IN RE: PETITION FOR ADMIN. VARIANCE

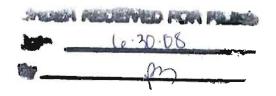
NW side of Folly Farms Court, 600 feet E of Deer Park Road 4th Election District 4th Councilmanic District (8 Folly Farms Court)

Nicholas P. and Patricia M. Vitale *Petitioners*

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2008-0550-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, Nicholas P. and Patricia M. Vitale for property located at 8 Folly Farms Court. The variance request is from Sections 103.1 and 103.3 (Section 1A00.3.B.3, 1970 Zoning Regulations-Bill 100, 1970) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a side yard set back 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. Petitioners' desire to construct a onestory garage next to the existing garage. The rear of the existing garage will allow the Petitioners to renovate and enlarge the small, older kitchen into the remaining area of the garage. A portion of the proposed extension lies within the existing setback line. The new one story attached garage will allow the Petitioners to store an antique auto and motorcycle. The proposal will reduce the side yard setback by 10 feet. The right side property line abuts two panhandle in fee strips, paved, that leads to two rear properties. A portion of the proposed new garage lies within the existing setback line. The property is triangular in shape and contains 1.16 acres.



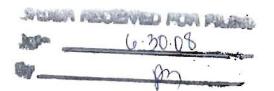
The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 8, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits 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 ______ day of June, 2008 that a variance from Sections 103.1 and 103.3 (Section 1A00.3.B.3, 1970 Zoning Regulations-Bill 100, 1970) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition with a side yard set back 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.

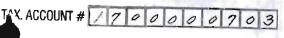
CHOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

6-30-06

THB:pz





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

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

Zoning Commissioner of Baltimore County

THE WAR	for the property located at 8 FOLLY FARINS Ct., Reisterstow
	which is presently zoned RC4 (Formerly ROF)
This Petition shall be filed wi	th 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) 103,1 & 103.3, BCZR (Section 1AW, 3, B, 3, 1970 Zoning Regulations - Bill 100,1970) to permit a proposed addition with a Side 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.

is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Signature PATRICIA Address Telephone No. Name - Type or Print City State Zip Code Signature Attorney For Petitioner: 21136 Name - Type or Print Zip Code Representative to be Contacted: Signature BARBARA V. REYNOLDS Company Address Telephone No. REISTERSTOWN 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, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning

Estimated Posting Date

regulations of Baltimore County and that the property be reposted.

Wy Convinsion Expires Jul. 19, 2008

REV 10/25/01

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	8 FOLLY FARI	ns Court	
	Reisters town	MD	21136
That based upon personal knowledge, the folk Variance at the above address (indicate hardsh	owing are the facts upon which ip or practical difficulty):	h I/we base the requ	est for an Administrative
We are requesting the following variance years old and sits on a triangular lot. To Zoning Regulations due to the location	he Owners presently find a hardsl	nip in meeting Baltimor	e County
We request a 10 foot variance to the exist story garage forward reducing the exist the existing garage and install now wide the existing garage will permit the own	er doors to use amendate today's ers to renovate and enlarge the sn	larger family vehicles. nall, older kitchen into t	The rear of he
Also, request a variance of 10 feet on the attached garage to house their antique a from 50 feet to 40 feet. The right side prear properties. A portion of the propose	ne right side of the existing reside auto and motorcycle. This propos property line abuts two panhandle	nce for a proposed new al will reduce the side y in fee strips, paved, lea	one story, vard setback ading to two
The Owners, respectfully request appro older home to today's marketing standa		remain at the location a	nd bring an
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide	ormal demand is filed, Affian additional information.	t(s) will be required	to pay a reposting and
Signature Signature	Signature Signature	n. Vito	Ju
NICHOLAS P. VITALE Name - Type or Print	PATR Name - Type o	M. Vita	ALE
I HEREBY CERTIFY, this 23 day of of Maryland, in and for the County aforesaid, per the Affiant(s) herein, personally known or satisfic	MORE, to wit: 1	28 , before me, a N	lotary Public of the State
the Affiant(s) herein, personally known or satisfa	actorily identified to me as suc	h Affiant(s).	

AS WITNESS my hand and Notarial Seal

My Commission Expires ______My Commission Expires Jul. 19, 2008

REV 10/25/01

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.

competent to testify thereto in the event that a p	oublic hearing is scheduled in th	ne future with rega	ard thereto.
That the Affiant(s) does/do presently reside at	Address Reisterstown City	ns Court MD	21136 Zip Code
	City	State	Zip Code
That based upon personal knowledge, the folk Variance at the above address (indicate hardsh	owing are the facts upon which ip or practical difficulty):	I/we base the re	quest for an Administrative
We are requesting the following variance years old and sits on a triangular lot. The Zoning Regulations due to the location. We request a 10 foot variance to the exist the existing garage forward reducing the exist the existing garage and install new wide the existing garage will permit the owner remaining area of the garage. A portion Also, request a variance of 10 feet on the attached garage to house their antique a from 50 feet to 40 feet. The right side prear properties. A portion of the proposition of the propositi	the Owners presently find a hardsh of the existing 2 story residence of the existing 2 story residence of the existing 76 feet front sethers line in line in the feet front sethers line in the proposed extension lies with the proposed extension lies with the right side of the existing resident and motorcycle. This propose property line abuts two panhandle sed new attached garage lies withing	ip in meeting Baltin in this triangular lot order to extend the first of the content of the cont	nore County of 1.16 acres. cristing one process to lengthen cs: The rear of to the tback line. ew one story, de yard setback leading to two ck line.
The Owners, respectfully request appro older home to today's marketing standa		emain at the location	n and bring an

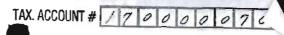
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature NICHOLAS P. VITALE Name - Type or Print	Signature PATRICIA M. VITALE Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: 1 HEREBY CERTIFY, this 23 day of May of Maryland, in and for the County aforesaid, personally appeared the Affiant(s) herein, personally known or satisfactorily identified	1 Vitale
AS WITNESS my hand and Notarial Seal Notary	Politic In In I

My Commission Expires

My Commission Expires Jul. 19, 2008

REV 10/25/01





REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8 FOLLY FARINS Ct., Reisterstock, which is presently zoned RC4 (formerly ROf)

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) 103. 1 & 103.3, BCZR (Section 1A00,3.B,3) 1970 Zoning Regulations—Bill 100, 1970) to bermit a proposed addition with a Side 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: Legal Owner(s): Name - Type or Print Signature PATRICIA Address Telephone No. City Zip Code State Attorney For Petitioner: 21136 Name - Type or Print Zip Code Representative to be Contacted: Signature Company Address Telephone No. City State A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted. Wy C mmssor Let m. Jul 19 2008 Zoning Commissioner of Baltimore County

Estimated Posting Date

ZONING DESCRIPTION FOR 8 FOLLY FARMS COURT, REISTERSTOWN, MD 21136

Beginning at a point West side of Lot 12, Folly Farms Court, which is 50 feet wide at the distance of 600 feet East of the centerline of the nearest improved intersecting street, Deer Park Road, which is 50 feet wide. Being Lot #12, Section #1 in the subdivision of Folly Farms as recorded in Baltimore County Plat Book #37, folio #148 containing 1.16 acres. Also known as 8 Folly Farms Court and located in the 4th Election District, 4th Councilmanic District.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS RECEIPT Date: 5/29/2008 10:29:40 SIS WILKIN WIG. DIS Sub Rept BS Rev Sub OBETETET # 441482 5/29/2006 Agcy Orgn Orgn Source Rev Catg Acct Fund Amount 5 528 30VDW VERTERCAT HEV 015356 Becpt Tot 165.00 \$45,00 OX \$1.00 G Baltimore County, Mary Land Total: Rec From: starms For: 8-0550-A

YELLOW - CUSTOMER

CASHIER'S VALIDATION

THE SECON

DISTRIBUTION WHITE - CASHIER

PINK - AGENCY

Certificate of Posting

	RE: Case NO UO-UDDU-A
	Petitioner/Developer
	Nicholas & Patricia Vitale
	Date of Hearing/Closing6/23/08
Baltimore County Department of Permits and Develo County Office Building – Room 11 111 W. Chesapeake Ave. Towson, Md. 21204	
Attention:	
	alties of perjury, that the necessary sign(s) as picuously on the property located at
8 Folh	Farms Court
The sign(s) were posted on	(Month, Day, Year)
See Attached Photograph	Sincerely, (Signature of sign Poster and date) Richard E. Hoffman (Printed Name) 904 Dellwood Drive (Address) Fallston, Md. 21047 (City, State, Zip Code) 410-879-3122
	(Telephone Number)
	= *

Certificate of Posting Photograph Attachment

Re:	08- <u>0550-A</u>
Peti	tioner/Developer:
Nic	cholas & Patricia Vitale
	e of Hearing/Closing: 6/23/08



Posted:	6/8/08
Ric	hard E. Hoffman

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 0550 -A Address 8 Folly Farms Ct.
Contact Person: Jettrey Perlow Phone Number: 410-887-3391
Filing Date: 5/24/08 Posting Date: 6/8/08 Closing Date: 6/27/0
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.
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
Case Number 08-0550 -A Address & Folly Farms (t. Petitioner's Name Nicholas & Patricia Vitale Telephone 410-526-0464 Posting Date: 6808 Closing Date: 623/08 Wording for Sign: To Permit a Proposed addition with a side yard setback of 40 feet in lieu of the minimum required 50 feet.
WCR - Revised 6/25/04



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

June 23, 2008

Nicholas & Patricia Vitale 8 Folly Farms Ct. Reisterstown, MD 21136

Dear: Nicholas & Patricia Vitale

RE: Case Number 2008-0550-A, Address: 8 Folly Farms Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 29, 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, Call Rish

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:Inw

Enclosures

c: People's Counsel

Barbara V. Reynolds, 306 Lauren Hill Ct., Reisterstown, MD 21136



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 June 16, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 09, 2008

Item Number: 0527A,0549A, 0550A, 0551SPH, 0552SPHA, 0553X, 0554A, 0555A, 0556A, 0557SPH

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 10, 2008

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 16, 2008

Item Nos. 08-0548, 0549, 0550, 0551, 0552, 0553, 0554, 0555, 0556, and 0557

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

DAK:CEN:lrk cc: File

ZAC-06102008-NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 25, 2008

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-550- 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 Dave Green 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: 6/20/2008

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

RE: Baltimore County

Item No 2008-0550-A

8 FOLLY FARMS GT VITALE PROPERTY ADMIN. VAR.

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. 2008-0550-A

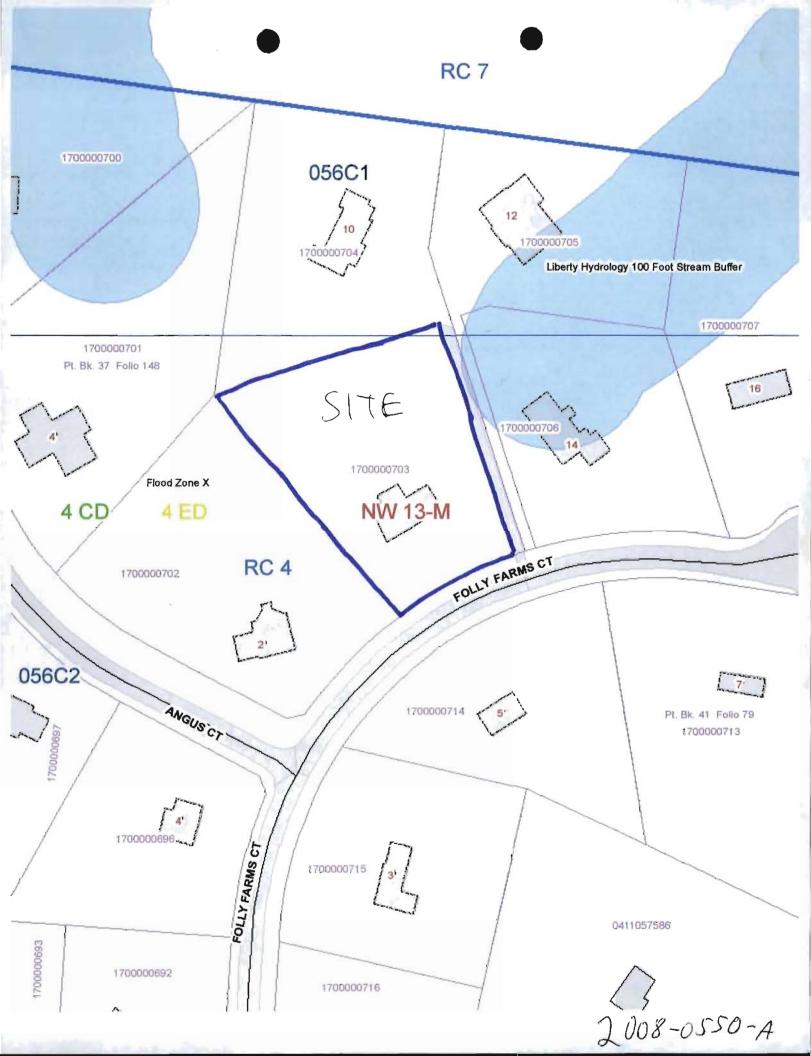
Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief Engineering Access Permits

Division

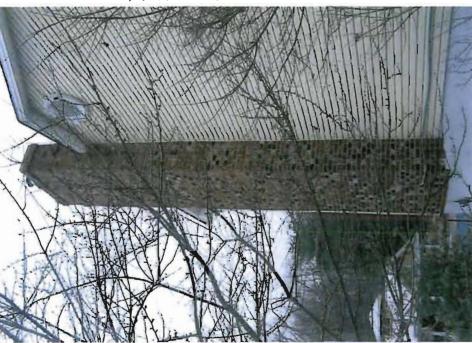
SDF/MB





FRONT VIEW

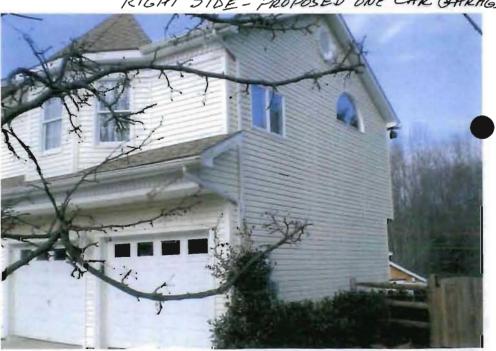
2008-0550-



LEFT SIDE OF DWELLING



RIGHT SIDE - PROPOSED ONE CAR GARAGE



FRONT + RIGHT SIDE VIEW





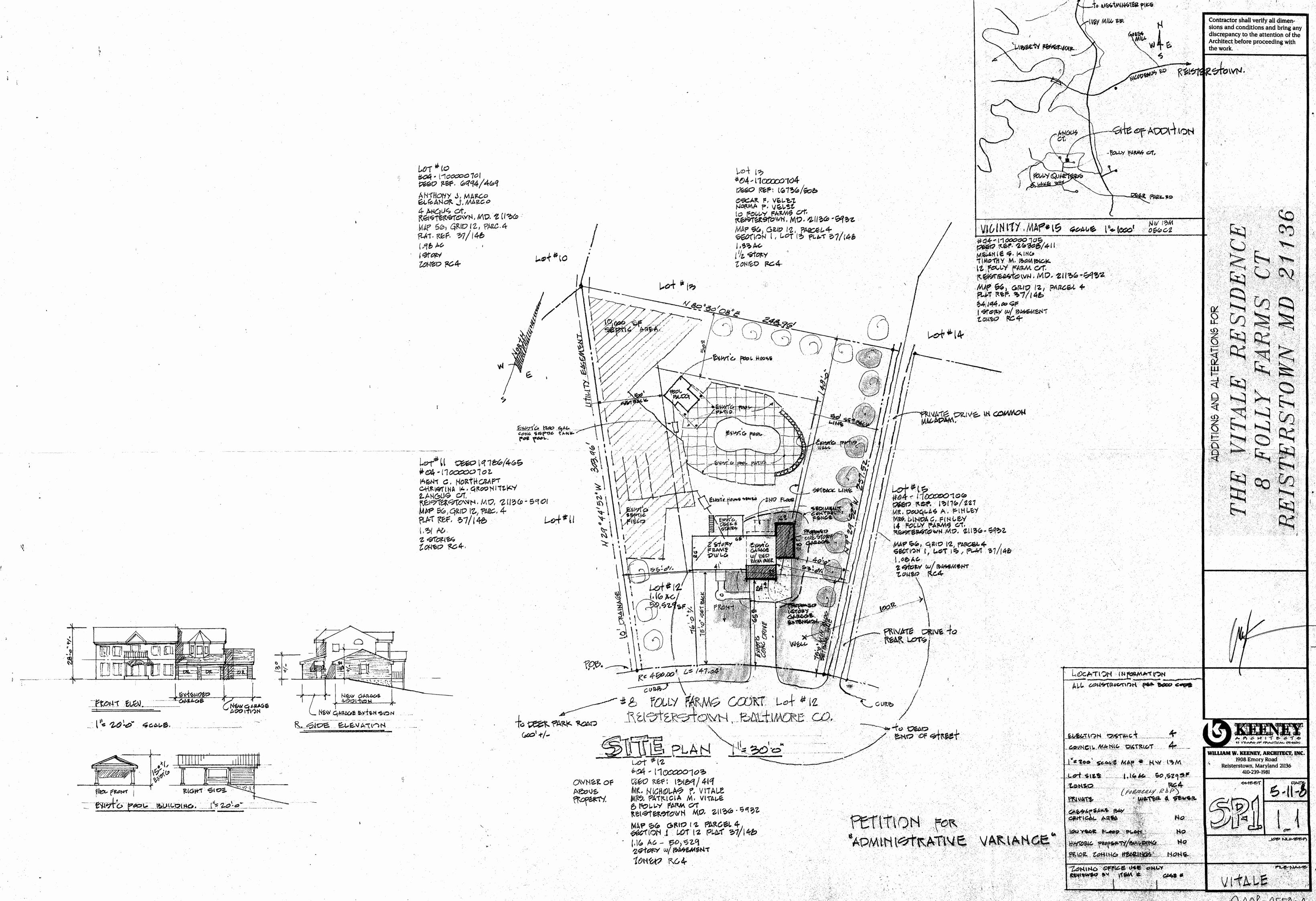
REAR VIEW

POOL AREA



REAR OF DWELLING





2008-0550-A