IN RE: PETITION FOR ADMIN. VARIANCE *

N side Ramblebrook Road, 460 feet +/-N c/l of Gardenia Road 11th Election District 5th Councilmanic District

(9328 Ramblebrook Road)

John T. Vacca

Petitioner

BEFORE THE

DEPUTY ZONING

* COMMISSIONER

* FOR BALTIMORE COUNTY

* Case No. 08-451-A

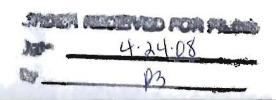
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, John T. Vacca for property located at 9328 Ramblebrook Road. The variance request is from Sections 1B02.3.B and 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of one foot in lieu of the required 11.25 feet and a rear setback of nine feet in lieu of 11.25 feet for a deck, and to amend the Final Development Plan of the Jasper Property, Lot 50. The subject property and requested relief are more particularly described on the site plan that marked and accepted into evidence as Petitioner's Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

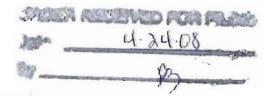
The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 6, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In determining whether to grant a variance request, I must consider the merits of the request in accordance with the standards set forth in *Cromwell v. Ward*, 102 Md.App. 691 (1995)



and Section 307 of the B.C.Z.R. In *Cromwell*, the Court of Special Appeals of Maryland interpreted the variance regulation to require that a two-prong test be met in order for variance relief to be granted. First, it must be shown that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request which render the property unique in some manner, and that this uniqueness drives the need for variance relief. Secondly, upon a determination that the property is unique, it must then be considered whether strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship to the property owner, and be unnecessarily burdensome. I also must determine what if any impact the variance request will have on adjacent properties and the community as a whole.

Although no adjacent property owner voiced any objection to the proposal, I must make an independent determination based on the evidence contained in the case file and the applicable law. It appears, given the proximity to the surrounding neighborhood and the degree of encroachment of the proposed deck into the rear yard and side yard setbacks, that the proposed deck as shown on the site plan will be detrimental to adjacent properties. In my view, the adjacent properties will ultimately be negatively impacted by the constant appearance of the deck so close to the property line. The property located at 9330 Ramblebrook Road will be detrimentally impacted by the construction of a deck one foot from the side yard property line. While I am certainly empathetic to Petitioner's desire to have a larger deck, I do not believe the subject property lends itself to the proposed placement of a permanent structure situated so close to the side property line. The Petitioner can construct a deck of usable size within the required setbacks. Hence, in my judgment, the instant request is not within the spirit and intent of the zoning regulations and, thus, I am persuaded in this case to deny the variance.



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 denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 24th day of April, 2008 that a variance from Sections 1B02.3.B and 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side setback of one foot in lieu of the required 11.25 feet and a rear setback of nine feet in lieu of 11.25 feet for a deck, and to amend the Final Development Plan of the Jasper Property, Lot 50 is hereby DENIED.

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

THOMAS H. BOSTWICK Deputy Zoning Commissioner for Baltimore County

 $THB : \mathsf{pz}$





JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

April 24, 2008

JOHN T. VACCA 9328 RAMBLEBROOK ROAD BALTIMORE MD 21236

Re: Petition for Administrative Variance

Case No. 08-451-A

Property: 9328 Ramblebrook Road

Dear Mr. Vacca:

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,

THOMAS H. BOST WIČK

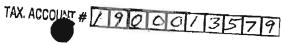
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Dave Finneran, Maryland Deck and Hot Tubs, 1802 Baltimore Blvd., Westminster MD 21157





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 9328 RAMBLEBROCK RD which is presently zoned DR 5,5

	which is presently zoned $\frac{1}{2}$ $\frac{5}{2}$
owner(s) of the property situate in Baltimore County and made a part hereof, hereby petition for a Variance from S AND 301.1.A; BCZR, 7 OF ONE FOOT IN LIE	TO PERMIT A SIDE SETBACK "U OF THE REQUIRED 11,25 FT
FOR A DECK, AND TO AMEND of the zoning regulations of Baltimore County, to the zon of this petition form.	THE FOR OF THE JASPER PROPERTY, Lot 50 ing law of Baltimore County, for the reasons indicated on the back only
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 pursu	p, posting, etc. and further agree to and are to be bounded by the zoning
Contract Purchaser/Lessee:	Legal Owner(s): JOHN 1. VACCA
Name - Type or Print Signature	Name - Type or Grint John Vocco
Signature	Signature (
Address Telephone No.	Name - Type or Print
City State Zip Code Attorney For Petitioner: Name - Type or Print	Signature 9328 RAMBLEBROOK RD Address Telephone No. BALTMORE MD 21236 443-858-5427
Name - Type of Finit	Representative to be Contacted:
Signature	DAVE FINNERAN MO DECK & HOT TUBS Name 1407 BOTTORS
Address Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
	o be required, it is ordered by the Zoning Commissioner of Baltimore County, or of this petition be set for a public hearing, advertised, as required by the zoning
	Reviewed By Date 3, 28 68
DEV 10/25/04	Estimated Posting Date 4 6/08

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

REV 10/25/01

Address
BALTIMORE MP 2/236
City State Zip Code

NOTARY PUBLIC

Baltimore County, Maryland My Commission Expires 9/1/2010

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):

Please grant my request to construct and attach a sundeck to the rear of my house and extend past the limits of the building restriction line currently available. In my situation, the Builder/Developer has constructed my house close to the rear limit of the Building Restriction Line. The Builder was forced to do this because my lot is at the end of a flag lot and had very little available acreage. Although the lot conforms with other lots in the subdivision as far as square footage is concerned, the shape allows for little usable rear yard. The grading has further reduced the functional space in my rear yard, therefore I am requesting to add a sundeck to my first floor. The sundeck would only project 12' from the farthest rear portion of the house and still remain 9' from the rear lot line. The sundeck is at ground level. It would also extend in my side yard 21' and remain 1' from the adjacent lot. The sundeck is not large, overbearing or obtrusive. The sundeck conforms with other decks in my neighborhood, allows for a table and chairs to fit comfortably, will conform with the surrounding homes and be constructed with premium materials (#1 grade treated decking), as many others have been. Thank you for 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 advertising fee and may be required to provide additional information.

Signature John Vacca Solt N T. VACCA	Signature
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to will	:
I HEREBY CERTIFY, this 27th day of Manual in and for the County aforesaid partonally and	, <u>2008</u> , before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, personally app	eared
John Vacca	
the Affiant(s) herein, personally known or satisfactorily ident	fied to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
χ// No	Miles W SULTANA LANGE PUBLIC
My	Commission Expires Marilyn L. Brittingham

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	4328	KAMBLEBROOK	RD	
	Address BALTIMOI	re MP	21236	
	City	State	Zip Cod	ē

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):

Please grant my request to construct and attach a sundeck to the rear of my house and extend past the limits of the building restriction line currently available. In my situation, the Builder/Developer has constructed my house close to the rear limit of the Building Restriction Line. The Builder was forced to do this because my lot is at the end of a flag lot and had very little available acreage. Although the lot conforms with other lots in the subdivision as far as square footage is concerned, the shape allows for little usable rear yard. The grading has further reduced the functional space in my rear yard, therefore I am requesting to add a sundeck to my first floor. The sundeck would only project 12' from the farthest rear portion of the house and still remain 9' from the rear lot line. The sundeck is at ground level. It would also extend in my side yard 21' and remain 1' from the adjacent lot. The sundeck is not large, overbearing or obtrusive. The sundeck conforms with other decks in my neighborhood, allows for a table and chairs to fit comfortably, will conform with the surrounding homes and be constructed with premium materials (#1 grade treated decking), as many others have been. Thank you for 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 advertising fee and may be required to provide additional information.

Signature T. VACCA	Signature
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 27th day of	

AS WITNESS my hand and Notarial Seal

My Commission Expires

Marilyn L. Brittingham
NOTARY PUBLIC

Baltimore County, Maryland My Commission Expires 9/1/2010



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 9328which is presently zoned

This Petition shall be filed with the Department of Permits owner(s) of the property situate in Baltimore County and which i made a part hereof, hereby petition for a Variance from Section(to decemberate de la letta e la la la la la filita de la la filia de la filia
made a part hereof, hereby petition for a Variance from Section (301.1.4; BCZR, TO PERMIT	A SIDE SETBACK OF
ONE FOOT IN LIEU OF THE	REGUIRED 11.25 FOOT AND
A REAR SETBACK OF 9 FT. IN FOR A DECK AND TO AMEND THE of the zoning regulations of Baltimore County, to the zoning law of this petition form.	LIEU OF 11.25 FOOT FDP of The JASPER PROPERTY,
Property is to be posted and advertised as prescribed by the zor I, or we, agree to pay expenses of above Variance, advertising, posting regulations and restrictions of Baltimore County adopted pursuant to the	g, etc. and further agree to and are to be bounded by the zoning
Togotomoro di a como con para de la como con p	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:	Legal Owner(s): JOHN T. VACCA
Name - Type or Print	Name Type or Print
Signature	Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	Address Telephone No. To - May 21 MID 21721 WILL DEG 542-
Name - Type or Print	City State Zip Code
Signature	Representative to be Contacted:
Company	DAVE FINNERAN MD DECK & HOT TUBS
Сопрапу	1802 BATIMORE BUD 410-374-8008
Address Telephone No.	Address Telephone No. WESTMINSTER MD 21157
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found to be req this day of that the subject matter of this pregulations of Baltimore County and that the property be reposted.	uired, it is ordered by the Zoning Commissioner of Baltimore County, petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
CASE NO. 2008 - 451 - A Review	ved By Date 3.28.08
REV 10/25/01 Estima	ited Posting Date 4.6.08

ZONING DESCRIPTION FOR 9328 Ramblebrook Road, Baltimore, MD 21236. Beginning at a point on the North side of Ramblebrook Road which is 50 feet wide at the distance of 460 feet North of the centerline of the nearest improved intersecting street Gardenia_Road which is 50 feet wide. *Being Lot #50, Section #2 in the subdivision of Jasper Property as recorded in Baltimore County Plat Book # 51, Folio # 107, containing 7535 square feet. Also known as 9328 Ramblebrook Road and located in the 11th Election District, 5th Councilmanic district.

OFFICE	MORE CO E OF BUI LLANEO	DGET A	ND FINA		45,001		No.	2120 3/28/t	PAID RECEIPT RESIDENCE ACTUAL THE NOW 22/2008 3/28/2008 09:32:00
Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount	Dept 5 528 ZUMENG VERIFICATION 19 20 . 012120 Secot Tet \$115.00 CA Baltimore County, Naryland
Rec From:),	V	ACL	<i>A</i>	+	Total:	10 St. 4	115,-	
For: DISTRIBUTE -	NOITU	8-	PINK - A	GENCY	1	FI IN	YELLOW	- CUSTOMER	CASHIER'S VALIDATION

.

CERTIFICATE OF POSTING

Date: 4-6-08 RE: Case Number: 08-451-A Petitioner/Developer: John Vacca Date of Hearing/Closing: 4-21-08 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 9328 Ramblibrook file $\frac{4-6-08}{\text{(Month, Day, Year)}}$ The signs(s) were posted on J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 1015 Old Barn Road (Street Address of Sign Poster) Parkton, MD 21120 (City, State, Zip Code of Sign Poster) 410-343-1443 (Telephone Number of Sign Poster)

G Nolle

VARIANCE

TUBLIS III

CUEST & NOVIDIANI, 81

THE ZONING OF CONCERNING

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2008- 451 -A Address 9328 KAMBLEBROOK Rd.
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 3.28.08 Posting Date: 4/6/08 Closing Date: 4/21/08
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.
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 208- 451 -A Address 9328 RAMBLEBROOK Kd.
Petitioner's Name John Viacum Telephone 443 - 858 - 5427
Posting Date: 4/6/08 Closing Date: 4/21/08
Wording, for Sign: To Permit A DECK WITH A SIDEYARD SETBACK
OF ONE FOOT AND A PEARYARD SETBACK OF
9+t IN LIEU of THE REQUIRED 11.25+t. 4ND
TO AMEND THE FOR OF THE JASPER PROPERTY, Lot 50
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.

For Newspaper Advertising:
Item Number or Case Number: 45/
Petitioner: + JOHN To VACCA
Address or Location: \$\overline{9328} \text{RAMBLEBROOK RD.} \\ \overline{BALTIMONE, MD 21236.}
BALTIMORE, MD 21236
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address:
Telephone Number: 443-858-5427

Revised 2/20/98 - SCJ



JAMES T. SMITH, IR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

April 22, 2008

John T. Vacca 9328 Ramblebrook Road Baltimore, Maryland 21236

Dear Mr. Vacca:

RE: Case Number: 2008-0451-A, 9328 Ramblebrook Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 28, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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,

M. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Dave Finneran Maryland Deck & Hot Tubs 1802 Baltimore Boulevard Westminster 21157

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

PECEIVE

DATE: April 17, 2008

BY:----

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-#48- 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 Donnell Ziegler in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL



Martin O'Malley. Governor Anthony G. Brown, Lt. Governor John D. Porcari, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 14,2008

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

RE: Baltimore County
Item No. 8-451-A
9328 RAMBLE BROOK RD
VACARROPERTY

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. 8-151-A

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

Very truly yours.

Steven D. Foster, Chief United Engineering Access Permits

Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 16, 2008

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 21, 2008

Item Nos. 08-450, 451, 452, 453, 454, 456, 457, 458, 459, 460, 462, 463, 464,

465, 466, 468, 469.

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

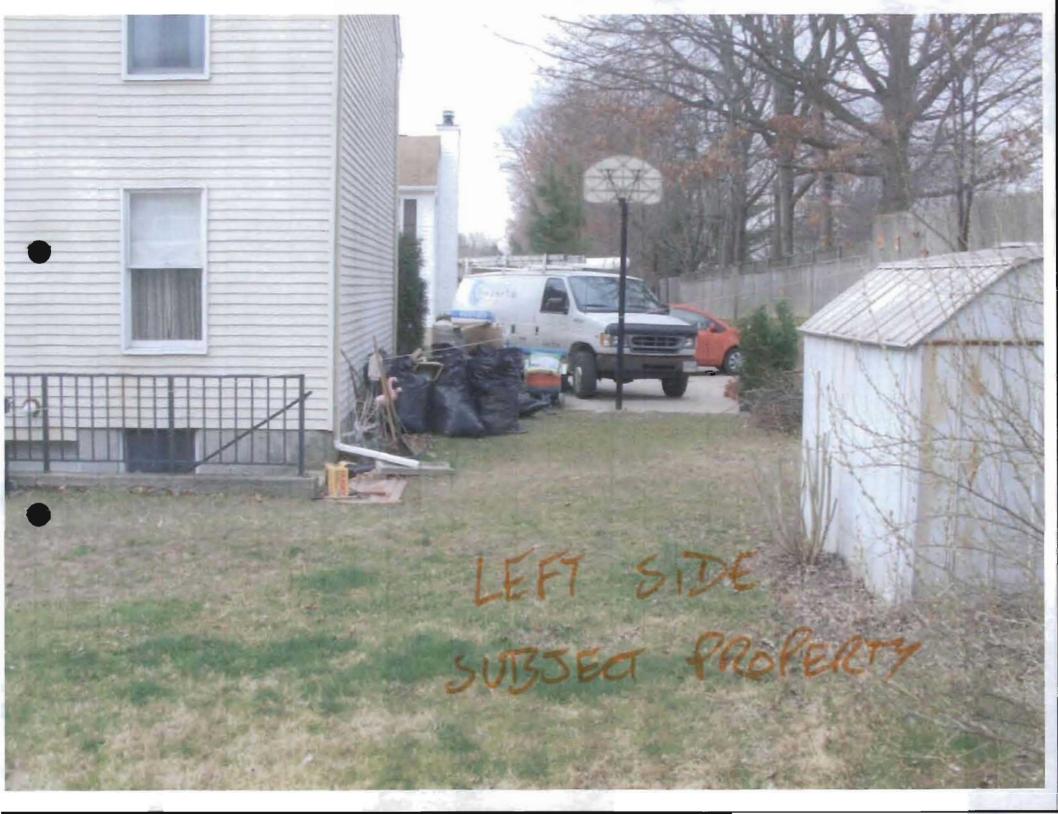
DAK:CEN:lrk

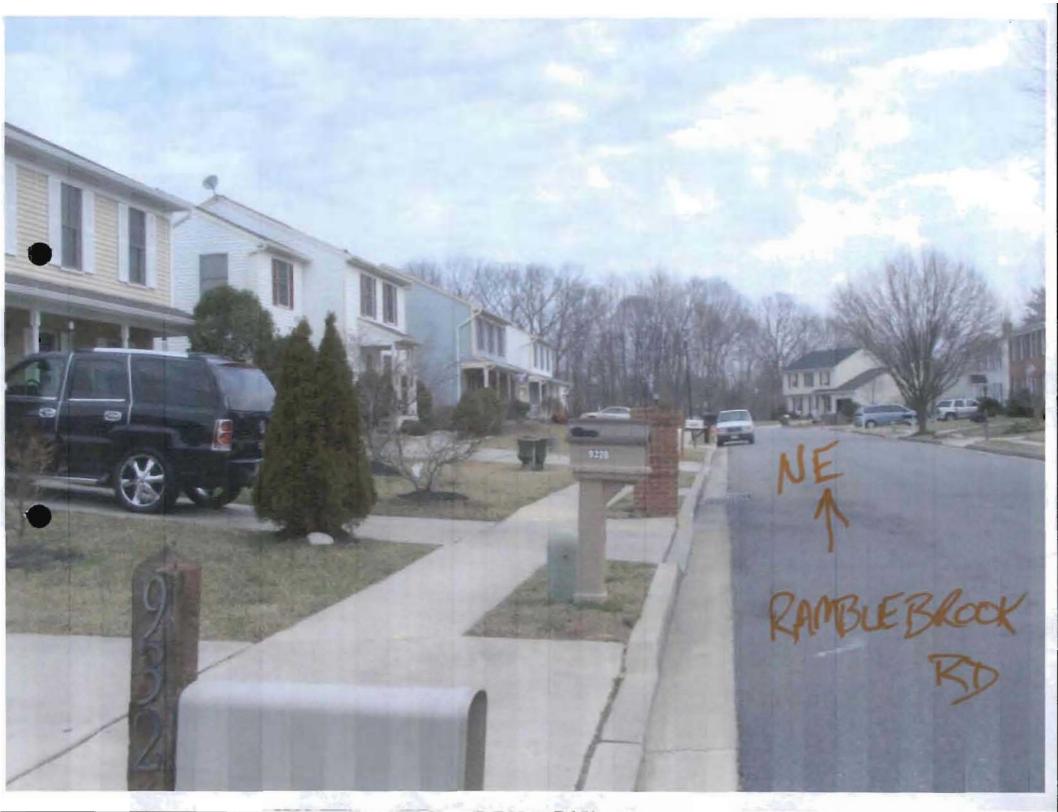
cc: File













PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING PROPERTY ADDRESS 9328 RAMELEROOK FO. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION					
SUBDIVISION NAME DASPER PROPERTY TAX ACCT \$9 PLAT BOOK # 51 FOLIO # 107 LOT # 50 SECTION # 2 1900013579 OWNER JOHN T. VACCA	The state of the s				
TONORE HOUSE HOUSE HOUSE HOUSE HOUSE	JOPPE RD. VICINITY MAP SCALE: 1" = 1000'				
48 8 50 2 62	LOCATION INFORMATION ELECTION DISTRICT / 1				
N (49) 60° (5)	COUNCILMANIC DISTRICT 5 1"= 200' SCALE MAP # 07231				
of House	ZONING DR 5,5 LOT SIZE , 1729 7535 ACREAGE SQUARE FEET PUBLIC PRIVATE				
	SEWER				
12/	100 YEAR FLOOD PLAIN				
50' R/W RAMBLEBROOK ROAD	HISTORIC PROPERTY/ BUILDING PRIOR ZONING HEARING NO				
NORTH GARDENIA RD.	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #				
PREPARED BY DAVE FINNERAN 410-374-8008 SCALE OF DRAWING: 1" = 30'					