IN RE: PETITION FOR ADMIN. VARIANCE S side of Oak Hollow Court, 653 feet E of the c/l of Garrison Farms Road 3rd Election District 2nd Councilmanic District **(13 Oak Hollow Court)**	* * *	BEFORE THE DEPUTY ZONING COMMISSIONER BALTIMORE COUNTY
Alan R. and Ilene J. Swirnow *Petitioners*	*	CASE NO. 07-490-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, Alan R. and Ilene J. Swirnow. The variance request is for property located at 13 Oak Hollow Court. The variance request is from Sections 103.1 and 205.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with addition (garage) to have a side yard setback of 1 foot in lieu of the required 15 feet, and a front yard setback of 1 foot in lieu of the required 40 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a 23 foot x 26 foot garage. Due to the unique characteristics of the property, the location of the existing dwelling and existing driveway, the garage addition must be placed in the proposed location. The property is triangular in shape, narrow in the front and widening toward the rear of the property. There is no other location for the garage. Without the requested relief, the Petitioners would have to reconfigure the existing dwelling and driveway to accommodate the proposed garage addition.

The property was the subject of a previous administrative variance, Case No. 06-210-A, to permit an existing single-family dwelling with addition (open carport) to have a side yard

ORDER RECEIVED FOR FILING
Date 6-7-07
By B

setback of zero (0) feet in lieu of the required 11.25 feet. That administrative variance request was approved on March 14, 2007.

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 May 4, 2007 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 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

6-1-07

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 1st day of June, 2007 that a variance from Sections 103.1 and 205.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with addition (garage) to have a side yard setback of 1 foot in lieu of the required 15 feet, and a front yard setback of 1 foot in lieu of the required 40 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.

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

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

APPROVED FOR FILING
6-1-07

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 1, 2007

ALAN R. AND ILENE J. SWIRNOW
13 OAK HOLLOW COURT
BALTIMORE MD 21208-1854

Re: Petition for Administrative Variance
Case No. 07-490-A
Property: 13 Oak Hollow Court

Dear Mr. and Mrs. Swirnow:

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

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz

Enclosure

c: Guy Ward, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville MD 21030

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: May 29, 2007

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 07-490-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 Nkechi Hislop in the Office of Planning at 410-887-3480.

Prepared By: Cindy Murray

Division Chief: Lynn Lanham

CM/LL

W:\DEVREV\ZAC\7-490.doc

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13 Oak Hollow Court
which is presently zoned DR-2
Prior Vested zoning R-20

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)

To permit an existing single family dwelling with addition (garage) to have a side yard setback of 1(one) foot in lieu of the required 15 feet, and a front yard setback of 1(one) foot in lieu of the required 40' feet

See attached*

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Alan R. Swirnow
Name - Type or Print

Alan R. Swirnow
Signature

Ilene J. Swirnow
Name - Type or Print

Ilene J. Swirnow
Signature

13 Oak Hollow Ct.
Address Telephone No.

Baltimore, Md. 21208-1854
City State Zip Code

Representative to be Contacted:

Guy C. Ward, McKee& Assoc., Inc.
Name

5 Shawan Rd., Suite 1 410 527-1555
Address Telephone No.

Cockeysville, md. 21030
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 07-490-A **Reviewed By** JF **Date** 4-26-07

Estimated Posting Date 5-6-07

REV 9/15/98

[illegible] RECEIVED FOR FILING
Date 6/07
By M

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

Address: 13 Oak Hollow Ct.

City: Baltimore State: Md. Zip Code: 21208-1854

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

* See Attached

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: Alan R. Swirnow

Name - Type or Print: Alan R. Swirnow

Signature: Ilene J. Swirnow

Name - Type or Print: Ilene J. Swirnow

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25TH day of APRIL, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared ALAN R. SWIRNOW AND ILENE J. SWIRNOW the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

APRIL 25, 2007
Date

William David Gulick, Jr.
Notary Public

My Commission Expires NOV. 1, 2010

William David Gulick, Jr. My Commission Expires Notary Public Baltimore Co., MD

REV 09/15/98

Attachment 1
Petition for Variance

Case Number :

Address: 13 Oak Hollow Court

Legal Owner(s): Alan R. and Ilene J. Swirnow

Petitioner: Alan R. and Ilene J. Swirnow

Present Zoning: DR 2 (Vested prior zoning R-20 ; *at time of original* subdivision approval)

Prior Zoning Case: 06-210-A

Request for Variance:

To determine whether or not the Zoning Commissioner should approve:

A variance to Section 103.1 (BCZR) ; 205.3 (BCZR "63") *to permit an existing single family* dwelling with addition (garage) to have a side yard setback of One (1) foot in lieu of the required 15.00 feet, and a front yard setback of One (1) foot in lieu of the required 40 feet.

Reason for Request

***Due to the unique characteristics* of the subject property, the location of the existing dwelling and existing driveway, the proposed garage addition must be placed in the proposed location. Without the requested relief, the Petitioner will suffer practical *difficulty and undue hardship* due to the necessity to reconfigure the existing dwelling and driveway to accommodate the proposed addition.**

FOR ADDITIONAL INFORMATION ON THIS PETITION PLEASE CONTACT:

Guy C. Ward, R.S., Associate

McKee & Associates, Inc

Engineering, Surveying, Land Planning, Real Estate Development
Shawan Place, 5 Shawan Road, Suite 1, Hunt Valley, MD 21030
Tel: (410) 527-1555 Fax: (410) 527 1563 E-Mail : mckee@qis.net

Zoning Description for 13 Oak Hollow Court:

Beginning at a point of the south side of Oak Hollow Court which is 50 feet wide At a distance of 653' East of the centerline of the nearest improved intersecting street Garrison Farms Road which is 50 feet wide. Being lot #31 Section #2 in the subdivision Stevenson at Anton Farms as recorded in Baltimore County Plat Book #30, Folio 46, containing 22,820 S.F., 0.52 Ac. Also known as #13 Oak Hollow Court and located in the 3rd Election District, 2nd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25022

DATE 4-26-07 ACCOUNT 001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: McKee & Associates

FOR: 13 OAK HOLLOW CT ITEM # 490
Admin. Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAID/ESD	ACTUAL	TIME	DRW
4/30/2007	4/26/2007	15:19:04	2

RED NSUC MAIL 9[illegible] JCL
>>RECEIPT # 514725 4/26/2007 OPLH
Dept 5 320 ZONING VERIFICATION
CR NO. 025022
Recpt Tot 150.00
50.00 CH 100.00 CA
0.00 CO

Baltimore County, Maryland

CASHIER'S VALIDATION

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

DATE: May 07, 2007

TO: Baltimore County, PDM

RE : Case No. :07-490-A
#13 Oak Hollow Court
MAI :Job No. : 05-185

ATTENTION:Mr. Jun Fernando / Mrs. Kristen Matthews

(X) We are submitting ( ) We are returning ( ) We are forwarding

( ) Herewith ( ) Under separate cover

No.	Description
1	Certificate Of Posting
2	Photos

(X) For processing ( ) For your use ( ) For your review

( ) Please call when ready ( ) Please return to this office ( ) In accordance with your request

Remarks:

For further information, please contact the writer at this office.

Very truly yours,

McKee & Associates, Inc.

William D. Gulick, Jr.

cc: File

RECEIVED
MAY 8 2007
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits &
Development Management
111 W. Chesapeake Avenue, Rm. 111
Towson, MD 21204

Date: May 07 , 2007
MAI Job No : 05-185

Attention: Mr. Jun Fernando / Mrs. Kristen Matthews
RE: Case Number : 07-490-A
Petitioner/Developer: Alan & Ilene Swirnow
Date of Hearing/Closing: Monday May 21, 2007

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 # 13 Oak Hollow Court

The sign(s) were posted on May 04, 2007
(Month, Day, Year)

(Signature of Sign Poster)

William D. Gulick, Jr.
(Printed Name of Sign Poster)

SEE
ATTACH PHOTOGRAPH
OF
SIGN POSTED ON
PROPERTY

McKee and Associates, Inc.
5 Shawan Road, Suite 1
(Street Address of Sign Poster)

Cockeysville, MD 21030
(City, State, Zip Code of Sign Poster)

(410) 527-1555
(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ

RECEIVED
MAY 8 2007
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 07-490-A

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION (GARAGE) TO HAVE A SIDE YARD SETBACK OF 1 (ONE) FOOT IN LIEU OF THE REQUIRED 15 FEET AND A FRONT YARD SETBACK OF 1 (ONE) FOOT IN LIEU OF THE REQUIRED 40 FEET.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON MAY 21, 2007

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON MD. 21204

TEL. 887-3391

MEETING IS HANDICAP ACCESSIBLE

05.04.2007 14:01

OAK HOLLOW COURT

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07-490 -A Address 13 OAK HOLLOW CT

Contact Person: JUN R. FERNANDO Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4-26-07 **Posting Date:** 5-6-07 **Closing Date:** 5-21-07

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. **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.

3. **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 07-490 -A Address 13 OAK HOLLOW CT.

Petitioner's Name Alan & Ilene Swirnow Telephone 410-527-1555 (GUY WARD)

Posting Date: 5-6-07 **Closing Date:** 5-21-07

Wording for Sign: To Permit an existing single family dwelling with addition (garage) to have a side yard setback of 1 (one) foot in lieu of the required 15 feet and a front yard setback of 1 (one) foot in lieu of the required 40 feet.

WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 07-490-A

Petitioner: Alan R + Ilene J. Swirnow

Address or Location: 13 Oak Hollow Court

PLEASE FORWARD ADVERTISING BILL TO:

Name: Alan + Ilene Swirnow

Address: 13 Oak Hollow Court
Balto. Md. 21208-1854

Telephone Number: 410-338-1122

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

May 23, 2007

Alan R. Swirnow
Ilene J. Swirnow
13 Oak Hollow Court
Baltimore, MD 21208-1854

Dear Mr. and Mrs. Swirnow:

RE: Case Number: 07-490-A, 13 Oak Hollow Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 26, 2007.

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
Guy C. Ward McKee & Associates, Inc. 5 Shawan Road, Suite 1 Cockeysville 21030

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: May 29, 2007

RECEIVED
MAY 31 2007
BY:.....

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 07-490-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 Nkechi Hislop in the Office of Planning at 410-887-3480.

Prepared By: Curtis L. Murray

Division Chief: Lynn Lanham

CM/LL

W:\DEVREV\ZAC\7-490.doc

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

May 10,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 7, 2007

Item Number: 476,488 through 499

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
Department of Permits & Development Management

DATE: May 8, 2007

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 14, 2007
Item Nos. 07-476, 488, 489, 490, 491, 492, 493, 494, 496, 497, and 499

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- 05072007.doc

Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

SHA
State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: MAY 7, 2007

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

RE: Baltimore County
Item No. 7-490-A
SWIRNOW PROPERTY
13 OAK HOLLOW CT
ADMINISTRATIVE VARIANCE

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. 7-490A.

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,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Patricia Zook - 2 Administrative Variance cases - Planning comments needed

From: Patricia Zook
To: Murray, Curtis
Date: 5/31/2007 11:32:35 AM
Subject: 2 Administrative Variance cases - Planning comments needed

Hi Curtis -

I'm wondering if you have Planning comments for the below-listed cases that you could e-mail to me.

Case 07-491-A, closed 5-21-07
Case 07-490-A, closed 5-21-07

Thanks for your help!

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

#2 SUBJECT PROP
SHOWING PROP LINE & AREA OF
VARIANCE REQUEST

#1 #13 OAK HOLLOW CT (SUBJECT PROP)
LOT 31 FRONT

PHOTOGRAPHS TO
ACCOMPANY ZONING
VARIANCE REQUEST

490

#4 LOT 28 FRONT

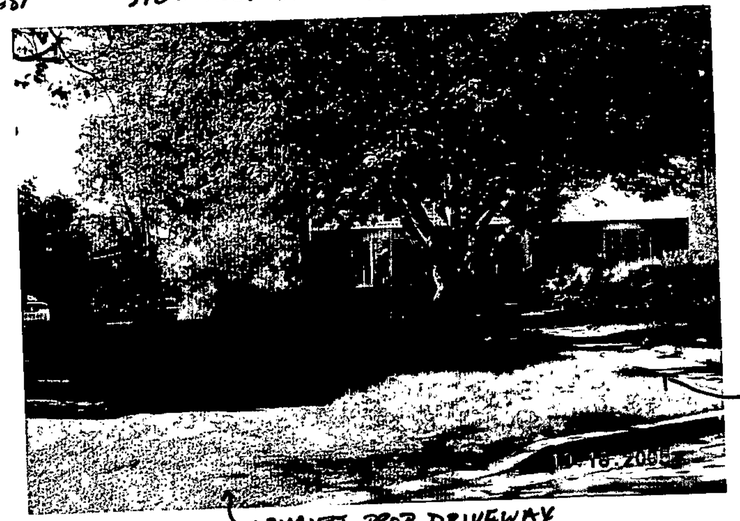
#6 LOT 33

#3 LOT 30 FRONT

#5 LOT 32

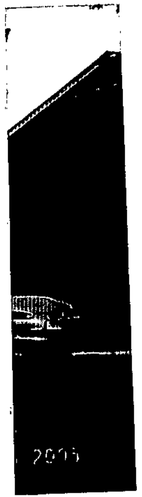
ROM
UCE REQUEST

#18 EDGE OF PAVING SUBJECT DRIVE ALONG SIDE PROP LINE BETWEEN LOT 30 & 31



LOT 30 DWELLING

SUBJECT PROP DRIVEWAY



PKING
CUL-DE-SAC

#17 EX LOT 30 PARKING AREA/DRIVE & DRIVEWAY TO & CUL-DE-SAC

#8 LOT 31 SUBJECT PROP.
LEFT SIDE VIEW FROM LOT 32

#10 LOT 6 SECTION 1 "GARRISONS FARM"
(TAKEN OVER 7' PRIVACY FENCE)

#7 LOT 32 SIDE VIEW FROM
SUBJECT PROPERTY

#9 PROP LINE BETWEEN LOTS 31 & 32
REAR YARD VIEW

#12 LOT 31 SUBJECT PROP
REAR VIEW OF HOUSE

#14 PROP. LINE BETWEEN LOTS 30 & 31
LOOKING INTO LOT 8 SEC. I "GARRISON'S FARMS"

#11 SAME SHOT AS #10

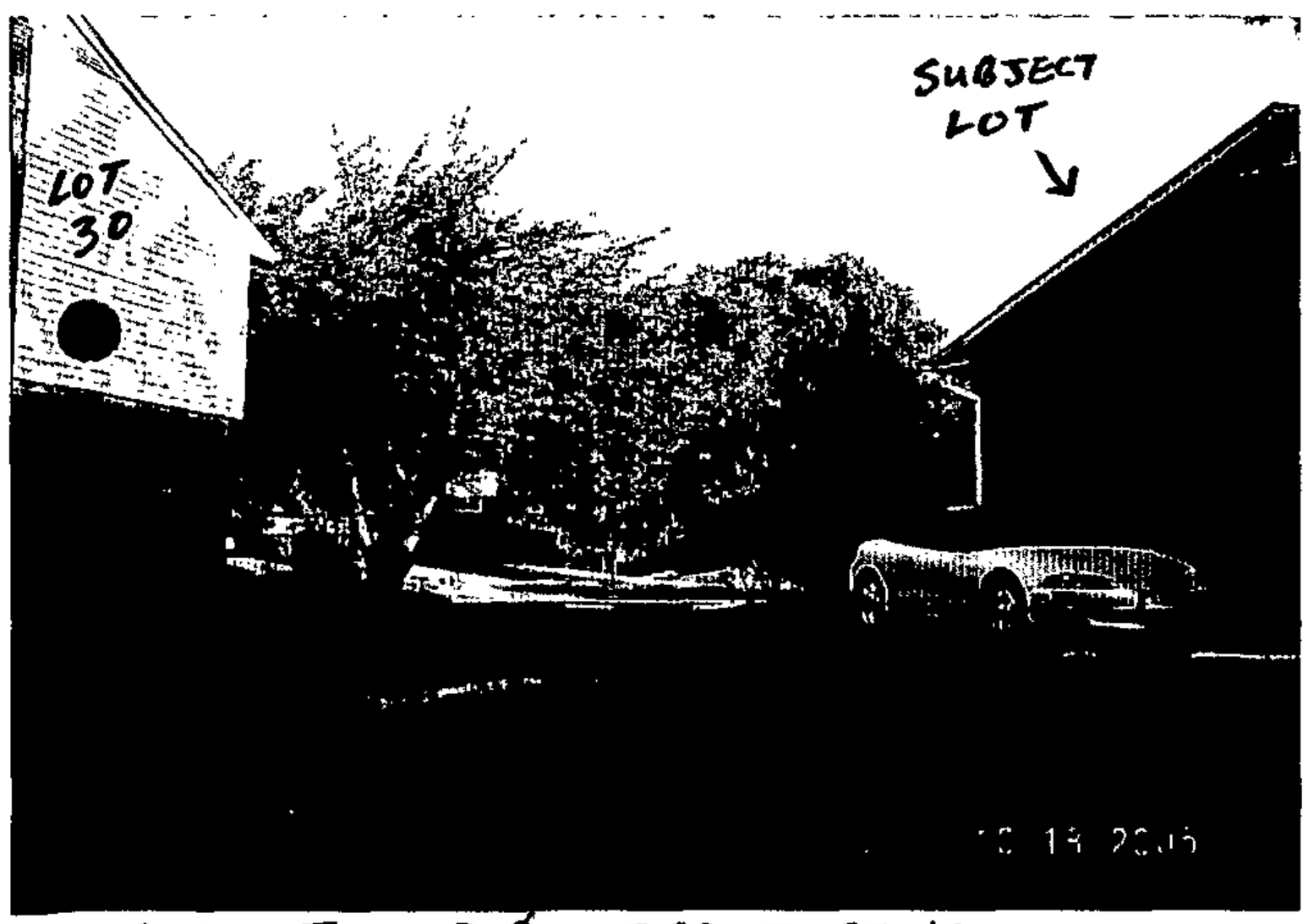
LOT 7 SEC. I "GARRISON FARMS"
(BEHIND TREES - NOT VISIBLE

#16 LOT 31 RIGHT SIDE VIEW (TAKEN FROM EX. PARKING AREA - AREA OF VARIANCE REQUEST

#18 EDGE OF PAVING SUBJECT DRIVE ALONG SIDE PROP LINE BETWEEN LOT 30 & 31

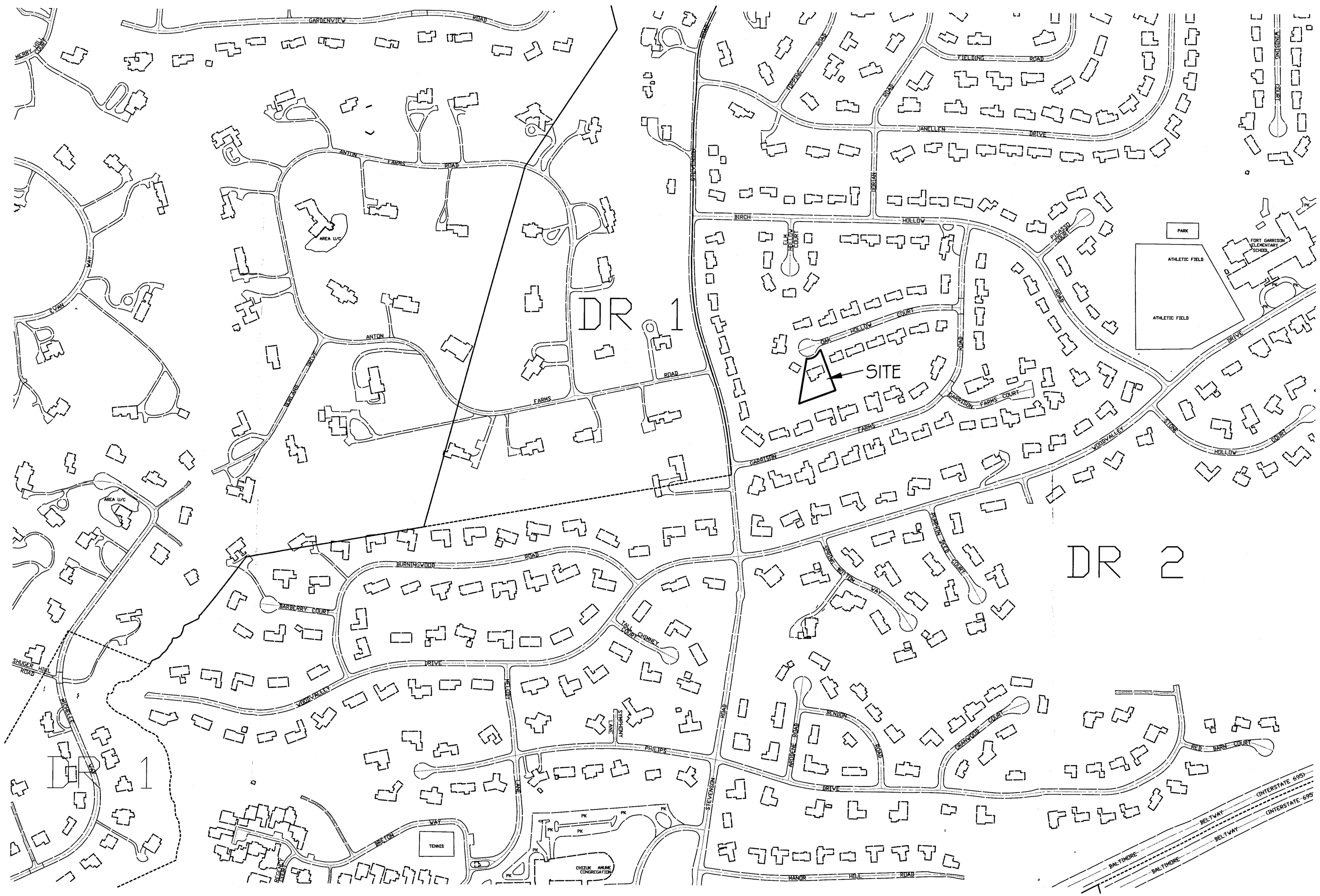
LOT 30 DWELLING

SUBJECT PROP DRIVEWAY



#15 SUBJECT PROP & LOT 30 EXISTING PARKING AREA / PROP. LINE LOOKING TOWARDS CUL-DE-SAC

#17 EX LOT 30 PARKING AREA / DRIVE & DRIVEWAY TO & CUL-DE-SAC

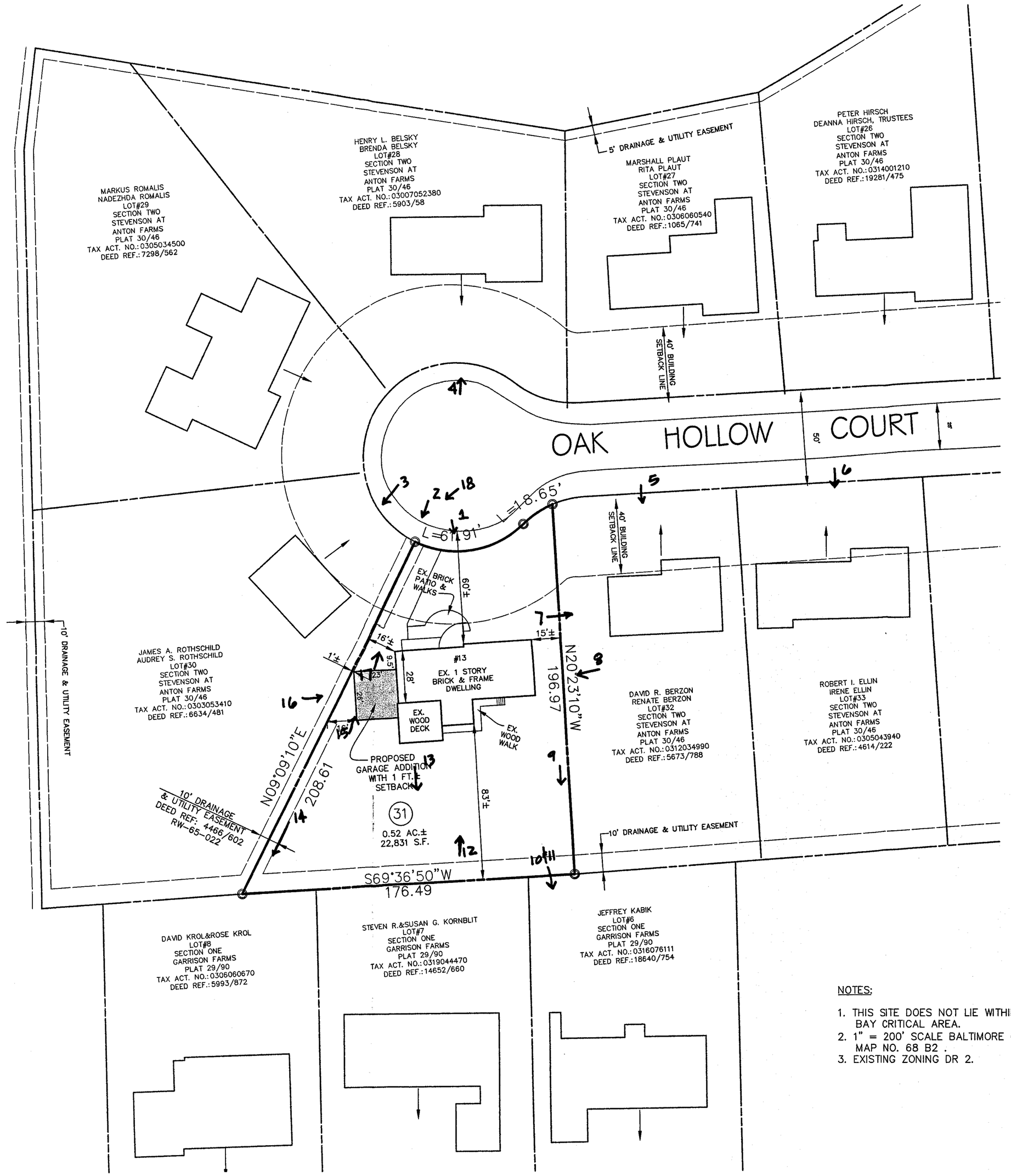


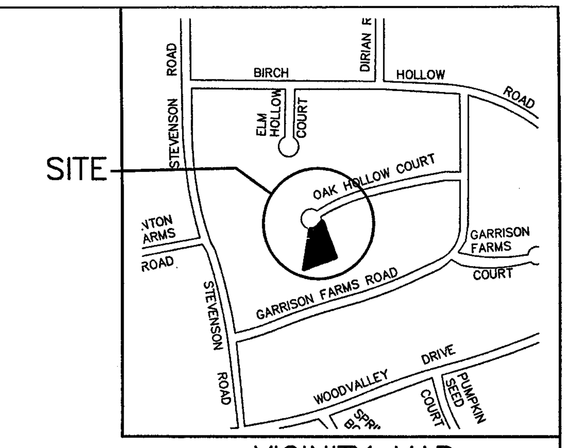
McKEE & ASSOCIATES, INC.
Engineering – Land Planning – Land Surveying
Natural Resource Planning – Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

ZONING MAP

TILE: 068B2
SCALE: 1"= 200'
DATE: APRIL 24, 2007

P:\SDSK\Proj\05-185\dwg\05-185-ZONING MAP.dwg, 4/25/2007 10:34:53 AM, 1:1





VICINITY MAP

SCALE: 1"=2000'

NOTES:

1. THIS SITE DOES NOT LIE WITHIN A CHESAPEAKE BAY CRITICAL AREA.
2. 1" = 200' SCALE BALTIMORE COUNTY ZONING MAP NO. 68 B2 .
3. EXISTING ZONING DR 2.

IN RE: PETITION FOR ADMIN. VARIANCE
S side of Oak Hollow Court, 50 feet wide,
East of c/l of Garrison Farms Road
3rd Election District
3rd Councilmanic District

(13 Oak Hollow Court)

Alan R. and Ilene J. Swirnow
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 06-210-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, Alan R. and Ilene J. Swirnow. The variance request is for property located at 13 Oak Hollow Court in the Cockeysville area of Baltimore County. The variance request is from Sections 103.1 and 205.3 (1963) of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an existing single family dwelling with addition (open carport) to have a side yard setback of zero (0) feet in lieu of the required 11.25 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. There is no other location on the property where the carport could be constructed. The property is triangular in shape, narrow in the front and widening toward the rear of the property.

Zoning Advisory Committee

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 November 4, 2005. A ZAC comment was received from the Bureau of Development Plans Review dated November 9, 2005, which said that no permanent structures are permitted in the existing 10 foot public drainage and utility easement. A revised comment from the BDPR dated March 9, 2007 was received which indicated that the County drainage and utility easement had been released and they no longer have any objection to the side yard setback of 0 feet. Copies of these comments are incorporated herein and made a part hereof the file.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 26, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, the Petitioners have filed the supporting affidavits 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 14th day of March, 2007 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed accessory building (storage building) to be located in the side yard in lieu of the required rear yard; be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

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
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

PLAN TO ACCOMPANY PHOTOGRAPHS

PLAN TO ACCOMPANY
PETITION FOR ZONING
VARIANCE REQUEST

13 OAK HOLLOW COURT

AKA LOT 31 SECTION II "STEVENSON AT ANTON FARMS"
3rd ELECTION DISTRICT — BALTIMORE COUNTY, MARYLAND
SCALE: 1"= 30' — DATE: APRIL 24, 2007
3Rd COUNCILMANIC DISTRICT

#490

OWNER INFORMATION
ALAN R. SWIRNOW
ILENE J. SWIRNOW
13 OAK HOLLOW COURT
BALTIMORE MD. 21208-1854
DEED REF.: 6575/580
TAX ACT. NO. : 0312042600
TAX MAP 68 GRID B2 PARCEL 302

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COMPUTED BY:	DRAWN BY:	CHECKED BY:	JOB No.:
GCW	NS / RLJ	GCW	05-185 07-067

ITEM #490