IN RE: PETITION FOR ADMIN. VARIANCE

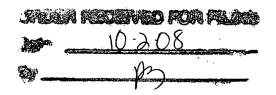
NW side of Falls Park Road, 395 feet SW of the c/l of Piney Park Road 11th Election District 5th Councilmanic District (4311 Falls Park Road)

Lisa A. Zepp and Michael J. Cassizzi Sr. Petitioners

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2009-0054-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, Lisa A. Zepp and Michael J. Cassizzi Sr. for property located at 4311 Falls Park Road. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side yard setback of 10 feet in lieu of the required 15 feet, and sum of both sides of 20 feet in lieu of the required 25 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a garage measuring 22 feet x 33 feet and a lower storage room measuring 22 feet x 16 feet in size. Petitioners meet the minimum setback requirement of 10 feet on the proposed garage side of the property with an actual setback of 10 feet 3 inches. They meet the side cumulative total setback requirement of 25 feet at the rear of the proposed garage with an actual cumulative setback of 27 feet. Due to the angle of the property lines they do not meet the cumulative side total setback requirement of 25 feet at the front of the proposed garage addition. No adjacent property owners voiced any objection to the proposed garage/storage room addition.



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

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 7, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ______ day of October, 2008 that a variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side yard setback of 10 feet in lieu of the required 15 feet, and sum of both sides of 20 feet in lieu of the required 25 feet is hereby GRANTED, subject to the following:

10. y. 08

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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



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

October 2, 2008

LISA A. ZEPP AND MICHAEL J. CASSIZZI SR. 4311 FALLS PARK ROAD PERRY HALL MD 21128

Re: Petition for Administrative Variance

Case No. 2009-0054-A

Property: 4311 Falls Park Road

Dear Ms. Zepp and Mr. Cassizzi:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

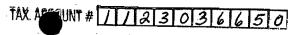
THOMAS H. BOSTWICK

Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure





REV 10/25/01

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

for the property located at 43/1 FALLS PARK ROAD which is presently zoned DR 3.5

		•	<i>j</i> • • •			
This P	etition shall be file	d with the Departn	nent of Permits and	Development Mai	nagement. The u	indersigned, legal
owner((s) of the property sit	uate in Baltimore Co	ounty and which is des	scribed in the desc	ription and plat att	ached hereto and
made a	a part hereof, hereby	petition for a Variar	ice from Section(s) /	B02.3.B	BCZR	
			with a si			A 10'
. 10	Section Date		distinct	2017	16 x11 1230	D_{-}

in her of the required 25!

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 Address Telephone No. State Zip Code Attorney For Petitioner: Name - Type or Print Representative to be Contacted: Signature Company Name Address . Telephone No. Address Telephone No. City 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 the Edward Baltimore County and 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

Reviewed By

Estimated Posting Date

BOK 0

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	ublic hear	ing is sch	eduled in	the future wi	th regard thereto	·
That the Affiant(s) does/do presently reside at	4311 Address	FALLS	PARK	ROAD		
	PERRY	HALL.	MAI	RYLAND	2	1128
	City /		-,·········	/ State		Zip Code
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Signature LISA A. ZEPP Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	Sig Na	MicHAL me - Type	hally. EL J. CA or Print	Cassing SSIZZI	SR.
STATE OF MARYLAND, COUNTY OF BALTIM	IORE, to v	vit:		•		
of Maryland, in and for the County aforesaid, per LISA A. 2CDD and MICHAE the Affiant(s) herein, personally known or satisfa	1 1	Cass i	27 i	Sr.	e me, a Notary Pi	ublic of the State
AS WITNESS my hand and Notarial Seal		~				
	· * * • • • • • • • • • • • • • • • • •	Votary Pu	Aure olic	e SE	tiplers	

My Commission Expires

Notary Public of Maryland My Commission Expires 4/27/2011

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)	4311 FALLS PARK RO.	AD	
	PERRY HALL, MARYLA	[ND State	21128 Zin Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardship	owing are the facts upon which I/w	ve base the request	for an Administrative
- WE MEET THE MINIMUM SET BI PROPERTY. (ACTUAL SET BACK	ACK REQUIREMENT OF 10' ON 10'3")		`*
-WE MEET THE SIDE CUMULATIVE TOTA PROPOSED GARAGE/HOUSE. (A	L SET BACK REQUIREMENT O CTUAL CUMULATIVE SET BACK	(IS 27')	
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand is filed, Affiant(s) additional information.	will be required to	pay a reposting and
Sim a. Bygo.	Michael	elf Cassing	TO SK
LISA A. ZEPP Name - Type or Print	Signature MCHAEL Name - Type or Prir	J. CASSIZZI	SR.
			· .
STATE OF MARYLAND, COUNTY OF BALTIM I HEREBY CERTIFY, this day ofAU of Maryland, in and for the County aforesaid, per	*	_, before me, a Nota	ary Public of the State
LISA A. Zepp and Michael the Affiant(s) herein, personally known or satisfa	1 J Cassizzi Sr.	fiant(s).	
AS WITNESS my hand and Notarial Seal		•	
	Notary Public	L Stuphe	W.
	My Commission Expires	Desiree L. St Notary Public of	

My Commission Expires 4/27/2011

REV 10/25/01

HOME OWNERS: LISA A. ZEPP
MICHAEL J. CASSIZZI SR.

ZONING DESCRIPTION FOR: 4311 FALLS PARK ROAD

Beginning at a point on the NW side of Falls Park Road which is 50' wide at the distance of 395' SW of the centerline of the nearest improved intersecting street, Piney Park Road which is 50' wide. Being Lot #11, Block A, Section , in the subdivision of "Gunpowder Estates Addition" as recorded in Baltimore County Plat Book #31, Folio #14, containing 0.27 acres. Also known as 4311 Falls Park Road and located in the 11th Election District, 5th Councilmatic District.

CERTIFICATE OF POSTING

•	RE: Case No.: 2009-0034-A
	Petitioner/Developer:
	Michael Cassizzi & Lisa Zepp
	Date of Hearing/Closing: Sept 22,08
timore County Department of mits and Development Management inty Office Building, Room 111 West Chesapeake Avenue vson, Maryland 21204	-
IN: Kristen Matthews	
lies and Gentlemen:	:
1944 Malla Bank B.J	d at:
sign(s) were posted on	Sept 7, 2008 (Month, Day, Year)
	Sincerely,
	(Signature of Sign Poster) Sept 9, 08
	SSG Robert Black (Print Name)
	1508 Leslie Road
	(Address)
e e e e e e e e e e e e e e e e e e e	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
•	(Telephone Number)



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ADMINISTRATIVE VARIANCE INFURMATION SHEET AND DATES
Case Number 2009- OOS4 -A Address 4311 FALLS PARK RD
Contact Person: JUN FERNANDO Phone Number: 410-887-3391
Filing Date: $8-26-08$ Posting Date: $9-7-08$ Closing Date: $9-22-08$
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. <u>POSTING/COST:</u> 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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2009- 0054 -A Address 4311 FALW PARK RD.
Petitioner's Name Michael Cassizzi & Lisa Zepp Telephone 410-931-3435
Posting Date: $9-7-08$ Closing Date: $9-22-08$
Wording for Sign: To Permit an addition with a side yard setback of 10'in lieu of the required 15' and sum of both sides of 20'
in hou of the required 25!

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 2009-0054-A
Petitioner: MICHAEL J. CASSIZZI SR.
Address or Location: 4311 FAUS PARK ROAD
PLEASE FORWARD ADVERTISING BILL TO:
Name: MICHAEL J. CASSIZZI SR.
Address: 4311 FAUS PARK ROAD.
PERRY HALL, MARYLAND 21/28
Telephone Number: 410 - 931 - 3435



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 22, 2008.

Lisa A. Zepp & Michael J. Cassizzi Sr. 4311 Falls Park Rd. Perry Hall, MD 21128

Dear: Lisa A. Zepp & Michael J. Cassizzi Sr.

RE: Case Number 2009-0054-A, 4311 Falls Park Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 26, 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,

U. Cal Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: August 28, 2008

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 9, 2008

Item Nos. 09-0051,0052, 0053, 0054,

0055, 0056, 0057

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

DAK:CEN:lrk cc: File

ZAC-08282008-NO COMMENTS



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

Maryland Department of Transportation

Date: Sept. 8,2008

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

RE: Baltimore County

Item No 2009-0051-A 4011 FALLS PARKPLD

ZEPP/CASSIZZI PROFERTY ADMIN. 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. 2009-2014-L.

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,

A Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: September 24, 2008

DECEIVE A oct o 2 2008

BY:____

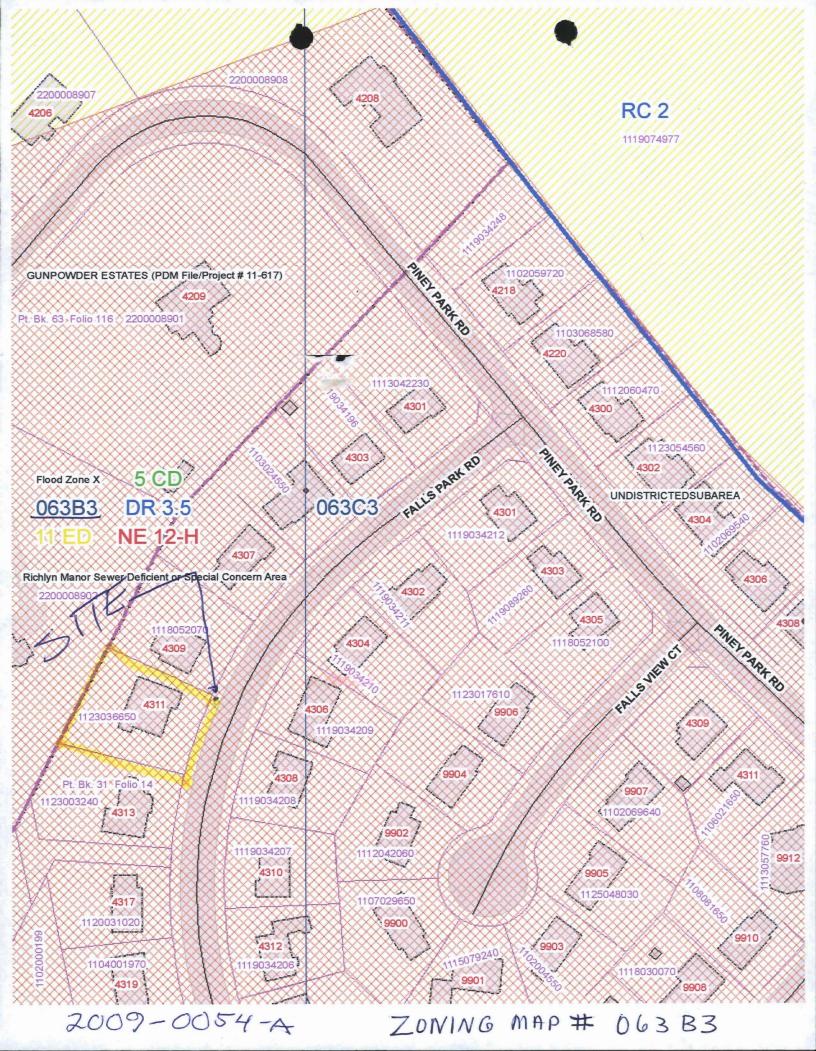
SUBJECT: Zoning Advisory Petition(s): Case(s) 09-054- Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Donnell Zeigler in the Office of Planning at 410-887-3480.

Prepared By

CM/LL



4311 FALLS PARK ROAD



4309 FALLS PARK ROAD

MARIO + VICKIE MELFA

4313 FALLS PARK ROAD



4311 FALLS PARK ROAD

0054



LISA A. ZEPP MICHAEL J. CASSIZZI SR.

4311 FALLS PARK ROAD

40054

