

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Quaker Court, 600 feet NW
of the c/l of Quaker Bottom Road
8th Election District
3rd Councilmanic District
(8 A Quaker Circle)

Christopher R. and Rebecca F. Dempsey
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0305-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, Christopher R. and Rebecca F. Dempsey for property located at 8 A Quaker Circle. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition to have a side yard setback of 46½ feet in lieu of the required 50 feet, and to amend the Final Development Plan of Quaker Hills, Section 2, Lot 11, only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners require additional living space to accommodate the growing family. An expansion on the east side of the dwelling provides the only architecturally and economically feasible solution. The property contains 6.462 acres zoned RC 7 and is served by private well and septic. The grade, topography, utilities and configuration of the existing structure on the site prohibit the ability for expansion on any other side of the dwelling.

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 5-12-11

By 

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 15, 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 12th day of May, 2011 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed addition to have a side yard setback of 46½ feet in lieu of the required 50 feet, and to amend the Final Development Plan of Quaker Hills, Section 2, Lot 11, only be and is hereby GRANTED, subject to the following:

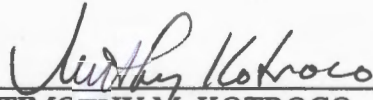
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this 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 5-12-11

By [Signature]

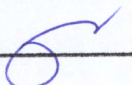
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 5-12-11

By 



KEVIN KAMENETZ
County Executive

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

May 12, 2011

CHRISTOPHER R. AND REBECCA F. DEMPSEY
8 A QUAKER CIRCLE
SPARKS MD 21152

Re: Petition for Administrative Variance
Case No. 2011-0305-A
Property: 8 A Quaker Circle

Dear Mr. and Mrs. Dempsey:

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, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: Austin Childs, Chickenranch Design Studio, 16260 Falls Road, Monkton MD 21111



AX. ACCOUNT # 1800011285

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8A QUAKER CT.
which is presently zoned RC-7 (RC-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)

Section 1A04.3.B.2.b – to permit a proposed addition to have a side yard setback of 46 ½ feet in lieu of the required 50; and to amend the Final Development Plan of Quaker Hills, Section 2, Lot 11, only.

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

Address By Telephone No.

City State Zip Code

Legal Owner(s):

CHRISTOPHER R. DENIPSEY
Name - Type or Print

Signature

Rebecca F. Denipsey
Name - Type or Print

Rebecca F. Denipsey
Signature

8A QUAKER CT. 443-255-5856
Address Telephone No.

SPARKS MD 21152
City State Zip Code

Representative to be Contacted:

AUSTIN CHILDS
Name

16200 FALLS RD. 410.472.2488
Address Telephone No.

MONTGOMERY MD 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.

CASE NO. 2011-0305-A

REV 10/25/01

Zoning Commissioner of Baltimore County
Reviewed By 1577 Date 4/8/11
Estimated Posting Date 4/17/11

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

8A QUAKER CT
Address
SPARKS MD 21152
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):

The homeowners require additional living space to accommodate their growing family.

After conducting site analysis and evaluation of the existing conditions, we have determined that an expansion on the east side of the house provides the only architecturally and economically feasible solution.

The property is zoned RC-7, which does not specifically address the this side yard setback condition.

The grades, topography, utilities, and configuration of the existing structure prohibit the ability for expansion on any other side of the house.

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.

Signature

CHRISTOPHER R. DEMPSEY
Name - Type or Print

Signature

Rebecca F. Dempsey
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of APRIL, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

CHRISTOPHER + REBECCA DEMPSEY
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

8/28/11

**ZONING DESCRIPTION for the
DEMPSEY PROPERTY, 8A QUAKER COURT,
SPARKS, MARYLAND 21152**

Tax Acct. No. 1800011285

Beginning at a point 604 ft. Northwest of the intersection of Quaker Court and Quaker Bottom Road, being Lot 11 in the subdivision of Quaker Hills, Section Two, as recorded in Platbook 44, Folio 136, containing 5.46 acres, in the 8th Election District, 3rd Councilmanic District.

Item #0305

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: June 6, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-305-A
Address 8A Quaker Circle
(Dempsey Property)

Zoning Advisory Committee Meeting of April 18, 2011.

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

A proposed building permit (for an addition) will require review by Groundwater Mgmt.

Reviewer: *Dan Esser – Groundwater Management*

RECEIVED

JUN 06 2011

OFFICE OF ADMINISTRATIVE HEARINGS



DEMPSEY RESIDENCE
8A QUAKER CT.

Item #0305



DEMPSEY RESIDENCE
8A QUAKER CT.

Item #0305



**DEMPSEY RESIDENCE
8A QUAKER CT.**

Item #0305

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 4/19/2011

Case Number: 2011-0305-A

Petitioner / Developer: CHRISTOPHER DEMPSEY~

AUSTIN B. CHILDS, AIA

Date of Hearing (Closing): MAY 2, 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:
8 A QUAKER COURT

The sign(s) were posted on: APRIL 15, 2011



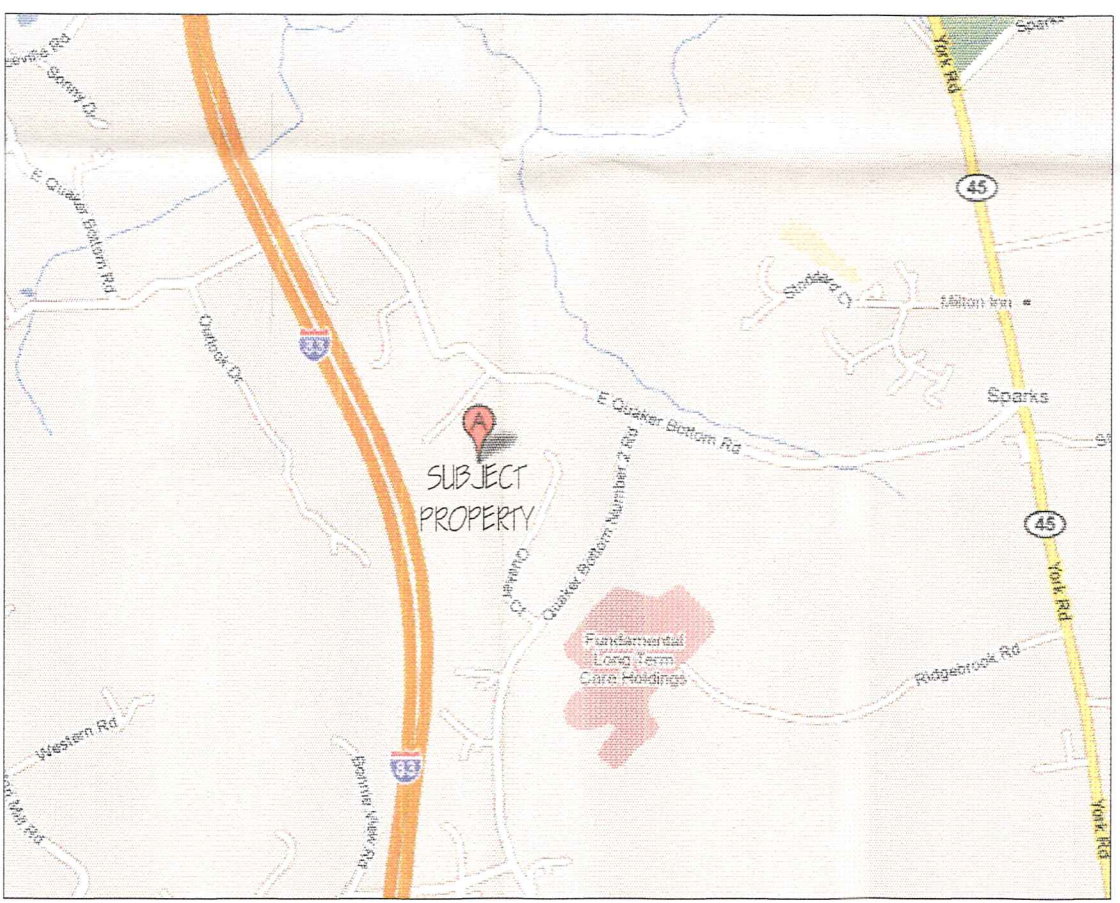
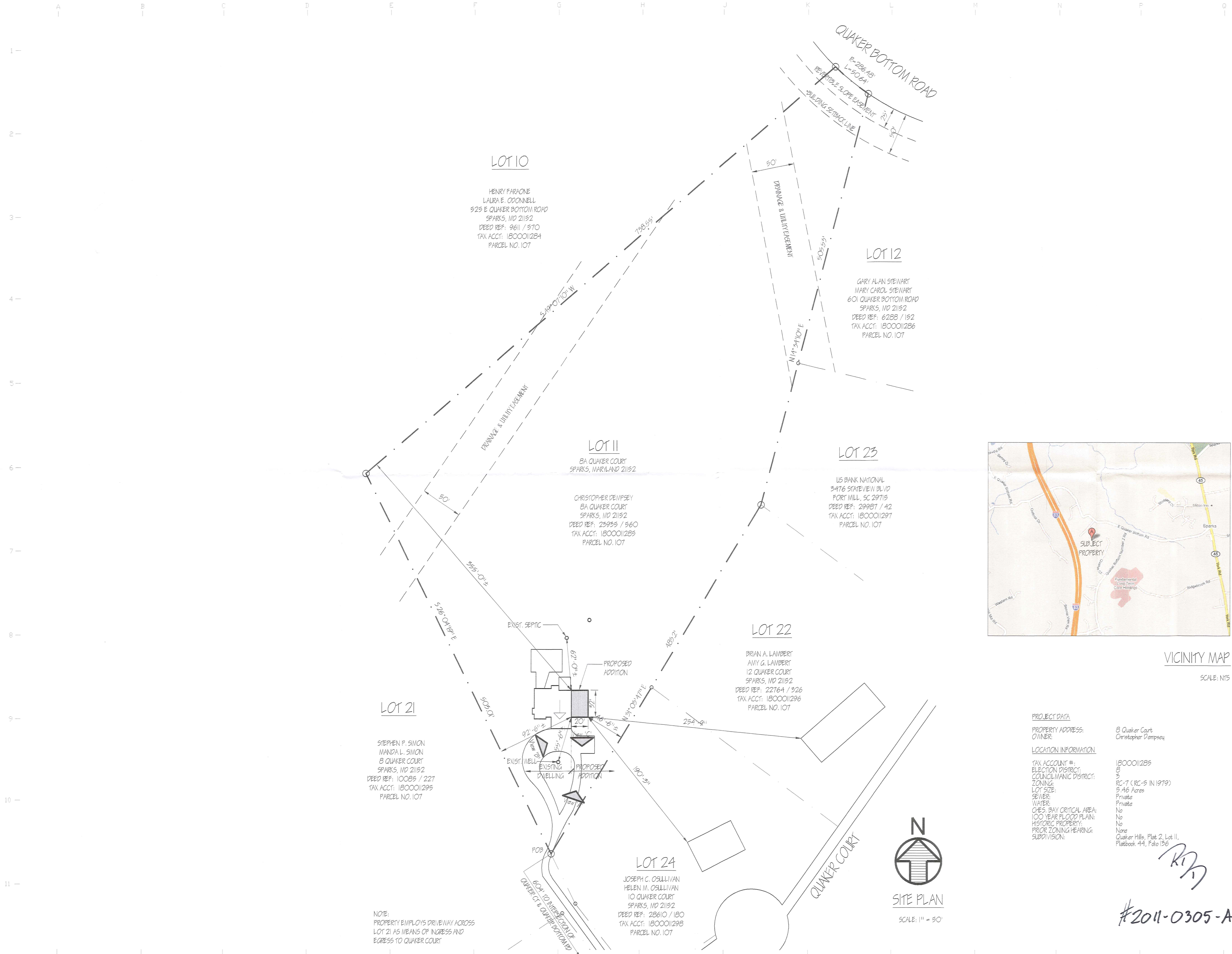
Linda O'Keefe
(Signature of Sign Poster)

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)



VICINITY MAP
SCALE: NTS

PROJECT DATA
PROPERTY ADDRESS: 8 Quaker Court
OWNER: Christopher Dempsey
LOCATION INFORMATION
TAX ACCOUNT #: 180001285
ELECTION DISTRICT: 8
COUNCILMANIC DISTRICT: 5
ZONING: RC-7 (RC-5 IN 1979)
LOT SIZE: 5.46 Acres
SEWER: Private
WATER: No
CHES. BAY CRITICAL AREA: No
100 YEAR FLOOD PLAIN: No
HISTORIC PROPERTY: No
PRIOR ZONING HEARING: None
SUBDIVISION: Quaker Hills, Plat 2, Lot 11, Platbook 44, Pdo 136

SITE PLAN
SCALE: 1" = 50'

THE
DEMPSEY
RESIDENCE

RENOVATIONS
& ADDITION

8A Quaker Court
Sparks, Maryland 21152

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strictly prohibited.

No.	Date	Item
REVISIONS		

Drawn _____
Checked _____
Approved _____

austin b childs
architecture
chickenranch design studio
16260 falls road
monkton, maryland 21111
410.472.2488
achildsaia@msn.com

SITE PLAN
CONTRACT NO. _____
SCALE 1" = 50'
DATE APRIL 5, 2011
SP.1

PLAT TO ACCOMPANY PETITION FOR ADMINISTRATIVE ZONING VARIANCE

#2011-0305-A