IN RE: PETITION FOR ADMIN. VARIANCE
S side Conley Street, 607 feet NE c/l
Overview Street
12th Election District
7th Councilmanic District
(7259 Conley Street)

BEFORE THE

DEPUTY ZONING COMMISSIONER

* BALTIMORE COUNTY

Darren Paciocco and Daun Grover-Paciocco Petitioners

CASE NO. 07-474-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, Darren Paciocco and Daun Grover-Paciocco. The variance request is for property located at 7259 Conley Street. The variance request is from Sections 1B02.3.B and IV.C.4 "1945-1953 Regulations" of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing group house with addition to have a 17 foot, 8 inch rear yard in lieu of the required 25 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct an addition for their growing family. They love their home, the community of Eastwood is well kept and crime free, and they do not want the children to leave the school they are thriving in. The Petitioners do not want to move out of the community. Petitioners pointed out that there are several similar additions in the neighborhood.

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.

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 April 29, 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 ______ day of May, 2007 that a variance from Sections 1B02.3.B and IV.C.4 "1945-1953 Regulations" of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing Group House (more than 2 single family attached is a Group House) with addition to have a 17 foot, 8 inch rear yard in lieu of the required 25 feet 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

May 22, 2007

DARREN PACIOCCO AND DAUN GROVER-PACIOCCO 7259 CONLEY STREET BALTIMORE MD 21224.

Re: Petition for Administrative Variance Case No. 07-474-A Property: 7259 Conley Street

Dear Mr. and Mrs. Paciocco:

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

John V. Murphy

for Baltimore County

JVM:pz

Enclosure



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Zoning Commissioner of Baltimore County

Tor the proj	which is presently zoned DR 10.5
owner(s) of the property situate in Baltimore County and made a part hereof, hereby petition for a Variance from	
- • •	Sect 11:64 "45-27"0 - 5271
For Permit ANIEKISTING Broup. Ho	sect. VI. C.4 "45-53" Rogs BCZT use with Addition to have a 17',8"
earyard in lieu of the require	
* 45-53" BCZR More than 2 !	single Family AttAched = Group house)
of the zoning regulations of Baltimore County, to the zon	ning law of Baltimore County, for the reasons indicated on the back
•	•
Property is to be posted and advertised as prescribed by I, or we, agree to pay expenses of above Variance, advertising regulations and restrictions of Baltimore County adopted purs	ig, posting, etc. and further agree to and are to be bounded by the zoning \cdot
	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:	
Contract Purchaser/Lessee.	Legal Owner(s):
	Name Type or Print PACIOCCO
Name - A whe or Print	Name - Type or Print A Carien Tacaco
Signatere	Bignature accord
Signatore	Man Con ON - HUCTACIO
Address Telephone No	Name - Type of Print
• •	x Man Dorier Haciaco
City State Zip Code	Signature 7
Attorney For Petitioner:	7259 Conley Street.
	Address Telephone No.
Name Tune or Drint	Baltimore MD 21224 City State Zip Code
Name - Type or Print	
Signature	Representative to be Contacted:
orginature .	Thomas Neuwiller
Company	Name
	P.O. Box 218 410.808.657
Address Telephone No.	•
Address Telephone No. City State Zip Code	White Marsh MD 21162

Reviewed By 6

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) dò	es/do presently reside at
------------------------	---------------------------

7259 CONLEY St.

Address

BALtimore ND 21224

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): Our third child was born in July of 2005 which was maked us a family of five living in A I bedraom rowhouse built in 1955 with our youngest child now sharing our bedroom. We love our home And Appreciate our Neighbors; the Community of Eastwood is well Kem?t and crime free. We do not want our children to leave the school they are thriving in we are in need of a fourth bedroom and are willing to sacrifice A small portion of our backpard so that each of our children may grow up with their own bedroom. A four bedroom home in the suburbs is not an option in the current Real Estate Market for hard working class people. Being a cownome with no possibility of Adviring additional ground leaves me with only this placement of the Addition. We greatly appreciate your consideration.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

1,2009

REV 10/25/01

CAROL A. LONGDON
NOTARY PUBLIC STATE OF MARYLAND
My commission expries September 1, 2009

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 resid	le at 7259 Address	Conley St.	
		a MD	21224
** **	City City	State	Zip Code
That based upon personal knowledge, the Variance at the above address (indicate how wakes us AFAMINY of	e following are the fa ardship or practical d	icts upon which I/we base the rec ifficulty): סטר אאנרא באגואל	juest for an Administrative As both in body of zo
youngest child Now shoring our b	Acom Welave	wichome And Approchate or	or Neighbors; the
community of Eastwood is well	المارية المستحددة	ma Gree (1) and wat want	our children to less
the school they are thriving	A LI WA THE CIL	we file a courth bedicom	and are willing to
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That the Affiant(s) acknowledge(s) that	if a formal demand	is filed, Affiant(s) will be require	d to pay a reposting and
advertising fee and may be required to pro-	ovide additional inform	nation.	
			The Man
- Ceren Walocc	<u> </u>	Signature (Signature)	-1000000
Signature		\sim \sim \sim	
1)AKREN FACIOCC	<u> </u>		Pacrocco
Name - Type or Print	·.~ ;	Name - Type or Print	
· .			
STATE OF MARYLAND, COUNTY OF B	ALTIMORE to with		
I HEREBY CERTIFY, this 12th day of		.2007 before me, a	Naton Dublic of the State
of Maryland, in and for the County aforest	aid, personally appear		Notary Public of the State
Darran Paciocco and	· .		
the Affiarit(s) herein, personally known or	satisfactorily identifie	d to me as such Affiant(s).	<u></u>
	•		-
AS WITNESS my hand and Notarial Seal			
-1113117.7	 _	land a. Long	an
S. S	Notai	ry Public	
	My C	ommission Expires Aptimb	n 1 2005

CAROL A. LONGDON

NOTARY PUBLIC STATE OF MARYLAND

My commission exprise September 1, 2009

- _ _=:

REV 10/25/01



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	7259	Conley	Street	
		tly zoned _1		, <u>.</u>

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

perjury, that I/we are the legal owner(s) of the property which

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) | ROZ.3.3 BCZR

Sect. VI. C. 4 45-53" Regs BCZR

To permit An existing group house with Addition to have A 17'8"

(earyard in lieu of the required 25'

(# 45-53" BCZR More than 2 single family Attached = Group house)

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 of this Petition. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> Name - Whe or Print Name - Type or Print men Signature Signature Address Telephone No. Name - Type or Print Signature Zip Code State City 7259 Street Attorney For Petitioner: CONICY Telephone No. Address 21224 Baltimore ΜD Zip Code City State Name - Type or Print Representative to be Contacted: Signature Neuwillez homas Name Company 410.808.6579 P.O. BOX 218 Address Telephone No. Telephone No. Address White Marsh MD 21162 Zip Code State Zip Code 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 this regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County CASE NO. Reviewed By LCM

Estimated Posting Date

Zoning description for 7259 Conley Street

Beginning at a point on the south side of Conley Street which is 60' wide at the distance of 607' northeasterly of the center line of the nearest improved intersecting street Overview Avenue which is 60' wide. Being Lot #30, Block 7, Section 3, in the sub-division of Eastwood as recorded in Baltimore County Plat Book #GLB NO20. Folio #26 containing 1800 s.f. Also known as 7259 Conley Street and located in the 12th Election District 7th Councilmanic District.

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	RE. Case No.:	4-4
*	Petitioner/Developer:	•
	D. PACIOCCO	ETUX
	Date of Hearing/Closing:	5/14/07
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204		•
Attention:	-	
Ladies and Gentlemen:	•	
This letter is to certify under the penalties of perjoyers were posted conspicuously on the property located to the property l	,	uired by law
	4/29/07 Month, Day, Year)	•
ZONING NOTICE ADMINISTRATIVE VARIANCE CASE & CT. 474-A T2 AM SOUTH AT THE PROPERTY OF THE P	Sincerely, (Signature of Sign Poster (Signature of Sign Poster (Printed Name) (Printed Name) (Address) (Address) (City, State, Zip Cool (410) 879-317 (Telephone Number	2000 21047 de)
POSTED 4/29/07 BLAPSAPLA/29/07		

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVEL PMENT MANAGEMENT **ZONING REVIEW**

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 8 474 -A Address 7259 CONLEY ST
Contact Person: DIOTO WOXLET Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 4/17/07 Posting Date: 4/29/07 Closing Date: 5/14/07
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.
2. <u>DEADLINE:</u> 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 of 474 -A Address 7259 CONLEY ST
Petitioner's Name D. PACIOCCO ET UX Telephone 410 808 6579
Posting Date: 4/29/07 Closing Date: 5/14/07
Wording for Sign: To Permit AA EXISTING GROUP HOUSE WITH
ADDITION TO HAVE A REARYARD OF 17 8" IN LIEU
OF THE REQUIRED 25! (* 45-53"BCZR, MORE THAN TWO
SINGLE FAMILY ATTACHED = GROUP HOUSE)
WCR : Revised 6/25/04

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.



JAMES T. SMITH, JR. County Executive

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

May 14, 2007

Darren Paciocco Dawn Paciocco 7259 Conley Street Baltimore, MD 21224

Dear Mr. and Mrs. Paciocco:

RE: Case Number: 07-474-A, 7259 Conley Street

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 17, 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 guestions, please do not hesitate to contact the commenting agency.

Very truly yours,

u. Callibal) W. Carl Richards, Jr.

Supervisor, Zoning Review

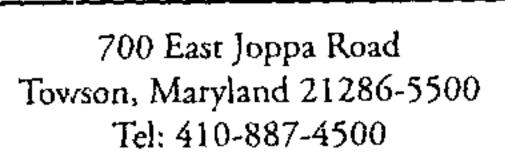
WCR:amf

Enclosures

People's Counsel C;

Thomas Neuwiller P.O. Box 218 White Marsh 21162

Fire Department







James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 May 4,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 30, 2007

Item Number: 474 475,477 and 479 through 487

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: May 3, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 7, 2007

Item Nos, 07-474, 475, 477, 478, 479, 480, 481, 482, 483, 484, 486, and 487

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-05032007.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: May 8, 2007

MAY 1 0 2007

BY:

SUBJECT:

Zoning Advisory Petition(s): Case(s) 07-474- 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 Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By

Division Chief:

CM/LL



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

Maryland Department of Transportation

Date: APRIL 30, 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. 7-474-A
7259 CONLEY STREET

PACIOCCO PROPERTY

ADMINISTERTIVE VARIABLE

John D. Porcari, Secretary

Neil J. Pedersen, Administrator

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. 7-4744.

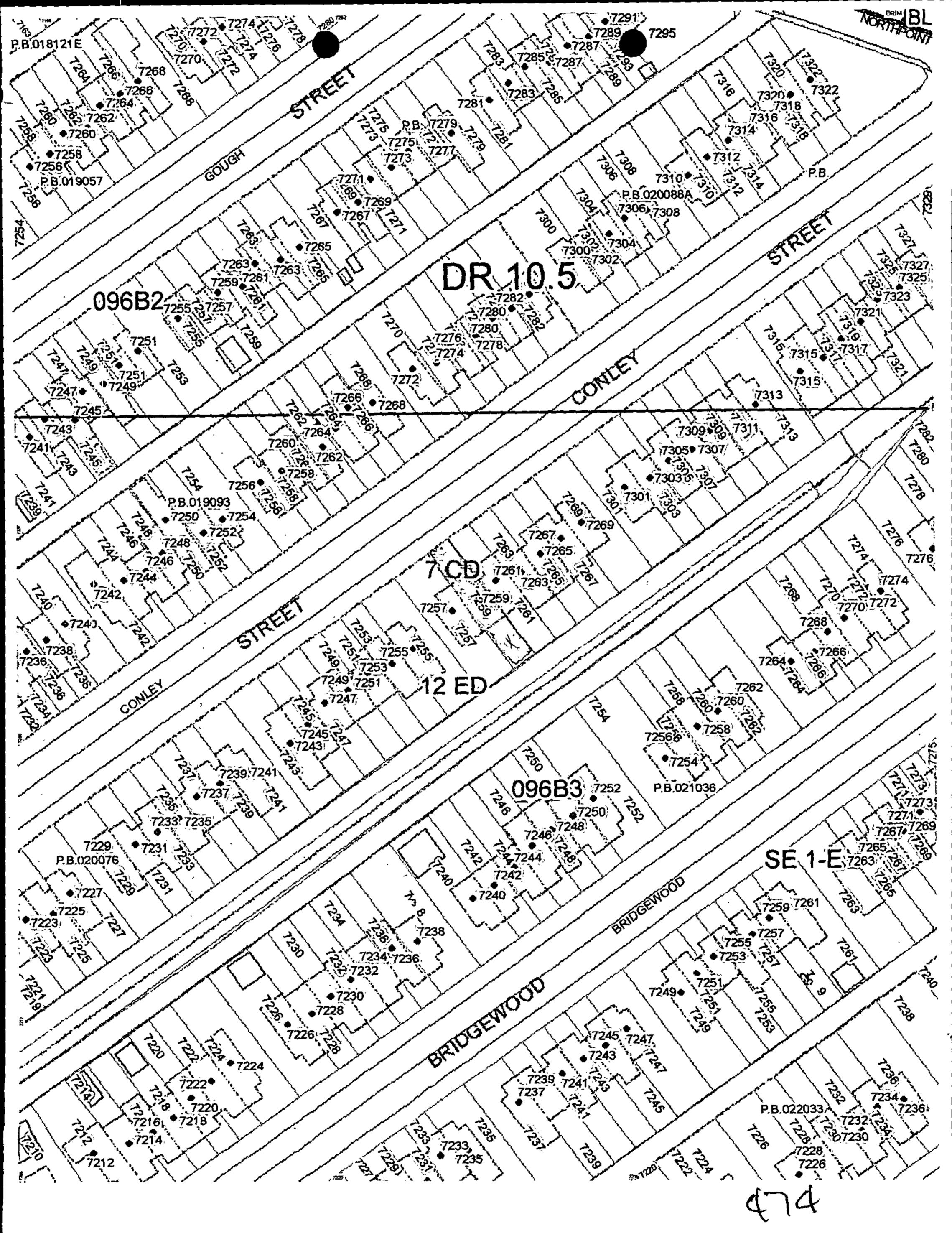
Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief Lengineering Access Permits

Division

SDF/MB





Similar type of Addition Already on Couley St.

7259 Conley Page 1 Photos



Back of House

Tont of House

479

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