#### IN RE: PETITION FOR ADMIN. VARIANCE

SW side of Myrtlewood Road; 462 feet SE of Thistlewood Road

3<sup>rd</sup> Election District

2<sup>nd</sup> Councilmanic District

(2044 Myrtlewood Road)

Neel S. and Monique D. Satpute *Petitioners* 

- BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 2010-0278-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, Neel S. and Monique D. Satpute for property located at 2044 Myrtlewood Road. The variance request is from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (proposed deck) with a rear yard setback of 19 feet in lieu of the minimum required 22.5 feet, and to amend the latest Final Development Plan for Bonnie View Estates, Lot 139 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated April 22, 2010 which indicates that the property is within a subdivision that is still under construction known as Bonnie View Estates. The existing dwelling is the "Jennings" model on a lot that is average in size and backs to open space. The pattern book approved with the development plan shows a smaller deck as an option. The Planning Office has reviewed several similar requests for administrative variances for decks has consistently stated that they should comply with the pattern book which allows decks that meet the required 22.5 feet rear yard setback. The Planning Office recommends denial of the requested variance as it is not in keeping with the pattern book.

0112211	THE SELVED TOTT TENTO	
Date	5.18.10	
By	10%	

ORDER RECEIVED FOR FILING

However, if the Zoning Commissioner is of the opinion that the Petitioners demonstrate a significant hardship or practical difficulty and grants the requested variance, it should not be considered a precedent for other variances.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 25, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

Administrative Variance requests for homes in the "Bonnie View Estates" subdivision are being reviewed on a case by case basis based on the size of the lot, size of the rear yards and adjacent buildings. In the subject request, the rear yard backs up to a homeowners association open space area. The proposed deck will not have any impact on neighbors living behind the Petitioners' home. No adjacent property owners voiced any objection to the request. The Petitioners wish to construct a deck measuring 24 feet long x 16 feet deep onto the rear of the home. Reducing the width of the deck by 3.5 feet to comply with the setback will not allow the Petitioner reasonable use of the deck. The size of the proposed deck is not unreasonable. A smaller deck would not be of sufficient size to allow the Petitioners to have a table, chairs and a grill on the deck. A number of similar size decks have been approved in the Bonnie View Estates

# ORDER RECEIVED FOR FILING Date 5.18.10

Ву\_\_\_\_\_\_

subdivision. The size of the deck is necessitated by the 9 feet wide outside stair access to the basement which needs to remain clear.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore day of May, 2010 that a variance from Section 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (proposed deck) with a rear yard setback of 19 feet in lieu of the minimum required 22.5 feet, and to amend the latest Final Development Plan for Bonnie View Estates, Lot 139 only 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.

THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING						
Date	5.18.10					
Bv	D2×	3				



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

May 18, 2010

NEEL S. AND MONIQUE D. SATPUTE 2044 MYRTLEWOOD ROAD BALTIMORE MD 21209

Re: Petition for Administrative Variance

Case No. 2010-0278-A

Property: 2044 Myrtlewood Road

Dear Dr. and Mrs. Satpute:

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,

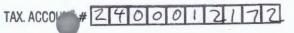
THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure



State

Zip Code



Date

City

## **Petition for Administrative Variance**

to the Zoning Commissioner of Baltimore County

for the propert	which is presently zoned PRZ
owner(s) of the property situate in Baltimore County and who made a part hereof, hereby petition for a Variance from Section projection (proposed deck) with a red the minimum required 22/2 feet, and Plan for Bonnie View Estates, Lot 1	which is presently zoned <u>PRZ</u> nits and Development Management. The undersigned, legalich is described in the description and plat attached hereto and the strongs of 19 feet in lieu of the amend the latest final Development 39 only.  law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above Variance, advertising, por regulations and restrictions of Baltimore County adopted pursuant	osting, etc. and further agree to and are to be bounded by the zoning
Contract Purchaser/Lessee:  Name - Type or Print	perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.  Legal Owner(s):  NEEL SATRUE  Name - Type or Print / 1/1
Signature	Signature Monique Satpute
Address Telephone No.	Name - Type or Print 1  Maria Type or Print 1  Maria Type or Print 1
City State Zip Code  Attorney For Petitioner:	Signature  2044 Myntlewood Rd. 443-379-0116  Address Telephone No.  Bultimore MD 21209
Name - Type or Print Signature	City State Zip Code  Representative to be Contacted:
Signature  Company  ORDER RECEIVED FOR FILING  5.18.10	Name
Address Telephone No.	Address Telephone No.

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

City

Zip Code

		Zoning Commissioner or Baltimore County
CASE NO.	2010-0278-A	Reviewed By JNP Date 4/13/20/0
REV 10/25/01		Estimated Posting Date 4/25/20/6

# Affidavit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at

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.

	Buttimore	State	21209 Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardship)	ip or practical difficulty):	hich I/we base the re	quest for an Administrative
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we are proposing	to bring the 1	leek at th	e Same distort.
We have a area of we are proposing which will allow	us de cover a	sp its cnat	tractive look.
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a		fiant(s) will be require	ed to pay a reposting and
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Signature			
Name - Type or Print	Name - Ty	nique Satpute pe or Print	
STATE OF MARYLAND, COUNTY OF BALTIN		2010 hotoro ma	a Notary Public of the State
of Maryland, in and for the County aforesaid, per		, before me, a	I Notally Public of the State
Necl Satzate + Mar the Affiant(s) herein, personally known or satisfa	actorily identified to me as:	such Affiant(s).	
AC WITNESS my hand and Natorial Soci			
AS WITNESS my hand and Notarial Seal	1	1	-10
	Notary Public		
	My Commission	Expires 12/17	(12
BALTIMOF	N BERNSTEIN Y PUBLIC RE COUNTY YLAND EXPIRES 12-17-2012		

Zoning description for 2044 Myrtlewood Rd. Baltimore, MD 21209

Beginning at a point on the southwest side of Myrtlewood Rd. which is 40 feet wide, 462 feet southeast of the nearest improved intersecting street, Thistlewood Rd., which is 40 feet wide. The lot# is 139 in phase 2 the subdivision of Bonnie View Estate development, which is recorded in Baltimore County plat book 78 Folio #17 containing 0.189 acres. We are proposing to build a 439 square foot deck on the back of a single family dwelling. Also known as 2044 Myrtlewood Rd. and located in the 3<sup>rd</sup> Election District, 2<sup>nd</sup> Council District.

## BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0278 -A Address 2044 Myrtlewood Road

Contact Person:   Planner, Please Print Your Name  Phone Number: 410-887-3391
Contact Person:  Jeffrey Perlow Planner, Please Print Your Name  Planner, Please Print Your Name  Filing Date: 410-887-3391  Phone Number: 410-887-3391  Closing Date: 5/10/20/0
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. <b>POSTING/COST:</b> 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. <b>DEADLINE:</b> 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- 0278 -A Address 2044 Myrtlewood Road
Petitioner's Name Neel & Monique Satpute Telephone 443-379-0116
Posting Date: 4/25/2010 Closing Date: 5/10/2010
Wording for Sign: To Permit an open projection (proposed deck) with a rear yard
set back of 19 feet in lieu of the minimum permitted 22 & feet, and
to amend the latest tinal bevelopment Plan for Bonnie View Estates,
Revised 8/20/09

OFFICI	F OF BUD	GET ANI	ARYLANI D FINANC RECEIPT			No.	and	13/2/20	PAID RECEIPT  DESIGNESS ACTUS THE DAM  4.15/2000 4/12/2000 14/4/4/20 5
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	RE: Case No 2010 - 0278
	MONIQUE SAT PUTE CTW EUCS LU
	Date Of Hearing/Closing. 5/10/10
Permits and Dev	y Department of velopment Management uilding,Room 111 peake Avenue
Attention:	
adies and Gent	emen
	ortify under penalties of perjury that the necessary by law were posted conspicuously on the property  2044 MYTTEWED LOAD
his sign(s) were	posted on April 25 2010
The eight(e) word	Month, Day, Year
	Signature of Sign Poster and Date
	Martin Ogle
	60 Chelmsford Court Baltimore, Md, 21220
	443-629-3411





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

May 10, 2010

Neel Monique Satpute 3044 Myrtlewood Rd. Baltimore, MD 21209

Dear: Neel Monique Satpute

2044

RE: Case Number 2010-0278-A, 3044 Myrtlewood Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 13, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

**Enclosures** 

c: People's Counsel

# BALTIMORE COUNTY, MARYLAND. INTEROFFICE CORRESPONDENCE

**DATE:** April 23, 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 May 3, 2010

Item Nos. 2010- 273, 274, 276, 277,

278, 279, 280 and 281

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-05032010 -NO COMMENTS.doc

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** April 22, 2010

RECEIVED

APR 2 6 2010

**ZONING COMMISSIONER** 

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

2044 Myrtlewood Road

**INFORMATION:** 

Item Number:

10-278

**Petitioner:** 

Neil and Monique Satpute

Zoning:

DR 2

**Requested Action:** 

**Administrative Variance** 

The subject property is within a subdivision that is still under construction known as Bonnie View Estates. The existing dwelling is the "Jennings" model on a lot that is average in size and backs to open space. The pattern book approved with the development plan shows a smaller deck as an option.

The Office of Planning has reviewed several similar requests for administrative variances for decks and has consistently stated that they should comply with the pattern book, which allows decks that meet the required 22 ½ foot rear yard setback.

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning recommends <u>denial</u> of the requested variance, as it is not in keeping with the pattern book. However, if the Zoning Commissioner is of the opinion that the applicant demonstrates a significant hardship or practical difficulty and grants the requested variance, it should not be considered a precedent for other variances.

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

Prepared by

**Division Chief:** 

AFK/LL: CM



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

Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4/28/2010

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

RE:

**Baltimore County** 

Item No. 2010-0278-A 2044-MYRTLEWGOD RD SATPLITE PROPERTY

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 - . 0278-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,

For Steven D. Foster, Chief Engineering Access Permits

Division

SDF/mb

A V 5-10-10

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**



JUN 0 9 2010

ZONING COMMISSIONER

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

June 9, 2010

SUBJECT:

Zoning Item # 10-278-A

Address

2044 Myrtlewood Road

(Satpute Property)

Zoning Advisory Committee Meeting of April 19, 2010

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

Reviewer:

**JWL** 

Date: 6/9/10

#### Patricia Zook - Re: Zoning approval

From:

Neel Satpute <neeldds@gmail.com>

To:

Patricia Zook pzook@baltimorecountymd.gov>

Date:

5/14/2010 11:29 AM

Subject: Re: Zoning approval

#### Patti.

Thank you for your response. We look forward to getting the approval early next week. Have a great weekend.

Neel S. Satpute, D.D.S. 2700 Quarry Lake Dr. Suite 190 Baltimore, MD 21209 o 410-484-4401 c 410-960-6574 f 410-484-7183

On Fri, May 14, 2010 at 11:14 AM, Patricia Zook pzook@baltimorecountymd.gov> wrote:

#### Good morning -

I believe that I spoke with you earlier today and this is to confirm that conversation. We received your administrative variance file on Wednesday. Your request is now under review by our Office. We anticipate issuing an Order, either approving the request or denying the request, sometime early next week.

All of our Orders have a 30 day appeal period. If your request is granted, you may apply for the building permit and be granted same upon receipt of the Order. However, you are hereby made aware that proceeding at that time is at your own risk until such time as the 30 day appellate process from the Order has expired. If, for whatever reason the Order is reversed, you would be required to return, and be responsible for returning, said property to its original condition.

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

410-887-3868

Towson MD 21204

pzook@baltimorecountymd.gov

>>> Neel Satpute <neeldds@gmail.com> 5/14/2010 8:44 AM >>>

We have filed for a permit for a deck and have completed our variance sign posting on 5/10/10. Would it be possible to expedite the approval process so we could start out deck construction? Thank you for your time,

Neel S. Satpute, D.D.S. 2044 Myrtlewood Rd.

2010-0278-A

## **Greenspring Pediatric Dental**



Welcome.

Dr. Neel
Satpute specializes
in dentistry for infants,
children, adolescents, and
those with special needs.
From the time your child
grows his or her first tooth
until he or she graduates

from high school; our professional staff will help care for and protect your child's smile. And because children are so different from adults, we take a unique approach to every patient. We'll help ensure each visit your child makes to the dentist is a great experience.

With two extra years of training beyond dental school, Dr. Neel (what his patients call him) takes an individualized approach with each child. His philosophy is to make dental visits fun while teaching children the importance of oral health. Our goal at Greenspring Pediatric Dentistry is focused on prevention- we educate patients and parents about the importance of a healthy diet, proper brushing and flossing, and regular dental checkups. We also place sealants (coating to protect teeth) and fluoride to help prevent cavities.

Our office is conveniently located off the Baltimore beltway (exit #22) with easy access from Owings Mills, Lutherville, Pikesville, Mt. Washington, Towson and Cockeysville. We are on the first floor in the Life Bridge Health Pavilion in the new Quarry Lake at Greenspring development.

Please read through our website, especially if this is your child's first visit to the dentist, to help make it a successful visit. Also,



Home
Meet Dr. Neel Sa
First Visit
Services
FAQ
Emergency and I
Links and Becom
Hours
Payment
Map and Directio
Contact Informati

Appointment Rec Dental Education Patient Informatic Patient Feedback Refer Our Office Contact Us Pay Online





Go Back View Map New Search

Account Identifier:	District - (	3 Account Nu	mber - 240	0012172	2					
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		Location 8	& Structure	Inform	nation					
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