MEMORANDUM

DATE: April 17, 2018

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2018-0212-A – Appeal Period Expired

The appeal period for the above-referenced case expired on April 16, 2018. 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	*	BEFORE THE
(13309 Bottom Road)		
11th Election District	*	OFFICE OF ADMINISTRATIVE
3rd Council District		
Brian A. & Denise D. Fiorucci	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	**CASE NO. 2018-0212-A**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Brian A. and Denise D. Fiorucci ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1A01.3.B.3 of the Baltimore County Zoning Regulations ("BCZR") to permit an addition on the side of an existing dwelling with a side yard setback of 28 ft. in lieu of the required 35 ft. 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.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Environmental Protection and Sustainability ("DEPS"), dated March 6, 2018, indicating that Ground Water Management must review any proposed building permit(s) for an addition, since the house is served by well and septic.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 23, 2018, 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 § 32-3-303 of the Baltimore County Code ("BCC"). 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 information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR 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 BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this **16th** day of **March, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A01.3.B.3 of the BCZR to permit an addition on the side of an existing dwelling with a side yard setback of 28 ft. in lieu of the required 35 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

- Petitioners must comply with the ZAC comment from DEPS dated March 6, 2018; a copy of which is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING

Date 3-16-18

By

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 3-16-18

By DW

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 Hearings for Baltimore County for the property located at:

Address 13309 Bottom Rd 21082 **Currently zoned** RC-2

Deed Reference 5174/612 10 Digit Tax Account # 1112089470

Owner(s) Printed Name(s) Brian A + Denise Fiorucci

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

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ✓ **ADMINISTRATIVE VARIANCE** from Section(s) 1A01.3.B.3 BCZR

To permit an addition on the side of an existing dwelling with a side yard setback of 28' in lieu of the required 35'

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

2. ____ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (*indicate type of work in this space: i.e., to raze, alter or construct addition to building*)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Brian A Fiorucci / Denise Fiorucci

Name #1 – Type or Print / Name # 2 – Type or Print

Signature #1 / Signature # 2

13309 Bottom Rd Hydes MD

Mailing Address / City / State

21082 / 410-409-0572 / Denise Fiorucci@gmail.com

Zip Code / Telephone # / Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

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

ORDER RECEIVED FOR FILING

Date 3-16-18

By

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

Administrative Law Judge for Baltimore County

CASE NUMBER 2018-0212-A **Filing Date** 2/14/18 **Estimated Posting Date** 2/15/18 **Reviewer** JR

Rev 5/5/2016

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 and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 13309 Bottom Rd Hydes MD 21082
Print or Type Address of property — City — State — Zip Code

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

we do not want to put the addition on the back of the house because we do not want to block the horse farm view out back. we are building a living addition onto our house.

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

Signature of Owner (Affiant)

Brian A Fiorucci
Name- Print or Type

Signature of Owner (Affiant)

Denise D Fiorucci
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 14th day of February, 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Brian A Fiorucci Denise D Fiorucci

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

AS WITNESS my hand and Notaries Seal

Sharon K Smith
Notary Public

8/25/2018
My Commission Expires

SHARON K. SMITH NOTARY PUBLIC HARFORD COUNTY, MD.

REV. 5/5/2016

Brian A. & Denise Dryden Fiorucci
13309 Bottom Road
Hydes, MD 21082

1

Zoning Property Description for 13309 Bottom Road, Hydes, MD 21082

Beginning at a point on the south, east side of Bottom Road, which is 59' feet of right-of-way width wide at the distance of 595 +/- of Fork Road, which is 45' of right-of-way wide.

Thence the following courses and distances beginning for the same at a point in the bed of Bottom Road (formerly known as Treadwell's Mill Road), said point being on the First Line of that parcel of land which by deed dated October 29, 1914, recorded among the Land Records of Baltimore County, MD in Liber WPC No 436 at folio 384 and distant 450.54 feet from the end thereof, said point being also the end of the First Line of that parcel of land. Line of the above first mentioned parcel of land North 45 degrees 36 minutes 00 seconds East 610.00 feet to a point thereon, thence running for lines of division, the two following courses and distances, viz (1) South 31 degrees 31 minutes 19 seconds East 337.88 feet, and South 60 degrees 59 above last mentioned parcel of land, thence binding reversely along part of said Second Line North 31 degrees 31 minutes 19 seconds West 295.37 feet to the place of beginning, containing 1.14 acres of land, more or less. Located in the Election District 11 and Counsel District 3.

CERTIFICATE OF POSTING

Date: 02/23/2018

RE: Project Name: Administrative Variance

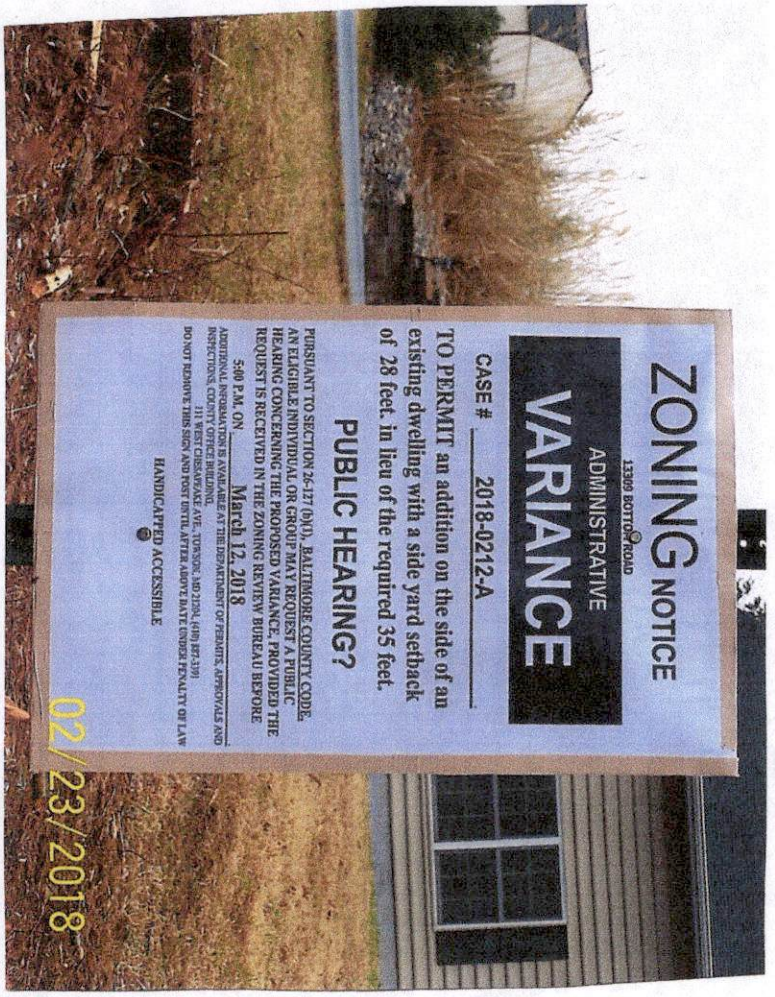
Case Number /PAI Number: 2018-0212-A

Petitioner/Developer: Brian & Denise Fiorucci

Date of Hearing/Closing: 03/12/2018

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 13309 Bottom Rd. Hydes, MD. 21082

The sign(s) were posted on 02/23/2018
(Month, Day, Year)



John M. Altmeyer
(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Rd.
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0212 -A Address 13309 BOTTOM RD.

Contact Person: JUN FERNANDO Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/16/18 Posting Date: 2/25/18 Closing Date: 3/12/18

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 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 a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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 2018- 0212 -A Address 13309 BOTTOM RD.

Petitioner's Name Brian & Denise Fiorucci Telephone 410-409-0572

Posting Date: 2/25/18 **Closing Date:** 3/12/18

Wording for Sign: To Permit an addition on the side of an existing dwelling with a side yard setback of 28' in lieu of the required 35 feet.

Revised 6/30/2018

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0212 -A Address 13309 BOTTOM RD.

Contact Person: JUN FERNANDO Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/16/18 **Posting Date:** 2/25/18 **Closing Date:** 3/12/18

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 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 a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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 2018- 0212 -A Address 13309 BOTTOM RD.

Petitioner's Name Brian & Denise Fiorucci Telephone 410-409-0572

Posting Date: 2/25/18 **Closing Date:** 3/12/18

Wording for Sign: To Permit an addition on the side of an existing dwelling with a side yard setback of 28' in lieu of the required 35 feet.

Revised 6/30/2018

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2018-0212-A

Property Address: 13304 Bottom Rd Hydes MD 21082

Property Description: _____

Legal Owners (Petitioners): Brian A Fiorucci + Denise Fiorucci

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Brian Fiorucci

Company/Firm (if applicable): _____

Address: 13304 Bottom Rd Hydes MD 21082

Telephone Number: 410-409-0575

Revised 7/9/2015

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

№ 166218

Date: 2/16/18

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

Total: 75.00

Rec From: BRIAN FIORAVECI

For: 13309 Bothom Rd.
Case # 2018-0212-A

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

PAID RECEIPT
BUSINESS ACTUAL TIME BRN
2/16/2018 2/16/2018 09:37:18 5
FED USER WALKIN LKB
>>RECEIPT # 943910 2/16/2018 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 166218
Recpt Tot $75.00
$.00 CK $75.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

KEVIN KAMENETZ
County Executive

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

March 13, 2018

Brian A & Denise D Fiorucci
13309 Bottom Road
Hydes MD 21087

RE: Case Number: 2018-0212 A, Address: 13309 Bottom Road

Dear Mr. & Ms. Fiorucci:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 16, 2018. This letter is not an approval, but only a **NOTIFICATION.**

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: March 6, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0212-A
Address 13309 Bottom Road
(Fiorucci Property)

Zoning Advisory Committee Meeting of **March 5, 2018**.

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

1. Ground Water Management must review any proposed building permit(s) for an addition, since the house is served by well and septic.

Reviewer: Dan Esser

ORDER RECEIVED FOR FILING
Date 3-16-18
By DW

C:\Users\jwisnom\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\00CARM04\ZAC 18-0212-A 13309 Bottom Road.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 28, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 5, 2018
Item No. 2018-0212-A, 0213-A, 0216-A and 0217-A

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

* * * * *

VKD: cen
cc: file

(AV) 3-12-18

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
MAR 06 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: March 6, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0212-A
Address 13309 Bottom Road
(Fiorucci Property)

Zoning Advisory Committee Meeting of **March 5, 2018**.

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

1. Ground Water Management must review any proposed building permit(s) for an addition, since the house is served by well and septic.

Reviewer: Dan Esser

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 2/26/18

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2018-0212-A
Administrative Variance
Brian A. Fiorucci & Denise A. Fiorucci
13309 Bottom Road

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

for Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: March 6, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0212-A
Address 13309 Bottom Road
(Fiorucci Property)

Zoning Advisory Committee Meeting of **March 5, 2018**.

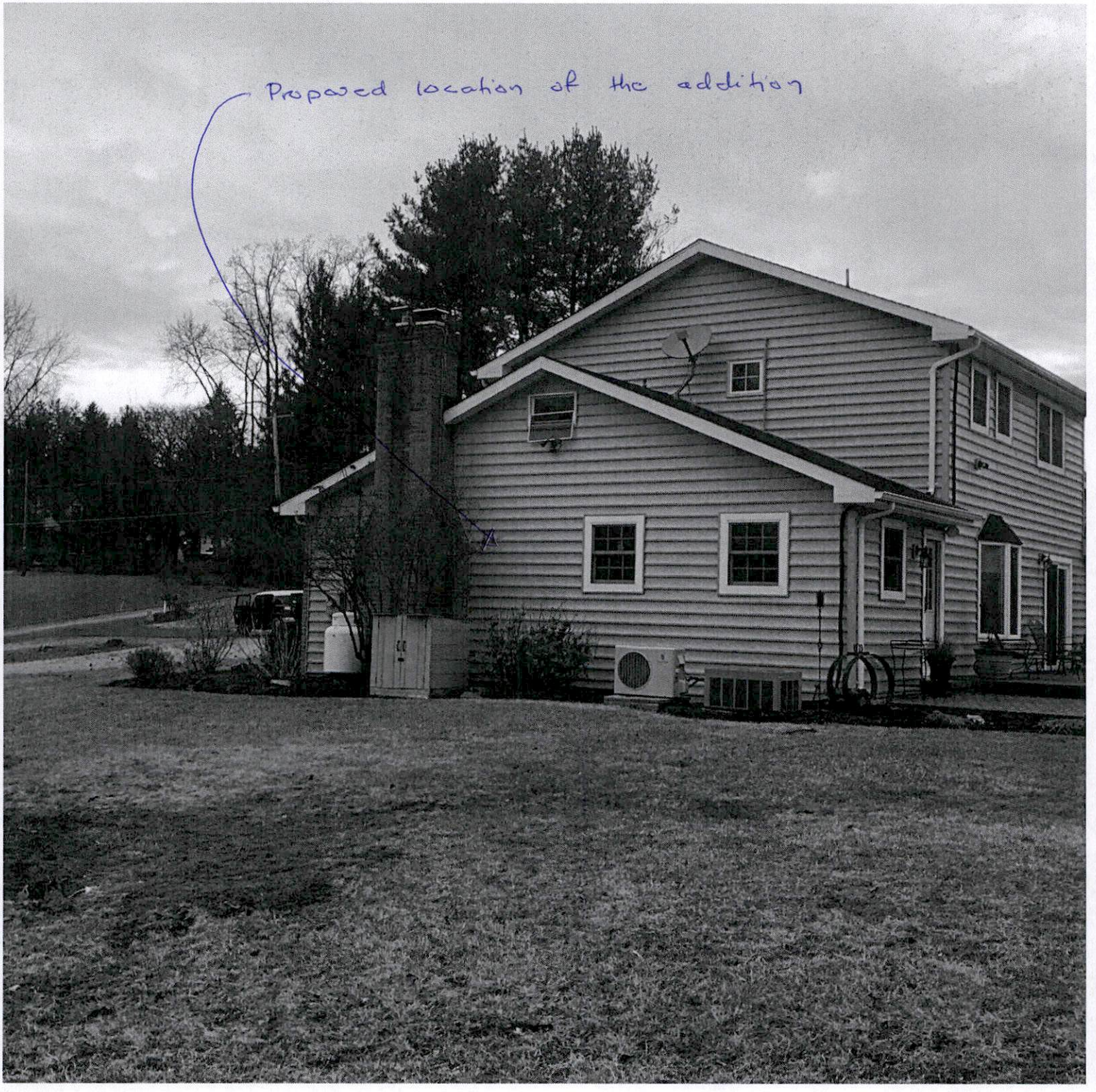
X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Ground Water Management must review any proposed building permit(s) for an addition, since the house is served by well and septic.

Reviewer: Dan Esser


Proposed location of the addition

Propose location of the addition


Proposed location of the addition

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(13309 Bottom Road)		
11th Election District	*	OFFICE OF
3rd Councilmanic District		
Brian A. and Denise D. Fiorucci	*	ADMINISTRATIVE HEARINGS
Petitioners		
	*	FOR BALTIMORE COUNTY
	*	**Case No. 2013-0140-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the subject property, Brian A. and Denise D. Fiorucci. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a garage addition on the side of an existing dwelling with a side yard setback of 5 feet in lieu of the required 35 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

It is to be noted that this administrative variance case closed on January 14, 2013 but was not received by OAH until March 20, 2013; the whereabouts of the case file between these dates is unknown.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. ZAC comments were received from the Department of Environmental Protection and Sustainability (DEPS) on March 15, 2013, indicating the following:

- Development of the property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code),
- If forest clearing will be less than 20,000 square feet, a Single Lot Declaration of Intent must be filed with DEPS prior to building permit approval to address Forest Conservation Law, and

- A future building permit must be reviewed by Groundwater Management, since there is a well and septic system on the site.

In addition, letters of support were received from adjacent neighbor, Timothy J. McCabe (13313 Bottom Road), and William B. Delp, owner of easement connected to Petitioners' property, (13324 Fork Road), both of whom had no objections to the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 30, 2012, 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 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.

Although the Department of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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.

ORDER RECEIVED FOR FILING

Date 3-21-13

By DW

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 21st day of March, 2013 that the Variance request from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a garage addition on the side of an existing dwelling with a side yard setback of 5 feet in lieu of the required 35 feet, be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners or subsequent owners shall not convert the subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

3. The garage shall not be used for commercial purposes.

4. The Petitioners shall comply with the ZAC comment received from DEPS on March 14, 2013; a copy of which is attached and made a part hereto.

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:dlw

ORDER RECEIVED FOR FILING

Date 3-21-13

By DW

3/12

CASE NO. 2018- 0212-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
3-6	DEPS (if not received, date e-mail sent)	C
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
2-26	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No.)

PRIOR ZONING (Case No. 2013-0140-A garage) Grant. w/Cond. 3-21-13

NEWSPAPER ADVERTISEMENT Date:

SIGN POSTING Date: 2-23-18 by Altmeyer

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any:

ZAC AGENDA

Case Number: 2018-0213-A **Reviewer:** Jeffrey Perlow
Existng Use: RESIDENTIAL **Proposed Use:**
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Warren & Nancy Mickey
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 5

Property Address: 9810 OAKPARK DR
Location: NW/S of Oakpark Drive, 350 ft. NE of Hickoryhurst Dr.

Existing Zoning: DR 1 **Area:** 3.086 ACRES
Proposed Zoning:
ADMINISTRATIVE VARIANCE:
To permit a proposed accessory structure (solar panel array) to be located in the front yard in lieu of the required rear yard only.
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date: 03/12/2018

Miscellaneous Notes:

Case Number: 2018-0212-A **Reviewer:** Jun Fernando
Existng Use: RESIDENTIAL **Proposed Use:**
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Brian A Fiorucci and Denise D Fiorucci
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 3

Property Address: 13309 BOTTOM RD
Location: SE/S of Bottom Road, +/- 595 ft. W of Fork Road

Existing Zoning: RC 2 **Area:** 1.14 ACRES
Proposed Zoning:
ADMINISTRATIVE VARIANCE:
To permit an addition on the side of an existing dwelling with a side yard setback of 28 ft. in lieu of the required 35 ft.
Attorney: Not Available
Prior Zoning Cases: 2013-0140-A
Concurrent Cases: None
Violation Cases: None
Closing Date: 03/12/2018

Miscellaneous Notes:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: **District** - 11 **Account Number** - 1112084470

Owner Information

Owner Name:	FIORUCCI BRIAN A FIORUCCI DENISE D	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	13309 BOTTOM RD HYDES MD 21082-9741	**Deed Reference:**	/15595/ 00160

Location & Structure Information

Premises Address:	13309 BOTTOM RD 0-0000	**Legal Description:**	1.14 AC SES BOTTOM R 13309 BOTTOM RD SW OF FORK RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0045	0015	0153		0000				2018	Plat Ref:

Special Tax Areas:

Town: NONE

Ad Valorem:

Tax Class:

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1972	1,861 SF		1.1400 AC	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	YES	STANDARD UNIT	SIDING	3 full	2 Attached	

Value Information

	Base Value	Value As of 01/01/2018	Phase-in Assessments As of 07/01/2017	Phase-in Assessments As of 07/01/2018
Land:	121,600	121,600		
Improvements	206,400	231,100		
Total:	328,000	352,700	328,000	336,233
Preferential Land:	0			0

Transfer Information

Seller: LYNCH FRANCIS M	**Date:** 09/24/2001	**Price:** $259,500
Type: NON-ARMS LENGTH OTHER	**Deed1:** /15595/ 00160	**Deed2:**
Seller: STRICKLIN EDGAR B & MARY LOU	**Date:** 09/03/1969	**Price:** $5,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /05031/ 00288	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2017	07/01/2018
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt:

Special Tax Recapture:

Exempt Class: NONE

Homestead Application Information

Homestead Application Status: Approved 08/22/2014

Homeowners' Tax Credit Application Information

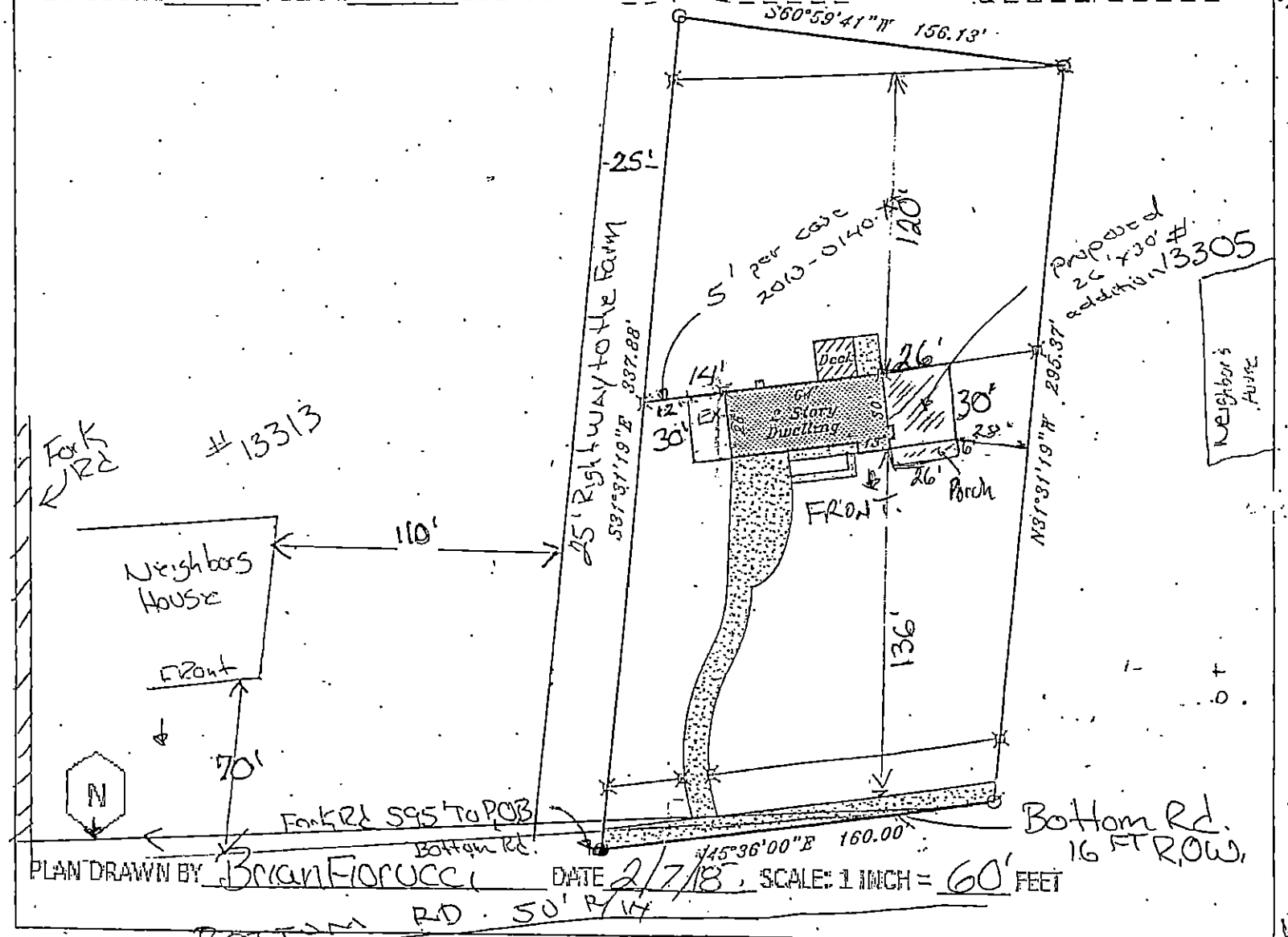
Homeowners' Tax Credit Application Status: No Application **Date:**

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

ADDRESS 13309 Bottom Rd OWNER(S) NAME(S) Brian + Denise Fiorucci

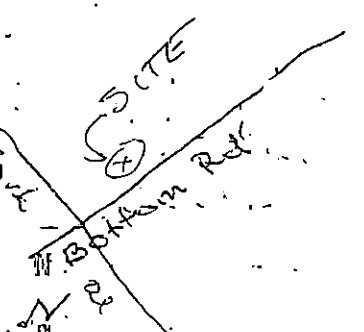
SUBDIVISION NAME ____ LOT # ____ BLOCK # ____ SECTION # ____

PLAT BOOK # ____ FOLIO # ____ 10 DIGIT TAX # 1120841470 DEED REF. # 5174/612



PLAN DRAWN BY Brian Fiorucci DATE 2/7/18 SCALE: 1 INCH = 60' FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 015 E

SITE ZONED RC-2

ELECTION DISTRICT 11

COUNCIL DISTRICT 3

LOT AREA ACREAGE 1.14 AC

OR SQUARE FEET 49,658 ±

HISTORIC ? NO

IN CBCA ? NO

IN FLOOD PLAIN ? NO

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC ____ PRIVATE X

SEWER IS:

PUBLIC ____ PRIVATE X

PRIOR HEARING 2013-0140-A

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO: NO

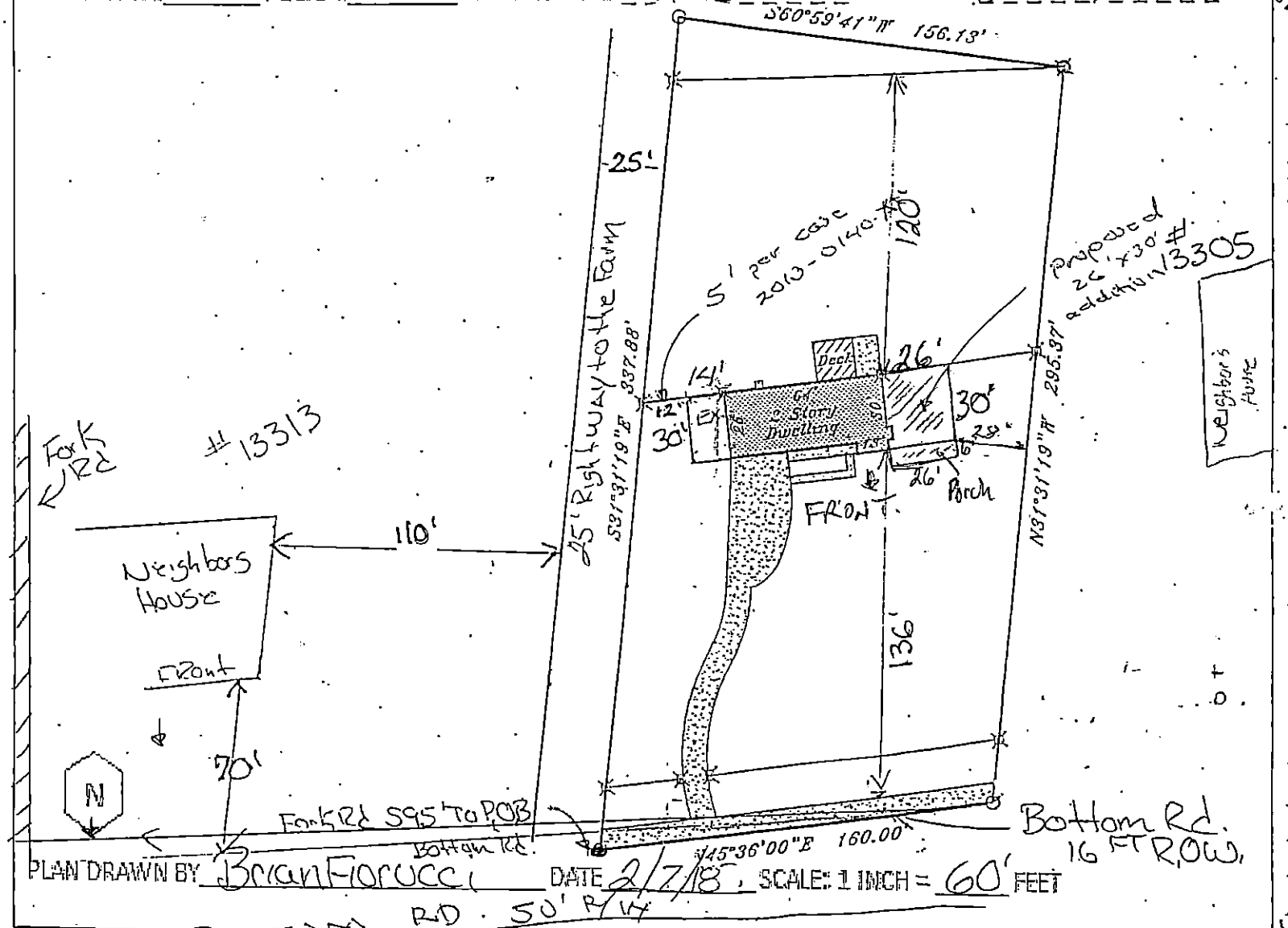
2018-0212-A

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

ADDRESS 13309 Bottom Rd OWNER(S) NAME(S) Brian + Denise Fiorucci

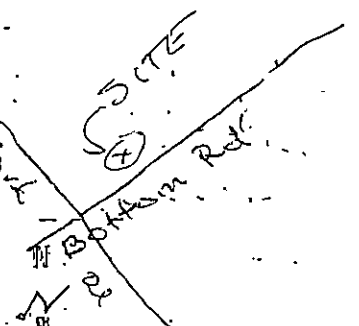
SUBDIVISION NAME ____ LOT # ____ BLOCK # ____ SECTION # ____

PLAT BOOK # ____ FOLIO # ____ 10 DIGIT TAX # 1120824170 DEED REF. # 5174/612



PLAN DRAWN BY Brian Fiorucci DATE 2/7/18 SCALE: 1 INCH = 60' FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 045 F

SITE ZONED RC-2

ELECTION DISTRICT 11

COUNCIL DISTRICT 3

LOT AREA ACREAGE 1.14 AC

OR SQUARE FEET 49,658 ±

HISTORIC ? NO

IN CBCA ? NO

IN FLOOD PLAIN ? NO

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC ____ PRIVATE X

SEWER IS:

PUBLIC ____ PRIVATE X

PRIOR HEARING 2013-0140-A

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO:

NO

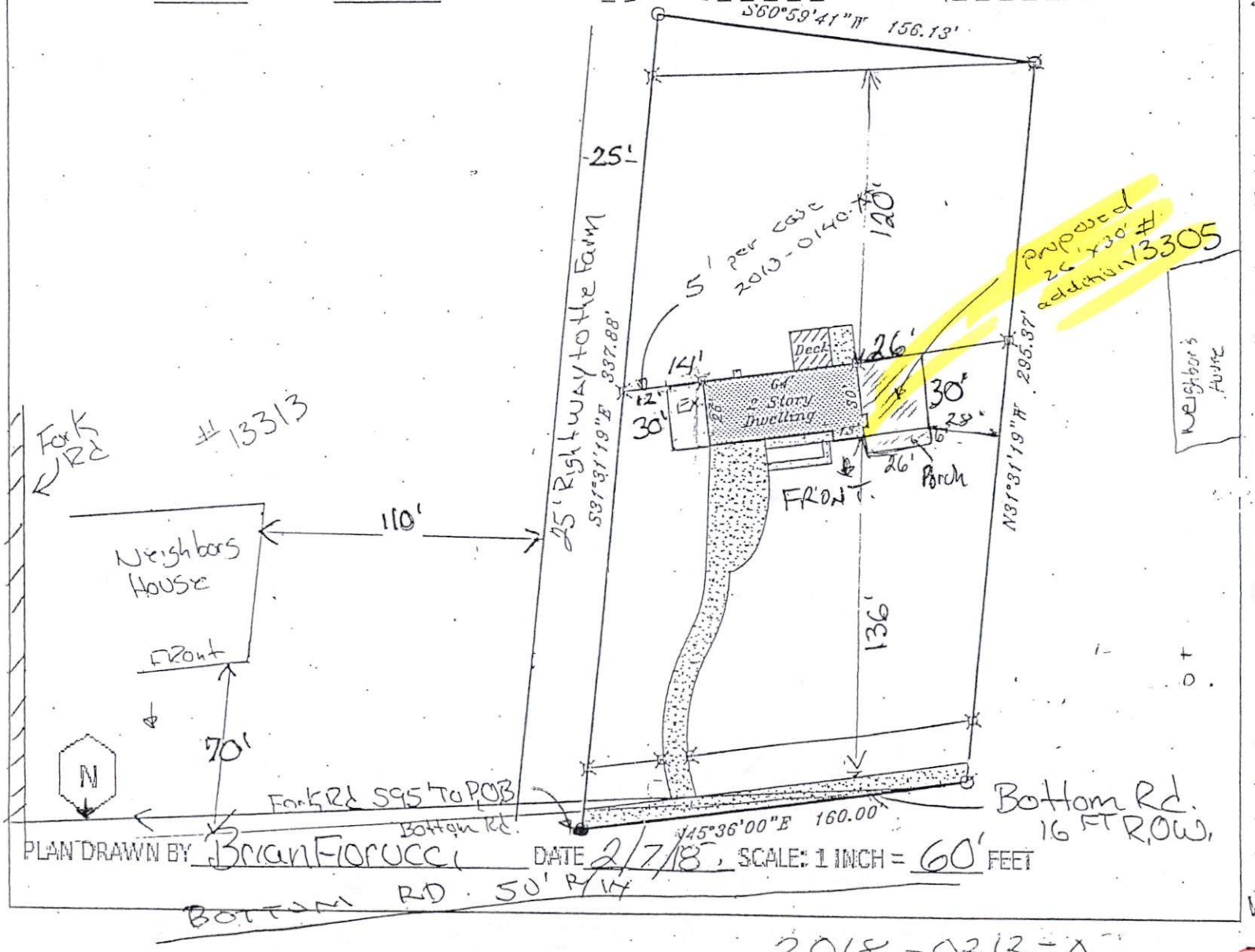
2018-0212-A

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

ADDRESS 13309 Bottom Rd OWNER(S) NAME(S) Brian + Denise Fiorucci

SUBDIVISION NAME ____ LOT # ____ BLOCK # ____ SECTION # ____

PLAT BOOK # ____ FOLIO # ____ 10 DIGIT TAX # 1120844170 DEED REF. # 5174 / 612



PLAN DRAWN BY Brian Fiorucci DATE 2/7/18 SCALE: 1 INCH = 60' FEET

SITE VICINITY MAP

MAP IS NOT TO SCALE

ZONING MAP# 015 F

SITE ZONED RC-2

ELECTION DISTRICT 11

COUNCIL DISTRICT 3

LOT AREA ACREAGE 1.14 AC

OR SQUARE FEET 49,658 ±

HISTORIC ? NO

IN CBCA ? NO

IN FLOOD PLAIN ? NO

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC ____ PRIVATE X

SEWER IS:

PUBLIC ____ PRIVATE X

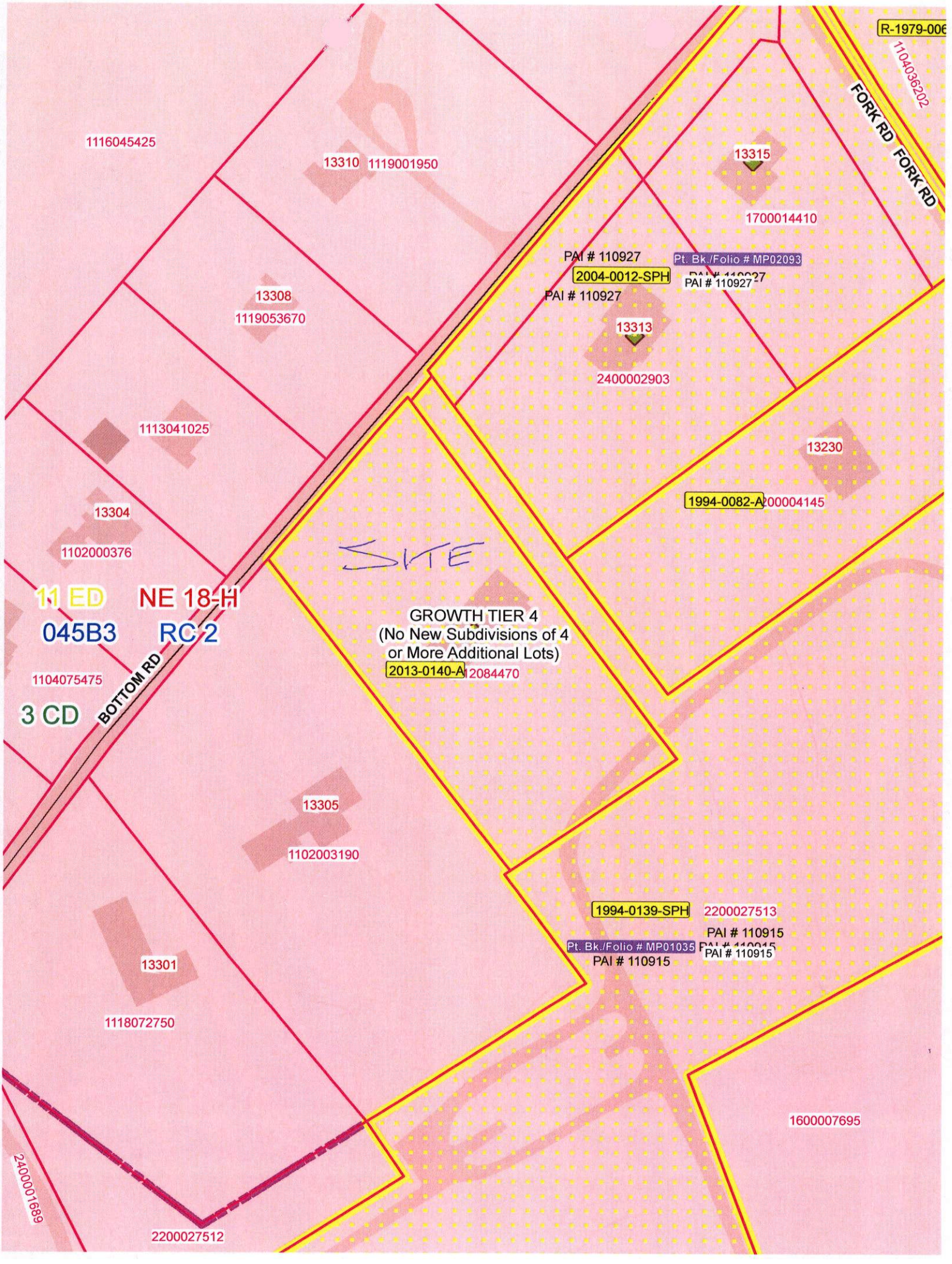
PRIOR HEARING 2013-0140-A

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO: NO

2018-0212-A

Pet. Exh. 1


R-1979-006
1104036202
FORK RD
FORK RD
1116045425
13310
1119001950
13315
1700014410
PAI # 110927
Pt. Bk./Folio # MP02093
2004-0012-SPH
PAI # 110927
PAI # 110927
13308
1119053670
13313
2400002903
1113041025
13230
1994-0082-A
200004145
13304
1102000376
SITE
11 ED
NE 18-H
045B3
RC 2
GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)
2013-0140-A
2084470
1104075475
3 CD
BOTTOM RD
13305
1102003190
1994-0139-SPH
2200027513
PAI # 110915
Pt. Bk./Folio # MP01035
PAI # 110915
PAI # 110915
13301
1118072750
1600007695
2400001689
2200027512