MEMORANDUM

DATE:

September 5, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0332-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 4, 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

IN RE: PETITION FOR ADMIN. VARIANCE

N side of Piccadilly Road, 575' SE of the

c/line of Eton Road

9th Election District

5th Council District

(536 Piccadilly Road)

Wendy E. and E. Neil Jacobs *Petitioners*

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

* CASE NO. 2012-0332-A

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, Wendy E. and E. Neil Jacobs. The Petitioners are requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a rear yard setback of 17 feet in lieu of the required 30 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

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 July 15, 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	8-3-12
_	100
Bv	

•

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, this <u>3rd</u> day of August, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have a rear yard setback of 17 feet in lieu of the required 30 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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

LAWRENCE M. STAHL

Managing Administrative Law Judge for

Baltimore County

LMS:dlw

ORDER	RECEIVED FOR FILING	
Date	8-3-12	_
Bv	(2)	



KEVIN KAMENETZ County Executive

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

August 3, 2012

Wendy E. Jacobs E. Neil Jacobs 536 Piccadilly Road Towson, Maryland 21204

RE: Petition for Administrative Variance

Case No. 2012-0332-A

Property: 536 Piccadilly Road

Dear Mr. and Mrs. Jacobs:

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

AWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure

To

LADIAII O LIVELL	AL SOLALIAGE FILLIQIA
	CE - OR - ADMINISTRATIVE CIAL HEARING
To be filed with the epartmen	nt of Permits, Approvals and pections
	w of Baltimore County for the property located at:
53/2 Piggadille Rd.	which is presently zoned DR 3,5

Address 200 Ficcaaiii Deed Reference 0032192 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

1. X ADMINISTRATIVE VARIANCE from section(s) 1802.3. C.1 - to permit a proposed addition to have a rear yard setback of 17 feet in lieu of the required 30 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)

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

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.

Contract Purchaser/Lessee:	Legal Owners:
	Wendy E. Jacobs, E. Noil Jacobs
Name- Type or Print	Name #1 - Type or Print Name #2 - Type or Print
Signature	536 Piccadilly Rd. Towson MD
Mailing Address City State	Mailing Address City State 21204, 443-250-4602, Weight @ 9mail
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
Attorney for Petitioner:	Representative to be contacted:
Name-Type or Print Signature ORDER RECEIVED FOR FILING	Name - Type or Print
Signature SEF RECEIVED	Signature

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

Mailing Address

Zip Code

Mailing Address

Zip Code

Date.

Filing Date 7,3,117

State

Email Address

Estimated Posting Date 7,15,12

Telephone #

City

State

Email Address

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: 2 Print or Type Address of property 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) Resulting CAUSE (If additional space for the petition request or the above statement is needed, label and attach it to this Form) Signature of Affiant 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 day of July before me a Notary of Maryland, in and for the County aforesaid, personally appeared the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

My Commission Expiritaren J. SHEA
NOTARY PUBLIC

NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND

AS WITNESS my hand and Notaries Seal

MY COMMISSION EXPIRES OCTOBER 16, 2014

REV, 10/12/11

ZONING DESCRIPTION

Zoning Description for 536 Piccadilly Road

Beginning at a point on the North side of Piccadilly Road, which is 50 feet wide at the distance of 575 feet Southeast of the center line of the nearest improved intersection street, Eton Road, which is 50 feet wide. Being Lot #112 in the subdivision of Chestnut Hill as recorded in Baltimore County Plat Book #0014, Folio #0118, containing 15,138 square feet.

Located in the 9th Election District, 5th Councilmanic District.

Item # 6332

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. <u>For those petitions which require a public hearing</u>, 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 Newspaper Advertising:
Item Number or Case Number: 2012-0332-A
Petitioner: Wendy E. Jacobs
Address or Location: 536 Piccadilly Rd., Towson, MD 21204
PLEASE FORWARD ADVERTISING BILL TO:
Name: Wendy E. Jacobs
Address: 536 Piccadilly Rd.
Towson, MD 21204
1/2 250 // 62
Telephone Number: 443-d50-4602

BALTIMORE COUNTY DEPARTMENT OF PERIVITS, AFFROVALS AND INSTECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0332 -A Address 536 Piceadilly Rd	
Contact Person: David Cuva Phone Number: 410-8 Planner, Please Print Your Name	
Filing Date: $\frac{7}{3/12}$ Posting Date: $\frac{7}{15/12}$ Closing Date: $\frac{7}{15/12}$	/30/12
Any contact made with this office regarding the status of the administrative variance shall through the contact person (planner) using the case number.	ould be
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list reverse side of this form) and the petitioner is responsible for all printing/posting cost reposting must be done only by one of the sign posters on the approved list and the prist again responsible for all associated costs. The zoning notice sign must be visible property on or before the posting date noted above. It should remain there through the date.	ets. Any etitioner e on the
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 fe a formal request for a public hearing. Please understand that even if there is no request for a public hearing, the process is not complete on the closing date.	et to file o formal
ORDER: After the closing date, the file will be reviewed by the zoning or deput commissioner. He may: (a) grant the requested relief; (b) deny the requested relief order that the matter be set in for a public hearing. You will receive written notification within 10 days of the closing date if all County agencies' comments are receive whether the petition has been granted, denied, or will go to public hearing. The order mailed to you by First Class mail.	ef; or (c) , usually d. as to
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public (whether due to a neighbor's formal request or by order of the zoning or deputy commissioner), notification will be forwarded to you. The sign on the property changed giving notice of the hearing date, time and location. As when the sign was a posted, certification of this change and a photograph of the altered sign must be forw this office. (Detach Along Dotted Line)	y zoning must be originally
Petitioner: This Part of the Form is for the Sign Poster Only	
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT Case Number 2012- 0332 -A Address 536 Piccadily Rd Petitioner's Name Wendy + Neil Jacobs Telephone 443 250	4602
Posting Date: $\frac{7}{15}/12$ Closing Date: $\frac{7}{30}/12$	
of 17 feet in lieu of the required 30	setback
	- 1.7/00/44

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CERTIFICATE OF POSTING

RE: Case No 2012-0332-A						
Petitioner/Developer WENDY FNEIL TACOBS						
Date Of Hearing/Closing: 7/30/12						
Department of elopment Management lilding,Room 111 peake Avenue						
adies and Gentlemen						
ertify under penalties of perjury that the necessary by law were posted conspicuously on the property 536 PICCADIUY 20						
posted on						
Signature of Sign Poster and Date Martin Ogle 60 Chelmsford Court Baltimore, Md, 21220 443-629-3411						



ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASES 2012-0332-A

TO PERMIT A PROPOSED ADDITION TO HAVE A REAR YARD SETBACK OF 17 FEET IN LIEU OF THE REQUIRED

3D

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, TWALY 30, 20/1.

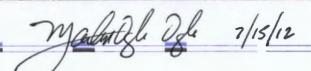
ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED

AT 111 W. CHESAPEAKE AVE. TOWSON MD. 21204

TEL 410-887-3391

BO NOT REMOVE THIS SIGN AND POST UNTIL APTER THE DATE UNDER PENALTY OF LAW

MEETING IS HANDICAPACCESSIBLE





KEVIN KAMENETZ County Executive

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

July 31, 2012

Wendy E. & E. Neil Jacobs 536 Piccadilly Road Towson MD 21204

RE: Case Number: 2012-0332 A, Address: 536 Piccadilly Road, 21204

Dear: Mr. & Ms. Jacobs:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 3, 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 Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

People's Counsel

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



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

Date: 7-16-12

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

RE: Baltimore County

Hem No 2012-0332-A Administrative Variance Wondy E. & E. Neil Jacobs 536 Piccadilly Road.

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 Paltimore County Zoning Advisory Committee approval of Item No. 2012-0332-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,

Steven D. Foster, Chief

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 19, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 30, 2012

Item Nos. 2012-0286, 0298, 0327, 0328, 0329, 0330, 0331, 0332.

Item Nos. 2013-0002, 0003, 0004.

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

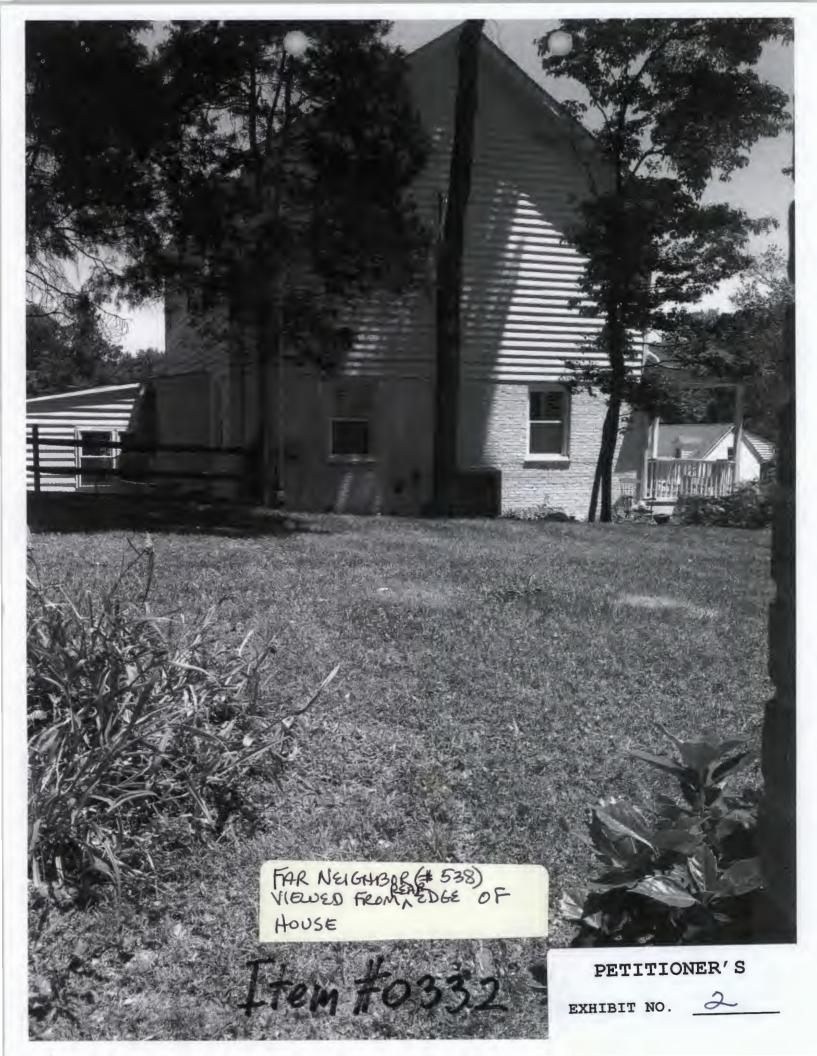
Case No.: 2012-0332-A

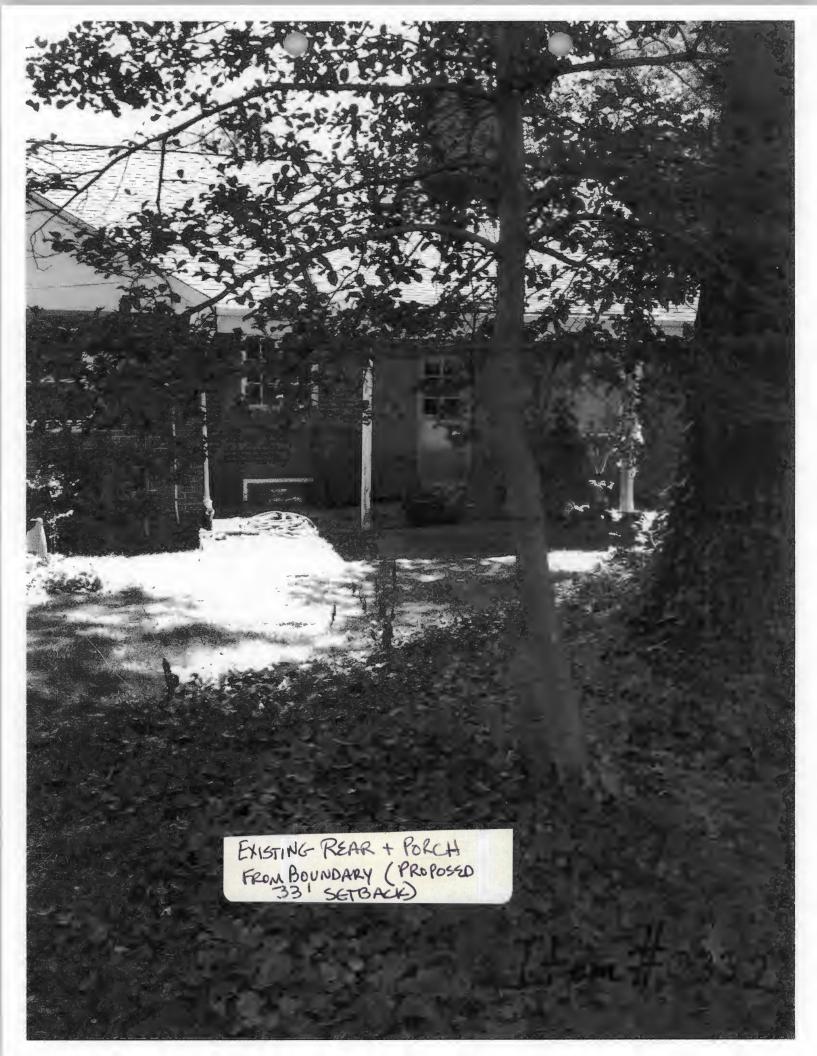
Exhibit Sheet

9/3/12 Protestant 8/3/12 Pu

Petitioner/Developer

No. 1	Site Plan	
No. 2	Pento (10)	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7	S. T. OR P. W. M. M. S. S. W. S. S. W. W. C. C.	SE METHOD SE
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



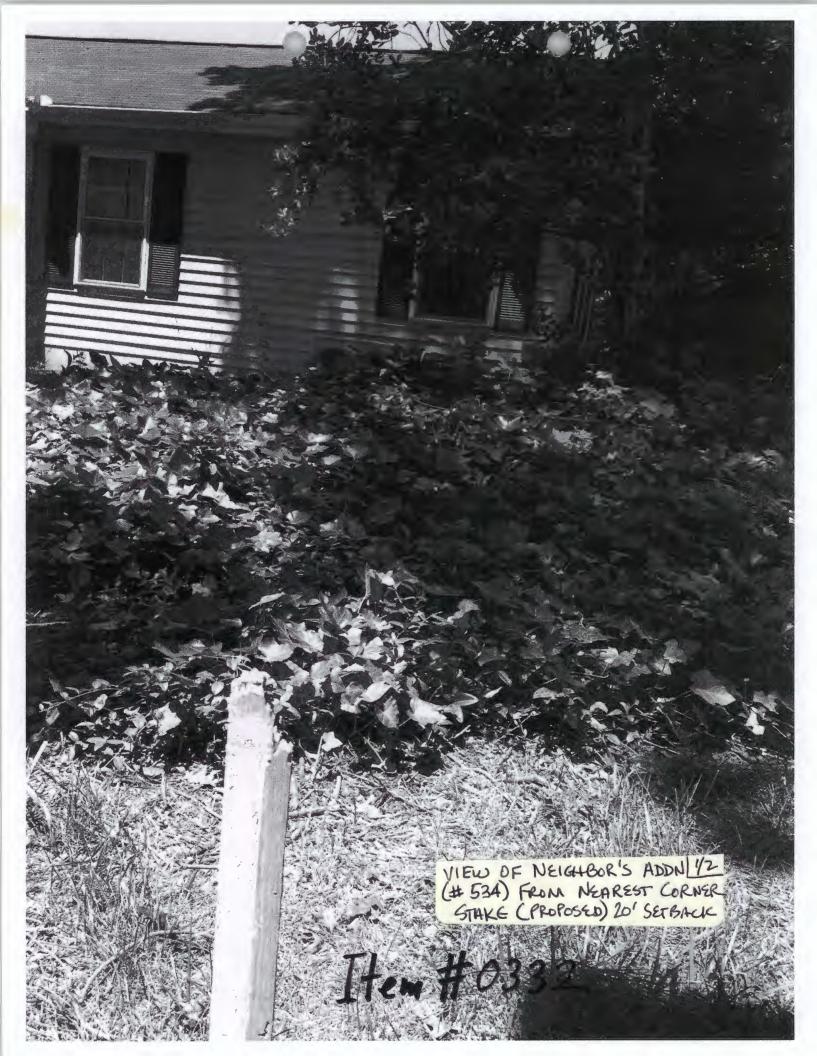


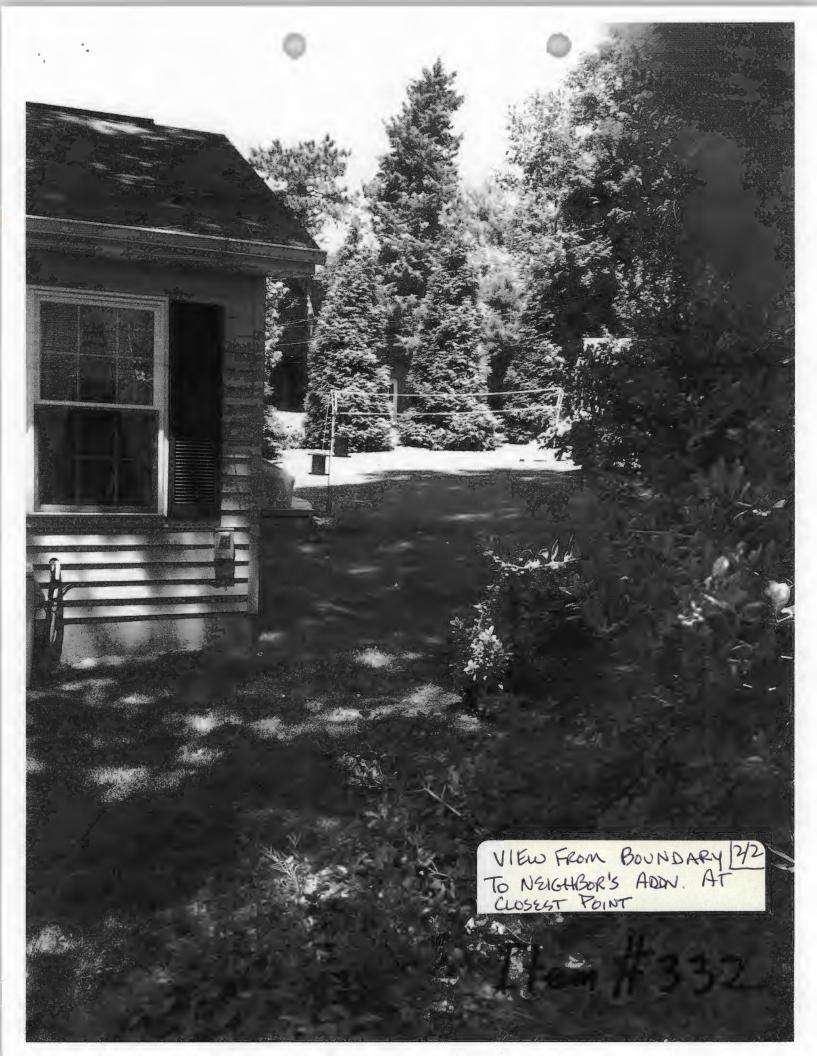
LOCATION OF 2ND PROPOSED CORNER STAKE

OF NEW ADDN.

Iten#0332

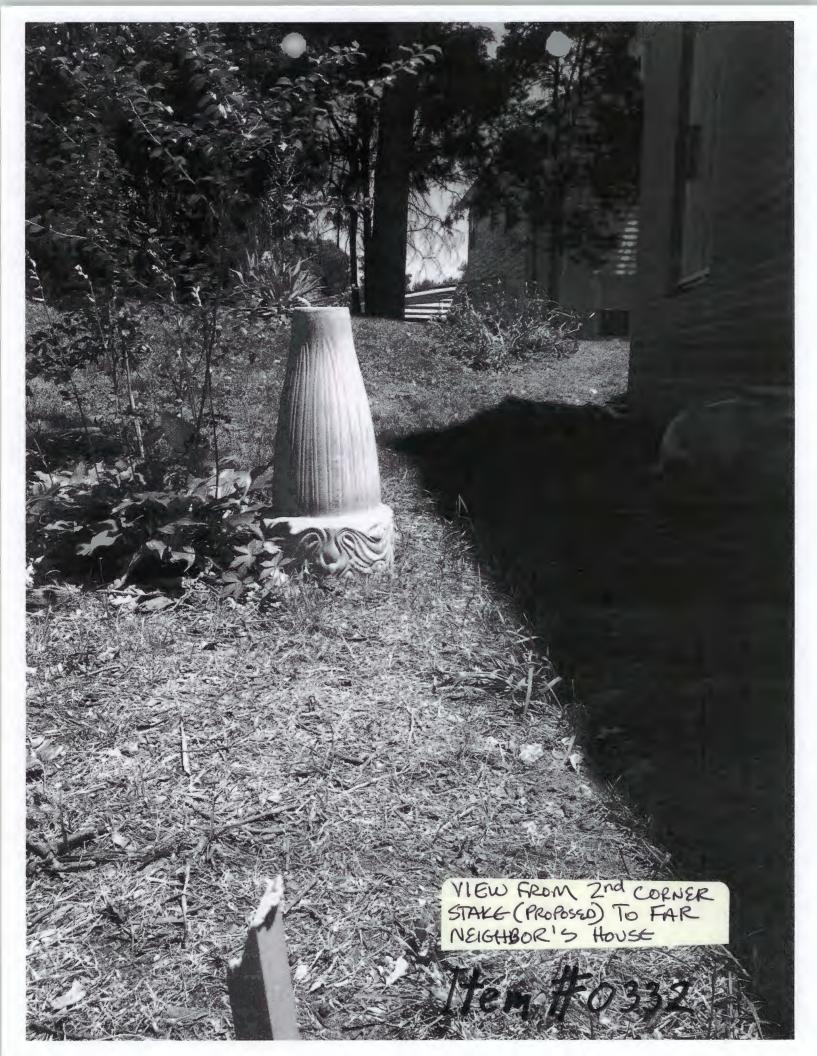


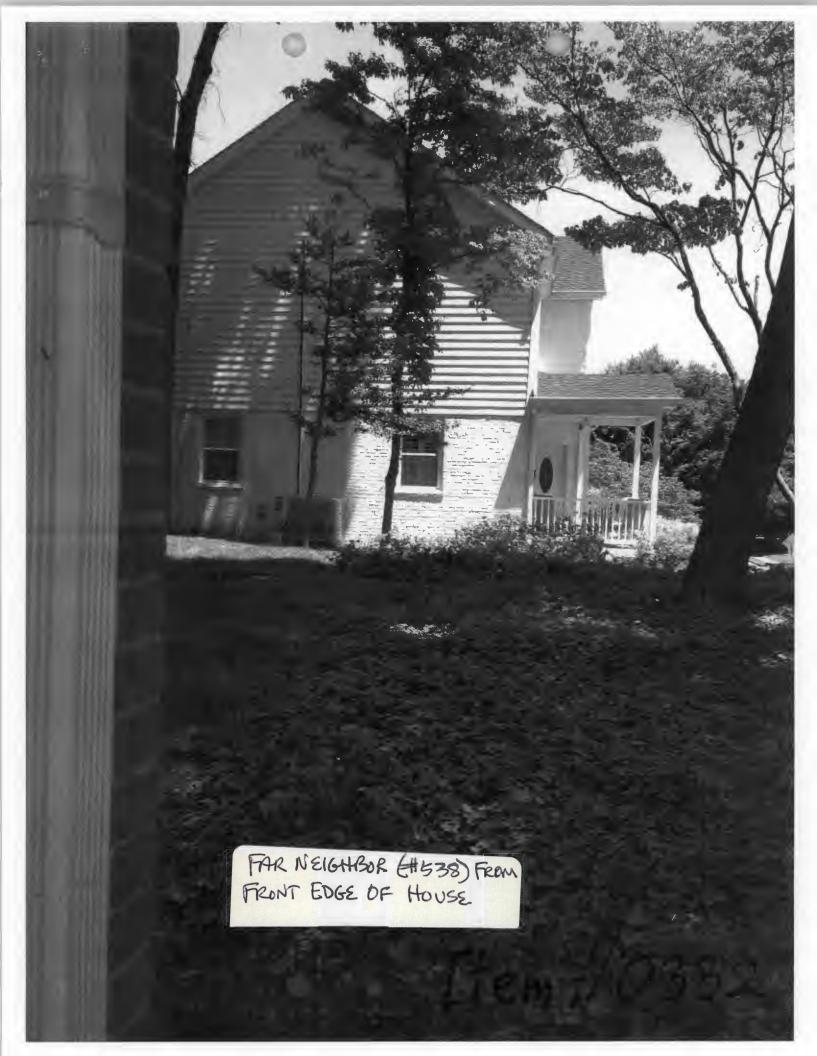




EXISTING PORCH, VIEW FROM NEIGHBOR'S ADDN. WINDOW. (CLOSEST WINDIW)(#534)

Item #0332







CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
7-19	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)	
7-16	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	•
ZONING VIOLAT	TON (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER AD	VERTISEMENT Date:	
SIGN POSTING	Date: 7-15-12	by Ogle
	SEL APPEARANCE Yes No DEL COMMENT LETTER Yes No DEL	
comments, if any: _	See photos (1-) ausmister	

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

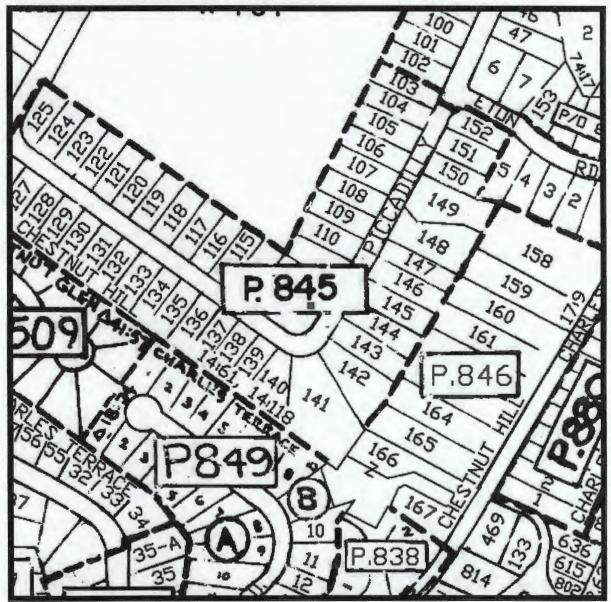
Go Back View Map New Search GroundRent Redemption GroundRent Registration

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Premises Address			Leg	al Descript	ion				
536 PICCADILLY RD						_			
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Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search

Go Back View Map New Search

District - 09 Account Number - 0901500030



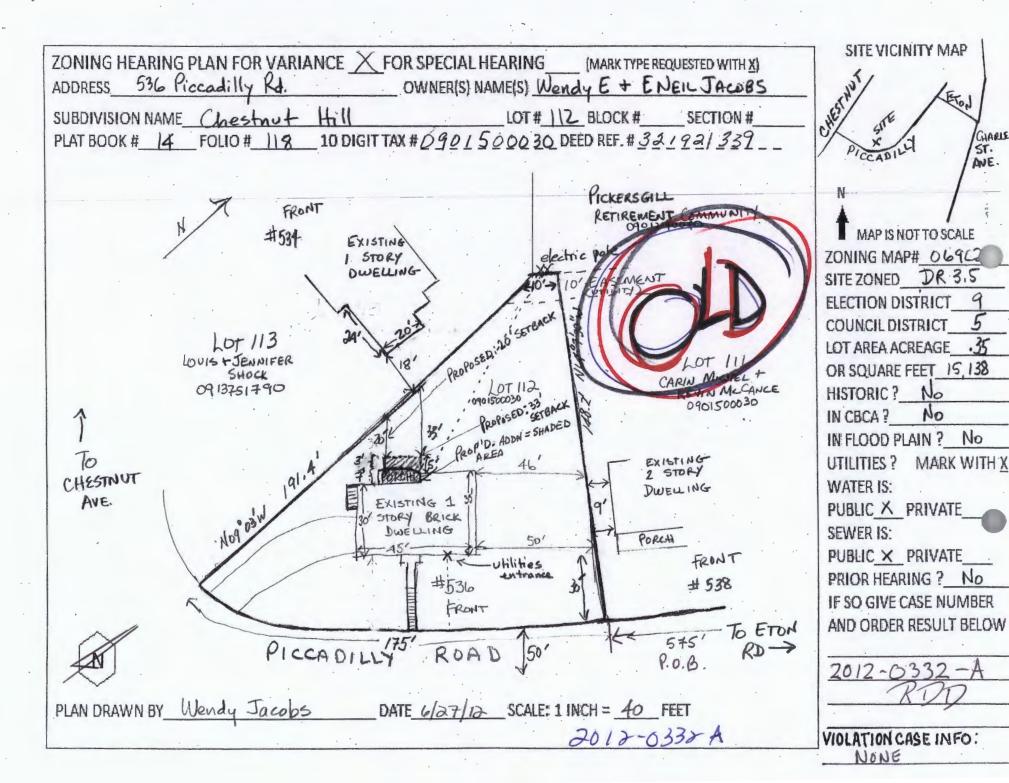
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

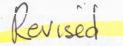
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

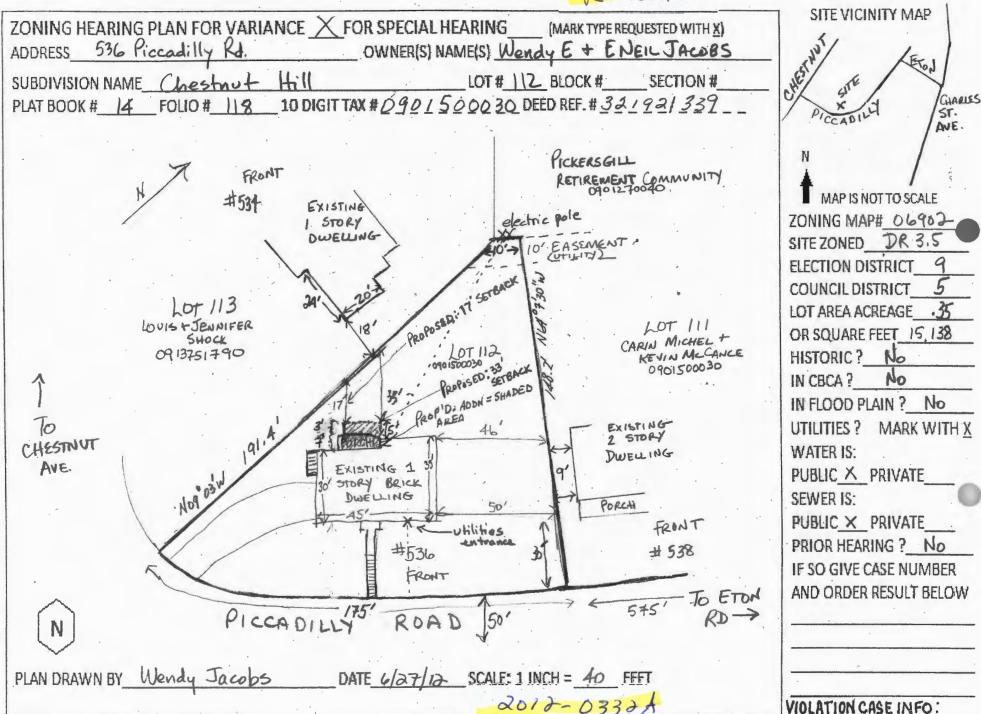
Property maps provided courtesy of the Maryland Department of Planning ©2011. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

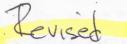


Item # 0332

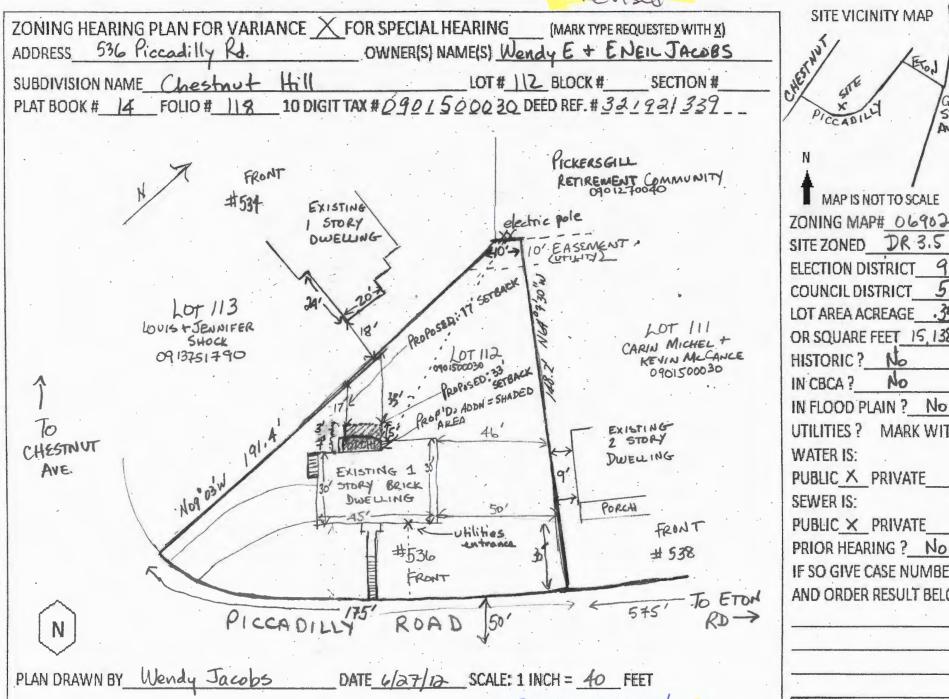








2012-0332A



CHARLES ST. AVE. ZONING MAP# 06902 OR SQUARE FEET 15, 138 IN FLOOD PLAIN? No MARK WITH X IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW VIOLATION CASE INFO:

