

IN RE: PETITION FOR VARIANCE
SEC Gibbons Boulevard
And Monroe Street
8th Election District
4th Councilmanic District
(9 Gibbons Boulevard)

Fatemeh Falahi
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-456-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 owner of the subject property, Fatemeh Falahi. The Petitioner is requesting a variance for property she owns at 9 Gibbons Boulevard. The property is zoned DR 3.5. The variance request is from Sections 303.1 and 1B02.3.C.1 & 2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow the construction of a single-family dwelling with a front yard setback of 31.5 ft. and a side yard street building line setback of 15 ft. in lieu of the required front average of 36.5 and 30 ft. respectively.

Appearing at the hearing on behalf of the variance request was Vince Moskunas, professional engineer who prepared the site plan of the property. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 11,556 sq. ft. more or less, zoned DR 3.5. The subject property is located at the southeast corner of the intersection of Gibbons Boulevard and Monroe Street in Cockeysville. The subject lot is unimproved at this time. The Petitioner is desirous of constructing a single-family dwelling on the lot as shown on Petitioner's Exhibit No. 1, the site plan. In order to proceed with the construction of the dwelling, the variance request is necessary.

COPIES FOR FILING
Date 7/6/01
By: [Signature]

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and her 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 6th day of July, 2001, by this Deputy Zoning Commissioner, that the variance requested by Petitioner, pursuant to Sections 303.1 and 1B02.3.C.1 & 2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow the construction of a single-family dwelling with a front yard setback of 31.5 ft. and a side yard street building line setback of 15 ft. in lieu of the required front average of 36.5 and 30 ft.

1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

TMK:raj

3



Baltimore County
Zoning Commissioner

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

July 6, 2001

Vince Moskunas, P.E.
Site Rite Surveying, Inc.
200 E. Joppa Road, Room 101
Towson, Maryland 21286

Re: Petition for Variance
Case No. 01-456-A
Property: 9 Gibbons Boulevard

Dear Mr. Moskunas:

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,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Ms. Fatemeh Falahi
11 Gibbons Boulevard
Cockeysville, MD 21030





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9 Gibbons Boulevard

which is presently zoned D.R. 3.5

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) 303.1, 1802.3.C.1 & 2 (BCZP)

TO PERMIT A SINGLE FAMILY DWELLING TO HAVE A FRONT YARD SETBACK OF 31.5' AND A SIDE YARD/STREET BUILDING LINE SETBACK OF 15' IN LIEU OF THE REQUIRED FRONT AVERAGED 36.5' AND 30' RESPECTIVELY.

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

1. The architectural design has an attached garage which increases the size of the building, need two (2) off street parking ~~street~~ spaces.
2. Because of the sharp angle of the side street the width of the property is greatly reduced at the rear of the house; for each 10' back, lose 4'.
3. The size of the house is necessary to accommodate the size of the family.

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:

Fatemeh Felechi

Name - Type or Print

☒ Fatemeh Felechi

Signature

11 Gibbons Blvd. 410-666-0075

Address

Cockeysville MD 21030

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

State

Zip Code

Legal Owner(s):

Fatemeh Felechi

Name - Type or Print

☒ Fatemeh Felechi

Signature

11 Gibbons Blvd. 410-666-0075

Name - Type or Print

Cockeysville, MD 21030

Signature

11 Gibbons Blvd. 410-666-0075

Address

Cockeysville, MD 21030

City

State

Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc.

Bernadette L. Moskunas

Name 200 E. Joppa Road

Room 101

410-828-9060

Address

Towson, MD 21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By LM Date 4/26/01

Case No. 01-456-A

REV 9/15/98

ZONING DESCRIPTION FOR #9 GIBBONS BOULEVARD

BEGINNING at a point on the south side of Gibbons Boulevard which is 40' wide at the distance of 52' east of Monroe Street which is 40' wide. Being part of lots 1 through 6 in the subdivision of "Timonium Heights" as recorded in Baltimore County Plat Book #7, folio 15, containing 0.265 of an acre, more or less. Also known as #9 Gibbons Boulevard and located in the 8th. Election District, 4th. Councilmanic District.



J. Tilghman Downey, Jr.

456

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 92967

DATE 4/26/01 ACCOUNT 2001 006 6150

AMOUNT \$ 50.00

RECEIVED
FROM:

ST F. FALLAHI

FOR:

DI Zoning VARIANCE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
4/26/2001 4/26/2001 11:22:53

REG 4503 CASHIER LWIL LDW DRYMER 3
>> RECEIPT # 180786 OFLN

Det 5 528 ZONING VERIFICATION
CR NO. 092967

Recpt Tot 50.00
50.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

**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: #01-456-A
9 Gibbons Boulevard
SE/Cor. Gibbons Blvd &
Monroe Street
8th Election District
4th Councilmanic District
Legal Owner(s): Fatemeh
Falahi

Variance: to permit front yard setback of 31.5 feet and a side yard/street building line setback of 15 feet in lieu of the required averaged 36.5 feet and 30 feet respectively.

Hearing: Thursday, June 28, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations 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.

JT/6/686 June12 0474449

CERTIFICATE OF PUBLICATION

6/14, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/12, 2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson
LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 01-456-A

Petitioner/Developer: _____

FATEMEH FALAH

Date of Hearing/Closing: JUNE 28, 2001

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 _____

9 GIBBONS BOULEVARD

The sign(s) were posted on JUNE 12, 2001
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

SPEED
LIMIT
25
CHECKED
BY RADAR

ZONING NOTICE
CASE # 01-456-A

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

PLACE: BLDG - 401 BOSLEY AVENUE
DATE AND TIME: THURSDAY, JUNE 28, 2001
REQUEST: VARIANCE TO PERMIT FRONT
YARD SETBACK OF 31.5 FEET AND A
SIDE YARD/STREET BUILDING LINE SETBACK
OF 15 FEET IN LIEU OF THE REQUIRED
AVERAGE 36.5 FEET AND 30 FEET RESPECTIVELY

PREPARED BY: [illegible]
DATE: [illegible]

ZONING NOTICE

CASE # 01-456-A

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

ROOM 407, COUNTY COURTS

PLACE: BLDG - 401 BOSLEY AVENUE

DATE AND TIME: THURSDAY, JUNE 28, 2001
AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT FRONT
YARD SETBACK OF 31.5 FEET AND A
SIDE YARD/STREET BUILDING LINE SETBACK
OF 15 FEET IN LIEU OF THE REQUIRED
AVERAGE 36.5 FEET AND 30 FEET RESPECTIVELY

PREPARED BY: [illegible]
DATE: [illegible]

IF YOU CANNOT ATTEND THE HEARING, YOU MAY REQUEST A DELEGATE TO REPRESENT YOU.
TO CONFIRM HEARING CALL 410-338-3381

RECEIVED

JUN 13 2001

PLANNING AND
ZONING DEPT

**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: 01-456-A

Petitioner: Fatemeh Falahi

Address or Location: 9 Gibbons Boulevard
Cockeysville, MD 21030

PLEASE FORWARD ADVERTISING BILL TO:

Name: Fatemeh Falahi

Address: 11 Gibbons Boulevard
Cockeysville, MD 21030

Telephone Number: (410) 666-0075

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

May 23, 2001

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: 01-456-A
9 Gibbons Boulevard
SE/Cor. Gibbons Blvd & Monroe Street
8th Election District – 4th Councilmanic District
Legal Owner: Fatemeh Falahi

Variance to permit front yard setback of 31.5 feet and a side yard/street building line setback of 15 feet in lieu of the required averaged 36.5 feet and 30 feet respectively.

HEARING: Thursday, June 28, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon GDD
Director

C: Fatemeh Falahi, 11 Gibbons Boulevard, Cockeysville 21030
Bernadette L Moskunus, Site Rite Surveying Inc, 200 E Joppa Road,
Room 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 13, 2001.**
(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
Tuesday, June 12, 2001 Issue – Jeffersonian

Please forward billing to:
Fatemeh Falahi
11 Gibbons Boulevard
Cockeysville MD 21030

410 666-0075

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: 01-456-A
9 Gibbons Boulevard
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HEARING: Thursday, June 28, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G02
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.



Baltimore County
Department of Permits and
Development Management

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

June 22, 2001

Fatemeh Falahi
11 Gibbons Boulevard
Cockeysville MD 21030

Dear Mr. Falahi:

RE: Case Number: 01-456-A, 9 Gibbons Boulevard

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 26, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning & Community Conservation	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

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.
GDZ

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Bernadette L Moskunus, Site Rite Surveying Inc, 200 E Joppa Road,
Room 101, Towson 21286
People's Counsel



LCS
6/28

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 4, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-465 & 456

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For 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:

Mark A. Cunningham

Section Chief:

Jeffrey W. Long

AFK/JL:MAC

RE: PETITION FOR VARIANCE
9 Gibbons Boulevard, SE/cor Gibbons
Blvd & Monroe St
8th Election District, 4th Councilmanic

Legal Owner: Fatemeh Falahi
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-456-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



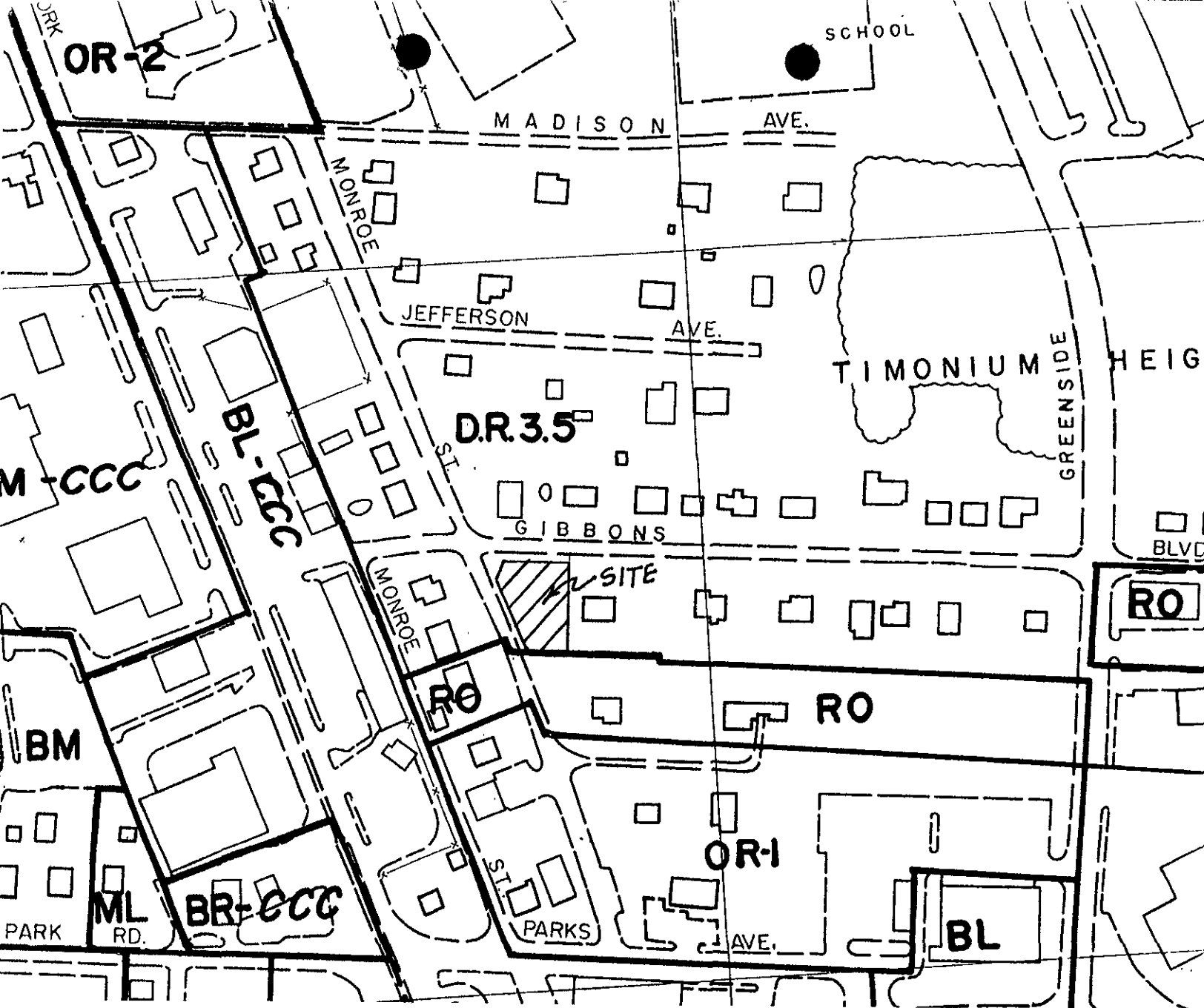
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of June, 2001 a copy of the foregoing Entry of Appearance was mailed to Bernadette L. Moskunus, Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioners.



PETER MAX ZIMMERMAN



200' SCALE MAP: ZONING
#9 GIBBONS BOULEVARD
BALTIMORE COUNTY

NW 15 A

#456

