

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Hollis Court, 325 feet S
of c/l of Rutledge Road
8th Election District
3rd Councilmanic District
(14 Hollis Circle)

Eileen D. and Paul F. Connor Jr.
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0298-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, Eileen D. and Paul F. Connor Jr. for property located at 14 Hollis Circle. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a rear yard setback of 9 feet for a deck in lieu of the required 11.25 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners are replacing the existing deck and extending the new deck 4 feet farther than the current deck. There is a dramatic upward slope to the rear of the Petitioners' property and this section of the rear yard is not usable.

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 April 8, 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

ORDER RECEIVED FOR FILING

Date 5-3-11

By [Signature]

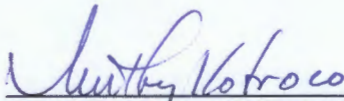
indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements 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 3rd day of May, 2011 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a rear yard setback of 9 feet for a deck in lieu of the required 11.25 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.

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 5-3-11

By [Signature]



KEVIN KAMENETZ
County Executive

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

May 3, 2011

EILEEN D. AND PAUL F. CONNOR JR.
14 HOLLIS CIRCLE
TIMONIUM MD 21093

Re: Petition for Administrative Variance
Case No. 2011-0298-A
Property: 14 Hollis Circle

Dear Mr. and Mrs. Connor:

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 cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: Mark Cavallaro, 10815 Beaver Dam Road, Suite F, Hunt Valley MD 21093



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 14 Hollis Ct. Timonium, MD
which is presently zoned DR3.5

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) 1. B02.3.C.1; BCZA, To Permit

A 9' rear yard setback for a deck in lieu of the required 11.25' - (Replacing existing deck)

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

ORDER RECEIVED FOR FILING

Legal Owner(s):

Paul Connor
Name - Type or Print _____
Signature [Signature] _____
Eileen Connor
Name - Type or Print _____
Signature Eileen Connor _____
14 Hollis Court (H) 410.561.2369
Address _____ Telephone No. _____
Timonium MD 21093-2019
City _____ State _____ Zip Code _____

Representative to be Contacted:

Mark Cavallaro
Name _____
10815 Beaver Dam Rd Suite F 410-
Address _____ Telephone No. 913-0834
Hunt Valley MD 21093
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.

CASE NO. 2011-0298-A

REV 10/25/01

Zoning Commissioner of Baltimore County

Reviewed By [Signature] Date 4-1-11

Estimated Posting Date 4-10-11

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 14 Hollis Court
Address
Timonium MD 21093
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):

We are replacing our current deck + extending it four feet further than the current deck is now. Our primary reason for doing this is to facilitate our immediate family of seven. Also, we will be using materials that will be maintenance free.

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.

Paul Connor
Signature
PAUL CONNOR
Name - Type or Print

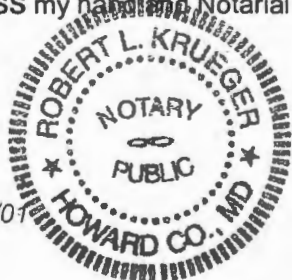
Eileen Connor
Signature
Eileen Connor
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of MARCH, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

PAUL CONNOR & EILEEN CONNOR
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



REV 10/25/01

Robert L. Krueger
Notary Public
My Commission Expires 07/08/2013

ZONING DESCRIPTION FOR 14 HOLLIS CURT, TIMONIUM, MD 21093

BEGINNING AT A POINT ON THE NORTH WEST SIDE OF HOLLIS COURT WHICH IS 50 FEET WIDE AT THE DISTANCE OF 325 FEET SOUTH WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET WHICH IS RUTLEGE ROAD WHICH IS 60 FEET SIDE. BEING LOT NUMBER 18 BLOCK B, SECTION #1 IN THE SUBDIVISION OF MAYS CHAPEL VILLAGE AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #39 FOLIO #31 CONTAINING .33 ACRES. ALSO KNOWN AS 14 HOLLIS COURT AND LOCATED IN THE 8TH ELECTION DISTRICT, 3RD COUNCILMANIC DISTRICT.

Larry and Cheryl Lambert
12 Hollis Court
Timonium, MD 21093
410-561-5106

Lot #17

Brian and Robyn Dunne
10 Hollis Court
Timonium, MD 21093
410-252-1129

Lot #16

Bud and Ginny King
16 Hollis Court
Timonium, MD 21093
410-252-1048

Lot #19



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

State Highway
Administration

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

Maryland Department of Transportation

*Closing
4/25/11*

Date: *4-13-11*

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

RE: Baltimore County
Item No. *2011-0298-A*
Administrative Variance
14 Hollis Court
Paul and Eileen Connor

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. *2011-0298-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,

for Richard A. Zeller
Steven D. Foster, Chief
Access Management Division

SDF/rz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 12, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For April 18, 2011
Item Nos. 2011- 295, 296, 297, 298
and 300

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-04182011 -NO COMMENTS.doc



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

April 8, 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.:

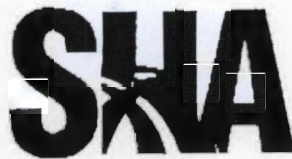
Administrative Variance: 2011-0298A, 2011-0300A

Variance: 2011-0295A – 0297A, 2011-0299A

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



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

State Highway
Administration

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

Maryland Department of Transportation

*Pls see
4/13/11*

Date: 4-13-11

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

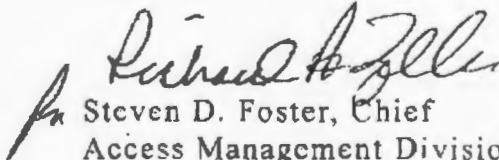
RE: Baltimore County
Item No. 2011-0298-A
*Administrative Variance
14 Hollis Court
Paul and Eileen Connor*

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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



KEVIN KAMENETZ
County Executive

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

Date April 19, 2011

Mr. & Mrs. Connor
14 Hollis Court
Timonium, MD 21093

RE: Case Number 2011-0298A, 14 Hollis Ct.

Dear Mr. & Mrs. Connor,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 1, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Mark Cavallaro, 19815 Beaver Dam Road, Suite F, Hunt Valley, MD 21093

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 4/8/2011

Case Number: 2011-0298-A

Petitioner / Developer: PAUL & EILEEN CONNOR~
MARK CAVALLARO

Date of Hearing (Closing): APRIL 25, 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:
14 HOLLIS COURT

The sign(s) were posted on: APRIL 8, 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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0298 -A Address 14 Hollis CT.

Contact Person: J. Merrey Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4-1-11 Posting Date: 4-10-11 Closing Date: 4-25-11

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- 0298 -A Address 14 Hollis CT.

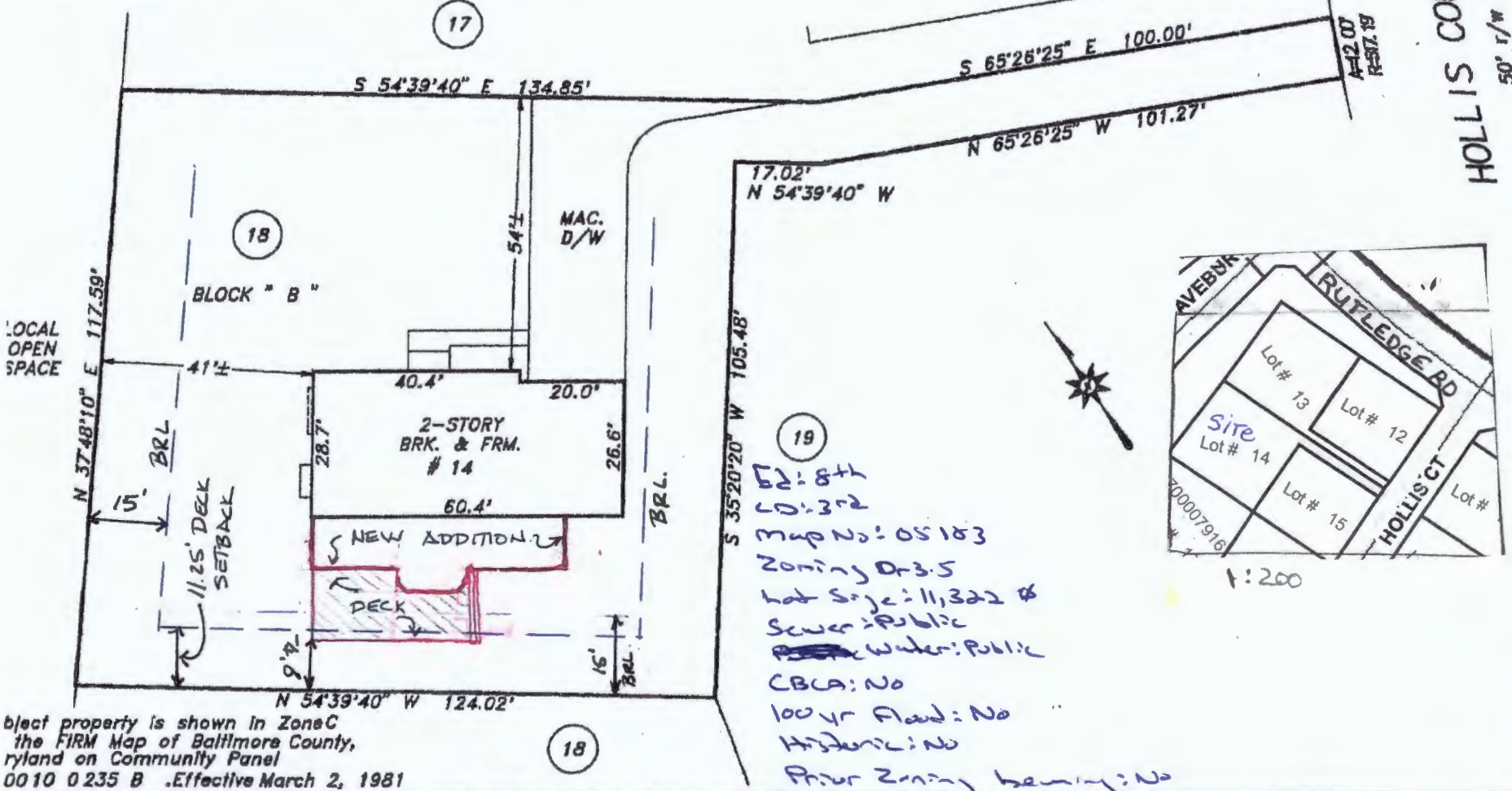
Petitioner's Name PAUL CONNOR Telephone 410-561-2369

Posting Date: 4-10-11 Closing Date: 4-25-11

Wording for Sign: To Permit A ^{REAR} ~~SIDE~~ SETBACK FOR A DECK OF
9ft. IN LIEU OF THE REQUIRED 11.25ft.

NOTES:

R.L. Information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NTT, Inc. All existing line and/or Flood Zone information is subject to the interpretation of the originator. NTT, Inc. does not certify to unknown or unrecorded encroachments or overlaps. Property markers NOT found, or guaranteed by this location. If book distance accuracy: 1/8"



Object property is shown in Zone C
the FIRM Map of Baltimore County,
Maryland on Community Panel
0010 0235 B .Effective March 2, 1981

I do hereby certify that I have surveyed the property shown hereon,
as known as Lot-18, Blk. "B", as shown on the Plat of:
"Plat-1, Section-1, Mays Chapel Village"
recorded among the land records of Baltimore County,
Maryland in Plat Book 39, folio 31
for the purpose of locating the improvements thereon.

This plat is of benefit to the consumer only insofar as it is required
by a lender or a title insurance company or its agent in connection
with a contemplated transfer, financing, or refinancing purposes.
This plat is not to be relied upon for the establishment of location
of fences, garages, buildings, or other existing or future structures.
This plat does not provide for the accurate identification of prop-
erty boundary lines, but such identification may not be required for
transfer of title or for securing financing or refinancing.