IN RE: PETITION FOR ADMIN. VARIANCE

S side of Paper Mill Road; 1000 feet W of the c/l of Robcaste Road 10th Election District 3rd Councilmanic District (3121 Paper Mill Road)

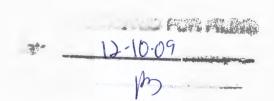
Lisa M. LaVina Petitioner

- * BEFORE THE
- * DEPUTY ZONING
- COMMISSIONER
- * FOR BALTIMORE COUNTY
- * Case No. 2010-0154-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 Lisa M. LaVina for property located at 3121 Paper Mill Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (pole barn) with a height of 21 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner wishes to construct a pole barn measuring 36 feet x 36 feet x 21 feet for the storage of two boats, one pick up truck, lawn mowers, fire wood and other personal items. The pole barn is a Monitor-style barn, green and white in color and with a cupola on the top. The topography of the site slopes to the south and east where the barn will be located. The finished floor elevation of the barn will be approximately 10 feet below the fist floor elevation of the house, placing the peek of the barn room approximately 3 feet into the horizontal plane of the second floor of the dwelling or just below the windows.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated December 2, 2009, which recommends that the accessory structure not be converted into a dwelling unit or



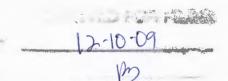
apartment, not contain any sleeping quarters, living area or kitchen facilities, and not be used for commercial purposes.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 21, 2009 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 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.

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 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.
- 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



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

December 10, 2009

LISA M. LAVINA 3121 PAPER MILL ROAD PHOENIX MD 21131

Re: Petition for Administrative Variance

Case No. 2010-0154-A

Property: 3121 Paper Mill Road

Dear Ms. LaVina:

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

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 3121 Paper Mill Road

which is presently zoned RC-6

Deed Reference: Map 35 / 242 Tax Account # 1004075200

owner(s) of the property	situate in Baltimore	County and	which is de	scribed in t				
and made a part hereof,	nereby petition for a	variance πor	n Section(s)	400.	3 40	permit	ah.	
access ory	structure	(00/4						#

lieu of the required 15 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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.

				perjury, that I/we are t is the subject of this F	he legal owner(s)	of the property which
Contract P	urchaser/Les:	see:		Legal Owner(s):		
N/A				Lisa M. LaV	'ina	
Name - Type or	Print			Name - Type	or Print	
Signature	W. 10 10 10 10 10 10 10 10 10 10 10 10 10			Signistrate	CACCO	
Address			Telephone No.	Name - Type or Print		
City		State	Zip Code	Signature		
Attorney Fo	or Petitioner:			Address		Telephone No.
N/A				Phoenix	Md.	410-771-1042
Name - Type or	Print			City	Sta	
				Representative t	o be Contact	ed:
Signature				Todd Nicusanti		
Company	,			Name 3121 Paper Mill	Road	410-771-1042
Address			Telephone No.	Address		Telephone No.
				Phoenix	Md.	21131
City		State	Zip Code	City	Sta	nte Zip Code
this day	ng having been for of altimore County and	the	at the subject matter	e required, it is ordered by the 2 r of this petition be set for a public	c hearing, advertise	d, as required by the zoning
				Zoning Comm	issioner of Baltimor	re County
Case No.	2010-	0154. A		Reviewed By Bh	Date	11/2/09
			Estimated	Posting Date 11/5	2/09	
FRM	476_09		5-09			Rev 3/09

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 her		rsonal knowledge of the Affiant(s)
and that Affiant(s) is/are competent to testi	ry inereto in the event tha	it a public hearing is scheduled in
the future with regard thereto. That the Affiant(s) does/do presently own are	d maids at 3121	Paper Mill Road
That the Afriant(s) does/do presently own an	Address numb	
and that this address is the subject of this var		
That based upon personal knowledge, the form an Administrative Variance at the above adadditional sheet if needed) The practical difficulty for exterior storage of 2 boats, 1 pick-up truck, 2 lewn mowers, fire woo	dress (indicate the hardshi	ip or practical difficulty; attach an ole barn being constructed is to eliminate
eye-sore. The proposed building is 36'x36'x21" which exce		
The topography of the property is such that it slopes to the		The state of the s
The finished floor elevation of the barn will be approximately		The state of the s
approximately 3'-0" into the horizontal plane of the second floor of the		
section of the barn approximately 6' higher than the allower		
cooler of the barriapproximately o raginer than the anome	rouse to new austred prior	or on the proposed staff
advertising fees. They also understand that the Signature	Signature	
GOD MICUSPASTI	-	
Name- print or type	Name- print o	or type
A Notary Public must complete the STATE OF MARYLAND, BALTIMORE I HEREBY CERTIFY, this 2nd day of the State of Maryland, in and for the County (Name Affiant(s) here): Todd Nicusanti the Affiant(s) herein, personally AS WITNESS my hand and Notarial Seal	COUNTY, to wit: November 2009 aforesaid, personally appe	, before me, a Notary Public of
	Name of Motary Public	MY COMMISSION EX AUGUST 01, 2010

FRM476_09

Rev 3/09

Zoning Description for 3121 Paper Mill Rd., Phoenix, Md. 21131

Metes and Bounds:

Beginning at the first at a point South 81 degrees 24 minutes East 50.00 feet from the end of the fifth or North 8 degrees 36 minutes East 377.27 foot line of that parcel of land conveyed by George W. Ruppersburger, and wife, to Frederick K Nichols, and wife, by Deed dated November 1, 1966 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 4694 folio 417; and running thence fro a line of division North 8 degrees 36 minutes East parallel to an 50.00 feet easterly from the sixth line of the above mentioned deed 213.07 feet; thence for lines of division: the three following courses, viz: South 81 degrees 24 minutes East 230 feet, second South 8 degrees 36 minutes West 385.000 feet and third North 81 degrees 24 minutes West 230 feet too a point distant 50.00 feet and above the mentioned fifth line; thence for a line of division parallel to said fifth line North 8 degrees 36 minutes East 171.93 feet to the place of beginning. Containing 2.033 acres of land more or less also known as the 3121 Paper Mill Road located in the 10th Election District and 3rd Councilmanic District.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2010-	0154	-A	Address _	3121	Papermill	RQ.	
Conta	act Person:	Brun:	Rulai ease Print Your Na	+3		Phone Numb	er: 410-8	387-3391
Filing	Date:	9/09	Postin	g Date: _	11/22/09	Closing	Date:	12/7/09
Any c	contact made v gh the contact p	vith this office erson (planne	e regarding r) using the	the status	of the ad	ministrative va	ariance sl	hould be
1.	reverse side or reposting mus is again responsation property on or date.	of this form) at t be done only consible for all	nd the petition by one of the associated of the second terms of th	oner is res he sign po costs. The	ponsible fo sters on the zoning no	r all printing/pe e approved list tice sign must	osting cost and the part of the visible	sts. Any petitioner le on the
2.	DEADLINE: Ta formal request for a p	est for a pub	lic hearing.	Please u	inderstand	that even if the	here is n	eet to file o formal
3.	ORDER: After commissioner order that the within 10 days whether the permailed to you be	He may: (a matter be set s of the closi etition has bee	a) grant the in for a public ng date if a en granted, o	requested c hearing. all County	relief; (b) of You will re agencies'	deny the reque ceive written n comments are	ested relie otification e receive	ef; or (c) n, usually ed, as to
4.	POSSIBLE PL (whether due commissioner) changed giving posted, certific this office:	to a neighbo , notification , notice of the	r's formal re will be forw hearing dat	equest or arded to e, time and	by order or you. The d location.	of the zoning sign on the page As when the s	or deputy property is sign was o	y zoning must be originally
			(Detach /	Along Dotted Lir	ne)			
Petitic	oner: This Par	t of the Form	is for the S	ign Poster	Only			
		USE THE AD	MINISTRAT	IVE VARIA	NCE SIGN	FORMAT		
Case I	Number 2010-	0154 -A	Addres	s 312	1 Pape	rmill Rd.		
Petitio	ner's Name	Lisa & Todo	1 Nicusa	nt:	Te	elephone	143-330	3-5000
Postir	ng Date:	11/22/0	9	Clos	sing Date:	15/7/0	9	
	ng for Sign:							
of	21 ft. iv	lien o	f the r	equirel	15 ft.			

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.

Item Number or Case Number
Petitioner: TOOD NICUTALY!
Address or Location: 3121 TATER MILL Et.
PLEASE FORWARD ADVERTISING BILL TC
Name: Topo AIRITEATI
Address 3121 PATER MILL ROAD
Address 3121 PATER NILL PORE PHYENIX, Mb. 21131

	LANEOU	IS CASH	RECEIPT			Date:				1000	
und	Dept	Unit	Sub Unit	Rev Source/ Obj		Dept Obj	BS Acct	Amount			
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			ENCY ASE PRES			R	GOLD - ACC	COUNTING			
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						R	GOLD - ACC	COUNTING			
						R	GOLD - ACC	COUNTING			
						R	GOLD - ACC	COUNTING			
						R	GOLD - ACC	COUNTING			

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 11/21/09

Case Number: 2010-0154-A

Petitioner / Developer: TOD NICUSASANTI

Date of Hearing (Closing): DECEMBER 7, 2009

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:

3121 PAPER MILL ROAD

The sign(s) were posted on: NOVEMBER 21, 2009



Linda O'Kuje

(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)



JAMES T. SMITH, JR. County Executive

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

December 1, 2009

Lisa Lavina & Todd Nicusanti 3121 Paper Mill Rd. Phoenix, MD 21131

Dear: Lisa Lavina & Todd Nicusanti

RE: Case Number 2010-0154-A, 3121 Paper Mill Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 09, 2009. 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,

U. Cal Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

DATE: November 25, 2009

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 7, 2009

Item Nos. 2010-0141, 148, 149, 151,

152, 153, 154 and 155

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-12072009 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

10-154 - Administrative Variance

DATE: December 2, 2009

RECEIVED

DEC 0 4 2009

ZONING COMMISSIONER

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 21 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

- 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 herein, please contact Jessie Bialek at 410-887-3480.

Prepared by:

AFK/LL: CM



Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: November 30, 2009

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

RE: Baltimore County
Item No. 2010-0154A
MD 145 (Paper Mill Road)
1000' west of Robcaste RD
LaVina Property

Site Plan

Administrative Variance

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on November 23rd. A field inspection and internal review reveals that the existing entrance onto MD 145 (Paper Mill Road) is consistent with current State Highway Administration requirements. Therefore, this office has no objection to Lisa M. LaVina Property at 3121 Paper Mill Road, Case Number 2010-0154- A approval.

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

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/mb

Cc: Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA



Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search (2007 vw6.3d)

Go Back **View Map New Search**

District - 10 Account Number - 1004075200 **Account Identifier: Owner Information** Owner Name: LAVINA LISA M RESIDENTIAL Principal Residence: YES Mailing Address: 3121 PAPER MILL RD **Deed Reference:** 1) /24361/ 35 PHOENIX MD 21131-1431 Location & Structure Information **Premises Address Legal Description** 3121 PAPER MILL RD 2.033 AC SS PAPER MILL RD 2450 W JARRETTSVILLE ROA Map Grid **Parcel Sub District** Subdivision Section Block Lot **Assessment Area** Plat No: 35 23 242 Plat Ref: Town **Ad Valorem Special Tax Areas Tax Class Primary Structure Built Enclosed Area Property Land Area County Use** 2,000 SF 04 1967 2.03 AC Stories Basement Type **Exterior** YES STANDARD UNIT SIDING 2 Value Information **Base Value** Value **Phase-in Assessments** As Of As Of As Of 07/01/2009 07/01/2010 01/01/2008 Land 137,870 198,540 **Improvements:** 96,720 186,410 Total: 234,590 384,950 334,830 384,950 **Preferential Land: Transfer Information** Price: \$396,500 08/24/2006 Seller: DUNNOCK HILDA LEE Date: Deed1: /24361/35 Deed2: Type: MULT ACCTS ARMS-LENGTH Seller: DUNNOCK HILDA L Date: 02/06/1997 Price: \$0 Deed2: Type: NOT ARMS-LENGTH Deed1: /14145/ 629 Date: 07/31/1967 Price: \$0 Seller: GOLDBERG ABRAHAM ET AL Deed1: / 4787/ 151 Type: NOT ARMS-LENGTH Deed2: **Exemption Information** 07/01/2009 07/01/2010 **Partial Exempt Assessments** Class 000 County 0 0 000 0 0 State Municipal 000 0 0 **Special Tax Recapture:** Tax Exempt: NO * NONE * **Exempt Class:**









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FACS

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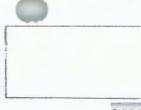
Win a FREE Building

What's New!

Free Brochure Charles . THE PER







Call Tolt

Photo Gallery - Agricultural

Reference #03-0922-01



Poulsbo, WA 36' x 36' x Eave Raised center is 123/36'x18' Roof, Trim, Sliders - Evergreen Walls - White 18" overhangs - open 3' entry 36" Fiberglass Eave lights on shed 48" fiberglass eave lights on roof "split" (3) 4547 sliding doors. (1) 4'x7" sliding "bale" door 12'x9' sliding door center of (2) 5x3' Almond vinyl windows



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of 1

10/3/2009 2:11 PM

