

IN RE: **PETITION FOR ADMIN. VARIANCE**

W/S Quarts Garth, 95' S of the c/l
Cunning Circle
(4 Quarts Garth)
15th Election District
7th Council District

Michael Santoro, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-459-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, Michael Santoro and his wife, Brenda Santoro. The Petitioners seek relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window to property line setback of 5 feet in lieu of the required 15 feet, and an amendment to the Final Development Plan for "Cunninghill Cove," Lot 15 only, accordingly, for a proposed addition. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed 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 Petitioner has 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.

ORDER RECEIVED FOR FILING
Date 5-2-09
By [Signature]

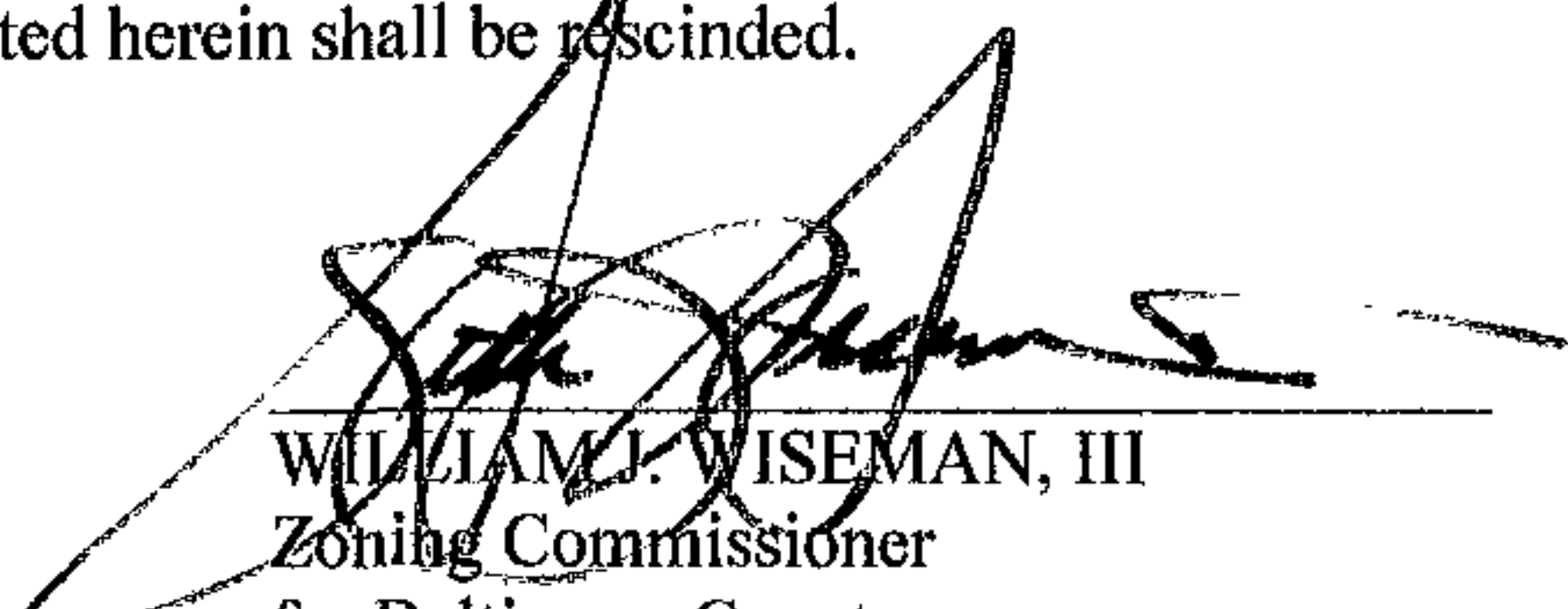
Based upon the information contained therein, I am persuaded to grant the variance. Relief is necessitated given the layout and location of the existing dwelling. As shown on the site plan, the Petitioners propose constructing a 14' x 14' patio room on the rear, southwest corner of the existing house, over an existing concrete patio, which is accessed from a sliding door that leads into the home. Since the house is located 5 feet from that side property line, the requested variance is necessary. There were no adverse comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Thus, it appears that relief can be granted without detrimental impact to adjacent properties.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of May 2006 that the Petition for Administrative Variance seeking relief from Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a window to property line setback of 5 feet in lieu of the required 15 feet, and an amendment to the Final Development Plan for "Cunninghill Cove," Lot 15 only, accordingly, for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, 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.

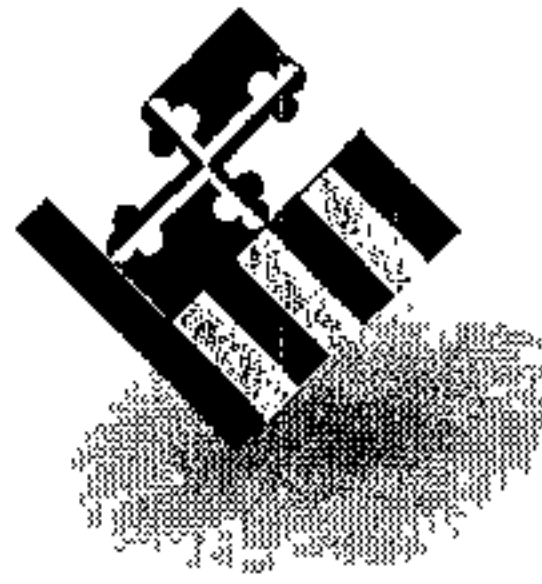
WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date 5-2-06

By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 2, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Michael Santoro
4 Quarts Garth
Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Quarts Garth, 95' S of the c/l Cuning Circle
(4 Quarts Garth)
15th Election District – 6th Council District
Michael Santoro, et ux - Petitioners
Case No. 06-459-A

Dear Mr. & Mrs. Santoro:

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,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III".

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

cc: People's Counsel; Case File

No. 222

100-443887-100

ACCOUNT

30100

AMOUNT

\$M00

RECEIVED
FROM:

3

FOR:

10

DISTRIBUTION

БРИСКО - ЭЛИНА

PINK - AGENCY

YELLOW - CUSTOMER

Aunt Betty

[illegible]

(The following section contains faint bleed-through from another page.)

Figure 1

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CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No. 06-459-A

Petitioner/Developer: MICHAEL &

BRENDA SANTORO

Date of Hearing/Closing: 4-17-06

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:

44 QUARTS BARTH

The sign(s) were posted on 4-2-06
(Month, Day, Year)

Sincerely,

Robert Black 4-5-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

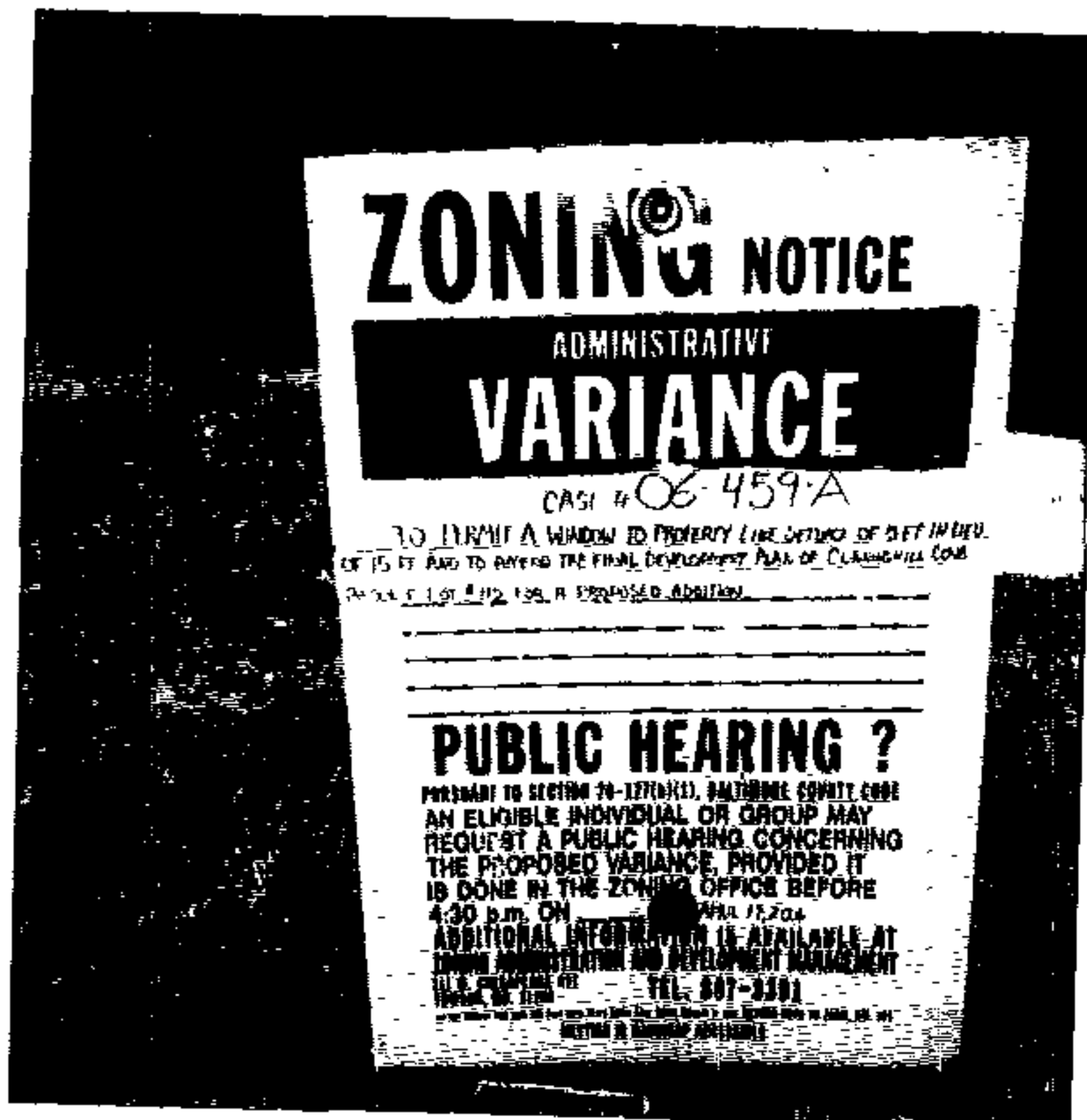
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 06 459 A

Petitioner: Santoro, Michael + Brenda

Address or Location: 4 Quarts Garth Balto. Md 21220-1256

PLEASE FORWARD ADVERTISING BILL TO:

Name: Champion

Address: 7110 Golden Ring Rd
Balto Md 21221

Telephone Number: (410) 780-0062

BLUE INK ORIG TO PET.

(DROP OFF PET.)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 459 -A Address # 4 QUARTS GARTH

Contact Person: John Lewis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/22/06 Posting Date: 4/02/06 Closing Date: 4/17/06

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

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.
2. **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.
3. **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- 459 -A Address # 4 QUARTS GARTH

Petitioner's Name MIKE BRENDIA SANTORO Telephone 410 335 5146

Posting Date: 4/02/06 Closing Date: 4/17/06

Wording for Sign: To Permit A WINDOW TO PROPERTY LINE SETBACK OF 5 FT,
IN LIEU OF 15 FT. AND TO AMEND THE FINAL DEVELOPMENT PLAN OF
CUNNINGHAM CONVE BLOCK F, LOT #115 ~~FOR A~~ PER A PROPOSED
ADDITION

WCR - Revised 6/25/04

**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*

April 17, 2006

Michael Santoro
Brenda Santoro
4 Quarts Garth
Baltimore, MD 21220

Dear Mr. and Mrs. Santoro:

RE: Case Number: 06-459-A, 4 Quarts Garth

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 22, 2006.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Michael Diehl 7110 Golden Ring Road Baltimore 21221

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

April 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 3, 2006

Item Numbers: 446, 457-470
 459

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: April 6, 2006

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 10, 2006
Item Nos. 446, 457, 458, ~~(459)~~ 462, 463,
464, 465, 467, 468, 469, and 470

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-04062006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: May 1, 2006

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-459- Administrative Variance**

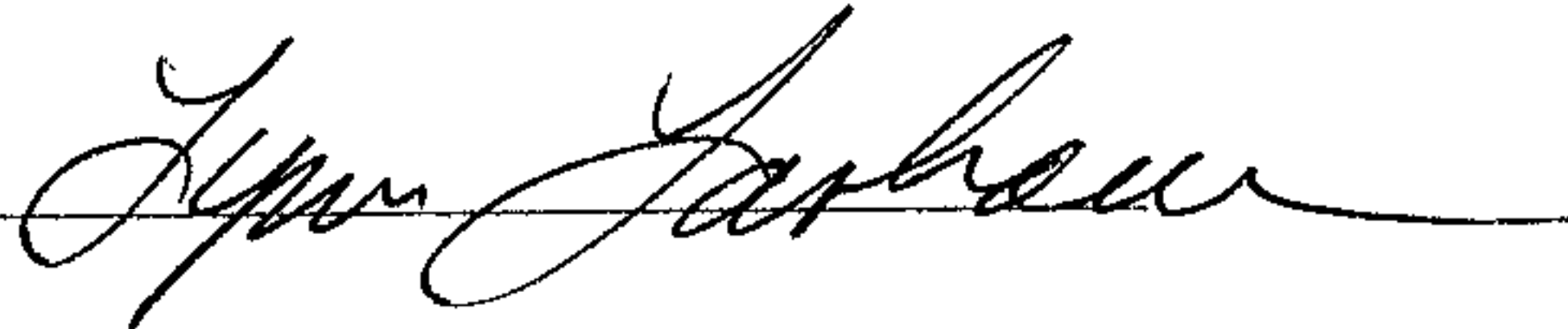
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

6-459-459

MAY 1 2006

6-459-459

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



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

Maryland Department of Transportation

Date: 3.31.06

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

RE: Baltimore County
Item No. 459 JLL

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
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

to rnr # 459

**FREQUENT FLYER ATTORNEYS
DROP OFF ZONING PETITIONS
POLICY PROCEDURES**

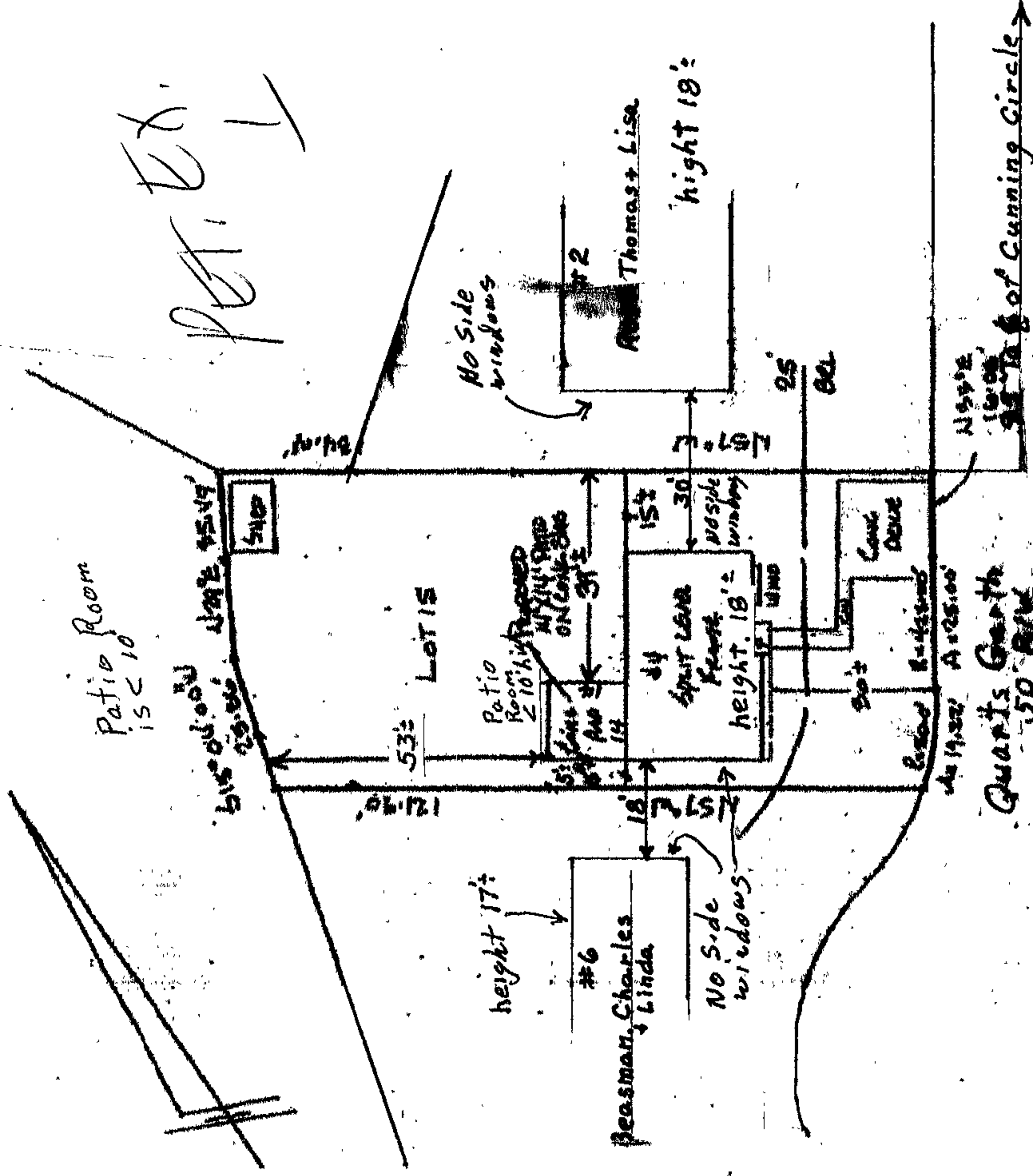
The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with all technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.
2. Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.
3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

3/22/05
JLL/rjc

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS 4 Quarts Garth
SUBDIVISION NAME Cunninghill Cove
PLAT BOOK # 46 FOLIO # 113 LOT # 15 SECTION # 15
OWNER Santoro, Michael + Brenda



NORTH

PREPARED BY Gerard Andersen

SCALE OF DRAWING: 1" = 30'

Quarts Garth
50' R/W
N. 1/2 of Cunningham Circle

LOCATION INFORMATION

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 6
1"=200' SCALE MAP # 084A2
ZONING DR 5.5
LOT SIZE 7854 ACRES 7854 SQUARE FEET
SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐
CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
100 YEAR FLOOD PLAIN YES ☐ NO ☒
HISTORIC PROPERTY / BUILDING YES ☐ NO ☒
PRIOR ZONING HEARING NO

ZONING OFFICE USE ONLY
REVIEWED BY Dupoff ITEM # 106 CASE # 4591

459



4 Quarts Garth

459



4 Quarts Garth



Location on Patio Room
And Partial Veiw of
6 Quarts Garth



Existing Conc. Slab



View of 2 Quarts Garth



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4 Quarts Garth
which is presently zoned DR 5.5

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)

SEE ATTACHED

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Michael Santoro

Name - Type or Print

Signature

Brenda Santoro

Name - Type or Print

Signature

4 Quarts Garth

(410) 335-5146

Address

Telephone No.

Baltimore

MD

21220

City

State

Zip Code

Representative to be Contacted:

Michael Diehl

Name

7110 Golden Ring Road

410-780-0062

Address

Telephone No.

Baltimore

MD

21221

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of , 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.

CASE NO. 06 459 A

REV 10/25/01

Zoning Commissioner of Baltimore County

Reviewed By [Signature]

Date 3/24/06

Estimated Posting Date 4/02/06

ORDER RECEIVED FOR FILING

Date 5-2-06

By [Signature]

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) **V. B. 6. b** AND SECTION 504

(1971-1992) CMDP AND BCZR, TO PERMIT A WINDOW TO PROPERTY
LINE SETBACK OF 5 FT. IN LIEU OF 15 FT. AND TO AMEND THE
FINAL DEVELOPMENT PLAN FOR BLOCK F, LOT # 15 ~~Q111~~ IN CUNNINGHILL
COVE. FOR A PROPOSED ADDITION

Zoning Description for 4 Quarts Garth.

Beginning at a point on the West side of 4 Quarts Garth. which is 50 ft. wide at the distance of 95 ft. south of the centerline of the nearest improved intersecting street Cuning Circle which is 50 ft. wide. *Being lot #15, Block# F in the subdivision of Cunninghill Cove as recorded in the Baltimore county Plat Book #46, Folio #113, containing 7,854 sq. ft. Also known as 4 Quarts Garth. and located in the 15th election district, 6th Councilmanic District.

X 54