IN RE: PETITION FOR ADMIN. VARIANCE

NE corner of Riverside Road, 39 feet E of c/l of Plateau Road 15th Election District 7th Councilmanic District (29 Riverside Road)

Tiffany N. Boblitz

Petitioner

- * BEFORE THE
- * OFFICE OF
- * ADMINISTRATIVE HEARINGS
- * FOR BALTIMORE COUNTY
- * Case No. 2011-0324-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 owner of the subject property, Tiffany N. Boblitz for property located at 29 Riverside Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (above ground pool) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. This is a corner lot with the dwelling constructed at an angle on the property. The front door actually faces the 'bend' on the corner. Petitioner plans to remove a wood deck and install the above-ground swimming pool for her children. The rear yard is not large enough to accommodate the above-ground swimming pool. Pictures submitted with the Petition show that the property is fenced. None of the neighbors expressed any concern about the proposed swimming pool.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 15, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Maryland Department of Assessments and Taxation website on June 10, 2011, still lists Gary Thomas Belt and Darlene Lillian Belt as the property owners of 29 Riverside Road. The Petitioner was able to provide a copy of the Deed which shows that she obtained ownership of said property on April 8, 2010.

The Petitioner has 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 Petitioner.

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.

Date By

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner 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 ______



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL

Managing Administrative Law Judge

JOHN E. BEVERUNGEN

TIMOTHY M. KOTROCO

Administrative Law Judges

June 17, 2011

TIFFANY N. BOBLITZ 29 RIVERSIDE ROAD ESSEX MD 21221

> Re: Petition for Administrative Variance Case No. 2011-0324-A Property: 29 Riverside Road

Dear Ms. Boblitz:

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,

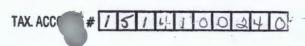
TIMOTHY M. KOTROCO Administrative Law Judge

luthy lotro co

for Baltimore County

TMK:pz

Enclosure





CASE NO. 2011-0324-A

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 29 Riverside Rel Balto md 21221 which is presently zoned OR 5.5.

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)

TO PERMIT AN ACCESSORY STRUCTURE (ABONE GROUND POOL) TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

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 perjury, that I/we are the is the subject of this Petit	legal owner(s) of the	the penalties of ne property which				
Contract Purchaser/	Lessee:		Legal Owner(s):						
			TIFFAMY Boblit	z					
lame - Type or Print			Name - Type or Print	ableta					
ignature			Signature	0					
Address		Telephone No.	Name - Type or Print	-	1754				
City	State	Zip Code	Signature						
Attorney For Petition	ner:		29 Riverside	Rd	410-687-0829 Telephone No.				
			Essex	md	21221				
lame - Type or Print			City	State	Zip Code				
			Representative to b	e Contacted:					
Compan ORDER RECE	EIVED FOR FILL	NG		1.7					
Compan ORDER HECK	1711		Name						
ddress Date	1	Telephone No.	Address		Telephone No.				
City By—	State	Zip Code	City	State	Zip Code				
A Public Hearing having be his day of egulations of Baltimore Coun	that	the subject matter of	required, it is ordered by the Z this petition be set for a public hea	Coning Commissione aring; advertised, as	r of Baltimore County, required by the zoning				
			Zoning Commissi	oner of Baltimore Cor	unty				

Reviewed By

Estimated Posting Date

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	29 River	side Ro	X	
an area of the second of the s	MSLY	9 ja Ingamudy Seasy – kultura	MO State	21221
That based upon personal knowledge, the follow Variance at the above address (indicate hardship)	wing are the fac p or practical dif	cts upon which I ficulty):	Cale To Francisco	or an Administrative
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and the side yard	is the	only pl	lace where	2 I
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THE LAND				
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	rmal demand indditional inform	s filed, Affiant(s ation.) will be required to p	pay a reposting and
Libbury Boblis		S. 11		
Tiffany Boblitz	- 1=	Signature		
Name - Type or Print		Name - Type or P	Print	
STATE OF MARYLAND, COUNTY OF BALTIM	ORE, to wit:		R RECEIVED FOR	3000
of Maryland, in and for the County aforesaid, per	somally appeare	, 201	, before me, a Notar	y Public of the State
the Affiant(s) herein, personally known or satisfa-	ctorily identified	to me as such	Affiant(s).	-VB
AS WITNESS my hand and Notarial Seal		ently &	Sudu	
	Notary	Public	15/0/1	

REV 10/25/01

ZONING DESCRIPTION FOR 29 RIVERSIDE ROAD, ESSEX, MD 21221

Beginning at a point on the North side of Riverside Road, which is 50' wide at the distance of 39' North of the centerline of the nearest improved intersecting street Plateau Road which is 50' wide. Being Lot#15, Block J in the subdivision of Eastern Terrace as recorded in Deed Liber #9196, Folio #164, containing 5159 square feet. Also known as 29 Riverside Road and located in the 15th Election District, 7th Councilman District.

			FINANC RECEIPT	Rev Source/	Sub Rev/	No. Date:	674	5/2/11	PAID RECEIPT MUSTNESS ACTION TIME NOW 5/04/2011 5/04/2018 13420902 2 SET WAS WALKIN 1908 940 >>HECEIPT N 5/5/699 5/04/2011 4914
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									CASHIER'S VALIDATION

Certificate of Posting

Department of Permits, Approval, and Inspections Baltimore County 111 W. Chesapeake Avenue Room 111 Towson, MD 21204

Date: May 15, 2011

Attention: Zoning Office - Ms. Kristen Lewis

Re: Case Number:

2011-0324-A

Petitioner/Developer:

Boblitz

Date of Hearing/Closing:

May 30, 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: 29 Riverside Road Balto., MD 21221

The sign(s) were posted on:

May 15, 2011 See attached photos.

William D. Gulick, Jr.

2944 Edgewood Avenue Baltimore, MD 21234 (410) 530-6293



ZONING COMMISSIONER'S ADMINISTRATIVE VARIANCE SCHEDULE Updated and Distributed 6/2/2011

CASE NUMBER: 2011-0324-A

29 Riverside Road

Location: NE corner of Riverside Road, 39 feet E of c/l of Plateau Road.

15th Election District, 7th Council District

Legal owner: Tiffany Boblitz

ADMINISTRATIVE VARIANCE to permit an accessory structure (above ground pool)

to be located in the side yard in lieu of the required rear yard.

Closing 5/30/2011

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2011-	0324	-A	Address 29	RIVER	SIDE R	D., 2122	
Conta	act Person:	ONNA THOP	mPSON ase Print Your Na	ime		Phone Nur	nber: 410-88	87-3391
Filing	Date: 52	11	Posti	ng Date: 5	5/11	Closin	g Date: 5	30/11
	contact made v gh the contact p					inistrative	variance sh	ould be
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2.	a formal requ	est for a pub	lic hearing	adline for an or Please under s is not comple	erstand th	nat even i	f there is no	
3.	commissioner, order that the usually within	He may: (a matter be se 10 days of the etition has be	 a) grant the et in for a e closing da en granted, 	file will be revered requested rel public hearing te if all County denied, or will	ief; (b) de j. You w agencies	eny the receive comment	quested relie written noti s are receive	f; or (c) fication, ed, as to
4.	(whether due commissioner) changed giving	to a neighbo , notification g notice of the	or's formal will be for hearing d	EPOSTING: In request or by warded to you ate, time and lo a photograph	order of u. The socation.	the zoning sign on the swhen the	g or deputy e property r e sign was o	zoning nust be riginally
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	,	USE THE AD	MINISTRA	TIVE VARIANO	CE SIGN I	FORMAT		
Case	Number 2011-	0324 -A	Addre	ess 29 RIVE	ERSIDE	- RD , &	11221	
Petitio	oner's Name	BOBLITZ			Te	lephone	110-687-1	0829
Posti	ng Date:5	15/11		Closin	g Date:	5 30	41	
Word	ing for Sign: _7	O Permit AN	ACCESS	ORY STRUCT	TURE (ABOVE G	BROUND P	001
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RE	EAR YARD.			YARD				



KEVIN KAMENETZ County Executive

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

May 20, 2011

Ms. Tiffany Boblitz 29 Riverside Road Essex, MD 21221

RE: Case Number 2011-0324-A, 29 Riverside Road, Baltimore, MD 21221

Dear Ms. Boblitz,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 2, 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,

U. Carl Rich

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel



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

Maryland Department of Transportation

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

Date: 5-17-11

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

RE: **Baltimore County**

Item No. 2011-0324-A

Administrative Variance Tiffany Boblitz 29 Riverside 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 - 0324-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,

Access Management Division

SDF/rz



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

May 17,2011

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

ATTENTION: Zoning Review

Distribution Meeting of: May 16, 2011

Item No .:

Administrative Variance: 2011-0324A, 2011-0328A - 0329A.

Special Hearing: 2011-0152-SPHA, 2011-0330-SPH.

Variance: 2011-0152-SPHA, 2011-0326A, 2011-0327-SPHA, 2011-0331A - 0332A.

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

AV 5/30/11

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 7, 2011

SUBJECT:

DEPS Comment for Zoning Item # 11-324-A

Address 29 Riverside Road (Boblitz Property)

Zoning Advisory Committee Meeting of May 16, 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 07 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Patricia Zook - Administrative Variance that Closed on May 30

From: Patricia Zook

To: Campbell, Rose; Lewis, Kristen

Date: 6/7/2011 9:40 AM

Subject: Administrative Variance that Closed on May 30

CC: Wiley, Debra

Good morning -

The data base shows that there is an administrative variance that closed on May 30. As of today, we haven't received the case file. Was there a formal demand for this case or will the file be coming over to us today?

CASE NUMBER: 2011-0324-A

29 Riverside Road

Location: NE corner of Riverside Road, 39 feet E of c/l of Plateau Road.

15th Election District, 7th Council District

Legal owner: Tiffany Boblitz

ADMINISTRATIVE VARIANCE to permit an accessory structure (above ground pool) to be located in the side yard in lieu of the required rear yard.

Closing

5/30/2011

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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Maryland Department of Assessments and Taxation Real Property Data Search (vw4.2A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

			Owner Infor	nation					_
Owner Name: Mailing Address:	BELT :	GARY THOMAS DARLENE LILLIAN ERSIDE RD MORE MD 21221-70	Use: Principal Residence: Deed Reference:			RESIDENTIAL YES 1) /09196/ 00164 2)			
		Locat	ion & Structur	e Information					
Premises Address 99 RIVERSIDE RD 0-0000		NE	cor plate Stern terr	U RD			-		
Map Grid Parc	el Sub District	Subdivision	Section	Block	Lot	Assessment Area		Plat No:	2
0097 0007 0144		0000		J	15	3]	Plat Ref:	0012
Special Tax Areas	Town Ad Valorem Tax Class	NONE							
Primary Structure Built 1943		Enclosed Area 1,136 SF		Property Land Area 5,159 SF		County Use 04			
Stories Basement 1.500000 NO	Type STANDARD U	Exterior NIT SIDING							
			Value Infor	mation					
Land Improvements:	53,150 88,590	Value As Of 01/01/2009 53,150 109,810	Phase-in As As Of 07/01/2010	As Of 07/01/20	11				
Total:	141,740	162,960	155,887	162,960					
Preferential Land:	0			0					
			Transfer Info	rmation					
Seller: HILL JOHN I Type: ARMS LENG	TH IMPROVED			Date: Deed1:	05/30 /0919	/1992 6/ 00164	Price: Deed2:	\$84,300	
Seller: Type:				Date: Deed1:			Price: Deed2:		
Seller: Type:				Date: Deed1:			Price: Deed2:		
			Exemption In	formation					
Partial Exempt Assessi County State Municipal	ments			Class		07/01/2011		07/01/2012 0.00 0.00 0.00	
Tax Exempt: Exempt Class:							Tax Recapt	ture:	

FranklyMLS.com

VA, DC, MD MLS: Wiki, Mobile & More Data [] Mobilize BC7246139

Search for:

\$125k to \$600k Go



+Email/Share +Driving Dir. ?

Add Private Notes H Save

1Page Print . Viewed by 39. (0%)

THIS PROPERTY WAS ALREADY SOLD ON 4/8/2010

Gallery O Photos & Details O Spreadsheet (Advanced Search)

Long Foster Real Estate. Inc.



Request removal of photos!

is this your new home? Show it off on Facebook with a LIKE

Status: SOLD

29 RIVERSIDE RD ESSEX, MD 21221 map/g/c

\$137,000 \$3,000 Subsidy:

Net Price: \$134,000

Contract Date:

Close Date: 4/8/2010 Original Price: \$134,900

\$162,960 \$2,174/yr 09 Tax A:

Bed/Ba/Ba4: 3/1/0 Listing #: BC7246139 g XXXXXXXXX DOMm/p: ?

BALTIMORE County: EASTERN Community:

TERRACE (Active/ Solds:2y/4y)

Style/Type: Bungalow / Detached

Yr Built: 1943 Levels:

Size Int'r/Lot: 0 sqft / 0.12 acre

Walk score:

XXXXX



XXXXX

XXXXX

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۰	_	73	_	••	•••	•

XXXXX XXXXX XXXXX

PRICE HISTORY

XXXXX XXXXX

XXXXX

CURRENT LISTING PRICE HISTORY

INTERIOR DETAILS

HAI ENION DETAIL	.0				
# Levels: 2	Lower 2	Lower	Main	2nd	3rd
Bedrooms: 3	0	0	1	2	0
Full Baths: 1	0	0	1	0	0
Half Baths: 0	0	0	0	0	0
	Size	Level	Floor		
Living Rm:	XXXXX	XXXXX	XXXXX		
Kitchen Rm:	XXXXX	XXXXX	XXXXX		
Dining Rm:	XXXXX .	XXXXX	XXXXX		

XXXXX

Upper 1

Upper 2

XXXXX

Carpet

Carpet

INTERIOR FEATURES

Saft Finished:

Bdr-Main:

Bdr-2nd:

XXXXX

14x14

9x14

XXXXX

XXXXX

EXTERIOR DETAILS

COMMUNITY

Advertised / Legal Subdivison: EASTERN TERRACE / EASTERN TERRACE XXXXX XXXXX XXXXX HOA Fee:

BUILDING FEATURES

Detached XXXXX Home Type: 0.12 acre Lot Acres/Sqft: XXXXX Exterior: Property Condition: XXXXX XXXXX Parking:

UTILITIES

XXXXX XXXXX Heating: Cooling: Heating Fuel: XXXXX XXXXX Water:XXXXX Sewer Septic: XXXXX

BROKER INFORMATION

Listing Agent: Arthur Fisher See agent's other listings: Actives & UC / Sold: Listings 5yr/2yr Buyer / Both XXXXX XXXXX Listing Broker: Long Foster Real Estate, Inc.

0029 7 363

AFTER RECORDING RETURN TO: Tiffany N. Boblitz 29 Riverside Road Baltimore MD 21221

Title Insurer: STG,LLC--MD- Stewart Title Guaranty Company

DOCUMENT PREPARED BY: SAGE Title Group, LLC 116 Hays Street Bel Air, MD 21014

File Number: BR10-0841 FY
Tax Account No.: 15-15-14-100240

WITNESSETH, That in consideration of the sum of ONE HUNDRED THIRTY SEVEN THOUSAND AND 00/100 DOLLARS (\$137,000.00), the receipt of which is hereby acknowledged, the said party of the first part does grant and convey to the said party of the second part, her personal representatives and assigns, in fee simple, all that parcel of ground situated in Baltimore County, Maryland, and as described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot 15, Block J, as shown on the Plat of Eastern Terrace No. 2 which plat is recorded among the Land Records of Baltimore County, Maryland, in Plat Book C.W.B. Jr Liber No. 12, folio 119. The improvements thereon being known as No. 29 Riverside Road.

TAX ID No. 15-15-14-100240

BEING the same lot of ground which by Deed dated March 27, 1992 and recorded among the Land Records of Baltimore County in Liber 9196, folio 164, was granted and conveyed by Margaret II. Hill unto Gary Thomas Belt and Darlene Lillian Belt, his wife. SAID Gary Thomas Belt, also known as Gary T. Belt, has since departed this life on or about June 6, 2008 thereby vesting title solely unto Darlene Lillian Belt, the berein Grantor.

SUBJECT to covenants, conditions, easements and restrictions of record.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, apputenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot(s) of ground and premises to the said party of the second part, her personal representatives and assigns, in fee simple.

BUYERS INITIAL HERE

AND the said party of the first part does hereby covenant that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same as may be requisite.

