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."

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 Bureau of Development Plans Review dated September 25, 2006 which contains restrictions. A ZAC comment letter was received from the Office of Planning dated October 16, 2006 which recommends denial of the request because the proposal is inconsistent with the existing pattern of the neighborhood. Copies of these ZAC comments are incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the variance request were Bruce E. Doak, of Gerhold, Cross & Etzel, Ltd., who prepared the site plan and John Argiropoulos, Petitioner. Francis X. Borgerding, Jr., Esquire, represented the Petitioner. Dennis Wertz from the Office of Planning appeared at the hearing in opposition to the request. There were no citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Amended Petition

Mr. Borgerding noted that he requested two variances as shown by the Petition for Variance, Petitioner's exhibit 3. In addition to the request in the file for a variance request from Section 303.1 to allow a front yard average setback of 21 feet in lieu of the required

44 feet, he requested a variance from Section 1B02 to allow a front yard setback of 21 feet in lieu of the required 25 feet. However the latter was not in the file.

These are two overlapping regulations which involve the exact same issue of front yard setback. The Petitioner wants to build a garage in the front of his home which would violate both regulations. The Amended Petition was accepted and no reposting or re advertisement was needed as the public had substantially effective notice.

In regard to the comments of the Bureau of Development Plans Review to widen the right of way of North Prospect Avenue to 40 feet, the Petitioner elected to proceed with the case as indicated on the Petition requesting a front setback of 21 feet rather than 11 feet which would be the front setback to a widened right of way.

Testimony and Evidence

The subject property is zoned DR 5.5 and improved by a single family dwelling which the Petitioner purchased at a tax sale. The Petitioner described the house as in poor condition which he would like to correct. However he indicated that he believes the property needs a two car garage for protection of the residents. He related how someone parks in front of his house on the street preventing him from finding a parking space.

Unfortunately the topography of the property does not allow a garage to be built in the rear yard. To get back to the rear yard, a driveway would have to be dug into the side of a hill triggering costly retaining walls and engineering problems. Although many homes along the west side of North Prospect Avenue have rear yard garages, the land rises sharply from his house to Edmondson Avenue so that neither he nor any of the five neighbors to the north have garages in the rear yard. See photograph 2G for the

perspective of the steep slope leading from Prospect Avenue to the six northernmost houses.

Mr. Doak indicated that the proposed garage would be constructed in the side of the hill in front of his house under the existing front porch (to be removed) so that there would be several steps up from the garage to the basement. Consequently he opined that the plan view of the addition shown in exhibit 1 is somewhat misleading. The new garage would not be visible to traffic on Prospect Avenue but again would be buried in the hillside. He indicated that the garage would be landscaped not only on the sides but on the top as well.

Finally he opined that the garage would be a benefit to the community by getting vehicles off this narrow street and into a garage. He said the lot was unique from a zoning perspective due to its topography which again is not shared by neighbors to the south.

Mr. Wertz, the First District Community Planner from the Office of Planning, spoke in opposition to the requests. He noted that the area is an older residential community with consistent front yard setbacks generally to front porches. Garages are in the rear yard. He opined that the proposed garage in the front yard was not consistent with the pattern of development in the neighborhood.

Upon questioning the Petitioner admitted that he had two parking spaces off the traveled portion of the street in front of his house in a parking pad in the shoulder of North Prospect Avenue as shown in the photographs.

Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The topography raises sharply at this property along Prospect Avenue to Edmonson Avenue. The zoning regulations impact this property disproportionately compared to other lots to the south.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Clearly the Petitioner has no practical means of getting to a garage built in his back yard.

The problem for this case is whether or not the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare. The Petitioner points out that getting cars off this narrow road and into a garage is a community benefit not detriment. Mr. Wertz indicates such a garage would adversely change the pattern of the neighborhood.

Any proposed construction in the front yard will trigger close scrutiny. The impact of building in front will be greater than the same proposal in the rear almost by definition. Considering all the testimony and evidence presented, I agree with Mr. Wertz that burrowing a garage into the front yard would adversely impact the neighborhood. It clearly would change the pattern of development of the neighborhood. The front angle view of this home would be radically different with a garage burrowed in the hillside as compared to other homes in the neighborhood although I will admit the garage would not be visible from either end of Prospect Avenue.

The seminal case of *McLean v Soley*, 270 Md 208 (1973) established one test which I think is particularly pertinent in this case when the Court specified "Whether a grant of variance ... would do substantial justice to the applicant as well as other property owners in the district". This balancing approach brings out the fact that the Petitioner has

two parking spaces off the traveled portion of the street on front of this home albeit neither is guaranteed or secure. The house to the south has a driveway to a garage in the rear yard. Perhaps the Petitioner could create a spur off this driveway to gain access to his rear yard.

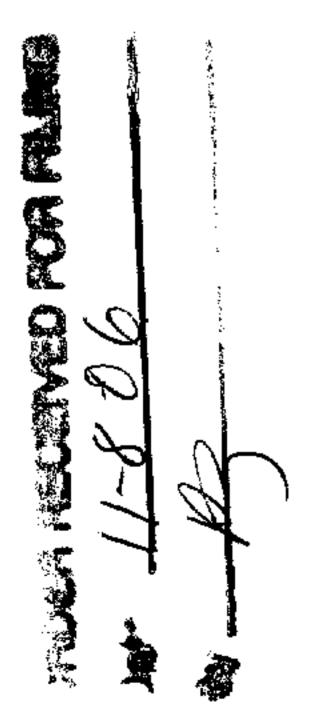
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be denied.

THEREFORE, IT IS ORDERED, this 8th day of October, 2006 by this Deputy Zoning Commissioner, that the Petitioner's variance request from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) is to allow a front yard average setback of 21 feet in lieu of the required 44 feet is hereby DENIED.

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

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

November 8, 2006

JOHN ARGIROPOULOS 8 PROSPECT AVENUE BALTIMORE MD 21228

> Re: Petition for Variance Case No. 07-104-A

> > Property: 8 North Prospect Avenue

Dear Mr. Argiropoulos:

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

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Francis X. Borgerding, Esquire, 409 Washington Avenue, Suite 600, Towson, MD 21204
Bruce Doak, Gerhold, Cross & Etzel, Ltd, 320 E. Towsontown Blvd., Suite 100, Towson, MD 21286

X



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at B North Prosect evenue Bultimus, much which is presently zoned DR S. S.

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)

see attached

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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 is the subject of this Petition.

Contract Purchaser/Lessee:	Legal Owner(s):	
	John Argiropoules	
Name - Type or Print	Name Type or Print	
Signature	Signature	
Address Telephone No.	Mame - Type or Print	
City State Zip Code	Signature	
Attorney For Petitioner:	8 N. Prospect Ave.	
	Address	Telephone No.
Francis XI Bergerdia Nrc	Biltimore MD	21.3.28
Name - Type or Print	City	Zip Code
- 1 mily 1/2	Representative to be Contacted:	
Signature		
	BRUCE DOAK	
Company	Name	1 - 1 m
Address Wushing for Ove Surtr 600 (410) 246-6820 Telephone No.	Address	- 니니기 0 Telephone No.
α	Audiess	relephone No.
Towson M 2/204 City State Zip Code	City	Zip Code
· · · · · · · · · · · · · · · · · · ·	OFFICE USE ONLY	
•	<u> </u>	
Case No. 07-104-A	ESTIMATED LENGTH OF HEARING	
	UNAVAILABLE FOR HEARING	
Beviewed By	Bu Date 9/9/05	
REV 9/15/98	77	
Jan 14200		
	•	

VARIANCES REQUESTED

8 North Prospect Avenue

TO ALLOW A FRONT YARD AVERAGE SETBACK OF 21 FEET IN LIEU OF THE REQUIRED 44 FEET PER SECTION 303.1 OF THE B.C.Z.R.



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

September 8, 2006

ZONING DESCRIPTION ARGIROPOULOS PROPERTY 8 North Prospect Avenue Baltimore County, Maryland

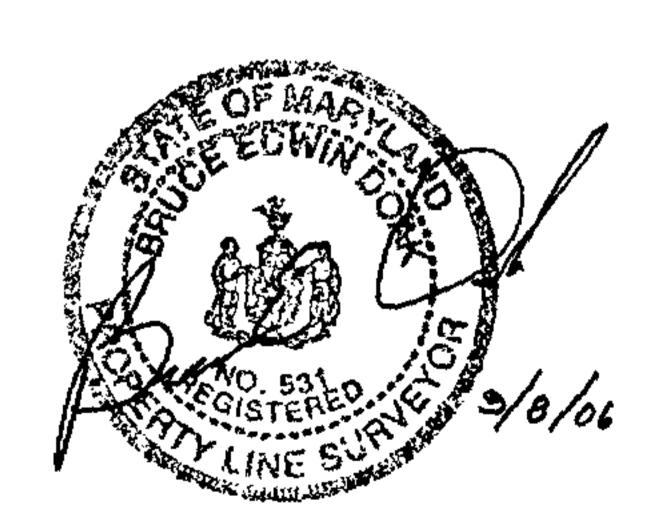
All that piece or parcel of land situate, lying and being in the First Election District, First Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same on the west side of Prospect Avenue at the distance of 370 feet southerly from the corner formed by the intersection of the west side of Prospect Avenue with the south side of Edmondson Avenue as widened and running thence,

- 1) southerly binding on the west side of Prospect Avenue 46 feet,
- 2) thence running westerly at right angles to Prospect Avenue 120 feet,
- 3) thence running northerly with Prospect Avenue 46 feet,
- 4) thence running easterly at right angles to Prospect Avenue 120 feet,
- 5) North 45 degrees 43 minutes 15 seconds East 210.00 feet, to the point of beginning.

Containing 5,520 sq. ft. of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



#104

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: #87-104-A
8 North Prospect Avenue
West side North Prospect
Avenue, 370 feet south
Edmonson Avenue
1st Election District
1st Councilmanic District
Legal Owner(s): John
Argiropoulos
Variance: to permit a front
yard average setback of 21
feet in lieu of the required
44 feet.
Hearing: Wednesday, No-

Hearing: Wednesday, November 1, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204,

WILLIAM J. WISEMAN, 111 Zoning Commissioner for Baltimore County

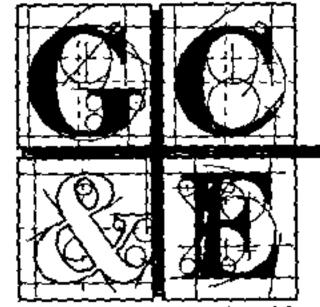
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

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

JT/10/706 Oc17 113056

CERTIFICATE OF PUBLICATION

10/19/2006
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $10/7/$,2006.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilking
LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 07-104-A
PETITIONER/DEVELOPER:
John Argiropoulos
DATE OF HEARING: 11/01/06

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION:

8 North Prospect Avenue

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 10/06/06



CASE #:07-104-A

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD.

PLACE: 401 Bosley Avenue, Towson, IAD

11:00 am Wednesday, November 1, 2006

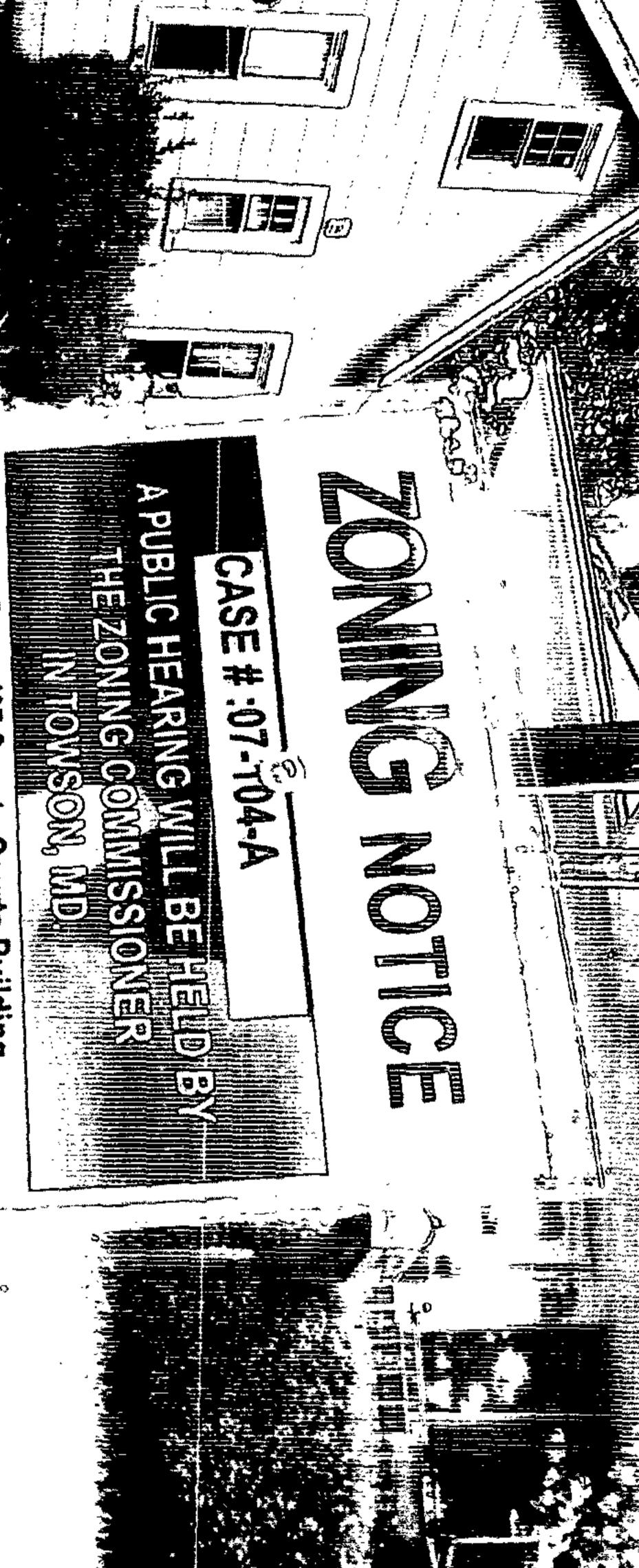
TIME & DATE:

Variance: to permit a front yard average setback of 21 feet in lieu of the required 44 feet.

THE STATE OF THE S

HEADINGS ARE HANDICAPPED ACCESSIONS

10/06/2006

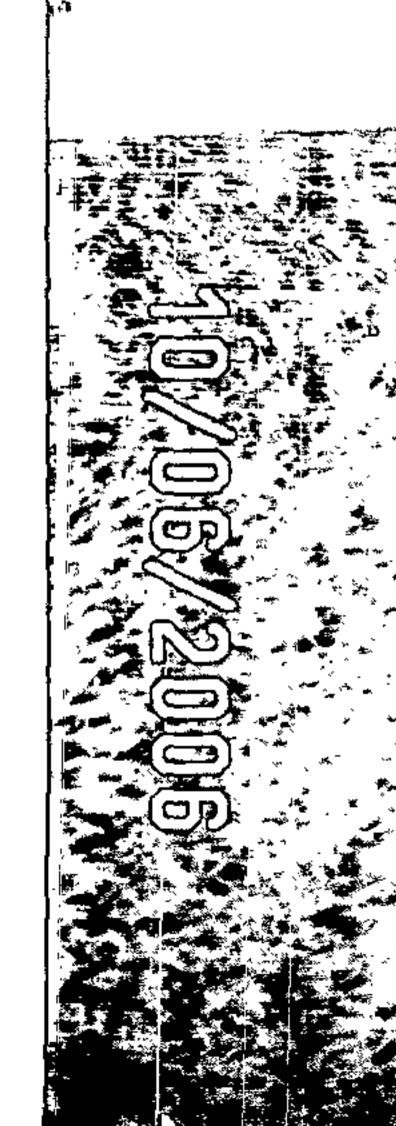


Room 407 County Courts Building PLACE: 401 Bosley Avenue, Towson, MD

11:00 am Wednesday, November 1, 2006

TIME & DATE:

Variance: to permit a front yard average setback of 21 feet in lieu of the required 44 feet.



RE: PETITION FOR VARIANCE

8 North Prospect Avenue; W/S North

Prospect Avenue, 370' S Edmonson Avenue *

1st Election & 1st Councilmanic Districts

Legal Owner(s): John Argiropoulos

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-104-A

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 18th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed to, Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286 and Francis X. Borgerding, Jr, Esquire, 409 Washington Avenue, St 600, Towson, MD, 21204, Attorney for Petitioner(s).

RECEIVED

CII 1 8 2006

Per....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

September 21, 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: 07-104-A

8 North Prospect Avenue
West side North Prospect Avenue, 370 feet south Edmonson Avenue

1st Election District, 1st Councilmanic District
Legal Owner - John Argiropoulos

Variance to permit a front yard average setback of 21 feet in lieu of the required 44 feet.

Hearing: Wednesday, November 1, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

buth Kotroco

Director

TK:amf

C: Francis X. Borgerding, Jr. 409 Washington Avenue, Suite 600 Towson 21204 John Argiropoulos 8 N. Prospect Avenue Baltimore 21228 Bruce Doak Gerhold, Cross & Etzel 320 E. Towsontowne Blvd Towson 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 17, 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.



Visit the County's Website at www.baltimorecountyonline.info

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.

Hem Number or Case Number	· 07-104-A
Petilioner	John Argiropoulos
Address or Location.	8 N. Prosport Due
PLEASE FORWARD ADVERT	ISING BILL TO
Name: John	Argiropoulos
Address <u>R</u> .	Prospect Aue.
	nore, Mi) 2122



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 26, 2006

Francis X. Borgerding, Jr. 409 Washington Avenue, Suite 600 Towson, MD 21204

Dear Mr. Borgerding:

RE: Case Number: 07-104-A, 8 North Prospect Avenue

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

U. Callibal)

WCR:amf

Enclosures

c: People's Counsel John Argiropoulos 8 North Prospect Avenue Baltimore 21228 Bruce Doak Gerhold, Cross & Etzel 320 E. Towsontowne Blvd Towson 21204



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

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

September 24, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 18, 2006

Item Number(s): 100 thru 112, 114,115, 116

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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 25, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 25, 2006

Item No. 07-104

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the future right-of-way for North Prospect Avenue centered on existing 20-foot right-of-way. Setback shall be adjusted accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 07-104-09212006.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Jeff Livingston, DEPRM - Development Coordination JWL

DATE:

September 25, 2006

SUBJECT:

Zoning Item # See List Below

Zoning Advisory Committee Meeting of September 18, 2006

The Department of Environmental Protection and Resource Management has no comments with regards to the following zoning items:

07-100-A

07-101-A

67-104-A

07-105-A

07-107-A

07-109-A

07-110-A

07-111-A

07-115-A

07-116-A

Reviewer: J. Livingston Date: September 25, 2006

Administration

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 18, 2006

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

RE:

Baltimore County Item No. 104 JOHN ARGIROPOULOS PROPERTY VARIANCE - PERMIT ZI'S ETBACK IN LIEU OF REQUIRED 44'

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 404

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

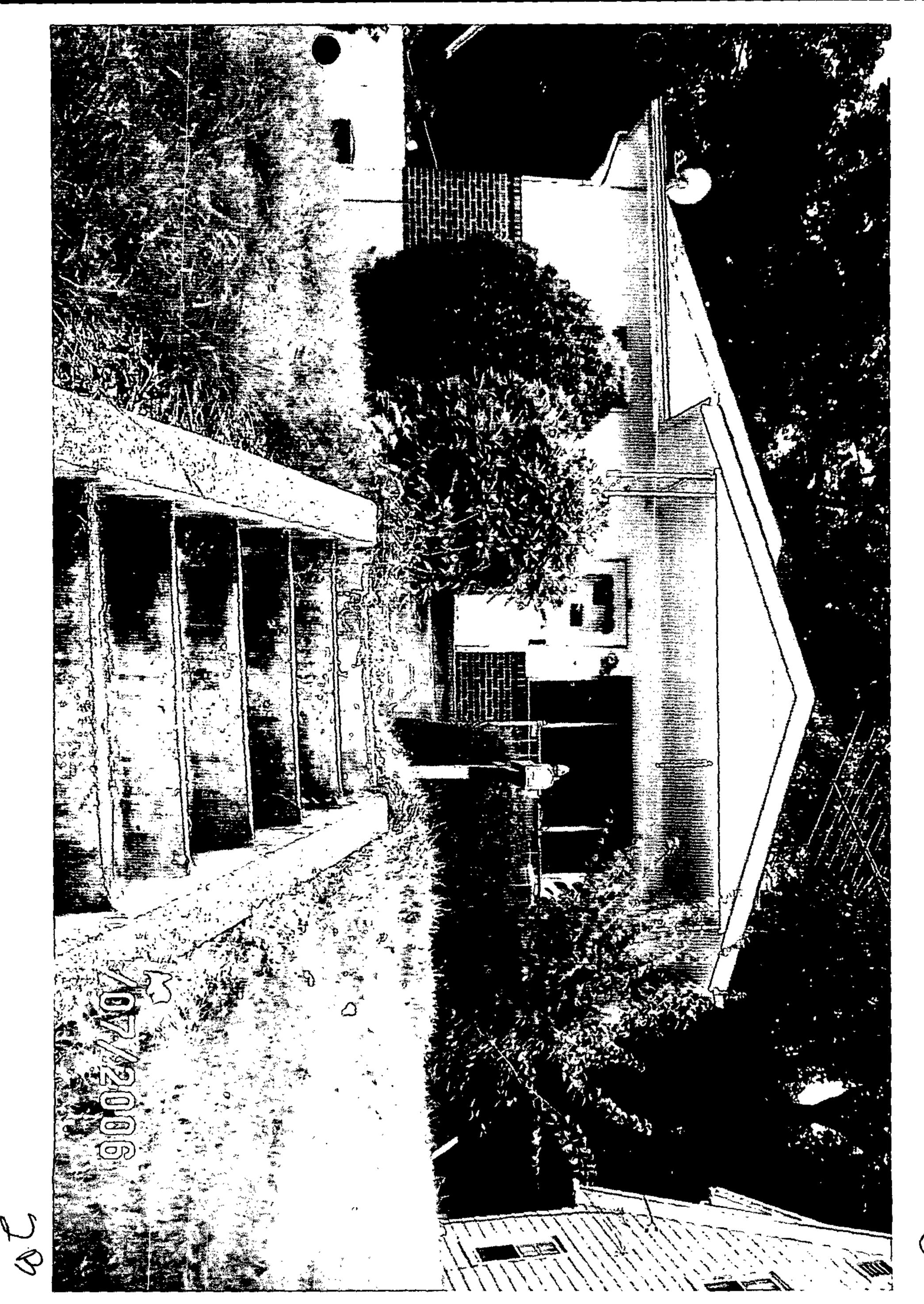
Engineering Access Permits

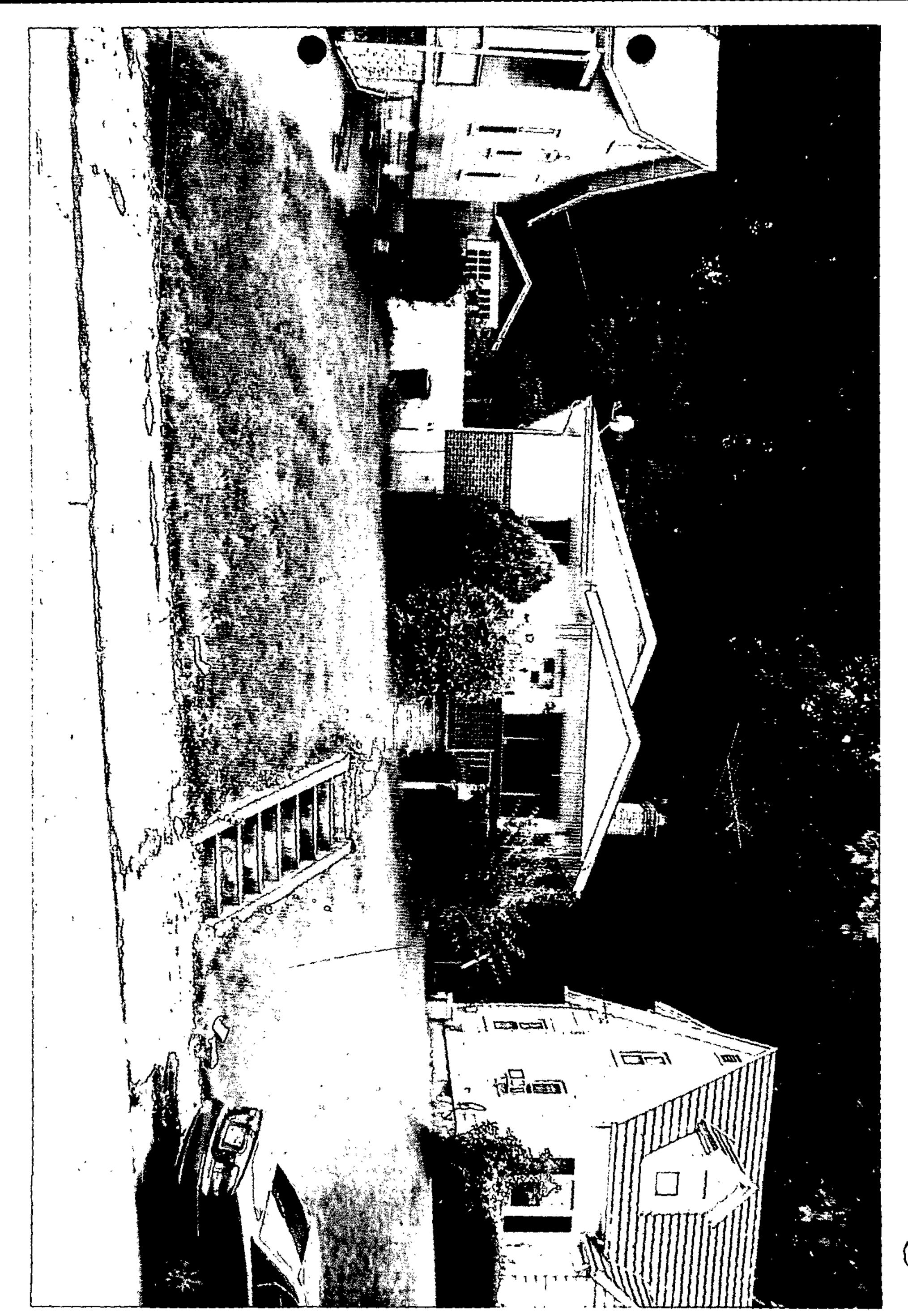
Division

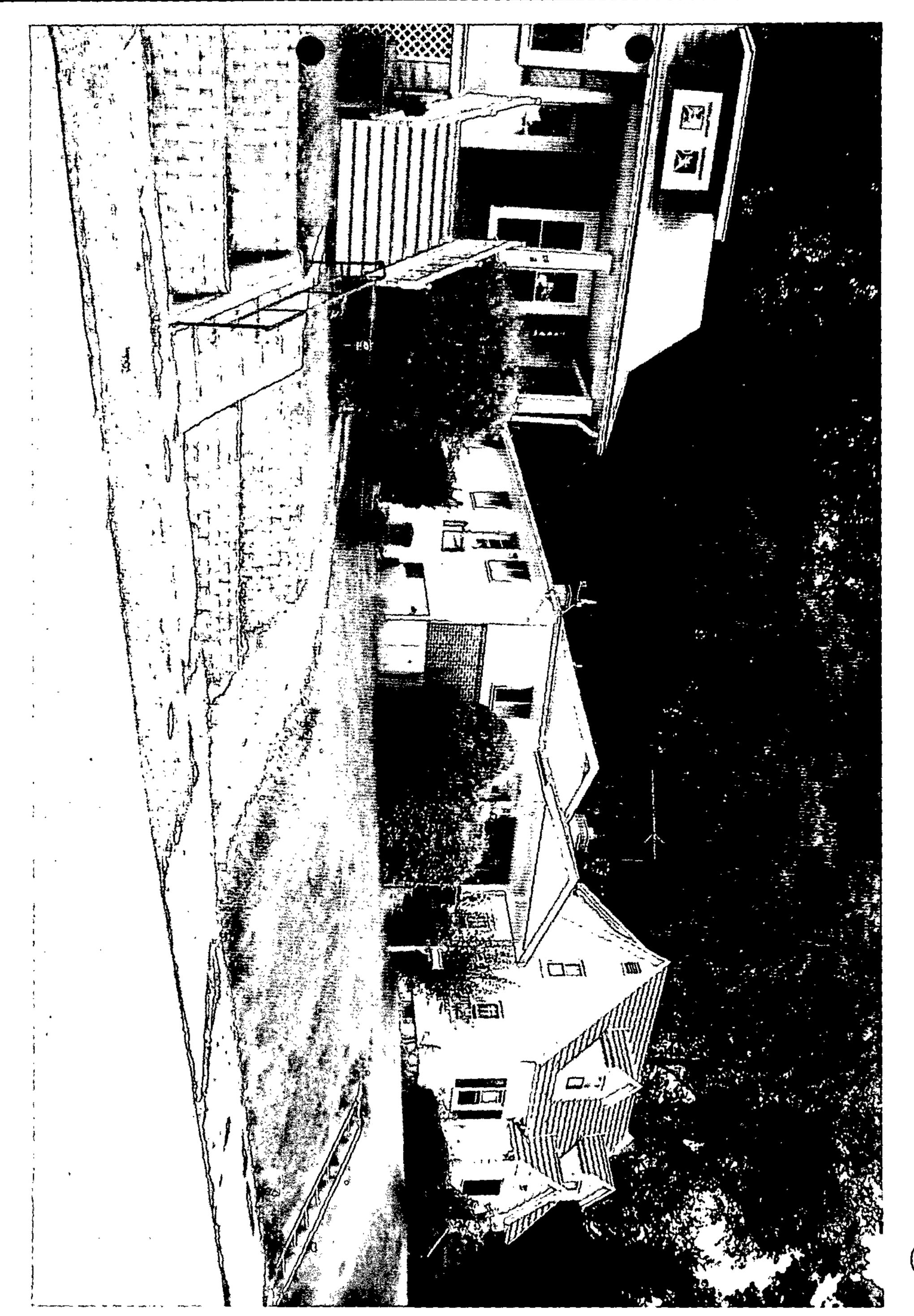
SDF/MB

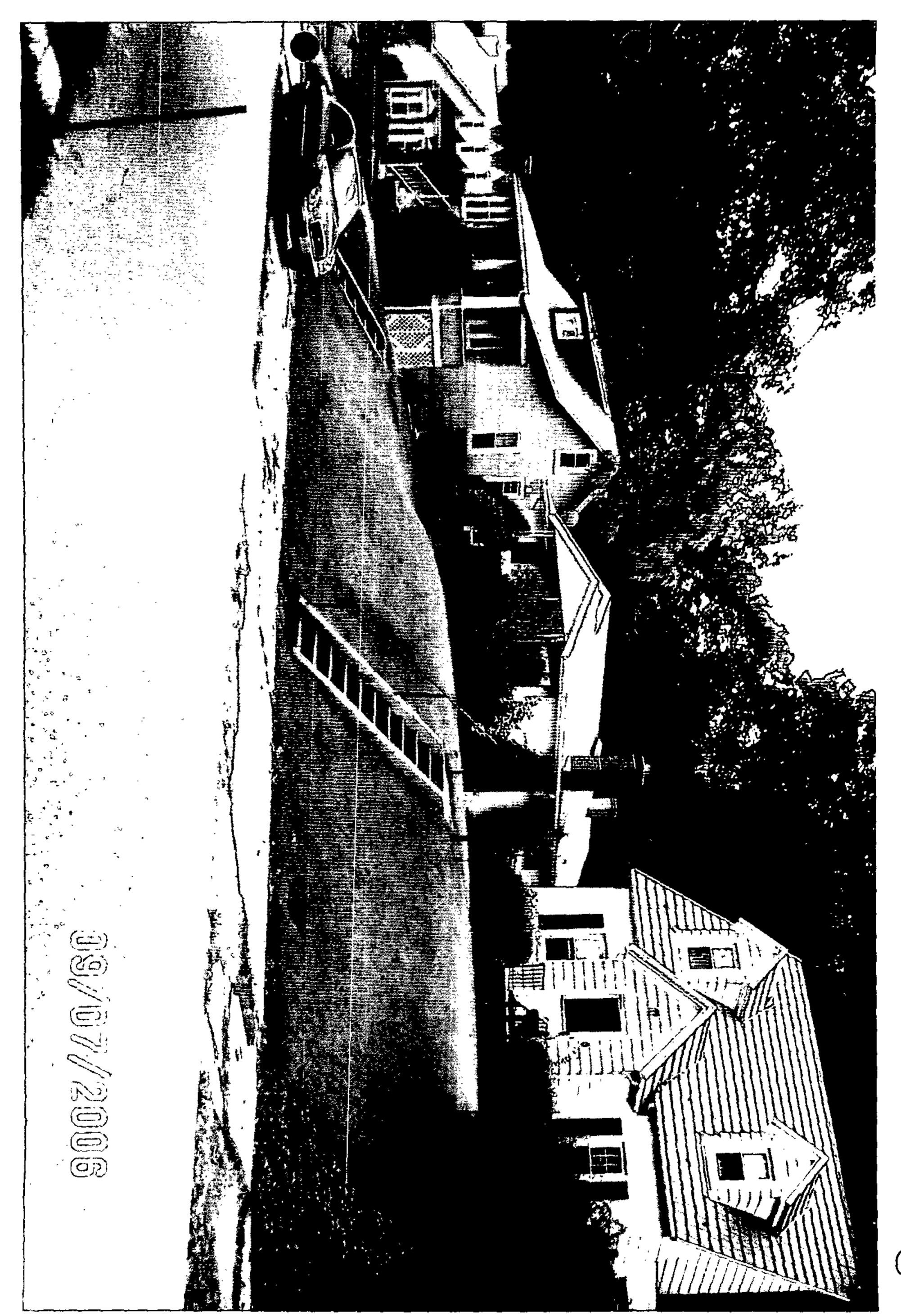




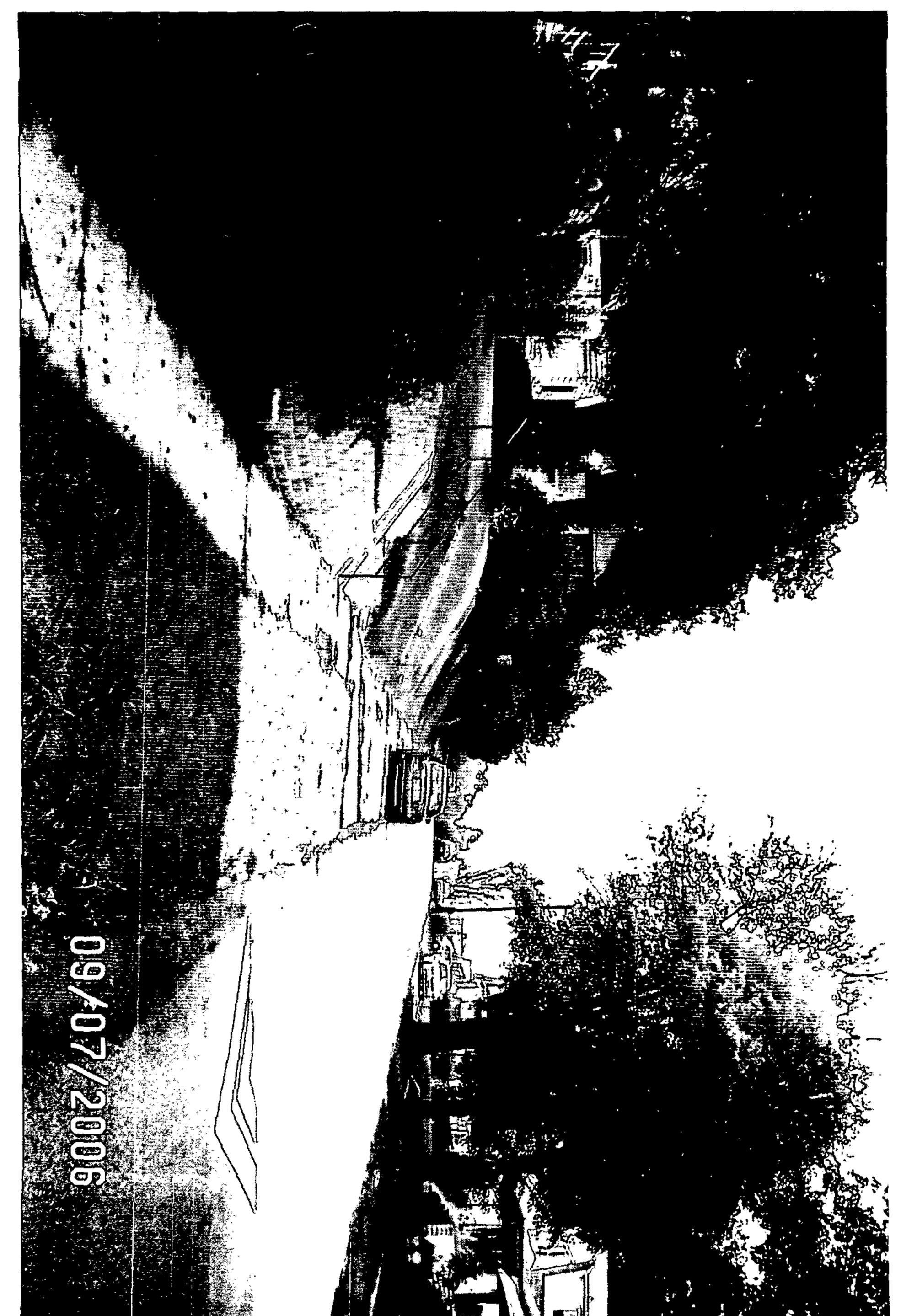




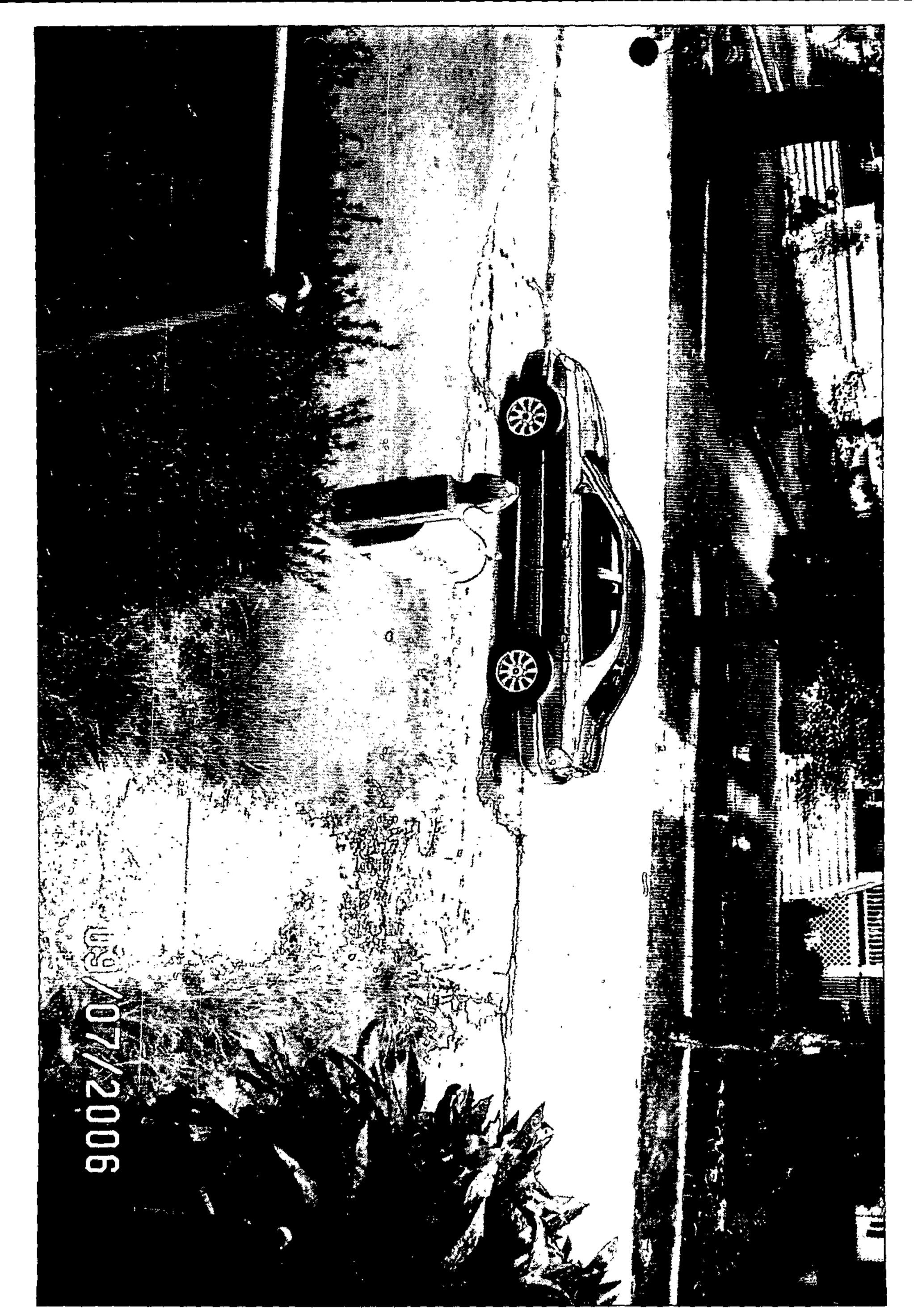


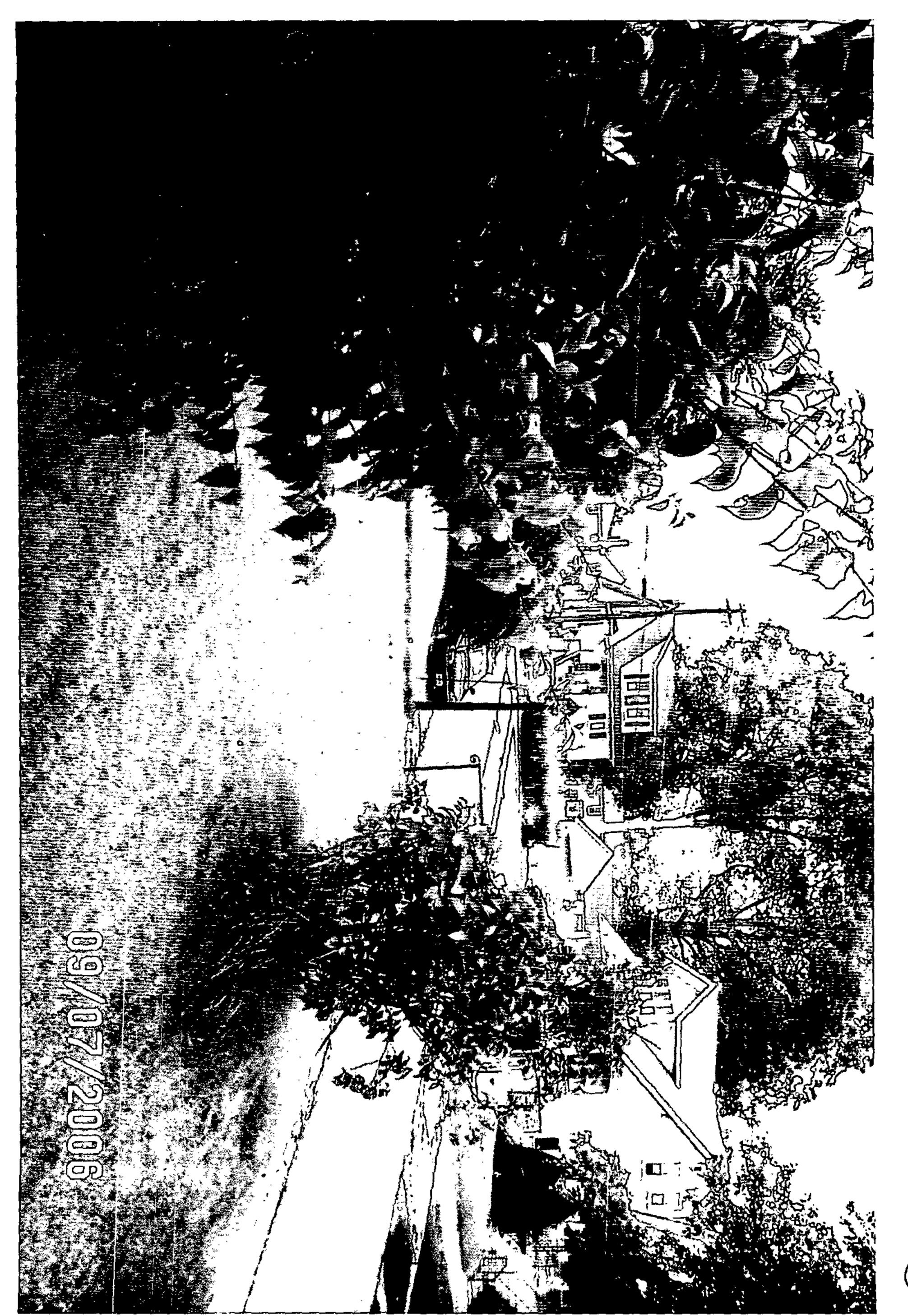


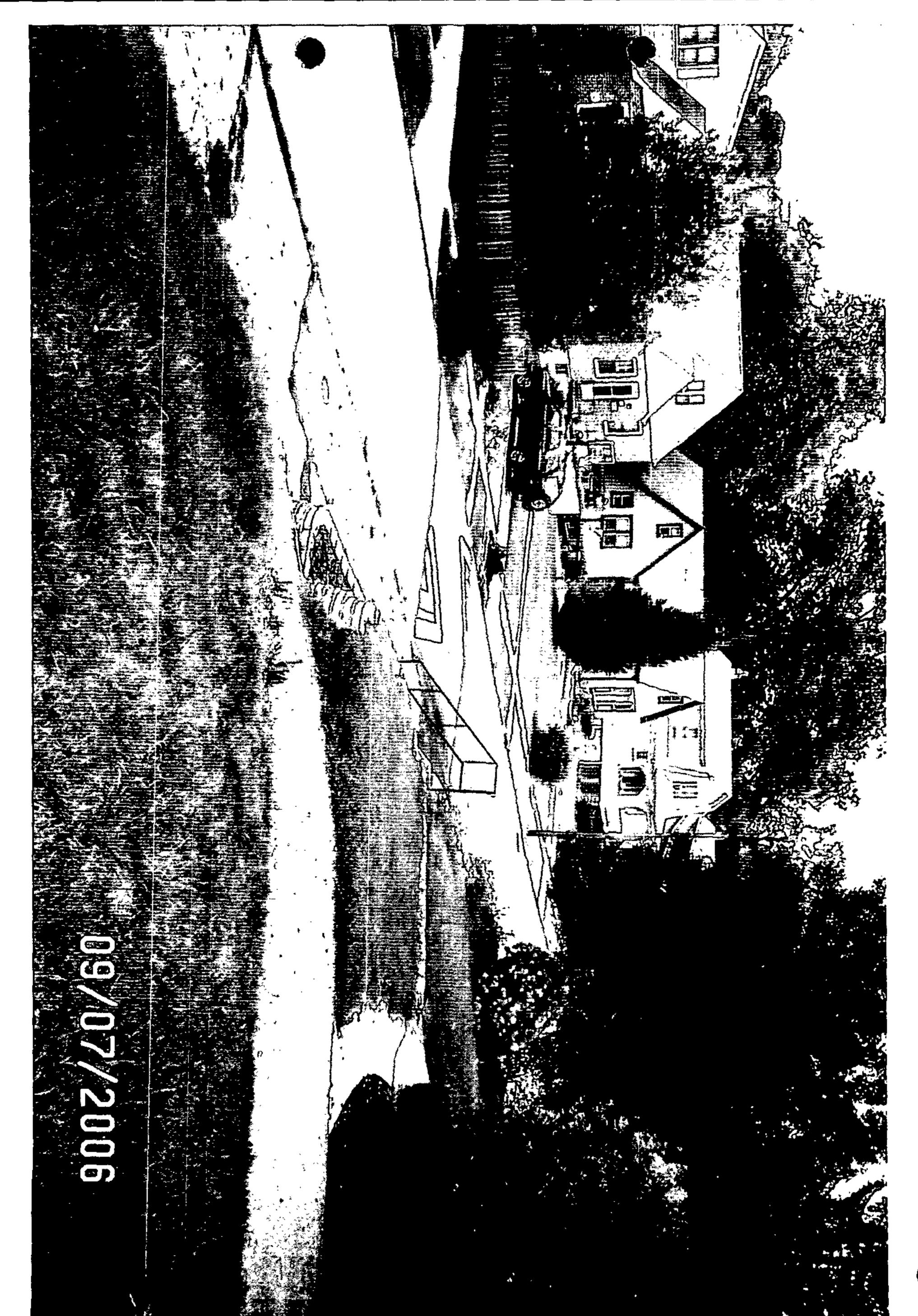
(J)











PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET


	worldnet, att, ne									
MIlmston V/A 20207	Towsow Me 21286									
4741 H. Rak Sping na	320 E. Towsoust Bus									
John Maringowlus	South .	GENHOLD LADES ? CTECL								


PLEASE PRINT CLEARLY


CASE NAME CASE NUMBER DATE

COUNTY REPRESENTATIVE'S SIGN-IN SHEE

E-MAIL											
CITY, STATE, ZIP											
ADDRESS	Manning Office			•							
NAME	Demnis West-2										







IN RE: PETITION FOR VARIANCE

W/S of North Prospect Avenue, south

Of Edmonson Avenue

1st Election District
1st Councilmanic District

(8 North Prospect Avenue)

John Argiropoulos
Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 07-104-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, John Argiropoulos. The Petitioner is requesting variance relief for property located at 8 North Prospect Avenue. The variance request from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) is to allow a front yard average setback of 21 feet in lieu of the required 44 feet.

The property was posted with Notice of Hearing on October 6, 2006 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on October 17, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

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

		•		· .
				•
			•	
			•	
	4			
	NAME :			
,				

TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 17, 2006 Issue - Jeffersonian

Please forward billing to:

John Argiropoulos 8 N. Prospect Avenue Baltimore, MD 21228

410-296-6820

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: 07-104-A

8 North Prospect Avenue
West side North Prospect Avenue, 370 feet south Edmonson Avenue

1st Election District, 1st Councilmanic District
Legal Owner - John Argiropoulos

Variance to permit a front yard average setback of 21 feet in lieu of the required 44 feet.

Hearing: Wednesday, November 1, 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.

gran!

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

SUBJECT:

8 North Prospect Avenue

Item Number:

7-104

Petitioner:

John Argiropoulos

Zoning:

DR 5.5

Requested Action:

Variance

TONING COMPANISSIONER

OCT 2 4 2006

DATE: October 16, 2006

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following comments:

North Prospect Avenue is lined with older, single-family detached dwellings on small lots. Most dwellings have front porches and the setbacks of the dwellings from the street are similar. Many of the dwellings do indeed have garages. However, in all such cases, the garages are detached and are located in the rear yard.

The subject proposal is inconsistent with the existing pattern of the neighborhood. It is dramatically different from other properties on North Prospect Avenue because it would remove the existing front porch and place a two-car garage entirely in front of the existing dwelling. Additionally, the front setback of this addition would be inconsistent with the pattern along North Prospect Avenue. Lastly, the front yard of the subject property is at a much higher elevation than the street. It is not clear how the front yard will be graded to accommodate the proposed garage. As such the Office of Planning recommends the petitioner's request be <u>denied</u>.

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

way

Prepared by:

Division Chief: AFK/LL: CM

W:\DEVREV\ZAC\7-104.doc