IN RE: PETITION FOR ADMIN. VARIANCE

N side of Belfair Lane, 405 feet NW of c/l of Ridge Road 8<sup>th</sup> Election District 2<sup>nd</sup> Councilmanic District (12301 Highgrove Court)

Hugo J. and Monica B. Warns Petitioners

- BEFORE THE
- OFFICE OF
- \* ADMINISTRATIVE HEARINGS
- \* FOR BALTIMORE COUNTY
- Case No. 2011-0329-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, Hugo J. and Monica B. Warns for property located at 12301 Highgrove Court. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a side yard setback of 18 feet in lieu of the required 50 feet setback. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The location of the existing dwelling in relation to the driveway and property line requires that the garage addition be located as shown on the site plan. The topography of the site slopes to the rear of the property and would prohibit location of the addition to the rear. Also, there is an existing in-ground swimming pool that is located in this area with retaining walls. The pool location on the west side of the property was dictated by the location of the septic system in the northeast corner of the lot. The dwelling is located at the front setback line so there is not room in front of the house for a garage either. This would detract from the existing dwelling and be out of character with the rest of the neighborhood. The subject property contains 1.209 acres zoned RC 5 and is served by private water and sewer.

Date 6 16-11

By\_\_\_\_

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.

# Handburg dag

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.

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.

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 By

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

Barren in 188

TIMOTHY M. KOTROCO Administrative Law Judge for Baltimore County

description.

TMK/pz

ORDER RECEIVED FOR FILING

Date\_\_\_\_\_3



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

June 16, 2011

HUGO J. AND MONICA B. WARNS 12301 HIGHGROVE COURT REISTERSTOWN MD 21136

> Re: Petition for Administrative Variance Case No. 2011-0329-A Property: 12301 Highgrove Court

Dear Mr. and Mrs. Warns:

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 for Baltimore County

TMK:pz

Enclosure

c: Richardson Engineering LLC, 30 East Padonia Road, Suite 500, Timonium MD 21093

## **Petition for Administrative Variance**



REV 7/20/07

to the Zoning Commissioner of Baltimore County for the property located at 12301 Highgrove Court

which is presently zoned RC-5

Deed Reference	: 16107	/ 449	Tax Account	# 2400000125

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)

1A04.3.B.2.b to permit a side yard setback of 18' in lieu of the required 50' setback

garage addition

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 perjury, that I/we are the le is the subject of this Petition	egal owner(s) of th	
Contract Purchaser/Les	see:		Legal Owner(s):		
			Hugo J. Warn	S	
Name - Type or Print			Name - Type or Pr		
Signature			Signature		
			Monica B. Warns		
Address		Telephone No.		B Wan	w
City	State	Zip Code	Signature		
Attorney For Petitioner:			12301 Highgrove	Court 4	10-526-9861
			Address		Telephone No.
			Reisterstown,	MD	21136-5669
Name - Type or Print			City	State	Zip Code
	-OP FIL	ING	Representative to be	Contacted:	
Signature Company ORDER RECEIVE	DFOIT		Richardson Engine	ering, LLC	
Company			Name 30 E. Padonia Roa	d, Suite 500	410-560-1502
Address Date		Telephone No.	Address		Telephone No.
	)		Timonium,	MD	21093
City By—	State	Zip Code	City	State	Zip Code
A Public Hearing having been fon this day of regulations of Baltimore County and	th.	nat the subject matter of t	quired, it is ordered by the Zoning his petition be set for a public hear Zoning Commission	ing, advertised, as r	equired by the zoning
Case No. 2011-0329	- A	Revi	ewed By Bh	Date 5/9/	11

Estimated Posting Date \_\_\_

5/22/11

## **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

## 12301 Highgrove Court

0 0		
Reisterstown	MD	21136
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 location of the existing house in relation to the driveway and existing property line requires that the garage addition be in the location shown on the plan. The topography of the site slopes severly to the rear of the property and would prohibit location of the structure to the rear. In addition there is an existing pool is located in this area with retaining walls so it could be installed. The pool location on the west side of the property was dictated by the location of the septic system in the northeast corner of the lot. The existing house is located at the front setback line so there is not room in front of the house for a garage either. This would also detract from the existing structure and be out of character with the rest of the neighborhood.

That the Affiant(s) acknowledge(s) that if a formal demand is advertising fee and may be required to provide additional information.	s filed, Affiant(s) will be required to pay a reposting and lation.  March B Warren  Signature
Hugo J Warns III Name - Type or Print	Monia B Warns Name-Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:  I HEREBY CERTIFY, this	
the Affiant(s) Herein, personally known of satisfactorily identified  AS WITNESS my hand and Notary  Notary	Public Tammy S. White  mmission Expires November 17, 2012

30 E. Padonia Road, Suite 500 Timonium, Maryland 21093

tel. 410-560-1502 fax 443-901-1208

# ZONING DESCRIPTION 12301 HIGHGROVE COURT 8<sup>TH</sup> ELECTION DISTRICT 2<sup>ND</sup> Councilmanic District BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the north side of Belfair Lane (40' right-of-way) at a distance of 405 feet northwest from the centerline of Ridge Road (60' right-of-way), thence leaving the north side right-of-way of Belfair Lane for the following courses and distances (1) North 38 degrees 32 minutes 10 seconds East 273.53 feet, (2) North 57 degrees 41 minutes 16 seconds West 6.04 feet, (3) North 47 degrees 42 minutes 20 seconds West 172.88 feet, (4) South 40 degrees 13 minutes 18 seconds West 241.99 feet to a point on the east side of Highgrove Court (40' right-of-way) thence binding on the east side right-of way of Highgrove Court (5) by a curve to the right with a radius of 295.00 feet and an arc length of 114.85 feet or by a chord bearing and distance of South 06 degrees 27 minutes 51 seconds East 114.12 feet, (6) South 36 degrees 19 minutes 41 seconds East 14.87 feet to a point on the north side of Belfair Lane thence binding on the north side right-of-way of Belfair Lane (7) South 78 degrees 18 minutes 36 seconds East 40.99 feet, (8) by a curve to the right with a radius of 545.00 feet and an arc length of 59.05 feet or by a chord bearing and distance of South 75 degrees 12 minutes 25 seconds East 59.02 feet to the point of beginning. Being Lot #23 in the subdivision of BELFAIR as recorded in Baltimore County Plat Book #74, Folio #81;

Containing a total net area of 52,664 square feet or 1.21 acres of land, more or less.

OFFICE	OF BUI	DGET AN	MARYLANI ID FINANC I RECEIPT	Rev Source/	Sub Rev/	No. Date:	690 	153 9/11	PAID RECEIPT  MUSTNESS ACTUAL TIME OR 5/10/2011 5/09/2011 10:06:57  RE: WSO3 WALKIN REGS LRB  >> MECEIPT N 516835 5/09/2011 0F1
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount	best 5 528 TOWING VERIFICATION
201	306	0000		6150				# 75.00	CR NO. 069033 Recot Tat 975.00
	5 3								fecot fat \$75,00 \$75,00 CK \$.00 EA
		77							Baltimore County, Haryland
7 11 -									
Rec From:		Lau	eint			Total:		91 75 · ·	
For:		Adams	cotiatio	v+ Ue	1 1 6 4 . 5 4	e			
PER T	ITION								CASHIER'S VALIDATION

## **CERTIFICATE OF POSTING**

	RE: Case No.:	2011-0329-A
	Petitioner/Developer:	
	Hugo &	& Monica Warns
	Date of Hearing/Closing:	June 6, 2011
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204		
Attn: Kristen Lewis:		
Ladies and Gentlemen:		
This letter is to certify under the penalties of posted conspicuously on the property located	perjury that the necessary sign(s) red	quired by law were
12301 Highgrove Ct		
	May 22, 2011	
The sign(s) were posted on	(Month, Day, Year)	
	Sincerely,	
	In fill	May 23, 201
	(Signature of Sign Poster)	(Date)
	SSG Robert B	lack
	(Print Nam	ne)
	1508 Leslie Ro	oad
	(Address)	
	Dundalk, Marylan	nd 21222
	(City, State, Zi	p Code)
	(410) 282-79	940
	(Tolonhono Nu	um bon)



### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

	se Number 2011- 032	9 -A	Address _	12301	Higherove	Ct,
Cont	ntact Person: Br	uno Rud	a: fis		Phone Number:	410-887-3391
Filin	ng Date: $5/\epsilon/I$	Po	sting Date: _	5/22/11	Closing Da	te: 6/6/11
Any throu	contact made with this	office regard planner) using	ling the status	of the adm	inistrative varia	nce should be
1.	reverse side of this to reposting must be don is again responsible f	rm) and the p le only by one or all associat	etitioner is res of the sign pos ted costs. The	ponsible for sters on the e zoning noti	all printing/posts approved list and ce sign must be	ng costs. Any d the petitioner visible on the
2.	a formal request for	a public hear	ring. Please u	understand t	hat even if ther	,000 feet to file e is no formal
3.	commissioner. He matter usually within 10 days whether the petition h	ay: (a) grant be set in for of the closing as been grant	the requested a public hear date if all Cou	relief; (b) de ring. You vanty agencies	eny the requeste vill receive writto comments are	ed relief; or (c) en notification, received, as to
4.	(whether due to a ne commissioner), notific changed giving notice	eighbor's form ation will be of the hearing	nal request or forwarded to g date, time an	by order of you. The said location.	the zoning or sign on the pro As when the sign	deputy zoning perty must be was originally
		(E	etach Along Dotted Lir	ne)		
Petit	itioner: This Part of the	Form is for t	he Sign Poste	r Only		
	USE TH	HE ADMINIST	RATIVE VARIA	ANCE SIGN	FORMAT	
Case	e Number 2011- 0329	A Ad	Idress	of Higher	ive ct.	
						526-9861
Phone Number: 410-887-339  Filling Date: 5 c/// Posting Date: 5 22/// Closing Date: 6 /6 ///  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. An reposting must be done only by one of the sign posters on the approved list and the petitione 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 (corder 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 must be forwarded to you the forwarded to you.						
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## DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS 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. <u>For those petitions which require a public hearing</u>, 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.

Item Number or Case Number: 2011 - 329	
Petitioner: HUGO & MONICA WARUS	
Address or Location: 12301 HIGHGROVE CT	
	:
PLEASE FORWARD ADVERTISING BILL TO:	
Name: HUGO WARNS	
Address: 12301 HIGHGROVE CT REISTERSTOWN, MD 21136	



KEVIN KAMENETZ County Executive

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

May 26, 2011

Mr. & Mrs. Warns 12301 Highgrove Court Reisterstown, MD 21136

RE: Case Number 2011-0329 A, 12301 Highgrove Court

Dear Mr. & Mrs. Warns,

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. Supervisor, Zoning Review

U. Carl Richard

WCR:mcn

Enclosures

c: People's Counsel Richardson Engineering, LLC, 230 E. Joppa Road, Timonium, MD 21093

### **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

# 11-329-A

Address

12301 Highgrove Court

(Warns Property)

Zoning Advisory Committee Meeting of May 16, 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 permit for a garage on this site. The plan shows a neighboring well that would be 27 feet from the garage. There will need to be a well variance granted (to be less than the required 30 foot - setback from buildings to wells).

Reviewer: Dan Esser; Groundwater Management

RECEIVED

JUN 07 2011

**OFFICE OF ADMINISTRATIVE HEARINGS** 

### **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



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, 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: 5-17-11

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

RE: Baltimore County

Item No. 2011-0329-A
Administrative Variance
Hugoè Monica Warns
12301 Highgrove 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. 2011-0329-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

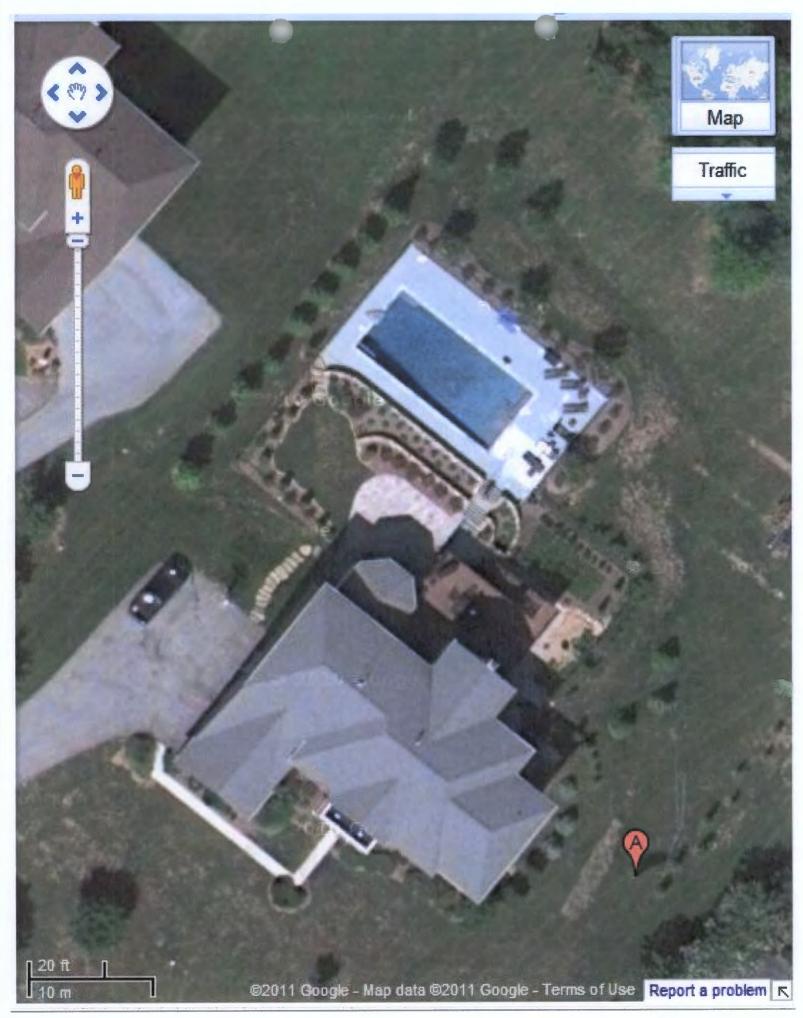
Access Management Division

SDF/rz

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

Go Back View Map New Search GroundRent Redemption GroundRent Registration

			Owner Infor	mation					
Owner Name:	WARNS HUGO J WARNS MONICA B			Use: Principal Residence:			RESIDENTIAL YES		
Mailing Address:		IGHGROVE CT RSTOWN MD 21136	Deed	Refere	ence:	1) /16107/ 00449 2)			
		Locat	ion & Structur	e Informatio	n			×	
Premises Address			Le	gal Descript	ion				
2301 HIGHGROVE CT				090 AC					
0-0000				01 HIGHGRO LFAIR	OVECT	ES			
Map Grid Parce	Sub District	Subdivision	Section	Block	Lot	Assessment Area		Plat No:	
0050 0015 0129		0000			23	2	-	Plat Ref:	0074/
	Town	NONE							
Special Tax Areas	Ad Valorem Tax Class								
Primary Structure Built		Enclosed Area	1	Property 1.2100 AC		Area	<u>C</u>	ounty Use	
Stories Basement 2.000000 YES	Type STANDARD U	Exterior NIT SIDING							
			Value Inform	nation					
	Base Value	Value	Phase-in As						
		As Of 01/01/2011	As Of 07/01/2010	As Of 07/01/20	11				
Land	306,300	204,200		,					
Improvements:	823,800	627,700							
Total:	1,130,100	831,900	1,130,100	831,900					
Preferential Land:	0			0			-		
-			Transfer Info						
Seller: TOLL MD II LI Type: ARMS LENGT	MITED PARTNI H IMPROVED	ERSHIP	· ×	Date: Deed1:		/2002 7/ 00449	Price: Deed2:	\$913,749	
Seller: Fype:				Date: Deed1:			Price: Deed2:		
Seller: Type:				Date: Deed1:			Price: Deed2:		
			Exemption Inf						
Partial Exempt Assessm	ents			Class		07/01/2011		07/01/2012	
County								0.00	
State								0.00	
Municipal								0.00	
Tax Exempt:							ax Recap	ture:	
Exempt Class:						* ]	NONE *		



#0329





#0329



ZONING MAP #050 B-2 SCALE: 1" = 200'

