IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE

N side of Forge Road; 900 feet SE

of Hidden Valley Road 11th Election District

5<sup>th</sup> Councilmanic District (9819 and 9822 Correlli Lane)

**BEFORE THE** 

**DEPUTY ZONING** 

COMMISSIONER

FOR BALTIMORE COUNTY

**Dominic and Antinino Correlli** 

Legal Owners

CASE NO. 2011-0092-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Dominic and Antinino Correlli. The Special Hearing request was filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to amend the Final Development Plan. The Variance request is from Section 1B01.2.C.b of the B.C.Z.R. to permit windows to tract boundaries of 25 feet in lieu of the required 35 feet. The subject property and requested relief are more fully described on the bluelined site plan which was marked and accepted into evidence as Petitioners' Exhibit 2.

Appearing at the requisite public hearing in support of the requested Special Hearing and Variance petitions on behalf of Petitioners Dominic and Antinino Correlli was Benjamin Bronstein, Esquire, attorney for Petitioners. Also appearing in support of the requested relief was Craig Rodgers with R. Craig, Inc., the firm that prepared the site plan. There were no Protestants or other interested persons in attendance.

Testimony and evidence presented revealed that the subject property is irregular shaped and consists of approximately 15 acres, more or less, zoned D.R.3.5H and D.R.1H. The property is located on the east side of Forge Road, south of Hidden Valley Road and adjacent to

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Date	12-7-10	
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Gunpowder Falls State Park to the east, in the Perry Hall area of Baltimore County. The property is known as "Correlli Estates Condominium" and was developed originally about 20 years ago. The condominium plat layout was created for the benefit of the members of the Correlli family. There are a number of different units that make up the condo plat and the site plan shows the condo plat boundary; however, according to Mr. Rodgers, Petitioner's condo plat boundary on what was the original Final Development Plan for "Correlli Estates," which was marked and accepted into evidence as Petitioner's Exhibit 1, was inaccurate and did not properly state what is the actual boundary. The bluelined site plan accepted into evidence as Petitioner's Exhibit 2 delineates the boundary. As a result of this change, the Final Development Plan must be amended and the distance for the window to tract boundaries for unit 4 and unit 3 must be varianced as shown on the bluelined plan in order to meet the setbacks required in the Zoning Regulations.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated October 25, 2010 which indicates that any new building permits will need Groundwater Management review.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. I also find that undue hardship would befall Petitioners if the requested relief were not granted. I further find that the requested variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

As to the special hearing, I am also persuaded to grant this relief. Petitioner presented evidence in support of the amended Final Development Plan, including testimony that the

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Date	12-7-10

proposed amendment would not be adverse to, or have any negative impacts on the required special exception criteria set forth in Section 502.1 of the B.C.Z.R. Therefore the relief is appropriate in this case.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered, I find that Petitioners' Special Hearing and Variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this \_\_\_\_\_\_ day of December, 2010 that Petitioners' request for Special Hearing relief filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the Final Development Plan be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioners' request for Variance from Section 1B01.2.C.b of the B.C.Z.R. to permit a windows to tract boundaries of 25 feet in lieu of the required 35 feet be and is hereby **GRANTED**.

The relief granted herein is subject to the following:

 Petitioners may apply for their permits 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, 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.

THOMAS H. BOSTWICK Deputy Zoning Commissioner for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING

Date 12-7-10

3



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

December 7, 2010

BENJAMIN BRONSTEIN
29 WEST SUSQUEHANNA AVENUE
SUITE 205
TOWSON MD 21204

Re: Petition for Special Hearing and Variance Case No. 2011-0092-SPHA Property: 9819 and 9822 Correlli Lane

Dear Mr. Bronstein:

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. BOSFWICK
Deputy Zoning Commissioner

for Baltimore County

THB:pz

Enclosure

c: Dominic and Antinio Correlli, 9819 Correlli Lane, Perry Hall, MD 21128 Craig Rodgers, PO Box 201, White Marsh, MD 21162



Βv

# Petrtion for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 9819 Correlli Lane and 9822 Correlli Lane

which is presently zoned 3.5

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

an amended Final Development Plan and to permit a variance from Section 1B01.2.C.b. BCZR to permit windows to tract boundaries of 25 feet in lieu of the required 35 feet.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, 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: <u>Legal Owner(s):</u> Dominic S. Correlli Name - Type or Print Name - Type or Print Signature Signature Antinino Correlli Address Telephone No. Name - Type or Print City State Zip Code Signature 9819 Correlli Lane Attorney For Petitioner: Telephone No. Address Benjamin Bronstein Perry Hall Maryland 21128 Name - Type or Print Zip Code Representative to be Contacted: Signature Craig Rodgers, R. Craig, Inc. Company Name P.O. Box 201 29 West Susquehanna Avenue, Suite 205 410-296-0200 Address Telephone No. Address Telephone No. Towson 21204 White Marsh 21162 Maryland Maryland City State Zip Code City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING \_ Case No. 2011-0092-SPHA UNAVAILABLE FOR HEARING **REW 9115198**ORDER RECEIVED FOR FILING

#### **ZONING DESCRIPTION FOR CORRELLI ESTATES**

BALTIMORE COUNTY, MARYLAND

Beginning at a point in the centerline of Forge Road at a distance of 502 feet southeast from the intersection of the centerlines of Forge Road and Cross Road, thence running with the centerline of Forge Road south 76°02'59" east 323.81 feet, thence leaving Forge Road and running north 41°39'12" east 39.84 feet to a concrete monument set on the future north side of a 70 foot right-of-way for said Forge Road, thence continuing on the north 41° 39'12" east line 1111.39 feet, thence north 51°43'51" west, 629.32 feet to a stone, thence south 41°51'31" west, 890.65 feet, then south 59°16'53" east, 276.85 feet, thence south 31°45'42" west, 400.13 feet to a point on the north side of the aforementioned future 70 foot right-of-way for Forge Road, then continuing south 31° 45'42" west, 36.94 feet to the point of beginning, being all the lands of Correlli Estates, containing a total of 15.226 acres, more or less or 663,244.56 square feet, more or less. Also known as Correlli Estates recorded in the Land Records of Baltimore County in Plat Book 61, Page No. 79, and located in the Eleventh Election District, Fifth Councilmanic District.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE.

THIS PROPERTY IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY, AND/OR COVENANTS OF RECORD AND LAW.

HERBERT MALMUD
PROFESSIONAL LAND SURVEYOR
MARYLAND # 7558
AUGUST 26, 2010

file: Zoning Petition Correlli Estates

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#### NOTICE OF ZONING HEARING

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

Case: # 2011-0092-SPHA
9819 & 9822 Correlli Lane
N/side of Forge Road, 900
feet +/- s/east of Hidden
Valley Road
11th Election District
5th Councilmanic District
Legal Owner(s): Dominic &
Antinino Correlli

Legal Owner(s): Dominic & Antinino Correlli Special Hearing: to amend the FDP. Variance: to permit a windows to tract boundaries of 25 feet in lieu of the required 35 feet.

Hearing: Moniday, Neural Special Control of the Pool and the Pool peake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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) 8873391.

3391. 10/269 Oct. 21

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# **CERTIFICATE OF PUBLICATION**

LEGAL ADVERTISING

2 Wilkingon

# **CERTIFICATE OF POSTING**

	RE: Case No.:
	Petitioner/Developer:
	Dominic & Antonio Correlli
	Nov. 8 2010  Date of Hearing/Closing:
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Cowson, Maryland 21204	
attn: KtistinMatthews;	
adies and Gentlemen:	
This letter is to certify under the penalties of peosted conspicuously 819 & 9822 Correlli	erjury that the necessary sign(s) required by law were
	October 23, 2010
he sign(s) were posted on	(Month Day Voor)
	(Month, Day, Year)
	Sincerely,
	Robert Black October 26 2010
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)





JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

October 8, 2010

#### 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: 2011-0092-SPHA

9819 & 9822 Correlli Lane

N/side of Forge Road, 900 feet +/- s/east of Hidden Valley Road

11th Election District - 5th Councilmanic District

Legal Owners: Dominic & Antinino Correlli

<u>Special Hearing</u> to amend the FDP. <u>Variance</u> to permit a windows to tract boundaries of 25 feet in lieu of the required 35 feet.

Hearing: Monday, November 8, 2010 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:kl

C: Benjamin Bronstein, 29 West Susquehanna Avenue, Ste. 205, Towson 21204 Correlli, 9819 Correlli Lane, Perry Hall 21128 Craig Rodgers, P.O. Box 201, White Marsh 21162

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 23, 2010.

- (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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, October 21, 2010 Issue - Jeffersonian

Please forward billing to:

Benjamin Bronstein 29 West Susquehanna Avenue, Ste. 205 Towson, MD 21204 410-296-0200

#### 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: 2011-0092-SPHA

9819 & 9822 Correlli Lane N/side of Forge Road, 900 feet +/- s/east of Hidden Valley Road 11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District Legal Owners: Dominic & Antinino Correlli

<u>Special Hearing</u> to amend the FDP. <u>Variance</u> to permit a windows to tract boundaries of 25 feet in lieu of the required 35 feet.

Hearing: Monday, November 8, 2010 at 9:00 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.

#### **BENJAMIN BRONSTEIN**

ATTORNEY AT LAW
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
Benbronstein@terralaw.net

September 1, 2010

Mr. Carl Richards
Dept of Permits & Development Mgt
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 9819 & 9822 Correlli Lane

Dear Mr. Richards:

In reference to the above-entitled property I am hereby enclosing the following:

- 1. Petition for Variance and Special Hearing in triplicate;
- 2. Twelve (12) copies of the Plat to Accompany Petition;
- 3. Three copies of the description under seal;
- 4. Copy of the 200 Scale Zoning Map; and
- 5. Check to cover costs.

There are no known violations.

Please enter my appearance on behalf of the Petitioner and advise me as to the hearing date.

Very truly yours

Benjamin Bronstein

BB/mlh Enclosures

# PLEASE PRINT CLEARLY

CASE NAME	
CASE NUMBER 3011	-0092-A
DATE 11-8-10	

# PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Les Traster	29WSwguham Arr P.O. Box 201	Tousan ayzox of	informately a terraley not
GRAIG RODGERS	P.O. Box 201	WHITE MARSH, MD.	raigrodgers 200@gmail.com
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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and Development Management

November 5, 2010

Benjamin Bronstein 29 W. Susquehanna Ave. Ste. 205 Towson, MD 21204

Dear: Benjamin Bronstein

RE: Case Number 2011-0092-SPHA, 9819 Correlli Ln.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 08, 2010. 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** 

People's Counsel
 Dominic & Antinino Correlli; 9819 Correlli Ln.; Perry Hall, MD 21128
 Craig Rodgers; P.O. Box 201; White Marsh, MD 21162

**DATE:** October 6, 2010

# 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) 11-092- Special Hearing

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:

**Division Chief:** 

CM/LL

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**ZONING COMMISSIONER** 

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**





TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

October 25, 2010

SUBJECT:

Zoning Item # 11-092-SPHA

Address

9819 & 9822 Correlli Lane

(Corelli Property)

Zoning Advisory Committee Meeting of September 27, 2010

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Any new bldg. permits will need Groundwater Mgmt. review.

Reviewer:

Dan Esser

Date: <u>10/1/10</u>

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

DATE: October 5, 2010

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 12, 2010

Item Nos. 2011- 085, 089, 090, 092, 093, 094, 096, 097, 098, 100, 101

And 104

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10122010 -NO COMMENTS.doc

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 October 4, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 27,2010

Item Number: 2011-0092-SPHA

The Baltimore County Fire Department has no comments.

Lt. Jimmie D. Mezick Fire Marshal's Office 410-887-4880 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: Oct. 1,2010

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

RE: **Baltimore County** 

Item No. 2011-0092-57HA

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. 20 () 0092-SPHA.

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

Very truly yours,

A Steven D. Foster, Chief **Engineering Access Permits** 

Division

SDF/mb

RE: PETITION FOR SPECIAL HEARING AND VARIANCE

9819 & 9822 Correlli Lane; N/S Forge Road, 900' SE of Hidden Valley Road

11<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts Legal Owner(s): Dominic & Antinio Correlli

Petitioner(s)

**BEFORE THE** 

ZONING COMMISSIONER

**FOR** 

**BALTIMORE COUNTY** 

\* 2011-092-SPHA

#### **ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carle S Vembro

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OCT 06 2010

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CAROLE S. DEMILIO

Deputy People's Counsel Jefferson Building, Room 204

105 West Chesapeake Avenue Towson, MD 21204

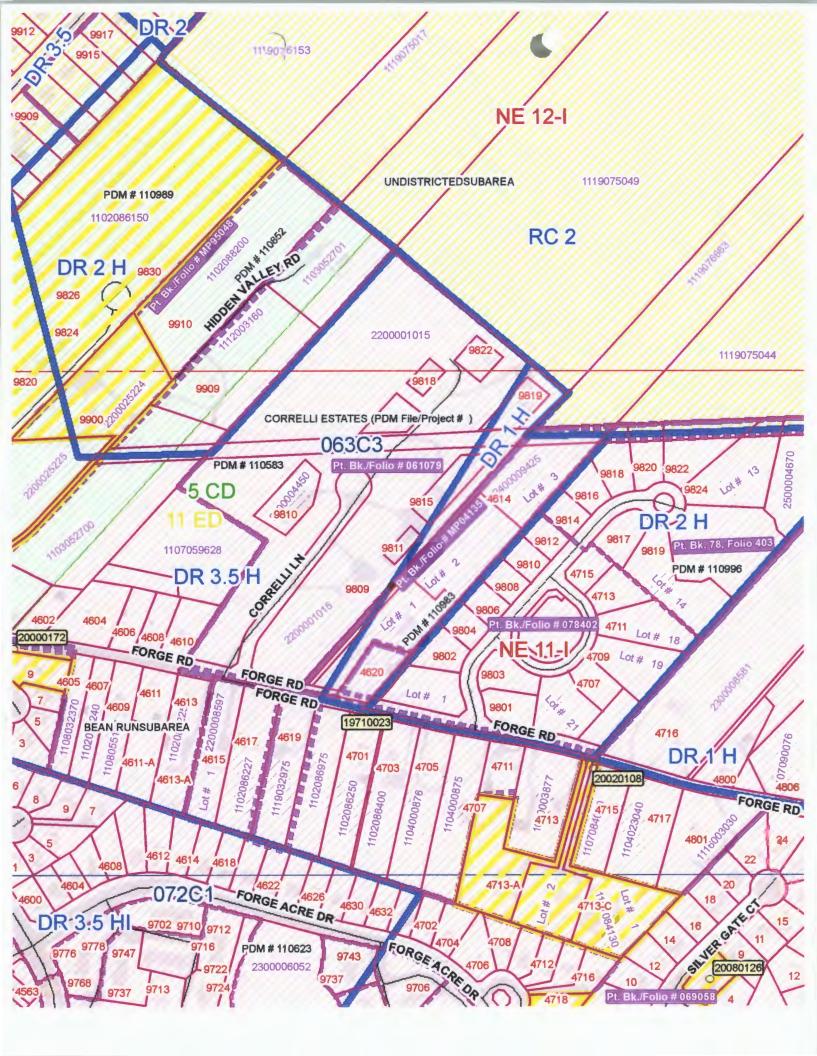
(410) 887-2188

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 6<sup>th</sup> day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to Craig Rodgers, P.O. Box 201, White Marsh, MD 21162 and Benjamin Bronstein, Esquire, 29 W. Susquehanna Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



Case No.: 2017-0092-A

## **Exhibit Sheet**

# Petitioner/Developer

## Protestant

Site plan	
Blue lined plan	

