IN RE: PETITION FOR VARIANCE S side of Hillside Road, 800 feet E from the c/l of Keller Avenue 3rd Election District 2nd Councilmanic District **(1523 Hillside Road)**	*	BEFORE THE
	*	DEPUTY ZONING
	*	COMMISSIONER
	*	FOR BALTIMORE COUNTY
Saint Paul Multi Stars LLC, *Petitioner*	*	**CASE NO. 08-026-A**

* * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Saint Paul Multi Stars LLC, by Scott C. Zifferer, Authorized Person. Petitioner is requesting variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage/storage/studio) to have a height of 36 feet in lieu of maximum required 15 feet. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Scott C. Zifferer on behalf of Petitioner Saint Paul Multi Stars LLC, its attorney, J. Neil Lanzi, Esquire, Bruce Doak with Gerhold, Cross & Etzel, Ltd., the consultant who prepared the site plan, and Monty Aviles, the architect who prepared the design drawings for the proposed new structure. Also appearing as interested citizens were Leonard Billian, an adjoining property owner at 8651 Keller Avenue, and Douglas Carroll at 1117 Greenspring Valley Road.

Testimony and evidence offered revealed that the subject property is an irregular-shaped parcel containing approximately 14 acres, more or less, and zoned R.C.5. The property is very densely wooded with trees and vegetation and is located in the Stevenson area of Baltimore

ORDER RECEIVED FOR FILING
Date 10-18-07
By PB

County. It is improved with an existing main dwelling constructed in approximately 1918 and is situated in the center of the property atop a very steep hill, as indicated by the topographical lines shown on the site plan. The main dwelling as it now stands is a very large stone structure that sits vacant in a very advanced state of disrepair and in dilapidated condition. Petitioner submitted 17 photographs which were marked and accepted into evidence collectively as Petitioner's Exhibit 2. These photographs show the various vantage points of the property, including the location and condition of the main dwelling, as well as other dwellings on adjacent properties.

Until recently, also situated on the property was an accessory structure near the southwest corner of the site. This accessory structure was akin to a garage/storage area/carriage house/studio. Petitioner submitted photographs of the structure as it previously stood which were marked as Petitioner's Exhibits 3A through 3D. Like the main dwelling, these photographs show a dilapidated structure in need of significant repair or replacement. In that vein, Petitioner recently razed the structure and desires to replace it with a new structure, nearly identical in look and design as the original. Petitioner will utilize materials comparable to the original, using stucco, fieldstone, and similar roof materials, and it will have the same look. Although the original structure exceeded the allowable height of 15 feet, it was constructed almost one hundred years ago and pre-dates the zoning regulations. However, because the new structure is being built in place of the original, it is required to comply with the current zoning regulations. Hence, Petitioner is in need of variance relief in order to construct the accessory structure in almost the identical design and dimensions as the original. This includes a variance to allow the new structure's roof height to be 36 feet (virtually identical to the original) in lieu of the

PLEASE RECEIVED FOR FILING
Date 10-18-07
By PB

maximum 15 feet. Architectural design drawings of the accessory structure were collectively marked and accepted into evidence as Petitioner's Exhibit 4.

Petitioners contend the subject property is unique due to its large size, and the fact that it is mostly surrounded by dwellings with much smaller lots, less than two acres in size. It is also the only property in this vicinity that sits atop a large hill, with only a few other dwellings nearby having a vantage point of the main dwelling and the proposed accessory structure. In addition, the closest properties are at least 500 to 600 feet away from and below the main dwelling and proposed accessory structure.

Mr. Carroll is a board member of the Valleys Planning Council ("VPC") and lives within one mile of the subject property. Although not speaking specifically on behalf of the VPC, Mr. Carroll indicated that Petitioner's plan to replace the original accessory structure with a new structure of the same design and look is exactly the kind of reconstruction that is desired for restoring or renovating older structures. Because the original structure is essentially beyond repair, Mr. Carroll indicated he supports Petitioner's plan.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The ZAC comment received from the Office of Planning dated August 15, 2007 does not object to the requested variance, provided the drawings, including the site plan and the architectural drawings, are in accordance with those submitted to the Office of Planning for approval. Any changes to the plans must be approved by the Office prior to application for any building permits. The accessory structure must also not be converted into a dwelling unit or apartment by Petitioner or any subsequent owners, shall not contain any sleeping quarters, living area, kitchen or bathroom facilities, and shall not be used for commercial purposes. In response, Petitioner indicates that because of the distance of the proposed accessory structure from the

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Date 10-18-07
By

main dwelling, and the anticipated use of the structure as a craft/hobby/woodworking area, it requests that a bathroom with running water be permitted.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. In particular, I find the size of the lot is noticeably larger in comparison to adjacent lots; that the landscape and topography of the lot is characterized by significant trees and vegetation, and steep slopes, respectively; and that the age and condition of the structures subjects the property to constraints not found on other properties in the vicinity. Hence, the imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. As to the request that a bathroom and running water be permitted in the accessory structure, I am persuaded by Petitioner's explanation that the structure will be used as a garage/hobby/woodworking area or shop, and I recognize that the structure is several hundred feet away from the main dwelling. As such, I will permit a single bathroom with running water, however, without any tub/shower or kitchen facilities, and without any living or sleeping quarters in the structure.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance request should be granted.

ORDER RECEIVED FOR FILING
Date 10-18-07
By [illegible]

THEREFORE, IT IS ORDERED this 18th day of October, 2007 by this Deputy Zoning Commissioner, that Petitioner's variance request from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage/storage/studio) to have a height of 36 feet in lieu of maximum required 15 feet be and is hereby GRANTED.

The relief granted herein is subject to the following conditions:

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

2. Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, or kitchen facilities. Because of Petitioner's expressed use of the structure as a garage/hobby/woodworking shop, and because it is several hundred feet away from the main dwelling, the structure shall be permitted to have a single bathroom with running water, but without a tub/shower.

3. The accessory structure shall not be used for commercial purposes.

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
Date 10-18-07
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 18, 2007

J. NEIL LANZI, ESQUIRE
409 WASHINGTON AVENUE, SUITE 617
TOWSON, MD 21204

Re: Petition for Variance
Case No. 08-026-A
Property: 1523 Hillside Road

Dear Mr. Lanzi:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file 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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Scott C. Zifferer, Saint Paul Multi Stars LLC, 2724 Caves Road, Owings Mills MD 21117
Bruce Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontown Blvd., # 100, Towson, MD 21286
Monte Aviles, 18 Walston Avenue, Reisterstown MD 21136
Leonard Billian, Box 1264, Brooklandville MD 21022-1264
Douglas Carroll, 1117 Greenspring Valley Road, Lutherville MD 21093

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1523 HILLSIDE ROAD

which is presently zoned RC - 5

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) 400.3 BCZR

SEE ATTACHED.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) TO BE DISCUSSED AT THE HEARING.

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

Legal Owner(s):

SAINT PAUL MULTI STARS LLC
Name - Type or Print

SCOTT C. ZIFFGRER
AUTHORIZED PERSON
Signature

Name - Type or Print

Signature

2724 CAVES ROAD — 305-747-3654
Address — Telephone No.

OWINGS MILLS — MD — 21117
City — State — Zip Code

Attorney For Petitioner:

J Neil Lanzi
Name - Type or Print

Signature

J Neil Lanzi, P.A.
Company

409 Washington Ave #617 — 410 296 0686
Address — Telephone No.

Towson — MD — 21204
City — State — Zip Code

Representative to be Contacted:

Gerhold, Cross & Etzel, Ltd.
Name

320 E. Towsontown Blvd #100 — 410 823-4470
Address — Telephone No.

Towson — MD — 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By JF Date 7/13/07

Case No. 08-026-A

RECEIVED FOR FILING

RZV 9/12/98 10-18-07

BY

1523 HILLSIDE ROAD

VARIANCES REQUESTED

400.3 B.C.Z.R.

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE / STORAGE / STUDIO)TO HAVE A HEIGHT OF 36 FEET IN LIEU OF MAXIMUM REQUIRED 15 FEET.

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

June 27, 2007

ZONING DESCRIPTION
Saint Paul Multi Stars LLC Property
1523 Hillside Road
Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Third Election District, Second Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point on the centerline of Hillside Road being 800 feet more or less easterly from the intersection with Keller Avenue along the centerline of Hillside Road and running thence,

1) South 84 degrees 51 minutes East 193.00 feet,
2) South 85 degrees 34 minutes East 431.50 feet,
3) South 04 degrees 16 minutes West 167.49 feet,
4) South 84 degrees 29 minutes East 148.00 feet,
5) South 12 degrees 14 minutes West 143.00 feet,
6) South 45 degrees 16 minutes East 64.00 feet,
7) South 04 degrees 27 minutes West 99.65 feet,
8) South 00 degrees 02 minutes West 111.69 feet,
9) South 00 degrees 02 minutes West 54.92 feet,
10) South 17 degrees 57 minutes West 195.68 feet,
11) South 84 degrees 23 minutes West 550.36 feet,
12) North 77 degrees 23 minutes West 177.68 feet,
13) North 13 degrees 35 minutes East 337.84 feet,
14) North 11 degrees 11 minutes West 407.24 feet,
15) North 06 degrees 02 minutes East 156.92 feet to the point of beginning.

STATE OF MARYLAND
ALAN T. WIDGER
PROFESSIONAL LAND SURVEYOR
7/12/07

Containing 14.00 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

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: #08-026-A
1523 Hillside Road
S/side of Hillside Road at a distance of 800 feet east from the centerline of Keller Avenue
3rd Election District
2nd Councilmanic District
Legal Owner(s): Saint Paul Multi Stars, LLC

Variance: to permit an accessory structure (garage/storage/studio) to have a height of 36 feet in lieu of the maximum required 15 feet.

Hearing: Tuesday, September 18, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/9/618 Sept. 4 147635

CERTIFICATE OF PUBLICATION

9/6/, 2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/4/, 2007.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 00862

Date: 7-13-07

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00
							Total:	$ 65.00

Rec From: Gerhold Cross & Etzel

For: Refund Card Variance
15231 Hillside Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
7/16/2007	7/13/2007	15:24:01	1

SOL WALKIN JRTD JAR
RECEIPT # 333000 7/13/2007 OFLN
Dept 5 520 ZONING VERIFICATION
Rcpt No. 000862
Rcpt Tot $65.00
$65.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 08-026-A
PETITIONER/DEVELOPER:
Saint Paul Multi Stars, LLC
DATE OF HEARING: Sept. 18, 2007

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

LOCATION:
1523 Hillside Road

(see page 2 for full size photo)

POSTED ON: September 3, 2007

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

ZONING NOTICE

CASE NUMBER

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE OF HEARING: [illegible] Avenue, Towson, MD

DATE AND TIME: [illegible] Tuesday, September [illegible]

REQUEST: [illegible] accessory
[illegible] (greenhouse)
[illegible] a height of 36 feet instead
of the maximum required 15 feet.

1523

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

August 2, 2007
TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

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: 08-026-A
1523 Hillside Road
S/side of Hillside Road at a distance of 800 feet east from the centerline of Keller Avenue
3rd Election District – 2nd Councilmanic District
Legal Owners: Saint Paul Multi Stars, LLC

Variance to permit an accessory structure (garage/storage/studio) to have a height of 36 feet in lieu of the maximum required 15 feet.

Hearing: Tuesday, September 18, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, Ste. 617, Towson 21204
Scott Zifferer, 2724 Caves Road, Owings Mills 21117
Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., #100, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 3, 2007.**
(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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 4, 2007 Issue - Jeffersonian

Please forward billing to:
Gerhold, Cross & Etzel
320 Towsontown Blvd., #100
Towson, MD 21286

410-823-4470

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: 08-026-A
1523 Hillside Road
S/side of Hillside Road at a distance of 800 feet east from the centerline of Keller Avenue
3rd Election District – 2nd Councilmanic District
Legal Owners: Saint Paul Multi Stars, LLC

Variance to permit an accessory structure (garage/storage/studio) to have a height of 36 feet in lieu of the maximum required 15 feet.

Hearing: Tuesday, September 18, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
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.

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: 08-026-A

Petitioner: ST PAUL MULTI STARS LLC

Address or Location: 1523 HILLSIDE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: GERWOLD, CROSS & ETZEL LTD

Address: 320 TOWSONTOWN BLVD SUITE 100
TOWSON, MD 21286

Telephone Number: 410-823-4470

Revised 7/11/05 - SCJ

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

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

September 12, 2007

J. Neil Lanzi, P.A.
409 Washington Avenue, #617
Towson, Maryland 21204

Dear Mr. Lanzi:

RE: Case Number: 08-026-A, 1523 Hillside Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 13, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf
Enclosures
c: People's Counsel
Saint Paul Multi Stars LLC Scott C. Zifferer, Authorized Person 2724 Caves Road Owings Mills 21117
Gerhold, Cross Etzel, Ltd. 320 E. Towsontowne Blvd, #100 Towson 21286

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 15, 2007

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

SUBJECT: 1523 Hillside Road

INFORMATION:

Item Number: 8-026

Petitioner: Saint Paul Multi-Stars LLC

Zoning: DR 1 and DR 2

Requested Action: **Variance**

The petitioner requests a height variance for an accessory structure, (garage/storage/studio) 36 feet in height in lieu of the maximum 15 feet in height. The property is extremely wooded and steep.
The Office of Planning requested architectural elevation drawings for review and approval.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not object to the requested variance provided the drawings are in accordance with those submitted to the Office of Planning for approval, any changes to these plans must be approved by the office prior to application of any building permit.

Additionally, the accessory structure shall conform to the following:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

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

Reviewed by: Curtis Murray

Division Chief: Lynn Lanham
AFK/LL: CM

W:\DEVREV\ZAC\8-026.doc

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

July 25, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: July 23, 2007

026

Item Number: 020 through 034

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: July 30, 2007

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 30, 2007
Item Nos. 08-020, 021, 022, 023, 026, 029, 031, 032, 033, and 034

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-07302007.doc

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

SHA
State Highway Administration
Maryland Department of Transportation

John D. Porcari, *Secretary*
Neil J. Pedersen, *Administrator*

Date: JULY 23, 2007

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

RE: Baltimore County
Item No. 8-26-A
1523 HILLSIDE ROAD
SAINT PAUL MULTI STARS LLC
VARIANCE

Dear Ms. Matthews:

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. 8-26-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,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

*Also Admitted in District of Columbia

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

August 10, 2007

Sent Via Facsimile: 410-887-3048

Timothy Kotroco, Director
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 105
Towson, MD 21204
Attn: Kristen Matthews

Re: Case No. 08-026-A
1523 Hillside Road

Dear Kristen:

Please be advised that I represent the Petitioner in the above referenced case presently scheduled for hearing on Wednesday, September 12, 2007. I just received a Notice and by this letter request a postponement to the next available date as I have conflict with the date and time currently scheduled. I understand September 18, 2007 at 11:00 a.m. is available.

Thank you for your assistance in this matter.

Very truly yours,

J. Neil Lanzi

JNL\mal
cc: Bruce Doak
Scott Zifferer

RE: PETITION FOR VARIANCE 1523 Hillside Road; S/S Hillside Road, 800' E c/line of Keller Avenue 3rd Election & 2nd Councilmanic Districts Legal Owner(s): Saint Paul Multi-Stars, LLC Petitioner(s)	* * * *	BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY 08-026-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of July, 2007, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross & Etzel, Ltd, 320 E. Towsontown Blvd, Suite 100, Towson, MD 21286 and J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
JUL 27 2007
Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

SCHAMU MACHOWSKI GRECO

SMG
ARCHITECTS

CHARLES PATTERSON, ASSOCIATE AIA
Staff Architect

2016 MORTON STREET BALTIMORE, MD 21201
TELEPHONE: 410.685.3582 FAX: 410.625.4790
CPATTERSON@SMGARCH.COM WWW.SMGARCH.COM

BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

November 2, 2007

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

MONTY AVILES, PROJECT MANAGER
SAINT PAUL MULTI STARS LLC
PO BOX 337
STEVENSON MD 21153

RE: Petition for Variance
1523 Hillside Road
Case No. 08-026-A

Dear Mr. Aviles:

I am in receipt of your letter dated October 23, 2007 requesting a modification in the above-referenced matter. In your letter, you indicate that inadvertently omitted from my Findings of Fact and Conclusions of Law was an allowance for a shower in the bathroom I permitted in the accessory structure.

This matter came before me as a request for variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage/storage/studio) to have a height of 36 feet in lieu of maximum required 15 feet. In support of the request, Petitioners put forth evidence that the "carriage house" was being rebuilt on the site in the same footprint and to almost identical specifications as the original. Following my consideration of the evidence, I found ample justification to grant the variance request.

An issue that arose during the hearing came as a result of the Zoning Advisory Committee comment from the Office of Planning. The comment indicated that the accessory structure must not be converted into a dwelling unit or apartment by Petitioner or any subsequent owners, shall not contain any sleeping quarters, living area, kitchen or bathroom facilities, and shall not be used for commercial purposes. During the hearing, you indicated that because of the distance of the proposed accessory structure from the main dwelling, and the anticipated use of the structure as a craft/hobby/woodworking area, that a bathroom be permitted. In my Order dated October 18, 2007, I allowed a bathroom to be included in the structure. However, in your recent letter, you point out that a shower was also requested for the same reason as the bathroom -- in order to clean up without having to return to the main house. Now that you have brought this oversight to my attention, I do recall that a shower was to be permitted in conjunction with the bathroom, and was not to be excluded from my Order.

Therefore, I will grant your request and will expressly modify Condition Number 2 in my previous Order dated October 18, 2007 to state the following:

2. Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, or kitchen facilities. Because of Petitioner's expressed use of the structure as a garage/hobby/woodworking shop, and because it is several hundred feet away from the main dwelling, the structure shall be permitted to have a single bathroom with a shower.

Thank you for bringing this oversight to my attention. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

THOAMS H. BOSTWICK
Deputy Zoning Commissioner
For Baltimore County

c: Zoning Review File

Saint Paul Multi Stars LLC
P.O. Box 337
Stevenson, MD 21153

October 23, 2007

Thomas H. Bostwick
Deputy Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Avenue, Suite 405
Towson, MD 21204

RECEIVED
OCT 2 5 2007
BY:

Re: Variance Order, Case No. 08-026-A, 1523 Hillside Road

Dear Mr. Bostwick:

We are in receipt of the Findings and Conclusions and Order from the above-referenced petition.

We request a small modification which was inadvertently omitted from the Findings and Conclusions. It is our desire to be allowed to include a shower in the bathroom of the accessory structure. As was discussed at the hearing, the intended use is as a garage, woodworking shop and exercise room. As noted, the main dwelling is several hundred feet away and we would appreciate the ability to shower off after such activities without having to return to the house in a 'soiled' condition.

We reiterate that this structure WILL NOT be used as a dwelling or guest house, nor will sleeping quarters be included.

Thank you for consideration of our request for modification. If I may provide any further information, please contact me.

Sincerely;

Monty Aviles

Monty Aviles
Project Manager
Saint Paul Multi Stars LLC

Phone (505) 690-0896 Fax (410) 526-0364

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 08-026 A
DATE 9/18/07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Bruce E. Doak	320 E. Towsontown Blvd.	Towson Md 21286	
Gorenold Cross & Etzel, Ltd			
Monty Aviles	18 Walstan Ave	Reisterstown, MD 21136	
J Neil Lanzi	409 Washington Ave #617		Lanzilaw@CS.com
	Towson MD 21204		

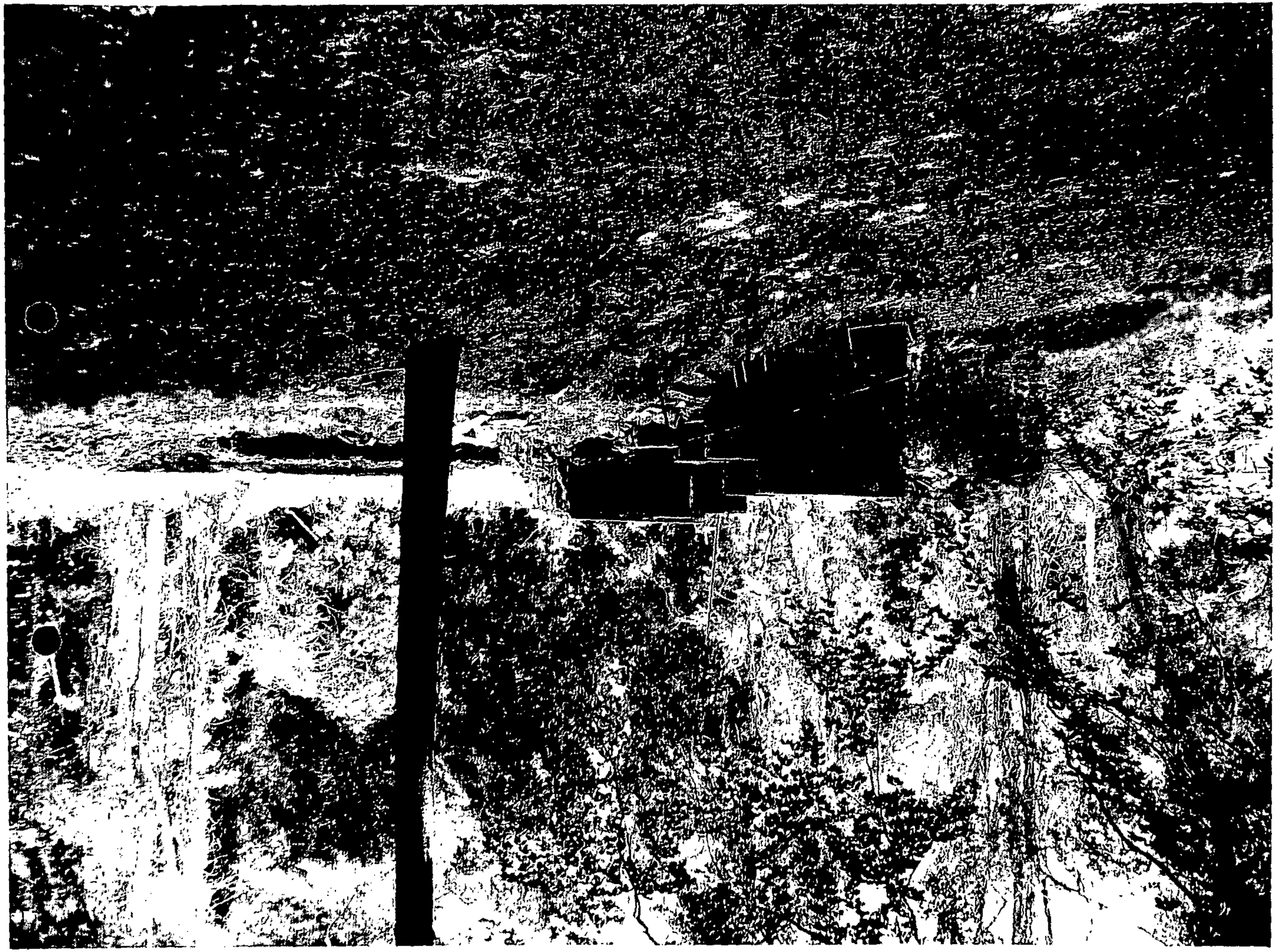
PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 08-086-A
DATE

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
LEONARD BILLIAN (ADJOINING OWNER)	BOX 1264	BROOKLANDVILLE MD	21022-1264
Douglas Carroll	1117 Greenspring Valley	Lutherville Md.	21093

①



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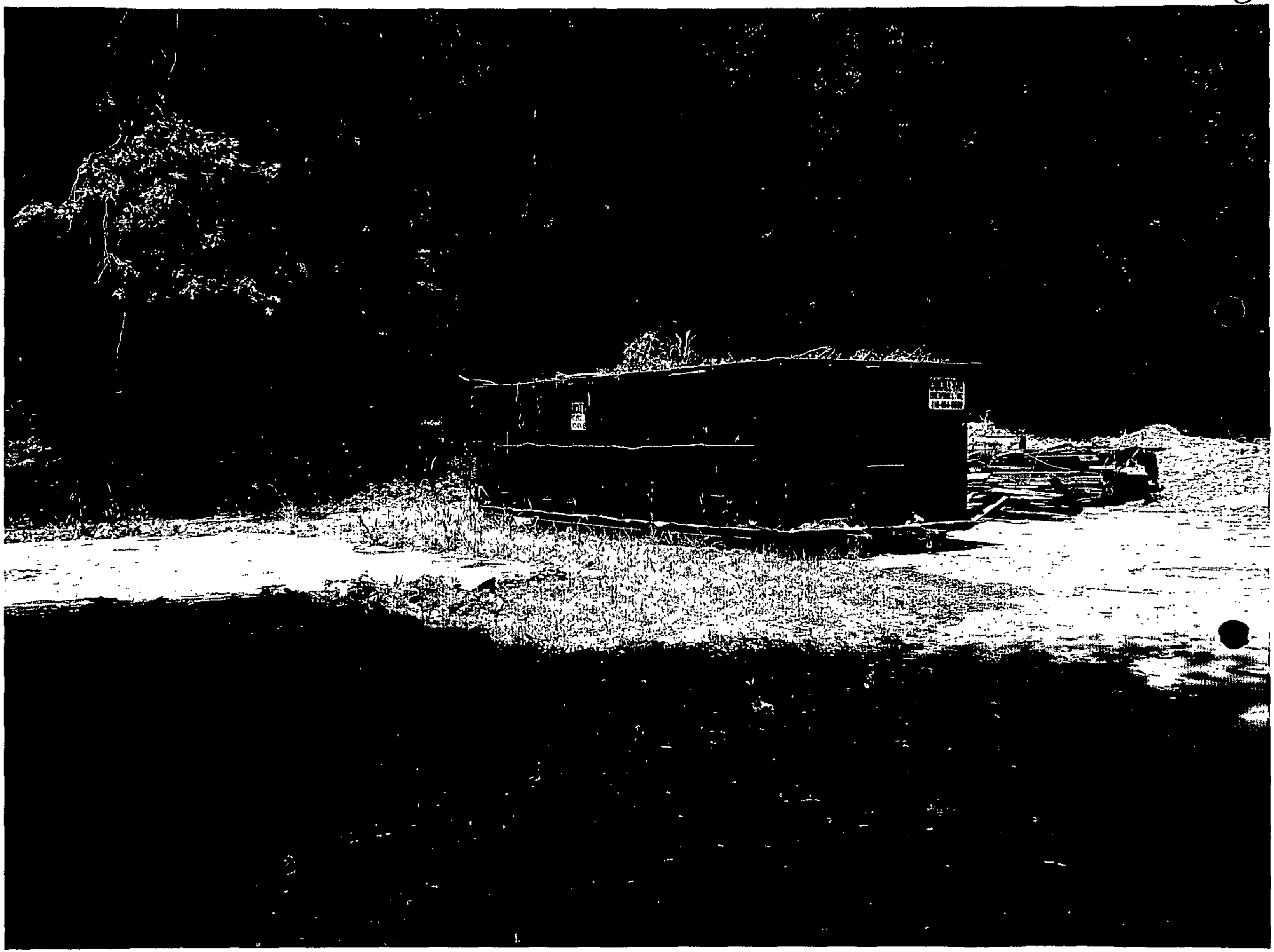

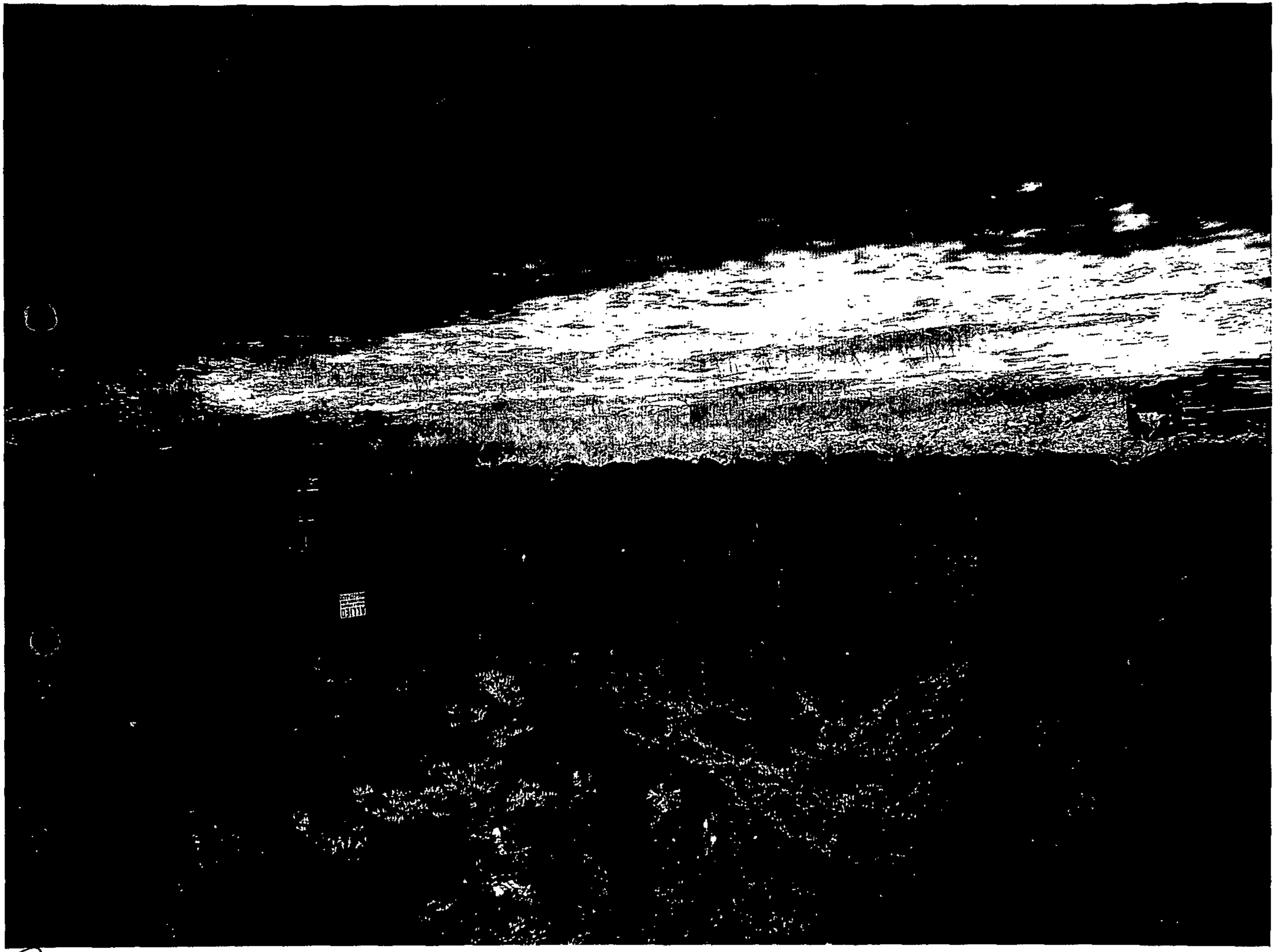

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(A)

A

PETITIONER'S

EXHIBIT NO. 3

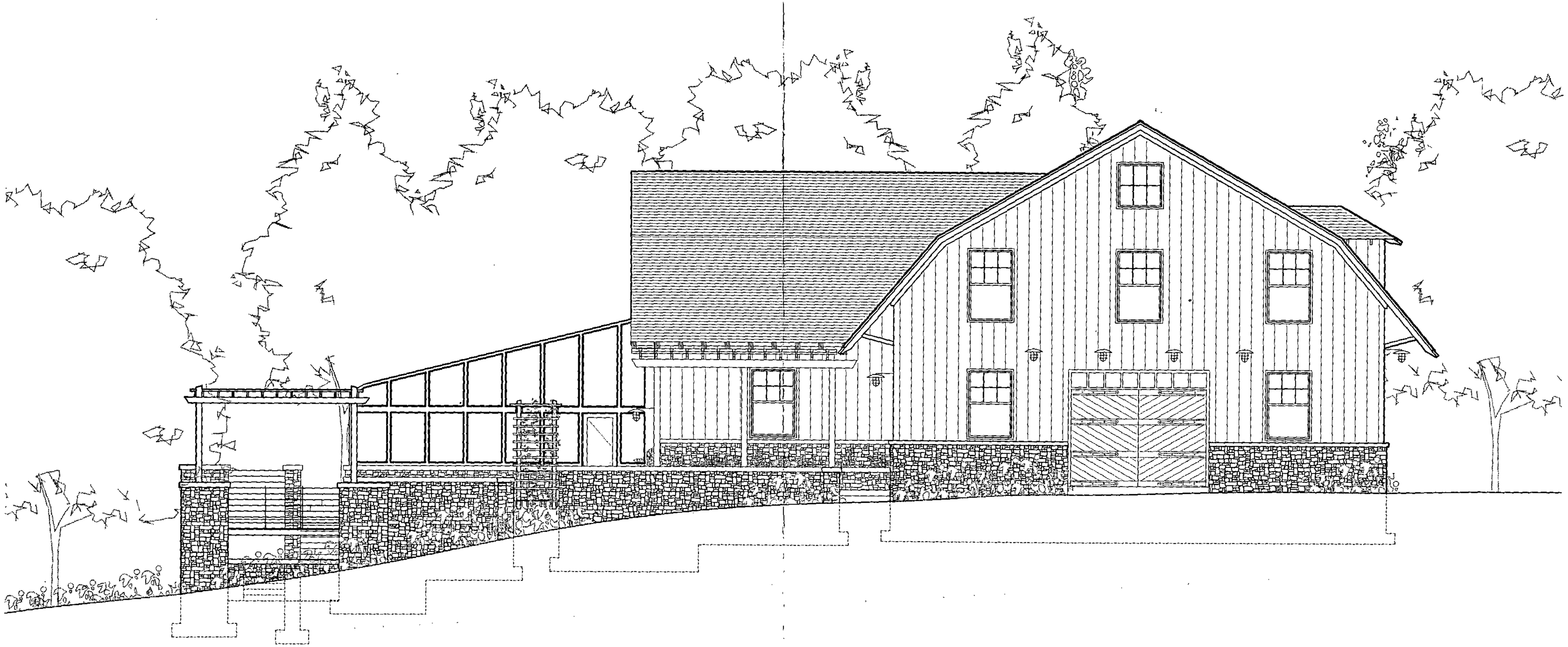
B

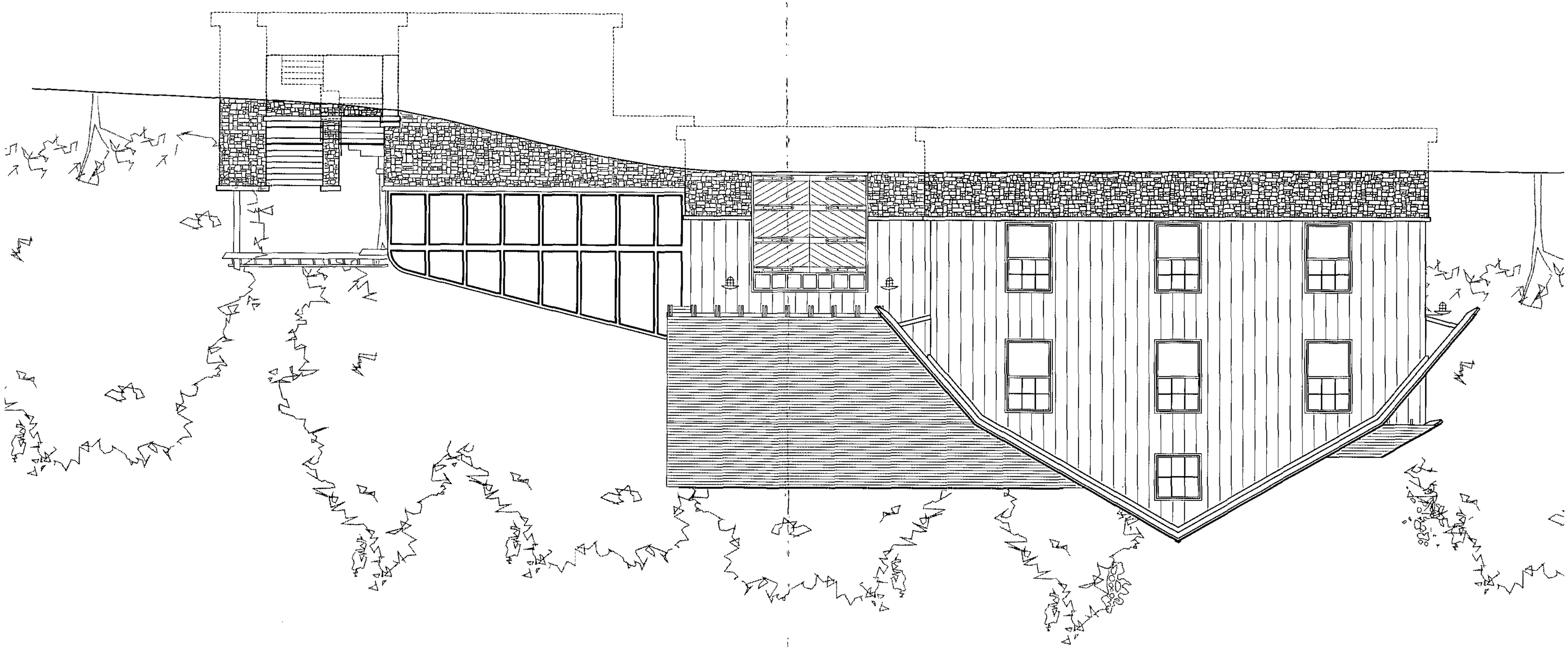
C

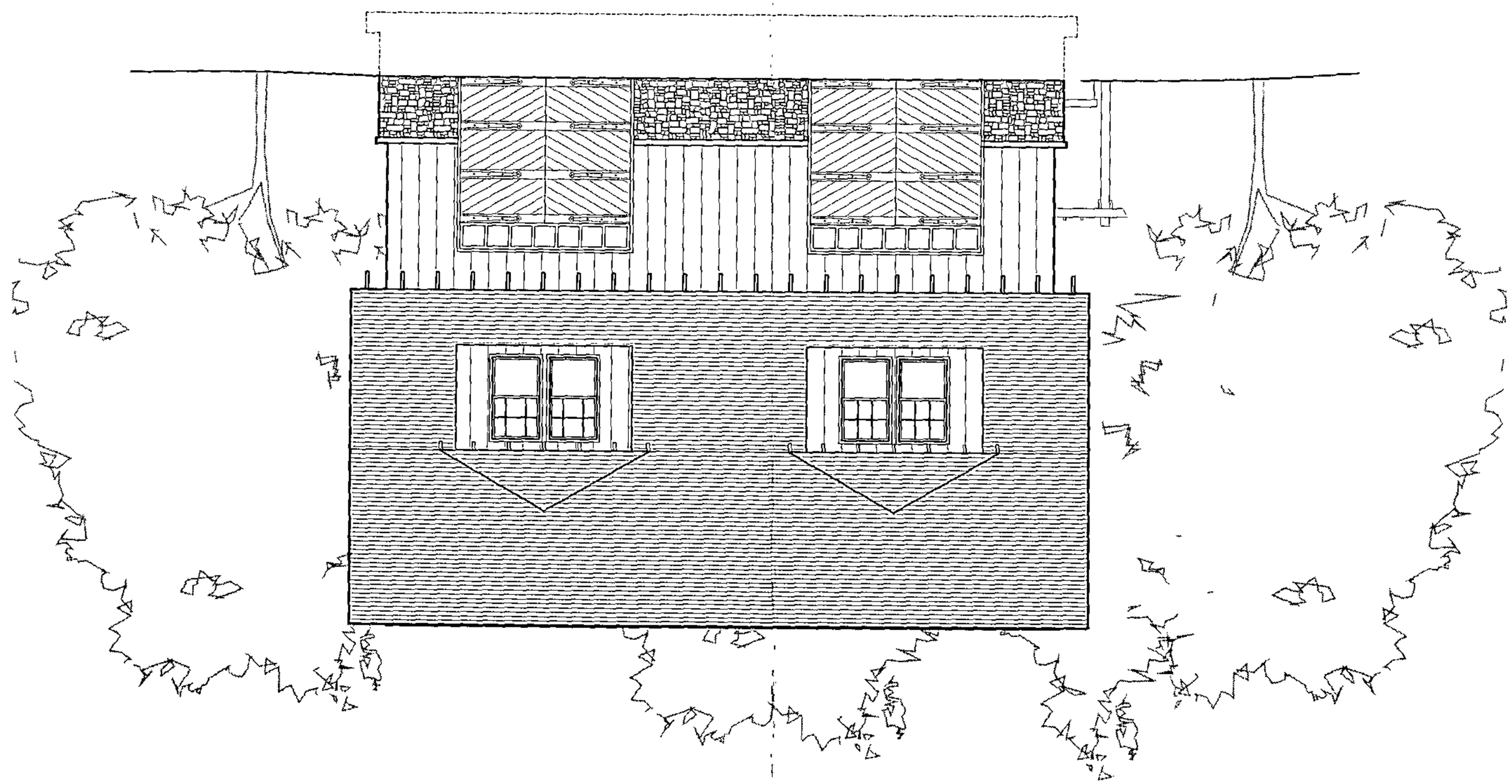
D

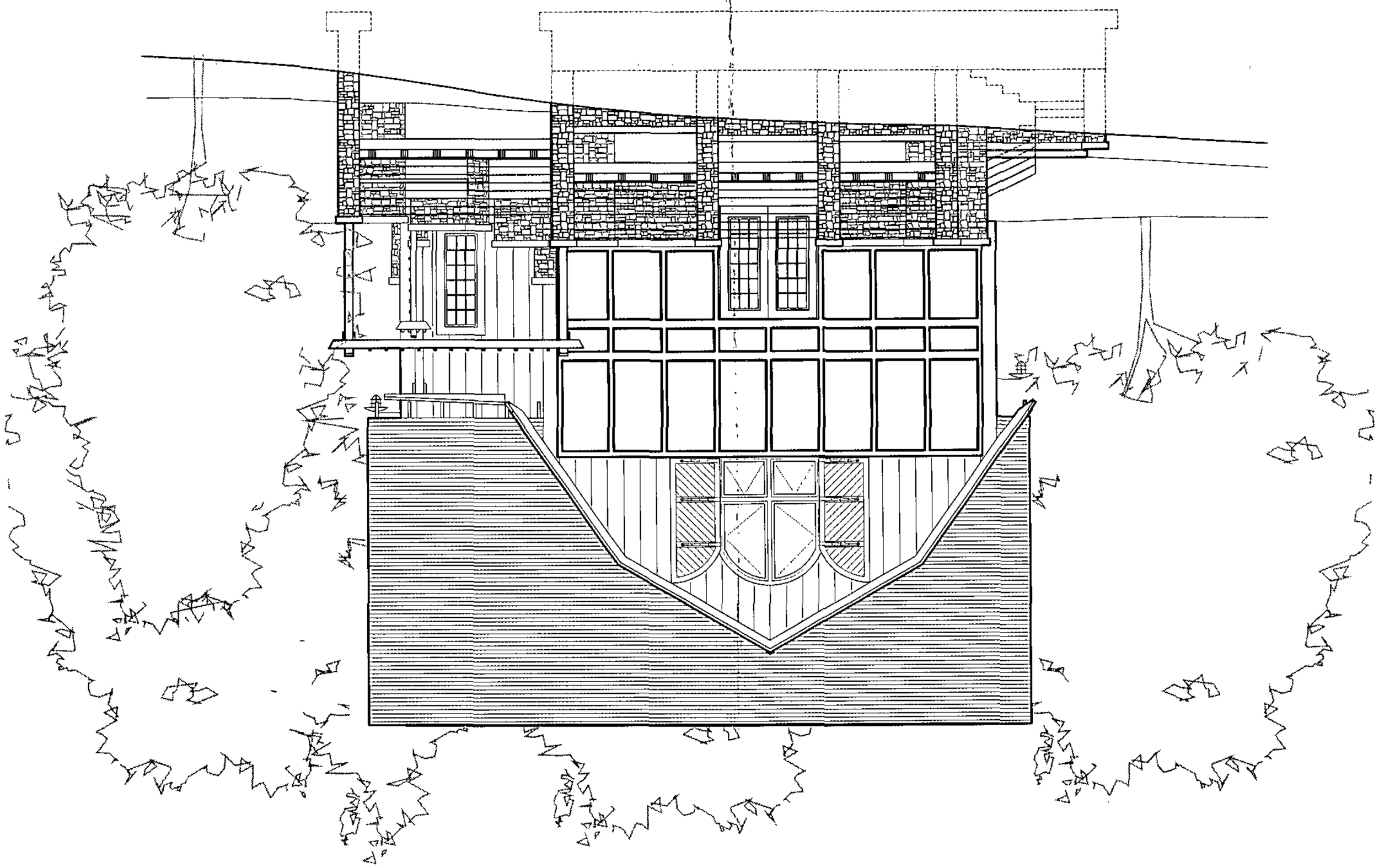
PETITIONER'S

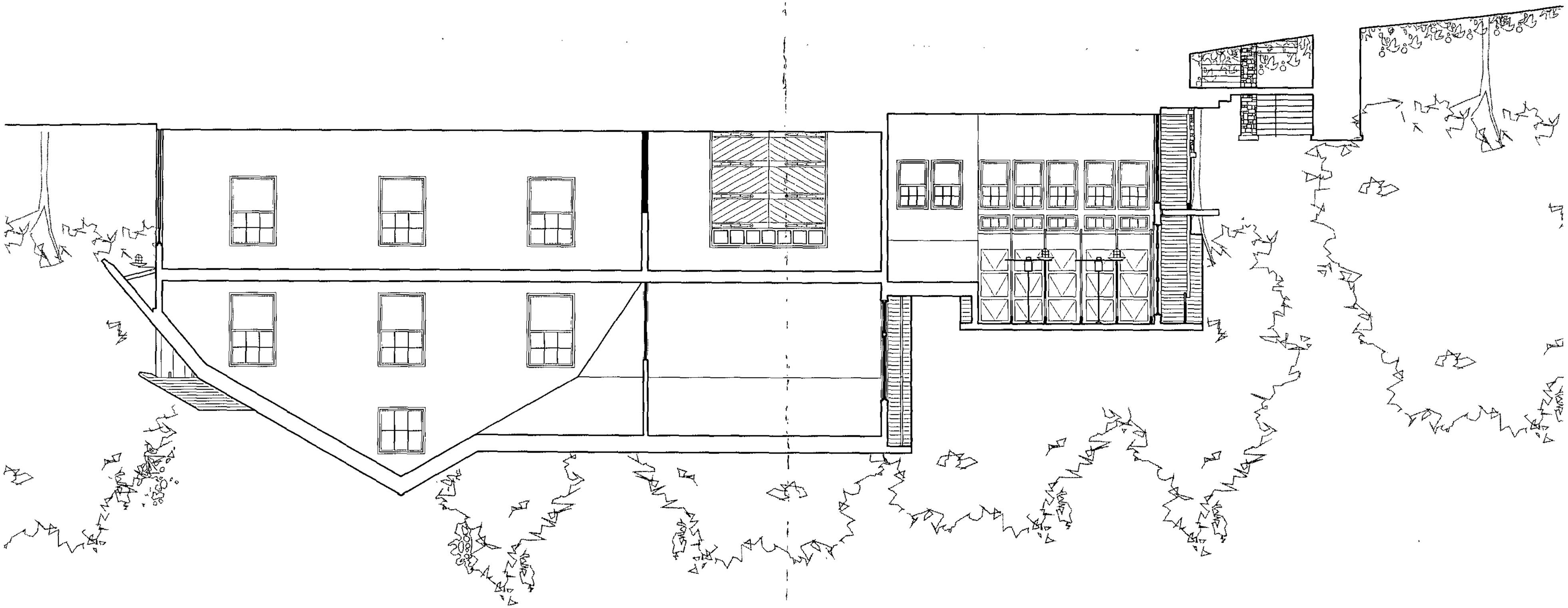
EXHIBIT NO. 4

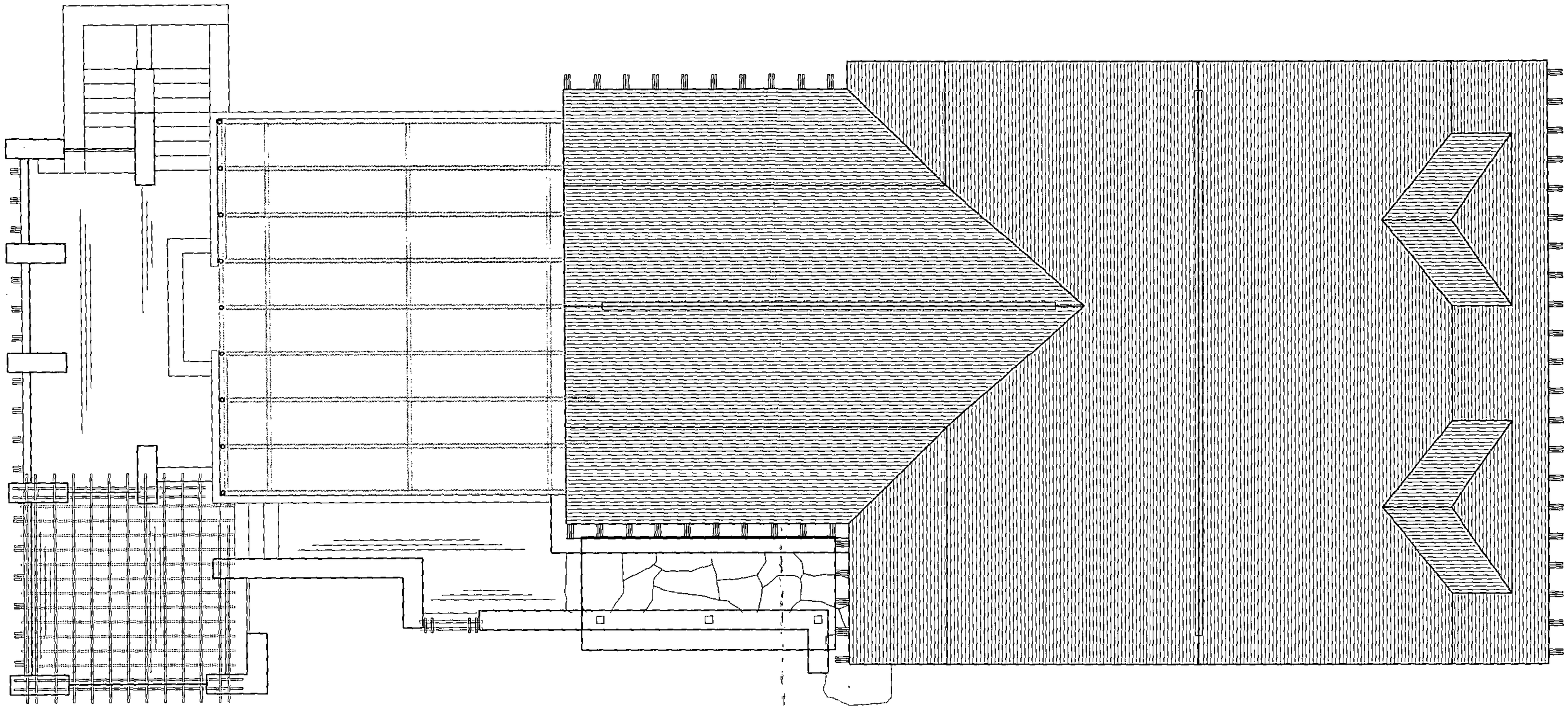


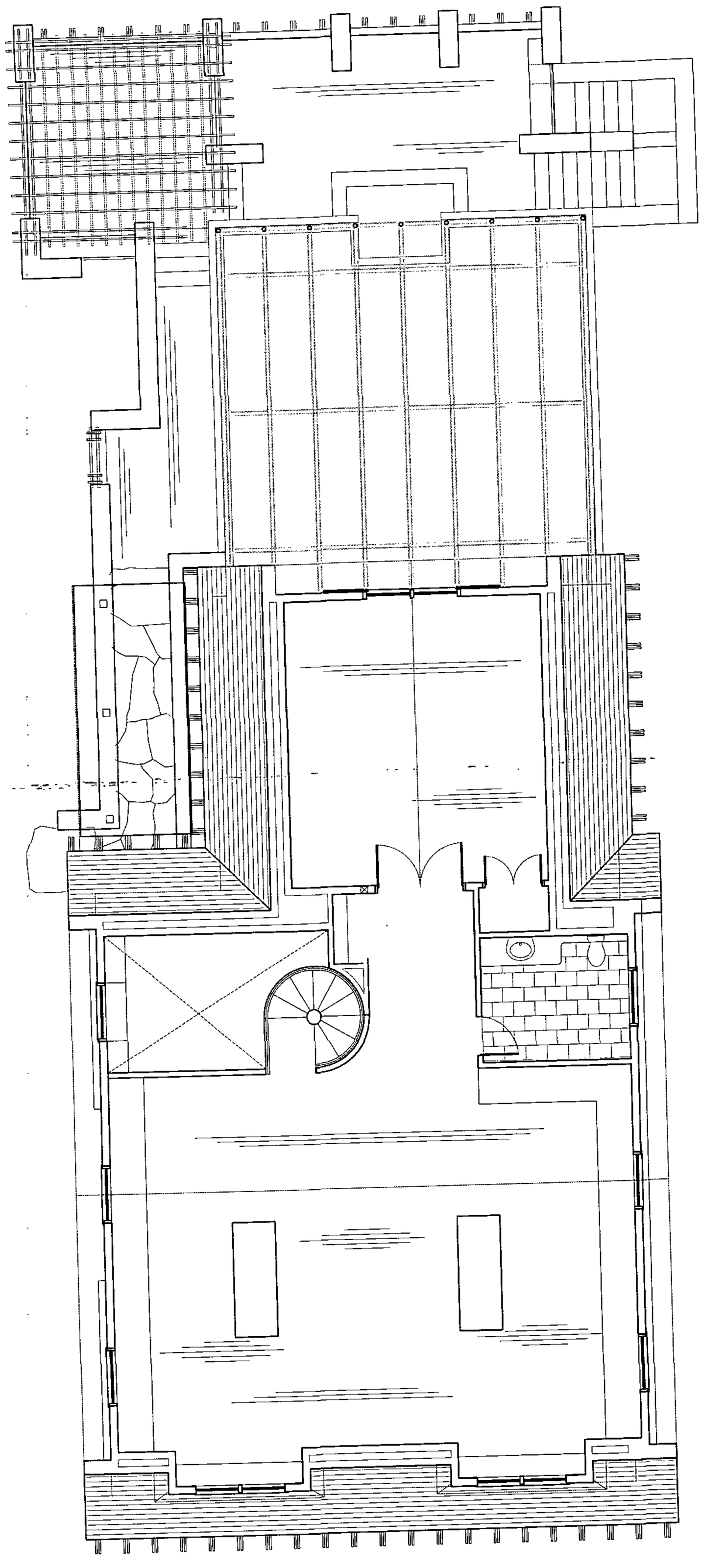


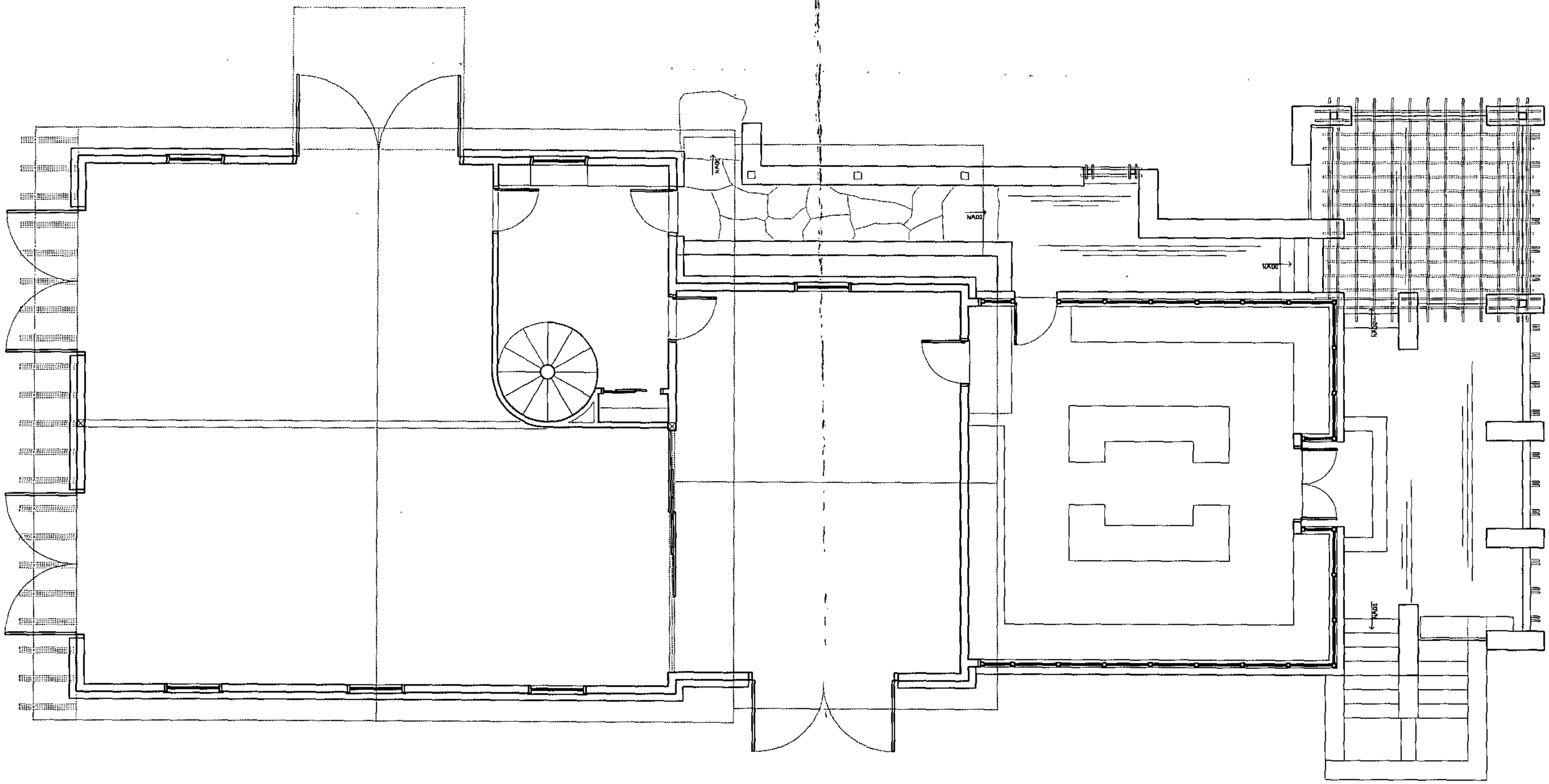








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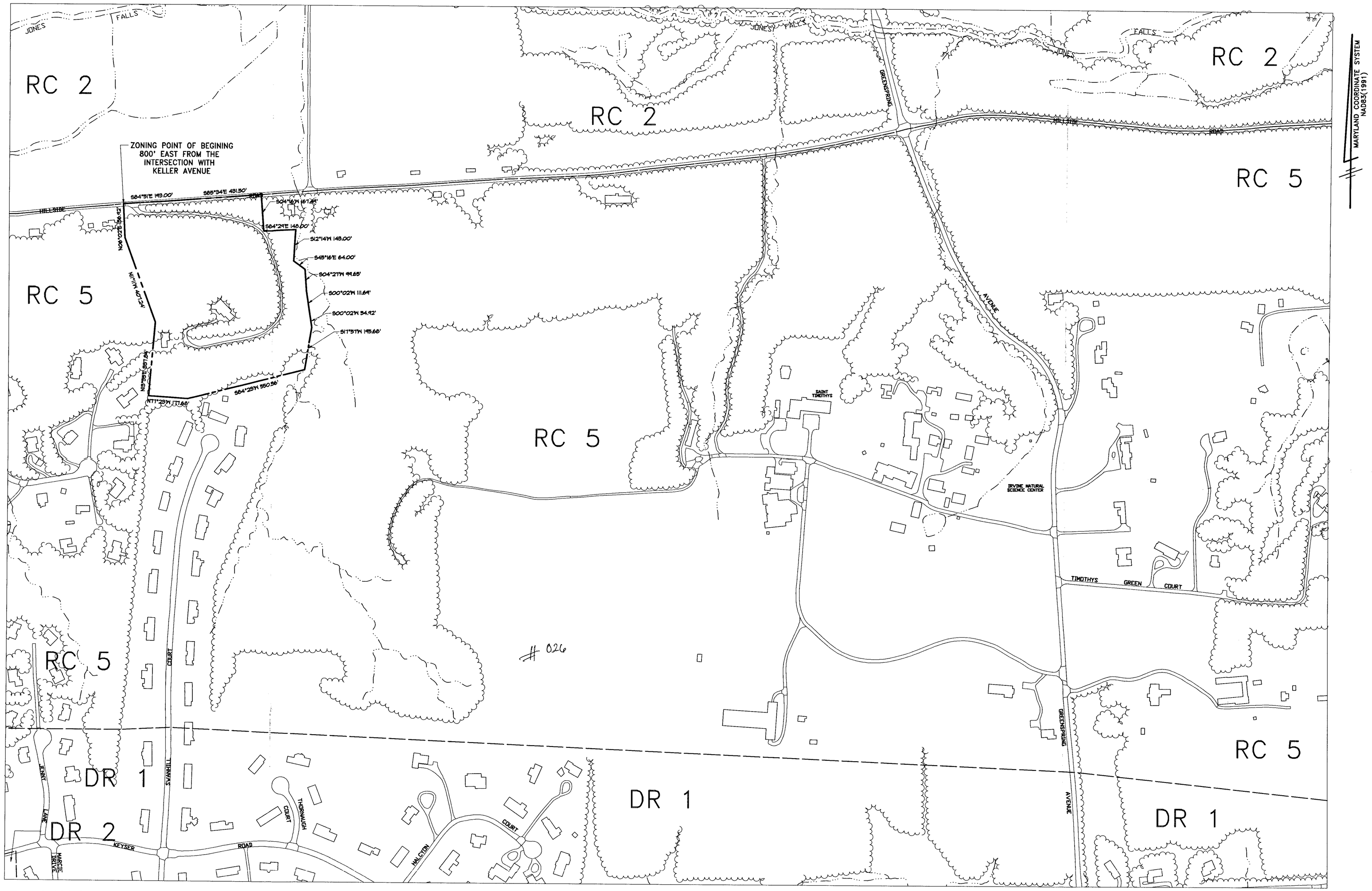


MARYLAND COORDINATE SYSTEM
NAD83(1991)

ZONING MAP

GIS TILE: 68C1

SCALE: 1" = 200'

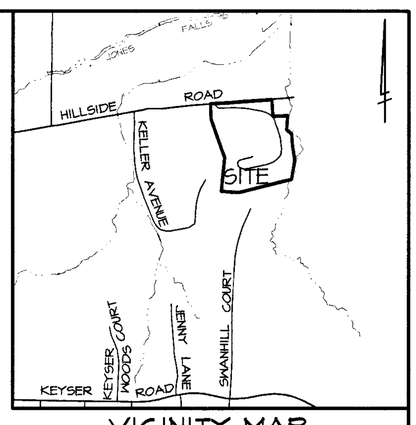
WELL & SEPTIC INFORMATION FOR SURROUNDING PROPERTIES WITHIN 200'

PROPERTY ADDRESS	TYPE OF INFO	EXISTS (Y/N)	SOURCE: AS PER DEPRM FILES	SOURCE: AS PER PROPERTY OWNER	SOURCE: LOCATED BY SURVEY	SOURCE: UNKNOWN	COMMENTS
1527 HILLSIDE AVE	WELL	Y					>200'
	SEPTIC	Y	X				
	UST	N				X	
8611 KELLER AVENUE	WELL	Y					>200'
	SEPTIC	Y	X		X		
	UST	N				X	
8609 KELLER AVENUE	WELL	Y	X				
	SEPTIC	Y	X		X		
	UST	N				X	
118 SWANHILL COURT	WELL	N					PUBLIC WATER
	SEPTIC	Y					>200'
	UST	N				X	
122 SWANHILL COURT	WELL	N					PUBLIC WATER
	SEPTIC	Y			X		
	UST	N				X	

R.C. 5 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

FROM ANY BUILDING FACE TO:
CENTERLINE OF ANY STREET (NOT COLECTOR ROAD OR LEADING TO COLLECTOR ROAD) 75'

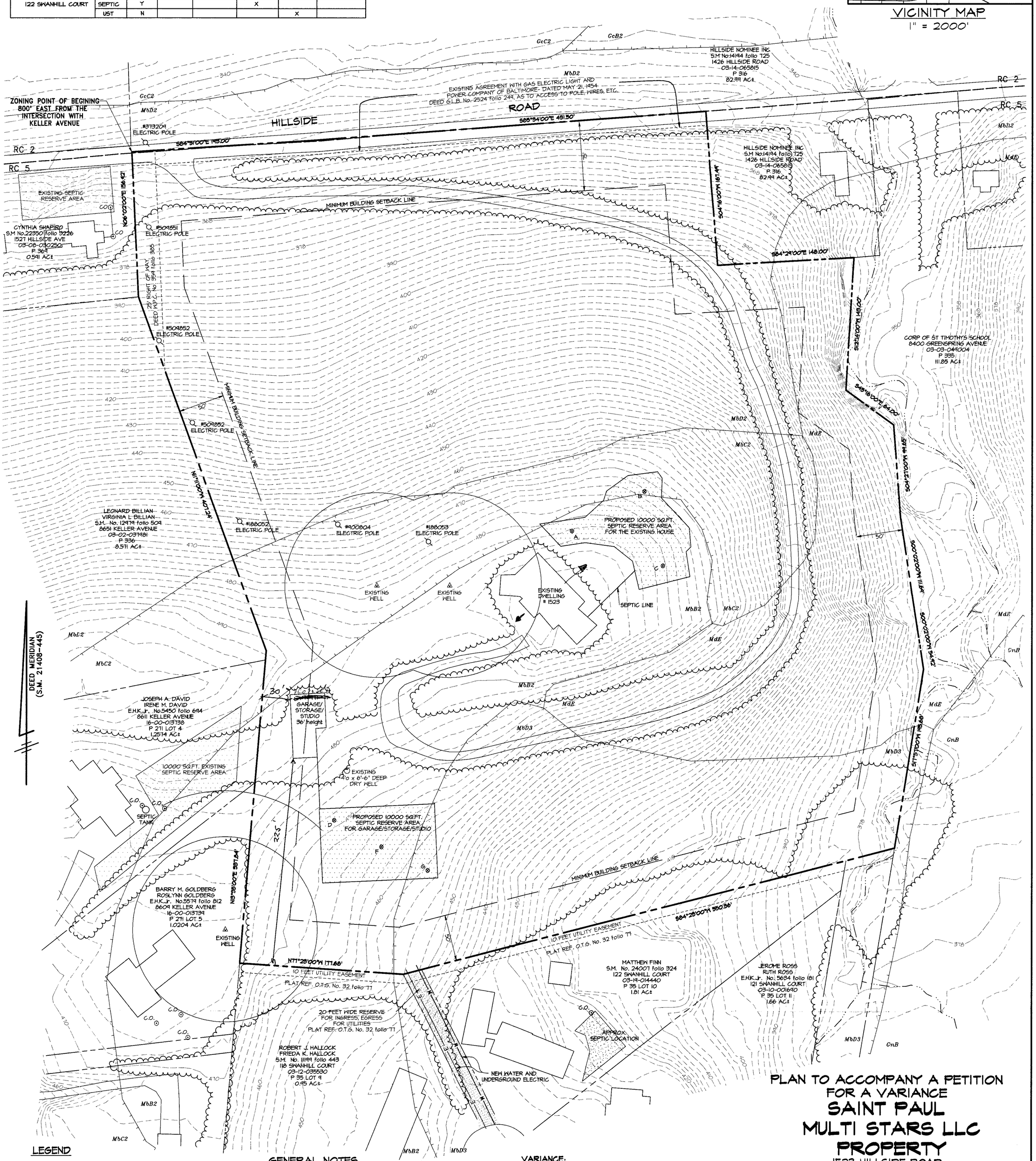
FROM ANY BUILDING FACE TO:
LOT LINE OTHER THAN A STREET LINE 50'



VICINITY MAP
1" = 2000'

OWNER
SAINT PAUL MULTI STARS
1117 GREENSPRING VALLEY ROAD
LUTHERVILLE, MARYLAND 21093-3611

DEVELOPER
SCOTT ZIFFERER
2724 CAVES ROAD
OWINGS MILLS, MARYLAND 21117
(305) 747-3654



LEGEND

- EXISTING WELL
- EXISTING CLEANOUT
- PROPOSED PERC TEST
- PROPOSED DWELLING
- EXISTING BUILDING
- SOIL LINE
- WOODS LINE
- EXISTING PAVING
- PROPOSED PAVING
- ZONING LINE
- PROPERTY LINE
- CONTOURS
- SLOPES ≥ 25%

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED (S.M. 21408/445).
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 68 C1
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 28.
4. CENSUS TRACT 403802 REGIONAL PLANNING DISTRICT 313
   WATERSHED JONES FALLS SUBSEWERSHED 61 N
   SCHOOL DISTRICT: ELEMENTARY - FORT GARRISON E.S.; MIDDLE - PIKESVILLE M.S.; HIGH - PIKESVILLE H.S.
   A.D.C. MAP & GRID 25 K4
5. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
6. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
10. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
11. THE EXISTING SEPTIC SYSTEM AND WELL BE FIELD LOCATED AND BACKFILLED

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES W/BASEMENT	STREETS & PARKING
GcB2	Slight	Slight	Moderate: slope
GcC2, MbC2	Moderate: slope	Moderate: slope	Severe: slope
GnB	Severe: high water table; moderately slow permeability.	Severe: high water table	Severe: high water table
HrD3, LfD MbD3, McD2	Severe: slope	Severe: slope	Severe: slope

VARIANCE:

1. ~~TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) TO HAVE A HEIGHT OF 31 FEET IN LIEU OF THE REQUIRED MAXIMUM HEIGHT OF 15 FEET PER SECTION 400.3 (B.C.Z.R.).~~
2.

STATE OF MARYLAND PROFESSIONAL LAND SURVEYOR

7/12/07

REVISION	DATE

PLAN TO ACCOMPANY A PETITION FOR A VARIANCE
SAINT PAUL MULTI STARS LLC PROPERTY

1523 HILLSIDE ROAD
Deed Ref: S.M. No. 21408 Folio 445
Tax Account No.: 03-03-052540
Zoned RC - 5; GIS Tile 68 C1
Tax Map 68; Grid 5; Parcel 267
3rd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=50' Date: JUNE 25, 2007

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

COMPUTED: | DRAWN: CLM | CHECKED: | FILE:X:\Zifferer\ST.PAUL\Variance.pro

PETITIONER'S EXHIBIT NO. 1

505

WELL & SEPTIC INFORMATION FOR SURROUNDING PROPERTIES WITHIN 200'

PROPERTY ADDRESS	TYPE OF INFO	EXISTS (Y/N)	SOURCE: AS PER DEPRM FILES	SOURCE: AS PER PROPERTY OWNER	SOURCE: LOCATED BY SURVEY	UNKNOWN	COMMENTS
1527 HILLSIDE AVE	WELL	Y					>200'
	SEPTIC	Y	X				
	UST	N				X	
8611 KELLER AVENUE	WELL	Y					>200'
	SEPTIC	Y	X		X		
	UST	N				X	
8609 KELLER AVENUE	WELL	Y	X				
	SEPTIC	Y	X		X		
	UST	N				X	
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	SEPTIC	Y					>200'
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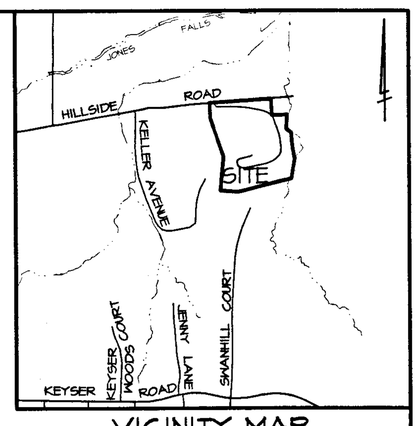
122 SWANHILL COURT	WELL	N					PUBLIC WATER
	SEPTIC	Y			X		
	UST	N				X	

R.C. 5 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

FROM ANY BUILDING FACE TO: CENTERLINE OF ANY STREET (NOT COLECTOR ROAD OR LEADING TO COLLECTOR ROAD)	75'
FROM ANY BUILDING FACE TO: LOT LINE OTHER THAN A STREET LINE	50'



VICINITY MAP
1" = 2000'

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DEVELOPER
SCOTT ZIFFERER
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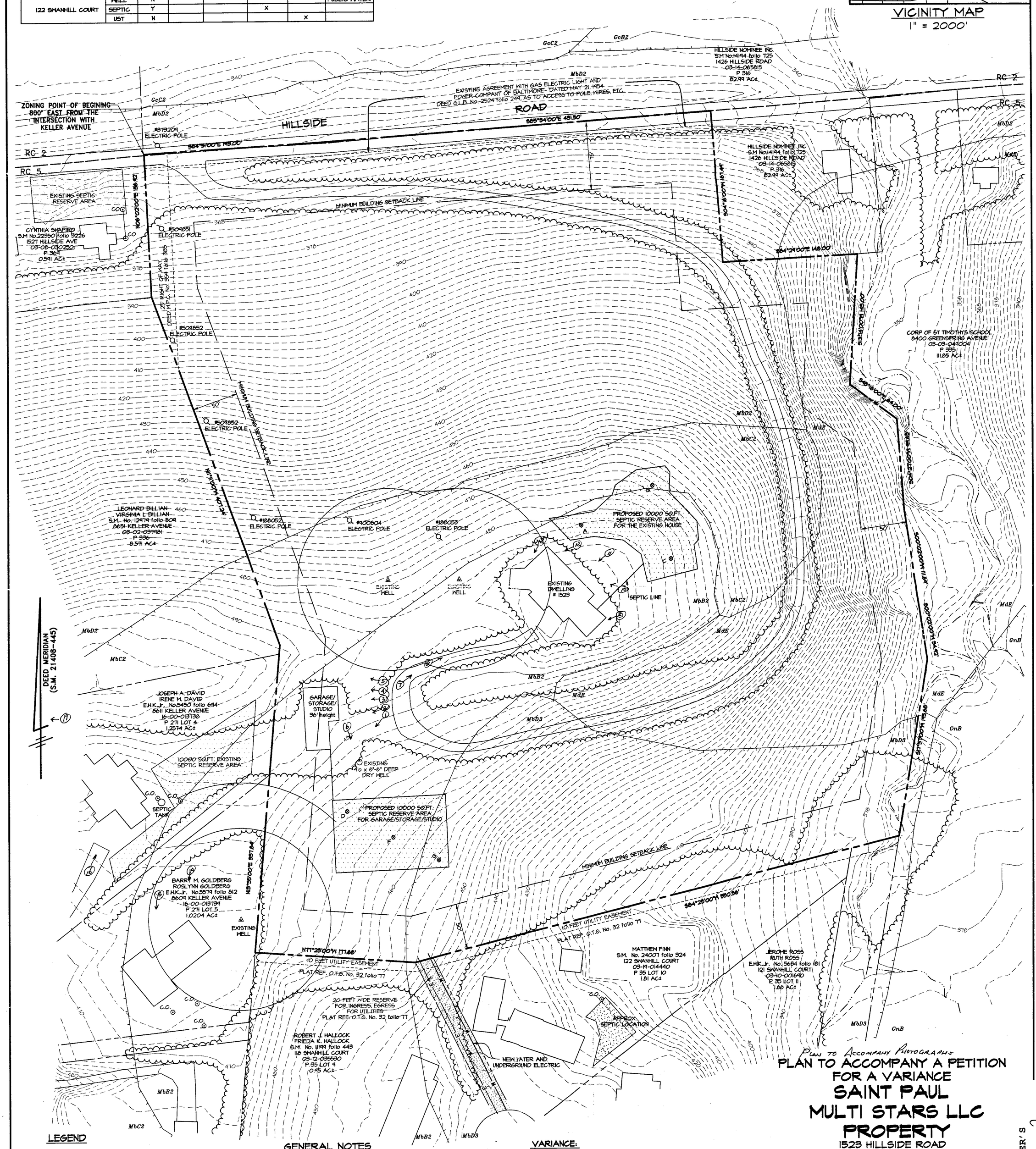

LEGEND

- EXISTING WELL
- EXISTING CLEANOUT
- PROPOSED PERC TEST
- PROPOSED DWELLING
- EXISTING BUILDING
- SOIL LINE
- WOODS LINE
- EXISTING PAVING
- PROPOSED PAVING
- ZONING LINE
- PROPERTY LINE
- CONTOURS
- SLOPES ≥ 25%

GENERAL NOTES

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9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
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GcC2, MbC2	Moderate: slope	Moderate: slope	Severe: slope
GnB	Severe: high water table; moderately slow permeability.	Severe: high water table	Severe: high water table
HrD3, LfD MbD3, MdD2	Severe: slope	Severe: slope	Severe: slope

VARIANCE:

1. TO PERMIT AN ACCESSORY STRUCTURE (POOL HOUSE) TO HAVE A HEIGHT OF 31 FEET IN LIEU OF THE REQUIRED MAXIMUM HEIGHT OF 15 FEET PER SECTION 4003 (B.C.Z.R.).

REVISION	DATE

Plan to Accompany Photographs

PLAN TO ACCOMPANY A PETITION FOR A VARIANCE
SAINT PAUL MULTI STARS LLC PROPERTY

1523 HILLSIDE ROAD
Deed Ref: S.M. No. 21408 folio 445
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