

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Maxine Circle, 75 feet N of
the c/l of Sutherland Court
3rd Election District
2nd Councilmanic District
(8220 Maxine Circle)

Marc I. and Sara M. Greenberg
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0252-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Marc I. and Sara M. Greenberg for property located at 8220 Maxine Circle. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a 12 feet side yard setback in lieu of the required 20 feet for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners' family has grown since they moved into the home in 2006 and additional living space is needed. Due to the layout of the house, the addition cannot be constructed elsewhere on the dwelling. The proposed addition will line up with the existing side walls of the dwelling and will not extend further into the setback than the existing dwelling.

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 March 6, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 3-29-11

By PS

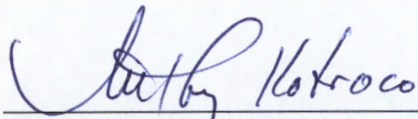
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, 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.

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 Administrative Law Judge for Baltimore County, this 29th day of March, 2011 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a 12 feet side yard setback in lieu of the required 20 feet for an addition be and 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.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 3-29-11

2

By pz



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

March 29, 2011

MARC I. AND SARA M. GREENBERG
8220 MAXINE CIRCLE
BALTIMORE MD 21208

Re: Petition for Administrative Variance
Case No. 2011-0252-A
Property: 8220 Maxine Circle

Dear Mr. and Mrs. Greenberg:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

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

Sincerely,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco", is written over a light blue horizontal line.

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8220 Maxine Circle, 21208
which is presently zoned DR 1

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) 1B02.3.C.1; BCZR, TO PERMIT

A 12ft. SIDEYARD SETBACK IN LIEU OF THE REQUIRED 20ft. FOR AN ADDITION.

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Mr. Marc I. Greenberg

Name - Type or Print

Signature

Mrs. Sara M. Greenberg

Name - Type or Print

Signature

8220 Maxine Circle 410 484 4399

Address

Baltimore

City

MD

State

21208

Zip Code

Representative to be Contacted:

Marc Greenberg

Name

8220 Maxine Circle

Address

Baltimore

City

413 829 1130

MD

State

21208

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, 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.

Zoning Commissioner of Baltimore County

CASE NO. 2011-0252-A

REV 10/25/01

Reviewed By JCM

Date

2/25/11

Estimated Posting Date

3/6/11

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 8220 Maxine Circle
Address
Baltimore MD 21208
City 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):

We purchased our home on May 22, 2006, with the intention of adding the proposed addition at some point in the future. The addition that we are applying for at this time, does not encroach any further into the building setback that the existing structure does, as you will note on the attached plan. The addition cannot be placed in any other location of the home. Strict compliance with the BCZR would result in undue hardship. Please note that we would not be able to make reasonable use of our property without the addition. As our family has grown since we first purchased the home, more space is required. In fact, at the time of the purchase, we had every intention of adding to the existing structure because of the size of the lot. This expansion is certainly for reasonable use and due to the outline of the property along with existing structures; the proposed location is the only viable option. Furthermore, the difficulty we are facing with the BCZR varies from other properties as the amount of the encroachment of a previous structure (built prior to our ownership of the home) is no more or less than our proposed addition. The addition will be in harmony with the existing structures on the property; and, the adjacent dwellings will not be further impacted by the addition due to the circumstances and position of the current structures on the property, that were present at the time of my purchase.

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]
Signature
Marc I. Greenberg
Name - Type or Print

[Signature]
Signature
Sara M. Greenberg
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of February, 2011, 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

[Signature]
Notary Public
My Commission Expires 10/24/2011

ZONING DESCRIPTION FOR 8220 MAXINE CIRCLE

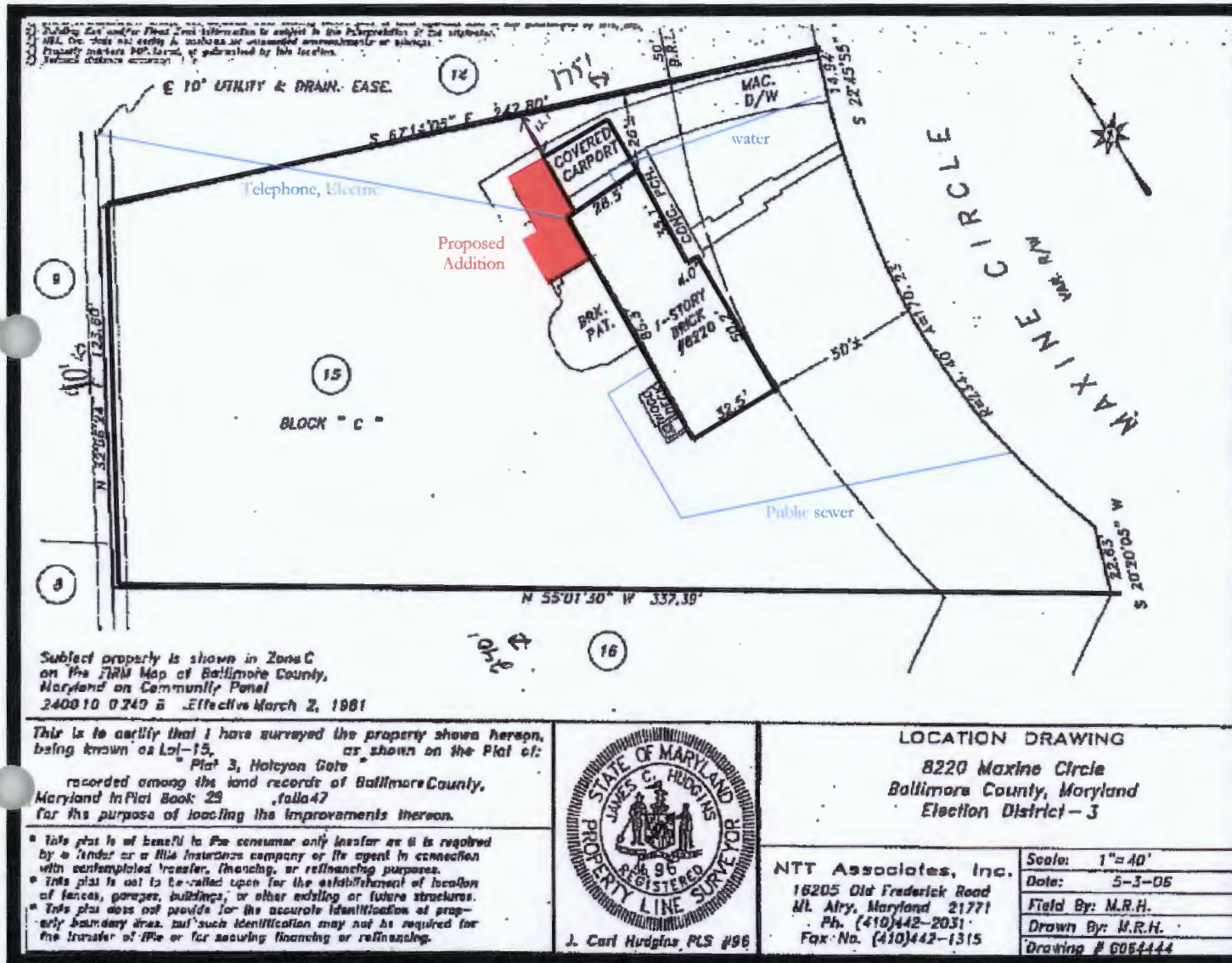
Beginning at a point on the west side of Maxine Circle which is 50 feet wide at the distance of 75 feet North of the centerline of the nearest improved intersecting street Sutherland Court which is 50 feet wide. Being Lot #15, Block C, in the subdivision of Halcyon Gate as recorded in Baltimore County Plat Book # 29, Folio # 47, containing 44,866 square feet (or 1.02998 acres). Also known as 8220 Maxine Circle and located in the 3rd Election District, 2nd Councilman District.



Arial View of Existing Structure to show alteration in relation to the adjacent property of 8222 Maxine Circle.

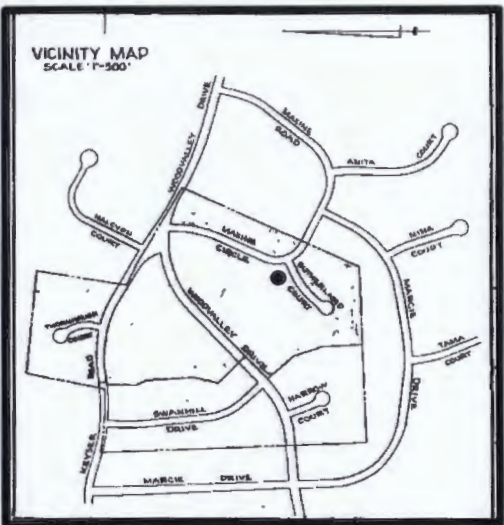
PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE

Marc I. and Sara M. Greenberg, 8220 Maxine Circle, Baltimore, MD 21208 (Plat Book 29, Folio 47, Lot # 15, Block C)



Location Information:

Election District: 3rd
Councilman District: 2nd
1"=40' Scale Map
Zoning: DR 1
Lot Size: 44,866 SF; 1.02998 acre
Sewer: Public
Water: Public
Chesapeake Bay Critical Area: No
100 Year Flood Plain: No
Historic Property/Building: No
No Prior Zoning Hearings



Ownership Information of All Adjacent Lots:

Lot 14: 8222 Maxine Circle, Henry and Sonya Dillon, Halcyon Gate, Tax Account 0318053680, Deed Reference: /05422/00711
Lot 16: 2 Sutherland Court, Harvey and Janice Rosenzweig, Halcyon, Tax Account 0319091330, Deed Reference: /19167/00258
Lot 8: 3209 Woodvalley Drive, Bruce and Lynn Goldstein, Halcyon Gate, Tax Account 0219036250, Deed Reference: /21051/00522
Lot 9: 3207 Woodvalley Drive, Dale and Sharon Bell Buchbinder, Halcyon Gate, Tax Account 0311004190, Deed Reference: /15748/00183