IN RE: PETITION FOR ADMIN. VARIANCE

E/S of Scotts Hill Drive at

Smoke Tree Road

2nd Election District

2nd Councilmanic District

(1101 Scotts Hill Drive)

Michael and Blumah Berkowitz

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-052-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, Michael and Blumah Berkowitz. The variance request is for property located at 1101 Scotts Hill Drive. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling to have an addition with a rear yard setback as close as 14 feet in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they are located on one of the smaller lots in the neighborhood. With a growing family they need to add more space to the home. The neighbor to the north has created an addition extending much further back than they are requesting. Petitioners say they have located the addition toward the inside of the property to be less visible from the street and since it is one story the addition will not be noticed.

Zoning Advisory Committee Comments

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

Applicable Law

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

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

PULD 6

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 August 20, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 11th day of September, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling to have an

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addition with a rear yard setback as close as 14 feet in lieu of the required 30 feet 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.

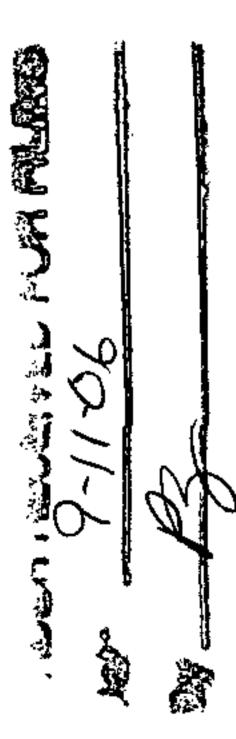
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

September 11, 2006

MICHAEL AND BLUMAH BERKOWITZ 1101 SCOTTS HILL DRIVE BALTIMORE MD 21208

Re: Petition for Administrative Variance

Case No. 07-052-A

Property: 1101 Scotts Hill Drive

Dear Mr. and Mrs. Berkowitz:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

John V. Meerthy

JVM:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 101 Scotts HILL DR which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1B02.3.C.1 - to permit an existing dwelling to have an addition with a rear yard setback as close as 14 feet in lieu of the required 30.

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

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which \$ ar is the subject of this Petition. mil Contract-Purchaser/Lessee: Legal Owner(s): Michael Berkown Name - Type or Print Name - Type or Print Signature Signature Bluma' Beckowiti Address Telephone No. Name - Type or Print City State Zip Code Signature Attorney For Petitioner: 8 1101 Scotts 443-845-3578-Address Telephone No. Baltmore 21208 MD Name - Type or Print State Zip Code Representative to be Contacted: Signature 11. Company 1 BROADWAY RD 410-560-3588 Address Telephone No. Address Telephone No. TIMONIUM \mathtt{MD} 21093 City State Zip Code State Zip Code A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimpre County and that the property be reposted. Zoning Commissioner of Baltimore County

Reviewed By

Estimated Posting Date

9-11-06

REV 1925/01

SAY.

Date , 8

OG

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.

competent to testify thereto in the event that a pu	iblic hearing is schedule	ed in the future with rega	ra thereto.
That the Affiant(s) does/do presently reside at	1101 Scotts	HILL DRIV	<u> </u>
	BALTIMORE	State	21208 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardshi	wing are the facts upon p or practical difficulty):	which I/we base the re	quest for an Administrative
We are located on one	of the small	ler lots in-th	re neighborhood
With a growing family home. Our neighbor	we need t	p add more	space to our
home. Our neighbort	to the nor	rth has cre	eated an
addition extending mu	ch further	back than	we are
requesting. We have l	ocated the	addition to	ward the
inside of the property	to be less	visible from	the street
addition extending mu requesting. We have I inside of the property and since it is one s	tory it will	not be noti	iced.
<u> </u>			
		Affiont(c) will be requi	red to pay a reposting and
That the Affiant(s) acknowledge(s) that if a fadvertising fee and may be required to provide	additional information.	, Attiatit(s) will be requi	
MARA		Blind N.	Best
Signature	Signa	iture	
Michael Berkowitz		3) What R K	sectoult_
Name - Type or Print		o - Type of Time	
	MODE to wit		
STATE OF MARYLAND, COUNTY OF BALT		2006 before me	, a Notary Public of the Stat
I HEREBY CERTIFY, this 25 day of 5 of Maryland, in and for the County aforesaid, p	ersonally appeared		
the Affiant(s) herein, personally known or satis	Factorily Identified to me	e as such Affiant(s).	
the Amanita) herein, personany mionina a same	.	•	J. NEW
AS WITNESS my hand and Notarial Seal		\sim \sim \sim	THE STATE OF THE PARTY OF THE P

Notary Public

My Commission Expires

REV 10/25/01

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

Address
Boutimore, MD 21208

City

State

Zp 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 are located one of the smaller corner lots in the neighborhood. With a growing family we need to add more space to our home. Our neighbor to the north has created an addition extending much further back than we are requesting. We have located the addition toward the inside of the property to be less visible from the street and since it is one story it will not be noticed.

That the Afriant(s) acknowledge(s) that if a formal de advertising fee and may be required to provide additional	emand is filed, Affiant(s) will be required to pay a reposting and al information.
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Marie-Type or Print Name-Type or Print	Rumah 12 Dantain
	Name - Type of Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, 10) wit
of Maryland, in and for the County aforesaid, personally a	appeared
the Affiant(s) herein, personally known or satisfactorily id	entified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	W. NEW
	Notary Public MARCH
	My Commission Expires
REV 10/25/01	AND

1101 SCOTTS HILL ROAD - BALTIMORE MARYLAND 21208

ELECTION DISTRICT 2

COUNCILMANIC DISTRICT 2

Beginning at a point on the Northeast corner of Scotts Hill Road & Smoke Tree Road, proceed S 40d 28" 42" E for 21.75', then S84d E for 8.18', then along a radius of 325' fo 70', then N 6d 20' 26"W for 112.76', then N 84d 26' 57"E for 82.48', then along a radius of 630' for 87' to the point of Beginning. This being Lot #1, Block /Section G, Plat Book 25 page 69 of Section One, Plat 3 of Scotts Hill

9790 sq H 0.25 ac

Item #652

Philip Incention Time Time Time Time Time Time Time Time	
COUNTY, MARYLAND No. 3896 EOUS RECEIPT AMOUNT \$ PINK - ASSICT PINK - AS	
BALTIMORE OF BUD MISCELLANE FROM: POTE DISTRIBUTION WHITE CASHIER	

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE:

8/24/06

Case Number: 07-020-A 07-052-A am

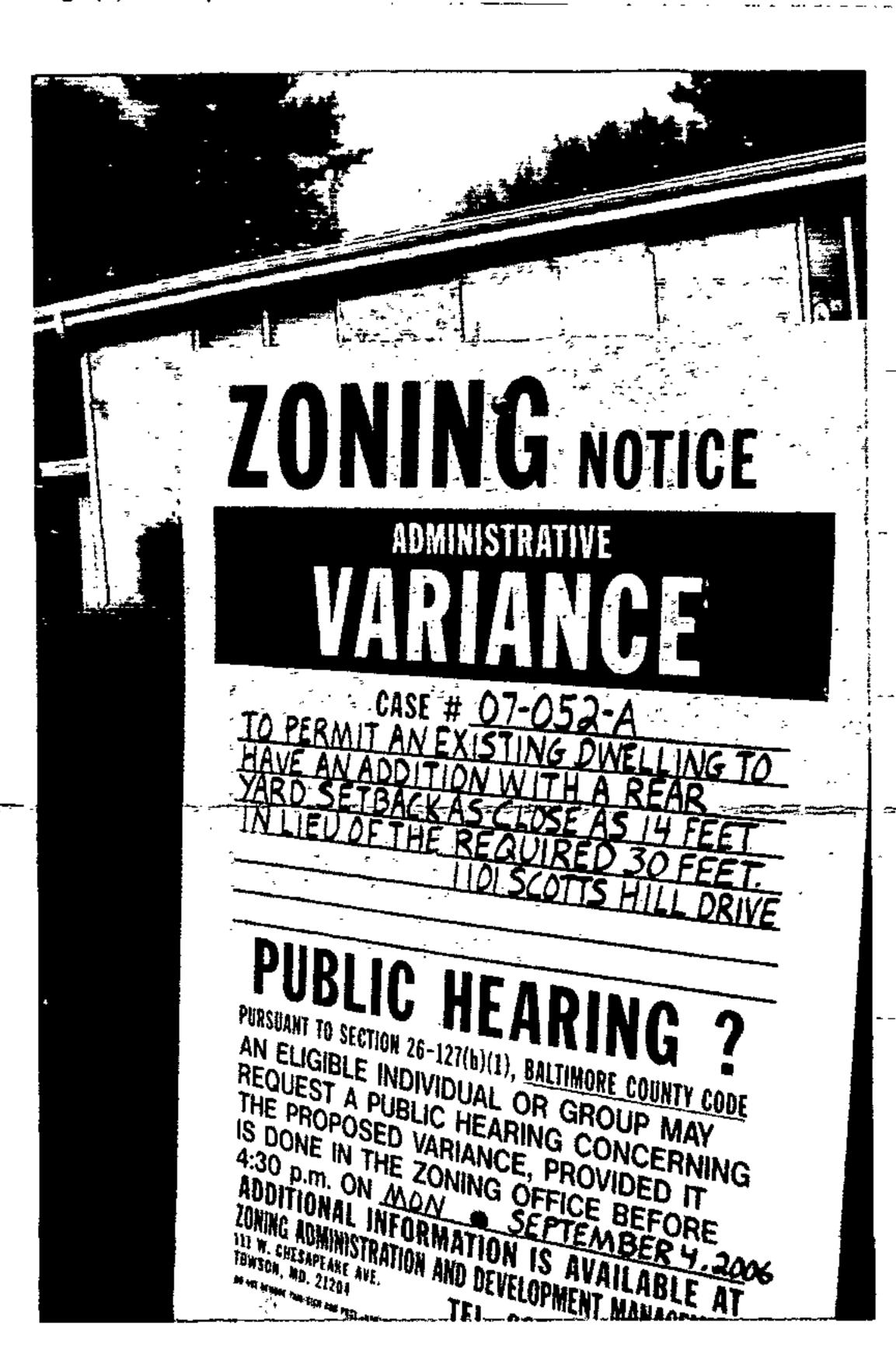
Petitioner/Developer: MIKE BARKOWITZ~ WALTER DANIELS~ARCHITECHT

Date of Hearing (Closing): 09/04/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted

conspicuously on the property located at:

1101 SCOTTS HILL DRIVE



(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley Maryland 21030

(City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Address

Phone Number: 410-887-3391

Case Number 07-

Contact Person:

Planner, Please Print Your Name
Filing Date: 8/8/06 Posting Date: 8/20/06 Closing Date: 9/4/06
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
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.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 07- 052 -A Address 1101 Scotts Hill Dr
Petitioner's Name Mike Berkowitz Telephone 443 845 3578
Posting Date: $8/20/06$ Closing Date: $9/4/06$
Wording for Sign: To Permit an existing dwelling to have an addition
with a rear yard setback as close as 14 feet in lieu of the
required 30
WCR - Revised 6/25/04
DALTIMODE COLLUTY DEDARTMENT OF REPLATOR THE BELLET A FOREST AND A FOR

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:	252- A
Petitioner: Berkowitz	· · · · · · · · · · · · · · · · · · ·
Petitioner: Sevinous, Caralla	
Address or Location: 1101 Scotts	MIII IJYWE
_	
Name: Walter Daniels	
Name: Walter Daniels	
PLEASE FÖRWARD ADVERTISING BILL TO Name: Walter Daniels Address: 1476 Broadway (Timonium, MD 21)	
Name: Walter Daniels	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

September 5, 2006

Department of Permits and Development Management

Michael Berkowitz Blumah R. Berkowitz 1101 Scotts Hill Drive Baltimore, MD 21208

Dear Mr. and Mrs. Berkowitz:

RE: Case Number: 07-052-A, 1101 Scotts Hill Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 8, 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 Walter Daniels, Architect 1426 Broadway Road Timonium, MD 21093

Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 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 Avenue Towson, Maryland 21204 August 17,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: August 14,2006

Item No.:045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055 and 056.

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 16, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 21, 2006

Item Nos. 045, 046, 047, 048, 050,051, 052,

053, 054, 055, and 056

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-08162006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 18, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

AUG 2 2 2006

SUBJECT:

1101 Scotts Hill Drive

INFORMATION:

Item Number: 7-052

Petitioner:

Michael Barkowilz

Zoning:

DR 5.5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a rear setback of 14 feet in lieu if the required 30 feet for a room addition.

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

Prepared by:

Division Chief: AFK/LL: CM



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

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

Maryland Department of Transportation

Date:

8.15.06

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

RE:

Baltimore County

Item No. 052

Dear. Ms. Matthews:

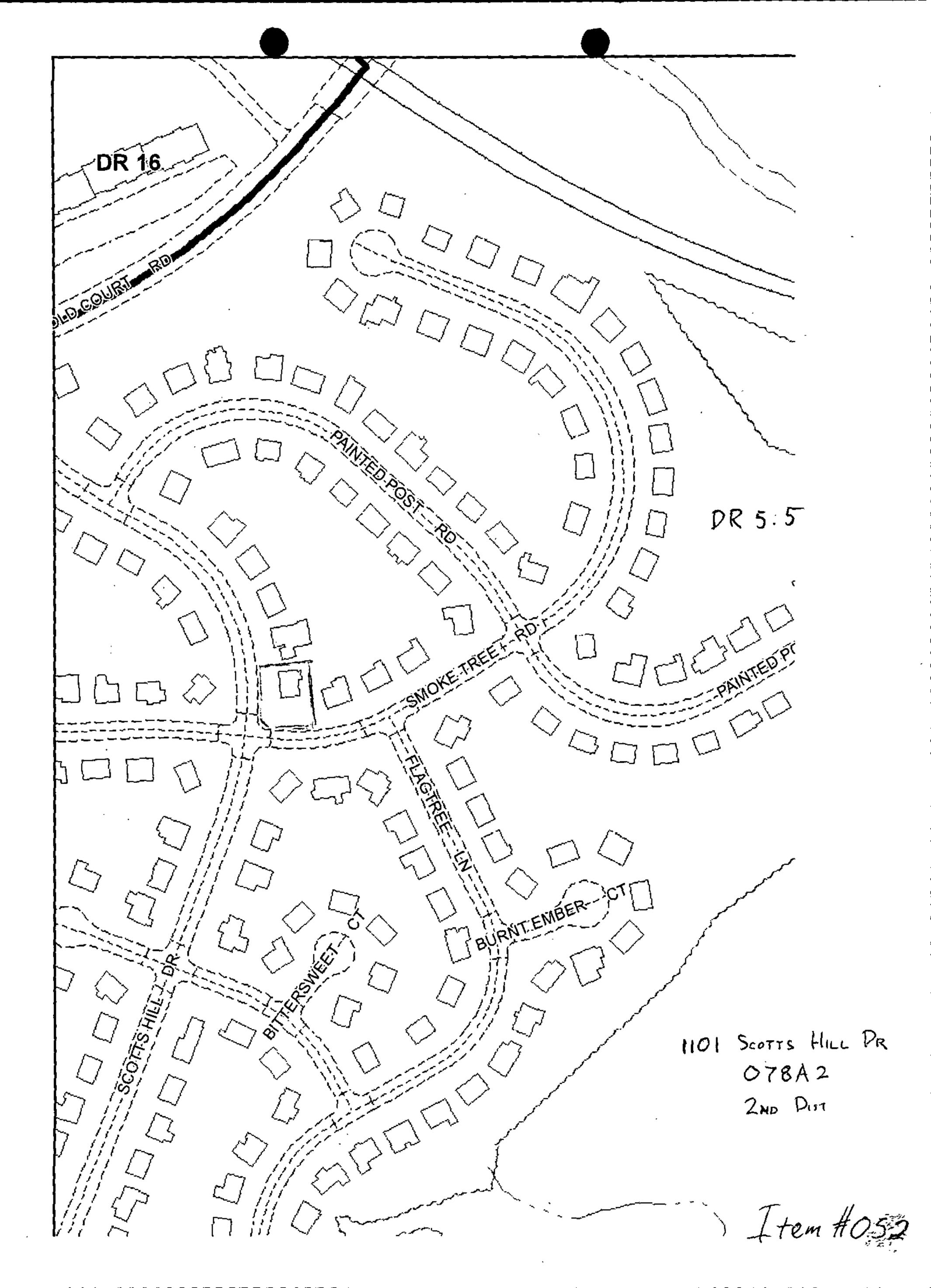
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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).

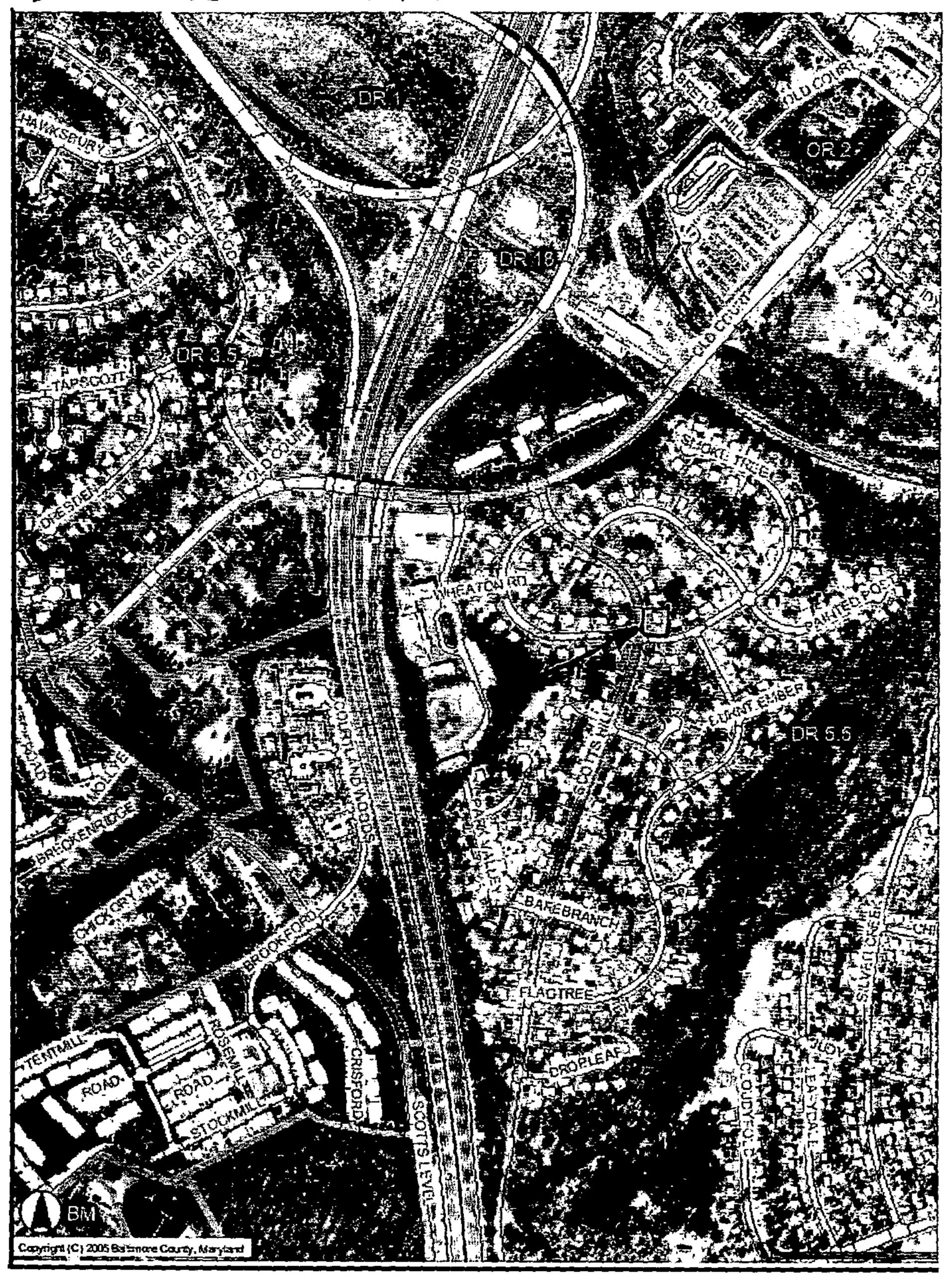
Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division



200 SCALE MAP 078A2

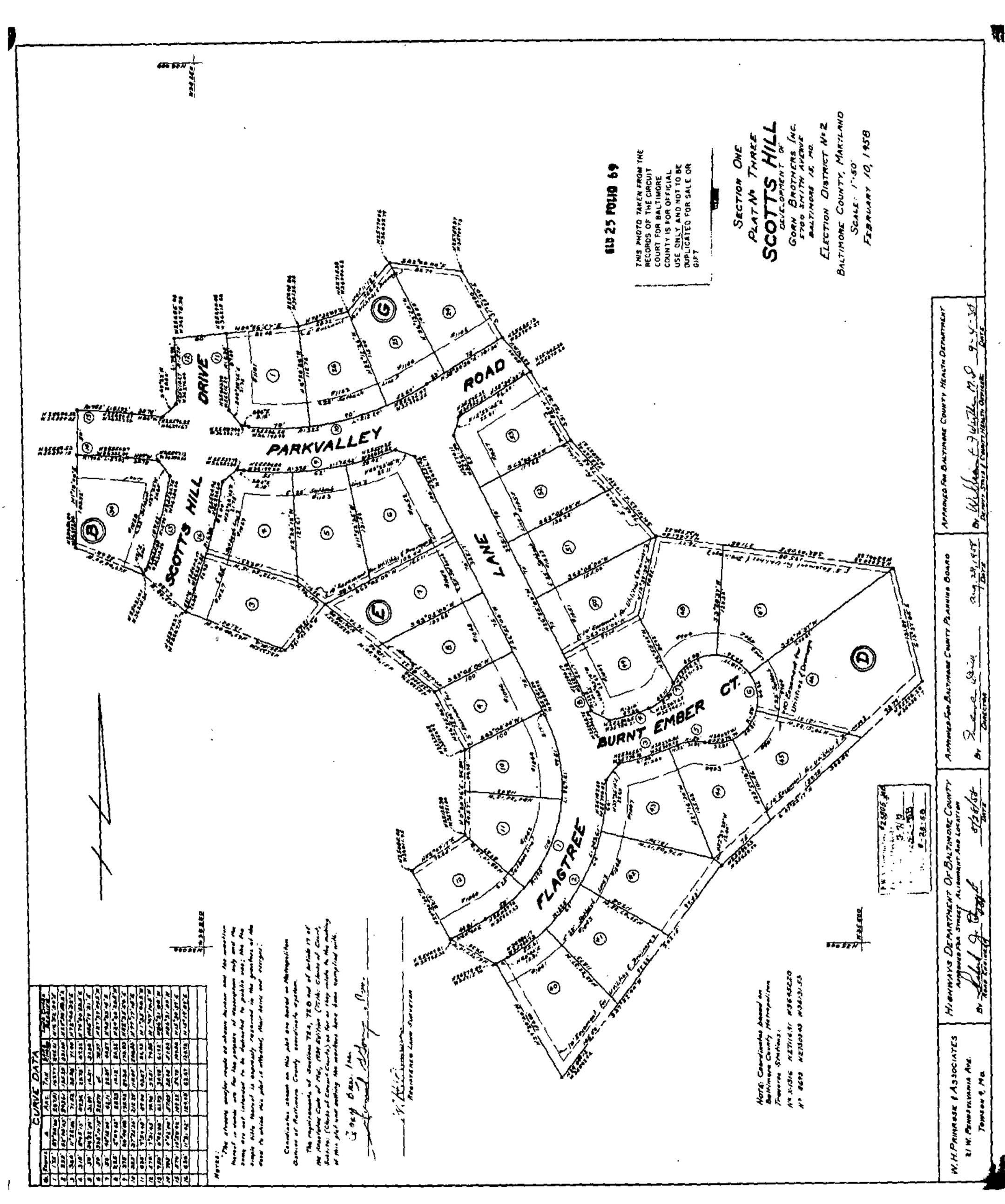


http://bamaps1.co.ba.md.us/arcims_path/bcgims?ServiceName=Zoning&ClientVersion=4.... 7/21/2006

Item # 052

1101 Scotts Hill 1/2 25/69 B1KG L6+1
25/69 78 7 484

078A1-2



Ttem #052



