

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Campitellis Court; 1,055 feet S
of the c/l of Church Road
4th Election District
4th Councilmanic District
(13 Campitelli Court)

Lowell G. and Jacqueline A. Seal
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0352-A**

* * * * *

OPINION AND ORDER

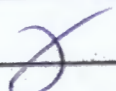
This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Lowell G. and Jacqueline A. Seal for property located at 13 Campitelli Court. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) with a height of 18 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a garage measuring 24 feet x 24 feet. The garage will have a roof pitch of 12:12 to architecturally match the existing dwelling and provide much needed storage space. The property contains 2.433 acres zoned RC 5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability dated June 30, 2011, which states that Groundwater Management will need to review the proposed building permit on this site.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 16, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 7-13-11

By 

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 Administrative Law Judge, 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.

Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions 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.

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 Administrative Law Judge for Baltimore County, this 13th day of July, 2011 that a variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) with a height of 18 feet in lieu of the required 15 feet is hereby GRANTED, subject to the following:

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.
2. The Petitioners 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.

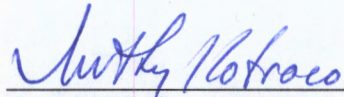
ORDER RECEIVED FOR FILING

Date 7-13-11 2

By [Signature]

3. The accessory structure shall not be used for commercial purposes.
4. The Groundwater Management Division of Department of Environmental Protection and Sustainability shall review the proposed building permit for the accessory structure (garage).

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

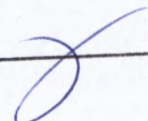


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 7-13-11

By 

KEVIN KAMENETZ
County Executive



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

July 13, 2011

LOWELL G. AND JACQUELINE A. SEAL
13 CAMPITELLI COURT
REISTERSTOWN MD 21136

Re: Petition for Administrative Variance
Case No. 2011-0352-A
Property: 13 Campitelli Court

Dear Mr. and Mrs. Seal:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 13 CAMPITELLI COURT
REISTERSTOWN, MD 21136
which is presently zoned RC-5

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) 400.3) BCZR, TO PERMIT

AN ACCESSORY STRUCTURE WITH A HEIGHT OF 18 FT IN LIEU OF THE REQUIRED 15 FT
ADD 3' Height.
The height of accessory buildings except as noted in Section 300, shall not exceed 15 feet.

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 _____
Date 7-13-11
Address _____ Telephone No. _____
BY [Signature]
City _____ State _____ Zip Code _____

Legal Owner(s):

LOWELL GARRETT SEAL
Name - Type or Print _____
Signature _____
JACQUELINE ANN SEAL
Name - Type or Print _____
Signature _____
13 CAMPITELLI COURT 410-526-6597
Address _____ Telephone No. _____
REISTERSTOWN MD 21136
City _____ State _____ Zip Code _____

Representative to be Contacted:

LOWELL SEAL
Name _____
13 CAMPITELLI CT 443-985-1320
Address _____ Telephone No. _____
REISTERSTOWN MD 21136
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 _____ day of _____ 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. 2011-0352-A

Reviewed By [Signature] Date 6.8.11

Affidavit in Support of Administrative Variance

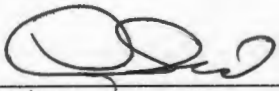
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

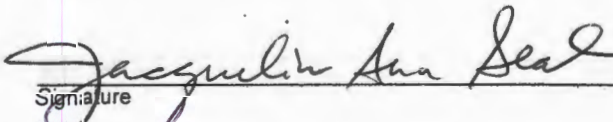
That the Affiant(s) does/do presently reside at 13 CAMPITELLI COURT
Address
REISTERSTOWN MD 21136
City State Zip Code

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):

Due to the close proximity of the existing dwelling to the western property line, it is not practical to build a structure larger than 24' x 24'. A structure of this size does not provide the additional storage space desired if built at or below 15' in height, as the roof pitch would be very shallow (3:12). A roof pitch of 12:12 would allow considerably more storage space but would make the structure 20' in height. In addition, the greater roof pitch would be more in keeping, architecturally, with the existing dwelling on the property as well as those in the neighborhood.

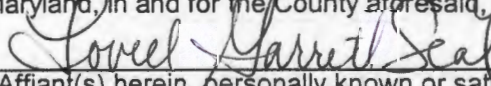
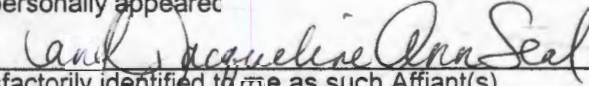
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.


Signature
LOWELL GARRETT SEAL
Name - Type or Print

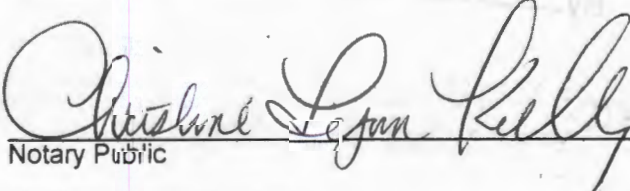

Signature
JACQUELINE ANN SEAL
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of June, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal


Notary Public
My Commission Expires _____

ZONING PROPERTY DESCRIPTION FOR 13 Campitelli Court, Reisterstown,
Maryland

Beginning at a point on the east side of Campitelli Court which is 50 feet wide at the distance of 1055 feet south of the centerline of the nearest intersecting street (Church Road) which is 70 feet wide.
Being Lot #10 in the subdivision of Hickory Hills Estates as recorded in Baltimore County Plat Book #58, Folio #89, containing 2.3433 acres.
Located in the 4th Election District and 4th Council District.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 06/16/2011

Case Number: 2011-0352-A

Petitioner / Developer: LOWELL SEAL

Date of Hearing (Closing): JULY 4, 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:
13 CAMPITELLI COURT

The sign (s) were posted on: JUNE 16, 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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0352 -A Address 13 Campitelli Court

Contact Person: J. Marrey Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6-8-11 Posting Date: 6-19-11 Closing Date: 7-4-11

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 2011- 0352 -A Address 13 Campitelli Court
Petitioner's Name Lowell SEAL Telephone 443-985-1320
Posting Date: 6-19-11 Closing Date: 7-4-11
Wording for Sign: To Permit A GARAGE WITH A HEIGHT OF
18 FE. IN LIEU OF THE REQUIRED 15 FT.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2011-0352 A

✓ Petitioner: Lowell Seal

✓ Address or Location: 13 Camp Hill Court, Reisterstown, MD 21136

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

SAME

✓ Telephone Number: 410-526-6597 443-985-1320



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 6-22-2011

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

RE: Baltimore County
Item No 2011-0352-A
13 CAMPITELLI CT.
LOWELL JACQUELINE SEAL
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. 2011-0352-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For: Steven D. Foster, Chief
Access Management Division

SDF/mb

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.marylandroads.com

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: June22, 2011

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For July 05, 2011
Item Nos. 2011-138, 352, 353, 354, 355, 356, 357
And 358.

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-07052011 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: June 30, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-352-A
Address 13 Campitelli Court
(Seal Property)

Zoning Advisory Committee Meeting of July 5, 2011.

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

1. Groundwater Management will need to review a proposed bldg. permit on this site. Reviewer: *Dan Esser; Groundwater Management*

RECEIVED

JUL 01 2011

OFFICE OF ADMINISTRATIVE HEARINGS



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 28, 2011

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: **June 20, 2011**

Item No.:

Special Hearing: 2011-0355-SPHA, 2011-0357-SPHA

Administrative Variance: 2011-0352A – 0354A

Variance: 2011-0355-SPHA, 2011-0356A, 2011-0357-SPHA, 2011-0358A

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

Debra Wiley - ZAC Comments

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 6/23/2011 3:48 PM
Subject: ZAC Comments
CC: Zook, Patricia

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you have any questions or concerns.

2011-0138-SPHA - 9601 Liberty Road
(REMANDED back to OAH from Board of Appeals)

2011-0352-A (Administrative Variance) - 13 Campitelli Court (Closing Date 7/4/10)
2011-0353-A (Administrative Variance) - 7512 Knollwood Rd. (Closing Date 7/4/10)
2011-0354-A (Administrative Variance) - 5701 Emory Rd. (Closing Date 7/4/10)

2011-0355-SPHA -14425-14423 Thornton Mill Road
(No Hearing Date reflected in data base as of today)

2011-0356-A - 68 Del Rio Road
(No Hearing Date reflected in data base as of today)

2011-0357-SPHA - 1407 Vesper Ave.
(No Hearing Date reflected in data base as of today)

2011-0358-A - 802 Overbrook Rd.
(No Hearing Date reflected in data base as of today)

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 04 Account Number - 2100005625

Owner Information

Owner Name:	SEAL LOWELL G SEAL JACQUELINE A	Use:	RESIDENTIAL
Mailing Address:	13 CAMPITELLI CT REISTERSTOWN MD 21136-6039	Principal Residence:	YES
		Deed Reference:	1) /13117/ 00369 2)

Location & Structure Information

Premises Address
13 CAMPITELLI CT
0-0000

Legal Description
2.3433 AC
13 CAMPITELLI CT
HICKORY HILL ESTATES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0057	0016	0011		0000			10	1	Plat Ref: 0058/0089

Special Tax Areas

Town	NONE
Ad Valorem Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1996	2,664 SF	2.3400 AC	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2010	07/01/2011
Land	204,120	204,100		
Improvements:	317,250	214,500		
Total:	521,370	418,600	418,600	418,600
Preferential Land:	0			0

Transfer Information

Seller:	SCANNELL JAMES A	Date:	09/01/1998	Price:	\$245,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/13117/ 00369	Deed2:	
Seller:	HICKORY HILL ESTATES	Date:	02/25/1997	Price:	\$254,499
Type:	ARMS LENGTH IMPROVED	Deed1:	/12049/ 00748	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

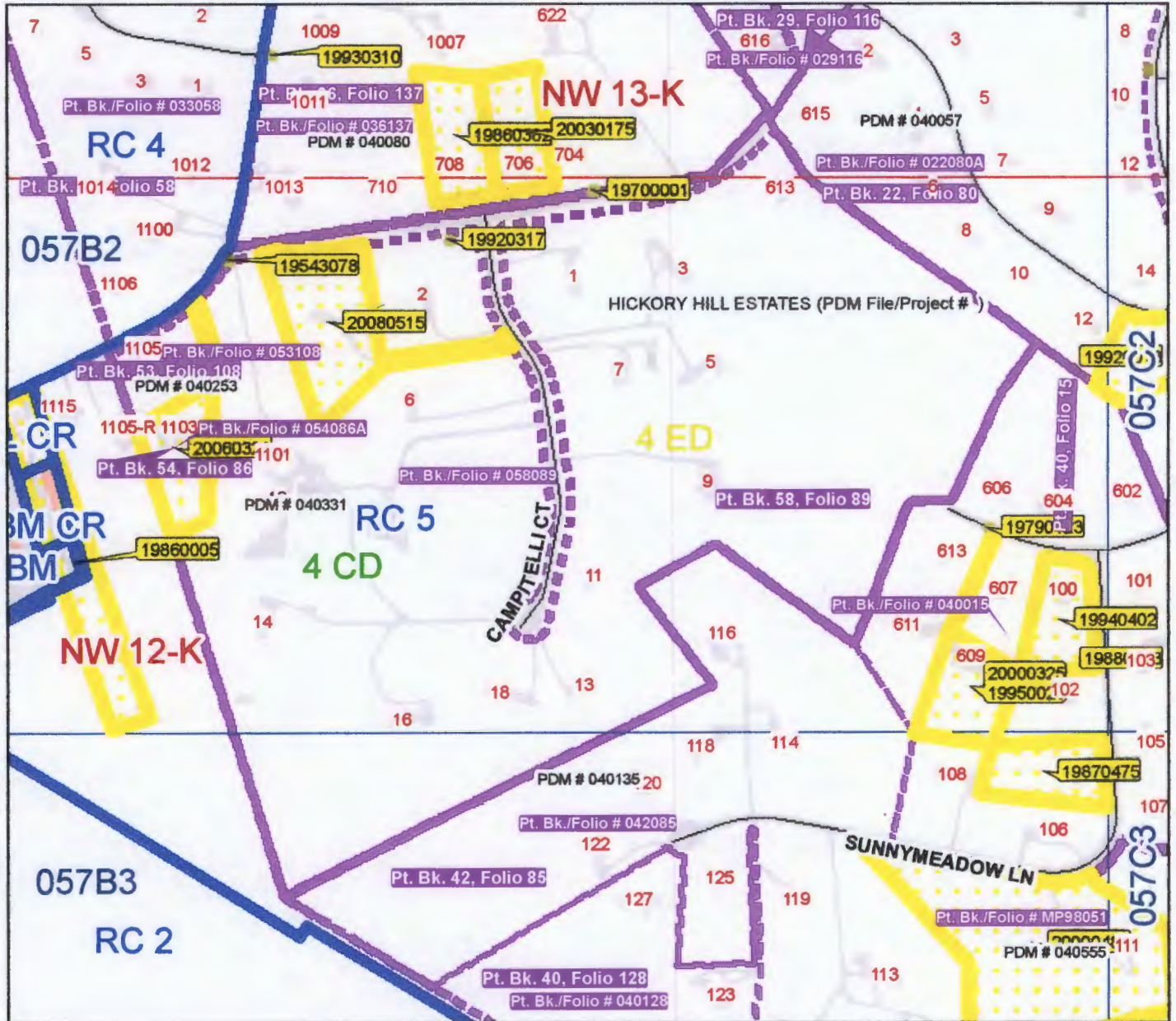
Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00
Tax Exempt:		Special Tax Recapture:	
Exempt Class:		* NONE *	







13 Campitelli Court



Publication Date: May 05, 2011
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

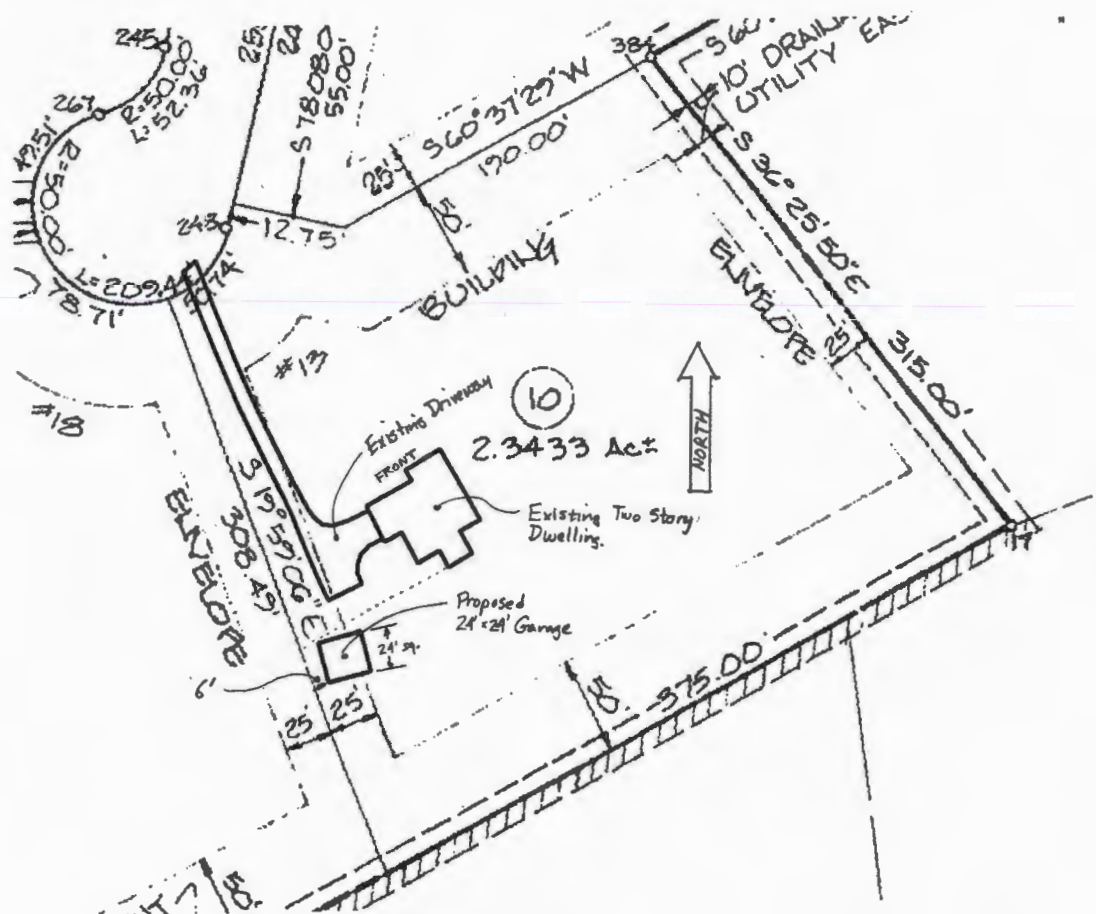
DQ Map Notes



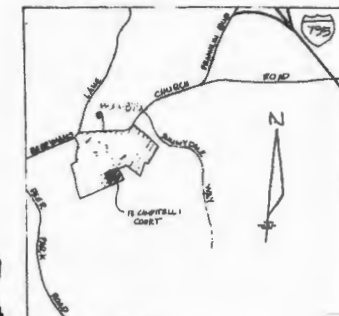
0 400 800
 Feet

1 inch = 400 feet

ZONING HEARING PLAN FOR VARIANCE ____ FOR SPECIAL HEARING ____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 13 CAMPITELLI CT REISTERSTOWN OWNER(S) NAME(S) LOWELL & JACQUELINE SEAL
 SUBDIVISION NAME HICKORY HILL ESTATES LOT # 10 BLOCK # ____ SECTION # ____
 PLAT BOOK # 58 FOLIO # 89 10 DIGIT TAX # 2100005625 DEED REF. # 13117/00369



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 05B3
 SITE ZONED RC-5
 ELECTION DISTRICT 4th
 COUNCIL DISTRICT 4th
 LOT AREA ACREAGE 2.34
 OR SQUARE FEET 101930
 HISTORIC? No
 IN CBCA? No
 IN FLOOD PLAIN? No
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC ____ PRIVATE X
 SEWER IS:
 PUBLIC ____ PRIVATE X
 PRIOR HEARING? NONE
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

 VIOLATION CASE INFO:

PLAN DRAWN BY LOWELL SEAL DATE 6/1/2011 SCALE: 1 INCH = 100 FEET