

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

E side of Gunpowder Road; 3,000 feet  
N of the c/l of Lynn Ridge Court  
6<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
**(21717 Gunpowder Road)**

Gary Kevin and Debbra Ann LaBarre  
*Petitioners*

\* BEFORE THE  
\* OFFICE OF  
\* ADMINISTRATIVE HEARINGS  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2012-0024-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, Gary Kevin and Debbra Ann LaBarre for property located at 21717 Gunpowder Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed accessory building (detached garage) to be located on the side of the dwelling and to be 17 feet 6 inches in height in lieu of the required rear yard location and the maximum allowed 15 feet height. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Mr. LaBarre is handicapped and placement of the garage in side yard will provide easy access to the front door of the dwelling for primary entry and exit, as well as access from the side door of the home. The additional garage height will permit 8 feet tall garage doors to accommodate a pickup truck and Chevrolet Suburban. The location of the driveway and interior floor plan of the dwelling make it impractical for the garage and home to share a common wall. The property contains 1.50 acres and is served by private well and septic.

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.

ORDER RECEIVED FOR FILING

Date 8-30-11  
By 193

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.

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 30<sup>th</sup> day of August, 2011 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed accessory building (detached garage) to be located on the side of the dwelling and to be 17 feet 6 inches in height in lieu of the required rear yard location and the maximum allowed 15 feet height, be and is hereby GRANTED, subject to the following:

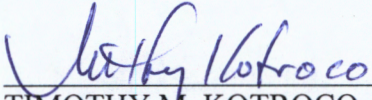
ORDER RECEIVED FOR FILING

Date

By

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 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.
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

8-30-11

By

193



KEVIN KAMENETZ  
*County Executive*

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

August 30, 2011

GARY KEVIN AND DEBBRA ANN LABARRE  
21717 GUNPOWDER ROAD  
LINEBORO MD 21102

Re: Petition for Administrative Variance  
Case No. 2012-0024-A  
Property: 21717 Gunpowder Road

Dear Mr. and Mrs. LaBarre:

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 that reads "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 21717 Gunpowder Rd Millers MD  
which is presently zoned RC-2

Deed Reference: 6749 / 375 Tax Account # 1700013689

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 400.3 of BCZR to permit a proposed accessory building (detached garage) to be located on the side of the dwelling and 17'6" in height in lieu of the required in the rear and the maximum allowed 15 feet in height.

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):

Gary Kevin LaBarre

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Debbra Ann LaBarre  
Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
21717 Gunpowder Rd 410-374-8618  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
Lineboro MD 21102  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## Representative to be Contacted:

Name \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
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. 2012-0034-A Reviewed By A-TBI Date 7/28/11  
ORDER RECEIVED FOR FILING  
Estimated Posting Date 8/7/11 - 8/22/11

## 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 21717 Gunpowder 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) We desire to construct a garage in the side yard next to the house for easy access to the front door

of the home for primary entry and exit, as well access from the side door of the home for carrying in groceries and other packages.

Easy access to both doors is a primary concern for Mr. LaBarre who is handicapped with a bulging / herniated disk in his back. Placement in the back yard would also block the view from the sun room in the rear of the home decreasing its value. The location of the driveway and interior floor plan of the home make it impractical for the garage and home to share a common wall. Additionally, the slope of the rear sun room roof and the orientation with respect to the home's second floor wall make it impractical to connect the structures with a covered passageway to the side door.

In addition we desire relief on the height restriction of 15', to facilitate 8' tall garage doors to accommodate our pickup truck and Suburban.

To maintain a standard 4/12 pitch on the garage roof, the building height at the peak will be ~~10.5~~ 17'6" *all D.A.L.*

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 of Gary Kevin LaBarre]*

Signature

Gary Kevin LaBarre

Name- print or type

*[Signature of Debbra Ann LaBarre]*

Signature

Debbra Ann LaBarre

Name- print or type

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

*PA York*  
STATE OF ~~MARYLAND~~, ~~BALTIMORE~~ COUNTY, to wit:

I HEREBY CERTIFY, this 31<sup>st</sup> day of May, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Gary Kevin LaBarre + Debbra Ann LaBarre  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

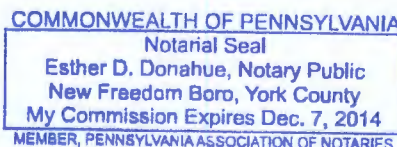
AS WITNESS my hand and Notarial Seal

*[Signature of Esther D. Donahue]*

Name of Notary Public

Commission expires

PLACE SEAL HERE:



ZONING DESCRIPTION FOR 21717 Gunpowder Rd

Beginning at a point on the east side of Gunpowder Rd which is 60' right-of-way wide at a distance 3000' north of the centerline of the nearest improved intersecting street Lynn Ridge Ct which is 60' right-of-way wide. \* Being Lot # 1, as recorded in Deed Liber 6749, Folio 375 containing 1.67 acres. Also known as 21717 Gunpowder Rd and located in the 6<sup>th</sup> Election District, 3<sup>rd</sup> Councilmanic District.

Also designated as Lot No. 1, as shown on Plat of the Property of Lawrence H. Roberts, which Plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. No. 39, Folio 140.

2012-0024-A

# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN LEWIS

**DATE:** 08/07/2011

**Case Number:** 2012-0024-A

**Petitioner / Developer:** GARY LABARRE

**Date of Hearing (Closing):** AUGUST 22, 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:  
21717 GUNPOWDER ROAD

**The sign(s) were posted on:** JUNE 06, 2011



Linda O'Keefe  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030  
(City, State, Zip of Sign Poster)

410 - 666 - 5366  
(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS  
ZONING REVIEW

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2012- 0024 -A Address 21717 GUNPOWDER RD

Contact Person: AARON TSUI Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 7/28/11 Posting Date: 8/7/11 Closing Date: 8/22/11

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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- 0024 -A Address 21717 GUNPOWDER ROAD

Petitioner's Name GARY LABARRE Telephone 410-374-8618

Posting Date: 8/7/11 Closing Date: 8/22/11

Wording for Sign: To Permit A PROPOSED ACCESSORY BUILDING (DETACHED GARAGE) ON SIDE OF THE DWELLING WITH A 17'6" HIGH IN LIEU OF THE REQUIRED IN THE REAR AND MAXIMUM ALLOWED 15 FEET HIGH

Revised 7/06/11



KEVIN KAMENETZ  
*County Executive*

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

August 11, 2011

Mr. & Ms. LaBarre  
21717 Gunpowder Road  
Lineboro, MD 21102

RE: Case Number 2012-0024-A, 21717 Gunpowder Road

Dear Mr. & Mrs. LaBarre,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 28 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: 8-1-11

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

RE: Baltimore County  
Item No. 2012-0024-A  
*Administrative Variance*  
*Gary & Debba LaBarre*  
*21717 Gunpowder 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. 2012-0024-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](mailto:rzeller@sha.state.md.us)). Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".

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](http://www.roads.maryland.gov)

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**FROM:** <sup>DAK</sup> Dennis A. Kennedy, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For August 15, 2011  
Item Nos. 2012-020, 021, 023, 024  
And 025

**DATE:** August 9 , 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-08152011 -NO COMMENTS.doc



KEVIN KAMENETZ  
*County Executive*

JOHN J. HOHMAN, *Chief*  
*Fire Department*

August 1, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **August 1, 2011**

Item No.:

**Administrative Variance:** 2012-0024A.

**Variance :** 2012-0020-XA, 2012-0022-SPHA, 2012-0023A, 2012-0025A.

**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

FRONT VIEW OF 21717  
Garage will be on  
Left side where the  
2 TRUCKS ARE



2012-0024-A

REAR VIEW OF 21717  
Garage will be on RIGHT  
WHERE THE TRUCKS ARE



2012-0024-A

VIEW LOOKING TOWARDS  
ROAD



2012-0024-A

VIEW LOOKING NORTH EAST



2012-0024-A

VIEW LOOKING TOWARDS  
REAR of PROPERTY  
(SOUTH WEST)



2012-0024-A

VIEW LOOKING SOUTH WEST  
TOWARDS 21713



2012-0024-A

21700



2012-0024-A



50418



21706

21709

Per Mac Organization



21710  
VACANT



21713





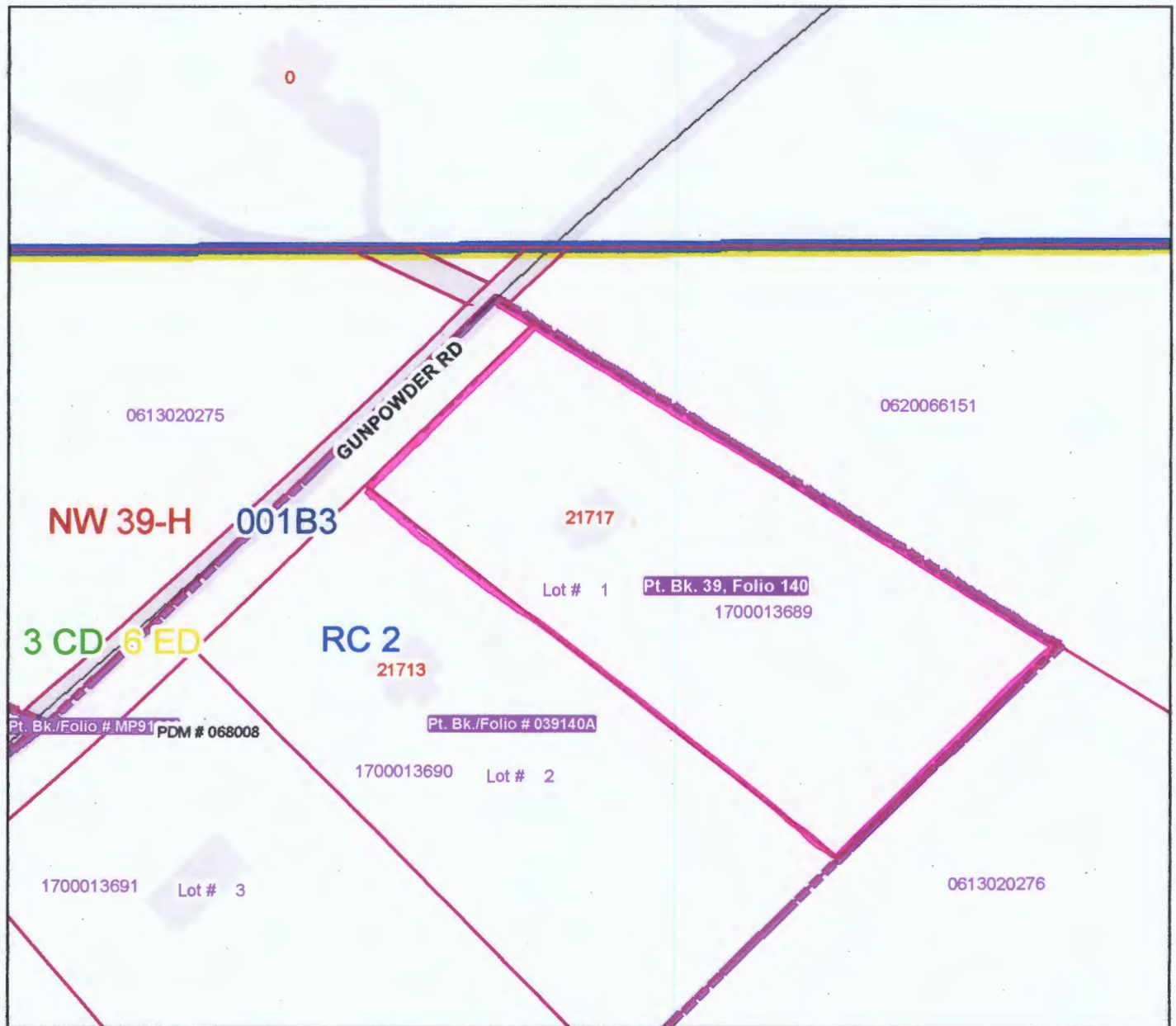
21717

AERIAL VIEW  
MAPQUEST  
JULY 2008 SURVEY  
ADDITIONAL



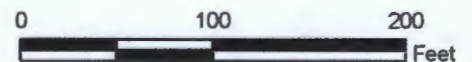
2012-0024-A

# 21717 Gunpowder Road



Publication Date: July 01, 2011  
Publication Agency: Department of Permits & Development Management  
Projection/Datum: Maryland State Plane,  
FIPS 1900, NAD 1983/91 HARN, US Foot

## DQ Map Notes



1 inch = 100 feet

2012-0024-A

Scal

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**

RECEIVED

SEP 01 2011



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability  
(DEPS) - Development Coordination

DATE: September 1, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-024-A  
Address 21717 Gunpowder Road  
(LaBarre Property)

Zoning Advisory Committee Meeting of August 1, 2011.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. If a building permit for a proposed garage is applied for in the future, then Groundwater Mgmt. will need to conduct a review prior to approval of that permit.

Reviewer: *Dan Esser; Groundwater Management*

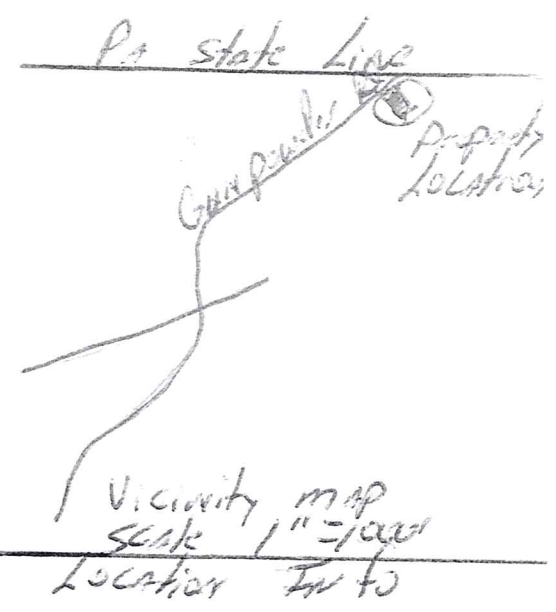
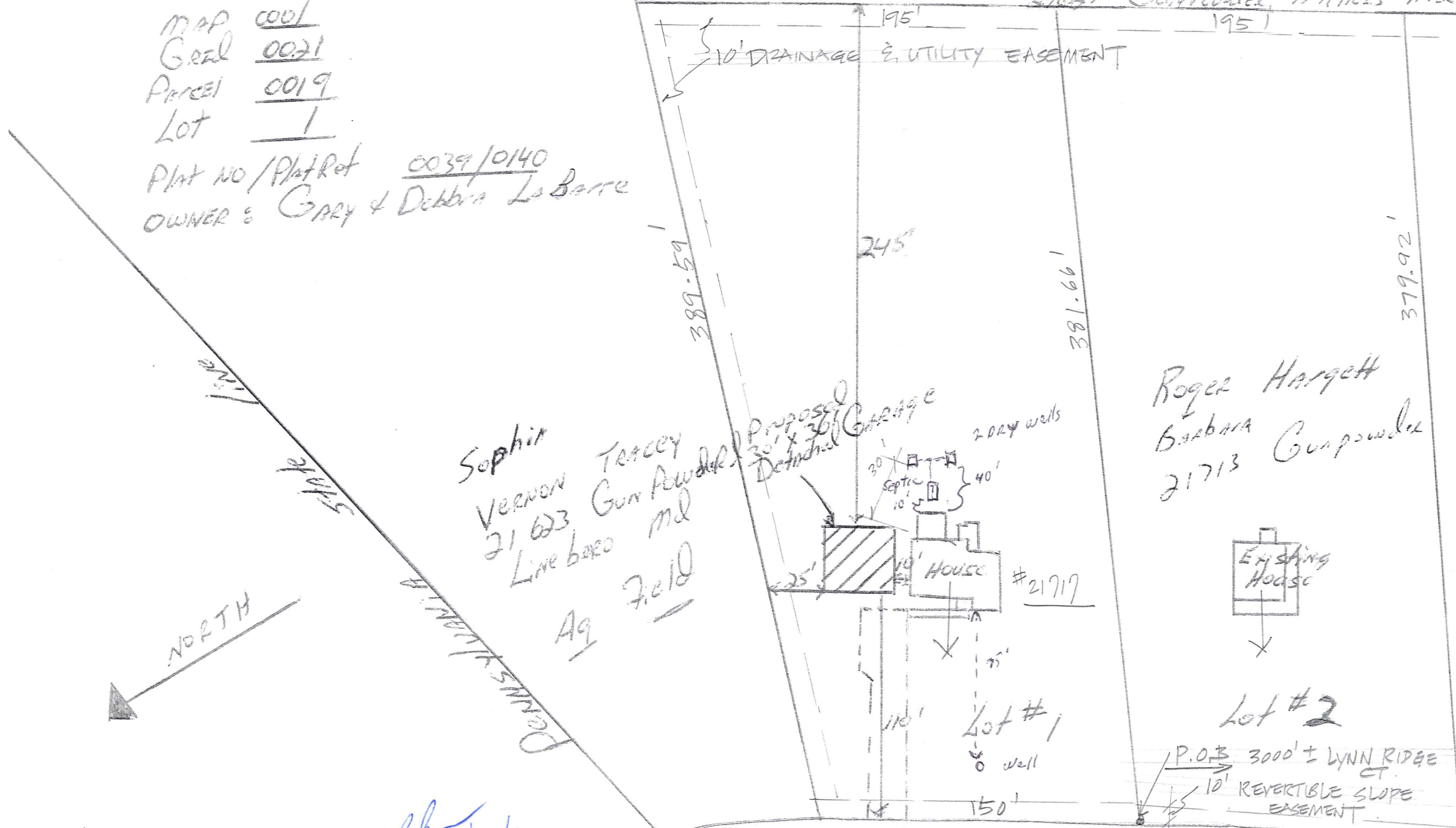
Property Address 21717 Gunpowder  
 Subdivision - Lawrence H. Roberts Prop

# Petition for Zoning Variance

MAP 0001  
 GRAD 0021  
 PARCEL 0019  
 LOT 1

Plat NO / Plat Ref 0039 / 0140  
 OWNER: GARY & Debra LaBarre

MARY & MACK PARKER 21627 Gunpowder Millers MD



Lot size 1.5 ACRE  
 65,340 sq ft

Water - private  
 Sewer - private  
 ZONING MAP: 001B3  
 Chesapeake Bay NO  
 Critical AREA NO  
 100 year Flood NO  
 Historic prop NO  
 Prior Zoning NO

Zoning Office USE  
 Reviewed by item# case#  
 ATBUI 0024 2012-0624-A

Greg A. Loh 7/28/11

Gun Powder Road (60' R.O.W.)

Cassandra & Robert Wood  
 21710 Gunpowder  
 Manchester MD

Scale  
 1" = 50'