IN RE: PETITION FOR ADMIN. VARIANCE

NC Forge Road and Forge Park

Road

4400 Forge Road

11th Election District
5th Councilmanic District

Dennis Florian, et ux

Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 98-79-A

*

* * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance for the subject property, known as 4400 Forge Road, located in the Perry Hall section of Baltimore County. The Petition was filed by the owners of the property, Dennis Florian and Kathy Florian, his wife, through the administrative variance process. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 16 ft., in lieu of the required 30 ft., for a bedroom and living room addition, and to amend the Final Development Plan of the Gerst property. 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.

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 opin-

The Man Miles

ion of the Deputy 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 23'd day of September, 1997 that the Petition for a Zoning Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 16 ft., in lieu of the required 30 ft., for a bedroom and living room addition, in a D.R.3.5 zone, and to amend the FDP of the Gerst property, be and is hereby GRANT-ED, subject, however, to the following restriction:

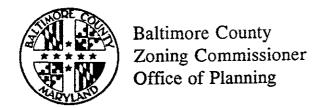
1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:mmn



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

September 23, 1997

Mr. and Mrs. Dennis Florian 4400 Forge Road Perry Hall, Maryland 21128

RE: PETITION FOR ADMINISTRATIVE VARIANCE

Property: 4400 Forge Road

Case No. 98-79-A

Dear Mr. and Mrs. Franz:

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 and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK: munn

TAX TAX

Petition for Administrative Variance

AND TO AMEND THE FOP OF THE GERST PROPERTY.

to the Zoning Commissioner of Baltimore County

for the property located at

4400	Forge						
	TO.	hich is pr	esently zoned	מת	2	5	

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) 1802.3. C./: BCZP, TO PERMIT A REARMARD SETBALL of 16ft. IN LIEM OF THE REQUIRED 30ft. FOR A REARMARD BEDROOM AND LIVING ROOM ADDITION,
A supply for the following reacons: findicate hardship or

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate narosni practical difficulty)

- Rear set-back does not allow sufficient room to install new addition.
- Proposed addition will only be of practical use to the owners if constructed on the back of existing house.

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.

			We do solemnly declare and affirm, under the penalties of perjury. It legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:			Legal Owner(s):
(Type or Print Name)			Dennis Florian (Type or Patht Name)
			Lem Llorian
Signature		· · · · · · · · · · · · · · · · · · ·	Signature
			Kathy Florian
Address			(Type or Print Name) A OHULLEN M All rucin
City	State	Zipcode	Signature
Attorney for Petitioner:			W: 354-8082
			4400 Forge Road H: 256-9401
(Type or Print Name)			Address Phone I
			Perry Hall Maryland 2112
Signature			City State Name, Address and phone number of representative to be contacted
vege-anditi			DENNIS FLORIAN
Address	Phone	No.	Name SA =
City	State	Zipcode	. Address Phone N
		,	

REVIEWED BY: 5 UM DATE: 8-26-97

circulation throughout Baltimore County, and that the property be reposted.

Printed with Soybean Ink on Recycled Paper

Zoning Commissioner of Baltimore County

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.

testify increte in the event that a public meaning is believed to
That the Affiant(s) does/do presently reside at 4400 Forge Road
address
Perry Hall Maryland 21128 City State Zip Code
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)
1. Rear set-back does not allow sufficient room to install
new addition.
2. Proposed addition will only be of practical use to the
owners if constructed on the back of the existing house.
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. Compared to provide additional information. Compared to pay a reposting and advertising fee and may be required to provide additional information. Compared to pay a reposting and advertising fee and may be required to pay a repost and advertising fee and may be required to pay a repost and advertising fee and may be required to pay a repost and advertising fee and may be required to pay a repost and advertising fee and may be required to pay a repost and advertising fee and may be required to pay a repost and advertising fee and may be required to pay a repost and advertising fee and may be required to pay a repost and advertising fee and may be required to pay a repost
(type or print name)
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 25 day of
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(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/their knowledge and belief.
AS WITNESS my hand and Notarial Seal. 8-25-97 Suty Dunk
NOTARY PUBLIC My Commission Expires: /0-/-06

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 _	4400 Forge R	oad	
•	acress		
_	Perry Hall	Maryland State	21128 Zip Code
	City		
That based upon personal knowledge, the follow Variance at the above address: (indicate hardship or p	ring are the facts upon ractical difficulty)	which I/we base the r	equest for an Administrative
1. Rear set-back does not a	allow suffici	ent room to	install
new addition.			
2. Proposed addition will o	only be of pro	actical use	to the
owners if constructed or	n the back of	the existing	nouse.
			·
That Affiant(s) acknowledge(s) that if a protest may be required to provide additional information	is filed, Affiant(s) will	be required to pay a	reposting and advertising fee and
(signature)		(signature)	
Dennis Florian		Kathy Flo	
STATE OF MARYLAND, COUNTY OF BALTI	MORE to wit:		
I HEREBY CERTIFY, this 25 day of		, 19 <u>97</u> , befo	re me, a Notary Public of the State
of Maryland, in and for the County aforesaid, pe	rsonally appeared	71	'
Wennis & Kore	theen	tlorian	
the Affiants(s) herein, personally known or satisf that the matters and facts hereinabove set forth	factorily identified to rare true and correct to	ne as such Affianti(s) the best of his/her/th	, and made oath in due form of lar eir knowledge and belief.
AS WITNESS my hand and Notarial Seal.	· . 0	1/1/1/1	frenk_
date	NOTAR	YFUBLIC	(1) (1) (1)
	My Com	nission Expires:	0-01-00

Petition for Administrative Variance

	to the Zoning Commissioner of Baltimore County for the property located at 4400 Forge Road						
MARYLAND	for the property located at	4400 IOIge Road					
		which is presently zoned Di	3.5				

	which is presently zoned DR 3.5
The the reto	Petition shall be filed with the Office of Zoning Administration & Development Management. undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached of and made a part hereof, hereby petition for a Variance from Section(s) 1302.3.C.1: BCZR to permitted yard Setback of 16ft. in Lieu of the wired 30ft. For a Bedroom and living Room Addition.
	Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or cal difficulty)
1.	Rear set-back does not allow sufficient room to install new addition.

if constructed on the back of existing house. Property is to be posted and advertised as prescribed by Zoning Regulations.

Proposed addition will only be of practical use to the owners

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.

that we are the penalties of negury that I/we are the

City	State	Zipcode	. Address Phone No.
Address	Phone No.		Name SAME Phone No.
		· 	DENNIS FLORIAN
Signature			City State Zipcode Name, Address and phone number of representative to be contacted
(13)00 01 7 11111 1111111111111111111111111			Perry Hall . Maryland 21128
(Type or Print Name)			Address Phone No.
Attorney for Petrtioner.			W: 354-8082 4400 Forge Road H: 256-9401
City	State	Zpcode	Signature
Address			(Type or Print Name) X (ML) 100m (M) All (2004)
			Kathy Florian
Signature			Signature
(Type or Print Name)			Dennis Florian (Type or Print Name)
Contract Purchaser/Lessee.			Legal Owner(s):
			legal owner(s) of the property which is the subject of this Petition.

circulation throughout Baltimore County, and that the property be reposted.



A Public Hearing having been requested and/or found to be required, it is ordered by the Loning Commissioner of Baltimore County, this _____

Printed with Soybean Ink

that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general

_ day of .

Zoning Commissioner of Baltimore County



Zoning Description

for 4400 Forge Road beginning at a point on the north side of Forge Road which is 20 feet wide at the intersection of Forge Park Road which is 25 feet wide. Being lot # 1 in the subdivision of the Gerst Property as recorded in Baltimore County Plat Book # 61, Folio 83. containing .402 acres. Also known as 4400 Forge Road and located in the 11th Election District, 5th Councilmanic District.

79

CLUSING DAILS.

Request for Zoning: Admistrative Variance

Date to be Posted: Anytime before but no later than $\frac{*}{9-7-9}$

Format for Sign Printing, Black Letters on a White Background:

7.0	NI	NG	NOTICE
	TITE	10	NULLE

ADMINISTRATIVE VARIANCE

Case No.: 98-79-A

A VARIANCE TO PERMIT A BEDRES HOUSE ADDITION TO BE WITHIN 16 Ft. of The PEAR LOT LINE IN LIEU OF THE REDVICED 30 Ft.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u>. AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Department of Permits and Development Management

County Office Build 111 West Chesapers Towson, Maryland 1

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEEURES

Baltimore County zoning regulations require that notice be given to it 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.

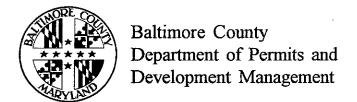
Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

ARNOLD JABLON, DIRECTOR	
For newspaper advertising:	
Item No.: 79	
Petitioner: Dennis & Kathy Florian	
Location: 4400 Forge Rd Perry Hall Md. 2112	
PLEASE FORWARD ADVERTISING BILL TO:	
NAME: Dennis & Kathy Florian	
ADDRESS: 4400 Forge Rd	
Perry Hall, Md. 21128	 -
PHONE NUMBER: (410) 256-9401	
AJ:ggs	

_^ 2

(Revised 09/24/96)



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

ABOUT YOUR ADMINISTRATIVE VARIANCE

case NUMBER: 98-79-A
4400 Forge Road

NC Forge Road and Forge Park Road

11th Election District - 5th Councilmanic

Legal Owner(s): Dennis Florian and Kathy Florian

Post by Date: 9/7/97

Closing Date: 9/22/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

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

Arnold Jablon Director

cc: Dennis and Kathleen Florian

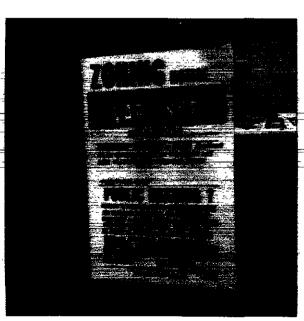


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	FOR: RIBUTION TE CASHIER PINK.	RECEIVED D. FGC/AN	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE S-26-97 ACCOUNT	
	PINK - AGENCY	1	TY, MAP & FINANCE RECEIPT	
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		Receipt # CR NO. 042725	PAID A PROCESS	
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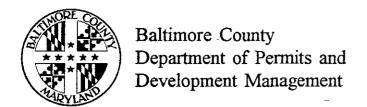
CERTIFICATE OF POSTING	ADMIN. VAK.
	RE: Case No.: 98 79-A
•	Petitioner/Developer: FLORIAN, ETAL
	% WM. HAYES
	Date of Hearing/Closing: 9/22/97
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of were posted conspicuously on the property l	perjury that the necessary sign(s) required by law ocated at #4400 FORGE ROAD
The sign(s) were posted on	8/28/97
	Sincerely, Patura W Draefe
	Portuck M. O'keelo 9/1/97
	(Signature of Sign Poster and Date)
	Patrick M. O'Keefe
	(Printed Name)
•	523 Penny Lane
	(Address)

Hunt Valley, MD 21030 (City, State, Zip Code)

(10) 666-5366 P. (Telephone Number)



4400 FORGE ROAD CL- 9/22/97



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

September 22, 1997

Mr. and Mrs. Dennis Florian 4400 Forge Road Perry Hall, MD 21128

RE: Item No.: 79

Case No.: 98-79-A

Petitioner: Dennis Florian, et ux

Dear Mr. and Mrs. Florian:

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 August 26, 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).

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND



DATE: September 4, 1997

INTER-OFFICE CORRESPONDENCE

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 petition (s):

Item Nos 79 and 80

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.

Jany L. Klerns

Prepared by:

Division Chiefa

AFK/JL

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

PDM

FROM:

R. Bruce Seeley R1

Permits and Development Review

SUBJECT: Zoning Advisory Committee

Meeting Date:

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

RBS:sp

BRUCE2/DEPRM/TXTSBP



David L. Winstead Secretary

Parker F. Williams Administrator

9-8-97

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

RE: Baltimore County
Item No. 079

079 (JCM

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as the proposed development is not located on a State roadway and there are no impacts to any SHA facilities.

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,

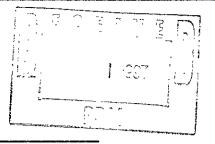
Ronald Burns, Chief

Engineering Access Permits

Division

LG





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

September 9, 1997

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

RE: Property Owner: Dennis Florian and Kathy Florian 079

Robert T. Franz and Rose M. Franz 080

Location: DISTRIBUTION MEETING OF SEPTEMBER 8. 1997

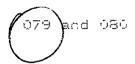
Item No.: 079 AND 080

Toning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Eureau 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 MEYERENCE TO THE FULLOWING ITCH NUMBERS:



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4861, MS-1102F

To whom this may Concern

As a neighbor next door to

Dennis or Cathy Horian. I hereby give

my Consert for them to add an Addition

to the rear of there home, for the purpose

to take Care of their Mother or Mother inlaw

I see no reason for not being able to

get a permit to add this addition to

the rear of there persisting house at 4400

Yorge add.

Our house is 9802 Torge Park Bel.
next to the rear of there house of 4400 Torge Bel.

Mark you for your Cooperation
for helping them Medward Meest
Signed Inagene Heest
Signed

