

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Hernwood Road, 2010 feet N
of the c/l of Sharon Hill Farm Road
2nd Election District
4th Councilmanic District
(3113 Hernwood Road)

Jamie E. and Kyle F. Condon
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0227-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Jamie E. and Kyle F. Condon for property located at 3113 Hernwood Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit existing accessory structures (garage and shed) in the side yards of a single family dwelling in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Due to the location of the existing well and driveway on the north side yard and the need to maintain bedroom window views on the south side yard, the best location to build the addition is to the rear yard. In building the new addition, the existing one story garage and shed will now be in the side yard. The dwelling was constructed in 1901 long before the imposition of zoning on the 32 acre site. The property is encumbered by a perpetual safety and access easement to the United States which limits the use of the back yard. The property east is owned by the Department of Public Safety and Correctional Services.

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

ORDER RECEIVED FOR FILING

Date 3-9-11

By [Signature]

and Sustainability on March 3, 2011, which states that the proposed addition building permit will need to be reviewed by Groundwater Management.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 10, 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.

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 9th day of March, 2011 that a variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit existing accessory structures (garage and shed) in the side yards of a single family dwelling in lieu of the required rear yard 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.

ORDER RECEIVED FOR FILING

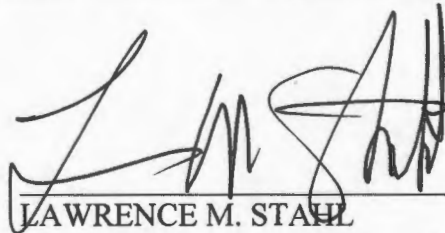
Date 3-9-11

2

By [Signature]

2. The proposed addition building permit will need to be reviewed by Groundwater Management.

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



LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 3-9-11

By [Signature]



KEVIN KAMENETZ
County Executive

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

March 9, 2011

JAMIE E. AND KYLE F. CONDON
3113 HERNWOOD ROAD
WOODSTOCK MD 21163

Re: Petition for Administrative Variance
Case No. 2011-0227-A
Property: 3113 Hernwood Road

Dear Mr. and Mrs. Condon:

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, 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 contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "LMS", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: Walter Daniels, 1113 Ivy Hill Road, Cockeysville MD 21030



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3113 HERNWOOD RD
which is presently zoned RC2

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)

Sections 400.1

To permit existing accessory structures (garage and shed) in the side yards of a single family dwelling in lieu of the required rear yard.

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 3-5-11
Address _____ Telephone No. _____
By [Signature]
City _____ State _____ Zip Code _____

ORDER RECEIVED FOR FILING
3-5-11

Legal Owner(s):

JAMIE CONDON
Name - Type or Print _____
Signature [Signature]
Kyle Condon
Name - Type or Print _____
Signature [Signature]
10720 Marriottsville Rd 410-960-7019
Address _____ Telephone No. _____
Randalstown MD 21133
City _____ State _____ Zip Code _____

Representative to be Contacted:

Walter Daniels, Architect
Name _____
1113 IVY HILL RD (410) 560-3588
Address _____ Telephone No. _____
Cockeysville, MD 21030
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. 2011-0227-A

Reviewed By Zu Date 1/31/11

REV 10/25/01

Estimated Posting Date 2/13/11

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 3113 HERN WOOD RD.
Address WOODSTOCK MD 21163
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 location of the existing well and driveway on the north side yard and the need to maintain views and bedroom windows on the south side yard, the best location build an addition to the home is to the rear yard. In building the new addition the existing one story garage and shed will now be in the side yard. There is a safety and access easement granted to the U.S. government which limits the use of the back yard. Request that the accessory building remain in their present side yard locations.

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.

Jamie Condon
Signature
Jamie CONDON
Name - Type or Print

Jamie Condon
Signature
Kyle Condon
Jamie CONDON
Name - Type or Print

STATE OF MARYLAND, COUNTY OF Frederick BALTIMORE, to wit:

I HEREBY CERTIFY, this 6 day of January, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Sarah E. Schindler
Notary Public

My Commission Expires

SARAH E. SCHINDLER
Notary Public - Maryland
Frederick County
My Commission Expires
May 07, 2012

LEGAL DESCRIPTION FOR 30.47 Acre lot know as
3113 HERNWOOD ROAD. WOODSTOCK, BALTIMORE COUNTY, MARYLAND
21163

Beginning at point north 2010' +/- north of Sharon Hill Farm Road on the east side of
Hernwood Road travel N02 36' 40" E for 1007' along Hernwood Road , then leaving
Hernwood Road heading N87 03' 27" W for 1735', then heading N02 36' 40" E 219',
then N87 03' 20" W 415.40', then N02 36' 40" E 219', then N87 03' 40" E 800' then S02
36' 40" W 185', then S73 03 51" W 751.07', to the point of beginning on Hernwood
Road.

Zoning RC2

Councilmanic District = 4

Election District = 2

2011-0227-A

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3113 HERNWOOD ROAD. WOODSTOCK, BALTIMORE COUNTY, MARYLAND
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Road.

Zoning RC2

Councilmanic District = 4

Election District = 2

2011-0227-A

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

No. **62961**

Date: **1/31/11**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 2/01/2011 1/31/2011 09:44:43 8

REG W004 WALKIN SHIL SAH
 >>RECEIPT # 483314 1/31/2011 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.20

Dept 5 528 ZONING VERIFICATION
 CR NO. 062961

Recpt Tot \$75.00
 \$75.00 CR \$1.00 CA
 Baltimore County, Maryland

Total: **75.10**

Rec From: **Daniels & Associates**

For: **3113 Eternwood Rd**
21163

2011-0227

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

February 23, 2011

Mr. & Mrs. Condon
10720 Marriottsville Rd.
Randallstown, MD 21133

RE: Case Number 2011-0227 A, 10720 Marriottsville Rd., Randallstown, MD 21133

Dear Mr. & Mrs. Condon,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 31, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Mr. Walter Daniels, Architect, 1113 Ivy Hill Rd., Cockeysville, MD 21030

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For February 14, 2011
Item Nos. 2011- 226, 227, 228, 229
and 230

DATE: February 10, 2011

Admin

Closing 2/28/11

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-02142011 -NO COMMENTS.doc

← NORTH SIDE GARAGE



FRONT VIEW ↑



SOUTH SIDE

← GARAGE

2011-0227-A

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 02 Account Number - 0202470050

Owner Information			
Owner Name:	CONDON JAMIE E CONDON KYLE F SCHLEE KENNETH A	Use:	AGRICULTURAL
Mailing Address:	3113 HERNWOOD RD WOODSTOCK MD 21163-1042	Principal Residence:	YES
		Deed Reference:	1) /29688/ 00277 2)

Location & Structure Information	
Premises Address 3113 HERNWOOD RD 0-0000	Legal Description 32.01 AC 3113 HERNWOOD RD ES 5280FT N OLD COURT RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0076	0021	0072		000				1	Plat Ref:

Special Tax Areas	Town NONE
	Ad Valorem
	Tax Class

Primary Structure Built 1901	Enclosed Area 1,650 SF	Property Land Area 32.0100 AC	County Use 05
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Stories 2.000000	Basement YES	Type STANDARD UNIT SIDING	Exterior
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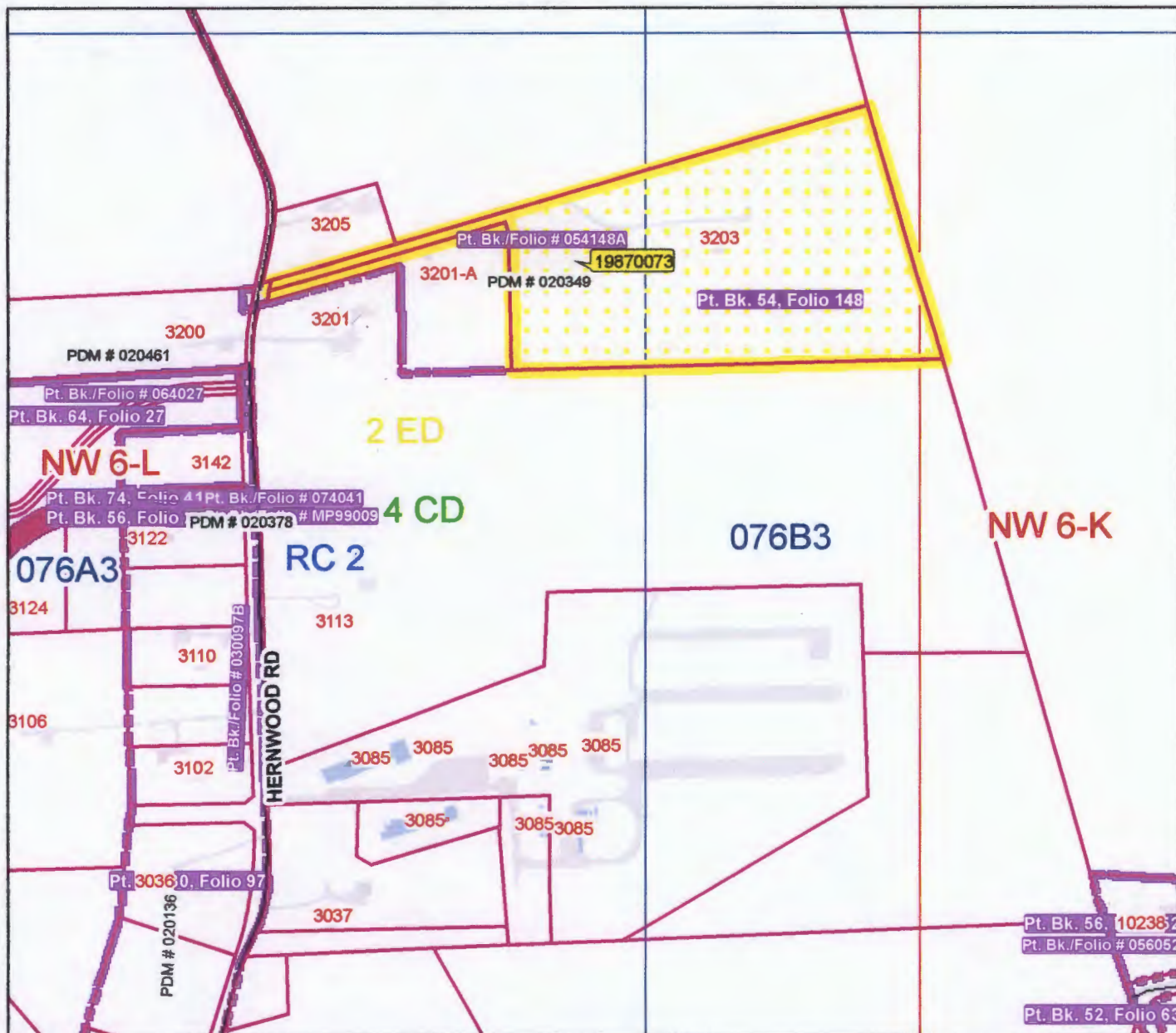
Value Information					
	Base Value	Value	Phase-in Assessments		
		As Of 01/01/2010	As Of 07/01/2010	As Of 07/01/2011	PREFERENTIAL LAND VALUE INCLUDED IN LAND VALUE
Land	120,650	120,600			
Improvements:	205,640	138,900			
Total:	326,290	259,500	259,500	259,500	
Preferential Land:	10,650			10,600	

Transfer Information					
Seller:	BLUNT THOMAS R	Date:	07/19/2010	Price:	\$540,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/29688/ 00277	Deed2:	
Seller:	BLUNT THOMAS R	Date:	08/01/1994	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/10678/ 00297	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:	AGRICULTURAL TRANSFER TAX

3113 Hernwood Road

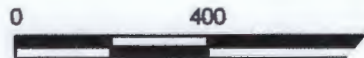


2011-0227-A



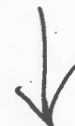
Publication Date: January 18, 2011
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



1 inch = 400 ft

ZAC '11 Return Query



Item #	Circulated To	Location	Due	Date Returned	Returned	Admin.	N. C.
226	2/4/2011	Jessie Bialek	3030 Traceys Store Road	2/18/2011	☐	☐	☐
228	2/4/2011	Jessie Bialek	27 Edgemoor Road	2/18/2011	☐	☐	☐
	2/4/2011	Jessie Bialek	14218 Green Road	2/18/2011	☐	☐	☒
232	2/11/2011	John Alexander	502 Fuselage Avenue	2/18/2011	☐	☒	☒
235	2/11/2011	Laurie Hay	342 Wye Road	2/18/2011 2/23/2011	☒	☒	☐

221



CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 2/15/2011

Case Number: 2011-0227-A

Petitioner / Developer: JAMIE & KYLE CONRLON & KEN SCHLEE~
WALTER DANIELS, AIA

Date of Hearing (Closing): FEBRUARY 28, 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:
3113 HERNWOOD ROAD

The sign(s) were posted on: FEBRUARY 10, 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)

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAR 03 2011



ZONING COMMISSIONER

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

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

DATE: March 3, 2011

SUBJECT: Zoning Item # 11-227-A
Address 3112 Hernwood Road
(Condon Property)

Zoning Advisory Committee Meeting of February 7, 2011.

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

1. The proposed addition (bldg. permit) will need review by Groundwater Mgmt.

Reviewer: Dan Esser

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0227 -A Address 3113 Herndon Rd
Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/31/11 Posting Date: 2/13/11 Closing Date: 2/28/11

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- 0227 -A Address 3113 Herndon Rd
Petitioner's Name Jonie & Kyle Condon & Ken Schlee Telephone 410-960-7019
Posting Date: 2/13/11 Closing Date: 2/28/11
Wording for Sign: To Permit EXISTING ACCESSORY STRUCTURES (garage + shed)
in the side yards of an existing single family dwelling in lieu
of the rear yard.

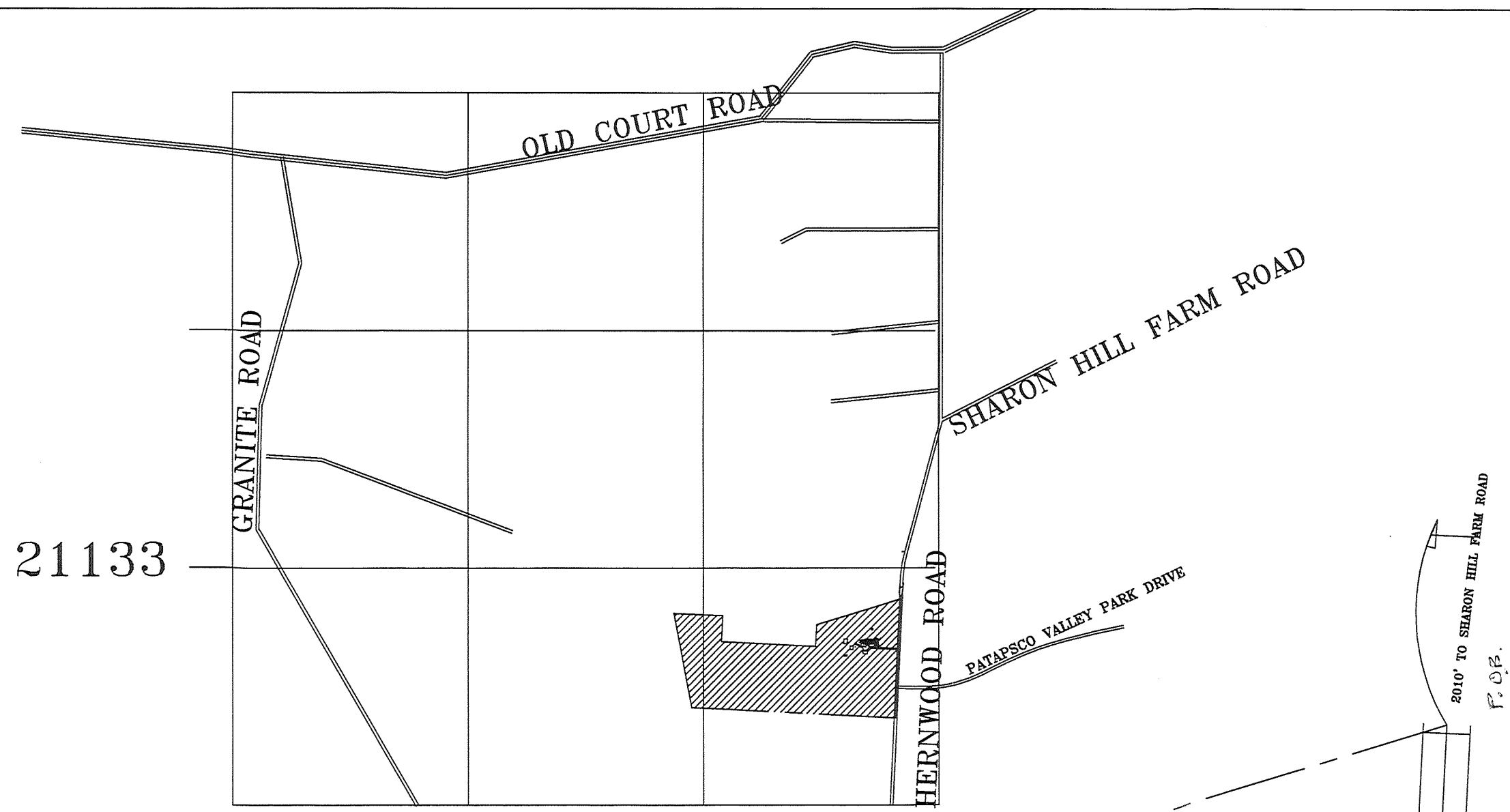
WCR - Revised 7/7/08

PLAT TO ACCOMPANY PETITION FOR
ZONING-ADMISTRATIVE VARIANCE

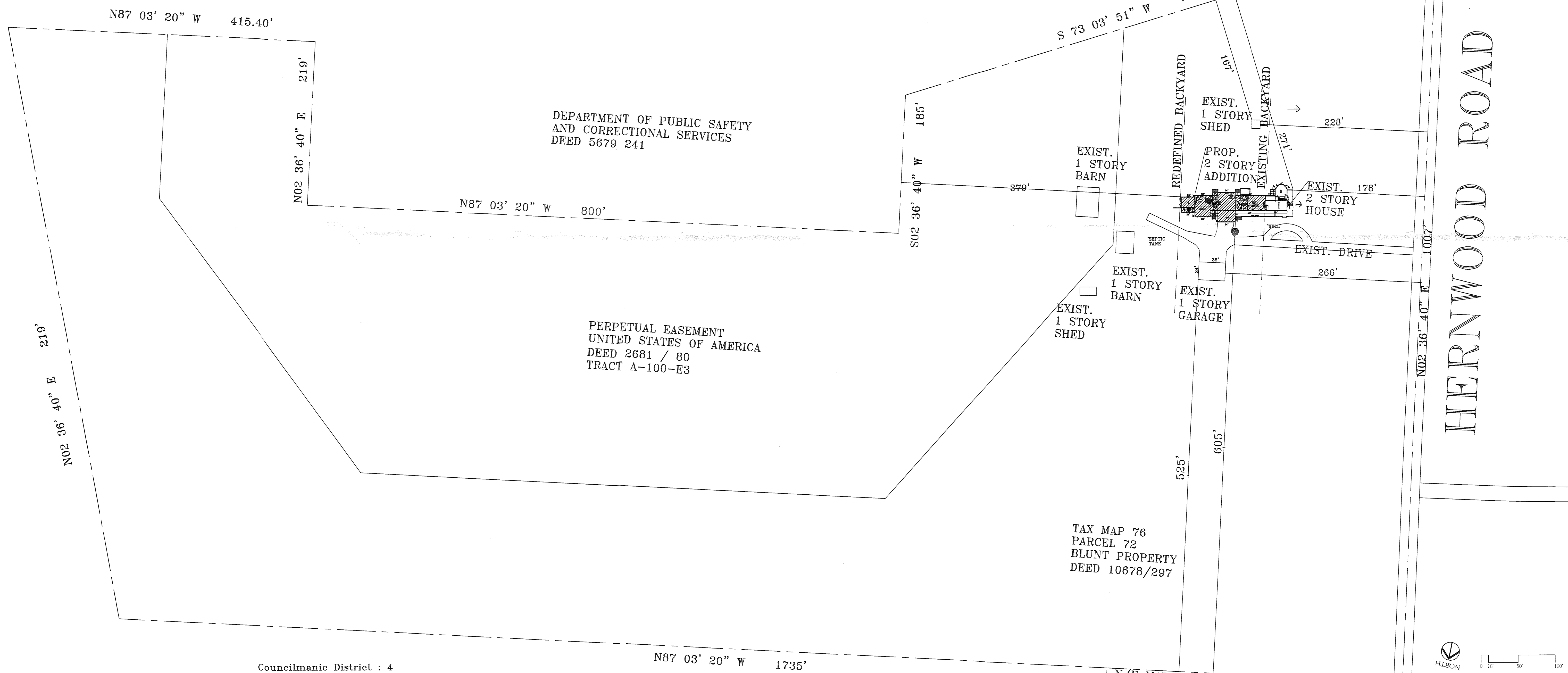
PROPERTY ADDRESS- 3113 HERNWOOD ROAD, WOODSTOCK MARYLAND

SUBDIVISION NAME: NONE
PLAT BOOK: # FOLIO: LOT: , BLOCK

OWNER: KYLE AND JAMIE CONDON 10720 MARRIOTSVILLE ROAD RANDALLSOWN, MD 21133
& KEN SCHLEE, 3051 NE 43RD ST., FT. LAUDERDALE, FL 33308



VICINITY MAP



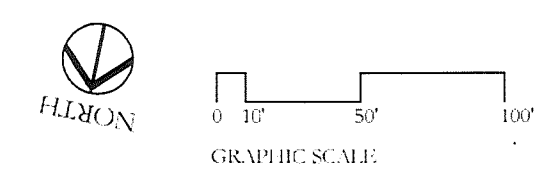
Councilmanic District : 4
Election District: 2
1" = 200' scale map:
Zoning: RC2
Lot Size: 30.47 AC
Sewer : PRIVATE
Water: PRIVATE
Chesapeake Bay Critical Area: No
100 Year Flood Plain : NONE
FEMA MAP:
Historic Property: No
Prior Zoning Hearings: None

AARON B.
BIXLER SUBDIVISION
PB 54/148

TAX MAP 76
PARCEL 72
BLUNT PROPERTY
DEED 10678/297

N/F MATTHEW H. WILLIAMS
DEED 24879/649

Zoning Office Use Only			
reviewed by:	item #:	case #:	
zw		2011-0227-A	



CONDON RESIDENCE

3113 HERNWOOD DRIVE, BALTIMORE COUNTY, MARYLAND 21163

Date: 1/19/11		
Revisions		
No.	Date	Reference
Drawing Title		
SITE PLAN		
1" = 60'-0"		
Drawing Number		
SITE		