

IN RE: PETITION FOR ADMIN. VARIANCE *

S/S Virginia Avenue; 25' W of c/line of

Brian Street

(2819 Virginia Avenue)

13th Election District

1st Council District

Kathleen Turner

Petitioner

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BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0047-A

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ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owner of the property, Kathleen Turner. The Petitioner is requesting Variance relief pursuant to Sections 400.1 and 400.2 to permit an accessory structure (detached garage) with an 8 foot setback from an alley centerline in lieu of the required 15 feet and to allow the structure to be located outside of the third of the lot farthest removed from any street. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1. Petitioner wishes to construct a detached garage (22' x 30' x 15' in size) considering that cars are being vandalized, a break in has occurred and additional storage space is needed for the family. The location of the garage will be placed approximately 12 feet from the swimming pool which will allow the children's play area to remain. Photographs submitted by the Petitioner shows similar garages in the neighborhood built in the same footprint. The subject property is .144 acres or 6,250 square feet, zoned D.R.5.5 and is located in the Baltimore Highlands subdivision of Halethorpe in Baltimore County.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no other comments received from any of the County

ORDER RECEIVED FOR FILING

Date

9-19-11

By

103

reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 28, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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.

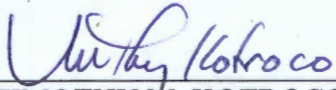
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 19th day of September, 2011 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Sections 400.1 and 400.2 to permit an accessory structure (detached garage) with an 8 foot setback from an alley centerline in lieu of the required 15 feet and to allow the structure to be located outside of the third of the lot farthest removed from any street, be and is hereby

GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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.
3. The accessory structure shall not be used for commercial purposes.


TIMOTHY M. KOTROCO
Administrative Law Judge for
Baltimore County

TMK:dlw

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Date

9-19-11

By

102



KEVIN KAMENETZ
County Executive

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

September 19, 2011

Kathleen Turner
2819 Virginia Avenue
Halethorpe, Maryland 21227

RE: PETITION FOR ADMIN. VARIANCE
S/S Virginia Avenue; 25' W of c/line of Brian Street
(2819 Virginia Avenue)
13th Election District - 1st Council District
Kathleen Turner - Petitioner
CASE NO. 2012-0047-A

Dear Ms. Turner:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco".

TIMOTY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:dlw
Enclosure

ORIGINAL KEEP
IN FILE

TAX. A # 1308650920



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2819 VIRGINIA AVE.
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) 400.1 AND 400.2 TO PERMIT

AN ACCESSORY STRUCTURE (DETACHED GARAGE) WITH A 8 FT. SETBACK FROM AN ALLEY CENTERLINE IN VIEW OF THE REQUIRED 15 FT. AND TO ALLOW THE STRUCTURE TO BE LOCATED OUTSIDE OF THE THIRD OF THE LOT FARTHEST REMOVED FROM ANY STREET,

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):

KATHLEEN TURNER
Name - Type or Print _____
Kathleen Turner
Signature _____
Name - Type or Print _____
Signature _____
2819 VIRGINIA AVE 443-980-5668
Address _____ Telephone No. _____
HALETHORPE MD 21227
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.

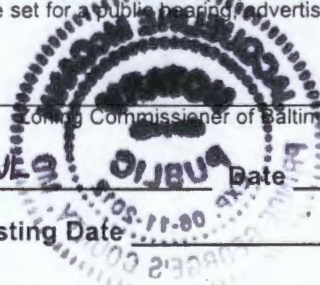
CASE NO. 2012-0047-A

ORDER RECEIVED
REV 10/25/01

Date _____

Reviewed By [Signature] Date 8/19/11

Estimated Posting Date _____



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 2819 Virginia Ave
City Halethorpe State MD Zip Code 21227

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):

1. Our cars have been vandalized twice.
2. There's been break in also.
3. Have Two ^{RELATED} Family Living In Household
Need more Storage
4. Moving the building Forward would put it to
Close to the pool Reduce the Children playing Area.
And Leave a large dead SPACE between the garage and alley.

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.

Kathleen Turner
Signature

Kathleen Turner
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25th day of OCTOBER, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

KATHLEEN TURNER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Jacqueline McCann
Notary Public

My Commission Expires JUNE 11, 2012

ZONING DESCRIPTION FOR 2819 VIRGINIA AVE
(address)

Beginning at a point on the SOUTH side of
(north, south, east or west)
VIRGINIA AVE which is 50 FEET
(name of street on which property fronts) (number of feet of right-of-way width)
wide at the distance of 25 FEET WEST of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street BRIAN STREET
(name of street)
which is 50 FEET wide. *Being Lot # 25/26
(number of feet of right-of-way width)
Block E, Section # in the subdivision of BALTIMORE, HIGHLAND
(name of subdivision)
as recorded in Baltimore County Plat Book # 2, Folio # 379,
containing 6250 SQFT. Also known as 2819 VIRGINIA AVE
(square feet or acres) (property address)
and located in the 13 Election District, 1 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number,
then DO NOT attempt to use the Lot, Block and Subdivision
description as shown, instead state: "As recorded in Deed
Liber , Folio " and include the measurements and
directions (metes and bounds only) here and on the plat in the
correct location.

Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18°
27' 03" E. 87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15'
22" W. 80 ft. to the place of beginning.

0047

CERTIFICATE OF POSTING

Date: 8/28/11

RE: Case Number: 2012-0047-A

Petitioner/Developer: Kathleen Turner

Date of Hearing/Closing: 9/12/11

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 2819 Virginia Ave

The signs(s) were posted on 8/28/11
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

ADMINISTRATIVE VARIANCE

CASE # 2012-0047-A
TO PERMIT AN ACCESSORY
STRUCTURE (DETACHED GARAGE) WITH
AN 8-FOOT SETBACK FROM AN ALLEY
CENTERLINE IN LIEU OF THE REQUIRED
15 FEET AND TO ALLOW THE STRUCTURE
TO BE LOCATED OUTSIDE OF THE THIRD OF
THE LOT FARTHEST REMOVED FROM ANY STRUCTURE

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
ON 9/12/11 AVAILABLE AT THE DEPARTMENT OF
OFFICE BUILDING,

LAWRENCE PILSON
(Printed Name of Sign Poster)

5 Old Barn Road
(Street Address of Sign Poster)

Arkton, MD 21120
(City, State, Zip Code of Sign Poster)

0-343-1443
(Phone Number of Sign Poster)

FILE COPY
ORIG + POST LIST TO
APP

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0047 -A

Address 2819 VIRGINIA AVE.

Contact Person: JOHN LEWIS
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 8/19/11

Posting Date: 8/28/11

Closing Date: 9/12/11

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.
3. **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- 0047 -A

Address 2819 VIRGINIA AVE.

Petitioner's Name KATHLEEN TURNER

Telephone 410 636 6590

Posting Date: 8/28/11

Closing Date: 9/12/11
C 443 980 5468

Wording for Sign: To Permit A DETACHED GARAGE 8 FT. FROM AN ALLEY
CENTER LINE IN LIEU OF THE REQUIRED 15 FT. AND TO ALLOW IT
TO BE OUTSIDE OF THE THIRD OF THE LOT FARTHEST FROM ANY
STREET

Revised 7/06/11

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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 0047 A

Petitioner: x TURNER

Address or Location: x 2819 Virginia Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: KATHLEEN TURNER

Address: 2819 Virginia Ave.

HALETHORPE, MD 21227

Telephone Number: 443-980-5468



KEVIN KAMENETZ
County Executive

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

September 7, 2011

Ms. Kathleen Turner
2819 Virginia Avenue
Baltimore, MD 21227

RE: Case Number 2012-0047-A, 2819 Virginia Avenue

Dear Ms. Turner,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 19, 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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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 # 12-047-A
Address 2819 Virginia Avenue
(Turner Property)

Zoning Advisory Committee Meeting of August 29, 2011.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

SEP 14 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8-24-11

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

RE: Baltimore County
Item No. 2012-0047-A.
Administrative Variance
Kathleen Turner
2819 Virginia Ave.

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. 2012-0047-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,

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For September 06, 2011
Item Nos. 2012-046, 047, 048, 049, 050
And 051.

DATE: September 2, 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-09122011 -NO COMMENTS.doc



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

August 25, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **August 29, 2011**

Item No.:

Administrative Variance: 2012-0045A, 2012-0047A – 0048A

Variance: 2012-0046A, 2012-0049-SPHA

Special Hearing: 2012-0049-SPHA – 0050-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







2819 Virginia Avenue

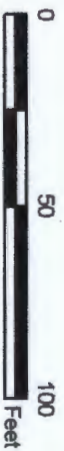


0047



Publication Date: October 25, 2010
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

DG Map Notes



1 inch = 50 feet

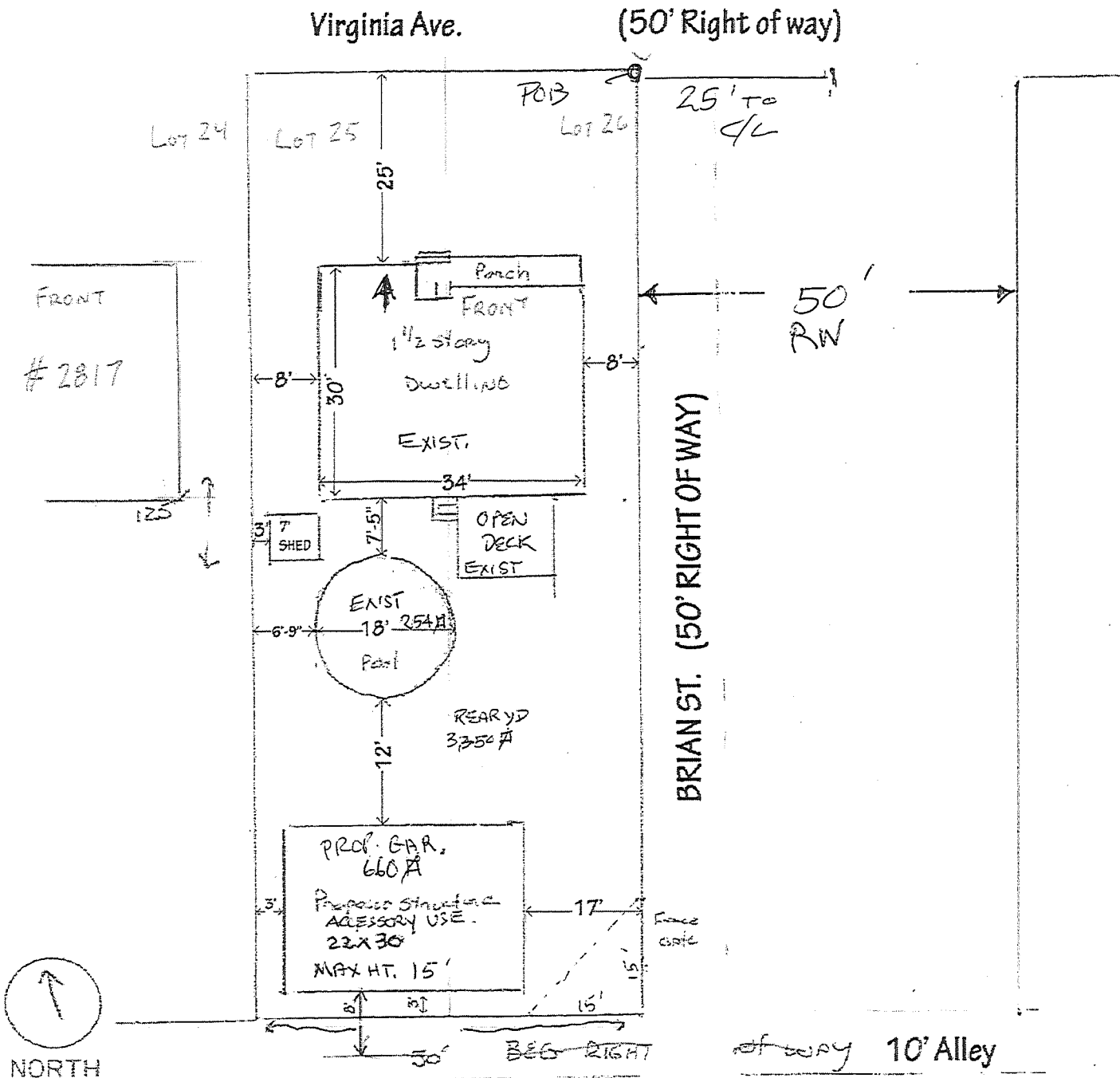
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2819 Virginia Ave. Haltheape SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Baltimore Highlands 21227

PLAT BOOK # 2 FOLIO # 379 LOT # 25+26 SECTION # ---

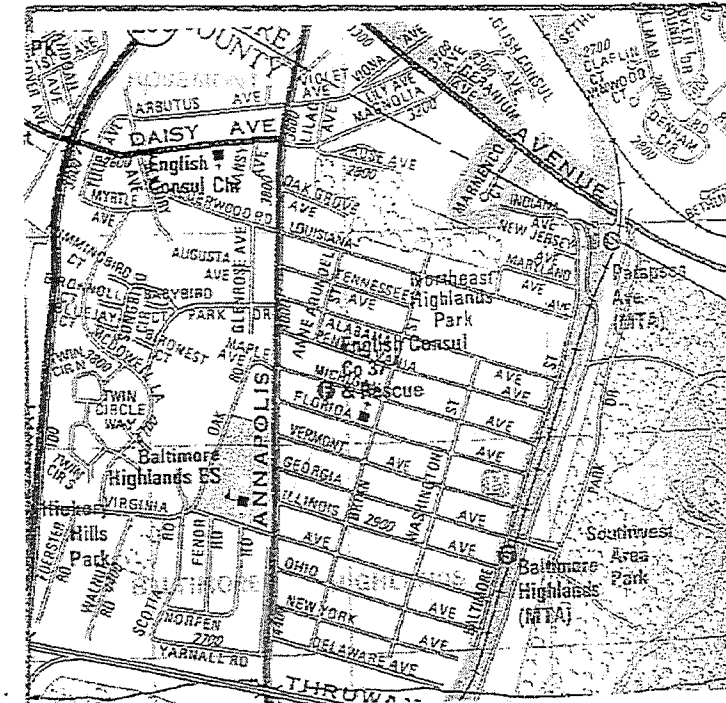
OWNER ~~XXXXXXXXXX~~ KATHLEEN TURNER



PREPARED BY

NEIGHBORS
Estimating Garage

SCALE OF DRAWING: 1" = 20'



LOCATION INFORMATION

ELECTION DISTRICT 13th

COUNCILMANIC DISTRICT 1st

1"=200' SCALE MAP # 109B2+C2

ZONING DR 5.5

LOT SIZE .144 6250
ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/BUILDING ☐ ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

2012-0047-A