

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Big Falls Road, 4,880 feet
N of Mountain Road
7th Election District
3rd Councilmanic District
(17304 Big Falls Road)

Eric and Molly M. Bodendorfer
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0246-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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, Eric and Molly M. Bodendorfer for property located at 17304 Big Falls Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (shed/workshop) with a height of 22 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an accessory structure measuring 14 feet x 20 feet x 22 feet in height. The new structure will be used for a workshop and storage. The 1930s era dwelling has three basements; however two of them need modern concrete floors. At present, these floors are dirt, gravel, broken and deteriorated concrete. These basement rooms are currently used for storage. The items in storage need to be moved to a weather proof structure in close proximity to the house. The perimeter of the property is heavily wooded.

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.

ORDER RECEIVED FOR FILING

Date 3-22-11

By pm

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 27, 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 Petitioner. 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 22nd day of March, 2011 that a variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (shed/workshop) with a height of 22 feet in lieu of the maximum permitted 15 feet is hereby GRANTED, subject to the following:

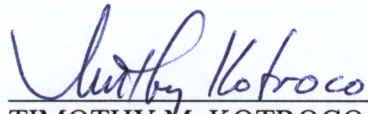
ORDER RECEIVED FOR FILING

Date 3-22-11 _____ 2

By [signature] _____

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.
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 3-22-11

By [Signature]



KEVIN KAMENETZ
County Executive

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

March 22, 2011

ERIC AND MOLLY M. BODENDORFER
17304 BIG FALLS ROAD
MONKTON MD 21111

Re: Petition for Administrative Variance
Case No. 2011-0246-A
Property: 17304 Big Falls Road

Dear Mr. and Mrs. Bodendorfer:

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 "Timothy M. 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 17304 Big Falls Road Monkton, Maryland 21111
which is presently zoned RC5

Deed Reference: _____ / _____ Tax Account # 0720030300

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 (SHED/WORKSHOP) WITH A
HEIGHT OF 22-FEET IN LIEU OF THE MAXIMUM PERMITTED
15-FEET.

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

Date

Telephone No.

City

State

Zip Code

ORDER RECEIVED FOR FILING
3-22-11

Legal Owner(s):

Eric Bodendorfer

Name - Type or Print

Signature

Molly Bodendorfer

Name - Type or Print

Signature

17304 Big Falls Road H(410-357-9892)

Address

Telephone No.

Monkton

Maryland

21111

City

State

Zip Code

Representative to be Contacted:

Eric Bodendorfer

Name

17304 Big Falls Road H(410-357-9892) W(443-834-5469)

Address

Telephone No.

Monkton

Maryland

21111

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. 2011-0246-A

Reviewed By D.T. Date 2/17/11

Estimated Posting Date 2/27/11

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.

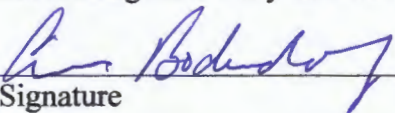
That the Affiant(s) does/do presently own and reside at 17304 Big Falls Road

 Address number Road or Street name

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

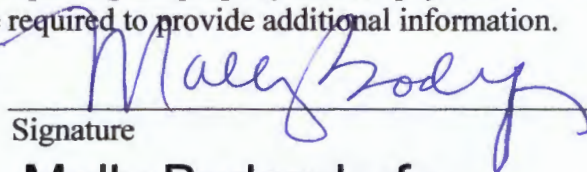
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate the hardship or practical difficulty; attach an additional sheet if needed) We intend to use the new structure for a workshop and storage. Our house has three basements in which two of them are in need of a modern concrete floor. At the present time they are dirt, gravel and some broken and heavily deteriorated concrete. The dated floor is not up to modern construction standards. At the present time these rooms are used for storage. This stuff needs to be in a weather tight facility and in close proximity to our house, because the storage contains cloths, files, tools, computers, toys and other necessary things to have my family function properly as the floors are replaced with modern construction methods.

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

Eric Bodendorfer

Name- print or type


Signature

Molly Bodendorfer

Name- print or type

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

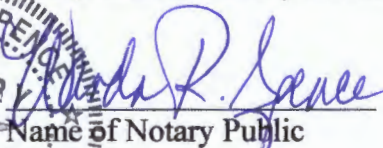
STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 17 day of February, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Eric & Molly Bodendorfer
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notary Seal




Name of Notary Public

10/1/14
Commission expires

PLACE SEAL HERE:

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

No. **64722**

Date: **2/17/11**

PAID RECEIPT

BUSINESS ACTUAL TIME
 2/18/2011 2/17/2011 31:16:00 2
 REC 4505 WALKIN DILL DRD
 >RECEIPT # 535503 2/17/2011 0613

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

Total: **75.00**

Rec From: **ERIC BODENDORFER**

For: **2011-0246-A**
17304 BIG FALLS RD.

D. THOMPSON

Dept 5 528 ZOOING VERIFICATION
 064722
 Recpt tot 175.00
 175.00 CF 1.00 CA
 Baltimore County, Maryland

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 2-27-11

RE: Case Number: 2011-0246 A

Petitioner/Developer: Eric Bodendorf

Date of Hearing/Closing: 3-14-11

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 17304 Big Falls Rd

The signs(s) were posted on 2-27-11
(Month, Day, Year)

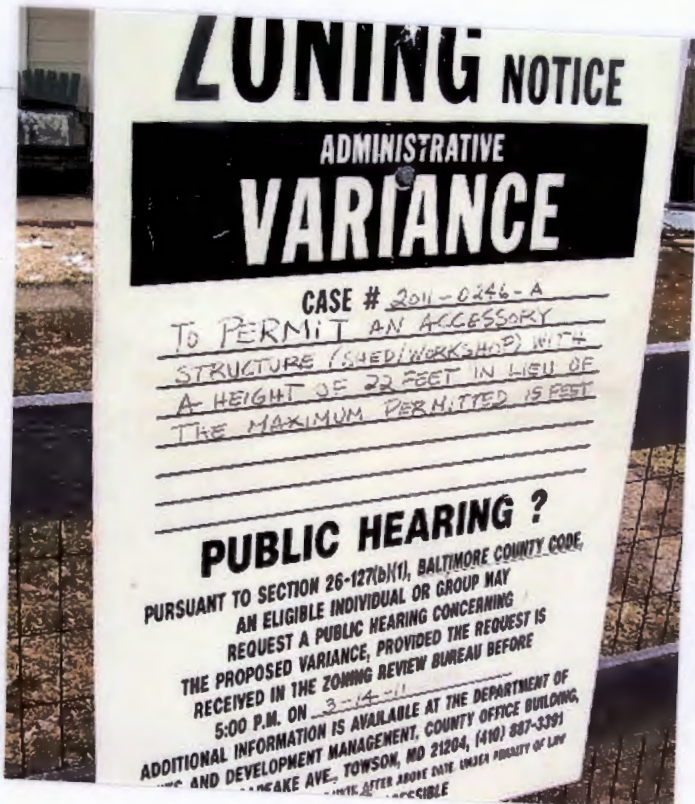
J. Lawrence Pilson
(Signature of Sign Poster)

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)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0246 -A

Address 17304 BIG FALLS RD.

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 2/17/11

Posting Date: 2/27/11

Closing Date: 3/14/11

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- 0246 -A

Address 17304 BIG FALLS RD.

Petitioner's Name BODENDORFER

Telephone 410-357-9892

Posting Date: 2/27/11

Closing Date: 3/14/11

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (SHED/WORKSHOP) WITH A
HEIGHT OF 22-FEET IN LIEU OF THE MAXIMUM PERMITTED
15- FEET.

WCR - Revised 7/7/08

**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: 2011-0246-A

Petitioner: BODENDORFER

Address or Location: 17304 BIG FALLS RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. ERIC BODENDORFER

Address: 17304 BIG FALLS RD.

MONKTON, MD 21111

Telephone Number: 410-357-9892

Revised 2/17/11 DT



KEVIN KAMENETZ
County Executive

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

March 9, 2011

Mr & Mrs. Bodendorfer
17304 Big Falls Road
Monkton, MD 21111

RE: Case Number 2011-0246A, 17304 Big Falls Road

Dear Mr. & Mrs. Bodendorfer,

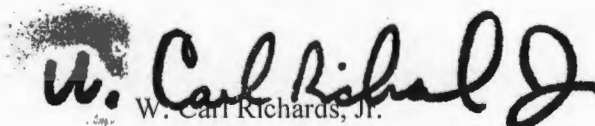
The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 17, 2011.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,


W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

C: People's Counsel

Patricia Zook - Comments for 2 Administrative Variance Cases

From: Patricia Zook
To: Kennedy, Dennis
Date: 3/21/2011 12:51 PM
Subject: Comments for 2 Administrative Variance Cases

Good afternoon Dennis -

I have two administrative variance cases that don't have comments from your office. They are:

2011-0246-A
2011-0247-A

If you don't have a comment, just reply to this e-mail and I'll put it in the file.

As usual, thanks for your help.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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Patricia Zook - Re: Comments for 2 Administrative Variance Cases

From: Dennis Kennedy
To: Zook, Patricia
Date: 3/21/2011 1:37 PM
Subject: Re: Comments for 2 Administrative Variance Cases

Patti:

First, I need to correct what I sent to you last Friday...

I have no comments on Items 2011-0248-SPHX and 2011-0249-A.

Second,

I have no comments on Items 2011-0246-A and 2011-0247-A.

Dennis Kennedy

>>> Patricia Zook 3/21/2011 12:51 PM >>>

Good afternoon Dennis -

I have two administrative variance cases that don't have comments from your office. They are:

2011-0246-A

2011-0247-A

If you don't have a comment, just reply to this e-mail and I'll put it in the file.

As usual, thanks for your help.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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Maryland Department of Assessments and Taxation
Real Property Data Search (vwl1A)
BALTIMORE COUNTY

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

Account Identifier:**District - 07 Account Number - 0720030300****Owner Information**

Owner Name:	BODENDORFER ERIC BODENDORFER MOLLY M	Use:	RESIDENTIAL
Mailing Address:	17304 BIG FALLS RD MONKTON MD 21111-1124	Principal Residence:	YES
		Deed Reference:	1) /16580/ 00130 2)

Location & Structure Information

Premises Address	Legal Description
17304 BIG FALLS RD 0-0000	.554 AC 17304 BIG FALLS RD NWS 4150FT NE MONKTON RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0022	0010	0068		0000				2	Plat Ref:

Special Tax Areas	Town	NONE
	Ad Valorem	
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1932	1,488 SF	24,124 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT FRAME	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2010	07/01/2011
Land	125,030	105,000		
Improvements:	95,160	73,400		
Total:	220,190	178,400	220,190	178,400
Preferential Land:	0			0

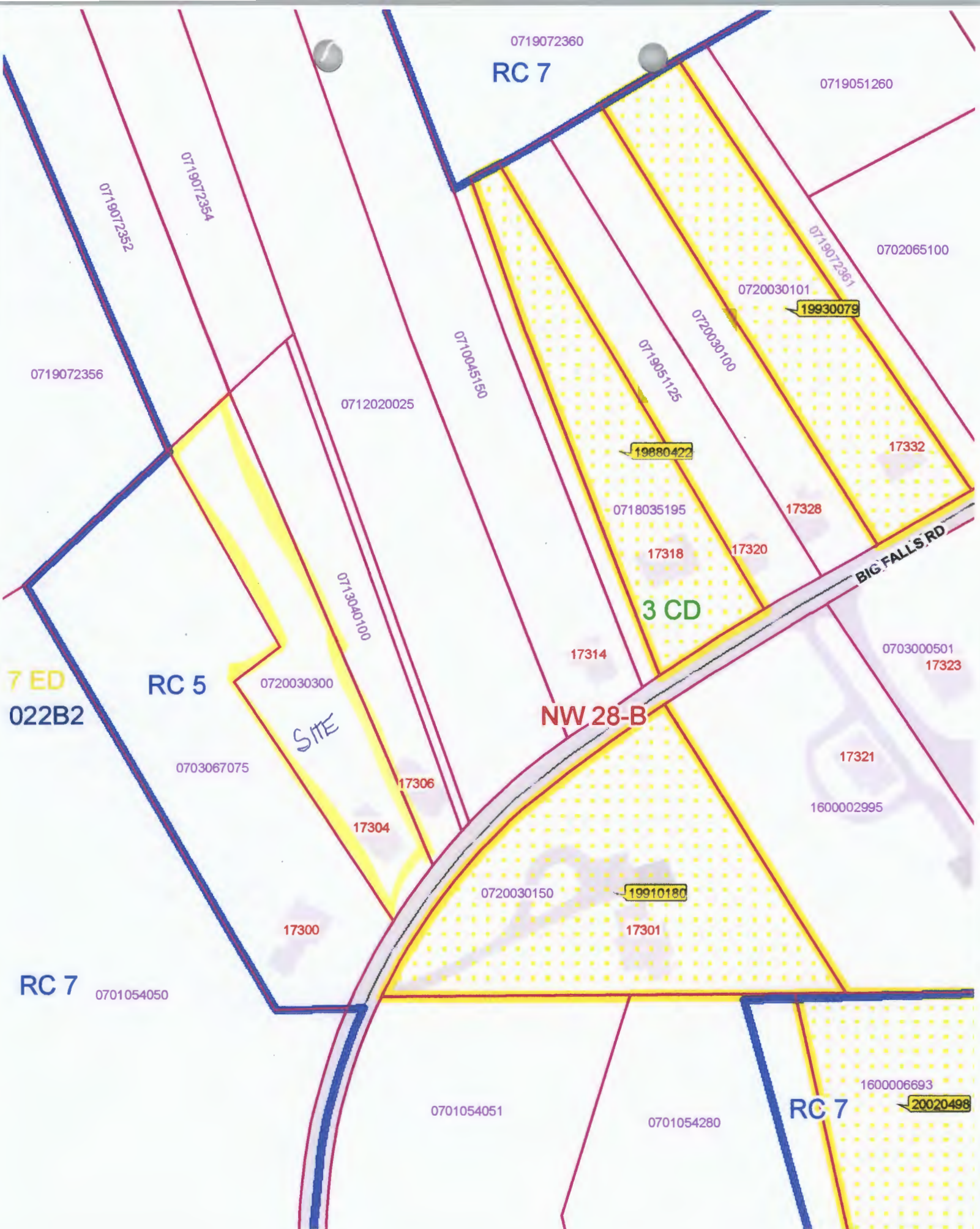
Transfer Information

Seller:	CORNERSTONE INVESTMENT GROUP LLC	Date:	06/28/2002	Price:	\$157,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/16580/ 00130	Deed2:	
Seller:	ECKERT DANIEL W	Date:	01/24/2002	Price:	\$80,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/16014/ 00581	Deed2:	
Seller:	THOMAS MARGARET E	Date:	09/11/1992	Price:	\$43,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/09358/ 00742	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 *



7 ED
022B2

RC 5

RC 7

RC 7

3 CD

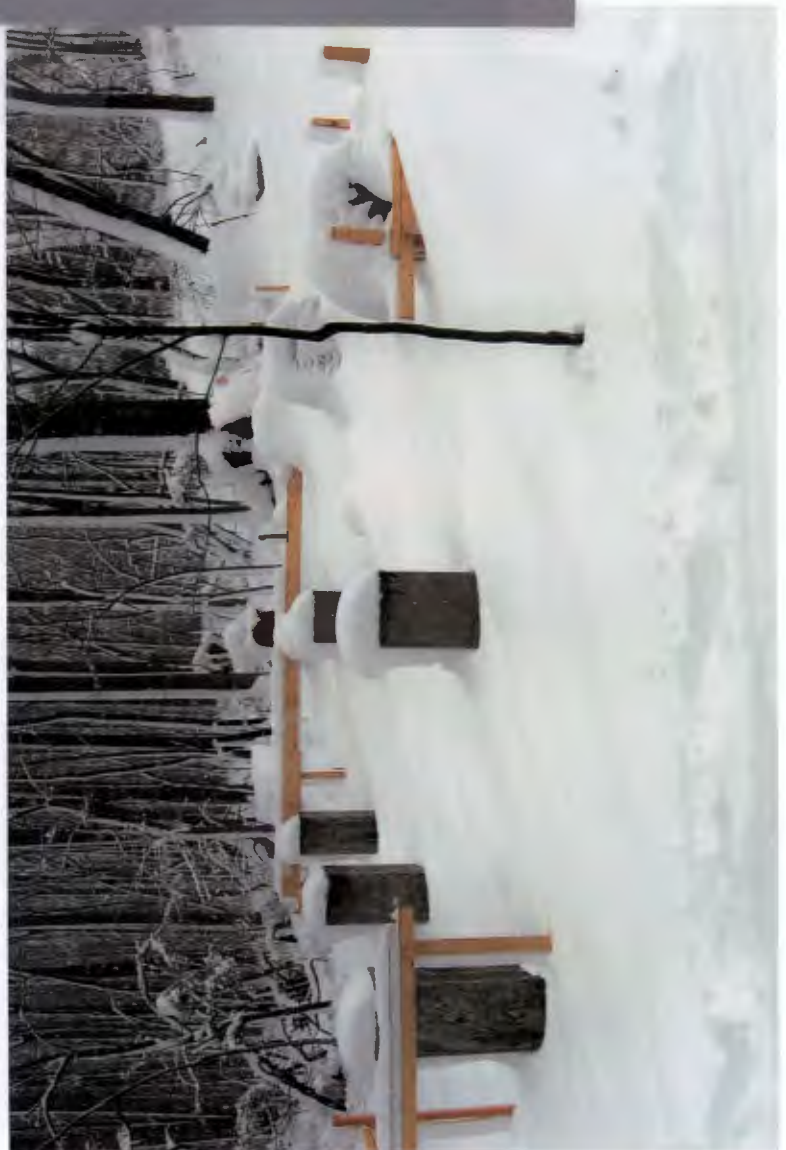
NW 28-B

BIG FALLS RD

SITE

RC 7

2011-0246-A





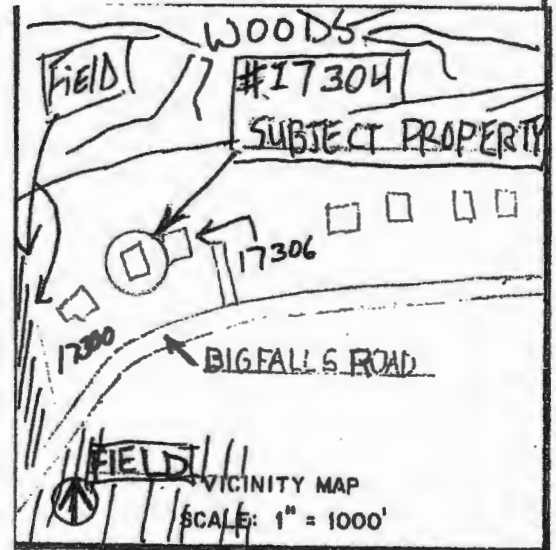
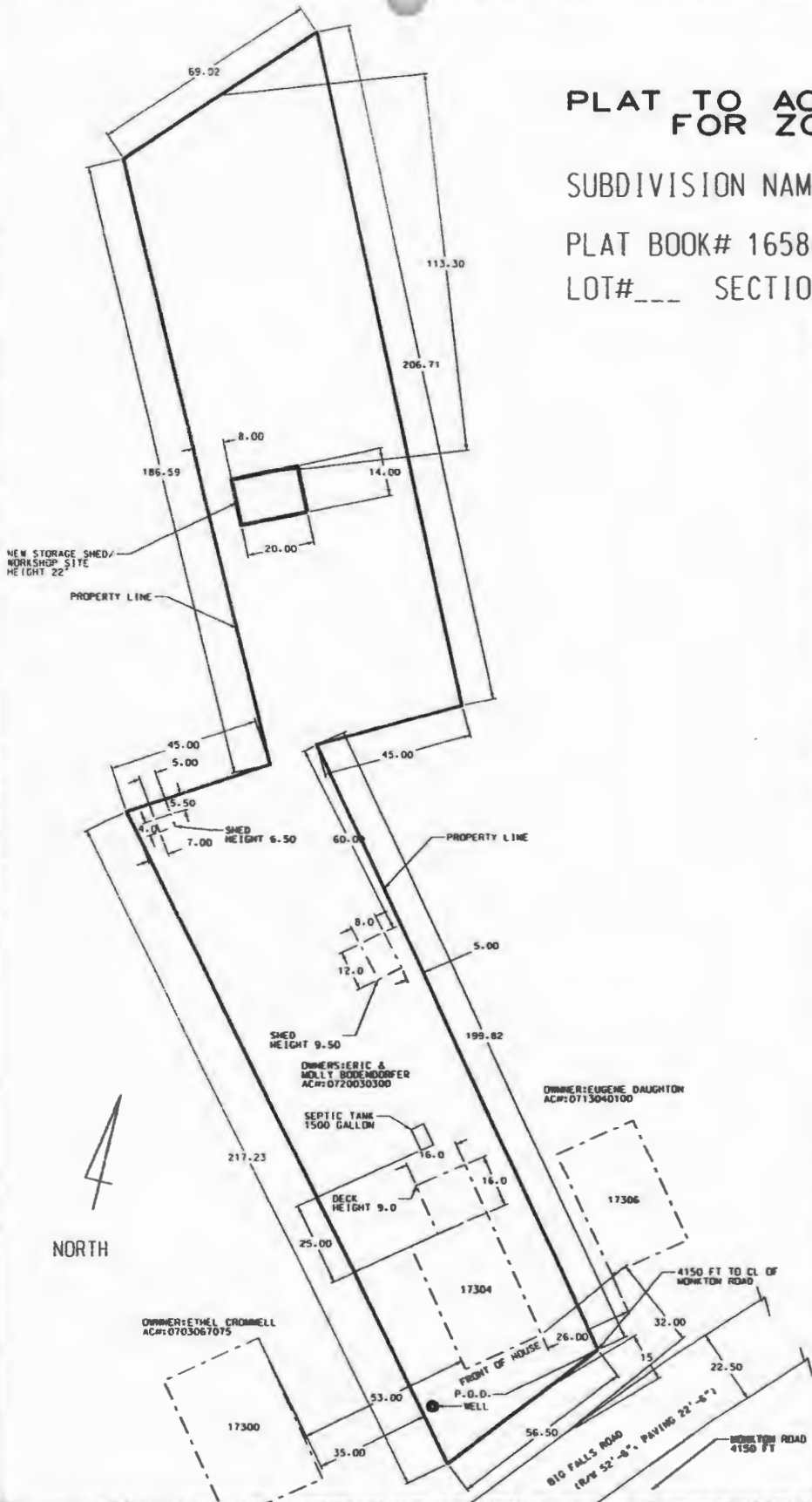


PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

SUBDIVISION NAME: 4150 FT N.E. MONKTON ROAD

PLAT BOOK# 16580 FOLIO#130

LOT#___ SECTION#___



LOCATION INFORMATION

ELECTION DISTRICT 07

COUNCILMANIC DISTRICT 03

1" = 200' SCALE MAP # NW 28B 02202

ZONING RC5

LOT SIZE 554 ACRES 24124 SQUARE FEET

SEWER PUBLIC ☐ PRIVATE ☒

WATER PUBLIC ☐ PRIVATE ☒

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒

100 YEAR FLOOD PLAIN YES ☐ NO ☒

HISTORIC PROPERTY/BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D.T. 246 2011-0246-A

OWNERS: ERIC AND MOLLY
BODENDORFER
17304 BIGFALLS ROAD
MONKTON, MARYLAND 21111

PLAN TO ACCOMPANY
ADMINISTRATIVE VARIANCE
HEARING

DATE: 2/16/11
SCALE: 1" = 50'