

IN RE: PETITION FOR ADMIN. VARIANCE

S/S E. Joppa Road, 425' W

C/I Bowline Road

11th Election District

5th Councilmanic District

(4701 E. Joppa Road)

Peter & Michelle Pollione

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 00-206-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by Peter & Michelle Pollione, property owners, for that property known as 4701 E. Joppa Road in the Perry Hall area of Baltimore County. The Petitioners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an addition with a rear yard setback of 26 ft. in lieu of the minimum required 30 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative 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.

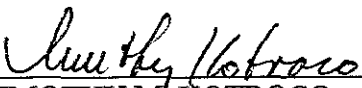
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion 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.

ORDERED FOR FILING
12/21/99
BY [Signature]

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 Deputy Zoning Commissioner for Baltimore County this 21st day of December, 1999, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an addition with a rear yard setback of 26 ft. in lieu of the minimum required 30 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 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 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:raj

RECEIVED FOR FILING
12/21/99
BY: R. Spencar



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

December 20, 1999

Mr. & Mrs. Peter Pollione
4701 E. Joppa Road
Baltimore, Maryland 21236

Re: Petition for Administrative Variance
Case No. 00-206-A
Property: 4701 E. Joppa Road

Dear Mr. & Mrs. Pollione:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

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 from the date of the Order to the Department of Permits & Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. Tom Albrecht
213 New York Avenue
Pasadena, MD 21122

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4701 E. Joppa Road
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and 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) 1, B, 2, 3, C, D-CZR

To Allow and Addition with A POOL AND SETBACK OF
20' IN LIEU OF THE MINIMUM REQUIRED 30'

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Pollione, Peter
Name - Type or Print _____
Peter Pollione
Signature _____
Pollione, Michelle
Name - Type or Print _____
Michelle Pollione
Signature _____
4701 E. Joppa Rd 410-529-1272
Address Telephone No. _____
Baltimore, Maryland 21236
City State Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Representative to be Contacted:

Tom Albrecht (Contractor)
Name _____
213 New York Ave 410-360-7703
Address Telephone No. _____
Pasadena, Maryland 21122
City State Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-206-A

Reviewed By JRF Date 11/15/99

REC'D 9/15/98

Estimated Posting Date 11/28/99

12/21/99

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 4701 E. Joppa Road
Address
Baltimore, Maryland 21236
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):

Due to an in-law moving into our residence (my wife's mother) we need additional space to give her an area she can call her own. Unfortunately our additions dimensions are 17'x21' which puts us only 4 foot over the rear setback. Our house is on approximately a 3/4 of an acre lot but situated closer to the rear. It is our feeling that this 4 foot over the required set back will pose no hardships with any of our neighbors, in fact no structures will be any closer then 100foot. Thank you for your considering our variance.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

x Peter Pollione
Signature
PETER POLLIONE
Name - Type or Print

x Michelle Pollione
Signature
Michelle Pollione
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of November, 1999, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared .

Peter Pollione and Michelle Pollione
the Affiant(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

11/9/99
Date

Fran Nichols
Notary Public

FRAN NICHOLS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 1, 2000

Zoning Description

00-206-A

ZONING DESCRIPTION FOR 4701 EAST SORGA RD

BEGINNING AT A POINT ON THE SOUTH SIDE OF EAST SORGA ROAD
WHICH IS 60 WIDE AT THE DISTANCE OF 425 FEET WEST OF
THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET
WHICH IS DOWLINE RD WHICH IS 50' FEET WIDE
BEING LOT # 2 BLOCK - SECTION - IN SUBDIVISION OF
MINOR SUBDIVISION EXHIBIT "B"
CONTAINING 27, 878.4 SQUARE FEET ALSO KNOWN AS 4701 E SORGA RD
AND LOCATED IN THE 11 ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

206

CERTIFICATE OF POSTING

RE: CASE # 00-206-A
PETITIONER/DEVELOPER
[Peter Pollione]
DATE OF Closing
(Dec. 13, 1999)

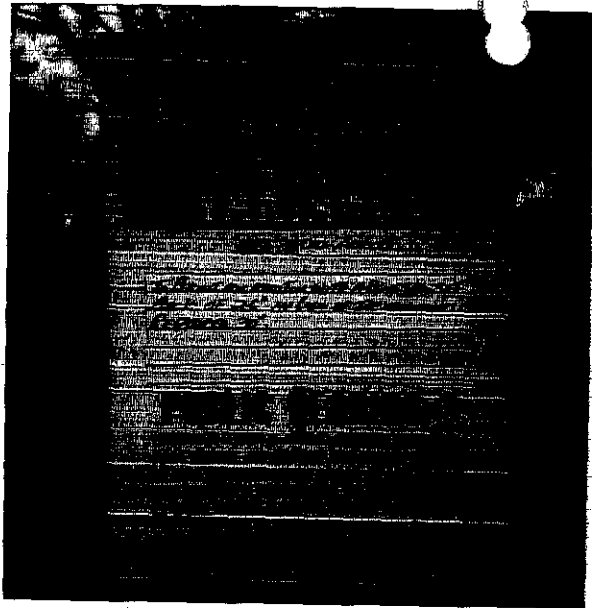
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
4701 East Joppa Road Baltimore, Maryland 21128—

The sign(s) were posted on 11-26-99
[Month, Day, Year]



Sincerely,

Thomas P. Ogle, Sr. 11/26/99
(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr.

325 Nicholson Road

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 206 -A Address 4701 E. Joppa Rd.

Contact Person: Jun R. Fernando Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11-15-99 Posting Date: 11-28-99 Closing Date: 12-13-99

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He 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 of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing 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.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 00- 206 -A Address 4701 E. Joppa Rd.

Petitioner's Name Peter & Michelle Pollione Telephone _____

Posting Date: 11-28-99 Closing Date: 12-13-99

Wording for Sign: To Permit an addition with a rear yard setback of 26' in lieu of the minimum required 30'.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 206

Petitioner: Pollione Peter / Michelle

Address or Location: 4701 EAST SOPPA RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: TOM ALBRECHT

Address: 213 NEW YORK AVE PASADENA MD 21227

Telephone Number: 410 360 7703



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 17, 1999

Mr. Tom Albrecht
213 New York Avenue
Pasadena, Maryland 21122

Dear Mr. Albrecht:

RE: Case Number 00-206-A , 4701 Joppa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 11/28/99.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosures

c: Peter & Michelle Pollione



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

I N T E R O F F I C E C O R R E S P O N D E N C E

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

Date: December 10, 1999

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

RECEIVED JAN 06 2000

SUBJECT: Zoning Advisory Committee Meeting
 for December 6, 1999
 Item Nos. 206, 207, 209, 210, 211,
 212, 213, 217, and 218

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

December 17, 1999

RECEIVED JAN 06 2000

~~Department of Permits and~~
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: See Below

Item No.: 206, 208, 209, 210, 212, 214, 215, 218

Dear Ms. Stephens:

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.

The Fire Marshal's Office has no comments at this time.

Cc: file



AV
12/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: December 13, 1999

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

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):

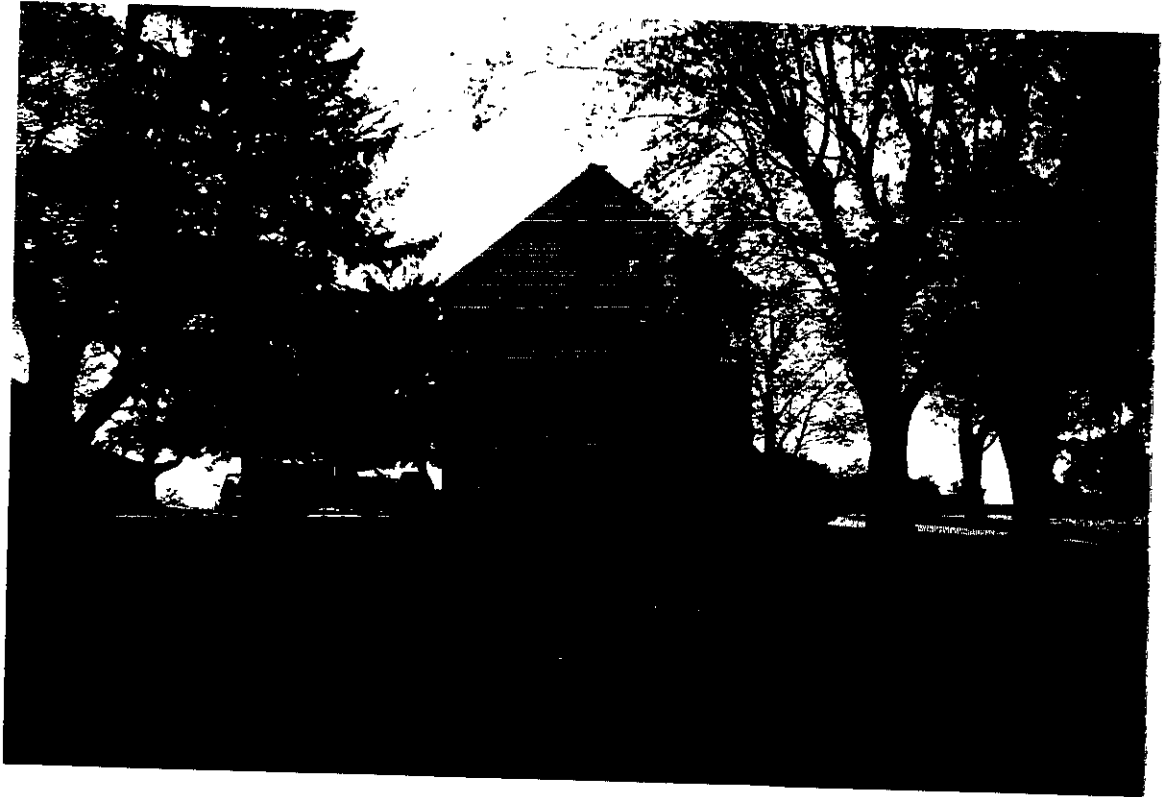
Item No(s): 206

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



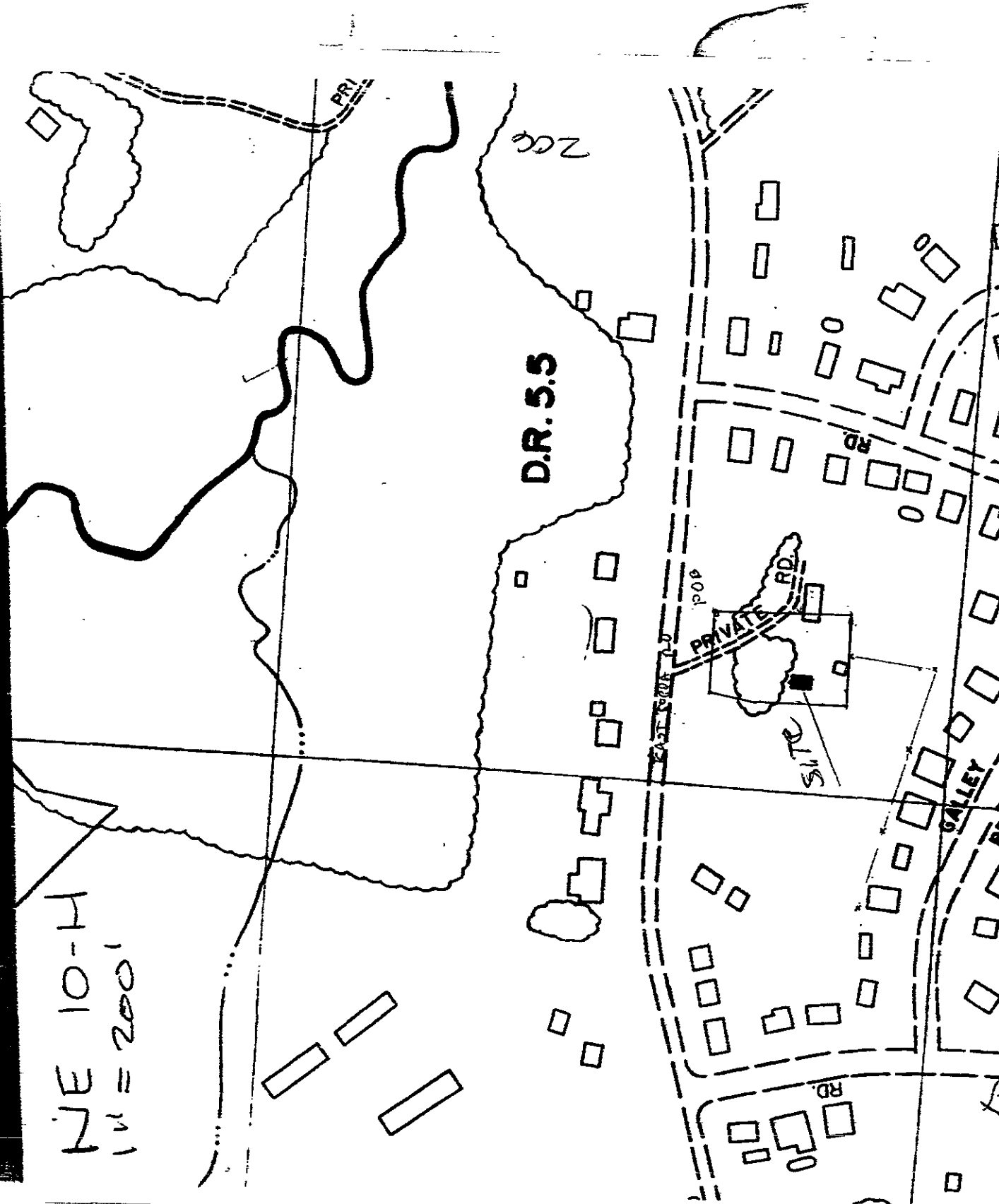
Front Yard



Rear Yard & Proposed Location
of the addition.

00-206-A

00-206-A



NE 10-H
1/4 = 200'

Plat to accompany Petition for Zoning Variance Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

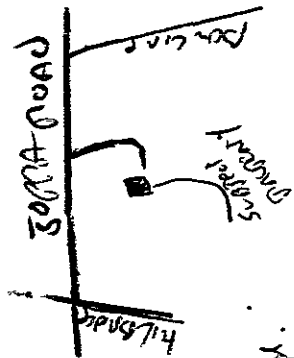
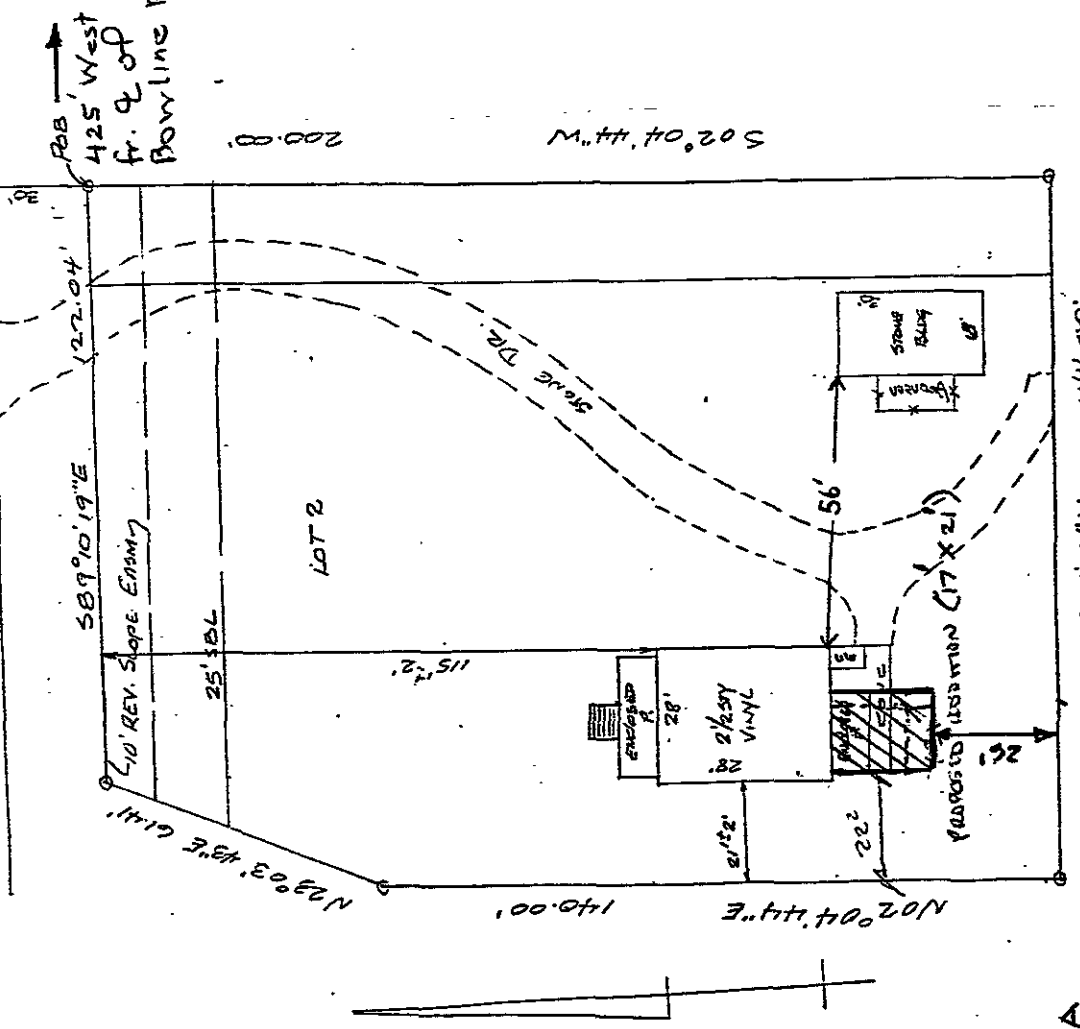
PROPERTY ADDRESS: 4701 EAST 300A RD

Subdivision name: MINOR SUBDIVISION EXHIBIT B

plat book# _____, lot# 2, section# _____

OWNER: Peter & Michelle Rollione 2 JUPPER RD 7

60' R/W



Vicinity Map
North
scale: 1"=1000'

LOCATION INFORMATION

Election District: 11
 Councilmatic District: 5
 1"=200' scale map#: NE 10-H
 Zoning: OR 55
 Lot size: 0.64 acreage 27,878.4 square feet

public private
 SEWER:
 WATER:
 Chesapeake Bay Critical Area:
 Prior Zoning Hearings: None

Zoning Office USE ONLY!

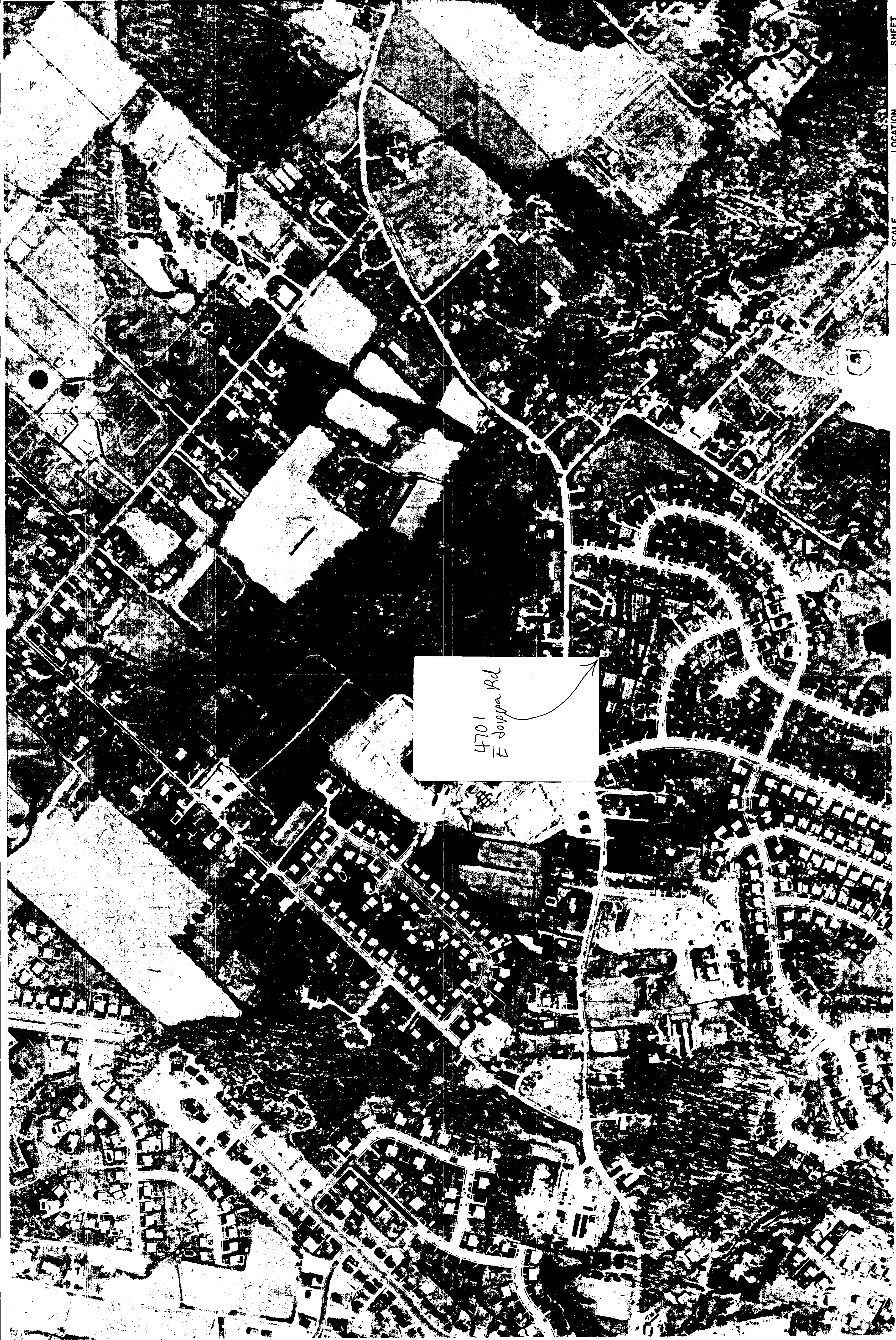
reviewed by: JRF ITEM #: 200 CASE#: 00-206-A



North
 date: 11/15/99
 prepared by: TJA

Scale = 1" = 40'

PET. EX. #1



4701
E Joppa Rd

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
PERRY HALL
VICINITY

SHEET
#2047A NE
10-H

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **075709**

DATE 11-15-99 ACCOUNT 2-001-0150

AMOUNT \$ 50.00

RECEIVED FROM: Albrecht Prop.
1001 E. Japan Rd. ITEM # 206
FOR: C.O. - Variance Taken by: JRF

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION