ORDER RECEIVED FOR FILING
Date 10/35/05/05
By RALING

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE

SE/S Edgewater Avenue, 110' NE of the c/l

Potomac Avenue * ZONING COMMISSIONER

(8047 Edgewater Avenue)

15th Election District * OF BALTIMORE COUNTY

7th Council District

* Case No. 06-121-A

Joseph C. Gaudiello

Petitioner

* * * * * * * * *

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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 owner of the subject property, Joseph C. Gaudiello. The Petitioner requests variance relief from Section 302 (Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required rear yard with a height of 19 feet in lieu of the maximum allowed 15 feet. 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, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

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Based upon the evidence contained therein, I am persuaded to grant the requested relief. A review of the site plan shows that the subject property is a waterfront lot located with frontage on Northeast Creek in the Chesaco Park community of eastern Baltimore County. In order to maintain the required 100-foot setback from the water, the Petitioner proposes to construct a 30' x 44' detached garage in the side yard, immediately across from the existing dwelling. It was also indicated that the garage has been designed in keeping with the architectural style of the existing house and that the additional height is necessary due to the pitch of the roof and design details incorporated therein. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and letters contained within the case file indicate that the neighbors have no objections to the request. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, due to the property's waterfront location and its location within a floodplain, the Petitioners shall comply to the extent possible with Chesapeake Bay Critical Areas regulations. In this regard, pursuant to the ZAC comment received from the Department of Environmental Protection and Resource Management (DEPRM), the proposed garage shall be built outside the 100-foot shoreline buffer and the overall impervious surface limit of 15% shall not be exceeded by the proposed construction. In addition, the Petitioner shall comply with Federal Flood Insurance requirements, as set forth in the ZAC comment submitted by the Development Plans Review Division of the Department of Permits and Development Management, a copy of which is attached hereto and made a part hereof.

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

this 26 day of October 2005 that the Petition for Administrative Variance seeking relief from Section 302 (Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required

rear yard with a height of 19 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. See attached comment from the Development Plans Review division of DPDM. The proposed garage shall be built outside the 100-foot shoreline buffer and the overall impervious surface limit of 15% shall not be exceeded by the proposed construction
- 3) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioner shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:bjs

Zoning Commissioner for Baltimore County



JAMES T. SMITH, JR. County Executive

October 28, 2005

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. Joseph C. Gaudiello 8047 Edgewater Avenue Baltimore, Maryland 21237

RE: PETITION FOR ADMINISTRATIVE VARIANCE SE/S Edgewater Avenue, 110' NE of the c/l Potomac Avenue (8047 Edgewater Avenue) 15th Election District — 7th Council District Joseph C. Gaudiello - Petitioner Case No. 06-121-A

Dear Mr. Gaudiello:

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

WJW:bis

WILLIAMS. WISHMAN, III
Zoning Commissioner
for Baltimore County

Very trally yours

cc: Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM; People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8047 Edge unit five which is presently zoned ML-IM

_	which is presently zoned
owner(s) of the property situate in Baltimore County and verified a part hereof, hereby petition for a Variance from Section 1985.	Le Line Netacher 9
to be located in the side to with a side yard settie in maximum allowed 15 ft, re	Lieb of the required rear yard
of the zoning regulations of Baltimore County, to the zoning of this petition form.	ng law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by to it, or we, agree to pay expenses of above Variance, advertising regulations and restrictions of Baltimore County adopted pursua	nosting, etc. and jutilet agree to and are to be bounded by the forming
	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): My Comm. Exps. 15/17,2005 COPPON C GOUNTIELLO
Name - Type or Print Signature	Name - Type or Print Signature Signature
Address Telephone No.	Name - Type or Print
City State Zip Code Attorney For Petitioner:	Signature 8047 Edge Michael Ave 410 687 5849 Address Telephone No. Rolltimore M. Alabar
Name - Type or Print	City State Zip Code Representative to be Contacted:
Signature	Joseph A Coudiplia
Address Telephone No.	Name 8047 Edgewater Ave 4106875849 Address Paltimore MD Alas7
State Zip Code State Zip Code	City State Zip Code State Zip Code Cho conviced it is ordered by the Zoning Commissioner of Baltimore County.
that the subject matter attitute of Baltimore County and that the property be reposted.	of this petition be set for a public hearing, advertised, as required by the zoning
E DISE NO DG-12/ A	Zoning Commissioner of Baltimore County Reviewed By Rall WCR Date 8-26-05
GASE NO	Estimated Posting Date 9-04-05

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore Counfollows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.	ty, as is/are
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	That the Affiant	(s)	does/do	presently	reside	a
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8047 Edaeu	ofter Ave	<u> </u>
Address J	m	21237_
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):

- Tomaintain 100ft from North East Creek the garage needs to be to the side of the house.
- In order to maintain the same as the house the garage would need to be 19 feet high in lieu of the maximum allowed 15 feet.

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

Signature Signature	Signature
Joseph C. Gaudiello Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to with the state of Maryland, in and for the County aforesaid, personally appropriate the county aforesaid, personally appropriate the county aforesaid, personally appropriate the county aforesaid.	and the state of t
the Affiant(s) herein, personally known or satisfactorily ident	
AS WITNESS my hand and Notarial Seal	Jahren A Brown

My Commission Expires 12/

12/

ZONING DESCRIPTION FOR 8047 EDGEWATER AVE

Beginning at a point on the Southeast side of Edgewater Ave which is 50 feet wide at the distance of one hundred and $10'N^{\frac{1}{2}} = PROS(t)$ the centerline of the nearest improved intersecting street Potomac hich is 40 feet wide. As recorded in the deed Liber G.L.B. 2679, Folio 496, containing 0.980 acres. South 60 degrees 31 minutes, East 313.00 feet North 29 degrees 29 minute, East 50.4 feet, North 46 degrees, 05 minutes, East 34 feet, North 00 degrees, 18 minutes, West 100 feet. Thence running for lines of division the five following courses and distances, viz North 76 degrees 18 minutes 15 seconds, West 121.50 feet, North 13 degrees, 41 minutes, 45 seconds, East 8 feet to intersect a line drawn parallel with and distant 8 feet Northerly, measured at right angles from the North face of the North wall of the split level dwelling. Thence binding on a line so drawn and running North 75 degrees, 11 minutes, 44 seconds, West 38 feet, North 84 degrees, 53 minutes, 08 seconds, West 66.18 feet, and North 75 degrees, 29 minutes, 05 seconds, West 80 feet to intersect the first line of said whole tract of land and to intersect the said Southeast side of said Edgewater Avenue. Thence binding reversely on the part of said first line and binding on the said Southeast side of said Edgewater Avenue and running Southwesterly, by a curve to the right having a radius of 195 feet, a distance of 90 feet more or less to the place of beginning. Also known as 8047 Edgewater Ave and located in the 15th Election District, 7th Councilman District.

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RE: Case No.: OG - /Z / -APetitioner/Developer: $\overline{JOSEPHC}$. GAVDIELLO Date of Hearing/Closing: 9-19-05 **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: ____ 8047 EDGEWATER AVE 7-3-05 The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

108047 EDGEWATER

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

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

For Newspaper Advertising:
Item Number or Case Number: 06 - 121 A
Petitioner: Joseph C. Bandrello
Petitioner: <u>Joseph C. Baudrello</u> Address or Location: 8047 Edge water Ave
PLEASE FORWARD ADVERTISING BILL TO: Name: Same Address: Big/to, Md, 2/237
Telephone Number: 443-570-6818 08 410 687-5849

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 121 -A Address 8047 Edge water Ave.
Contact Person:
Filing Date: 8-26-05 Posting Date: 9-04-05 Closing Date: 9-19-0
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.
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.
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- 121 -A Address 8047 Edge water Are
Petitioner's Name Joseph C. Gavdiello Telephone413-570-6818
Posting Date: 9-04-05 Closing Date: 9-19-05
Nording for Sign: To Permit a residential accessory structure
(detached garage) to be located in the side yard & with a
height of 19ft, in her of the required rearyand & maximus
GILONCU 1- FUI POLITIVELY

Department of Permits and Development Management

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





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

September 19, 2005

Joseph C. Gaudiello 8047 Edgewater Avenue Baltimore, Maryland 21237

Dear Mr. Gaudiello:

RE: Case Number:06-121-A, 8047 Edgewater Avenue

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

U. Carl Richall

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 12, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 19, 2005

Item No. 121

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 10.4 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.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 121-09122005.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 8, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: September 12, 2005

Item No.: 116-125

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 410-887-4880 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: 5.6.05

Baltimore County

Item No. 121

RE:

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. 1. Auch

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

SEP 2 6 2005

INTER-OFFICE CORRESPONDENCE

ZONING COMMISSIONER

DATE: September 23, 2005

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 6-121 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted 15 feet, and to be located in the side yard in lieu of the required rear yard provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Amy Mantay at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL: CM



Glenn Shaffer

To:

Bill Wiseman

Date:

10/28/2005 3:51:25 PM

Subject:

Zoning Petitions 06-136 & 06-121

Mr. Wiseman,

Pat Farr asked me to get you comments on these two petitions today.

For 06-136 on 1120 Burke Rd, DEPRM has no objections to the requested zoning variance provided the addition and deck are built out of the 100 foot shoreline buffer as proposed, and the overall impervious surface limit of 25% is not exceeded by constructing the addition.

For 06-121 on 8047 Edgewater Ave., DEPRM has no objections provided the garage is built out of the 100 shoreline buffer as proposed, and the overall impervious surface limit of 15% is not exceeded by constructing the detached garage.

Let me know if you need anything else on this.

Glenn Shaffer

CC:

Bruce Seeley; Patricia Farr

Bette Schuhmann - Administrative Variance Cases Nos. 06-121-A & 06-136-A

From: Bette Schuhmann
To: Seeley, Bruce

Subject: Administrative Variance Cases Nos. 06-121-A & 06-136-A

Hi, Bruce - Just a follow-up to my earlier e-mails. I got a call this morning from the owner in Case 06-121-A and I told him I was waiting for your comments. Feel free to e-mail them to me if you have them ready. Thanks!

about:blank 10/12/2005

Bette Schuhmann - Re: Administrative Variance

From: Bette Schuhmann
To: Seeley, Bruce

Subject: Re: Administrative Variance

OK - This one just closed on Monday, so if the guy calls on it, I'll tell him to check back with me next week. Thanks!

>>> Bruce Seeley 9/27/2005 10:25 AM >>>
I am sorry to say we have not gotten to that one yet!!!

R. Bruce Seeley rseeley@co.ba.md.us 410-887-4488 ext. 274

>>> Bette Schuhmann 9/27/2005 10:09 AM >>>

Bruce - This may be a repeat, but I'm looking for a comment from you on Case No. 06-121-A for property located at 8047 Edgewater Avenue. It's probably a standard comment, but nevertheless, I need it to complete our review. Thanks!

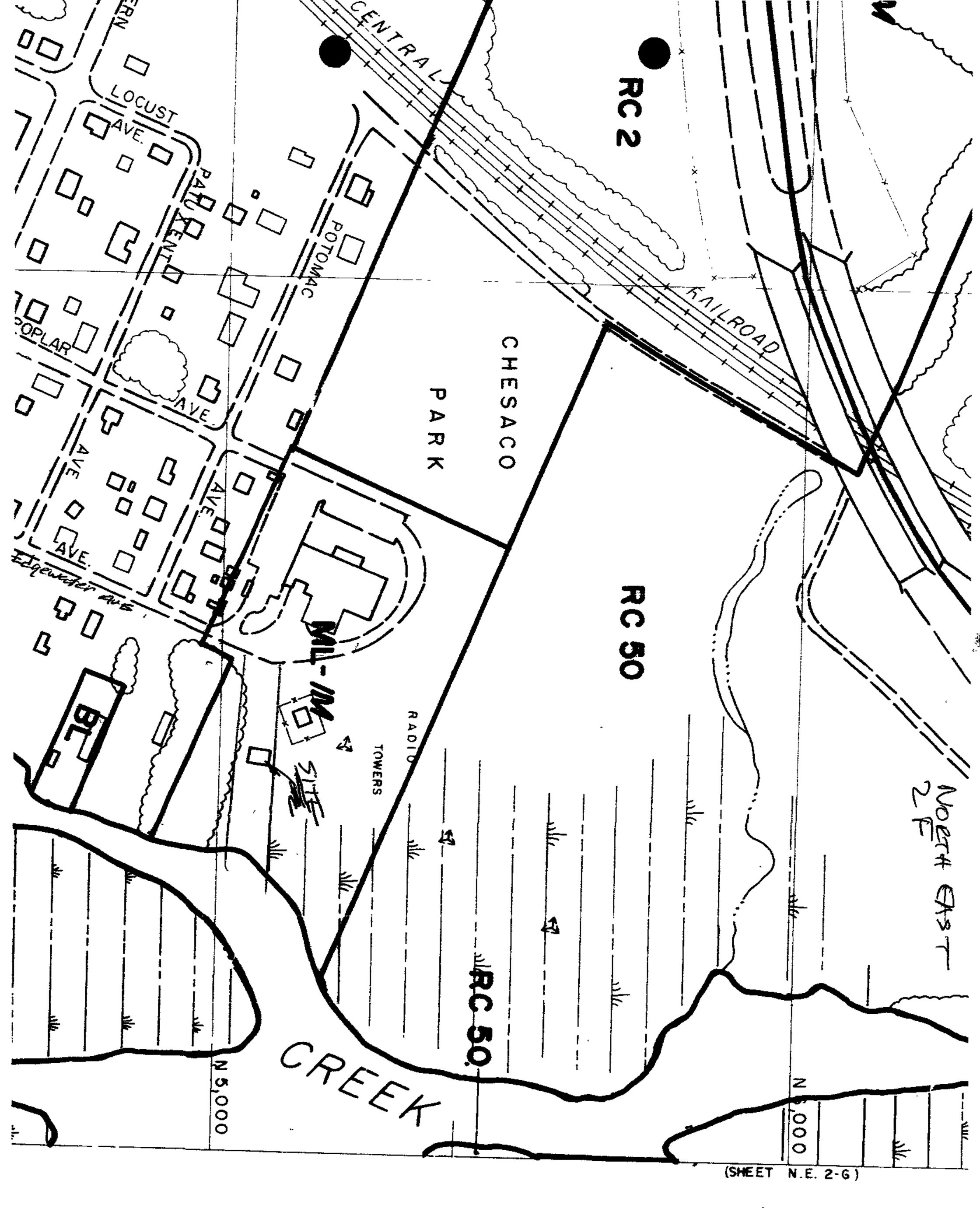
Bette Schuhmann bschuhmann@co.ba.md.us 410-887-3868

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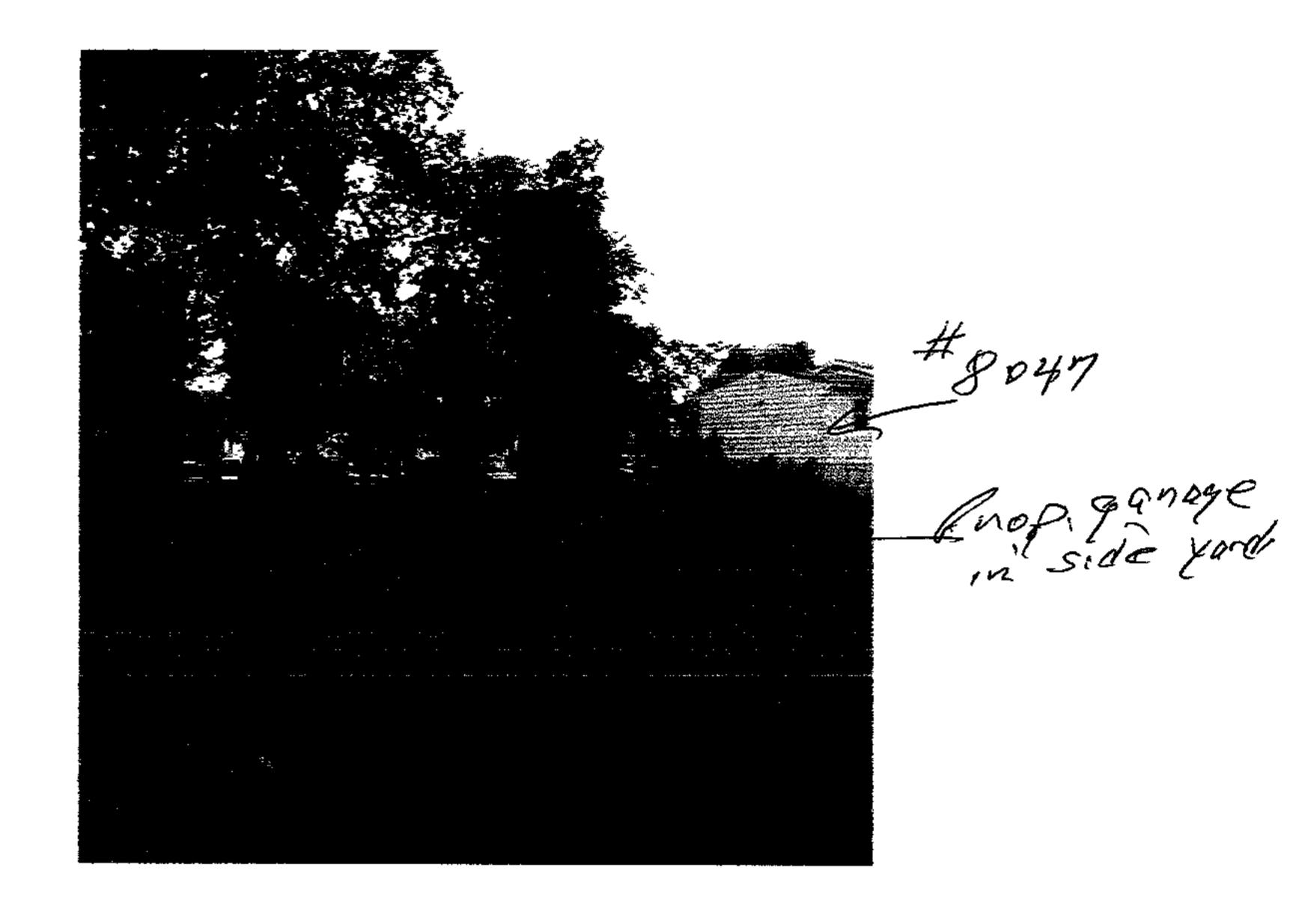
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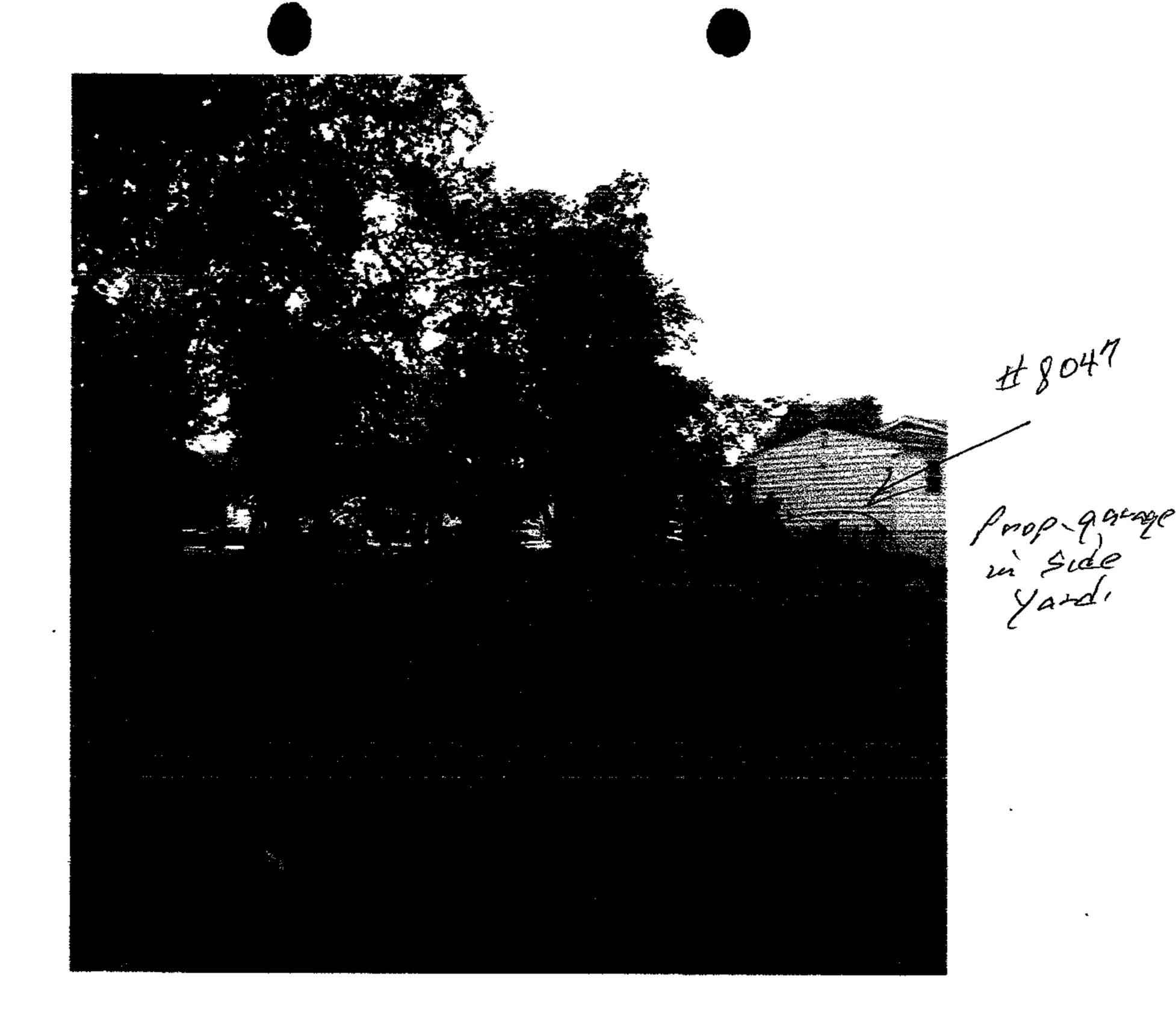
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