

IN RE: PETITION FOR ADMIN. VARIANCE	* BEFORE THE
NW/Corner Birchwood Road and	
Tanglewood Road	* ZONING COMMISSIONER
(110 Birchwood Road)	
1 st Election District	* OF BALTIMORE COUNTY
1 st Council District	
	* Case No. 06-462-A
Angelo Colianni, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Angelo Colianni, and his wife, Jacqueline Lampell-Colianni. The Petitioners request variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (shed) to be located in the third of the rear yard closest to the street in lieu of the third of the yard furthest removed from any street. 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.

ORDER RECEIVED FOR FILING
 Date 5-3-06
 By [Signature]

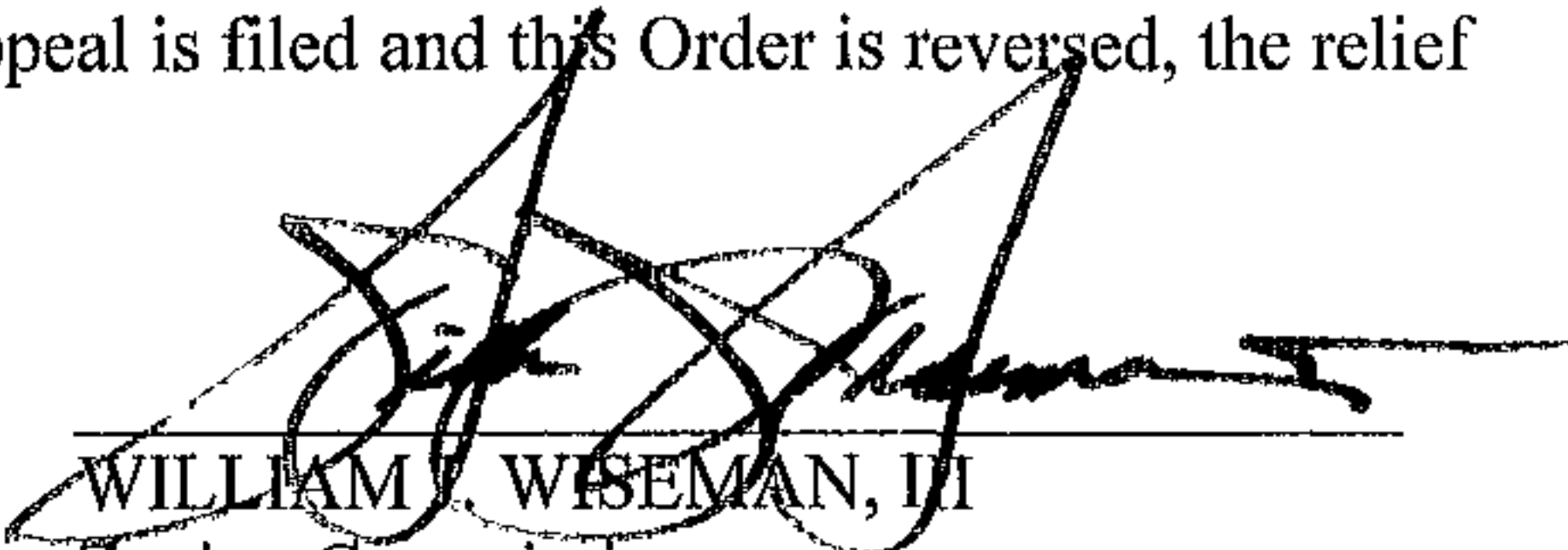
Based upon the evidence contained therein, I am persuaded to grant the requested relief. Variance relief is necessitated given the property's corner location and the location of existing improvements thereon. As shown on the site plan, the Petitioners propose locating the shed in the rear, southern corner of the lot adjacent to Tanglewood Road. An existing fence/trellis with grapevines will buffer the proposed shed from the view of the neighbors to the rear, as well as Tanglewood Road. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Thus, it appears that the relief requested can be granted and that there will be no 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 3rd day of May 2006 that the Petition for Administrative Variance seeking relief from Sections 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) to be located in the third of the rear yard closest to the street in lieu of the required third of the yard furthest removed from any street, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 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 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.

WJW:bjs


WILLIAM J. WISEMAN, II
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

5-3-06

By





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 3, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Angelo Colianni
110 Birchwood Road
Catonsville, Maryland 21228

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
NW/Corner Birchwood Road and Tanglewood Road
(110 Birchwood Road)
1st Election District – 1st Council District
Angelo Colianni, et ux - Petitioners
Case No. 06-462-A

Dear Mr. & Mrs. Colianni:

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 "W. J. Wiseman, III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

cc: People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 110 Birchwood Road
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) 400.1 To allow an accessory

structure (shed) to be located in the side yard with a 4 ft side street setback in lieu of the required rear yard & 1/3 rear yard furthest from the side street respectively.

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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 3 day of March, 2006, 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.

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

110 Birchwood Rd 410-788-1828
Address Telephone No.

Catonsville MD 21228
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By [Signature] Date 3-23-06

Estimated Posting Date 4-02-06

CASE NO. 06-4624

REV 10/25/01

DATE RECEIVED FOR FILING
3-3-06
by [Signature]

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

Address 110 Birchwood Road
City Catonsville State MD Zip Code 21228

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):

- Property has narrow back yard.
- Need shed for storage.

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

Angelo Colianni

Name - Type or Print

Signature

Jacqueline Lampell-Colianni

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10th day of February, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Angelo Colianni & Jacqueline Lampell
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

CRYSTAL LOCKHART
NOTARY PUBLIC
Baltimore County, MD
My Commission Expires July 1, 2006

REV 10/25/01

CRYSTAL LOCKHART
NOTARY PUBLIC
Baltimore County, MD
My Commission Expires July 1, 2006

ZONING DESCRIPTION FOR 110 Birchwood Road, Catonsville, MD
21228

Property is located on the NW corner of Birchwood Road and Tanglewood Road.

Block —, Section — in the subdivision of Tanglewood as recorded in Baltimore County Plat Book #12, Folio #28, Lot #24 containing 6,745 square feet. Also known as 110 Birchwood Road and located in the 1st Election District, 1st Councilman District.

462

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 4984

DATE 3-23-06 ACCOUNT R-001-006-6150

AMOUNT \$ 657.00

RECEIVED
FROM:

Mr. A. Colanni

FOR:

Residential Variance Filing Fee
for 110 Birchwood Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID 3/25/06

3/25/06 1:25 PM

3/25/06 1:25 PM

3/25/06 1:25 PM

3/25/06 1:25 PM

3/25/06 1:25 PM

3/25/06 1:25 PM

3/25/06 1:25 PM

CASHIER'S VALIDATION

RE: Case No.: 06-462-A

Petitioner/Developer: _____

ANGELO COLIANNI

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, MD 21204

Attention:

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 _____

110 BIRCHWOOD RD

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

CASE# 06-462-A

Sincerely,

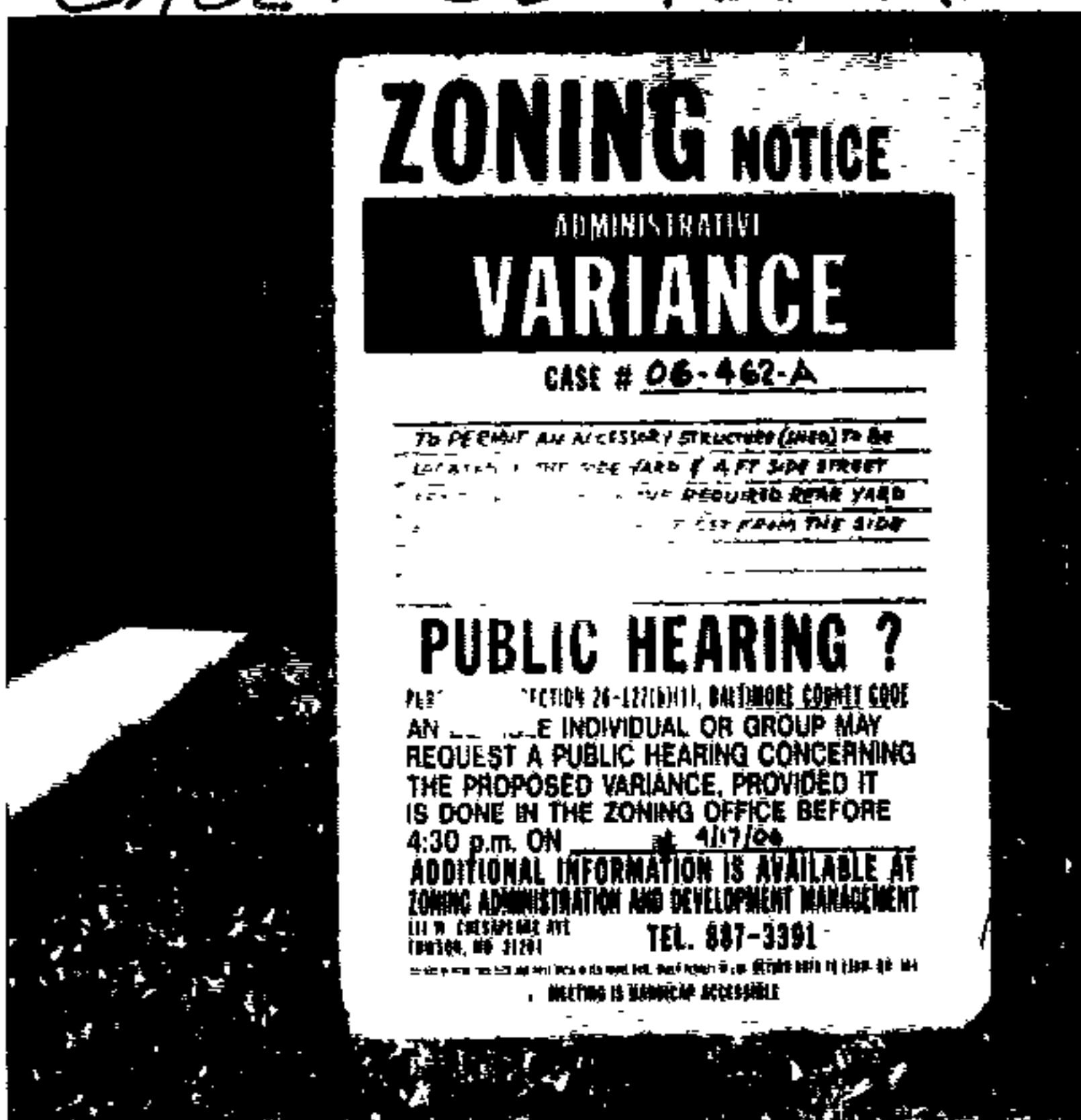
Richard E. Hoffman 4/2/06
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



110 BIRCHWOOD RD.
POSTED 4/2/06
Richard E. Hoffman 4/2/06

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: 06-462 A

Petitioner: Angelo Colianni

Address or ^{Site} Location: 110 Birchwood Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Same

Address: 11

Catonsville, Md. 21228

Telephone Number: 410-788-1828

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 462 -A

Address 110 Birchwood Rd.

Contact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 3-23-06

Posting Date: 4-2-06

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- 462 -A

Address 110 Birchwood Rd.

Petitioner's Name Angelo Colianni

Telephone 410-788-1828

Posting Date: 4-02-06

Closing Date: 4-17-06

Wording for Sign: To Permit an accessory structure (shed) to be located in the side yard 4 ft. side street setback in lieu of the required rear yard and 1/2 rear yard farthest from the side street respectively

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

Angela Colianni
Jacqueline Lampell-Colianni
110 Birchwood Road
Catonsville, MD 21228

Dear Mr. and Mrs. Colianni:

RE: Case Number: 06-462-A, 110 Birchwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 23, 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 6, 2006

FROM: Dennis A. Kennedy, Supervisor ^{DMK}
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: April 24, 2006

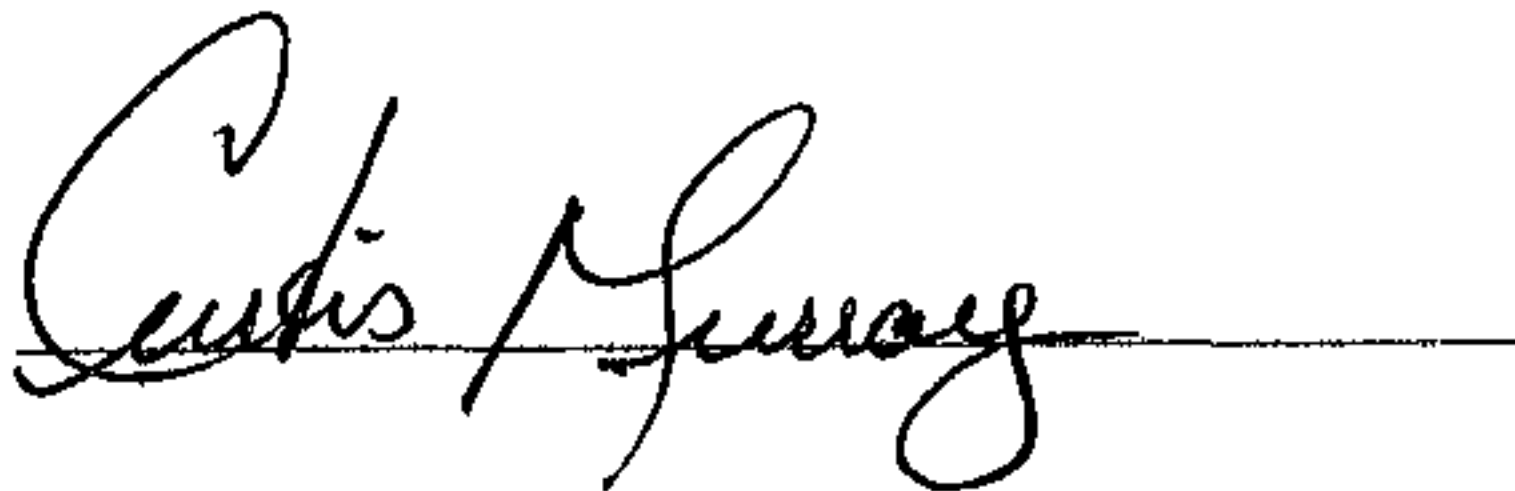
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-462- Administrative Variance**

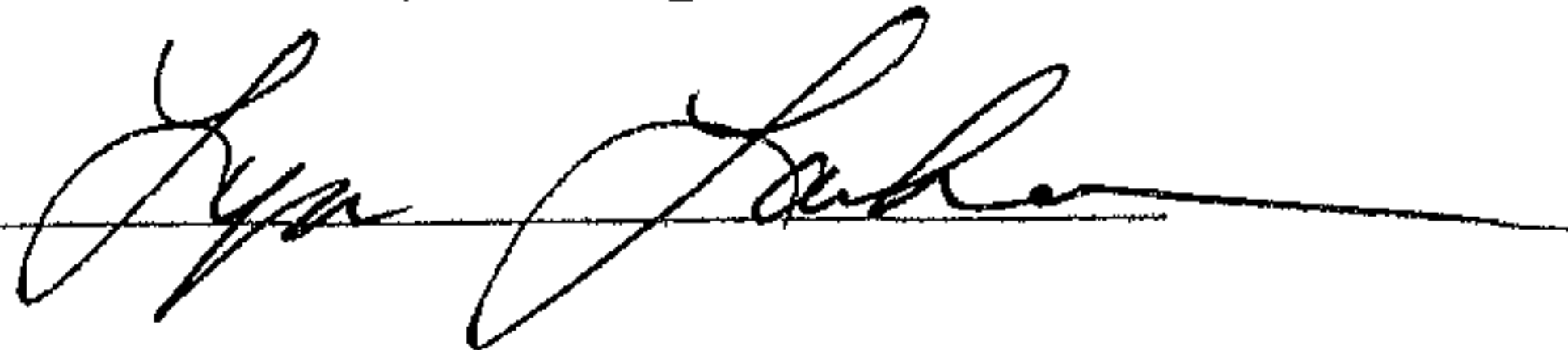
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/LL

RECEIVED

MAY 1 2006

PLANNING DEPARTMENT

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

462

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

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



Robert L. Flanagan, *Secretary*
Nell 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. 462 JSS

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 _____

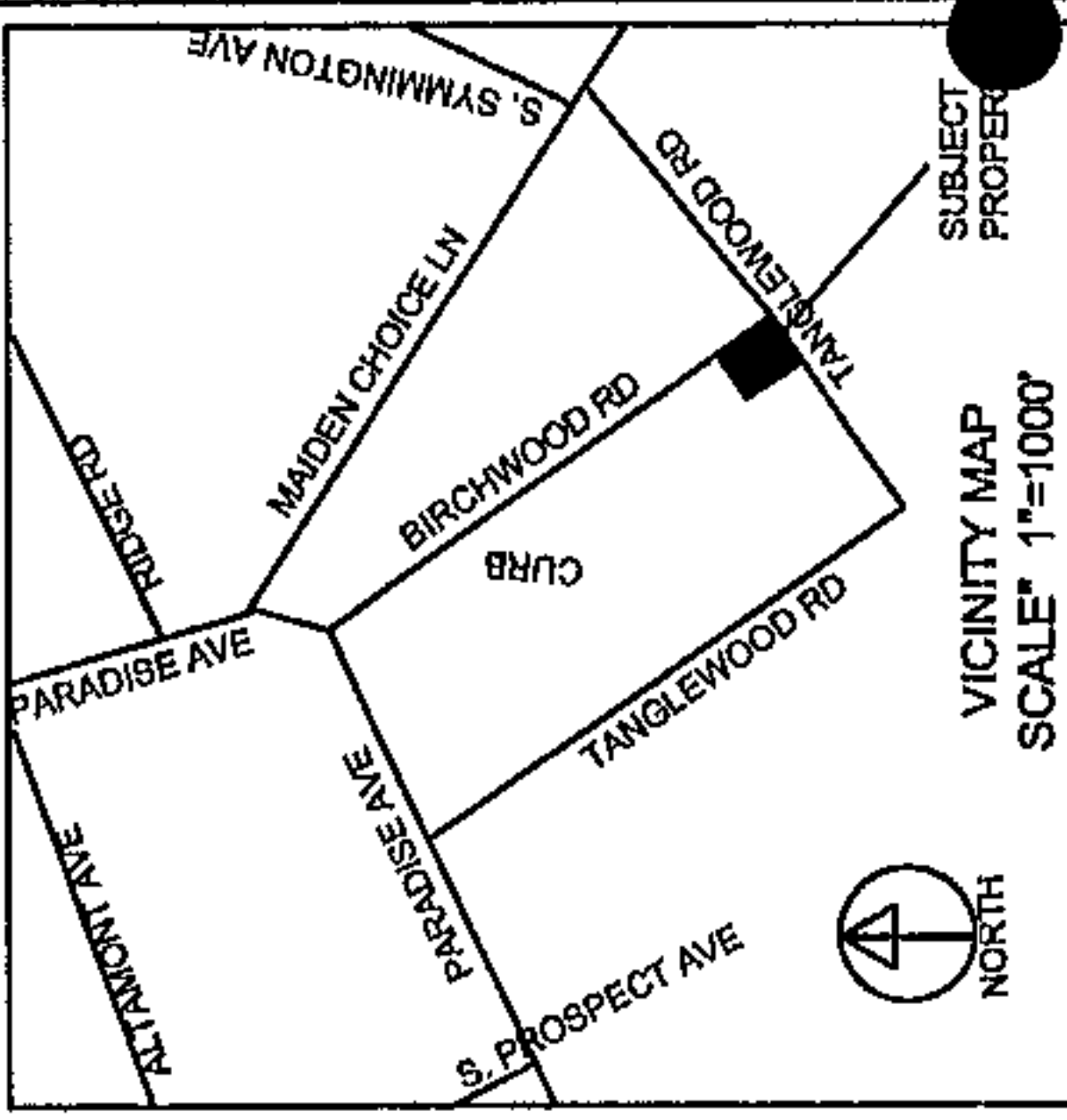
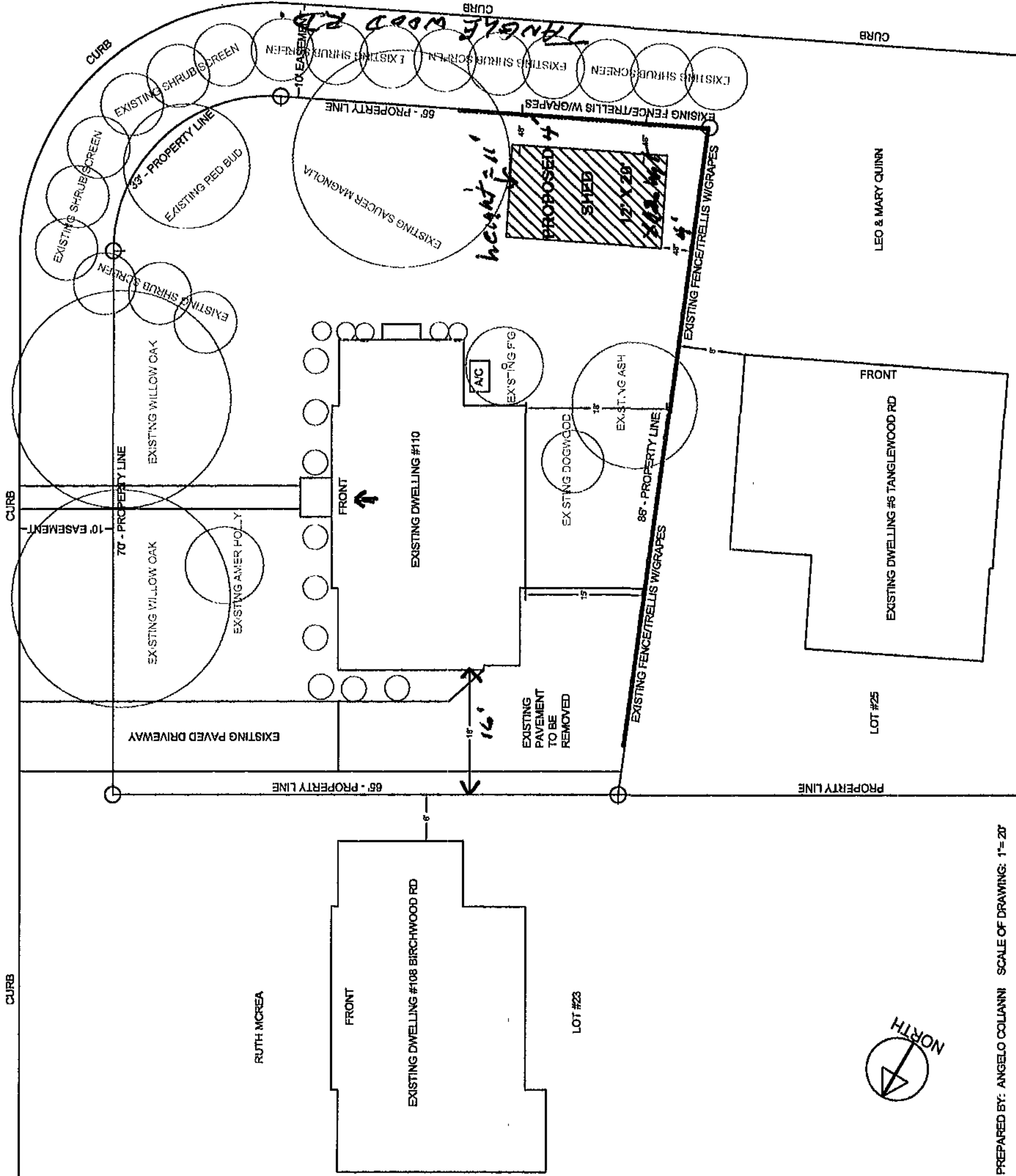
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 110 BIRCHWOOD ROAD
 SUBDIVISION NAME: TANGLEWOOD
 PLAT BOOK #12, FOLIO #28, LOT #24
 OWNER: ANGELO COLIANNI & JACQUELINE LAMPPELL-COLIANNI

BIRCHWOOD ROAD (50' RW, 24' PAVED)



LOCATION INFORMATION

ELECTION DISTRICT 1
 COUNCILMAN DISTRICT 1
 1" = 20' SCALE MAP #10182
 ZONING: RESIDENTIAL DR-5.5
 LOT SIZE: 6,745 SQUARE FEET 0.15 AC
 SEWER: PUBLIC
 WATER: PUBLIC
 CHESAPEAKE BAY CRITICAL AREA: NO
 100 YEAR FLOOD PLAIN: NO
 HISTORIC PROPERTY/BUILDING: NO
 PRIOR ZONING HEARING: NONE

ZONING OFFICE USE ONLY
 REVIEWED BY
 ITEM #
 CASE #

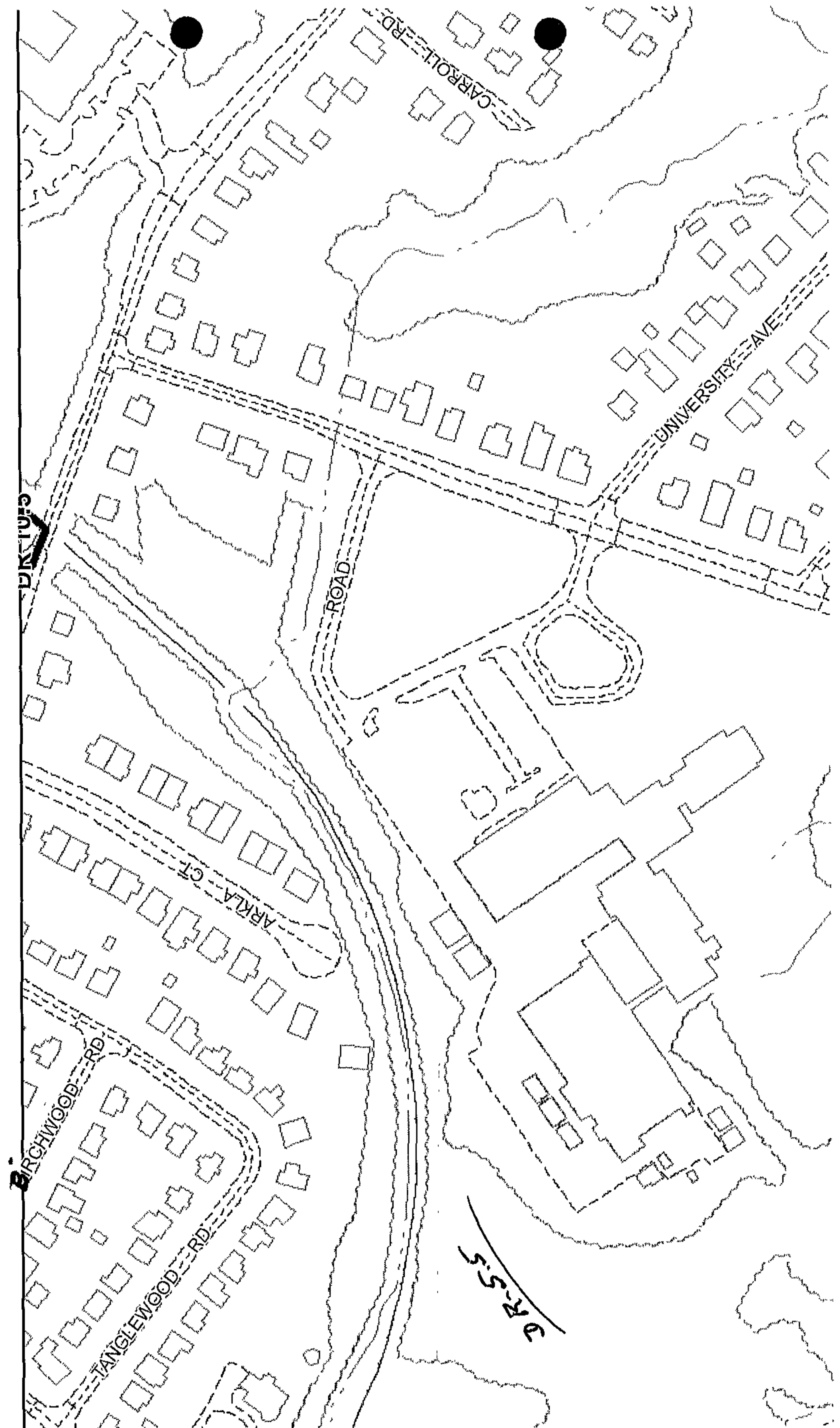
462

TANGLEWOOD ROAD
 (50' RW, 24' PAVED)

RET. EX.

#472

Zoning Map #102 B2



5-5-46

LOOKING WEST

Shed
property



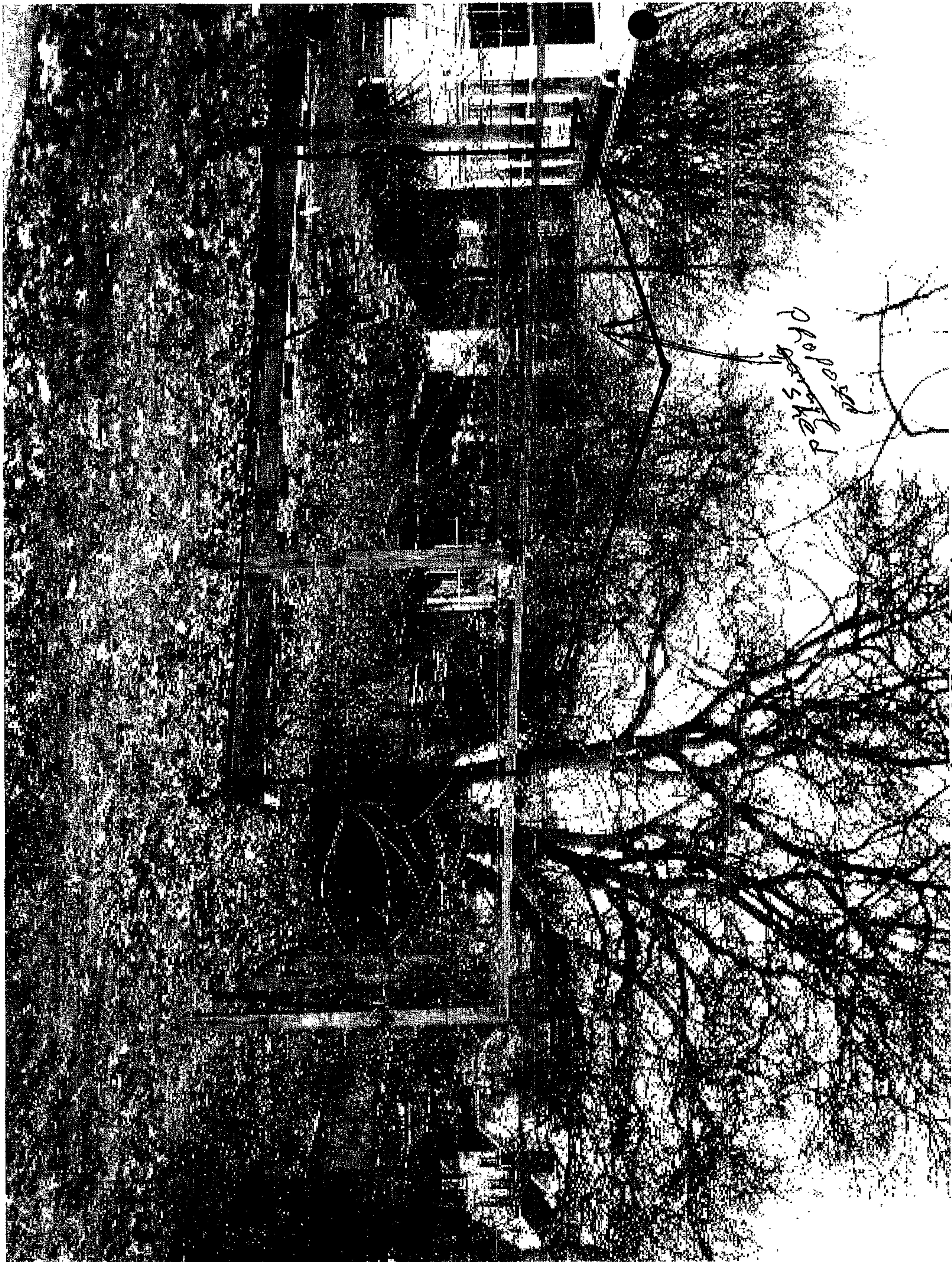
LOOKING NORTH

APR 10 - 1951
P. 10



LOOKING EAST

Proposed
Proposed



LOOKING SOUTH

