

N Side of Chapman, 936' E of Jerusalem Road 11<sup>th</sup> Election District

3<sup>rd</sup> Councilmanic District

(7730 Chapman Road)

James R. and Amalia A. Hatfield *Petitioners* 

**BEFORE THE** 

OFFICE OF ADMINISTRATIVE

\* HEARINGS FOR

**BALTIMORE COUNTY** 

\* CASE NO. 2011-0320-SPH

#### OPINION AND ORDER

This matter comes before this Administrative Law Judge for consideration of a Petition for Special Hearing filed by James R. and Amalia A. Hatfield, the legal owners of the subject property. The Petition for Special Hearing was filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a property line setback of 40 feet in lieu of the required minimum setback of 50 feet for a proposed addition to an existing dwelling as required under Sections 1A04.3.B.1.B and 1A04.3.B.2.B. The subject property and requested relief are more fully described on the site plan, which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing on this Petition were James Hatfield, property owner, and Robert Infussi with Expedite, LLC, who is assisting the Petitioners with the permitting process.

There were no Protestants or other persons present.

The Zoning Advisory Committee (ZAC) comments were made a part of the record of this case, none of which had any comments regarding the relief requested.

Testimony and evidence presented demonstrated that the subject site consists of 2.516 acres more or less and is zoned RC 5. The property is located off Chapman Road in the Kingsville area of Baltimore County. It is currently improved with a single family dwelling, inground pool, barn,

### ORDER RECEIVED FOR FILING

Date	10-14-11	
Bv	8	•

metal garage and a shed. The owner proposes an addition to his home and is in need of special hearing approval to proceed with its construction.

Pursuant to the advertisement, posting of the subject property and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' special hearing requests should be granted.

1. 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 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

By

By



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL

Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO

Administrative Law Judges

June 14, 2011

JAMES R. AND AMALIA A. HATFIELD 715 SENECA GARDEN ROAD MIDDLE RIVER MD 21220

> Re: Petition for Special Hearing Case No. 2011-0320-SPH Property: 7730 Chapman Road

Dear Mr. and Mrs. Hatfield:

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,

TIMOTHY M. KOTROCO Administrative Law Judge for Baltimore County

TMK/pz

Enclosure

c: Robert Infussi, Expedite LLC, 1536 Dunkeld Way, Bel air MD 21015



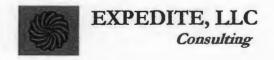
# **Petition for Special Hearing**

to the Zoning Commissioner of Baltimore County

for the property located at	77	30	CHA	OMAN	ROAL
which is	pres	ently :	zoned	RC-5	

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 40 Feet IN Lieu SETBACK OF MINIMUM SETBACK OF SO FEET. FOR A PROPOSEd AN Existing Dwelling. As Require under sections 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): Name - Type or Print Signature Signat Address Telephone No. City Signature State Zip Code Attorney For Petitioner: elephone No 21220 Zip Code Name - Type or Print Representative to be Contacted: Signature Company 812-22 Address Telephone No Telephone No 21015 Zip Code City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. 2011-0320-SPH UNAVAILABLE FOR HEARING REV 9/15/98 ORDER RECEIVED FOR FILING

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal



#### ZONING DESCIPTION 7730 CHAPMEN ROAD

Beginning at a point in the center of Chapman Road an 18 ft. right a way at a distance Of 936 ft. East of Jerusalem Road then Northerly 282 ft., Northerly 220.06 ft., Northerly 620.84 ft., then Southerly 104.14 ft., Southerly 91.41 ft., Southerly 170.69 ft., Southerly 148.79 Ft., Southerly 151.85 ft., Southerly 54.65 ft., Southerly 281.07 ft., then Northerly along the centerline of Chapman Road 10.04 ft., back to the point of the beginning.

Containing 2.515 ac. in the 11th Election District and the 5th Councilmanic District.

1536 Dunkeld Way Bel Air, Maryland 21015 410 - 812 - 2236 Fax: 410 - 836 - 7271 E-Mail: expedite.llcrinfussi@verizon.net

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### NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-0320-SPH 7730 Chapman Road N/side of Chapman Road, 936 feet east of Jerusalem Road

11th Election District

and Councilmanic District
Legal Owner(s): James &
Amalia Hatfield
Special Hearing to permit
a property line setback of
40 feet in lieu of the required minimum setback of quired minimum setback of 50 feet for a proposed addi-tion to an existing dwelling Hearing: Monday, June 6, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesa-peake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

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) 8873391.

3391

276081

May 19

## **CERTIFICATE OF PUBLICATION**

5/19/,2011
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
nce in each ofsuccessive weeks, the first publication appearing n5/19
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

? Wilkingon

## CERTIFICATE OF POSTING

RE: Case No 2011-0320-5PH

Petitioner/Developer 30B

	Date Of Hearing/Closing: 4/4/11
Baltimore County Department Permits and Development M County Office Building,Room 111 West Chesapeake Aven	lanagement n 111
Attention:	
adies and Gentlemen	
his letter is to certify under p ign(s) required by law were p t	penalties of perjury that the necessary posted conspicuously on the property 7730 CHAPMAN ROAD
his aign(a) were posted on	May 20, 2011
	Month, Day, Year Sincerely,  Signature of Sign Poster and Date Martin Ogle 60 Cheimsford Court Baltimore, Md, 21220 443-629-3411



Maden Ogle 5/20/10

TO: PATUXENT PUBLISHING COMPANY

Thursday, May 19, 2011 Issue - Jeffersonian

Please forward billing to:

Robert Infussi Expedite, LLC 1536 Dunkeld Way Baltimore, MD 21015 410-812-2236

#### NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2011-0320-SPH

7730 Chapman Road N/side of Chapman Road, 936 feet east of Jerusalem Road 11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District Legal Owners: James & Amalia Hatfield

Special Hearing to permit a property line setback of 40 feet in lieu of the required minimum setback of 50 feet for a proposed addition to an existing dwelling.

Hearing: Monday, June 6, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jabion

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.



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 12, 2011

#### NOTICE OF ZONING HEARING

The Administrative Law Judges 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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Arnold Jablo Director

AJ:kl

C: Mr. & Mrs. Hatfield, 715 Seneca Garden Road, Baltimore 21220 Robert Infussi, 1536 Dunkeld Way, Bel Air 21015

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 21, 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 AND DEVELOPMENT MANAGEMENT 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:	
Item Number or Case Number:	2011-0320-SPH
Petitioner: HAT	FIEHD
Address or Location:	CHAPMAN RD.
Bel Air	in Keld way  m) 21015
Telephone Number: 4/	10-812-2236



KEVIN KAMENETZ County Executive

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

May 26, 2011

Mr. & Mrs. Hatfield 715 Seneca Garden Road Baltimore, MD 21220

RE: Case Number 2011-0320SPH, 7730 Chapman Road

Dear Mr. & Mrs. Hatfield,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 28, 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

c: People's Counsel Robert Infussi, 1536 Dunkeld Way, Bel Air, MD 21015

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** May 11, 2011

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 23, 2011

Item Nos. 2011-152, 319, 320, 321,

And 323

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-052322011 -NO COMMENTS.doc



KEVIN KAMENETZ County Executive JOHN J. HOHMAN, Chief
Fire Department

May 9,2011

County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

ATTENTION: Zoning Review

Distribution Meeting of: May 9, 2011

Item No.:

Administrative Variance: 2011-0319A, 2011-0321A

Special Hearing: 2011-0152-SPHA, 2011-0320-SPH, 2011-0322-SPH, 2011-0325-SPH

Variance: 2011-0152-SPHA, 2011-0323-SPHXA

#### 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



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

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

Maryland Department of Transportation

Date: 5-16-11

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

RE: **Baltimore County** 

Item No. 2011-0320-5PH

Special Heaving James and Amalie Hatfield 7730 Chapman Road

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. 2011-0320-5PH.

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

TK 6/16 11 Am

#### **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 7, 2011

SUBJECT:

DEPS Comment for Zoning Item

# 11-320-SPH

Address

7730 Chapman Road (Hatfield Property)

Zoning Advisory Committee Meeting of May 9, 2011.

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

1. Groundwater Mgmt. will need to review any proposed building permits for this site.

Reviewer: Dan Esser; Groundwater Management

RECEIVED

JUN 07 2011

OFFICE OF ADMINISTRATIVE HEARINGS

#### MEMORANDUM

DATE:

June 23, 2011

TO:

David Lykens

Department of Environmental Protection and Sustainability

FROM:

Lawrence M. Stahl

Managing Administrative Law Judge

SUBJECT:

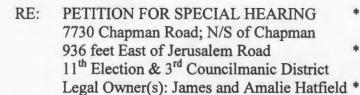
DEPS Comment for Case No. 2011-0320-SPH

(7730 Chapman Road)

This comment was received after the close of the hearing record in this matter. It was not therefore included in the Opinion and Order issued; however, a copy, attached to this memo, is being retained in the file.

LMS:dlw Attachment

c: James R. and Amalia A. Hatfield, 715 Seneca Garden Road, Middle River, MD 21220 Robert Infussi, Expedite LLC, 1536 Dunkeld Way, Bel Air, MD 21015



Petitioner(s)

**BEFORE THE** 

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

\* 2011-0320-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

MAY 06 2011

M

Peter Max Zimmerman

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 6<sup>th</sup> day of May, 2011, a copy of the foregoing Entry of Appearance was mailed to James and Amalie Hatfield, 715 Seneca Garden Road, Baltimore, Maryland 21220, Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**Exempt Class:** 

Maryland Department of Assessments and Taxation Real Property Data Search (vw1.1A) BALTIMORE COUNTY

Go Back View Map New Search GroundRent Redemption GroundRent Registration

			Owner Info	mation			
Owner Name: Mailing Address:	HATFII 715 SER	ELD JAMES R ELD AMALIA A NECA GARDEN R MORE MD 21220-	D	Use: Princips	al Residence:		RESIDENTIAL NO 1) /05214/ 00414 2)
			ation & Structu	re Information			
Premises Address 7730 CHAPMAN RD 0-0000			2.5 NE	egal Descripti 15 AC ES CHAPMAN 10FT NE JERU	RD		
Map Grid Parc 0055 0021 0363	el Sub Dist	rict Subdiv	ision Sec	tion Bloo	ck Lot	Assessment Ar	rea Plat No: Plat Ref:
Special Tax Areas	Town Ad Valorem Tax Class	NONE					
Primary Structure Built 1972		Enclosed Ar 2,550 SF	ea	Property 2.5100 AC	Land Area	<u>C</u>	County Use
Stories Basement 2.000000 YES	Type STANDARD UN	Exterior TIT FRAME					
			Value Infor	mation	-		
<u>Land</u> Improvements: Total: Preferential Land:	115,100 348,680 463,780 0	Value As Of 01/01/2009 115,100 378,980 494,080	Phase-in As As Of 07/01/2010 483,980	As Of 07/01/201 494,080 0			,
			Transfer Info	rmation			
Seller: FRANK JAME Type: ARMS LENGT				Date: Deed1:	09/01/1971 /05214/ 00414	Price: Deed2:	\$50,000
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\* NONE \*

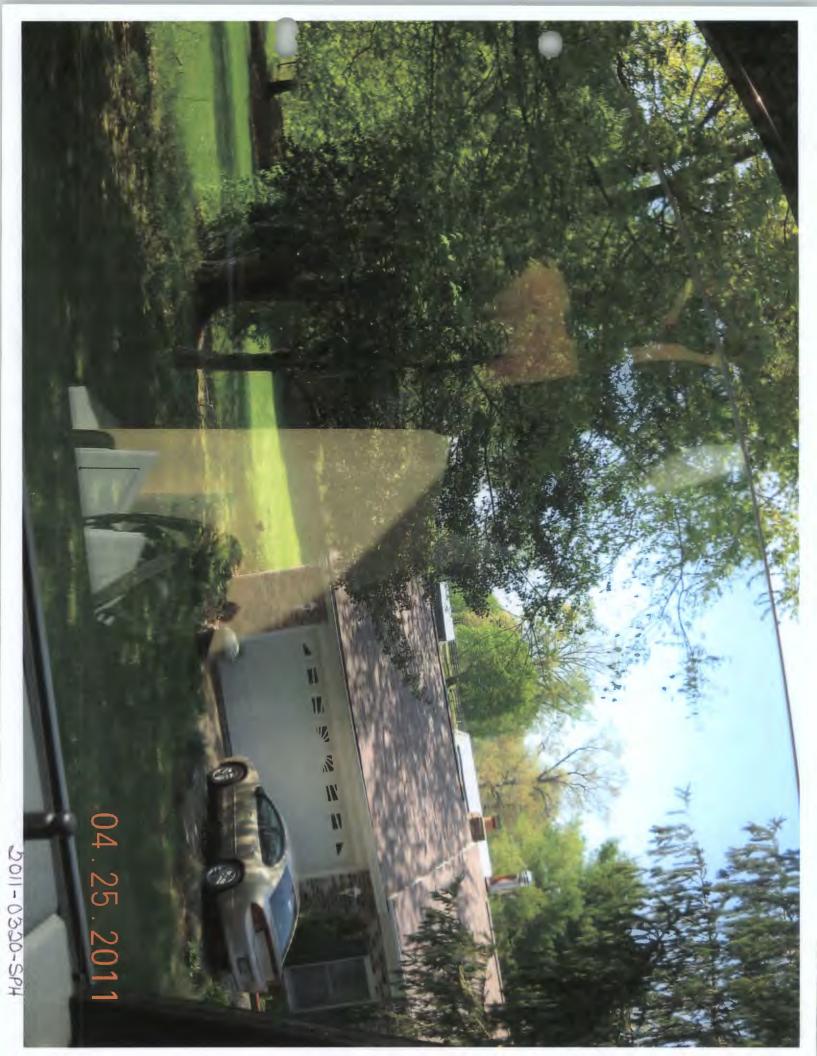
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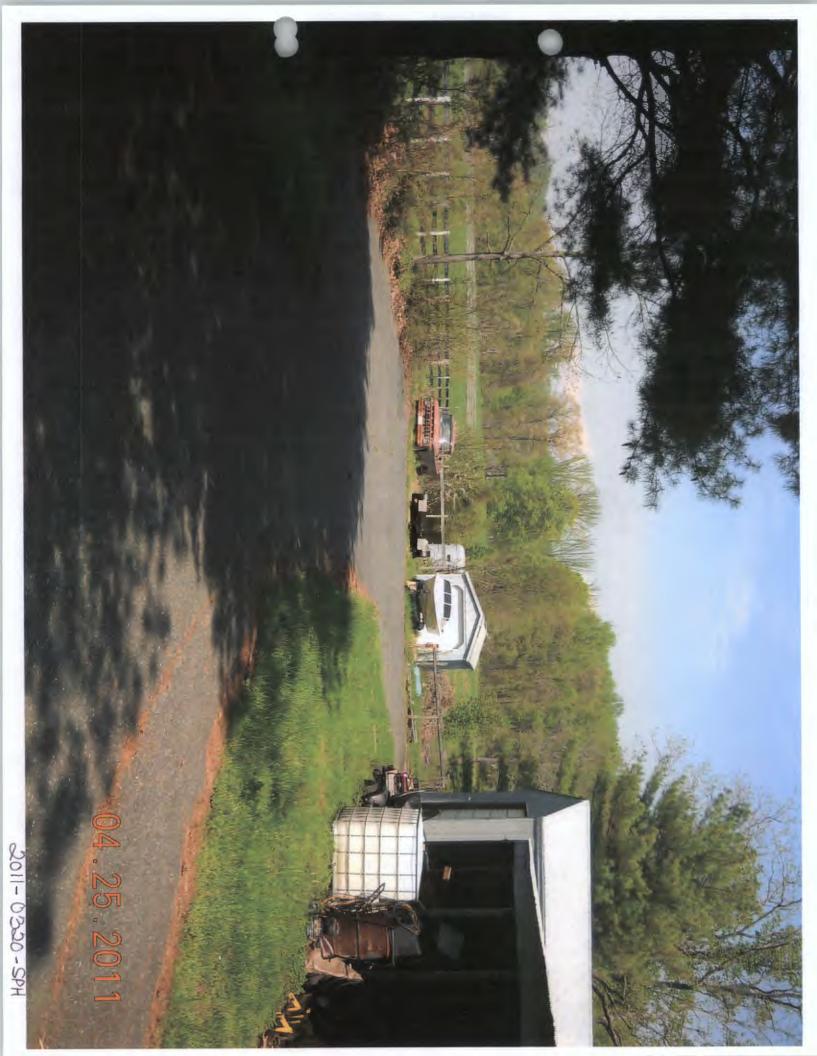
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DATE					

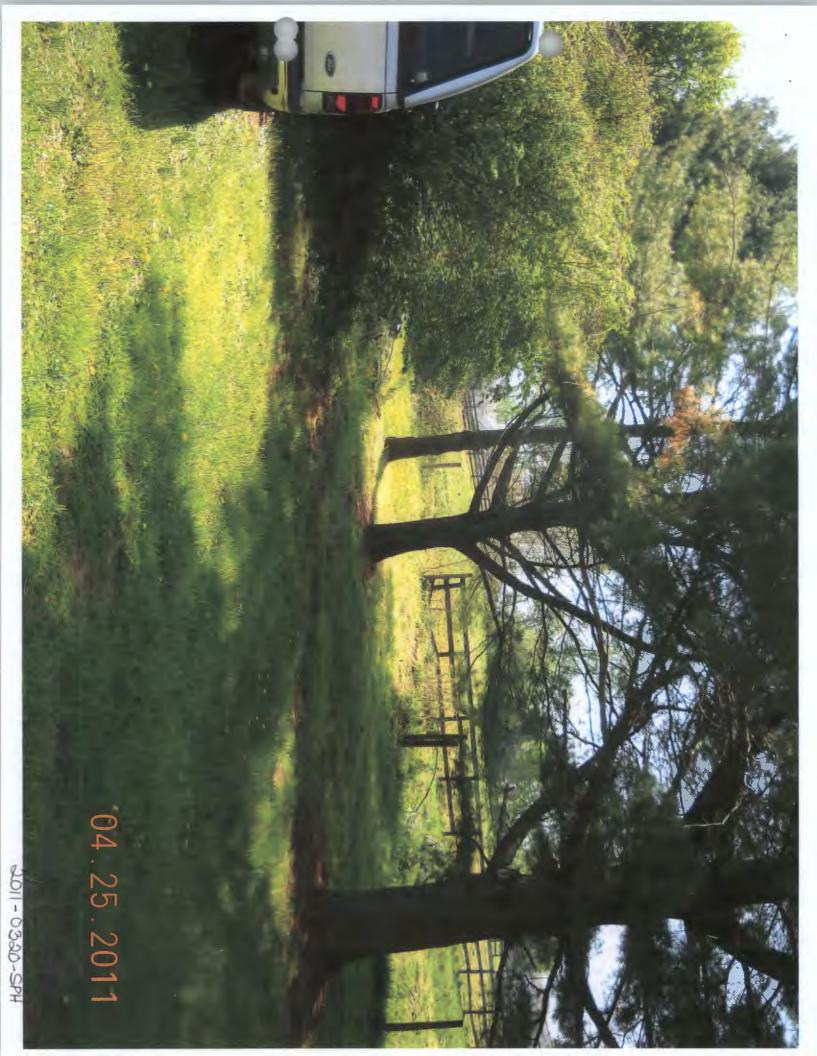
## PETITIONER'S SIGN-IN SHEET

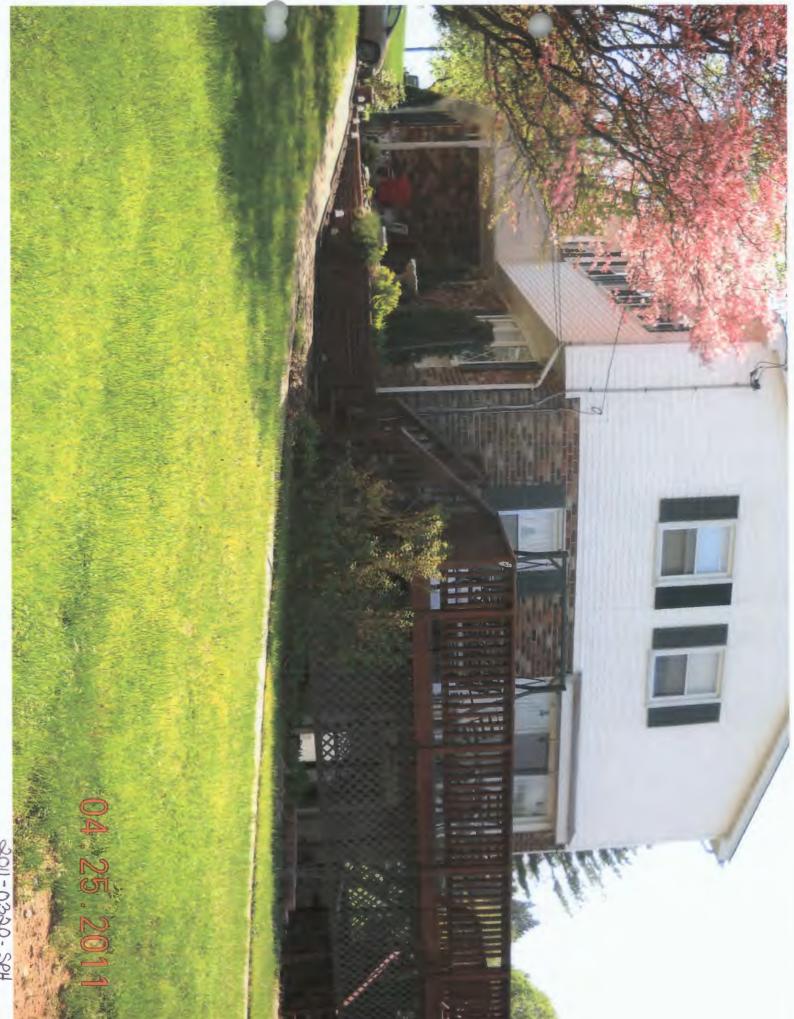
NAME	ADDRESS	CITY, STATE, ZIP	.E- MAIL	
Bob INFUSSI	1536 DUNKELL WAY	Bel Air, Md 21015	RINFUSS; QUERIZON, NET	
SAMES HATFIELD	715 SENECA GARDEN Rd	Middle Paver Md 21220	NONE	
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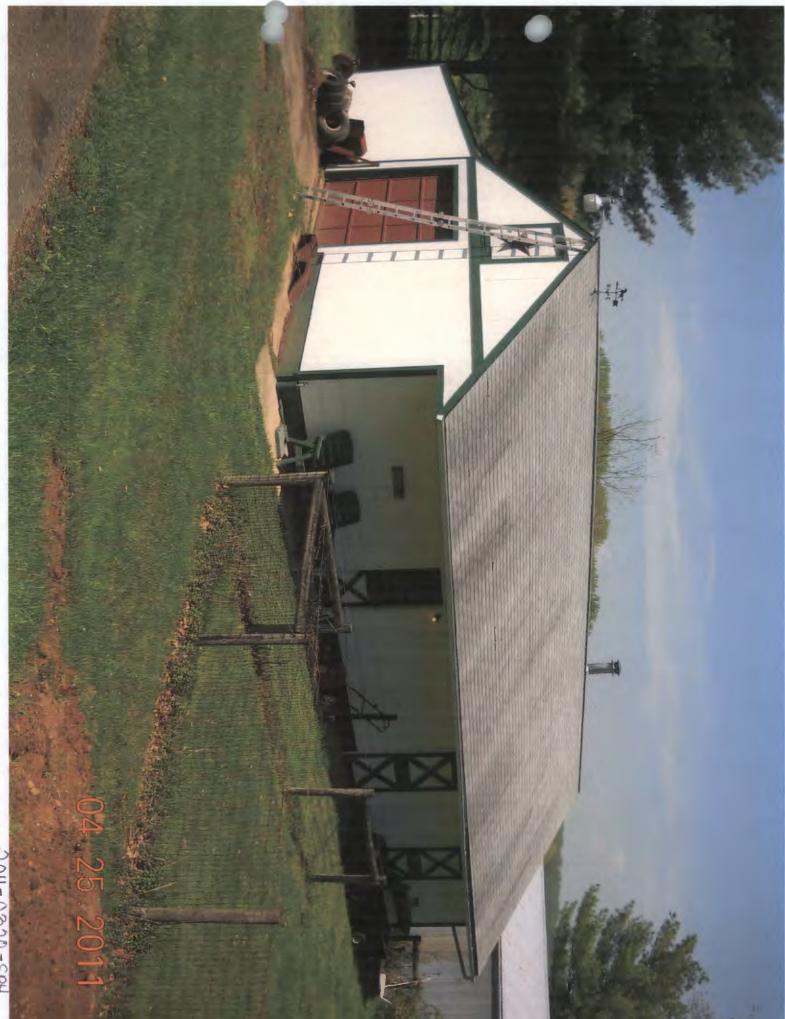








2011-0320-SPH



2011-0220-SPH