### IN RE: PETITION FOR ADMIN. VARIANCE

SE side of Timberfield Lane and SW of Lightfoot Drive 3<sup>rd</sup> Election District 2<sup>nd</sup> Councilmanic District (3301 Timberfield Lane)

Rakhmin Khoshayev Petitioner

- BEFORE THE
- **DEPUTY ZONING**
- COMMISSIONER
- FOR BALTIMORE COUNTY
- Case No. 2011-0052-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Rakhmin Khoshayev for property located at 3301 Timberfield Lane. The variance request is from Sections 205.3 and 205.4 (1955-71 regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition on an existing dwelling with a side yard setback of 9 feet and a rear yard setback of 10 feet in lieu of the minimum required 15 feet and 40 feet, respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Due to an increase in family size, Petitioner desires to enlarge the kitchen by incorporating the existing screened porch into the kitchen and build a new screened porch next to the extended kitchen area for convenience and accessibility. The most affected property owner at 3303 Timberfield Lane did not express any concern about the proposed addition.

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 August 16, 2010 which indicates that the variance would allow for a 10 feet x 30.6 feet addition to expand the existing kitchen and add a new screened porch. The front of the existing dwelling is sited at an angle creating a very shallow side and rear yard on the west/southwest side. The Planning Office

ORDER H	ECEIVED FOR FILING	
Date	9-7-10	
By	by .	

does not object to the requested variances provided building materials are consistent with those used in the existing dwelling.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 15, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this \_\_\_\_\_\_ day of September, 2010 that a variance from Sections 205.3 and 205.4 (1955-71 regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition on an existing dwelling with a side yard setback of 9 feet and a rear yard setback of 10 feet in lieu of the minimum required 15 feet and 40 feet, respectively is hereby GRANTED, subject to the following:

2

ORDER REC	EIVED FOR FILING	
Date	9-7-10	
Ву	43	

- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Building materials for the dwelling addition shall be consistent with those of the existing dwelling.

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\_\_\_\_\_



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

September 7, 2010

RAKHMIN KHOSHAYEV 3301 TIMBERFIELD LANE BALTIMORE MD 21208

Re: Petition for Administrative Variance

Case No. 2011-0052-A

Property: 3301 Timberfield Lane

Dear Mr. Khoshayev:

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.

Sincerely,

THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

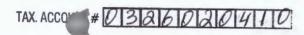
THB:pz

Enclosure

ORIONAL RESPINFILE TAX. ACCOUNT

regulations of Baltimore County and that the property be reposted.

REV 10/25/01



I/We do solemnly declare and affirm, under the penalties of

Commissioner of Baltimore County



### Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3301 Timberfield Ln, Baltimore MD 21208 which is presently zoned \_\_\_\_\_\_ DR-2, DR-5.5

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) 205, 3 AND 205, 4 (1955-71 BCFR)

TO PERMIT A PROPOSED ADDITION ON AN EXISTING-DWELLING WITH A SIDE YARD SETBACK OF GFT, AND A REAR YARD SETBACK OF 10 FT. IN LIEU OF THE MINIMUM REQUIRED 15 FT, AND 40FT. RESPECTIVELY

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Rakhmin Khoshayev Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print Zip Code Signature 3301 Timberfild Ln (410) 484-3323 Attorney For Petitioner: Telephone No. Baltimore, MD 21208 Zip Code Name - Type or Print Company ORDER RECEIVED FOR FILING Representative to be Contacted: Name Address Address Telephone No. elephone No. City State Zip Code City Zip Code A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning

Reviewed By

**Estimated Posting Date** 

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

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

3301 Timberfield Ln

Address

Baltimore MD 21208

Sammoro.

State

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Due to increase in family size, would like to enlarge the kitchen by incorporating the existing screened porch into the kitchen, and built a new screened porch next to extended kitchen area for convenience and accessibility. The newly built screened porch would require a variance because:

- 1. Extended area will get closer to the property line
- 2. Extended area will get closer to the setback line
- 3. If built on any other side of the house would be very inconvenient and difficult to access

4. Location of the dwelling on the Lot scewed.

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

Signature

Rakhmin Khoshayev

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this // day of JUNE of Maryland, in and for the County aforesaid, personally appeared

RAH1 MIN 1/705/11 EV

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

AS WITNESS my hand and Notarial Seal III.

Notan Public

My Commission Expires

REV 10/25/01

0052

### **Zoning Description**

beginning at a point on the Southeast of <u>Timberfield Ln</u> which is 60 feet wide at the distance of 30 feet southeast of the nearest improved intersection street <u>Lightfoot Dr</u> which is 60 feet wide. Being Lot # 8, Block C, Section # 2 in the subdivision of Midfield as recorded in Baltimore County Plat Book # 26, Folio # 127, containing 23,460.00 SF. Also known as <u>3301 Timberfield Ln Pikesville</u>, <u>MD 21208</u> and located in 3 Election District, 2 Counsilmanic District.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT **ZONING REVIEW** APP HAS ORIGINOST ENT SAT

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 20 Address 3301 TIMBERFIELD LA
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 8/03/10 Posting Date: 8/15/10 Closing Date: 8/30/10
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 20 -A Address 3301 TIMBERFIELD LA
Petitioner's Name KHOSHAYEV Telephone 410 484 3323
Posting Date: 8/15/10 Closing Date: 8/30/10
Wording for Sign: To Permit A PROPOSED DWELLING AUDITION WITH A
SIDS SETBACK OF G FT, AND A REAR SETBACK OF 10 FT.
IN LIEU OF THE MINIMUM REQUIRED 15 FT. AND 40 FT. RESPECTIVED

## 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:
Petitioner: RAKHMIN Khoshayev
Address or Location: 3301 TIMBERFIELD LN
PLEASE FORWARD ADVERTISING BILL TO:  Name: RAKHMIN KHOSHAYEV  Address: 3301 TIMBERFIELD LN
BaltIMORE, MD 21208
Telephone Number: (410) 484 - 3323

OFFIC	E OF BUI	DUNTY, N DGET ANI US CASH	FINANC	E	1-	No.	5866	1/0		PAID RECEIPT  80619659 ACTIVE 0  705/2010 8/03/2010 11:31:07
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# **Certificate of Posting**

	RE: Case NO. 2011-0052-A
	Petitioner/Developer
	Krushavev
	Date of Hearing/Closing 8/30/10
Baltimore County Department of Permits and Dev County Office Building – Room 11 W. Chesapeake Ave.	
Towson, Md. 21204	
Attention:	
required by law, was posted con	enalties of perjury, that the necessary sign as spicuously on the property located at
330	I Imperied La.
The sign was posted on	8/15/10 (Month, Day, Year)
	Sincerely, Shelle 8/15/
	(Signature of sign Poster and date)
	Richard E. Hoffman
	(Printed Name)
See Attached	
Photograph	904 Dellwood Drive
	(Address)
	Palleton Md 21047
	Fallston, Md. 21047
	(City) party sup county
	410-879-3122
	(Telephone Number)

### Certificate of Posting Photograph Attachment

Re:	2011-0052-A
Petitio	ner/Developer:
	Khushayev
Date o	f Hearing/Closing: 8/30/10



3301 Timberfield La.

Posting Date: 8/15/10

(Signature and date of sign poster)



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO. Director

Department of Permits and

Development Management

August 31, 2010

Rakhmin Khoshayev 3301 Timberfield Ln. Baltimore, MD 21208

Dear: Rakhmin Khoshayev

RE: Case Number 2011-0052-A, 3301 Timberfield Ln.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 03, 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

U. Cal Richa

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:** August 16, 2010

RECEIVED

AUG 17 2010

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT: Zon

Zoning Advisory Petition(s): Case(s) 11-052- Administrative Variance

The petitioner requests an administrative variance for a side yard setback of 9 feet and a rear yard setback of 10 feet in lieu of the minimum required setback of 15 feet and 40 feet respectively. This would allow for a 10 foot x 30.6-foot addition to expand the existing kitchen and add a new-screened porch.

#### SUMMARY OF RECOMMENDATIONS:

The front of the existing dwelling is sited at an angle creating a very shallow side and rear yard on the west/ southwest side. The Office of Planning does not object to the requested variances provided building materials are consistent with those used in the existing dwelling.

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

### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director Department of Permits &

**Development Management** 

**DATE:** August 10, 2010

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 23, 2010

Item Nos. 2011-026, 028, 032, 047, 048, 049, 050, 051, 052, 053, 054,

055, 056 and 057

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-08232010 -NO COMMENTS.doc



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

August 12, 2010

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

ATTENTION: Zoning Review

Distribution Meeting of: August 9, 2010

Item No.: Variance: 2011-0028SPHA, 2011-0032A, 2011-0047A - 0049A, 2011-0026SPHXA

Administrative Variance: 2011-0050A, 2011-0052 - 0053A, 2011-0055A - 0056A.

Special Hearing: 2011-0028SPHA, 2011-0051SPH, 2011-0057SPH, 2011-026SPHXA

Special Exception: 2011-0026SPHXA

Pursuant to your request, the referenced plans have been reviewed by the **Baltimore County Fire Marshal's Office** and the comment below is applicable for the above listed properties.

#### **Comments:**

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

Don W. Muddiman, Acting Lieutenant Baltimore County Fire Marshal's Office 700 E. Joppa Road, 3<sup>RD</sup> Floor Towson, Maryland 21286 410-887-4880 Mail Stop: 1102

cc: File



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: AUGUST 18, 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. 2011-0052-A 3301 TIMBERFIELD

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. 2011-. 0052-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** 

Division

SDF/mb

### **BALTIMORE COUNTY, MARYLAND**

### **Inter-Office Correspondence**

RECEIVED



SEP 082010

**ZONING COMMISSIONER** 

TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

September 8, 2010

SUBJECT:

Zoning Item # 11-052-A

Address

3301 Timberfield Lane

(Khoshayev Property)

Zoning Advisory Committee Meeting of August 9, 2010

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

Reviewer:

JWL

Date: 9/8/10

### CHECKLIST

Comment Received	Depart	Support/Oppose/ Conditions/ No Comment		
8-10-10	DEVELOPMENT I	nc		
	DEPRM (if not received, dat	e e-mail sent _	)	
8-12-10	FIRE DEPARTME	NT		nc
8-16-10	PLANNING (if not received, dat	e e-mail sent		condition
8-18-10	STATE HIGHWAY	Y ADMINISTR	ATION	nc
<del></del>	TRAFFIC ENGINE	EERING		
	COMMUNITY AS	SOCIATION		
	ADJACENT PROP	ERTY OWNE	RS	
ZONING VIOLAT	ION (Cas	e No.		
PRIOR ZONING	(Cas	e No		
NEWSPAPER AD	VERTISEMENT	Date:		
SIGN POSTING		Date:	8-15-10	Hoffman
PEOPLE'S COUNS	SEL APPEARANCE	Yes	□ No	
PEOPLE'S COUNS	SEL COMMENT LET	TER Yes	☐ No	
Comments, if any:				
	-			





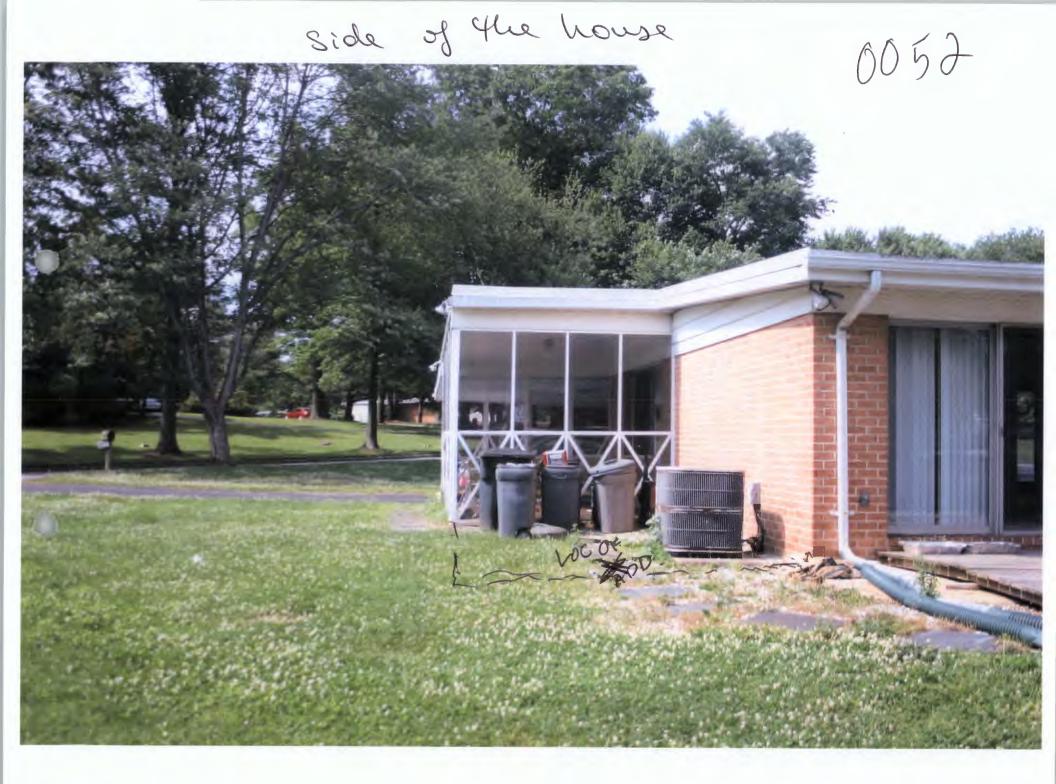
Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1d)

Go Back View Map New Search

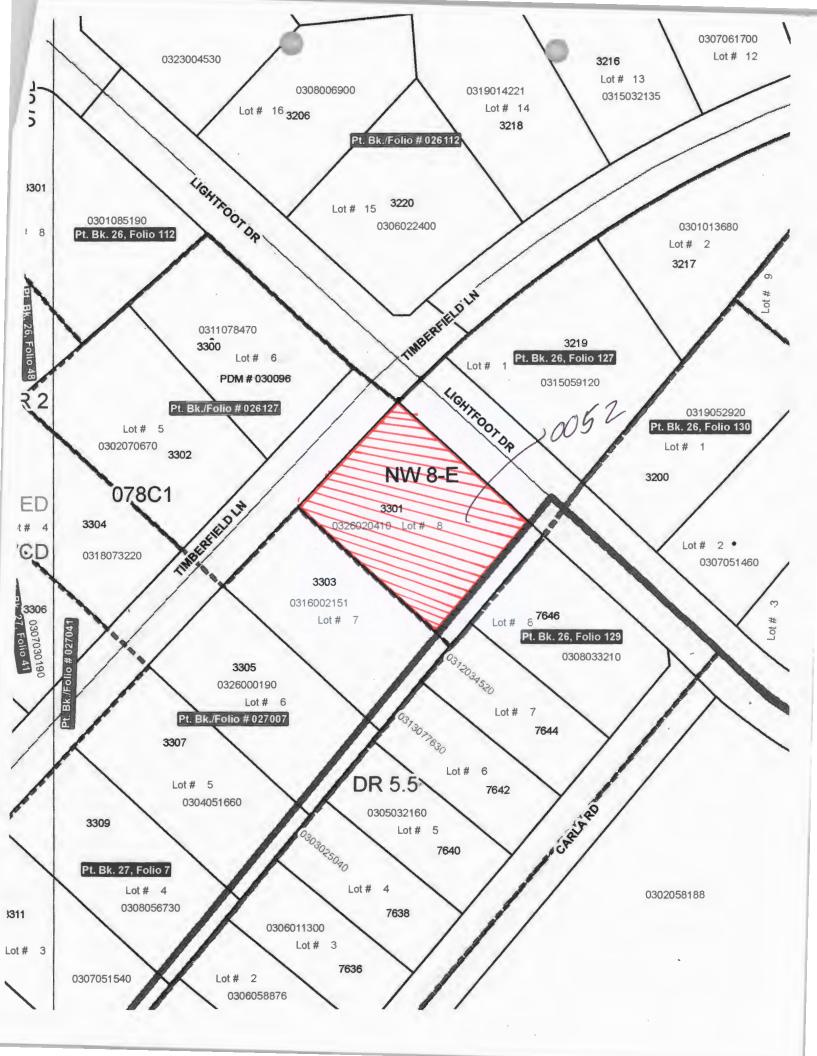
Account Identifier:	District -	03 Account N	umber - (	32602	20410						
		Ow	ner Infor	matio	n						
Owner Name: KHOSHAYEV RAKHMIN Mailing Address: 3301 TIMBERFIELD LN			Use: Principal Residence: Deed Reference:				YI	RESIDENTIAL YES 1) /21764/ 364			
	BALTIMORE	MD 21208-44	25				2)				
		Location 8	k Structur	e Info	rmat	ion					
Premises Address						Legal Des	cription				
3301 TIMBERFIELD LN			3301 TIMBERFIELD LN MIDFIELD								
Map Grid Parcel S 78 5 605	ub District	Subdivision	Section 2	<b>Block</b>	Lot 8	Assessment 2		Plat No: Plat Ref:	1 26/ 127		
Special Tax Areas	A	own d Valorem ax Class					•				
Primary Struct 1960	ure Built		ed Area 79 SF		Pro	23,460.00 SF	rea		ty Use		
Stories	Basem YES		nt			Type STANDARD UNIT			Exterior BRICK		
		Va	lue Infor	natio	n						
****	Base Value	Value	Phase-in	Asse	ssme	nts					
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Land Improvements: Total:	139,360 244,380	139,360 244,380	383,7	240	NOT A	WATI					
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Seller: Type:			Date: Deed1:			Price: Deed2:					
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Partial Exempt Asses	sments			lass 00	07	7/01/2010	07/ 0	01/2011			
State Municipal				00	0		0				
Tax Exempt: NO Exempt Class:						Specia	* NONE *				

Side of the house 0057 Front of the house









### PLAT TO ACCOMPANY PETITION FOR ZONING **VARIANCE** SPECIAL HEARINGS 3301 TIMBERFIELD LN BALTIMORE, MD 21208 PROPERTY ADDRESS: SUBDIVISION NAME: MIDFIELD FOLIO #: 127 LOT #: 8 SECTION #: 2 PLAT BOOK #: 26 **RAKHMIN KHOSHAYEV** OWNER: 601 VICINITY MAP SCALE 1"=1000 LOCATION INFORMATION **ELECTION DISTRICT: 3 COUNSILMANIC DISTRICT: 2** 1"=200' SCALE MAP # 078C1 **ZONING: DR 2 DR 5.5** LOT SIZE: 0.538 ACR/23,460.00 SQUARE FEET 3303 **PUBLIC PRIVATE SEWER** WATER TON 4 SANDED THOMPEON YES NO TAX FC = 0316002151 **CHESAPEAKE BAY** İ LOTES IDT #7 **CRITICAL AREA 100 YEAR FLOOD PLANE** 100 HISTORIC PROPERTY/ র্ছ TOTES BUILDING PRIOR ZONING HEARING **REVIEWED BY** ITEM# CASE# 2011-0052-A 1200, **NORTH** PREPARED BY: RAKHMIN KHOSHAYEV SCALE OF DRAWING: 1''=30