IN RE: PETITION FOR ADMIN. VARIANCE

W side Greenspring Avenue, 250 feet

S c/l Old Court Road 3rd Election District

2nd Councilmanic District

(2905 Old Court Road)

Raymond and Lynne Kirsner Petitioners BEFORE THE

DEPUTY ZONING

COMMISSIONER

FOR BALTIMORE COUNTY

Case No. 08-056-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, Raymond and Lynne Kirsner for property located at 2905 Old Court Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a front yard setback of 38 feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners propose to construct a one story addition to their contemporary home. There is limited area to place an addition because of the location of the septic tank, septic field and the forest conservation area. A portion of the addition will contain a garage for their vehicles and a storage area. The property is 2.704 acres in size and is heavily wooded on all sides.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 10, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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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 September, 2007 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a front yard setback of 38 feet in lieu of the required 50 feet 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.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

2



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

September 20, 2007

RAYMOND AND LYNNE KIRSNER 2905 OLD COURT ROAD BALTIMORE MD 21208

Re: Petition for Administrative Variance

Case No. 08-056-A

Property: 2905 Old Court Road

Dear Mr. and Mrs. Kirsner:

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Bernadette Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, #101, Towson MD 21286



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

	for the property lo			
	for the property lo	cated at #2905	Old Court Road	
		which is present	iy zoned	DR 1
This Petition shall be filed with the owner(s) of the property situate in Barnade a part hereof, hereby petition for proposed addition to the required 50	e Department of Permits	s and Development M	anagement. The	undersigned, lega Hached bereto and
		• • •		:
of the zoning regulations of Baltimor of this petition form.		•	for the reasons ind	licated-on-the-bac
Property is to be posted and advertisely or we, agree to pay expenses of above regulations and restrictions of Baltimore	ka Vanance Bavenisina DOSI	iirko, ett. Milu jultijel aujet	e to and are to be bo ore County.	unded by the zoning
		I/We do solemnly dec perjury, that I/we are t is the subject of this P	lare and affirm, unde he legal owner(s) of	r the penalties of the property which
Contract Purchaser/Lessee:		<u>Legal Owner(s):</u>		
		RAYMOND KIRSNEI	₹	
Name - Type or Print		Name - Type or Print		
	<u>,</u>	Signature		
Signature	•	LYNNE KIRSNER		·
Address	Telephone No.	Name Type or Print)	
City	žip Code	Signature Xu	sne-	
√ ,		2905 Old Court	Road	(410) 627-766
Attorney For Petitioner:	•	Address	11044	Telephone N
entre de la companya	en e	Baltimore	MD	21208
Name - Type or Print		City	State	Zip Cod
, , , , , , , , , , , , , , , , , , ,		Representative t	o be Contacted	<u>.</u>
Signature	• •	Site Rite Surve	ving. Inc.	
Company		Name	<u></u>	
Company		200 E. Joppa Ro	ad, #101 (410) 828-9060
Address	Telephone No.	Address		Telephone No
			MD State	21286 Zip Cod
City		City		
A Public Hearing having been formally of this day of regulations of Baltimore County and that the	that the subject matter or t	required, it is ordered by the his petition be set for a public	he Zoning Commission c hearing, advertised, a	ner of Baltimore Counts, required by the zoni
• •			in the second of	n Att
vi r		Zoning Comr	nissioner of Baltimore	County,
CASE NO	Rev			30/07
	• <u> </u>	•	8/12/0	7
REV 10/25/01	9-20-07 Est	imated Posting Date _		

9-20-07

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

hat based upon personal knowledge, the follow ariance at the above address (indicate hardship	City	Baltimore the facts upon wical difficulty):	State hich I/we base	the request for	21208 Zip Code r an Administrativ
anance at the above	City	he facts upon W	hich I/we base	the request for	r an Administrativ
anance at the above	ving are to or pract	the facts upon wical difficulty):	Mich liwe base	the reducer io	
Su	atte	iched			
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That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

RAYMOND KIRSNER

LYNNE KIRSNER Name - Type or Print

Name - Type or Print-

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6 day of 7/9 day of Maryland, in and for the County aforesaid, personally appeared

2017, before me, a Notary Public of the State

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

AS WITNESS my hand and Notarial Seal

Allen Bruce Holzman Notary Public The County Of Baltimore My Commission Expires 9-15-2010

4 . 31/4

My Commission Expires

REV 10/25/01

Affidavit in Support of Administrative Variance

That based upon personal knowledge, the following are the facts upon which we base the request for an Administrative Variance at 2905 Old Court Rd., Baltimore Md., 21208.

- 1. The lose of our 30'x15' storage building located on the new subdivision.
- 2. The need for a garage to replace storage area and a place to protect our cars from the sap and tree debris. The house is on a slab and has limited storage space.
- 3. There is limited area to place an addition because of the location of the septic tank, septic field, and the forest conservation area.
- 4. The lose of the third bedroom will limit the salability of the property since we need to connect the garage at this location behind the house. We need to add this third bedroom and bathroom back to the house in the addition.
- 5. A second floor is not an option since the house is a one story rancher and follows design consistent with a one story contemporary home.

Itan #056

GOOD ONE INC. ARCH. 229 Front Street, #3E New York, New York 10038

July 13, 2007

9 - 4 3

Re: Architectural Design strategy for the Kirsner Residence at 2905 Old Court Road, Baltimore, Maryland.

To Whom It May Concern,

The sighting of the new extension to the existing Kirsner Residences was due to the following considerations:

Existing finished floor level and natural light

The existing finished floor elevation in the existing house is approximately 2'-0" lower then the existing driveway. In order to connect the new edition through an enclosed walkway, the new structure needs to be placed off of the southeast façade of the existing house at the same finish floor level. After analyzing the affect that the new edition would have on natural light into the kitchen, and second bedroom, along with attempting to maintain the layouts of the existing interior spaces, the edition was pushed to the east into the forest conservation area. The new edition is then connected through a enclosed walkway connecting to the third bedroom which allows for the same amount of existing natural light into the interior spaces and connects at the same finished floor elevation.

Garage driveway grade and connection to new edition

The existing driveway at the northeast corner is approximately 2'-6" above the finished floor level of the exiting structure finish floor elevation. The connection into the house is planned to be through the new addition, enclosed from the weather and minimizing the amount of stairs from the garage into the new addition. This is necessary for the delivery of groceries and other items from the car into the house. Because of this requirement and due to the grade difference, the garage needs to be pushed to the east into the forest conversation area in order to limit the slope grade of the driveway to the garage from the existing driveway. This will allow cars to safely move down the sloped driveway during the winter, and achieving the desired pedestrian connection into the new edition.

If there any further questions or concerns with the sighting of the new edition, please feel free to contact me.

Thank You,

Saul Hayutin Good One Inc. Arch. 229 Front Street #3E New York, New York 10038 (P)212.513.2050 (M)917.447.2050

Item #056

BEGINNING AT A POINT ON THE WEST SIDE OF GREENSPRING AVENUE
WHICH IS 80 FEET WIDE AT THE DISTANCE OF 250 FEET SOUTHEAST OF THE CENTERLINE
OF OLD COURT ROAD WHICH IS 80 FEET WIDE. BEING LOT NO. 2, AS SHOWN ON THE MINOR
SUBDIVISION PLAN NO. 05-050-M "KIRSNER PROPERTY", A COPY OF WHICH IS ATTACHED TO
THE TITLE DEED, LIBER 24534, FOLIO 497, CONTAINING 1.44 ACRES, MORE OR LESS.
ALSO KNOWN AS 2905 OLD COURT ROAD AND LOCATED IN THE 3rd ELECTION DISTRICT,

2nd COUNCILMANIC DISTRICT.

Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc.

Item#056

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TO PERMIT A PROPOSED ADDITION TO HAVE A FRONT YARD SETBACK TO HAVE A FRONT

PUBLIC HEARING?



CERTIFICATE OF POSTING

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 pen	alties of perjury that the necessary sign(s)
required by law were posted conspicuously on the propery le	ocated at
# 2905 OLD Coun	TROAD
The sign(s) were posted on <u>AUG-10, Z</u>	OO 7 (Month, Day, Year)
	Sincerely,
·	Signature of Sign Poster and Date)
·	CARLANDE, MOORE (Printed Name)
	3225 RYGRSOM CIRCLE (Address)
	BALTIMORE, MD, 21227 (City, State, Zip Code)
	(Telephone Number)

RE: Case No.: 08-056-A

Petitioner/Developer: REYMOND K1125NE12

Date of Hearing/Closing: $\Delta UC \cdot 27$, 7007

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number	08-	056	-A	F	Address	2905	Old Co	urt k	<u>d</u>
Conta	ct Perso	n:	P	Janner, Please	Print Your Name		<u></u>	Phone Numb	er: 410-	887-3391
Filing	Date: _	07	- 30 - 0	7	Posting	g Date:	08-12-07	Closing	Date: <u>0</u> 8	8-27-07
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2.	a forma	rec	quest for	a public	hearing.	Please	understand	or owner withing that even if the closing date.	-	
3.	commisorder the commission order the commission of the commission	sione at the with	er. He matte ne matte nin 7 to 1	nay: (a) r be set l0 days o	grant the re in for a p f the closin	equeste ublic he g date)	ed relief; (b) earing. You as to whethe	deny the zoning deny the request will receive were the petition has you by First C	ested reli vritten no as been	ief; or (c) otification granted,
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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 or Case Number:	ner
PLEASE FORWARD ADVERTISING BILL TO: Name: Raymond Kirsner	
Name: Ray Mond Rission	
Name:	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 27, 2007

Raymond Kirsner Lynne Kirsner 2905 Old Court Road Baltimore, MD 21208

Dear Mr. and Mrs. Kirsner:

RE: Case Number: 08-056-A, 2905 Old Court Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 30, 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

Site Rite Surveying, Inc. 200 E. Joppa Road, #101 Towson 21286



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

August 16, 2007

Mr. Joseph Merrey Baltimore County Office of Permits and Development Management County Office Building **Room 109** Towson, Maryland 21204

RE: **Baltimore County** MD 133 (Old Court Road) at Greenspring Avenue 2905 Old Court Road Kirsner Property

Case Number 8-56-A Administrative Variance-

Dear Mr. Merrey:

Thank you for the opportunity to review the plan to accompany an administrative variance on the subject of the above captioned, which was received on August 14, 2007. This office has reviewed the referenced permit application and we have no objection to case Number 8-56-A approval.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or by e-mail at (<u>mbailey@sha.state.md.us</u>). Thank you for your attention.

Very truly yours,

Mulael Exwed

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB

Cc: Mr. Raymond Kirsner. Owner

Mr. Dave Malkowski, District Engineer, SHA

Mr. Michael V. Moskunas, Consultant Engineer, Site Rite Surveying



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

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

August 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 14, 2007

Item Number: Item Number 49 and 052 through 075

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: August 15, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 20, 2007

Item Nos. 052, 054, 056, 057, 058, 061, 062, 063, 065, 066, 067, 068, 071, 072,

073, 074, and 075

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-08152007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:	Timothy M. Kotroco, Director Department of Permits and Development Management	DATE: August 22, 2007
FROM:	Arnold F. 'Pat' Keller, III	
	Director, Office of Planning	DECEIVE
SUBJECT:	2905 Old Court Road	SEP 1 9 2007
INFORMA'	TION:	DV.
Item Numbe	er: 8-056	BY:
Petitioner:	Mr. and Mrs. Raymond and	Lynne Kirsner
Zoning:	DR 1	
Requested A	Action: Special Hearing and Vari	ance
	OF RECOMMENDATIONS: If Planning has reviewed the above reference.	enced case(s) and has no comments to offer.
For further i 3480.	nformation concerning the matters stat	ed here in, please contact Nkechi Hislop at 410-887
Reviewed by	ÿ:	
Division Ch	ief:	

AFK/LL: CM

Patricia Zook - Administrative Variance cases - Planning comments needed

From:

Patricia Zook

To:

Murray, Curtis

Date:

9/5/2007 12:06:10 PM

Subject: Administrative Variance cases - Planning comments needed

Curtis -

We need comments from Planning for the following administrative variance cases:

08-012-A, closed 7-30

08-035-A, closed 8-13

08-052-A, closed 8-20

08-044-A, closed 8-20

08-051-A, closed 8-20

08-058-A, closed 8-27

08-056-A, closed 8-27

Thanks for your help.

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

Patricia Zook - Administrative Variance cases - Planning comments needed

From:

Patricia Zook

To:

Murray, Curtis

Date:

9/18/2007 4:05 PM

Subject: Administrative Variance cases - Planning comments needed

Curtis -

We need Planning comments for the following administrative variance cases:

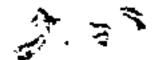
08-071-A, closed 9-3

08-066-A, closed 9-3

708-056-A, closed 8-27

08-044-A, closed 8-20

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



Patricia Zook - Re: Administrative Variance cases - Planning comments needed 08-056-A

From:

Patricia Zook

To:

Murray, Curtis

Date:

9/19/2007 3:19 PM

Subject: Re: Administrative Variance cases - Planning comments needed 08-056-A

Curtis -

The attached comments for case 08-056 says 'special hearing and variance' however this case number 08-056-A is for an administrative use which is described below. The comment does not appear to pertain to this administrative variance request. The petitioners' name and address are correct for 08-056-A, the administrative variance case.

CASE NUMBER: 56 2905 Old Court Road

Location: W side Greenspring Avenue, 250 feet S c/l Old Court Road

3rd Election District, 2nd Councilmanic District Legal Owner: Raymond and Lynne Kirsner

Closing Date 8/27/2007

ADMINISTRATIVE VARIANCE To permit a proposed addition to have a front yard setback of 38 feet in lieu of the required 50 feet.

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

>>> Curtis Murray 9/19/2007 12:48 PM >>> Patti see attached

Curtis J. Murray Development Planner Baltimore County Office of Planning **County Courts Building** 401 Bosley Avenue Towson, Maryland 21204 410-887-3480 Fax: 410-887-5862 cimurray@co.ba.md.us

>>> Patricia Zook 09/18/07 4:05 PM >>> Curtis -

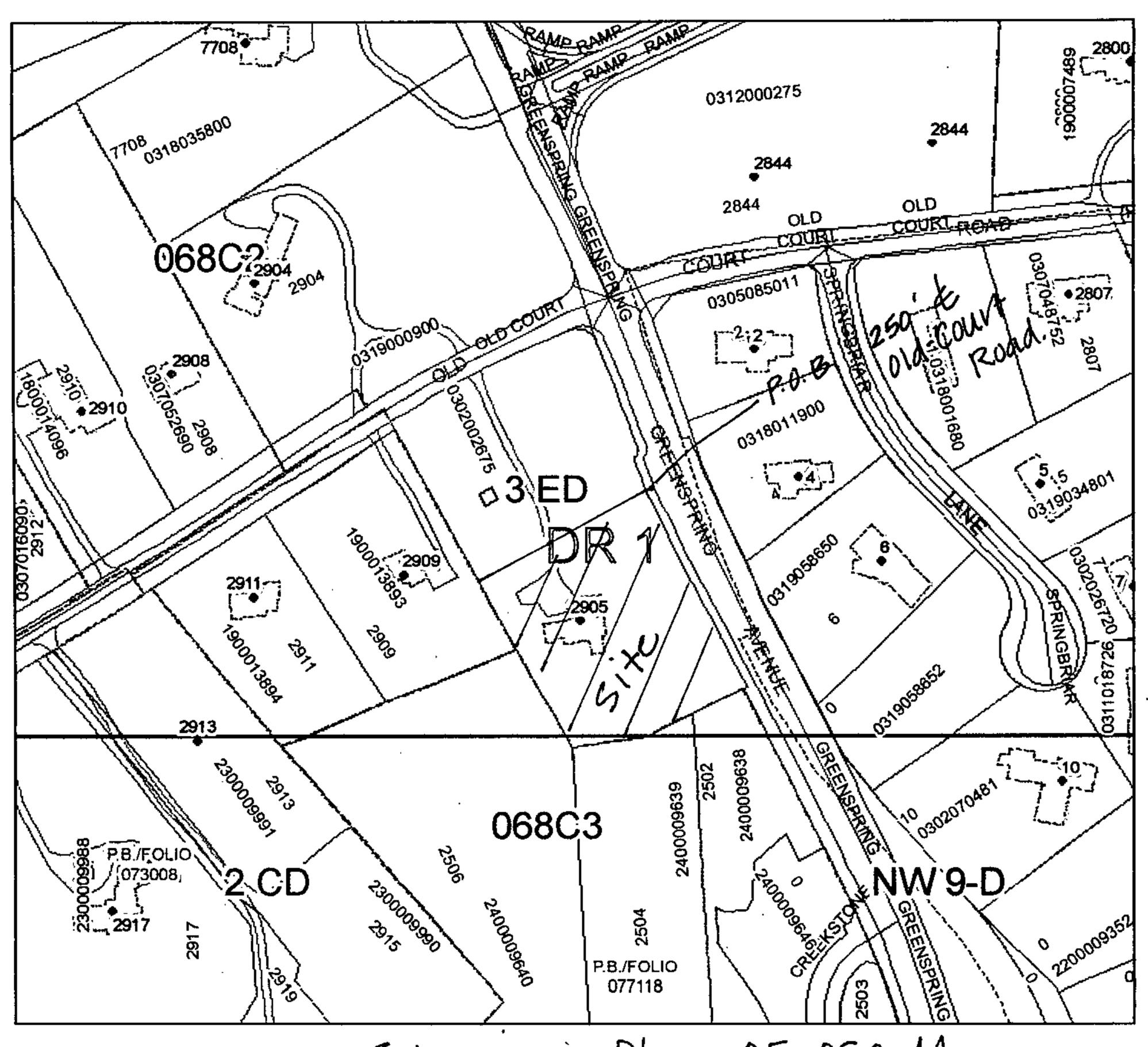
We need Planning comments for the following administrative variance cases:

08-071-A, closed 9-3 08-066-A, closed 9-3 08-056-A, closed 8-27 08-044-A, closed 8-20

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2905 OLD COURT ROAD



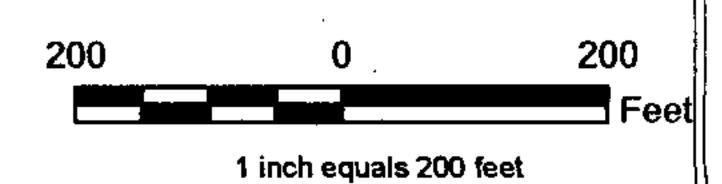
Approved Minor Subdivision Plan 05-050-M



Publication Date: July 30, 2007
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



DQ Map Notes



Item:#056



