

IN RE: PETITION FOR ADMIN. VARIANCE
S side of Gunpowder Road; 150 feet W of
c/l of Greenbank Road
15th Election District
6th Councilmanic District
(7417 Gunpowder Road)

Scott and Darlene Lefkowitz
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2008-0573-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, Scott and Darlene Lefkowitz for property located at 7417 Gunpowder Road in the Oliver Beach area of the County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the required 10 feet for a proposed garage addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct an attached single car garage measuring 49 feet deep by 11 feet wide onto the right side of their home.

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Department of Environmental Protection and Resource Management dated June 27, 2008, which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The site is in a Limited Development Area of the Chesapeake Bay Critical Area and must comply with 25% lot coverage requirements. 15% afforestation must also be addressed which equates to three trees.

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

In considering a request for variance, I must do so in accordance with the mandate of *Cromwell v. Ward*, 102 Md.App. 691 (1995) and Section 307 of the B.C.Z.R. The Court of Special Appeals of Maryland interpreted the regulation to require that a two-prong test be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. Secondly, upon the determination that the property is unique, then it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and be unnecessarily burdensome. In my judgment, there was no evidence of unusual conditions or characteristics that are unique to this lot. In short, there is no evidence to suggest that this property meets the uniqueness requirement. As such, having determined that no uniqueness exists as to the Petitioners' property, I must therefore deny the variance requested by the Petitioners. The lots in the neighborhood are approximately 50 feet wide x 120 feet deep. I empathize with the Petitioners' desire to construct a garage; however, the property is too narrow to support a garage and not be detrimental to the adjacent property at 7415 Gunpowder Road. The configuration of the subject property and the orientation of the dwelling does not lend itself to the construction of a garage as proposed on the site plan and, therefore, the request is not within the spirit and intent of the zoning regulations. Thus, I am persuaded in this case to deny the variance.

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 denied.

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THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 24th day of July, 2008 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the required 10 feet for a proposed garage addition is hereby DENIED.

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

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 24, 2008

SCOTT AND DARLENE LEFKOWITZ
7417 GUNPOWDER ROAD
BALTIMORE MD 21220

Re: Petition for Administrative Variance
Case No. 2008-0573-A
Property: 7417 Gunpowder Road

Dear Mr. and Mrs. Lefkowitz

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,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Gunpowder Road; 150 feet W of
c/l of Greenbank Road
15th Election District
6th Councilmanic District
(7417 Gunpowder Road)

Scott and Darlene Lefkowitz
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2008-0573-A**

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner for consideration of a request for Reconsideration filed by Petitioner Scott Lefkowitz. The request for Reconsideration was filed pursuant to Rule 4(k) of Appendix G of the Baltimore County Zoning Regulations ("BCZR") wherein the Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer for Baltimore County are provided. Rule 4(k) permits a party to file a Motion for Reconsideration of an Order issued by the Zoning Commissioner. This Motion must be filed within 30 days of the date the Order was issued, and must state with specificity the grounds and reasons for their request.

In the instant matter, Petitioner filed a Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of three feet in lieu of the required 10 feet for a proposed garage addition along the west side of the dwelling. According to the information contained in the Petition and site plan, the property measures approximately 50 feet wide by 200 feet deep and is improved with an existing dwelling. Petitioner proposed a garage addition measuring 11 feet wide by 49 feet deep that would run the entire length of the west side of the dwelling. The site plan also shows the property to be rectangular-shaped consisting of approximately 10,000 square feet, zoned

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D.R.5.5. In an Order dated July 24, 2008, the undersigned denied the instant Petition, finding the size and shape of the variance request to be excessive and potentially out of character with the neighborhood, with particular impact to the adjacent property on the west side of the subject property, and hence, not within the spirit and intent of the Zoning Regulations.

Thereafter, in a letter dated August 20, 2008, Petitioner filed the instant request for Reconsideration. Petitioner indicated that in lieu of the previously requested garage addition, he asked that I reconsider my decision based on his proposal to have a carport erected at the location instead of an enclosed garage. In making the request for reconsideration for a carport, the proposed side yard setback is still three feet, however, the setback requirement changes from 10 feet to 7.5 feet. Petitioner also indicated that the adjacent neighbor, Ms. Mary Mayles at 7415 Gunpowder Road, had been consulted and indicated that she had no objection to a carport on the subject property. A copy of a letter from Ms. Mayles confirming her position was submitted with the request for Reconsideration. According to Petitioner, the proposed carport will be an open projection structure and will keep vehicles under cover away from sun and inclement weather exposure.

In considering the request for Reconsideration, the undersigned reviewed the file and the Findings of Fact and Conclusions of Law dated July 24, 2008. The undersigned also reviewed Petitioner's August 20, 2008 letter and the letter submitted by Petitioner's neighbor, Ms. Mayles. After careful review of the aforementioned documents, I am persuaded to grant Petitioner's request for Reconsideration. In my judgment, the proposed carport, which will essentially occupy the same footprint as the previously proposed garage, will nonetheless provide a less invasive alternative to a fully enclosed garage, which would have impacted the adjacent property more significantly. The required setback relief is also less for a carport (7.5 feet versus 10 feet)

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and hence the requested setback of three feet is also proportionately less than before. Finally, I take into account the letter from the most affected neighbor, Ms. Mayles, who indicated that she had no objection to a carport at the subject location.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of September, 2008 that the aforementioned request for Reconsideration be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioner is hereby permitted to construct an open project carport in the same area and not to exceed the same measurements as shown on the original site plan for the proposed garage. The carport shall have a similar look as the single-family dwelling and shall be constructed of similar materials in order to be in keeping with the character and aesthetics of the dwelling and the neighborhood.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 5, 2008

Scott and Darlene Lefkowitz
7417 Gunpowder Road
Baltimore, Maryland 21220

RE: Order on Motion for Reconsideration – Petition for Administrative Variance
S side of Gunpowder Road; 150 feet W of c/line of Greenbank Road
15th Election District – 6th Councilmanic District
(7417 Gunpowder Road)
Scott and Darlene Lefkowitz – Petitioners
Case No. 2008-0573-A

Dear Mr. and Mrs. Lefkowitz:

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,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:dlw
Enclosure

c: Mary P. Mayles, 7415 Gunpowder Road, Baltimore, MD 21220
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; DEPRM; File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7417 Gunpowder Rd
which is presently zoned DB-5-B

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)

1B02.3.C.1 to permit a side yard setback of 3 ft. in lieu of the required 10 ft. for a proposed garage addition.

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. 2008-0573-A

REV 10/25/01

Reviewed By AK Date 6/12/08

Estimated Posting Date 6/22/08

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

7417 Gunpowder Road
Address
Baltimore MD 21220
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):

We would like to construct a new attached garage to our existing home. Due to the unique size of our lot we are unable to do this without permission to encroach within the existing setback requirements. The garage would allow us much needed storage space as well as to keep our cars out of the elements from the exposure of weather. This would not be detrimental to the neighborhood and would flow with existing community appeal.

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.

Scott Lefkowitz
Signature

SCOTT LEFKOWITZ
Name - Type or Print

Darlene Lefkowitz
Signature

Darlene Lefkowitz
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of May, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Karen J. Kuhn
Notary Public

My Commission Expires

Karen J. Kuhn
NOTARY PUBLIC
Baltimore County, Maryland
My Commission Expires 12/1/08



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7417 Gunpowder Rd
which is presently zoned DR.5.5

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)

1B02.3.C.1 to permit a
side yard setback of 3 ft. in lieu of the required 10 ft.
for a proposed garage addition.

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.

Karen J. Kuhn
NOTARY PUBLIC
Baltimore County, Maryland
My Commission Expires 12/1/08

Zoning Commissioner of Baltimore County

CASE NO. 2608-0573-A

Reviewed By SN Date 6/12/08

REV 10/25/01

Estimated Posting Date 6/22/08

7.24.08

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

7417 Gunpowder ROAD
Address
Baltimore MD 21220
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):

We would like to construct a new attached garage to our existing home. Due to the unique size of our lot we are unable to do this without permission to encroach within the existing setback requirements. The garage would allow us much needed storage space as well as to keep our cars out of the elements from the exposure of weather. This would not be detrimental to the neighborhood and would flow with existing community appeal.

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.

Scott Lefkowitz
Signature

Scott Lefkowitz
Name - Type or Print

Darlene Lefkowitz
Signature

Darlene Lefkowitz
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of May, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Karen J. Kuhn

Notary Public

My Commission Expires

Karen J. Kuhn
NOTARY PUBLIC
Baltimore County, Maryland
My Commission Expires 12/1/08

ZONING DESCRIPTION FOR 7417 GUNPOWDER ROAD

Beginning at a point on the South Side of Gunpowder Road which is 40' wide at the distance of 150' West of the centerline of the nearest improved intersecting street Greenbank Road which is 50' wide. Being Lot# 143 Block 2 Section # A in the Subdivision Oliver Beach as recorded in the Baltimore County Plat Book 12, Folio 56 containing 10,000 SF . Also known as 7417 Gunpowder Road Baltimore, MD 21220. and located in the 15th Election District 6th Councilmanic District.

CERTIFICATE OF POSTING

RE: Case No.: 08-0573-A

Petitioner/Developer: SCOTT +

DARLENE LEFKOWITZ

Date of Hearing/Closing: 7-7-08

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:

7417 GUNPOWDER RD

The sign(s) were posted on

6-22-08

(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

6-24-08
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

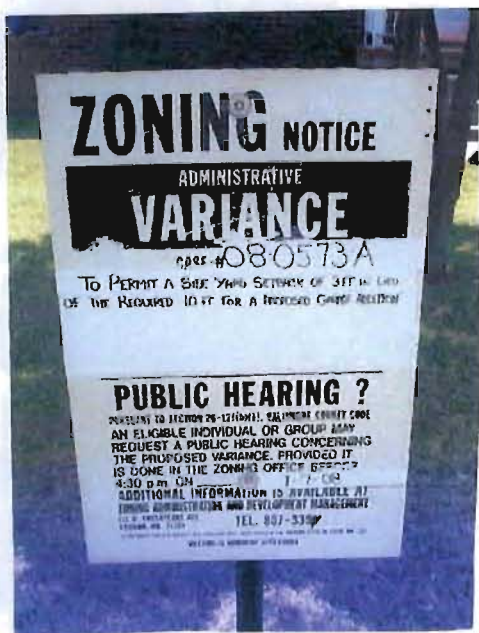
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 08- 6573 -AAddress 7417 Gunpowder Rd.Contact Person: Bruce Rudaitis
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 6/12/08Posting Date: 6/22/08Closing Date: 7/7/08

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- 6573 -A Address 7417 Gunpowder Rd.Petitioner's Name Scott & Darlene Lefkowitz Telephone _____Posting Date: 6/22/08 Closing Date: 7/7/08Wording for Sign To Permit a side yard setback of 3 ft. in lieu of
the required 10 ft. for a proposed garage addition.

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: 2008 - 0573 - A

Petitioner: SCOH & DARLENE LEFKOWITZ

Address or Location: 7417 GUNPOWDER RD Baltimore, MD 21220.

PLEASE FORWARD ADVERTISING BILL TO:

Name: SCOH LEFKOWITZ

Address: 7417 GUNPOWDER RD
BALTIMORE, MD 21220.

Telephone Number: 410-335-4492.



JAMES T. SMITH, JR.
County Executive

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

July 7, 2008

Scott & Darlene Lefkowitz
7417 Gunpowder Rd.
Baltimore, MD 21220

Dear: Scott & Darlene Lefkowitz

RE: Case Number 2008-0573-A, Address: 7417 Gunpowder Rd.

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

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 25, 2008

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

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JUN 27 2008

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-573- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:
CM/LL

Carol Murray

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence**

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *DL*

DATE: June 27, 2008

SUBJECT: Zoning Item # 08-573-A
Address 7417 Gunpowder Road
(Lefkowitz Property)

RECEIVED
JUN 27 2008

BY:

Zoning Advisory Committee Meeting of June 23, 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:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The site is in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area and must comply with 25% lot coverage requirements. 15% afforestation must also be addressed; this equates to three trees.

Reviewer: Regina Esslinger

Date: June 27, 2008



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

July 3, 2008, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 23, 2008

Item Number: 0572, 0573, 0574, 0576, 0577, 0578, 0579, 0580

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.

1The Fire Marshal's Office has no comments at this time.

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 26, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 30, 2008
Item Nos. 08-0572, 0573, 0574, 0576,
0577, 0578, and 0579

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

DAK:CEN:lrk

cc: File

ZAC-06262008-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: 6-23-2008

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

RE: Baltimore County
Item No 2008-0573-A
7417 GUNPOWDER RD
LEFKOWITZ PROPERTY
ADMIN. 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. 2008-0573-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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



Dear Thomas H Bostwick,

I have no problem with Scott and
Darlene Lefkowitz building a carport
on their property

Thank you,

Mary P. Mayher
7415 Gunpowder Rd
410 335-5376

August 20, 2008

Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County

Re: Petition for Administrative Variance
Case No: 2008-0573-A
Property: 7417 Gunpowder Road

Dear Mr. Thomas Bostwick,

We would like for you to please reconsider your decision for the variance that we had previously requested to have a garage built on the right side of our house, to have a carport built instead. Our neighbor Mary Mayler at 7415 Gunpowder Road has stated that she does not have a problem with us building the carport, and we have attached the written letter from her.

Thank You,

Scott Lefkowitz Darlene Lefkowitz
Scott and Darlene Lefkowitz

Lefkowitz Construction
7417 Gunpowder Road
Baltimore, MD. 21220
(410)335-4492
(443)286-5731 Cell #

Date: 8-20-08 Time: _____
To: Tom Bestwick
Company: Balto. Cty. Zoning
Fax: (410)887-3468

Number of Pages (including cover sheet): 3

Sender: Scott Lefkowitz Sr.

Remarks/Comments

See attached!

Please contact my office if the number of pages stated above were not saved. Thank You!

adjacent property

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

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Account Identifier: District - 15 Account Number - 1506450510

Owner Information

Owner Name: COTTRELL ROSCOE
 COTTRELL DOROTHY MAE
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 7419 GUNPOWDER RD
 BALTIMORE MD 21220-1123
Deed Reference: 1) / 5427/ 723
 2)

Location & Structure Information

Premises Address
 7419 GUNPOWDER RD
Legal Description
 450 E SUSQUEHANNA AVE
 OLIVER BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
84	2	40			A		144	3	Plat Ref: 9/ 97

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1939	926 SF	10,000.00 SF	04

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	41,500	74,500		
Improvements:	48,220	59,190		
Total:	89,720	133,690	119,032	133,690
Preferential Land:	0	0	0	0

Transfer Information

Seller: FOSTER HARRY S	Date: 02/22/1974	Price: \$10,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 5427/ 723	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

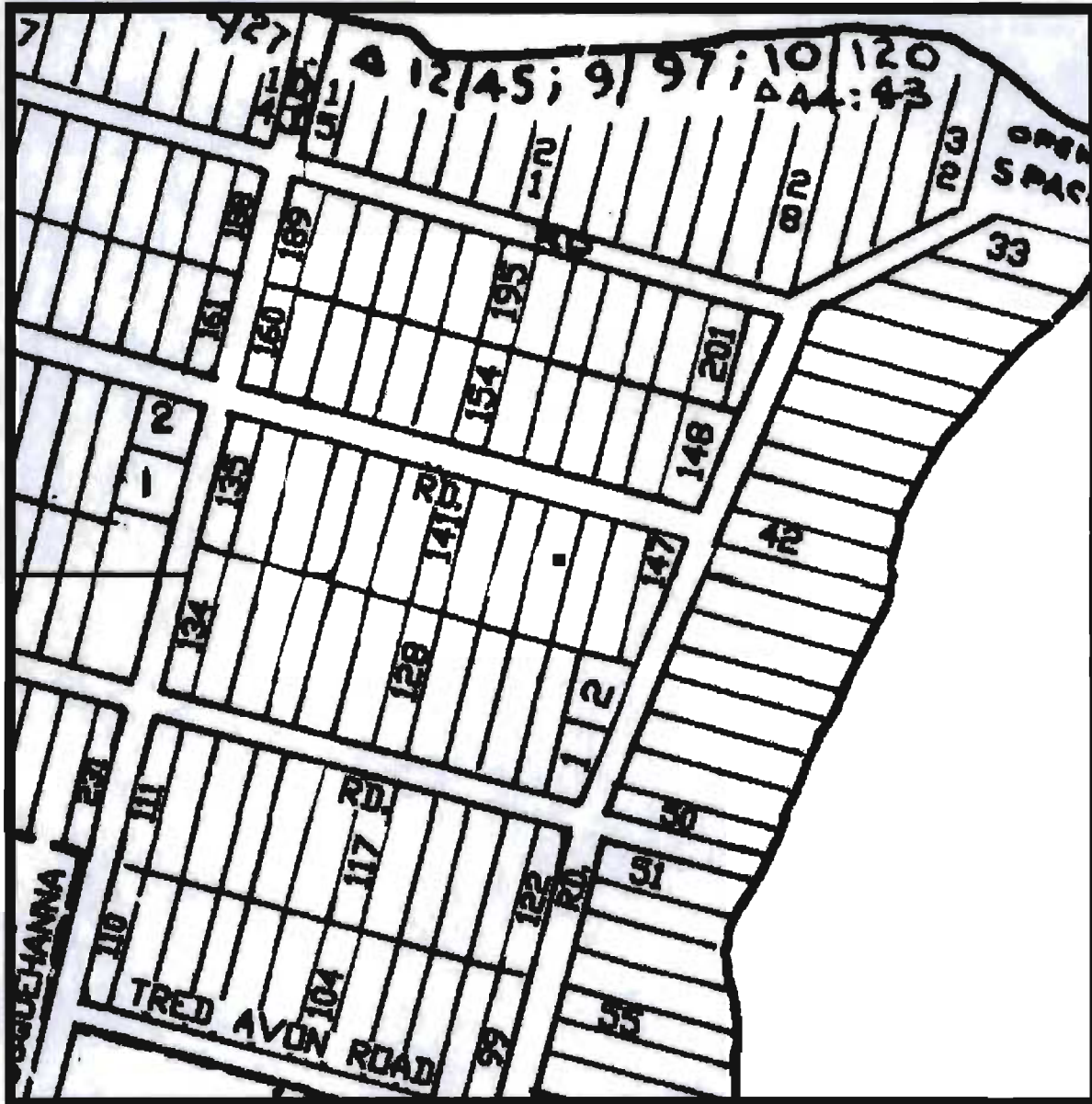
Special Tax Recapture:
 HOMEOWNERS TAX CREDIT



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

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District - 15 Account Number - 1506450510



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 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at
www.mdp.state.md.us/tax_mos.htm

Subject property



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 v03.1)

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Account Identifier: District - 15 Account Number - 1502007690

Owner Information

Owner Name: LEFKOWITZ SCOTT A,SR
 LEFKOWITZ DARLENE L
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 7417 GUNPOWDER RD
 BALTIMORE MD 21220-1123
Deed Reference: 1) /21850/ 472
 2)

Location & Structure Information

Premises Address
 7417 GUNPOWDER RD
Legal Description
 7417 GUNPOWDER RD
 OLIVER BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
84	2	40			A		143	3	Plat Ref: 12/ 56

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1982	1,520 SF	10,000.00 SF	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	41,500	74,500		
Improvements:	115,120	189,450		
Total:	156,620	263,950	228,172	263,950
Preferential Land:	0	0	0	0

Transfer Information

Seller: POLLOM ROBERT A	Date: 05/11/2005	Price: \$279,900
Type: IMPROVED ARMS-LENGTH	Deed1: /21850/ 472	Deed2:
Seller: BAILEY VINCENT L	Date: 09/22/2003	Price: \$170,000
Type: IMPROVED ARMS-LENGTH	Deed1: /18826/ 271	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



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

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District - 15 Account Number - 1502007690



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www.mdp.state.md.us/tax_mos.htm

adjacent property - most affected

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

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Account Identifier: District - 15 Account Number - 1508006630

Owner Information

Owner Name: MAYLES MARY P **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 7415 GUNPOWDER RD **Deed Reference:** 1) /13976/ 393
 BALTIMORE MD 21220-1123 2) /13976/ 389

Location & Structure Information

Premises Address **Legal Description**
 7415 GUNPOWDER RD OLIVER BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
84	2	40			A		142	3	Plat Ref: 9/ 97

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1937	1,557 SF	10,000.00 SF	04

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	41,500	74,500		
Improvements:	75,720	87,120		
Total:	117,220	161,620	146,820	161,620
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
HATCHELL VAN A	08/23/1999	\$74,000
Type:	Deed1:	Deed2:
IMPROVED ARMS-LENGTH	/13976/ 393	/13976/ 389
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



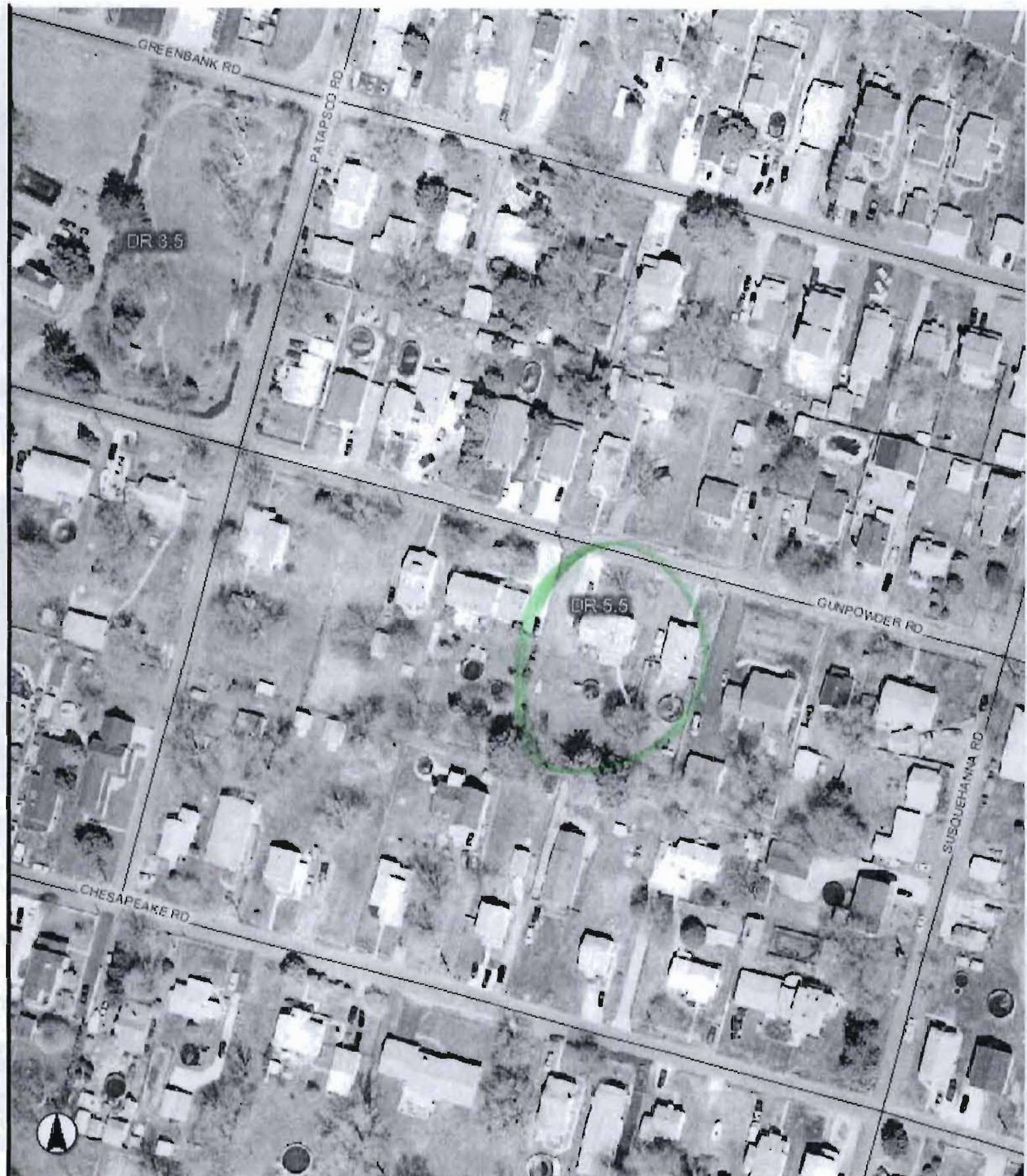
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District - 15 Account Number - 1508006630



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www.mdp.state.md.us/webcom/index.html



NE 8-N

NE 8-M

GREENBANK RD

GUNPOWDER RD

GUNPOWDER RD

Flood Zone X

15 ED

084A1

084B1

DR 5.5

6 CD

NE 7-M

NE -7N

GUNPOWDER RIVER HYDROLOGY AREA

RC 20

Flood Zone AE

Pl. Bk 12 Folio 56

1600008975

#0573



7417 Gunpowder Road
Front from road



Right Side of property
Proposed Garage Area



Right Side of house
Garage to be area



Left side of house



7417 Gunpowder Road
View from street to house



View from property to across the street



Looking left from property



View looking to the right from property

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

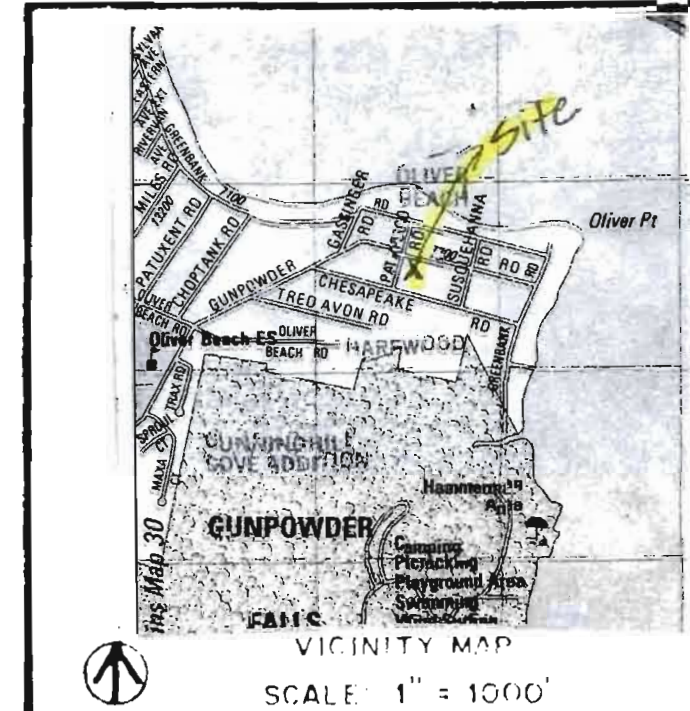
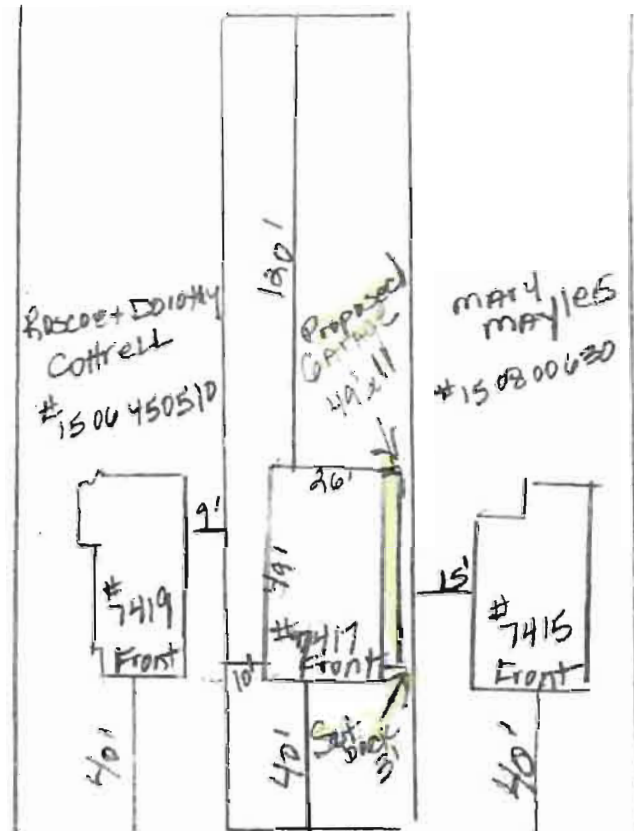
PROPERTY ADDRESS 7417 Gunpowder Road

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME OLIVER BEACH

PLAT BOOK # 12 FOLIO # 56 LOT # 143 SECTION # B

OWNER Scott + Darlene LeFKowitz



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6D

1" = 200' SCALE MAP # 084B1

ZONING DRS.5

LOT SIZE

	ACREAGE	SQUARE FEET
		10,000 SF

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐

	YES	NO
100 YEAR FLOOD PLAIN	☐	☒

	YES	NO
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING N/A

ZONING OFFICE USE ONLY

REVIEWED BY BR ITEM # 0573 CASE # 203-0573A



PREPARED BY BJT

SCALE OF DRAWING: 1" = 50'