

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Middle Woods Court, 832.5 feet
S of Middletown Road
7th Election District
3rd Councilmanic District
(7 Middle Woods Court)

James and Mariellen Angelo
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0243-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, James and Mariellen Angelo for property located at 7 Middle Woods Court. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (garage) to be located partially in a side yard in lieu of entirely in the rear yard, and to amend the Final Development Plan for lot #10 only of Middletown Woods. 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 30 feet. Placement of the proposed garage farther back on the property would encroach into the forest conservation easement, septic reserve area, 100 year floodplain, and drainage and utility easement. The property contains 1.774 acres.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

~~4-16-09~~
~~PM~~

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 29, 2009 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.

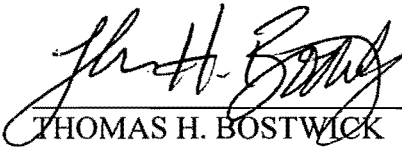
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 16th day of April, 2009 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (garage) to be located partially in a side yard in lieu of entirely in the rear yard, and to amend the Final Development Plan for lot #10 only of Middletown Woods 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.

4-16-09
PM

2. 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.
3. The accessory structure shall not be used for commercial purposes.

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

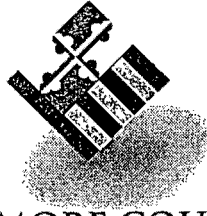


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

COPIES RESERVED FOR FILING

4.16.09



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 16, 2009

JAMES AND MARIELLEN ANGELO
7 MIDDLE WOODS COURT
PARKTON MD 21120

Re: Petition for Administrative Variance
Case No. 2009-0243-A
Property: 7 Middle Woods Court

Dear Mr. and Mrs. Angelo:

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".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

ORIGINAL
KEEP IN FILE

TAX ACCOUNT # 1212101012134714



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7 Middle Woods Ct.
which is presently zoned RC 4

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) 400.1 (BCZR) TO PERMIT A DETACHED ACCESSORY STRUCTURE (PROPOSED GARAGE) ~~TO BE LOCATED~~ PARTIALLY IN A SIDE YARD, IN LIEU OF ~~BEING~~ ENTIRELY IN THE REAR YARD, AND TO AMEND THE FINAL DEVELOPMENT PLAN FOR LOT #10 ~~OF~~ APPROXIMATELY 1.5 ACRES OF MIDDLETOWN WOODS. JA 3/17/09

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):

James Angelo
Name - Type or Print
Signature
Mariellen Angelo
Name - Type or Print
Signature
7 Middle Woods Ct 410-357-5900
Address Telephone No.
Parkton Md. 21120
City State Zip Code

Representative to be Contacted:

Name
Address Telephone No.
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. 2009 0243 A

Reviewed By JC Date 3/17/09

REV 10/25/01

Estimated Posting Date 3/29/09

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.

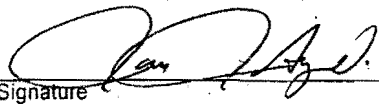
That the Affiant(s) does/do presently reside at

7 Middle Woods Ct.
Address
Parkton Md. 21120
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):

1. Placement of the improvement behind the rear most wall of the existing home would encroach upon the Forest Conservation Easement.
2. Placement of the improvement behind the rear most wall of the existing home would encroach upon the Septic Reserve Area.

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
JAMES J. Angelo
Name - Type or Print

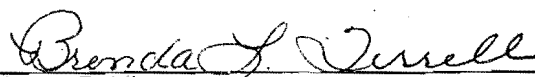

Signature
MARIELLEN M. ANGELO
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of MARCH, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public

My Commission Expires MAY 7, 2012

0243

ZONING DESCRIPTION

Zoning Description for 7 Middle Woods Ct Parkton, Maryland

Beginning at a point on the East side of Middle Woods Ct. which is 40 feet wide

At the distance of 832.5 feet South of the centerline of the nearest improved

intersecting street Middletown Road which is 70 feet wide. Being Lot 10 in the

subdivision of Middle Town Woods as recorded in Baltimore County Plat Book # 67,

Folio# 61, containing 1.774 Acres. Also known as 7 Middlewoods Court and

Located in the 7th Election District, and 3rd Councilmanic District

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

0243
 JL

No. 37895

Date: 3/17/09

PAID RECEIPT

BUSINESS ACTUAL TIME GND
 3/17/09 3/17/09 11:34:01 ?
 GND: MACKIN TOWN JEFF
 3/17/09 3/17/09 11:34:01 0011
 3/17/09 3/17/09 11:34:01 0011

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	901	0000		6150					130.00

Total: 130.00

Rec
 From:

For:

PV. MARRIAGE, and, and for
 7 MIDDLE WOODS CT.

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 3-29-09

RE: Case Number: 2009-0243-A

Petitioner/Developer: Mary Ellen Angelo

Date of Hearing/Closing: 4-13-09

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 7 Middle Woods Ct

The signs(s) were posted on 3-29-09
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2009-0243-A

TO PERMIT A DETACHED GARAGE TO
BE LOCATED PARTIALLY IN A SIDEYARD
IN LIEU OF ENTIRELY IN THE REARYARD
AND TO AMEND THE FDP OF MIDDLETOWN
WOODS FOR LOT 10

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS IN THE ZONING OFFICE BEFORE
11/3/09

IS AVAILABLE AT
MANAGEMENT

APP HAS DRG + POST LINES

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0243 -A Address 7 MIDDLE WOODS COURT

Contact Person: John L. Lewis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/17/09 Posting Date: 3/29/09 Closing Date: 4/13/09

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

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- 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.
- 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

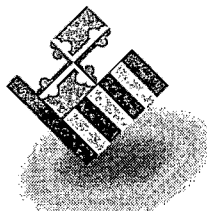
Case Number 2009- 0243 -A Address 7 MIDDLE WOODS COURT

Petitioner's Name ANVELO Telephone 410 351 5900

Posting Date: 3/29/09 Closing Date: 4/13/09

Wording for Sign: TO PERMIT A DETACHED GARAGE TO BE LOCATED PARTIALLY
IN A SIDE YARD IN LIEU OF ENTIRELY IN THE REAR YARD AND TO
AMEND THE FINAL DEVELOPMENT PLAN OF MIDDLETOWN WOODS FOR LOT # 10.

WCR - Revised 7/7/08



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
April 14, 2009

James & Mariellen Angelo
7 Middle Woods Ct.
Parkton, MD 21120

Dear: James & Mariellen Angelo

RE: Case Number 2009-0243-A, 7 Middle Woods Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 17, 2009. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

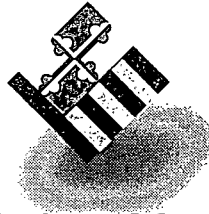
TO: Timothy M. Kotroco, Director **DATE:** March 25, 2009
Department of Permits &
Development Management

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

SUBJECT: Zoning Advisory Committee Meeting
For March 30, 2009
Item Nos. 2009-0232, 0233, 0234, 0237,
0240, 0241, 0242, ~~0243~~ 0245, and 0246

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

DAK:CEN:lrk
cc: File
ZAC-03302009 -NO COMMENTS



BALTIMORE COUNTY
MARYLAND

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

March 26, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 23, 2009

Item Numbers 0234, 0237, 0240, 0241, 0242, ~~0243~~, 0245 and 0246

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

INTER-OFFICE CORRESPONDENCE

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

DATE: October 26, 2006

RECEIVED

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

MAR 31 2009

ZONING COMMISSIONER

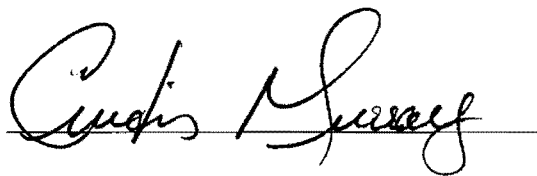
SUBJECT: 9-243 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) to be located partially in the side yard, and to amend the FDP for Lot 10 of Middletown Woods 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 Jessie Bialek at 410-887-3480.

Prepared by:



AFK/LL: CM



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: 3/23/2009

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

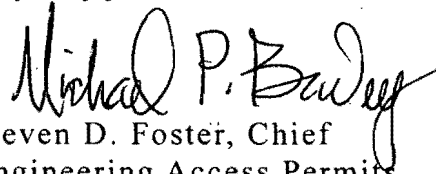
RE: Baltimore County
Item No 2009-0243-A
7-MIDDLE WOOD CT
ANGELO PROPERTY
ADMIN. VARIANCE

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. 2009-0243-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



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

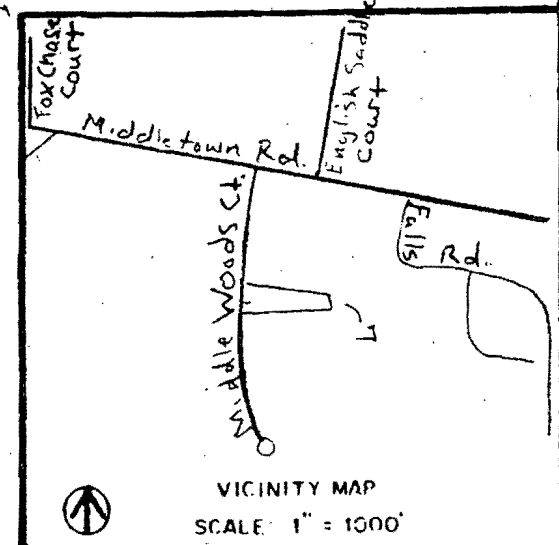
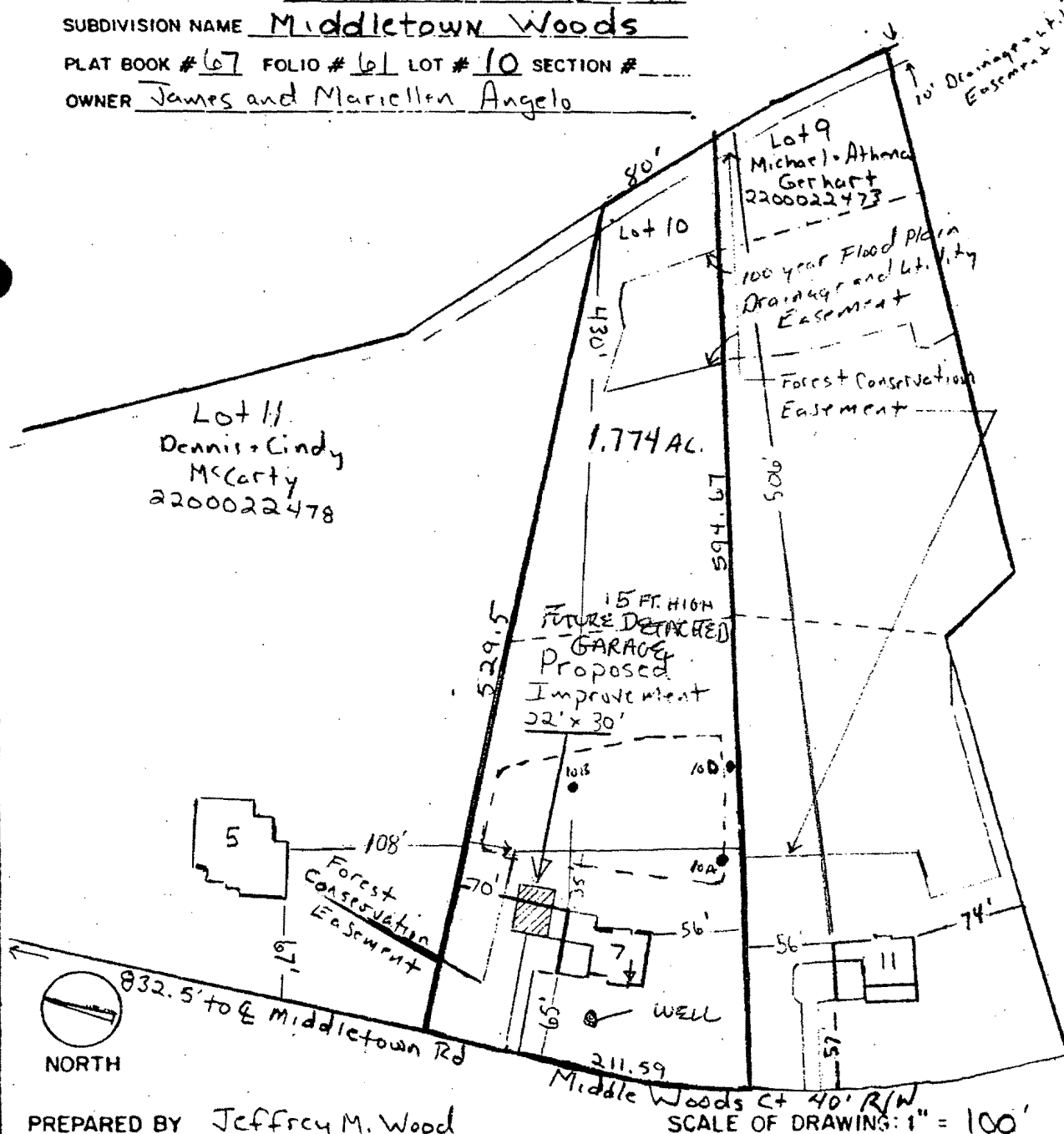
PROPERTY ADDRESS 7 Middle Woods Ct.

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

SUBDIVISION NAME Middletown Woods

PLAT BOOK # 67 FOLIO # 61 LOT # 10 SECTION #

OWNER James and Mariellen Angelo



LOCATION INFORMATION

ELECTION DISTRICT 7

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # 017A2

ZONING RC4

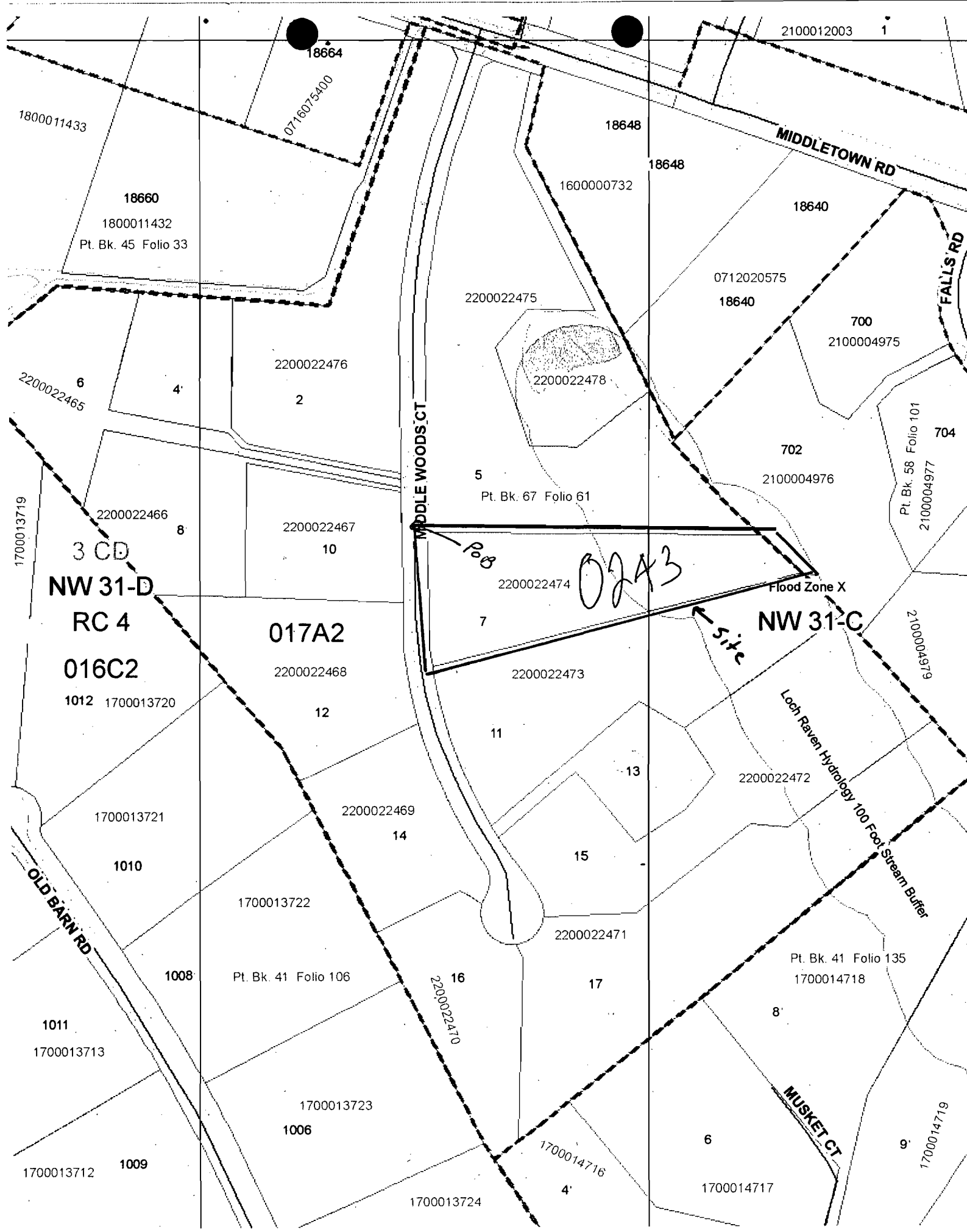
LOT SIZE 1.774 77,275
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

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

ZONING OFFICE USE ONLY
REVIEWED BY JL ITEM # 20090243 CASE # A

PREPARED BY Jeffrey M. Wood



2100012003

18664

0716075400

1800011433

18660

1800011432
Pt. Bk. 45 Folio 33

18648

1600000732

18648

MIDDLETOWN RD

18640

0712020575

18640

700

2100004975

FALLS RD

2200022475

2200022478

2200022476

2

2200022465

6

4

1700013719

2200022466

8

2200022467

10

3 CD
NW 31-D
RC 4

016C2

1012 1700013720

017A2

2200022468

12

MIDDLE WOODS CT

5

Pt. Bk. 67 Folio 61

702

2100004976

Pt. Bk. 58 Folio 101
2100004977

704

P28

2200022474

7

Flood Zone X

NW 31-C

Site

2200022473

11

13

2200022472

Loch Raven Hydrology 100 Foot Stream Buffer

1700013721

1010

2200022469

14

15

2200022471

17

OLD BARN RD

1008

Pt. Bk. 41 Folio 106

2200022470

16

1011

1700013713

1700013723

1006

1700014716

4

6

1700014717

MUSKET CT

9

1700014719

1700013712

1009

1700013724



Zoning Commissioner's Office
105 West Chesapeake Avenue, Suite 103
Jefferson Building
Towson, Maryland, 21204

up photos

2009-0243-A

Return Service Requested



