

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Delight Meadows Road, 974 feet
E of c/l of Bryan Way
4th Election District
4th Councilmanic District
(336 Delight Meadows Road)

David Yusupov and Elvira Rosson
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-492-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, David Yusupov and Elvira Rosson for property located at 336 Delight Meadows Road. The variance request is from Section 1A04.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 15 feet for an addition in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct a new garage attached to the existing home with a second floor addition that would expand the master bedroom area. The addition will be consistent with the design of the existing home and measure 35 feet x 30 feet in size. The subject property contains 3.34 acres.

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 April 27, 2008 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

ORDER RESERVED FOR FILE

5.20.08

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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 Petitioners.

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 20th day of May, 2008 that a variance from Section 1A04.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 15 feet for an addition in lieu of the required 50 feet is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

COPIES RECEIVED FOR FILE

5.20.08





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 20, 2008

DAVID YUSUPOV AND ELVIRA ROSSON
336 DELIGHT MEADOWS ROAD
REISTERSTOWN MD 21136

Re: Petition for Administrative Variance
Case No. 08-492-A
Property: 336 Delight Meadows Road

Dear Ms. Rosson and Mr. Yusupov:

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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 336 Delight Meadows Rd
which is presently zoned RC5

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) 1.004.2.b; BCZR to permit.

A side yard setback of 15 ft. for an addition in lieu of the required 50 ft.

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.

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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2008-0492-A

Reviewed By [Signature] Date 4-18-08

REV 10/25/01

Estimated Posting Date 4-27-08

NOT RECEIVED FOR FILING

5-20-08

P3

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 reside at

336 Delight Meadows Rd
Address
Beltsford MD 21136
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Due to the limited space in our existing garage, we are seeking to construct a new garage attached to our existing home with a second floor addition that would expand our Master Bedroom area. The layout of our lot is unique and makes the placement of this addition limited as to where it would be best suited to the neighborhood. We would construct the garage attached to our home in a manner that would be consistent with the design of our home and appealing to the neighborhood.

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.

David Yusupov
Signature

Elvira Rosson
Signature

DAVID YUSUPOV
Name - Type or Print

ELVIRA ROSSON
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of April, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

David Yusupov and Elvira Rosson

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

AS WITNESS my hand and Notarial Seal

A. E. West
Notary Public

My Commission Expires March 1, 2010

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 reside at

336 Delight Meadows Rd
Address
Berterstown MD 21134
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Due to the limited space in our existing garage, we are seeking to construct a new garage attached to our existing home with a second floor addition that would expand our Master Bedroom area. The layout of our lot is unique and makes the placement of this addition limited as to where it would be best suited to the neighborhood. We would construct the garage attached to our home in a manner that would be consistent with the design of our home and appealing to the neighborhood.

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.

David Yusupov

Signature

Elvira Rossen

Signature

DAVID YUSUPOV

Name - Type or Print

ELVIRA ROSSEN

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of April, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

David Yusupov and Elvira Rossen

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

AS WITNESS my hand and Notarial Seal

A. E. West

Notary Public

My Commission Expires March 1, 2010

TAX ACCOUNT # 200007552

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 336 Delight Meadows Rd
which is presently zoned BC5

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) 1A04.2.b; BC5R to permit.

A sideyard setback of 15 ft. for an addition in lieu of the required 50 ft.

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.

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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 4 day of June, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2008-0492-A

Reviewed By [Signature]

Date 4-18-08

REV 10/25/01

Estimated Posting Date 4-27-08

5-20-08

ps

ZONING DESCRIPTION FOR 336 DELIGHT MEADOWS ROAD

Beginning at a point on the South Side of Delight Meadows Road which is 60' wide at the distance of 974' East of the centerline of the nearest improved intersecting street Bryan Way which is 40' wide. Being Lot # 21 Block 17, Section # 3 in the subdivision of Delight Meadows as recorded in the Baltimore County Plat Book # 63, Folio # 40, Containing 3.34 acres. Also known as 336 Delight Meadows Road and located in the 4th Election District. 4th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **14031**

Date: **4-15-09**

PAID RECEIPT

SYSTEMS ACTUAL TIME WGM
 4/10/2009 4/10/2009 09:11:14 12
 005 WASH DCAL DVD
 RECEIPT # 001147 4/18/2000 182H
 5 529 ZINING VERIFICATION
 014031
 Recpt tot \$65.00
 \$65.00 CR \$1.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			65.00				65.00

Total: **65.00**

Rec From: **D. Yusupov**
 For: **2009-0492-A**

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-0492-A

Petitioner/Developer: DAVID

YUSUPOV

Date of Hearing/Closing: 5-12-08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews ((410) 887-3394)

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:

336 DELIGHT MEADOWS RD

The sign(s) were posted on

4-27-08

(Month, Day, Year)

Sincerely,

Robert Black 4-28-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 08- 0492 -AAddress 336 DELIGHT MEADOWS Rd

Contact Person: _____

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 4-18-08Posting Date: 4/27Closing Date: 5/12

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. **DEADLINE:** 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.
3. **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 FORMATCase Number 08- 0492 -AAddress 336 DELIGHT MEADOWS RdPetitioner's Name DAVID YUSUPOV

Telephone _____

Posting Date: 4/27/08Closing Date: 5/12/08

Wording for Sign: To Permit A SIDEYARD SETBACK of 15ft.
for an ADDITIONAL IN LIEU of THE REQUIRED
50ft.

WCR - Revised 6/25/04

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 0492
Petitioner: DAVID YUSUPOV
Address or Location: 336 DELIGHT MEADOWS Rd. REISTERSTOWN, MD.
21136

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Address: SALE

Telephone Number: 410-977-3400

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

May 12, 2008

David Yusupov & Elvira Rosson
336 Delight Meadows Rd.
Reisterstown, MD 21136

Dear David Yusupov & Elvira Rosson:

RE: Case Number: 2008-0492-A, Address: 336 Delight Meadows Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 12, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: May 2, 2008

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED
MAY 05 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-492- 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 Dave Green in the Office of Planning at 410-887-3480.

Prepared By:

Candis Murray

Division Chief
CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: May 1, 2008

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For May 5, 2008
Item Nos. 08-489, 490, 491, 492, 493,
494, 495, 496, 497, 498, 499, 500, 501,
502, and 503.

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN:lrk

cc: File

ZAC-5012008-NO COMMENTS



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

State Highway
Administration

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

Maryland Department of Transportation

Date: April 30, 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. 8-492-A
336 DELIGHT MEADOWS ROAD
YUSUPOV & ROSSON 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. 8-492-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,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

DELIGHT MEADOWS RD

2200007550

332

2200007555

2200007554

338

2200007551

334

DELIGHT MEADOWS ADDITION (SECTION 3, PLAT 2) (PDM File/Project #)

2200007553

336

NW 12-J

057C3

RC 5

Flood Zone X

4 CD

4 ED

Pt. Bk. 71 Folio 132 2300006413

BETH TFILOH AT OWINGS MILLS (PDM File/Project #)

2200007552
Pt. Bk. 63 Folio 40

2000010407
Pt. Bk. 55 Folio 28

Pt. Bk. 77 Folio 111

2400009474

EASTER COURT PROPERTY (PDM File/Project # 4-285)

2000010408

Gwynns Falls Hydrology 100 Foot Stream Buffer



RC 5
057C3
4 ED

RC 2

NW 12-J
4 CD

Pt. Bk. 71 Folio 132 2300006413
BETH TFILOH AT OWINGS MILLS (PDM File/Project #)

Flood Zone X

EASTER COURT PROPERTY (PDM File/Project # 4-285)
2400009474

2400009478

Pt. Bk. 77 Folio 111

Flood Zone A

DR 1

ML IM

DR 1

ML IM

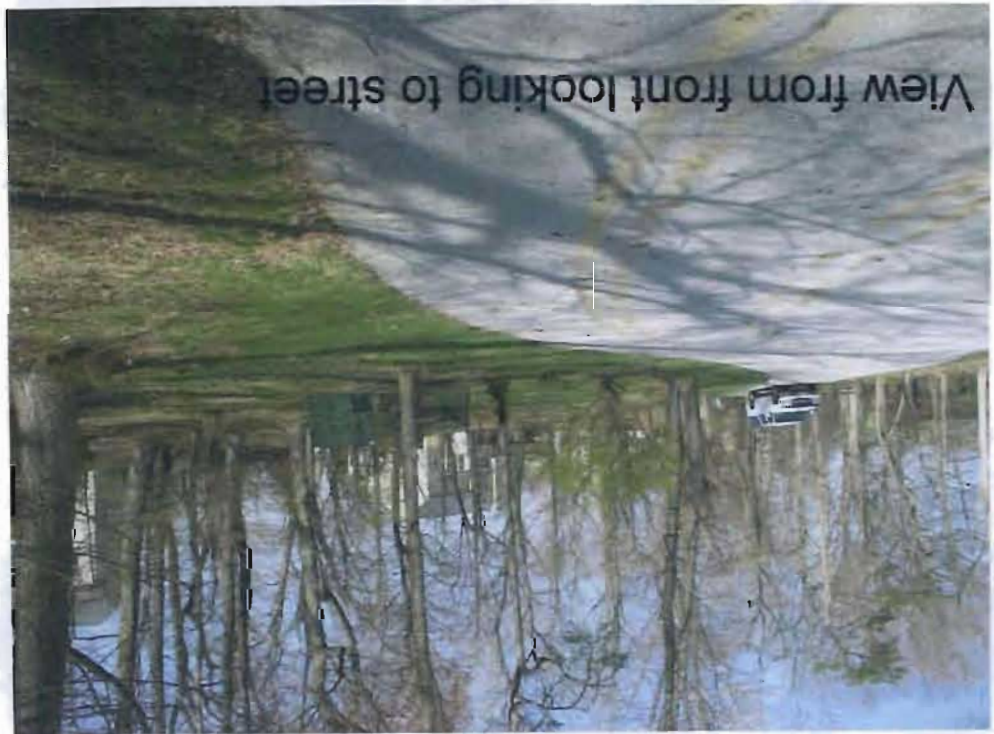




Left side of proposed garage



Right side of proposed garage



View from front looking to street



View to neighbor looking right



