

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Dixon, 430 feet N of c/l
intersection of Joppa Road
9th Election District
5th Councilmanic District
(9618 Dixon Avenue)

Carol A. Bocchini
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-481-A**

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner for consideration of a request for Reconsideration filed by Petitioner Carol Bocchini. The request for Reconsideration was filed pursuant to Rule 4(k) of Appendix G of the Baltimore County Zoning Regulations ("BCZR") wherein the Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer for Baltimore County are provided. Rule 4(k) permits a party to file a Motion for Reconsideration of an Order issued by the Zoning Commissioner. This Motion must be filed within 30 days of the date the Order was issued, and must state with specificity the grounds and reasons for their request.

In the instant matter, Petitioner filed a Petition for Administrative Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure/garage in the rear yard of a single family dwelling with a height of 23 feet in lieu of the required 15 feet. According to the information contained in the Petition and site plan, the property measures approximately 50 feet wide by 205 feet deep and is improved with an existing dwelling. Petitioner desires to construct a garage measuring 24 feet wide by 30 feet deep by 23 feet high, to contain 720 square feet. The existing dwelling contains 1,044 square feet and was constructed in 1943. The site plan also shows the property to be rectangular-shaped

consisting of approximately 10,250 square feet, zoned D.R.5.5. In an Order dated May 22, 2008, the undersigned denied the instant Petition, finding that the request did not meet the legal standard set forth in Section 307.1 of the B.C.Z.R. and interpreted by the Court of Special Appeals of Maryland in *Cromwell v. Ward*, 102 Md.App. 691 (1995). The undersigned also found the scope of the variance request to be excessive and the requested height to be out of character with the neighborhood, particularly the adjacent properties on either side of Petitioner's property, and not within the spirit and intent of the Zoning Regulations.

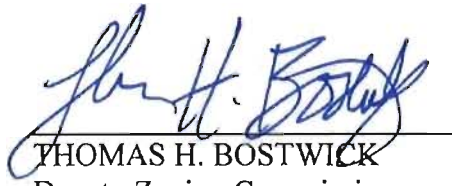
Thereafter, in a letter dated June 17, 2008, Petitioner filed the instant request for Reconsideration. In support of the request, Petitioner indicated that much of the negative information communicated by neighbors concerning the request was inaccurate, specifically concerning Petitioner's planned use of the two-story garage. Petitioner noted that, contrary to some of the comments made by neighbors that were contained within the case file, Petitioner has no intention of using the proposed garage for a rental unit or dwelling space; the second floor is merely for additional storage space. Petitioner also indicated that she believes her property is unique in size and improvements as compared with other properties in the area.

In considering the request for Reconsideration, the undersigned reviewed the file and the Findings of Fact and Conclusions of Law dated May 22, 2008. The undersigned also reviewed Petitioner's June 17, 2008 letter and the additional photographs Petitioner submitted with the letter. After careful review of the aforementioned documents, I am unable to grant Petitioner's request for Reconsideration. Although I certainly appreciate Petitioner's desire for a two-story garage and the necessity, as Petitioner characterized it, for "much needed" storage space, I cannot base my decision in this matter solely on the needs of Petitioner. Although the purpose of the variance and the need for relief is given some consideration in deciding these matters, I must

nonetheless be guided by the legal principals applicable to variances and other forms of zoning relief.

As I indicated in my original Order, I am not persuaded that the instant request meets the requirements of *Cromwell v. Ward, supra*, and it continues to be my opinion that the size and shape of the subject property present no unique characteristics to justify variance relief. It also continues to be my opinion that the subject property does not lend itself to the construction of such a substantial structure, with a garage of the height proposed on the site plan, and the request is thus not within the spirit and intent of the zoning regulations. At Petitioner's request, her letter and additional photographs will be added to the original zoning file.

WHEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of August, 2008 that the aforementioned request for Reconsideration be and is hereby DENIED.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 14, 2008

CAROL A. BOCCHINI
9618 DIXON AVENUE
PARKVILLE MD 21234

Re: Petition for Administrative Variance
Order on Motion for Reconsideration
Case No. 08-481-A
Property: 9618 Dixon Avenue

Dear Ms. Bocchini:

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,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Dixon, 430 feet N of c/l
intersection of Joppa Road
9th Election District
5th Councilmanic District
(9618 Dixon Avenue)

Carol A. Bocchini
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-481-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, Carol A. Bocchini for property located at 9618 Dixon Avenue. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure/garage in the rear yard of a single family dwelling with a height of 23 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The site plan shows a rectangular-shaped parcel consisting of approximately 10,250 square feet, zoned D.R.5.5. The property measures approximately 50 feet wide by 205 feet deep and is improved with an existing dwelling. At this juncture, Petitioner desires to construct a garage measuring 24 feet wide x 30 feet deep x 23 feet high to contain 720 square feet. According to the Maryland Department of Assessments and Taxation, the existing dwelling contains 1,044 square feet and was constructed in 1943. The proposed garage height of 23 feet necessitates the request for variance from the maximum allowable height of 15 feet.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. The comments received from the Office of Planning dated May 6, 2008 recommends that the accessory structure not be converted into a dwelling unit or apartment, not

ORDER RECEIVED FOR FILING

5-22-08

by

contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 27, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. In her Affidavit in Support of Administrative Variance, Petitioner indicated that the height variance is needed to provide much needed storage space. Petitioner also desires to use attic trusses with a 10/12 roof pitch to match that of the existing home. The height of the existing house is 23½ feet and the proposed garage would be less than 23 feet (although the Petition specifically requests a variance for a height of 23 feet).

This administrative variance request generated a significant amount of negative comment letters from the community, which are contained within the case file. A comment letter objects to what is characterized as a “two-story” garage with outside access to the second floor, and that the size of the garage could be considered a second house with the potential for the structure to be rented out for supplemental income. Allowing a two-story garage in a neighborhood containing only one-story garages could set a dangerous precedent. Another comment letter says that a friend of the Petitioner’s is proposing to build and occupy the garage, with the first floor as an automobile shop complete with a car lift and electric welder, and the second floor to be used as a workshop. There are concerns about a garage of this size potentially being used for commercial purposes. Still another comment letter object to two-story garage being built in a residential neighborhood such as Dixon Avenue.

Turning now to the instant matter, I can certainly appreciate the Petitioner’s desire to enhance the storage capabilities of her property. With storage of family and household items and

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5 22 08
[Signature]

lawn equipment, obviously storage space is often at a premium. However, notwithstanding the Petitioner's stated storage needs and the comment submitted by the Office of Planning not opposing the Petitioner's request, I must decide this case based on the merits of whether a variance is warranted in this particular case.

In considering a request for variance, I must do so in accordance with the mandate of *Cromwell v. Ward*, 102 Md.App. 691 (1995) and Section 307 of the B.C.Z.R. The Court of Special Appeals of Maryland interpreted the regulation to require that a two-prong test be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. Secondly, upon the determination that the property is unique, then it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and be unnecessarily burdensome. In my judgment, there was no evidence of unusual conditions or characteristics that are unique to this lot. In short, there is no evidence to suggest that this property meets the uniqueness requirement. On the contrary, in viewing submitted photographs and the zoning map of the area, the subject property is rather unremarkable and is very similar to other properties in the area in size, shape, and improvements. In fact the garages built on the rear properties of the homes on either side of Petitioner appear to be very similar, one-story structures with comparable rooflines. As such, having determined that no uniqueness exists as to the Petitioner's property, I must therefore deny the variance request.

In addition, in my judgment, the scope of the variance request appears to be excessive and the height of the garage addition will be out of character with the neighborhood, especially the properties on either side of Petitioner's property. In my view, the adjacent properties will ultimately be negatively impacted by the constant appearance of a garage of this height. While

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I am certainly empathetic to Petitioner's desire to have a garage, I do not believe the subject property lends itself to the proposed placement of such a substantial and permanent structure with a height of 23 feet.

In short, there is no evidence to suggest that this property meets the uniqueness requirement. The Petitioner can easily erect the garage structure in compliance with the applicable zoning regulations. Finally, I believe the proposed structure with a height of 23 feet and the attendant size will overcrowd the land and will have an adverse impact on the overall appearance and character of the neighborhood, especially vis-à-vis other properties nearby. Hence, the request is not within the spirit and intent of the zoning regulations and, thus, I am persuaded in this case to deny the variance.

Based on the information contained in the file and comments from the neighbors, I find that granting this variance will be detrimental to the public health, safety and general welfare of the locale. I find that constructing a garage with a height of 23 feet would result in a significant alteration to the subject property, to the detriment of the other homes in the subdivision. The Petitioner is still able to construct a one-story garage in keeping with the character of the neighborhood.

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 shall be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 22nd day of May, 2008 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure/garage in the rear yard of

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5.22.08
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a single family dwelling with a height of 23 feet in lieu of the required 15 feet is hereby
DENIED.

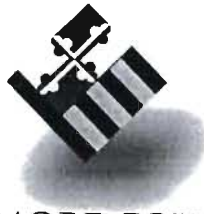
Any appeal of this decision must be made within thirty (30) days of the date of this
Order.



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RESERVED FOR FILING
JUL 5 2008
BY 



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 22, 2008

CAROL A. BOCCHINI
9618 DIXON AVENUE
PARKVILLE MD 21234

Re: Petition for Administrative Variance
Case No. 08-481-A
Property: 9618 Dixon Avenue

Dear Ms. Bocchini:

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,

A handwritten signature in black ink, appearing to read "TH H Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9618 DIXON AVENUE
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3

To permit an accessory structure/garage in the rear yard of a single family dwelling with a height of 23 feet in lieu of the required 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

CAROL A. Bocchini
Name - Type or Print _____
Carol A. Bocchini
Signature _____
Name - Type or Print _____
Signature _____
9618 DIXON AVE 410-668-6871
Address _____ Telephone No. _____
PARKVILLE MD 21234
City _____ State _____ Zip Code _____

Representative to be Contacted:

ROBERT PHILLIPS
Name _____
9618 DIXON AVE 410-804-6803
Address _____ Telephone No. _____
PARKVILLE MD 21234
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2008-0481-A

Reviewed By JW Date 4/14/08

REV 10/25/01

Estimated Posting Date 4/27/08

5-22-08

13

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 9618 DIXON AVE
Address PARKVILLE MD 21234
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):

We respectfully request an administrative variance from the height restrictions for a detached residential garage in order to provide much needed storage space. The existing house is a 1 1/2 story cape cod built in 1948. There is very little storage space and the few closets are small. We propose to build a garage using attic trusses with a 10/12 pitch to match that of the existing house. This would produce a garage with adequate storage while maintaining the aesthetics of the property. The height of the existing house is 23'6" with a footprint of 830 sq. ft. The garage would be less than 23'0" with a footprint of 720 sq. ft.

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.

Carol A. Bocchini
Signature
CAROL A. BOCCHINI
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of April, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Carol A. Bocchini
Maryland
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Della M. Malone
Notary Public
My Commission Expires November 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 reside at

9618 DIXON AVE
Address
PARKVILLE MD 21234
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):

We respectfully request an administrative variance from the height restrictions for a detached residential garage in order to provide much needed storage space. The existing house is a 1 1/2 story cape cod built in 1948. There is very little storage space and the few closets are small. We propose to build a garage using attic trusses with a 10/12 pitch to match that of the existing house. This would produce a garage with adequate storage while maintaining the aesthetics of the property. The height of the existing house is 23'6" with a footprint of 830 sq. ft. The garage would be less than 23'0" with a footprint of 720 sq. ft.

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.

Carol A. Bocchini
Signature

CAROL A. BOCCHINI
Name - Type or Print

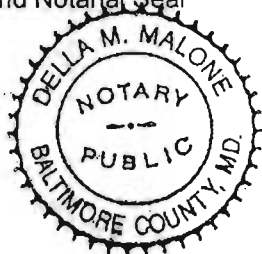
Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of April, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Carol A. Bocchini
Maryland
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Della M. Malone
Notary Public

My Commission Expires November 1, 2009



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9618 Dixon Avenue
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3

To permit an accessory structure/garage in the rear yard of a single family dwelling with a height of 23 feet in lieu of the required 15 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

CAROL A. BOCCHINI
Name - Type or Print _____
Signature Carol A. Bocchini _____
Name - Type or Print _____
Signature _____
9618 DIXON AVE 410-668-6871
Address _____ Telephone No. _____
PARKVILLE MD 21234
City _____ State _____ Zip Code _____

Representative to be Contacted:

ROBERT PHILLIPS
Name _____
9618 DIXON AVE 410-804-6803
Address _____ Telephone No. _____
PARKVILLE MD 21234
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2008-0481

Reviewed By W Date 4/14/08

REV 10/25/01

Estimated Posting Date 4/27/08

5.22.08

P3

Zoning Description for 9618 Dixon Avenue

Beginning at a point on the west side of Dixon Avenue which is 30 feet wide at the distance of 430 feet north of the centerline of the nearest improved intersecting street Joppa Road which is 60 feet wide. Being Lots 122, 123 in the subdivision of Carney View as recorded in Baltimore County Plat Book 7, Folio 90 containing 10,250 square feet. Also known as 9618 Dixon Avenue and located in the 7 Election District, 5 Councilman District.

0481-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 12141

Date: 4/14/08

PAID RECEIPT

BUSINESS - ACTUAL TIME
 4/15/2008 4/14/2008 14:36:06
 REC-01 WALKIN TRIC TR
 >>RECEIPT 8 371000 4/14/2008 OFLH
 Dept 5 526 ZONING VERIFICATION
 012141
 Rcpt Tot 165.00
 165.00 OK 1.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00

Total: 65.00

Rec

From: Carol A. Boschini

For:

9618 Dining Area
Arch. Inc. Md. 21234

2008-0481-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-0481-A

Petitioner/Developer: CAROL

BOCCHINI

Date of Hearing/Closing: 5-12-08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

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

9618 DIXON AVE

The sign(s) were posted on 4-27-08
(Month, Day, Year)

Sincerely,

Robert Black 4-28-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 0481 -A Address 9618 DIXON AVENUE
Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/14/08 Posting Date: 4/27/08 Closing Date: 5/12/08

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 08- 0481 -A Address 9618 DIXON AVE
Petitioner's Name CAROL A. BOCCCHINI Telephone 410-668-6871
Posting Date: 4/27/08 Closing Date: 5/12/08
Wording for Sign: To Permit

To permit an accessory structure/garage in the rear yard of a single family dwelling with a height of 23 feet in lieu of the required 15 feet.

BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
May 13, 2008
*Department of Permits and
Development Management*

Carol A. Bocchini
9618 Dixon Ave.
Parkville MD, 21234

Dear Carol A. Bocchini:

RE: Case Number: 2008-0481-A, Address: 9618 Dixon Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 5/12/2008. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Robert Phillips, 9618 Dixon Ave., Parkville MD, 21234

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 6, 2008

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

RECEIVED
MAY 07 2008

BY:

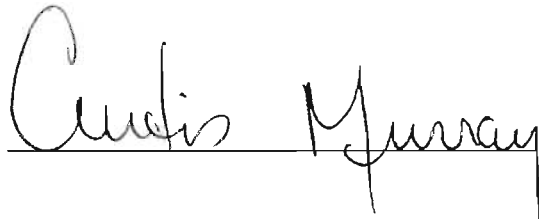
SUBJECT: 8-481 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 23 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 Donnell Zeigler at 410-887-3480.

Prepared by:



AFK/LL: CM

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



John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: APRIL 21, 2008

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

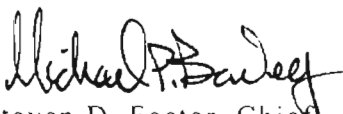
RE: Baltimore County
Item No. 8-481-A
9618 DIXON AVENUE
BOCCHINI PROPERTY
ADMINISTRATIVE VARIANCE

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. 8-481-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 Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech. 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

April 24, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 21, 2008

Item Number: 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486 and 488

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 28, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 28, 2008
Item No.: 08-470, 471, 472, 474, 475, 476,
477, 478, 479, 480, 481, 482, 483, 484,
485, 486, 487, and 488.

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

DAK:CEN:lrk
cc: File

ZAC-04282008-NO COMMENTS

EDWARD V. WALTER, JR.

9608 Dixon Avenue
Baltimore, Md. 21234
Phone: 410-6614188

May 05 2008

Baltimore County, Md.
401 Bosley Avenue
Towson, Md. 21204
Attn: William Wiseman
Case # 08-0481-A

RECEIVED
MAY 06 2008

BY:.....

Dear William Wiseman

On May 3, 2008 I was informed by William Doyle of 9614 Dixon Avenue of Carol Bocchini's request for a permit to build a two story garage at 9618 Dixon Avenue. He expressed at that time his opposition to this two story garage for it's possible commercial use by the present or future owner or residents.

As a 15 year owner and 35 year resident of 9608 Dixon Avenue I am very concerned about any commercial use of a two story garage at 9618 Dixon Avenue. I am not against a garage for the owners' personal use but a two story garage for commercial use or a second residence on the property I am strongly against.

Please consider my concerns before issuing a permit to build this structure.

Thank You

Edward V. Walter, Jr.

Post-it® Fax Note 7671		Date 5-6	# of pages 1
To Kristen/Andrew	From Debbie		
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	Fax #		

Please place this in Case File 08-481-A

May 5, 2008

Baltimore County Maryland
401 Bosley Avenue
Towson, Maryland 21204
ATTN: William Wiseman

Case # 08-0481-A

Dear Mr. Wiseman:

My name is William H. Doyle. I am property owners at 9614 Dixon Avenue, Baltimore, MD 21234. I am writing this letter in regards to property at 9618 Dixon Avenue regarding the zoning notice #08-0481-A to allow a 2 story garage to be built at 9618 Dixon Avenue.

My property is adjacent to this property. The owner of the property at 9618 Dixon Avenue is Carol Bocchini. A friend of her's that the neighbors only know as Bob, is proposing to build and occupy this garage. In talking with Bob, he has told me that he is going to use the 1st floor of the garage as an automobile shop, complete with a car lift and electric welder. The 2nd floor, he is going to be using as a woodshop.

This is a residential neighborhood and I feel that if this garage is allowed to be built, this will turn into a commercial enterprise. I also feel that the 2nd floor may eventually be turned into a residential occupancy.

The lot at 9618 Dixon Avenue is 50' x approximately 210'. There is plenty room to build a 1 story garage that would meet the Baltimore County regulations as they exist. The house has a full basement that could be used as a woodshop if the owner desires.

Enclosed is a picture taken from my back yard showing the existence of my 1 story garage and also the 1 story garage at 9620 Dixon Avenue. The proposed garage will be built between these 2 garages.

Thank you for your consideration regarding this matter.

Sincerely yours,

William H. Doyle
MAY 5 2008
410 661-3487



9620

9618

9614

May 5, 2008

Baltimore County Maryland
401 Bosley Avenue
Towson, MD 21204
ATTN: William Wiseman

Ref Case #08-0481-A

Dear Mr. Wiseman,

My name is Cora January. I am property owner at 9622 Dixon Avenue, Baltimore, MD 21234

I am writing this letter in regards to property at 9618 Dixon Avenue regarding the zoning notice to allow a 2 story garage to be built at 9618 Dixon Avenue.

This is a residential neighborhood and there is no need to allow a resident on Dixon Avenue to build a 2 story garage.

Thank you for your consideration in reviewing this matter.

I can be contacted at 410-661-~~2331~~. 2311

Thank You,

Cora B. January

Margaret M. Webster
9610 Dixon Avenue
Baltimore, Maryland 21234
410-665-6572

May 5, 2008

William Wiseman
Baltimore County, Maryland
401 Bosley Avenue
Towson, Maryland 21204

RECEIVED
MAY 07 2008

BY:.....

Re: Case #08-0481-A

Dear Mr. Wiseman:

While I am generally opposed to anyone dictating what can or cannot be done with a person's property, I am concerned that the request to allow a two story garage with outside access to the second floor at 9618 Dixon Avenue will create a dangerous precedent. Building what will, in affect, be a second house built so close to the existing home on a 50' x 220' lot will not only be an eyesore to the neighborhood but my real concern is that they are creating the second floor to be rented out for supplemental income. I have lived at the above address which is just one house away from the referenced property for 50 of my 57 years. I'm concerned at the possible type of transient people who may be living in that space. If a detached garage is really all they are interested in, then I urge you to approve only the single story type that has been built on other area properties in the past.

Very truly yours,



Marge Webster

Post-it* Fax Note	7671	Date	5-7	# of pages	1
To	Kriter/Andrew	From	Danni		
Co./Dept.		Co.			
Phone #	Please place in Case	Phone #			
Fax #	File No.	Fax #	88-481-12		

June 17, 2008

Thomas H. Bostwick
Deputy Zoning Commissioner
For Baltimore County
County Courts Building
401 Bosley Avenue, Ste 405
Towson, MD 21204

RECEIVED
JUN 19 2008

BY:

Re: Petition for Administrative Variance
Case No. 08-481-A
Property: 9618 Dixon Avenue

Dear Mr. Bostwick:

I have received a copy of your decision regarding my petition with the "findings of fact and conclusions of law." I believe that some of the facts have been misconstrued and I am writing in the hope that my petition for a garage and added storage space might be reconsidered. There was never any intent to build a structure suitable for living quarters or any intent to use the garage for commercial purposes. I was quite taken aback by the supposed "facts" and "spin" in the letters submitted to your office suggesting the contrary. In addition, I believe that based on the size of my residence in comparison to others nearby, which I did not specify in my original petition, does make my situation unique; I also question how construction of a garage of this height would be detrimental to the neighborhood as several already exist, i.e., a precedent has already been set.

All 3 complainants state that I requested a "two story" garage, when in fact I requested one of less than 23 feet (garage with 10/12 roof). We estimated the height to be approximately 21 feet plus or minus. With the collar ties, this would allow approximately 6 feet of head room in the storage area.

Mr. Doyle states that "a friend [of mine] that the neighbors only know as Bob, is proposing to build and occupy this garage." As the neighbors know, Bob Phillips and I have been friends for many years and have shared the house at 9618 Dixon Avenue since I purchased it in 2004. Bob and I lived together for many years before that, so we are not building the garage for him to live in. Bob and I are constructing it so that we will have a garage for our vehicles and adequate storage space.

Mr. Doyle states that Bob "is going to use the 1st floor...as an automobile shop, complete with a car lift and electric welder" and that he feels the garage "will turn into a commercial enterprise." Neither Bob nor I is a mechanic and we certainly have no intention of having an "automobile shop" or any other business enterprise in our home.

Both Mr. Doyle and Ms. Webster fear that the "2nd floor" will be used as a residence and Ms. Webster states that the garage would have "outside access to the second floor" and

her "real concern is that [we] are creating the second floor to be rented out for supplemental income." We have absolutely no intention of building a dwelling space or a rental unit for supplemental income. There was never a plan to have outside access to the second floor; we were not even planning to have windows in the storage area, and we had no plans for plumbing. As requested, our plans for the additional space above the garage was for "much needed" storage space.

As you noted, my residence at 9618 Dixon Avenue contains 1,044 sq ft; it is one of the smallest homes on Dixon Avenue. In comparison, Mr. Doyle's actual 2-story home (9614 Dixon) contains 1,612 sq ft, Ms. Webster's residence (9610 Dixon) contains 1,350 sq ft, and Ms. January's contains 1,352 sq ft. My next door neighbor's home at 9620 Dixon avenue has 1,300 sq ft. Thus, I don't believe my residence is "very similar to the other properties in the area in size, shape and improvements." I believe it is unique in both size and improvements.

In regard to your statement that the "height of the garage addition [would be] out of character with the neighborhood," a quick walk around the block revealed three houses, one on Dixon Avenue (9638 Dixon) and two on Mason (9614 and 9628 Mason), with garages similar in height, shape, and architectural character. Walking just a few more blocks revealed another (2508 Hillford). (See attachments.) Thus, we believe it is not out of character with the neighborhood as several already exist in the immediate vicinity.

In regard to your statement that "adjacent properties will ultimately be negatively impacted by the constant appearance of a garage of this height," I have researched the property values of the houses in our neighborhood with similar garage structures and the houses adjacent to those properties and find that they are very much in line with the rest of our neighborhood. (See attachments.) Having looked at these other properties, we believe that a garage of the same pitch roof as our house would be aesthetically pleasing.

Again, we hope that you will reconsider your decision based on the facts that we have presented. In any case, we would like these comments to be added to the file regarding our original request.

Respectfully,



Carol Bocchini
9618 Dixon Avenue
Baltimore, MD 21234
410-804-6803

Properties with Similar Garage Buildings

2508 Hillford	1,390 sq ft	1 ½ story	203,006
9638 Dixon	1,836 sq ft	1 ½ story	220,963
9614 Mason	888 sq ft	1 ½ story	183,360
9628 Mason	1,123 sq ft	1 ½ story	159,956

Property Values of Houses surrounding those with Similar Garage Buildings

2510 Hillford	1,390 sq ft	1 ½ story	191,940
2506 Hillford	1,209 sq ft	1 ½ story	167,393
9640 Dixon	1,836 sq ft	1 ½ story	232,330
9636 Dixon	1,206 sq ft	1 ½ story	174,513
9630 Mason	1,450 sq ft	1 ½ story	221,233
9626 Mason	1,123 sq ft	1 ½ story	144,600
9616 Mason	1,152 sq ft	1 ½ story	195,610
9610 Mason	1,394 sq ft	1 ½ story	190,660

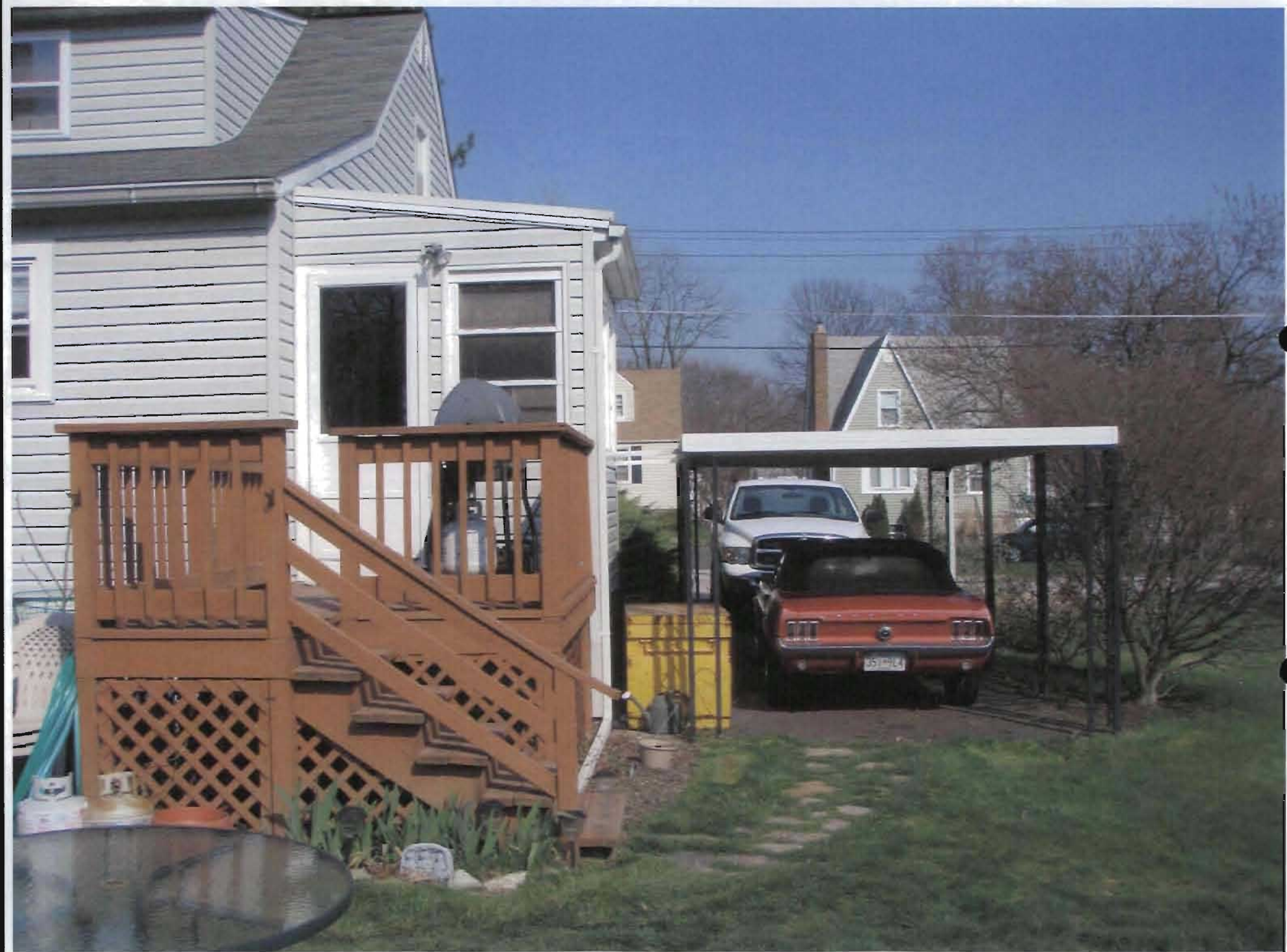
A-1880





0481-4

0481-4



0481-A



0481-A



A-1840



9620 Dixon Ave

0481-A



9612 Dixon Ave

0981-A



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 9618 Dixon Ave.

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

SUBDIVISION NAME Carney View

PLAT BOOK # 7 FOLIO # 90 LOT # 122 SECTION #

OWNER Carol Bocchini

Jeffery
Burke

LOT 124

S 79°28'00" E 205.00'

*RABBIT HUTCH ±

Exist
Garage

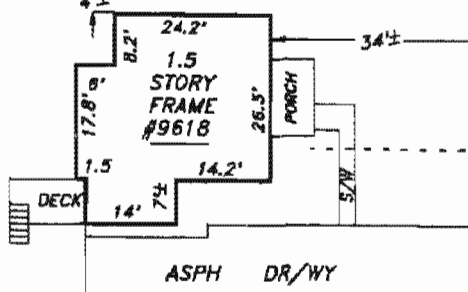
Exst
Dwelling
#9620

LOT
123

SHED

LOT
122

Proposed
garage
24'x30'



N 79°28'00" W 205.00'

LOT 121

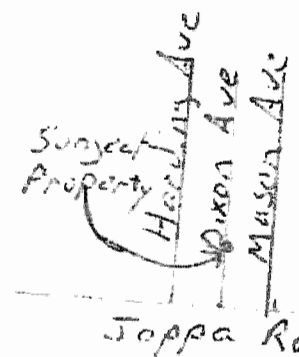
Balt
County
M



NORTH

PREPARED BY RWP

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 9

COUNCILMANIC DISTRICT 5

1"=200' SCALE MAP # 071B2

ZONING DR55

LOT SIZE 10.250
ACREAGE SQUARE FEET

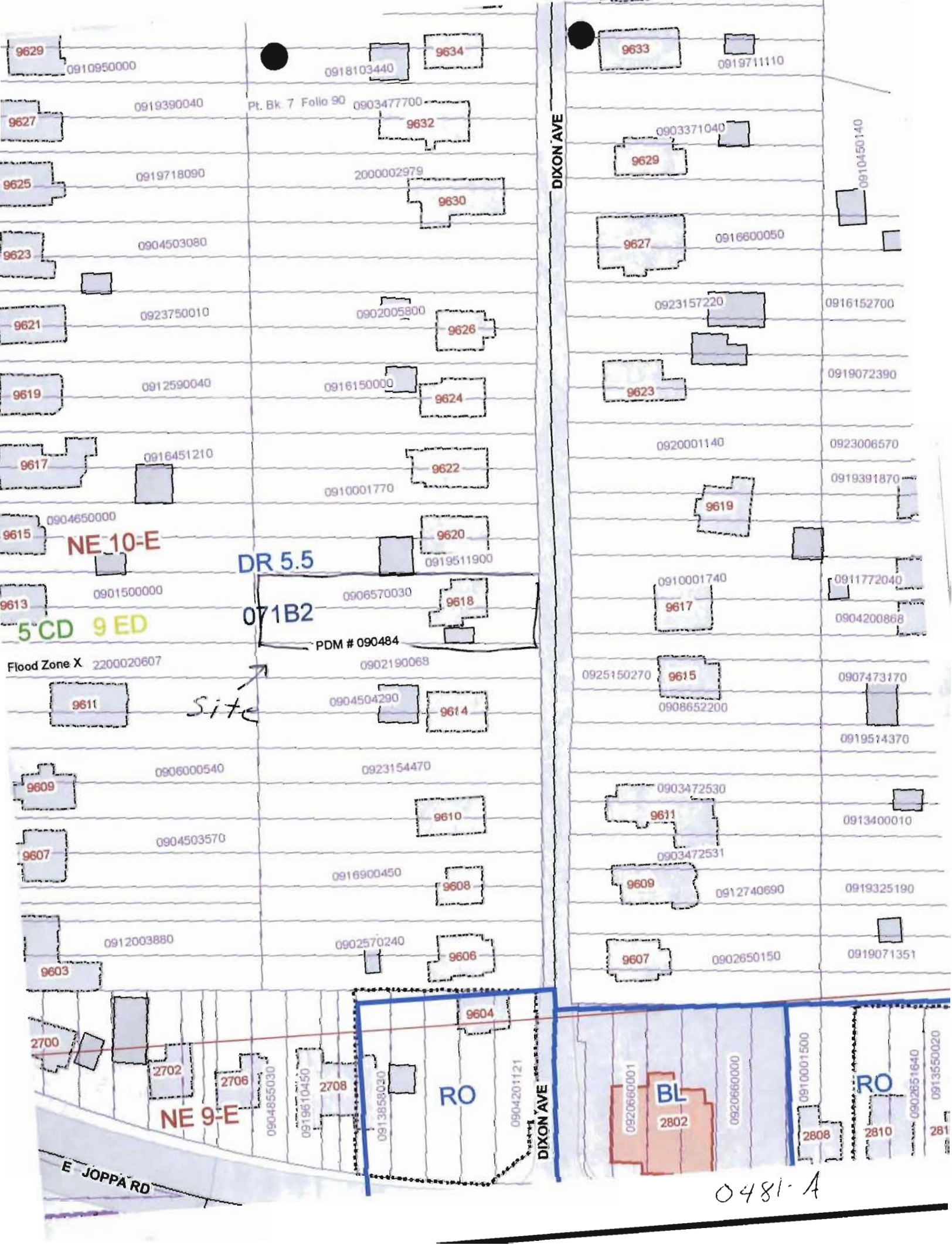
	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING		

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

 2008 0481-A

E 430' to & Joppa Rd Dixon Ave, 30' NW



DIXON AVE

DIXON AVE

E JOPPA RD

DR 5.5

071B2

PDM # 090484

Site

NE 10-E

5 CD 9 ED

Flood Zone X 2200020607

NE 9-E

RO

BL

RO

0481-A



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 09 **Account Number -** 0906570030

Owner Information

Owner Name: BOCCHINI CAROL A **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 9618 DIXON AVE **Deed Reference:** 1) /20442/ 189
 BALTIMORE MD 21234-2102 2)

Location & Structure Information

Premises Address **Legal Description**
 9618 DIXON AVE LT 122,123
 9618 DIXON AVE
 CARNEY VIEW

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
71	15	1112					122	2	Plat Ref: 7/ 90

Special Tax Areas **Town**
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1943	1,044 SF	10,250.00 SF	04

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	53,560	74,560		
Improvements:	134,080	153,500		
Total:	187,640	228,060	187,640	201,113
Preferential Land:	0	0	0	0

Transfer Information

Seller: FRANK JOSEPHINE O	Date: 07/26/2004	Price: \$190,000
Type: IMPROVED ARMS-LENGTH	Deed1: /20442/ 189	Deed2:
Seller: FRANK JOSEPHINE O	Date: 09/12/1991	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 8911/ 378	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



2508 Hillford



2508 Hillford



2508 14111ford



9614 Mason Ave.



9614 Mason Ave



1628 Mason



7638 Dixon Ave.