

**IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

S/S of Osage Road, 353' E from its inter- *
section with the c/l of Gateview Road *
8th Election District *
3rd Council District *
(424 Osage Road) *

Salvatore and Karen DiFatta *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY

CASE NO. 2012-0049-SPHA

* * * * *

ORDER AND OPINION

This matter comes before the Administrative Law Judge as Petitions for Special Hearing and Variance filed by the legal owners of the property, Salvatore and Karen DiFatta. The Petitioners are requesting Special Hearing relief under Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (replacement garage) to be located on a separate lot from the principal use or structure served. Petitioners are also requesting Variance relief pursuant to Sections 400.1 and 400.3 of the B.C.Z.R. to permit an accessory building (replacement garage) to be located in the front yard with a height of 26 feet in lieu of the required rear yard and 15 feet respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing held for this case were Petitioners Salvatore and Karen DiFatta and David Billingsley with Central Drafting & Design, Inc., land surveyor who prepared the site plan for the Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons present.

The ZAC comments were received and made a part of the file. Comments were received from the Department of Environmental Protection and Sustainability dated September 13, 2011

ORDER RECEIVED FOR FILING

Date 11-17-11
pr

which indicate that any further building permits for this site will require review by Groundwater Management.

David Billingsley testified on behalf of the Petitioners. He described the property as being 2.829 acres zoned DR 2. Petitioners own several contiguous lots and have built their home on the lot adjacent to the subject site. He described the old two story barn and garage that existed on the site since the 1950s. He stated that it was deteriorated by age and weather to such an extent that it was dangerous and unusable. Petitioners razed the old structure and placed the new garage on the footprint and foundation of the old structure. He noted that the new barn/garage is 26 feet high, compared to 29 feet height of the original and is two feet shorter.

Unfortunately, the witness related that the Petitioners had not obtained the required permits to either raze the old structure or replace it with the new one. Accordingly, although the new replacement building was almost completed, a stop work order was issued and all activity ceased.

The witness proffered on behalf of the Petitioners that the new structure would only be used to store his motor vehicles and to provide space for a woodshop for various personal projects. There is public water and sewer at the site; there is a bathroom in the new structure, but no kitchen facilities whatsoever. No one will live in the new building. The façade, however, will resemble a residential structure so as to retain the aesthetic qualities of the area, and in any event, the new garage will be well screened from any neighbors.

Mr. Billingsley addressed the variance requirement. He pointed to the shape and contour of the proposed site of the garage; taken with its location as being wedged between Osage Road (the access to the other lots in the area) and the adjacent lot on which Plaintiffs' house is located, as characteristics unique to the subject site. Without the requested variances, he stated, the various ladders, tools, and lumber for the shop work could not be stored along with the motor vehicles,

ORDER RECEIVED FOR FILING

Date 11-17-11

2

By 

and there would not be sufficient height for tools and lumber.

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested. As to the variance request, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Finally, I find the variance 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.

Thus, the variance requested meets the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 17th day of November, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief under Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory building (replacement garage) to be located on a separate lot from the principal use or structure served, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 400.1 and 400.3 of the B.C.Z.R. permit an accessory building (replacement garage) to be located in the front yard with a height of 26 feet in lieu of the required rear yard and 15 feet respectively, be and is hereby GRANTED.

The relief granted herein shall be conditioned upon:

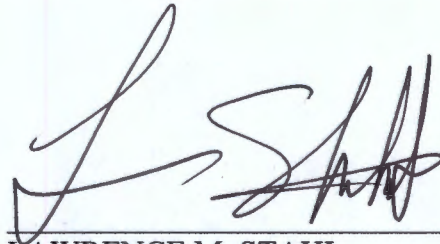
ORDER RECEIVED FOR FILING

Date 11-17-11

By [Signature]

1. The Petitioners may apply for their building permit and may be granted same upon receipt of this Order, however the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.
2. Any further building permits for this site will require review by the Groundwater Management Section of the Department of Environmental Protection and Sustainability.
3. The accessory building (replacement garage) may not be used for residential purposes whatsoever.

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



LAWRENCE M. STAHL
Managing Administrative Law Judge for
Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 11-17-11

By [Signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

November 17, 2011

SALVATORE AND KAREN DIFATTA
413 OSAGE ROAD
COCKEYSVILLE MD 21030

Re: Petition for Special Hearing and Variance
Case No. 2012-0049-SPHA
Property: 424 Osage Road

Dear Mr. and Mrs. DiFatta:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 424 OSAGE ROAD
which is presently zoned OR 2

DEED REFERENCE L. 29904 F. 079 TAX ACCT. #1900000540

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

SEE ATTACHED

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 bound 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.

Legal Owner(s):

Name - Type or Print

SALVATORE DIFATTA

Name - Type or Print

Signature

Salvatore Di Fatta

Signature

Address Telephone No.

KAREN DIFATTA

Name - Type or Print

City State Zip Code

Karen L. Di Fatta

Signature

Attorney For Petitioner:

413 OSAGE ROAD (410) 666-8080

Address Telephone No.

Name - Type or Print

COCKEYSVILLE MO 21030

City State Zip Code

Signature

Representative to be Contacted:

Company

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name

Address Telephone No.

601 CHARWOOD CT. (410) 679-8719

Address Telephone No.

City State Zip Code

EDGEWOOD MO 21040

City State Zip Code

By *[Signature]*

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2012-0049-SPHA

UNAVAILABLE FOR HEARING

REV 9/15/98

Reviewed By *[Signature]* Date 8-24-11

ORDER RECEIVED FOR FILING
11-17-11

AN ACCESSORY BUILDING (REPLACEMENT GARAGE) TO BE LOCATED ON
A SEPARATE LOT FROM THE PRINCIPAL USE OR STRUCTURE SERVED.



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 474 OSAGE ROAD which is presently zoned OR 2

Deed Reference: Z9904_1079 Tax Account # 1900000540

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)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

TO BE PRESENTED AT HEARING

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 _____
Date 11-17-11
Address _____ Telephone No. _____
By _____
City _____ State _____ Zip Code _____

Legal Owner(s):

SALVATORE DIFATTA
Name - Type or Print _____
Signature Salvatore Di Fatta
KAREN DIFATTA
Name / Type or Print _____
Signature Karen L. Di Fatta
413 OSAGE ROAD (410) 666-8080
Address _____ Telephone No. _____
COCKEYSVILLE MD 21040
City _____ State _____ Zip Code _____

Representative to be Contacted:

DAVID BILLINGSLEY
Name _____
CENTRAL DRAFTING & DESIGN, INC.
Address _____ Telephone No. _____
601 CHARWOOD CT. (410) 679-8719
EDGEWOOD MD 21040
City _____ State _____ Zip Code _____

Case No. 2012-0049-SPHA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____
Reviewed by [Signature] Date 8.24.11

400.1 AND 400.3 (BCZR) TO PERMIT AN ACCESSORY BUILDING (REPLACEMENT GARAGE) TO BE LOCATED IN THE FRONT YARD WITH A HEIGHT OF 26 FEET IN LIEU OF THE REQUIRED REAR YARD AND 15 FEET RESPECTIVELY.

ZONING DESCRIPTION

424 OSAGE ROAD

Beginning at a point on the south side of Osage Road (50 feet wide), distant 353 feet easterly from it's intersection with the center of Gateview Road (50 feet wide), thence being all of Lot 5 as shown on the plat entitled Osage Crest recorded among the Baltimore County plat records in Plat Book 46 Folio 139. Containing 2.829 acres of land, more or less.

Being known as 424 Osage Road. Located in the 8TH Election District, 3RD Councilmanic District of Baltimore County, Md.

2012-0049-SPHA

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0049-SPHA

424 Osage Road

S/s of Osage Road, 353 feet east from its intersection with the centerline of Gateview Road

8th Election District - 3rd Councilmanic District

Legal Owner(s): Salvatore & Karen Difatta

Special Hearing: to permit an accessory building (replacement garage) to be located on a separate lot from the principal use or structure served. **Variance:** to permit an accessory building (replacement garage) to be located in the front yard with a height of 26 feet in lieu of the required rear yard and 15 feet respectively.

Hearing: Tuesday, November 8, 2011 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT/10/696 Oct. 25

289283

CERTIFICATE OF PUBLICATION

10/27/2011

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 10/25/2011.

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

J. Wilkinson

LEGAL ADVERTISING

TK 9/29 2:30

NOTICE OF ZONING HEARING

The Administrative Law Judges 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:

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8th Election District - 3rd Councilmanic District

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Hearing: Thursday, September 29, 2011 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JÄBLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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JT/9/627 Sept. 13

285900

Hearing 9/29/11

CERTIFICATE OF PUBLICATION

_____ 9/15 _____, 2011

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 9/13, 2011.

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- Arbutus Times
- Catonsville Times
- Towson Times
- Owings Mills Times
- NE Booster/Reporter
- North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2012-0049-SPHA

PETITIONER/DEVELOPER _____

SALVATORE KAREN DIFATTA

DATE OF HEARING/CLOSING: _____

November 8, 2011

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 THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 424 OSAGE ROAD

THIS SIGN(S) WERE POSTED ON October 23, 2011
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 10/23/11
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

CASE # 2012-0049-SPHA

ROOM 205, TERRESON BUILDING 105

PLACE: WEST CHESAPEAKE AVENUE, TOWSON 21286

DATE AND TIME: TUESDAY NOVEMBER 8, 2011

AT 1:30 P.M.

REQUEST: SPECIAL VARIANCE TO PERMIT AN ACCESSORY
BUILDING (REPLACEMENT GARAGE) TO BE LOCATED ON A SQUARE
LOT FROM THE PRINCIPAL USE OR STRUCTURE SCHEDULED. VARIANCE
TO PERMIT AN ACCESSORY BUILDING (REPLACEMENT GARAGE)
TO BE LOCATED IN THE FRONT YARD WITH A HEIGHT OF
26 FEET IN LINE WITH THE REQUIRED REAR YARD AND 15 FEET
RESPECTIVELY

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 N. CHESAPEAKE AVE.
TOWSON, MD 21286
TEL 410-891-3391
FAX 410-891-3391
WEBSITE IS 3000000000 ACCESSIBLE

10/23/2011

Myra J. G. 10/23/11

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 13, 2011 Issue - Jeffersonian

Please forward billing to:
Salvatore Difatta
413 Osage Road
Cockeysville, MD 21030

410-666-8080

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0049-SPHA

424 Osage Road

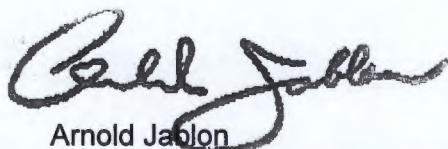
S/s of Osage Road, 353 feet east from its intersection with the centerline of Gateview Road

8th Election District – 3rd Councilmanic District

Legal Owners: Salvatore & Karen Difatta

Special Hearing to permit an accessory building (replacement garage) to be located on a separate lot from the principal use or structure served. Variance to permit an accessory building (replacement garage) to be located in the front yard with a height of 26 feet in lieu of the required rear yard and 15 feet respectively.

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105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 6, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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:

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424 Osage Road

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8th Election District – 3rd Councilmanic District

Legal Owners: Salvatore & Karen Difatta

Special Hearing to permit an accessory building (replacement garage) to be located on a separate lot from the principal use or structure served. Variance to permit an accessory building (replacement garage) to be located in the front yard with a height of 26 feet in lieu of the required rear yard and 15 feet respectively.

Hearing: Thursday, September 29, 2011 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Difatta, 413 Osage Road, Cockeysville 21040
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., SEPTEMBER 14, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 25, 2011 Issue - Jeffersonian

Please forward billing to:
Salvatore Difatta
413 Osage Road
Cockeysville, MD 21030

410-666-8080

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0049-SPHA

424 Osage Road

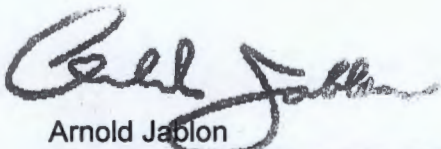
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8th Election District – 3rd Councilmanic District

Legal Owners: Salvatore & Karen Difatta

Special Hearing to permit an accessory building (replacement garage) to be located on a separate lot from the principal use or structure served. Variance to permit an accessory building (replacement garage) to be located in the front yard with a height of 26 feet in lieu of the required rear yard and 15 feet respectively.

Hearing: Tuesday, November 8, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Japlon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

October 6, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0049-SPHA

424 Osage Road

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Legal Owners: Salvatore & Karen Difatta

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Hearing: Tuesday, November 8, 2011 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Difatta, 413 Osage Road, Cockeysville 21040
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 24, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**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/neighborhood 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: 2012-0049-5PHA
Petitioner: SALVATORE DIFATTA
Address or Location: 424 OSAGE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: SALVATORE DIFATTA
Address: 413 OSAGE ROAD
COCKEYSVILLE MD. 21030
Telephone Number: (410) 666-8080



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

September 21, 2011

Mr. & Mrs. DiFatta
413 Osage Road
Cockeysville, MD 21040

RE: Case Number: 2012-0049-SPHA, 474 Osage Road

Dear Mr. & Mrs. DiFatta,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 24, 2011. 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040



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

Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8-24-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2012-0049-SPHA
Variance Special Hearing
Salvatore and Karou DiFatta
424 Osage Road.

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. 2012-0049-SPHA.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at rzeller@sha.state.md.us. Thank you for your cooperation.

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

TKK 9/29 2:30

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: September 13, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-049-SPHA
Address 424 Osage Road
(DiFatta Property)

Zoning Advisory Committee Meeting of August 29, 2011.

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

1. Any future building permits for this site will require review by Groundwater Mgmt.

Reviewer: *Dan Esser; Groundwater Management*

RECEIVED

SEP 14 2011

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For September 06, 2011
Item Nos. 2012-046, 047, 048, 049, 050
And 051.

DATE: September 2, 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09122011 -NO COMMENTS.doc



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 25, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **August 29, 2011**

Item No.:

Administrative Variance: 2012-0045A, 2012-0047A – 0048A

Variance: 2012-0046A, 2012-0049-SPHA

Special Hearing: 2012-0049-SPHA – 005-SPHA

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

RE: PETITION FOR SPECIAL HEARING AND VARIANCE 424 Osage Road; S/S Osage Road, 353' E Intersection of Gateview Road 8 th Election & 3 rd Councilmanic Districts Legal Owner(s): Salvatore & Karen DiFatta Petitioner(s)	* * * * * *	BEFORE THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY 2012-049-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

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
AUG 29 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of August, 2011, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

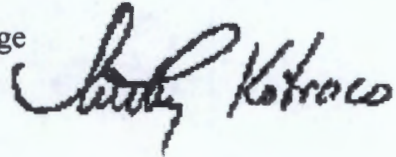
MEMORANDUM

TO: Kristen Lewis
Office of Zoning Review

FROM: Timothy M. Kotroco, Administrative Law Judge
Office of Administrative Hearings

DATE: September 29, 2011

SUBJECT: Case No. 2012-0049-SPHA (Scheduled for September 29, 2011)



The above-referenced case was scheduled before the undersigned on September 29, 2011 at 2:30 PM in Room 205 of the Jefferson Building. As you are aware, it had been properly advertised prior to the hearing; however, the property was not posted with a sign. There was no testimony taken and no one appeared for the hearing.

I am now returning the case file to you for rescheduling. Thanks.

TMK:dlw

✓ c: File

M E M O R A N D U M

DATE: December 21, 2011
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0049-SPHA

The appeal period for the above-referenced case expired on December 18, 2011. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

TK 9/29
2:30
Rm. 205**Debra Wiley - Case No. 2012-0049-SPHA - 9/29 @ 2:30 PM**

From: Debra Wiley
To: OAH Staff
Date: 9/21/2011 12:39 PM
Subject: Case No. 2012-0049-SPHA - 9/29 @ 2:30 PM
CC: Lewis, Kristen

Good Afternoon,

The above referenced case has been postponed due to no sign posting. After speaking with Kristen, it was decided that Tim will hold onto the file to make sure no one appears (published in newspaper) and to be returned afterwards and rescheduled.

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

0807001367
Pt. Bk. 32, Folio 40

1800011281

Lot # 2
Pt. Bk./Folio # 044130

PDM # 088023

Lot # 3
Pt. Bk. 44, Folio 130
1800011282

Lot # 3
Pt. Bk./Folio # 032040

DR-1

1900000536

Lot # 1

416

SAGE RD

1900000537

Lot # 2

418

420

Lot # 4

19840197

1600011159

PDM # 080310

Pt. Bk./Folio # 046135

19C OSAGE CREST (PDM File/Project #)

1900000539

PDM # 080771

Pt. Bk./Folio # MP96162

8 ED

Lot # 1

2300013175

NW 18-A 042C3

DR 2

1900000540

Pt. Bk. 46, Folio 139

413

3 CD

Lot # 5

10908

1600001678

0808090060

081903393

HOLLOW RD

0806045602

0818037740

RC.6

0816061870

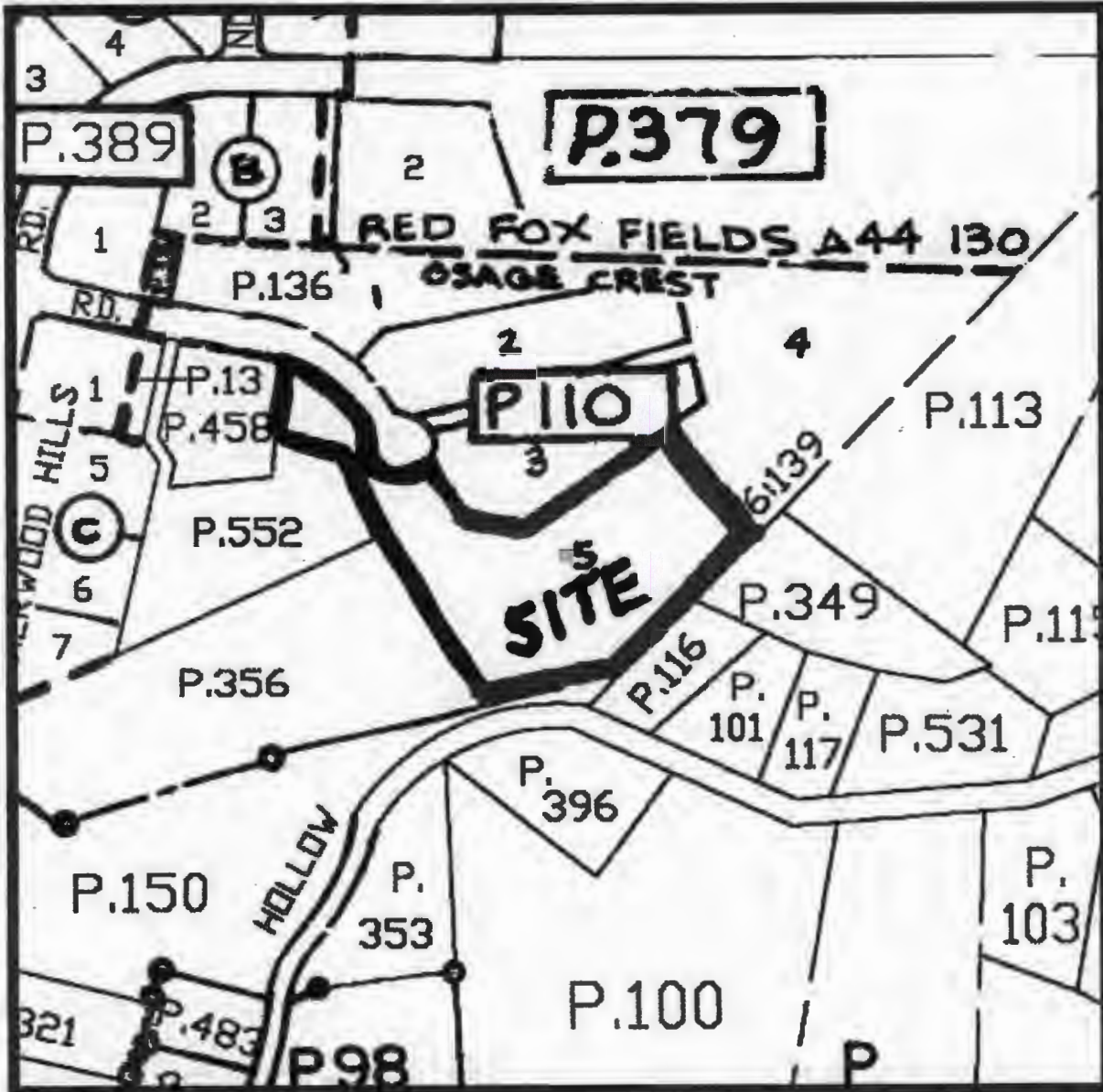
0813020500



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 08 Account Number - 1900000540



PETITIONER'S

EXHIBIT NO. _____

PETITIONER'S
EXHIBIT NO. 2

TAX MAP 42

Maryland Department of Assessments and Taxation
 Real Property Data Search (vw1.1A)
 BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 08 Account Number - 1900000540

Owner Information

Owner Name: DIFATTA SALVATORE **Use:** RESIDENTIAL
 DIFATTA KAREN **Principal Residence:** NO
Mailing Address: 413 OSAGE RD **Deed Reference:** 1) /29904/ 00079
 COCKEYSVILLE MD 21030-2647 2)

Location & Structure Information

Premises Address **Legal Description**
 424 OSAGE RD 2.829 AC
 0-0000 424 OSAGE RD
 OSAGE CREST

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0042	0024	0110		0000			5	2	Plat Ref: 0046/ 0139

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built **Enclosed Area** **Property Land Area** **County Use**
 2.8200 AC 04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value		
		As Of	Phase-in Assessments	As Of
Land	206,850	177,300	As Of	07/01/2011
Improvements:	7,970	7,900	As Of	07/01/2011
Total:	214,820	185,200	214,820	185,200
Preferential Land:	0			0

Transfer Information

Seller: BENZINGER JAMES F, JR **Date:** 09/22/2010 **Price:** \$170,000
Type: ARMS LENGTH IMPROVED **Deed1:** /29904/ 00079 **Deed2:**
Seller: HOULIARAS ELIAS S **Date:** 05/09/1989 **Price:** \$75,000
Type: ARMS LENGTH IMPROVED **Deed1:** /08169/ 00054 **Deed2:**
Seller: **Date:** **Price:**
Type: **Deed1:** **Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: * NONE *

PETITIONER'S
 EXHIBIT NO. 3

After Recording Return to:
New World Title Company, LLC
1407 York Road, Suite 304
Lutherville, MD 21093
File No.: 1016252

DEED

THIS DEED, made this 7 day of September, 2010, by and between James F. Benzinger, Jr., party of the first part, and Salvatore Di Fatta and Karen Di Fatta, husband and wife, parties of the second part;

WITNESSETH, that in consideration of ONE HUNDRED SEVENTY THOUSAND AND 00/100 DOLLARS (\$170,000.00) the said party of the first part does grant and convey unto Salvatore Di Fatta and Karen Di Fatta, husband and wife, parties of the second part, as tenants by the entireties, their heirs, personal representatives and assigns, in fee simple, all that piece or parcel of land situate, lying and being in the county of Baltimore, State of Maryland, described as follows:

BEING KNOWN AND DESIGNATED AS LOT NO. 5 AS SHOWN ON THE PLAT ENTITLED, "OSAGE CREST", WHICH PLAT IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK E.H.K., JR. NO. 46, FOLIO 139.

The improvements thereon being known and designated as No. 424 Osage Road.

BEING the same lot of ground which by Deed dated May 5, 1989 and recorded among the Land Records of Baltimore County, Maryland in Liber 8169, folio 054 was granted and conveyed from Elias S. Houliaras and Ria Houliaras unto James F. Benzinger, Jr. the within named grantor(s).

Tax Account No: 08-19-00-000540

TOGETHER with all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said parties of the second part, tenants by the entireties, their assigns, and unto the survivor of them, his or her heirs, personal representatives and assigns, in fee simple forever.

PETITIONER'S
EXHIBIT NO. 4



6a



6b

PETITIONER'S
EXHIBIT NO. 6a-6d

PHOTOS



6c



6d

Mary A. Randolph
10810 Powers Lane
Cockeysville, MD 21030

May 20, 2011

Arnold Jablon, Director
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Suite 105
111 West Chesapeake Avenue
Towson, MD 21204

Re: 424 Osage Road, Cockeysville, Maryland

Dear Mr. Jablon:

My name is Mary A. Randolph and I currently reside at 10810 Powers Avenue in Cockeysville, Maryland 21030. I have lived in the same area since I was a child. I met my husband, Lewis Randolph in the neighborhood and now have six grown children and several grandchildren.

With regard to the barn/garage structure located at 424 Osage Road down the street from my current residence, I can clearly remember the barn's existence since my childhood. I was born April 17, 1939 and recall the existence of the barn in its present location when I played in the area as a child and teenager. I recall the barn not only being used for the farm but also being continuously utilized for the restoration and storage of cars. The barn has also been used for the storage of personal property. The uses as described have been continuous and uninterrupted since the early 1950s through today.

During the past few years, the barn suffered serious damage as a result of the two blizzards which occurred two winters ago and the snow storms of this past winter. Since Mr. DiFatta purchased the property a few years ago, he has stored his vehicles and personal property in the barn.

I hereby certify that the statements made in this letter are true and correct and based on my personal knowledge. Thank you for your consideration.

Sincerely,

Mary Randolph
Mary A. Randolph

PETITIONER'S
EXHIBIT NO. 7



9a



9b



9c



9d



98



99



99



9h

April 10, 2011

Mr. Sal Di Fatta
413 Osage Road
Cockeysville, Maryland 21030

Subject: Structural Evaluation of Constructed Foundation System
For Garage and Recreational Use Structure
424 Osage Road, Cockeysville, Maryland 21030

Dear Mr. Di Fatta:

Per your request, a structural evaluation of the constructed foundation system for the garage/barn structure at the above referenced property was performed to determine its load carrying capacity. The structural evaluation is based upon an inspection conducted of the structure on April 9, 2011 and a review of the repairs completed to date.

The structure faces to the north, fronting onto Osage Road. The structure measures approximately 44 feet (east-west) in length and 33 feet (north-south) in width. The structure consists of concrete masonry unit (CMU) construction over reinforced concrete spread footings, with two story framed construction above. The east, west and south stone foundation walls (pre-repair) remain in place and measure approximately 2 feet in thickness.

The structure repairs have been made over continuous perimeter spread footings. The footings were reportedly constructed with minimum dimensions of 2 feet in width and 14 inches in depth. The spread footings were reinforced with two-#4 bars longitudinal bars placed continuous throughout the foundation system, with #4 ties. The garage/barn repairs included a 10-inch CMU foundation wall, which has been constructed over the spread footings. A new central steel beam is positioned longitudinally within the structure and bears on the east and west CMU foundation walls. The CMU walls are reinforced with #4 vertical bars, positioned at 4 feet on center throughout the structure. Vertical reinforcement has been placed at all openings into the repaired foundation, below the beam pockets and at the foundation corners. The locations of vertical reinforcement have been filled solid with concrete. The exterior of the repaired foundation walls have been waterproofed. A single 5-inch diameter column is positioned at the midpoint of the central support beam, over a minimum 4 feet square by 12-inch deep concrete footing, reinforced with five - #4 bars, placed each way. A 5-inch thick concrete slab, reinforced with 6x6 - W2.9xW2.9 weld wire fabric has been placed on grade within the lower level of the structure, over a 5-inch deep aggregate bedding layer and a 6-mil polyethylene vapor barrier.

The estimated maximum loading condition of the two-story barn/garage structure on the foundation system was determined as 1,553 lb/ft. A soil bearing capacity of 2,500 lb/ft² was assumed for the site soils. Based on this load and the assumed soil bearing capacity, a soil loading condition of 767 lb/ft² has been estimated for the structure. The foundation system is suitable to support the two story barn/garage structure.

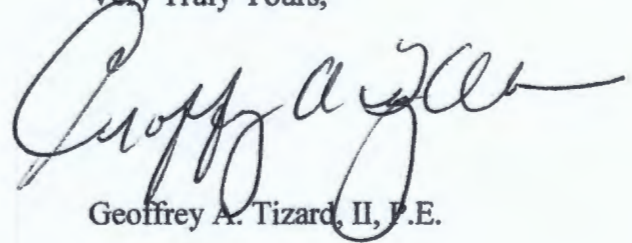
PETITIONER'S
EXHIBIT NO. 10

Presently, the repaired foundation has not been backfilled and is exposed to rainfall, stormwater run-on and drainage from the roof of the repaired structure. The existing stone foundation walls as repaired provide stability to the construction, and are to remain in place to the exterior of the repaired barn/garage structure. Backfilling of the repaired foundation is to be accomplished using aggregate fill and/ or site soils. Should site soils be used, they should be placed in maximum 12-inch lifts and compacted. Due to the limited access along the exterior of the foundation walls, backfilling may be more readily accomplished using aggregate fill. A geotextile filter fabric is to be used to separate aggregate backfill from overlying soil backfill layers. A perimeter perforated foundation drain system is recommended to be installed to the exterior of the repaired foundation and repaired foundation wall. The upper portion of the stone foundation wall can be removed to facilitate final grading as necessary along the perimeter of the structure. Soil placed above the stone foundation wall is to be placed to a minimum depth of 2 feet. Therefore, sufficient depth of the stone foundation wall is to be removed should soil extend over the stone foundation wall sections at finished grade.

Based upon the investigation and observations made at the site, it is my opinion that the constructed foundation as repaired is suitable to support the loading condition of the two story barn/garage structure as repaired.

Should you have any questions, or require further information, please contact me.

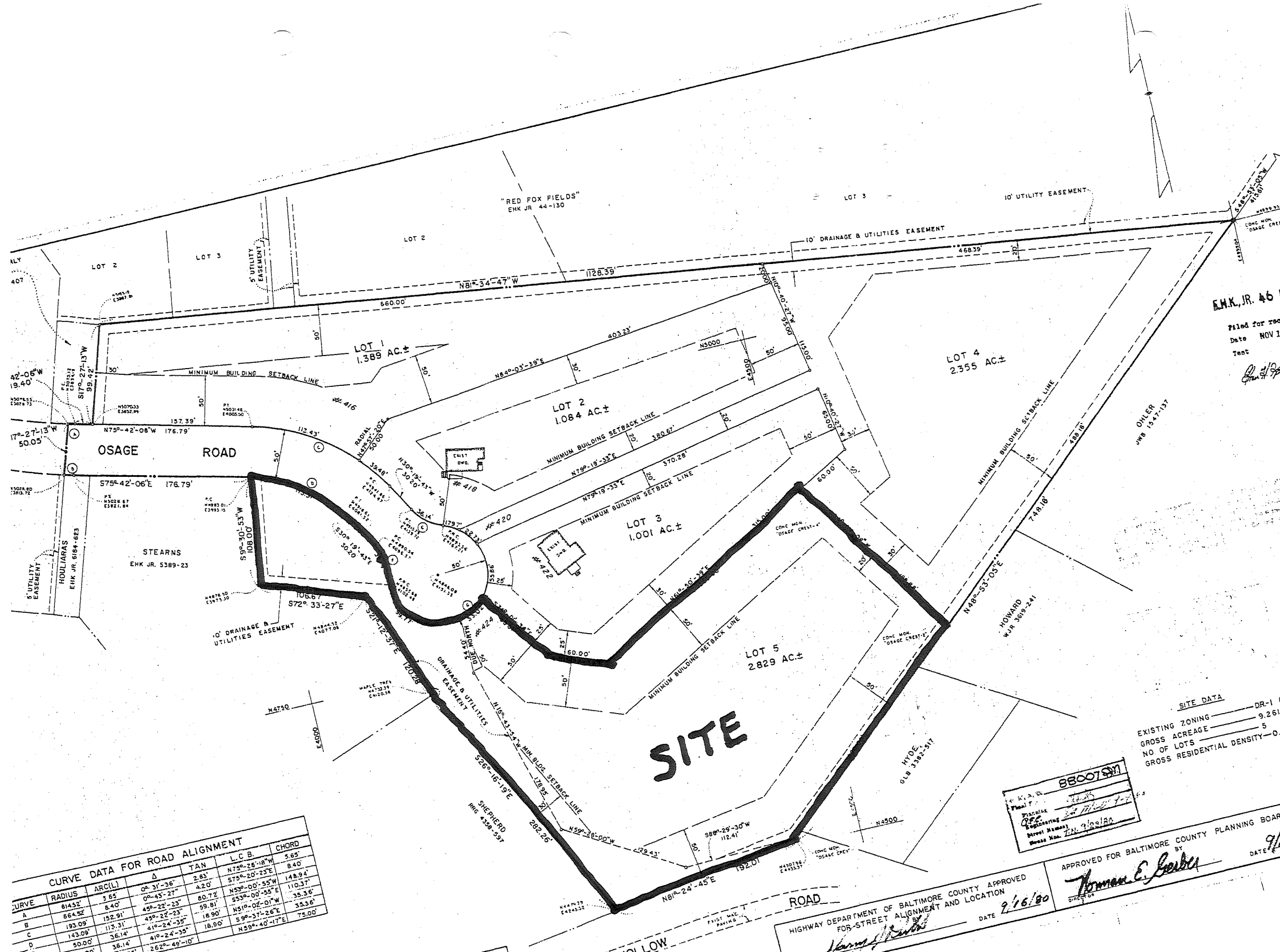
Very Truly Yours,



Geoffrey A. Tizard, II, P.E.



"Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the state of Maryland, License No. 15453, Expiration Date: July 2, 2011."



E.H.K. JR. 46 FOLIO 139 "OSAGE CREST"
 OWNED AND DEVELOPED BY
 ELIAS S. HOULIARAS & WIFE
 422 OSAGE ROAD
 COCKEYSVILLE, MD. 21030
 8TH ELECT. DIST. BALTO. CO., MD.
 JULY 24, 1980
 SCALE: 1" = 50'

- NOTES**
- 1) THE STREETS AND/OR ROADS AS SHOWN HEREON AND 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 THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.
 - 2) HIGHWAY AND HIGHWAY WIDENING-SLOPE DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTO. CO., MD.. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MD. AT NO COST.
 - 3) FOR PANHANDLE LOTS, REFUSE COLLECTION, SNOW REMOVAL AND ROAD MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE AND THE STREET RIGHT-OF-WAY LINE ONLY AND NOT ONTO THE PANHANDLE LOT DRIVEWAY.
 - 4) THE BEARINGS SHOWN HEREON ARE REFERRED TO THE MAGNETIC MERIDIAN OF MAY 1980. THE COORDINATES SHOWN HEREON ARE REFERRED TO AN ASSUMED SYSTEM.
 - 5) THIS DEVELOPMENT IS IN THE LOCH RAVEN RESERVOIR WATERSHED.
 - 6) FOR TITLE, SEE E.H.K. JR. 5825-158 AND E.H.K. JR. 6184-623.

SITE DATA
 EXISTING ZONING _____ DR-1 & DR-2
 GROSS ACREAGE _____ 9.261 AC.±
 NO OF LOTS _____ 5
 GROSS RESIDENTIAL DENSITY—0.54 LOTS/AC.

CURVE DATA FOR ROAD ALIGNMENT

CURVE	RADIUS	ARC(L)	Δ	TAN	L.C.B.	CHORD
A	814.52	3.55	0°-31'-36"	2.83	N75°-25'-18"W	5.85
B	864.52	6.40	0°-43'-27"	4.20	S75°-20'-23"E	8.40
C	193.09	152.91	45°-22'-23"	80.72	N53°-00'-55"W	148.94
D	143.09	113.31	45°-22'-23"	59.81	S53°-00'-55"E	110.37
E	50.00	36.14	41°-24'-35"	18.00	N51°-02'-01"W	35.36
F	50.00	36.14	41°-24'-35"	18.00	S9°-37'-26"E	35.36
G	50.00	29.35	26°-49'-10"		N59°-40'-17"E	75.00

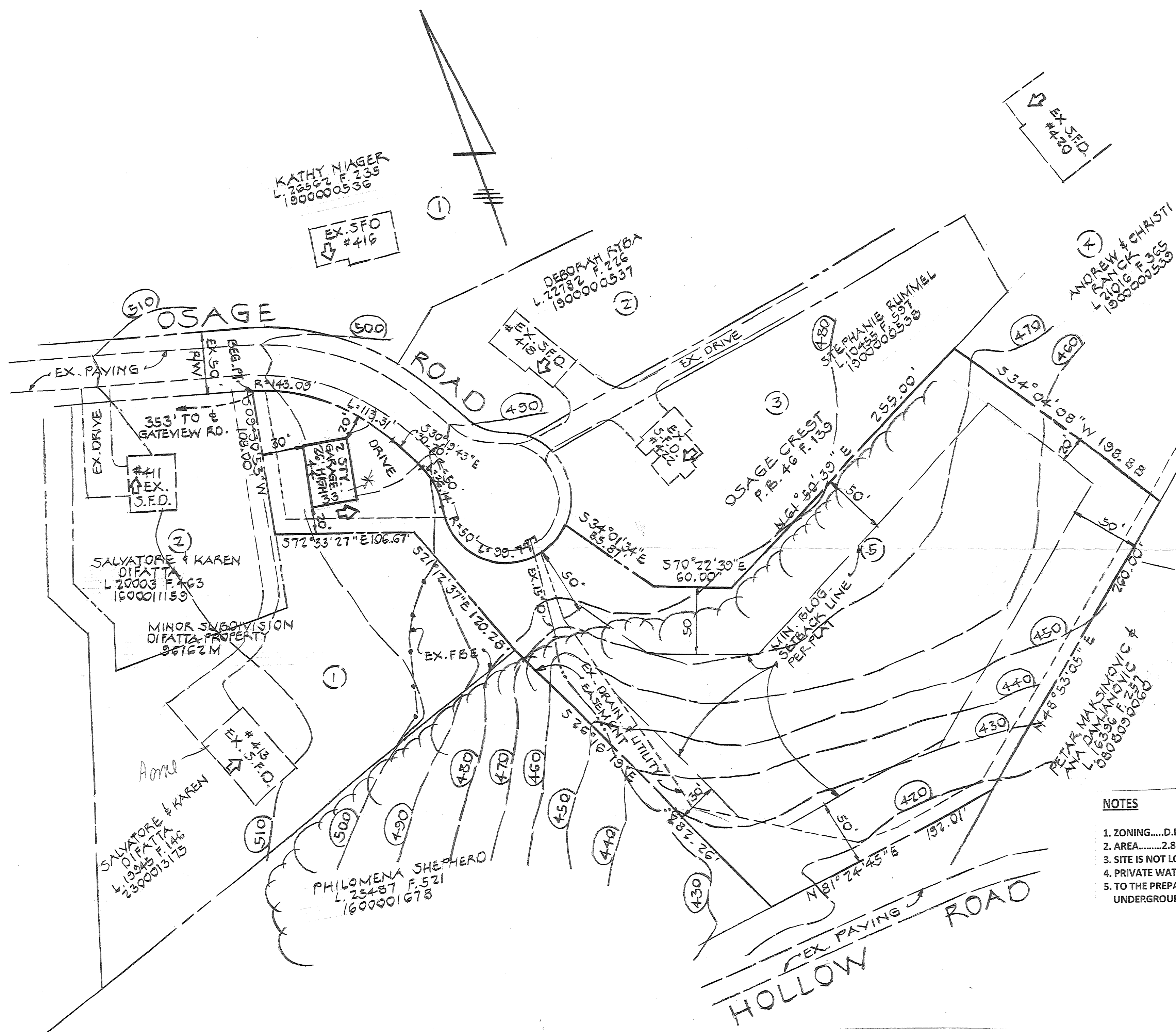
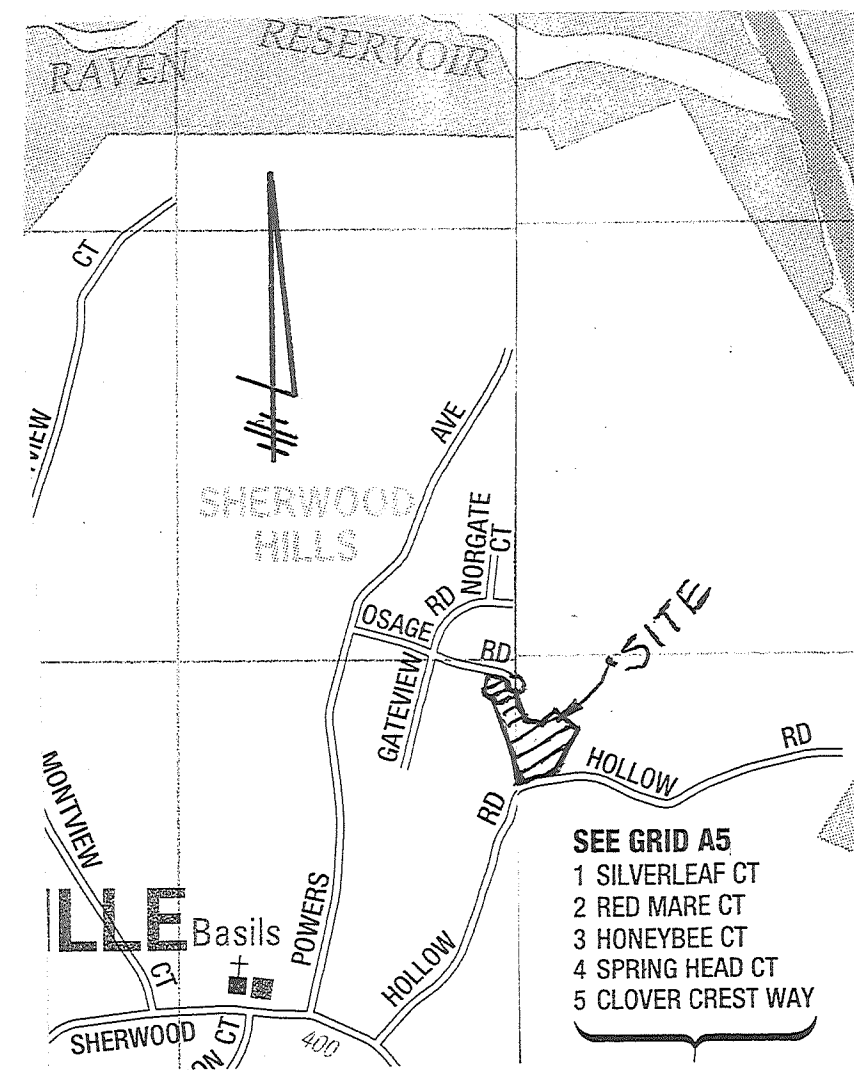
OWNER'S CERTIFICATE
 THE REQUIREMENTS OF SECTION 72-B, ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND (FLAC 1947 SUPPLEMENT) AS FAR AS THEY RELATE TO THE PREPARATION OF THIS PLAT HAVE BEEN COMPLIED WITH.
 ELIAS S. HOULIARAS
 DATE 8-18-80

SURVEYOR'S CERTIFICATE
 I, LEO W. RADE, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN LAID OUT, THEREOF PREPARED IN ACCORDANCE WITH CHAPTER 101B OF THE MARYLAND NATURAL RESOURCES AND ENVIRONMENTAL ACTS.

APPROVED FOR BALTIMORE COUNTY APPROVED FOR BALTIMORE COUNTY HEALTH DEPARTMENT
 FOR STREET ALIGNMENT AND LOCATION
 DATE 9/16/80
 LEO W. RADE
 REG. LAND SURV
 38 BELFAST RD
 TIMONIUM, MD. 21286

APPROVED FOR BALTIMORE COUNTY PLANNING BOARD
 DATE 9/19/80
 APPROVED FOR BALTIMORE COUNTY HEALTH DEPARTMENT
 DATE 9/16/80
 MSA 554 1836-6497 & 51214

PETITIONER'S EXHIBIT NO. **5**



LOCATION PLAN
SCALE: 1"=1000

PETITIONER'S
EXHIBIT NO.

PETITIONER'S
EXHIBIT NO. 1

NOTES

1. ZONING.....D.R.2 (MAP NO. 042C3)
2. AREA.....2.829 ACRES +/-
3. SITE IS NOT LOCATED IN CBCA OR 100 YEAR FLOOD ZONE
4. PRIVATE WATER AND SEWER
5. TO THE PREPARER'S KNOWLEDGE, NO HISTORIC STRUCTURES, ARCHEOLOGIC SITES, UNDERGROUND STORAGE TANKS OR PREVIOUS ZONING HISTORY EXISTS

**PLAT TO ACCOMPANY PETITION FOR
VARIANCE AND SPECIAL HEARING**
424 OSAGE ROAD
LOT 5 OSAGE CREST P.B. 46 F. 139
ELECTION DISTRICT 8C3
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 50 FEET JULY 18, 2011

OWNER
SALVATORE AND KAREN DIFATTA
413 OSAGE ROAD
COCKEYSVILLE, MD. 21030
DEED REF. L. 29904 F. 79
ACCT. NO. 1900000540

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

12° MERIDIAN, MAY 1980

5' UTILITY EASEMENT

Q CURVE DATA

$\Delta = 12^{\circ} - 04' - 33''$
 $D = 8^{\circ} - 57' - 33''$
 $L = 134.79'$
 $R = 639.52'$
 $T = 67.64'$
 $CHD = S69^{\circ} - 39' - 50'' E$
 $134.54'$

10' DRAINAGE AND UTILITIES EASEMENT

1-2 STA. 8+67.24

PROPOSED SEDIMENT TRAP
IN CUL-DE-SAC (BY OTHERS)
AFTER STORM DRAIN IS
INSTALLED

"OSAGE CREST"
EHK JR. 46-139

LOT 1

LOT 2

OSAGE ROAD

LOCAL BENCH MARK
CORNER OF CONC. SLAB
ELEV. = 442.94

NOTE: FOR EXISTING STORM DRAINS,
SEE DWG. NO. 67-0660

EX. CONC. WALK

SITE

5' UTILITY EASEMENT

SEC 2
"SHERWOOD HILLS"
OTG 32-40

MEET EXIST. 18" D
FOR LINE & GRADE
REMOVE EXIST.
CUT-OFF WALL & CONC.
APRON (NOT VISIBLE
IN FIELD)

Q CURVE DATA
 $\Delta = 45^{\circ} - 22' - 23''$
 $D = 34^{\circ} - 05' - 13''$
 $L = 133.11'$
 $R = 168.09'$
 $T = 70.27'$
 $CHD = S53^{\circ} - 00' - 55'' E$
 $129.66'$

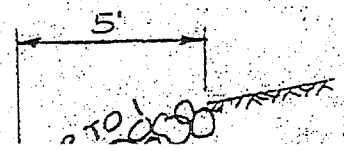
PLAN

ANCHOR
(SEE PROFILE)

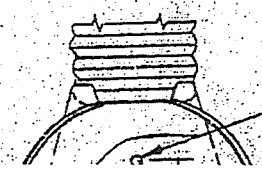
PETITIONER'S
EXHIBIT NO. 8

MAINTAIN, REPAIR AND/OR REPLACE ANY EXISTING SEDIMENT CONTROL DEVICES
TURBED DURING THE COURSE OF CONSTRUCTION UNDER THIS PERMIT.
SEDIMENT CONTROL DEVICES SHALL BE REPAIRED OR REPLACED BEFORE LEAVING
THE SITE EACH WORKING DAY. THE COSTS OF PERFORMING ALL SUCH WORK
WILL BE PAID FOR BY LUMP SUM BID FOR MAINTENANCE AND REPAIR OF
DEVICES.

COMPLETED IN ACCORDANCE WITH THE BALTIMORE COUNTY
STORM DRAIN DETAILS DATED 1976 AS AMENDED IN 1980.

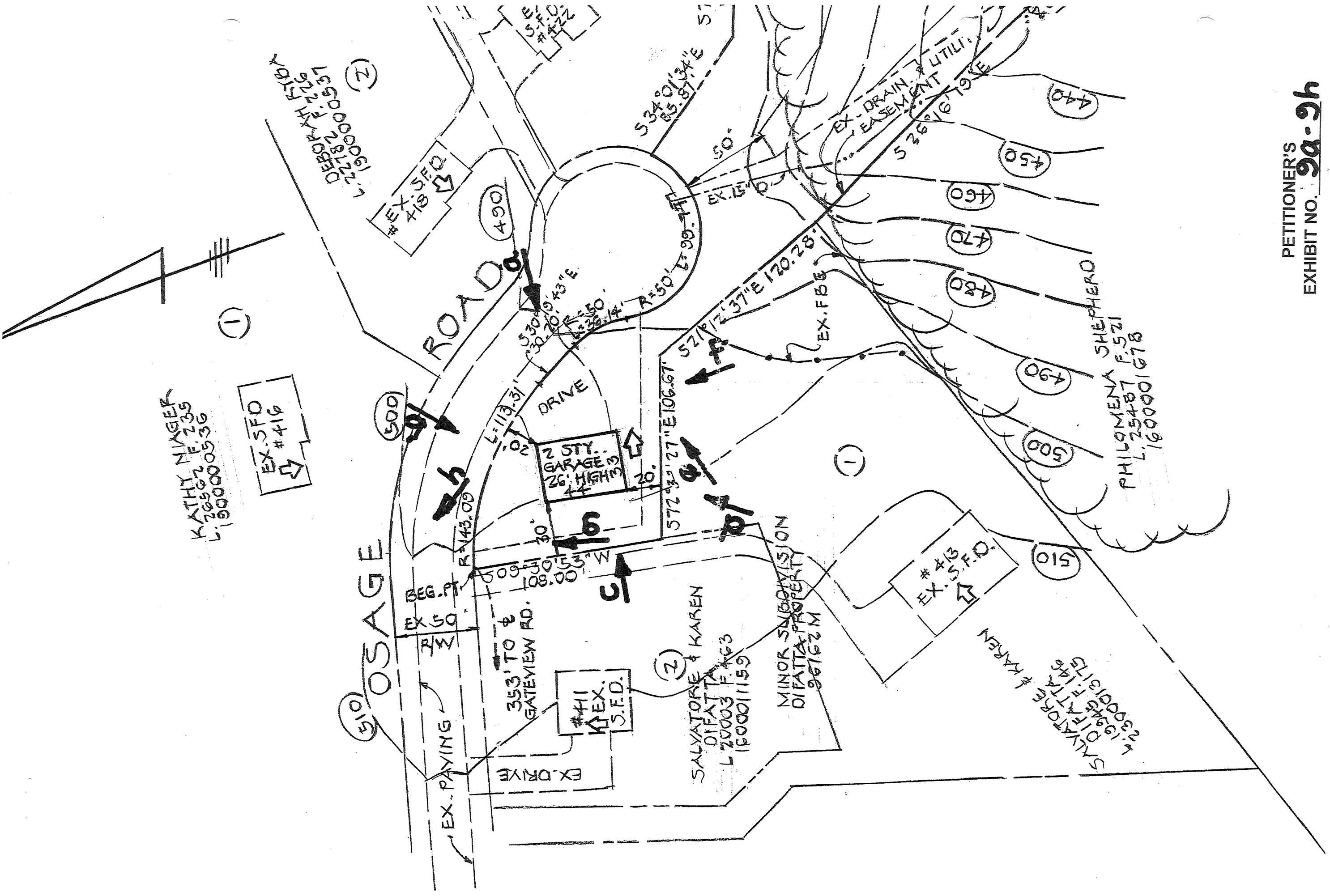


GROUT UNDER
END SECTION



3/4" X 6" STEEL LAG BOLTS WITH WASHERS
IN EXPANDING ANCHORS
FASTENED TO BEDROCK

STORM DRAIN
CONSTRUCTION
PLAN NO. 1980-0553



KATHY NIAGER
L. 26562 F. 235
L. 1900000536

EX. S.F.D.
#416

510 OSAGE

ROAD

353' TO GATEVIEW RD.

#411 EX. S.F.D.

2 STY. GARAGE 26' HIGH

SALVATORE & KAREN
DIFATTA
L. 20003 F. 463
L. 160001159

MINOR SUBDIVISION
DIFATTA PROPERTY
96762 M

#413 EX. S.F.D.

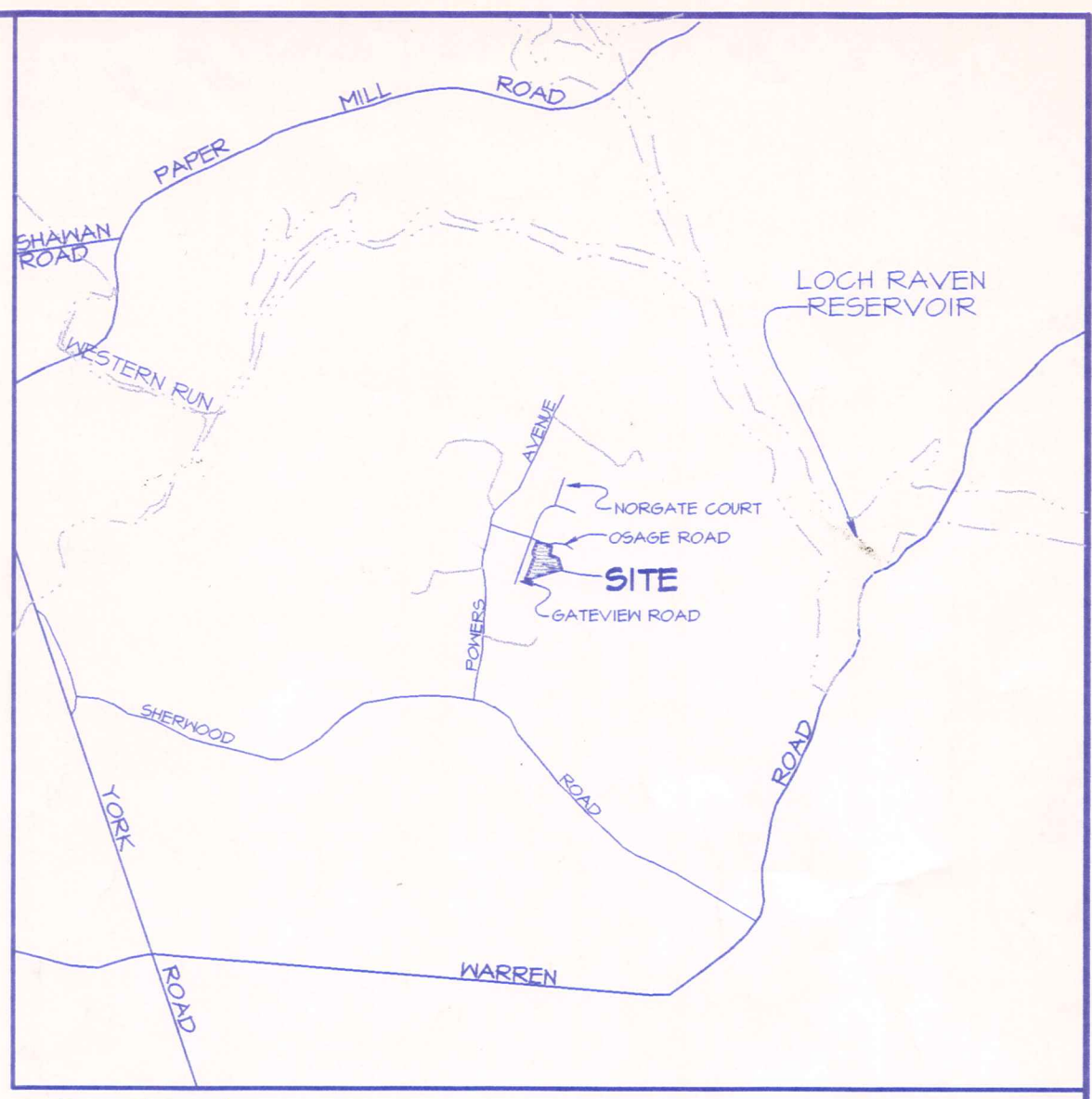
SALVATORE & KAREN
DIFATTA
L. 19445 F. 146
L. 230001315

PHILOMENA SHEPHERO
L. 25487 F. 521
L. 1600001678

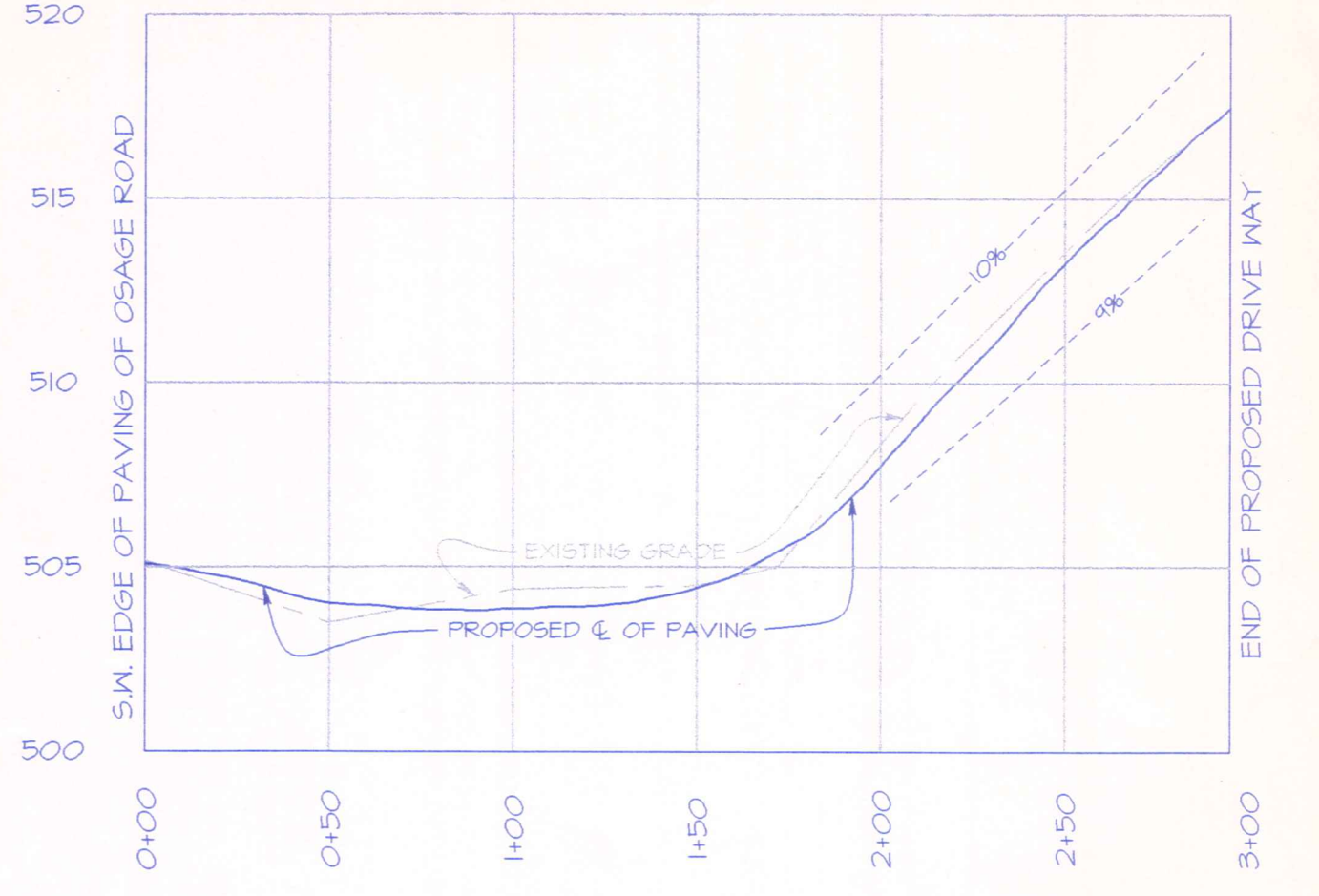
PETITIONER'S
EXHIBIT NO. **9a-9h**

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

PHOTOS



PROFILE OF EXISTING GROUND AND PROPOSED DRIVEWAY FOR LOT 1
HORIZONTAL SCALE: 1" = 50' VERTICAL SCALE: 1" = 5'



- GENERAL NOTES**
- THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS & ETZEL, LTD.
 - THE TOPOGRAPHY SHOWN IS FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAP NO. NW 15-A THE TOPOGRAPHY SHOWN ON SOUTH E EAST OF LOT 1 HAS BEEN EDITED TO SHOW ACTUAL CONDITIONS.
 - THE SOIL TYPES TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 22.
 - CENSUS TRACT 4084 COUNCILMANIC DISTRICT 34 WATERSHED 11 SUBWATERSHED 34 SCHOOL DISTRICT 141 REGIONAL PLANNING DISTRICT 309A
 - THE SEPTIC & WELL IMPROVEMENTS SHOWN HEREON ARE BASED ON RECORD INFORMATION & REQUIRE FIELD VERIFICATION OF EXACT LOCATION AND USE.
 - LOT 2 MAY NEED AN EJECTOR PUMP.
 - BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAN TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE TV.
 - THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS APPARENT TO THE SITE.
 - ALL EXISTING SEPTIC SYSTEMS, WELLS, AND PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
 - NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREA.
 - THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE, BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS. (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
 - ADT'S 2 x 124 = 248
 - OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISION.
 - ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
 - BALTIMORE COUNTY CAN ACCESS THE FOREST BUFFER EASEMENT THROUGH THE ADJOINING DRAINAGE & UTILITIES LOCATED ON LOT 5, 'OSAGE CREST', LIBER E.H.K., J. 46 / 194 AND ACQUIRED BY BALTIMORE COUNTY IN A DEED AND AGREEMENT, DATED APRIL 3, 1985 AND RECORDED AT LIBER E.H.K., J. 659/400.
 - THERE IS NO ZONING HISTORY ON THIS PROPERTY.
 - THIS PROPERTY AS SHOWN HEREON HAS BEEN HELD INTACT SINCE AUGUST 24, 1973.
 - THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
 - THIS PROPERTY IS NOT PART OF A RECORDED SUBDIVISION.
 - ALL ZONING LINES WITHIN 200' OF THIS PROPERTY IS SHOWN HEREON.
 - THE FANHANDLE DRIVEWAY SHALL BE PAVED WITHIN 1 YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT AND PRIOR TO THE ISSUANCE OF THE OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED.
 - THE FANHANDLE DRIVEWAY SHALL BE PAVED TO 16' WIDE PER D.P.W.'S STANDARD PLATE "R-0".
 - ALL EXISTING STRUCTURES ON THE SUBJECT PROPERTY ARE TO REMAIN.
 - A ZONING FINAL DEVELOPMENT PLAN IS REQUIRED WHEN A 4TH LOT IS CREATED AS DETERMINED AS FROM THE EFFECTIVE DATE ZONING REGULATIONS FOR THAT ZONE.
 - THE APPROXIMATE LIMIT OF DISTURBANCE IS 15000 SQ.FT.
 - THE SITE IS IMPROVED BY ONE EXISTING SINGLE FAMILY DWELLINGS AND ONE ADDITIONAL SINGLE FAMILY DWELLING IS PROPOSED.
 - NO GRADING OR CLEARING IS PERMITTED OVER THE EXISTING SEPTIC SYSTEM.

D.R. 2 MINIMUM YARD DIMENSIONS

MINIMUM FRONT & REAR YARDS DEPTHS	40'
MINIMUM SIDE YARD WIDTHS	15'
MINIMUM SUM OF SIDE YARD WIDTHS	40'
MINIMUM LOT WIDTH	100'

DENSITY CALCULATIONS

GROSS AREA	2.09 Ac.±
AREA IN ROAD R/W	0.09 Ac.±
NET AREA	2.00 Ac.±
LOTS PERMITTED	2 x 2.09 = 4
LOTS PROPOSED	2

OWNER/DEVELOPER
VINCENZO DIFATTA & ROSA DIFATTA
c/o SALVATORE DIFATTA
411 OSAGE ROAD
COCKEYSVILLE, MARYLAND 21030-2647
410-666-8080

STORM WATER MANAGEMENT NOTES

STORM WATER MANAGEMENT MAY NOT BE REQUIRED AT THIS SITE, SECTION 2-150.3(d) OF THE BALTIMORE COUNTY CODE TITLE 14, ARTICLE V, STORM WATER MANAGEMENT SECTION 14-150.3(d), ALLOWS A VARIANCE TO BE GRANTED IF STRICT ADHERENCE TO THE PROVISIONS WOULD RESULT IN UNREASONABLE HARDSHIP OR PRACTICAL DIFFICULTY AND NOT FULFILL THE INTENT OF THIS DIVISION. THIS VARIANCE IS VALID AS LONG AS THE FOLLOWING CONDITIONS ARE ADDRESSED:

- ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.
- TOTAL AREA OF LAND DISTURBANCE MUST BE NOTED ON THE PLAN. LIMITS OF DISTURBANCE MUST BE DELINEATED.
- ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30% OF CLEARED AREA AND CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.
- HOUSE DOWNSPUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR INTO DRY WELLS, WHERE FEASIBLE.
- ADDITIONAL SUBDIVISION ON THESE PARCELS AND/OR LOTS WILL REQUIRE SWM CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.

IF THESE CONDITIONS FOR A VARIANCE CANNOT BE SATISFIED, THEN A WAIVER OR VARIANCE REQUEST MUST BE SUBMITTED TO THE DIVISION OF DESIGN AND REVIEW OF THE BUREAU OF ENGINEERING SERVICES WITH SUPPORTING HYDROLOGIC ANALYSIS AND IT MUST BE APPROVED PRIOR TO THIS SUBDIVISION.

FOREST BUFFER EASEMENT NOTES

- THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- ANY FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
- ACCESS TO THE FOREST BUFFER EASEMENT IS FROM THE EXISTING DRAINAGE & UTILITIES EASEMENT ADJOINING THE PROPERTY AND LOCATED ON LOT 5, 'OSAGE CREST', LIBER E.H.K., J. No. 46 PLAT FOLIO 194.

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING	DATE
MbB2	Slight	Slight	Moderate: slope	03/29/01
MbC2	Moderate: slope	Moderate: slope	Severe: slope	03/23/01
GnB	Severe: high water table; moderately slow permeability.	Severe: high water table	Severe: high water table	01/10/01
MbD3	Severe: slope	Severe: slope	Severe: slope	DATE

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE MINOR SUBDIVISION COMMENTS AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCY COMMENTS.

BALTIMORE COUNTY MINOR SUBDIVISION
Project No. 96-162M

DEVELOPMENT REGULATIONS

Exempt from Division 2	<input type="checkbox"/>
Planhandle, exempt from Sections 26-202 & 26-206	<input checked="" type="checkbox"/>

PDM CERTIFICATION

By: *Scott A. Lutz* Date: 09-22-01

APPROVED, DEPRM
By: *Thomas L. Williams* Date: 9/12/01

PDM #96-162-M
MINOR SUBDIVISION OF THE DIFATTA PROPERTY
411 & 413 OSAGE ROAD
Deed Ref: S.M. No. 11949 folio 300
Tax Account No. 16-00-011159
Zoned D.R. 2
Tax Map 42; Grid 24; Parcel 458
8th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 50' DECEMBER 16, 1996

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

PETITIONER'S EXHIBIT NO. 11

SYMBOLS LEGEND

- | | | |
|-------------------------|------------------------------------|----------------|
| △ EXISTING WELL | — SOIL LINE | — CONTOURS |
| ○ EXISTING CLEANOUT | — HOODS LINE | — SLOPES ≥ 25% |
| ● PROPOSED PERC TEST | — LIMIT OF WETLANDS | |
| ● PASSED PERC TEST | — L00 — L00 — LIMIT OF DISTURBANCE | |
| ● FAILED PERC TEST | — EXISTING PAVING | |
| ⊞ PROPOSED WELL AREA | — PROPOSED PAVING | |
| ⊞ PROPOSED DWELLING | — EXISTING SEPTIC WELL | |
| ⊞ UTILITY POLE WITH 6U7 | — EXISTING SEPTIC TANK | |
| | — ZONING LINE | |