

IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Fragrance Way, 30 ft. N
centerline of Braeburn Way
11th Election District
5th Councilmanic District
(9317 Fragrance Way)

Hemalatha K. & Ravi Varadhan
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-056-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, Hemalatha K. and Ravi Varadhan. The variance request is for property located at 9317 Fragrance Way in Baltimore County. The variance request is from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (deck) with a rear yard setback of 15 ft. in lieu of the minimum required 37 ½ ft., and to amend the Final Development Plan for "Forge Landing", Lot 66. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 6, 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

RECEIVED FOR FILING
8/31/05
Ray

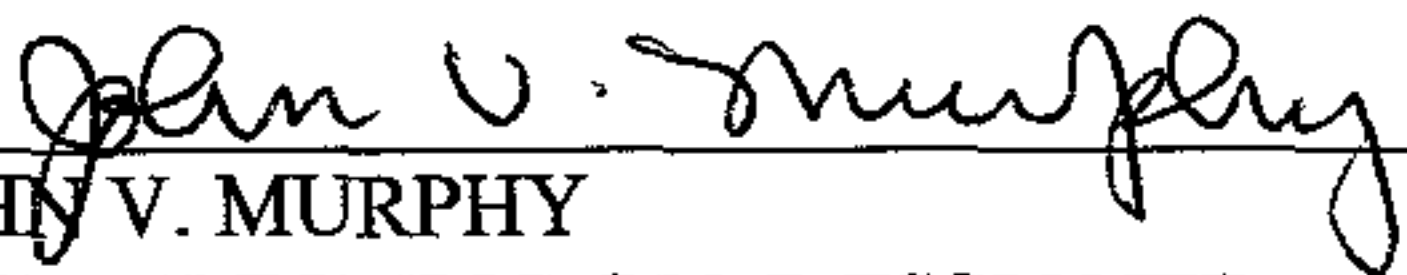
compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 31 day of August, 2005, that a variance from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection (deck) with a rear yard setback of 15 ft. in lieu of the minimum required 37 ½ ft., and to amend the Final Development Plan for "Forge Landing", Lot 66., 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
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

RECEIVED
8/31/05
Ray

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

August ³¹~~30~~, 2005

Mr. & Mrs. Ravi Varadhan
9316 Fragrance Way
Perry Hall, Maryland 21128

Re: Petition for Administrative Variance
Case No. 06-056-A
Property: 9316 Fragrance Way

Dear Mr. & Mrs. Varadhan:

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,

A handwritten signature in cursive script, reading "John V. Murphy".

John 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 9316 FRAGRANCE WAY
which is presently zoned DR 3.5-H

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) 301.1.A, BCZR to permit an

open projection (deck) with a rear yard Setback of 15 feet in lieu of the minimum required 37 1/2 feet, and to amend the final development plan for Forge Landing, Lot 66.

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):

Ravi Varadhan
Name - Type or Print

Signature

Hemalatha K. Varadhan
Name - Type or Print

Signature

9316 Fragrance Way 410 529 3772
Address Telephone No.

Perry Hall MD 21128
City State Zip Code

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 8/31/05 day of August 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. 06-056-A

REV 10/25/01

Reviewed By JNP Date 7/26/05

Estimated Posting Date 8/7/05

ORDER RECEIVED FOR FILING

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 9316 FRAGRANCE WAY
Address
PERRY HALL MD 21128
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):

We would like to build a deck. We would like to request a variance on the required 50 ft setback (it should be noted that the builder was granted a zoning variance to permit a 30 ft. rear setback in lieu of the 50 ft required). Owing to the following practical difficulties, the only place that we can locate the deck is on the rear, northwest side of our house and property (please see the attached pictures):

- (1) The deck can be accessed most easily via the sliding kitchen door.
- (2) There is a 3 ft drop from the kitchen to our backyard, therefore we are currently unable to access and use our backyard effectively.
- (3) Placing the deck on the north side would block the side-loading garage.
- (4) Placing the deck on the south side is infeasible because (a) utility (gas and water) meters are located there and (b) there is no access to the deck from the house.
- (5) For obvious reasons (e.g., lack of space, aesthetics) the deck can't be located on the front (East side) of the house.

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.

Ravi Varadhan
Signature
RAVI VARADHAN
Name - Type or Print

Hemalatha K. Varadhan
Signature
HEMALATHA K. VARADHAN
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18TH day of July, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

RAVI VARADHAN & HEMALATHA K. VARADHAN
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

KAREN S. HOLEMO, NOTARY PUBLIC
STATE OF MARYLAND
COUNTY OF BALTIMORE
MY COMMISSION EXPIRES MAY 1, 2006
REV 10/25/01

Karen S. Holemo
Notary Public
My Commission Expires 5/1/06

ZONING DESCRIPTION FOR 9316 FRAGRANCE WAY

Beginning at a point on the west side of Fragrance Way, which is 76 ft wide at the distance of 30 ft north of the centerline of the nearest improved intersecting street Braeburn Way which is 50 ft wide. *Being Lot #66, Plat 3, in the subdivision of Forge Landing as recorded in the Baltimore County Plat #75, Folio #33, containing 0.22 acre. Also known as 9316 Fragrance Way and located in the 11th Election District, 5 Councilmanic District.

06-056-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 443256

DATE 7/26/05 ACCOUNT R-201-006-4150

AMOUNT \$ 130.00

RECEIVED FROM: Varadhan

FOR: Adm. Varadhan - 9316 Ferguson Way

06-056-A (Varadhan)

DISTRIBUTION
WHITE: CASHIER
PINK: AGENCY
YELLOW: CUSTOMER

PAID RECEIPT

RECEIVED BY: WILLIAM J. WILSON DATE: 7/27/2005
FOR: RECEIVED BY: WILSON, J. W.
RECEIVED BY: WILSON, J. W. DATE: 7/27/2005
FOR: RECEIVED BY: WILSON, J. W.
RECEIVED BY: WILSON, J. W. DATE: 7/27/2005
FOR: RECEIVED BY: WILSON, J. W.

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-056-A

Petitioner/Developer: VARADHAN

Date Of Hearing/Closing: 8/22/05

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

Attention:

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 at 9316 FRAGRANCE WAY

This sign(s) were posted on August 6, 2005
(Month, Day, Year)

Sincerely,

Martin Ogle 8/6/05
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

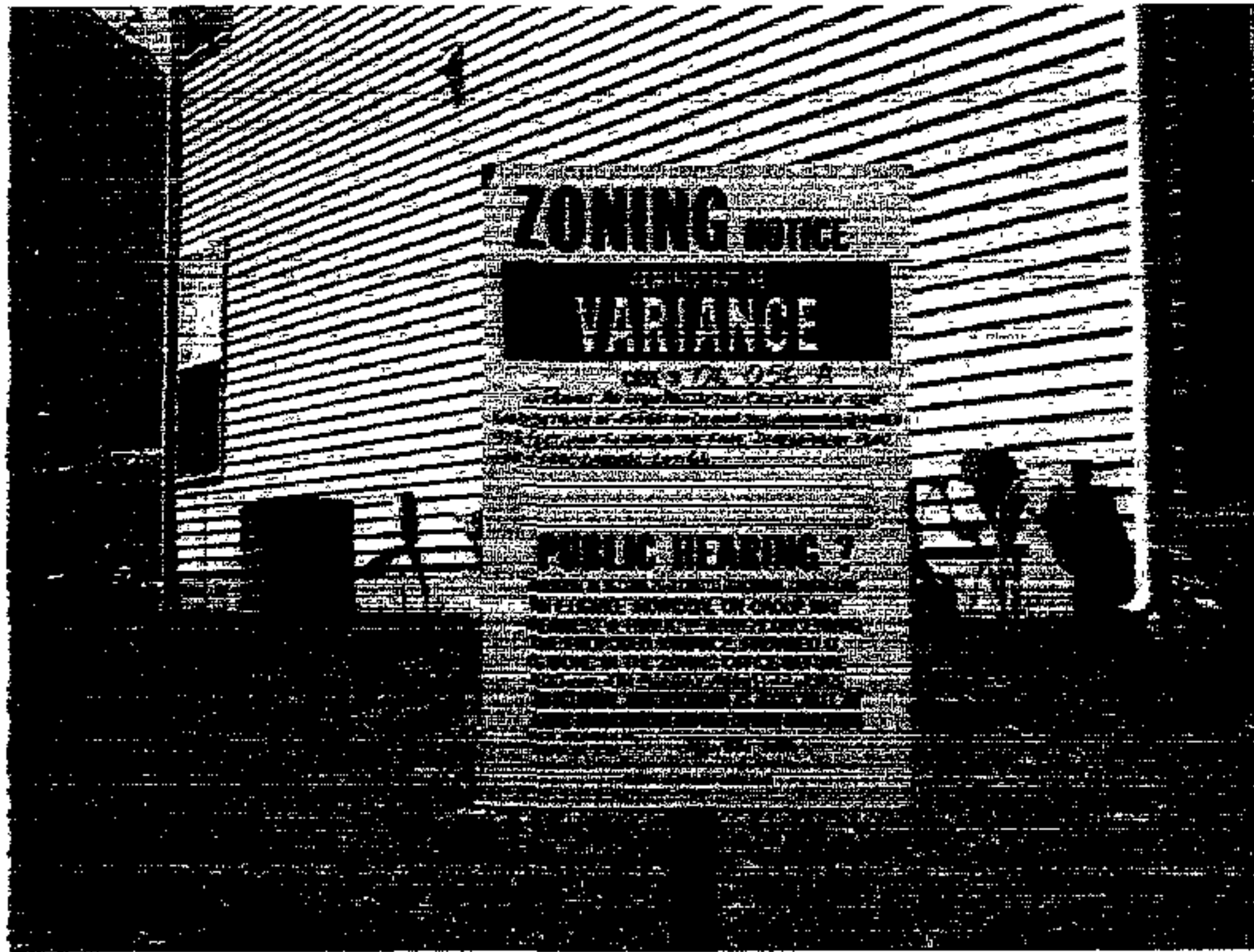
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

im000375 (576x432x24b jpeg)



Project 08 8/6/05

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 056 -A Address 9316 Fragrance Way
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/26/05 Posting Date: 8/7/05 Closing Date: 8/22/05

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 06- 056 -A Address 9316 Fragrance Way
Petitioner's Name Varadhan Telephone 410-529-3772
Posting Date: ~~9/26/05~~ 8/7/05 Closing Date: 8/22/05
Wording for Sign: To Permit an open projection (deck) with a rear yard setback of 15 feet in lieu of the minimum required 37½ feet, and to amend the Final Development Plan for Forge Landing, Lot 66.

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

August 22, 2005

Ravi Varadhan
Hemalatha K. Varadhan
9316 Fragrance Way
Perry Hall, Maryland 21128

Dear Mr. and Mrs. Varadhan:

RE: Case Number: 06-056-A, 9316 Fragrance Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 26, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

August 3, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: August 8, 2005

Item No.: 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065 and 066.

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-48810
MS-1102F

cc: File

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

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



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

Maryland Department of Transportation

Date: 8.2.05

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

RE: Baltimore County
Item No. 059

JHP

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,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 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

TO: Tim Kotroco
FROM: R. Bruce Seeley
DATE: September 2, 2005
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 8, 2005

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

06-048
06-050
06-051
06-056
06-057
06-059
06-064
06-065
06-066

Reviewers: Sue Farinetti, Dave Lykens, Glenn Shaffer, Bruce Seeley

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 11, 2005

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

RECEIVED

AUG 16 2005

SUBJECT: 9316 Fragrance Way

INFORMATION:

ZONING COMMISSIONER

Item Number: 6-056

Petitioner: Ravi Varadhan

Zoning: DR 3.5H

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

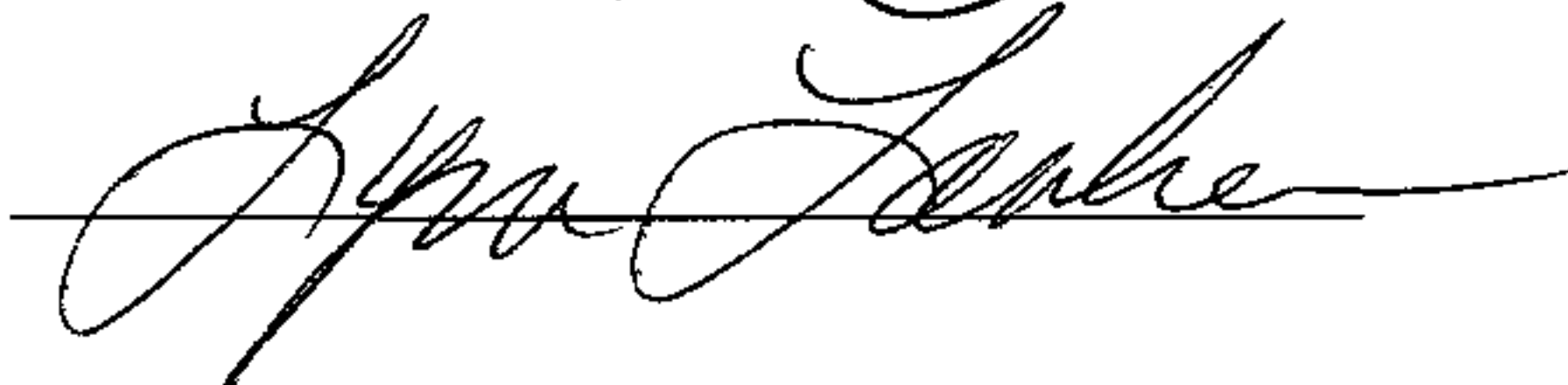
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by:



Division Chief:



AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 10, 2005

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 15, 2005
Item Nos. 046, 047, 048, 052, 053, 054,
055, 056, 057, 058, 064, 065, and 066

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-08102005.doc

To Whom It May Concern:

Please be advised that our neighbors, Ravi and Hemalatha Varadhan, residing at 9316 Fragrance Way, have consulted us regarding the variance that they have requested concerning the building of a deck on their home. They have shown us the plans and documentations, and after reviewing the same we have assured them, and hereby confirm to you, that we have no objection to the approval of their request for the variance.

As witness this _ 20th _ day of July 2005, our hands seals

Huy D Tran
(Signature)

HUY D TRAN

Jenny Nher
(Signature)

Jenny Nher

Address and Phone number

5108 BRAEBURN WAY, PERRY HALL MD 21128
240-461-4975

06-056-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

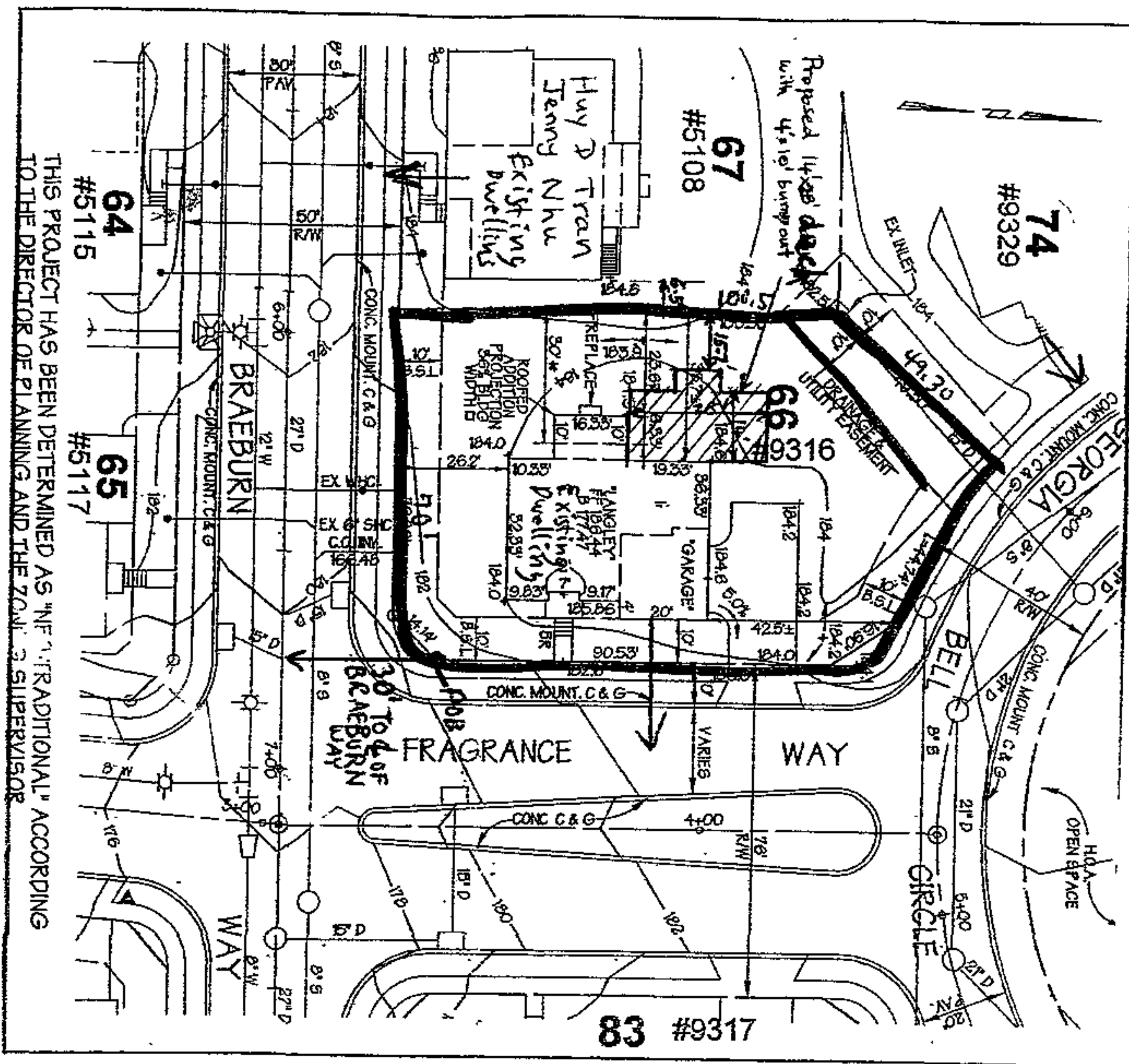
PROPERTY ADDRESS 9316 FRAGRANCE WAY

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

SUBDIVISION NAME FORGE LANDING

PLAT BOOK # 75 FOLIO # 33 LOT # 66 SECTION # 3 PLAT 3

OWNER RAVI & HEMALATHA VARADHAN



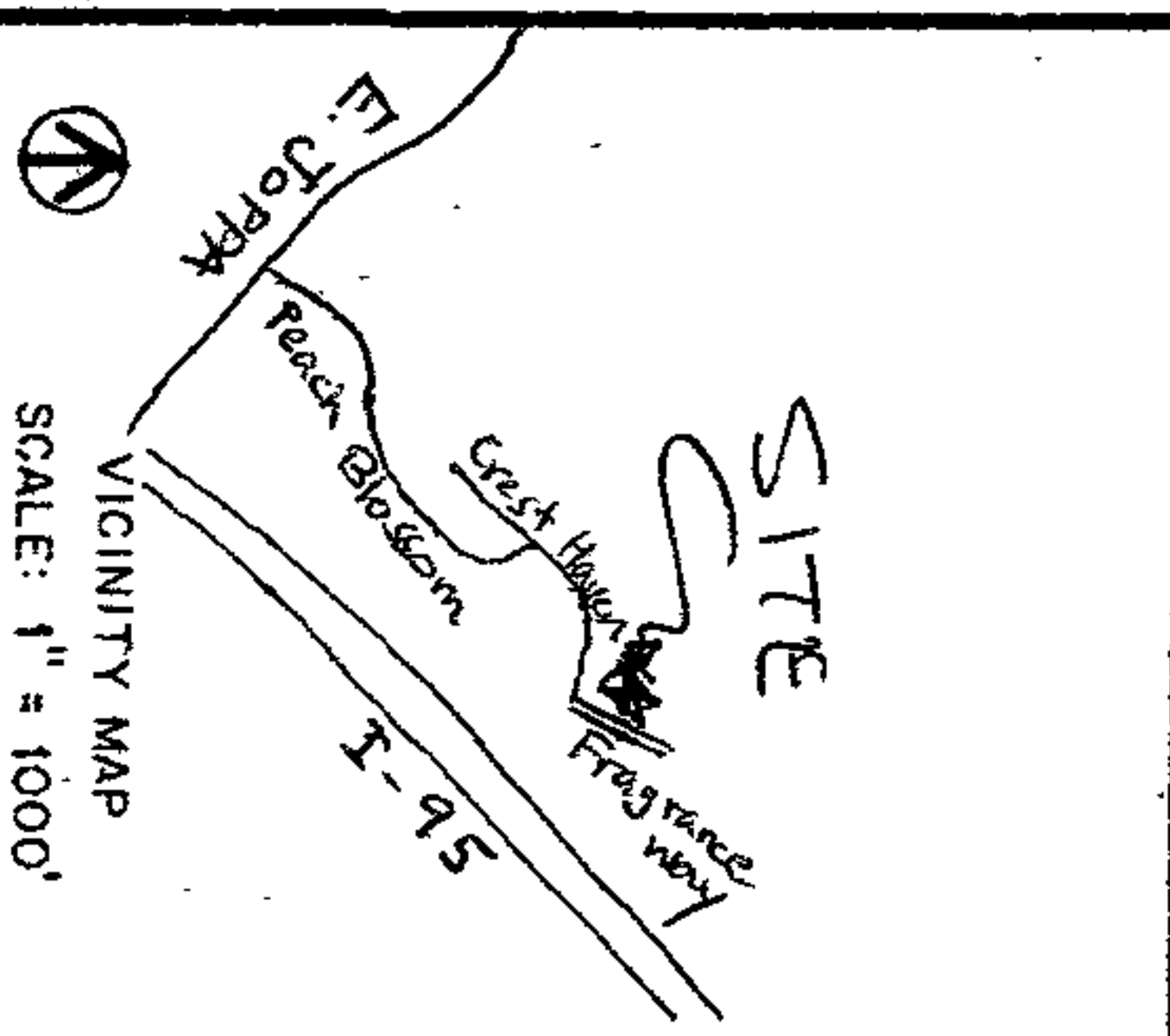
THIS PROJECT HAS BEEN DETERMINED AS "NE" "TRADITIONAL" ACCORDING TO THE DIRECTOR OF PLANNING AND THE ZONING SUPERVISOR

NORTH

PREPARED BY

RAVI VARADHAN

SCALE OF DRAWING: 1" = 50'



LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # 072C1

ZONING DR 3.5H

LOT SIZE 0.22 9,583

ACREAGE SQUARE FEET

PUBLIC PRIVATE

SEWER ☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

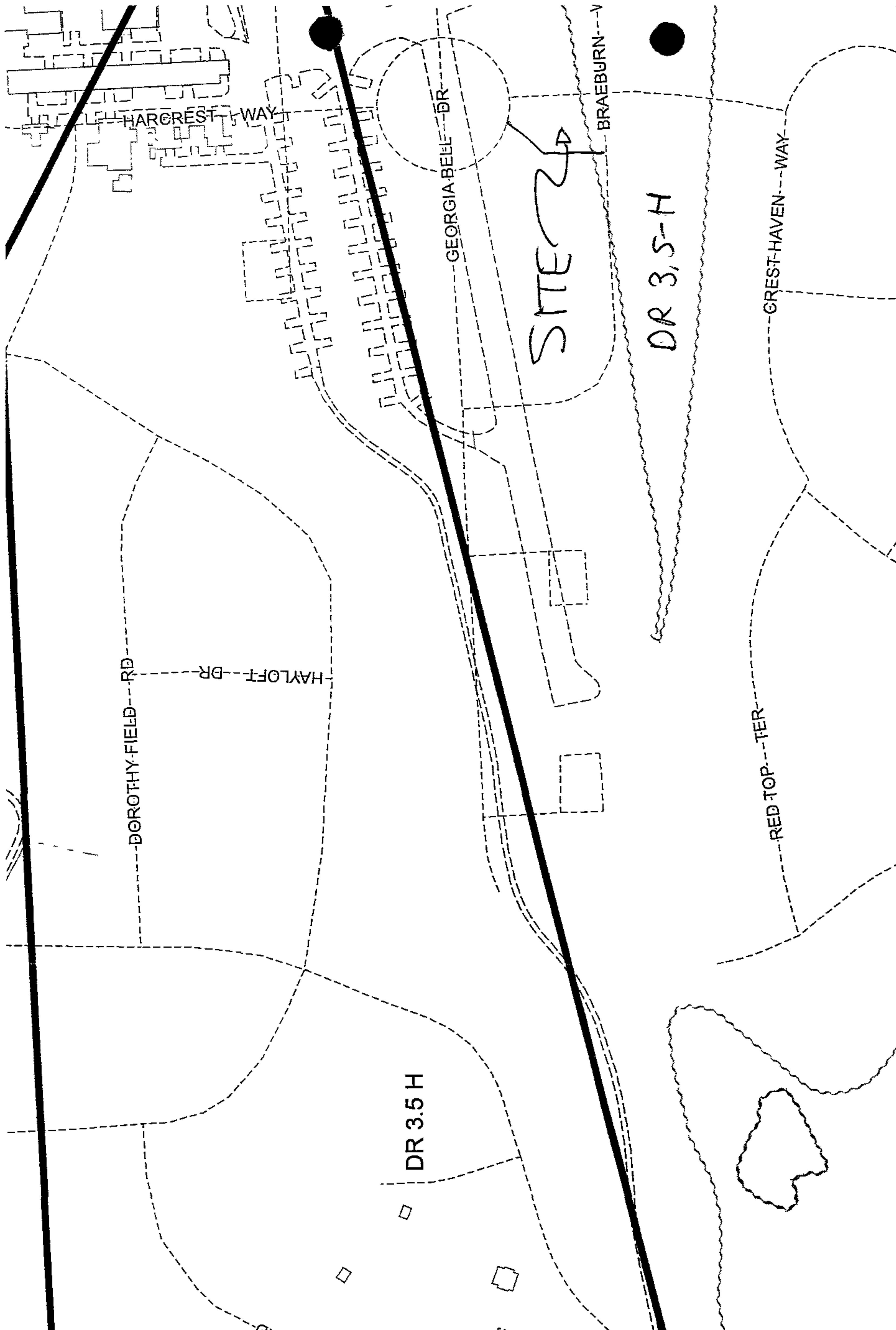
100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/ BUILDING ☐ ☒

PRIOR ZONING HEARING 00-252-A 01-008-A

ZONING OFFICE USE ONLY

REVIEWED BY JVP ITEM # 056 CASE # 06-056-A



063B3	063C3	064A3	064B3
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Scale
06-056-A

072C1



Photo #1: Taken from the northwest corner of our property. Our house is in the foreground to the left. Our neighbor's house is on the right. The lamp post in the background (approximately) reflects the property boundary. The house in the background is across the street (Braeburn Way). The planned deck will be located at the back of our house (accessible via the sliding door in the kitchen) as indicated in the picture above.

06-056-A



Photo #2: Taken from the northwest area of our property. Our house is in the foreground to the left. Our neighbor's house is on the right. The planned deck will be located at the back of our house as indicated in the picture above.

06-056-A



Photo #3: Taken from the north side of our property. Our house is in the foreground to the left. Our neighbor's house is on the right.

06-056-A

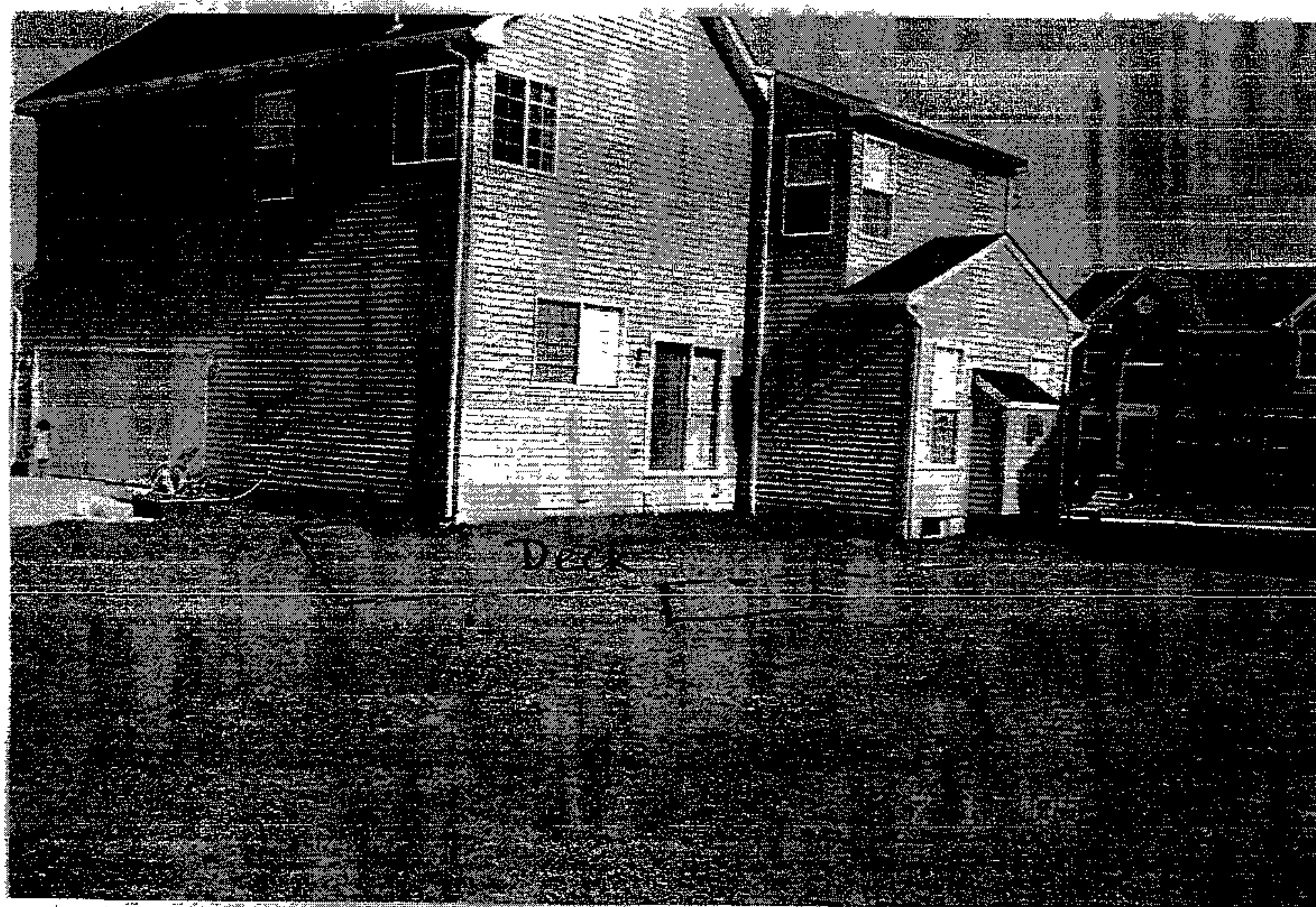


Photo #4: Taken from the west side (backyard) of our property. Our house is in the foreground to the left. In the background is another neighbor's house to the south of us across the street (Braeburn Way).

06-056-A

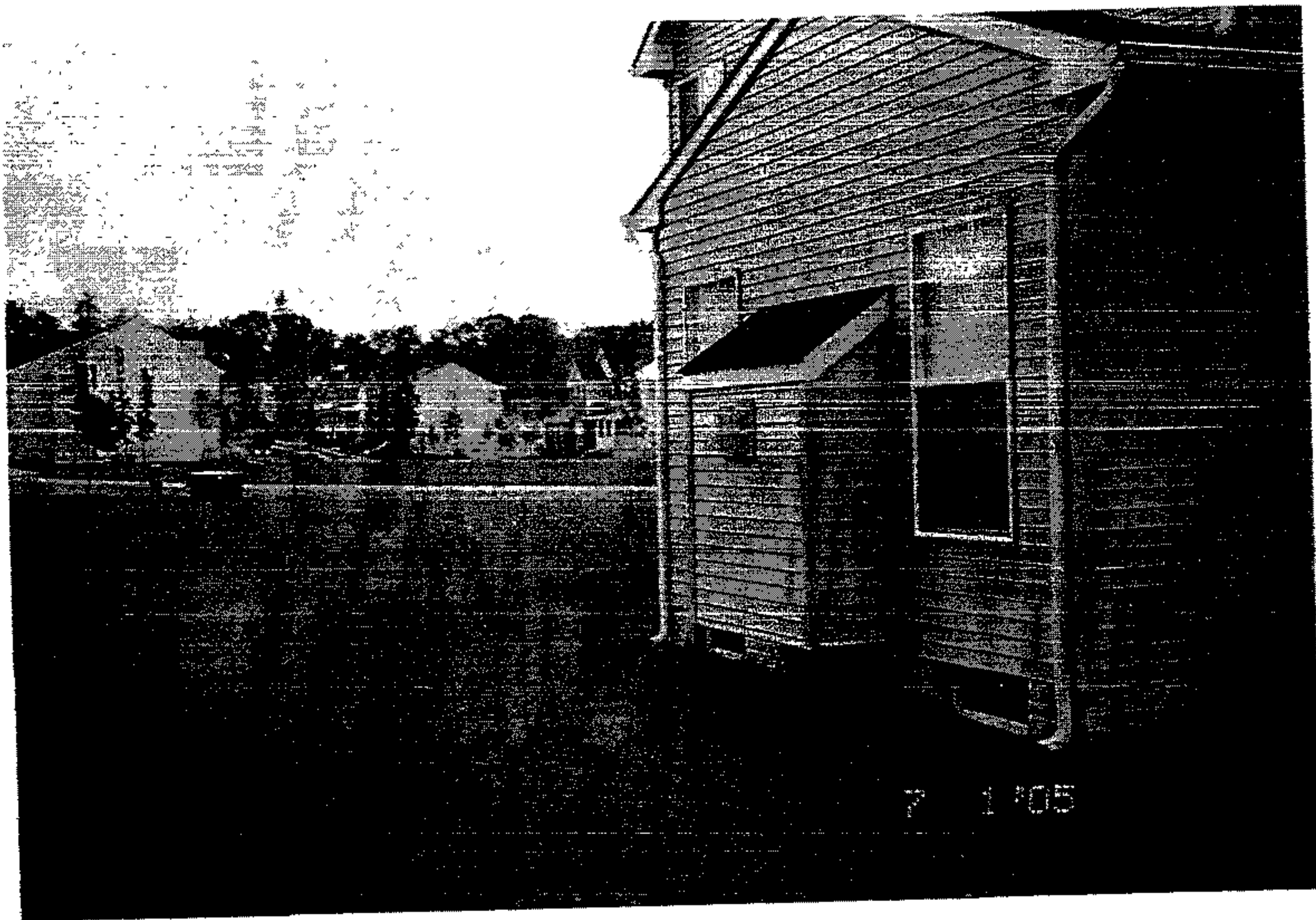


Photo #5: Taken from the southwest side (backyard) of our property. Our house is in the foreground to the right. In the background are several houses on the other side of the Georgia Bell Circle.

06-056-A



Photo #6: An up-close view of the area where the planned deck will be located. This clearly shows the access to the deck via the sliding kitchen door.

06-056-A

06-056-A

HOUSE

