IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Morgan Elis Way, at the SW side of Trumps Mill Road
Election District
Councilmanic District
(101 Morgan Elis Way)

Anthony E. and Brenda A. Difabbio *Petitioners*

- * BEFORE THE
- * DEPUTY ZONING
- * COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0111-A

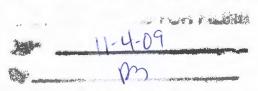
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Anthony E. and Brenda A. Difabbio for property located at 101 Morgan Elis Way. The variance request is from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- To permit a proposed addition (attached garage) with a side building face to public street right-of-way setback of 3 feet in lieu of the minimum required 15 feet; and
- To permit a front building face to public street right-of-way setback of 14 feet in lieu of the minimum required 25 feet; and
- To amend the Final Development Plan for Trumps Mill Estates, Lot 29 only.

The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a two-story garage addition measuring approximately 22 feet x 26 feet in size. Petitioners are in need of additional storage space in the loft area of the garage. Access to the proposed garage will be from the side street which is Trumps Mill Road. The front of the garage will be in line with the front of the existing dwelling. A stormwater management reservation is located behind the Petitioners' property.

Petitioners were previously granted Administrative Variance approval in Case No. 05-496-A to permit an accessory structure (garage) to be located in the 1/3 rear yard closest to the road



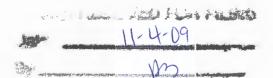
and with a height of 20 feet in lieu of the required 1/3 rear yard farthest removed from the road and the required 15 feet height, respectively. For whatever reason, the proposed garage was not constructed. There is a second and smaller vinyl shed in the backyard.

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 October 11, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. The Petitioners filed the supporting affidavit as required by Section 32-3-303 of the Baltimore County Code.

In considering a request for variance, I must do so in accordance with the mandate of the Maryland Court of Special Appeals in the case of *Cromwell v. Ward, 102 Md.App. 691 (1995)* and their interpretation of Section 307 of the B.C.Z.R. In that case, the Court interpreted the regulation to require that a two-prong test be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. Secondly, upon the determination that the property is unique, it must then be considered whether strict compliance with the regulation would cause a practical difficulty upon the property owner and be unnecessarily burdensome.

Finally, I must also determine whether the request is within the spirit and intent of the zoning regulations and its impact, if any, on adjacent properties. Although I am certainly understanding and empathetic with Petitioners in their desire to construct a garage, in my view, the configuration of the subject property and the orientation of the dwelling does not lend itself to the construction of a garage addition as proposed on the site plan.



I believe the proposed structure and the attendant size will overcrowd the land and will have an adverse impact on the overall appearance and character of the neighborhood, especially vis-à-vis other properties nearby. Hence, the request is not within the spirit and intent of the Zoning Regulations. I cannot find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Thus, I am persuaded in this case to deny the variance.

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 denied.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this _______ day of November, 2009 that Variance from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- To permit a proposed addition (attached garage) with a side building face to public street right-of-way setback of 3 feet in lieu of the minimum required 15 feet; and
- To permit a front building face to public street right-of-way setback of 14 feet in lieu of the minimum required 25 feet; and
- To amend the Final Development Plan for Trumps Mill Estates, Lot 29 only be and are hereby DENIED.

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

Deputy Zoning Commissioner

for Baltimore County

THB:pz



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

November 4, 2009

ANTHONY E. AND BRENDA A. DIFABBIO 101 MORGAN ELIS WAY BALTIMORE MD 21206

Re: Petition for Administrative Variance

Case No. 2010-0111-A

Property: 101 Morgan Elis Way

Dear Mr. and Mrs. Difabbio:

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.

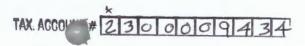
Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 101 Morgan Elis Way Batto, Md 2006 which is presently zoned Residental DR3, 5

owner(s) of the property situate in Baltimore County and whice made a part hereof, hereby petition for a Variance from Section Proposed dwelling addition (attached gatage R-o-W setback of 3 feet in lieu of the, in building face to public street R-o-W serequired 25 feet, and to amend the Fin Estates, Lot 29 only.	with a side building face to public street aninimum required 15 feet, to permit a front etback of 14 feet in lieu of the minimum al Development Plan for Trumps Mill aw of Baltimore County, for the reasons indicated on the back coning regulations.
regulations and restrictions of Baltimore County adopted pursuant to	o 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.
On the of Development of the Control	Loral Oumar(a)
Contract Purchaser/Lessee:	Legal Owner(s):
	Author Evil NEALD
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City State Zip Code	M
Attorney For Petitioner:	101 MORgan E13 Way (410) 882-8290
	Address Telephone No.
	bathmore, MD. 21206
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature	Toprosonativo to 20 contactor.
	Anthony Enterior Marchio
Сотрапу	Name / / / / / / /
	16 Male had 1 FS in / What 1 410) 88 D-8290
Address Telephone No.	Address / / / Telephone No.
	BLA Lodge V. St. 1/ 1/ Bush 1/
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found to be this day of that the subject matter of the regulations of Baltimore County and that the property be reposted.	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
2	14.0
CASE NO. 2010-011-A Rev	riewed By JNF Date 9/29/09
A SAMALY OF A STATE OF THE SAME AS A STATE OF THE SAME OF THE SAME AS A STATE OF THE SAME A	10/11/00
REV 10/25/01 11-4-09 Esti	mated Posting Date 10/11/09

Affidavit in Support of Administrative Variance

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

afel

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.

101 Mozgan

Baltin	none BA.	MD	21206
That based upon personal knowledge, the following are the far Variance at the above address (indicate hardship or practical di	cts upon which I/we fficulty):	base the request for	an Administrative
Zoning regulations cannot be met because:			
1) Entry to the property will be made from the side street of said 1	property instead of th	e front of the (corner lo	t) property.
(garage) will be higher then aloud by normal zon	ing regulations.		
The structure is to be built on the residence's property where I dose not accommodate needed living space. The owner needs to obtain more living space in the house. Lot #2 property by way of the side street. Trumps Mill Rd is lightly traveled and has many private drive way There is no residence to the rear of the property and nothing across the garage will have an upstairs loft because the owner needs mothigh.	9 is a corner lot and t ys present in the neig oss Trumps Mill Rd.	the owner wishes to ent hborhood already. from the future constru	er into his
Note that the structure will be attached to existing house.	1	in will be	de d
3) Due to the location of the existing ster aforementioned location.	stores, the g	arage will be p	incestattie
atorementioned location.			
That the Affiant(s) acknowledge(s) that if a formal demand is advertising fee and may be required to provide additional information of the signature and the signature of the si		vill be required to pa	4 4
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:			
of Maryland, in and for the County aforesaid, personally appears	, <u>2009</u> ,	before me, a Notary	
Anthony Emidio Di Fabbio and the Affiant(s) herein, personally known or satisfactorily identified	Brenda to me as such Affi	Ann Di Fal	obio
2.3.2.3	Public Expires	Lubruh 02-01-2	010

ZONING DESCRIPTION

Zoning description for 101 Morgan Elis Way Baltimore BA. Md. 21206

Beginning at a point on the north west in rection side of Morgan
Elis Way which is 50 feet wide at the distance of 9 feet of the metaline of intersection of the
Southwest side the measure improvement intersecting etter. Trumps Mill Rd which is 50 feet
wide. Being lot #29 in the subdivision of Trumps Mill Estate as recorded in
Baltimore County plat # 72, folio # 104 containing .17 acres. Also known
as 10117 and located in the 14th Election District, 6th Councilmanic District.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 20	0111	-A	Address 101	Morg	an Elis	Way	
Conta	ct Person:	Jeffrey	Perlow ease Print Your N			Phone Numb	/	7-3391
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3.	commissioner, order that the within 10 day	. He may: (matter be set s of the clos etition has be	a) grant the in for a pub sing date if en granted,	file will be revered requested relation for the second	ief; (b) de u will rece encies' co	ny the reque live written no mments are	ested relief; otification, e received,	; or (c) usually as to
4.	(whether due commissioner) changed giving	to a neighbo , notification g notice of the	or's formal will be for e hearing da	EPOSTING: In request or by warded to you ate, time and lo a photograph of	order of The si cation. A	the zoning ign on the p s when the s	or deputy property m sign was or	zoning ust be iginally
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maludgle 10/11/09



ERTIFICATE OF POSTING

RE: Case No 2010 - 0111 - A

Petitioner/Developer ANTHONY
5 BRENDA DIFABBIO

Date Of Hearing/Closing: 10/24/09

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This sign(s) were posted on October 11, 2009

Month, Day, Year Sincerely,

Signature of Sigh Poster and Date

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



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 27, 2009

Anthony & Brenda Difabbio 101 Morgan Elis Way Baltimore, MD 21206

Dear: Anthony & Brenda Difabbio

RE: Case Number 2010-0111-A, 101 Morgan Elis Way

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 29, 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,

U. Cal Ribal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: October 9, 2009

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 19, 2009 Item No.: 10-0111

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

A revertible slope easement exists along the Trumps Mill Road right-of-way. Submit engineering drawings to the Director of Public Works with request for permission to build in the revertible slope easement.

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-item no 2010-0111.10192009.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: October 21, 2009

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) 10-111- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL



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 October 8, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 5. 2009

ItemNumbers 0006,0034,0088,0096,0097,0098,0099,0100,0102,0103,0104,0106,0107,0108,0109,0111,0113 and 0115

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



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCTOBER 7,2009

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

RE: Baltimore County

Item No. 2010-0111-A

IOI MORGAN EUGWAY

DIFABBIO PROPERTY

APMINISTRATIVE 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. 2010-

Should you have any questions regarding this matter, please contact Michael Bailey at 41()-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

FAR St

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/mb





Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

Go Back View Map New Search

Account Identifier:	District - 14	Account Num	ber - 23000	009434						
		0	wner Infor	rmation						
Owner Name:	DIFABBIO E	FABBIO ANTHONY E Use: FABBIO BRENDA A Principal Residence:					RESIDENTIAL YES			
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penio DEPUTY ZONING COMMISSION BEFORE THE OF BALTIMORE COUNTY IN RE: PETITION FOR ADMIN. VARIANCE CASE NO. 05.496-A PETITION FOR ALIVIUM. VA

PETITION FOR ALIVIUM. VA

NECOMEN MORRORD

AND TRUMPS Mistrict

14th Electifanic re. This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property Brenda A. and and Lieute Astronic District The administrative variance is requested for property located at 101 Gil Cougan Elis Way) Morgan Elis Way in Baltimore County. The administrative variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessor Structure (garage) to be located in the 1/3 rear yard closest to the road and with a height of 26 in lieu of the required 1/3 rear yard farthest from the road and the required 15 A. respectively. The subject property and requested relief are more particularly desc Anthony E. DiFabbio. S Ba Petitioners' Exhibit No. 1, the Plat to accompany the Petition for Variance. The Petitioners having filed a Petition for Administrative Variance and the sul resia as a r having been posted on April 9, 2005, and there being no request for a public he varia offthe p variand be given. as in the shall be rendered based upon the documentation presented. County Bc specifying tì. The Zoning Advisory Committee (ZAC) comments are made part The Petitio. and contain the following highlights: A ZAC comment was re-Loning Advisory Committee Comments **Baltimore County** Development Plans Review dated April 8, 2005, a copy of which indicate that the requ Part hereof. In addition, a ZAC comment was received from the of the public and sha 18, 2005, a copy of which is attached hereto and made a part Commissioner, the inform that comply with the requicompliance with the B.C.Z.R. w upon the Petitioners. Pursuant to the posting of the Code and the Baltimore County Zoning 1



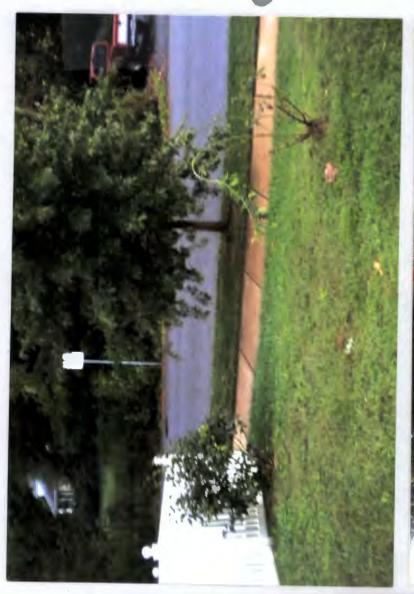






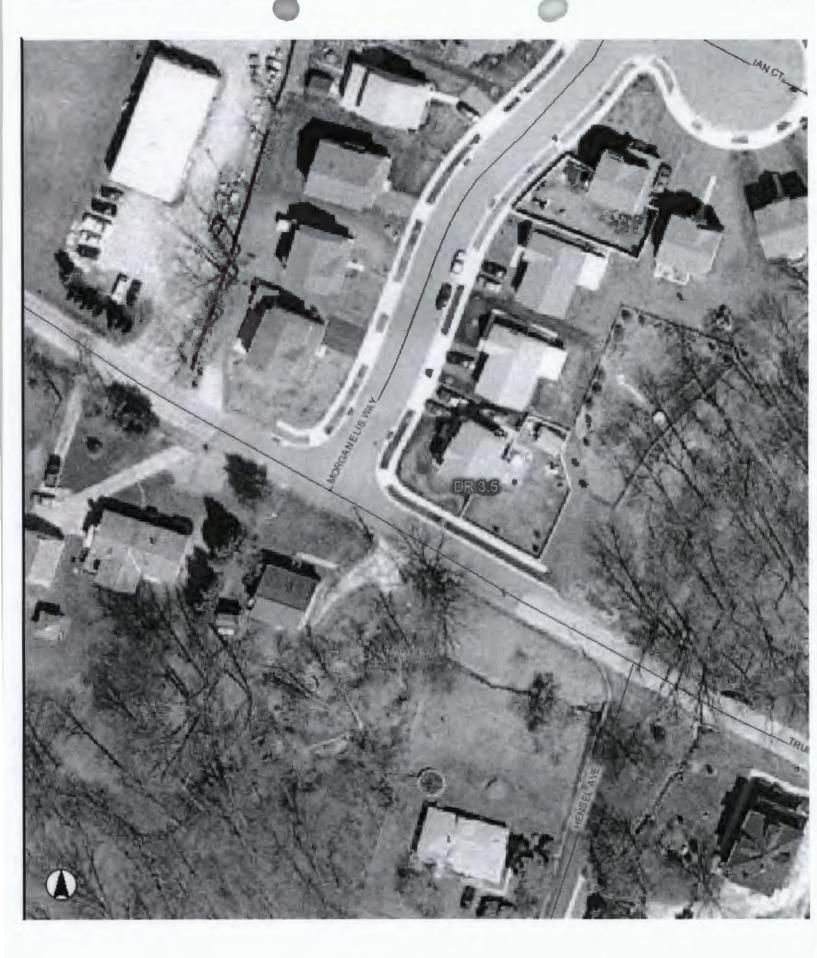












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	mps Mill Estates 0 # 104 LOT # 29 SECTION # Baenda DiFabbio	Ma	
COMMUNITY PANEL NO. 24 ZONE " C" THIS PROPERTY IS NOT LOCA IN A FLOOD HAZARD ZONE			Robert Lewis Knach 103 Magan Elis Way Lot #28
PROP. 3'SIDE SETBACK AND 14' FRONT STB TROPOSED GARAGE	O Story Garage	CONC. 3C.W. DRIVE 61 CONC. 3C.	STORY STORY STORY FRAME STORY FRAME
ADDITION,	FIC & TRUMPS MILL 560°37'54"E 1507 250 154"E	CONC. BSMT.	21°26'52"W 15.00' 15.00' 15.00' 15.00' 15.00' 15.00' 15.00' 15.00' 15.00' 15.00' 15.00' 15.00'

