IN RE: PETITION FOR ADMIN. VARIANCE

S side of Linden Avenue, 25 feet E of Arbutus Avenue
13th Election District
1st Councilmanic District
(4507 Linden Avenue)

Tracey M. and Arnold H. Musick, Jr. *Petitioners*

- BEFORE THE
- OFFICE OF
- * ADMINISTRATIVE HEARINGS
- * FOR BALTIMORE COUNTY
- * Case No. 2011-0328-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, Tracey M. and Arnold H. Musick, Jr. for property located at 4507 Linden Avenue. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed replacement accessory building (garage) on a corner lot on the portion closest to the side street in lieu of the required third of the lot farthest removed from both streets, and to permit a height of 25 feet in lieu of the maximum permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a detached garage measuring 28 feet wide x 32 feet deep x 25 feet high to replace an existing smaller and older garage. The new garage will provide additional vehicle protection from the elements and vandalism. The family is in need of additional storage space since in-laws recently moved in with them. Petitioners' dwelling was constructed in 1933 and therefore has smaller closets and less storage space than newer homes.

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	6-14-11
Ву	- An

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 22, 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.

Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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 _____ day of June, 2011 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed replacement accessory building (garage) on a corner lot on the portion closest to the side street in lieu of the required third of the lot farthest removed from both streets, and to permit a height of 25 feet in lieu of the maximum permitted 15 feet is hereby GRANTED, subject to the following:

2

Date	6-14-11	
1	~ 2	
Ву	X	-

ORDER RECEIVED FOR FILING

- 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 Petitioner 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.
- 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.

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:pz

ORI	DER	RECEI	VED	FOR	FILING
-----	-----	-------	-----	-----	--------

Date V



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL

Managing Administrative Law Judge

JOHN E. BEVERUNGEN

TIMOTHY M. KOTROCO

Administrative Law Judges

June 14, 2011

TRACEY M. AND ARNOLD H. MUSICK, JR. 4507 LINDEN AVENUE HALETHORPE MD 21228

Re: Petition for Administrative Variance Case No. 2011-0328-A Property: 4507 Linden Avenue

Dear Mr. and Mrs. Musick:

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,

AWRENCE M. STAHI

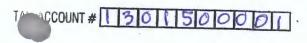
Managing Administrative Law Judge

for Baltimore County

LMS/pz

Enclosure

c: James Hanna, 941 Elmridge Avenue, Baltimore MD 21229





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

I/We do solemnly declare and affirm, under the penalties of

Zoning Commissioner of Baltimore County

for the property located at 4507 CINDEN AVE which is presently zoned DR 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) 400,1 400,3, BCZR, TO PERMIT A PROPOSED REPLACEMENT ACCESSORY BUILDING (BARAGE) ON A CORNER LOT ON THE REQUISED THIRD DETHE LOT FARTHEST REMOVED FROM THE SIDE STREET IN LIEU OF THE REQUISED THIRD DETHE LOT FARTHEST REMOVED FROM THE SIDE STREET, AND TO PERMIT A HEIGHT OF US FEET IN LIEU OF THE WAX MUM PERMITTED IS FEET.

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.

			perjury, that I/we are the is the subject of this Peti	legal owner(s) of the	he property which	
Contract Purchaser/L	Lessee:		Legal Owner(s):			
		•	ARNOCO & TT	racey mus	SICK	
lame - Type or Print	*		Name - Type or Pript	Xx		
signature			Signature, H.	Mixich so	24	
Address		Telephone No.	Name - Type or Print	1 +	N/ /	
* ,		7: 0	x hacy Thu	rule Trac	ex Musick	
City	State	Zip Code	Signature		A 250 25	1
Attorney For Petition	er:		4507 CIMBEN	J ACE	410-228-22	f (
		1	Address		Telephone No.	
			HAUFTHORPE	MO	21228	
lame - Type or Print			City	State	Zip Code	
ORDER RECE	-OR Ell	ING	Representative to	be Contacted:		
Signature PRECE	INED FOLL		1-1-11	N.		
ORDENTIE			NAMES HAOW	LA		
ompany	19.11		Name			0
Date			941 ELMRID	GE AUE 2	146-538-372	1
Address		Telephone No.	Address	110	Telephone No.	
By-			BAUTO	1910	2(279	
City	State	Zip Code	City	State	Zip Code	
A Public Hearing having bee	en formally demand	ed and/or found to be	required, it is ordered by the	Zoning Commissione	r of Baltimore County.	
his of day of Hour	dou tha	it the subject matter of t	his petition be set for a public he	aring, advertised, as	required by the zoning	
egulations of Baltimore Count	y and that the propert	ly be reposied.	1 20			
				-		

Estimated Posting Date

2011-0328-A

REV 10/25/01

Affidavit in Support of Administrative Variance

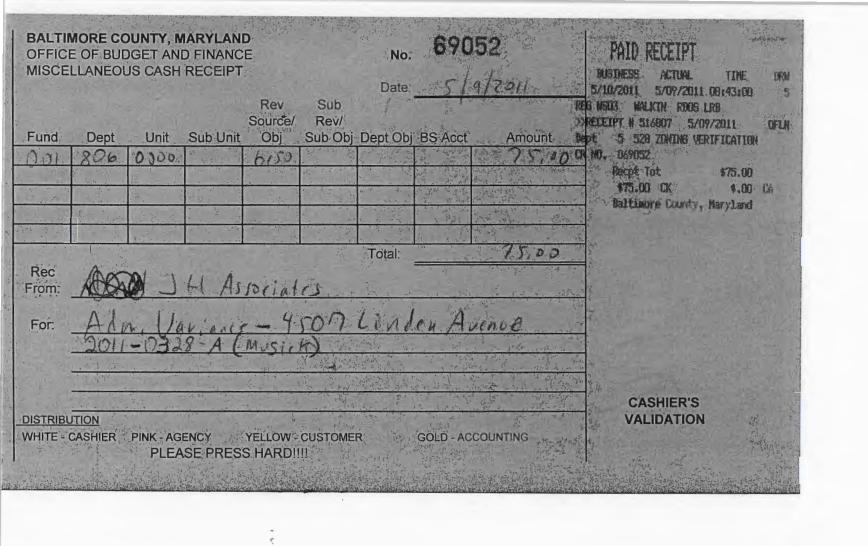
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	4507	LINDON A	OE	
	Address	ETHORPE	MP	21229
	City	110090	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship) NEED ADDITIONAL SPACE 2.) RDDITIONAL VEHICLE IN	ip or practica	I difficulty):	IN.	IN JANDACISM
3.) THE COCATION 13 T	HE SAO	HE AS TI	he existin	uc Gallage
	121			
9:4:20			0 40	and the State of State
JOIGEN YOUNG KIND				
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal deman additional info	ormation.		ed to pay a reposting and
Signature Repold H. Musick Jr. Name - Type or Print		Signature I Ca C Name - Type	y Musick	
2017 3M REGILL	JAN.			
STATE OF MARYLAND, COUNTY OF BALTIM		Ð	MUIS ROS FILIN	
of Maryland, in and for the County aforesaid, pe	rsonally appe	eared	WIL, before me,	a Notary Public of the State
Parold Musick Ir				0316
the Affiant(s) herein, personally known or satisfa	actorily identi	ned to me as si	uch Affiant(s).	By
AS WITNESS my hand and Notarial Seal			JOE .	3
	No	tary Public		
	Му	Commission E		TRACY B. HOFF
REV 10/25/01			NOTARY	PUBLIC STATE OF MARYLAND

My Commission Expires January 24, 2012

Zoning property description for 4507 Linden Ave, Halethorpe, MD

Beginning at a point on the south side Linden Ave which is 50' wide at a distance of 25' east of the centerline of the intersecting street Arbutus Ave which is 50' wide. This being part of the Village of Halethorpe lot 233 and 234 as recorded among the Baltimore County Land Records Plat Book 1, Folio 60 containing 12,500 sq. ft. located in the 13th election district and the 1st council district.



CERTIFICATE OF POSTING

RE: Case No 2011-0328-A

	Petitioner/Developer ARNOLD : TRACY MUSICK
	Date Of Hearing/Closing: 4/4/11
Baltimore County Department of Permits and Development Man County Office Building,Room 1 111 West Chesapeake Avenue	agement 11
Attention:	
Ladies and Gentlemen	
	sted conspicuously on the property 4507 LINDEN AVENUE
This sign(s) were posted on	May 22, 2011 Month, Day, Year
	Sincerely, Malin Ol 5/22/11 Signature of Sign Poster and Date
	Martin Ogle 60 Chelmsford Court Baltimore, Md, 21220 443-629-3411

BALTIMORE COUNTY PARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0328 -A Address 4507 Linden Ave								
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391								
Filing Date: 5/9/2011 Posting Date: 5/22/2011 Closing Date: 6/6/20								
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. <u>DEADLINE</u> : 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.								
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- 0328 -A Address 4507 Linden Avenue								
Petitioner's Name Arhold & Tracey Musick Telephone 410-258-2591								
Posting Date: 5/22/2011 Closing Date: 6/6/2011								
Wording for Sign: To Permit a proposed replacement accessory building (garage) on a								
corner lot on the partion closest to the side street in lieu of the required								
third of the lot farthest removed from the side street, and to permit a								
height of 25 feet in lieu of the maximum permitted 15 feet								

Revised 2/17/11



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

May 26, 2011

Mr. & Mrs. Musick 4507 Linden Avenue Halethorpe, MD 21227

RE: Case Number 2011-0328 A, 4507 Linden Avenue

Dear Mr. Musick,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 9, 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.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel James Hanna, 941 Elmridge Avenue, Baltimore, MD 21229



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



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

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

Maryland Department of Transportation

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. 2011-0328-A.
Administrative Variance
Arnold & Tracy Musick
4507 Linden Avenue.

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. 2011-0328-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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 25, 2011

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 30, 2011

Item Nos. 2011-152, 324, 326, 327, 328, 329, 331

And 332

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-05302011 -NO COMMENTS.doc

AV 6/6/11

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

11-328-A

Address

4507 Linden Avenue (Musick 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

RECEIVED

JUN (7 711

OFFICE OF ADMINISTRATIVE HEARINGS

Maryland Department of Assessments and Taxation Real Property Data Search (vw3.1A) BALTIMORE COUNTY

Go Back View Map New Search GroundRent Redemption GroundRent Registration

Account	Identifie	er:		District - 13 Acco	unt Number	- 130150000	1				
					Owner Info	mation					
MUSIC		CK ARNOLD H JR CK TRACEY M INDEN AVE		Use: Principal Residence: Deed Reference:		RESIDENTIAL YES 1) /20029/ 00031					
			BALTI	MORE MD 21227-40						2)	
				Locat	ion & Structu	re Informatio	n				
	s Addres		-		LT 45	egal Descript 233,234 07 LINDEN A ALETHORPE					
Мар	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area		Plat No:	
0108	0012	0594		0000			233	1		Plat Ref:	0001/ 0060
Special '	Tax Area	<u>as</u>	Town Ad Valorem Tax Class	NONE							
Primary 1933	Structu	re Built		Enclosed Area	<u>a</u>	Property 12,500 SF	Land A	Area	<u>C</u> 04	County Use	
<u>Stories</u> 2.000000	Base	ment	Type STANDARD UI	Exterior NIT ASBESTOS SHIP	NGLE						
					Value Infor	mation					
			Base Value	Value As Of 01/01/2010	Phase-in As As Of 07/01/2010	As Of 07/01/20	11				
Land Improve	ements:		93,120 147,300	93,100 135,600							
Total: Preferer	ntial Lan	<u>d:</u>	240,420 0	228,700	228,700	228,700 0					
					Transfer Info	rmation					
Seller: Type:		Y RONA	LD C H IMPROVED			Date: Deed1:	05/10 /2002	/2004 9/ 00031	Price: Deed2:	\$210,000	
Seller: Type:		CHRIST ARMS LE	INE A ENGTH OTHER			Date: Deed1:		/1997 7/ 00101	Price: Deed2:	\$0	
Seller: Type:			ARD MYRON HIMPROVED			Date: Deed1:	01/10	/1991 0/ 00741	Price: Deed2:	\$129,500	
					Exemption In	formatiou					
Partial I County State Municir	Exempt A	Assessme	nts			Class		07/01/2011		07/01/2012 0.00 0.00 0.00	
Tax Exempt: Exempt Class:								Tax Recap	ture:		

Jamie

0020021 031

American Home Title Group, Inc. File No. EC-08031-04CLD Tax ID# 13 13-001-500001 203

This Beed, made this 30th day of April, 2004, by and between RONALD C. GORBY, by and through his true and lawful Attorney-in-Fact, Christine A. Hield and CHRISTINE A. HIELD, husband & wife, parties of the first part, Grantors; and ARNOLD H. MUSICK JR. and TRACEY MUSICK, husband & wife, parties of the second part, Grantees.

- Witnesseth -

That for and in consideration of the sum of Two Hundred Ten Thousand And 00/100 Dollars (\$210,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said ARNOLD H. MUSICK JR. and TRACEY MUSICK, husband & wife, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple, all that lot of ground situate in the County of BALTIMORE, State of Maryland and described as follows, that is to say:

Beginning for the same at the corner formed by the intersection of the south side of Linden Avenue with the east side of Arbutus Avenue; and running thence south binding on said side of Arbutus Avenue 125 feet; thence east parallel with Linden Avenue 100 feet; thence north parallel with Arbutus Avenue 125 feet to the south side of Linden Avenue; thence west bounding on said side of Linden Avenue 100 feet to the place of beginning. The said lot of ground being and comprising all those two lots of ground located in the Village of Halethorpe in Baltimore County, and known as Lots numbered 233 and 234 on the Plat of said Halethorpe, which is recorded among the Land Records of Baltimore County in Plat Book J.W.S. No. 1, folio 60.

The improvements thereon being known as No. 4507 Linden Avenue.

BEING the same property which, by Deed dated February 13, 1997, and recorded among the L and R ecords of the County of BALTIMORE, State of Maryland, in Liber No. 12047, folio 101, was granted and conveyed by CHRISTINE A. HIELD unto RONALD C. GORBY and CHRISTINE A. HIELD, husband & wife.

SUBJECT TO COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD.

See Also Power of Attorney dated September 10, 2003, and recorded or intended to be recorded among the Land Records of Baltimore County immediately prior hereto, from Ronald C. Gorby, unto Christine A. Hield. It is in pursuance of the powers granted in said Power of Attorney that these presents are executed.

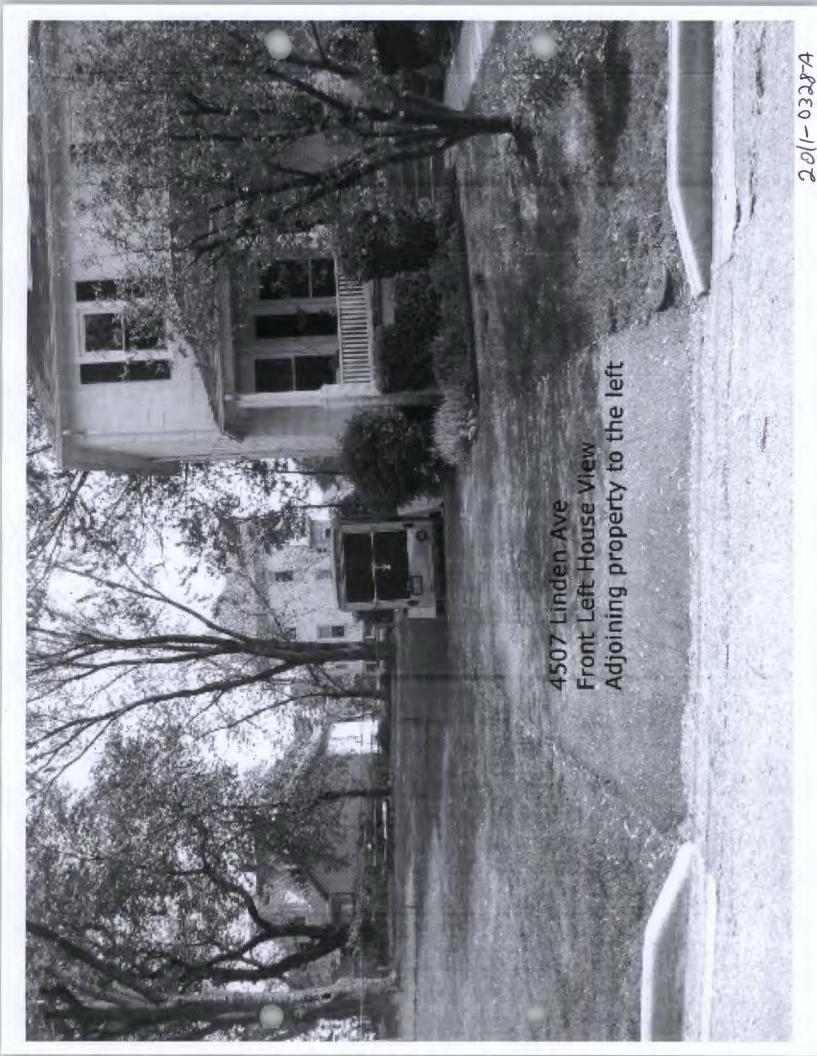
Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Habe and To Hab the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said ARNOLD H. MUSICK JR. and TRACEY MUSICK, husband & wife, as tenants by the entirety unto the survivor of them, his or her heirs and assigns, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property

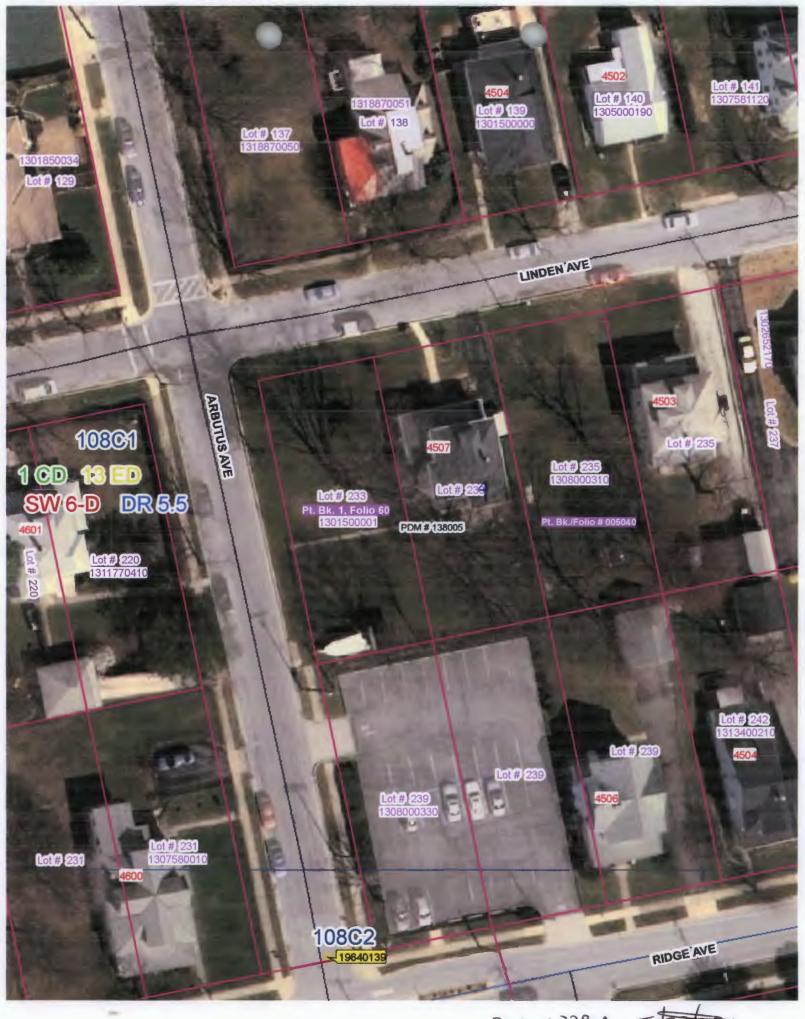
2011-0328-4

2011-0328-4



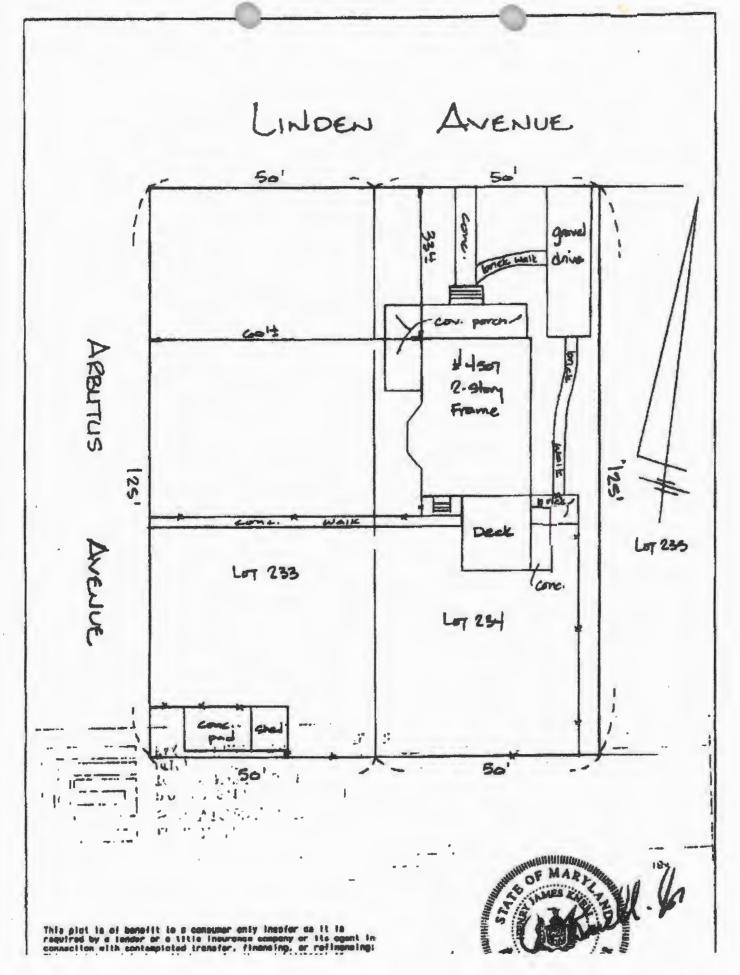
A-8680-110C

20(1-0328-4



2011-0328-A





2011-0318-A

