IN RE: PETITION FOR ADMIN. VARIANCE

NW side Taxi Way at NE corner Beacon

Road

15th Election District

6th Councilmanic District

(19 Taxi Way)

Kenneth Leroy and Naomi Ruth Kirtz

Petitioners

BEFORE THE

DEPUTY ZONING

COMMISSIONER

FOR BALTIMORE COUNTY

* Case No. 08-081-A

* * * * * * * * * * * * *

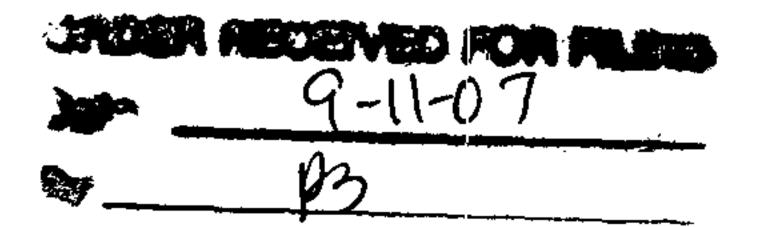
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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Kenneth Leroy and Naomi Ruth Kirtz for property located at 19 Taxi Way. The variance request is from Section 211.3 (1955) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side street setback of 9 feet in lieu of the required 25 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct an addition on the left side of their home to accommodate additional family members. Their daughter and grandson are moving in with them and each needs a bedroom. The family also requires additional storage space. The home does not have a basement. The addition will face an open field and there are no residential homes on that side of the property at all. The Petitioners provided letters of support from their neighbors residing at 12 Taxi Way, 17 Taxi Way, and 1 Transverse Avenue.

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 19, 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, day of September, 2007 that a variance Section 211.3 (1955) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side street setback of 9 feet in lieu of the required 25 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.

Deputy Zoning Commissioner

for Baltimore County

THB:pz

STATE AND FOR PREDE 9-1(-07



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

September 11, 2007

KENNETH LEROY AND NAOMI RUTH KIRTZ 19 TAXI WAY BALTIMORE MD 21220

Re: Petition for Administrative Variance Case No. 08-081-A

Property: 19 Taxi Way

Dear Mr. and Mrs. Kirtz:

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

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure



CASE NO

REV 10/25/0

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore:County:

-Date

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					ently zoned	DR '	5.5
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etition shal	Il he filed with t	the Denartment of Per	mits and Develop	ment N	/Janagement	The undersign	ned legal

a proposed addition to have a side street setback of 9 feet in lieu of the required 25

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: Name - Type or Print Name - Type or Print Signature Telephone No. Address Name - Type or Print Zip Code State City Attorney For Petitioner: Address State Name - Type or Print Representative to be Contacted: Signature Name Company Address Telephone No: Telephone No.-Address Zip Code Zip Code City State City State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of this regulations of Baltimore County and that the property be reposted.

Reviewed By

Estimated Posting Date

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to testify thereto in the event that a p	oublic nearing is	s scheduled in	the luture with re	garu mereto.
That the Affiant(s) does/do presently reside at	Address	Taxi	Way	<u> </u>
	Bald	incore	State State	2/220 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the fair or practical of	acts upon which difficulty):	ch I/we base the	request for an Administrative
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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.

Signature Kenneth Levo Kintz Name - Type or Print	Maoni Ruth Kirtz Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 19th day of July of Maryland, in and for the County aforesaid, personally appeare NAOM i KINTZ the Affiant(s) herein, personally known or satisfactorily identified	

AS WITNESS my hand and Notarial Seal

See attached /

Notary Public / My Commission Expires 11-1-08

REV 10/25/01

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to testify thereto in the event that a p				
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Signature Levan Wist		Signature		7
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Name - Type of Finit		` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` `	••••	
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of Maryland, in and for the County aforesaid, pe	ersonally appeared	 ,	, belore me, a rec	tary r abile or the otate
WAOM: KIRTZ the Affiant(s) herein, personally known or satisf	factorily identified to	o me as such A	Affiant(s).	<u> </u>
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REV 10/25/01



Petition for Administrative Variance

for the property located at 19 Taxi Way

to the Zoning Commissioner of Baltimore County

which is presently zoned 1 DR 5.

This Petition shall be owner(s) of the property	filed with the De y situate in Baltimo	partment of Popre County and	ermits and Deve which is describe	elopment Mana ed in the descrip	gement. The unotion and plat atta	ndersigned, legal ached hereto and
owner(s) of the propert made a part hereof, her	reby petition for a	Variance from S	Section(s) 2/	11.3 (1955	BCZR).	to permit
a proposed lieu of the	addition to required	have a	side str	eet setba	ick of 9	feet in
of the zoning regulation of this petition form. Property is to be posted	and advertised as	s prescribed by	the zoning regul	ations.		
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	•		perjury, t	,	and affirm, under t egal owner(s) of th on.	•
Contract Purchaser	/Lessee:		<u>Legal</u> (Owner(s):		
			ν_{\sim}	a-11 /a	Kirtz	
Name - Type or Print	<u></u>		فسيعسب	ype or Print		
Signature			Signature		11.0	
Address		Telephone No.			KINEZ	
City	State	Zip Code	Signature	one Kui	th Kenty	
Attorney For Petitio		L.p 0000		Taxi Wa		410-686-459
Attorney i or i etitlo	<u> </u>		Address		7	Telephone No.
Name - Type or Print			City	<u> Finore</u>	M D State	21220 Zip Code
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Company	<u> </u>		Name	·		
Address	<u> </u>	Telephone No.	Address		<u>. </u>	Telephone No.
City	State	Zip Code	City		State	Zip Code
A Public Hearing having be this day of regulations of Baltimore Cour	, tha	at the subject matte	to be required, it is er of this petition be	ordered by the Zo set for a public hear	oning Commissioner ing, advertised, as re	of Baltimore County, equired by the zoning
				Zoning Commission	ner of Baltimore Cou	nty
CASE NOO	8-081-	A :	Reviewed By _	KID	Date 8/	0/07
REV 10/25/01	MECEIVED FO	A PALOUS	Estimated Post	ting Date	8/19/0	7
	9-11-0) [1	

- 1. The circumstances have changed in our household in the past two years. Our daughter and grandson have moved in with us. She is a single Mother and cannot financially support herself and son and afford her own place to live. The bedrooms in our house which were built in the 1950's are very small. My grandson is 10 years old and needs a room of his own. We are overwhelmed by the lack of storage (closet) space. There is no basement. By permitting an extension we could have adequate room.
- 2. My husband and I are 66 years old. The storage space is limited, so we are constantly going up in the attic to retrieve items that are stored up there. It is hard on both of us climbing up and down the attic steps. With our daughter and grandson in our home, privacy is an issue. Our grandson needs his own room to play and be able to invite his friends in. They both need their private bedrooms for sleeping, dressing, etc. I do have an heart issue that requires daily medication, being able to store things in a larger storage area on the same floor would be a tremendous help.
- 3. The side of the house we hope to get permission to put an addition on actually faces an open field. There are no resident homes on that side at all. It is also on a dead end street name Beacon Rd. The traffic is limited to those who live in the neighborhood and that is minimal. I have asked our immediate neighbors if they objected to our addition, they said they do not. It seems unlikely that our addition would be detrimental to our neighborhood.

Item #081

ZONING DESCRIPTION

ZONING DESCRIPTION FOR (19 TAXI WAY)

Beginning at a point on the (NORTHWEST) side of (TAXI WAY) which is (60°) wide (NORTHEAST) of the nearest improved intersecting street (BEACON RD) which is (100°) wide. Being Lot# (392) Section # (1) in the subdivision of (VICTORY VILLA) as recorded in Baltimore County Plat Book # (22), Folio # (106) containing square feet (5643.). Also known as (19 TAXI WAY) and located in the (15) Election District, (6) Councilmanic District.

Item #081

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CERTIFICATE OF POSTING

•	RE: Case No.: 08-081-A
	Petitioner/Developer: AENNETH
	L. KIRTZ
	Date of Hearing/Closing: 9-3-07
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	· · · · · · · · · · · · · · · · · · ·
ATTN: Kristen Matthews {(410) 887-3	394}
Ladies and Gentlemen:	
This letter is to certify under the penalt posted conspicuously on the property lo	ies of perjury that the necessary sign(s) required by law were cated at: TAKI WAY
The sign(s) were posted on	8-19-07
	(Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster) (Date)
ZONING NOTICE	SSG Robert Black
VARIANCE	(Print Name) 1508 Leslie Road
TO PERMIT'A PROPOSES ANDITION IN NAME A 9-24 START. SETSAGE OF 4 FEET IN LIKE OF THE RESTORED 25.	(Address)
PURLIC HEARING?	Dundalk, Maryland 21222
PRESENT TO SECTION 25-127(SMI), ENTINONE COUNTY COME AN EXECUTE INCOVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE IROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE ASO DONE ON THE ZONING OFFICE BEFORE	(City, State, Zip Code)
A-30 p.m. CN ADDITIONAL INFORMATION IS AVAILABLE AT HOME INCOMESTACION OF PERCENTENT MARKETERY THE ADDITIONAL TO THE STATE OF THE STATE	(410) 282-7940
t	(Telephone Number)

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Number	08-	UDI	-A	A	ddress	17 10	<u> </u>	May		
Conta	ct Persor	n:		David Janner, Please Pr	.,		<u>-</u> .	Phor	ne Numbe	er: 410)-887-3391
Filing	Date: _	8/		•			8/19/07		Closing C	ate: _	9/3/07
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			Kenne	eth L	Kirtz			reiepho	ne <u>410</u>	686	4595
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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: 08-081-A
Petitioner: Kenneth L Kirtz
Address or Location: 19 Taxi Way
PLEASE FORWARD ADVERTISING BILL TO: Name:Kenneth_L. Kirtz
Address: 19 Jaxi Way
Middle River, Maryland
2/220
Telephone Number: <u>410 686 4595</u>



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 4, 2007

Kenneth Leroy Kirtz Naomi Ruth Kirtz 19 Taxi Way Baltimore, MD 21220

Dear Mr. and Mrs. Kirtz:

RE: Case Number: 08-081-A, 19 Taxi Way

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 10, 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: October 29, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 27, 2007

Item Nos. 08-076, 077, 078, 079/081

083, 084, 086, and 088

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-10292007.doc

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

ECEIVE SEP 0 5 2007

DATE: August 27, 2007

BY:----

SUBJECT:

Zoning Advisory Petition(s): Case(s) 08-081- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL



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

Maryland Department of Transportation

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

Date: August 20, 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. 8-81-A 19 Taxi Way

KIRTZ PROPERTY

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. 8-81-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,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB



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 23, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: August 20, 2007

Item Number: Item Number 76 through 079 and81,83,84,85,86,88

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

I do not object to Mr. and Mrs. Kirtz building an addition to their residence at 19 Taxi Way, Middle River, MD 21220

Name RACY GOUSBEE

Address 12 TAXI WAY

Phone 410 - 574 - 9476

Item #081

I do not object to Mr. and Mrs. Kirtz building an addition to their residence at 19 Taxi Way, Middle River, MD 21220

Name KATHY + MIKE GENTILE

Address 17 TAXI WAY

BACTO MD 21220

Phone 4/0-574-28/0

Item #081

I do not object to Mr. and Mrs. Kirtz building an addition to their residence at 19 Taxi Way, Middle River, MD 21220

Name Mean Same

Address / RANSVERSE AVE

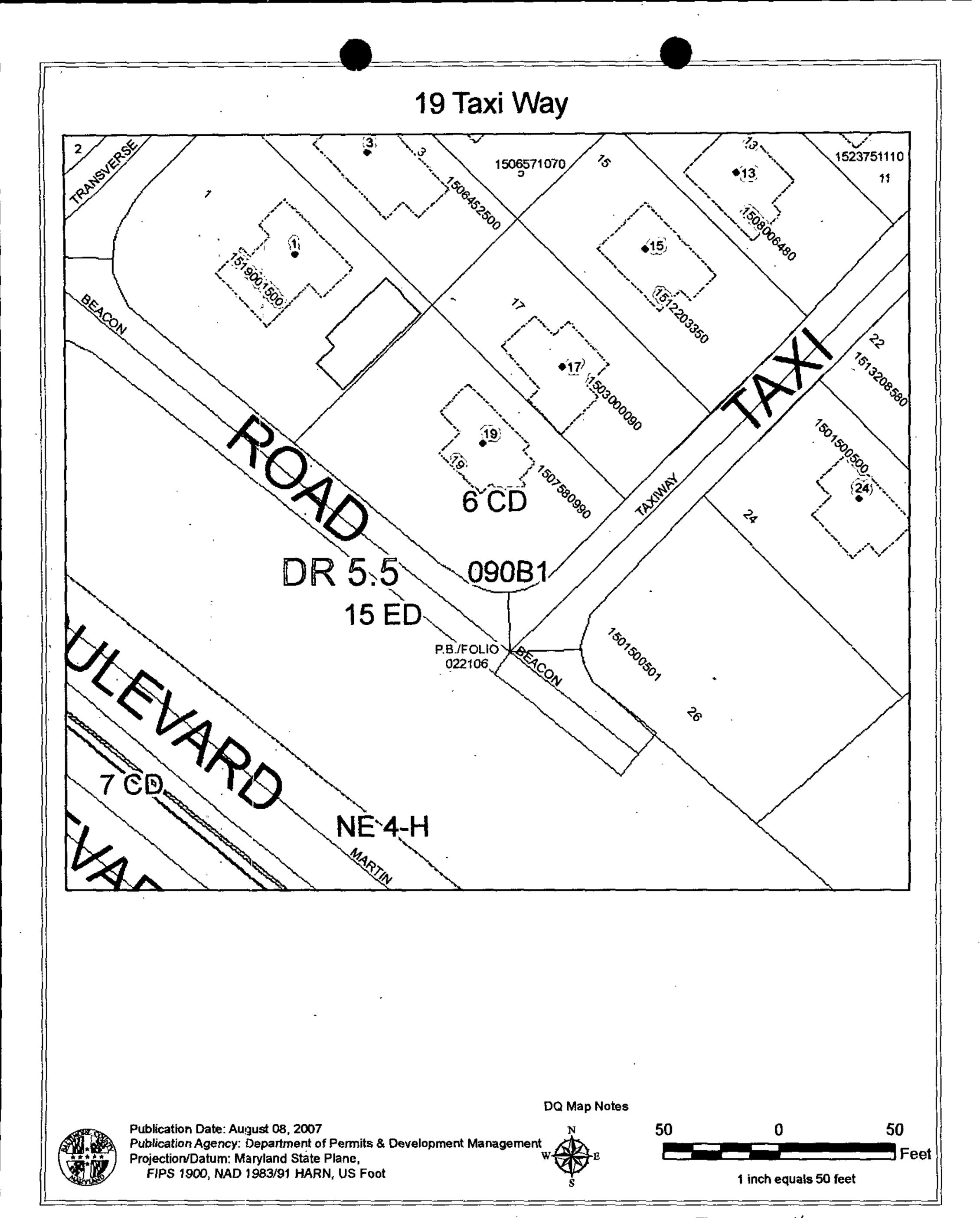
BALTO, MD 2/22

Phone 443-231-6631

Ttem #081

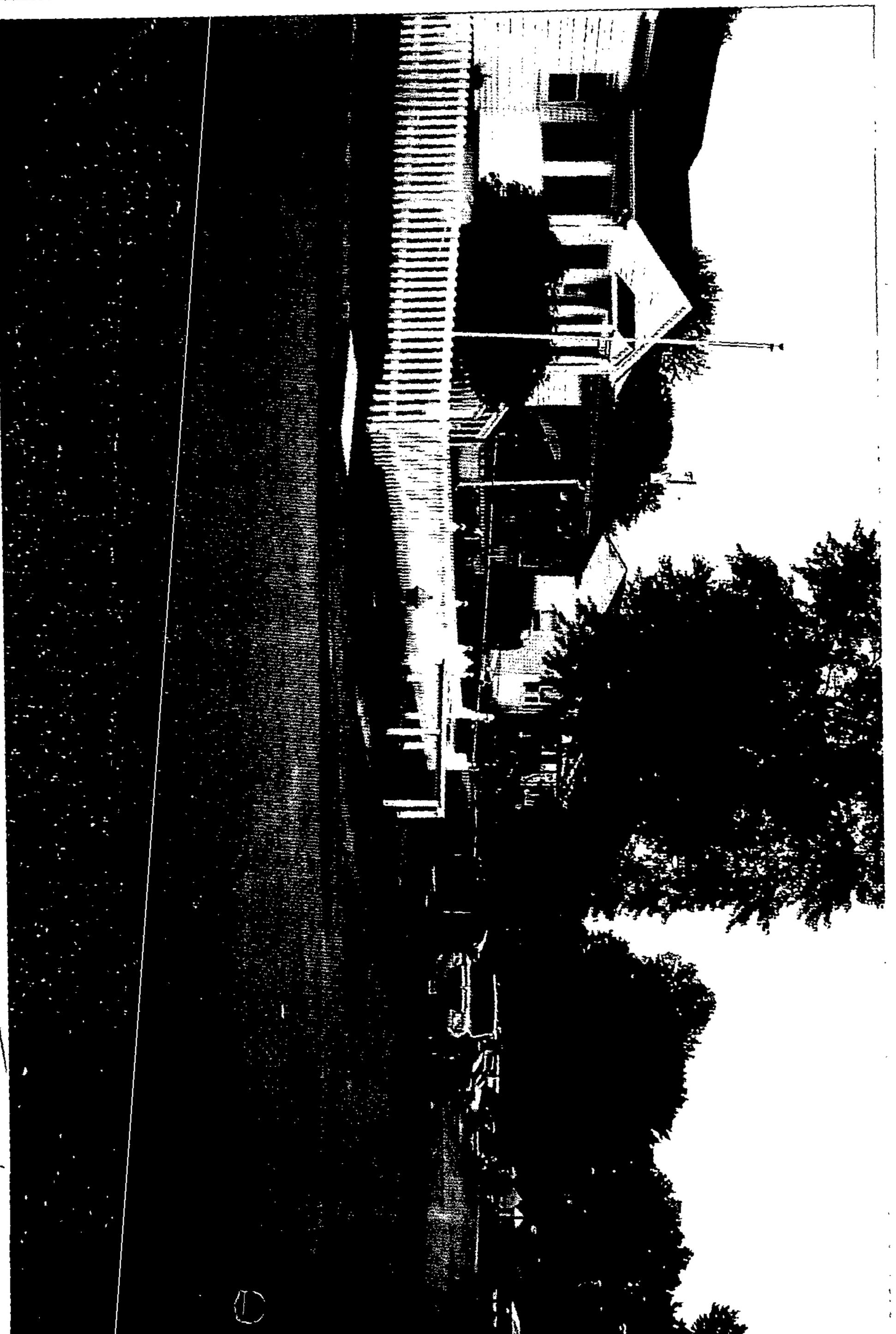
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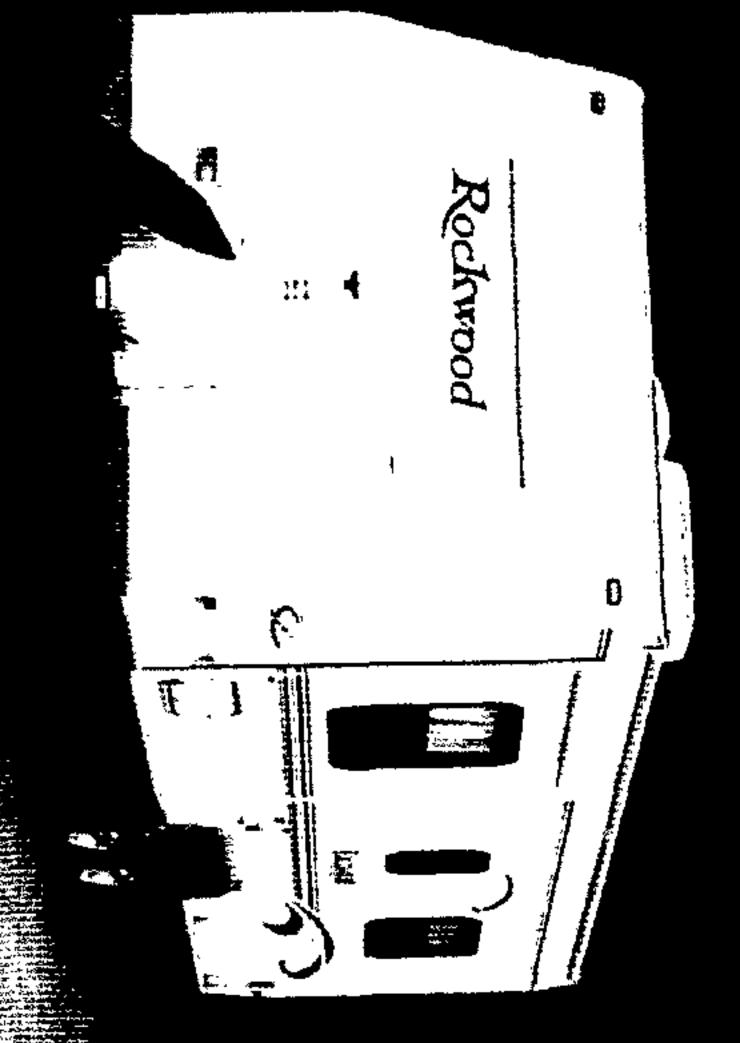


Iten #081

•			
	NORTH NORTH REPARED BY Roy Cornett - BEACON 100 FT. IN	7) 376 64.27 Lat 393 Proposed To 16.0 8x245 Addition Existing	PLAT TO ACCOMPANY PETITION PROPERTY ADDRESS 19 Tax, May Billa Commande Victory Killa. PLAT BOOK # 22 FOLIO # 105LOT # 392 SECTION # OWNER Lexay & Maarin Kirtz
	SCALE OF DRAWING: 1" = 20	Dwelling 55 Front 29.0	FOR ZONING X VARIANC SEE PAGES 5 & 6 OF THE CHECKLIST FO TWAGE # 15-07-580910
	ZONING OFFICE USE ONLY REVIEWED BY HEM # CASE # 108-08(-4-	LOCATION INFORMATION ELECTION DISTRICT 5 COUNCILMANIC DISTRICT 6 I"=200' SCALE MAP # 090B ZONING DR 5,5 LOT SIZE: ACREAGE SOLIARE FEET PHBLIC PRIVATE SEWER 1 1 1 1 1 1 1 1 1	SPECIAL HEARING OR ADDITIONAL REQUIRED INFORMATION VICINITY MANY LANGE OF THE ARING VICINITY MANY LANGE OF THE ARING

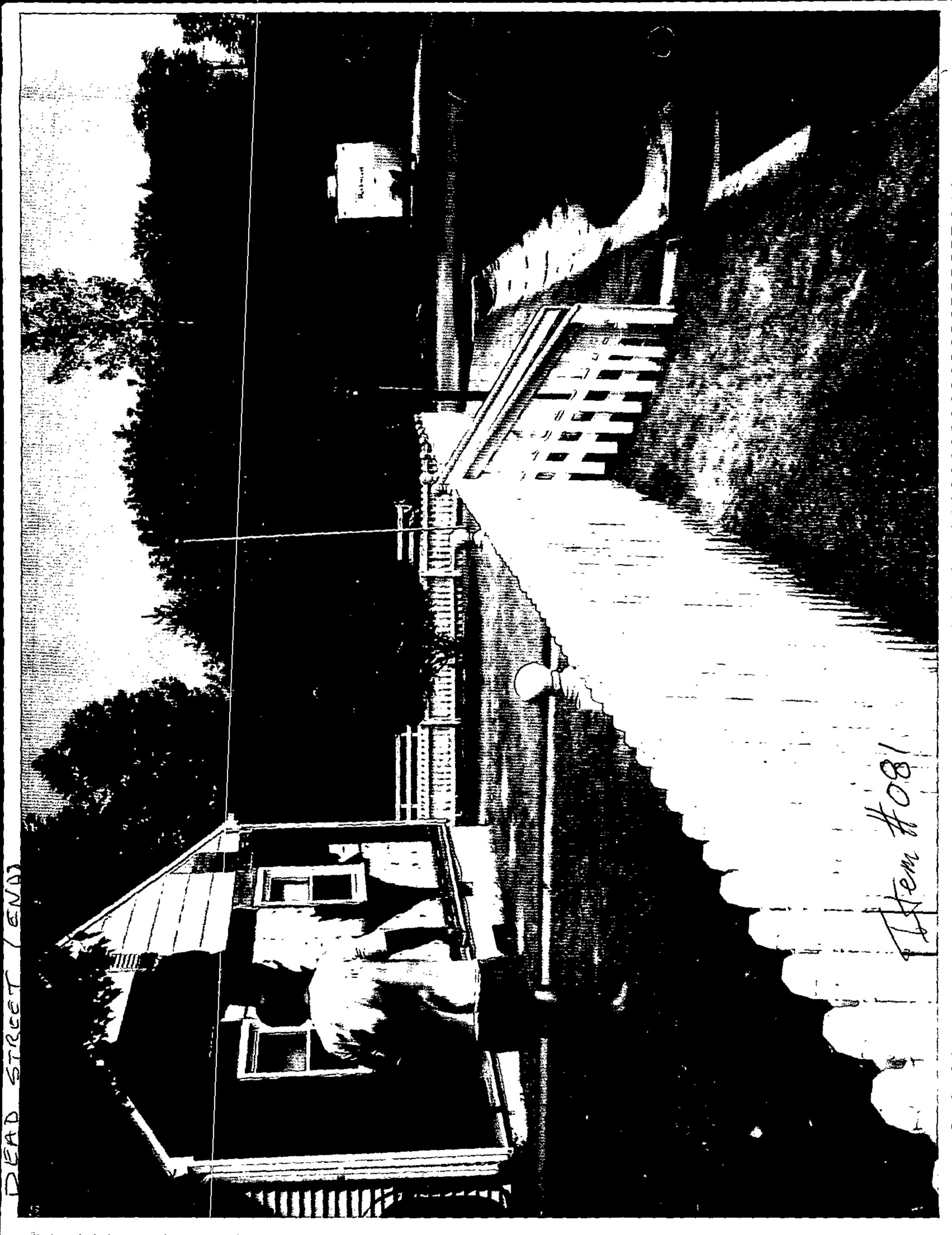


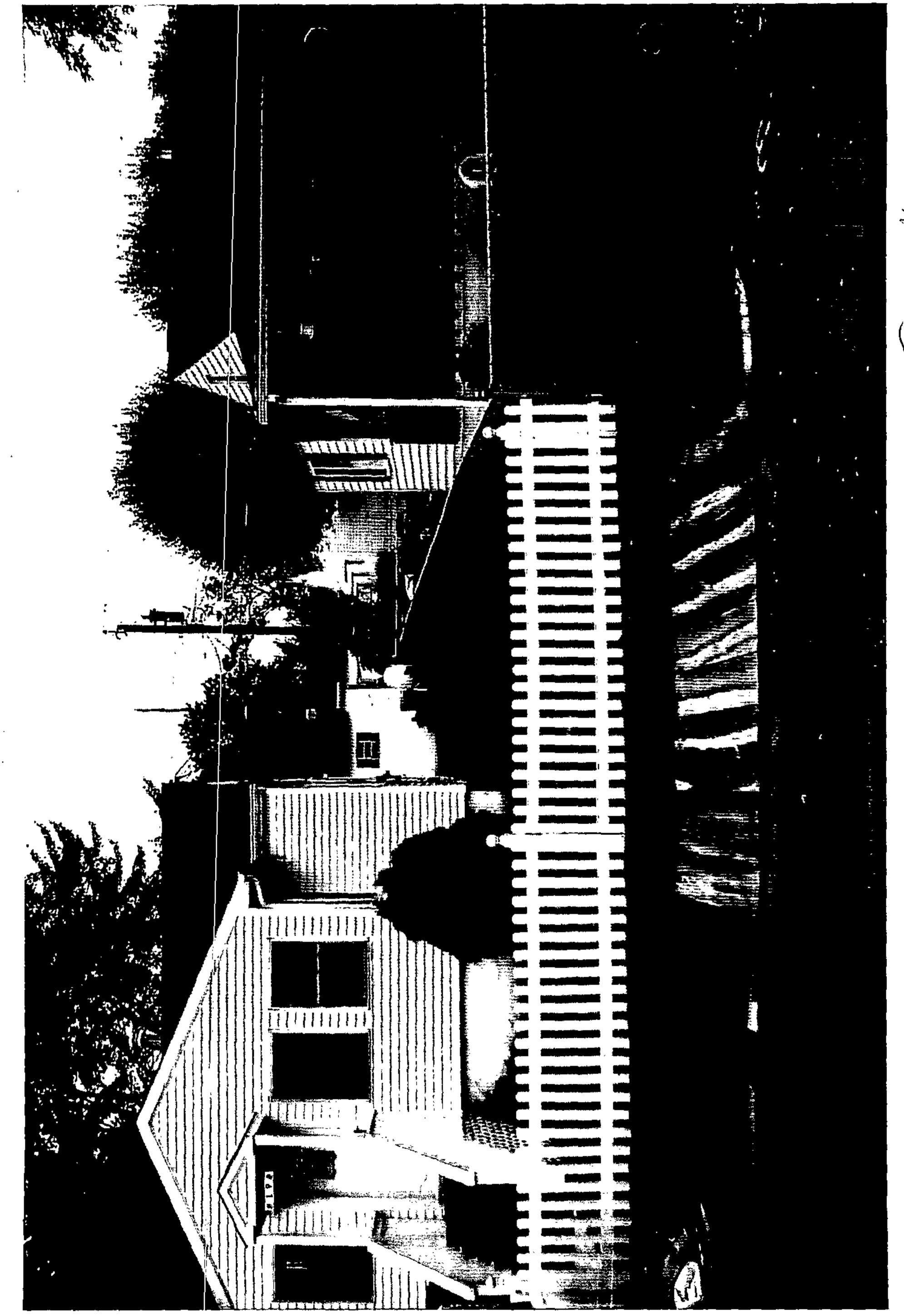
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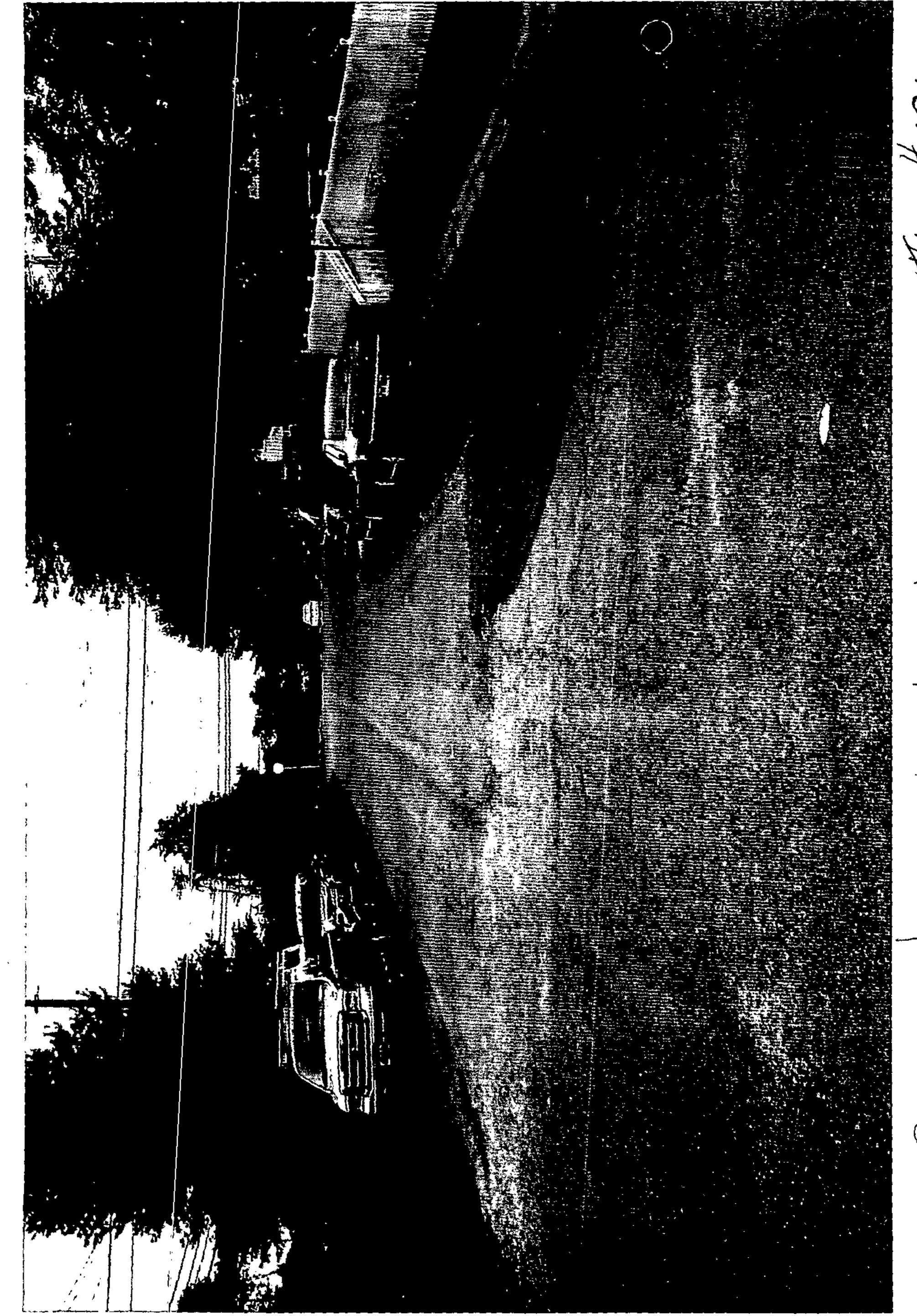
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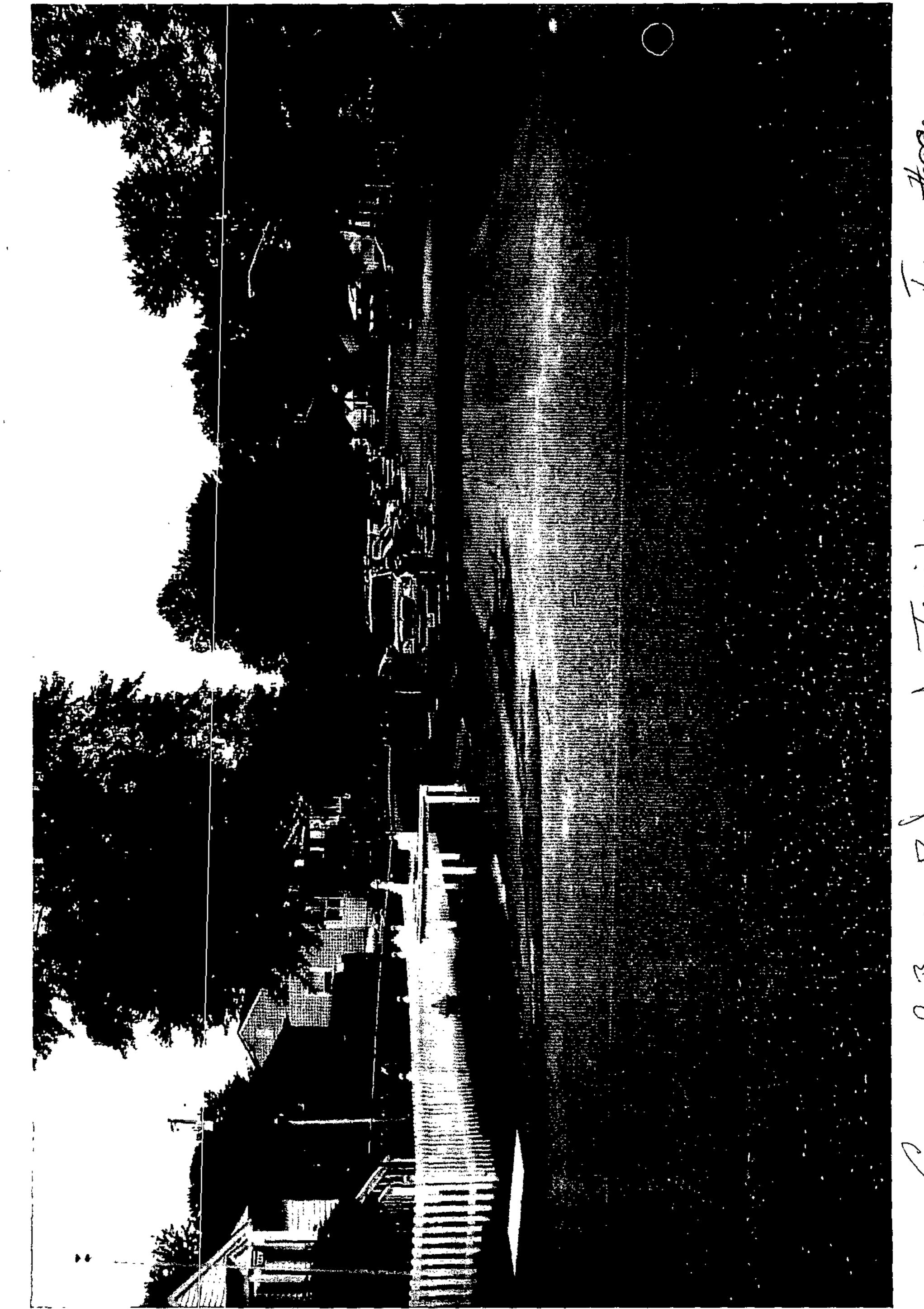


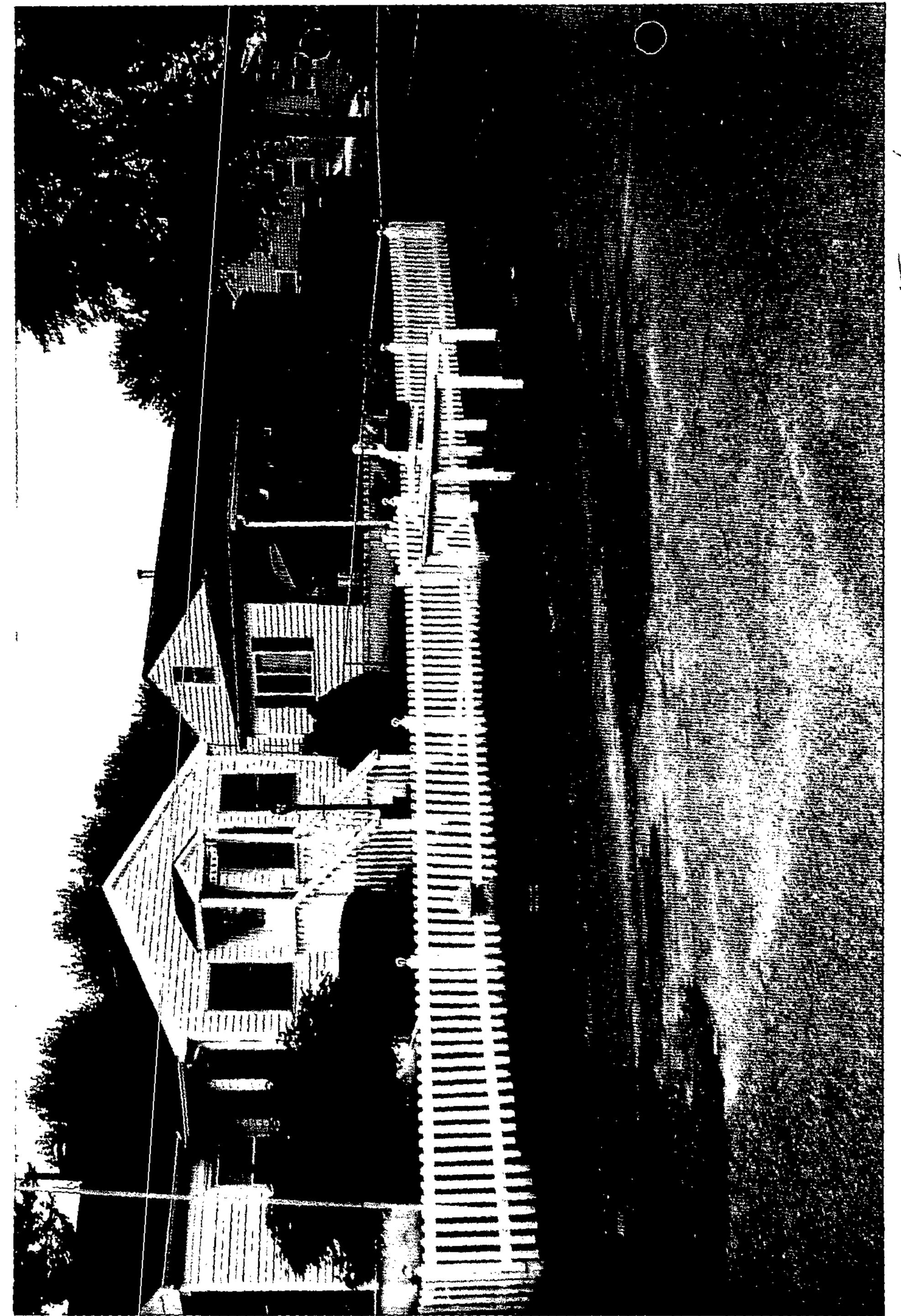


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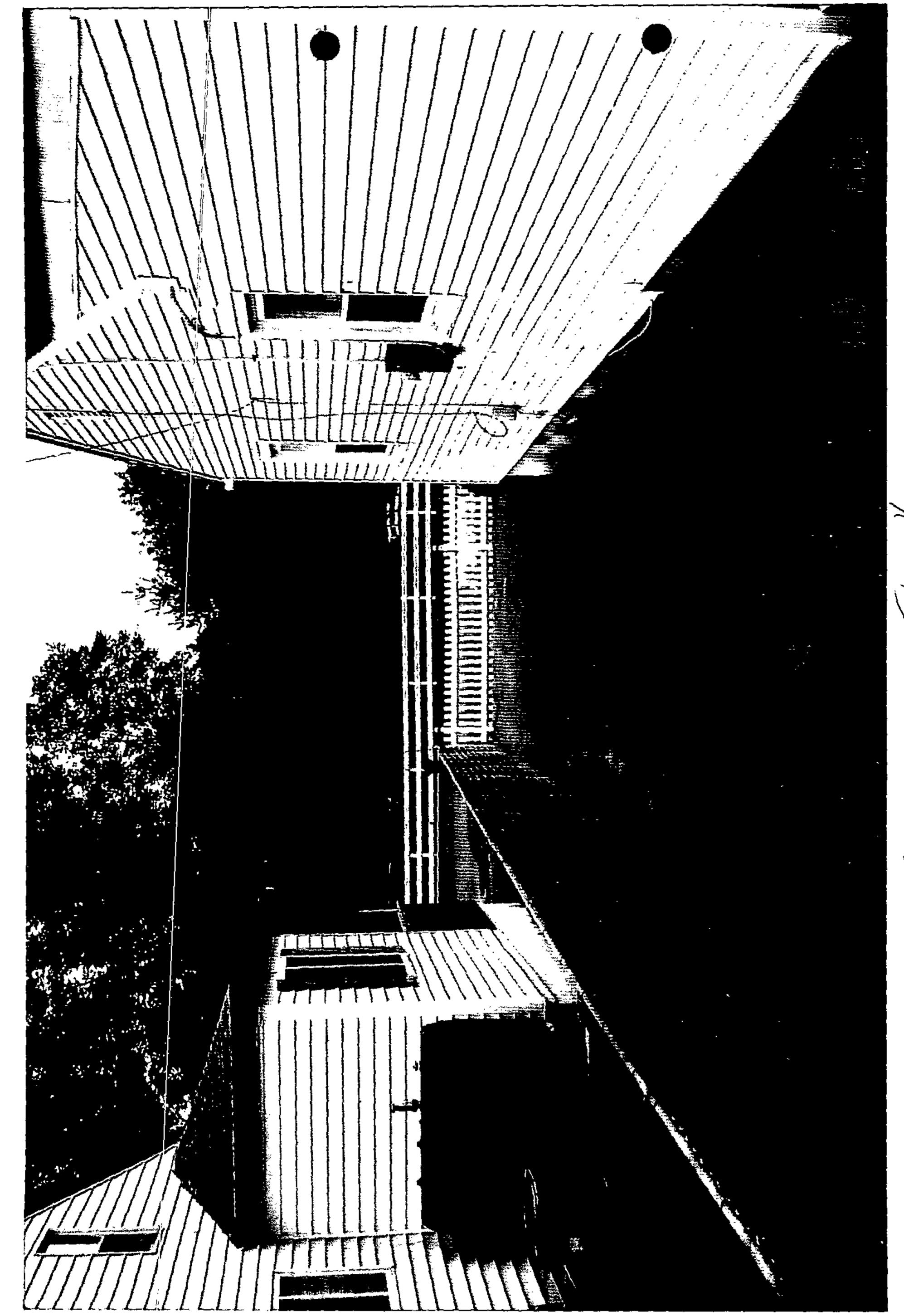




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