MEMORANDUM

DATE: May 15, 2018

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2018-0246-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 14, 2018. 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

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 4-13-18

By DW

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 11106 Greenspring Avenue, Lutherville, MD 21093 **Currently zoned** RC 5

Deed Reference 21890 / 442 10 Digit Tax Account # 2 4 0 0 0 0 5 6 8 8

Owner(s) Printed Name(s) Charles and Giovanna Gilman

(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/plat attached hereto and made a part hereof, hereby petition for an:

1. X **ADMINISTRATIVE VARIANCE** from Section(s)

From Section 1A04.3.B.2.b of the BCZR to permit the extension of the 3-foot side setback (in lieu of 50 feet) approved in Case No. 2018-0035-A for construction of a rear deck and rear addition to the existing dwelling.

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.

ORDER RECEIVED FOR FILING
Date 4-13-18
BY

Owner(s)/Petitioner(s):

Charles Gilman / Giovanna Gilman
Name #1 – Type or Print / Name #2 – Type or Print

Signature #1 / Signature # 2

11106 Greenspring Avennue | Lutherville | MD
Mailing Address | City | State

21093 / 410-560-4999 / cgilman@gblegalteam.com
Zip Code / Telephone # / Email Address

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

Adam M. Rosenblatt
Name – Type or Print

Signature

210 W. Pennsylvania Ave, Ste. 500, Towson | MD
Mailing Address | City | State

21204 / 410-494-6271 / amrosenblatt@venable.com
Zip Code / Telephone # / Email Address

Representative to be contacted:

Adam M. Rosenblatt
Name – Type or Print

Signature

210 W. Pennsylvania Ave, Ste. 500, Towson | MD
Mailing Address | City | State

21204 / 410-494-6271 / amrosenblatt@venable.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 2018-0246-A **Filing Date** 3/16/18 **Estimated Posting Date** 3/25/18 **Reviewer** GR

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:	11106 Greenspring Avenue	Lutherville	Maryland	21093
	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)**

This property was the subject of an administrative variance (2018-0035-A) where the side setback was reduced from 50 feet to 3 feet. The owners have retained the services of an architect and are proposing to put a rear addition on their home that honors the reduced setback but extends the dwelling along the 3-foot setback that was previously approved. If this variance is denied, a practical difficulty will result as the owners will not be able to utilize the prior variance to construct an addition on their home. As in the prior case, this relief is in the spirit and intent of the zoning regulations and will not have any negative impact on the health, safety or welfare of the surrounding area.

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

Signature of Owner (Affiant)	Signature of Owner (Affiant)
Charles Gilman	Giovanna Gilman
Name- Print or Type	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 7th day of March, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Charles Gilman Giovanna Gilman

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

AS WITNESS my hand and Notaries Seal

Janet M Vagliano

Notary Public

12/11/18

My Commission Expires

REV. 5/8/2014

Polaris
LAND CONSULTANTS

10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
(410) 252-4444 (o)
(410) 252-4493 (f)
www.polarislc.com

ZONING PROPERTY DESCRIPTION FOR 11106 GREENSPRING AVENUE BALTIMORE COUNTY, MARYLAND

Beginning at a point in the center of Greenspring Avenue at the distance of 490 feet, more or less, northwest of the centerline of Highview Drive. Thence running

1) South 43 degrees 54 minutes 00 seconds West, 190.00 feet,
2) North 46 degrees 06 minutes 00 seconds West, 45.91 feet,
3) South 43 degrees 54 minutes 00 seconds West, 175.99 feet,
4) North 46 degrees 06 minutes 00 seconds West, 110.09 feet,
5) North 43 degrees 54 minutes 00 seconds East, 365.99 feet, and
6) South 46 degrees 06 minutes 00 seconds East, 156.00 feet, to the point of beginning.

Containing 49,015 square feet or 1.125 acres, more or less.

Deed: Liber S.M. 21890, folio 442.

Located in the 3rd Election District and 2nd Councilmanic District.

STATE OF MARYLAND
JOSEPH MICHAEL BURDYCK JR.
No. 21430
PROFESSIONAL LAND SURVEYOR

03-28-2017
Lic. Exp/Renewal 01-21-2019

2018-0246-A

CERTIFICATE OF POSTING

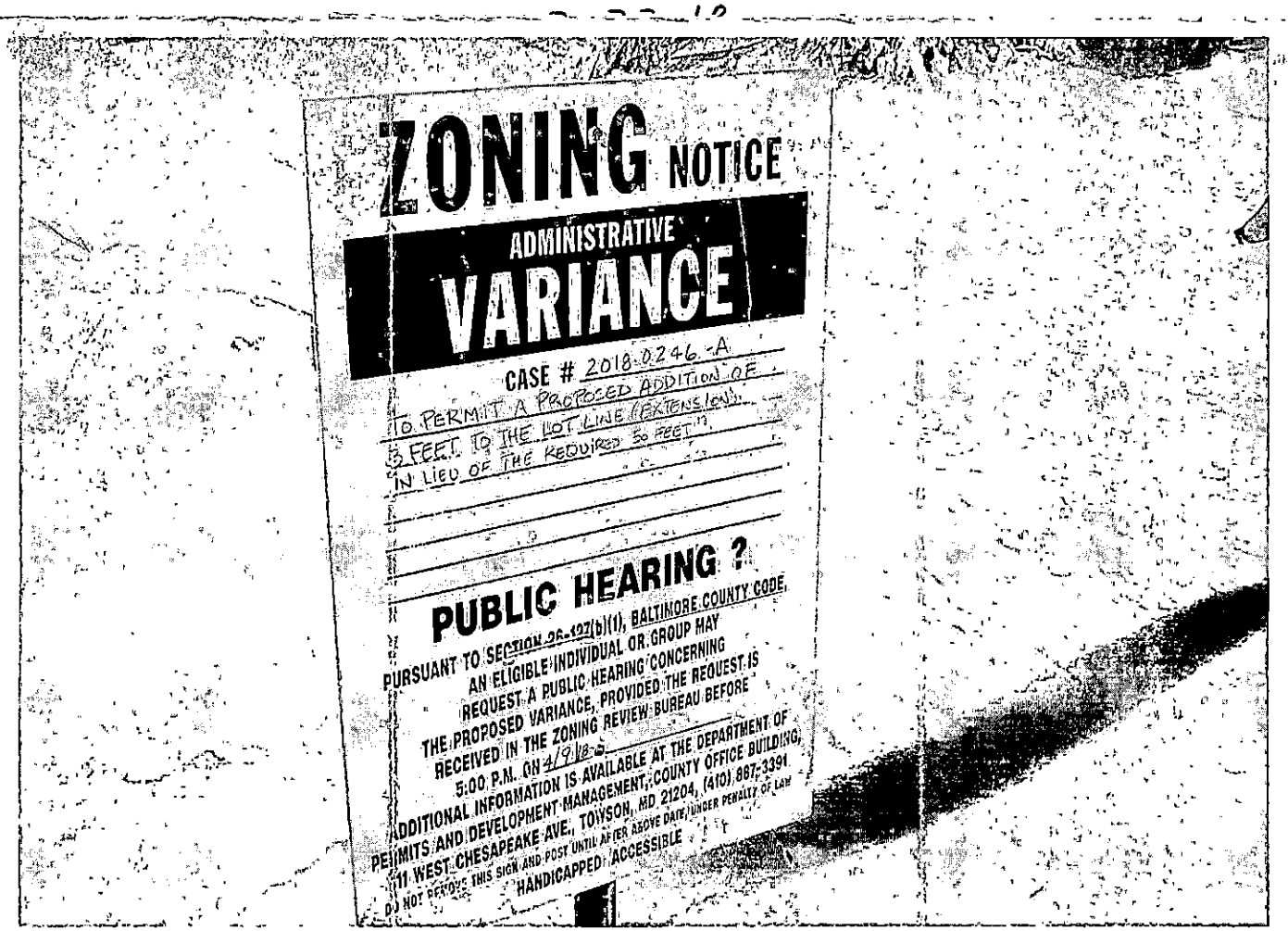
Date: 3-22-18

RE: Case Number: 2018-0246-A

Petitioner/Developer: Gilmer

Date of Hearing/Closing: 4-9-18

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 11106 Greenspring Ave



BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0246 -A Address 11106 Greenspring Ave 21093

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

Filing Date: 3/16/18 **Posting Date:** 3/25/18 **Closing Date:** 4/9/18

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. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list 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. **DEADLINE:** The closing date is the deadline for a neighbor (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.

3. **ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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 2018- 0246 -A Address 11106 Greenspring Ave 21093

Petitioner's Name Charles & Giovanna Gilman Telephone 410-560-4999

Posting Date: 3/25/18 **Closing Date:** 4/9/18

Wording for Sign: *To Permit* a proposed addition of 3 feet (extension) in lieu of the required 50 feet

Revised 6/30/2018

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

№ 166179

Date: 3/16/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	800	000		6150				75.00

Total: 75.00

Rec From: Mitchell Kellman

For: 2018-0246-A

1106 Greenspring Ave

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION

PAID RECEIPT
Baltimore County, Maryland

KEVIN KAMENETZ
County Executive

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

April 10, 2018

Charles & Giovanna Gilman
11106 Greenspring Avenue
Lutherville MD 21093

RE: Case Number: 2018-0246 A, Address: 11106 Greenspring Avenue

Dear Mr. & Ms. Gilman:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 16, 2018. 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: jaw

Enclosures

c: People's Counsel
Adam M Rosenblatt, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 3/26/18

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2018-0246-A
Administrative Variance
Charles Gilman
11106 Greenspring Avenue

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,

for Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 20, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 02, 2018
Item No. 2018-0246-A, 0248-A, 0249-A, 0250-A, 0252-SPHA, 0253-A and 0254-A

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

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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 28, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0246-A
Address 11106 Greenspring Avenue
(Gilman Property)

Zoning Advisory Committee Meeting of **April 2, 2018**

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

1. Ground Water Management must review any proposed building permit(s) for additions at this site, since it is served by well and septic.

Reviewer: Dan Esser

ORDER RECEIVED FOR FILING

Date 4-13-18

By LW

C:\Users\jwisnom\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\XEGA1Q0V\ZAC 18-0246-A 11106 Greenspring Avenue.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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 28, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0246-A
Address 11106 Greenspring Avenue (Gilman Property)

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

1. Ground Water Management must review any proposed building permit(s) for additions at this site, since it is served by well and septic.

Reviewer: Dan Esser

2018-0246

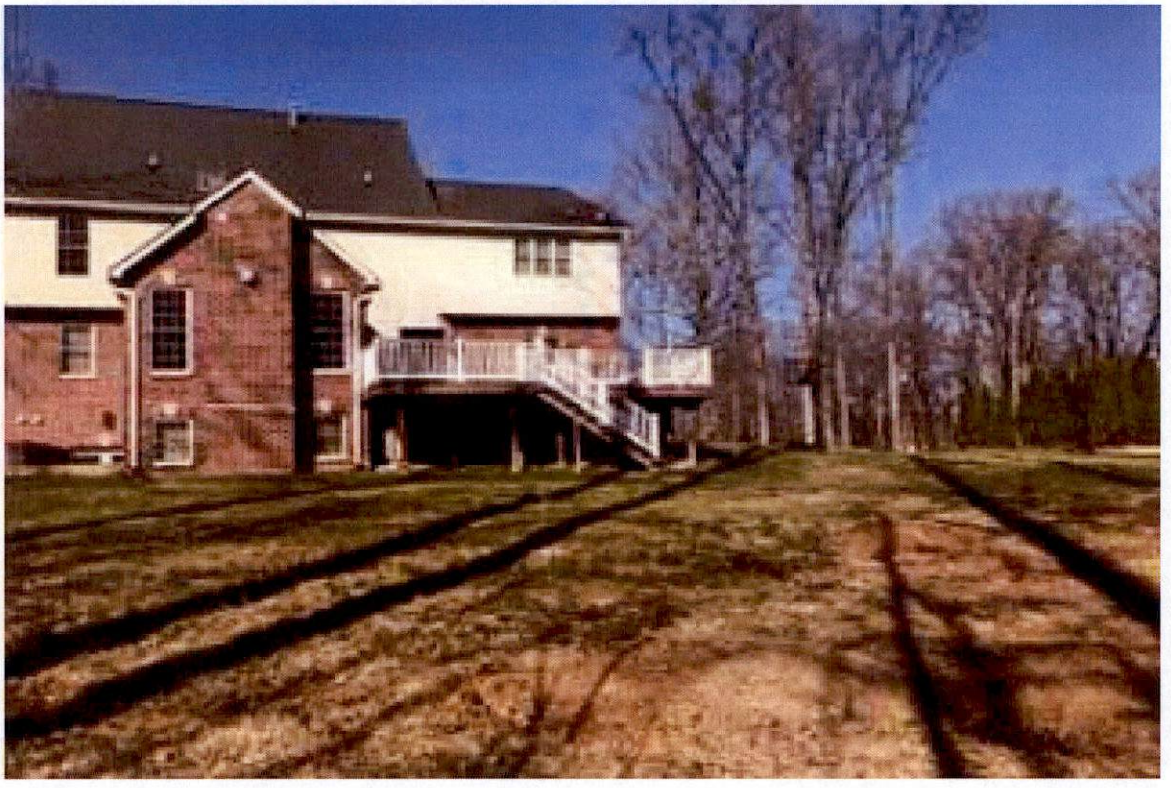
front of dwelling,
adjacent dwelling

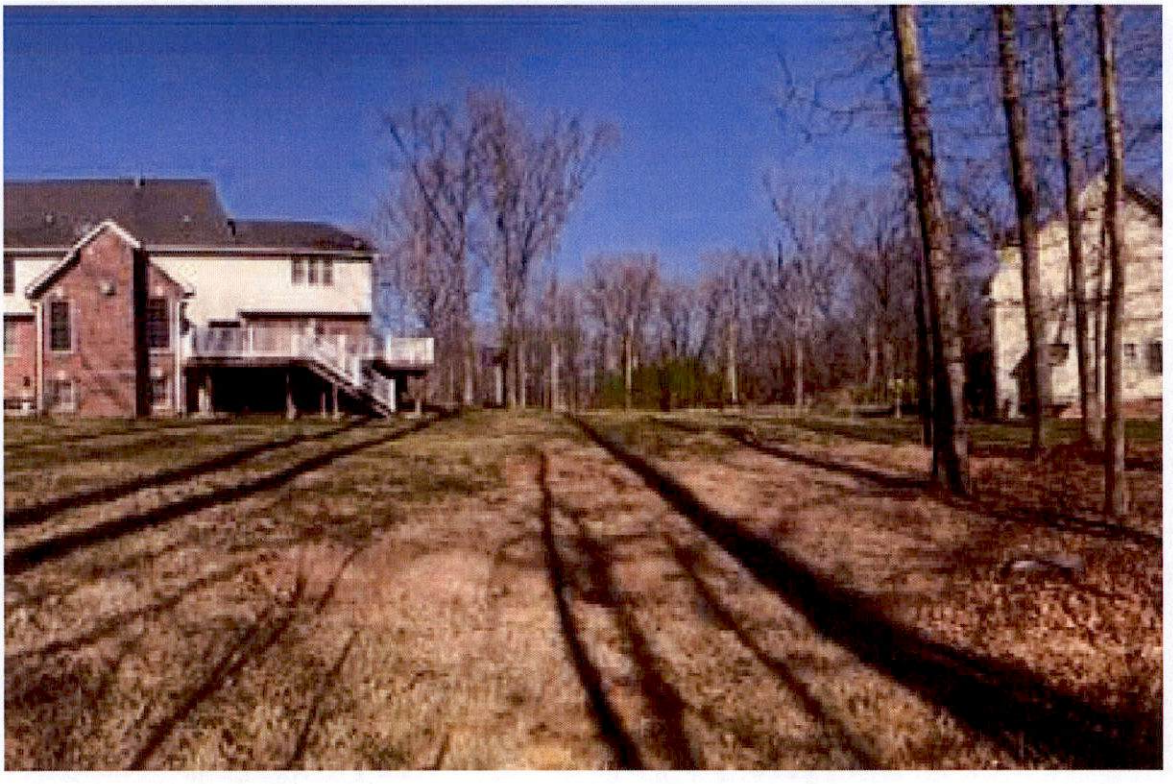
2018-0246-

south side of dwelling

front of dwelling

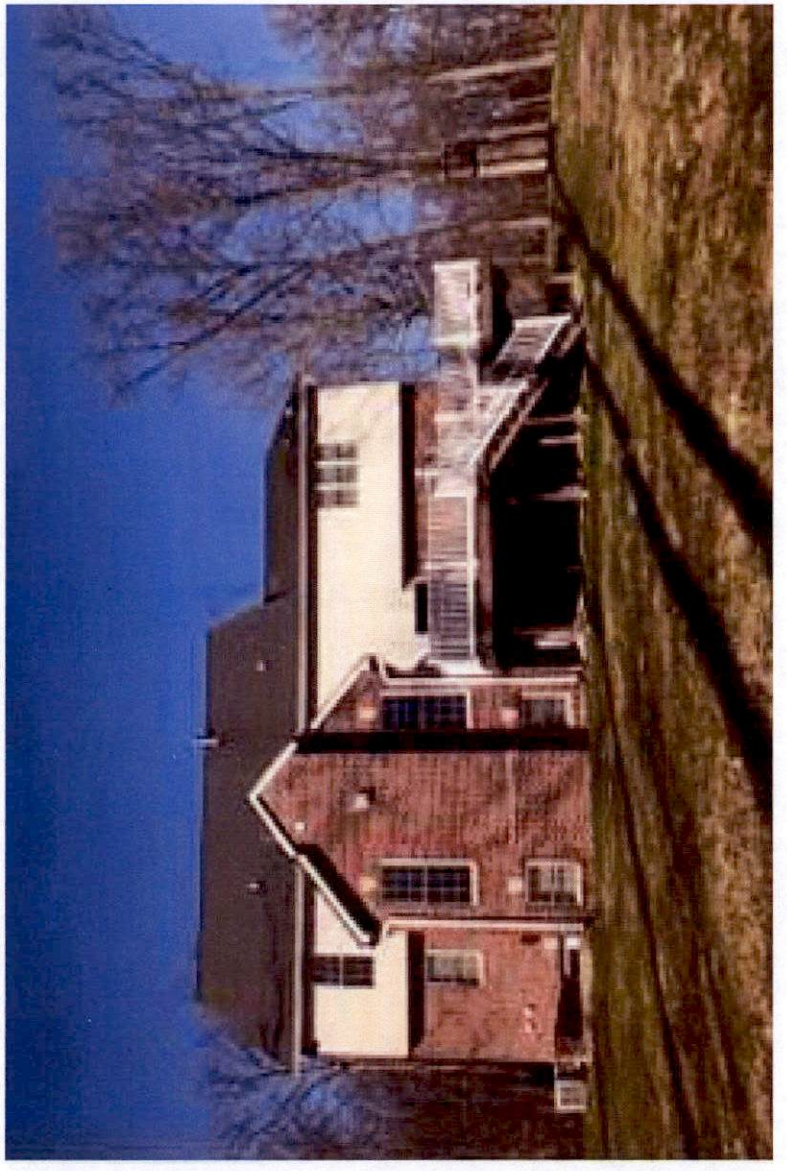
2018-0246-A



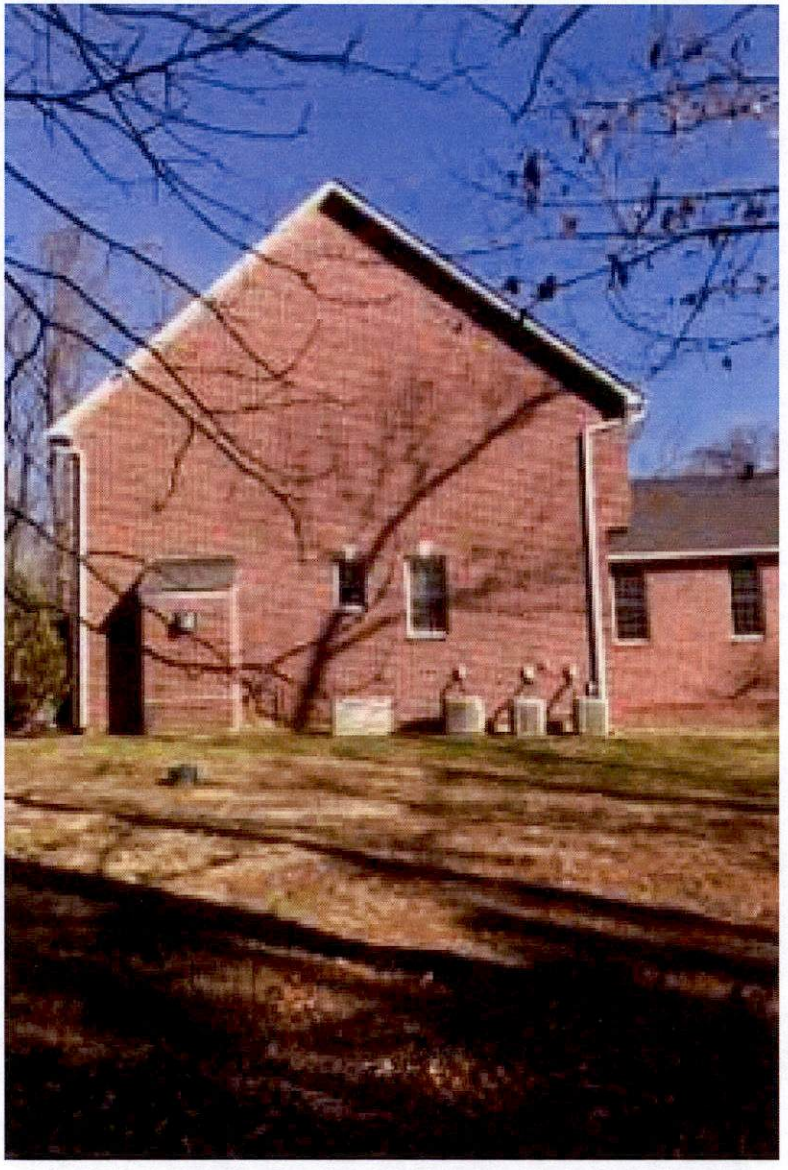


rear of dwelling &
adjacent dwelling

2018-0246-A



rear of building



2018-0246-A

north side of dwelling

4/9

CASE NO. 2018- 0246-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	
3-28	DEPS (if not received, date e-mail sent _____)	✓
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent _____)	
3-26	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2018-0035-A + 04-045-A

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 3-22-18 by Pilson

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: **District** - 03 **Account Number** - 2400005688

Owner Information

Owner Name:	GILMAN CHARLES A GILMAN GIOVANNA E	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	11106 GREENSPRING AVE LUTHERVILLE TIMONIUM MD 21093-3507	**Deed Reference:**	/21890/ 00442

Location & Structure Information

Premises Address:	11106 GREENSPRING AVE 0-0000	**Legal Description:**	1.125 AC 11106 GREENSPRING AVE 2800FT NW GRNSPNG VLY RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	MS
0059	0017	0162		0000			1	2017	Plat Ref:	

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2005	4,056 SF		1.1300 AC	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	YES	STANDARD UNIT	BRICK	3 full/ 1 half	1 Attached	

Value Information

	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2017	As of 07/01/2018
Land:	250,700	250,700		
Improvements	368,800	435,200		
Total:	619,500	685,900	641,633	663,767
Preferential Land:	0			0

Transfer Information

Seller: WOODSIDE HOMES INC	**Date:** 05/19/2005	**Price:** $300,000
Type: ARMS LENGTH VACANT	**Deed1:** /21890/ 00442	**Deed2:**
Seller: WOODSIDE HOMES INC	**Date:** 03/31/2004	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /19818/ 00025	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2017	07/01/2018
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 04/30/2008

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

ZAC AGENDA

Case Number: 2018-0246-A **Reviewer:** Gary Hucik
Existng Use: RESIDENTIAL **Proposed Use:**
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Charles Gilman
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 11106 GREENSPRING AVE
Location: S/S of Greenspring Avenue, 490 ft. SE to the centerline of Woodland Drive

Existing Zoning: RC 5 **Area:** 49,015 SQ. FT.
Proposed Zoning:
ADMINISTRATIVE VARIANCE:
To permit the extension of the 3 ft. side setback (in lieu of 50 ft.) approved in Case No. 2018-0035 A for construction of a rear deck and rear addition to the existing dwelling.
Attorney: Adam M Rosenblatt, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204
Prior Zoning Cases: 2004-0045-A; 2018-0035 A
Concurrent Cases: None
Violation Cases: None
Closing Date: 04/09/2018

Miscellaneous Notes:

IN (AV) 8-21-17
Prior Zoning

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(11106 Greenspring Avenue)		
3rd Election District	*	OFFICE OF ADMINISTRATIVE
2nd Council District		
Charles A. & Giovanna E. Gilman	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	**CASE NO. 2018-0035-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, Charles A. & Giovanna E. Gilman ("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 lot line setback of 3 ft. (side) and 10 ft. (rear) in lieu of 50 ft. each for a proposed garage addition. 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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 3, 2017, 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 ("B.C.C."). 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, this 25th day of **August, 2017**, 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 lot line setback of 3 ft. (side) and 10 ft. (rear) in lieu of 50 ft. each for a proposed garage addition, 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

Prior Zoning
9/26

IN RE: PETITION FOR VARIANCE S/S of Greenspring Avenue, 520 ft. S of Woodland Drive 3rd Election District 2nd Councilmanic District **(11108 Greenspring Avenue)**	* * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	CASE NO. 04-045-A
Woodside Homes, Inc., By: Cheryl J. Faust, President, *Legal Owners* **and**	*	
Cheryl J. & Michael P. Faust, ***Contract Purchasers***	*	
Petitioners	*	

* * * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Woodside Homes, Inc., by Cheryl J. Faust, President and the contract purchasers, Cheryl J. and Michael P. Faust. The Petitioners are requesting variance relief for property located at 11108 Greenspring Avenue in the northwestern area of Baltimore County. The variance request is from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 40 ft. in lieu of the required 50 ft. for a proposed dwelling.

The property was posted with Notice of Hearing on September 9, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 11, 2003 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – ***Variances***.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where

special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the variance request were Cheryl and Michael Faust. There were no Protestants or others in attendance. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request contains 2.3 Acres and is zoned RC 5. The property is 150 feet wide and 668 feet long located in a rural area off of Greenspring Avenue. The Petitioners testified that Michael Faust, who appeared at the hearing in a wheel chair, was severely injured in a high school accident in which he was paralyzed from the waist down. He is completely unable to walk and so requires the use of a wheel chair at all times to move about.

The Petitioners ask for variance relief on the side yard setback requirement of 50 feet applicable in the RC 5 zones. They indicated that they wish to build a home for themselves on

the property but that because of Mr. Faust disability, they need extra wide rooms and hallways. They also need a design on one floor so that he can have access to the whole house. They testified that they had tried several different designs for homes which would not have required a side yard variance but had been unable to find any means of providing the extra wide facilities, one level layout and fit it within the septic reserve areas shown on Petitioner's Exhibit No. 1. They contacted the adjacent property owners who indicated that they were not opposed to the request. They testified that the nearest home was 400 feet distance from the proposed home, buffered by extensive trees, and that a 10 foot variance would have insignificant effect on the enjoyment of their neighbors of their property.

Findings of fact and conclusions of law

I find that there are special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations was requested. Finally, I find that the requested variances can be granted in strict harmony with the spirit and intent of said regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 1st day of October, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 40 ft. in lieu

of the required 50 ft. for a proposed dwelling, be and it is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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;

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Account Identifier: **District** - 03 **Account Number** - 2400005688

Owner Information

Owner Name:	GILMAN CHARLES A GILMAN GIOVANNA E	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	11106 GREENSPRING AVE LUTHERVILLE TIMONIUM MD 21093-3507	**Deed Reference:**	/21890/ 00442

Location & Structure Information

Premises Address:	11106 GREENSPRING AVE 0-0000	**Legal Description:**	1.125 AC 11106 GREENSPRING AVE 2800FT NW GRNSPNG VLY RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	MS
0059	0017	0162		0000			1	2017	Plat Ref:	

Special Tax Areas: **Town:** NONE
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2005	4,056 SF		1.1300 AC	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	YES	STANDARD UNIT	BRICK	3 full/ 1 half	1 Attached	

Value Information

	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2017	Phase-in Assessments As of 07/01/2018
Land:	250,700	250,700		
Improvements	368,800	435,200		
Total:	619,500	685,900	641,633	663,767
Preferential Land:	0			0

Transfer Information

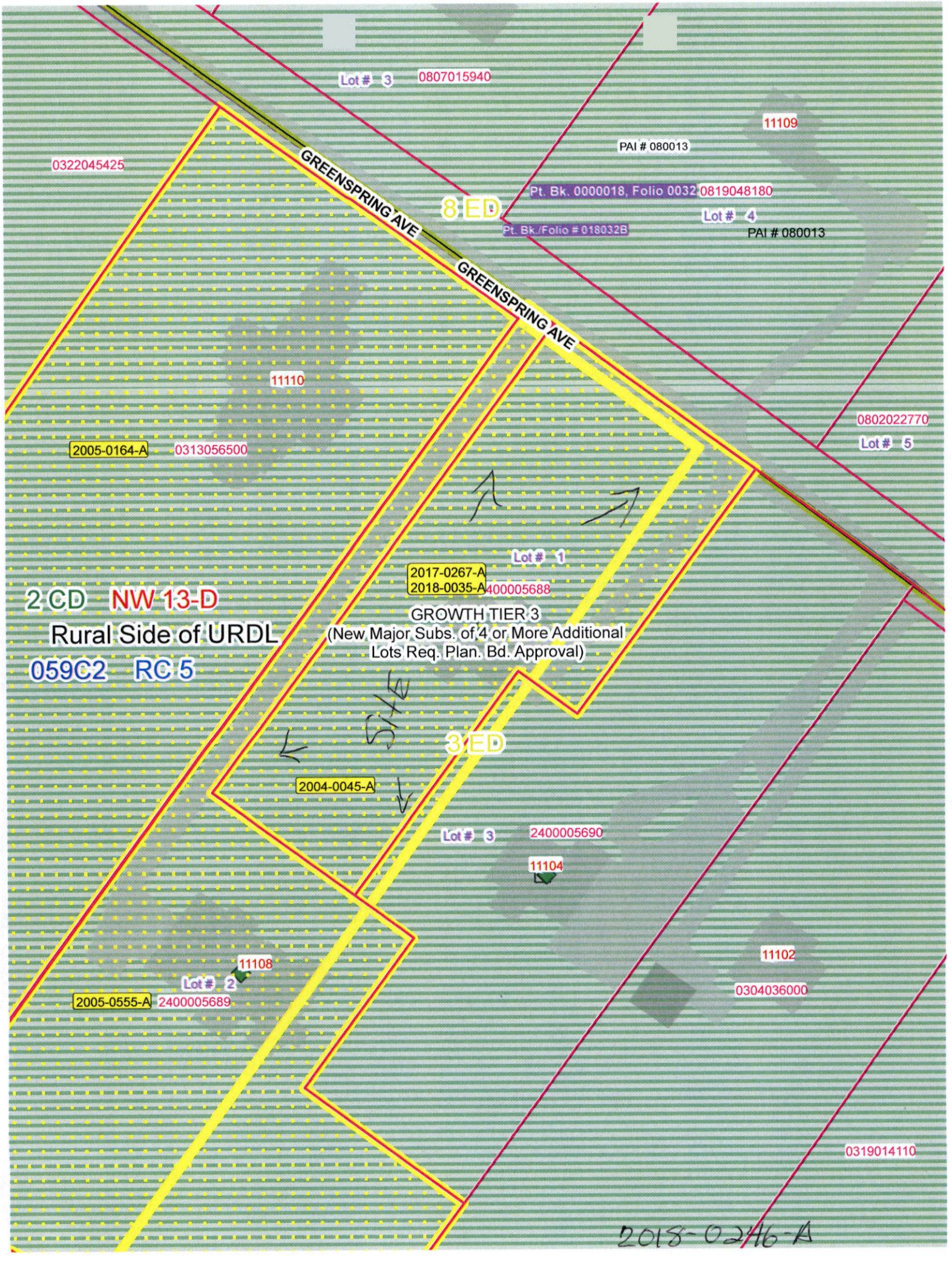
Seller: WOODSIDE HOMES INC	**Date:** 05/19/2005	**Price:** $300,000
Type: ARMS LENGTH VACANT	**Deed1:** /21890/ 00442	**Deed2:**
Seller: WOODSIDE HOMES INC	**Date:** 03/31/2004	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /19818/ 00025	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

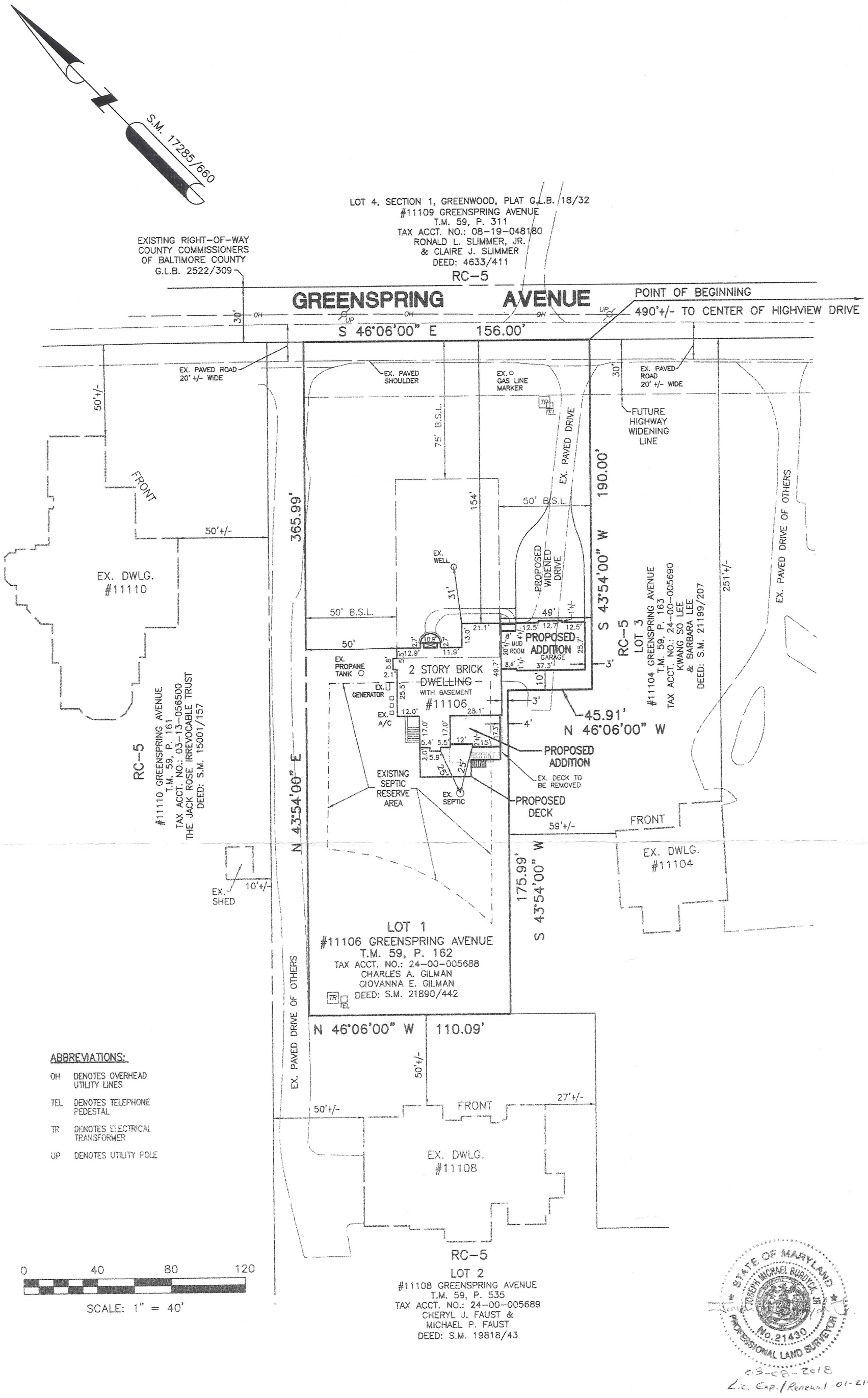
Exemption Information

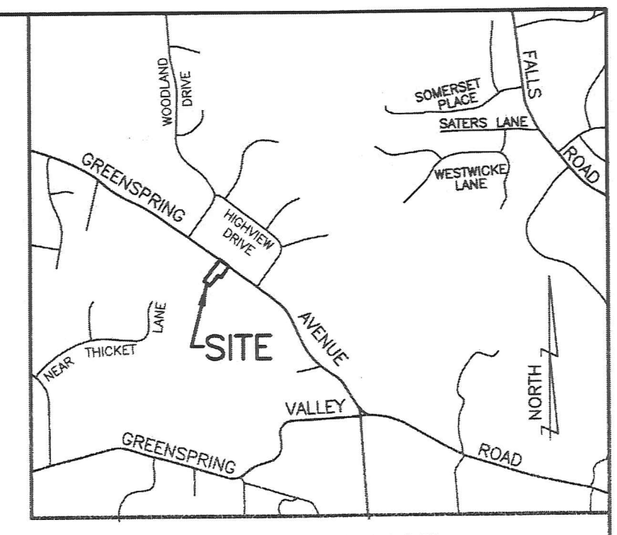
Partial Exempt Assessments:	Class	07/01/2017	07/01/2018
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

2018-0246-A


Lot # 3
0807015940
11109
PAI # 080013
0322045425
GREENSPRING AVE
GREENSPRING AVE
Pt. Bk. 0000018, Folio 0032
0819048180
8 ED
Lot # 4
Pt. Bk./Folio # 018032B
PAI # 080013
11110
0802022770
Lot # 5
2005-0164-A
0313056500
Lot # 1
2017-0267-A
2018-0035-A
400005688
2 CD
NW 13-D
Rural Side of URDL
059C2
RC 5
GROWTH TIER 3
(New Major Subs. of 4 or More Additional
Lots Req. Plan. Bd. Approval)
3 ED
2004-0045-A
Lot # 3
2400005690
11104
11102
11108
Lot # 2
2005-0555-A
2400005689
0304036000
0319014110
2018-0246-A





VICINITY MAP

SCALE: 1" = 2000'

NOTES:

1. EXISTING ZONING: RC-5
2. OWNER: CHARLES A. GILMAN
   GIOVANNA E. GILMAN
   #11106 GREENSPRING AVENUE
   TIMONIUM, MD 21093
3. DEED REFERENCE: S.M. 21890/442
4. TAX MAP 0059, GRID 0017, PARCEL 0162
5. TAX ACCOUNT NO.: 24-00-005688
6. SITE AREA: 49,015 S.F.+/- OR 1.125 AC.+/-
7. 200 SCALE ZONING MAP NO. 059C2
8. THIS SITE IS NOT IN THE CBCA.
9. THIS SITE IS NOT IN A 100 YEAR FLOOD PLAIN.
10. THIS SITE IS NOT HISTORIC.
11. EXISTING SITE USE IS RESIDENTIAL.
12. THIS SITE IS SERVED BY A PRIVATE WELL AND PRIVATE SEPTIC SYSTEM.
13. EXISTING BUILDING HEIGHT = 37'
    PROPOSED GARAGE ADDITION HEIGHT = 21'+/-
    PROPOSED REAR ADDITION HEIGHT = 17'+/-
    (AS MEASURED FROM THE PEAK OF THE ROOF TO THE HIGHEST ADJACENT GRADE BEING AT THE FRONT ENTRANCE TO THE DWELLING)
14. PRIOR ZONING CASE NO. 04-045-A
    DATE OF ORDER: OCTOBER 1, 2003
    ORDER: TO PERMIT A SIDE YARD SETBACK OF 40 FT. IN LIEU OF THE REQUIRED 50 FT. FOR A PROPOSED DWELLING.
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    ORDER: TO PERMIT AN EXISTING BUILDING WITH A HEIGHT OF 37 FT. IN LIEU OF THE MAXIMUM 35FT., TO PERMIT A LOT LINE YARD SETBACK OF 3 FT. IN LIEU OF THE REQUIRED 50 FT. (PRINCIPAL BUILDING), AND TO PERMIT AN EXISTING DECK TO HAVE A LOT LINE SETBACK OF 3 FT. IN LIEU OF 37.5 FT. (OPEN PROJECTION DECK).
16. PRIOR ZONING CASE NO. 2018-0035-A
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    ORDER: TO PERMIT A LOT LINE SETBACK OF 3 FT. (SIDE) AND 10 FT. (REAR) IN LIEU OF 50 FT. EACH FOR A PROPOSED GARAGE ADDITION.
17. A ZONING SPIRIT AND INTENT LETTER WAS APPROVED ON MARCH 7, 2018 BY THE ZONING REVIEW OFFICE TO ALLOW FOR A MODIFICATION TO THE GARAGE ADDITION APPROVED IN ZONING CASE 2018-0035-A.
18. BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A BOUNDARY SURVEY PERFORMED BY POLARIS LAND CONSULTANTS, LLC IN MARCH & APRIL 2016.
19. IMPROVEMENTS ON THE SUBJECT PROPERTY, INCLUDING THE EXISTING DWELLING, DRIVEWAY, WELL AND SEPTIC, WERE FIELD LOCATED IN MARCH 2016.
20. IMPROVEMENTS ON THE ADJOINING PROPERTIES ARE FROM BALTIMORE COUNTY GIS DATA.
21. THE SUBJECT PROPERTY (LOT 1, #11106 GREENSPRING AVENUE) AND TWO OF THE ADJOINING PROPERTIES (LOT 2, #11108 GREENSPRING AVENUE AND LOT 3, #11104 GREENSPRING AVENUE) ARE SHOWN ON A PLAN TITLED "SDP AND DRC AMENDED PLAN, 11104-11106-11108 GREENSPRING AVENUE", DATED 01-1-2004.
22. BUILDING SETBACK LINES (B.S.L.) AND THE FUTURE HIGHWAY WIDENING LINE OF GREENSPRING AVENUE ARE AS SHOWN ON THE PLAN TITLED "SDP AND DRC AMENDED PLAN, 11104-11106-11108 GREENSPRING AVENUE", DATED 01-1-2004 AND ATTACHED TO THE DEED RECORDED IN S.M. 19818/34.
23. THE EXISTING SEPTIC RESERVE AREA IS AS SHOWN ON PLANS FROM THE FILES OF BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY, GROUND WATER MANAGEMENT SECTION.
24. THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.
25. THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
26. THIS PLAN HAS BEEN PREPARED TO ACCOMPANY A PETITION FOR ZONING VARIANCE AND SHALL NOT BE USED FOR BUILDING PERMIT APPLICATION OR CONSTRUCTION.

ABBREVIATIONS:

OH	DENOTES OVERHEAD UTILITY LINES
TEL	DENOTES TELEPHONE PEDESTAL
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UP	DENOTES UTILITY POLE

STATE OF MARYLAND
JOSEPH MICHAEL BURDYCK III
No. 21430
PROFESSIONAL LAND SURVEYOR
03-08-2018
Lic. Exp./Renewal 01-21-2019

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE

#11106 GREENSPRING AVENUE

TAX MAP 59, PARCEL 162

DEED REFERENCE: S.M. 21890/442

BEING LOT 1

SDP AND DRC AMENDED PLAN
11104-11106-11108 GREENSPRING AVENUE

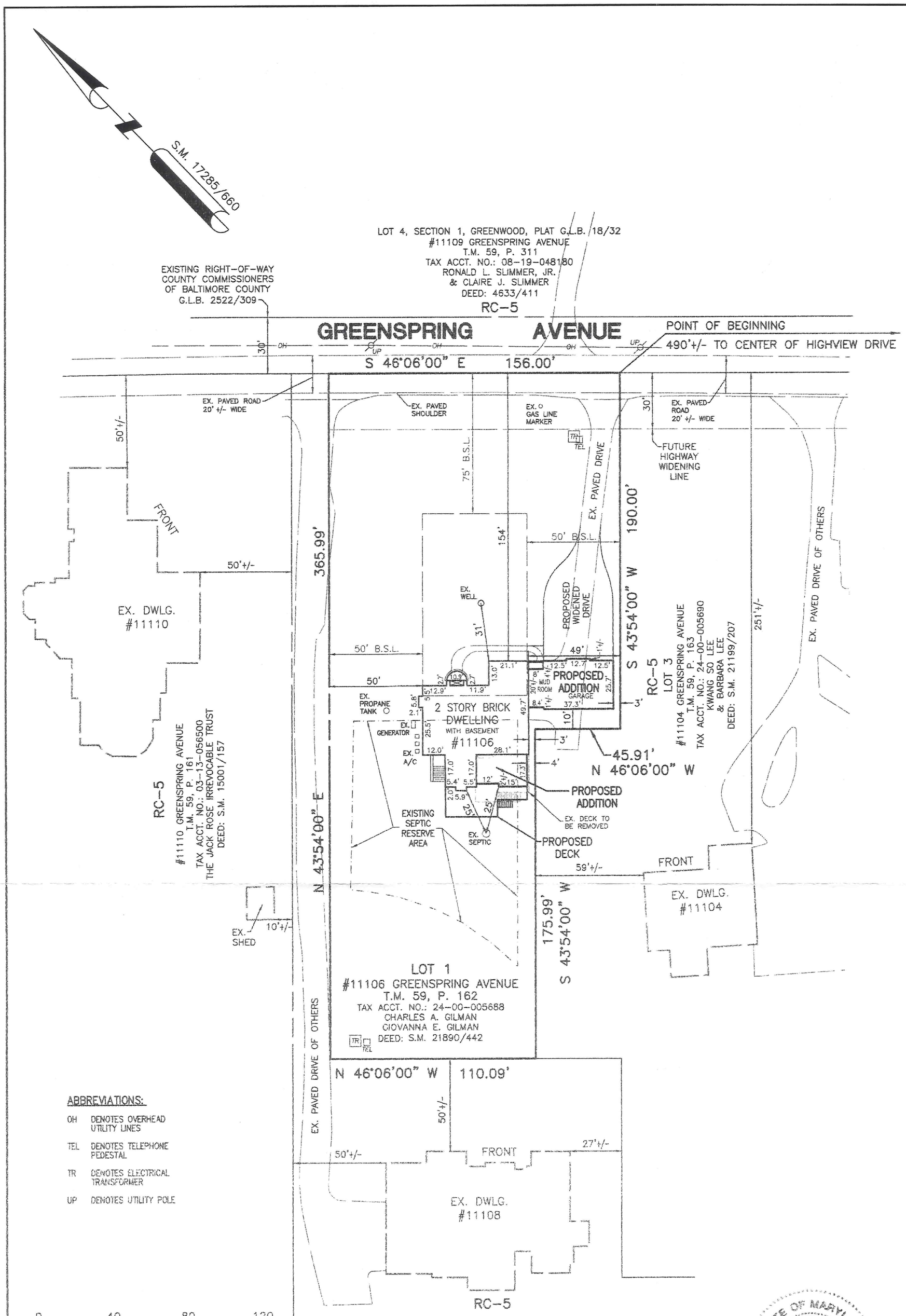
3RD ELECTION DISTRICT — 2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

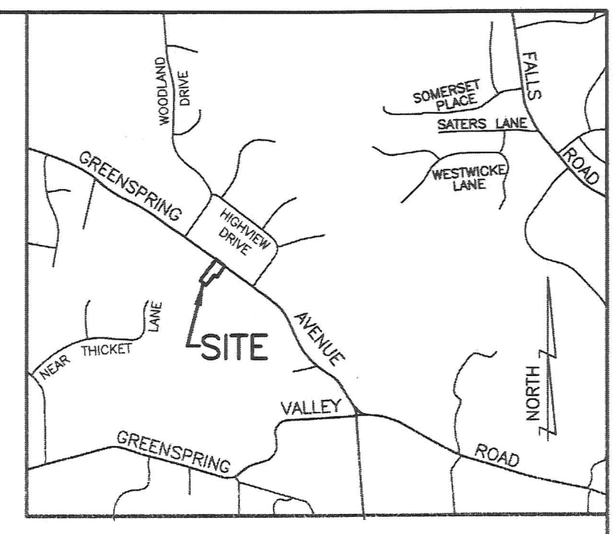
SCALE: 1"= 40' — DATE: MARCH 8, 2018

2018-0246-A — JOB No.: 16-019

Pet. Exh. 1

Polaris
LAND CONSULTANTS
10 GERARD AVENUE, SUITE 101
TIMONIUM, MARYLAND 21093
PHONE: (410) 252-4444, FAX: (410) 252-4493
WWW.POLARISLC.COM





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