

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Bird River Road; 1,065 feet
W of the c/l of Ebenezer Road
15th Election District
6th Councilmanic District
(10606 Bird River Road)

James D. and Kimberly M. Bass
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0076-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, James D. and Kimberly M. Bass for property located at 10606 Bird River Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) in the rear yard of an existing single family dwelling with a height of 25 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 desire to construct a garage measuring 32 feet x 48 feet with an attic for storage of personal belongings. The dwelling was constructed in 1937, contains 1,081 square feet and lacks the storage space of a modern home. The property contains 1.05 acres zoned RC 3 and RC 2.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Sustainability dated October 7, 2011. The comments indicate that a future building permit at this site will require review by Groundwater Management since the property is served by private septic.

ORDER RECEIVED FOR FILING

Date 10-18-11
By [Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 25, 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 18th day of October, 2011 that a variance from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) in the rear yard of an existing single family dwelling with a height of 25 feet in lieu of the maximum allowed 15 feet, be and is hereby GRANTED, subject to the following:

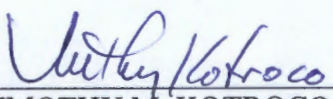
ORDER RECEIVED FOR FILING

Date 10-18-11

By [Signature]

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. The building permit for this project will require review by Groundwater Management since the property is served by private septic.

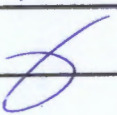
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

Date 10-18-11

By 



KEVIN KAMENETZ
County Executive

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

October 18, 2011

JAMES D. AND KIMBERLY M. BASS
10606 BIRD RIVER ROAD
BALTIMORE MD 21220

Re: Petition for Administrative Variance
Case No. 2012-0076-A
Property: 10606 Bird River Road

Dear Mr. and Mrs. Bass:

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 10606 Bird River Rd.
which is presently zoned RC 3 + RC 2
Deed Reference: 7326/299 Tax Account # 1518350870

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 A PROPOSED ACCESSORY BUILDING (DETACHED GARAGE WITH ATTIC FOR STORAGE) ON REAR OF EXISTING DWELLING, WITH A HEIGHT OF 25 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 10-18-11
Address _____ Telephone No. _____
By [Signature] State _____ Zip Code _____

Legal Owner(s):

James Daniel Bass
Name - Type or Print _____
James D Bass
Signature _____
Kimberly Marie Bass
Name - Type or Print _____
[Signature]
Signature _____
10606 Bird River Road 410 335 7930
Address _____ Telephone No. _____
Baltimore MD 21220
City _____ State _____ Zip Code _____

Representative to be Contacted:

Kimberly Bass
Name _____
10606 Bird River Road 410 335-7930
Address _____ Telephone No. _____
Baltimore MD 21220
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. 2012-0076-A Reviewed By A. Tsui Date 9/17/11
Estimated Posting Date 9/25/11 ~ 10/10/11

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 10606 Bird River Road

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 need this size garage to protect our cars/equipment, boat, for storage, in addition to many other items. Our house is old & lacks the storage space we really need. We request the 25' height allowance so that we can have the much needed storage in the attic & this size (32'x18') to protect our investments. I grew up in this house & me & my husband have lived here for 27 yrs. We don't want to move.

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

Name- print or type

Signature

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 25th day of Aug, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): James Bass & Kimberly Bass
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Name of Notary Public

Commission expires

PLACE SEAL HERE:

LORIA A. NEAL
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES JULY 17, 2013

Zoning Property Description for 10606 Bird River Rd.

NORTH SIDE

Beginning AT the ~~centerline~~ point of Bird River Rd. which is 21' wide and 1,065' west of the nearest intersecting street Ebenezer Rd. which is 30' wide. Thence the following courses and distances: (1st POC) N 04° E 435.40', (2nd POC) N 86° W 107.64', (3rd POC) S 04° E 419.12', (4th POC) S 77° 24' E 108.86', back to the point of beginning as recorded in Deed Liber 7326, Folio 299, containing 1.05 acres located in the Election District 15 and 6 Council District.

RM 2/14/11

2012-0076-A

CERTIFICATE OF POSTING

2012-0076-A

RE: Case No.: _____

Petitioner/Developer: _____

James Bass

October 10, 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: _____

10606 Bird River Road

September 25, 2011

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

Sincerely,

September 26, 2011

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

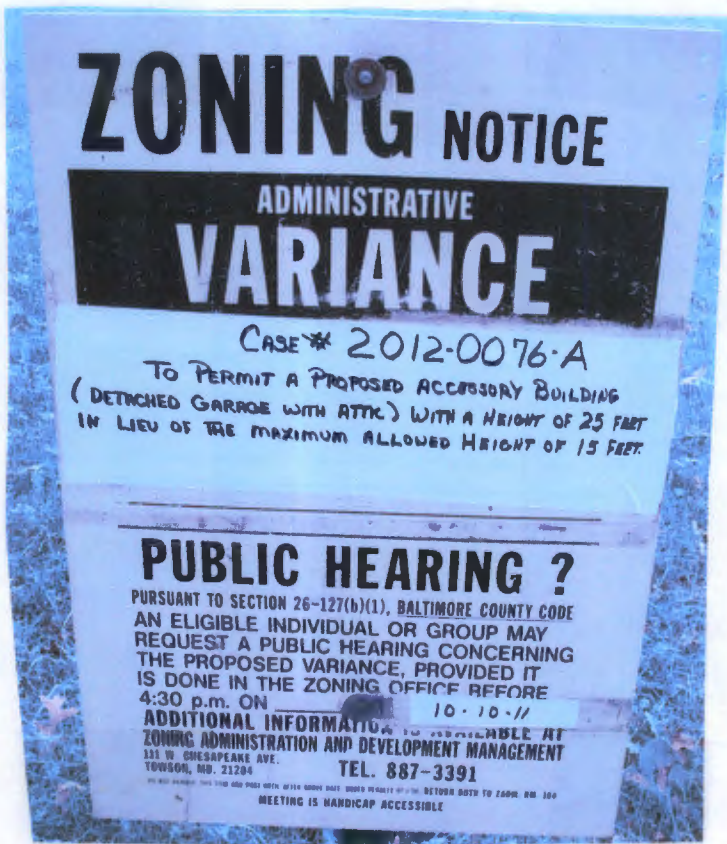
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: October 7, 2011

SUBJECT: DEPS Comment for Zoning Item # 2012-0076-A
Address 10606 Bird River Road
(Bass Property)

Zoning Advisory Committee Meeting of September 26, 2011.

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

1. A future bldg. permit at this site will require review by Groundwater Mgmt., since the property is served by private septic.

Reviewer: *Dan Esser; Groundwater Management*

RECEIVED

OCT 07 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Applicant's existing garage



10608 Bird River Rd.
Neighbor To The right of
Applicant's house

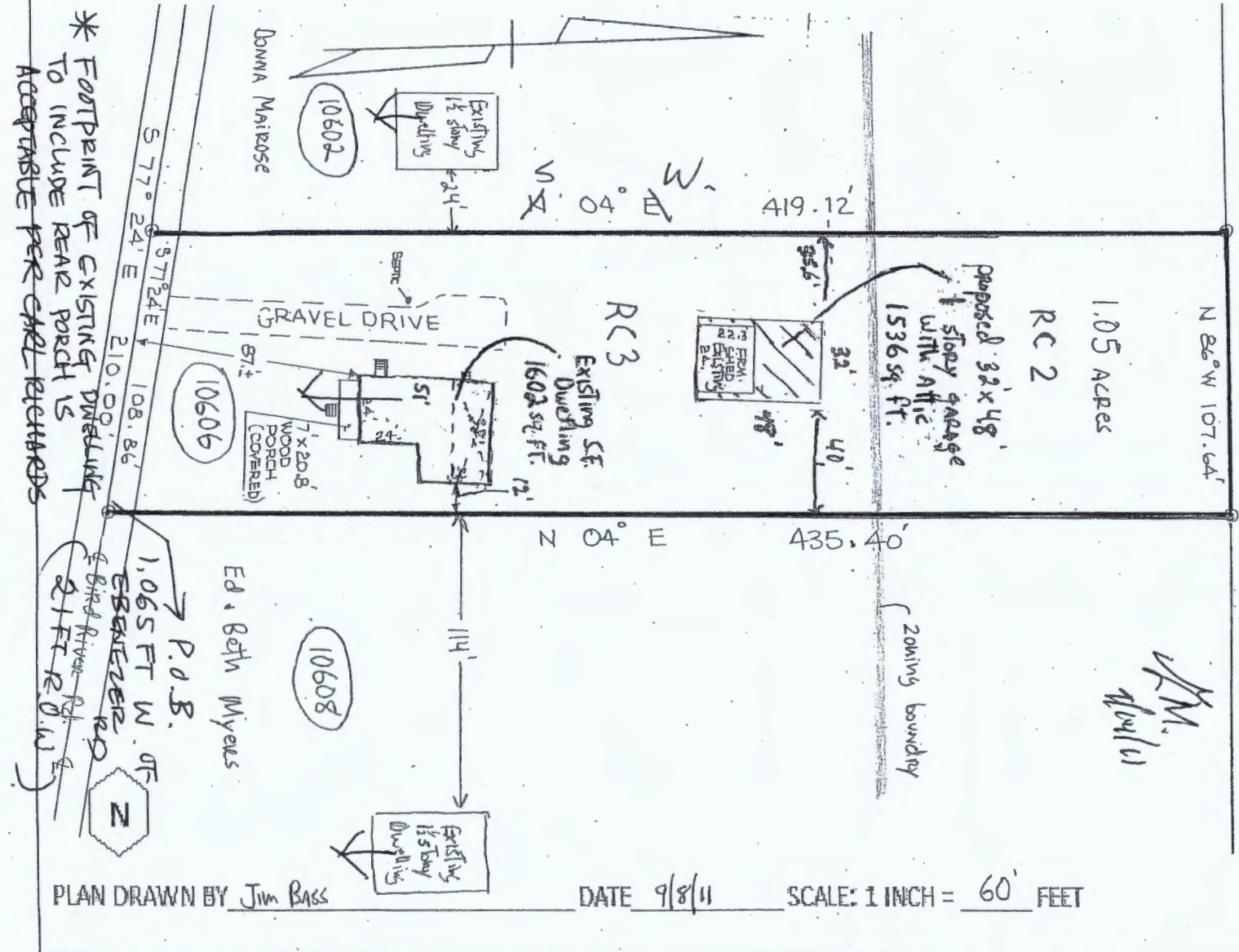


ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS 10606 Bind River Rd. OWNER(S) NAME(S) JAMES + Kimberly BASS

SUBDIVISION NAME _____ LOT # _____ BLOCK # _____ SECTION # _____

PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 1518350870 DEED REF. # 7326 / 299



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 083A2

SITE ZONED RC3 + RC2

ELECTION DISTRICT 15

COUNCIL DISTRICT 6

LOT AREA ACREAGE 1.05

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC _____ PRIVATE ☒

PRIOR HEARING? NONE

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

2012-0076-A A.T.B. 9/14/11 NONE