IN RE: PETITION FOR ADMIN. VARIANCE

N side of Bangert Street; 320 feet W of Gaylord Street
11th Election District
5th Councilmanic District
(5416 Bangert Street)

Todd and Trina Miceli
Petitioners

- BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2009-0337-A

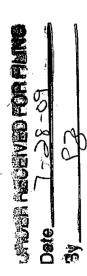
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Todd and Trina for property located at 5416 Bangert Street. The variance request is from Section 1B01.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (attached garage) with a side yard setback of 9 feet in lieu of the required 15 feet and a total of 23 feet in lieu of the required 40 feet, and confirm a front setback of 36 feet in lieu of the required 40 feet for the existing structure. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The existing dwelling is in the center of the lot and adding an attached garage requires a reduced setback. Said dwelling is not squared to the lot.

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 5, 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.

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

THB:pz

ACTE ACTION DIOL HAN

Deputy Zoning Commissioner

for Baltimore County



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

July 28, 2009

TODD AND TRINA MICELI 5416 BANGERT STREET WHITE MARSH MD 21161

Re: Petition for Administrative Variance

Case No. 2009-0337-A Property: 5416 Bangert Street

Dear Mr. and Mrs. Miceli:

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,

THOMAS H. BOSTWICK Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Rick Richardson, Richardson Engineering LLC, 30 East Padonia Road, Suite 500, Timonium MD 21093

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 5416 BANGERT STREET

which is presently zoned DR-2

Deed Reference: 13923/540 Tax Account # 1119032150

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

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) 1801, 2, B, I TO PERMIT A SIDE VARD SETBACK OF 9' IN LIEU OF THE REQUIRED 15' AND A TOTAL OF 23' IN LIEU OF THE REQUIRED 40', AND CONFIRM A FRONT SETBACK OF 36' IN LIEU OF THE REQUIRED 40' FOR THE EXISTING STRUCTURE

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>*</i> .	is the su	bject of this Petition		property inner
Contract Purcha	ser/Lessee:		<u>Legal</u>	Owner(s):		
			To	DO M M	11 CELI	
Name - Type or Print				Name - Type or Print		
Signature	.:		Signature		miceli	•
Address		Telephone No.	Name - T	ype or Print	Minde	
City	State	Zip Code	Signature	9	Meete	
Attorney For Pet	itioner:		541	6 BANGER	T ST	410-365-1839
			Address			Telephone No.
			WHI	IE MARSH	MD	21162
Name - Type or Print			City		State	Zip Code
	<u> </u>			sentative to be		
Signature				RICHARDSON		_
Company			KICH.	ARDSON ENG	INCERING, L	10
Company			•	PADONIA RD	CHITE CAX	110660150
Address		Telephone No.	Address	THUNIA RU	SUILC 700	Telephone No.
		·	TIM	ONIUM	MD	21093
City ·	State	Zip Code	City		State	Zip Code
A Public Hearing havin	g been formally demand	ed and/or found to b	e required, it is o	rdered by the Zoning C	Commissioner of Ba	Itimore County,
this day of regulations of Baltimore	County and that the prope	that the subject matte rty be reposted.	er of this petition be	set for a public hearin	g, advertised, as re	equired by the zoning
				Zoning Commissione	r of Baltimore Coun	ity
Case No			Reviewed By _		Date	
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Affidavit in Support of Administrative Variance

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

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 based upon personal knowledge, the following are the Variance at the above address (indicate hardship or practical	facts upon which I/we base the request for an Administrative difficulty): EXISTING HOUSE IS IN THE 4 GARAGE REQUIRES A REDUCED SETB
CENTER OF THE LOT AND AUDING I	AGARAGE REQUIRES A REDUCED SETB
EXISTING HOUSE IS NOT SQUARED	70 607
•	
That the Affiant(s) acknowledge(s) that if a formal demand	d is filed, Affiant(s) will be required to pay a reposting and primation.
advertising fee and may be required to provide additional info	ormation.
	Srma D. Mirch
Signature	Signature
TODD M. MICELI	Trina Mirali
Name - Type or Print	Name - Type or Print
OTATE OF MADY AND COUNTY OF DAILTHOOF 4- 1-4-	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
I HEREBY CERTIFY, this 23 Rd day of 100 E	2009, before me, a Notary Public of the State
of Maryland, in and for the County aforesaid, personally appe	eared /
the Affiant(s) herein, personally known or satisfactorily identif	ied to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	. 0
	letty Dennett
Not	ary Public
Mv	Commission Expires 03/13/2010
REV 7/24/07 =	Commission Express Strain Transfer

30 East Padonia Road, Suite 500 Timonium, Maryland 21093

tel. 410-560-1502 fax 443-901-1208

ZONING DESCRIPTION FOR 5416 BANGERT STREET 11th ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point on the north side of Bangert Street, 50 foot wide; 320 feet west of the intersection of Gaylord Street, which is 50 feet wide. Being part of Lot #22, Block B, in the subdivision of Forge Acres as recorded in Baltimore County Plat Book # 11, Folio # 88; (1) North 24 degrees 57 minutes East, 200 feet; (2) South 65 degrees 03 minutes East, 100 feet; (3) South 24 degrees 57 minutes West, 200 feet; (4) North 65 degrees 03 minutes West, 100 feet to the place of beginning, containing 20,000 square feet or 0.46 acres of land.

Also known as 5416 Bangert Street and located in the 11th Election District, 5th Councilmanic District.

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CERTIFICATE OF POSTING

		RE:	2009-0337-A
		Petitioner/Developer:	
			Todd Miceli
ultimore County Department of crmits and Development Managem ounty Office Building, Room 111 1 West Chesapeake Avenue owson, Maryland 21204	nent	Date of Hearing/Closing	July 20 <u>,2009</u>
tn; Kristin Matthews,			
ndies and Gentlemen:			
16 Bangert Street	· · · · · · · · · · · · · · · · · · ·		
ne sign(s) were posted on	July ,5 2009	A CAMPAGE TO BEEN TO THE STATE OF	
	(Month, Day		The state of the s
	Sincerely,		
		Robert Black	* * < *000
		(Signature of Sign Poster)	July 6 <u>2009</u> (Date)
		SSG Robert Black	
	The second second	(Print Name)	
		1508 Leslie Road	
	_	(Address)	
•		Dundalk, Maryland 212	222
		(City, State, Zip Cod	e)
,		(410) 282-7940	
	· —	(Telephone Number)



ADMINISTRATIVE

TO PERMIT A SIDE YARD SETBACK OF 9FT. IN LIEU OF THE REGIONED 15 FT. A SUM OF SIDE YARDS OF 23 FT. IN LIEU OF THE REDWIRED 40 FT. AND A FRONT YARD SETBACK OF 36 FT. IN LIEU OF THE REQUIRED 40 FT.

AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON 7-20-09 ADDITIONAL INFORMATION IS AVAILABLE AT TONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT TO CONTRACT AND THE STREET TOWN OF THE STREET THE STREET THE TOWN OF THE STREET THE ST

MIXTING IS HANDICAP ACCESSIBLE

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2009-	0337	-A	Address	546	BANGERT	ST	
	ict Person:					Phone Numbe		
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2.	DEADLINE: Ta formal request for a p	est for a pub	lic hearing.	Please	understand	t or owner within that even if the se closing date.	1,000 fe ere is n	eet to file o formal
3.	commissioner. order that the rwithin 10 days	He may: (a matter be set s of the clos etition has be	a) grant the in for a pub ing date if en granted,	requested lic hearing. all County	I relief; (b) You will re agencies	by the zoning of deny the reques eceive written no comments are public hearing.	sted relie tification receive	ef; or (c) , usually d, as to
4.	commissioner) changed giving	, notification inotice of the	will be for hearing da	warded to ite, time ar	you. The ld location.	that must go to of the zoning o sign on the pr As when the sig Itered sign must	operty i gn was d	must be originally
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: <u>6337</u>
Petitioner: TODD & TRINA MICELI
Address or Location: 5416 BANGERT ST WHITE MARSH MD 21162
PLEASE FORWARD ADVERTISING BILL TO:
Name: TODD MICELI
Address: 546 BANGERT ST
WHITE MARSH, MD 2/162
Telephone Number: 40-365 1839

Revised 7/11/05 - SCJ



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and
Development Management

July 21, 2009

Todd & Trina Miceli 5416 Bangert St. White Marsh, MD 21162

Dear: Todd & Trina Miceli

RE: Case Number 2009-0337-A, 5416 Bangert St.

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

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Rick Richardson; Richardson Engineering, LLC; 30 E. Padonia Rd. Ste. 500; Timonium, MD 21093

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 09-337- Administrative Variance

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

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

Prepared By:

CM/LL

RECEIVED

DATÆ: August 12, 2008

JUL 24 2009

ZONING COMMISSIONER



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

Beverley K. Swaim-Staley, Aerling Secretary Neil J. Pederson, Administrator

Maryland Department of Transportation

Date: July 10, 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 - 0337-A
5416 DANGERT STREET

5416 BANGERT STEEPT MICELI PROPETZTY 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. 2009-0327-A

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

Very truly yours,

Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

Patricia Zook - Case Nos. 2009-0337-A and 2009-0338-A - comments needed

From:

Patricia Zook

To:

Kennedy, Dennis; Murray, Curtis

Date:

7/22/2009 11:39 AM

Subject:

Case Nos. 2009-0337-A and 2009-0338-A - comments needed

CC:

Bostwick, Thomas

Good morning Dennis and Curtis -

We received the below-described administrative variance files yesterday. Both files are missing comments from your departments. If your department has 'no comments' on the requests, just respond to my e-mail and place it in the files.

CASE NUMBER: 2009-0337-A

5416 Bangert Street

Location: N side of Bangert Street; 320 feet W of Gaylord Street.

11th Election District, 5th Councilmanic District

Legal Owner: Todd and Trina Miceli

Closing Date: 7/20/2009

ADMINISTRATIVE VARIANCE To permit a proposed addition (attached garage) with a side yard setback of 9 feet in lieu of the required 15 feet and a total of 23 feet in lieu of the required 40 feet; and confirm a front setback of 36 feet in lieu of the required 40 feet for the existing structure.

CASE NUMBER: 2009-0338-A

800 Ridgeleigh Roadd

Location: NE corner of Ridgeleigh Road and Wardman Road intersection.

9th Election District, 5th Councilmanic District Legal Owner: Albert S. Jun and Susie N. Chung

Closing Date: 7/20/2009

ADMINISTRATIVE VARIANCE To permit a dwelling addition with setback as close as 6 feet front and sides and 10 feet to rear lot lines in lieu of the required 25 feet; 10 feet and 30 feet respectively; and to allow a

front porch (open provection) with a front setback of 18 feet in lieu of 18 feet 9 inches.

As always, thanks for your help.

Patti Zook Baltimore County Office of the Zoning Commissioner 105 West Chesapeake Avenue, Suite 103 Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov



