

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Magledt Road; 530 feet NE
of the c/l of Britmore Court
11th Election District
5th Councilmanic District
(9828 Magledt Road)

Lanzhi Wang
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0348-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owner of the subject waterfront property, Lanzhi Wang for property located at 9828 Magledt Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed detached accessory structure (deck) to be in the front yard in lieu of the required in the rear yard of an existing dwelling. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to build a patio measuring 16 feet x 30 feet at the end of her driveway. The front of the dwelling overlooks a valley to the southeast through which a stream runs. The stream is banked by trees and divides two grassy fields. Taking in this view would be enhanced by an overlook provided by the proposed patio and built to deck specifications. The rear of the patio would be level with the existing paved driveway; the front of the patio would be supported by pressure-treated wood columns and stand approximately 5 feet above the slope of the hill at its highest. No trees will be cut, very little soil will be disturbed, and almost no impervious surface will be added. There is no practical way to enjoy such an unobstructed view.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection

ORDER RECEIVED FOR FILING

Date 7-12-11

By [Signature]

and Sustainability dated June 30, 2011, which indicates that the building permit will need Groundwater Management review.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 12, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 12 day of July, 2011 that a variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed detached accessory structure (deck) to be in the front yard in lieu of the required in the rear yard of an existing dwelling, be and is hereby GRANTED, subject to the following:

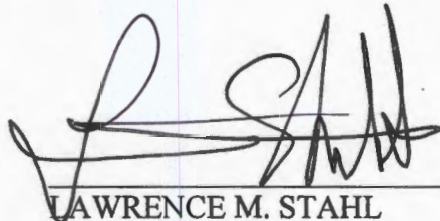
1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date 7-12-11 2
By [Signature]

2. The building permit shall be reviewed by the Groundwater Management Division of the Department of Environmental Protection and Sustainability.

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 7-12-11

By [Signature]

KEVIN KAMENETZ
County Executive



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

July 12, 2011

LANZHI WANG
9828 MAGLEDT ROAD
PARKVILLE MD 21234

Re: Petition for Administrative Variance
Case No. 2011-0348-A
Property: 9828 Magledt Road

Dear Mr. Wang:

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,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the printed name of Lawrence M. Stahl.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 9828 Magleddt Road, Parkville, MD 21234
which is presently zoned DR2

Deed Reference: 242701 / 727 Tax Account # 1123053670

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 TO PERMIT

A PROPOSED ACCESSORY STRUCTURE (DECK) TO BE IN THE FRONT YARD IN LIEU OF THE REQUIRED IN THE REAR YARD OF AN EXISTING DWELLING.

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 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

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Lanzhi Wang

Name - Type or Print

Signature

Name - Type or Print

Signature

9828 Magleddt Road

410-206-3666

Address

Telephone No.

Parkville

MD

21234

City

State

Zip Code

Representative to be Contacted:

Ronald B. Meyer

Name

9828 Magleddt Road

410-868-7568

Address

Telephone No.

Parkville

MD

21234

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of , that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No. 2011-0348-A

Reviewed By A. TSUI Date 6/2/2011

Estimated Posting Date 6/12/11 ~ 6/27/11

FRM476_09

ORDER RECEIVED FOR FILING

Rev 3/09

Date 7-12-11

By [Signature]

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 ~~own and~~ reside at 9828 Magledd Road, Parkville, MD 21234

Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed)

The front of the house overlooks a valley to the southeast, through which a stream runs. The stream is banked by trees and divides two grassy fields. Taking in this view would be enhanced by an overlook provided by the proposed patio, built to deck specifications. The rear of the patio would be level with the existing paved driveway; the front of the patio would be supported by pressure-treated wood columns and stand approximately 5' above the slope of the hill at its highest. No trees will be cut, very little soil will be disturbed, and almost no impervious surface will be added. There is no practical way to enjoy such an unobstructed view, while not obstructing the view of a neighbor, and with so minimal an environmental disturbance, in any other location relative to the house.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Ronald B Meyer
Signature

Signature

Ronald B. Meyer
Name- print or type

Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 1 day of JUNE, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

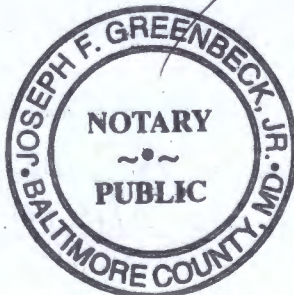
(Name Affiant(s) here): RONALD B MEYER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Name of Notary Public

7/21/11
Commission expires

PLACE SEAL HERE:



Legal Description of Subject Property
9828 Magledt Road, Parkville, MD 21234

BEGINNING FOR THE SAME in the center of a right of way heretofore laid out twenty feet wide and described in a deed dated March 24, 1950 and recorded among the Land Records of Baltimore County in Liber TBS No. 1822, folio 549, etc. which was conveyed by H. Lloyd Williamson and wife to George William Williamson and wife said beginning point being at the beginning point of the lot of ground conveyed by H. Lloyd Williamson and wife to George William Williamson by a deed dated June 22, 1949, and recorded among said Land Records in Liber TBS No. 1766, folio 300, etc. running thence and binding in the center of said right of way with the use thereof in common with others entitled thereto South 60 degrees 44 minutes East 45.00 feet, thence leaving the right of way and running for the four lines of division now made, viz: North 25 degrees 12 minutes 50 seconds East 53.64 feet and South 52 degrees 26 minutes East 110.00 feet and North 32 degrees 33 minutes 40 seconds East 309.37 feet and North 60 degrees 44 minutes West 187.00 feet to an iron pipe at the beginning of the last line in the second herein mentioned deed, thence binding on said last line South 26 degrees 06 minutes West (passing over an iron pipe at the end of 337.02 feet) in all a distance of 347.02 feet to the place of beginning. Containing 1.221 acres of land more or less.

TOGETHER with the right to use in common with others entitled thereto of a 20 foot right of way leading from the aforesaid property to Magledt Road as said right of way is referred to and described in a Deed from H. Lloyd Williamson and wife to George William Williamson and wife dated March 24, 1950, and recorded among the Land Records of Baltimore County in Liber TBS No. 1822, folio 549.

The improvements thereon being known as No. 9828 Magledt Road.

BEING the fee simple property which, by Deed dated May 30, 1989, and recorded among the Land Records of the County of Baltimore, State of Maryland, in Liber No. 8205, folio 702, was granted and conveyed by HARRY L. WILLIAMSON, JR. and GERALDINE F. WILLIAMSON unto GARY S. WILLIAMSON and CHERYL WILLIAMSON.

2011-0348-A

CERTIFICATE OF POSTING

RE: Case No 2011-0348-A

Petitioner/Developer LANZHI
WANG

Date Of Hearing/Closing: 4/27/11

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 9828 MAGLEDT ROAD

This sign(s) were posted on June 12, 2011

Month, Day, Year
Sincerely,

Martin Ogle
Signature of Sign Poster and Date
Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2011-0348

TO PERMIT A PROPOSED ACCESSORY STRUCTURE (DECK)
TO BE IN THE FRONT YARD IN LIEU OF THE REQUIRED
IN THE REAR YARD OF AN EXISTING DWELLING

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MONDAY JUNE 27, 2011
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204 TEL. 887-3391

DO NOT REMOVE THIS SIGN AND POST AFTER ABOVE DATE. VIOLATION PENALTY OF \$100. RETURN BOTH TO ZADW, Rm. 204
MEETING IS HANDICAP ACCESSIBLE

06/12/2011

Myakka Ogle 6/12/11

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0348 -A Address 9828 MAGLEDT ROAD

Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/2/11 Posting Date: 6/12/11 Closing Date: 6/27/11

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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.
- 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- 0348 -A Address 9828 MAGLEDT ROAD

Petitioner's Name LANZHI WANG Telephone 410.868.7568

Posting Date: 6/12/11 Closing Date: 6/27/11

Wording for Sign: To Permit A PROPOSED ACCESSORY STRUCTURE
(DECK) TO BE IN THE FRONT YARD IN LIEU OF
THE REQUIRED IN THE REAR YARD OF AN EXISTING
DWELLING



KEVIN KAMENETZ
County Executive

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

June 20, 2011

Lanzhi Wang
9828 Magledt Road
Parkville, MD 21234

RE: Case Number 2011-0348-A, 9828 Magledt Road

Dear Mr. Wang,

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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "W" and a cursive "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Ronald B. Meyer, 9828 Magledt Road, Parkville, MD 21234



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

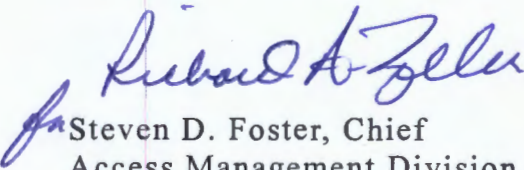
RE: Baltimore County
Item No. 2011-0348-A
Administrative Variance
Lanzhi Wang

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. 2011-0348-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,


for Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1800.735.2258 Statewide toll free

Street address: 707 North Calvert Street - Baltimore, Maryland 21202 - Phone 410.545.0300 - www.marylandroads.com





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

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 # 11-348-A
Address 9828 Magledt Road
(Wang Property)

Zoning Advisory Committee Meeting of June 22, 2011.

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

1. A proposed building permit will need Groundwater Mgmt. review.

Reviewer: - *Dan Esser; Groundwater Management*

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

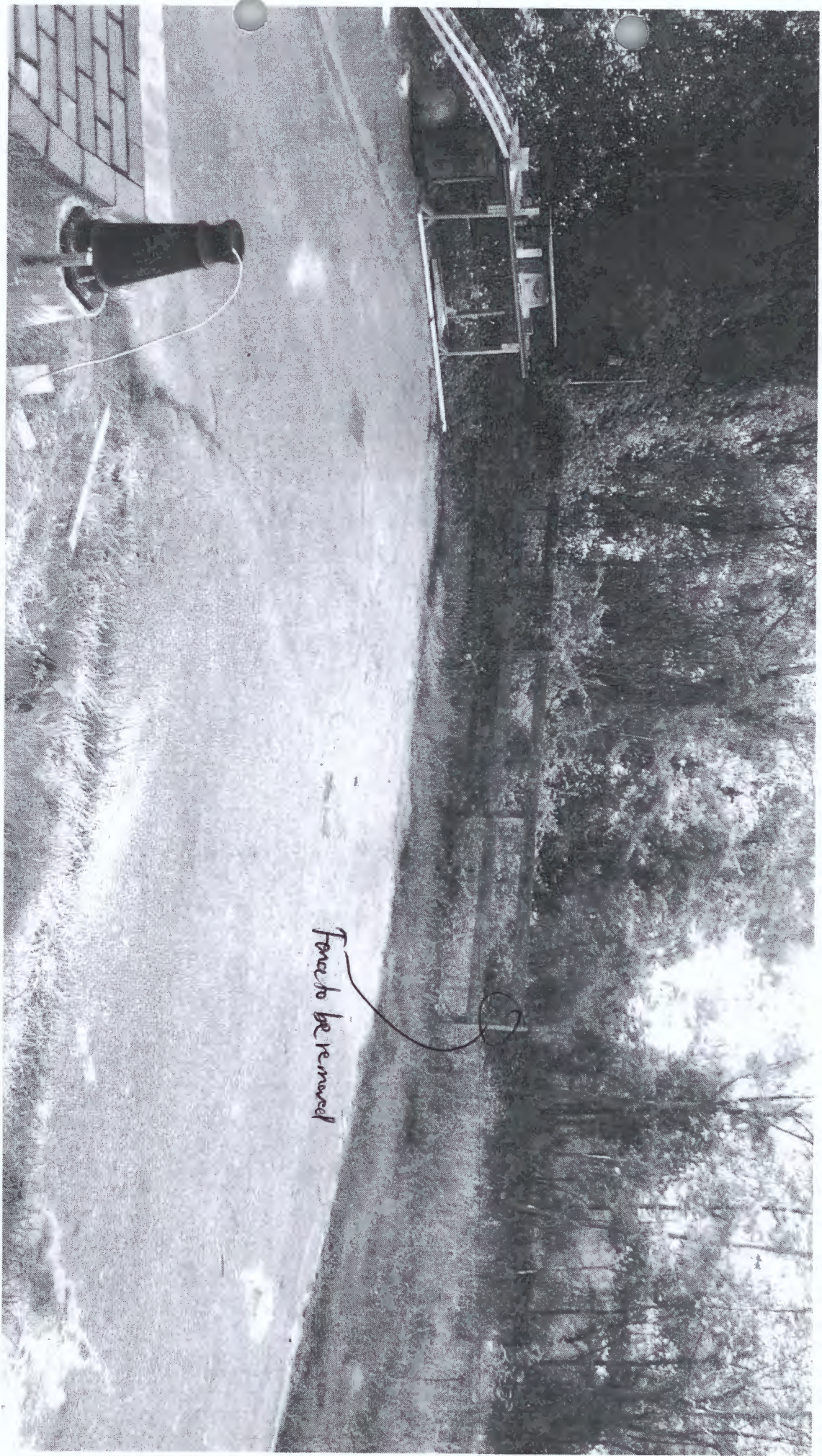
cc: File

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



Looking ESE

2011-0348A



2011-0348-A

①



Looking ENE

1211-0348-A

(2)



2011-0348-A

(2)



Looking NE

2011-0348-A

③



2011-0348-A

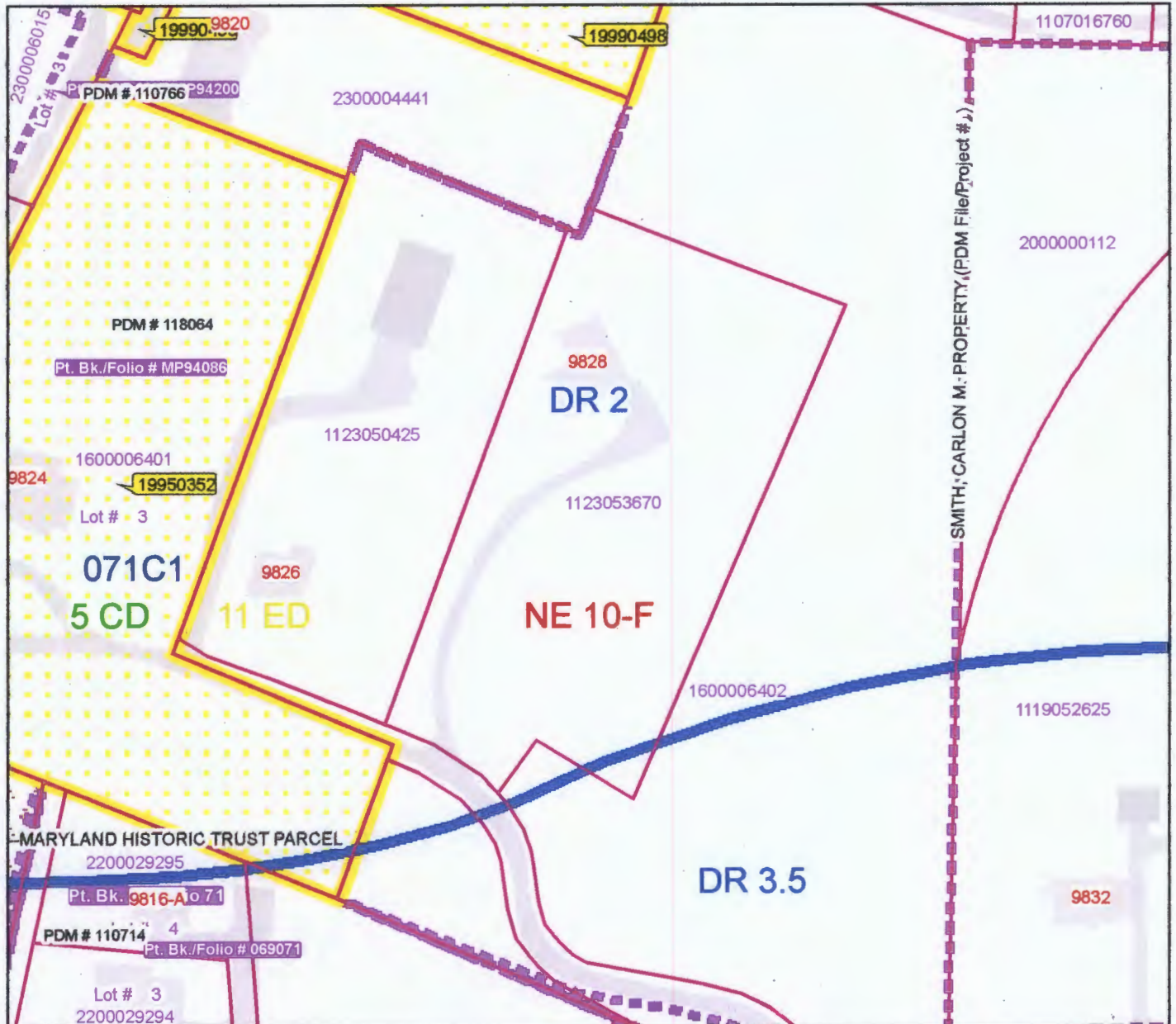
③



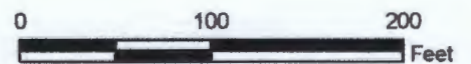
2011-0348 A

(5)

9828 Magledt Road



Publication Date: May 24, 2011
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

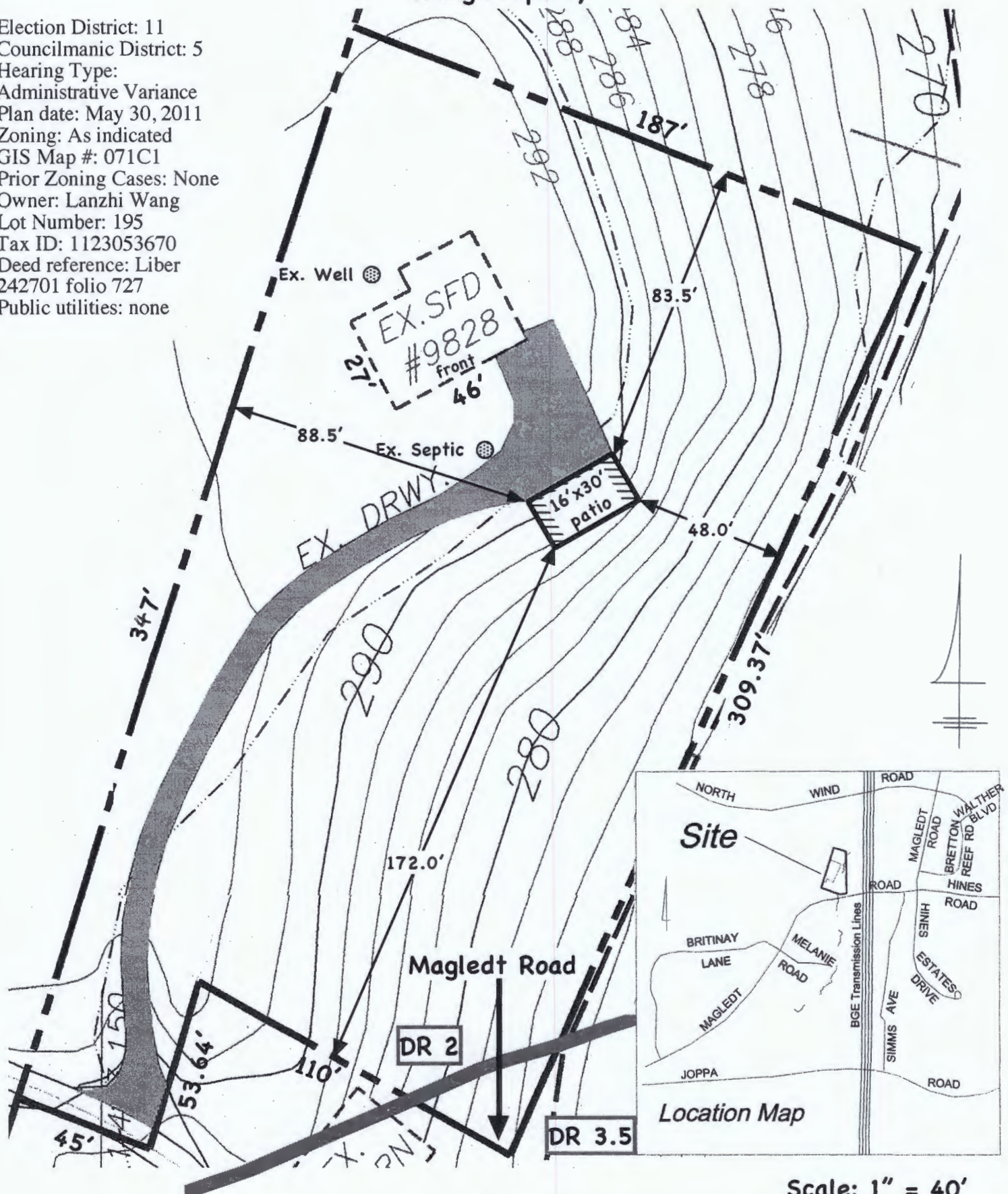


1 inch = 100 feet

2011-0348-A

Patio at 9828 Magledt Road Wang Property

Election District: 11
Councilmanic District: 5
Hearing Type:
Administrative Variance
Plan date: May 30, 2011
Zoning: As indicated
GIS Map #: 071C1
Prior Zoning Cases: None
Owner: Lanzhi Wang
Lot Number: 195
Tax ID: 1123053670
Deed reference: Liber
242701 folio 727
Public utilities: none



Scale: 1" = 40'

2011-0348-A