IN RE: PETITION FOR ADMIN. VARIANCE

W side of Harkate Way; 420 feet S of the c/l of MarleyDrive 2nd Election District 4th Councilmanic District (8808 Harkate Way)

Heidi Ortmeyer

Petitioner

- * BEFORE THE
- * OFFICE OF
- * ADMINISTRATIVE HEARINGS
- * FOR BALTIMORE COUNTY
- * Case No. 2012-0206-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 owner of the subject property, Heidi Ortmeyer. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (detached garage) be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioner's 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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 18, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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

Date 4-6-17

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 Petitioner.

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 April, 2012 that a Variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory structure (detached garage) be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner 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

ORDER F	RECEIVED FOR FILING		
Date	4-6-12	2)
Bv	m		



KEVIN KAMENETZ
County Executive

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

April 6, 2012

HEIDI ORTMEYER 8808 HARKATE WAY RANDALLSTOWN MD 21133

> Re: Petition for Administrative Variance Case No. 2012-0206-A Property: 8808 Harkate Way

Dear Ms. Ortmeyer:

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

Chithy Hotroco

for Baltimore County

TMK:pz

Enclosure

c: Rusty Moye, 3712 Old Milford Mill Road, Windsor Mill MD 21244

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property

located at 8808 HARKATE WAY RANDALISTOWN Med 21133

which is presently zoned RC5

Deed Reference: 0060 / 0114 Tax Account # 21000 14288

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 to permit a detached garage be located in the side yard in lieu of the required

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:	Legal Owner(s):
Name - Type or Print Signature	Name - Type or Print Heich Ortmeyer Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature
Attorney For Petitioner:	Address Telephone No. Randalls to you MD 21133
Name - Type or Print	City State Zip Code Representative to be Contacted:
Signature Company ORDER RECEIVED FOR FILING	Rusty moye
Address Telephone No.	Name 37/2 Old Millord Mill Pd. 722-386 Address Telephone No.
City State Zip Code	Windsormice Md. 21244 City State Zip Code
A Public Hearing having been formally demanded and/or found to be req this day of that the subject matter of the regulations of Baltimore County and that the property be reposted.	uired, it is ordered by the Zoning Commissioner of Baltimore County, is petition be set for a public hearing, advertised, as required by the zoning
Case No. 2012- 0206- A Revie	Zoning Commissioner of Baltimore County awed By Date 2/29/12

Estimated Posting Date

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 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) + neil 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 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 13 before me, a Notary Public of day of Jebluary ,2018 the State of Maryland, in and for the County aforesaid, personally appeared: (Name Affiant(s) here): 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 /

PLACE SEAL HERE:

Deborah A. Albright NOTARY PUBLIC Harford County, Maryland My Commission Expires 11/06/2013 ZONING PROPERTY DESCRIPTION FOR 8808 Harkate Way Randallstown Md 21133

Beginning at a point on the Northwest side of Harkate Way which 50' wide at the distance of 420' south of the centerline of the nearest improved intersecting street, Marley Dr. which is 50' wide.

Being Lot#(72), Block(60), Section#(A) in the subdivision of (Oak Wood Villiage) as recorded in Baltimore County Plat Book#(60), Folio#(115), containing 1.17acresin lot. Located in the (2nd) Election District and (4th) Council District

OFFICI	E OF BUI	DGET ANI	IARYLANI D FINANC	E.		No.	73642	2			PHIL REG			
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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 News	paper Adv	ertising:				
Item Num	ber or Case	Number: _	201	2-020	6-A	
Petitioner:	- des	er serc	DYF F	tleai	ORTMEYER	
Address o	r Location:	8808	HARKATE	= WAY	RANDALISTOW	N 21/33
			ING BILL TO:			
Address:	37/2	old mill	Ford MILL	RA		
	WINd	son mil	L md	21244		
Telephone	e Number:	443	722 38	67		

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2012-	0206	-A	Address	8808	Harkate	Way	
	ct Person:	Planner, Pl	Rulai-	Name	<u> </u>)-887-3391
Filing	Date: 2 3	9/12	Post	ting Date:	3/11/12	Closin	ng Date:	3/20/19
Any c	ontact made v h the contact p	vith this offic erson (planne	e regardin er) using th	g the statu e case num	s of the ad	ministrative	variance	should be
1.	POSTING/CO reverse side of reposting must is again responsation or property on or date.	f this form) a t be done only nsible for all	nd the pet y by one o associated	titioner is re f the sign po d costs. Th	sponsible for osters on the e zoning no	or all printing e approved otice sign m	/posting of ist and the ust be vis	costs. Any e petitioner ible on the
2.	DEADLINE: 1 a formal request for a p	est for a pub	olic hearing	g. Please	understand	that even	f there is	feet to file no formal
3.	ORDER: After commissioner order that the within 10 day whether the permailed to you	He may: (matter be set s of the clos etition has be	a) grant th in for a pu sing date i en granted	ne requeste oblic hearing if all Count	d relief; (b) You will re agencies'	deny the re eceive writte comments	quested re n notificati are recei	elief; or (c) ion, usually ved. as to
4.	POSSIBLE PI (whether due commissioner) changed giving posted, certifications office.	to a neighbor, notification notice of the	or's formal will be fo hearing o	request orwarded to date, time a	r by order you. The nd location.	of the zoning sign on the As when the	ng or dep e propert ne sign wa	uty zoning y must be as originally
			(Deta	ach Along Dotted	Line)			
Petitio	oner: This Par	t of the Form	is for the	Sign Post	er Only			
		USE THE AD	MINISTRA	ATIVE VAR	IANCE SIGI	FORMAT		
Case I	Number 2012-	0206 -A	Addı	ress8	308 Har	kate L	Vay	
	ner's Name		rt meye		* .	LICI	3722-3	867
Postir	ng Date:	3/11	115	CI	osing Date:	3/=	14/12	
	ng for Sign:			2 garage	in the	side ya	2 in	lieu of

Letter of Transmittal

William D. Gulick, Jr.

Consultant to Land Development and Industry
Commercial and Residential
2944 Edgewood Avenue
Baltimore, MD 21234
Phone - 410-530-6293
E-mail - wdgjr@comcast.net

To: Baltimore County, Zoning Office - Attn.: Ms. Kristen Lewis

Rusty Moye

CC:

We Are Sending You:

✓ Attached
✓ Under separate cover the following items:

☐ Copy of Let	ter Prints	Documents C Other
No. of Copies	Date	Description
1	March 18, 2012	Certificate Of Posting
2	March 18, 2012	Site Photos
For approv	No.: 2012-0206-	low: e
		Signed: Milliam D. Gulick, Jr.
		Project Manager

Certificate of Posting

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

Date:

March 18, 2012

Attention:

Zoning Office, Ms. Kristen Lewis

Re:

Case Number:

2012-0206-A

Petitioner/Developer:

Heidi Ortmeyer

Date of Hearing/Closing:

April 2, 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: 8808 Harkate Way

The sign(s) were posted on: March 18, 2012

2944 Edgewood Avenue Baltimore, MD 21234

(410) 530-6293



MEMORANDUM

DATE:

May 8, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0206-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 7, 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: VCase File

Office of Administrative Hearings

Case No.: 2012-0206-A

Exhibit Sheet

Petitioner/Developer

Protestant PS 5/8/18

No. 1		
	Steplan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

HING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH RESS 8006 MARKATE DR OWNER(S) NAME(S) LOT# 72 BLOCK # 60 SECTION (BOOK # 60 FOLIO # 15 10 DIGIT TAX # 21000/4280 DEED REF. # 00 60/ 0	MAP IS NOT TO SCALE ZONING MAP# 07 7A2 SITE ZONED RC.5 ELECTION DISTRICT 2ND COUNCIL DISTRICT 4+++ LOT AREA ACREAGE 1.173 AC OR SQUARE FEET HISTORIC? NO IN CBCA? NO IN FLOOD PLAIN? NO UTILITIES? MARK WITH X WATER IS: PUBLIC X PRIVATE SEWER IS: PUBLIC X PRIVATE
3806 50	WATER IS: PUBLIC X PRIVATE SEWER IS:
DRAWN BY R. MOYE DATE 2/3/12 SCALE: 1 INCH = 80' FEET	

EXHIBITI

0206

CASE NO. 2012-2012-0206-A

CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
3-8	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)	
3-5	STATE HIGHWAY ADMINISTRATION	nc
-	TRAFFIC ENGINEERING	(<u> </u>
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	ATION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER A	DVERTISEMENT Date:	И.,
SIGN POSTING	Date: 3-18	by Bullich
	NSEL APPEARANCE Yes No No	×-
Comments, if any	:	
		to disk to the contract of the



Maryland Department of Assessments and Taxation Real Property Data Search (vw1.1A) BALTIMORE COUNTY

2012-0206-A

Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

	1		Owner Infor	mation					
Owner Name: Mailing Address:	YER HEIDI RKATE WAY LLSTOWN MD 2113:	3-4236		cipal Re l Refere		RESIDENTIAL YES 1)/13138/00558 2)			
		Locat	ion & Structu	re Information					
Premises Address			Le	gal Descripti	on				
3808 HARKATE WAY 0-0000				08 HARKATE AKWOOD VIL					
Map Grid Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area		Plat No:	1
0077 0014 1352		0000		Α	72	1		Plat Ref:	0060/
Special Tax Areas	Town Ad Valorem Tax Class	NONE							
Primary Structure Built 1998		Enclosed Area 1,854 SF	<u>a</u>	Property 1.1700 AC	Land Ar	<u>'ea</u>	<u>C</u> 04	ounty Use	
Stories Basement 2.000000 NO	Type SPLIT LEVEL S	Exterior SIDING							
			Value Infor	mation					
<u>Land</u>	Base Value 91,530	<u>Value</u> As Of 01/01/2010 91,500	Phase-in As As Of 07/01/2011	As Of 07/01/201	12				
Improvements:	214,140	167,500	100.00						
Total: Preferential Land:	305,670	259,000	259,000	259,000					
referencia Lanu.			Transfer Info					-	
Seller: BOBBITT ANTO				Date: Deed1:	09/09/1		Price: Deed2:	\$142,000	
Seller: LAND PROJEC Type: ARMS LENGTH				Date: Deed1:	03/02/1 /12693		Price: Deed2:	\$35,000	
Seller: Type:				Date: Deed1:			Price: Deed2:		
			Exemption In	formation					
Partial Exempt Assessme	ents			Class 000		07/01/2011 0.00 0.00		07/01/2012	
County State				000					

Debra Wiley - ZAC Comments - Distribution Mtg. of 3/5/12

From:

Debra Wiley

To:

Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...

Date:

3/5/2012 10:50 AM

Subject: Z

ZAC Comments - Distribution Mtg. of 3/5/12

Good Morning,

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.

2012-0198-A (4315 Notchcliff Rd.)

Administrative Variance - Closing Date: 3/19/12

2012-0199-A (5309 Forge Rd.)

No hearing date assigned as of 3/5/12

2012-0200-A (8624 Wise Ave.)

Administrative Variance - Closing Date: 3/19/12

2012-0201-A (8112 Anita Rd.)

No hearing date assigned as of 3/5/12

2012-0202-A (755 Seawall Rd.) - CRITICAL AREA

Administrative Variance - Closing Date: 3/26/12

2012-0203-A (219 Gateswood Rd.)

Administrative Variance - Closing Date: 3/26/12

2012-0204-A (8257 Bull Neck Rd.) - CRITICAL AREA & FLOODPLAIN

Administrative Variance - Closing Date: 3/26/12

2012-0205-A (2315 Martin Dr. (Lot 136) - CRITICAL AREA & FLOODPLAIN

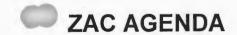
No hearing date assigned as of 3/5/12

2012-0206-A (8808 Harkate Way)

Administrative Variance - Closing Date: 3/26/12

Thanks.

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



0

Case Number: 2012-0206-A Primary Use: Residential Reviewer: BPR

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Heidi Ortmeyer

Contract Purchaser:

Critical Area: NO Flood Plain: NO Historic: NO Election Dist: 2nd Councilmanic Dist: 4th

Property Address: 8808 Harkate Way

Location: W/S Harkate Way 420 ft S centerline Marley Dr.

Existing Zoning: RC-5 Area: 1,173 acres

Proposed Zoning: ADMINISTRATIVE VARIANCE to permit a detached garage be located in the side yard in lieu of the

required rear yard.

Attorney:

Prior Zoning Cases: Concurrent Cases:

Violation Cases: Closing Date: 3/26/2012

Miscellaneous:



KEVIN KAMENETZ County Executive

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

April 3, 2012

Heidi Ortmeyer 8808 Harkate Way Randallstown MD 21133

RE: Case Number: 2012-0206A, Address: 8808 Harkate Way, 21133

Dear Ms. Ortmeyer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 29, 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. Carl Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Rusty Moye, 3712 Old Milford Mill Road, Windsor Mill, MD 21244

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

Beverley K. Swaim-Staley, Secretary Melinda B. Peters, Administrator

Date: 3-5-17

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

RE: **Baltimore County**

Item No 2012-0206-A Administrative Varianco Heidi Ortmeyer 8808 Harkote Way

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. 2012-0206 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

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 08, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kerniedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 19, 2012

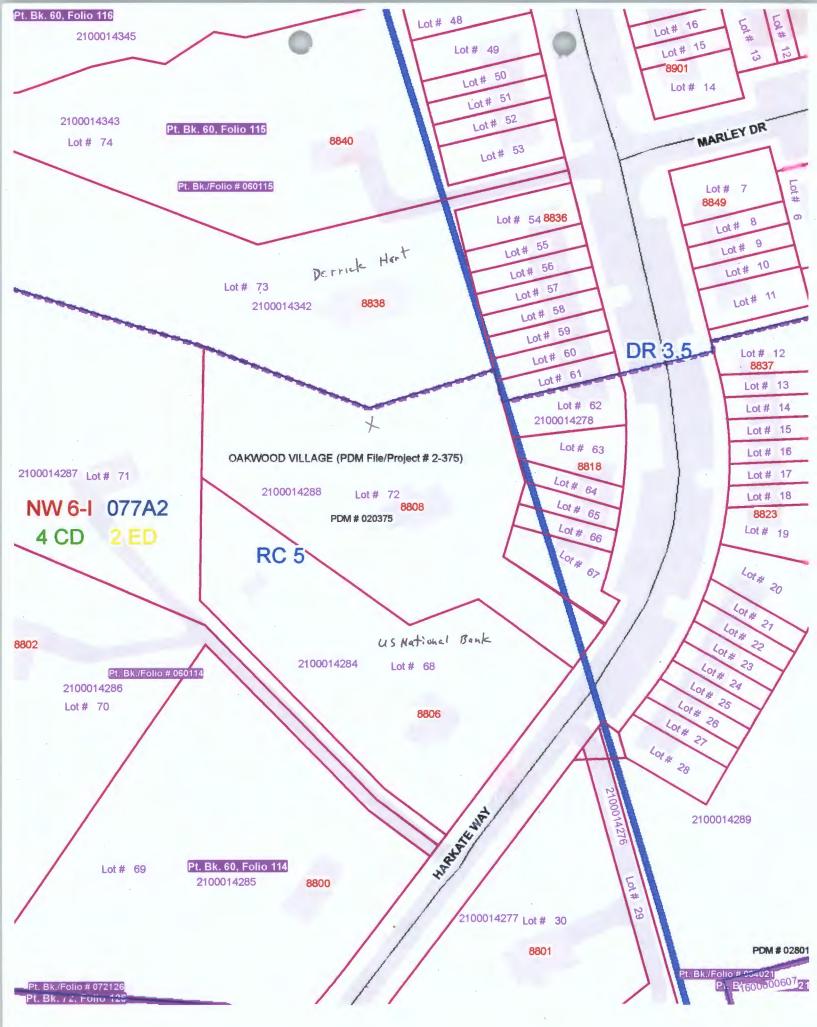
Item Nos. 2012-198,199,200, 201,202,203,205

And 206

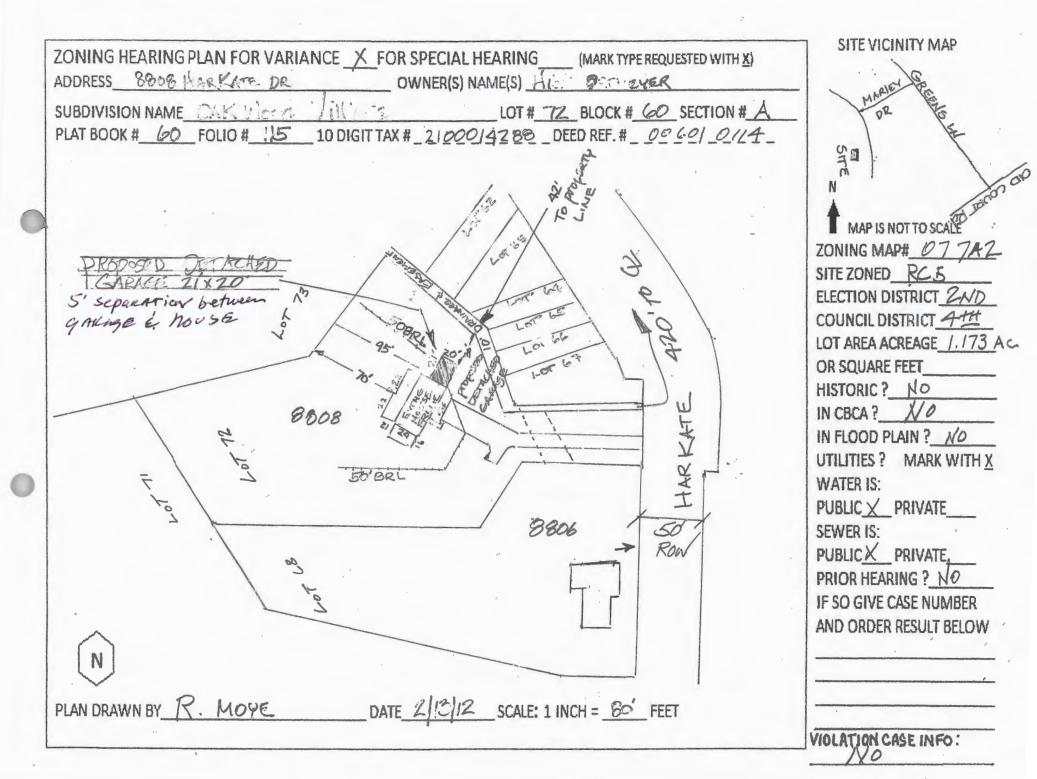
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-03192012-NO COMMENTS.doc



#206



#0201