

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE
 NE/S Armagh Drive, 215 ft. NE from c/1 Tyrone Drive
 100 Armagh Drive
 9th Election District
 4th Councilmanic District
 Philip R. Grillo, et ux
 Petitioners

* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
 * Case No. 94-170-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Philip R. Grillo and Carol A. Grillo, his wife for that property known as 100 Armagh Drive near the Rodgers Forge section of Baltimore County. The Petitioners herein seek a variance from Section 1802.3.C. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 6 ft., in lieu of the required 30 ft., for an existing garage, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, 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 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 variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, 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 by the Zoning Commissioner for Baltimore County this 27th day of November, 1993 that the Petition for a Zoning Variance from Section 1802.3.C. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 6 ft., in lieu of the required 30 ft., for an existing garage, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The 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.

LES:mmm

Lawrence E. Schmidt
 LAWRENCE E. SCHMIDT
 ZONING COMMISSIONER
 FOR BALTIMORE COUNTY

ORDER RECEIVED FOR FILING
 Date 11/23/93
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21284

(410) 887-4386

November 24, 1993

Mr. and Mrs. Philip R. Grillo
 100 Armagh Drive
 Baltimore, Maryland 21212

RE: Petition for Administrative Variance
 Case No. 94-170A
 Property: 100 Armagh Drive

Dear Mr. and Mrs. Grillo:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with 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 887-3391.

Very truly yours,
Lawrence E. Schmidt
 Lawrence E. Schmidt
 Zoning Commissioner

LES:mmm
 encl.

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County
 for the property located at 100 Armagh Dr
 which is presently zoned RS-1

The undersigned legal owners of the property located at the address and lot identified herein and made a part hereof hereby petition for a variance from Section 1802.3.C. of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 6 ft., in lieu of the required 30 ft., for an existing garage, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

Property is to be posted and advertised as prescribed by Zoning Regulations 1 or we agree to pay expenses of above Variance advertising, posting, etc. upon filing of the 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 Purchase Case: _____
 Type or First Name: _____
 Signature: _____
 Address: _____
 City: _____
 State: _____
 Zip: _____
 Name of Applicant: _____
 Address: _____
 City: _____
 State: _____
 Zip: _____

REVIEWED BY JCM DATE 10-21-93
 11-7-93
 175

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 regard thereto.

That the Affiant(s) do(es) presently reside at: 100 ARMAGH DRIVE
BALTO., MD. 21212

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: RECONSTRUCTION OF EXISTING STRUCTURE TO MEET ZONING MINIMUM SETBACKS WOULD BE IMPRACTICAL & WOULD PLACE UNDUPLICATE HARSHSHIP ON OWNERS.

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.

I HEREBY CERTIFY, this 20th day of October, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Carol A. Grillo, Philip R. Grillo, Darryl J. Putty

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/his knowledge and belief.

AS WITNESS my hand and Notarial Seal, 10-20-93
 My Commission Expires: _____

K. R. LIMACCINA
 NOTARY PUBLIC
 BALTIMORE COUNTY MD
 MY COMMISSION EXPIRES 10/15/95

EXAMPLE 3 - Zoning Description - 3 copies

Three 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.

ZONING DESCRIPTION FOR 100 ARMAGH DRIVE
 Election District 9 Councilmanic District 4

Beginning at a point on the NORTHEAST side of ARMAGH DRIVE (north, south, east or west) which is 20' + 33' (number of feet of right-of-way width)

wide at a distance of 215' NORTH WEST of the (number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street TYRONE ROAD (name of street)

which is 35' + wide. *Being Lot # 22 (number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of _____ (name of subdivision) as recorded in Baltimore County Plat _____

Book # 12, Folio # 33, containing 9960 (square feet and acres)

✓ ALSO INCLUDES ADJACENT LOT ON LEFT. 33' WIDE.
 *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 16, Folio 33" 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° 13' 13" E. 321.1 ft., S.10° 27' 03" E. 87.2 ft., S.62° 19' 00" N. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 9A Date of Posting: 11/23/93
 Posted for: variance
 Petitioner: Philip R. Grillo, Carol A. Grillo
 Location of property: 100 Armagh Drive, Baltimore, MD
 Location of Sign: Facing Back Way, on property to be varied
 Remarks: _____
 Posted by: [Signature] Date of return: 4/12/94
 Number of Signs: 1

Baltimore County Government
 Office of Zoning Administration
 and Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
 ARNOLD JABLON, DIRECTOR

For newspaper advertising:
 Item No.: 175
 Petitioner: Carol Grillo

location: 100 ARMAGH DR, BALTO, MD 21212

PLEASE FORWARD ADVERTISING BILL TO:
 NAME: _____
 ADDRESS: SAME

PHONE NUMBER: 377-2537

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 12, 1993

Mr. and Mrs. Philip R. Grillo
100 Armagh Drive
Baltimore, Maryland 21212

RE: Case No. 94-170-A, Item No. 175
Petitioners: Philip R. Grillo, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Grillo:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 October 21, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

SRIA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

10-24-93

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 175 (JCM)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.
Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for *DAVID M. RITSEY, ACTING CHIEF*
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 1, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 144, 167, 168, 169, 172, 176 and 177.

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 887-3480.

Prepared by: *Jeffrey M. Long*
Division Chief: *Carol L. Lewis*

PK/JL:lw

ZAC.144/PZCNE/ZAC1

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 2, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Carol A. Grillo and Philip R. Grillo
100 Armagh Drive
Baltimore, Maryland 21212

RE: CASE NUMBER: 94-170-A (Item 175)
100 Armagh Drive
NE/8 Armagh Drive, 215' NE from 7/1 Tyrone Drive
9th Election District - 4th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to 887-3353. This notice also serves as a reminder regarding the administrative process.

- 1) Your property will be posted on or before November 1, 1993. The closing date (November 22, 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 Commissioners. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set 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 reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting 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 \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jablon
Arnold Jablon
Director

cc: Darryl D. Putty

Printed with Soy-based Ink on Recycled Paper

nothing attached
10/19/93
to wlr
Oct. 20, 1993

Mr. Arnold Jablon
Zoning Office of Balto. co.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Dear Mr. Jablon,

I'm writing this letter requesting that permission be granted to construct a room addition to existing single family dwelling located at 100 Armagh Drive. The existing garage on this property is in violation of current zoning regulations as per attached plot plan. A request has been made for an Administrative Variance as of this day Oct. 20, 1993. ~~Item No. 175~~ Reconstruction of existing structure to meet setback requirements would be impractical and would place considerable hardship on the owner.

I am hoping that after your careful review of this situation you will be able to expedite matters so that construction of new addition can begin as quickly as possible.

I would appreciate your consideration of this matter and thank very much for your understanding and cooperation. I look forward to hearing from you at your earliest convenience.

Sincerely,
Darryl D. Putty
Darryl D. Putty

Administrative
Variance - #175
taken in by
JCM on 10/21/93
*Nothing in file to
indicate violation

Checked
Enforcement's Violation
card file for '93
and '94 - Nothing
AP

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 100 ARMAGH DRIVE see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____
plot books: 12, 101, 22, sections _____

OWNER: PHILIP R. & CREDIA GRILLO

ARMAGH DRIVE

94-170-A

Scale of Drawing: 1" = 40'

North date: 10/22/93
prepared by: DDP

LOCATION INFORMATION

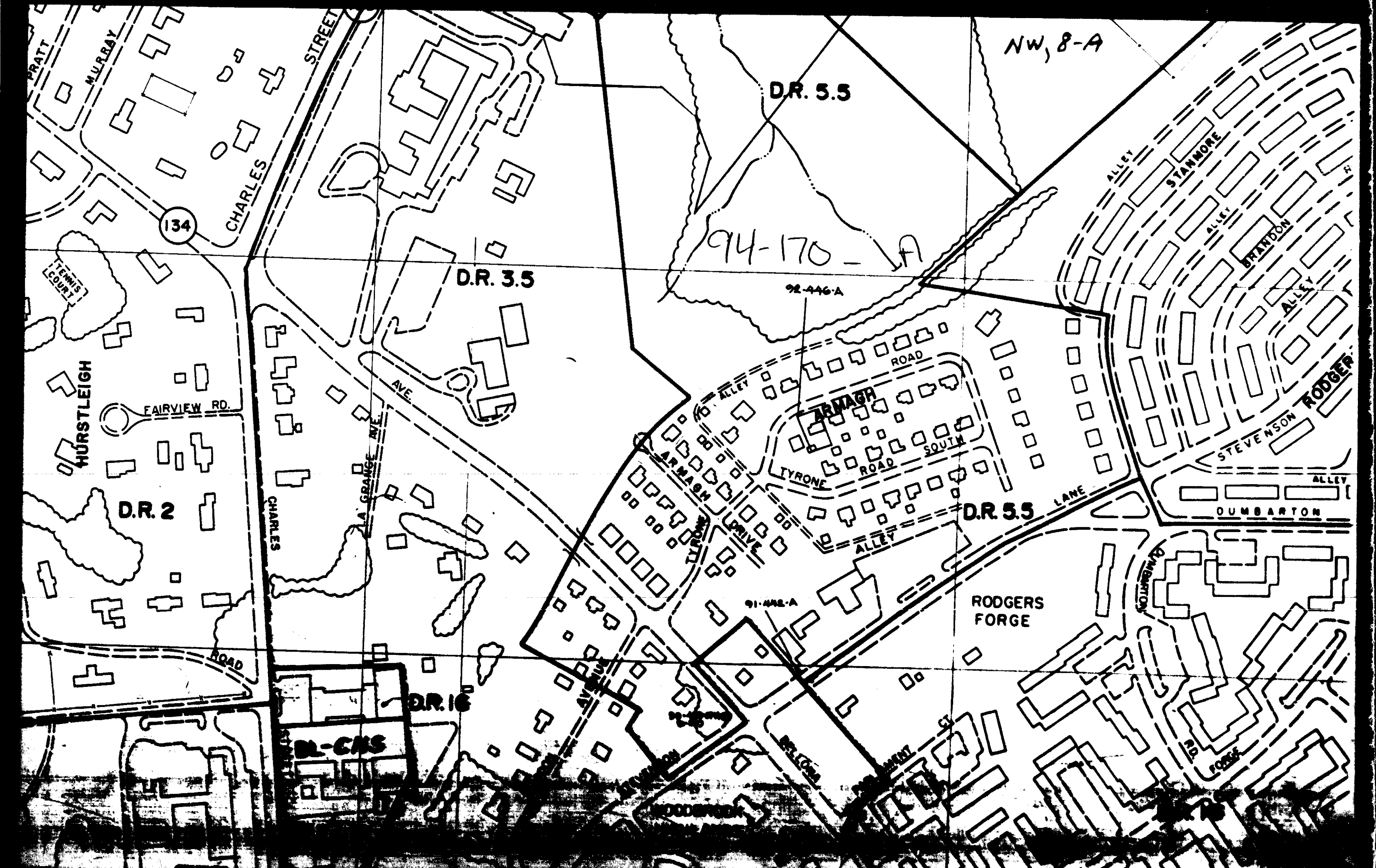
Election District: 9
Councilmanic District: 4
1"-200' scale map: NW, 8A
Zoning: DR 5B
Lot size: 3340 square feet

SEWER:
WATER:

Chesapeake Bay Critical Area:

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: JCM
ITEM #: 175
CASE#: _____





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

SCALE	LOCATION	SHEET
1" = 200'	RODGERS FORGE	NW
DATE OF PHOTOGRAPHY		RA
JANUARY 1986		