

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Gladway Road; 640 feet SE
of the c/l of Bird River Road
15th Election District
6th Councilmanic District
(1110 Gladway Road)

Wilson R. and Jeanne M. O'Neil
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0079-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, Wilson R. and Jeanne M. O'Neil for property located at 1110 Gladway Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) in the side yard of a single family dwelling with a height of 17 feet in lieu of the required rear yard and 15 feet height. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a garage/pole barn/shed measuring 30 feet x 48 feet. The proposed structure will replace older storage buildings on the property and consolidate storage into one larger building. Petitioners' property is long and narrow with little depth. It is impossible to fit the new storage building entirely in the rear yard so part of the structure must extend into the side yard. In order for the structure to have a property roof pitch for snow loads, the roof must have a height of 17 feet. The property contains 22,476 square feet zoned DR 2.

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 10-18-11

By 

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 Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (garage) in the side yard of a single family dwelling with a height of 17 feet in lieu of the required rear yard and 15 feet height, be and is hereby GRANTED, subject to the following:

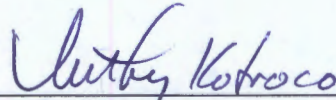
ORDER RECEIVED FOR FILING

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.

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 



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property located at 1110 Gladway Road which is presently zoned DR-2

Deed Reference: _____ / _____ Tax Account # 15 15540130

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)

Sections 400.1 & 400.3

To permit an accessory structure (garage) in the side yard of a single family dwelling with a height of 17 feet in lieu of the required rear yard and 15 feet height.

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 _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

Wilson R Oneil
Name - Type or Print _____

William R Oneil
Signature _____

Jeannie Oneil
Name - Type or Print _____

Jeannie Oneil
Signature _____

1110 Gladway Rd 410 682 4791
Address _____ Telephone No. _____

Baltimore MD 21220
City _____ State _____ Zip Code _____

Representative to be Contacted:

Wilson Oneil
Name _____

1110 Gladway Rd
Address _____ Telephone No. _____

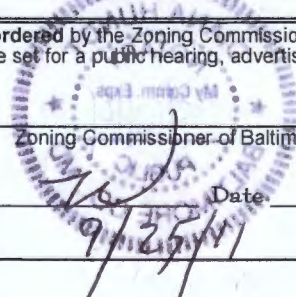
Baltimore MD 21220
City _____ State _____ Zip Code _____

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.

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Reviewed By _____ Date 9/15/11

Estimated Posting Date 9/25/11



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 1110 Gladway 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)

To construct a pole barn 30'x50'x17' to replace older storage buildings on the property and to consolidate storage into one larger building. My property is unique and irregular in that it is long and narrow with not much depth. It is impossible to fit this new storage building entirely in my rear yard so part of it must extend into my side yard. Also given its size, the roof trusses, in order to meet a proper pitch for snow loads must reach a total height of 17 feet

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.

Wilson R Oneil
Signature

Wilson R Oneil
Name- print or type

Jeannie Oneil
Signature

Jeannie Oneil
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 15 day of September, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Wilson Oneil Jr + Jeannie Oneil
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Diana Hundt
Name of Notary Public

3/10/14
Commission expires

PLACE SEAL HERE



ZONING HEARING PROPERTY DESCRIPTION

1110 Gladway Road

Beginning at a point on the northwest side of Gladway Road which is 20' wide at the distance of 640' southeast of the centerline of the nearest improved intersecting street, Bird River road which is 70' wide.

BEGINNING for the same at a point on the southwest side of Gladway Road, heretofore laid out 30 feet wide, and in the second or South 37 degrees 22 minutes East 435.60 foot line of a parcel of land which by Deed dated March 16, 1946 and recorded among the Land Records of Baltimore County in Liber RJS No. 1443, folio 192 was conveyed by Christine Homberg, Widow to Anthony J. Peroutka, Jr. and wife, said point being distant south 37 degrees 22 minutes East 210.60 feet, measured along said second line from the beginning thereof and running thence with and binding on a part of said second line and binding on the southwest side of said Gladway Road, South 37 degrees 22 minutes East 225 feet to the end of said second line, thence leaving said road and running with an binding on the third line of said parcel of land, South 52 degrees 38 minutes West 100 feet to intersect the northeast side of a strip of land, 12 feet wide, heretofore laid out for a roadway and to the beginning of the last line of said parcel of land which was conveyed by Christine Homberg, Widow to Anthony J. Peroutka, Jr. and wife thence running with an binding on a part of said last line and binding on the northeast side of said 12 foot roadway, North 37 degrees 22 minutes West 225 feet and thence leaving said roadway and outline and running for a line of division now made, North 52 degrees 38 minutes East 100 feet to the place of beginning. The improvements thereon also being known as 1110 Gladway Road.

Containing 0.516 of an Acre of land more or less.

2012-0079-A

CERTIFICATE OF POSTING

2012-0079-A

RE: Case No.: _____

Petitioner/Developer: _____

Wilson & Joannie O'Neil

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: _____

1110 Gladway 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

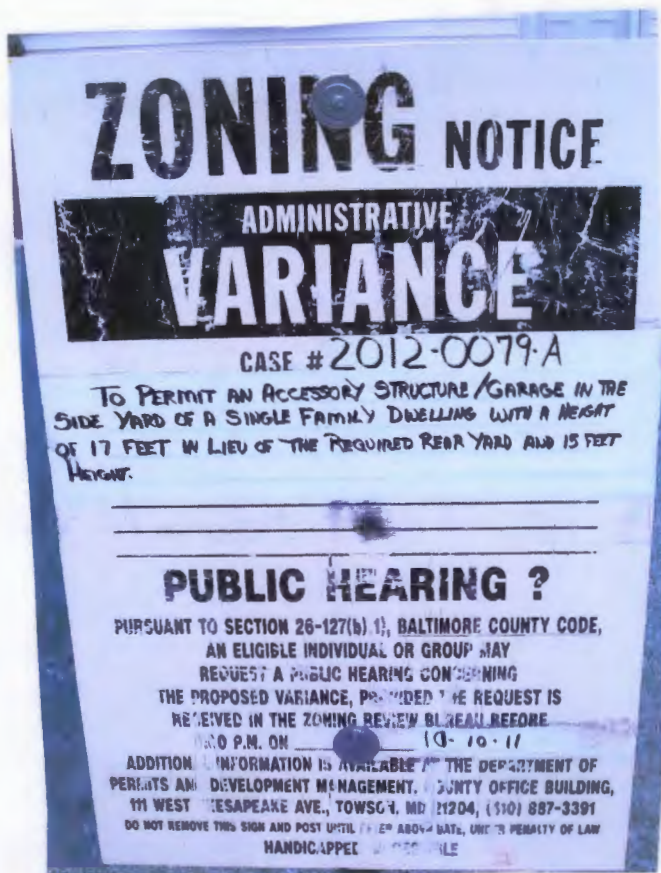
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 1110 GLADWAY RD.

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME _____

PLAT BOOK # _____ FOLIO # _____ LOT # _____ SECTION # _____

OWNER Wilson Oneil & Jeannie Oneil

(RIGHT & USE THEREOF IN COMMON WITH OTHERS)

(UNIMPROVED)

12' STRIP OF LAND

N 37° 22' W

5'

Proposed Pole Barn
30'x50'x17'

25'

13.5'

MACADAM PAVING

FRAME SHED
30.2'
To be removed

225'

30'

35'±

N 52° 38' E

100'

240010 0435 B

18' CONC. PAD

ONE - STORY FRAME DWLG.

#1110

37.8'

2.5' C.W.

PLANTER

10.7' CONC. PATIO

4'x3' COVERED CONC. PORCH

S 37° 22' E

225'

GLADWAY

ROAD

(30' R/W)

17' PAVING

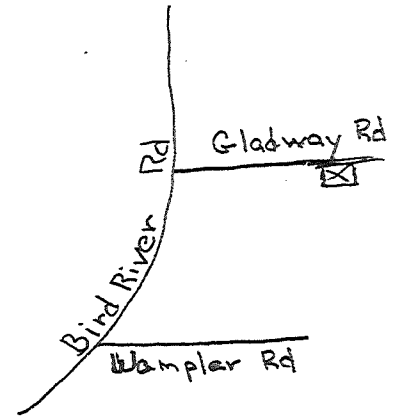
THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD ZONE

640 feet to Center line of Bird River Road.



NORTH

PREPARED BY _____



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15TH

COUNCILMANIC DISTRICT 6

1"=200' SCALE MAP # 082C3

ZONING DR-2

LOT SIZE 22,476 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100-YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY _____ ITEM # _____ CASE # _____

W 2012 0079-A