#### IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Copperbend Lane; 20 feet N of the c/l of Woodbox Lane

3<sup>rd</sup> Election District

2<sup>nd</sup> Councilmanic District

(6901 Copperbend Lane)

H. George and Howard Shapiro Petitioners

- \* BEFORE THE
- \* OFFICE OF
- \* ADMINISTRATIVE HEARINGS
- \* FOR BALTIMORE COUNTY
- \* Case No. 2012-0167-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, H. George and Howard Shapiro. The variance request is from Sections 301.1.A and 504 (1970 regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R.") and V.B.6.b (1970 regulations) of the Comprehensive Manual of Development Policies (CMDP) to permit an open projection (deck) to have a rear yard setback of 5 feet in lieu of the permitted 11.25 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 29, 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

**ORDER RECEIVED FOR FILING** 

Date 2-24-18

-

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 \_\_\_\_\_\_\_\_ day of February, 2012 that a Variance from Sections 301.1.A and 504 (1970 regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R.") and V.B.6.b (1970 regulations) of the Comprehensive Manual of Development Policies (CMDP) to permit an open projection (deck) to have a rear yard setback of 5 feet in lieu of the permitted 11.25 feet, be and is hereby GRANTED, subject to the following:

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.

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

Date 2-24-18

2



KEVIN KAMENETZ County Executive

LAWRENCE M. STAHL

Managing Administrative Law Judge

JOHN E. BEVERUNGEN

TIMOTHY M. KOTROCO

Administrative Law Judges

February 24, 2012

H. GEORGE AND HOWARD SHAPIRO 6901 COPPERBEND LANE BALTIMORE MD 21209

> Re: Petition for Administrative Variance Case No. 2012-0167-A Property: 6901 Copperbend Lane

Dear Mr. and Mrs. Shapiro:

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**



FRM476\_09

to the Zoning Commissioner of Baltimore County for the property located at 6901 Copper bend hane 34 to M 21209 which is presently zoned DR14

Deed Reference: \_ 9986 / 449 Tax Account # 19 0000 # 151

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)

Sections 301.1.A, 504 (BCZR 1970s regs.), and V. B. 6. b. (CMDP 1970s regs.) – to permit an open projection (deck) to have a rear yard setback of 5 feet in lieu of the required  $11\frac{1}{4}$ .

notified petitionen of correction 1/26/12

Rev 3/09

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 Vanance, 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/Le	essee:		Legal Owner(s):
			H. George Shapiro
Name - Type or Print			Margar Type or Pantaguro
Signature			Howard Shapiro
Address		Telephone No.	Decembed 6/86/03-
City	State	Zip Code	Signature 410
Attorney For Petitione	<u>r:</u>		Address Telephone No
			DO H MORE, MD 21219
Name - Type or Print			City State Zip Code
			Representative to be Contacted:
Signature			H.G. Shapiro
Company			6901 Copper bend Lane 410-653-399
Address		Telephone No.	Address Telephone No. 2/209
City	State	Zip Code	City shapiro 6901@ verizon inert
A Public Hearing having been this day of regulations of Baltimore County	th	at the subject matter of	equired, it is ordered by the Zoning Commissioner of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning
			Zoning Commissioner of Baltimore County
Case No. 2012	-0167-1	Rev	riewed By Date 1/20/12
		Co Costimated R	esting Date 1/29/12

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
That the Affiant(s) does/do presently own and reside at 6901 Copper bend Lane
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)
see a Hach ment
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  Signature
Name-print or type  Name- print or type
A Notary Public must complete the following section prior to the filing appointment.
STATE OF MARYLAND, BALTIMORE COUNTY, to wit:
HEREBY CERTIFY, this 21st 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): H George Shaptro the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal  Name of Notary Public  9-11-2014  Commission expires
traine of trotal y 1 done Commission expires

FRM476\_09

PLACE SEAL HERE:

This administrative Variance is requested to replace the existing 25 year old original deck with a new deck. The design and size of the proposed new deck have been approved by The Falls Home Owners Association.

The proposed new deck is 19ft X 17ft.

The existing deck foot print is 19 X 15ft4in and is 9ft off of grade. The proposed new support columns will be 13ft from the back of the house. The current patio(under deck) footprint will remain unchanged; the prescribed distance between patios will be maintained. The unique situation for this house is the set back within the lot. The

Item #0167

set back is 6ft further than any other house in close proximity. The rear space of the house includes a large tree which is remaining. There is also a steep hillside space which is unusable. The proposed deck design has already been built in our community. This variance will allow for complete utilization of this rear space of the house. The homeowner is recently remarried and the new combined families would like to be able to maximize the space for family activities.

#### Zoning Property description for 6901 Copperbend Lane

Beginning at a point on the east side of Copperbend Lane which is 40' of right of way width at the distance of 20' north of the center line of Woodbox Lane which is 30' in right of way width.

Being lot #46, block ,Section #1in the subdivision of Summit Ridge as recorded in Baltimore County plat book #50 folio 18, containing 3,783.35 square feet. Located in the 3<sup>rd</sup> election distret and 2<sup>nd</sup> council district

Item #0167

CERTIFICATE OF POSTING PTIFICAT

CETTIFICATE	OF POSTING RE:CASE NO: 2012-0167-A	
	PETITIONER/DEVELOPER	
	DATE OF HEARING/CLOSING:	7-13-12
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 L11 WEST CHESAPEAKE AVENUE		3-10
ATTENTION:		
LADIES AND GENTLEMEN:		
THIS LETTER IS TO CERITFY UNDER THE NECESSARY SIGN(S) REQUIRED BY LAW WER PROPERTY AT		
THIS SIGN(S) WERE POSTED ON (MON	EN 29, 2012 TH, DAY, YEAR)	
	SINCERELY OR 1/24/12 SIGNATURE OF SIGN POSTER AND DAT	Ē:
	MARTIN OGLE	

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

RECEIVED FEB 2 4 2012 OFFICE OF ADMINISTRATIVE HEARINGS



Marcha Se 1/29/12

OFFICE	OF BUI	DGET AN	MARYLANI D FINANC RECEIPT	E		No.	7362	4	PAID PEICIPT
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### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2012-	0167	-A Addr	ess <u>69</u>	Ol Copperh	pend l	anc
	act Person:	Planner, Ple	Duvall ase Print Your Name		Phone Num		
Filing	Date:	20/12	Posting Da	te: 1/29	Closing	Date:	3/13
			regarding the s		e administrative v	/ariance	should be
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2.	a formal requ	est for a pub	lic hearing. Ple	ase underst	pant or owner with and that even if on the closing date	there is	) feet to file no formal
3.	commissioner order that the within 10 day whether the p	. He may: (a matter be set as of the closi	<ul> <li>a) grant the requestin for a public heading date if all Center granted, denied</li> </ul>	ested relief; aring. You v ounty agen	ved by the zoning (b) deny the req vill receive written cies' comments a to public hearing	uested re notification	elief; or (c) ion, usually ived, as to
4.	(whether due commissioner changed givin	to a neighbo ), notification g notice of the	r's formal reque will be forwarde hearing date, tin	st or by ord d to you. ne and locat	ases that must go der of the zoning The sign on the tion. As when the he altered sign m	or dep propert sign wa	outy zoning by must be as originally
			(Detach Along D	otted Line)			
Petiti	oner: This Pa	rt of the Form	is for the Sign F	oster Only			
		USE THE AD	MINISTRATIVE	ARIANCE	SIGN FORMAT		
Case	Number 2012-	0167 -A	Address	6901	Copperbend	Lane	2
Petitio	oner's Name	HG Sh	apiro	· · · · · · · · · · · · · · · · · · ·	Telephone <u>4</u>	10 65	3 3995
Posti	ng Date:	1/29/12		Closing D	Date: 2/13	/12	
Word	ing for Sign: _ setback of	To Permit an	open projecti	in (deck	) to have a ted 1834	veav	yard

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

#### 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.

For Newspaper Advertising:
Petitioner: 4 Seorge Slopine  Address or Location: 960) Copperbed Sore Balto Mol 2/80
PLEASE FORWARD ADVERTISING BILL TO:  Name: H. Seone Storner  Address: 9601 Copperlend Land  Balto Mol 01209
Telephone Number: 410-653-3995



KEVIN KAMENETZ County Executive

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

February 6, 2012

H. George Shapiro 6901 Copperbend Lane Baltimore MD 21209

RE: Case Number: 2012-0167-A, Address: 6901 Copperbend Lane

Dear Mr. Shapiro:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 20, 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,

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 Melinda B. Peters, Administrator

Date: 1-30-12

Ms. Kristen Lewis Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: Baltimore County Item No 2012-0167-A Administrative Vorionce H. George Shapivo/Howard Shapivo 6901 Copporband Lone.

Dear Ms. Lewis:

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. 202-0167-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).

Access Management Division

SDF/raz

#### 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:

February 15, 2012

SUBJECT:

**DEPS** Comment for Zoning Item

Address

# 0167-A

6901 Copperbend Lane

(H. George Shapiro/Howard Shapiro

AV 21312

Property)

Zoning Advisory Committee Meeting of January 30, 2012.

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

Reviewer: Jeff Livingston; Development Coordination

RECEIVED

FEB 1 5 2012

OFFICE OF ADMINISTRATIVE HEARINGS

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 06, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 13, 2012

Item Nos. 2012-166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176

And 177.

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-02132012-NO COMMENTS.doc

#### MEMORANDUM

DATE:

March 27, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0167-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 26, 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

Maryland Department of Assessments and Taxation

Real Property Data Search (vw3.1A)

**BALTIMORE COUNTY** 

2012-0167- A

Go Back View Map New Search GroundRent Redemption GroundRent Registration

			Owner Info	mation					
Owner Name: Mailing Address:	HOWARD HENRIETTA GEO PERBEND LN DRE MD 21209	Use: Principal Residence: Deed Reference:			RESIDENTIAL YES 1) /09986/ 00449 2)				
		Locat	ion & Structu	re Information	1				
Premises Address 6901 COPPERBEND LN 0-0000			37: 69:	egal Descripti 83 SQ FT 0.086 01 COPPERBE IMMIT RIDGE	8 AC				
Map Grid Parce	Sub District	Subdivision	Section	Block	Lot	Assessment Area		Plat No:	
0069 0019 1148		0000			46	2		Plat Ref:	0050/
Special Tax Areas	Town Ad Valorem Tax Class	NONE							
Primary Structure Built 1984		Enclosed Are	<u>a</u>	Property 3,783 SF	Land A	rea	<u>C</u>	ounty Use	
Stories Basement 2.000000 YES	Type Extent								
			Value Infor	mation					
Land Improvements:	Base Value 100,000 194,400	Value As Of 01/01/2011 100,000 138,300	Phase-in As As Of 07/01/2011	As Of 07/01/20	12				
Total: Preferential Land:	294,400	238,300	238,300	238,300					
rreferential Land.	0		Transfer Info						
Seller: MILLER MURI Type: NON-ARMS LI	IEL S ENGTH OTHER		- THOUSE MI	Date: Deed1:	09/01/	1993 5/ 00449	Price: Deed2:	\$0	
Seller: SUMMIT RIDG Type: ARMS LENGT	GE PAR TNERSHII H IMPROVED			Date: Deed1:	04/23/ /06920	/1985 0/ 00689	Price: Deed2:	\$107,500	
Seller: Type:				Date: Deed1:			Price: Deed2:		
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Partial Exempt Assessme County State Municipal				000		0.00		0.00	











Case No.: 2012-0167- A

Petitioner/Developer

Exhibit Sheet

Protestant

		V
No. 1	site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

	SITE VICINITY MAP
ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARKTYPE REQUESTED WITH X)	
ADDRESS OF CORPORATION	10 10 10 10 10 10 10 10 10 10 10 10 10 1
SUBDIVISION NAME SUMMIT ROLO LOT# 46 BLOCK# SECTION#/	COMMINICATION
PLAT BOOK # 50 FOLIO # 18 10 DIGIT TAX # 19000475 L DEED REF. # 9286 1 449 -	
f	HOODBOX HAND
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$m{j}$	MAP IS NOT TO SCALE
	ZONING MAP# 069A3  SITE ZONED DR 16
21' S24'00" OE 44.51	ELECTION DISTRICT 3 EO
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Peoposed 2 Dack 17x17	LOT AREA ACREAGE
8	OR SQUARE FEET 37 83,35
6901 38 8	HISTORIC? Nó
85 2 1979 Lot 46 8 / QZ	IN CBCA? NO
SLOT FRONT A	IN FLOOD PLAIN? NO
3 47	UTILITIES? MARK WITH X
2 15' 35'	WATER IS:
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anner hend tane	IF SO GIVE CASE NUMBER
Copper bend Lane	AND ORDER RESULT BELOW
	NA
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PLAN DRAWN BY Toothe Pavell GR. DATE 1/201/8 SCALE: 1 INCH = 30 FEET	
	VIOLATION CASE INFO:

Petitioners Exhibit 1

2012-0167-A