

IN RE: PETITION FOR ZONING VARIANCE
SE/S Bird River Road, Corner
of the NE/S of Gladway Road
(1197 Gladway Road)
15th Election District
6th Councilmanic District
Geoffrey J. Latosh, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 88-492-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 8 feet in lieu of the required 37.5 feet for an open deck as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Counsel, Robert J. Romadka, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 1197 Gladway Road, is zoned D.R. 1. On June 2, 1977 in prior Case No. 77-234-A, variances were granted for a proposed dwelling, including a rear yard setback of 20 feet. The Petitioners propose to construct an open deck onto the rear of the existing dwelling and contend that due to the narrowness of the lot and the location of the existing dwelling, the variances requested in the instant case are required. The Petitioners propose building a raised deck rather than a patio style due to the swale in the back yard. Testimony indicated that the adjoining property owner has no objection to the Petitioners' plans and that the granting of the variance will not adversely affect the health, safety and general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements

Geoffrey J. Latosh, et ux
SE/S Bird River Rd. Cor. of the NE/S
of Gladway Rd. (1197 Gladway Road)
15th E.D. - 6th C.D.

ORDER RECEIVED FOR FILING
Date 5/13/88
By [Signature]

of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of June, 1988 that the Petition for Zoning Variance to permit a rear yard setback of 8 feet in lieu of the required 37.5 feet for an open deck, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The 8-foot rear yard setback granted herein is limited to the construction of an open deck on the rear portion of the existing dwelling.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, Md. 21221

May 26/88

THIS IS TO CERTIFY, that the annexed advertisement of PO# 00702 REQ# M14910 TO ADVERTISE PETITION FOR ZONING VARIANCE CASE NUMBER 88-492-A SE/S BIRD RIVER RD. COR. OF THE NE/S GLADWAY RD. (1197 GLADWAY RD) 15th E.D. 6th COUNCILMANIC PETITIONERS GEOFFREY J. LATOSH, ET UX HEARING SCHEDULED JUNE 13, 1988 at 9:00 am 84 lines at \$46.20

was inserted in The Avenue News a weekly newspaper

published in Baltimore County, Maryland once a week for ONE

successive week(s) before the 27th day of May 1988.

that is to say, the same was inserted in the issues of 5/26/88 1988.

The Avenue Inc.

per publisher

By [Signature]

Notice of Hearing
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on the following date and time:
Petitioner(s): Geoffrey J. Latosh, et ux
CASE NUMBER: 88-492-A
HEARING SCHEDULED: MONDAY, JUNE 13, 1988 at 9:00 a.m.
Variance to permit an 8 ft. rear yard setback for an open deck in lieu of the required 37.5 ft. (Previous variance case #77-234A granted a rear yard setback of 20 ft. for the existing dwelling.)
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 in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. Robert Haines
Zoning Commissioner of Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

June 17, 1988

Robert J. Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
SE/S Bird River Road, Corner of the NE/S of Gladway Road
(1197 Gladway Road)
15th Election District; 6th Councilmanic District
Geoffrey J. Latosh, et ux - Petitioners
Case No. 88-492-A

Dear Mr. & Mrs. Latosh:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
Enclosure
cc: People's Counsel
File

Zoning Description

Beginning on the SE/S of Bird River Road at the Corner of the NE/S of Gladway Road. Thence the four following courses and distances:
1. N. 52° 22' E. 70.00 ft.
2. S. 37° 22' E. 435.60 ft.
3. S. 52° 38' W. 70.00 ft.
4. N. 37° 22' W. 435.27 ft. to the place of beginning. Containing approximately 7/10 acre in the 15th Election District. Also known as 1197 Gladway Road.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Geoffrey and Anita Latosh
1197 Gladway Road
Baltimore, Maryland 21221

Re: Petition for Zoning Variance
CASE NUMBER: 88-492-A
SE/S Bird River Road, Cor. of the NE/S Gladway Road
(1197 Gladway Road)
15th Election District - 6th Councilmanic
Petitioner(s): Geoffrey J. Latosh, et ux
HEARING SCHEDULED: JUNE 13, 1988 at 9:00 a.m.

Dear Mr. & Mrs. Latosh:

Please be advised that \$71.25 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 52686

DATE 6/13/88 ACCOUNT [Signature]

AMOUNT \$ 98.70

RECEIVED FROM: [Signature]

FOR: [Signature]

By [Signature]

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-492-A

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.C.1 (301.1) to permit a 8 ft. rear yard setback for an open deck in lieu of the required 37.5 ft. (Previous variance case # 77-234A granted a rear yard setback of 20 ft. for the existing dwelling.)

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

All of the houses on the street are situated on very narrow lots, only 70 feet deep. A back deck does make best practical use of the property remaining in the yard. Some homeowners have done this. Our house is already built and to construct a deck would require us to move our home which cannot be done without destroying it. We cannot purchase any more additional land to meet the rear yard setback that is normally required.

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:
Geoffrey J. Latosh
(Type or Print Name)
Signature: [Signature]
Address: 1197 Gladway Road
Baltimore, Maryland 21220
City and State

Legal Owner(s):
Geoffrey J. Latosh
(Type or Print Name)
Signature: [Signature]
Address: 1197 Gladway Road
Baltimore, Md.
City and State

Attorney for Petitioner:
Robert J. Romadka
(Type or Print Name)
Signature: [Signature]
Address: 809 Eastern Blvd.
Baltimore, Md. 21221
City and State

Attorney's Telephone No.: 331-1733

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Geoffrey and Anita Latosh, 1197 Gladway Road, Baltimore, Md. 21221, Phone No. 20-450

ORDERED By The Zoning Commissioner of Baltimore County, this 6th day of APRIL 1988, 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of JUNE 1988, at 2 o'clock P.M.

ESTIMATED LENGTH OF HEARING: 15 MIN. * 1HR.
AVAILABLE FOR HEARING: MON./TUES. MORN. * NEXT TWO MONTHS
ALL OTHER: [Signature]
REVIEWED BY: [Signature] DATE: 3/21/88

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

April 19, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 88-492-A
SE/S Bird River Road, Cor. of the NE/S Gladway Road
(1197 Gladway Road)
15th Election District - 6th Councilmanic
Petitioner(s): Geoffrey J. Latosh, et ux
HEARING SCHEDULED: JUNE 13, 1988 at 9:00 a.m.

Variance to permit a 8 ft. rear yard setback for an open deck in lieu of the required 37.5 ft. (Previous variance case #77-234A granted a rear yard setback of 20 ft. for the existing dwelling.)

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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Geoffrey J. Latosh, et ux
File

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1524 Date of Posting: 5/25/88
Posted for: Variance
Petitioner: Geoffrey J. Latosh, et ux
Location of property: SE/S Bird River Rd. Cor. of NE/S Gladway Rd.
(1197 Gladway Rd.)
Location of Sign: Facing Gladway Rd. corner 10' from rear driveway
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 26, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 26, 1988

THE JEFFERSONIAN,

S. Zeke Orlov
Publisher

\$37.50

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on the following date and time:
Petitioner(s): Geoffrey J. Latosh, et ux
CASE NUMBER: 88-492-A
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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
5/25/88 May 26

88-492-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
6th day of April, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Geoffrey J. Latosh, et ux
Petitioner's Attorney: _____

Received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner Date: May 16, 1988

FROM: P. David Fields, Director
Office of Planning and Zoning

SUBJECT: Zoning Petitions 88-480-A, 88-481-A, 88-482-A, 88-483-A, 88-484-A, 88-485-A, 88-486-A, 88-487-A, 88-488-A, 88-489-A, 88-490-A, 88-491-A, 88-492-A, 88-493-A, 88-494-A, 88-495-A, 88-496-A, 88-497-A, 88-498-A, 88-499-A, 88-500-A, 88-501-A, 88-502-A, 88-503-A, 88-504-A, 88-505-A

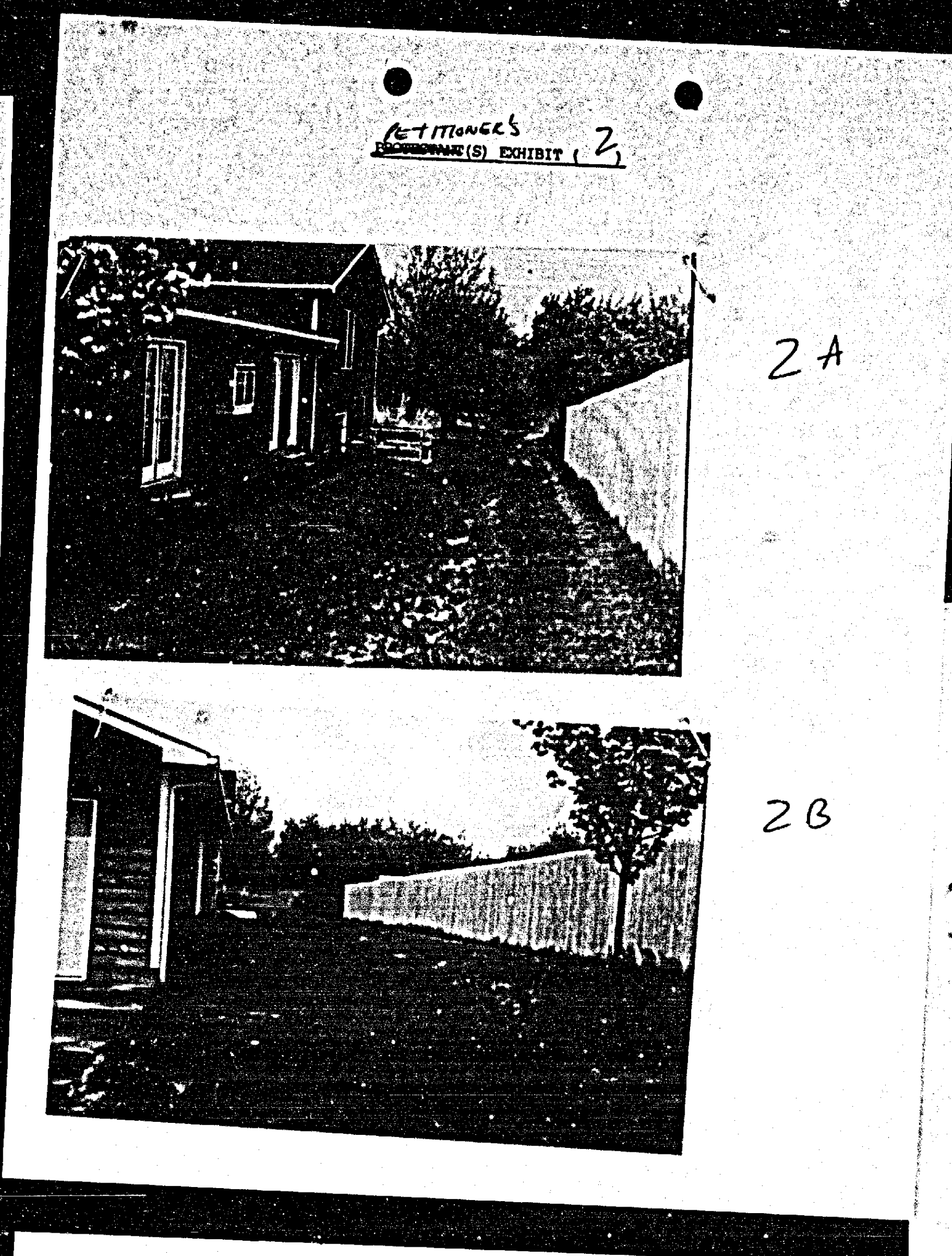
There are no comprehensive planning factors requiring comments on these petitions.

P. David Fields per P. Howell
P. David Fields, Director
Office of Planning and Zoning

PDF/jat

RECEIVED
MAY 17 1988
ZONING OFFICE

cc: Geoffrey Latosh, et ux
5/18/88 JFF



Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

April 14, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Geoffrey J. Latosh, et ux
Location: SE/S Bird River Road, Corner of NE/S Gladway Rd.
Item No.: 348
Zoning Agenda: Meeting of 4/5/88

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 or _____ 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.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

7/31

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
May 27, 1988

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

Mr. & Mrs. Jeffrey J. Latosh
1197 Gladway Road
Baltimore, Maryland 21220

RE: Item No. 348 - Case No. 88-492-A
Petitioner: Geoffrey J. Latosh, et ux
Petition for Zoning Variance

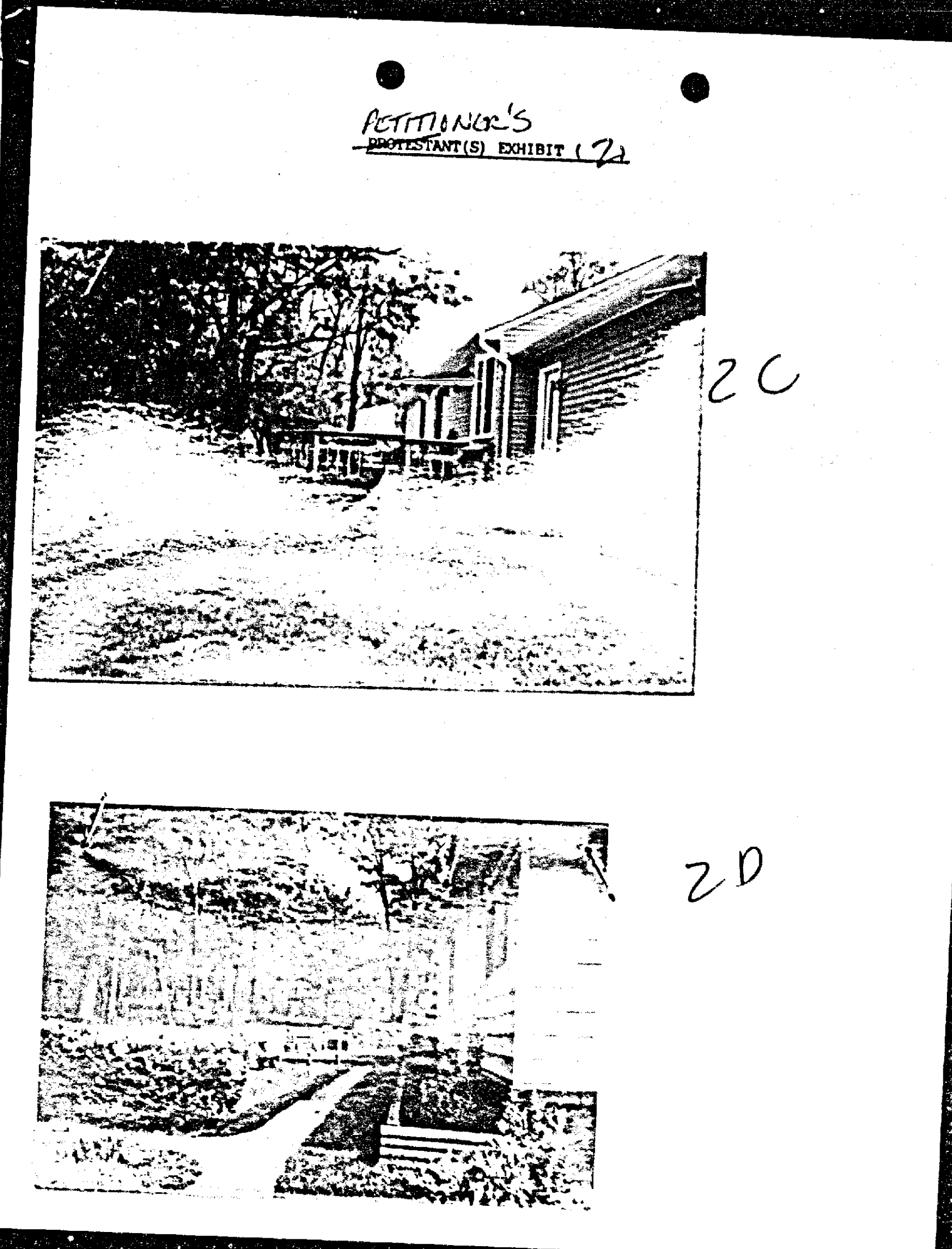
Dear Mr. & Mrs. Latosh:

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. 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,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt
Enclosures



Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

May 10, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 348, 349, 350, 351, 352, 353, 355, 356 and 357.

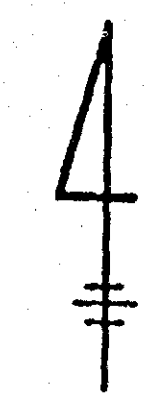
Very truly yours,
Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

SEW/RF/pm1-b

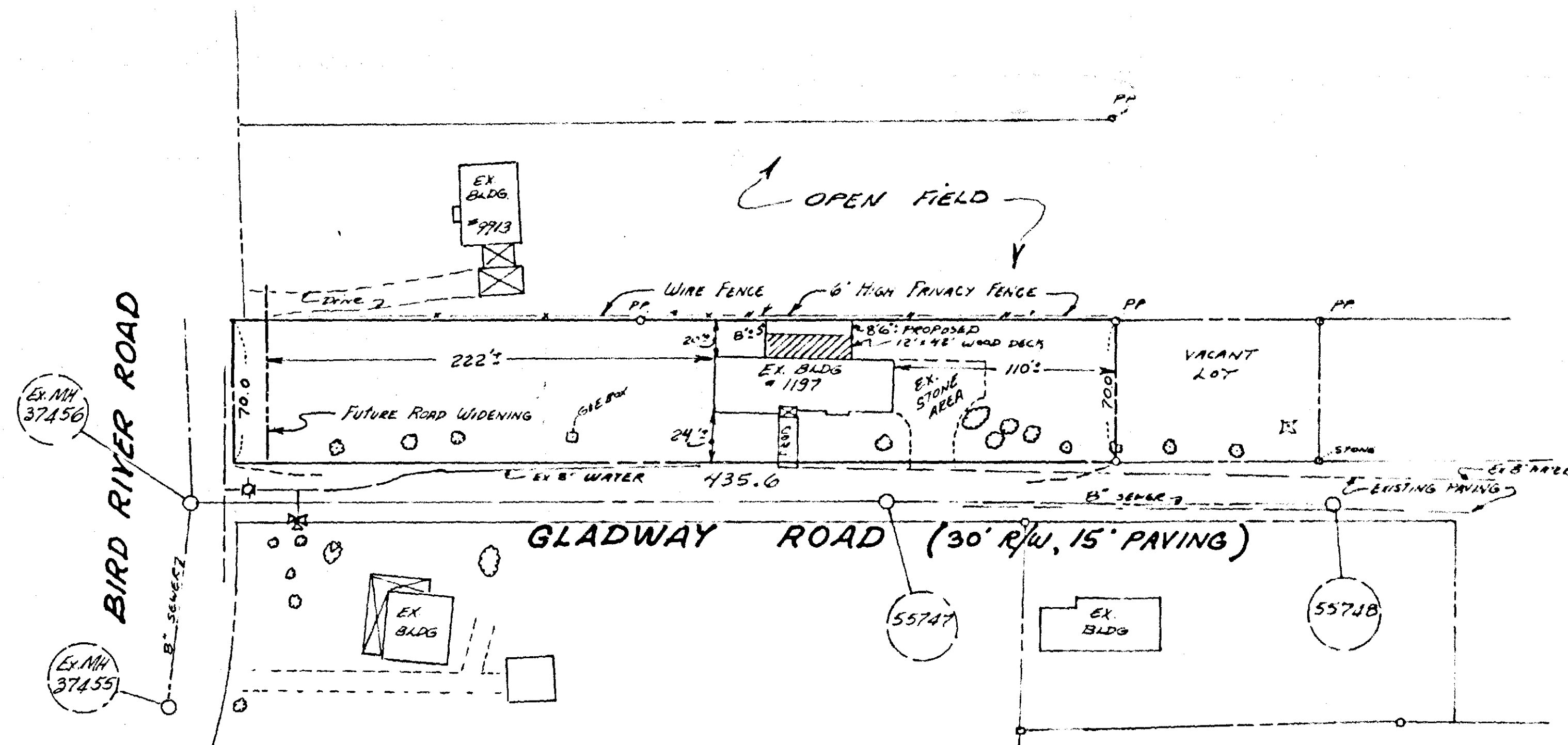
RECEIVED
MAY 18 1988
ZONING OFFICE

845

875



SCALE: 1" = 2000'



**PETITIONER'S
EXHIBIT** _____