

IN RE: PETITION FOR ADMIN. VARIANCE  
SW/S Kelly Ann Way, NW of  
Lennings Lane  
14<sup>th</sup> Election District  
6<sup>th</sup> Councilmanic District  
(6610 Kelly Ann Way)

Richard and Catherine Fiorita  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\*  
\* CASE NO. 07-012-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 owners of the subject property, Richard and Catherine Fiorita. The variance request is for property located at 6610 Kelly Ann Way. The variance request is from Sections 1B01.2.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck in rear yard) with a setback of 15 feet in lieu of the minimum allowed 22.5 feet and to amend the Final Development Plan for Lot 55, only, in Lennings Crossing.

The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that stormwater runoff creates a marshy back yard behind the house. An elevated deck would allow more efficient and enhanced use of their back yard. The proposed deck measures 12 feet x 37 feet in size.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

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8-15-06  
P3

### Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 22, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits and photographs 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.

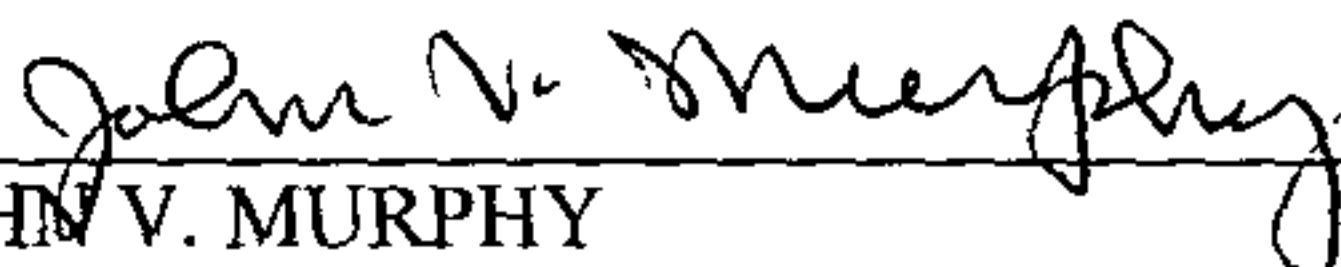
8-15-06  
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Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 15<sup>th</sup> day of August, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to Sections 1B01.2.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck in rear yard) with a setback of 15 feet in lieu of the minimum allowed 22.5 feet and to amend the Final Development Plan for Lot 55, only, in Lennings Crossing be and is hereby GRANTED, subject to the following:

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.

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

  
JOHN V. MURPHY  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

JVM:pz

8-15-06

PZ



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

August 15, 2006

RICHARD AND CATHERINE FIORITA  
6610 KELLY ANN WAY  
BALTIMORE MD 21237

Re: Petition for Administrative Variance  
Case No. 07-012-A  
Property: 6610 Kelly Ann Way

Dear Mr. and Mrs. Fiorita:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted 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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy  
Deputy Zoning Commissioner

JVM:pz

Enclosure

COPIES RECEIVED FOR FILES

8-15-06

ORIGINAL KEEP IN FILE



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 6610 Kelly Ann Way  
which is presently zoned DR 3.5

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) 1301.2.C.1.b. AND 301.1 to  
PERMIT AN OPEN PROJECTION (DECK IN REAR YARD) WITH A SETBACK OF  
15 FT. IN LIEU OF THE MINIMUM ALLOWED 22 1/2 FT. AND TO AMEND  
THE FINAL DEVELOPMENT PLAN FOR LOT #55 IN LENNINGS CROSSING.

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

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, 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. 07 012 A

REV 10/25/01

RECEIVED FOR FILING

8-15-06

13

Reviewed By JL

Date

7/14/06

Estimated Posting Date

7/23/06

Zoning Commissioner of Baltimore County

# 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 6010 Kelly Ann Way  
City Baltimore State MD Zip Code 21237

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):

We would like to improve our private residence by constructing a 12'x37' elevated deck in order to enhance the outside use of our residence. Storm water run off creates a marshy back yard behind my residence. An elevated deck would allow more efficient and enhanced use of my back yard space.

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.

Richard Fiorita  
Signature  
Name - Type or Print

Catherine Fiorita  
Signature  
Name - Type or Print

410.391.6448 240.375.0970 410.391.6448 410.631.5751 x222

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of June, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



Shes Notar  
Notary Public  
My Commission Expires December 7, 2009

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Richard Fiorita  
Signature

Richard Fiorita  
Name - Type or Print

Catherine Fiorita  
Signature

CATHERINE FIORITA  
Name - Type or Print

410.391.6448 240.375.0970

410.391.6448 410.631.5751 x222

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I HEREBY CERTIFY, this 19th day of June, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Shirley Mathurin  
Notary Public

My Commission Expires December 7, 2009

# Zoning Description

012  
ZONING DESCRIPTION FOR 6610 Kelly Ann Way  
(address)

Beginning at a point on the SW side of  
(north, south, east or west)  
Kelly Ann Way which is 50'  
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 412'± NW of the  
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Leunings Lane  
(name of street)

which is 50' wide. \*Being Lot # 55  
(number of feet of right-of-way width)

Block #, Section #  in the subdivision of Leunings Crossing  
(name of subdivision)

as recorded in Baltimore County Plat Book # 76, Folio # 23

containing .1437 Also known as 6610 Kelly Ann Way  
(square feet or acres) (property address)

and located in the 14 Election District, 6 Councilmanic District.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

SV 654 No. 3379

DATE 7/14/06 ACCOUNT 001 006 6150

AMOUNT \$ 130.00

RECEIVED FROM: FOR ITA

FOR: RV - AMERICAN FED P

6610 KELLY ANN WAY

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT

BUSINESS ACTUAL THE  
7/17/2006 7/14/2006 10:41:07  
REG HALL WALKIN MTR PEP  
>>RECEIPT # 31536 7/14/2006  
DEPT 3 000 JUDING VERIFICATION  
EX NO. 00379

Receipt Tot 130.00  
\$130.00 OF  
Baltimore County, Maryland

# CERTIFICATE OF POSTING

RE: Case No.: 07-012-A

Petitioner/Developer: RICHARD

+ CATHERINE FIORITA

Date of Hearing/Closing: 8-7-06

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:

6610 KELLY ANN WAY

The sign(s) were posted on

7-22-06  
(Month, Day, Year)

Sincerely,

Robert Black 7-23-06  
(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)

## ZONING NOTICE

### ADMINISTRATIVE VARIANCE

CASE # 07-012-A

TO PERMIT AN OPEN PROJECTION (DECK IN REAR YARD) WITH  
A SETBACK OF 15 FT IN LIEU OF THE MINIMUM ALLOWED 22 1/2 FT AND  
TO APPROVE THE FENCE DEVELOPMENT PERM FOR USE IN LEANING  
CROSSING

### PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE  
AN ELIGIBLE INDIVIDUAL OR GROUP MAY  
REQUEST A PUBLIC HEARING CONCERNING  
THE PROPOSED VARIANCE, PROVIDED IT  
IS DONE IN THE ZONING OFFICE BEFORE  
4:30 p.m. ON 8-7-06  
ADDITIONAL INFORMATION IS AVAILABLE AT  
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT  
111 W. CHESAPEAKE AVE., 111  
TOWSON, MD. 21204  
TEL. 887-3391  
IF YOU HAVE ANY QUESTIONS, PLEASE CALL THE ZONING OFFICE AT 887-3391.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEWADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number <sup>07</sup> 012 -A Address 6610 KELLY ANN WAYContact Person: John Lewis Phone Number: 410-887-3391  
Planner, Please Print Your NameFiling Date: 7/14/06 Posting Date: 7/23/06 Closing Date: 8/07/06

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 <sup>07</sup> 012 -A Address 6610 KELLY ANN WAY

Petitioner's Name RICHARD + RATHERLIVE FICRITA Telephone ~~410~~ 391 6448

Posting Date: 7/23/06 Closing Date: 8/07/06

Wording for Sign: To Permit AN OPEN PROJECTION (DECK IN REAR YARD) WITH A SETBACK OF 15 FT. IN LIEU OF THE MINIMUM ALLOWED 22 1/2 FT. AND TO AMEND THE FINAL DEVELOPMENT PLAN FOR LOT #55 IN LEANING'S CROSSING

WCR - Revised 6/25/04



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

August 8, 2006

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*

Richard Fiorita  
Catherine Fiorita  
6610 Kelly Ann Way  
Baltimore, MD 21237

Dear Mr. and Mrs. Fiorita:

RE: Case Number: 07-012-A, 6610 Kelly Ann Way

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

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** July 31, 2006

**FROM:** Dennis A. Kennedy, <sup>DAK</sup>Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For July 31, 2006  
Item Nos. 06-010, 06-176, 07-012, 013,  
016, 017, 018, 020, 021, 022, and 023

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-07282006.doc

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** August 1, 2006

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

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 7-012- Administrative Variance**

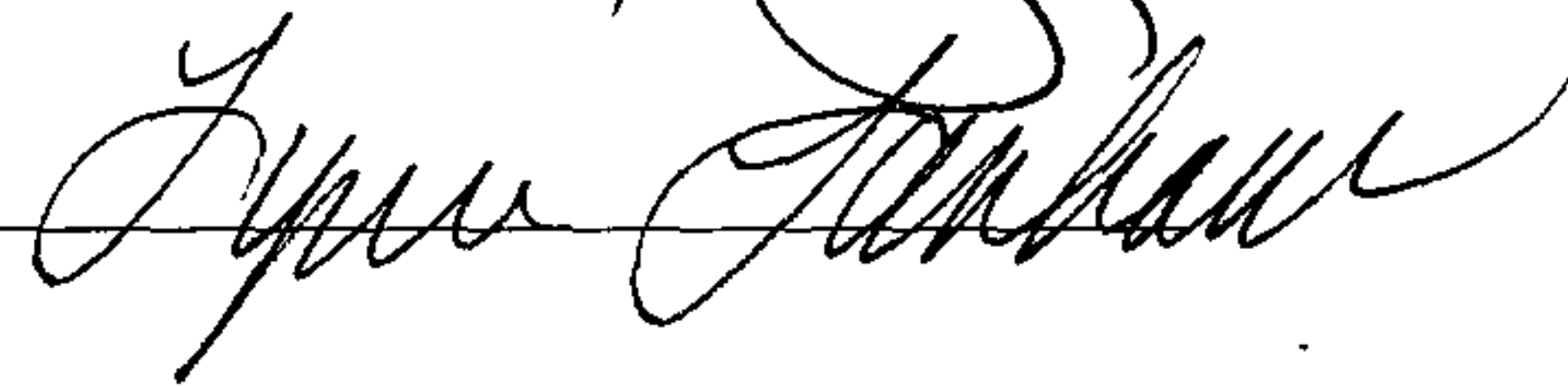
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

RECEIVED

AUG 02 2006

ZONING COMMISSIONER

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



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

Maryland Department of Transportation

Date: 7.21.06

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

RE: Baltimore County  
Item No. 012 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,

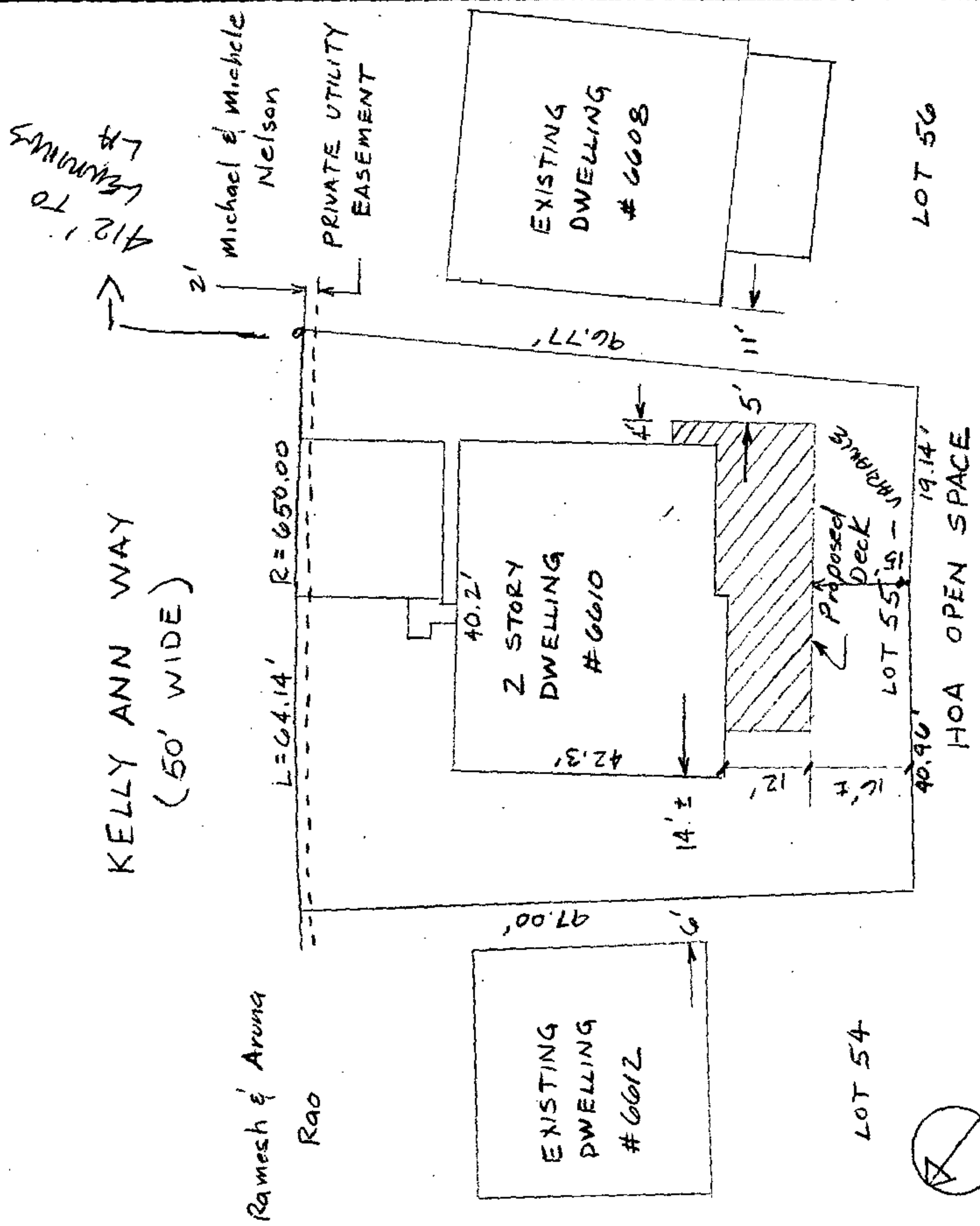
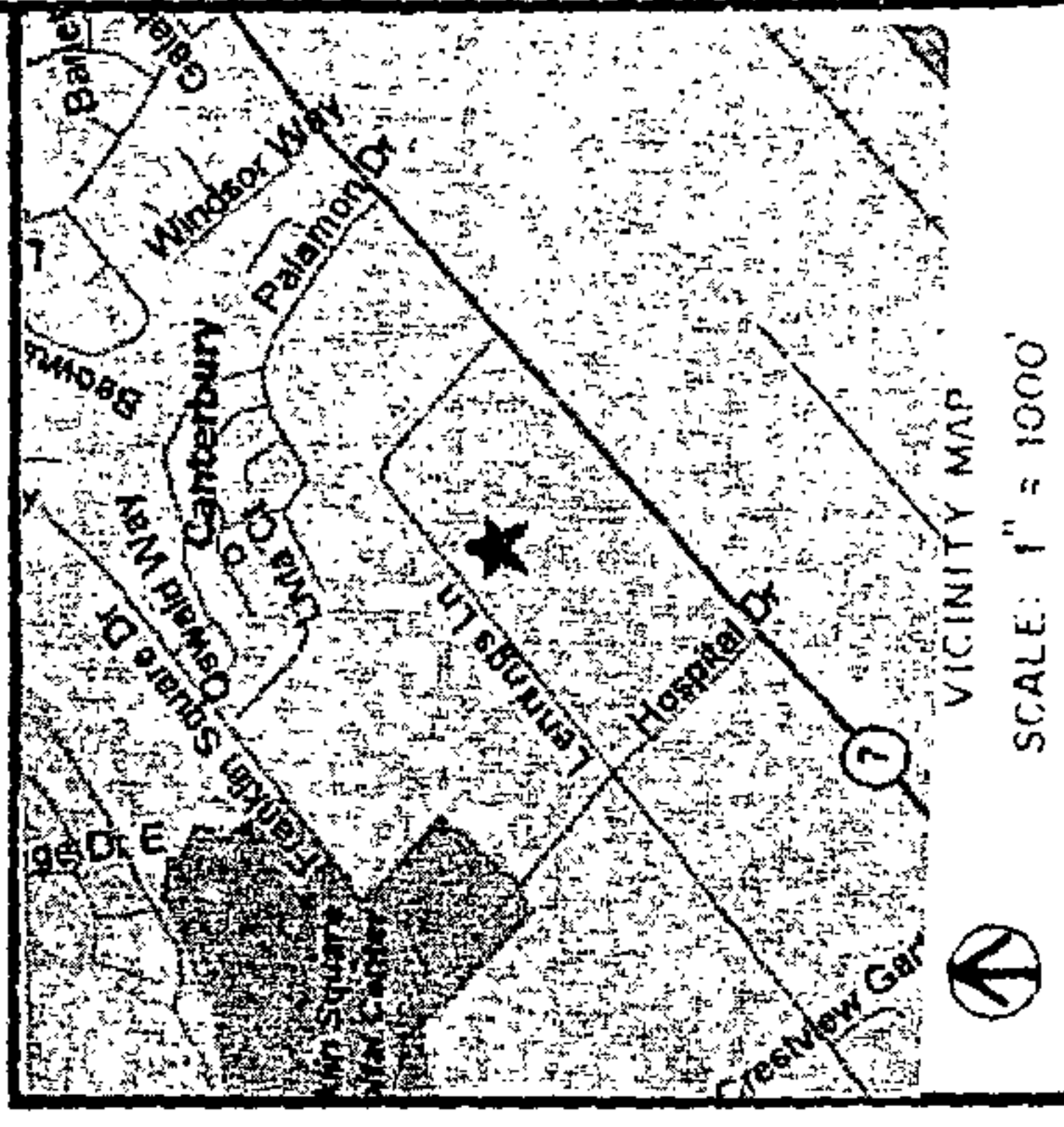
Steven D. Foster, Chief  
Engineering Access Permits Division

12 copies

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

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

PROPERTY ADDRESS 6610 Kelly Ann Way  
SUBDIVISION NAME Lenning's Crossing  
PLAT BOOK # 76 FOLIO # 23 LOT # 55 SECTION #     
OWNER Richard & Catherine Fiorita



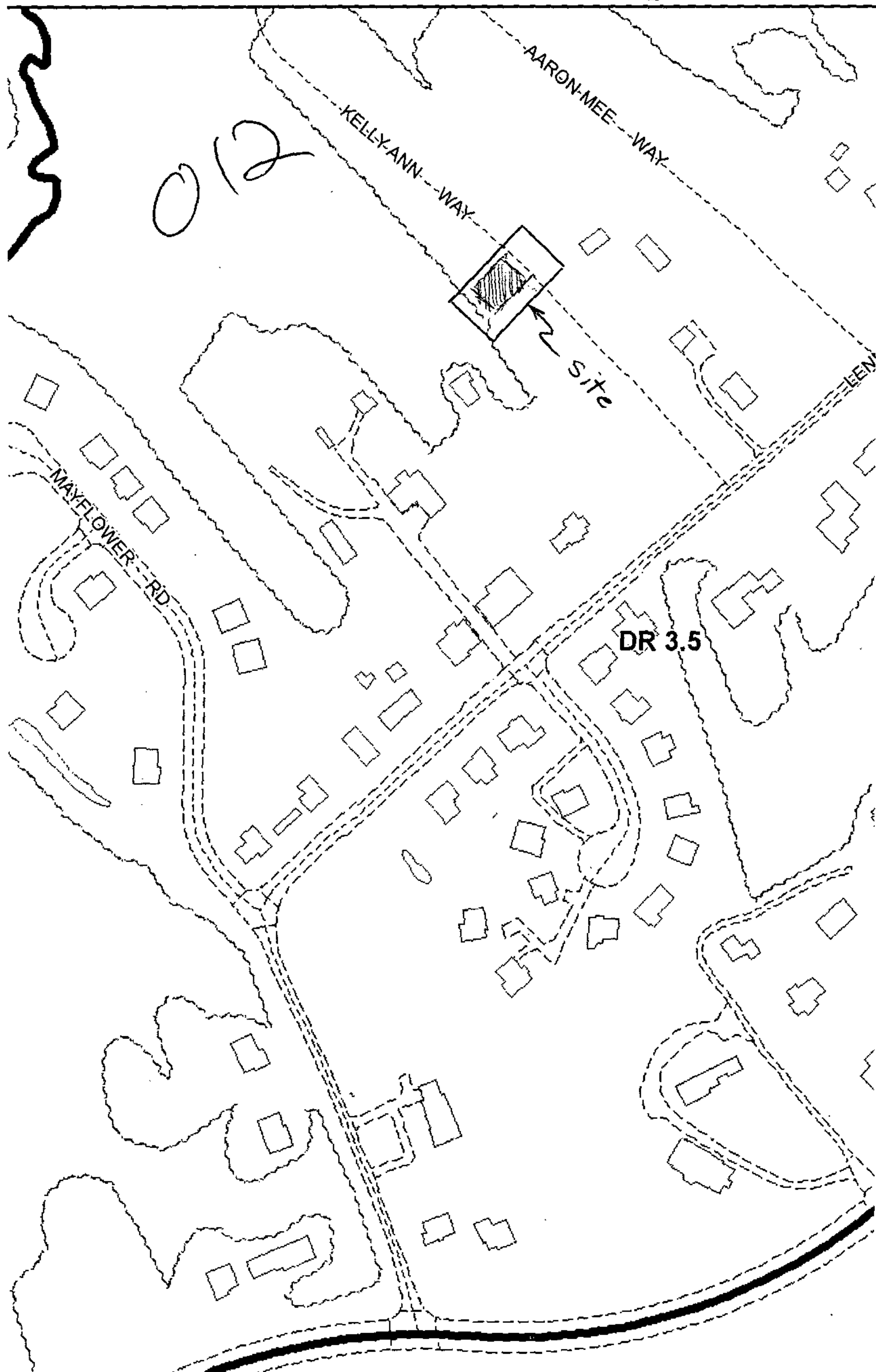
**LOCATION INFORMATION**

ELECTION DISTRICT 14th  
COUNCILMANIC DISTRICT 6th  
1"=200' SCALE MAP # 090A1  
ZONING DR 3.5  
LOT SIZE .1437 ACRES

|                              | SQUARE FEET                                                                 |
|------------------------------|-----------------------------------------------------------------------------|
| SEWER                        | PUBLIC <input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> |
| WATER                        | PUBLIC <input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> |
| CHESAPEAKE BAY CRITICAL AREA | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>         |
| 100 YEAR FLOOD PLAIN         | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>         |
| HISTORIC PROPERTY / BUILDING | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>         |
| PRIOR ZONING HEARING         | YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>         |

ZONING OFFICE USE ONLY

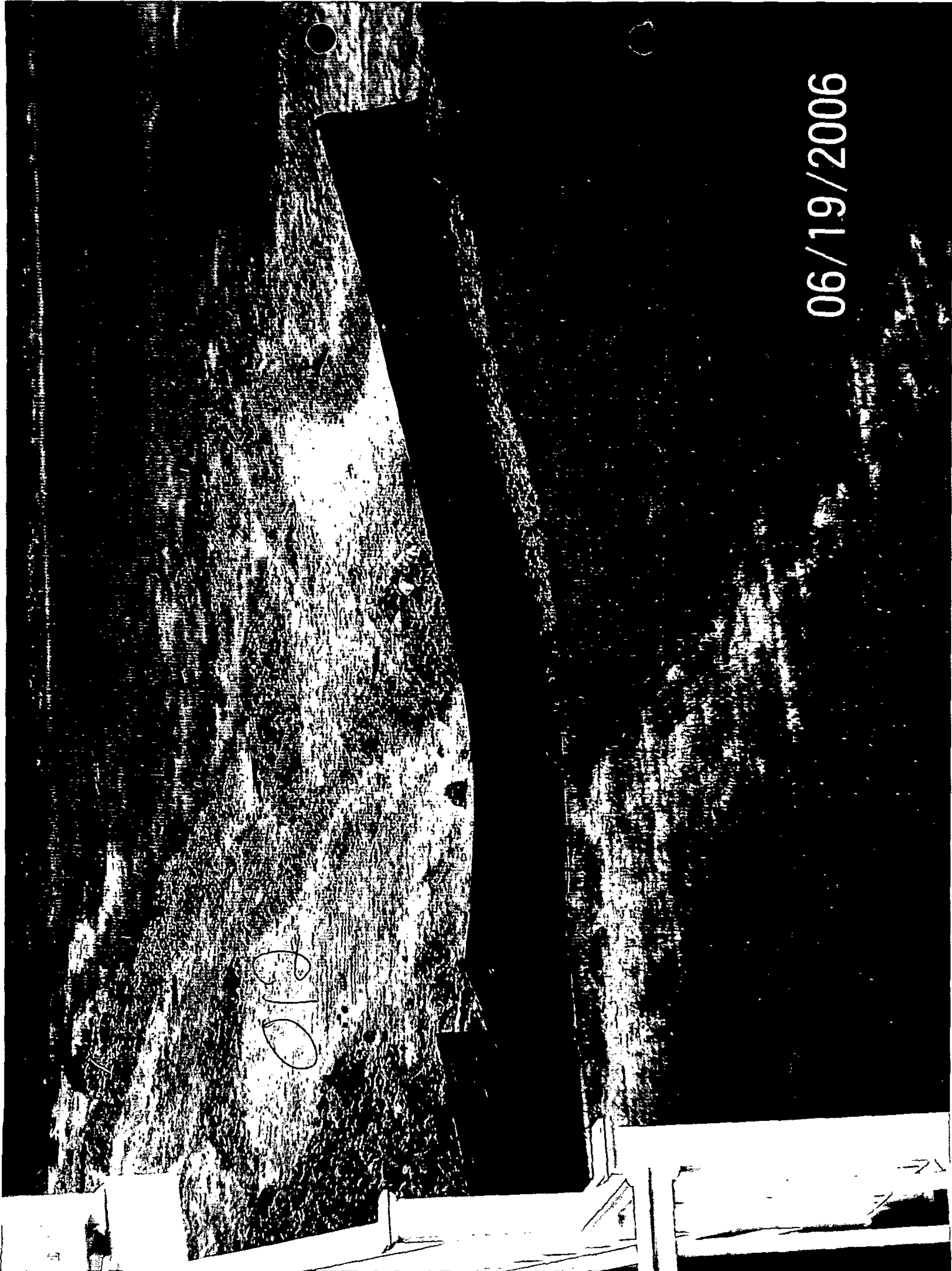
REVIEWED BY JV ITEM # 107017 CASE #



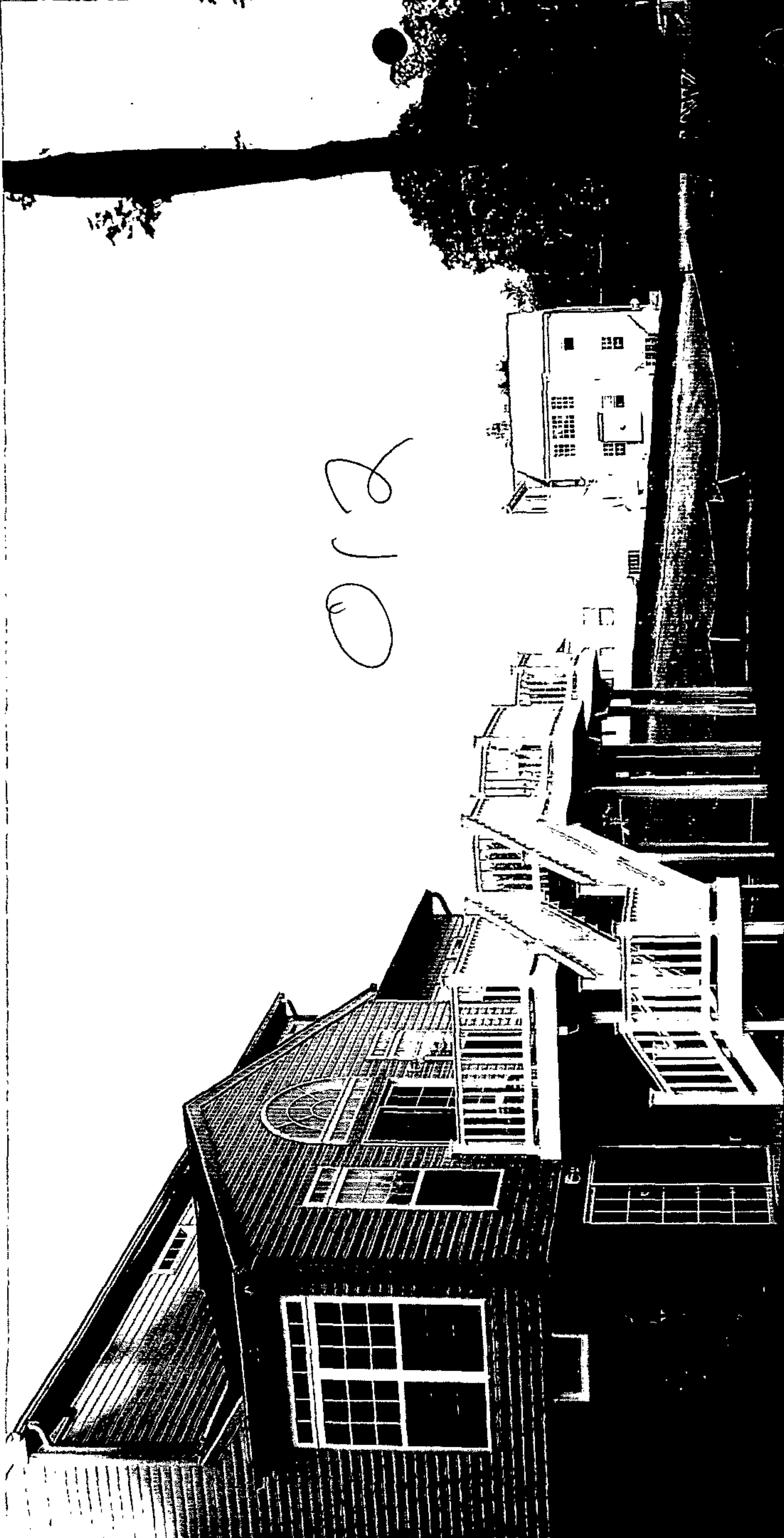


012

06/21/2006



06/19/2006



06/21/2006

7-10

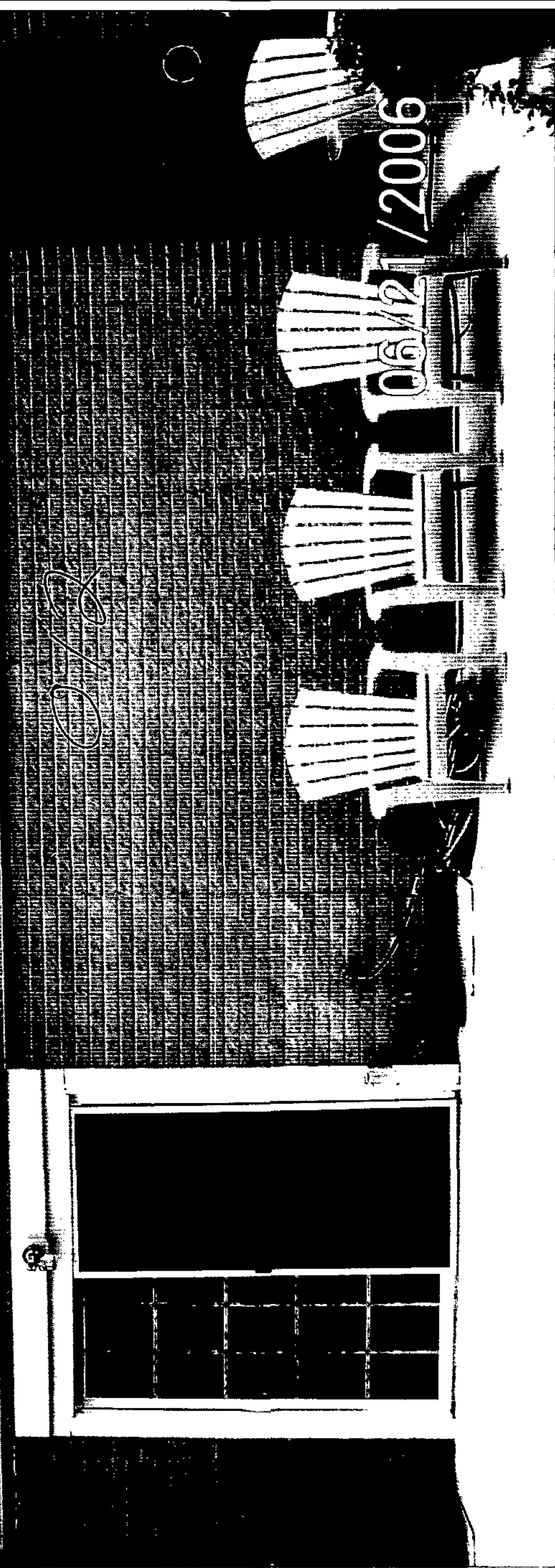
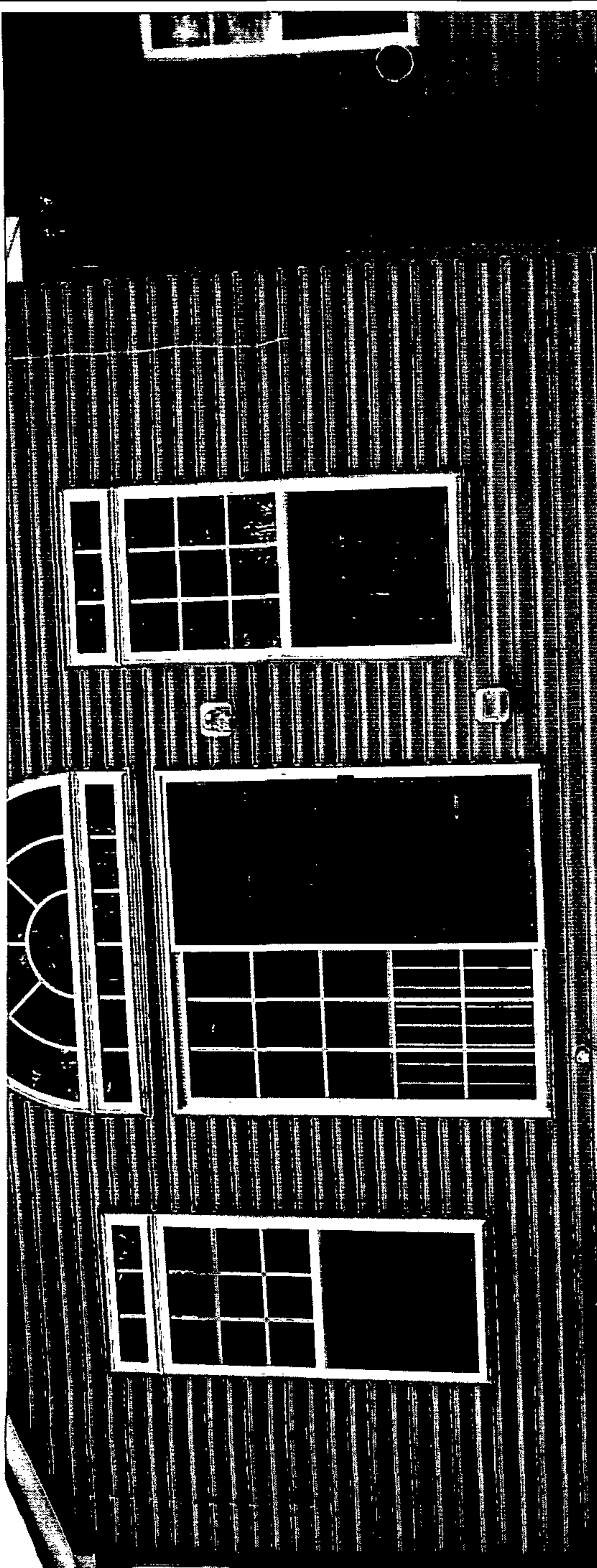
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06/19/2006

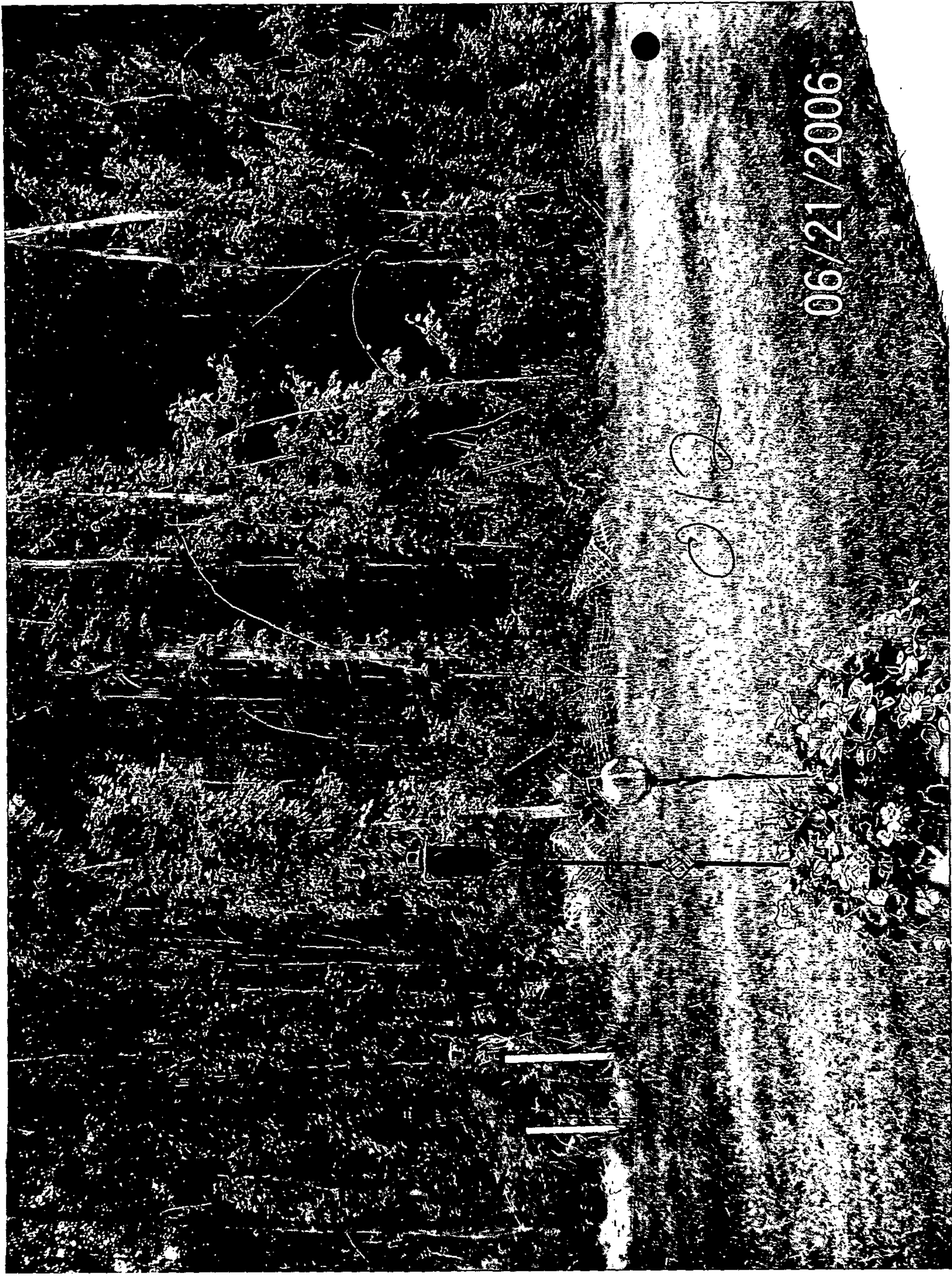
LOT # 55  
MY BACKYARD  
STORM WATER SUMP  
AND A MASSIVE BACKYARD



06/21/2006

06/21/2006

Q12



POW 210

06/21/2006

