

IN RE: PETITION FOR ADMIN. VARIANCE
S side of Joni Court, 110 feet W of the
c/l of Harford Road
9th Election District
5th Councilmanic District
(3 Joni Court)

Eugen K. and Margaret A. Steinbrunner Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

* CASE NO. 07-502-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, Eugen K. and Margaret A. Steinbrunner. The variance request is for property located at 3 Joni Court. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a rear yard setback of 28 feet in lieu of the required 30 feet, and to amend the Final Development Plan of Harford Acres for Lot 3 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners propose to construct a sunroom on the existing deck. Because of the location of the house on the lot and the lot configuration, the rear yard is only 28 feet.

Zoning Advisory Committee Comments

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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 May 23, 2007. That Office states that the requested zoning relief does not appear to negatively impact the immediately surrounding neighbors and will be concealed from direct view from the public right-of-way by the existing single family dwelling.

Applicable Law

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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 13, 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 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 _____ day of June, 2007 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a rear yard setback of 28 feet in lieu of the required 30 feet, and to amend the Final Development Plan of Harford Acres for Lot 3 only 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

June 6, 2007

EUGEN K. AND MARGARET A. STEINBRUNNER 3 JONI COURT BALTIMORE MD 21234

> Re: Petition for Administrative Variance Case No. 07-502-A Property: 3 Joni Court

Dear Mr. and Mrs. Steinbrunner:

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

for Baltimore County

JVM:pz

Enclosure

c: Bob Whitmer, 7110 Golden Ring Road, Baltimore MD 21221



Betition for Administrative Variance

to the Zoning Commissioner of Baltimore County

which is presently zoned _

3 Joni Ct.

DR5.5

This Petition shall be filed owner(s) of the property situated made a part hereof, hereby p	de in Deltimore	Countriond	محمداه ما طمنطيي	مام مخالج سن امسطار	and the bank of the		d barata and
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plan of Harfor	d Acres	for a	Let #3	only.		•	•
of the zoning regulations of B of this petition form.	altimore County	y, to the zon	ing law of Baiti	more County	, for the reason	ș indicated	i on the back
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			perjury		clare and affirm, the legal owner(Petition,		
Contract Purchaser/Less	ee:	-ر	<u>Lega</u>	I Owner(s):	•		
			<u> </u>	Steinbrunner.	, Eugen K		-
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Attorney For Petitioner:			• —	oni Ct.	 ,	4	10-882-1329
-	•		Addres Ba	s ltimore	. ,	MD	Telephone No. 21234
Name - Type or Print	<u></u>		City			State	Zip Code
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City 39	State	Zip Gode	Balt City	imore		MD State	21221 Zip Code
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CASE NO.	07-50	2 -A	Reviewed By	-	Date	5-4-	-07
REV 10/25/01	- \	·	Estimated Po	sting Date	5-13	707	
		Sa Miller Alleman					- •
	12607						

for the property located at

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	3 Joni Ct.
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Aggress

MD **Baltimore** State

21234 Zip Code

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):

We would like to build a patio room (15'x 15') on the rear of our house. Our problem is the size of our lot and the location of our house. Our West property line is only 99.52ft and our east property line is 103.99ft. This and the fact that the distance from our house to the front property line is 29.5ft. (more then 4ft over the required 25ft. Front setback) leaves us with only 28ft. Rear setback (with the patio room addition). Being this is the only practical location we can build the room we care asking for a variance of 2ft. To change our rear set back to 28' in lieu of the required 30ft.

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.

Steinbrunner, Eugen K

Name - Type or Print

Steinbrunner, Margaret A

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

of Maryland, in and for the County aforesaid, personally appeared

2007, before me, a Notary Public of the State

Eugen K. & Margaret A. the Affiant(s) herein, personally known of satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

My Commission Expires

DELORES A. KAZMERSKI Notery Public Harford Co., MD

My Comm. Exps. Nov. 1, 2009

Affida Vit in Support of Administrative Variance

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		•	
That the Affiant(s) does/do presently reside at	3 Joni Ct. Address	<u></u>	<u> </u>
•	Baltimore	MD	21234
	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	wing are the fact ip or practical diffi	s upon which I/we base the requesticulty):	t for an Administrative
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Steinbrunner, Eugen K		Steinbrunner, Margaret A	
Name - Type or Print		Steinbrunner, Margaret A Name - Type or Print	- <u>-</u>
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STATE OF MARYLAND, COUNTY OF BALTII		AA	
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of Maryland, in and for the County aforesaid, pe	ersonally appeare	. C	" Lut washing to

AS WITNESS my hand and Notarial Seal

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

My Commission Expires

DELORES A. KAZMERSKI Notary Public Harford Co., MD

My Comm. Exps. Nov. 1, 2009



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at	3 Joni Ct.		_
which i	s presently zoned	DR 5.5	

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) 1302.3.8 BCZR

To permit an addition with a rear yard setback of 28' in lieu of the required 30'. And to amend the Final Development Plan of Harford Acres for Lot #3 only.

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 perjury, that I/we are the list is the subject of this Petit	legal owner(s) of the p	
Contract Purchaser/L	_essee:		Legal Owner(s):		
			Steinbrunner, Eu	gen K	
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Signature		- <u> </u>	Signature (Elmun	
			Steinbrunner, Ma	irgaret A	
Address		Telephone No.	Name - Type or Print	a 0-a	
City	State	Zip Code	Signature Signature	9. Sluice	brunu
Attorney For Petition	er:		3 Joni Ct.		410-882-1329
			Address		Telephone No.
	<u> </u>	<u> </u>	Baltimore	MD	21234
Name - Type or Print		•	C _' ty	State	Zip Code
			Representative to b	re Contacted:	
Signature			- 1 trad 1		
Company			Bob Whitmer		·
			7110 Golden Rin	d Road 41	0-780-0062
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			Baltimore	MD	21221
City	State	Zip Code	City	State	Zip Code
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Zoning Description for 3 Joni Ct.

Beginning at a point on the South side of Joni Ct. which is 50 ft. wide at the distance of 110 ft. west of the centerline of the nearest improved intersecting street Harford. which is 80 ft. wide. *Being lot #2, in the subdivision of Harford Acres as recorded in the Baltimore county Plat Book #44, Folio #67, containing 6,071 sq. ft. Also known as 3 Joni Ct. and located in the 9th election district, 5th Councilmanic District.

8

MISCELLANEOUS OFFICE OF BUDGET &

CERTIFICATE OF POSTING

RE: Case No.: 07-502-A

Petitioner/Developer: EUGEN +

MARGARET STEINBRUNCE

Date of Hearing/Closing: 5-28-07

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

ATTN:-Kristen Matthews {(410) 887-3394}

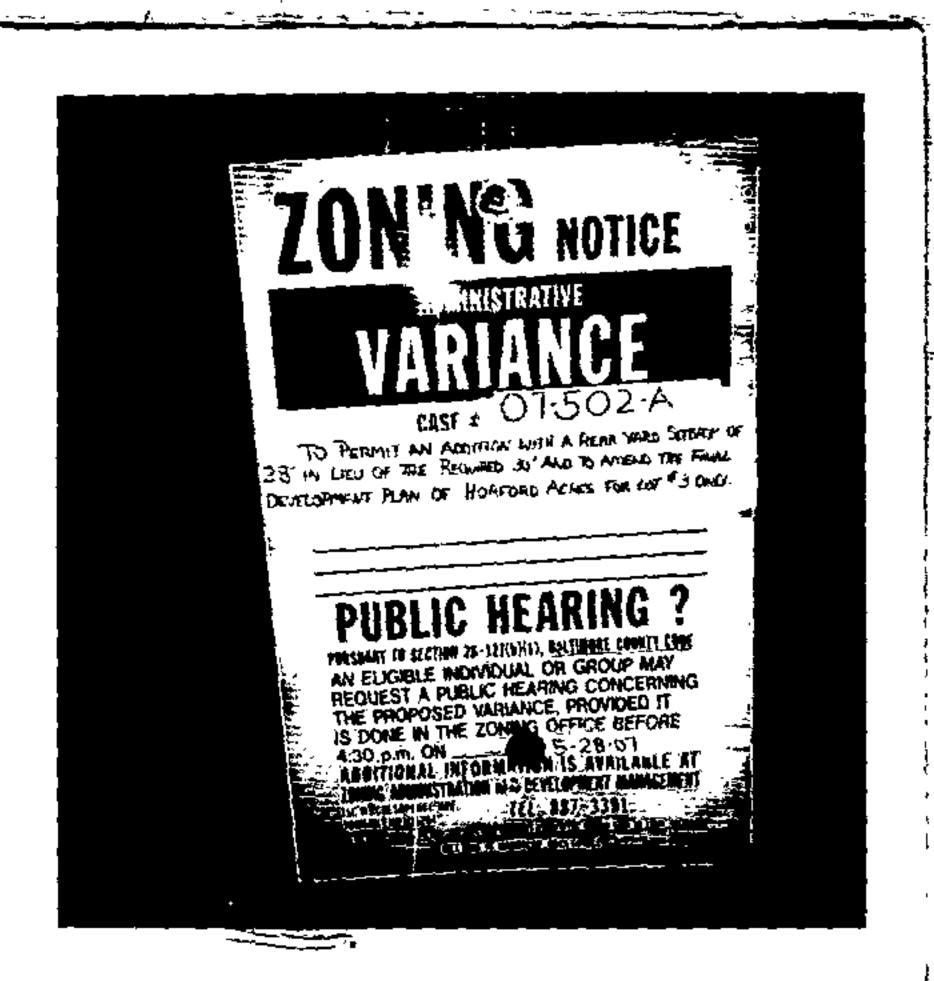
Ladies and Gentlemen:

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This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

3 JONI CT

Sincerely,



- Rich Rlack	5:13:0
(Signature of Sign Poster).	(Date)
SSG Robert Black	
(Print Name)	
1508 Leslie Road	
(Address)	
Dundalk, Maryland 2127	22
(City, State, Zip Code)
(410) 282-7940	•
(Telephone Number)	

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case I	Number	07-	502	2	· .	Address	3	JONI	COUR	7	· .
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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 of Case Number: 07-502-4	·
Petitioner: Gene STeinebrunner	:
Address or Location: 3 Joni Court Parkville Md	2/234
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Bob Whitmer Champion window Co	of Balto LLC)
Address: 7/10 Golden Ring RD	<u></u>
Address: 7/10 Golden Ring Rd Balto Md 21221	
Telephone Number: 4/10 780 0062	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 29, 2007

Eugen K. Steinbrunner Margaret A. Steinbrunner 3 Joni Court Baltimore, MD 21234

Dear Mr. and Mrs. Steinbrunner:

RE: Case Number: 07-502-A, 3 Joni Court

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 4, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

Bob Whitmer 7110 Golden Ring Road Baltimore 21221

Fire Department

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





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 18,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 7, 2007

502

Item Number: 500 through 511

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

DATE: May 21, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management-

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 21, 2007

Item Nos. 07-224, 500, 501, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, and 511

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- 05212007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 23, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

3 Joni Court

INFORMATION:

Item Number:

7-502

Petitioner:

Eugene K. Steinbrunner

Zoning:

DR 5.5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit an addition with a rear yard setback of 28 feet in lieu of the required 30 feet. The requested zoning relief does not appear to negatively impact the immediately surrounding neighbors and will be concealed from direct view from public right-of-way by the existing single-family dwelling.

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

Reviewed by:

Division Chief:

AFK/LL: CM



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

Neil J. Pedersen, Administrator

John D. Porcari, Secretary

Maryland Department of Transportation

Date: MAY 15, 2007

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

Baltimore County RE: Item No. 7-502-A 3 JONI CONRT

STEIN BRUNNER KROPERTY 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.

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,

Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: May 23, 2007

FROM:

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

SUBJECT:

3 Joni Court

INFORMATION:

Item Number:

7-502

Petitioner:

Eugene K. Steinbrunner

Zoning:

DR 5.5

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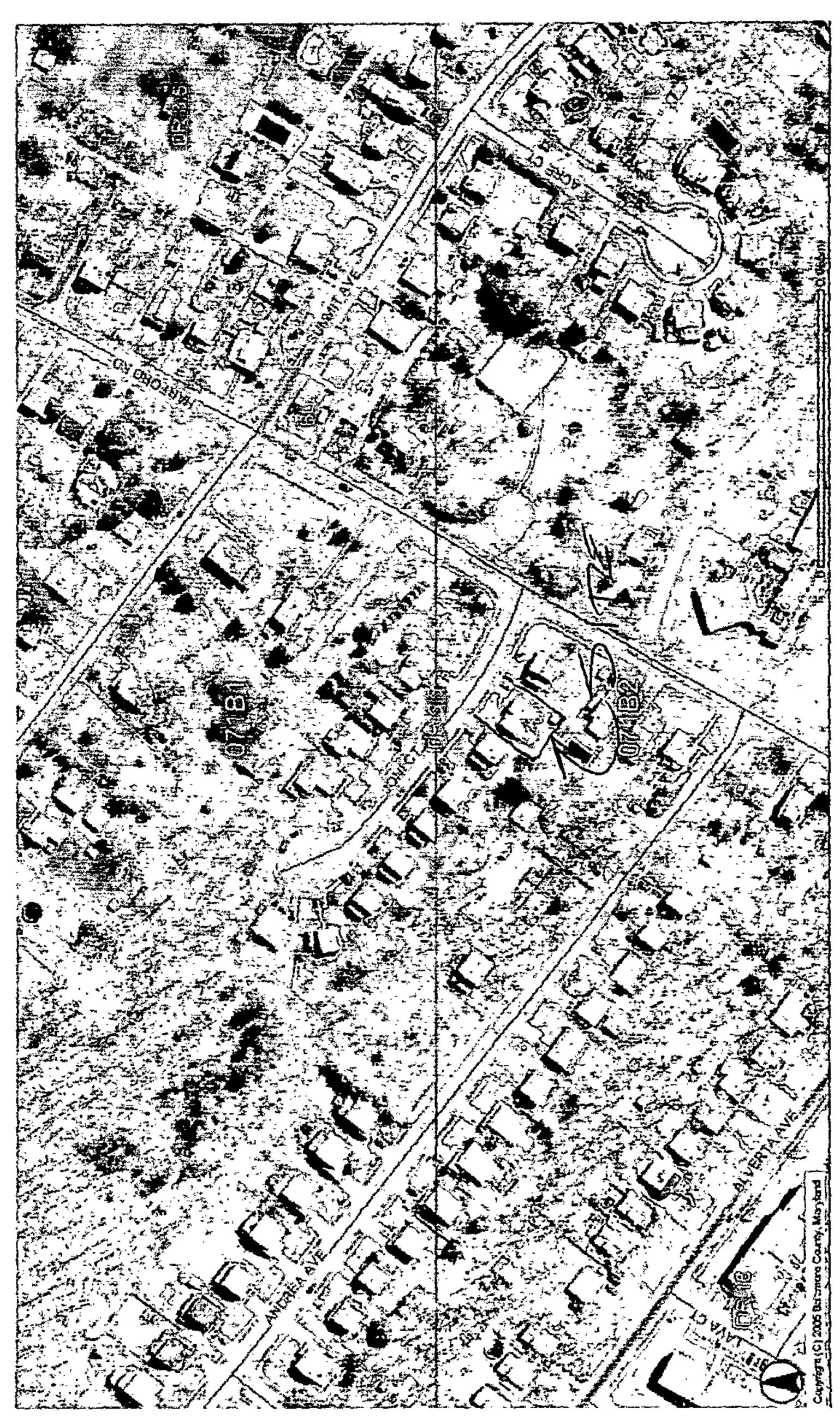
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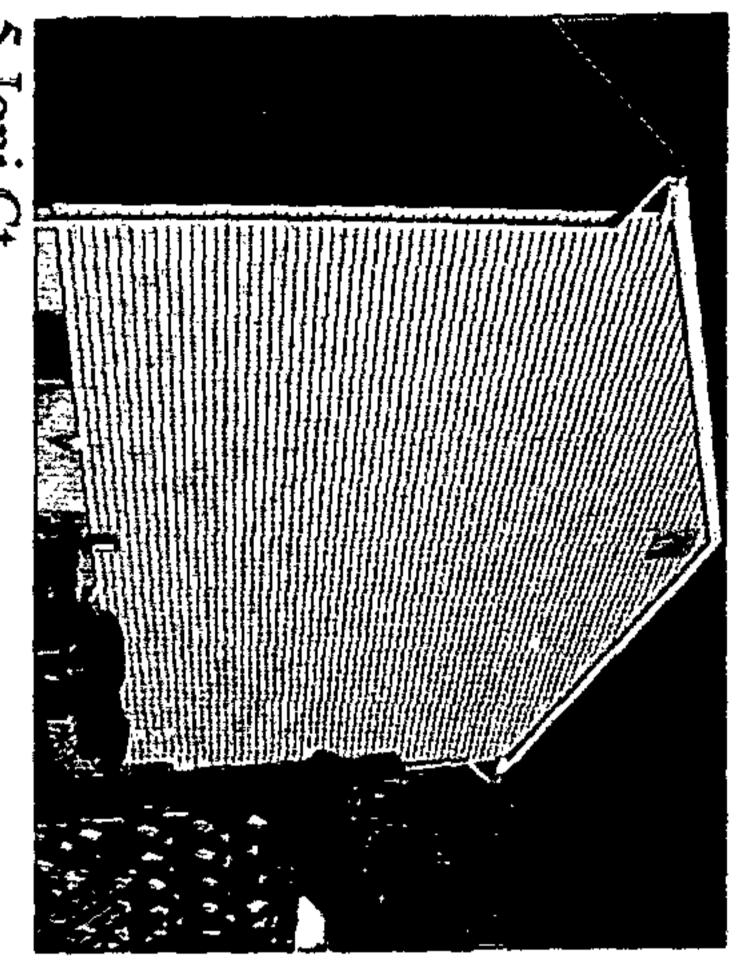
Reviewed by:

Division Chief:

AFK/LL: CM

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12th 2502	REVIEWED BY TIEN + OAS	PRIOR ZONING HEARING	HISTORIC PROPERTY/	CHESAPEAKE BAY	WATER	LOT SIZE ACREAGE SQUARE F	10.200' SCALE MAP # 07/62	COUNCIL MANIC DISTRICT 5	ELECTION DISTRICT 9							

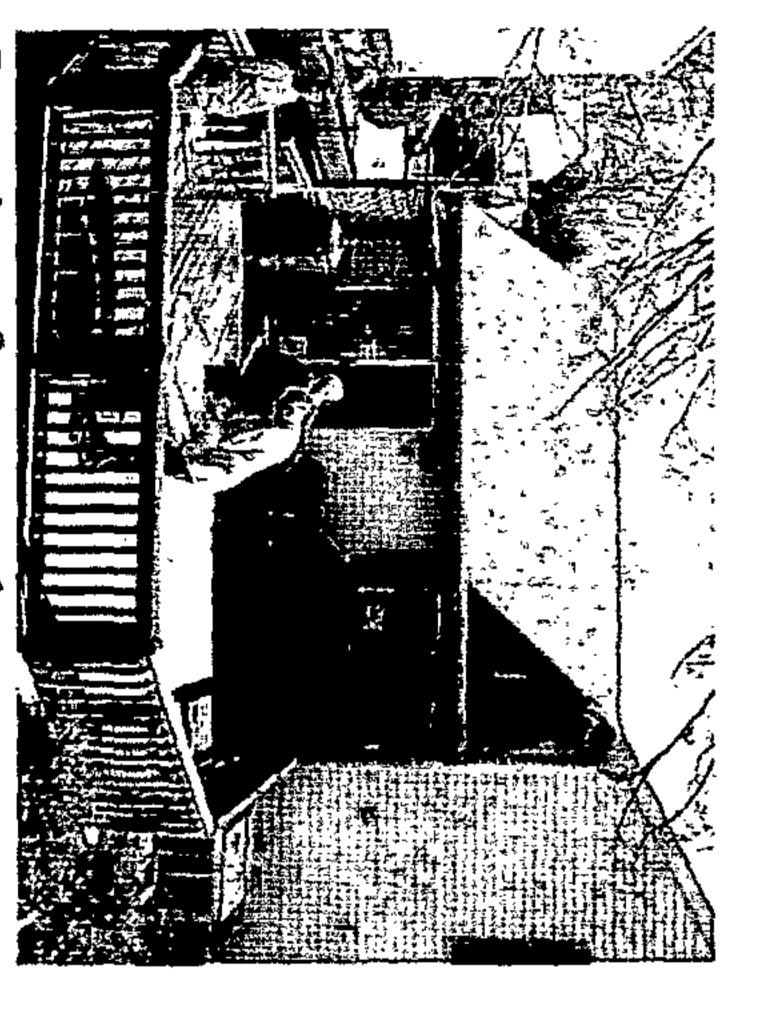




Joni Ct.



I Joni Ct.



Location of proposed sunroom



View of rear yard