

IN RE: PETITION FOR ADMIN. VARIANCE

SE side of Stags Head Road, 242 feet
NE of the c/l of Huntsman Road
9th Election District
3rd Councilmanic District
(819 Stags Head Road)

George F. Jones, III and Monica Brandes
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0107-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, George F. Jones, III and Monica Brandes for property located at 819 Stags Head Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a basketball court to be located in the side and front yards in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to build a basketball court measuring 30 feet x 50 feet in size. The dwelling is constructed towards the rear of the property which provides a large front yard, but small back yard. The rear yard is further constrained by the septic system and topography. The proposed basketball court would be mostly hidden behind an existing stand of trees and would be 86 feet from the road. Petitioners' property is irregular in shape and contains 38,550 square feet.

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 November 16, 2011 which states: "Future permits for a basketball court (or other structures) will require review by Groundwater Management."

ORDER RECEIVED FOR FILING

Date 11-29-11

By 

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 27, 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 29th day of November, 2011 that a variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a basketball court to be located in the side and front yards in lieu of the required rear yard, be and is hereby GRANTED, subject to the following:

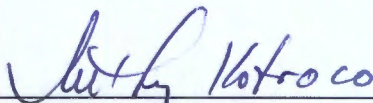
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Future permits for a basketball court (or other structures) will require review by Groundwater Management division of the Department of Environmental Protection and Sustainability.

ORDER RECEIVED FOR FILING

Date 11-29-11

By [Signature]

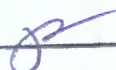
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 11-29-11

Bv 



KEVIN KAMENETZ
County Executive

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

November 29, 2011

GEORGE F. JONES, III AND MONICA BRANDES
819 STAGS HEAD ROAD
BALTIMORE MD 21286

Re: Petition for Administrative Variance
Case No. 2012-0107-A
Property: 819 Stags Head Road

Dear Mr. Jones and Ms. Brandes:

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 the appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in dark ink, appearing to read "Timothy M. Kotroco", is written over a light blue horizontal line.

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 819 Stags Head Road, Baltimore, MD 21286

which is presently zoned DR 1

Deed Reference: 13609 / 732 Tax Account # 0903200530

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 ; *BCZR, to permit a basketball court to be located in the side + front yards in lieu of the required rear yard.*

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:

G.F. JONES @ A MAIL.COM

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

George F. Jones, III

Name - Type or Print

Signature

Monica R. Brandes

Name - Type or Print

Signature

819 Stags Head Rd

410-347-7386

Address

Baltimore

MD

Telephone No.

21286

City

State

Zip Code

Representative to be Contacted:

George F. Jones

Name

819 Stags Head Rd

410-347-7386

Address

Baltimore

MD

Telephone No.

21286

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. 2012-0107-A

Reviewed By Jcm

Date 10/19/11

Estimated Posting Date _____

FRM476_09

ORDER RECEIVED FOR FILING

Rev 3/09

Date 11-29-11

By P3

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 819 Stags Head 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 would like to build a half court basketball court for our children on our property. Our property is pie shaped, with the tip of the pie at the rear of the property in the middle of a wooded hill. Our house is situated away from the street towards the rear of the property, which makes for a large front yard but small backyard. Together, these facts mean that we have a limited area for a basketball court. The usability of the backyard for a basketball court is further limited by the slope of the hill and the presence of a septic system. Without significant grading and filling, removal of trees and the relocation of the septic system, it is not possible to locate a basketball court in our backyard. The only relatively flat area of our property (other than the front yard) that would be suitable for a basketball court is the yard on the right side of the house. The court would be mostly hidden behind an existing stand of trees and would be 86 feet from the road.

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

George F. Jones, III

Name- print or type

Signature

Monica R. Brandes

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 14th day of October, 2011, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): George F. Jones, III and Monica R. Brandes
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Shelly L. Hipsley
Name of Notary Public

2/19/13
Commission expires



PLACE SEAL HERE:

ZONING PROPERTY DESCRIPTION FOR 819 STAGS HEAD ROAD

Beginning at a point on the south east side of Stags Head Road, which is 50 feet wide at the distance of 242 feet north east of the centerline of the nearest improved intersecting street (Huntsman Road), which is 50 feet wide.

BEGINNING for the same and being known and designated as Lot No. 2, Block G, Plat no. 3 Section "B" Hampton, which Plat is recorded among the Land Records of Baltimore County in Plat Book GLB No. 24 folio 56. The improvements thereon being known as No. 819 Stags Head Road.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0107 -A Address 819 STAGS HEAD RD.

Contact Person: J. Merrey Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/19/11 Posting Date: 10/30 Closing Date: 11/7

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- 0107 -A Address 819 STAGS HEAD ROAD

Petitioner's Name GEORGE JONES Telephone 410-347-7386

Posting Date: 10/30/11 Closing Date: 11/14/11

Wording for Sign: To Permit A BASKETBALL COURT TO BE LOCATED
IN THE SIDE AND REAR YARDS IN LIEU OF THE
REQUIRED REAR YARD.

Revised 7/06/11

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

No. **74200**

Date: **10/19/11**

PAID RECEIPT

BUSINESS ACTUAL TIME DOW
 10/19/2011 10/19/2011 09:32:42 2

REG MSD2 WALKIN JEVA JEE
 >>RECEIPT # 749834 10/19/2011 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 074200

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

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75. —

Total: **75. —**

Rec From: **G. JONES**

For: **2012-0107-A**

DISTRIBUTION

OWNER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 10/30/2011

Case Number: 2012-0107-A

Petitioner / Developer: GEORGE JONES

Date of Hearing (Closing): NOVEMBER 14, 2011

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:
819 STAGS HEAD ROAD

The sign(s) were posted on: OCTOBER 27, 2011



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

October 24, 2011

Mr. George F. Jones, III
819 Stags Head Road
Baltimore, MD 21286

RE: Case Number 2012-0107-A, 8119 Stags Head Road

Dear Mr. Jones, III,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 19, 2011. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel

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

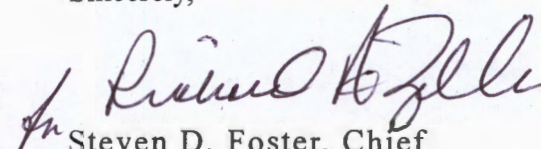
RE: Baltimore County
Item No. 2012-0107-A
Administrative Variance
George F. Jones III & Monica Brondes
~~819~~ 819 Stags Head Road.

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. 2012-0107-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

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 # 2012-0107-A
Address 819 Stags Head Road
(Jones/Brandes Property)

Zoning Advisory Committee Meeting of October 24, 2011.

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

1. Future permits for a basketball court (or other structures) will require review by Groundwater Mgmt.

Reviewer: *Dan Esser; Groundwater Management*

Patricia Zook - Re: Case 2012-0107-A - comment needed

From: Dennis Kennedy
To: Zook, Patricia
Date: 11/23/2011 2:05 PM
Subject: Re: Case 2012-0107-A - comment needed
CC: Richards, Carl

Patti:

We had no comment on Item 2012-0107-A.
Dennis Kennedy

>>> Patricia Zook 11/22/2011 9:33 AM >>>
Good morning Dennis -

The below-described administrative variance folder is missing a comment from your office.

CASE NUMBER: 2012-0107-A
819 Stags Head Road
Location: SE side of Stags Head Road, 242 feet NE of the c/l of Huntsman Road.
9th Election District, 3rd Council District
Legal owner: George F. Jones, III & Monica Brandes

ADMINISTRATIVE VARIANCE to permit a basketball court to be located in the side and front yards in lieu of the required rear yard.

Closing: 11/14/2011

If you don't have a comment, just reply to this e-mail and I'll place it in the file. Thank you.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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Patricia Zook - Case 2012-0107-A - comment needed

From: Patricia Zook
To: Kennedy, Dennis
Date: 11/22/2011 9:33 AM
Subject: Case 2012-0107-A - comment needed

Good morning Dennis -

The below-described administrative variance folder is missing a comment from your office.

CASE NUMBER: 2012-0107-A

819 Stags Head Road

Location: SE side of Stags Head Road, 242 feet NE of the c/l of Huntsman Road.

9th Election District, 3rd Council District

Legal owner: George F. Jones, III & Monica Brandes

ADMINISTRATIVE VARIANCE to permit a basketball court to be located in the side and front yards in lieu of the required rear yard.

Closing: 11/14/2011

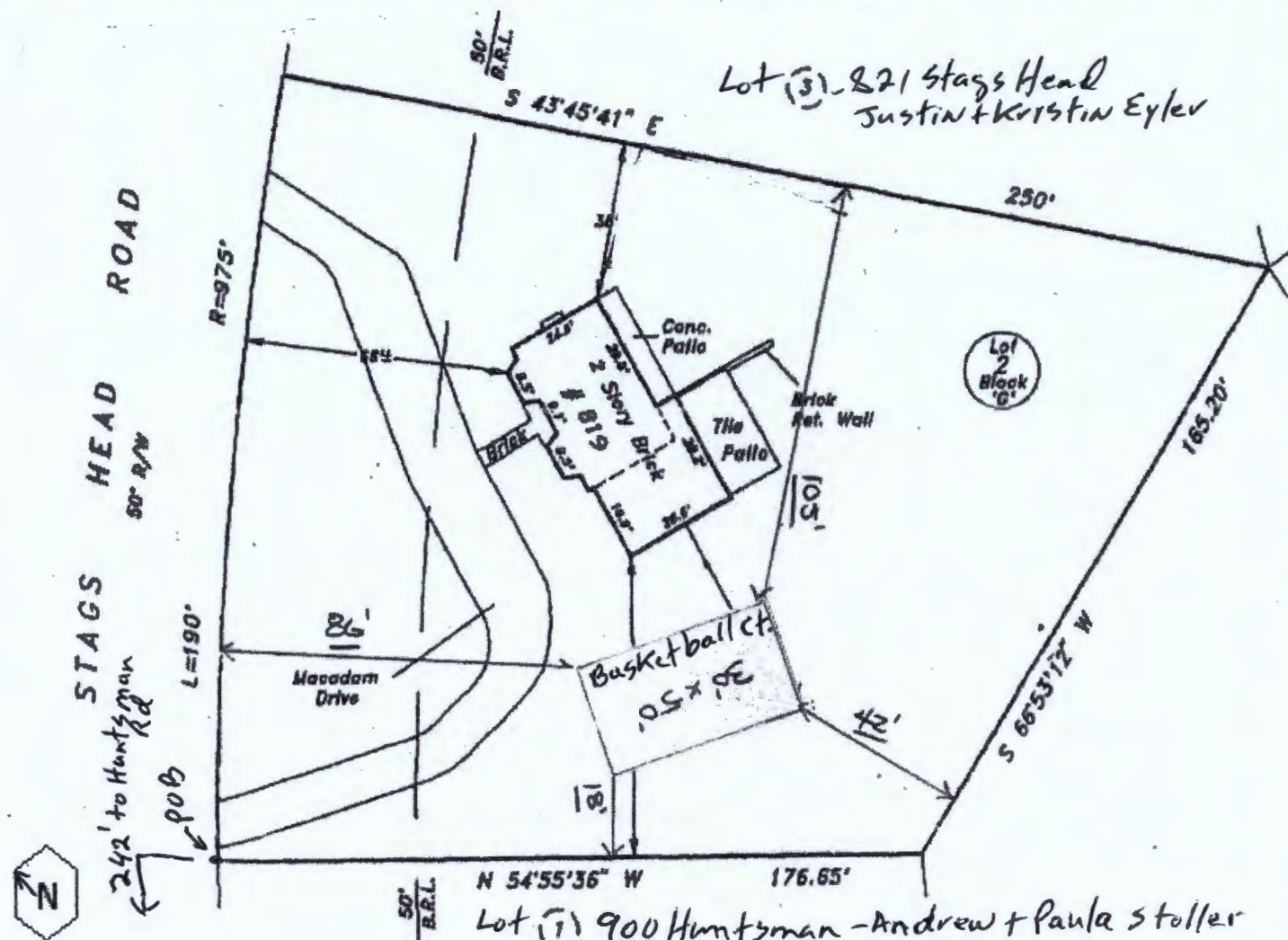
If you don't have a comment, just reply to this e-mail and I'll place it in the file. Thank you.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

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PLAT BOOK # 24 FOLIO # 56 10 DIGIT TAX # 0903200530 DEED REF. # 13609/00732



PLAN DRAWN BY NTT Associates, Inc. DATE 9/18/98 SCALE: 1 INCH = 540 FEET

SITE VICINITY MAP



ZONING MAP# 0061
SITE ZONED DR1
ELECTION DISTRICT 9
COUNCIL DISTRICT 3
LOT AREA ACREAGE 38,550 SF
OR SQUARE FEET
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC X PRIVATE
SEWER IS:
PUBLIC PRIVATE X
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO: