

IN RE: PETITION FOR ADMINISTRATIVE
ZONING VARIANCE
NW/4 Forge Park Road, 310 ft.
+/- NE of Forge Road
9806 Forge Park Road
11th Election District
5th Councilmanic District
Martin J. Spatafore, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-264-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Martin John Spatafore and Nancy A. Spatafore, his wife, for that property known as 9806 Forge Park Road in the Perry Hall section of Baltimore County. The Petitioners herein seek a variance from Section 1801.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 3 ft., in lieu of the required 10 ft., for a proposed addition (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 10th day of February, 1994 that the Petition for a Zoning Variance from Section 1801.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 3 ft., in lieu of the required 10 ft., for an addition (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.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

LES:mmn

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 8, 1994

Mr. and Mrs. Martin J. Spatafore
9806 Forge Park Road
Perry Hall, Maryland 21128

RE: Petition for Administrative Variance
Case No. 94-264-A
Property: 9806 Forge Park Road

Dear Mr. and Mrs. Spatafore:

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
ZONING COMMISSIONER

LES:mmn
encl.

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 9806 Forge Park Rd.
94-264-A which is presently zoned DR-35

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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 1801.3.C.1 of the Zoning Regulations of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)

To allow a side yard setback of 3 ft. (as proposed) in lieu of the required 10 ft.

X CAN NOT PUT GARAGE IN BACK YARD NO ACCESS
X CAN NOT ADD GARAGE TO REAR OF HOME DUE TO DECK

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 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.

When an owner files a petition and affirms, under the penalties of perjury, that they are the legal owner(s) of the property which is the subject of the petition, they are the legal owner(s).

Correct Petitioner/Owner

Name of Petitioner/Owner: MARTIN JOHN SPATAFORE
Address: 9806 FORGE PARK ROAD
City: PERRY HALL, MD 21128
Phone No: 410-272-2728

Name of Petitioner/Owner: NANCY ANN SPATAFORE
Address: 9806 FORGE PARK ROAD
City: PERRY HALL, MD 21128
Phone No: 410-272-2728

A Public Hearing having been requested and/or held to be held, as required by the Zoning Regulations of Baltimore County, the day of the hearing of this petition be set for a public hearing, convenient, as required by the Zoning Regulations of Baltimore County, in the neighborhood of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY: [Signature] DATE: 1-3-94
ESTIMATED POSTING DUE: 1-24-94

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) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 9806 FORGE PARK ROAD, PERRY HALL, MD 21128.

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.)

CAN NOT PUT GARAGE IN BACKYARD NO ACCESS
CAN NOT ADD GARAGE TO REAR OF HOME DUE TO DECK

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.

Martin John Spatafore
NANCY ANN SPATAFORE

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
I HEREBY CERTIFY, this 23rd day of December, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Martin John Spatafore and Nancy Ann Spatafore

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 knowledge and belief.

AS WITNESS my hand and Notary Seal.
12-23-93
My Commission Expires: 08-20-94

ZONING DESCRIPTION FOR 9806 Forge Park Rd.
Election District 11 Councilmanic District 5

Beginning at a point on the Northwest side of Forge Park Rd. (north, south, east or west) which is (number of feet of right-of-way width) (street on which property fronts) (number of feet of right-of-way width) wide at a distance of 310 ft ± (number of feet) (north, south, east or west) the nearest improved intersecting street Forge Rd. (name of street) which is (number of feet of right-of-way width) wide. *Being Lot # 3

Block 1, Section # 1 in the subdivision of Best Property (name of subdivision) as recorded in Baltimore County Plat Book # 39, Folio # 57, containing 1312 ft ± ± 0.3122 ac (square feet and acres)

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11 Date of Posting 1/23/94
Posted for: Martin & Nancy Spatafore
Location of property: 9806 Forge Park Rd., Perry Hall, MD 21128
Location of Signs: 9806 Forge Park Rd., Perry Hall, MD 21128
Remarks: [Signature]
Posted by: [Signature] Date of return: 1/23/94
Number of Signs: 1

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account # 8-001-8150
Invoice Number 264
Taken by [Signature]

Date 1-14-94
Spatafore, M.J.
9806 Forge Park Rd.
Perry Hall, MD 21128

4.00 Residential (Admin) Variance 1.50
1.00 Sign & Posting 0.35
Total 5.85

62M280012N1C80
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 31, 1994

Mr. and Mrs. Martin J. Spatafore
9806 Forge Park Road
Perry Hall, Maryland 21128

RE: Case No. 94-264-A, Item No. 264
Petitioner: Martin J. Spatafore, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Spatafore:

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 January 24, 1994, 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.



Maryland Department of Transportation
State Highway Administration

O James Lighthizer
Secretary
Hal Kassoff
Administrator

1-20-94

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. 264 (JJS)

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 N. KATZ, ACTING CHIEF*
John Comestabile, 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: January 20, 1994

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 No. 262, 263, 265, 266, 267, 268, 270, 273, 274, 275 and 276.

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 W. Long*

Division Chief: *Gary L. Kern*

PK/JL:lw

ZAC.262/PZONE/ZAC1

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/18/94

Arnold Jablon
Director

Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owners: SEE BELOW

LOCATION:

Item No.: SEE BELOW Zoning Agendas

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.

7. The Fire Prevention Bureau has no comments at this time. ON THE FOLLOWING ITEM NUMBERS: 264, 265, 266, 267, 268, 269, 270, 272, 273, 274, 275, AND 276.

RECEIVED
JAN 20 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4581, MS-1105F

cc: File

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21201

(410) 887-3353

JANUARY 13, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Martin Spatafore and Nancy Spatafore
7806 Forge Park Road
Perry Hall, Maryland 21128

RE: CASE NUMBER: 94-264-A (Item 264)
8906 Forge Park Road
M/S Forge Park Road, 310' +/- NE of Forge Road
11th E-11th District - 5th 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 refresher regarding the administrative process.

1) Your property will be posted on or before January 24, 1994. The closing date (February 7, 1994) 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. They 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. 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

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on Recycled Paper

To whom it may concern:

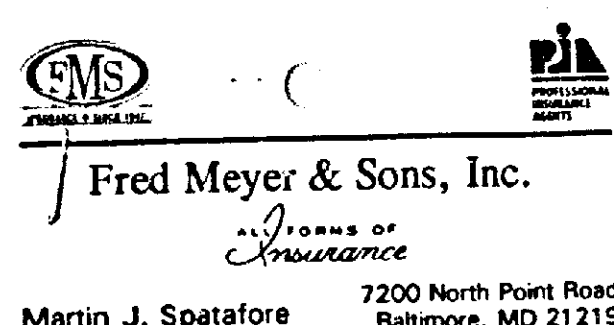
12/21/93

264

I Martin Spatafore at 9806 Forge Park Road.
Have Advised my neighbors that I plan to add a two car attached garage to my present home.
The approximate size will be 24 by 27 This will match my current home with Brick front and siding on the sides.
Both neighbors are in agreement to this addition.

Thank You,

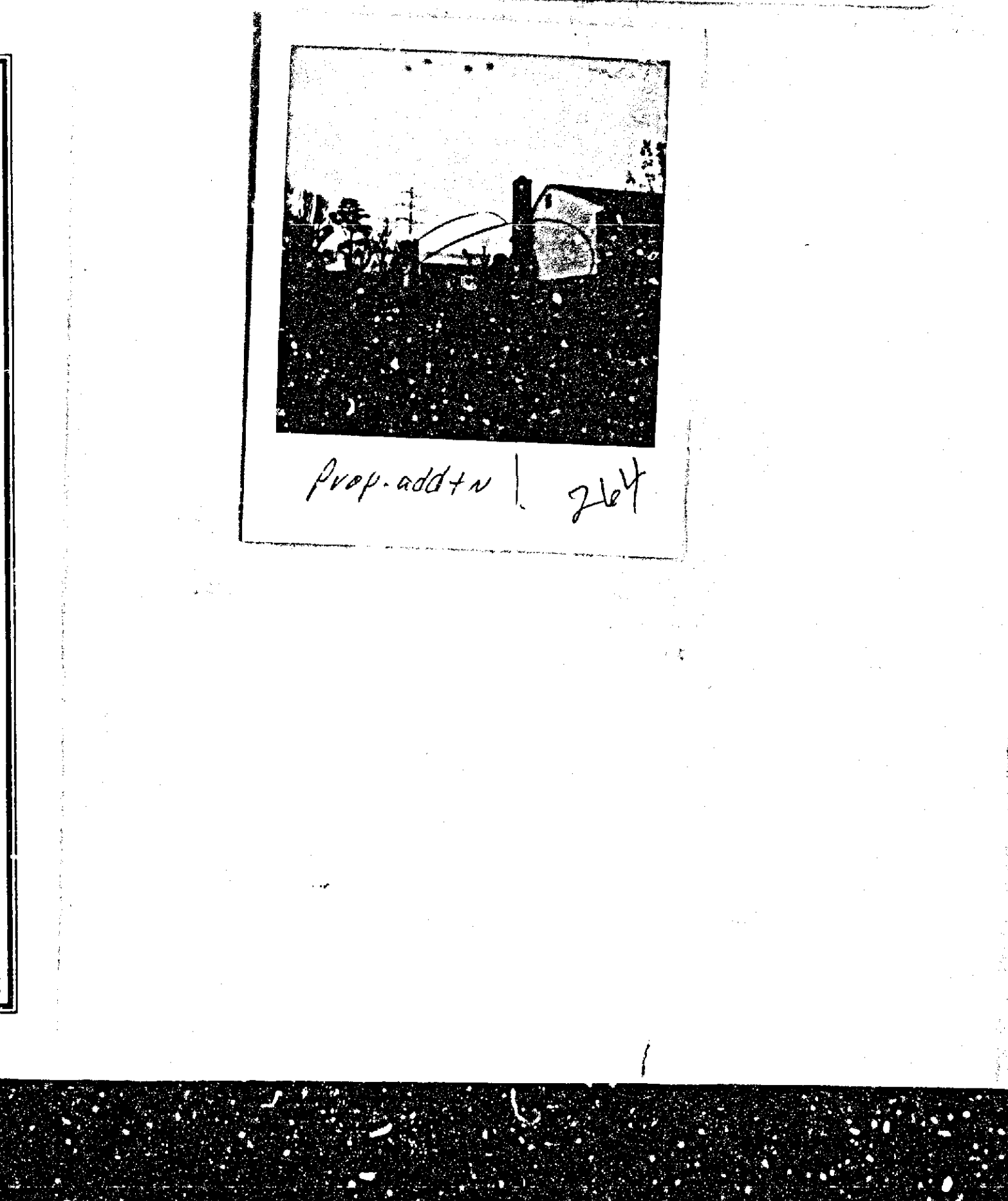
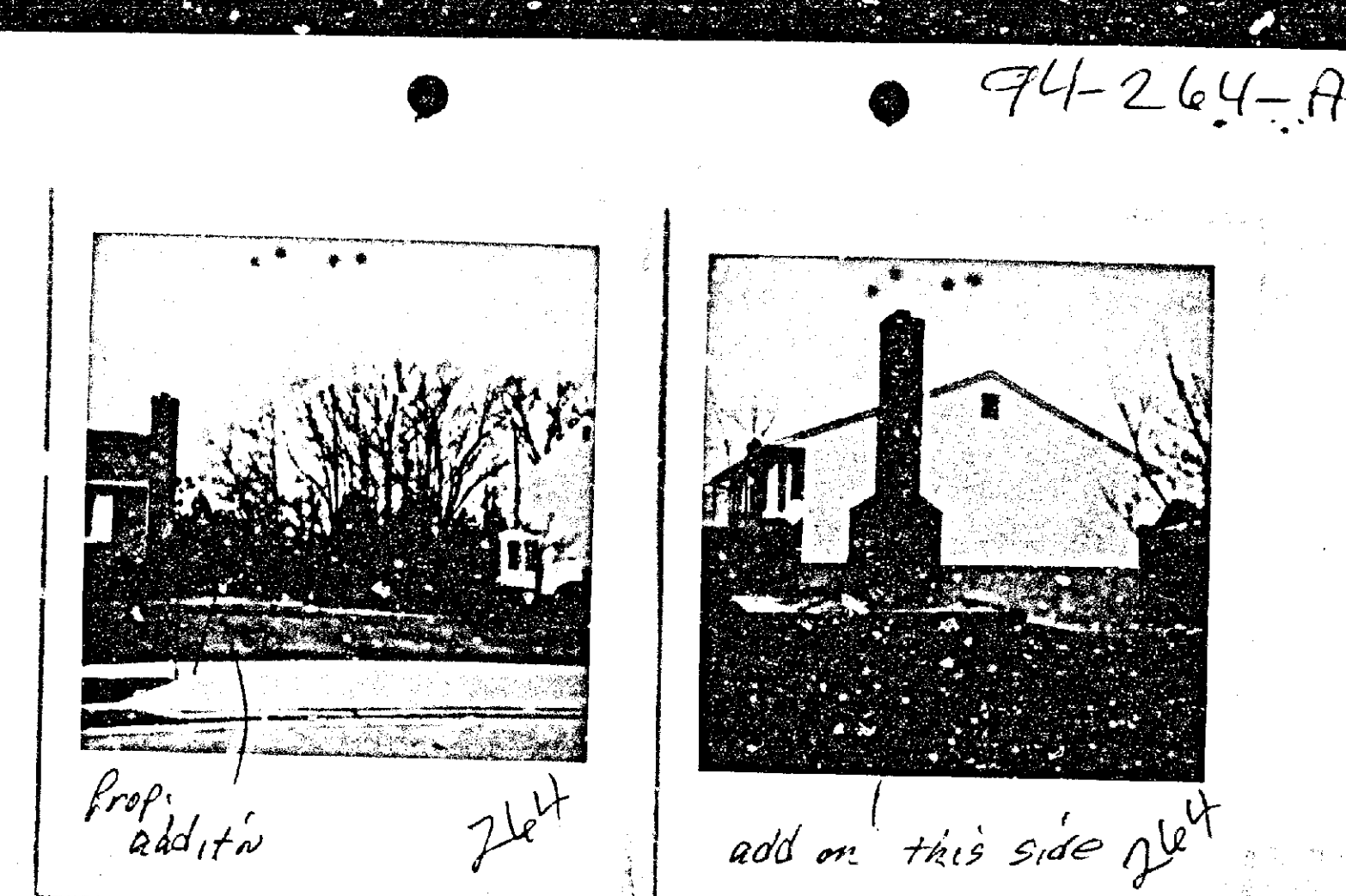
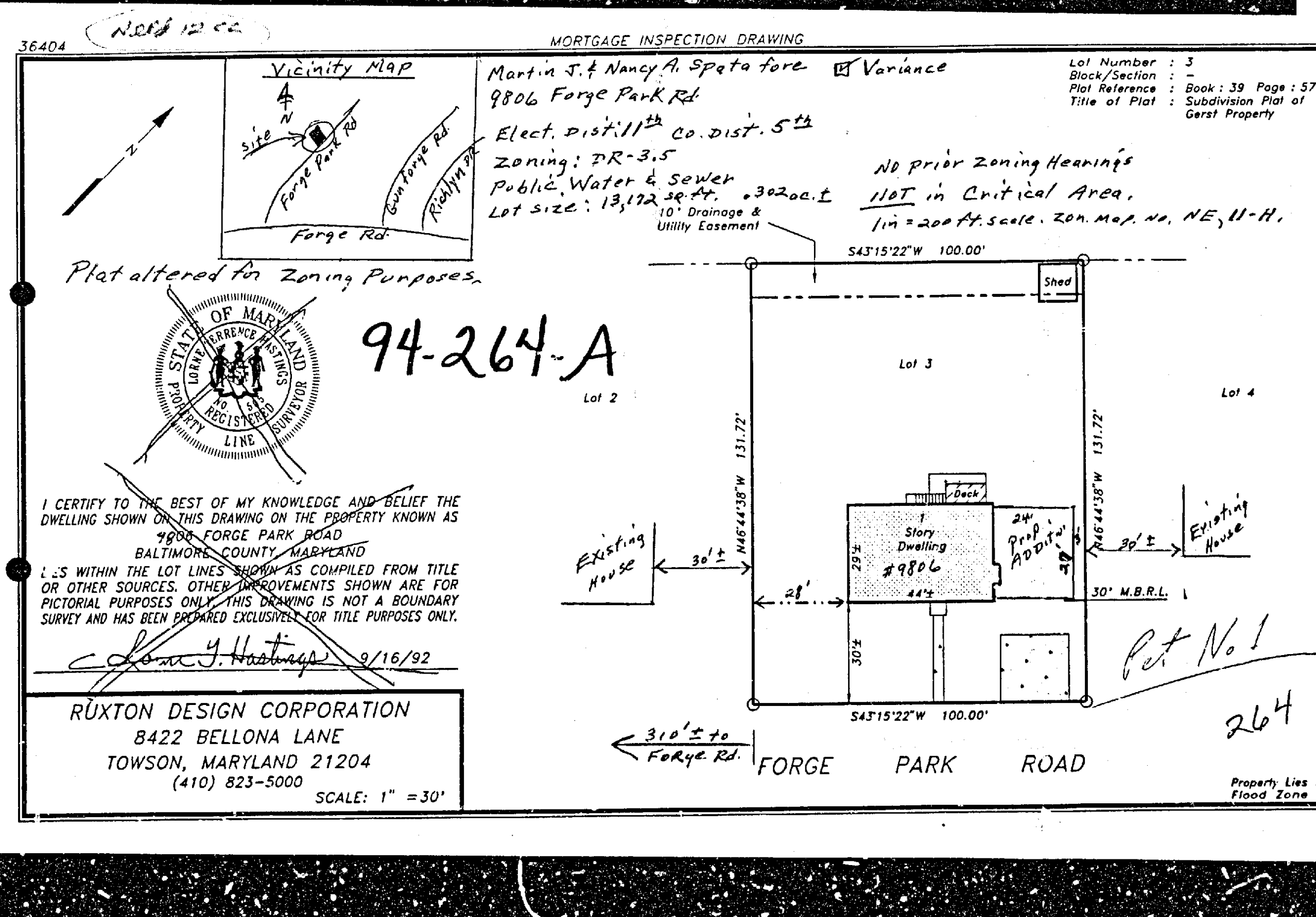
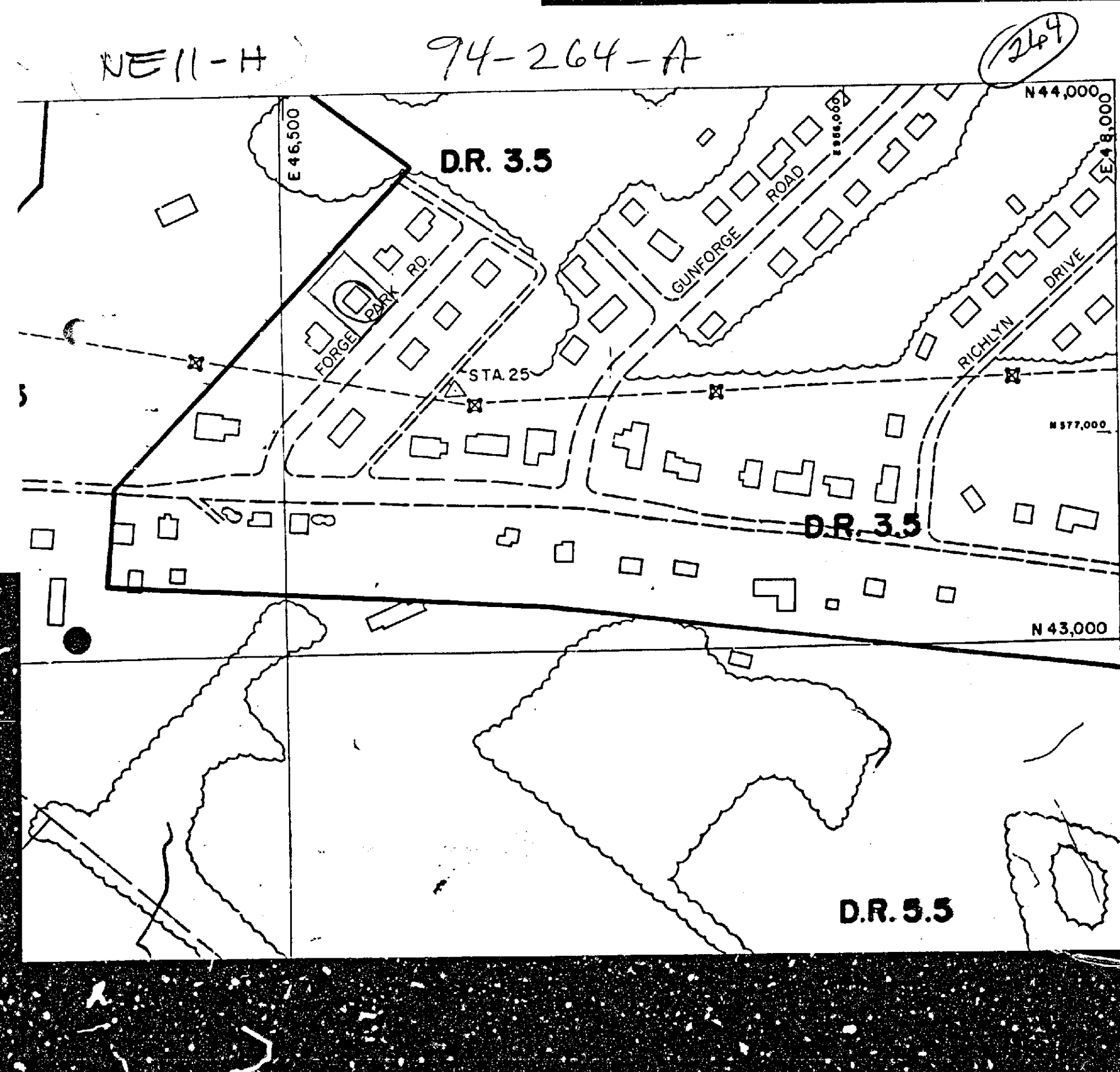
Martin Spatafore 12-21-93
Martin Spatafore 9806 Forge Pk Rd
Walter Hill 12/21/93
Walter Hill 9808 Forge Pk Rd
Gary Lehigh 12/21/93
Gary Lehigh 9804 Forge Pk Rd



Fred Meyer & Sons, Inc.

7200 North Point Road
Baltimore, MD 21219
Phone (410) 477-0900

Martin J. Spatafore
AGENT





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

SCALE 1" = 200' ±	LOCATION PERRY HALL VICINITY	SHEET
DATE OF PHOTOGRAPHY JANUARY 1986		

PH-264-A²⁶⁴