

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Stablers Church Road, 60 feet
S of Stablers Court centerline
7th Election District
3rd Councilmanic District
(300 Stablers Church Road)

Nicholas R. and Joyce M. Hollander
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0010-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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, Nicholas R. and Joyce M. Hollander for property located at 300 Stablers Church Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a detached garage with a height of 18 feet in lieu of the maximum allowed of 15 feet. The subject property and requested relief are more particularly described on the site plan submitted with the Petition. Petitioners desire to construct a garage measuring 30 feet x 12 feet x 18 feet in size to accommodate the storage of belongings for the family of five. The existing driveway and slope of the property do not allow for a wider structure. Petitioners' dwelling does not have a basement. The property contains 2.870 acres and is served by private sewer and water.

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 July 24, 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 8-18-11

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. The information, photographs, and affidavits submitted provide sufficient facts indicating compliance 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.

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.

THEREFORE, IT IS ORDERED, this 18 day of August, 2011, that a variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a detached garage with a height of 18 feet in lieu of the maximum allowed of 15 feet, 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.
2. 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.

ORDER RECEIVED FOR FILING

Date 8-18-11

2

By [Signature]

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.

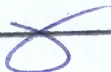


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz

ORDER RECEIVED FOR FILING

Date 8-18-11

By 



KEVIN KAMENETZ
County Executive

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

August 17, 2011

NICHOLAS R. AND JOYCE M. HOLLANDER
300 STABLERS CHURCH ROAD
PARKTON MD 21120

Re: Petition for Administrative Variance
Case No. 2012-0010-A
Property: 300 Stablers Church Road

Dear Mr. and Mrs. Hollander:

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 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 printed name of John E. Beverungen.

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 300 Stablers Church Rd Parkton MD
which is presently zoned RCS

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)

400.3 BCZR to
permit a detached garage w/a HT of 18 FT
in lieu of the maximum allowed 15 FT.

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

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone No.

Signature

Name

Address

City

State

Zip Code

Telephone

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 300 Stablers Church Rd
Address Parkville MD 21120
City State Zip Code

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 have a wife and 3 kids in a house with no basement and no garage for storage w/ limited attic storage. I need storage space for my lawn mowers, the kids bikes, strollers ~~tools~~ tools etc to keep my driveway clean and neat. The existing driveway and slope of the property do not allow for a wider structure. See photos. Request that the setback (A)

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.

Nicholas R. Hollander
Signature
Name - Type or Print

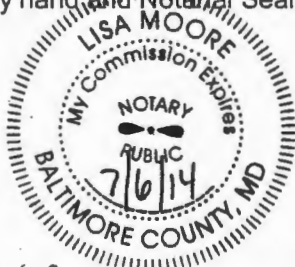
Joyce M. Hollander
Signature
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7 day of July, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Nicholas R. Hollander and Joyce M. Hollander
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Lisa Moore
Notary Public
My Commission Expires 7/6/14

REV 10/25/01

(A) from the well be decreased to 15' so the garage is not too close to the existing house.

0010

zoning Description

300 STABLERS CHURCH RD.

BEGINNING AT A POINT ON THE WEST SIDE OF STABLERS CHURCH RD. (A 42' R/W) AT A DISTANCE OF 60 FT. $\pm$ SOUTH OF STABLERS COURT (A 30 FT. R/W) THEN THE FOLLOWING CURVES + DISTANCES SOUTHERLY ALONG STABLERS CHURCH RD 160 FT. THEN ^{SOUTH} WESTERLY 62.04 FT, 163.25 FT, 256.81 FT, THEN SOUTHERLY 373.88 FT TO STABLERS CHURCH RD. THEN WESTERLY 20 FT., THEN NORTHERLY 568 FT. THEN ^{NORTH} EASTERLY 349.42 FT, THEN EASTERLY 286.2 FT, BACK TO THE POINT OF BEGINNING. BEING ~~2~~ 2.879 AC $\pm$ IN THE 7TH E.D., 3RD C.D.

M A Hollander
Nik Hollander
7/12/11

CERTIFICATE OF POSTING

Date: 7-24-11

RE: Case Number: 2012-0010-A

Petitioner/Developer: Nick Hollander

Date of Hearing/Closing: 8/9/11

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 300 Stablers Church Rd

The signs(s) were posted on 7/24/11
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

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)

2012-0010-4

Look from Stables
Church Road down driveway



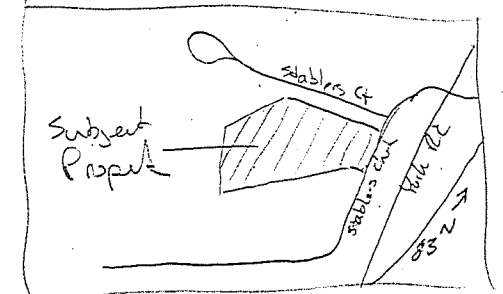




No pond Leak

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 300 Stablers Church Rd OWNER(S) NAME(S) Nicholas & Julie HOLLANDER
 SUBDIVISION NAME NA LOT# _____ BLOCK# _____ SECTION# _____
 PLAT BOOK# _____ FOLIO# _____ 10 DIGIT TAX# 0707047160 DEED REF.# _____
 ALDO 2100001338

SITE VICINITY MAP

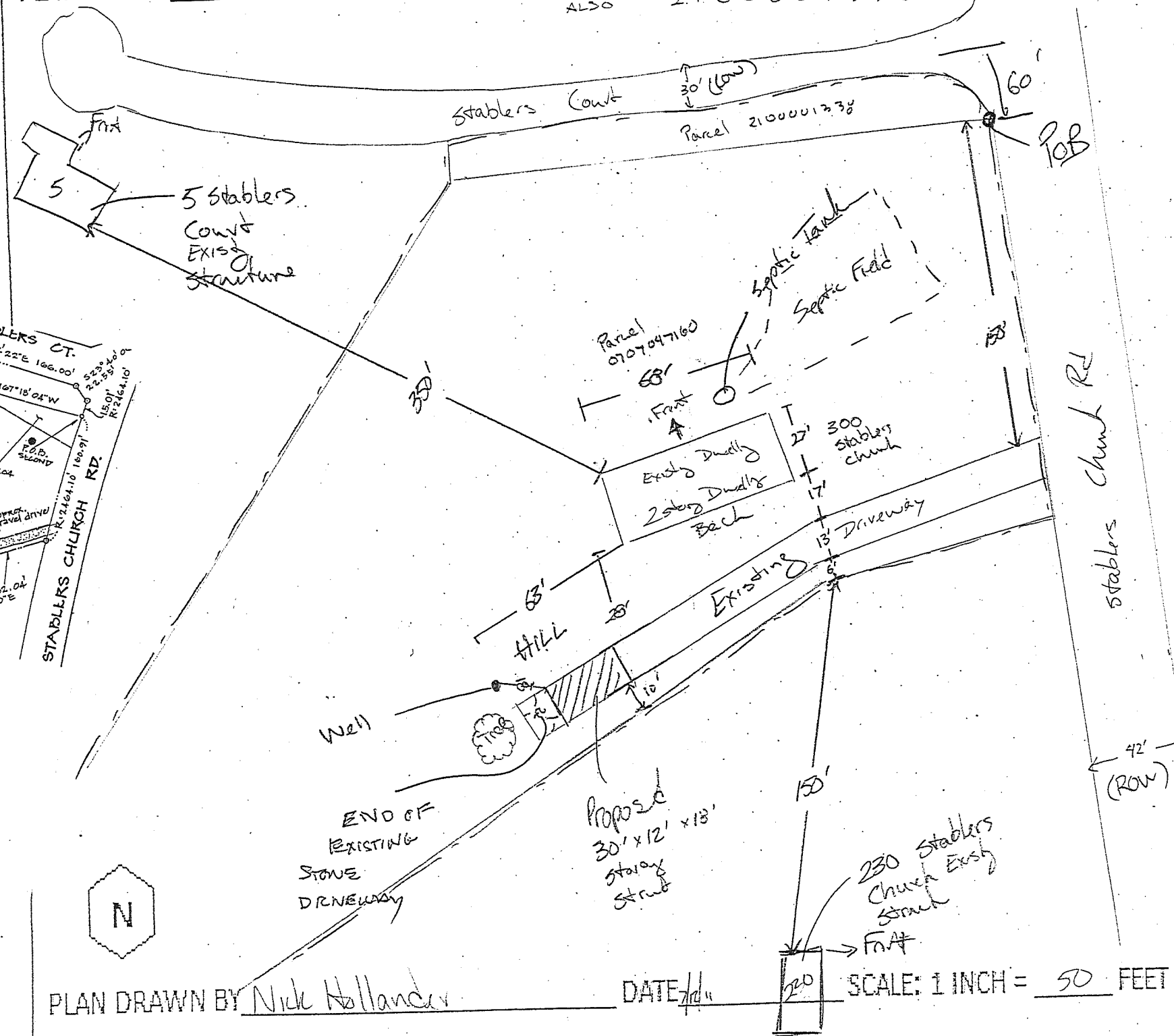
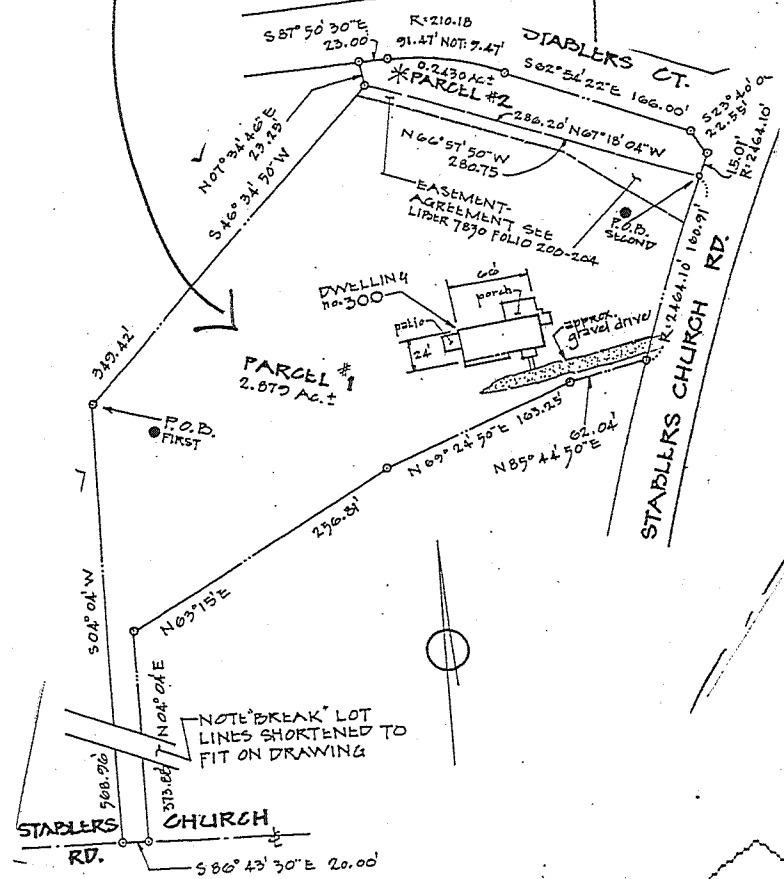


N
 MAP IS NOT TO SCALE

ZONING MAP# 012B2
 SITE ZONED RL5
 ELECTION DISTRICT 7th
 COUNCIL DISTRICT 3rd
 LOT AREA ACREAGE 2.870
 OR SQUARE FEET _____
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS: PUBLIC _____ PRIVATE X
 SEWER IS: PUBLIC _____ PRIVATE X
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:
None

REDUCED PROP. OUTLINE
 DETAIL



PLAN DRAWN BY Nick Hollander

DATE 7/14/11

SCALE: 1 INCH = 50 FEET

2012-0010-A