IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Park Mill Road; 2200 feet SW of York Manor Road 10<sup>th</sup> Election District 3<sup>rd</sup> Councilmanic District (2726 Paper Mill Road)

Matthew R. and Erin M. Gillis
Petitioners

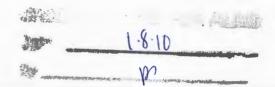
- \* BEFORE THE
- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 2010-0171-A

### 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, Matthew R. and Erin M. Gillis for property located at 2726 Paper Mill Road. The variance request is from Section 1A07.8.B.5.a.(2) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling and a proposed addition with a setback of 45.5 feet and 68 feet, respectively, from principal buildings (adjacent dwellings) in lieu of the minimum required 80 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to enlarge the small living room. The existing dwelling was constructed in 1936 prior to the establishment of zoning on the property. Petitioners provided letters of support from their neighbors residing at 2718 Paper Mill Road, 2722 Paper Mill Road, 2723 Paper Mill Road, 2728 Paper Mill Road, and 2729 Paper Mill Road.

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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 18, 2009 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 day of January, 2010 that a variance from Section 1A07.8.B.5.a.(2) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling and a proposed addition with a setback of 45.5 feet and 68 feet, respectively, from principal buildings (adjacent dwellings) in lieu of the minimum required 80 feet is hereby GRANTED, subject to the following:

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.

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

2



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

January 8, 2010

MATTHEW R. AND ERIN M. GILLIS 2726 PAPER MILL ROAD PHOENIX MD 21131

Re: Petition for Administrative Variance

Case No. 2010-0171-A

Property: 2726 Paper Mill Road

Dear Mr. and Mrs. Gillis:

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: Shaun Merrell, 142 Main Street, Reisterstown MD 21136

# **Petition for Administrative Variance**



to the Zoning Commissioner of Baltimore County for the property located at 2726 Paper Mill Rd. Phoenix, MD 21131 which is presently zoned RC-6

Deed Reference: 25970/\_46 Tax Account # 1006045100

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

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)
(AO7, 8, B, S, a, (2), BC ZR, to permit
an existing dwelling and a proposed addition with setbacks of 45.5 feet and
and made a part hereof, hereby petition for a Variance from Section(s)  (A07.8.B. S. a. (2), BC ZR, to permit  an existing dwelling and a proposed addition with setbacks of 45.5 feet and  68 feet, respectively, from principal buildings (adjacent dwellings) in lieu of  the minimum required 80 feet.
The state of the s
The minimum required 80 teet.
·

This Petition shall be filed with the Department of Permits and Development Management. The undersigned legal

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.

	is the subject of this Petition.					
Contract Purchaser/Lessee:	Legal Owner(s):					
Name - Typeyor Print	MATTHEW RODERKK GILLS  Name - Type or Print  Mortthew Roderwek Bellig					
Signature Signature	Martthew Roberet Sellig					
143 Main St 410 893 140	BRIN MICHELLE GILLS					
Address Telephone No.  City State Zip Code	Name - Type or Print  Eun Michelle Gillis  Signature					
Attorney For Petitioner:	2726 Paper Mill Rd 757-636-128					
Name - Type or Print	City State Zip Code					
Signature	Shaun Merrel					
Company	Name 143 Main St 443-506-6107					
Address Telephone No.	Address Telephone No. Reisterstaun MD 2136					
City State Zip Code	City State Zip Code					
A Public Hearing having been formally demanded and/or found to be required this day of, that the subject matter of this regulations of Baltimore County and that the property be reposted.	is petition be set for a public hearing, advertised, as required by the zoning					
	Zoning Commissioner of Baltimore County					
Case No. 2010-0171-A Revie	wed By					
FRM476_09 \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	Rev 3/09					
A A						

## 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 own and reside at and that this address is the subject of this variance request as required by law. 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 the hardship or practical difficulty; attach an additional sheet if needed) This is namous Zoning regulations Drevent hore Prior to code. That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information. Signature A Notary Public must complete the following section prior to the filing appointment. STATE OF MARYLAND, BALTIMORE COUNTY, to wit: I HEREBY CERTIFY, this 9th day of Dec, Dec, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared: Jon Steams Shaun (Name Affiant(s) here): the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). BINLING BHAWIN SHAH AS WITNESS my hand and Notarial Seal Commission Expires September 2, 2012 Name of Notary Public Commission expires

PLACE SEAL HERE:

# **Zoning Description**

ZONING DESCRIPTION FOR 2726 PAPER MILL RD, PHOENIX, MD 21131

Beginning at a point on the North side of Paper Mill road which is 23' wide at the distance of 2200'(+) south of the centerline of the nearest improved intersecting street York Manor Rd, which is 25' wide. As recorded in Dead Liber 1060, Folio 67, Metes and Bounds: N 53 00'00'E. 82ft, N 39 25'00"W. 284ft, S 26 30'00"W. 90ft, S 40 25'00"E. 246ft.. Also known as 2726 Paper Mill Rd, Phoenix, MD 21131 and located in the 10<sup>th</sup> Election, District, Council maniac District 3.

0171

A OP HA	ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
T PO	ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case	Number 2010- 0171 -A Address 2726 Paper Mill Road
Conta	ct Person: Jeffrey Perlow Phone Number: 410-887-3391
Filing	Date: 12/8/09 Posting Date: 12/2/09 Closing Date: 1/4/20/0
Any c throug	contact made with this office regarding the status of the administrative variance should be the contact person (planner) using the case number.
1.	<b>POSTING/COST:</b> 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.	<b>DEADLINE:</b> 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, usually within 10 days of the closing date if all County agencies' comments are received, 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)
Petitic	oner: This Part of the Form is for the Sign Poster Only
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case l	Number 2010- 0171 -A Address 2726 Paper Mill Road
Petitio	Number 2010- 0171 -A Address 2726 Paper Mill Road  ner's Name Matthew & Evin Gillis Telephone 752-636-1289
Postir	ng Date:   2 20 09 Closing Date: 1/4/20/0
Wordin	ng for Sign: To Permit an existing dwelling and a proposed addition with
sett ladi	acks of 45.5 feet and 68 feet, respectively, from principal buildings acent dwellings) in lieu of the minimum required 80 feet.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Date:	11/	Amount 6 S. O	12/ 1856 N 2386E 2386E	HIGHERS NOTIFE THE THE 107/2009 12/08/2009 14/41/41/477 . 2 . 602 PAIL 3EVA TEE . EIFT & 664564 12/08/2009 UFLN . 5 528 2000/8 UFLN STANDARD VENTERIATION 1. 087/899 Record 101 \$45.00
Rec From:	l l	+ 1	1.5	12	11	Total:		65.0	0	865.00 GK 5.00 GA Baltumore County, Maryland
For:	1 d d d d d d d d d d d d d d d d d d d	. Vu.	unic -4 /		) 6 Pa	FER M	ill Kod	1		
DISTRIBL	JTION CASHIER	PINK - AGI	ENCY	YELLOW -	CUSTOME	R	GOLD - ACCO	DUNTING		CASHIER'S VALIDATION

# **CERTIFICATE OF POSTING**

**ATTENTION: KRISTEN MATHHEWS** 

**DATE:** 12/21/09

Case Number: 2010-0171-A

Petitioner / Developer: MATTHEW & ERIN GILLIS~ SHAUN MERRELL of

MARYLAND DESIGN & BUILD, INC.

Date of Hearing (Closing): JANUARY 4, 2010

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: 2726 PAPER MILL ROAD

The sign(s) were posted on: DECEMBER 18, 2009



Lindu 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)



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

January 6, 2010

Matthew and Erin Gillis 2726 Paper Mill Rd. Phoenix, MD 21131

Dear: Matthew and Erin Gillis

RE: Case Number 2010-0171-A, 2726 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 December 08, 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 &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

Shaun Merrell; 143 Main St.; Reisterstown, MD 21136



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 December 23, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 24, 2009

Item Numbers: 0169,0171 and 0172

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

## 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: Zoning Advisory Petition(s): Case(s) 10-171- 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 Jessie Bialek in the Office of Planning at 410-887-3480.

Prepared By:

CM/LL

**RECEIVED** 

DATE: December 21, 2009

DEC 22 2009

**ZONING COMMISSIONER** 

# BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

DATE: December 15, 2009

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 28, 2009

Item Nos. 2010-0166, 168, 169, 170,

171 and 172

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-12282009 -NO COMMENTS.doc



Martin O'Malley, Governor Anthony G. Brown, L.L. Governor Beverley K. Swaim-Staley, Secretary, Nell J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Dec. 18,2009

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 - 0171-A
MD 145
2726 PAPER MILL RD
GILLIS PROPERTY
ADMIN. VARZIANCE

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 \2/15/09. A field inspection and internal review reveals that an entrance onto \MD \(\Omega\) consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for \(\frac{2726 Parez Null RD}{2010-0171-A}\). Case

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 email 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



Tax Exempt:

**Exempt Class:** 

NO

Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1d)

Go Back View Map New Search

		Ow	ner Informat	ion			
Owner Name:	GILLIS MAT		U	se:	Resider		RESIDENTIAL
Mailing Address: 2726 PAPER MILL RD PHOENIX MD 21131-132			_	eed Ref		1) /25970/ 46	
		Location 8	Structure In	formati	on		
<b>Premises Address</b> 2726 PAPER MILL RD					NW 272	al Description PAPER MILL RD 5 PAPER MILL R 0 W OLD YORK	lD
Map Grid Parcel 35 22 55	Sub District	Subdivision	on Section	Block	Lot	Assessment A	rea Plat No Plat Re
Special Tax Areas	Ac	wn I Valorem x Class					
Primary Struct 1936	ure Built		ed Area 08 SF		perty La 21,780.0	ond Area	County Use 04
Stories	Baseme	ent	nt Type				Exterior
1 1/2 YES			ST	TANDARD		SIDING	
		Va	lue Informat	ion			
Land	Base Value	As Of 01/01/2008	As Of 07/01/2009	A	s Of		
Improvements: Total:	104,440 65,500 169,940	154,440 98,210 252,650	225,080	252	,650		
Preferential Land:	0	0	0		0		
		Trai	nsfer Informa	ition			
Seller: FORD MINNIE A Type: NOT ARMS-LEN	Lancius .			ate: 07 eed1:/2			\$225,000
Seller: Type:				ate: eed1:		Price: Deed2	<b>!</b> :
Seller: Type:				ate: eed1:		Price: Deed2	:
		Exen	ption Inform	ation			
Partial Exempt Asses County	sments		Class 000	07,	/01/200	9 07,	/01/2010
State Municipal			000	0		0	

Special Tax Recapture: \* NONE \*

# 0,71

## 2726 Paper Mill Rd, Phoenix, MD 21131

Petition for variance on building an addition on this property 30ft from property line and 68 ft from neighboring property structure in lieu of the 80ft between structures that zone RC-6 requires.

Property Address: 2723 Paper Mill Rd
Phoenix MD 21131
Comments:
Teffey Carter  Property Owner (Print)  Property Owner (Signature)
11-4-09 Date
By signing above you are acknowledging that you have a full understanding of the proposed addition and have no problem with a variance being approved for this project.
Moto R Gulha 12/7/88  Owner of 2726 Paper Mill Rd, Phoenix, MD 21131 (Signature & date)

0(7(

Petition for variance on building an addition on this property 30ft from property line and 68 ft from neighboring property structure in lieu of the 80ft between structures that zone RC-6 requires.

Property Address: 2728 PAPER Mill Rose.	
PhoEnix, Md. 2431.  Comments: (Irust naighbors with a bandist  property that will only Enhance my  property. Thank of	
Property Owner (Print)  Property Owner (Signature)	-
Date  By signing above you are acknowledging that you have a full understanding of	-
the proposed addition and have no problem with a variance being approved for this project.	

Owner of 2726 Paper Mill Rd, Phoenix, MD 21131 (Signature & date)

Murabre a Seth

0111

Petition for variance on building an addition on this property 30ft from property line and 68 ft from neighboring property structure in lieu of the 80ft between structures that zone RC-6 requires.

Property Address: 2729 PAREN Muc B
Comments: I have se objections to the preprise addition to 2726 Poper Nile Pel.
Property Owner (Print)  Property Owner (Signature)
12-7-2009 Date
By signing above you are acknowledging that you have a full understanding of the proposed addition and have no problem with a variance being approved for this project.
Muss R Sites 12/7/07  Owner of 2726 Paper Mill Rd, Phoenix, MD 21131 (Signature & date)

0111

Petition for variance on building an addition on this property 30ft from property line and 68 ft from neighboring property structure in lieu of the 80ft between structures that zone RC-6 requires.

Property Address: 2718 Pape	es Mice Ro.
thoonix MS 21131	
Comments: SouNS (NO)	DEAN ON AN ADSITION
my sert in the Fut	TIRE!
	•
KANDACS Hortrich	Knull Sthats
Property Owner (Print)	Property Owner (Signature)
12/4/09	
Date	

By signing above you are acknowledging that you have a full understanding of the proposed addition and have no problem with a variance being approved for this project.

Owner of 2726 Paper Mill Rd, Phoenix, MD 21131 (Signature & date)

0(11

Petition for variance on building an addition on this property 30ft from property line and 68 ft from neighboring property structure in lieu of the 80ft between structures that zone RC-6 requires.

Property Address: 2722 8A	PSR Mill RD
8 HOEN: X	MD 21131
Comments: FINE BY A	MD 21131
MicHAEI POFFEL	DOFIL
Property Owner (Print)	Property Owner (Signature)
12/2/09 Date	
	ing that you have a full understanding of roblem with a variance being approved
Mallon R. Bette.	12/7/09

Owner of 2726 Paper Mill Rd, Phoenix, MD 21131 (Signature & date)

