IN RE: PETITION FOR ADMIN. VARIANCE

NE corner of Biehl Court and Long Lake Drive

4<sup>th</sup> Election District

2<sup>nd</sup> Councilmanie District

(2 Biehl Court)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Michael L. Goldstein and Anita P. Goldstein Petitioners

CASE NO. 07-161-A

\* \* \* \* \* \* \* \* \* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Michael L. Goldstein and Anita P. Goldstein. The variance request is for property located at 2 Biehl Court. The variance request is from Sections 1B02.3.A.1, 504.2 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.6.b and V.B.6.c of the Comprehensive Manual of Development Policies (CMDP 9-19-70 to 3-30-92) to permit an addition with a 36-foot window to window rear setback and 11-foot window to lot line side setback and an open projection (deck) with a 30-foot window to window setback in lieu of the required 40-feet, 15-feet and 30-feet, respectively; and to amend the 1st Amended Final Development Plan for "Worthington Woods", Lot #11. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Mr. Goldstein states that he has been disabled since November, 2003 and has been under a doctor's care since 1989 with a serious back injury. It has become increasingly difficult for him to manage the stairs in the home and the injury will continue to worsen. The wish to build an addition on the side of the home to make things easier for him by building an in-law suite. His daughter and sonin-law and family will live in the existing home. The Petitioner and his wife will occupy the new portion that will have a lift in the new portion to make things easier. An addition of 12 feet x 41

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feet will be at the rear of home. The proposed deck will be attached to the rear of the home. The addition on the side measures 22 feet x 60 feet in size.

### **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 October 23, 2006, which contains restrictions; copy of which is incorporated herein and made a part hereof the file.

### 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 October 14, 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 8<sup>th</sup> day of November, 2006, that a variance from Sections 1B02.3.A.1, 504.2 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and V.B.6.b and V.B.6.c of the Comprehensive Manual of Development Policies (CMDP 9-19-70 to 3-30-92) to permit an addition with a 36-foot window to window rear setback and 11-foot window to lot line side setback and an open projection (deck) with a 30-foot window to window setback in lieu of the required 40-feet, 15-feet and 30-feet, respectively; and to amend the 1<sup>st</sup> Amended Final Development Plan for "Worthington Woods", Lot #11 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 Petitioners shall execute and file a Declaration of Understanding for In-Law Quarters with the Department of Permits and Development Management.
- 3. The in-law quarters must be used only by family members related to the Petitioner and not for rental/income purposes.
- 4. The Petitioners shall record a copy of this Order in the Land Records of Baltimore County.
- 5. In the event that the disabled individual no longer resides at the subject dwelling, the residence shall not be converted to a 2-family dwelling.
- 6. When applying for a building permit, the site plan must reference this case and set forth and address the restrictions of this Order.

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

1-8-06 1-8-06



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of this petition				
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	- <u>-</u>		perjury, that I/we are the leg	al owner(s) of the property which
·			is the subject of this Petition	•
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Attorney Fo	or Petitioner:		2 DIENL COUR	T 410-356-6586
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this \_\_\_\_\_day of \_\_\_\_\_ that the subject matter of this polition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

-				oner of Baltimore County
CASE NO.		37-161-A	Reviewed By DT	Date 10/6/06
REV 10/25/01	)at-	1/20p	Estimated Posting Date	10/15/06
1799 SUN	05:23PM	ID: VY		PAGE: 7

anita Lekelelo

## 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.

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That the Affiant(s) does/do presently reside at	Address Siehl Court	11111
	Ownos Mills, Mar	Zip Code
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STATE OF MARYLAND, COUNTY OF BALTIN	•	•
I HEREBY CERTIFY, this day of day of of Maryland, in and for the County aforesaid, pe	esterile 2006, before me, a	Notary Public of the State
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the Affiant(s) herein, personally known or satisfa	actorily identified to me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal		
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REV 10/25/01

My Commission Expires September 1, 2008

## Affidavit in Support of Administrative Variance

riury to the Zoning Commissioner of Baltimoré County, as

The undersigned hereby affirms under the perfollows: That the information herein given is competent to testify thereto in the event that a page 1.	within the personal knowledge of the Affiant(s) and that Affiant(s) is/are ublic hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	L DIENT COURT
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	City
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the Affiant(s) herein, personally known or satisfi	actorily identified to me as such Amands).
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•	Notary Public USA A. WIGHT
**** ****	Notary Public  LISA A. WIGHT  LISA A. WIGHT  NOTARY PUBLIC STATE OF MARYLAND  NOTARY PUBLIC STATE OF MARYLAND  My Commission Expires September 1, 2008
<b></b>	*****

REV 10/25/01



JAN-17-1999 SUN 05:23PM 16:)

## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 2 Biel Laurt Owins 1 which is presently zoned <u>BR.</u>

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. 38.1 (8028), V.B.U.B. + V.B.U.C. (CMOP - 304.22) 38.1 (8028), V.B.U.B. + V.B.U.C. (CMOP - 304.22) 38.1

To permit an addition with a 36-foot window to window rear setback and 11-foot window to lot line side setback and an open projection with a 30-foot window to window setback in lieu of the required 40-feet, 15-feet and 30-feet, respectively; and to amend the 1<sup>st</sup> Amended F.D.P. for "Worthington Woods", Lot #11.

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. l, 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 of perjury, that I/we a is the subject of the	declare and affirm, under the the legal owner(s) of the is Petition.	he penallies of property which
Contract Purch	iaser/Le	ssee:		Legal Owner(s	1/3/1/	
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REV 10/25/01	Estimated Posting Date 10/15

PAGE: 7

### 2 BIEHL COURT, OWINGS MILLS, MARYLAND

- Legal Description

Lot #11, sheet 1 of 2, plat 1 of 2, of Worthington Woods. Plat Book 55, Folio 135, Baltimore County, Maryland.

Located in Election District 4, Councilmanic District 2 of Baltimore County, Maryland

LOCATED AT THE NORTHEAST CORNER OF BIEHL COURT (50-FOOT RIGHT-OF-WAY) AND LONG LAKE DRIVE (50-FOOT RIGHT-OF-WAY).

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# CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

Case Number: 07-161-A

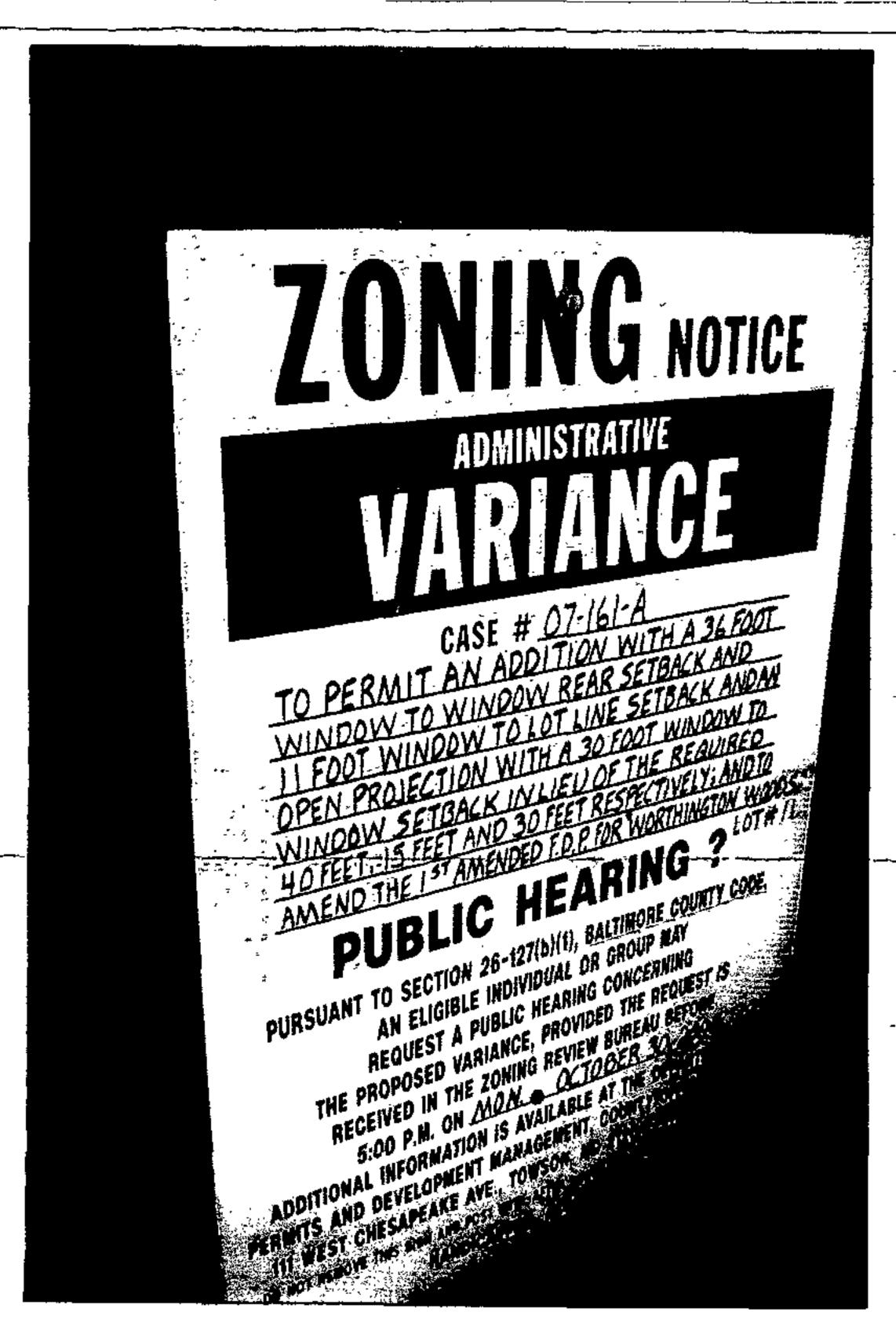
Petitioner/Developer: GOLSTEIN-WALTER DANIELS OF DANIELS & ASSOCIATES ARCHITECTS, LTD

Date of Hearing (Closing): 10/30/06

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: 2 BIEHL COURT

The sign(s) were posted on:

10/14/06



(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

/ <del></del>
Case Number 07- 101 -A Address 1 BIEHL CT.
Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Filing Date: 10 16 06 Posting Date: 10 15 06 Closing Date: 10 30 106
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <b>DEADLINE:</b> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 07- 16 -A Address 2 BIEHL CT.
Petitioner's Name GOLDSTEIN Telephone 410-356-6586
Posting Date: 10 15 06 Closing Date: 10 30 06
Wording for Sign:  To permit an addition with a 36-foot window to window rear setback and 11-foot window to lot line side setback and an open projection with a 30-foot window to window setback in lieu of the required 40-feet, 15-feet and 30-feet, respectively; and to amend the 1 <sup>st</sup> Amended F.D.P. for "Worthington Woods", Lot #11.

## 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: 07-161-A
Petitioner: GOLDSTEIN
Address or Location: 2 BIEHL CT.
PLEASE FORWARD ADVERTISING BILL TO:
Name: MR. 4 MRS. MICHAEL GOLDSTEIN
Address: <u>1 DIEHL CT.</u>
OWINGS MILLS, MP 21117
Telephone Number: 410-356-4586



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 31, 2006

Michael Goldstein
Anita Goldstein
2 Biehl Court
Owings Mills, MD 21117

Dear Mr. and Mrs. Goldstein:

RE: Case Number: 07-161-A, 2 Biehl Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 6, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel



Walter Daniels, Architect

1426 Broadway Road, Timonium, MD 21093 Ph. 410.560.3588 Fax 410.561.0517

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

**DATE:** October 23, 2006

OCT 2: 2000

William Johnson

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

2 Biehl Court

**INFORMATION:** 

Item Number:

Petitioner:

Michael and Anita Goldstein

Zoning:

DR 2

Requested Action: Administrative Variance

#### **SUMMARY OF RECOMMENDATIONS:**

The petitioner requests several variances to allow an addition to the existing dwelling for an inlaw suite. The Office of Planning does not oppose the requested variances. However the dwelling is considered a single-family dwelling. Furthermore, in the event that the disabled individual no longer resides at the subject dwelling, the residence shall not be converted to a two family dwelling.

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

Division Chief: (AFK/LL: CM



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

October 20, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 23, 2006

Item Number(s): 157 through 169

161

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:** 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 23, 2006

Item Nos. 07-102, 157, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, and 169

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-10182006.doc



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: October 20, 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. 7-16/A

2 BIKHL COURT

NORTHINGTON WOODS

VARIANCE - FLERU IT ADDITION
TO REACTINDOW SET BACK

REQUIERMENT

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. 7-161A.

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



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

November 8, 2006

MICHAEL L. AND ANITA P. GOLDSTEIN 2 BIEHL COURT OWINGS MILLS MD 21117

Re: Petition for Administrative Variance

Case No. 07-161-A
Property: 2 Biehl Court

Dear Mr. and Mrs. Goldstein:

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.

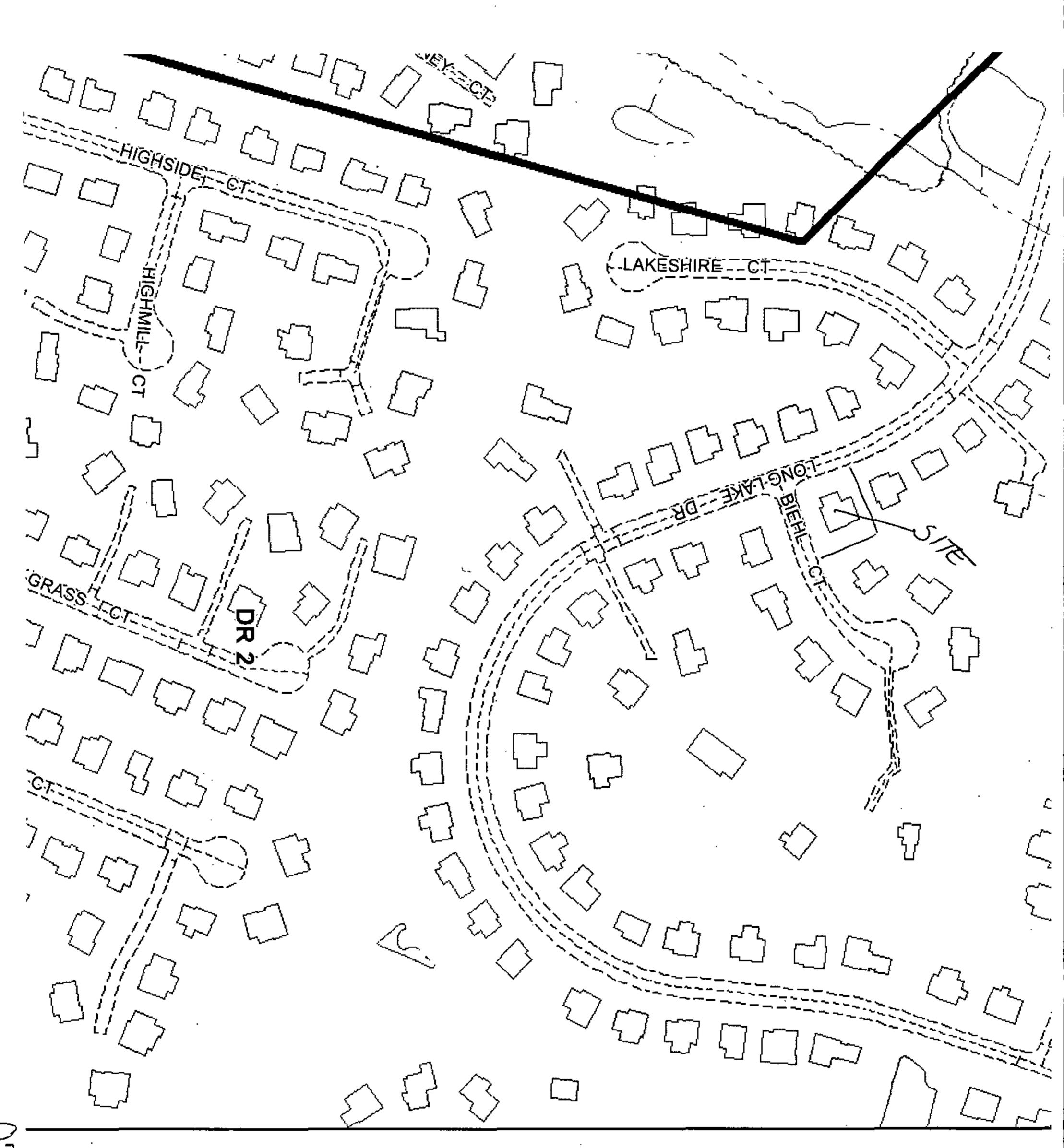
Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure







07-161-A



