

IN RE: PETITION FOR ADMIN. VARIANCE

W side Campitelli Court, 300 feet S of
Campitelli Court and Church Road
4th Election District
4th Councilmanic District
(4 Campitelli Court)

Tiffany and Michael V. Rushanan
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 08-515-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 owners of the subject property, Tiffany and Michael V. Rushanan for property located at 4 Campitelli Court. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure in a side yard in lieu of the required rear yard with a height of 24.5 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners want to construct a garage with additional height for storage purposes. The property contains 2.1764 acres and is served by private sewer and water systems which prevents the garage being located in the rear yard.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief. Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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6-4-08
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The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 10, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the 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.

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.

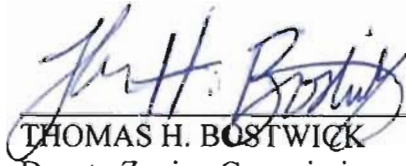
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 4th day of June, 2008 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure in a side yard in lieu of the required rear yard with a height of 24.5 feet in lieu of the required 15 feet is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

ORDER RECEIVED FOR FILED
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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

6-4-08

pm



TAX ACCOUNT 100005631

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4 CAMPITELLI CT
which is presently zoned RC5

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) 400.1 AND 400.3 TO ALLOW AN ACCESSORY STRUCTURE IN A SIDE YARD IN LIEU OF THE REQUIRED REAR YARD WITH A HEIGHT OF 24.5 FEET IN LIEU OF THE REQUIRED 15 FEET

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):

Tiffany Rushanan
Name - Type or Print _____
Michael V. Rushanan
Signature _____
Name - Type or Print _____
Michael V. Rushanan
Signature _____
4 Campitelli Ct 410-833-3316
Address _____ Telephone No. _____
Reisterstown MD 21136
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
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. Z008-0515-A

REV 10/25/01

Reviewed By cm Date 4/30/08

Estimated Posting Date 5-11-08

FORM RECEIVED FOR PUBLIC
6-4-08
m

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

4 Campitelli Ct
Address
Reisterstown 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):

Practical Difficulty:

- 1) We need higher than 15' to use upper half for storage.
- 2) The location is needed because of the current position of our driveway. The backyard is fenced off and has large trees preventing access to the driveway.
- 3) The contour of the land also prohibits any other 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.

Michael V. Rushanan
Signature
Michael V. Rushanan
Name - Type or Print

Tiffany L. Rushanan
Signature
Tiffany L. Rushanan
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18 day of April, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Catherine Ann Cox
Notary Public CATHERINE ANN COX
My Commission Expires 10/01/2010

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 4 Campitelli Ct.
Address
Reisterstown 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):

Practical Difficulty:

- 1) We need higher than 15' to use upper half for storage.
- 2) The location is needed because of the current position of the driveway. The backyard is fenced off and has large trees preventing access to the driveway.
- 3) The contour of the land also prohibits any other 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.

Michael V. Rushanan
Signature
Michael V. Rushanan
Name - Type or Print

Tiffany L. Rushanan
Signature
Tiffany L. Rushanan
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18 day of Apr. 1, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Catherine Ann Cox
Notary Public CATHERINE ANN COX
My Commission Expires 10/01/2010



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4 CAMPITELLI CT
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) 400.1 AND 400.3 TO ALLOW AN

ACCESSORY STRUCTURE IN A SIDE YARD IN LIEU OF THE REQUIRED
REAL YARD WITH A HEIGHT OF 24.5 FEET IN LIEU OF THE REQUIRED
15 FEET

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

410-833-3314

Telephone No.

City

MD

5136

Representative to be Contacted:

Name

Address

Telephone No.

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. 2008-0515-A

Reviewed By CM Date 4-30-08

REV 10/25/01

Estimated Posting Date 5-11-08

6-4-08

PM

ZONING DESCRIPTION FOR 4 Campitelli Court

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

BEGINNING for the same on the south side of Church Road at a steel bar now set at the northwesterly corner of Lot No. 16 as shown on the final plat of "Hickory Hill Estates" recorded among the Land Records of Baltimore County in Plat Book S.M. No. 58 Folio 89, thence binding on the south side of Church Road by the three following lines respectively, viz: North 78 degrees 34 minutes 00 seconds East 34.96 feet (to correct an erroneous distance of 36.77 feet) and by a non-tangent line curving to the left with a radius of 367.57 feet for a distance of 104.96 feet (to correct an erroneous distance of 105.36 feet), the chord of said curving line bearing South 89 degrees 29 minutes 25 seconds East 104.60 feet (to correct an erroneous bearing and distance of South 89 degrees 27 minutes 31 seconds East 105.00 feet) and North 82 degrees 19 minutes 47 seconds East 116.00 feet to a steel bar now set; thence leaving Church Road and running with and binding on the easterly side of said Lot 16 South 7 degrees 40 minutes 14 seconds East 300.00 feet to the north side of a 20 foot wide private ingress, egress, maintenance and utility easement; thence binding reversely thereon by the two following courses and distances respectively, viz: North 82 degrees 19 minutes 46 seconds East 301.15 feet (to correct an erroneous distance of 301.18 feet) and North 23 degrees 49 minutes 31 seconds East 25.58 feet to the southwest side of Campitelli Court (50 feet wide); thence binding reversely thereon South 33 degrees 49 minutes 04 seconds East 46.57 feet; thence leaving Campitelli Court and running with and binding on the south

ZONING DESCRIPTION FOR 4 Campitelli Court (Cont'd)

side of the abovementioned 20 foot wide easement South 82 degrees 19 minutes 46 seconds West 335.04 feet to a steel bar now set; thence binding reversely on the southeasterly side and reversely on the southwesterly side of said Lot 16 by the two following courses and distances respectively, viz: South 44 degrees 27 minutes 21 seconds West 228.51 feet (to correct an erroneous bearing of South 44 degrees 27 minutes 21 seconds East) to a steel bar now set and North 16 degrees 34 minutes 13 seconds West 478.64 feet to the place of beginning.

CONTAINING 2.1763 acres more or less.

BEING Lot No. 16 as shown on the final plat of "Hickory Hill Estates" recorded among the Land Records of Baltimore County in Plat Book S.M. No. 58 Folio 89, said lot now being revised and corrected as described above.

SUBJECT TO a 15 foot wide revertible slope easement along the south side of Church Road.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 13964

Date: 4-30-08

PAID RECEIPT

BUSINESS ACTUAL TIME IN

4/30/2008 4/30/2008 15:14:07

509 - WALKIN - DDOL DND

RECEIPT # 442721 4/30/2008 0514

5- 528 ZONING VERIFICATION

013964

Recpt Tot 165.00

165.00 CR 1.00 CR

Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
000		000		6150				15.00

Total: 165.00

Rec

From:

T. RUSHMAN

4 CAMPITELLI CT

For:

AD VAL

2008 - 0515 - A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 05/11/08

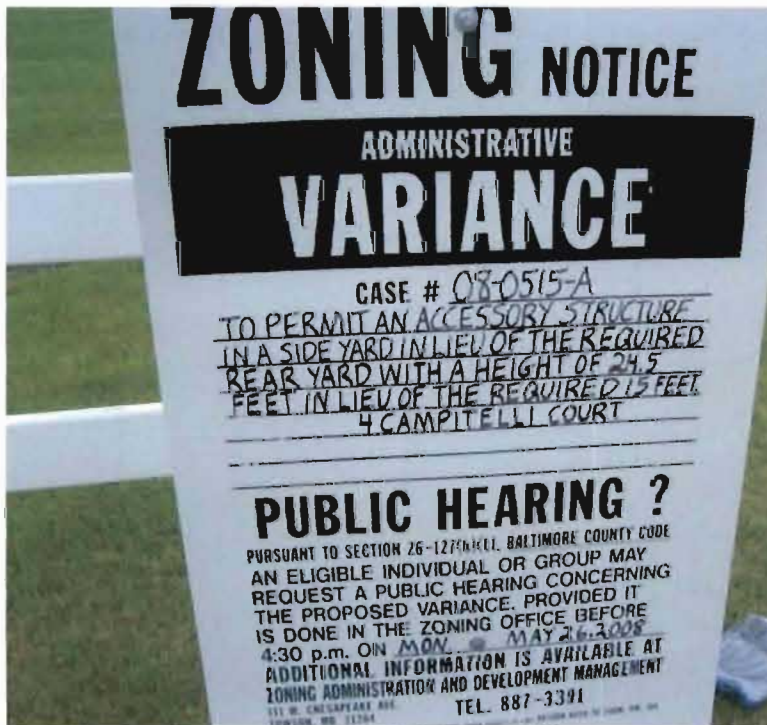
Case Number: 08-0515-A

Petitioner / Developer: TIFFANY RUSHANAN

Date of Hearing (Closing): MAY 26, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
4 CAMPITELLI COURT

The sign(s) were posted on: 05/10/08



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 0515 -A Address 4 CAMPITELLI CT

Contact Person: CRAIG Mc Gowan Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4-30-08 Posting Date: 5-11-08 Closing Date: 5-26-08

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 08- 0515 -A Address 4 CAMPITELLI CT

Petitioner's Name TIFFANY RUSHAWAN Telephone 410-833-3316

Posting Date: 5-11-08 Closing Date: 5-26-08

Wording for Sign: To Permit AN ACCESSORY STRUCTURE IN A SIDE YARD
IN LIEU OF THE REQUIRED REAR YARD WITH A HEIGHT OF
24.5 FEET IN LIEU OF THE REQUIRED 15 FEET

WCR - Revised 6/25/04



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.

County Executive

Tiffany & Michael V. Rushanan

4 Campitelli Ct.

Reisterstown, MD 21136

TIMOTHY M. KOTROCO, *Director*

Department of Permits and Development Management

May 27, 2008

Dear: Tiffany & Michael V. Rushanan

RE: Case Number 2008-0515-A, Address: 4 Campitelli Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 30, 2008. 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 8, 2008



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

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-515- Administrative Variance**

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

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

Prepared By:
CM/LL

A handwritten signature in black ink, appearing to read "Chris Murray". The signature is written over a horizontal line that extends to the right.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 9, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For May 12, 2008
Item Nos. 08-504, 506, 507, 508, 509,
511, 512, 513, 515, 516, 517, and 519

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

DAK:CEN:lrk
ZAC-04092008-NO COMMENTS
cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

Date: MAY 5, 2008

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

RE: Baltimore County
Item No. 8-515-A
4 CAMPETELLI COURT
RUSHANAN PROPERTY
ADMINISTRATIVE 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. 8-515-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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 4 CAMPITELLI COURT

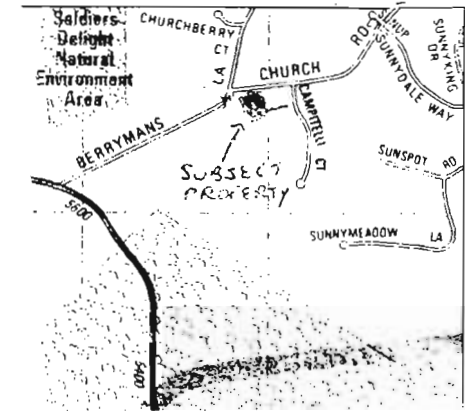
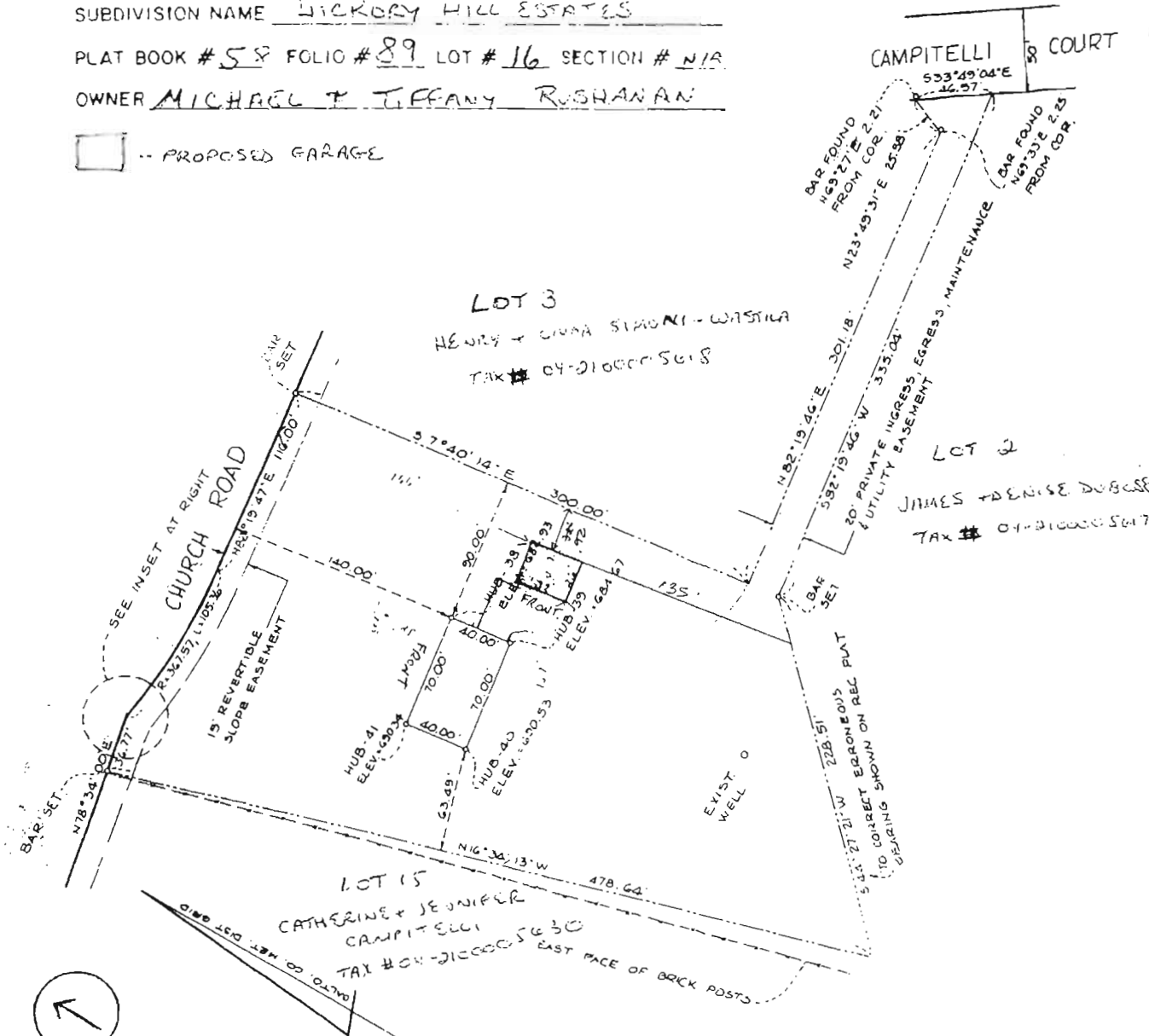
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME LICKORY HILL ESTATES

PLAT BOOK # 58 FOLIO # 89 LOT # 16 SECTION # N1A

OWNER MICHAEL & TIFFANY RUSHANAN

☐ -- PROPOSED GARAGE



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 4
COUNCILMANIC DISTRICT 4 **057B2**
1" = 200' SCALE MAP # NW 12-K
ZONING RC5
LOT SIZE 2.1764 94803.78
ACREAGE SQUARE FEET
PUBLIC PRIVATE
SEWER ☐ ☒
WATER ☐ ☒
CHESAPEAKE BAY CRITICAL AREA YES NO ☐ ☒
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY/BUILDING ☐ ☒
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

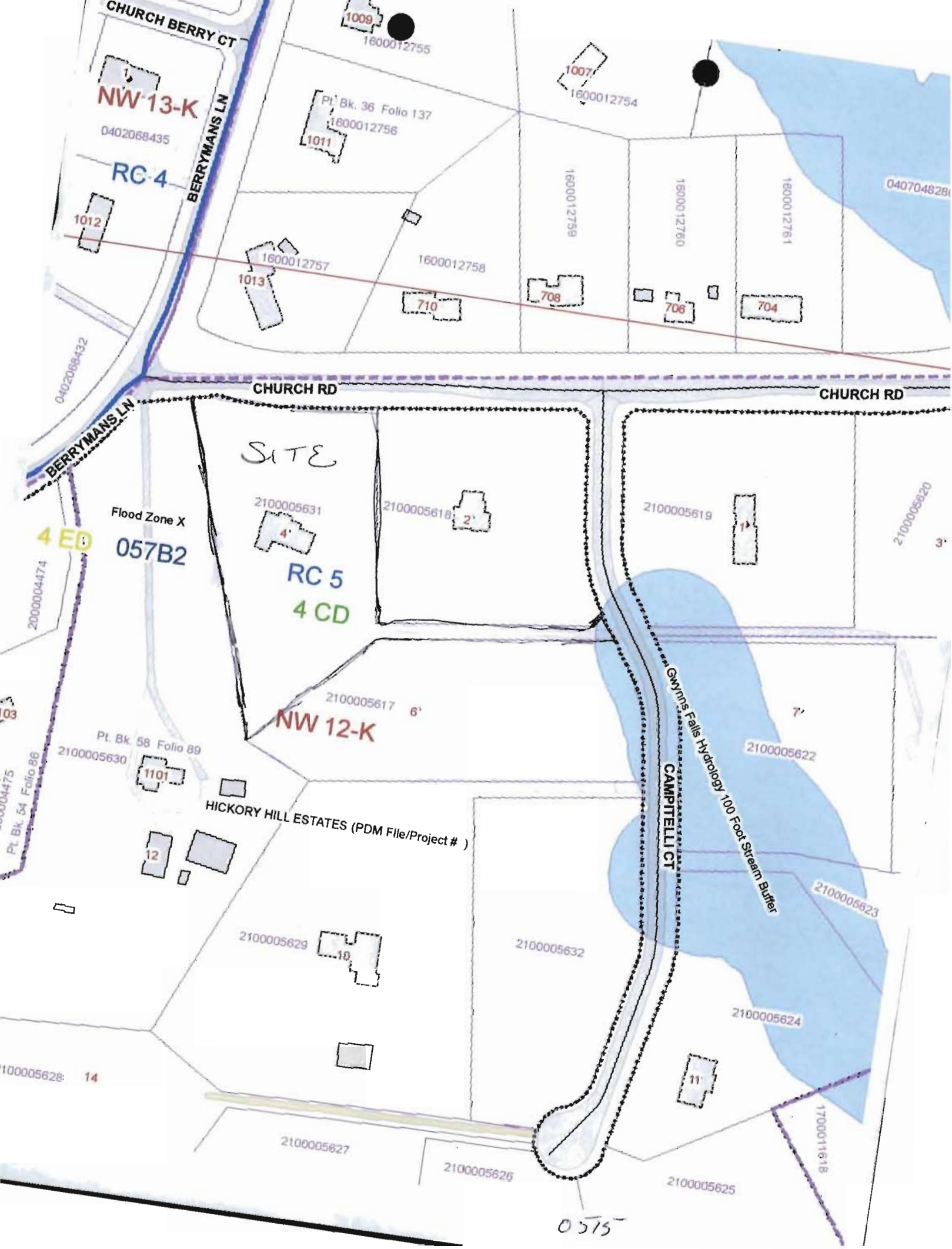
Cm

0515

2008-0515-A

PREPARED BY

SCALE OF DRAWING: 1" = 100'





PROPOSED
GARAGE ON
THIS SIDE YARD

0515