MEMORANDUM

DATE:

October 5, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0019-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 1, 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

IN RE: PETITION FOR ADMIN. VARIANCE

N/E corner of Buckingham Road and

Liberty Road

(3601 Buckingham Road)

2nd Election District

4th Council District

Wayne T. and Debra A. Fleming

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

BALTIMORE COUNTY

* CASE NO. 2013-0019-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, Wayne T. and Debra A. Fleming. The Petitioners are requesting Variance relief pursuant to Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (proposed pool) to be located in the side yard (street side) outside of the rear 1/3 of lot most farthest removed from both streets. 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. There were no other comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 9, 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

ORDER R	ECEIVED FOR FILING	
Date	8-30-12	
By	Ca	

of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the 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 30th day of August, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 400.1 of the B.C.Z.R., to permit an accessory structure (proposed pool) to be located in the side yard (street side) outside of the rear 1/3 of lot most farthest removed from both streets, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their appropriate permits 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-	30	-12	>

2



KEVIN KAMENETZ
County Executive

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

August 30, 2012

Wayne T. Fleming
Debra A. Fleming
3601 Buckingham Road
Baltimore, Maryland 21207

RE:

PETITION FOR ADMINISTRATIVE VARIANCE

(3601 Buckingham Road) Case No. 2013-0019-A

Dear Mr. and Mrs. Fleming:

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 truly yours

ZAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw 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: Address 3601 Buckingham Road, 21207 which is presently zoned _DR 3.5

Deed Reference 1136 760 505 10 Digit Tax
Property Owner(s) Printed Name(s) Wayne T. and Debra A. Fleming 10 Digit Tax Account # __0223501260.

(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

		de a part hereof, h		
ADMINISTRATIVE VARIANCE from Exproposed pool) to be of the rear /2 of lothe zoning regulations of Baltimore Country 2 ADMINISTRATIVE SPECIAL HEAD	to the zuning	law of Baitimore C	ounty.	
Section 32-4- 416(a)(2): (indicate type of wo				
of the zoning regulations of Baltimore County Property is to be posted and advertised as prescribed by I, or we, agree to pay expenses of above petition(s), advertictions of Baltimore County adopted pursuant to the Legal Owner(s) Affirmation: I / we do so solemnly decisit the subject of this / these Petition(s).	y the zoning regu vertising, posting, zoning law for B	lations. etc. and further agree altimore County.	to and are to be bounde	
		Legal Owner	_	
Contract Purchaser/Lessee:		Legai Owner	8:	
				Dalas A Flamina
Name-Type or Print Signature	<	Wayne T Name #1 // ype	Fleming	Debra A. Fleming
Name-Type or Print Signature	State	Wayne T Name #1 / ype Signature #1 3601 Buckingk	ring Am Road Baltime	ame #2 - Type of Print Gnature # 2
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Name- Type or Print Signature Mailing Address City Zip Code Telephone # Email Ad		Wayne T Name #1 //ype Signature #1 3601 Buckinght Mailing Address 21207 Zip Code	am Road Baltime	gnature # 2 ore Maryland State wtf.sr@verizon.net Email Address
Name- Type or Print Signature Mailing Address City Zip Code Telephone # Email Address Attorney for Petitioner:		Wayne T Name #1 //ype Signature #1 3601 Buckinght Mailing Address 21207 Zip Code Representati Wayne T	am Road Baltime City 410-530-3737 Telephone #	gnature # 2 ore Maryland State wtf.sr@verizon.net Email Address
Name-Type or Print Signature Mailing Address City Zip Code Telephone # Email Address Attorney for Petitioner: Name-Type or Print Signature	Idress	Wayne T Name #1 // ype Signature #1 3601 Buckingh Mailing Address 21207 Zip Code Representati Wayne 1 Name - Jule of 1 Signature #1 3601 Buckingham 3601 Buckingham	am Road Baltime City 410-530-3737 Telephone # ye to be contacted Teming Print n Road Baltimor	gnature # 2 ore Maryland State wtf.sr@verizon.net Email Address : e Maryland
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that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2013 - 0019-A Filing Date 7/31/12 Estimated Posting Date 8/2/12 Reviewer

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:	3601 Buckingham Roa	d Baltimore	Maryland	21207
Prir	nt or Type Address of property	City	State	Zip Code
	n personal knowledge, the fo ve Variance at the above ac			
	dship: Presently, the Liberty F			
	s tossing litter in the shrubs rue this behavior, to include place			
	e rear of my property to the fro			
	d with attractive plants, but to			
	area less inviting to toss such			
	a corner unit having more str		rements than my neighbo	rs not occupying a
	 I did nothing to create this har hifficulty: Strict compliance with 		sethack restrictions would	prevent me from
	e full use, appreciation, and c			
realize the	full potential of my property, N	My plans to tastefully	develop my property will	both preserve the s
of the setb	ack restrictions in the areas of	f ecstatic and continu	ity, as well as assuring po	ublic safety.
(If addition	nal space for the petition reques		ent is needed, label and att	tach it to this Form)
7/	T. Fleming		Debra A. Fleming	0
Name- Print or		1	Name- Print or Type	
	The following information is to	be completed by a No	etary Public of the State of	Maryland
STATE OF	MARYLAND, COUNTY OF	BALTIMORE, to w	lt:	
HEREBY (and for the C	CERTIFY, this 264 da county aforesaid, personally ap	y of July . 2 peared	before me a No	tary of Maryland, in
Wayn he Affian(s)	herein, personally known or sa	and Debra	a A. Heming to me as such Affiant(s) (P	rint name(s) here)
AS WITNES	S my hand and Notaries Seal	Mevett	e slays	
		Notary Public	on 202015	
	TTE SEAY TY Public	My Commission Expir	e ()	
Baltimo	ore County	1		REV. 10/1
Ma	ryland			TILY. 10/

My Commission Expires Jan 20, 2015

ZONING DESCRIPTION

ZONING DESCRIPTION FOR: <u>3601 Buckingham Road</u> (address)

Beginning at a point on the northeast corner of <u>Buckingham Road</u>, which is <u>50 feet</u> wide and <u>Liberty Road</u>, which is <u>80 feet</u> wide.

Being Lot# 9, Block N/A, Section # N/A in the subdivision of Villa Nova Annex as recorded in Baltimore County Plat Book # 1, Folio # 63, containing 11,250 square feet, also known as 3601 Buckingham Road and located in the 2nd Election District and 4th Councilmanic District

ZONING REVIEW

ADMINISTRATIVE VALIANCE INFORMATION SHAP AND DATES

Case Number 2013- 0019 -A Address 3601 Bucking fram PD
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 7 31 12 Posting Date: 8 12 12 Closing Date: 8 21 12
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. 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. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
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 2013- QOI9 -A Address 3601 Bucking ham RD
Petitioner's Name Wayne Fleming Telephone 410-530-3737
Posting Date: 8 12 12 Closing Date: 8 27 12
Wording for Sign: To Permit an accessory structure (proposed pool)
to be located in side yard (Street side) in lieu of
the required rear yard.



CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 08/10/2012

Case Number: 2013-0019-A

Petitioner / Developer: WAYNE FLEMMING
Date of Hearing (Closing): AUGUST 27, 2012

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

3601 BUCKINGHAM ROAD

The sign(s) were posted on: AUGUST 9, 2012



Linda O Kufe
(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



KEVIN KAMENETZ County Executive

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

August 28, 2012

Wayne & Debra Fleming 3601 Buckingham Road Baltimore MD 21207

RE: Case Number: 2013-0019 A, Address: 3601 Buckingham Road, 21207

Dear Mr. & Ms. Fleming:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 31, 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,

W. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Debra Wiley - ZAC Comments - Distribution Mtg. of 8/6

From: Debra Wiley

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

Date: 8/14/2012 12:05 PM

Subject: ZAC Comments - Distribution Mtg. of 8/6

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2013-0018-SPH - 1312 Burkeigh Rd. No hearing in data base as of 8/14

2013-0019-A - 3601 Buckingham Rd. Administrative Variance - Closing Date: 8/27

2013-0020-A - 8243 Longpoint Road No hearing in data base as of 8/14

2013-0021-A - 12519 Falls Rd. Administrative Variance - Closing Date: 8/27

2013-0023-A - 20-22 W. Timonium Rd. No hearing in data base as of 8/14

Thanks.

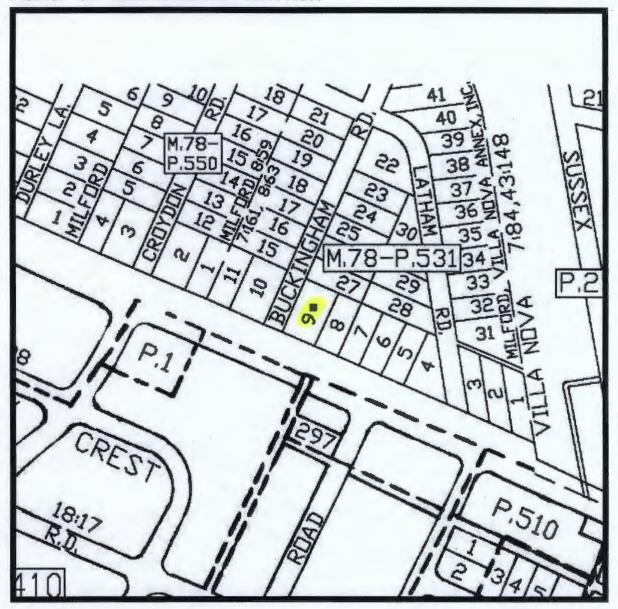
Debbie Wiley Legal Administrative Secretary Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) dwiley@baltimorecountymd.gov Maryland Department of Assessments and Taxation Real Property Data Search (vw1.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

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

Go Back View Map New Search

District - 02 Account Number - 0223501260



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

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



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

Date: 8-6-12

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

RE: Baltimore County

Item No 2013-0019-A
Administrative Varionce
Wayne T. à De bra Florning
3601 Beeckingham 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 Baltimore County Zoning Advisory Committee approval of Item No. 2013 - 5019-1.

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: August 09, 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 August 20, 2012

Item Nos. 2013-0018, 0019, 0020,0021 and 0023.

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-08202012-NO COMMENTS.doc

3601 Bucking ham Road Baltimore, MD 21207 Variance Photos

Front: West



Front: Center



Front: East



Front: West to East



Rear: Towards back property line



Liberty Road Side: East to West



Rear: East to West



CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
8-9	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)	
8-6	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
 . ·	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ION (Case No	
PRIOR ZONING	(Case No.)
NEWSPAPER ADV	VERTISEMENT Date:	
SIGN POSTING	Date: <u>8-9</u>	by O' Keage
PEOPLE'S COUNS	SEL APPEARANCE Yes No C	
PEOPLE'S COUNS	SEL COMMENT LETTER Yes No]
Comments, if any:		

Case No.: 2013 - 6019 - A

Exhibit Sheet

Petitioner/Developer

Protestant

DD (0/5/12

No. 1	Site Plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7	Same to that the state of the s	SS. ME HAR IN INC.
No. 8	4	
No. 9		
No. 10		
No. 11		
No. 12		

