

PETITION FOR ZONING VARIANCE 85-331-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 1802-3.0.1.1. to allow a rear yard setback of 31' instead of the required 50' and 3201.1 to permit a setback of 25' for an open deck instead of the required 37'.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

1. An addition is extremely necessary to permit the construction of an addition for the owner, one of whom has severe medical and breathing problems which confine him to the first floor.
2. The lot size and configuration at this site are inadequate to accommodate these medically necessary alterations without the requested variance.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound 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: Legal Owner(s):
(Type or Print Name) Vincent A. Piscano
Signature Signature
Address Address
City and State City and State
Attorney for Petitioner: 204 West Pennsylvania Avenue (301) 823-7800
(Type or Print Name) Stephen J. Nolan
Address Address
City and State City and State
204 West Pennsylvania Avenue
Address Address
Township, Maryland 21204
City and State City and State
Attorney's Telephone No.: (301) 823-7800

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of April, 1985, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County on the 22nd day of May, 1985, at 10:00 o'clock.

(over)

Case No. 85-331-A
Item No. 285
Date: July 8, 1985
S/S Murdock Rd., 284' W from the centerline of York Rd. (419 Murdock Rd.) 9th Election District
Vincent A. Piscano, et ux, Petitioners

- X 1. Copy of Petition
- X 2. Copy of Description of Property
- X 3. Copy of Certificate of Posting (1 sign)
- X 4. Copy of Certificates of Publication
- X 5. Copy of Zoning Advisory Committee Comments
- X 6. Copy of Comments from the Director of Planning
7. Planning Board Comments and Accompanying Map
- X 8. Copy of Order to Enter Appearance
- X 9. Copy of Order - Zoning/Deputy Zoning Commissioner
- X 10. Copy of Plat of Property (Petitioner's Exhibit 1)
11. 200' Scale Location Plan
12. 1000' Scale Location Plan
13. Memorandum in Support of Petition
14. Letter(s) from Protestants
15. Letter(s) from Petitioner(s)
- X 16. Protestants' Exhibits 1 to 3 (letters protesting Petition)
- X 17. Petitioners' Exhibits 1 to 2
1. Plat of property, 2: 3-page drawing
- X 18. Letter of Appeal

Stephen J. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204
Robert L. Zouck, Esquire
99 Murdock Road
Baltimore, Maryland 21212
Phyllis C. Friedman, Esquire
Norman E. Gerber
James Howell
Arnold Jablon
Joan M. H. Jung
James E. Dyer

Attorney for Petitioner
Attorney for Protestants
People's Counsel
Request Notification
Request Notification
Request Notification
Request Notification

IN RE: PETITION FOR VARIANCE
S/S Murdock Rd., 284' W from the centerline of York Rd. (419 Murdock Rd.) 9th Election District
Vincent A. Piscano, et ux
Petitioners
Case No. 85-331-A (Item 285)

NOTICE OF APPEAL

The Rodgers Forge Community, Inc. by its board of Governors by C. Edward Glaeser, Jr., 143 Stevenson Lane, Baltimore, Maryland, 21212, and C. Edward Glaeser, Jr., Individually, at the same address, and Joseph K. Bozievich, 430 Old Trail, Baltimore, Maryland, 21212, and Virginia Higgins, 417 Murdock Road, Baltimore, Maryland, 21212, and Evelyn Martin Strider, 415 Murdock Road, Baltimore, Maryland, 21212, all of which are represented by their attorney, Robert L. Zouck, respectfully request that you note an appeal from your decision in the above captioned matter, rendered on June 10, 1985, to the County Board of Appeal and forward all papers in connection therewith to the Board for hearing.

Robert L. Zouck, Esq.
Attorney at Law
99 Murdock Road
Baltimore, Maryland 21212
377-0633

I HEREBY CERTIFY that on this 8th day of July, 1985, a copy of the foregoing Notice of Appeal was mailed to Stephen J. Nolan, Esq., 204 West Pennsylvania Avenue, Towson, Maryland, 21204.

Robert L. Zouck, Esq.

Case No. 85-331-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 15th day of April, 1985.

Petitioner Vincent A. Piscano, et ux Received by
Petitioner's Attorney Stephen J. Nolan, Esquire
Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE May 10, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Stephen J. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 289 - Case No. 85-331-A
Petitioners - Vincent A. Piscano, et ux
Variance Petition

Dear Mr. Nolan:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:nr

Enclosures

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

MAY 3, 1985

RE: Zoning Advisory Meeting of April 16, 1985
Item # 289
Property Owner: VINCENT A. PISCANO, et ux
Location: S/S MURDOCK RD. 284' W. FROM
E OF YORK RD.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- X There are no site planning factors requiring comment.
- X A County Review Group Meeting is required.
- X A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- X This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- X A record plat will be required and must be recorded prior to issuance of a building permit.
- X The access is not satisfactory.
- X The circulation on this site is not satisfactory.
- X The parking arrangement is not satisfactory.
- X The property contains soils which are defined as wetlands, and development on these soils is prohibited.
- X Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- X Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- X The amended Development Plan was approved by the Planning Board on 4/16/85.
- X Landscaping: Must comply with Baltimore County Landscape Manual.
- X The property is located in a deficient service area as defined by B11 175-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is 15.
- X The property is located in a traffic area controlled by a "D" level intersection as defined by B11 175-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- X Additional comments:

cc: James Howell
Eugene A. Bober
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

May 16, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 289, 291, 293, and 294 Meeting of April 16, 1985
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 288, 289, 291, 293, and 294.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/cem

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2566
494-6500

PAUL H. RENCKE
CHIEF

April 25, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Vincent A. Piscano, et ux

Location: S/S Murdock Rd. 284' W. from c/l York Road

Item No.: 288

Zoning Agenda: Meeting of 4/16/85

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JAN 29 1986

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should/should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

April 22, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 288 Zoning Advisory Committee Meeting are as follows:

Property Owners: Vincent A. Piscano, et ux
Locations: S/S Murdock Road 284' W. from c/l York Road
Districts: 9th.

APPLICABLE CODES ARE CIRCLED:

1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Baltimore County Building Code, and other applicable Codes and Standards.

2. A building and other miscellaneous permits shall be required before the start of any construction.

3. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

4. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file a permit application. Registered seals are not acceptable.

5. All the Groups except 9th Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 2'-0" to an interior lot line. 9th Single Family Detached Dwellings require a one hour fire rating for exterior walls closer than 2'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 1107. Section 1107.2 and Table 1107.2. No openings are permitted in the exterior wall within 3'-0" of an interior lot line. Walls shall require 1 hour rating without any windows.

6. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.

7. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.

8. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from the _____ to the _____ or to Piled Use. See Section 312 of the Building Code.

9. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 514.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the "exact elevation above sea level" for the lot and the finish floor levels including basement.

10. Comments:

11. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 102 of the County Office Building at 111 N. Chesapeake Avenue, Towson, Maryland 21204.

William E. Gerber, Director
Office of Planning and Zoning

4/22/85

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner

Date: May 7, 1985

Norman E. Gerber, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions Nos. 85-323-A, 85-324-A, 85-327-A, 85-328-A,
85-329-A, 85-331-A, 85-332-A and 85-334-A

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JCH:ala

305 Dunkirk Rd.
Baltimore, Maryland 21212

May 21, 1985

Zoning Commissioner
County Office Bldg.
Towson, Maryland 21204

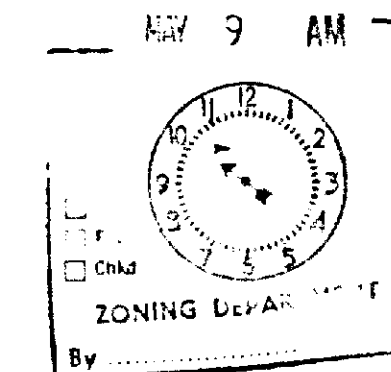
RE: CASE #85-331-A
VARIANCE HEARING, 419 MURDOCK ROAD

Gentlemen:

This is to make known my objection to granting subject variance. The continued erosion of the maintenance of setback requirements in Rogers Forge harms the value of adjoining properties and, indeed, the whole community.

Very truly yours,

J. M. Dalrymple



PROTESTANTS

Mr. and Mrs. Thomas K. Phelan
412 Murdock Road
Baltimore, Maryland 21212

May 20, 1985

Re: Rogers Forge Board of Appeals
% Fred Zuck

We are opposed to the zoning variance proposed at 419 Murdock Rd. We feel that there should be no alterations to the existing structure that extend beyond the original building lines.

It is our concern that any alterations of the kind proposed for the variance would significantly detract from the aesthetics of the 400 block of Murdock Rd. and would lower the property value, decrease air circulation, and decrease penetration of light to the surrounding homes.

Sincerely,
Dale E. Phelan
John Phelan

5/18/85

TO: ROGERS FORGE COMMUNITY ASSN.

FROM: CALVIN W. SWEETEN JR.

427 MURDOCK RD. 21212

SUBJECT: PUBLIC HEARING #85-331-A
PROPERTY MODIFICATIONS TO 419 MURDOCK RD. 21212

I AM OPPOSED TO SUBJECT MODIFICATIONS. I FEEL THE CHANGES AS OUTLINED ARE EXTREME AND IF ALLOWED COULD BE PRECEDENT SETTING AND SERIOUSLY IMPACT THE APPEARANCE & VALUE OF HOMES IN THE COMMUNITY. SECONDLY, THE PROPOSAL DOES NOT SEEM SUITED TO THE TYPES OF HOUSES OR THEIR ARRANGEMENT & WOULD INFRINGE ON THE ALREADY CROWDED OPEN SPACE AS WELL AS THE PRIVACY OF ADJACENT HOUSES.

I BELIEVE THAT THIS PROPOSAL MAY BE RELATED TO A HARASSING ON THE ADJOINING FAMILY, AND IF SO, I HOPE OTHER ALTERNATIVES MAY BE SUGGESTED AND PURSUED WHICH WOULD BENEFIT ALL PARTIES.

Sincerely,
Cal Sweeten



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180
July 25, 1985

Stephen J. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, MD 21204

Re: Case No. 85-331-A
Vincent A. Piscano, et ux

Dear Mr. Nolan:

Enclosed herewith is a copy of the Order of Dismissal of Petition passed today by the County Board of Appeals in the above entitled matter.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Enclosure

cc: Vincent A. Piscano, et ux
Robert L. Zouck, Esquire
Phyllis Cole Friedman
Norman E. Gerber
James G. Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

IN THE MATTER OF THE APPLICATION OF VINCENT A. PISCANO, ET UX FOR A VARIANCE FROM 1802-3.C.1 OF BCZR S/S MURDOCK ROAD 284' W. OF C/L OF YORK ROAD 9th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

NO. 85-331-A

ORDER OF DISMISSAL

Petition of Vincent A. Piscano, et ux, for a variance from 1802-3.C.1 of the Baltimore County Zoning Regulations, etc., on property located on the south side of Murdock Road 284 feet west of the centerline of York Road, in the Ninth Election District of Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a copy of a letter of withdrawal of petition, addressed to the Deputy Zoning Commissioner, filed July 16, 1985, a copy of which is attached hereto and made a part hereof, from the attorney representing the Petitioners in the above entitled matter; and

WHEREAS, the said attorney for the said Petitioners requests that the PETITION for a variance filed on behalf of said Petitioners be withdrawn and dismissed as of July 16, 1985,

IT IS HEREBY ORDERED, this 25th day of July, 1985, that said PETITION be and the same is withdrawn and dismissed.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

William R. Evans

Edith T. Eisenhart

JAN 29 1986

J. EARLE PLUMHOFF
NEWTON A. WILLIAMS
WILLIAM A. HESSEN, JR.
THOMAS J. REHNER
WILLIAM R. ENGLEHART, JR.
STEPHEN J. NOLAN
D. SCOTT BARRINGTON
ROBERT L. HANLEY, JR.
JOSEPH T. WILLIAMS
ROBERT S. GLUSHAKOW

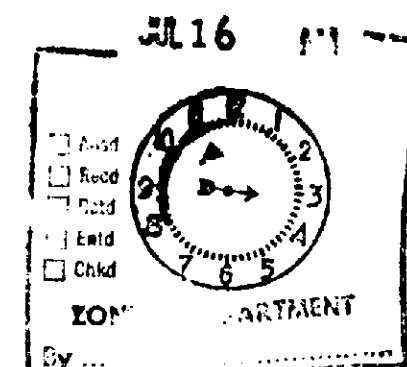
LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 833-7800

OF COUNSEL
RALPH E. DEITZ
9026 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
(301) 842-2181
RUSSELL J. WHITE

* ALSO ADMITTED IN D.C.

HAND-DELIVERY

July 16, 1985



Mrs. Jean M. H. Jung
Deputy Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Variance S/S Murdock Road, 284' W from the centerline of York Road (419 Murdock Road) 9th Election District, Vincent A. Piscano, et ux., Petitioners
Case No. 85-331-A
REQUEST TO WITHDRAW PETITION

Dear Commissioner Jung:

Reference is made to the letter dated July 8, 1985 from Arnold Jablon, Zoning Commissioner of Baltimore County, advising me that The Rogers Forge Community, Inc. has filed an appeal from your decision in the above-entitled case which is dated June 10, 1985.

In view of the fact that the Petitioners have decided not to proceed with their plans for the requested addition and deck, I am hereby respectfully requesting that the Petition for Variance which was filed on May 21, 1985 be withdrawn and dismissed with prejudice. By copies of this letter to the County Board of Appeals of Baltimore County and to Robert L. Zouck, the attorney for the Appellant, I am advising them of this dismissal by the owners in order that the subject appeal may also be dismissed.

Thank you for your kind assistance.

Very truly yours,

Stephen J. Nolan
Stephen J. Nolan

SJN:med

c.c.s. See page 2

Mrs. Jean M. H. Jung
Deputy Zoning Commissioner

July 16, 1985
Page 2

c.c.s. County Board of Appeals of Baltimore County

Robert L. Zouck, Esquire

Mr. Vincent A. Piscano



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

July 8, 1985

Stephen J. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

RE: Petition for Variance
S/S Murdock Rd., 284' W
from the centerline of
York Rd. (419 Murdock Rd.)
9th Election District
Vincent A. Piscano, et ux,
Petitioners
Case No. 85-331-A

Dear Mr. Nolan:

Please be advised that an appeal has been filed by The Rogers Forge Community, Inc., from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above referenced matter.

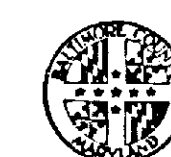
You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Sincerely,

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

AJ:tg

cc: People's Counsel



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

June 10, 1985

Stephen J. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

RE: PETITION FOR VARIANCE
S/S Murdock Rd., 284' W
from the centerline of
York Rd. (419 Murdock Rd.)
9th Election District
Vincent A. Piscano, et ux,
Petitioners
Case No. 85-331-A (Item 288)

Dear Mr. Nolan:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:tg

Attachments

cc: Robert L. Zouck, Esquire
99 Murdock Road
Baltimore, Maryland 21212

People's Counsel

IN RE: PETITION FOR VARIANCE * BEFORE THE
S/S Murdock Rd., 284' W * DEPUTY ZONING COMMISSIONER
from the centerline of *
York Rd. (419 Murdock Rd.) * OF BALTIMORE COUNTY
9th Election District *
Vincent A. Piscano, et ux, * Case No. 85-331-A (Item 288)
Petitioners *

The petitioners herein request variances to allow a rear yard setback of 31-1/2 feet in lieu of the required 50 feet and a setback of 25-1/2 feet for an open deck in lieu of the required 37-1/2 feet.

Testimony by and on behalf of the petitioners indicates that for twelve years the petitioners have resided in a three story, 45 year old, end of group home with a free-standing garage in old Rogers Forge. On the first floor is a 7'9" x 12'6" kitchen, a 12'6" x 12'6" dining room, a 12'6" x 18'6" living room (including stairs), and no bathroom. The existing rear porch is 4'6" deep by 8' wide without a roof. The inhabitants are Mr. Piscano, his wife, his mother-in-law and three daughters. The man has been totally and permanently disabled from asbestosis since 1982, had several heart attacks in 1984, been confined to a wheelchair at times, is constantly attached to oxygen and his health will worsen in the future. In his desire to be confined as little as possible, he proposes to convert the existing kitchen to a 3'1-1/2" x 7'9" bath and space for a bed and add a 12' x 25' redwood-sided kitchen and a 6' x 25' natural wood deck, both on 1/2' brick piers. A stair lift is not feasible because of the stair configuration.

Testimony by and on behalf of the protestants indicated the nature and character of a neighborhood where the developer utilized every inch, the limited depth of lots and the existence of garages near the alley and small rear porches. Most blocks are covered by covenants; for unknown reasons the

covenants on this block were not renewed.

A representative of the Board of Governors of the Rogers Forge Community Association, Inc. conveyed the Board's view that, in its efforts to maintain the quality of the community, it is opposed to a substantial addition such as proposed. The Board is of the opinion that this addition would injure the community as a whole and particularly the nearby neighbors. The existing open space and sight lines through the rear yards are an asset to the neighborhood and movement of air, light and view would be reduced by the addition.

The adjacent neighbor, who has resided there for 32 years including two years with a bedridden husband, was vehemently opposed to a wall projecting 12 feet to the rear of her house located only one foot from the property line and a deck beyond. Both air and light would be cut off from the rear of her house and windows and, in her opinion, the value of her home would be reduced. Other neighbors noted that much of the small rear yards in the area are taken up by garages; a few rear porches have been enclosed, one for a bath, and one family added a bath in the dining room. They too were opposed because of detriment to the neighborhood by the reduction in light and air as well as open space.

All parties to the hearing stipulated that the Deputy Zoning Commissioner could visit the site and the general neighborhood.

After due consideration of the testimony and evidence presented, as well as a field inspection of the property, in the opinion of the Deputy Zoning Commissioner, the petitioner, by virtue of his deteriorating health condition has a serious personal hardship which could be alleviated in one of several ways: the proposed addition, remodel, redesign, or add to the house in some other way, or move to another home. Although understanding fully the desire to continue to live in familiar surroundings among friends and acquaintances, the Deputy Zoning Commissioner sees the need to protect the general welfare of an

extremely attractive, older, tightly designed neighborhood where lots have much less depth than usual today. Additionally, in the opinion of the Deputy Zoning Commissioner, strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the petitioners and the granting of the variances requested would not adversely affect the health, safety, and general welfare of the community, and therefore the variances requested should be granted in part.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 10th day of June, 1985, that the herein Petition for Variance to allow a rear yard setback of 39 feet in lieu of the required 50 feet and to permit a setback of 33 feet for an open deck in lieu of the required 37-1/2 feet is GRANTED, from and after the date of this Order, subject to the following:

1. The East side yard setback for the addition shall be no less than 10'8".
2. The exterior of the addition shall conform in appearance to existing dwelling.
3. At any such time as neither of the petitioners resides in the house, the deck shall be reduced to a 4'6" deep by 8' wide porch without a roof.

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

PETITION FOR VARIANCES

9th Election District

LOCATION:

South side of Murdock Road, 284 ft. West from the centerline of York Road (419 Murdock Road)

DATE AND TIME:

Wednesday, May 22, 1985 at 10:00 a.m.

PUBLIC HEARING:

Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to allow a rear yard setback of 31.5 ft. instead of the required 50 ft. and a setback of 25.5 ft. for an open deck instead of the required 37.5 ft.

Being the property of Vincent A. Piscano, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

DATE June 10, 1985

BY *Barbara A. Schick*

ORDER RECEIVED FOR FILING

DATE June 10, 1985

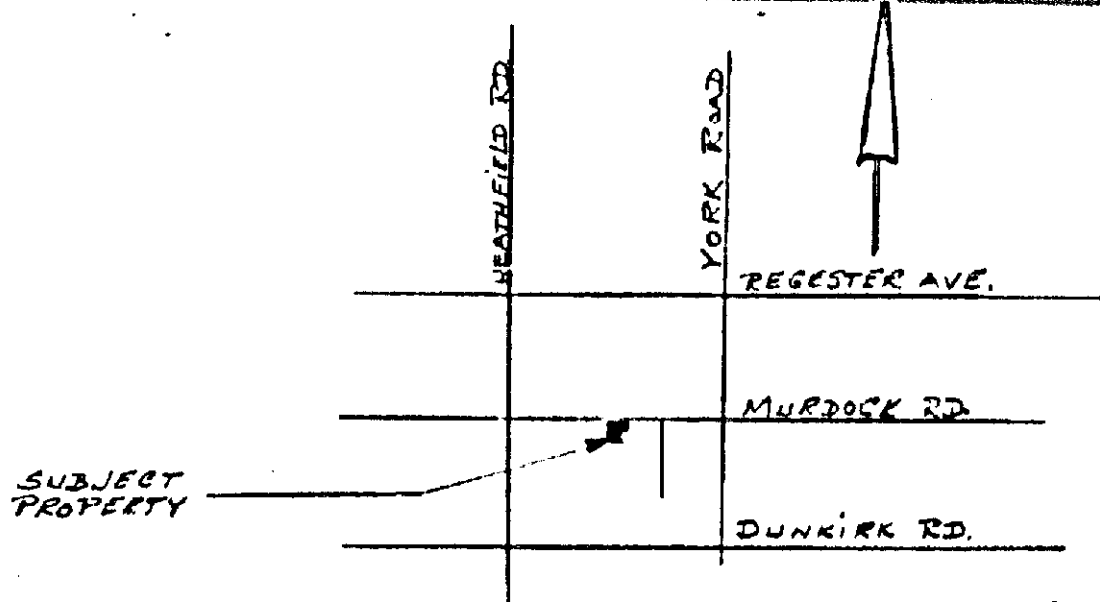
BY *Barbara A. Schick*

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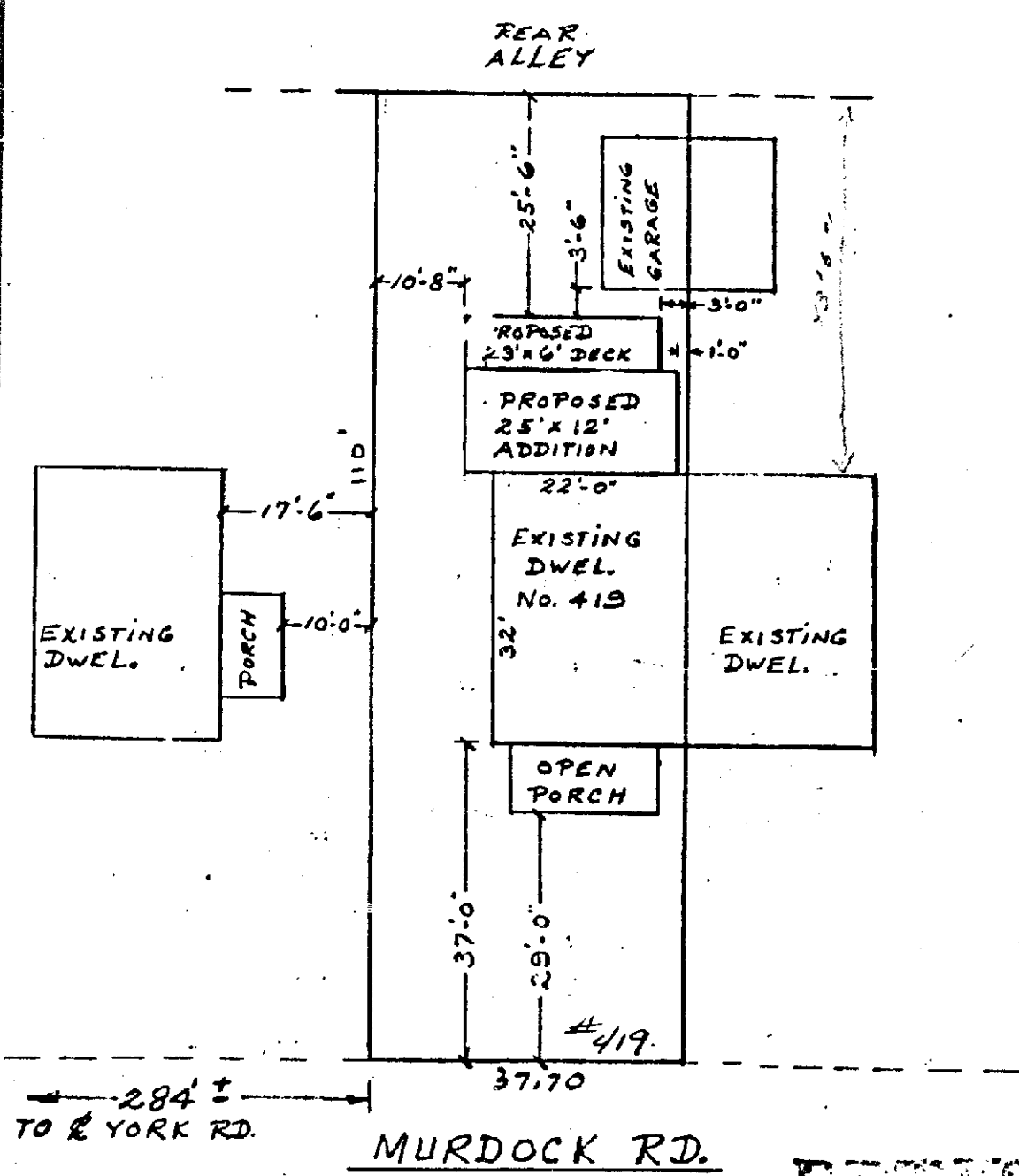
BY *Barbara A. Schick*

JAN 29 1986



VICINITY MAP

NE 8-A
3C
CR



PETITIONER'S
EXHIBIT 1

PLAT FOR ZONING VARIANCE:
OWNER: VINCENT & DELORES PISCANO.
SUD DIVISION: ROGERS FORGE.
FOLIO: 274 PAGE 6191
SCALE: 1" = 20' 09-16-600140

#28Y

ZONING, DR. 10.5

