IN RE: PETITION FOR ADMIN. VARIANCE
S side of Hal Circle, 550 feet
E of Shelrick Place
3rd Election District
2nd Councilmanic District
(2415 Hal Circle)

Irwin S. and Idie R. Goldsmith Petitioners * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

* CASE NO. 07-237-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, Irwin S. and Idie R. Goldsmith. The variance request is for property located at 2415 Hal Circle. The variance request is from Section 1B02.3.B (Section 211.4 1955 zoning regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a rear yard setback of 16 feet in lieu of the minimum required 30 feet. The purpose of the addition is for use by Mrs. Goldmith's elderly parents who are in their late 80's and early 90's and are unable to fully take care of themselves. The addition will contain a bedroom suite on the main level of the house which includes a bedroom, handicap accessible bathroom and a great room. The existing house does not have a bedroom or a handicap accessible bathroom on the main level. The current house is a split level design and it is hard for the elderly parents to negotiate the stairs. The addition needs to be located as indicated on the site plan due to accessibility to the main level. The Petitioners provided letters from three adjacent property owners indicating that these owners do not object to the proposed addition. The addition measures 38 feet x 30 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: None

Applicable Law

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

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area 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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 1, 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 26th day of December, 2006, that a variance from Section 1B02.3.B (Section 211.4 1955 zoning regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a rear yard setback of 16 feet in lieu of the minimum required 30 feet be and is hereby GRANTED, subject to the following:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition; and
- 2. The Petitioners shall not construct any kitchen facilities within the addition unless they execute and file a Declaration of Understanding for In-Law Quarters with the Office of Zoning Review

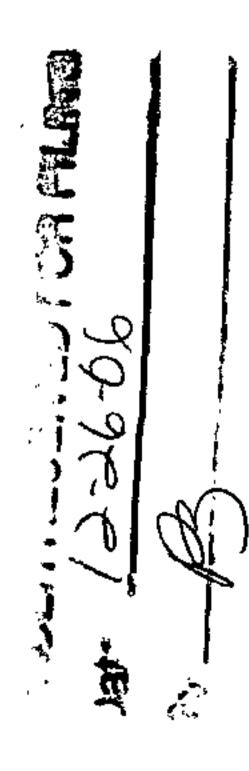
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

December 26, 2006

IRWIN S. AND IDIE R. GOLDSMITH 2415 HAL CIRCLE BALTIMORE MD 21209

Re: Petition for Administrative Variance

Case No. 07-237-A

Property: 2415 Hal Circle

Dear Mr. and Mrs. Goldsmith:

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

c: Samuel Pleater, 2703 Bartol Avenue, Baltimore MD 21209

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CASE NO

REV 10/25/0

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at THIS HAL CIR BALTIMORE, MA 11209 which is presently zoned BALTIMORE, MA 11209

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.13, 1802. (Section 211.4)

1955 Zowing Regulations) to posmit a proposed addition

with a rear yard 5ct back of 16 feet in lieu of the Minimum

1991 This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property of the prope

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

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: GO LD SHITH Name - Type or Print Name - Type or Print Signature Signature GOLD SHLLIN R, Name - Type or Print Telephone No. Address Zip Code State City 2415 HAL (IR Attorney For Petitioner: Telephone No. Address BACTIHORE MM J1700 Zip Code State City Name - Type or Print Representative to be Contacted: Signature Company Telephone No. Address Address Zip Code State City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of this regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County

Reviewed By

Estimated Posting Date

Affidavit in Support of Administrative Variance

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

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Admi Variance at the above address (indicate-hardship or practical difficulty): The purpose of the addition is for the use by Mrs. Idie Goldsmith's elderly parents. Mrs. Goldsmith has both her mother and father. They are in their late 80's early 90's and are at the point which they are unable to fully take care of themselves. They had live in help at there current home but this did not work out. The plan is to have them live at the Goldsmith house and as needed the Goldsmith's along with any senior help would take are of them. They are becoming forgetful and are having much trouble remembering new faces. The Goldsmith house is a split level home with bedrooms up stairs which the parents can not walk up or down on a regular bases. They both use walking aids such as canes, and walkers. The solution is to build a bedroom suite on the main level of the house to include a bedroom, handicap friendly bathroom and a great room with the possibility with a separate television room since the television will need to be turned up a bit do to the deterioration of their hearing. The current house does not have any bedrooms or handicap assessable bathroom on the main level. The parents will be eating with the Goldsmiths and if at a future date a separate kitchen would be necessary for the parents will be eating with the Goldsmiths and if at a future date a separate kitchen would be necessary for the parents the proper paperwork would be filed. The addition is needed to be located at the proposed location do to accessibility to the main level. There is a step down living room which would be a tripping hazard if entered through the rear windows area of the house (refer to photos). As well as the fact that that is the only natural light that illuminates that room. The reason that the variance is needed is due to the fact that the lot is odd shaped lot as seen in the plat drawing. That the Affiant(s) acknowledge(s) that if a f	competent to testiny thereto in the event that a pr	ablic ficaling is some	budiou in the ratur	c with regard thereto.	
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Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this	Signature Signature	<u> </u>	anature R	Molde	<u></u>
I HEREBY CERTIFY, this	IRWIN S GOLDSHITM			ILD SHITH	<u> </u>
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).	of Maryland, in and for the County aforesaid, pe			efore me, a Notary Pub	olic of the State
Notary Public Motary Public	the Affiant(s) herein, personally known or satisfa) AUI [t(s).	

My Commission Explica

PHAYGI C. CHINN

Notary Public-Maryland

Baltimore City

My Commission Expires
February 01, 2010

REV 10/25/01

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at	1415 HAC Address	CIR	
	BALTHORE	MN State	21209 Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the facts up or practical difficul	pon which I/we base ty):	the request for an Administrative
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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature Signature	Signature R. Whath
IRWIN S. GOLDSMITH. Name - Type or Print	Name - Type or Print
, , , , , , , , , , , , , , , , , , ,	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
I HEREBY CERTIFY, this day of November 2 day of	, <u>2006</u> , before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfactorily identified	to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
	Public AMA
My Coi	mmission ExpiresPHAYGI C. CHINN Notary Public-Maryland
REV 10/25/01	Baltimore City My Commission Expires February 01, 2010



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2415 HAL CIR BALTIMORE, MD 21209 which is presently zoned DR5.5 (Formerly R-6)

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) 1B023.B, BCZR (Section 211.4, 1955 Zoning Regulations) to permit a proposed addition with a rear yard set back of 16 feet in lieu of the minimum required 30 feet.

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: GOLDSMITY Name - Type or Print Name - Type or Print Signature Signature コルロノ Name - Type or Print Telephone No. Address Signature Zip Code State City Attorney For Petitioner: Address 71709 BACTIMORE Zip Code State City Name - Type or Print Name

Name

27.03 BAILO/ AV YIS 76463

Address Telephone No.

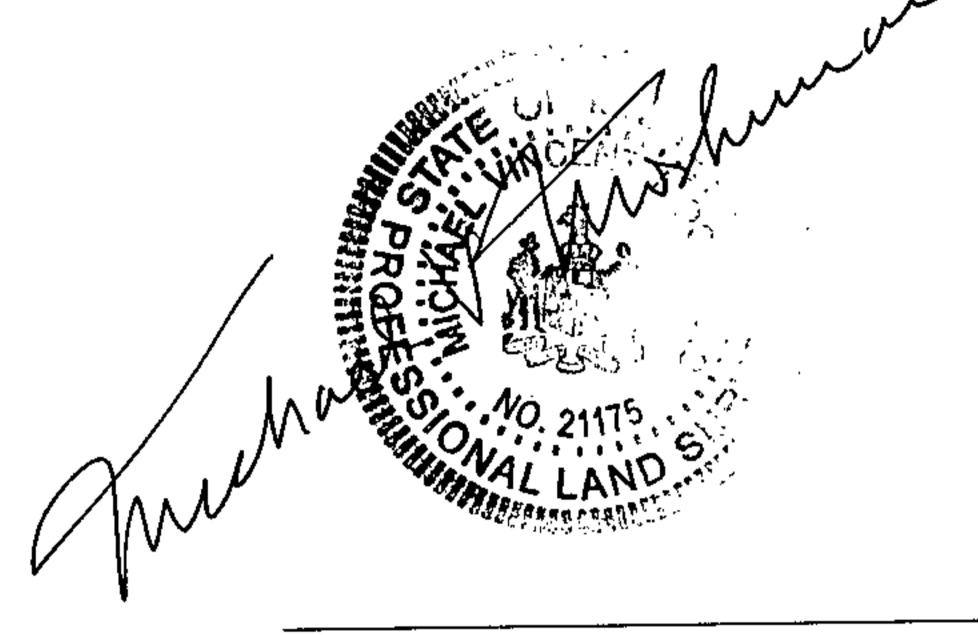
BAILINER MA Representative to be Contacted: Signature Company Telephone No. Address Zip Code State City A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning this ____ day of _____, ___ that the subject in regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County

Estimated Posting Date ______

Reviewed By _____ Date _____

ZONING DESCRIPTION #2415 HAL CIRCLE

BEGINNING at a point on the south side of Hal Circle which is 50 feet wide at the distance of 550 feet east of the centerline of Shelrick Place which is 50 feet wide. Being Lot #28, Block A, Section #3 in the subdivision of "Meadowood" as recorded in Baltimore County Plat Book #24, Folio #121, containing 11,490 S.F. ±. Also known as 2415 Hal Circle and located in the 3rd Election District, 2nd Councilmanic District.



Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road, Suite 101 Towson MD 21286 (410) 828-9060

File: 2415 Hal Circle.doc\zoning

		CASHIER'S VALIDATION	
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT ACCOUNT R. DOI DUG 6/50	AMOUNT & CO.	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELOW - CUSTOMER	

4.

CERTIFICATE OF POSTING

RE: Case No.: 07-237-A

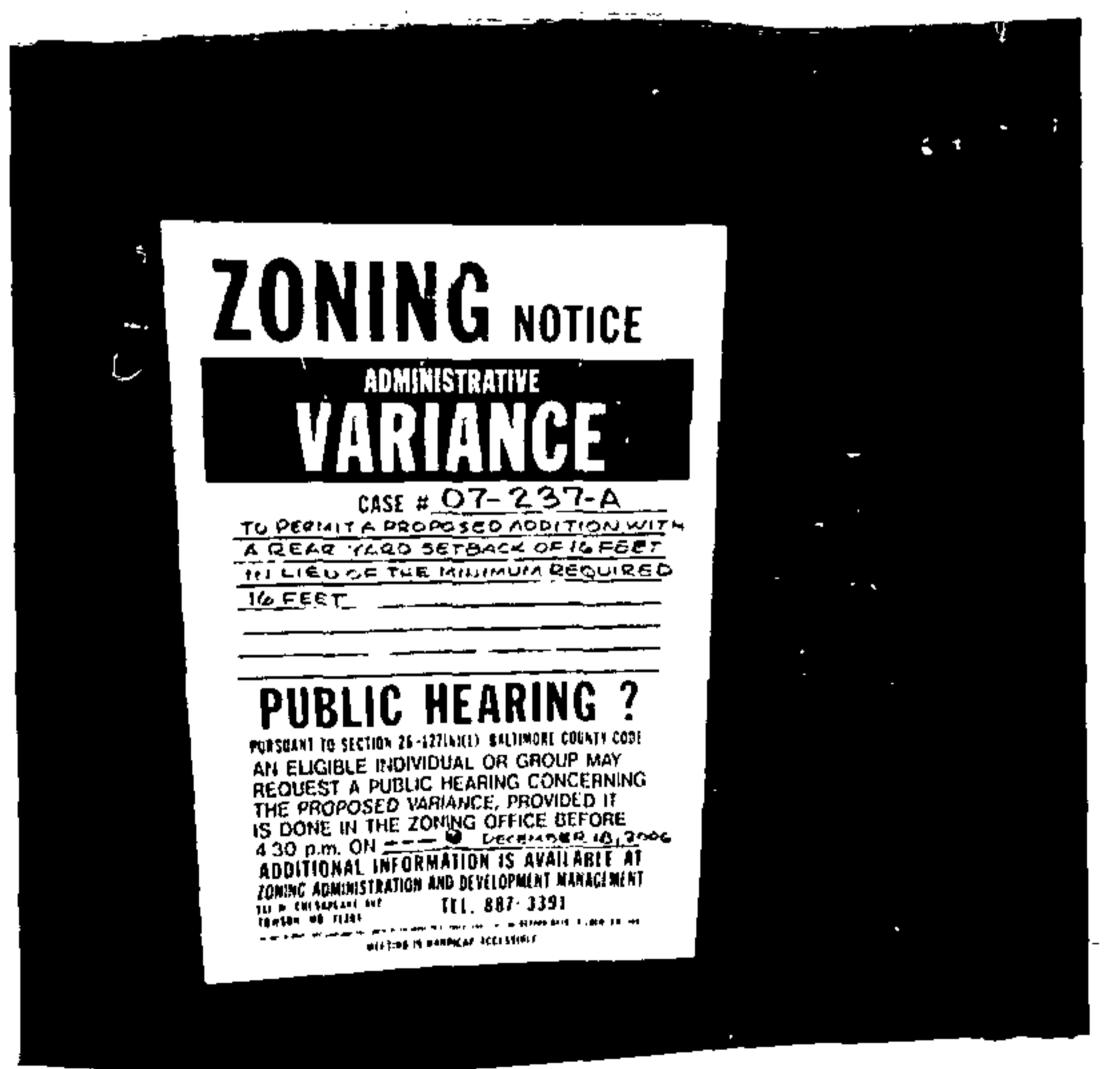
Petitioner/Developer: Czowosmutu

Date of Hearing/Closing: DEC. 18, 7006

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Christen 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 propery located at
2415 Hac Cincus
The sign(s) were posted on DEC. 1, 2000. (Month, Day, Year)



Sincerely,

Signature of Sign Poster and Date)

CZARLAGEDE, MOORE
(Printed Name)

3225 RYGIZSON CIRCLE
(Address)

BALTIMORE, MD 21227 (City, State, Zip Code)

(Telephone Number)



DEC DEC 1

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 237 -A Address 2415 Hal Civile
Contact Person: Jeffrey Perlow Phone Number: 410-887-339
Filing Date: 11/22/06 Posting Date: 12/3/06 Closing Date: 12/8/0
Any contact made with this office regarding the status of the administrative variance should be hrough the contact person (planner) using the case number.
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.
DEADLINE: 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.
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)
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
ase Number 07- 237 -A Address 2415 Hal (ircle etitioner's Name Irwin & Idie Goldsmith Telephone 410-486-6254 osting Date: 12/18/06 Closing Date: 12/18/06 Fording for Sign: To Permit a proposed addition with a rear yard set back of 6 feet in lieu of the minimum required 30 feet.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

December 19, 2006

Irwin S. Goldsmith Idie R. Goldsmith 2415 Hal Circle Baltimore, MD 21209

Dear Mr. and Mrs. Goldsmith:

RE: Case Number: 07-237-A, 2415 Hal Circle

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 22, 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
Samuel Pleeter 2703 Bartol Avenue Baltimore 21209

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

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

November 28, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 27, 2006

Item No.: 230, 231, 232, 233, 234, 235, 236(237) 238, 239.

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.

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 30, 2006

Department of Permits & Development

Management

DAK

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review .

SUBJECT:

Zoning Advisory Committee Meeting

For December 4, 2006

Item Nos. 07-229, 230, 231, 232, 233, 234,

235 (237 £238, and 239

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-11292006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: December 6, 2006

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-237- Administrative Variance

The Office of Planning does not oppose the petitioner's request provided the structure continues to be used as a single-family dwelling.

For further questions or additional information concerning the matters stated herein, please contact Diana Itter in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL

EEC 67 2000



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12/5/2006

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

RE: **Baltimore County**

Item No. 7-237-A

2415 HAL CIRCLE

GOLDSMITH PROPERTY VARIANCE-PERMIT & PROPOSED

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. 7-237-A

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

November 7, 2006

We have been informed about the construction to be done on the property of our neighbor at 2415 Hal Circle, which is in back of our property. We live at 2404 Willow Glen Drive.

We consent to having the construction done and have no objections to it.

We also are in agreement for them to receive the variance for the construction.

Mr. Shmuel Hyatt

Mrs. Mindy Hyatt

November 7, 2006

We have been informed about the construction to be done on the property of our neighbor at 2415 Hal Circle, which is adjacent to us. We live at 2413 Hal Circle.

We consent to having the construction done and have no objections to it.

We also are in agreement for them to receive the variance for the construction.

Rabbi Mitchell Ackerson

Mrs. Amy Ackerson

November 7, 2006

We have been informed about the construction to be done on the property of our neighbor at 2415 Hal Circle, which is adjacent to us. We live at 2501 Hal Circle.

We consent to having the construction done and have no objections to it.

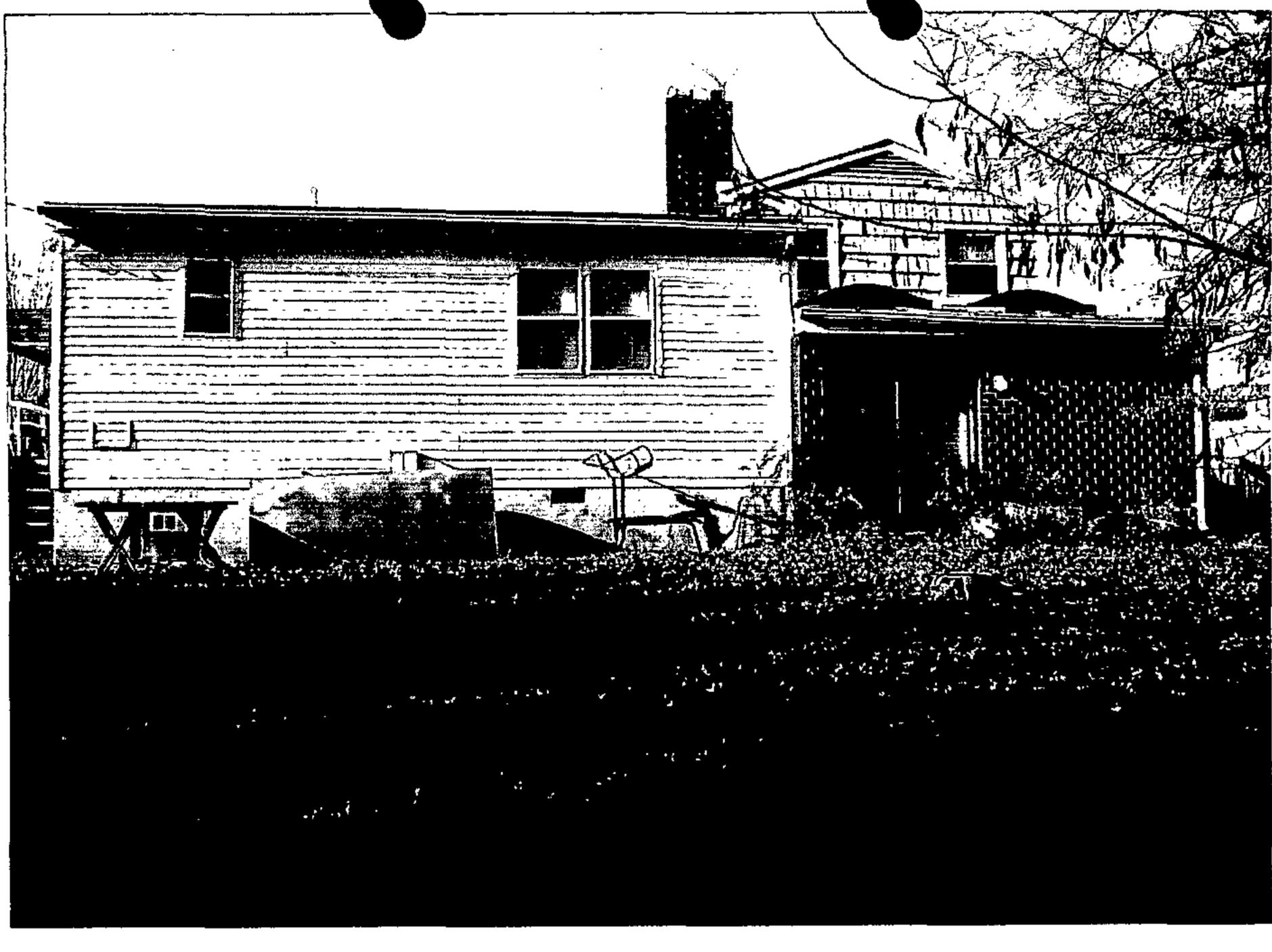
We also are in agreement for them to receive the variance for the construction.

Dr. Howard Eisenberg

11-7-2006

Mrs. Deborah Eisenberg

Jan S







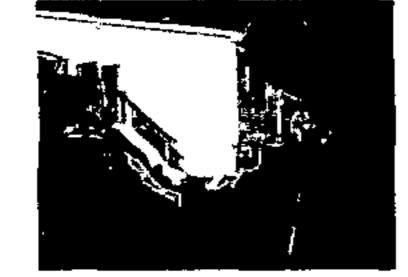








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