IN RE: PETITION FOR ADMIN. VARIANCE E/S Vista View Court, 1060' SE of Harford Road 11th Election District

3rd Councilmanic District (17 Vista View Court)

Petitioners

Barbara J. & Vernon M. Gentile

BEFORE THE

ZONING COMMISSIONER *

OF BALTIMORE COUNTY

CASE NO. 03-530-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by Barbara J. and Vernon M. Gentile, the legal owners of the subject property. The variance request is for property located at 17 Vista View Court in the Kingsville area of Baltimore County. The Petitioners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to have a height of 21 ft. in lieu of the required 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative 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 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.

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 Zoning Commissioner for Baltimore County, this 4th day of June, 2003, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to have a height of 21 ft. in lieu of the required 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

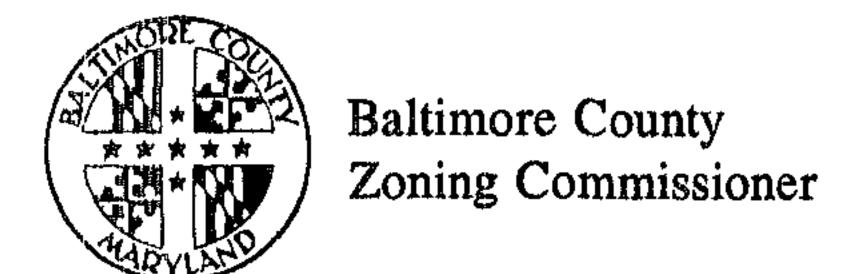
- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners or subsequent owners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartment.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES:raj



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

Fax: 410-887-3468

June 4, 2003

Mr. & Mrs. Vernon M. Gentile 17 Vista View Court Kingsville, Maryland 21087

Re: Petition for Administrative Variance

Case No. 03-530-A

Property: 17 Vista View Court

Dear Mr. & Mrs. Gentile:

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 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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 17 Vista View C+, Kwysville which is presently zoned RC5

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)

400.3 (BCZZ)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE)
TO HAVE A HEIGHT OF ZI' IN LIEU OF THE
REQUIRED 151

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 perjury, that I/we is the subject of the subject	y declare and affirm, under the are the legal owner(s) of the this Petition.	e penalties of property which
Contract Purchaser/	Lessee:		Legal Owner	<u>(s):</u>	in - 410-
-			Vernon	M. Gentil	638-3500 6
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Attorney For Petition	<u>1er:</u>		Address Address	a View CT	394/ Telephone No
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At Public Hearing having bed	en formally demand	ed and/or found to be it the subject matter of t	required, it is ordered his petition be set for a p	by the Zoning Commissioner of ublic hearing, advertised, as requ	Baltimore County, uired by the zoning
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			Zoning C	ommingioner of Politimero Court	
		1		ommissioner of Baltimore County	,
CASE NO. OS	5-5-5	Rev	iewed By	<u>7</u> Date5	7/03
REV 10/25/01		Esti	mated Posting Dat	e 5/18.	100

Affidavit in Support of Administrative Variance

follows: That the information herein given is vecompetent to testify thereto in the event that a put	nalties of perjury to the Zoning Commissioner of Baltimore County, as within the personal knowledge of the Affiant(s) and that Affiant(s) is/are ablic hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	17/15/ta //ew Ct. Address Kingsville Md. 21087 City State Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	ving are the facts upon which I/we base the request for an Administrative
to allow gft of ce n Need a van	ched garage, with 21 ft height a 2nd floor athe with enter headroom. nance for 21 ft height, It willbezift, 4ft less than , f residence.
1. Ist floor howed the 8. efficient use That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	seight of garage will be 9 ft; If headrown in gabled roof for of affic for storage, esp since I an mal demand is filed, Affiant(s) will be required to pay a reposting and
Signature Signature	Barbara J. Gentile
Verson M. Gentile	Barbara J. Gentile
Name - Type or Print	Name - Type of Print Styna - two year
STATE OF MARYLAND, COUNTY OF BALTIM I HEREBY CERTIFY, this day of	sohally appeared Solution (September 2003), before me, a Notary Public of the State Solution (September 2003), General (
	ctorily identified to me as such Amant(s).
AS WITNESS my hand and Notarial Seal	Rotary Public Dowey
	My Commission Expires 5//07

REV 10/25/01

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 17 Vista View Cf
Address Claysville Md 21087 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): 1. To build a detached garage, with 21 ft height
1. To build a creation of the
to allow a 2nd floor attic with 8ft of center headroom
2. Need a variance for 21 ft height
3. Govage height will be 21 ft, 4 ft less than height of residence
height of restauce
4. 1st floor height of garage will be 9ft, need the
4. 1st floor height of garage will be 9 ft; need the 81 ft headroom in gabled roof for efficient us of attic for storage, esp since I am 6'4" tall,
04 attic for storage, esp since Lam 6 4" Fall,
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.
War helets Barbara J. Sentile
Marketts Barbara J. Sphtle Signature
Dernon M. Gentile Name-Type or Print Bourboura J. Gentile Name-Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this day of,,,,
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal
Beth E. Dowey
Motary Public My Commission Expires 5/1/07
REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 17 Vista View Ot Kingsville which is presently zoned 2C5

I/We do solemnly declare and affirm, under the penalties of

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) 400.3 (B 22)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE)
TO HAVE A HEIGHT OF ZI'IN LIEU OF THE
REQUIRED 15'

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.

If 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.

			is the subject of this		r(s) or the pro	perty wnich
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			Vernon	M. Ge	1 1	3500
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Attorney For Petition	<u>er:</u>		17 Vista	bew G	7 39	741
			Address	Md 21	087	Telephone No
Narne - Type or Print	· · · · · · · · · · · · · · · · · · ·		City		State	Zip Code
Signature	·		<u>Representative</u>	to be Conta	<u>cted:</u>	
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Company			Name	A		······································
Address		Telephone No	Address	<u> </u>		elephone No
City	State	Zip Code	City		A Bo State	Zip Code
A Public Hearing having bee	n formally demand	ded and/or found to be	required, it is ordered by	the Zoning Comn	nissioner of Bal	timore County
this day of regulations of Baltimore County	773	of the cliniant matter at	this petition be set for a publi	ic hearing, adverti	sed, as requirer	d by the zoning
			Zoning Comr	missioner of Baltin	nore County	
CASE NO.	<u>3-530</u> ,	Rev	riewed By LTm	Date	5/7/	03
REV 10/25/01			imated Posting Date	5	1	0.5

Zoning description for 17 Vista View Ct., Kingsville, Md. 21087:

Beginning at a point on the East side of Vista View Ct. which is 25 ft. wide at a distance of 1060ft = southeast of the Center line of the nearest improved intersecting street, Harford Road, which is 70 ft wide. Being Lot \$ 11, section \$2 in the subdivision of Mount Vista Estates, as recorded in Baltimore County Plat Book \$ 40, Folio \$ 7, containing 6.1 acres. Also Known as 17 Vista View Ct. and located in the 113-d Election District, 4th 3 RD Councilmanic District.

7-530

CASHIER'S VALIDATION lana Lalan YELLOW - CUSTOMER **₹**\$ BALTIMORE COUNTY, MARYLAND ACCOUNT AMOUNT OFFICE OF BUDGET & FINANCE RECEIPT PINK - AGENCY MISCELLANEOUS DISTRIBUTION WHITE - CASHIER RECEIVED FROM: DATE FOR:

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CERTIFICATE OF POSTING

RE: Case No.: 03-530-A

	Petitioner/Developer: 157210	<u>N</u> 4
	BARBARA GENTILE	
	Date of Hearing/Closing: 6/2/	03
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204		
ATTN: Becky Hart {(410) 887-3394}		
Ladies and Gentlemen:		
This letter is to certify under the penalties of perjury t	hat the necessary sign(s) required by law w	Ara
posted conspicuously on the property located at:	······································	
17 VISTA VIEC	w Cst	
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	(Print Name)	Principal Princi
	1508 Leslie Road	
	(Address)	
	Dundalk, Maryland 21222	
	(City, State, Zip Code)	
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	(410) 282-7940	*********
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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

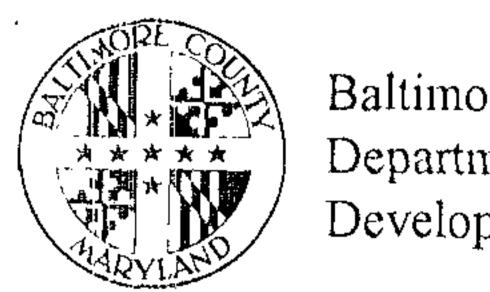
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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: <u>つる~53~</u>
Petitioner: Vernou M. Gentile
Address or Location: 17 Vista View Ct. Kingsville, Md. 2108
PLEASE FORWARD ADVERTISING BILL TO:
Name: Vernon M. Gentile
Address: 17 Vista View Ct.
Kingsville, Md 21087
Telephone Number: 410-592-394/



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

June 2, 2003

Vernon Gentile Barbara Gentile 17 Vista View Court Kingsville, MD 21087

Dear Mr. and Mrs. Gentile:

RE: Case Number: 03-530-A, 17 Vista View Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 7, 2003.

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 Richards, Jr.

Supervisor, Zoning Review

u. Callahel D

WCR:klm

Enclosures

c: People's Counsel



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

May 12, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 12, 2003 53

Item No.:

512, 514-516, 518-526, 528-531

Dear Ms. Hart:

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.

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

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

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Nell J. Pedersen, Acting Administrator

LTM

Mark and Transment of Expressions.

RE:

Date: 5.9.03

Baltimore County

Item No. 530

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

Dear. Ms. Hart:

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-

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

DATE: May 14, 2003 CE/VED MAY 1 5 2003

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case(s) 03-516 and 03-530

Administrative Variance

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.

Section Chief:

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 23, 2002

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 19, 2003

Item Nos. 512, 514, 515, 516, 517, 518, 520, 521, 322, 524, 525, 526, 527, 528, 529, 530, and 531

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

RWB:CEN:jrb

cc: File

