IN RE: PETITION FOR ADMIN. VARIANCE
S side Georgia Bell Court, 198 feet S of
C/l Georgia Bell

C/l Georgia Bell 11th Election District

5th Councilmanic District

(6 Georgia Bell Court)

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

Alvin M. and Barbara L. Sanico Petitioners

* CASE NO. 07-408-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, Alvin M. and Barbara L. Sanico. The variance request is for property located at 6 Georgia Bell Court. The variance request is from Sections 259.9.B.4.e(i) and 301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a 30-foot rear setback in lieu of the required 37.5 feet and to amend the Final Development Plan for "Forge Landing" Lot 41. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners

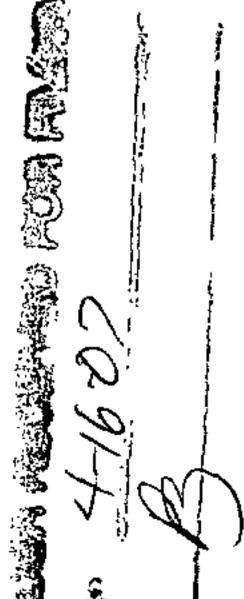
Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Office of Planning dated April 4, 2007. That Office does not oppose the request as surrounding residences have existing open projection decks similar to the one proposed.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 25, 2007 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.

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 16 day of April, 2007 that a variance from Sections 259.9.B.4.e(i) and

Albours.

301.1A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a 30-foot rear setback in lieu of the required 37.5 feet and to amend the Final Development Plan for "Forge Landing" Lot 41 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.

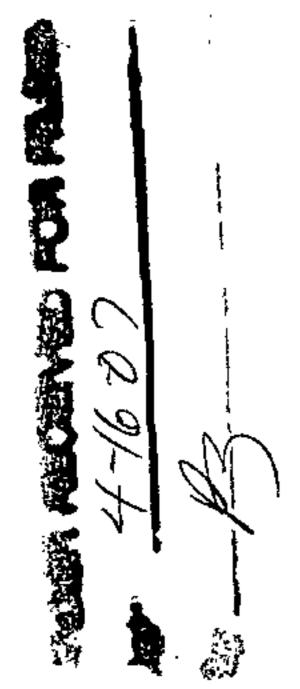
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

April 16, 2007

ALVIN M. AND BARBARA L. SANICO 6 GEORGIA BELL COURT PERRY HALL MD 21128

> Re: Petition for Administrative Variance Case No. 07-408-A Property: 6 Georgia Bell Court

Dear Mr. and Mrs. Sanico:

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,

John V. Murphy

Deputy Zoning Commissioner

Jan V. mustly

for Baltimore County

JVM:pz

Enclosure

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	6	GEORGIA	BELL COURT	•
	Address			
	PERRY	HALL	MP	21/28
	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):

THE PROPOSED DESIGN OF THE DECK

ALLOWS OPTIMAL FUNCTIONALITY OF

THE SPACE, ESPECIALLY GIVEN THE

LIMITED USE OF THE GROUND SPACE

DUE TO ITS DOWNWARD SLOPE.

That the Affiant(s) acknowledge(s) that if a formal deradvertising fee and may be required to provide additional	mand is filed, Affiant(s) will be required to pay a reposting and information.
Signature AUN SANGO	Signature BARBARA L. SAVICO
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to I HEREBY CERTIFY, this day of Manyland, in and for the County aforesaid, personally a ALVIN SANICO and One	wit: ,
the Affiant(s) herein, personally known or satisfactorily id	
AS WITNESS my hand and Notarial Seal	Notary Public My Commission Expires 4/1/09
REV 10/25/01 ラステロー	•



CASE NO. 07-408-A

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6 GEORGIA BELL COURT which is presently zoned 0R 3.5-H

I/We do solemnly declare and affirm, under the penalties of

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) 259.90.4.6(i), 301.19. (BCZR)

TO PERMIT AN OPEN PROJECTION (DECK) WITH A BO-FOOT REAR SETBACK IN LIEU OF THE REQUIRED 37.5-FEET AND TO AMEND THE F.D.P. FOR "FORGE LANDING", LOT 41.

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: WORK PH: SANICO ALVIN 410 - 583-8393 Name - Type or Print Name - Type or Print WORK PH: Signature Signature BABBARA L. SANICO <u>443 - 2</u>63 -Name - Type or Frint Telephone No. Address Zip Code Signature State City HOME: 410-248-0095 GEORGIA BELL COURT Attorney For Petitioner: Telephone No. Address 2/128 PERRY HALL MP State Zip Code Name - Type or Print Representative to be Contacted: Signature Name Company Telephone No. Telephone No. Address Address Zip Code State Zip Code City State City 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 day of regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Battimore County

Reviewed By ___

Estimated Posting Date

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

GEORGIA BELL COURT Address

PERRY HALL MD
State

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):

> THE PROPOSED DESIGN OF THE DECK ALLOWS OPTIMAL FUNCTIONALITY OF THE SPACE, ESPECIALLY GIVEN THE LIMITED USE OF THE GROUND SPACE TO ITS. DOWNWARD SLOPE.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Name - Type or Print

Signature

BARBARA L. SANICO

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this //

day of of Maryland, in and for the County aforesaid, personally appeared before me, a Notary Public of the State

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

AS WITNESS my hand and Notarial Seal

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of 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

for the property located at	6	GEOR GIA	BELL	COURT	
		esently zoned			

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) 259.96.4.8(i), 301.14. (BCZR)

TO PERMIT AN OPEN PROTECTION (DECK) WITH A 30-FOOT REAR SETBACK IN LIEU OF THE REQUIRED 37.5-FEET AND TO AMEND THE F.D.P. FOR "FORGE LANDING", LOT 41.

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.

•			is the subject	t of this Petition.	, ,	•
Contract Purch	aser/Lessee:		<u>Legal Ow</u>	ner(s):	•	WORK PH
<u></u>			ALVIN Name - Type	M. SAN	(CO 4	10-583-8393
Name - Type or Print			Name - Type	or Print		
Signature			Signature			WORK PH:
			BARB	AMA L. S	ANICO 4	143-263-7304
Address		Telephone No.	Name - Type	or Print	-	
City	State	Zip Code	Signature			HOME
Attorney For Pe	etitioner:			EORGIA BE	TU COURT	
			Address			Telephone No.
Name - Type or Print			City	RY HALL	MD State	21/28 Zip Code
,,,			•	tative to be C	ontacted:	•
Signature			110010301	tative to be o	ontaotea.	
Company	<u> </u>		Name	<u></u>		_ ·
Address		Telephone No.	Address			Telephone No.
City	State	Zip Code	City		State	Zip Code
this day of	ving been formally demande that re County and that the propert	at the subject matter of	f this petition be set f	or a public hearing,	advertised, as requ	Baltimore County, ired by the zoning
CASE NO.	07-408-A	Re	eviewed ByD	· T . To	ate	07_
DEM 40/05/04	OUR RECEIVED A	Es	timated Posting	Date	3/28/07	······································
ì	トルートリ					
Registration of the second	<u> </u>				•	

ZONING DESCRIPTION For 6 Georgia Bell Court Perry Hall, MD 21128

Beginning at a point on the	SOUTH	side of			
Georgia Bell Court which is	50	feet wide at the			
distance of 198	feet Sout	of the			
centerline of the nearest improve	ved intersecting street	ĞEDRGIA			
BELL DR. W	hich is55 (wide.			
Being Lot # 41, no Section spec	cified, in the subdivision of I	Forge Landing, as recorded			
in Baltimore County Plat Book #4, Folio #38 containing 0.247 acres. Also known as					
6 Georgia Bell Court, Perry Ha	ll, MD and located in the 11	h Election District,			
5st Councilmanic District.					

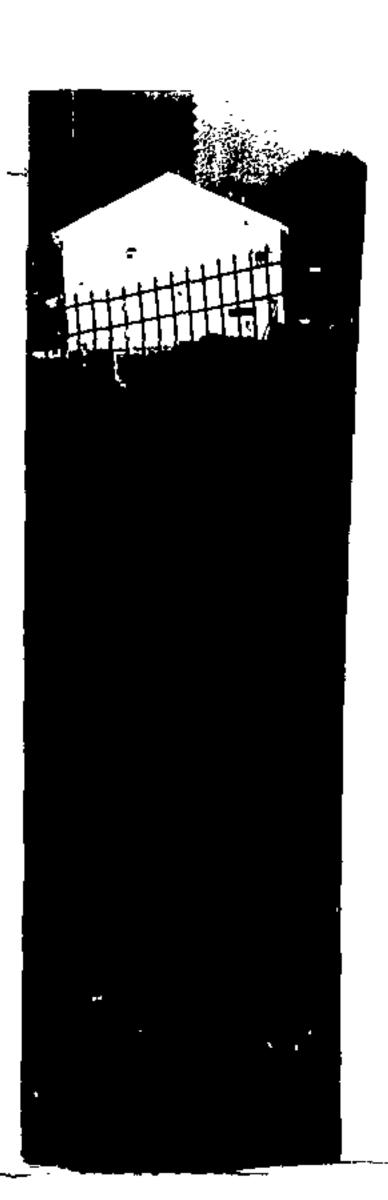
PATE PETER THE	FLILLING C. CLINICA CO. C.	CASHIER'S VALIDATION		
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET, & FINANCE MISCELLANEOUS, RECEIPT DATE \$\int(2)\infty\) ACCOUNT ACCOUNT ACCOUNT ACCOUNT \$\int(2)\infty\) ACCOUNT ACCOUNT \$\int(2)\infty\) ACCOUNT \$\int(FROM TEM # 108 07-408.	DISTRIBUTION WHITE CASHIER PINK AGENCY VELLOW CUSTOMER		

•

CERTIFICATE OF POSTING

	-	Date: March 25, 2007
RE:	Case Number: 0 4-40	8A
	Petitioner/Developer: AQ	_
.*	Date of Hearing/Closing:	4-9-07
by lav	This is to certify under the were posted conspicuous	penalties of perjury that the necessary sign(s) required y on the property located at 6 Georgia Bell C
	The sign(s) were posted o	n March 25, 2007 (Month, Day, Year)
		(Signature of Sign Poster)
		J. LAWRENCE Picson (Printed Name of Sign Poster)
A	Tach Photograph Sigh Posted On Property Here	(Street Address of Sign Poster) Parkton, Hd 21120 (City, State, Zip Code of Sign Poster)
		410-34-3-1443 (Telephone Number of Sign Poster).

Revised 3/1/01 - SCJ



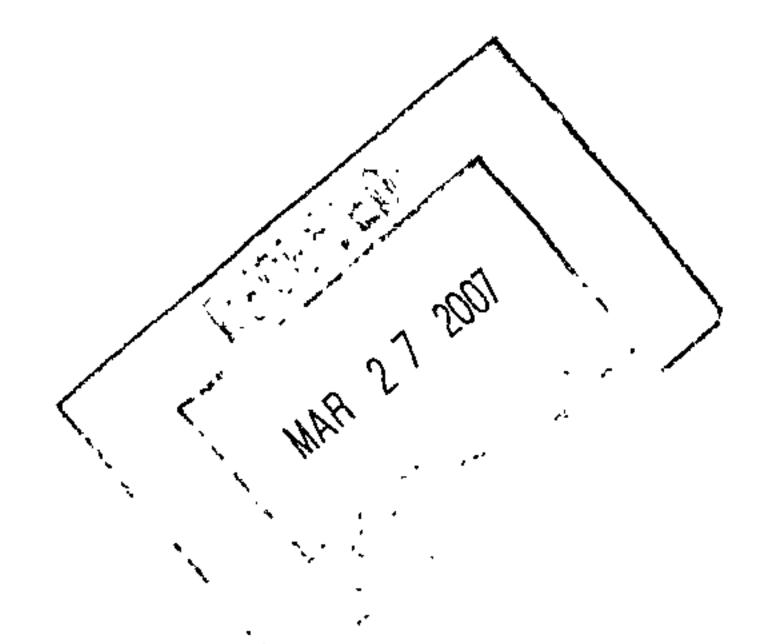
ZONING NOTICE ADMINISTRATIVE

CASE # 07-408-A
PERMIT AN OPEN PROJECTION PECK, WITH A 30-FOOT REAR SETBACK IN LIEUUF

THE REQUIRED 37.5 FEET AND TO AMEND THE FOR FOR FORGE LANDING LOT HE

PUBLIC HEARING? TION 26-127(b)(1), BALTINORE COUNTY





ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

					
Case Number 07- 108 -A Address 6 GEORGIA BELL CT.					
Contact Person: DONNA THOMPSON Phone Number: 410-887-3391					
Filing Date: 3/13/07 Posting Date: 3/25/07 Closing Date: 4/9/07					
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- 408 -A Address 6 GEORGIA BELL CT					
Petitioner's Name SANICO Telephone HIO-248-0095					
Posting Date: 33507 Closing Date: 4907					
Wording for Sign: To Permit AN OPEN PROTECTION (DECK.) WITH A 30-FOOT					
REAR SETBACK IN LIEU OF THE REQUIRED 37.5-FEET AND TO					
AMEND THE F.D.P. FOR "FORGE LANDING" LOT 41.					
} 					

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 Newspap	er Advertising:	
Item Number o	or Case Number: 07-408-A	
Petitioner:	SANICO	
Address or Lo	cation: 6 GEORGIA BELL CT.	
PLEASE FOR	WARD ADVERTISING BILL TO: ALVIN M. SANICO	
Address:	6 GEORGIA BELL CT.	
	PERRY HALL MD 21128	<u></u>
Telephone Nu	mber: 410-248-0095	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

April 9, 2007

Alvin M. Sanico Barbara L. Sanico 6 Georgia Bell Court Perry Hall, MD 21128

Dear Mr. and Mrs. Sanico:

RE: Case Number: 07-408-A, 6 Georgia Bell Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 13, 2007.

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.

U. Cal Rohal)

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

March 15, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: March 19, 2007

Item No.: 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 405, 406, 407, 408, 409.

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.

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office (0)410-887-4880 MS-1102F

cc: File





John D. Porcari, Secretary Designate Neil I. Pedersen, Administrator

Maryland Department of Transportation

Date: MAGGU 15,2007

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

RE: Baltimore County

Item No. 7-408-A

6 GEORGIA BELL COURT

SANICO PROPERTY

ADMINISTERATIVE VARIANCE

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. 7-408-A.

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,

For Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 4, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-408- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request as surrounding residences have existing open projection decks similar to the one being proposed by the petitioner.

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/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

*

Timothy M. Kotroco, Director

DATE: March 19, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 26, 2007

Item Nos. 07-389, 390, 391, 392, 393, 394, 399, 400, 401, 402, 403, 404, 405

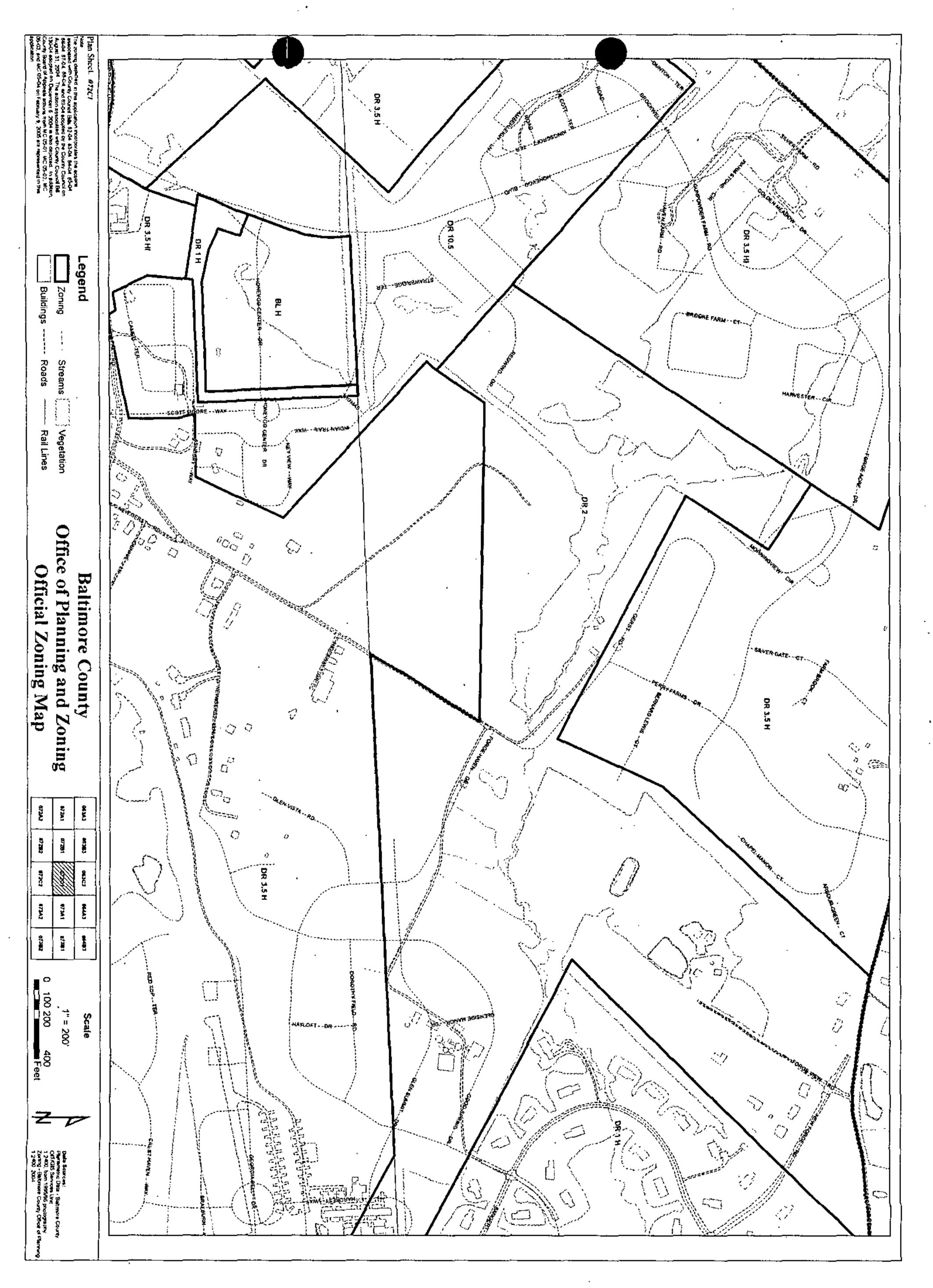
and 408)

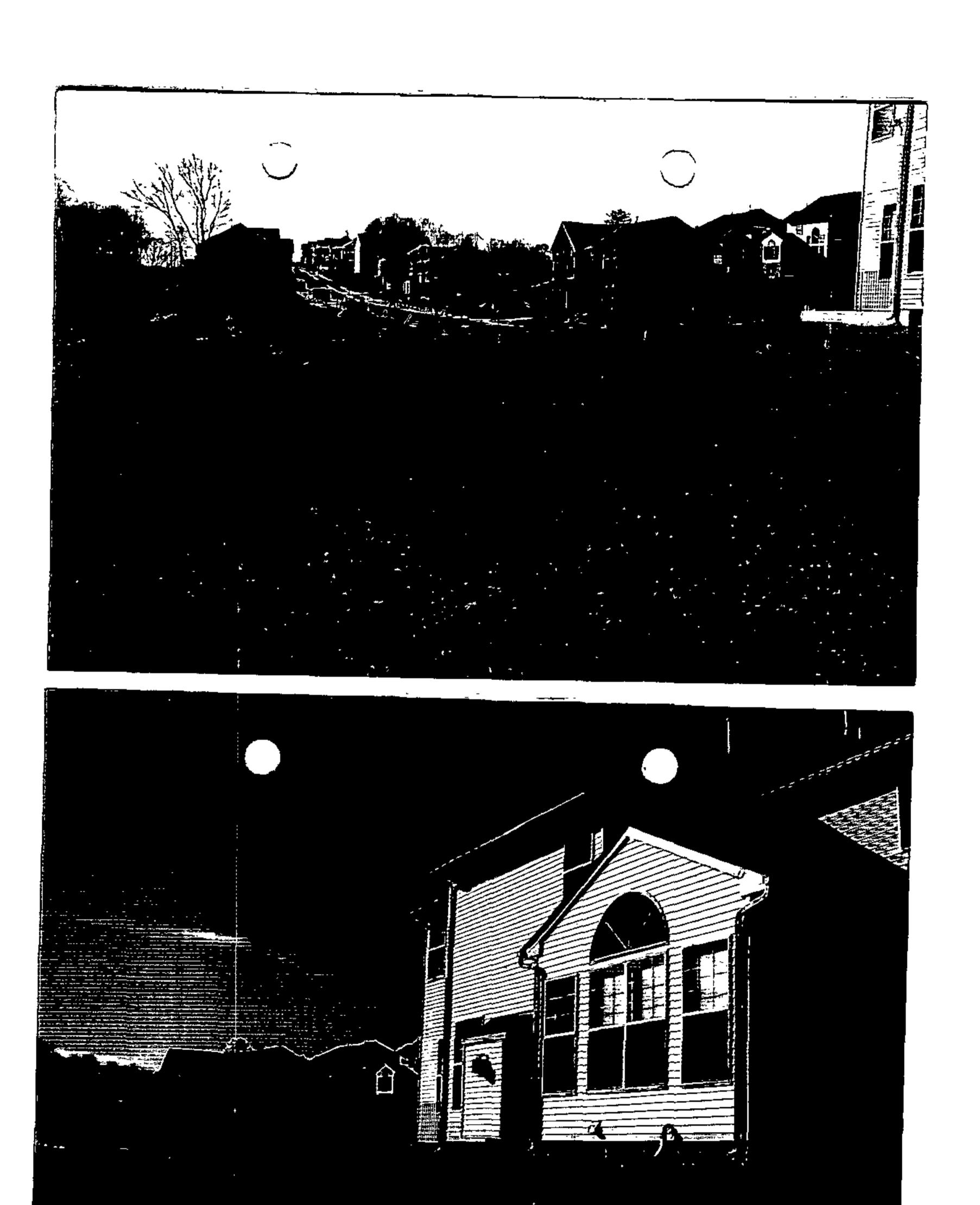
The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS-03262007.doc





_

.