

IN RE: **PETITION FOR ADMIN. VARIANCE** * BEFORE THE
W/Side Worthington Road, 24' E of *
Centerline of Weatherbee Road * ZONING COMMISSIONER
(310 Worthington Road) *
9th Election District * OF BALTIMORE COUNTY
5th Council District *
* Case No. 06-511-A
James J. Aloï, 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, James J. Aloï, and his wife, Amy T. Aloï. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a rear yard setback of 21 feet in lieu of the required 30 feet. 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 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.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the layout and location of the existing dwelling. As shown on the site plan, the Petitioners propose to construct a 2-story 420 square feet (approximately 20'

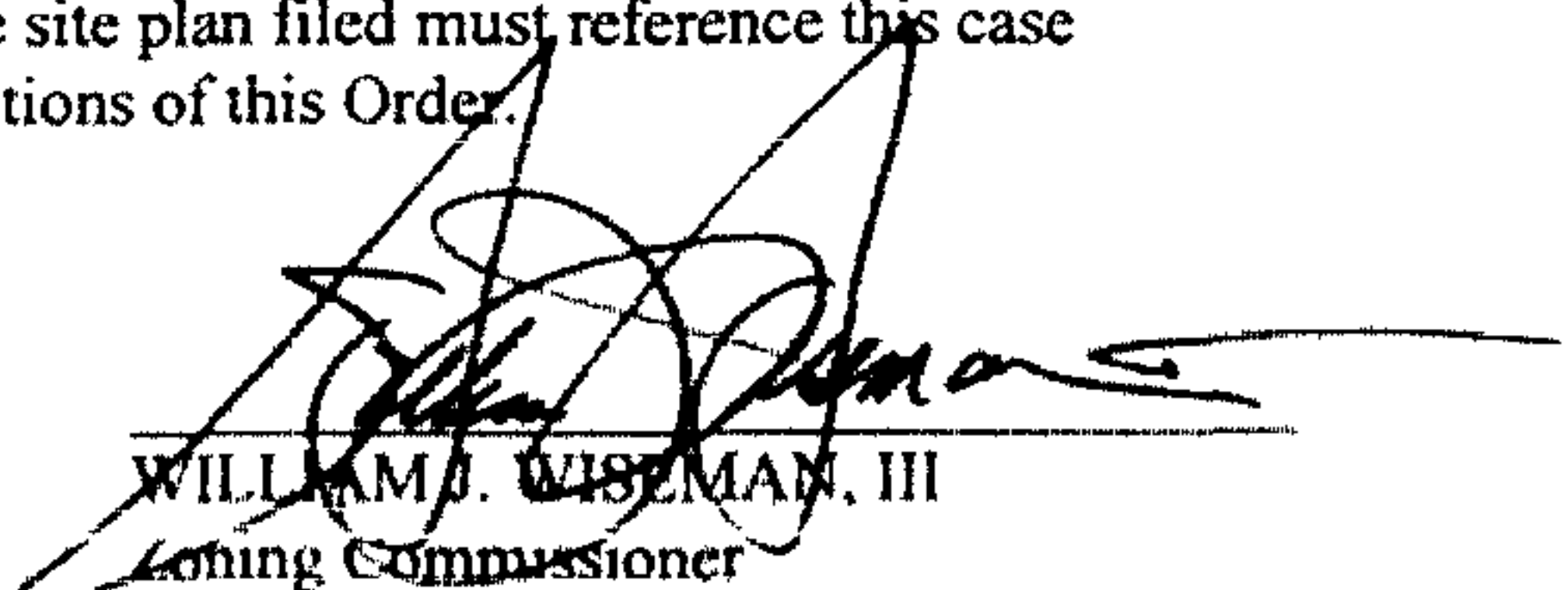
RECEIVED FOR FILING
Date 5-15-06
By [Signature]

deep by 25' wide) addition on the north side of the existing house. 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 without detrimental impact to adjacent properties or the surrounding locale.

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 15th day of May 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 proposed addition with a rear yard setback of 21 feet in lieu of the required 30 feet, 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.
- 2) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

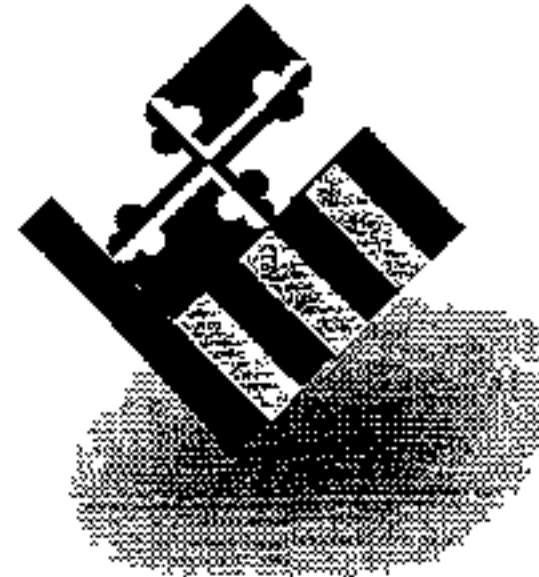

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING

Date 5-15-06

By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 15, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. James J. Aloï
310 Worthington Road
Towson, Maryland 21286

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/Side of Worthington Road, 24' E of c/l of Weatherbee Road
(310 Worthington Road)
9th Election District – 5th Council District
James J. Aloï, et ux - Petitioners
Case No. 06-511-A

Dear Mr. & Mrs. Aloï:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted with restrictions, 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", written over a circular stamp.
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: People's Counsel; Case File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at

310 Worthington Rd
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)

a proposed addition with 1 B.O. 2-3-C.1. to
permit a rear yard set back of
21 ft. in lieu of 30 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:

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Legal Owner(s):

James J. Alo
Name - Type or Print

Signature

Amy T. Alo
Name - Type or Print

A. T. Alo
Signature

310 Worthington Rd 410 583 7399
Address Telephone No.

Towson MD 21286
City State Zip Code

Representative to be Contacted:

Name

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, 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.

Zoning Commissioner of Baltimore County

CASE NO.

06 511 A

Reviewed By

JM

Date

4/14/06

Estimated Posting Date

4/22/06

DATE RECEIVED FOR FILING

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:

310 Worthington Road
Address
Towson, Maryland 21286
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):

Strict compliance with the zoning regulations (which were not promulgated at the time the house was constructed in 1941) would result in a hardship or practical difficulty due to the narrow configuration of the lot and the inability to place the addition anywhere other than the rear yard.

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.

A T Alo
Signature
Amy T. Alo
Name - Type or Print

James J Alo
Signature
James J Alo
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12th day of April, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Amy T. Alo & James J. Alo
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Patricia A. Schubert
Notary Public
My Commission Expires 8/1/09

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: 310 Worthington Road
Address
Towson, Maryland 21286
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):

Strict compliance with the zoning regulations (which were not promulgated at the time the house was constructed in 1941) would result in a hardship or practical difficulty due to the narrow configuration of the lot and the inability to place the addition anywhere other than the rear yard.

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.

A T Alo
Signature
Amy T. Alo
Name - Type or Print

J J Alo
Signature
James J. Alo
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12th day of April, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Amy T. Alo
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s)

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires 12/1/07



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 310 Worthington Rd
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)

a proposed addition with
Permit for rear yard set back of
21 ft. in lieu of 30 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:

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 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.

Legal Owner(s):

James J. Alo

Name - Type or Print

Signature

Amy T. Alo

Name - Type or Print

A & A

Signature

310 Worthington Rd 410 583 7399

Address

Telephone No.

Towson MD 21286

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By JNP Date 4/14/06

Estimated Posting Date 4/23/06

CASE NO. 06-511-A

REM 10/25/01

ORDER RECEIVED FOR FILING

Date By

ZONING DESCRIPTION FOR 310 Worthington Road.

Beginning at a point on the west side of

Worthington Road, which is 24 feet

wide at the distance of 280 feet east of the

centerline of the nearest improved intersecting street Weatherbee Road

which is 24 feet wide. Being Lot 15.

Block 3, ~~Section~~^{Plat} #2 in the subdivision of Overbrook

As recorded in Baltimore County Plat Book # 12, Folio # 76
containing 5,800 square feet. Also known as 310 Worthington Road

and located in the 9th Election District, 5th Councilmanic District.

06-511-4

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 003

DATE 11/11/06 ACCOUNT 1001-206-6150

AMOUNT \$ 100.00

RECEIVED FROM 1001-206-6150

FOR 1001-206-6150

BY 1001-206-6150

RECEIVED BY 1001-206-6150 PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-511-A

Petitioner/Developer: JAMES E.
AMY ALDI

Date Of Hearing/Closing: 5/8/06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

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
at 310 WORTHINGTON RD.

This sign(s) were posted on April 22, 2006
(Month, Day, Year)

Sincerely,

Martin Ogle 4/22/06
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

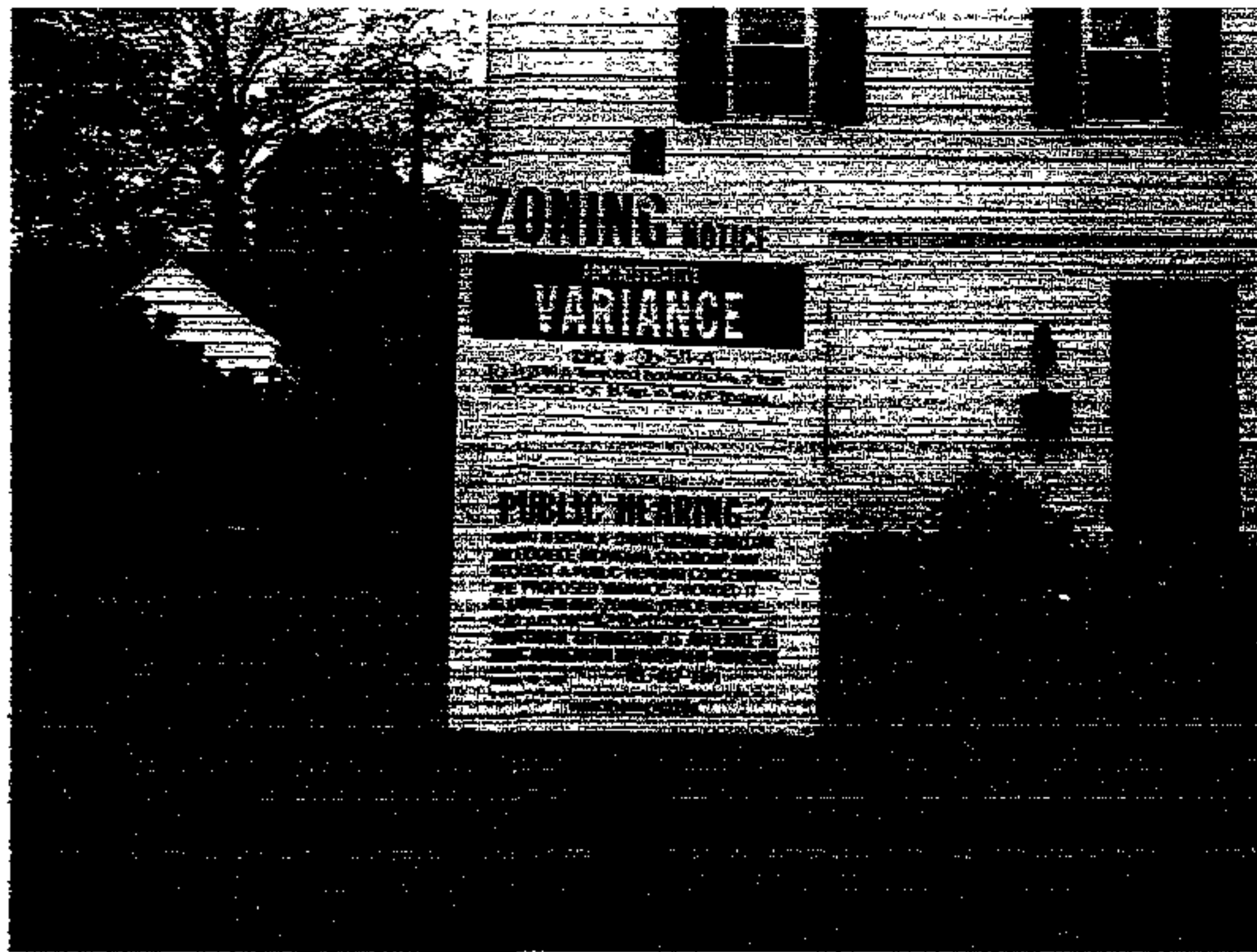
16 Salix Court

Address

Balto Md 21220

(443-629-3411)

im000637 (1152x864x24b jpeg)



Walter D. 4/22/06

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 511 -A Address 310 Worthington Road
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 4/14/06 Posting Date: 4/23/06 Closing Date: 5/8/06

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- 511 -A Address 310 Worthington Avenue
Petitioner's Name James & Amy Alai Telephone 410-585-7399
Posting Date: 4/23/06 Closing Date: 5/8/06
Wording for Sign To Permit a proposed addition with a rear yard setback of 21 feet
in lieu of 30 feet.

**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. Koitroco, Director*

May 8, 2006

James J. Aloï
Amy T. Aloï
310 Worthington Road
Towson, MD 21286

Dear Mr. and Mrs. Aloï:

RE: Case Number: 06-511-A, 310 Worthington Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 14, 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

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 21, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 24, 2006

Item Numbers: 491-515

⁵¹¹
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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 25, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 1, 2006
Item Nos. 491, 492, 493, 494, 495, 498,
499, 500, 502, 504, 505, 507, 508, 509,
511, 513, 514, 515, 516, 517

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-04252006.dak

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 3, 2006

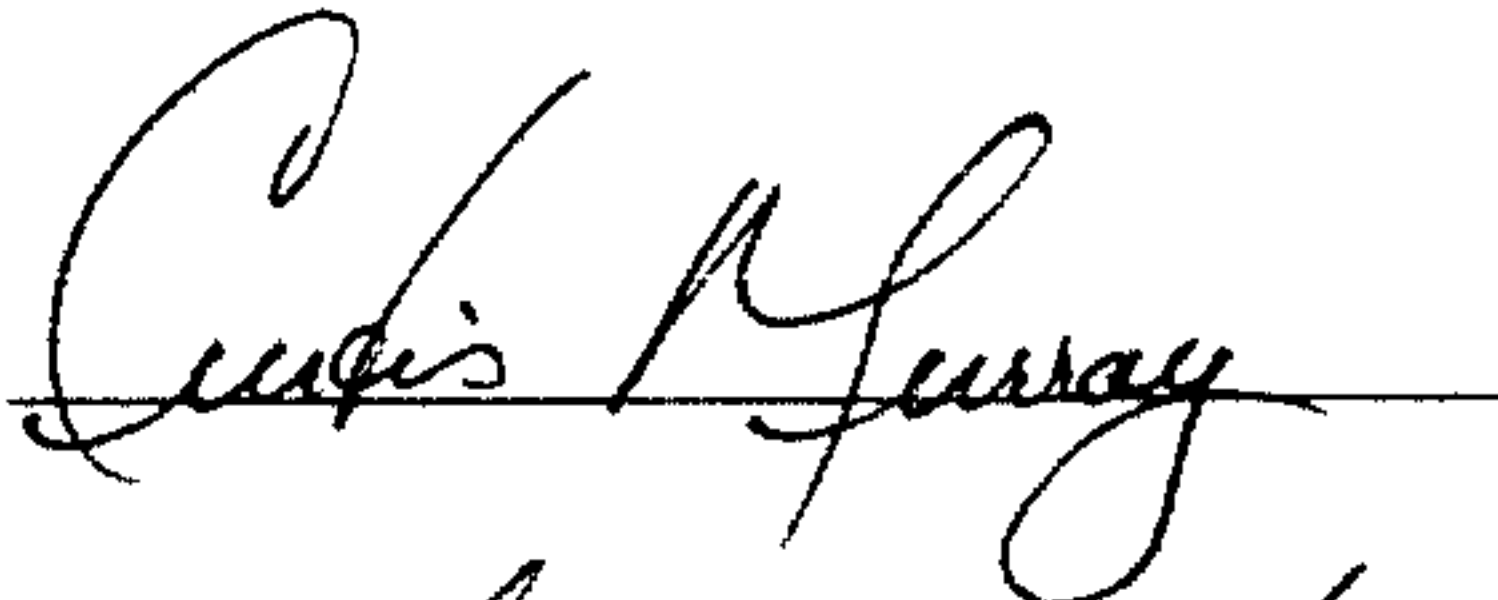
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-511- Administrative Variance

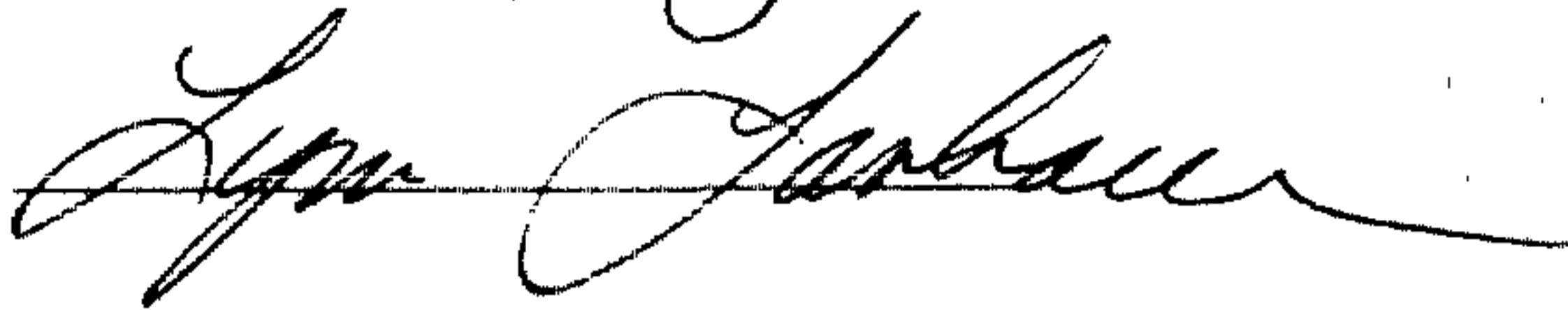
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/I.L.

RECEIVED

MAY - 2006

OFFICE OF PLANNING

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



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

Maryland Department of Transportation

Date: 4.21.04

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

RE: Baltimore County
Item No. 511 JHP

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

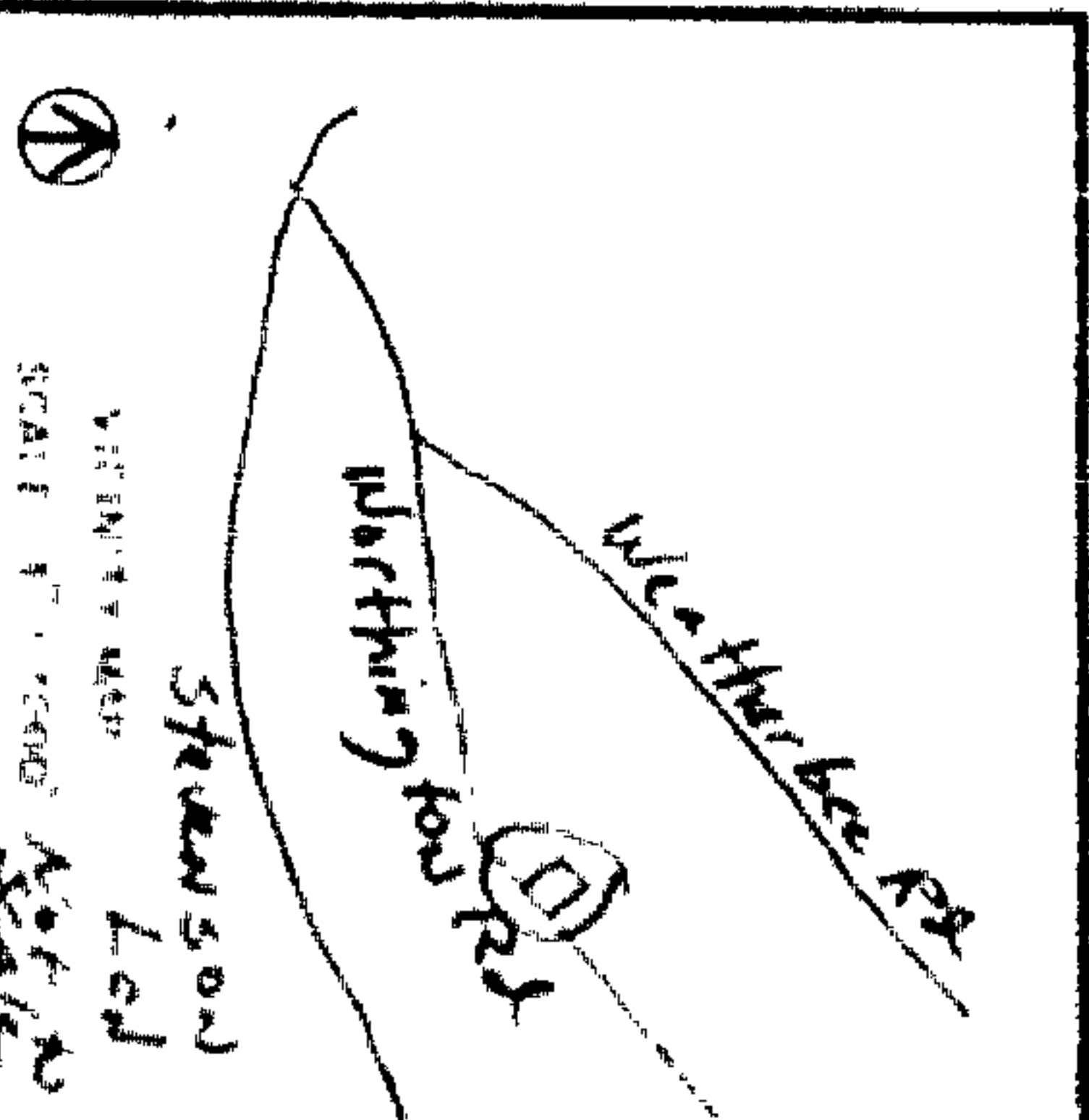
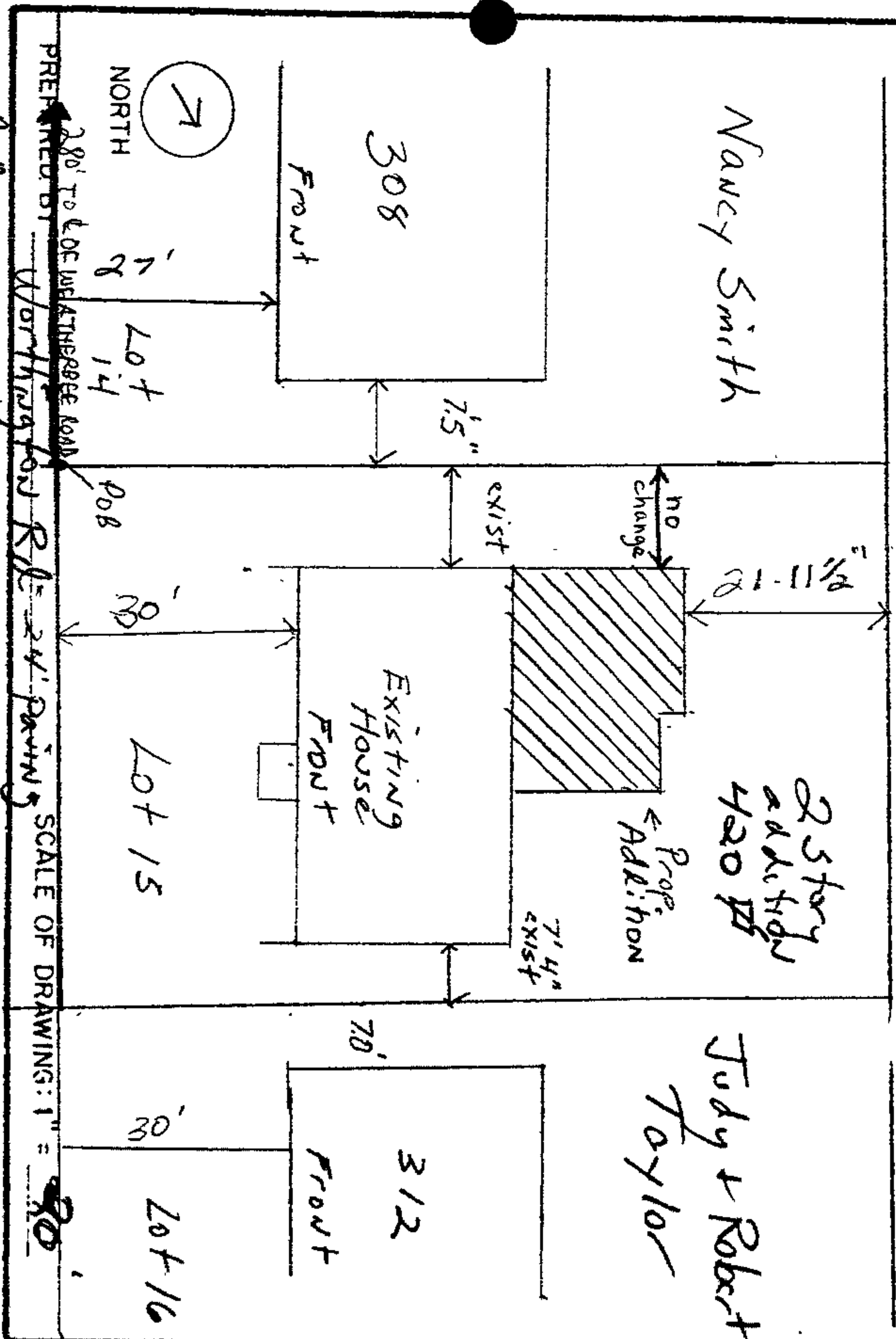
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 310 Washington Rd SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Overbrook

PLAT BOOK # 12 FOLIO # 76 LOT # 15 BLOCK # 3 PART 2

OWNER Amy + James Alvi



LOCATION INFORMATION ELECTION DISTRICT <u>9</u> COUNCILMANIC DISTRICT <u>5</u> 1" = 210' SCALE MAP # <u>07043</u> ZONING <u>DE S.S.</u> LOT SIZE <u>133</u> <u>5,800</u> AVERAGE <u>3,800</u> <u>5,800</u>	
SEWER <u>PRIVATE</u> WATER <u>PRIVATE</u>	CHESAPEAKE BAY CRITICAL AREA <u>YES</u> 100 YEAR FLOOD PLAIN <u>NO</u> HISTORIC PROPERTY / BUILDING <u>NO</u> PRIOR ZONING HEARINGS <u>NO</u>
ZONING OFFICE USE ONLY REVIEWED BY <u>JMS</u> <u>511</u> <u>106-511-4</u> DATE <u>10/10/11</u>	

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 310 Worthington Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME

Owensbrook

PLAT BOOK # 12 FOLIO # 76 LOT # 15 ^{Block} 3 ^{Section} 2 Part 2

OWNER Ann + James Aloi

Nancy Smith

no change
7' 5" exist
7' 4" exist
Prop. Addition

Judy + Robert Taylor

308

Front

312

Front



NORTH

Lot 14

808

Lot 15

Lot 16

Existing House

PREPARED BY

Worthington Rd

SCALE OF DRAWING: 1" = 20'

A. A



SCALE 1" = 1000'

Worthington Rd

LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # 07043

ZONING DR S.S

LOT SIZE

133

5,800

ACREAGE

5.800

SEWER

PRIVATE

WATER

PRIVATE

CHESAPEAKE BAY CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY / BUILDING

PRIOR ZONING MEANING

No

ZONING OFFICE USE ONLY

REVIEWED BY

ITEM #

JMS

511

06-511-A

Left 4/16 - 583 - 20544
Jenny's Army 11/12/1

piece of 11/11/12





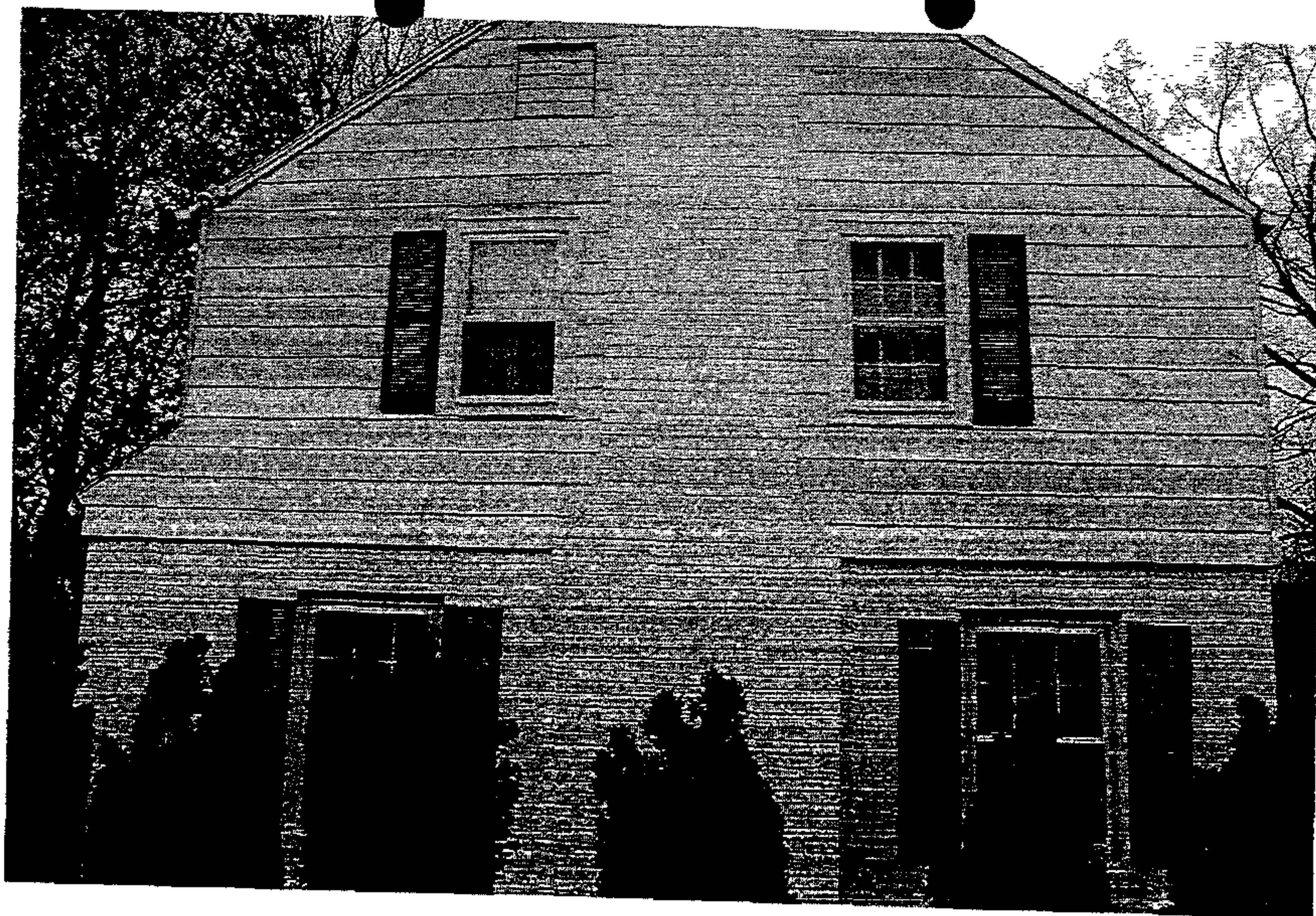
Map Prepared by Curtis Murray
Baltimore County Office of Planning
401 Bosley Avenue
Towson, MD 21204



0 100 200 400 Feet

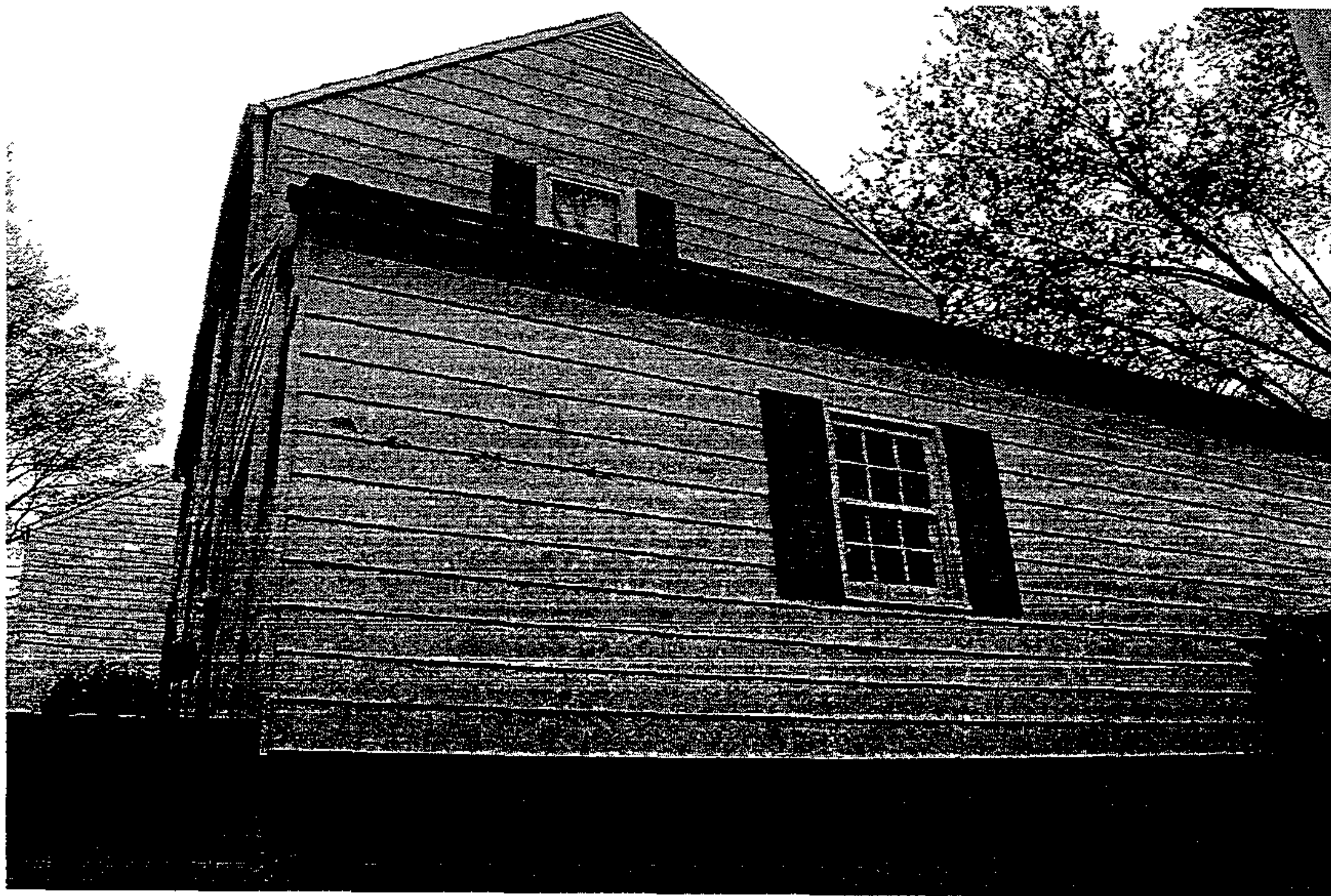
07/03

01 11-A



Subject property taken
From 308 Worthington Rd

Re. 310 Worthington Rd



Subject property from
312 Worthington Rd

Re: 310 Worthington Rd



Side elevation of 308
Worthington Rd

Re: 310 Worthington Rd



Side elevation
of 312 Worthington Rd

Re 310 Worthington Rd