IN RE: PETITION FOR ADMIN. VARIANCE N/S of Trappe Road, 80 ft. E centerline of Grange Road 12th Election District 7th Councilmanic District **(430 Trappe Road)** Kathleen M. Bielski Fagan & James E. Fagan *Petitioners*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-557-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 owners of the subject property Kathleen M. Bielski Fagan & James E. Fagan. The variance request is for property located at 430 Trappe Road in the eastern area of Baltimore County. The variance request is from Section 1B02.3.B ("D" residence – old regs.) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 35 ft. in lieu of the required 40 ft. to construct an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 8, 2005, 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 32-3-303 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 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 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 Deputy Zoning Commissioner for Baltimore County, this 3 day of June, 2005, that a variance from Section 1B02.3.B ("D" residence – old regs.) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard setback of 35 ft. in lieu of the required 40 ft. to construct an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

6/3/05

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
William J. Wiseman III, Zoning Commissioner

June 3, 2005

Mr. & Mrs. James E. Fagan
430 Trappe Road
Baltimore, Maryland 21222

Re: Petition for Administrative Variance
Case No. 05-557-A
Property: 430 Trappe Road

Dear Mr. & Mrs. Fagan:

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,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 430 Trappe Rd.
which is presently zoned D.R.-5.5

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)

1B02.3.B ("D" residence-old regs) to permit a rear yard setback of 35 ft. in lieu of the required 40 ft. to construct an addition.

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):

JAMES E. FAGAN
Name - Type or Print

James E. Fagan
Signature

Name - Type or Print

Kathleen M. Bielski (Fagan)
Signature

Kathleen M. Bielski (Fagan)
Address — Telephone No.

430 Trappe Rd — 410-285-8379
City — State — Zip Code

Baltimore — MD — 21222

Representative to be Contacted:

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 day of _____, _____ 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

ORDER RECEIVED FOR FILING
Date 6/3/05
By

CASE NO. 05-557-A

Reviewed By BK **Date** 4/29/05

Estimated Posting Date 5/8/05

V 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, a follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/an 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 430 TRAPPE RD.
Address
BALTIMORE MD. 21222
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrativ Variance at the above address (indicate hardship or practical difficulty):

A.

1. (i) Existing conditions make it impossible to extend living area into rear yard.
   (ii) Many other properties in zoning district have additional living space in rear yard. Variances for other projects have been granted in the past.
   (iii) Hardship was not the result of applicants own actions.

B.

2. (i) Construction cost would increase by having to build on unique angles. Would not create needed square footage in a functional manor. Kitchen would have to be completely remodeled.
   (ii) Many homes in the zoning district have additional living space in same location.
   (iii) Yes, relief has been granted in zoning district before.

EXISTING HEALTH CONCERNS MAKE STEPS A PROBLEM.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting an advertising fee and may be required to provide additional information.

James E. Fagan
Signature

JAMES E. FAGAN
Name - Type or Print

Kathleen M. Bielski (Fagan)
Signature

KATHLEEN M. BIELSKI (FAGAN)
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of APRIL, 2005, before me, a Notary Public of the Stat of Maryland, in and for the County aforesaid, personally appeared James E. Fagan ; Kathleen M Bielski Fagan the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

JAMES A. CAVOURES
NOTARY PUBLIC
BALTIMORE COUNTY MARYLAND

James A Cavoures
Notary Public

My Commission Expires 9/1/07

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, a follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/ar 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 430 Trappe Rd.
Address

Baltimore Md. 21222
City State Zip Code

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   (ii) Many other properties in zoning district have additional living space in rear yard. Variances for other projects have been granted in the past.
   (iii) Hardship was not the result of applicants own actions.

B.

2. (i) Construction cost would increase by having to build on unique angles. Would not create needed square footage in a functional manor. Kitchen would have to be completely remodeled.
   (ii) Many homes in the zoning district have additional living space in same location.
   (iii) Yes, relief has been granted in zoning district before.

Existing health concerns make steps a problem.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting an advertising fee and may be required to provide additional information.

James E. Fagan
Signature

JAMES E. FAGAN
Name - Type or Print

Kathleen M. Bielski (Fagan)
Signature

KATHLEEN M. BIELSKI (Fagan)
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27 day of APRIL, 2005, before me, a Notary Public of the Stat of Maryland, in and for the County aforesaid, personally appeared

James E Fagan ; Kathleen M Bielski Fagan

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

JAMES A. CAVOURES NOTARY PUBLIC BALTIMORE COUNTY MARYLAND

James A Cavoures
Notary Public

My Commission Expires 9/1/07

REV 10/25/01

X

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 430 Trappe Rd.

which is presently zoned D.R. 5.5

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)

1B02.3.B ("D" residence - old regs) to permit a rear yard setback of 35 ft. in lieu of the required 40 ft. to construct an addition.

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):

JAMES E. FAGAN
Name - Type or Print

James E. Fagan
Signature

Name - Type or Print

Kathleen M. Bielski (Fagan)
Signature

Kathleen M. Bielski (Fagan)
Address — Telephone No.

430 Trappe Rd — 410 285-8379
City — State — Zip Code

Baltimore, MD 21222

Representative to be Contacted:

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 ____ day of _____, _____ 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

C E NO. 05-557-A

Reviewed By [illegible] **Date** 4/29/05

Estimated Posting Date 5/8/05

REV 10/25/01

Zoning description for 430 Trappe Rd, Baltimore, MD 21222.

Beginning at a point on the North side of Trappe Rd. which is 30 feet wide at a distance of 90 feet east of the centerline of the nearest improved intersecting street Grange Road which is 30 feet wide. Being Lot # 17 Block K, Section # 3 in the subdivision of Southbrook Section 3 as recorded in Baltimore County Plat Book # 19, Folio # 94, containing 1,728 square feet. Also known as 430 Trappe Rd. and located in the 12 Election District, 7 Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 443698

DATE 4/29/05 ACCOUNT 1001-000-6150

AMOUNT $ 65.00

RECEIVED FROM Kathleen Kynas

FOR Administrative Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
ISSUING AGENCY TIME
5/02/2005 4/29/2005 09:29AM
FUND ISSUE NAME
RECEIPT # 401040 4/29/2005
Dept 4 TOWN ZONING VERIFICATION
R MT. 443698
Recpt Tot
465.00 CK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-557-A

Petitioner/Developer: KATHLEEN FAGAN

Date of Hearing/Closing: 5/23/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

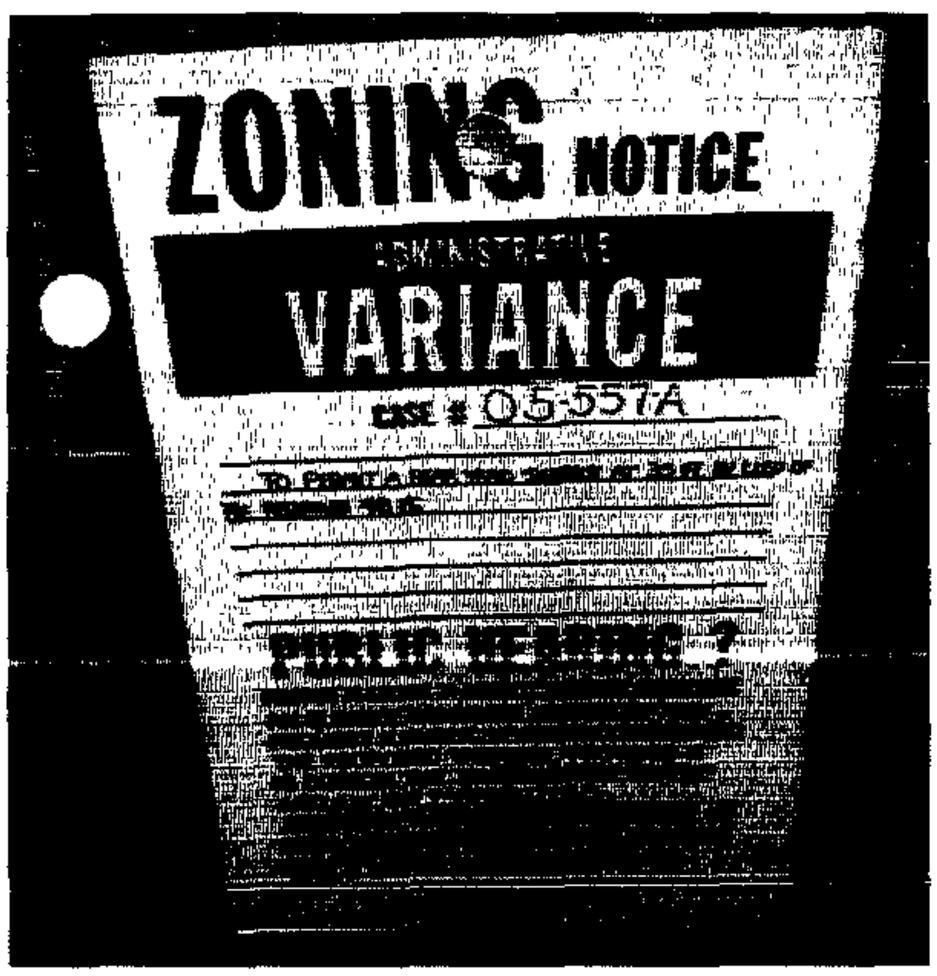
ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 430 TRAPPE RD

The sign(s) were posted on 5/8/05
(Month, Day, Year)

Sincerely,



Robert Black 5/10/05
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

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: 05-557-A

Petitioner: James and Kathleen Fagan

Address or Location: 430 Trappe Rd Baltimore, MD 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: Autumn Contracting Stephen DAVIS

Address: 41417 Glen Park Rd
Baltimore, MD 21236

Telephone Number: 410-529-4575

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05-557 -A Address 430 Trappe Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/29/05 **Posting Date:** 5/8/05 **Closing Date:** 5/23/05

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.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05-557 -A Address 430 Trappe Rd.

Petitioner's Name Kathleen Fagan Telephone

Posting Date: 5/8/05 **Closing Date:** 5/23/05

Wording for Sign: To Permit a rear yard setback of 35 ft. in lieu of the required 40 ft.

WCR - Revised 6/25/04

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

May 23, 2005

James E. Fagan
Kathleen M. Bielski-Fagan
430 Trappe Road
Baltimore, Maryland 21222

Dear Mr. and Mrs. Fagan:

RE: Case Number: 05-557-A, 430 Trappe Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 29, 2005.

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: clb

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 20, 2005

FROM: Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 23, 2005
Item No. 557

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

A minimum of 20-feet right-of-way for alley shall be shown. Set back shall be relocated to reflect this.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 557-05202005.doc

Granted 6/3/05

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED
JUN 3 2005
ZONING COMMISSIONER

TO: Tim Kotroco

FROM: John D. Oltman, Jr JDO

DATE: June 3, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of May 16, 2005

__X__ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-557
05-558
05-559
05-561
05-564
05-566

Reviewers: Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 19, 2005

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-557 and 5-572**
Administrative Variance(s)

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 Cunningham in the Office of Planning at 410-887-3480.

Prepared By: Mark A Cunningham

Division Chief: Lynn Lanham

MAC/LL

W:\DEVREV\ZAC\nocomment.doc

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

SHA State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 5.13.05

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

RE: Baltimore County
Item No. 557 BPR

Dear. Ms. Matthews:

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

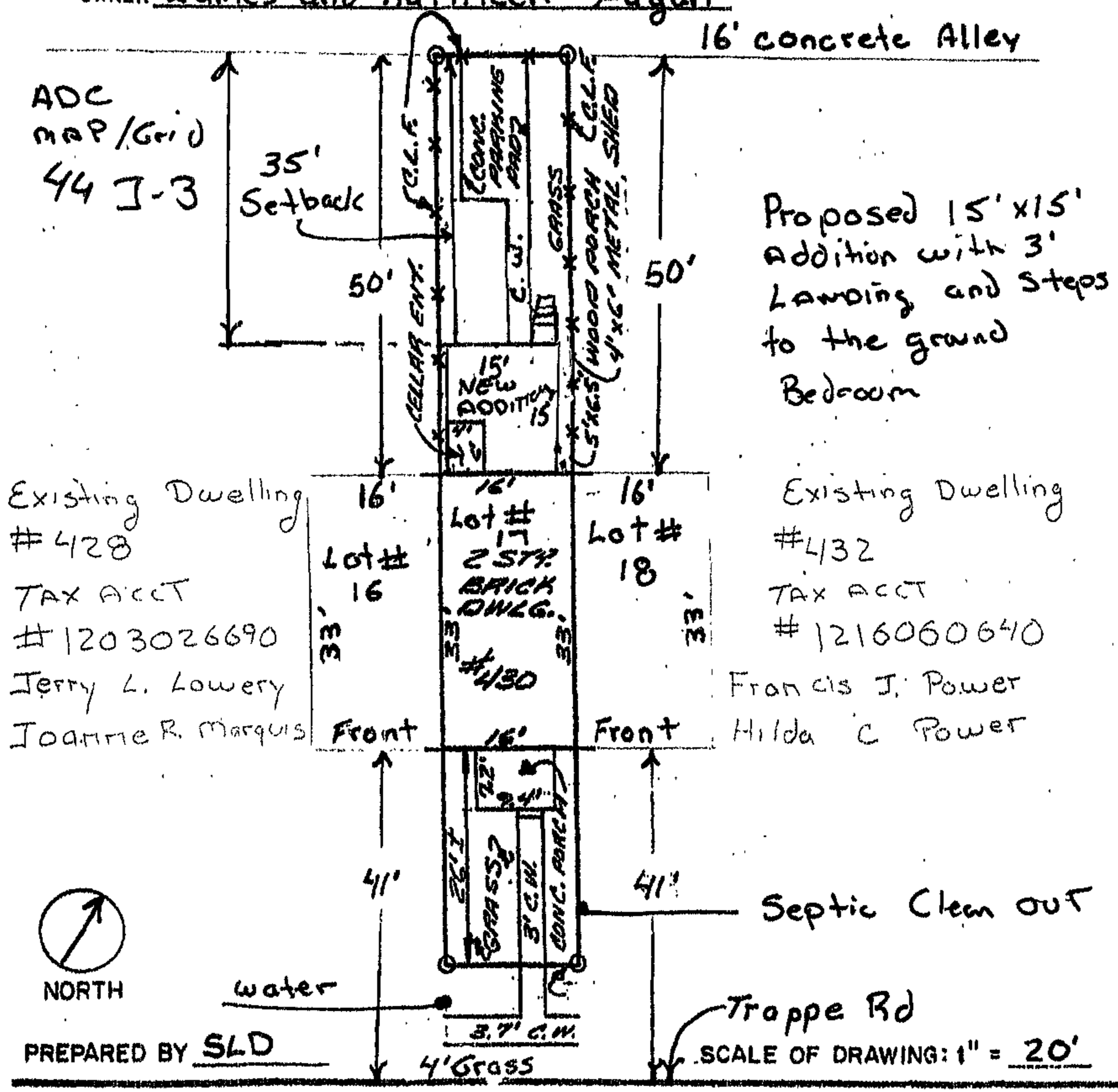
PROPERTY ADDRESS 430 Trappe Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME South brook Section Three

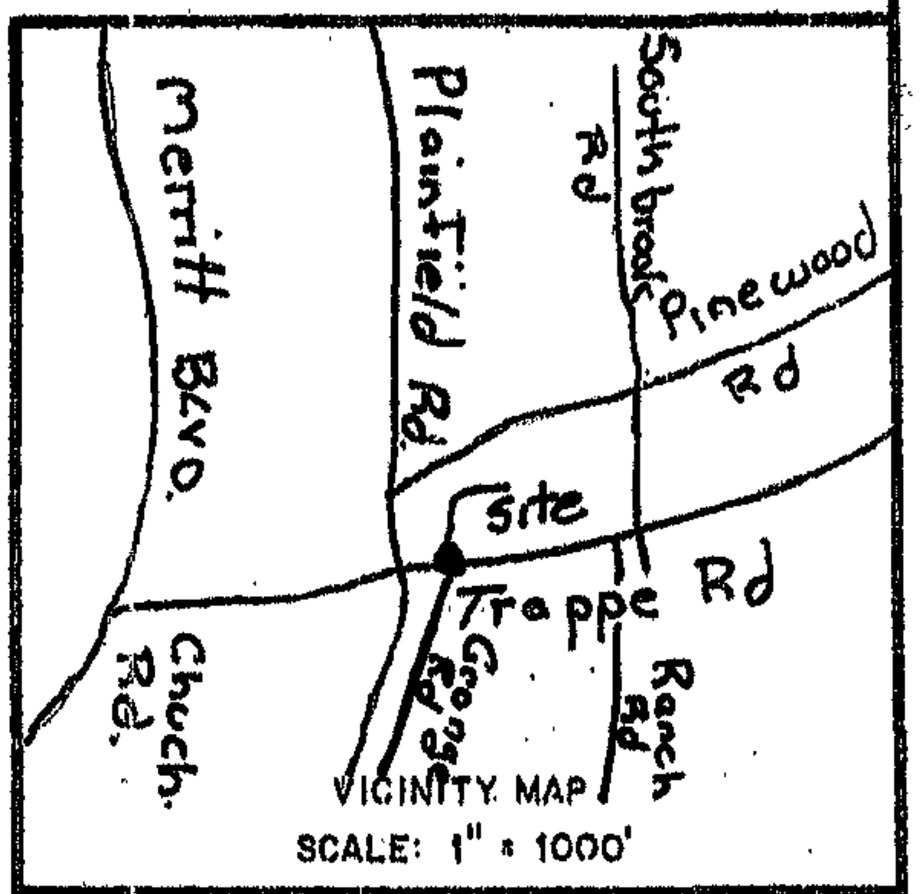
PLAT BOOK # 19 FOLIO # 94 LOT # 17 SECTION # 3

OWNER James and Kathleen Fagan



PREPARED BY SLD

SCALE OF DRAWING: 1" = 20'



LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT # 7

1" = 200' SCALE MAP # SE 3-F

ZONING DR 5.5

LOT SIZE .0396 ACREAGE 1,728 SQUARE FEET

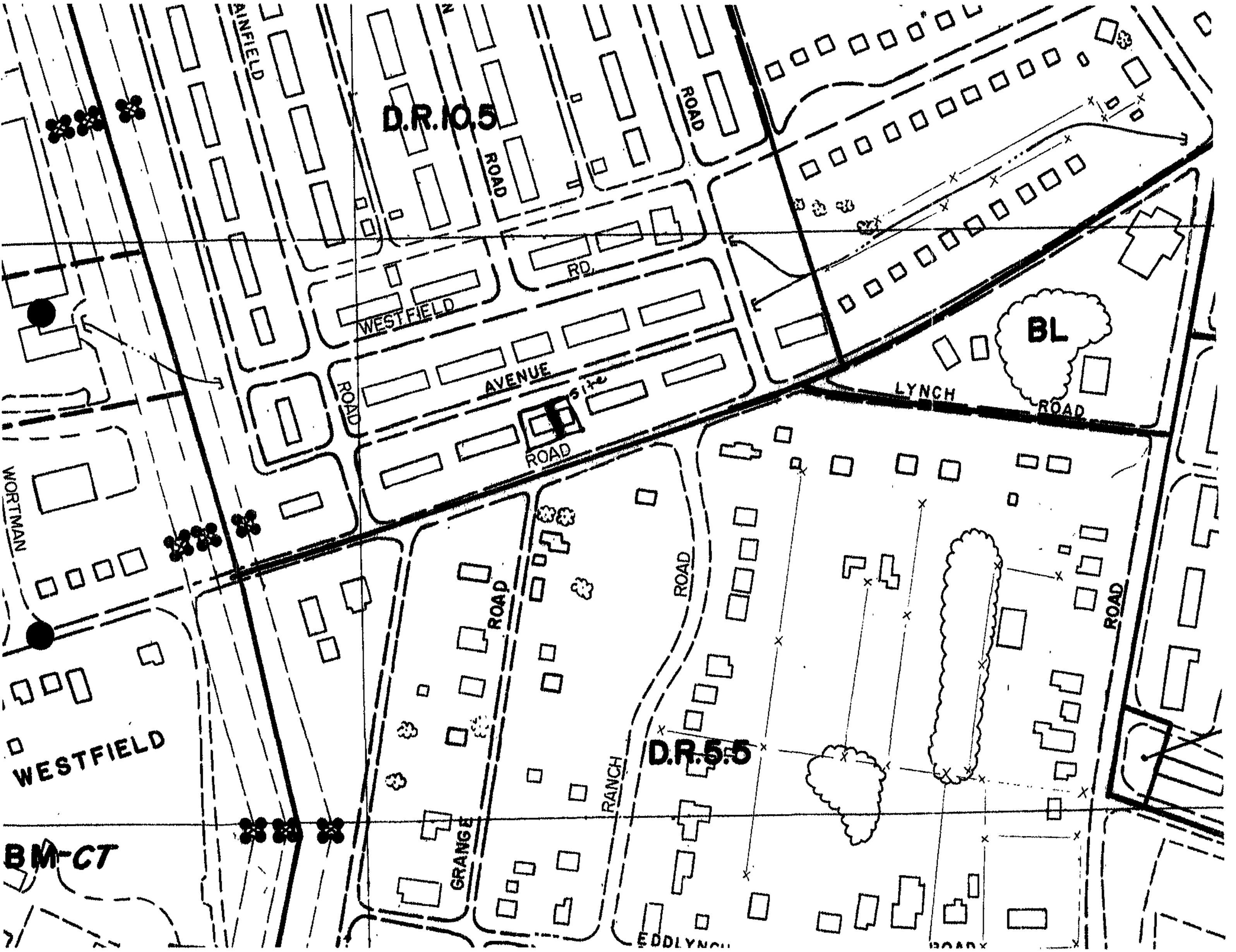
	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING		

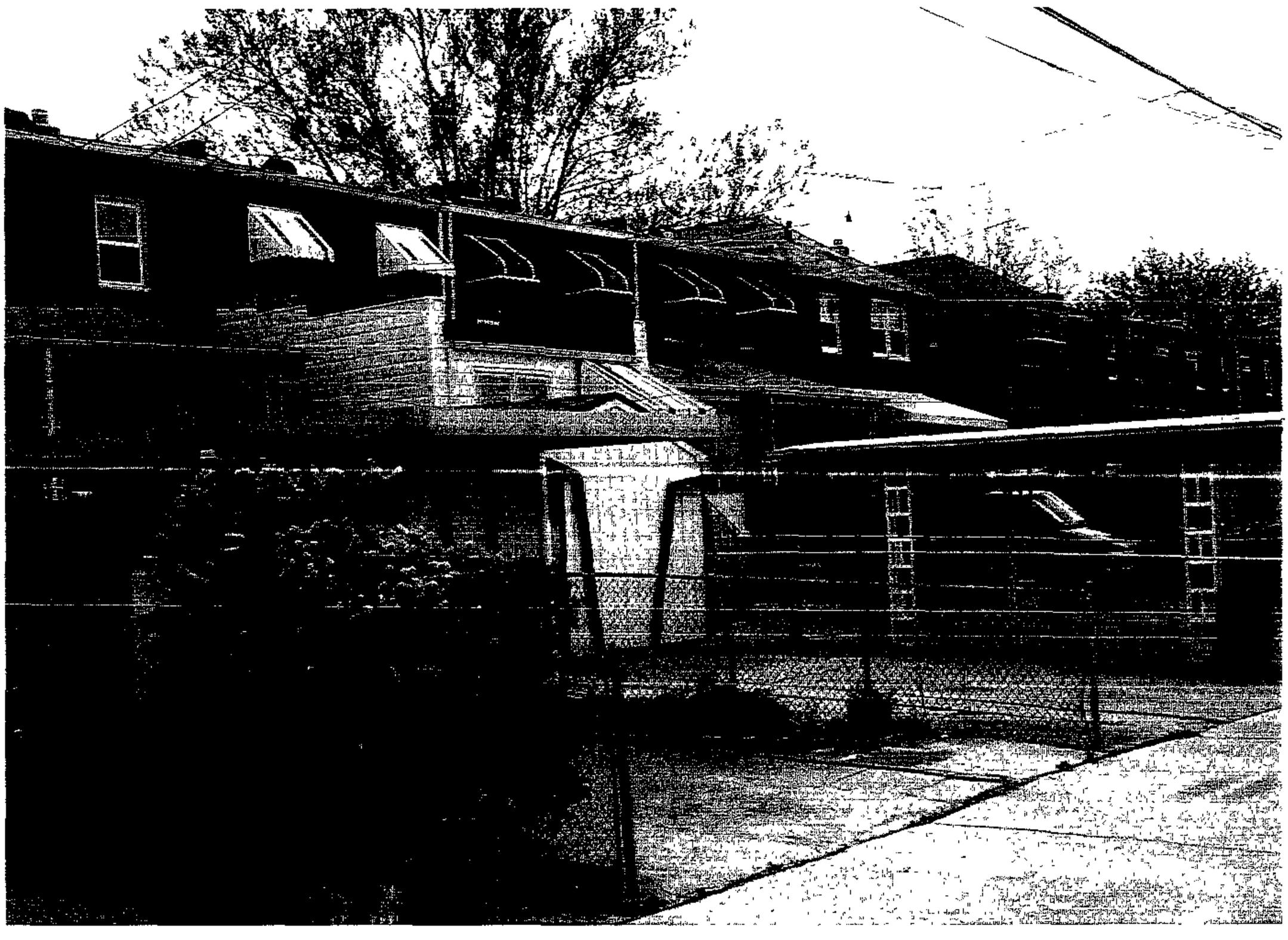
ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
SN	557	05-557-A

Pet Ex #1


D.R.10.5
AINFIELD
ROAD
ROAD
ROAD
RD.
WESTFIELD
AVENUE
ROAD
Site
ROAD
WORTMAN
BL
LYNCH
ROAD
ROAD
ROAD
ROAD
WESTFIELD
D.R.5.5
RANCH
GRANGE
BM-CT
EDDLYNCH

#557



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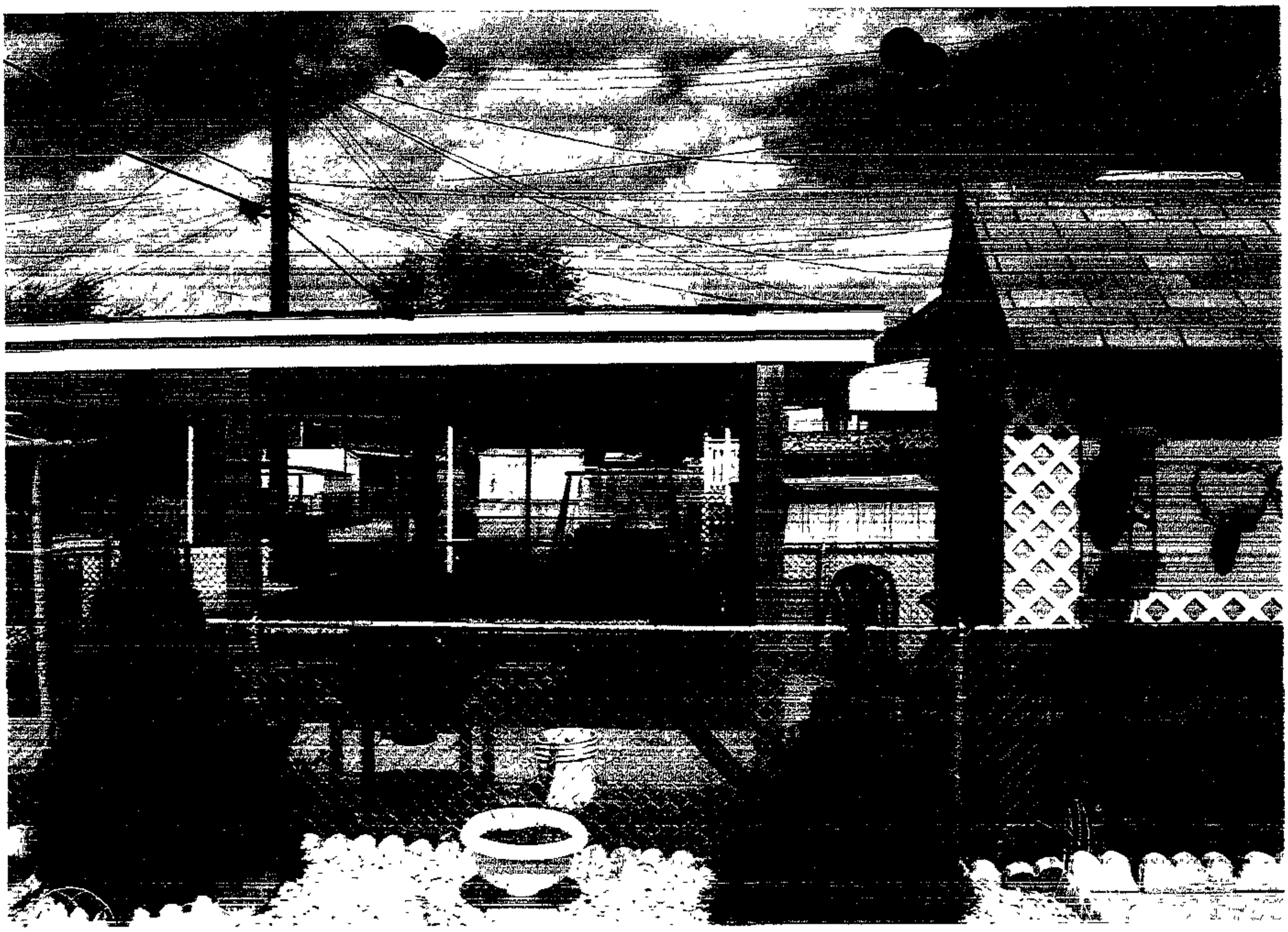

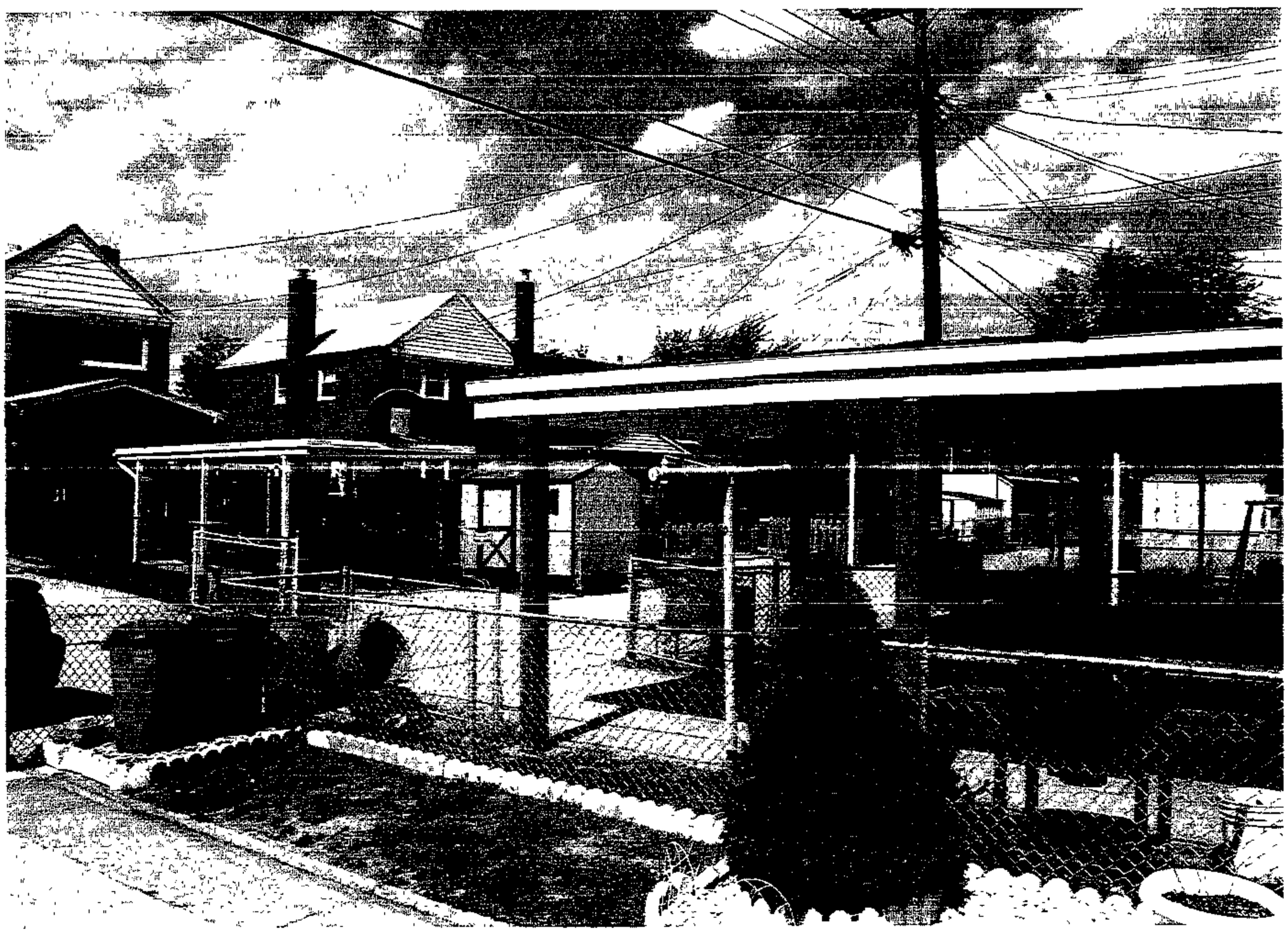

#557