IN RE: PETITION FOR ADMIN. VARIANCE S/S of Gibbons Boulevard, 52 ft. E of Monroe Street

8th Election District

4th Councilmanic District

(9 Gibbons Boulevard)

Fatemeh Falahi Ardekahi Petitioner BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-114-A

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 owner of the subject property, Fatemeh Falahi Ardekahi. The variance request is for property located at 9 Gibbons Boulevard in the Cockeysville area of Baltimore County. The variance request is from Sections 303.1, 1B02.3.C.1 & 2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a front yard setback of 15 ft. in lieu of the required front yard average setback of 36.5 ft. and to approve a side yard street building line setback of 13 ft. in lieu of the required 30 ft. and to amend Case No. 01-456-A and the Minor Subdivision No. 99-125-M, Lot 1, "Fatemeh Property". The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner 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 Petitioner has 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

20/5/01 20/15/03 welfare of the public and should therefore be granted. In the opinion of the Deputy 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 Petitioner.

In addition, the Petitioner must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) Comments submitted by the Office of Planning dated October 6, 2003, a copy of which is attached hereto and made a part hereof.

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 Deputy Zoning Commissioner for Baltimore County, this 15 day of October, 2003, that a variance from Sections 303.1, 1B02.3.C.1 & 2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a front yard setback of 15 ft. in lieu of the required front yard average setback of 36.5 ft. and to approve a side yard street building line setback of 13 ft. in lieu of the required 30 ft. and to amend Case No. 01-456-A and the Minor Subdivision No. 99-125-M, Lot 1, "Fatemeh Property", be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Tollslos Marcara

- 2. Compliance with the recommendations made by the Office of Planning dated October 6, 2003.
- 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.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

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

October 15, 2003

Ms. Fatemeh Falahi Ardekahi 9 Gibbons Boulevard Cockeysville, Maryland 21030

Re: Petition for Administrative Variance

Case No. 04-114-A

Property: 9 Gibbons Boulevard

Dear Ms. Ardekahi:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

I6hn V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure



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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at #9 Gibbsus Boulemed which is presently zoned P.F. 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) ろうろ・1, 1002・3・C・1・2 らことに

To permit an addition with a front yard setback of 15-feet in lieu of the required front yard average setback of 36.5-feet and to approve a side yard street building line setback of 13-feet in lieu of the required 30-feet and to amend Case No. 01-456-A and the Minor Subdivision No. 99-125-M, Lot 1, "Fatemeh Property".

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 Purchas	er/Lessee:		Legal Owner(s):
Name - Type or Print	<u>-,, , , ,,, </u>	<u> </u>	Name-Type or Print
Signature			Signature
Address	* ~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	Telephone No.	Name - Type or Print
City Attorney For Peti	State tioner:	Zip Code	Signature 9 Gibbon 5 Blvd - 410-666-0075 Address Cccckey5ville MD 21030
Name - Type or Print			City State Zip Code
Signature	<u> </u>		Representative to be Contacted: Sife luft Suwming luc.
Company		-	200 E. Joppa Road Room 101 46828-906 Address Telephone No.
Address		Telephone No.	TOWSON MD 21286
City	State	Zip Code	City State Zip Code
thin district	g been formally demande that County and that the property	r ine subject mailer of t	required, It is ordered by the Zoning Commissioner of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning Zoning Commissioner of Baltimore County

Reviewed By D. THOMPSON

Estimated Posting Date

Affidavit in Support of Administrative Variance

follows: That the information herein given is w	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	#9 Gibbons Boulevard
	Address City SWNL, MD 21030 City State Zip Code
That based upon personal knowledge, the follow	ving are the facts upon which I/we base the request for an Administrative
Variance at the above address (indicate hardship	
Elderly mother's	Knee problems. We need
sore room for her n	of to use the stacirs.
! -	•
; !	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide act	mal demand is filed, Affiant(s) will be required to pay a reposting and dditional information.
Signature	Signature
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMO	
I HEREBY CERTIFY, this 3 rd day of Se of Maryland, in and for the County aforesaid, pers	<u>ഉള്ള bac</u> , <u>2003</u> , before me, a Notary Public of the State sonally appeared
the Affiant(s) herein, personally known or satisfac	torily identified to me as such Affiant(s).
	•
AS WITNESS my hand and Notarial Seal	land of
	Notary Public

My Commission Expires ___

REV 10/25/01

SARAH DEARTH
NOTARY PUBLIC
BALTIMORE COUNTY, MD
My Commission Expires July 21, 2007

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 #9 GIDbons Bonlewd
Address City Address State Zip Code
\mathbf{v}
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):
Elderly mother's knee problems. We need
more room for her not to use the stairs:
· ·
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 Signature
Fatemen Falahi
Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 3rd day of Soptombur, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal
Sauh Acaso Notary Public
Notary Public

My Commission Expires

REV 10/25/01

SARAH DEARTH
NOTARY PUBLIC
BALTIMORE COUNTY, MD
My Commission Expires July 21, 2007



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at #A Gibbons Bovlevaud
which is presently zoned P.P.3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 303.1, 1002, 3.0.1 +2 602.2

To permit an addition with a front yard setback of 15-feet in lieu of the required front yard average setback of 36.5-feet and to approve a side yard street building line setback of 13-feet in lieu of the required 30-feet and to amend Case No. 01-456-A and the Minor Subdivision No. 99-125-M, Lot 1, "Fatemeh Property".

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 Petitlon. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> Fatemeh Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print City Zip Code State Signature **Attorney For Petitioner:** Address Telephone No. Name - Type or Print City Zip Code State Representative to be Contacted: Signature Company Address Address felephone No. Telephone No City Zip Code Zip Code State State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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

Reviewed By D.THompson Date_

Estimated Posting Date

915103

ZONING DESCRIPTION FOR #9 GIBBONS BOULEYARD

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

District.

J. Tilghman Downey, Jr.

OFFICE OF BUDGET BALTIMORE COUNT ANEOUS

AMOUNT

47

WHITE - CASHIER

AGENCY

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NOTICE

DWINSTRATIVE

CASE # 04-114-A

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CERTIFICATE OF POSTING

·	RE: Case No.: 04-114-A
	Petitioner/Developer: FACALI
	Date of Hearing/Closing: SEPT. 30, 1200
ermits and Development Management of county Office Building, Room 111 11 West Chesapeake Avenue owson, MD 21204	
ttention: BECKY HART	
•	r the penalties of perjury that the necessary sign(s) required by
w were posted conspicuously on the property loca	ted at #9 GIBBOALS BLVD
)	
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ile sign(s) were posted on	Month, Day, Year)
	Sincerely, Signature of Sign Poster and Date)
	GARLANDE, W. Oors (Printed Name)
	3225 RYERSON CIRCLES
	PAUTINIARE, MD. 2127 (City, State, Zip Code)
	(410) 242-4263
•	(Telephone Number)

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.

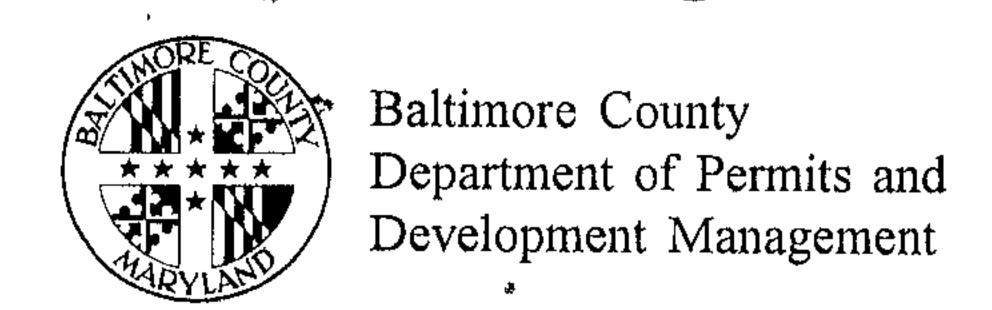
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:	
Item Number or Case Number: 04-114-A	
Petitioner: Fateweh Falam	
Address or Location: 9 Gibbon's BWd.	·
•	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Fatemen Falam	
Address: 9 Gibbons Bonleward	
Cockensvilley MD 21030	
Telephone Number: 410 560 - 0611	

Revised 2/20/98 - SCJ

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case I	Number	0\$-	1	14	-A		Addre	ss <u>9</u>	618	bbons	BLVD	<u>., 2</u>	1030
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Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

September 29, 2003

Fatemah Falahi Ardekani 9 Gibbons Boulevard Cockeysville, MD 21030

Dear Ms. Ardekani:

RE: Case Number: 04-114-A, 9 Gibbons Boulevard

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 4, 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

WCR:klm

Enclosures

c: People's Counsel Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21286



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 24, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: September 22, 2003

Item No.:

112, 114, 122, 124, 126, 128-130, 136

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 MEZIČK 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
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9.23.03

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

RE: Baltimore County

Item No. //4 DT

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 DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley 285 MT

DATE:

October 22, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of September 22, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

04-113(114)118,119,120,121,122,123,127,128,129,130,136

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: October 6, 2003

RECEIVED

OCT - 6 2003

ZONING COMMISSIONER

SUBJECT:

9 Gibbons Blvd.

INFORMATION:

Item Number:

04-114

Petitioner:

Fatemeh Falahi Ardekahi

Zoning:

DR 3.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petition's request providing the proposed addition is in keeping with the existing dwelling. The petitioner should submit building elevations (including exterior building materials) of the proposed addition to this office for review and approval prior to the issuance of any building permit.

Prepared by:

Mart Cimele

Section Chief:

Catry Echlalanch

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM \

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 29, 2003

Item Nos. 113, 114, 115, 116, 117, 118, 122, 125, 126, 128, 130, and

136

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

RWB:CEN:jrb

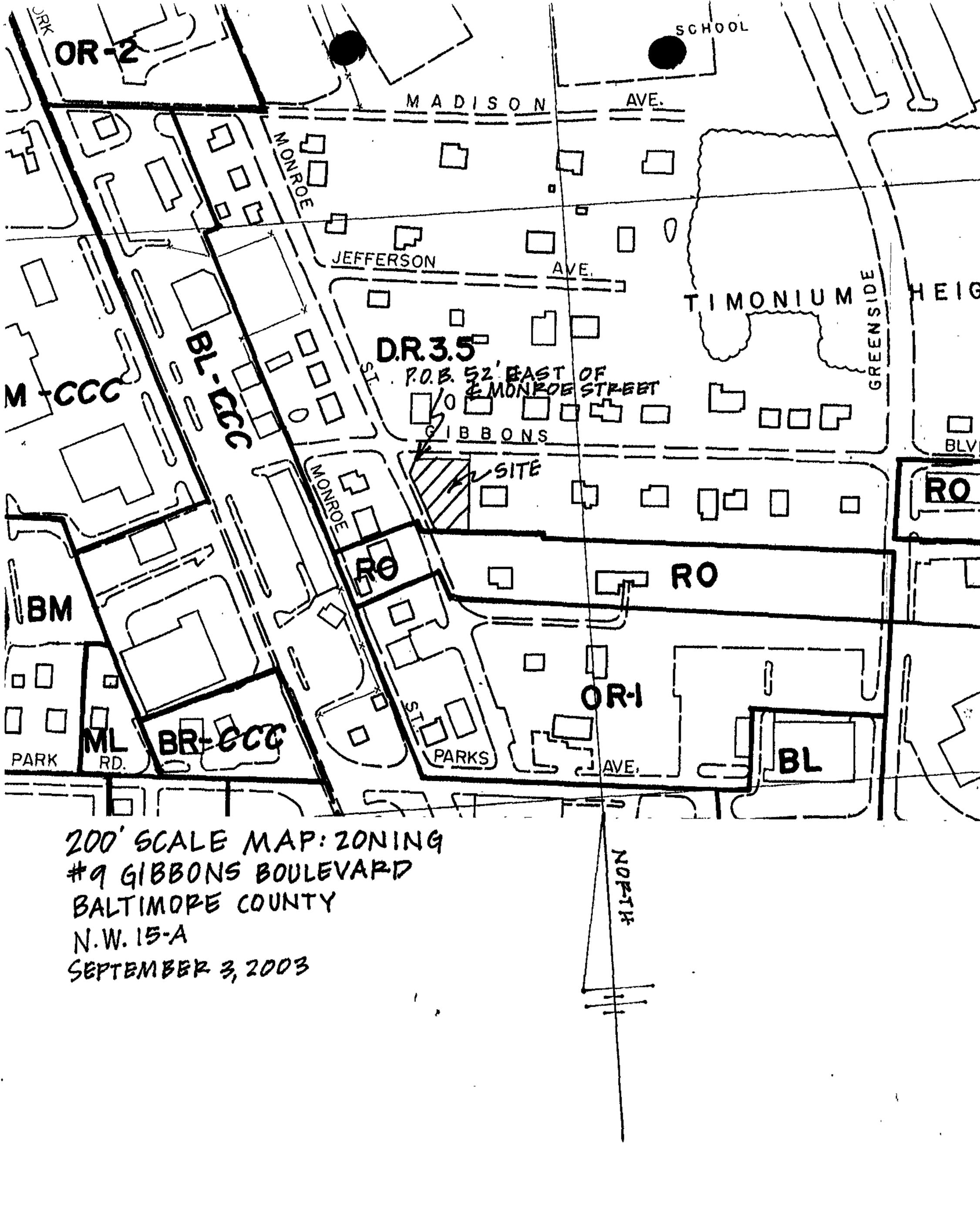
cc: File

RECEIVED

DATE: September 30, 2003

OCT - 3 2003

ZONING COMMISSIONER



Baltimore County Zoning Commissioner Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204 Thother A

