IN RE: PETITION FOR ADMIN. VARIANCE *

SW/Corner Upland Road and

Merritt Avenue

(6509 Upland Road)

11th Election District
3rd Council District

Louis J. Mangione, et ux Petitioners BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 06-267-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, Louis J. Mangione, and his wife, Sharon A. Mangione. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 27 feet in lieu of the required 50 feet for a proposed garage addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition and marked into evidence 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, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to 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.

HOER RECEIVED FOR FILING

Based upon the evidence contained therein, I am persuaded to grant the requested relief. Variance relief is necessary given the property's unique configuration and the location of existing improvements thereon. The Petitioners propose to construct an 18' x 24' addition to the rear of the existing dwelling to expand the existing kitchen and add a family room. Given the location of the existing house, a portion of the proposed addition will be located 27 feet from the rear property line. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency, and the Petitioners have the support of their neighbors as evidenced by letters contained within the case file. Thus, I am persuaded that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale.

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.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2 day of January 2006 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 27 feet in lieu of the required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their 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.

LIAM. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bis

AT IN PAC



JAMES T. SMITH, JR. County Executive

January 9, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Mr. & Mrs. Louis J. Mangione 6509 Upland Road Fork, Maryland 21051

RE: PETITION FOR ADMINISTRATIVE VARIANCE

SW/Corner Upland Road and Merritt Avenue (6509 Upland Road)
11th Election District – 3rd Council District Louis J. Mangione, et ux - Petitioners Case No. 06-267-A

Dear Mr. & Mrs. Mangione:

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.

Very truly yours,

Zoning Commissioner

for Baltimore County

WJW:bjs

cc: People's Counsel; Case/File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6509 PMD ROAD 2/05/ which is presently zoned Residential RC-5 (R-40)

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

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)

PERMIT A REAR SETEMBER OF 27 FT. IN LIGHT OF THE

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.

			perjury, that I/we are the is the subject of this Pet		he property which
Contract Purchaser/Less	see:		Legal Owner(s):		
			Louis 5.	MAN9101	√~
Name - Type or Print			Name/- Type or Print	Nasquine	>
Signature			Signature ChARON A	· ~ A A ~ 9	10 N/Q
Address	······································	Telephone No.	Name: Type or Print	Mary	ine
City	State	Zip Code	Signature		11/2 1901
Attorney For Petitioner:			Address ,	19 RON	7/0.5/2.5. Telephone No.
			Losk	MJ.	7/05/
Name - Type or Print			City	State	Zip Code
Signature			Representative to	be Contacted:	
Company		· · · · · · · · · · · · · · · · · · ·	Name		
Address		Telephone No.	Address		Telephone No.
X	State	Zip Code	City	State	Zip Code
Public Hearing having been for day of ulations of Baltimore County and	, tha	at the subject matte	to be required, it is ordered by the or of this petition be set for a public he	Zoning Commissione earing, advertised, as ioner of Baltimore Co	required by the zoning
P.P.	Z67 (
CASENO.	XO/	- /	Reviewed By	Date	<u>√0 U > .</u>
RE 10/25/01			Estimated Posting Date	18	<u>-05.</u>

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	6509 UPLAND ROAD
	Address

0505	OTHERD	KOM		
Address				
FORK			MD.	21051
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):

AS OWNERS OF SAID PROPERTY, WE DO HERE-BY PRESENT TO THE COUNTY FOR APPROVAL A PLAN TO ADD AN 18 X 24 (APPROX.432 SF.) ADDITION, TO THE REAR OF OUR EXISTING HOME, FOR THE PURPOSE OF EXPANDING OUR KITCHEN AND ADDING A FAMILY ROOM. WE ARE A FAMILY OF FIVE, AND WE HAVE RESIDED AT THIS ADDRESS FOR OVER 23 YEARS. WE FEEL THE NEED TO ENLARGE AND MODERNIZE OUR SMALL KITCHEN AND DINNING AREA. THIS HOME WAS BUILT IN 1965 AND BY TODAYS STANDARDS, FOR A FAMILY OF 5 IS MUCH TOOSMALL. WE ARE NOT IN THE FINANCIAL POSITION TO RELOCATE TO ANOTHER HOME, SO WE HAVE CHOSEN TO EXPAND ON OUR PRESENT HOME. THE KITCHEN AREA IS LESS THAN 90 SF. AND WE HAVE NO ROOM FOR ENTERTAINING. OUR NEIGHBORS HOME TO THE REAR OF US WILL BE THE FET FROM THE CORNER OF OUR FINISHED ADDITION TO THE CLOSEST CORNER OF THEIR HOME. OUR OTHER NEIGHBORS TO THE SIDE ARE NOT CLOSE ENOUGH TO BE A FACTOR. AFTER COMPLETION OF THE ADDITION, THE PLAN IS TO PLANT A ROW OF PINE TREES 3 FEET APART, TO ACT AS A BUFFER BETWEEN MY NEIGHBORS HOME AND OURS. UPON YOUR APPROVAL, WE WOULD LIKE TO PUT THIS PLAN IN MOTION AS SOON AS POSSIBLE. I WILL BE ACTING AS THE CONTRACTOR, AND I WILL BE PERFORMING MUCH OF THE FINISH WORK, NEEDED TO COMPLETE THE PROJECT, AFTER THE ADDITION IS FRAMED AND WIRED AND UNDER ROOF.

RESPECTFULLY YOURS
LOU MANGIONE

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

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this day of December 1. 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Louis T. & Starm A. Mongine

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

AS WITNESS my hand and Notarial Seal

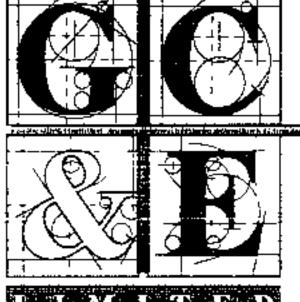
ZONING DESCRIPTION OR 6509 OPLAND BY FORK MY 2/05/

Beginning at a point on the South Side of Signature of Spinite of Side of
(north, south, east or west)
UPLAND Ro which is 501-7
(name of street on which property fronts) (number of feet of right-of-way width)
wide at the distance of 5 owth west of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street
(name of street)
which is SOTT wide. *Being Lot #
(number of feet of right-of-way width)
Block, Section # in the subdivision of
(name of subdivision)
as recorded in Baltimore County Plat Book #, Folio #/23,
containing <u>-53 Acres</u> . Also known as <u>650 OPLAD B?</u> (square feet or acres) (property address)
(square feet or acres) (property address)
and located in the _//_ Election District, Councilmanic District.

			•	
			the profession of the second o	
PINK				
Y CUSTOME				
	C C C		No. 1 to 1	
		The second of th		
HOLLWAT	b4			
#	·			

•

•



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson Maryland 21286 Phone (410) 823-4470 • Fax (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE#06-267A

PETITIONER/DEVELOPER:

Mangione

DATE OF CLOSING: 1/02/06

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

LOCATION:

6509 Upland Road

(see page 2 for full size photo)

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

JSTED ON: 12/16/05



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- ZG7 -A Address 6509 UPUAND TO
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 18-05 Posting Date: 11-27-05 Closing Date: 1212-05.
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
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. <u>DEADLINE:</u> 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- ZG7 -A Address <u>SOP (IPLANDED.</u>
Petitioner's Name MANGICINE Telephone 443 256-9705 Posting Date: 12/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/2/
Posting Date:
Nording for Sign: To Permit A'REAR SETBACK OF 27 FT. (1)
Liew of 50 FT

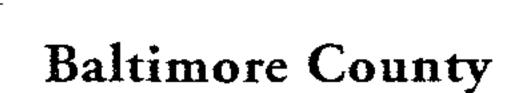
<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case I	Number	06-	267	-A	Address_	6509	UpanoT	<u></u>
Conta	ct Persor	n:	Sold Planner,	Please Print Your N	K PNI Vame	<u>€€.</u> F	Phone Number: 41	0-887-3391
Filing	Date: _	17	<u>Q</u> -05			1218CS	Closing Date:	010206
Any c	ontact m h the cor	nade ntact	with this off person (plan	ice regarding ner) using the	the status case numb	of the admi	inistrative variance	should be
1.	reverse reposting is again	side g mu resp	of this form) st be done of consible for a	and the petit nly by one of Il associated	tioner is res the sign po costs. The	sponsible for a sters on the a zoning notice	ers on the approved all printing/posting approved list and the sign must be visited main there through	costs. Any le petitioner sible on the
	a forma	i req	uest for a p	ublic hearing	. Please i	•	r owner within 1,000 at even if there is closing date.	
	commiss order th (typically	sione at the with	er. He may: ne matter be nin 7 to 10 da	(a) grant the set in for a ys of the clos	requested public heasing date) a	relief; (b) de aring. You was to whether	the zoning or depoint the requested receive written the petition has be ou by First Class m	relief; or (c) notification en granted,
	(whether commission changed	due sione givi certif	e to a neigh r), notification ng notice of t	bor's formal n will be for he hearing da	request or warded to ate, time an	by order of you. The side of the desired term	at must go to a put the zoning or dep ign on the proper s when the sign wa red sign must be fo	outy zoning ty must be as originally
	····			(Detac	h Along Dotted Li	ne)		
Petitio	ner: Th	is Pa	art of the For	m is for the	Sign Poste	r Only		
			**************************************			ANCE SIGN F		
Case N	lumber	06-	2G7 -A	Addre	ess <u>65</u>		PLAND RD.	
							ephone <u>443</u>	
Postin	g Date:		12-18-	05.	_ Clo	sing Date: _	01-02-	<u>6.</u>
							77 ET.	
·	Lien	V.	OF 50	FT				
		· · · · · · · · · · · · · · · · · · ·	······································		· · · · · · · · · · · · · · · · · · ·	······································		
	······································		· · · · · · · · · · · · · · · · · · ·	 		······································		

Department of Permits Development Management

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





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

January 2, 2006

Louis J. Mangione Sharon A. Mangione 6509 Upland Road Fork, Maryland 21051

Dear Mr. and Mrs. Mangione:

RE: Case Number: 06-267-A, 6509 Upland Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 8, 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. Callillall

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





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

December 7, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 28, 2005

Item No.: 265 26 26 26 27 271, 272, 273, 274, 275, 276, 277, 279, 280, 282, 283,

284, 285.

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.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 December 19, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of

Item No. 267, 286, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304 and 305

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

The Fire Department has no comments at this time.

If you have any questions contact my office.

Acting Lt. Warren T. Moffitt Fire Marshal's Office 410-887-4880 MS-1102F

Cc:file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

To: Timothy M. Kotroco, Director DATE: December 20, 2005

Department of Permits & Development

Management

FROM: Dennis A. Kennedy, Supervisor DAK/ Lb

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For December 5, 2005

Item Nos. 251,267, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 282, 283, 284, 285

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-12202005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 21, 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) 6-267-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 Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL



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

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

Maryland Department of Transportation

Permits and Development Management

RE:

Date:

Baltimore County Item No.

12.2.05

Towson, Maryland 21204

County Office Building, Room 109

Baltimore County Office of

Dear. Ms. Matthews:

Ms. Kristen 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. Soull

Engineering Access Permits Division



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

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

RE:

Baltimore County
Ilem No. 247

Date: 12.14.275

JRA

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. Gredh

Engineering Access Permits Division

To The Baltimore County Permits Department;

Bill + Odele Obrather

For the record concerning The Mangione Family which I am the rear neighbor. My address is 125534 Merritt Avenue, Fork, MD 21051. My Name is Bill Alvather and my wife is Alva Alvather. We are aware of the addition the Mangione Family is planning to their home. We would like to make statement that we have no objection to the proposed addition. We further believe that this is not going to present any privacy issues between us and the Mangione family. Please consider my statements as you make your decision to grant their request for a permit.

Thank you,

(Bill and Alva Alvarther)

06 7G7-()

November 15, 2005

To The Baltimore County Permits Department;

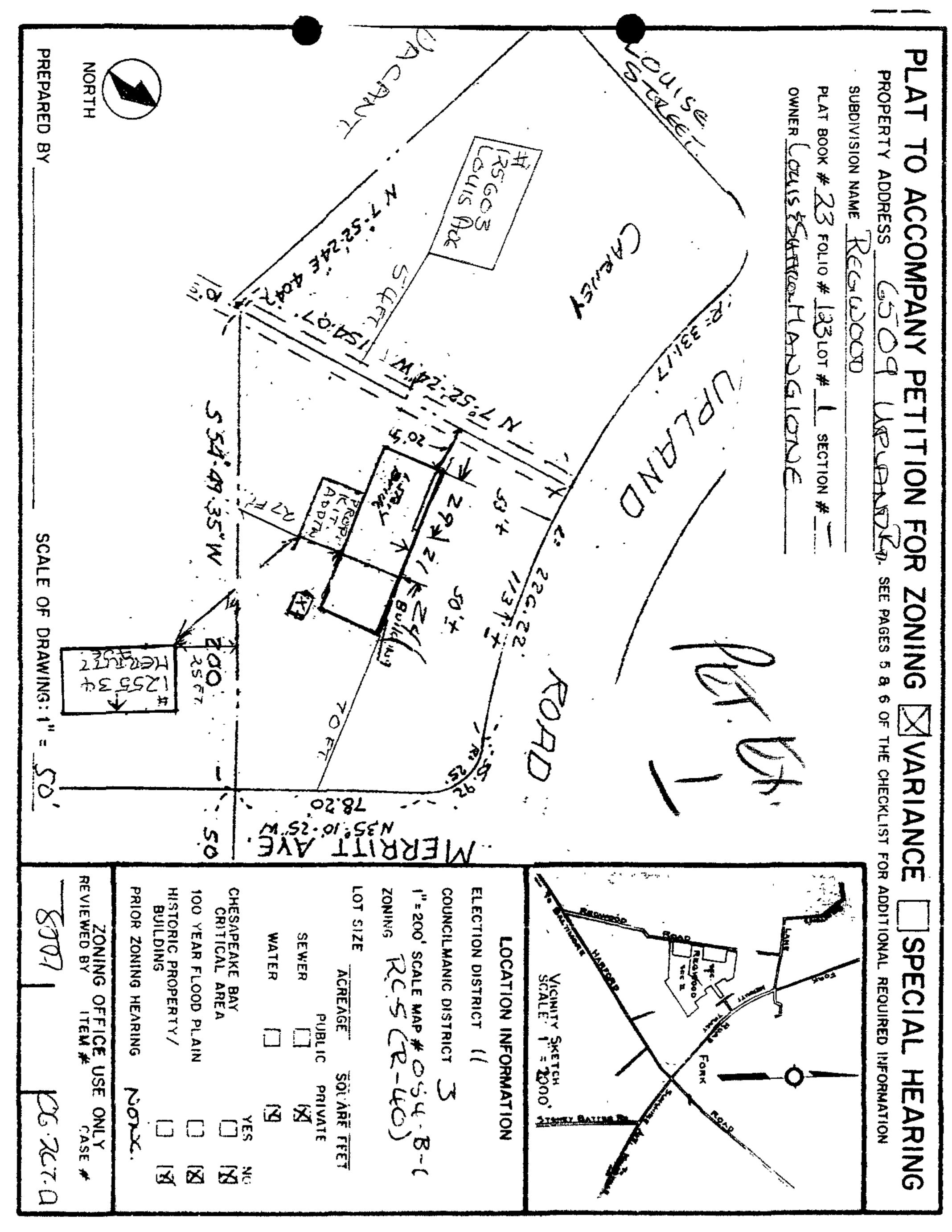
For the record concerning The Mangione Family which I am the next door neighbor. My address is 125603 Louise Avenue, Fork, MD 21051. My Name is Frank Klos and my wife is Ruth Klos. We are aware of the addition the Mangione Family is planning to their home. We would like to make statement that we have no objection to the proposed addition. We further believe that this is not going to present any privacy issues between us and the Mangione family. Please consider my statements as you make your decision to grant their request for a permit.

Thank you,

(Frank and Ruth Klos)

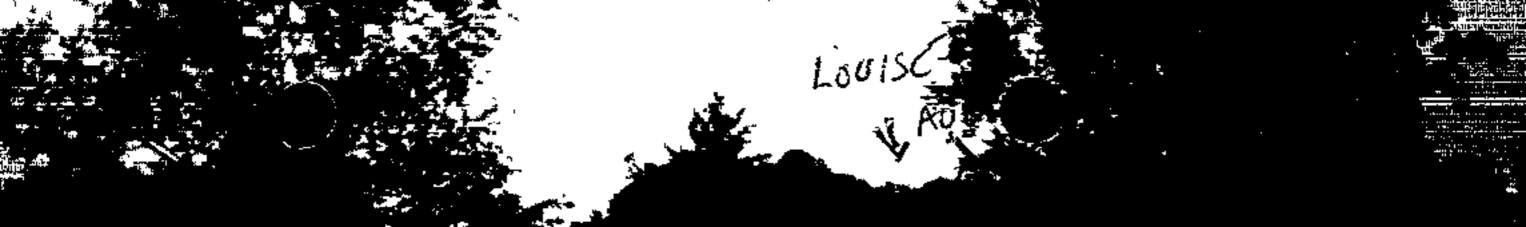
Frank & Ruth Alos

06 RG7.9





C6-267.A



Looking West the end 2007om house -lydand Rd on other side bushind trees is our neighbork - Louise ave House

Harrison (State of State of St					
	10.2				
100 Mar. 100				1	in the second se
			↑ ↑ .		•
	and the second second second second	The second control of	ru _n a		
			Andrew San Commenter		
					n 😼 e e e e e Vez
e de la companya del companya de la companya del companya de la co	$(x_1, \dots, x_n, \dots, x_n, x_n, x_n, \dots, x_n) \in \mathbb{R}^n$	and the second s	and the second of the second of the second	الله المحالية المحالية الله المحالية المحالية المحالية المحالية المحالية المحالية المحالية المحالية المحالية ا المحالية المحالية ا	and the second





Veui of Egar yard of my hrese gon will see my neighbor's Huse on must and alunda D'Amse D6-257.1-