IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Ohio Avenue; 37 feet NW of the c/l of Brian Street 13th Election District 1st Councilmanic District (2814 Ohio Avenue)

William Howard Conner 3rd and Linda Conner Petitioners

- * BEFORE THE
- * OFFICE OF
- * ADMINISTRATIVE HEARINGS
- * FOR BALTIMORE COUNTY
- * Case No. 2012-0237-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, William Howard Conner 3rd and Linda Conner. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a pool to be located outside of the one-third of the lot farthest removed from both streets. 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 April 7, 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 4-26-18

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 26th day of April, 2012 that the Variance request from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a pool to be located outside of the one-third of the lot farthest removed from both streets, 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

ORDER RECEIVED FOR FILING

Date 4-26-1

2



KEVIN KAMENETZ County Executive

LAWRENCE M. STAHL

Managing Administrative Law Judge

JOHN E. BEVERUNGEN

TIMOTHY M. KOTROCO

Administrative Law Judges

April 26, 2012

WILLIAM HOWARD CONNER 3RD AND LINDA CONNER 2814 OHIO AVENUE HALETHORPE MD 21227

RE: Petition For Administrative Variance

Case No. 2012-0237-A Property: 2814 Ohio Avenue

Dear Mr. and Mrs. Conner:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of 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

by llotroco

TMK:pz

Enclosure

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: which is presently zoned DR 5.5 Address 2814 Ohio Avenue 10 Digit Tax Account # 1.3 0 8 0 0 0 5 5 1 Deed Reference 25700 /176 Property Owner(s) Printed Name(s) (SELECT THE HEARING(S) BY MARKING \overline{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. V ADMINISTRATIVE VARIANCE from section(s) 400.1 BCZP, TO PERMIT A POOL TO BE LOCATED OUTSIDE OF THE 1/3 OF THE 10T FARTHEST REMOVED FROM BOTH STREETS. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. 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). Legal Owners: Contract Purchaser/Lessee: Jilliam Conner III Name-Type or Print Signature 2814 Ohio Mailing Address State Mailing Address City 4434576168 21227 LINDA. COMMEROTE Zip Code Telephone # Zip Code Email Address Commant wet Telephone # Email Address Representative to be contacted: Attorney for Petitioner: ORDER RECEIVED FOR FILIN Name- Type or Print Signature

Date

Signature

Signature

Signature

A Venue HA

Mailing Address

City

Zip Code Telephone # Email Address Zip Code Telephone # Email Address Council 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 day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning

Administrative Law Judge of Baltimore County

CASE NUMBER 2012-0237 A

regulations of Baltimore County and that the property be reposted.

Mailing Address

By.

Filing Date 3,2912

Estimated Posting Date

B,12 Reviewed JCM

ev-10/12/11

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: 2814 Ohio Ave Baltonone Wid 2/227 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)
a + + to a + the the to fill the
Can not put the pool in the furtherest part of yard.
permission to put the in the middle of your the
(If additional space for the petition request or the above statement is needed, label and attach it to this Form) Signature of Affiant Signature of Affiant
William Conner III
Name- Print or Type Name- Print or Type
The fill of the State of Manyland
The following information is to be completed by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
no nd
I HEREBY CERTIFY, this day of Maryland, in and for the County aforesaid, personally appeared
Linda Conner - William Conner
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
Notary Public
My Commission Expires

ZONING PROPERTY DESCRIPTION FOR 2814 OHIO AVENUE

Beginning at the point on the north east side of Ohio Avenue which is 50' wide at the distance of 37' north west of the center line of the nearest improved intersecting street Brian Street which is 50' wide.

Being Lot # 139 & 140, Block 2800, Section # E in the subdivision of Baltimore Highlands containing 6240 square feet. Located in the 13th Election District and 1st Council District.

OFFICE	E OF BUD	GET AN	MARYLAN D FINANC RECEIPT	E		No.		2107	THE REAL STREET
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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Case Number 2012- 0237 -A Address 28/4 0/+/0 Aue.
Contact Person: J. Mezze Y Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 3/29/12 Posting Date: 4/8 Closing Date: 4/23
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST : The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. 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.
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- 0237 -A Address 2814 OHio Ave.
Petitioner's Name LINDA CONNER Telephone 443-457-6168
Posting Date: 4/8/12 Closing Date: 4/23/12
Wording for Sign: To Permit A Pool To BE LOCATED IN THE 1/3 OF THE LOT (REAR) NOT FURTHEST REMOVED FROM AN ADJAINING STREET.

RE:CA	ASE	NO:	2012-0237-A	
PETIT	OIT	NER/	DEVELOPER	
LIN	DA	CON	UNER	
DATE	OF	HEA	RING/CLOSING:	
	9	1/23/	/12	

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

ATTENTION:

LADIES AND GENTLEMEN:

THIS SIGN(S) WERE POSTED ON

(MONTH, DAY, YEAR)

SINCERELY,

SIGNATURE OF SIGN POSTER AND DATE:

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

PHONE NUMBER: 443-629-3411



madelle 4/1/12

K

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

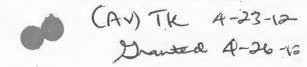
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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.

Petitioner: LINDA CONNIC	AND. HALETHORPE, MD. 2122
Address or Location: 2014 Ohio	ANG. HALETHORDE, MD. 2122
PLEASE FORWARD ADVERTISING BILL	_TO:
Name:	
Address:	SAME



MEMORANDUM

DATE:

June 4, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0237-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 28, 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



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 24, 2012

Linda and William Conner 2814 Ohio Avenue Halethorpe MD 21227

RE: Case Number: 2012-0237A, Address: 2814 Ohio Avenue, 21227.

Dear Mr. & Ms. Conner:

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

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



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

Date: 4-9-12

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

RE: **Baltimore County**

Item No 2012-0237-A. Administrative Variance Linda à William Conner 2814 Ohio 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. 702-0237-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).

Steven D. Foster, Chief Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: April 12, 2012

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 16, 2012

Item Nos. 2012-237, 238 and 240

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-04162012-NO COMMENTS.doc



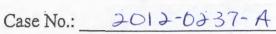


Exhibit Sheet

6/2. pu 6/4/12

Petitioner/Developer

Protestant

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

Maryland Department of Assessments and Taxation Real Property Data Search (vw4,2A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

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CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
4-12	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)	
4-9	STATE HIGHWAY ADMINISTRATION	. hc
	TRAFFIC ENGINEERING	· · · · · · · · · · · · · · · · · · ·
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ON (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	VERTISEMENT Date:	
SIGN POSTING	Date: 4-7	by Ogle
	EL APPEARANCE Yes No DEL COMMENT LETTER YES NO DEL	
Comments, if any:		



DNING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) DDRESS 2814 Ohio Archie OWNER(S) NAME(S) Linda & William Conince III	SITE VICINITY MAP
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ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SITE VICINITY MAP
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Scale 1 = 30'

SITE VICINITY MAP ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 2814 Ohio Avenue OWNER(S) NAME(S) Linda + William Conoce III LOT# 140 BLOCK# E SUBDIVISION NAME Battineac U. allands 10 BIGITTAX # 130 8 00 0551 DEED REF. # 25700 / 176 PLAT BOOK # FOLIO# MAP IS NOT TO SCALE ZONING MAP# 109 BZ SITE ZONED DR 5.5 **ELECTION DISTRICT 13** COUNCIL DISTRICT 1 * LOT AREA ACREAGE OR SQUARE FEET 6240 # 2810 HISTORIC? 2500001702 NO IN CBCA? ON IN FLOOD PLAIN? NO UTILITIES? MARK WITH X WATER IS: PUBLIC ✓ PRIVATE SEWER IS: PUBLIC ✓ PRIVATE OHIO AVENUE PRIOR HEARING? None IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW VIOLATION CASE INFO:

Scale 1"= 30'