

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/S Mantua Mill Road, 8/10 mile W		
centerline of Geist Road	*	DEPUTY ZONING COMMISSIONER
8th Election District		
3rd Councilmanic District	*	OF BALTIMORE COUNTY
(13939 Mantua Mill Road)		
	*	CASE NO. 00-490-A (SPH)
Victor and Ramona DiVivo		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing/Variance filed for property located at 13939 Mantua Mill Road. The petition request was filed by Jack Dillon, Executive Director of The Valleys Planning Council. Specifically, the request involves the issuance of an Administrative Variance Order which granted variance relief to the owners of the subject property, by Order dated the 27th day of June, 2000.

Appearing at the hearing, pursuant to this petition, were: Harold Green, owner of property adjacent to the subject property and Jack Dillon, Executive Director of The Valleys Planning Council. Appearing in response to the special hearing request were Victor and Ramona DiVivo, owners of the property, James Knost, on behalf of the architects who designed the improvements to the property and Howard L. Alderman, Jr., attorney at law, representing the property owners.

Petitioners applied for and received variance relief to allow a side yard setback of 21 ft. in lieu of the required 35 ft. and a street center line setback of 66.5 ft. in lieu of the required 75 ft. That relief was granted pursuant to my Order dated the 27th day of June, 2000.

As stated previously, the owners of the property, Mr. and Mrs. DiVivo, proceeded through the administrative variance process. At issue in the case is a letter dated June 5, 2000 filed by Jack Dillon, Executive Director of The Valleys Planning Council, requesting a public hearing on the administrative request for variance. That letter was received by the Department of Permits

ORDER RECEIVED FOR FILING

Date 8/20/01

By [Signature]

and Development Management (PDM) within the requisite time for filing such a hearing. However, due to a mistake and/or oversight on the part of PDM, no hearing was ever scheduled on this variance request. Consequently, the administrative variance was granted and the Petitioners proceeded with and completed the construction of the additions to their home.

The special hearing petition filed at this time requests that the variance was improperly issued and should be rescinded.

At the hearing before me, a preliminary motion was raised by Mr. Howard Alderman, attorney representing the owners of the property, Victor and Ramona DiVivo. Mr. Alderman argues in his motion, that the letter originally filed by Mr. Dillon, on behalf of The Valleys Planning Council, did not conform to the requirements for such a request for hearing as imposed by Section 26-127.B.1 of the Baltimore County Code. Specifically, that section mandates that within the fifteen (15) day posting period for such administrative variance, any "occupant or owner" within 1,000 ft. of the lot in question may file a formal request for a public hearing with the Zoning Commissioner. Mr. Alderman argues that the entity known as The Valleys Planning Council is not an owner or occupant of property within 1,000 ft. of the subject property. The letter submitted by Mr. Dillon requesting the hearing simply states as follows, "Please note this request on behalf of The Valleys Planning Council and others for a full public hearing on the above referenced property." It is signed by Jack Dillon, Executive Director of The Valleys Planning Council, Inc. It cannot be ascertained if the letter requesting a hearing on this matter is

in fact filed by an owner or occupant of land within 1,000 ft. of the subject property. Following the clear language as contained within Section 26-127.B.1 of the Baltimore County Code, I find that the request for hearing is, in fact, deficient as it does not meet this basic requirement. Accordingly, the special hearing/variance relief requested at this time should be dismissed

pursuant to the motion made by Mr. Alderman on behalf of Mr. and Mrs. DiVivo, the property owners in question.

While the motion to dismiss has been granted, I believe it is appropriate to provide additional information concerning this issue. The owners of this property were granted a variance to allow them to construct an addition on the front and side of their existing dwelling. My previous Order gave permission to the DiVivo's to construct their side addition to within 21 ft. of their side property line. The addition on the front of their home was permitted to extend to within 66.5 ft. of the centerline of Mantua Mill Road. The owners of this property, to their credit, knowing of the opposition of The Valleys Planning Council and adjacent property owner, Mr. Green, redesigned their plans and chose not to provide any addition that extended further into the front yard than the existing house. Therefore, they chose not to utilize the front yard variance which was granted to them. In addition, again to the credit of the property owners, they chose to lessen the size of the addition on the side of their home, thereby declining to utilize the 21 ft. side yard variance which was granted to them. In lieu thereof, the property owners have constructed an addition which, at this time, is situated 33 ft. 10.5 inches from the property line, an extension into the required side yard setback of a mere 13.5 inches. It should be noted that this small 13.5 inch encroachment into the side yard setback involves only the rear corner of the newly constructed addition and not the entire side wall of the home. This is depicted on Respondents' Exhibit No. 2, which was submitted at the hearing. The purpose of discussing this issue in this detail is to advise the DiVivo's, as well as The Valleys Planning Council and Mr. Green, that were I to entertain this variance request, I would have, in fact, granted the variance to allow this very minor intrusion into the side yard setback. This is particularly true given that the nearest home on that side of the property, which is owned by Mr. and Mrs. Green, is situated

over 1,000 ft. from this property. This small intrusion into the side yard setback would have absolutely no detrimental impact on any surrounding properties and would easily have been granted.

I believe it is also appropriate to comment and I shall further order that the variance relief which was previously granted to the DiVivo's, to allow an addition on the front of their home to be situated 66.5 ft. from the centerline of Mantua Mill Road and an addition to extend to as close as 21 ft. from the side property line, should be rescinded. It was clear, at the hearing, from the testimony of Mr. and Mrs. DiVivo, that they no longer intend to utilize either of those variances. They apparently have modified their existing dwelling to their satisfaction and to their needs without having to intrude any further towards the front property line or side property line of this property. Accordingly, I believe it is appropriate to retract and rescind the previous grant of variance which was given to this property owner. The improvements, as shown on Respondent's Exhibit No. 2, are appropriate and should not be extended any further into the side yard setback or front yard setback.

THEREFORE, it is this 20th day of August, 2001, by this Deputy Zoning Commissioner for Baltimore, that the Motion to Dismiss raised by Mr. Alderman on behalf of the property owners, Mr. and Mrs. DiVivo, be and is hereby GRANTED and the Special Hearing Request filed by The Valleys Planning Council, Inc., be and is hereby DISMISSED.

IT IS FURTHER ORDERED, that the variance relief previously granted by me pursuant to my Order dated the 27th day of June, 2000, be and is hereby RETRACTED. That is, the Petitioners shall be required to maintain a 75 ft. setback to the street center line of Mantua Mill Road for the front of the existing dwelling and shall be required to maintain a side yard setback of 33 ft. 10.5 inches to the side yard of the property, that side yard being the common property

ORDER RECEIVED FOR FILING
Date 8/20/01
By J. J. Gennaro

line shared with Harold and Ann Green. The property owners shall not be permitted to encroach any further into the front or side yard setbacks of this property than that which is shown on Respondents' Exhibit No. 2, the site plan submitted at the hearing held before me. This modification of my previously approved variance Order is being made pursuant to my revisory powers, based on the mistake which was made by the Department of Permits and Development Management as to misplacing the hearing request filed by Mr. Dillon on behalf of The Valleys Planning Council.

IT IS FURTHER ORDERED, that the property owners, Mr. and Mrs. DiVivo, shall be required to install the evergreen screen along their rear property line, as was discussed at the hearing, to assist in screening their home from the property owned by Mr. and Mrs. Green. Accordingly, they shall submit to Avery Harden, Landscape Architect for Baltimore County, a plan depicting this screening for his review and approval. Said plan shall be submitted within 30 days and the plantings installed within 180 days, all from the date of this Order.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 8/20/16
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 20, 2001

Jack Dillon, Executive Director
The Valleys Planning Council, Inc.
P. O. Box 5402
Towson, MD 212850-5402

Re: Order on Petition for Special Hearing
Case No. 00-490-A
Property: N/S Mantua Mill Road, 8/10 mile
W centerline of Geist Road

Dear Mr. Dillon:

Enclosed please find the decision rendered on the petition for special hearing in connection with the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Census 2000

For You, For Baltimore County

Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

Copies to:

Mr. Harold Green
14111 Green Road
Glyndon, MD 21071

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
502 Washington Avenue, Suite 800
Towson, MD 21204

Mr. & Mrs. Victor DiVivo
13939 Mantua Mill Road
Reisterstown, MD 21136

Mr. James R. Knost
207 E. Redwood Street, 4th Floor
Baltimore, MD 21202

Ms. Joan McH Hoblitzell
13801 Mantua Mill Road
Glyndon, MD 21071

Mr. & Mrs. Sherlock Gillet
14300 Green Road
Glyndon, MD 21071

Copies to:

Mr. Harold Green
14111 Green Road
Glyndon, MD 21071

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
502 Washington Avenue, Suite 800
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Mr. & Mrs. Victor DiVivo
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207 E. Redwood Street, 4th Floor
Baltimore, MD 21202

Ms. Joan McH Hoblitzell
13801 Mantua Mill Road
Glyndon, MD 21071

Mr. & Mrs. Sherlock Gillet
14300 Green Road
Glyndon, MD 21071

IN RE: PETITION FOR ADMIN. VARIANCE

N/S Mantua Mill Road, 8/10 mile W
centerline of Geist Road
8th Election District
3rd Councilmanic District
(13939 Mantua Mill Road)

Victor and Ramona ViVivo
Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 00-490-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Victor and Ramona ViVivo, property owners, for that property known as 13939 Mantua Mill Road in the Glyndon area of Baltimore County. The Petitioners herein seek a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot line setback of 21 ft. in lieu of the required 35 ft. and a street centerline setback of 66.5 ft. in lieu of the required 75 ft. to construct two (2) additions. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, 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 26-127 (b)(1) 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 Deputy Zoning Commissioner, 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.

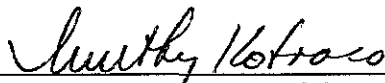
ORIGINAL RECEIVED FOR FILING

FILED 06/27/00
BY R. J. JAMESON

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 Deputy Zoning Commissioner for Baltimore County this 27th day of June, 2000, that a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a lot line setback of 21 ft. in lieu of the required 35 ft. and a street centerline setback of 66.5 ft. in lieu of the required 75 ft. to construct two (2) additions, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

COURT RECEIVED FOR FILING

2016/06/27/00
H. J. J. J.



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 27, 2000

Mr. & Mrs. Victor DiVivo
13939 Mantua Mill Road
Glyndon, Maryland 21071

Re: Petition for Administrative Variance
Case No. 00-490-A
Property: 13939 Mantua Mill Road

Dear Mr. & Mrs. DiVivo:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure





Petition for Special Hearing /

VARIANCE .
to the Zoning Commissioner of Baltimore County

for the property located at 13939 Mantua Mill Rd
which is presently zoned RC2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

VALLEY PLANNING COUNCIL FILED LATER REQUESTOR HEARING IN ADMINISTRATIVE VARIANCE REQUEST IN CASE # 00-409-A; HOWEVER NO HEARING WAS SCHEDULED + THE REQUESTED RELIEF WAS GRANTED IN VIOLATION OF COUNTY CODE REQUIREMENTS. THIS PETITION REQUESTS AN QUASI-JUDICIAL HEARING TO REVIEW THE RELIEF GRANTED IN VIOLATION OF SEC 104.3, SEC 304 AND SEC. 307 OF HC BCZ.R. 9905/9/01

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
State _____ Zip Code _____

Legal Owner(s): PETITIONER.

Jack Dillon - Ex. Dir.
Name - Type or Print The Valley Planning Council Inc.
Signature [Signature] FOR:
Name - Type or Print The Valley Planning Council Inc.
Signature Jack Dillon P.O. Box 5409
Address Howson MD 21285
City _____ State _____ Zip Code _____
Telephone No. 410-337-1877

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS.

UNAVAILABLE FOR HEARING _____

Reviewed By JL Date 5/03/01
PER AJ/WCR

Case No. 00-409-A (SPH)

220 9/15/98

ORDER RECORDED FOR FILING
Date 5/2/01
By Dr. Jameson



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13939 MANTUA MILL ROAD
which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 A01.3.B.3 (SETBACK REQUIREMENTS) to permit a lot line setback of
21 ft in lieu of 35 ft and a street centerline setback of 66 1/2 ft
in lieu of 75 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

JAMES F. KHOST YOKANA ASSOCIATES, INC.

Name

207 E. REDWOOD ST 4TH FLOOR 410-234-0900

Address

Telephone No.

BALTIMORE

MD

21202

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner 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.

Zoning Commissioner of Baltimore County

CASE NO. 00-490-A

Reviewed By mk Date 5/22/00

Estimated Posting Date 6/4/00

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that 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 Affiant(s) does/do presently reside at 13939 MANTUA MILL ROAD
Address
GLYNDEN MD 21176
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

1. LOT IS UNDERSIZED FOR AN RC-2 ZONE (PREVIOUSLY ESTABLISHED NON-CONFORMING LOT); PROPOSED EXPANDED HOUSE WOULD EASILY BE ACCOMMODATED ON "STANDARD" RC-2 LOT.
2. SEPTIC FIELD FURTHER ENCRONES / RESTRICTS BUILDABLE AREA.
3. DESIRE TO SAVE SPECIMEN TREES ON LOT AFFECTS BUILDABLE AREA LOCATION.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Ramona DiVivo
Signature
RAMONA DiVivo
Name - Type or Print

Victor DiVivo
Signature
VICTOR DiVivo
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of May, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

VICTOR AND RAMONA DiVIVO
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

May 19, 2000
Date

Peter N. Garty
Notary Public

My Commission Expires _____

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that 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 Affiant(s) does/do presently reside at 13939 MANTUA MILK ROAD
Address
GLYNDEN MD 21136
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

1. LOT IS UNDERSIZED FOR AN RC-2 ZONE (PREVIOUSLY ESTABLISHED NON-CONFORMING LOT); PROPOSED EXPANDED HOUSE WOULD EASILY BE ACCOMMODATED ON "STANDARD" RC-2 LOT.
2. SEPTIC FIELD FURTHER ENCLOSES / RESTRICTS BUILDABLE AREA.
3. DESIRE TO SAVE SPECIMEN TREES ON LOT AFFECTS BUILDABLE AREA LOCATION.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of May, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

VICTOR AND RAMONA DIVNO

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

Date

Notary Public

My Commission Expires

REV 09/15/98

Patricia W. Garrity
Notary Public
My Commission Expires
April 28, 2003



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 13939 MANTUA MILL ROAD
which is presently zoned PC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 A.O.I. 3.B. (SETBACK REQUIREMENTS) to permit a lot line setback of
21 ft in lieu of 35 ft and a street centerline setback of 66 1/2 ft
in lieu of 75 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

JAMES F. KNOT & ASSOCIATES, INC.
Name

207 E. REDWOOD ST 4TH FLOOR 410-234-0900
Address Telephone No.

BALTIMORE MD 21202
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner 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.

Zoning Commissioner of Baltimore County

CASE NO. CO-490-A

Reviewed By MMK

Date 5/20/04

REB 9/15/98

Estimated Posting Date 6/4/04

ZONING DESCRIPTION FOR 13939 MANTUA MILL ROAD

Beginning at a point on the north side of Mantua Mill Road which is 20 feet wide at a distance of 8/10 mile west of the centerline of Geist Road which is 25 feet wide. As recorded November 22, 1991 in Deed Liber 8980, folio 278 among the Land Records of Baltimore County.

Metes and Bounds

N45 4' E 239.30ft., S44 56' E 125 ft., S10 49' W 204.20 ft., N61 12' W 164.15 ft., N61 30' W 85.85 ft.

Also known as 13939 Mantua Mill Road and located in the 8th Election District, rd3 Councilmanic District.

00-490-A
490

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **081346**

DATE 5/22/2000 ACCOUNT 001-6150

Inc. 490

Ry. MDR

AMOUNT \$ 50.00

RECEIVED FROM: Karna + Assoc. Inc. 13939 Minola Mill

FOR: 010-Res Var. (Admin) \$ 50.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
5/22/2000 5/22/2000 10:24:09
REG 4804 CASHIER SMAT SMW DRAWER 4
Dept 5 528 ZONING VERIFICATION
Receipt # 117436
CR NO. 081346

Receipt Tot 50.00
50.00 CR
BALTIMORE COUNTY, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN.

RE: Case No.: 00-490-A

Petitioner/Developer: KNOST, ETAL

Date of Hearing/Closing: 6/19/00

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

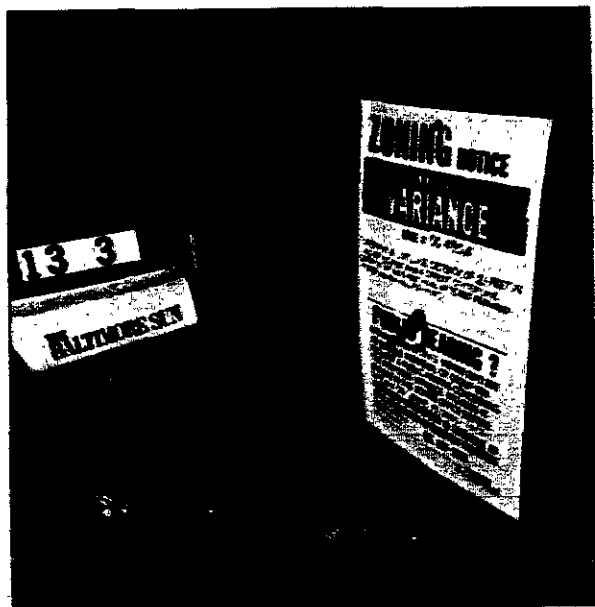
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #13939-MANTUA MILL RD.

The sign(s) were posted on

5/29/00

(Month, Day, Year)



Sincerely,

Patrick M. O'Keefe 6/1/00
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

(Address)

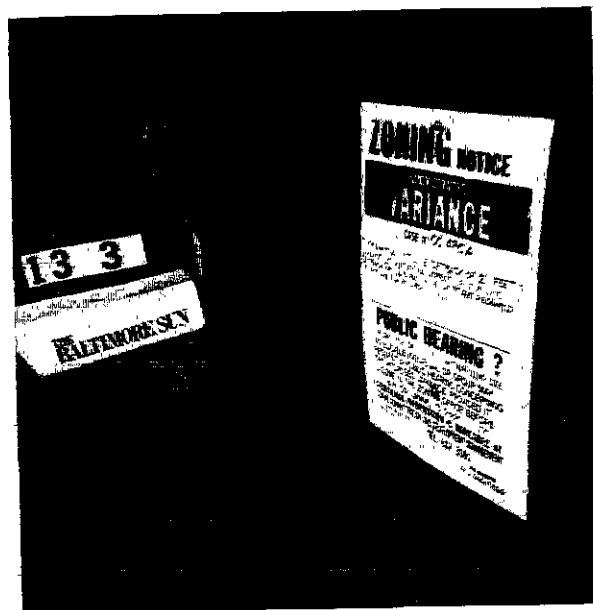
HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)

00-490-A
#13939-MANTUA MILL RD
KNOST, ETAL CL-6/19/00



00-490-A
 #13939-MANTUA MILL RD
 KNOST, ET AL
 CL-6/19/00

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 12, 2001 Issue – Jeffersonian

Please forward billing to:

W. Carl Richards Jr
Baltimore County Government
PDM
111 W Chesapeake Avenue
Room 111
Towson MD 21204

410 887-3391

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-490-A
13939 Mantua Mill Road
N/S Mantua Mill Road, 8/10 mile W centerline Geist Road
8th Election District – 3rd Councilmanic District
Legal Owners: Ramona and Victor ViVivo
Petitioner: Jack Dillon

Special Variance Hearing to permit Valley Planning Council had filed letter requesting hearing in Administrative Variance request in case # 00-490-A; however no hearing was scheduled and the requested relief was granted in violation of County Code requirements. This petition requests a Quasi-Judicial Hearing to review the relief granted in view of Sect. 104.3, Sect. 304 and Sect. 307 of the Baltimore County Zoning Regulations.

HEARING: Tuesday, July 31, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt GDZ

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 7, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows.

CASE NUMBER: 00-490-A
13939 Mantua Mill Road
N/S Mantua Mill Road, 8/10 mile W centerline Geist Road
8th Election District – 3rd Councilmanic District
Legal Owners: Ramona and Victor ViVivo
Petitioner: Jack Dillon

Special Variance Hearing to permit Valley Planning Council had filed letter requesting hearing in Administrative Variance request in case # 00-490-A; however no hearing was scheduled and the requested relief was granted in violation of County Code requirements. This petition requests a Quasi-Judicial Hearing to review the relief granted in view of Sect. 104.3, Sect. 304 and Sect. 307 of the Baltimore County Zoning Regulations.

HEARING: Tuesday, July 31, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: Jack Dillon, Executive Director, The Valleys Planning Council, Inc., 207 Courtland Avenue, Towson 21285
Ramona & Victor ViVivo, 13939 Mantua Mill Road, Glyndon 21071
George Doub, President, The Valleys Planning Council, Inc., 207 Courtland Avenue, Towson 21285

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JULY 16, 2001.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 490 -A Address 13939 Martin Mill Road

Contact Person: Mitch Kellman Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/22/08 Posting Date: 6/4/08 Closing Date: 6/19/08

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 (typically within 7 to 10 days of the closing date) 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 00- 490 -A Address 13939 Martin Mill Rd.

Petitioner's Name Victor DiVino Telephone (410) 234-0908

Posting Date: 6/4/08 Closing Date: 6/19/08

Wording for Sign: To Permit a lot line setback of 21 ft in
lieu of 35 ft and a street centerline setback of 66 1/2 ft
in lieu of 75 ft.

APPROVED SIGN POSTERS

Stacy Gardner Shannon-Baum Signs, Inc. 105 Competitive Goals Drive Eldersburg, MD 21784	Telephone: 410-781-4000 Toll Free: 800-368-2295 Fax: 410-781-4673
Richard Hoffman 904 Dellwood Drive Fallston, MD 21047	Telephone: 410-879-3122
Garland E. Moore 3225 Ryerson Circle Baltimore, MD 21227	Telephone: 410-242-4263 Mobile: 410-382-4470
Tom Ogle 325 Nicholson Road Baltimore, MD 21221	Telephone: 410-687-8405 Mobile: 410-262-8163 Fax: 410-687-4381
Patrick M. O'Keefe, Sr. 523 Penny Lane Hunt Valley, MD 21030	Telephone: 410-666-5366 Cell: 410-905-8571 Fax: 410-628-2574 410-882-2469
Linda M. Jones Daft-McCune-Walker, Inc. 200 East Pennsylvania Avenue Towson, MD 21286	Telephone: 410-296-3333 Fax: 410-296-4705
Staff Sergeant Robert A. Black 1508 Leslie Road Dundalk, MD 21222	Telephone: 410-282-7940 Cell: 410-499-7940 Pager: 410-373-9662 Work: 410-288-3284

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. ANY REPOSTING MUST ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A POSTER NOT SHOWN ON THE LIST ABOVE, PRIOR APPROVAL BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW IS REQUIRED.

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND ANY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES SINCE THEIR CHARGES MAY VARY.

WCR - Revised 11/17/99

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 00-490-A

Petitioner: Victor and Romona DiVivo

Address or Location: 13939 Martin Mill Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMES F. KNOST C/O KAHN + ASSOCIATES

Address: 207 E. REDWOOD ST 4TH FLOOR
BALTIMORE MD 21202

Telephone Number: 410 234 0500

Revised 2/20/98 - SCJ

5-2
no change
set in for
hewing

we pay for
ad + sign

Per Arnold
for TIM
KOTROCO

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: July 14, 2000

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 12, 2000
Item Nos. 489, 490, 491, 492, 493, 494,
495, 497, 498, 499, 500, and 502

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

RWB:HJO:jrb

cc: File

Date: June 22, 2000

To: Arnold L. Jablon, PDM

From: Bruce Seeley, DEPRM */s/*

Subject: Zoning Item # 490
13939 Mantua Mill Road

Zoning Advisory Committee Meeting of June 5, 2000

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

GROUNDWATER MANAGEMENT

The septic system must be relocated. A variance request must be submitted for the proposed garage to be located less than 30 feet from the well.

AGRICULTURAL PRESERVATION

The Department of Environmental Protection and Resource Management recommends denial of this request. This property is less than one acre and is thus an undersized lot by current standards. The proposed additions will result in overcrowding of the property, reduced impervious surfaces, and increased potential for conflict with agricultural uses of adjacent properties. The request for reduced setbacks should be denied. The property is zoned RC 2 and is adjacent to preserved agricultural properties. The reduction in setbacks would be detrimental to the general welfare and is inconsistent with the zoning because of potential conflicts with adjacent agricultural lands. The encroachment on the setbacks increase the potential for conflict over agricultural activities that include noise, dust and chemicals.

Reviewers: Sue Farinetti and Wally Lippencott **Date:** June 22, 2000

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: June 14, 2000

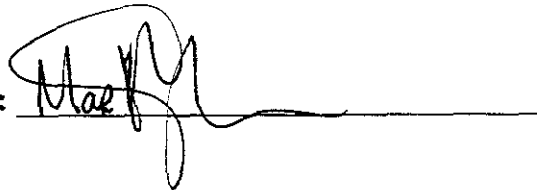
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 490, 494, 499, & 505

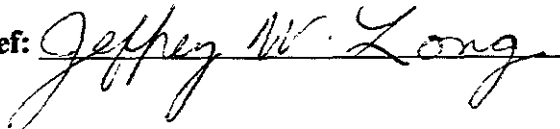
The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:



Section Chief:



AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 6.8.00

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

RE: Baltimore County
Item No. 490 MJK

Dear Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410 545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Zoning Commissioner

File
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

May 2, 2001

Mr. Jack Dillon, Executive Director
The Valleys Planning Council, Inc.
P. O. Box 5402
Towson, Maryland 21285-5402

Re: Petition for Administrative Variance
Case No. 00-490-A
Property: N/S Mantua Mill Road, 8/10 mile
W centerline of Geist Road

Dear Mr. Dillon:

Thank you for your letter dated May 1, 2001 regarding Case No. 00-490-A, and kindly accept this letter as a response thereto. My office has conducted an investigation regarding the issuance of this particular Order. At the time that the case was forwarded to my office for consideration of the variance request, your letter was not contained within the file. I can further state that the comment from the Department of Environmental Protection and Resource Management (DEPRM) dated June 22, 2000 was not in the file either. Therefore, at the time that my Order was issued concerning this variance request, there was no opposition to the work to be done on the DiVivo property and there was no request for hearing, as far as the file indicated. Apparently, the Department of Permits and Development Management (PADM) never filed your letter or the adverse comment from the Department of Environmental Protection and Resource Management in the case file.

It is the strict policy of our office, that any opposition to a request for administrative variance would automatically cause the matter to be set in for a public hearing. Furthermore, your letter dated June 5, 2000 specifically requests that a hearing be held on this variance. Considering your timely request for a hearing, the file should have never been transferred to my office for consideration. Your request for hearing should have been honored by PADM and the matter automatically set in for public hearing without the file ever coming to my attention. My secretary and I always review the file in order to determine whether there is any opposition or any request for hearing. If either of us find any such request or opposition, the matter is automatically set in for a public hearing and no order is issued.



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

Re: Case No. 00-490-A

Mr. Jack Dillon

May 2, 2001

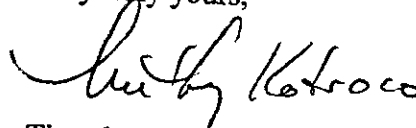
Page -Two-

Furthermore, it is our standard practice to hole-punch any and all letters and correspondence and securely fasten them in the case file when that file is returned to PADM, after an order is issued. As you can see from reviewing the file, there are no holes punched in your letter or the other correspondence previously mentioned. Therefore, we firmly believe that your letter and the DEPRM comment were not in the file at the time it came to our office or at the time it was returned to PADM. Apparently, these documents were placed in the file after the Order was issued and the file returned to PADM. Finally, it is our standard practice in every case to provide any interested party or anyone who writes a letter or appears at a hearing with a courtesy copy of my eventual decision. I note from the file that you were not copied with the decision rendered, for the simple reason that we had no knowledge or information that you had opposed this request or, in fact, requested a hearing.

In conclusion, I, in conjunction with Commissioner Schmidt, after reviewing the file and discussing the matter, believe that it is only appropriate that your letter and this case file be referred to Mr. Arnold Jablon, Director of Permits and Development Management for his office's assessment as to what appropriate steps should be taken to address this issue. It is our opinion that this problem should be addressed administratively and not by way of judicial review.

If my office can be of any further assistance, please do not hesitate to contact me.

Very truly yours,



Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj

Re: Case No. 00-490-A

Mr. Jack Dillon

May 2, 2001

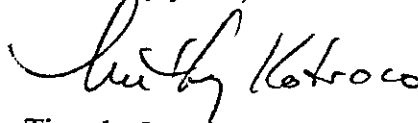
Page -Two-

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If my office can be of any further assistance, please do not hesitate to contact me.

Very truly yours,



Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj

**Copy hand-delivered to Arnold Jablon 5/3/01

After copy



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

May 2, 2001

Mr. Jack Dillon, Executive Director
The Valleys Planning Council, Inc.
P. O. Box 5402
Towson, Maryland 21285-5402

Re: Petition for Administrative Variance
Case No. 00-490-A
Property: N/S Mantua Mill Road, 8/10 mile
W centerline of Geist Road

Dear Mr. Dillon:

Thank you for your letter dated May 1, 2001 regarding Case No. 00-490-A, and kindly accept this letter as a response thereto. My office has conducted an investigation regarding the issuance of this particular Order. At the time that the case was forwarded to my office for consideration of the variance request, your letter was not contained within the file. I can further state that the comment from the Department of Environmental Protection and Resource Management (DEPRM) dated June 22, 2000 was not in the file either. Therefore, at the time that my Order was issued concerning this variance request, there was no opposition to the work to be done on the DiVivo property and there was no request for hearing, as far as the file indicated. Apparently, the Department of Permits and Development Management (PADM) never filed your letter or the adverse comment from the Department of Environmental Protection and Resource Management in the case file.

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Census 2000



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Census 2000



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on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

The Valleys Planning Council, Inc.

207 Courtland Avenue, Towson, Maryland 21204
Mailing Address: P.O. Box 5402, Towson, Maryland 21285-5402
Phone: 410 337-6877, Fax: 410 296-5409

May 1, 2001

MAY - 3

Mr. Timothy M. Kotroco, Deputy Zoning Commissioner
County Courts Building
401 Bosley Ave.
Towson, Maryland 21204

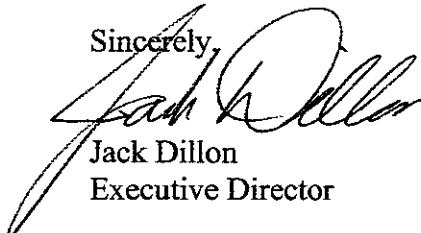
Re: Case No. 00-490-A
13939 Mantua Mill Road

Dear Mr. Kotroco:

Yesterday, to my surprise, I discovered that you granted an administrative variance for the property owned by Mr. and Mrs. Victor DiVivo under the above referenced case. As a result of the posting of this property last June and my receiving many phone calls from neighbors I filed a timely request for a public hearing on this property. My letter dated June 5, 2000 (attached) clearly requests *a full public hearing* for this property. Only now after receiving several calls from irate neighbors I discovered that on June 27, 2000, you granted the requested variances without notification to The Valleys Planning Council and without a public hearing. My review of the file verified that my letter of June 5, 2000, was properly initialed and in the file, yet in your order stating "*and there being no request for a public hearing*" you granted the requested variance on the documentation presented.

Although the DiVivo's are now well under construction, I must request that a Stop Work Order be issued and a full public hearing be scheduled. Please advise me as soon as possible of your decision.

Sincerely,



Jack Dillon
Executive Director

Cc: Arnold Jablon, Director, Permits and Development Management
George Doub, President, The Valleys Planning Council, Inc
Mr. & Mrs. DiVivo, 13939 Mantua Mill Road

The Valleys Planning Council, Inc.

207 Courtland Avenue, Towson, Maryland 21204
Mailing Address: P.O. Box 5402, Towson, Maryland 21285-5402
Phone: 410 337-6877, Fax: 410 296-5409

6/6/00

S
with
for file

June 5, 2000

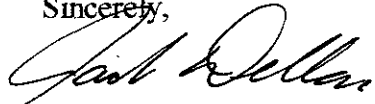
Mr. Arnold Jablon, Director
Department of Permits and Development Management
111 West Chesapeake Ave.
Towson, Maryland 21204

Re: Case No. 00-490 A, DiVivo property
13939 Mantua Mill Rd.

Dear Mr. Jablon

Please note this request on behalf of the Valleys Planning Council and others for a full public hearing on the above referenced property.

Sincerely,



Jack Dillon
Executive Director

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE, 8TH FLOOR
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4525
410-321-0600
TELECOPIER 410-296-2801

5/3/01
TO Wm -
put in file
CS
defect zoning com
has file
ELLIS LEVIN (1893-1960)

May 3, 2001

HAND DELIVERED

Mr. Arnold Jablon, Director
Baltimore County Department of
Permits and Development Management
111 W. Chesapeake Avenue, Suite 109
Towson, Maryland 21204

Re: 13939 Mantua Mill Road
Case No.: 00-490-A; DiVivo Property

Dear Mr. Jablon:

I have the pleasure of representing Mr. and Mrs. Victor DiVivo in connection with various properties which they own. I am aware that Mr. and Mrs. DiVivo formerly filed a Petition for Administrative Variance on the above-referenced property. It is my understanding that on June 27, 2000, Deputy Zoning Commissioner Timothy Kotroco issued a decision granting the variance relief as requested. My clients are not aware of any appeal having been filed from that decision. A copy of that decision is included for your reference.

After waiting more than thirty days after the date of Mr. Kotroco's decision, my clients proceeded with the proposed modifications to the property, including without limitation, making application for any and all required Baltimore County building permits. I am advised that all necessary building permit applications were reviewed and approved and building permits issued.

Mr. and Mrs. DiVivo have sold their existing home in the Granite area of the County and are anxiously awaiting the date that they can move into their home on Mantua Mill Road. I received a call on Tuesday, May 2, 2001 from Mr. DiVivo who was quite upset having received a copy of a letter sent by Jack Dillon, Executive Director of The Valleys Planning Council, Inc., a copy of which was apparently forwarded to you. In that letter, Mr. Dillon asserts that he, on behalf of the VPC, requested a full hearing on the Petition for Administrative Variance as filed. In support of that assertion, Mr. Dillon enclosed a copy of a letter dated June 5, 2000 that he suggests was sent to you requesting that a full public hearing on the Petition be held. My review of the document submitted by Mr. Dillon does not bear any evidence that it was ever filed or accepted for filing, such as a date-stamp indicating its receipt.

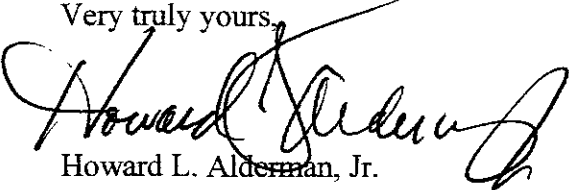
May 3, 2001

Page2

Nevertheless, my clients have acted in accordance with the law in all manner and respects. They applied for a variance pursuant to the procedures and policies set out in the Baltimore County Zoning Regulations. That variance was granted to them and not appealed. My clients then made application for and received all necessary Baltimore County building permits. They have proceeded in full reliance on the approvals and permits issued and have expended substantial sums in connection therewith. There is no basis for the issuance of a stop work order on the DiVivo property. The issuance of any such order to my clients, who are acting pursuant to validly issued permits, will result in irreparable damage to them and their property.

Should you need any additional information in preparing a response to the VPC denying their request for a stop work order, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Howard L. Alderman, Jr.", written over the typed name.

Howard L. Alderman, Jr.

HLA/pal

Enclosure

cc: Mr. and Mrs. Victor DiVivo

Mr. Jack Dillon, Executive Director

G:\Clients\DiVivo, Victor\Jablon-A.ltr-9996-1.wpd

HOWARD L. ALDERMAN, JR.
hald@lewinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE, 8TH FLOOR
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4525
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

August 28, 2001

**SENT BY TELECOPIER - 410-887-3468
AND MAIL**

Timothy M. Kotroco, Esquire
Deputy Zoning Commissioner for
Baltimore County
401 Bosley Avenue, Suite 405
County Courts Building
Towson, Maryland 21204

*Please place in file
TMC 8/28/01*

Re: DiVivo Property
Case No. 00-490-A (SPH)

Dear Mr. Kotroco:

I have reviewed your Findings of Fact and Conclusions of Law in the above-referenced case, as issued on August 20, 2001. I have also discussed the contents of that document with my clients, Mr. and Mrs. Victor DiVivo. Obviously, my clients agree with the action that you took granting the Motion made by me in open hearing, dismissing the Special Hearing Request filed by The Valleys Planning Council, Inc.

The purpose of this letter is to clarify the intentions of my clients, with respect to planting landscaping along the rear property line of their property, where it adjoins the property owned by Mr. and Mrs. Harold Green. As specifically enunciated by my client, Mr. DiVivo and his architect, Mr. James Knost, the DiVivos intend to install evergreen screening along their rear property line from the northwestern property corner where it adjoins the Green property and the adjacent Parcel No. 20, in a southeasterly direction up to the seventh (7th) fence post from that common property corner. The landscaping to be installed, as you are aware, is in the rear yard and not on the side yard where the de minimus variance was necessary. However, my clients have agreed to plant the landscaping as described at the hearing and in this letter as an accommodation to their neighbors.

This letter was written to clarify your order in the above-referenced case, as it did not contain the specifics of the landscaping which my clients indicated would be installed. Therefore, subsequent to your receipt of this letter we will annotate a site plan with the landscaping to be installed and submit it to Mr. Hardin for approval. I would appreciate it if you would include this letter in the file for purposes of clarification.

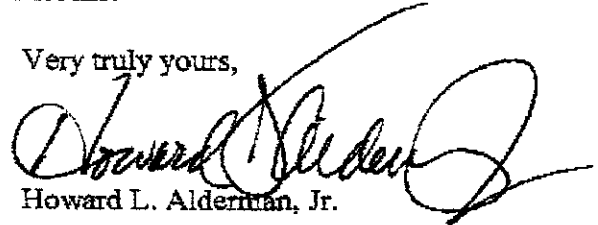
August 28, 2001

Page 2

LEVIN & GANN, P. A.

If you have any additional questions or need further information in support of the items raised in this letter, as always, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Howard L. Alderman, Jr.", with a large, stylized flourish at the end.

Howard L. Alderman, Jr.

HLA/pal

cc: Mr. and Mrs. Victor DiVivo

G:\Clients\DiVivo, Victor\ketroc-c-lm-9996-1.wpd

- (b) (1) Notwithstanding the above provisions, the zoning commissioner is hereby empowered to grant variances from area and height regulations, subject to the appropriate principles, standards, rules, conditions, and safeguards set forth in the zoning regulations, without a public hearing if the subject of the variance petition involves an owner-occupied lot zoned residential, as defined by the zoning regulations, and subject to the following conditions: (i) a supporting affidavit under oath made on the personal knowledge of the petitioner setting forth facts as to which would otherwise satisfy the petitioner's burden of proof as required by the zoning regulations if a hearing were to be required; (ii) the filing of such affidavit with the petition, to be in addition to the information required by the zoning commissioner on such petition; and (iii) on the lot in question, notice of the petition shall be conspicuously posted for a period of at least fifteen (15) days following the filing of the application. Within the fifteen-day posting period, any occupant or owner within one thousand (1,000) feet of the lot in question may file a formal request for a public hearing with the zoning commissioner, and such hearing shall be scheduled within seventy-five (75) days from receipt of the request for public hearing. If a formal request for a public hearing is not filed, the zoning commissioner, without a public hearing, may grant such a variance as described above if the proposed requested variance is in strict harmony with the spirit and intent of the height and area requirements of the zoning regulations, and any other applicable requirements.
- (2) If a formal request for a public hearing is not filed and notwithstanding any provision herein to the contrary, the zoning commissioner may, at his or her discretion, require a public hearing whereat the petitioner shall be required to satisfy the burden of proof required by the zoning regulations for such variance to be granted.

THAT THE VARIANCE RELIEF GRANTED IN
ZONING CASE 00-490-A ON
JUNE 27, 2000 WAS IN VIOLATION OF
COUNTY CODE REQUIREMENTS.

George See Me
JLLewis

PO Box 5402, Towson, MD 21285
Phone 410-337-6877
Fax 410-296-5409

**The Valleys Planning
Council, Inc.**

Fax

To: Tim Kotroco From: Jack Dillen
Fax: 410-877-3468 Fax: _____
Phone: _____ Phone: 410-337-6877
DATE: _____ #Pages: _____

☐ Urgent ☐ For Review ☒ Please Comment ☐ Please Reply ☐ Please Recycle

PO Box 5402, Towson, MD 21285
Phone 410-337-6877
Fax 410-296-5409

**The Valleys Planning
Council, Inc.**

Fax

To: Arnold Jablea From: Jack Dillon

Fax: 410-887-5708 Fax: _____

Phone: _____ Phone: 410-337-6877

DATE: _____ #Pages: _____

☐ Urgent ☐ For Review ☒ Please Comment ☐ Please Reply ☐ Please Recycle

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
FACSIMILE 410-296-2801

ELLIS LEVIN (1893-1960)

May 3, 2001

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME	TELEFAX NO.
Timothy M. Kotroco, Esquire	410-887-3468

FROM: HOWARD L. ALDERMAN, JR., ESQUIRE

NUMBER OF PAGES [INCLUDING THIS COVER PAGE]: 3

CLIENT/MATTER: DiVivo Property

COMMENTS: Here is a copy of a letter that is being delivered to Mr. Jablon in response to the letter sent to you by Jack Dillon.

[x] ORIGINAL WILL NOT BE MAILED

If you do not receive all of the pages indicated above, please call 321-0600 as soon as possible.
My return FAX Number is (410) 296-2801.

WARNING: UNAUTHORIZED INTERCEPTION OF THIS TELEFAX COMMUNICATION
COULD BE A VIOLATION OF FEDERAL AND MARYLAND LAW.

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13201 Mantua Mill Rd
Gwynnond Md. 21071

AUG - 18 2 11

TELETYPE

Sincerely,
JOANNE H. HILTZEL

who gave a luncheon to with
the neighborhood. Thank you
for your thoughtful ending - whatever
you choose to do.

JOANNE

Dear Mr. Kotroco -

I am a near neighbor of
M/M Victor Divivo. I was not at
the Tuesday 231 hearing as we
were returning from vacation in
New Hampshire.

I understand you are considering
their case. I support a fine for
punishing. But for the following reasons:

HUNTING RIDGE

Dear Mr. Kotroco,
My husband and I are neighbors of both
the Divivos and Greens. We should like you to note that
the reason we, and other neighbors, did not attend the
zoning-exception hearing for the Divivo property was because
we understood that a resolution between the Greens and Divivos
on appropriate landscaping at the back of the property was in
progress. Unfortunately, that agreement seems to have
collapsed. The agreement was to landscape the rear of
the Divivos property in order to ~~seem~~ give both parties a
good view of the natural countryside. The Greens did
have one when they bought their farm, but the
Divivos removal of large trees for their construction
of a larger house and garage containing an apartment
have replaced the foliage. It is our hope that the
Divivos will honor their pledge to landscape properly.

to insure a "Green View" for both parties. Then every-affected will have the enjoyment of a natural view of the countryside and a feeling of privacy.

We hope you now understand why more people did not attend this hearing to express their various points-of-view.

My husband and I express ours here in this note.

Thank you for your ear!

AUG 13

Most Sincerely,
Wa and Sherlock Gillet

August tenth, 2001

1) The house built a larger-house than disclosed. I originally misunderstood that the floor plan was too close to lot boundaries; it exceeds the limit by a mere 15 inches. They have far exceeded the 25% enlargement limit which was previously allowed - in 1991 - and about which they were warned. This sets a difficult precedent for your holding the line on small lots in Baginnee County.

2) Victor Divino doesn't seem to care if he breaks the law - V/S-A-VIS - the loan in the garage for his "mother" (maid?) that was otherwise named on the plans. That house went up very fast - beating the 2nd hearing. Best neighbors just gave up - or thought the issue addressed -

3) The fact that the VPC letter "disappeared" appears that someone was paid off.

If only to deny that - or to address attitude - or to set a precedent for future rulings on small lots - I think you should be tough. This comes from one

DA''E

7-17

Did this sign get
posted we were to
pay for it
last day is 7-17-01

Merza

Nancy Gomer

Country Day

410 239 1229

DAVE

6-7

Per Arnold and Carl I
need a sign put up by
at least Monday 7-16-01
on the sign what is
circled in red.

Thanks

George

Carl

7-17

Per Dave who
had the sign
ported it is up.

George

827

7300

no week of
~~10th~~
the 16 of
July

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

#00-400-A(SPI)

NAME

ADDRESS

~~Victor G. Klost~~
JAMES R. KLOST
Ramon J. Vivas

Howard L. Alderman Jr.

~~13939 Mantua Hill Rd~~
Reisterstown Md 21136
207 East Redwood St 4th Fl 21202
~~13939 Mantua Hill Rd~~
Reisterstown Md 21136
Levin & Gann, PA 902 Washington
Avenue Suite 801 Towson Md 21204



Case Number #00-490-A (SPH)

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

[illegible]

HAR01
14111 6F
TAX A
MAP 4

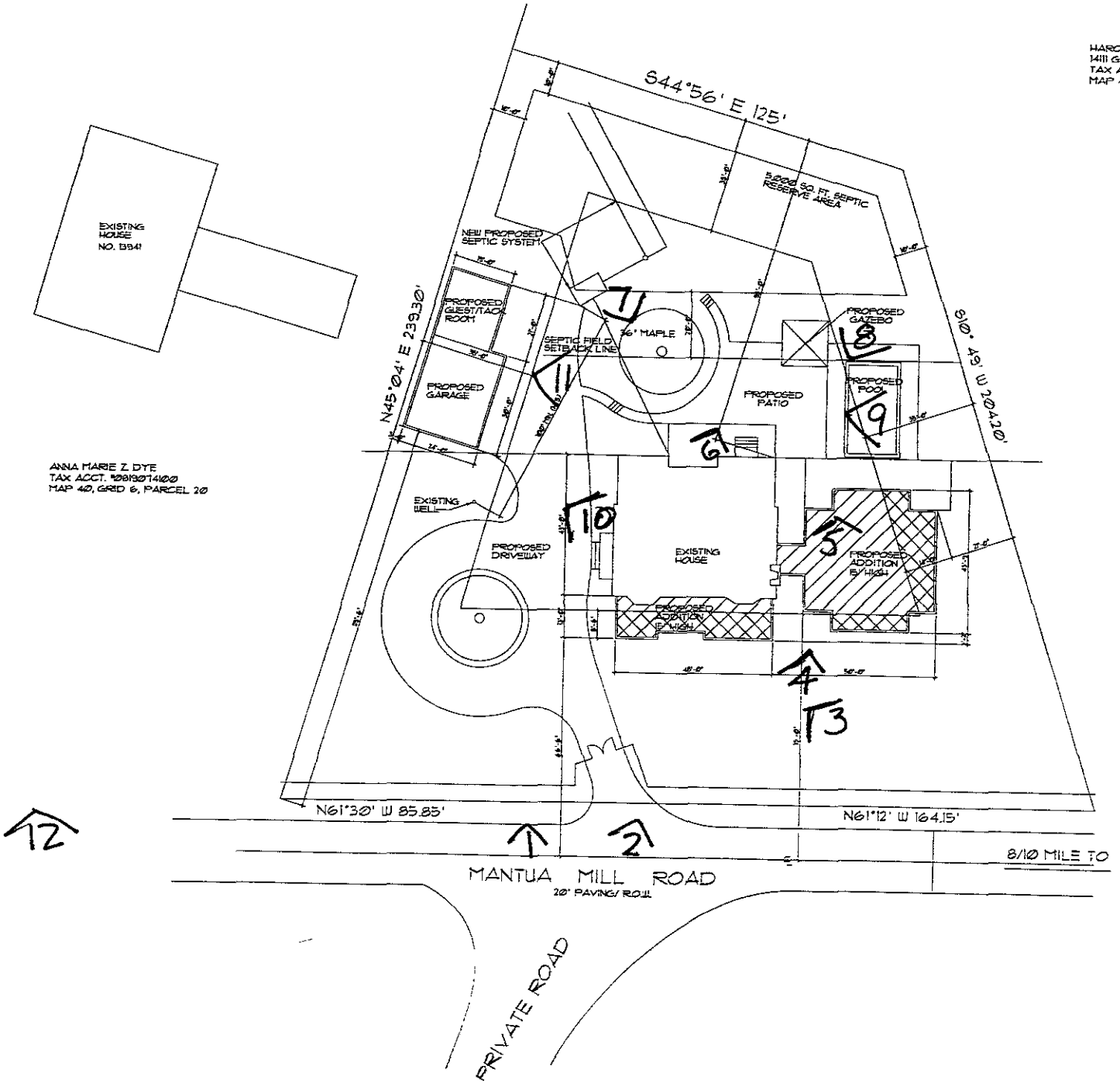
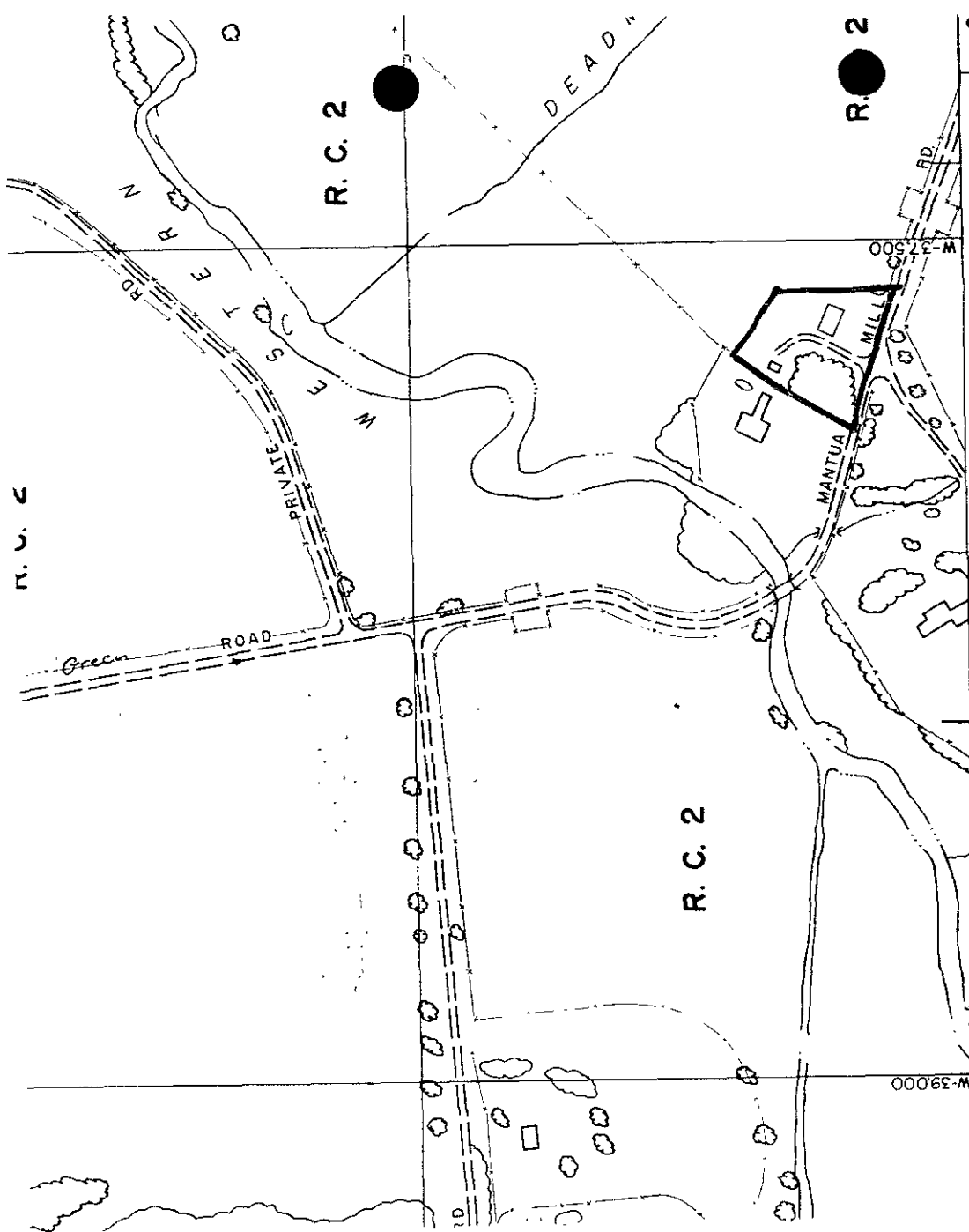


PHOTO KEY MAP

490
00-490-A



MORE COUNTY LANNING AND ZONING L ZONING MAP

(SHEET N.W. 19-6)

S

1"

1"

1"

1"

1"

1"

1"

1"

1"

1"

1"

1"

1"

1"

1"

R. C. 2

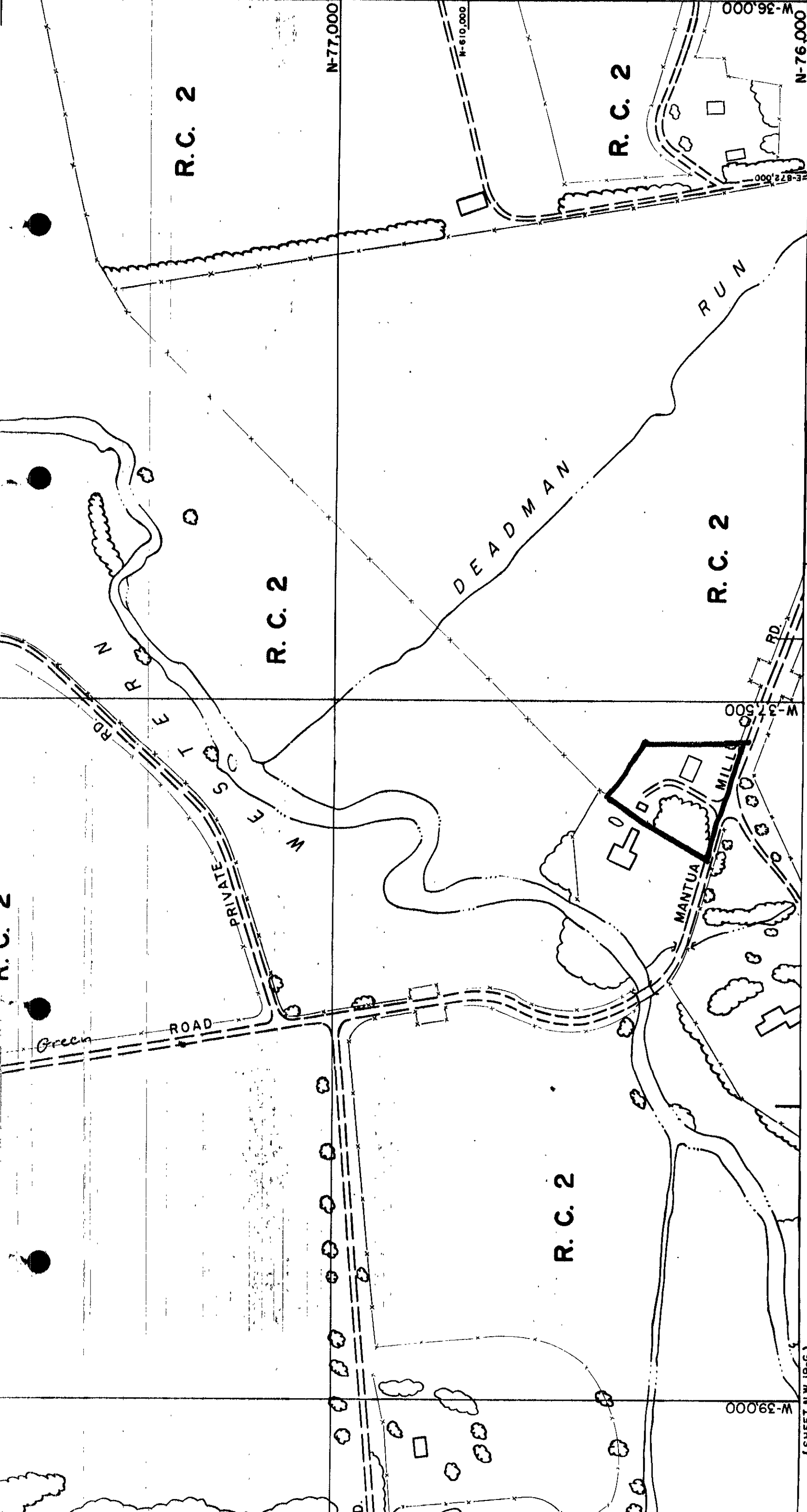
R. C. 2

R. C. 2

W-39.000

R. C. 2

PHOT
JA

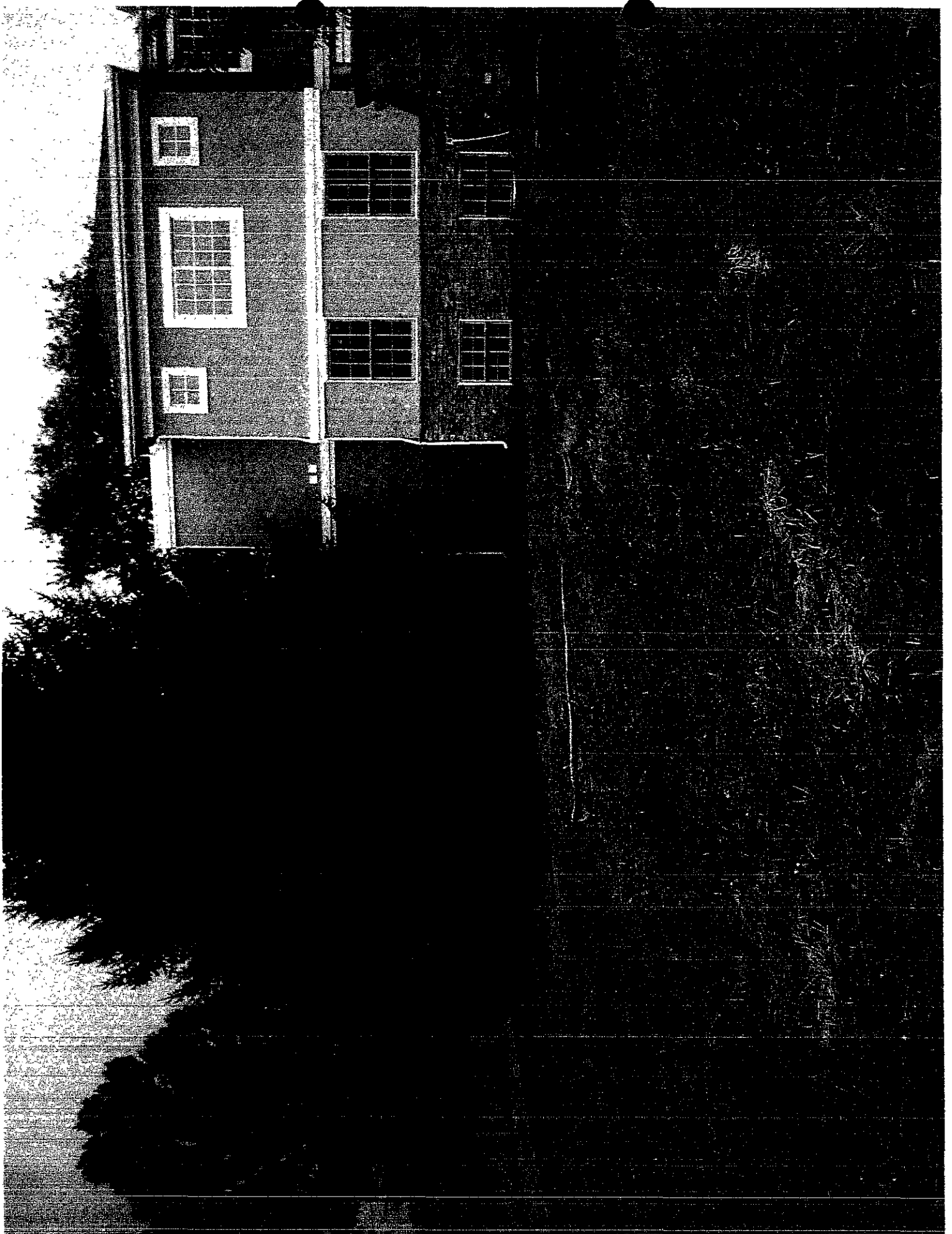


MORE COUNTY PLANNING AND ZONING MAP		SCALE 1" = 200' ±	LOCATION NORTH OF MANTUA #490-A	SHEET N.W. 20-G

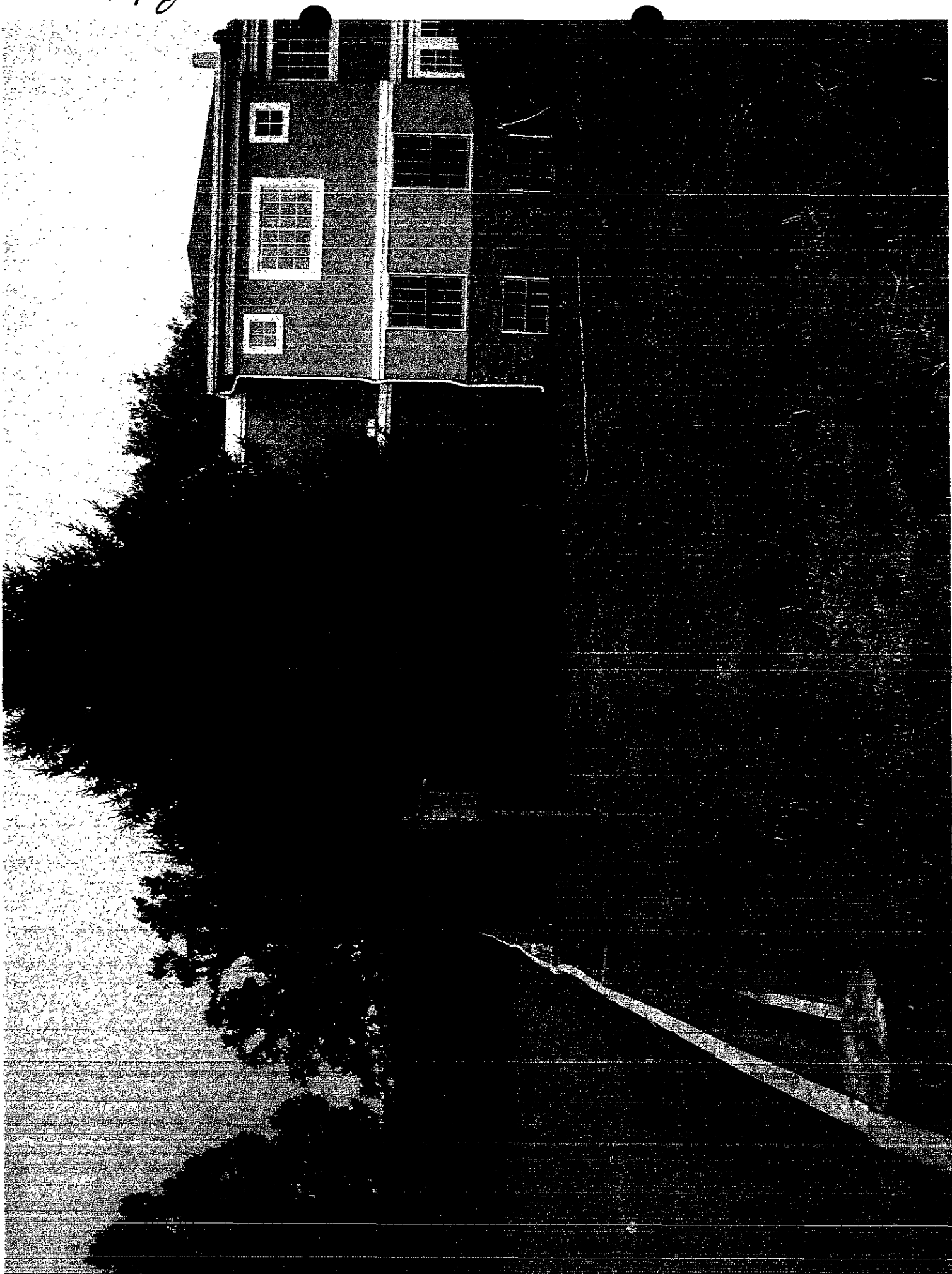
R1A



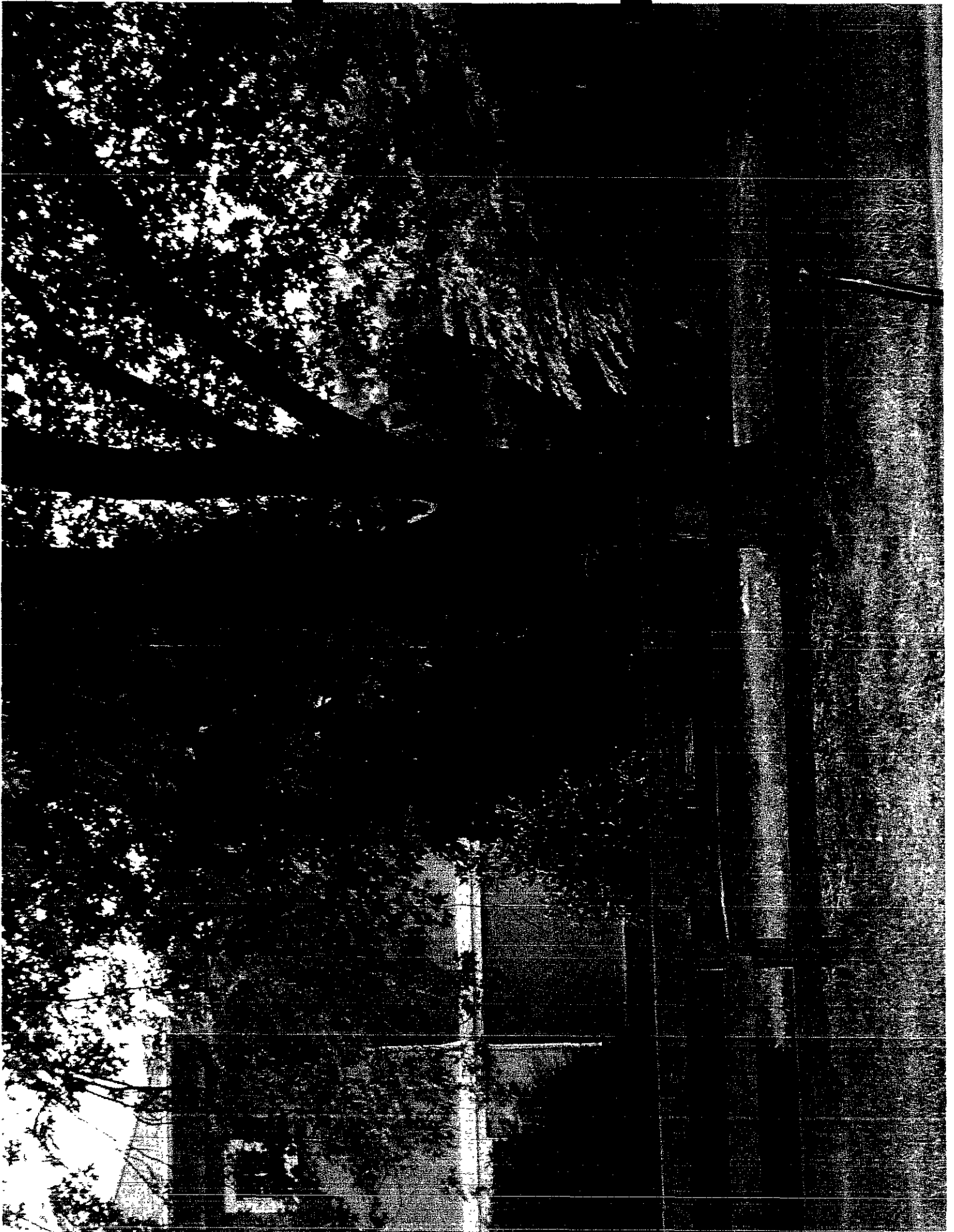
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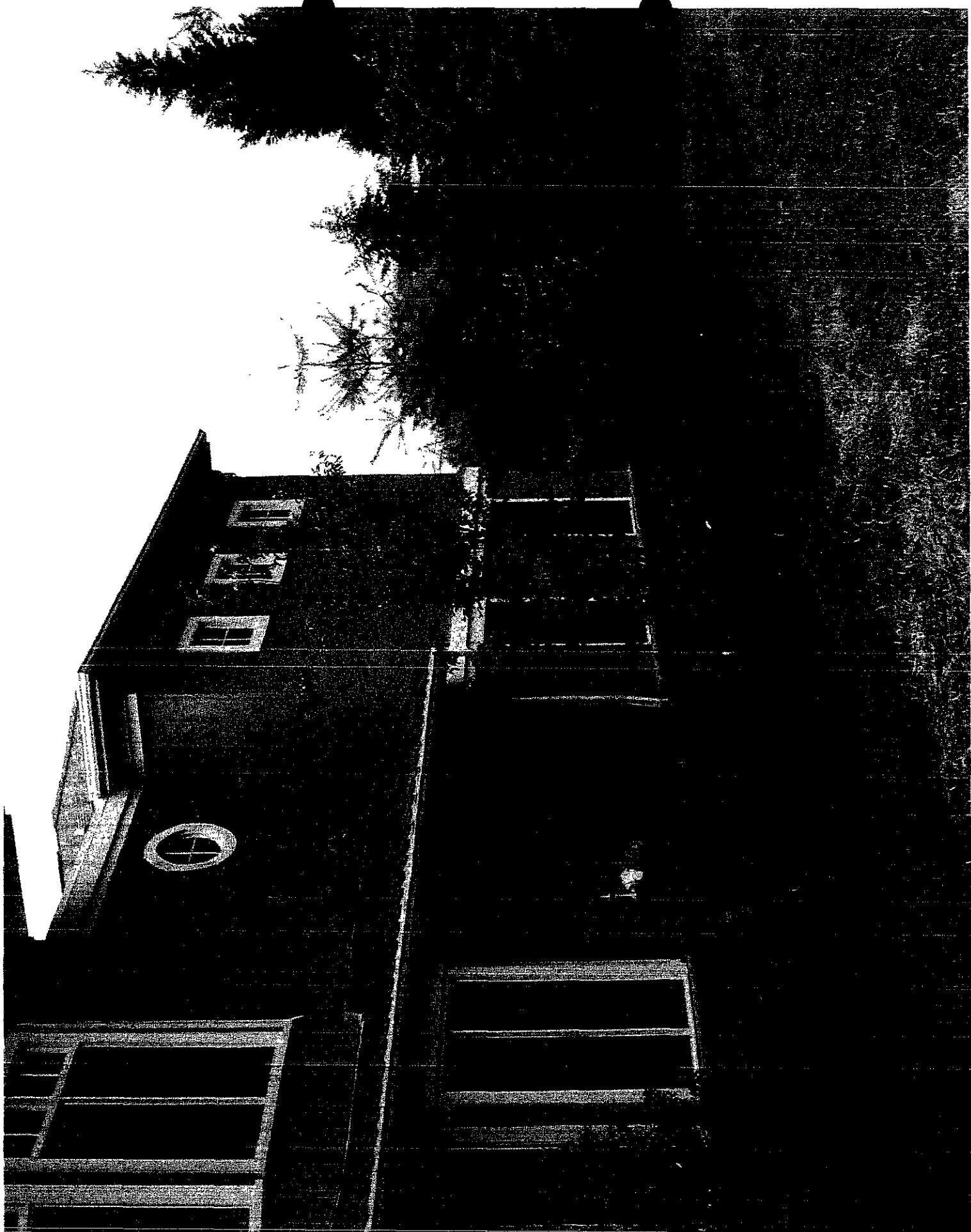
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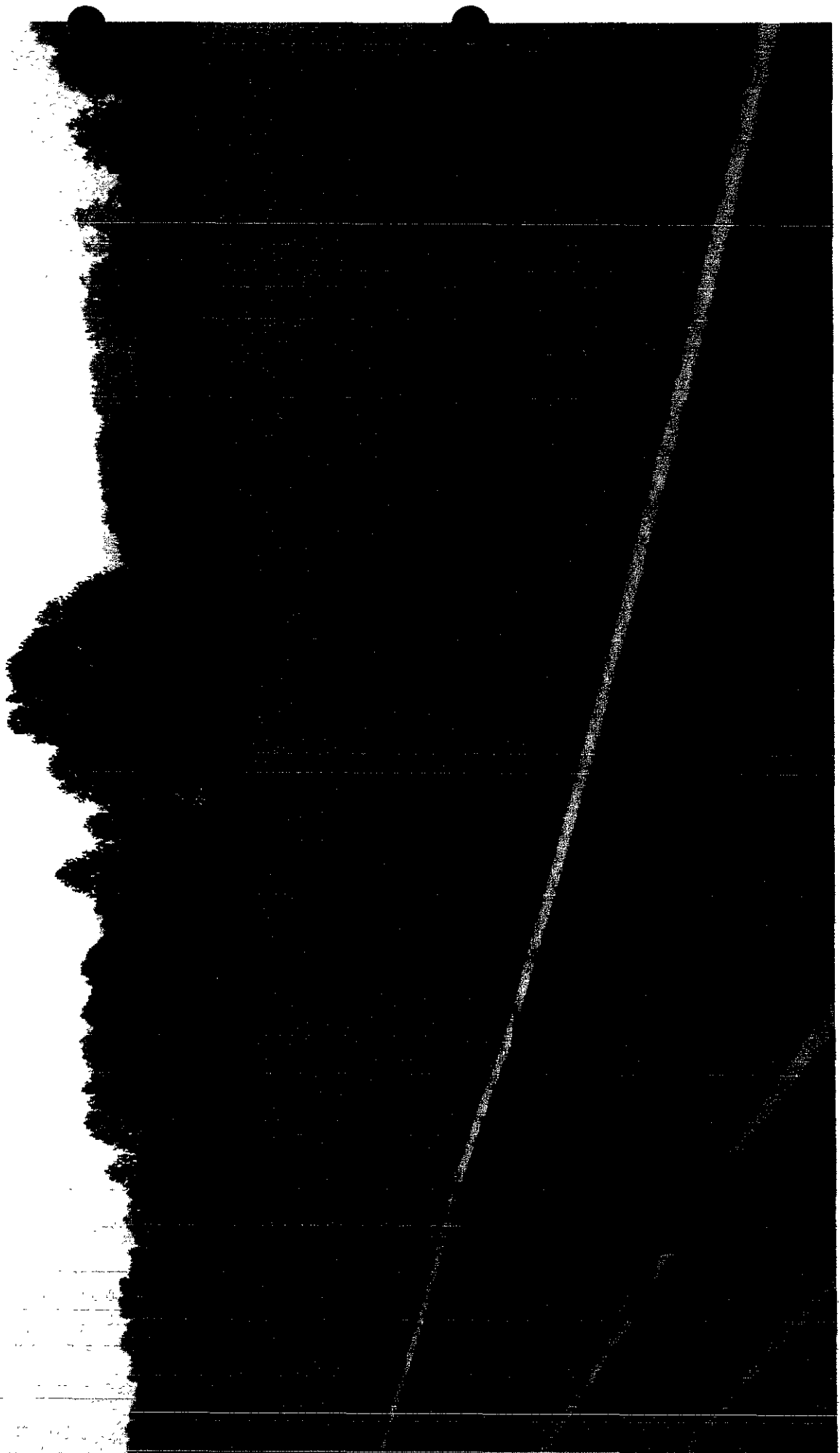
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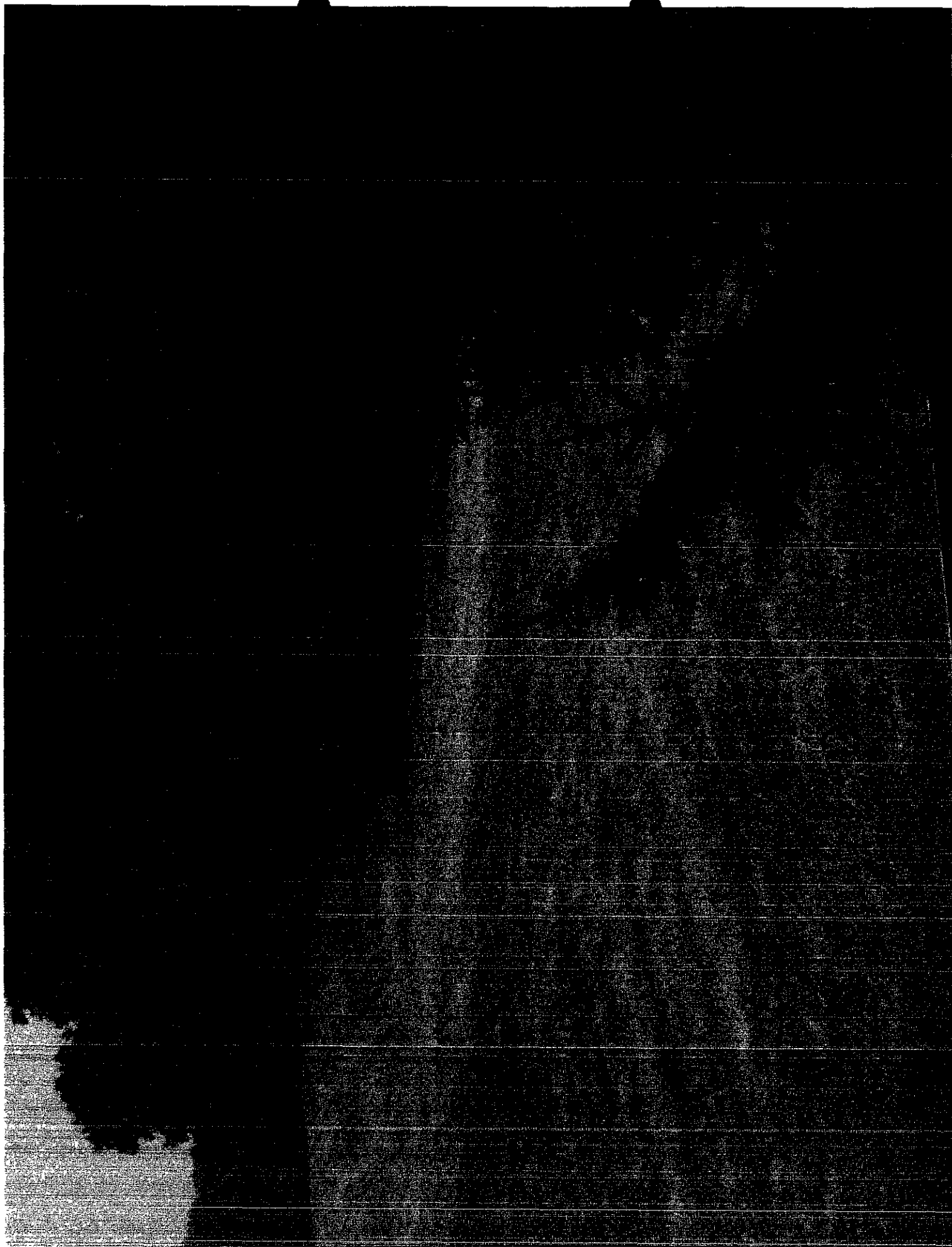
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#17



517



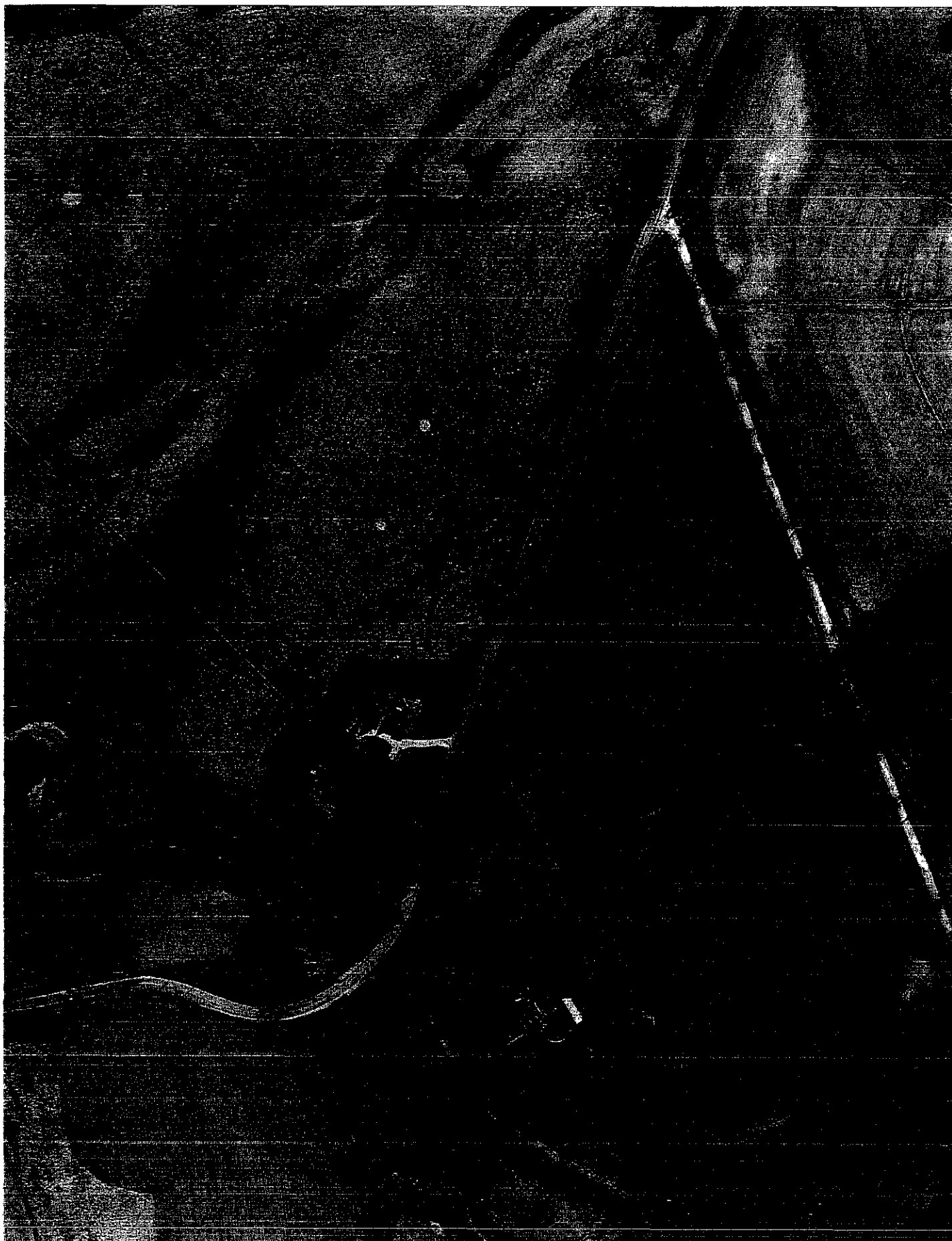
215



1 # 127 101



2025



Box 3



①



②

00-490-A# 496



③



④

00-490-A # 490



(6)



(5)

00-490-A # 490



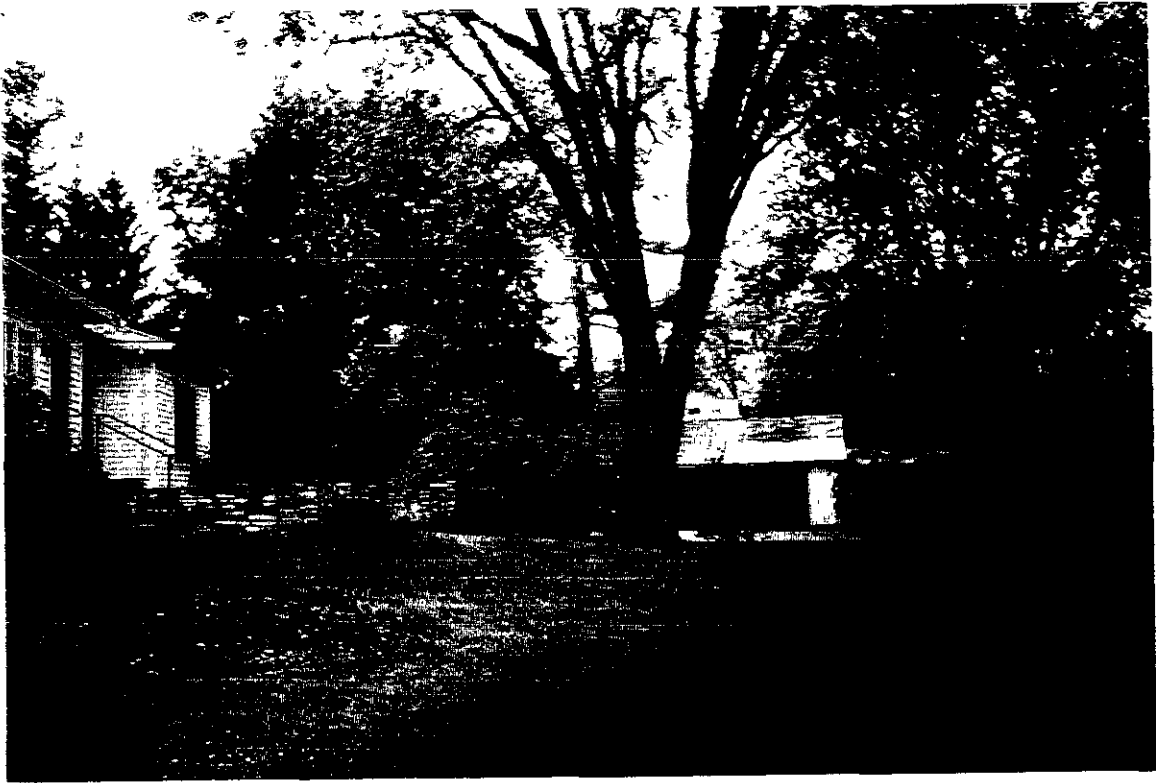
(7)



(8)

00-490-A

490



⑨



⑩

00-490-A

490



(11)



(12)

00-490-A

490

George, ^{7/16}

Is this
postal - Last Day

7/17
Important! Carl

PROPOSED ADDITION FOR:

THE DIVIVO RESIDENCE

13939 MANTUA MILL ROAD
GLYDON, MARYLAND

DRAWINGS PREPARED BY:
caddworks

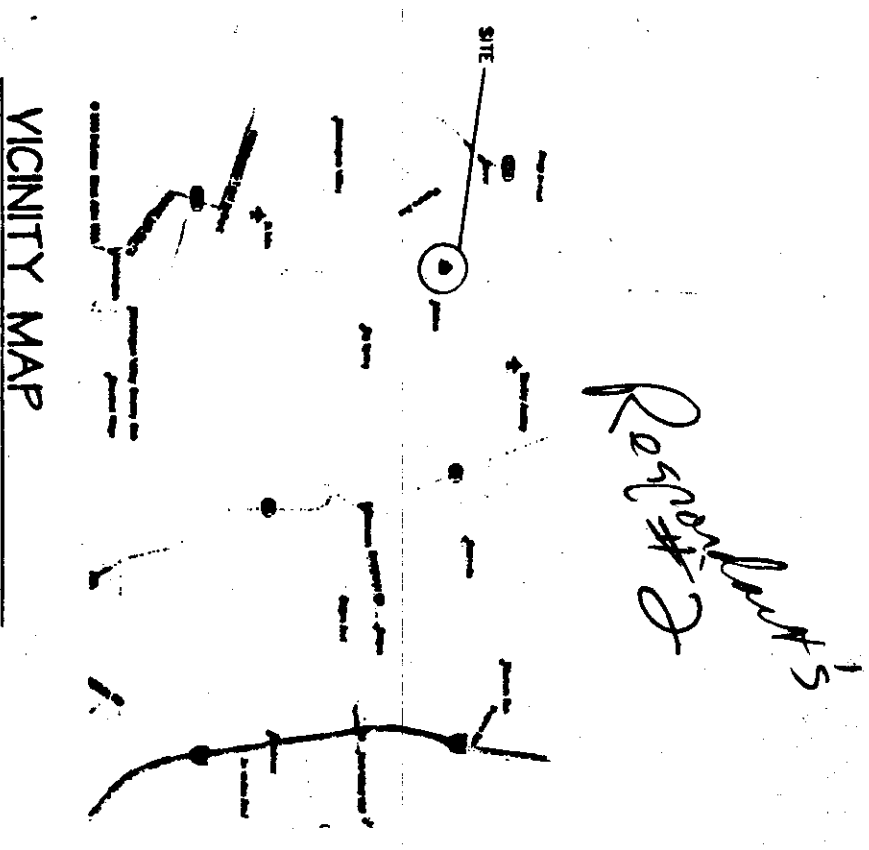
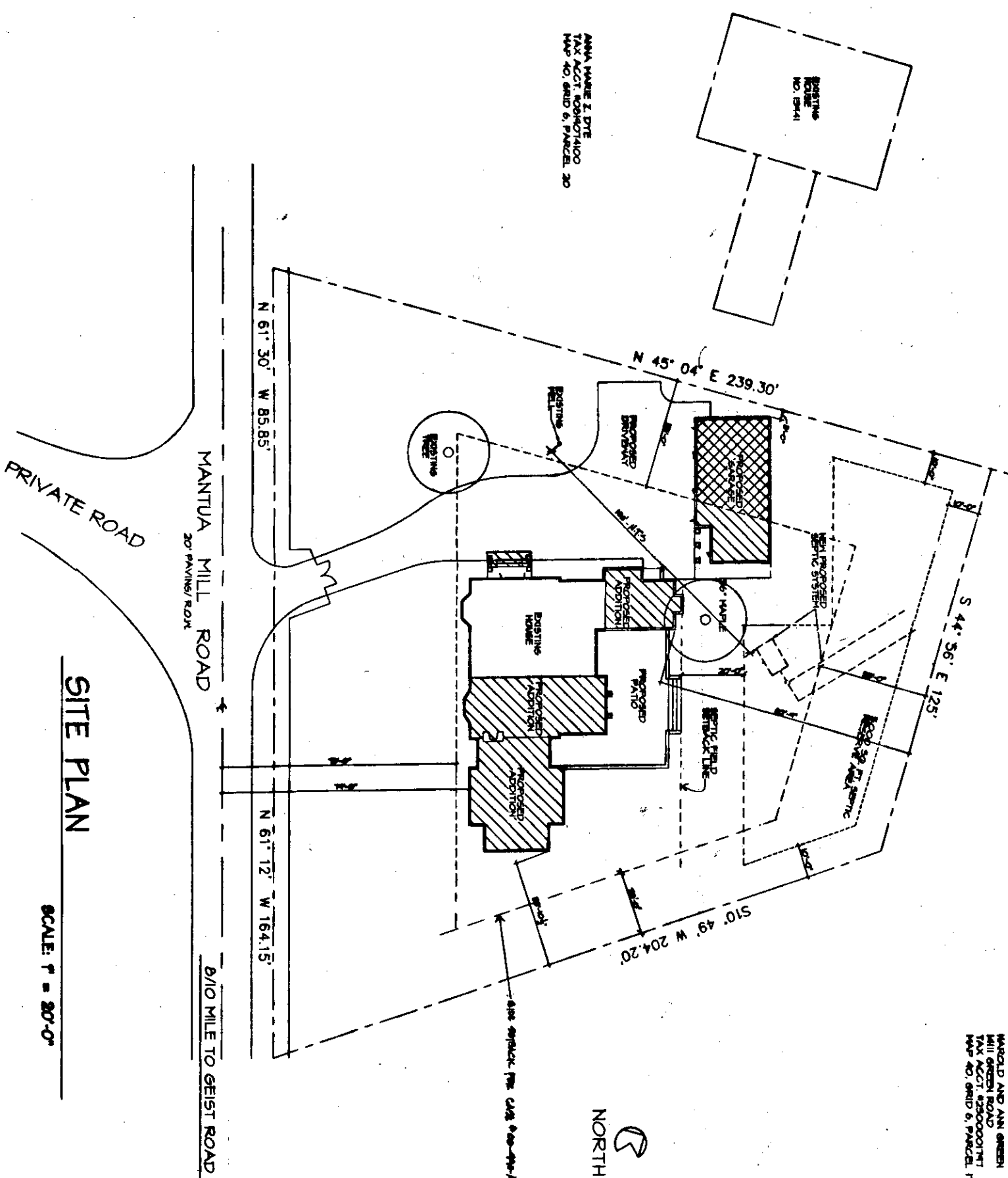
852 WEST PATRICK STREET
FREDERICK, MARYLAND 21701
VOICE: (301) 695-9121 FAX: (301) 695-4566
E-MAIL: CADWORKS@AOL.COM
WEB SITE: WWW.CADWORKS.NET

KINGDESIGN / GARY KING
207 EAST REDWOOD ST. 4th FLR.
BALTIMORE, MARYLAND 21202
(410) 649-1061
(410) 539-4921 (FAX)

PROPERTY ADDRESS 13939 MANTUA MILL RD
OWNER VICTOR AND RAMONA DIVIVO

LOCATION INFORMATION
COUNTYMANIC DISTRICT 8
ELECTION DISTRICT 1
T-200' SCALE MAP NW - 206
ZONING RC-2
LOT SIZE: ACREAGE .800
SQUARE FOOTAGE 39,215

SEWER PRIVATE
WATER PRIVATE
CHESAPEAKE BAY CRITICAL AREA NO
PRIOR ZONING HEARINGS NONE





PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

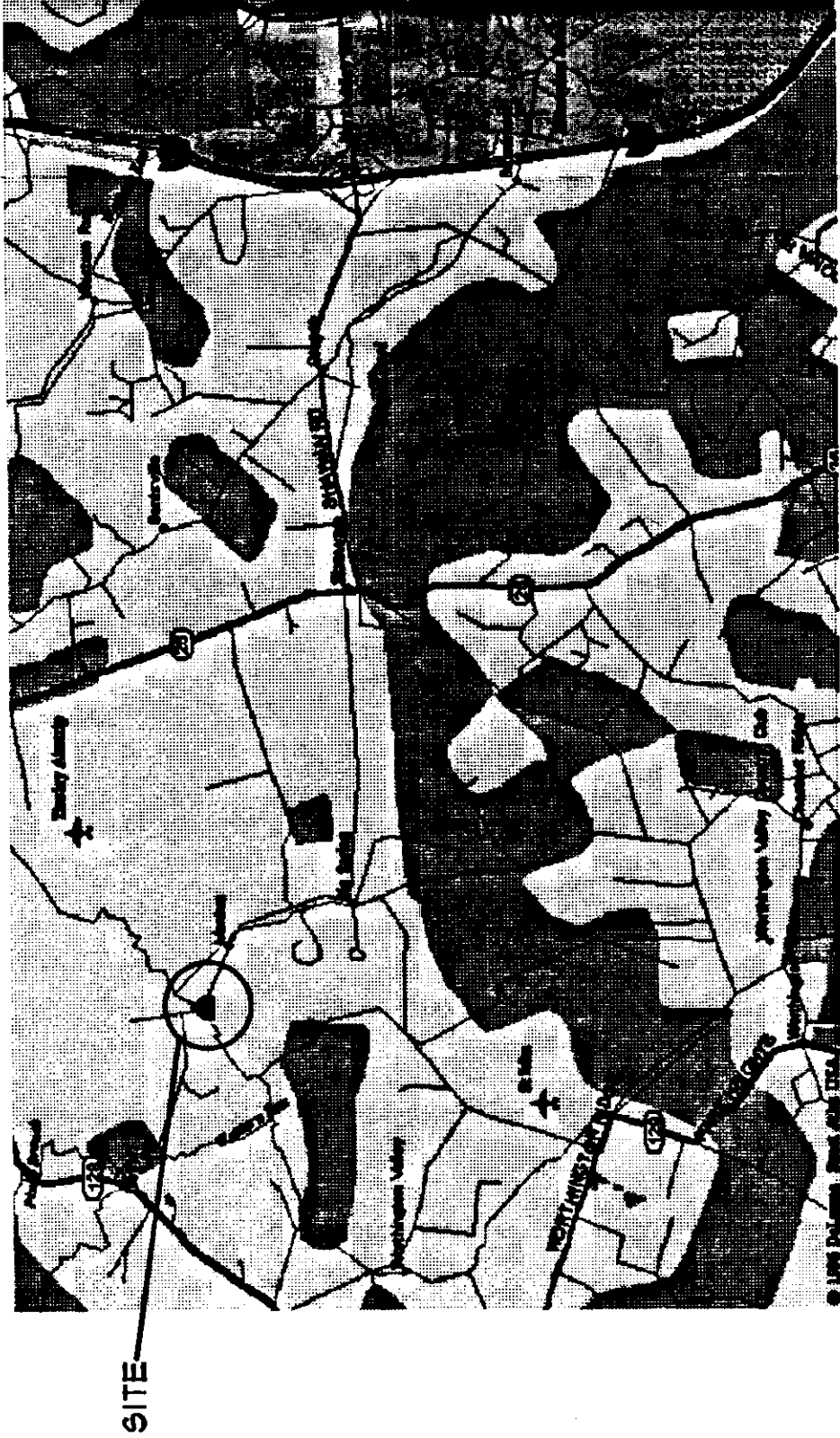
SCALE	LOCATION	SHEET
1" = 200' ±	NORTH OF MANTUA # 490	NW
DATE OF PHOTOGRAPHY JANUARY 1986		20-G
		00-490-

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

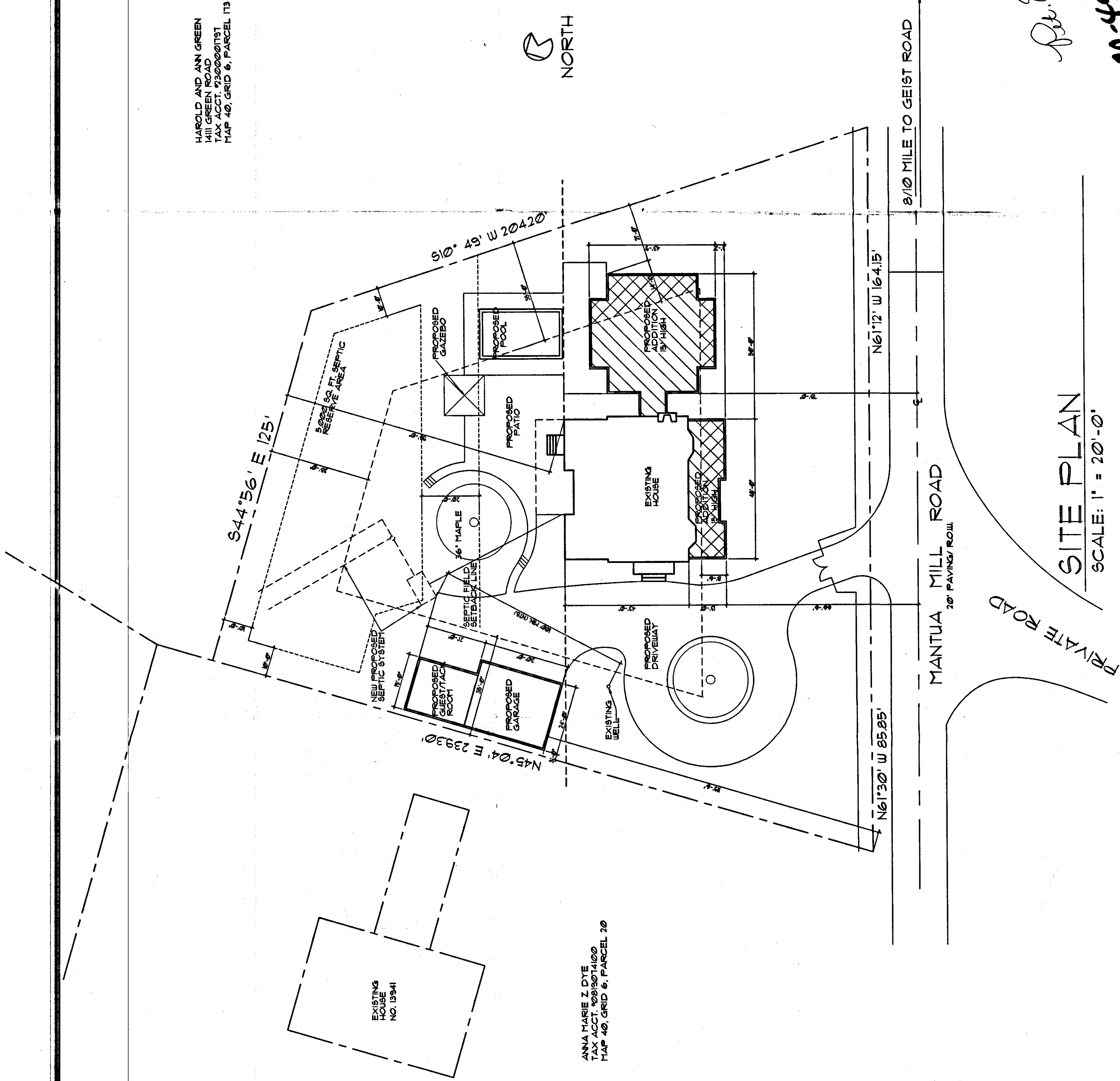
PROPERTY ADDRESS 13339 MANTUA MILL RD
OWNER VICTOR AND RAMONA DIVIVO

LOCATION INFORMATION
COUNCILMANIC DISTRICT 83
ELECTION DISTRICT 28
1" = 200' SCALE MAP NW - 20G
ZONING RC-2
LOT SIZE: ACREAGE 3.00
SQUARE FOOTAGE 39215

SEWER PRIVATE
WATER PRIVATE
CHESAPEAKE BAY CRITICAL AREA NO
PRIOR ZONING HEARINGS NONE



VICINITY MAP



Rev. #1

00-490-A#490

SITE PLAN

SCALE: 1" = 20'-0"

KA
Kann and Associates Inc.
207 East Redwood Street
Fourth Floor
Baltimore, MD 21202
410 234 0800
410 539 4921 Fax
Architecture
Planning
Preservation
Interior Design
Facilities Management

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13339 MANTUA MILL RD
GLYNDON, MD 21136
RESIDENCE

Divivo

Revisions:	Date:

Revised For:
☐ Preliminary Only
☐ Bidding
☐ Permit
☐ Construction
Drawn by: JF 5/22/00
Designed by: JF/FA 5/22/00
Quantity Check by: JF 5/22/00

Project Number:
Sheet Title:

SITE PLAN

SP-1