

IN RE: PETITION FOR VARIANCE

SE side of North Point Road; 81
feet East of the c/l of Spruce Street
12th Election District
7th Councilmanic District
(1215 North Point Road)

Donna Pollard Huddleston
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2011-0347-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by the legal owner of the subject waterfront property, Donna Pollard Huddleston. Petitioner is requesting Variance relief under Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (existing deck) with a side yard setback of 4 feet 5 inches in lieu of the required 7.5 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Donna Pollard Huddleston, and Brenda Lucky and Gary Lucky, Sr., Vice President of Gibbons and Lucky Home Improvement Company, Inc. The file reveals that the Petition was properly advertised and the property was properly posted as required by the Baltimore County Zoning Regulations.

It should be noted that this matter includes a complaint registered with the Building Inspection Division of the Department of Permits, Approvals and Inspections¹. A Code Inspections and Enforcement Correction Notice was issued to Petitioner on June 1, 2011, for a

¹ Case No: CO-0058647

ORDER RECEIVED FOR FILING

Date 7-13-11

By [Signature]

deck that was not built within the scope of an approved permit; location and setbacks not adhered to. It should also be noted that in the course of the hearing, Petitioner also requested that consideration be given to granting a special hearing for the deck as a non-conforming use.

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.

Mr. Lucky testified on behalf of the Petitioner. He described the property as a single level dwelling on .159 acre zoned DR 5.5. The original residence was built in 1949. He testified that he was employed by the Petitioner to replace a very old 16 feet x 10 feet deck connected to the left side sliding glass doors with a new 16 feet x 10 feet deck at the same location. The witness noted that he sent an employee to obtain the building permit. He believes that the employee described the property improperly when getting the permit; that is, he failed to note that there was no actual rear door to the premises. There is a front door and sliding glass doors on the left side of the house which open onto the deck which was to be replaced. Therefore, he surmises, that the wording "rear of house" on the permit was an incorrect description of the location of the already existing deck to be replaced under the new permit. In fact, three inspections by different inspectors took place during the course of the construction and it was only the last inspector who raised the question giving rise to the issuance of the Code Inspection and Enforcement Correction Notice.

Addressing the requirements for a variance, the witness testified that the existence of a side door in lieu of a back entrance was unique in the area and therefore, in order to provide for a second entrance/exit, had to be utilized for the deck. He pointed out that Ms. Huddleston was severely handicapped and utilized a wheelchair. He stated that in order to provide her an

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Date 7-13-11 2

By [Signature]

appropriate "access to the outside world" the continued existence of a deck emanating from the side sliding glass doors was necessary. Without the granting of the requested variance, any access for her in her condition would be impossible. He further stated that since the neighbors in the area suffered no such handicap as that of the Petitioner, the failure to grant her the variance would unreasonably prevent her the use of her property for the permitted purposes of entering or leaving the premises.

The Petitioner, Donna Pollard Huddleston, testified that 17 years ago she was injured in major automobile accident and suffered from traumatic brain injury, necessitating the use of a wheelchair. She confirmed that the sliding glass door on the left side of the house was in fact her "back door" for all intent and purposes, and led to the deck which she described as her "only outlet to the world." She testified further that she had purchased the property over 30 years ago and that the original deck was built many years before that. This original deck, deteriorating over the years, was the reason that she employed Mr. Lucky to replace it with the same size deck at the same location.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested relief. As to the variance, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. There is also no question in my mind that the failure to grant the variance requested would do harm to this Petitioner to a much greater degree because of her physical condition than if the request were made by others not physically encumbered. I also note that as the Density Residential (DR) zoning classifications were imposed in 1971, that the uncontroverted testimony presented leads me to the conclusion that the existence of the deck in question here, unchanged from that originally constructed prior to the Petitioner's ownership, clearly predated the zoning regulations which have

ORDER RECEIVED FOR FILING

Date 7-13-11

3

By [Signature]

necessitated the instant case. The deck has certainly been used openly and continuously and there has been no abandonment or cessation of use. I therefore find that the subject deck as presently constructed is in fact a non-conforming use permitted under law.

I further find that the granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. Therefore, in all manner and form, I find that the variance requested can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R. as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). *McLean v Soley*, 270 Md. 208 (1973).

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 13 day of July, 2011 by this Administrative Law Judge that Petitioner's Variance requests from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (existing deck) with a side yard setback of 4 feet 5 inches in lieu of the required 7.5 feet, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petitioner's Special Hearing request that the subject deck is in fact a permitted non-conforming use is be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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Date 7-13-11

By [Signature]

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

ORDER RECEIVED FOR FILING

Date 7-13-11

By [Signature]



KEVIN KAMENETZ
County Executive

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

July 13, 2011

DONNA POLLARD HUDDLESTON
1215 NORTH POINT ROAD
BALTIMORE MD 21222

Re: Petition for Variance
Case No. 2011-0347-A
Property: 1215 North Point Road

Dear Ms. Huddleston:

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 with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: Brenda Lucky and Gary Lucky, Sr., Vice President of Gibbons and Lucky Home Improvement Company, Inc., 57 East Broadway, Bel Air MD 21014



TAX ASSESSMENT # 1218836930

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 1215 North Point Rd.
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)

see attached

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

see attached

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 and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Date

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

Case No. 2011-0347-A

REV 9/15/98

Reviewed By Ba Date 6/2/11

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

ORDER RECEIVED FOR FILING

Date

By

1B02.3.C.1 to permit an open projection
(existing deck) with a side yard setback of
4 ft. 5 inches in lieu of the required 7.5 ft.

Donna Pollard
1215 North Point Rd

Affidavit in Support of Administrative Variance:

We were directed by Baltimore County Housing Development to replace a 10 x 16 existing deck on the side of the home at 1215 North Point Rd, Baltimore, Md . We replaced the deck exactly where the previous deck was located and was unaware of the 7 ft set back on the side of lot. When we got the permit for the deck we stated that the deck was out the back door, we think what happened was a wording issue. Our representative stated that the deck was located out the back door meaning not the front door but the door used opposite, therefore the deck was stated on the back of house instead of side of house. Her back door goes to the side of the house. Upon completion of the footing inspections we were not instructed at that time this was incorrect, we thought that it had been done correctly. The structure itself is sound and completed to code correctly.

Donna M Pollard/Hallerton

Donna Pollard
1215 North Point Rd.
Baltimore, Md 21222

Zoning description: 1215 North Point Rd, Baltimore, Md 21222-1417

Beginning at a point on the ^{south east} ~~North west~~ side of North Point Rd which is 50' wide at the distance of 88' south east of the centerline of the nearest improved intersecting street Spruce St which is 50' wide. Being Lot#156 in the subdivision of Northshire as recorded in Baltimore County Plat Book #14, Folio#29 containing .159 square ft acres. Also known as 1215 North Point Rd and located in the 12th Election District, 7th Councilmanic District.

Certificate of Posting

Hearing 7/7/11

RE: Case NO. 2011-0347-A

Petitioner/Developer _____

Donna Poliard Huddleston

Date of Hearing/Closing 7/7/11

Baltimore County
Department of Permits and Development Managements
County Office Building – Room 111
111 W. Chesapeake Ave.
Towson, Md. 21204

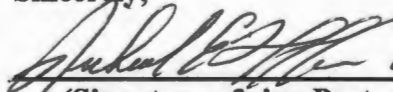
Attention:

This letter is to certify, under penalties of perjury, that the necessary sign as required by law, was posted conspicuously on the property located at _____

1215 North Point Road

The sign(s) were posted on 6/22/11
(Month, Day, Year)

Sincerely,

 6/22/11
(Signature of sign Poster and date)

Richard E. Hoffman
(Printed Name)

904 Dellwood Drive
(Address)

Fallston, Md. 21047
(City, State, Zip Code)

410-879-3122
(Telephone Number)

See Attached
Photograph

Certificate of Posting
Photograph Attachment

Re: 2011-0347-A

Petitioner/Developer: _____

Donna Poliard Huddleston

Date of Hearing/Closing: 7/7/11



1215 North Point Road

Posting Date: 6/22/11

Donna Poliard Huddleston 6/22/11
(Signature and date of sign poster)

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: # 2011-0347-A

1215 North Point Road
Southeast side of North Point Road, 81 feet east of centerline of Spruce Street
12th Election District — 7th Councilmanic District
Legal Owner(s): Donna Pollard Huddleston

Variance: to permit an open projection (existing deck) with a side yard setback of 4 feet 5 inches in lieu of the required 7.5 feet.

Hearing: Thursday, July 7, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR 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) 887-3391.
IT 06/682 June 21 279066

CERTIFICATE OF PUBLICATION

6/23/, 2011

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/21/, 2011.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 21, 2011 Issue - Jeffersonian

Please forward billing to:

Donna Pollard Huddleston
1215 North Point Road
Baltimore, MD 21222

410-285-7868

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: 2011-0347-A

1215 North Point Road

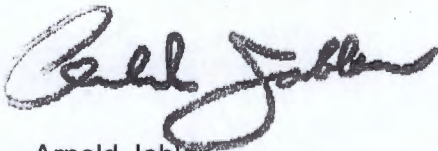
Southeast side of North Point Road, 81 feet east of centerline of Spruce Street

12th Election District – 7th Councilmanic District

Legal Owners: Donna Pollard Huddleston

Variance to permit an open projection (existing deck) with a side yard setback of 4 feet 5 inches in lieu of the required 7.5 feet.

Hearing: Thursday, July 7, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

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

June 14, 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:

CASE NUMBER: 2011-0347-A

1215 North Point Road

Southeast side of North Point Road, 81 feet east of centerline of Spruce Street

12th Election District – 7th Councilmanic District

Legal Owners: Donna Pollard Huddleston

Variance to permit an open projection (existing deck) with a side yard setback of 4 feet 5 inches in lieu of the required 7.5 feet.

Hearing: Thursday, July 7, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Donna Pollard Huddleston, 1215 North Point Rd., Baltimore 21222
Gibbon & Lucky Home Imp. Co. Inc., 57 E. Broadway, Bel Air 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 22, 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, APPROVALS AND INSPECTIONS
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 2011-0347-A
Petitioner: Donna Pollard Huddleston
Address or Location: 1215 North Point Rd, Baltimore, Md 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: Donna Pollard Huddleston
Address: 1215 North Point Rd.
Baltimore, Md 21222

Telephone Number: (410) 285-7868

Revised 2/17/11 DT



KEVIN KAMENETZ
County Executive

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

June 20, 2011

Ms. Donna Pollard Huddleston
1215 North Point Road
Baltimore, MD 21222

RE: Case Number 2011-0347-A, 1215 North Point Road

Dear Ms. Huddleston,

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

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Gibbon & Lucky Home Improvement Company, Inc. 57 E. Broadway, Bel Air, MD 21014



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 6-8-11

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

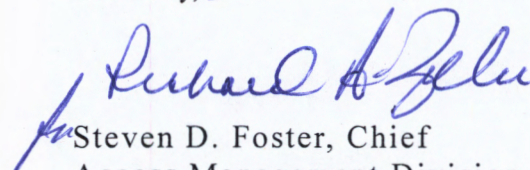
RE: Baltimore County
Item No. 2011-0347-A
Variance
Donna Pollard Huddleston
1215 North Point Road.

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. 2011-0347-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



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

June 9, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **June 13, 2011**

Item No.:

Administrative Variance: 2011-0348A – 0351A.

Variance: 2011-0347A.

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

LS 7/7
11 AM
205

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 30, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-347-A
Address 1215 North Point Road
(Huddleston Property)

Zoning Advisory Committee Meeting of June 22, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

JUL 01 2011

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 27, 2011
Item Nos. 2011-347, 348, 349, 350,
And 351.

DATE: June 16, 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-06272011 -NO COMMENTS.doc

RE: PETITION FOR VARIANCE

1215 North Point Road; SE/S North Point Road

81' E of c/line Spruce Street

12th Election & 7th Councilmanic Districts

Legal Owner(s): Donna Pollard Huddleston

Petitioner(s)

*

BEFORE THE

*

ADMINISTRATIVE LAW

*

JUDGE FOR

*

BALTIMORE COUNTY

*

2011-347-A

* * * * *

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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Jefferson Building, Room 204

105 West Chesapeake Avenue

Towson, MD 21204

(410) 887-2188

RECEIVED

JUL 06 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of July, 2011, a copy of the foregoing Entry of Appearance was mailed to Gibbons & Lucky Home Imp. Co. Inc, 57 E. Broadway, Bel Air, Maryland 21014, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: June 15, 2011

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Glenn Berry, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2011-0347-A
Legal Owner/Petitioner: Donna Pollard Huddleston
Contract Purchaser: N/A
Property Address: 1215 North Point Road
Location Description: SE/side North Point Road; 81 ft. E. of centerline
of Spruce Street

VIIOLATION INFORMATION: Case No. CO0095081
Defendants: Donna Pollard Huddleston

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- | | |
|-------------------------------------|---|
| ☐ | 1. Complaint letter/memo/email/fax (if applicable) |
| ☒ | 2. Complaint Intake Form/Code Enforcement Officer's report and notes |
| ☐ | 3. State Tax Assessment printout |
| ☐ | 4. State Tax Parcel Map (if applicable) |
| ☐ | 5. MVA Registration printout (if applicable) |
| ☐ | 6. Deed (if applicable) |
| ☐ | 7. Lease-Residential or Commercial (if applicable) |
| ☐ | 8. Photographs including dates taken |
| ☐ | 9. Correction Notice/Code Violation Notice |
| ☐ | 10. Citation and Proof of Service (if applicable) |
| ☐ | 11. Certified Mail Receipt (if applicable) |
| ☐ | 12. Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| ☐ | 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Room 113 in order that the appropriate action may be taken relative to the violation case.

AGB/rw
C: Code Enforcement Officer



Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:
Complaint Record ID: CO0095081

<u>Record ID</u>	<u>AS/400 Case</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Scheduled Time</u>	<u>Received By</u>	<u>Received Date</u>	<u>Status</u>	<u>Hearing Date</u>	<u>ADC Grid</u>
CO0095081		Tim Kidd	01/20/2011		Nichollette Shelton	01/20/2011	Open - Normal		44J1

Complaint Description: DECK BUILT NOT WITH SCOPE OF PERMIT; LOCATION & SET BACKS. PERMIT B741995

<u>Facility:</u>	<u>Owner :</u>	<u>Complainant:</u>
FA0282364 PDM 1218036930 1215 NORTH POINT RD DUNDALK, MD 21222	HUDDLESTON DONNA M 1215 NORTH POINT RD BALTIMORE MD 21222	BALTIMORE COUNTY

Daily Activity Details

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0105032	Tim Kidd	06/01/2011	INITIAL INSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 1/20/11 NEED TO REVISE PERMIT. P/U 6/30/11 T.KIDD/NS***

Violation Details

<u>Violation Record ID:</u> IV0054331	<u>Comply By:</u> 06/30/2011	<u>Complied On:</u>	<u>Status:</u> NOT IN COMPLIANCE
<u>Program Category/Section Source:</u> Building Inspection/IBC		<u>Violation Description</u>	IBC Violation
<u>Correction Text:</u>			
<u>Violation Text:</u>			
<u>Violation Comment:</u>			

Comment Details - No Comments

Lien Information - None

215

OLD NORTH
PT RD

NEEDS CASE #

410-803-2085

BRENDA ANDREWS

NEEDS TODAY

FOR ZONE
MEETING

Maryland Department of Assessments and Taxation
Real Property Data Search (vw5.1A)
BALTIMORE COUNTY

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Account Identifier: District - 12 Account Number - 1218036930

Owner Information

Owner Name: HUDDLESTON DONNA M **Use:** RESIDENTIAL
Mailing Address: 1215 NORTH POINT RD **Principal Residence:** YES
BALTIMORE MD 21222-1417 **Deed Reference:** 1) /06793/ 00847
2)

Location & Structure Information

Premises Address
1215 NORTH POINT RD
0-0000

Legal Description

NORTHSHIRE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0096	0024	0201		0000			156	3	Plat Ref: 0014/0029

Special Tax Areas
Town NONE
Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	1,548 SF	6,900 SF	04

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	48,900	48,900		
Improvements:	121,470	162,220		
Total:	170,370	211,120	197,537	211,120
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
HUDDLESTON FLOYD E	10/03/1984	\$0
Type:	Deed1:	Deed2:
NON-ARMS LENGTH OTHER	/06793/ 00847	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County			0.00
State			0.00
Municipal			0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture:
HOMEOWNERS TAX CREDIT

Donna Pollard
1215 North Point Rd

PETITIONER' S

EXHIBIT NO. 2

Affidavit in Support of Administrative Variance:

We were directed by Baltimore County Housing Development to replace a 10 x 16 existing deck on the side of the home at 1215 North Point Rd, Baltimore, Md . We replaced the deck exactly where the previous deck was located and was unaware of the 7 ft set back on the side of lot. When we got the permit for the deck we stated that the deck was out the back door, we think what happened was a wording issue. Our representative stated that the deck was located out the back door meaning not the front door but the door used opposite, therefore the deck was stated on the back of house instead of side of house. Her back door goes to the side of the house. Upon completion of the footing inspections we were not instructed at that time this was incorrect, we thought that it had been done correctly. The structure itself is sound and completed to code correctly.

At Donna M Pollard/Heddleston

PETITIONER'S
EXHIBIT NO. 3



1222000110
Lot # 188

1226020020
Lot # 185

1209
Lot # 184
1213040960

1226000070
Lot # 183

096C3

DR 5.5

7 CD

SE 2-F

PDM # 120010

12 ED

Pt. Bk./Folio # 014029

1213
Lot # 157
1213057631

1215
Lot # 156
1218036930

1217
1213021100
Pt. Bk. 14, Folio 29
Lot # 155

1219
Lot # 154
1219048230

1221
Lot # 153
1213008440

7624
1213040970
Lot # 158

7622
1219011260
Lot # 159

7620
1216001590
Lot # 160

1213078510
Lot # 152

7623

1202002550
Lot # 151

1212040830
Lot # 161

1211047400
20090024
Lot # 150

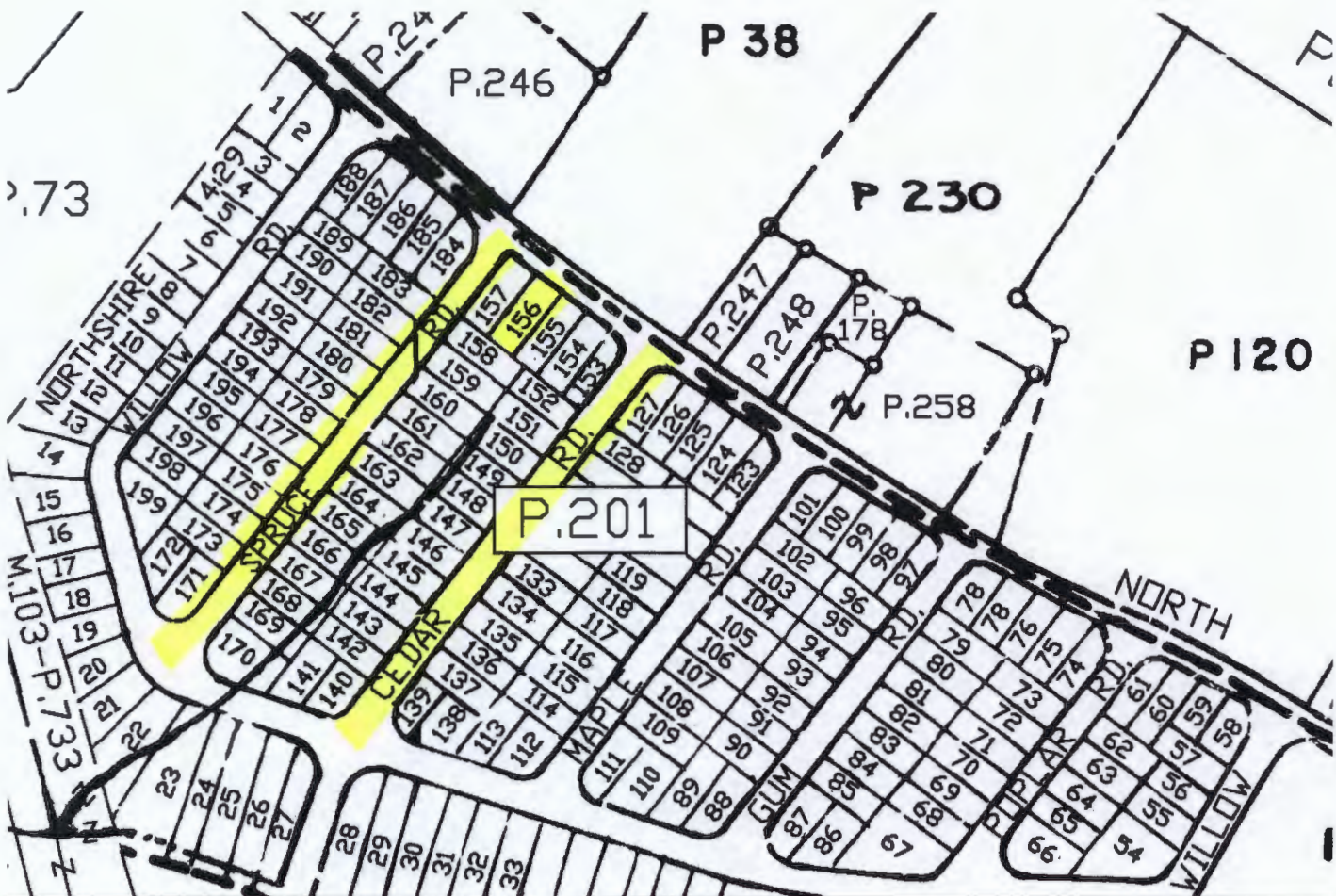
7621

CEDAR RD

Lot # 128
1203038650

Lot # 127

PETITIONER'S
EXHIBIT NO. 4



Deck.



#0347

From back of home - back property line to house



#0347

left side of home looking from front



#0347

left side of home - from front

deck



#0347 - 111



Sidewalk to front of home

#0347

Right of home looking from front - neighbors keep out only from property line



#0348

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

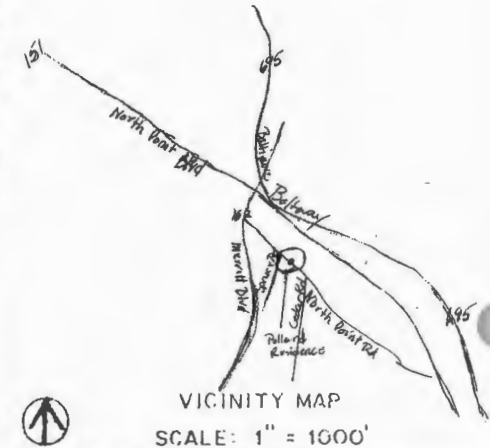
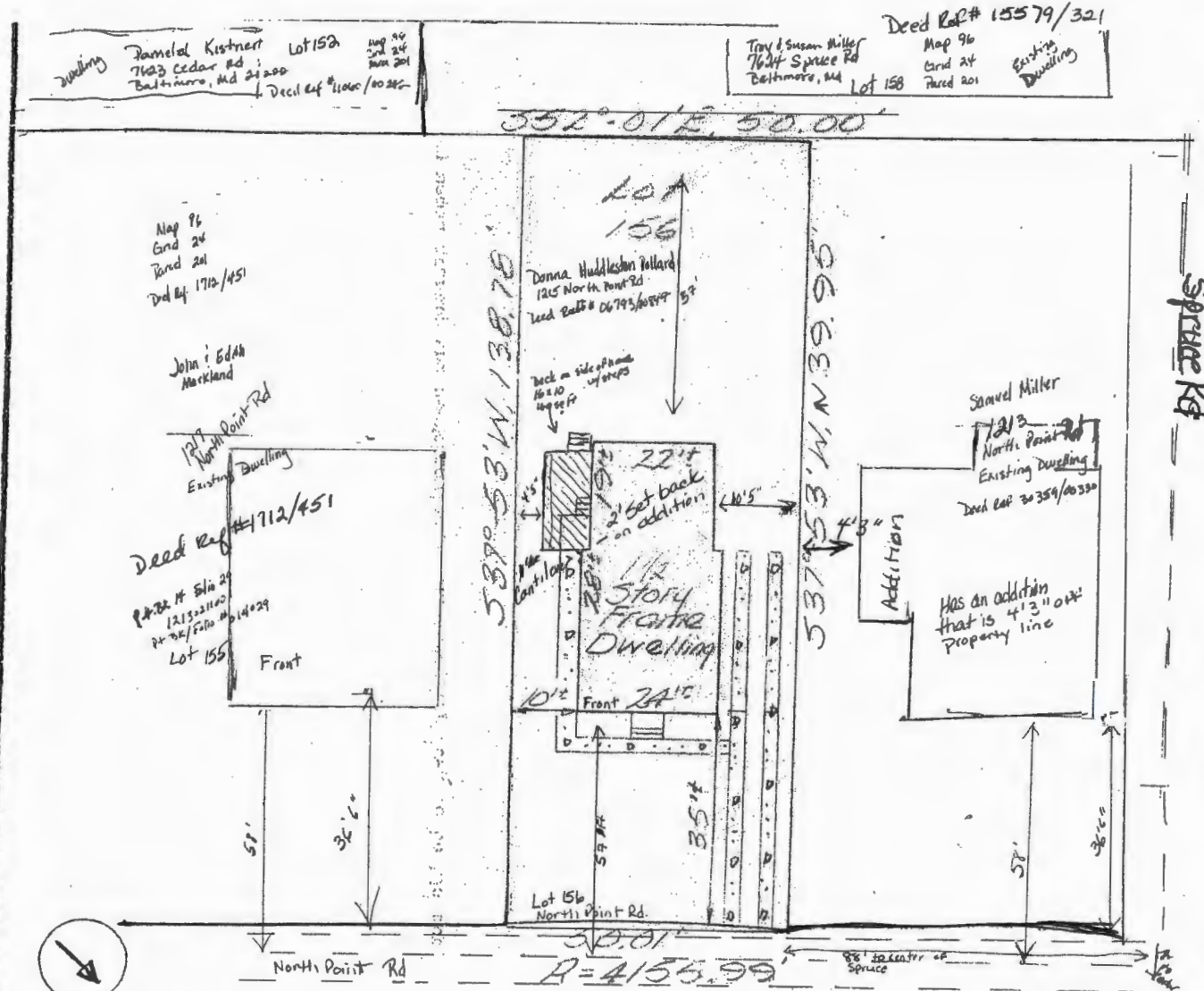
PROPERTY ADDRESS 1215 North Point Rd.

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Northshire

PLAT BOOK # 14 FOLIO # 29 LOT # 156 SECTION #

OWNER Donna Pollard Huddleston



LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 09663

ZONING DR-5.5

LOT SIZE 0.159 6900.59
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒

100 YEAR FLOOD PLAIN	☐	☒
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HISTORIC PROPERTY/ BUILDING	☐	☒
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PRIOR ZONING HEARING Violation # 0095081

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

Sh 0347 2011-0347-A

PREPARED BY DPA

SCALE OF DRAWING: 1" = 30