

MEMORANDUM

DATE: April 5, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0179-A- Appeal Period Expired

The appeal period for the above-referenced case expired on April 4, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: / Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(19 Wagon Wheel Court)		
11 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
John P. & Jennifer Korfiatis	*	HEARINGS FOR
Petitioners	*	
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0179-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, John P. & Jennifer Korfiatis ("Petitioners"). The Petitioners are requesting Variance relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with a side setback of 38 ft. in lieu of the minimum side setback of 50 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted by any of the County reviewing agencies. However, it is to be noted that support was received [via signatures on a Plat copy] from adjacent neighbors John F. and Frances Kitz who reside at 17 Wagon Wheel Court, indicating they have no objections to the Petitioners' zoning request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 13, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 3-3-16

By EW

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 and photographs 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, this 3rd day of **March, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with a side setback of 38 ft. in lieu of the minimum side setback of 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits 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, 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.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
ORDER RECEIVED FOR FILING

Date 3-3-16

By lw



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 19 Wagon Wheel Court, Glen Arm, 21057 Currently zoned RC 5
Deed Reference /29497/ 00175 10 Digit Tax Account # 1102087476
Owner(s) Printed Name(s) John and Jennifer Korfiatis

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plot attached hereto and made a part hereof, hereby petition for an:

1. X ADMINISTRATIVE VARIANCE from Section(s) 1A04.3.B.2.b To permit a proposed addition with a side set back of 38 feet in lieu of the required minimum side setback of 50 feet

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

2. _____ ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

John Korfiatis Jennifer Korfiatis
Name #1 – Type or Print Name #2 – Type or Print
John Korfiatis JENNIFER KORFIATIS
Signature #1 Signature #2

19 Wagon Wheel Court, Glen Arm MD
Mailing Address City State
21057 / 443- 250 8463 / JohnK@BlastechEnterprises.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

Representative to be contacted:

Carl Dyhrberg
Name – Type or Print
Signature
1619 Mussula Road Towson MD
Mailing Address City State
21286 / 443 465 6899 / cddesignconsultants@yahoo.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2016-0179-A Filing Date 2/4/16 Estimated Posting Date 2/14/16 Reviewer gh

Rev 5/8/2014

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 19 Wagon Wheel Court, Glen Arm MD 21057
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

We wish to construct a 18' x 16' and 13' x 20' addition to the South side of our existing residence. At present the side boundary is some 54' at the closest corner. After construction of the addition, this corner will be 38' in lieu of the required 50'. This hardship is peculiar to our property because of its shape that is in contrast with other properties in the zoning district and is not the result of our own actions. Failure to grant this relief would also result in the failure of our ability to make a reasonable use of our property.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Signature of Owner (Affiant)

JOHN KORFIATIS

Name- Print or Type

Signature of Owner (Affiant)

JENNIFER KORFIATIS

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of FEBRUARY 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

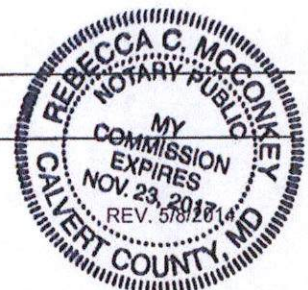
Print name(s) here: JOHN KORFIATIS AND JENNIFER KORFIATIS

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

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires 11/23/17





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 3, 2016

Zoning Description #19 Wagon Wheel Court

Beginning at a point at the northeast end of Wagon Wheel Court, 1,720 feet, more or less, southeasterly and northeasterly along the centerline of Wagon Wheel Court from the center of Glen Arm Road, thence binding on the east side of Wagon Wheel Court, (1) by a line curving to the right having a radius of 50.00 feet, for an arc distance of 114.66 feet, (the chord of said arc bearing South 13 degrees 48 minutes 47 seconds West 91.14 feet) and, (2) by a line curving to the left having a radius of 50.00, for an arc distance of 36.13 feet, (the chord of said arc bearing South 58 degrees 48 minutes 26 seconds West 35.35 feet), thence leaving said road and running the seven following lines, viz: (3) South 68 degrees 00 minutes 00 seconds East 636.78 feet, (4) North 24 degrees 52 minutes 00 seconds East 52.82 feet, (5) by a line curving to the left having a radius of 607.27 feet, for an arc distance of 248.02 feet, (the chord of said arc bearing North 13 degrees 10 minutes 01 seconds East 246.30 feet), (6) North 01 degree 28 minutes 00 seconds East 122.55 feet, (7) North 47 degrees 11 minutes 00 seconds West 209.02 feet, (8) North 41 degrees 57 minutes 00 seconds West 32.89 feet, and, (9) South 62 degrees 30 minutes 00 seconds West 501.17 feet, to the place of beginning.

Containing 5.142 acres of land, more or less.

Located in the 11th Election District and 3rd Councilmanic District, Baltimore County, Maryland.

License expires/renews 2/26/17

2016-0179-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/13/2016

Case Number: 2016-179-A

Petitioner / Developer: JOHN & JENNIFER KORFIATIS ~
CARL DYHRBERG OF C.D. CONSULTANTS

Date of Hearing (Closing): FEBRUARY 29, 2016

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:
19 WAGON WHEEL COURT

The sign(s) were posted on: **FEBRUARY 13, 2016**



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0179 -A Address 19 Wagon Wheel Court

Contact Person: Gary Hucik Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/4/16 Posting Date: 2/14/16 Closing Date: 2/29/16

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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 2016- 0179 -A Address 19 Wagon Wheel Court 21057

Petitioner's Name John + Jennifer Korfiatis Telephone 443-250-8463

Posting Date: 2/14/16 Closing Date: 2/29/16

Wording for Sign: To Permit a side set back of 38 feet in
lieu of the requirement minimum side setback of
50 feet.

Revised 7/21/15

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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: 2016-0179-A

Petitioner: _____

Address or Location: 19 WAGON WHEEL CT, GLEN ARM 21057

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN KORFIATIS

Address: 19 WAGON WHEEL COURT

GLEN ARM 21057

Telephone Number: 443 ~~466~~ 2508463

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

134153

2/4/16

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRM
2/09/2016	2/04/2016	14:30:00	5

MSDS WALKIN EDDS LRB
RECEIPT # 839185 2/04/2016 OFCN

3 528 ZONING VERIFICATION
NO. 134153

Recpt Tot 175.00
 175.00 CK 1.00 CA
 Baltimore County, Maryland

Rev	Sub
Source/	Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
------	------	------	----------	-----	---------	----------	---------	--------

006	900	0000		6.150				75°

Total: 15.00

Rec From: Carl Dyhrberg

For: 19 Mason Street CT

246-0179-1

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

March 1, 2016

John & Jennifer Korfaitis
19 Wagon Wheel Court
Glen Arm MD 21057

RE: Case Number: 2016-0179 A, Address: 19 Wagon Wheel Road

Dear Mr. & Ms. Korfaitis:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 4, 2016. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Carl Dyheberg, 1619 Mussula Road, Towson MD 21286

CLOSING
2/29

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAR 09 2016

OFFICE OF ADMINISTRATIVE HEARINGS

Rec'd
after
Order
issued

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: March 9, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0179-A
Address 19 Wagon Wheel Court
(Korfiatis Property)

Zoning Advisory Committee Meeting of February 15, 2016.

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

1. Ground Water Management will need to review any proposed building permits (for an addition) prior to approval.

Reviewer: Dan Esser

Date: 2/12/16



Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 2/8/16

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

RE: Baltimore County
Item No. 2016-0179-A
Administrative Variance
John & Jennifer Korfatis
19 Wagon Wheel Court

Dear Ms. Lewis:

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. 2016-0179-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "David W. Peake".

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: February 17, 2016

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 15, 2016
Item No. 2016-0164, 0173, 0174, 0175, 0176, 0177, 0178 and 0179

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC02152016.doc

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>2-17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NO</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>2-8</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
<u>2-17</u>	ADJACENT PROPERTY OWNERS <u>John + Frances Kitz, 17 Wagon Wheel Rd.</u>	<u>No objections</u>
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>0-469-A</u>)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>2-13-16</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No. ☐	

Comments, if any: _____

Real Property Data Search (w1)

Guide to searching the database

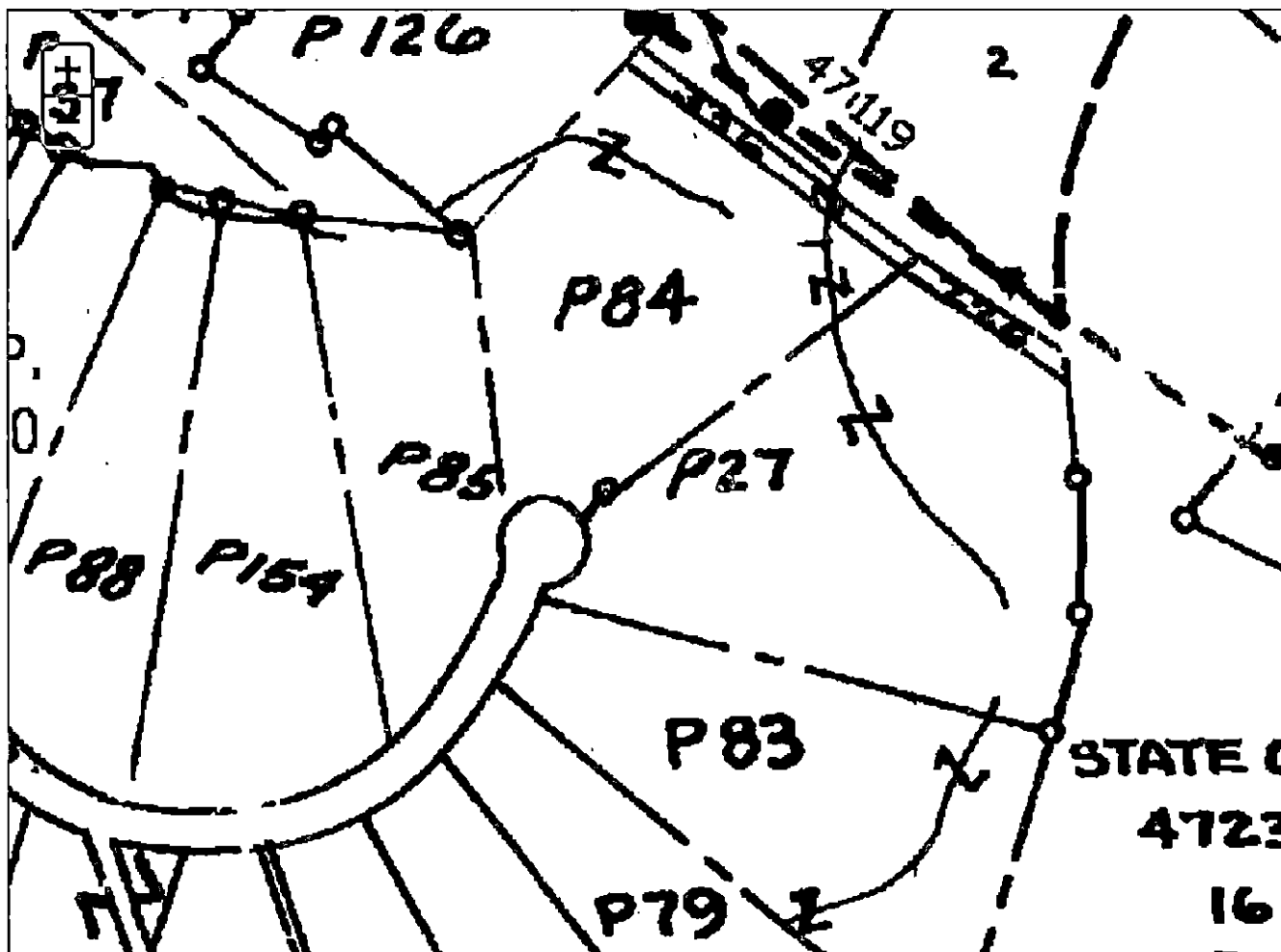
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 1102087476			
Owner Information					
Owner Name:	KORFIATIS JOHN PETE KORFIATIS JENNIFER		Use:	RESIDENTIAL	
Mailing Address:	19 WAGON WHEEL CT GLEN ARM MD 21057-9431		Principal Residence:	YES	
			Deed Reference:	/29497/ 00175	
Location & Structure Information					
Premises Address:		19 WAGON WHEEL CT 0-0000		Legal Description:	PT LT 15 19 WAGON WHEEL CT SUMMERFIELD FARMS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0062	0009	0027		0000	
				Assessment Year:	Plat No: Plat Ref:
				2015	
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
1953	1,873 SF		1700 SF	5.1800 AC	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	STONE	3 full/ 1 half	1 Attached
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		188,800	188,800		
Improvements		320,600	314,600		
Total:		509,400	503,400	503,400	503,400
Preferential Land:		0			0
Transfer Information					
Seller: KORFIATIS JOHN PETE		Date: 05/24/2010		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /29497/ 00175		Deed2:	
Seller: NEIMILLER THOMAS B		Date: 06/21/2002		Price: \$360,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /16542/ 00090		Deed2:	
Seller: OFFERMANN JANE S		Date: 08/17/1995		Price: \$280,000	
Type: ARMS LENGTH IMPROVED		Deed1: /11169/ 00745		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 05/01/2014					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 11 Account Number: 1102087476



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



1619 Mussula Road, Baltimore, MD 21286
Telephone: (443) 465 6899 Facsimile: (443) 320 1597
Email: cddesignconsultants@yahoo.com

February 17, 2016

Baltimore County Department of Planning & Zoning
Jefferson Building, Suite 101
105 W. Chesapeake Ave.
Towson, MD 21204

Attention: Mr Gary Hucik

Re: Case Number 2016-0179 19 Wagon Wheel Court, Glen Arm

We refer to the above noted filed on 4 February 2016.

On informing our clients that their property had a prior Variance Hearing by the previous neighbours and that the application was denied by reason of the objection of Mr and Mrs John Kitz that application.

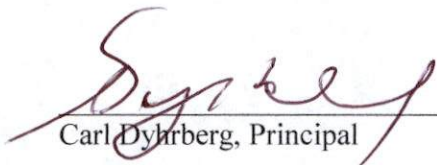
Our clients, Mr and Mrs John Korfaitis subsequently meet with Mr and Mrs Kitz to fully explain their plans for the proposal. As a result of this meeting, Mr and Mrs Kitz raised no objections as is attested by their signatures on a copy of the Plat to accompany the petition for the Variance.

Please add this plan to the file that will be viewed by the Administrative Law Judge assigned to hear this case.

Thank you,

Yours truly,

C.D. Design Consultants



Carl Dyhrberg, Principal

c..c. Mr and Mrs John Korfaitis

IN RE: PETITION FOR ADMINIS. VARIANCE * BEFORE THE
E/S Wagon Wheel Court, approx. 2000' SE
Of Glen Arm Road * ZONING COMMISSIONER
(19 Wagon Wheel Court)
11th Election District * OF BALTIMORE COUNTY
6th Council District *
Case No. 01-469-A
Thomas B. Neimiller, et ux
Petitioners *

* * * * *

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, Thomas B. and Angela P. Neimiller. The Petitioners seek relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 feet in lieu of the required 50 feet for a proposed addition. The relief was requested pursuant to Section 26-127 of the Baltimore County Code, which allows consideration of a variance request by an owner-occupant of residential property without a public hearing. The property is posted giving public notice of the requested relief for a period of 15 days during which time any individual residing within 1000 feet of the property in question may demand that a hearing be held to determine the merits of the request. In this case, the adjacent property owner, John F. Kitz, requested a hearing on the matter, and thus, a hearing was held on July 5, 2001.

Appearing at that hearing in support of the request were Thomas and Angela Neimiller, property owners. Appearing as Protestants in the matter were John F. Kitz, Karen R. Kitz, and Frances Kitz, adjacent property owners, who were represented by Howard L. Alderman, Jr., Esquire. Also appearing in opposition were numerous residents from the surrounding community, all of who signed the Citizens Sign-In Sheet.

Mr. Neimiller testified and presented the site plan for this property. As shown on the site plan, the subject property is a roughly pie-shaped parcel, located on the east side of Wagon

ORDER RECEIVED FOR FILING
Date 7/23/01
By [Signature]

2016-0179-A

Wheel Court, not far from Glen Arm Road in Glen Arm. The property is located in the subdivision known as Summerfield Farms, which consists of substantially sized dwellings on large lots. The subject property contains a gross area of 5.1419 acres, zoned R.C.5, and is improved with a one-story, ranch-style single family dwelling, which features an attached garage and a basement. Numerous photographs depicting the property and its environs were submitted at the hearing by both sides.

Mr. Neimiller testified that he and his wife have resided on the property for the past six years. During that time, their family has grown and they now have four children, ages 3, 6, 9 and 12. Apparently the dwelling has only two bedrooms; thus, the Petitioners are in need of additional living space and request variance relief to permit the construction of a two-bedroom addition on the side of the dwelling where an enclosed porch presently exists. As shown on the site plan, the proposed addition will come within 20 feet of the side property line adjacent to the Kitz property. The property's R.C.5 zoning classification requires a minimum side setback of 50 feet; thus, the requested relief is necessary in order to proceed.

Mr. Neimiller indicated that the variance request is driven by concerns over safety and the need for more living space in the house. He also indicated that other houses in the neighborhood are situated closer to their side property lines than the prescribed 50-foot setback. He testified that the placement of the proposed addition on other portions of the property is not practical due to the layout of the existing dwelling and the topography of the land. He noted that the property slopes away to the rear of the dwelling, and that the opposite side of the house is already improved with the attached garage. He does not believe that construction on the front of the dwelling is appropriate. In view of the opposition by his immediate neighbors, he expressed a willingness to landscape the proposed addition to buffer its view from the Kitz property.

Mr. Kitz appeared and testified in opposition to the request. He is a long-time resident of the community, having lived in his house for 45 years. He believes that the construction of the proposed addition so close to his property line would adversely affect the value of his property and invade his privacy. In this regard, he indicated that he has a built-in swimming pool in the rear

yard and fears that construction of the addition will interfere with his family's use and enjoyment of the pool. As an alternative, Mr. Kitz noted that the existing garage could be converted to provide more living space, and an addition constructed along the front of the house on that side.

As noted above, a number of photographs were submitted at the hearing by both sides which show the subject property, the Kitz' property and the community at large. A Petition signed by a number of other neighbors in opposition to the request was also submitted. In addition, letters of opposition were received from other residents who oppose the Petition.

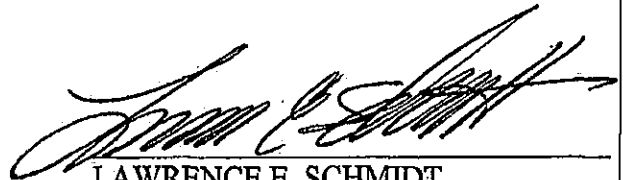
The grant of variance relief is permissible only when the Petitioner satisfies the requirements of Section 307 of the B.C.Z.R. Those requirements have been comprehensively addressed by the Court of Special Appeals of Maryland in Cromwell v. Ward, 102 Md. App. 691 (1995). In Cromwell, the Court opined that variances should not be granted for matters of convenience and that variances should not routinely be approved. In order to grant relief, the Petitioners must demonstrate that the subject property is unique, that strict adherence to the zoning regulations would cause a practical difficulty upon the property owner, and that relief can be granted without adversely impacting adjacent properties.

Although this is admittedly a close case, I do not believe that the Petitioners have met their burden. In my judgment, there are other options available, including that suggested by the adjacent property owner. The front of the property immediately adjacent to the house is level and appears a possible alternative. In addition, if requested, I would grant relief to enable the Petitioners to add an addition onto the footprint of the existing porch. As shown on the site plan, the existing porch comes within 45 feet of the side property line. Thus, a variance is still necessary. However, Mr. Kitz indicated that he would not object to a variance to permit construction in that area and the grant of a variance to accommodate such construction might be appropriate. Should the Petitioners wish to pursue that option, they may do so by filing a Motion for Reconsideration with the undersigned Zoning Commissioner within 30 days of the date of this Order. However, as the instant Petition is filed, I believe that the relief requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of July, 2001, that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 20 feet in lieu of the required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

The Petitioners have thirty (30) days from the date of this Order to file an appeal of this decision to the County Board of Appeals, or, in the alternative, file a Motion for Reconsideration with this Zoning Commissioner.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

7/23/01

By

[Signature]

Google Maps 19 Wagonwheel Ct

2016-0179-A



Imagery ©2016 Google, Map data ©2016 Google 20 ft

19 Wagonwheel Ct
Glen Arm, MD 21057



Google earth

feet
meters





Aerial View of Property and Neighbor

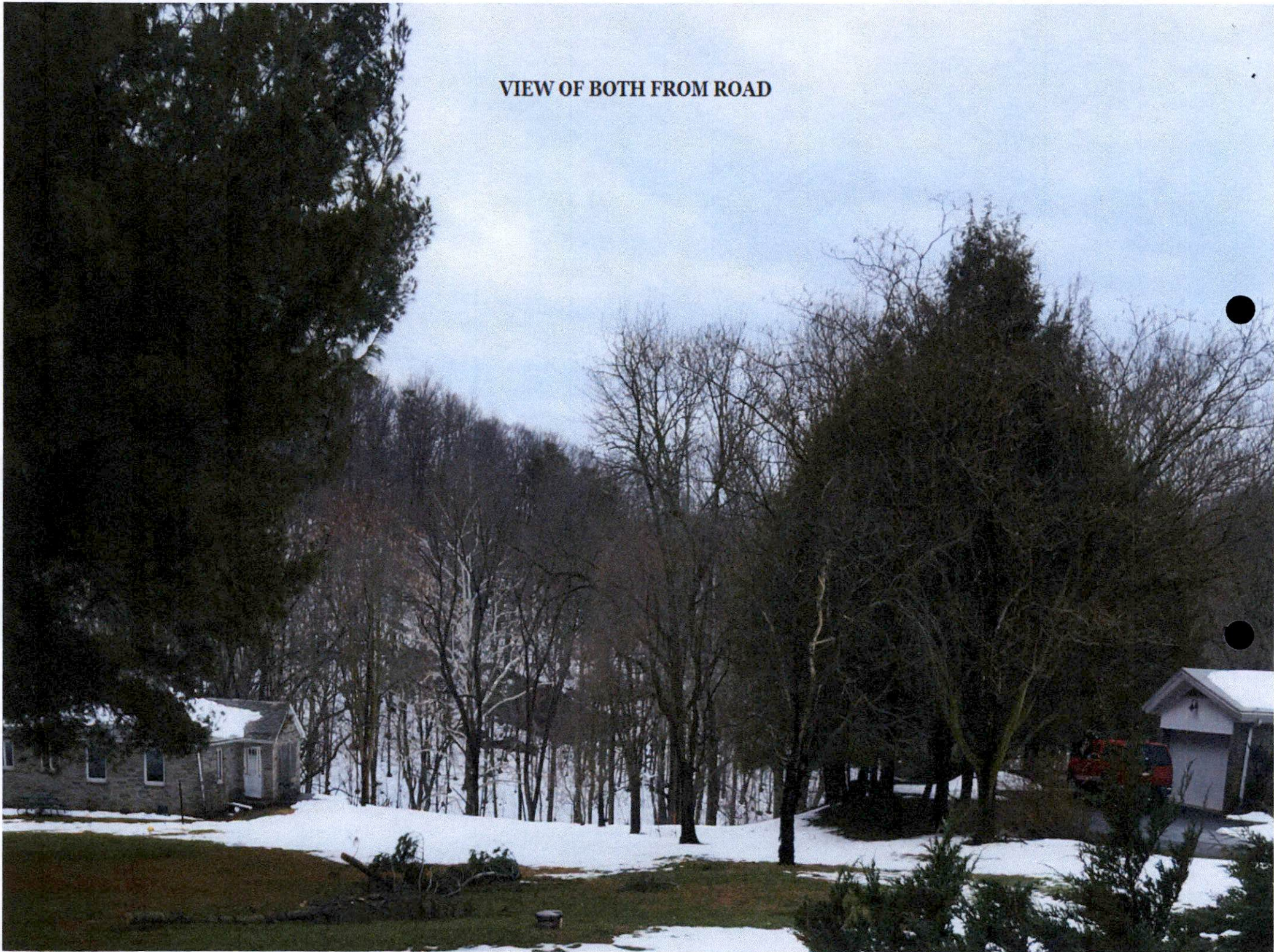
2016-0179-A

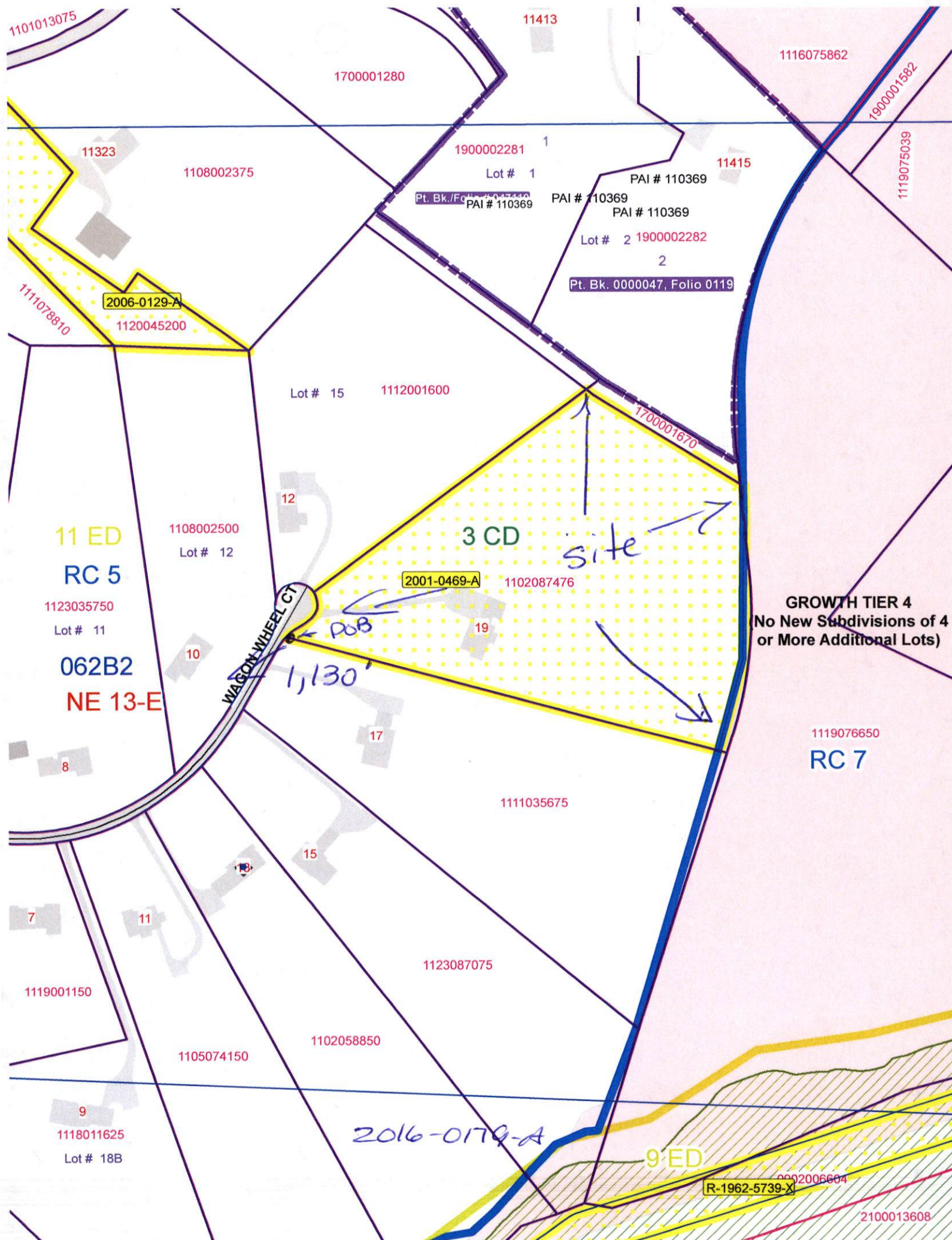


SOUTH WEST VIEW

2016-0179-A

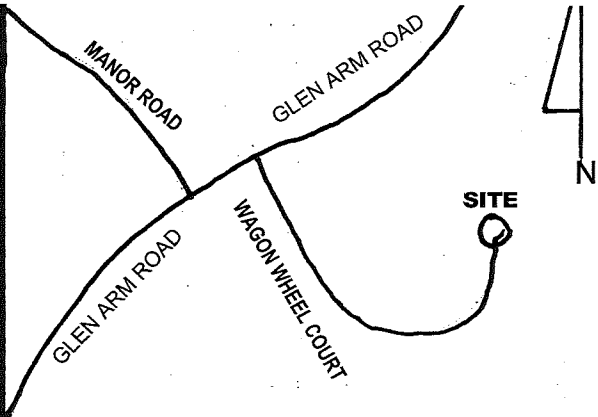
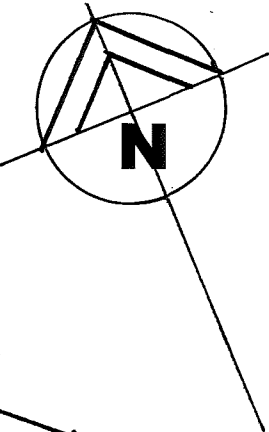
VIEW OF BOTH FROM ROAD





PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

19 WAGON WHEEL COURT, GLEN ARM DEED REF : /29497/ 00175, TAX MAP 0062
GRID 0009, PARCEL 0027
OWNERS : JOHN & JENNIFER KORFIATIS



VICINTY MAP - NOT TO SCALE

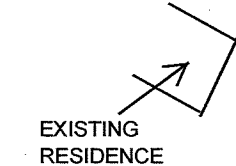
LOCATION INFORMATION

ELECTION DISTRICT 11
COUNCILMANIC 3
GIS TITLE 1"=200' SCALE MAP # 062B2
ZONING - RC 5
LOT SIZE 5.18 ACRES
SITE COVERGE EXISTING PRPOPOSED
0.008% 0.010%
SEPTIC SEWER
PRIVATE WATER
CHESAPEAKE BAY CRITICAL AREA - NO
100-YEAR FLOOD PLAIN - NO
HISTORIC PROPERTY - NO
PRIOR ZONING 2001-0469-A
CASE 2016-0179

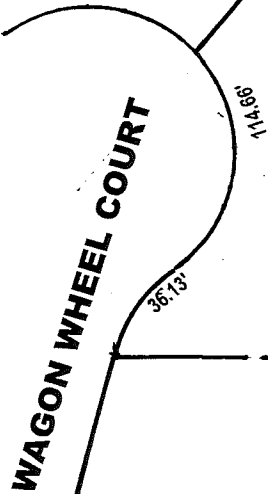
ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #

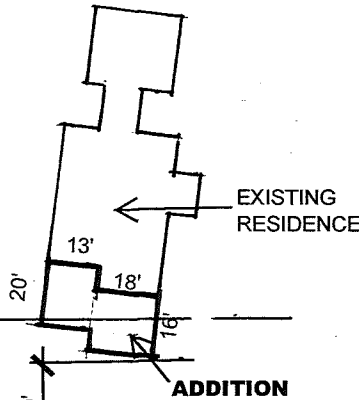
STEVE J. NAROWANSKIE & WIFE



12



19



EXISTING RESIDENCE

ADDITION

636.78'

17

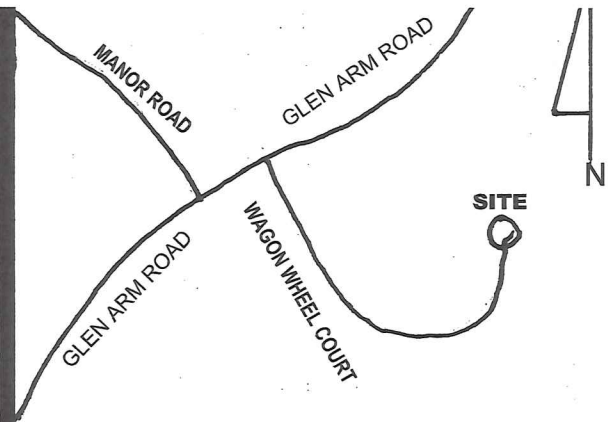
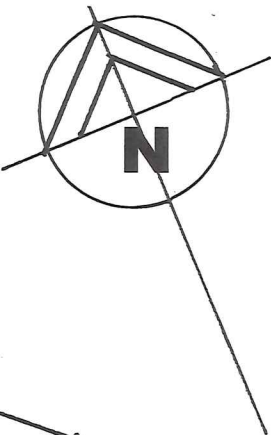


EXISTING RESIDENCE

JOHN F. KITZ, JR & WIFE

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

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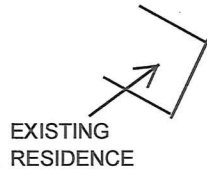
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CASE # 2016-0179

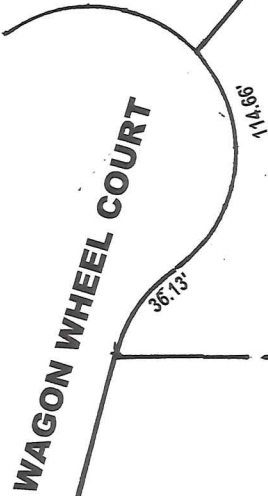
ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #

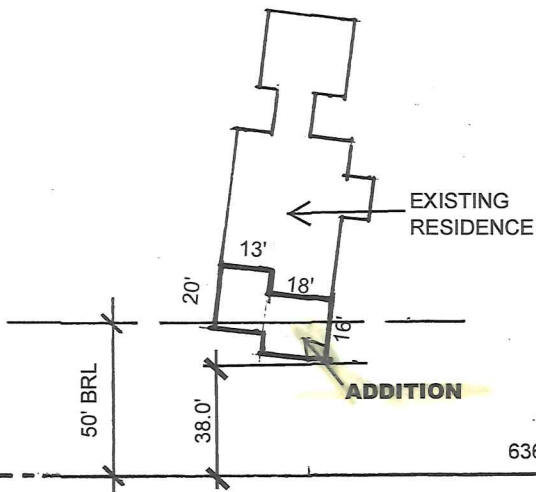
STEVE J. NAROWANSKIE & WIFE



12



19



EXISTING RESIDENCE

ADDITION

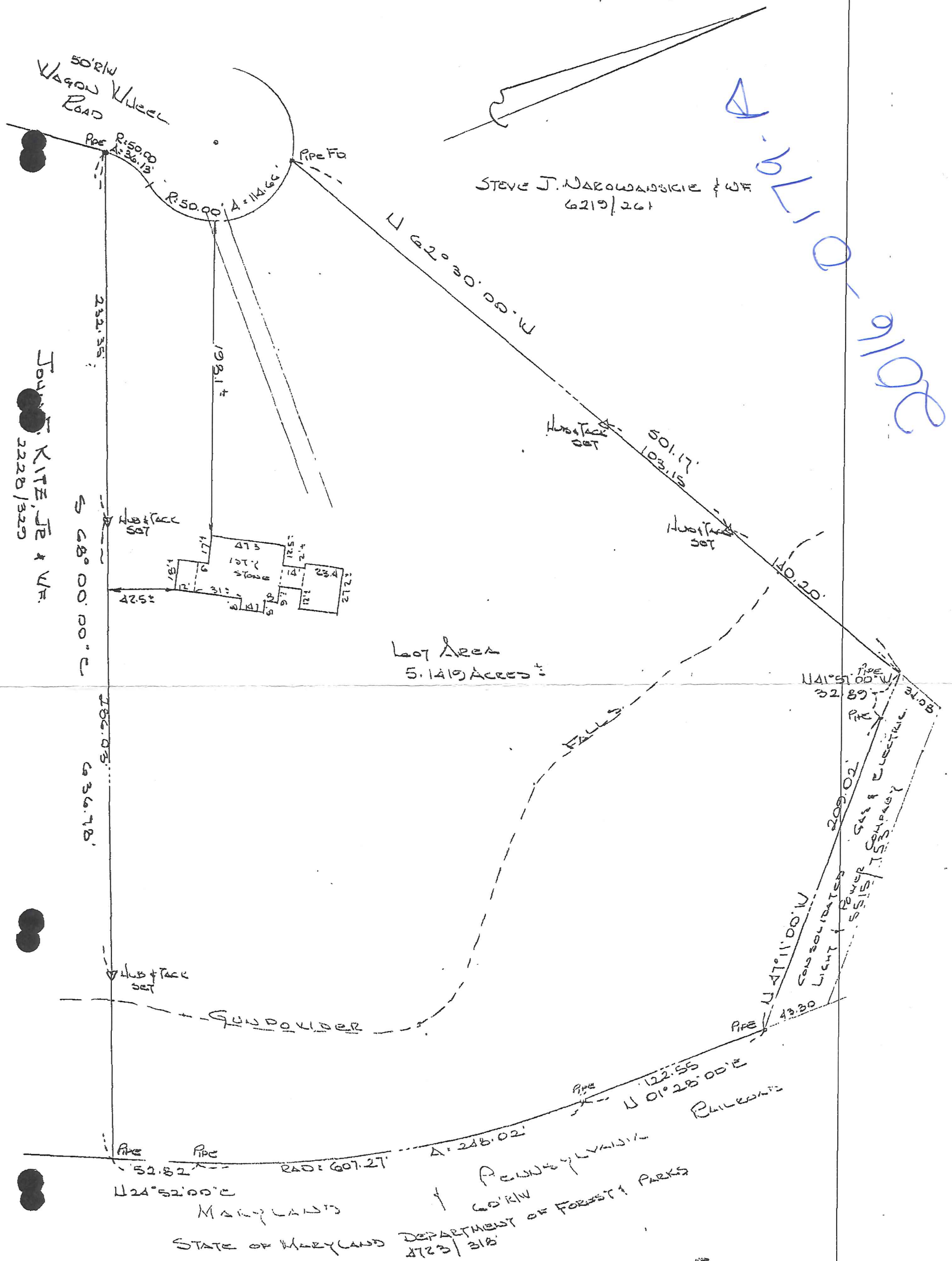
17



JOHN F. KITZ, JR & WIFE

Pet. For 1

5.1419 Acre Parcel Eleventh District Baltimore County Maryland.



Phone: 410-872-8601

Item #469

SCALE 1" = 60'

Q17c 7.31.95