

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Old Harford Road; 40.08 feet N
side of Hillcrest Avenue
9th Election District
5th Councilmanic District
(7602 Old Harford Road)

Nancy L. Bagley
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2011-0374-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 owner of the subject property, Nancy L. Bagley for property located at 7602 Old Harford Road. Resolution 80-11 concerning the public disclosure of the Petitioner, an employee of the Baltimore County Police Department, was approved at the County Council meeting held on August 1, 2011. The variance request is from Section 1B02.3.C. of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front setback of 17 feet in lieu of the required 25 feet to enclose the front porch. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner has an existing porch that she wishes to enclose. The dwelling was constructed in 1928 prior to the imposition of zoning on the property.

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 July 17, 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 8-10-11

By 

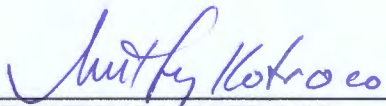
The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and 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 10th day of August, 2011 that a variance from Section 1B02.3.C. of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front setback of 17 feet in lieu of the required 25 feet to enclose the front porch, be and is hereby GRANTED, subject to the following:

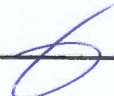
1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order 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.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz
ORDER RECEIVED FOR FILING

Date 8-10-11

By 



KEVIN KAMENETZ
County Executive

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

August 10, 2011

NANCY L. BAGLEY
7602 OLD HARFORD ROAD
BALTIMORE MD 21234

Re: Petition for Administrative Variance
Case No. 2011-0374-A
Property: 7602 Old Harford Road

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, 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,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: Joseph Donovan, Brothers Services, 111 Hanover Pike, Hampstead MD 21074



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property located at 1802.3 7602 OLD HARFORD Rd. which is presently zoned DRS.5

Deed Reference: 6196-100024 Tax Account # 091274070

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) 1802.3.C.; BCZR, TO

PERMIT A FRONT SETBACK of 17 1/2 ft. in lieu of THE REQUIRED 25ft. TO ENCLOSE THE FRONT PORCH.

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.

Contract Purchaser/Lessee:

NANCY BAGLEY
Name - Type or Print

Signature

Address 7602 OLD HARFORD Rd

City BAITIMORE, State MD Telephone No. 410 665 5918 Zip Code 21234

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

City

Legal Owner(s):

NANCY BAGLEY
Name - Type or Print

Signature

Name - Type or Print Nancy L. Bagley

Signature

Address 7602 OLD HARFORD RD

City Baltimore, State MD Telephone No. 410 665 5918 Zip Code 21234

Representative to be Contacted:

JOSEPH DONOVAN & BROTHERS SERVICES
Name

Address 111. HANOVER PIKE, Telephone No. 410-465-8561

City HAMPSTEAD, State MD Zip Code 21074

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 0374 day of July, 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.

Case No. 2011-0374 A

Reviewed By [Signature] Date 7/6/11
Posting Date 7/17/11

ORDER RECEIVED FOR FILING

FRM476-08 Date 8-10-11

By [Signature]

Rev 3/09

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 7002 OLD HARFORD RD.
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)

IN ORDER TO FULLY COMPLY WITH LOCAL BUILDING
CODES WHEN THE PORCH IS ENCLOSED WITH WINDOWS AND
A DOOR THE CODE REQUIRES THAT THE PRE EXISTING
PORCH BE WITHIN ESTABLISHED BUILDING SET BACK
LINES. AS THIS IS A PRE EXISTING STRUCTURE WE
WILL NEED A VARIANCE.

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.

Signature

Signature

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 22nd 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): Nancy Bagley
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:



Joseph Donovan

From: Joseph Donovan
Sent: Thursday, June 23, 2011 6:17 AM
To: Joseph Donovan
Subject: Bagley

zoning property description

Bagley Residence
7602 Old Harford Rd
Baltimore, MD 21234

Zoning Property Description

Beginning at a point on the North side of Old Harford Road, which is 40 feet wide right of way width, at the distance of 40.08 feet to the Northeast side of the nearest improved intersecting street, Hillcrest avenue which is 50 feet right of way width

Certificate of Posting

Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: July 17, 2011

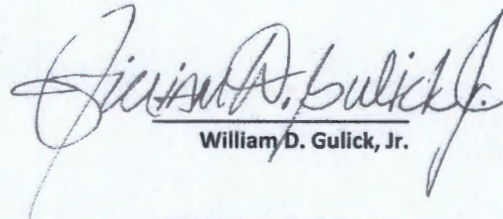
Attention: Zoning Office, Ms. Kristen Lewis

Re: Case Number: 2011-0374-A
Petitioner/Developer: Nancy Bagley
Date of Hearing/Closing: August 1, 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: 7602 Old Harford Road

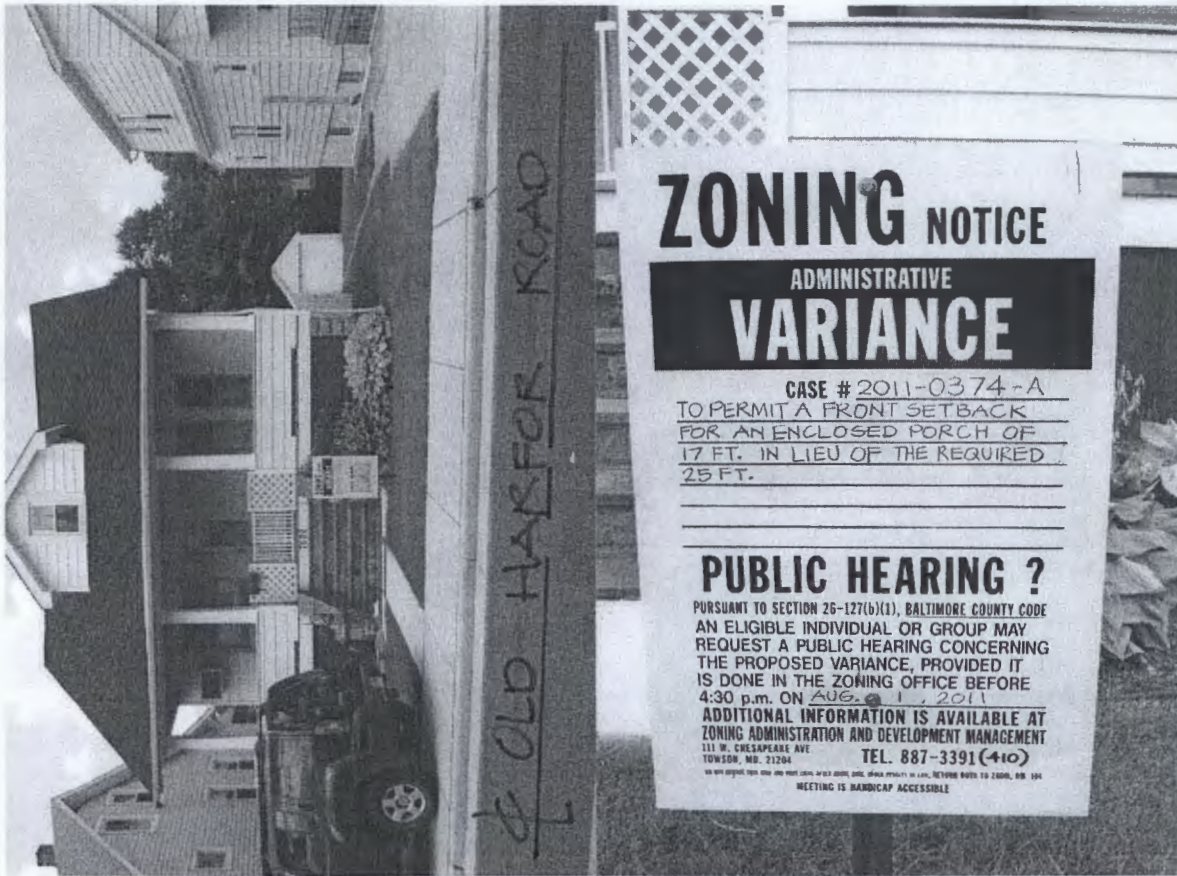
The sign(s) were posted on:

July 17, 2011



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011- 0374 -A Address 7602 OLD HARFORD Rd.

Contact Person: J. Merrey Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/6/11 Posting Date: 7/17 Closing Date: 8/1

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- 0374 -A Address 7602 OLD HARFORD Rd.

Petitioner's Name NANCY BASLEY Telephone 410-356-7663

Posting Date: 7/17/11 Closing Date: 8/1/11

Wording for Sign: To Permit A FRONT YARD SETBACK FOR AN
ENCLOSED Porch of 17ft. in LIEU of the
REQUIRED 25ft.

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: 2011-0374 A

✓ Petitioner: NANCY BAGLEY

✓ Address or Location: 7602 OLD HARFORD RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Brothers Services

Address: 111 Hanover Pike

Hampstead, MD 21074

Telephone Number: 410-356-7663



KEVIN KAMENETZ
County Executive

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

July 27, 2011

Nancy Bagley
7602 Old Harford Road
Baltimore, MD 21234

RE: Case Number 2011-0374-A, 7602 Old Harford Road

Dear Nancy Bagley,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 6, 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
Joseph Donovan, c/o Brothers Services, 111.Hanover Pike, Hampstead, MD 21074

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 18, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For July 25, 2011
Item Nos. 2011-363, 370, 371, 372, 374
And 375.

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-07252011 -NO COMMENTS.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 7-15-11

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

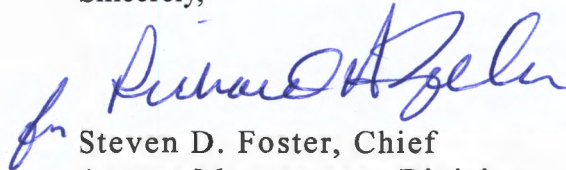
RE: Baltimore County
Item No. 2011-0374-A
Administrative Variance
Nancy Bagley
7602 Old Harford Road

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2011-0374-A.

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

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 13, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **July 11, 2011**

Item No.:

Special Hearing: 2011-0370-SPHA.

Administrative Variance: 2011-0363A, 2011-371A-0372A, 2011-0374A.

Variance : 2011-0370-SPHA, 2011-0373A, 2011-0375A.

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



**County Council
of
Baltimore County**

Court House
Towson, Maryland 21204

410-887-3196
Fax: 410-887-5791

Tom Quirk
FIRST DISTRICT

Vicki Almond
SECOND DISTRICT

Todd Huff
THIRD DISTRICT

Kenneth N. Oliver
FOURTH DISTRICT

David Marks
FIFTH DISTRICT

Cathy Bevins
SIXTH DISTRICT

John Olszewski, Sr.
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

AV 8/1

2011-0374-A

August 2, 2011

Lawrence M. Stahl, Esquire
Baltimore County Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

RECEIVED

AUG 03 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Mr. Stahl:

Attached please find a copy of Resolution 80-11 concerning the public disclosure of Nancy L. Bagley, an employee of the Baltimore County Police Department. Ms. Bagley has applied for a variance to enclose the front porch of her residence at 7602 Old Harford Road, Parkville, Maryland 21234.

This Resolution was approved by the County Council at its August 1, 2011 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

cc: Nancy L. Bagley

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2011, Legislative Day No. 13

Resolution No. 80-11

Mr. David Marks, Councilman

By the County Council, August 1, 2011.

A RESOLUTION concerning the public disclosure of Nancy L. Bagley, an employee of the Baltimore County Police Department.

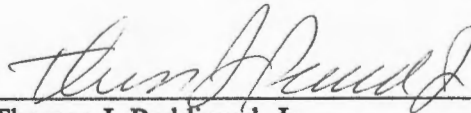
WHEREAS, Nancy L. Bagley, an employee of the Baltimore County Police Department, has applied for a variance to enclose the front porch of her residence at 7602 Old Harford Road, Parkville, Maryland 21234; and

WHEREAS, this Resolution is intended to provide full public disclosure under Section 32-1-102 of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the zoning request filed by Nancy L. Bagley, does not contravene the public welfare.

READ AND PASSED this 1ST day of AUGUST, 2011.

BY ORDER

A handwritten signature in cursive script, appearing to read "Thomas J. Peddicord, Jr.", written over a horizontal line.

Thomas J. Peddicord, Jr.
Secretary

ITEM: RESOLUTION 80-11

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: July 20, 2011

SUBJECT: DEPS Comment for Zoning Item # 11-374-A
Address 7602 Old Harford Road
(Bagley Property)

Zoning Advisory Committee Meeting of July 11, 2011.

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

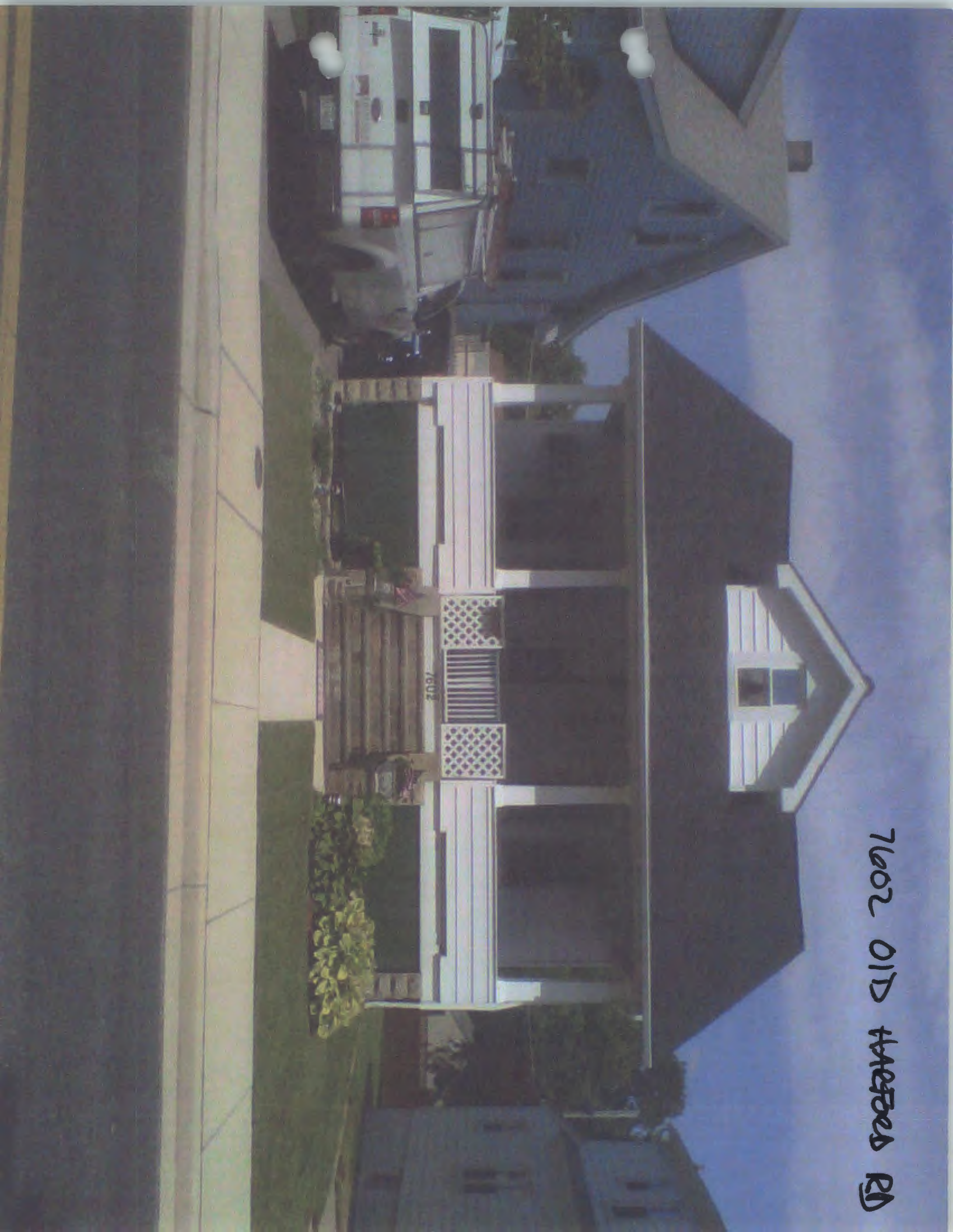
Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

JUL 20 2011

OFFICE OF ADMINISTRATIVE HEARINGS

7602 OLD WAREDS RD



7600
OLD
HARFORD RD



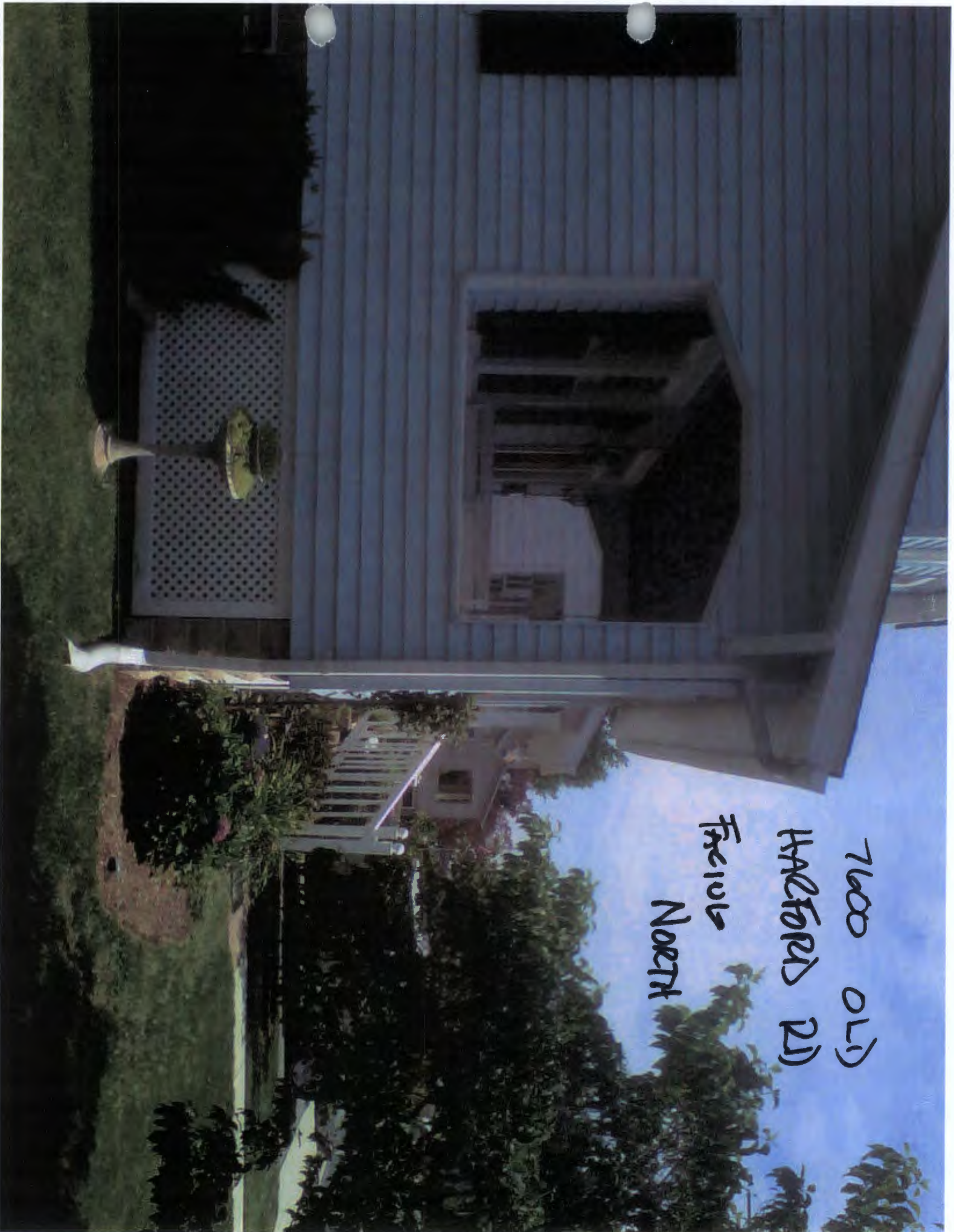
7604
OLD
HARFORD RD



7606
OLD
HARFORD
RD



7600 OLD
HALLFORD RD
FACILE
NORTH





NE 8-D

08.1A1
5 CD

9 ED

DR 5.5

NE 7-D

WINDSOR RD

HILLCREST AVE

OLD HARFORD RD

LINGANORE AVE

OLD HARFORD RD

WENDOVER RD

WENTWORTH RD

OAKCREST AVE

198502C

19850169

20020138

19920020

Pt. Bk./Folio # 010082

Pt. Bk./Folio # 005062

Pt. Bk. 5, Folio 62

Pt. Bk. 7, Folio 28

Pt. E Lot # 156

Pt. Bk./Folio # 007028

PDM # 098069

Pt. Bk./Folio # 006172

PDM # 098072

PDM # 0980

PDM # 090032

2619

2624

2643

7601

7606

7608

7611

2801

2803

7601

Lot # 32

Lot # 29

0919003020

Lot # 26

Lot # 23

0913551070

Lot # 21

0919071610

Lot # 19

0907470710

Lot # 88

0901850050

Lot # 10

Lot # 74

0906450450

Lot # 76

Lot # 80

Lot # 83

0904000650

Lot # 86

0902571030

Lot # 89

0912740150

Lot # 92

0911771407

Lot # 94

0902651430

Lot # 1

Lot # 3

Lot # 5

Lot # 7

0918720390

Lot # 9

0920300430

Lot # 11

Lot # 1

0905880110

Lot # 3

0905880100

Lot # 5

0926400190

Lot # 7

0919071140

Lot # 9

0906450490

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0904500500

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0906571460

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0920300420

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Lot # 1

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

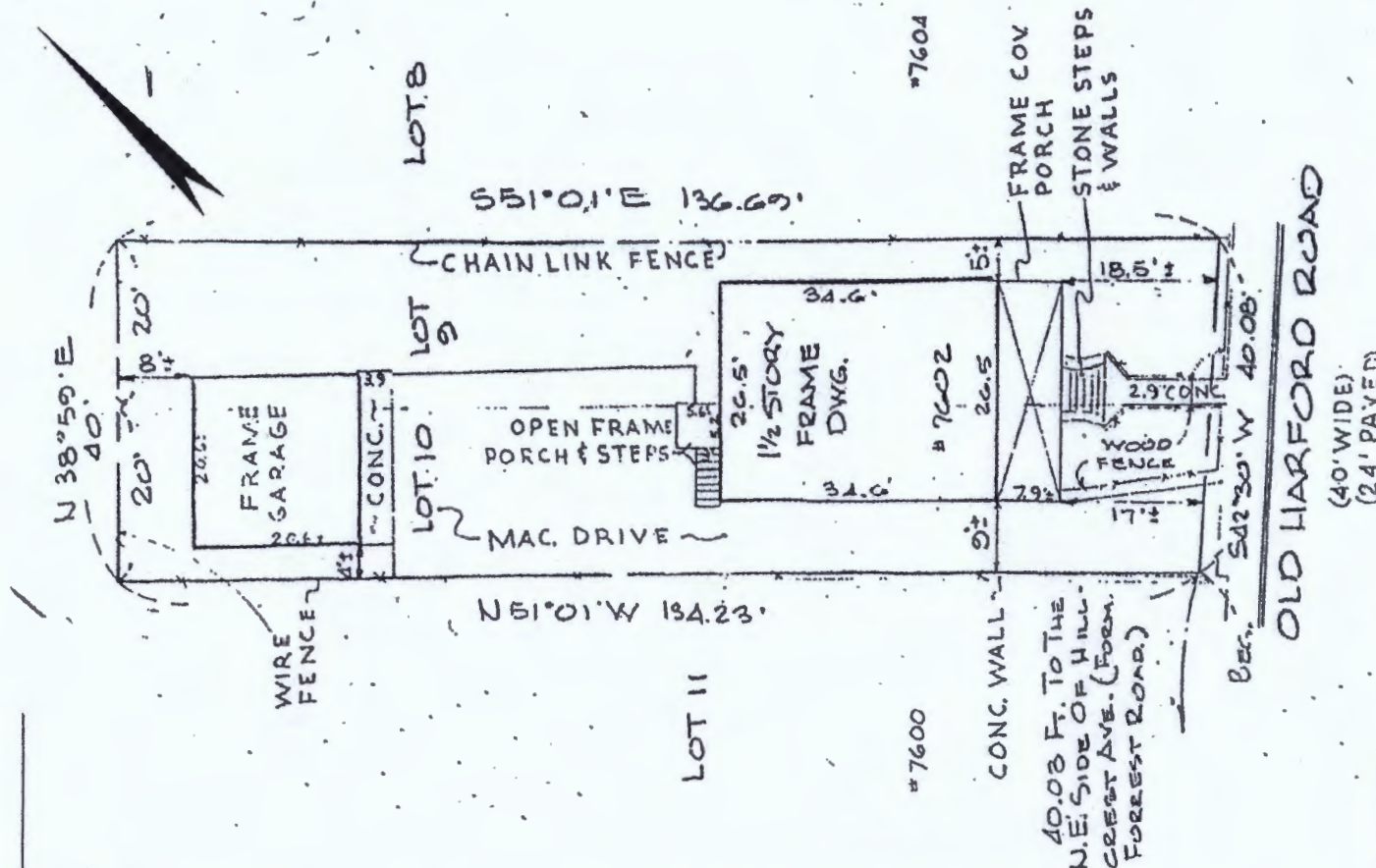
ADDRESS 7602 OLD HARFORD RD OWNER(S) NAME(S) NANCI BAGLEY

SUBDIVISION NAME HARFORD PARK LOT # 9, 10 BLOCK # 3 SECTION # A

PLAT BOOK # WPC5 FOLIO # 62 10 DIGIT TAX # 0912740170 DEED REF. # 61961 00024

005062

SITE VICINITY MAP



N
↑
MAP IS NOT TO SCALE
ZONING MAP# 081AL
SITE ZONED DR5-S
ELECTION DISTRICT 9
COUNCIL DISTRICT 5
LOT AREA ACREAGE
OR SQUARE FEET 5418 SF
HISTORIC? NO
N CBCA? NO
N 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

PLAN DRAWN BY Joseph Donovan DATE 4/23/11 SCALE: 1 INCH = 20 FEET

VIOLATION CASE INFO:

NOV