

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Riversedge Way; 940' SE of the
c/line of Morse Lane
15th Election District
7th Councilmanic District
(4227 Riversedge Way)

Brian and Kimberly Sanner
Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2012-0036-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, Brian and Kimberly Sanner for property located at 4227 Riversedge Way. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory building (shed) with a height of 17 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 wish to construct a two-story shed (28' in length x 14' wide x 17' height) to provide additional storage for the family. The Petitioners have hired a builder, Combs Custom Carpentry, to build the shed and will make every effort to compliment the existing dwelling. The Petitioners offered a letter of support from their adjacent neighbors at 4225 and 4229 Riversedge Way stating they had no objections with the shed height and location as well as approval from the Beachwood North HOA Architectural Committee. The subject property is 21,444 square feet, zoned D.R.1, and is located in the Beachwood North subdivision of Baltimore County.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated August 19, 2011. The comments indicate that the first floor or basement must be at least

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By

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one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code.

ZAC comments were also received from the Department of Environmental Protection and Sustainability (DEPS), dated September 22, 2011. DEPS has indicated the following:

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (DEPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area and is subject to Critical Area lot coverage requirements. The applicant is proposing to exceed the height limits for a shed. To minimize impacts on water quality, lot coverage requirements must be met. Additional storage on a second level, rather than an expanded footprint, help reduce lot coverage. By meeting the lot coverage requirements, the relief requested by the applicant will result in minimal impacts to water quality.

2. Conserve fish, wildlife, and plant habitat; and

This property is not waterfront. The applicant's plan accompanying the zoning petition shows that the requested relief will not exceed the lot coverage limit on site, which will conserve fish habitat in Back River.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal can be consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicants meet the requirements stated above.

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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.

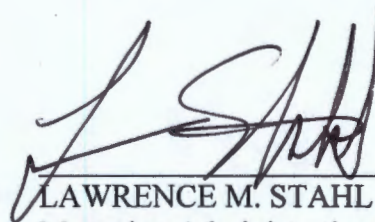
THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 23rd day of September, 2011 that a variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory building (shed) with a height of 17 feet in lieu of the maximum allowed 15 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 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.
4. Prior to the issuance of any building permit, Petitioners shall comply with the ZAC comments submitted by the Department of Environmental Protection and Sustainability (DEPS), dated September 22, 2011, and the Bureau of Development Plans Review, dated August 19, 2011; copies of which are attached hereto and made a part hereof.
5. When applying for a building permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

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By

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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

SEP 23 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 13, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-036-A
Address 4227 Riversedge Way
(Sanner Property)

Zoning Advisory Committee Meeting of August 15, 2011.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area and is subject to Critical Area lot coverage requirements. The applicant is proposing to exceed the height limits for a shed. To minimize impacts on water quality, lot coverage requirements must be met. Additional storage on a second level, rather than an expanded footprint, help reduce lot coverage. By meeting the lot coverage requirements, the relief requested by the applicant will result in minimal impacts to water quality.

2. Conserve fish, wildlife, and plant habitat; and

This property is not waterfront. The applicant's plan accompanying this zoning petition shows that the requested relief will not exceed the lot coverage limit on site, which will conserve fish habitat in Back River.

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By

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3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicants meet the requirements stated above.

Reviewer: *Regina Esslinger; Environmental Impact Review*

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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 29, 2011
Item No. 2012-0036

DATE: August 19, 2011

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 7.7 feet [NAVD 88].

The flood protection elevation is 8.7 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN
cc: File
ZAC-ITEM NO 12-0036-08292011.doc

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By 103



KEVIN KAMENETZ
County Executive

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

September 23, 2011

Brian and Kimberly Sanner
4227 Riversedge Way
Baltimore, Maryland 21222

Re: PETITION FOR ADMIN. VARIANCE

E side of Riversedge Way; 940' SE of the c/line of Morse Lane
15th Election District - 7th Councilmanic District
(4227 Riversedge Way)
Brian and Kimberly Sanner – *Petitioners*
Case No. 2012-0036-A

Dear Mr. and Mrs. Sanner:

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 black ink, appearing to read "L. Stahl", is written over the name Lawrence M. Stahl.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

c: James Combs, 8366 Oakwood Road, Millersville MD 21108

CBCA

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 4227 Riversedge Way Baltimore MD 21222 which is presently zoned DR1

Deed Reference: L7556 / L96 Tax Account # 2200025146

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 OF BC2R

TO PERMIT AN ACCESSORY BUILDING (PROPOSED SHED) WITH A HEIGHT OF 17 FEET IN LIEU OF THE MAXIMUM ALLOWED 15 FEET.

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

Date Address Telephone No.

City BY State Zip Code

Legal Owner(s):

Brian Sanner
Name - Type or Print

Signature

Kimberly Sanner
Name - Type or Print

Signature

4227 Riversedge Way 410-477-4721
Address Telephone No.

Baltimore MD 21222

City State Zip Code

Representative to be Contacted:

James Combs
Name

8366 Oakwood Rd. 443-790-0908
Address Telephone No.

Millersville MD 21108

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. 2012-0036-A

Reviewed By ATSUS Date 8/5/11

Estimated Posting Date 8/14/11 ~ 8/29/11

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 4227 Riversedge Way
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 are requesting to build a shed
twenty one 17 feet tall in lieu of the maximum allowed
15 and would like to amend the final development plan
of Beechwood North lot 12 only. As our family grows we see
the need for additional storage and would like to get this above
our gardening shed. Our home has a very high roof line and
the structure will be made to compliment the appearance of
the house. The extra storage space will make it possible → next

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.

Brian Sanner
Signature

Brian Sanner
Name- print or type

Kimberly Sanner
Signature

Kimberly Sanner
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 8th day of July, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Brian and Kimberly Sanner
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Shirley M. Combs 2/4/2013
Name of Notary Public Commission expires

PLACE SEAL HERE:

SHIRLEY M. COMBS
NOTARY PUBLIC STATE OF MARYLAND
Anne Arundel County
My Commission Expires 2/4/13

2012-0036-A

to only have one shed when some in our area have two or more. We have approval from our adjacent neighbors for 19' tall but have made changes to the plans to get the height to 17'. We have included the letter from the neighbors and the approval from the HOA.

2012-0036-A

13 July 2011

To: Mike and Theresa Rogers (4225 Riversedge Way)

George and Vicki Rakowski (4229 Riversedge Way)

This letter is to inform you that Brian and Kim Sanner (4227 Riversedge Way) would like to build a shed that measures 28'(l)x14'(w)x19'(h) and ask for your acknowledgement if you concur with this plan.

x17'(h)

This would be a two story structure. Every effort will be made to match exterior features to that of the main dwelling – color, doors, shingles, siding, windows, etc., but a main difference will be the style of roof. Current plans call for a barn style roof, which several sheds in the neighborhood have, such as the ones located at 4223 & 4229 Riversedge Way. Our shed would be similar to these but on a larger scale. We have a brochure w/photos and can provide it upon request should you care to review them.

Baltimore County code limits the height of sheds to fifteen feet so we are seeking a variance by ^{two} four feet. For several size references, the height of the garage at 4231 is sixteen feet and the height of the play set in our yard is fourteen feet. We are open to the placement of the shed but current plans have it in the corner of the yard nearest the Rakowski's w/the length running against the Rakowski's fence.

We've hired a builder, Combs Custom Carpentry (CCC), Inc., to build this shed. Representatives from CCC have met w/personnel from Baltimore County's Permits and Zoning office to discuss this project. Officials from the county have advised CCC that having the approval from our adjacent neighbors would help in obtaining the necessary permits (especially if the request is denied and goes to a hearing).

Please feel free to answer our request honestly. We prefer friendly, cordial relationships w/our neighbors so a non-concur will not create any hard feelings, it'll just mean we have more work to do in figuring out our options for a shed. We ask that you please sign, date, and indicate your choice (concur or non-concur) to our request below. If you concur, a copy of this letter will be provided to county officials for the record. If you would like, we would be happy to provide a copy for your records, too.

Thank you for your time.

Brian and Kim

Mike and Theresa Rogers - Michael Rogers 7/27/2011

Concur- MR

Non-Concur- _____

George and Vicki Rakowski - George Rakowski 7/27/11

Concur- GR

Non-Concur- _____

2012-0036-A

Beachwood North HOA Architectural Committee

June 30, 2011

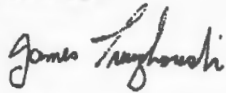
Mr. and Mrs. Sanner
4227 Riversedge Way

Brian and Kim,

The Beachwood North HOA Architectural committee met on June 30, 2011 and decided on your request submitted on May 31, 2011. Your requests are for the install of a shed and a playset.

Your request has been approved and I have copied from the Beachwood North Covenants, Conditions and Restrictions applicable additional requirements. In summary it states that the approval requires you to follow all government rules, regulations and permits. It also states that you will commence the start of construction within 6 months and complete within 1 year and if not you just have to bring it back before the architectural committee for approval or an extension. Any questions please feel free to call or email.

Sincerely,



Jim Truskowski
Beachwood North HOA Architectural Committee

2012-0036-A

ZONING DESCRIPTION

Zoning Description for 4227 Riversedge Way Baltimore, Md 21222-8807

Beginning at a point on the east side of Riversedge Way which is 44' wide at the distance of 940' east and south of the centerline of the nearest improved intersecting street Morse Lane which is 66' wide.

***Being Lot # 12, Block , Section # 1 in the subdivision of**

Beechwood North as recorded in Baltimore County Plat Book # 68,

Folio # 13 containing 21,444 square feet or acres. Also known as 4227

Riversedge Way and located in the 15th Election District, 7th

Councilmanic District.

2012-0036-A

CERTIFICATE OF POSTING

2012-0036-A

RE: Case No.: _____

Petitioner/Developer: _____

Brian Sanner

August 29, 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: _____

4227 Riversedge Way

August 14, 2011

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

Sincerely,

August 15, 2011

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

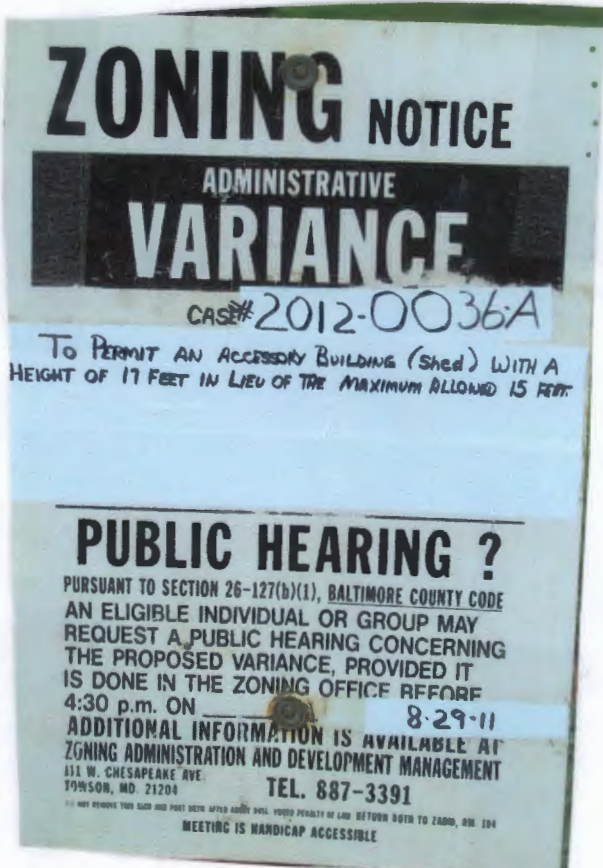
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

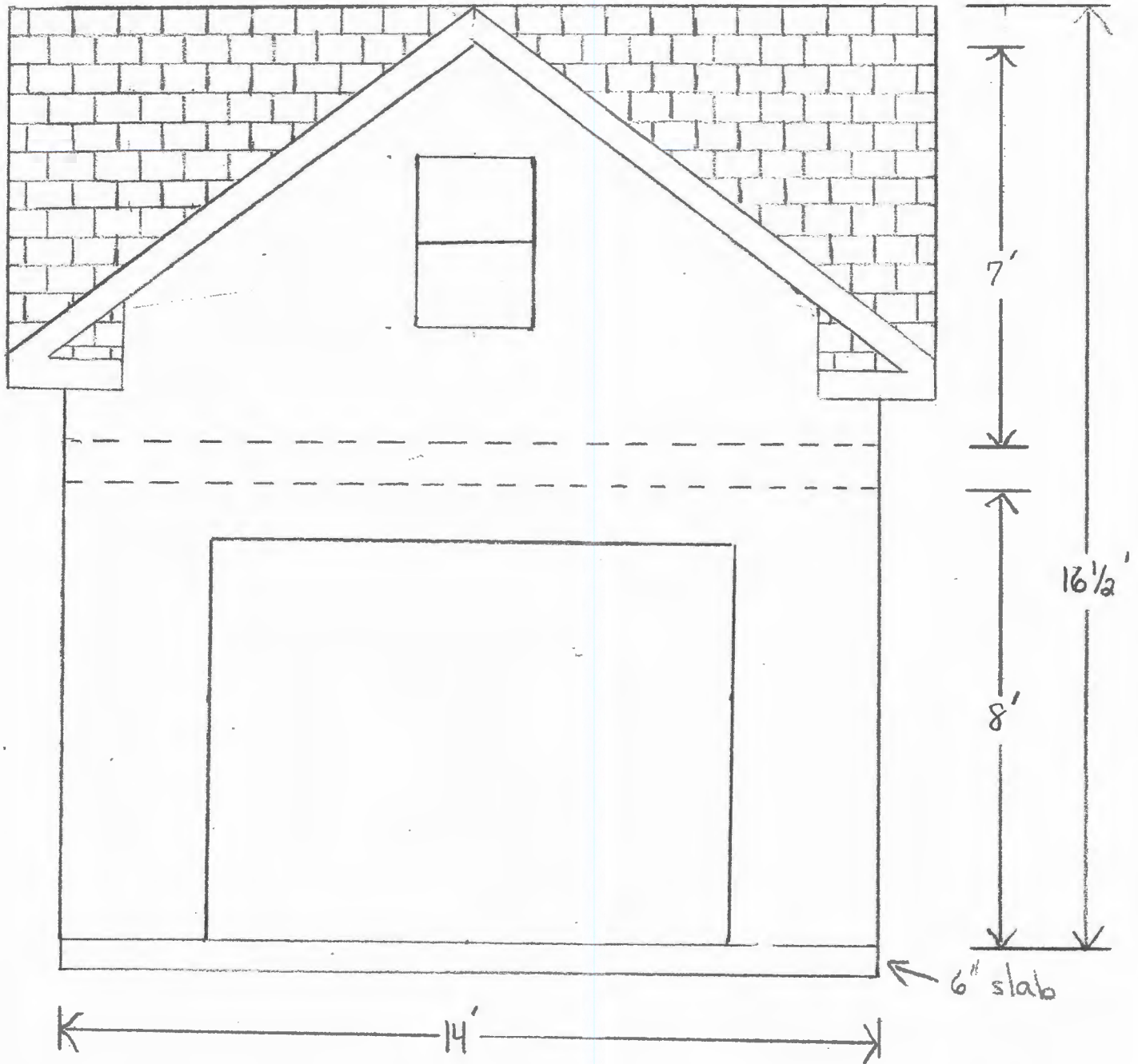




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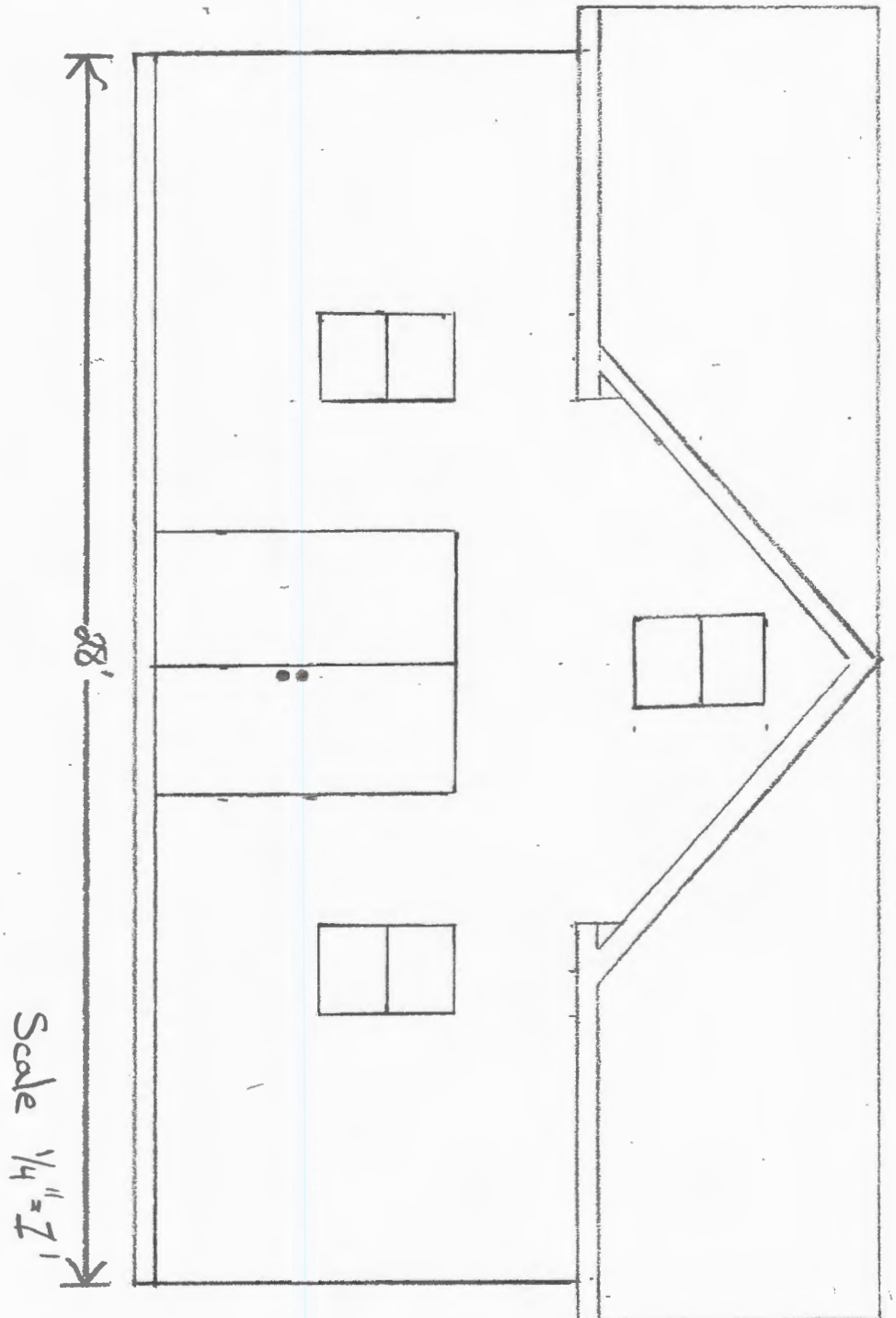


2012-0036 A



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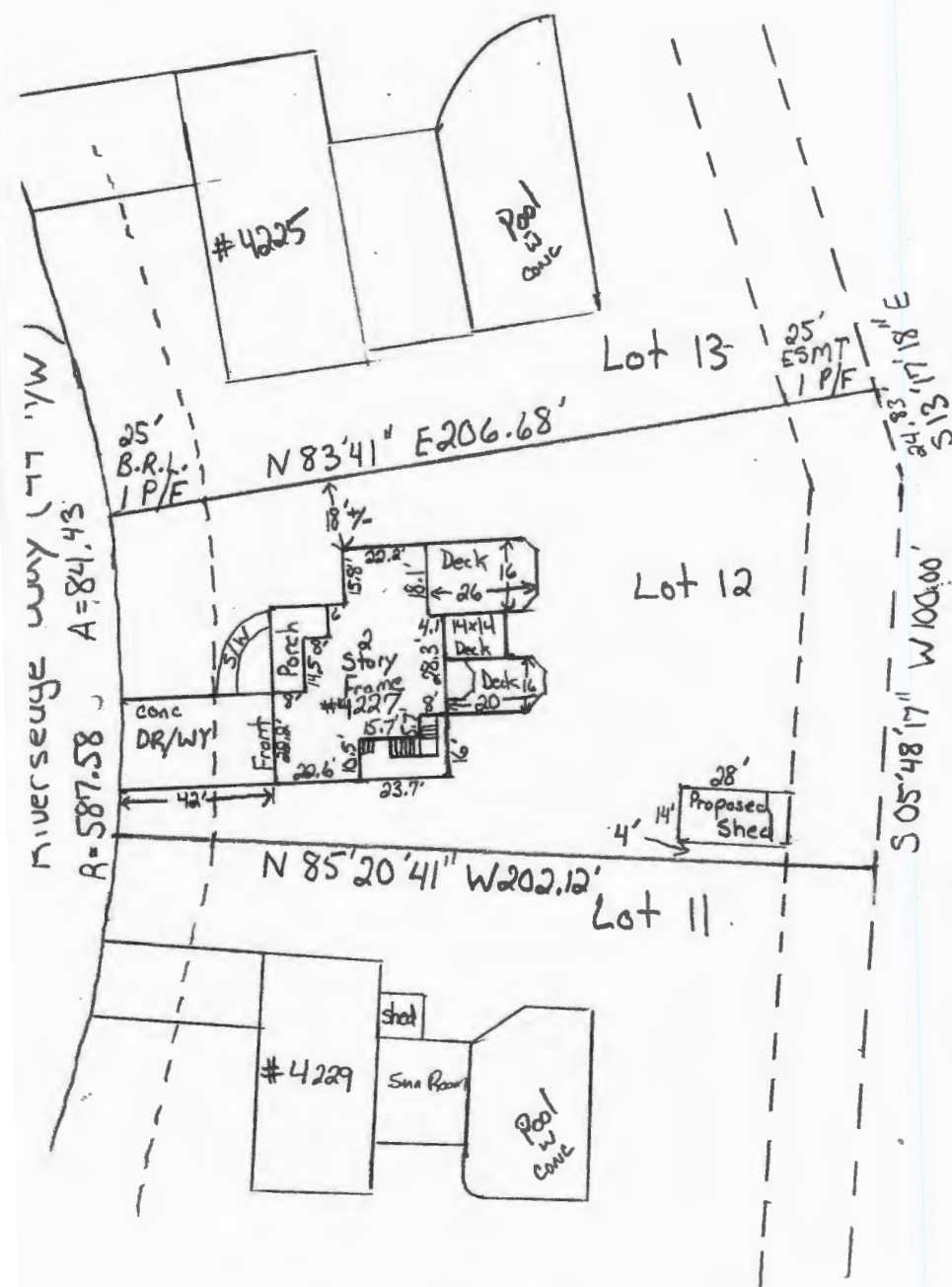


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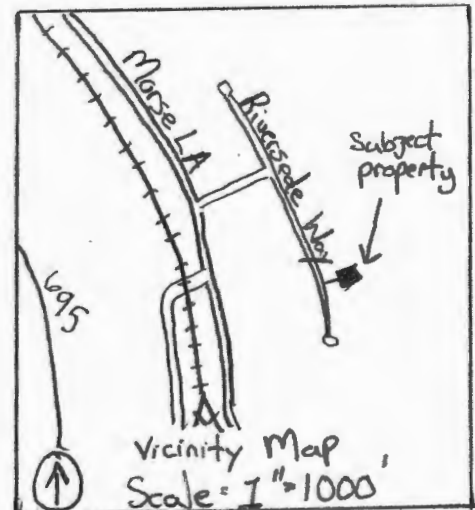
Property address 4227 Riversdale Way

Plat book #68 Filio #13 Lot #12 Section #1

Owner Kimberly + Brian Sanner



Scale of drawing $1''=50'$



Location Information

Election District 15th

Councilmanic District 7th

1"=200' Scale Map# 104B2

Zoning DR1

Public Sewer + Water

Chesapeake Bay

Critical Area - YES

100 Year Flood Plain-No

Historic Property - No

Prior Zoning Hearing
NO

Zoning Office Use Only
Reviewed By Item# Case#

ATSAI | 0036 | 2012-0036-A