

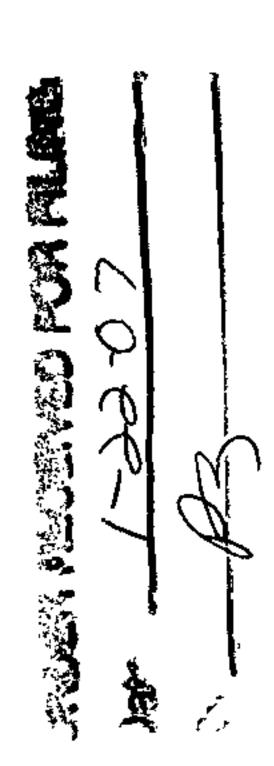
FINDINGS OF FACT AND CONCLUSIONS OF LAW

Petitioner

CASE NO. 07-153-A

This matter comes before this Deputy Zoning Commissioner as Petitions for Variances filed by the legal owner of the subject properties, John A. Sarikas. The Petitioners are requesting the following variance relief:

<u>Case No. 07-151-A</u>: This property is located at 801 North Point Road. The variance request is from Sections 1B02.3.C.1 and 302 of the Baltimore County Zoning Regulations (B.C.Z.R.) to



permit a proposed dwelling with a 49 foot lot width at the front building line in lieu of the required 55 feet.

<u>Case No. 07-152-A</u>: This property is located 803 North Point Road. The variance request is from Sections 1B02.3.C.1 and 302 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a 50.00 foot lot width at the front building line in lieu of the required 55 feet.

<u>Case No. 07-153-A</u>: This property is located at 805 North Point Road. The variance request is from Sections 1B02.3.C.1 and 302 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a 50.00 foot lot width at the front building line in lieu of the required 55 feet.

The properties were posted with Notice of Hearing on November 22, 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 November 21, 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 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 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: ZAC comments were received from the Office of Planning dated October 19, 2006 which contains restrictions, and a copy of which is attached hereto and made a part hereof the file. Revised comments were received from the Office of Planning dated December 5, 2006 and again on January 8, 2007 in support of the request.

Interested Persons

Appearing at the hearing on behalf of the variance request were John A. Sarikas, Petitioner. J. Neil Lanzi, Esquire, represented the Petitioner. Clyde Hinkle, with Bafitis & Associates, Inc., prepared the site plan. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Amended Petition

As the case progressed, the undersigned noted that Section 303.1 of the BCZR specifies in DR 5.5 zones that the front yard depth of any building erected shall be the average of the front yard depths of buildings on adjoining lots (emphasis supplied) and that the location of the proposed homes as requested by the Planning Office would require variances for each house to the average setback. Mr. Hinkle indicated that he was unaware of any interpretation to that effect, that the average front yard setback of adjoining homes has been and continues to be interpreted by the Zoning Office as a minimum only. However in case the Zoning Commissioner should rule otherwise the Petitioner amended his Petition to request an additional front yard average setback of 58 feet for 801, 55 feet for 803 and 55 feet for 805.

Testimony and Evidence

The subject property contains 0.73 acres zoned DR 5.5 and BL-AS and is not improved. Mr. Lanzi indicated that the BL-AS portion of the property reflects the commercial zoning along North Point Boulevard. In fact a McDonald's restaurant is directly behind the subject property with frontage on North Point Boulevard. The subject lot fronts on North Point Road which runs parallel to North Point Boulevard, and is approximately 170 x 162 feet in size.

The Petitioner would like to subdivide the property into three lots and construct three single family dwellings thereon. These lots would have lot widths of 49 feet, 50 feet and 50 feet at the front building line as shown in exhibit 1. The DR 5.5 regulations require 55 feet. Thus the need for variances.

Mr. Lanzi proffered that the homes to be constructed would be in keeping with the size and design of those in the community, and that there are many other lots in the area with similar or smaller lot widths. Mr. Hinkle indicated the redline changes to exhibit 1 reflect the comments received from the Planning Office and involve pushing the proposed houses back 10 feet away from the street so the house at 803 and 805 can share a common driveway. This reduces the impervious surfaces for the project and allows landscaping in the front of each house as shown. The Planning Office original comment supported the requests provided certain information regarding compatibility was supplied. In addition the State Highway Administration wanted the plat to show a full 50 foot right of way for North Point Road, (MD Rte 20) which is depicted on exhibit 1. Mr. Hinkle opined that the new homes would be setback 53 feet on average which meets the minimum average setback of 48 feet.

Mr. Hinkle presented extensive photographs of the adjoining community as exhibit 2A through 2I, and letters of support from eight adjoining and nearby homeowners as exhibit 3. He opined that approving the requested variances would allow the lot to be cleaned up and

improve the neighborhood. Finally he indicated that the proposed homes would likely be designed similar to the Avalon and Arlington style modular homes shown on exhibit 4.

He also noted that the property slopes steeply toward the rear, the lots meet all requirements for size and setbacks and that granting the variances would not be detrimental to the community.

Findings of Fact and Conclusions of Law

In regard to the amended Petition, I find that the additional front yard average variance is required in this zone because Section 303.1 directs that new homes between existing dwellings shall be setback the average setback of the adjoining homes. In this case the average setback is 48.5 feet and the proposed setbacks for the new homes are 58, 55 and 55 feet respectively.

I will not require the Petitioner to repost or readvertise this new variance request finding that the public has been sufficiently and effectively notified of the proposed use and front yard setbacks. In fact the Petitioner moved the new homes toward the rear 10 feet to accommodate comments from the Planning Office and State Highway Administration. The public would not have seen the redline changes to the plan unless they attended the hearing. Also in fairness to the Petitioner, the Zoning Office reviewers did not suggest the additional variances were needed apparently continuing with their interpretation of Section 303.1 as requiring only a minimum.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property has a substantial slope toward the rear and is slightly irregular. Therefore I find the property unique in a zoning sense.

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However this case presents a very difficult issue of whether or not the hardship is self imposed and therefore a variance may not be granted. As mentioned at the hearing, the general rule is that if by striking a subdivision line, a variance is required, the hardship is self imposed. This is the situation in the present case. The Petitioner could clearly strike subdivision lines which would result in two lots of approximately 85 feet which would meet all regulations. No variance is needed. He chooses to create three lots whose subdivision lines create the need for the lot width variances.

Again as mentioned at the hearing this Commission has recognized three exceptions to the general rule: existing conditions, public good and no economic value. Existing conditions often occur when subdividing a farm for residential housing and perhaps an exiting barn appears in the side yard or exceeds the height limitation after subdivision lines are struck by the Developer. We have always granted variances for the barn reasoning the height or location of the barn was an existing condition and not the choice of the Developer. Public good exceptions occur when a County agency "suggests" to the Developer a plan which triggers variances. Perhaps the Planning Office "suggests" a substantial redesign of a project which prior to the redesign required no variances in order to achieve a greater public goal. For example the project may be in a town center and the Planning Office is anxious to see very high density housing at this location. However while the more modest plan originally proposed may not require variances the plan that satisfies the greater public good does require variances. We have reasoned that such a situation is hardly the Developer's choice and so really not self imposed. Finally we sometimes find that lots in very old subdivisions recorded many years before zoning was imposed result in no practical economic use of a property. Again we reasoned that these old lots were not created by the Petitioner and sometimes there is simply not practical use that can be made of the property in that setting.

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Being aware of these exceptions the Planning Office which had presented two comments in support of this request, presented a third comment to address this issue. The January 8, 2007 comment notes the existing undersized lots in the area, and finds that the three lot subdivision proposed herein is consistent with the concept of Smart Growth, and pattern of development of the neighborhood. The comments opined that the proposed three lot subdivision offers higher and better use of the property.

While I do not believe the concept of Smart Growth infill has any legal status in this County, I am persuaded that the pattern of development of the neighborhood requires this result. The zoning map in the file shows the area community to the east, west and south to be older very modest homes on what appear to be 50 foot lots. Photograph 2 E shows just how modest these homes are. In addition the property backs up to the heavy commercial strip along North Point Boulevard (not Road) including the McDonalds directly behind the subject property.

Given this setting would two homes commensurate with 85 foot wide lots be compatible with the neighborhood? I think not. Said another way could the Petitioner reasonably sell large homes on large lots which back up to a McDonalds in this neighborhood? Again my answer is no. Although I think this issue is very close, here we have a combination of existing conditions (the existing neighborhood build out on 50 foot lots), the greater public good described by the Planning Office and practical use of property where large homes on large lots do not fit the pattern of development. Consequently I find the hardship is not self imposed in this very narrow and unique setting.

Finally, I find these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health,

safety and general welfare. Clearly the neighborhood and the Planning Office support three homes on this property.

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 granted.

THEREFORE, IT IS ORDERED, this _______ day of January, 2007, by this Deputy Zoning Commissioner, that variance relief for properties set forth as follows:

Case No. 07151-A: This property is located at 801 North Point Road. The variance requests are from Sections 1B02.3.C.1 and 302 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a 49 foot lot width at the front building line in lieu of the required 55 feet and from Section 303.1 to allow an average front yard depth of 58 feet in lieu of the required 48.5 feet are hereby GRANTED; and

Case No. 07-152-A: This property is located 803 North Point Road. The variance requests are from Sections 1B02.3.C.1 and 302 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a 50.00 foot lot width at the front building line in lieu of the required 55 feet and from Section 303.1 to allow an average front yard depth of 55 feet in lieu of the required 48.5 feet are hereby GRANTED; and

Case No. 07-153-A: This property is located at 805 North Point Road. The variance request is from Sections 1B02.3.C.1 and 302 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a 50.00 foot lot width at the front building line in lieu of the required 55 feet and from Section 303.1 to allow an average front yard depth of 55 feet in lieu of the required 48.5 feet are hereby GRANTED; subject however to the following conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at

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his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

- 2. Submit building elevations to the Office of Planning for review and approval prior to the issuance of any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color and architectural detail as that of the existing dwellings in the area.
- 3. Provide landscaping along the public road, if consistent with the existing streetscape.

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

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
N/S of North Point Road, 56 feet SE		
Of Carson Avenue	*	DEPUTY ZONING COMMISSIONER
15 th Election District		
7 th Councilmanic District	*	OF BALTIMORE COUNTY
(801 North Point Road)		
(now known as 803 Northpoint Road)		
	*	
John A. Sarikas		
Petitioner	*	CASE NO. 07-151-A
* * * * *	* * *	* * * * *
IN RE: PETITION FOR VARIANCE	*	BEFORE THE
N/S of North Point Road, 101.08 feet SE	·	DEFORE THE
Of Carson Avenue	*	DEPUTY ZONING COMMISSIONER
15 th Election District		DEFOTT ZOMING COMMISSIONER
7 th Councilmanic District	*	OF BALTIMORE COUNTY
(803 North Point Road)		OF BALTIMORE COUNT I
(now known as 805 Northpoint Road)	*	
(now known as oos froi inpoint Koau)		
John A. Sarikas		
Petitioner	*	CASE NO. 07-152-A
* * * * *	* * *	* * * * *
IN RE: PETITION FOR VARIANCE	*	BEFORE THE
N/S of North Point Road, 151.09 feet SE		
Of Carson Avenue	*	DEPUTY ZONING COMMISSIONER
15 th Election District		
7 th Councilmanic District	*	OF BALTIMORE COUNTY
(805 North Point Road)		
(known as 807 Northpoint Road) *		
John A. Sarikas		
Petitioner	*	CASE NO. 07-153-A
1 emoner	-	CASE NO. 07-133-A

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by J. Neil Lanzi Esquire, representing the legal owner of the subject property, John A. Sarikas.

Original Case

The Petitioner originally filed a Petition for Variance as follows:

<u>Case No. 07-151-A</u>: This property is located at 801 North Point Road. The variance request is from Sections 1B02.3.C.1 and 302 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a 49 foot lot width at the front building line in lieu of the required 55 feet.

<u>Case No. 07-152-A</u>: This property is located 803 North Point Road. The variance request is from Sections 1B02.3.C.1 and 302 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a 50.00 foot lot width at the front building line in lieu of the required 55 feet.

<u>Case No. 07-153-A</u>: This property is located at 805 North Point Road. The variance request is from Sections 1B02.3.C.1 and 302 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a 50.00 foot lot width at the front building line in lieu of the required 55 feet.

Motion for Reconsideration

On February 3, 2007, J. Neil Lanzi, Esquire, filed a timely Motion for Reconsideration of this Deputy Zoning Commissioner's Order dated January 22, 2007 requesting that the addresses for the subject properties be changed as a result of their discovery of an addressing error. This change is reflected in the site plans, exhibits 2A, 2B and 2C, which replace the prior exhibits 1A, 1B and 1C along with corrected legal descriptions. In addition the Petitioner's engineer redlined the exhibit 2A, 2B and 2C to reflect the amendment to the Petition for front yard setback. All the above will be added to the file.

Findings of Fact and Conclusions of Law

Mr. Lanzi submitted revised zoning descriptions, plats to accompany, and zoning maps for the three lots to indicate the correct address information on the site plan and legal description. He has indicated that the site plans submitted on February 3, 2007 are now redlined in accordance with my Order of January 22, 2007 which includes the amended Petition for front

yard setback. After reviewing the evidence in the case and the Petitioner's Motion for Reconsideration, I find the Motion should be granted.

THEREFORE, IT IS ORDERED by this Deputy Zoning Commissioner for Baltimore County this ______ day of February, 2007 that the Motion for Reconsideration filed in the above-captioned matter is granted, the Order dated January 22, 2007 is hereby replace entirely by the following:

Case No. 07151-A: This property is located at 803 North Point Road. The variance requests from Sections 1B02.3.C.1 and 302 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a 49 foot lot width at the front building line in lieu of the required 55 feet and from Section 303.1 to allow an average front yard depth of 58 feet in lieu of the required 48.5 feet are hereby GRANTED; and

Case No. 07-152-A: This property is located 805 North Point Road. The variance requests from Sections 1B02.3.C.1 and 302 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a 50.00 foot lot width at the front building line in lieu of the required 55 feet and from Section 303.1 to allow an average front yard depth of 55 feet in lieu of the required 48.5 feet are hereby GRANTED; and

Case No. 07-153-A: This property is located at 807 North Point Road. The variance requests from Sections 1B02.3.C.1 and 302 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with a 50.00 foot lot width at the front building line in lieu of the required 55 feet and from Section 303.1 to allow an average front yard depth of 55 feet in lieu of the required 48.5 feet are hereby GRANTED; subject however to the following conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be

- required to return, and be responsible for returning, said property to its original condition.
- 2. Submit building elevations to the Office of Planning for review and approval prior to the issuance of any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color and architectural detail as that of the existing dwellings in the area.
- 3. Provide landscaping along the public road, if consistent with the existing streetscape; and

IT IS FURTHER ORDERED that the redlined site plans submitted as part of the Motion for Reconsideration marked as exhibits 2A, 2 B and 2C and associated legal descriptions are hereby accepted and approved.

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

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

Joan V. Murphy

FOR BALTIMORE COUNTY

JVM:pz



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 801 North Point Road

which is presently zoned DR 5.5 and BL-AS

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

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

and Section 302
1802.3.C.1 to permit a proposed dwelling with a 49 foot lot width at the front building line in lieu of the required 55 feet

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

Reasons to be presented at hearing

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 propers is the subject of this Petition.	erty which							
Contract Purchaser/Les	ssee:		Legal Owner(s):								
			x John A. Sarikas								
Name - Type or Print			Name - Type or Print								
Signature			Signature H. Souri Augus								
Address		Telephone No.	Name - Type or Print								
City	State	Zip Code	Signature								
Attorney For Petitioner	· •		7616 Riddle Avenue 410-288-6564								
J. Neil Lanzi	•	-	Address Baltimore, MD 21224	elephone No.							
Name - Type or Print			City	Zip Code							
Signature (Man)	M		Representative to be Contacted:	•							
J. Neil Lanzi, P.A.			J. Neil Lanzi								
Company			Name								
409 Washington Ave	Ste 617 41	0-296-0686	409 Washington Ave Ste 617 410-2								
Address Towson, MD 21204		Telephone No.	Address Towson, MD 21204	lephone No.							
City	State	Zip Code	City	Zip Code							
			OFFICE USE ONLY								
Case No. $07-6$	Δ-1-0	-	ESTIMATED LENGTH OF HEARING								
Case No.	J 1 //		UNAVAILABLE FOR HEARING	1/1/20							
	J,		Reviewed By JNP Date 10	17/06							
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ZONING DESCRIPTION FOR 801 NORTH POINT ROAD 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

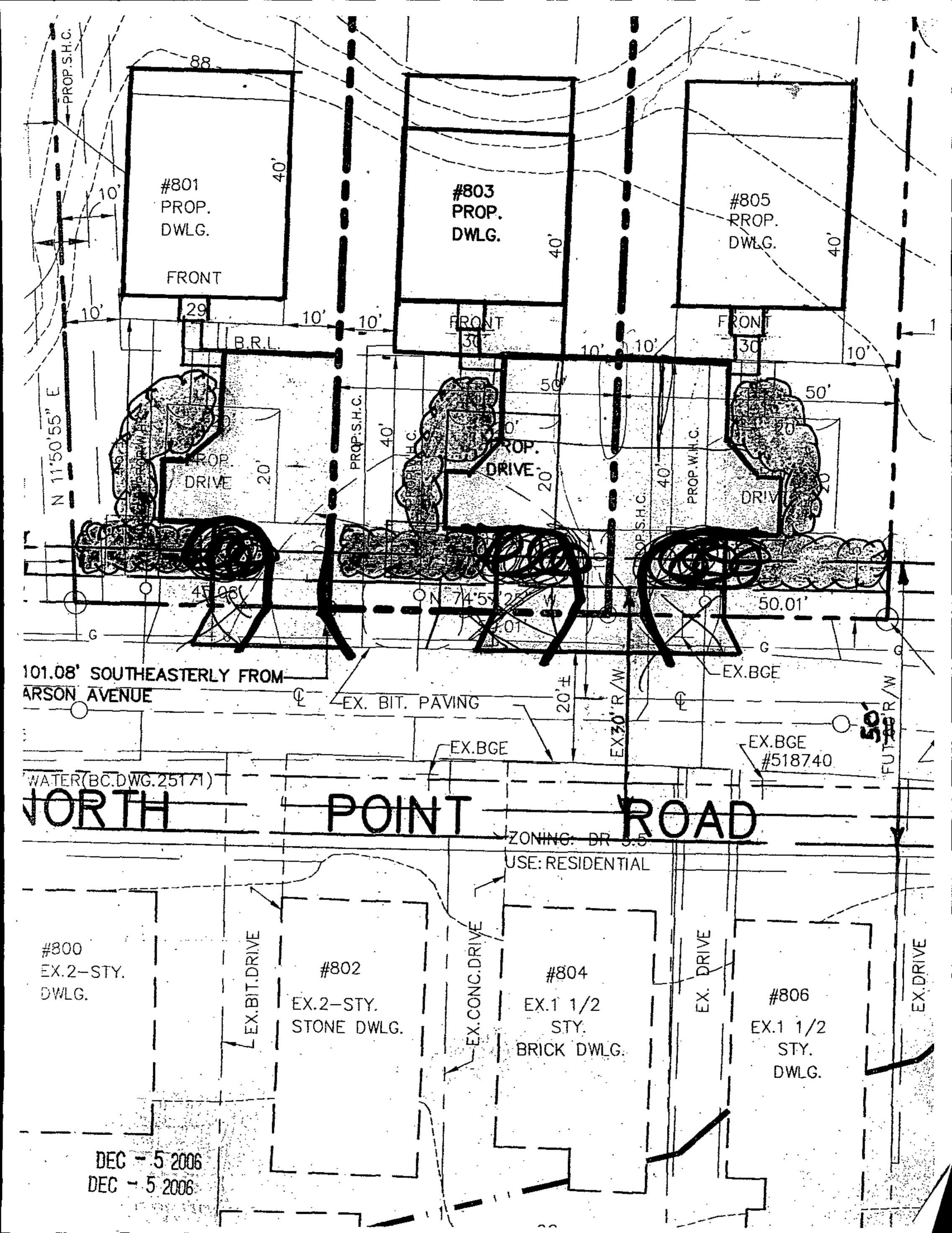
Beginning for the same at a point on the North side of North Point Road (60 feet wide), said point being 56 feet± Southeasterly from the centerline extended of Carson Avenue (35 foot wide) thence leaving said point of beginning and the right-of-way of North Point Road, North 11°-50'-12" East, 191.95 feet, thence South 76°-50'-12" East, 60.22 feet, thence South 16°-21'-06" West, 193.67 feet to the North side of North Point Road and thence binding on said North side of North Point Road, North 74°-57'-25" West, 45.08 feet to the point of beginning.

Containing 10,142.12 square feet (0.233 acres) of land more or less.

Being part of that lot of ground described in Deed in Liber 23501, folio 005 recorded among the Land Records of Baltimore County, Maryland.

William N. Bafitis, P.E. Md. Reg. No. 11641

Date



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: # 07-151-A

801 North Point Road
North side of North Point Road, 56 feet southeast of Carson Avenue.

15th Election District
The Councilmanic District
Cegal Owner: John A. Sarikas
Variance: To permit a proposed dwelling with a 49 foot lot width, at the front building line in lieu of the required 55 feet.

Hearing: Wednesday, December 8, 2006 at 9:00 a.m. in Room 407, County 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 accommodations Please Contact the Zonling 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.
JT 11/690 Nov. 21 116738

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that the annexed advertisement was published aper published in Baltimore County, Md., in the following weekly newsp THIS IS TO CERTIFY

successive weeks, the first publication appearing each of once in

The Jeffersonian

Arbutus Times

Catonsville Times

Towson Times

Owings Mills Times

NE Booster/Reporter

North County News

Multing.

LEGAL ADVERTISING

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CERTIFICATE OF POSTING

	RE: Case No.: 07-151-A
and the second s	Petitioner/Developer: JOHN
	A. SARIKAS
	Date of Hearing/Closing: DEC 6, 200
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-339	4}
Ladies and Gentlemen:	
This letter is to certify under the penalties posted conspicuously on the property locat	of perjury that the necessary sign(s) required by law were ted at:
	TH POINT RD
<u></u>	
The sign(s) were posted on	11-22-06
	(Month, Day, Year)
	Sincerely,
TONING NOTICE	(Signature of Sign Poster) (Date)
The lating the state of the sta	SSG Robert Black
PLEON HOT COTATIONS TO THE TOTAL PROPERTY AND ASSESSMENT ASSESSMENT AND ASSESSMENT ASSESSM	(Print Name)
	1508 Lestie Road
A Second	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

RE: PETITION FOR VARIANCE

801 North Point Road; N/S North Point

Rd, 56' SE Carson Avenue

15th Election & 7th Councilmanic Districts

Legal Owner(s): John A. Sarikas

Petitioner(s)

*

BEFORE THE

ZONING COMMISSIONER

FOR

•

BALTIMORE COUNTY

* 07-151-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/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 12th day of October, 2006, a copy of the foregoing Entry of Appearance was mailed to, J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

CC: 12 2006

Per J. A....

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

lax dimmerman



JAMES T. SMITH, JR. County Executive October ThB, 2006 TROCO, Director
Department of Permits and
Development Management

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: 07-151-A

801 North Point Road

North side of North Point Road, 56 feet southeast of Carson Avenue.

15th Election District – 7th Councilmanic District

Legal Owner(s): John A Sarikas

<u>VARIANCE</u> To permit a proposed dwelling with a 49 foot lot width at the front building line in lieu of the required 55 feet.

Hearing: Wednesday, December 6, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco

Director

TK:amf

C: John A. Sarikas 7616 Riddle Avenue Baltimore 21224

J. Neil Lanzi, P.A. 409 Washington Avenue, Ste 617 Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 22, 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, November 21, 2006 Issue - Jeffersonian

Please forward billing to:

Neil Lanzi

410-296-0686

409 Washington Avenue, Ste 617

Towson, MD 21204

NOTICE OF ZONING HEARING

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CASE NUMBER: 07-151-A

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WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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OFFICE AT 410-887-4386.

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

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: 07-451-A	•
1	
Petitioner: John A. Sarikas	
Address or Location: 801 North Point Road	
PLEASE FORWARD ADVERTISING BILL TO: Name:	··· - · · · · · · · · · · · · · · · · ·
Address: 409 Washington Ove #617	
	<u>-</u>
Telephone Number: 410 296 0686	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and Development Management

November 29, 2006

J. Neil Lanzi 409 Washington Avenue, Suite 617 Towson, MD 21204

Dear Mr. Lanzi:

RE: Case Number: 07-151-A, 801 North Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 4, 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. Callina Dally

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

People's Counsel C: John A. Sarikas 7616 Riddle Avenue Baltimore 21224



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

MARYLAND DEPARTMENT OF TRANSPORTATION

October 18, 2006

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

Baltimore County RE:

Item No. 07-151-A

MD 20 (North Point Road)

801 North Point Road

Variance-permit a building in lieu of the required 55'

Dear Ms. Matthews:

We have reviewed the referenced plan and have no objection to approval, as a field inspection reveals that the permit is required for access to MD 20 9North Point Road. Coordination with Mr. Michael Pasquariello Utility Engineer at our District Four Office is necessary to obtain a residential entrance permit. You may reach him at 410-321-2843.

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

Very truly yours,

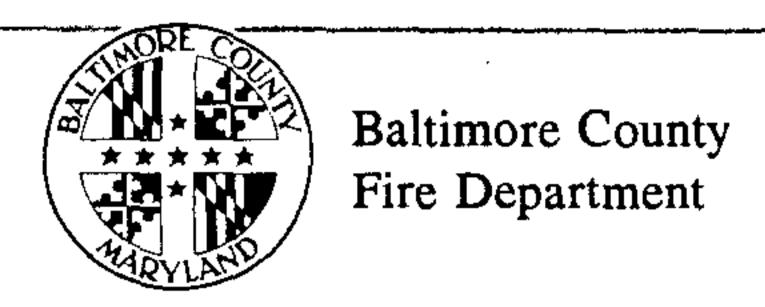
Steven D. Foster, Chief
Engineering Access Permits

Division

SDF/MB

Mr. David Malkowski, District Engineer, SHA Cc:

Mr. Michael Pasquariello, Utility Engineer, SHA



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

October 9, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 9, 2006

Item Number(s): 145 through 156

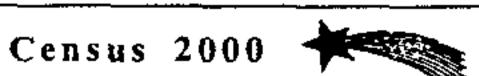
Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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













JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III Zoning Commissioner

January 22, 2007

JOHN A. SARIKAS 7616 RIDDLE AVENUE BALTIMORE MD 21224

Re: Petition for Variance

Case No. 07-151-A located at 801 North Point Road Case No. 07-152-A located at 803 North Point Road

Case No. 07-153-A located at North Point Road

Dear Mr. Sarikas:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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,

Deputy Zoning Commissioner

Enclosure

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J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204 Clyde Hinkle, Bafitis & Associates Inc., 1249 Engleberth Road, Baltimore MD 21221

County Courts Building | 401 Bosley Avenue, Suite 405 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3 www.baltimorecountymd.gov

INTER-OFFICE CORRESPONDENCE

DATE: January 8, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 7-151, 7-152 and 7-153

Amended

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there are several existing undersized lots in the neighborhood. As such, the Office of Planning finds that the proposed three lot subdivision is consistent with the concept of Smart Growth and the pattern of development in the neighborhood. The proposal is in an area with adequate public facilities and will not create a burden on the existing infrastructure of sewer, water or schools. In addition there will be a benefit to the county tax base with the three houses in lieu of two. The design as proposed offers a higher and better use of the property.

The petitioner has revised the site plan to minimize the paving in the front yards and to provide shared access for lots 803 and 805. The width of the two proposed driveways has been reduced. Landscaping has been provided to screen the paved areas. The Office of Planning supports this revised configuration.

The following conditions shall apply to the proposed dwellings:

- 1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 2. Provide a final landscape plan (consistent with the revised exhibit) to screen the parking and turn-out areas with the minor subdivision.

For further questions or additional information concerning the matters stated herein, please contact Lynn Lanham with the Office of Planning at 410-887-3480.

Herein, please contact Lynn Lanham with the Office of Planning at 410-887-3480.

Division Chief: _______

INTER-OFFICE CORRESPONDENCE

DATE: December 5, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 7-151, 7-152 and 7-153

Amended

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there are several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

The petitioner has revised the site plan to minimize the paving in the front yards and to provide shared access for lots 803 and 805. The width of the two proposed driveways has been reduced. Landscaping has been provided to screen the paved areas. The Office of Planning supports this revised configuration.

The following conditions shall apply to the proposed dwellings:

- 1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 2. Provide a final landscape plan (consistent with the revised exhibit) to screen the parking and turn-out areas with the minor subdivision.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay with the Office of Planning at 410-887-3480.

Division Chief:

CM/LL

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 18, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 16, 2006

Item Nos, 07-145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155 and 156

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-10132006.doc

J. NEIL LANZI, P.A.

ATTORNEY AT LAW MERCANTILE BUILDING, SUITE 617 **409 WASHINGTON AVENUE** TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

Suite 420, Parkside Bldg 10500 Little Patuxent Parkway Columbia, Maryland 21044-3563

Reply to Towson

COLUMBIA

E-Mail: lanzilaw@cs.com

*Also Admitted in District of Columbia

 \mathbf{G}

J. Neil Lanzi

OF COUNSEL

Fred L. Coover*

February 1, 2007

John V. Murphy, Deputy Zoning Commissioner County Courts Building, Room 405 401 Bosley Avenue Towson, MD 21204

> Case Nos. 07-151-A, 07-152-A and 07-153-A Re:

> > 801-805 Northpoint Road

FIR 0: 2007

Dear Mr. Murphy:

Receipt of your Decision rendered in the three above referenced cases is hereby acknowledged. As a result of your January 22, 2007 Order and our discovery of an address error, I am hereby requesting on behalf of the Petitioner that your Order be amended to address the following.

First, the site plans entered as Petitioner's Exhibits 1A, 1B and 1C show Shirley Bischoff as the owner of two lots adjacent to Petitioner's development. You will note that one of the lots owned by Ms. Bischoff is shown as 725 Northpoint Road. Upon further research with SDAT, the second Bischoff Lot, property ID No. 1519710140, is actually known as 801 Northpoint Road. Therefore, the addresses shown for Lots 1, 2 and 3 on Petitioner's site plans are in error.

Accordingly, by this letter and the enclosed red-line site plans, I would respectfully request your Order be amended to show the following corrections:

- Case No. 07-151-A for Lot 3 and previously shown as 801 Northpoint Road will be now known as 803 Northpoint Road.
- Case No. 07-152-A for Lot 2 and previously shown as 803 Northpoint Road will now be known as 805 Northpoint Road.
- Case No. 07-153-A for Lot 1 and previously shown as 805 Northpoint Road will now be known as 807 Northpoint Road.

February 1, 2007 Page Two

These corrected property addresses have been verified by the Property Address Division of Permits and Development Management. I am also enclosing red-lined zoning descriptions and zoning maps for each case.

Second, by your Order, you required average front yard depths different than the site plan submitted as Petitioner's Exhibits 1A, 1B and 1C. The engineers have redlined the site plans in accordance with your Order.

In conclusion, by the red-line site plans filed for each of the three cases, I am hereby requesting the new amended site plans be the final site plans accepted and approved by your Amended Order. The Amended Order and revisions will eliminate any confusion at the time of building permit applications.

Thank you for your consideration and should you require anything further, please do not hesitate to contact me.

Very truly yours,

J. Neil Lanzi

JNL\mal enclosure

cc: John Sarikas

Bafitis & Associates, Inc.

People's Counsel



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

February 8, 2007

J. NEIL LANZI, ESQUIRE 409 WASHINGTON AVENUE, SUITE 617 TOWSON, MD 21204

Re: Petition for Variance

Motion for Reconsideration

Case No. 07-151-A, Case No. 07-152-A and Case No. 07-153-A

Dear Mr. Lanzi:

Enclosed please find the decision rendered in the above-captioned case.

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: John A. Sarikas, 7616 Riddle Avenue, Baltimore MD 21224 Clyde Hinkle, Bafitis & Associates Inc., 1249 Engleberth Road, Baltimore MD 21221

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** October 19, 2006

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

NOV 1 7 2006

ZONNE COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case(s) 7-151, 7-152 and 7-153

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

- 1. The petitioner should revise the site plan to be similar to that of the design provided by the Office of Planning. This office is of the opinion that the enclosed site design will be consistent with the existing pattern of the neighborhood and mitigate the need for oversized parking pads/driveways in the front of the subject dwellings. If this site design is not desirable the applicant should consider two lots for the subject property.
- 2. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 3. Provide landscaping along the public road if consistent with the existing streetscape.

For further questions or additional information concerning the matters stated herein, please contact Amy Mantay with the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

SURVEY

I reside on North Point Road and am familiar with the property owned by John Sarikas known as 801, 803 and 805 North Point Road. By signing this survey, I acknowledge my support of the variance zoning relief requested by Mr. Sarikas for the proposed three residential dwelling units at 801, 803 and 805 North Point Road.

Name	<u>Address</u>
	RACKEL -FARNER-723 NorthPointRol
	Rachel Lamen
C	harles Kuhr 720 North Point Rd
	Charles V. Sh.
	assandra Gilles 804 Worth Paint Road
(berend hil
6	extrude Wallace 809 Worth Point Rd
(Derdride Mallace
	Patrick Murph 800 S. North part Rel.
C	HARIES BAPNE 802 S. NORTHPOINT IId.
0/	2 Bar
C	ARMINE CRESTA JR, 806 SNORTHPOINTRE
	learnie Deus La ; f.
Sh	Rley Bischoff 725 S. North Point Rd.
	Puiles Bischoff

Petin

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER
DATE 12/6/0

TONER'S SIGN-

E- MAIL	Batitalias Cantoun									•	
CITY, STATE, ZIP	Balta Ca MD 2221										
ADDRESS	7612 Riddle Ave Ave										
NAME	John Sarikas										



ZONING DESCRIPTION 803 FOR 801 NORTH POINT ROAD 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

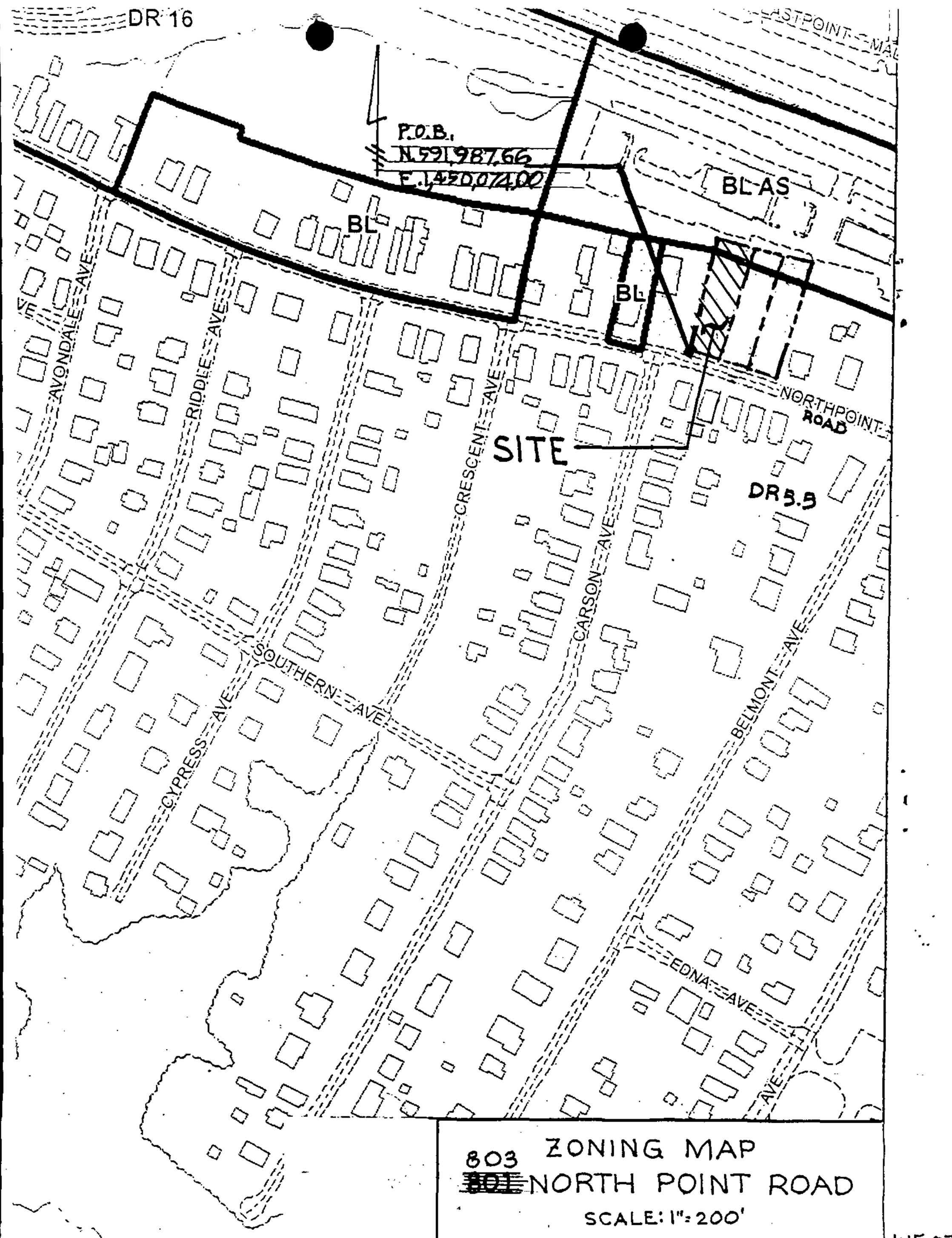
Beginning for the same at a point on the North side of North Point Road (60 feet wide), said point being 56 feet± Southeasterly from the centerline extended of Carson Avenue (35 foot wide) thence leaving said point of beginning and the right-of-way of North Point Road, North 11°-50'-12" East, 191.95 feet, thence South 76°-50'-12" East, 60.22 feet, thence South 16°-21'-06" West, 193.67 feet to the North side of North Point Road and thence binding on said North side of North Point Road, North 74°-57'-25" West, 45.08 feet to the point of beginning.

Containing 10,142.12 square feet (0.233 acres) of land more or less.

Being part of that lot of ground described in Deed in Liber 23501, folio 005 recorded among the Land Records of Baltimore County, Maryland.

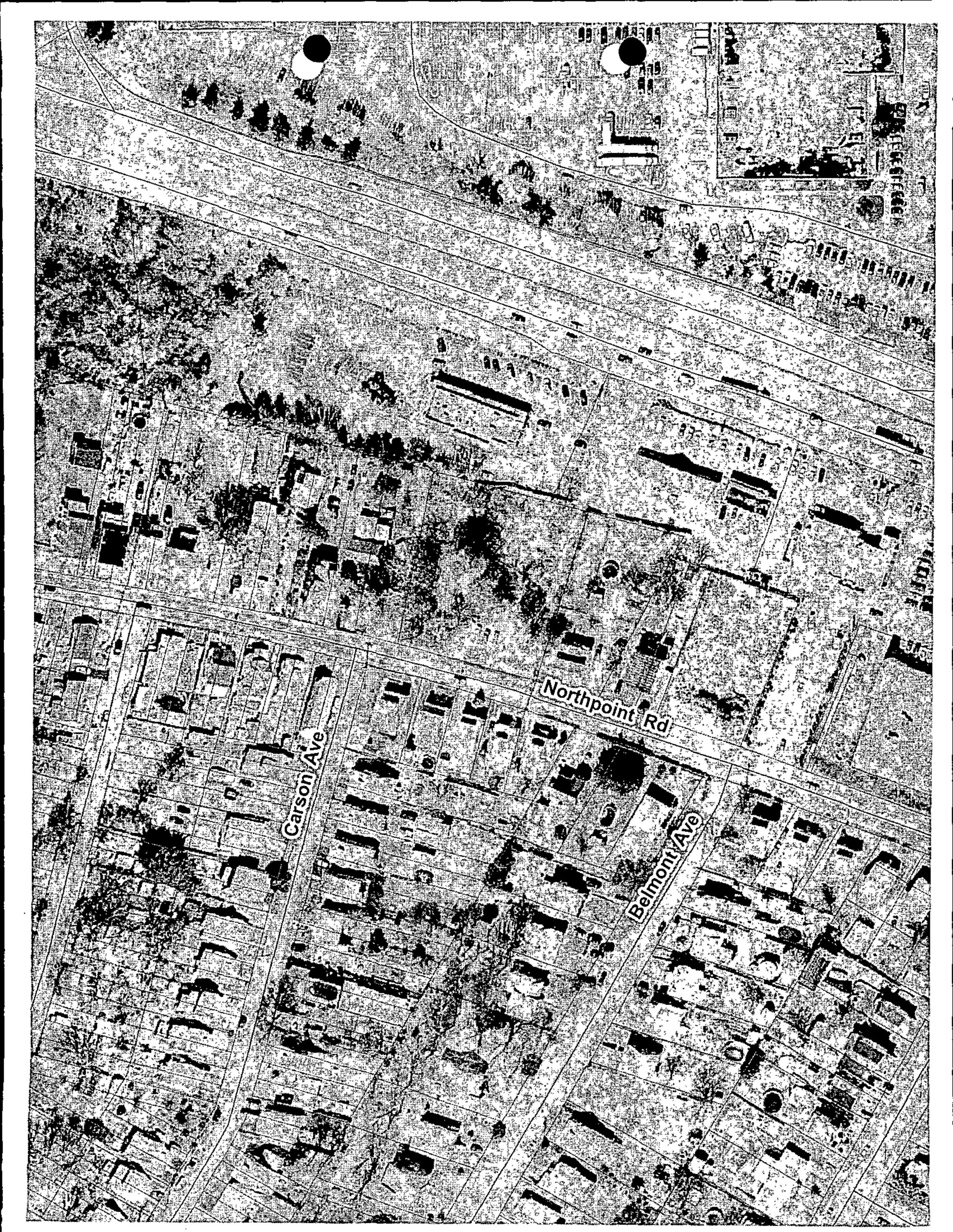
William N. Bafitis, P.E. Md. Reg. No. 11641

7/20/06 Date



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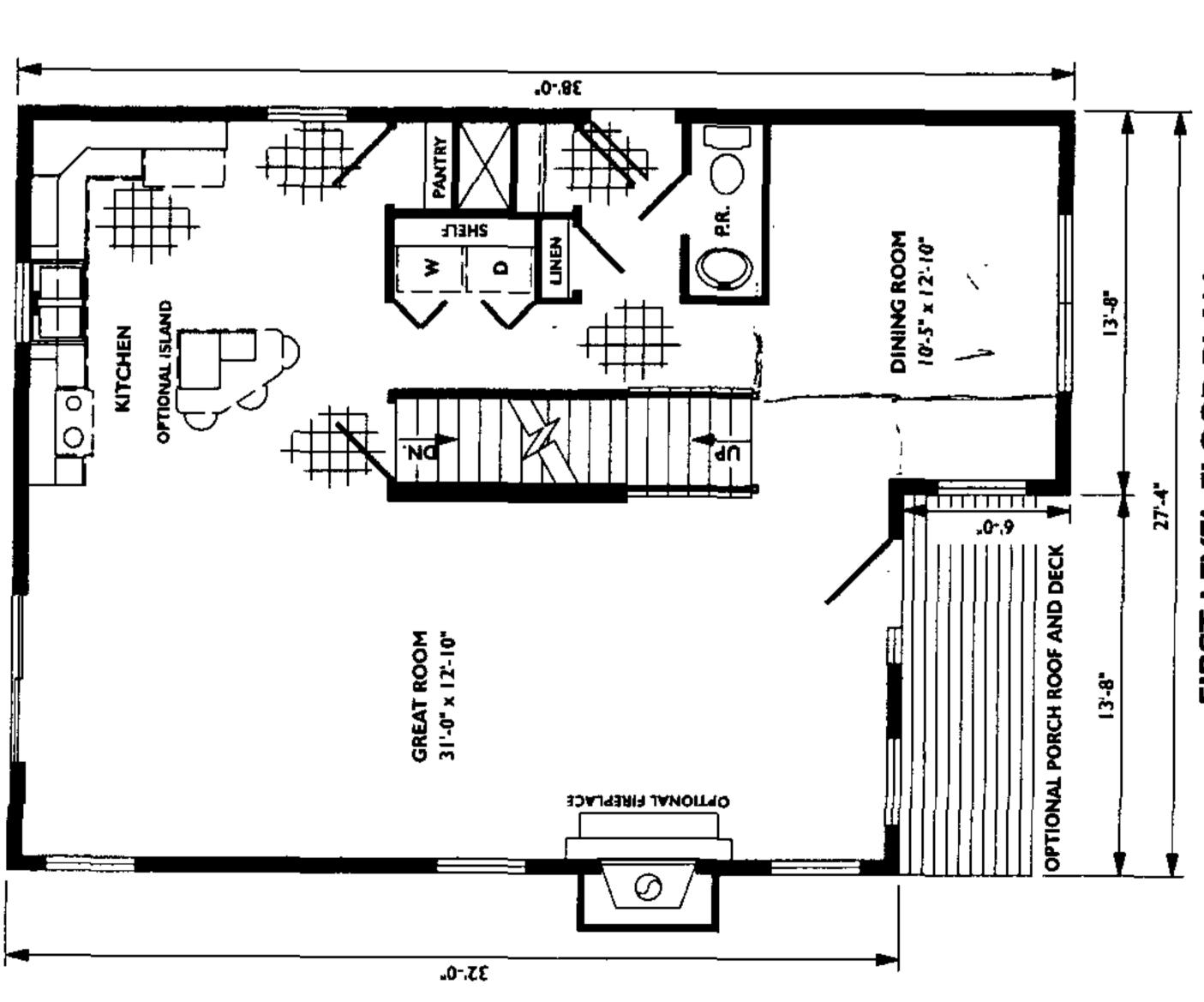
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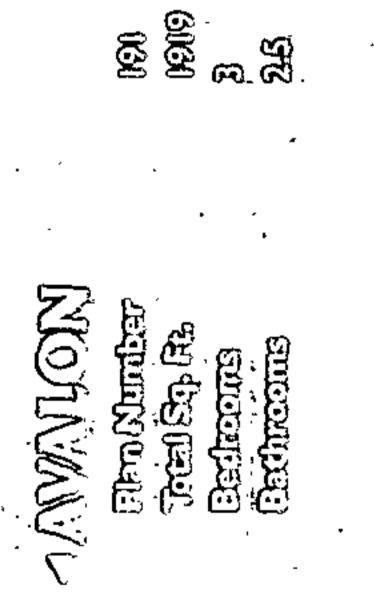
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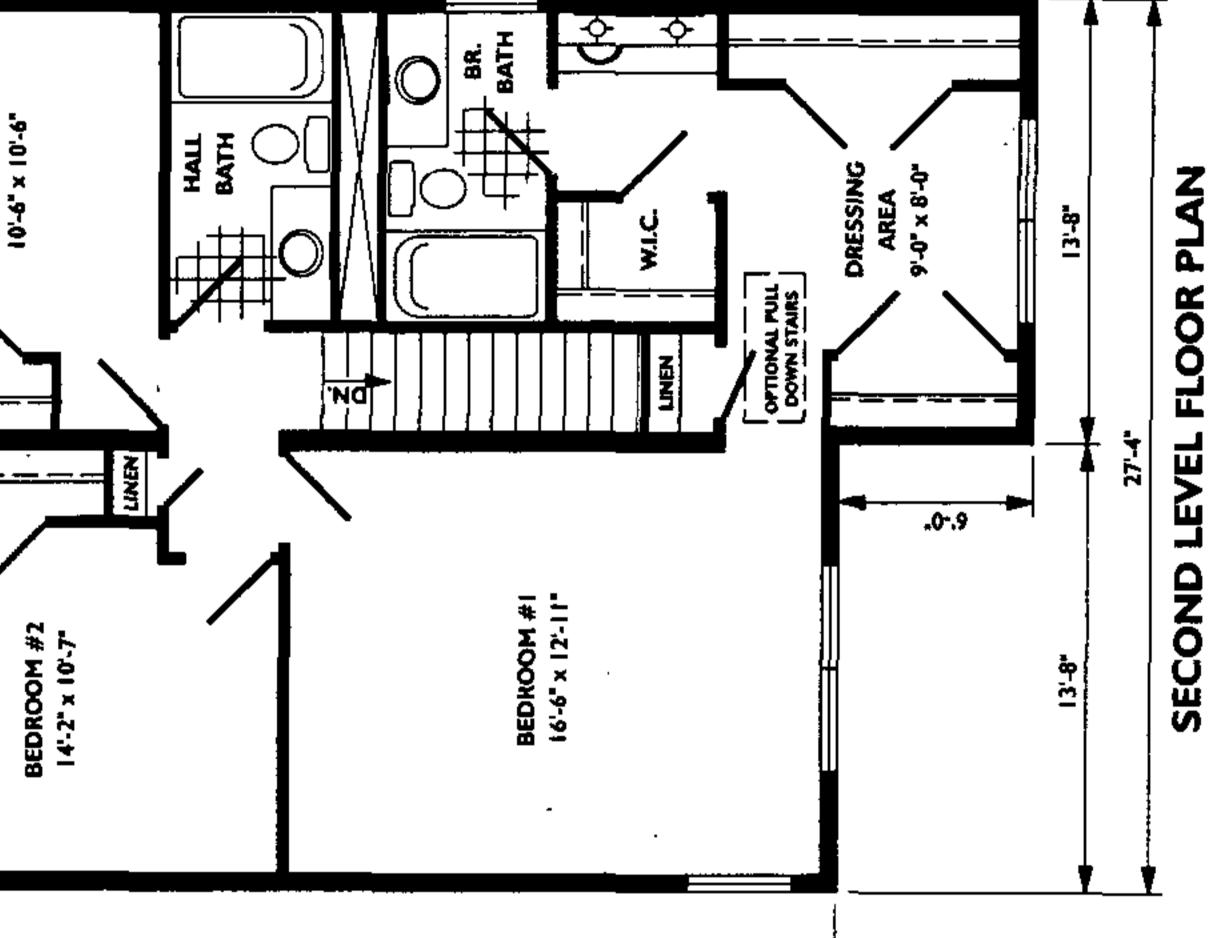


BEDROOM #3



LEVEL FLOOR PLAN **FIRST**





38,-0,,

35,-0,,

Options Shown:

Site Provided Improvements:

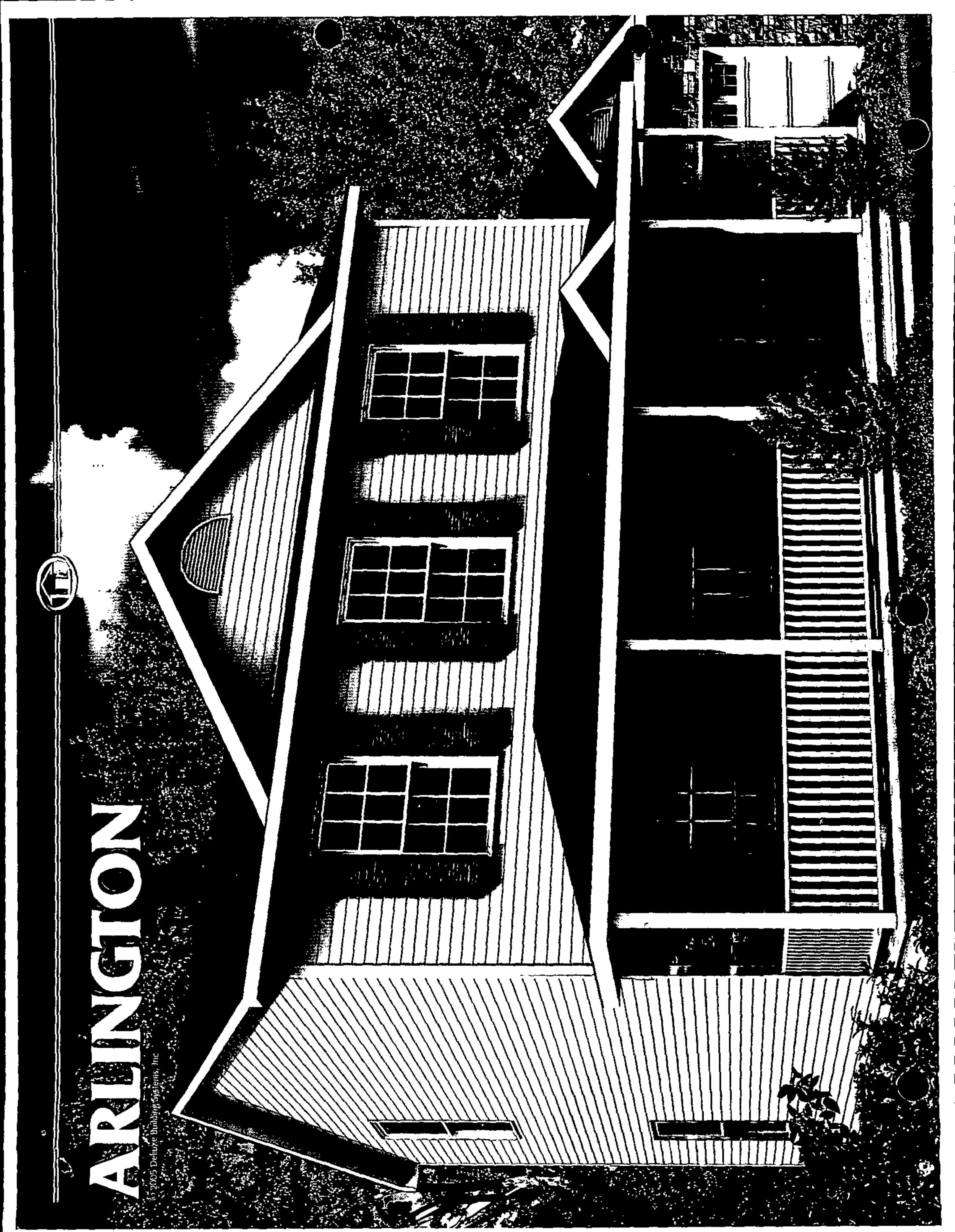
GarageTrellis

- Front porch roof, posts, railing and deck
 - · Front door and sidelite
- Cedar shake vinyl siding
- Window lineals, keystone
- pediments and crown molding Decorative half-round louvers
 - Kitchen island bar
 - stairs Pull down s Fireplace

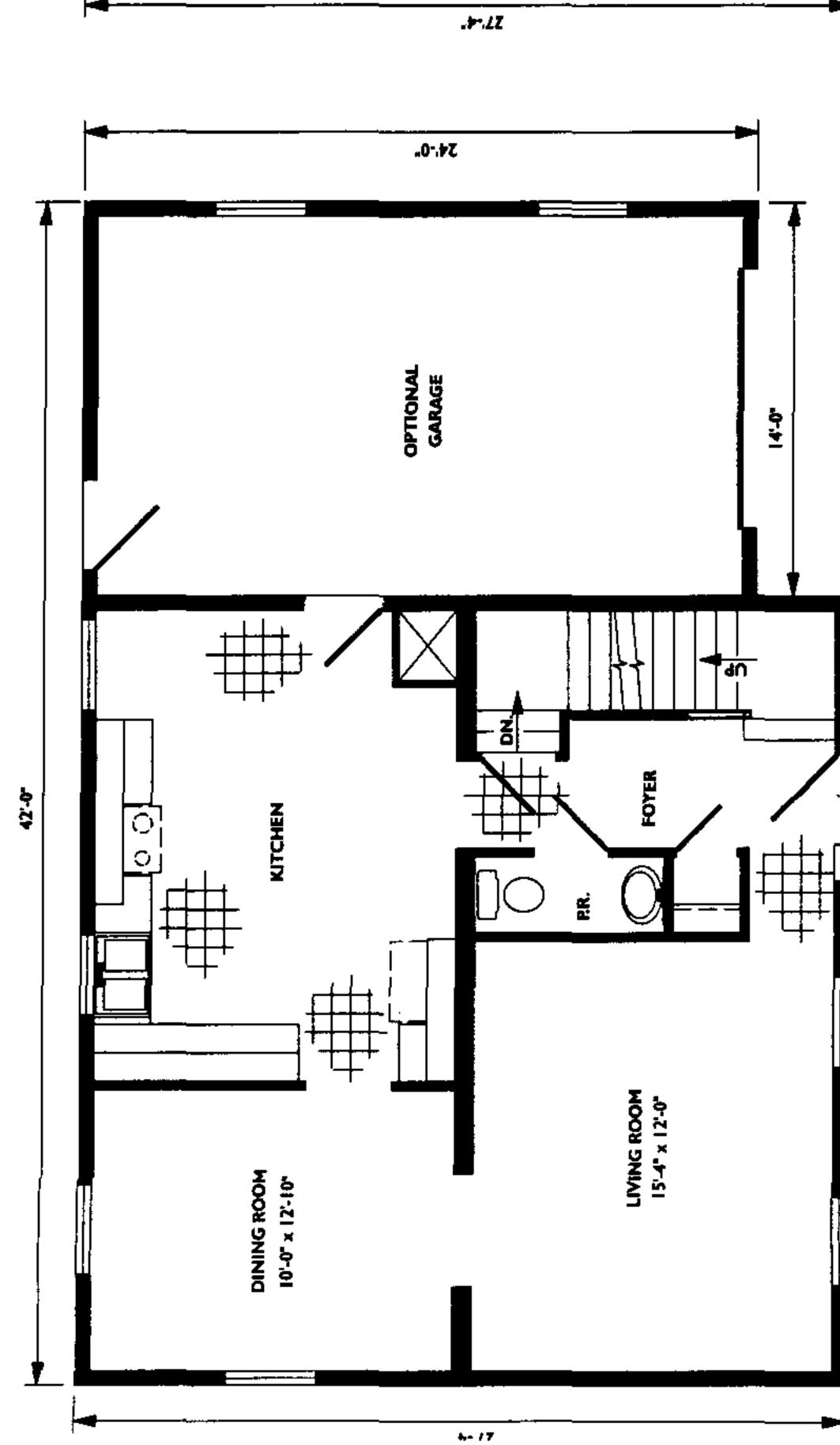
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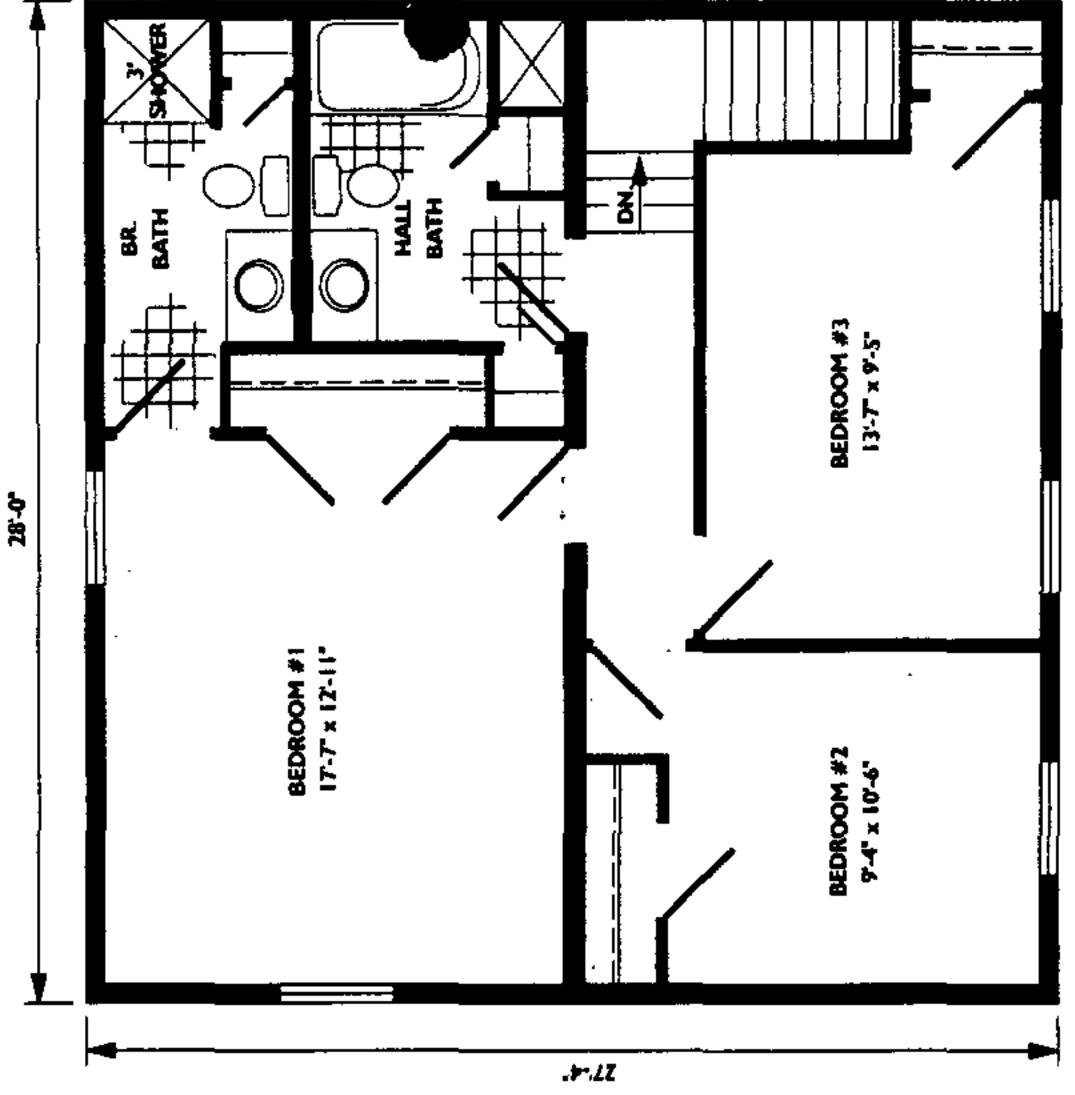
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© 2005 DeLuxe Building Systems, Inc.









FLOOR PLAN **FIRST LEVEL**

िहम्म (Yumbar) निस्मी स्कितिक निक

िद्यभिरुक्तांक िंड्रीप्रव्याक्त

88 88 88 88 88 88 88

Options Shown:

- Front porch roof with posts, railing,
- reverse gable dormer with full hips and reverse gable 18' reverse gable dorn
 - Garage with reverse gable eave returns
- ∫2" overhangs Half-round decorative louvers
 - Window grilles

7

800-84

Get the DeLuxe Trenthierit!

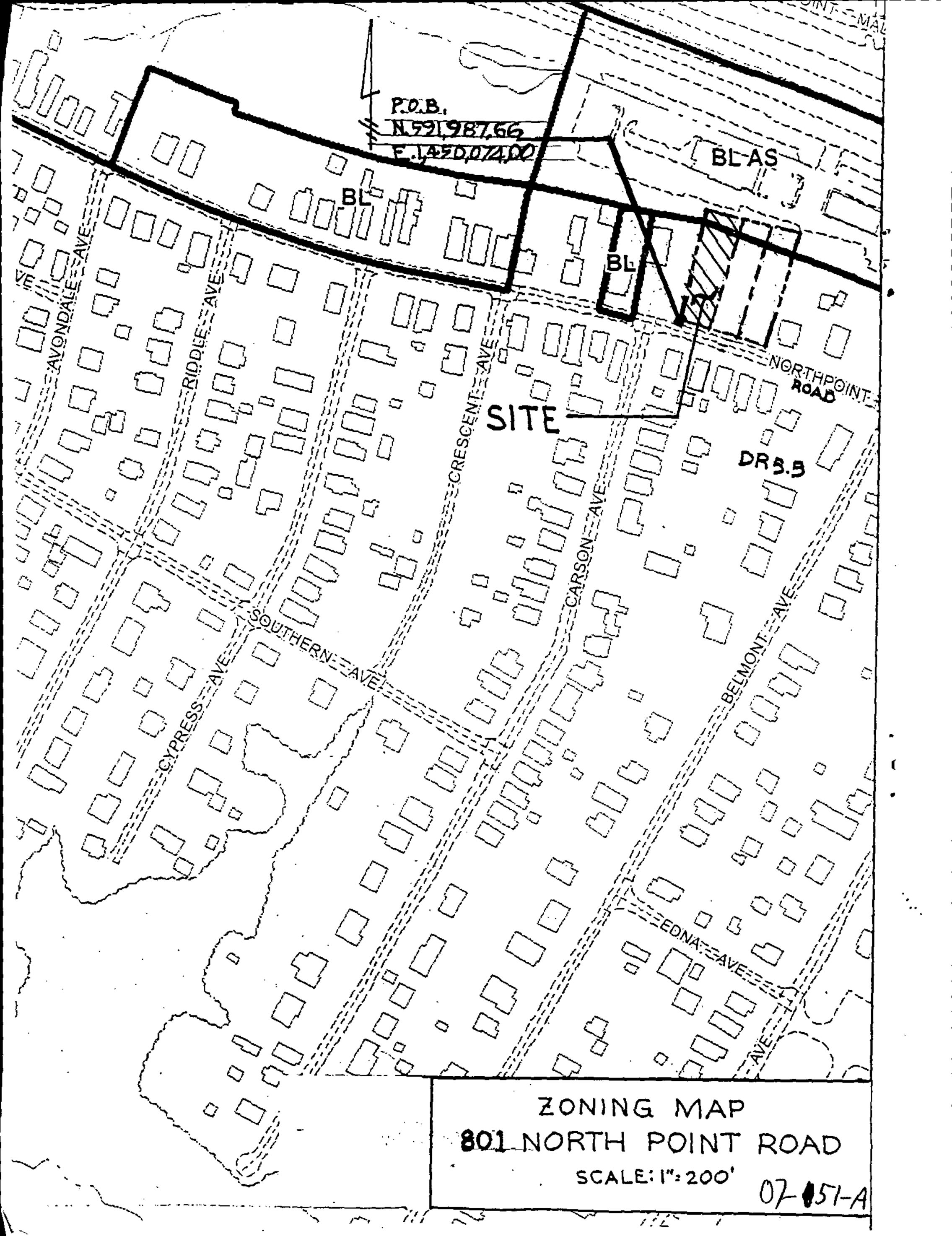
Building Systems, L.

Site Provided Improvements:

SECOND LEVEL FLOOR PLAN

- Garage doors, concrete slab, finish work
- Porch deck
- Stonework

© 2005 Detuxe Building Systems, Inc.









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