#### IN RE: PETITION FOR ADMIN. VARIANCE

S side of Emory Road; 1,000 feet SW of the c/l of Parrish Road 4<sup>th</sup> Election District 3<sup>rd</sup> Councilmanic District (5701 Emory Road)

Casey B. and Jennifer J. Allender Petitioners

- \* BEFORE THE
- \* OFFICE OF
- \* ADMINISTRATIVE HEARINGS
- \* FOR BALTIMORE COUNTY
- \* Case No. 2011-0354-A

#### OPINION AND ORDER

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Casey B. and Jennifer J. Allender for property located at 5701 Emory Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (shed with loft) with a height of 20 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a large shed to accommodate the family's toys, clothes, tools, equipment, car seats, lawn equipment, seasonal belongings, etc. These items can no longer be stored within the existing dwelling. None of the neighbors expressed any concern about the size of the shed. The property contains 1.190 acres zoned RC 2.

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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 19, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Office of Planning did not make any recommendations related to the shed height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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 day of July, 2011 that a variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (shed with loft) with a height of 20 feet in lieu of the required 15 feet is hereby GRANTED, subject to the following:

- The Petitioners may apply for their building permit and be granted same upon receipt of
  this Order; however, Petitioners are hereby made aware that proceeding at this time is at
  their own risk until such time as the 30 day appellate process from this Order has expired.
  If, for whatever reason, this Order is reversed, the Petitioners would be required to return,
  and be responsible for returning, said property to its original condition.
- The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

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Date	7-13-11	2
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-		

3. The accessory structure shall not be used for commercial purposes.

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

TIMOTHY M. KOTROCO Administrative Law Judge for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date\_\_\_\_\_\_



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL

Managing Administrative Law Judge

JOHN E. BEVERUNGEN

TIMOTHY M. KOTROCO

Administrative Law Judges

July 13, 2011

CASEY B. AND JENNIFER J. ALLENDER 5701 EMORY ROAD UPPERCO MD 21155

> Re: Petition for Administrative Variance Case No. 2011-0354-A Property: 5701 Emory Road

Dear Mr. and Mrs. Allender:

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, 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 contact our appeals clerk at 410-887-3391.

Sincerely,

TIMOTHY M. KOTROCO

hurby 16troco

Administrative Law Judge

for Baltimore County

TMK:pz

Enclosure

# **Petition for Administrative Variance**



to the Zoning Commissioner of Baltimore County for the property

located at 5701 Emory Road. Upperco, Maryland 21155-9760

which is presently zoned RC2

Deed Reference: 21232 / 724 Tax Account # 2200014018

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)

accessory structure (sher with loft) with a height of 20 ft. in lieu of the required 15 ft.

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 is the subject of this Petition.	owner(s) of	the property which
Contract Purchaser/Lessee:		Legal Owner(s):		
		Casey B. Allend	er	
Name - Type or Print		Name - Type or Print	11-	
Signature		Signature Jennifer J. Allender		
Address	Telephone No.	Name - Type or Print  Genula Q. A	000-01	(4)
City State	Zip Code	Signature	X WILL	
Attorney For Petitioner:		5701 Emory Road		410-429-4440
		Address		Telephone No.
		Upperco	MD	21155-9760
Name - Type or Print		City	State	Zip Code
Signature  Company ORDER RECEIVED FOR F	LING	Representative to be C  Jennifer Allender	ontacted	<u>:</u>
Company ORDER HEUZI		Name 5701 Emory Road		410-429-4440
Address Date	Telephone No.	Address Upperco	MD	Telephone No. 21155-9760
City By State	Zip Code	city JAllenderlace	omitals	ot.net Zip Code
A Public Hearing having been formally demanded this day of that regulations of Baltimore County and that the property	t the publicat matter of	quired, it is ordered by the Zoning Col this petition be set for a public hearing,	nmissioner o advertised, a	of Baltimore County, as required by the zoning
		Zoning Commissioner of	f Baltimore C	County
Case No. 2011-0354-A	Rev	newed By RK D		
	Estimated Po	esting Date 6/19/11		
EDM476 00				Day 2/00

### **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 5701

EMORY ROAD

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 reason for the variance is due to the economical conditions. We cannot afford to move so we are trying to maximize our space and put a loft in the shed. We have a lot of kids toys, clothes, equipment, car seats and other stuff that needs to be stored and out of the way. Not to mention out of season existing clothing and other things that are being stored. We also have lots of equipment and tools and other lawn equipment to be stored when not in use. We really need the extra storage area etc to make more room in our house for living space. We really need more space so that our kids can play in a safe environment where things are not falling all over the place when we try to get them out.

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.

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

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this the 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): Lessifie J. Allerder Casey B. Allerder the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Name of Notary Public Commission expires

PLACE SEAL HERE

FRM476 09

Rev 3/09

## ZONING DESCRIPTION FOR

5701 Emory Road. Upperco, MD. 21155-9760

Beginning at a point on the North side of Emory Rd. beginning at the first, North 49 degrees 02 minutes 46 seconds East which is 173.00 feet wide of the centerline of Emory Rd. 1000 feet SW of Parrish Road.

Thence leaving said line and said road and running for the lines of division now made through the property, the following courses and distances: (1) S.63 52' 23" E. 117.26', (2) S.34 00' 00" E. 91.51', (3) S.42 45' 49" E. 174.84, (4) S.51 22' 37"W 57.30' and N.63 43' 32" W.402.65 to the place of the beginning. Located in the 4th Election District, 3rd Council District. Being Lot No. 2 as shown on the minor subdivision plat entitled "Final Plat property of James A. Gede Jr., et al" as recorded among the Land Records of Baltimore County in Liber S.M. 21232 folio 724 containing 1.190 acres, also known as 5701 Emory Road. Upperco, MD. 21155

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obi	Date:		Amount	TO SEE THE STATE OF THE SECOND
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For:				- 1	u j	E:	-		
									-
	JTION			4					CASHIIER'S VALIDATION

#### CERTIFICATE OF POSTING

Date: 6-19-11 RE: Case Number: 2011-0354-A Petitioner/Developer: Casey and Jen Allander Date of Hearing/Closing: 7/4/11 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 5701 Emony Rd The signs(s) were posted on 6-(9-1) (Month, Day, Year) LUNING NOTICE J. LAWRENCE PILSON (Printed Name of Sign Poster) 1015 Old Barn Road (Street Address of Sign Poster) Parkton, MD 21120 (City, State, Zip Code of Sign Poster) PUBLIC HEARING PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE, 410-343-1443 REQUEST A PUBLIC HEARING CONCERNING (Telephone Number of Sign Poster) THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFI

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	e Number 2011- 0354 -A Address 5701 Emory RQ.
Cont	tact Person: Bruns Rulaitis Phone Number: 410-887-3391
Filin	g Date: 6/9/11 Posting Date: 6/19/11 Closing Date: 7/4/11
Any throu	contact made with this office regarding the status of the administrative variance should be ugh the contact person (planner) using the case number.
1.	<u>POSTING/COST</u> : 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.	<u>DEADLINE:</u> 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.	<u>POSSIBLE PUBLIC HEARING AND REPOSTING:</u> 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)
Petit	ioner: This Part of the Form is for the Sign Poster Only
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case	Number 2011- 0354 -A Address 5701 Emory Rd.
Petiti	oner's Name Casey & Jenn: for Allender Telephone 40. 429-4440
Post	ing Date: 6/19/11 Closing Date: 7/4/11
Word	ting Date: 6/19/11 Closing Date: 7/4/11  ding for Sign: To Permit an accessory structure (but) with a heaglet of 20f
in	lien of the required 15 ft.

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. 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.

Item Number or Case Number:	2011-0354-A
Petitioner:Caseu + Jennife	er Allender
Petitioner: <u>Casey + Jennife</u> Address or Location: <u>570/</u> F	Emory Road
PLEASE FORWARD ADVERTISIN Name: <u>Casey</u> + Jennife	
Address: 5701 Emor Upper(0, M	y Road



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 6-22-2011

Ms. Kristen Matthews Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204 RE: Baltimore County
Item No 2011-035A-A
5701 EMORY ROAD
ALLEHDER PROPERTY
ADMIN. VARIANCE

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. 2011-0364-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

Access Management Division

SDF/mb

Minte



KEVIN KAMENETZ County Executive JOHN J. HOHMAN, Chief Fire Department

June 28,2011

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

ATTENTION: Zoning Review

Distribution Meeting of: June 20, 2011

Item No.:

Special Hearing: 2011-0355-SPHA, 2011-0357-SPHA

Administrative Variance: 2011-0352A - 0354A

Variance: 2011-0355-SPHA, 2011-0356A, 2011-0357-SPHA, 2011-0358A

#### Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3<sup>RD</sup> Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov

cc: File



KEVIN KAMENETZ County Executive JOHN J. HOHMAN, Chief Fire Department

June 28,2011

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

ATTENTION: Zoning Review

Distribution Meeting of: June 20, 2011

Item No.:

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Don W. Muddiman, Inspector
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3<sup>RD</sup> Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov

cc: File

## BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June22, 2011

Hearing 1/4/11

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For July 05, 2011

Item Nos. 2011-138, 352, 353, 354, £55, 356, 357

And 358.

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-07052011 -NO COMMENTS.doc

## BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June22, 2011

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For July 05, 2011

Item Nos. 2011-138, 352, 353, 354, 355, 356, 357

And 358.

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-07052011 -NO COMMENTS.doc

From:

**Curtis Murray** 

To:

Wiley, Debra

CC:

Lanham, Lynn

Date:

6/28/2011 11:48 AM

Subject:

Re: ZAC Comments

Hi Debbie,

11-138- Was sent on 6/24

V Reid

11-352-354- We Administrative, No Comment sent to ALJ

11-355-358- Comments have not been generated as of today.

Have great day :O),

Curtis J. Murray
Development Planner
Baltimore County Office of Planning
105 W. Chesapeake Avenue, Suite 101
Towson, MD 21204
Phone (410) 887-3480
Fax (410) 887-5862
cjmurray@baltimorecountymd.gov

>>> Debra Wiley 06/23/11 3:48 PM >>>

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you have any questions or concerns.

2011-0138-SPHA - 9601 Liberty Road (REMANDED back to OAH from Board of Appeals)

2011-0352-A (Administrative Variance) - 13 Campitelli Court (Closing Date 7/4/10)

2011-0353-A (Administrative Variance) - 7512 Knollwood Rd. (Closing Date 7/4/10)

2011-0354-A (Administrative Variance) - 5701 Emory Rd. (Closing Date 7/4/10)

2011-0355-SPHA -14425-14423 Thornton Mill Road (No Hearing Date reflected in data base as of today)

2011-0356-A - 68 Del Rio Road (No Hearing Date reflected in data base as of today)

2011-0357-SPHA - 1407 Vesper Ave. (No Hearing Date reflected in data base as of today)

2011-0358-A - 802 Overbrook Rd. (No Hearing Date reflected in data base as of today)

Maryland Department of Assessments and Taxation Real Property Data Search (vw3.1A) BALTIMORE COUNTY

Go Back View Map New Search GroundRent Redemption GroundRent Registration

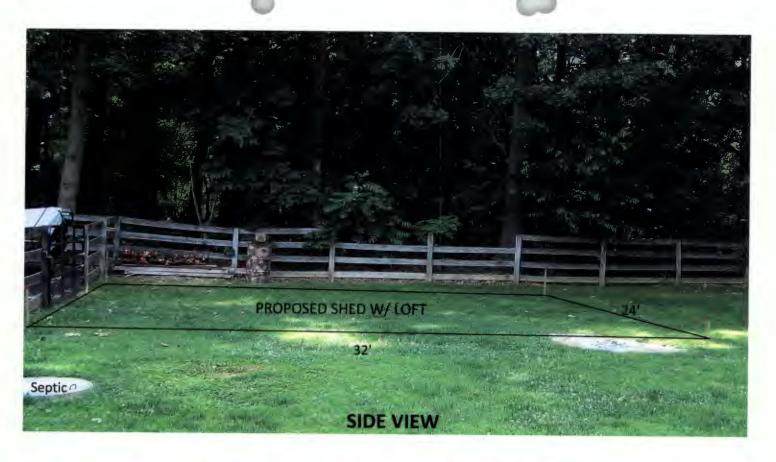
				Owner Inform	nation					
Mailing Address: 5701 E		NDER CASEY B NDER JENNIFER J MORY RD RCO MD 21155-9760		Use: Principal Residence: Deed Reference:			RESIDENTIAL YES 1)/21232/00724 2)			
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Special Tax A	reas	Town Ad Valorem Tax Class	NONE							
Primary Stru 1995	cture Built		Enclosed Area 1,980 SF Property Land Area 1,1900 AC			County Use 04				
	asement ES	Type STANDARD UN	Exterior IT SIDING							
				Value Inform	nation					
		Base Value	Value As Of 01/01/2010	Phase-in Ass As Of 07/01/2010	As Of 07/01/201	11 .				
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	HER JOHN S ON-ARMS LE	SCOTT STATES			Date: Deed1:	11/04/1994 /10820/ 0048	30	Price: Deed2:	\$0	
	EDE JAMES A	ALLEN,JR H IMPROVED	-		Date: Deed1:	10/16/1992 /09412/ 0038	39	Price: Deed2:	\$55,000	
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Tax Exempt: Exempt Class								Tax Recapt	ure:	



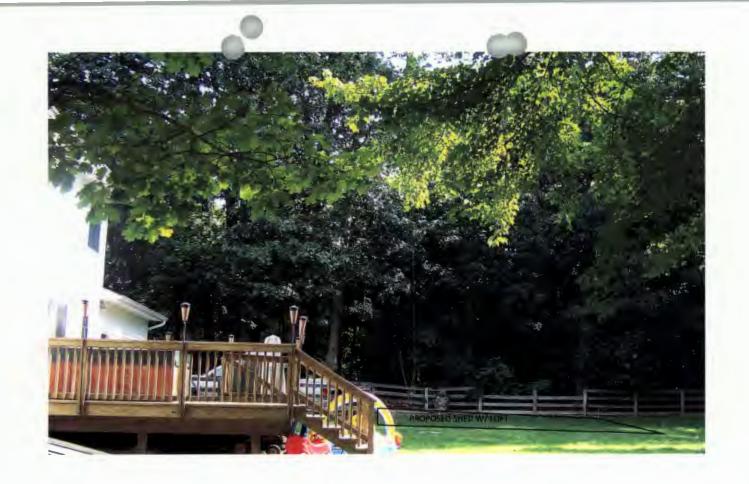
**FRONT VIEW OF HOUSE** 



**CLOSE UP of FRONT VIEW** 







**ADDITIONAL SIDEVIEW SHOWING DECK** 

