IN RE: PETITION FOR ADMIN. VARIANCE
NW side of Acton Road, 130 SE of c/l
Hallmark Circle
14th Election District
6th Councilmanic District
(3422 Acton Road)

Joseph A. Lattanzi
Petitioners

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 07-172-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, Joseph A. Lattanzi. The variance request is for property located at 3422 Acton Road. The variance request is from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 22 foot high garage in the front yard in lieu of a 15 foot high garage in the rear yard for residential storage only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code.

The Petitioners having filed a Petition for Administrative Variance, the subject property was posted on October 28, 2006.

Formal Demand for Public Hearing

On November 10, 2006, Ralph K. Rothwell, Jr., Esquire, filed a formal demand for public hearing on behalf of his client, Mary McDonald, who resides at 3413 Acton Road. The hearing was subsequently scheduled for December 7, 2006, at 11:00 am in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of

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Planning dated October 26, 2006, which contains restrictions, and a copy of which is attached hereto and made a part hereof the file.

Interested Persons

Appearing in support of the Petition was Joseph A. Lattanzi, Petitioner. Appearing in opposition to the requests were Charles Chenowidth, Ruth Baisden and Mary McDonald. Ralph K. Rothwell, Jr., Esquire, represented Mary McDonald.

Amended Petition

At the outset of the hearing, the Petitioner withdrew his request to allow a garage height of 22 feet in lieu of the allowed 15 feet after hearing community concerns in this regard.

Testimony and Evidence

The subject property contains 0.418 acres zoned DR 5.5 and is improved by the Petitioner's existing two story home. The Petitioner indicated that he would like to construct the accessory garage shown on Petitioner's exhibit 1 as his family needed space to store personal property and garden equipment. As above he withdrew his request to allow the garage to be 22 feet high in lieu of the required 15 feet. He continued to request a variance to allow the proposed garage in the front yard in lieu of the required rear yard.

He indicated that his stone home was constructed in 1913 with its front facing Harford Road. The original home sat on a property of substantial size which was later subdivided to allow the adjacent residential community to be constructed. He indicated his home has the address of 3422 Acton Road which street was a new internal street in the subdivision. Anyone driving on Acton Road today would think that his home fronted on Acton Road but it remains fronting on faraway Harford Road. As a result, what everyone would think was his front yard on Acton Road is really his rear yard. He noted that there is only 20 feet between his home and the right of way of Acton Road which is not enough room to construct the garage. He opined that

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the only place to locate the garage that was large enough and made sense in the new subdivision surroundings was in his front yard which again anyone driving on Acton Road would think to be his rear yard. He presented photographs of the subject property and surrounding community as Petitioner's exhibits 2 and 3. Finally he presented elevations of the proposed garage as Petitioner's exhibit 4.

Upon questioning he admitted that he is simultaneously requesting the County to approve a minor subdivision as indicated in Community exhibit 1 in which his lot would be subdivided to permit a new home to be constructed in his side yard. This exhibit also shows the front of the existing house fronting on Acton Road along with the proposed dwelling. Apparently the front facing Harford Road was discovered during the subdivision process. The Petitioner denied that the subject request is connected in any way to the minor subdivision.

He admitted that he operates a landscape business from his home as indicated in Community exhibits 2, 3 and 4. However he noted that his home is his office only and he does not keep nursery stock or equipment at the subject property. He also admitted upon questioning that that the proposed garage is 900 sq. ft and that his home is 1200 square feet.

Ms. McDonald, an adjacent neighbor, expressed concern that the Petitioner plans to use the garage to support his landscape business. She noted that there are piles of dirt on the Petitioner's property which she attributes to his business and which causes water run off problems. She expressed her opposition to the subdivision and new dwelling thereon. She presented a petition in opposition to the subdivision, the 22 foot high garage and garage in the front yard.

Ms. Baisden, representing the Greater Parkville Community Council, indicated her organization's opposition to the proposed subdivision, the need for review of the impact of the garage and new dwelling on storm water runoff, and that materials for the garage match the

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existing house and community. She noted that the garage is larger than some homes in the community and requested that the use of the garage be restricted to residential uses in any Order in this case.

Findings of Fact and Conclusions of Law

Sometimes it is important to make sense of a zoning request even if this becomes difficult when simply applying the regulations.

Supporting the Petitioner's case is the very odd situation in which what everyone driving on Acton Road believes to be his front yard, by a twist of subdivision fate is actually his back yard. Who would have guessed? As such he does not have room in his "back" yard to construct a garage.

I note that if one extends the "rear" line of the Petitioner's house to show the whole "rear" yard the Petitioner actually has room to construct a garage. He could construct a 132.5 x 7.5 garage across the "rear" of the property. This is the size of the proposed garage. In addition the garage in the "rear" yard would block the proposed subdivision which would make the community happy.

The problem however is that this makes no practical sense. No one would want such a long narrow garage. But more importantly a new garage across the "rear" of the property would be across Acton Road and wholly out of place in this community. Garages should be located away from the street not on it.

One could also argue that there is plenty of room in the existing side yard to build the garage. The Petitioner merely has to put the garage where the new dwelling is proposed and again the community is happy. The problem however is that this location would also require a variance as accessory building are allowed only in rear yards under Section 400.1.

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The community fears the Petitioner will use the garage to support his landscape business. Given the Petitioner's advertisements for his business at this address, the garage size and prior request for a height variance, this is not an unreasonable fear. However I can impose a condition on approval that no commercial use be made of the building. Finally Ms. Baisden requests that I impose full storm water management conditions on the garage and new dwelling even though minor subdivisions are exempt ordinarily from such regulations. Again given the size of the garage and new dwelling, and the testimony of neighbors concerning storm water problems from this property in the past, I will require the Petitioner submit a storm water management plan to DEPRM for review and approval prior to building permit. DEPRM shall determine what, if anything, is appropriate in this situation including the possibility that no specific storm water management facilities are needed.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The fronting of the existing house on Harford Road and not Acton Road is one of those peculiar situations in which the zoning regulations disproportionably impacts the subject property as compared to others in the zoning district. Therefore I find the property to be unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No practical garage can be built in the "rear" yard on Acton Road.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare if the conditions below are applied. Neither the subdivision nor is the height of the garage is at issue here.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ______ day of December, 2006, that the Petitioner's request for variance from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage in the front yard in lieu of the rear yard for residential storage only 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; and
- 2. The Petitioner shall not use the proposed to garage for commercial purposes; and
- 3. The Petitioner shall submit a storm water management plan to DEPRM for their review and approval prior to building permit which shall include the effect of the proposed garage and new dwelling as proposed in the minor subdivision shown on Community exhibit 1; and
- 4. The Petitioner shall submit such elevations and architectural drawings of the proposed garage to the Office of Planning for their review and approval to assure that the materials and construction of the proposed garage is compatible with the existing homes and community and

IT IS FURTHER ORDERED that the Petitioner's request for variance from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 22 foot high garage in lieu of a 15 foot high garage is hereby DENIED as moot; the request having been withdrawn by the Petitioner.

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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



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3922 Acton Rd which is presently zoned DR5.5

•	which is presently zon	ied DR5.5
This Petition shall be filed with the Department of Permits are owner(s) of the property situate in Baltimore County and which and made a part hereof, hereby petition for a Variance from Section A 15 FT. HIGH GARREL IN THE RESIDENCE IN THE RESIDENCE IN THE	TRUDIT YARD.	
of the zoning regulations of Baltimore County, to the zoning law back of this petition form.	of Baltimore County, for the n	easons indicated on the

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.

				is the subject of this Petition.
Contract Purchaser/Le	essee:			Legal Owner(s):
				Joseph A. Lattonzi
Name - Type or Print		 	Name -	Type or Print
Signature				Signature Contraction Signature
Address		Telephone No.		Name - Type or Print
City	State	Zip Code		Signature
Attorney For Petitione	<u>r:</u>	•		3422 AcTONRd 443570536
	· .	•		Address Telephone No. 2/2/34
Name - Type or Print	<u> </u>	<u> </u>	City	State Zip Code
Signature		_ 		Representative to be Contacted:
		• <u> </u>		Joseph A. Lattanzi
Company				Name 3422 Acron Rd 4435705367
Address		Telephone No.		Address Telephone No.
City	State	Zip Code		Parkville UD 2/234 City State Zip Code
Public Hearing having been	formally demande	d and/or found to	be req	uired, it is ordered by the Zoning Commissioner of Baltimore County this
of Baltimore County and that the pr		uplect matter of this	petition	be set for a public hearing, advertised, as required by the zoning regulations
				Zoning Commissioner of Baltimore County
CASE NO	172-F	Reviewed I	Ву	Date 10-16-06
REV 9/15/98		,	Estimal	ted Posting Date 10-29.06.
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Affidavit in Support of Administrative Variance

That the Affiant(s) does/do presently reside at

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.

	Address Parkulle	mis	21234
	City	State	Zip Code
That based upon personal knowledge Variance at the above address (indica	e, the following are the facts upon te hardship or practical difficulty	n which I/we base the '):	request for an Administrative
1. Storage space is new Very limited in the dw	eded. There exists	no basement	, and attic space is
2. A shed exists in the		osed barage	<u></u>
3. There does not exist			
Side facing the road	1		, -
4. Sufficient space exis	+5 11 the front you	d, which bor	ders the neighbo
Mar fences.			
That the Affiant(s) acknowledge(s) the advertising fee and may be required to	hat if a formal demand is filed, to provide additional information.	Affiant(s) will be req	uired to pay a reposting and
Signature Signature			
Joseph A. Lattenz	Signat	ture	
Name - Type or Print	Name - Type or i	Print	
STATE OF MARYLAND, COUNTY O	F BALTIMORE to wit-		
I HERERY CERTIES this 13th	over Contrologic	Dani ka	
I HEREBY CERTIFY, this 13th d State of Maryland, in and for the Cour	nty aforesaid, personally appeare	ed before	e me, a Notary Public of the
the Affiant(s) herein, personally know law that the matters and facts hereina	n or satisfactorily identified to mobove set forth are true and corre	e as such Affiant(s), a ect to the best of his/he	and made oath in due form of ar/their knowledge and belief.
AS WITNESS my hand and Notarial S	Seal		
October 13th 2006	· Carh	une Hu	n 大
Date	Notary Public		
RÉV 09/15/98	My Commiss	ion Expires	NOTARY PUBLIC
	•	MY	BALTIMORE COUNTY MARYLAND COMMISSION EXPIRES AUGUST 18, 2010

07-172-A.

J. S. DALLAS, MC.

SURVEYING & ENGINEERING

13523 LONG GREEN PIKE P.O. BOX 26 BALDWIN, MD 21013 (410) 817-4600 FAX (410) 817-4602

ZONING DESCRIPTION #3422 ACTON ROAD

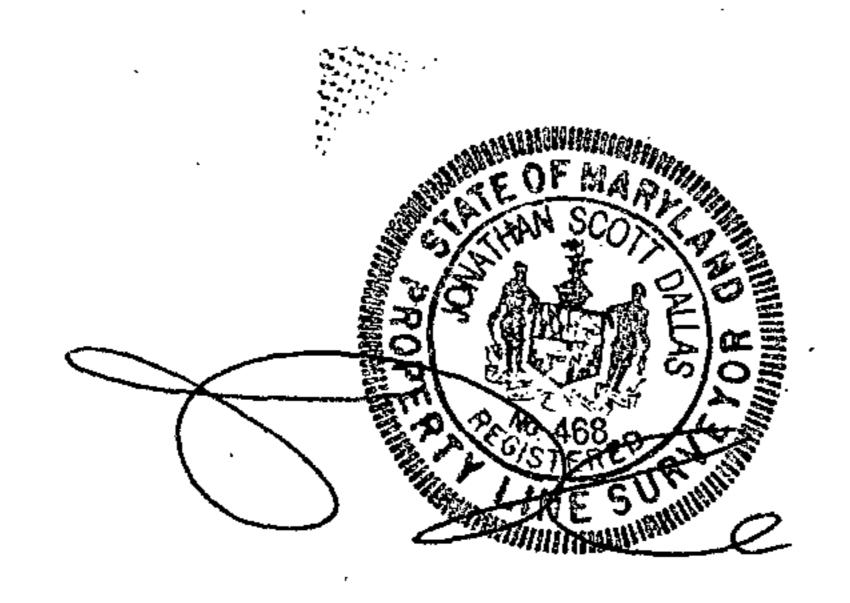
BEGINNING for the same at a point on the northwest side of Acton Road (60 feet wide) at a point distant 119 feet, more or less northeast from the centerline of Acton Road (50 feet wide) thence leaving said northwest side of Acton Road and running the three following courses and distances (1) North 38 degrees 15 minutes 21 seconds West 135.00 feet thence (2) North 51 degrees 44 minutes 39 seconds East 135.00 feet and (3) South 38 degrees 15 minutes 21 seconds East 135.00 feet to intersect said northwest side of Acton Road thence running with and binding on said northwest side of Acton Road (4) South 51 degrees 44 minutes 39 seconds West 135.00 feet to the place of beginning.

CONTAINING 18225 square feet or 0.418 acres of land, more or less.

BEING all of that parcel which by dated September 26, 2003 and recorded among the Land Records of Baltimore County in Liber S.M. No. 19103 folio 300 etc. was conveyed by Shi Yong Choi to Joseph A. Lattanzi.

ALSO known as # 3422 Acton Road and located in the 14th Election District 6th Councilmanic District.

Note: above description is for zoning purposes only.



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NOTICE OF ZONING HEARING

The Zonling Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #07-172-A
3422 Acton Road
N/west side of Acton Road,
130 feet s/east of centerline
of Hallmark Circle
14th Election District
6th Councilmanic District
Legal Owner(s):
Joseph A. Lattanzi
Variance: to permit a 22toot high garage in the rear
yard. Residential storage
only.
Hearing: Thursday. December 7, 2006 at 11:00
a.m. in Room 407, County
Courts Building, 401
Bosley Avenue, Towson
21204.
WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible;
for special accommodations Please Contact the
Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or
Hearing, Contact the Zoning Review Office at (410)
887-3391.

☐ North County News	☐ NE Booster/Reporter	Towson Times	☐ Catonsville Times	☐ Arbutus Times	Ma The Jeffersonian	on 11/21 ,2006.	once in each ofsuccessive weeks, the first publication appearing	in the following weekly newspaper published in Baltimore County, Md.,	THIS IS TO CERTIFY, that the annexed advertisement was published	111221,2006
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LEGAL ADVERTISING

Williams

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

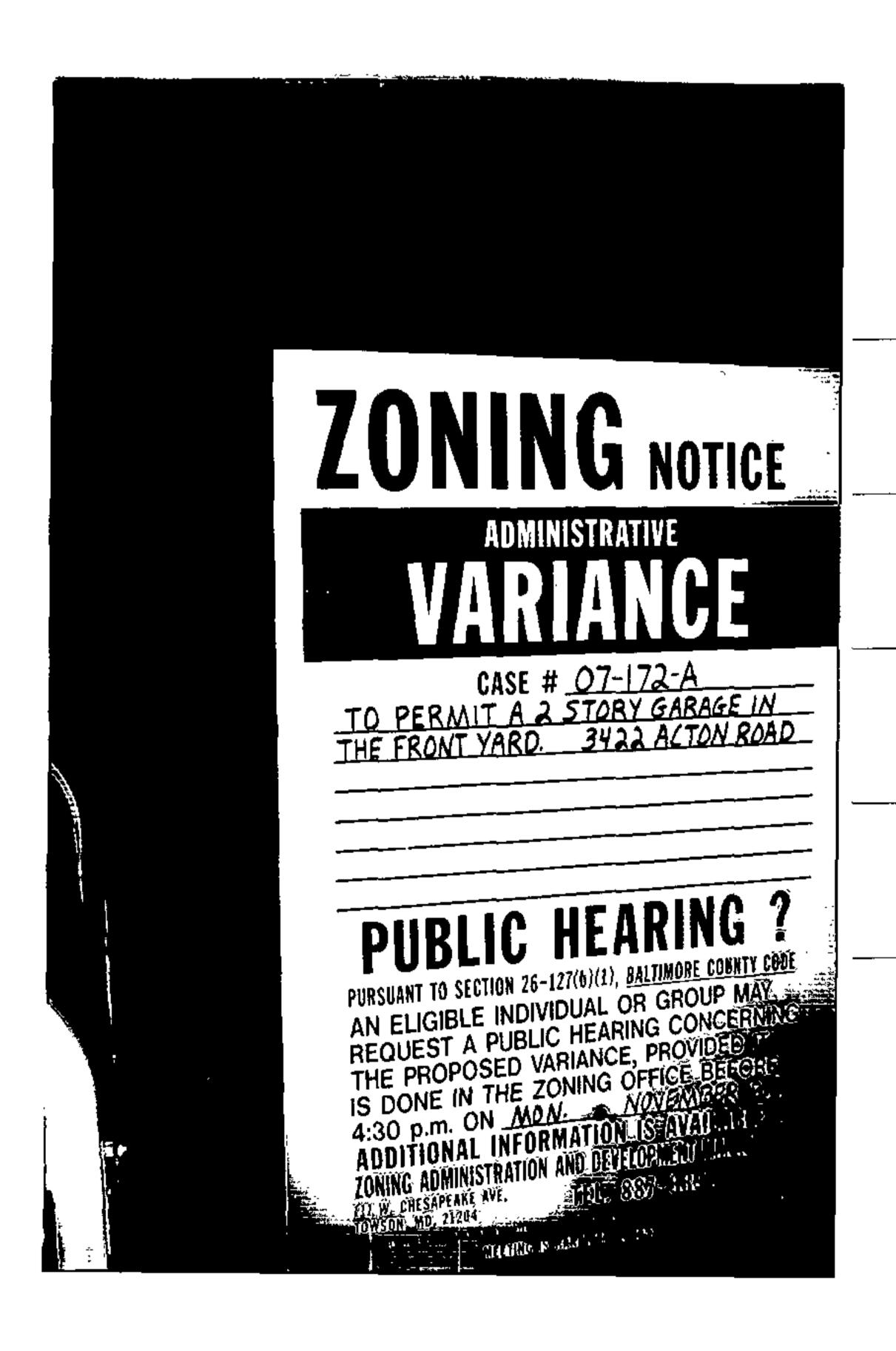
Case Number: 07-172-A

Petitioner/Developer: JOSEPH A. LATTANZI

Date of Hearing (Closing): 11/13/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 3422 ACTON ROAD

The sign(s) were posted on: 10/28/06



Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley Maryland 21030

(City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

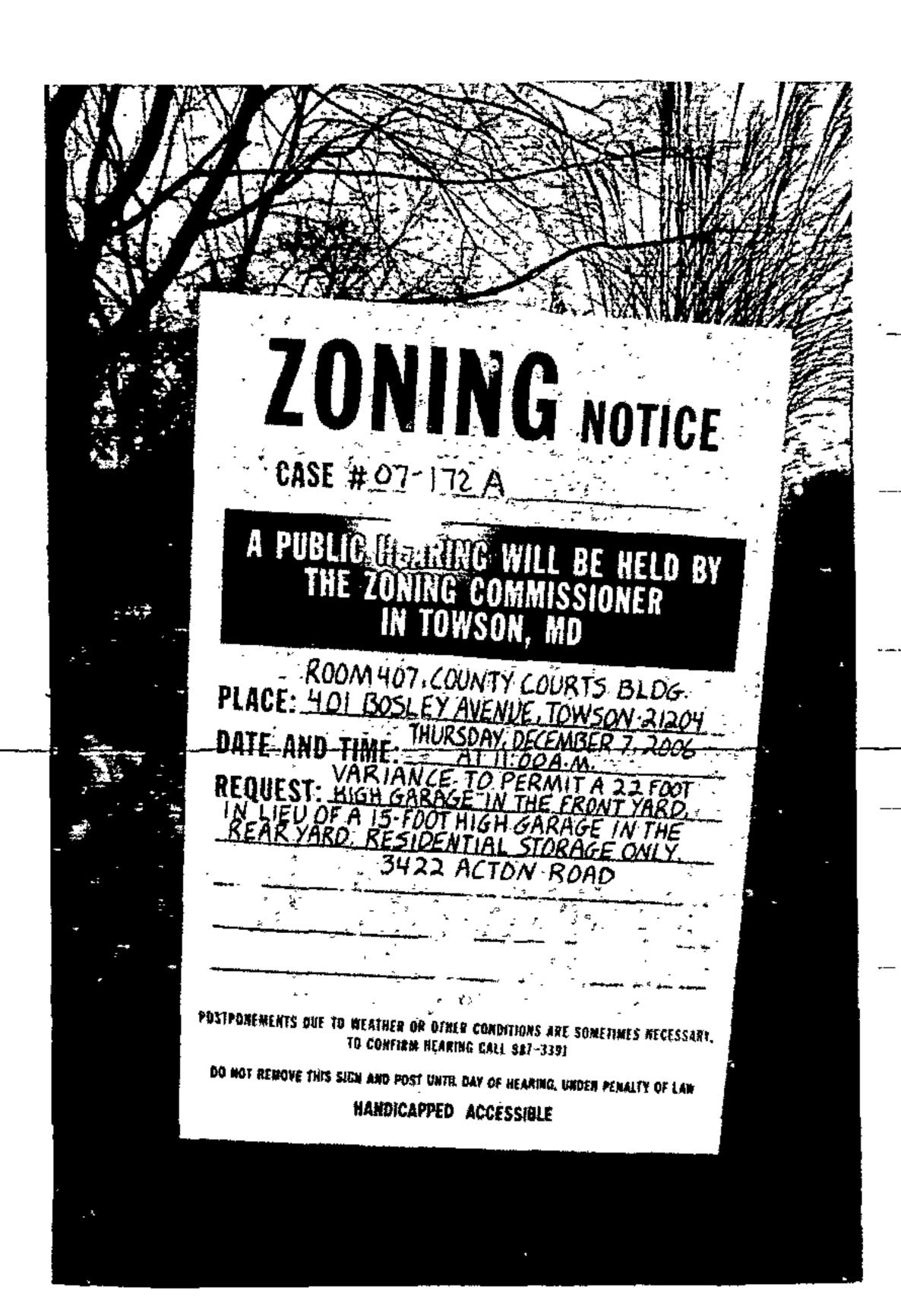
Case Number: 07-172-A

Petitioner/Developer: JOE LATTANZI

Date of Hearing (Closing): 12/07/06

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 3422 ACTON ROAD

The sign(s) were posted on: 10/22/06



(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City, State, Zip Code of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

RECEIVED
NOV 28 2006

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

November 16, 2006

CORRECTED NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-172-A

3422 Acton Road

N/west side of Acton Road, 130 feet s/east of centerline of Hallmark Circle

14th Election District – 6th Councilmanic District

Legal Owner: Joseph A. Lattanzi

<u>Variance</u> to permit a 22-foot high garage in the front yard, in lieu of a 15-foot high garage in the rear yard. Residential storage only.

Hearing: Thursday, December 7, 2006 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Joseph Lattanzi, 3422 Acton Road, Parkville 21234 Ralph Rothwell, 7508 Eastern Avenue, Baltimore 21224

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 23, 2006.
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

November 14, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-172-A

3422 Acton Road

N/west side of Acton Road, 130 feet s/east of centerline of Hallmark Circle

14th Election District – 6th Councilmanic District

Legal Owner: Joseph A. Lattanzi

<u>Variance</u> to permit a 22-foot high garage in the front yard, in lieu of a 15-foot high garage in the rear yard. Residential storage only.

Hearing: Thursday, December 8, 2006 at 11:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Joseph Lattanzi, 3422 Acton Road, Parkville 21234 Ralph Rothwell, 7508 Eastern Avenue, Baltimore 21224

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, NOVEMBER 23, 2006.
 - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, November 22, 2006 Issue - Jeffersonian

Please forward billing to:

Joseph Lattanzi 3422 Acton Road Parkville, MD 21234

443-570-5367

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-172-A

3422 Acton Road

N/west side of Acton Road, 130 feet s/east of centerline of Hallmark Circle 14th Election District – 6th Councilmanic District

Legal Owner: Joseph A. Lattanzi

Variance to permit a 22-foot high garage in the front yard, in lieu of a 15-foot high garage in the rear yard. Residential storage only.

Hearing: Thursday, December 2, 2006 at 11:00 a.m. in Room 407, County Courts Building, 40/1 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES*

Case Number 07- 172 A Address 3422 Actout Ro
Contact Person: Cotto Rese Print Your Name Phone Number: 410-887-3391
Filing Date: 10-16-06. Posting Date: 10-29-06. Closing Date: 11-13-06
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. 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.
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.
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 07- 172 -A Address 3422 Action Potitioner's Name Sosceu A. LATTONZI. Telephone
Posting Date: 16-29-06 Closing Date: 11-13-06
Wording for Sign: To Permit A 2 STOONY GARDAGE IN THE TOTON
·
1410

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 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: 07-(72-A) Petitioner:
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: 3422 Action RN 21234
Telephone Number: 443-570-53-67

Revised 7/11/05 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

November 29, 2006

Joseph A. Lattanzi 3422 Acton Road Parkville, MD 21234

Dear Mr. Lattanzi:

RE: Case Number: 07-172-A, 3422 Acton Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 16, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

u. Callahal D.

WCR:amf

Enclosures

c: People's Counsel
Mary McDonald 3413-Acton Road Parkville 21234
Ralph K. Rothwell, Jr. Maslan, Maslan and Rothwell, P.A. 7508 Eastern Avenue
Baltimore 21224



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 October 31, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 23, 2006

Item Number(s): 170 through 182

172

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



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: October 31, 2006

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

RE: Baltimore County
Item No. 7-172-A

3472 ACTON ROAD

JOSEPH A. LATTANZI ROPERTY

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-1724.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/MB

LAW OFFICES

MASLAN, MASLAN AND ROTHWELL, P.A.

7508 EASTERN AVENUE

GARY R. MASLAN
RALPH K. ROTHWELL, JR.
JENNIFER M. PECHULIS, ASSOCIATE

BALTIMORE, MARYLAND 21224

(410) 282-2700 FAX: (410) 282-3336 M. MICHAEL MASLAN (1911 - 1996)

November 10, 2006

William J. Wiseman, III, Zoning Commissioner Baltimore County Zoning Office 111 W. Chesapeake Avenue Mailstop 1105 Towson, MD 21204

Re:

3422 Acton Road Case No. 07-172-A

Dear Commissioner Wiseman:

Please be advised that I have been retained to represent Mary McDonald, resident at 3413 Acton Road, a neighbor of the property which is the subject of the above captioned variance request. I am writing to express her opposition to the variance requested and to ask that the matter be set for a public hearing as required by law so that protestants may appear and register their protests. Her concerns involve the use of the property for the operation of a commercial enterprise and the construction of a structure out of place for the character of the neighborhood. I thank you for your attention.

Very truly yours,

Ralph K. Rothwell, Jr.

RKR,JR:spr

ce: Mary McDonald

RECEIVED

MOV 13 ZE

Per....



FORMAL DEMAND FOR HEARING,

CASE NUMBER: 07-172-A Address: 3422 Actou Rd Petitioner(s): La Manzi
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: NAME ROLL ROTH WELL Attorney for Name Type or Print of - Protestant (DLegal Owner OR () Resident of
Address City State Zip Code 410282-2700-Attorney Telephone Number
which is located approximately
Signature Date
Signature Revised 9/18/98 - wcr/scj



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and November 14. 2006

Joseph Lattanzi 3422 Acton Road Parkville, MD 21234

Dear Mr. Lattanzi:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 07-172-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand concerning the above-proposed administrative procedure.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact at 410-887-3391.

Very truly yours,

U. Callibal)

W. Carl Richards, Jr. Supervisor Zoning Review

WCR:klm

C: Ralph Rothwell, 7508 Eastern Avenue, Baltimore 21224

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

$T \cap A$.	
TO.	
10.	

Timothy M. Kotroco, Director

DATE: October 26, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

7-172 -Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard with a height of 22 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Reviewed by:	 	
Section Chief:	<u></u>	

AFK/LL: CM



DEC 0 6 2006

TENNING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: October 26, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 30, 2006

Item Nos. 07-170, 171, 172, 174, 175, 176, 177, 178, 179, 180, 181. and 182

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-10262006.doc



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner:

December 26, 2006

JOSEPH A. LATTANZI 3422 ACTON ROAD PIKESVILLE MD 21234

Re: Petition for Administrative Variance – formal hearing Case No. 07-172-A
Property: 3422 Acton Road

Dear Mr. Lattanzi:

Enclosed please find the decision rendered in the above-captioned case.

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

JVM:pz Enclosure

c: Ralph K. Rothwell, Jr., Esquire, Maslan Maslan & Rothwell, 7508 Eastern Avenue, Baltimore MD 21224 Ruth Baisden, 7706 Oak Avenue, Parkville MD 21234 Mary McDonald, 3413 Acton Road, Parkville MD 21234 Charles Chenowith, 3 Stanrock Court, Parkville MD 21234



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Design Consultation by appointment . 410.529.0037 . Baltimore, Maryland

* the team



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Sales Structures: III Type of Business: A,B,E

Products Produced or Sold: 1,13

JOHN VASILIQU LANDSCAPE DESIGN 7516 BELMONT AVE. BALTIMORE, MD 21224 Tel (410)288-3703, PDL-1376

Sales Structures: II Type of Business: D

Products Produced or Sold: 1,7,8,10,12

JONES TREE FARM **GORDON JONES** 16500 OLD YORK ROAD **MONKTON, MD 21111**

Tel (410)771-4283, Fax (410)472-3467; NIC-268

Sales Structures: I Type of Business: A

Products Produced or Sold: 4

K & C GROUNDS MAINTENANCE INC. KURT HUPPERT 213 SHERWOOD ROAD COCKEYSVILLE, MD 21030

Tel (410)666-1200, PDL-1428 Sales Structures: Ill Type of Business: D

Products Produced or Sold: 2,7,8,10,12

K MART CORP. #3146 222 N. POINT BLVD. BALTIMORE, MD 21224 PDL-591-15 Sales Structures: III

Type of Business: B

Products Produced or Sold: 1,2,7

K MART CORP. #3167 5760 WABASH AVENUE BALTIMORE, MD 21215

PDL-591-17 Sales Structures: III

Type of Business: B Products Produced or Sold: 1,2,7 K MART CORP. #3229 5100 SINCLAIR LANE BALTIMORE, MD 21206

PDL-591-9

Sales Structures: III Type of Business: B

Products Produced or Sold: 1,2,7

K MART CORP. #3256 89800 WALTHAM WOODS ROAD

BALTIMORE, MD 21234

PDL-591-21 Sales Structures: III Type of Business: B

Products Produced or Sold: 1,2,7

K MART CORP. #3517 7911 BELAIR ROAD BALTIMORE, MD 21236

PDL-591-3

Sales Structures: III Type of Business: B

Products Produced or Sold: 1,2,7

KAK, INC. T/A OUTDOOR EXPRESSIONS KEITH A. KRATZ 19701 OLD YORK RD. WHITE HALL, MD 21161 Tel (410)343-0575, PDL-911 Sales Structures: I,III Type of Business: A,B,D,E

Products Produced or Sold: 1,7,8,10

KINGSDENE NURSERIES, INC. JOHN E. MAYS 16435 YORK ROAD MONKTON, MD 21111 Tel (410)343-1150, Fax (410)804-2380; PDL-568

Sales Structures: III Type of Business: A,B,D,E

Products Produced or Sold: 1,2,3,4,6,7,8,9

L & R LANDSCAPING, INC. SCOTT ROBINSON 6920 GREENSPRING AVE. PIKESVILLE, MD 21209 Tel (410)828-4963, Fax (410)592-8963;

PDL-709

Type of Business: D

Products Produced or Sold: 1,7,8

LANDSCAPE MANAGEMENT ASSOCIATES.

INC.

EUGENE F. ELLIS 1620 W. 41ST STREET BALTIMORE, MD 21211 Tel (410)323-4847, PDL-743 Sales Structures: III

Type of Business: D

Products Produced or Sold: 1,7,8,12

LANDSCAPING CREATIVE WAYS, LLC LEWIS CARTER WORNOM 130 MARBURTH AVE. TOWSON, MD 21286 Tel (410)825-7181, PDL-1493 Sales Structures: III

Type of Business: D

Products Produced or Sold: 1,7,12

LATTANZI'S LAWN & LANDSCAPE SERVICE, INC. JOSEPH LATTANZI 3422 ACTON ROAD PARKVILLE, MD 21234-4833 Tel (410)529-0037, PDL-1307 Sales Structures: Ill Type of Business: D

LAZO LANDSCAPING CORP. 930 MIDDLE RIVER ROAD BALTIMORE, MD 21220 Tel (410)780-0870, Fax (410)780-0871;

Products Produced or Sold: 7,10,12

PDL-1480

Sales Structures: III Type of Business: D

LERCH BROTHERS LAWN & LANDSCAPE

CQ.

JOHN LERCH 409 IVY CHURCH ROAD TIMONIUM, MD 21093 Tel (410)825-8644, PDL-1211

Sales Structures: Il Type of Business: D

Products Produced or Sold: 1,7,8,12

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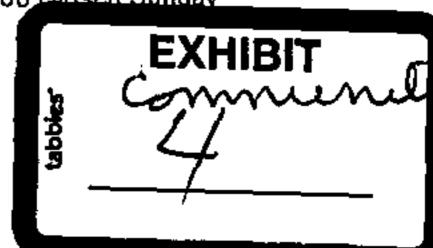
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Clear Choice USA of Baltimore 1510 Caton Center Drive, Suite C Halethorpe, MD 21227 We have two telephone numbers that I would like to include in the segment: 410-242-0102 301-271-0203 www.clearchoice-usa.com





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landscape projects which compliment the architechture of the home, and extend useable living space outside. We design and install plantings, trees & shrubs, Perennials & groundcovers, Patios, walls and walkways, ponds, fountains, lighting, firepits, arbors, pergolas, decks, steps, lawns, just about anything outside the home. 3. WE can be reached at 410 529-0037. As we work from a home office, we prefer not to disclose our address to the general public. Visit their website at http://www.lattanzilandscapes.com or e-mail them at: lattanzilandscapes@comcast.net

Petition

The undersigned is opposed to the requested variance at 3422 Acton Road, (case # 07-172-A) which would permit a 22 foot high garage in the front yard in liew of a 15 foot high garage in the rear yar also

Opposed to subdivide 3422 Acton Road into two (2) lots (pmd-06-135 M

NAME	ADDRESS		PHONE #
George W Thomas	3416 Acton Rd	Bolto MD 21234	410 661-0793
Adolene Thomas	a (c	<u> </u>	· · · · · · · · · · · · · · · · · · ·
Mark Claserie	8414 Hillman	Circ Balto MU at 254	410-665-8816
PARIMO / Herenie.	8418 HALLMAG	216 CIDOLO BANK 2	1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
JONN AINSLEY	8416 HALLMAR	K CIRCLE, BOLTO N	1X) 21284 410 868 7860
Michelle Atnology	8416 Hall mars	n wide Baltomo.	21234 410-003-057
John Davis			My 21234 410-668-1538
Borbara Dans		cle Baltimore, MB:	
Stacey Corso	8420 Hallmark	circle Baitimore mo	1.21234 410-882-0907
Paul Cino	8420 Hallmark		10 21234 410 882-0907
MARGE RICCI	3418 ACTON	RD BAST MORE MI	0 21234 410661 624
PINGLIP GENTICE	3419 ACTUAL	RD BALTOMORE NI	0 21234 41066855
KIMORI WILLDRIAS	3501 40	RAC COURT N	n21234-410-663-
Barners Benkowski	34 11 Actor	x Rel 21234	Aw. 668.9030
FINLLIA GENTICE KIMOAI MILOANAS BENYOWSKI HARY MCDONSIO	3412 Acro	ven 21234	410 6618828
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EXHIBIT Common

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= NAME	E NUMBER	
CASE	CASE	DATE

SITIZEN'S SIGN-IN SHEET

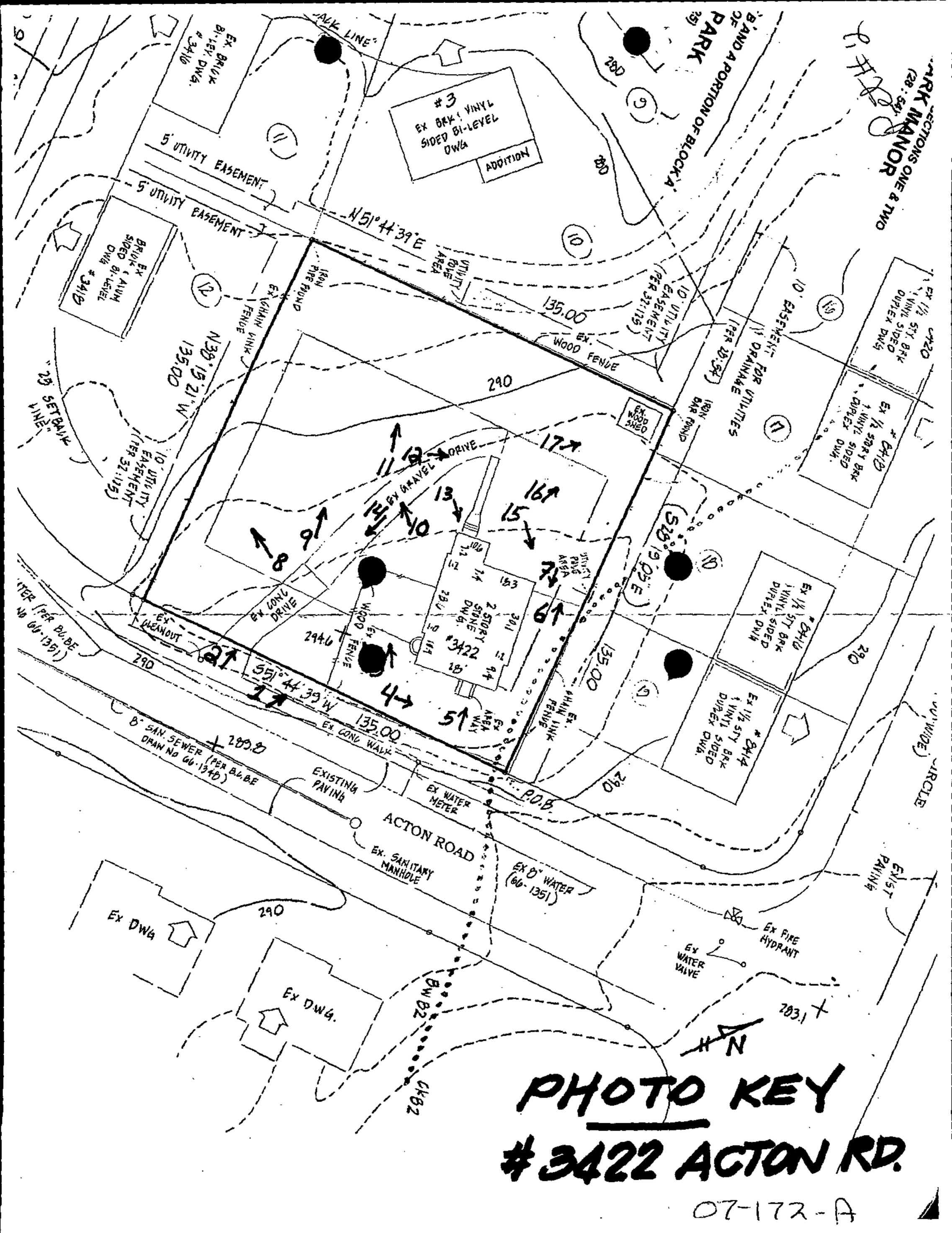
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CITY, STATE, ZIP	422 R	21234 900	21234	21234									
ADDRESS	7 (58 Easten Ave	Trolo Cale are	3413 ACTON 120	tanrock									
NAME	V.1-5-41	N By	3	cs Chembu									

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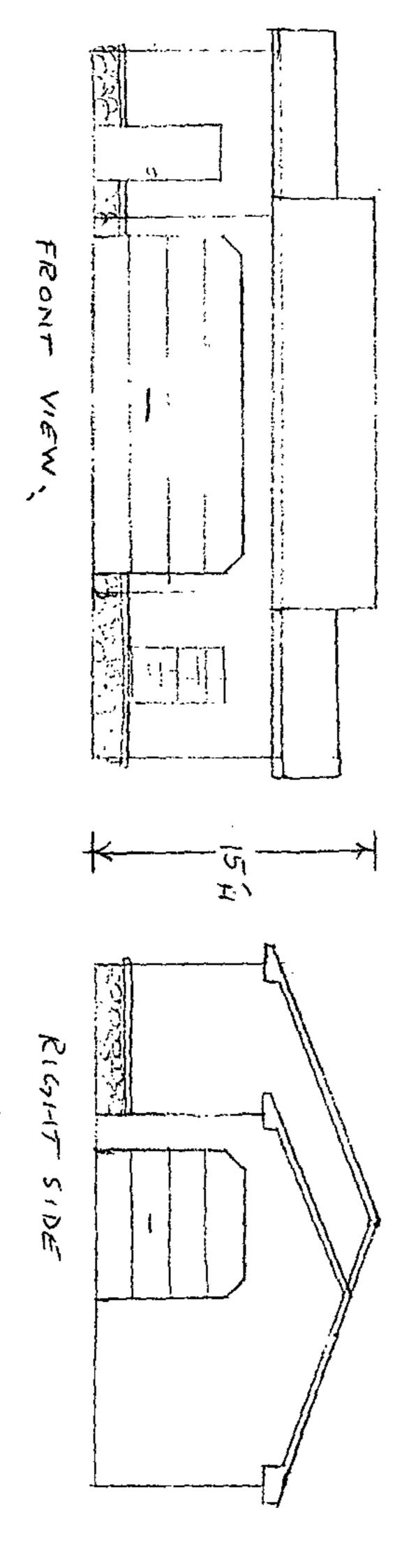
CASE NUMBER 02.122.1

PETITIONER'S SIGN-IN SHEET

E- MAIL 10 Ma 1234 N STATE, ZIP MN ADDRESS NAME



PLAN VIEW

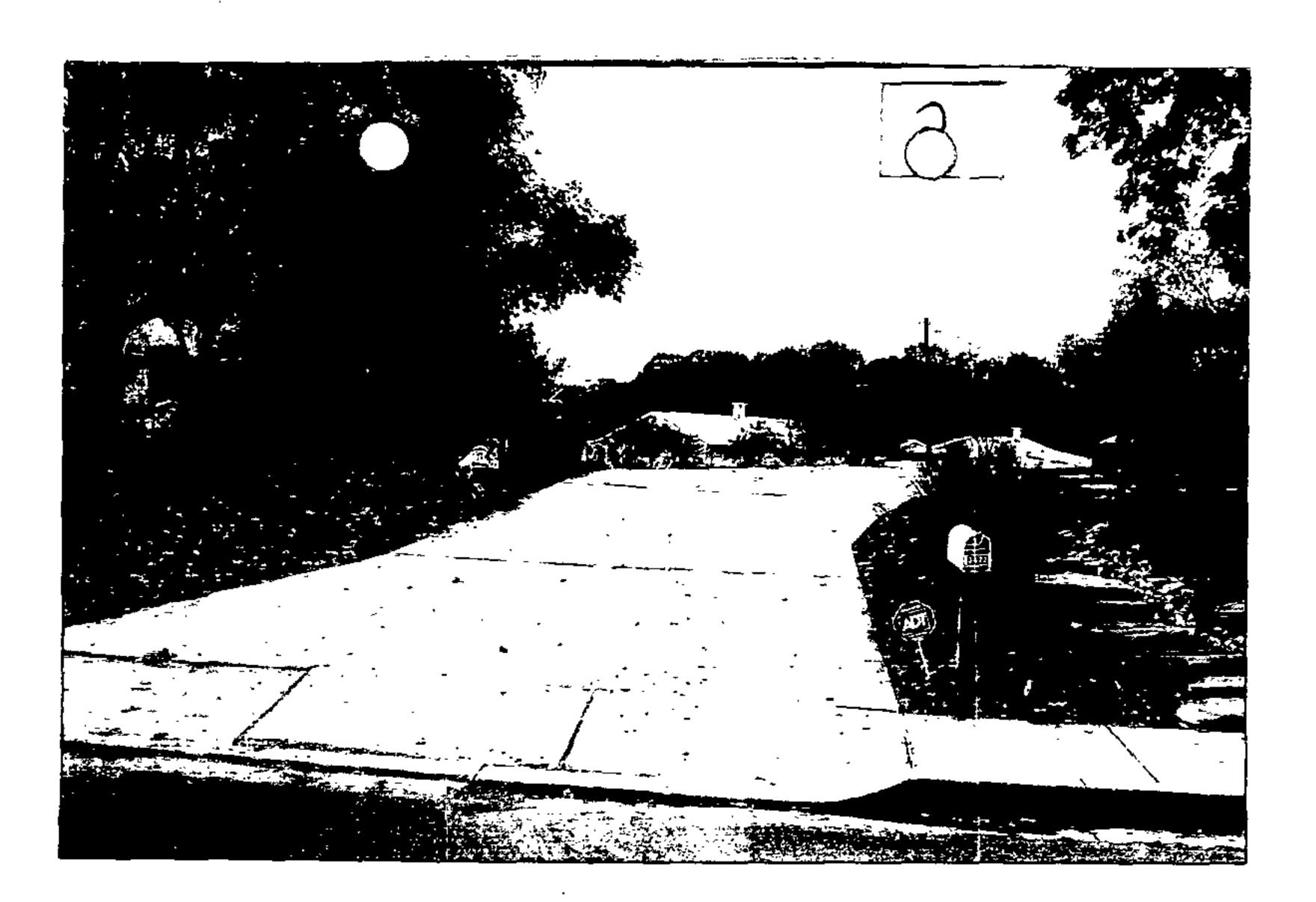


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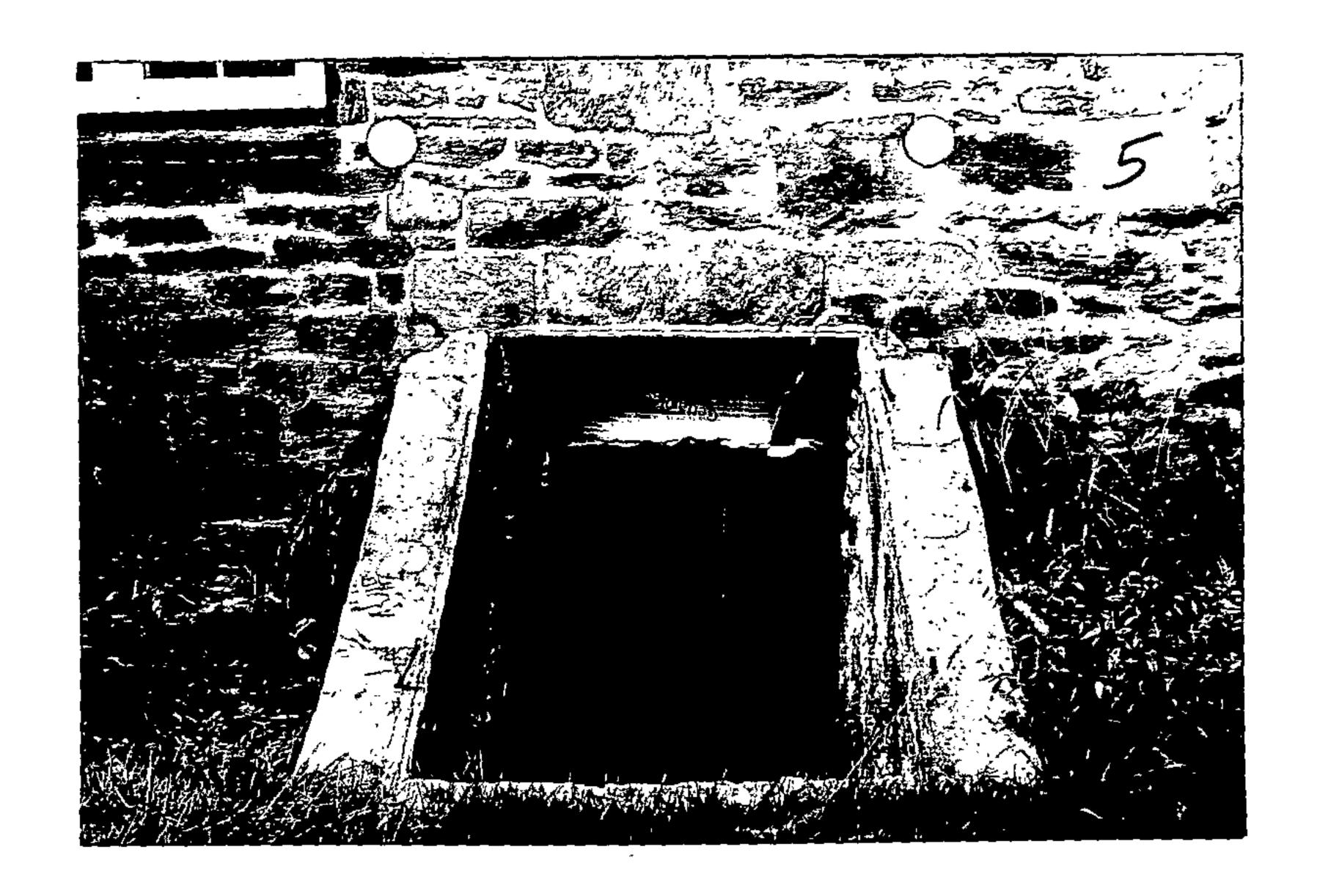
BALTIMORE COUNTY

Zoning Commissioner's Office 401 Bosley Avenue, Suite 405 County Courts Building Towson, Maryland, 21204 Protest C









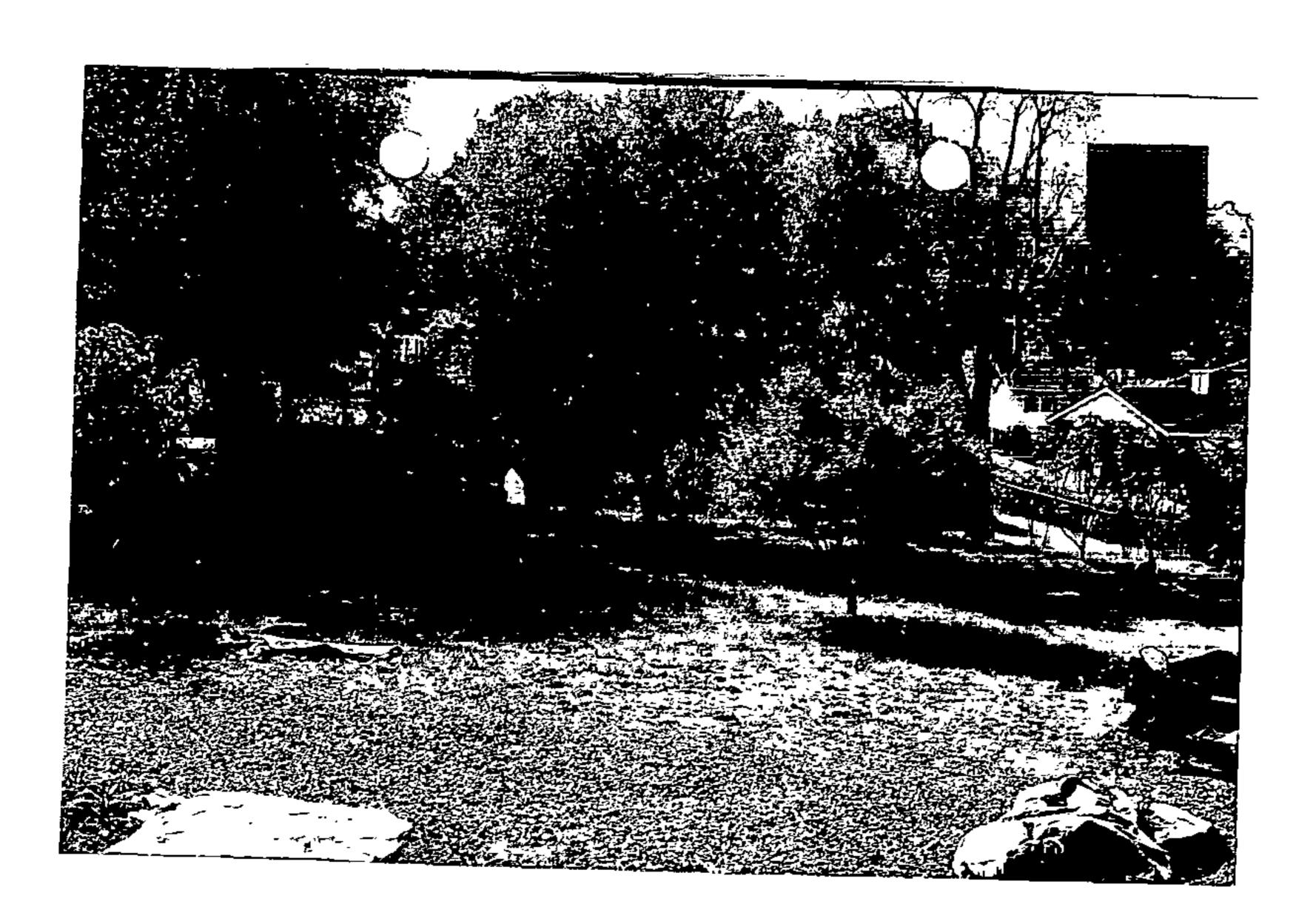


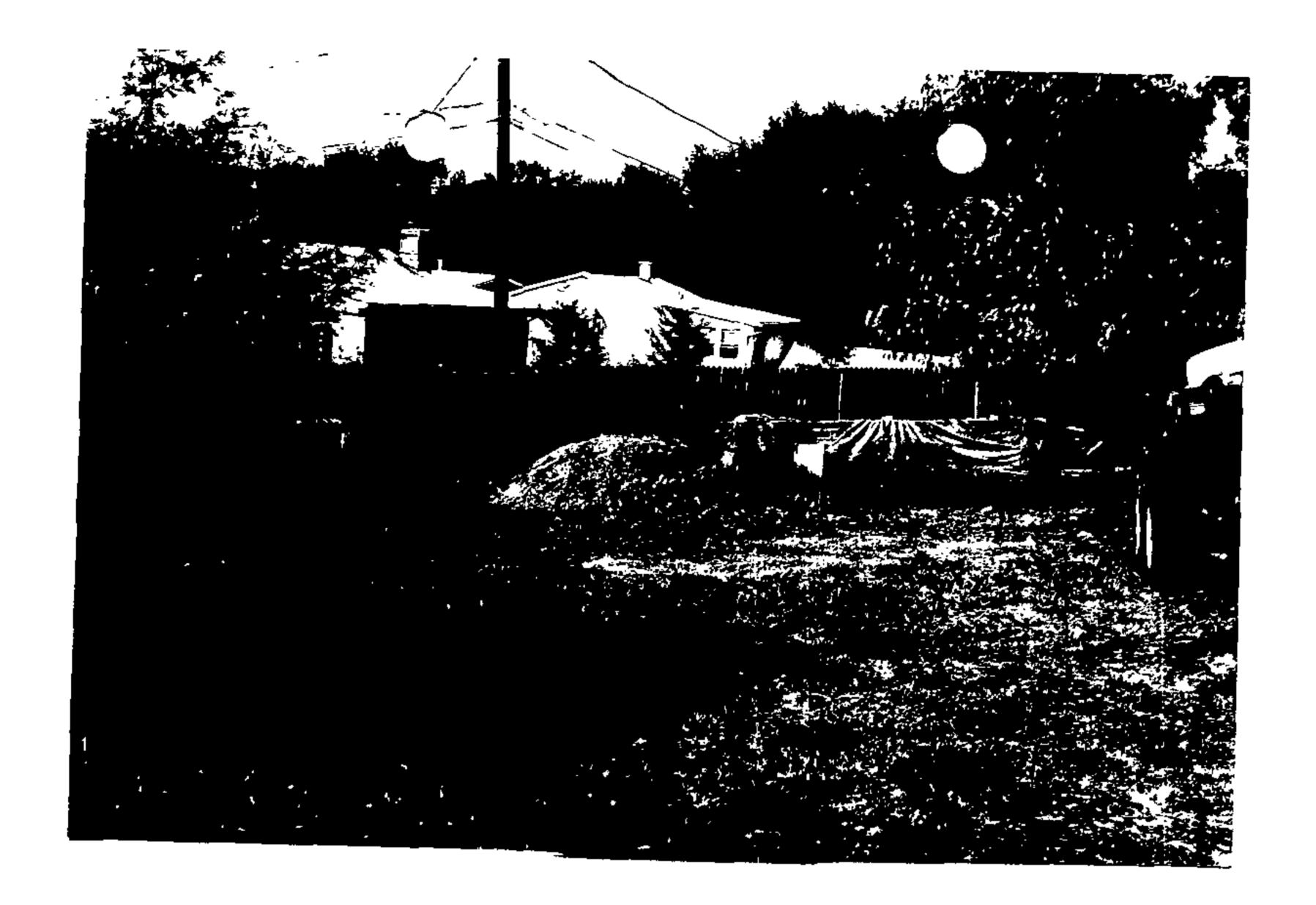




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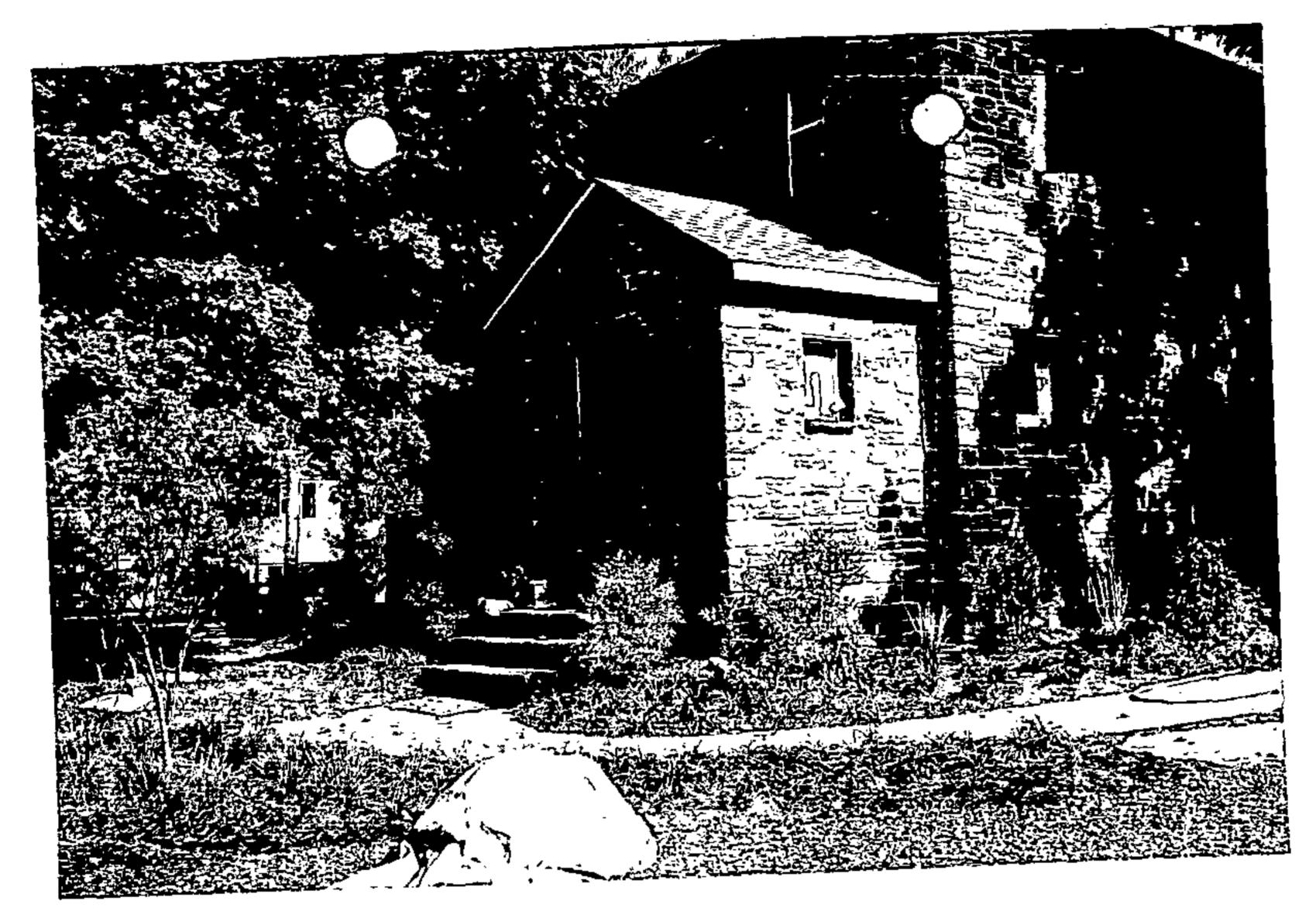






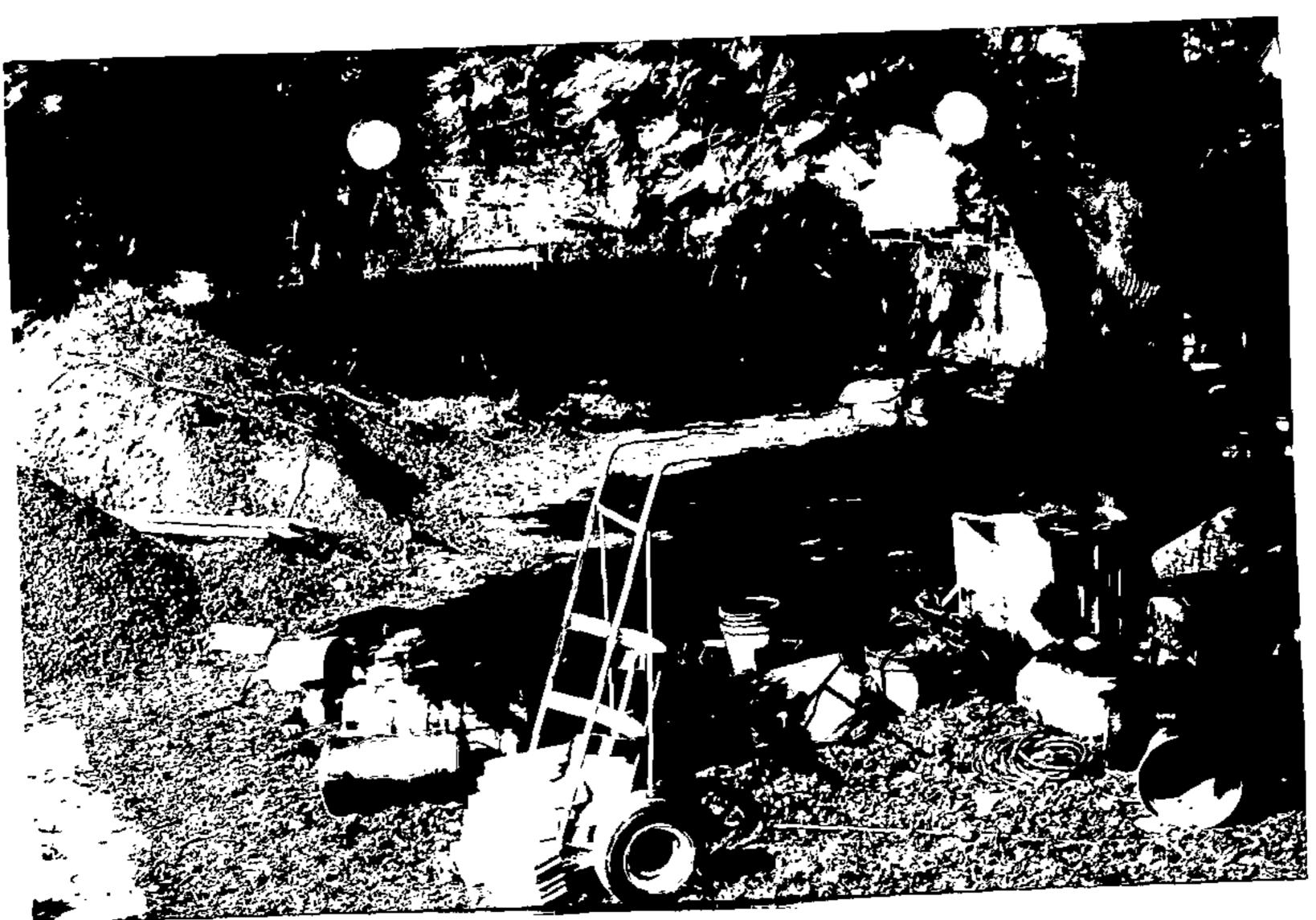


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







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