

IN RE: PETITION FOR VARIANCE

W side of Delk Court; 120' S of the
c/line of Norris Lane
15th Election District
7th Council District
(2701 Delk Court)

Timothy A. Tribble
Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0106-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by the legal owner of the property, Timothy Tribble. The Petitioner is requesting Variance relief from Section 303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front yard setback of 20 feet in lieu of the maximum required front yard average of 40 feet. 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.

Appearing at the public hearing in support of the variance request was Petitioner Timothy A. Tribble. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R. There were no Protestants or other interested persons in attendance and the file does not contain any letters of protest or opposition.

Testimony and evidence offered revealed that the subject property is located on a cul-de-sac and is comprised of 2 lots (Lots 19 & 20) as shown on Exhibit 1. The Petitioner proposes to construct a new dwelling on the site, but to do so will need variance relief for the front yard setback. The property line at the cul-de-sac is not straight; in fact, the eastern boundary line of the site curves quite a bit along the contours of the cul-de-sac. This complicates site planning, and in order for Petitioner to orient the home as he desires on the site, variance relief is required.

ORDER RECEIVED FOR FILING

Date 12-15-11

By SMA

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

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure (i.e., the irregular dimensions of the lot) which is the subject of the variance request.

I further find that the granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. Petitioner indicated that his neighbors are supportive of his request, and are happy that he is constructing a new dwelling on the site. Therefore, in all manner and form, I find that variance relief can be granted in accordance with the requirements of Section 307 of the B.C.Z.R. as articulated in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 15 day of December, 2011 by this Administrative Law Judge that Petitioner's Variance request from Section 303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front yard setback of 20 feet in lieu of the maximum required front yard average of 40 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for a building permit and may be granted same upon receipt of this Order, however the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired.

ORDER RECEIVED FOR FILING

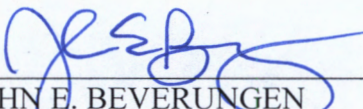
Date 12-15-11

2

By SMA

If for whatever reason, this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sma

ORDER RECEIVED FOR FILING

Date 12-15-11 _____

By SMA _____

M E M O R A N D U M

DATE: January 17, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0106-A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 16, 2012. 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



TA [redacted] UNT # [redacted]

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2701 Dalk Court
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)

303.1 to permit a front yard setback
of 20 ft. in lieu of the maximum required front yard average
of 40 ft.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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):

Name - Type or Print

Signature

Name - Type or Print

Signature

3304 Bayonne Ave 410-444-1951

Address Telephone No.

Baltimore MD 21214

City State Zip Code

Representative to be Contacted:

George D. McLelland

Name

25 Waterview Rd 410-477-9136

Address Telephone No.

Baltimore MD 21222

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 2012-0106-A
ORDER RECEIVED FOR FILING

REV 9/15/08 12-15-11

Reviewed By BR Date 10/17/11

By SMA

ZONING PROPERTY DESCRIPTION

FOR

2701 DELK COURT

Beginning at a point on the west side of Delk Court which is 50 feet wide at the distance of 120 feet south of the centerline of Norris Lane which is 35 feet wide.

Being Lot Numbers 19 and 20 in the subdivision of Delk Manor, Baltimore County Plat Book #13, Folio #107 containing 8500 square feet. Also Known as 2701 Delk Court and located in the 15th Election District, 7th Councilmanic District.

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

No. **74483**

Date: 10/17/11

PAID RECEIPT

BUSINESS ACTUAL TIME PER
 10/17/2011 10/17/2011 10:35:50 7

REC NO.12 MAIL JEW JEE
 RECEIPT # 749318 10/17/2011 OFL

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
00	206	0000		6120						\$ 75.00

Dept 5 328 ZONING VERIFICATION
 CR NO. 074483

Recpt Tot \$75.00
 \$75.00 OK \$0.00 CA
 Baltimore County, Maryland

Total: \$ 75.00

Rec From: George H. Clark
 For: County Voucher

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2012-0106-A
2701 Delk Court
W/side of Delk Court, 120 feet s/of centerline of Norris Lane
15th Election District
7th Councilmanic District
Legal Owner(s): Timothy Tribble
Variance: to permit a front yard setback of 20 feet in lieu of the maximum required front yard average of 40 feet.
Hearing: Monday, December 12, 2011 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

11/188 Nov 24 291538

CERTIFICATE OF PUBLICATION

11/23/ 2011

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/24/ 2011.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2012-0106-A

RE: Case No.: _____

Petitioner/Developer: _____

Timothy Tribble

December 12, 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: _____

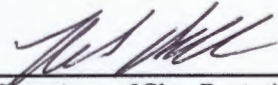
2701 Delk Court

November 26, 2011

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



Sincerely,

 November 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)



KEVIN KAMENETZ
County Executive

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

November 15, 2011

NOTICE OF ZONING HEARING

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2701 Delk Court

W/side of Delk Court, 120 feet s/of centerline of Norris Lane

15th Election District – 7th Councilmanic District

Legal Owners: Timothy Tribble

Variance to permit a front yard setback of 20 feet in lieu of the maximum required front yard average of 40 feet.

Hearing: Monday, December 12, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Timothy Tribble, 3304 Bayonne Avenue, Baltimore 21214
George McClelland, 25 Waterview Road, Baltimore 21222

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 26, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
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: 2012-0106- A
Petitioner: Timothy Tribble
Address or Location: 2701 Delk Ct.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy A. Tribble
Address: 3304 Bayonne Ave
Baltimore, MD 21214

Telephone Number: 410-444-1951

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 24, 2011 Issue - Jeffersonian

Please forward billing to:
Timothy Tribble
3304 Bayonne Avenue
Baltimore, MD 21214

410-444-1951

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0106-A

2701 Delk Court

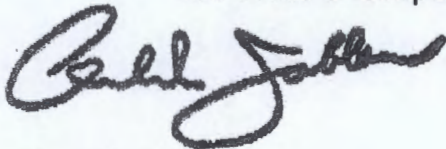
W/side of Delk Court, 120 feet s/of centerline of Norris Lane

15th Election District – 7th Councilmanic District

Legal Owners: Timothy Tribble

Variance to permit a front yard setback of 20 feet in lieu of the maximum required front yard average of 40 feet.

Hearing: Monday, December 12, 2011 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE
2701 Delk Court; W/S Delk Court, 120' S
c/line of Norris Lane
15th Election & 7th Councilmanic Districts
Legal Owner(s): Timothy Tribble
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-106-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

NOV 01 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of November, 2011, a copy of the foregoing Entry of Appearance was mailed to George McClelland, 25 Waterview Road, Baltimore, Maryland 21222, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10-24-11

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

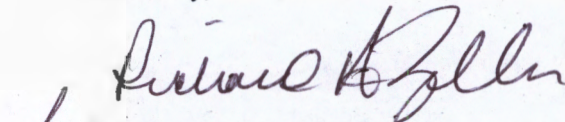
RE: Baltimore County
Item No. 2012-0106-A
Variance
Timothy Tribble
2701 Delk Court

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. 2012-0106-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,


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

Patricia Zook - 2012-0106-A - 30 day appeal period up

From: Sarah Adams
To: Adams, Sarah; Wiley, Debra; Zook, Patricia
Date: 1/16/2012
Due: 1/16/2012
Subject: 2012-0106-A - 30 day appeal period up

Disclaimer: The information in this message is confidential and may be legally privileged. It is intended solely for the addressee. Access to this message by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying or distribution of the message, or any action or omission taken by you in reliance on it, is prohibited and may be unlawful. Please immediately contact the sender if you have received this message in error. Thank you.

12/12 11 am
205

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
NOV 16 2011
OFFICE OF ADMINISTRATIVE HEARINGS

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: November 16, 2011

SUBJECT: DEPS Comment for Zoning Item # 2012-0106-A
Address 2701 Delk Court
(Tribble Property)

Zoning Advisory Committee Meeting of October 24, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

Debra Wiley - ZAC Comments - Distribution Meeting of 10/24

From: Debra Wiley
To: Livingston, Jeffrey; Murray, Curtis; Lanham, Lynn; Muddiman, Don; Lykens...
Date: 10/30/2011 2:18 PM
Subject: ZAC Comments - Distribution Meeting of 10/24

Hi there,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision. Thank you.

2012-0104-A - 14411 Falls Road (**Floodplain**)
No hearing date as of 10/28

2012-0105-SPH - 8 Opie Road
No hearing date as of 10/28

2012-0106-A - 2701 Delk Court
No hearing date as of 10/28

2012-0107-A - 819 Stags Head Road
Administrative Variance (Closing Date: 11/7)

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

