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

NE side of Hour Glass Court; 194 feet E of the c/l of Old Harford Road 9<sup>th</sup> Election District 5<sup>th</sup> Councilmanic District (9004 Hour Glass Court)

Jason R. and Barbara M. Gray Petitioners

- BEFORE THE
- OFFICE OF
- ADMINISTRATIVE HEARINGS
- FOR BALTIMORE COUNTY
- Case No. 2012-0215-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, Jason R. and Barbara M. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (deck) with a rear setback of 19 feet and a side yard setback of 6 feet in lieu of the required 22.5 feet and 7.5 feet, respectively. 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 March 18, 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 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 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 April, 2012 that the Variance request from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an open projection (deck) with a rear setback of 19 feet and a side yard setback of 6 feet in lieu of the required 22.5 feet and 7.5 feet, respectively, be and is hereby GRANTED, subject to the following:

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

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 W



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

April 6, 2012

JASON R. AND BARBARA M. GRAY 9004 HOUR GLASS COURT BALTIMORE MD 21234

> Re: Petition for Administrative Variance Case No. 2012-0215-A Property: 9004 Hour Glass Court

Dear Mr. and Mrs. Gray:

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

luthy Kotroco

TMK:pz

Enclosure

c: Ryan Tolson, 10509 Stahl Road, White Marsh MD 21162

#### 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 9004 Glass which is presently zoned DR 5.5 10 Digit Tax Account # 2 5000 03 260 Deed Reference Property Owner(s) Printed Name(s) (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 ADMINISTRATIVE VARIANCE from section(s) Section: 1B02.3.C.1 To permit an open projection (deck) with a rear setback of 19ft and a side yard setback of 6 ft in lieu of the required 22.5 feet and 7.5 feet, respectively. 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: Legal Owners: a 500 Name- Type or Print Signature Mailing Address City State Zip Code Telephone # **Email Address** ORDER RECEIVED FOR FILING Attorney for Petitioner: Representative to be contacted: Name- Type or Print Signature Date Mailing Address State Telephone # Zip Code Email Address Zip Code Telephone # A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, 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

Filing Date 3/8//Z

**Estimated Posting Date** 

2012-0215-A

## Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

**BALTIMORE CITY** 

MARYLAND

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: 9004 Hour Glass Ct	Battimore	MD	21234 Zip Code
Print or Type Address of property	City	State	
Based upon personal knowledge, the following Administrative Variance at the above address	g are the facts whic . (Clearly state <u>pra</u>	h I/we base the req ctical difficulty or	uest for an hardship here)
	This setb		
	leck 10'6"		
to us with the size of	0 1 1 1		deck from
	to accomicat		
regresting an additional 3'6			~ 14' dec
from rear of property			
(If additional space for the petition request or the	ne above statement is	needed, label and atta	ach it to this Form)
( ) Co	Ba	baraM.	Luy
Signature of Affiant	Signatu	re of Affiant	
Jason Gran	Rad	sama M. Gr	PAU
Name- Print or Type	Name-	Print or Type	7
The following information is to be con	mpleted by a Notary P	ublic of the State of M	Maryland
STATE OF MARYLAND, COUNTY OF BALT	TIMORE, to wit:		
I HEREBY CERTIFY, this day of and for the County aforesaid, personally appeared	March, 2012	2, before me a No	tary of Maryland, in
Jason Ronald Gray And	l Barbara	a Marie G	rous
the Affiant(s) herein, personally known or satisfac	torily identified to me	as such Affiant(s) (P	rint name(s) here)
AS WITNESS my hand and Notaries Seal	when De	and	16
DASHAWN BROWN NOTARY PUBLIC My Co	1116 2015		
MV Co	mmission Expires		

REV. 10/12/11

# ZONING HEARING PROPERTY DESCRIPTION for 9004 HOUR GLASS CT.

EAST

Beginning at a point on the northeast side of Hour Glass Ct. which is 50' wide at the distance of 194' of the centerline of the nearest improved intersecting street Old Harford Rd. which is 60' wide.

Being Lot # 9 in the subdivision of Old Harford Ridge as recorded in Baltimore County Plat Book # 78, Folio # 0276 containing 6343 square feet. Located in the 9th Election District and 5th Council District.

Case # 2012-0215-A

CERTIFICATE OF POSTING CERTIFICATE OF POSTING

RE:CASE NO: 2012-	0215-A
PETITIONER/DEVELOPE	R
RYAN TOLSON	
DATE OF HEARING/CLO	SING:
4/2/12	

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERITFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY AT

9004 Hour GLASS CT

THIS SIGN(S) WERE POSTED ON

(MONTH, DAY, YEAR)

SINCERELY,

SIGNATURE OF SUGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)

PHONE NUMBER: 443-629-3411

OFFICI	E OF BUD	GET AND	ARYLAN D FINANC RECEIPT	E		No. Date:	7	1020		PAID PERSON MATERIAL STATES		語がいている間を
Fund	Dept 806	Unit COOO	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount 75.00	MG M MG MG	FAIS SELVIN AN EIPI A CISAL S. NOB. INTRA- L. INTRACE RESPONDE	f. 1668 (587/2012) - 483 (5361) 31,661 1381	· · · · · · · · · · · · · · · · · · ·
					<i>i</i>	Total:		75.00		# Maltaman Cause	3 ART Ch 7. 2sat (Treat	
Rec From:	Jps 90	04 F	GRAN (	Jas:	s G							
							2012	-0215-	A	CASHIER'		
WHITE -	CASHIER		SE PRES	S HARD!		R	GOLD - AC	COUNTING		VALIDATIO	7. A.	

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

#### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0215 -A Address 9004 Hour Glass Ct.
Contact Person: LEONARD WASILEWSK.  Planner, Please Print Your Name  Posting Date: 3   8   12   Posting Date: 3   18   17   Closing Date: 04   02   17
Filing Date: 3 8 12 Posting Date: 3 18 17 Closing Date: 04 02 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. <u>POSTING/COST:</u> 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- 0215 -A Address 9004 Hour Glass Ct.
Petitioner's Name JASON + BARBARA GRAY Telephone 443-286-731
Posting Date: 3/19/12 Closing Date: 4/02/12
Wording for Sign:
To permit an open projection (deck) with a rear setback of 19ft and a side yard setback of 6 ft in lieu of the required 22.5 feet and 7.5feet, respectively.



KEVIN KAMENETZ County Executive

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

April 3, 2012

Jason & Barbara Gray 9004 Hour Glass Court Baltimore, MD 21234

RE: Case Number: 2012-0215A, Address: 9004 Hour Glass Court, 21234

Dear Mr. & Ms. Gray:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 8, 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 &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel Ryan Tolson, 10509 Stahl Road, White Marsh MD 21162



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Melinda B. Peters, Administrator

Date: 3-19-12

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

RE: Baltimore County

Item No 2012-0215-A

Administrative Variance

Jason & Barbara Gray

9004 How Glass Court

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. 2012-0215-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,

fu Steven D. Foster, Chief
Access Management Division

SDF/raz.

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** March 21, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For April 02, 2012

Item Nos. 2012-214,215,216,217,218,219

And 221

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

DAK:CEN cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04022012-NO COMMENTS.doc

#### Debra Wiley - ZAC Comments - Distribution Mtg. of March 19, 2012

From: Debra Wiley

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

Date: 3/21/2012 1:34 PM

Subject: ZAC Comments - Distribution Mtg. of March 19, 2012

#### 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.

2012-0214-A - 1709 Newport Circle - CRITICAL AREA

(Administrative Variance) Closing Date: 4/2/12

2012-0215-A - 9004 Hour Glass Court

(Administrative Variance) Closing Date: 4/2/12

2012-0216-A - 9212 Smith Avenue

(Administrative Variance) Closing Date: 4/2/12

2012-0217-A - 8118 Perry Hills Court No hearing date assigned as of today

2012-0218-SPHA - 8611 Old Harford Road

No hearing date assigned as of today

2012-0219-A - 6014 Shady Spring Avenue

(Administrative Variance) Closing Date: 4/9/12

2012-0220-A - 7304 Gephardt Avenue (CRITICAL AREA & FLOODPLAIN)

(Administrative Variance) Closing Date: 4/9/12

2012-0221-A - 300 Hopkins Road

No hearing date assigned as of today

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 Case Number: 2012-0214-A

Primary Use: Residential

Reviewer: JCM

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Caroline & Morse Davis

Contract Purchaser:

Critical Area: YES

Flood Plain: NO

Historic: NO

Election Dist: 15th

Councilmanic Dist: 6th

Property Address: 1709

Newport Cir

Location: SW side of Newport Circle, 120.28 ft +/- SW from the centerline of Hopkins Landing Drive

Existing Zoning: DR 10.5

Area: 6,272 Sq ft.

Proposed Zoning: ADMINISTRATIVE VARIANCE To permit a rear yard setback of 12 feet and a window to window setback

of 38 feet in lieu of the required 15 feet and 40 feet respectively, and to amend the 4th amended Final

Development Plan of Hopewell Point

Attorney:

**Prior Zoning Cases:** 

**Violation Cases:** 

Miscellaneous:

**Concurrent Cases:** 

**Closing Date:** 

4/2/2012

Case Number: 2012-0215-A

Primary Use: Residential

Reviewer: LW

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Jason & Barbara Gray

Contract Purchaser:

Critical Area: NO

Flood Plain: NO

Historic: NO

Election Dist: 9th

Councilmanic Dist: 5th

Property Address: 9004

Hour Glass Ct

Location: N/E side of Hour Glass Ct. 194 +/- ft. East of the centerline of Old Harford Rd.

Existing Zoning: DR 5.5

Area: 6,343 sq. ft.

Proposed Zoning: ADMINISTRATIVE VARIANCE to permit an open projection (deck) with a rear setback of 19 ft and a side

yard setback of 6 ft. in lieu of the required 22.5 feet and 7.5 feet, respectively.

Attorney:

**Prior Zoning Cases:** 

Concurrent Cases:

**Violation Cases:** 

Closing Date:

4/2/2012

Miscellaneous:

#### MEMORANDUM

DATE:

May 8, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0215-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: Case File

Office of Administrative Hearings

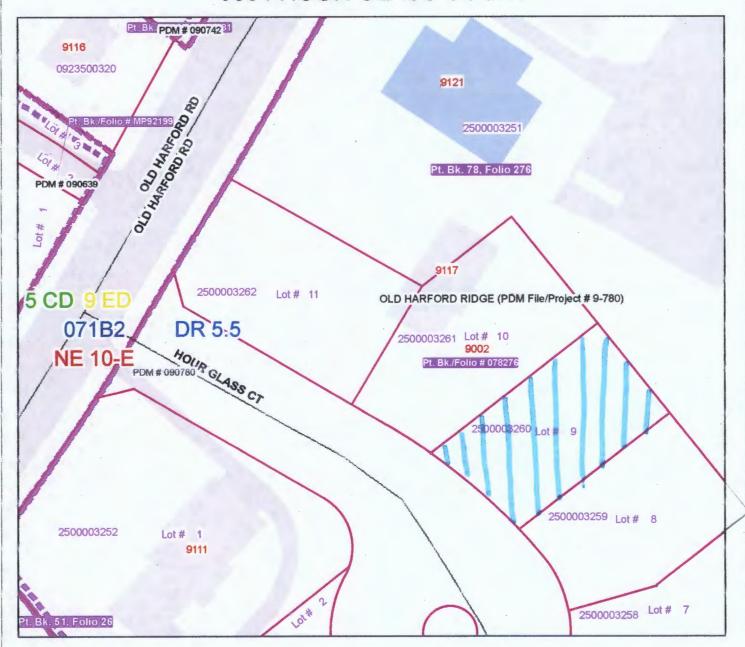
Maryland Department of Assessments and Taxation Real Property Data Search (vw1.1A) BALTIMORE COUNTY

Go Back View Map New Search GroundRent Redemption GroundRent Registration

2012-0215-A

			Owner Infor	mation					
GRAY Mailing Address: 9004 H		JASON R BARBARA M Principal Residence:  OUR GLASS CT MORE MD 21234-2620  Use: Principal Residence: Deed Reference:			RESIDENTIAL YES 1)/30340/00018 2)				
		Locat	ion & Structur	e Information					
Premises Address 2004 HOUR GLASS CT BALTIMORE 21234-2620			0.14 900	gal Descripti 4562 AC 44 HOUR GLA D HARFORD	SS CT N	NES			
Map Grid Parce	Sub District	Subdivision	Section	Block	Lot	Assessment Area		Plat No:	
0071 0009 1333	233,75	0000			9	2		Plat Ref:	0078/ 0276
Special Tax Areas	Town Ad Valorem Tax Class	NONE							
Primary Structure Built 2010	•	Enclosed Area 2,440 SF	1	Property 6,343 SF	Land A	rea	<u>C</u>	County Use	
Stories Basement 2.000000 YES	Type STANDARD U	Exterior NIT SIDING							
			Value Inform	mation					
Land	Base Value	<u>Value</u> As Of 01/01/2011 120,300	Phase-in As As Of 07/01/2011	As Of 07/01/20	12				
Improvements: Total: Preferential Land:	295,560 405,900 0	241,200 361,500	361,500	361,500					
referencial Education			Transfer Info	rmation					
Seller: OLD HARFOR Type: ARMS LENGT	D RIDGE LLC H IMPROVED			Date:	01/05/	2011	Price: Deed2:	\$422,635	
Seller: 9111 LLC Type: ARMS LENGT	H MULTIPLE			Date: Deed1:	11/03/	/2009 3/ 00079	Price: Deed2:	\$760,000	
Seller: Type:				Date: Deed1:			Price: Deed2:		
			Exemption Inf	ormation					
	ents			Class 000		07/01/2011 0.00		07/01/2012	
Partial Exempt Assessm County State Municipal				000		0.00		0.00	

### 9004 HOUR GLASS COURT



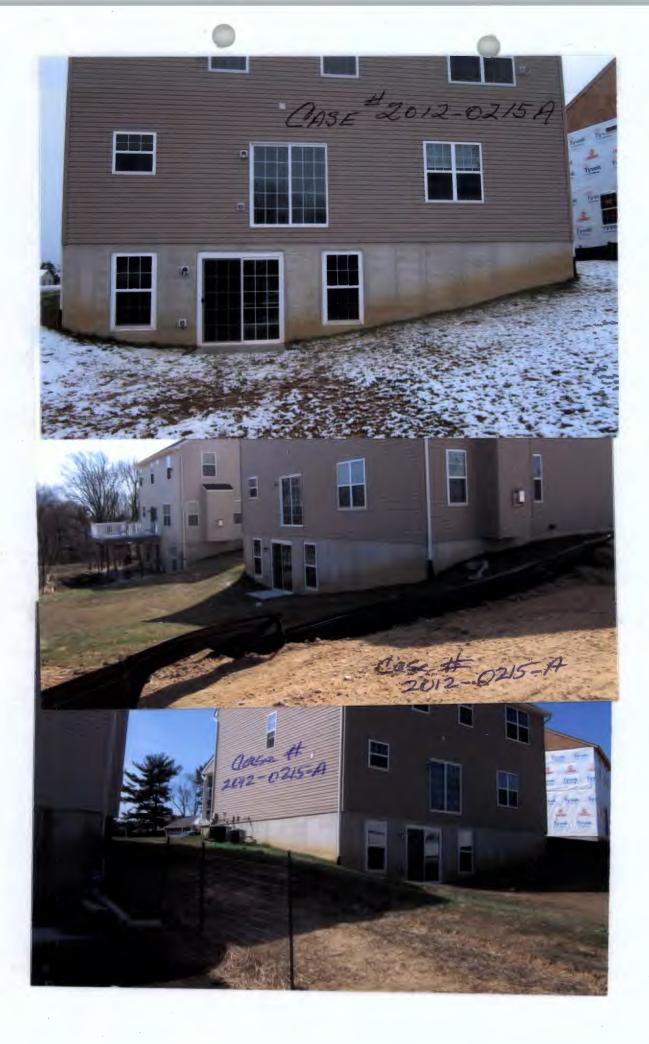
CASE # 2012-0215 A



Publication Date: March 01, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot







Case No.: 2012-0215-A

Exhibit Sheet

4/6/12 BS
Protestant 5-812 PD

Petitioner/Developer

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 9004 HOUR Glass CZ. OWNER(S) NAME(S) Jason + Barbara Gray  SUBDIVISION NAME Old Harford Ridge LOT# 9 BLOCK# SECTION#  PLAT BOOK# 78 FOLIO# 276 10 DIGIT TAX #2 50 0 0 0 3 2 6 0 DEED REF. #30 3 40 10 00 18	N MAP IS NOT TO SCALE
Adding Property LOT # DOUR Glass CZ  PLAN DRAWN BY Ryan Tolson DATE 3/6/12 SCALE: 1 INCH = 30 FEET	ZONING MAP# _ 0 1/32  SITE ZONED _ DR _ 5.5  ELECTION DISTRICT _ 9+h  COUNCIL DISTRICT _ 5+h  LOT AREA ACREAGE  OR SQUARE FEET _ 63+3 #  HISTORIC? _ No IN CBCA? _ No IN FLOOD PLAIN? _ No UTILITIES? MARK WITH X  WATER IS: PUBLIC _ PRIVATE  SEWER IS: PUBLIC _ PRIVATE  PRIOR HEARING? _ No IF SO GIVE CASE NUMBER  AND ORDER RESULT BELOW
	VIOLATION CASE INFO: