

KEVIN KAMENETZ County Executive

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

August 22, 2012

Beverly Wilder-Beckett 8803 Harkate Way Randallstown, Maryland 21133

RE:

PETITION FOR VARIANCE

(8803 Harkate Way) Case No. 2013-0008-A

Dear Ms. Wilder-Beckett:

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.

Very tryly yours

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure IN RE: PETITION FOR ADMIN. VARIANCE

S/side of Harkate Way, 545' of c/line of

Markey Drive

2<sup>nd</sup> Election District

4<sup>th</sup> Councilmanic District

(8803 Hargate Way)

\* FOR BALTIMORE COUNTY

Beverly Wilder-Beckett

Petitioner

\* Case No. 2013-0008-A

#### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Beverly Wilder-Beckett. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an attached garage addition on the side and front of the existing dwelling with front setback of 40 feet in lieu of the required 50 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 27, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the

ORDER	RECEIVED FOR FILING	
Date	8-22-12	
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information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 22<sup>nd</sup> day of August, 2012 by the Administrative Law Judge for Baltimore County that the Petition for Variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an attached garage addition on the side and front of the existing dwelling with front setback of 40 feet in lieu of the required 50 feet, be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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

Managing Administrative Law Judge

for Baltimore County

LMS/dlw

ORDER RECEIVED FOR FILING

#### 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 8803 HAZ which is presently zoned Deed Reference 10906 1066

(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) 1 AOH. 3. B. 2. b to permit an affective operage addition on the side and front of the existing dwelling with front set back of 40 feet in lieu of the required so test.

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.

Property Owner(s) Printed Name(s)

, 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: Name #2)- Type or Print Name- Type or Print Signature Signature # 2 State Mailing Address City State Zip Code Telephone # Email Address Email Address ORDER RECEIVED FOR FILING Attorney for Petitioner: Representative to be contacted: Name - Type or Print Signature Mailing Address State Zip Code **Email Address** 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

## 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: 8803 HARKATE WAY Print or Type Address of property	Rusallstand Mcl	21133
Print or Type Address of property  Based upon personal knowledge, the followald administrative Variance at the above address of property	wing are the facts which I/we base the	
Refer to	atachment "X"	
(If additional space for the petition request of	or the above statement is needed, label and	l attach it to this Form)
Signature of Affiant  Name- Print or Type	Signature of Affiant  Name- Print or Type	What Beelet
	e completed by a Notary Public of the State	of Maryland
STATE OF MARYLAND, COUNTY OF BA	ALTIMORE, to wit:	
I HEREBY CERTIFY, this 10 th day of and for the County aforesaid, personally appe	ared	Notary of Maryland, in
	1 11	) (Print name(s) here)
appendix.	tary Fusica Commission Expires	<u> </u>

Attachment "A"

The irregularity and physical shape of the above referenced property has imposed unnecessary hardship on the undersigned applicants and Owners. The difficulty and hardship is caused by the ordinance which has deprived the applicants of all economic use and benefits of constructing a 24'X24' attached 2 (two) car garage. The aforementioned hardship has not been created by the applicants.

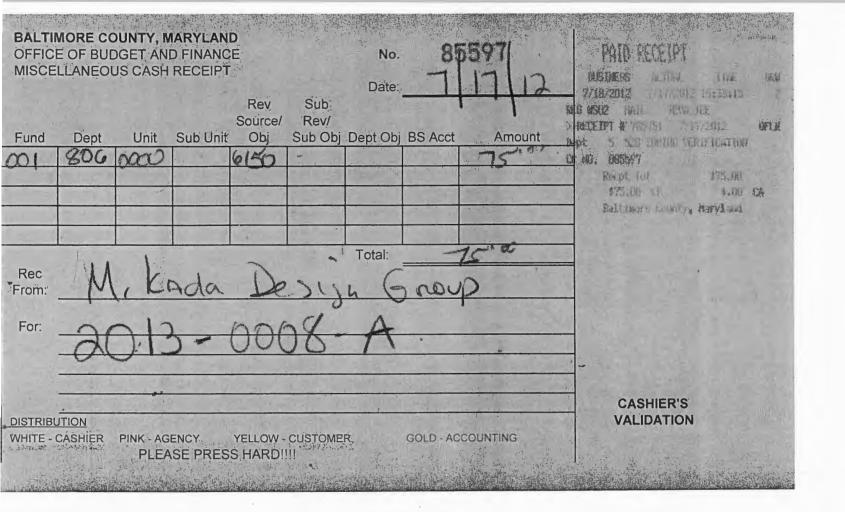
Allowing for a variance to reduce eastside property line setback by 5 to 10 feet is in harmony with the general intent of setbacks and will not cause injury to the area, or be detrimental to the public welfare, or improvements in the neighborhood in which the property is located.

The proposed variation will not impair an adequate supply of air to the adjacent property, or substantially increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

07/09/2012

# ZONING DESCRIPTION FOR 8803 HARKATE WAY RANDALLSTOWN MARYLAND

Beginning at point on the south side of Harkate Way which is 50 feet R/W at the distance of 545 feet south of the centerline of Marley Dr with a 50 R/W. Being Lot# 29,Block B, Section A, in the Oakwood Village sub division as recorded in Baltimore County Plat Book# 60, Folio 114, containing 1.34AC lot size. Located in 2<sup>nd</sup> Election District and 4<sup>th</sup> Councilman District



## BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2012-	0008	A A	Address_	8803	THARKATE	WHY
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Petitio	ner's Name	BEVERLY	1 BECK	CETT	Te	lephone 410-	627-9102
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### CERTIFICATE OF POSTING

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Pe	E: Case No <u>2012-0008-A</u> etitioner/Developer MIKADA  DESCIN GROUP
Da	te Of Hearing/Closing: 8/13/12
Baltimore County Department Permits and Development County Office Building,Ro 111 West Chesapeake Av	t Management oom 111
Attention:	
Ladies and Gentlemen	
This letter is to certify undesign(s) required by law we at	er penalties of perjury that the necessary pre posted conspicuously on the property 8803 HALLATE WAY
This sign(s) were posted o	on
	Sincerely, 1/21/12
	Signature of Sign Poster and Date  Martin Ogle
	60 Chelmsford Court Baltimore,Md,21220 443-629-3411



#### MEMORANDUM

DATE:

September 24, 2012

TO:

**Zoning Review Office** 

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0008-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

Case No.: 2013 - 0008-1

#### **Exhibit Sheet**

9-22-12 PW

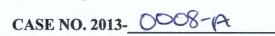
## Petitioner/Developer

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2013-0008-A



## CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
7-31	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)	
7-24	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ON (Case No.	
PRIOR ZONING	(Case No.	)
NEWSPAPER ADV	/ERTISEMENT Date:	
SIGN POSTING	Date:	by Ogle
PEOPLE'S COUNS	EL APPEARANCE Yes No	
PEOPLE'S COUNS	SEL COMMENT LETTER Yes No	
Comments, if any:		
		<u> </u>

**BALTIMORE COUNTY** 

Partial Exempt Assessments

**Homestead Application Status:** 

County

Municipal

Tax Exempt:

**Exempt Class:** 

State

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Maryland Department of Assessments and Taxation

Real Property Data Search (vw6.2A)

Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

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Homestead Application Information

No Application

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Special Tax Recapture:

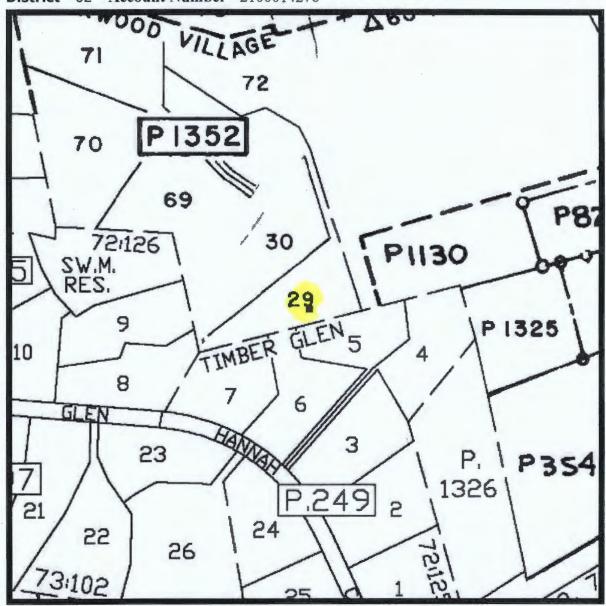
NONE



# Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go Back View Map New Search

District - 02 Account Number - 2100014276



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



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

August 14, 2012

Beverly Wilder-Beckett 8803 Harkate Way Randallstown MD 21133

RE: Case Number: 2013-0008 A, Address: 8803 Harkate Way, 21133

Dear: Ms. Wilder-Beckett:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 17, 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,

M. Cal Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

**Enclosures** 

c: People's Counsel

Ike OKoye, 5080 Ilchester Road, Ellicott City, MD 21043



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

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

Date: 7-24-12

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

RE: **Baltimore County** 

Hoministrative Varionce Beverly Wilder-Beckett 8803 Harkate Way

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. (2013 -0008-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 31, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 06, 2012

Item Nos. 2013-0005, 0007, 0008, 0009, 0010 and 0012

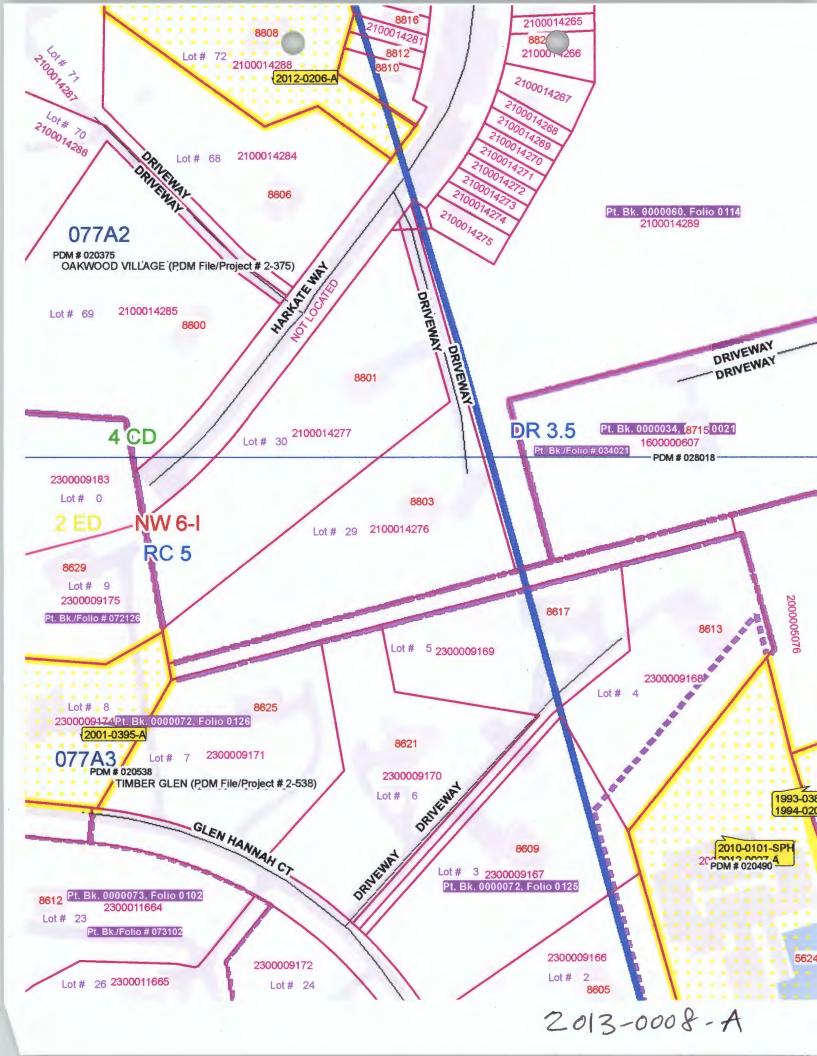
The Bureau of Development Plans Review has reviewed the subject-

zoning items, and we have no comments.

DAK:CEN

cc: File

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2013-0008-A

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,2013-0008-A











