IN RE: PETITION FOR ADMIN. VARIANCE

E side Janet Road, 123 feet S of

Northway Road

4th Election District

3rd Councilmanic District

(303 Janet Road)

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

David L. and Joanne C. Goldstein Petitioners

* CASE NO. 07-252-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, David L. and Joanne C. Goldstein. The variance request is for property located at 303 Janet Road. The variance request is from Sections 1B02.3.A.1 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 5 feet in lieu of 10 feet required, and sum of side yard setbacks of 21 feet in lieu of 25 feet required. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners propose to convert an existing carport to an enclosed garage. The carport location is determined by the existing driveway and the interior house layout. It would be difficult to locate the garage elsewhere on the property.

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

194. 12 206 WILLIAM

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 8, 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 29th day of December, 2006, that a variance from Sections 1B02.3.A.1 and 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback

of 5 feet in lieu of 10 feet required, and sum of side yard setbacks of 21 feet in lieu of 25 feet required 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.

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 28, 2006

DAVID L. AND JOANNE C. GOLDSTEIN 303 JANET ROAD REISTERSTOWN MD 21136

> Re: Petition for Administrative Variance Case No. 07-252-A Property: 303 Janet Road

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

John V. Smurphy

JVM:pz

Enclosure

c: Richard E. Matz, Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Baltimore MD 21209



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County -

for	the propert	y located at	303	Janet	Road				
	•	which i	s pre	sently z	oned	DR	3.5	·	

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)

1B02.3.A.1 and 1B02.3.B., BCZR, for a side yard setback of 5 ft. in lieu of 10 ft. required, and sum of side yard setbacks of 21 feet in lieu of 25 feet required.

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.				
Contract Purchaser	/Lessee:		Legal Owner(s):	-			
vame - Type or Print		·	David L. Goldste Name Type of Print	<u>in</u>	<u> </u>		
Signature			Signature Coldet				
Address		Telephone No.	Joanne C. Goldst Name - Type or Print Manual Manual	ein	<u></u>		
City	State	Zip Code	Signature	Mary	· · · · · · · · · · · · · · · · · · ·		
Attorney For Petitio	ner:		303 Janet Road		443-865-9373		
			Address		Telephone No.		
larne - Type or Print			Reisterstown,	MD State	21136		
					Zip Code		
ignature			Richard E. Matz	· · · · · · · · · · · · · · · · · · ·			
ompany			<u>Colbert Matz Ros</u> Name	enieit, ir	ic.		
ddress		Telephone No.	2835 G Smith Ave	nue	410-653-3838		
		reiephone No.	•		Telephone No.		
ity	State	Zip Code	Baltimore City	- MD State	21209 Zip Code		
Public Hearing having be	en formally demand	ted and/or found to be	required, it is ordered by the Zoni	no Commissioner	of Baltimore County		
egulations of Baltimore Coun		arthe subject matter of th	his petition be set for a public hearing	g, advertised, as re	equired by the zoning		
	.00		• *				

Reviewed By __

Estimated Posting Date

Zoning Commissioner of Baltimore County

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.

competent to testify thereto in the event that a p	iublic nearing is scheduled	til the lathe min 196	jaro iriereio.
That the Affiant(s) does/do presently reside at	303 Janet Road		
	Reisterstown	MD	21136
That based upon personal knowledge, the followariance at the above address (indicate hardship	wing are the facts upon w p or practical difficulty):	9tate hich I/we base the re	Zip Code equest for an Administrative
The owners are proposing to enclosed garage. The carpordocation of the driveway and be a hardship and practical elsewhere on the property.	rt location is d d the interior h	etermined by ouse layout.	the It would
That the Affiant(s) acknowledge(s) that if a forradvertising fee and may be required to provide ad	nal demand is filed, Affia ditional information.	nt(s) will be require	ed to pay a reposting and
Signature & Market State	Signature	mo C. L	Jolo Sein
Signature David L. Goldstein Name - Type or Print	Ü	e C. Goldstei	n
STATE OF MARYLAND, COUNTY OF BALTIMO	RE, to wit:		
I HEREBY CERTIFY, this day of ee of Maryland, in and for the County aforesaid, perso	nally appeared	<u>∞6</u> , before me, a	Notary Public of the State
the Affiant(s) herein, personally known or satisfacto	rily identified to me as suc	h Affiant(s).	
AS WITNESS my hand and Notarial Seal			

My Commission Expires

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	303 Janet Road		<u></u>
	Reisterstown	MD	21136
	City	State	Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the facts upon with or practical difficulty):	hich I/we base the r	equest for an Administrative

The owners are proposing to convert an existing carport to an enclosed garage. The carport location is determined by the location of the driveway and the interior house layout. It would be a hardship and practical difficulty to locate the garage elsewhere on the property.

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

David L. Goldstein

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this day of learning of Maryland, in and for the County aforesaid, personally appeared

The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

My Commission Expires

My Commission Expires

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore Commey

for the property located at	303 Janet Road	
which is	presently zoned.	DR 3.5

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)

1B02.3.A.1 and 1B02.3.B., BCZR, for a side yard setback of 5 ft. in lieu of 10 ft. required, and sum of side yard setbacks of 21 feet in lieu of 25 feet required.

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.				
Contract Purchaser/Le	essee:		Legal Owner(s):				
Name - Type or Print		······································	David L. Goldst Name - Type or Print	ein			
Signature	<u> </u>		Signature	Ter pe			
Address	·	Telephone No.	Joanne C. Golds Name - Type or Print	8 1/1 -			
City	State	Zip Code	Signature	Josepher	7		
Attorney For Petitione	<u>r:</u>		303 Janet Road Address		443-865-9373		
			Reisterstown,	MT	Telephone No.		
larne - Type or Print			City	MD State	21136 Zip Code		
			Representative to be				
ignature		· · · · · · · · · · · · · · · · · · ·	Richard E. Matz				
ompany		· · · · · · · · · · · · · · · · · · ·	<u>Colbert Matz Ro</u> Name	<u>senrelt, li</u>	nc.		
ddress	. 	Telephone No.	2835 G Smith Ave Address	enue	410-653-3838 Telephone No.		
····			Baltimore	MD.	21209		
ity	State	Zip Code	City	State	Zip Code		
Public Hearing having been is day of gulations of Baltimore Coupty a		we subject made, or n	required, it is ordered by the Zor his petition be set for a public heari	ning Commissioner	of Baltimore County, equired by the zoning		
36-6	1						
•	, -		Zoning Commission	er of Baltimore Cou	nty		

Reviewed By

Estimated Posting Date

Date

07-252-A

CASE NO.

REV 10/25/01

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

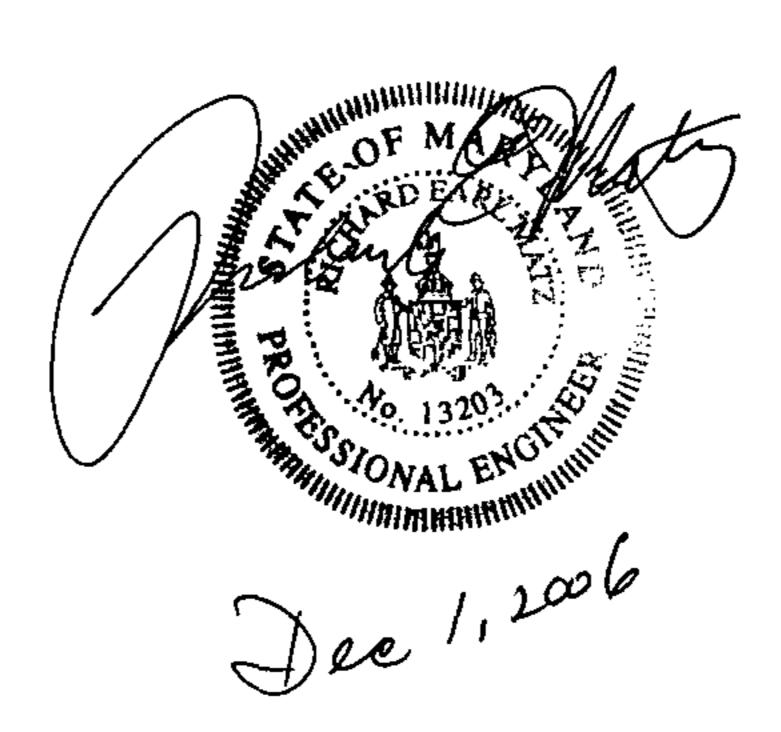


ZONING DESCRIPTION 303 JANET ROAD

Beginning at a point on the east side of Janet Road, which is 50 feet wide, at a distance of 123 feet, more or less, south of Northway Road, which is 50 feet wide.

Being Lot 7, Block E, Plat 11 of the Chartley subdivision, as recorded in the Baltimore County Land Records at Book 28, Page 81.

Also known as 303 Janet Road, containing 9,920 square feet (0.23 acre), more or less, and located in the 4th Election District, 3rd Council District.

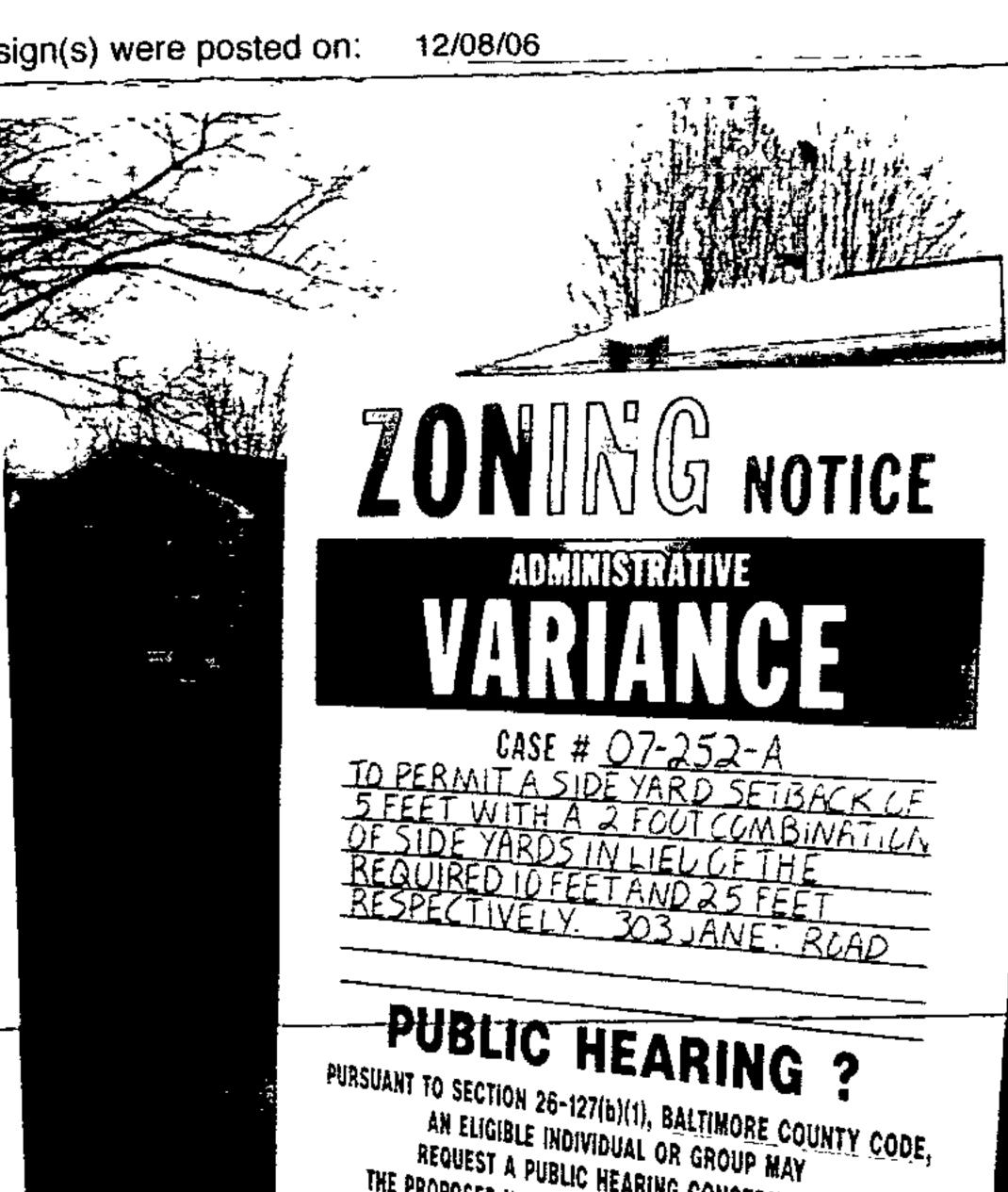


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BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DOME IN 1002 ACCOUNT OUT OUT OF STATE	AMOUNT \$ 100	FROM: DANGED GREDSTEIN	FOR 150 WEET 01-25.4	2003 JANET RD. D. THOMPSON	WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING

DATE: 12/12/06 ATTENTION: KRISTEN MATHHEWS Case Number: 07-252-A Petitioner/Developer: GOLDSTEIN~COLBERT, MATZ & ROSENFELT 12/25/06 Date of Hearing (Closing): 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: 303 JANET ROAD

The sign(s) were posted on:



REQUEST A PUBLIC HEARING CONCERNING

THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS

RECEIVED IN THE ZONING REVIEW BUREAU BEFORE

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF

PERNITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,

111 WEST CHESAPEAKE AVE., TOWSON, MO 21204, (410) 887-3391

DO NOT REMOVE THIS SICH AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW

5:00 P.M. OH MON. G. DECEMBER 25, 2006

(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

Case Number 07- 252 -A Address 303 JANET RD.
Contact Person: Donna Thompson Planner Please Print Your Name Phone Number: 410-887-3391
Filing Date: 12/106 Posting Date: 12/10/06 Closing Date: 12/25/06
Any contact made with this office regarding the status of the administrative variance should be through 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)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 07- 252 -A Address 303 JANET RD.
Petitioner's Name GOLDSTEIN Telephone 443-865-9373
Posting Date: 2/10/06 Closing Date: 2/25/06
Posting Date: 2 10 06 Closing Date: 2 25 06 Wording for Sign: To Permit A SIDE YARD SETBACK OF 10-FEET WITH A 20-FOOT
COMOINATION OF SIDE YARDS IN LIEU OF THE REQUIRED 10-FEET
AND 05-FEET, RESPECTIVELY.

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: 07-252-A
Petitioner: GOLDSTEIN
Address or Location: 303 JANET RD.
PLEASE FORWARD ADVERTISING BILL TO:
Name: MR. 4 MRS. DAVID L. GOLDSTEIN
Address: 303 JANET RD.
REISTERSTOWN, MD 21136
Telephone Number: <u>443-865-9373</u>



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

December 27, 2006

David L. Goldstein Joanne C. Goldstein 303 Janet Road Reisterstown, MD 21136

Dear Mr. and Mrs. Goldstein:

RE: Case Number: 07-252-A, 303 Janet Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 1, 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 Richard E. Matz Colbert Matz Rosenfelt, Inc 2835 G Smith 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 December 12, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: December 11, 2006

Item No.: (252) 253, 254, 255, 256, 257, 258, 259, 261, 262, 263, 264 and

265.

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

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 15, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 18, 2006

Item Nos. \$7-252, 253, 257, 258, 260, 261, 262, 263, 264, and 265

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-12132006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 19, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-252- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By

Division Chief:

CM/LL

DEC 2., 2003

W:\DEVREV\ZAC\7-252.doc



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

Maryland Department of Transportation

RE:

Date: 12-12-2006

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

Baltimore County
Item No. 7-292-A
303 SANET ROAD
GOLDSTEIN PROPERTY
VARIANCE PRIZHLITA SIDE YLOZD
SETBACK LESS THAN REQUIRED

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. 7-252A.

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).

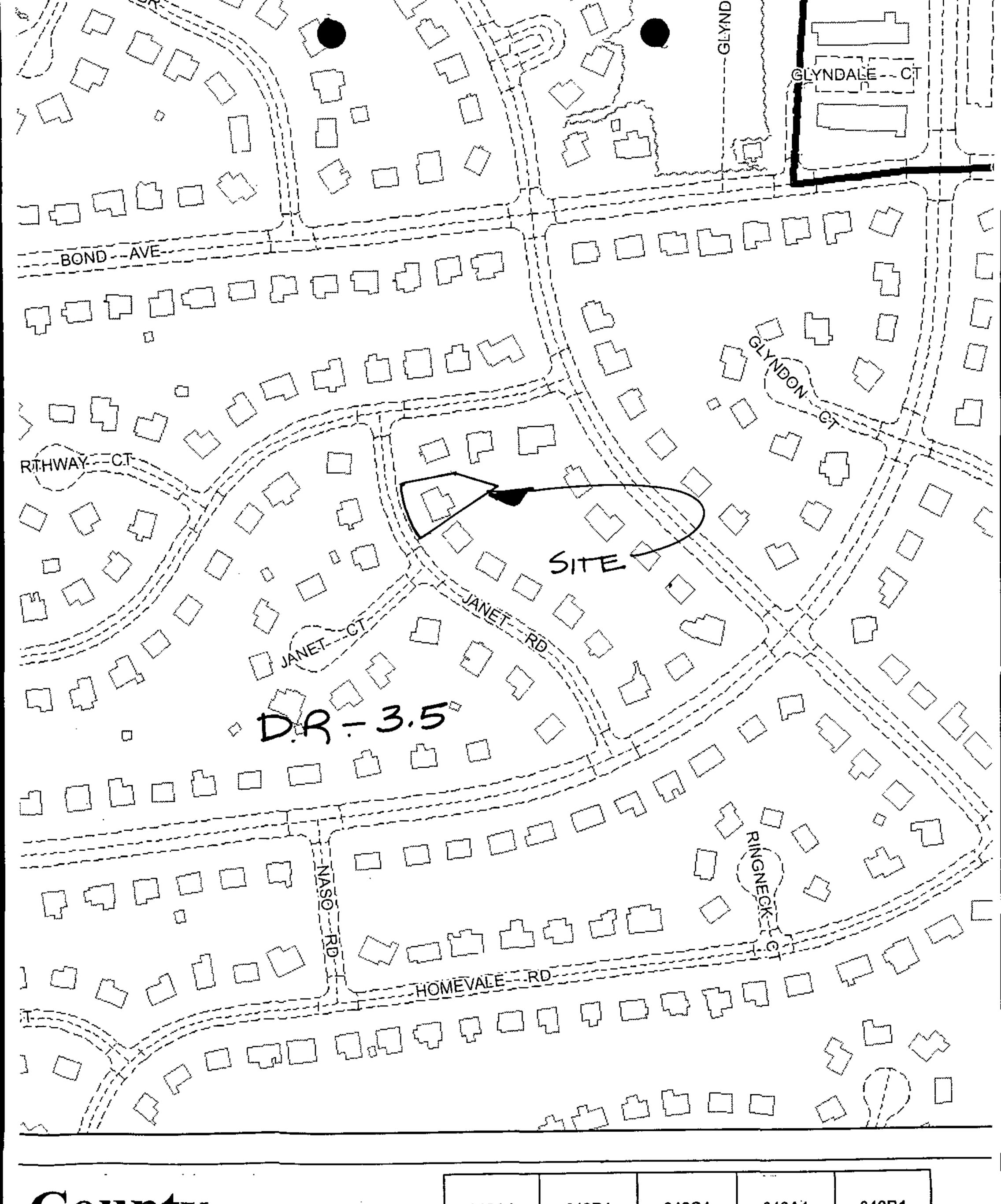
Very truly yours,

N Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB



County 07-252-A

048 A 1	048B1	048C1	049A1	049B1	
048A2	048B2	048¢,2/	049A2	049B2	



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D2C/03464,JPG 2006/11/28 12:01:07

