IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Chestnut Hill Lane; 95 feet SE of Condor Court 4th Election District 2nd Councilmanic District (104 East Chestnut Hill Lane)

Mary Anne and Raymond A. Pearson, Jr. *Petitioners*

- * BEFORE THE
- * OFFICE OF
- * ADMINISTRATIVE HEARINGS
- * FOR BALTIMORE COUNTY
- * Case No. 2012-0004-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, Mary Anne and Raymond A. Pearson, Jr. for property located at 104 East Chestnut Hill Lane. Resolution 77-11 concerning the public disclosure of Mary Anne Pearson, an employee of the Baltimore County Public Schools, was approved at the County Council meeting held on August 1, 2011. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing detached garage with a height of 21 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners have an existing garage measuring 30 feet x 28 feet x 21 feet high. Petitioners state that at the time the permit was filed an error was made wherein the permit was approved with a maximum 15 feet height; however, the drawings indicated 21 feet height for the proposed garage. Not realizing the error in the height on the permit, Petitioners constructed the garage. The Building Inspector informed the Petitioners of the problem and also advised them to seek the subject variance request. Petitioners need the additional garage storage space as the attic and basement in the dwelling are not adequate. Petitioners state that they tried to architecturally match the lines of the dwelling. The property contains 1.13 acres zoned DR 3.5.

ORDER RECEIVED FOR FILING

Date	8-10-11	
Ву		,

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.

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 garage 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.

ORDER RECEIVED FOR FILING

Date	8:10-11	
		2
Ву	7	

- 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 Petitioner 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.
- 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

luthy llotroes

TMK/pz

ORDER RECEIVED FOR FILING

Date	9/10-11	
By		



KEVIN KAMENETZ County Executive

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

August 10, 2011

MARY ANNE AND RAYMOND A. PEARSON, JR. 104 EAST CHESTNUT HILL LANE REISTERSTOWN MD 21136

Re: Petition for Administrative Variance Case No. 2012-0004-A Property: 104 East Chestnut Hill Lane

Dear Mr. and Mrs. Pearson:

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 Administrative Law Judge

butfy llo fro co

for Baltimore County

TMK:pz

Enclosure

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 104 E. Chestnut Hill hane 21136 which is presently zoned DR 3.5

Deed Reference: 07447/421 Tax Account #0402085229

I/We do solemnly declare and affirm, under the penalties of

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)

AN EXISTING DETACHED GARAGE WITH A HT. OF 2/FT.
IN LIED OF THE MAXIMUM ALLOWED 15 FT. HT.

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.

			is the subject of this f	the legal owner(s) of the Petition.	e property wnich
Contract Purchaser	Lessee:		Legal Owner(s):		
Name - Type or Print			Raymond Poulmo	A. Pearso	n
Signature			Signature	ne Pearson	
Address		Telephone No.	Name - Type or Print	Md Pearson	A
City	State	Zip Code	Signature	i canada	
Attorney For Petition	ner:		104 E. Ches	struct Hill h	ane 410-833-1624
Name Time to Drint			Reisterston	in MD	21136
Name - Type or Print	-WED FOR F	ILING	Representative t	State to be Contacted:	Zip Code
Signature ORDER REC	CEIVED FOR F		-	e as abov	'e
Company			Name		
Address	1	Telephone No.	Address		Telephone No.
By-	0				
City	State	Zip Code	City	State	Zip Code
A Public Hearing having beet this day of regulations of Baltimore Coun	th	at the subject matter of	this petition be set for a public	c hearing, advertised, as re	equired by the zoning
			Zoning Comm	nissioner of Baltimore Cour	nty
Case No. 2012	0004-1	Rev	riewed By 1L	Date	18/11
		Estimated Po	osting Date	17/11	
FRM476_09					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 104 E. Chestnut Hill Land Address number 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 practical need for the garage is to protect our vehicles from the elements. It will also protect our yard equipment from the elements as well as provide them with security. The extra space is additional storage for our family. 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. 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 16th day of July, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared: (Name Affiant(s) here): Raymond A Reason Many Anna Reason 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: Subscribed and swom to before me, in my presence, this

Rev 3/09

FRM476_09

2012-0004-A

HARDSHIP PRACTICAL DIFFICULTY CONT'D.
104. E. CHESTNUT HILL LA. At the time the permit was filed an error was made wherein the permit was approved with a maximum 15 foot height, however, the drawings indicated a 21 foot height for the proposed garage. Not realizing the error in height on the permit, we constructed the garage. The building inspector advised us of the problem and also advised we seek this variance. We need the additional storage to allow for various property and furniture for immediate family as the basement and attic are not adequate. We tried to match the lines of the house. Due to the above, we are seeking the variance.

JOHE CHESTNUT HILL FASE, LA.

BEGINNING AT A BINT ON THE NORTH WEST

SIDE OF CHESTAUT LA (25 FT WIDE) AT A

DISTANCE OF 95 FT, SOUTH WEST OF THE EXTENDED

CENTER LINE OF CANDOR COURT (A 50 FT. RW)

THEN THE FOLLOWING DIRECTION AND DISTANCES

NORTH WESTERLY 260 RT. THEN NORTH EASTERLY

250 FT. THEN SOUTH EASTERLY 99.6 FT THEN

SOUTH EASTERLY 160 FT. THEN SOUTH WESTERLY

HONG E, CHESTAUT HILL ROSE BYW 134.3 FT.

BACK TO THE POINT OF BEGINNING.

CONTRINING 1. 13 AC. ± IN THE ATH ED., 200 CD.

07/08/11

mar

OFFICE	TIMORE COUNTY, MARYLAND CE OF BUDGET AND FINANCE CELLANEOUS CASH RECEIPT					No.71619 Date: 7/08///			PAID RECEIPT A HAS THE SE 11 2011 FOR 2011 IN 1	
Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	11 1	Amount	THE WALKER HE WAS TOO TOO! IN	
901	206	0000		6150				75.00	Dept of 195 at 1	
Rec From:						Total:	-	75,00	्रांति है । इस्टा श्रम्भ स्था ।	
For:	R	Si	ley	E.	12 O	ant	A	CA		
DISTRIBL	JTION CASHIER	PINK - AG	ENCY	YELLOW -	CUSTOME	R	GOLD - AC	COUNTING	CASHIER'S VALIDATION	

CERTIFICATE OF POSTING

Date: 7/17/11

RE: Case Number: 2012-0004-A

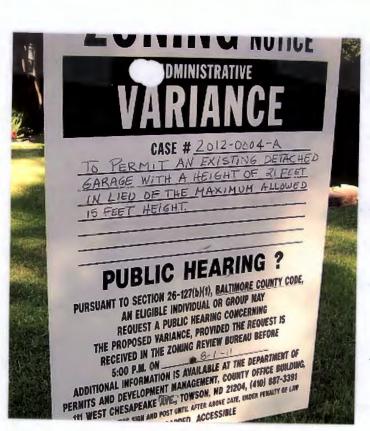
Petitioner/Developer: Ann Pearson

Date of Hearing/Closing: 9-)-(

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 104E. Chestwet Hall Ro

The signs(s) were posted on 7/17/11

(Month, Day, Year)



(Signature of Sign Poster)

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)

410-343-1443 (Telephone Number of Sign Poster)

ZONING REVIEW					
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES					
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES Case Number 2012- Address 104 E. CHESTAUT HILL Contact Person: Phone Number: 410-887-3391					
Contact Person: Sorral LEWIS Phone Number: 410-887-3391 Planner, Please Print Your Name					
Filing Date: 1/08/11 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.					
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- 0004-A Address 104 E. CHESTAUT HILL LAWS					
Petitioner's Name RAYMAND & Mary ANNE PEARSON Telephone 410 833 1624					
Posting Date: 7/17/11 Closing Date: 8/01/11					
Wording for Sign: To Permit AN EXISTING DETACHED GARAGE WITH A					
HT. OF 2 FT. IN LIEU OF THE MAXIMUM ALLOWED 15 FT. HT.					
<i>*</i>					

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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.

For Newspaper Advertising:
Item Number or Case Number: 2012 - 0004 - A
Petitioner: × Pearson
Address or Location: x 104 E. Chestnut Hill hane
PLEASE FORWARD ADVERTISING BILL TO:
Name: Raymond Pearson
Address: 104 E. Chastnut Hill hane
Reisterstown, MD 21136
Telephone Number: 410-833-1624



KEVIN KAMENETZ County Executive

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

July 27, 2011

Raymond & Mary Anne Pearson 104 E. Chestnut Hill Lane Reisterstown, MD 21136

RE: Case Number 2012-0004-A, 104 E. Chestnut Hill Lane

Dear Raymond & Mary Anne Pearson,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 8, 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,

W Carl Pichards Ir

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:mcn

Enclosures

e: 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

with its.

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. 2012-0004-A
Administrative Variance
Raymond & Mary Anne Pearson
104 E. Chestnut Hill Lane.

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. 2012-0004-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

OF FALLIFHICE



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

DATE: July 22, 2011

Department of Permits, Approvals And Inspections

FROM:

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.

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 COMMENTS.doc

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

12-004-A

Address

104 East Chestnut Hill Lane

(Pearson 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



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

David Marks
FIFTH DISTRICT

Cathy Bevins SIXTH DISTRICT

John Olszewski, Sr. SEVENTH DISTRICT

Thomas J. Peddicord, Jr. LEGISLATIVE COUNSEL SECRETARY 2011-0004-A

August 2, 2011

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

RECEIVED

AUG 0 3 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Dear Mr. Stahl:

Attached please find a copy of Resolution 77-11 concerning the public disclosure of Mary Anne Pearson, an employee of the Baltimore County Public Schools. Ms. Pearson has applied for an administrative variance for a garage at her residence at 104 E. Chestnut Hill Lane, Reisterstown, Maryland 21136.

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

Degisiative continuity of

TJP:dp Enclosure

cc: Mary Anne Pearson

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

Resolution No. 77-11

Mrs. Almond, Councilwoman

By the County Council, August 1, 2011

A RESOLUTION concerning the public disclosure of Mary Anne Pearson, an employee of the Baltimore County Public Schools.

WHEREAS, Mary Anne Pearson, an employee of the Baltimore County Public Schools, has applied for an administrative variance for a garage at her residence at 104 E. Chestnut Hill Lane, Reisterstown, Maryland 21136; 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 Mary Anne Pearson, does not contravene the public welfare.

r07711.wpd

READ AND PASSED this <u>IST</u> day of <u>AUGUST</u>, 2011.

BY ORDER

Thomas J. Peddicord, Jr.

Secretary

ITEM: RESOLUTION 77-11

Property: 104 E. Chestnut Hill Lane

Raymond and Anne Pearson



liew from neighbors at #106 (garage is thru the trees)



for Chestrut Hill Lane - looking at



View of back corner of garage and neighbor's house at #102



View from front driveway of #104



Picture taken from drive on the side of the house



View of garage front from sidewalk



Picture of the garage back from side property



View from back property line

0004



View from corner of Candor Court.





Exhibit A

