

IN RE: PETITION FOR ADMIN. VARIANCE *

NE side of Hiss Avenue; 104 feet SE
of the c/l of Glen Road
14th Election District
6th Council District
(3402 Hiss Avenue)

Terry L. and Deborah D. Eyet
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0171-A

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Terry L. and Deborah D. Eyet. The Petitioners are requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open carport addition with a side yard setback of 2 feet in lieu of the required 7.5 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

This matter was originally filed as an Administrative Variance, with a closing date of February 20, 2012. No one filed a formal written demand for a hearing within the prescribed time period, as required by Baltimore County Code (B.C.C.) Section 32-3-303(b). Even so, on February 24, 2012, Managing Administrative Law Judge Lawrence M. Stahl determined that a hearing was required on this matter as the property is the subject of an active violation case. The hearing was subsequently scheduled for Wednesday, March 28, 2012 at 11:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. In addition, a sign was posted at the property and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and interested citizens notice of the hearing.

ORDER RECEIVED FOR FILING

Date 3-29-12

By aw

It should be noted that this matter came before me as a result of a complaint registered with the Code Enforcement Division of the Department of Permits, Approvals and Inspections¹. A verbal stop work order was issued by Inspector Tim Kidd, who informed Petitioners they needed to secure a building permit for the work. They obtained a building permit on December 13, 2011, and the code enforcement case was never pursued after that point, and the Petitioners were never served with a Correction Notice and/or citation. Thus, this case should have been decided without a hearing, because there was not an "active violation case" pending at the time Petitioners' sought Administrative Variance relief.

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

Appearing at the public hearing held for this case were Petitioners Terry L. and Deborah D. Eyet. Testimony and evidence revealed that the subject property is located in Parkville, and contains a duplex dwelling, similar to the other homes in the neighborhood. Petitioners bought the home in 1987, and want to construct an open carport over their concrete driveway. (See Exhibit 1). Petitioners' submitted photos showing that several homes in the immediate vicinity have constructed carports similar in size and appearance to the one proposed here.

Based upon the testimony and evidence presented, I will grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

¹ Case No: CO-0104412

ORDER RECEIVED FOR FILING

Date 3-29-12

By Law

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

The Petitioners have met this test.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is amply demonstrated by the lack of any negative comments from County agencies, and by the enthusiastic support of Petitioners' immediate neighbors.

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' variance request (to the extent such relief is necessary) should be granted.

THEREFORE, IT IS ORDERED, this 29th day of March, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open carport addition with a side yard setback of 2 feet in lieu of the required 7.5 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

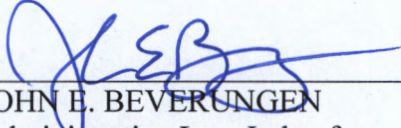
1. Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date 3-29-12

By [Signature]

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:dlw

ORDER RECEIVED FOR FILING

Date 3-29-12

By DW



KEVIN KAMENETZ
County Executive

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

March 29, 2012

Terry L. Eyet
Deborah D. Eyet
3402 Hiss Avenue
Parkville, Maryland 21234

Re: Petition for Administrative Variance
Case No. 2012-0171-A
Property: 3402 Hiss Avenue

Dear Mr. and Mrs. Eyet:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Tim Kidd, Code Enforcement Officer, Division of Code Inspections & Enforcement,
Department of Permits, Approvals, and Inspections



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 3402 HISS AVE, PARKVILLE, MD 21234 which is presently zoned DR 5.5

Deed Reference 12757/00020

10 Digit Tax Account # 1414011390

Property Owner(s) Printed Name(s) TERRY L EYET AND DEBORAH D EYET

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. ADMINISTRATIVE VARIANCE from section(s)

1B02.3.C.1

To permit an open car port addition with a side yard setback of 2 feet in lieu of the required 7.5 feet.

2. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

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 petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

TERRY L. EYET / DEBORAH D EYET
Name #1 - Type or Print Name #2 - Type or Print

Signature #1

Signature #2

3402 HISS AVENUE PARKVILLE, MD
Mailing Address City State

21234 / 410-661-0240 / Heyet@VERIZON.NET
Zip Code Telephone # Email Address

Representative to be contacted:

Deborah D. Eyet
Name - Type or Print

Signature

same as above
Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this 3-29-12 day of March, 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.

Administrative Law Judge of Baltimore County

CASE NUMBER 2012-0171-A Filing Date 1/23/12 Estimated Posting Date 2/5/12 Reviewer Ju

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 3402 HISS AVENUE Parkville, MD 21234
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

IN ORDER TO INCREASE AN EXISTING CARPORT TO PROPERLY ACCOMMODATE
THE WIDTH OF AN AUTOMOBILE, WE ARE REQUESTING A VARIANCE TO REDUCE
THE CURRENT SIDE SET BACK OF 11'3" BY 8'9". THIS VARIANCE, IF GRANTED,
WOULD LEAVE A 2' SIDE SET BACK.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Terry L. Eyet
Signature of Affiant

TERRY L. EYET
Name- Print or Type

Deborah D. Eyet
Signature of Affiant

Deborah D. Eyet
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of January, 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Terry L. Eyet and Deborah D. Eyet
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

Holly M. Schuy
Notary Public
4/28/12
My Commission Expires

ZONING PROPERTY DESCRIPTION FOR
3402 Hiss Avenue, Parkville, MD 21234

Beginning at a point on the east side of Hiss Avenue which is 60 feet wide at the distance of 104.60 feet south of the centerline of the nearest improved intersecting street, Glen Road which is 60 feet wide. Being Lot #2, Block E, Section 1 in the subdivision of "A Re-subdivision of Section 1 and 2 Hallmark Manor in Baltimore County Plat Book (WIR) #28, Folio #54, containing 6,741 square feet. Located in the 14th Election District and 6th Council District.

2012-0171-A

Certificate of Posting

Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: Feb. 5, 2012

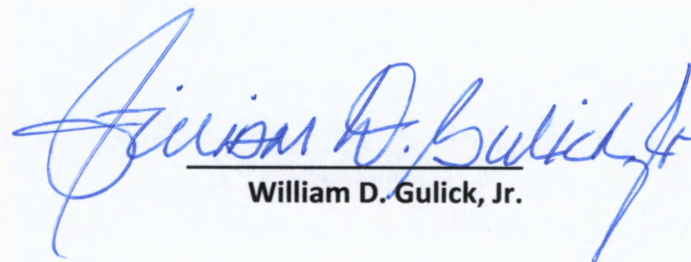
Attention: Zoning Office, Attn. Ms. Kristen Lewis

Re: Case Number: 2012 - 0171 - A
Petitioner/Developer: Terry L. & Deborah D. Eyt
Date of Hearing/Closing: Feb. 20, 2012

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: 3402 Hiss Avenue

The sign(s) were posted on:

Feb. 5, 2012



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2012-071-A
TO PERMIT AN OPEN CAR PORT
ADDITION WITH A SIDE YARD
SETBACK OF 2 FEET IN LIEU
OF THE REQUIRED 7.5 FEET.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON FEB. 20, 2012

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD 21204

TEL. 887-3391 (410)

DO NOT REMOVE THIS SIGN FROM POST UNTIL AFTER HEARING DATE. CHECK VARIANCE BY LAW. RETURN DATE TO FORD, MD. 604
MEETING IS HANDICAP ACCESSIBLE

HISS & AVENUE

Certificate of Posting

Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: March 13, 2012

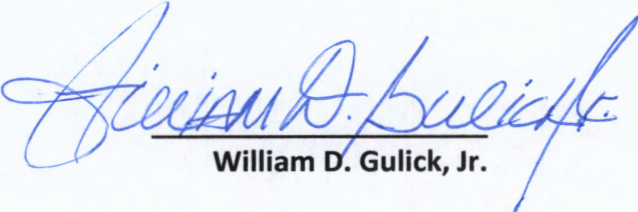
Attention: Zoning Office, Attn. Ms. Kristen Lewis

Re: Case Number: 2012 - 0171 - A
Petitioner/Developer: Terry L. & Deborah D. Eyet
Date of Hearing/Closing: March 28, 2012

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: 3402 Hiss Avenue

The sign(s) were posted on:

March 13, 2012



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

ZONING NOTICE

CASE # 2012-0171-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

JEFFERSON BUILDING ROOM 205
105 WEST CHESAPEAKE AVENUE
PLACE: TOWSON, MD 21204

DATE AND TIME: WEDNESDAY
MARCH 28, 2012 AT 11:00 AM

REQUEST: VARIANCE TO PERMIT
AN OPEN CAR PORT ADDITION WITH A
SIDE YARD SETBACK OF 2 FEET IN
LIEU OF THE REQUIRED 7.5 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 847-3301 (4-10)

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

HISS AVENUE

47

**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: # 2012-0171-A

3402 Hiss Avenue
N/east side of Hiss Avenue,
104 (+/-) feet S/east of the
centerline of Glen Road
14th Election District
6th Councilmanic District
Legal Owner(s): Terry & De-
borah Eyet

Variance: to permit an
open car port addition with
a side yard setback of 2
feet in lieu of the required
7.5 feet.

Hearing: Wednesday,
March 28, 2012 at 11:00
a.m. in Room 205, Jeffer-
son 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 accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

JT 03/651 March 13 299187

CERTIFICATE OF PUBLICATION

3/15/, 2012

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 3/13/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING

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

No. **73626**

Date: 1/23/12

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: 75.00

Rec From: Tracy + Deborah Eys

For: 3402 Hires
21134

1/23/12

2012-0171-11

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
March 7, 2012

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: 2012-0171-A

3402 Hiss Avenue

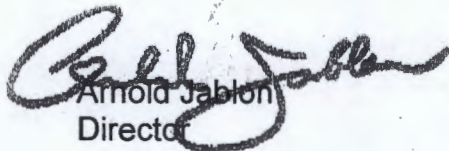
N/east side of Hiss Avenue, 104 (+/-) feet S/east of the centerline of Glen Road

14th Election District – 6th Councilmanic District

Legal Owners: Terry & Deborah Eyet

Variance to permit an open car port addition with a side yard setback of 2 feet in lieu of the required 7.5 feet.

Hearing: Wednesday, March 28, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
104 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Eyet, 3402 Hiss Avenue, Parkville 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY .**
- (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.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 13, 2012 Issue - Jeffersonian

Please forward billing to:
Terry & Deborah Eyet
3402 Hiss Avenue
Parkville, MD 21234

410-661-0240

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: 2012-0171-A

3402 Hiss Avenue

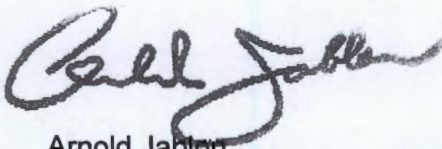
N/east side of Hiss Avenue, 104 (+/-) feet S/east of the centerline of Glen Road

14th Election District – 6th Councilmanic District

Legal Owners: Terry & Deborah Eyet

Variance to permit an open car port addition with a side yard setback of 2 feet in lieu of the required 7.5 feet.

Hearing: Wednesday, March 28, 2012 at 11:00 a.m. in Room 205, Jefferson Building,
104 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.

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0171 -A Address 3402 Hiss Ave

Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/23/12 Posting Date: 2/5/12 Closing Date: 2/20/12

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

- 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- 0171 -A Address 3402 Hiss Avenue

Petitioner's Name TERRY L + DEBORAH D. EYET Telephone 410-661-02

Posting Date: 2/5/12 Closing Date: 2/20/12

Wording for Sign: _____ To permit an open car port addition with a side yard setback of 2 feet in lieu of the _____ required 7.5 feet.

Revised 7/06/11



KEVIN KAMENETZ
County Executive

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

February 14, 2012

Terry & Deborah Eyet
3402 Hiss Avenue
Parkville MD 21234

RE: Case Number: 2012-0171A, Address: 3402 Hiss Avenue

Dear Mr. & Ms. Eyet:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 23, 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,

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
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 2012-0171-A
Administrative Variance
Terry & Deborah Eyet
3402 Hiss Avenue.

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. 2012-0171-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).

Sincerely,

for Steven D. Foster, Chief
Access Management Division

SDF/raz

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
INTEROFFICE CORRESPONDENCE

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

DATE: February 06, 2012

FROM: ^{DAK} 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

AV
2-20-12

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 #0171-A
Address 3402 Hiss Avenue
(Terry & Deborah Eyet 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 15 2012

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: February 24, 2012

TO: Kristen Lewis
Dept. of Permits, Approvals and Inspections

FROM: Patricia Zook, Legal Secretary to
Lawrence M. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings

RE: **Petition for Administrative Variance – Closing Date of 2-20-12**
Case No. 2012-0171-A located at 3402 Hiss Avenue
Hearing Is Required

After the review of the above-captioned case file, Larry Stahl has determined that this case shall be set in for a formal hearing. Case No. 2012-0171-A is currently the subject of an active violation case, namely CO-0104412. Historically this Office has conducted hearings on cases that have violations. As is policy, properties with outstanding zoning/code enforcement violations shall not be handled as Administrative Variances.

We are returning the file to you for further processing, i.e., notifying the Petitioners, posting of the hearing notice, advertising, etc.

Thank you for your attention and cooperation in this matter.

c: Debbie Wiley, Office of Administrative Hearings



KEVIN KAMENETZ
County Executive

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

March 20, 2012

Terry & Deborah Eyet
3402 Hiss Avenue
Parkville MD 21234

RE: Case Number: 2012-0171A, Address: 3402 Hiss Avenue, 21234

Dear Mr. & Ms. Eyet

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 23, 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,

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

M E M O R A N D U M

DATE: May 1, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0171-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 30, 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

Debra Wiley - Newspaper Advertisements

From: Debra Wiley
To: Fisher, June
Date: 3/23/2012 10:03 AM
Subject: Newspaper Advertisements
CC: Lewis, Kristen

Hi June,

Can you look for two missing newspaper advertisements, which are both scheduled for **Wednesday, March 28th**, for the following cases:

10 AM - 2012-0185-A

11 AM - 2012-0171-A

Thanks in advance.

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

From: Patricia Zook
To: Lewis, Kristen
CC: Wiley, Debra
Date: 2/24/2012 11:18 AM
Subject: Case No. 2012-0171-A located at 3402 Hiss Avenue (AV has violation-hearing required)
Attachments: IO-2012-0171-A - AV has violation-set in for hearing.doc

Good morning Kristen -

Please see Judge Stahl's memo to the file regarding this case. He has determined that a hearing is necessary because this is an active violation case which is not handled as an administrative variance.

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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DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

RECEIVED

FEB 24 2012

OFFICE OF ADMINISTRATIVE HEARINGS

2012-0171-A

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: February 2, 2012

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Glenn Berry, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2012-0171-A
Legal Owner/Petitioner: Terry & Deborah Eyet
Contract Purchaser: N/A
Property Address: 3402 Hiss Avenue
Location Description: N/E side of Hiss Ave. 104 ft SE of the centerline of Glen

VIOLATION INFORMATION: Case No. CO0104412
Defendants: Terry & Deborah Eyet

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME

ADDRESS

RECEIVED
FEB 24 2012
OFFICE OF ADMINISTRATIVE HEARINGS

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- | | |
|-------------------------------------|---|
| ☐ | 1. Complaint letter/memo/email/fax (if applicable) |
| ☒ | 2. Complaint Intake Form/Code Enforcement Officer's report and notes |
| ☒ | 3. State Tax Assessment printout |
| ☐ | 4. State Tax Parcel Map (if applicable) |
| ☐ | 5. MVA Registration printout (if applicable) |
| ☐ | 6. Deed (if applicable) |
| ☐ | 7. Lease-Residential or Commercial (if applicable) |
| ☐ | 8. Photographs including dates taken |
| ☐ | 9. Correction Notice/Code Violation Notice |
| ☐ | 10. Citation and Proof of Service (if applicable) |
| ☐ | 11. Certified Mail Receipt (if applicable) |
| ☐ | 12. Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| ☐ | 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Room 113 in order that the appropriate action may be taken relative to the violation case.

AGB/rw

C: Code Enforcement Officer



Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:
Complaint Record ID: CO0104412

Record ID	AS/400 Case	Assigned To	Assigned Date	Scheduled Time	Received By	Received Date	Status	Hearing Date	ADC Grid
CO0104412		Lewis Mayer	12/09/2011		Rashida White	12/09/2011	Open - Normal		28E11

Complaint Description: CONSTRUCTION CLOSE TO PROPERTY LINE. NO PERMITS.

Facility:	Owner :	Complainant:
FA0163531 PDM 1414011290 3402 HISS AVE PARKVILLE, MD 21234	EYET TERRY L EYET DEBORAH D 3402 HISS AVE BALTIMORE MD 21234	ANNON LETTER

Daily Activity Details

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0133863	Tim Kidd	01/31/2012	REINSPECTION	NOT IN COMPLIANCE	MONITOR
Inspector Notes: 1/31/12 OWNER SECURED PERMIT, B777321, FOR CARPORT BUT WOULD LIKE TO GO FOR VARIANCE, SO CARPORT COULD BE CLOSER TO PROPERTY LINE. P/U 2/15/12. T.KIDD/RW					

Violation Details - No Data

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0130124	Tim Kidd	12/12/2011	INITIAL INSPECTION	FACT FINDING	MONITOR
Inspector Notes: 12/12/11 GAVE VERBAL STOP WORK TO SECURE PERMIT FOR OPEN CARPORT JUST STARTING. P/U 12/19/11 T.KIDD/NS***					

Violation Details

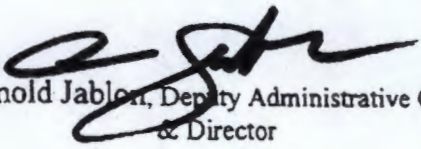
Violation Record ID: IV0066521	Comply By: 02/15/2012	Complied On:	Status: NOT IN COMPLIANCE
Program Category/Section Source: Building Inspection/IBC		Violation Description	IBC Violation
Correction Text:			
Violation Text:			
Violation Comment:			

Comment Details - No Comments

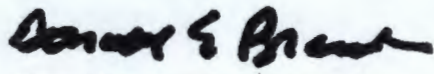
Lien Information - None

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS, APPROVALS, AND INSPECTIONS


Arnold Jablon, Deputy Administrative Officer
& Director




Donald E. Brand, Building Engineer

BUILDING PERMIT

PERMIT #: B777321 CONTROL #: MR DIST: 14 PREC: 01
DATE ISSUED: 12/13/2011 TAX ACCOUNT #: 1414011290 CLASS: 04

PLANS: CONST 0 PLOT 2 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 3402 HISS AVE
SUBDIVISION: HALLMARK MANOR

OWNERS INFORMATION

NAME: EYET, TERRY & DEBORAH
ADDR: 3402 HISS AVE, PARKVILLE 21234

TENANT:

CONTR: OWNER

ENGR:

SELLR:

WORK: CONSTRUCT CARPORT ADDN ON SIDE OF SEMI-DETACHED
DWELLING OPEN ON THREE SIDES, 8.75'X24'=210SF
OK TO WAIVE PLANS PER PH

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SEMI-DETACHED DWELLING & ADDN
EXISTING USE: SEMI-DETACHED

TYPE OF IMPRV: ADDITION

USE: ONE FAMILY

FOUNDATION:

SEWAGE: PUBLIC EXIST

BASEMENT:

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 0060.00 X 0000.00

FRONT STREET:

SIDE STREET:

FRONT SETB: NC

SIDE SETB: NC/11.25'

SIDE STR SETB:

REAR SETB: NC

14R INSPECTOR COPY

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES

111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204

COMPLAINT ENFORCEMENT REPORT

DATE: 12, 9, 11 INTAKE BY: GB CASE #: C00104412 INSPEC: _____

COMPLAINT LOCATION: 3402 HISS AVE FA0163531

ZIP CODE: _____ DIST: 14

COMPLAINANT NAME: ANDY LETT PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: CONSTRUCTION CLOSE TO PROP. LINE
NO PERMITS

IS THIS A RENTAL UNIT? YES _____ NO _____

IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

12/8/11
Baltimore County Planning & Inspection:

Please check out a project
at 3402 Hiss Avenue. No zoning
variance has been posted, but they
are digging holes really close to
the property line.

Don't we have a rule about
how close a permanent structure
can be to that line?

A Parkville resident
who wishes to remain
anonymous

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

2012-0171-A

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

Account Identifier:

District - 14 Account Number - 1414011290

Owner Information

Owner Name: EYET TERRY L
EYET DEBORAH D
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 3402 HISS AVE
BALTIMORE MD 21234-4811
Deed Reference: 1) /12757/ 00020
2)

Location & Structure Information**Premises Address**

3402 HISS AVE
0-0000

Legal Description

3402 HISS AVE
HALLMARK MANOR

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0081	0009	0660		0000	1	E	2	3	Plat Ref: 0028/0054

Special Tax Areas
Town NONE
Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1962	1,504 SF	6,741 SF	04

Stories	Basement	Type	Exterior
1.000000	YES	END UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
Land	72,700	72,700	01/01/2012	07/01/2011
Improvements:	148,900	90,800		
Total:	221,600	163,500	221,600	163,500
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
EYET TERRY L	03/31/1998	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12757/ 00020	Deed2:
NEUMANN WILLIAM J, JR	10/20/1987	\$85,000
Type: ARMS LENGTH IMPROVED	Deed1: /07702/ 00383	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00
Tax Exempt:			Special Tax Recapture:
Exempt Class:			

Debra Wiley - ZAC Comments - Distribution Mtg. of 1/30/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 1/30/2012 3:40 PM
Subject: ZAC Comments - Distribution Mtg. of 1/30/12

Good Afternoon,

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.

2012-0166-A - 825 W. Padonia Rd.
(Administrative Variance - Closing Date: 2/13/12)

2012-0167-A - 6901 Copperbend Lane
(Administrative Variance - Closing Date: 2/13/12)

2012-0168-A - 3901 Schroeder Avenue
(Administrative Variance - Closing Date: 2/20/12)

2012-0169-X - 3 Harko Circle
(No hearing date assigned)

2012-0170-A - 8322 Bletzer Road - **CBCA**
(Administrative Variance - Closing Date: 2/20/12)

2012-0171-A - 3402 Hiss Avenue
(Administrative Variance - Closing Date: 2/20/12)

2012-0172-A - 7312 Wenig Avenue
(Administrative Variance - Closing Date: 2/20/12)

2012-0173-SPH - 14120 Jarrettsville Pike
(No hearing date assigned)

2012-0174-SPH - 14200 Jarrettsville Pike
(No hearing date assigned)

2012-0175-A - 10501 Falls Road
(No hearing date assigned)

2012-0176-SPHA - 5661 Gunpowder Road
(No hearing date assigned)

2012-0177-A - 56 W. Timonium Road
(No hearing date assigned)



3402 Hiss Ave

2012-0171-A



3402 Hiss Ave

2012-0171-A



3402 Hiss Ave

2012-0171-A



3402 Hiss Ave

2012-0171-A



3402 Hiss Ave

2012-0171-A



DAVID AVE 21234

0171-A



David Ave 21234

0171-A



Wendell Ave 21234

0171-A

Case No.: 2012-071-A

Exhibit Sheet

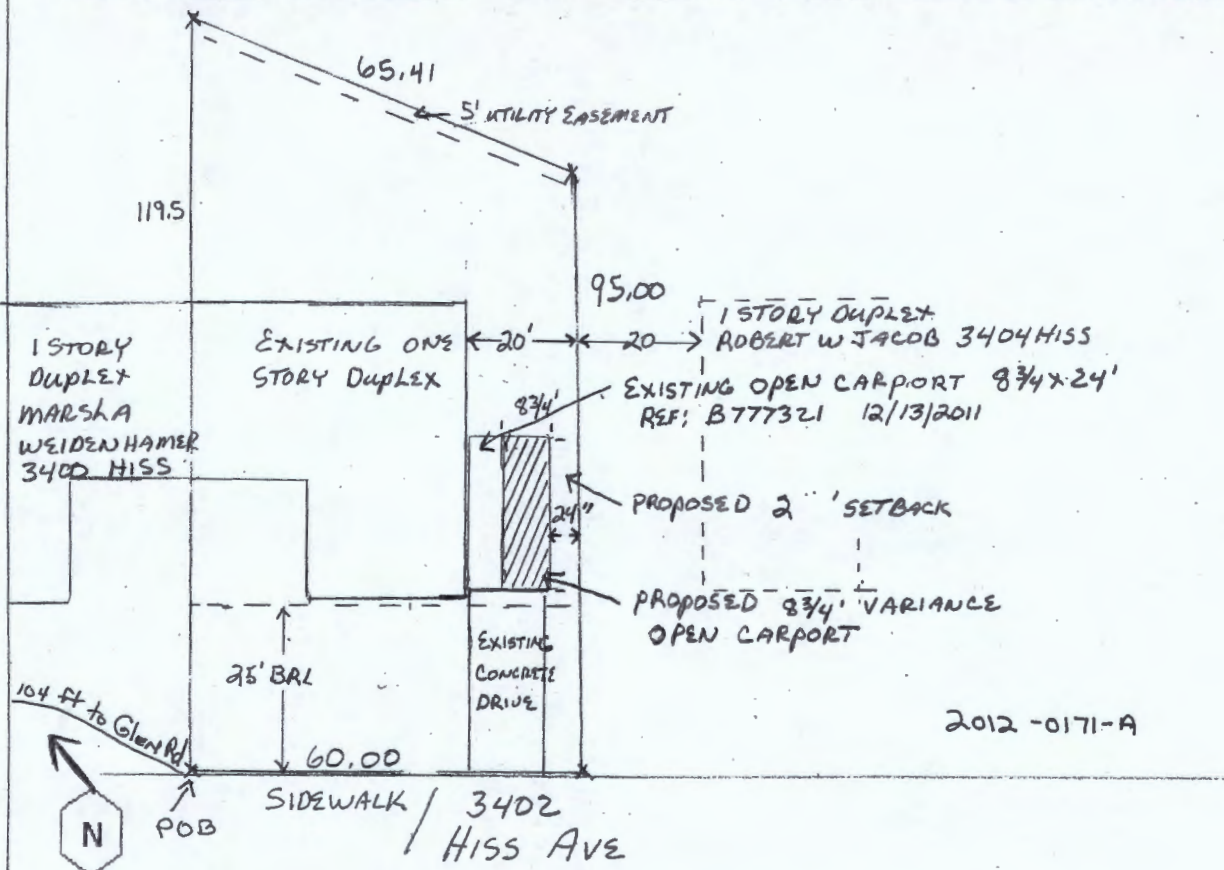
5-1-12-SMA
3-29-12 DW

Petitioner/Developer

Protestant

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		

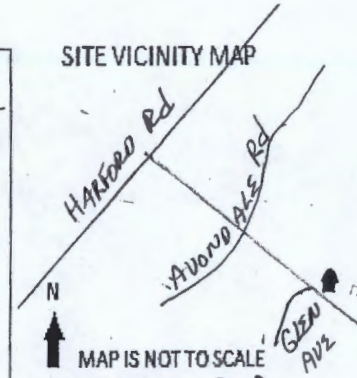
ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 3402 HISS AVENUE, PARKVILLE, MO OWNER(S) NAME(S) TERRY L EYET AND DEBORAH D EYET
 SUBDIVISION NAME A RESUBDIVISION OF SECTIONS 1+2 ²¹²³⁴ HALLMARK LOT # 2 BLOCK # E SECTION # 1
 PLAT BOOK # 28 FOLIO # 54 10 DIGIT TAX # 414011290 DEED REF. # 12257100020



2012-0171-A

PLAN DRAWN BY TERRY EYET DATE 1-17-12 SCALE: 1 INCH: 30 FEET

SITE VICINITY MAP



ZONING MAP # 081 B1
 SITE ZONED DR5.5
 ELECTION DISTRICT 14
 COUNCIL DISTRICT 6
 LOT AREA ACREAGE _____
 OR SQUARE FEET 6741
 HISTORIC? No
 IN CBCA? No
 IN FLOOD PLAIN? No
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC ☒ PRIVATE _____
 SEWER IS:
 PUBLIC ☒ PRIVATE _____
 PRIOR HEARING? NONE
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

P's Ex 1