

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Old Court Road; 600 feet W of
the c/l of Dogwood Road
2nd Election District
4th Councilmanic District
(9905 Old Court Road)

Craig J. Sigismondi
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0181-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, Craig Sigismondi for property located at 9905 Old Court Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the side yard of a single-family dwelling with a height of 16 feet in lieu of the required rear yard and 15 foot height. The subject property and requested relief are more particularly described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

On January 13, 2010, the Undersigned called for a formal hearing on this matter. The property is the subject of an active violation case¹. A public hearing was requested based on the pending Code Enforcement matter and the need to obtain additional facts as to that underlying case, including the fact that a building permit was issued (#B714056) for the construction of a garage connected by a breezeway on the side of a single-family dwelling, but a County Inspector found a detached garage without a breezeway and garage height exceeding the maximum 15 feet. The hearing was subsequently scheduled for Friday, April 30, 2010 at 9:00 AM in Room 104 of

¹ CO0064211, FA0163727

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Date 5.3.10

By PJ

the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland. In addition, a sign was posted at the property and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and interested citizens notice of the hearing.

Appearing at the public hearing in support of the variance request was Petitioner Craig Sigismondi. There were no Protestants or other interested persons in attendance.

Testimony and evidence received in the case revealed that the subject property is irregular in shape and contains approximately 3.01 acres, more or less, zoned R.C.2. The property is located on the south side of Old Court Road, just west of Dogwood Road, in the Woodstock area of Baltimore County. The property is presently improved with a single-family dwelling consisting of approximately 2,100 square feet, without an attached garage. According to tax records, the home was built in 1988 and Petitioner acquired the property approximately a year ago. Shortly thereafter, Petitioner applied for a permit to construct a detached garage -- approximately 30 feet by 30 feet in size with a height of 16 feet -- that would be connected to the home with a breezeway.

Near the conclusion of construction, due to unforeseen circumstances, Petitioner was unable to fully complete the garage with the breezeway. During the final inspection, a County Inspector observed that the garage was not connected to the home via a breezeway. With no connection, the unattached structure was improperly situated in the side yard rather than the rear yard, and with a height of 16 feet exceeding the maximum 15 feet. Petitioner does not foresee an ability to erect a breezeway that would fit in with the existing home and the new garage and, as a result, filed the instant request for variance relief. In support of the variance, Petitioner indicated that the property is irregularly shaped in that it tapers significantly in the rear. There is also a wooded area at the rear of the property and at the west side of the property. Petitioner also

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2

By PS

indicated that the topography of the rear yard precluded placing the garage in that area originally. He indicated that the current location in the side yard is most practically and aesthetically appropriate. The driveway terminates on the same side of the home as where the garage is located and there is also a large existing parking pad that provides a sensible entrance into the garage entrance. An aerial photograph was marked and accepted into evidence as Petitioner's Exhibit 2. Although it does not specifically show the garage, it does give an illustrative bird's eye view of the property and the layout of the home and the driveway and parking pad as described above. As for the height, Petitioner explained that he did not realize the roof trusses he ordered would ultimately result in an overage of 1 foot above the height that is permitted. The main reason for the height is to allow for loft storage of household items via the attic style pull-down stairs.

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 January 4, 2010 which recommends 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. Comments were received from the Department of Environmental Protection and Resource Management dated February 2, 2010 which states that the existing well and septic must be shown on the site plan.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I find the property to be unique based on the unusual shape, the wooded areas, and the topography as described by Petitioner.

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Date 5.3.10

By Bj

I further find that Petitioner would suffer practical difficulty and undue hardship if the variances were to be denied. Not only would Petitioner be required to incur a needless expense to remove the garage, but strict compliance would result in placement of the garage in a less functional and aesthetically pleasing area of the property. Finally, I find that the variances 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. In viewing the site plan and the aerial photograph, it is clear that the only potentially affected residence is screened by a tree line along the eastern property boundary, and is a substantial distance (approximately 150 feet) from the property line. It is also noteworthy that public notice of Petitioner's plan was posted on the property for Petitioner's administrative variance request, as well as to notify neighbors and interested persons of the public hearing and there are no communications in the file reflecting any opposition, and no citizens attended the hearing as well.

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 variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 3rd day of May, 2010 that a Variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) to be located in the side yard of a single-family dwelling with a height of 16 feet in lieu of the required rear yard and 15 foot height, be and are hereby **GRANTED**, subject to the following:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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.

ORDER RECEIVED FOR FILING

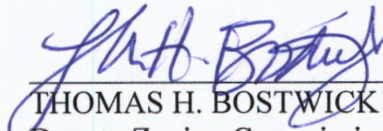
Date 5.3.10

4

By PJ

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, kitchen or bathroom 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

ORDER RECEIVED FOR FILING

Date 5.3.10

By PJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 3, 2010

CRAIG SIGISMONDI
9905 OLD COURT ROAD
WOODSTOCK MD 21163

Re: Petition for Administrative Variance
Case No. 2010-0181-A
Property: 9905 Old Court Road

Dear Mr. Sigismondi:

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,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

From: Patricia Zook
To: Matthews, Kristen
CC: Bostwick, Thomas; Wiley, Debra
Date: 1/13/2010 1:04 PM
Subject: Case No. 2010-0181-A - located at 9905 Old Court Road - hearing to be scheduled
Attachments: IO-2010-0181-A AV-SCHEDULE HEARING.doc

Kristen -

Please see the attached memorandum regarding the above-referenced administrative variance case. Tom Bostwick has determined that a public hearing is necessary for this case.

The file is ready for pick up by someone from your office.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: January 13, 2010

TO: Kristen Matthews, Zoning Review Office
Dept. of Permits and Development Management

FROM: Patricia Zook, Legal Secretary to
Thomas Bostwick, Deputy Zoning Commissioner

RE: Petition for Administrative Variance
Case No. 2010-0181-A --- located at 9905 Old Court Road

After a review of the above-captioned case file and the active violation case documents, Tom Bostwick has determined that this case shall be set for a public hearing. The necessity for the public hearing is based on the following:

- Circumstances under which this matter came before Code Enforcement; and
- Building permit issued for the construction of a garage connected by a breezeway on the side of a single family dwelling; however, Inspector found detached garage without breezeway and stand alone garage height exceeding 15 feet; and
- No justification provided for change in construction plans; and
- No photographs provided in support of the administrative variance request; and
- Explore this variance request further in a public hearing.

We are returning the file to you for further processing. Per Tom, the Petitioner is to repost and advertise the hearing at his expense.

Thank you for your attention and cooperation in this matter.

c: Case File

Post-it® Fax Note	7671	Date	# of pages ▶
To	Brian	From	Krista
Co./Dept.		Co.	
Phone #		Phone #	
Fax #	1012	Fax #	3048

~~assign~~ to TB
TB
4/8 9 AM

From: Thomas Bostwick
To: Wiley, Debra
CC: Zook, Patricia
Date: 1/13/2010 2:27 PM
Subject: Fwd: Case No. 2010-0181-A - located at 9905 Old Court Road - hearing to be scheduled
Attachments: Case No. 2010-0181-A - located at 9905 Old Court Road - hearing to be scheduled

Deb,

In this administrative variance case, is it possible for you to kind of "flag" this case so that when it is scheduled for a hearing, it be given to me rather than Bill since I'm the one who called for the matter to be set in for a hearing?

Thanks. Tom.



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9905 Old Court Road
which is presently zoned RC2

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)

Sections 400.1 & 400.3

To permit an accessory structure/garage in the side yard of a single family dwelling with a height of 16 feet in lieu of the required rear yard and 15 feet height.

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

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5-3-10
Date State Zip Code

Legal Owner(s):

Craig Sigismundi
Name - Type or Print

Craig Sigismundi
Signature

Name - Type or Print

Signature

9905 Old Court Road 5691
Address Telephone No.

Woodstock, MD 21143
City State Zip Code

Representative to be Contacted:

SAME
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 12 day of December, 2009, 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. 2010-0181-A

Reviewed By [Signature] Date 12/16/09

REV 10/25/01

Estimated Posting Date 12/27/09

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 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

9905 Old Court Road
Address
Woodstock, MD 21143
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):

Property is irregularly shaped in the rear of property, with an access way for an adjacent property. It is a practical difficulty for the garage to be built in rear of property due to circumstances of property. There is no harm to community or adjacent property owners.

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.

X Craig S. Sigismundi
Signature

Craig Sigismundi
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of DECEMBER, 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Sheryl D. Swift
Notary Public

My Commission Expires 2/2/2012

Zoning Description for 9905 Old Court Road

Beginning at a point on the south side of Old Court Road which is 35 feet of width at the distance of 600 feet of the centerline of the nearest improved intersecting street, Dogwood Road, which is 20 feet wide. As recorded among the Land Records of Baltimore County in Plat Book 52, Folio 61, Lot 4. Also known as 9905 Old Court Road and located in the 2nd election district, 4th Councilmanic district.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0181 -A Address 9905 Old Court Rd

Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/16/09 Posting Date: 12/27/09 Closing Date: 01/11/2010

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, 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)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2010- 0181 -A Address 9905 Old Court Rd

Petitioner's Name CRAIG SIGISMUNDI Telephone 410 655-5691

Posting Date: Closing Date: 01/11/2010

Wording for Sign: To Permit

To permit an accessory structure/garage in the side yard of a single family dwelling with a height of 16 feet in lieu of the required rear yard and 15 feet height.

Revised 8/20/09

No.

Date:

[illegible]

Total:

For:

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

**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: # 2010-0181-A

9905 Old Court Road
S/side of Old Court Road, 600
feet +/- west of the centerline
of Dogwood Road
2nd Election District
4th Councilmanic District
Legal Owner(s): Craig
Sigismond

Variance: to permit an accessory structure/garage in the side yard of a single family dwelling with a height of 16 feet in lieu of the required rear yard and 15 feet height.

Hearing: Thursday, April 8, 2010 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake 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) 887-4386.

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

JT/3/925 Mar 23 233726

CERTIFICATE OF PUBLICATION

3/25/, 2010

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 3/23/, 2010.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 12/26/09

Case Number: 2010-0181-A

Petitioner / Developer: CRAIG SIGISMONDI

Date of Hearing (Closing): JANUARY 11, 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:
9905 OLD COURT ROAD

The sign(s) were posted on: DECEMBER 22, 2009



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)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 23, 2010 Issue - Jeffersonian

Please forward billing to:
Craig Sigismondi
9905 Old Court Road
Woodstock, MD 21163

410-655-5691

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: 2010-0181-A

9905 Old Court Road

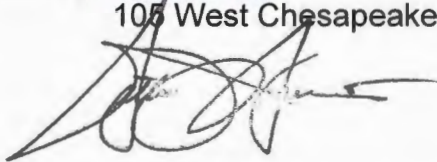
S/side of Old Court Road, 600 feet +/- west of the centerline of Dogwood Road

2nd Election District – 4th Councilmanic District

Legal Owners: Craig Sigismondi

Variance to permit an accessory structure/garage in the side yard of a single family dwelling with a height of 16 feet in lieu of the required rear yard and 15 feet height.

Hearing: ~~Wednesday~~ ^{Thursday}, April 8, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management
March 10, 2010

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: 2010-0181-A

9905 Old Court Road

S/side of Old Court Road, 600 feet +/- west of the centerline of Dogwood Road

2nd Election District – 4th Councilmanic District

Legal Owners: Craig Sigismondi

Variance to permit an accessory structure/garage in the side yard of a single family dwelling with a height of 16 feet in lieu of the required rear yard and 15 feet height.

Hearing: ^{Thursday} Wednesday, April 8, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Craig Sigismondi, 9905 Old Court Road, Woodstock 21163

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., MARCH 24, 2010.**
- (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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

January 12, 2010

Craig Sigismondi
9905 Old Court Rd.
Woodstock, MD 21136

Dear: Craig Sigismondi

RE: Case Number 2010-0181-A, 9905 Old Court 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 16, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



BALTIMORE COUNTY
M A R Y L A N D

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 21, 2009

Item Numbers: 0174, 0177, 0178, 0180 and 0181

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

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For January 4, 2010.
Item Nos. 2010-0166, 173, 177, 178,
180 and 181

DATE: January 5, 2010

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-01052010 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 4, 2010

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

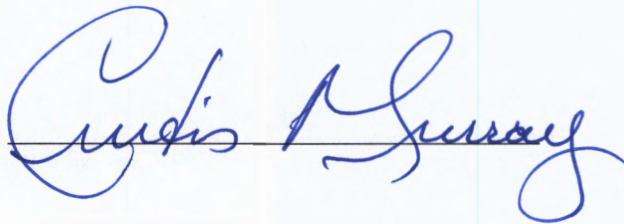
SUBJECT: 10-181 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 16 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 Dave Green at 410-887-3480.

Prepared by:
AFK/LL: CM



RECEIVED

JAN 04 2010

ZONING COMMISSIONER

1-11-10

to be set
in for
hearings

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 02 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: February 2, 2010

SUBJECT: Zoning Item # 10-181-A
Address 9905 Old Court Road
(Sigismondi Property)

Zoning Advisory Committee Meeting of December 21, 2009

 X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

The existing well and septic must be shown. In this case, the proposed garage may be too close to the well.

Reviewer: Dan Esser

Date: 1/14/10



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JAN. 4, 2010

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

RE: Baltimore County
Item No. 2010-0180-A
MD 125
9905 OLD COURT RD
SIGISMONDI PROPERTY
ADMIN. 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 12/22/09. A field inspection and internal review reveals that an entrance onto MD 125 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for SIGISMONDI PROP, Case Number 2010-0180-A.

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,

FOR[^] Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.sha.maryland.gov

Case No.:

2010-0181-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	aerial photograph	
No. 3	Code Enforcement file w/ photos	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

PETITIONER'S

EXHIBIT NO.

3

2010-0181-A

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: December 28, 2009

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2010-0181-A
Legal Owner/Petitioner Sigismondi, Craig
Contract Purchaser: N/A
Property Address: 9905 Old Court Rd.
Location Description: S/side Old Court Rd., 600' +/- , W/of
Centerline of Dogwood Rd.

VIIOLATION INFORMATION: Case No. CO0064211 – FA0163727
Defendants: Sigismondi, Craig

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Bob Peters	Bldg. Insp. M.S. 1009 Phone Ext. 3953

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☐ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☐ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☒ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☒ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☒ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case. ✓

AGB/bp
C: Code Enforcement Officer

DE ENFORCEMENT REPORT

DATE: 7/16/09 INTAKE BY: Bob Peters CASE #: (C) 0064211 INSPEC: Bob Peters

COMPLAINT

LOCATION: 9905 Old Court Road

FA0163727

Woodstock, MD

ZIP CODE: 21163

DIST: 02

COMPLAINANT

NAME: Bob Peters

PHONE #: (H) _____

(W) 410-887-3953

ADDRESS: 111 West Chesapeake Ave Baltimore, MD

ZIP CODE: 21204

PROBLEM: Permit reads construct 30'x30'x16' garage connected by breezeway on side of single family dwelling. At final inspection I found detached garage & no breezeway. Garage height exceeds stand alone height.

IS THIS A RENTAL UNIT? YES ☐ NO ☐

IF YES, IS THIS SECTION 8? YES ☐ NO ☐

OWNER/TENANT

INFORMATION: _____

TAX ACCOUNT #: 1900014369

ZONING: _____

INSPECTION: 6/23/09 - Left disapproval sticker and note to call. As of 7/6 no call received, issued correction notice to address. No homeowner present. id

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

District 2

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No.	Property No. <u>1900014369</u>	Zoning:
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Name(s): Graig & Diana Sigismund

Address: 9905 Old Court Rd. Woodstock, MD 21163

Violation Location: same as above

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

IRC Sec. R105 - Required Permits
- Failure to construct as permitted -

IRC Sec R106.4 - Amended Construction Documents
- nothing submitted for change in construction -

IRC Sec. 109.4 - Approval Required
- non compliance with scope of permit &
zoning -

Ref. B714056

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: <u>7/20/09</u>	Date Issued: <u>7/6/09</u>
---------------------------------	-------------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name Bob Peters

INSPECTOR: Bob Peters

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

On or Before:	Date Issued:
---------------	--------------

INSPECTOR: _____

AGENCY



HEREBY CERTIFY that I took the two photographs set out above, and that these photographs
(number of photos)
fairly and accurately depict the condition of the property that is the subject of the above-referenced
citation/case number on the date set out above.

B. L. D. T. E. N.

Enforcement Officer

PHOTOGRAPHIC RECORD

Citation/Case No.: CO-2064211

Date of Photographs: 8-17-09 9905 Old Court Rd. Woodstock, MI 48183



HEREBY CERTIFY that I took the two photographs set out above, and that these photographs
(number of photos)
fairly and accurately depict the condition of the property that is the subject of the above-referenced
citation/case number on the date set out above.

B. L. D. Jones

Enforcement Officer



Permits & Development Management Complaint Report

Report Criteria:
Complaint Record ID: CO0064211

<u>Record ID</u>	<u>AS/400 Case</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Scheduled Time</u>	<u>Received By</u>	<u>Received Date</u>	<u>Status</u>	<u>Hearing Date</u>	<u>ADC Grid</u>
CO0064211		Jim Garland	01/12/2010		Bob Peters	07/06/2009	Open - Normal	11/04/2009	32A3

Complaint Description: PERMIT READS CONSTRUCT 30'X30'X16' GARAGE CONNECTED BY BREEZEWAY ON SIDE OF SFD. AT FINAL INSPECTION I FOUND DETACHED GARAGE & NO BREEZEWAY. GARAGE HEIGHT EXCEEDS STAND ALONE HEIGHT.

Facility:

FA0163727
PDM 1900014369
9905 OLD COURT RD
WOODSTOCK, MD 21163

Owner :

SIGISMONDI CRAIG J
9905 OLD COURT RD
WOODSTOCK MD 21163

Complainant:

BOB PETERS (BALTO.COUNTY INSP.
111 W. CHESAPEAKE AVE

WORK: 4108873953
FILE MADE

Daily Activity Details - No Data

Violation Details - No Data

Permits & Development Management Complaint Report

Report Criteria:
Complaint Record ID: CO0064211

Comment Details

Type	Date	Comments
BUILDING INSPECTIONS	07/08/2009	INSPECTION 6/23/09 July 08, 2009 08:55 AM - NSHELTON LEFT DISAPPROVAL STICKER & NOTE TO CALL ME. AS OF 7/6/09 NO CALL RECEIVED. ISSUED CORR. NOTICE TO ADDRESS. NO H/O PRESENT. P/U 7/20/09 B.PETERS/NS***
BUILDING INSPECTIONS	07/08/2009	INSPECTION 6/23/09
BUILDING INSPECTIONS	07/22/2009	INSPECTION 7/20/09 July 22, 2009 08:06 AM - NSHELTON WENT TO SITE. NO ONE AT HOME. SPOKE W/CONTRACTOR. HE SAID OWNER IS FILING FOR VARIANCE. SPOKE W/ZONING. NO REQUEST FOR MEETING HAS BEEN FILED. WILL ISSUE CITATION FOR HEARING. HEARING SCHEDULED FOR 8/18/09. P/U 8/17/09 B.PETERS/NS***
BUILDING INSPECTIONS	08/17/2009	HEARING RESCHEDULED 08/17/09 August 17, 2009 11:15 AM - KHOPKINS RESCHEDULE HEARING PER D. RASCOE WHILE OWNER IS FILING FOR VARIANCE. CHECK BACK IN 2 WKS. TO SEE IF VAR. WAS FILED FOR, IF NOT RESCHEDULE HEARING. KH.
BUILDING INSPECTIONS	09/30/2009	UPDATE 9/30/09 September 30, 2009 10:50 AM - NSHELTON AS OF 9/22/09 THERE IS NOTHING ON RECORD FOR THE FILING OF VARIANCE. THEREFORE A NEW CITATION HAS BEEN ISSUED FOR A HEARING SCHEDULED FOR 11/4/09. A RECHECK DATE IS SCHEDULED FOR 10/30/09. A COPY OF NEW CITATION IS BEING MAILED TO HOME OWNER. B.PETERS/NS***
BUILDING INSPECTIONS	10/28/2009	HEARING SET 10/28/09 October 28, 2009 12:18 PM - KHOPKINS HEARING DATE SET FOR 11/04/09. B.PETERS./KH
	12/17/2009	[TITLE] December 17, 2009 02:03 PM - NSHELTON
BUILDING INSPECTIONS	12/17/2009	INSPECTION 11/3/09



District #2
CODE ENFORCEMENT & INSPECTIONS CITATION

CASE NUMBER CO-0064211	PROPERTY TAX ID 1900014369	ZONE
NAME(S): Craig & Dianna Sigismundi		
MAILING ADDRESS: 9905 Old Court Rd		
CITY Woodstock	STATE MD	ZIP CODE 21163
VIOLATION ADDRESS: - same as above -		
CITY	STATE MARYLAND	ZIP CODE
VIOLATION DATES: 7/6/09 / 7/20/09		

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Ref. B714056

IRC Sec. R105 - Required Permits
- Failure to construct as permitted -

IRC Sec. R106.4 - Amended Construction Documents
- nothing submitted for change in construction -

IRC Sec. 109.4 - Approval Required
- non compliance with scope of permit & zoning

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:

\$ **2800.00**

A quasi-judicial hearing has been pre-scheduled in room **106**,
111 W. Chesapeake Ave, Towson, Maryland, 21204, for:

DATE: **8 / 18 / 09**

TIME: **9:00** **A.M.** / P.M.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name: **Bob Peters**

INSPECTOR SIGNATURE: **Bob Peters**

PRINT NAME

Date: **7 / 21 / 09**

AGENCY



Permits & Development Management Complaint Report

Report Criteria:
Complaint Record ID: CO0064211

December 17, 2009 02:04 PM - NSHELTON

VISITED SITE, NO CHANGE. CHECKED WITH ZONING. NO ATTEMPT HAS BEEN MADE TO FILE FOR VARIANCE. P/U 11/24/09 B.PETERS/NS***

BUILDING
INSPECTIONS

12/17/2009

INSPECTION 12/16/09

December 17, 2009 02:07 PM - NSHELTON

ADMINISTRATIVE VARIANCE APPLIED FOR. SEE CASE 2010-0181. O.K. P/U 1/12/10. J. GARLAND/NS***

Lien Information - None



CODE ENFORCEMENT & INSPECTIONS CITATION

CASE NUMBER	PROPERTY TAX ID	ZONE
CO-0064211	1900014369	
NAME(S): Craig & Dianna Sigismundi		
MAILING ADDRESS: 9905 Old Court Road		
CITY	STATE	ZIP CODE
Woodstock	MD	21163
VIOLATION ADDRESS: - same as above -		
CITY	STATE	ZIP CODE
	MARYLAND	
VIOLATION DATES:		

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RCF. B714056

IRC Sec. R105 - Required Permits
- Failure to construct as permitted -

IRC Sec. R106.4 - Amended Construction Documents
- nothing submitted for change in construction -

IRC Sec. 109.4 - Approval Required
- non compliance with scope of permit & zoning

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated:

\$ 2000.00

A quasi-judicial hearing has been pre-scheduled in room 166, 111 W. Chesapeake Ave, Towson, Maryland, 21204, for:

DATE: 11 / 04 / 09

TIME: 9:00 A.M. / P.M.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name: Bob Peters

INSPECTOR SIGNATURE: Bob Peters

PRINT NAME

Date: 09 / 30 / 09

AGENCY

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 64211

Craig Sigismondi
Dianna Sigismondi

9905 Old Court Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on November 4, 2009 for a Hearing on a citation for violations under the International Residential Code (IRC) section R105, required permits, failure to construct as permitted; section R106.4, amended construction documents, nothing submitted for change in construction; section 109.4, approval required, non-compliance with scope of permit and zoning on residential property known as 9905 Old Court Road, 21163.

On September 30, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Bob Peters issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,800.00 (two thousand eight hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on July 6, 2009 for failure to construct project as permitted; for amended construction documents to be submitted; and for noncompliance with scope of permit and zoning. A Citation was issued on July 21, 2009 for failure to construct according to permit; failure to submit amended construction documents; and noncompliance with scope of permits and zoning. Notes in the file state that this Citation was not enforced because the property owner was being given time to file a request for an administrative variance from the Zoning Commissioner to resolve the violation. This Citation was issued on September 30, 2009.

B. Respondents failed to appear for this Hearing.

C. A Building Permit, #B714056, was issued on March 27, 2009 for construction of "two car garage - 30' X30'X16' =900SF, attached to SFD by breezeway - 25'X3' =75SF, on side of SFD. This permit cancels & repls B71532-CHGE in const & wording & site pls. Const pls on site per YAP." The number "B713532" is written in by hand, indicating that a typographical error was made in listing the canceled permit number. Also in the file is the property owner's application for the canceled permit B713532, dated 3/18/09, which proposes "construct detached two car garage" and does not mention a breezeway.

D. Photographs in the file show a new two-car garage, set a significant distance away from the house. Notes in the file state that the detached garage lacks a breezeway connecting it to the house, and also state that the garage height exceeds the permitted stand-alone height for an accessory building.

E. Notes in the file show that Respondents have failed to file any request for a revised permit or a zoning variance. Respondents have constructed a structure that does not conform to the limits and requirements of their building permit. Respondents must either revise the structure to conform to the permit, or obtain a revised permit. Because compliance is the goal of code enforcement, the civil penalty for this code violation will be substantially reduced if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,800.00 (two thousand eight hundred dollars).

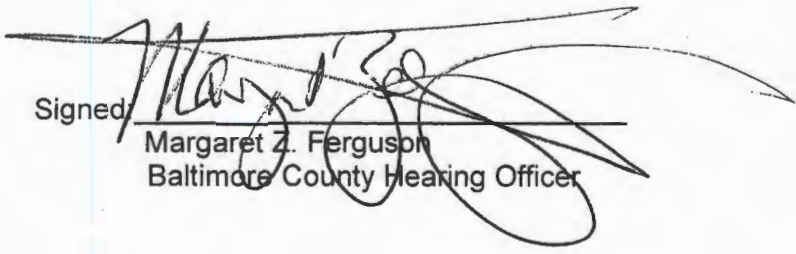
IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if Respondents file appropriate application for a zoning variance or for a revised building permit no later than November 23, 2009, AND if the violation is corrected by January 11, 2010 either by revising the constructed structure to conform to the issued permit or by obtaining a revised permit.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9th day of November 2009.

Signed


Margaret Z. Ferguson
Baltimore County Hearing Officer

PDM # 020519
2300005810

2400001366

2716

2715

2400001360

Lot # 12

2400001367

2400001359 2713

2712

Lot # 13 2400001368

2711

2400001358

PDM # 020361

Lot # 14
2400001369

2708

WOODSTOCK ESTATES (PDM File/Project #)
BALLANTINE PROPERTY (PDM File/Project # 2-361)

2703

Lot # 2
2400001357

2701

0213400020

NW 5-K

0213200940

9926

9930

Lot # 0 2400001373
Pt. Bk. 75 Folio 6

NW 5-J

2400001356

Lightning Ct

0219001980

9830

19640095

2 ED

OLD COURT RD

OLD COURT RD

OLD COURT RD

0206450480

086B1

0207000140

086C1

0212200100

9905

Pt. Bk. 57 Folio 27
1900014369
Lot # 4

1900014368
Lot # 3 9415

4 CD

DOGWOOD RD

Lot # 1 2300010991

PDM # 020614
9420

RC 2

1700003483

PDM # 020325

1900014367

9416

2300010992

0202000014

9408

1700010081

NW 4-K

2010-0181-A

Lot # 5
2400009412

Pt. Bk. 52 Folio 61

2000000511

NW 4-J

GROVES PVT RD

9319

0203000090

Pt. Bk. 55 Folio 149

2000012827

PDM # 020359

1600010238
PDM # 020712

2010 -



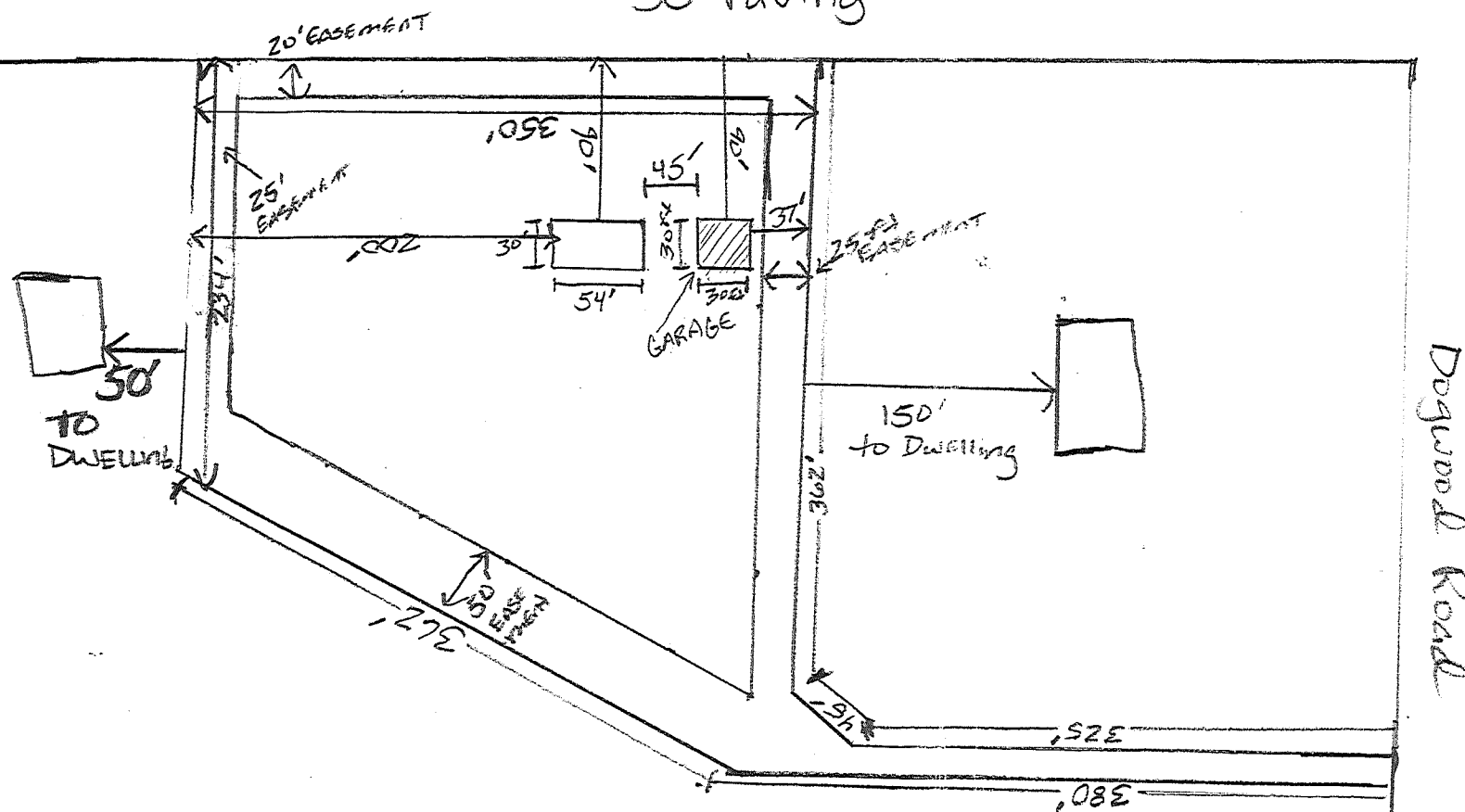
151

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

OWNER Craig Sigismondi

350' to Dogwood Road

OLD COURT ROAD
35' Paving



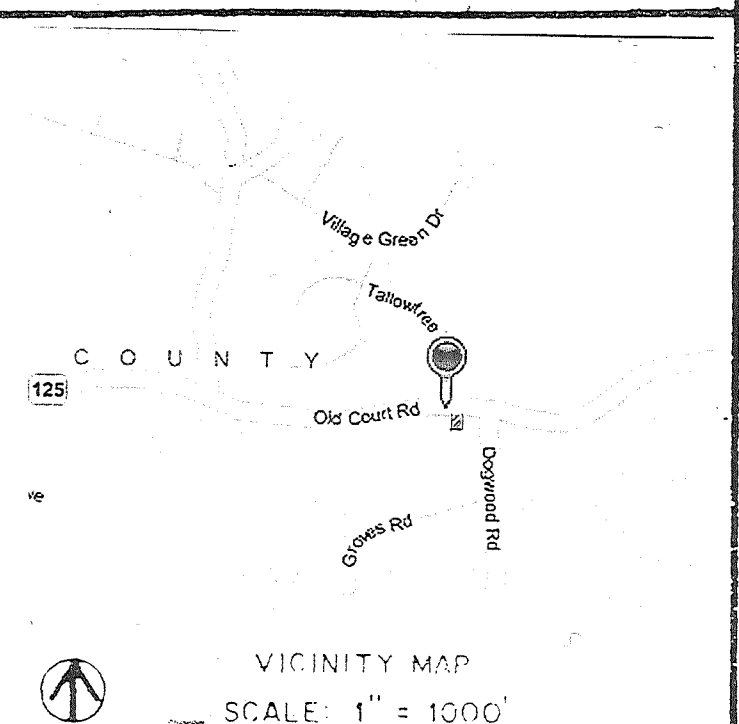
NORTH

PETITIONER' S

EXHIBIT NO.

PREPARED BY Craig Sigismond

SCALE OF DRAWING: 1" = 100'



ELECTION DISTRICT 2

COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP # 086C1

ZONING RC 2

LOT SIZE 3.01 131,115
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 # _____

THE 2010 0181-A