

IN RE: PETITION FOR ADMIN. VARIANCE

SW side of Misty Hollow Court; 4,333
SE of the c/l of Cooper Road
10th Election District
3rd Councilmanic District
(11 Misty Hollow Court)

Michael S. and Natalie P. Cerasoli
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0113-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, Michael S. and Natalie P. Cerasoli for property located at 11 Misty Hollow Court. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (pool house) with a height of 22 feet in lieu of the permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a pool house that will be consistent with the architectural style of their existing dwelling. The in-ground swimming pool already exists. Elevation drawings submitted with the Petition show a very attractive structure with stucco finish and quoins to match the dwelling. The structure will be topped by a cupola. A pergola porch, deck and patio are also shown for the structure. The first floor of the structure will contain a garage and the second floor will contain storage and the entertaining area for the pool house. Said entertaining area will contain a full bathroom and kitchen/bar area with stove, refrigerator and sink. The property contains 3.25 acres and is served by private water and septic.

ORDER RECEIVED FOR FILING

Date 11-30-11

By 

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 16, 2011, 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 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 shed 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 or living area, 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 30th day of November, 2011 that a variance from Section 400.3 of the Baltimore County

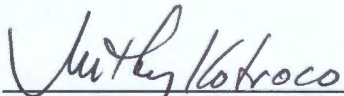
ORDER RECEIVED FOR FILING

Date 11-30-11 2
By [signature]

Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (pool house) with a height of 22 feet in lieu of the permitted 15 feet, be and 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 or living area.
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.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 11-30-11

By 

KEVIN KAMENETZ
County Executive



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

November 30, 2011

MICHAEL S. AND NATALIE P. CERASOLI
11 MISTY HOLLOW COURT
PHOENIX MD 21131

Re: Petition for Administrative Variance
Case No. 2012-0113-A
Property: 11 Misty Hollow Court

Dear Mr. and Mrs. Cerasoli:

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 black ink, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: Beverly True, 3920 London Bridge Road, Sykesville MD 21784



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property located at 11 Misty Hollow Ct. which is presently zoned BCU

Deed Reference: 120291493 Tax Account # 2200025235

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; BLZR TO Permit

A pool house with a height of 22ft in lieu of the permitted 15ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Administrative Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Legal Owner(s):

Michael Scott Cerasoli

Name - Type or Print

Signature

Natalie Pantalone Cerasoli

Name - Type or Print

Signature

11 Misty Hollow Ct. 410-785-9182

Address

Telephone No.

Phoenix MD 21131

City

State

Zip Code

Representative to be Contacted:

Beverly True

Name

3920 Lombard Bridge Rd - 443-398-0988

Address

Telephone No.

Sikeston MO 64881

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. 2012-0113-A

Reviewed By SCM

Date

10/25/11

ORDER RECEIVED FOR FILING

Estimated Posting Date 11/6/11

FRM476_09

Date

11-30-11

By

Rev 3/09

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 own and reside at 11 Misty Hollow Ct.
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate the hardship or practical difficulty; attach an additional sheet if needed) We would like to build a pool house. In order to be consistent with the architecture of an existing house a height in excess of 15' is needed. The pool will be utilized to store pool equipment and family vehicles, mowers, etc. This will not be used as an apartment or overnight guest quarters.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

[Signature]
Signature

Michael Scott Cerasoli
Name- print or type

[Signature]
Signature

Natalie Pantalone Cerasoli
Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 21st day of October, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Michael S. Cerasoli & Natalie P Cerasoli
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Name of Notary Public

My Commission Expires 5/14/2012
Commission expires

PLACE SEAL HERE:

ZONING DESCRIPTION FOR 11 Misty Hollow Ct

Beginning at a point on the South West Side of Misty Hollow Ct which is 50' wide at the distance of 433' South East of the centerline of the nearest improved intersecting street Cooper Road which is 60' wide. Being Lot# 3 Block #21 Section 1 in the Subdivision of Misty Hollow as recorded in the Baltimore County Plat Book 68, Folio 16 containing 3.253 Acres. and located in the 10th Election District 3rd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **74453**

Date: **10/25/11**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: **75.00**

Rec From: **S. CERASOLI**

For: **2012-0113-14**

DISTRIBUTION:

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

PAID RECEIPT

**CASHIER'S
 VALIDATION**

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 2012- 0113 -A Address 11 Misty Hollow Rd.Contact Person: J. MERREY Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 10/25/11 Posting Date: 11/6 Closing Date: 11/21

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 2012- 0113 -A Address 11 Misty Hollow Rd.Petitioner's Name SCOTT CERASOLI Telephone _____Posting Date: 10/6/11 Closing Date: 11/21/11Wording for Sign: To Permit A Pool House With A Height of
25ft. IN LIEU OF THE PERMITTED 15ft.

Revised 7/06/11

M E M O R A N D U M

DATE: January 4, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0113-A – Appeal Period Expired

The appeal period for the above-referenced case expired on December 30, 2011. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2012-013-A

TO PERMIT A POOL HOUSE WITH A
HEIGHT OF 25 FEET IN LIEU OF THE
PERMITTED 15 FEET

PUBLIC HEARING ?

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
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 11-5-11

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391
REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

) required

The signs(s) were posted on

11-5-11

(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON

(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road

(Street Address of Sign Poster)

Parkton, MD 21120

(City, State, Zip Code of Sign Poster)

410-343-1443

(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

November 16, 2011

Michael and Natalie Cerasoli
11 Misty Hollow Court
Phoenix, MD 21131

RE: Case Number 2012-0113-A, 11 Misty Hollow Court

Dear Mr. & Mrs. Cerasoli,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 25, 2011. 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Beverly True, 3920 London Bridge Road, Sykesville, MD 21734

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-2-11

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

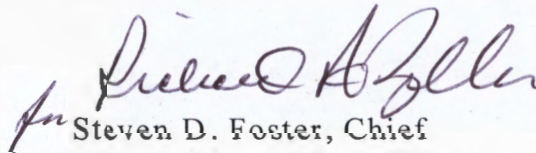
RE: Baltimore County
Item No. 2012-0113-A
Administrative Variance
Michael and Natalie Cera Soli
11 Misty Hollow Court

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. 2012-0113-A

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1800.735.2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 3, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For November 14, 2011
Item Nos. 2012-108,109,110,111,112,113
And 114.

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-11142011 -NO COMMENTS.doc

View from rear yard



Looking from pool area



Existing pool area



Proposed area of change for pool house to be located



11 Misty Hollow Ct



Left Front Side View



Front Right Side View



Street View



Pt. Bk. 64, Folio 39
2200011224

Lot # 12

19980346

2200026275 Lot # 11

Lot # 10

Pt. Bk. 68, Folio 82
2200026274

14335

2100004849

Pt. Bk./Folio # 068082

2200026273

Lot # 9

035A3

035B3

MISTY HOLLOW CT

10 ED RC 6
3 CD NE 20-A

11

PDM # 100263

2200025035
Pt. Bk. 68, Folio 16

20080472

Pt. Bk./Folio # 068016

Lot # 3

2200026272
Lot # 8

2100004850

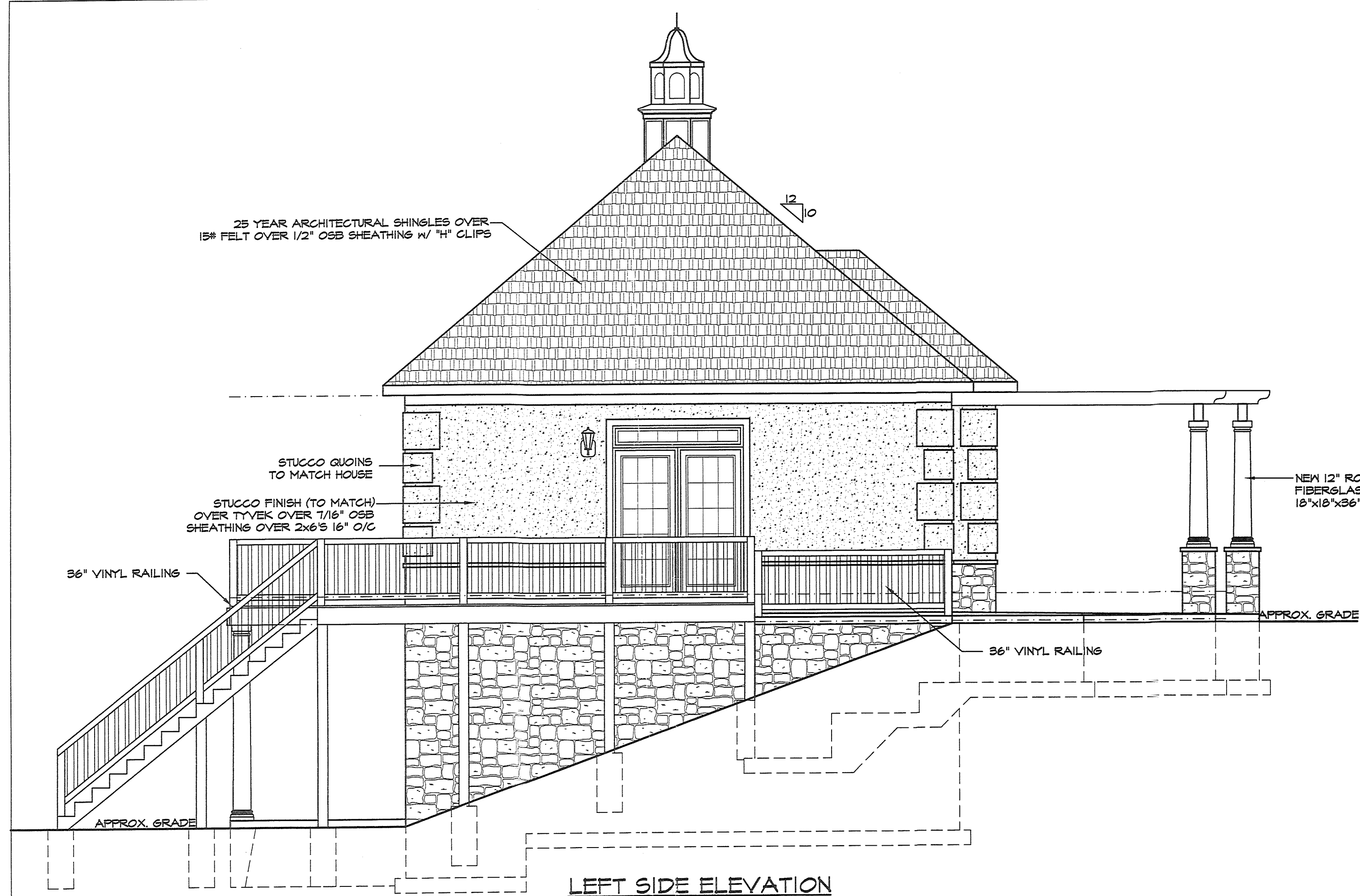
043A1

043B1

2200025036 Lot # 4

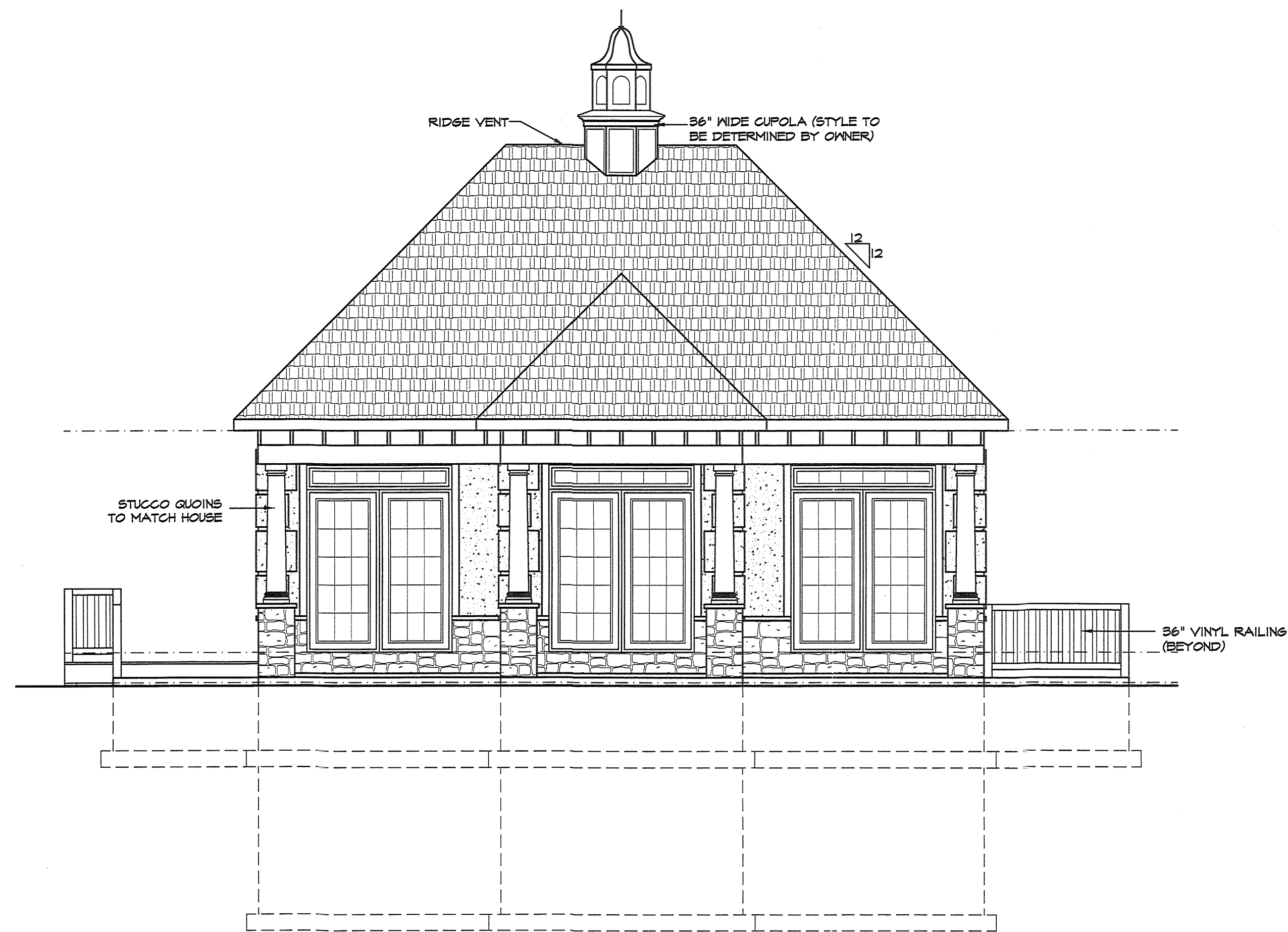
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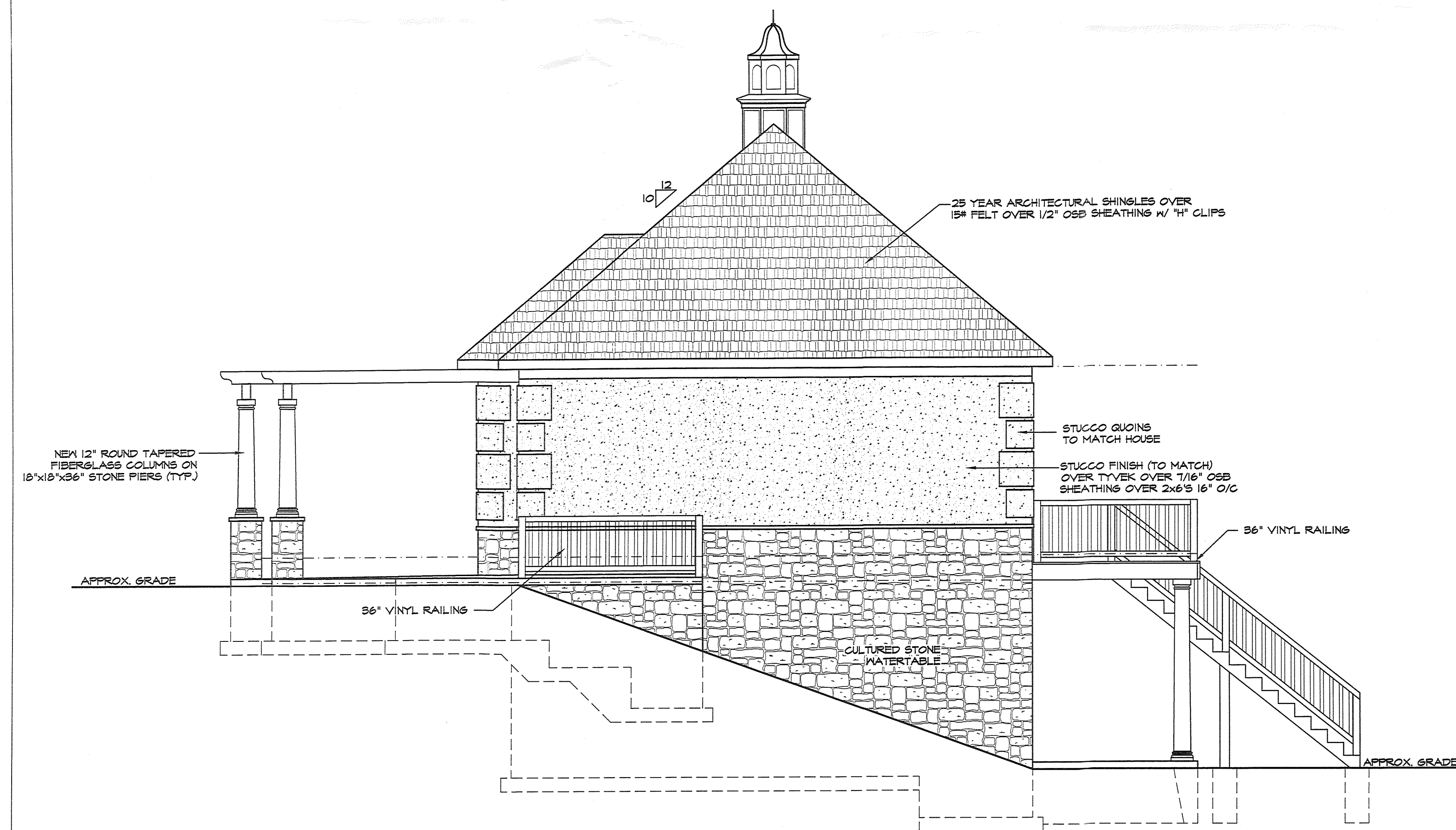
LEFT SIDE ELEVATION

SCALE: 1/4"=1'-0"



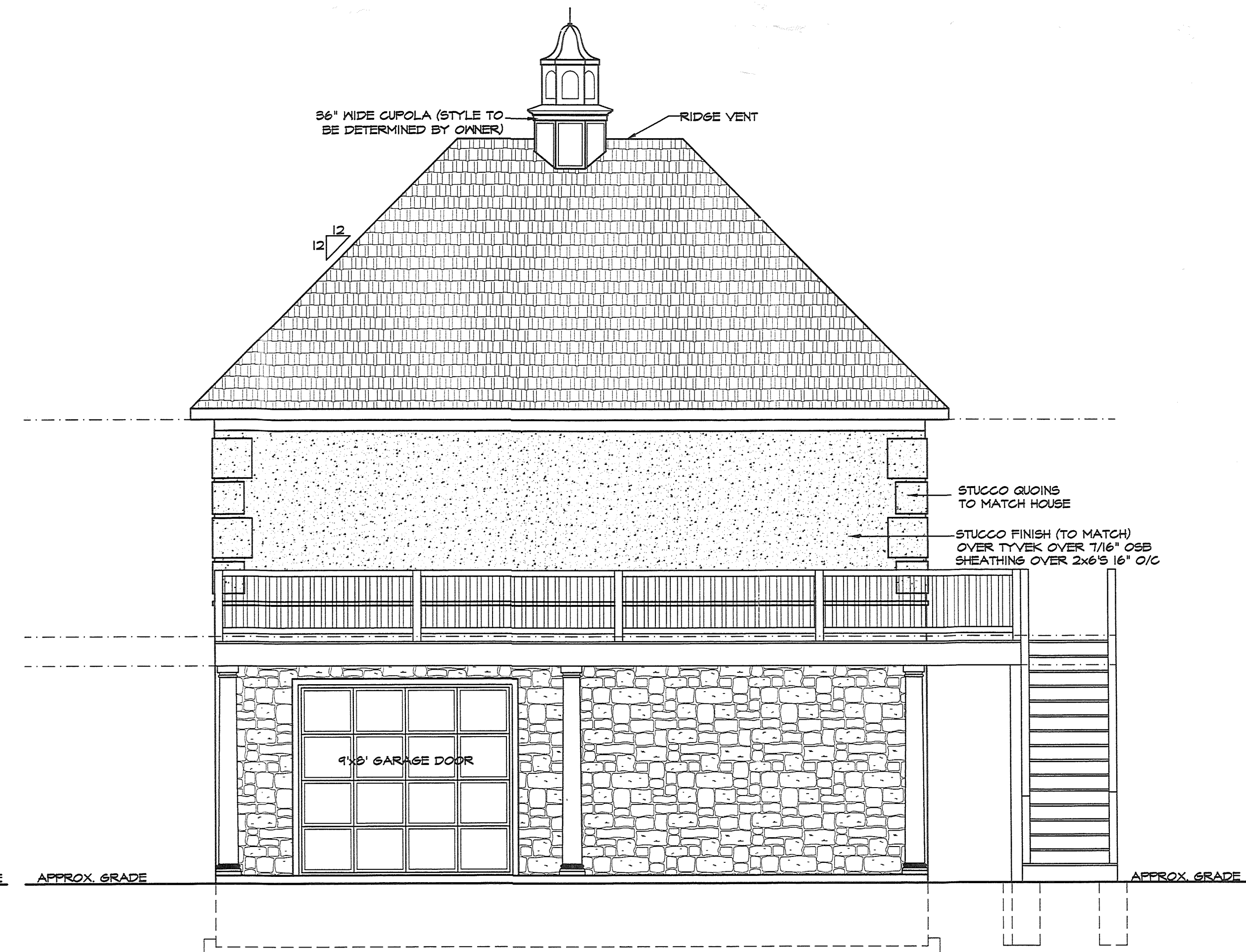
FRONT ELEVATION

SCALE: 1/4"=1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/4"=1'-0"



FRONT ELEVATION

SCALE: 1/4"=1'-0"

THE CERASOLI RESIDENCE

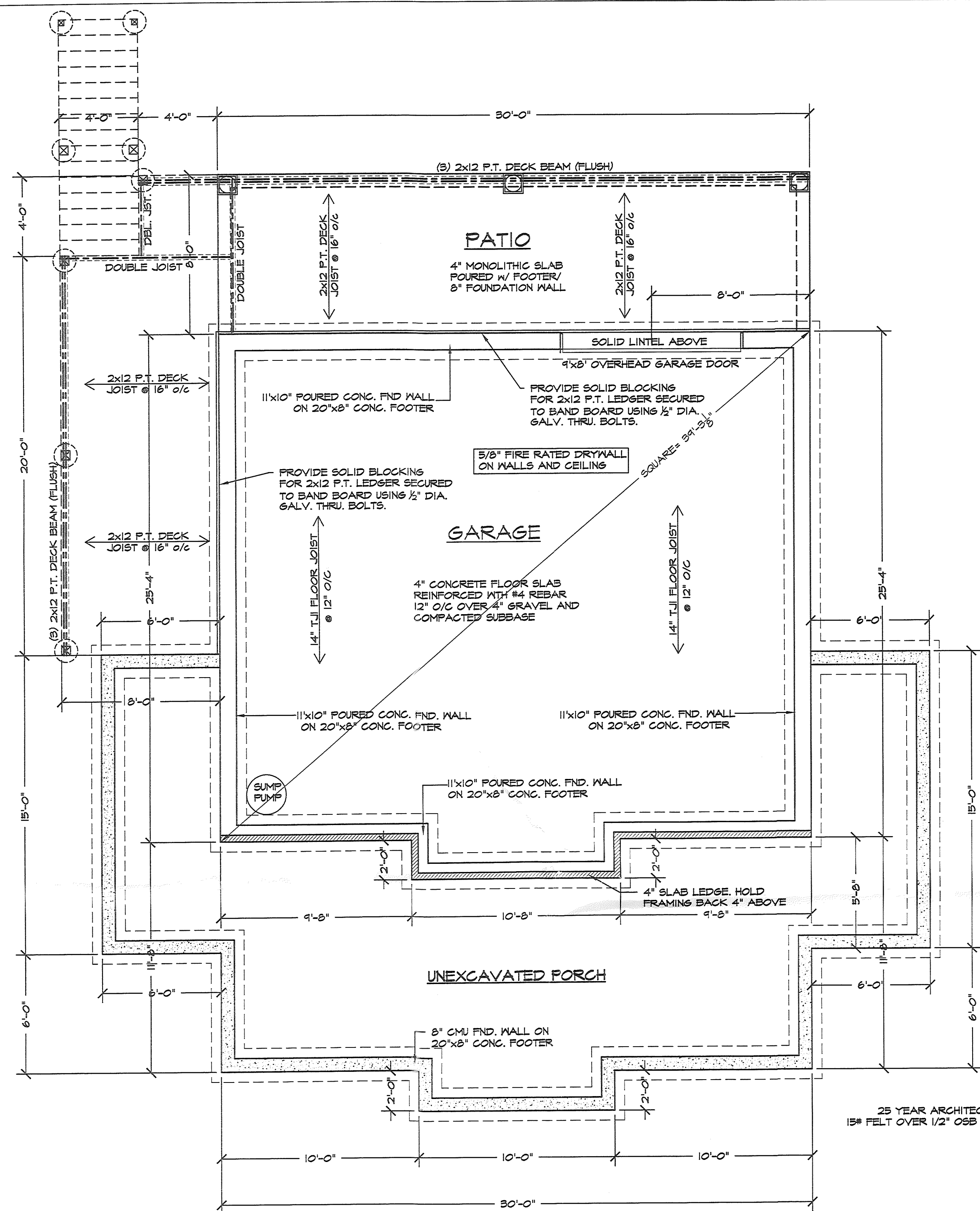
REVISED: 9/13/2011

THE CERASOLI RESIDENCE
SCALE: 1/4" = 1'-0"

DATE: 7/20/11

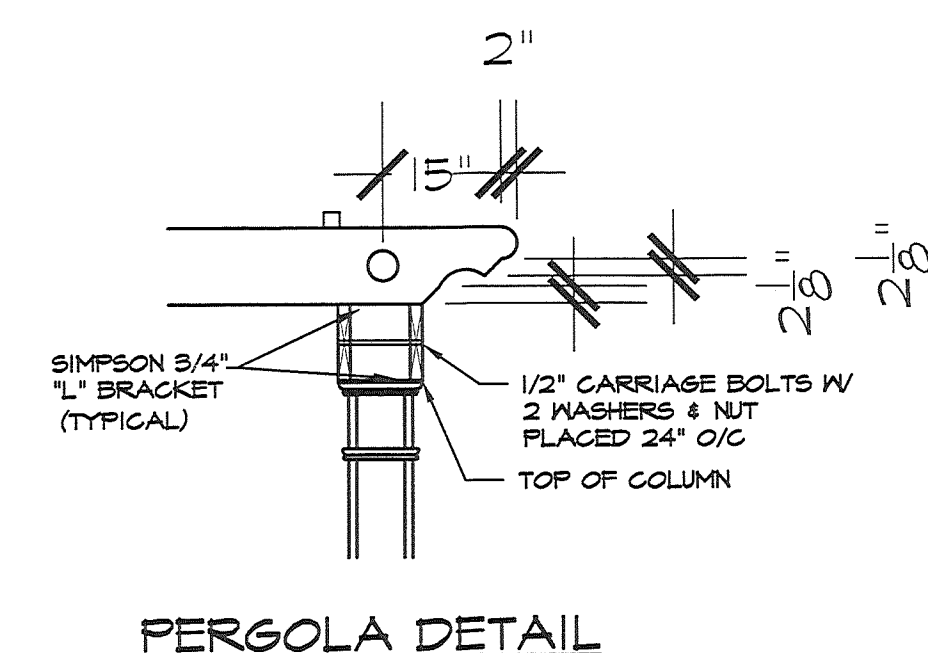
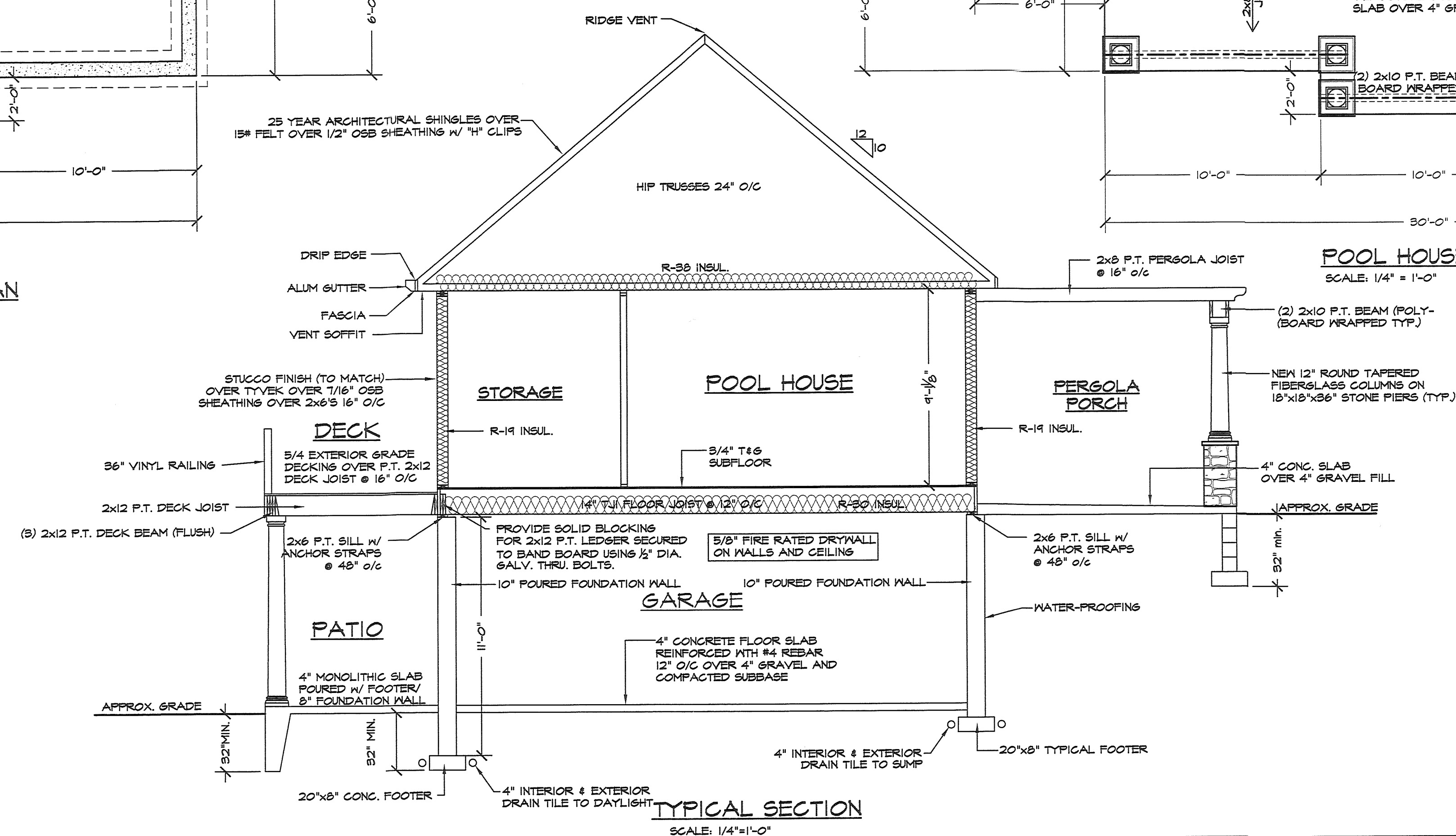
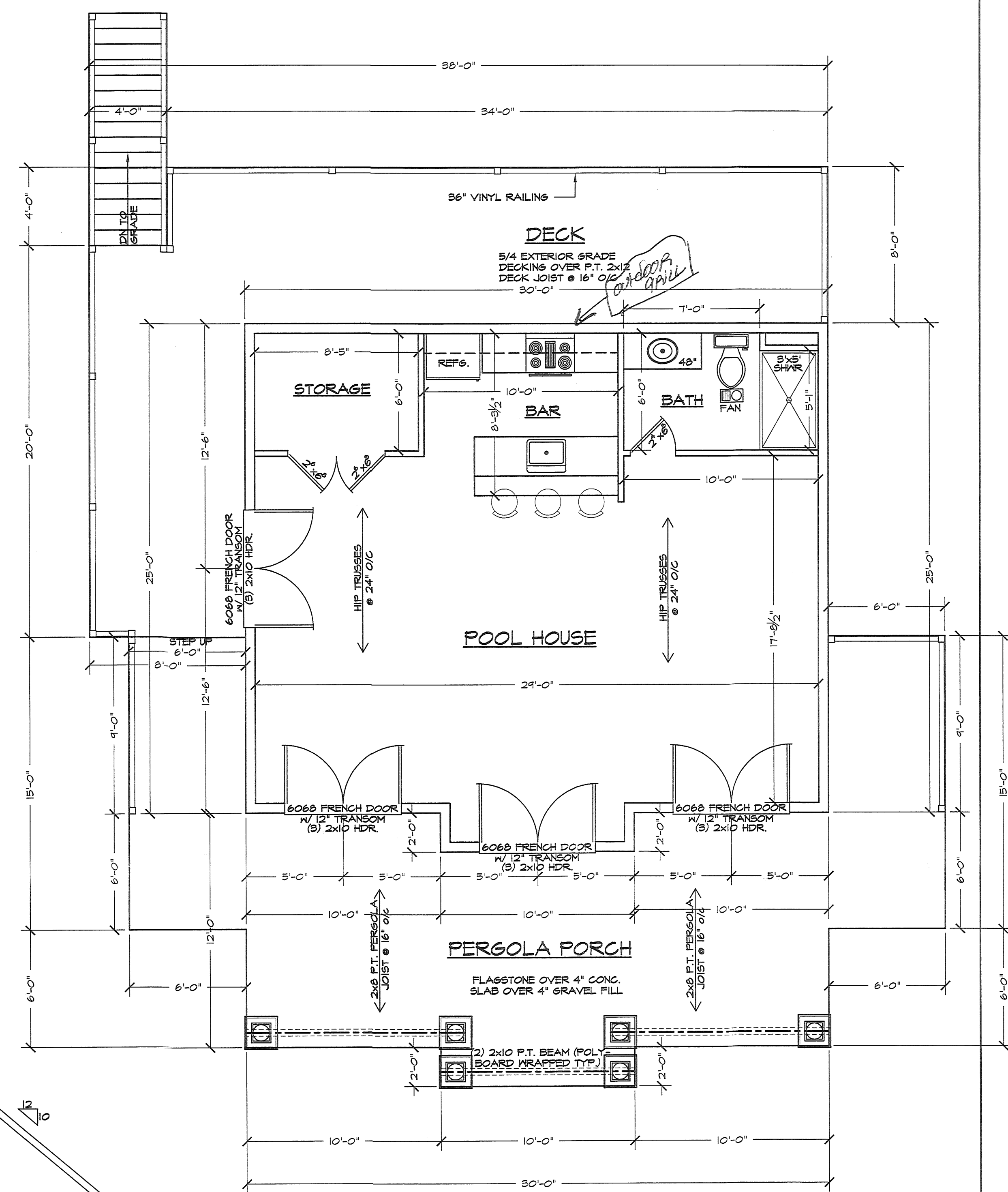
SHEET NO. 10 OF 13

GBL CUSTOM HOME
DESIGN INC.
PO BOX 237 FINKSBURG, MD 21048
PHONE 410-893-8930



R619.2 WINDOW SILLS
ALL WINDOWS WHERE THE OPERABLE OPENING IS LOCATED MORE THAN 72" ABOVE FINISHED GRADE OR SURFACE BELOW, THE LOWEST PART OF THE CLEAR OPENING SHALL BE A MIN. OF 24" ABOVE THE FINISHED FLOOR OF THE ROOM IN WHICH THE WINDOW IS LOCATED. GLAZING BETWEEN THE FLOOR AND 24" SHALL BE FIXED OR HAVE OPENINGS THROUGH WHICH A 4" DIA. SPHERE CANNOT PASS.

EXCEPTIONS:
1. WINDOWS WHOSE OPENINGS WILL NOT ALLOW A 4" DIA. SPHERE TO PASS THROUGH THE OPENING WHEN THE OPENING IS IN ITS LARGEST OPENED POSITION
2. OPENINGS THAT ARE PROVIDED WITH WINDOW GUARDS THAT COMPLY WITH ASTM F 2009 OF F 2090



THE CERASOLI RESIDENCE

REVISÉ: 9/13/2011

THE CERASOLI RESIDENCE

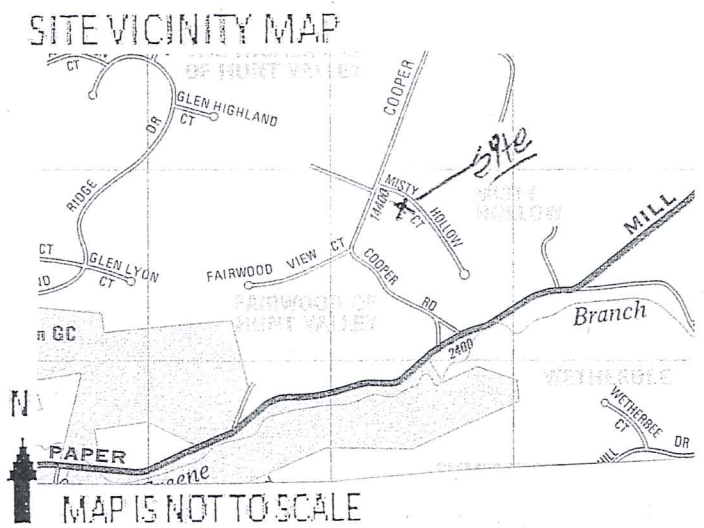
SCALE: 1/4" = 1'-0"

DATE: 7/2011

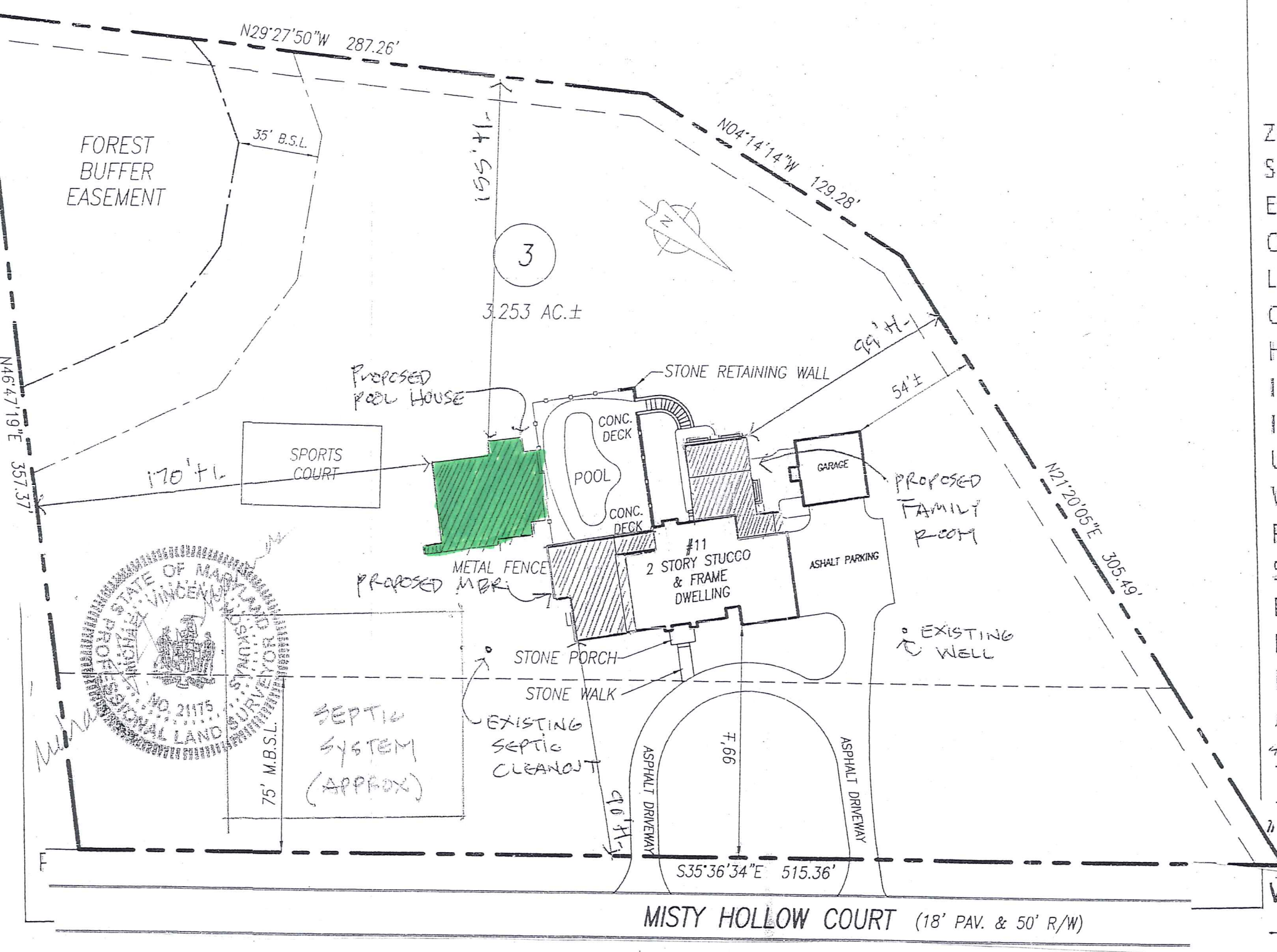
SHEET NO.: 11 OF 13

GBL CUSTOM HOME
DESIGN INC.
PO BOX 287 FINKSBURG, MD 21048
PHONE 410-899-8920

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 11 misty hollow Ct. OWNER(S) NAME(S) Scott & Natalie Cerasoli
 SUBDIVISION NAME misty hollow LOT # 3 BLOCK # 21 SECTION # 1
 PLAT BOOK # 108 FOLIO # 16 10 DIGIT TAX # 22 000 35 035 DEED REF. # 13009100493



ZONING MAP# 035B3
 SITE ZONED BCU
 ELECTION DISTRICT 10
 COUNCIL DISTRICT 3
 LOT AREA ACREAGE 3.25 ACRES
 OR SQUARE FEET _____
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS: PUBLIC _____ PRIVATE ✓
 SEWER IS: PUBLIC _____ PRIVATE ✓
 PRIOR HEARING? YES.
 IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
#08-0472-A - GRANTED



VIOLATION CASE INFO:
N/A.

PLAN Drawn by: Beverly True Date: 10/24/11 Scale: 1 INCH = 50' Feet.