

IN THE MATTER OF
THE APPLICATION OF
STAMATOULA MAVROPHILIPOS
KONSTANTINOS MAVROPHILIPOS / LO
FOR A VARIANCE ON THE PROPERTY
W/S OAK CROFT DRIVE, 305' N C/LINE
OF CHARMUTH ROAD
(1206 OAK CROFT DRIVE)
9TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 09-160-A

* * * * *

OPINION

This matter comes before the Baltimore County Board of Appeals on an appeal from a decision of the Zoning Commissioner for Baltimore County in which Petitioner's requested zoning relief was denied. Stamatoula Mavrophilipos and Konstantinos Mavrophilipos, Petitioners and Legal Owners of the subject property, filed a Petition for Variance request from §400.1 and §400.3 of the Baltimore County Zoning Regulations ("BCZR") to permit a garage to be located in the side yard with a height of 21 feet in lieu of the required rear yard and permitted 15 feet height. The subject property, 1206 Oak Croft Drive, is located in the Lutherville section of Baltimore County. The subject property is also in the boundaries of the Dulaney Valley Improvement Association, Inc.

A hearing was held before this Board on August 4, 2009. Appearing before the Board was Stamatoula Mavrophilipos and Konstantinos Mavrophilipos, Petitioners and Legal Owners, in support of their request and appearing *pro sec.* The Protestant, the Dulaney Valley Improvement Association, Inc. was represented by Michael P. Tanczyn, Esquire. Also in attendance at the hearing were Dr. Robert Cordes and Mr. Larry Townsend as Representatives

for the Dulaney Valley Improvement Association, Inc. Oral argument was also heard on that date and a Public Deliberation was conducted on August 26, 2009.

TESTIMONY AND EVIDENCE

Testimony and evidence offered at hearing revealed that the subject property is a rectangular lot (193' x 89') on a platted subdivision titled Dulaney Manor that fronts on Oak Croft Drive; that is also referred to as Lot #4 (Protestant's Exhibit 5B). The property is improved with a two-story split-level single family dwelling that is zoned DR 3.5. The property is relatively flat like all of the other lots in the development, the boundaries are the same as all other properties in the community (Protestant's Exhibit 5B). The only difference in this development was the various building styles of the homes. (Petitioner's Exhibit 1 A-G).

Konstantinos Mavrophilipos testified the structure was only fifteen (15) inches higher than the allowed fifteen (15) feet at the highest grade. He admits to an error in his building plans. He believes he did not plan for the distance between the two (2) floors. He built the garage himself and stated that it was an honest mistake. No plans were submitted by the Petitioners and the Protestant's Exhibit No. 4 disputes his height at sixteen (16) feet ten (10) inches, which documentation was submitted by a County Code Enforcement Officer. Mr. Mavrophilipos testified that it would be a hardship, due to the cost of Twenty Thousand (\$20,000.00) Dollars to lower the roof of the garage. There was no testimony provided from an engineer to as to the cost put forth by the Petitioner. Nor were there any bids taken; only the testimony and educated guess of the property owner.

There was a concern raised about the size of the garage door and the running of a commercial business out of the garage, but no evidence was taken to be a concern of this Board.

Dr. Robert Cordes took the stand and said he opposes the height over fifteen (15) feet and that currently the garage is not in conformity with the neighborhood.

Stamatoula Mavrophilipos testified that this matter has been very emotionally hard on the family and she would like this situation to be over. She admits that her husband made an honest mistake.

The Petitioners are requesting a Variance from §400.1 and §400.3 of the Baltimore County Zoning Regulations ("BCZR") to permit a garage to be located in the side yard with a height that is currently disputed between sixteen (16) feet four (4) inches and sixteen (16) feet ten (10) inches, in lieu of the maximum permitted 15 feet height; and to permit a garage to be located in the side yard. The Protestants have agreed to leave this portion (Section 400.1 of the "BCZC"), location side yard, of the variance request unchallenged.

Cromwell vs. Ward, which governs the variance request is very narrow on allowing the granting of a variance. This Board enjoys the guidance provided by the Court of Special Appeals in *Cromwell v. Ward*, 102 Md.App. 691 (1995), wherein the Court writes:

...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties...." Id. at 698.

In requiring a pre-requisite finding of "uniqueness", the Court defined the term and stated:

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.... Id. at 710.

The Board could not rule that the property is unique pursuant to the conditions as set forth above in *Cromwell vs. Ward*, because the property owner admitted that the property was not unique. The testimony was that the styles of the homes were different that were built in the neighborhood. The diverse styles of homes on each lot is not a condition set forth in *Cromwell vs. Ward*.

The Petitioners also are claiming that if the variance is not granted, it would present a practical difficulty or a hardship on them. As for the practical difficulty or hardship, the Board believes that they are self-imposed. The Petitioners were aware of the maximum height allowed. Mr. Konstantinos Mavrophilipos admitted he made a mistake in his engineering, i.e. forgetting the distance between the first and second floors. Again, there was no plan submitted at the hearing to support the claim for practical difficulty or hardship. This panel believes the planning to be the key element in this matter before the Board. A variance can not be granted merely for the conveniences of the property owner(s). Based upon the testimony and evidence presented, this Board finds that the requested relief should be ordered as set forth below.

ORDER

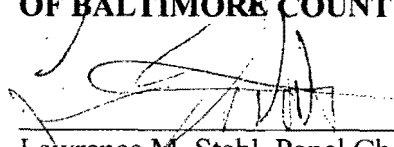
THEREFORE, IT IS THIS 14th day of December, 2009 by the
Board of Appeals of Baltimore County

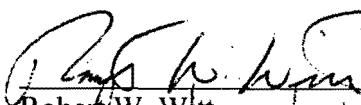
ORDERED that the Petition for Variance request from §400.3 of the Baltimore County Zoning Regulations ("BCZR") to permit a garage with a height of 21 feet in lieu of the permitted 15 feet height is **DENIED**; and it is further

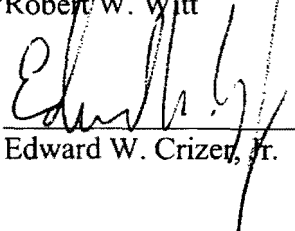
ORDERED that the Petition for Variance request from §400.1 of the Baltimore County Zoning Regulations ("BCZR") to permit a garage to be located in the side yard in lieu of the required rear yard is **DISMISSED AS MOOT**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence M. Stahl, Panel Chairman

Robert W. Witt

Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 14, 2009

Stamatoula & Konstantinos Mavrophilipos
1206 Oak Croft Drive
Lutherville, MD 21093

Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Ste 106
Towson, MD 21204

RE: In the Matter of: Stamatoula & Konstantinos Mavrophilipos-Legal Owners/Petitioners
Case No.: 09-160-A

Dear Mr. and Mrs. Mavrophilipos and Mr. Tanczyn:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in black ink that reads "Theresa Shelton/kc".

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

Duplicate Original Cover letter

c: Larry Townsend
Robert Cordes
Maxwell Collins, II, Esquire
Office of People's Counsel
William J. Wiseman, III, Zoning Commissioner
Arnold F. "Pat" Keller, Director/Planning
Timothy Kotroco, Director/PDM
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney

IN RE: **PETITION FOR VARIANCE**

W/S Oak Croft Drive, 305' N c/line of
Charmuth Road

(1206 Oak Croft Drive)

9th Election District

3rd Council District

Stamatoula Mavrophilipos

Petitioner

*

*

*

*

*

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0160-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Stamatoula Mavrophilipos. The Petitioner requests a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing detached accessory structure (garage) to have a height of 17 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Stamatoula Mavrophilipos, and her husband, Konstantinos Mavrophilipos, property owners. Appearing as Protestants in the matter was the Dulaney Valley Improvement Association, Inc. represented by their Board of Director members, Larry Townsend, Dr. Robert Cordes and Maxwell R. Collins, II, Esquire.

By way of background, the property known as 1206 Oak Croft Drive, just north of Charmuth Road near Dulaney Valley Road in Lutherville, was the subject of prior Case No. 08-432-A. In that case, the same Petitioner was granted variance relief from B.C.Z.R. Section 400.1 to permit a garage to be located in the side yard in lieu of the requested rear yard. To the extent applicable, the findings and conclusions set forth in my Order of June 6, 2008 in that case are adopted by reference and incorporated herein. Moreover, the relief in Case No. 08-432-A was

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Date 2-18-09
By [Signature]

subject to certain restrictions which were conditions precedent to the relief granted. Pertinent here was Restriction No. 2 that stated in part:

"The proposed garage shall be built in terms of 'normal overall garage proportions' in massing. That is to say that the garage will be built with a door height not to exceed 8 feet and of materials and colors that match the front of the principal structure to assure consistency."

Subsequently in the fall of the year, Petitioner's nightmare began when the Department of Permits and Development Management received inquiries questioning the accessory structure's compatibility and excessive height. Code Enforcement Officer Dennis Rioux visited the site on October 28, 2008 and again on November 6, 2008 and after measuring the structure's height to be 16'-10", issued a Code Enforcement Notice informing the Petitioner that the height be reduced to 15 feet or a variance obtained before proceeding.¹ Mr. Mavrophilipos testified that he has paid substantial sums of money, applied for and obtained a building permit (Permit No. B697682) for the construction of a 16' x 26' x 15' garage. He estimated \$20,000 would be expended if he would be required to lower the roof structure and indicated the garage would no longer be functional for storage, one of its intended purposes, and may ultimately result in a flat roof structure. Moreover, he asserts that it was through inadvertence on his part that he exceeded the 15 foot height limitation by not including in his measurements the space between the structure's first and second floors. The Petitioner now comes before me seeking relief as set forth above to allow completion of the structure with a height of 17 feet. Mr. Mavrophilipos testified at length as to the practical difficulty and unreasonable hardship he would endure if the variance were not granted, which would leave he and his wife in an untenable position.

¹ Opposition to garage heights is not uncommon. See *County Board of Appeals'* decisions in Case Nos. 04-255-A, 04-383-A and this Commission's Orders in Case Nos. 06-219-A, 08-267-A, etc.

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Date 2-18-09
By [Signature]

As noted above, several residents from the surrounding locale appeared in opposition to the request. They testified that they found the garage with its excessive height and 1:12 roof pitch offensive and out of rhythm with other structures in their immediate area. They believe that the Petitioner should be required to lower the height of the garage and incorporate a pitched roof that matches their principal dwelling in accordance with the regulations. Mr. Collins expressed amazement that the Petitioner would build the garage in violation of the regulations given the prior hearing and Order. He believes the Petitioner(s) are the authors of their own misfortune. Messrs. Collins, Townsend and Dr. Cordes testified that many in the community are opposed to the garage's overpowering size that, if allowed, would not be in keeping with the character of the community and would dominate an already largely developed lot.

To a certain extent, I am sympathetic to the Petitioner's plight; however, variance relief can be granted only if the requirements contained in Section 307 of the B.C.Z.R. are met. This section states that the Zoning Commissioner may grant variances:

... only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the zoning regulations of Baltimore County would result in practical difficulty or unreasonable hardship.

Variances are not favored under the law and presumed to be in conflict with the regulations. As stated in *Cromwell v. Ward*, 102 Md. App. 691, 703 (1995):

The general rule is that the authority to grant a variance should be exercised sparingly and only under exceptional circumstances.

After due consideration of all of the testimony and evidence presented, I find that the Petitioner's property is substantially similar to other properties as to size, shape, topography and

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Date 2-18-09
By 103

orientation. As such, it does not meet the requirements for a finding of uniqueness as set forth in *Cromwell*. I cannot decide this case based on "extenuating circumstances". Having determined that no uniqueness exist as to the Petitioner's property that would warrant the structure's excessive height, I must therefore deny the variance requested by the Petitioner.

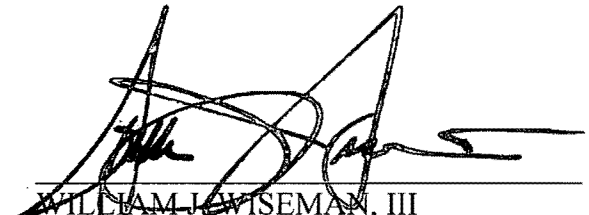
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of February 2009, that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a detached accessory structure (garage) with a height of 17 feet, in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petitioner shall have ninety (90) days from the date of this Order to lower the height of the garage so as to be in compliance with Building Permit No. B6976892 and the Zoning Regulations. As set forth in the Office of Planning's Zoning Advisory Committee (ZAC) comment, dated February 10, 2009, a copy of which is attached hereto, the Petitioner shall comply with architecture to be fitting with that of the community "such as pitched roof with building materials that match the current dwelling".

Any appeal of this decision shall be taken in accordance with Baltimore County Code Section 32-3-401.

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILING
Date 2-18-09
By [Signature]

BUS 2/13
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 10, 2009

RECEIVED

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

FEB 12 2009

ZONING COMMISSIONER

SUBJECT: 9-160 -Variance

The Office of Planning is opposing the petitioner's request to permit an accessory structure (garage) with a height of 17 feet in lieu of the maximum permitted 15 feet. This petitioner had a similar request, see case no 08-432-A that was dismissed. The petitioner is requesting this variance due to a stop-work violation for building a garage at a height of 17 feet in lieu of the maximum permitted 15 feet. It is the position of this office that this garage is not keeping with the character of the community and would dominate an already largely developed lot and encroach on the neighbor's property and view-shed. This office would be amenable to a garage with a height of 15 feet including architecture that is fitting to the community such as a pitched roof with building materials that match the current dwelling.

For further information concerning the matters stated herein, please contact Jessie Bialek at 410-887-3480.

Prepared by: JB

Section Chief: [Signature]

AFK/LL: CM

RECEIVED FOR FILING
Date 2-18-09
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 18, 2009

Stamatoula Mavrophilipos
Konstantinos Mavrophilipos
1206 Oak Croft Drive
Lutherville, Maryland 21093

RE: PETITION FOR VARIANCE

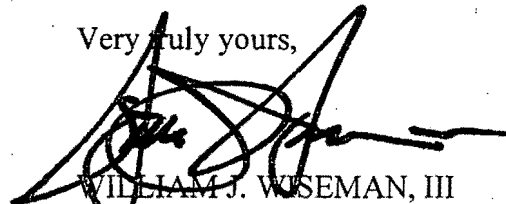
W/S Oak Croft Drive, 305' N c/line of Charmuth Road
(1206 Oak Croft Drive)
9th Election District - 3rd Council District
Stamatoula Mavrophilipos – Petitioner
Case No. 2009-0160-A

Dear Mr. and Mrs. Mavrophilipos:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Larry Townsend, 1111 Longbrook Road, Lutherville, MD 21093
Robert Cordes, M.D., 1217 Oak Croft Drive, Lutherville, MD 21093
Maxwell R. Collins, II, Esquire, 11 Greenridge Road, Lutherville, MD 21093
People's Counsel; Code Enforcement Officer Dennis Rioux, Division of Code Inspections and Enforcement, DPDM; Office of Planning; File



VIOLATION: 0199881

TAX. ACCOUNT # 0918472680

Petition for Variance

to the **Zoning Commissioner of Baltimore County**
for the property located at 1206 OAK CROFT DR.
which is presently zoned AR3.5

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) 400.1, BCZR, TO PERMIT A GARAGE

WITH A HEIGHT OF 17 ft. IN LIEU OF THE PERMITTED 15 ft.

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

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):

STANATOULA MAUROPHILIPOS

Name - Type or Print

Signature

Name - Type or Print

Signature

1206 OAK CROFT DR. 410-409-9711

Address

Telephone No.

CUTHERVILLE, Md.

21093

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 2009-0160-A

REV 9/15/98

Date

2-18-09

Reviewed By

[Signature]

Date 12-4-08

By

[Signature]

Zoning Description

Zoning Description for 1206 Oak Croft Drive, Lutherville, Maryland.

Beginning at a point on the west side of Oak Croft Drive which is 32 feet wide at the distance of 305 feet north of the centerline of the nearest improved intersecting street Charmuth Road which is 37 feet wide. *Being Lot #4, Block A, Section # in the subdivision of Dulaney Manor as recorded in Baltimore County Liber # 22, Folio # 85, containing .39 acres. Also known as 1206 Oak Croft Drive and located in the 9th Election District, 5th Councilmanic District.

**CASHIER'S
VALIDATION**

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **37549**

Date: **March 17, 2009**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 3/26/2009 3/26/2009 10:41:16 2

NO MSDS GALKIN DDOL IMD
 > RECEIPT # 482776 3/26/2009 OFLN

Dpt 5 528 ZONING VERIFICATION

NO. 037549

Recpt Tot \$400.00

\$400.00 CK \$.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	RD6	0000		6150						400.00

Total: **\$400.00**

Rec From: **AFM Construction & Painting Inc.**

For: **0009-0160-A Appeal**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #2009-0160-A

1206 Oak Croft Drive

W/side of Oak Croft Drive, 305 feet north of the centerline of Charmuth Road

9th Election District — 5th Councilmanic District

Legal Owner(s): Stamatoula Mavrophilipos

Variance: to permit a garage with a height of 17 feet in lieu of the permitted 15 feet.

Hearing: Friday, February 13, 2009 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

1/567 Jan. 29

193143

CERTIFICATE OF PUBLICATION

1/30/2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/29/2009.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2009-0160-A

Petitioner/Developer: _____

Stamatoula Mavophilips.

Date of Hearing/closing Feb 13 2009

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

Attn : Kristin 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 .

1206 Oak Croft Drive

The sign(s) were posted on _____ **Jan 29 2009**
(Month, Day, Year)

Sincerely,

Robert Black 2-1-09
(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)

ZONING NOTICE

CASE # 2009-0160-A

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

Room 104, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE. TOWSON

DATE AND TIME: FRIDAY, FEBRUARY 13, 2009 AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT A GARAGE WITH A HEIGHT
OF 17 FEET IN LIEU OF THE PERMITTED 15 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

Requested: May 7, 2009

APPEAL SIGN POSTING REQUEST

CASE NO.: 09-160-A

1206 Oak Croft Drive

9th ELECTION DISTRICT

APPEALED: 3/17/09

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Theresa Shelton
Administrator

CASE NO.: 09-160-A

LEGAL OWNER: Stamatoula and Kostantinos Mavrophilipos

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

1206 OAK CROFT DRIVE
W/S OAK CROFT DRIVE, 305' N OF C/LINE OF CHARMUTH ROAD

The sign was posted on MAY 21, 2009.

By: Alphonso W. Griffin Jr.
(Signature of Sign Poster)

Alphonso W. Griffin Jr.
(Print Name)

RECEIVED

MAY 28 2009

BALTIMORE COUNTY
BOARD OF APPEALS

PHOTOGRAPHIC RECORD

CASE

Facility No.:

09-160-A

Record No.:

Date of Photograph(s):

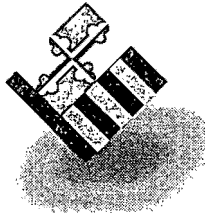
5-27-09



I HEREBY CERTIFY that I took 2 photographs set out above, and that these photographs fairly and accurately depict the condition of the property that is the subject of the above referenced Facility/Record Number on the date set above.

M. Stuart Kelly
(Enforcement Officer)





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 20, 2009
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0160-A

1206 Oak Croft Drive

W/side of Oak Croft Drive, 305 feet north of the centerline of Charmuth Road

9th Election District – 5th Councilmanic District

Legal Owners: Stamatoula Mavrophilips

Variance to permit a garage with a height of 17 feet in lieu of the permitted 15 feet.

Hearing: Friday, February 13, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Stamatoula Mavrophilips, 1206 Oak Croft Drive, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 29, 2009.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 29, 2009 Issue - Jeffersonian

Please forward billing to:
Stamatoula Mavrophilipos
1206 Oak Croft Drive
Lutherville, MD 21093

410-409-9711

NOTICE OF ZONING HEARING

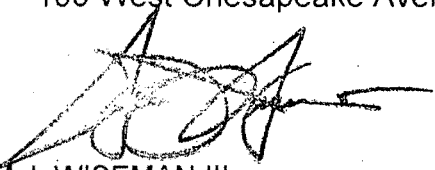
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0160-A

1206 Oak Croft Drive
W/side of Oak Croft Drive, 305 feet north of the centerline of Charmuth Road
9th Election District – 5th Councilmanic District
Legal Owners: Stamatoula Mavrophilips

Variance to permit a garage with a height of 17 feet in lieu of the permitted 15 feet.

Hearing: Friday, February 13, 2009 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The 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: 0160
Petitioner: STAMATOULA MAUROPHILIPOS
Address or Location: 1206 OAK CRAFT DR. LUTHERVILLE, Md. 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Telephone Number: 410-409-9711



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Second Floor
Jefferson Building, 105 W. Chesapeake Avenue

May 19, 2009

NOTICE OF ASSIGNMENT

CASE #: 09-160-A **MATTER OF: Stamatoula Mavrophilipos –Legal Owner / Petitioner**
1206 Oak Croft Dr. / 9th Election District; 3rd Councilmanic District

RE: Variance request from §400.1 of BCZR to permit a garage to be located in the side yard with a hgt of 21' ilo req'd rear yard and permitted 15' hgt.

2/18/2009 – ZC decision that Petition for Variance – DENIED and Petitioner has 90 days to lower the hgt of the garage to be in compliance.

ASSIGNED FOR: TUESDAY, AUGUST 4, 2009, AT 10:00 A.M.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c. Appellants/ Petitioners/Legal Owners : Stamatoula Mavrophilipos
: Konstantinos Mavrophilipos

Counsel for Protestants : Michael P. Tanczyn, Esquire
Protestants : Dulaney Valley Improvement Association, Inc.
Larry Townsend
Robin Cordes
Maxwell Collins

Peter Max Zimmerman
People's Counsel for Baltimore County
William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, Director/Planning
Nancy West, Assistant County Attorney
John Beverungen, County Attorney



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Hearing Room #2, Jefferson Building
105 W. Chesapeake Avenue, Second Floor
(adjacent to Suite 203)

August 4, 2009

NOTICE OF DELIBERATION

CASE #: 09-160-A MATTER OF: Stamatoula Mavrophilipos –Legal Owner / Petitioner
1206 Oak Croft Dr./ 9th Election District; 3rd Councilmanic District

Having concluded this matter on 8/4/2009 a public deliberation has been scheduled for the following date /time:

DATE AND TIME: WEDNESDAY, AUGUST 26, 2009 at 9:00 a.m.

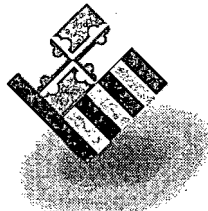
LOCATION : Hearing Room #2, Jefferson Building
105 W. Chesapeake Avenue, Second Floor
(adjacent to Suite 203)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

c. Appellants/ Petitioners/Legal Owners	: Stamatoula Mavrophilipos
	: Konstantinos Mavrophilipos
Counsel for Protestants	: Michael P. Tanczyn, Esquire
Protestants	: Dulaney Valley Improvement Association, Inc.
	Larry Townsend
	Robin Cordes
	Maxwell Collins

Peter Max Zimmerman
People's Counsel for Baltimore County
William Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, Director/Planning
Nancy West, Assistant County Attorney
John Beverungen, County Attorney



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
February 3, 2009

Stamatoula Mavrophilipos
1206 Oak Craft Dr.
Lutherville, MD 21093

Dear: Stamatoula Mavrophilipos

RE: Case Number 2009-0160-A, 1206 Oak Craft Dr.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 04, 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, reading "W. Carl Richards, Jr." in a cursive style.

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: January 12, 2009

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

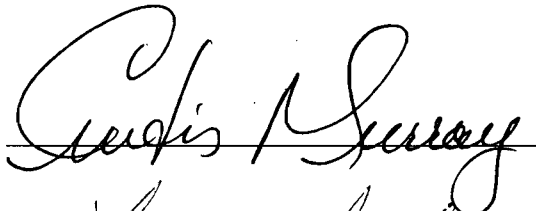
SUBJECT: 9-160 -Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 17 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners 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.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Donnell Zeigler at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 10, 2009

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

SUBJECT: 9-160 -Variance

The Office of Planning is opposing the petitioner's request to permit an accessory structure (garage) with a height of 17 feet in lieu of the maximum permitted 15 feet. This petitioner had a similar request, see case no 08-432-A that was dismissed. The petitioner is requesting this variance due to a stop-work violation for building a garage at a height of 17 feet in lieu of the maximum permitted 15 feet. It is the position of this office that this garage is not keeping with the character of the community and would dominate an already largely developed lot and encroach on the neighbor's property and view-shed. This office would be amenable to a garage with a height of 15 feet including architecture that is fitting to the community such as a pitched roof with building materials that match the current dwelling.

For further information concerning the matters stated herein, please contact Jessie Bialek at 410-887-3480.

Prepared by: _____



Section Chief: _____



AFK/LL: CM

BW 2/13 11am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 21 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: January 21, 2009
SUBJECT: Zoning Item # 09-160-A
Address 1206 Oak Croft Drive
(Mavrophillpos Property)

Zoning Advisory Committee Meeting of December 15, 2008.

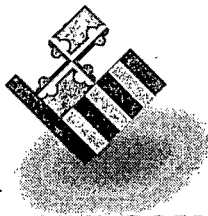
X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

Additional Comments:

Reviewer: JWL

Date: 1/21/09



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

December 16, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: December 15, 2008

Item No.: 2009-0135-A, 2009-0153-X, 2009-0158-SPHAXA, 2009-0159-A,
~~2009-0160-A~~, 2009-0161-SPHXA, 2009-0162-A, 2009-0163-A,
2009-0165-A, AND 2009-0166-SPH.

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 18, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For December 22, 2008
Item Nos. 2009-0153, 0158, 0159, 0160, 0161, 0162, 0163, 0164, 0165, and 0166

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

DAK:CEN:lrk
cc: File
ZAC-122208 -NO COMMENTS



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 12/16/2008

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

RE: Baltimore County
Item No 2009-0160-A
1206 Oak Croft Drive
MAVRORHILLPOS PROPERTY
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. 2009-0160-A

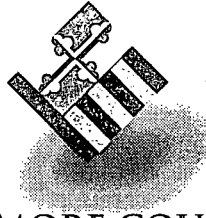
Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB





BALTIMORE COUNTY
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

December 10, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 6th 2009

Item Numbers: 0152, 0156, 0157, 0158, 0160, 0161, 0162, 0163, 0164, 0165

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

RE: PETITION FOR VARIANCE * BEFORE THE
1206 Oak Croft Drive; W/S Oak Croft *
Drive, 305' N c/line Charmuth Road * ZONING COMMISSIONER
9th Election & 5th Councilmanic Districts *
Legal Owner(s): Stamatoula Mavrophillpos * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-160-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
DEC 30 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of December, 2008, a copy of the foregoing Entry of Appearance was mailed to Stamatoula Mavrophilipos, 1206 Oak Croft Drive, Lutherville, MD 21093, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



RECEIVED
MAY - 6 2009
BALTIMORE COUNTY
BOARD OF APPEALS

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
May 1 2009
*Department of Permits and
Development Management*

Stamatoula Mavrophilipos
Konstantinos Mavrophilipos
1206 Oak Croft Drive
Lutherville, MD 21093

Dear Mr. & Mrs. Mavrophilipos:

RE: Case: 2009-0160-A, 1206 Oak Croft Drive

Please be advised that this office received your appeal of the above-referenced case filed on March 17, 2009. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Larry Townsend, 1111 Longbrook Road, Lutherville 21093
Robert Cordes, 1217 Oak Croft Drive, Lutherville 21093
Maxwell Collins, II, Esq., 11 Greenridge Road, Lutherville 21093

Atamoxla Macroplilipor
Konstantinos Macroplilipos

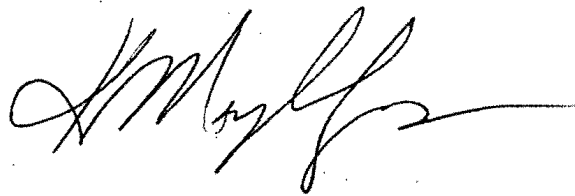
1206 OAKCROFT DR
Lutherville, Md.
21093

410 - 409 - 9711

3/17/09

Case # 2009-0160-A

We would like to appeal the decision
on the grounds that it is unfair
and unjust



RECEIVED / paid

MAR 17 2009

Sen
.....

APPEAL

Petition for Variance
1206 Oak Croft Drive
W/s Oak Croft Drive, 305' n c/line of Charmuth Road
9th Election District – 3rd Councilmanic District
Legal Owners: Stamatoula Mavrophilipos

Case No.: 2009-0160-A

Petition for Variance (December 4, 2008)

Zoning Description of Property

Notice of Zoning Hearing (January 20, 2009)

Certification of Publication (The Jeffersonian – January 29, 2009)

Certificate of Posting (January 29, 2009) by Robert Black

Entry of Appearance by People's Counsel (December 30, 2009)

Petitioner(s) Sign-In Sheet - None

Protestant(s) Sign-In Sheet- None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. Photographs

Protestants' Exhibits:

1. Rule 8 Authorization
2. Office of Planning ZAC comment

Miscellaneous (Not Marked as Exhibit)

1. Active Violation Case Documents
2. Prior Case Decision – 08-432-A

Zoning Commissioner's Order (DENIED – February 18, 2009)

Notice of Appeal received on March 17, 2009 from Stamatoula Mavrophilipos

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Larry Townsend
Robert Cordes
Maxwell Collins

date sent May 6, 2009, klm

LAW OFFICES
MICHAEL P. TANCZYN, P.A.

Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827
Email: mptlaw@verizon.net

May 18, 2009

RECEIVED

MAY 19 2009

**BALTIMORE COUNTY
BOARD OF APPEALS**

County Board of Appeals of Baltimore County
Attn: Mrs. Theresa R. Shelton, Administrator
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

Re: Case 2009-0160-A
1206 Oak Croft Drive

Dear Theresa:

Enclosed herewith please find my Entry of Appearance in the above case.

Please call me if you have any questions.

Very truly yours,



Michael P. Tanczyn

MPT:aef

Encl.

cc: Office of People's Counsel for Baltimore County
Dulaney Valley Improvement Association, Inc.

IN RE: **PETITION FOR VARIANCE**
W/S Oak Croft Drive, 305' N c/line of
Charmuth Road
(1206 Oak Croft Drive)
9th Election District
3rd Council District

Stamatoula Mavrophilipos
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* **Case No. 2009-0160-A**

ENTRY OF APPEARANCE

PLEASE enter the appearance of the undersigned for Dulaney Valley Improvement Association, Inc., Protestants, in the above captioned case.

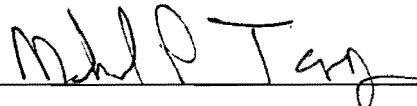
Respectfully submitted,



MICHAEL P. TANCZYN, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823
Attorney for the Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY this 18th day of May, 2009, a copy of the foregoing Entry of Appearance was first class mailed, postage prepaid, to Stamatoula and Konstantinos Mavrophilipos, 1206 Oak Croft Drive, Lutherville, Maryland 21093, Petitioners, and to People's Counsel, 105 W. Chesapeake Avenue, Suite 204, Towson, Maryland 21204.



MICHAEL P. TANCZYN, Esquire



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 19, 2009

Michael Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: In the Matter of: *Stamatoula Mavrophilipos*
-Legal Owner / Petitioner
Case No. 09-160-A

Dear Mr. Tanczyn:

This will acknowledge receipt of your entry of appearance filed this date in the subject matter on behalf of Dulaney Valley Improvement Association, Inc., Protestants..

The file has been noted, and you will receive copies of all future correspondence and/or notices in this matter. This matter has been scheduled for Tuesday, August 4, 2009 at 10:00 a.m. The Notice of Assignment is enclosed.

Please call me if I can be of any further assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Theresa R. Shelton".

Theresa R. Shelton
Administrator

Encl.: Notice of Assignment

c(w/Encl.): Stamatoula Mavrophilipos
Konstantinos Mavrophilipos
Dulaney Valley Improvement Association, Inc.
People's Counsel for Baltimore County
Nancy West, Assistant County Attorney
John Beverungen, County Attorney

Note to File

2009-0160-A

Applicant was advised that the submitted site plan appeared insufficient and might be unacceptable at the hearing. Petitioner insisted upon filing as-is. JCM


12.8.08

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Facsimile Cover Sheet

Phone: 410-887-3180

Fax: 410-887-3182

To: Dennis Rioux, Building Inspector

Fax: 410-887-8081

From: Sunny Cannington, Legal Secretary

Date: January 8, 2010

Number of Pages (Including cover): 7

Re: In the Matter of Stamatoula and Konstantinos Mavrophilipos
Board of Appeals Case Number: 09-160-A

Attached is a copy of the Opinion in the Mavrophilipos case. It was requested that I fax this Opinion to you.

Should you have any questions or problems, please do not hesitate to contact this office.

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Stamatoula & Konstantinos Mavrophilipos 09-160-A

DATE: August 26, 2009

BOARD/PANEL: Lawrence Stahl, Panel Chairman
 Robert Witt
 Edward Crizer, Jr.

RECORDED BY: Sunny Cannington/Legal Secretary

PURPOSE: To deliberate the following:

1. Petition for Variance to permit a garage with a height of 17 feet in lieu of the permitted 15 feet;
2. Is the property unique pursuant to the conditions set forth in Cromwell vs. Ward?
3. If the property is unique pursuant to the conditions set forth in Cromwell vs. Ward; will failure to grant the Variance present a practical difficulty or unusual hardship on the property owner?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board discussed the Petitioner's request to build a garage with a height of 17' in lieu of the allowed 15'. The history of this case is that the Petitioner had previously requested that the garage be built in the side yard and was granted the ability to build the garage in the side yard by the Zoning Commissioner in Case Number 08-432-A. That case was not appealed. The Petitioner began to build the garage and due to an error, the garage ended up taller than expected. The Petitioner received a stop work order from the County and filed his request for variance which brings this matter before the Board.
- The Board determined that essentially, the Petitioner is asking to legitimize a mistake.
- The Board reviewed the evidence and testimony provided. The Petitioner was honest during the hearing testifying that the property is not unique. The houses would be unique but Cromwell is very strict about the requirement that something must be inherently unique about the land.
- With regard to practical difficulty, the Board determined that the difficulty is self-imposed. If the Petitioner had hired a contractor to build the garage, the mistake in measuring would not have occurred.

DECISION BY BOARD MEMBERS: The Board determined that the subject property is not unique by the standards of Cromwell. Additionally, the practical difficulty that does exist is self-imposed.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the Petition for Variance.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Sunny Cannington

ZONING REGULATIONS AND RESTRICTIONS
FOR BALTIMORE COUNTY
SECTION 1 – DEFINITIONS

Words used in the present tense includes the future; words in the singular number include the plural number; the word "shall" is mandatory and not directory.

For the purpose of this Resolution certain terms and words are defined as follows:

Height of Building: The vertical distance measured from the average ground level at the front of the building to the highest point of the building.

→ BUILDING HEIGHT -- The height of the highest point on a building or other structure as measured by the vertical distance from the highest point on the structure to the horizontal projection of the closest point at exterior grade. In instances where it is obvious that the exterior grade has been artificially built up above natural or surrounding finished grade, the vertical distance will be measured by projecting the natural or surrounding finished exterior grade to the closest point (foundation wall). [Bill No. 151-1988]

Section 231, B.L. Zone Height Regulations EN [Bill No. 7-1962 EN]

B. Height determination. The height limitation of a building shall be determined as follows: The "basic height" of the front or rear wall of a building along a street, alley or other public way is determined by a "base line plane" extending upward at a forty-five-degree angle from a "base line" at the average elevation on the property line on the opposite side of the right-of-way, toward a vertical plane (the "measure plane") on the building line, as defined in Section 101. The horizontal line formed by the intersection of these two planes determines the "basic height," which is the vertical distance above the building line. Regardless of the right-of-way width the "basic height" shall not exceed 100 feet, except as permitted hereinafter as "averaged height," nor shall it be required to be less than 40 feet. In calculating "averaged height" on the "measure plane," the area resulting from multiplying the sum of the heights of portions remaining below the "basic height" by their respective widths shall not exceed the area resulting from multiplying the sum of the heights of portions extending above the basic height by their respective widths. In averaging the heights of component parts of the said wall along a public right-of-way, the total horizontal distances used for averaging shall not exceed twice the "basic height," nor shall the maximum height at the building line, resulting from averaging the height of said wall, exceed twice the "basic height." Any part of the building which is set back from the building line shall not project above a plane or planes sloping inward and upward at a forty-five-degree angle from the averaged permitted heights at the building line, except that heights of such portions of the building so set back may be used to determine the averaged height by projecting them downward at 45° to the "measure plane." EN

TIME: 16:00:25 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 06/25/2008
DATE: 02/10/2009 GENERAL PERMIT APPLICATION DATA MXR 14:11:28

PERMIT # B697682 PROPERTY ADDRESS
RECEIPT #: A591364 1206 OAK CROFT DR
CONTROL #: MR SUBDIV: DULANEY MANOR
XREF #: B697682 TAX ACCOUNT #: 0918472680 DISTRICT/PRECINCT 09 01

OWNERS INFORMATION (LAST, FIRST)

FEE: 10.00 NAME: MAVROPHILIPOS STAMATOULA
PAID: 10.00 ADDR: 1206 OAKCROFT DR. LUTHERVILLE, MD. 21093
PAID BY: APPLICANT

DATES

APPLICANT INFORMATION

APPLIED: 06/25/2008 NAME: STAMATOULA MAVROPHILIPOS
ISSUED: 06/25/2008 COMPANY:
OCCPNY: ADDR1: 1206 OAKCROFT DR.
FINAL INSPECT: ADDR2: LUTHERVILLE, MD. 21093
INSPECTOR: 09R PHONE #: 410-409-9711 LICENSE #:
NOTES: VLC/MR

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

TIME: 16:01:22 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 06/25/2008
DATE: 02/10/2009 GENERAL PERMIT APPLICATION DATA MXR 14:21:40

PERMIT #: B687245 PROPERTY ADDRESS
RECEIPT #: A583441 1206 OAK CROFT DR
CONTROL #: MR SUBDIV: DULANEY MANOR
XREF #: B687245 TAX ACCOUNT #: 0918472680 DISTRICT/PRECINCT 09 01

OWNERS INFORMATION (LAST, FIRST)

FEE: 65.00 NAME: MAVROPHILIPOS STAMATOULA
PAID: 65.00 ADDR: 1206 OAK CROFT DR.21093
PAID BY: APPLICANT

DATES

APPLICANT INFORMATION

APPLIED: 02/12/2008 NAME: S MAVROPHILIPOS
ISSUED: 02/12/2008 COMPANY:
OCCPNY: ADDR1: 1206 OAK CROFT DR.
FINAL INSPECT: ADDR2: LUTHERVILLE,MD.21093
INSPECTOR: 09R PHONE #: 410-409-9711 LICENSE #:
NOTES: KRA/MR

CANCEL-SEE MR B697682-CHG IN SITE + SIZE-6/25/08

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

11

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: December 22, 2008

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2009-0160-A
Legal Owner/Petitioner: Stamatoula Mavrophilipos
Contract Purchaser: N/A
Property Address: 1206 Oakcroft Dr.
Location Description: W/side Oak Croft Dr.; 305' N/centerline of Charmuth Rd.

VIOLATION INFORMATION: Case No. CO0053010
Defendants: Stamatoula Mavrophilipos

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Dr. Robert Cordes	443-465-6888

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

- X 1. Complaint letter/memo/email/fax (if applicable)
- X 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- X 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- X 8. Photographs including dates taken
- X 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/dr
C: Code Enforcement Officer

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: April 13, 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2009-0160-A
Legal Owner/Petitioner: Stamataula Mavropoulos
Contract Purchaser:
Property Address: 1206 Oakcroft Dr
Location Description:

VIOLATION INFORMATION: Case No. 0199881
Defendants:

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME Dr Robert Cordes ADDRESS
443-465-6888

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

- ☒ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☒ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☒ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt(s) if applicable
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
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After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/
C: Code Enforcement Officer

enter EN

CODE ENFORCEMENT REPORT

DATE: 10 / 30 / 08 INTAKE BY: DR CASE #: C00053010 INSPEC: 09
SAO 199881

COMPLAINT

LOCATION: 1706 Oakcroft Dr

ZIP CODE: 21093 DIST:

COMPLAINANT

NAME: Dr Robert Cordes PHONE #: (H) 443-465-6888 (W)

ADDRESS: ZIP CODE:

PROBLEM: accessory structure to high

IS THIS A RENTAL UNIT? YES ☐ NO ☐

IF YES, IS THIS SECTION 8? YES ☐ NO ☐

OWNER/TENANT

INFORMATION: Stamataula macrocephala

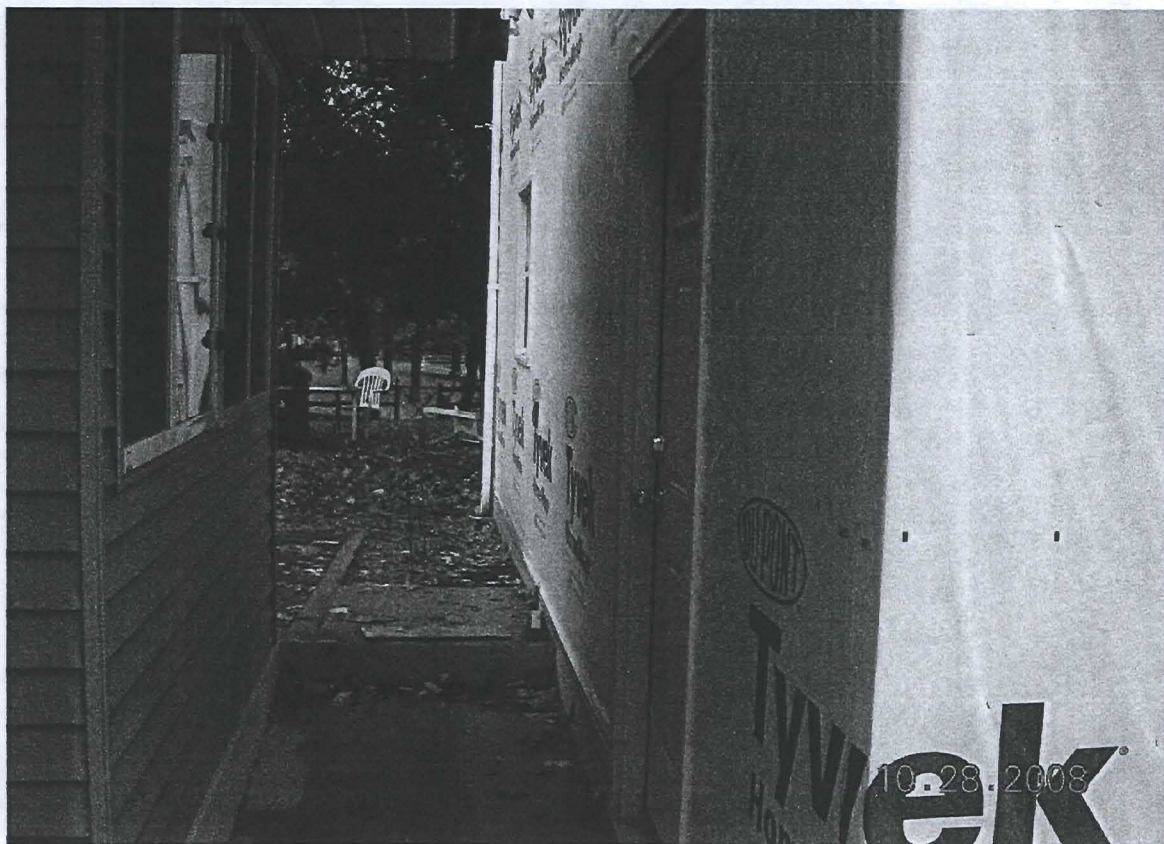
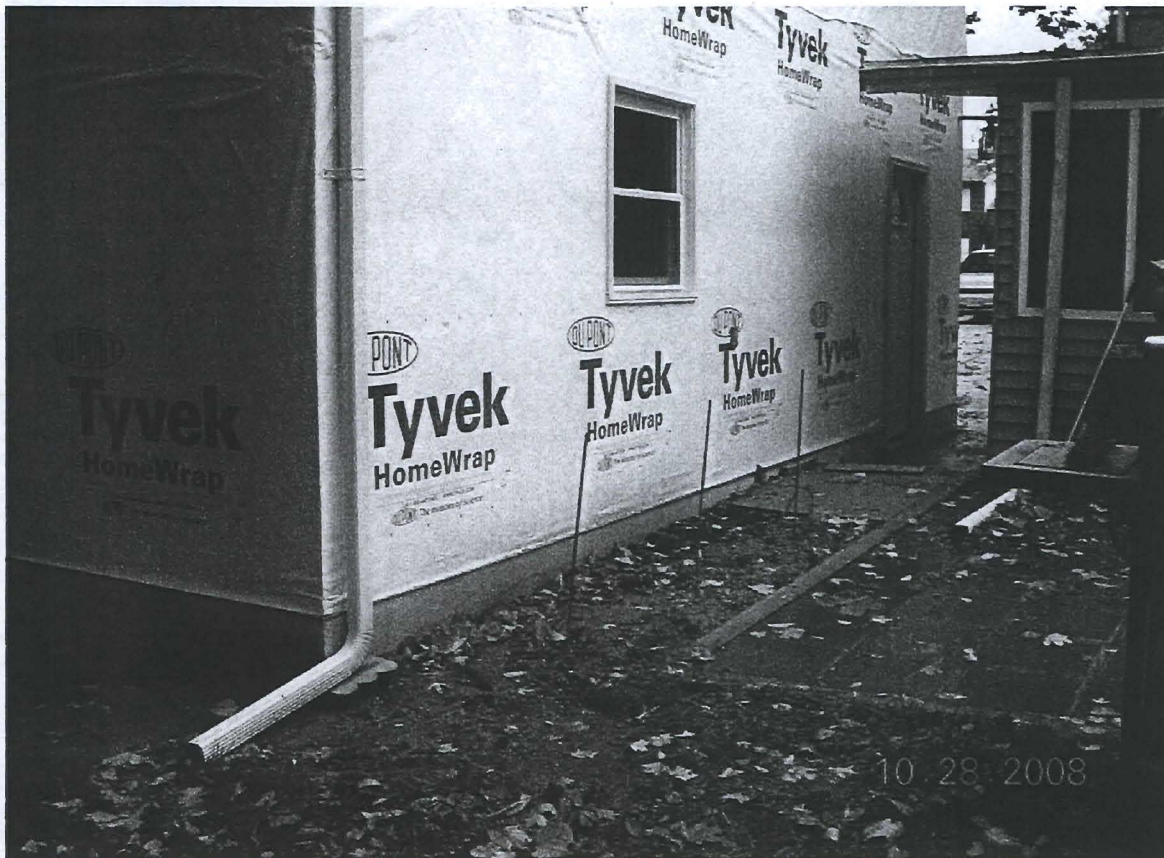
TAX ACCOUNT #: 09-18-472680 ZONING: DR 5.5

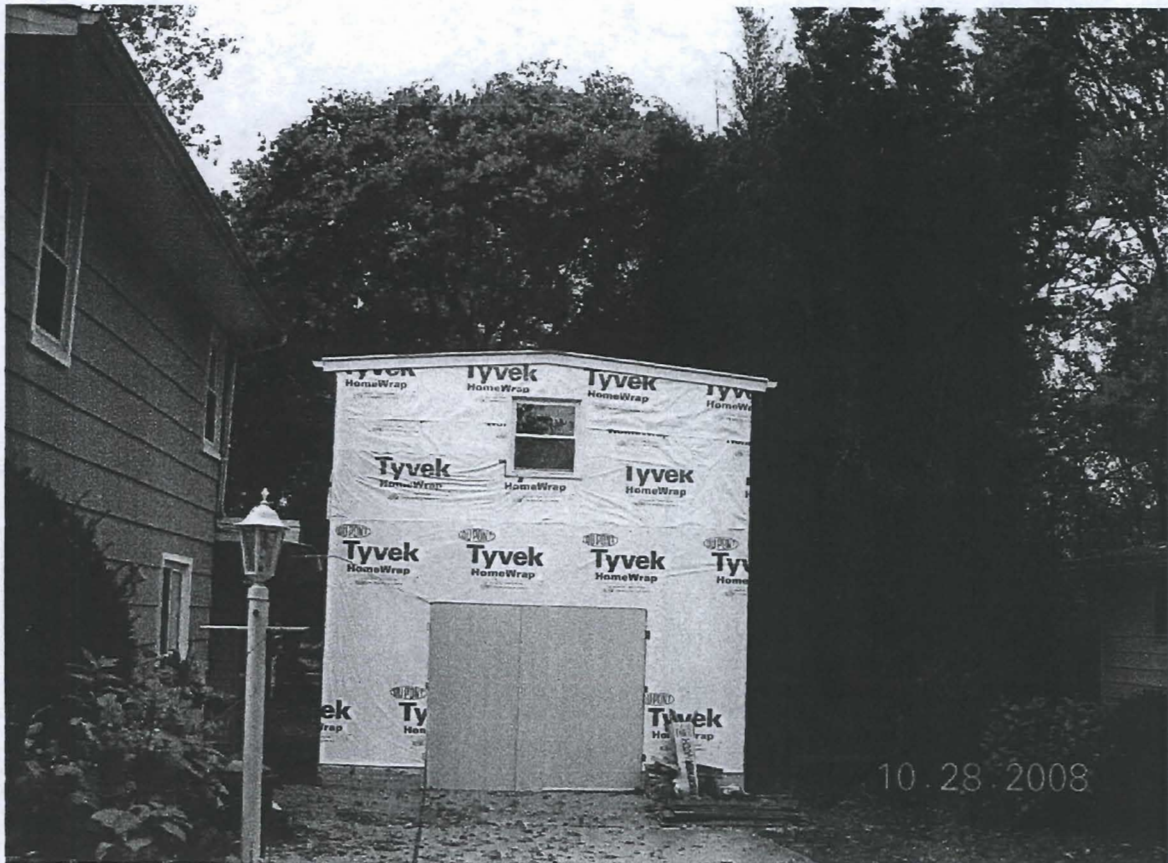
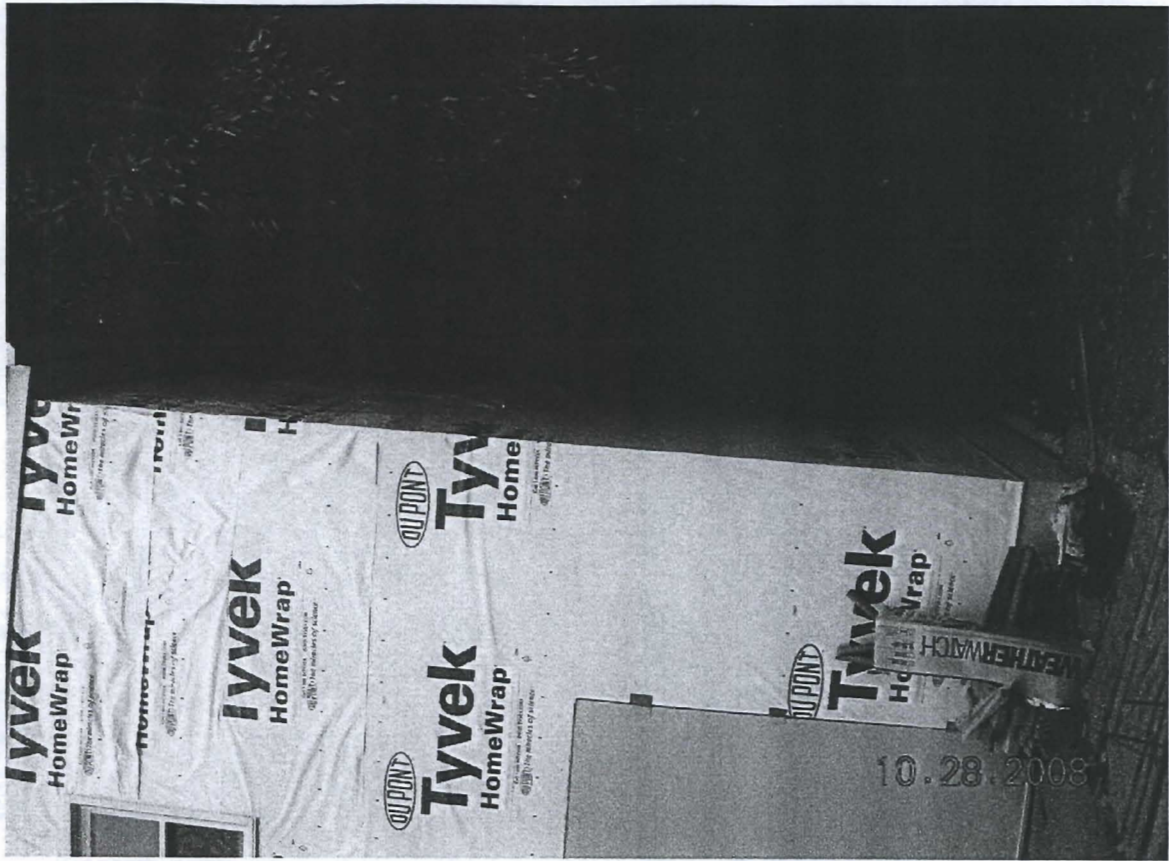
INSPECTION: 10-28-08 visited site accessory structure not over permitted height from highest grade, called complainant left message, took 6 photos, reinspect on 11-6-08 D.R. 100x

REINSPECTION: 11-6-08 inspected site took measurement of accessory structure height is 16' 10". Called and spoke to complainant,

REINSPECTION: 11-19-08 called complainant left message and up date D.R.

REINSPECTION: 12-18-08 spoke to complainant informed him of variance is in process, waiting for hearing D.R.





697682



9 district

JA

Dr. Robert Cordes

Re - B 697682

1206 Oakcroft

Wants to be notified when
measurement is taken - under
15' for garage.

443 465 6888

^{2:50 PM} called left message

.DATE: 12/22/2008

STANDARD ASSESSMENT INQUIRY (1)

TIME: 08:03:46

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
09 18 472680	09	2-0	04-00	H	NO		10/02/08
MAVROPHILIPOS STAMATOULA				DESC-1.. IMPS			
				DESC-2.. DULANEY MANOR			
1206 OAKCROFT DR				PREMISE. 01206 OAK CROFT		DR	

00000-0000

LUTHERVILLE

MD 21093-6410 FORMER OWNER: CHATEL PETER J

----- FCV -----		----- PHASED IN -----				
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	81,630	123,630		FCV	ASSESS	ASSESS
IMPV:	174,510	229,920	TOTAL..	321,080	321,080	288,610
TOTL:	256,140	353,550	PREF...	0	0	0
PREF:	0	0	CURT...	321,080	321,080	288,610
CURT:	256,140	353,550	EXEMPT.		0	0
DATE:	06/04	06/07				

----	TAXABLE BASIS	----	FM DATE
	ASSESS:	321,080	08/23/08
	ASSESS:	288,610	
	ASSESS:	0	

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



Baltimore County
Department of Permits and
Development Management

Code Inspections and Permit
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 0199881	Property No. 09-18-472680	Zoning: DR 5.5
-------------------------------------	-------------------------------------	--------------------------

Name(s): **Stamatoula Mavriphilips**

Address: **1206 Oakcrist Dr**

Violation Location: **same as above**

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BBZR 400.3 Accessory structure exceeds 15' in height reduce height or obtain variance

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:	Date Issued:
---------------	--------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: **DENNIS RIOUX**

INSPECTOR: **Dennis Rioux**

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

On or Before: 11-21-08	Date Issued: 11-7-08
----------------------------------	--------------------------------

INSPECTOR: **D. Rioux**

AGENCY

Dennis

1217 Oak Croft Drive
Lutherville, Maryland 21093
October, 31, 2008

Mr John Altmeyer
Chief of Inspectors
111 West Chesapeake Avenue
Towson, Maryland 21204 MS 1009

Dear Mr. Altmeyer:

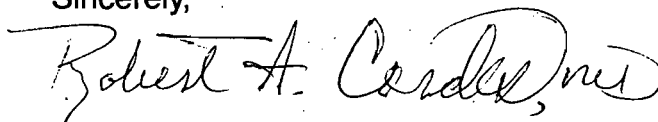
I found a recorded message from a Mr. Dennis Riaoux (?Sp) yesterday but was unable to make out his words and understand what he had found when we visited 1206 Oak Croft Drive on Wednesday, Oct. 29, 2008.

I phoned your office Thursday, Oct. 30 and this morning at 7:35 A.M., October 31 and you and Mr. Riaoux were both out for the day.

Could you please send me the height measurement results taken by Mr. Riaoux on his visit 10-29-2008 and whether the garage is indeed meeting the requirements of the Zoning Commissioner ruling (Case No. 08-432-A) not to exceed 15 feet.

Thanks for your help.

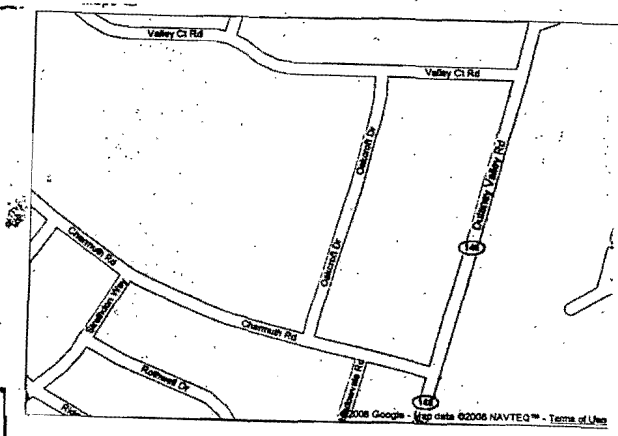
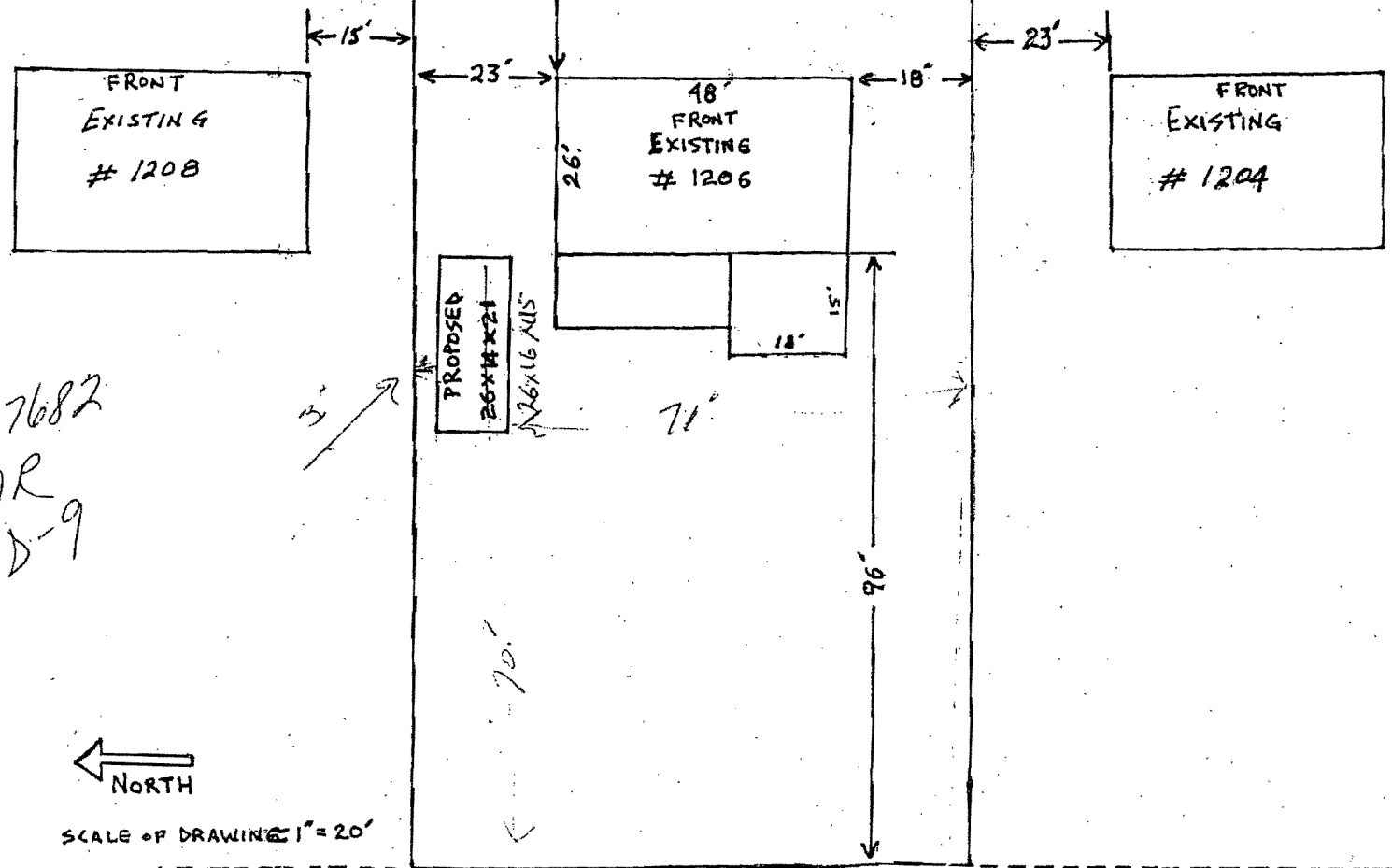
Sincerely,


Robert A. Cordes, M.D.

3697682

08-43-A

ADDRESS: 1206 OAKCROFT DRIVE
SUBDIVISION: DULANEY MANOR
PLAT BOOK # FOLIO # 85 Lot # 4 Section #
LIBER # 22
OWNER: STAMATOULA MAVROPHILIPOS



3697682
MR
D-9

2007-0160-A

Prior Case

IN RE: PETITION FOR ADMIN. VARIANCE *

W/S Oak Croft Drive, 305' N c/line of
Charmuth Road *

(1206 Oak Croft Drive) *

9th Election District *

3rd Council District *

Stamatoula Mavrophilipos *

Petitioner *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-432-A

* * * * *

* * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Stamatoula Mavrophilipos. The Petitioner requests a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage to be located in the side yard with a height of 21 feet in lieu of the required rear yard and permitted 15 foot height. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

This case was originally filed as an administrative variance, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without a formal hearing, provided certain conditions are met. First, the property is duly posted and advertised giving public notice of the requested relief. Under the Code, any property owner residing within 1,000 feet of the property in question can request a public hearing within 15 days of the sign posting, if that person objects to the relief requested. If no hearing is requested, the matter can be considered and an Order issued by the Zoning Commissioner/Deputy Zoning Commissioner, based on the documentation contained in the file.

In the instant case, the property was duly posted and within the requisite time period the Dulaney Valley Improvement Association, Inc., by and through its President Larry Townsend, filed a formal demand on April 3, 2008. Thus, in view of the community's concern, this matter

ORDER RECEIVED FOR FILING
Date 6-6-08
By [Signature]

0922350181

ALLEY COURT RD

NE 12-A

319

321

401

0926200037

VALLEY COURT RD

1800005009

DR 1

VALLEY COURT RD

1218
0919391080

1221
0916150080

1216

DR 2

1216

1219

1217

1214

1212

Pt. Bk. 22 Folio 85

0902571458

1212

1215

1210

1213

1210

1208

1211

1208

Flood Zone X

HAMPTON
ELEMENTARY
SCHOOL

061A3

DR 3.5

9 ED

NE 11-A

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1204
1202
0913204090

1208

1209

1207

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1201

0908654500

0907003070

1206

1204

1202

1200

CHARMUTH RD

CHARMUTH RD

CHARMUTH RD

0904500900
Pt. Bk. 14 Folio 7

1215

1213

2400003611

CHARMUTH RD

ROTHWELL DR

MEADOWVALE RD

DULANEY VALLEY RD

DR 5.5

070A1

DR 2

122

1120

1118

1116

1114

1112

1110

1108

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504

507

DR 2

CASE NAME Mavrophilipos
CASE NUMBER 09-01604
DATE 2/13/09

CASE NAME Mavrophilipos
CASE NUMBER 09-01604
DATE 2/13/09

[illegible]

Case No.: 2009-0160-A 1206 OAK CROFT DR.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	RULE 8 AUTHORIZATION Larry Townsend / Maxwell Collins
No. 2	PHOTOGRAPHS	Office of Planning ZAC comment 2/10/09
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

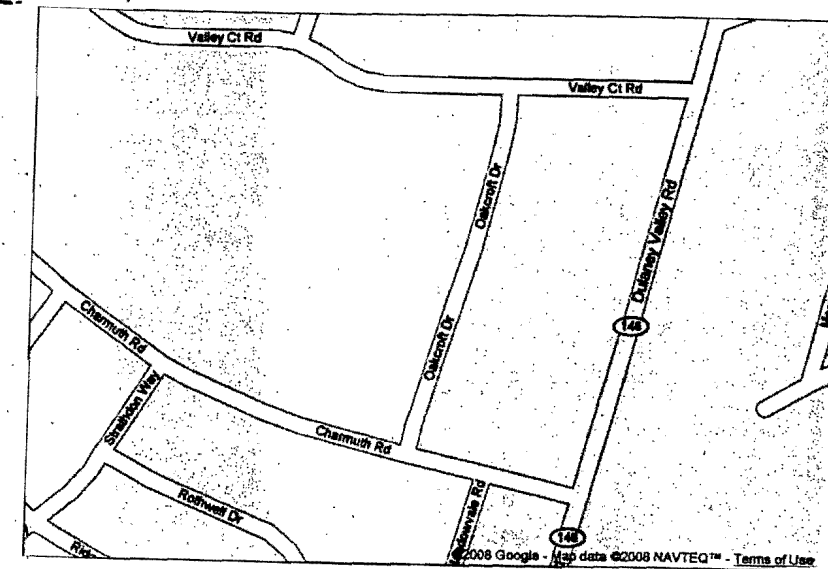
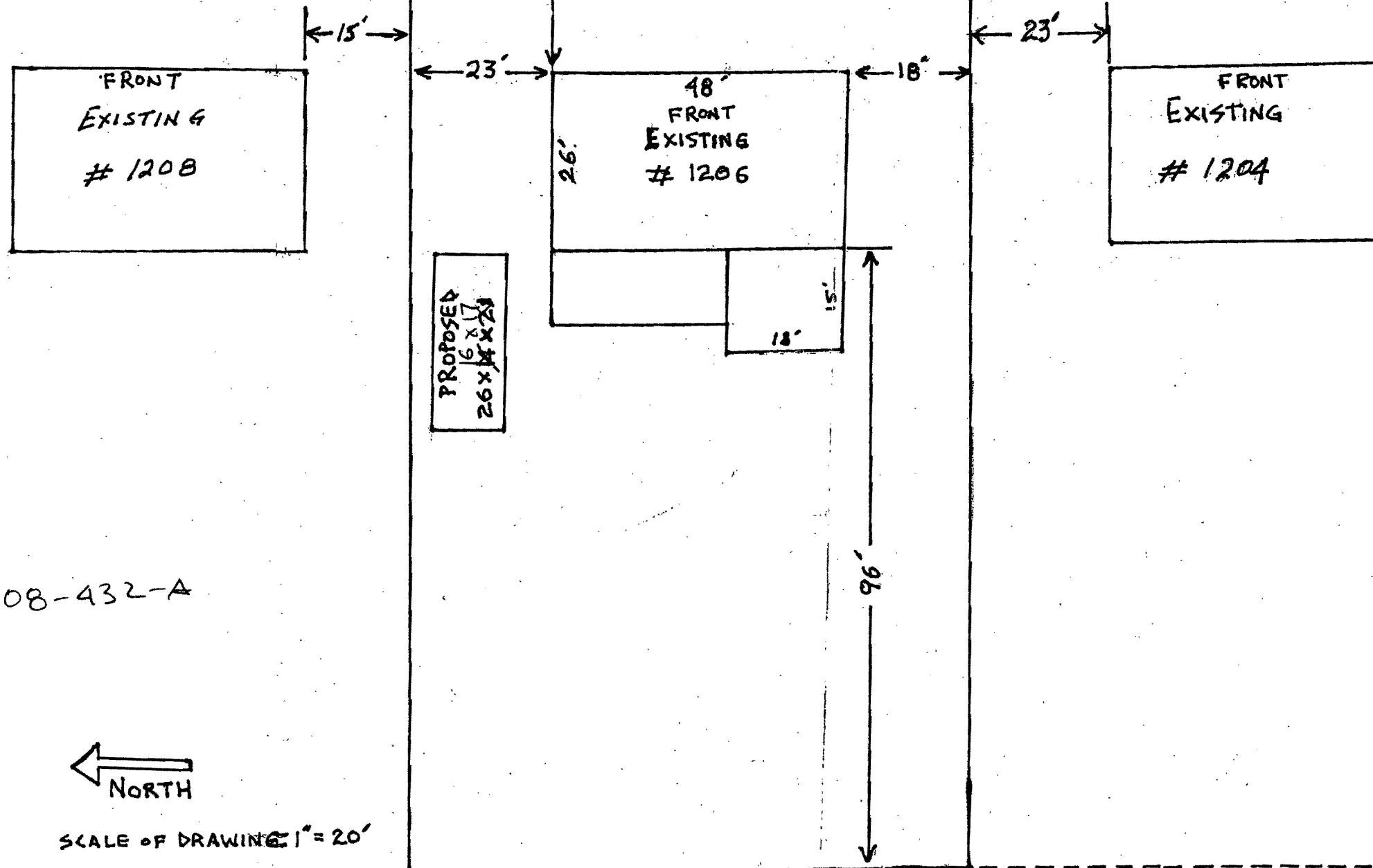
OAKCROFT DRIVE

ADDRESS: 1206 OAKCROFT DRIVE

SUBDIVISION: DULANEY MANOR

PLAT BOOK # FOLIO # 85 Lot # 4 Section #
Liber # 22

OWNER: STAMATOULA MAVROPHILIPOS

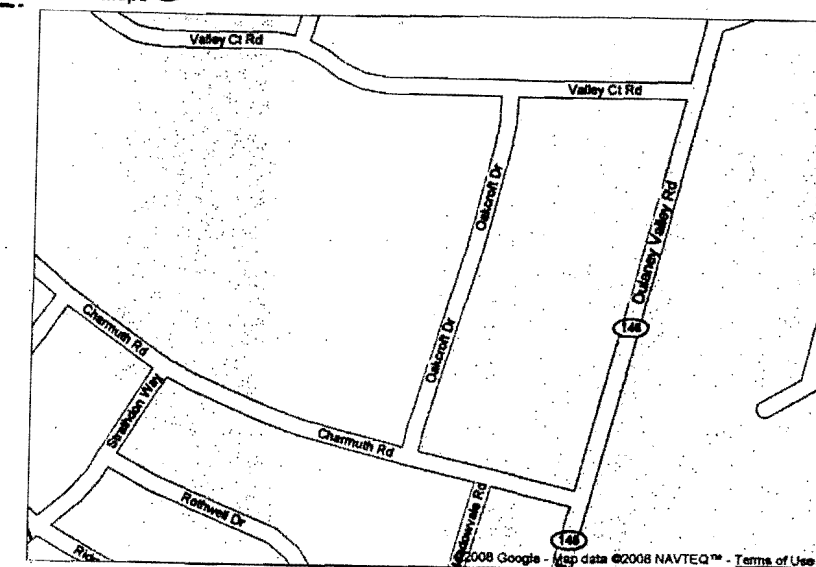
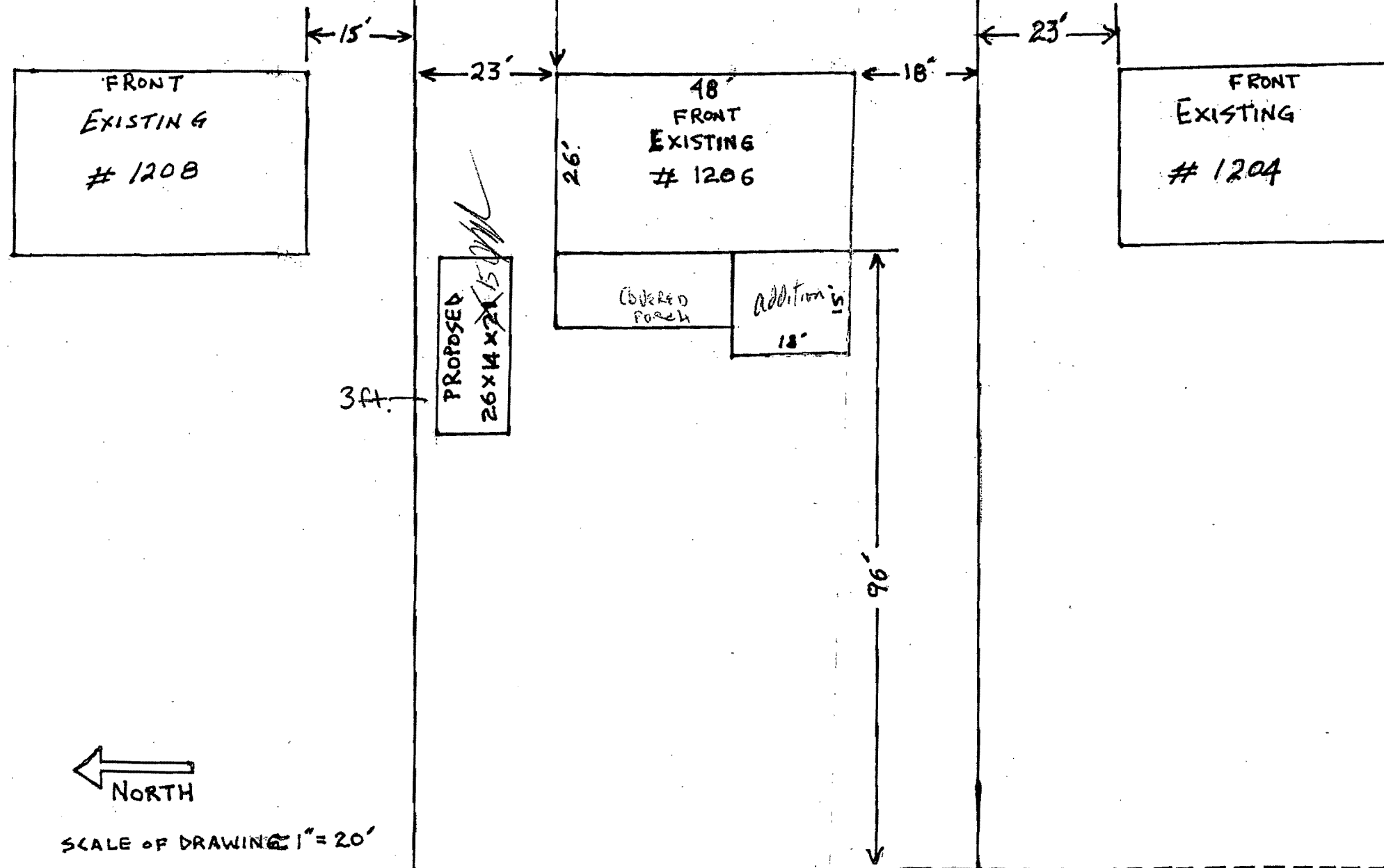


PRIOR CASE # 08-432-A

PETITIONER'S

EXHIBIT NO. 1

ADDRESS: 1206 OAKCROFT DRIVE
 SUBDIVISION: DULANEY MANOR
 PLAT BOOK # FOLIO # 85 Lot # 4 Section #
 Liber # 22
 OWNER: STAMATOULA MAVROPHILIPOS



PETITIONER'S

EXHIBIT NO. 1

FROM CASE
 NO. 08-432-A
 15' HEIGHT



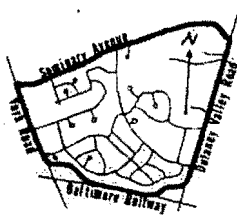
Case No.: 2009-0160-A 1206 OAK CROFT DR.

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	RULE 8 AUTHORIZATION Larry Townsend / Maxwell Collins
No. 2	PHOTOGRAPHS	Office of Planning ZAC comment 2/10/09
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



**Dulaney
Valley
Improvement
Association, Inc.**

P.O. Box 102 · Lutherville, MD · 21094-0102

February 9, 2009

To whom it may concern:

Under the provisions of Baltimore County Zoning Regulations, Rule 8. Special rule pertaining to persons appearing before the board as a representative of the Dulaney Valley Improvement Association, Inc., hereinafter "DVIA," be it known that the members elected below

Have an accurate knowledge of the number of members in the association and the geographic limits of "DVIA";

Are authorized to speak for and present the views of "DVIA," and

Are currently duly elected members of the Board of Directors of "DVIA" and have been given the responsibility for review and action on all zoning matters brought before the Board of Directors and are acting as the zoning committee for "DVIA".

The members elected by formal resolution of the Board of Directors are:

Todd Huff, President, 7 Felton Road, Lutherville, MD 21093

Maxwell R. Collins, II, Treasurer, 11 Greenridge Road, Lutherville, MD 21093

Larry Townsend, Board Member, 1111 Longbrook Road, Lutherville, MD 21093

Robert Cordes, Board Member, 1217 Oakcroft Drive, Lutherville, MD 21093

Todd Huff Pres.
Todd Huff, President

2-9-09
Date

Edna Jones
Edna Jones, Recording Secretary

2-9-09
Date

PROTESTANT'S

EXHIBIT NO. 1

BS 2/13
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 10, 2009

RECEIVED

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

FEB 12 2009

ZONING COMMISSIONER

SUBJECT: 9-160 -Variance

The Office of Planning is opposing the petitioner's request to permit an accessory structure (garage) with a height of 17 feet in lieu of the maximum permitted 15 feet. This petitioner had a similar request, see case no 08-432-A that was dismissed. The petitioner is requesting this variance due to a stop-work violation for building a garage at a height of 17 feet in lieu of the maximum permitted 15 feet. It is the position of this office that this garage is not keeping with the character of the community and would dominate an already largely developed lot and encroach on the neighbor's property and view-shed. This office would be amenable to a garage with a height of 15 feet including architecture that is fitting to the community such as a pitched roof with building materials that match the current dwelling.

For further information concerning the matters stated herein, please contact Jessie Bialek at 410-887-3480.

Prepared by: JB

Section Chief: [Signature]

AFK/LL: CM

PROTESTANT' S
EXHIBIT NO. 2

Protestants Exhibits

- ✓ 1. Permit 2-12-08
- ✓ 2. Permit 6-25-08
- ✓ 3. Case # 08-432-A
- ✓ 4. Code Enforcement report (red page)
- ✓ 5a-b MDAT + MDAT Map
- ✓ 6. Planning Comments
- ✓ 7 a-d Rule 8 papers

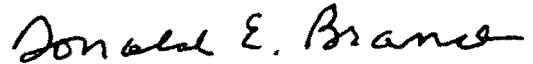
W. J. J. J.
8/4/09

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT



TIMOTHY M. KOTROCO, Director



DONALD E. BRAND, Buildings Engineer

BUILDING PERMIT

PERMIT #: B687245 CONTROL #: MR DIST: 09 PREC: 01
DATE ISSUED: 02/12/2008 TAX ACCOUNT #: 0918472680 CLASS: 04

PLANS: CONST 0 PLOT 2 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 1206 OAK CROFT DR
SUBDIVISION: DULANEY MANOR

OWNERS INFORMATION

NAME: MAVROPHILIPOS STAMATOULA
ADDR: 1206 OAK CROFT DR. 21093

TENANT:

CONTR: OWNER

ENGR:

SELLR:

WORK: CONST. 2STY ACCESSORY STRUCTURE ON REAR PROPERTY
OF EX. SFD, 1ST FLR-2 CAR GARAGE, 2ND FLR-STORAGE
14X26X15' MAX=728SF TOTAL, ONE HOUR FIRE RATED
CONSTRUCTION AND NO OPENINGS ON SIDE WIDTH 3'
SETBACK.

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD AND DETACHED GARAGE

EXISTING USE: SFD

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: GARAGE

FOUNDATION: SLAB

BASEMENT: NONE

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 14520SF

FRONT STREET:

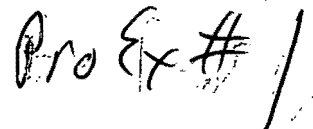
SIDE STREET:

FRONT SETB: NC

SIDE SETB: 60/3

SIDE STR SETB:

REAR SETB: 70



PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

111 West Chesapeake Avenue, Towson, Maryland 21204

410-887-3900

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

Timothy M. Kotroco

TIMOTHY M. KOTROCO, Director



Donald E. Brand

DONALD E. BRAND, Buildings Engineer

BUILDING PERMIT

PERMIT #: B697682 CONTROL #: MR DIST: 09 PREC: 01
DATE ISSUED: 06/25/2008 TAX ACCOUNT #: 0918472680 CLASS: 04

PLANS: CONST 0 PLOT 2 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 1206 OAK CROFT DR
SUBDIVISION: DULANEY MANOR

OWNERS INFORMATION

NAME: MAVROPHILIPOS STAMATOULA
ADDR: 1206 OAKCROFT DR. LUTHERVILLE, MD. 21093

TENANT:

CONTR: OWNER

ENGR:

SELLR:

WORK: CONST. 2STY ACCESSORY STRUCTURE ON SIDE/REAR
YARD OF EX. SFD, 1ST FLR-2 CAR GARAGE, 2ND FLR-
STORAGE, 16X26X15' MAX=832SF, REFER TO VARIANCE
CASE#08-432-A. ONE HOUR FIRE RATED, THIS PERMIT
CANCELS 687245, EXPIRES 2/12/09.

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD AND DETACHED STRUCTURE
EXISTING USE: SFD

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: GARAGE

FOUNDATION: CONCRETE

BASEMENT: NONE

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 14520SF

FRONT STREET:

SIDE STREET:

FRONT SETB: NC

SIDE SETB: 71/3

SIDE STR SETB:

REAR SETB: 70

Pro Ex #2

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

111 West Chesapeake Avenue, Towson, Maryland 21204

410-887-3900

2009-0160-A

11:03AM

Received Time Aug 3 11:03AM

T. J. M. Case

IN RE: PETITION FOR ADMIN. VARIANCE *
W/S Oak Croft Drive, 305' N c/line of *
Charmuth Road *
(1206 Oak Croft Drive) *
9th Election District *
3rd Council District *

Stamatoula Mavrophilipos *
Petitioner *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-432-A

* * * * *

* * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Stamatoula Mavrophilipos. The Petitioner requests a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage to be located in the side yard with a height of 21 feet in lieu of the required rear yard and permitted 15 foot height. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit I.

This case was originally filed as an administrative variance, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without a formal hearing, provided certain conditions are met. First, the property is duly posted and advertised giving public notice of the requested relief. Under the Code, any property owner residing within 1,000 feet of the property in question can request a public hearing within 15 days of the sign posting, if that person objects to the relief requested. If no hearing is requested, the matter can be considered and an Order issued by the Zoning Commissioner/Deputy Zoning Commissioner, based on the documentation contained in the file.

In the instant case, the property was duly posted and within the requisite time period the Dulaney Valley Improvement Association, Inc., by and through its President Larry Townsend, filed a formal demand on April 3, 2008. Thus, in view of the community's concern, this matter

Prot Bd Ex 3

was scheduled for a public hearing, which was held on May 27, 2008.

Appearing at the hearing in support of the request were Stamatoula Mavrophilipos, and her husband, Konstantinos Mavrophilipos, property owners. Appearing as a Protestant/interested party was Larry Townsend, President, Dulaney Valley Improvement Association.

Testimony and evidence offered disclosed that the subject property is a rectangular lot (193' deep x 89' wide) located just north of Charmuth Road near Dulaney Valley Road in Lutherville. The property is also referred to as Lot 4 of the residential subdivision known as Dulaney Manor and contains a gross area of 14,520 square feet, or 0.39 acres, more or less, zoned D.R.3.5. The property is improved with a 2-story split-level, single-family dwelling with a carport and storage shed attached to the north side of the home. It is this side of the site that is the subject of the instant request. Access to the property is by way of an existing 12' wide x 80' macadam driveway that ends at the rear building line of the original home. Since purchasing the property in 2004, an 18' x 15' addition has been added to the rear of the house along with a 30-foot rear porch.

Subsequently, in the fall of 2007, the Petitioner and her husband decided to construct a garage. In this regard, Mr. Mavrophilipos stated that he wanted to build a garage of sufficient size to accommodate his car with an increased height to allow full access to a second floor above for storage of collectibles and other personal property as their home has no basement. Section 400.3 of the B.C.Z.R. limits the height of accessory buildings to 15 feet¹. Petitioner believes that the garage would be aesthetically pleasing and in keeping with the characteristics of the neighborhood. Mr. Mavrophilipos opines that this location is the most practical given its proximity to the existing driveway and the existing mature tree in the rear yard which would have to be removed to set the garage farther into the back yard (See Petitioner's Exhibit 3). He points out that no County reviewing agency, including the Office of Planning, submitted an adverse Zoning Advisory Committee (ZAC) comment. Both he and his wife state that the placement of a new garage in the rear yard in accordance with B.C.Z.R. Section 400.1 would cause a hardship for the Petitioner.

¹ There is insufficient side yard width to allow for an attached garage as depicted on Petitioner's photographic Exhibit 2. B.C.Z.R. Section 1B02.3C.1 requires a 10-foot side yard width and a minimum sum of side yards of 25 feet.

ORIGINAL FILED FOR RECORD

6-4-58

case is not warranted. The preservation of trees is an appropriate justification for zoning relief. *See McLean v. Soley*, 270 Md. 208 (1973). I find the requirements of B.C.Z.R. Section 307.1 to be satisfied. The proposed garage location and the significant driveway length from Oak Croft Drive are appropriate to provide an adequate appearance that the garage is in the rear yard. Furthermore, I find that, without the grant of a variance, the Petitioner would suffer a "practical difficulty" given these facts and site constraints if strict adherence to the regulations were required.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

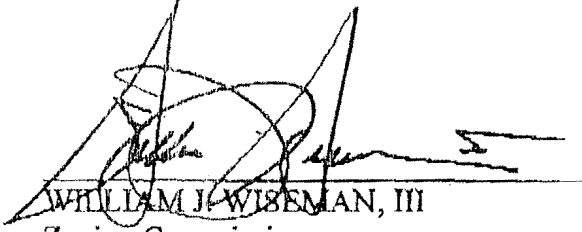
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of June 2008 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a garage to be located in the side yard in lieu of the required rear yard only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED subject to the following restrictions:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at her own risk until the thirty (30) day appeal period from the date of this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The proposed garage shall be built in terms of "normal overall garage proportions" in massing. That is to say that the garage will be built with a door height not to exceed 8 feet and of materials and colors that match the front of the principal structure to assure consistency.
3. The decision in this case is not a legal precedent that may be cited as such in any other zoning/development case involving the location of accessory structures within the jurisdictional boundary of the Dulaney Valley Improvement Association, Inc.

IT IS FURTHER ORDERED that the Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a detached accessory structure (garage) with a height of 21 feet in lieu of the maximum allowed 15

feet, in accordance with Petitioner's Amended Exhibit 1, be and is hereby DISMISSED AS MOOT.

Any appeal of this decision shall be taken in accordance with Baltimore County Code Section 32-3-401.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDERED FOR THE
Clerk of the Court
6-6-08
100

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

Bd Prot Ex 4



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 v2.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 09 **Account Number -** 0918472680

Owner Information

Owner Name: MAVROPHILIPOS STAMATOULA **Use:** RESIDENTIAL
Mailing Address: 1206 OAKCROFT DR **Principal Residence:** YES
 LUTHERVILLE MD 21093-6410 **Deed Reference:** 1) /20457/ 232
 2)

Location & Structure Information

Premises Address **Legal Description**
 1206 OAK CROFT DR 1206 OAK CROFT DR WS
 DULANEY MANOR

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
61	20	327				A	4	2	Plat Ref: 22/ 85

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1957	2,196 SF	14,520.00 SF	04

Stories	Basement	Type	Exterior
2	NO	SPLIT LEVEL	WOOD SHINGLE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	81,630	123,630		
Improvements:	174,510	229,920		
Total:	256,140	353,550	256,140	288,610
Preferential Land:	0	0	0	0

Transfer Information

Seller: CHATEL PETER J	Date: 07/28/2004	Price: \$290,000
Type: IMPROVED ARMS-LENGTH	Deed1: /20457/ 232	Deed2:
Seller: GIORDANO UMBERTO	Date: 04/29/1994	Price: \$157,000
Type: IMPROVED ARMS-LENGTH	Deed1: /10497/ 95	Deed2:
Seller: GIORDANO UMBERTO	Date: 06/15/1992	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 9224/ 256	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 *

Bd Prot Ex 3A

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 10, 2009

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

SUBJECT: 9-160 -Variance

The Office of Planning is opposing the petitioner's request to permit an accessory structure (garage) with a height of 17 feet in lieu of the maximum permitted 15 feet. This petitioner had a similar request, see case no 08-432-A that was dismissed. The petitioner is requesting this variance due to a stop-work violation for building a garage at a height of 17 feet in lieu of the maximum permitted 15 feet. It is the position of this office that this garage is not keeping with the character of the community and would dominate an already largely developed lot and encroach on the neighbor's property and view-shed. This office would be amenable to a garage with a height of 15 feet including architecture that is fitting to the community such as a pitched roof with building materials that match the current dwelling.

For further information concerning the matters stated herein, please contact Jessie Bialek at 410-887-3480.

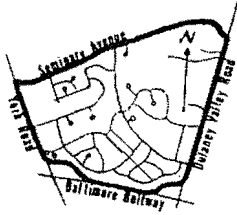
Prepared by: JP

Section Chief: Arnold F. Keller, III

AFK/LL: CM

Print B and E2





**Dulaney
Valley
Improvement
Association, Inc.**

P.O. Box 102 · Lutherville, MD · 21094-0102

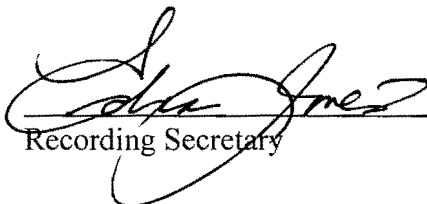
RESOLVED: At the February 9, 2009 board meeting of the Association, after a formal motion by Max Collins, by unanimous vote of the board, the responsibility for review and action on all zoning matters for the calendar year 2009 pursuant to Rule Eight of the Rules of Practice and Procedure of the Baltimore County Board of Appeals was placed in the Zoning Committee consisting of the following members, each of whom was authorized to testify on behalf of the Association before the County Board of Appeals or other duly constituted zoning agency, body, or commission:

Todd Huff, President, 7 Felton Road, Lutherville, MD 21093
Maxwell R. Collins, Treasurer, 11 Greenridge Road, Lutherville, MD 21093
Larry Townsend, Board Member, 1111 Longbrook Road, Lutherville, MD 21093
Robert Cordes, Board Member, 1217 Oakcroft Drive, Lutherville, MD 21093

AS WITNESS OUR HANDS AND SEALS THIS 28th day July, 2009.

ATTEST:

Dulaney Valley Improvement Association, Inc.


Recording Secretary


President

Prot. Ex 7a

Petitioners Exhibit

- ✓ Pet. Ex #1 a-g Photos of area
- ✓ 2. All agency comments in file

verified
8/4/09



Pet. Ex # 19

2/12 Pitch - House
1/12 Pitch - Garage

PETITIONER'S
EXHIBIT NO. 2



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Pet-Ex 1a



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PeT-Ex #16



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Pet. Ex 1c



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Plt. Ex. #1 L



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< > 07/26/09

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Pet. Ex. #1 f

05 30 2008