

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Oella Avenue, 770 feet W of
the c/l of Westchester Avenue
1st Election District
1st Councilmanic District
(500 Oella Avenue)

Liza and David Hicks
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0090-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, Liza and David Hicks for property located at 500 Oella Avenue. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed detached accessory structure (garage) to be located on the side of the dwelling with a height of 20 feet in lieu of the required rear yard and maximum allowed 15 feet height. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Photographs submitted with the Petition show that the existing garage, located in the side yard, is in a state of disrepair. Petitioners desire to construct a new larger garage for the family. The existing dwelling was constructed in 1850 and placed very close to Oella Avenue. The rear property line is located approximately 187 feet from the existing dwelling. Petitioners' rear yard is encumbered with a sewer utility easement and stream. The imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district.

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 11-7-11

By 

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 8, 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 7th day of November, 2011 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed detached accessory structure (garage) to be located on the side of the dwelling with a height of 20 feet in lieu of the required rear yard and maximum allowed 15 feet height, be and is hereby GRANTED, subject to the following:

ORDER RECEIVED FOR FILING

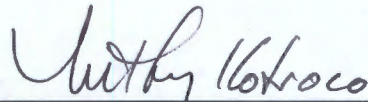
Date 11-7-11

2

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 11-7-11

By [Signature]



KEVIN KAMENETZ
County Executive

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

November 7, 2011

LIZA AND DAVID HICKS
500 OELLA AVENUE
ELLCOTT CITY MD 21043

Re: Petition for Administrative Variance
Case No. 2012-0090-A
Property: 500 Oella Avenue

Dear Mr. and Mrs. Hicks:

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 "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 500 Oella Avenue, Ellicott City, MD 21043
which is presently zoned Residential DR 3.5 / DR 2

Deed Reference: 19551 / 0062 / Tax Account # 0122350480

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 400.3 - to permit

a proposed detached accessory structure (garage) to be located on the side of the dwelling with a height of 20 feet in lieu of the required rear and maximum allowed 15

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):

Liza Hicks

Name - Type or Print

Signature

David Hicks

Name - Type or Print

Signature

500 Oella Avenue

410-461-5121

Address

Telephone No.

Ellicott City, MD 21043

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 11-7-11 day of November 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. 2012-0090-A

ORDER RECEIVED FOR FILING

Reviewed By KID

Date 9/26/11

Estimated Posting Date 10/9/11

Date 11-7-11

FRM476_09

By [Signature]

Rev 3/09

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 500 Della Ave, Ellicott City, MD
Address number Road or Street name 21043
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 request this variance b/c we have a growing family & need a larger garage. our existing garage needs a full renovation.

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]
Signature

Liza Hicks
Name- print or type

[Signature]
Signature

DAVID B. HICKS
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 24th day of SEPT, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): LIZA HICKS AND DAVID B HICKS
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

JAGDISH K PATEL FEB 2013
Name of Notary Public Commission expires

PLACE SEAL HERE:

ZONING PROPERTY DESCRIPTION FOR 500 OELLA AVE, ELLICOTT CITY MD 21043

Beginning at a point on the North side of Oella Ave which is 33' -8" wide at the distance of
770' West of the centerline of the nearest improved intersecting street Westchester ^{33' -8" wide}
Ave which is also

Thence the following courses and distances ; (1st point of Call-"POC") N. 75-1/2° W 80', (2nd
POC) N. 21° E 258', (3rd POC) S 71-1/2° E 100' and (4th POC) S 27° W 243', back to the point of
beginning as recorded in Deed Liber 4781/310, containing 22,651 square feet. Located in the 01
Election District and 01 Council District.

Item #0090

CERTIFICATE OF POSTING

Date: 10-9-11

RE: Case Number: 2012-0090-A

Petitioner/Developer: Dave Hicks

Date of Hearing/Closing: ~~10-29-11~~ 10/30/11

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 500 Della Ave

The signs(s) were posted on 10/8/11
(Month, Day, Year)

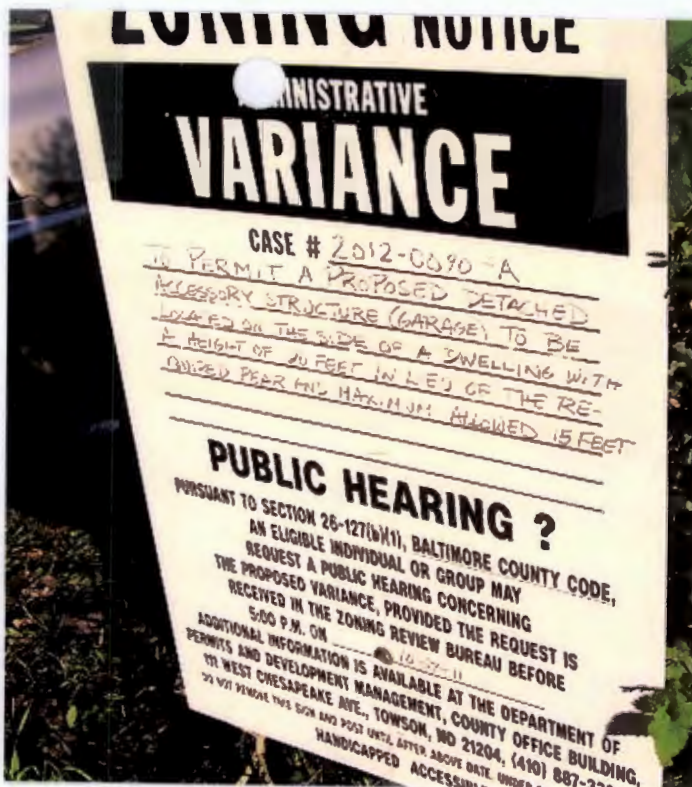
J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Road
(Street Address of Sign Poster)

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

410-343-1443
(Telephone Number of Sign Poster)



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: 2012-0090-A
Petitioner: DAVID B. HICKS
Address or Location: 500 OELLA AVE ELLICOTT CITY MD
21043

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID B. HICKS
Address: 500 OELLA AVE
ELLICOTT CITY MD 21043
Telephone Number: 410-461-5121

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0090 -A Address 500 Oella Ave

Contact Person: David Duval Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/26/11 Posting Date: 10/9/11 Closing Date: 10/24/11

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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.
- 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- 0090 -A Address 500 Oella Ave

Petitioner's Name Lisa + David Hicks Telephone 410 461 5121

Posting Date: 10/9/11 Closing Date: 10/29/11 10/31/11

Wording for Sign: To Permit a proposed detached accessory structure
(garage) to be located on the side of the dwelling with a
height of 20 feet in lieu of the required rear and maximum
allowed 15.

Revised 7/06/11

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **73608**

Date: **9/20/11**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	206	0000		614					575

Total: **575.00**

Rec
From:

For:

Zoning Hearing - 105 - A 2012 0090 - A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

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 # 2012-0090-A
Address 500 Oella Avenue
(Hicks Property)

Zoning Advisory Committee Meeting of October 3, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

OCT 07 2011

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 7, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For October 17, 2011
Item Nos. 2012-082, 084, 085, 086, 087, 088, 089,
And 090.

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-10172011 -NO COMMENTS.doc

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10-4-11

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

RE: Baltimore County
Item No. 2012-0090-A
Administrative Variance
Liza & David Hicks
500 Oella Avenue

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. 2012-0090-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 blue ink that reads "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

M E M O R A N D U M

DATE: December 8, 2011
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0090-A – Appeal Period Expired

The appeal period for the above-referenced case expired on December 7, 2011. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

2012-0090-A

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 01 Account Number - 0122350480

Owner Information

Owner Name: HICKS LIZA
HICKS DAVID
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 500 OELLA AVE
ELLCOTT CITY MD 21043-4724
Deed Reference: 1)/19551/ 00621
2)

Location & Structure Information

Premises Address
500 OELLA AVE
0-0000
Legal Description
0.52 AC NS OELLA AV
500 OELLA AVE
770 W WESTCHESTER AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0100	0003	0591		0000				1	

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1850	2,228 SF	22,950 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT FRAME	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2011	07/01/2012
Land	124,730	124,700		
Improvements:	286,910	230,400		
Total:	411,640	355,100	355,100	355,100
Preferential Land:	0			0

Transfer Information

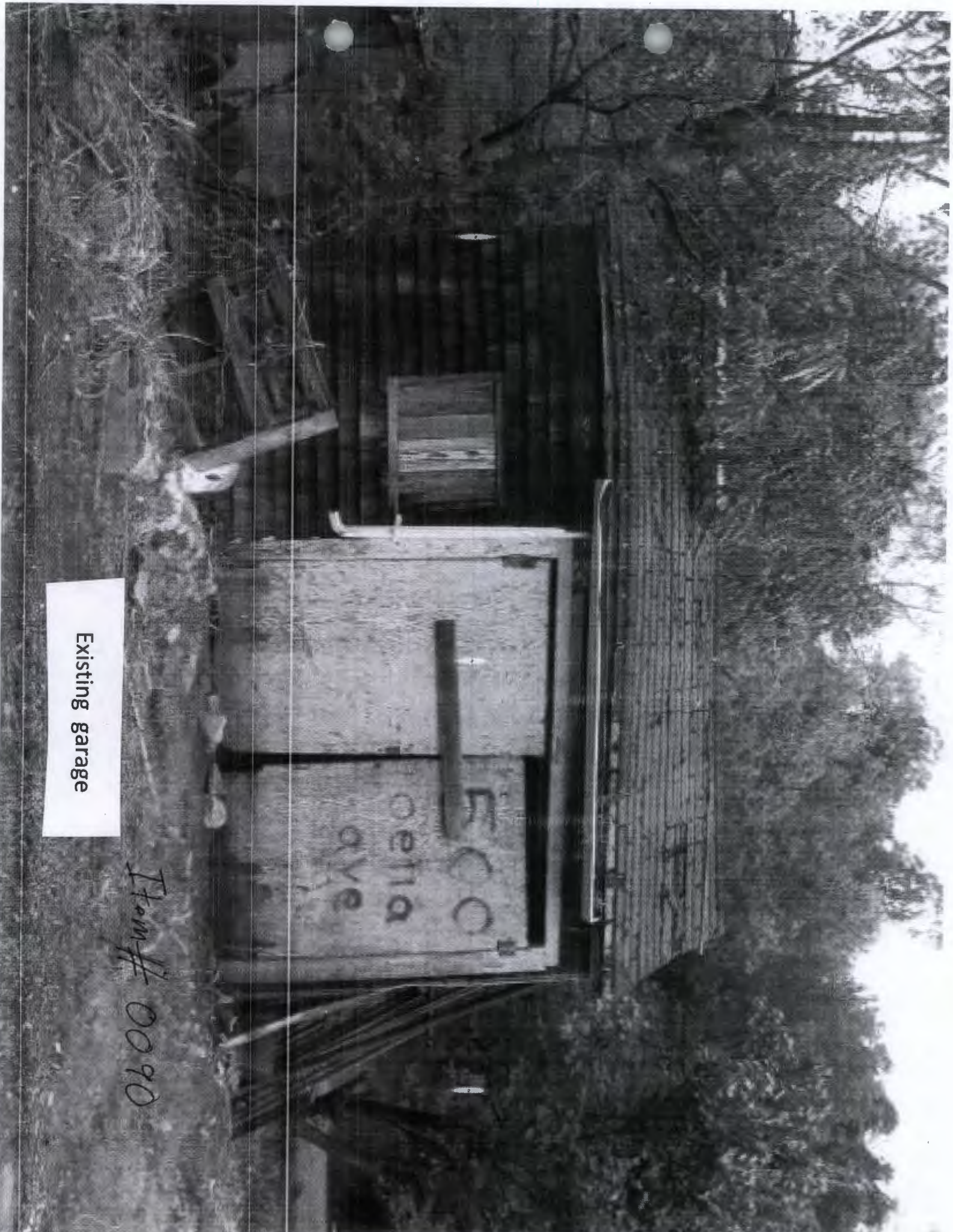
Seller:	Date:	Price:
OKTAY LIZA	02/04/2004	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /19551/ 00621	Deed2:
VIENS LUCY V	06/27/2002	\$85,000
Type: NON-ARMS LENGTH OTHER	Deed1: /16570/ 00261	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	0.00
State	000	0.00	0.00
Municipal	000	0.00	0.00

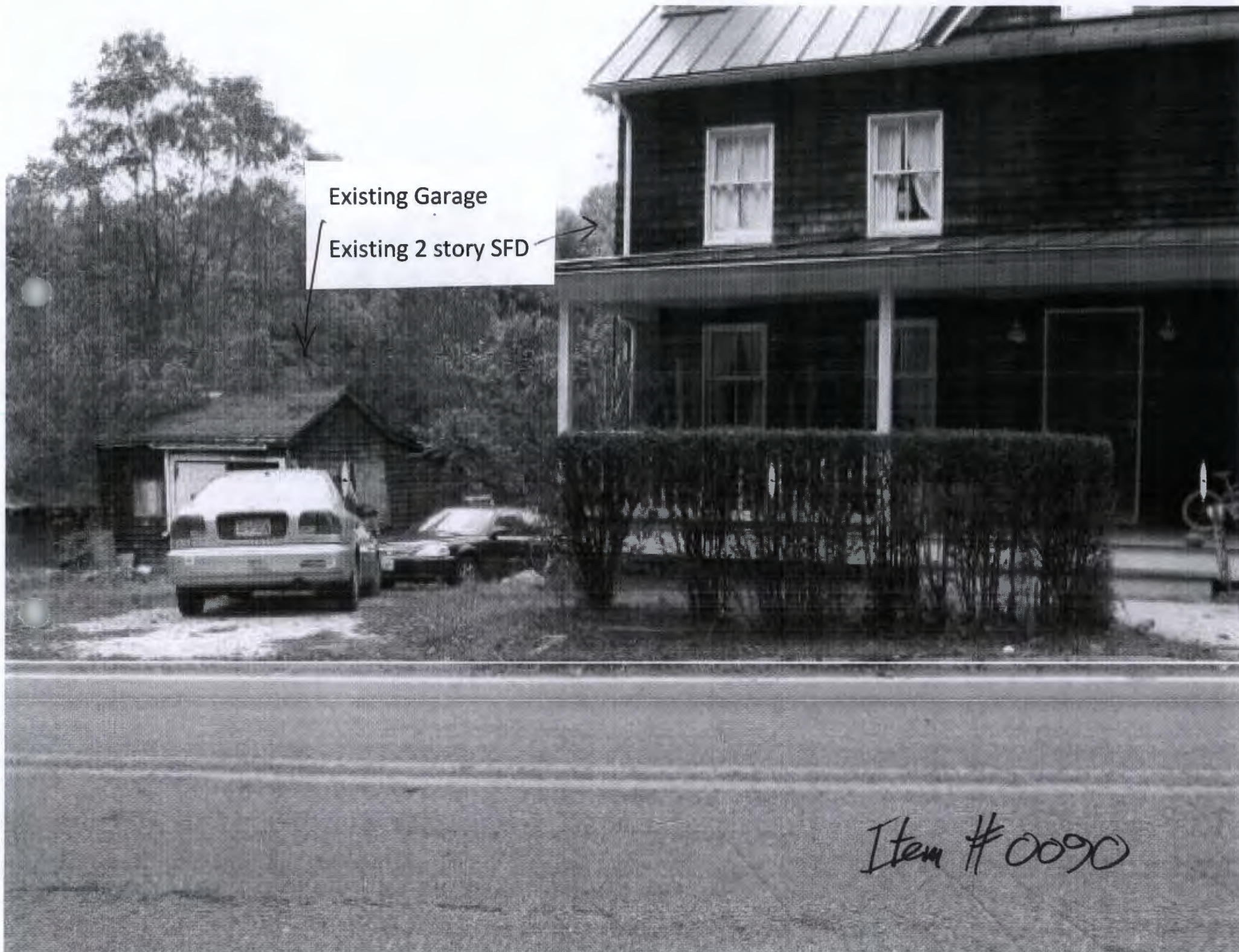
Tax Exempt:
Exempt Class:

Special Tax Recapture:



Existing garage

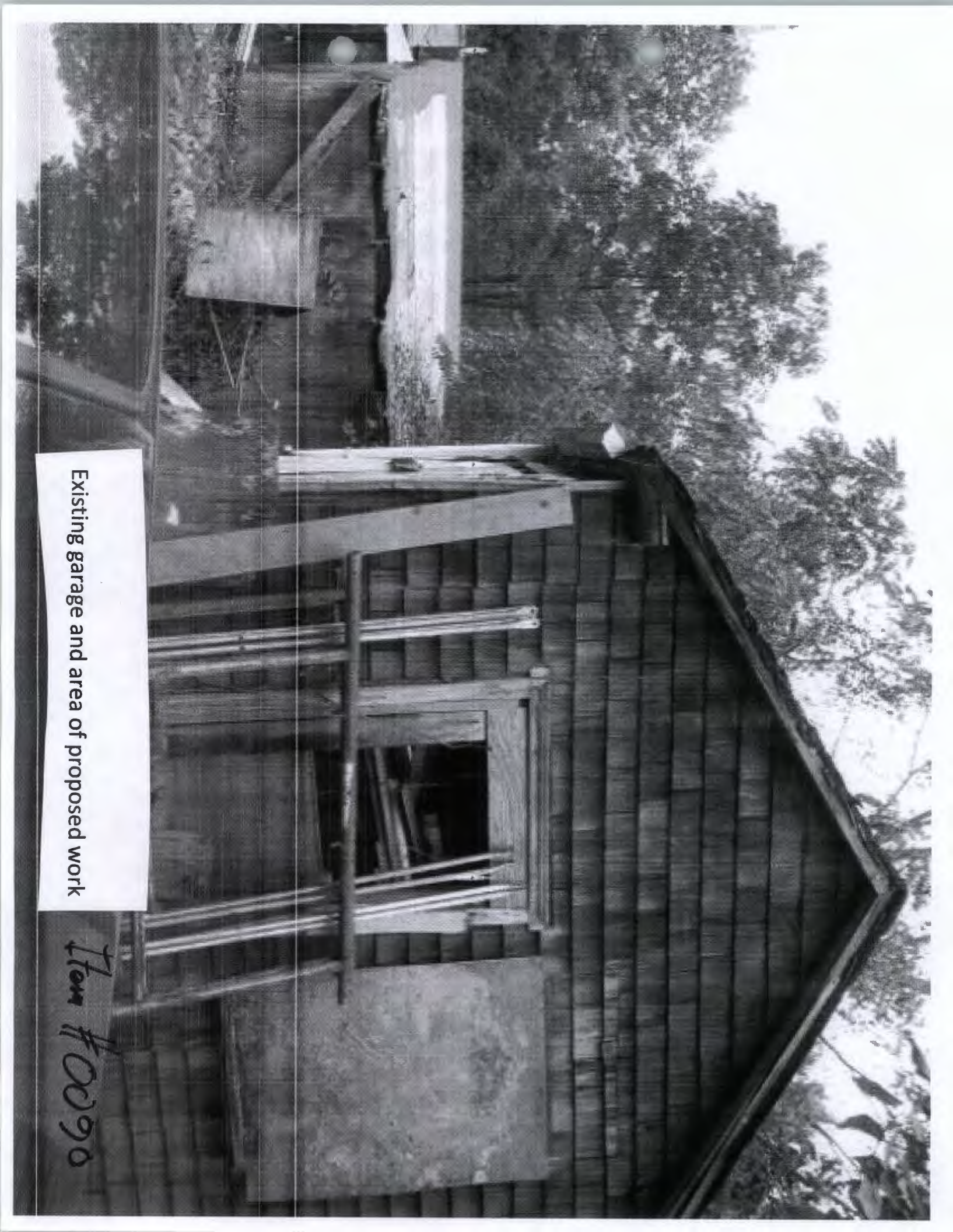
Item # 0090



Existing Garage

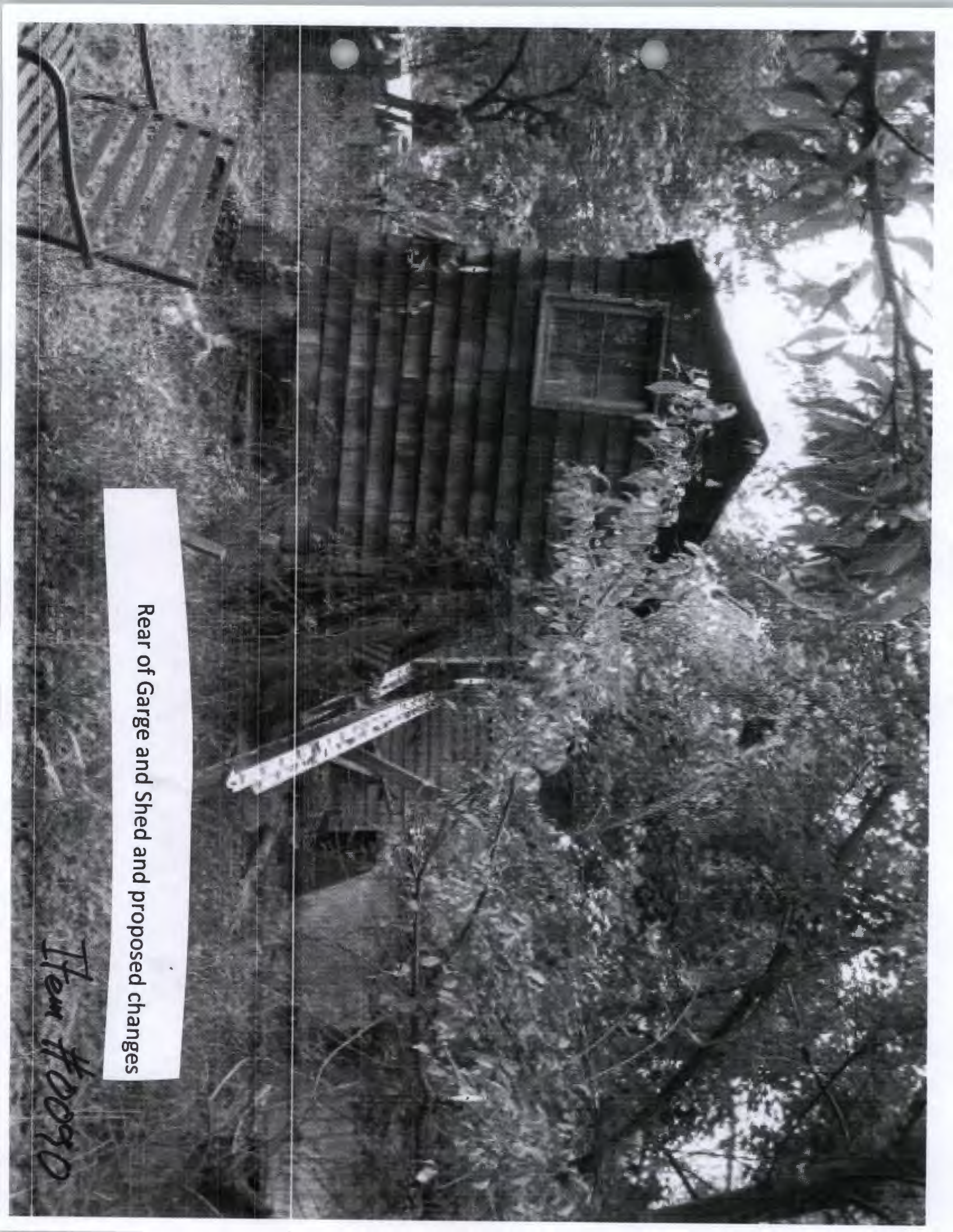
Existing 2 story SFD

Item # 0090



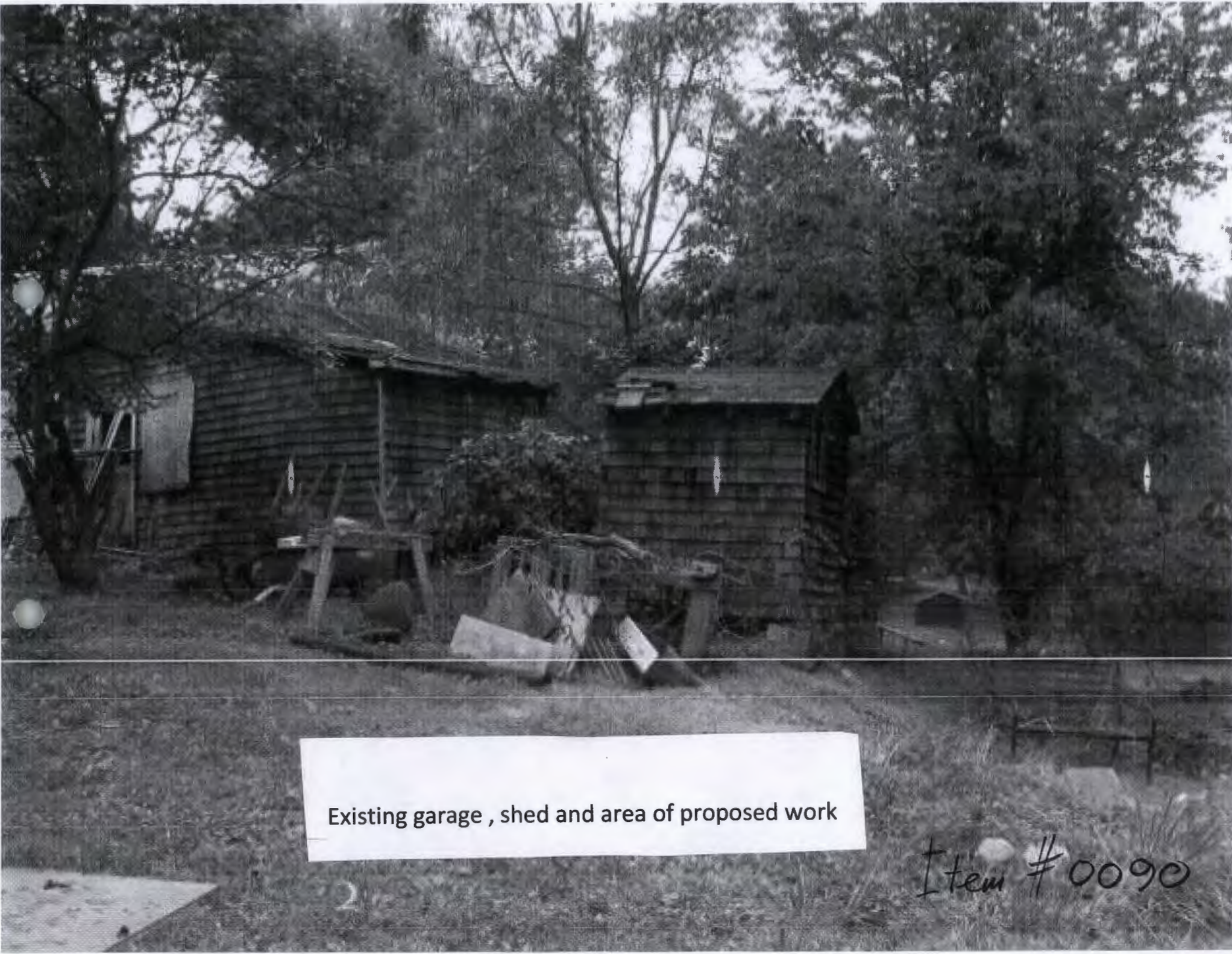
Existing garage and area of proposed work

Item #0090



Rear of Garage and Shed and proposed changes

Item #0090



Existing garage , shed and area of proposed work

Item #0090



Existing Garage and shed and area for proposed changes

Item #00090

500 Oella Avenue



Publication Date: September 26, 2011
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100
Feet

1 inch = 50 feet

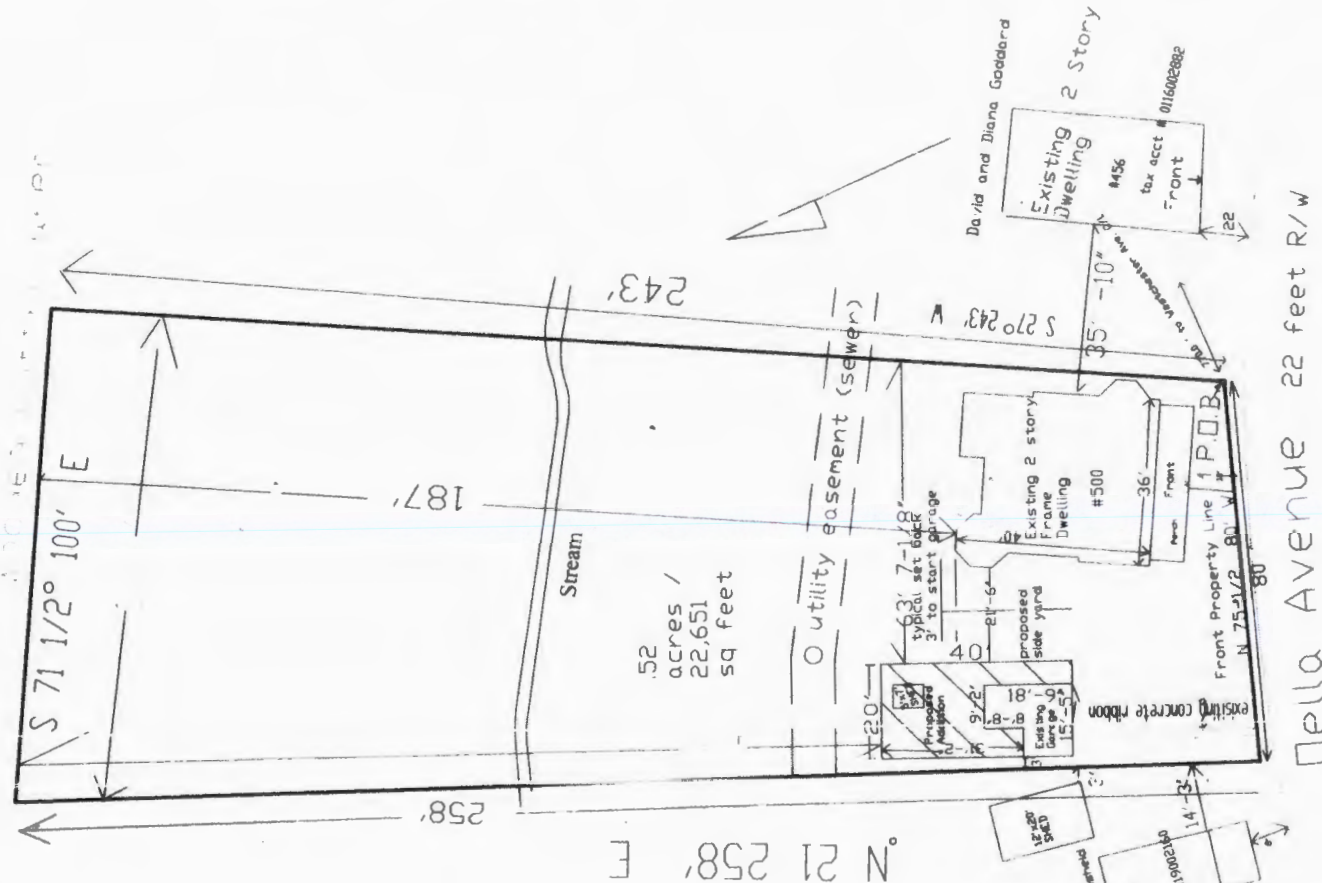
Item # 0090

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

ADDRESS 500 OELLA AVE OWNER(S) NAME(S) LIZA + DAVID HICKS

SUBDIVISION NAME N/A LOT # _____ BLOCK # _____ SECTION # _____

PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 0122 350480 DEED REF. # 195511 00621



PLAN DRAWN BY DAVE HICKS DATE Sep 26, 2011 SCALE: 1 INCH = 40 FEET

#2012-0090-A

SITE VICINITY MAP



N

MAP IS NOT TO SCALE

ZONING MAP# 100B1

SITE ZONED DR 3.5 / DR 2

ELECTION DISTRICT 01

COUNCIL DISTRICT 1

LOT AREA ACREAGE .52

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH ☒

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO: