

IN RE: PETITION FOR VARIANCE	* BEFORE THE
E/S Manor Road, 168 ft. E of the	
Inters. Manor Rd. & Echo Valley Rd.	* ZONING COMMISSIONER
11911 Manor Road	
11 th Election District	* OF BALTIMORE COUNTY
6th Councilmanic District	
Ermanno Florio, Petitioner	* Case No. 99-304-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for a Variance for the property located at 11911 Manor Road in Glen Arm. The Petition was filed by Ermanno Florio, property owner. Variance relief is requested from the requirements of Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (BCZR), to allow a house to be constructed within 15 ft. of the southwest (side) property line, in lieu of the required 50 ft., and to amend the minor subdivision plan for "Manor Road", lot 2B (96-031-M). The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case were Ermanno Florio, property owner, and Lois Florio, his wife. Also present were Thomas and Linda Wilder, potential purchasers of the subject property. There were no Protestants or other interested persons present.

The subject property at issue (lot 2B) was formerly part of a tract which was approved as a minor subdivision under matter No. 96-031-M. That original tract was slightly over three acres in area, zoned R.C.5. Through the minor subdivision process, the property was divided into two lots, thereafter known as lots 2A and 2B. The subject Petition relates only to lot 2B. Lot 2B is 1.546 acres in area.

Mr. Florio presently owns lot No. 2B, which is unimproved. He proposes selling the lot to Mr. and Mrs. Wilder who will construct a single family dwelling thereon. The site plan submitted shows the location of the proposed house. Due to the unusual configuration of the lot, the house will be located 15 ft. from a side property line, in lieu of the 50 ft. required.

The Bureau of Developer's Plans Review opined that the owner (Mr. Florio) must obtain written permission to burden Smith Lane to provide access to this dwelling. There is no evidence in the record before me as to whether Mr. Florio enjoys the right to access lot 2B from Smith Lane. Assuming that he does, such verification should be reviewed during the building permit process. The Petitioner must supply such information to the Bureau of Developer's Plans Review before a building permit can be issued.

Finally, a comment from the Fire Department indicates that a 16 ft. wide lane of a hard surface capable of supporting emergency apparatus should be provided. The site plan shows that Smith Lane is 16 ft. wide. Again, prior to the issuance of a building permit, the Petitioner shall satisfy the Fire Department that appropriate access is provided or that a waiver from that requirement is justified.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of April 1999, that the Petition for a Zoning Variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (BCZR), to allow a house to be constructed within 15 ft. of the southwest (side) property line, in lieu of the required 50 ft., and to amend the minor subdivision plan for "Manor Road", lot 2B (96-031-M), be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired.
2. The ZAC comments from DEPRM dated March 4, 1999, the Baltimore County Fire Department, dated March 11, 1999, and Developer's Plans Review, dated March 19, 1999 are adopted in their entirety and made a part of this Order (copies attached hereto). The Petitioner shall satisfy those comments prior to the issuance of any building permit and/or obtain a waiver of those requirements from those agencies.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: March 4, 1999

TO: Arnold Jablon
FROM: R. Bruce Seeley *ARS/yf*
SUBJECT: Zoning Item #304

Ermuno Florio - Manor Road

Zoning Advisory Committee Meeting of February 22, 1999

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X GWM: The proposed house must be a minimum of 30 feet from the well.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: March 19, 1999

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for February 29, 1999
Item No. 304

The Bureau of Development Plans Review has reviewed the subject zoning item. Before this variance is granted, the owner must obtain written permission to burden Smith Lane, the 16-foot-wide access drive to Manor Road shown on the recorded plat SM68, Folio 107, "Alice Smith". Each individual property owner fronting on the private drive must agree to Lot 2B's access.

RWB:HJO:jrb

cc: File

ZONE0229.304