IN RE: PETITION FOR VARIANCE

S side of Walnut Avenue, 638 feet SW of c/l of Hunting Tweed Drive 4th Election District 2nd Councilmanic District (3307 Walnut Avenue)

Isaac and Ora Ben-or Petitioner

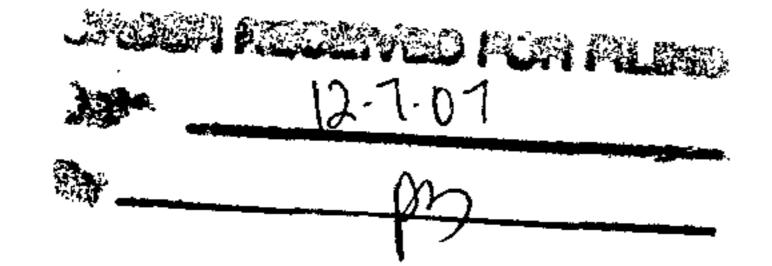
- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 08-124-A

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 owners of the subject property, Isaac and Ora Ben-Or. Petitioners are requesting variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (shed) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

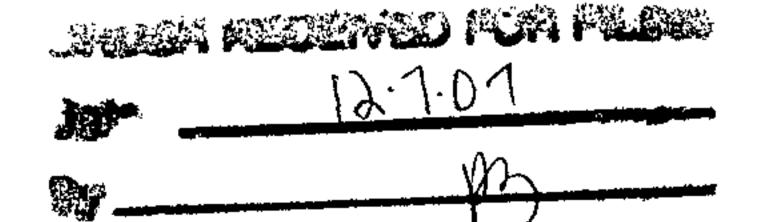
Appearing at the requisite public hearing in support of the variance request was Petitioner Ora Ben-Or and Petitioner's son-in-law, David Dretz. Also appearing was Bernadette Moskunas of Site Rite Surveying, Inc., the consultant who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing, though the Zoning Commissioner's Office did receive a faxed letter on November 5, 2007 from "concerned close-proximity neighbors of 3307 Walnut Avenue," opposing the requested relief. The contents of the letter will be addressed in more detail below.

This matter originated as a violation case (Case No. 07-8863) in the Division of Code Inspections and Enforcement. A Correction Notice was issued by a Code Inspector on July 9, 2007 for failure to place a storage building (shed) in the rear of the property behind the back



foundation. Thereafter, in September 2007, Petitioners filed the instant Petition seeking variance relief in order to legitimize the placement of the shed in its present location at the side yard rather than the rear yard. It should be noted that the fact that a code enforcement notice is issued is generally not relevant to a zoning case. On the one hand, this means that Petitioners cannot use the fact that a structure has been erected and is in use at a particular location on the property as a precedent in order to allow that use to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. On the other hand, the fact that structure may have been placed improperly in violation of the zoning regulations is not specifically held against Petitioners in deciding this zoning variance case as some sort of additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to issue Correction Notices and Citations, and can impose fines and other penalties if applicable. The province of this office is to interpret the zoning regulations and make determinations where necessary when deviations from those regulations are legally permissible and appropriate on a case-by-case basis.

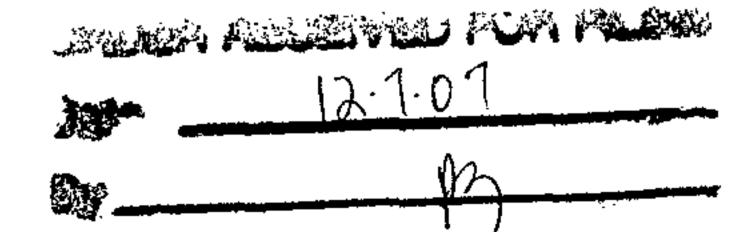
Turning now to the instant matter, testimony and evidence offered revealed that the subject property is an irregular-shaped parcel containing approximately 84,942 square feet or 1.95 acres, more or less, and zoned R.C.5. The property is located east of Garrison Forest Road and west of Park Heights Avenue in the Owings Mills area of Baltimore County. It is improved with an existing single-family dwelling and includes a septic reserve area situated to the rear of the property. Also situated on the property is the subject storage shed, which is located in the side yard of the property on the east side, and measures approximately 11 feet wide by 24 feet deep. The shed is placed on the side yard with the back of the shed in line with the back foundation wall of the dwelling. Photographs of the shed were marked and accepted into evidence as Petitioners'



Exhibits 2A through 2F. The photographs show the shed to be placed alongside the dwelling. It is covered with vinyl siding which appears to be similar to that of the existing dwelling, and has a gray overhead garage door entry. The shed is also placed at ground level in front, and on several rows of four-by-four ties on the sides and at the rear in order to provide a level surface. The subject property is also part of the "Valley Hills" subdivision which was recorded on May 13, 1976. A copy of the record plat was marked and accepted into evidence as Petitioners' Exhibit 3. Petitioners are original owners and have lived in the neighborhood since its inception.

Petitioners purchased and erected the shed in order to provide storage for their lawn mower, as well as other lawn care tools and equipment. Ms. Ben-Or indicated that her husband, Mr. Ben-Or, is now retired and has taken to performing much of the landscaping work around the property. Petitioners also explained that the present location of the shed is the most level area of the yard, other than the front yard, and is the only practical location.

In support of the variance request, Ms. Moskunas, Petitioners' consultant, pointed out the uniqueness of the property. First, Ms. Moskunas indicated that the property is unique in shape as compared to others in the Valley Hills subdivision. While most of the lots have a traditional rectangular shape, the subject property tapers outward from the front to the rear and also runs diagonally along the rear property line. As shown on the property map taken from the Real Property Data Search, which was marked and accepted into evidence as Petitioners' Exhibit 4, the subject property also backs up to another subdivision known as "Timberfield in the Valley" and is the only lot that is bordered by six adjacent properties to the sides and rear as a result of its irregular shape. When asked why the shed could not be erected in the back yard, Ms. Moskunas submitted a topography map of the subject property and nearby properties, which was marked and accepted into evidence as Petitioner's Exhibit 5. This map shows significant slope constraints on

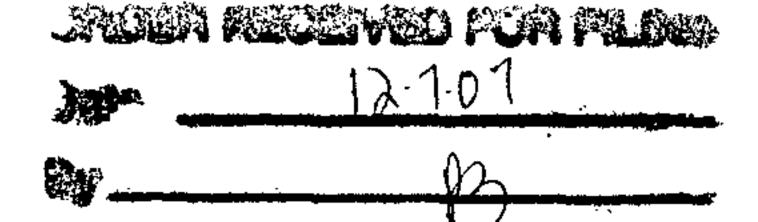


the west side of the property, and from the rear of the dwelling toward the rear property line. Ms. Moskunas also pointed to the septic reserve area which takes up a large area of the property behind the dwelling. She explained that the downhill slopes and the presence of the septic reserve area make the side yard to the east the only practical and the most level location for the shed. It was also noted that there are a number of mature trees in the front and east side yard of the property, which Ms. Moskunas indicated would provide screening for the closest adjacent neighbor to the east.

As previously indicated, there were no Protestants in attendance at the hearing, however, the undersigned did receive an anonymous letter via facsimile on November 5, 2007 indicating it was from "concerned close-proximity neighbors of 3307 Walnut Avenue." The letter opposes the variance request to allow Petitioners to keep the shed in the side yard instead of the required rear yard. The letter emphasizes that the area is an established neighborhood with well-maintained homes on acre sized parcels in the half million to one million dollar range. It also indicates that the crowding of buildings such as in the instant matter is a major detraction to the quality of the neighborhood and of property values. This letter was marked and accepted into evidence as Protestant's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received in this matter and indicate no opposition or other recommendations concerning the requested relief. In particular, the comment dated September 27, 2007 from the Office of Planning indicates it does not oppose Petitioners' request.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I am persuaded that the property has certain size and shape characteristics, as well as



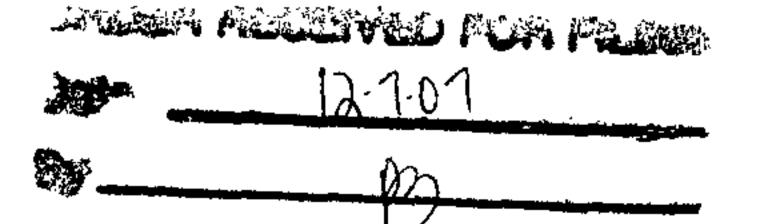
topographical and environmental constraints, that limit the area in which the storage shed can be placed. I therefore find the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Based on the evidence offered by Petitioners, they would either do without the shed entirely or possibly be compelled to place the shed at the far rear edges of the property, which would, for all practical purposes, render their use of the shed for storage a nullity. I am mindful of the position of Protestants in this matter and recognize that the current placement of the shed is perhaps not the most aesthetically desirable location. However, I also believe the trees and foliage on the property will provide sufficient screening from adjacent neighbors.

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 by Petitioners, I find that Petitioners' variance request should be granted.

1. Petitioners are advised that they may apply for any required building permits 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,



Petitioners would be required to return, and be responsible for returning, said property to its original condition.

- 2. Petitioners shall not utilize the accessory structure for any commercial or business purposes, nor shall it be used as or converted to a dwelling of any kind. It shall be used solely for storage incidental to the residence. Moreover, the area surrounding the accessory structure shall be maintained in good condition and there shall be no storage of items immediately outside or around the accessory structure. Landscaping and plantings shall be permitted around the accessory structure.
- 3. Upon such time as the accessory structure is no longer needed by Petitioners for its current use, or in the event Petitioners sell or transfer their interest in the property, Petitioners shall remove said accessory structure from the property within ninety (90) days.

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

December 6, 2007

ISAAC AND ORA BEN-OR 3307 WALNUT AVENUE OWINGS MILLS MD 21117

Re: Petition for Variance
Case No. 08-124-A
Property: 3307 Walnut Avenue

Dear Mr. and Mrs. Ben-Or:

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

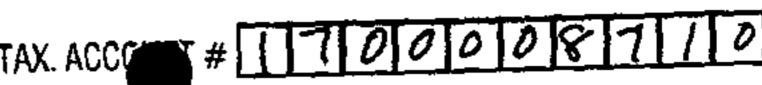
for Baltimore County

THB:pz

Enclosure

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

David Dretz, 205 Marshallwood Road, Reisterstown MD 21136





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3307 Walnut Avenue which is presently zoned 205

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) 400. [BCZP_

To permit an existing accessory structure (sned) to be located in the snale yard in lier of the required near yard.

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

Sie 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.

Contract Purchaser/L	essee:		Legal Owner(s):						
	•		Isaac Ben ov						
Name - Type or Print	,		Name - Type or Print						
Signature			Signature Ova Bun Ov						
Address		Telephone No.	Name - Type or Print						
City	State	Zip Code	Signature						
Attorney For Petitione	<u>er:</u>		3307 Walnut Avenue 410 356-3878						
			Address Telephone No. 21117 Telephone No.						
Name - Type or Print			City State Zip Code						
			Representative to be Contacted:						
Signature			Soft Rute Surveying						
Company	<u> </u>	· ····································	200 P. JUDDA ROAD RUN 101 410 828 906						
Address	· ··········· ························	Telephone No.	Address Telephone No. 21286						
City	State	Zip Code	City State Zip Code						
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REASONS TO ACCOMPANY VARIANCE PETITION: #3307 Walnut Avenue

- The topography of the site is flat from the road to the face of the existing dwelling and slopes to the back of the house allowing for a walkout basement (grade differential of at least 8 feet)
- A height variance would be needed for the accessory structure to be placed in the rear yard due to the grade change (steep slopes) and the need for supporting foundation,
- This request does not adversely affect the general welfare or safety of the surrounding community. The property has an existing natural landscape buffer from adjacent properties. This request is within the spirit and intent of the Baltimore County Zoning Regulations.

ZONING DESCRIPTION #3307 WALNUT AVENUE

BEGINNING at a point on the south side of Walnut Avenue which is 60 feet wide at the distance of 638 feet southwest of the centerline of Hunting Tweed Drive which is 50 feet wide. Being Lot #133, Section #2 in the subdivision of "Valley Hills" as recorded in Baltimore County Plat Book #39, Folio #87, containing 1.95 acres, more or less. Also known as #3307 Walnut Avenue and located in the 4th Election District, 2nd Councilmanic District.



Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road Suite 101 Towson MD 21286 410.828.9060

124

File: 3307 Walnut Ave.doc\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: # 08-124-A
3307 Walnut Avenue
S/side of Walnut Avenue at
the distance of 638 ft. s/west of centerline of Hunting Tweed Drive

4th Election District
2nd Councilmanic District
Cegal Owner(s): Isaac & Ora Ben Or
Verlance: to permit an existing accessory structure (shed) to be located in the side yard in tieu of the reside yard in tieu of the reside yard in tieu of the reside yard in the side y

on

Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handlcapped Accessible; for special accommodations Please Contact the tions Please Contact the fice at (410) 887-3868.

(2) For information confice at (410) 887-3868.

Hearing, Contact the Zoning Review Office at (410) 887-3863.

025/ 2007

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

The Jeffersonian

Arbutus Times

le Times Catonsvill

Towson Times

Owings Mills Times

NE Booster/Reporter

North County News

LEGAL ADVERTISING

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CERTIFICATE OF POSTING

RE: Case No.: 08-124-A

Petitioner/Developer: 15AAC BEN OR

Date of Hearing/Closing: 11-6-07

(410) 242-4263

(Telephone Number)

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 p	penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the proper	y located at
# 3307 WALNUTAVE	NUE
<u> </u>	
The sign(s) were posted on	<u>つのう</u> (Month, Day, Year)
	Sincerely,
	Barland Date) (Signature of Sign Poster and Date)
	CARLAGEDE, MOORE (Printed Name)
	3225 RYELSON CIRCLE (Address)
	BALTIMORE, MD, 2122 (City, State, Zip Code)

CASE # 08-124-A

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

ROOM 407, COUNTY COURTS BUILDING 401 BOSLEY AVENUE TOWSON, MD. 21204

DATE AND TIME: AT 11100 A.M.

REQUEST: VARIANCE TO PERMIT AN

ACCESSORY STRUCTURE (SHED) TO BE LOCATED

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REAR YARD

- POSTUDNEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.

TO CONFIRM HEARING CALL 187-3391

DOMOTHENOYE THIS SIGH AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE





JAMES T. SMITH, JR. County Executive

TI DOTODOM AK 2000CO, 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: 08-124-A

3307 Walnut Avenue

S/side of Walnut Avenue at the distance of 638 ft. s/west of centerline of Hunting Tweed Drive 4th Election District – 2nd Councilmanic District

Legal Owners: Isaac & Ora Ben Or

<u>Variance</u> to permit an existing accessory structure (shed) to be located in the side yard in lieu of the required rear yard.

Hearing: Tuesday, November 6, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WV/

Timothy Kotroco Director

TK:klm

C: Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286 Mr. & Mrs. Ben Or, 3307 Walnut Avenue, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 22, 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, October 23, 2007 Issue - Jeffersonian

Please forward billing to:

Isaac Ben Or 3307 Walnut Avenue Reisterstown, MD 21117

410-356-3878

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: 08-124-A

3307 Walnut Avenue

S/side of Walnut Avenue at the distance of 638 ft. s/west of centerline of Hunting Tweed Drive 4th Election District – 2nd Councilmanic District

Legal Owners: Isaac & Ora Ben Or

Variance to permit an existing accessory structure (shed) to be located in the side yard in lieu of the required rear yard.

Hearing: Tursday, November 6, 2007 at 11:00 a.m. in Room 407, County Courts Building,

A94 Boslev Avenue, Towson 21204

WILLIAM J. WISEMAN III ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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 Newsp	aper Advertising:
Item Numb	er or Case Number: 08-124-A
Petitioner:	Isaac Ben-Ov
Address or	Location: 3307 Walnut Avenue
•	
	ORWARD ADVERTISING BILL TO:
Name:	Saac Ben-OV
Address: _	3307 Walnut Avenue
	Owings MWs, MD 21117
Telephone	Number: 410 356- 3878



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

November 1, 2007

Mr. & Mrs. Ben Or 3307 Walnut Avenue Owings Mills, MD 21117

Dear Mr. & Mrs. Or:

RE: Case Number: 08-124-A 3307 Walnut Avenue

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 6, 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. Call A. A. D. Call

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:rjc Enclosures

c: Peoples Council Site Rite Surveying, Inc. 200 E. Joppa Road Rm 101 Towson 21286 RE: PETITION FOR VARIANCE 3307 Walnut Avenue; S/S Walnut Avenue, 638' SW c/line of Hunting Tweed Drive 4th Election & 2nd Councilmanic Districts Legal Owner(s): Issac & Ora Ben-or

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

08-124-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 2nd day of October, 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 OCT 0-2 2007

PETER MAX ZIMMERMAN People's Counsel for Baltimore County



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

Maryland Department of Transportation

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

Date: SEPT 17, 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. 8-124-A

3307 WALNUT AVENUE BEN-OR PROPERTY

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. 8-124-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,

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: September 17, 2007

Item Number: Item Number (124) 125,126,127,128,129,130

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: September 18, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 24, 2007

Item Nos. 08-124, 125, 126, 127, 128, 129 and 130

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-09182007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 27, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-124- Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

For further questions or additional information concerning the matters stated herein, please contact Diana Itter in the Office of Planning at 410-887-3480.

Division Chief:

CM/LL

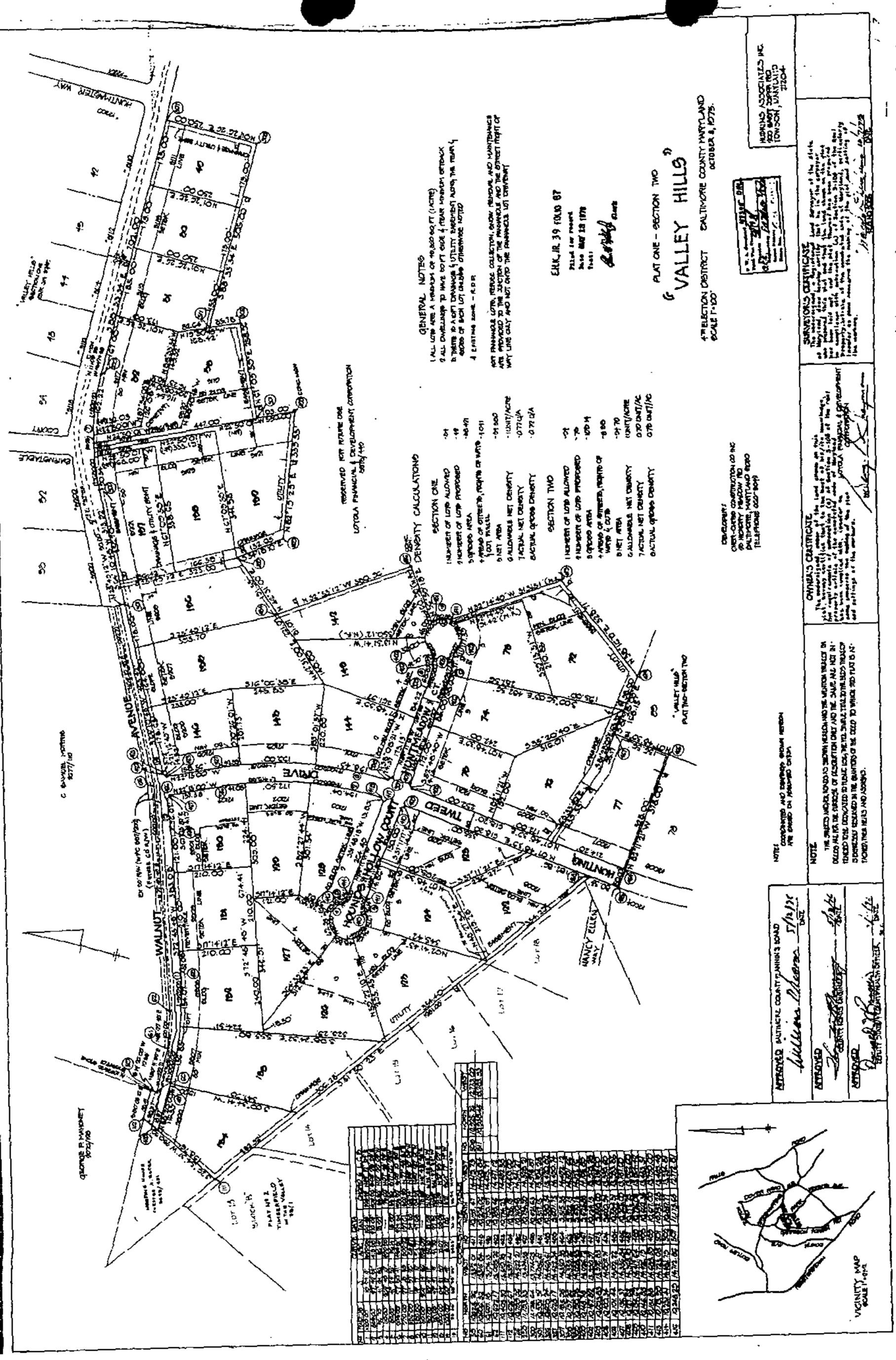
PLEASE PRINT CLEARLY

CASE NAME 3307 Walunt Awane CASE NUMBER 00-124-A DATE NOV. 6 2.00-7

PETITIONER'S STON-IN SHEET

E- MAIL													
CITY, STATE, ZIP	3	mal	Rulls	, ,									
ADDRESS	200 E. Joppa Road Room 101	100	3307 Walnut Ave										
NAME	7	Λ	ORA BEW OR										

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PETITIONER'S

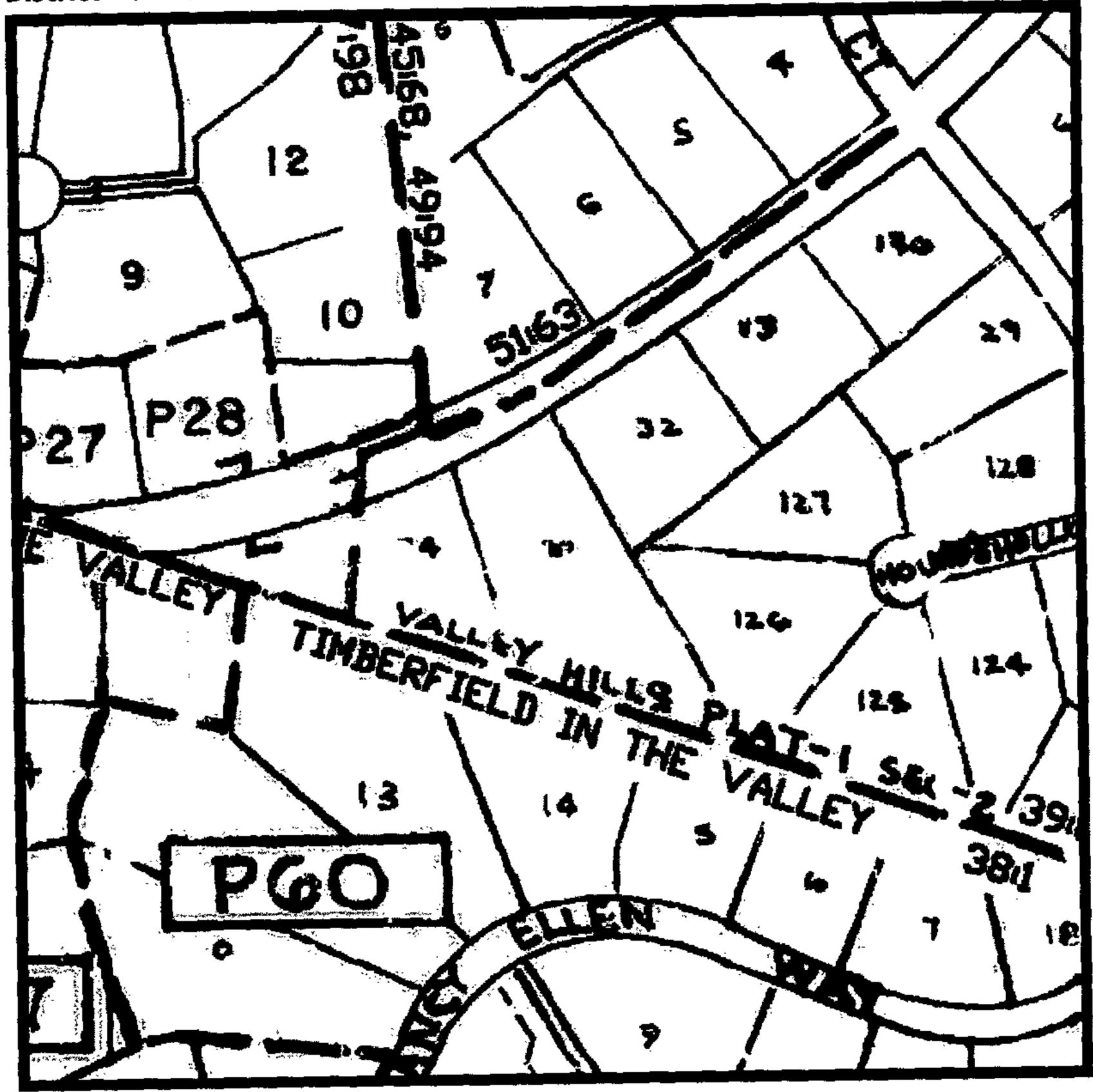
EXHIBIT NO.



Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go Back View Map New Search

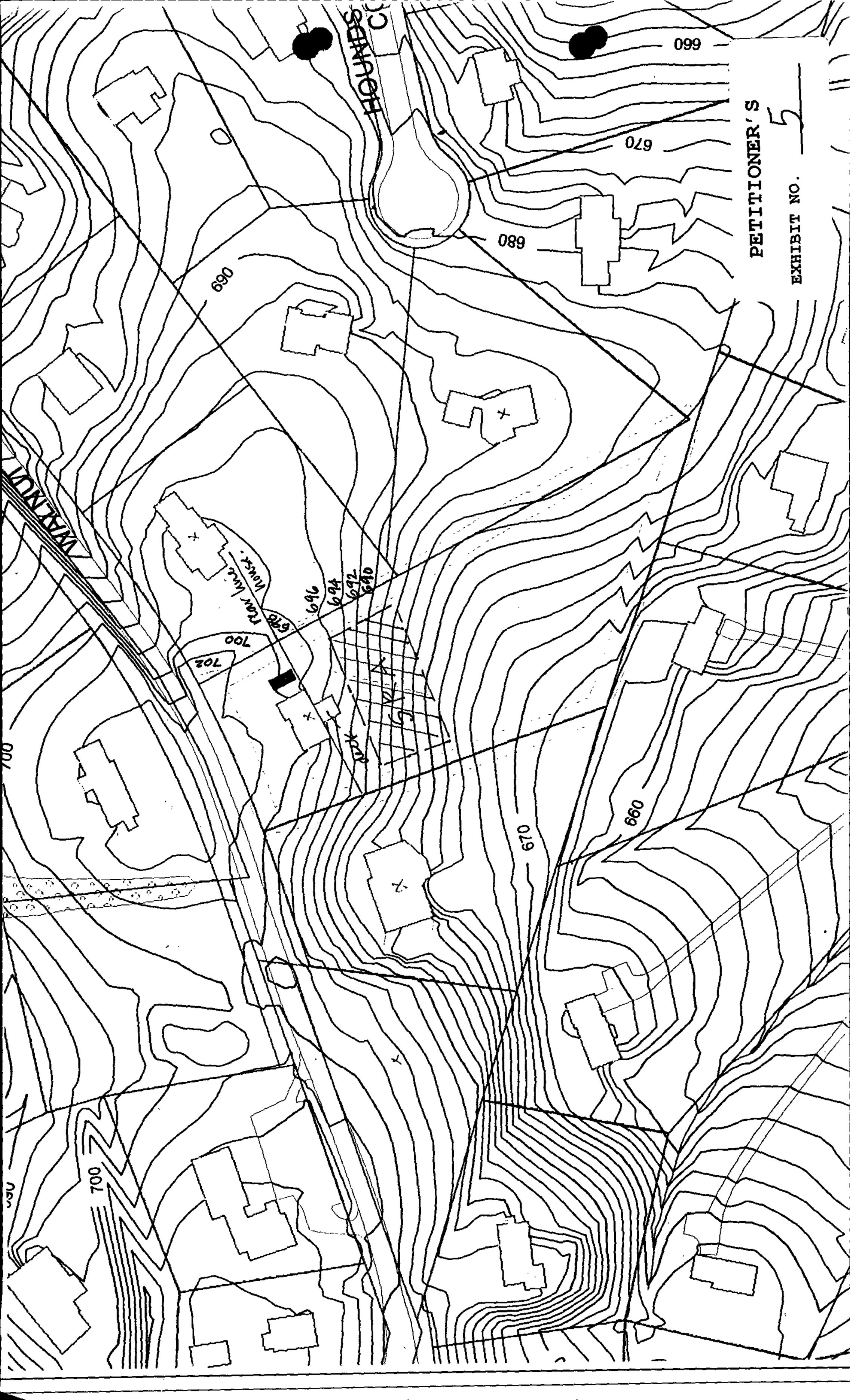
District - 04 Account Number - 1700008710

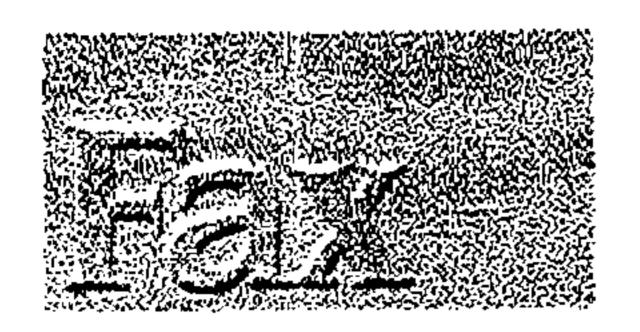


Property maps provided courtesy of the Maryland Department of Planning ©2004. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

PETITIONER'S

EXHIBIT NO.





Date:

Monday, November 05, 2007

To:

Zoning Commissioner

Baltimore County, MD Fax 410-887-3868 3468

From:

Concerned close-proximity neighbors of:

3307 Walnut Ave.

Owings Mills, MD 21117

Pages: 2 (with cover)

Subject: Zoning Variance Hearing Case # 08-124-A

The following letter is to testify in opposition to the variance request.

Thank you for your attention to this matter.

PROTESTANT'S EXHIBIT NO.

Close-proximity neighbors of: 3307 Walnut Avenue Owings Mills, MD 21117 November 3, 2007

Zoning Commissioner Baltimore County, MD Fax 410-887-3868 3468

Re: Case # 08-124-A

This letter is to testify in opposition to the Variance Request for 3307 Walnut Avenue, Owings Mills, MD.

The specific violation is the illegal placement of a storage building. Zoning requires that these buildings be place behind the rear foundation wall of the residence. This building is the size of a garage, appears as though it is a garage, and is positioned approximately in line with the front of the residence. From a quick glance, it would almost appear that this is part of the residence and infringes greatly on the 50-foot side-yard setback requirement.

The variance should be denied because:

1. The storage building should be behind the rear foundation wall

2. No building (either permanent or portable) should be allowed in the 50' side-yard setback requirement. This building comes to within approximately 20 feet.

3. There is no hardship that can be demonstrated. This parcel is approximately 2 acres in size, and a proper and conforming location can certainly be found.

4. The cost of moving the structure should not be considered a hardship as the placement was illegal. That would be like saying that someone should not have to pay a speeding ticket. They did something illegal, but the fine is too great – and because they are being excused of the fine – then it is OK to continue speeding without any consequence.

We reside in the immediate Walnut Avenue / Garrison Forest area. We're certain that you are aware that the area is established with well-maintained homes on acre-sized parcels. These homes are in the half-million dollar range, and new homes are well in excess of a million dollars. It is because of the character and value of the area that we purchased a home here. The crowding in of buildings in violation of zoning ordinances is a major detraction to the quality of the neighborhood and of property values.

We choose to remain anonymous because of previous experiences with retaliation and continued friction within a neighborhood. It is a very peaceful neighborhood and we want it to stay that way.

Baltimore County seems to have an excellent reputation for zoning enforcement and maintaining the quality-of-life for all citizens, and we trust that this situation will be no exception.

Thank you for your attention to this matter.

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT VIOLATION CASE DOCUMENTS

VIOLATION CASE: 07-8863

3307 Walnut Avenue

ZONING CASE: 08-124-A 3307 WALNUT AVENUE

DATE:

October 29, 2007

TO:

W. Carl Richards, Jr.

Zoning Review Supervisor

FROM:

Rick Wisnom, Hearing Officer

Division of Code Inspections & Enforcement

SUBJECT:

Item No.: 124

Legal Owner/Petitioner: Isaac and Ora Ben-or

Contract Purchaser:

Property Address: 3307 Walnut Avenue

Location Description: South side of Walnut Avenue at the distance of 638 feet southwest

of the centerline of Hunting Tweed Drive.

VIOLATION INFORMATION:

Case No.: 07-8863

Defendants: Isaac and Ora Ben-or

Please be advised that the aforementioned petition is the subject of an active violation case.

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint Intake Form
Anonymous Letter
State Tax Assessment printout
Correction Notice/Code Violation Notice

Photographs

Photographs

Other: correspondences

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW/

c: Lavette Street





INSPECTOR:
running landscaping business
VIOL. ZIP 21117
COMPL. ZIP
ORK#: EXT
PREVIOUS CASE NUMBERS:
✓ NCF
REOPEN

A close-proximity neighbor of 3307 Walnut Avenue Owings Mills, MD 21117 July 2, 2007

Timothy M Kotroco, Director
Department of Permits and Development Management
County Office Building, Room 105
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Kotroco;

This letter is to advise you of at least one (1) zoning violation at 3307 Walnut Avenue, Owings Mills, MD.

The specific violation is the illegal placement of a storage building. I believe that zoning requires that these buildings be place behind the rear foundation wall of the residence. This building is the size of a garage, appears as though it were a garage, and is positioned approximately in line with the front of the residence. From a quick glance, it would almost appear that this is part of the residence and infringes on the 50-foot side-yard setback requirement.

It also appears as though the resident has a landscaping business operating here. A new enclosed trailer and lawn tractors and equipment are usually "parked" by the storage building. I am not sure if there are any violations with these or not.

I reside in the immediate Walnut Avenue / Garrison Forest area. As you probably know, the area is established with well-maintained homes on acre-sized parcels. These homes are in the half-million dollar range, and new homes are in excess of a million dollars. It is because of the character and value of the area that I purchased a home here. The crowding in of buildings in violation of zoning ordinances is a major detraction to the quality of the neighborhood.

I choose to remain anonymous because of previous experiences with retaliation and continued friction within a neighborhood. Should this property owner apply for a variance, I will consider "unmasking" myself to oppose it.

Baltimore County seems to have an excellent reputation for zoning enforcement and maintaining the quality-of-life for all citizens, and I trust that this situation will be no exception.

Thank you for your attention to this matter,

A close-proximity neighbor of: 3307 Walnut Avenue

DÀTÉ: 17 16/2007

STANDARD ASSESSMENT INQUIRY

TIME: 08:49:57

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC

DEL LOAD DATE

17 00 008710 04 1-0 04-00 N NO

04/18/07

BEN-CR ISAAC DESC-1.. IMPS

BEN-OR ORA DESĈ-2. VALLEY HILLS

3307 WALNUT AVE PREMISE. 03307 WALNUT

AVE

00000-0000

OWINGS MILLS

MD 21117-1117 FORMER OWNER: BEN-OR ISAAC

	FCV -		-	PHASE	ED IN	
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	98,550	175,200		FCV	ASSESS	ASSESS
IMPV:	158,320	299,080	TOTAL	329,340	329,340	256,870
TOTL:	256,870	474,280	PREF	. 0	0	0
PREF:	0	0	CURT	0,	0	0
CURT:	0	0	EXEMPT.		. 0	0

DATE: 07/03 09/06

---- TAXABLE BASIS ---- FM DATE

ASSESS: 329,340 11/15/06 -

ASSESS: 256,870

ASSESS:

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



Code Enforcement
Building Inspection
Electrical Ir
Plumbing I
Signs/ Fences
410-887-3351
410-887-3953
410-887-3620
410-887-3896

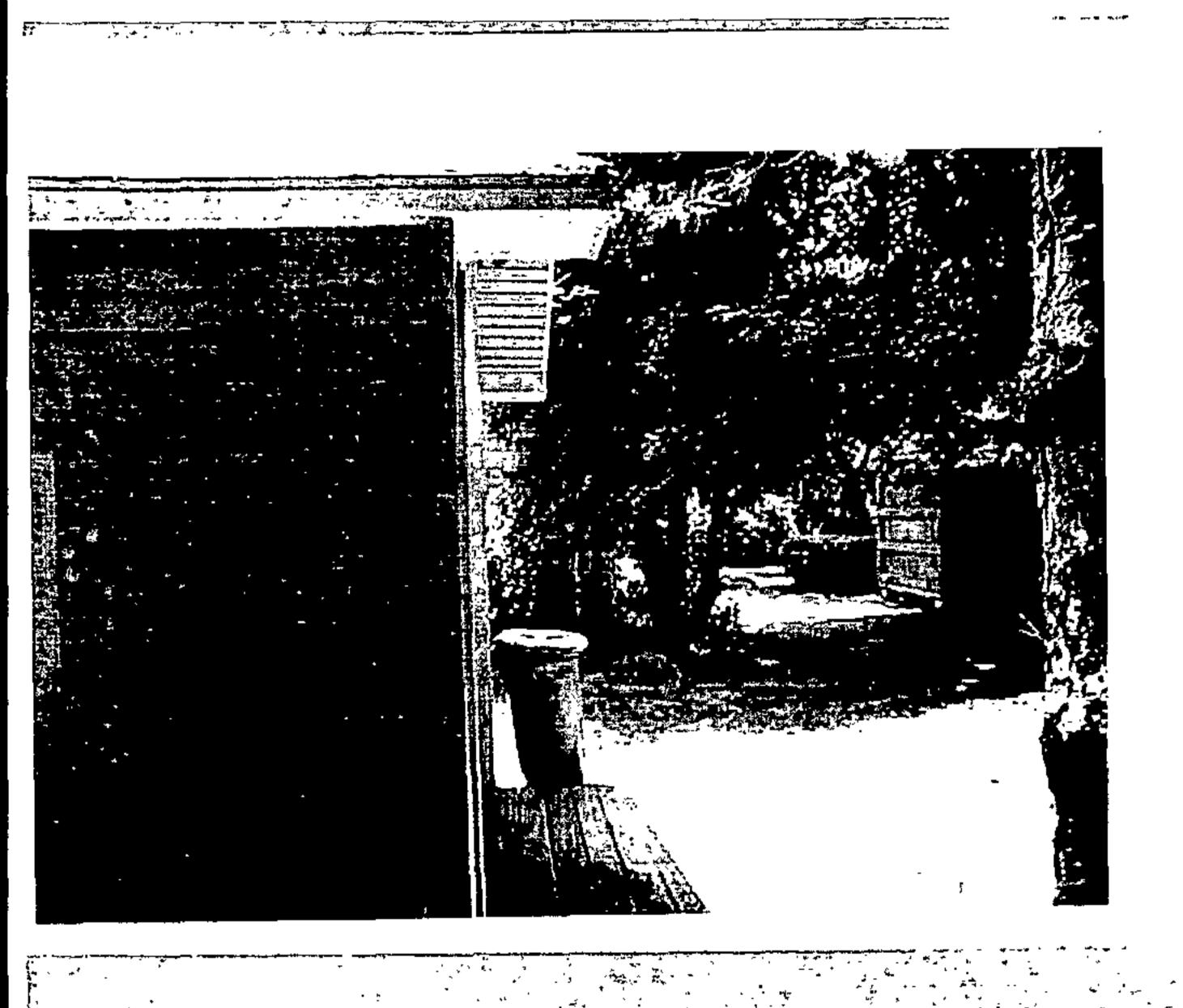
CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

	to a series 2 Crock 1939s
OT-8865 PROPERTY TAX ID 170000 8	TO 7 7 OIT
NAME(S): ISOAC + Bein Or	-a Ben-Or
MAILING ADDRESS 3307 Walnut	, Mue
Balto STATE	ZIP CODE Z ///
VIOLATION ADDRESS	
CITY STATE MARYLA	ZIP CODE
DID UNLAWFULLY VIOLATE THE FOLLOW	· · · · · · · · · · · · · · · · · · ·
RESIDENTIAL ZONE CLASSIFICATION	NON-RESIDENTIAL CLASSIFICATION
DR1 () DR2 () DR3.5 DR5.5 DR10.5 DR1	16 🗆 BL (230) 🗆 BR (236) 🗇 BM (233)
RC2(1A01) [] RC4(1A03) [] RC20 & 50 (1A05) [] RC6	(1A07)
OTHER:	OTHER:
BALTIMORE COUNTY ZON	ING REGULATIONS (B.C.Z.R.)
AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-1	(02; 32-3-602; 32-3-603; 32-4-114
101; 102.1: Definitions; general use	415A: License/ remove untagged recreation vehicle
1B01.1: DR Zones-use regulations	415A: Improperly parked recreation vehicle 415A: One recreational vehicle per property
1 428: License/ Remove all untagged/ inoperative or the damaged/ disabled motor vehicle(s)	410: Hegal Class II trucking facility
[] 1B01.1D: Remove open dump/ junk yard 💢	
 431: Remove commercial vehicle(s) 101; 102.1: Remove contractors equip. storage yard 	1B02.1; 270; 421.1: Hegal kennel. Limit 3 dogs 102.5: Residential site line violation /obstruction
101; 102.1; ZCPM: Cease service garage activities	408B: Illegal rooming/ boarding house
13 402: Illegal conversion of dwelling 101; 102.1; ZCPM: Illegal home occupation	BCC: 32-3-102; 500.9 BCZR; ZCPM: Violation of commercial site plan and/or zoning order
· · · · · · · · · · · · · · · · · · ·	UNTY CODE (B.C.C)
 13-7-112: Cease all nuisance activity 13-7-115: County to abate nuisance & lien costs 	 35-2-301: Obtain building/ fence/ sign permit 18-2-601: Remove all obstruction(s) at street, alley, roa
() 13-7-310: Remove all trash & debris from property	□ 13-7-310(2): Remove bird seed / other food for rats
13-7-312: Remove accumulations of debris, materials, etc	 ☐ 32-3-102: Violation of development plan/ site plan ☐ IBC 115; BCBC 115: Remove/ Repair unsafe
 13-7-201(2): Cease stagnant pool water 12-3-106: Remove animal feces daily 	structure board and secure all openings to premise
 35-5-208(a)(c): Seal exterior openings from rodents & pests 13-4-201(b)(d): Store garbage in containers w/tight lids 	(i) 13-7-401; 13-7-402; 13-7-403; Cut & remove all tall grass and weeds to three (3) inches in height
	ED HOUSING (B.C.C)
[] 35-5-302(a)(1): Unsanitary conditions.	35-5-302(a)(2): Store all garbage in trash cans
35-5-302(a)(3): Cease infestation from prop.	 □ 35-5-302(b)(1): Repair exterior structure □ 35-5-302(b)(1)(3): Repair exterior extentions
☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc ☐ 35-5-302(b)(1)(4): Repair chimney & similar extentions	☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces
[] 35-5-302(b)(1)(6): Repair defective door(s) / window(s)	□ 35-5-302(b)(1)(7): Repair defective fence
<u>INVESTMENT P</u>	ROPERTY (B.C.C)
35-2-404(a)(1)(i): Remove hazardous or unsafe condition	 35-2-404(a)(1)(ii): Repair ext. walls / vertical members 35-2-404(a)(1)(iv): Repair exterior chimney
 35-2-404(a)(1)(iii): Repair roof or horizontal members 35-2-404(a)(1)(v): Repair ext. plaster or masonry 	35-2-404(a)(1)(vi) Waterproof walls/ roof /foundations
☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below)	☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris
[] 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s)	35-2-404(a)(4)(i)(ii): Board & secure. Material to match huilding color of structure
OTHER VIOLATIONS OR REMARKS;	<u> </u>
Storage building mo	ist he in the rear
of property wearend to	he back foundation,
γ γ <u>γ</u> <u>γ γ γ</u>	<u></u>
Duilging berwiff unelle	ort to anything
00162 119 20 Tep	
NOTICE POSTED AND MAILED	
	per violation and to be placed as a lien upon your tax bill.
FULLWILL FINE: 3400 L 3500 L 31000 Per day.	C VE
COMPLIANCE DATE: 7/24/01 INS	SPECTOR NAME: DOINT NAME (Dec 6/05)
	PRINT NAME (Rev 9/05)



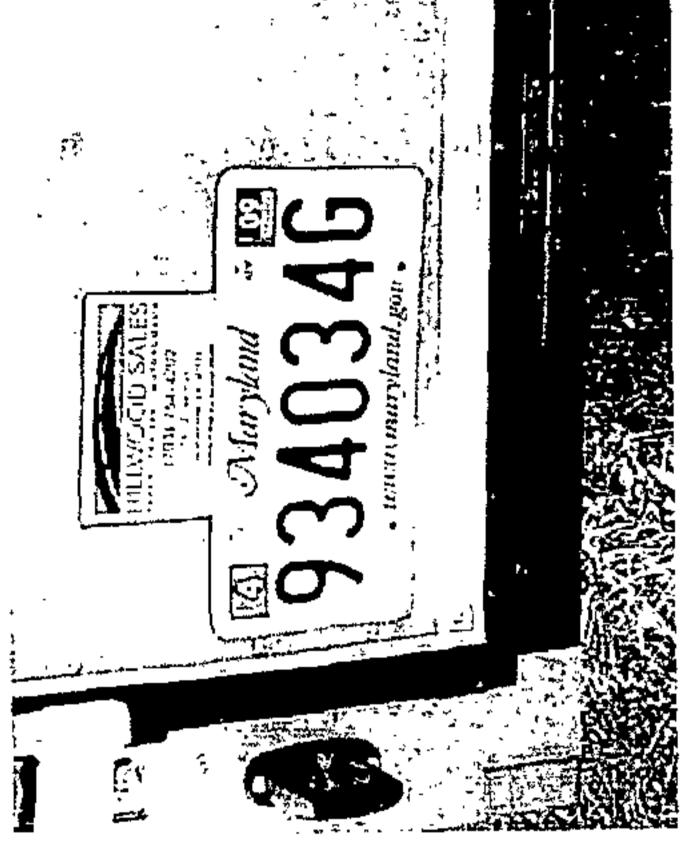
Citation/Case No.:	17-6.63	 	· •	<u> </u>	•
Date of Photographs:			<u> </u>		· · · · · · · · · · · · · · · · · · ·
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I HEREBY CERTIFY th	at I took the	5 photogra	phs set out abov	ve, and that these phot	tographs
fairly and accurately de	amun)	er of photos)			
citation/case number of	n the date set out	above.	•		
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			Enforc	ement Officer	

11/14/00



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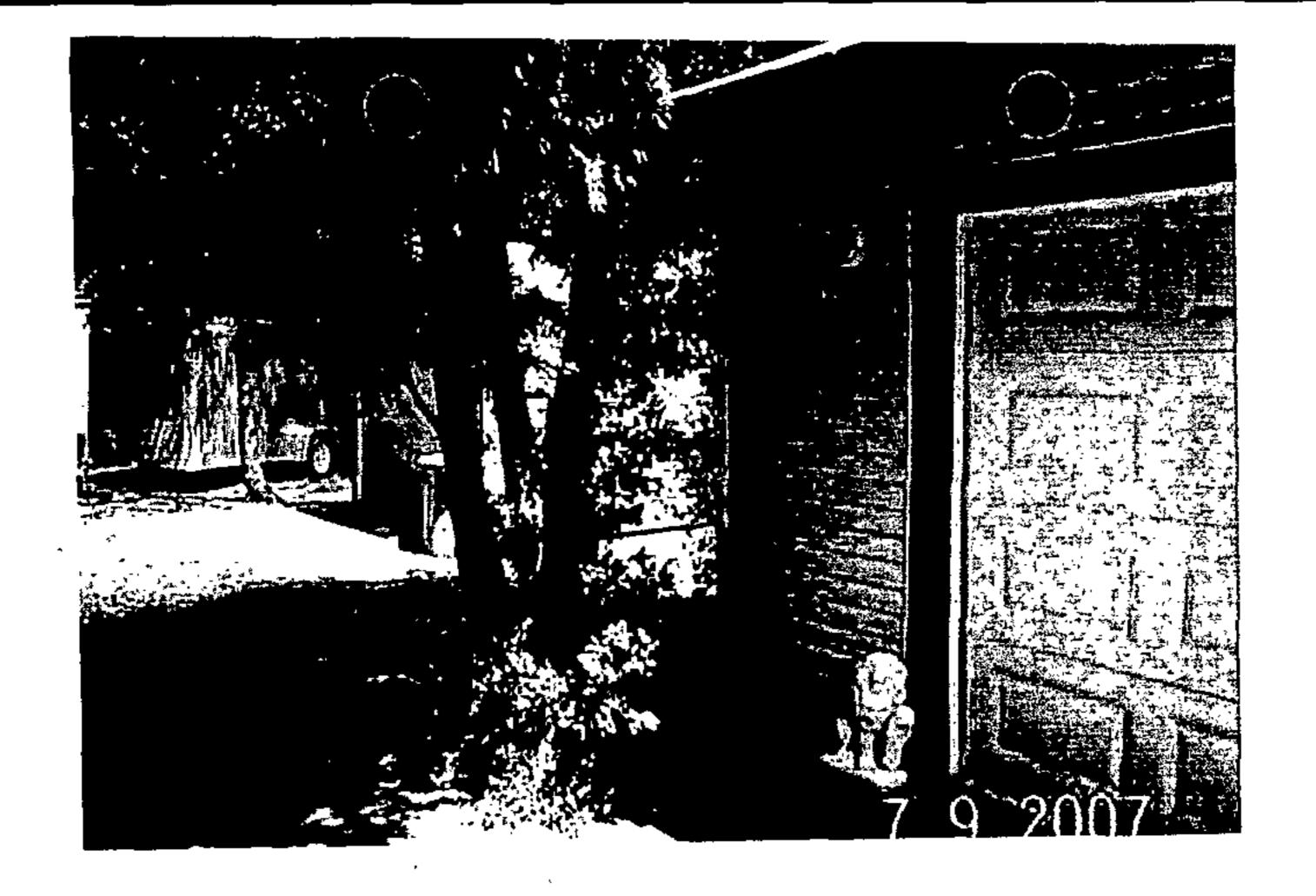
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JAMES T. SMITH, JR. County Executive

TINOCTOBENIAK (2007CO, 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: 08-124-A

3307 Walnut Avenue

S/side of Walnut Avenue at the distance of 638 ft. s/west of centerline of Hunting Tweed Drive 4th Election District – 2nd Councilmanic District

Legal Owners: Isaac & Ora Ben Or

Variance to permit an existing accessory structure (shed) to be located in the side yard in lieu of the required rear yard.

Hearing: Tuesday, November 6, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286 Mr. & Mrs. Ben Or, 3307 Walnut Avenue, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 22, 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.

UPDATE/MESSAGE FORM

Dale:
Time: 3:15
Inspector: Schoff
Case No: 07-8863
Address: 3307 Walnut Ave.
comments: Buners son in law David called
to inform that he has a zoning meeting
scheduled for 9/6/07 to complete
variance request. He will indate the
office. Change p/u to 9/13/07.
David's phone is 410-428-7333
(

7/10/07 - Case 07-8863 (40-428-7333)
A man named David called asking what he could do to keep structure where it is.

Per Gary, I advised him to call the zoning desk to apply for a variance.

David stated he will call when the application is in process. Grant extension to 8/9/07.

•			ce message	updat		•	date no
			If Yes is Exe	ecutive			
	•	Complainant Updated	• •	Updated voice message	Updated voice message updat		Updated voice message update ne

Case Entry/Update			Mode		CHANGE
Format : C	ASREC		File	. . :	PDLV0001
D D D D D D D D D D D D D D D D D D D	- 1	7.4.		Cooo	4. 070063
Dt Rec: <u>7062007</u> In					
Insp: STREET					
Address: <u>3307</u>	WALNUT AVE		.Apt #: .	Zip	: <u>21117</u>
Owner: ISAAC AND ORA	BEN-OR		·····		
Problem Descript.: I	LLEGAL PLACEMENT (F STORAGE	BUILDIN	G, ILLEG	ALLY RUNNING
LANDSCAPING BUSINESS				,	
MAP 16K9					
Complainant Name (La	st): ANONYMOUS	(First	:):		
Complainant Addr:		<u>.</u>			
Complainant City:	<u></u>	_State: _	_ Zip: _	·	
Complainant Phone (H): (W)	:			
Date of Reinspection	: 11202007 Date (Closed:	<u> </u>	Delete C	ode (P):
	-				
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F3=Exit	F5=Refresh	•	F6=Sel	ect form	at

F11=Change

F10=Entry

F9=Insert

Case Entry/Update

Format . . . : CASREC

ASREC

Mode . . CHANGE

ile . . . : PDLV0001

F3=Exit

F5=Refresh

fresh F6=Select format

F9=Insert

F10=Entry

F11=Change

