IN RE: PETITION FOR ADMIN: VARIANCE SE/C of Greenspring Avenue and Chippewa Drive 3rd Election District 2nd Councilmanic District (6721 Greenspring Avenue)

Sara T. Fleischman Petitioner

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY

* CASE NO. 07-067-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 owner of the subject property, Sara T. Fleischman. The variance request is for property located at 6721 Greenspring Avenue. The variance request is from Sections 1B02.3.C.1 and 211.3 (1955 BCZR Regs) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a setback from a building line along a side street as close as 10.5 feet in lieu of the required 25 feet, and 40.5 feet from the center line of the side street in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioner states that they are located on one of the smaller corner lots in the neighborhood. Since they are located on a corner lot and a duplex home limits where they can add on to their house. As a growing family, they need to add more bedroom and living space to their home. Petitioner proposes an addition located towards the side street (Chippewa Drive) and believes that this location will have the least impact on the neighbors. Petitioner has provided letters of support from five neighbors.

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According to the accompanying site plan, an existing one story frame addition located at the rear of the home will be removed. An existing shed located in the back yard will also be removed.

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 September 7, 2006. That office comments that the existing dwelling is a 2-story brick semi-detached dwelling with a 1-story frame addition. The frame addition would be razed and a 2-story frame addition with vinyl siding is proposed in the rear and side yard. In addition to be a corner lot, the lot is somewhat irregular in that it is narrower on the front and wider on the rear.

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 August 26, 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 14th day of September, 2006, that a variance from Sections 1B02.3.C.1 and 211.3 (1955 BCZR Regs) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a setback from a building line along a side street as close as 10.5 feet in lieu of the required 25 feet, and 40.5 feet from the center line of the side street in lieu of the frequired 50 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.

2. The Office of Planning to review and approve the architectural elevation drawings prior to the issuance of any building permit.

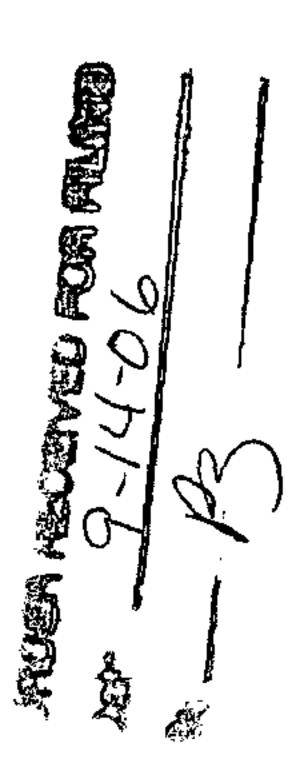
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

September 14, 2006

SARA T. FLEISCHMAN 6721 GREENSPRING AVENUE BALTIMORE MD 21209

Re: Petition for Administrative Variance

Case No. 07-067-A

Property: 6721 Greenspring Avenue

Dear Ms. Fleischman:

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

TOR COUNTY

Carried Control

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Enclosure

c: Walter Daniels, Daniels & Associates Architects, Ltd., 1426 Broadway Road, Timonium MD 21093



Company

Address

City

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property	located at 67'CI Urzeenspring Ave
	which is presently zoned DR 5.5
Regs) - to permit a proposed addition along a side street as close as 10's and 40'/2 feet from the center line required 50:	mits and Development Management. The undersigned, legal thich is described in the description and plat attached hereto and ction(s) 1802.3.C.1 and 211.3 (1955 BCZR to have a setback from a building line /2 feet in lieu of the required 25, of the side street in lieu of the
Property is to be posted and advertised as prescribed by th I, or we, agree to pay expenses of above Variance, advertising, pregulations and restrictions of Baltimore County adopted pursuant	posting etc. and further garde to and are to be bounded by the series.
	is the subject of this Petition.
Contract Purchaser/Lessee:	<u>Legal Owner(s):</u>
Name - Type or Print	Name - Type or Print Signature Signature
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code Attorney For Petitioner:	Signature G721 GREENSPRING AVE 410 502 6470 Address Telephone No. BALTIMONE MD 2003 212
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:

Telephone No.

Zip Code

State

WOLTER DONIERS

Telephone No.

71093 Zip Code

State

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y [*]	·
	Zoning Commissioner of Baltimore County
CASE NO. 07-067-A	Reviewed By Roll Date 8/17/06
REV 10/25/01=10-	Estimated Posting Date 8/27/06

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to testify thereto in the event that a p	ublic nearing is sche	eduled in the future	with regard the	ereto.	·
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My Commission Expires

REV 10/25/01

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competent to testify thereto in the event that a p	within the personal knowled bublic hearing is scheduled in f	ge of the Affiant(s) and the future with regard th	d that Affiant(s) is/ar rereto.
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the Affiant(s) herein, personally known or satisfac	ctorily identified to me as such	Affiant(s).	,—,———————————————————————————————————
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REV 10/25/01



## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 6721 Grænspring Ave which is presently zoned DR 5.5

IM/e do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore County

Date

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. I and 211.3 (1955 BCZR

Regs) - to permit a proposed addition to have a setback from a building line along a side street as close as 10½ feet in lieu of the required 25, and 40½ feet from the center line of the side street in lieu of the required 50.

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Signature Signature **Address** Telephone No. Name - Type or Print City State Zip Code Signature areenspring Ave 410-6026470 Attorney For Petitioner: Address ેંદ્રફો Telephone No. Birthmone 100 21209 WD Name - Type or Print City State Zip Code Representative to be Contacted: Signature Company Name 15. BAUDDWAY 126 410-560.3586 Address Telephone No. Address Telephone No. INVOUNT 21093 City State Zip Code City 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 Baltimore County and that the property be reposted.

Reviewed By

**Estimated Posting Date** 

6721 Greenspring Avenue, Baltimore, MD 21209 - Legal Description

Beginning on the southeast corner of Greenspring Avenue & Chippewa Drive, proceed along Chippewa Drive N70d31'21"E for 101.0', then turning S19d28'48"E for 63', then turning s 81d43'50"W for 113.16', then following Greenspring Avenue N19d28'48" W for 31.0' then N 25d31'12"E for 14.14' to the point of beginning.

This being Lot #68 Block A in the Plat of Forest Green GLB24 Folio 23. Located in Election District 3, Councilmanic District 2 of Baltimore County, Maryland

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## CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS 8/30/06

Case Number: 07-067-A

Petitioner/Developer: SARA & YITZ FLEISCHMAN

Date of Hearing (Closing): 09/11/06

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: 6721 GREENSPRING AVENUE

The sign(s) were posted on: 08/26/06



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)

### 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:
Number or Case Number 0.7 - 067 - A  Petitioner Sova Fleischman
Address or Location. 6721 Greenspring Ave.
PLEASE FORWARD ADVERTISING BILL TO  Name: SORA: FLFISCHMAN
Address 6721 GRFFNSPRING AVE BALTIMINE MO 21209
Telephone Number: 410 602 6470



JAMES T. SMITH, JR. County Executive

September 12, 2006

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

Sara T. Fleischman 6721 Greenspring Avenue Baltimore, MD 21209

Dear Ms. Fleischman:

RE: Case Number: 07-067-A, 6721 Greenspring Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 17, 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 Walter Daniels 1426 Broadway Road Timonium 21093



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

#### Maryland Department of Transportation

Date: 8.25.01

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

RE:

**Baltimore County** 

Item No. 747

DD

Dear. Ms. Matthews:

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

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

Very truly yours,

Steven D. Foster, Chief

1. J. Bredh

Engineering Access Permits Division



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 August 31, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 28, 2006

Item Number(s): 067,068,069,079,080,081,083,084

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** September 1, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For September 4, 2006

Item Nos 07-067, 068, 069, 079, 080, 081, 082, 083 and 084

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS-09042006.doc

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** September 7, 2006

RECEIVED

ZONNG COMPRODUCTO

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

6721 Greenspring Avenue

**INFORMATION:** 

Item Number:

7-067

Petitioner:

Sara T. Fleischman

Zoning:

DR 5.5

Requested Action:

Variance

The petitioner requests an administrative variance for a side street setback of 10.5 feet in lieu of 25 feet, 40.5 feet to the centerline in lieu of 50 feet for an addition. The existing dwelling is a 2-story brick semi-detached dwelling with a 1-story frame addition. The frame addition would be razed and a 2 story frame addition with vinyl siding is proposed in the rear and side yard.

It should be noted than in addition to being a corner lot, the lot is somewhat irregular in that it is narrower on the front and wider on the rear.

#### SUMMARY OF RECOMMENDATIONS:

If the Zoning Commissioner grants the requested administrative variance, the Office of Planning requests review and approval of the architectural elevation drawings prior to issuance of any building permit.

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

Prepared by:

Division Chief:

AFK/LL: CM

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W:\DEVREV\ZAC\7-067.doc

#### R. 6 ZONE

10,000 square feet and a width at the front building line of not less than 80 feet for a duplex dwelling and 90 feet for the pair of lots occupied by a semi-detached dwelling (see Section 304).

211.2—Front Yard—For dwellings, the front building line shall be not less than 25 feet from the front lot line and not less than 50 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—40 feet from the front lot line and not less than 65 feet from the center line of the street, except as specified in Section 303.1.

211.3 — Side Yards — For one-family dwellings, 8 feet wide for one side yard and not less than 20 feet for the sum of both, except that for a corner lot the building line along the side street shall be not less than 25 feet from the side lot line and not less than 50 feet from the center line of the side street; for two-family dwellings, side yards shall be as provided in Sections 214.1 and 214.3; for other principal buildings, same as in Section 208.3.

211.4—Rear Yard—30 feet deep.

1955 Regs

Re: Zoning Variance - 6721 Greenspring avenue, 21209

The Fleischman's have made us aware that they wish to build an addition to their house and that they require a variance from Baltimore County in order to build along the side of their house which faces Chippewa Drive. We are in favor of this variance on the Chippewa side of their house.

Signature

Signature

**Printed Name** 

**Printed Name** 

Angela Kam

M19 Greenspring Ave. BAHmore, MI) ZIZOG Address

Re: Zoning Variance - 6721 Greenspring avenue, 21209

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Signature

Signature

**Printed Name** 

**Printed Name** 

**Address** 

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	Winter Socialis
Signature	Signature
	ALIZATA SORGHO
Printed Name	Printed Name

6653 Chippena Dr Batto., UD a1209
Address

Re: Zoning Variance - 6721 Greenspring avenue, 21209

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Anthon Blangs		
Signature	Signature	
AMHONY BLANGO		
Printed Name	Printed Name	

6723 GREENSPRING AVE, BATTIMORESMENT 21209 Address

Re: Zoning Variance - 6721 Greenspring avenue, 21209

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Signature

Signature

Charles of Schuman Sisan Schuman

Printed Name Printed Name

6700 Chippeur Drive 21205

**Address** 

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### CASE # 07-067-A

PROPERTY 6721 GREENSPRING AVENUE, 21209

ATTN: MR. DAVID DUVALL

ATTACHED ARE 4 PICTURES OF A HOUSE 4 DOORS AWAY FROM ME ALSO ON GREENSPRING AVENUE, ALSO A SEMI-DETACHED HOUSE AND ALSO IN THE SAME SUBDIVISION - THE ADDRESS OF THESE PICTURES IS 6729 GREENSPRING AVENUE. I HOPE THESE HELP THE FILE - IF ANYTHING FURTHER IS NEEDED PLEASE FEEL FREE TO CALL ME AT 410 602 3730.

THANK YOU

YITZ FLEISCHMAN SORA FLEISCHMAN

