#### IN RE: PETITION FOR ADMIN. VARIANCE

N side of Peters Avenue; 400 feet NE of Weisburg Road 7<sup>th</sup> Election District 3<sup>rd</sup> Councilmanic District (18315 Peters Avenue)

Antonino and Doreen M. Passaniti *Petitioners* 

\* BEFORE THE

Le.

- \* DEPUTY ZONING
- \* COMMISSIONER
- \* FOR BALTIMORE COUNTY
- \* Case No. 2010-0348-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, Antonino and Doreen M. Passaniti for property located at 18315 Peters Avenue. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) with a height of 24 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. In February, 2010, two significant snow storms collapsed the roof of the 20 feet x 36 feet accessory structure. The structure was used for the storage of a lawn mower, garden tools and two small cars. Three contractors concluded that the wood frame structure was completely rotted and the foundation was crumbling. These contractors recommended a block concrete foundation with cement footers, new wood framing and a pitched metal roof that would better drain water, snow and ice to protect the new structure from the weight of snow. The garage height of 24 feet will allow for the pitched metal roof. The footprint and location of the new structure will be same as the old structure. The property contains 2.85 acres and is served by private water and sewer.

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 June 29, 2010,

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Date	7-12-10	
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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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 19, 2010 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.

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

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Date	7-12-10	2
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- 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, 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

By 3



JAMES T. SMITH, JR. County Executive

THOMAS H. BOSTWICK Deputy Zoning Commissioner

July 12, 2010

ANTONINO AND DOREEN M. PASSANITI 18315 PETERS AVENUE WHITE HALL MD 21161

Re: Petition for Administrative Variance

Case No. 2010-0348-A

Property: 18315 Peters Avenue

Dear Mr. and Mrs. Passaniti:

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

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

Zoning Commissioner of Baltimore County



## **Petition for Administrative Variance**

to the Zoning Commissioner of Baltimore County

for the property located at	18315	Peters	Arenue.	
	h is present	ly zoned	RC4	

is the subject of this Petition.

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)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 24-FEET IN LIEU OF THE MAXIMUM PERMITTED 15-FEET.

regulations of Baltimore County and that the property be reposted.

CASE NO. 2010-0348-A

REV 10/25/01

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.

J, 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.

Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Name Signature Signa Address Telephone No. City State Zip Code Signature Attorney For Petitioner: Addres Telephone No Name - Type or Print ORDER RECEIVED FOR FILING Representative to be Contacted: Signature Company Name Telephone No. Address elephone No. Address City State Zip Code 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, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning

Reviewed By

**Estimated Posting Date** 

# 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 Address	18315 1	Peters A	renue	
1 100	Address	Uhite Har	1. MD	2	Mol
	City		State		Zip Code
That based upon personal Variance at the above addr	knowledge, the following are less (indicate hardship or practice)	the facts upon wi ctical difficulty):	hich I/we base th	e request for an Ac	ministrative
by 36 ft so of lawn regave us of that the structure of th	ruary, 2010, two significates shed. Our shed, located in mower, garden tools and detailed estimates on repairs on wood frame structure was ons were crumbling and recommended block/contained a pitched metal roof a new shed. The old shed ture from the heavy weigh fore, we will need a variabuild a new "pitched" med be the same as our old struck your time in considering the same as our old struck your time in considering the same as our old struck your time in considering the same as our old struck your time in considering the same as our old struck your time in considering the same as our old struck your time in considering the same as our old struck your time in considering the same as our old struck your time in considering the same as our old struck your time in considering the same as our old struck your time in considering the same as our old struck your time in considering the same as our old struck your time in considering the same as our old struck your time in considering the same as our old same as o	the backyard of two small cars. The completely romot supporting the crete foundation that would better (see photos) right of deep snownice on the heightal roof. The folion the back is really nice in	of the house, was Three contract All three contract of the structure. In with cement for drain water, coof was flat and of the culture of the	as used for storage ors evaluated and actors concluded aderblock. Tooters, new wood snow and ice to d unable to prote the total location of a rest neighbor is 2	e d d ct ft in
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advertising fee and may be	required to provide additional	I information.	(0)		
automo ta	man to	- Do	een M.	Brown-	Sarsam
Signature	0	Signature	/		
Antonino F Name - Type or Print	assaniti	Name - Typ	pe or Print	Brown-to	assanid
	OUNTY OF BALTIMORE, to		I IP ROP Jak	///	
I HEREBY CERTIFY, this of Maryland, in and for the	Sounty aforesaid, personally	appeared		ne, a Notary Public	
antonino 1	lassaniti an			own-Passan	iti
the Amant(s) nerein, person	nally known or satisfactorily id	entined to me as s	such Amant(s).		
AS WITNESS my hand and	Notarial Seal		) 1	1.	
REV 10/25/01	SE. GRELINIAN SOTARY SUBJECT OF COUNTY IN THE PROPERTY OF THE	Netary Public My Commission I	Expires	Mu:	

#### **EXHIBIT A**

Beginning for the outline to include the same at an iron pipe set on the south side of a private road for the end of the North 62 degrees 10 minutes East 366.7 feet line in a deed from Marian Peters widow to William W. Woods and wife dated November 16th 1943 and recorded among the Land Records of Baltimore County in liber RJS 1300 folio 410 running thence by a line crossing said private road North 22 degrees 53 minutes West 26.8 feet to a pipe set on the North side of said private road thence along the North side of that road South 61 degrees 43 minutes West 30.7 feet to a stake and to that parcel of land conveyed by Marian W. Peters widow to Inez R. McKee and husband by deed dated September 29th 1943 and recorded among the land records aforesaid in liber RJS 1308 folio 270 thence binding on that deed North 28 degrees 1 minutes West 242.8 feet to an iron pin in a private road thence North 35 degrees 33 minutes East 229 feet to an iron stake and to that property conveyed to Harmon Stahler by Marian W. Peters widow by deed dated August 23rd 1943 and recorded among the Land Records aforesaid in Liber RJS 1290 folio 560 running thence binding on that deed south 67 degrees 10 minutes East 290 feet to a cherry tree and that parcel of land conveyed to William Leonard Street by deed dated October 14th 1943 and recorded among the Land Records aforesaid in Liber RJS 1304 folio 560 running thence binding on that land south 28 degrees West 50 feet to a stake thence continuing the same course by a line of division South 28 degrees West 41 feet to a stake thence continuing lines of division the four following lines South 8 degrees East 156.5 feet to a stake on the East side of an Ash Tree south 19 degrees 33 minutes West 75.4 feet to a stake South 66 degrees 33 minutes West 83.8 feet to a stake and South 74 degrees 47 minutes West 99 feet to a stake 2 feet Southwest of an Ash Tree and to the property above mentioned now belonging to William W. Woods and wife thence binding on that property North 22 degrees 53 minutes West 74 feet to the place of beginning. Containing 2 acres and 85/100 of an acre as surveyed September 2nd 1944 for conveyances from Marian W. Peters widow to Vincent B. Gay.

BEING the same lot of ground which by Deed dated evenly herewith and recorded or intended to be recorded immediately prior hereto was granted and conveyed by LOUIS L. LOEFFLER unto ANTONINO PASSANITI and DOREEN M. BROWN-PASSANITI, HIS WIFE, the within borrowers.

BORROWER ACKNOWLEDGES THAT THE SUM RECEIVED UNDER THE NOTE SECURED BY
THIS DEED OF TRUST IS, IN WHOLE OR IN PART, THE PURCHASE MONEY OF THE
PROPERTY SECURED HEREBY.

## BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINIO	IIVAIIVE V	AINAINOL	- IIVI OIVI	IATION OTT	LLI AND	DAILO
Case Number 2010-	0348	-A	Address	18315 PE	ETERS	AVE.
Contact Person:	DONNA Planner, Pl	HOMPSO ease Print Your N	⊃√ lame	F	Phone Num	nber: 410-887-3391
Filing Date:	10	Posti	ng Date:	10/20/10	Closing	g Date: 7/5/10
Any contact made very through the contact p					inistrative v	variance should be
reverse side of reposting mus is again respo	of this form) a t be done only onsible for all	ind the petity by one of associated	tioner is re the sign po costs. Th	sponsible for a osters on the a ne zoning notice	all printing/ approved lis ce sign mus	approved list (on the posting costs. Any st and the petitioner st be visible on the through the closing
2. <u>DEADLINE:</u> a formal request for a p	est for a pub	olic hearing.	. Please	understand th	nat even if	hin 1,000 feet to file there is no formal e.
commissioner order that the within 10 day	. He may: ( matter be set s of the clos etition has be	<ul> <li>a) grant the in for a pubsing date if en granted,</li> </ul>	e requeste plic hearing all Count	d relief; (b) de . You will rece y agencies' co	eny the requeive written omments a	g or deputy zoning uested relief; or (c) notification, usually are received, as to g. The order will be
(whether due commissioner) changed giving	to a neighbo ), notification g notice of the	or's formal will be for e hearing da	request or warded to ate, time a	r by order of you. The s nd location. A	the zoning ign on the as when the	to a public hearing g or deputy zoning e property must be e sign was originally just be forwarded to
		(Detac	h Along Dotted	Line)		
Petitioner: This Par	t of the Form	is for the	Sign Post	er Only		
	USE THE AC	MINISTRA	TIVE VAR	IANCE SIGN F	ORMAT	
Case Number 2010-	0348 -A	Addre	ess 1831	5 PETERS	AVE.	
Petitioner's Name	PASSANIT	- security		Tel	ephone 📙	10-357-8577
Posting Date:	6/20/10		_ CI	osing Date: _	7/5/10	>
Wording for Sign:	To Permit A	ACCESS	SORY ST	RUCTURE (	GARAGE	) WITH
A HEIGHT	OF 24-FE	ET IN L	EU OF	THE MAXI	MUM PE	RMITTED
15-FEET.						

# 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 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.

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For Newspaper	Advertising:				
	Case Number: _	_			
Petitioner:		PASSANIT			
Address or Loca	ation:18.	315 PETER	S AVE.		
PLEASE FORW	ARD ADVERTIS	ING BILL TO:			
Name:	MR. & MRS.	ANTONINO	PASSANITI		
Address:	18315 PE	TERS AVE.			
	WHITE HA	LL, MD =	21161		
		,			
Telephone Num	ber:	110-357-8	577		

				Rev Source/	Sub Rev/	Date:			
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## CERTIFICATE OF POSTING

Date: 6-19-2010

RE: Case Number: 2010-03	48-A
Petitioner/Developer:	en Passaniti
Date of Hearing/Closing: 7-	-5-10
	ties of perjury that the necessary sign(s) required the property located at 18315 Peters Au
The signs(s) were posted on	6-19-10
	(Month, Day, Year)  Laurene Pilson (Signature of Sign Poster)
	J. LAWRENCE PILSON (Printed Name of Sign Poster)
ATTACH F'HOTGRAPH	1015 Old Barn Road (Street Address of Sign Poster)
	Parkton, MD 21120 (City, State, Zip Code of Sign Poster)
	410-343-1443 (Talanhana Number of Sign Boston)
	(Telephone Number of Sign Poster)



# ZONING NOTICE

PERMIT A PROPOSED DETACHED CLESSORY STRUCTURE (GARAGE) BE LOCATED ON THE SIDE OF DWELLING WITH A HEIGHT OF FEET IN LIEU OF THE KEGUIRED REAR AND MAXIMUM ALLOWED IS

# PUBLIC HEARING? FEET

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS DUREAU BEFORE AND AND AND DEPARTMENT OF SHIPPING ACTICE BUILDING.





JAMES T. SMITH, JR. County Executive

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

July 6, 2010

Mr. & Mrs. Passaniti 18315 Peters Avenue White Marsh, MD 21161

Dear: Mr. & Mrs. Passaniti

RE: Case Number 2010-0348-A, 18315 Peters Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 11, 2010. 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 Richal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

### 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:

10-348 - Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 24 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

RECEIVED

**DATE:** June 29, 2010

JUN 3 0 2010

**ZONING COMMISSIONER** 



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

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

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-24-2010

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

RE:

**Baltimore County** 

Item No. 2010-0348 18318 PETERS AVENUE PASSANITI PROPERTY ADMIN. VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010. 0348-A.

Should you have any questions regarding this matter, please 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).

Very truly yours.

Steven D. Foster, Chief

**Engineering Access Permits** 

Division

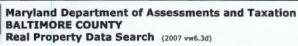
SDF/mb

## CHECKLIST

Received	<u>Department</u>	No Comment
6-23-10	DEVELOPMENT PLANS REVIEW	nc
	DEPRM	
6-21-10	FIRE DEPARTMENT	nc conditions.
6-29-10	PLANNING (if not received, date e-mail sent)	conditions
6-24-10	STATE HIGHWAY ADMINISTRATION	ne
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	TION (Case No	
PRIOR ZONING	(Case No. <u>2002-0020</u> - with	drawn
NEWSPAPER A	DVERTISEMENT Date:	
SIGN POSTING	Date: 6-19-10	
PEOPLE'S COU	NSEL APPEARANCE Yes No No	
PEOPLE'S COU	NSEL COMMENT LETTER Yes No 🖸	

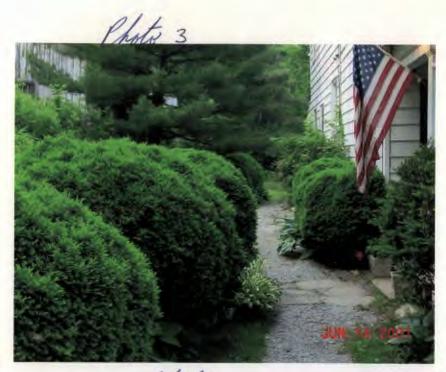
2010-0348-A

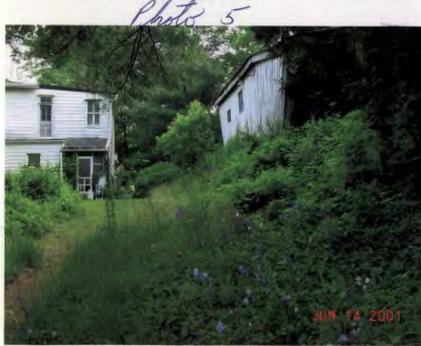




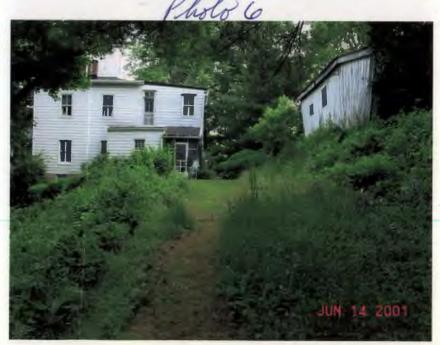
Go Back View Map New Search

			Ow	ner Informat	ion						
Owner Name: Mailing Address	:	PASSANITI A BROWN-PASS 18315 PETER	SANITI DOREE	Use: Principal Residence: Deed Reference:			,	RESIDENTIAL YES 1) / 9290/ 679			
			MD 21161-91	08					2)		
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Premises Addre							_	cription			
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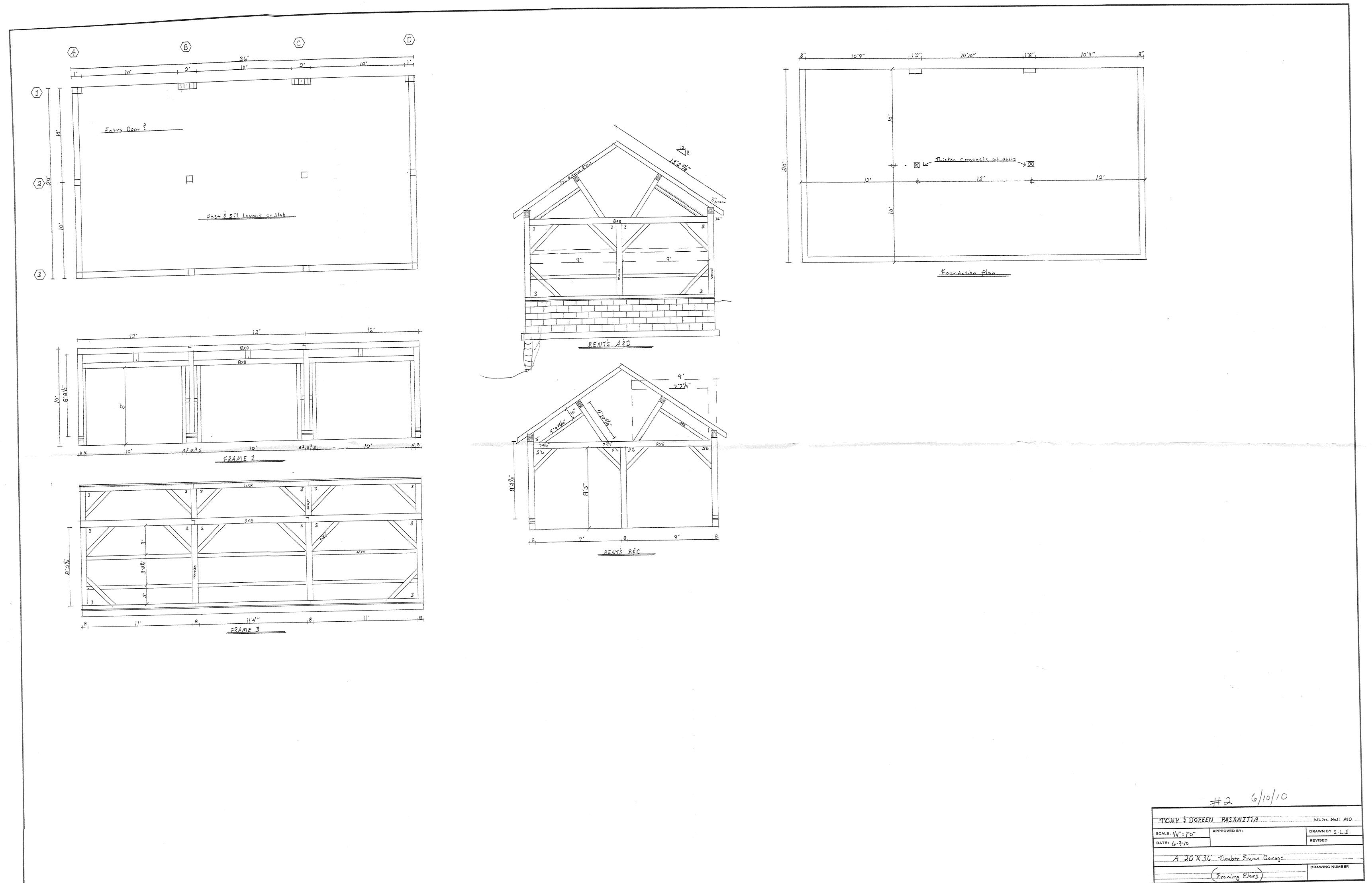






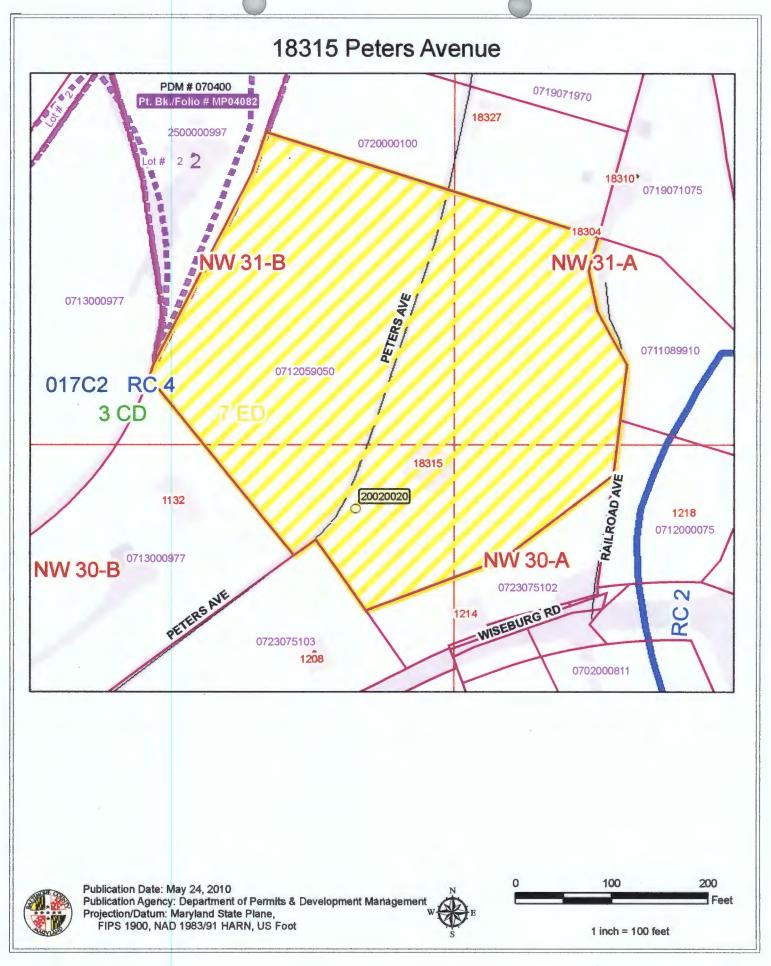
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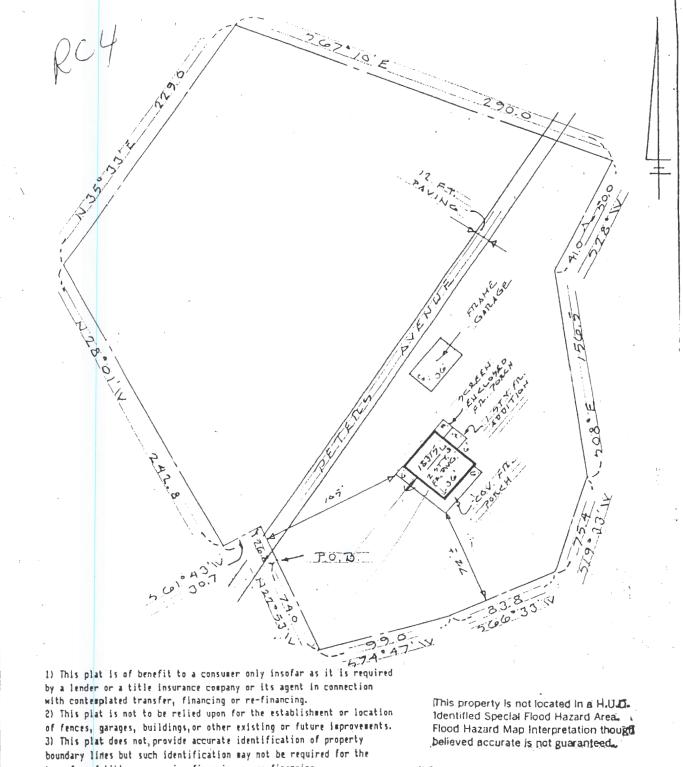
2010-0348-A



TECHNICAL IMAGE PRODUCTS

4-00195





transfer of title or securing financing or re-financing.

This is to certify that this drawing meets the Minimum

Standards of Practice of the State of Maryland.

SETBACK DIMENSIONS ARE + ONE FOOT UNLESS OTHERWISE NOTED.

REG. NO. 135



LOCATION DRAWING

18317 PETERS AVENUE, DALTO, CO, MD

BCALE 1" = 60

DATE

