

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Coachford Court, 439 feet S of
the c/l of Crosshaven Road
8th Election District
2nd Councilmanic District
(1005 Coachford Court)

Richard and Marcie Rosario
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0273-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, Richard and Marcie Rosario for property located at 1005 Coachford Court. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 37 feet in lieu of the minimum required 50 feet, and to amend the Final Development Plan of the Smyth Property for Lot 16 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct an addition measuring 14 feet x 20 feet in size. The proposed addition will contain a bathroom, laundry room and mudroom to service the existing kitchen which is located at the back right corner of the dwelling. The location for the addition is the only area that has proximity to the kitchen and can be built without interfering with the functional layout of the existing floor plan. Photographs submitted by the Petitioners depict a number of similar additions in the immediate area.

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 dated April 30, 2009 which indicates that prior to the application for any building permits, the Petitioners shall provide

~~NOT FOR RELEASE~~

5.18.09 *B*

architectural elevations for the proposed addition that utilize the same building materials as were shown in the approved architectural elevation drawings for the existing structure.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 26, 2009 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 18th day of May, 2009 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 37 feet in lieu of the minimum required 50 feet, and to amend the Final Development Plan of the Smyth Property for Lot 16 only is hereby GRANTED, subject to the following:

~~NOT RECORDED FOR FILING~~
5.18.09
pm

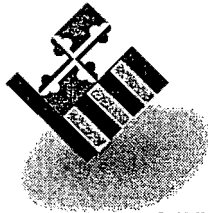
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to the application for any building permits, the Petitioners shall provide to the Office of Planning for their review and approval the architectural elevations for the proposed addition that utilize the same building materials as were shown in the approved architectural elevation drawings for the existing structure.

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

RECEIVED FOR FILED
5.18.09
PB



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 21, 2009

RICHARD AND MARCIE ROSARIO
1005 COACHFORD COURT
LUTHERVILLE MD 21093

Re: Petition for Administrative Variance
Case No. 2009-0273-A
Property: 1005 Coachford Court

Dear Mr. and Mrs. Rosario:

It came to my attention that the Order issued May 18, 2009 contained an error on page 2. For your convenience, I have reprinted the Order and included the revised page 2.

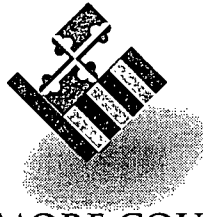
I apologize for any inconvenience this may have caused.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Zook".

Patricia Zook, Legal Secretary
for the Deputy Zoning Commissioner
for Baltimore County

Enclosure



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 18, 2009

RICHARD AND MARCIE ROSARIO
1005 COACHFORD COURT
LUTHERVILLE MD 21093

Re: Petition for Administrative Variance
Case No. 2009-0273-A
Property: 1005 Coachford Court

Dear Mr. and Mrs. Rosario:

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



Petition for Administrative Variance

To the Zoning Commissioner of Baltimore County for the property

located at 1005 Coachford Court

which is presently zoned **RC-5**

Deed Reference 27292/049 Tax Account# 2400006525

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) **1A04.3B.2.b** to allow a sideyard setback of 37 feet in lieu of the minimum required 50 feet and requesting to amend the final development plan of the "SMYTH PROPERTY" for lot #16 only.

Of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations. I or we, agree to pay expenses of above Administrative 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 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 _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

RICHARD H. ROSARIO

Name- Type or Print _____
Signature _____
MARCIE S. ROSARIO
Name- Type or Print _____
Signature _____

1005 Coachford Ct. **410-404-5526**
Address Telephone No.
Lutherville MD 21093
City State Zip Code

Representative to Be Contacted:

Name- Type or Print _____
Signature _____
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. 2009-0273-A

Reviewed by [Signature]

Date 4/15/09

REV 7/20/07

5-18-09

Estimated Posting Date

4/26/09

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 even that a public hearing is scheduled in the future with regard thereto.

That the Affiants) does/do presently reside at

1005 Coachford Court

Address

Lutherville

MD

21093

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):

The proposed addition is to be used as a bathroom/ laundry/mudroom to service the existing kitchen which is located at the back right corner of the house. The proposed location of the addition is the only area that has proximity to the kitchen and can be built, without interfering with functional uses of the existing floor layout.

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.

X [Signature]
Signature

RICHARD H. ROSARIO

Name- Type or Print

[Signature]
Signature

MARCIE S. ROSARIO

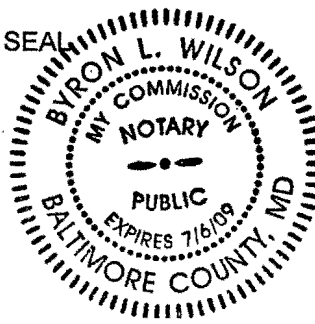
Name - Type or Print.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY THIS 14th day of April, 2009, before me a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

Richard H. Rosario and Marcie S. Rosario
the Affiant(s) herein, personally know or satisfactorily identified to me as such Affiant(s).

AS WITNESS MY HAND AND NOTARIAL SEAL



[Signature]
Notary Public

My Commission Expires 7/6/09

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

4-14-2009

Zoning Description of
1005 Coachford Court
8th Election District
2nd Councilmanic District
Baltimore County, MD



Beginning at a point on the west side of Coachford Court (40 foot wide right-of-way), said point being 439 feet South of the centerline of Crosshaven Road, and being known as Lot 16, Section Two, Plat Five, SMYTH PROPERTY, as recorded in Plat Book 76, Page 159.

Being known as 1005 Coachford Court and recorded in Deed Liber 27292 Folio 49.

2009-0273-A

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

No. **39262**

Date **4/15/09**

PAID RECEIPT

BUSINESS ACTUAL TIME DRD
 4/16/2009 4/15/2009 1:00/25
 S 0002 MAIL JENA JEE
 RECEIPT # 631570 4/15/2009 0FLY
 PL 5 \$29 ZONING VERIFICATION
 NO. 039262

Recpt Tot \$115.00
 \$115.00 CR \$ 00.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				115.00

Total: **115.00**

Rec From: **Marcie Rosario**

For: **1005 Coochford Ct**

21093 2009-0273-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2009-0273-A

Petitioner/Developer RICHARD & MARCIE ROSARIO

Date Of Hearing/Closing: May 11, 2009

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 1005 COLCHESTER CT

This sign(s) were posted on April 26, 2009

Month, Day, Year

Sincerely,

Martin Ogle 4/26/09
Signature of Sign Poster and Date

Martin Ogle

60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411



04/26/2009

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0273 -A Address 1005 Coachford Court

Contact Person: Lawrence Wasilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/15/09 Posting Date: 4/26/09 Closing Date: 5/11/09

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

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, 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- 0273 -A Address 1005 Coachford Ct

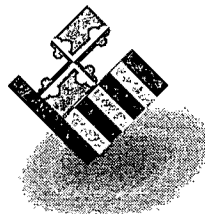
Petitioner's Name Richard & Marcie Rosario Telephone 410-404-5526

Posting Date: 4/26/09 Closing Date: 5/11/09

Wording for Sign: To Permit

a sideyard setback of 37 feet in lieu of the minimum required 50 feet and requesting to amend the final development plan of the "SMYTH PROPERTY" for lot #16 only.

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
May 12, 2009

Richard & Marcie Rosario
1005 Coachford Ct.
Lutherville, MD 21093

Dear: Richard & Marcie Rosario

RE: Case Number 2009-0273-A, 1005 Coachford 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 15, 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

INTER-OFFICE CORRESPONDENCE

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

DATE: April 30, 2009

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

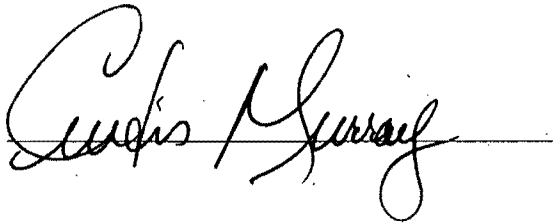
SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-273- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and offers the following:

Prior to the application for any permits, the applicant shall provide architectural elevations for the proposed addition that utilize the same building materials as were shown in the approved architectural elevation drawings for the existing structure.

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

Prepared By:
CM/LL

A handwritten signature in black ink, appearing to read "Curtis Murray", is written over a horizontal line.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 4, 2009

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For May 4, 2009
Item Nos. 2008-189, 2009-273, 274,
276, 277, 278, 279, 280 and 282

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

DAK:CEN:cab
cc: File
ZAC-05042009 -NO COMMENTS



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, 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 2009-0273-A
1005 COACHFORD COURT
ROSARIO 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. 2009-0273-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, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For May 4, 2009
Item Nos. 2009-273, 274, 276, 277,
278, 279, 280 and 282

DATE: June 10, 2009

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

DAK:CEN:cab
cc: File
ZAC-05042009 -NO COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 30, 2009

RECEIVED

MAY 01 2009

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

ZONING COMMISSIONER

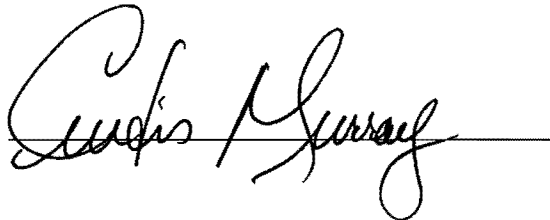
SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-273- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and offers the following:

Prior to the application for any permits, the applicant shall provide architectural elevations for the proposed addition that utilize the same building materials as were shown in the approved architectural elevation drawings for the existing structure.

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

Prepared By:
CM/LL

A handwritten signature in black ink, appearing to read "Curtis Murray", is written over a horizontal line.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 13 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: May 13, 2009

SUBJECT: Zoning Item # 09-273-A
Address 1005 Coachford Court
(Rosario Property)

Zoning Advisory Committee Meeting of April 27, 2009

 X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL

Date: 5/13/09

Front

2009-0273-A



Pett Side

2009-0273-A



Sick

2009-0273-A



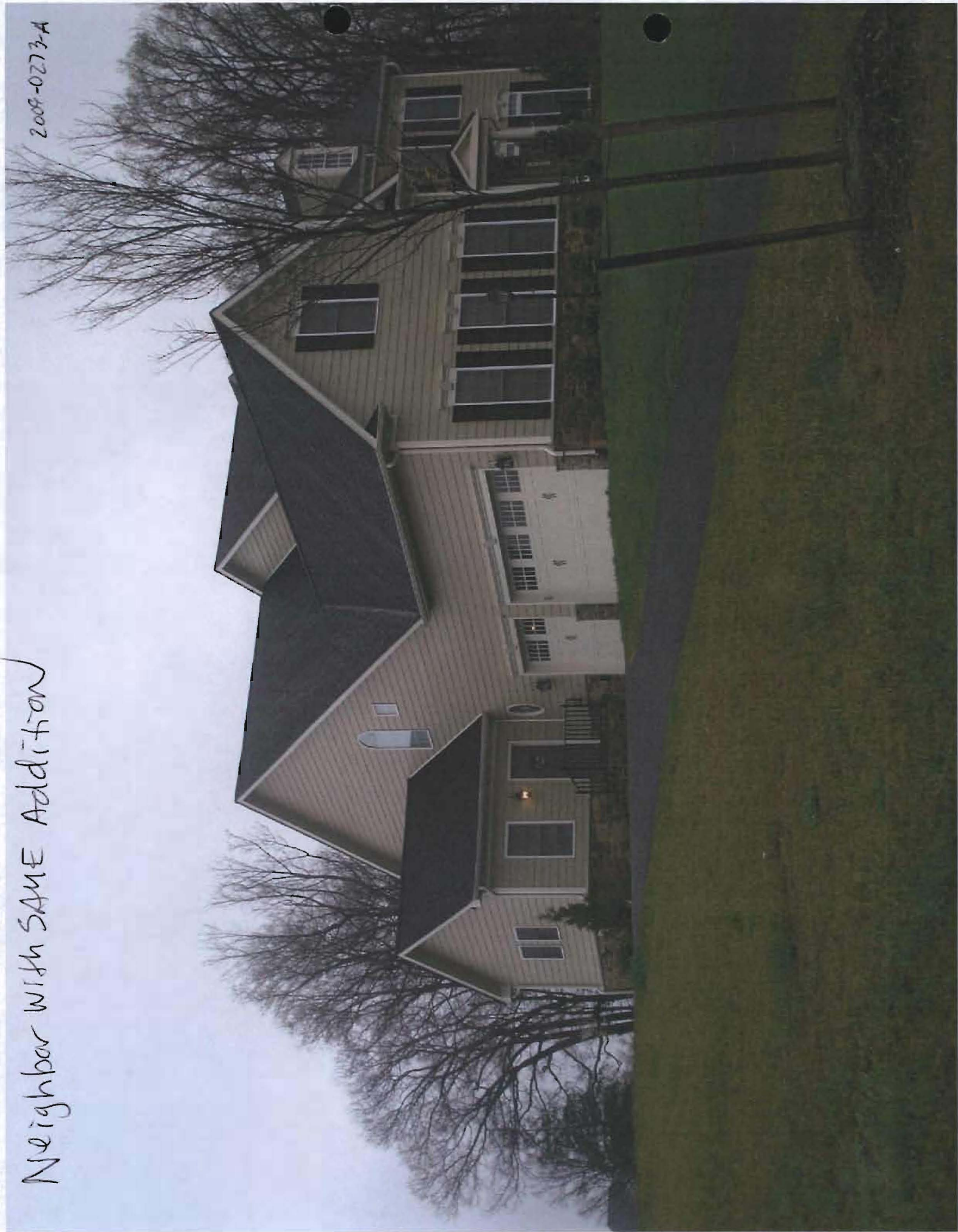
Neighbor with same Addition

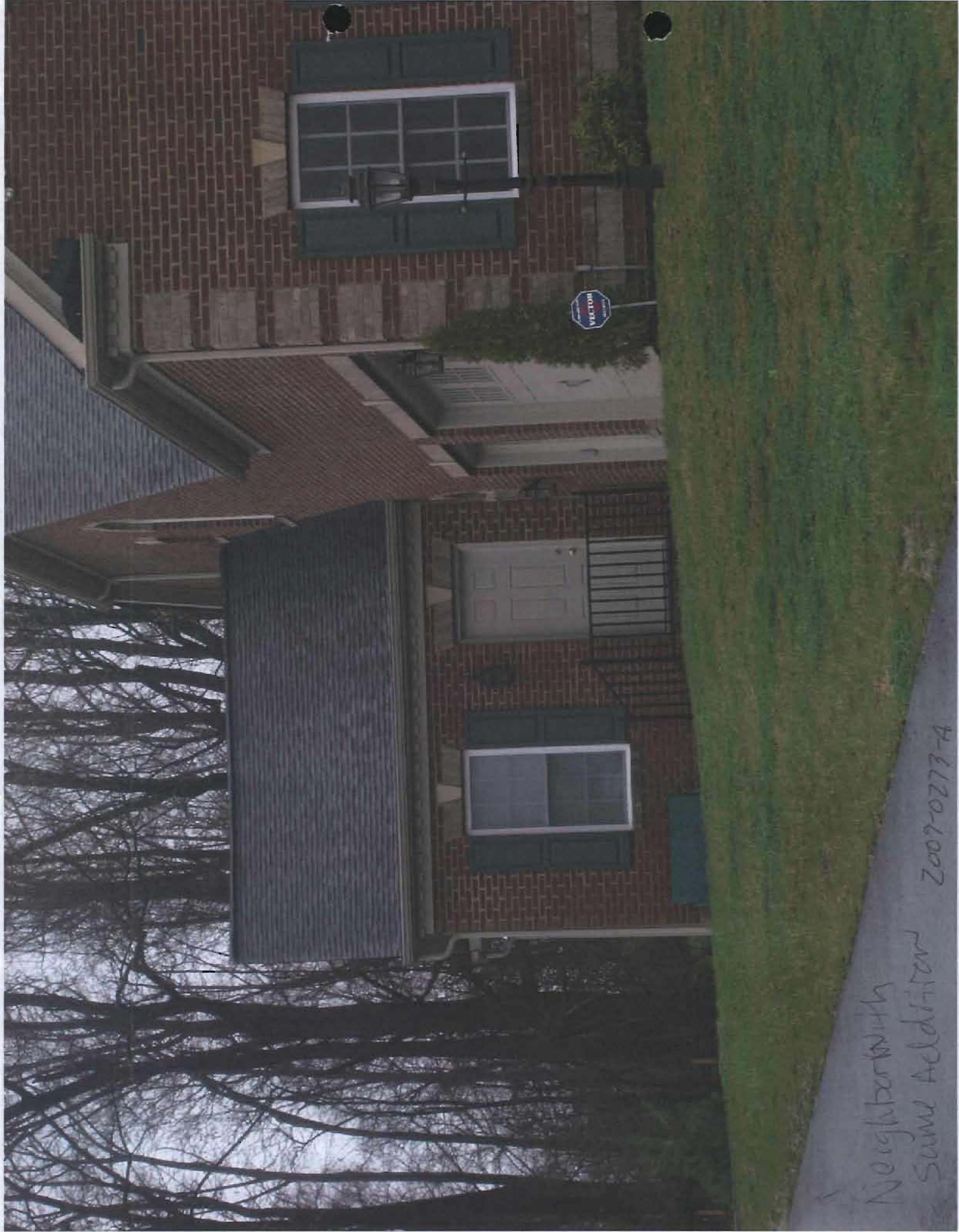
2009-0273-A



Neighbor with SAME Addition

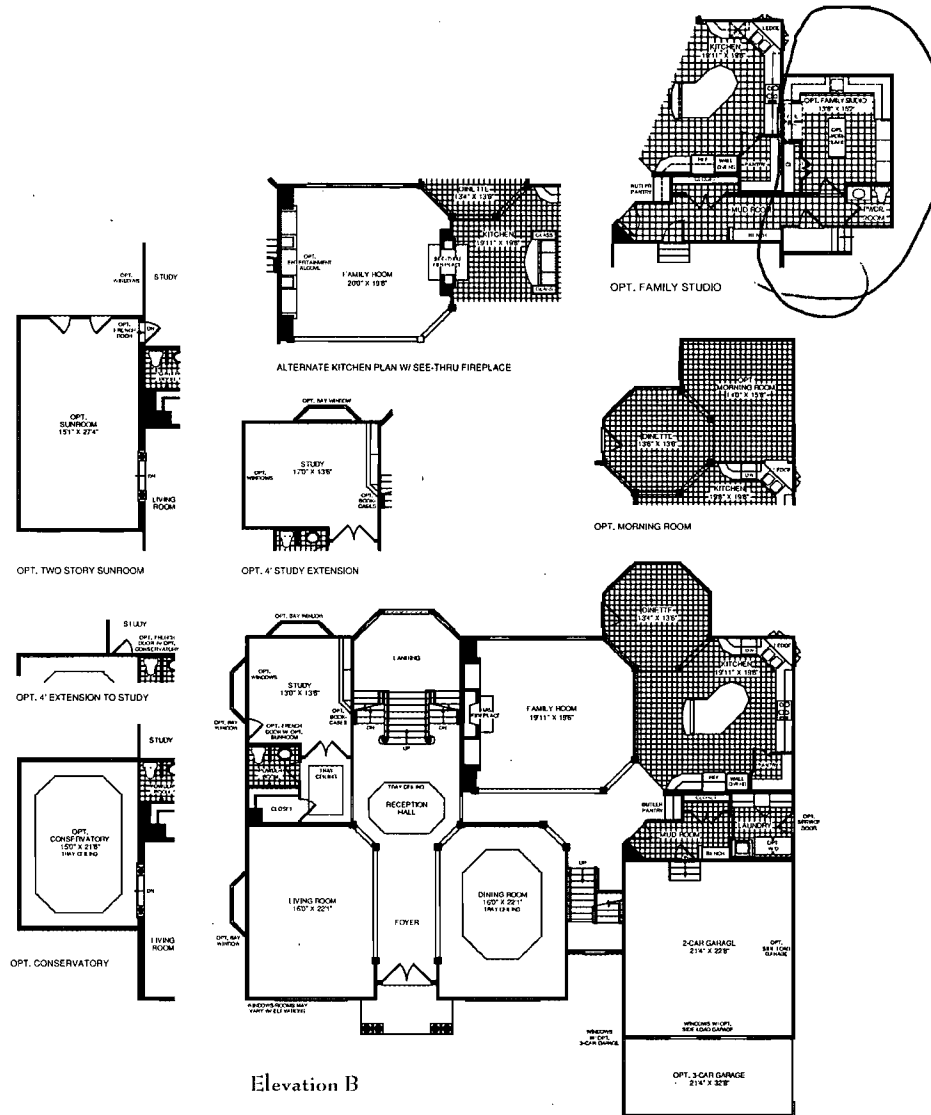
2008-0273-A





Neighbors with
Same Address 2007-0273-A

Main Level Floor Plan



2009-0273-A

Due to the extensive features available for you to customize your home, please ask your Sales and Marketing Representative for complete information as not all features are shown. It is recommended that the architectural blueprints be reviewed for further clarification of features.

2400006531

2400006523

1001

1002

2400006528

2400006524

1003

2400006527

1004

2400006530
Pt. Bk. 76 Folio 159

SMYTH PROPERTY (PDM File/Project # 8-795)

051A3
2 CD

RC 5
NW 14-C

SITE

2400006525

1005

#1005 COACHFORD CT.

2400006526

1006

2400006515
Pt. Bk. 76 Folio 157

COACHFORD CT

1007

2400006516

2400006521

1008

2400006513

Pt. Bk. 76 Folio 158 2400006517

2009-0273-A

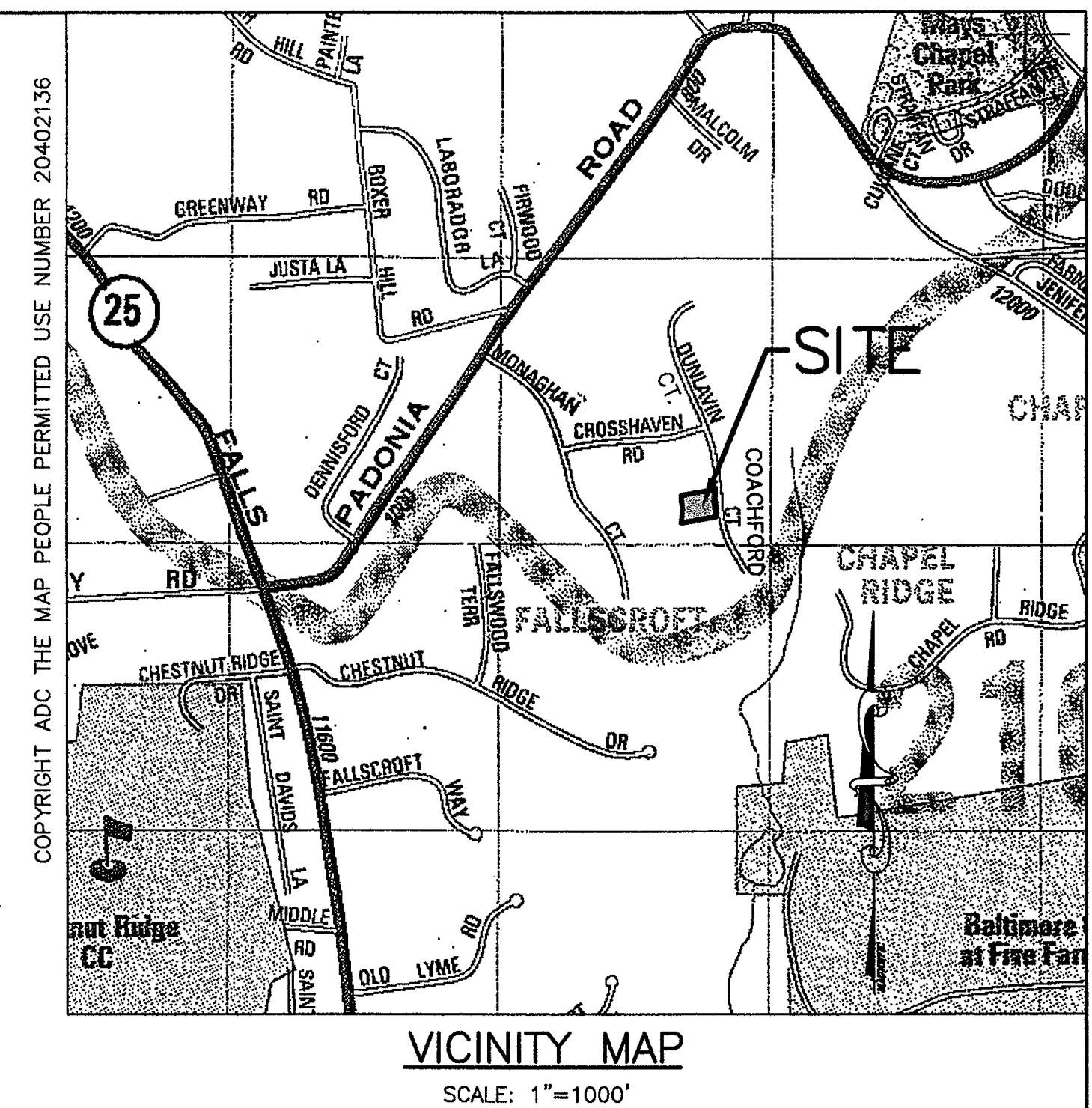
1009

2400006520

200 SCALE
ZONING PLAN

2400006518

1. ZONING AT TIME OF PLAT RECORDATION: RC-5 (2004).
2. GROSS AREA: 47,833 S.F.± = 1.098 AC.±
NET AREA: 44,009 S.F.± = 1.010 AC.±
3. 200 SCALE ZONING MAP NO. 051A3.
4. THERE ARE NO EXISTING OR IMPENDING FAILURES OF THE BASIC SERVICES MAPS FOR THIS SITE.
5. TO THE BEST OF OUR KNOWLEDGE THERE HAVE BEEN NO PRIOR ZONING HEARINGS FOR THIS SITE.
6. THIS LOT IS SERVED BY PRIVATE WELL AND SEPTIC SYSTEM.
7. THE EXISTING DWELLING HAS BEEN FIELD LOCATED ACCORDING TO MONUMENTATION SET IN THE SUBDIVISION BY THE SURVEYOR WHO PREPARED THE ORIGINAL SUBDIVISION PLAT.
8. OWNER INFORMATION:
RICHARD H. ROSARIO &
MARCE S. ROSARIO
DEED REFERENCE: 27292/49
TAX ACCT.# 2400006525
TAX MAP 51, GRID 19, PARCEL 68
9. THIS PROPERTY IS NOT IN THE CBCA.
10. THIS SITE DOES NOT LIE IN THE 100 YEAR FLOOD PLAIN.
11. THIS SITE IS NOT HISTORIC.



LOT 16
SECTION TWO, PLAT FIVE
SMYTH PROPERTY
PLAT 76/159

SHEET 1 OF 1	COMPUTED BY: JMB	DRAWN BY: JMB	CHECKED BY: GCS	JOB No.: 09-036
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