IN RE: PETITION FOR ADMIN. VARIANCE

N side of Bush Cabin Court; 2,770 feet NE of the c/l of Mount Carmel Road 7th Election District 3rd Councilmanic District (36 Bush Cabin Circle)

William D. and Karen F. Ludwig Petitioners

- BEFORE THE
- * OFFICE OF
- * ADMINISTRATIVE HEARINGS
- * FOR BALTIMORE COUNTY
- * Case No. 2012-0156-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, William D. and Karen F. Ludwig. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed detached accessory structure (storage shed) to have a height of 21 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 14, 2012, 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

ORDER RECEIVED FOR FILING

Date 2-14-12

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.

- 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.

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Date	2-14-12	2
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	a contract of the contract of	

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

Administrative Law Judge for Baltimore County

TMK:pz

ORDER RECEIVED FOR FILING

2-14-18



KEVIN KAMENETZ County Executive

LAWRENCE M. STAHL

Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO

Administrative Law Judges

February 14, 2012

WILLIAM D. AND KAREN F. LUDWIG 36 BUSH CABIN CIRCLE PARKTON MD 21120

> Re: Petition for Administrative Variance Case No. 2012-0156-A Property: 36 Bush Cabin Circle

Dear Mr. and Mrs. Ludwig:

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. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

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	36 Bush Cabin	Court, P	arkton, MD 21120		
which is pr	esently zoned	RC8			*
-	Deed Reference:	14105	/00698Tax Account #	2200017911	

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) 400.3 - to permit a proposed

detached accessory structure (storage shed) to have a height of 21 feet in lieu of the maximum allowed 15

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and t, or we, agree to pay expense by the zoning regulations and	es of above Adm	ninistrative Variance.	zoning regulations. advertising, posting, etc. and further a ted pursuant to the zoning law for Balt	gree to an	nd are to be bounded unty.
			I/We do solemnly declare and af perjury, that I/we are the legal ow is the subject of this Petition.		
Contract Purchaser/Le	ssee:		Legal Owner(s):		
William Ludwig			William Ludwig		·
Name Type or Print Signature	<u> </u>		Name - Type or Print Signature		
36 Bush Cabin Court	2 4	10-329-8306	Karen Ludwig		·
Address Parkton	MD	Telephone No. 21120	Name Type or Print A W	dece	<u>,</u>
City	State	Zip Code	Signature		440 220 0206
Attorney For Petitioner			36 Bush Cabin Court		410-329-8306 Telephone No.
			Parkton	MD	21120
Name - Type or Print			City	State	Zip Code
		•	Representative to be Con	ntantad:	
Signature			Representative to be Con	riacieu.	
			William Ludwig		
Company	· ·		Name		440.000.000
Address		Telephone No.	36 Bush Cabin Court		410-329-8306 Telephone No.
Addiese		i diaphona No.	Parkton	MD	21120
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been for this day of regulations of Baltimore County at Case No	nd that the propert	hat the subject matter of ly be reposted.	Zoning Commissioner of E	Baltimore Co	required by the zoning
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	1411/-15	÷			
Date_	14-17	2			

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commi	scioner of Raltimore
County, as follows: That the information herein given is within the personal knowled	
and that Affiant(s) is/are competent to testify thereto in the event that a public hea	
the future with regard thereto.	•
That the Affiant(s) does/do presently own and reside at 36 Bush Cabin Court	<u> </u>
	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 an Administrative Variance at the above address (indicate the hardship or practical additional sheet if needed)	
Family members have moved to a retirement community and the household possessions have been moved to our residence. The fit comfortably in the residence and we, the petitioners, are set the variance to build a two story storage shed. Since there place to otherwise store these items, we have determined the practical solution to our storage problem.	nese items will not eking approval for is no comfortable
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	
advertising fees. They also understand that they may be required to provide addition	
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William Sudey Jane 76	udery_
Signature Signature	uduy
	uduy_
	udery
William Ludwig Karen Ludwig	uduy_
William Ludwig Karen Ludwig	udery
William Ludwig Name- print or type Name- print or type	udery
Name- print or type A Notary Public must complete the following section prior to the fill	ing appointment.
Name- print or type A Notary Public must complete the following section prior to the fill STATE OF MARYLAND, BALTIMORE COUNTY, to wit: I HEREBY CERTIFY, this 4th day of December, 2011, before me	ing appointment. e, a Notary Public of F. Ludwig

PLACE SEAL HERE:

ZONING PROPERTY DESCRIPTION FOR: 36 Bush Cabin Court

The proposed project involves the construction of a two story storage shed at the rear of the property.

Being Lot #37, Tract "A", Section #2 in the subdivision, Greenside Vista as recorded in the Baltimore County Plat Book #65, Folio #146, containing 7.924 acres. Located in the 7th Election District and 3rd Council District.

LOCATION INFORMATION: Directions from nearest intersection of two state roads: From the intersection of MD Route 45 (York Road) and MD Route 137 (Mt. Carmel Road), proceed west on Mt. Cannel Road approximately 3.6 miles to Bush Cabin Court (on right). Turn onto Bush Cabin Court. Follow Bush Cabin Court for approximately 0.6 miles to end of cul-de-sac. Just before cul-de-sac, turn left onto access road. Follow approximately 600 feet; driveway to Lot 37 just before existing driveway to Lot 30 (Lot 30 property corner stake present). Property located on the NW side of panhandle drive.

Proposed two story storage shed will be located in the back yard of the residence within the fenced in rear of the residence.

Beginning at a point on the north side of Bush Cabin Ct., which is 40 feet wide, at the distance of 2770 feet (+) north and east of the centerline of the nearest improved intersecting street Mt Carmel Rd, which is 40 feet wide

Item #0156

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MEMORANDUM

DATE:

March 16, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0156-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 15, 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



CHECKLIST

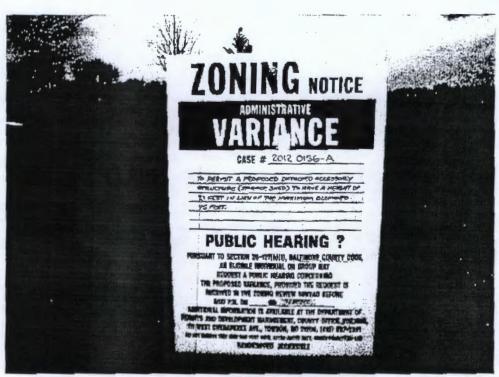
Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
1-18	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	nc_
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
1-9	STATE HIGHWAY ADMINISTRATION	nc
	TRAFFIC ENGINEERING	· · · · · · · · · · · · · · · · · · ·
	COMMUNITY ASSOCIATION	
1	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	ION (Case No	
PRIOR ZONING	(Case No	
NEWSPAPER AD	VERTISEMENT Date:	11
SIGN POSTING	Date: - 1-14	by Hoffman
PEOPLE'S COUNS	SEL APPEARANCE Yes No	
PEOPLE'S COUNS	SEL COMMENT LETTER Yes No	
Comments, if any:		·
		•

Certificate of Posting

	Petitioner/Developer
	William D. Ludwig
	Date of Hearing/Closing 1/30/12
Baltimore County	
Department of Permits and Develo County Office Building – Room 11 111 W. Chesapeake Ave. Fowson, Md. 21204	-
Attention:	
	lities of perjury, that the necessary sign as icuously on the property located at
361	Bush Cabin Court
The sign(s) were posted on	1/14/12
The sign(s) were posted on	1/14/12 (Month, Day, Year)
The sign(s) were posted on	
RECEIVED FEB 0 8 2012	(Month, Day, Year) Sincerely,
FEB 0 8 2012	(Month, Day, Year) Sincerely, Sincerely, 1/14/12
RECEIVED FEB 0 8 2012 CE OF ADMINISTRATIVE HEARINGS	(Month, Day, Year) Sincerely, (Signature of sign Poster and date)
RECEIVED FEB 0 8 2012 DE OF ADMINISTRATIVE HEARINGS See Attached	(Month, Day, Year) Sincerely, (Signature of sign Poster and date) Richard E. Hoffman (Printed Name)
RECEIVED FEB 0 8 2012 DE OF ADMINISTRATIVE HEARINGS	(Month, Day, Year) Sincerely, (Signature of sign Poster and date) Richard E. Hoffman (Printed Name) 904 Dellwood Drive
RECEIVED FEB 0 8 2012 DE OF ADMINISTRATIVE HEARINGS See Attached	(Month, Day, Year) Sincerely, (Signature of sign Poster and date) Richard E. Hoffman (Printed Name)
RECEIVED FEB 0 8 2012 DE OF ADMINISTRATIVE HEARINGS See Attached	(Month, Day, Year) Sincerely, (Signature of sign Poster and date) Richard E. Hoffman (Printed Name) 904 Dellwood Drive (Address) Fallston, Md. 21047
FEB 0 8 2012 CE OF ADMINISTRATIVE HEARINGS See Attached	(Month, Day, Year) Sincerely, (Signature of sign Poster and date) Richard E. Hoffman (Printed Name) 904 Dellwood Drive (Address)
RECEIVED FEB 0 8 2012 CE OF ADMINISTRATIVE HEARINGS See Attached	(Month, Day, Year) Sincerely, (Signature of sign Poster and date) Richard E. Hoffman (Printed Name) 904 Dellwood Drive (Address) Fallston, Md. 21047

Certificate of Posting Photograph Attachment

Re:	2012-0156-A	
Petitio	ner/Developer:	
	William D. Ludw	ig
Date o	f Hearing/Closing:	1/30/12



36 Bush Cabin Court

Posting Date:

1/14/12

(Signature and date of sign poster)



16 × 32'

Item #0156



Proposed.16" x 32" Shed

Item Hoisc



TO:

Arnold Jablon, Director

DATE: January 18, 2012

Department of Permits, Approvals

And Inspections

Dennis A. Kennedy, Supervisor FROM:

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 16, 2011

Item Nos. 2012-152,153,154,155

And 156

The Bureau of Development Plans Review has reviewed the subjectzoning items, and we have no comments.

DAK:CEN

G:\DevPlanRev\ZAC -No Comments\ZAC-01162012 -NO COMMENTS.doc



KEVIN KAMENETZ County Executive

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

January 18, 2012

William and Karen Ludwig 36 Bush Cabin Court Parkton, MD 21120

RE: Case Number 2012-0156-A, 36 Bush Cabin Court

Dear Mr. & Mrs. Ludwig,,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 5, 2012. 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,

U. Cal Richal &

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

通常 法。

Date: 1-9-12

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

RE: **Baltimore County** Item No. 2012-0156-A Administrative Varionice

Wek Ludwig 36 Bush Cabin Circle

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. 2012-0156-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.

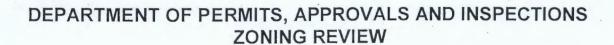
Sincerely,

Steven D. Foster, Chief

Access Management Division

SDF/rz

in watter.



ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Number or Case Number: 2012 - 0156-	A
Petitioner: William Ludwig	
Address or Location: 36 Bush Cabin Count	- PARKTON, MD 2112
PLEASE FORWARD ADVERTISING BILL TO: Name: William Ludwig	
Address: 36 Bush Cabin Court	
Parkton, MD 21126	
Telephone Number: 410-329-8306	

Revised 2/17/11 DT

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

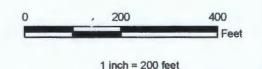
Case Number 2012- 0156 -A Address 36 Bush Cabin Ct
Contact Person: David Dural Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: $1/5/12$ Posting Date: $1/15/12$ Closing Date: $1/30/12$
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. 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.
2. <u>DEADLINE:</u> 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.
3. 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.
4. 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- 0156 -A Address 36 Bush Cabin Ct
Petitioner's Name William Ludwig Telephone 410 329 8306
Posting Date: 1/15/12 Closing Date: 1/30/12
Wording for Sign: To Permit a proposed detached accessory structure
(storage shed) to have a height of 21 feet in lieu of the
maximum allowed 15

36 Bush Cabin Court Pt. Bk./Foli PDM # 070277 2500000581 RC₂ 1600006671 Lot # 30 3 CD **NW 28-F** Pt. Bk./Folio # 065146 2200017920 021A2 PDM # 070228 GREENSIDE VISTA (PDM File/Project # 7-228) RC 8 Lot # 29 2200017918 2200017912 Lot # 33 2200017911 Pt. Bk. 65, Folio 144 Lot # 32 Pt. Bk./Folio # 065144 Lot # 28 32 5 2200017910 19990426 Lot # 31 . Lot # 27 2200017916 NW 27-F



Publication Date: January 05, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

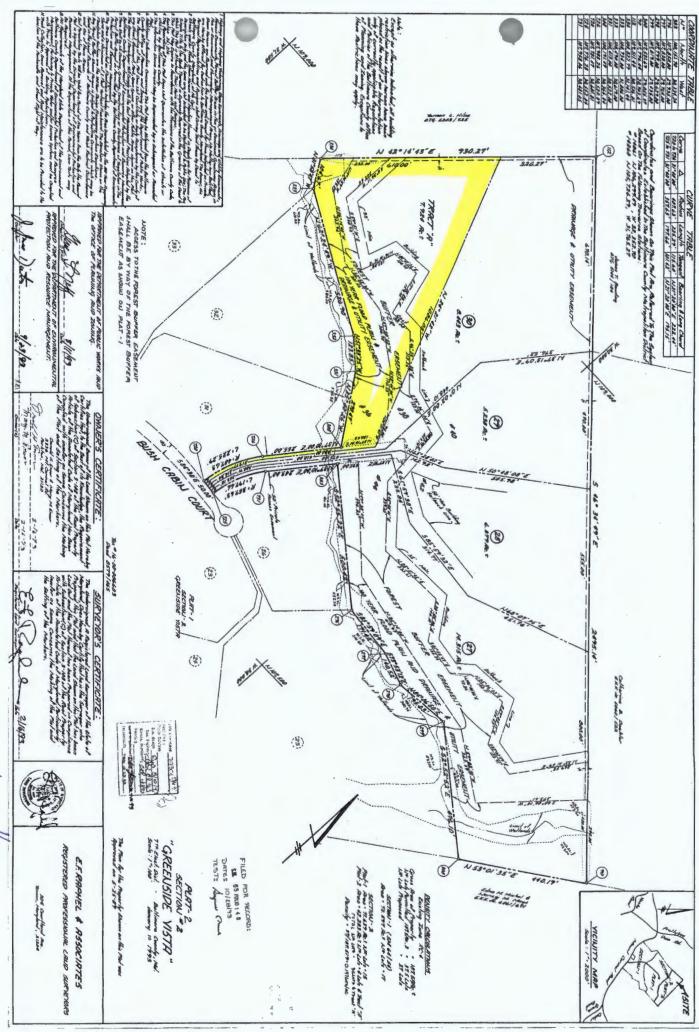


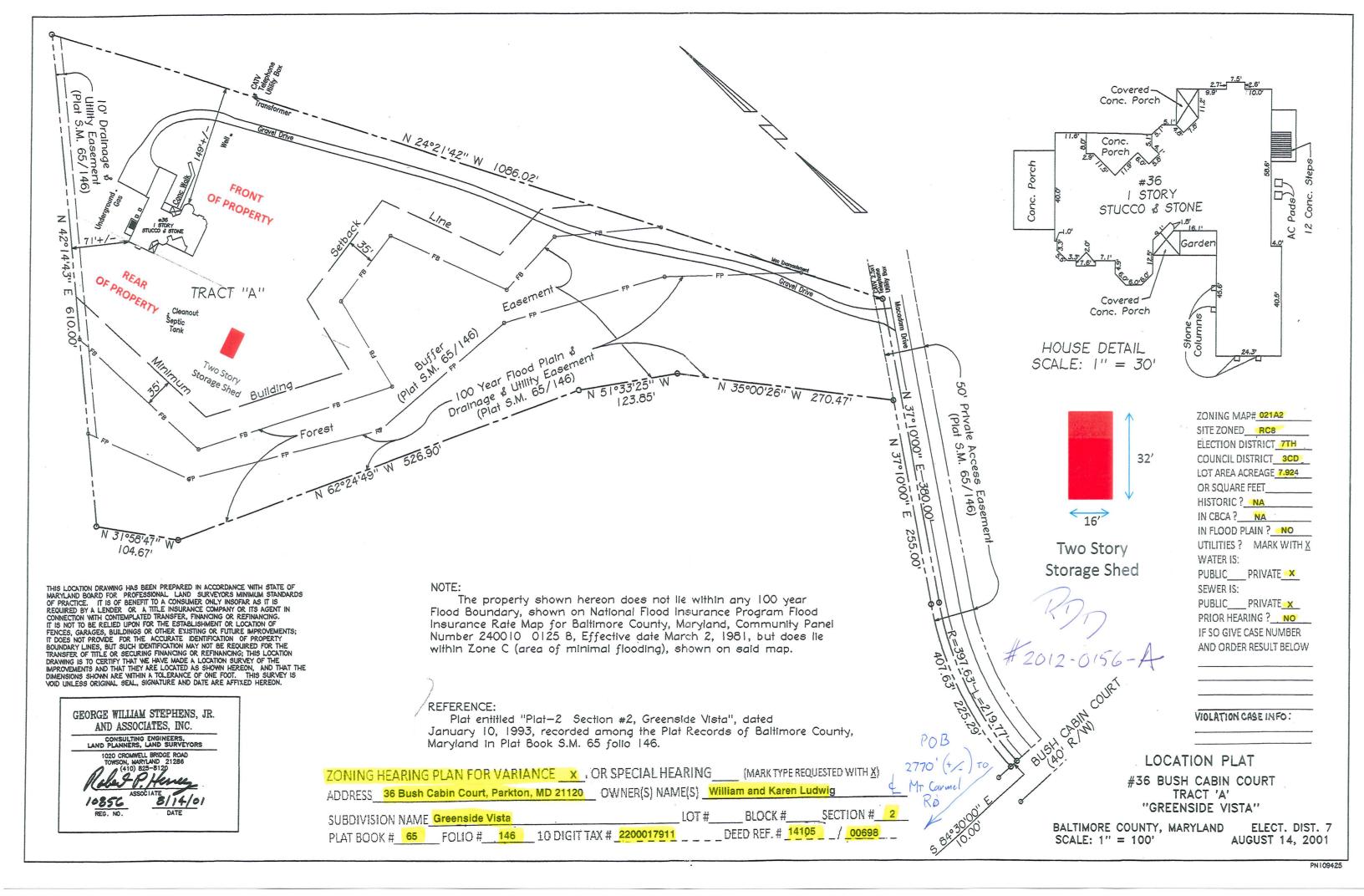


Item #0154



Item #0156





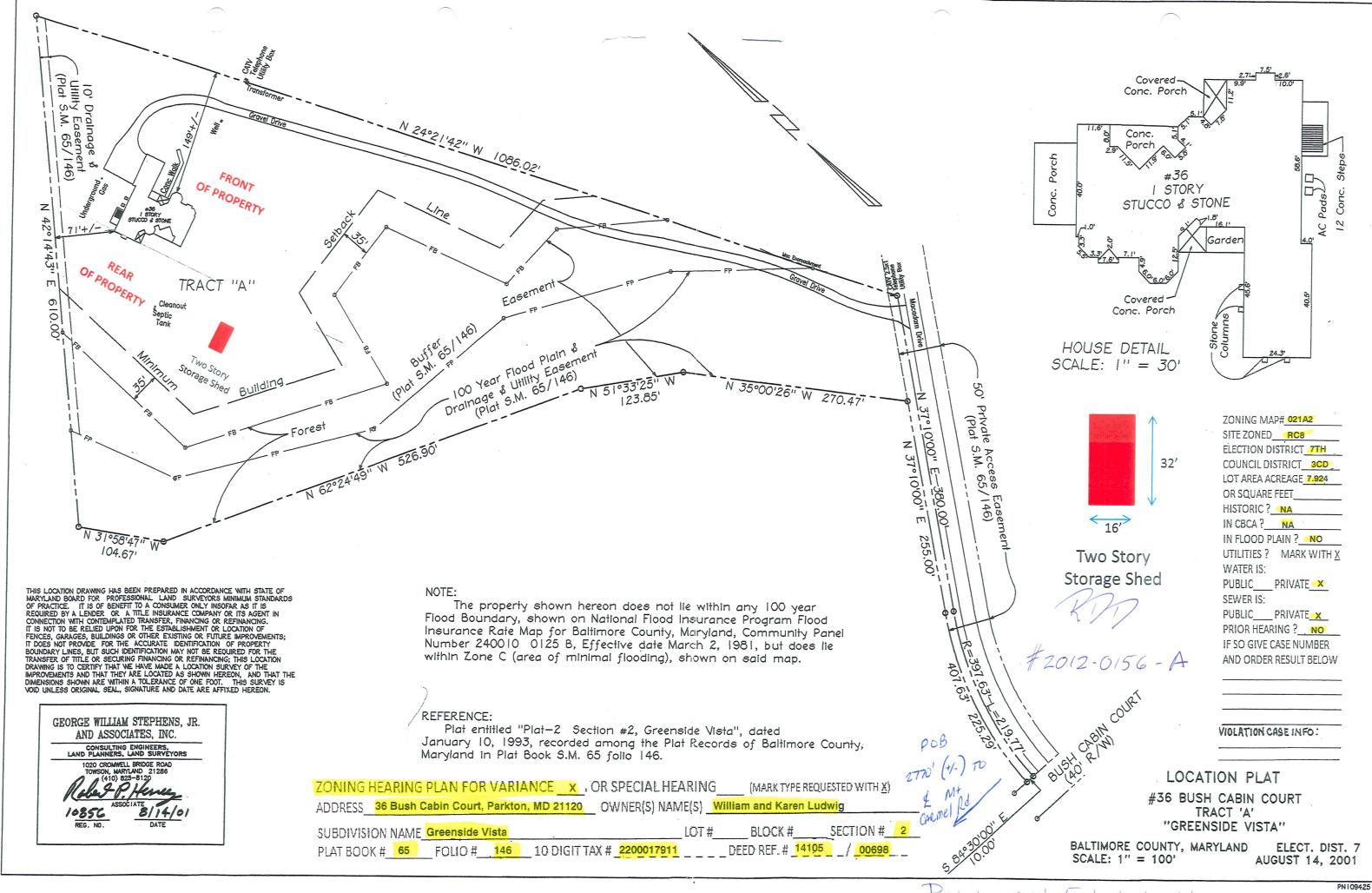


Exhibit #1 etitioners