

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Ridgeborne Avenue, 166.29
feet E of Ridge Road
14th Election District
6th Councilmanic District
(6500 Ridegeborne Drive)

Sarah Bagley
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2011-0349-A**

* * * * *

OPINION AND ORDER

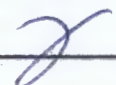
This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owner of the subject waterfront property, Sarah Bagley for property located at 6500 Ridegeborne Drive. The variance request is from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a rear yard setback to a deck of 23 feet in lieu of the required 26.25 feet, and to amend the Deerborne Final Development Plan, Lot #153 only. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct a deck measuring 12 feet x 14 feet. There is no exit from the main floor of the dwelling to the rear yard. Photographs submitted by the Petitioner clearly show that virtually every townhome in the area already enjoys a deck.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 11, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 7-13-11

By 

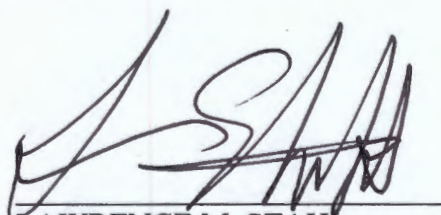
The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and 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 13 day of July, 2011 that a variance from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a rear yard setback to a deck of 23 feet in lieu of the required 26.25 feet, and to amend the Deerborne Final Development Plan, Lot #153 only 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.

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 2

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

SARAH BAGLEY
6500 RIDEGEBORNE DRIVE
BALTIMORE MD 21237

Re: Petition for Administrative Variance
Case No. 2011-0349-A
Property: 6500 Ridegeborne Drive

Dear Ms. Bagley:

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 "LMS", is written over the typed name "LAWRENCE M. STAHL".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure



Petition for Administrative Variance

TO AMEND THE FINAL DEVELOPMENT PLAN OF DEERBORNE.

to the Zoning Commissioner of Baltimore County

for the property located at 6500 Ridgeboerne Dr
which is presently zoned DR-16

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) 1801.2.C.1.6 and 301.1.8C2R,

TO PERMIT A REARYARD SETBACK TO A DECK OF 23' IN LIEU OF THE REQUIRED 26.25', AND TO AMEND THE FDP OF THE ~~DEERBORNE~~ FINAL DEVELOPMENT PLAN.
DEERBORNE

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare 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

ORDER RECEIVED FOR FILING
Date 7-13-11

By [Signature] State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

6500 Ridgeboerne Dr. 443-474-5342
Address Telephone No.

Baltimore MD 21237
City State Zip Code

Representative to be Contacted:

Sarah Bagley
Name

6500 Ridgeboerne Dr. 443-474-5342
Address Telephone No.

Baltimore MD 21237
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 13 day of July, 2011, 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. 2011-0349-1A

REV 10/25/01

Reviewed By [Signature] Date 6.3.11

Estimated Posting Date 6.12.11

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

Address 6500 Ridgeborne Drive
City Baltimore State MD Zip Code 21237

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):

- We have the largest lot in the subdivision, which is one of the few which does not have an existing deck.
 - We have no exit to the rear of our home from the main floor.
 - In comparison to other homes in this subdivision the proposed deck of 12x14' would be of average size, and none of which areas surrounding the house/land would be affected for the fact that our home backs towards on two of the three sides.
 - For functional reasons of which a deck is normally built the proposed 12' out from the home would be the smallest sufficiency therefore requiring a forgiveness of 4ft to the min set back requirements.
- That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Sarah Bagley
Signature
Sarah Bagley
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26 day of May, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Sarah Bagley
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



[Signature]
Notary Public
My Commission Expires 3/10/14

Zoning Property Description For 6500 Ridgeborne Drive

Beginning at a point on the south side of Ridgeborne Drive which is 96.50 feet right-of-way width wide at the distance of 166.29 feet east of the centerline of the nearest improved intersecting street Ridge Road which is 50 feet of right-of-way width wide.

Being Lot #153, Block ___, Section #2B in the subdivision of Deerborne as recorded in Baltimore County Plat Book #69, Folio #108, containing 2,352 square feet. Located in the 14 Election District and 6 Council District.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 06/13/2011

Case Number: 2011-0349-A

Petitioner / Developer: SARAH BAGLEY

Date of Hearing (Closing): JUNE 27, 2011

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
6500 RIDGEBORNE DRIVE

The sign(s) were posted on: JUNE 11, 2011



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0349 -A

Address 6500 RIDGEBORNE DR.

Contact Person: J. Merren
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 6.3.11

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.

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. **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 (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- 0349 -A

Address 6500 RIDGEBORNE DR.

Petitioner's Name SARAH BAILEY

Telephone 443-474-5342

Posting Date: 6.12.11

Closing Date: 6.27.11

Wording for Sign: To Permit A REARYARD SET BACK TO A DECK
OF 23 ft. IN LIEU OF THE REQUIRED 26.25', AND
TO AMEND THE FDP FOR RIDGEBORNE.

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: 2011-0349A

Petitioner: Sarah Bagley

Address or Location: 6500 Ridgely Drive Rosedale, MD 21237

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Telephone Number: 443-474-5342



KEVIN KAMENETZ
County Executive

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

June 20, 2011

Ms. Sarah Bagley
6500 Ridgeborne Drive
Baltimore, MD 21237

RE: Case Number 2011-0349-A, 6500 Ridgeborne Drive

Dear Ms. Bagley,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 3, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel

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 # 11-349-A
Address 6500 Ridgebourne Drive
(Bagley 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



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.:

0349

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



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

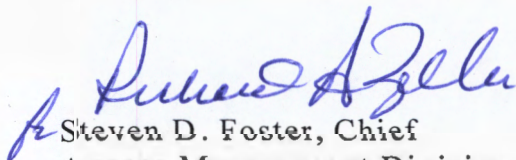
RE: Baltimore County
Item No. 2011-0349-A
Administrative Variance
Sarah Bagley
6500 Ridge Borne Drive

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. 2011-0349-A

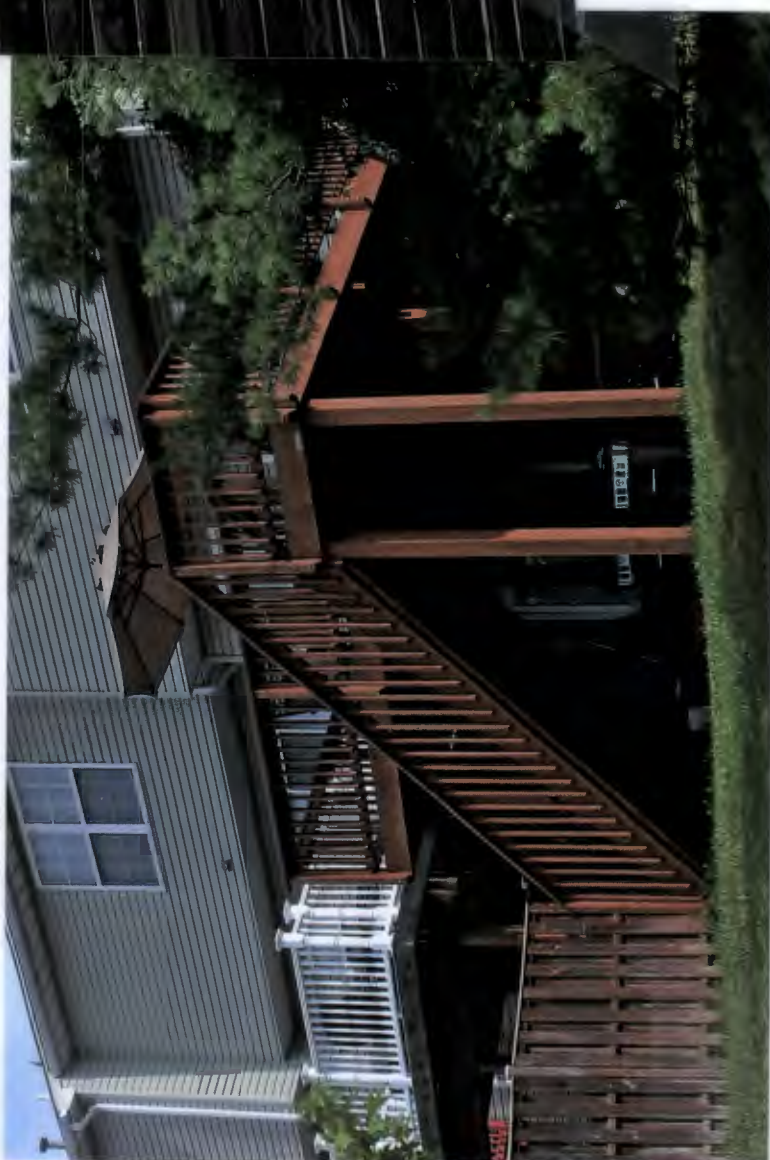
Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz





Pt. Bk./Folio # 066147
Lot # 45
Lot # 46
Lot # 47
Lot # 48

Pt. Bk. 66, Folio 147
Lot # 49
2200020667

ROSS RIDGE RD

2300000107
Lot # 51
2300000106
Lot # 50
2300000105

2300000164
Lot # 161
2300000163
Lot # 160
2300000162
Lot # 159
2300000161
Lot # 158
2300000160
Lot # 157
2300000159
Lot # 156

Pt. Bk. 9, Folio 108
2300000158
Lot # 155

DR 16
RIDGEBORNE DR
PDM # 140111 Folio # 069103

Lot # 142
2300000147
Lot # 143
Lot # 144
Lot # 145
Lot # 146
Lot # 147
2300000152
Lot # 148
2300000153
Lot # 149
Lot # 150
Lot # 151
Lot # 152
Lot # 153
2300000157

6 CD

090A1

14 ED NE 5-F
NE 5-G

Pt. Bk./Folio # 033077
Pt. Bk. 33, Folio 77
1441057920
PDM # 140089

MH

1600003701

1402005870

ROSSVILLE BLVD

ROSSVILLE BLVD

OR 1

1410095290

1600013643
19900317
19890294

DR 16

DR 5.5

195742
199601

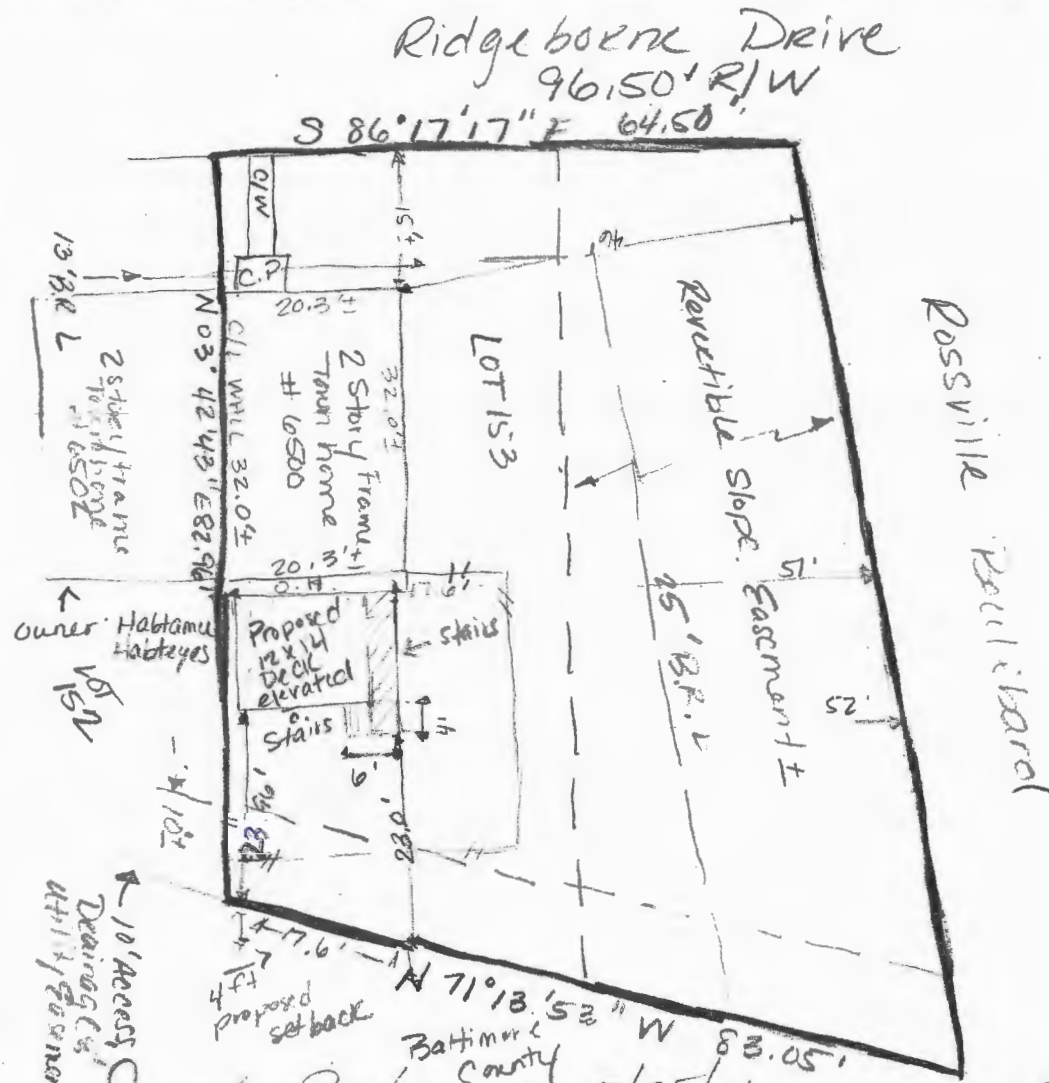
1700014655

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS 6500 Ridgeborne Dr. OWNER(S) NAME(S) Sarah Bagley

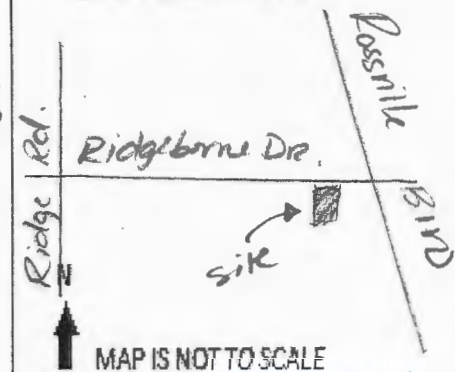
SUBDIVISION NAME Deerborne LOT # 153 BLOCK # _____ SECTION # 2B

PLAT BOOK # 109 FOLIO # 108 10 DIGIT TAX # 2300000157 DEED REF. # _____



PLAN DRAWN BY Sarah Bagley DATE 5/25/11 SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



ZONING MAP# 090A1

SITE ZONED DR-16

ELECTION DISTRICT 14

COUNCIL DISTRICT 6

LOT AREA ACREAGE _____

OR SQUARE FEET 2,352

HISTORIC? No

IN CBCA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS: PUBLIC ☒ PRIVATE _____

SEWER IS: PUBLIC ☒ PRIVATE _____

PRIOR HEARING? No

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:
