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IN RE: PETITION FOR VARIANCE E/S Pond View Lane, 624' N centerline of Hayfields Road 8th Election District 3rd Councilmanic District (505 Pond View Lane, Lot 26)

> Hayfields, Inc., Legal Owner and Robert Gatusso, Contract Purchaser Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 00-517-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Hayfields, Inc. and the contract purchaser, Robert Gatusso. The petition was prepared and filed by Joseph C. LaVerghetta, attorney representing the Petitioner. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1.121 acres, more or less, zoned RC 4. The subject property is unimproved at this time. The Petitioner is desirous of constructing a single-family home on the property. In order to take full advantage of the vistas and views offered by the subject property, a variance is requested to allow some flexibility in the siting of the house. Therefore, the Petitioner is requesting a variance from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a setback from the RC 2 zone line of 40 ft. in lieu of the required 100 ft.

The Petitioner has submitted a site plan into evidence which depicts the lot in question and the proposed location of the house. After considering the testimony and evidence offered at the hearing, the lack of opposition from any party and the approval of the various County reviewing agencies, I find that the Petitioner's request for variance should be granted.

TO THE YES FOR FILING

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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 property which is the subject of this 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 relief 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 after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 24 day of July, 2000, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a setback from the RC 2 zone line of 40 ft. in lieu of the required 100 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 his 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

NO TAYON FOR FILING



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

Fax: 410-887-3468

July 24, 2000

Joseph C. LaVerghetta, Esquire Commercial Contractors, Inc. 1205 York Road Lutherville, Maryland 21093

> Re: Petition for Variance Case No. 00-517-A

> > Property: 505 Pond View Lane, Lot 26

Dear Mr. LaVerghetta:

Enclosed please find the decision rendered in the above-captioned case. The Petition for 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 and 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, Luufky Wobroco

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

c: Mr. Louis Mangione 1205 York Road Lutherville, MD-21093 Mr. Robert Gattuso 404 Fox Chapel Drive Timonium, MD 21093



ethion for Variance to the Zoning Commissioner of Baltimore County

for the property l	ocated at	505	Pond	View	Lane	(Lot26)
	which is p							

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.

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)

1A03.4.B.2 - to permit a serveck from the R12 district of AO feet

in ties of the required 100 feet, is the 100 foot setrack applies

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

The unique and unusual shape and topography or the lot and the location of the septic area causes the setrack provisions of the zoning regulations to impact the subject property in a way that is different tron other experties and more unstable. As a result, there are practical dufficulties and hardships in being unable to have a fully functional rear yard in an area of development that envisions such a use.

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.

Contract Purchaser/Les	see:		Legal Owner(s):	
Robert Cattuso Name - Type of Print	v #	7	Name Type or Plat Will Amg	
Signature) 9/			Signature	
404 Fox Chapel Drive			Louis Mangione	
Address		Telephone No.	Name - Type or Print	
Timonium,	MD	21093		
City	State	Zip Cade	Signature	
Attorney For Petitioner:	ı		1215 York Road	(410) 825-8400
*	•		Address	Telephone No.
Joseph C. Laverghett	a. Attorn	A v	Lutherville,	MD 21093
Name - Type or Print	0//	•	City	State Zip Code
Carple de	[d] AS	3	Representative to be Cont.	acted:
Skehatrie	my m		MCDICOCINGBIC TO DO COM	
Connercial Contracto	Tric.	-	Joseph C. LaVerghetta.	Artornev
Company			Name	
120 York Road	1.0	.10) 825–84 <u>00</u>	1205 York Road	(410) 825-8400
Address		Telephone No.	Address	Telepnone No.
Lutherville	MD	21093	Lutherville, M	D 21093
City III P S	State	Zip Code	City	State Zip Code
			OFFICE USE	
Case No. 200 - 5	7 A		ESTIMATED LENGTH OF H	EARING
		•	UNAVAILABLE FOR HEARII	VG
2012			Reviewed By	Date 6-5-00
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Ö Ö Ö				

ZONING DESCRIPTION for 505 Pond View Lane

Beginning at a point on the East side of Pond View Lane which is 40 feet wide at the distance of 624 feet North of the centerline of the nearest improved intersecting street Hayfields Road which is 50 feet wide. Being Lot No. 26 in the subdivision of Hayfields Manor as recorded in Baltimore County Plat Book No. 72, Folio No. 4, containing 1.121 acres. Also known as 505 Pond View Lane and located in the 8th Election District, 3rd Councilmanic District.





No. 683231	PALL MULTEL INC. 606/200 6/05/200 08:44:09 6206/200 6/05/200 08:44:09	CR NO. OSCIST. Description of the control of the creation of	100.00 CK . On the Ballyman Country, Maryland	A. LIA	 CASHIER'S VALIDATION ಗಿಮ್ಮಾಡಿಯ ಪ್ರವಾಣಗಳಿಗೆ ಸಂಪತ್ತಿ
	LANF 5/7	ACCOUNT	NO NO	Let. 2 &	IER PINK - AGENCY VELLOW - CUSTOMER

CERTIFICATE OF PUBLICATION

The Zoning Commissions of Baltimore County, by authority of the Zoning Act, and Regulations of Baltimore County, by the Zoning Act, and Regulations of Baltimore County, by the Zoning Lay and Lay and

THIS IS TO CERTIFY, that the annexed advertisement was

TOWSON, MD, __

published in THE JEFFERSONIAN, a weekly newspaper published in

Towson, Baltimore County, Md., once in each of.

weeks, the first publication appearing on _

successive

ڰ

THE JEFFERSONIAN,

LEGAL ADVERTISING). Williams

CERTIFICATE OF POSTING

RE Case No 00-517-A Petitioner/Developer GATTUS

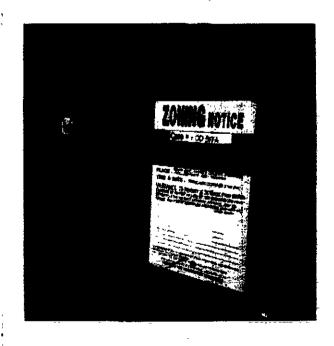
Date of Hearing/Closing 7/21/00

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 perjury that the necessary sign(s) required by law were posted conspicuously on the property located at #505 POND VIEW LA. The sign(s) were posted on



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)

RE: PETITION FOR VARIANCE 505 Pond View Lane, E/S Pond View Ln, 624' N of c/l Hayfields Rd 8th Election District, 3rd Councilmanic

Legal Owner: Hayfields, Inc.

Contract Purchaser: Robert Gattuso

Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 00-517-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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Peter Alay Zimmeimas

proleS. Demilio

ter Mary Tinnerman

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

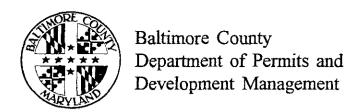
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of July, 2000 a copy of the foregoing Entry of Appearance was mailed to Joseph C. LaVerghetta, Esq., 1205 York Road, Suite 39C, Lutherville, MD 21093, attorney for Petitioner(s).

PETER MAX ZIMMERMAN



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

June 20, 2000

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: 00-517-A 505 Pond View Lane (Lot 26)

E/S Pond View Lane, 624' N of c/l Hayfields Road 8th Election District – 3rd Councilmanic District

Legal Owner(s): Hayfields, Inc.

Contract Purchaser(s): Robert Gattuso

HEARING: FRIDAY, JULY 21, 2000 at 2:00 p.m. in Room 407 County Courts

Building, 401 Bosley Avenue, Towson MD 21204.

Variance to permit a setback from the R.C.2 district of 40 feet in lieu of the required 100 foot setback, if the 100 foot setback applies and to amend the FDP of Hayfields Manor.

Arnold Jabion

Director

C: Robert Gattuso, 404 Fox Chapel Drive, Timonium MD 21093

Joseph C. LaVerghetta, Esq., Commercial Contractors, Inc., 1205 York Road, Lutherville MD 21093.

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 6, 2000.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY June 26, 2000 Issue – Jeffersonian

Please forward billing to:
Joseph LaVerghetta, Esq.
1205 York Road
Lutherville MD 21093
410-825-8400

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: 00-517-A
505 Pond View Lane (Lot 26)
E/S Pond View Lane, 624' N of c/l Hayfields Road
8th Election District – 3rd Councilmanic District
Legal Owner(s): Hayfields, Inc.
Contract Purchaser(s): Robert Gattuso

HEARING: FRIDAY, JULY 21, 2000 at 2:00 p.m. in Room 407 County Courts

Building, 401 Bosley Avenue, Towson MD 21204.

Variance to permit a setback from the R.C.2 district of 40 feet in lieu of the required 100 foot setback, if the 100 foot setback applies and to amend the FDP of Hayfields Manor.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

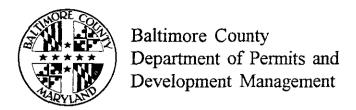
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign 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:
Petitioner: R GATIVSO
Address or Location: 505 Pond View Ma LANE
PLEASE FORWARD ADVERTISING BILL TO:
Name: Joseph Laverghetta, ATTY.
Address: 1205 YORK Ro.
Lutterville, Md. 21093
Telephone Number: (410) 825 -8400

Revised 2/20/98 - SCJ



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

July 11, 2000

Mr. Joseph Laverghetta Commercial Contractors, Inc. 1205 York Road Lutherville, MD 21093

Dear Mr. Laverghetta:

RE: Case Number 00-517-A:,

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 6/05/00.

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. As of this date, we have not received any comments from any of these agencies.

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr. Zoning Supervisor Zoning Review

WCR:rsj

c: Louis Mangiore Robert Gattuso

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: July 17, 2000

TO:

Arnold Jabion, Director

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 3, 2000

Item Nos. 516, 517, 518, 519, 520, 521, 522, 523, 524, 526, 527, 528, 529, 530, 531, 532, 534, 535, 536, 537, 538, 540, 541, and 543

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

RWB:HIO:jrb

cc: File



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

June 29, 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

Location: DISTRIBUTION MEETING OF June 26, 2000

Item No.: See Below

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.

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

516, 543, 518, 519, 522, 524, 525, 526, 527, 528, 529, 530, 531, 533, 535, 536, 537, 538, 539, 540, 541, 543,

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

10:		Arnold Jablon
FROM:		R. Bruce Seeley My
DATE:		July 25, 2000
SUBJEC	T:	Zoning Item #517 505 Pond View Lane
Z	oning	Advisory Committee Meeting of June 26, 2000
		partment of Environmental Protection and Resource Management has no nts on the above-referenced zoning item.
aı	n exte	partment of Environmental Protection and Resource Management requests asion for the review of the above-referenced zoning item to determine the which environmental regulations apply to the site.
		partment of Environmental Protection and Resource Management offers owing 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).
_		Agricultural Preservation: This request may be approved because this RC2 zoned property is in use as a golf course not because of practical difficulties. There are no practical difficulties as the subdivision was designed in this manner.

Reviewer: Wally Lippincott Date: July 5, 2000

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 10, 2000

Department of Permits and' Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case(s) 516, 517, 518, 520, 522, 527, 528,

530, 541, 545, 549 and 550.

The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/JL:MAC

STUART D. KAPLOW, P.A.

ATTURNEYS AT LAW

15 FAST CHENAPEARE AVENUE
TOWSON, MARYLAND 21286-5306
TILLEPHONE 410 339-3910
FACEMILE 410-339 3912
FAMIL STUKAFLOWGROULUM

YIUAKI D. KAPLOW

Seprember 13, 1999

Vio Facsimile 410 792 4694 Richard B. Talkin, Esquite 9175 Guilford Koad, Suite 301 Columbia, MD 21046-1851

Re: Huyfields lot variances

Dear Mr Talkin:

As we discussed, the second two petitions for variance for the residential lots at Hayfields were filed, utilizing the County's expedited filing process, on Soptomber 9th. All four petitions and the requisite submittals have now been received by the Department of Permits and Development Management.

I amicipate receiving notice of a heating date in very short order. The young lady who schedules hearings of these types was out the end of last week and did not return to the office today. Given the "informality" of our submittals, she may have some constitute that need to be addressed prior to the assing commissioner hearing.

I think it necessary and proper that we discuss the issue of the Development Plan and the Final Development Plan (FDP). The Development Plan is the development approval that was subject to the hearing ufficer's hearing. And the FDP is a zoning decument that depicts compliance with the zoning regulations. Obviously I was not involved with the enrier approvals for this project, but upon a cursory review it appears that both the building envelopes and house locations were described on both of those documents. Variances from the zoning regulations, as we have sought, do not in and of themselves after or amend either a previously approved Development Plan or FDP. As I understand the posture of the approvals (i.e., an amended FDP was approved on August 30th), we should seek relief, from the Development Review Committee, approving a minor smendment to the Development Plan and FDP.

A healthy and happy new year and when you get a chance, give me a call.

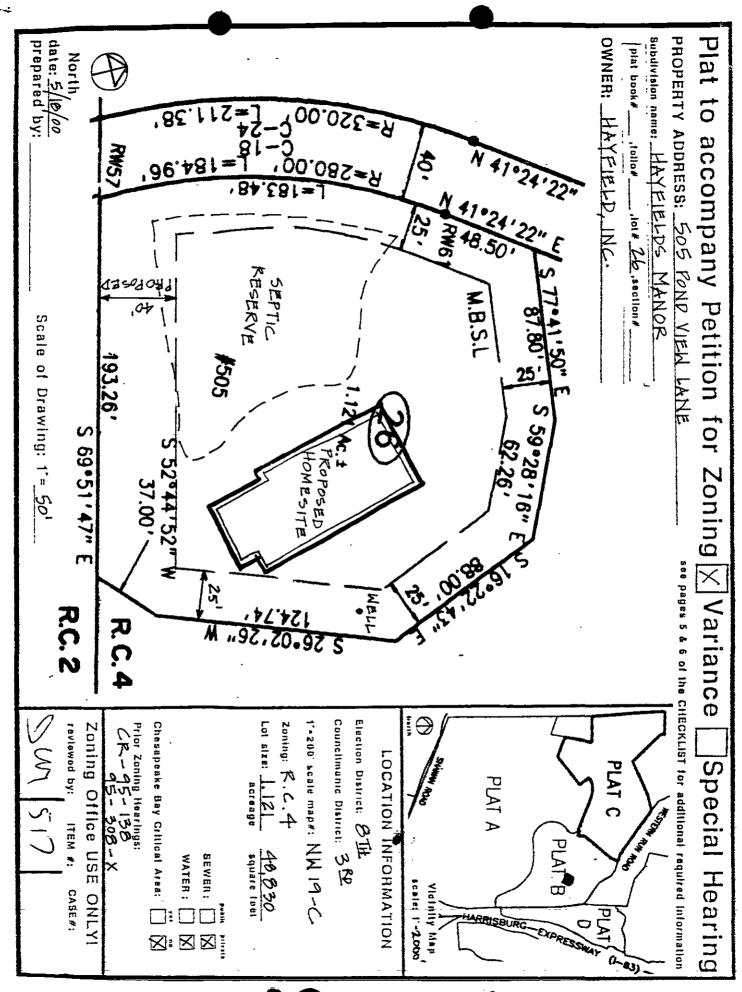
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Hinri D. Kaplow

SDK:tbm

00-517-A



00-517-A

