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IN RE: PETITION FOR ADMIN. VARIANCE

S/S Corsica Road, 1000'W of the c/l

Miles Road

(2235 Corsica Road)
15<sup>th</sup> Election District

6<sup>th</sup> Council District

Stephen J. Carullo, Jr., et ux Petitioners \* BEFORE THE

\* ZONING COMMISSIONER

OF BALTIMORE COUNTY

\* Case No. 06-111-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, Stephen J. Carullo, Jr., and his wife, Danielle L. Marchese-Carullo. The Petitioners request variance relief from Sections 400.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 400.1d.(2) of the Zoning Commissioner's Policy Manual) to permit a proposed accessory structure (swimming pool) to be located in the front yard in lieu of the required rear yard, and to permit a front street setback of 7 feet in lieu of the minimum required 30 feet for said structure. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may 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, several adjacent property owners, namely, Joseph and Dorothy Sanchez, Oliver and Charlotte Baust, and Frederick

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and Patricia Yardley, requested a public hearing on the matter and thus, a hearing was scheduled before the undersigned on October 24, 2005.

Appearing at that hearing in support of the request was Stephen J. Carullo, Jr., property owner. Several residents from the surrounding community appeared in opposition to the request, including Joseph R. Sanchez, Jr., adjacent property owner (north), Oliver and Charlotte Baust and their daughter Donna Baust, and Jeffrey and Sylvia Goodson, all of who reside nearby. Additionally, numerous letters in opposition to the request were received from several other residents in the neighborhood, including the neighbor immediately south of the subject property, Vernon Roberts.

Testimony and evidence offered revealed that the subject property is a rectangular shaped waterfront parcel located with frontage on Norman Creek and the southeast side of Corsica Road, just north of Miles Road in eastern Baltimore County. The property is also known as Lot 212 of Middleborough, an older subdivision that was recorded in the Land Records well prior to the adoption of zoning regulations in Baltimore County. As is often the case with older subdivisions, many of the lots do not meet current area and width requirements. The subject lot is approximately 51 feet wide and 204 feet deep, and contains a gross area of 10,710 sq.ft., more or less, zoned D.R.3.5. Presently, the lot is improved with a two-story single family dwelling, which features a deck on both the front and rear sides of the house, and a pier that leads out from the property into Norman Creek.

The Petitioners are desirous of constructing an in-ground swimming pool on their property. As shown on the site plan, a 16'6" x 27' swimming pool is proposed to be located in the southwest corner of the front yard, 3' from the south side property line and 7' from Corsica Road. It was indicated that the front yard of the property is the only site where the pool can be located, given the proximity of the existing dwelling to the water, and the narrow width of the property.

As noted above, there is significant opposition to the proposal by neighboring property owners. Most of the controversy centers around the past practices of the Carullo family since they moved to the property three years ago, including large, ruckus parties and ongoing parking

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problems, where visitors to the property often block this narrow road. Photographs submitted into evidence as Protestants' Exhibit 1 show the existing improvements and crowded conditions on the site. The Protestants believe the scope of the variance request to be excessive and that a 7-foot setback from the front property line should not be approved.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency; however, the Office of Planning indicated that there were several inaccuracies represented on the Petitioners' site plan. Thus, at the conclusion of the hearing, I advised the Petitioner to submit a revised site plan reflecting the actual location of Corsica Road adjacent to their property and all existing and proposed improvements, including their dimensions and setbacks from property lines. I also requested that a copy of the revised plan be forwarded to each of the residents who attended the hearing, with the opportunity to provide written comment. By letter dated December 5, 2005, I reminded the Petitioners of the facts of this case as they existed at the conclusion of the hearing and provided them an additional 10 days to respond as to whether they wished to proceed. By letter dated December 12, 2005, the Protestants advised that none had received any communication from the Petitioners and requested that I issue a decision in this matter. In that the Petitioners have not responded to my letter or submitted the revised site plan as required, this opinion follows.

After due consideration of all of the testimony and evidence presented, I am persuaded to deny the request. I find that the Petitioners have not met the requirements of Section 307 of the B.C.Z.R. for relief to be granted. Moreover, it is clear that the neighbors find the proposal to be excessive and believe that a grant of the variance would have a detrimental impact upon their neighborhood. For all of these reasons, the relief requested must be denied.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21<sup>st</sup> day of December 2005 that the Petition for Administrative Variance seeking relief from Sections 400.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.)

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(Section 400.1d.(2) of the Zoning Commissioner's Policy Manual) to permit a proposed accessory structure (swimming pool) to be located in the front yard in lieu of the required rear yard, and to permit a front street setback of 7 feet in lieu of the minimum required 30 feet for said structure, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that any appeal of this decision must be entered within

thirty (30) days of the date hereof.

WJW:bjs

WILLIAM J. WISHMAN, III Zoning Commissioner

for Baltimore County



JAMES T. SMITH, JR. County Executive

December 16, 2005

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. & Mrs. Stephen J. Carullo, Jr. 2235 Corsica Road
Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Corsica Road, 1000' W of the c/l Miles Road
(2235 Corsica Road)
15<sup>th</sup> Election District – 6<sup>th</sup> Council District
Stephen J. Carullo, Jr., et ux - Petitioners
Case No. 06-111-A

Dear Mr. & Mrs. Carullo:

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

Zoning Commissioner

for Baltimore County

M J. WISEMAN, III

WJW:bjs

cc: Mr. & Mrs. Oliver Baust and Ms. Donna Baust 2241 Corsica Road, Baltimore, Md. 21221

Mr. & Mrs. Joseph R. Sanchez, Sr., 2237 Corsica Road, Baltimore, Md. 21221

Mr. & Mrs. Jeffrey V. Goodson, 2239 Corsica Road, Baltimore, Md. 21221

Mr. & Mrs. Vernon Roberts, 2231 Corsica Road, Baltimore, Md. 21221

Chesapeake Bay Critical Areas Commission

1804 West Street, Suite 100, Annapolis, Md. 21401

Development Plans Review, DPDM; DEPRM; People's Counsel; Case File



I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which



## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>2235 Corsica Rd. Balt.mp</u> which is presently zoned <u>Dr</u> 35

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) 400.1 and 1802, 3. C.1, BCZR (Section 400.1.d(a), ZCPM) to permit a proposed accessory structure (pool) to be located in the front yard in lieu of the required rear yard and to permit a front street setback of 7 feet in lieu of the minimum required 30 feet.

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.

Contract Purchaser/Lessee:			
		Legal Owner(s):	
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Address	Telephone No.	Name - Type or Print	Lee Marchese Para
City	Zip Code	Signature	Que "
Attorney For Petitioner:		2235 Col	sica Rd. 410-686-3
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Name - Type or Print	<del></del>	Daltimore	<u> </u>
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## Affida Vit 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	2235 CC	orsica i	<u> 1000                                 </u>	
	Address	re m	D.	21221
	City	5	State	Zip Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship	o or practical diffic	:uity):		
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Norman Creek				
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Stephen J. Carullo J. Name - Type or Print		· .	e L. Mai	rchese
		· <b></b>		·
STATE OF MARYLAND, COUNTY OF BALTIM		7		
I <b>HEREBY CERTIFY</b> , this <u></u> day of <u></u> of Maryland, in and for the County aforesaid, per	որ չայի Sonally appeared		before me, a Nota	ary Public of the State
Stophen Carullo + Daniel	le Marches	e		<u>,,,</u>
the Affiant(s) hérein, personally known or satisfa	ctorily identified to	me as such Απι	ant(s).	
AS WITNESS my hand and Notarial Seal				
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	My Com	mission Expires	/-jugus	

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, 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	~~~~ (	201521014 108D	4 V
	Address BALTIMORC	MI	71221
	City	State	Zip Code
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I HEREBY CERTIFY, this 1 day of day of for the County aforesaid, pe	ersonally appeared	, <u>2</u> <u>2</u> before me,	a Notary Public of the State
Stephen & Davielle M	• • •		
the Affiant(s) herein, personally known or satisf	factorily identified to me	as such Affiant(s).	
AS WITNESS my hand and Notarial Seal			
	Notary Public		<
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## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 2235 Consica RD BAIT MD

owner(s) of the property situate in Baltimore County and	ermits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and Section(s) 400.1 and 1802.3.C.1, BCZR (Section 400.1.d(2)
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of the minimum required 30 feet.	ry structure (pool) to be located in the front yard and to permit a front set back of 7 feet in lieu street
of the zoning regulations of Baltimore County, to the zon of this petition form.	ning law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by I, or we, agree to pay expenses of above Variance, advertising regulations and restrictions of Baltimore County adopted pursuance.	g, posting, etc. and further agree to and are to be bounded by the zoning
	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:	Legal Owner(s):
	STEPHEN J. CAR-ULLO JR
Name - Type or Print	Name - Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Print  X  Signature  Signature  Name - Type or Print  A  Caulo  Marchese
City State Zip Code	Signature
Attorney For Petitioner:	2235 CORGICA 2D 410.686.3691 Address Telephone No.
	BAUTIMORE NOD 21221
Name - Type or Print	City State Zip Code
Signature	<u>Representative to be Contacted:</u>
Company	Name
Address Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found this day of, that the subject mattergulations of Baltimore County and that the property be reposted.	to be required, it is ordered by the Zoning Commissioner of Baltimore County, ter of this petition be set for a public hearing, advertised, as required by the zoning
, <u> </u>	Zoning Commissioner of Baltimore County
CASE NO. $06 - 11/-A$	Reviewed By $\frac{1}{\sqrt{NP}}$ Date $\frac{8}{\sqrt{23/05}}$
REV 10/25/01	Estimated Posting Date 9/4/05

Zoning description for 2235 Corsica Road

Baltimore, MD 21221

Beginning at a point on the South side of Corsica Rd. which is 30 feet wide at the distance of 1000 feet West of the centerline of the nearest improved intersecting street Miles Rd. Between Norman Creek and Middle River.

Being waterfront lot #212 in the subdivision of Middleborough as recorded in Baltimore County plat book #4, Folio #191, containing .246 acres. Also known as 2235 Corsica Road. and located in the 15th election district, 6th councilmanic district.

thority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #06-111-A

2235 Conside Road

Case: #06-111-A

S/Side of Corsica Road, 1,000 feet west of Miles Road 15th Election District - 6th Councilmanic District Legal Owner(s): Stephen J. Carullo, Jr. & Danielle L. Marchese

Variance: to permit a proposed accessory structure (pool) to be located in the front yard in lieu of the required rear yard and to permit a front street setback of 7 feet in lieu of the minimum required 30 feet.

Hearing: Monday, October 24, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, lit
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

10/006 Oct. 6

## CERTIFICATE OF PUBLICATION

10/6/, 2005
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 106 _20 <u>65.</u>
☐ The Jeffersonian ☐ Arbutus Times ☐ Catonsville Times ☐ Towson Times ☐ Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

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BALTIMORE COUNTY, MARYLAN No. 449475	
MISCELLANEOUS RECEIPT	### ##################################
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FOR:	
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DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION



# FORMAL DEMAND FOR HEARING

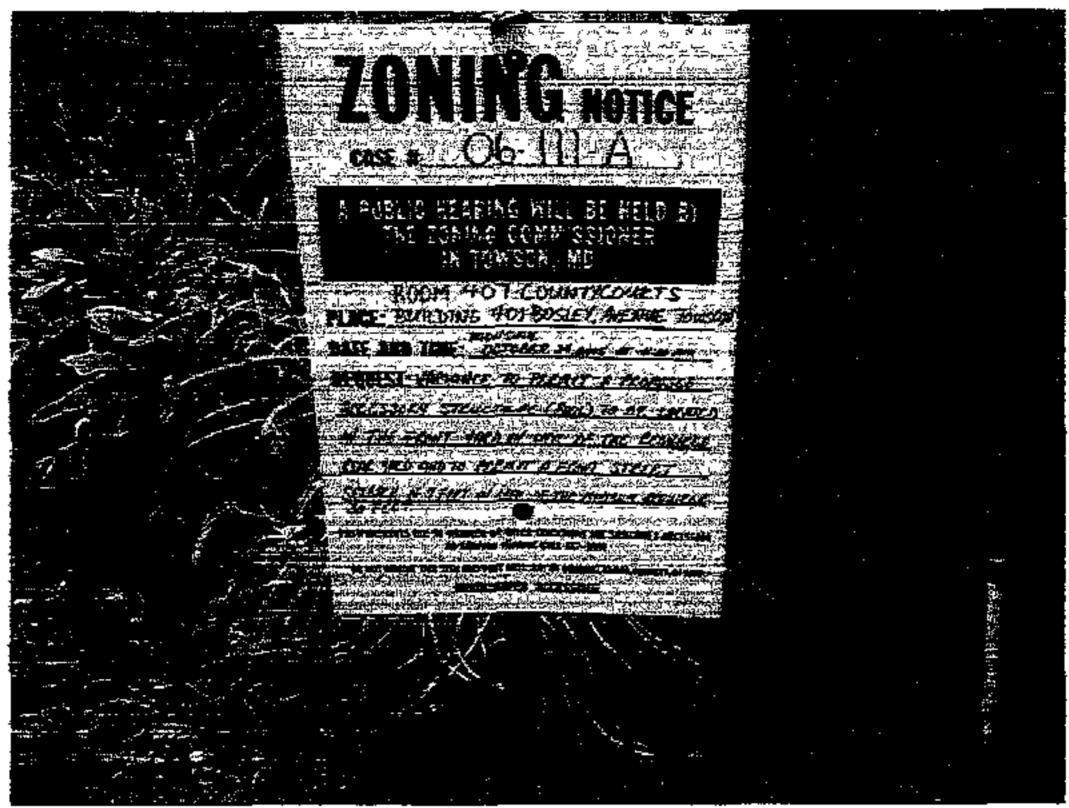
CASE NUMBER	1: 06-111-	<u> </u>
Address:	35 Corsica	Rd.
Petitioner(s): S	Lephon + Dan	'elle Carulla J
TO THE ZONING CO	MMISSIONER OF BALTI Dovothy San Type or Print	MORE COUNTY:
() Legal Owner 229/ Cors	OR, () Resident ica Rd	of
Address		0100/
Essex_	Md.	Zip Code
City	State	Zip Code
410-574-	3153	<u></u>
<u> </u>	Telephone Number	
formally demand the	e subject of the above phat a public hearing being processing the second	e set in this maller.
Signature Revised 9/18/98 - wcr	Sanchen	9-15-05 Date

## CERTIFICATE OF POSTING

RE: Case No: 06-11/-4

	Petitioner/Developer: STEPHEN CARULO : DANIEUE L. MARCHESE
	Date Of Hearing/Closing: 10/24/05
Baltimore County Department of Permits and Development Manage County Office Building, Room 11 111 West Chesapeake Avenue	
Attention:	
Ladies and Gentlemen:  This letter is to certify under the posterion of the posterior of th	benalties of perjury that the necessary
at	Conspicuously on the property
	Month, Day, Year) Sincerely, Signature of sign Poster and Date)  Martin Ogle Sign Poster  16 Salix Court  Address  Balto. Md 21220  (443-629 3411)

im000419 (576x432x24b jpeg)



martino de 10/8/05

## CERTIFICATE OF POSTING

RE: Case No: 06-111-1
Petitioner/Developer:
Date Of Hearing/Closing: 9/14/05
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enalties of perjury that the necessary d conspicuously on the property  5 CORSICA LO
······································
Aptimize 3 2005 (Month, Day, Year) Sincerely,  Year 9/3/05 Signature of sign Poster and Date)  Martin Ogle Sign Poster  16 Salix Court

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Mature 9/3/05

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

Case Nun	nber 06	-	[[]	-A	Addr	ess _	4455	Corsi	ca Noa	<u>d</u>	<u> </u>
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Filing Dat	te:	23				ite: _	9/4/0	<u></u>	Closing	Date: _	9/19/05
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Residential & Commercial Pools Baltimore Area (410) 995-6600 Washington Area (301) 621-3319 Other Areas (800) 252-SWIM FAX (301) 621-3331 Maryland Virginia Wash. DC Delaware Pennsylvania

JOE KAGEN Landscape Architect

## Department of Permits Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



### **Baltimore County**

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

September 20, 2005

### **NOTICE OF ZONING HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-111-A

2235 Corsica Road

S/side of Corsica Road, 1,000 feet west of Miles Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: Stephen J. Carullo, Jr. & Danielle L. Marchese

<u>Variance</u> to permit a proposed accessory structure (pool) to be located in the front yard in lieu of the required rear yard and to permit a front street setback of 7 feet in lieu of the minimum required 30 feet.

Hearing: Monday, October 24, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Multy Kotroco
Timothy Kotroco

Director

TK:klm

C: Mr. Carullo & Ms. Marchese, 2235 Corsica Road, Baltimore 21221 Charlotte Baust, 2241 Corsica Road, Essex 21221 Mr. & Mrs. Dorothy Sanchez, 2237 Corsica Road, Essex 21221 Frederick & Patricia Yardley, 2220 Corsica Road, Essex 21221

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 8, 2005.
  - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
  - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

TO: PATUXENT PUBLISHING COMPANY

Thursday, October 6, 2005 Issue - Jeffersonian

Please forward billing to:

Stephen Carullo & Danielle Marchese 2235 Corsica Road Baltimore, MD 21221

410-686-3961

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WILLIAM J WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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## 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

September 19, 2005

Stephen J. Carullo, Jr. Danielle L. Marchese 2235 Corsica Road Baltimore, Maryland 21221

Dear Mr. Carullo and Ms. Marchese:

RE: Case Number: 06-111-A, 2235 Corsica Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 23, 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.

U. Call Rill.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

## 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

October 24, 2005

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W. Carl Rall D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

**Enclosures** 

c: People's Counsel

## BALTIMORE COUNTY, MARYLAND

SEP 2 1 2005

### INTER-OFFICE CORRESPONDENCE

DATE: September 19, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-111- 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 David Pinning in the Office of Planning at 410-887-3480.

Prepared By:

**Division Chief:** 

CM/LL

### BALTIMORE COUNTY, MARYLAND

### **Inter-Office Correspondence**



TO:

Timothy M. Kotroco

FROM:

R. Bruce Seeley MB

DATE:

October 24, 2005

SUBJECT:

Zoning Item # 06-111A

Address

2235 Corsica Road

Carullo Property

Zoning Advisory Committee Meeting of September 6, 2005

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

\_\_X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

#### Additional Comments:

The impervious surface area cannot exceed 25% of the Lot area above mean high tide or 2675 square feet. If the proposed pool is relocated to the waterfront side of this property, the site will need to comply with the Buffer Management Area requirements.

Reviewer:

Glenn Shaffer

Date: October 14, 2005

S:\Devcoord\ZACSHEL-9-7-05rbs.doc

## Fire Department



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





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 September 1, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: September 12, 2005

Item# 6-105-a,6-108-A,6-109-SPH 6-111-A, -112-A,6-113-A,6-114-SPH,6-115-A

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.

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

Lieutenant J.D.Mezick Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 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

RE:

Date: 8.30.05

Baltimo

Item No

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

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

1. J. Andle

Engineering Access Permits Division

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** September 6, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For Schember 2, 2005

Item No. 111

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

The flood protection elevation for this site is feet.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show a future 40-foot right-way centered on existing 30-foot right-of-way. Revise the setback accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 111-09062005.doc

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** October 19, 2005

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 2235 Corsica Road

INFORMATION:

Item Number: 6-111 (pevised comment)

Petitioner: Stephen Carullo and Danelle Marchese

Zoning: DR 3.5

Requested Action: Administrative Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following comments:

The site plan submitted with the petition for administrative variance contains multiple inaccuracies including:

- a. A 30 foot right-of-way is shown where none actually exists:
- b. The following existing conditions are not shown on the plan:
  - i. Existing yard facing Corsica is entirely gravel, this may be a concern of DEPRM (semi-impervious surface).
  - ii. Existing shed is not shown. Show all on site accessory structures.
  - iii. Existing brick walls and entry posts are not shown. Show all on site entry and wall treatments.

With the aforementioned being said the Office of Planning has no further comments to offer.

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

Prepared by:

**Division Chief:** AFK/LL: CM

Prepared by:

**Division Chief:** AFK/LL: CM

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** October 19, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

2235 Corsica Road

**INFORMATION:** 

Item Number:

6-111 (revised comment)

**Petitioner:** 

Stephen Carullo and Danelle Marchese

Zoning:

DR 3.5

Requested Action: Administrative Variance

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## Department of Permits Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



## **Baltimore County**

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

September 20, 2005

Stephen Carullo, Jr. Danielle Marchese 2235 Corsica Road Baltimore, MD 21221

Dear Mr. Carullo & Ms. Marchese:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 06-111-A

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

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information.

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

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

Very truly yours,

U. Carl Dicharde In

W. Carl Richards, Jr. Supervisor Zoning Review

WCR:klm

C: Joseph & Dorothy Sanchez, 2237 Corsica Road, Essex 21221 Charlotte Baust, 2241 Corsica Road, Essex 21221 Frederick & Patricia Yardley, 2220 Corsica Road, Essex 21221



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



JAMES T. SMITH, JR. County Executive

December 5, 2005

WILLIAM J. WISEMAN III Zoning Commissioner

Mr. & Mrs. Stephen J. Carullo, Jr. 2235 Corsica Road Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE

S/S Corsica Road, 1,000' W of the c/l Miles Road

(2235 Corsica Road)

15<sup>th</sup> Election District – 6<sup>th</sup> Council District Stephen J. Carullo, Jr., et ux – Petitioners Case No. 06-111-A

Dear Mr. & Mrs. Carullo:

As you know, this case was scheduled for a public hearing before me on October 24, 2005, at which time the matter was continued to allow you time to prepare a revised site plan depicting the exact location of Corsica Road, and all existing structures, including their dimensions and setbacks. You were advised at that time to provide copies of the revised site plan to each of the residents who appeared at the hearing for their review and written comment.

Since it has been nearly two months since the hearing and there has been no word from you or any of the neighbors, it is requested that you advise me, in writing, within ten (10) days of the date hereof as to whether you wish to pursue this matter. If no word is heard from you as noted above, I will issue an Order dismissing your variance request.

ILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. Oliver Baust, Ms. Charlotte Baust & Ms. Donna Baust 2241 Corsica Road, Baltimore, Md. 21221

Mr. & Mrs. Jeffrey Goodson

2239 Corsica Road, Baltimore, Md. 21221

Mr. Joseph R. Sanchez, Sr.

2237 Corsica Road, Baltimore, Md. 21221

Zase File

Mr. and Mrs. Oliver Baust Ms. Donna Baust 2241 Corsica Rd. Essex, MD 21221

Mr. and Mrs. Joseph R. Sanchez, Sr. 2237 Corsica Rd. Essex, MD 21221

Mr. and Mrs. Jeffrey V. Goodson 2239 Corsica Rd. Essex, MD 21221 DEC I & 2005

Baltimore County Maryland Attn: Mr. William J. Wiseman III Zoning Commissioner County Courts Building 401 Bosley Avenue; Suite 405 Towson, MD 21204

12 December 2005

Petition for Administrative Variance S/S Corsica Road, 1,000' W of the c/i Miles Road 15<sup>th</sup> Election District — 6<sup>th</sup> Council District Stephen J. Carullo, Jr. Case No. 06-111-A

Dear Mr. Wiseman,

Thank you for your time discussing the above Petition. Neither one of us has received any communication from Mr. or Mrs. Carullo (2235 Corsica Road, Essex, MD 21221).

We are still opposed to having a swimming pool installed at Corsica Rd. 2235.

We are awaiting your ruling at due course and thank you very much for your time and attention to this matter.

Sincerely,

Shipen Bauet
Oliver Baust

Donna Baust⊿

Joseph R. Sanchez,

Jeffrey V. Goodson

Charlotte Baust

Charlotte Baux

Dorothy Sanchez

200

cc: via email to wwiseman@co.ba.md.us

zoning12Dec05.doc

Baltimore County Zoning Office 111 W. Chesapeake Avenue Towson, Maryland 21204

Frederick & Patricia Yardley 2220 Corsica Rd. Baltimore, Md. 21221

September 8, 2005

To Whom It May Concern:

This letter is in regard to the property located at 2235 Corsica Rd, Middleborough, Md.

There is a proposed variance posted for a swimming pool at this location. This is a narrow strip of land fronting a narrow (12 ft wide) street (Corsica Road). Cars approaching each other already have to negotiate to pass. In addition, there are anywhere from 3-6 cars parked on this lot every day. There is not room for both a pool and the cars, which means that if a pool takes up the space, the cars that are being parked there currently would begin parking on the street. This would certainly create an unsafe situation in the case of ambulance or fire equipment. There is little room now for trash and oil trucks to service these homes. On a daily basis, it would create an inconvenience for neighbors who live along the road and have to get in and out. When the persons who own the property have guests visiting their home, the neighbors sometimes have been unable to drive down the street without first asking to have cars moved.

Before you consider granting a variance, please have the zoning board members who will be deciding this issue come and check out the property and the neighborhood it will be in. Thank you.

Sincerely,

Tresleent M. Hackley

Frederick and Patricia Yardley

9-15-05 To whom it may concern This petition to the 3 oning notice that is posted at 2235 is to request a hearing on said pariance lave # 06-111-A to permet a good to be located in the front yard and to permit a front sheet set back of 7 feet er leed of the MINIMUM 30 ft. We seriously object. The cars that opcupy that area would then be parked on the street. The street (Corseca Rd)15 only 12-13 ft wrote at its undert and is a hard ship for selevery trucks to the area Romer. Emergensy equipment service es jepnliged now. There is a realflear as there 15 That puly one way in E Out. These veighbors party of ter & have no empathy for those of us who went ask for ear moved now- granting such wortence would be coul a real hard ship & safety
hugger for those of us looks travel, the 5 road Charlotte tourst,

Charlotte tacest, Orsegh Robandhy In Dorothy Slanchez TO: Case File No. 06-111-A DATE: November 9, 2005

FROM: William J. Wiseman Zoning Commissioner

SUBJECT: 2235 Corsica Road

Stephen & Danielle Carullo

This case was scheduled for a public hearing before me on October 24, 2005 at 11:00 AM. At 1:00 PM, the matter was continued with instruction to the Petitioner that a new site plan be prepared and submitted reflecting among other things, the actual location of Corsica Road as it relates to the subject property and all existing structures with their dimensions and setbacks. In addition, the revised site plan shall show the dimension and location of the proposed pool and requisite safety fence, and the number of parking spaces available on site. Finally, the site plan shall show the circulation and movement of vehicles in and out of the property. Presently, the site plan shows the entrance gate opening out into Corsica Road, which obstructs travel along this public road.

The Petitioner was advised to provide each of the residents who attended the hearing a copy of the revised site plan. The residents were requested to advise me in writing as to whether the hearing should be reconvened for further proceedings or whether the concerns raised at the hearing have been addressed on the revised plan.

There was a great deal of controversy with regard to the facts. Most of this controversy centers around the past practices of the Carullo family since they moved to the property three years ago. There have been surveys conducted by the adjacent neighbors, there have been calls to both the Police and Fire Departments as a result of the road being blocked, during what was described as large, ruckus parties. Mr. Carullo admits that his 4<sup>th</sup> of July party this year was out of control and says that this is a once a year event, while the neighbors point to three or four similar events per year. In any event, the neighbors believe the scope of the variance request to be excessive and that a 7-foot setback from the front property line in lieu of the required 30 feet should not be allowed. Once the amended site plan is received, this case will be continued on my schedule. The Offices of Planning, DEPRM and Development Plans Review should review the revised plan to determine whether revised comments are warranted.

PLEASE PRINT CLEARLY

CASE NAME CORSIGN RO CASE NUMBER OCE-111-A DATE OCH. 24 2005

# CITIZEN'S SIGN-IN SHEET

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CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

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CITY, STATE, ZIP	•										
ADDRESS	22 5 Casus 12										
NAME	34-Me Charle										

Case No.: 06 - 111A 2235 CARSICA RO

### **Exhibit Sheet**

## Petitioner/Developer

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No. 2	2 Hoto's 0 F 01116	View of Poolarea and Cars Parkey.
No. 3	HOOLS IN ARTH	PHOTO of Cars on Porved hoadway.
No. 4		Letters (1) a, a, c, le id.
No. 5		AERIAL PHOTO DEPICTING
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September 18, 2005

Mr. Bill Weisman Mr. Jack Murphy Zoning Administration and Development Management 111 W. Chesapeake Avenue Towson, MD 21204

RE: Administrative Variance Case #06-111-A

My name is Vernon Roberts and I reside at 2231 Corsica Road, Essex, Maryland. I share a property line with Stephen J. Carullo/Ms. Danielle L. Marchese.

I strongly protest the variance changes being considered to allow a pool to be built in the front yard, currently a gravel parking lot, of 2235 Corsica Road. As you can see from the plat plan, this would be three feet from my property line.

There are normally anywhere from three to five vehicles that park in the proposed pool area and two more that are parked in the garage under the residence. I would like to know where these cars will be parked if the existing parking lot becomes a swimming pool? The owner's guests already block the road and fireplug, making it necessary for the neighbors and their guests to locate someone at 2235 Corsica Road to move their vehicles in order for the rest of us to be able to access the single road out of our neighborhood.

I have no reason to believe that Mr. Stephen Carullo and/or Ms. Danielle L. Marchese will live within any new zoning rules as they have exhibited flagrant disregard for property lines of neighbors. The fallout from their fireworks still clutter my roof, their downspout run off is piped under ground into the creek through my bulkhead necessitating numerous repairs. The overly loud music and very offensive language has gone on until 3:15 a.m. at least four times this summer. When they have parties the road is so congested that emergency equipment could not get through because a car cannot get by.

If this variance is approved it will create a greater hardship and safety hazard than already exists. I am asking that Charlotte Baust, 2241 Corsica Road, submit this letter on my behalf at the hearing since it is doubtful that I will be able to attend due to serious health issues.

Sincerely, 9/21/05 Vernor Roberts

Vernon Roberts

PROTESTANT'S

EXHIBIT NO. 4

Steven Verde 3049 Parktowne Rd. Baltimore, MD 21234 21 October, 2005

To whom it may concern,

I have encountered, on more than one occasion, problems traveling in and out of my friend's house on Corsica Rd. The blockage of the road in and around 2235 Corsica Rd. can be traced directly to blatantly illegally parked cars on the road, which is clearly marked NO PARKING. Also, while this occurs, the parking area of 2235 Corsica Rd. is overflowing with vehicles protruding into the street, which further compounds the problem. While I visit my friends only two to three times a month it seems the parking area for this house is always overcrowded with at least one vehicle extending into the street.

On more than one occasion, I have had to knock on the door to ask someone to move his or her vehicle that was blocking the road, so I could continue on my way. Each time it was someone inside of 2235 Corsica Rd. who was blocking the road.

Steven Verde 3049 PARKTOWNE RD BALTO. MD 21234

4-13

### Frederick & Patricia Yardley 2220 Corsica Road Baltimore, Maryland 21221

October 18, 2005

Baltimore County Zoning Office 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Notice of Zoning Hearing Case #06-111-A, 2235 Corsica Road

To Whom It May Concern:

My wife and I have taken pictures of the proposed pool site on the above-mentioned property.

We have also measured the width of the road and found that from the center of the road (Corsica) there is only a distance of 10 (ten) feet to a fence on one side of the road. This means that any cars that are parked off the driveway at 2235 Corsica Road would either impede or prevent a 10' wide fire truck or a box ambulance from traveling down to the houses below the subject property on Corsica Road. We all know that parking is at a premium on waterfront property.

The users of 2235 Corsica have <u>many</u> vehicles and houseguests. If a pool were put in, it would severely decrease the available parking area for the cars at that address, let alone visitors.

We mentioned in our prior letter of 9/8/05, that there is very little room now for the trash truck and oil delivery trucks due to the narrow road. With the small amount of available space, it is not a good idea to install a pool; this restricts the available on site parking.

In addition, we are against any variance to the 10 (ten) foot space between neighbors. This pool would be placed three feet from Mr. Vernon S. Roberts' property line.

We are delighted that a man from the zoning office came to the site so he could see first hand what the situation is.

Sincerely,

Tradenik M. Macedley

Frederick M. Yardley

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Baltimore County Zoning Office 111 W. Chesapeake Avenue Towson, Maryland 21204

Frederick & Patricia Yardley 2220 Corsica Rd. Baltimore, Md. 21221

September 8, 2005

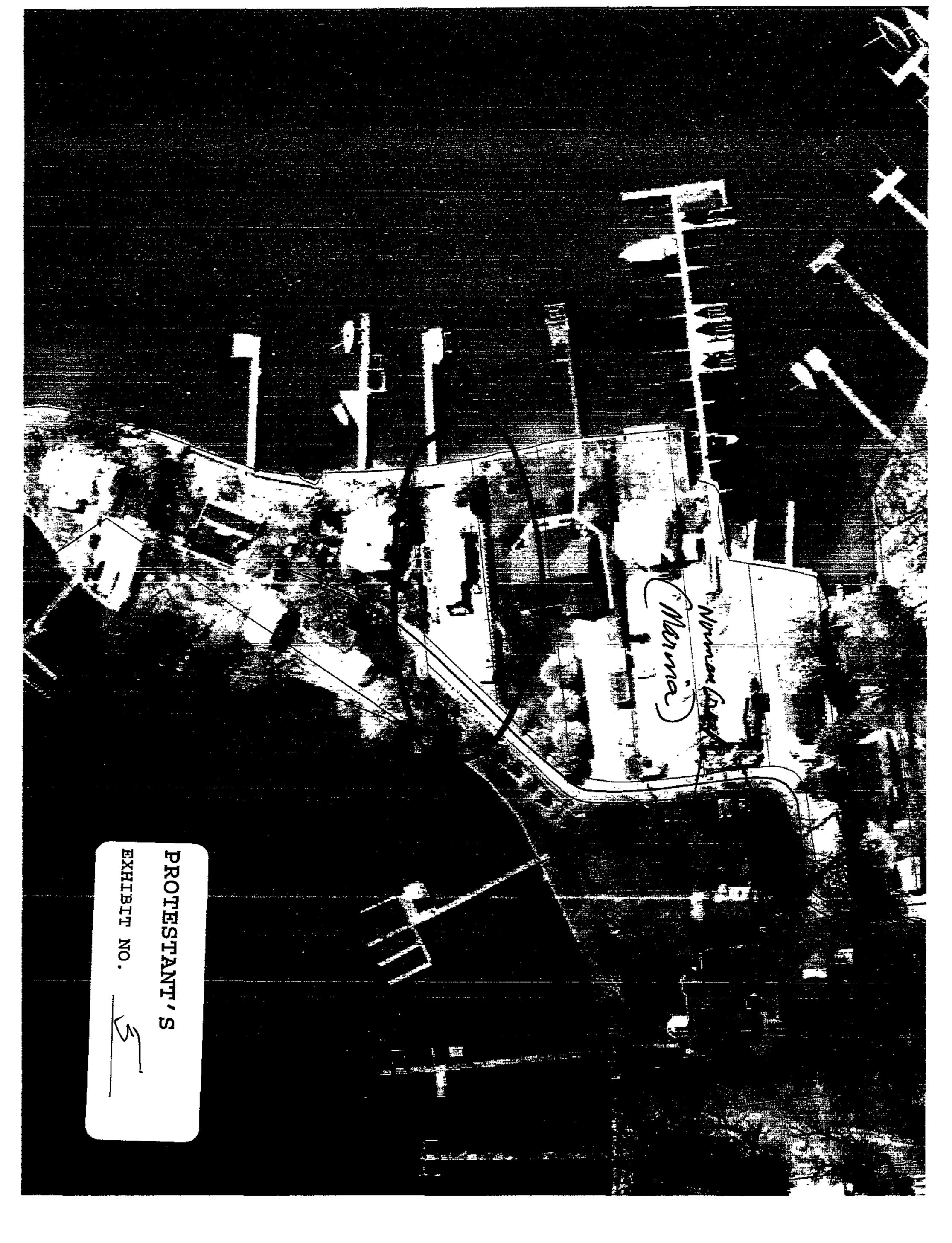
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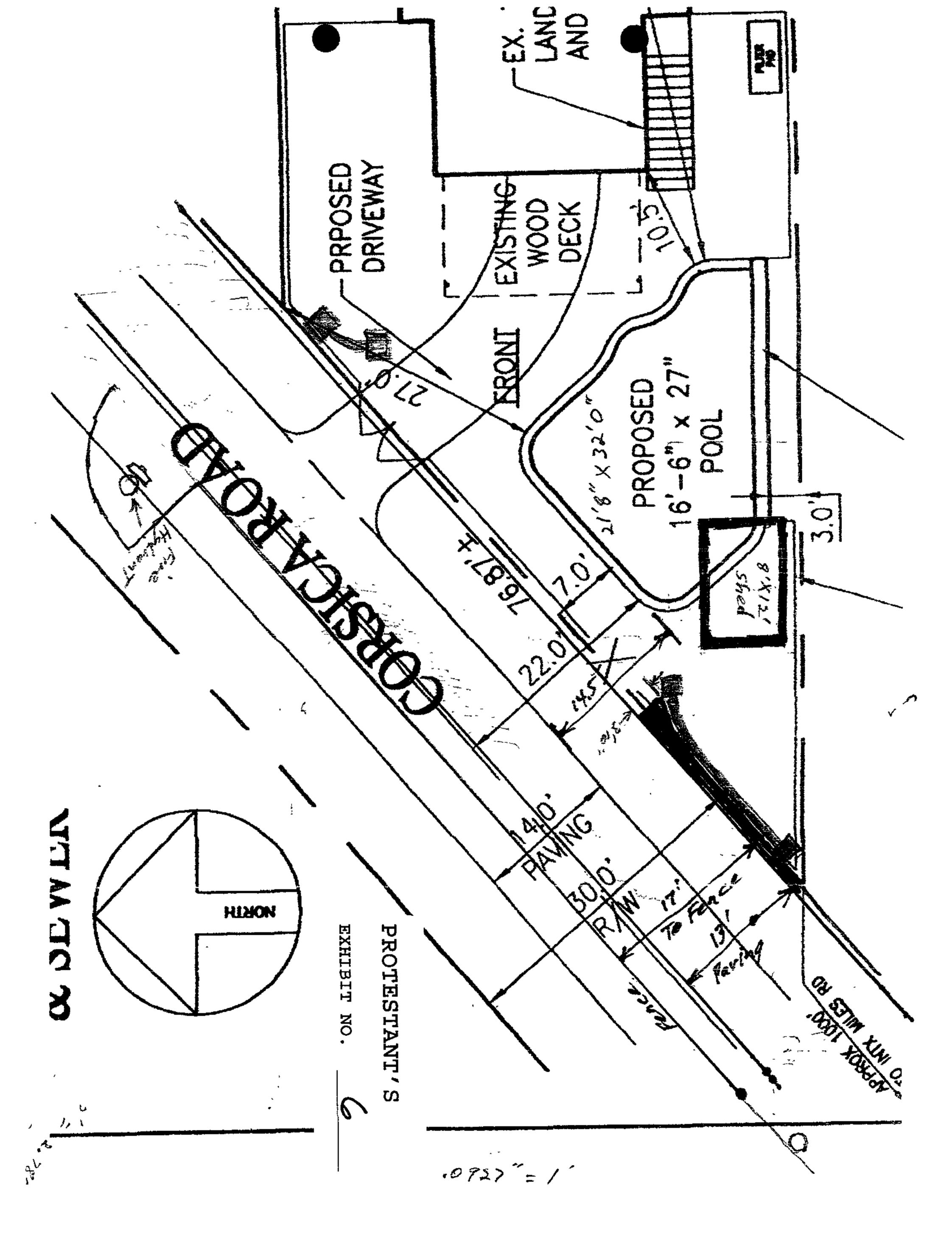
This letter is in regard to the property located at 2235 Corsica Rd, Middleborough, Md.

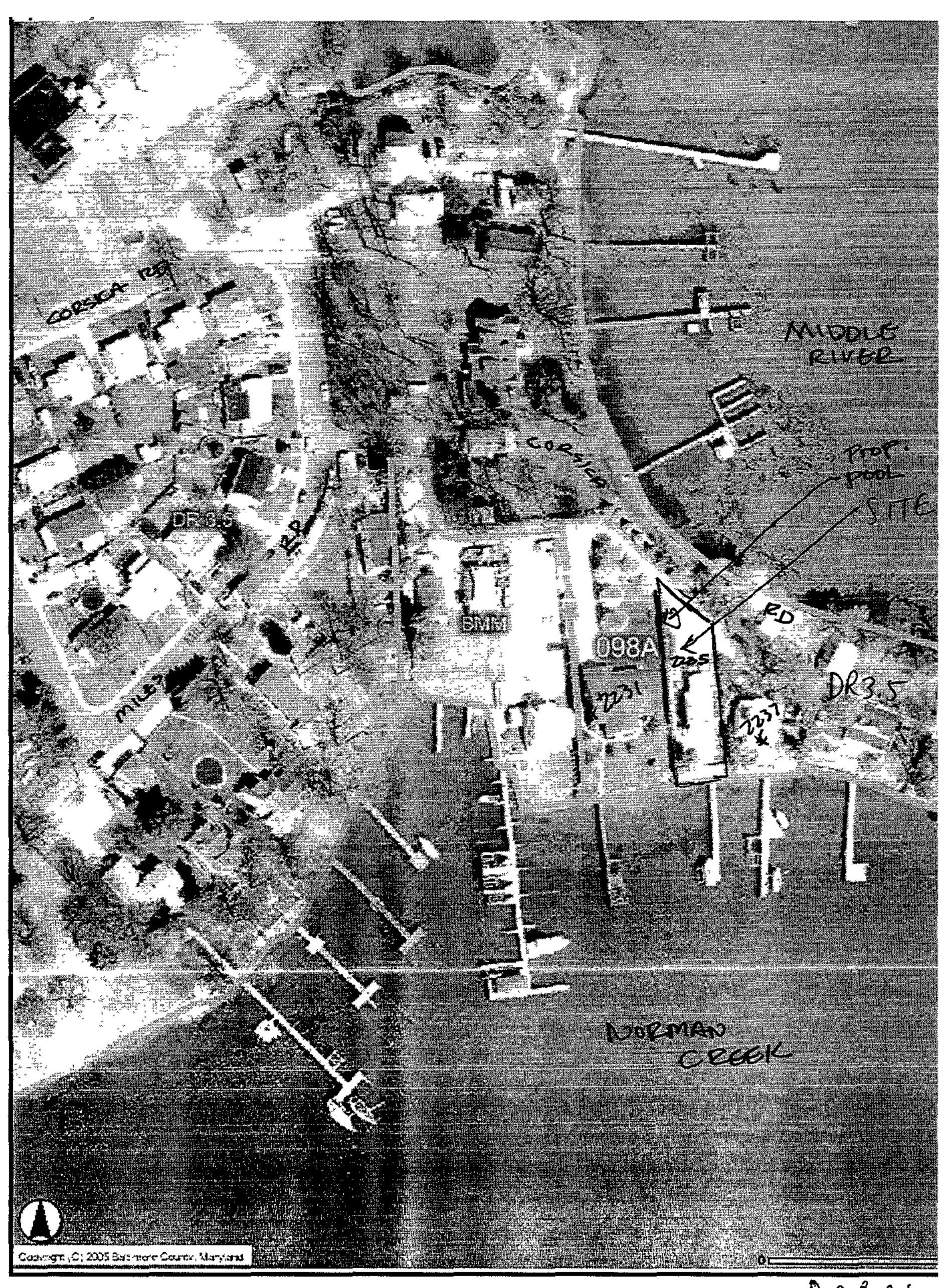
There is a proposed variance posted for a swimming pool at this location. At present there are anywhere from 3-6 cars parked there every day, this is a narrow lot with a narrow (12 ft wide) street. There is not room for a pool and the cars. The cars would have to be parked along the street creating an unsafe situation in the case of ambulance or fire equipment. There is little room now for trash and oil trucks to service these homes.

When the persons residing in the house have guests there have been times the neighbors have been unable to drive down the street without first asking to have cars moved.

Before a variance is asked for someone at the zoning office should come and check out the property.

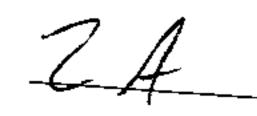


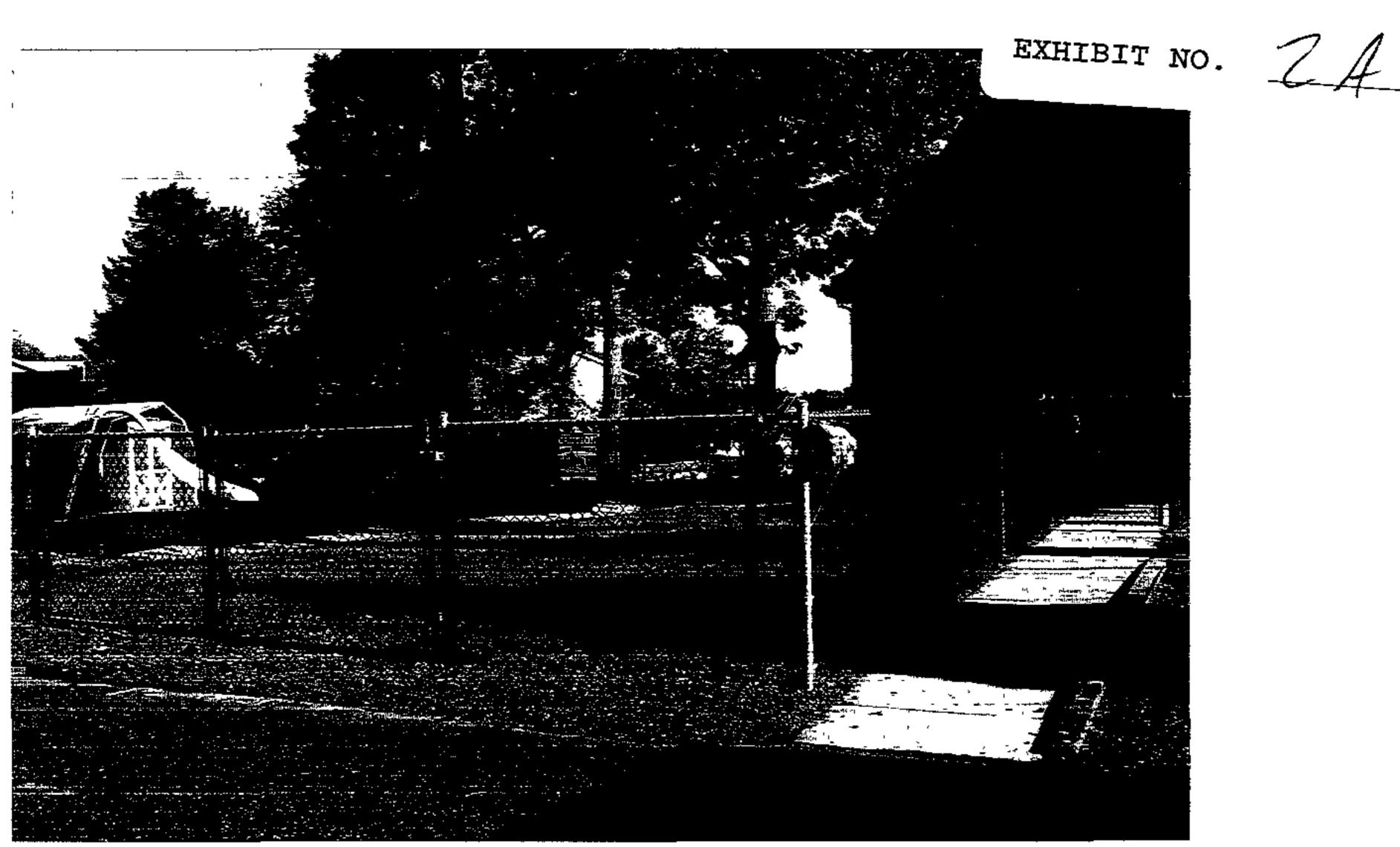


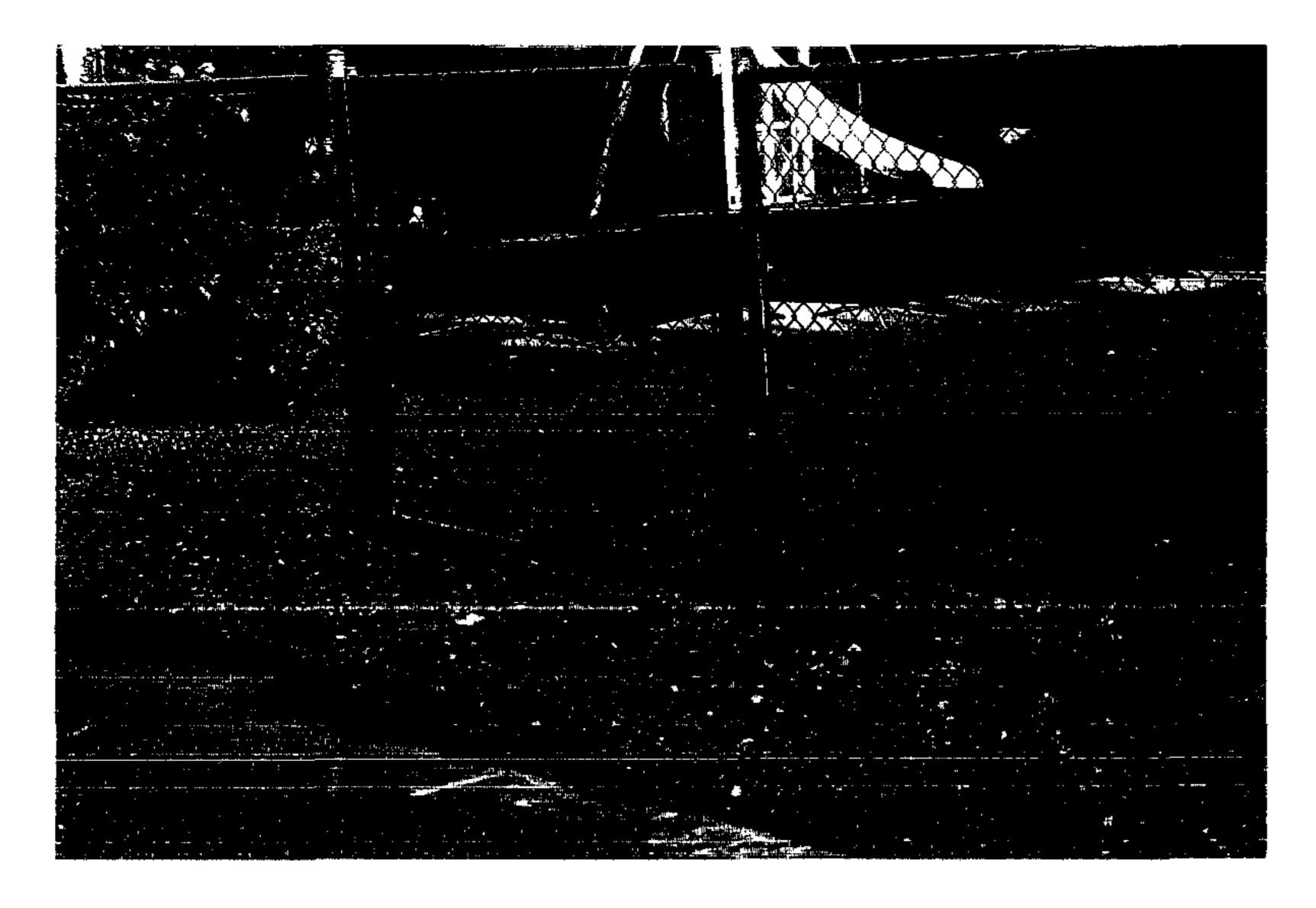


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# PETITIONER'S





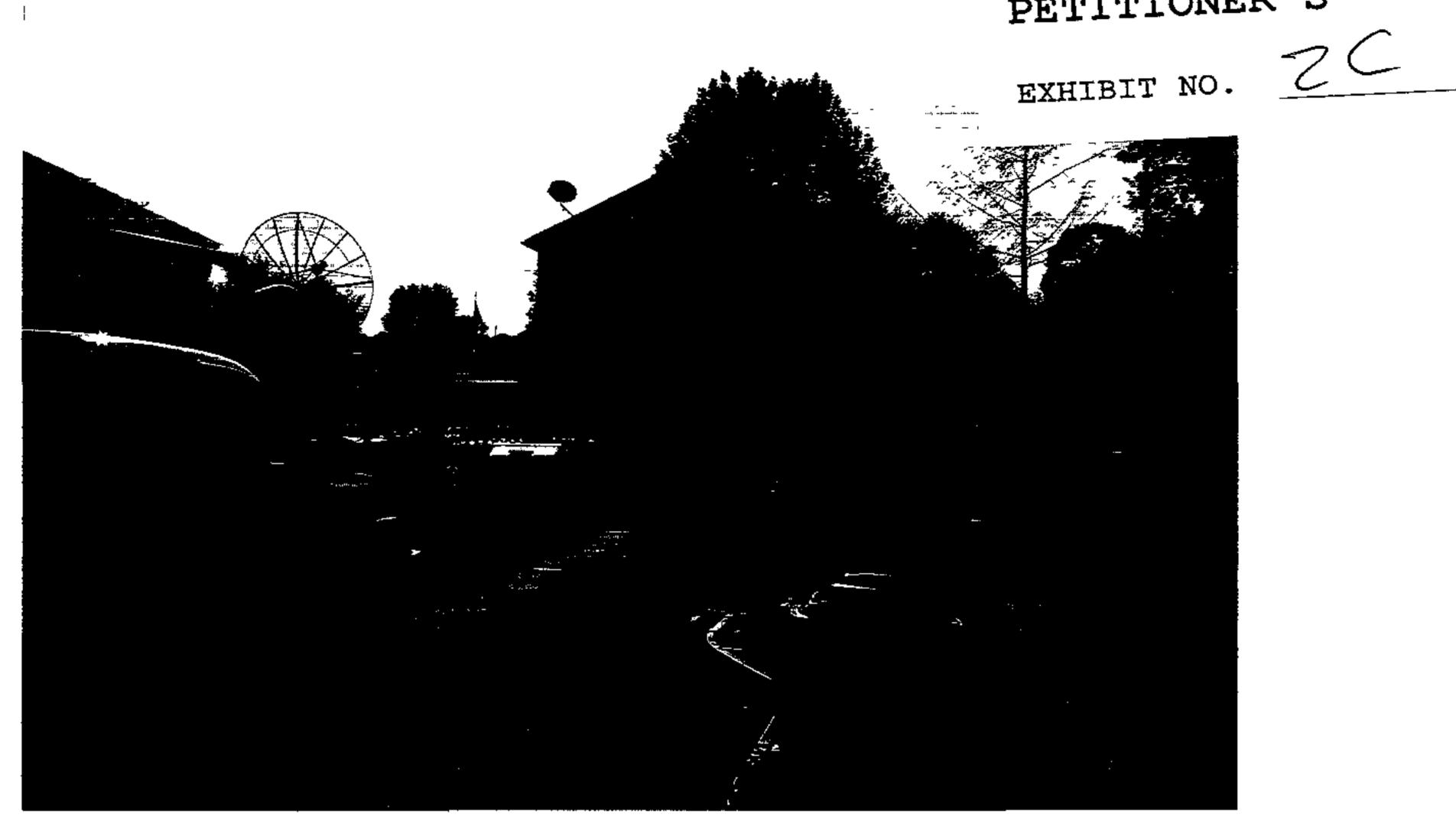


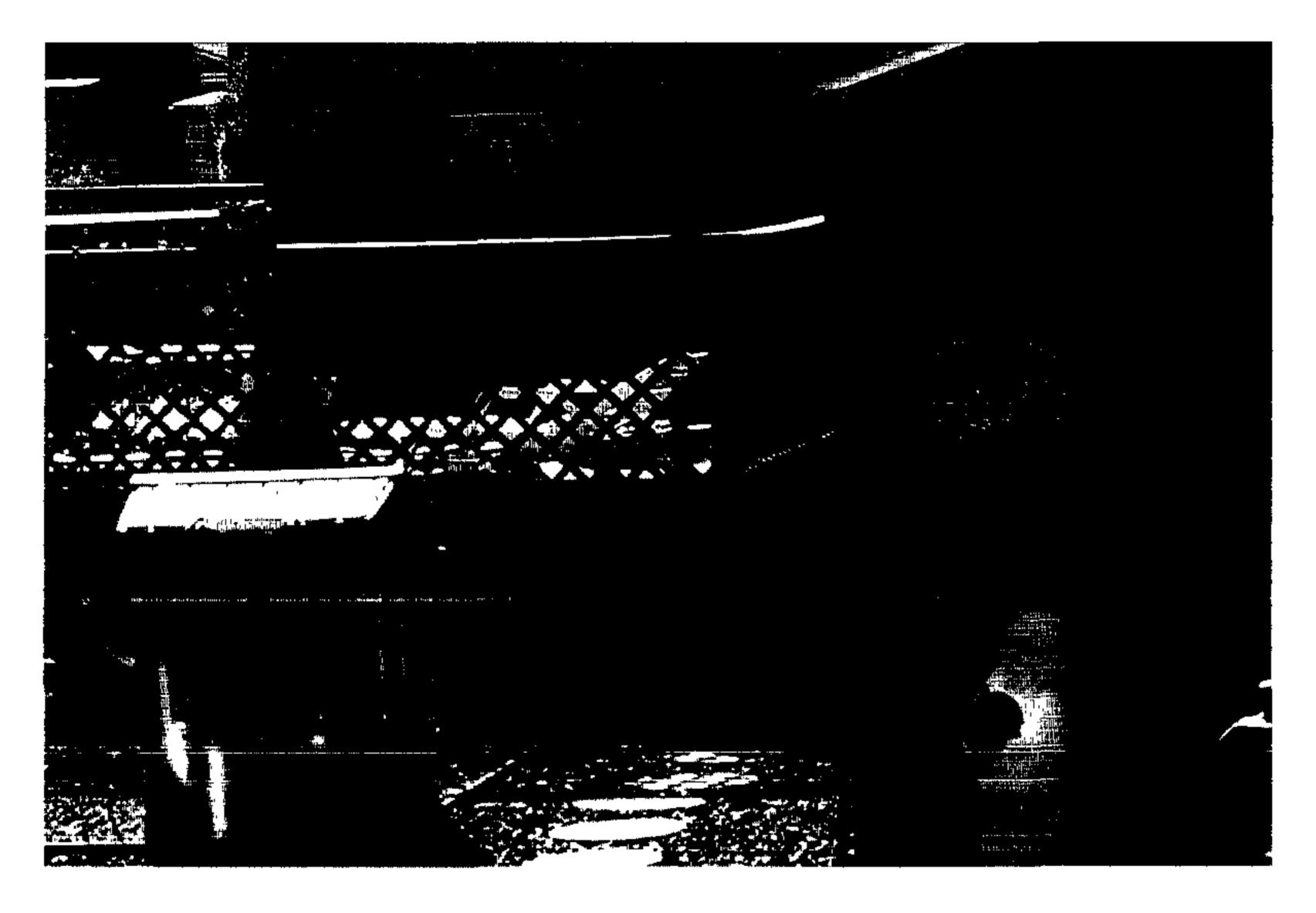
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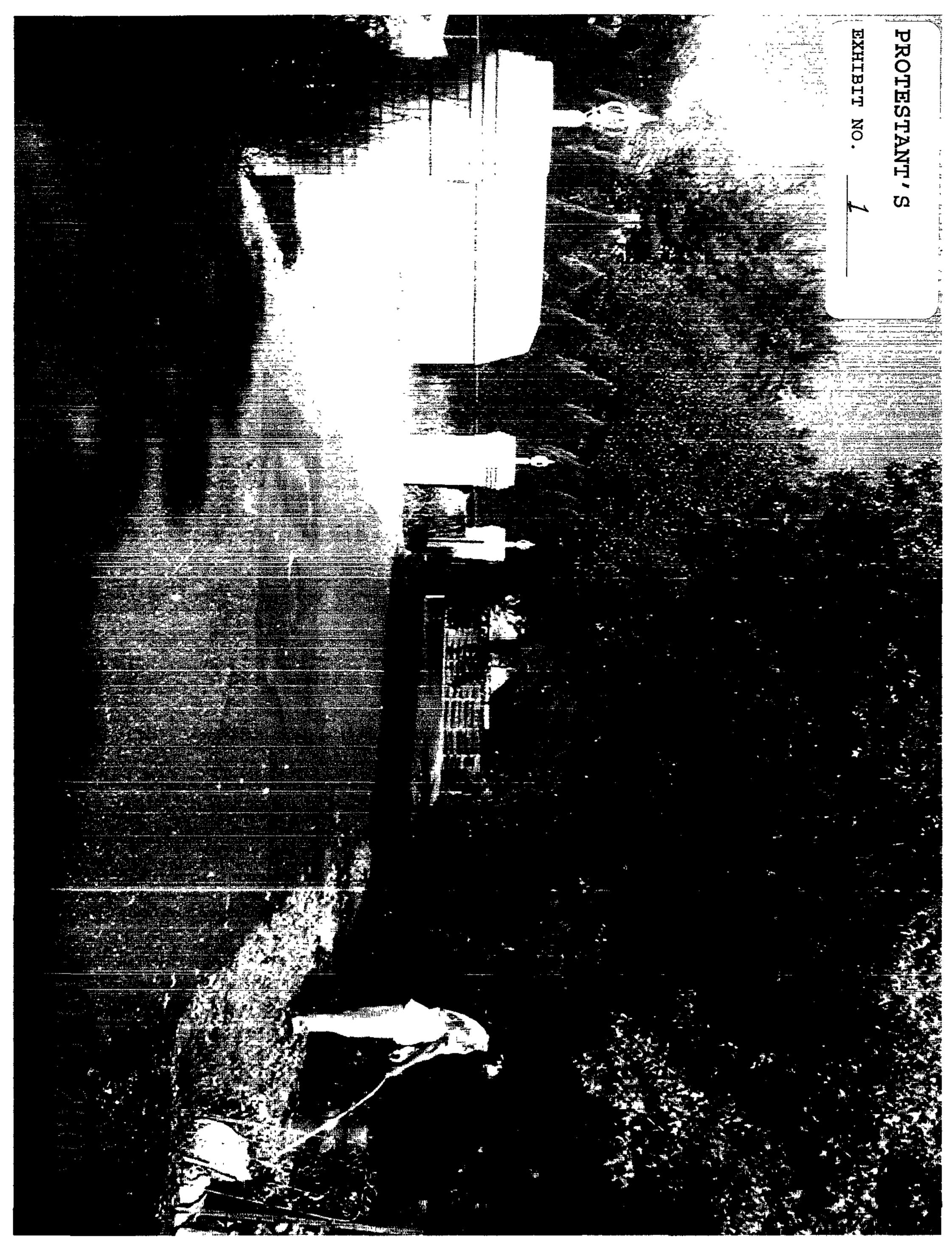


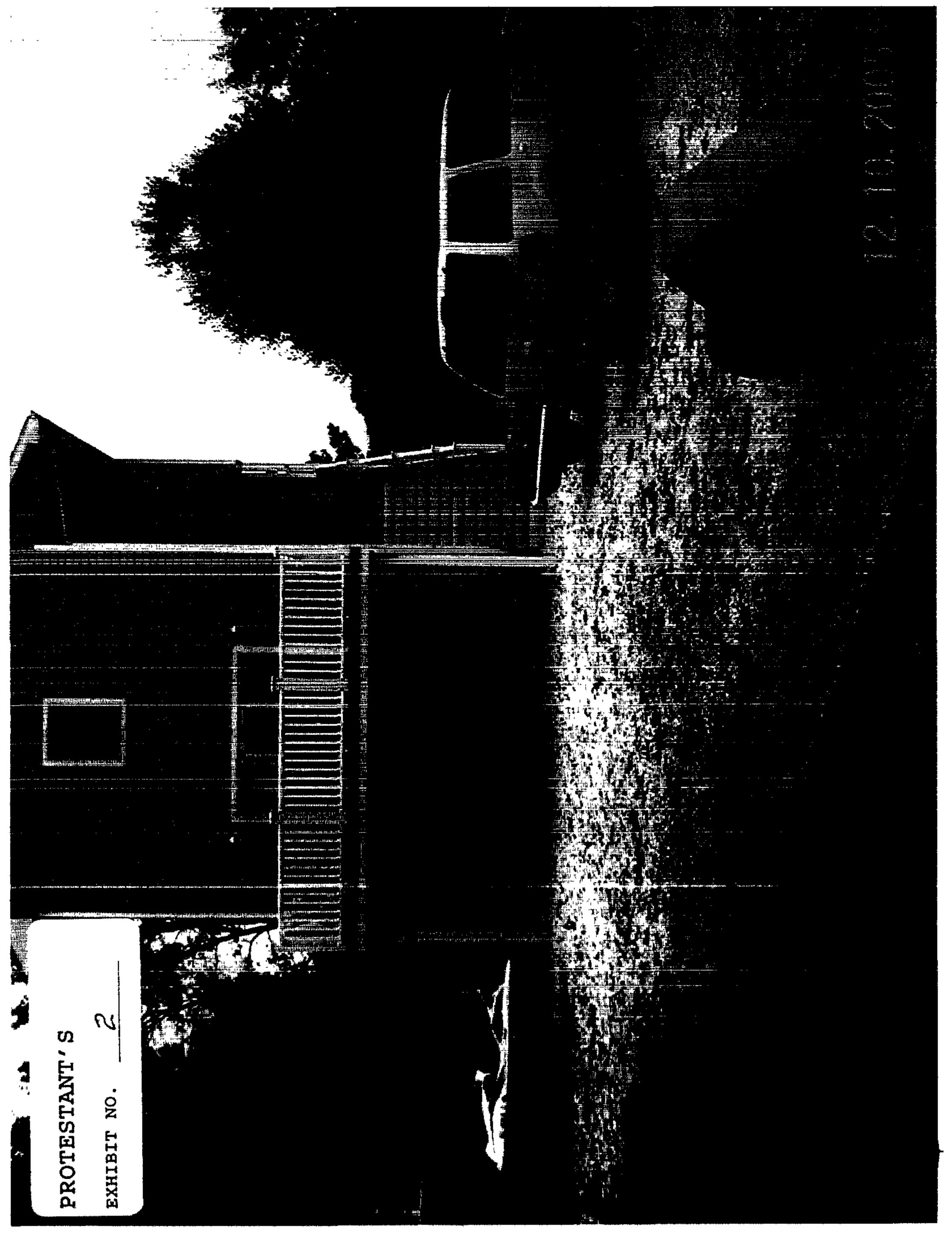


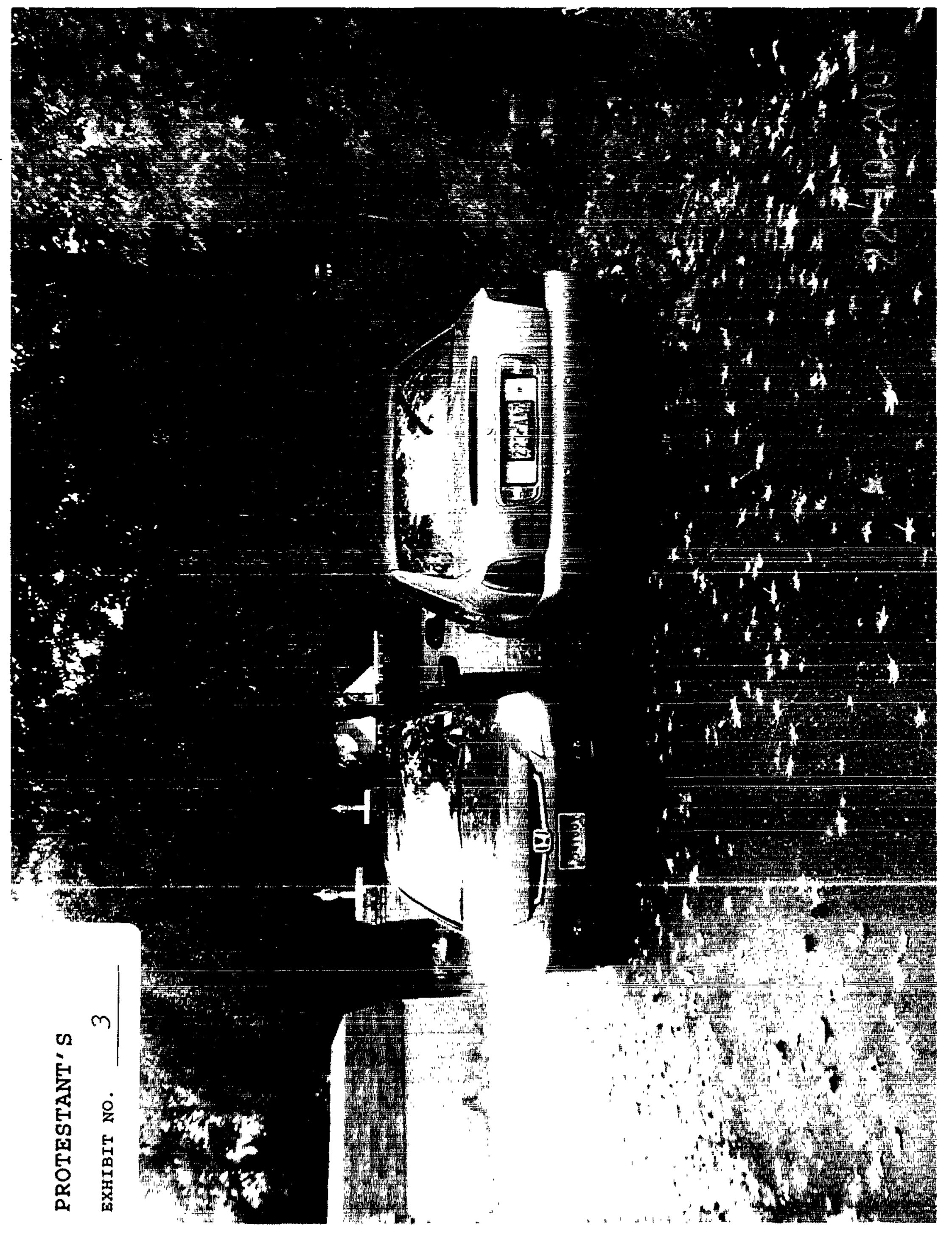
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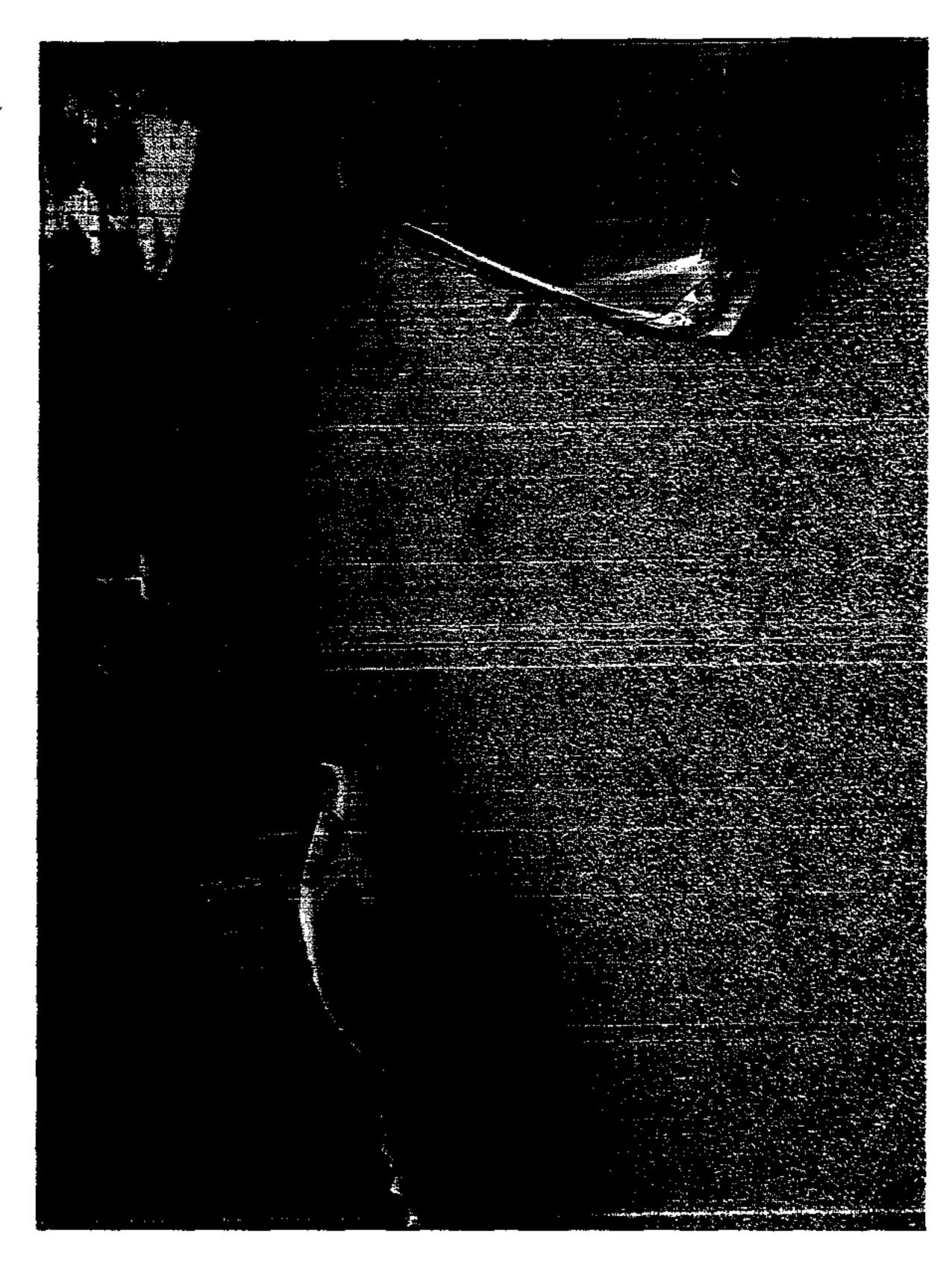






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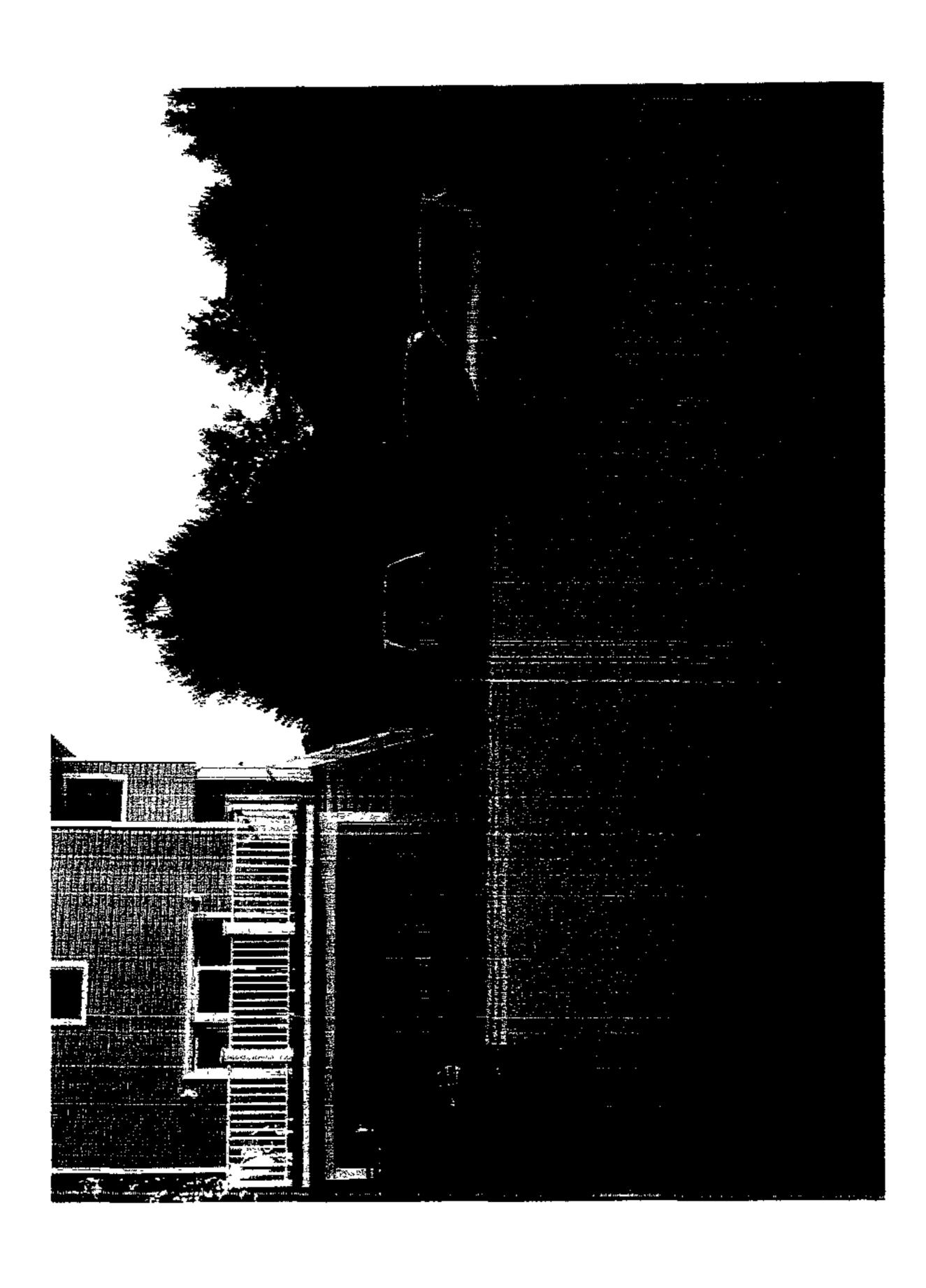
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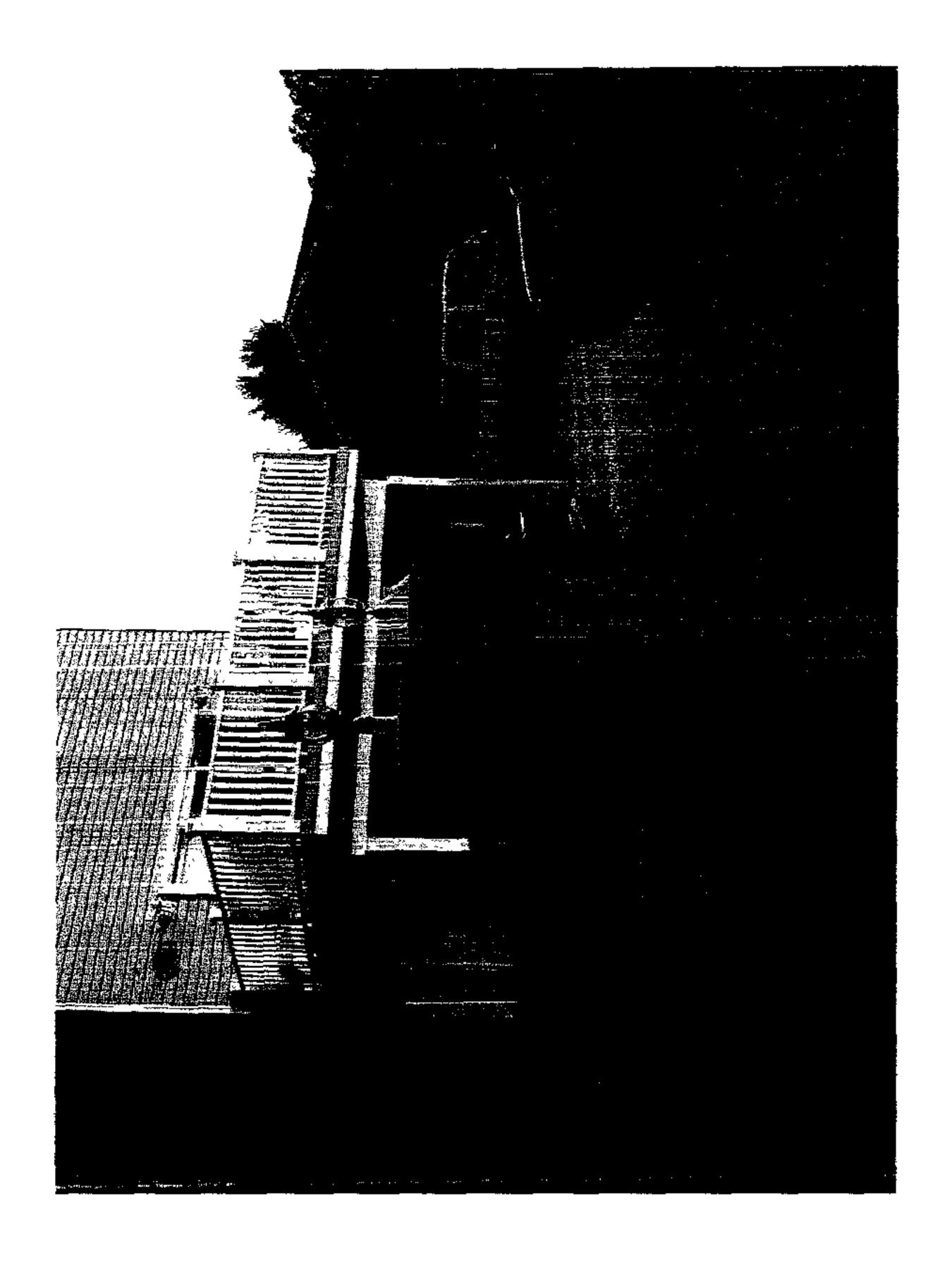


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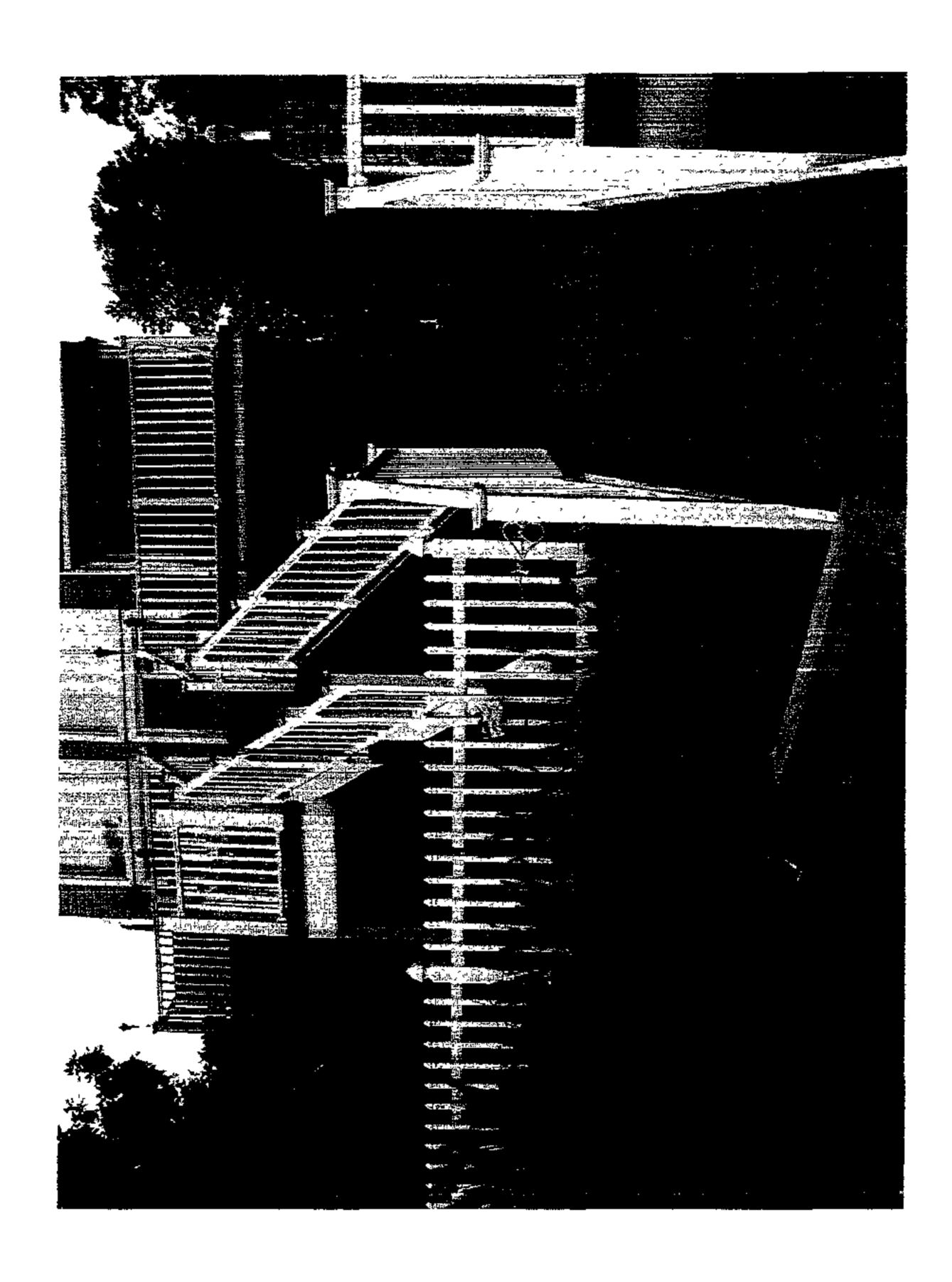


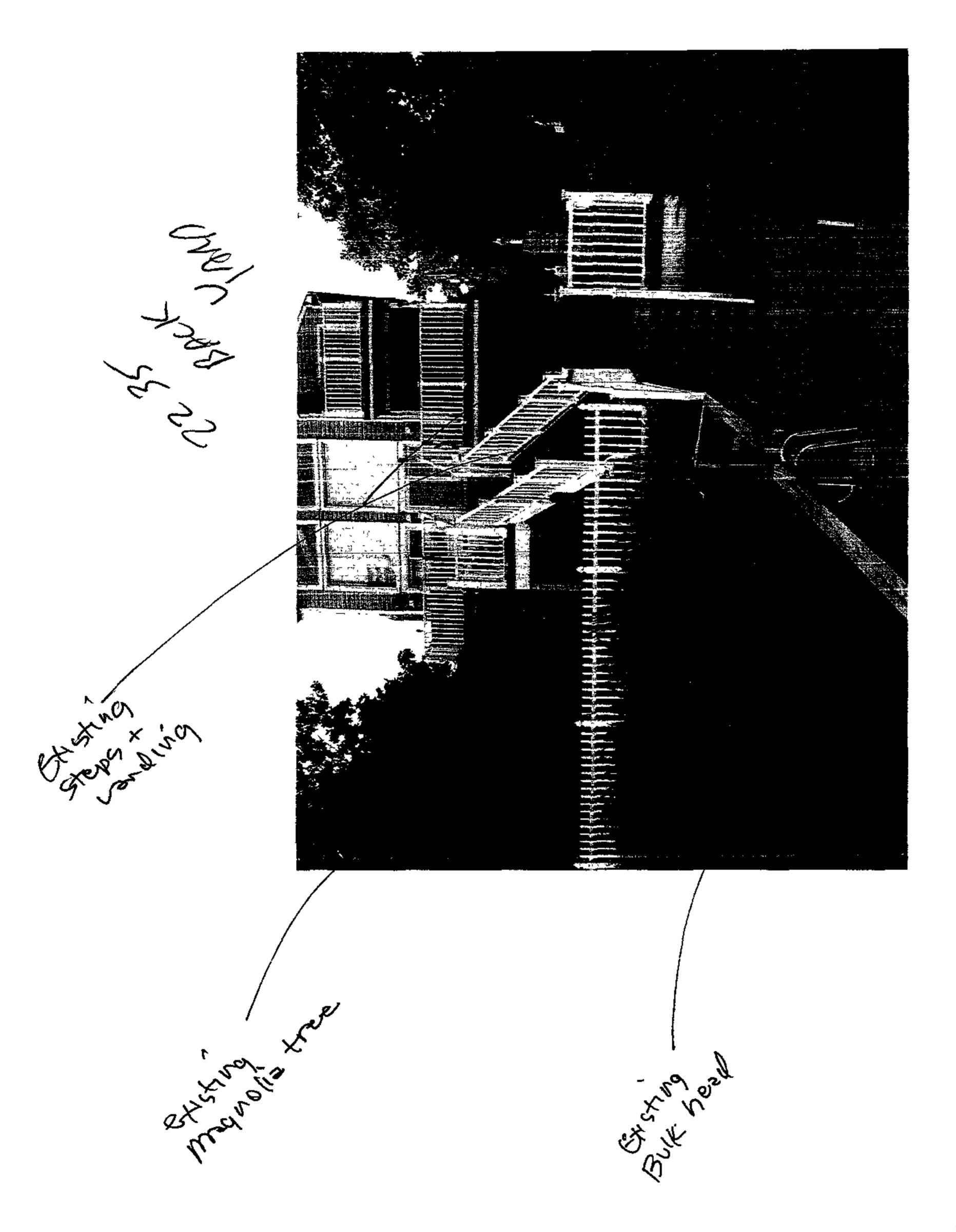


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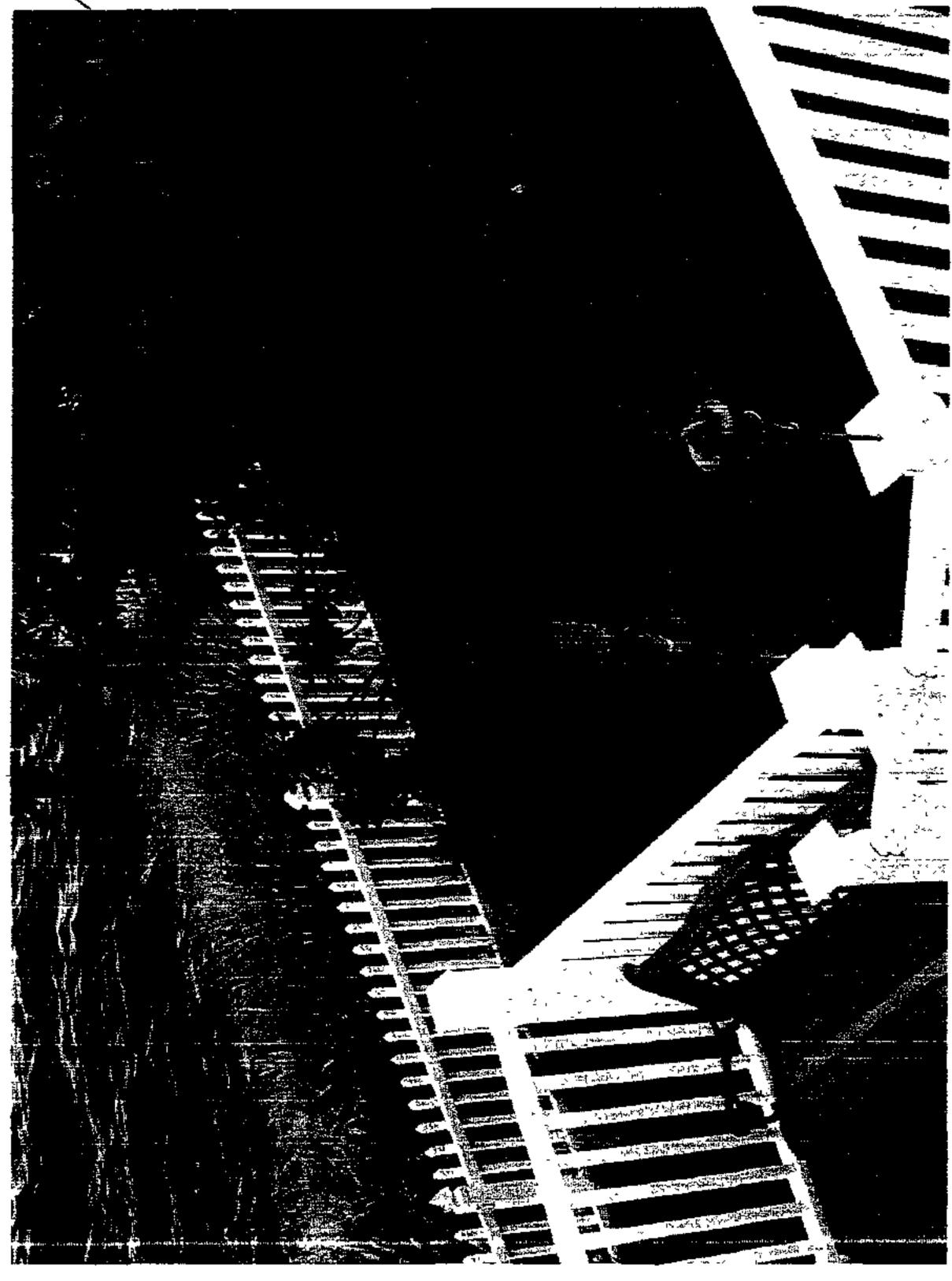
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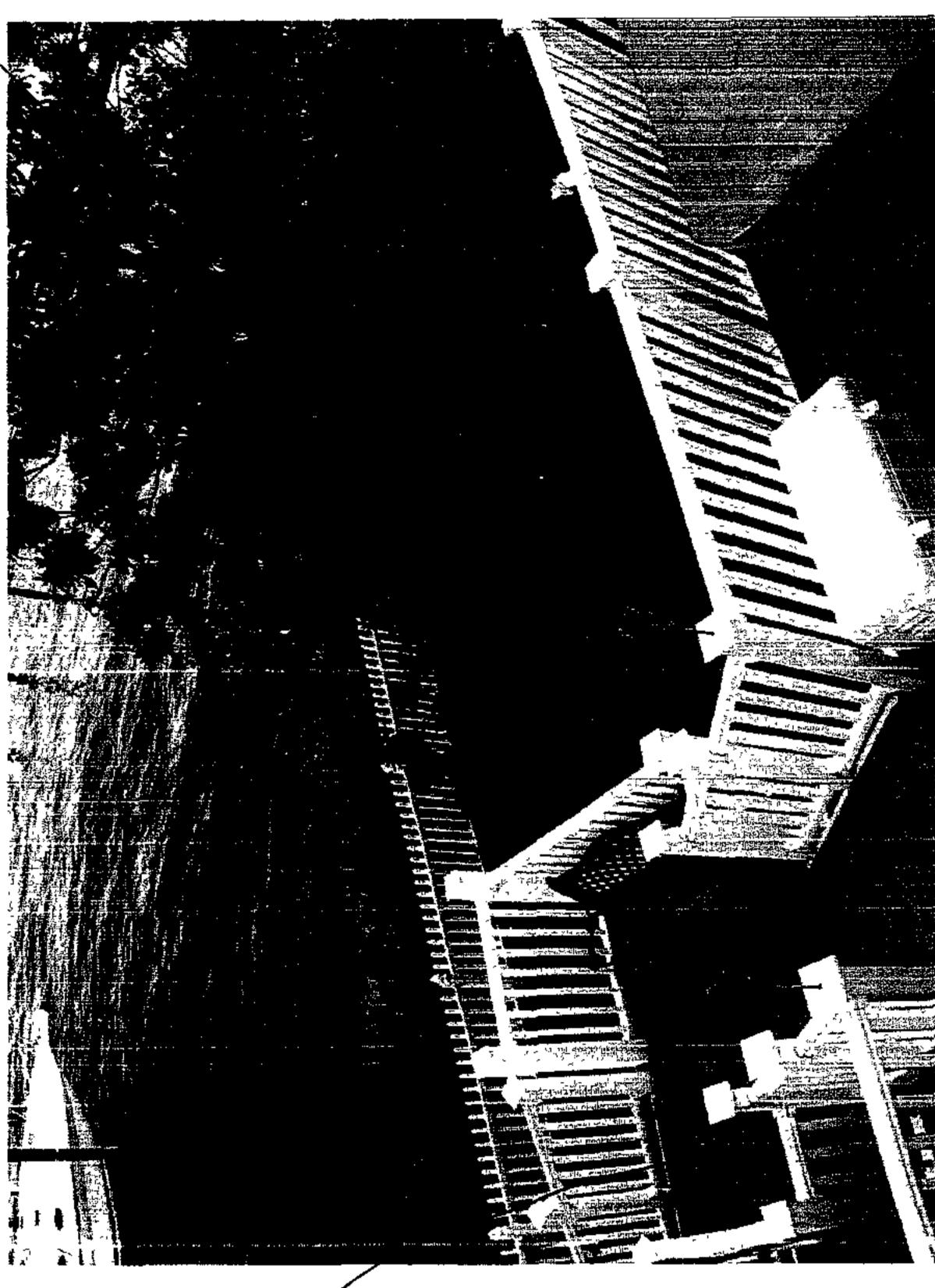
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