IN RE: PETITIONS FOR SPECIAL HEARING

AND VARIANCE

N/S Catalpa Road, 340' SE Celtis Court

11th Election District

6th Councilmanic District

(6408 Catalpa Road)

Altieri Enterprises, Inc.

Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 01-488-SPHA

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance to allow an existing single-family dwelling to have a side yard setback of 27 ft. in lieu of the required 50 ft. and Special Hearing relief to approve the Final Development Plan of "Brintonwood", Section B, Lot 24.

Appearing at the hearing on behalf of the requests were G. Dwight Little, professional engineer with Little & Associates, the engineering firm who prepared the site plan of the property and Howard L. Alderman., attorney at law, representing the Petitioner. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of these requests, consists of 1.08 acres, more or less, zoned RC 5. The subject property is located on the north side of Catalpa Road in the subdivision known as Brintonwood. The property is currently improved with a new single-family residential dwelling. As a result of an error in staking out the subject property, the home which has been constructed is situated 27 ft. from the side property line. It should be noted that a storm water management access strip is located on the side of this dwelling where the variance is being requested. This affords an additional 20 ft. area of land from the existing house to the nearest neighbor's property line. In essence, the setback distance

Date 1/25/6/ By Mill frouts between this house and the adjacent property owner's lot is actually 47 ft. After considering the testimony and evidence offered at the hearing, I find that the variance to allow the existing single-family dwelling to be situated 27 ft. from the side property line in lieu of the required 50 ft. should be granted. Furthermore, the special hearing relief to amend the Final Development Plan of Brintonwood should also be granted.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to 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).

Pursuant to the advertisement, posting of the property and public hearing held on the Petition and for the reasons given above, I believe that the special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25 day of July, 2001, that the Petitioner's request for variance, to allow an existing single-family dwelling to have a side yard setback of 27 ft. in lieu of the required 50 ft. and request for special hearing relief, to approve the Final Development Plan of "Brintonwood", Section B, Lot 24, be and are hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCC

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 7/85/0/
By 16. Amurra



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

Fax: 410-887-3468

July 25, 2001

Howard L. Alderman, Jr., Esquire Levin & Gann 502 Washington Avenue, 8<sup>th</sup> Floor Towson, Maryland 21204

Re: Petition for Special Hearing & Variance

Case No.: 01-488-SPHA
Property: 6408 Catalpa Road

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above-captioned case. The petitions for special hearing and variance have 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: G. Dwight Little, P.E. c/o Little & Associates, Inc. 1045 Taylor Avenue, Suite 100 Towson, MD 21286

Altieri Enterprises, Inc. c/o Greig G. Altieri, Vice-President 9077 Red Branch Road Columbia, MD 21045



ORDER RECEIVED, FOR FILING

## Petition for Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at 6408 Catalpa Rd
which is presently zoned RC-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, le owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto a made a part hereof, hereby petition for a Variance from Section(s)

IA04.3B2 (BCZR) to permit an existing single family dwelling (under construction) with a side yard set back of 27 feet in lieu of the required 50 feet, and to amend the Final Development Plan of Brintonwood Section B, Lot 24. of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indical hardship or practical difficulty)

To be discussed at the Hearing

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 zon regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			I/We do solemnly declare perjury, that I/we are the k is the subject of this Petition	egal owner(s) of the	he penalties of a property which
Contract Purchaser/Lessee:			Legal Owner(s):		
Name - Type or Print			Altieri Enterpr Namm - Type or Print	ises, Inc.	
Signatura	**************************************		Signature Greix G. Alv	tiari via	PRESIDENT
Address		Telephone No.	Name - Type of Print	# - 0	11251170301
City	State	Zip Code /	Signature	AVIL	<del></del>
Attorney For Petit	ioner:		9017 Red Branch	Rd. 410.	- 715 - 4500 Telephone
Howard Alderm	an	_	Columbia	MD	21045
Name Type or Prior Signature	Weder of		Chy  Representative to be G. Dwight Littl	Siste e Contacted: le, Jr.	Zo C
Levin & Gann			c/o W. Duvall 8	Assoc., I	nc.
502 Washingto	n Ave. 8th F	1.321-0600	Name 530 E. Joppa Ro	410	- <b>583</b> -9571
Address		Telephone No.	Address		Telephone /
Jowson	MD	21204	Baltimore	MD State	21286
Sta	State	Zip Code	City		ZQ CC
<i>(</i> ) .			OFFICE USE ONLY		
Case No. 01-488-SPHA		ESTIMATED LENGTH	I OF HEARING		
	760-3111/7		UNAVAILABLE FOR I	HEARING Date	
REV 915198					

#### W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners



530 East Joppa Road Towson, Maryland 21286

Telephone: (410) 583-9571 Fax: (410) 583-1513

APRIL 10, 2001

## ZONING DESCRIPTION FOR #6408 CATALPA ROAD

Beginning at a point on the north side of Catalpa Road, which is 40' feet wide, at the distance of 340 feet southeast of the nearest improved intersecting street, Celtis Court which is 40 feet wide. Being lot No. 24 in the subdivison of "Brintonwood Section B" as recorded in Baltimore County Plat No.69 folio 65, containing 1.080 acres. Also known as # 6408 Catalpa Road and located in the 11th Election District, 6th Councilmanic District.

MISCELLANEOUS RECEIPT	PAYALIP ACHAL YIME	,
DATE 5/17/01 ACCOUNT R-001-006-6150	1717/2001 5/17/2001 09:58:32 1811 NOOS GAGHTER NSTE NES BRANCR 5 18 CLIPT II 21,488 OFLN 1907 5 520 28NISG VERIFICATION UK 10. 092889	
RECEIVED N. DUVALL & ASSOCIALES A-	February Tot 100.00 CA Religions Counts - Haryland	
FORE Javiance & Special Heaving	• • • • • • • • • • • • • • • • • • • •	
DISTRIBUTION WHITE CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION	

#### NOTICE OF ZONING HEARING OF THE

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:

6408 Catalipa Road
N/S Catalipa Road
N/S Catalipa Road;
340' SE Ceffis Court The Zoning Commissioner

Celtis Court 11th Election District 6th Councilmanic District Legal Owner(s): Greig G.

Altieri, Altieri Enterposes, Inc.
Special Hearing & Variance: to permit an existing single tamily dwelling (under construction) with a side yard setback of 27 feet in lieu of the required 50 feet, and to amend the final development plan of Brintonwood Section B, Lot 24. Hearing: Tuesday, July 24, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E..SCHMIDT

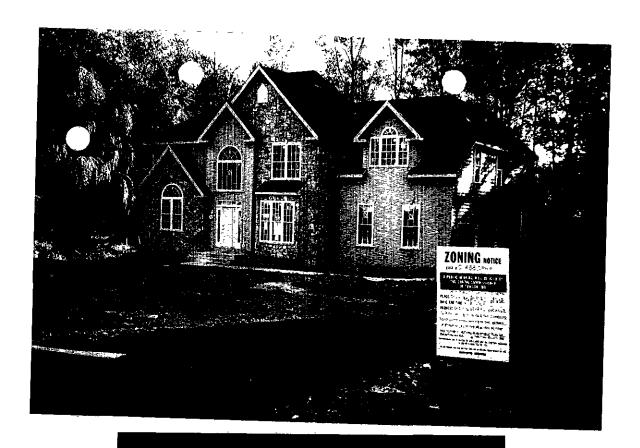
LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Zoning Commissioner's Office at

(410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/7/651 July 10 C480361

#### **CERTIFICATE OF PUBLICATION**

7/12/2001		
THIS IS TO CERTIFY, that the annexed advertisement was published		
in the following weekly newspaper published in Baltimore County, Md.,		
once in each ofsuccessive weeks, the first publication appearing on		
☑ The Jeffersonian		
☐ Arbutus Times		
☐ Catonsville Times		
☐ Towson Times		
Owings Mills Times		
☐ NE Booster/Reporter		
☐ North County News		
S. WUKINST.		



# ZONING NOTICE

CASE # 01-488-SPHA

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

ROOM 407, COUNTY COURTS

PLACE: BLDG., 401 BOSLEY AVENUE TUESDAY, JULY 24, 2001

REQUEST: SPECIAL HEARING & VARIANCE

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING

(UNDER CONSTRUCTION) WITH A SIDE YARD SCTBACK

OF 27 FEST IN LIEU OF THE REQUIRED 50 FEST

BRILLTON WOOD - SECTION B, LOT 24

MANUALE MALTO MELTORE ON OTHER COMMITTONS ALL COMETINES RECESSARY

LA COMPTON REARING CALL ACCESSORY

NOT AND POST UPTIC BAY SECURING DARRECTHASTY OF LAW E-HAMBICAPPID ACT (1861

### CERTIFICATE OF POSTING

<i>*</i> *	RE: Case No.: 01-488-SPNA
	Petitioner/Developer:  GREICH G. ALTIERI  ALTIERI ENTERPRISES, INC.
	Date of Hearing/Closing: July 24, 700
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:	•
The sign(s) were posted on JULY	ECTIS COURT
	(Month, Day, Year)
	Sincercly,
	(Signature of Sign Poster and Date)  (276)266(1) (Printed Name)
	BACTIMONE, MD. 2177
	(City, State, Zip Code) (4)10) (24.72-4/26.3
7G	(Telephone Number)

RECEIVED

JUL 1 0 2001

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

## 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: 01-488-SPHA				
Petitioner: ALTIERI ENTER PRISES INC				
Address or Location: 6408 CATALPA ROAD				
PLEASE FORWARD ADVERTISING BILL TO:				
Name: W. DUVALL & ASSOC. INC				
Address: 530 E. JOPPA ROAD				
Towson MD ZIZBG				
Telephone Number: 410 583-9571				

TO: PATUXENT PUBLISHING COMPANY Tuesday, July 10, 2001Issue – Jeffersonian

Please forward billing to:

W. Duvall & Assoc Inc G. Dwight Little Jr 530 E Joppa Road Towson MD 21286

410 583-9571

#### 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: 01-488-SPHA 6408 Catalpa Road N/S Catalpa Road, 340' SE Celtis Court 11<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District Legal Owner: Greig G Altieri, Altieri Enterprises Inc

<u>Special Hearing & Variance</u> to permit an existing single family dwelling (under construction) with a side yard setback of 27 feet in lieu of the required 50 feet, and to amend the final development plan of Brintonwood Section B, Lot 24.

HEARING: Tuesday, July 24, 2001 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

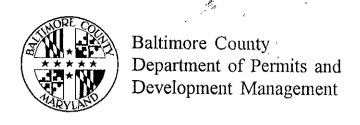
LAWRENCE E. SCHMIDT GD2

awrence 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.



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

Fax: 410-887-5708

June 13, 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: 01-488-SPHA 6408 Catalpa Road N/S Catalpa Road, 340' SE Celtis Court 11<sup>th</sup> Election District — 6<sup>th</sup> Councilmanic District Legal Owner: Greig G Altieri, Altieri Enterprises Inc

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HEARING: Tuesday, July 24, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

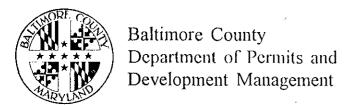
Arnold Jablon らりし Director

C: Howard Alderman, Levin & Gann, 502 Washington Ave, 8<sup>th</sup> Flr, Towson 21204 Greig G Altieri, Altieri Enterprises Inc, 9017 Red Branch Rd, Columbia 21045 G. Dwight Little Jr, W. Duvall & Assoc Inc, 530 E Joppa Rd, Baltimore 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 9, 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.



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

July 20, 2001

Howard L Alderman Levin & Gann 502 Washington Avenue 8<sup>th</sup> Floor Towson MD 21204

Dear Mr. Alderman:

RE: Case Number: 01-488-SPHA, 6408 Catalpa Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 17, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richard, Jr.

W. Carl Richards, Jr. らりて Supervisor, Zoning Review

WCR: gdz

**Enclosures** 

c: Greig Altieri, Altieri Enterprises Inc, 9017 Red Branch Rd, Columbia 21045 G Dwight Little Jr, W Duvall & Assoc Inc, 530 E Joppa Rd, Baltimore 21286 People's Counsel

Ju jest

**DATE:** June 20, 2001

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and

**Development Management** 

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

Zoning Advisory Petition(s): Case(s) 01-488 & 01-495

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:

**Section Chief:** 

AFK/JL:MAC



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

June 12, 2001

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 11, 2001

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:

460, 484, 486, 487, 488, 489, 490, 491, 492, 493, 495, 496, 497, 498, 500, and 501

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

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 27, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 18, 2001

Item Nos. 460, 486, 488, 489, 490, 491, 492, 493, 496, 497, 499, and 501

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

RWB:HJO:jrb

cc: File



Parris N. Glendening Governor John D. Porcari Secretary

Parker F. Williams Administrator

Date: 6.13.01

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 488 JNP

Dear. Ms. Jackson:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. f. Gredh

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division



RE: PETITION FOR SPECIAL HEARING PETITION FOR VARIANCE

6408 Catalpa Road, N/S Catalpa Rd, 340' SE of Celtis Ct

11th Election District, 6th Councilmanic

Legal Owner: Altieri Enterprises, Inc. Petitioner(s)

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* Case No. 01-488-SPHA

\* \* \* \* \* \* \* \* \* \* \*

#### **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**

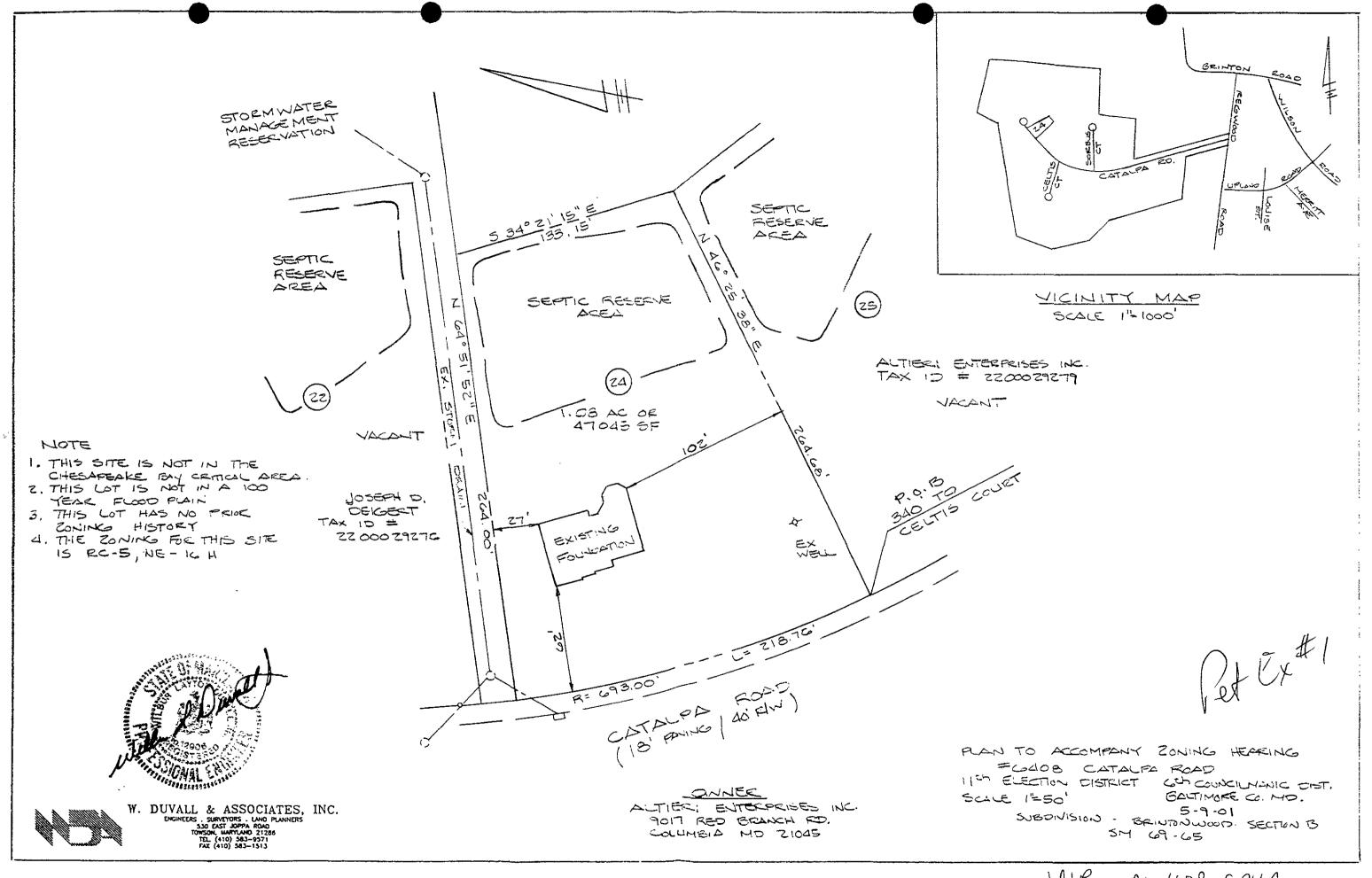
I HEREBY CERTIFY that on this 18th day of June, 2001 a copy of the foregoing Entry of Appearance was mailed to Howard L. Alderman, Jr., Esq., Levin & Gann, 502 Washington Avenue, 8th Floor, Towson, MD 21204, attorney for Petitioner(s).

Peter play Cimmeinas

#### PLEASE PRINT CLEARLY

#### PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
HOWARDL AWERMAN IR	LEVIN & EARNE PA 502 WASHINGTON LAV-
	Sute 800 Towson MD Z1204
G. DWIGHT LITTLE PE	Little & Associates, lac.
	1045 Taylor Arenne Evite 100 Town
	100000000000000000000000000000000000000
	4-51-0-10-14-14-14-14-14-14-14-14-14-14-14-14-14-
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JNP 01-488-SPHA

