

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Gwynn Brook Avenue, 1000 feet
W of Garrison Forest Road
4th Election District
2nd Councilmanic District
(3507 Gwynn Brook Avenue)

Hans John Pfab
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0012-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, Hans John Pfab for property located at 3507 Gwynn Brook Avenue. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) with a height of 21 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner wishes to construct a detached garage measuring 48 feet x 30 feet in size. This additional garage height will permit the Petitioner to stand up while accessing his personal belongings stored in the garage loft. The rear portion of the Petitioner's property contains a 66 foot BGE easement. Petitioner also owns the 1.25 acre tract located on the west side of the subject property.

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. Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

NOT RECEIVED FOR FILING
8.26.08
[Signature]

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 25, 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 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 26th day of August, 2008 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) with a height of 21 feet in lieu of the required 15 feet is hereby GRANTED, subject to the following:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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. The Petitioner or subsequent owner shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

ORDER RECEIVED FOR FILING
8-26-08
[Signature]

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

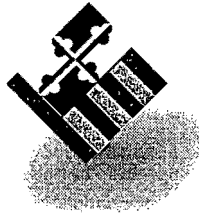
THB:pz

RECEIVED FOR FILE

8-26-08

8-26-08





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 26, 2008

HANS JOHN PFAB
3507 GWYNN BROOK AVENUE
OWINGS MILLS MD 21117

Re: Petition for Administrative Variance
Case No. 2009-0012-A
Property: 3507 Gwynn Brook Avenue

Dear Mr. Pfab:

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,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick", written over the typed name.

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 3507 Gwynn Brook Ave
which is presently zoned DR1

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)

400-3 TO ALLOW AN ACCESSORY
STRUCTURE WITH A HEIGHT OF 21 FEET IN LIEU OF THE
REQUIRED 15 FEET

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):

HANS SOHN PEAB.
Name - Type or Print

Signature

Name - Type or Print

Signature

3507 Gwynn Brook Ave 410-356-5795
Address Telephone No.

OWINGS MILLS MD. 21117
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. 2009-0012-A

Reviewed By CM Date 7-16-09

REV 10/25/01

Estimated Posting Date 7-27-09

8.26.08

ps

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 3507 Gwynnbrook Ave
Address
OWINGS MILLS MD 21117
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):

Storage accesable while standing upstairs

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of July, 2008 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

6/1/2012

Carroll County

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.

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Signature

Signature

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16 day of July, 2008 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

ZONING DESCRIPTION

Beginning for the same at a point in the center of Gwynnbrook Avenue, South 71 degrees 9 minutes West 240.05 feet and South 68 degrees 26 minutes West 100 feet from the end of the fourth line of the land described in the Deed from John Yox to Donald A. Troyer Dated August 18, 1951, and recorded among the Land Records of Baltimore County in Liber GLB No. 2004, folio 183, thence running along the center of Gwynnbrook Avenue and on the outline of the whole tract of land of which this lot being described is a part, South 68 degrees 26 minutes West 100 feet, thence running for line of division now made South 27 degrees 46 minutes East 389.7 feet to a pipe now set North 77 degrees 5 minutes East 102.1 feet and North 27 degrees 38 minutes West 405.7 feet to the place of beginning.

SUBJECT, HOWEVER, to a reservation 66 feet in width granted by John Yox to the Consolidated Gas Electric Light and Power Company of Baltimore dated November 21, 1921, and recorded among the Land Records of Baltimore County in Liber WPC No. 598, folio 472.

Being the same lot of ground which by Deed dated August 15, 1979, and recorded among the Land Records of Baltimore County in Liber EHK Jr. No. 6065, folio 179, was granted and conveyed by Joseph Frank Vogel, Jr., and Emilie H. Vogel, his wife, to the Grantors herein.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **18427**

Date: **7-16-08**

PAID RECEIPT

BUSINESS ACTUAL TIME DEM
 7/17/2008 7/16/2008 14:21:04 3

REC 1806 WALKIN KENDI KBE
 RECEIPT # 18427 7-16/2008 1806

6001 5 508 (OWNING CERTIFICATE)

6002 7

6003 10

6004 11

6005 12

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001		001		10150				65.00

Total: **65.00**

Rec From: **H. 15 AB**

For: **397 Gwynedd Ave**
Adm. VHL
2009-6012-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 07/26/08

Case Number: 2009-0012-A

Petitioner / Developer: HANS PFAB

Date of Hearing (Closing): AUGUST 11, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
3507 GWYNNBROOK AVENUE

The sign(s) were posted on: JULY 25, 2008



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0012 -A Address 3507 GWYNBROOK AVE
Contact Person: CRAIG MCGRAW Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7-16-08 Posting Date: 7-27-08 Closing Date: 8-11-08

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, usually within 10 days of the closing date if all County agencies' comments are received, 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.

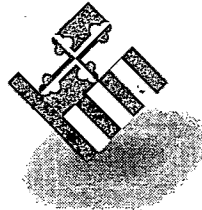
(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2009- 0012 -A Address 3507 GWYNBROOK AVE
Petitioner's Name HANS PFAB Telephone 410-356-5795
Posting Date: 7-27-08 Closing Date: 8-11-08
Wording for Sign: To Permit AN ACCESSORY STRUCTURE WITH A
HEIGHT OF 21 FEET IN LIEU OF THE REQUIRED
15 FEET

WCR - Revised 7/7/08



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

August 12, 2008

Hans John Pfab
3507 Gwynnbrook Avenue
Owings Mills, MD 21117

Dear Mr. Pfab:

RE: Case Number: 2009-0012-A, 3507 Gwynnbrook Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 16, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/klm

Enclosures



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: 7-29-2008

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

RE: Baltimore County
Item No 2009-0012-A
3507 Gwynn Brook Ave.
PEAR PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

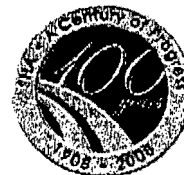
Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0012-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,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 8, 2008

RECEIVED
AUG 18 2008

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

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-012- 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 Jeff Mayhew in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL

Curtis R. Lurray

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

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

DATE: August 19, 2008

SUBJECT: Zoning Item # 09-012-A
Address 3507 Gwynnbrook Avenue
(Pfab Property)

RECEIVED
AUG 19 2008

BY:

Zoning Advisory Committee Meeting of July 27, 2008

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

_____ 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).

_____ 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:

Reviewer: J. Livingston

Date: 8/19/08

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

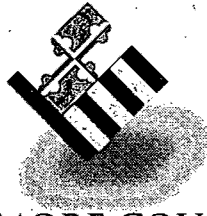
FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For August 4, 2008
Item Nos. 2009-0011, 0012, 0013, 0014,
0015, 0016, 0017, and 0018

DATE: July 29, 2008

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

DAK:CEN:lrk
cc: File
ZAC- 07292008-NO COMMENTS



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 29, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 21, 2008

Item No.: 2009-0011-A, 2009-0012-A, 2009-0014-A, 2009-00015-SPH,
2009-0016-A and 2009-0018-A.

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.

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

Don W. Muddiman, Acting Lieutenant
Fire Marshal's Office
(Office) 410-887-4880
MS-1102F

cc: File

Patricia Zook - Re: Case No. 2009-0012-A (administrative variance) Comments Needed

From: Dennis Kennedy
To: Zook, Patricia
Date: 8/21/2008 1:34:32 PM
Subject: Re: Case No. 2009-0012-A (administrative variance) Comments Needed

Patti:
We had no comment on that item.
Dennis Kennedy

>>> Patricia Zook 8/21/2008 10:53 AM >>>
Good morning -

This administrative variance is located at 3507 Gwynnbrook Avenue and closed August 11, 2008. The file is missing comments from your respective departments.

If you don't have any comments, just respond to this e-mail and I'll place it in the case file.

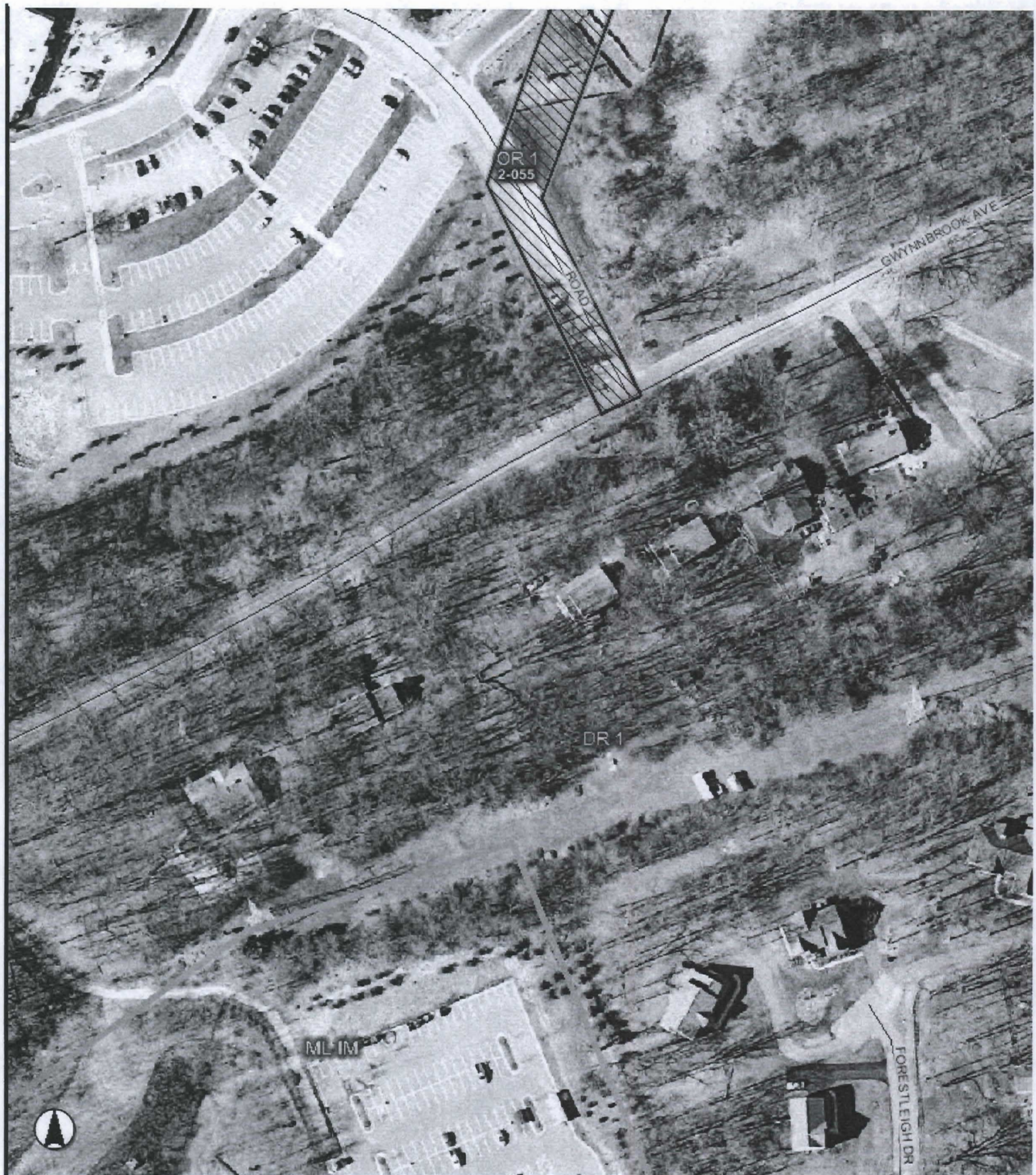
Thanks for your help!

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

22000026535















Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3507 GWYNNBROOK AVE

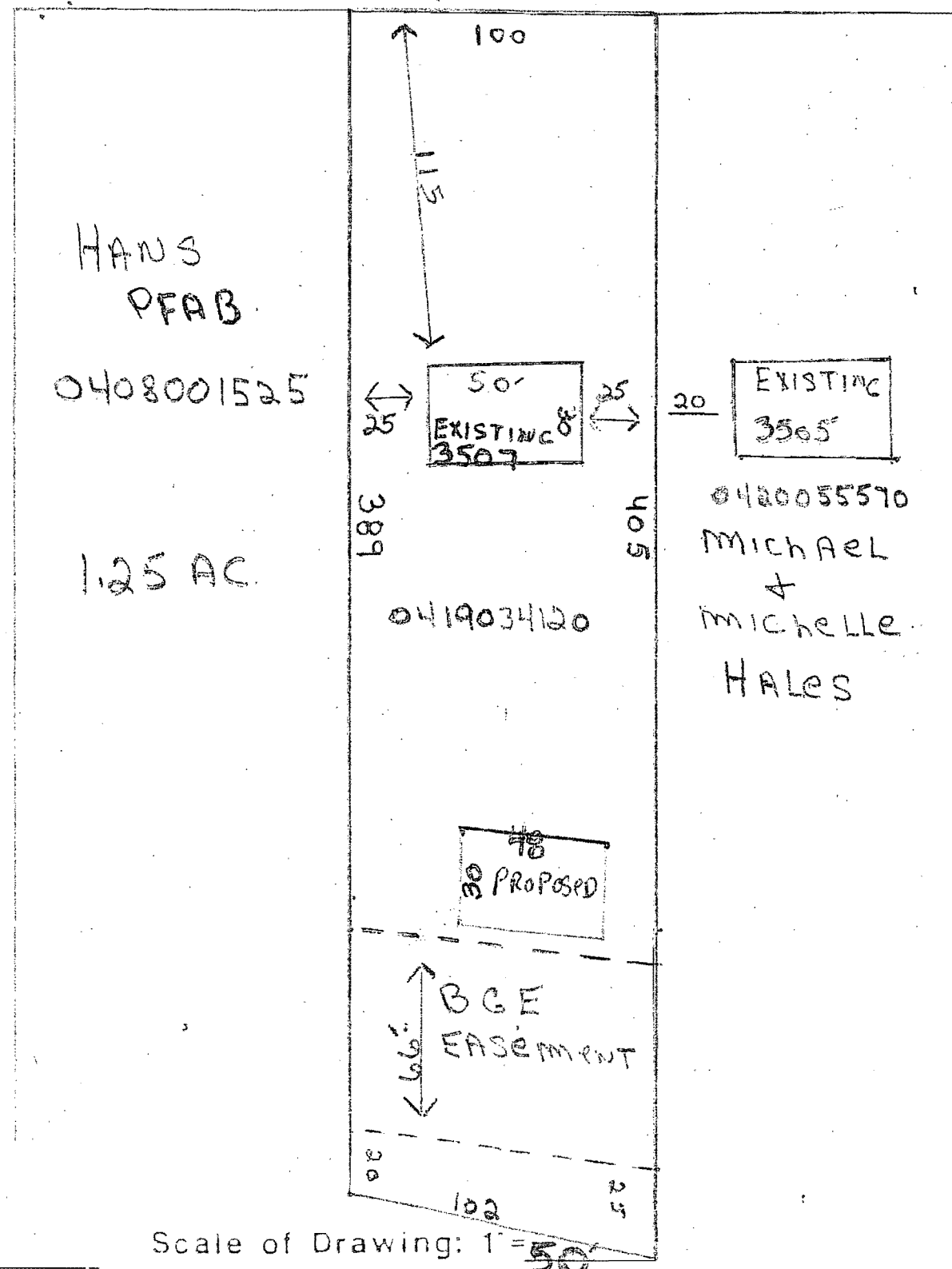
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book# _____, folio# _____, lot# _____, section# _____

OWNER: HANS PFAB

GWYNNBROOK AVE

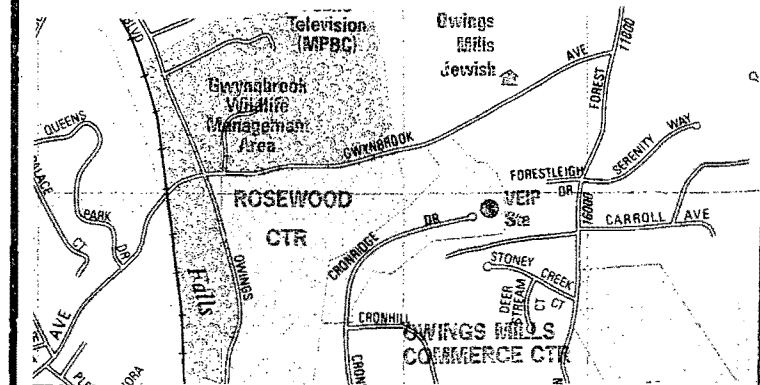


North

date: _____

prepared by: _____

Scale of Drawing: 1" = 50'



Vicinity Map
scale: 1" = 1000'

LOCATION INFORMATION

Election District: 4

Councilmanic District: 2

1" = 200' scale map#: 05801

Zoning: DR1

Lot size: 91
acreage square feet

SEWER: ☒ ☐
WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings:

NONE

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

CM

0012

2009-
0012-A