

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
N side of Forge Road; 900 feet SE	*	DEPUTY ZONING
of Hidden Valley Road		
11 th Election District	*	COMMISSIONER
5 th Councilmanic District		
(9819 and 9822 Correlli Lane)	*	FOR BALTIMORE COUNTY
Dominic and Antinino Correlli	*	
<i>Legal Owners</i>		CASE NO. 2011-0092-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

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

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

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

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

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

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

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

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 7th day of December, 2010 that Petitioners' request for Special Hearing relief filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to amend the Final Development Plan be and is hereby **GRANTED**; and

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

The relief granted herein is subject to the following:

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

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

__SIGNED_____
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz