IN RE: PETITION FOR SPECIAL HEARING

E/Side of Chesterfield Court, 1,150' E of the c/line of Corbett Village Lane 8<sup>th</sup> Election District 3<sup>rd</sup> Council District (11 Chesterfield Circle)

William and Bonnie Clarke
Petitioners

**BEFORE THE** 

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

\* CASE NO. 2011-0293-SPH

**OPINION AND ORDER** 

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Special Hearing filed by the legal owners of the property, William and Bonnie Clarke. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an accessory structure (3 solar panels) to be located on a vacant lot without a principal building. 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.

Appearing at the public hearing held for this case was Petitioner William Clarke. A review of the file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance at the hearing.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability (DEPS) dated April 7, 2011, indicating that the Groundwater Management Section of that agency will need to undertake a review when permits are sought, since this area is served by well and septic.

ORDER RECEIVED FOR FILING

Date_	5-19-11
Bv	W .

Under the B.C.Z.R., an accessory building is one "which is subordinate and customarily incidental to and on the same lot with a main building." B.C.Z.R. §101.1 In this case, there is no "main building" on the subject property known as Lot #41 (which comprises approximately 1.14 acres) and Petitioners seek special hearing relief to allow them to place three solar panels onto the property without having a dwelling or other principal building on the same lot. Mr. Clarke testified that Lot #41 is "unbuildable," and that it is adjacent to the lot (#40) on which his home is located.

Testimony and evidence offered revealed that the subject property is located in northern Baltimore County and is zoned R.C.7. Mr. Clarke testified that the solar panels will not be visible from the roadway, since they will be located at the bottom of a steep incline. He indicated the panels were visible to only one of his neighbors, with whom he enjoys a good relationship, and that they offered no opposition.

After considering the testimony and exhibits, and in light of the absence of any citizen or neighborhood opposition, I am persuaded to grant the requested special hearing relief.

Pursuant to the advertisement, posting of the property and public hearing on this Petition and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this \_\_\_\_\_ day of May, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing seeking relief from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an accessory structure (3 solar panels) to be located on a vacant lot without a principal building, be and is hereby GRANTED, subject, however to the following:

# 

- 1. The Petitioners may apply for their building permit and may be granted same upon receipt of this Order, however the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.
- 2. Petitioners shall comply with the Zoning Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Sustainability (DEPS) dated April 7, 2011; a copy of which is attached hereto and made a part hereof.

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

Attachment

ORDER	RECEIV	ED FOR	FILING

Date 5/9-11



LAWRENCE M. STAHL

Managing Administrative Law Judge

JOHN E. BEVERUNGEN

TIMOTHY M. KOTROCO

Administrative Law Judges

May 19, 2011

WILLIAM AND BONNIE CLARKE 13 CHESTERFIELD CIRCLE MONKTON MD 21111

> Re: Petition for Special Hearing Case No. 2011-0293-SPH Property: 11 Chesterfield Circle

Dear Mr. and Mrs. Clarke:

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 an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

Enclosure

c: Danielle Bentz, Solar City Corporation, 2319 Stewart Avenue, Silver Spring MD 20910



# **Petition for Special Hearing**

to the Zoning Commissioner of Baltimore County

for the property	located at 11	chesterfield	-		MD	2111
	which is p	resently zoned	RC-	7		

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an accessory structure (3 SI (av parels) to be 10 cated on a vacant lot without a principal building.

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

I, or we, agree to pay expenses of above Special Hearing, 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:		Legal Owner(s):
		William Chartes
Name - Type or Print		Name - Type of Publ
Signature		Signature Bonnie Clarke
Address	Telephone No.	Name - Type or Print Bonsie Clarke
City State	Zip Code	Signature
Attorney For Petitioner:		13 chesterfield Ct. (410) 472 - 2758
		Address Telephone No 21111
Name - Type or Print		Wankton WD 21111 City State Zip Code
		Representative to be Contacted:
Signature		
	to the state of th	R Danjelle Bontz / Solar City Corporation
Company .		2319 Stewart avenue (601)328-8800
Address	Telephone No	Address Telephone No
		Silver Spring, MD 20910 City State Zip Code
City State	Zip Code	City State Zip Code
		OFFICE USE ONLY
		ESTIMATED LENGTH OF HEARING
Case No. 2011 - 0293 - SPH		UNAVAILABLE FOR HEARING
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REV 9/15/98	Rev	viewed By Date 312900
	TOD FILING	
ORDER RECEIVED	-OH FILING	
Date 5-9-11		
Date		

## **ZONING DESCRIPTION**

## Zoning Description For 11 Chesterfield Court

Beginning at a point on the East side of Chesterfield Court, which is 50 feet wide at the distance of 1,150 ft. east of the centerline of the nearest improved intersecting street Corbett Road, which is 60 ft. wide. Being Lot # 41, Section 1 in the subdivision of Chesterfield as recorded in Baltimore County Plat Book #0050, Folio# 0077, containing 1,148 acres. Also known as 11 Chesterfield Court and located in the 8<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.

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#### NOTICE OF ZONING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2011-0293-SPH 11 Chesterfield Court E/side of Chesterfield Court at the distance of 1,150 feet east of the centerline of Corbett Road 8th Election District

8th Election District
3rd Councilmanic District
Legal Owner(s): William and
Bonnie Clarke
Special Hearing: to approve an accessory structure (3 solar panels) to be
located on a vacant lot
without a principal buildling.
Hearing: Monday, May 9,
2011 at 9:00 a.m. in
Room 205, Jefferson
Building, 105 West Chesapeake Avenue, Towson
21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR

AND INSPECTIONS FOR BALTIMORE COUNTY
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

4/213 Apr. 21

273580

### **CERTIFICATE OF PUBLICATION**

4/21/2011
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 4/21/, 20/1.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

Wilking

#### **CERTIFICATE OF POSTING**

Date: 4/20/11

RE: Case Number: 2011 - 0293-5PH

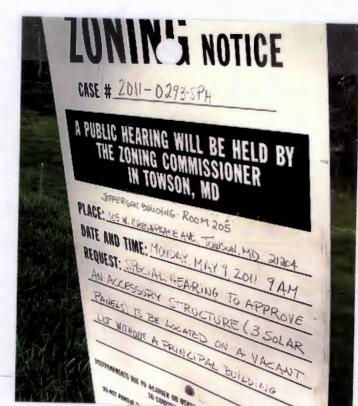
Petitioner/Developer: Bell Clarke

Date of Hearing/Closing: May 9, 2011 9AM

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 1 Chesterfield Cf

The signs(s) were posted on 4 20

4 20 (1 (Month, Day, Year)



(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

(Street Address of Sign Poster)

Parkton, MD 21120 (City, State, Zip Code of Sign Poster)

(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY

Thursday, April 21, 2011 Issue - Jeffersonian

Please forward billing to:

Danielle Bentz SolarCity Corporation 2319 Stewart Avenue Silver Spring, MD 20832 301-328-8800

#### NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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#### CASE NUMBER: 2011-0293-SPH

11 Chesterfield Court

E/side of Chesterfield Court at the distance of 1,150 feet east of the centerline of Corbett Road 8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District Legal Owners: William and Bonnie Clarke

Special Hearing to approve an accessory structure (3 solar panels) to be located on a vacant lot without a principal building.

Hearing: Monday, May 9, 2011 at 9:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

April 18, 2011

#### NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0293-SPH

11 Chesterfield Court

E/side of Chesterfield Court at the distance of 1,150 feet east of the centerline of Corbett Road 8<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District Legal Owners: William and Bonnie Clarke

Special Hearing to approve an accessory structure (3 solar panels) to be located on a vacant lot without a principal building.

Hearing: Monday, May 9, 2011 at 9:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon Director

AJ:kl

C: Danielle Bentz, SolarCity Corp., 2319 Steward Ave., Silver Spring 20910 Mr. & Mrs. Clarke, 13 Chesterfield Court, Monkton 21111

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 23, 2011.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

## DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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:
Petitioner: William & Bonnie Clarke
Petitioner: William & Bonnie Clarke
Address or Location: 11 Chesterfield Ct, Monkton, MD 21111
PLEASE FORWARD ADVERTISING BILL TO:
Name: Solarcity Corporation, aTTN: Damene Bentz
Name: Solar City Corporation, attn: Damene Bentz Address: 2319 Stewart avenue, Silver Spring, MD 20832
Telephone Number: (301) 328-8800



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

May 4, 2011

Mr. & Mrs. Clarke 13 Chesterfield Court Monkton, MD 21111

RE: Case Number 2011-0293 A, 11 Chesterfield Ct., Monkton, MD 21111

Dear Mr. & Mrs. Clarke,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 29, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:mcn

Enclosures

People's Counsel
 Danielle Bentz, Solar City Corp., 2319 Stewart Ave., Silver Spring, MD 20910

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**

RECEIVED



APR 07 2011

OFFICE OF ADMINISTRATIVE HEARINGS

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:

April 7, 2011

SUBJECT:

DEPS Comment for Zoning Item

# 11-293-SPH

Address

11 Chesterfield Circle

(Clarke Property)

Zoning Advisory Committee Meeting of April 4, 2011.

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

1. Proposed permits will need Groundwater Mgmt. review, since this area is served by well & septic.

Reviewer: Dan Esser; Groundwater Management

ORDER RECEIVED FOR FILING

Date 5-19-11

By\_\_\_\_



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

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

Maryland Department of Transportation

Date: 4-6-11

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

RE: **Baltimore County** 

Item No. 2011-0293-5PH Special Heaving William & Bonnie Clarke 11 Chesterfield Circle

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. 2011-6293-5PH

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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

**DATE:** April 11, 2011

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

**Bureau of Development Plans** 

Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For April 11, 2011

Item Nos. 2011- 283, 284, 285, 286, 287, 288, 289, 290, 291, 292 and

293

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-04112011 -NO COMMENTS.doc



JOHN J. HOHMAN, Chief Fire Department

March 31,2011

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: April 4, 2011

Item No.:

Administrative Variance: 2011-0284A, 2011-0286A, 2011-0288A, 2011-0291A, 2011-0294A

**Special Hearing:** 2011-0283-SPHX, 2011-0293-SPH

Variance: 2011-0285A, 2011-0287-SPHA, 2011-0289-SPHA, 2011-0290A, 2011-0292A

#### 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, 3<sup>RD</sup> Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File

cc. The

RE: PETITION FOR SPECIAL HEARING 11 Chesterfield Circle; Eastside of

Chesterfield Ct., 1,150 ft. East of Center

Line of Corbett Road

8<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic District

Legal Owner(s): William and Bonnie Clarke

**BEFORE THE** 

ZONING COMMISSIONER

FOR

**BALTIMORE COUNTY** 

2011-0293-SPH

#### ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
MAR 3 1 2011

Paten Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Jefferson Building, Room 204 105 West Chesapeake Avenue Towson, MD 21204 (410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31<sup>st</sup> day of March, 2011, a copy of the foregoing Entry of Appearance was mailed to William & Bonnie Clark, 13 Chesterfield Ct., Monkton, Maryland 21111, Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



#### Debra Wiley - Case No. 2011-0293-SPH (JB)

From:

Debra Wiley

To:

Lewis, Kristen; Zook, Patricia

Date:

5/5/2011 3:36 PM

Subject:

Case No. 2011-0293-SPH (JB)

CC:

Beverungen, John

Note for your information:

5/5 3:18 PM

In reviewing the case file, the newspaper advertisement & sign posting reflect 9 AM and OAH calendar reflects 11 AM.

After consulting with Larry, Debbie left Danielle Bentz (Solar City) a voice mail that due to a scheduling conflict the time & hearing room needed to be changed to 10 AM in Room 104 and to please contact their client (Clarke) and get back to her.

Kristen Lewis was advised to hold Rm. 104 for this possibility.

#### **Important Note:**

Someone will need to visit Rm. 205 @ 9 AM for others who may appear due to seeing newspaper advertisement & sign posting.

P.S. I will be off with my son due to surgery that day.

When I receive confirmation from Ms. Bentz, I will notify you. Thanks.

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)

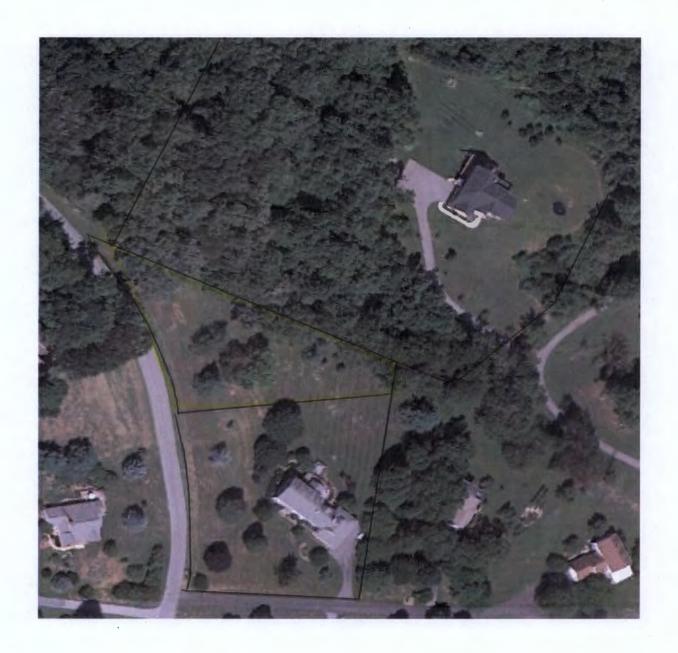
BALTIMORE COUNTY

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GroundRent
Redemption
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Attachment to Petition for Special Hearing for William C. 3<sup>rd</sup> and Bonnie A. Clarke





# Attachment to Petition for Special Hearing for William C. 3<sup>rd</sup> and Bonnie A. Clarke

#### **Panel Dimensions:**

Vertical Face = 16' 3" Horizontal Face = 11' 7" Height = 9' 7.5"

