

KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 1, 2013

Charles J. and Bernadette A. Spallitta 2424 Stanwick Road Phoenix, Maryland 21131

> Re: Petition for Administrative Variance Case No. 2013-0153-A Property: 2424 Stanwick Road

Dear Mr. and Mrs. Spallitta:

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 Baltimore County Board of Appeals an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

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

IN RE: PETITION FOR ADMIN. VARIANCE (2424 Stanwick Road)

10<sup>th</sup> Election District 3<sup>rd</sup> Councilmanic District Charles J. and Bernadette A. Spallitta Petitioners BEFORE THE

OFFICE OF ADMINISTRATIVE

**HEARINGS FOR** 

BALTIMORE COUNTY

CASE NO. 2013-0153-A

#### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Charles J. and Bernadette A. Spallitta. The Petitioners are requesting Variance relief pursuant to Section 202.3 [1963] of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed two-story dwelling addition (attached garage) with a side yard set back of 2.5' in lieu of the required 20' and a sum of both side yard set backs of 32.5' in lieu of the minimum required 50'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 13, 2013, 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 ORDER PECELVED FOR FILING variance would adversely affect the health, safety or general welfare

Date 2-1-13

By

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.

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, this 1st day of February, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 202.3 [1963] of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed two-story dwelling addition (attached garage) with a side yard set back of 2.5' in lieu of the required 20' and a sum of both side yard set backs of 32.5' in lieu of the minimum required 50', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

Petitioners may apply for any appropriate 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 such time as the 30-day appellate process from this
Order has expired. If, for whatever reason, this Order is reversed, Petitioners would
be required to return, and be responsible for returning, said property to its original
condition.

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

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:	dlw FR RECEIVED FOR FILING	
Date_	2-1-13	2
Bv		

#### **ADMINISTRATIVE ZONING PETITION**

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 434 Stanwich Po which is presently zoned BC U

Deed Reference 13358/100089 10 Digit Tax Account # 10 1 9 0 2 7 3 3 0

Property Owner(s) Printed Name(s) Charles Berndette Spullitta

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. X ADMINISTRATIVE VARIANCE from se To permit a proposed 2 Story du back of 2 1/2 feet in heu of the get backs of 321/2 feet in heu o	ection(s) BCZR 19160, 202.3  velling addition (affected garage) with a side yard set the required 20 feet and a sum of both side yard of the minimum of the required 50 Fest.
of the zoning regulations of Baltimore County, to	
2 ADMINISTRATIVE SPECIAL HEARIN	IG to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and in this space to raze, alter or construct addition to building)
of the zoning regulations of Baltimore County, to	o the zoning law of Baltimore County.
Property is to be posted and advertised as prescribed by the I, or we, agree to pay expenses of above petition(s), advertirestrictions of Baltimore County adopted pursuant to the zor	e zoning regulations. ising, posting, etc. and further agree to and are to be bounded by the zoning regulations and
Contract Purchaser/Lessee:	Legal Owners:
Name- Type or Print	Name #1 - Type or Print Name #2 - Type or Print  Value 1. Sullity 18 50 Aug 1 th
Signature	Signature #1 Signature #2  3424 Signature #2  Representation of the signature #2
Mailing Address City	State Mailing Address City State
7 0 1 5 10 1	3/13/ 14/0-Wb-3734 / 7ip Code Telephone # Email Address
Zip Code Telephone # Email Addre	2p 5000 100pinion 2 2000
Attorney for Petitioner:	Representative to be contacted:
Name- Type or Print	Name - Type or Print
Signature EOR FILING	Signature 2020 London Bridge Al Lukesville M.
Mailing Address  Zip Cold DER  Telephone  Email Addre	State Mailing Address City State Sta
A PUBLIC HEARING having formally demanded and/or	found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, subject matter of this petition be set for a public hearing, advertised, as required by the zoning

Administrative Law Judge of Baltimore County

CASE NUMBER 2013-0153 P Filing Date 13/13 Estimated Posting Date 13/13 Reviewer 6-4

# Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 2424 412 412	, pol	Ohman is	800 O	2131
Address: 2424 Stanwick Print or Type Address of property	SPLY	City	State	Zip Code
Based upon personal knowledge, the Administrative Variance at the above				
40 protect vehicles F	TAY OU	the element of the Special	of and u	B' 1 28' GURD OF FOX needed XISTING house OPOSES GORD
(If additional space for the petition requirements of Affiant Signature of Affiant Spallitta Name-Print or Type	uest or the	Signata	priceded, label and label and label and label are of Africant	Spallita
The following information is	to be con			of Maryland
STATE OF MARYLAND, COUNTY (	OF BALT	IMORE, to wit:		and the second s
I HEREBY CERTIFY, this and for the County aforesaid, personally	day of/appeared		<u>,</u> before me a	Notary of Maryland, in
the Affiant(s) herein, personally known o	r satisfact	orily identified to me	as such Affiant(s	) (Print name(s) here)
AS WITNESS my hand and Notaries Se	al	De no	1 1111	
Y	Notary	Public My C	ommission Exp	Ires
			5/14/2016	
	My Con	nmission Expires		

#### **ZONING DESCRIPTION FOR 2424 STANWICK ROAD**

Beginning at a point on the North East Side of Stanwick Road which is 50' wide at the distance of 650' North West of the centerline of the nearest improved intersecting street Summer Hill Road which is 50' wide.

Being Lot# 14 Block E Section 1 in the Subdivision of Summer Hill as recorded in the Baltimore County Plat Book 27, Folio 23 containing 0.9300AC. and located in the 10th Election District 3rd Councilmanic District.

O	FFICE	OF BUE	GET AN	MARYLANI D FINANC RECEIPT	E	Sub	No.	91 1 3	013		PAID PRECIPT  DETAILS ATTACK THE DAY  ORIGINAL T
Fi	und	Dept	Unit	Sub Unit	Source/	Rev	Dept Obj	BS Acct	Amount	13.65 13.65	CEIPT & CEORD   1/18/2012   OFUR
00		°60€	6300	200 Onic	6150				4""	Bapt FD 1	5 520 300000 400074041044 0. 074013 Recpt lot \$75,00 \$75.00 01 \$3,00 10 Baltimore Sand , Naveland
En	ec om:	Pr. 24	2002C કર્યો	Stev	OLK	eepi k R	Total:	2nc Spa	75°0°	)	
3 FREE RESERVE	TRIBU	TION CASHIER	PINK - AG PLEA	ENCY ASE PRES	The second second	CUSTOME	- O R	GOLD - AC	COUNTING		CASHIER'S VALIDATION

ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2012	0153	-A Add	Iress 242<	1 Stanwick RD	
Conta	ict Person:	Gary Plannel, P	Hock ease Print Your Name		Phone Number: 410-887-3391	
Filing	Date:	3/13		ate: 1 13 1	3 Closing Date: 1 28 13	)
Any o	contact made gh the contact	with this office person (planner	e regarding the er) using the cas	status of the a	dministrative variance should be	
1,	reverse side reposting mu is again resi	of this form) a ust be done onl consible for all	and the petitione y by one of the s associated cost	r is responsible f ign posters on th s. The zoning n	osters on the approved list (on the for all printing/posting costs. Any ne approved list and the petitioner office sign must be visible on the diremain there through the closing	
2.	a formal red	quest for a pul	olic hearing. Pl	e for an occupan ease understand ot complete on t	nt or owner within 1,000 feet to file If that even if there is no formal he closing date.	
3.	order that the within 10 day whether the	er. He may: ( e matter be set avs of the clos	(a) grant the req in for a public he sing date if all een granted, den	uested relief; (b) earing. You will r County agencies	by the zoning or deputy zoning deny the requested relief; or (c) receive written notification, usually comments are received, as to public hearing. The order will be	
4.	(whether du commissione changed giv	e to a neighber), notification industrial	or's formal requ will be forward e hearing date. I	est or by order led to you. The ime and location	s that must go to a public hearing of the zoning or deputy zoning e sign on the property must be . As when the sign was originally altered sign must be forwarded to	
			(Detach Alon	Dotted Line)		
Petiti	oner: This P	art of the Forn	n is for the Sign	Poster Only		
		USE THE AI	DMINISTRATIVE	VARIANCE SIG	SN FORMAT	,
Case	Number 2012	2-0153 -A	Address	2424 Sta	anwick RD	
Petitic	ner's Name	Charles	Spall	ta	Telephone	,
Posti	ng Date:	1/13/	13	Closing Date	: 1/28/13	
Word	ng for Sign:	To Permit a	proposed	2 story	dwelling addition	
at	tached o	garage) w	1th a side	e yard set	back of 2/2 feet in	•
Tie	u of F	he requir	ed 20 tee	tandas	um at both sides	
827	MARCH	my yard	set back	s of 32/2	teet in lieu ofth	2
MI	nimum	require	ed 50 Jee	4	Revised 7/06/11	,

#### CERTIFICATE OF POSTING

Date: 1-13-13

RE: Case Number: 2013-0153 A

Petitioner/Developer: Charles Spallitte

Date of Hearing/Closing: 1-28-13

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 2424 Stanward



3-13

(Month, Day, Year)

(Signature of Sign Poster)

J. LAWRENCE PILSON (Printed Name of Sign Poster)

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)

#### MEMORANDUM

DATE:

March 6, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0153-A - Appeal Period Expired

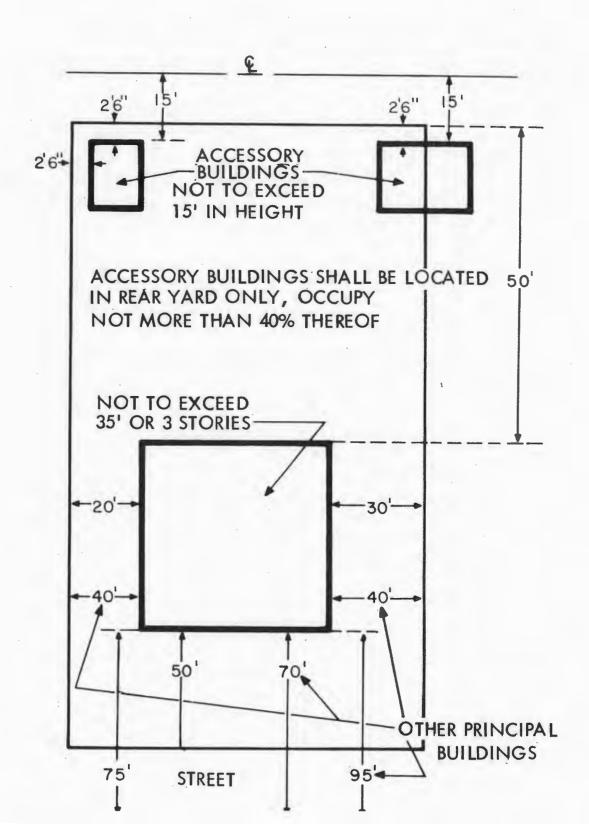
The appeal period for the above-referenced case expired on March 4, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: V Case File

Office of Administrative Hearings

BCZ1 1963 202.3

### R. 40 ZONE INSIDE LOT



CASE NO. 2013-

### CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
_	PLANNING (if not received, date e-mail sent)	
1-24	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
•	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	TION (Case No	)
PRIOR ZONING	(Case No.	)
NEWSPAPER AI	OVERTISEMENT Date:	
SIGN POSTING	Date:	by Pison
PEOPLE'S COUN	ISEL APPEARANCE Yes No	
PEOPLE'S COUN	ISEL COMMENT LETTER Yes No L	
Comments, if any:		





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

Go Back View Map New Search GroundRent Redemption GroundRent Registration

				Owner Infor	mation				
Owner Name: Mailing Addres	ı.	SPALLIT 2424 STA	TA CHARLES J TA BERNADETTE NWICK RD K MD 21131-1520	A		al Residence: eference:		RESIDENTIA YES 1) /12358/00 2)	
		11102111		tion & Structu	re Information				
Premises Addre	25				Description				
2424 STANWICK 0-0000				2424 S	TANWICK RD	NS .			
Map Grid 0043 0009	Parcel 0197	Sub District	Subdivision 0000	Section 1	Block E	Lot Assessmen 14 2	t Area	Plat No: Plat Ref:	0027/00
Special Tax Are	as	A	own d Valorem ax Class	NONE					
Primary Struct	re Built		Enclosed Area 3,424 SF		Property 0.9300 AC	Land Area		County Use 04	
Stories Base 2.0000000 YES			Exterior 1/2 BRICK FRAME						
				Value Infor					
		Base Value	Value As Of 01/01/2011	Phase-in As: As Of 07/01/2012	As Of 07/01/201	13			
Land Improvements: Total:		148,800 502,970 651,770	148,800 342,000 490,800	490,800	490,800				
Preferential La	ıd:	0		Transfer Info	0				
	ENEY TIMO S LENGTH	OTHY G IMPROVED	7.000	Transier rate	Date: Deed1:	08/29/1997 /12358/ 00089	Price: Deed 2:	\$251,000	
		& SONS INCORP	ORATED		Date: Deed1:	12/14/1993 /10214/ 00498	Price: Deed2:	\$262,500	
	FRANK A	IMPROVED			Date: Deed1:	10/22/1993 /10088/ 00555	Price: Deed2:	\$246,750	
				Exemption In	formation				
Partial Exempt County State	Assessmen	ts			Class 000 000	07/01/2012 0.00 0.00	×	07/01/2013	
Municipal Tax Exempt:					000	0.00	Tax Reca	0.00	
Exempt Class:						Бреста	NONE	PIMIC:	
			Home	stead Applicat	ion Informatio	n			





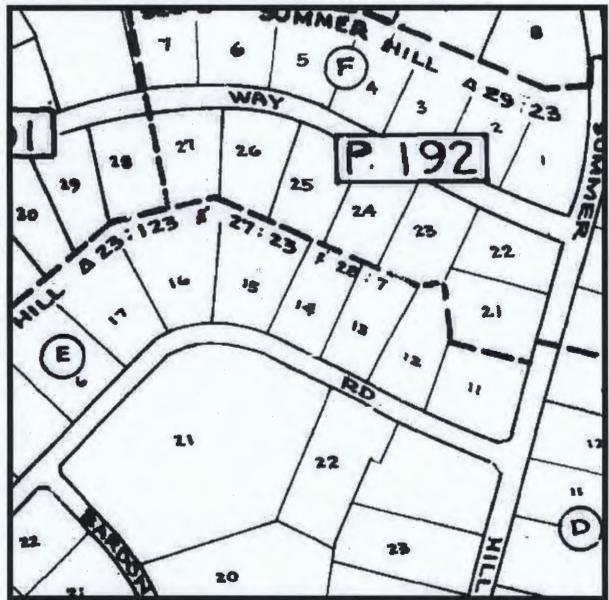




#### **Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search**

Go Back View Map **New Search** 

**Account Number - 1019027230** District - 10



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml



KEVIN KAMENETZ County Executive

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

January 29, 2013

Charles & Bernadette Spallitta 2424 Stanwick Road Phoenix MD 21131

RE: Case Number: 2013-0153 A, Address: 2424 Stanwick Road, 21131

Dear Mr. & Ms. Spallitta:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 3, 2012. 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: jaf

Enclosures

c: People's Counsel Beverly True, 3920 London Bridge Road, Sykesville MD 21784



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Darrell B. Mobley, Acting Secretary Melinda B. Peters, Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-24-13

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

RE: Baltimore County

Item No 2013-EX53-A
Administration Variance
Charles & Bernadette Spallitta
2424 Stanwick Road

Dear Ms. Lewis:

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. 2013-0153-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).

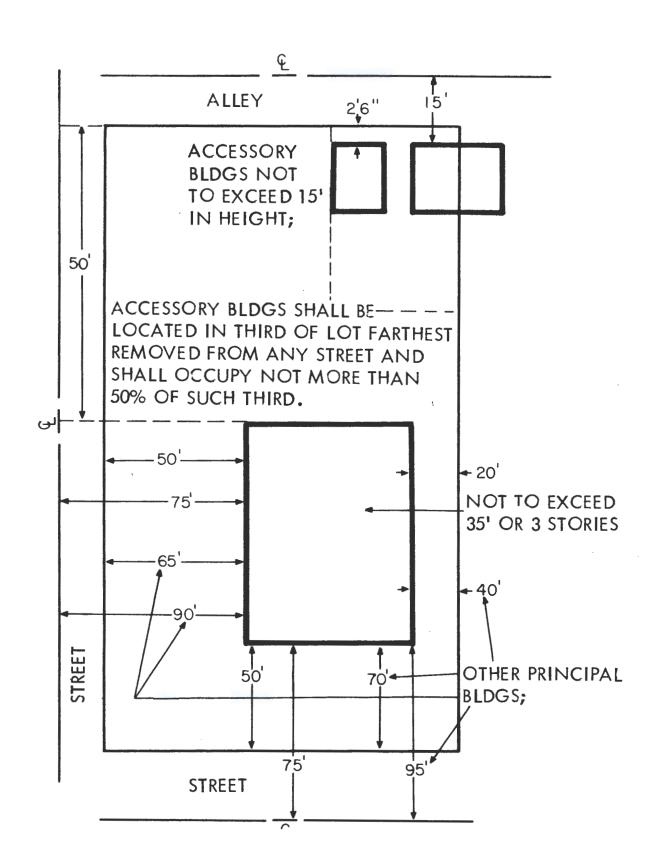
Sincerely,

Steven D. Foster, Chief

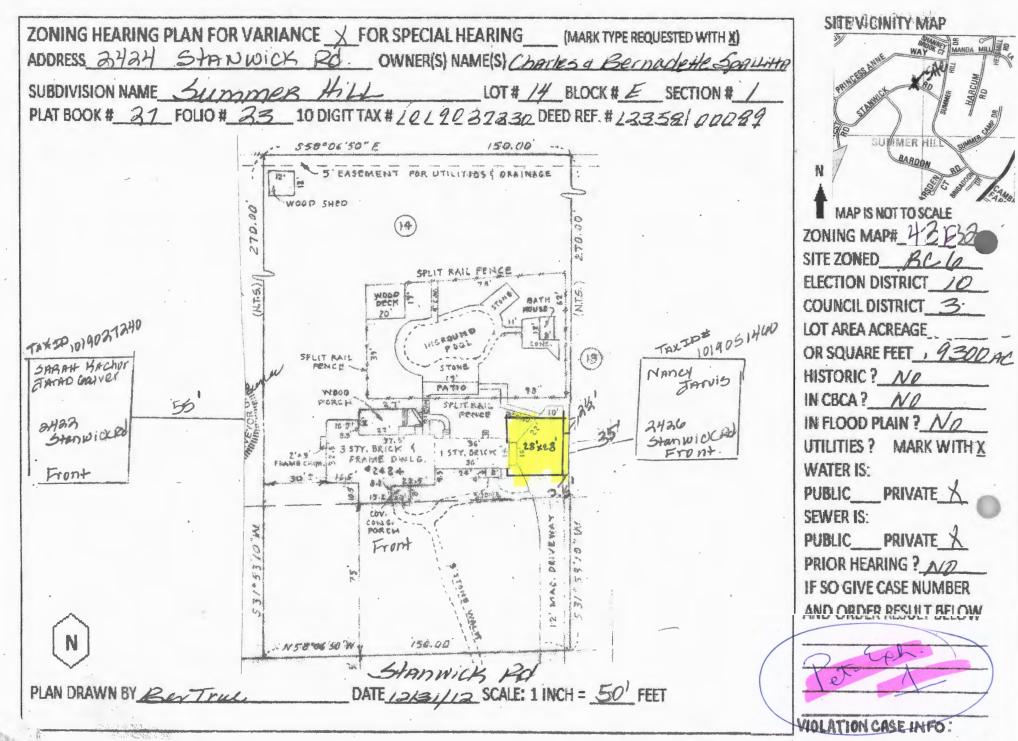
Access Management Division

SDF/raz

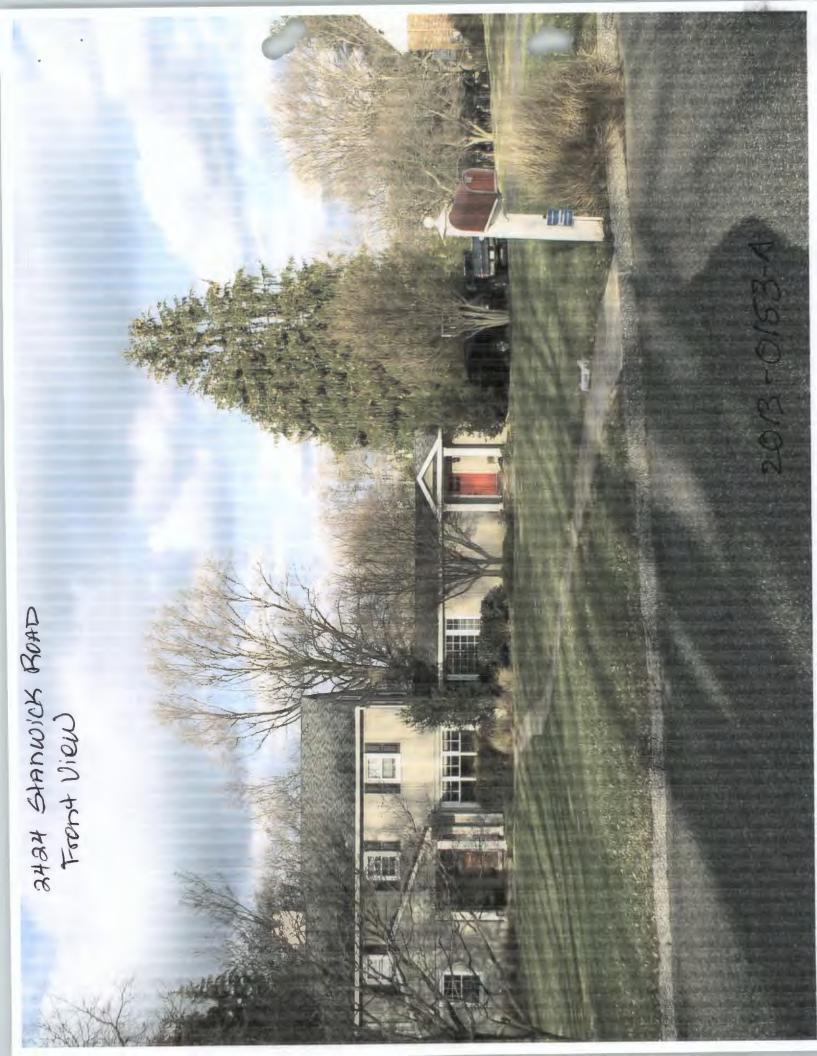
## R. 40 ZONE CORNER LOT

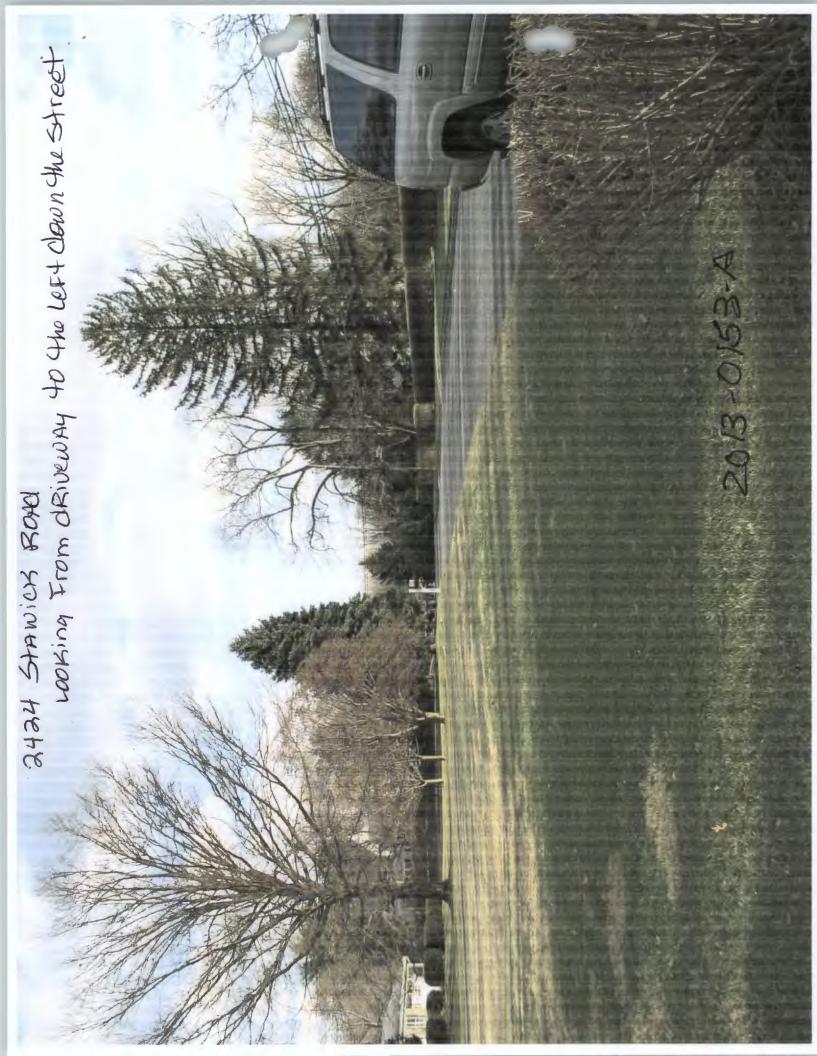


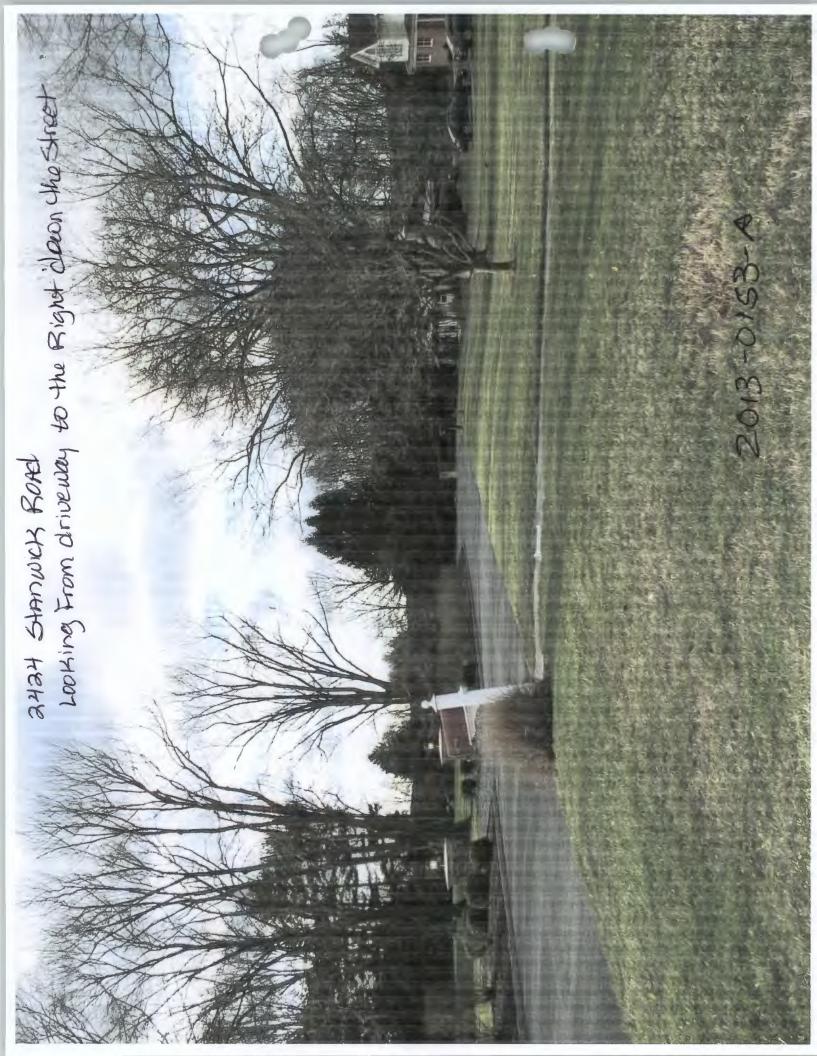




2013-0153-A







		SITE VICINITY MAP
	R VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)  O WICK RO OWNER(S) NAME(S) Charles a Bernadette Soautha	WAY OF MANDA MUJE
SUBDIVISION NAME Sun PLAT BOOK # 31 FOLIO #	23 10 DIGITTAX # 10 L 20 3 2 3 20 DEED REF. # 123581 00089	STATE OF STA
PLAN DRAWN BY RevTru	SPLIT RAIL FENCE  WOOD SHED  14  SPLIT RAIL FENCE  WOOD FRATIO  PENCE  FRANCE  FRANCE  FRANCE  FRANCE  FRANCE  FRANCE  FRANCE  STONE  SPLIT RAIL  STONE  STONE	MAP IS NOT TO SCALE ZONING MAPH 43 B3 SITE ZONED BC G ELECTION DISTRICT GO COUNCIL DISTRICT GO COUNCIL DISTRICT GO COUNCIL DISTRICT GO LOT AREA ACREAGE OR SQUARE FEET GGOOD HISTORIC? NO IN CBCA? NO IN FLOOD PLAIN? NO UTILITIES? MARK WITH X WATER IS: PUBLIC PRIVATE SEWER

2013 - 0153-A

