IN RE: PETITION FOR ADMIN. VARIANCE

E side of Nancy Lee Court; 700 feet N of the c/l of Baublitz Road 4th Election District 2nd Councilmanic District (12607 Nancy Lee Court)

Jerome and Sarah Gottlieb *Petitioners*

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0266-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Jerome and Sarah Gottlieb for property located at 12607 Nancy Lee Court. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 47.5 feet in lieu of the required 50 feet for a replacement dwelling. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Photographs submitted with the Petition show a two story stone dwelling destroyed by a fire. Petitioners desire to make the garage on the replacement dwelling larger to accommodate their personal vehicles. The subject property contains 1.44 acres and is served by private sewer and water.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 17, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER REC	EIVED FOR FILING	
Date	5.10.10	
Ву	Po	

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 10th day of May, 2010 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 47.5 feet in lieu of the required 50 feet for a replacement dwelling is hereby GRANTED, subject to the following:

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

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

Deputy Zoning Commissioner for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

May 10, 2010

JEROME AND SARAH GOTTLIEB 12607 NANCY LEE COURT REISTERSTOWN MD 21136

Re: Petition for Administrative Variance

Case No. 2010-0266-A

Property: 12607 Nancy Lee Court

Dear Mr. and Mrs. Gottlieb:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property

located at 12607 Nancy Lee Court R	eisterst	town, MD 21136	
which is presently zoned RC-5			
Deed Reference: 27689	/ 88	Tax Account # 2400002743	

This Petition shall be filed with the Department of Permits and Dev	/elopme	nt Ma	anag	emen	t. The	e und	dersigne	d, legal
pwner(s) of the property situate in Baltimore County and which is desc	cribed in	the	desc	ription	and	plat a	attached	hereto
and made a part hereof, hereby petition for a Variance from Section(s)	(A.	.el .		7	,	,		

a side yard setback of 47.5 ft. in lieu of the required 50 ft. for a replacement dwelling.

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.

				I/We do solemnly declare a perjury, that I/we are the le is the subject of this Petition	egal owner(s) of the	
Contract	Purchaser/	Lessee:		Legal Owner(s):		
				Jerome Gottlie	eb	
Name - Type	or Print			Name - Type or Pri	int	
Signature				Signature		
Signature				Sarah Gottlieb		
Address			Telephone No.	Name - Type of Print		
City		State	Zip Code	Signature		
Attorney	For Petition	ner:		12607 Nancy Lee	Court 44	3-253-5324
				Address		Telephone No.
				Reisterstown	MD State	21136 Zip Code
Name - Type	or Phil			City		Zip Code
Signature	2	• ,		Representative to be	e Contactea:	
·				Jerome Gottlieb		
Company				Name 12607 Nancy Lee C	Court 4	43-253-5324
Address			Telephone No.	Address	MD	Telephone No.
City		State	Zip Code	Reisterstown City	MD State	21136 Zip Code
				•		
this	day of	en formally demanded the the propert	at the subject matter of	equired, it is ordered by the Zoning this petition be set for a public hear	ring, advertised, as re	equired by the zoning
				•	ner of Baltimore Cour	-
Case No	2010-	0266- A	Rev	riewed By/3/K	Date 4/5	100
OF	RDER REC	EIVED FOR F	FILING Potented Po	riewed By <u>/SK</u> osting Date <u>4/ (X</u>	1/10	
	RM476_09	5.10.10		_		Rev 3/09
_		W ₂				

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 12607 Nancy Lee Court 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 current side yard set back on the right side of the property is 50'. It is requested to reduce the side yard set back on the right side only to 47'-6". This request is being made in order to enlarge the current garage as the current garage does not fit the length of our personal everyday vehicles. This request will allow us to park our vehicles in our garage instead of on our driveway outside. 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. A Notary Public must complete the following section prior to the filing appointment. STATE OF MARYLAND, BALTIMORE COUNTY, to wit: I HEREBY CERTIFY, this 30th day of Movila, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared: (Name Affiant(s) here): bry Gottlieb - Sarah Gott lieb the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal Name of Notary Public TRACY J. DAVIS PLACE SEAL HERE: **Notary Public Baltimore City** Maryland My Commission Expires Oct 31, 2012

Rev 3/09

Property Description

12607 Nancy Lee Court Reisterstown, MD 21136

Zoning Description for 12607 Nancy Lee Court Reisterstown, MD 21136

Beginning at a point on the east side of Nancy Lee Court which is 40' wide a distance 700' north of the centerline of the nearest improved intersecting street Baublitz Road which is 60' wide. Being Lot #12 in the subdivision of Nancy Lee Farms as recorded in Baltimore County Plat Book 75-81 containing 1.44 acres. Also known as 12607 Nancy Lee Court Reisterstown, MD 21136 and located in the 4th Election District, 2nd Councilmanic District

BALTIMORE COUNTY DEF REMEMBER AND DEV OPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2010-	\$ 24.6]	Address	1260	7 NG4 c.	c hee	– C+,
Case	Number 2010- ct Person:	0 x 6 6	R.D.	, 4.	74.00	Dhone Nu	mbor: 41	0 007 2201
Conta	ct Person:	Planner, Pl	lease Print Yo	ur Name		Phone Nui	inder. 41	0-007-3391
Filing	Date: <u>4/</u>	5/10	Po	sting Date:	4/18/13	Closin	ng Date:	5/3/10
Any c throug	ontact made v h the contact p	vith this offic erson (planne	e regardi er) using t	ng the statu the case num	s of the ad ber.	ministrative	variance	should be
1.	POSTING/CO reverse side of reposting must is again respondence property on or date.	f this form) a t be done onlinsible for all	and the pe y by one associate	etitioner is re of the sign po ed costs. Th	sponsible fo osters on the le zoning no	r all printing approved l tice sign m	n/posting ist and thust be vis	costs. Any ne petitioner sible on the
2.	DEADLINE: Ta formal request for a p	est for a pub	olic hearii	ng. Please	understand	that even i	f there is	0 feet to file s no formal
3.	ORDER: After commissioner order that the within 10 days whether the permailed to you be	He may: (imatter be set sof the closetition has be	a) grant to in for a paint of the sing date en grante	the requested ublic hearing if all County	d relief; (b) o . You will re v agencies'	deny the re- ceive writter comments	quested in notificate are rece	relief; or (c) tion, usually rived, as to
4.	POSSIBLE PU (whether due commissioner) changed giving posted, certific this office.	to a neighbo , notification a notice of the	or's forma will be f e hearing	al request or forwarded to date, time ar	by order o you. The nd location.	of the zonin sign on th As when th	ig or dep e proper e sign wa	outy zoning ty must be as originally
			(De	tach Along Dotted L	ine)			
Petitic	ner: This Par	t of the Form	is for th	e Sign Poste	er Only		***	
		USE THE AD	MINISTE	RATIVE VARI	ANCE SIGN	FORMAT		
Casal	Number 2010	A 266	Λdα	drace 10	2607	Nous Las	. Ct.	
	Number 2010- ner's Name							
Mordi	ng Date:	a Parmit	4:1-		hack of	117 5 5	† ,	l'eu
of	the requ	rived 5	o ft.	for a	replacem	ent dw	elling.	n ca

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.

For Newspaper Advertising:
Item Number or Case Number: 2010 - 0266 - A
Petitioner: JERRY GUSTLIES
Address or Location: 12607 NANY BEE CT REISTENSPUN, MD. 21136
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: 10 Box 7 L
STEURNSON MD 21153
Telephone Number: Y1/3-253-5324

MISCEL	LANEOU	JS CASH	RECEIPT	Rev Source/	Sub Rev/	Date:	4	1/5/10	2 (1 19 (1)	6516653 3 764 776 04/2010 4 78/2310 10:53624 501 1644314 7672 148 EIPER 457717 43352000	(ii
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct		Dept	5 -528 ANDER FRANKLING	
ا (در	Y.X.	0000		6/50				465		. 053(21) Rempt for 1945,000	
19.										#,001 FF 100.#	127113
	7		1000							KC5.00 : Baltimore Cramtz, Harritand	€.6
										reactions and the state of the	
						Total:		165.0	2		
Rec					4/1/						
From:			MAR		Hleib						
For.		2	un ng	Vai	ighte						
			49								
	W s										100 F
1.0	Tien.									CASHIER'S VALIDATION	4.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 04/18/10

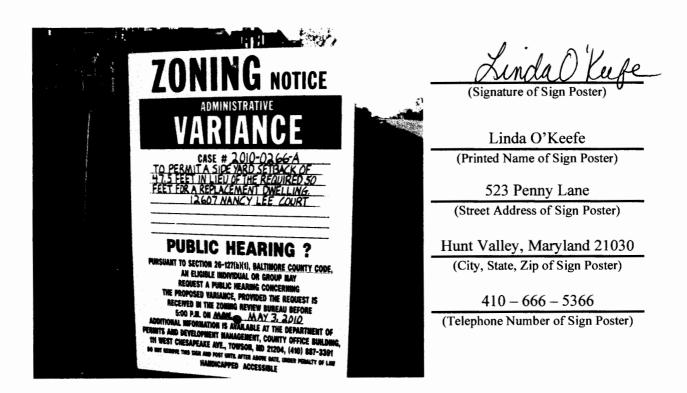
Case Number: 2010-0266-A

Petitioner / Developer: JEORME & SARAH GOTTLEIB

Date of Hearing (Closing): MAY 3, 2010

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 12607 NANCY LEE COURT

The sign(s) were posted on: APRIL 17, 2010





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 5, 2010

Jerome & Sarah Gottlieb 12607 Nancy Lee Ct. Reisterstown, MD 21136

Dear: Jerome & Sarah Gottlieb

RE: Case Number 2010-0266-A, 12607 Nancy Lee Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 05, 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 Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



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 April 19,2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 12, 2010

Item Numbers: 0254,0259,0261,0262,0263,0264,0265,0266,0267,0268and 0272

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

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 10-266- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Prepared By:

CM/LL

RECEIVED

DATE: April 21, 2010

APR **2 1** 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 14, 2010

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 26, 2010

Item Nos. 2010-254, 259, 261, 262, 263, 264, 265, 266, 267, 268 and 272

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04262010 -NO COMMENTS.doc



Martin O'Malley, Governor Anthony G. Brown, L.t. Governor Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: APRIL 22,2010

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

RE:

Baltimore County

Item No. 2010-0266-A

12607 NANCY LEE CT GOTTLIEB PROPERTY

ADMIN. VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010. -0266-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,

Engineering Access Permits

SDF/mb

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



ECEIVED

G COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

June 8, 2010

SUBJECT:

Zoning Item # 10-266-A

Address

12607 Nancy Lee Court

(Gottlieb Property)

Zoning Advisory Committee Meeting of April 12, 2010.

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

> The Groundwater Mgmt. Section will need to conduct full review of a proposed house replacement bldg. permit – as relates to the well and septic there.

Reviewer:

Dan Esser

Date: 4/2710

Patricia Zook - Case 2010-0266-A - administrative variance that needs comments

From:

Patricia Zook

To:

Livingston, Jeffrey

Date:

3/25/2010 10:09 AM

Subject: Case 2010-0266-A - administrative variance that needs comments

Good morning Jeff -

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

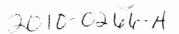
Thank you.

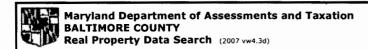
Patti Zook **Baltimore County** Office of the Zoning Commissioner 105 West Chesapeake Avenue, Suite 103 Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

Exempt Class:





Go Back View Map New Search

* NONE *

		Ow	ner Informati	on				
Owner Name: Mailing Address:	ROME RAH M LEE CT VN MD 21136-5	1E Us 1 M Pr E CT De			Use: Principal Residence: Deed Reference:			
	REISTERSTOV		k Structure In	formati	ion		2)	
Premises Address		Location	Structure In	Ormac		Description		
2607 NANCY LEE CT					1.437	•		
REISTERSTOWN 21136-5	5545					NANCY LEE C	T ES	
Map Grid Parcel	Sub District	Subdivision	Section Blo	ck Lo	t Assess	ment Area	Plat No:	
50 7 381				12	2	1	Plat Ref:	75/ 8
Special Tax Areas	Ac	own I Valorem Ix Class						
			ed Area	Area Property Land Area				
2005		4,73	32 SF		1.44 A	C	04	<u> </u>
Stories	ent	Туре				Exterior SIDING		
2		STANDARD UNIT Value Information					3	
	Base Value	Value	Phase-in Ass		ntc			
	pase value	As Of 01/01/2010	As Of 07/01/2009		As Of ./2010			
Land	365,400	334,000						
Improvements:	100	100						
Total:	365,500	334,100	365,500	33	34,100			
Preferential Land:	0	0	0		0			
	···	Tra	nsfer Informa		21221222		4050.000	
Seller: KATZ GARY A Type: IMPROVED ARM	S-LENGTH				2/23/2009 27689/ 88	Price: Deed2	\$950,000 :	
Seller: COLUMBIA BUIL Type: IMPROVED ARM					2/16/2005 23080/ 78	Price: Deed2		1
Seller: Type:				ite:		Price: Deed2	•	
туре.		Exen	nption Inform			Decar	•	
Partial Evamet Acces	ments	2201	Class		7/01/2009	07	/01/2010	
						0	, 0 = , = 0 = 0	
Partial Exempt Assess County			000	0)	U		
County State			000	0		0		









