

M E M O R A N D U M

DATE: July 25, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0275-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 22, 2013. 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

IN RE: PETITION FOR ADMIN. VARIANCE *
(5002 New Forge Road)
11th Election District *
5th Councilmanic District
Ronald J. Kozich, Jr. and Veena L. Mootoo *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0275-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Ronald J. Kozich, Jr. and Veena L. Mootoo, for property located at 5002 New Forge Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section 400.1.d.2.a of the Zoning Commissioner's Policy Manual ("Z.C.P.M."), to permit a pool on a double-frontage lot (rear yard street side) with a setback of 15' in lieu of the required 40'. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 2, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to

ORDER RECEIVED FOR FILING

Date 6-21-13

By LDW

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

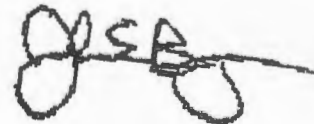
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 21st day of June, 2013, that a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section 400.1.d.2.a of the Zoning Commissioner's Policy Manual ("Z.C.P.M."), to permit a pool on a double-frontage lot (rear yard street side) with a setback of 15' in lieu of the required 40', be and is hereby GRANTED, subject to the following:

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their appropriate 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.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 6-21-13

By [Signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

June 21, 2013

Ronald J. Kozich, Jr.
Veena L. Mootoo
5002 New Forge Road
Perry Hall, Maryland 21128

Re: Petition for Administrative Variance
Case No. 2013-0275-A
Property: 5002 New Forge Road

Dear Mr. Kozich and Ms. Mootoo:

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 Baltimore County Board of Appeals an appeal within thirty (30) days from 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 black ink, appearing to read "JEB", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
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 5002 New Forge Road which is presently zoned DR 2

Deed Reference 29187/09294 10 Digit Tax Account # 2300007228

Property Owner(s) Printed Name(s) Kozich, Ronald J. and Morton, Verna L.

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ ADMINISTRATIVE VARIANCE from section(s) 1B02.3.C.1; BCZR & 400.1.d.2.a (ZOPM) TO PERMIT A POOL ON A DOUBLE-FRONTAGE LOT (REAR YD. ST. SIDE) WITH A SETBACK OF 15 FT. IN LIEU OF THE REQUIRED 40 FT

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 raze, 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:

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

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 5 day of May, 2013 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 2013-0257-A Filing Date 5/22/13 Estimated Posting Date 6/13/13 Reviewer GH/SCM

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: 5002 New Forge Road Perry Hall MD 21128
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)

Please see attached.

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

Ronald J. Kozich
Signature of Affiant

Ronald J. Kozich
Name- Print or Type

Veena L. Mootoo
Signature of Affiant

Veena L. Mootoo
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 20th day of MAY, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

RONALD J. KOZICH + VEENA L. MOOTOO
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESSED by me and Notaries Seal



Deanna Whetzel
Notary Public

MAY 18 2013
My Commission Expires

5/17/2013

Dear Bureau of Zoning Review

The following describes the uniqueness of the property at 5002 New Forge Road and the request for a variance for installation of an above ground swimming pool measuring fifteen feet in diameter:

Our property at 5002 New Forge Road is bordered on three roads. The front of the house is on New Forge Road, the east side of the house is on Forge View (Butt Road) and the rear of the home sits on Forge Road. As a result, I have three sides of my property which are considered "frontage". The property consists of 20,057 square feet. The above ground pool is to be placed in the rear of the home on the corner where a play/swing set now rests.

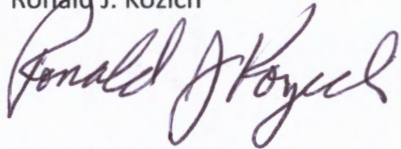
We are requesting the variance because without we would be unable to enjoy our property. The above ground swimming pool we would like to install would serve a therapeutic and recreational purpose for ourselves and our two school aged children.

The pool will sit in an area of the property that will not affect the view or quality of life of our neighbors. It will not impede or in any way disrupt the flow of traffic on Forge Road. The only way someone will see the pool is if they peer over the top of the fence. The property buffer zone next to us is wooded. Directly across the street from the pool site is a wooded area. The attached photographs will demonstrate that this pool will not infringe on our neighbors or negatively impact the community.

The pool will be installed by a MHIC licensed contractor and electrician. It is 52" in height and will conform to all code. The yard in which it sits is surrounded by a fence, of which the part that faces Forge road is a six foot high privacy fence(see pictures) and a wooded buffer zone. The pool will be used exclusively by my family and during daylight hours.

Sincerely,

Ronald J. Kozich



Veena L. Mootoo



5/17/2013

7/12/99

* ZONING DESCRIPTIONS FOR 5002 NEW FORGE ROAD (LOT 1)

Beginning at a point on the North side of New Forge Road, which is 70 feet wide, at the distance of 50 feet East of the centerline of Forge View Road (formerly known as Butt Road) which is 50 feet wide. As recorded in the Land Records of Baltimore County, Maryland in Deed 12441 Folio 027 (and as subdivided by the approved Minor Subdivision No. 98-133-M, Lot 1, containing 20,057 square feet). Also known as 5002 New Forge Road and located in the 11th Election District, 5th Councilmanic District. Said property leaving the north side of New Forge Road for the following 6 courses and distances:

1. Curve: R = 20.01 feet, Arc = 33.95 feet, Tangent = 22.69 feet
 2. North 31 degrees 59 minutes 40 seconds East 55.30 feet
 3. North 79 degrees 04 minutes 20 seconds East 152.98 feet
 4. South 13 degrees 44 minutes 34 seconds West 108.87 feet
 5. South 04 degrees 54 minutes 08 seconds East 85.00 feet
 6. North 60 degrees 52 minutes 40 seconds West 175.62 feet
- To point of beginning

ZONING DESCRIPTIONS FOR 5004 NEW FORGE ROAD (LOT 2)

Beginning at a point on the North side of New Forge Road, which is 70 feet wide, at the distance of 226 feet East of the centerline of Forge View Road (formerly known as Butt Road) which is 50 feet wide. As recorded in the Land Records of Baltimore County, Maryland in Deed 12441 Folio 027 (and as subdivided with the approved Minor Subdivision No. 98-133-M, Lot 2, containing 20,620 square feet). Also known as 5004 New Forge Road and located in the 11th Election District, 5th Councilmanic District. Said property leaving the north side of New Forge Road for the following 5 courses and distances:

1. North 04 degrees 54 minutes 08 seconds West 85.00 feet
 2. North 13 degrees 44 minutes 34 seconds East 108.87 feet
 3. North 79 degrees 04 minutes 20 seconds East 65.56 feet
 4. South 04 degrees 54 minutes 08 seconds East 262.55 feet
 5. North 60 degrees 52 minutes 40 seconds West 120.66 feet
- To point of beginning

This description is for zoning purposes only and is not for the conveyance of title.

40

01

7/12/99

* ZONING DESCRIPTIONS FOR 5002 NEW FORGE ROAD (LOT 1)

Beginning at a point on the North side of New Forge Road, which is 70 feet wide, at the distance of 50 feet East of the centerline of Forge View Road (formerly known as Butt Road) which is 50 feet wide. As recorded in the Land Records of Baltimore County, Maryland in Deed 12441 Folio 027 (and as subdivided by the approved Minor Subdivision No. 98-133-M, Lot 1, containing 20,057 square feet). Also known as 5002 New Forge Road and located in the 11th Election District, 5th Councilmanic District. Said property leaving the north side of New Forge Road for the following 6 courses and distances:

1. Curve: R = 20.01 feet, Arc = 33.95 feet, Tangent = 22.69 feet
 2. North 31 degrees 59 minutes 40 seconds East 55.30 feet
 3. North 79 degrees 04 minutes 20 seconds East 152.98 feet
 4. South 13 degrees 44 minutes 34 seconds West 108.87 feet
 5. South 04 degrees 54 minutes 08 seconds East 85.00 feet
 6. North 60 degrees 52 minutes 40 seconds West 175.62 feet
- To point of beginning

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0275 -A Address 5002 NEW FORGE Rd.

Contact Person: J. MERREY Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/22/13 Posting Date: 6/2 Closing Date: 6/17

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 2013- 0275 -A Address 5002 NEW FORGE Rd.

Petitioner's Name RONALD KOZICH Telephone 410-256-4122

Posting Date: 6/2 Closing Date: 6/17

Wording for Sign: To Permit AN ABOVE GROUND Pool To BE
LOCATED ON A DOUBLE FRONTAGE LOT (REAR YD. ST. SIDE)
WITHIN 15ft. of THE STREET RT-OF-WAY IN LIEU OF
THE REQUIRED 40ft.

[Handwritten signature]

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: 2013-0275-A

Petitioner: RONALD KOZICH

Address or Location: 5002 NEW FORGE RD. PERRY HALL, MD. 21128

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: SAME

Telephone Number: 410-256-4122

Revised 2/17/11 DT

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

No. **099730**
 Date: **5/22/13**

PAID RECEIPT

BKIDHEOS ACTUAL TIME
 5/23/2013 5/22/2013 09:24:09
 REG #503 WALKIN RSDS LRD
 >> RECEIPT # 454680 5/22/2013 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 099730
 Recpt Tot \$75.00
 \$75.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: **75.00**

Rec From: **R. Kozich**
 For: **2013-0275-A**

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2013-0275-A

PETITIONER/DEVELOPER _____

RONALD KOZICH

DATE OF HEARING/CLOSING: _____

6/17/13

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 _____

5002 NEW FORGE ROAD

THIS SIGN(S) WERE POSTED ON June 2, 2013
(MONTH, DAY, YEAR)

SINCERELY,
[Signature] 6/2/13
SIGNATURE OF SIGN POSTER AND DATE:

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE# 2013-0275-A

TO PERMIT AN ABOVE GROUND POOL TO BE
LOCATED ON A DOUBLE FRONTAGE LOT / REAR YD.
ST. SIDE WITHIN 15 FT. OF THE STREET RT. OF WAY
IN LIEU OF THE REQUIRED 40 FT.

FOR REVIEW BY THE ZONING OFFICE BEFORE
MAY 17, 2013
COUNCIL MEETING IS AVAILABLE

2/24/13 4/2/13

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 07, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For June 10, 2013
Item Nos. 2013- 0273, 0274, 0275,
0276,0277,0279,0281,0282,0283,0284,0285,0286,0287 and 0288.

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

DAK:CEN
Cc: file

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>6-5</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2000-0040-A (included in file)</u>)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>6-2-13</u> by <u>Ogle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Baltimore County, MD

Friday, June 21, 2013

ARTICLE 1B. DENSITY RESIDENTIAL (D.R.) ZONES

SECTION 1B02. Use, Parking, Bulk Density and Open Space Regulations, Standards and Controls Applied According to Zoning Classification

§ 1B02.3. Special regulations for certain existing or proposed developments or subdivisions and for small lots or tracts in D.R. Zones.

A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to:

1. Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan;
2. Any land in a subdivision tract which was laid out in accordance with the regulations of residence zoning classifications now rescinded, for which a subdivision plan tentatively approved by the Planning Board remains in effect and which has not been used, occupied or improved in accordance with such plan;
3. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection **A.1** or **A.2**, and which is too small in gross area to accommodate six dwelling or density units in accordance with the maximum permitted density in the D.R. Zone in which such tract is located;
4. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection **A.1** or **A.2**, and which is less than 1/2 acre in area, regardless of the number of dwelling or density units permitted at the maximum permitted density in the zone in which it is located; or
5. Any lot or tract of lots in single ownership which is in a duly recorded subdivision plat not approved by the Baltimore County Planning Board or Planning Commission.

B. Standards applicable to existing developments, etc. The minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection **A.1** above, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission; however, the same or similar standards may be codified under Section 504, and these standards shall thereupon control in such existing developments. Development of any subdivision described in Subsection **A.2** shall be in accordance with the tentatively approved subdivision plan therefor. Standards for development of lots or tracts described in Subsection **A.3**, **A.4** or **A.5** shall be as set forth in Subsection **C** below.

C. Development standards for small lots or tracts.

1. Any dwelling hereafter constructed on a lot or tract described in Subsection **A.3** or **A.4** shall comply with the requirements of the following table:

Zoning Classification	Minimum Net Lot Area per Dwelling Unit (square feet)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Width of Individual Side Yard (feet)	Minimum Sum of Side Yard Widths (feet)	Minimum Rear Yard Depth (feet)
D.R.1	40,000	150	50	20	50	50
D.R.2	20,000	100	40	15	40	40
D.R.3.5	10,000	70	30	10	25	30
D.R.5.5	6,000	55	25	10	—	30
D.R.10.5	3,000	20	10	10	—	50
D.R.16	2,500	20	10	25	—	30

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.

D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section 1B01.3.A.7.

E. Notwithstanding any provision of these regulations to the contrary, the bulk regulations and building setback requirements applicable to an approved development plan for a condominium regime shall be the only bulk regulations and building setback requirements applicable to a subsequent conversion of the entire condominium regime, or a portion thereof, to individual lots of record, so long as the approved condominium regime is

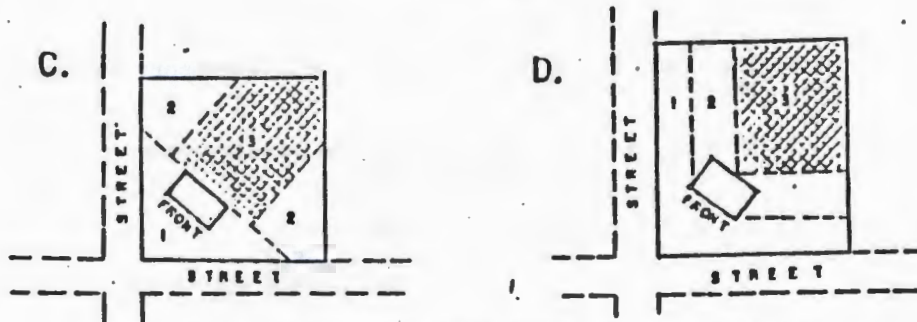
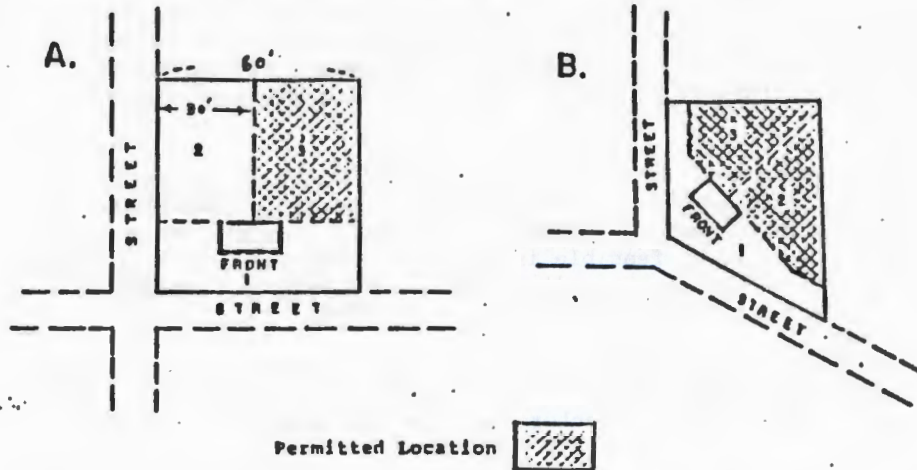
located on a lot, tract, or parcel zoned D.R. 3.5, D.R. 5.5, D.R. 10.5, and/or D.R. 16 that is within the Chesapeake Bay Critical Area. **[Bill Nos. 78-2010; 71-2011]**

ZONING COMMISSIONER'S POLICY MANUAL

SECTION

400.1.d ACCESSORY STRUCTURES/USES

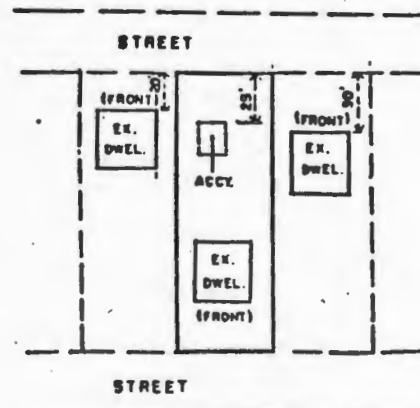
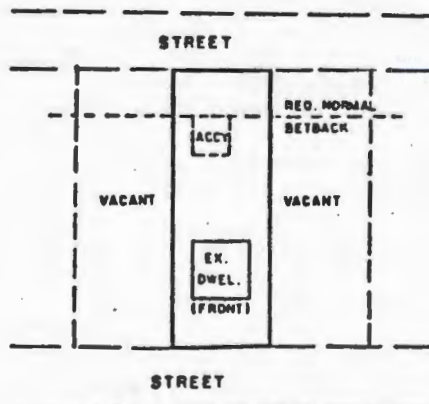
(1) Corner Lots - Location Diagrams:



PERMITTED ACCESSORY BUILDING OR USE LOCATION

(2) Double Frontage Lots

- (A) Accessory structures/uses on double-frontage lots shall not be closer to a street right-of-way line than the setback required for a principal dwelling.
- (B) Where street setbacks have been established by existing dwellings on adjoining properties, Section 303.1 shall be utilized to determine the average setback.



Prior zoning

9/15/99 Jim

IN RE: PETITION FOR VARIANCE
N/S New Forge Road, 50' E of
centerline Forge View Road
11th Election District
5th Councilmanic District
(5002 & 5004 New Forge Road)

Josephine T. Mattingly Revocable Trust
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-040-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, the Josephine T. Mattingly Revocable Trust. The variance request is for property located at 5002 and 5004 New Forge Road, located in the Perry Hall area of Baltimore County. The variance request is from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 40 ft. in lieu of the required 60 ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit No. 1.

Appearing at the hearing on behalf of the variance request were Alonzo Childress, registered professional engineer, Josephine T. Mattingly, on behalf of the revocable trust, and Adriene Ry. Mr. Dennis Eckard, appearing on behalf of the Perry Hall Improvement Association appeared in opposition to the Petitioner's request.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.933 acres, more or less, zoned DR.2.H. The subject property has been subdivided into two separate lots consisting of approximately 20,000 sq. ft. each. The Petitioner is requesting a front yard setback variance for each of these lots which are unimproved at this time. The purpose of the variance is to locate the houses closer to New Forge Road which will provide

variance should be denied. In addition, there is ample room on that lot, which is much deeper than Lot No. 1, in order to construct the house further back on the lot without the need for any variance being granted. Therefore, the relief requested herein shall be granted in part and denied in part.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

As stated previously, a variance is appropriate for Lot No. 1, to allow a front yard setback of 40 ft. in lieu of 60 ft. Therefore, the variance relief requested shall be granted for Lot No. 1. However, as stated above, the variance request for Lot No. 2 shall be denied and the Petitioner shall be required to maintain a 60 ft. front yard setback for that house.



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

State Highway
Administration

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-5-13

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

RE: Baltimore County
Item No 2013-0275-A
Administrative Variance
Ronald J. Kozich
Veena L. Mootoo
5002 New Forge 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. 2013-0275-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,

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



KEVIN KAMENETZ
County Executive

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

June 18, 2013

Ronald J Kozish & Veena L Mootoo
5002 New Forge Road
Perry Hall MD 21128

RE: Case Number: 2013-0275 A, Address: 5002 New Forge Road

Dear Mr. Koziah & Ms. Mootoo:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 22, 2013. 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.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 11 Account Number - 2300007228

Owner Information

Owner Name: KOZICH RONALD J JR
MOOTOO VEENA L
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 5002 NEW FORGE RD
PERRY HALL MD 21128-9559
Deed Reference: 1) /29187/ 00241
2)

Location & Structure Information

Premises Address 5002 NEW FORGE RD
0-0000
Legal Description .460 AC
5002 NEW FORGE RD
COR FORGE VIEW RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	MS
0072	0006	0210		0000			1	3		

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2000	2,422 SF	20,057 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value As Of 01/01/2012	Phase-in Assessments As Of 07/01/2012	As Of 07/01/2013
Land	88,700	88,700		
Improvements:	262,700	230,800		
Total:	351,400	319,500	319,500	319,500
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
GERSTNER JONATHAN N	02/18/2010	\$402,000
Type: ARMS LENGTH IMPROVED	Deed1: /29187/ 00241	Deed2:
Seller: FAULKNER MICHAEL K	Date: 08/09/2000	Price: \$272,000
Type: ARMS LENGTH IMPROVED	Deed1: /14624/ 00665	Deed2:
Seller: MATTINGLY JOSEPHINE T	Date: 12/09/1999	Price: \$68,000
Type: ARMS LENGTH VACANT	Deed1: /14196/ 00358	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
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 04/17/2012

View of home from New Forge Road.

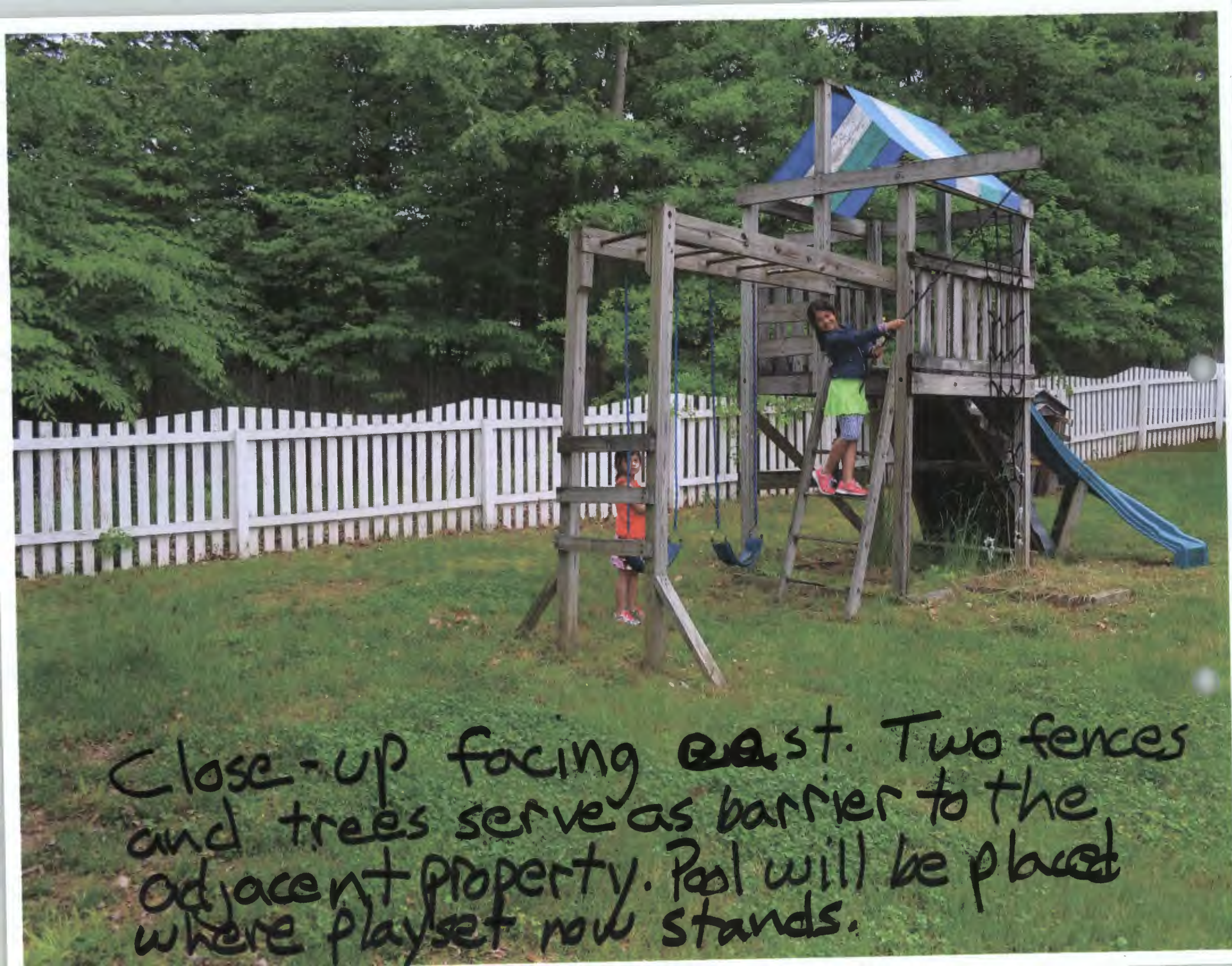




Close-up of site facing north. Please
note trees and woods across street.

View of pool sight, in backyard, facing east.

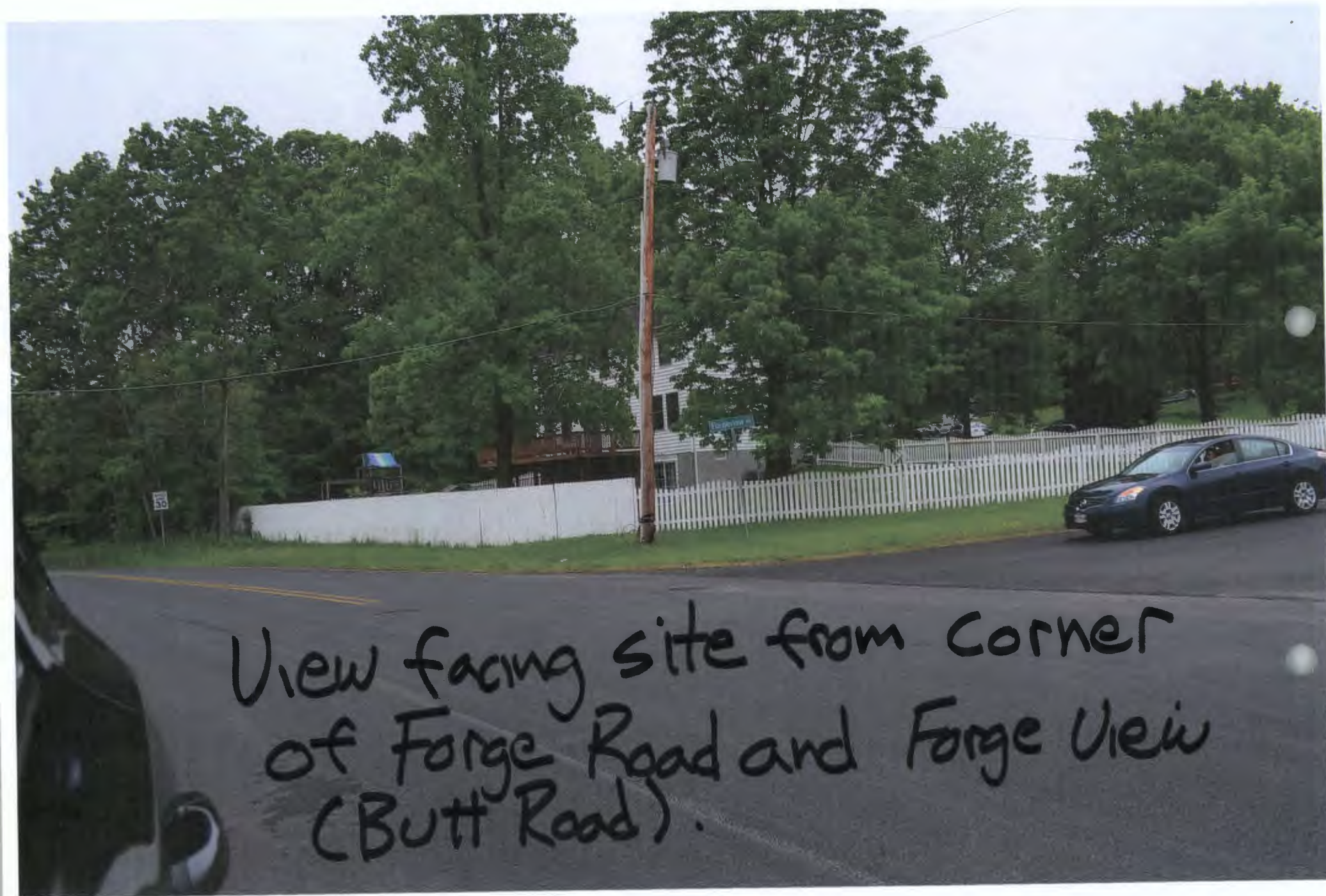




Close-up facing east. Two fences and trees serve as barrier to the adjacent property. Pool will be placed where playset now stands.



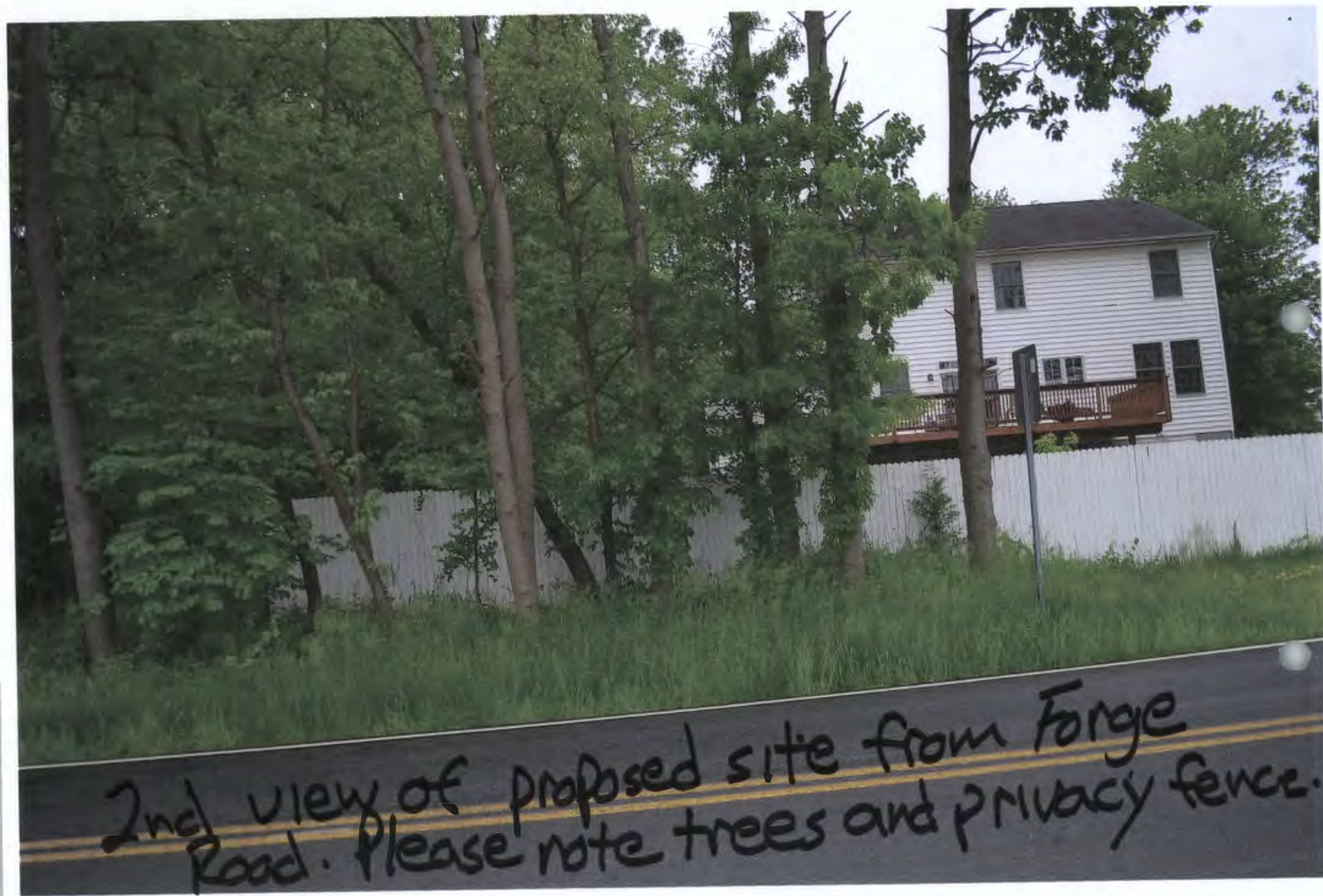
View of proposed site from
adjacent empty county owned parcel
on Forge View (Butt Road).

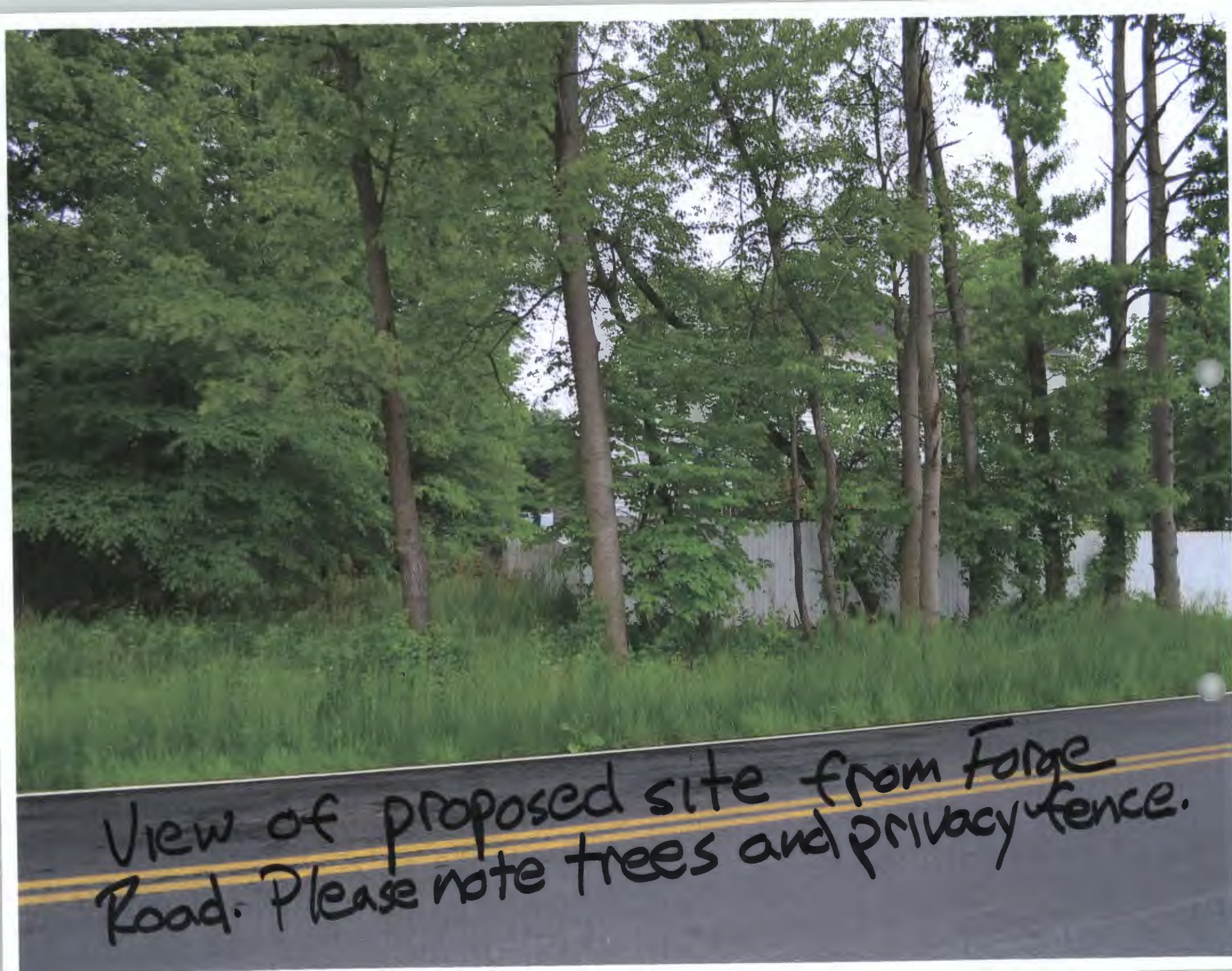


View facing site from corner
of Forge Road and Forge View
(Butt Road).



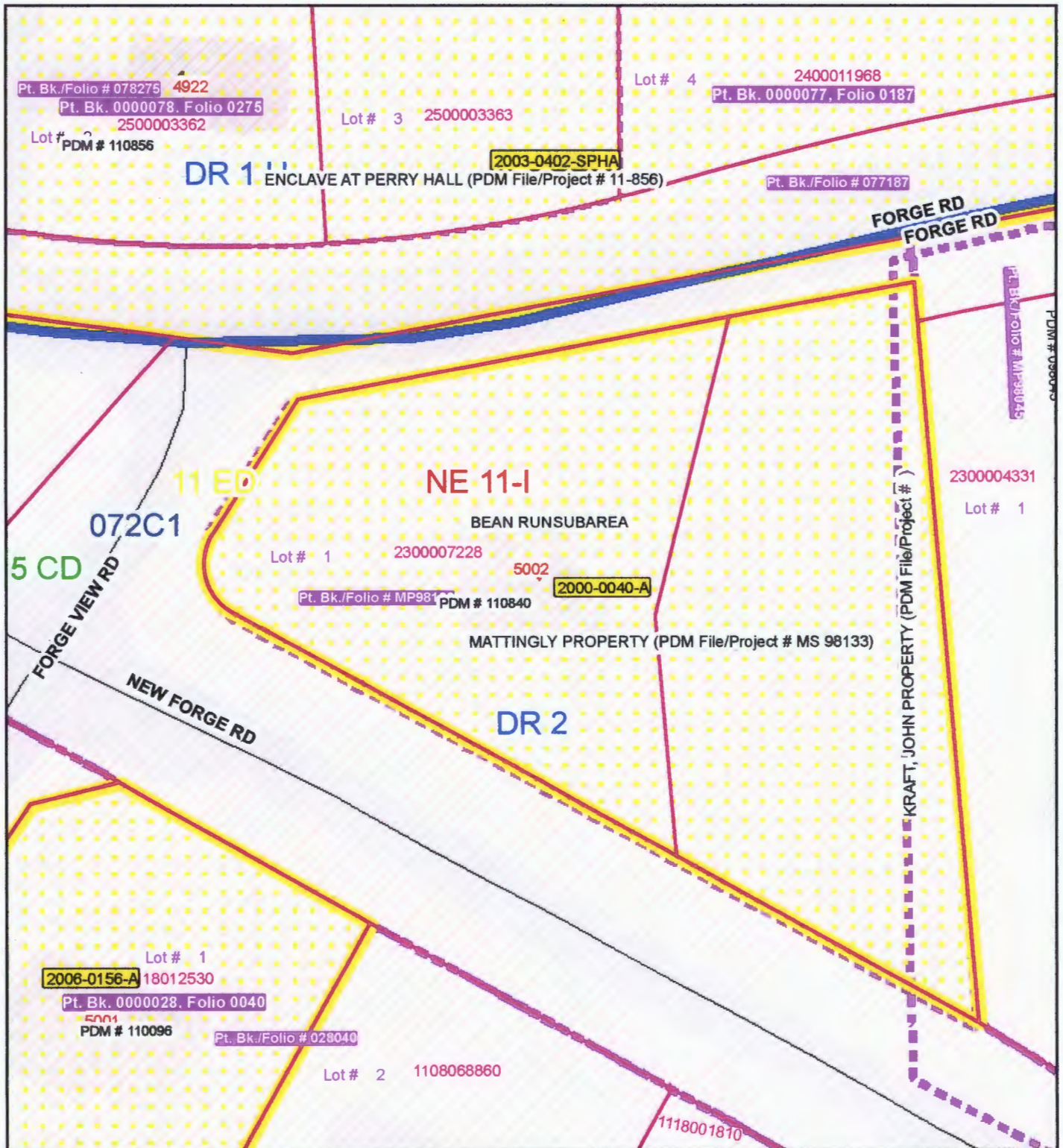
3rd View from Forge Road of
proposed site.





View of proposed site from Forge
Road. Please note trees and privacy fence.

5002 New Forge Road



Publication Date: 5/8/2013



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



A horizontal scale bar with markings at 0, 12.5, 25, 50, 75, and 100 feet. The bar is black with white markings and the word "Feet" is written at the right end.

1 inch = 50 feet

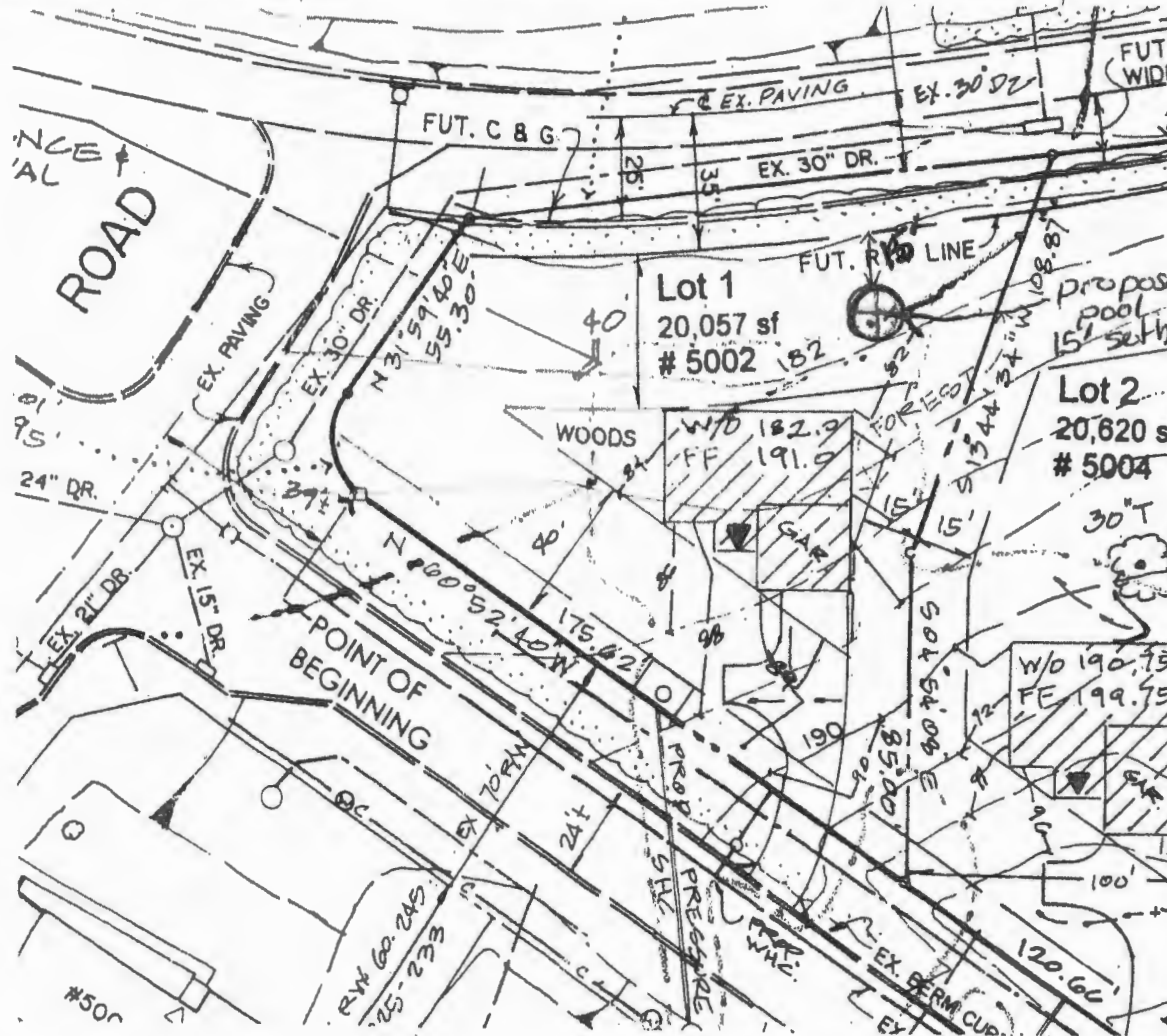
ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING

(MARK TYPE REQUESTED WITH X)

ADDRESS 5002 New Forge Road OWNER(S) NAME(S) Ronald Kozich, Vera M. Kozich

SUBDIVISION NAME Mattingly Property LOT # 1 BLOCK # SECTION #

PLAT BOOK # 1244 FOLIO # 27 10 DIGIT TAX # 2300007228 DEED REF. # 2918710024-1



KEY:
Proposed Pool
Above Ground
Pool site

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 072C1

SITE ZONED DR2

ELECTION DISTRICT 11EC

COUNCIL DISTRICT 5CD

LOT AREA ACREAGE

OR SQUARE FEET 20,057

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE

SEWER IS:

PUBLIC ☒ PRIVATE

PRIOR HEARING? ?yes

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2000-0040-A

VIOLATION CASE INFO:

PLAN DRAWN BY

Ronald Kozich

DATE

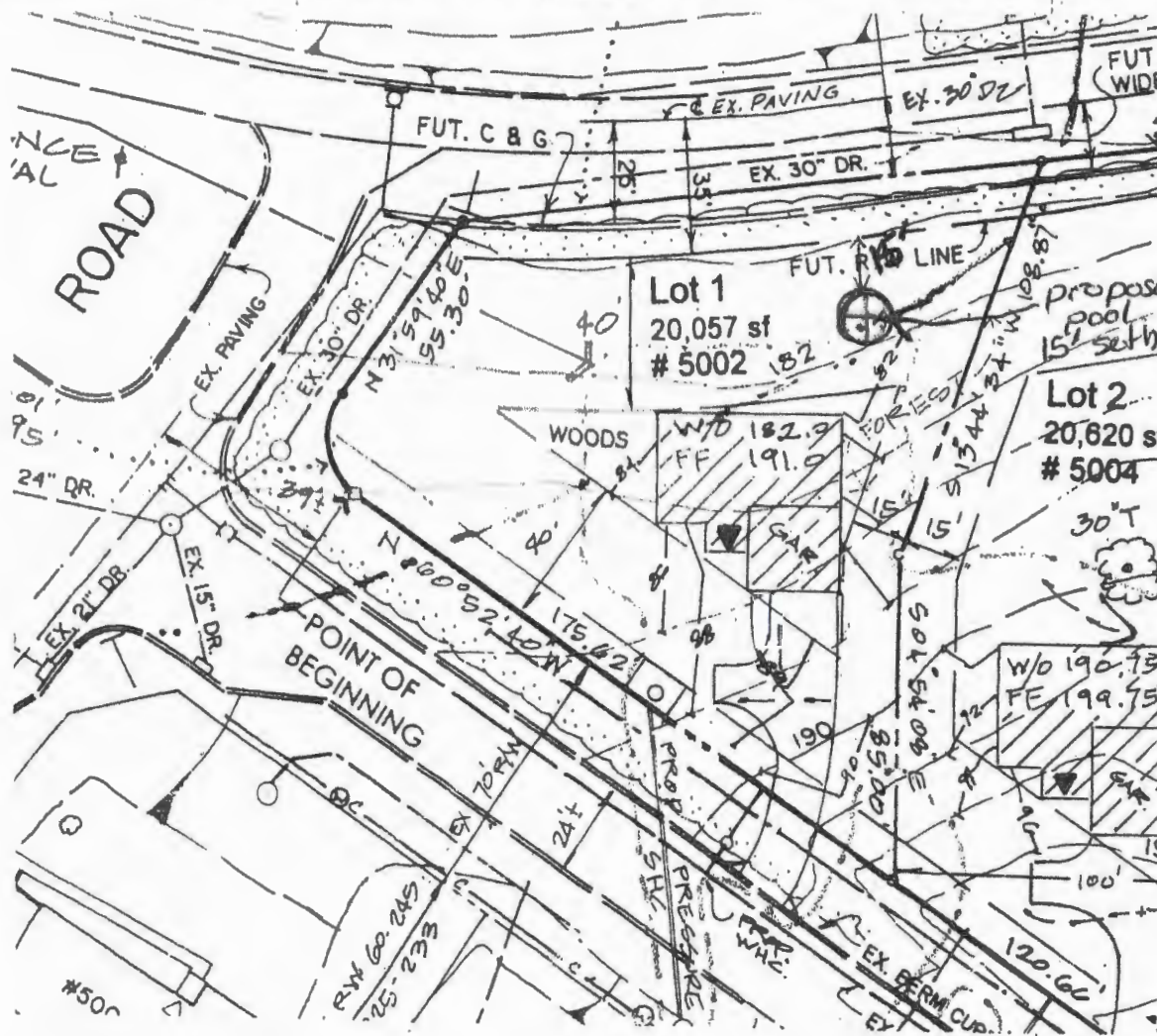
5/18/13 SCALE: 1 INCH = 50 FEET

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS 5002 New Forge Road OWNER(S) NAME(S) Ronald Kozich, Ken Matko

SUBDIVISION NAME Mattingly Property LOT # 1 BLOCK # SECTION #

PLAT BOOK # 1244 FOLIO # 27 10 DIGIT TAX # 2300007228 DEED REF. # 291 87/0024-1



PLAN DRAWN BY Ronald Kozich DATE 5/18/13 SCALE: 1 INCH = 50 FEET

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 072C-1

SITE ZONED DR2

ELECTION DISTRICT 11ED

COUNCIL DISTRICT 5CD

LOT AREA ACREAGE

OR SQUARE FEET 20,057

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:
PUBLIC ☒ PRIVATE

SEWER IS:
PUBLIC ☒ PRIVATE

PRIOR HEARING? ?/yes

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2000-0040-A

VIOLATION CASE INFO:

2013-0275-A

Pet. Exh. 1