BEFORE THE

*

N side Mussula Road, 245 feet E centerline Pleasant Plains Road 9th Election District

IN RE: PETITION FOR ADMIN. VARIANCE

5th Councilmanic District

(1610 Mussula Road)

BALTIMORE COUNTY *

DEPUTY ZONING COMMISSIONER

Mary G. Piniotti Petitioner

CASE NO. 07-198-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for

Administrative Variance filed by the legal owner of the subject property, Mary G. Piniotti. The variance request is for property located at 1610 Mussula Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) to have a side yard setback of 9 feet in lieu of the required 10. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner states that she would like to build an 11 foot x 15 sunroom on the rear of her house. The house is a row house so the proposed location is the only location she can build the room. There is an existing covered patio at this location, but the roof and concrete are both in need of replacement. The shape of the lot is a triangle with 31 feet in the front but only 16.5 feet in the rear which results in a side setback of 9 feet in lieu of the required 10 feet.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated November 22, 2006. That Office does not oppose the Petitioner's request for a sunroom addition as long as the addition is a first floor addition only.

STORES OF SE

Applicable Law

NAME OF THE PARTY OF THE PARTY

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 11, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits and photographs 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 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, extrict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 7th day of December, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) to have a side yard setback of 9 feet in lieu of the required 10 be and is hereby GRANTED, subject to the following:

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

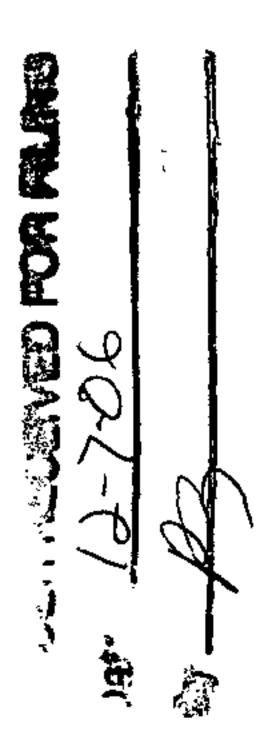
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz





JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

December 7, 2006

MARY G. PINIOTTI 1610 MUSSULA ROAD BALTIMORE MD 21236

Re: Petition for Administrative Variance

Case No. 07-198-A

Property: 1610 Mussula Road

Dear Ms. Piniotti:

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,

John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Mike Diehl, 7110 Golden Ring Road, Baltimore MD 21221

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fo	r the property	Incated at	1610 Mü	ssula Rd.
PETITION FOR ADMINISTRATIVE	_	_	s presently zoned	DR 5.5
			,	
This Petition shall be filed with the Depart owner(s) of the property situate in Baltimore (made a part hereof, hereby petition for a Varia	County and which ance from Section	is described in (s)	the description and	plat attached hereto and
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l, or we, agree to pay expenses of above Variance regulations and restrictions of Baltimore County at	advertisina, post	ing, etc. and furt	her agree to and are	to be bounded by the zoning
		perjury, that I		m, under the penalties of er(s) of the property which
Contract Purchaser/Lessee:	•	Legal Own	ner(s):	
			/ G Piniotti	
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Attorney For Petitioner:			ussula Rd.	(410)828-1134
•	,	Address Baltin	244 244	MD 21286
Name - Type or Print		City	1O1.C	MD 21286 State Zp Code
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	Varadon	Mike Die	hl .	······································
Company	•	Name 7110 Col	dan Dária Dona	 410 700 006
Address	elephone No.	7110 Gol	den Ring Road	1410-780-006.
City	Zip Code	Baltimor City	<u>:е</u>	MD 21221 State Zp Code
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CASE NO. = 07 - 198 -	K Revi	ewed By	Date Date	11-1-06
REV 10/25/01	Estir	nated Posting	Date	

A PENER FUND

By





Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as

That the Affiant(s) does/do presently reside at	1610 Mussula	Rd.	· ·
•	Address		24000
	Baltimore	MD State	21286 Zip Code
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the facts upon ip or practical difficulty):	which I/we base the requ	est for an Administrative
I would like to build a patio of (11' x 15') on the rear of my of My problem is the shape of my a triangle, with 31ft in the first the control of the result is I will only have a setback of 9ft in lieu of the required 10ft. Being this is a home this is the only location build this room. There is an	home. lot is ront e ide row I can		
existing covered patio at this location but the roof and condare both in need of replacement	crete t.		-
This being so I am asking for a variance of a side setback of in lieu of 9ft.			
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand is filed, additional information.	Affiant(s) will be required	to pay a reposting and
Mary Direcotte			
· \	Signatu	i ()	
Mary G Pinciotti Name - Type or Print	Name -	Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIN		 	
of Maryland, in and for the County aforesaid, pe	rsonally appeared	, <u>200 6</u> , before me, a.	Notary Public of the State
the Affiant(s) herein, personally known or satisfic	actorily identified to me	as such Affiant(s).	
AS WITNESS my hand and Notarial Seal	A		

My Commission Expires

DELORES A. KAZMERSKI Notary Public Notary Public Hartord Go., MD My Comm. Exps. Nov. 1, 2009

Affida Vit in Support of Administrative Variance

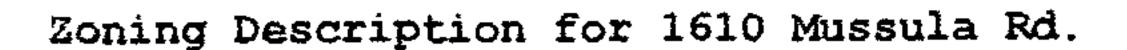
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STATE OF MARYLAND, COUNTY OF BALTIN	· · · · · · · · · · · · · · · · · · ·			.	
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Maria G. Pin ciot	. `				
the Affiant(s) herein, personally known or satisf	actorily identified to	me as such Af	fiant(s).		
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My Commission Expires

My Comm. Exps. Nov. 1, 2000

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	for the proper	ty located at	10 Mussula	D.A
PETITION FOR APMINISTRATIVE	E VARIANCE	which is presently	romad 1	nu.
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(sunroom) to have a	side yard sethac	k of 9 Feet in lieu	of the requ	an addition ived 10
of the zoning regulations of Baltimor of this petition form.	re County, to the zoning	law of Baltimore County, for t	he reasons indici	ated on the back
Property is to be posted and adverti- l, or we, agree to pay expenses of above regulations and restrictions of Baltimore	ve Variance, advertisino, b	osting, etc. and further agree to a	and are to be boun county.	ded by the zoning
		I/We do solemnly declare a perjury, that I/we are the least the subject of this Petitio	gal owner(s) of the	
Contract Purchaser/Lessee:	-	Legal Owner(s):		
Name - Type or Print Signature Signature		Mary G Pinic Name - Type or Print Signature Signature	fund/	······································
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Attorney For Petitioner:		1610 Mussula R	d. (4	10) 828-1134 Telephone No.
Name - Type or Print	·	Baltimore City	MD State	21286 Zip Code
Signature	• 	Representative to be		
	سم علم من من النفي من يكون المعروب من عن من	Mike Diehl		
Address	Telephone No.	7110 Golden Ring	Road 4	10-780-0062
,	:	Baltimore	MD	21221
City	e Zip Code	City	State	Zip Code
A Public Hearing having been formatly diffusions of Baltimore County and that the	property be reposted.	Zoning Commission	ning Commissioner ner of Baltimore Cou	my die zoning
PEV 10/25/01 AND THE STATE OF T	FCA FILATO	timated Posting Date		
12-1-0	00			



Beginning at a point on the North side of Mussula Rd. which is 50 ft. wide at the distance of 245 ft. east of the centerline of the nearest improved intersecting street Pleasant Plains which is 50 ft. wide. In the subdivision of RidgeLeigh as recorded in the Baltimore county Plat Book #13, Folio #72, containing 3,220 sq. ft. Also known as 1610 Mussula Rd. and located in the 9th election district, 5th Councilmanic District.

Item #198

AGENCY MISCELLANEOUS BUDGET BALTIM OFFICE FOR

CERTIFICATE OF POSTING

RE: Case No.: 27-198-A
Petitioner/Developer: 21ARY Date of Hearing/Closing: 11. 27-04 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(410) 887-3394} 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: 16/0 MUSSULA RD The sign(s) were posted on (Month, Day, Year) Sincerely, 11-12-06 (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road CASE + 07-198-A TO PERMIT A PROPOSED ADDITION (SURFOUN) TO MINE # SHOP YARD ESTERNA OF 9 FRET IN LIFE OF THE MICHIES NO. (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

· · · · · · · · · · · · · · · · · · ·
Case Number 07- 198 -A Address 1610 Mussula Rd
Contact Person: David Daval Phone Number: 410-887-3391
Filing Date: 11-1-06 Posting Date: 11-12-06 Closing Date: 11-27-06
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. <u>DEADLINE:</u> 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.
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 07- 198 -A. Address 1610 Mussula Rd
Petitioner's Name Mary Piniotti Telephone 410 828 1134
Posting Date: 11-12-06 Closing Date: 11-27-06
Nording for Sign: To Permit a proposed addition (sunroom) to have a side yard setback of 9 feet in lieu of the required 10

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 07-198-A
Petitioner: Mary Piniotti
Address or Location: 1610 Mussula RV Balto Md. 21286
PLEASE FORWARD ADVERTISING BILL TO:
Name: Champion
Address: 7110 Golden Ring Rd
Balto 110 21221
Telephone Number: <u>410 - 780 - 0062</u>



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

November 27, 2006

Mary G. Piniotti 1610 Mussula Road Baltimore, MD 21286

Dear Ms. Piniotti:

RE: Case Number: 07-198-A, 1610 Mussula Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 1, 2006.

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:amf

Enclosures

c: People's Counsel Mike Diehl 7110 Golden Ring Road Baltimore 21221

Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 9,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 13, 2006

Item Number(s): 193 through 201

198

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



Visit the County's Website at www.baltimorecountyonline.info

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 9, 2006

Department of Permits & Development

Management

OH

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 13, 2006

Item Nos. 07-193, 197, 198, 199, 200 and 201

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

DAK:CEN:cab

cc: File

ZAC-NO COMMENTS-11132006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 22, 2006

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

1610 Mussula Road

INFORMATION:

Item Number:

7-198

Petitioner:

Mary G. Piniotti

Zoning:

DR 5.5

Requested Action: Administrative Variances

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit a proposed sunroom addition to have a side yard setback of 9 feet in lieu of the required 10 feet. It should be noted by the zoning commissioner that the said position is based on the predication of a first floor addition only. Further, these comments do not imply support for additions to the existing single family semi-detached, which may rise above the first level of the structure.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Division Chief:

AFK/LL: CM



Robert L. Ehrlich, Jr., Gonernor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: NOVEMBER 8, 2006

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

Dear Ms. Matthews:

RE: Baltimore County

Item No. 7-198-A

1610 MUSSULA ROAD

MARY G. PINIOTTI PROPERTY

VARIANCE - A PROPOSED ADDITION

(SUNROUM) SIDE YARD SETBACK

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-198-A.

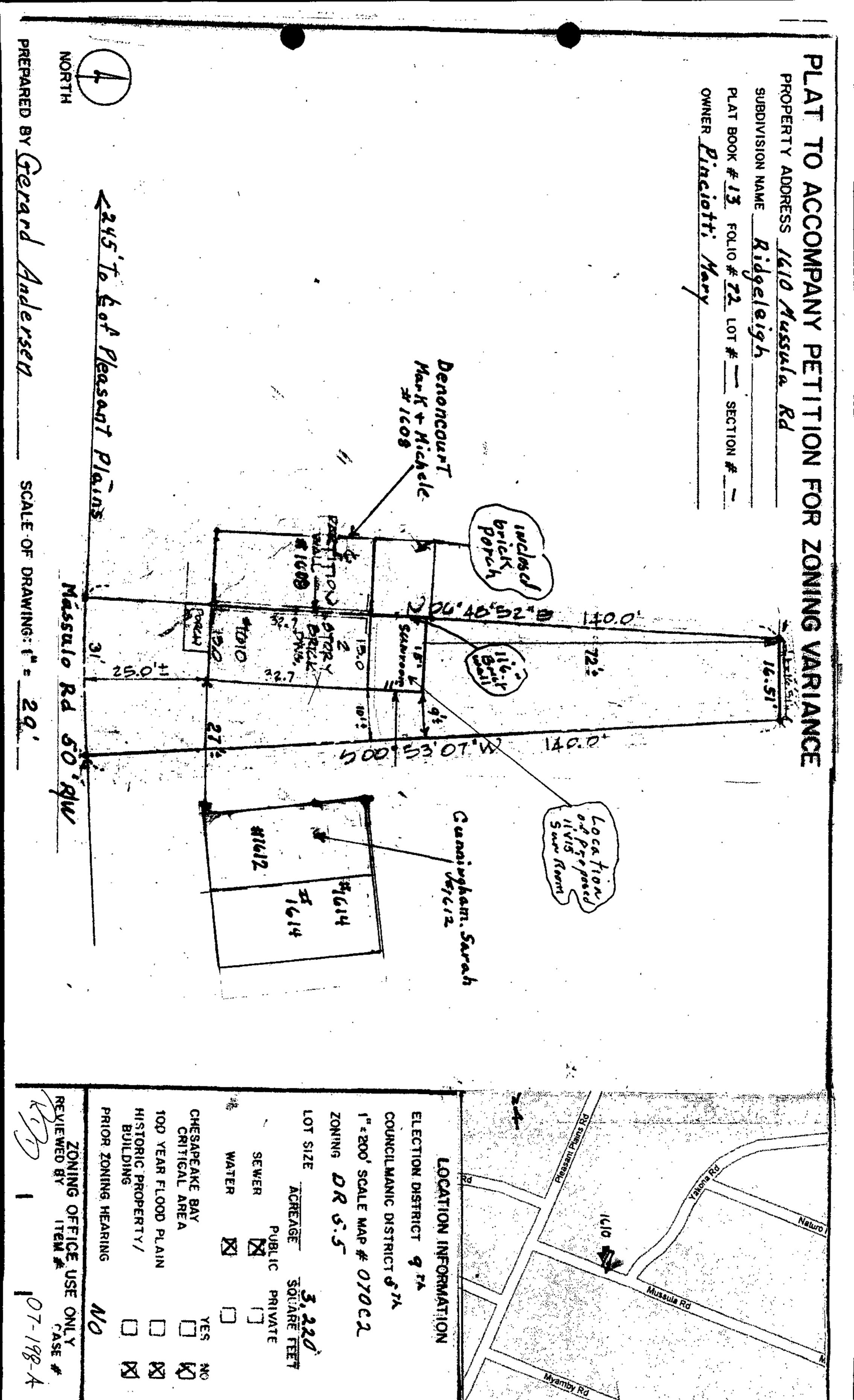
Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

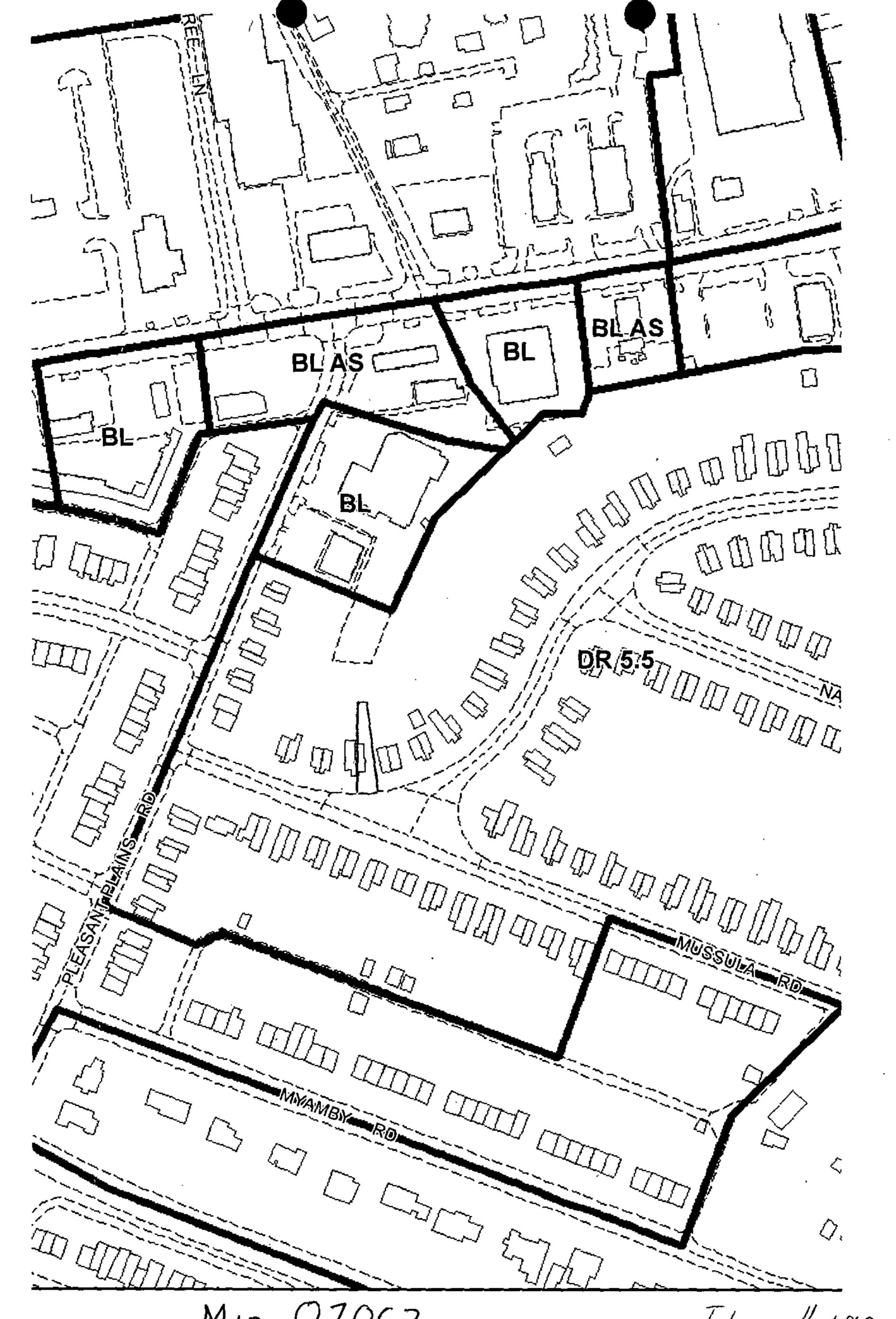
Very truly yours,

Engineering Access Permits

Division-

SDF/MB





MAP 070CZ

Item #198



Location of proposed
Sun Room 11×15

1610 Mussula Rd

Balto Md 21286

Item #198