

IN RE: DEV. PLAN HEARING & PETITION * BEFORE THE
 FOR ZONING VARIANCE * HEARING OFFICER/ZONING
 NS of Superior Avenue, W of * COMMISSIONER
 Harford Road *
 Project: Superior Avenue *
 9th Election District * FOR BALTIMORE COUNTY
 6th Councilmanic District *
 Carlo & Felicia Schiattarella *
 c/o Charlie's Pizza, Applicant * Case Nos. XI-628 & 98-293-A
 Petitioner/Developer *
 9th IX-628

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND ORDER

This matter comes before the Zoning Commissioner/Hearing Officer as a combined public hearing, pursuant to Section 206.1 of the Baltimore County Code. The Applicants/Petitioners, Carlo & Felicia Schiattarella, seek approval of the Red Line development plan (Developer's Exhibit No. 1) for the subject property known as 2744 Superior Avenue. Variance relief is requested pursuant to a Petition for Variance for proposed lot #4. The variance requested is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory building in the front yard of the proposed lot 4 in lieu of the requirement that all accessory buildings be located in the rear yard and for said building to be 25 ft. in height, in lieu of the permitted 15 ft.

Review of the proposed development has followed the development review process as set forth in Title 26 of the Baltimore County Code. That process was instituted with the filing of a Concept Plan by the Developer and submitted to Baltimore County on or about March 3, 1997. Thereafter, a Community Input Meeting was conducted at the Pine Grove Middle School on June 2, 1997. The development plan was subsequently filed and a conference held thereon on March 4, 1998. The Hearing Officer's hearing was conducted in its entirety on March 27, 1998.

ORDER RECEIVED FOR FILMS
 4/1/98
 Date *[Signature]*
 By *[Signature]*

Appearing at that hearing were Carlo Schiattarella and B. Michael Piccione on behalf of the Developer. Also present was J. Scott Dallas, the surveyor who prepared the development plan. Appearing as an interested person was Daniel Hardisky who lives at 2742 Superior Avenue.

Also appearing at the hearing were representatives of the various Baltimore County agencies which evaluated the project. Among those testifying were Donald T. Rascoe, the Project Manager, Bob Bowling, Development Plans Review, within the Dept. of Permits and Development Management (PDM), Ron Goodwin, from the Bureau of Land Acquisition, Gayle Parker, from the Department of Environmental Protection and Resource Management (DEPRM), and Ervin McDaniel from the Office of Planning.

Testimony and evidence offered is that the subject property under consideration is approximately 1.284 acres in area, zoned D.R.5.5. The property is roughly rectangular in shape, with a "handle" which connects the western border of the property to Superior Avenue. The eastern property line abuts Northwind Road and access from the west is by of an existing macadam drive. The property is located in the Parkville community of Baltimore County. Originally, the property was subdivided into three lots under the minor subdivision process. Lots 2 and 3 have been developed. As shown on the plan, lot 2 has been improved with an existing dwelling which fronts Northwind Road and is known as 2829 Northwind Road. Lot 3 is improved with a dwelling known as 2831 Northwind Road. The third lot created by the subdivision (known as lot No. 1) occupies that portion of the property to the rear of the two existing dwellings described above. Lot 1 is .824 acres in area.

The Developer wishes to further subdivide the property so as to create two lots from existing lot 1. Thus, 4 lots will be created in total; which subjects the project to the Development Review Regulations

(Title 26 Baltimore County Code). The two new lots to be created will be known as lots 1 and 4. The plan shows the proposed building envelope for dwellings on both lots. Access to these lots will be by way of a private driveway which connects the property to Superior Avenue. The two new houses will bear Superior Avenue addresses.

Section 26-206 of the Baltimore County Code sets out the procedure which the Hearing Officer must follow at the Hearing Officer's hearing. The regulation requires that the Hearing Officer first identify any outstanding issues or unresolved agency comments. In this regard, the Developer indicated that there were no outstanding issues and that the plan met all County standards and requirements. The Developer's representation was corroborated by the County agency's representatives who were present. Messrs. Bowling and McDaniel indicated that their departments had no outstanding issues as did Ms. Parker on behalf of DEPRM. Mr. Goodwin on behalf of Land Acquisition noted that the plan should contain certain information about the County right of way; said addition was added to the plan at the hearing. Mr. Hardisky indicated that he had no opposition to the plan nor comment.

Based upon the mandatory direction set out in Section 26-206 of the Code, the Hearing Officer is required to approve a plan which meets all County standards. That is, in that there are no outstanding issues present, the plan must be approved. I, thereby, find that the plan is in compliance with all County standards, regulations and requirements.

Turning to the Petition for Variance, same is requested to legitimize the location and height of an existing garage. As shown on the development plan, proposed lot No. 4 contains an existing 22 x 28 ft. two story garage. Apparently, this garage has been on the site for many years. The Developer/Petitioner wishes to retain the garage for the future owner of

the lot 4. It is understood that the garage cannot be used for commercial purposes nor to support any dwelling unit.

In my judgment, the Petition for Variance should be granted. I am satisfied that the Developer/Petitioner has presented satisfactory evidence to comply with the requirements of Section 307 of the BCZR. The razing of the garage would be inappropriate and its retention is warranted.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the development plan consistent with the comments set forth above and shall so order; and the Petition for Variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of April 1998 that the development plan submitted in the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

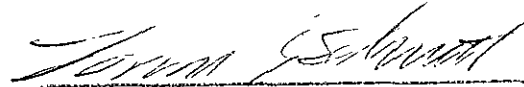
IT IS FURTHER ORDERED that a variance from Sections 400.1 and 400.3 of the BCZR to allow an accessory building in the front yard of the proposed lot 4, in lieu of the requirement that all accessory buildings be located in the rear yard, and for said building to be 25 ft. in height, in lieu of the permitted 15 ft., be and is hereby GRANTED, subject to the following restriction:

1. The Petitioner 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; also, the garage cannot be used for any commercial purposes; and,

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms,

conditions, and restrictions of this opinion and Order and/or the development plan comments.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn



Baltimore County
Zoning Commissioner
Office of Planning

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

March 31, 1998

Mr. and Mrs. Carlo Schiatarrella
9328 Waltham Woods Road
Baltimore, Maryland 21234

RE: Case Nos. XI-628 and 98-293-A
Development Plan Order and Petition for Variance
Legal Owners/Developer: Carlo Schiatarrella, et ux

Dear Mr. and Mrs. Schiatarrella:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Order has been approved, together with Petition for Variance.

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,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

c: Mr. J. Scott Dallas.
P.O. Box 26, Baldwin, Md. 21013

c: Mr. Don Rascoe, Project Manager, Office of Permits and Dev. Mge.

c: Other County agencies





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

Proposed Lot 4 - # 2744 Superior Avenue

which is presently zoned

DR 5.5

AND 400.3

This Petition shall be filed with the Department of Permits & 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 an accessory building in the front yard of proposed Lot 4 in lieu of the requirement for accessory buildings to be located only in the rear yard WITH A 25 FT. HEIGHT IN LIEU OF THE PERMITTED 15 FT HT. (JSD)

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

Garage exists and was in place prior to Mr. and Mrs. Schiattarella buying the property in 1995. Garage also was designated "to remain" on approved Minor Subdivision Plat 94011 M as approved by Z.A.D.M. 6-23-94. No new structures are proposed in violation of Sec. 400.1. Owners merely wish to leave existing garage in place WITH SAME HEIGHT, (JSD) FOR 400.3

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 Purchase/Lessee: SURVEYOR:

J. Scott Dallas, President

(Type or Print Name)

Signature

P.O. Box 26

13523 Long Green Pike

Address

Baldwin

MD

21013

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

(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):

Carlo Schiattarella

(Type or Print Name)

Signature

Felicia Schiattarella

(Type or Print Name)

Signature

C/O Charlie's Pizza

8818 North Plaza Mall

410-882-8070

Address

Phone No.

Baltimore

MD

21234

City

State

Zipcode

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

J. Scott Dallas

Name

P.O. Box 26

Baldwin, MD 21013

410-817-4600

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1HR

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY

DATE

2/5/98



Printed with Soybean Ink on Recycled Paper

Revised 9/5/95

SCHEDULE WITH H.O.H. FOR 2744 SUPERIOR AVE DON RASCOE IS D.M.

98-293-A

J. S. DALLAS, INC.

SURVEYING & ENGINEERING

13523 LONG GREEN PIKE

P.O. BOX 26

BALDWIN, MD 21013

(410) 817-4600

FAX (410) 817-4602

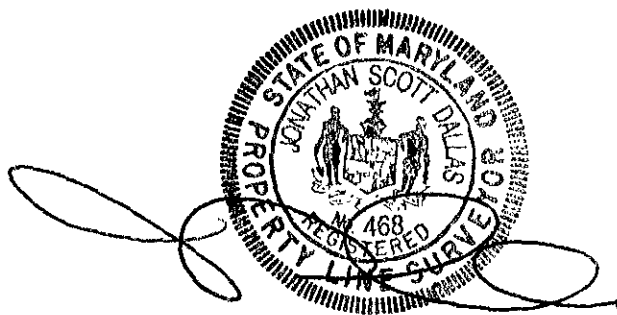
293

DESCRIPTION TO ACCOMPANY PETITION FOR ZONING VARIANCE - PROPOSED LOT 4 - # 2744 SUPERIOR AVENUE

BEGINNING for the same on the north side of Superior Avenue which is 50 feet wide at the distance of 318 feet, more or less east of the centerline of Turf Road which is 50 feet wide thence running with and binding on said north side of Superior Avenue (1) South 49 degrees 23 minutes 56 seconds East 19.00 feet thence leaving said Avenue and running (2) North 40 degrees 40 minutes 32 seconds East 114.90 feet thence (3) South 49 degrees 23 minutes 56 seconds East 40.21 feet thence (4) North 39 degrees 49 minutes 31 seconds East 205.04 feet thence running for new lines of division the four following courses and distances: (5) North 50 degrees 20 minutes 28 seconds West 75.00 feet (6) South 39 degrees 49 minutes 31 seconds West 155.00 feet (7) South 21 degrees 58 minutes 16 seconds West 51.51 feet and (8) South 40 degrees 40 minutes 32 seconds West 114.90 feet to the place of beginning.

CONTAINING 0.41 acres of land, more or less.

ALSO KNOWN AS # 2744 Superior Avenue and located in the 9th Election District 6th Councilmanic District.



98-293-A

THE
CITY OF NEW YORK
COUNTY OF NEW YORK

In SENATE,
January 10, 1906.

REPORT
OF THE
COMMISSIONER OF THE LAND OFFICE
IN ANSWER TO A RESOLUTION PASSED BY THE SENATE
MAY 17, 1899,

PUBLISHED BY THE STATE PRINTING OFFICE.
ALBANY, N.Y.: 1906.

ACCOUNT ROCK

ACCOUNT

DATE: _____

AMOUNT	DATE	DESCRIPTION
\$ 50.00		

AMOUNT

RECEIVED
FROM: JS-DALLAS

FOR: RV FICULT 10-29

98-293-A

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

CASHIER'S VALIDATION

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.: 98-293-A

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

PLACE: *

DATE AND TIME: *

REQUEST: TO PERMIT AN EXISTING ACCESSORY STRUCTURE WITH A 25 FT
HEIGHT TO BE LOCATED IN THE FRONT YARD IN LIEU OF HAVING A
MAXIMUM 15 FT HEIGHT AND BEING LOCATED IN 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

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor 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, DIRECTOR

For newspaper advertising:

Item No.: 293

Petitioner: CARLO & FELICIA SCHIATTARELLA

Location: LOT 4 2744 SUPERIOR AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

NAME: CARLO SCHIATTARELLA

ADDRESS: C/O CHARLIE'S PIZZA
8818 NORTH PLAZA MALL
BALT. MD. 21234

PHONE NUMBER: 410 887 8070

AJ:ggs

48-293-A

TO: PATUXENT PUBLISHING COMPANY
March 12, 1998 Issue - Jeffersonian

Please forward billing to:

Carlo Schiattarella
c/o Charlie's Pizza
8818 North Plaza Mall
Baltimore, MD 21234

410-887-8070

NOTICE OF ZONING 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: 98-293-A
2744 Superior Avenue
N/S Superior Avenue, 318' E of Turf Road
9th Election District - 6th Councilmanic District
Legal Owner: Carlo & Felicia Schiattarella

Variance to allow an accessory building in the front yard of proposed Lot 4 in lieu of the requirement for accessory buildings to be located only in the rear yard with a 25-foot height in lieu of the permitted 15-foot height.

HEARING: Friday, March 27, 1998 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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.



Baltimore County
Department of Permits and
Development Management

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

February 13, 1998

NOTICE OF ZONING 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:

HEARING OFFICERS HEARING

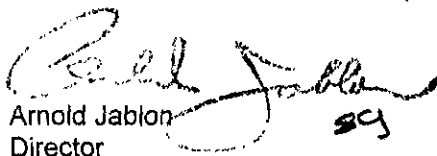
Project Name: 2744 Superior Road
Project Number: 09-628
Location: N/S Superior Road, W of Harford Road
Acres: .94
Developer: Carlo & Felicia Schiattarella, c/o Charles Pizza
Engineer: J.S. Dallas, Inc.
Proposal: 2 New SFDs, 2 Existing

*****AND*****

CASE NUMBER: 98-293-A
2744 Superior Avenue
N/S Superior Avenue, 318' E of Turf Road
9th Election District - 6th Councilmanic District
Legal Owner: Carlo & Felicia Schiattarella

Variance to allow an accessory building in the front yard of proposed Lot 4 in lieu of the requirement for accessory buildings to be located only in the rear yard with a 25-foot height in lieu of the permitted 15-foot height.

HEARING: Friday, March 27, 1998 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue


Arnold Jablon
Director

c: J. Scott Dallas
Felicia & Carlo Schiattarella

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 12, 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.





Baltimore County
Department of Permits and
Development Management

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

March 18, 1998

J. Scott Dallas
P. O. Box 26
Baldwin, MD 21013

RE: Item No.: 293
Case No.: 98-293-A
Petitioner: Carlo and Felicia Schiattarella

Dear Mr. Dallas:

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 February 5, 1998.

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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in cursive script, reading "W. Carl Richards, Jr.", followed by a large flourish.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: February 23, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

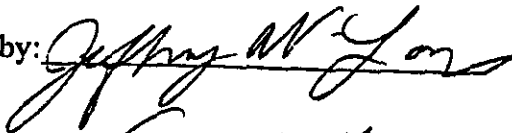
SUBJECT: Zoning Advisory Petitions

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

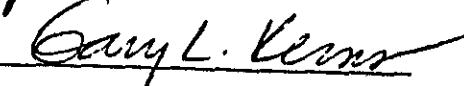
Item No. 287, 292, and 293

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:



Division Chief:



AFK/JL



Baltimore County
Fire Department

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

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEBRUARY 17, 1998

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.

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

286, 289, 292, 293, 295, 296, AND 297

REVIEWER: LT. ROBERT P. SAUERWALD

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

cc: File



B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: February 24, 1998

FROM:  Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for February 23, 1998
 Item Nos. 287, 289, 292, 293, 294,
 296, 297, and 298

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0223.NOC

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 2/20/98

FROM: R. Bruce Seeley *RBS/gy*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Feb, 23, 98

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

Item #'s: 293

RBS:sp

BRUCE2/DEPRM/TXTSBP

RE: DEVELOPMENT PLAN HEARING	*	BEFORE THE
PETITION FOR SPECIAL HEARING		
2744 SUPERIOR AVENUE, N/S of Superior	*	ZONING COMMISSIONER
Avenue, W of Harford Rd., Proposed 2 new	*	
single family dwellings, 2 existing,	*	OF BALTIMORE COUNTY
on 0.94 acres		
2744 Superior Avenue, N/S Superior Ave.,	*	
318' E of Turf Road, 9th Election		
District, 6th Councilmanic	*	PROJECT NO. IX-628
Developers/Legal Owners: Carlo and	*	CASE NO. 98-293-A
Felicia Schiattarella	*	

* * * * *

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 13th day of March, 1997, a copy of the foregoing Entry of Appearance was mailed J. Scott Dallas, P.O. Box 26, Baldwin, MD 21013, representative for Developers/Legal Owners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Maryland Department of Transportation
State Highway Administration

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 2/13/98
Item No. 293

JLL

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,

for

Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

98- -293-A

1X-628

Bowling - no outstanding

McDaniel - ~~no~~ no

Parker - no issue

Goodman Put co R/W

-

No issues.

~~no issues~~

no objection -

**NOTICE OF HEARING
RE: VARIANCE**

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Case #98-293-A

2744 Superior Avenue
NW Superior Avenue, 318 E
of Turf Road

9th Election District

6th Councilmanic District

Legal Owner(s):

Carlo & Felicia Schietharla

Variance to allow an accessory building in the front yard of proposed Lot 4 in lieu of the requirement for accessory buildings to be located only in the rear yard with a 25-foot height in lieu of the permitted 15-foot height.

Hearing: Friday, March 27, 1998 at 8:00 a.m., in Room 106, County Office Building, 111 West Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are special accommodations for Handicapped Accessible, for Please Call (410) 887-3853.
(2) For information concerning the file and/or Hearing, Please Call (410) 887-3891.

3/120 March 12 C212823

CERTIFICATE OF PUBLICATION

TOWSON, MD., 3/12, 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 3/12, 1998.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

A. H. Erickson

Appearing at that hearing were Carlo Schiattarella and B. Michael Piccione on behalf of the Developer. Also present was J. Scott Dallas, the surveyor who prepared the development plan. Appearing as an interested person was Daniel Hardisky who lives at 2742 Superior Avenue.

Also appearing at the hearing were representatives of the various Baltimore County agencies which evaluated the project. Among those testifying were Donald T. Rascoe, the Project Manager, Bob Bowling, Development Plans Review, within the Dept. of Permits and Development Management (PDM), Ron Goodwin, from the Bureau of Land Acquisition, Gayle Parker, from the Department of Environmental Protection and Resource Management (DEPRM), and Ervin McDaniel from the Office of Planning.

Testimony and evidence offered is that the subject property under consideration is approximately 1.284 acres in area, zoned D.R.5.5. The property is roughly rectangular in shape, with a "handle" which connects the western border of the property to Superior Avenue. The eastern property line abuts Northwind Road and access from the west is by of an existing macadam drive. The property is located in the Parkville community of Baltimore County. Originally, the property was subdivided into three lots under the minor subdivision process. Lots 2 and 3 have been developed. As shown on the plan, lot 2 has been improved with an existing dwelling which fronts Northwind Road and is known as 2829 Northwind Road. Lot 3 is improved with a dwelling known as 2831 Northwind Road. The third lot created by the subdivision (known as lot No. 1) occupies that portion of the property to the rear of the two existing dwellings described above. Lot 1 is .824 acres in area.

The Developer wishes to further subdivide the property so as to create two lots from existing lot 1. Thus, 4 lots will be created in total; which subjects the project to the Development Review Regulations

the lot 4. It is understood that the garage cannot be used for commercial purposes nor to support any dwelling unit.

In my judgment, the Petition for Variance should be granted. I am satisfied that the Developer/Petitioner has presented satisfactory evidence to comply with the requirements of Section 307 of the BCZR. The razing of the garage would be inappropriate and its retention is warranted.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the development plan consistent with the comments set forth above and shall so order; and the Petition for Variance shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of April 1998 that the development plan submitted in the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that a variance from Sections 400.1 and 400.3 of the BCZR to allow an accessory building in the front yard of the proposed lot 4, in lieu of the requirement that all accessory buildings be located in the rear yard, and for said building to be 25 ft. in height, in lieu of the permitted 15 ft., be and is hereby GRANTED, subject to the following restriction:

1. The Petitioner 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; also, the garage cannot be used for any commercial purposes; and,

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms,