

IN RE: PETITION FOR VARIANCE
N/S Hart Road, 2,675' E of the
c/l of Demby Road
(1320 Hart Road)
9th Election District
4th Councilmanic District

Paul D. Farace, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 98-246-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 owners of the subject property, Paul D. and Denise Farace. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure to be located in the front yard in lieu of the required rear yard placement. 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 Paul Farace, property owner, and Timothy Lyng, the Professional Engineer who prepared the site plan for the property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 1.00 acres, more or less, zoned D.R.1, and is improved with a two-story dwelling. The Petitioners wish to construct a detached 30' x 50' storage garage in the northeast corner of their front yard. Testimony indicated that the septic field and tank as well as steep slopes are located in the rear yard and that due to the location of the existing dwelling on the property, strict compliance with the zoning regulations would prevent construction of the garage on the property. Further testimony

ORDER RECEIVED FOR FILING

Date

By

Date 2/3/88
 City St. Louis

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

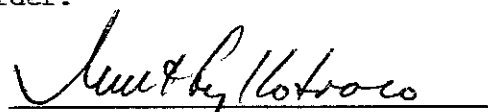
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel.

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 5th day of February, 1998 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure to be located in the front yard in lieu of the required rear yard placement, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions;

- 1) The Petitioners 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.
- 2) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) The use of the subject garage shall be limited to storage purposes, only. There shall be no commercial use of the garage or any commercial activity taking place therein.
- 4) 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
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

February 5, 1998

Mr. & Mrs. Paul D. Farace
1320 Hart Road
Baltimore, Maryland 21286

RE: PETITION FOR VARIANCE
N/S Hart Road, 2,675' E of the c/l of Demby Road
(1320 Hart Road)
9th Election District - 4th Councilmanic District
Paul D. Farace, et ux - Petitioners
Case No. 98-246-A

Dear Mr. & Mrs. Farace:

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,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Timothy J. Lyng
2204 Maryland Avenue, Baltimore, Md. 21218

People's Counsel; Case Files





Petition for ~~Accessory Structure~~ Variance to the Zoning Commissioner of Baltimore County

for the property located at

1320 HART ROAD

which is presently zoned

DR-1

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)

400.1 TO ALLOW A DETACHED ~~THE~~ ACCESSORY STRUCTURE IN A FRONT YARD IN LIEU ~~400.1~~ OF THE REQUIRED REAR YARD.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

PRACTICAL DIFFICULTY:

strict compliance would prevent construction of garage in rear due to septic field located in the rear. No increase in density will occur. Complies with spirit + intent of regulations, and no injury to public will occur.

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.

Contract Purchaser/Lessee:

N/A

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

N/A

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

PAUL D. FARAGE

(Type or Print Name)

Signature

DENISE FARAGE

(Type or Print Name)

Signature

1320 HART ROAD

410-823-7461

Address

Phone No.

BALTIMORE

MD

21286

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

TIMOTHY J. LYNG, P.E.

Name

2204 MARYLAND AV

410-366-7300

Address

Phone No.

BAUTO, MD 21218

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ 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 circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: 507

DATE: 12-29-92

ESTIMATED POSTING DATE: _____

Printed with Soybean Ink
on Recycled Paper

ITEM #: 246

98-246-A

ORDER RECEIVED FOR FILING

Date

By

Affidavit ~~Administrative~~ in support of 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 1320 HART ROAD
address
BALTIMORE, MD 21286
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)

PRACTICAL DIFFICULTY.

STRICT COMPLIANCE WOULD PREVENT CONSTRUCTION OF
STORAGE GARAGE DUE TO LOCATION OF SEPTIC FIELD AND SEVERE
SLOPES TO REAR OF HOUSE.

NO INCREASE IN DENSITY

NO UNSAFE CONDITIONS

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.

Paul D Farace
(signature)
PAUL DOUGLAS FARACE
(type or print name)



Denise R Farace
(signature)
DENISE R. FARACE
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11 day of Dec, 19 97, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Paul D Farace & Denise Farace

the Affiants(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/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

12/11/97
date

Nancy L Duckett
NOTARY PUBLIC

My Commission Expires:

NANCY L. DUCKETT
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 1, 2000

A-445-80

ZONING DESCRIPTION FOR 1320 HART ROAD

BEGINNING AT A POINT ON THE NORTH SIDE OF HART ROAD WHICH IS 50 FEET WIDE AT A DISTANCE OF 2,675 FEET EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET , DEMBY ROAD, WHICH IS 60 FEET WIDE. AS RECORDED IN DEED LIBER 9687, FOLIO 376, COURSES AND DISTANCES ARE AS FOLLOWS: N 75°39' 00" W, 218.91'; N 14°21' 00" E, 133.85'; N 77°34'30" E, 35.85'; N 75°39' 00" W, 325.08'; S 36°06' 00" E, 17.00'; S 58°51' 00" E, 188.17' TO THE PLACE OF BEGINNING. CONTAINING 1.00 ACRES, MORE OR LESS.



98-246-A

246 -

BALTIMORE COUNTY, MD
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5000
046903

DATE 12-29-97 ACCOUNT R. CO. C. 150.

AMOUNT \$ 50.00

RECEIVED FROM:

Paul F. Adams
010-K.O. 350

FOR:

Telco 350

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

98-244
A

PAID RECEIPT

ISSUED 07/01 THE

12/29/97 12/29/97 10:20:03

NO. 0034 CASHIER 1201 L23 DROVER 4

5 MISCELLANEOUS CASH RECEIPT

PAID TO

RECEIPT #

037760

07/01

50.00 CASH

Baltimore County, Md. 21201

CASHIER'S VALIDATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case # 2004-0064
1000 Hill Road
West Jessup, MD 21091
Proposed: 1000 Hill Road
8th Floor, Suite 800
Legal Owner(s):
Denise & Paul Parca

Verifiers: to allow a detached accessory structure in a front yard in lieu of the required rear yard.

Hearing: Friday, January 30, 1998 at 8:30 a.m., Room 407 Courts Bldg., 401 Basilew 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.

1/280 Jan. 15

C200458

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/16, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/15, 1998.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. H. Williams

CERTIFICATE OF POSTING

RE- Case No.: 98-246-A

Petitioner/Developer PAUL FARACE, ETAL

Date of Hearing/Closing 1/30/98

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

C 9:00 AM
RM- 407
C.C.B.
401 BOSLEY AVE.

Attention. Ms Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #1320 HART ROAD

The sign(s) were posted on 1/14/98
(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 1/16/98
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)

ZONING NOTICE

Case #: 98-246-A

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

PLACE: POGM-467, COUNTY COURTS BUILDING
401 BOSLEY AVE., TOWSON MD 21204
TIME & DATE FRIDAY, JANUARY 30, 1998 AT 9:00 AM
VARIANCE TO ALLOW A DETACHED
ACCESSORY STRUCTURE IN A FRONT
YARD IN LIEU OF THE REQUIRED REAR YARD
(#1320 HART ROAD 1/3)

#1320 HART RD. PAUL
Case 98-246-A FARACE
P- 1/14/98 H- 1/30/98



Baltimore County
Department of Permits and
Development Management

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

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 accessed 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, DIRECTOR

For newspaper advertising:

Item No.: 246 Petitioner: PAUL D. FARACE

Location: 1320 HART ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Paul D. Farace

ADDRESS: 1320 Hart Road
Baltimore, MD 21286

PHONE NUMBER: 410-823-7461

98-246-A 246



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.: 98-246-A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Variance to to Allow a Detached
Accessory Structure to Be in the Front
Yard in Lieu of the Required Rear
Yard.

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

TO: PATUXENT PUBLISHING COMPANY
January 15, 1998 Issue - Jeffersonian

Please forward billing to:

Paul D. Farace
1320 Hart Road
Baltimore, MD 21286

410-823-7461

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 Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-246-A
1320 Hart Road
N/S Hart Road, 2675' from Derby Road
9th Election District - 6th Councilmanic District
Legal Owner: Denise & Paul Farace

Variance to allow a detached accessory structure in a front yard in lieu of the required rear yard.

HEARING: Friday, January 30, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.



Lawrence E. Schmidt

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.



Baltimore County
Department of Permits and
Development Management

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

January 6, 1998

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 Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-246-A
1320 Hart Road
N/S Hart Road, 2675' from Derby Road
9th Election District - 6th Councilmanic District
Legal Owner: Denise & Paul Farace

Variance to allow a detached accessory structure in a front yard in lieu of the required rear yard.

HEARING: Friday, January 30, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

A handwritten signature in black ink, appearing to read "Arnold Jablon", with a stylized flourish at the end.

Arnold Jablon
Director

c: Timothy J. Lyng, P.E.
Denise & Paul Farace

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JANUARY 15, 1998.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.**



RE: PETITION FOR VARIANCE
1320 Hart Road, N/S Hart Road,
2675' from Derby Road
9th Election District, 6th Councilmanic

Paul & Denise Farace
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 98-246-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned 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.

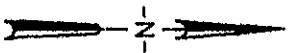
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of January, 1998, a copy of the foregoing Entry of Appearance was mailed to Timothy J. Lyng, P.E., 2204 Maryland Avenue, Baltimore, MD 21218, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

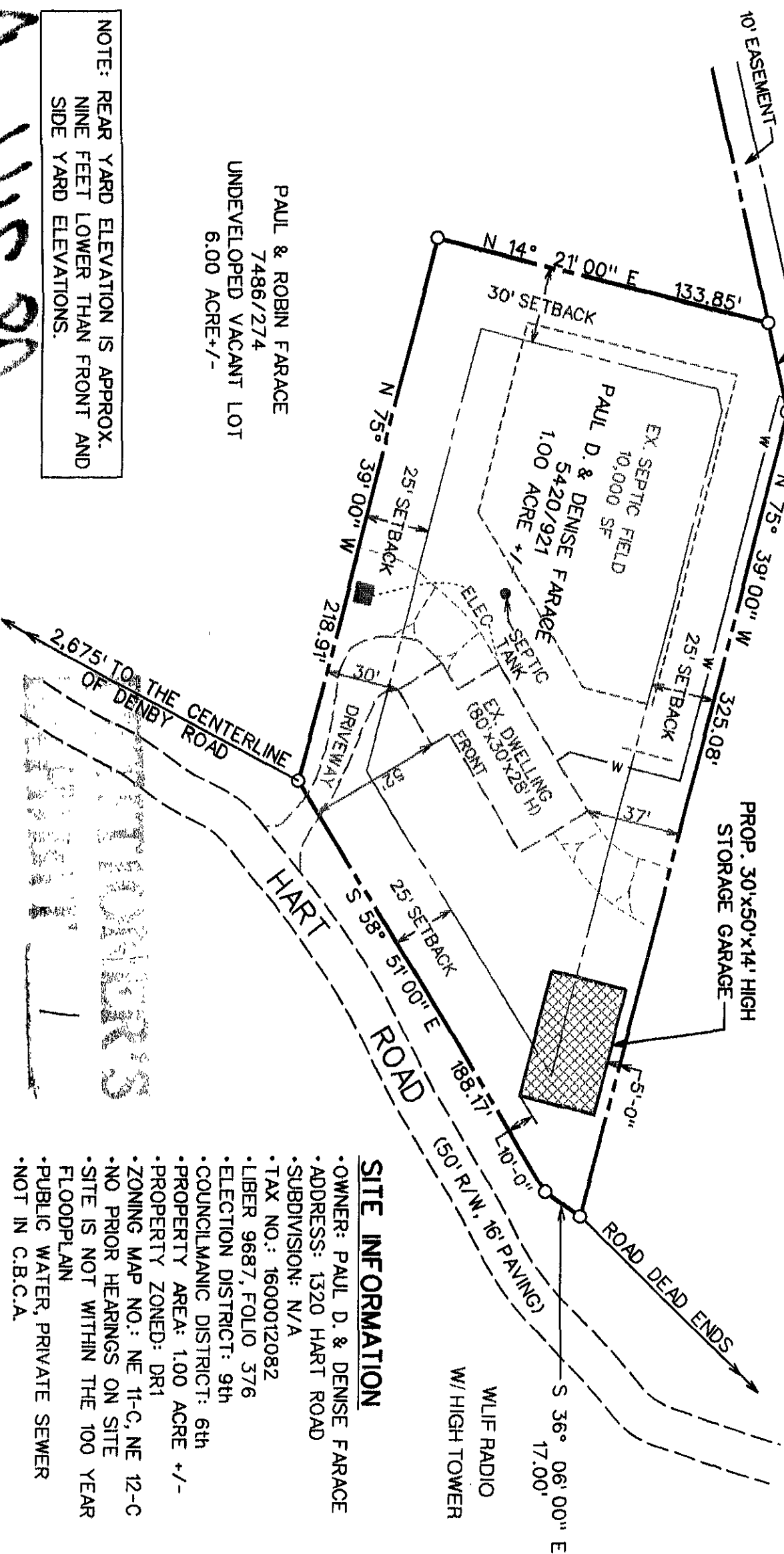
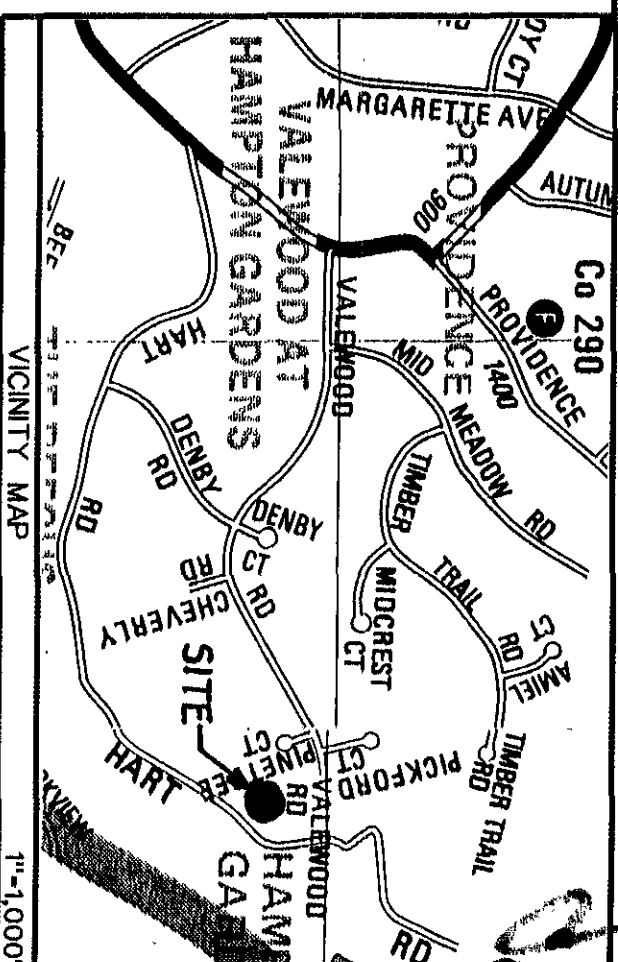


TOM & KELLY MURPHY
12231/577 LOT 10
.52 ACRES
(DWELLING OFF PLAT)

MD DEPT. NATURAL RESOURCES
9914/61
179.20 ACRES
(VACANT)

PAUL & ROBIN FARACE
7486/274
UNDEVELOPED VACANT LOT
6.00 ACRE +/-

NOTE: REAR YARD ELEVATION IS APPROX.
NINE FEET LOWER THAN FRONT AND
SIDE YARD ELEVATIONS.



SITE INFORMATION

- OWNER: PAUL D. & DENISE FARACE
- ADDRESS: 1320 HART ROAD
- SUBDIVISION: N/A
- TAX NO.: 1600012082
- LIBER 9687, FOLIO 376
- ELECTION DISTRICT: 9th
- COUNCILMANIC DISTRICT: 6th
- PROPERTY AREA: 1.00 ACRE +/-
- PROPERTY ZONED: DR1
- ZONING MAP NO.: NE 11-C, NE 12-C
- NO PRIOR HEARINGS ON SITE
- SITE IS NOT WITHIN THE 100 YEAR FLOODPLAIN
- PUBLIC WATER, PRIVATE SEWER
- NOT IN C.B.C.A.

SEAL:
TIMOTHY J. LYNG, P.E.
REGISTERED PROFESSIONAL ENGINEER
STATE OF MARYLAND
17883
TIMOTHY J. LYNG, P.E.

CLIENT:

PAUL DOUGLAS
AND DENISE
FARACE'S RESIDENCE

1320 HART ROAD
BALTIMORE, MD 21286

SHEET TITLE:

SITE PLAN
FOR
STORAGE GARAGE

DRAWN: JAH

DESIGN: JAH

CHECKED: T.J.L.

DATE: 12/12/97

PROJECT NO.:

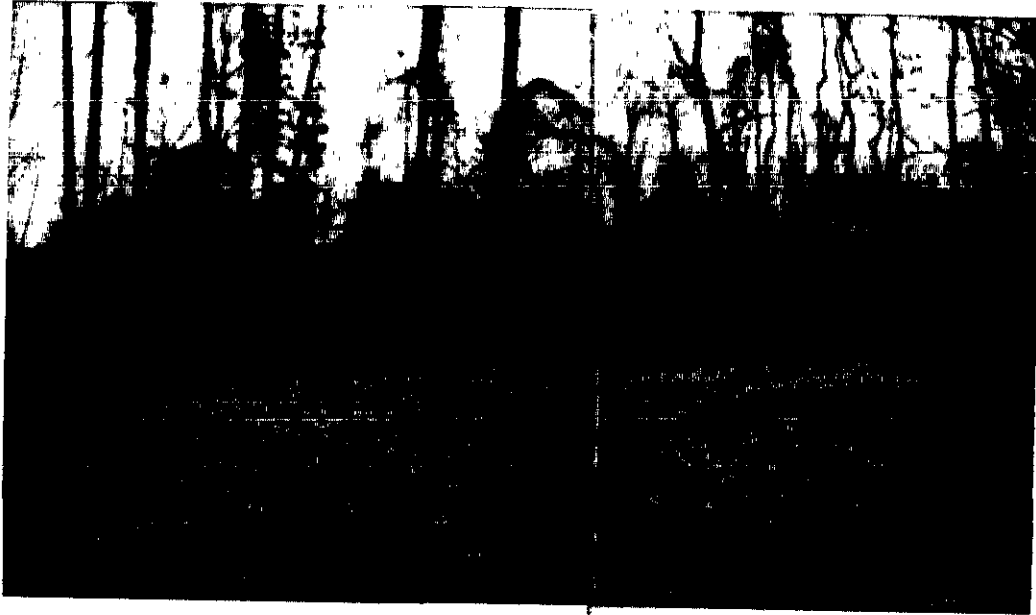
97.070

SCALE: 1"=50'-0"

2204 MARYLAND AVE., SUITE 300
BALTIMORE, MARYLAND 21218

PHONE: (410) 366-7300
FAX: (410) 366-7392

P.E. A. DESIGN, INC.
LANDSCAPE ARCHITECTS

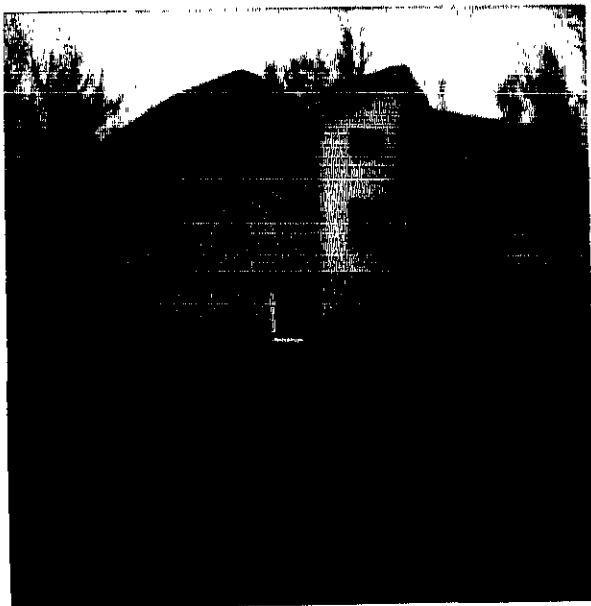


246-

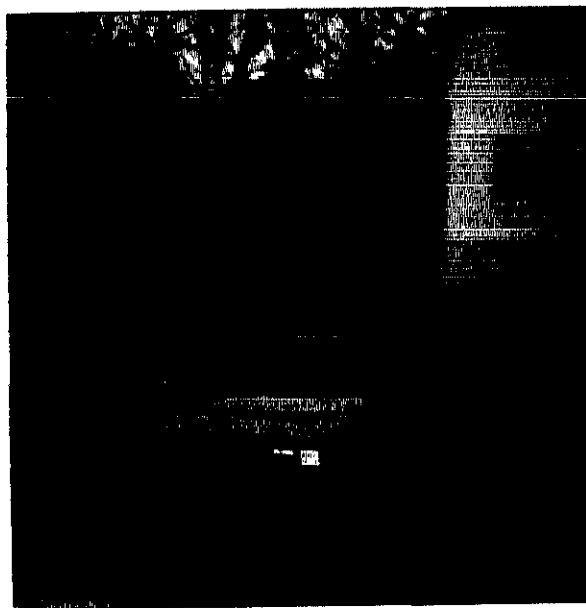


FRONT YARD - 246
 PROPOSED GARAGE
 TO BE ON LAWN NEXT
 TO TRUCK

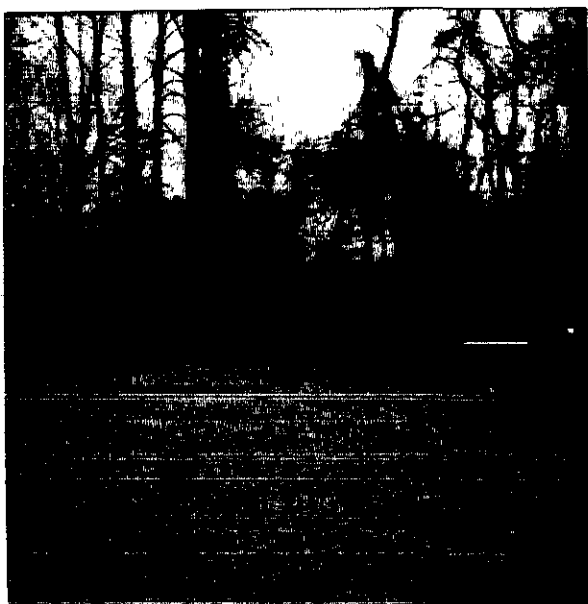
98-246-A



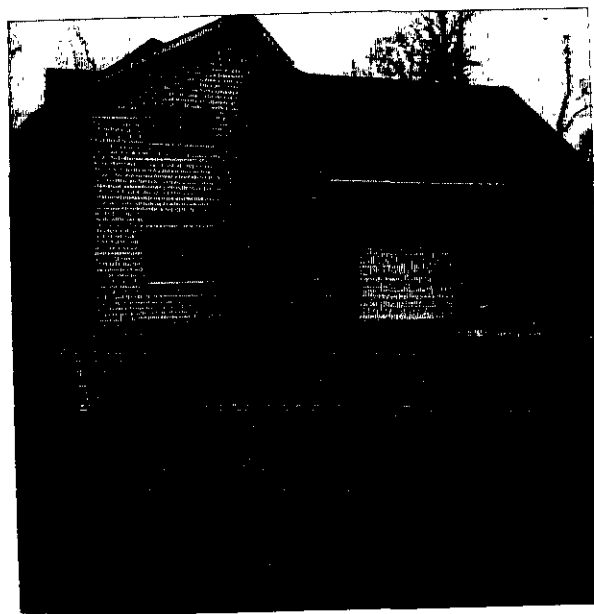
SIDE & REAR OF HOUSE
SHOWING SUTR. 246



SIDE OF HOUSE SHOWING
ELECTRIC BOX. 246



246



SIDE OF HOUSE
SHOWING SLOPE 246.

98-246-A