

IN RE: PETITION FOR ADMIN. VARIANCE

W side of McShane Way; 448 feet S of
the c/l of Broening Road
12th Election District
7th Councilmanic District
(3432 McShane Way)

Regina G. and William A. Ehinger, III
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0002-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Regina G. and William A. Ehinger, III for property located at 3432 McShane Way. The variance request is from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a shed with a side yard setback of 1 foot and a rear yard setback to the centerline of an alley of 9 feet in lieu of the required 2.5 feet and 15 feet, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to install a shed measuring 10 feet x 16 feet to contain tools and yard equipment. Mr. Ehinger is a steel worker and possesses an unusual amount of bulky and oversized tools that are necessary for his job. These expensive items need to be stored and cared for in an enclosed structure which is organized, readily accessible, and secure. An aerial photograph of the area shows that many properties in the area enjoy sheds of various sizes in different locations.

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

The Petitioners 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

8-9-11

By

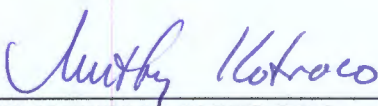
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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.

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 9th day of August, 2011 that a variance from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a shed with a side yard setback of 1 foot and a rear yard setback to the centerline of an alley of 9 feet in lieu of the required 2.5 feet and 15 feet, respectively be and is hereby GRANTED, subject to the following:

1. 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.

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 8-9-11

2

By 



KEVIN KAMENETZ
County Executive

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

August 9, 2011

REGINA G. AND WILLIAM A. EHINGER, III
3432 MCSHANE WAY
DUNDALK MD 21222

Re: Petition for Administrative Variance
Case No. 2012-0002-A
Property: 3432 McShane Way

Dear Mr. and Mrs. Ehinger:

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

Petition for Administrative Variance



to the **Zoning Commissioner of Baltimore County** for the property
located at 3432 McShane Way, Dundalk, MD 21222
which is presently zoned DR 10.5 (Residential)

Deed Reference: 23513 / 212 Tax Account # 1219064470

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 and 400.2 to permit
a shed with a side yard setback of 1 ft. and a rear yard setback
to the center line of an alley of 9 ft. in lieu of the required
2.5 ft. and 15 ft., respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

William A. Ehinger, III

Name - Type or Print

Signature

Regina G. Ehinger

Name - Type or Print

Signature

3432 McShane Way

(410) 284-4117

Address

Telephone No.

Dundalk

MD

21222

City

State

Zip Code

Representative to be Contacted:

William A. Ehinger, III and Regina G. Ehinger

Name

3432 McShane Way

(410) 284-4117

Address

Telephone No.

Dundalk

MD

21222

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. 2012-0002-A

Reviewed By Sh Date 7/7/11

Estimated Posting Date 7/17/11

FRM476_09

ORDER RECEIVED FOR FILING

Rev 3/09

Date 8-9-11

By [Signature]

***Petition for Administrative Variance** for the property located at 3432 McShane Way, Dundalk, MD 21222

***Tax Account No.:** 1219064470

***Deed Reference:** 25313/00212

***Affiant(s):** William A. Ehinger, III & Regina G. Ehinger

Affidavit in Support of Administrative Variance (FRM476_09)

ATTACHMENT

We are requesting permission to place a shed on our property in the southwest corner of our backyard at the address indicated above. The proposed shed measures 10 ft. by 16 ft. and is slightly larger than what is currently allowed by code. It is a non-permanent structure less than 15 feet in height (per code) to be placed on a gravel-filled foundation. We ask Baltimore County to grant an administrative variance in this matter in that our yard is relatively small leaving us limited room to place a shed of this size. For purposes of effective placement, it needs to be placed one foot from the south fence and one foot from the west fence, which borders the alley behind our unit. The reason we need a shed of this size is to house tools, tool boxes, and yard equipment in an orderly, readily-accessible manner. The co-affiant, William, is an employee of the steel plant at Sparrows Point and as such, possess an unusual amount of bulky oversized tools necessary for his job (i.e. drill sets; ramps; hammers; saws; tool bags; safety equipment; etc.). These expensive items need to be stored and cared for in an enclosed structure which is organized, readily-accessible, and safe. Further, we are not in a financial position to relocate to a larger property size at this time given the area's economic downturn and William's lay-off of the past year from the steel company at Sparrows Point, leaving us with extremely limited options.

ZONING PROPERTY DESCRIPTION FOR 3432 McShane Way, Dundalk, Maryland

Beginning at a point on the west side of McShane Way which is 60 feet wide at the distance of 448 feet south of the centerline of the nearest improved intersecting street Broening Road which is 60 feet wide. Being in the subdivision of Dundalk Village as recorded in Baltimore County Plat Book #16, Folio #62, containing 1600 square feet. Located in the 12th Election District and 7th Council District.

CERTIFICATE OF POSTING

2012-0002-A

RE: Case No.: _____

Petitioner/Developer: _____

William and Regina Ehinger

August 1, 2011

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

3432 McShane Way

July 17, 2011

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

July 18, 2011

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0002 -A Address 3432 McShane Way

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/2/11 Posting Date: 7/17/11 Closing Date: 8/01/11

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 2012- 0002 -A Address 3432 McShane Way

Petitioner's Name William & Regina Ehinger Telephone 410-284-4117

Posting Date: 7/17/11 Closing Date: 8/01/11

Wording for Sign: To Permit a shed with a side yard setback of 1 ft. and a
9' rear yard setback to the centerline of an alley in lieu of the
required 2.5 ft. and 15 ft., respectively.

Revised 7/06/11

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: 2012-0002-A
Petitioner: William A. Ehinger, III + Regina G. Ehinger
Address or Location: 3432 Mc Shane Way, Dundalk MD 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: William A. Ehinger, III + Regina G. Ehinger
Address: 3432 Mc Shane Way, Dundalk MD 21222

Telephone Number: (410) 284-4117 (Home) / (443) 869-0473 (Cell)



KEVIN KAMENETZ
County Executive

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

July 27, 2011

William & Regina Ehinger, III
3432 McShane Way
Dundalk, MD 21222

RE: Case Number 2012-0002-A, 3432 McShane Way

Dear William & Regina Ehinger, III,

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

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 7-21-11

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

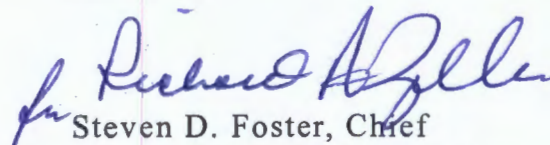
RE: Baltimore County
Item No. 2012-0002-A
Administrative Variance
William & Regina Ehinger, III
3432 Mt Shane Way

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. 2012-0002-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

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.roads.maryland.gov

AV 8/1

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

JUL 29 2011

OFFICE OF ADMINISTRATIVE HEARINGS



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 29, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-002-A
Address 3432 McShane Way
(Ehinger Property)

Zoning Advisory Committee Meeting of July 18, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 15, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **July 18, 2011**

Item No.:

Special Hearing: 2012 – 0003-SPHX, 2012 – 0007-SPH, 2012 – 0009-SPHA.

Special Exception: 2012 – 0003-SPHX, 2012 – 0005 – XA.

Administrative Variance: 2012 – 0002A, 2012 – 0004A, 2012 – 0006A, 2012 – 0010A.

Variance: 2012 – 0001A, 2012 – 0005 – XA, 2012 – 0008A, 2012 – 0009-SPHA.

Comments:

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

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For August 1, 2011
Item Nos. 2012-001, 002, 003, 004, 005, 006,
And 007.

DATE: July 22, 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-08012011 -NO COMMENTSdoc:



VIOLATION CASE INFO: