

5/25/10
IN THE MATTER OF
THE APPLICATION OF
SHARON SERIO / LEGAL OWNER
PETITION FOR ADMINISTRATIVE
VARIANCE, ON THE PROPERTY
LOCATED E/SIDE OF ZION ROAD
460' N OF C/L CLYDE AVENUE
(2415 ZION ROAD)

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 09-323-A

1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* * * * *

ORDER OF DISMISSAL

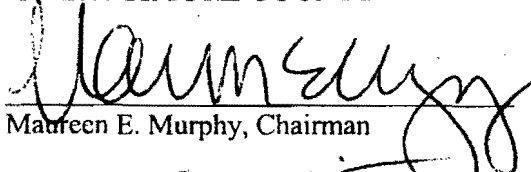
This matter comes to the Board of Appeals by way of an appeal filed by William Young, through Appellant's Counsel, J. Carroll Holzer, Esquire, from a decision of the Zoning Commissioner dated August 14, 2009, in which the requested zoning relief was granted.

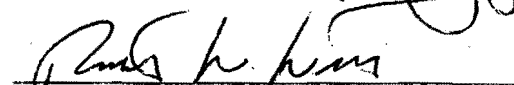
WHEREAS, the Board is in receipt of a Notice of Withdrawal of Appeal filed on May 23, 2010, via facsimile, by J. Carroll Holzer, Esquire, Counsel for William Young, the sole Appellant (copies of which are attached hereto and made a part hereof); and

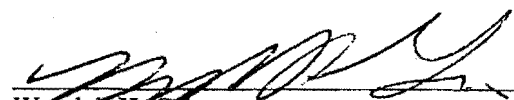
WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of May 24, 2010,

IT IS ORDERED this 25th day of May, 2010 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 09-323-A be and the same is hereby **DISMISSED**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman


Robert W. Witt


Wendell H. Grier



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204

410-887-3180
FAX: 410-887-3182

May 25, 2010

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

Sharon Serio
2415 Zion Road
Halethorpe, MD 21227

RE: *In the Matter of: Sharon Serio- Legal Owner / Petitioner*
Case No.: 09-323-A

Dear Mr. Holzer and Ms. Serio:

Enclosed please find a copy of the Dismissal Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Very truly yours,

A handwritten signature in black ink, reading "Theresa R. Shelton".

Theresa R. Shelton
Administrator

Duplicate Original

Enclosure: Order of Dismissal

c (w/Encl.): William Young
Office of People's Counsel
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, Director/Planning
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney

IN RE: PETITION FOR ADMIN. VARIANCE
E side of Zion Rd.; 460 feet N of the
c/l of Clyde Ave.
(2415 Zion Road)

1st Election District
1st Councilmanic District

Sharon Serio
Petitioner

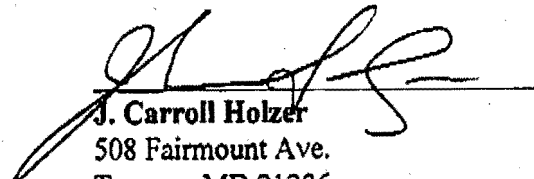
* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 2009-0323-A

* * * * *

NOTICE OF WITHDRAWAL OF APPEAL

J. Carroll Holzer, representing WILLIAM N. YOUNG, previously the legal owner of property located at 2417 Zion Road, who currently resides at 6453 St. Phillips Road, Linthicum, MD 21090, Appellant in the above captioned matter, hereby withdraws his appeal in the above captioned matter to the Board of Appeals effective immediately.

Respectfully submitted,

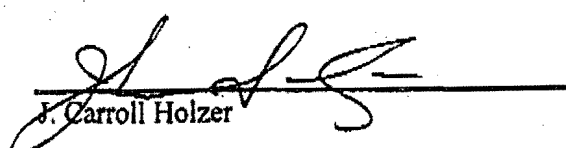

J. Carroll Holzer
508 Fairmount Ave.
Towson, MD 21286
410-825-6961
Attorney for Appellant

RECEIVED
MAY 26 2010

BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I CERTIFY that on the 24th day of May, 2010, a copy of the foregoing Notice of Withdrawal of Appeal was mailed to: Sharon Scio, 2415 Zion Road, Baltimore, MD 21227; and People's Counsel for Baltimore County, Jefferson Building, Room 204, 105 W. Chesapeake Ave., Towson, MD, 21204.


J. Carroll Holzer

9/2/09

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Zion Rd.; 460 feet N of the
c/l of Clyde Ave.

(2415 Zion Road)

1st Election District

1st Councilmanic District

Sharon Serio

Petitioner

*

BEFORE THE

*

DEPUTY ZONING

*

COMMISSIONER FOR

*

BALTIMORE COUNTY

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Case No.: 2009-0323-A

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NOTICE OF APPEAL

WILLIAM N. YOUNG, legal owner of property located at 2417 Zion Road, who currently resides at 6453 St. Phillips Road, Linthicum, MD 21090, Appellant in the above captioned matter, in proper person, hereby appeals the above captioned matter to the Board of Appeals in Case No. 2009-0323-A rendered on August 14, 2009 and attached to this Notice of Appeal.

Also filed with this Notice of Appeal is a check made payable to Baltimore County to cover the costs of this appeal. Appellant was a party below and fully participated in the proceedings.

Respectfully submitted,

William N. Young
William N. Young
6453 St. Phillips Rd.
Linthicum, MD 21090
410-859-1891
Appellant

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...AW.....

8/14/09

IN RE: PETITION FOR ADMIN. VARIANCE *

E side of Zion Road; 460 feet N of the
c/l of Clyde Avenue
1st Election District
1st Councilmanic District
(2415 Zion Road)

BEFORE THE

* DEPUTY ZONING

* COMMISSIONER

* FOR BALTIMORE COUNTY

Sharon Serio

Petitioner

* **Case No. 2009-0323-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, Sharon Serio. The Variance request is from Section 1B02.3.B (Section 504, 1945 Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side yard setback of 3 feet and front yard setback of 23 feet in lieu of the required side yard setback of 7 feet and front yard average of 25.17 feet, respectively. The subject property and requested relief are more particularly described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

This matter was originally filed as an Administrative Variance, with a closing date of July 6, 2009. On June 23, 2009, an adjacent property owner, William Young, owner of the property at 2417 Zion Road, filed a Formal Demand for Hearing. The hearing was subsequently scheduled for Wednesday, August 12, 2009 at 10:00 AM in Room 104 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland. In addition, a sign was posted at the property on July 26, 2009 and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and interested citizens notice of the hearing.

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Appearing at the public hearing in support of the requested relief was Petitioner Sharon Serio and her daughter Sarah, who also resides at 2415 Zion Road along with her two young children. Appearing in opposition to the variance request was Protestant William Young, legal owner of the adjacent property to the south, 2417 Zion Road, who currently resides at 6453 St. Phillips Road in Linthicum, MD. There were no other interested citizens in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is rectangular in shape and contains approximately 5,580 square feet, more or less, zoned D.R.5.5. The property is located on the east side of Zion Road and west of Lansdowne Road in the Halethorpe area of Baltimore County. The subject property's rear yard is adjacent to the ball fields of Lansdowne High School, which sits approximately 600 feet northwest of the subject property. The property is improved with a single-family dwelling in the 'rancher' style, as well as an accessory storage shed near the property line with Mr. Young's property. Further, the subject dwelling sits more to the northern portion of the property, closer to the property line at 2413 Zion Road, than to Protestant's property at 2417 Zion Road. Protestant Mr. Young's property is likewise improved with a single-family dwelling in the 'rancher' style, and is additionally improved with an accessory storage shed at or near the dividing property line of the subject property and Mr. Young's property. These accessory structures can be seen in the photograph marked and accepted into evidence as Petitioner's Exhibit 3C.

Further evidence revealed that the subject property and the property of the Protestant Mr. Young are plats of record since 1953. The record plat for the Highland Subdivision, on which the subject property is identified as Lot 21 and highlighted in yellow, was marked and accepted into evidence as Petitioner's Exhibit 2. At this juncture, Petitioner desires to add a two-story

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addition to her existing dwelling consisting of a front-loading one car garage, two bedrooms and a bathroom. This addition would blend with the existing home by overlapping the dwelling to create a streamlined, cohesive unit. However, the addition requires variance relief because the proposed addition would result in a side yard setback of 3 feet in lieu of the required 7 feet, and would jut into the front yard slightly, creating a setback of 23 feet in lieu of the required front yard average of 25.17 feet, respectively.

Petitioner explained that she considered other locations for the addition, specifically, raising the height of the home, like the home at 2407 Zion Road, seen in the photograph that was marked and accepted into evidence as Petitioner's Exhibit 5B. However, this option was considered to be more intrusive than the proposed addition and not to be compatible with the original 'rancher' style home intended for the community. Also considered was putting the addition completely in the rear of the home; however due to the location of the ball fields adjacent to the property's rear yard, this option was deemed not feasible. Further, placing the addition on the north side of the home was impractical due to the layout of the home, which was built in 1953 according to a Real Property Data Search contained within the case file.

Petitioner indicated that great concern was taken in designing the proposed addition so that it would visually blend with surrounding homes and be consistent with the layout of the community and the pattern of development. Materials matching those already on the subject dwelling will be used for the addition, thereby contributing to the existing aesthetics of the home. Moreover, Petitioner stated that many other homes on Zion Road, suffering from layout restraints, had expanded even closer to their respective property lines than she currently proposes. Examples of such homes can be seen in photographs B, D, E, and F of Petitioner's Exhibit 5. Lastly, Petitioner stated that if she were unable to build the addition as proposed she

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would suffer practical difficulty and undue hardship because her daughter and grandchildren would be unable to live in the home and she would be forced to move elsewhere.

Testifying in opposition to the requested relief was William Young, legal owner of 2417 Zion Road, which is adjacent to the subject property to the south. Mr. Young currently resides at 6453 St. Phillips Road in Linthicum, Maryland. No one currently lives at 2417 Zion Road. However, he indicated that he is attempting to either sell his Zion Road property or is considering re-locating his residence from Linthicum to the Zion Road address. Mr. Young objects to the proposed addition because in his opinion, the value of his home would decrease. Further, he notes that the area between the two homes retains water poorly and thus water often accumulates between the two homes. Ms. Serio responded to these comments noting that she took great care in designing the addition to alleviate the drainage issue between the two homes. The proposed addition will provide drainage so that storm water will feed towards Zion Road and not adjacent properties.

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 August 5, 2009 which indicates that the existing house is a small rancher built in 1953. The proposed addition will cause the loss of at least one off-street parking space. One off-street parking space will remain if the distance between the front of the addition and the sidewalk located along Zion Road is adequate. It does not appear that the loss of one off-street parking space will be a problem. On-street parking is available on both sides of Zion Road. There are also two on-street spaces located directly in front of the Petitioner's dwelling.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance

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request. The photographs admitted into evidence and the testimony of Petitioner as to the placement of the existing dwelling and the unusual characteristics of the land, render the subject property unique in a zoning sense. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The dwelling in its current state does not have sufficient capacity for the residents of Petitioner's home and denial of the variance request would require Petitioner to pursue alternative living arrangements. Although I am aware of Protestant's concerns and appreciate his reservations about the proposed addition's affects on his property's value and sight line, the granting of the request enables Petitioner the common law right to use her property in a manner so as to realize its highest and best use in accordance with Maryland law. *See, Aspen Hill Venture v. Montgomery County Council*, 265 Md. 303 (1972). I am not convinced there will be any detrimental impacts to Protestant's property, nor to the community in general.

Moreover, Petitioner's proposed location for placement of the addition is the most compatible with the original 'rancher' style layout of the surrounding community and is the most feasible for the configuration of the property. Finally, I find this variance can be granted in strict harmony with the spirit and intent of said zoning regulations, in such manner as to grant relief with consideration for public health, safety and general welfare, and in accordance with the requirements of Section 1B02.3.B of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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.

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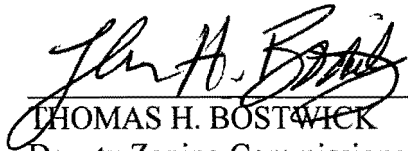
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THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 14th day of August, 2009 that a Variance from Section 1B02.3.B (Section 504, 1945 Regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a side yard setback of 3 feet and front yard setback of 23 feet in lieu of the required side yard setback of 7 feet and front yard average of 25.17 feet, respectively, be and is hereby GRANTED, subject to the following:

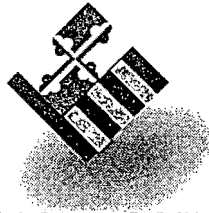
1. Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner 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

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8.14.09 pm



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 14, 2009

SHARON SERIO
2415 ZION ROAD
HALETHORPE MD 21227

Re: Petition for Administrative Variance
Case No. 2009-0323-A
Property: 2415 Zion Road

Dear Ms. Serio:

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 dark ink, appearing to read "John H. Bostwick", written over the typed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: William Young, 6453 St. Phillips Road, Linthicum MD 21090



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2415 ZION ROAD
which is presently zoned OR 5.5

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 (504) (1945 Regs)

Section III, C. 2 + 3 - to permit a proposed addition to have a side yard setback of 3 feet and front yard setback of 23 feet in lieu of the required 7 and front yard average 25.17, respectively

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):

Sharon Send

Name - Type or Print

Signature

Name - Type or Print

Signature

2415 ZION ROAD

Address

Telephone No.

Hale Thorpe

MD

21227

City

State

Zip Code

Representative to be Contacted:

GORDON LANE

Name

5656 VANTAGE POINT

Address

Telephone No.

Columbia

MD

21044

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. 2009-0323-A

REV 10/25/01

Reviewed By RTH

Date 6/12/09

Estimated Posting Date 6/21/09

814.09

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

2415 Zion Road
Address
Balto. MD 21227
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 FRONT YARD depth of the proposed
Addition AT 2415 ZION ROAD will be 2' Less
than the front yard depths of 2417 & 2413
Zion Road

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.

Sharon Serio
Signature
Sharon Serio
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of June, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Cynthia L. Rueppel
Notary Public
My Commission Expires 10-1-10

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

2415 Zion Road
Address
Balto. MD 21227
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 front yard depth of the proposed addition
AT 2415 ZION ROAD will be 2' less than the
front yard depths of 2417 & 2413 ZION ROAD

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.

Sharon Serio

Signature

Sharon Serio

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of June, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maryland Sharon Serio

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

AS WITNESS, my hand and Notarial Seal

Cynthia L. Rueppel

Notary Public

My Commission Expires 10-1-10



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2415 ZION ROAD
which is presently zoned DR-5.5-1

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 (504)(1945 Regs)-

Section III.C. 2 + 3 - to permit a proposed addition to have a side yard setback of 3 feet and front yard setback of 23 feet in lieu of the required 7 and front yard average 25.17, respectively

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):

Sharon Seno

Name - Type or Print

Signature

Name - Type or Print

Signature

2415 ZION ROAD

Address

Telephone No.

HALETHORPE

City

MD

State

21227

Zip Code

Representative to be Contacted:

GORDON LANE

Name

5656 VANTAGE POINT

Address

410-227-6149

Telephone No.

COLUMBIA

City

MD

State

21044

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 10 day of June 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. 2009-0333-1A

Reviewed By [Signature]

Date 6/12/09

REV 10/25/01

Estimated Posting Date 6/21/09

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address:

Ms Serio has taken in her daughter and two young grandchildren. Since Ms. Serios' home is equipped with just one bedroom and one bathroom she believes her best avenue to accommodate her daughter and grandchildren for the long term is to expand her current home to include three additional bedrooms and one additional bathroom.

Item #0323

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 2415 Zion Road; Halethorpe, Maryland 21227.

Beginning at a point on the EAST side of Zion Road which is 50.00 feet wide at the distance of 460.00 feet North of the centerline of the nearest improved intersecting street CLYDE AVENUE which is 50 feet wide. Being Lot #21 in the subdivision of Highland as recorded in the Baltimore County Plat Book the 19, Folio 13, containing 5,580 Square Feet. Also, known as 2415 Zion Road, and located in the 1st Election District, 1st Councilmanic District.

Item #0323

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

No. 39844

Date:

Rev	Sub
Source/	Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
------	------	------	----------	-----	---------	----------	---------	--------

[illegible]

Total:

Rec

From:

For:

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

MEMORANDUM

第 1 頁 共 1 頁

100-443887-100

11 4 07 11 11 11 11 11

[illegible]

1. DATE 12/12/2012

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2009-0323-A

Petitioner/Developer SHARON SERIO

Date Of Hearing/Closing: 7/6/09

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 2415 ZION RD

This sign(s) were posted on June 20, 2009

Month, Day, Year

Sincerely,

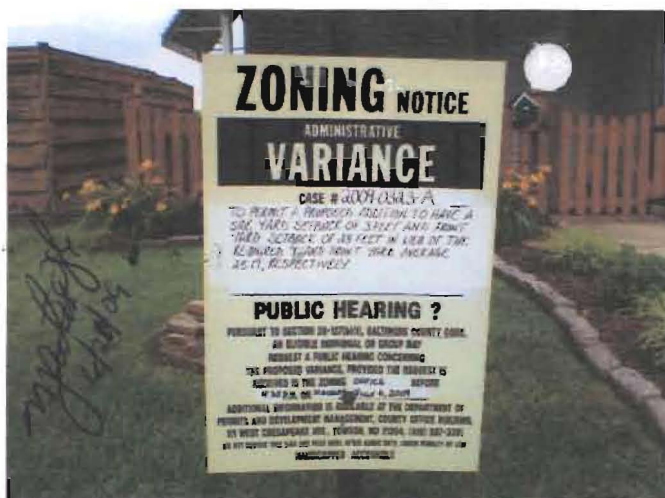
Martin Ogle 6/20/09
Signature of Sign Poster and Date

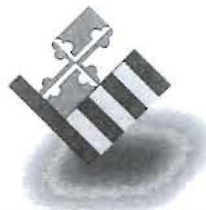
Martin Ogle

60 Chelmsford Court

Baltimore, Md, 21220

443-629-3411





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

July 15, 2009

Sharon Serio
2415 Zion Road
Halethorpe, MD 21227

Dear Ms. Serio:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 2009-0323-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand requiring a public hearing concerning the above proposed administrative procedure.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact David Duvall at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Gordon Lane, 5656 Vantage Point, Columbia 21044
William Young, 2417 Zion Road, Halethorpe 21227

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2009-0323-A

2415 Zion Road

1st Election District - 1st Councilmanic District

Legal Owner(s): Sharon Serio

Variance: to permit a proposed addition to have a side yard setback of 3 feet and front yard setback of 23 feet in lieu of the required 7 and front yard average of 25.17 feet, respectively.

Hearing: Wednesday, August 12, 2009 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 7/835 July 28

20666C

CERTIFICATE OF PUBLICATION

7/30/2009

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/28/2009.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkins

LEGAL ADVERTISING

[illegible]



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2009-0323-A

Address: 2415 ZION RD

Petitioner(s): SHARON SERIO

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We William Young
Name - Type or Print

☒ Legal Owner OR ☐ Resident of

2417 ZION Rd. - 21227
MAILING ADDRESS Address
6453 St. Phillips Rd, Linthicum 21090
City State Zip Code

410 - 859-1891
Telephone Number

which is located approximately 0 feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.

William Young 4/23/09
Signature Date

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

No. **43327**

Date: **9/20/09**

PAID RECEIPT

BUSINESS ACTUAL TIME GRC
 9/20/2009 9/22/2009 15:25:12 S

REQ US03 BALKIN REOS LRS
 RECEIPT 0 021210 9/22/2009 OFLJ

5 SP8 JONES VERIFICATION
 NO. 043327

Receipt Tot \$400.00
 \$400.00 CR \$4.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	8700	0000		1110				400.00

Total: **400.00**

Rec From: **William Young**

For: **Annual**
10001-1223-A
2009-2010

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Requested: February 2, 2010

APPEAL SIGN POSTING REQUEST

CASE NO.: 09-323-A

2415 Zion Road

1st ELECTION DISTRICT

APPEALED: 9/22/09

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
The Jefferson Building, Suite 203
102 W. Chesapeake Avenue
Towson, MD 21204

Attention: Theresa Shelton
Administrator

CASE NO.: 09-323-A

LEGAL OWNER: Sharon Serio

RECEIVED
MAR 22 2010
BALTIMORE COUNTY
BOARD OF APPEALS

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

2415 ZION ROAD
E/S OF ZION ROAD, 460' N OF C/L CLYDE AVE

The sign was posted on _____, 200_____.

By: _____
(Signature of Sign Poster)

(Print Name)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0323 -A Address 2415 Zion Rd

Contact Person: David Duval Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/12/09 Posting Date: 6/21/09 Closing Date: 7/06/09

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- 0323 -A Address 2415 Zion Rd

Petitioner's Name Sharon Serio Telephone _____

Posting Date: 6/21/09 Closing Date: 7/06/09

Wording for Sign: To Permit a proposed addition to have a side yard setback of 3 feet and front yard setback of 23 feet in lieu of the required 7 and front yard average 25.17, respectively

WCR - Revised 7/7/08

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 2009-0323-A
Petitioner: SHARON SERIO
Address or Location: 2415 ZION ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: GORDON LANE
Address: 5656 VANTAGE POINT ROAD
COLUMBIA, MD 21044
Telephone Number: 410-227-6149

Revised 7/11/05 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 28, 2009 Issue - Jeffersonian

Please forward billing to:

Gordon Lane
5656 Vantage Point Road
Columbia, MD 21044

410-227-6149

NOTICE OF ZONING HEARING

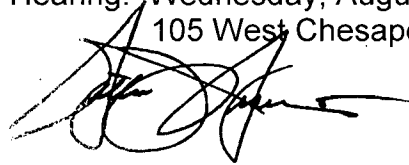
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0323-A

2415 Zion Road
1st Election District – 1st Councilmanic District
Legal Owners: Sharon Serio

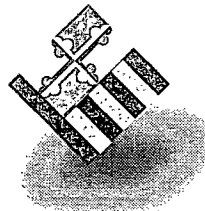
Variance to permit a proposed addition to have a side yard setback of 3 feet and front yard setback of 23 feet in lieu of the required 7 and front yard average of 25.17 feet, respectively.

Hearing: Wednesday, August 12, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0323-A

2415 Zion Road
1st Election District – 1st Councilmanic District
Legal Owners: Sharon Serio

Variance to permit a proposed addition to have a side yard setback of 3 feet and front yard setback of 23 feet in lieu of the required 7 and front yard average of 25.17 feet, respectively.

Hearing: Wednesday, August 12, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Sharon Serio, 2415 Zion Road, Halethorpe 21227
Gordon Lane, 5656 Vantage Point, Columbia 21044
William Young, 2417 Zion Road, Halethorpe 21227

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 28, 2009.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

CASE #: 09-323-A IN THE MATTER OF: Sharon Serio - Legal Owner /Petitioner
2415 Zion Road 1st E; 1st C

RE: Petition for Administrative Variance to permit a proposed addition to have a side yard setback of 3 ft and front yard setback of 23 ft ilo the req'd 7 and 25.17 respectively.

8/14/2009 - D.Z.C.'s decision in which requested zoning relief was **GRANTED**.

NOTE TO FILE:

Ms. Serio telephoned the office upon receipt of the appeal letter dated January 29, 2010.

She had no knowledge of an appeal being filed. Ms. Serio indicated to me that she called PDM to inquire if an appeal had been filed after 30 days and was told "no appeal" had been filed.

She requested and received 'permits' to begin work.

The appeal letter in the file indicates receipt on September 22, 2009. No copy to Ms. Serio, but was clearly stamped in at PDM. In addition, there is a letter in the file dated September 25, 2010 from Mr. Holzer requesting that NO PERMITS BE ISSUED.

I explained these documents to Ms. Serio. She advised that Mr. Young no longer owns the property. I told her there was no action I could take on this end. That the appeal was filed timely.

She could 1) call Mr. Holzer to see if he was withdrawing the appeal, if the property changed hands; and 2) Speak to Mr. Kotroco about being given permits and told no appeal was filed, when clearly it had been and also 3) why the appeal letter was not sent for over four (4) months, after the appeal was filed. Give Ms. Serio the telephone numbers.

***** Ms. Serio has already begun the work.

Sterling called from Mr. Holzer's office and wanted to know if the letter below would suffice for his entry of appearance. Explained situation to him. He informed me that the property was owned by Mr. Young and his daughter.

3/1/10 Set the matter in for a hearing.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

hvj

March 1, 2010

NOTICE OF ASSIGNMENT

CASE #: 09-323-A IN THE MATTER OF: Sharon Serio – Legal Owner /Petitioner
2415 Zion Road 1st E; 1st C

RE: Petition for Administrative Variance to permit a proposed addition to have a side yard setback of 3 ft and front yard setback of 23 ft into the required 7 and 25.17 respectively.

8/14/2009 – D.Z.C.'s decision in which requested zoning relief was **GRANTED**.

ASSIGNED FOR: TUESDAY, MAY 25, 2010, at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton
Administrator

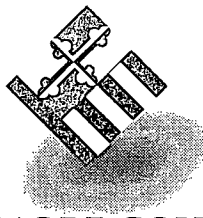
c: Petitioner /Applicant

: Sharon Serio

Counsel for Protestant
Protestant/Appellant

: J. Carroll Holzer, Esquire
: William Young

Office of People's Counsel
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director/PDM
Arnold F. "Pat" Keller, Director/Planning
Nancy West, Assistant County Attorney
John E. Beverungen, County Attorney



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

August 5, 2009

Sharon Serio
2415 Zion Rd.
Halethorpe, MD 21227

Dear: Sharon Serio

RE: Case Number: 2009-0323-A, 2415 Zion Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 12, 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,

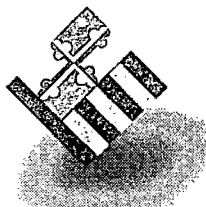
A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Gordon Lane; 5656 Vantage Point; Columbia, MD 21044



BALTIMORE COUNTY
M A R Y L A N D

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 22, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 22.2009

Item Numbers 0321,0322,0323,0324,0325,0327

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
Department of Permits &
Development Management

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

SUBJECT: Zoning Advisory Committee Meeting
For June 29, 2009
Item Nos. 2009-202, 321, 322, 323,
324, 325 and 327

DATE: July 2, 2009

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

DAK:CEN:cab
cc: File
ZAC-060292009 -NO COMMENTS



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

State Highway
Administration

Beverly K. Swaim-Staley, Acting Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JUNE 25, 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. 2009-0323-A
2415 ZION ROAD
SENO 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. 2009-0323-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

State Address: 707 North Calvert Street • Baltimore, Maryland 21209 • Phone 410 545 0300 • www.marylandroads.com

TB
8-12-09

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 5, 2009

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

SUBJECT: 2415 Zion Road

INFORMATION:

Item Number: 9-323

Petitioner: Sharon Seno

Zoning: DR 5.5

Requested Action: Administrative Variance

RECEIVED

AUG 06 2009

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

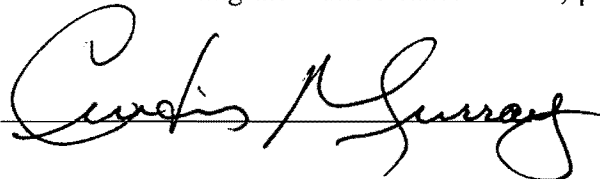
The existing house is a small rancher built in 1953. The proposed addition will cause the loss of at least one off-street parking space. One off-street parking space will remain if the distance between the front of the addition and the sidewalk located along Zion Road is adequate. It doesn't appear that the loss of one off-street parking space will be a problem. On-street parking is available on both sides of Zion Road. There are two on-street spaces located directly in front of the petitioner's dwelling.

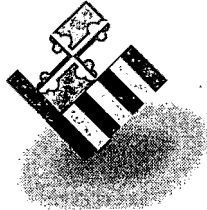
It should be determined whether a variance for off-street parking is required. There should be at least 20 feet between the addition and the sidewalk to provide one off-street parking space. Twenty feet is the minimum that should be provided, but 22 feet is preferred.

It should be determined why the addition is proposed to the side rather than the rear of the house. It appears that a rear addition would have less of an impact on the adjacent property to the south

For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared by:
AFK/LL: CM





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

January 29, 2010

Sharon Serio
2415 Zion Road
Halethorpe, MD 21227

Dear Ms. Serio:

RE: Case: 2009-0323-A, 2415 Zion Road

Please be advised that an appeal of the above-referenced case was filed in this office on September 22, 2009 by William Young. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
William Young, 6453 St. Phillips Road, Linthicum 21090

APPEAL

Petition for Administrative Variance
2415 Zion Road
E/side of Zion Rd., 460' n of c/l Clyde Ave.
1st Election District – 1st Councilmanic District
Legal Owners: Sharon Serio

Case No.: 2009-0323-A

Petition for Administrative Variance (June 12, 2009)

Zoning Description of Property

Formal Demand for Hearing (June 23, 2009 – William Young)

Notice of Zoning Hearing (July 14, 2009)

Certification of Publication (The Jeffersonian – July 28, 2009)

Certificate of Posting (August 12, 2009) by Martin Ogle

Entry of Appearance by People's Counsel (None in file)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. Record Plat
3. Photos of Subject Property (A thru C).
4. Affidavit
5. Photos of properties in vicinity of subject property (A thru O)

Protestants' Exhibits - None

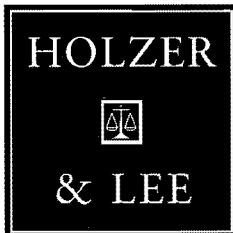
Miscellaneous (Not Marked as Exhibit) - None

Deputy Zoning Commissioner's/Zoning Commissioner's Order (GRANTED – August 14, 2009)

Notice of Appeal received on September 22, 2009 from William Young –receipt only (follow-up letter from J. Carroll Holzer)

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
William Young
J. Carroll Holzer

date sent January 29, 2010, klm



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

XXXXXXXXXXXXXXXXXXXX
E-MAIL: JCHOLZER@CAVTEL.NET

jcholzer@cavtel.net

September 25, 2009

#7863

Mr. Timothy Kotroco, Director
Permits & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: *Variance for 2415 Zion Road*
Case No.: 2009-0323-A

Dear Mr. Kotroco:

Please be advised that Petitioner, Sharon Serio came before the Deputy Zoning Commissioner of Baltimore County in Case No.: 2009-0323-A requesting a variance of side yard setback of three feet (3') and front yard setback of twenty-three feet (23') in lieu of the required 725.17 feet respectively. The Deputy Zoning Commissioner on August 14, 2009, granted such variance. My client, Mr. William N. Young, owner of property 2417 Zion Road, which is located next door to the Serio property has filed an appeal with the Baltimore County Board of Appeals from the Decision of August 14, 2009.

On Mr. Young's behalf, I would respectfully request that your office note the appeal and that the Zoning Commissioner's Decision has not become final. We believe that the granting of the Variance is not only detrimental to Mr. Young's property, but it is in fact legally in error.

I would therefore respectfully request that you not issue any permits based upon the grant of the Variance until such time as the Board of Appeals Hearing is heard and decided.

Thank you for your cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to be "JCH", is written over the typed name "J. Carroll Holzer".

J. Carroll Holzer

JCH:mlg

cc: Mr. William N. Young

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES

WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED

Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 —In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

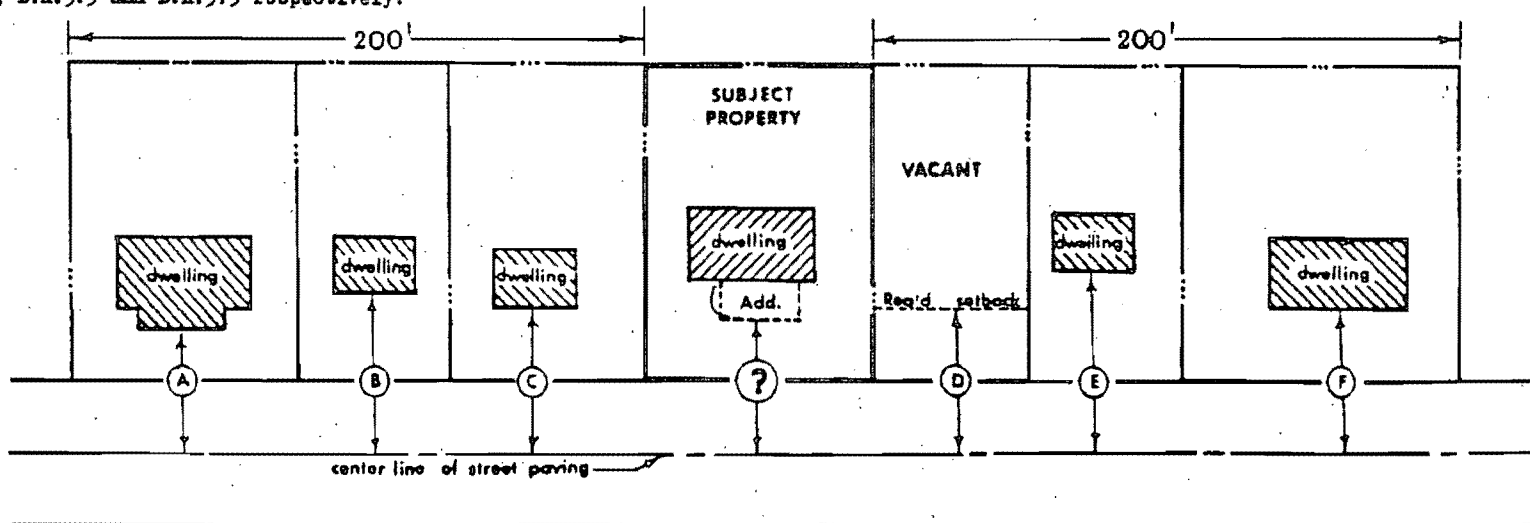
A	<u>25</u>	FT.
B	<u>25</u>	FT.
C	<u>26</u>	FT.
D	<u>25</u>	FT.
E	<u>25</u>	FT.
F	<u>25</u>	FT.

SHARON Sewo
applicant's name
2415 Zion Road
building address
6-9-2009
date

TOTAL $(301) \div (6) = \boxed{25.17}$
* of dwellings
REQUIRED FRONT SETBACK (averaged)

NORMAL REQUIRED SETBACKS

D.R.2 - 65 ft.
D.R.3.5- 55 ft.
D.R.5.5- 90 ft.



Item #0323

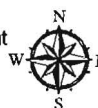
2415 Zion Road



DQ Map Notes



Publication Date: June 12, 2009
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



50 0 50
Feet
1 inch equals 50 feet

Item #0323

DATE F-13-09

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME _____
CASE NUMBER 209-0323-A
DATE 8-13-09

[illegible]

Case No.: 2009-0323-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Record Plat	
No. 3 A-C	Photos of Subject Property	
No. 4	Affidavit	
No. 5 A-O	Photos of Properties in Vicinity of Subject Property	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

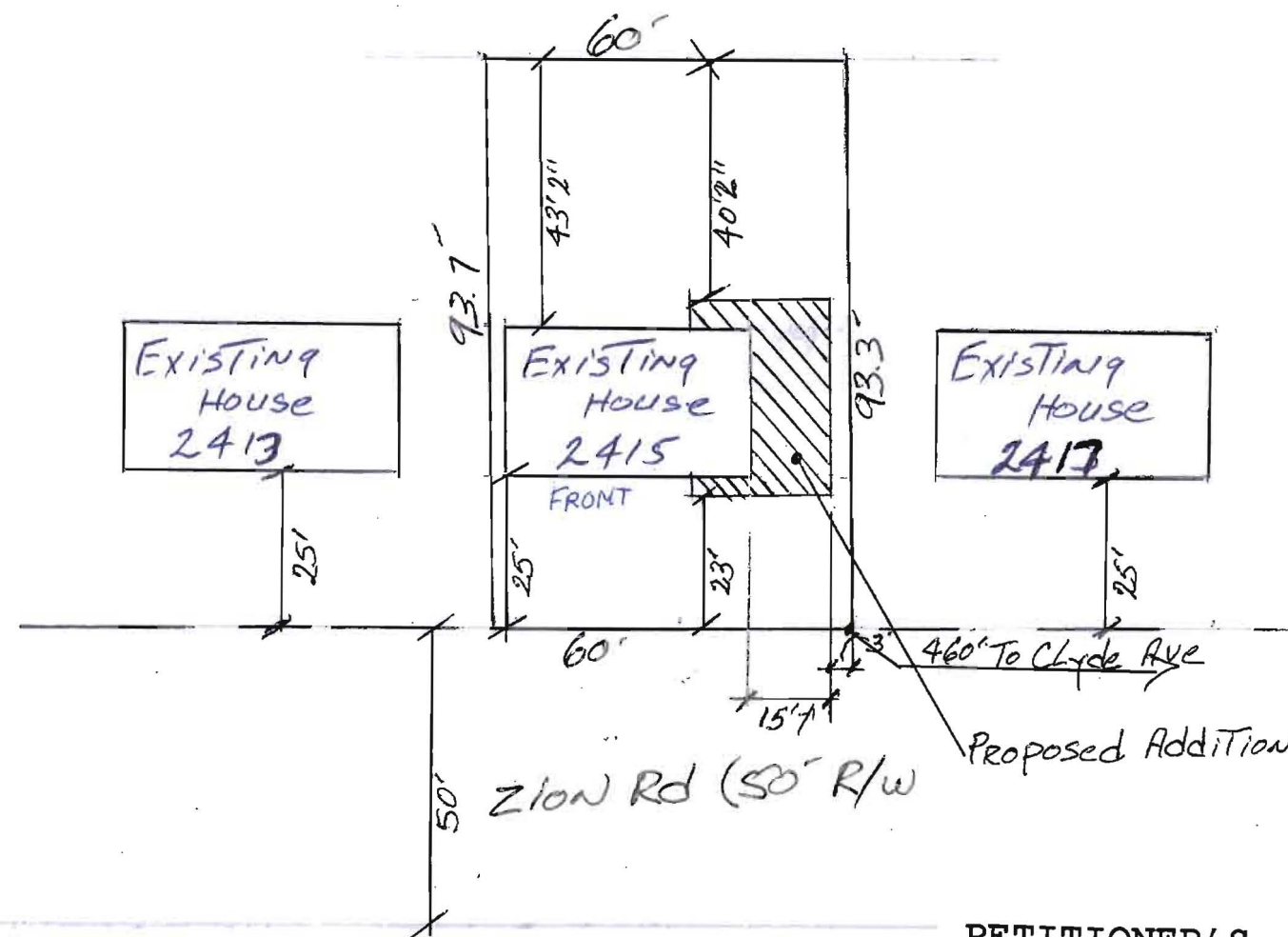
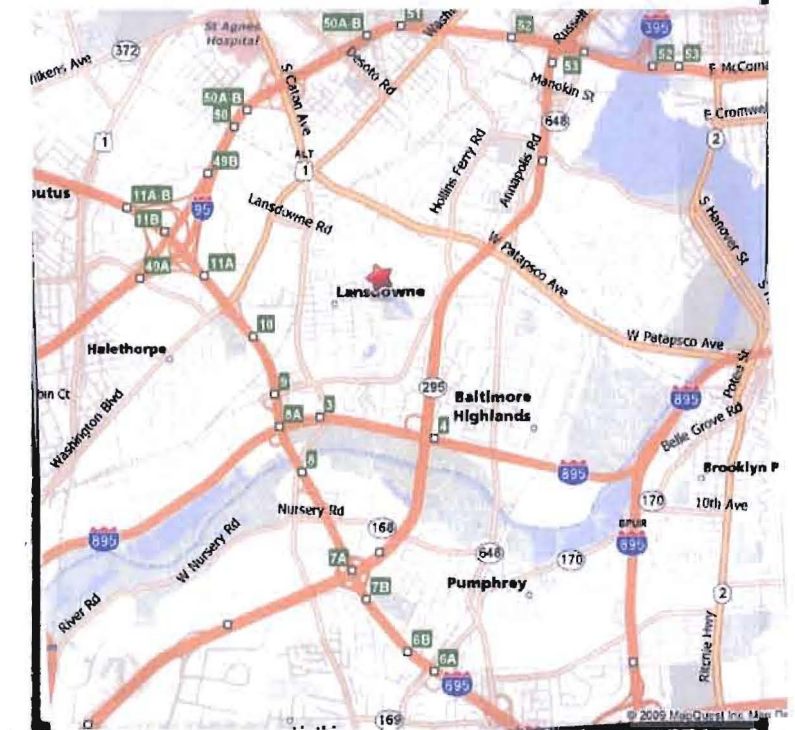
PROPERTY ADDRESS 2415 ZION ROAD

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

SUBDIVISION NAME HIGHLAND

PLAT BOOK # 19 FOLIO # 13 LOT # 21 SECTION #

OWNER SHARON SERIO



LOCATION INFORMATION

ELECTION DISTRICT 1ST

COUNCILMANIC DISTRICT 1ST

1" = 200' SCALE MAP # 10981

ZONING DRS.5

LOT SIZE 5,580

ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE ☐

WATER ☒ PUBLIC ☐ PRIVATE ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100-YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING NONE

PETITIONER'S

EXHIBIT NO. 1

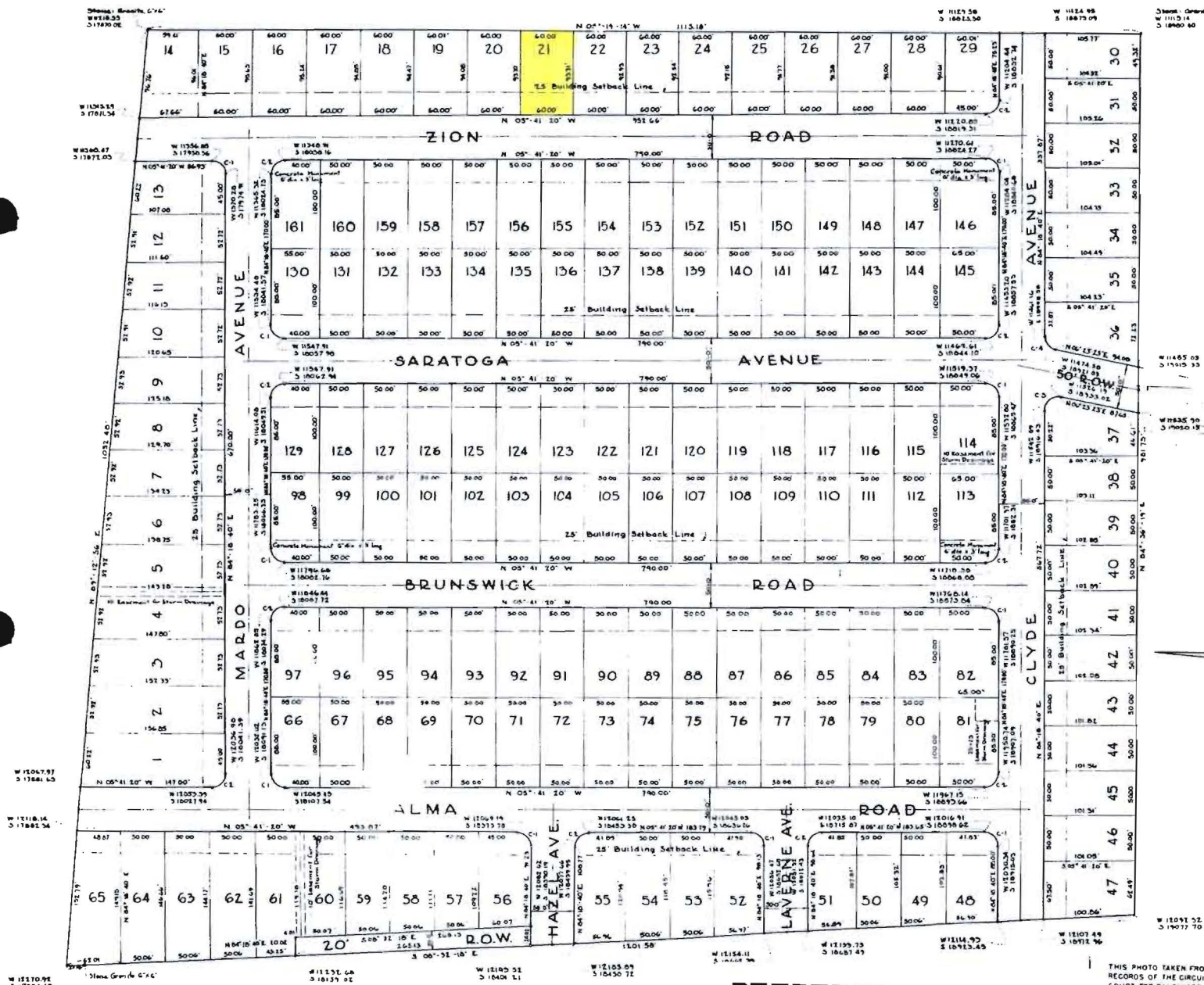


PREPARED BY

SCALE OF DRAWING: 1" = 30'

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

 2009-
0323-A



OWNER'S CERTIFICATE

The requirements of Chapter 1016 of the Acts of 1945 as far as they relate to the making of this plot and to the setting of markers have been complied with.

Owner of Land Shown Herein

ENGINEER'S CERTIFICATE

I hereby certify that the plan shown herein is correct and that it is a Subdivision of the land conveyed by WHITAKER TRON COMPANY to MARBLE HUNES INCORPORATED by deed dated February 20 1955 and recorded in Liber GLB 2134 Folio 240-245 all of the above being land records of Baltimore County Maryland and that all granite stones have been located and all concrete monuments have been placed as indicated.



Andrew H. Knecht
Registered Professional Engineer
and Land Surveyor, No. Lic. No. 576

APPROVED: *Wm. H. H. H.*

Melvin E. Lick
Director, Baltimore County Planning Commission

APPROVED: 2/27/2013

Robert J. Slaght
Roads Engineer, Baltimore County Highways Department

NOTE:

The streets and/or roads as shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use. The fee simple title to the beds thereof is forever reserved in the Grantors of the deeds to which this plat is attached, their heirs and assigns.

Area Radius

Curve	Radius	Δ	Tan	Length	Chord	Bearing
C-1	15.00	90° 00' 00"	15.00	15.00	11.13	N 37° 10' 44" E
C-2	15.00	90° 00' 00"	15.00	23.56	11.11	E 79° 41' 20" E
C-3	15.00	107° 44' 43"	18.35	26.72	23.75	S 44° 30' 58" E
C-4	15.00	77° 35' 17"	12.15	20.48	7.86	S 43° 31' 02" W

FILED for recording
Date MAY 27 1964
Time 1

GLAN 19 Folio 13

662

02000

01234567891011121314151617181920212223242526272829303132333435363738394041424344454647484950515253545556575859606162636465666768697071727374757677787980818283848586878889909192939495969798991001011021031041051061071081091101111121131141151161171181191201211221231241251261271281291301311321331341351361371381391401411421431441451461471481491501511521531541551561571581591601611621631641651661671681691701711721731741751761771781791801811821831841851861871881891901911921931941951961971981992002012022032042052062072082092102112122132142152162172182192202212222232242252262272282292302312322332342352362372382392402412422432442452462472482492502512522532542552562572582592602612622632642652662672682692702712722732742752762772782792802812822832842852862872882892902912922932942952962972982993003013023033043053063073083093103113123133143153163173183193203213223233243253263273283293303313323333343353363373383393403413423433443453463473483493503513523533543553563573583593603613623633643653663673683693703713723733743753763773783793803813823833843853863873883893903913923933943953963973983994004014024034044054064074084094104114124134144154164174184194204214224234244254264274284294304314324334344354364374384394404414424434444454464474484494504514524534544554564574584594604614624634644654664674684694704714724734744754764774784794804814824834844854864874884894904914924934944954964974984995005015025035045055065075085095105115125135145155165175185195205215225235245255265275285295305315325335345355365375385395405415425435445455465475485495505515525535545555565575585595605615625635645655665675685695705715725735745755765775785795805815825835845855865875885895905915925935945955965975985996006016026036046056066076086096106116126136146156166176186196206216226236246256266276286296306316326336346356366376386396406416426436446456466476486496506516526536546556566576586596606616626636646656666676686696706716726736746756766776786796806816826836846856866876886896906916926936946956966976986997007017027037047057067077087097107117127137147157167177187197207217227237247257267277287297307317327337347357367377387397407417427437447457467477487497507517527537547557567577587597607617627637647657667677687697707717727737747757767777787797807817827837847857867877887897907917927937947957967977987998008018028038048058068078088098108118128138148158168178188198208218228238248258268278288298308318328338348358368378388398408418428438448458468478488498508518528538548558568578588598608618628638648658668678688698708718728738748758768778788798808818828838848858868878888898908918928938948958968978988999009019029039049059069079089099109119129139149159169179189199209219229239249259269279289299309319329339349359369379389399409419429439449459469479489499509519529539549559569579589599609619629639649659669679689699709719729739749759769779789799809819829839849859869879889899909919929939949959969979989991000100110021003100410051006100710081009101010111012101310141015101610171018101910201021102210231024102510261027102810291030103110321033103410351036103710381039104010411042104310441045104610471048104910501051105210531054105510561057105810591060106110621063106410651066106710681069107010711072107310741075107610771078107910801081108210831084108510861087108810891090109110921093109410951096109710981099110011011102110311041105110611071108110911101111111211131114111511161117111811191120112111221123112411251126112711281129113011311132113311341135113611371138113911401141114211431144114511461147114811491150115111521153115411551156115711581159116011611162116311641165116611671168116911701171117211731174117511761177117811791180118111821183118411851186118711881189119011911192119311941195119611971198119912001201120212031204120512061207120812091210121112121213121412151216121712181219122012211222122312241225122612271228122912301231123212331234123512361237123812391240124112421243124412451246124712481249125012511252125312541255125612571258125912601261126212631264126512661267126812691270127112721273127412751276127712781279128012811282128312841285128612871288128912901291129212931294129512961297129812991300

Figure 1 – *Estimated percentage of the population aged 18 years and over who are obese, by country, 2002*

MAY 27 1963

— *Long*

1000

RECORD PLAT

HIGHLAND

HIGHLAND
DISTRICT 13
LANSDOWNE, BALTIMORE CO, MARYLAND
SEVERN RIVER CONSTRUCTION COMPANY
2 WEST UNIVERSITY PARKWAY
BALTIMORE, MARYLAND

R. BROOKE MAXWELL & ASSOCIATES
LANDSCAPE ARCHITECTS & ENGINEERS
PIKESVILLE 8, MARYLAND

SCALE: 1" = 50'	FILE: 1-A-1235
APRIL 30, 1953	

PETITIONER' S

EXHIBIT NO.

THIS PHOTO TAKEN FROM THE
RECORDS OF THE CIRCUIT
COURT FOR BALTIMORE
COUNTY IS FOR OFFICIAL
USE ONLY AND NOT TO BE
DUPLICATED FOR SALE OR

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

Address 2415 Zion Road
City Balto State MD Zip Code 21227

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 FRONT YARD depth of the proposed ADDITION AT 2415 ZION ROAD will be 2' less than the front yard depths of 2417 & 2413 ZION ROAD

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 Sharon Serio
Name - Type or Print Sharon Serio

Signature _____
Name - Type or Print _____

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of June, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Cynthia L. Rueppel
Notary Public
My Commission Expires 10-1-10

REV 10/25/01

PETITIONER'S

EXHIBIT NO. 4



Item #0323

PETITIONER' S

EXHIBIT NO.

3A-C

Proposed Addition to be
construCTed to the Right
of the existing dwelling.

The Addition will ~~appear~~
~~to~~ consist of two stories
& carry 10' over the
existing dwelling

A



PETITIONER'S

EXHIBIT NO. 3A-C

Item #0323

Item #0323



Item #0323











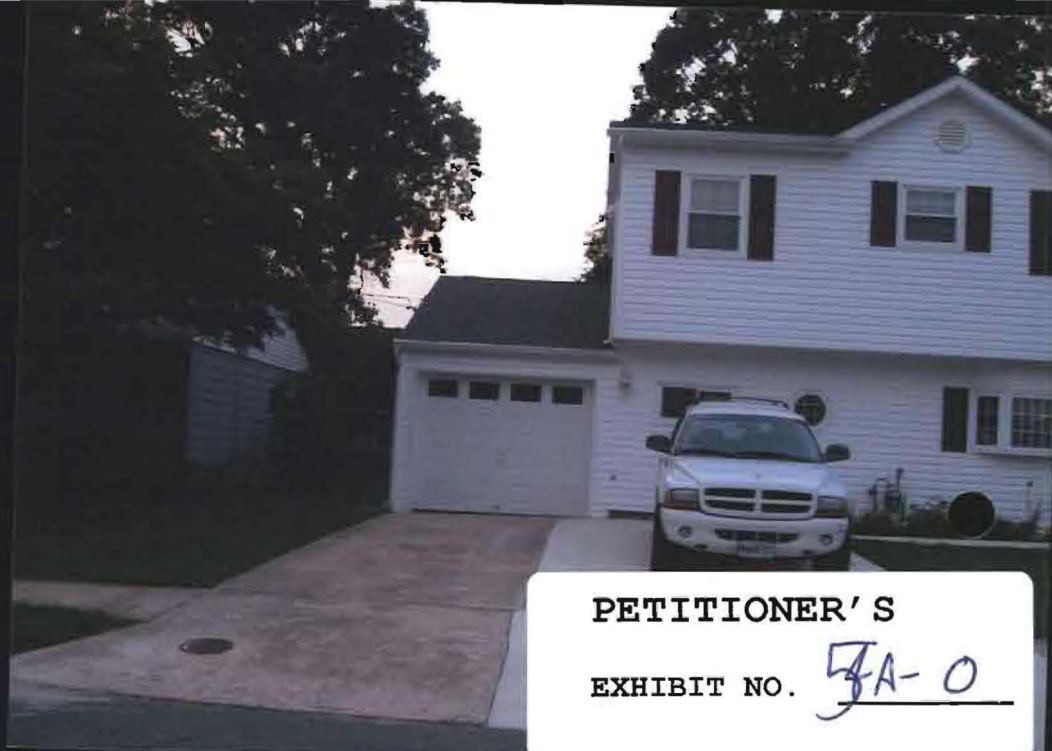












PETITIONER' S

EXHIBIT NO. 5A-0













Item #0323

The proposed two story
Addition will be built
on the existing driveway
& carry two feet in front
of existing dwelling & three
feet to the rear of the
existing dwelling & to
within 3 feet of the
Property line.



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2415 ZION ROAD
which is presently zoned DR 5.5

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 (504) (1945 Regs) -

Section III.C. 2+3 - to permit a proposed addition to have a side yard setback of 3 feet and front yard setback of 23 feet in lieu of the required 7 and front yard average 25.17, respectively

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):

SHARON SERIO

Name - Type or Print

Signature

Name - Type or Print

Signature

2415 ZION ROAD

Address

Telephone No.

HALE THORPE MARYLAND 21227

City

State

Zip Code

Representative to be Contacted:

GORDON LANE

Name

5656 VANTAGE POINT 410-227-6149

Address

Telephone No.

COLUMBIA

MD

21044

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.

CASE NO. 2009-0323-A

REV 10/25/01

Reviewed By [Signature] Date 6/12/09

Estimated Posting Date 6/21/09