

IN RE: PETITION FOR ADMIN. VARIANCE

SW side of Meadow Glen Road; 855 feet
SE of the c/l of Bird River Road
15th Election District
6th Councilmanic District
(1003 Meadow Glen Road)

Gary L. and Judith A. Longerbeam
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0083-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, Gary L. and Judith A. Longerbeam for property located at 1003 Meadow Glen Road. The variance request is from Sections 1B02.3.B, 504.2, 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section V.B.6.b of the Comprehensive Manual of Development Policies (1992) to permit an addition with a 9 foot rear setback and open projection (deck) with a 5 foot rear setback in lieu of the required 15 feet and 11.25 feet, respectively and to amend the latest Final Development Plan for Rohe Farm, Lot 16 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct an addition measuring 20 feet x 9 feet and a deck measuring 10 feet x 10 feet. They wish to expand the living area to include a larger dining area and will remove the existing deck and use that area for the addition. A deck will be added behind the garage, attached to the garage, existing dwelling wall and part of the new addition.

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 October 7, 2011. The building additions shall be located at least 1 foot away from the

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Date 10-24-11

By SMA

drainage and utility easement. Provide a total of 6 feet from the lot line to the proposed additions, so that the foundation is outside of the easement.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 2, 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.

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 24th day of October, 2011 that a variance from Sections 1B02.3.B, 504.2, 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") and Section V.B.6.b of the Comprehensive Manual of Development Policies (1992) to permit an addition with a 9 foot rear setback and open projection (deck) with a 5 foot rear setback in lieu of the required 15 feet and 11.25 feet, respectively and to amend the latest Final Development Plan for Rohe Farm, Lot 16 only, be and is hereby GRANTED, subject to the following:

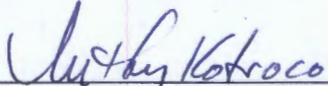
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1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from 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. Compliance with the conditions as stated in the Bureau of Development Plans Review comments dated October 7, 2011. The building additions shall be located at least 1 foot away from the drainage and utility easement. Provide a total of 6 feet from the lot line to the proposed additions, so that the foundation is outside of the easement.
3. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

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By SMA



KEVIN KAMENETZ
County Executive

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

October 24, 2011

GARY L. AND JUDITH A. LONGERBEAM
1003 MEADOW GLEN ROAD
MIDDLE RIVER MD 21220

Re: Petition for Administrative Variance
Case No. 2012-0083-A
Property: 1003 Meadow Glen Road

Dear Mr. and Mrs. Longerbeam:

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, 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 1003 Meadow Glen Rd Middle River MD 21220

which is presently zoned DR2

Deed Reference: 185151766 Tax Account # 2200 013518

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) 1802.3B., 504.2, 301.1 (B&D); V.B.&B. (CMP-1992)

TO PERMIT AN ADDITION WITH A 9-FOOT REAR SETBACK AND OPEN PROTECTION (DECK) WITH A 5-FOOT REAR SETBACK IN LIEU OF THE REQUIRED 15-FOOT AND 11.25-FOOT, RESPECTIVELY AND TO AMEND THE LATEST F.D.P. FOR ROHE FARM, LOT 16 ONLY.

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

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.

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

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Reviewed By D.

Date 9/20/11

Estimated Posting Date 10/2/11

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 1003 Meadow Glen 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) We want to expand our living area to include a larger

dining area. We will remove the existing deck and use that space for the
addition. We will add a deck behind the garage attached to the garage, existing
home wall and part of the new addition. Variance is needed because of our odd
shaped lot.

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

Gary Longerbeam

Name- print or type

Signature

Judith Longerbeam

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 7th 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): Gary Longerbeam & Judith Longerbeam
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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

Hearing
10/17/11

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

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 17, 2011
Item No. 2012-0083

DATE: October 7, 2011

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

Building addition shall be located at least 1 foot away from the drainage and utility easement. Provide a total of 6 feet from the lot line to the proposed addition, so that the foundation is outside of the easement.

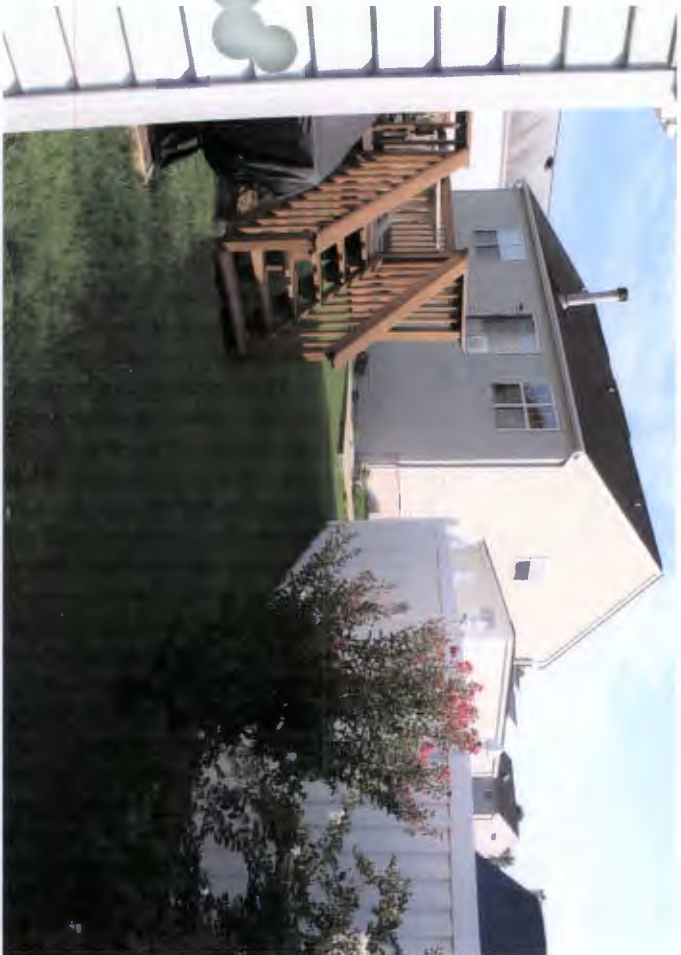
DAK:CEN
cc: File
ZAC-ITEM NO 12-0083-10172011.doc

Zoning property description for 1003 Meadow Glen Rd

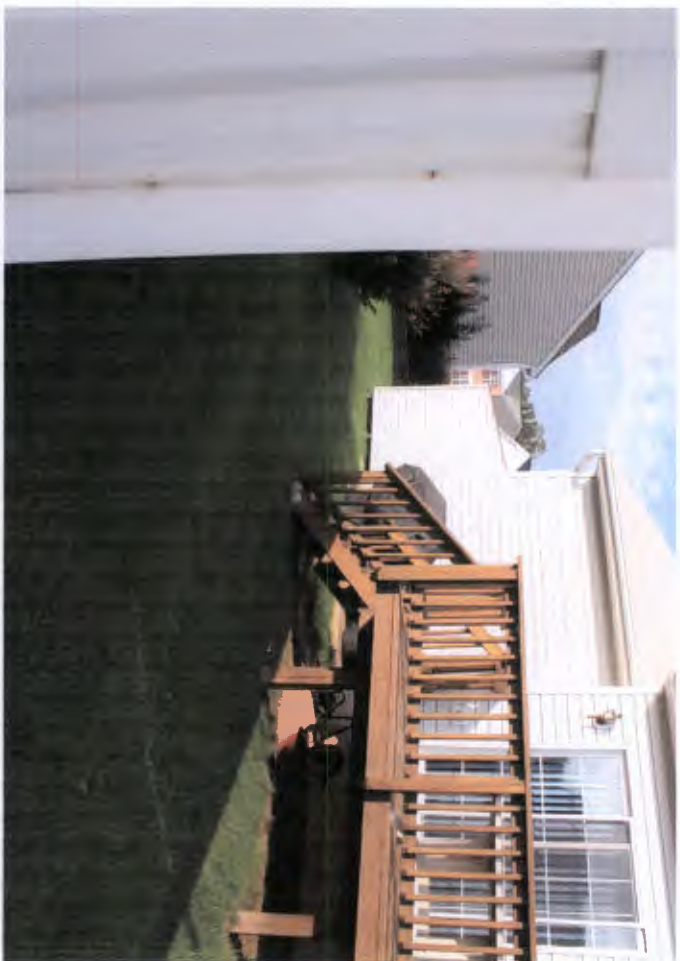
Beginning at a point on the southwest side of Meadow Glen Rd which is 50 ft wide at the distance of 855 ft southeast of the centerline of the nearest improved intersecting street Bird River Rd which is 70 ft wide.

Being lot #16 section #1 in the subdivision of Rohe Farm Property in Baltimore County Plat Book #64 Folio #111 containing 5,357 sq ft. Located in the 15th election district and 6th council district.

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2012-0083-A

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2012-0083

PETITIONER/DEVELOPER _____

LONGERBEAM

DATE OF HEARING/CLOSING: _____

10/17/11

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT 1003 MEADOW GLEN RD

THIS SIGN(S) WERE POSTED ON October 2, 2011
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 10/2/11
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE
ADMINISTRATIVE VARIANCE

CASE # 2012-0083-A

TO PERMIT AN ADDITION WITH A 9-FOOT REAR SETBACK
AND OPEN PROJECTION (DECK) WITH A 5-FOOT REAR
SETBACK IN LIEU OF THE REQUIRED 15-FOOT AND 11.25-FOOT,
RESPECTIVELY AND TO AMEND THE LATEST F.D.P. FOR
RONE FARM, LOT 16 ONLY

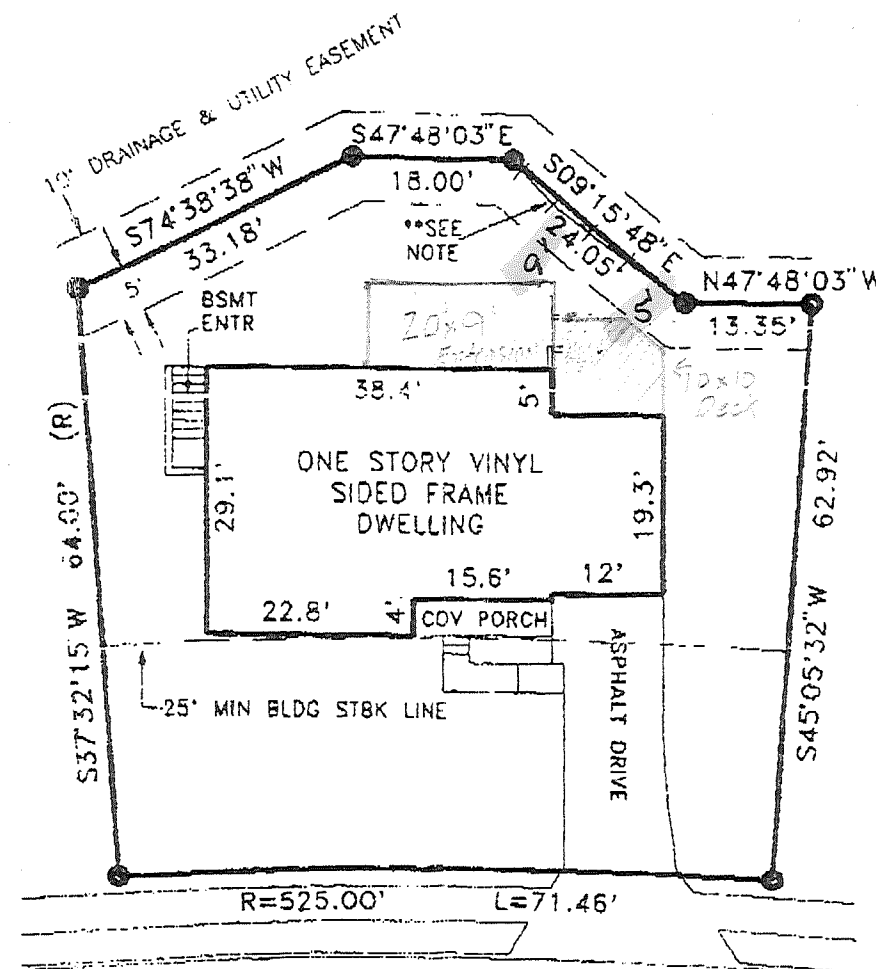
PUBLIC HEARING ?

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 IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MONDAY OCTOBER 17, 2011

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204 TEL. 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE. INCUR PENALTY BY LAW. RETURN DATE TO ZONING, RM. 104
MEETING IS HANDICAP ACCESSIBLE

ADDRESS 1003 Meadows Glen Rd OWNER(S) NAME(S) Gary and Judy Longbeam
SUBDIVISION NAME Robe Farm (Phase 3) LOT # 16 BLOCK # SECTION # 1
PLAT BOOK # 64 FOLIO # 111 10 DIGIT TAX # 2200013518 DEED REF. # 18515100706



MEADOW GLEN ROAD
50' R/W 30' EXISTING PAVING

PLAN DRAWN BY Gen. Loring DATE 7/11/11 SCALE: 1 INCH = 20 FEET

[illegible]

ZONING MAP# 082C3
SITE ZONED DR2
ELECTION DISTRICT 15th
COUNCIL DISTRICT 6th
LOT AREA ACREAGE _____
OR SQUARE FEET 5,357
HISTORIC ? No
IN CBCA ? No
IN FLOOD PLAIN ? No
UTILITIES ? MARK WITH X
WATER IS:
PUBLIC X PRIVATE _____
SEWER IS:
PUBLIC X PRIVATE _____
PRIOR HEARING ? No
IF SO GIVE CASE NUMBER _____
AND ORDER RESULT BELOW _____

VIOLATION CASE INFO:

NONE

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