

IN RE: PETITION FOR ADMIN. VARIANCE

NW side of Park Drive, 60' SW of
Fairfield Drive
1st Election District
1st Council District
(8 Park Drive)

David B. and Karen A. Hescoc
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0293-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, David B. and Karen A. Hescoc. The Petitioners are requesting Variance relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed accessory building (garage) with a height of 19' in lieu of the maximum permitted 15'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 4.

This matter was originally filed as an Administrative Variance, with a closing date of June 11, 2012. On June 15, 2012, Judge Lawrence M. Stahl requested a formal hearing on this matter after receiving a letter of objection. The hearing was subsequently scheduled for Tuesday, August 21, 2012 at 10:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson.

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

ORDER RECEIVED FOR FILING

Date 8-22-12

By DW

Appearing at the public hearing in support for this case was Petitioner David B. Hescor and Joe Roedig (a neighbor). Also in attendance were Stephen E. and Beatrice G. Chevront who reside at 1205 Frederick Road, Catonsville, Maryland. Mr. and Mrs. Chevront opposed the variance petition.

Testimony and evidence revealed that the subject property is 12,320 square feet and is zoned DR 2. Petitioner testified he recently razed a dilapidated garage on his property, and would like to construct a new garage with dimensions of 20' x 22', as shown on the site plan (Exhibit 4). The Petitioners would like to construct the garage with a 19' height, which requires variance relief.

Based upon the testimony and evidence presented, I will grant the request for variance relief. 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).

Petitioners have met this test.

The property is of irregular dimensions, as shown on the site plan, and this renders the site "unique" for zoning purposes. In addition, the Petitioners would experience a practical difficulty, in that they would be unable to construct the garage they have planned, as shown on the building sketches (Exhibit 5).

In making this determination, I did give serious consideration to the concerns articulated by Mr. and Mrs. Chevront. Mr. Chevront indicated his concerns were twofold: (1) he believed the garage with a 19' height would be at odds with the historic nature of the

ORDER RECEIVED FOR FILING

Date 8-22-12

By EW

neighborhood; and (2) that his view of wildlife/birds would be blocked by the garage. As an initial matter, the site plan – approved by the County Zoning Review Office – indicates that this structure is not “historic,” as that term is used in Baltimore County Code (B.C.C.) §§ 32-7-101 et seq. As such, this cannot serve as the basis for denying relief in this case.

The next concern raised by the Cheuvronts (whose property abuts the Petitioners’ to the rear, as shown on Protestants’ Exhibit 1) was that their view would be obstructed by the garage. As a factual matter, I am not convinced the additional 4' in height would materially alter the view presently enjoyed by the neighbors. But more importantly, as a legal matter, in the absence of a restrictive covenant a property owner has no right to an unobstructed view across a neighbor’s property. *See, e.g., In Re Riverview Develop.*, 986 A.2d 714 (NJ 2010). Therefore, this also cannot be the basis upon which to deny relief.

Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence, I find that Petitioners’ variance request should be granted.

THEREFORE, IT IS ORDERED, this 22nd day of August, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed accessory building (garage) with a height of 19' in lieu of the maximum permitted 15', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

ORDER RECEIVED FOR FILING

Date 8-22-12

By [Signature]

1. The Petitioners may apply for a building permit and may be granted same upon receipt of this Order. However, the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JEB:dlw



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 8-22-12

By DW



KEVIN KAMENETZ
County Executive

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

August 21, 2012

David B. Hescox
Karen A. Hescox
8 Park Drive
Catonsville, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE
(8 Park Drive)
Case No. 2012-0293-A

Dear Mr. and Mrs. Hescox:

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 887-3868.

Very truly yours,

A handwritten signature in dark ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Joe Roedig, 1207 Frederick Road, Catonsville, MD 21228
Mr. and Mrs. Stephen E. Chevront, 1205 Frederick Road, Catonsville, MD 21228



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 8 Park Dr. Catonsville MD 21228 which is presently zoned DR2

Deed Reference 00150 29652 10 Digit Tax Account # 0104000150

Property Owner(s) Printed Name(s) David and Karen Hescor

(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) 400.3, BC2R, to permit a proposed accessory building
to construct a (20' x 20') two story (garage) with a height of 19
feet in lieu of the maximum permitted 15 feet.
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

Date

Mailing Address By City State

Zip Code Telephone # Email Address

Legal Owners:

David B. Hescor, Karen A. Hescor
Name #1 – Type or Print Name #2 – Type or Print

David B. Hescor, Karen A. Hescor
Signature #1 Signature #2

8 Park Dr. Catonsville, MD
Mailing Address City State

21228, 410.788.5334, Khescox@comcast.net
Zip Code Telephone # Email Address

Representative to be contacted:

David B. Hescor
Name – Type or Print

David B. Hescor
Signature

8 Park Dr. Catonsville MD
Mailing Address City State

21228, 410.300.4613, Dhescor620@comcast.net
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 8-22-12 day of August 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 2012-0293-A Filing Date 5/15/12 Estimated Posting Date 5/27/11 Reviewer JS/AT

6/11/12

Rev 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: #8 Park Drive Baltimore MD 21229
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)

LACK of main Dwelling STORAGE SPACE, Both vehicles are exposed to the elements. Lawn mowers, yard equipment are exposed to the elements. Childrens Bicycles are too exposed to the elements. LACK of TOOL SHOP in MAIN DWELLING The second Floor Loft will be for more storage space and playroom for the kids.

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

David B. Hescox

Signature of Affiant

David B. Hescox

Name- Print or Type

Karen A. Hescox

Signature of Affiant

Karen A. Hescox

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 14th day of May, 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

David Hescox, Karen Hescox

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

Uncle Sam

Notary Public

3/2/2014

My Commission Expires

Zoning Property Description For #8 Park Drive,Baltimore MD 21228

**Beginning at a point on the Northwest side of Park Drive which is Appr: 40' Feet wide at the distance
Of 60' Southwest of Fairfield Drive which is 40'feet wide.**

**Being Lot #7,Section "A" in the Subdivision of Summit Park in Baltimore County Plat Book #5,Folio
#71,containing .30 Acres or Appr: 12,320 SQ/ft,located in the #1 Election and #1 Council District.**

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0293 -A Address 8 PARK DR., CATONSVILLE, MD. 21028
Contact Person: JASON SEIDELMAN / AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5-15-12 Posting Date: 5-27-11 Closing Date: 6-11-12

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- 0293 -A Address 8 PARK DR. CATONSVILLE, MD 21028
Petitioner's Name JASON SEIDELMAN / AARON TSUI Telephone 410-887-3391
Posting Date: 5-27-11 Closing Date: 6-11-12
Wording for Sign: To Permit A PROPOSED ACCESSORY STRUCTURE (GARAGE) WITH A
HEIGHT OF 19 FEET IN LIEU OF THE PERMITTED 15 FEET, IN THE REAR YARD
OF EXISTING DWELLING.

Revised 7/06/11

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

No. **83468**

Date: **5-15-12**

PAID RECEIPT

BUSINESS ACTUAL TIME DEM
 5/15/2012 5/15/2012 10:12:34 2

NO MSGS WALKIN (RUE) DR

RECEIPT # 821435 5/15/2012 OFLA

Dept 5 520 ANNUAL VERIFICATION

0101 083468

Recpt tot 175.00

175.00 00 9.00 01

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
000	806	0000		6150					\$ 75.00

Total: **\$ 75.00**

Rec From: **HESCOX**

For: **VARIANCE 2012-0093-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

**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: # 2012-0293-A
8 Park Drive
N/W side of Park Drive, 60
ft. SW of Fairfield Drive
1st Election District
1st Councilmanic District
Legal Owner(s): David
& Karen Hescoc
Variance: to permit a pro-
posed accessory building
(garage) with a height of 19
feet in lieu of the maximum
permitted 15 ft.
Hearing: Monday, July 30,
2012 at 10:00 a.m. in
Room 205, Jefferson
Building, 105 West Ches-
apeake 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 07/632 July 10 304896

CERTIFICATE OF PUBLICATION

7/12/, 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 7/10/, 2012.

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

S. Wilkins

LEGAL ADVERTISING

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: #2012-0293-A

8 Park Drive
N/W side of Park Drive, 60 ft. SW of Fairfield Drive
1st Election District - 1st Councilmanic District
Legal Owner(s): David & Karen Hescow

Variance: to permit a proposed accessory building (garage) with a height of 19 feet in lieu of the maximum permitted 15 ft.

Hearing: Tuesday, August 21, 2012 at 10:00 a.m. in Room 205, Jefferson 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 accommodations 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.
JT 07/772 July 31 864943



501 N. Calvert Street, Baltimore, MD 21278

August 2, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on July 31, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

CERTIFICATE OF POSTING

RE: Case No 2012-0293-A

Petitioner/Developer DAVID
HESCOX

Date Of Hearing/Closing: 6/11/12

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 certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 8 PARK DRIVE

This sign(s) were posted on May 27, 2012
Month, Day, Year
Sincerely,

Martin Ogle 5/27/12
Signature of Sign Poster and Date
Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE# 2012-0293-A

TO PERMIT A PROPOSED ACCESSORY STRUCTURE
(GARAGE) WITH A HEIGHT OF 19 FEET IN LIEU OF
THE PERMITTED 15 FEET, IN THE REAR YARD OF
EXISTING DWELLING

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

MONDAY, JUNE 11, 2012

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED
AT 111 W. CHESAPEAKE AVE. TOWSON MD. 21284
TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER THE DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

05/27/2012

Mark 5/27/12

CERTIFICATE OF POSTING

RE: Case No 2012-0293-A

Petitioner/Developer DAVID
KAREN HESCOX

Date Of Hearing/Closing: 8/21/12

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 certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 8 PARK DRIVE

This sign(s) were posted on July 27, 2012

Month, Day, Year

Sincerely,

Martin Ogle 7/27/12
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

CASE # 2012-0293-A

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

ROOM 205 JEFFERSON BUILDING 105 WEST

PLACE: CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: THURSDAY, AUGUST 24, 2012
AT 10:00 A.M.

REQUEST: VARIANCE TO PERMIT A
PROPOSED ACCESSORY BUILDING
(GARAGE) WITH A HEIGHT OF 19 FEET IN
LIEU OF THE MAXIMUM PERMITTED
15 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 287-3391

DO NOT REMOVE THIS SIGN AND POST ANY DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

myah 7/27/12

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 10, 2012 Issue - Jeffersonian

Please forward billing to:

David Hescoc
8 Park Drive
Catonsville, MD 21228

410-300-4613

NOTICE OF ZONING HEARING

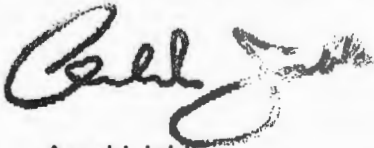
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0293-A

8 Park Drive
N/w side of Park drive, 60 ft. SW of Fairfield Drive
1st Election District – 1st Councilmanic District
Legal Owners: David & Karen Hescoc

Variance to permit a proposed accessory building (garage) with a height of 19 feet in lieu of the maximum permitted 15 ft.

Hearing: Monday, July 30, 2012 at 10:00 a.m. in Room 205, Jefferson 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 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.



KEVIN KAMENETZ
County Executive

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

June 25, 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: 2012-0293-A

8 Park Drive

N/w side of Park drive, 60 ft. SW of Fairfield Drive

1st Election District – 1st Councilmanic District

Legal Owners: David & Karen Hescox

Variance to permit a proposed accessory building (garage) with a height of 19 feet in lieu of the maximum permitted 15 ft.

Hearing: Monday, July 30, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Hescox, 8 park Drive, Catonsville 21228
Mr. & Mrs. Chevront, 1205 Frederick Road, Catonsville 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 10, 2012.**
- (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, July 31, 2012 Issue - Jeffersonian

Please forward billing to:
David Hescox
8 Park Drive
Catonsville, MD 21228

410-300-4613

NOTICE OF ZONING HEARING

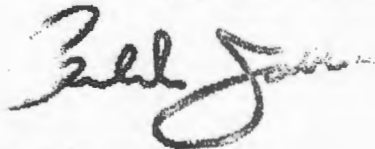
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0293-A

8 Park Drive
N/w side of Park drive, 60 ft. SW of Fairfield Drive
1st Election District – 1st Councilmanic District
Legal Owners: David & Karen Hescox

Variance to permit a proposed accessory building (garage) with a height of 19 feet in lieu of the maximum permitted 15 ft.

Hearing: Tuesday, August 21, 2012 at 10:00 a.m. in Room 205, Jefferson 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 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.



KEVIN KAMENETZ
County Executive

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

July 16, 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: 2012-0293-A

8 Park Drive

N/w side of Park drive, 60 ft. SW of Fairfield Drive

1st Election District – 1st Councilmanic District

Legal Owners: David & Karen Hescox

Variance to permit a proposed accessory building (garage) with a height of 19 feet in lieu of the maximum permitted 15 ft.

Hearing: Tuesday, August 21, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Hescox, 8 park Drive, Catonsville 21228
Mr. & Mrs. Cheuvront, 1205 Frederick Road, Catonsville 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 1, 2012.**
- (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.



KEVIN KAMENETZ
County Executive

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

June 5, 2012

David and Karen Hescox
8 Park Avenue
Catonsville, MD 21228

RE: Case Number: 2012-0293-A, Address: 8 Park Avenue, 21228

Dear Mr. & Ms. Hescox:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 5, 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: 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: 5-21-12

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

RE: Baltimore County
Item No. 2012-0293-A
Administrative Variance
David B. & Karen A. Hescor
B Park Drive.

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. 2012-0293-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,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".
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: May 30, 2012

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 4, 2012
Item Nos. 2012-0284, 0289, 0290, 0291, 0292, 0293
And 0294.

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-06042012-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 16 2012

OFFICE OF ADMINISTRATIVE HEARINGS

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: June 15, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0293-A
Address 8 Park Drive
(Hescox Property)

Zoning Advisory Committee Meeting of May 21, 2012.

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

Reviewer: *Jeff Livingston; Development Coordination*

7/30 10am
10am

AV 6-11
2012-0293-A
Formal Demand
IS 6/15

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: June 15, 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 6-11-12**
Case No. 2012-0293-A located at 8 Park Drive
Hearing Is Required

After a review of the above-captioned case file, Judge Stahl has determined that this case shall be set in for a formal hearing. The file contains a letter of objection by an adjacent property owner. Historically, this Office has conducted hearings on cases that have objections from neighbors.

We are returning the file to you for further processing, i.e., notifying the Petitioners, posting of the hearing notice, advertising, etc. Please notify the following when the hearing is scheduled:

Stephen E. and Beatrice G. Cheuvront
1205 Frederick Road
Catonsville MD 21228

Thank you for your attention and cooperation in this matter.

c: Debbie Wiley, Office of Administrative Hearings

M E M O R A N D U M

DATE: September 24, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0293-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 21, 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

Patricia Zook - Case 2012-0293-A (administrative variance) Letter of Objection in File - set in for hearing

From: Patricia Zook
To: Fisher, June; Lewis, Kristen
Date: 6/15/2012 1:32 PM
Subject: Case 2012-0293-A (administrative variance) Letter of Objection in File - set in for hearing
CC: Wiley, Debra
Attachments: IO-2012-0293-A AV has letter of objection in file-set in for hearing.doc

Good afternoon -

Please see the attached memorandum regarding setting this matter in for a formal hearing due to a neighbor's objection.

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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Mr. & Mrs. David Hescocx
8 Park Drive
Catonsville, MD 21228

July 3, 2012

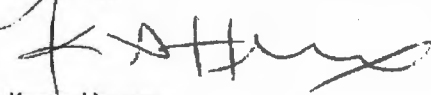
Re: Zoning Hearing for Case #2012-0293-A

To Whom It May Concern:

There is a hearing scheduled for July 30, 2012 at 10:00am for a variance permit. We will not be available for this date, nor will we be available July 29 through August 3, 2012. Please reschedule the zoning hearing.

Thanking you in advance for your understanding.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Hescocx', written over the printed name.

Karen Hescocx

1205 Frederick Road
Catonsville MD 21228
June 8, 2012

Ms. Kristen Lewis
Zoning Office, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Reference: Case # 2012-0293

Attachments: Photographs

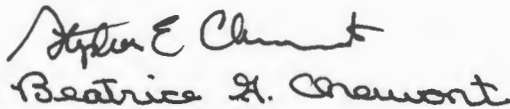
Dear Ms. Lewis;

This letter is written to object to the proposed variance (Case # 2012-0293) to construct a 19 foot high multi-car garage at the rear of the property situated at 8 Park Drive, Catonsville, MD. The rear of our property abuts the rear of the 8 Park Drive property. Our deck looks out in that direction, providing views of trees, nesting crows, and other small animals. As can be seen in the attached photographs taken from our deck, the construction of a 19 foot high structure would effectively block our view in that direction. In addition, such a structure would block sunlight from our established landscaping that was designed for sun-loving plants.

We do not object to the construction of a garage, such as currently exists on adjacent properties, as long as it stays within the Baltimore County regulations for construction of such accessory structures.

We ask that you forward this letter with attachments to the appropriate officials who will decide this case.

Sincerely,

Handwritten signatures of Stephen E. Cheuvront and Beatrice G. Cheuvront.

Stephen E & Beatrice G. Cheuvront
Property Owners;
1205 Frederick Road, Catonsville, MD

Proposed Site for garage





CASE NAME _____
CASE NUMBER 2012-024310
DATE 8-21-12

[illegible]

CASE NAME _____
CASE NUMBER 2012-293-A
DATE 8-21-12

[illegible]

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.2A)
BALTIMORE COUNTY

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

Account Identifier: District - 01 Account Number - 0104000150

Owner Information

Owner Name: HESCOX DAVID B
HESCOX KAREN A
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 8 PARK DR
BALTIMORE MD 21228-5040
Deed Reference: 1) /15029/ 00652
2)

Location & Structure Information

Premises Address 8 PARK DR
0-0000
Legal Description 8 PARK DR
SUMMIT PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0101	0007	1091		0000	A		7	1	Plat Ref: 0005/0071

Town NONE
Ad Valorem Tax Class

Special Tax Areas

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1935	1,536 SF	12,584 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	
		01/01/2010	07/01/2011	07/01/2012
Land	183,140	159,100		
Improvements:	167,000	134,500		
Total:	350,140	293,600	293,600	293,600
Preferential Land:	0			0

Transfer Information

Seller: BROWN MAYSELLE A	Date: 03/09/2001	Price: \$220,000
Type: ARMS LENGTH IMPROVED	Deed1: /15029/ 00652	Deed2:
Seller: DAUBER JOHN W	Date: 06/27/1997	Price: \$135,000
Type: NON-ARMS LENGTH OTHER	Deed1: /12259/ 00599	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

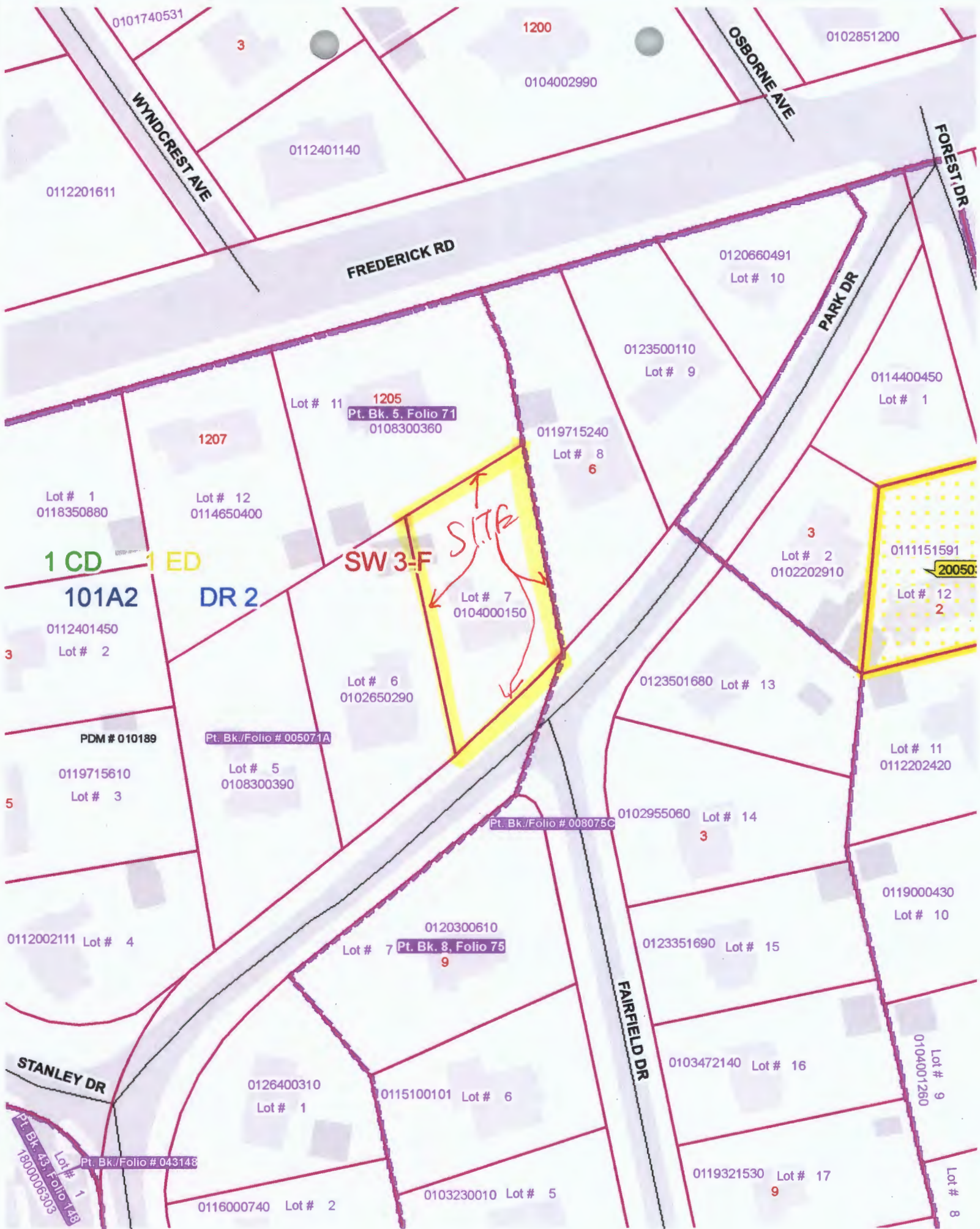
Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class:

Special Tax Recapture: NONE

Homestead Application Information

Homestead Application Status: Approved 01/12/2010

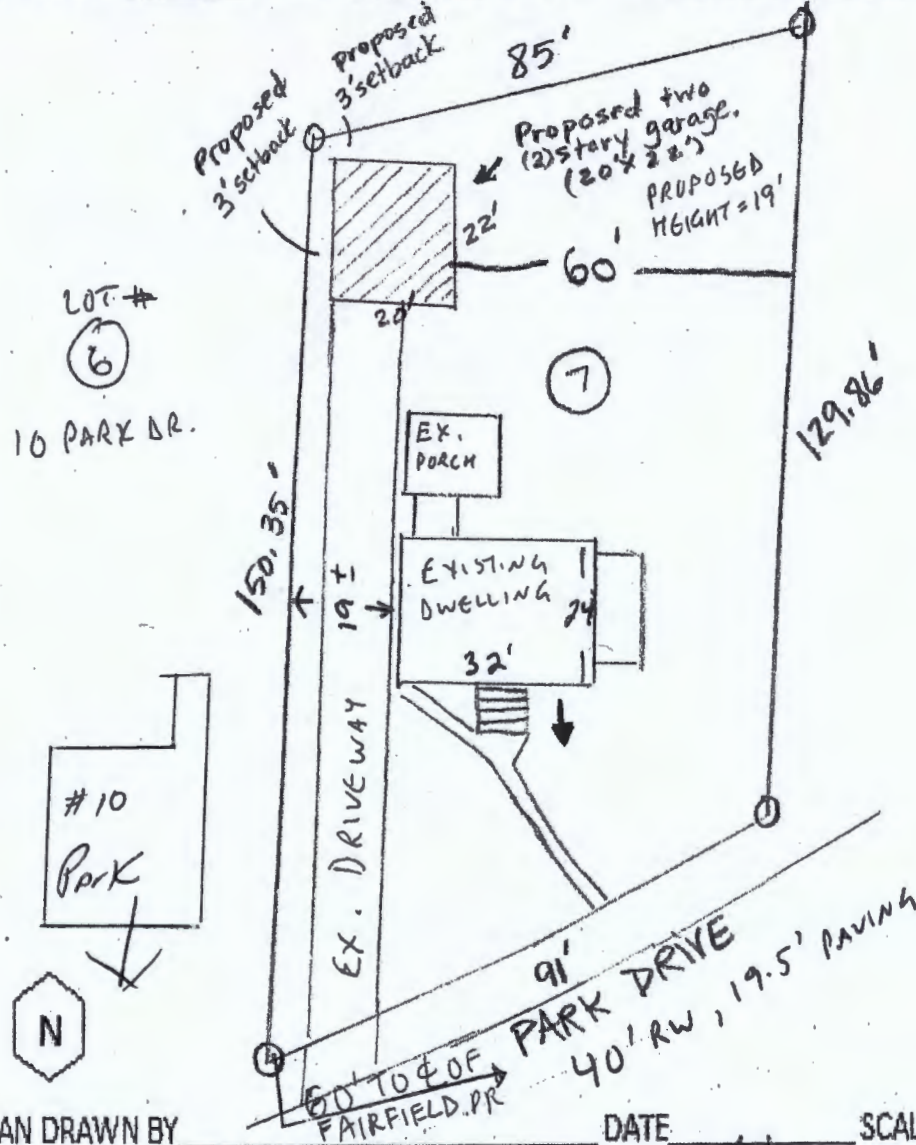






12 copies

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☐ (MARK TYPE REQUESTED WITH X)
ADDRESS 8 Park Dr., Catonsville, MD 21228 OWNER(S) NAME(S) David & Karen Hescox
SUBDIVISION NAME Summit Park LOT# 7 BLOCK# SECTION# A
PLAT BOOK # 5 FOLIO # 71 10 DIGIT TAX # 01 04 000 150 DEED REF. # 001 501 29652



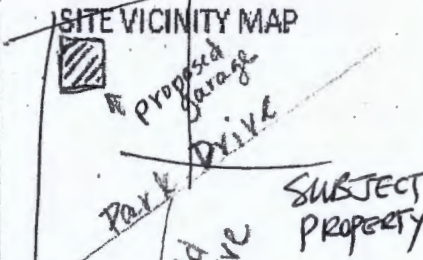
PLAN DRAWN BY

Karen Hescox

DATE

5/8/12

SCALE: 1 INCH = 30 FEET



MAP IS NOT TO SCALE

ZONING MAP# 101A2
SITE ZONED DR 2
ELECTION DISTRICT 1
COUNCIL DISTRICT 1
LOT AREA ACREAGE .30
OR SQUARE FEET 12,320
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS: N/A
PUBLIC Y PRIVATE N
SEWER IS: N/A
PUBLIC Y PRIVATE N
PRIOR HEARING? X
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
NONE

VIOLATION CASE INFO:

NONE

2012-0293-A

JS/AT

JB 8/21
10AM

Case No.: 2012-0293-A

Exhibit Sheet

Petitioner/Developer

Protestants

9-24-12 DW
8-22-12 DW

No. 1	Color Photo - Ps' house	Color Photo
No. 2	(3) Letters of support	
No. 3	3-3E Color Photo of Dwelling + Site	
No. 4	Site Plan	
No. 5	Sketches - proposed garage	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 1

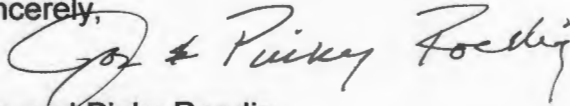
August 20, 2012

Joe & Pinky Roedig
1207 Frederick Rd.
Catonsville, Md. 21228

Dear Sirs;

We are backyard neighbors, one house over from the Hescoks. In regards to the garage being built at 10 Park, we have reviewed the drawings, and find no objections to said building. In fact we believe it will increase property values on the block, and is in keeping with the growth of the neighborhood. We stand behind Dave and Karen, and give our full support to the project.

Sincerely,

A handwritten signature in blue ink that reads "Joe & Pinky Roedig". The signature is written in a cursive, flowing style.

Joe and Pinky Roedig

PETITIONER'S

EXHIBIT NO. 2

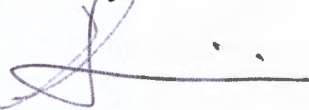
August 17, 2012

To Whom It May Concern:

Mandy and I our new homeowners and now live to the right of Dave and Karen Hescox at 10 Park Drive. It is our understanding that they are in the process of getting approval for a height variance of 19 feet from the standard 15 feet on the construction of their new garage. We fully support their project and upon review of the plan we see no negative impact to the surrounding properties, only an attractive and well positioned garage.

We have expressed our desire to help them so please feel free to contact us at 410-465-2743 if you need any additional information.

Sincerely,

A handwritten signature in purple ink, appearing to be 'Steve and Mandy Bartolini', written over a horizontal line.

Steve and Mandy Bartolini

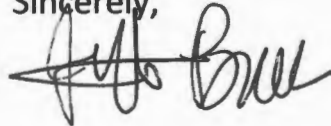
August 19, 2012

To Whom It May Concern:

We are writing this letter on behalf of our neighbors, Dave and Karen Hescoc, who are attempting to build a garage on their property. We live to the left of the Hescoc's at 6 Park Drive. My wife and I fully support them in their endeavor to get this project complete. We understand the value of having a garage and the need for additional storage. In attempting to extend the variance from 15' to 19', we feel this is not a far reaching goal and definitely within reason.

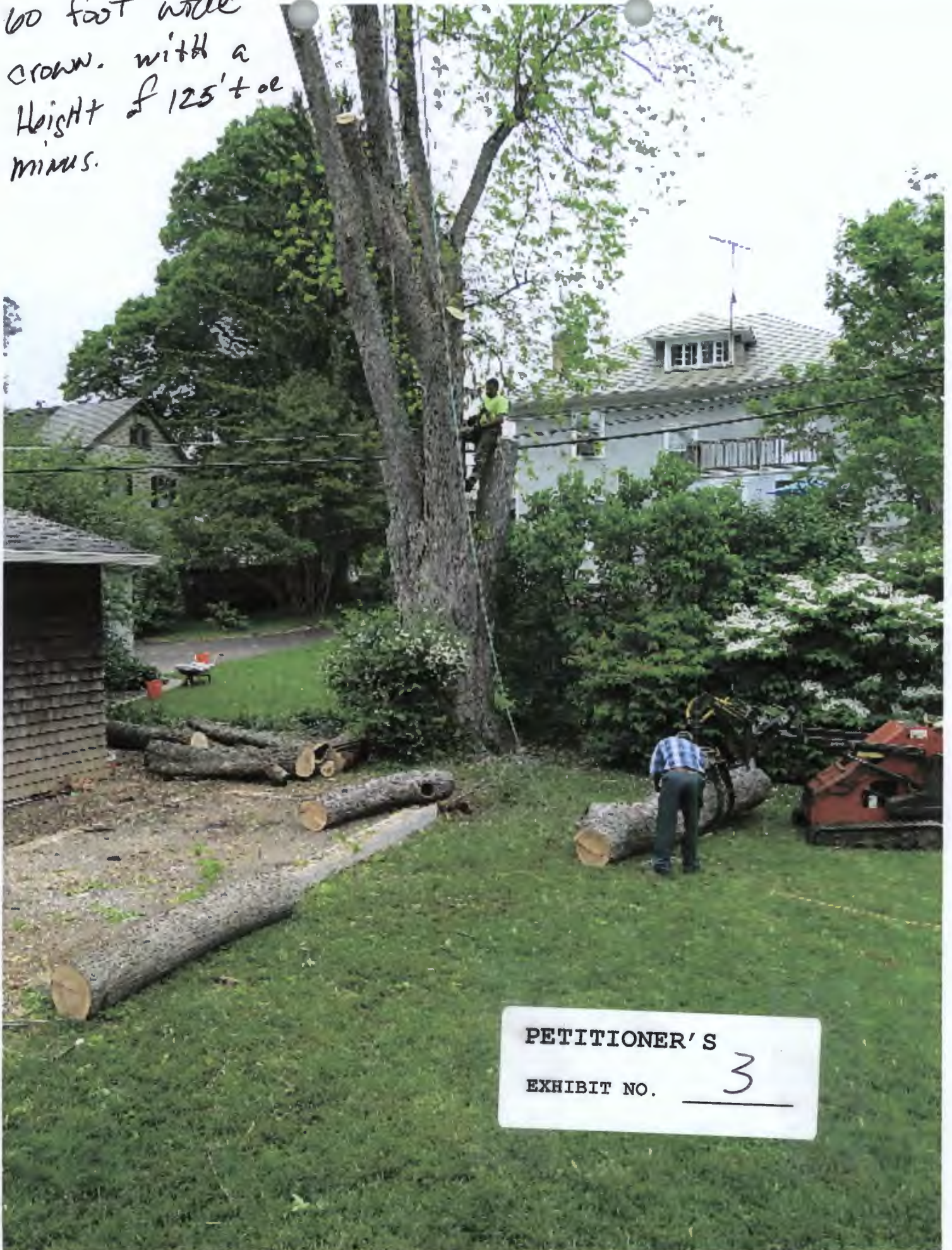
Please feel free to contact us if you need anything additional at 410-788-7494.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Brooks", with a horizontal line drawn through the middle of the signature.

Jeff and Leslie Brooks

60 foot wide
crown. with a
Height of 125' + or
minus.



PETITIONER'S

EXHIBIT NO.

3







16'0" in height



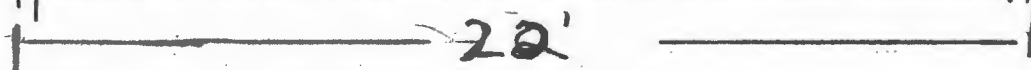
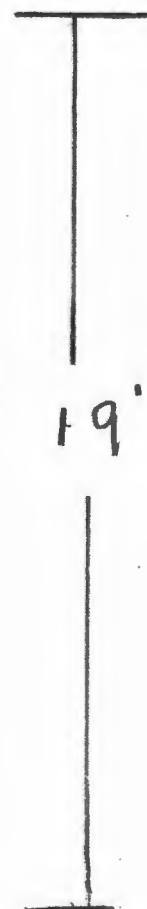
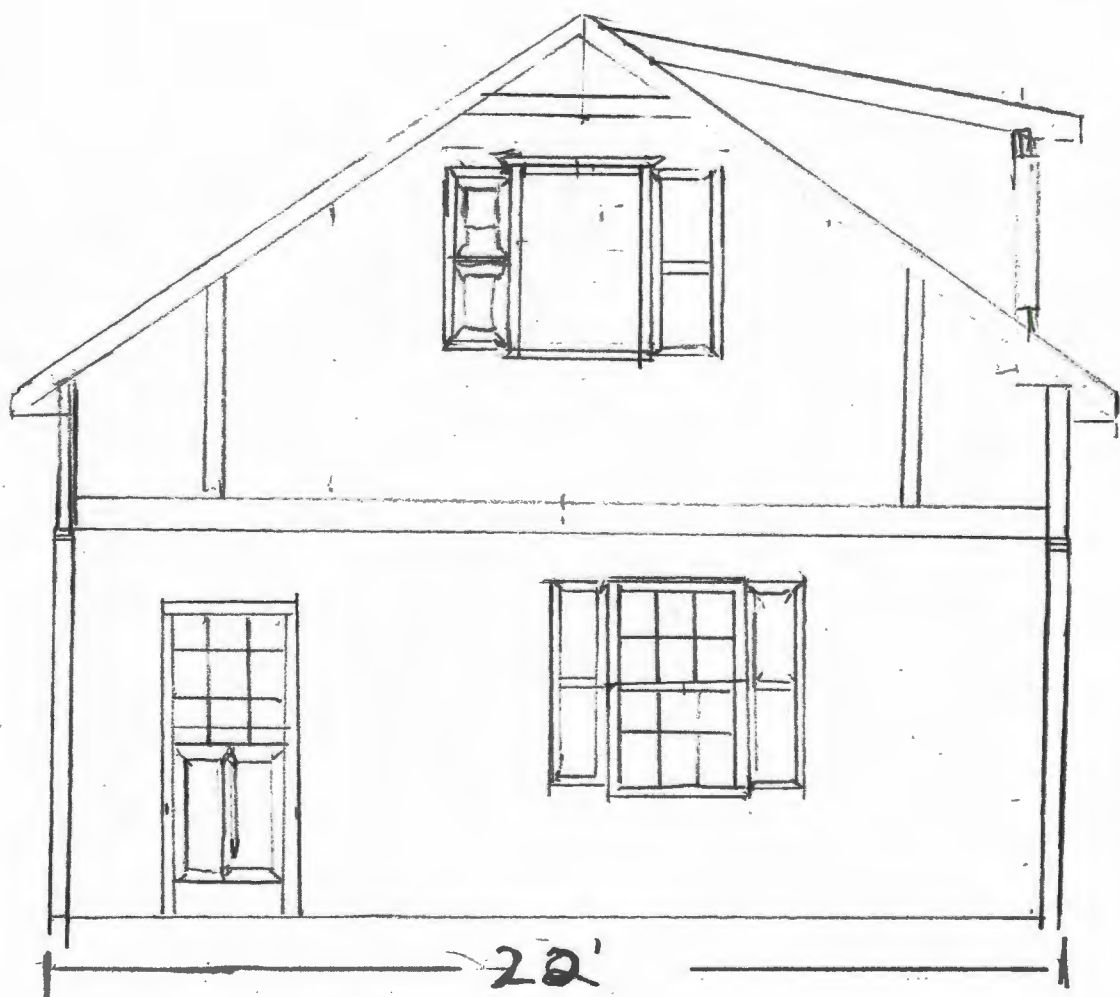


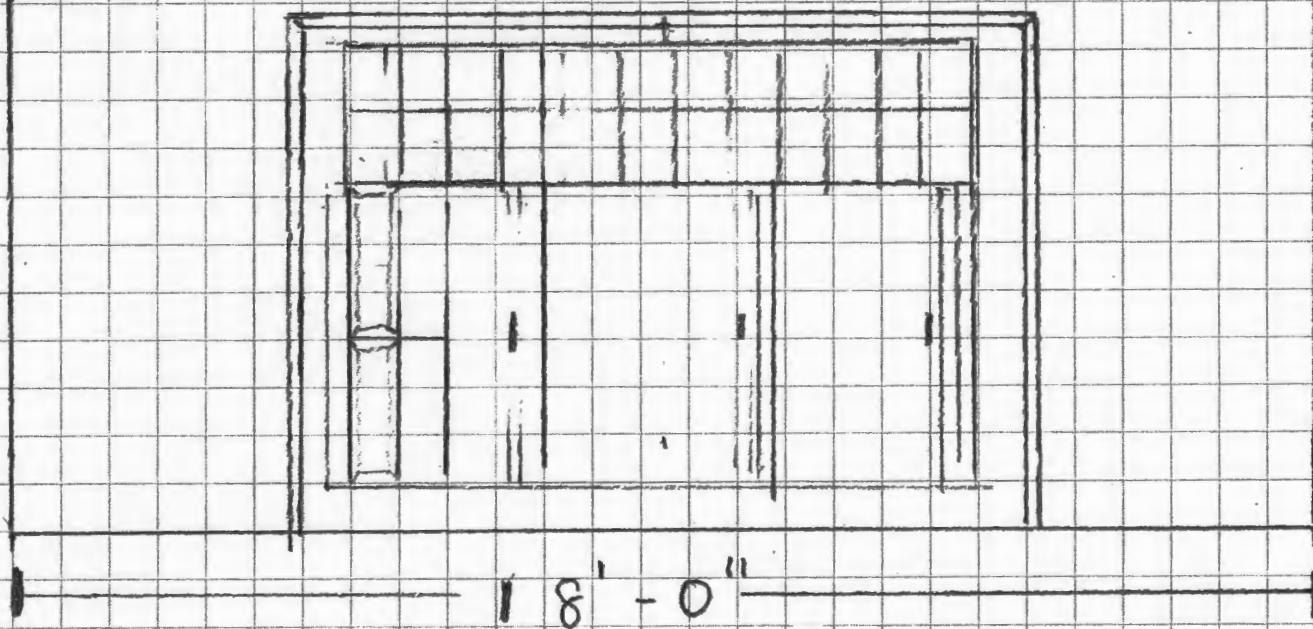
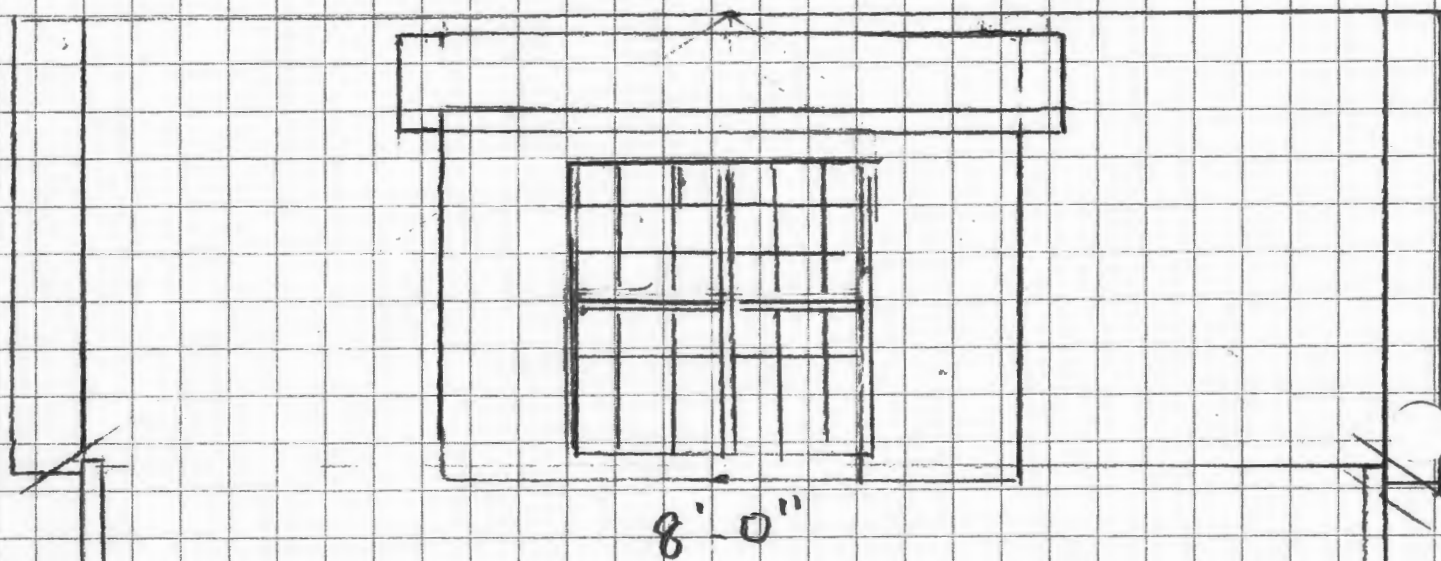


PROTESTANT' S

EXHIBIT NO. 1

#5





JB 8/21
10AM

Case No.:

2012-0293-A

Exhibit Sheet

Petitioner/Developer

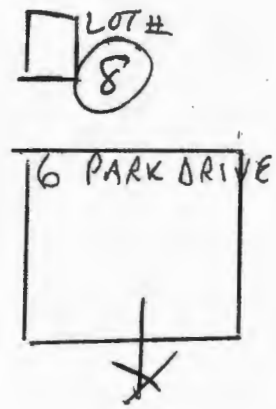
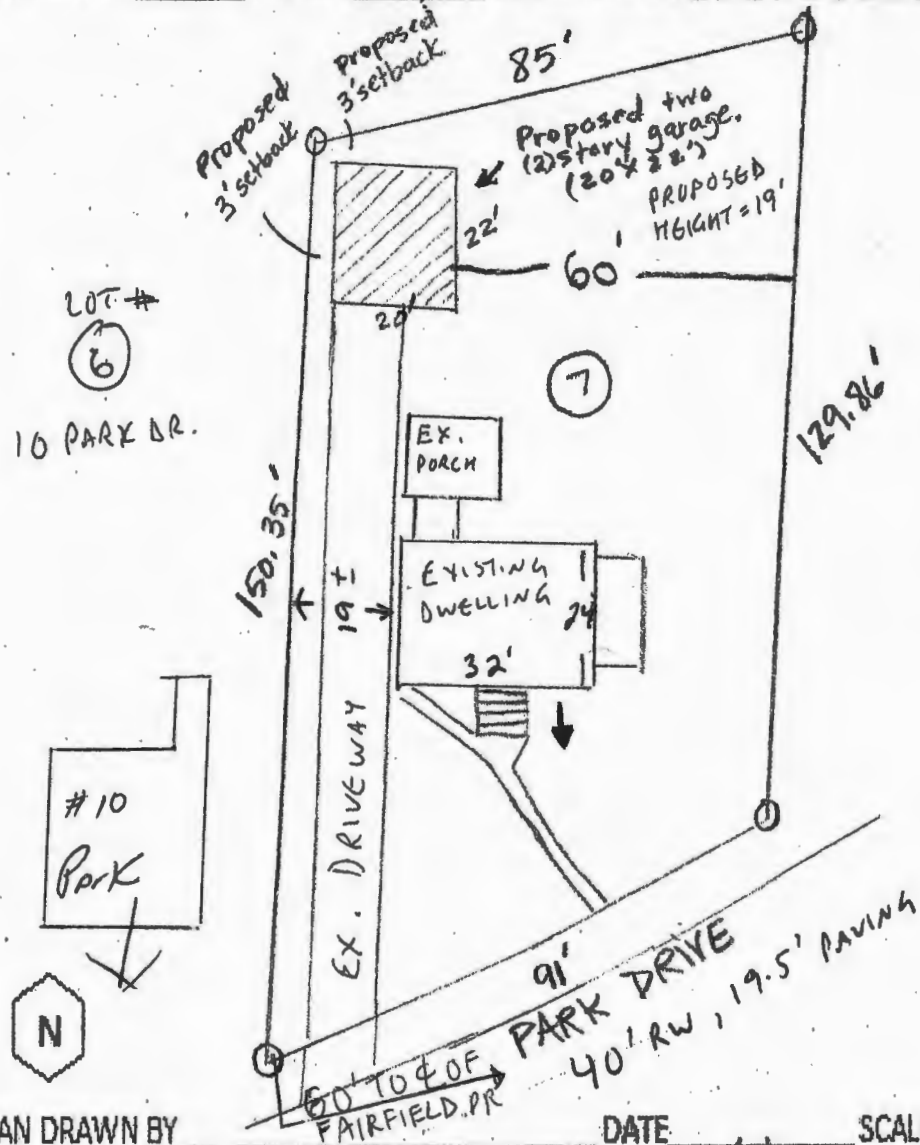
Protestants

9-24-12 DW
8-22-12 DW

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No. 10		
No. 11		
No. 12		

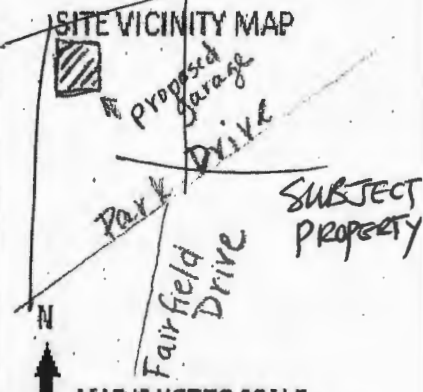
12 copies

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☐ (MARK TYPE REQUESTED WITH X)
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SUBDIVISION NAME Summit Park LOT # 7 BLOCK # SECTION # A
PLAT BOOK # 5 FOLIO # 71 10 DIGIT TAX # 01 04 00 01 50 DEED REF. # 001 501 29652



PETITIONER'S
EXHIBIT NO. 4

PLAN DRAWN BY Karen Hescox DATE 5/8/12 SCALE: 1 INCH = 30 FEET



MAP IS NOT TO SCALE
ZONING MAP # 101A2
SITE ZONED DR 2
ELECTION DISTRICT 1
COUNCIL DISTRICT 1
LOT AREA ACREAGE .30
OR SQUARE FEET 12,320
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS: N/A
PUBLIC Y PRIVATE N
SEWER IS: N/A
PUBLIC Y PRIVATE N
PRIOR HEARING? X
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
NONE

VIOLATION CASE INFO:
NONE
JS/AT

2012-0293-A