

IN RE: PETITION FOR ADMIN. VARIANCE
 N/S Transoms Road, 223' N of
 the c/l of Ballygar Road
 (9106 Transoms Road)
 11th Election District
 5th Councilmanic District
 Joseph A. Zito
 Petitioner

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 93-325-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by the owner of the subject property, Joseph A. Zito. The Petitioner requests relief from Section 1B02.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet in lieu of the minimum required 10 feet for an attached garage for purposes of extending an existing garage, in accordance with Petitioner's Exhibit 1.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, 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

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 Date: 5/18/93
 By: [Signature]

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 B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of May, 1993 that the Petition for Administrative Variance requesting relief from Section 1B02.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet in lieu of the minimum required 10 feet for a proposed garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

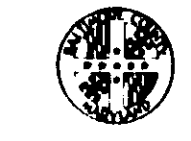
- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
 TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjs

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 Date: 5/18/93
 By: [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning



Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21284

May 12, 1993

(410) 887-4386

Mr. Joseph A. Zito
 9106 Transoms Road
 Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE
 N/S Transoms Road, 223' N of the c/l of Ballygar Road
 (9106 Transoms Road)
 11th Election District - 5th Councilmanic District
 Joseph A. Zito - Petitioner
 Case No. 93-325-A

Dear Mr. Zito:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 the Zoning Administration Office at 887-3391.

Very truly yours,
Timothy M. Kotroco
 TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjs
 cc: People's Counsel

File

Petition for Administrative Variance
 to the Zoning Commissioner of Baltimore County

for the property located at 9106 TRANSOMS RD, Balto MD 21236
 which is presently zoned DR 5.5



This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property, hereby petition for a variance from Sections 1B02.3, B.C.Z.R. to PERMIT a side yard setback of 7' in lieu of the required 10' for an attached garage.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or my agent, 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.

Contract Purchaser/Lessee
 Type of Print Name: _____
 Signature: _____
 Address: _____
 City: _____ State: _____ Zip Code: _____
 Attorney for Petitioner
 Type of Print Name: _____
 Signature: _____
 Address: _____
 City: _____ State: _____ Zip Code: _____

With the necessary fees and other under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.
 Legal Owner(s): Joseph A. Zito
 Type of Print Name: _____
 Signature: [Signature]
 Address: 9106 TRANSOMS RD 256-2587
 City: BALTO State: MD Zip Code: 21236
 Name, Address and phone number of legal owner, contract purchaser or representative to be contacted: _____
 Name: Joseph A. Zito
 Address: 9106 TRANSOMS RD 256-2587
 City: _____ State: _____ Zip Code: _____

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 By: [Signature]

A Public Hearing has been requested and/or held for the purpose of the Zoning Commissioner of Baltimore County, this _____ day of _____, 1993, and the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Regulations of Baltimore County, unless the papers of general circulation throughout Baltimore County, and that the property be required.
 Zoning Commissioner of Baltimore County
 REVIEWED BY: JCM Date: 3-22-93 4-2-93
 FORWARDED POSTING DATE: 4-11-93 4-18-93
 ITEM #: 325

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
 That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with respect thereto.
 That the Affiant(s) do(es) presently reside at 9106 TRANSOMS RD
BALTO, MD 21236

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)
Attention to existing garage. Since work on A.M. (approx 5 AM) and upward of corner to north across to rest. Return into driveway. (Need driveway or garage (existing)). Both spouse & self depart for work w/ early AM and fear for come to the next party, both spouse & self return w/ dark. Hopefully, this will contribute to a safer environment.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.
 Signature: Joseph A. Zito
 Type of Print Name: Joseph A. Zito

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
 I HEREBY CERTIFY, this 14th day of March, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Joseph A. Zito
 My Commission Expires: 2-8-98

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.
 AS WITNESS my hand and Notarial Seal.
3/16/93
[Signature]
 Notary Public

EXAMPLE 3 - Zoning Description - 3 copies

These copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.
93-325-A

ZONING DESCRIPTION FOR 9106 TRANSOMS RD.
 Election District 11 Councilmanic District 5

Beginning at a point on the North side of _____ (north, south, east or west)
TRANSOMS RD which is 50' (number of feet of right-of way width)
 (street on which property fronts)
 wide at a distance of 223' NORTH (number of feet) (north, south, east or west)
 (number of feet) (north, south, east or west)
 (name of street)
 (name of street)
 which is 50' wide. *Being Lot # 4 (number of feet of right-of-way width)
 Block 37, Section 91 in the subdivision of North Gate Hall as recorded in Baltimore County Plat (name of subdivision)
 Book # 37, Folio # 91, containing 9,310' # (square feet and fractions)

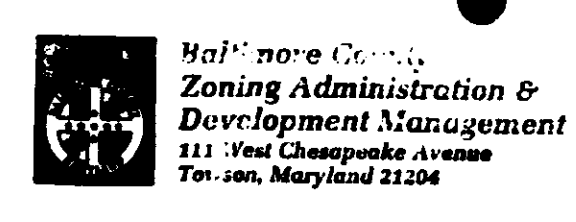
*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber _____, Folio _____ and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E. 87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

325

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 11th Date of Posting: 4/14/93
 Posted for: Variance
 Petitioner: Joseph A. Zito
 Location of property: N/S Transoms Rd. (9106) 223' N of Ballygar Rd.
 Location of Sign: Along driveway on property of Petitioner
 Remarks: _____
 Posted by: [Signature] Date of return: 4/16/93
 Number of Signs: 1



Baltimore County
 Zoning Administration & Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21286
 Account: R-001-4190
 Number: 93-325-A
 Date: _____
 RECEIVED
 93-325-A
 Please Make Checks Payable To: Baltimore County
 Cashier Validation

Baltimore County Government
 Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
 Towson, MD 21284
 April 9, 1993
 (410) 887-3353

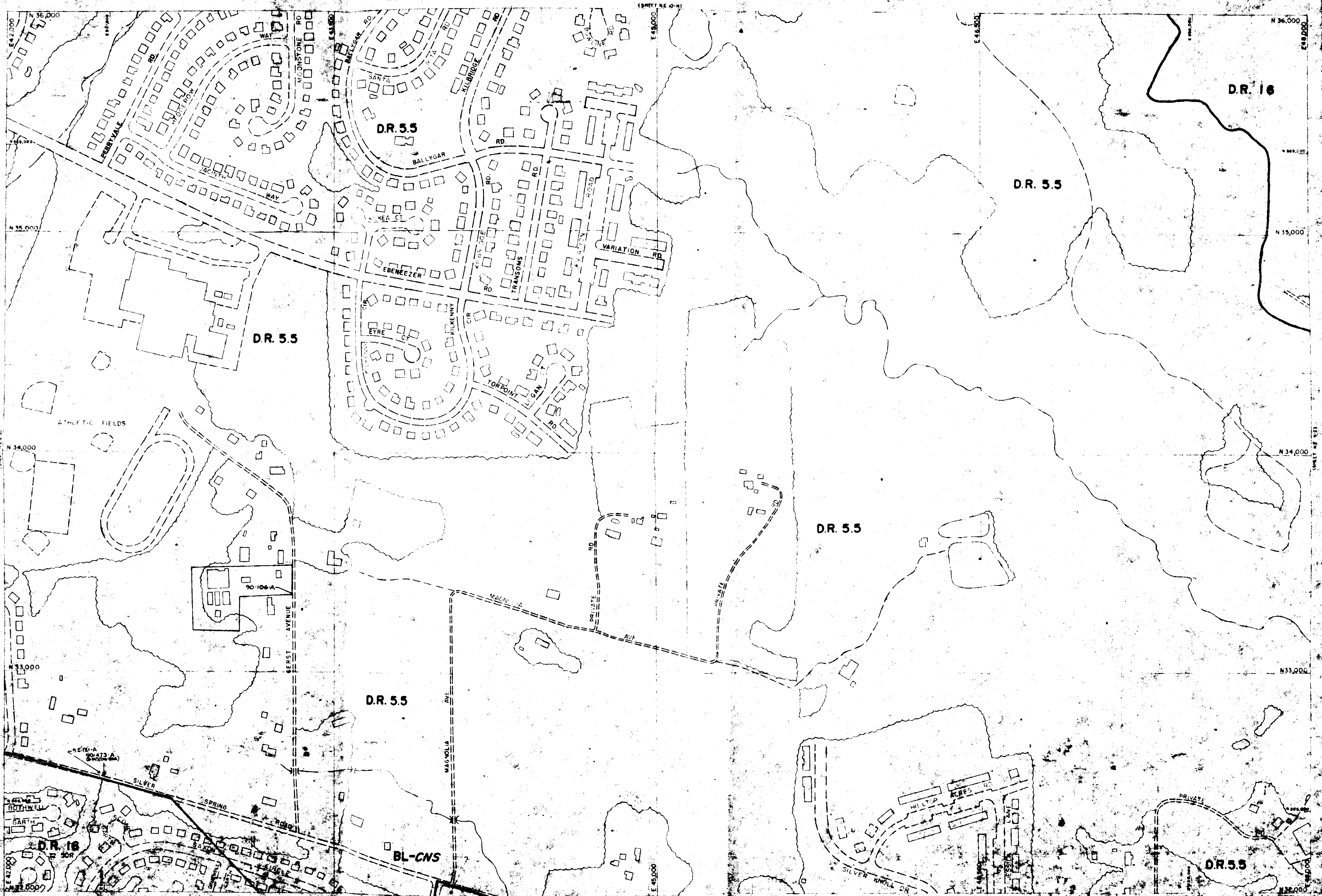
Joseph A. Zito
 9106 Transoms Road
 Baltimore, Maryland 21236

Re: CASE NUMBER: 93-325-A (Item 325)
 9106 Transoms Road
 N/S Transoms Road, 223' N of c/l Ballygar Road
 11th Election District - 5th Councilmanic District
 Petitioner(s): Joseph A. Zito

Dear Petitioner(s):
 Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a referee regarding the administrative process.
 1) Your property will be posted on or before April 18, 1993. The closing date (May 3, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).
 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Carl Johnson
 Carl Johnson
 Director



1988 COMPREHENSIVE ZONING MAP
 Adopted by Baltimore County Council
 11/13/1988

**BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 OFFICIAL ZONING MAP**

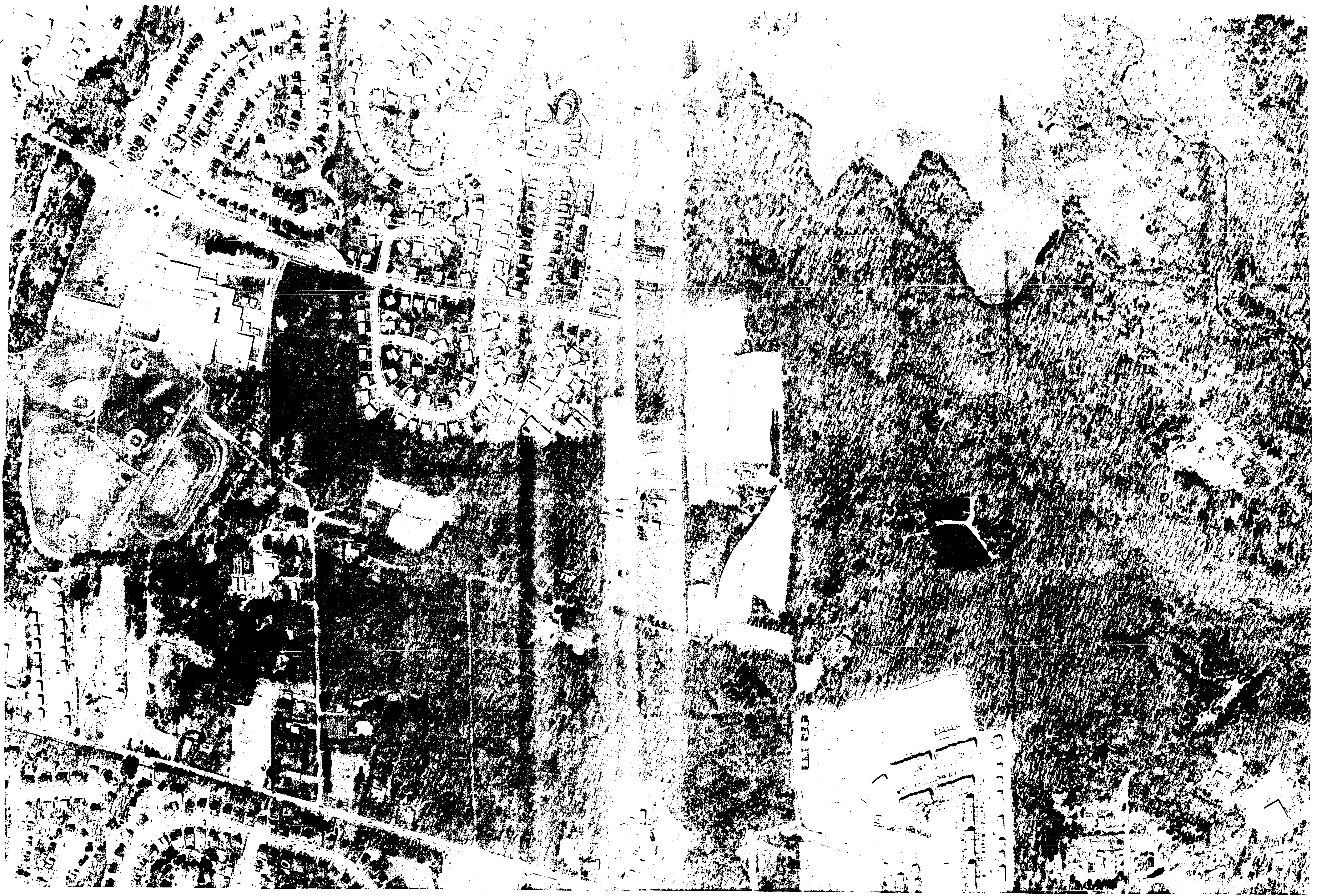
SCALE
 1" = 200'
 DATE OF PHOTOGRAPH
 JANUARY 1988

LOCATION
 WHITE MARSH
 PERRY HALL
 VICINITY

93-225-A

325

93-285-A



BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
 MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	WHITE MARSH PERRY HALL VICINITY	NE. 9-H
DATE OF PHOTOGRAPHY JANUARY 1986		