IN RE:	PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
	SE side of Forwood Court; 755 feet S of the		
	c/l of Falls Road	*	ZONING COMMISSIONER
	(11 Forwood Court) 8 th Election District		
	8 th Election District	*	OF
	2 nd Council District		
		*	BALTIMORE COUNTY
	Robert N. Gensler, et ux		
	Petitioners	*	Case No. 2010-0221-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 owners of the subject property, Robert N. Gensler, and his wife, Elizabeth E. Gensler. The Petitioners request a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a principal building (dwelling) to have a side setback to a line of 47 feet, more or less, in lieu of the required 50 feet. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioners' Exhibit 1.

The Petition was filed through the administrative variance process, 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 the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

ORDER	RECEIVED FOR FILING	
Date	3-29-10	
Ву	m	

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the unique configuration of the property and the layout and location of the existing dwelling thereon. As shown on the site plan, the Petitioners propose to construct a dwelling to replace the existing house that sustained extensive fire damage and was considered a total loss by the insurance company. Petitioners desire to construct a larger home which will utilize the existing foundation. None of the neighbors on Forwood Court expressed any opposition to the proposed dwelling as depicted on the site plan. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. The property contains 2.45 acres and decreasing the setback by 3 feet, more or less, will not have any impact on adjacent properties.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Comments were received from the Office of Planning dated March 9, 2010 which states that the existing single-family dwelling contained on the property was deemed a total loss due to fire damage. The Petitioners seek a side yard variance of 47 feet in lieu of 50 feet in order to raze and rebuild a larger single-family dwelling. The development plan was approved and vested prior to the R.C. 5 Performance Standards. The Planning Office supports the requested variance provided the

Date 3.29.10 2

architectural elevation drawings are in accordance with those prepared by Creative Outlooks LLC dated January 22, 2010. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale.

Pursuant to the advertisement, posting of the property, 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 of Baltimore County this 29th day of March 2010, that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a principal building (dwelling) to have a side setback to a line of 47 feet, more or less, in lieu of the required 50 feet be and is hereby GRANTED, subject to the following restriction:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2. The architectural elevation drawings shall be in accordance with those prepared by Creative Outlooks LLC dated January 22, 2010.
- 3. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WILLIAM J. WISEM
Zoning Commissioner
WJW:pz of Baltimore County

ORDER RECEIVED FOR FILING



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

March 29, 2010

Robert N. and Elizabeth E. Gensler 11 Forwood Court Cockeysville MD 21030

RE: Petition for Administrative Variance 11 Forwood Court Case No. 2010-0221-A

Dear Mr. and Mrs. Gensler:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:pz

Enclosure

c: Scott Lindgren, Gerhold Cross & Etzel, Ltd., 320 East Towsontowne Blvd. Suite 100, Towson MD 21286

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property

located at 11 Forwood Court, Cockeysville, MD 21030

which is presently zoned RC 5

Deed Reference: 10937 /56 Tax Account #21-00-008984

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1A04.3.B.2.b - To permit a principal building (dwelling) to have a set back to a lot line of 47 feet, more or less, in lieu of the required 50 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

		perjury, that I/we are the leg is the subject of this Petition	al owner(s) of the	
Contract Purchaser/Lessee	<u>:</u>	Legal Owner(s):	1111 /2	
		Robert N. Gens	ler,	
Name - Type or Print		Name Type or Prin		
Signature		Signature Elizabeth E. Go	angles	
	Telephone No.		ensier	
Address	relephone No.	Name - Type or Print	9 gens	hr
City	State Zip Code	Signature /	0 41	
Attorney For Petitioner:		11 Forwood Cour	rt 56	0-6128
Account for feminines.		Address		Telephone No.
		Cockeysville,	MD 210	030
Name - Type or Print		City	State	Zip Code
		Representative to be	Contacted:	
Signature		Scott A. Lindg: Gerhold, Cross	ren	Ltd.
Company		Name Suite 100 320 E. Towsonto	owne Blvd.	410 823-4470
Address	Telephone No.	Address		Telephone No.
		Towson	MD	21286
City	State Zip Code	City	State	Zip Code
A Public Hearing having been formall this day of regulations of Baltimore County and that	that the subject matter of	this petition bé set for a public heari	ng, advertised, as re	equired by the zoning
		Zoning Commissione	er of Baltimore Cour	nty
Case No. 2010 - C)221-A Rev	riewed By BR	Date 2 22	110
ORDER	RECEIVED FOR FILE	Retting Date 3/7/13)	
FRM476_09 Date	3.29.10			Rev 3/09
By	em			

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently own and reside at Cockeysville, MD 21030 Address number Road or Street name and that this address is the subject of this variance request as required by law. That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate the hardship or practical difficulty; attach an additional sheet if needed) The existing house sustained extensive fire damage and was considered a total loss by the insurance company. While rebuilding the house we wish to have a larger house. The design will utilize the existing foundation but due to the location on the lot the larger house requires the setback variance. That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information. Signature Robert N. Gensler Elizabeth E. Gensler Name- print or type Name- print or type A Notary Public must complete the following section prior to the filing appointment. STATE OF MARYLAND, BALTIMORE COUNTY, to wit: I HEREBY CERTIFY, this \8 day of telegraphy and before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared: the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) AS WITNESS my hand and Notarial Seal

PLACE SEAL HERE:



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

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

February 18, 2010

ZONING DESCRIPTION PROPERTY OF ROBERT N. GENSLER & WIFE

Beginning for the same at the southeast end of Forwood Court, 50 feet wide, 755 feet, more or less, south of Falls Road, being Lot #6 in the subdivision of "Fox Ridge Estates" as recorded in Baltimore County Plat Book S.M. No. 59, folio 29, containing 2.453 acres of land, more or less, also known as #11 Forwood Court and located in the 8th Election District, 2nd Councilmanic District.

This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0221 -A Address 11 Forwood CT
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 2210 Posting Date: 3710 Closing Date: 32210
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2010- 0221 -A Address 11 Forwood CT
Petitioner's Name Bruno Rudaitis Telephone 410-887-3391
Posting Date: 3/7/10 Closing Date: 3/22/10
Wording for Sign: To Permit a side yard set back of 47' in
I rem of 30" set back for parposed dwelling

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Item Number or Case Number: _	2010 - 0221- A
Petitioner: ROBERT & ELIZA	BETH GENSLER
Address or Location: 11 FORW	OOD COURT COCKEYSVILLE MD 21030
PLEASE FORWARD ADVERTIS	NG BILL TO:
Name: ROBERT & ELIZABET	H GENSLER
Address: 11 FORWOOD COURT	
	0 21030

MISCE	LLANEOU	JS CASH	RECEIPT	Rev Source/	Sub Rev/	Date:	0/3	10
und	Dept	Unit	Sub Unit	Obj		Dept Obj	BS Acct	Amount
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For:	j l		_1	<i>J</i>	www.cmf			
		-						

CASHIER'S VALIDATION



Gerhold, Cross & Etzel, Ltd.

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

CERTIFICATE OF POSTING

RE: CASE#2010-0221-A

OWNER/PETITIONER: Robert N. Gensler Elizabeth E. Gensler

DATE OF CLOSING: 3/22/10

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

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

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

(see page 2 for full size photo)

LOCATION:

11 Forwood Court

SIGNATURE OF SIGN POSTER

Bruce E. Doak

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

POSTED ON: 3/05/10





ADMINISTRATIVE VARIANCE

CASE #: 2010-0221-A

A VARIANCE TO PERMIT A SIDE YARD SET BACK OF 47' IN LIEU OF A 50' SET BACK FOR A PROPOSED DWELLING

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MARCH 22, 2010

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE. TOWSON, MD. 21204

TEL. 410-887-3391

HEARINGS ARE HANDICAPPED ACCESSIBLE



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

March 23, 2010

Robert & Elizabeth Gensler 11 Forwood Ct. Cockeysville, MD 21030

Dear: Robert & Elizabeth Gensler

RE: Case Number 2010-0221-A, 11 Forwood Ct

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 22, 2010. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

U. Cul Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

People's Counsel
 Scott A. Lindgren; Gerhold, Cross & Etzel, Ltd.; 320 E. Towsontowne Blvd, Ste 100; Towson,
 MD 21286



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 March 8,2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 1,2010

Item Numbers: 0219,0220,0221,0222,0223,0224 and 0225

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

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: March 3, 2010

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 15, 2010

Item Nos. 2010-220, 221, 222, 223,

224 and 225

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-03152010 -NO COMMENTS.doc

Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: MARCH 4, 2010

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

RE:

Baltimore County

Item No. 2010-0221-A

11 FORWOOD GURT

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. 20\0. -0221-A.

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

Very truly yours.

Steven D. Foster, Chief Engineering Access Permits

SDF/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** March 9, 2010

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

SUBJECT:

11 Forwood Court

MAR 2 5 2010

INFORMATION:

Item Number: 10

10-221

ZONING COMMISSIONER

Petitioner:

Robert N. Property

Zoning:

RC 5

Requested Action:

Administrative Variance

The subject property contains an existing single-family dwelling that was deemed a total loss due to fire damage. The petitioner seeks a side yard variance of 47 feet in lieu of 50 feet in order to raze and rebuild a larger single-family dwelling. The development plan was approved and vested prior to the RC 5 Performance Standards.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the requested variance provided the architectural elevation drawings are in accordance with those prepared by Creative Outlooks LLC dated January 22, 2010.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Prepared by: AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

BUAV 3-22-10

Inter-Office Correspondence



RECEIVED

APR 1 2 2010

TO:

Timothy M. Kotroco

ZONING COMMISSIONER

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

April 12, 2010

SUBJECT:

Zoning Item # 10-221-A

Address

11 Forwood Court

(Gensler Property)

Zoning Advisory Committee Meeting of March 1, 2010.

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

A septic system reconstruction/relocation may be necessary. – Dan Esser; Groundwater Management (410) 887-2762

Patricia Zook - Case 2010-0221-A - comments needed (admin. variance)

From:

Patricia Zook

To:

Murray, Curtis

Date:

3/25/2010 10:19 AM

Subject: Case 2010-0221-A - comments needed (admin. variance)

Good morning Curtis -

I just received this administrative variance file and it is missing comments from Planning.

Thank you.

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

410-887-3868

pzook@baltimorecountymd.gov



Exempt Class:

Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3d)

Go Back View Map New Search

District - 08 Account Number - 2100008984 **Account Identifier: Owner Information Owner Name:** GENSLER ROBERT N RESIDENTIAL GENSLER ELIZABETH E Principal Residence: **Mailing Address:** 13134 FALLS RD **Deed Reference:** 1) /10937/ 56 COCKEYSVILLE MD 21030-1410 2) Location & Structure Information **Premises Address Legal Description** 11 FORWOOD CT 2.453 AC 11 FORWOOD COURT **FOX RIDGE ESTATES** Map Grid **Parcel Sub District Subdivision** Section **Block Lot Assessment Area** Piat No: 6 Plat Ref: 59/29 50 79 Town **Special Tax Areas Ad Valorem** Tax Class **Primary Structure Built Enclosed Area Property Land Area County Use** 0000 2.45 AC 04 **Stories Exterior Basement** Type **Value Information Base Value** Value **Phase-in Assessments** As Of As Of As Of 01/01/2008 07/01/2009 07/01/2010 229,000 286,250 Land 100 100 Improvements: Total: 229,100 286,350 267,266 286,350 **Preferential Land:** 0 **Transfer Information** Seller: GLYNN MICHAEL J 02/09/1995 Price: \$462,500 Deed1: /10937/56 Deed2: **IMPROVED ARMS-LENGTH** Seller: FALLS RIDGE LIMI TED PARTNERSHIP Date: 10/22/1990 Price: \$473,250 Deed1: / 8627/ 825 Deed2: Type: IMPROVED ARMS-LENGTH Date: Price: Seller: Deed1: Deed2: Type: **Exemption Information Partial Exempt Assessments** Class 07/01/2009 07/01/2010 000 0 0 County 000 0 0 State 000 0 0 Municipal **Special Tax Recapture:** Tax Exempt: NO

* NONE *



















