

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Manor Road; 28 feet S of the
c/l of Morgan Mill Road
11th Election District
3rd Councilmanic District
(11823 Manor Road)

Athleen J. Conigliaro
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0224-A**

* * * * *

OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Athleen J. Conigliaro. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 15 feet in lieu of the required 50 feet for a proposed addition. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 29, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the

ORDER RECEIVED FOR FILING

Date 4-20-12

By [Signature]

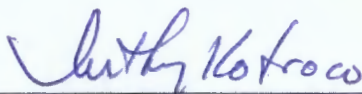
information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 20th day of April, 2012 that a Variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 15 feet in lieu of the required 50 feet for a proposed addition, be and is hereby GRANTED, subject to the following:

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

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


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 4-20-12

2

By 



KEVIN KAMENETZ
County Executive

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

April 20, 2012

ATHLEEN J. CONIGLIARO
11823 MANOR ROAD
GLEN ARM MD 21057

RE: Petition For Administrative Variance
Case No. 2012-0224-A
Property: 11823 Manor Road

Dear Ms. Conigliaro:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in cursive script, appearing to read "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 11823 Manor Road which is presently zoned RC5

Deed Reference 13821-586 10 Digit Tax Account # 2 3 0 0 0 0 39 9 9

Property Owner(s) Printed Name(s) Athleen Conigliaro

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. X ADMINISTRATIVE VARIANCE from section(s) 1A04.3.B.2.6 to permit a side yard setback of 15 ft. in lieu of the required 50 ft. for a proposed addition.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. _____ ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4-416(a)(2): (indicate type of work in this space to razé, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Legal Owners:

Athleen Conigliaro

Name #1 – Type or Print

Name #2 – Type or Print

Athleen Conigliaro
Signature #1

Signature #2

11823 Manor Rd Glen Arm, MD

Mailing Address _____ City _____ State _____

21057 / 410-663-5314 / athyc@yahoo.com
Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Athleen Conigliaro

Name – Type or Print

Signature _____

11823 Manor Rd Glen Arm MD
Mailing Address _____ City _____ State _____

21057 / 410-663-5314 / athyc@yahoo.com
Zip Code _____ Telephone # _____ Email Address _____

A PUBLIC HEARING having formally demanded and/or found to be required, It is ordered by the Office of Administrative Law, of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2012-0224-A Filing Date 3/20/12 Estimated Posting Date 4/11/12 Reviewer BA

Rev 10/12/11

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 11823 Manor Road Glen Arm MD 21057
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

The required 50' sideyard completely encompasses the existing dwelling.

The proposed addition will be congruent with the ~~existing~~ deck. The

existing dwelling (built in 1942) predates zoning regulations in

Baltimore County. Adherence to the RC5 setback is impossible. The

1 story addition, replacing the deteriorating wood deck, will be

a marked improvement to the neighborhood.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Athena Congliaro
Signature of Affiant

Signature of Affiant

Athena Congliaro
Name- Print or Type

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1ST day of MARCH, 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

ATHENA CONGLIARO

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

AS WITNESS my hand and Notaries Seal

JOHN P ALEXANDER II
NOTARY PUBLIC
HOWARD COUNTY
MARYLAND

J.P. Alexander II
Notary Public

JAN 27, 2013
My Commission Expires

ZONING PROPERTY DESCRIPTION FOR 11823 Manor Rd

Beginning at a point on the center of Manor Road, at the distance of 28', more or less, southerly from the extension of the centerline of the nearest improved intersecting street Morgan Mill Road.

Thence the following courses and distances: (1ST Point of Call "POC") South 82 degrees 35 minutes 19 seconds East 885.51 feet, (2nd POC) South 12 degrees 14 minutes 49 seconds West 119.3 feet, (3rd POC) North 82 degrees 35 minutes 19 seconds West 882.83 feet to said centerline of Manor Road thence with said centerline of Manor Road (4th POC) North 10 degrees 5 minutes 07 seconds East 119.74 feet to the place of beginning as recorded in Deed Liber 13821 Folio 586 containing approximately 2.426 acres of land. Located in the 11th Election District and 5th Council District. Also known as Lot #1 in the minor subdivision of Deen Property, minor subdivision #95-173-M as maintained by the Development Management Division of the Department of Permits, Approvals, and Inspections.

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 09, 2012
Item Nos. 2012-222, 224, 225, 226, 227
And 228

DATE: March 30, 2012

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-04092012-NO COMMENTS.doc

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/30/2012

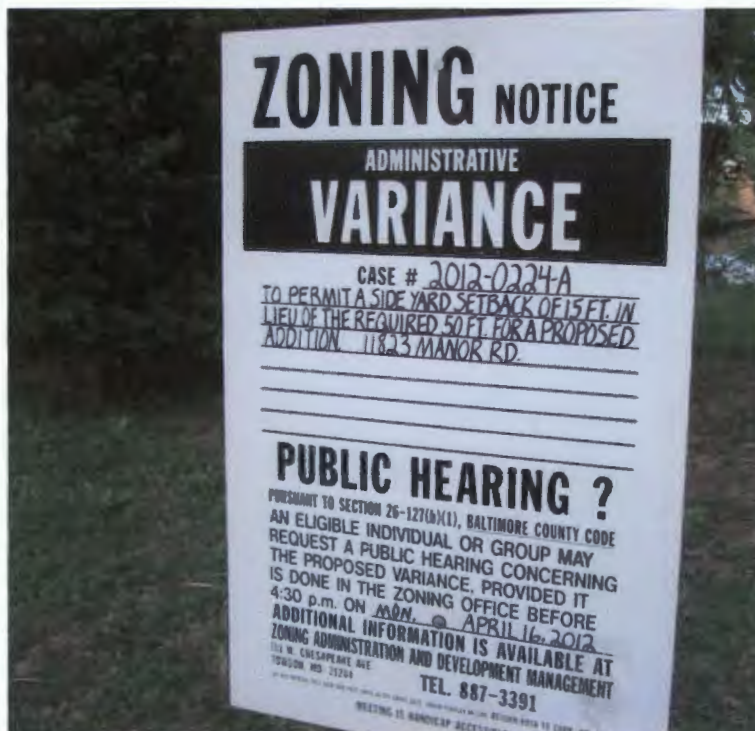
Case Number: 2012-0224-A

Petitioner / Developer: ATHLEEN CONIGLIARO

Date of Hearing (Closing): APRIL 16, 2012

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
11823 MANOR ROAD

The sign(s) were posted on: MARCH 29, 2012



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

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

No.

80038

Date:

3/20/12

PAID RECEIPT

BUSINESS ACTUAL TIME 1800
3/21/2012 3/21/2012 10:30:37 2

RECEIPT # 015745 3/21/2012 0813

Dept 5 528 201106 0000000000
CR NO. 080038

Receipt Tot 175.00
175.00 00 1.00 00
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
001	300	0000	6150							\$ 75.00

Total: 175.00

Rec From: Athletic Commission
For: Administrative Expenses

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

Item # 0234

CASHIER'S
VALIDATION

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0224 -A Address 11823 Manor Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/20/12 Posting Date: 4/1/12 Closing Date: 4/16/12

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2012- 0224 -A Address 11823 Manor Rd.

Petitioner's Name Athleen Conigliaro Telephone 410-663-5314

Posting Date: 4/1/12 Closing Date: 4/16/12

Wording for Sign: To Permit a side yard setback of 15 ft. in lieu of the required 50 ft. for a proposed addition.

Revised 7/06/11

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2012- 0224- A
Petitioner: Athleen Conigliaro
Address or Location: 11823 Manor Rd, Glen Arm, MD 21057

PLEASE FORWARD ADVERTISING BILL TO:

Name: Athleen Conigliaro
Address: 11823 Manor Rd
Glen Arm MD 21057
Telephone Number: 410-663-5314

Revised 2/17/11 DT



KEVIN KAMENETZ
County Executive

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

April 9, 2012

Athleen Conigliaro
11823 Manor Road
Glen Arm, MD 21057

RE: Case Number: 2012-0224A, Address: 11823 Manor Road, 21057

Dear Ms. Conigliaro:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 20, 2012. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:jaf

Enclosures

c: People's Counsel

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 3-27-12

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

RE: Baltimore County
Item No 2012-0224-A
Administrative Variance
Athleen Conigliaro
11823 Manor Road.

Dear Ms. Lewis:

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. 2012-0224-A.

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).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/raz

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

(AV) TK 4-16-12

Shentel 4-20-12

MEMORANDUM

DATE: June 4, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0224-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 22, 2012. 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

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

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

2012-0224-A

Account Identifier: District - 11 Account Number - 2300003999

Owner Information

Owner Name: CONIGLIARO ATHLEEN J **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 11823 MANOR RD
GLEN ARM MD 21057-9115 **Deed Reference:** 1) /13821/ 00586
2)

Location & Structure Information

Premises Address **Legal Description**
11823 MANOR RD 2.43 AC
0-0000 11823 MANOR RD
NS BRIDLE VALLEY RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	MS
0053	0021	0155		0000			1	3	Plat Ref:	

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1942	1,698 SF	2.4300 AC	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	160,000	160,000		
Improvements:	227,900	186,300		
Total:	387,900	346,300	388,000	346,300
Preferential Land:	0			0

Transfer Information

Seller: DEEN HOLLY L	Date: 06/16/1999	Price: \$199,000
Type: ARMS LENGTH IMPROVED	Deed1: /13821/ 00586	Deed2:
Seller: DEEN CATHERINE O	Date: 11/05/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /13269/ 00266	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

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

Homestead Application Information

Homestead Application Status: Approved 01/31/2012



Additional photos of existing deck



View of old deck from front left side of 11823 Manor Rd house



Additional photos of existing deck



11817 Manor Road home – viewed from across 11823 driveway on Manor Road

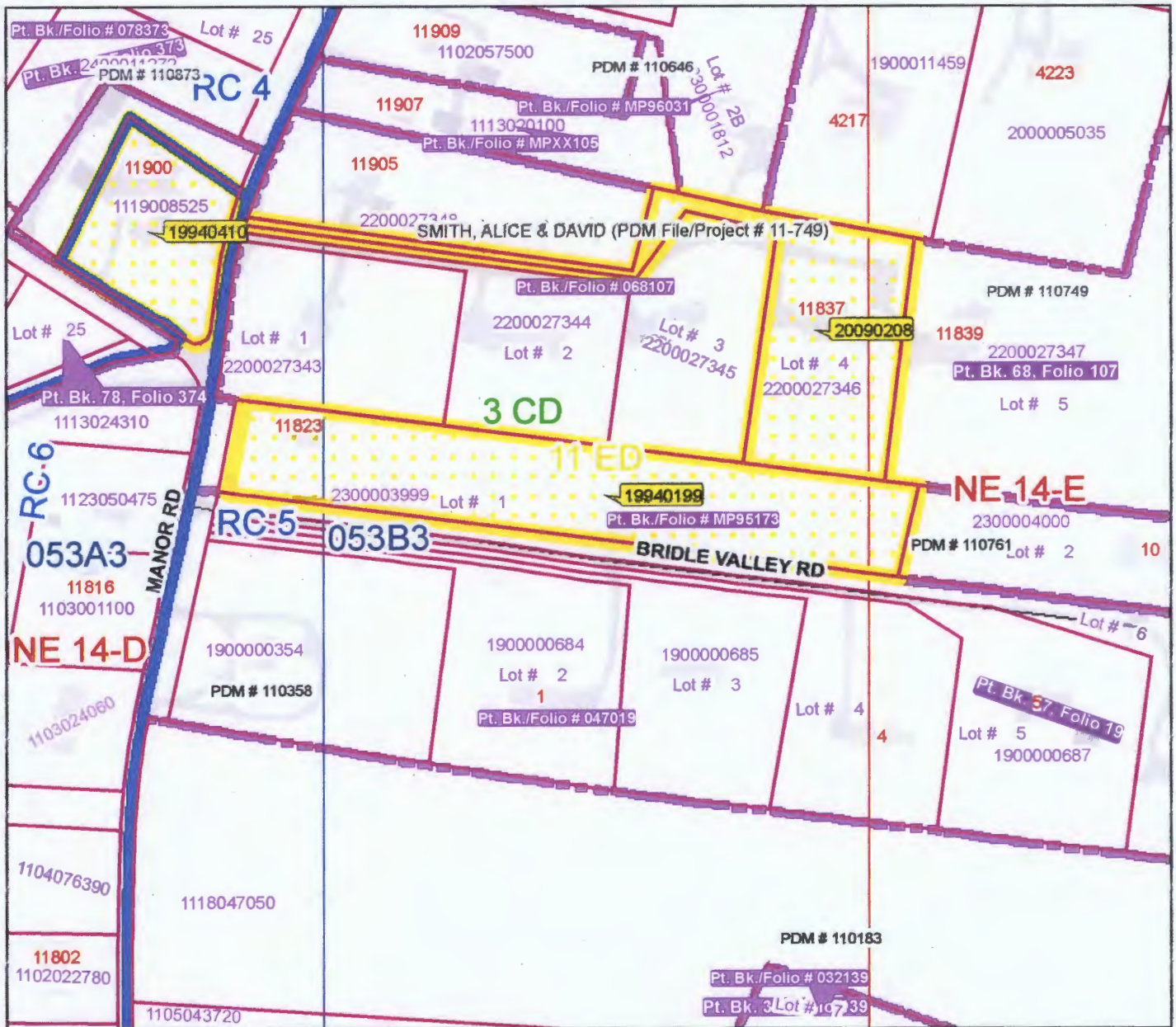
adjacent



11831 Manor Rd home viewed from across Manor Rd and Morgan Mill rd intersection

adjacent property

11823 Manor Road



Publication Date: February 03, 2012
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 200 400 Feet

1 inch = 200 feet

#0224

Case No.: 2012-0224-A

Exhibit Sheet

19W 6-4-12 DW

4/23/12

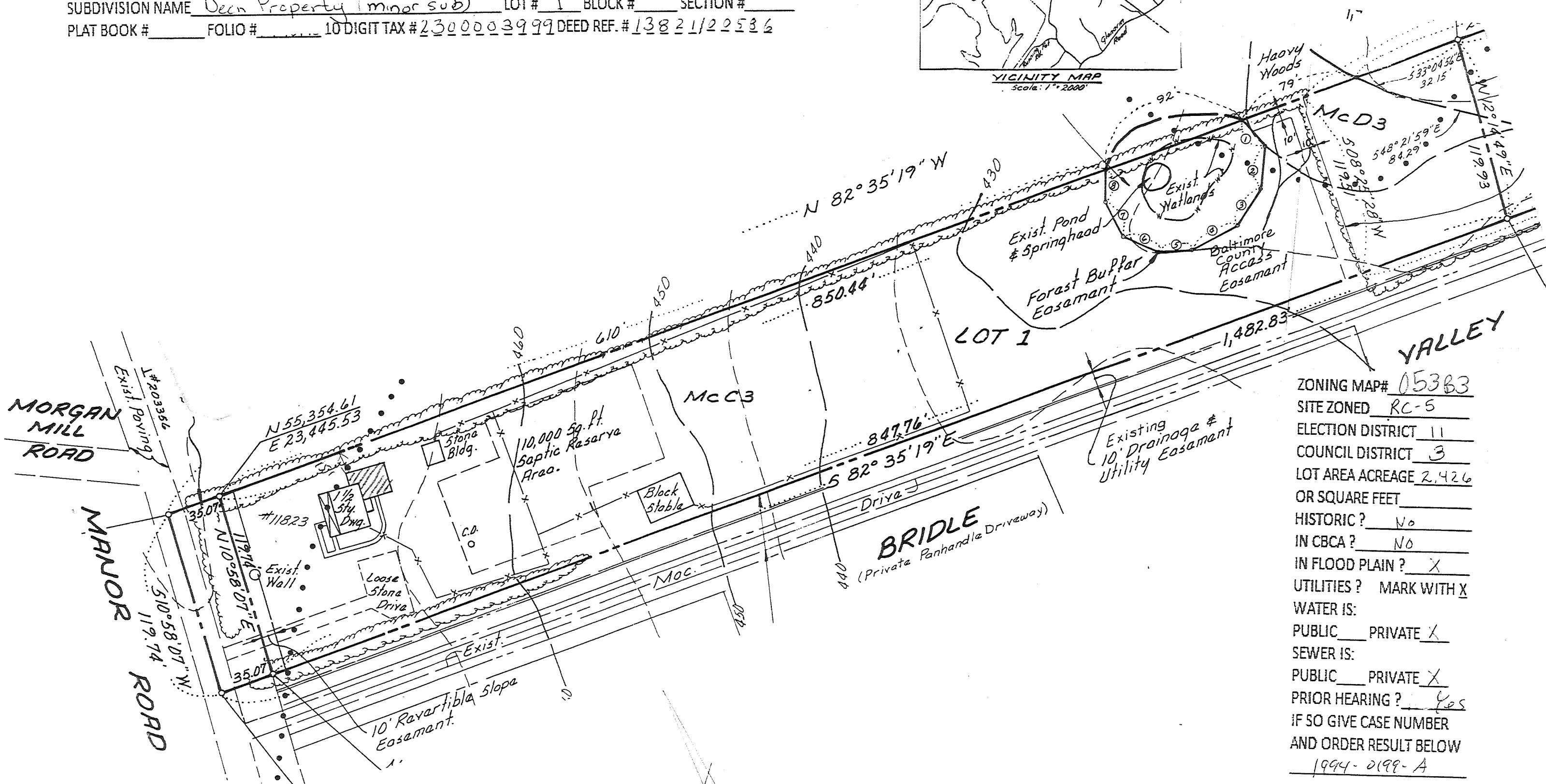
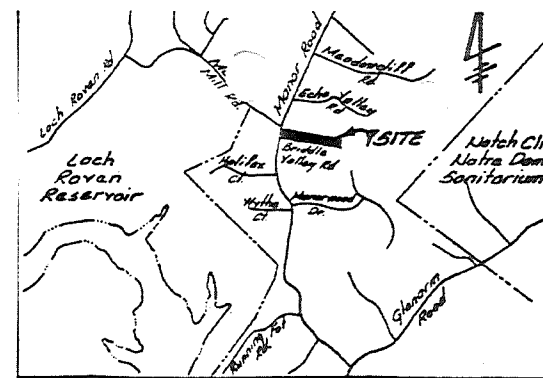
B

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 1823 Manor Rd, Glen Arm MD OWNER(S) NAME(S) Athleen J. Conigliaro
 SUBDIVISION NAME Deen Property (minor sub) LOT # 1 BLOCK # _____ SECTION # _____
 PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 2300003999 DEED REF. # 1382122536



ZONING MAP# 05383
 SITE ZONED RC-5
 ELECTION DISTRICT 11
 COUNCIL DISTRICT 3
 LOT AREA ACREAGE 2.426
 OR SQUARE FEET _____
 HISTORIC? No
 IN CBCA? No
 IN FLOOD PLAIN? X
 UTILITIES? MARK WITH X
 WATER IS: PUBLIC _____ PRIVATE X
 SEWER IS: PUBLIC _____ PRIVATE X
 PRIOR HEARING? Yes
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
1994-0199-A

Exhibit 1

PLAN DRAWN BY Athleen Conigliaro DATE 3/8/12 SCALE: 1 INCH = 60' FEET

VIOLATION CASE INFO: