

KEVIN KAMENETZ County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 16, 2012

Jack L. Tincher, Jr. 610 Wampler Road Baltimore, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(610 Wampler Road) Case No. 2013-0084-A

Dear Mr. Tincher:

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 July yours,

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure

c: David L. Mohr, 11028 Bird River Grove Road, White Marsh, MD 21162

IN RE: PETITION FOR ADMIN. VARIANCE

(610 Wampler Road)
15th Election District

6th Council District Jack L. Tincher, Jr.

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

* BALTIMORE COUNTY

CASE NO. 2013-0084-A

OPINION AND ORDER

This matter comes before the Administrative Law Office as a Petition for Administrative Variance filed by the legal owner of the property, Jack L. Tincher, Jr. The Petitioner is requesting Variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (detached garage) with a height of 15 feet, 10 inches, in lieu of the required 15 feet maximum. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

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

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 14, 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 (B.C.C.). 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 ORDER RECEIVED FOR FILING

Date	11-16-12	
Rv		

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 Petitioner.

Although the Department 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 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 16th day of November, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (detached garage) with a height of 15 feet, 10 inches, in lieu of the required 15 feet maximum, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

ORDER RE	CEIVED FOR FILING	
Date	11-16-18	
Dv		

- The Petitioner or subsequent owners shall not convert the subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The garage 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.

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 11-16-18

By 10-18

ADMIN TRATIVE ZONING PETION FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

Address Plo Wamples Lo	of Baltimore County for the property located at: which is presently zoned DR 5.5 10 Digit Tax Account # 2200011192
Property Owner(s) Printed Name(s) DACK TIME	CHER JR
	COPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) it on the reverse of this Petition Form be completed / notarized.
	Baltimore County and which is described in the description and le a part hereof, hereby petition for a
1. ADMINISTRATIVE VARIANCE from section(s)	3c2R 400.3
TO PERMIT AN ACCESSORY STRU	CTURE (SETACHED GARAGE) WITH A HEIGHT
OF 15'10", IN LIEU OF THE RE	QUIRED 15' MAXIMUM.
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
 ADMINISTRATIVE SPECIAL HEARING to appropriate Section 32-4-416(a)(2): (indicate type of work in this space) 	ove a waiver pursuant to Sections 32-4-107(b), 32-4-223 (8), and e to raze, alter or construct addition to building)
of the zoning regulations of Baltimore County, to the zoning	a law of Politimore County
restrictions of Baltimore County adopted pursuant to the zoning law for Ba	etc. and further agree to and are to be bounded by the zoning regulations and
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runo Type of Time	Marie #2 - Type of Time
Signature	Signature #1 Signature #2
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Attorney for Petitioner:	Representative to be contacted:
Name-Type Print	Name – Type or Prince
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	\$1102 An 201883 NIVE SHOW TO
Zip Code Telephone # Email Address	Zip Code / Telephone # Email-Address
	required, it is ordered by the Office of Administrative Law, of Baltimore County, or of this petition be set for a public hearing, advertised, as required by the zoning
	mintending Laur hades of Politica as County
Admir	nistrative Law Judge of Baltimore County
CASE NUMBER 2013 - 0084 - 4 Filing Date 10	13/12 Estimated Posting Date 10/14/12 Reviewer JS

Affidavit in Support of ministrative 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: QQ Print or Typ	Wampler Rd.	Ballo.	State	2120 Zip Code
Based upon perso Administrative Va	onal knowledge, the riance at the above	following are the fac address. (Clearly st	cts which I/we base tate practical diffic	the request for an culty or hardship here)
All other 15 bot liminary 3th nearby 3th	P. New Structures. The	tures on return higher will be ruighborn	arby proper will not excuse in keeping	ties well abore dany prisent with aiready.
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Jack	lack for the petition requ	uest or the above state		l and attach it to this Form)
Signature of Affiant	INCHER JR		Signature of Affiant	
Name- Print or Type			Name- Print or Type	
The fo	ollowing information is	to be completed by a	Notary Public of the S	tate of Maryland
STATE OF MARY	YLAND, COUNTY O	F BALTIMORE, to	wit:	
HEREBY CERT	IFY, this \ \St\ aforesaid, personally	day of Octobe, appeared	2012 , before r	ne a Notary of Maryland, in
Or	rah Timel	00.00		
the Affiant(s) herei	n, personally known or	satisfactorly identifie	d to me as such Affia	ant(s) (Print name(s) here)
AS WITNESS my h	nand and Notaries Sea	al Dusa 3	. Green	
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. , ,				

My Commission Expires

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINIOTRATIVE VARIANCE IN CHARACTER CHIEF PARE
Case Number 2013- 0084 -A Address 610 WAMPLER RS
Contact Person: JASON SEISCEMAN Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 10 3 12 Posting Date: 10 14 12 Closing Date: 10 139 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. <u>POSTING/COST:</u> 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.
3. 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 0084 -A Address 610 WAMPLER RD
Wording for Sign: To Permit AN ACCESSORY STRUCTURE (DETACHED GARAGE)
WITH A HEIGHT OF 15'10", IN LIEU OF THE REWURED 15' MAXIMUM.
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Croperty Description

Beginning for the same at a railroad spike now let in the center of Brandt Ave, a private road (20 ft Wide), and on the northeast right of way line of Wampler Rd (40 ft wide); said spike being North the degrees 55 minutes West 20.00 ft. from the beginning of the second or North the degrees 55 minutes west 327 ft. 5 wich like of Deed.

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: 2013 -0084-4
Petitioner: Jack Tincher JR
Address or Location: 610 WAMPLER Rd
PLEASE FORWARD ADVERTISING BILL TO: Name: JACK Tincher Ja. Address: 610 Wampler Pol ESSEX MO 21220
Telephone Number: 4/0 - 227 - 8883

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KEVIN KAMENETZ County Executive

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

October 31, 2012

Jack Tincher, Jr. 610 Wampler Road Baltimore MD 21220

RE: Case Number: 2013-0084 A, Address: 610 Wampler Road

Dear Mr. Tincher:

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

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

David L. Mohr, 11028 Bird River Grove Road, White Marsh, MD 21162



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

Darrell B. Mobley, Acting Secretary Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10-16-12

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

Baltimore County RE:

Item No 2013-0084-A Administration Variance FACK Tincher, Fr. 610 Wampler 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 -0084-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.

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 17, 2012

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 22, 2012

Item Nos. 2013-0076, 0078, 0079, 0081,0082, 0083 and 0084

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

DAK. CEN cc: File

CERTIFICATE OF POSTING

	RE: Case No.:
	Petitioner/Developer:
	Jack Tincher
	October 29, 2
	Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections	
County Office Building, Room 111 111 West Chesapeake Avenue	
Towson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
	of perjury that the necessary sign(s) required by law w
610 Wampler Rd	
oto wampier ku	
	October 14, 2012
The sign(s) were posted on	October 14, 2012
The sign(s) were posted on	(Month, Day, Year)
	Sincerely,
	October 14, 201
	(Signature of Sign Poster) (Date)
ZONING NOTICE	SSG Robert Black
VARIANCE	(Print Name)
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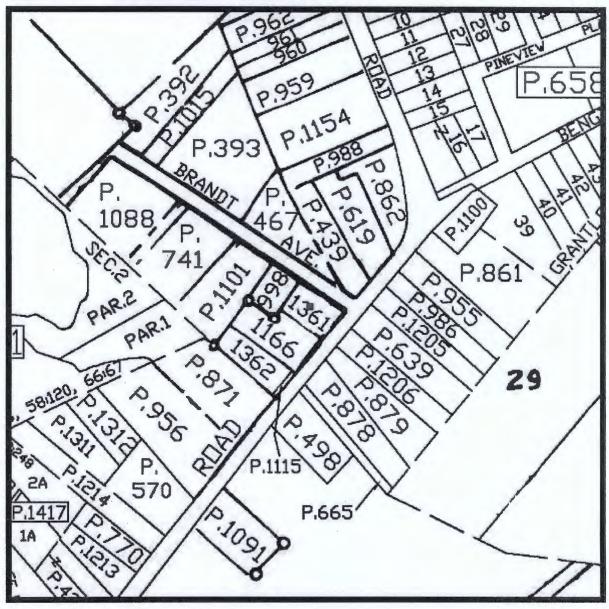
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View Map
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Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search

<u>Go Back</u> View Map New Search

District - 15 Account Number - 2200011192



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

MEMORANDUM

DATE:

December 19, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0084-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 17, 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

2013-4084-4 FRONT



CASE NO. 2013- 0084-19

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
10-17	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	_NU_
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
10-16	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	-
ZONING VIOLA	TION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER A	DVERTISEMENT Date:	
SIGN POSTING	Date:	by Black_
	NSEL APPEARANCE Yes No No	
Comments, if any		

2013-0084-4

7013-0084-4

7013-0084-A

