

IN RE: **PETITION FOR ADMIN. VARIANCE** * BEFORE THE
S/S Corsica Road, 1000' W of the c/l
Miles Road * ZONING COMMISSIONER
(2235 Corsica Road)
15th Election District * OF BALTIMORE COUNTY
6th Council District * Case No. 06-111-A

Stephen J. Carullo, Jr., et ux
Petitioners *

* * * * *

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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[Signature]

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 21st 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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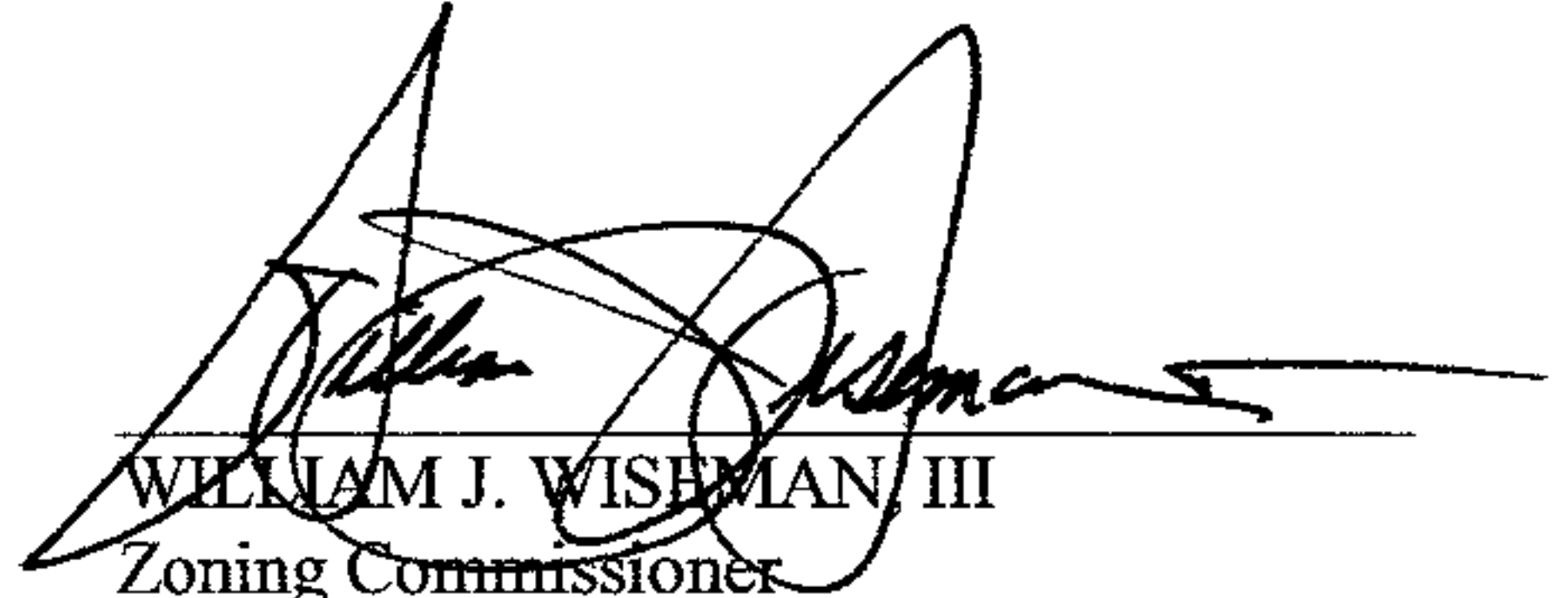
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(Section 400.1d.(2) of the Zoning Commissioner's Policy Manual) to permit a proposed accessory structure (swimming pool) to be located in the front yard in lieu of the required rear yard, and to permit a front street setback of 7 feet in lieu of the 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

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BALTIMORE COUNTY
M A R Y L A N D

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)
15th Election District – 6th 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,

A handwritten signature of William J. Wiseman III in black ink, written over a circular stamp.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

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

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.

06-111-A

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: #06-111-A

2235 Corsica Road

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, III

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 69824

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 of 1 successive weeks, the first publication appearing on 10/6/2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 449475

DATE 9/20/05 ACCOUNT 001-106-6130
AMOUNT \$ 50.00

RECEIVED FROM: Oliver Saint
FOR: Travel Expense
2005

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DATE
REG WSD2 MAIL	JEVA JEE		9/22/2005 9/21/2005 10:49:25
RECEIPT # 427002		9/21/2005	DEPT
Dept 5		503 ZONE CERTIFICATION	
TR NO. 449475			
Receipt for		\$50.00	
\$50.00 OK		\$50.00	
Baltimore County, Maryland			

CASHIER'S VALIDATION

Maryland Pools, Inc.



9515 Gerwig Lane, Suite 119, Columbia, Maryland 21046



Residential & Commercial
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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

Prepared by:

Curtis Murray

Division Chief:

AFK/LL: CM

Lisa Fisher

Prepared by:

Curtis Murray

Division Chief:

AFK/LL: CM

Lisa Fisher

