IN RE: PETITION FOR ADMIN. VARIANCE

NE/S of Ranelagh Road, 1,125' SE

to centerline of Birch 11th Election District

5th Councilmanic District

(5722 Ranelagh Road)

Charles J. Sudano, Legal Owner

and

Nicholas & Iris Maggio, Contract Purchaser Petitioners BEFORE THE

\* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 03-552-A

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#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Charles Sudano, Legal Owner and Nicholas and Iris Maggio, contract purchasers. The Petitioners requested administrative variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for property at 5722 Ranelagh Road, which property is located in the eastern area of Baltimore County. The administrative variance relief is requested to permit an existing single-family dwelling to have a side yard setback of 5.4 ft. in lieu of the required 15 ft.

The above requested relief was originally filed as an administrative variance with a closing date of June 16, 2003. However, prior to the expiration of the closing, a request for hearing was received from a nearby property owner. The public hearing was called on August 6, 2003. A Notice of Zoning Hearing was published in "The Jeffersonian" newspaper on July 22, 2003 to notify any interested persons of the scheduled hearing date, but there was no record of a Certificate of Posting in the file at the start of the hearing on this matter. Although some testimony was taken and evidence received, eventually it was determined that the posting was improper and the case would have to be rescheduled. The case was rescheduled for public

9/10/03 2 Answar hearing on September 3, 2003. Thereafter, a notice was posted at the property by a representative from the Department of Permits & Development Management on August 14, 2003. The property was re-posted in order to notify all interested citizens of the requested zoning relief.

Notice is taken that the property, which is the subject of these special hearing and variance requests, consists of 40,000 sq. ft., and is zoned D.R.2. The property is improved with an existing home, garage and shed. The variance request was spurred by the Petitioner's desire to subdivide the property and erect a single family dwelling on a second lot as shown on Petitioner's Exhibit No. 1 from the September 3, 2003 hearing. This would result in two lots of 20,000 sq. ft. each with 100 ft. lot widths.

#### Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

#### \-Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: Office of Planning supports the Petition.

#### Interested Persons

Appearing at the hearing on behalf of the requested variance relief were Iris & Nicholas Maggio, contract purchasers and David Flowers, representative of the Petitioners. Attending the September 3, 2003 hearing in opposition to the Petitioners' request were several nearby residents, namely Gary Lentz, Andy Dudek, Jr., Frank and Jeannette Evans, Gordon Dring, Grace Mercer, Patricia Dietz and Glenn Bittorf.

#### Testimony and Evidence

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Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 40,000 sq. ft., zoned D.R.2. Mr. Flowers testified that the subject property was going through the minor subdivision process and this variance hearing was scheduled to clear Zoning Office comments in that subdivision process. Thus, even if this request were granted there is no guarantee that ultimately the subdivision will be approved.

The core problem the Petitioner's must overcome in this case is the requirement in D.R.2 zones for lots to be 20,000 sq. ft. minimum in area. This requirement means that there must be a perfectly equal division of area between the two lots. As a result, the variance was needed because the existing home is too close to the proposed lot line dividing the property into equal halves.

The Petitioner's representative indicated that they had considered several alternative designs to address this problem. The most obvious is to simply have frontage for the new lot to be 90 ft. and lot with the existing house to be 110 ft. Thus, no setback variance would be required. However, the new lot would not contain the required 20,000 sq. ft. Petitioner's Exhibit No. 2 indicated another approach that would have a 15 foot setback from the lot line for the existing home but this would require the lot line to veer back into the existing home's back

yard in order to have both lots equal 20,000 sq. ft. However this would mean the lot line would bisect the existing garage requiring existing garage to be removed or be somehow shared between the properties. Obviously, this was unacceptable to the present homeowner.

A third alternative shown on Petitioner's Exhibit No. 3 which I shall call the "double bubble" was to have the lot line veer into the existing home's back yard such that as shown a person from the existing home would find the new home property in his backyard. Again this was unacceptable.

Consequently, the Petitioners contend they have no other way to accomplish their purpose other than request a variance for the distance from the dividing lot line to the existing home be 5 ft. 4 in. instead of the required 15 feet as shown on Petitioner's Exhibit No. 1. The Petitioners also testified that the other properties in the neighborhood were either one or half acre lots with similar distances between dwellings. In this case, the Petitioners agreed to a condition that they would limit the location of the new home in such a manner as to maintain 30 ft. from the existing house thus satisfying the spirit if not the letter of the 15 ft. building setback requirement for D.R.2 zoned property.

Finally, in answer to several concerns raised by the neighbors, Ms. Maggio testified that she and her husband would live in the new home as their residence and would aggressively defend their property and the neighborhood from unlawful activity mentioned by the neighbors as occurring in the existing home. Thus, the neighborhood would be better off agreeing with the variance request.

The neighbors, however, in spite of the Petitioner's effort to persuade them otherwise continued to oppose the variance. Their principal objection is that this neighborhood is primarily developed with one acre lots and greatly feared that subdividing this property in this manner

would trigger a rash of similar requests changing the character of the neighborhood. They say this realizing that the area is served by public water and sewer and so half acre lots in the D.R 2 zoned land are not only feasible but could benefit them financially should they also decide to subdivide.

#### Findings of fact and conclusions of law

The Petitioners make a powerful argument that either of the alternative designs (Exhibit Nos. 2 and 3) would create unreasonable hardship and practical difficulty. A decade ago, that would be all they needed to show in order to be granted the variance they request. However, the Court of Special Appeals in the case of *Cromwell v Ward*, 102 MD 691 (1995) redefined the test for variance, requiring that before one even gets to the question of hardship and practical difficulty, there must be a finding that the property is unique when compared to other properties in the neighborhood. By this, the Court requires a finding that the property has some special circumstances or conditions existing that are peculiar to the land or structure which is the subject of the variance request. This finding must be made before any consideration of hardship or difficulty is made and if the property is not found to be unique, no variance can be granted.

Equally important, the Court wanted to correct the practice of many jurisdictions of finding hardship and difficulty first which would then be used to show the property was unique, reasoning that the unusual situation on the property was different from that found on surrounding properties.

The evidence before me gives no indication that the setback requirements of the D.R.2 zoned land impact this property in any way different from the other lots in the neighborhood. The lot to be subdivided is as plain a rectangle as one could find. The overwhelming weight of the testimony and evidence is that this lot is indistinguishable from others in the neighborhood.

As far as I can tell, the property is a flat one acre lot, has no steep slopes, rivers, wetlands or the like that would in any way distinguish it or impose on it any special burden to follow the setback ordinance. I find no special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. As important, I may not use the finding that strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship to indicate uniqueness.

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 denied.

THEREFORE, IT IS ORDERED, this 10 day of September, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for administrative variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling to have a side yard setback of 5.4 ft. in lieu of the required 15 ft., be and is hereby DENIED.

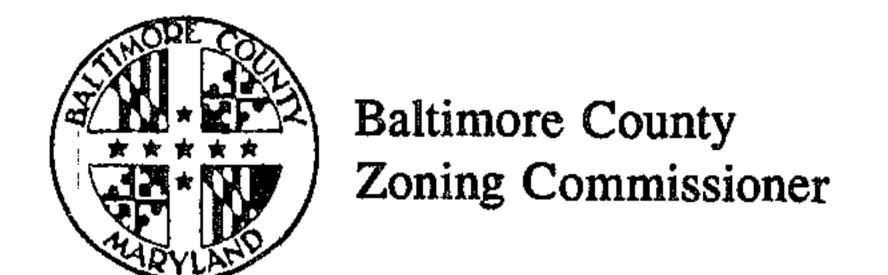
JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj





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

Fax: 410-887-3468

September 10, 2003

Mr. Charles J. Sudano 5722 Ranelagh Road White Marsh, Maryland 21162 Mr. & Mrs. Nicholas Maggio 1307 Riverwood Way Baltimore, Maryland 21226

Re: Petition for Administrative Variance

Case No. 03-552-A

Property: 5722 Ranelagh Road

Dear Mr. Sudano & Mr. & Mrs. Maggio:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been denied 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,

John V. Murphy

Deputy Zoning Commissioner

John J. Murphy

JVM:raj Enclosure

#### Copies to:

David Flowers
GGP & Associates
1527 York Road
Timonium, MD 21093

Gary Lentz 5652 Gunpowder Road White Marsh, MD 21162

Andy Dudek, Jr. 5705 Ranelagh Road White Marsh, MD 21162

Frank & Jeannette Evans 5712 Ranelagh Road White Marsh, MD 21162

Gordon Dring 5655 Gunpowder Road White Marsh, MD 21162

Grace Mercer 5723 Ranelagh Road White Mash, MD 21162

Patricia Dietz 5709 Ranelagh Road White Marsh, MD 21162

Glenn Bittorf 5636 Gunpowder Road White Marsh, MD 21162



# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

made a part nerces, hereby petition for a variance norm	Permits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and Section(s) \BOZ.3.C.I (BCZIZ)
1802.301- MINIMUM WIDTH OF	INDINIDUAL SIDE YARD 15'
TO PERMIT AND EXISTING	SINGLE FAMILY DWELLING
TO HAVE A SIDE YARD	SETBACK OF E A LIGHT
OF THE REQUIRED	SETBACK OF 5.4' IN LIEU
of the zoning regulations of Baltimore County, to the zon of this petition form.	ning law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by I, or we, agree to pay expenses of above Variance, advertisin regulations and restrictions of Baltimore County adopted purs	on nosting sto and further gards to and are to be houseded by the surely a
	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: of Phoposed Lot	<u>Legal Owner(s):</u>
NICHOLAS & IRIS MAGGIO	CHARLES J. SUDANO
Name - Type or Print June / Maggio June / Maggio Signature	Name - Type or Print  Charles J. Indans  Signature
1307 RWERWOOD WAY 443 770-0588 Address Telephone No.	
BALTIMORE MARYLAND 21226 City State Zip Code	Signature
Attorney For Petitioner:	
**************************************	Address Telephone No
Name - Type or Print	WHITE MARSH MARYLAND ZILLZ City State Zip Code
Signature	Representative to be Contacted:
- <u>-</u>	GGP + Assertate / David Howers
Company	Name
Address Telephone No.	1527 York Rd. 4/10-847-9868 Address Telephone No
	13 alternie M.L. 21093
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found this that the subject matteregulation of Baltimore County and that the property be reposted.	to be required, it is ordered by the Zoning Commissioner of Baltimore County, or of this petition be set for a public hearing, advertised, as required by the zoning
	···
	Zoning Commissioner of Baltimore County
CASENO. 03-557-21	Reviewed By CTM Date 5/20/03
REV 10/25/01	Estimated Posting Date 6/1/07

# 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

REV 10/25/01

5722 RANELAGN ROAD

	*			
	WHITE_	MARSN	MARYCANO State	21162
,	City	<del> </del>	State	Zip Code
That based upon personal knowledge, Variance at the above address (indicate	the following are the hardship or practical	facts upon wi difficulty):	hich I/we base the request	for an Administrative
IT IS MY INTENTION	TO SUBDIVIDE M	y paopen-	y NTO 22075. 7	HE EXISTING
PONING IS DR-2, AND MY SUBT	DIVISION PROPOS	AL DOES.	MEET THE GROSS A	NEA REQUIREMENS
ON A DR. 2 ZONE. IN ADDITIO				
OF THE ZONING REQUIREMENTS	. HOWEVER, TH	E KOCATA	on of THE EXISTING	: HOUSE CREATES
F THE REQUIRED 15 FEET RUT	U BE 5.4 FE67	From TH	E proposes propo	enty LINE INSTEAD
	THE THIN KINNER	C 14.14	. 2	
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EPERATING THE TWO NOUSE TO SUBPINDE MY PROPERTY, A	PAU THE 15 7	THE ONL	NUMBER OF DI VIRBLE ALTERN	FFENENT SCENANIC
That the Affiant(s) acknowledge(s) that advertising fee and may be required to p				
Signature Surdo	no-			
Signature		Signature		
CHARCES J. SUDANO Name - Type or Print	<del></del>	Name - Typ	pe or Print	· · · · · · · · · · · · · · · · · · ·
STATE OF MARYLAND, COUNTY OF	BALTIMORE, to wit:			· · · · · · · · · · · · · · · · · · ·
I HEREBY CERTIFY, this day of Maryland, in and for the County afores	of <i>MAy</i> said, personally appea	ared Z	ومرى, before me, a Nota	ary Public of the State
the Affiant(s) herein, personally known of	or satisfactorily identific	ed to me as s	uch Affiant/s).	<del></del>
AS WITNESS my hand and Notarial Sea	1	lolas	Klipil	, <u> </u>
-		ary Public	0. 1	
	My C	Commission E	expires Much 1 2	-004

# Description of #5722 Ranelagh Road (Lot 5, Block M, Darryl Gardens)

Beginning for the same at the point formed by the intersection of the northeast side of Ranelagh Road, 50 feet wide, and the division line between Lot 5 and Lot 6 of Block M of Plat No. 2 of the Final Subdivision Plat of Darryl Gardens recorded among the Land Records of Baltimore County in Plat Book 13, Folio 150 and running thence binding on the northeast side of said Ranelagh Road,

- 1. North 54 degrees 05 minutes 30 seconds West 200.00 feet to the division line between said Lots and Lot 4 of Block M of Plat No. 2 of said Darryl Gardens thence binding on last said division line,
- 2. North 35 degrees 54 minutes 30 seconds East 200.00 feet to the division line between said Lot 5 and Lot 8 off Block M of Plat No. 2 of said Darryl Gardens; thence binding on last said division line,
- 3. South 54 degrees 05 minutes 30 seconds East 200.00 feet to the division line mentioned firstly herein and running thence binding on the division line mentioned firstly herein,
- 4. South 35 degrees 54 minutes 30 seconds West 200.00 feet to the place of beginning.

Containing 40,000.00 square feet of land. All courses in the above description are referred to the above mentioned final subdivision plat.

1 Miller

\* 225' HORTHWEST OF CENTERLINE BIRCH STIZEET

7/552

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	
DATE_5/20/03 ACCOUNT_PCO1 6150	日本   日本   日本   日本   日本   日本   日本   日本
RECEIVED FROM: CG CF TANGET AND A STOCK TO THE STOCK	
FOR:	
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	
AR I JUNEAN AND THE ARM THE PROPERTY OF THE RESIDENCE AND A STREET AND A CONTRACT OF THE PARTY O	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: # 03-552-A 5722 Ranelagh Road N/east side Ranelagh Road 1,125 feet southeast to centerline of Birch 11th Election District 5th Councilmanic District Legal Owner(s): Charles Sudano Contract Purchaser Nicholas and Iris Maggio Administrative Variance: to permit an existing single family dwelling to have a side yard setback of 5 feet 4 inches in lieu of the required 15 feet, Hearing: Wedneşday, August 6, 2003 at 11:00 a.m. In Room 407, County Courts Building, 401 Bosley Avenue. LÁWRENCE 6. 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 con-cerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 7/762 July 22 C616367

#### CERTIFICATE OF PUBLICATION

7/24,20 <u>03</u>
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 $\frac{7/22}{2003}$ .
on 7/22 ,2003.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilking

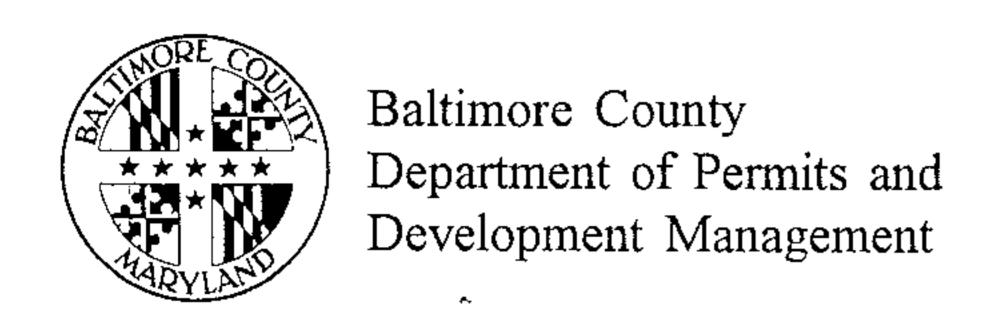
LEGAL ADVERTISING

# CERTIFICATE OF POSTING

	RE: Case No.: MINOR SUBDIVI
•	Petitioner/Developer: CHARLES
	5UDANO
	Date of Hearing/Closing: 7/22/
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	Jon 8/1/03 New
Attention: Ms. Gwendolyn Stephens	100
Ladies and Gentlemen:	
were posted conspicuously on the proper	s of perjury that the necessary sign(s) required by late ty located at  ANELAGH RD
were posted conspicuously on the proper	ty located at
were posted conspicuously on the proper 	ty located at  ANELACH RD  7/12/03  (Month, Day, Year)
were posted conspicuously on the proper <u>Lot 5</u> R	Ty located at  ANELACH RD  7/12/03  (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date
were posted conspicuously on the proper LST S R	ty located at  ANELACH RD  7/12/03  (Month, Day, Year)  Sincerely,
were posted conspicuously on the proper Lot 5 R	Tylocated at  ANELAGH ZD  7/12/03  (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date  SSG ROBERT BLACK
were posted conspicuously on the proper  LOT 5 R  The sign(s) were posted on  ZONING MORRE	Tylocated at  ANELAGH R.D.  7/12/03  (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date  SSG ROBERT BLACK  (Printed Name)
were posted conspicuously on the proper LoT 5 R	Tylocated at  ANELACH RD  7/12/03 (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date  SSG ROBERT BLACK (Printed Name)  1508 Leslie Rd (Address)  Dundalk, Maryland 21222
were posted conspicuously on the proper L6T 5 R  The sign(s) were posted on	Tylocated at  ANELACH ZD  7/12/03 (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date  SSG ROBERT BLACK  (Printed Name)  1508 Leslie Rd  (Address)  Dundalk, Maryland 21222 (City, State, Zip Code)
were posted conspicuously on the proper LOT B R	Tylocated at  ANELACH RD  7/12/03 (Month, Day, Year)  Sincerely,  (Signature of Sign Poster and Date  SSG ROBERT BLACK (Printed Name)  1508 Leslie Rd (Address)  Dundalk, Maryland 21222

# CERTIFICATE OF POSTING

	RE: Case No.: 03-552-A
	Petitioner/Developer: CHAS. J
	SUDANO.
	Date of Hearing/Closing: 6/16/0=
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Fowson, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	-
This letter is to certify under the penalties of posted conspicuously on the property locat	of perjury that the necessary sign(s) required by law were ed at:
•	RANELAGH RD
The sign(s) were posted on	6/1/03
ine sign(s) were hosten on "	(Month, Day, Year)
	Sincerely,
	6/162
	(Signature of Sign Poster) (Date)
ZONING NOTICE	SSG Robert Black
ADMINISTRATIVE TO THE PARTY OF	(Print Name)
CASE # 03.552 A TO PARKET AND EXECUTE TO PARKET AN EXECUTIVE SAFELE FROM Y CASE OF THE REPLACE.	1508 Leslie Road
	(Address)
PUBLIC HEARING?  PRINCIPLE OF SECTION OF SEC	Dundalk, Maryland 21222
4:30 p.m. ON THE ZONING OFFICE REFORE  4:30 p.m. ON THE \$200 ADDITIONAL INFORMATION IS AVAILABLE AT  THING HOMESTELTION AND VILLAMENT LIMITERS.	(City, State, Zip Code)
ALLEND & WARREN CONTROL TO THE PARTY OF THE	(410) 282-7940
	(Telephone Number)



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

Fax: 410-887-5708

June 20, 2003

#### **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: 03-552-A

5722 Ranelagh Road

N/east side Ranelagh Road 1,125 feet southeast to centerline of Birch

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Charles Sudano

Contract Purchaser: Nicholas and Iris Maggio

Administrative Variance to permit an existing single family dwelling to have a side yard setback of 5 feet 4 inches in lieu of the required 15 feet.

Hearings:

Wednesday, August 6, 2003 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco

Director

KT:rlh

C: Charles J. Sudano, 5722 Ranelagh Road, White Marsh 21162 GGP & Associates/David Flowers, 1527 York Road, Lutherville 21093 Nicholas & Iris Maggio, 1307 Riverwood Way, Baltimore 21226

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 22, 2003.

- (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, July 22, 2003 Issue - Jeffersonian

Please forward billing to:

GGP & Associates/David Flowers 1527 York Road

Lutherville, MD 21093

410-847-9868

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Wednesday, August 6, 2003 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 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.

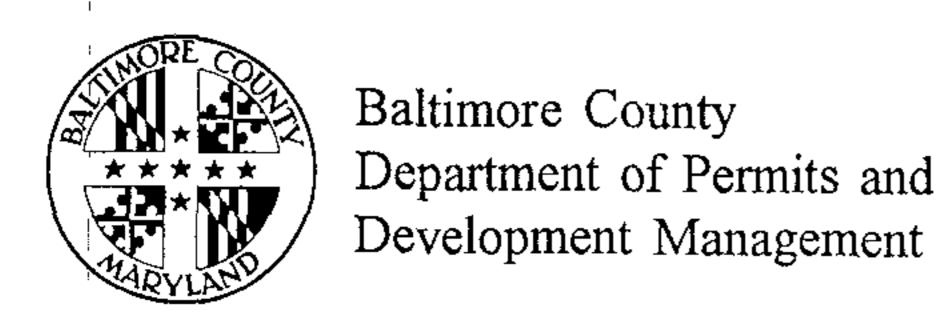
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
Item Number or Case Number: <u>03-552-ム</u>	
Petitioner: <u>Charles Sudana</u>	
Address or Location: <u>5722 RANELAGH RD.</u>	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: GGP+ Association / DAVID FLOWERS	
Address: 1527 York R.L.	
Lathemille M.l. 21093	
Telephone Number: 4/10-847-98CS	

BALLIMORE COUNTY DEPARTMENT OF PERMITS AN	ND DEVELOPMENT MANAGEMENT
ZONING REVIEW	

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 552 -A Address 5777 RANELAGIN 2D
Contact Person: L/CYD T MICXLEY Phone Number: 410-887-339
Filing Date: $\frac{5/2c/c3}{}$ Posting Date: $\frac{6/1/c3}{}$ Closing Date: $\frac{6/16/c}{}$
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. An 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 closin date.
2. <u>DEADLINE</u> : 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 (conder 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 neignbor'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.
Petitioner. This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 03- 557 -: Address 5777 RANGEL-16, 1-1 1212
Petitioner's Name CHAS, 1 50 DANG Telephone 410 085 044  Posting Date: 6/1/03 Closing Date: 6/16/03
Posting Date: (-/1/c3 Closing Date: (-/1/c/c3
Wording for Sign To Permit .4 1 EXISTILL, SILLGLE F.AMILY DWELLING
TO HAVE A SIDE YARD SETRACY OF 5.4' IN LIEU OF THE REGUIRED 15'.



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

August 29, 2003

Charles Sudano 5722 Ranelagh Road White Marsh, MD 21162

Dear Mr. Sudano:

RE: Case Number: 03-552-A, 5722 Ranelagh Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 20, 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.

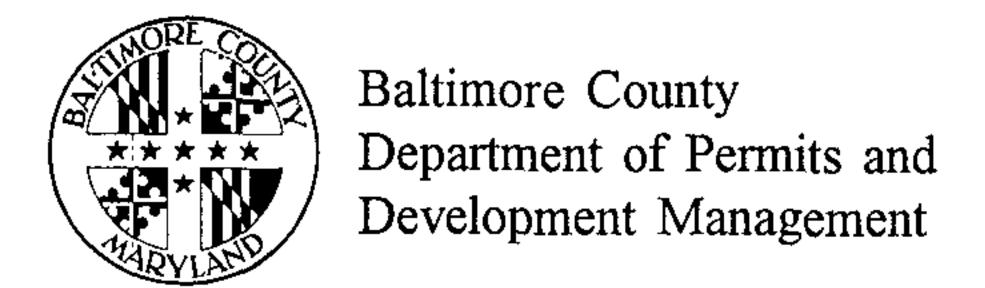
Supervisor, Zoning Review

U. Callibal)

WCR:klm

Enclosures

c: People's Counsel Nicholas and Iris Maggio, 1307 Riverwood Way, Baltimore 21226 GGP & Associates, David Flowers, 1527 York Road, Baltimore 21093



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

August 1, 2003

Charles Sudano 5722 Ranelagh Road White Marsh, MD 21162

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RE: Case Number: 03-552-A, 5722 Ranelagh Road

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Very truly yours,

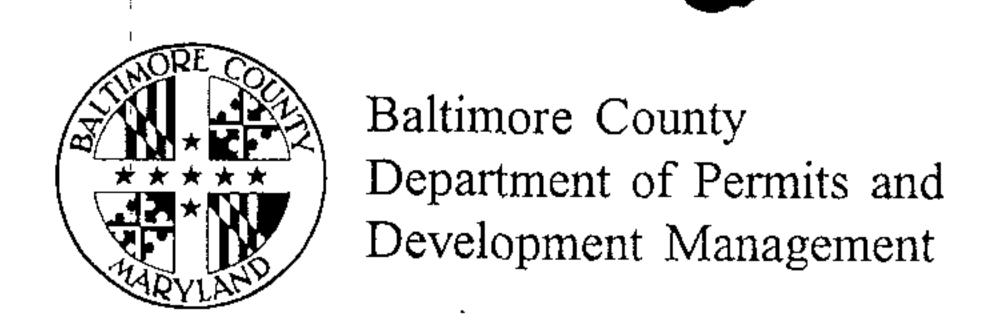
W. Carl Richards, Jr. Supervisor, Zoning Review

u. Cal Robal D

WCR:klm

Enclosures

c: People's Counsel Nicholas and Iris Maggio, 1307 Riverwood Way, Baltimore 21226 GGP & Associates, David Flowers, 1527 York Road, Baltimore 21093



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

June 16, 2003

Charles Sudano 5722 Ranelagh Road White Marsh, Maryland 21162

Dear Mr. Sudano:

RE: Case Number: 03-552-A, 5722 Ranelagh Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 20, 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,

U. Callade Rolla

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Nicholas & Iris Maggio, 1307 Riverwood Way, Baltimore 21226 GGP & Associates, David Flowers, 1527 York Road, Baltimore 21093



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 June 3, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: June 2, 2003

Item No.:

52*-5*57

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

h, Jr., Governor

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4・3・63

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

RE: Baltimore County

Item No. 552

LTM

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,

h

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

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 6, 2003

RECE/VED

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

5722 Ranelagh Road

**INFORMATION:** 

Item Number:

03-552

Petitioner:

Charles J. Sudano

Zoning:

DR 2

Requested Action:

Administrative Variance

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning supports the petitioner's request to permit an existing single family dwelling to have a side yard setback of 5.4 feet in lieu of the minimum required 15 feet.

Prepared by:

Section Chief:

AFK/LL:MAC:

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** June 17, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor
Bureau of Development Plans

**SUBJECT:** 

Zoning Advisory Committee Meeting

For June 9, 2003 Item Nos. 552, 553, 554, 556, and

557

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

RWB:CEN:jrb

cc: File



#### Baltimore County Zoning Commissioner

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

Fax: 410-887-3468

August 11, 2003

Mr. Charles J. Sudano 5722 Ranelagh Road White Marsh, Maryland 21162

Re: Petition for Administrative Variance

Case No. 03-552-A

Property: 5722 Ranelagh Road

Dear Mr. Sudano:

This letter is to confirm that the above-captioned matter has been scheduled for rehearing due to the fact that the property was not properly posted. The matter has been reset for hearing on Wednesday, September 3, 2003 at 2:00 p.m. in Room 407 of the County Courts Building. By copy of this letter, all interested parties have been notified of the rescheduled hearing date and time.

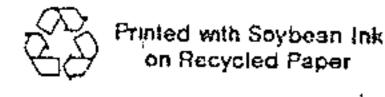
The case file is being returned to the Department of Permits & Development Management (DPDM) should anyone need to review same prior to the hearing. In addition, an inspector from DPDM will take care of posting the property for the September 3rd hearing.

In the meantime, should anyone have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner







#### Copies to:

Mr. & Mrs. Nicholas Maggio 1307 Riverwood Way Baltimore, MD 21226

David Flowers GGP & Associates 1527 York Road Timonium, MD 21093

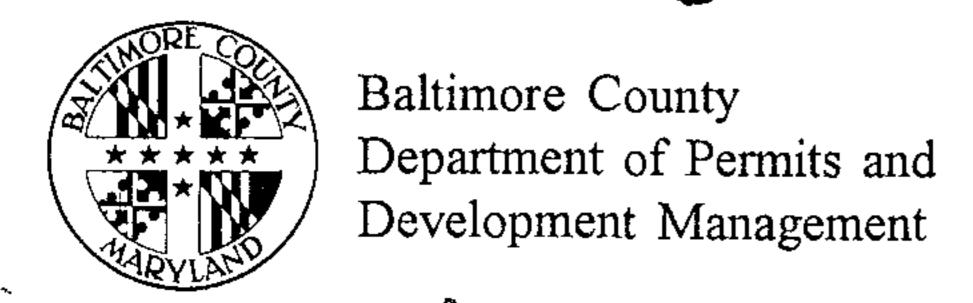
Ms. Grace D. Mercer 5723 Ranelagh Road White Marsh, MD 21162





## **CERTIFICATE OF POSTING**

		Date: 8/14/03
RE:	Case Number	——————————————————————————————————————
were		perjury that the necessary sign(s) required by law cated at <u>5722 RANELAGH RD</u>
	The sign(s) were posted on	8/14/03 (Month, Day, Year)
		Hay Rous (Signature of Sign Poster)
	ATTACH PHOTOGRAPH OF	CALY TREUD (Printed Name of Sign Poster)
	SIGN POSTED ON PROPERTY HERE	(Street Address of Sign Poster)
		(City, State, Zip Code of Sign Poster)
		(Telephone Number of Sign Poster)



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

June 20, 2003

Mr. Charles J. Sudano 5722 Ranelagh Road White Marsh, MD 21162

Dear Mr. Sudano:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 03-552-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand or the zoning commissioner is requiring a public hearing concerning the above proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact Lloyd Moxley at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.

Supervisor Zoning Review

WCR:rlh

C: GGP & Associates/David Flowers, 1527 York Road, Cockeysville 21093 Mr. and Mrs. Nicholas Maggio, 1307 Riverwood Way, Baltimore 21226

5723 Ranelagh Road
White Marsh, Maryland 21162
RECEIVED

June 8, 2003

JUN 1 0 2003

ZONING COMMISSIONER

Zoning Commissioner Room 405 401 Bosley Avenue Towson, Maryland 21204

Case Number: 03-552-A

Petitioner Name: Charles Sudano

Dear Commissioner:

This letter serves as notification that I am protesting the zoning of case number 03-552-A; Petitioner: Charles Sudano who is asking for a set-back of 5'4" not having the required 15' for construction of a two-story home.

As the property is set up now, there is no adequate land for this construction.

I also understand that there is a zoning hearing scheduled for June 16, 2003 that I will be attending as well as other neighbors.

Should you need to contact me, I can be reached at 410-529-7581.

I thank you in advance for your attention to this matter.

Sincerely, Love D. Mercer

Grace D. Mercer

PLEASE PRINT CLEARLY

CASE NAME_	5722 Ranclagh	Ros
CASE NUMBE	ER 03-552-A	- <del>-</del> - C.
DATE	9/3/03	

# PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Tos Maggio	1307 Riverwal Way	BaHO. 101/21226	<del></del>
Nicholas Maggio	(( )1	71	···
DAVID FLOWERS	1527 YORK RD.	BALT, MID, 21093	
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Case Number <u>03-552-4</u>

#### PLEASE <u>PRINT</u> LEGIBLY

#### PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
GMMY LEWIZ	5652 Glas poupa	n 2/162	
Andy Dudek, Jo	5705 RAndagh	W.M.	2-1162
FRANK EVANS	5712 RANELAGH RD	W.M 21162	
Gordon Dring	5655 GUNDOWSEN RD	21162	21162
Grace Mercer	5723 Ranelogh Rd	0.1163	
Jeannelle Evans	5712 Ranclagh Rd	md	21162
// /	5709 Ranelagh Rd	MD	2/162
	5636 Amponder Rd	Md.	21162
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	· · · · · · · · · · · · · · · · · · ·	Revised 4	1/17/00

CASE NAME 5722 RANGLAGIRD CASE NUMBER 03-552- A DATE 8/11/03

### PETITIONER'S SIGN-IN SHEET

			- Lagged
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Inis Maggio	1307 Riverwood Way	Balto, ml 21206	
DAVID FLOWERS/GCP	HASSOCIATES/1527 YORKRD.	LUTHERVILLE, MI) 21093	
Hick Maggio FRANK BABUSCI	130 Miserwood Way	Ba Ho. M.D. 21206	
FRANK BABUSCI	7508 ROCKSHAM DA.	Towson, MD 21286	
Ben Sudano Kim Sudano	11519 SHerwood Rl	uppen Falls, mo 21156	
Kim Sudano	11519 Snerwoodkal.	Oper Fails, Mcc. 21156	
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102839

Lot Number: 5 Block/Section: M Plat Reference: Book: 13 Title of Plat: Plat No.2 Cardens



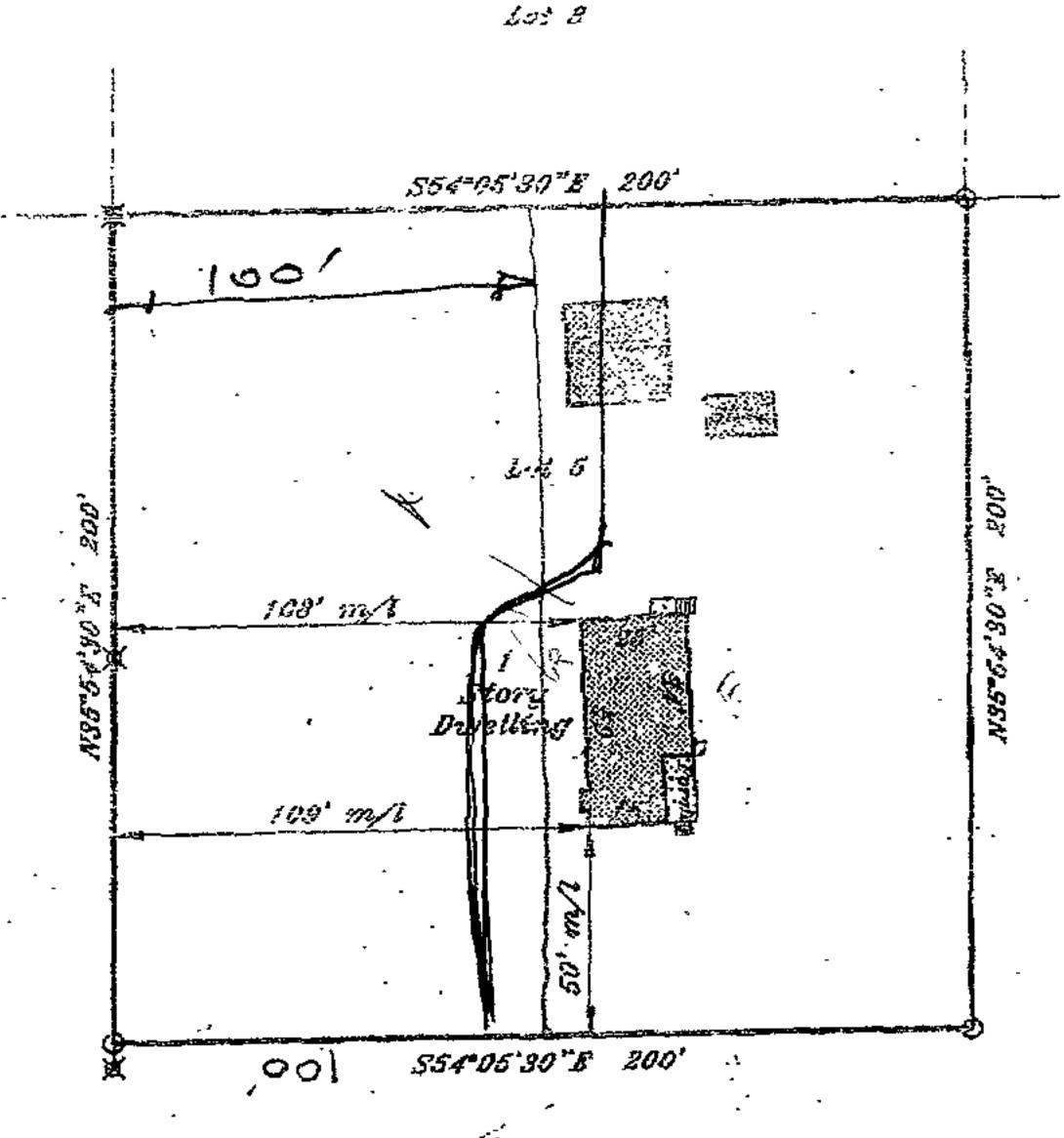
This plat is of benefit to a consumer only insufar as it is regretized by a lender or a title insurance company or its agent in consection with contemplated transfer, financing or referencing. This plat is not to be relied upon for the establishment or location of fences, garages, buildings, dweltings or other existing or future improvements nor does this plat purport to reflect setbacks or other distances with any specific level of accuracy. This plat does not provide for the accurate identification of properly describing lines, but such identification may not be required for the transfer of little or securing financing or refinancing.
The approximate location of the dwelling is shown in relation to the apparent property times for the property known as

5722 Ranlagh Road Baltimore County, Maryland

Ruxton Design Corporation 8422 Bellona Lane Suite 300 Towson, Maryland 21204 410-823-5000 410-823-0115fax

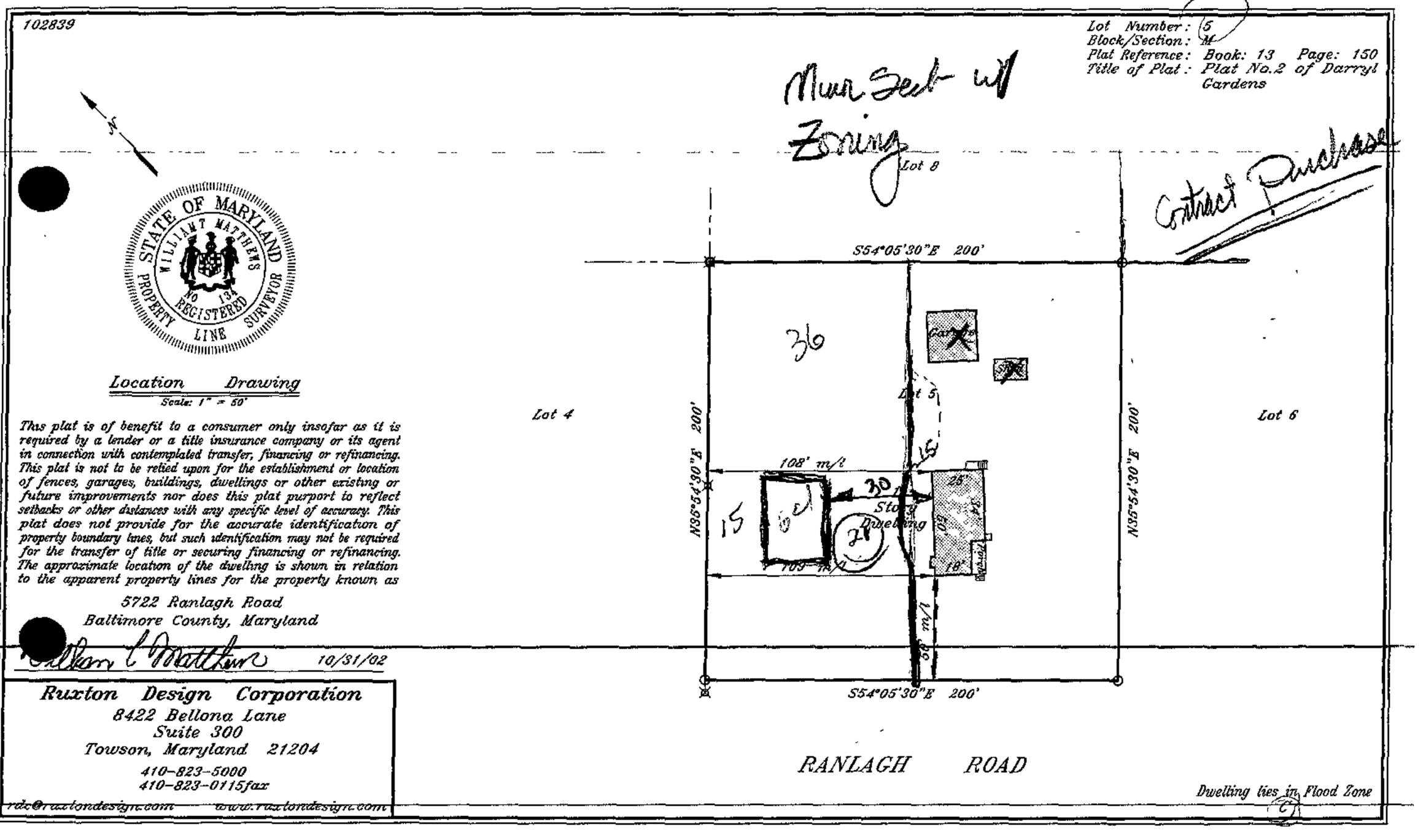
rdoBruxtondesign.com

www.ruxtondssign.com




RANLAGH

3 Lot 4



Sept 3 theoring



(SHEET N.E. II-I)

