

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Edsworth Road, 240 feet W
of Goodman Avenue
12th Election District
7th Councilmanic District
(7381 Edsworth Road)

Albert and Joan Tallaro
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-499-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, Albert and Joan Tallaro for property located at 7381 Edsworth Road. The variance request is from Section 1B02.3.B (Section 214.1.b 1955 Zoning Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a rear yard setback of 40 feet in lieu of the minimum required 50 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners want to construct an addition measuring 18 feet x 20 feet in size onto the rear of the home. A bedroom and bathroom are needed on the first floor so that the Petitioners can remain in their home as they age. Photographs submitted by the Petitioners show a wide variety of additions onto the rear of homes in the neighborhood.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 4, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

APPROVED FOR FILING
5.27.08
PB

The Petitioners have filed the supporting affidavits 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 Petitioners.

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 27th day of May, 2008 that a variance from Section 1B02.3.B (Section 214.1.b 1955 Zoning Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a rear yard setback of 40 feet in lieu of the minimum required 50 feet 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.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

COPIES RECEIVED FOR FILING

5.27.08

pm

ZONING DESCRIPTION FOR 7381 Edsworth Road

Beginning at a point on the south side of Edsworth Road which is 60' wide at the distance of 240 feet west of the centerline of the nearest improved intersecting street Goodman which is 60' wide. Being Lot #16, ~~Section~~^{Block} #C, in the subdivision of Manchester as recorded in Baltimore County Plat Book #22, Folio #90, containing 2070 square feet. Also known as 7381 Edsworth Road and located in the 12th Election District, 7th Councilmanic District.

2008-0499-A



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7381 EDSWORTH RD
 which is presently zoned DR 10.5
 (formerly RG)

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)

1B02.3.B, BC2R (Section 214.1.b,
1955 Zoning Regulations) to permit a proposed addition with a rear
 yard setback of 40 feet in lieu of the minimum required 50 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):

AlBERT TALLORO.

Name - Type or Print

Signature

JOAN TALLORO.

Name - Type or Print

A Joan Talloro

Signature

7381 EDWORTH RD.

Address

Telephone No.

Baltimore.

MD.

21222.

City

State

Zip Code

Representative to be Contacted:

DAVE SIMMONS

Name

9014 more st. Rt. 410 303 3169.

Address

Telephone No.

NOTTINGHAM

MD.

21236.

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. 2008-0499-A

Reviewed By JNP

Date 4/22/08

REV 10/25/01

Estimated Posting Date 5/4/08

5.27.08

PM

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

7381 ED WORTH RD.
Address
Baltimore MD. 21222
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):

SEE ATTACHED

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.

Robert J. Tallaro
Signature
ALBERT J. TALLARO
Name - Type or Print

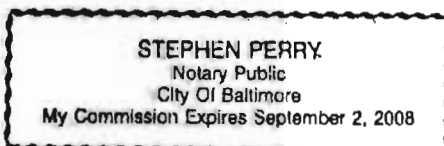
Joan A. Tallaro
Signature
JOAN A. TALLARO
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of APRIL, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ALBERT J. TALLARO + JOAN A. TALLARO
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Stephen Perry
Notary Public
My Commission Expires 9/2/2008

TAX. ACCOUNT # 11210001120



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7381 EDSWORTH RD
which is presently zoned DR 10.5
(Formerly RG)

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)

1B02.3.B, BC2R (Section 214.1.b,
1955 Zoning Regulations) to permit a proposed addition with a rear
yard setback of 40 feet in lieu of the minimum required 50 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):

ALBERT W JOAN TALLANO.

Name - Type or Print

Signature

Name - Type or Print

7381. EDWORTH RD.

Signature

7381 EDWORTH RD.

Address

Telephone No.

Baltimore

MD.

21222.

City

State

Zip Code

Representative to be Contacted:

DAVE SIMMONS.

Name

more stone court. 410303 3164.

Address

Telephone No.

Baltimore MD

MD

21222.

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. 2008-0499-A

Reviewed By JNP Date 4/22/08

REV 10/25/01

Estimated Posting Date 5/4/08

5.27.08

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

7381 EDS WORTH RD
Address
Baltimore MD 21222
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):

SEE ATTACHED

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.

Albert J. Tallaro
Signature
ALBERT J. TALLARO
Name - Type or Print

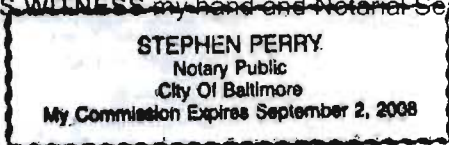
Joan A. Tallaro
Signature
JOAN A. TALLARO
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of APRIL, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ALBERT J. TALLARO & JOAN A. TALLARO
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public
My Commission Expires 9/2/2008

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2008-

0499

-A

Address

7381 Edsworth Road

Contact Person:

Jeffrey Perlow

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date:

4/22/08

Posting Date:

5/4/08

Closing Date:

5/19/08

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 2008-

0499

-A

Address

7381 Edsworth Road

Petitioner's Name

Tallaro

Telephone

410-529-2165

Posting Date:

5/4/08

Closing Date:

5/19/08

410-355-4636

Wording for Sign:

To Permit a proposed addition with a rear yard setback of 40 feet in lieu of the minimum required 50 feet.

WCR - Revised 6/25/04

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **14038**

Date: **4/22/08**

PAID RECEIPT

BUSINESS ACTUAL TIME INM
 4/23/2008 4/22/2008 11:47:07 1

REC: 001 WALKIN JRIC JHR
 >>RECEIPT H 371782 4/22/2008 OFLH

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
	006			210				65.00

Total: **65.00**

Rec

From: **Tullaro**

For: **Adm. Services - 7381 Edgewater Road**

2100-0499-A (Tullaro)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Rept: 5 528 ZONING VERIFICATION
 014038

Recpt Tot 465.00
 \$100.00 CA
 \$365.00- (C)

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 2008-0459-A

Petitioner/Developer: TALLARD

Date Of Hearing/Closing: 5/19/08

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

Attention:

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
at 7381 EDSWORTH ROAD

This sign(s) were posted on May 4, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 5/4/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2008-0499-A
TO PERMIT A PROPOSED ADDITION WITH
A REAR YARD SETBACK OF 40 FEET INSTEAD
OF THE MINIMUM REQUIRED 50 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 20-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 P.M. ON ~~MONDAY~~ MAY 12, 2008

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

211 N. EIGHTH STREET
BALTIMORE, MD 21202

TEL. 887-3391

20-127(b)(2) BALTIMORE COUNTY CODE
MEETING IS WORKSHOP ACCESSIBLE

801/5/4/08
M. J. [Signature]



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.

County Executive

Albert Joan Tallano
7381 Edsworth Rd.
Baltimore, MD 21222

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

May 19, 2008

Dear Albert Joan Tallano:

RE: Case Number: 2008-0499-A, Address: 7381 Edsworth Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 19, 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
Dave Simmons, 9104 Moonstone Court, Nottingham, MD 21236



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

State Highway
Administration

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

Maryland Department of Transportation

Date: APRIL 30, 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. 8-499-A
7381 EDSWORTH ROAD
TALLARO 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. 8-499-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,

Foster 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, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 1, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For May 5, 2008
Item Nos. 08-489, 490, 491, 492, 493,
494, 495, 496, 497, 498, 499, 500, 501,
502, and 503.

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

DAK:CEN:lrk

cc: File

ZAC-5012008-NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 12, 2008

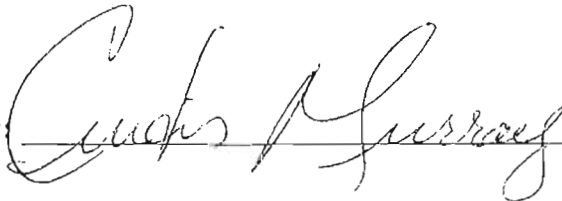
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-499- 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 John Alexander in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL

A handwritten signature in cursive script, appearing to read "Arnold F. Keller", is written over a horizontal line.

March 30, 2008

**Baltimore County Zoning Board
Reference: 7381 Edsworth Road
Baltimore, Md. 21222**

To Whom It May Concern,

I am writing regarding the plan to build an addition on the back of my parents row house 7381 Edsworth Road in Dundalk 21222. My parents bought it when it was still under construction back in 1956. I was born there in 1958 and my sister in 1962 and it is the only home my parents have ever known.

My mother Joan has emphysema and arthritis and my father Al has a prosthetic hip. Neither of them can use the steps any longer to get to their bedrooms and only bathroom which is on the second floor. They need a bedroom and bathroom on the first floor so they can continue to live in their home. They can't afford to sell this house to buy anything that could accommodate their needs so building on is their only option. Donald Thomas, the contractor who will build it, is a friend and will make a comfortable addition as economically as possible while conforming to all proper building codes.

My husband and I drove the alley behind my parent's house and the alley behind the houses on the other side of Edsworth Road. On their block alone, 17 houses already have additions, many much larger than the one we planned. Most of the houses without additions have patios with big awnings and / or big garages. In fact, my parent's house is one of the only ones left that doesn't have anything build behind it yet! With so many other improvements on their street already, their essential and legitimate request could never be considered setting a prescient of any kind.

Please grant my parents the approval to go forward with their addition as soon as possible so they can have a real bathroom to use and be able to continue to live in their house with dignity. Every day will be one day closer to their being able to be happy in their home.

Thank you for your help and consideration.

Sincerely,

Patricia Simmons

**Patricia Simmons (Tallaro)
9104 Moonstone Road
Nottingham, Md. 21236
410-529-2165 / Work - 355-4636**

2008-0499-A

7379

7381



7379

7381

18 X 20

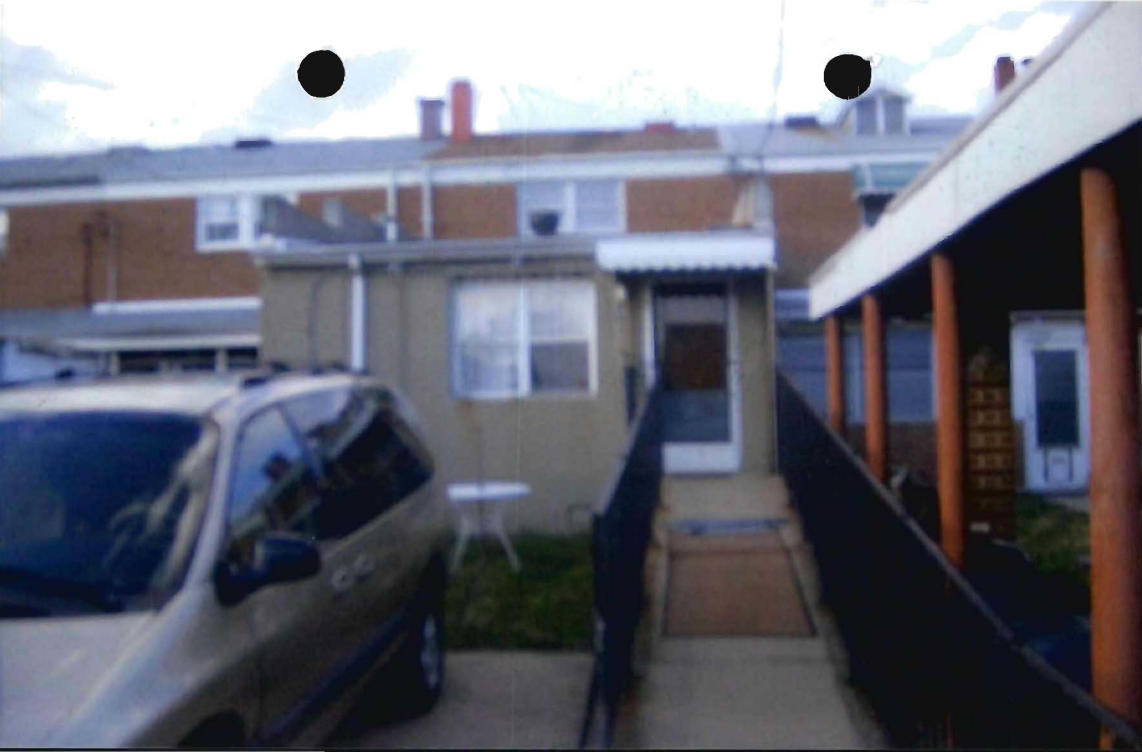
7381

7383





















1213024411

Pt. Bk. 4 Folio 106

52

1207048930

610

1213086890

612

1202025140

614

1202000590

DR 5.5

Pl. Bk. 22 Folio 90

1202048200

1203002980

1211078140

1204051970

1208031980

1202073200

1223053450

1211016825

1204025030

1205034310

1201036660

1202060140

GOODMAN AVE

53.667

EDSWORTH RD

DR 10.5

12 ED

SE 2-E

7 CD

Flood Zone X

SITE

60.9

DUNDALK ASSEMBLY OF GOD CHURCH (PDM File/Project # MS 06099)

103B1

DR 5.5

2008-0449-

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

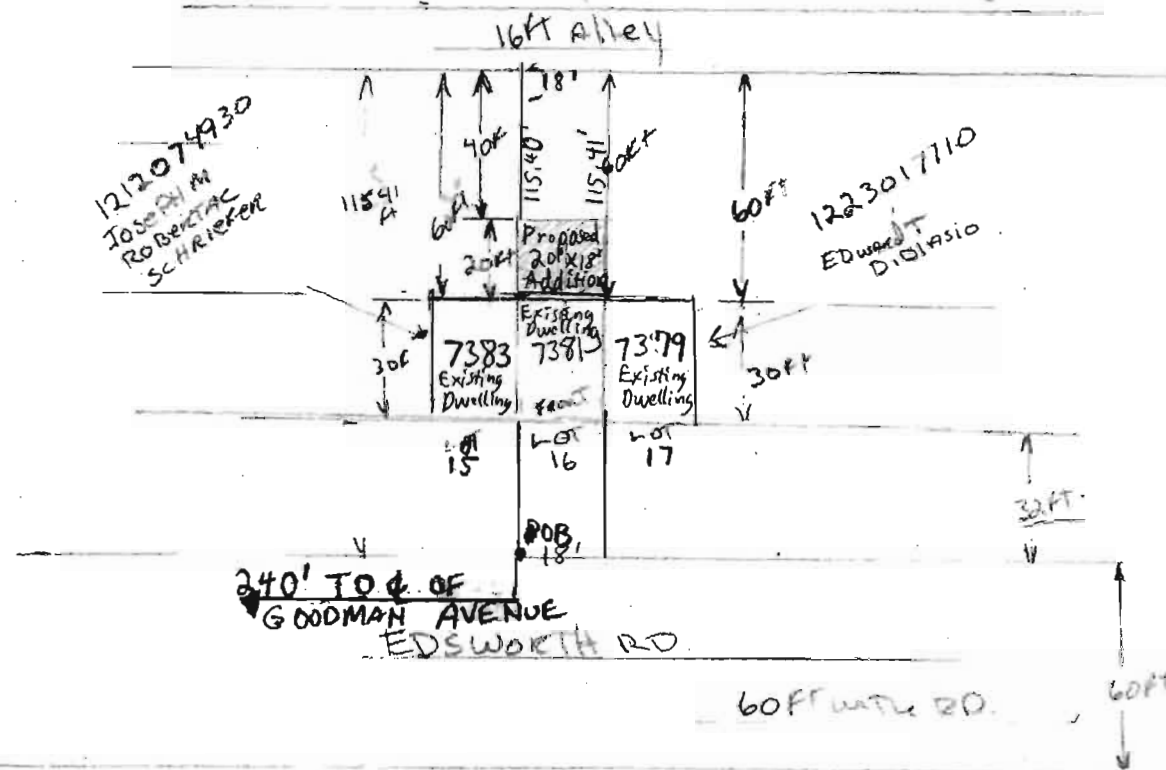
PROPERTY ADDRESS 7381 EDSWORTH RD.

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

SUBDIVISION NAME MANCHESTER.

PLAT BOOK # 22 FOLIO # 90 LOT # 16 ^{BLOCK} ~~16~~ # C

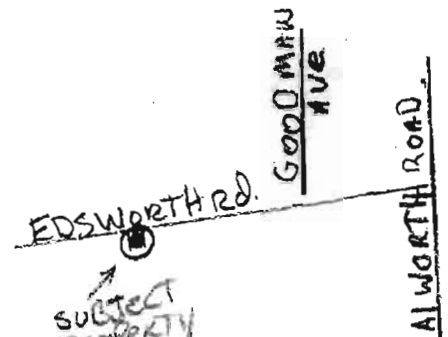
OWNER ALBERT + JOAN TALLARO.



NORTH

PREPARED BY Douglas H. Hearn

SCALE OF DRAWING: 1" = 50 FT.



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 12
COUNCILMANIC DISTRICT 7
1" = 200' SCALE MAP # 096B3
ZONING DR 10.5 (Formerly RG)
LOT SIZE 0.475 2070
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE		
SEWER	☒	☐	YES	NO
WATER	☒	☐	☐	☒
CHESAPEAKE BAY CRITICAL AREA	☐	☒	☐	☒
100 YEAR FLOOD PLAIN	☐	☒	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒	☐	☒
PRIOR ZONING HEARING	<u>None</u>			

ZONING OFFICE USE ONLY

REVIEWED BY JNP ITEM # 10449 CASE # 2008-0449