IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Hilltop Road, 1000 feet +/-

W of Bird River Road

15th Election District

6th Councilmanic District

(5716 Hilltop Road)

Vivia L. Pollack

Petitioner

BEFORE THE

DEPUTY ZONING

* COMMISSIONER

* FOR BALTIMORE COUNTY

* Case No. 08-343-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 owner of the subject property, Vivia L. Pollack for property located at 5716 Hilltop Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (proposed detached garage and storage) on the side yard of the existing single family dwelling in lieu of in the rear yard as required. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioner states that the rear yard slopes down to a valley as does the adjacent properties. The accessory structure, if located in the rear yard, could likely flood during periods of heavy rain. The septic system and septic reserve area also prevents placing the structure in the year yard. The property contains two acres zoned RC 3.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated March 6, 2008 which indicates that prior to permit approval, the location of the septic system must be shown on the site plan. The proposed garage must be at least 20 feet from the septic system.



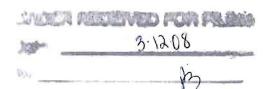
The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 22, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 March, 2008 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (proposed detached garage and storage) on the side yard of the existing single family dwelling in lieu of in the rear yard as required is hereby GRANTED, subject to the following:

- 1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Prior to permit approval, the location of the septic system must be shown on the site plan. The proposed garage must be at least 20 feet from the septic system



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

March 12, 2008

VIVIA L. POLLACK 5716 HILLTOP ROAD BALTIMORE MD 21220

Re: Petition for Administrative Variance

Case No. 08-343-A

Property: 5716 Hilltop Road

Dear Ms. Pollack:

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.

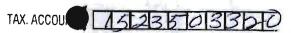
Very truly yours,

THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure



I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

Zoning Commissioner of Baltimore County



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 57/6 Hillop Rd Balto 21020 which is presently zoned RC3

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)

TO PERMIT AN ACCESSORY BUILDING (PROPOSED DETACHED GARAGE & STORAGE) ON THE SIDE YARD YARD OF THE EXISTING SINGLE FAMILY DWELLING IN LIEU OF ON THE REAR YARD AS REQUIRED

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.

			is the subject of this i	-endon.	
Contract Purchas	ser/Lessee:		Legal Owner(s):		
			Vivia L.	Pollack	,
Name - Type or Print			Name - Type or Print	Made	
Signature		_	Signature	our u	
Address		Telephone No.	Name - Type or Print		
City	State	Zip Code	Signature		-1
Attorney For Peti	itioner:		5716 HIL	Hop Kd.	4/0-335-6038
			Address Praffim	re MD	Telephone No.
Name - Type or Print			City	State	e Zip Code
1506			Representative t	o be Contacte	<u>d:</u>
Signature			Vivia L	. Pollar	k
Company			Name 5716 Hill+	op Rol	411 335-6038
Address		Telephone No.	Address Dalto	MD	Telephone No.
City	State	Zip Code	City	State	e Zip Code
this day of	g been formally demand th County and that the prope	at the subject matter of	required, it is ordered by this petition be set for a public	he Zoning Commission; hearing, advertised,	oner of Baltimore County, as required by the zoning

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.

That the Affiant(s) does/do presently residual	de at 3116 friffy) Ka	
	Baltimire City	MD	21290 Zip Code
That based upon personal knowledge, the Variance at the above address (indicate h	ne following are the facts upor pardship or practical difficulty):	which I/we base the r	
The storage building	will be more a	accessable	at this loca-
tion, grounds are l	evel and drain	ns well. It	will take
considerable exeave	ution and cas	t to put b	ehind house,
the grounds slope ent properties to	to a valley b	iehind, as a	loes all adjenc
ent properties to	same, This	Causes a	hardship,
Making it likely to			
site, behind house			J
That the Affiant(s) acknowledge(s) that advertising fee and may be required to pr	if a formal demand is filed, ovide additional information.	Affiant(s) will be requ	ired to pay a reposting and
Vivia L Pollach		•	
Viva L. Pollack	Signati	ıre	
Name - Type or Print	Name	- Type or Print	7.77
V			
STATE OF MARYLAND, COUNTY OF E		2008	
I HEREBY CERTIFY, this day of of Maryland, in and for the County afores:	aid, personally appeared	_, $ otin o$, 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	Notary Public	L. Salamon	Y
	My Commissi	on Expires 8///6	20/0
REV 10/25/01			

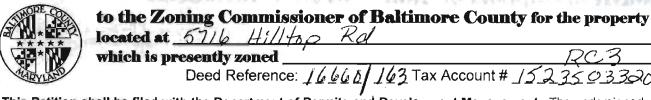
Affidavit in Support of Administrative Variance

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.

5716 Hillton Rd.

That the Affiant(s) does/do presently reside at	57/6 Hill-top	Ra	
	Palimore City	State	21298 Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ving are the facts upon who or practical difficulty):	nich I/we base the re	quest for an Administrative
The storage building	g will be r	nore acce	6sable at
this location, ground	ds are mos	it level as	nd drains
well. It will take	considerab	le excava	ation and
cost to put behind	d house, +	he groun	ds slope
to a valley behind his properties to same Making it likely to-	ouse, as doe	se all ad	jendent
properties to same	, This cau	ses a ha	rdshipe.
Making it likely to-	flood a Stor	rage build	ling athis st
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide ac	mai ucmanu is meu, Ani	ant(s) will be require	ed to pay a reposting and
Ywa Trollach			
Signature	Signature		Post off of
Name - Type or Print To Mack		Name - Type or Print	
CTATE OF MADVIAND COUNTY OF DALTIM	ODE to with		
I HEREBY CERTIFY, this gray day of Jan		\mathscr{DS} , before me, a !	Notary Public of the State
of Maryland, in and for the County aforesaid, pers	,		·
Mary Salamony the Affiant(s) herein, personally known or satisfact	ctorily identified to me as s	such Affiant(s).	
AS WITNESS my hand and Notarial Seal	Notary Public	Salamony	<u>/</u>
DEL 7.04/07	My Commission E	Expires <u>8///</u>	2010

Petition for Administrative Variance



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)

To Permit AN Accessory building (BCZR 18400, proposed detached Gargage & storage) on the side yard yard of the Existing Single Family Dwelling in Lieux of on the sear yard as $\label{eq:control} \ \, \text{ for the zoning regulations of Baltimore County, to the zoning law of Baltimore County.}$

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Administrative 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 aftirm, 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/Lesse	<u>e:</u>	<u>Legal Owner(s):</u>
		Vivia L. Pollack
Name - Type or Print		Name - Type or Frint
Signature		Signartife
Address	Telephone I	No. Name - Type or Print
City	State Zip Co	ode Signature
Attorney For Petitioner:		57/6 4/1/40p PCol 410 335-6038 Address Telephone No.
		Baltimore Maryland 21220
Name - Type or Print		Representative to be Contacted:
Signature		Vivia L. Pollack
Company		Name 5116 Hillop Rd. 410-335-6038
Address	Telephone N	o. Address Telephone No. 21220
City	State Zip Co	ode City State Zip Code
A Public Hearing having been formal this day of gregulations of Baltimore County and that	that the subject r	to be required, it is ordered by the Zoning Commissioner of Baltimore County, natter of this petition be set for a public hearing, advertised, as required by the zoning
		Zoning Commissioner of Baltimore County
Case No. <u>08-3</u> +	3-A	Reviewed By Mark 2-1-08
REV 7/20/07	Estim	ated Posting Date 2 10
	1208 m	

20NING DESCRIPTION 5716 HILLTOP ROAD

THAT PROPERTY BEING LOCATED ON THE NE SIDE of HILLTOP ROAD, 3 oft. WIDE, 1000 ft - WEST OF BIRD RIVER ROAD. CONTAINING

ED: 15TH

Fund Ag						n .	11 1	
and the second second second	And the second	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Z. / · OP	2/11/2008 2/01/2008 07:20:30 NEW #802 NATE FEWA JEE >>RECIPIT # 560758 2/01/2008 0FI Bept 5 528 ZOHUNG VERIFICATION ON WO 009777
281 20			6150				65.	Recot Tot \$65.00 \$65.00 CK \$.00 CA Baltimore County, Maryland
Rec from:	v . 1	POLL	-AL	K	Total:		65	400
or:	08-	34	3 - A		31			CASHIER'S VALIDATION



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 08-343-A PETITIONER/DEVELOPER;

Vivia Pollalk

DATE OF CLOSING: 3/10/08

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION:

5716 Hilltop Road

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD SUITE 100 320EAST TOWSONTOWN BLVD TOWSON, MARYLAND 21286 410-823-4470 PHONE 410-823-4473 FAX

POSTED ON: 2/22/08



ZONING NOTICE

VARIANCE

CASE #: 08-343-A

A Variance To permit: a shed to be located in the side yard in lieu of the required rear yard.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE.

AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE

4:30 p.m. ON March 10, 2008

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE. TEL. 410-887-3391 TOWSON, MD. 21204

DO NOT REMOVE THIS SIGN AND POST UNTIL ABOVE DATE, UNDER PENALTY OF LAW
HEARINGS ARE HAN APPED ACCESSIBLE









BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08-343 -A Address 57/6 HILLTOP Red.
Contact Person: Diagnet Please Print Your Name Phone Number: 410-887-3391
Contact Person: J. Mepher. Please Print Your Narge Filling Date: 2/108 Posting Date: 2/10 Closing Date: 2/25
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 08-343 -A Address 5716 Hillop Kd.
Petitioner's Name <u>VIVIA POLLACK</u> Telephone 410-335-603
Posting Date: 2/10 Closing Date: 2/25
Wording for Sign: To Permit A SHED TO: BE COCATED IN
The Side YARD IN LIEU OF THE KEQUIRED
KEAR YARA
WCR - Revised 6/25/04

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 Adve	tising:		•		
		343			
Item Number or Case I	Number:				
Petitioner:	800	to ritte	sett.	VIVIA	PollA
Address or Location:	5716	Hilmo Rid.	BALTO.	md. 2	1220
PLEASE FORWARD.	DVERTISING	BILL TO:			
Name:	· 				
Address:		(10.00	<u> </u>		
					<u> </u>
					·
Telephone Number: _	·	410-335-	6038		



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 25, 2008

Vivia L. Pollack 5716 Hilltop Road Baltimore, MD 21220

Dear Ms. Pollack:

RE: Case Number: 08-343-A, 5716 Hilltop Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 1, 2008. 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 Rich

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

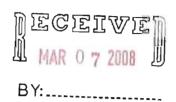
Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence





TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

March 6, 2008

SUBJECT:

Zoning Item # 08-343-A

Address

5716 Hilltop Road

(Pollack Property)

Zoning Advisory Committee Meeting of February 11, 2008

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Prior to permit approval, the location of the septic system must be shown on the plan. The proposed garage must be at least 20 feet from the septic system. – S. Farinetti; Ground Water Management

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

SUBJECT:

Zoning Advisory Petition(s): Case(s) 08-343- Administrative Variance

DATE: February 19, 2008

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

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: February 14, 2008

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dav-Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 18, 2008

Item Nos. 08-343, 344, 345, 346, 347, 350, 351, 352, 353, and 354

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-02142008.doc



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

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

Maryland Department of Transportation

Date: FEB. 11, 2008

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

RE: **Baltimore County**

Item No. 8-343 - A

5716 HILLTOP ROAD POLLACK PROPERTY ADMINISTRATIVE VAIZIANCE -

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. 8-343-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).

Steven D. Foster, Chief Engineering Access Permits

SDF/MB



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

County Office Building, Room 111, 2007 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 February 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 11, 2008

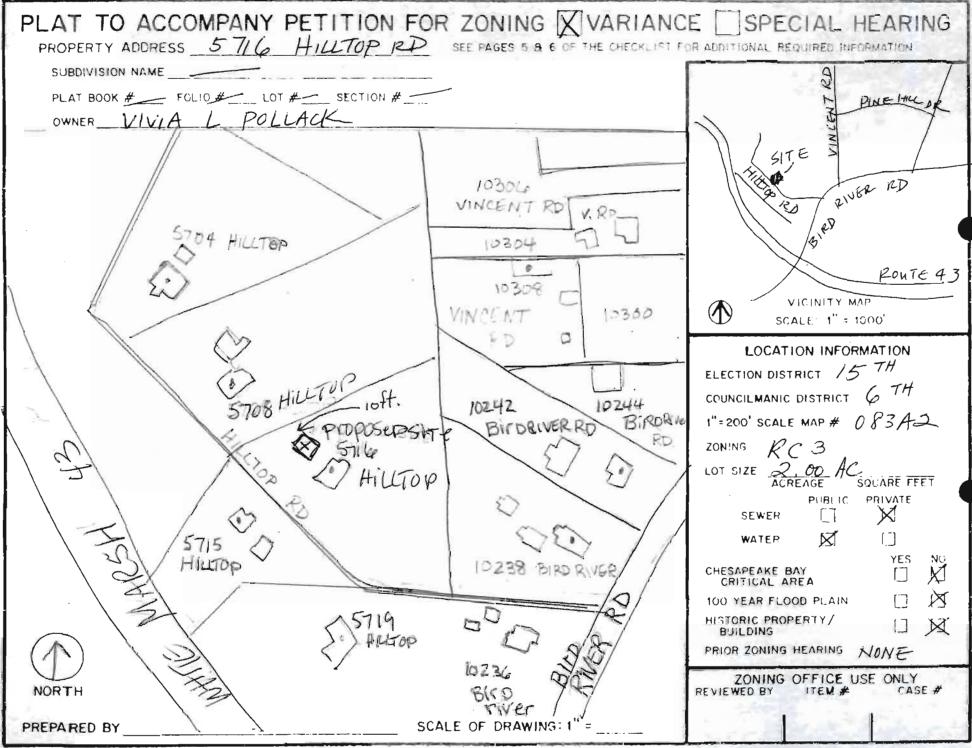
Item Number: 342,343)344,345,346,347,350,351,353,354

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4880 (C)443-829-2946 MS-1102F

cc: File





Sorry! When printing directly from the browser your map may be incorrectly cropped. To print the entire map, try clicking the "**Printer-Friendly**" link at the top of your results page.



★ 5716 Hilltop Rd

Baltimore, MD 21220-1520, US



Sorry! When printing directly from the browser your map may be incorrectly cropped. To print the entire map, try clicking the "**Printer-Friendly**" link at the top of your results page.



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