IN RE: PETITION FOR VARIANCE

SW/S Sollers Point Road, 20' SE c/line

Adams Road

(6921 Sollers Point Road)

5th Election District

6th Councilmanic District

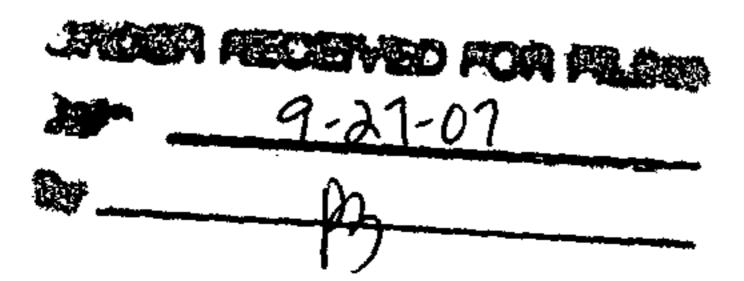
Alexander Barabash
Petitioner

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 07-592-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Alexander Barabash. Petitioner is requesting variance relief from Sections 1B02.3.A.5, 1B02.3.B, 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the side/front yard in lieu of the required rear yard and with a front setback of 12 feet in lieu of the required 25 feet, and a height of 17 feet instead of the required 15 feet, respectively. The subject property and requested relief are more particularly described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests was Petitioner Alexander Barabash and Bernadette Moskunas with Site Rite Surveying, Inc., the consultant who prepared the site plan. Appearing in opposition to the requested relief was Mr. and Mrs. Edwin J. McKrush of 7114 Martell Avenue. This Office also received a two-page fax dated August 27, 2007 in opposition to the requested relief. The fax itself did not identify the sender, but the second page appears to contain the signatures of 18 nearby neighbors, mostly on Sollers Point Road, who oppose the large size of the garage and especially the height. This fax was marked and admitted into evidence as Protestant's Exhibit 3. In addition, this Office received a fax dated



August 29, 2007 from Robert Garcia of 6927 Sollers Point Road. Mr. Garcia also opposed the size of the garage and viewed it as an unsightly addition to the neighborhood. He indicated that it is oversized, unattractive, and does not blend in with the rest of the surroundings. Mr. Garcia's fax was marked and admitted into evidence as Protestant's Exhibit 4.

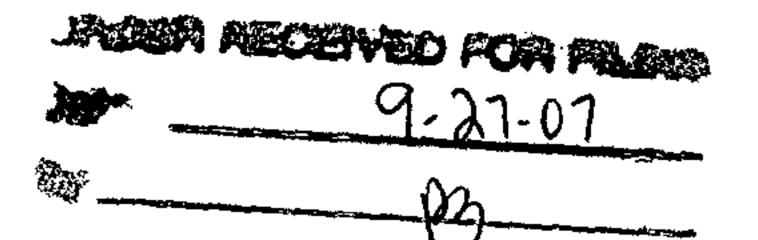
It should also be noted that this matter stems from a citation Petitioner received from the Code Enforcement Division of the Department of Permits and Development Management (Violation Case No. 07-7021), relative to the recent erection of the accessory structure (detached garage) without a building permit. Although Petitioner's decision to construct the garage without first verifying that the proper zoning requirements had been met is certainly not the preferred logistical method, it shall not be considered or held against Petitioner in deciding this matter, nor shall the possible time and expense to Petitioner of removing the structure be considered as a mitigating factor well. The sole issue to be decided in this case is whether Petitioner is legally entitled to the relief sought.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel approximately 4,361 square feet, or .10 acre more or less, and zoned D.R.5.5. The lot is located in the Dundalk area of Baltimore County and is improved with a one and-a-half story framed dwelling with vinyl siding approximately 29 feet wide by 25 feet deep. The lot is also improved with a partially built detached garage on the left side of the property, next to the dwelling. The garage is approximately 20 feet wide by 28 feet deep. Photographs of the garage, which were marked and accepted into evidence as Petitioner's Exhibits 2A through 2D, show an irregular shape, with the front of the structure nearest the road approximately 17 feet high and sloping to the rear of the structure to a height of 14 feet. A 12 foot high overhead garage door is also proposed.

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Petitioner indicated that he purchased the property approximately one year ago and that the dwelling was built approximately 60 years ago and was in significant need of repairs. Petitioner "rehabbed" the home inside and out and began renting the property to tenants. However, due to the size of the dwelling (approximately 600 square feet), it became apparent that storage was a problem in the home. In addition, Petitioner pointed to the lack of street parking and the volume of traffic on Sollers Point Road and decided it would be beneficial to construct a garage next to the house in order to allow a vehicle to park and/or to provide additional space for storage. Petitioner indicated that due to the small size of the lot, there is no other place for the garage other than adjacent to the home. Petitioner also indicated that the reason for the front garage height and the configuration of the roof from front to back was for drainage to a downward slope behind his property. He desired to direct rainwater toward the back of the property, rather than on both front and back from a more traditionally peaked roof.

In addition to the faxes which were introduced as Protestant's Exhibits 3 and 4, testifying in opposition to the variance requests were Mr. and Mrs. McKrush. Both were very concerned with the shear size and height of the garage, and that it dwarfed the home next to it. They questioned the wisdom of erecting the garage to a height of 17 feet and such a high overhead garage door to go with it. They felt it looked much more like a commercial garage for large trucks than a residential garage for a vehicle and home storage. Marked and accepted into evidence as Protestant's Exhibits 1 and 2 were photographs of the garage which showed the size of the garage in relation to the existing dwelling, as well as structures on adjacent properties. They also pointed out that the area is relatively mature with established neighborhoods. They appreciated Petitioner's rehabilitation of the home, but opposed the size of the garage.



The Zoning Advisory Committee (ZAC) comment received from the Office of Planning dated July 26, 2007 indicates that it does not oppose Petitioner's variance requests, provided that certain conditions are met, including the following: that Petitioner or subsequent owners shall not convert the accessory structure into a dwelling unit or apartment, it shall not contain any sleeping quarters, living area, or kitchen facilities, and shall not be used for commercial purposes. The Office also suggests that building materials be consistent with that of the existing dwelling.

Near the conclusion of the hearing, based on my review of the site plan, the photographs, and the testimony of Petitioner and Protestants, I expressed to Petitioner my concern over the height and configuration of the garage, similar to the concerns expressed by Mr. and Mrs. McKrush and the other Protestants. I indicated to Petitioner that I would decide the matter based on the evidence adduced at the hearing, but would also consider any additional changes or alterations to the design of the garage so as to be more in keeping with the aesthetics of the existing dwelling and the neighborhood. I indicated I would leave the record open while I considered the evidence in this matter. Thereafter, on September 17, 2007, Petitioner's consultant, Ms. Moskunas, submitted a revised design of the garage showing a traditional 12/4 pitched roof with a 14.6 foot height. The design also shows a more traditional overhead garage door height of eight feet (rather than the previous 12 feet), and windows approximately three feet by five feet on each side of the garage, with vinyl shutters and siding to match the existing dwelling. This revised garage design was marked and accepted into evidence as Petitioner's Exhibit 4. As a result of this submission, it appears Petitioner is no longer in need of variance relief from the height of the garage. Petitioner's amended design shows a height of 14.6 feet,

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which is six inches lower than the maximum height of 15 feet. Therefore, I will dismiss this part of Petitioner's variance request as moot.

Turning now to Petitioner's variance request in order to place the garage on the side/front yard rather than the required rear yard, and the request for a setback of 12 feet rather than the required 25 feet, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. The lots in this area, including the subject lot, were created before zoning was imposed on these properties. These are the kind of peculiar circumstances that make the regulations impact this property disproportionately compared to others in the district. The lot is also a relatively small, corner lot which makes the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Other than Petitioner's placement of the garage next to the existing dwelling, there is virtually no alternative area for the garage to be erected. Moreover, the proposed setback to the rear of the dwelling is only nine feet, therefore it would be impossible in any event for Petitioner to comply with the 25 foot setback requirement even if he were to move the garage further back on the property.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance requests should be granted with conditions.

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THEREFORE, IT IS ORDERED this _______ day of September, 2007 by this Deputy Zoning Commissioner, that Petitioner's variance request from Section 400.3 of the B.C.Z.R. to permit an accessory structure (detached garage) height of 17 feet in lieu of the required 15 feet be and is hereby dismissed as moot; and

IT IS FURTHER ORDERED that Petitioner's variance requests Sections 1B02.3.A.5, 1B02.3.B, and 400.1 of the B.C.Z.R. to permit an accessory structure (detached garage) to be located in the side/front yard in lieu of the required rear yard and with a front setback of 12 feet in lieu of the required 25 feet, respectively, be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

- 1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioner or subsequent owners shall not convert the accessory structure into a dwelling unit or apartment; the accessory structure shall not contain any sleeping quarters, living area, or kitchen facilities; and shall not be used for commercial purposes. Building materials shall be consistent with that of the existing dwelling.
- 3. The design and construction of the garage shall be in accordance with the site plan (Petitioner's Exhibit 1), as altered and amended by the revised architectural drawing (Petitioner's Exhibit 4).

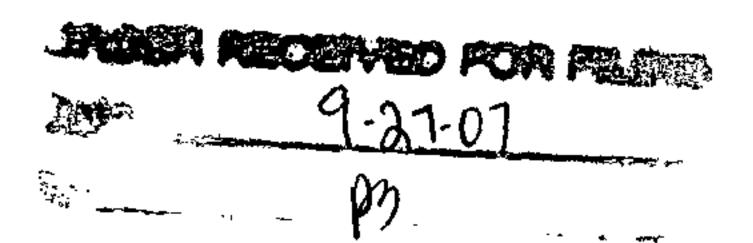
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz





JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 27, 2007

ALEXANDER BARABASH 703 WEST 36TH STREET BALTIMORE MD 21211

Re: Petition for Variance
Case No. 07-592-A

Property: 6921 Sollers Point Road

Dear Mr. Barabash:

Enclosed please find the decision rendered in the above-captioned case.

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Bernadette Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson MD 21286
Mr. and Mrs. Edwin J. McKrush, 7114 Martell Avenue, Baltimore MD 21222



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6921 Sollers Point Pond

which is presently zoned D. P. 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) 1002.345.1002.38.400.1, 400.3 (1004.2), and made a part hereof, hereby petition for a Variance from Section(s) 1002.345.1002.38.

To permit an accessory structure (detached garage) in the side/front yard with a front setback of 12-feet, height of 17-feet in lieu of the required rear yard, 25-feet and 15-feet, respectively.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

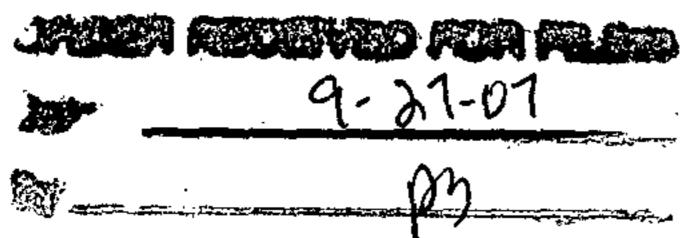
Su attached

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.

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Company			200 E.	Joppa Road, #101	(410(828-9060
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REASONS TO ACCOMPANY VARIANCE PETITION

- 1. The existing property is a recorded lot on a plat dated March 1940. The present landowner has no contiguous property in order to meet B.C.Z.R.
- 2. The existing dwelling was constructed in 1941. Due to the configuration of the lot and the location of the principal dwelling, it would be impossible to meet the B.C.Z.R. for an accessory structure.
- 3. This petition is the result of a citation notice for a permit violation for the construction of an accessory structure. Regardless, it is within the spirit and intent of the B.C.Z.R and will not adversely affect the general safety or welfare of the community.

ZONING DESCRIPTION #6921 SOLLERS POINT ROAD

which is 60 feet wide at the distance of 20 feet southeast of the centerline of Adams Road which is 40 feet wide. Being Lot #5, Block 3 in the subdivision of "Willow Spring Park/Dundalk" as recorded in Baltimore County Plat Book #12, Folio #58, containing 4,361 S.F. Also known as 6921 Sollers Point Road and located in the 12th Election District, 2nd 7th Councilmanic District.

Mully Manual Manual

Michael V. Moskunas Reg. No. 21175

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

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.

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NOTICE OF ZONING HEARING

The coning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the Discounty identified herein as follows:

SCASE: # 07-592-A
6921 Sollers Point Road
6921 Sollers Point Road
S/west side of Sollers Point Road, 20 feet s/east of centerline of Adams Road
12th Election District - 7th Councilmanic District
Legal Owner: Alexander Barabash
Variance: to permit an accessory structure (detached garage) in the side/front yard with a front setback of 12 feet and 15 feet respectively.
Hearing: Wednesday, August 29, 2007 at 2:00 p.m. In Roam 407, County Courts Building, 401 Bosley Avenue, Towson 21204.
WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Piease Contact the Zoning Commissioner's Office at (410) 887-3368.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT 8/647 August 14

KTIFY, that the annexed advertisement was published successive weeks, the first publication appearing ekly newspaper published in Baltimore County, Md., in the following we ন্ THIS IS TO once in each of

Jeffersonian The 赵

Arbutus Times

Catonsville Times

Towson Times

Owings Mills Times

NE Booster/Reporter O

North County News

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LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-592-A

Petitioner/Developer: A. BALABASH

Date of Hearing/Closing: 8-29-07

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

#6921 SOLLERS POINT ROAD

The sign(s) were posted on

AUGUST (Month, Day, Year)

ZONING NOTICE

CASE # 07-592-A

A-PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

ROOM, COUNTY COURTS BUILDING 401 BOSLEY AVENUE

PLACE: TOWSON, MD. 21204

WEDNESDAY, AUGUST 29, 2007

DATE AND TIME: __AT 2:00 P.M.

REQUEST: VARIANCE TO PERMIT AN

ACCESSORY STRUCTURE (DETACHED GARAGE)

IN THE SIDE/FRONT YARD WITH A FRONT SETBACK

OF 12 FEET, HEIGHT OF 17 FEET IN LIEU OF THE

REQUIRED REAR YARD, 25 FEET AND 15 FEET

RESPECTIVELY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE

Sincerely,

(Signature of Sign Poster and Date)

CJARLANDE, MOORE (Printed Name)

3225 RYERSONI CIRCLE (Address)

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

(410) 242-4263 (Telephone Number)





JAMES T. SMITH, JR. County Executive

July 16, 2007
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-592-A

6921 Sollers Point Road

S/west side of Sollers Point Road, 20 feet s/east of centerline of Adams Road

12th Election District – 7th Councilmanic District

Legal Owners: Alexander Barabash

<u>Variance</u> to permit an accessory structure (detached garage) in the side/front yard with a front setback of 12 feet, height of 17 feet in lieu of the required rear yard, 25 feet and 15 feet respectively.

Hearing: Wednesday, August 29, 2007 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

TK:klm

Director

C: Site Rite Surveying, Inc., 200 E. Joppa Road, #101, Towson 21286 Alexander Barabash, 703 W. 36th Street, Baltimore 21211

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 14, 2007.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 14, 2007 Issue - Jeffersonian

Please forward billing to:

Alexander Barabash 703 W. 36th Street Baltimore, MD 21211 443-844-9007

NOTICE OF ZONING HEARING

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401 Rosley Avende, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 22, 2007

Alexander Barabash 703 W. 36th Street Baltimore, MD 21211

Dear Mr. Barabash:

RE: Case Number: 07-592-A, 6921 Sollers Point Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 27, 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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel Site Rite Surveying, Inc. 200 E. Joppa Road, #101 Towson 21286 DEMORIC FAX COVER:

10: MR. William Wistman.

ND: 410-887-3468

FROM Me ROBERT G. GARCH JR

CEUNO 443-8-38-1466

REF. CASE NO. 07-592-A

Scheduces Fox 8-29-2007

AT 2PM.

NO. OF PAGES: 2 INCLUDING COVER QUESTIONS, COMMENTS OR CONCERNIS PLEASE CONTACT ME AT ABOVE CELLING.

SINCERELY,

PROTESTANT'S

EXHIBIT NO.

Mr. William Wiseman, 30187-0007 Aug 29 07 09:50a fairland au I'm writing this in reference to case no. 07-592-A, 6921 Sollers Pt. Ro. Dundalk, MS 2/200. Il Rowert S. Farcia reside at 6927 Soller A. RD, directly next to the property addressed above. The building / garage in question is an unsightly addition to the neighborhood Besides being oversed it's unattractive and does not bland in with any surroundings If allowed to semain my concern is that It would effect the se-sale value of met preperty, hat to mention the ability to sell in a timely manner due to its size and shape. I would like to see the building garage built to county speces if at all. In addition to my understanding the owner was going to seet are office in the facility and sun his continuction business films there as well which at do not approve of since it is a residential neephborhood, not commercial allerse consider this better as my appearance in the above case 07-592-A. My Guestions, comments, or concerns please contact me at 3mmenous, or and 443-838-1466. Lincerely, Baser Sancia

Baltimore County Loning

This letter is in reference to

the property at.

6921 Sollers Pt RD.

Case # 07-592-A.

This property has an oversize garage a Very 5mall lot. This construction 15 an eyesore to our neighborhood, and is taller then the house. Rumors has been told that this "construction" (garage) is going to be used for the owner's commerica truck or his business. These rumor's has been told by the owner to the neighbors on Sollers Pt RD. This building cannot be in compliance With the building code. There is nothing Wrong with having a garage, But At least lower the height of this construction to a Normal Size This construction Looks like The EmPIRE Starte Building, We as a community do not Object to having a garage, but this garage is not a Normal Height, AND we do not want it left this way, Nor do we want a commerical Business thora.

Case # 07-592 A. KD.

6922 Sollers PTRD 6924 Sollers At Rd Ulman 6924 Sallen Blat 19921 Sollers Point Rd. 6920 Sollers PH Rd. Spirit Tapphonia, 6928 Sollers Pt Rd Losset Lane (A) & Seller At El. Constance Tack 6914 Sallera PA Bol. CAROLYN HORNE 1902 JEFFER-SON RO. Wattrobeech 6933 Sallmar PARQ Tudundhöhethand 6915 Follops P. Rd 21222 Charles & Glergie Baugher 1904 ADAMS Rd. 21222 Fraga mingrip 1966 ADIMS 21222 Josephine C. mall 1907 Adams Ka 21222 Mr. of Mrs Welliam Hopes 1905 Washingtonelf Honnie & Haven Chaving 1907 Washing 21222

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BW 8/29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: July 26, 2007

15 (25 57 A 2002

BY: _____

SUBJECT:

7-592 -- Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 17 feet in lieu of the maximum permitted 15 feet and to be located in the front yard in lieu of the required rear yard and to have a setback of 12 feet in lieu of the required 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.
- 3. Building materials shall be consistent with that of the existing dwelling.

For further information concerning the matters stated herein, please contact Nekechi Hislop at 410-887-3480.

Prepared by

Section Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 26, 2007

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 7-592 -Variance

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- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.
- 3. Building materials shall be consistent with that of the existing dwelling.

For further information concerning the matters stated herein, please contact Nekechi Hislop at 410-887-3480.

Section Chief:

AFK/LL: CM



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

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

Maryland Department of Transportation

Date: JULY 2, 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. 7-592-A

\$PARABAGH PROPERTY

MAIANCE

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. 7-592-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,

A Steven D. Foster, Chief Engineering Access Permits

Digities Access 1 of

Division

SDF/MB

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 July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 2, 2007

592

. Item Number: 573 through 578 and 580 through 594

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 5, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 9, 2007

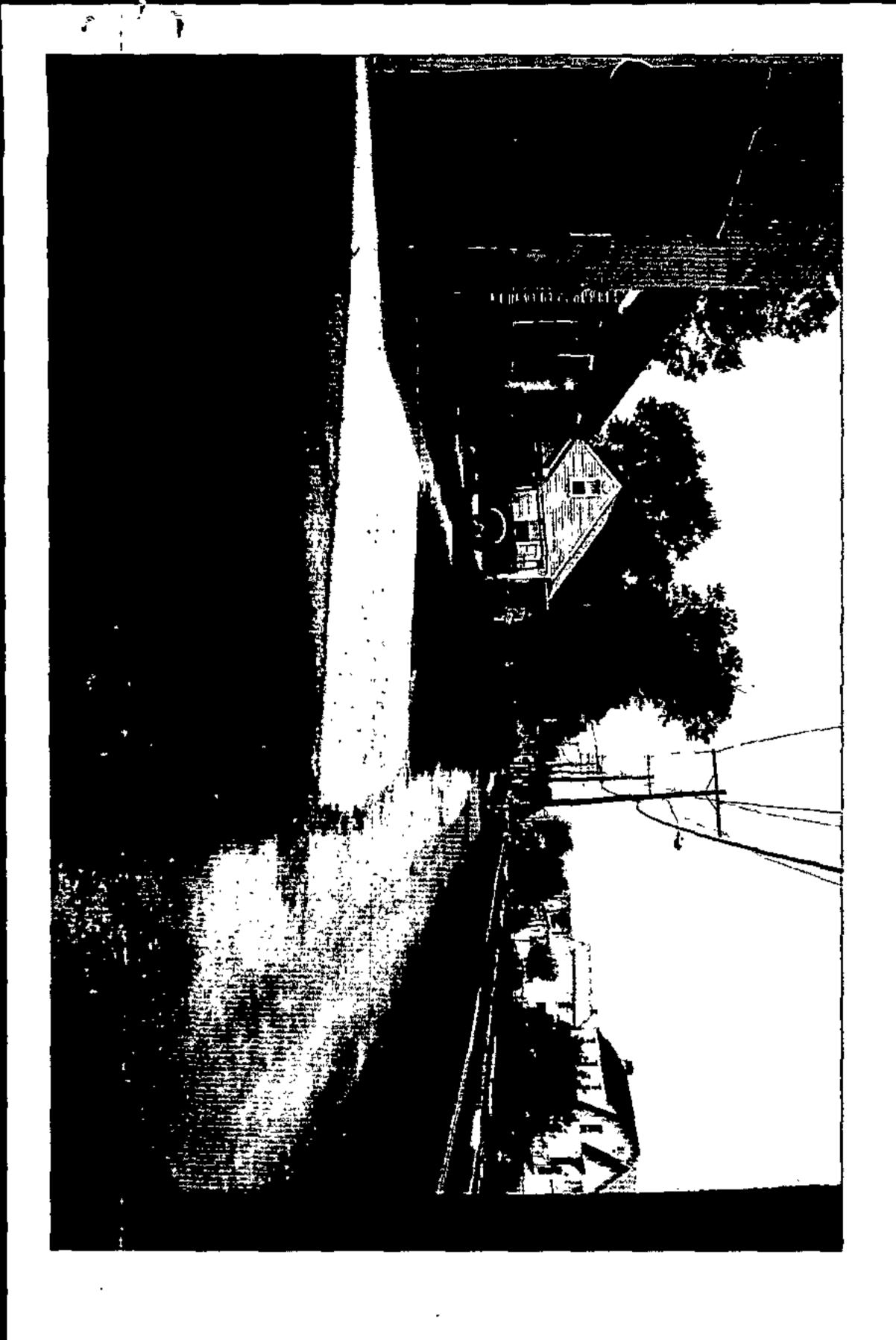
Item Nos. 07-456, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588,589, 590, 591, 592, and 594

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-07052007.doc

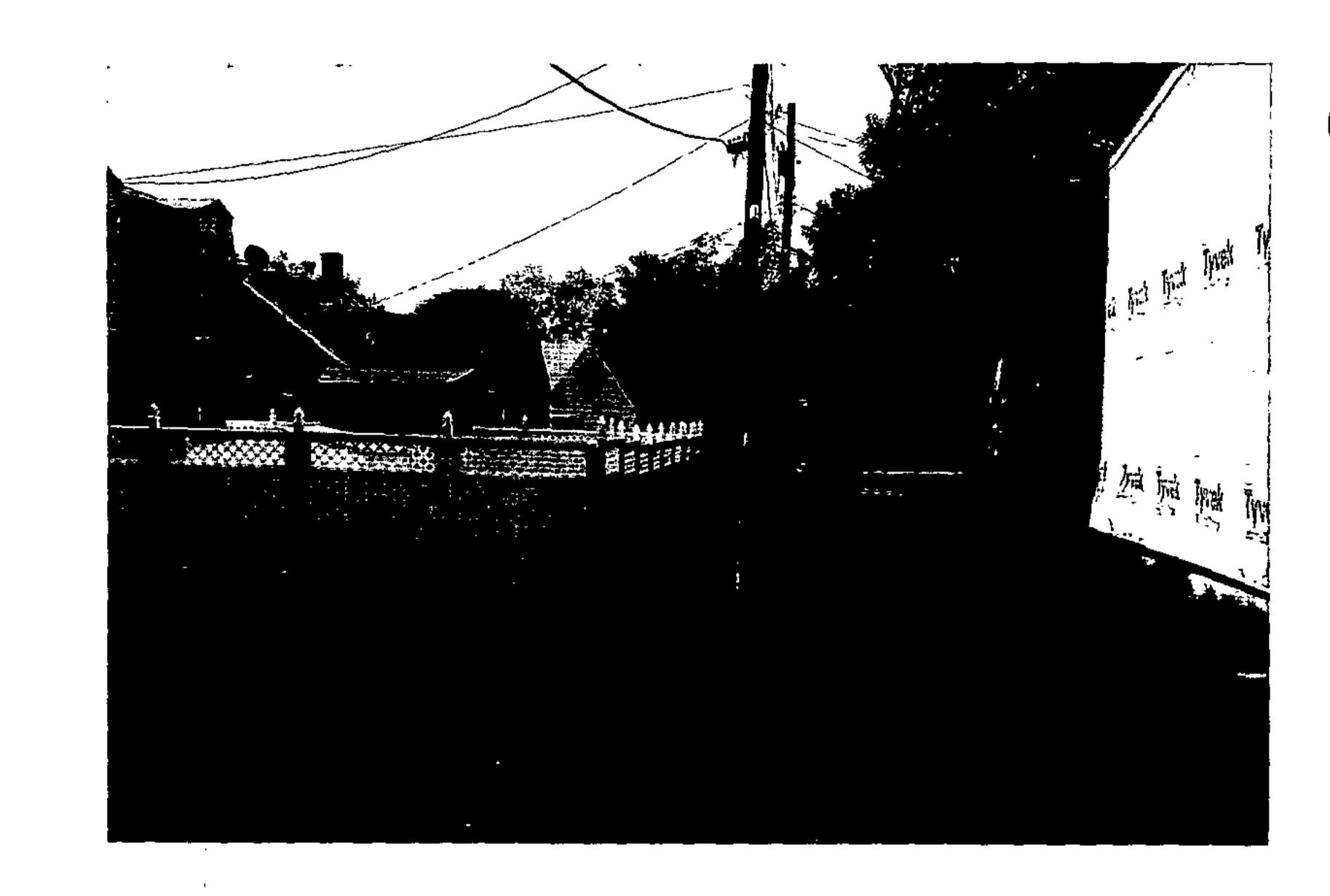


PETITIONER'S

CHIBIT NO. 24

EXHIBIT NO.





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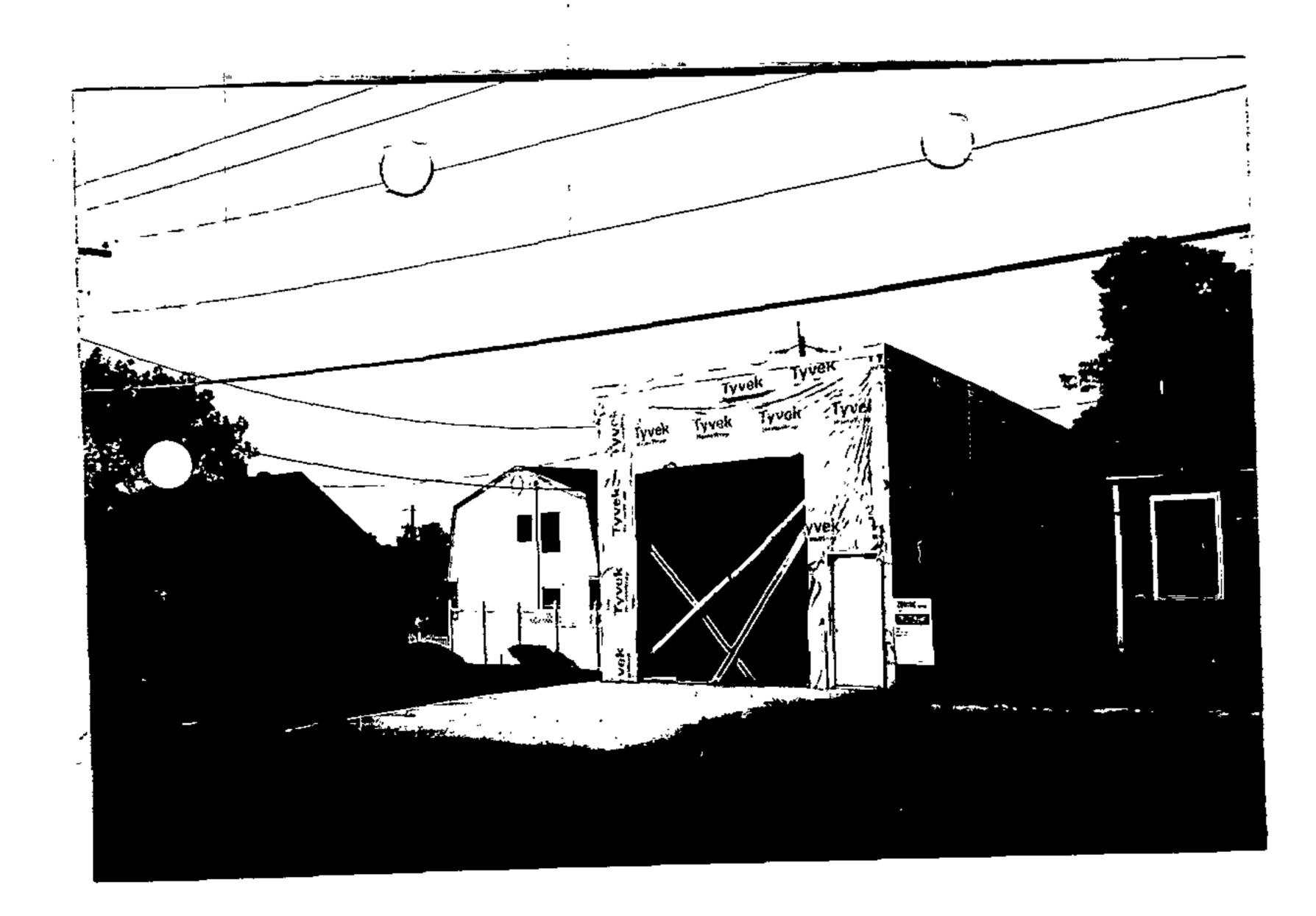


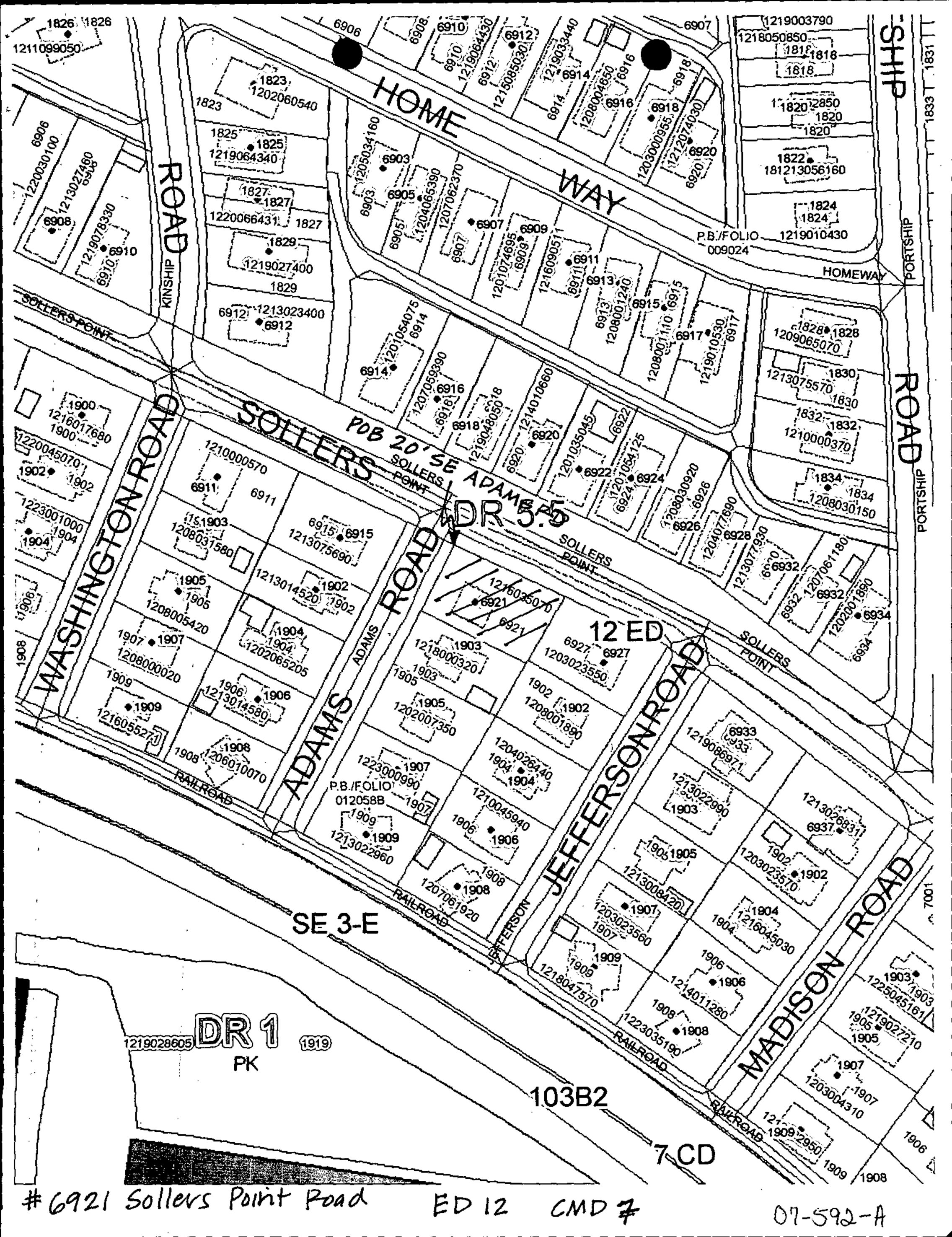
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Protestants
Elahibit
2







DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

DATE:		July 11, 2007		
TO:		W. Carl Richards, Jr. Zoning Review Supervi	sor	r.
FROM	· • • • • • • • • • • • • • • • • • • •	Rick Wisnom, Chief Division of Code Inspec	ctions & Enforc	ement
SUBJE	ECT:	Item No.: Legal Owner/Petitioner Contract Purchaser: Property Address: Location Description:		Bavabash, Alexander N/A 6921 Sollers Pt. Rd. S/W side Sollers Pt. Rd, 20' S/E Centerline of Adams Rd
VIIOL	ATION	INFORMATION:	Case No. Defendants:	07-7021 Bababash, Alexander
When hearing	the petit			ion is the subject of an active violation case. ase notify the following person(s) regarding the
NAME	3	•	•	ADDRESS
Ernest	Panlosc	Z .		
the vio		ition, please find attached ase, for review by the Zon	- -	by of the following pertinent documents relative to oner's Office:
X X	1. · 2.	•	Code Enforcen	oplicable) nent Officer's report and notes
X	3.	State Tax Assessment p		
.0	4.	State Tax Parcel Map (i	• •	.1\
n	5.	MVA Registration print	tout (if applicat	ne)
	6.	Deed (if applicable)	omenamoial (if as	-plicable)
, L	7. •	Lease-Residential or Co	` •	opticable)
\mathbf{X}	8. 9.	Photographs including of Correction Notice/Code		ce
Λ. Π	10.	Citation and Proof of Se		
	11.	Certified Mail Receipt (• • • • • • • • • • • • • • • • • • • •	uoio)
	_	- '		ng Officer (if applicable)
L L	12.			tice/Property Lien Sheet (if applicable)
\Box	13.	Office of Dudget & Fill	ance Diming Mo	mout toberty their smoot (it applicante)

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

Billing Notice/Property Lien Sheet (if applicable).

Complete Chronology of Events, beginning with the first complaint through the

RSW/hr

14.

C: Code Enforcement Officer



Baltimore County Department of Permits and Development Management



Code Inspections and Enforcement County Office Building 111 West Chesapeake Avenue Towson, MD 21204

Plumbing Inspection:

410-887-3620

Building Inspection:

410-887-3953

Electrical Inspection:

410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE
Citation/Case No. Property No. Zoning: Zoning:
Name(s): ALEXANDER BAUABASH 703 W 36TH 87
Address: BALT. Md-212-11
Violation Location: 6921 80/evs Port Ad
DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:
R-105, 1 OBTAIN PERMIT FOR GANAGE IN SIDE YAND, OK REMOVE
GANAGE IN SINC PARD, OK KRMOVE
57 Ructure
8/1 0 0 0
1/ () () () /Z NO
ton workting without penmit
YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE: Date Issued:
FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FO
EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PE VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.
Print Name Rowe
INSPECTOR: STOP WORK NOTICE
PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WOR UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CARESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMEN

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

INSPECTOR:

Date Issued

AGENCY

ODE ENFORCEMENT RI	<u> </u>	
DATE: 5 / 24/07 INTAKE BY CASE #: C	1505-16	SPEC:
COMPLAINT 692\$ Sellers Pt R	 	<u></u>
·	_ ZIP CODE:	DIST:_
COMPLAINANT COMPLAINANT PHONE #: (H)	410 S85 S123	ጉ(&)
ADDRESS:	ZI	P CODE:
PROBLEM: Bldg gar Was Dermit	······································	·
		·
IS THIS A RENTAL UNIT? YES NO		<u>. </u>
IS THIS A RENTAL UNIT? IF YES, IS THIS SECTION 8? OWNER/TENANT INFORMATION:		
TAX ACCOUNT #:	ZONING:	
INSPECTION: 5/25/07 VZSZJED SZJE GA AND JOD HZGH (APAOX 16-17' HZGH)	TAURED TO	Front ?
AND too HEAH (APAOX 16-17 HEAH) PHONE AND TWEON MED HEM ABOUT	TAUKED TO	owner of
AND too HEAH (APAOX 16-17 HEAH) PHONE AND TWEON MED HEM ABOUT	TAUKED TO	owner of
INSPECTION: 5/25/07 VZSZJED SZJE GA AND JOD HZGH (APACX 16-17' HZGH) PHONE AND TWOON MED HZM ABOUT ON FRONT DOOR P.O. 6/2/07 H.A. REINSPECTION:	TAUKED TO	owner of
AND TOO HEAH (APAGX 16-17 HEAH) PHONE AND TWEOR MED HEM ABOUT ON FRONT DOOR P.O. 6/2/07 H.A.	TAUKED TO	owner of
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AND TOO HEAH (APAOX 16-17 HEAH) PHONE AND TWEOR MED HEM ABOUT ON FRONT DOOR P.O. 6/2/07 H.A.	TAUKED TO	owner of
AND too HZCH (APAGX 16-17 HZCH) PHONE AND TWOOR MED HZM ABOUT ON FAONT DOOR P.O. 6/2/07 H.R. REINSPECTION:	TAUKED TO	owner of
AND too HZCH (APAGX 16-17 HZCH) PHONE AND TWOOR MED HZM ABOUT ON FAONT DOOR P.O. 6/2/07 H.R. REINSPECTION:	TAUKED TO	owner of
AND too HZCH (APAGX 16-17 HZCH) PHONE AND TWOOR MED HZM ABOUT ON FAONT DOOR P.O. 6/2/07 H.R. REINSPECTION:	TAUKED TO	owner of
AND too HZCH (APAGX 16-17 HZCH) PHONE AND TWOOR MED HZM ABOUT ON FAONT DOOR P.O. 6/2/07 H.R. REINSPECTION:	TAUKED TO	owner of
AND for HZCH (APAGX 16-17 HZCH) PHONE AND TWENT MED HZM ABOUT ON FLONT DOOR P.O. 6/2/07 H.R. REINSPECTION: REINSPECTION:	TAUKED TO	owner of
AND for HZCH (APAGX 16-17 HZCH) PHONE AND TWO MED HZM ABOUT ON FAONT DOOR P.O. 6/2/07 H.R. REINSPECTION: REINSPECTION:	TAUKED TO	owner of

17: 05/24/2007

ANDARD ASSESSMENT INQUIRY

: 10:54:01

OCC. HISTORIC JPERTY NO. DIST CLASS GROUP

12 3-0

LOAD DATE DEL

73,496

04/18/07

BARABASH ALEXANDER

DESC-1.. IMPS

DESC-2.. WILLOW SPRING PARK

PREMISE. 06921

NO

SOLLERS POINT

RD

703 W 36TH ST

LAND:

IMPV:

- TOTL:

PREF:

₁2 16 035070

00000-0000

MD 21211-2506 FORMER OWNER: PHELPS CHARLES BALTIMORE

04-00

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FCV			PHASED	IN	
PRIOR	PROPOSED .		CURR	CURR	PRIOR
26,360.	48,360		FCV	ASSESS	ASSESS
36,990	45,430	TOTAL	83,642	83,642	73,496
63,350 ¹	93,790	PREF	0	0	0

. CURT:

08/05 06/02 DATE: TAXABLE BASIS

FM DATE

EXEMPT.

CURT...

ASSESS:

83,642 08/31/06

ASSESS: 73,496

ASSESS:

PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF ENTER-INQUIRY2

May 24, 2007

To: Department of Permits and Zoning

Attn: Paul

REF: Structure at 6921 Sollers Point Road, Baltimore, Md. 21222

Per our telecon dated May 24, 2007 you have stated that there is no permit on file for a large outer structure currently being erected at 6921 Sollers Point Road.

The permit you show in your computer as you stated was for minor house remodeling. First of all, the house remodeling was not minor. A couple moved into this residence approximately a month ago and had a company called Metamorphasis Home Remodeling actually gutted the house to the point there was no roof, no outer walls, nothing other than the studs. This was no minor job.

Now the same company has built a huge structure next to the house, but not connected to it. It looks like it is going to be some sort of commercial garage. The front of this building is probably at least 25 feet or more high. I have been advised by your office that the maximum height in a residential area is 15 feet high. This building exceeds this by a mile. It is almost as high as the peak of the house.

This neighborhood is an old established one and it is strictly residential. How can these people be allowed to build such an eye sore. Myself and other neighbors are also concerned about the effect the water run off from this building will have on our properties. The roof is steeply slanted towards the back of the structure which will affect other properties as far as water run off.

As a property owner in this neighborhood who has a beautiful home and yard I request that this matter be looked into at your earliest convenience.

The second participation is the second of th

Unfortunately because of fear of retaliation I would like to remain anonymous.

Thank you for your consideration in this matter.

Inspector -

Area Case # Location

Zip Apt

Reinsp Dt Date Rec

017 07-7021 6921

SOLLERS POINT RD

5/24/2007

Tax Acct #: 1216035070

Owner: BARABASH, ALEXANDER

Complainant Name: (Last) PAWLOSCZ

(First) ERNEST

Addr:

Str #

Dir Street Name

Type Apt

City

Zip ST

Phone: (Home) 410/282-2953

(Work)

Problem:

BLDG GAR. W/O PERMIT

RE: PETITION FOR VARIANCE
6921 Sollers Point Road; SW/S Sollers Pt
Road, 20' SE c/line Adams Road
12th Election & 7th Councilmanic Districts
Legal Owner(s): Alexander Barabash
Fetitioner(s)

BEFORE THE BOARD

OF APPEALS

* FOR

* BALTIMORE COUNTY

* 07-592-A

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of July, 2007, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

JUL 1 & 2007

Per....

PETER MAX ZIMMERMAN

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

~	92-A	
.	1	
,	20	
NAME	NUMBER	
ころいた	CASE	DATE

CITIZEN'S SIGN-IN SHEET

E-MAIL Dychrushaverizon.com				
BOLL MOL 21222				
7114 Minically				
Man General Meller				

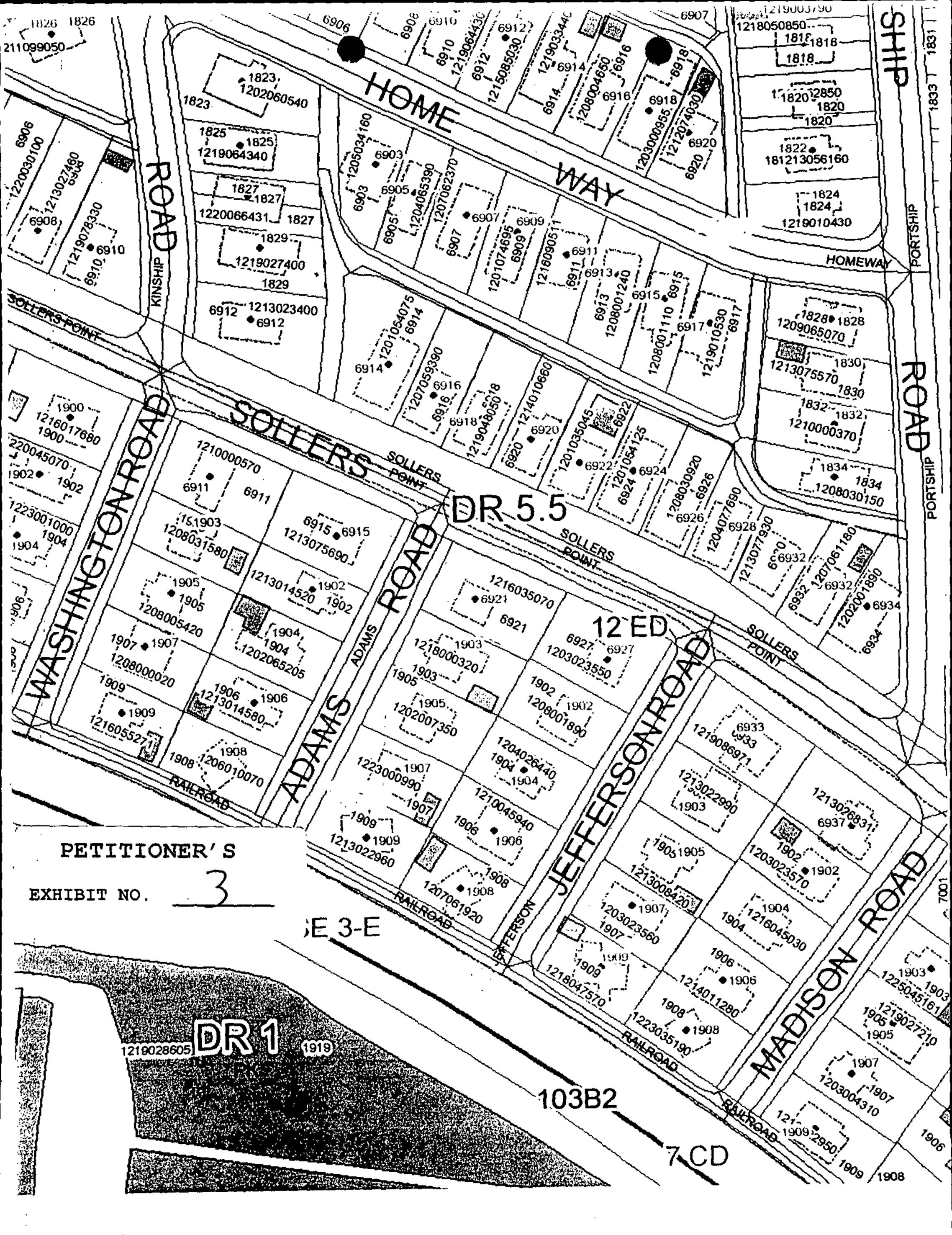
PLEASE PRINT CLEARLY

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CASE NAME 6921 Sollows Point Road CASE NUMBER 07-592-A-BATE 8/29/07

PETITIONER'S SIGN-IN SHEE

Alabander bar Dasha hasmailam Sitenteinc@aol.com E- MAIL STATE, ZIP 21286 ADDRESS 200 E. Joppa ROAK NAME Sum Bernadette L. Moskun Alstander Paraba Sit Rite



LETTER OF TRANSMITTAL


Site Rite Surveying, Inc.

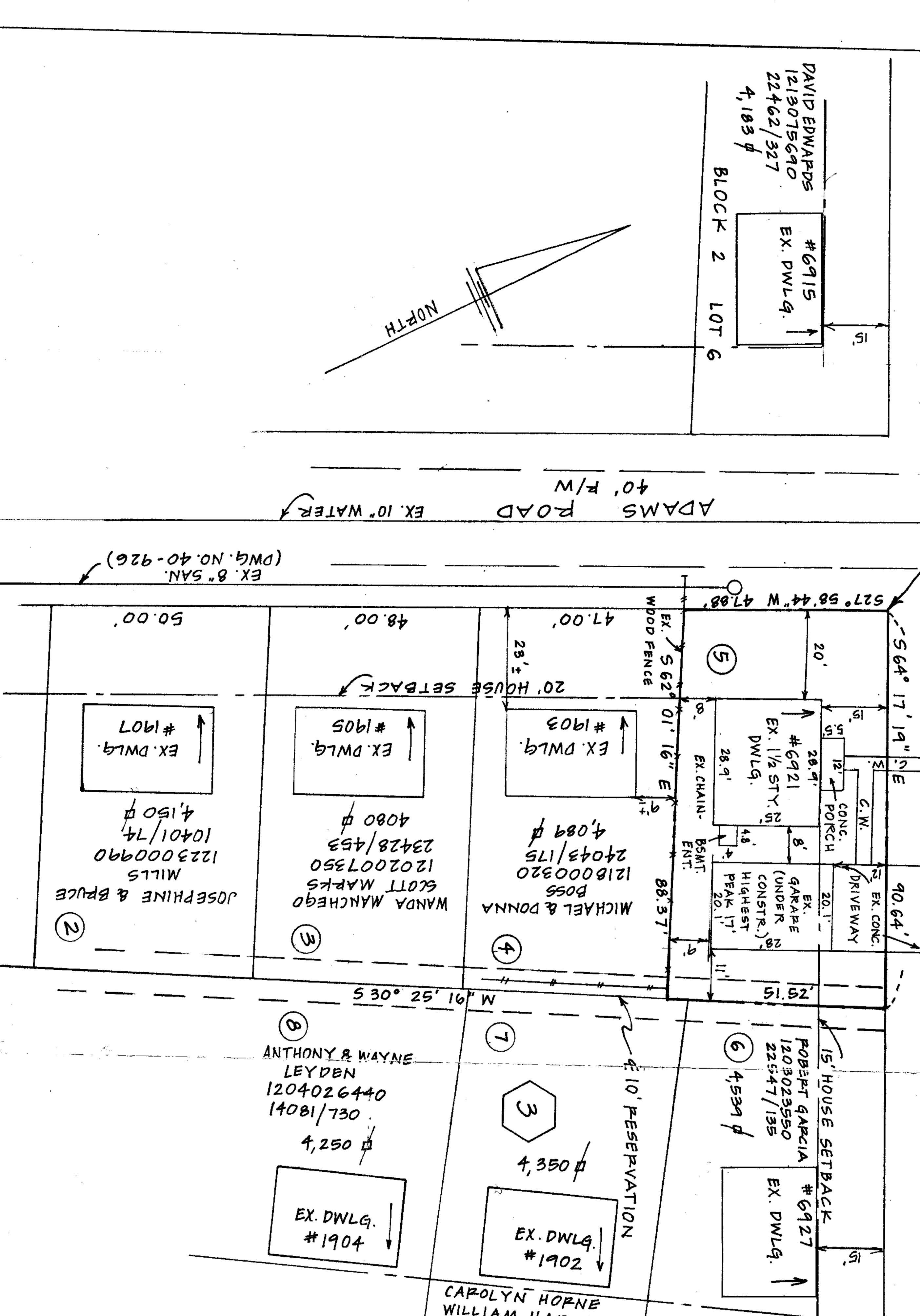
DIRECT CORRESPONDENCE TO:

Shell Building, Room 101 200 East Joppa Road Towson, Maryland 21286 410-828-9060 Fay 410-828-9066

TO: Zo	ning (ommissioners Office DATE: 9/27/07 SUBJECT: Case No 07-592-A
		SUBJECT: Case Nº 07-592-A Sollers Point Poad
ATTENT	TION: M	v. Thomas Bostwick OUR FILE: 9569
WE ARE	UND	EWITH ER SEPERATE COVER, TRANSMITTING VIA, U.S. MAIL () THE FOLLOWING:
QUANTITY	DRAWING	DESCRIPTION AND/OR TITLE
		Architectural Dwg. for 20'X28' garage (14'-6" height)
· 		
· ————————————————————————————————————		
		MECEIVEN
		SEP 2 7 2007
		PETMONER'S BY:
<u> </u>		EXHIBIT #4
		EXHIDIT 77-4
		
PER YOUR REQUEST APPROVED AS NOTED - DWG(S) FOR YOUR INFORMATION RETURNED FOR CORRECTION - DWG(S)		APPROVED - DWG(S)
COPY(S) OF SENT TO		
· ·		SENT TO SENT TO
REMAR	Ks: Up	on your review, we look forward to hearing from your at your convenience.
PLEASE SIGN AND RETURN ONE COPY OF THIS TRANSMITTAL AS A RECEIPT		
	ULY YOUR Surveying, I	RECEIVED BY:

DATE: ______





WILLIAM HAPOTH 1208001890 11340/547 50.00

1. EXISTING ZONING: D.R.5.5

2. LOT AREA: 4361.00 S.F. or 0.100 Ac ±

3. EXISTING USE: SINGLE FAMILY DWELLING PROPOSED USE: SINGLE FAMILY DWELLING W/DETACHED GARA FROPOSED USE: SINGLE FAMILY DWELLING W/DETACHED GARA ITHIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAREA COMMUNITY PANEL NO. 24000 0420B ZONE: "C" CRITICAL AREA COMMUNITY PANEL NO. 24000 0420B ZONE: "C" CRITICAL AREA

6. THIS PROPERTY IS NOT LOCATED WITHIN A HISTORIC AREA

7. THIS PROPERTY HAS PUBLIC WATER AND SEWER

8. PROPERTY IS PART OF A RECORD PLAT DATED MARCH 1940

9. CITATION/CASE NO, 07-7021 DATED 5/25/2007 FOR WORKIN WITHOUT A PERMIT

10.NO PRIOR ZONING HEARINGS

50.00'

VICINITY MAP: SCALE: 1"=500'

WILLOW SPRING WAS W. ADA STALE ON ST

5.7.84'

JEFFERSON ROAD 40'R/W