ORDER RECEWED/FOR FILING
Date
By

IN RE: PETITION FOR VARIANCE

NE/S Summer Woods Way, 1545' E

of Reisterstown Road (Lot 11 of Summer Woods) 4th Election District 3rd Councilmanic District

Altieri Homes Petitioner BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 98-41-A

*

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Altieri Homes, by Scott Adachek, Construction Manager. The Petitioner seeks relief from Section 1801.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front building face to a street right-of-way setback of 20 feet in lieu of the required 25 feet and to amend the final development plan for Summer Woods, Lot 11, Plat B thereof, accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ed Haile, Professional Engineer with Daft-McCune-Walker, Inc., who prepared the site plan for this property, and Robert A. Hoffman, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.175 acres, more or less, zoned D.R. 3.5 and is proposed to be developed with a single family dwelling. The concrete foundation for the proposed dwelling was mistakenly poured 20 feet from the front property line in lieu of the required 25 feet. By way of a foundation survey performed by Daft-McCune-Walker, Inc., the mistake was

discovered which prompted the Petitioner to file the instant request for variance to correct this problem prior to further development of the property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested variance. It has been established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioner. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of September, 1997 that the Petition for Special Hearing seeking relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front building face to a street right-of-way setback of 20 feet in lieu of the required 25 feet and to amend the final development plan for Summer Woods, Lot 11, Plat B thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Potitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

SEDER RECEIVED/FOR FILING

- 3-



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

September 18, 1997

Robert A. Hoffman, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE
NE/S Summer Woods Way, 1545' E of Reisterstown Road
(Lot 11 of Summer Woods)
4th Election District - 3rd Councilmanic District
Altieri Homes - Petitioner
Case No. 98-41-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO Deputy Zoning Commissioner

for Baltimore County

luthy lotrow

TMK:bjs

c: Mr. Scott Adachek, Altieri Homes 9017 Red Branch Road, Columbia, Md. 21045

Mr. Ed Haile, Daft-McCune-Walker, Inc. 200 E. Pennsylvania Avenue, Towson, Md. 21286

People's Counsel; Case Files



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Summer Woods Way Lot 11, Plat B

98 - 41 - D

which is presently zoned DR 3-5

I/We do solemnly declare and affirm, under the penalties of perjury, that i/we

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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 (s)

from "Section 1B01.2.C.1.b to permit a 20 foot front setback from front building face to a public street right of way" in lieu of the required 25 feet and to amend the final development plan for Summer Woods, Lot 11. Plat B.

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

Building was staked incorrectly and foundation has been constructed. Removal of portion of foundation within setback would significantly alter character to architecture and be inconsistent with future neighboring homes.

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 filling 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.

are the legal owner(s) of the property which is the subject of this Pe Contract Purchaser/Lessee: Legal Owner(s): Altieri Homes (Type or Print Name) Signature Address Zipcode Signature Attorney for Petitioner: 9017 Red Branch Road (Type or Print Name) Columbia, MD 21045 Signature Name, Address and phone number of representative to Melanie Moser Name Address Phone No. Daft-McCune-Walker, Inc. Phone No State Zipcode 200 E. Pennsylvania Avenue OFFICE USE ONI ESTIMATED LENGTH OF HEARING ning Administration unavailable for Hearing the following dates **Next Two Months** RECEIVED AUG 0 7 _ OTHER de lopment Mari **REVIEWED BY: -**

41

Description

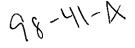
to Accompany Petition for Zoning Variance

Lot 11 Summer Woods

Altieri Homes Property

Northeast Side of Summerwoods Way

Fourth Election District, Baltimore County, Maryland





Daft M'Cune Walker, Inc.

200 East Pennsylvanıa Avenue Towson, Maryland 21286 http://www.dmw.com 410 296 3333 Fax 410 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

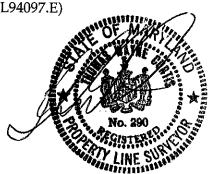
Environmental Professionals

Being a parcel of land located on the Northeast side of Summer Woods Way, distant 1545 feet, more or less, from the intersection of said Summer Woods Way with Reisterstown Road, Maryland Route 140, said parcel of land being Lot 11 as shown on a Plat of Subdivision entitled "Plat B, Summer Woods", recorded among the Land Records of Baltimore County, Maryland, in Plat Book SM 68, Folio 100, containing 0.175 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

August 1, 1997

Project No. 94097.E (L94097.E)



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 in <u>Towson Maryland</u> on the property identified herein as follows:

Case: #98-41-A
Lot 11 Summer Woods Way
on Plat B of Summer Woods
NE/S Summer Woods Way,
1545' E of Reisterstown Road
4th Election District
3 rd Councilinanic,
Legal Owner(\$):

After Hories

Variance: to permit a 20 foot front setback from front building face to a point street

right-of-way in lieu of the tequired 25 feet and to similarly the final development plan for Summer Woods, Loc-11. Plan

D. Hearing Thursday, September 11, 1997 at 200 p.m., 407 Courts Bldg., 461 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353. (2) For information concerning the File and/or Hearing, Please Call (410) 887-3391

8/178 Aug 14 C166268

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

RE: Case	No.; 7	0-41	<u>-</u> 14		
Petin	nner/Daveln	per:ALTIE	ER/	HOMESE	7
		JONES			
Date	of Henring/C	Closleg:	11/	197	
		AT.	211	DO PM	

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesspeake Avenue Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(a) required by law were posted conspicuously on the property located at # /205UMMER WOOD BRAY

/20 SUMMER WOODS WAY

The sign(s) were posted on 8/26/97

(Month, Day, Year)

Sincerely,

Roturn M. O Carl 8/28/9,

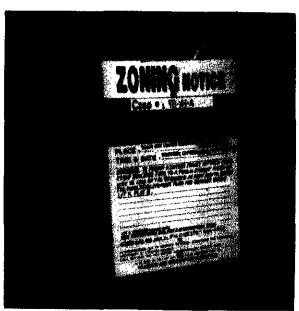
(Signature of Sign Poster and Date)

Patrick M. O'Keele

(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030 (City, State, Zip Code) 905-057/ (1410) 666-5366 Pager (410) 649-559 (Telephone Number)



4120-SUMMERWOOD LOT-11, PLAT-B

BALTIMORE COUNTY, MARYLAND FICE OF BUDGET & FINANCE WASCELLANEOUS RECEIPT	No. 042	j-	PALL RELEAP
DATE 8/1/97 ACCOUNT ROO16150		REG	HISTELLANDIS CASH RECEIPT of \$ 019497
RECEIVED ALTIERI HOMES			0. 042704 100.00 CHEC Baltimore County, Maryland
FOR: RV FILING WITH AMENDMENT			
BUTION			

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Baltimor County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake A Towson, Maryland 2122

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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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, DIRECTOR
For newspaper advertising:
Item No.: 4/
Petitioner: Altieri Homes
Location: Summer Woods, Lot 11, Plat B
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Altieri Homes
ADDRESS: 9017 Red Branch Rd.
Columbia, Md. 21045
PHONE NUMBER: 410-715-4510
AJ:ggs
(Revised 09/24/96)

Request for Zoning: Variance, Special Exception, or Special Hearing	
Date to be Posted: Anytime before but no later than	
Format for Sign Printing, Black Letters on White Background:	

ZONING NOTICE

Case No.: <u>98-41-A</u>

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

PLACE: *
DATE AND TIME: *
REQUEST: A VARIANCE TO PERMIT A 20 FT. FRONT SETBACK FROM FRONT
BUILDING-LINE IN LIEU OF THE REQUIRED 25 FT. AND TO AMEND
THE FINAL DEVELOPMENT PLAN FUR SUMMER WOODS, FOR LOT II, PLATE
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 post.4.doc

*UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.

PO: PUTUXENT PUBLISHING COMPANY
August 14, 1997 Issue - Jeffersonian

Please foward billing to:

Alteeri Homes 9017 Red Branch Road Columbia, MD 21045 410-715-4500

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 in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 98-41-A

Lot 11 Summer Woods Way on Plat B of Summer Woods NE/S Summer Woods Way, 1545' E of Reisterstown Road

4th Election District - 3rd Councilmanic

Legal Owner(s): Alteri Homes

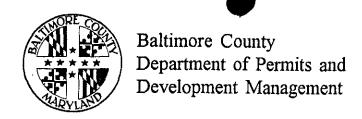
Variance to permit a 20 foot front setback from front building face to a public street right-of-way in lieu of the required 25 feet and to amend the final development plan for Summer Woods, Lot 11, Plat B.

HEARING: THURSDAY, SEPTEMBER 11, 1997 at 2:00 p.m. in Room 407 Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

August 8, 1997

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 in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 98-41-A

Lot 11 Summer Woods Way on Plat B of Summer Woods NE/S Summer Woods Way, 1545' E of Reisterstown Road

4th Election District - 3rd Councilmanic

Legal Owner(s): Alteri Homes

Variance to permit a 20 foot front setback from front building face to a public street right-of-way in lieu of the required 25 feet and to amend the final development plan for Summer Woods, Lot 11, Plat B.

HEARING: THURSDAY, SEPTEMBER 11, 1997 at 2:00 p.m. in Room 407 Courts Building, 401 Bosley Avenue

Arnold Jablon

Director

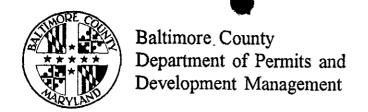
cc:

Altieri Homes

Melanie Moser/Daft-McCune-Walker, Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 27, 1997.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

September 8, 1997

Mr. Scott Adachek Altieri Homes 9017 Red Branch Road Columbia, MD 21045

RE: Item No.: 41

Case No.: 97-41-A

Petitioner: Altieri Homes

Dear Mr. Adachek:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 31, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

W. Carl Richards, Jr. Zoning Supervisor

Sincerely, Cont Richard JC

WCR/re
Attachment(s)





David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 8.8.97 Item No.

em No. 041

116

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Am Ronald Burns, Chief

Engineering Access Permits

Division

LG

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 14, 1997

Department of Permits & Development

Management

FROM:

Mobert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for August 18, 1997

Item Nos. 035, 036, 037, 039,

041

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

PDM

DATE:

8/13/97

FROM:

R. Bruce Seeley 🛭

Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

Meeting Date:

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

34

38

39

41

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 12, 1997

TO: Arnold Jablon, Director Department of Permits

and Development Management

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 20, 22, 26, 27, 28, 29, 33, 38, 39, 40 and 41

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: (fifting Mi Long)

Division Chief: Cary C. Kerns

AFK/JL



1 9 1997

Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

DATE: 10/07/96

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

RE: Froperty Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF August 11, 1997

Item No.: SEE BELOW

Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

035, 037, 038, 039, 040, and 041

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

Lc: File

RE: PETITION FOR VARIANCE							BEFORE T	HE	
Lot 11 Summer	Woods Way	on Pl	at B	of					
Summer Woods,	NE/S Summ	er Woo	ds Way	₹,	*		ZONING C	COMMIS	SIONER
1545' E of Reisterstown Road									
4th Election	District,	3rd Co	uncil	nanic	*		OF BALTI	MORE	COUNTY
Alteri Homes					*		CASE NO. 98-41-A		
Petitioner									
* * *	*	*	*	*	*	*	*	*	*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

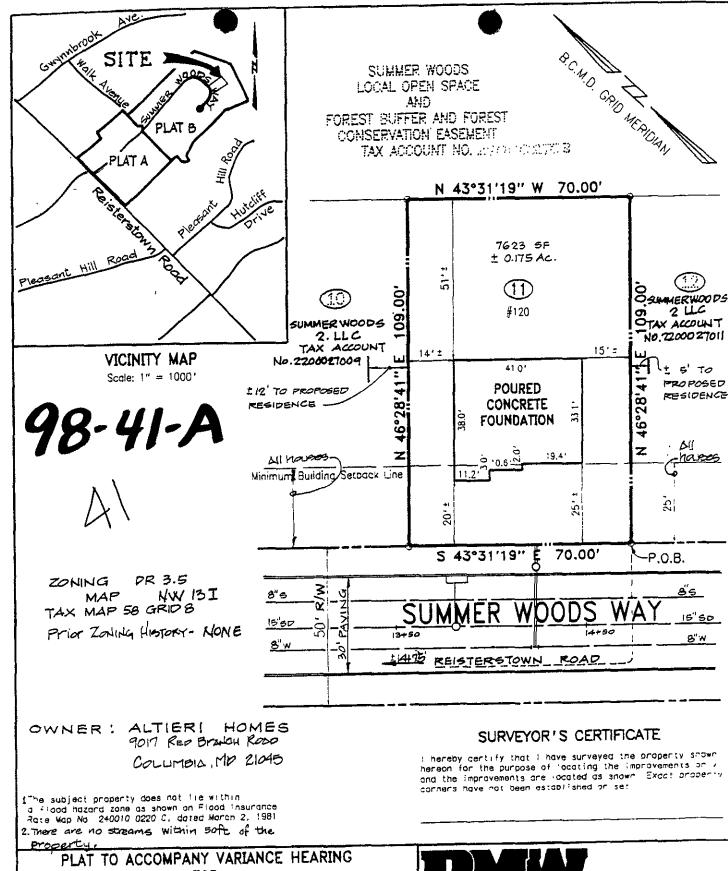
CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

Peter Max Zimmerman



FOR **LOT 11** SUMMER WOODS WAY
SUMMER_WOODS

Baltimore County, Maryland Orawn by: CSR Checked by: 4th Election District

Daft · McCune · Walker, Inc.

A Team of Land Planners, Landscape Architects. Engineers, Surveyors & Environmental Professionals

200 East Pennsylvania Avenue Towson, Warylana 2:286 410 298 3333 Fax 296 4705

Date: July 11, 1997 Scale: 1" = 30" van No. 94097 13 <CERT> File: .ot11

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

ROB HOFFMOND Ed Hall	210 Allegen Dre 21204 200 E Pennsylvan Doe 2

