Petitioner

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

5th Councilmanic District * Case No. 91-58-A Matson Homes, Inc.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioner herein requests a variance to permit a distance between dwellings of 19 feet in lieu of the minimum required 25 feet for an existing dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner, by Joseph Matarazzo, President, appeared, testified, and was represented by Robert J. Ryan, Esquire. Also appearing on behalf of the Petition were Laura Burrier, Contract Purchaser, and Sam Shockley with Development Engineering Consultants, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 9511 Stoneoak Road, consists of 0.164 acres zoned D.R. 5.5 and is improved with a single family dwelling. Petitioner testified the subject dwelling was almost completed when it was discovered that due to a survey error, the dwelling had been located 19 feet from the dwelling on the adjoining lot in lieu of the required minimum of 25 feet. Testimony indicated the instant Petition was filed in order to correct the error. Petitioner testified that the adjoining property owners on the affected side have no objections to the variance requested. To support its testimony, Petitioner submitted a letter from Dr. & Mrs. Joseph A. Garcia, the adjoining property owners, indicating their approval of the request. Testimony indicated the relief requested will not result in any detriment to the health, safety or 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 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 1/1 day of October, 1990 that the Petition for Zoning Variance to permit a distance between dwellings of 19 feet in lieu of the minimum required 25 feet for an existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Petitioner may apply for its occupancy permit and be granted same upon receipt of this Order; howeyer, Petitioner is hereby made aware that proceeding at this time is at its 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

variance granted herein shall be rescinded.

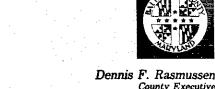
Gent No facering ANN M. NASTAROWICZ Deputy Zoning Commissioner

for Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

October 11, 1990

Robert J. Ryan, Esquire 4111 E. Joppa Road, Suite 201 Baltimore, Maryland 21236



RE: PETITION FOR ZONING VARIANCE E/S Stoneoak Road, 165' N of the c/l of Klausmier Road

(9511 Stoneoak Road) 11th Election District - 5th Councilmanic District Matson Homes, Inc. - Petitioner Case No. 91-58-A

Dear Mr. Ryan:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

A MWG Levels

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: Ms. Laura Burrier 1808 Darrich Drive, Baltimore, Md. 21234

People's Counsel

File

NOTICE OF HEARING

The Zoning Commissioner of Bettimore County, by authority of the Zoning Act and Regulations of Battimore County will hold a

public hearing on the property identified herein in Room 106 of the County Office Building, lo-cated at 111 W. Chesapeake Av-enue in Towson, Maryland 21204

Petition for Zoning Variance

Site Engineers & Surveyors

91-58-A

ZONING DESCRIPTION

LOT 6 BLOCK R, OAKHURST, ELEVENTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

Beginning on the east side of Stoneoak Road, 50 feet wide, at the distance of 365 feet north of the centerline of Klausmier Road. Being Lot 6 Block R, in the subdivision of Oakhurst, Plat Book E.H.K. Jr. 52, Folio 85. Also known as 9511 Stoneoak Road, in the Eleventh Election District.

88-145 07-13-90

CERTIFICATE OF POSTING ONING DEPARTMENT OF BALTIMORE COUNTY

Location of property: [5] 5 Stoneook, 365 M/ fleus onlier Rd. 9571 Stoneock Rd. Location of Signe Feeling STonsock Rd., gonox. To Fr. for duly on fragerty of fit toonin

Number of Signs:

Case number: 91-58-A
E/S Stoneoak Road, 365' N
of c/l of Klausmier Road
9511 Stoneoak Road
11th Election District
5th Councilmanic
Petitioner(s):
Matson Homes, Inc. Hearing Date: Thursday, Oct. 11, 1990 at 2:00 p.m. Variance: to permit a 19 ft. distance between dwellings in lieu of the minimum 25 ft. 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 N/J/9/105 Sept. 13.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on 9-12, 19 90

THE JEFFERSONIAN,

5. Zehe Orlan

Zoning Commisioner County Office Building 111 West Chesapeake Avenue owson, Maryland 21204 -

10/10/90

Baltimore County

EOBOOLPM

Number

Account: R-001-6150

SUBLIC HEARING FEES GTY Q80 -POSTING SIGNS / ADVERTISING 1 X #101.45

LAST NAME OF OWNER: MATSON HOMES

Please make checks payable to: Baltimore County

OGAOGROIASMICHRO BA 0001:19PM10-11-90

TO THE ZONING COMMISSIONER OF BALITMORE COUNTY: 91-58-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 1801.2.C.6 (V.B.3., C.M.D.P.) To permit a 19 ft. distance between dwellings in lieu of the minimum 25 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) THE HOUSE ON LOT 5 HAS BEEN CONSTRUCTED AND SOLD. AND THE HOUSE ON LOT 6 WAS UNDER CONSTRUCTION WHEN IT WAS DISCOVERED THAT THERE WAS 10 FT. BETWEEN HOUSES, RATHER THAN THE REQUIRED 25 FT. A CONTRACT OF SALE WITH A SPECIFIED COMPLETION DATE HAS BEEN MADE. THE BUYERS WILL BE WITHOUT HOUSING AND THE BUILDER WILL SUFFER FINANCIAL SETBACKS OF INCREASED COST AND A DELAYED SALE.

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): MATSON HOMES, INC (Type or Print Name) (Type or Print Name) JOSEPH MATARAZZO - PICES. (Type or Print Name) City and State Attorney for Petitioner BALTIMORE, MARYLAND 21236 Name, address and phone number of legal owner, contract purchaser or representative to be contacted DEVELOPMENT ENGINEERING CONSULTANTS, INC. -----6603 YORK ROAD 377-2600 Attorney's Telephone No.: Address BALTO., MD 21212 Phone No. ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19___, 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Zoning Commissioner of Baltimore County.

avail anytime

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

est. time - f hr.

J. Robert Haines

Suite 301

Matson Homes, Inc.

4111 E. Joppa Road

Baltimore, Maryland 21236

DATE 9/25/90

Petition for Zoning Variance CASE NUMBER: 91-58-A E/S Stoneoak Road, 365' N of c/l of Klausmier Road 9511 Stoneoak Road 11th Election District - 5th Councilmanic Petitioner(s): Matson Homes, Inc. HEARING: THURSDAY, OCTOBER 11, 1990 at 2:00 p.m.

Please be advised that \$_101.45_ is due for advertising and posting of

THIS FEE MUST BE PAID AND THE ZONING SIGN & PUST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NUT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Saltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set

> Very truly yours, J. Robert Haines ZONING COMMISSIONER

JRHigs

6603 York Road Baltimore, Maryland 21212 (301) 377-2600

Baltimore County

County Office Building

Towson, Maryland 21204

7/18/90

Zoning Commisioner

111 West Chesapeake Avenue

PUBLIC HEARING FEES

010 -ZONING VARIANCE (IRL)

LAST NAME OF OWNER: MATSON HOMES

04A04#0022MICHRC BA C002:56FM07-18-90 Please make checks payable to: Baltimore CountIEXT BUSINESS DAY

H4100050

TOTAL: \$35.00

#101,45

recello

Nº 3622

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

August 10, 1990

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

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 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-58-A
E/S Stoneoak Road, 365' N of c/l of Klausmier Road
9511 Stoneoak Road
11th Election District - 5th Councilmanic
Petitioner(s): Matson Homes, Inc.
HEARING: THURSDAY, OCTOBER 11, 1990 at 2:00 p.m.

Variance to permit a 19 ft. distance between dwellings in lieu of the minimum 25 ft.

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: Matson Homes, Inc.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines Zoning Commissioner

> Mr. Joseph Matarazzo Matson Homes, Inc. 4111 E. Joppa Road Baltmore, MD 21236



Dennis F. Rasmussen

RE: Item No. 20, Case No. 91-58-A Petitioner: Matson Homes, Inc., et al Petition for Zoning Variance

October 1, 1990

Dear Mr. Matarazzo:

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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours

TAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

August 10, 1990



Mr. J. Robert Haines
Zoning Commissioner
County Office Building

Dear Mr. Haines:

Towson, Maryland 21204

The Bureau of Traffic Engineering has no comments for items number 11; 13, 15, 16, 17, 18, 20, 22, 23, 24, 25, 28, and 29.

Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

AUG 20 1000

ZONING OTTIC

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke

JULY 30, 1990



Dennis F. Rasmussen

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

RE: Property Owner: MATSON HOMES, INC.

#9511 STONEOAK ROAD

Item No.: 20 Zoning Agenda: AUGUST 7, 1990

Gentlemen:

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

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", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: At Letty 7-30-90 Approved Contributed Fire Prevention Bureau Special Inspection Division

JK/KEK

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 8th day of August, 1990.

J. ROBERT HAINES
ZONING COMMISSIONER

Chairman,
Zoning Plans Advisory Committee

Petitioner: Matson Homes, Inc., et al Petitioner's Attorney: BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: August 6, 1990

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Matson Homes, Item No. 20

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM20/ZAC1

0881 B C BUA

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 9, 1990 FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting for August 7, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 11, 15, 16, 17, 18, 20, 23, 24, 25, and 28.

For Item 13, water and sewer are available to the site. The Developer is responsible for extension of the paved road to the proposed lot with an 18-foot open paving section, ending with a 40-foot x 50-foot turnaround area and any drainage structures required.

For Item 22, water and sewer are available to the site. No public improvements are required.

For Item 29, the 5-foot utility easement along the west lot line of Lot III is a County easement, and as such, no permanent structures are allowed within the easement area.

ROBERT W. BOWLING, P.E. chief Developers Engineering Division

RWB∶ε

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

ZONING ITEM #: 20

ELECTION DISTRICT:

COUNCILMANIC DISTRICT:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE

PROPERTY OWNER:

LOCATION:

PERMITS & LICENSES

FOLLOWING:

HANDICAPPED.

() PARKING LOCATION

() BUILDING ACCESS

REQUIRED.

OTHER -

() NUMBER PARKING SPACES

BALTIMORE COUNTY BUILDING CODE.

TO COMPLY TO NEW USE REQUIREMENTS.

J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE

MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE

SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT

() A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0

COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND

ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE

() RAMPS (degree slope)

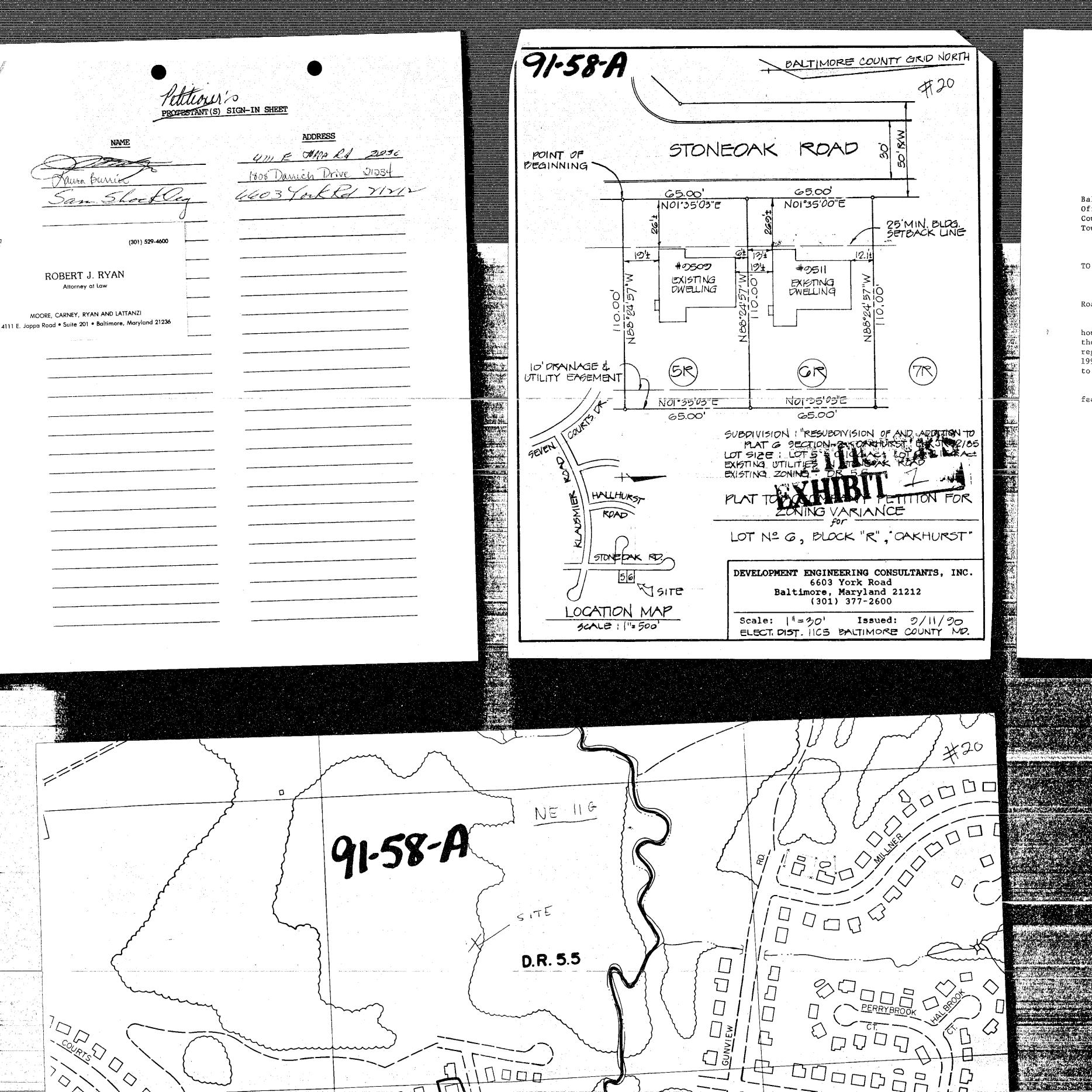
() CURB CUTS

() SIGNAGE

A 50 G 1990

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN



9509 Stoneoak Road Baltimore, Maryland 21236

September 20, 1990

Baltimore County Office of Planning & Zoning County Office Building Towson, Maryland 21204

TO WHOM IT MAY CONCERN:

Please be advised that we are the property owners of 9509 Stoneoak Road, Baltimore, Maryland 21236.

It has been brought to our attention that the distance between our house and 9511 Stoneoak Road is 19' instead of 25', which is less than the required distance between houses according to Baltimore County's regulations. We are also aware that there is to be a hearing on October 11, 1990 regarding this situation, and it is not our intention at that time to object to the distance between houses.

Should you have any need for any further communication, please feel free to contact us.

Very truly yours,

Joseph A. Garria, M.D.

Bernardine A. Garcia

Januar

HIBIT 2

