

**IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

S side of Paladia Way, 1250 feet S *
of the c/l of Old Court Road *
3rd Election District *
2nd Councilmanic District *
(12 Paladia Way) *

Albert and Ilisa Nigrin *
Legal Owners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

CASE NO. 2011-0248-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Variance filed by the legal property owners, Albert and Ilisa Nigrin. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a proposed accessory structure (tennis court) on a lot (Lot 5) that is not improved with a principal building, and to amend the Final Development Plan for Lot 5 of the Shapiro Property. In the alternative, Petitioners are requesting Variance relief from Section 400.1 of the B.C.Z.R. to permit an accessory structure (a proposed tennis court) in the side and front yards in lieu of the required rear yard location, and to amend the Final Development Plan for Lots 5 and 6 of the Shapiro Property. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the Special Hearing and Variance requests was Albert Nigrin, property owner, and Herbert Burgunder, III, Esquire, attorney for Petitioner. There were no Protestants or other interested persons at the hearing.

Testimony and evidence offered at the hearing demonstrated that the property which is the subject of this Special Hearing and Variance request is an unimproved lot of ground known as Lot 5 located within the subdivision known as the Shapiro Property. The owners of the property,

ORDER RECEIVED FOR FILING

Date 4-6-11

By [Signature]

Albert and Ilisa Nigrin, own this lot as well as the adjacent lot containing a single family residence wherein they reside. The Applicants purchased this unimproved lot along with their residence to allow them the flexibility to construct a home on the lot sometime in the future. However, at this time they wish to utilize this land for the purpose of constructing a 60 x 120 feet tennis court. The location of the tennis court is shown on Petitioners' Exhibit 1, the site plan submitted into evidence.

A quick review of the site plan submitted demonstrates that the lot whereupon the Nigrins' residence is located is burdened by a forest conservation easement providing to the Nigrins little area for accessory amenities to their residence. Due to this restriction on the lot where their house is located, that the only alternative the Nigrins have for the location of this tennis court is to place it on the unimproved lot which they also own.

The Applicants filed for this approval in alternative form. That is, they filed a Special Hearing to allow this accessory structure (tennis court) to be located on an unimproved lot with no principal dwelling. In the alternative, the Petitioners requested Variance relief to allow the tennis court to be located in the front and side yards in lieu of the required rear yard. The alternative relief was filed in the event that this Office would consider the Nigrins' properties to be one lot. However, I find the better manner in which to proceed would be to approve the Special Hearing request and dismiss the Variance request as being unnecessary.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

Based upon the testimony and evidenced presented at the hearing and the lack of opposition thereto, I find that the Special Hearing relief shall be granted and the request for Variance dismissed as being unnecessary.

ORDER RECEIVED FOR FILING

Date 4-6-11

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By [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by the parties, I find that Petitioners' request for Special Hearing should be granted and the Variance should be dismissed.

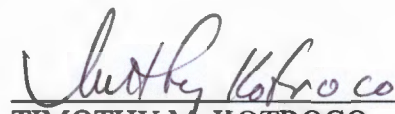
THEREFORE, IT IS ORDERED this 6th day of April, 2011, by the Administrative Law Judge, that Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a proposed accessory structure (tennis court) on a lot (Lot 5) that is not improved with a principal building, and to amend the Final Development Plan for Lot 5 of the Shapiro Property, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Variance request relief from Section 400.1 of the B.C.Z.R. to permit an accessory structure (a proposed tennis court) in the side and front yards in lieu of the required rear yard location, and to amend the Final Development Plan for Lots 5 and 6 of the Shapiro Property, be and is hereby DISMISSED AS BEING UNNECESSARY.

The relief granted is subject to the following condition:

1. Petitioners may apply for their building permits 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

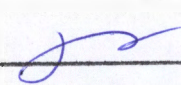

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 4-6-11

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By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

April 6, 2011

HERBERT BURGUNDER, III, ESQUIRE
1501 SULGRAVE AVENUE, SUITE 207
BALTIMORE MD 21209

Re: Petition for Special Hearing and Variance
Case No. 2011-0248-SPHA
Property: 12 Paladia Way

Dear Mr. Burgunder:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in cursive script that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 12 Paladia Way, Baltimore, MD 21208
which is presently zoned DR1

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

SPECIAL HEARING to allow a proposed accessory structure (tennis court) on a lot (lot #5) that is not improved with a principal building, and to amend the Final Development Plan for lot #5 of the Shapiro Property, or, alternatively, a VARIANCE as stated in the accompanying petition

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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:

Herbert Burgunder III
Name - Type or Print _____
Signature HB _____
Law Office of Herbert Burgunder III
Company _____
1501 Sulgrave Avenue, Suite 207 (410-664-6500)
Address _____ Telephone No. _____
Baltimore MD 21209
City State Zip Code

Legal Owner(s):

Albert Nigrin

Name - Type or Print _____
Signature Albert Nigrin _____
Ilisa Nigrin
Name - Type or Print _____
Signature Ilisa Nigrin _____

13 Paladia Way

Address _____ Telephone No. _____
Baltimore MD 21208
City State Zip Code

Representative to be Contacted:

Herbert Burgunder III

Name _____
1501 Sulgrave Avenue, Suite 207 (410-664-6500)
Address _____ Telephone No. _____
Baltimore MD 21209
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2011-0248-SPHA
REV 9/15/98

UNAVAILABLE FOR HEARING
Reviewed By [Signature] Date 2/18/11

ORDER RECEIVED FOR FILING

Date 4-6-11



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 12 Paladia Way, Baltimore, MD 21208
which is presently zoned DR-1

Deed Reference: 25403 / 666 Tax Account # 2400004260

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)

VARIANCE from Section 400.1 – to permit an accessory structure (a proposed tennis court) in the side and front yards in lieu of the required rear yard location, and to amend the Final Development Plan for lots #5 and #6 of the Shapiro Property, or, alternatively, a SPECIAL HEARING as stated in the accompanying petition

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

to be discussed at hearing

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:

Herbert Burgunder III
Name - Type or Print

Signature

Company
1501 Sulgrave Ave., Suite 207 (410-664-6500)

Address Telephone No.
Baltimore MD 21209
City State Zip Code

Legal Owner(s):

Albert Nigrin
Name - Type or Print

Signature

Ilisa Nigrin
Name - Type or Print

Signature

13 Paladia Way
Address Telephone No.

Baltimore MD 21208
City State Zip Code

Representative to be Contacted:

Herbert Burgunder III

Name
1501 Sulgrave Ave., Suite 207 (410-664-6500)

Address Telephone No.
Baltimore MD 21209
City State Zip Code

Case No. 2011-0248-SPHA

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by Date 2/18/11

ORDER RECEIVED FOR FILING

REV 8/20/07

Date 4-6-11

By

Zoning Description

ZONING DESCRIPTION FOR 12 PALADIA WAY

Lot 5 in the Subdivision known as Greenspring Woods, on that certain Plat entitles "Subdivision of Section One, Shapiro Property, Old Court Road," recorded in the Land Records of Baltimore County, Maryland on October 16, 2003, in Plat Book 76, page 43. Together with the improvements thereupon and the rights, alleys, ways, waters, privileges, appurtenances, easements, advantages thereto belonging or in anyway appertaining, being known as 12 Paladia Way. Containing 1.3232 acres, more or less. Tax ID#03-2400004250. As more particularly described in a Deed dated March 21, 2007, and recorded in the Land Records of Baltimore County at Liber 25403, folio 666.

3rd Election District
2nd Councilmanic District

Item #0248

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-0248-SPHA

12 Paladia Way
S/side Paladia Way, 1250' ft. +/- South of centerline of Old Court Road
3rd Election District — 2nd Councilmanic District
Legal Owner(s): Albert & Ilisa Nigrin

Special Hearing: to allow a proposed accessory structure (tennis court) on a lot (lot 5) that is not improved with a principal building, and to amend the Final Development Plan for Lot 5, of the Shapiro Property; or alternatively, a Variance as stated in the accompanying petition. Variance to permit an accessory structure (a proposed tennis court) in the side and front yards in lieu of the required rear yard location and to amend the Final Development Plan for Lots 5 and 6 of the Shapiro Property, or alternatively a Special Hearing as stated in the accompanying petitions.

Hearing: Thursday, March 24, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 03/660 March 8 268990

CERTIFICATE OF PUBLICATION

3/10/, 2011

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 3/8/, 2011.

- ☒ 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: 03/09/2011

Case Number: 2011-0248-SPHA

Petitioner / Developer: HERBERT BURGUNDER III, ESQ~
MR. & MRS. NIGRIN

Date of Hearing (Closing): MARCH 24, 2011

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:
12 PALADIA WAY

The sign(s) were posted on: MARCH 8, 2011



Linda O'Keefe
(Signature of Sign Poster)

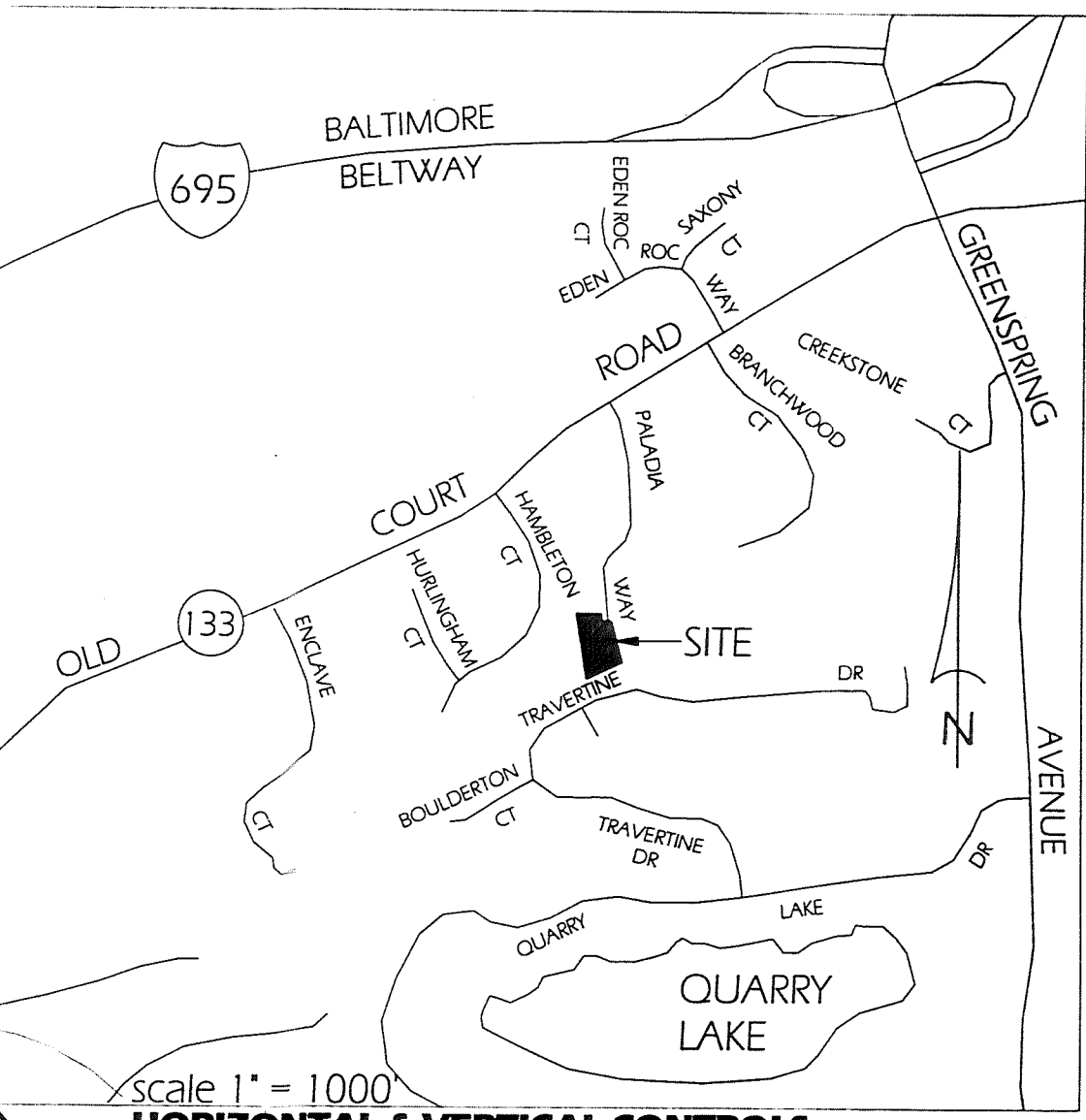
Linda O'Keefe
(Printed Name of Sign Poster)

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)

- GENERAL NOTES:**
- 1. OWNER:
ALBERT NIGRIN
13 PALADIA WAY
BALTIMORE, MD 21208
 - 2. LOT SIZE: 1.32 ACRES
57,635.65 SF
TAX ACCT# 2400004260
TAX MAP: 68 GRID 23 PARCEL 139
LOT 5
DEED REF: 25403/666
1" = 100' SCALE MAP # NW/9D 068C3
ADC MAP 4577 K8
3RD ELECTION DISTRICT
2ND COUNCILMANIC DIST
 - 3. PROPERTY ADDRESS:
EXISTING ZONING: DR-1
 - 4. PUBLIC SEWER
 - 5. PUBLIC WATER
 - 6. CHEAS. BAY CRITICAL AREA - NO
 - 7. 100 YEAR FLOOD PLAIN - NO
 - 8. HISTORIC PROPERTY / BLDG - NO
 - 9. PRIOR ZONING HEARING - NO



1126 CROWBRIDGE DR.
SUITE H
OWINGS MILLS, MD
21117
410-356-1620
FAX: 410-356-1535

Nigrin Residence
12 Paladia Way
Baltimore, MD 21208

THE ARUNDEL CORPORATION
Deed Ref. 3583/338
Acct. No. 0301074331

Albert Nigrin
Ilisa Nigrin
Deed Ref. 25403/690
Acct. No. 2400004261

RESIDENCE
(35' tall)
see below for full site boundaries

PROPOSED
60x120'
TENNIS
COURT

Linda A. Hurwitz
Steven L. Hurwitz
Deed Ref. 8609/307
Acct. No. 2100010878

Multi Stars LLC
Deed Ref. 29729/495
Acct. No. 2400004262

Albert Nigrin
Ilisa Nigrin
Deed Ref. 25403/690
Acct. No. 2400004261

Iliya Suhoy
Alexandra Suhoy
Deed Ref. 29708/80
Acct. No. 2400004259

Fred Jacobs
Karen Jacobs
Deed Ref. 10410/683
Acct. No. 2100010870

SHEET TITLE
Plan

DATE
February 15, 2011

SCALE
1" = 20' - 0"

SHEET N. O.
OF

PROJECT N. O.
65000-50

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #