

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Grace Ridge Court, 535 feet E of
the c/l of York Road
7th Election District
3rd Councilmanic District
(11 Grace Court)

Diane and Charles Utermohle, III
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0317-A**

* * * * *

OPINION AND ORDER

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, Diane and Charles Utermohle, III for property located at 11 Grace Court. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed detached accessory structure (two car garage) to have a height of 19½ feet in lieu of the maximum allowed 15 feet, and to amend the Final Development Plan of Timber Ridge, Lot 9 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The proposed garage is designed to be architecturally compatible with the existing dwelling with matching color and detailing of brick, color and style of siding, same windows, overhead doors, fascia, louvered vents and shingles. The structure will have a roof pitch of 7/12. The property contains 2.65 acres zoned RC 5.

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 6-3-11

By [Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 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 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 June, 2011 that a variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed detached accessory structure (two car garage) to have a height of 19½ feet in lieu of the maximum allowed 15 feet, and to amend the Final Development Plan of Timber Ridge, Lot 9 only 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.
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.

ORDER RECEIVED FOR FILING

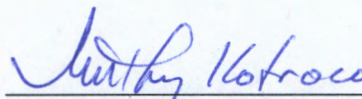
Date 6-3-11

2

By [Signature]

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 6-3-11

By [Signature]



KEVIN KAMENETZ
County Executive

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

June 3, 2011

DIANE AND CHARLES UTERMÖHLE, III
11 GRACE COURT
MONKTON MD 21111

Re: Petition for Administrative Variance
Case No. 2011-0317-A
Property: 11 Grace Court

Dear Mr. and Mrs. Utermohle:

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 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 11 Grace Ridge Court, Monkton, MD 21111

which is presently zoned RC-5

Deed Reference: 11226 / 86 Tax Account # 2200023908

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 - to permit a proposed detached accessory structure (two-car garage) to have a height of 19 1/2 feet in lieu of the maximum allowed 15; and to amend the final development plan of Timber Ridge, lot 9 only

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

Telephone No.

City

State

Zip Code

Legal Owner(s):

Charles E. Utermohle, III

Name - Type or Print

Signature

Diana Lynn Utermohle

Name - Type or Print

Signature

11 Grace Ridge Court

(410) 329-2026

Address

Telephone No.

Monkton,

MD

21111

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

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 4 day of April, 2011, 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. 2011-0317-A

Reviewed By KDP

Date 4/25/11

Estimated Posting Date 5/08/11

ORDER RECEIVED FOR FILING

FRM476_09

Rev 3/09

Date 6-3-11

By [Signature]

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 11 Grace Ridge Court
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) The proposed detached garage has been designed to be architecturally compatible with our residence.

We have matched the color and detailing of the brick, the color and style of siding, the same windows, the same overhead doors, the same facia, the same louvered vents, the same architectural shingles. Of paramount architectural importance is to have the same 7/12 roof pitch.
The result is a structure height of 19.5 feet. To reduce the height to 15' would result in a structure that would stand out as incompatible, not only with our residence, but with those of our neighbors.

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.

Charles E. Utermohle
Signature

Charles E. Utermohle

Name- print or type

Diana Lynn Utermohle
Signature

Diana Lynn Utermohle

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 21st day of April, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Charles E Utermohle and Diana Lynn Utermohle
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Name of Notary Public

4/10/13
Commission expires

PLACE SEAL HERE



**ZONING PROPERTY DESCRIPTION FOR
11 GRACE RIDGE COURT, MONKTON, MD 21111**

PART A

"Beginning at a point near the entrance to the cul-de-sac on the south side of Grace Ridge Court (right-of-way width of 50 feet), at a distance of 535 feet east of the centerline of York Road (right-of-way width of 60 feet), the nearest improved intersecting street.

PART B

Being Lot #9, Block , Section # , in the subdivision of Timber Ridge as recorded in Baltimore County Plat Book # 67, Folio # 123, containing 2.650 acres. Located in the 7th Election District and the 3rd Council District.

Item # 0317

No. 65982

No.

Date:

Total: 5150 =

From:

For:

GOLD - ACCOUNTING

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

Date: 5-8-11

RE: Case Number: 2011-0317-A

Petitioner/Developer: Charles Uemahle

Date of Hearing/Closing: 5/23/11

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 11 Grace Ridge Ct.

The signs(s) were posted on 5/8/11
(Month, Day, Year)

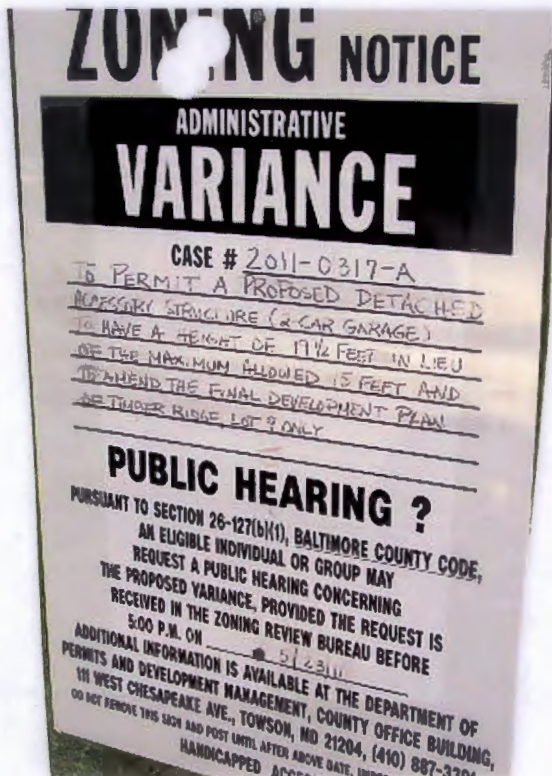
J. Lawrence Pilson
(Signature of Sign Poster)

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)



BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0317 -A Address 11 Grace Ridge Ct

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/25/11 Posting Date: 5/08/11 Closing Date: 5/23/11

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- 0317 -A Address 11 Grace Ridge Ct

Petitioner's Name C. E. Utermohle, III Telephone (410) 329 2026

Posting Date: 5/08/11 Closing Date: 5/23/11

Wording for Sign: To Permit a proposed detached accessory structure (two-car garage) to have a height of 19 1/2 feet in lieu of the maximum allowed 15; and to amend the Final Development Plan of Timber Ridge, lot #9 only

Revised 2/17/11



KEVIN KAMENETZ
County Executive

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

May 13, 2011

Mr. & Mrs. Utermohle, III
11 Grace Ridge Court
Monkton, MD 21111

RE: Case Number 2011-0317-A, 11 Grace Ridge Court

Dear Mr. & Mrs. Utermohle, III,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 25, 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

April 28, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **May 2, 2011**

Item No.:

Administrative Variance: 2011-0312A, 2011-0317A – 0318A

Special Hearing: 2011-0311-SPH, 2011-0313-SPHX, 2011-0314-SPHA – 0316-SPHA

Special Exception: 2011-0313-SPHX

Variance: 2011- 0309A-0310A, 2011-0314-SPHA – 0316-SPHA, 2011-

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



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

Maryland Department of Transportation

Date: 5-5-11

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

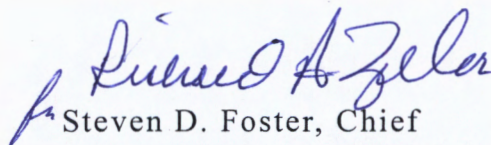
RE: Baltimore County
Item No. 2011-0317-A.
Administrative Variance
Charles and Diane Utermohle, III
11 Grace Court

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. 2011-0317-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,

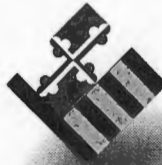

Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1800.735.2258 Statewide toll free

Street address: 707 North Calvert Street - Baltimore, Maryland 21202 - Phone 410.545.0300 - www.marylandroads.com





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

April 28, 2011

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

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 May 16, 2011
Item Nos. 2011- 309, 311, 312, 313,
314, 315, 317, and 318

DATE: May 11, 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-05162011 -NO COMMENTS.doc

AV 5/23/11

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 # 11-317-A
Address 11 Grace Ridge Court
(Utermohle Property)

Zoning Advisory Committee Meeting of May 2, 2011.

X The Department of Environmental Protection and Sustainability has no
comments on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

JUN 06 2011

OFFICE OF ADMINISTRATIVE HEARINGS



PHOTO # 1 11 Grace Ridge Court From Cul-de-Sac



PHOTO # 2 Existing Residence with Attached 3 Car Garage



PHOTO # 3 Field / Septic Area & Cypress Buffer from Cul-de-Sac



PHOTO # 4 Open Field / Septic Area from Our Driveway



PHOTO # 5 Looking East to Proposed Garage Site



PHOTO # 6 Looking North to Proposed Garage Site



PHOTO # 7 **Looking South to Proposed Garage Site**



PHOTO # 8 **Lot 15 Residence - Looking East from Proposed Site**



PHOTO # 9 Looking west from Proposed Garage Site



PHOTO # 10 Our Cypress Property Line Buffer & Lot 10 Residence

