FOER RECEIVED FOR FLIFE

IN RE: PETITION FOR ADMIN. VARIANCE
Northwest Corner of Bradshaw Road &

Sunnyvale Road in Kingsville

11th Election District

3rd Councilmanic District

(8042 Bradshaw Road)

Kari Ann Scavuzzo

Petitioner

- \* BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* CASE NO. 06-321-A

\* \* \* \* \* \* \* \* \* \* \* \* \* \*

¥

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Kari Ann Scavuzzo. The variance request is for property located at 8042 Bradshaw Road in the Kingsville area of Baltimore County. The variance request is from Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an addition with a 0 ft. side yard setback and a 20 ft. rear setback in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

### **Zoning Advisory Committee**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated January 19, 2006, a copy attached hereto and made a part hereof. This comment objected to the proposed request as the 0 ft setback would not allow for construction or maintenance of the addition without disruption of the neighboring property.

### **Amended Petition**

This comment was sent to the Petitioner with the request to contact the Planning Office.

Apparently discussion of the setback occurred with the result that the Petitioner amended her

Petition to request a 3 ft. setback by letter dated March 3, 2006 and submitted a revised Plat to Accompany which was accepted as Petitioner's exhibit 2 showing the 3 ft setback.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 8, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. The revised request allows 3 ft. to construct and maintain the addition without going onto the neighbors property.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this \_\_\_\_\_ day of March, 2006, that a variance from Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an addition with a 3 ft. side yard setback and a 20 ft. rear setback in lieu of the required 50 feet pursuant to exhibit 2, be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

FOER RECEIVED FOR FILING

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:dlw



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

March 8, 2006

Kari Ann Scavuzzo 8042 Bradshaw Road Kingsville, Maryland 21087-1839

Re: Petition for Administrative Variance

Case No. 06-321-A

Property: 8042 Bradshaw Road

Dear Ms. Scavuzzo:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with restrictions in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:dlw Enclosure

c: Walter Daniels, 1426 Broadway Road, Timonium, MD 21093
People's Counsel; Case File



ECASE NO.

Dio-321-A

## Petition for Administrative Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 8042 Bradshaw Rd 21087 which is presently zoned RC-5

Zoning Commissioner of Baltimore County

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) (AO4, BO.4, BO.4).

TO PERMIT AN ADDITION WITH A O-FOOT SIDE YARD SETBACK AND A 20-FOOT REAR SETBACK IN HEU OF THE REQUIRED SO-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.

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: <u>Legal Owner(s):</u> Name - Type or Print Type or Pont Signature Address Telephone No. Name - Type or Print City State Zip Code Signature **Attorney For Petitioner: BRADSHAW** Address Telephone No. NGSVILLE MD Name - Type or Print City State Zip Code Representative to be Contacted: Signature NALTER DANIELS AUTOLIO Name LOROADWA! addres s Telephone No. Address Telephone No Imphium 21093  $\mathcal{M}\mathcal{O}$ CAY State State Zip Code A Public Searing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County. that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted. Or i

Estimated Posting Date 13 06

# 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.

competent to testify thereto in the event that a p	_	▼ .	<b>×</b>	I thereto.
That the Affiant(s) does/do presently reside at	8042 L	3radsh	aw 120	ad
	KINGSVII	11e	MD	21087
That based was personal knowledge. Her full-	City Control		State	Zip Code
That based upon personal knowledge, the followard variance at the above address (indicate hardship)	iwing are the facts ip or practical diffic	s upon which li <b>cuity)</b> :	/we base the requ	iest for an Administrativ
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8042 Bradshaw Road - Practical Difficu	ulties			
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This small house (1440 sf) on a narrow needs of a garage bedroom and study. E	ypansion to the f	and to the side	e yard meet the	<b>,•</b>
and well locations. Expansion to the bac	ck vard is limited	l by a steen or	umtea by the sep	otic
	•	s of a steep St	acae.	
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand is f	filed, Affiant(s)	) will be required	to pay a reposting and
	additional intofficati	iOH,		
Carillan Scarry. Signature				
Signature / Command	<del></del>	Signature	······································	
Kari Ann Samuezza	_	<b>J</b>		•
Kari Ann Scavuzzo Name - Type or Print	<del></del>	Name - Type or Pr	rint	
		•		
STATE OF MARYLAND, COUNTY OF BALTIM	•			
HEREBY CERTIFY, this 74 day of be	cember	<u></u>	_, before me, a N	lotary Public of the State
of Maryland, in and for the County aforesaid, per	sonally appeared			•
the Affiant(s) herein, personally known or satisfa			ZE 17 2 3	······································
The America) herent, personally known or satisfa	ctorny identified to	me as such A	ımant(s).	-
AS WITNESS my hand and Notarial Seal	,			-
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•	Notary P			
	My Comr	mission Expire	s 9/1/2000	0

REV 10/25/01

### 8042 Bradshaw Road - legal description

Beginning on the northwest corner of Bradshaw Road & Sunnyvale Road in Kingsville Maryland. Traveling approximately 200' west along the north side of Bradshaw road to the point of beginning. Continue N 44' 40"W 10.56' along Bradshaw Road. Then leaving Bradshaw Road bearing N 51 50' E for 212.50' along a private drive then continuing S 51 50' E for 187.50' to a corner then turning N44 40W for 100.58'. Then N 51 50'E for 187.50'. Then S 44 40'E 90.52' then s 51 50W for 212.50' to the point of beginning on Bradshaw Road.

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	KE: Case No.: 06-321-1
	Petitioner/Developer:
	KERRY AND SAVUZZO
•	Date of Hearing/Closing: 123 06
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	•
Ladies and Gentlemen:	
were posted conspicuously on the property!	عب ووالمناف والمناف وا
	042 BRADSHAW RD
	_
The sign(s) were posted on	118100
The sign(s) were posted on	(Month, Day, Year)
CASE # 06-321-A	
	(Month, Day, Year)  Sincerely,  Sincerely,  (Signature of Sign Poster and Date)  RICHARD E. HOFFMAN
CASE # 06-321-A	(Month, Day, Year)  Sincerely,  Sincerely,  (Signature of Sign Poster and Date)  RICHARD E. HOFFMAN  (Printed Name)  904 DELLWOOD DR.  (Address)
CASE # 06-321-A	(Month, Day, Year)  Sincerely,  Sincerely,  (Signature of Sign Poster and Date)  RICHARD E. HOFFMAN  (Printed Name)  904 DELLWOOD DR.
CASE # 06-321-A	(Month, Day, Year)  Sincerely,  Sincerely,  (Signature of Sign Poster and Date)  RICHARD E. HOFFMAN  (Printed Name)  904 DELLWOOD DR.  (Address)  FALLS TON, Mo 21047
CASE # 06-321-A	(Month, Day, Year)  Sincerely,  Sincerely,  (Signature of Sign Poster and Date)  RICHARD E. HOFFMAN  (Printed Name)  904 DELLWOOD DR.  (Address)  FALLS TON, MO 21047  (City, State, Zip Code)  (A10) 879-3122

# 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 ubject 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.

	paper Advertising:
	per or Case Number:
Petitioner:	SCAVUZZO
Address o	r Location: 8042 PORADSHAW RD.
	FORWARD ADVERTISING BILL TO:  KARI ANN SCAVUELO
Address:	8042 BRADSHAW RO.
-	KINGSVILE, MD 21087-1839
Telephone	Number: 410.593-9848

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 32 -A Address 3040 DRADSHAW RD.
Contact Person: DONNA THOMPSON Phone Number: 410-887-339 Planner, Please Print Your Name
Filing Date: 13 27 05 Posting Date: 18/06 Closing Date: 123/06
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. An reposting must be done only by one of the sign posters on the approved list and the petitione 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.
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- 32 -A Address 8042 BRADSHAW RD
Petitioner's Name <u>SCAVUZZO</u> Telephone <u>410-593-9848</u>
osting Date: 18/06 Closing Date: 1/23/06
Vording for Sign: To Permit AN ADDITION WITH A O-FOOT SIDE YARD SETBACK
AND POOT REAR YARD SETRACK IN LIEU DE THE REQUIRED
WCR - Revised 0/25/04

# Department of Permits a 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

January 23, 2006

Kari Ann Scavuzzo 8042 Bradshaw Road Kingsville, Maryland 21087

Dear Ms. Scavuzzo:

RE: Case Number: 06-321-A, 8042 Bradshaw Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 27, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

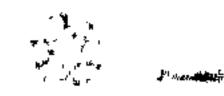
Very truly yours, U. Callinal Dela Callina Cal

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Walter Daniels 1426 Bradway Road Timonium 21093



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

### Fire Department



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



Baltimore County

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

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

January 10,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: January 9,2006

Item No.: (321,)322, 323, 324, 325, 327.

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



### BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** January 17, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 16, 2005

Item Nos. 321, 322, 323, 324, 325 and 326

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-01172006.doc

AV 3

DATE: January 19, 2006

JAN 2 - 2006

### BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

8042 Bradshaw Road

**INFORMATION:** 

Item Number:

6-321

Petitioner:

Kari Ann Scavuzzo

Zoning:

RC 5

Requested Action:

Administrative Variance

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the following condition is met:

Redesign the proposed addition (proposed one car garage) so that it allows for a 3-foot side yard setback. A 0-foot side yard setback would not allow room for construction or maintenance of the proposed garage without disruption of the neighboring property.

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

Prepared by

**Division Chief:** 

AFK/LL: CM



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

### Maryland Department of Transportation

Date: 1.9.06

RE:

**Baltimore County** 

Item No. 321

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. theel

Engineering Access Permits Division



JAMES T. SMITH, JR County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 30, 2006

Kari Ann Scavuzzo 8042 Bradshaw Road Kingsville, Maryland 21087-1839

> Re: Petition for Administrative Variance Case No. 06-321-A Property: 8042 Bradshaw Road

Dear Ms. Scavuzzo:

Your request for Administrative Variance has been given to me for review. As you can see by the attached comment from the Planning Office, Mr. Hughey suggests that you redesign the garage to allow for a 3-foot side yard setback.

I suggest you call Mr. Hughey at 410-887-3480 to see if you can come to agreement on this matter. If not, I can set the case for public hearing.

I will hold the file open until I hear from you in writing.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:dlw Attachment

c: Bill Hughey, Office of Planning People's Counsel, Case File

March 3, 2006

Mr. John V. Murphy
Deputy Zoning Commissioner
for Baltimore County
County Courts Building
401 Bosley Avenue
Suite 405
Towson, Maryland 21204

RE: Petition of Administrative Variance

Case No. 06-321-A

Property: 8042 Bradshaw Road

Dear Mr. Murphy:

As suggested in your letter addressed to me dated January 30, 2006, I spoke with Bill Hughey of the Office of Planning on February 14, 2006. As such, I am enclosing a redlined plan proposing a 3-foot side yard setback for your approval. If you should need any further information, please call me. My telephone number is 410 593-9848. Thank you for your assistance.

Sincerely,

Kari Ann Scavuzzo 8042 Bradshaw Road

Kingsville, Maryland 21087

enclosure

7

December 7, 2005

Baltimore County Zoning Commissioner Baltimore County, Maryland

To Whom It May Concern:

We have reviewed the plans outlined on the Plat to Accompany Petition for Zoning Variance for the property located at 8042 Bradshaw Road, Kingsville, Maryland 21087 and do not have an objection to the proposed addition.

the transfer of the second of

Sincerely,

Address: 8044 BRADSHAW ROAD

Name: Address:

Signature: Romal & Casatt SA.

Name: Romal & Casatt SA.

Address: 8038 Bandohan Ro.

Address: 8038 Bandohan Ro.

Signature: Name: Address:

# Baltimore County - My Neighborhood Copperagne (C) 2005 Bush-more Course Marylands

