

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Newmarket Court, 330 feet SE
of the c/l of Altamont Avenue
1st Election District
1st Councilmanic District
(115 New Market Court)

Jane W. Reilly and Jacob P. Laaveg
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0035-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, Jane W. Reilly and Jacob P. Laaveg for property located at 115 New Market Court. The variance request is from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition (shed) with a building to building setback of 16 feet in lieu of the required 20 feet, and to amend the latest Final Development Plan for Paradise Village, Lot 11 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to add an attached storage shed to the side of the garage wall. The shed will be 4 feet deep, 8 feet 8 inches wide and 10 feet tall with a cement slab foundation. Construction materials will match the existing house in all aspects – siding, trim, slanted roof material to be the same as either the metal roof of the bay window or the shingled roof of the house. This proposed shed will blend in with the side of the dwelling. Petitioners' garage is very small and only 12 feet long x 16 feet long. They need additional storage space for outdoor maintenance materials, tools, and equipment. Due to the placement of the windows and door they cannot attach a shed on the rear wall of the house. The Homeowners Association does not allow an outdoor, detached shed on the property.

ORDER RECEIVED FOR FILING

Date 9-7-11

By 93

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 August 14, 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.

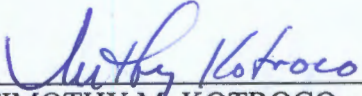
THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 7th day of September, 2011 that a variance from Sections 1B02.3.B and 504 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition (shed) with a building to

9-9-11
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building setback of 16 feet in lieu of the required 20 feet, and to amend the latest Final Development Plan for Paradise Village, Lot 11 only 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 9-17-11

By WJ



KEVIN KAMENETZ
County Executive

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

September 7, 2011

JANE W. REILLY AND JACOB P. LAAVEG
115 NEW MARKET COURT
CATONSVILLE MD 21228

Re: Petition for Administrative Variance
Case No. 2012-0035-A
Property: 115 New Market Court

Dear Ms. Reilly and Mr. Laaveg:

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 115 NEW MARKET CT, CATONSVILLE
which is presently zoned DR 5.5

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) 1002.3B., 504 (BCZR)

TO PERMIT AN ADDITION (SHED) WITH A BUILDING TO BUILDING
SETBACK OF 16-FEET IN LIEU OF THE REQUIRED 20-FEET AND TO
AMEND THE LATEST F.D.P. FOR "PARADISE VILLAGE", LOT 11 ONLY.

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 _____
Date 9-7-11
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

JANE W. REILLY
Name - Type or Print _____
Jane W. Reilly
Signature _____
JACOB P. LAARVEG
Name - Type or Print _____
Jacob P. Laarveg
Signature _____
115 NEW MARKET CT. 410-908-3702
Address _____ Telephone No. _____
CATONSVILLE MD 21228
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. 2012-0035-A

REV 10/25/01

Reviewed By D.T. Date 8/5/11

Estimated Posting Date 8/14/11

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 reside at

Address 115 NEW MARKET CT
City CATONSVILLE State MD Zip Code 21228

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):

There is very little storage space in our house in total; and particularly for tools, lawn mower, and outdoor maintenance materials and equipment. Our Homeowners Covenants do not allow an outdoor, detached shed on our property. Due to the placement of the windows and door, we cannot attach a shed on the rear wall of our house. Our garage is very small – it is 12' wide by 16' long. We barely fit a small 2 door Honda in it. We desperately need additional storage space for our outdoor maintenance materials, tools and equipment, and have no other viable option.

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.

Signature Jane W. Reilly
Name - Type or Print JANE W. REILLY

Signature Jacob P. Laaveg
Name - Type or Print JACOB P. LAAVEG

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of JUNE, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

JANE W. REILLY AND JACOB P. LAAVEG
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Signature [Signature]
Notary Public
My Commission Expires MAY 11, 2014

Petition for Administrative Variance
Description of Changes Requested

Jane Reilly & Jacob Laaveg
115 New Market Ct.
Catonsville, MD 21228

Add an attached storage shed to the side of the garage wall. The shed will be four (4) feet deep, eight (8) feet 8" wide and ten (10) feet tall. The foundation will be a cement slab.

The construction will match the existing house in all aspects – that is, yellow siding to match the existing yellow siding, white trim to match the existing trim, and a slanted roof shingled the same as either the metal roof of the bay window or the shingled roof of the house. In other words, it will blend in perfectly with the side of the house.

There will still be 6' left as setback from the side property line between our house and our neighbor at 113 New Market Court.

2012-0035-A

Petition for Administrative Variance

Zoning Description for 115 New Market Ct., Catonsville, MD 21228

Beginning at a point on the East side of New Market Court which is 50 feet wide at a distance of 330 feet South East of the centerline of the nearest improved intersecting street Altamont Avenue which is 50 feet wide. Being Lot #11 in the subdivision of Paradise Village as recorded in Baltimore County Plat Book #78, Folio #142 containing .1559 acres. Also known as 115 New Market Court and located in the 1st Election District, 1st Councilmanic District.

2012-0035-A



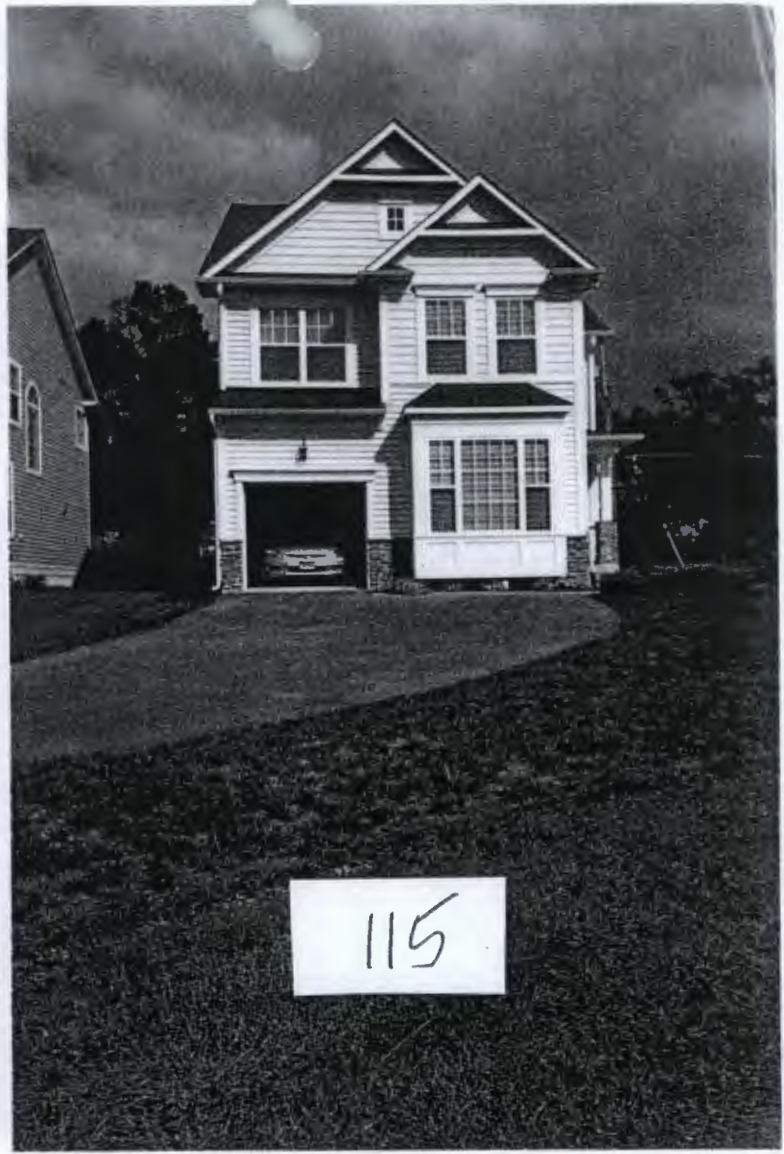
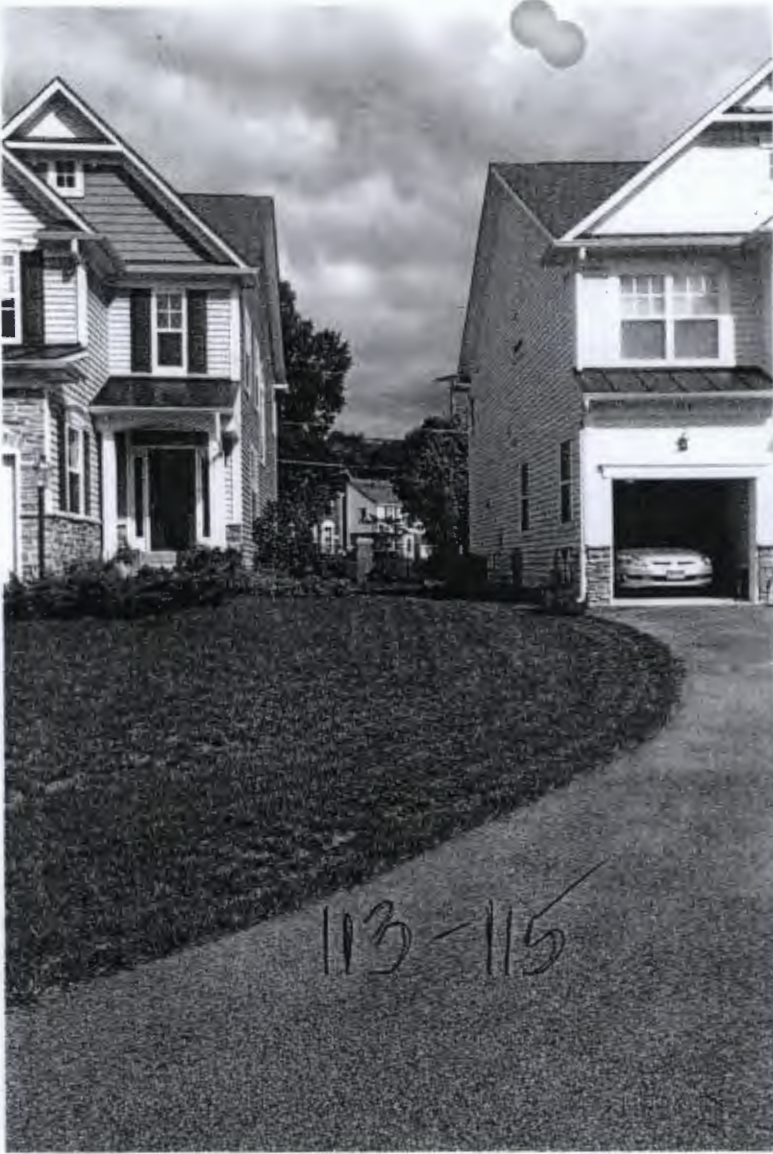
NEW MARKET COURT



NEW MARKET CT

SPACE BETWEEN 111 and 113

15' 11"



NEW MARKET CT.

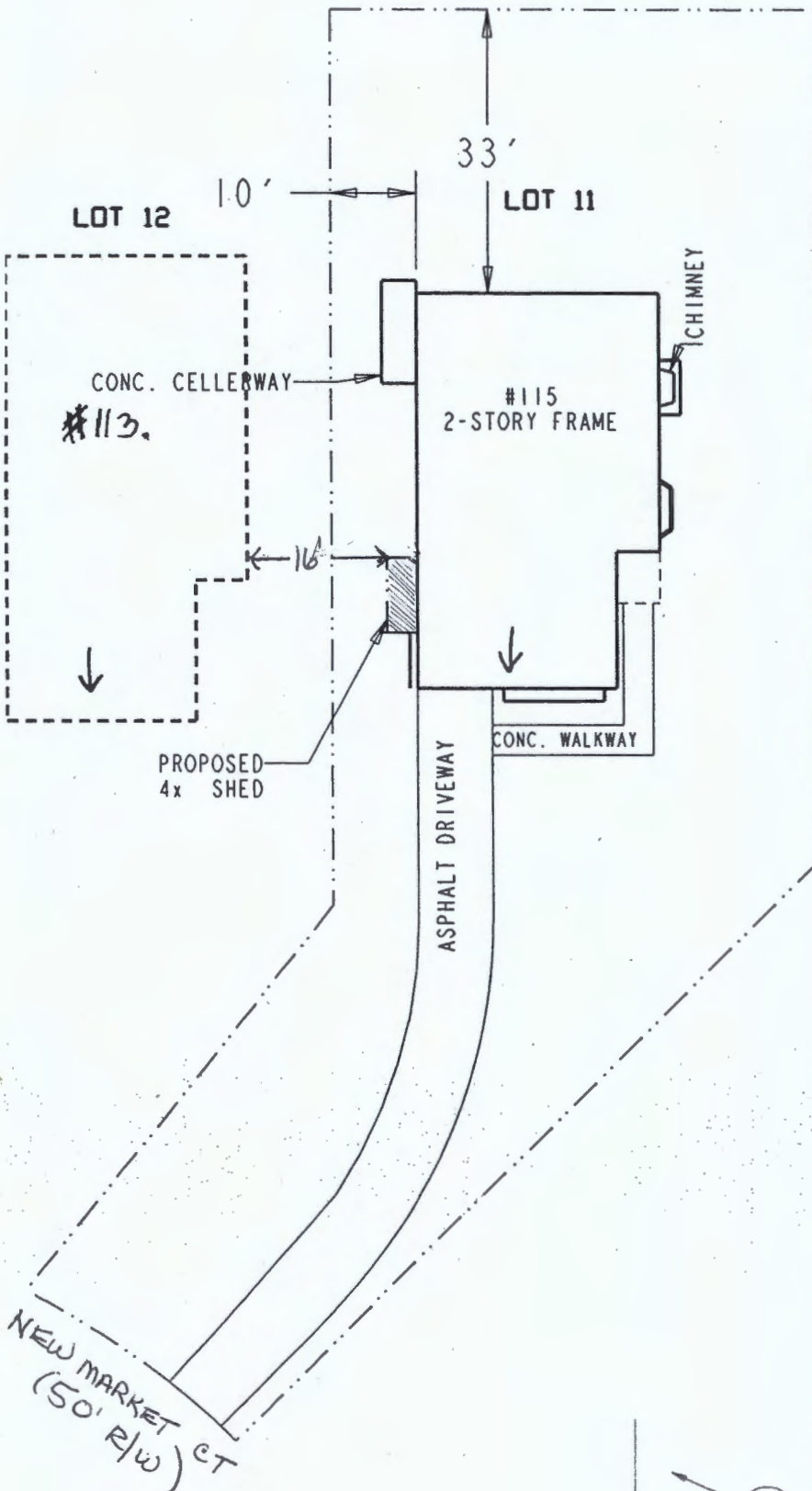
SPACE BETWEEN 113 and 115

20'

2012-0035-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 115 NEWMARKET COURT
 SUBDIVISION NAME: PARADISE VILLAGE
 PLAT BOOK# 78 FOLIO# 142 LOT# 11
 OWNERS: JANE REILLY & JACOB P. LAAVEG



VICINITY MAP

LOCATION INFORMATION

ELECTION DISTRICT 1ST.
 COUNCILMANIC DISTRICT 1ST.
 1" = 200' SCALE MAP # 101B1
 LOT SIZE 0.1559 ACRES 1559 SQUARE FEET

	PUBLIC	PRIVATE	YES	NO
SEWER	☒	☐		
WATER	☒	☐		
CHESAPEAKE BAY CRITICAL AREA			☐	☒
100 YEAR FLOOD PLAIN			☐	☒
HISTORIC PROPERTY/ BUILDING			☐	☒
PRIOR ZONING HEARING			☐	☒

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
D.T.	0035	2012-0035-A

SIZE: 11x17
 SCALE OF DRAWING: 1" = 20'