

IN RE: PETITION FOR ADMIN. VARIANCE
NE/Corner Carrollton Avenue and
Chelsea Street
(1306 Carrollton Avenue)
4th Election District
2nd Council District

Ricardo A. Yazigi & Cecilia M. Grand
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-108-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Ricardo A. Yazigi and Cecilia M. Grand. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit all existing nonconforming setbacks: an inside lot line setback of 6 feet in lieu of the required 10 feet; a side street setback of 20 feet in lieu of the required 25 feet; a rear yard setback of 25 feet in lieu of the required 30 feet; and, an open projection setback of 12 feet in lieu of the required 22.5 feet, for a proposed 8' x 12' breezeway. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

ORDER RECEIVED FOR FILING

Date

By

9/26/03

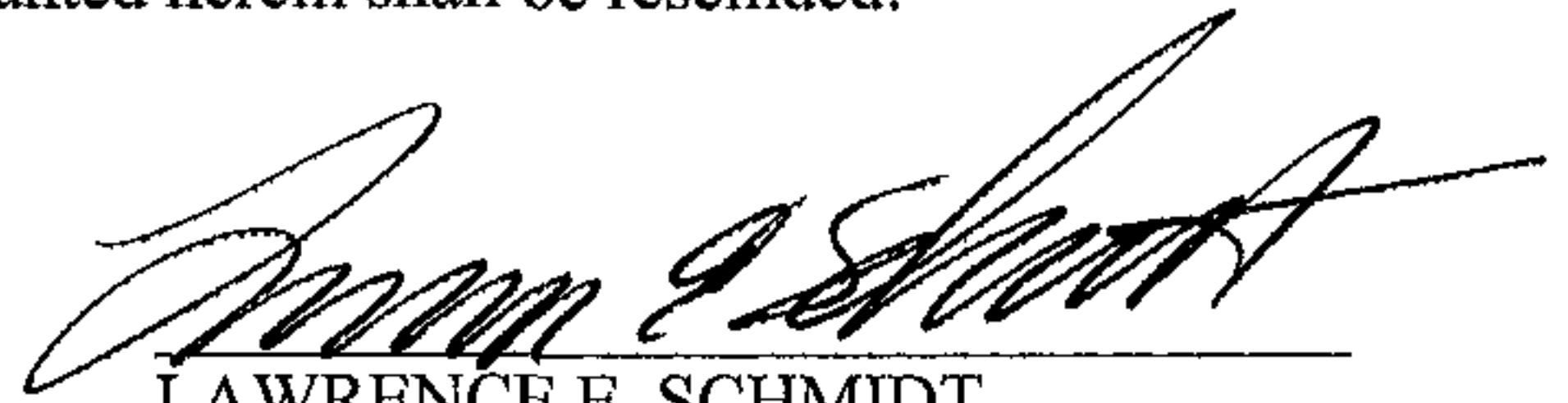
[Signature]

Based upon all of the evidence contained within the case file, I find that the relief requested meets the spirit and intent of Section 307.1 of the B.C.Z.R. and will not result in any detriment to the health, safety and general welfare of the surrounding locale. The evidence indicates that the existing dwelling and garage/workshop structures have existed on the property for 85 years and that the proposed breezeway will provide safe and easy access between the two buildings during inclement weather. The requested variance relief is necessary to legitimize existing conditions on the property and will not adversely impact adjacent properties. Thus, I am persuaded to grant the variance.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of September 2003 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit all existing nonconforming setbacks: an inside lot line setback of 6 feet in lieu of the required 10 feet; a side street setback of 20 feet in lieu of the required 25 feet; a rear yard setback of 25 feet in lieu of the required 30 feet; and, an open projection setback of 12 feet in lieu of the required 22.5 feet, for a proposed 8' x 12' breezeway, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER REQUESTED FOR FILING
Date 9/26/03
By LES
LES:bjs

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

September 25, 2003

Mr. Ricardo A. Yazigi
Ms. Cecilia M. Grand
1306 Carrollton Avenue
Towson, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NE/Corner Carrollton Avenue & Chelsea Street
(1306 Carrollton Avenue)
4th Election District -- 2nd Council District
Ricardo A. Yazigi & Cecilia M. Grand - Petitioners
Case No. 04-108-A

Dear Mr. Yazigi & Ms. Grand:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel; Case File



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 1306 CARROLLTON AV.
Address
TOWSON MD 21204
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):

Extreme weather, cold, rain and especially snow pose significant inconvenience for use of detached building. Exterior walking surfaces become slippery and dangerous in winter time. Detached building is at slightly higher level. Access for adults is difficult during winter time and for our children (2 and 4 years of age) it is actually impossible. Detached building is a workshop, intended for use year round, not possible at present. (WORKSHOP NOT COMMERCIAL) Several incidents of fall of our children and guests have increased concerns about use of workshop and prevents its use due to burden. (ORIGINAL HOUSE? SHOP IS 85 YRS. OLD.)

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.

Signature

RICARDO A. YAZIGI

Name - Type or Print

Signature

CECILIA M. GRAND

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22 day of August, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ricardo A Yazigi / Cecilia M. Grand
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Gail L. W.
Notary Public

My Commission Expires 12/1/05



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1306 CARROLLTON AV.
which is presently zoned DR-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) 1302.3C.1 to Permit All

EXISTING NON-CONFORMING SETBACKS: 6 FT. INSIDE, 20 SIDE-SETBACK, 25 REAR, & 12 OPEN PROJECTION REAR, IN LIEU OF 10 FT, 25 FT, 30 FT. & 22.5 FT.

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 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:

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No

City

State

Zip Code

Legal Owner(s):

RICARDO A. YAZIGI

Name - Type or Print

Signature

CECILIA M. GRAND

Name - Type or Print

Signature

1306 CARROLLTON AV. (410) 828-6066

Address

Telephone No

TOWSON

MD

City

State

21204

Zip Code

Representative to be Contacted:

CECILIA GRAND

Name

Address

Telephone No

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 04 day of 10 that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted

Zoning Commissioner of Baltimore County

CASE NO. 04-108-A

Reviewed By STH

Date 08-29-03

REV 10/25/01

Estimated Posting Date 09-07-03

Zoning description for 1306 Carrollton Avenue, Towson.

Beginning at the point on the N.E. side of the intersections of Chelsea St., which is 40 feet wide, and Carrollton Av., which is 40 feet wide. Being part of lots 80 and 81 in the subdivision of Ruxton Heights as recorded in Baltimore County, Plat Book #1, Folio #64, containing 10,000 square feet or 0.23 acres. Also known as 1306 Carrollton Av. and located in the 9 Election District, 2 Councilmanic District.

04-108-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 28117

DATE 08-29-03 ACCOUNT 001-0066150

AMOUNT \$ 65.00

RECEIVED FROM: RICARDO YAZIGI & CECILIA GLAND

FOR: ADMIL RES UNIT 65.00
1306 CANTONMENT AVE

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

04-108-A

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRM
9/02/2003	8/29/2003	11:45:32	1
REG W001	WALKIN	JRIC JNR	
>> RECEIPT # 154391 8/29/2003			OFLN
Dept	5	520 ZONING VERIFICATION	
CR NO.	020117		
Recpt Tot	\$65.00		
65.00	CK	.00	CA
Baltimore County, Maryland			

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

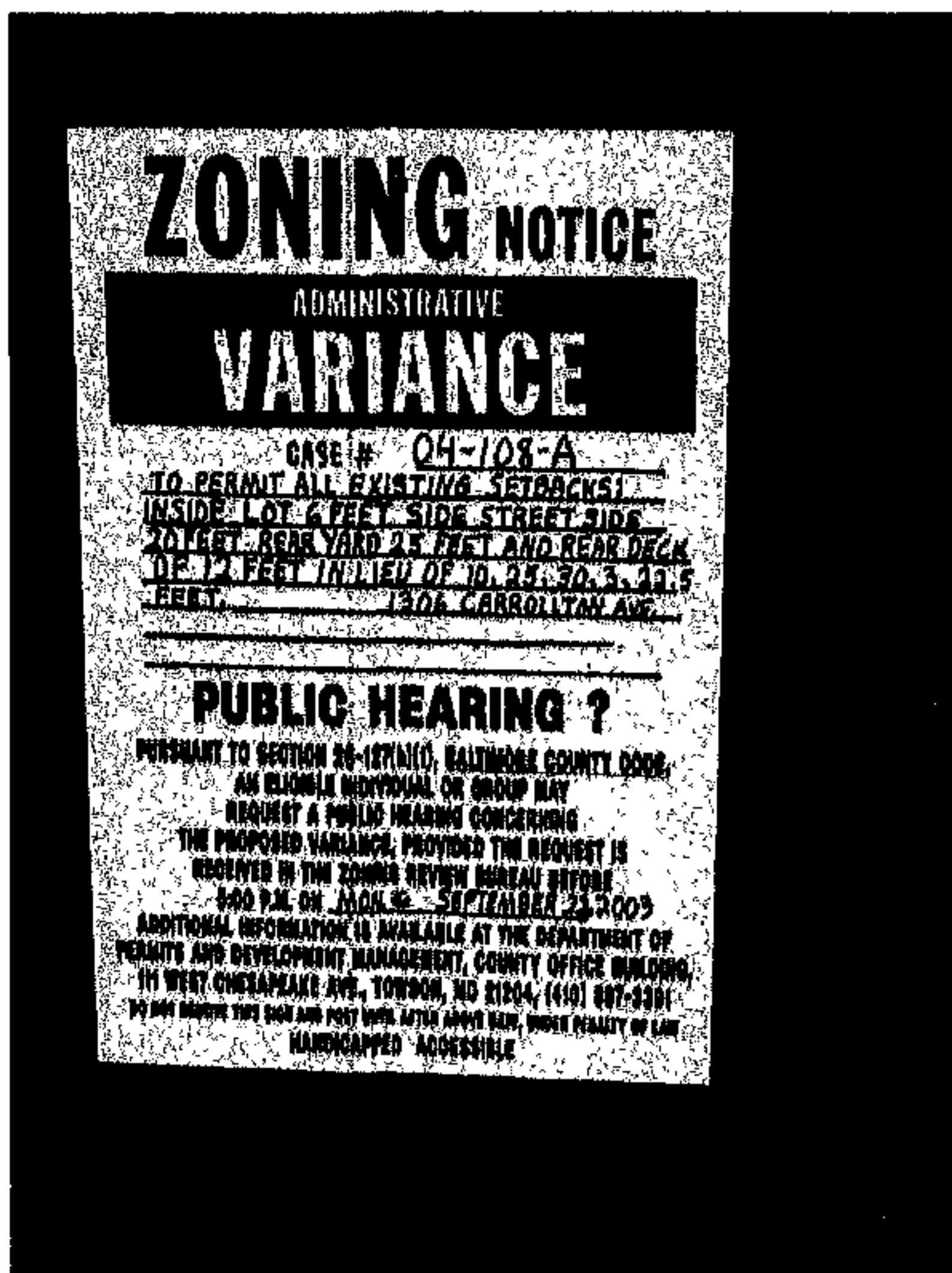
Date: September 9, 2003

ADMINISTRATIVE

RE: Case Number 04-108-A
Petitioner/Developer: YAZIGI AND GRAND
Date of Hearing/Closing: SEPTEMBER 22, 2003

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1306 CARROLLTON WAY

The sign(s) were posted on September 7, 2003
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04 108 -A Address 1306 CARROLLTON AVE

Contact Person: JOHN R. ALEXANDER Phone Number: 410-887-3391
Planner Please Print Your Name

Filing Date: 8-29-03 Posting Date: 09-07-03 Closing Date: 9-22-03

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number

1. **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. Any 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 closing date.
2. **DEADLINE:** 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.
3. **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 (c) order 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.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor'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.

DO NOT WRITE IN THESE SPACES

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 04 108 -A Address 1306 CARROLLTON AVE

Petitioner's Name YAZIGI & GRAND Telephone 410-878-6066

Posting Date: 09-07-03 Closing Date: 09-22-03

Wording for Sign: To Permit ALL EXISTING SETBACKS; INSIDE LOT 6 FT
SIDE STREET SIDE 20 FT. REAR YARD 25 FT & REAR DECK OF
12 FT IN LIEU OF 10, 25, 30 3 22.5 FT.

04-108-A

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: 04-108-A
Petitioner: RICARDO YABIGI & CECILIA GRAND
Address or Location: 1306 CARROLLTON AVE

PLEASE FORWARD ADVERTISING BILL TO.

Name: RICARDO YABIGI & CECILIA GRAND
Address: 1306 CARROLLTON AVE
COWSON MD 21204

Telephone Number: (410) 828-6066

04-108-A



Baltimore County
Department of Permits and
Development Management

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

September 22, 2003

Ricardo Yazigi
Cecilia Grand
1306 Carrollton Avenue
Towson, MD 21204

Dear Mr. Yazigi and Ms. Grand:

RE: Case Number: 04-108-SPH, 1306 Carrollton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 29, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



Printed with Soybean Ink
on Recycled Paper

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9.10.03

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

RE: Baltimore County
Item No. 108 (JRA)

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,

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone 410.545.0300 · www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Granted
9/26/03.

TO: Tim Kotroco

FROM: R. Bruce Seeley *RBs/TBT*

DATE: October 17, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of September 8, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

04-98,99,103,108,109

RECEIVED

OCT 20 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 23, 2003

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

SUBJECT: Zoning Advisory Petition(s): Case 04-108 – 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.

Prepared by:

Mark A. Cunningham

Section Chief:

[Signature]

AFK/LL:MAC

RECEIVED
SEP 24 2003
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 26, 2003

FROM: *Pub* Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For September 15, 2003
Item Nos. ~~099~~, 101, 102, 103, 104,
106, 107, 108, and 109

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

RWB:CEN:jrb

cc: File



MAIN
Building
Single
Family
Dwelling

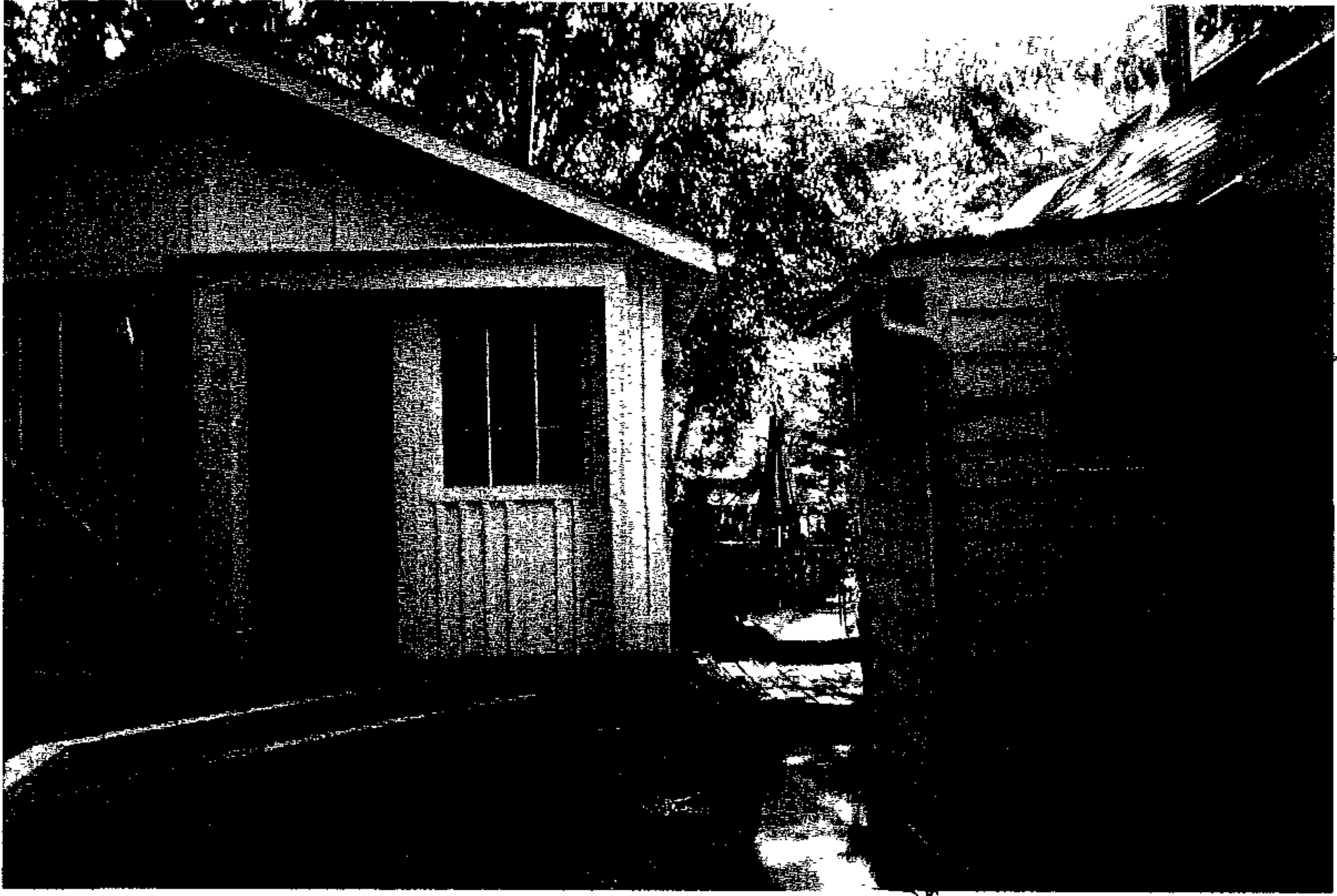


WORK
SHOP

MAIN
DOOR

- 1 -
1306 CARROLLTON AV.

04-108.7



- 2 -
1306 CARROLLTON AV.

04-108-17

Work
shop



Single
Family
Dwelling

Proposed
Addition



3-

04-108.F1

1306 CARROLLTON AV.



Single
Family
Dwelling

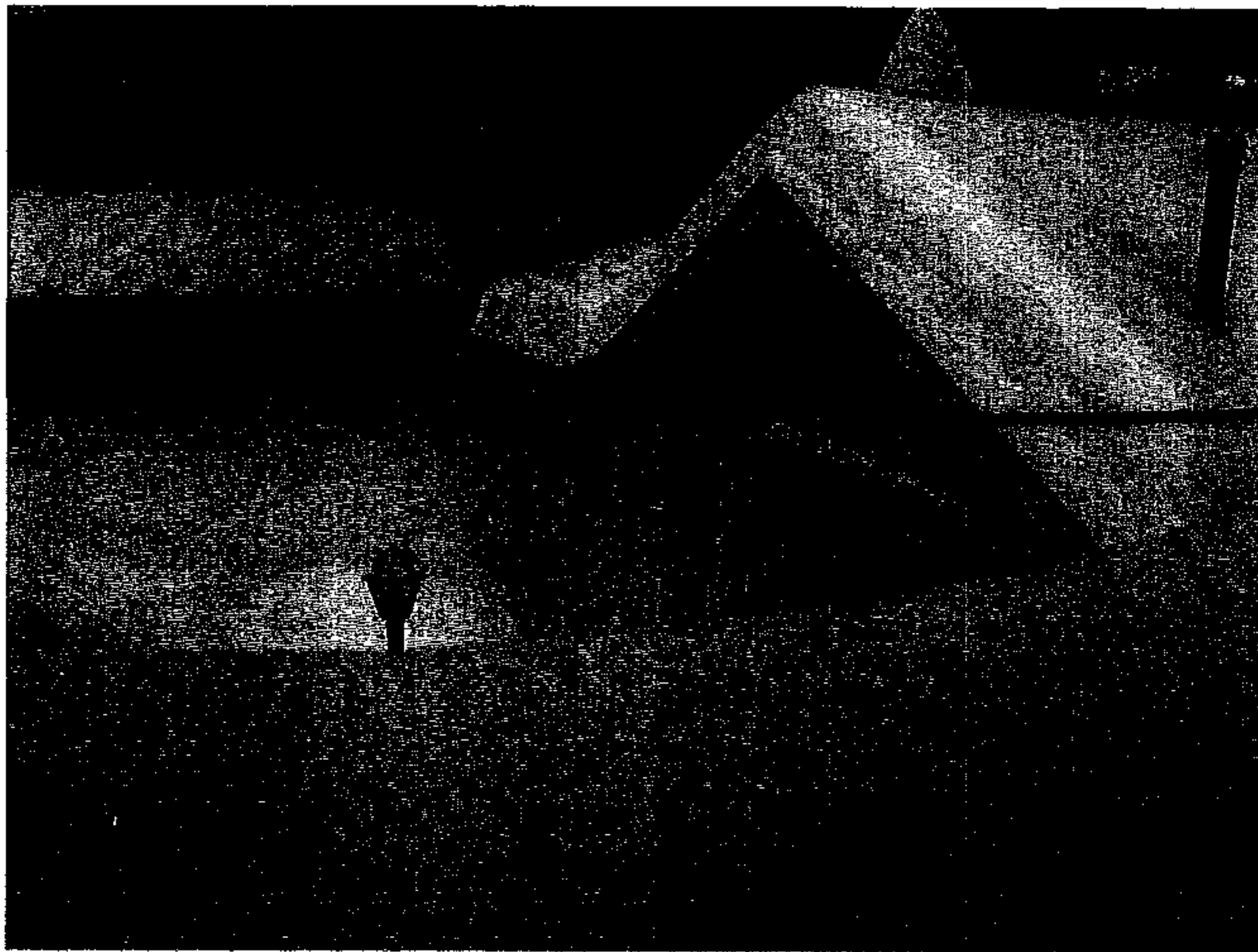


WORK-
SHOP

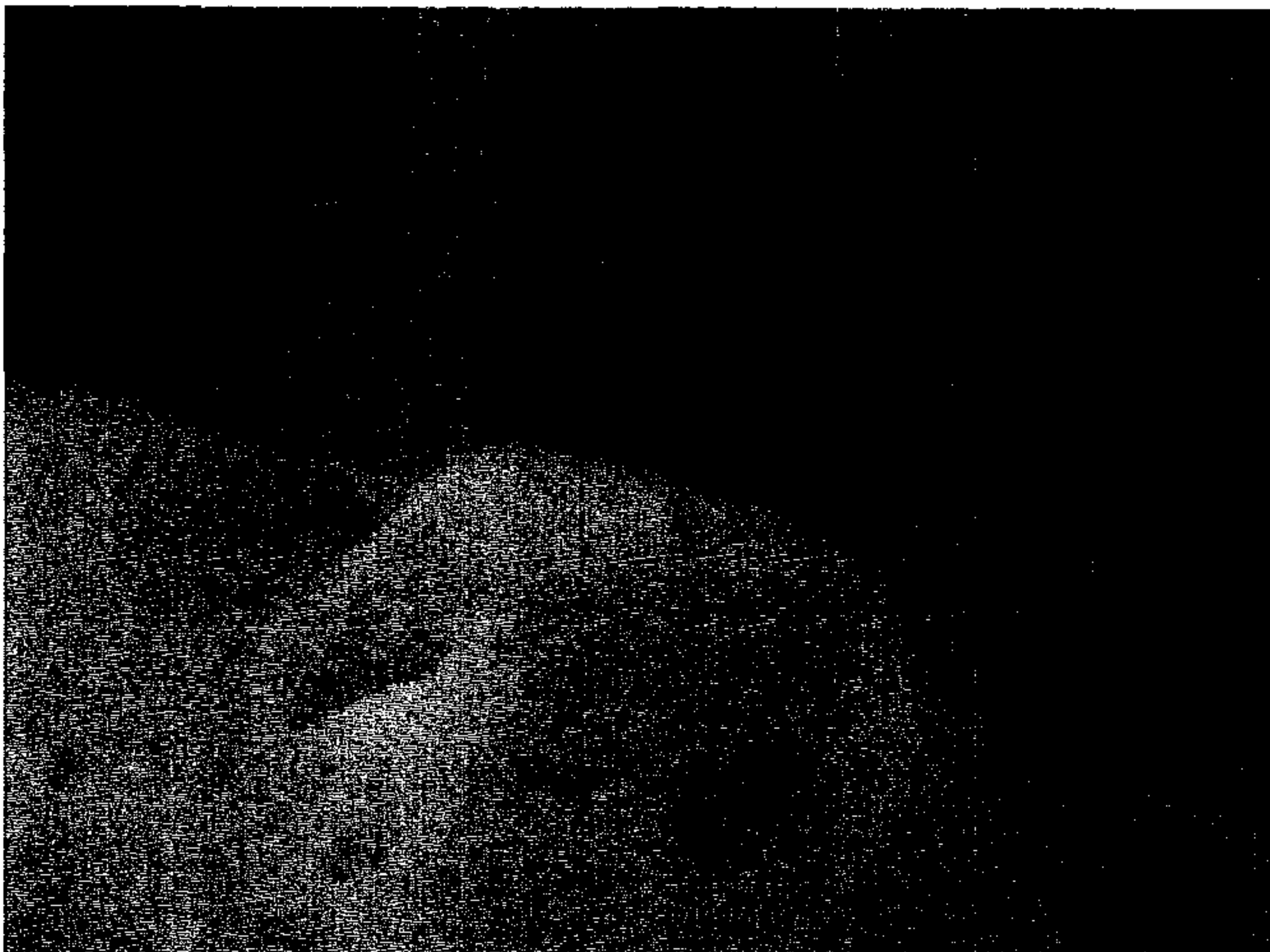
Single
Family
Dwelling



WORK-
SHOP



WORKSHOP



WORKSHOP

-6-

04-108 -A

1306 CARROLLTON AV.

WORKSHOP



single
family
dwelling

single
family
dwelling



WORKSHOP

Single
family
dwelling



Single
family
dwelling

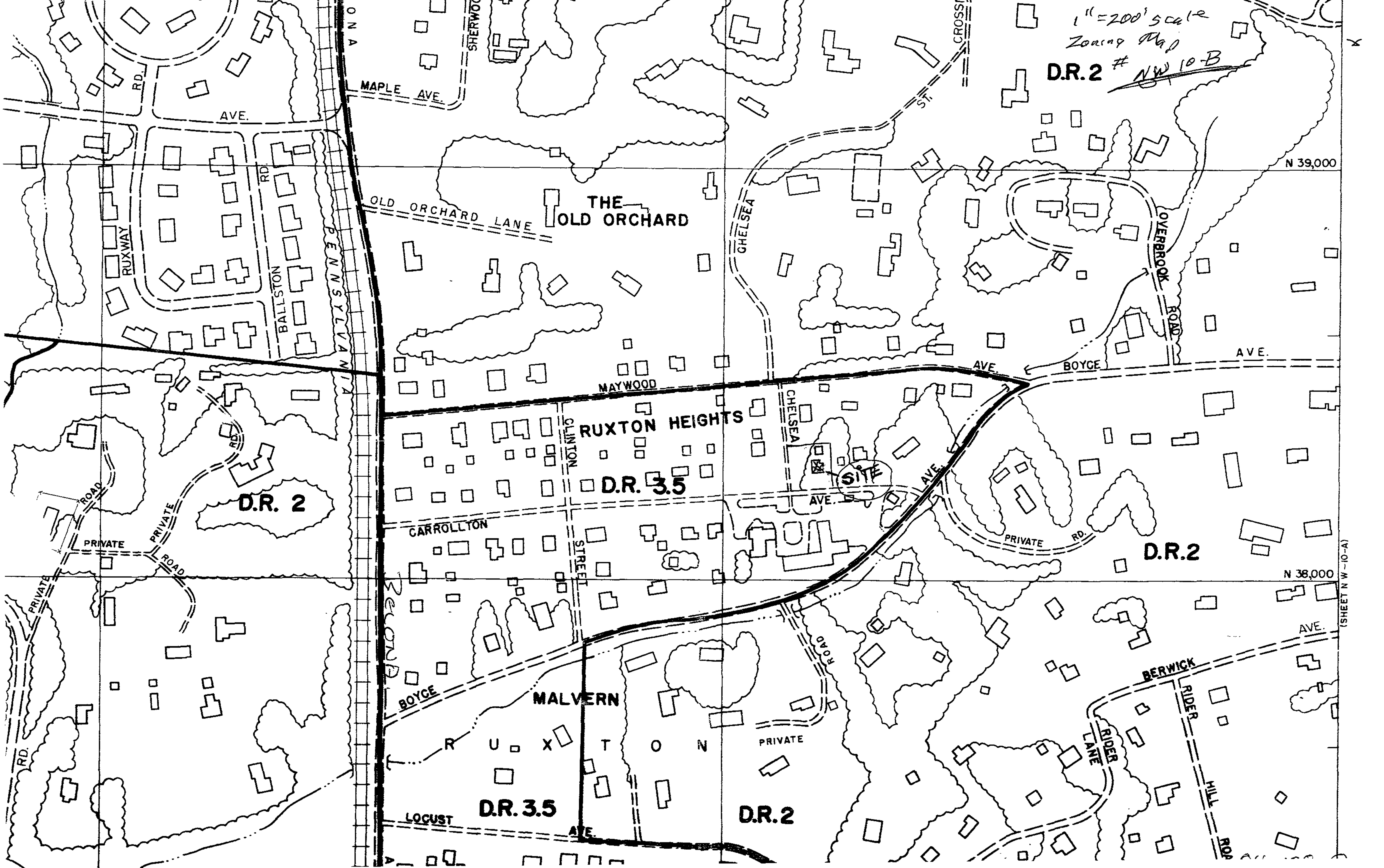


WORKSHOP

-8-

1306 CARROLLTON AV.

04-108-07



1" = 200' scale
Zoning Map
D.R. 2 # NW 10-B

THE OLD ORCHARD

RUXTON HEIGHTS

D.R. 2

D.R. 3.5

D.R. 2

D.R. 3.5

D.R. 2

(SHEET NW-10-A)

- todos estan OK (1000 feet = 300 mts)
- podemos partir mientras se hace el papeleo.
- popules?
- cuanto time



Baltimore County
Fire Department

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

September 11, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: September 8, 2003

Item No.: 098¹⁰⁸ - 111

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

Come visit the County's Website at www.co.ba.md.us

