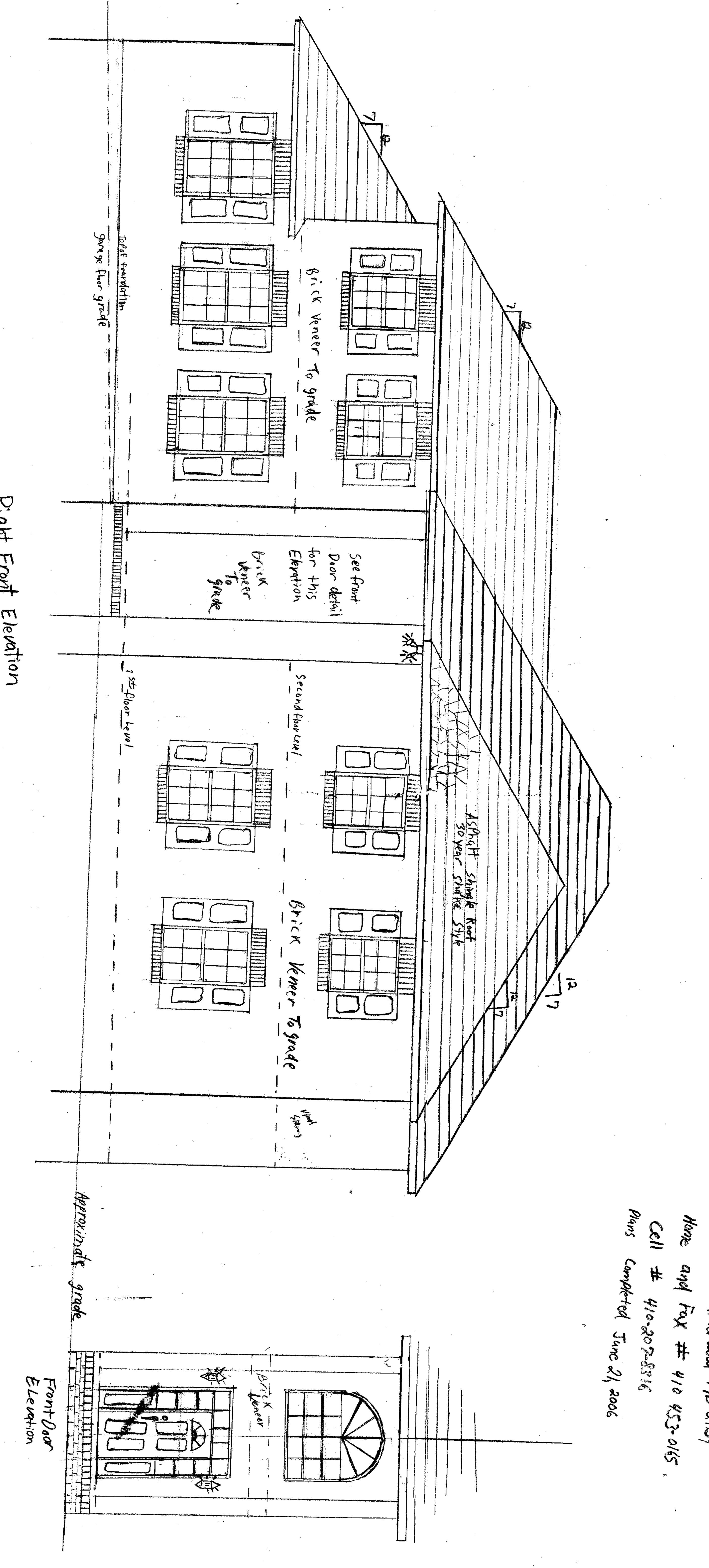




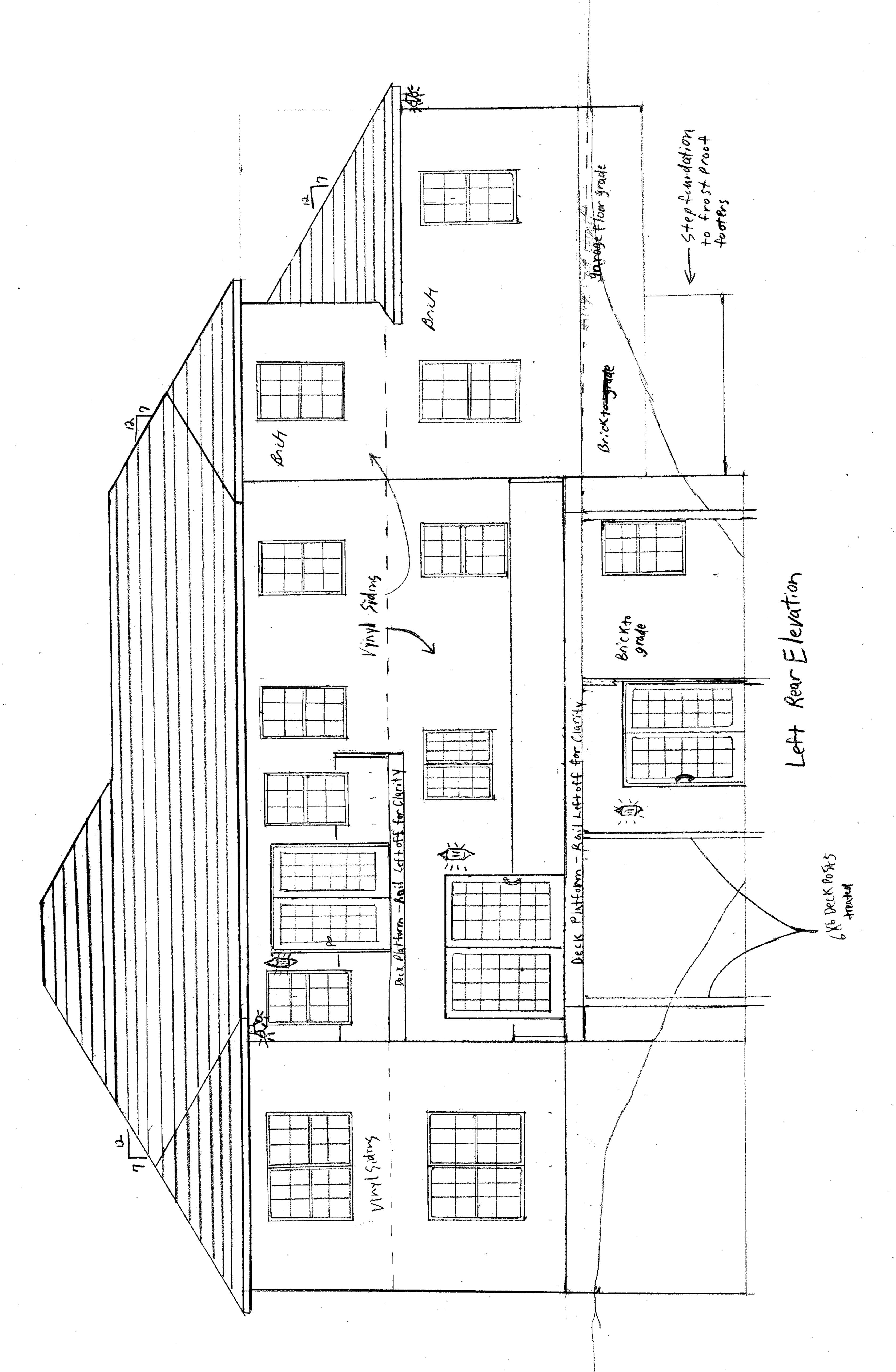
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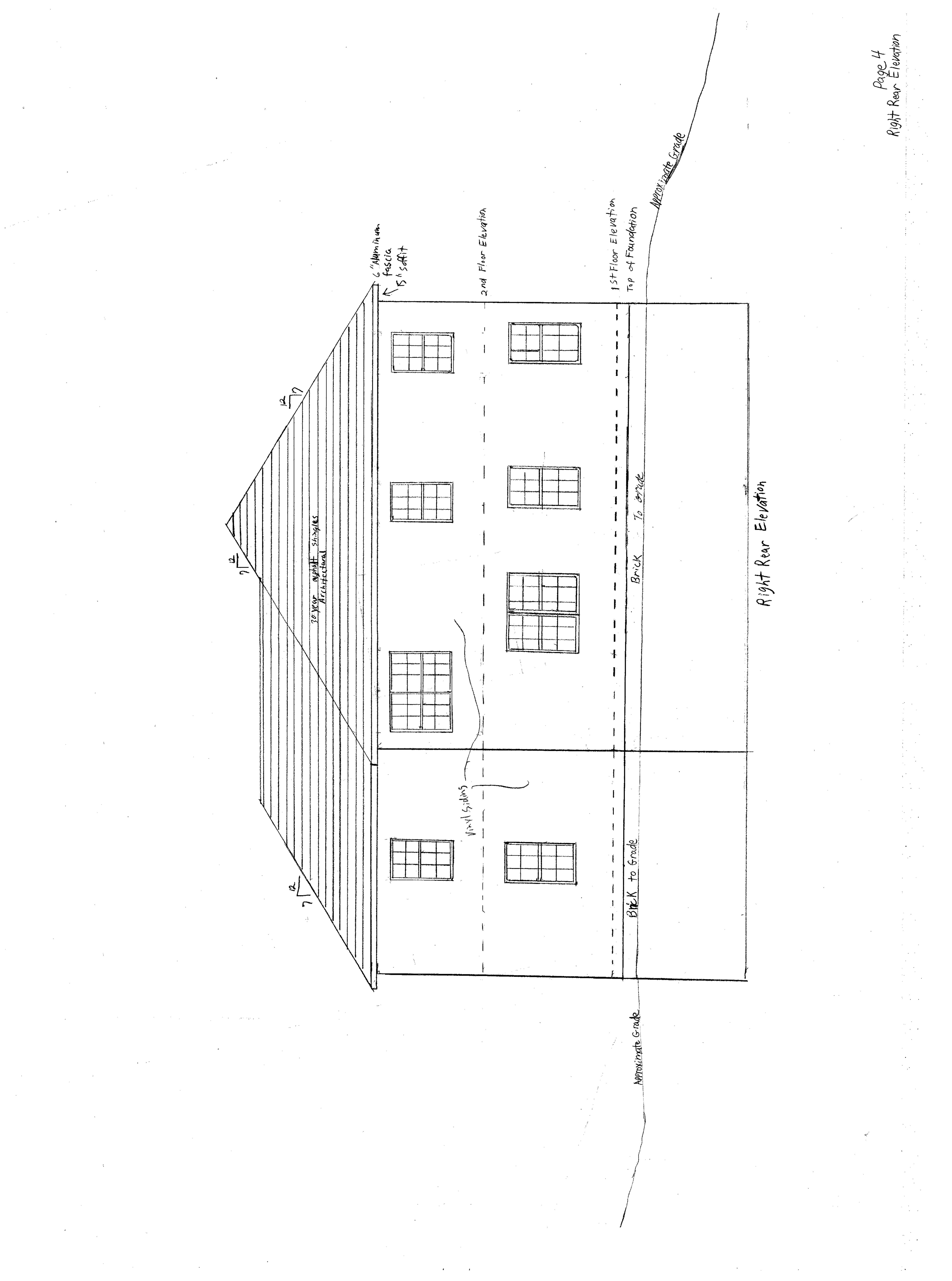


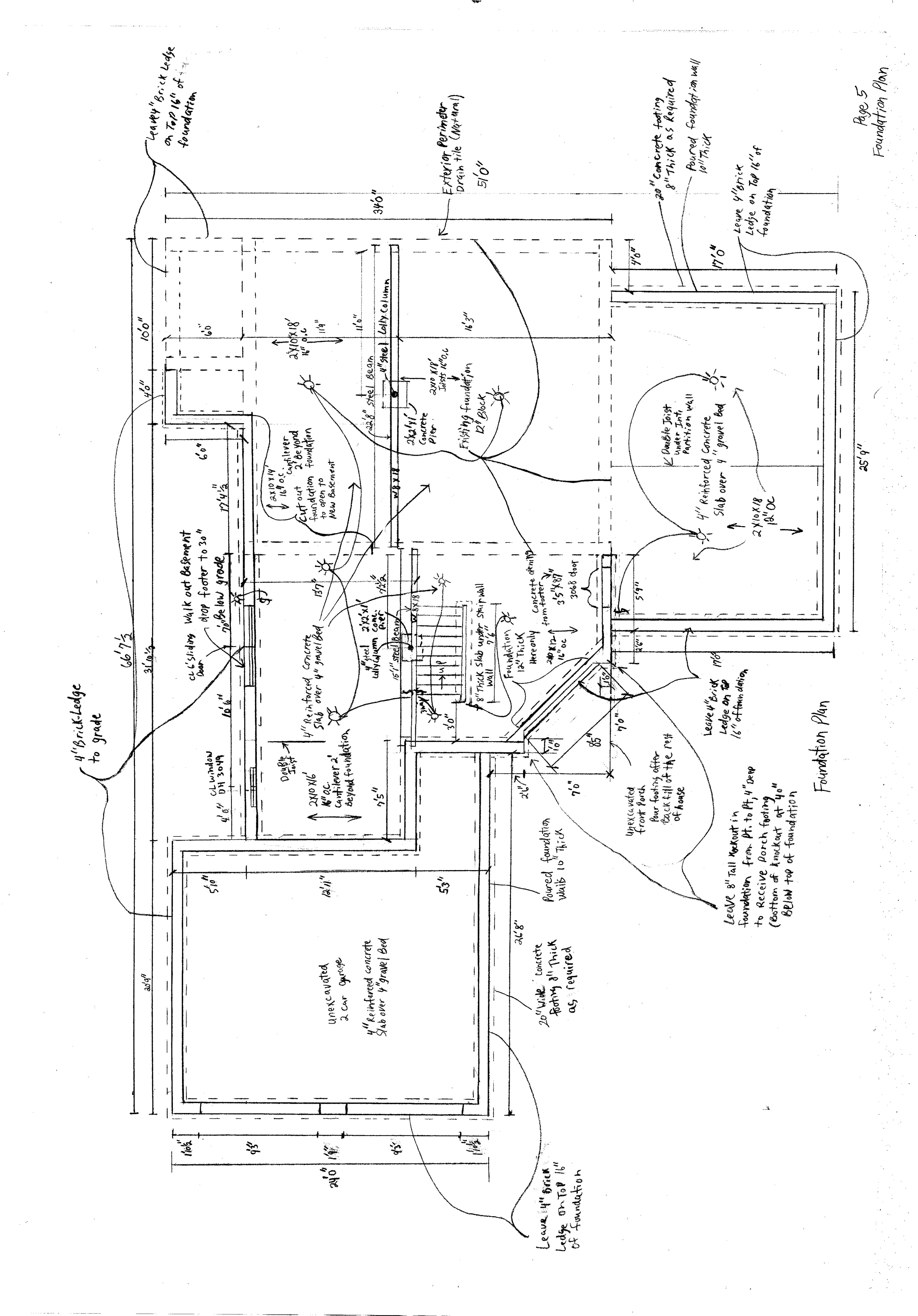


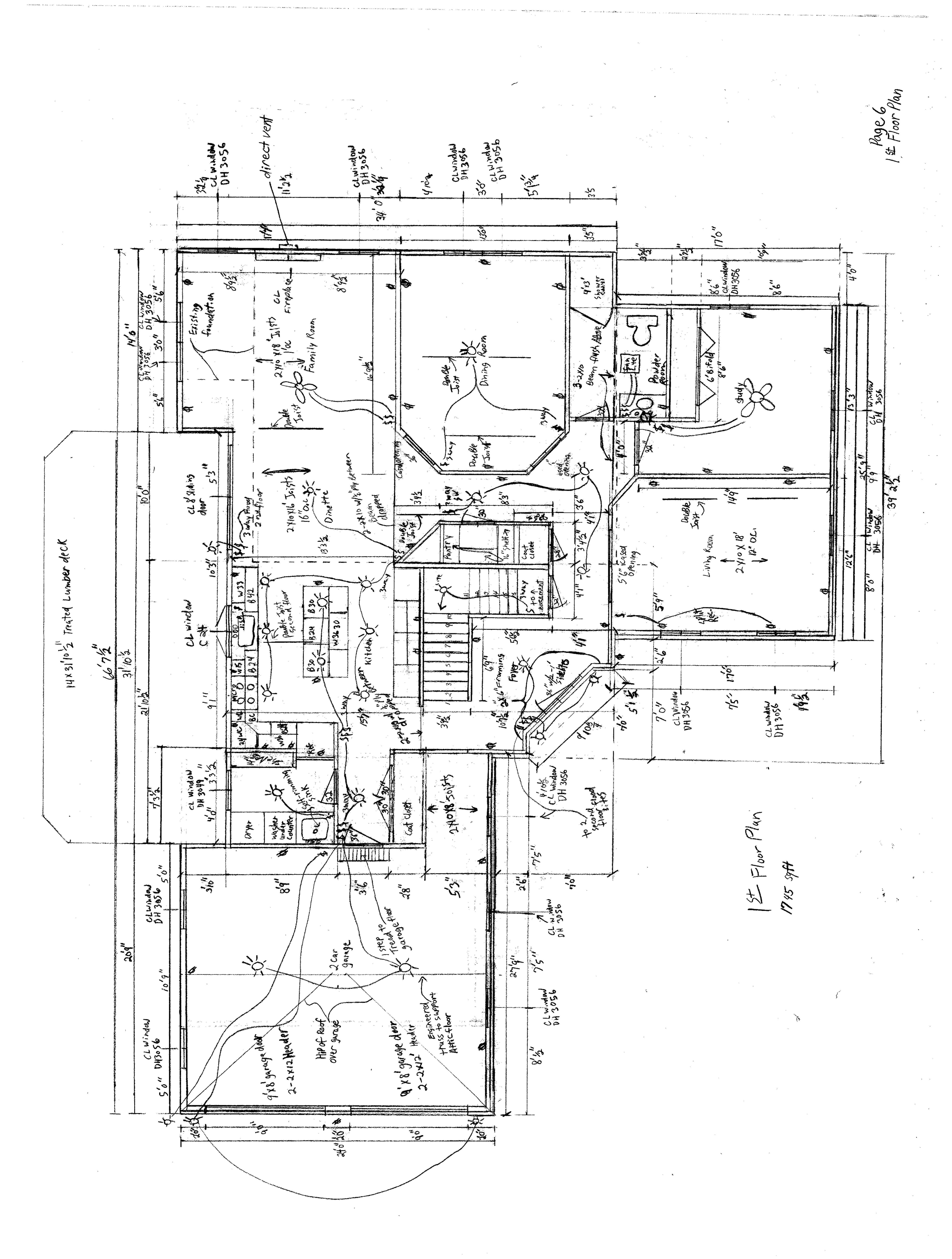
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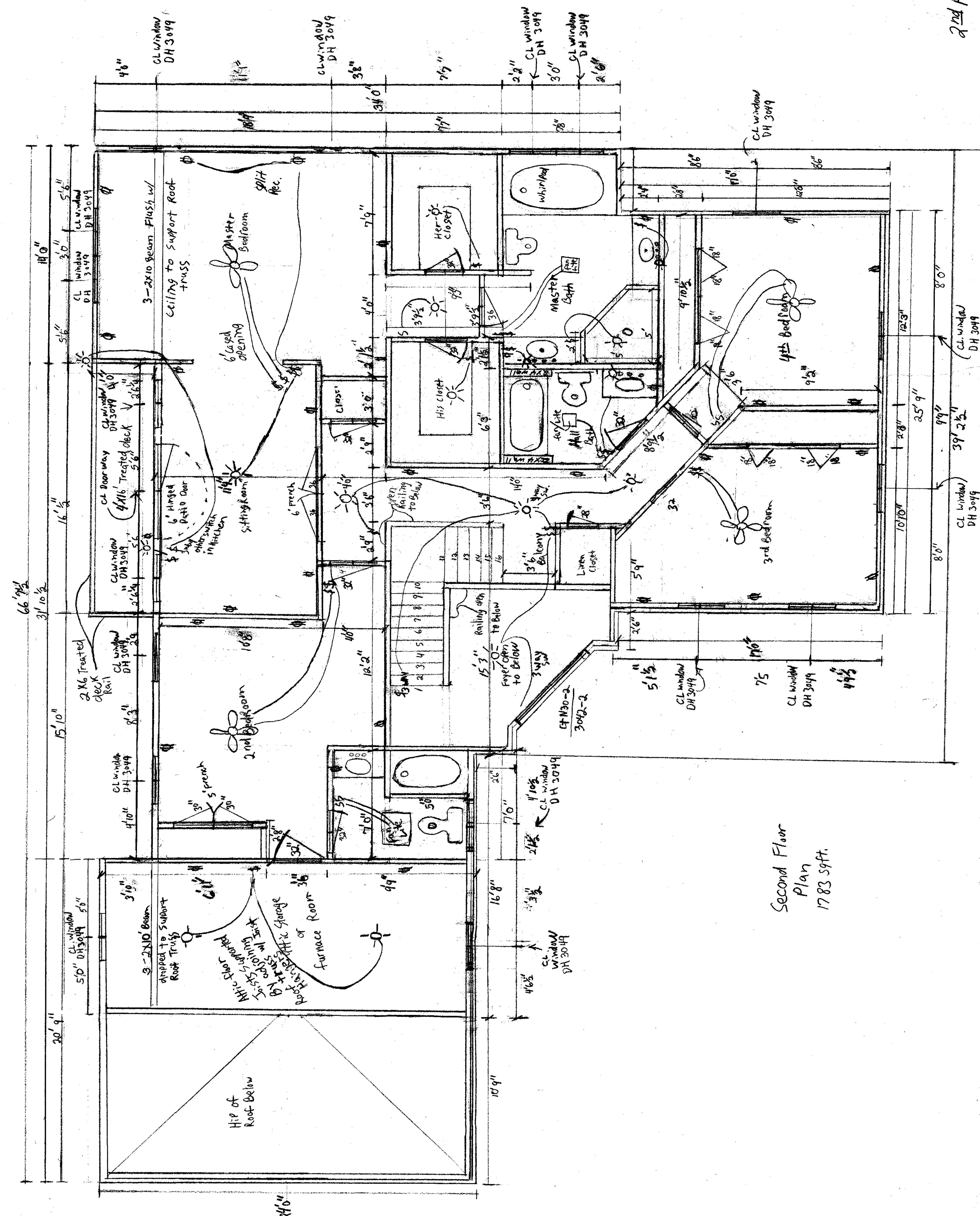






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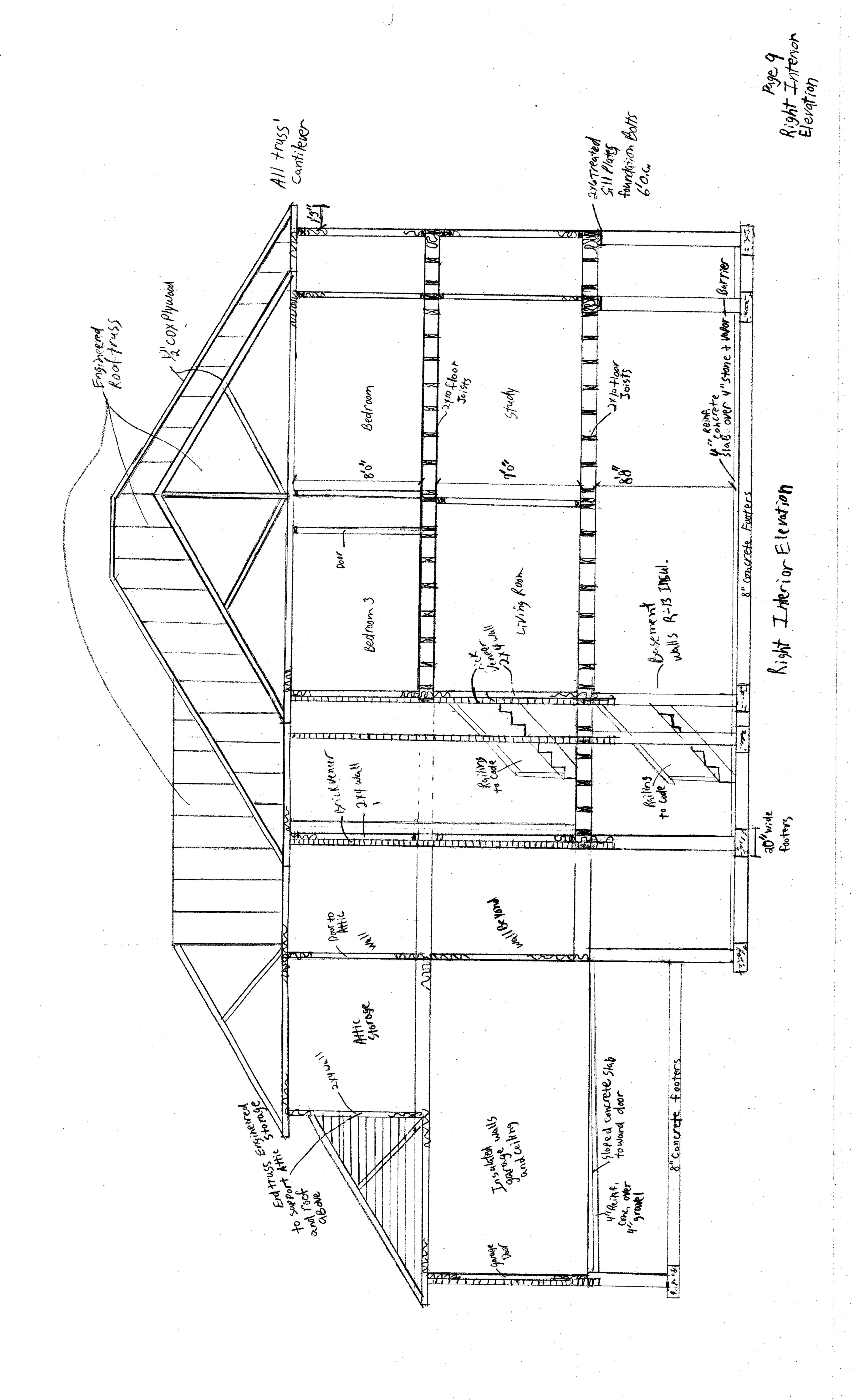
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