

IN RE: PETITION FOR ADMIN. VARIANCE *

N/west of Philadelphia Road, 2,850' SW
of Allender Road
11th Election District
5th Council District
(11440 Philadelphia Road)

Richard P. and April Lynn Naill
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2011-0351-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Administrative Variance filed by Richard P. and April Lynn Naill, legal owners of the above property. The Petitioners are requesting Variance relief under Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing accessory structure (pool) to be located in the side yard in lieu of the required rear yard only. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

This matter was originally filed as an Administrative Variance, with a closing date of July 4, 2011. On July 6, 2011, Lawrence M. Stahl, Managing Administrative Law Judge, called for a formal hearing on this matter based on a review of the file. As is policy, properties with outstanding zoning/code enforcement violations are not handled as Administrative Variances. The hearing was subsequently scheduled for Wednesday, August 3, 2011 at 10:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland. In addition, a sign was posted at the property and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and interested citizens notice of the hearing.

ORDER RECEIVED FOR FILING

Date 8-9-11

By [Signature]

It should be noted that this matter came before me as a result of a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management.¹ A Code Inspections and Enforcement Correction Notice was issued to Petitioners on May 26, 2011, for misrepresentation of pool location in the application. Hence, Petitioners filed the instant variance request.

Appearing at the public hearing in support of the variance request were Petitioners Richard P. and April Lynn Naill. There were no Protestants or other interested persons in attendance.

Testimony and evidence revealed that the subject property is a single family detached dwelling with a garage and shed in the rear yard. The Petitioners engaged C&D Installers to construct an above ground pool at their home. When the crew was installing the pool, Mr. Niall testified that they told him if the pool was situated in the rear yard, the stormwater runoff from the adjoining properties at the rear of lot (which sit at a higher grade) would be diverted onto the property at Franklin and Anna Sheppard, who live at 11444 Philadelphia Road. As such, Mr. Niall told the crew to install the pool at its current location on the side of the home. Mr. Niall testified he had no intent to deceive or misrepresent anything; in fact, he knew the County would conduct a post-construction inspection, and he intended to explain the scenario to the inspector. According to tax records, the dwelling was constructed in 2009 and contains approximately 2,039 square feet.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

¹ CO-0092581

ORDER RECEIVED FOR FILING

Date 8-5-11

By [Signature]

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

The Petitioners have met this test when the subject property is compared to the other lots in this area, since their rear lot configuration essentially dictated the pool be installed in the side yard.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty and/or hardship, in that the pool would need to be removed.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare, as demonstrated by the lack of opposition to the Petition.

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

THEREFORE, IT IS ORDERED, this 9 day of August, 2011 by this Administrative Law Judge that Petitioners' Variance request from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing accessory structure (pool) to be located in the side yard in lieu of the required rear yard only, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

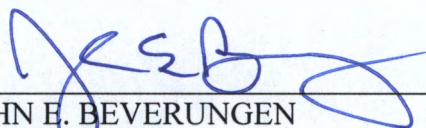
Date 8-9-11

By [Signature]

The relief granted herein shall be subject to the following:

1. The Petitioners may apply for a building permit and may be granted same upon receipt of this Order. However the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioners will 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.

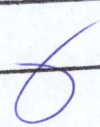


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 4-5-11

By 



KEVIN KAMENETZ
County Executive

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

August 9, 2011

RICHARD P. AND APRIL LYNN NAILL
11440 PHILADELPHIA ROAD
WHITE MARSH MD 21162

Re: Petition for Administrative Variance
Case No. 2011-0351-A
Property: 11440 Philadelphia Road

Dear Mr. and Mrs. Naill:

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 "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11440 Philadelphia Rd.
which is presently zoned RX2H/RO

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, BC2R, to permit an existing accessory structure (pool) to be located in the side yard in lieu of the required rear yard only

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 _____ Date 8-9-11 Telephone No. _____
City _____ By [Signature] State _____ Zip Code _____

Legal Owner(s):

Richard P. Nail
Name - Type or Print _____
Signature [Signature]
Name - Type or Print April L. Nail
Signature [Signature]
11440 Philadelphia Rd. 443-845-89
Address _____ Telephone No. _____
White Marsh Md. 21162
City _____ State _____ Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
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. 2011-0351-A

REV 10/25/01

Reviewed By JNP Date 6/7/2011
Estimated Posting Date 6/19/2011

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 11440 Philadelphia Rd.
City White Marsh State Md. Zip Code 21162

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):

I request that my above ground pool be allowed to stay in the side yard of my property. Due to practical difficulty of my rear yard consisting of macadam parking area. Due to Topography, changing parking area will disrupt the runoff of rainwater to my neighbor at 11444 Philadelphia Rd. It would also make the 12'x20' shed unaccessible.

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.

Richard Naill
Signature
Richard Naill
Name - Type or Print

April Naill
Signature
April Naill
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of June, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Richard & April Naill
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Margaret L. Swann
Notary Public
My Commission Expires 6.27.13

Zoning Property Description for 11440 Philadelphia Rd., White Marsh, MD 21162

Beginning for the same at a point in the center line of Philadelphia Rd. which is 50' wide at a distance of 2,850' southwest of Allender Rd. which is 40' wide. Thence leaving said road at the following courses and distances:

(1st POC) N 64-23'-45" W 20.27';

(2nd POC) N 64-23'-45" W 193.12';

(3rd POC) N 37-20'-11" E 100.21';

(4th POC) S 64-23'-45" E 209.33';

(5th POC) S 35-02'-39 " W 99.47' to 1st POC

As recorded in Deed Liber 26656. Folio 00258 containing 20,738 square feet or 0.4761 acres of Land. Location in the 11th Election District and 5th Council District

204-0351-A

**NOTICE OF ZONING
HEARING**

The Administrative Law Judge 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: # 2011-0351-A

11440 Philadelphia Road
N/West of Philadelphia
Road, 2850 feet south west
of Allender Road
11th Election District
5th Councilmanic District
Legal Owner(s): Richard &
April Nail

Variance: to permit accessory structure (pool) to be located in the side yard in lieu of the required rear yard only.

Hearing: Wednesday, August 3, 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.

JT 07/673 July 19 281716

CERTIFICATE OF PUBLICATION

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 7/19/, 2011.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 2011-0351-A

Petitioner/Developer RICHARD
FAPLIK NALL

Date Of Hearing/Closing: 7/4/11

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 11440 PHILADELPHIA RD

This sign(s) were posted on June 19, 2011
Month, Day, Year
Sincerely,

Martin Ogle 6/19/11
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE# 2011-0351-A

TO PERMIT AN EXISTING ACCESSORY STRUCTURE (POOL)
TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE
REQUIRED REAR YARD ONLY

PUBLIC HEARING ?

PURSUANT TO SECTION 26-1270(X1) 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, JULY 4, 2011

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED
AT 111 W. CHESAPEAKE AVE. TOWSON MD. 21204
TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER THE DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

06/19/2011

myalung 6/19/11



ZONING NOTICE

PUBLIC HEARINGS WILL BE HELD BY
THE BOARD COMMISSIONED
IN TOWNSHIP, MARYLAND

Case #: 2011-0051-A

FROM: BOB JOE, JEFFREY B. BROWN,
JOE WAT, CHRISTOPHER B. BROWN

FOR A DATE: 14th AUGUST 2011 AT 10:00 A.M.

URGENT TO BE HELD IN THE SAME YEAR IN CASE
OF THE ABOVE IS NOT YES ONLY



KEVIN KAMENETZ
County Executive

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

July 13, 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: 2011-0351-A

11440 Philadelphia Road

N/west of Philadelphia Road, 2850 feet southwest of Allender Road

11th Election District – 5th Councilmanic District

Legal Owners: Richard & April Naill

Variance to permit accessory structure (pool) to be located in the side yard in lieu of the required rear yard only.

Hearing: Wednesday, August 3, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Naill, 11440 Philadelphia Road, White Marsh 21162

NOTES: (1) THE COUNTY WILL HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 19, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 19, 2011 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits, Approvals & Inspections
111 West Chesapeake Avenue
Towson, MD 21204

410-887-4587

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2011-0351-A

11440 Philadelphia Road

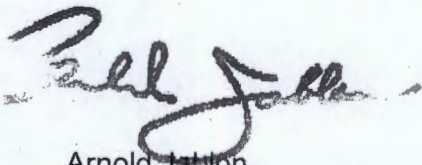
N/west of Philadelphia Road, 2850 feet southwest of Allender Road

11th Election District – 5th Councilmanic District

Legal Owners: Richard & April Naill

Variance to permit accessory structure (pool) to be located in the side yard in lieu of the required rear yard only.

Hearing: Wednesday, August 3, 2011 at 10:00 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.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0351 -A Address 11440 Philadelphia Road

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/7/2011 Posting Date: 6/19/11 Closing Date: 7/4/11

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- 0351 -A Address 11440 Philadelphia Road

Petitioner's Name Richard & April Naill Telephone 443-845-8991

Posting Date: 6/19/2011 Closing Date: 7/4/2011

Wording for Sign: To Permit an existing accessory structure (pool) to be located in the side yard in lieu of the required rear yard only.



KEVIN KAMENETZ
County Executive

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

June 20, 2011

Mr. & Mrs. Naill
11440 Philadelphia Road
White Marsh, MD 21162

RE: Case Number 2011-0351-A, 11440 Philadelphia Road

Dear Mr. & Mrs. Naill,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 7, 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
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

AV 7/4/11

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: June 30, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-351-A
Address 11440 Philadelphia Road
(Naill 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



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



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

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 & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2011-0351-A
Administrative Variance
Richard P. Naill
11440 Philadelphia Road

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 6-8-11. A field inspection and internal review reveals that an entrance onto MD7 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for variance, Case Number 2011-0351-A.

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

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



From: Patricia Zook
To: Campbell, Rose; Lewis, Kristen
CC: Wiley, Debra
Date: 7/6/2011 4:11 PM
Subject: Case No. 2011-0351-A located at 11440 Philadelphia Road - set for hearing
Attachments: IO-2011-0351-A - AV has violation-set in for hearing.doc

Ladies -

Please see the attached memo from Larry. He has determined that this matter shall be set in for a hearing.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.

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.: 2011-0351-A
Legal Owner/Petitioner: Richard Naill
Contract Purchaser:
Property Address: 11440 Philadelphia Road, Balto. Md. 21162
Location Description:

VIOLATION INFORMATION: Case No. CO0092581
Defendants: Richard Naill

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
Bob Peters Building Inspector	111 W. Chesapeake Avenue, Room G21

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



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

OFFICE HOURS: 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. CO-0092581	Property No. 2500003662	Zoning 1140 District
--	-----------------------------------	--------------------------------

Name(s): **Richard Nall**

Address: **11440 Philadelphia Rd. 21162**

Violation Location: **same as above**

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Code 2003

Baltimore County Council Bill 47-10

Part 112.6 Revocation of Permits

- Permit B760766 was issued to allow placement of an above ground pool on rear property only. Due to misrepresentation of fact in the application, this permit must be replaced upon County approval of existing pool location.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 6/13/11	DATE ISSUED: 5/12/11
------------------------------	-----------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: **Bob Peters**

INSPECTOR: **Bob Peters**

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE:	DATE ISSUED:
---------------	--------------

INSPECTOR: _____

DE ENFORCEMENT REPORT

DATE: 5 / 26 / 11 INTAKE BY: B. Peters CASE #: CO-0092581 INSPEC: B. Peters

COMPLAINT

LOCATION: 11440 Philadelphia Rd. - Richard Naill - 3760766

White Marsh, MD

ZIP CODE: 21162 DIST: 11

COMPLAINANT

NAME: Bob Peters PHONE #: (H) _____ (W) _____

ADDRESS: 111 West Chesapeake Ave Towson, MD ZIP CODE: 21204

PROBLEM: Homeowner installed above ground pool on side yard,
rather than rear yard as stated on application & permit. Issued
correction notice. Informed to contact zoning. R/C 6/10/11 B.P.

IS THIS A RENTAL UNIT? YES ☐ NO ☐

IF YES, IS THIS SECTION 8? YES ☐ NO ☐

OWNER/TENANT

INFORMATION: _____

TAX ACCOUNT #: 2500003662 ZONING: _____

INSPECTION:

REINSPECTION:

REINSPECTION:

REINSPECTION:

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: July 6, 2011

TO: Kristen Matthews
Dept. of Permits and Development Management

FROM: Patricia Zook, Legal Secretary to
Lawrence M. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings

RE: **Petition for Administrative Variance – Closing Date of 7-4-11**
Case No. 2011-0351-A located at 11440 Philadelphia Road
Hearing Is Required

After the review of the above-captioned case file, Larry Stahl has determined that this case shall be set in for a formal hearing. Case No. 2011-0351-A is currently the subject of an active violation case, namely CO-0092581. Historically this Office has conducted hearings on cases that have violations. As is policy, properties with outstanding zoning/code enforcement violations shall not be handled as Administrative Variances.

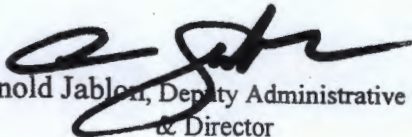
We are returning the file to you for further processing, i.e., notifying the Petitioners, posting of the hearing notice, advertising, etc. Per Larry, the County is to post and advertise the hearing.

Thank you for your attention and cooperation in this matter.

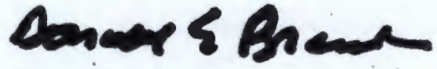
c: Rose Campbell, Zoning Review Office
Debbie Wiley, Office of Administrative Hearings

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS, APPROVALS, AND INSPECTIONS


Arnold Jablon, Deputy Administrative Officer
& Director




Donald E. Brand, Building Engineer

30-AC
BUILDING PERMIT

PERMIT #: B760766 CONTROL #: RS DIST: 11 PREC: 09
DATE ISSUED: 05/03/2011 TAX ACCOUNT #: 2500003662 CLASS: 04

PLANS: CONST 00 PLOT 2 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 11440 PHILADELPHIA RD
SUBDIVISION: 2850FT SW OF ALLENDER RD

OWNERS INFORMATION

NAME: NAILL, RICHARD
ADDR: 11440 PHILADELPHIA RD / WHITE MARSH, MD
21162

TENANT:

CONTR: C & D INSTALLERS

ENGR:

SELLR:

WORK: INSTALL 21' DIAMETER ABOVE GROUND SWIMMING POOL
~~IN REAR PROPERTY OF SFD~~ CARTRIDGE FILTER. TO BE
FILLED HOSE W/ VACUUM BREAKER. POOL Ladder ATT'D
LADDER TO REMAIN IN UPRIGHT OR LOCKED POSITION
WHEN POOL NOT IN USE. OWNER AFFIDAVIT ATTACHED

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD & POOL

EXISTING USE: SFD

TYPE OF IMPRV: NEW BUILDING CONTRUCTION

USE: SWIMMING POOL

FOUNDATION:

SEWAGE: PUBLIC EXIST

BASEMENT:

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 20738SF

FRONT STREET:

SIDE STREET:

FRONT SETB: NC

SIDE SETB: 69'/10'

SIDE STR SETB:

~~REAR SETB:~~ 12'

11R INSPECTOR COPY

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES

111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204

DATE: 06/15/2011

STANDARD ASSESSMENT INQUIRY (1)

TIME: 08:06:11

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
25 00 003662	11	3-0	04-00	H	NO		04/20/11

NAILL RICHARD P DESC-1.. IMPS.4761AC

NAILL APRIL LYNN DESC-2.. 2850FT SW OF ALLENDER R

11440 PHILADELPHIA RD PREMISE. 11440 PHILADELPHIA RD

00000-0000

WHITE MARSH MD 21162-1420 FORMER OWNER: SHEPPARD FRANKLIN/ANNA

----- FCV -----			----- PHASED IN -----		
	PRIOR	PROPOSED		CURR	PRIOR
				CURR	
LAND:	104,180	84,180		FCV	ASSESS
IMPV:	200,760	212,670	TOTAL..	296,850	296,850
TOTL:	304,940	296,850	PREF...	0	0
PREF:	0	0	CURT...	296,850	296,850
CURT:	304,940	296,850	EXEMPT.		0
DATE:	03/09	03/09			

----	TAXABLE BASIS	----	FM DATE
	ASSESS:	296,850	11/16/10
	ASSESS:	296,850	
	ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Ret
Ex #2



06/06/2011



06/06/2011



06/06/2011



06/06/2011



06/06/2011



06/06/2011



06/06/2011

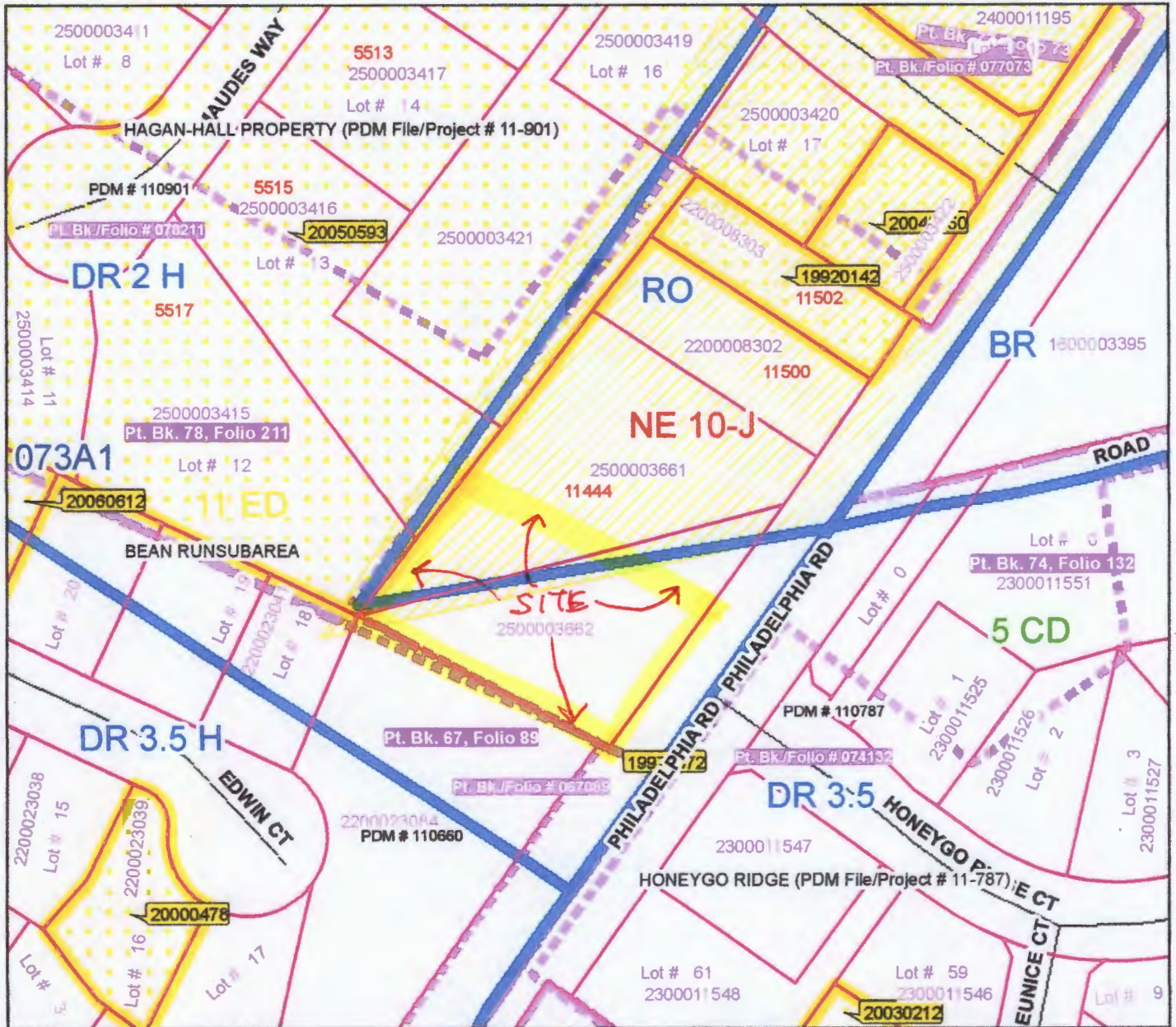


06/06/2011



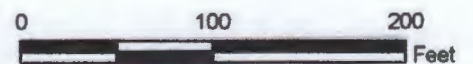
06/06/2011

11440 Philadelphia Road



Publication Date: April 20, 2011
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



1 inch = 100 feet

2011-0351-A

P's Ex. 1

5-11 JUL 1971 11:52-11 11 100 166

LAND OF
JEFFREY S. &
LISA BAYNE
PLAT 78-211

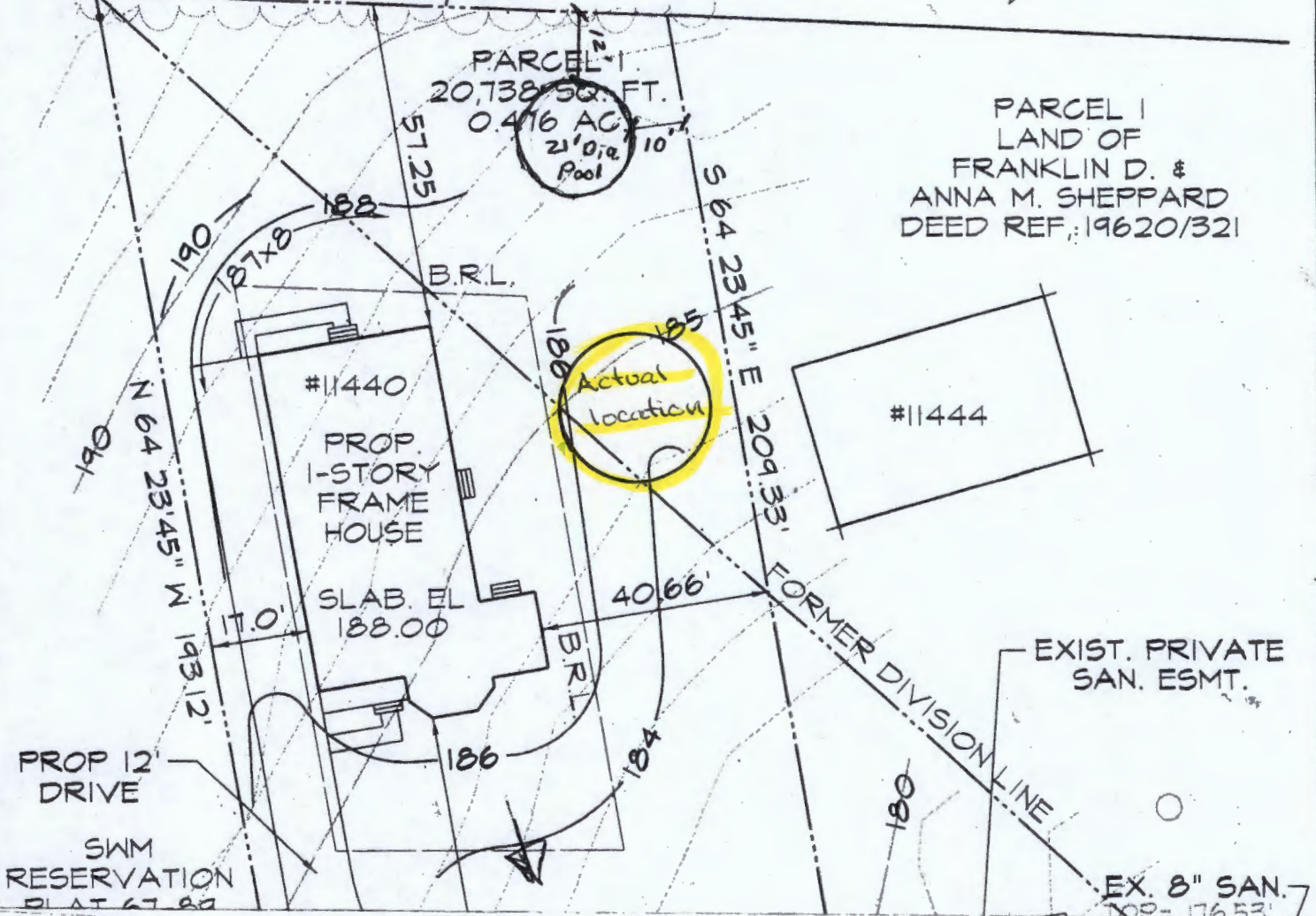
LAND OF
RICHARD W. &
JOSEPHINE G. TERRILL
PLAT 78-211



N 37°20'00" E 00.21'

PARCEL 1
20,738 SQ. FT.
0.476 AC.
21'0" Pool

PARCEL 1
LAND OF
FRANKLIN D. &
ANNA M. SHEPPARD
DEED REF: 19620/321



3760766

746766