



KEVIN KAMENETZ
County Executive

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

January 3, 2013

James F. Knott
Carroll D. Knott
1 Texas Station Ct.
Timonium, Maryland 21093

RE: Petition for Variance
Case No.: 2013-0094-A
Property: 1001 Boyce Avenue

Dear James and Carroll Knott:

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,

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

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Peter Ratcliffe, 10404 Stevenson Road, Stevenson, MD 21153

IN RE: PETITION FOR ADMIN. VARIANCE *
(1001 Boyce Road)
9th Election District *
2nd Councilmanic District *
James F. and Carroll D. Knott *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0094-A

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, James F. and Carroll D. Knott, for property located at 1001 Boyce Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to allow an accessory structure (detached garage) to be placed in the side yard, in lieu of the required rear yard placement. The subject property and requested relief are more particularly described on Petitioners Exhibit No. 1.

This matter was originally filed as an Administrative Variance, with a closing date of November 11, 2012. On November 28, 2012, Judge Lawrence M. Stahl requested a formal hearing on this matter, given that State records indicated the property is not the Petitioners principal residence. The hearing was subsequently scheduled for Thursday, January 3, 2013 at 11:00 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 ZAC comments submitted from any of the County reviewing agencies.

Appearing at the public hearing in support for this case was Peter Ratcliffe, a licensed architect engaged by the Petitioners.

ORDER RECEIVED FOR FILING

Date 1/3/13

By Aln

Testimony and evidence revealed that the subject property is 12.48 acres and is zoned DR 2. Mr. Ratcliffe submitted the site plan he prepared for the case, and it reveals that the proposed garage will be over 200' from the nearest property boundary. In addition, the garage will be designed by a professional architect, and in these circumstances I do not believe the grant of Variance relief would negatively impact the community in any way.

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.

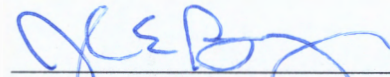
THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 3rd day of January, 2013, that a Variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to allow an accessory structure (detached garage) to be placed in the side yard, in lieu of the required rear yard placement, be and is hereby GRANTED, subject to the following:

- The Petitioner may apply for any appropriate permits 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.
- 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.
- The accessory structure shall not be used for commercial purposes.

ORDER RECEIVED FOR FILING

Date 1/3/13
By sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 1/3/13

By sln

11/14/12

→ PETITIONER STATED THAT THIS
PROPERTY IS OCCUPIED BY THE
OWNERS,

JASON SERGEANT
ZONING REVIEW



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 1001 Boyce Avenue which is presently zoned DR 2

Deed Reference 06408/00332 10 Digit Tax Account # 0903470310

Property Owner(s) Printed Name(s) James F. Knott and Carroll D. Knott

(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) 400.1 BCZR

To allow an accessory structure (detached garage) to be placed in the side yard, in lieu of the required rear yard placement.

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

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

James F. Knott, Carroll D. Knott

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1 Texas Station Ct., Timonium, MD

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Peter W. Ratchliffe

Name - Type or Print

Signature

10404 Stevenson Rd., Stevenson, MD

Mailing Address City State

Zip Code Telephone # Email Address architects.com

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 10/19/12 day of October, 2012 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 2013-0094-A

Filing Date 10/19/12

Estimated Posting Date 10/28/12

Reviewer JS

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.

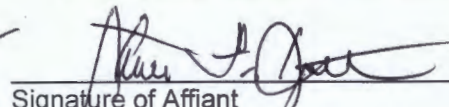
That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

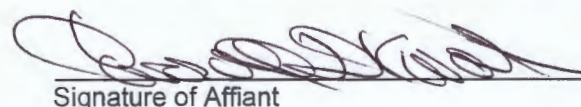
Address: 1001 Bayle Ave. Baltimore MD 21204
Print or Type Address of property City State Zip Code

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)

Locating the proposed garage in the rear yard would pose an undue hardship, because the existing hardscape (driveway) would need to be needlessly expanded. Rear yard locations would also require significant leveling as the site slopes away from the main house. Clear views of the surroundings from the existing house would also be diminished. Locating the garage in the rear yard is also practically difficult, because of the homes unique angle to the property line. To reduce the perceived mass of the proposed accessory structure, locating it in the side yard exposes its smaller face to the front of the home, thereby hiding the required garage doors from direct view from the property line.

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


Signature of Affiant
James F. Knott
Name- Print or Type


Signature of Affiant
Carroll D. Knott
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

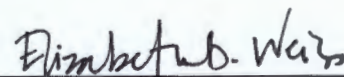
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19 day of October, 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

James F. Knott and Carroll D. Knott
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

ELIZABETH DANIELS WEISS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires November 1, 2014


Notary Public
Nov. 1 2014
My Commission Expires

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0094 -A Address 1001 BOYCE AVE.
Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/19/12 Posting Date: 10/28/12 Closing Date: 11/12/12

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. **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.
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- 0094 -A Address 1001 BOYCE AVE.
Petitioner's Name KNOTT Telephone 410-484-7010
Posting Date: 10/28/12 Closing Date: 11/12/12
Wording for Sign: To Permit AN ACCESSORY STRUCTURE (DETACHED GARAGE)
TO BE PLACED IN THE SIDE YARD, IN LIEU OF THE REQUIRED
REAR YARD PLACEMENT.

Revised 7/06/11

1001 Boyce Avenue

Property Description

West side of Boyce Avenue, which is 20 feet wide, 115 feet northwest of the centerline of the intersection of North Wind Road, which is 25 feet wide.

2013-0093-A

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, 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: 2013-0094-A

Petitioner: James and Carroll Knott

Address or Location: 1001 Boyce Ave., Baltimore, MD 21202

PLEASE FORWARD ADVERTISING BILL TO:

Name: Peter W. Ratcliffe

Address: 10404 Stevenson Road

Stevenson, MD 21153

Telephone Number: 410-984-7010

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

No. **90113**

Date: **10-19-12**

PAID RECEIPT

BUSINESS ACTUAL TIME DOM
 10/19/2012 10/19/2012 10:05:12 2

REC 0005 MARKIN 0001 000

RECEIPT # 441212 10/19/2012 0001

DEPT 5 528 ZIRING VERIFICATION

NO. 090113

Receipt Tot 475.00

475.00 CR 4.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6140					\$ 75.00

Total: **\$ 75.00**

Rec From: **KNCTI**

For: **2013-0094-1**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/13/2012

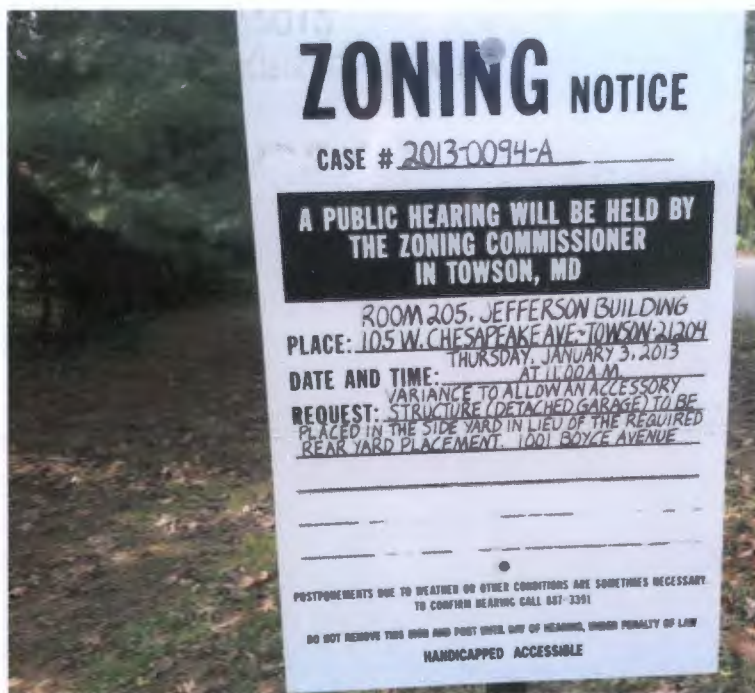
Case Number: 2013-0094-A

Petitioner / Developer: JAMES & CARROLL KNOTT~PETER RATCLIFFE

Date of Hearing (Closing): JANUARY 3, 2013

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:
1001 BOYCE AVENUE

The sign(s) were posted on: DECEMBER 12, 2012



Linda O'Keefe
(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)

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: # 2013-0094-A

1001 Boyce Avenue

W/s Boyce Avenue, 115 feet NW of centerline of intersection with North Wind Road

9th Election District - 2nd Councilmanic District

Legal Owner(s): James & Carroll Knott

Variance: to allow an accessory structure (detached garage) to be placed in the side yard in lieu of the required rear yard placement.

Hearing: Thursday, January 3, 2013 at 11:00 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.
12/093 Dec. 13 893199



501 N. Calvert Street, Baltimore, MD 21278

December 13, 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 December 13, 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



KEVIN KAMENETZ
County Executive

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

December 5, 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: 2013-0094-A

1001 Boyce Avenue

W/s Boyce Avenue, 115 feet NW of centerline of intersection with North Wind Road

9th Election District – 2nd Councilmanic District

Legal Owners: James & Carroll Knott

Variance to allow an accessory structure (detached garage) to be placed in the side yard in lieu of the required rear yard placement.

Hearing: Thursday, January 3, 2013 at 11:00 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 a circular official stamp.

Arnold Jablon
Director

AJ:kl

C: James & Carroll Knott, 1 Texas Station Court, Timonium 21093

Peter Ratcliffe, 10404 Stevenson Road, Stevenson 21153

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 14, 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
Thursday, December 3, 2012 Issue - Jeffersonian

Please forward billing to:
Peter Ratcliffe
10404 Stevenson Road
Stevenson, MD 21153

410-484-7010

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: 2013-0094-A

1001 Boyce Avenue

W/s Boyce Avenue, 115 feet NW of centerline of intersection with North Wind Road

9th Election District – 2nd Councilmanic District

Legal Owners: James & Carroll Knott

Variance to allow an accessory structure (detached garage) to be placed in the side yard in lieu of the required rear yard placement.

Hearing: Thursday, January 3, 2013 at 11:00 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

November 14, 2012

James F. & Carroll D. Knott
1 Texas Station Court
Timonium, MD 21093

RE: Case Number: 2013-0094 A, Address: 1001 Boyce Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 19, 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
Peter W. Ratcliff, 10404 Stevenson Road, Stevenson MD 21153

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-1-12

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

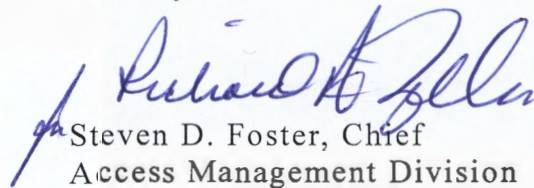
RE: Baltimore County
Item No 2013-0094-A
Administrative Variance
James F. & Carroll D. Knott
1001 Boyce Avenue.

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. 2013-0094-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
Department of Permits, Approvals
And Inspections

DATE : November 01, 2012

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For November 12, 2012
Item Nos. 2013-0094, 0095 ,0097, 0098,0099,and 0101

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

DAK. CEN
cc: File

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: November 28, 2012

TO: Kristen Lewis, Office of Zoning Review
Department of Permits, Approvals & Inspections (PAI)

FROM: Lawrence M. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings

RE: Petition for Administrative Variance – 11/12/12 Closing Date
Case No. 2013-0094-A – 1001 Boyce Avenue (Formal Demand)

After a review of the above-captioned case file, I am requesting that this case be set in for a public hearing. Baltimore County Code (B.C.C.) § 32-3-303(a)(1), states in pertinent part:

“ ... the Zoning Commissioner may grant variances from area and height regulations **without a public hearing if the variance petition involves an owner-occupied lot** zoned residential” (Emphasis Added)

Our office received confirmation from Petitioners' representative, Peter W. Ratcliffe of Ratcliffe Architects, that Florida was recently made their primary residence. See e-mail dated 11/26/12.

Our office is returning the file to you for further processing such as notifying the Petitioners, posting and advertising of the hearing notices.

Thank you for your attention and cooperation in this matter.

LMS:dlw

c: Office of People's Counsel



11-28-12

§ 32-3-303. SAME – ADMINISTRATIVE SPECIAL HEARING.

(a) *In general.*

(1) Notwithstanding the hearing requirements under § 32-3-302 of this subtitle, the Zoning Commissioner may grant variances from area and height regulations without a public hearing if the variance petition involves an owner-occupied lot/zoned residential, as defined by the Baltimore County Zoning Regulations.

(2) (i) In order to receive a variance without a hearing, the petitioner shall file a supporting affidavit with the petition under oath made on the personal knowledge of the petitioner that sets forth facts that would otherwise satisfy the petitioner's burden of proof if a hearing were to be required.

(ii) The affidavit is in addition to the information required by the Zoning Commissioner on the petition.

(3) The Zoning Commissioner may not grant a variance under this section unless notice of the petition is conspicuously posted on the property for a period of at least 15 days following the filing of the application in accordance with the requirement of the Department of Permits, Approvals and Inspections.

(b) *Request for public hearing.*

(1) Within the 15 day posting period required under subsection (a)(3) of this section, an occupant or owner within 1,000 feet of the lot in question may file a written request for a public hearing with the Department of Permits, Approvals and Inspections.

(2) The Department shall schedule a hearing to be held on a date within 75 days after receiving a request for a public hearing.

(c) *Discretion of Commissioner to require a hearing.* If a written request for a public hearing is not filed, the Zoning Commissioner may:

(1) Grant the variance without a public hearing, if the requested variance is in strict harmony with the spirit and intent of the height and area requirements of the Baltimore County Zoning Regulations, and any other applicable requirement; or

(2) Require a public hearing during which the petitioner shall be required to satisfy the burden of proof required by the Baltimore County Zoning Regulations for the variance to be granted.

(1988 Code, § 26-127) (Bill No. 18, 1990, § 2; Bill No. 91, 1990, § 2; Bill No. 1, 1992, § 2; Bill No. 103-02, § 2, 7-1-2004; Bill No. 75-03, § 5, 7-1-2004; Bill No. 122-10, §§ 12, 30, 1-16-2011)

Debra Wiley - RE: Administrative Variance - Case No. 2013-0094-A - 1001 Boyce Ave.

From: Peter Ratcliffe <peter@ratcliffearchitects.com>
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Date: 11/26/2012 9:44 AM
Subject: RE: Administrative Variance - Case No. 2013-0094-A - 1001 Boyce Ave.
CC: Peter Ratcliffe <peter@ratcliffearchitects.com>, Dan Bursi <dan@ratcliff...>

Ms. Wiley,

Thank you for your letter.

I will take and provide the photos to you as soon as possible following the directions that we overlooked on the Balt. County web site. Likely by mid-week at latest.

This information regarding their principle residence is new ground for me and I was not aware of this condition. I have spoken to my client and owner of this property and they have confirmed that Florida was made their primary residence recently.

Can you advise how we need to proceed from here? I assume there is clear direction on the Balt. County web site but maybe you might offer a path that can take advantage of our efforts to date without starting over.

I am happy to talk on the phone or simply follow your advice through email.

Thank you again for your assistance.

Respectfully,

Peter

Peter W. Ratcliffe, AIA , NCARB
Principal



Ratcliffe Architects
10404 Stevenson Road
Stevenson, Md. 21153
Web site - ratcliffearchitects.com
(410)- 484-7010
Fax(410) 484-3819

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1/3
11Am 205**Debra Wiley - Administrative Variance - 2013-0094-A - 1001 Boyce Ave. (Formal Demand)**

From: Debra Wiley
To: Fisher, June; Lewis, Kristen
Date: 11/28/2012 1:31 PM
Subject: Administrative Variance - 2013-0094-A - 1001 Boyce Ave. (Formal Demand)
Attachments: Message from "zoneprt1"

Good Afternoon,

Please see attached regarding the above administrative variance (closing date; 11/12). The file has been placed in the pick-up box.

Let me know if you have any questions. 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

NOTIFY US BY RETURN E-MAIL, THEN DELETE. THANK YOU.

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Friday, November 23, 2012 3:36 PM
To: Peter Ratcliffe
Subject: Administrative Variance - Case No. 2013-0094-A - 1001 Boyce Ave.

Mr. Ratcliffe,

The Office of Administrative Hearings (OAH) is in the process of reviewing the request for an administrative variance on behalf of your clients, James and Carroll Knott. In doing so, we've noticed that the State records show that this is not their principal residence. The zoning regulations permit administrative variances to be filed only if it involves an owner-occupied lot.

In addition, all administrative variances must be accompanied by photos of the subject property showing placement of the accessory structure and its surrounding area.

Kindly respond to this email. 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

Debra Wiley - Administrative Variance - Case No. 2013-0094-A - 1001 Boyce Ave.

From: Debra Wiley
To: peter@ratcliffearchitects.com
Date: 11/23/2012 3:36 PM
Subject: Administrative Variance - Case No. 2013-0094-A - 1001 Boyce Ave.

Mr. Ratcliffe,

The Office of Administrative Hearings (OAH) is in the process of reviewing the request for an administrative variance on behalf of your clients, James and Carroll Knott. In doing so, we've noticed that the State records show that this is not their principal residence. The zoning regulations permit administrative variances to be filed only if it involves an owner-occupied lot.

In addition, all administrative variances must be accompanied by photos of the subject property showing placement of the accessory structure and its surrounding area.

Kindly respond to this email. Thanks.

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Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

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[GroundRent Registration](#)

Account Identifier: District - 09 Account Number - 0903470310

Owner Information

Owner Name: KNOTT JAMES F
KNOTT CARROLL D
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 1 TEXAS STATION CT
TIMONIUM MD 21093-
Deed Reference: 1) /06408/ 00332
2)

Location & Structure Information

Premises Address
1001 BOYCE AVE
BALTIMORE 21204-0000
Legal Description
12.488 AC SSR BOYCE
RER 550 FT
1300 W CHARLES STREET AV

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0069	0011	0179		0000				2	Plat Ref:

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1983	6,634 SF	12.4800 AC	04

Stories	Basement	Type	Exterior
2.500000	YES	STANDARD UNIT BRICK	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
<u>Land</u>	865,900	865,900		
<u>Improvements:</u>	1,802,740	1,375,900		
<u>Total:</u>	2,668,640	2,241,800	2,241,800	2,241,800
<u>Preferential Land:</u>	0			0

Transfer Information

<u>Seller:</u>	<u>Date:</u>	<u>Price:</u>
COOK ALBERT SAMUEL	06/28/1982	\$175,000
<u>Type:</u>	<u>Deed1:</u>	<u>Deed2:</u>
ARMS LENGTH IMPROVED	/06408/ 00332	

<u>Seller:</u>	<u>Date:</u>	<u>Price:</u>
<u>Type:</u>	<u>Deed1:</u>	<u>Deed2:</u>

<u>Seller:</u>	<u>Date:</u>	<u>Price:</u>
<u>Type:</u>	<u>Deed1:</u>	<u>Deed2:</u>

Exemption Information

<u>Partial Exempt Assessments</u>	<u>Class</u>	07/01/2012	07/01/2013
<u>County</u>	000	0.00	
<u>State</u>	000	0.00	
<u>Municipal</u>	000	0.00	0.00

<u>Tax Exempt:</u>	<u>Special Tax Recapture:</u>
<u>Exempt Class:</u>	NONE

Homestead Application Information

<u>Homestead Application Status:</u>
No Application



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

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District - 09 Account Number - 0903470310



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

M E M O R A N D U M

DATE: February 15, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0094-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 4, 2013. 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

CHECKLIST

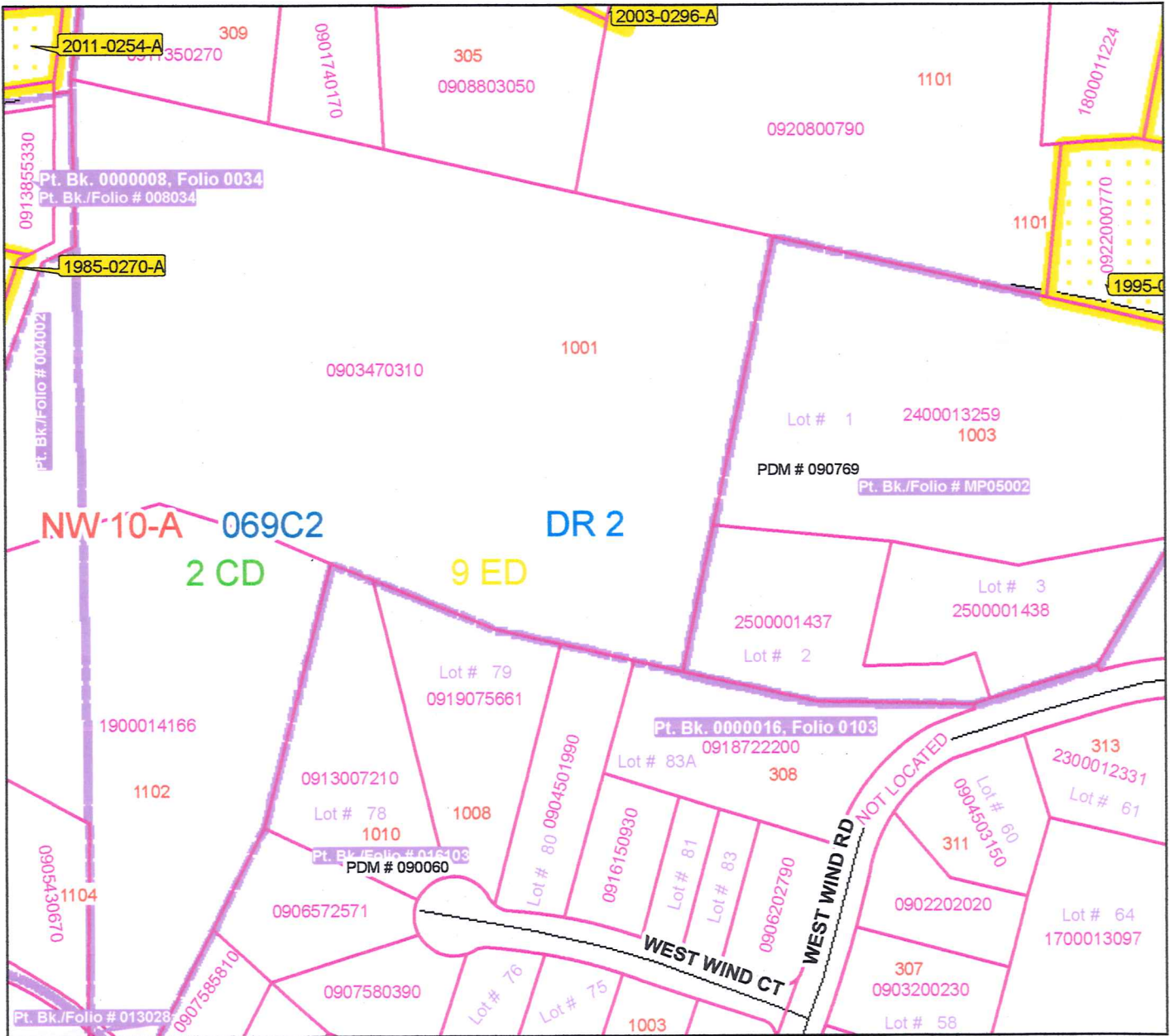
<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>11-1</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NO</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>11-1</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>10-27-12</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any:

① Missing Photos

② SPAT not showing for "owner occupied".

1001 Boyce Avenue



Publication Date: October 19, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 200 400 Feet

1 inch = 200 feet

2013-0094-A

MARK TYPE REQUESTED WITH X1

James F. and Carroll D. Knott

卷之四

SECTION 4

第 10 卷

10 DIGIT TAX# 0903470310 DEED REF.# 06408160332

ROAD

2013-0094-A

EXHIBIT NO.

PLAN DRAWN BY Ref. Ret'd. E. Andrews DATE 10/17/12

SCALE: 1 INCH = 100 FEET

ZONGHONG

STEZONED DR-2

ELECTION DISTRICT 9

COUNCIL DISTRICT 2

LOT AREA ACRES: 12.48

OR SQUARE FEET —

HISTORIC? *No*

INDEX W.

IN FLOOD PLAIN? No

UTILITIES? MARK WITH

CHAPTER 15

PUBLIC X PRIVATE

THE

PUBLIC X PRIVATE

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 1001 Boyce Ave, Baltimore, MD 21204 OWNER(S) NAME(S) James F. and Carroll D. Knoff

SUBDIVISION NAME _____

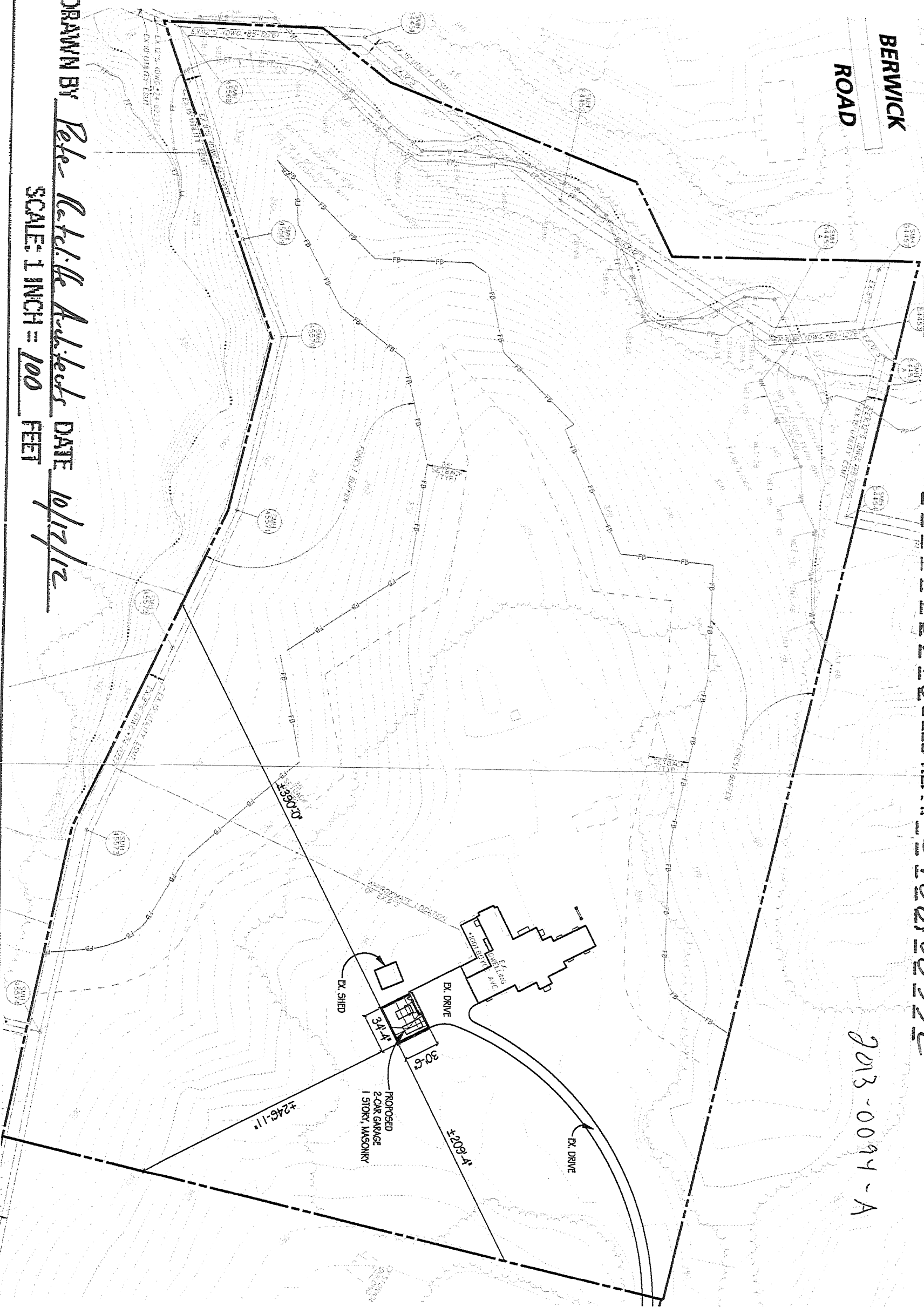
PLAT BOOK # _____ FOLIO # _____

10 DIGIT TAX # 0203470310 DEED REF. # 06408160332

LOT # _____ BLOCK # _____ SECTION # _____

BERWICK ROAD

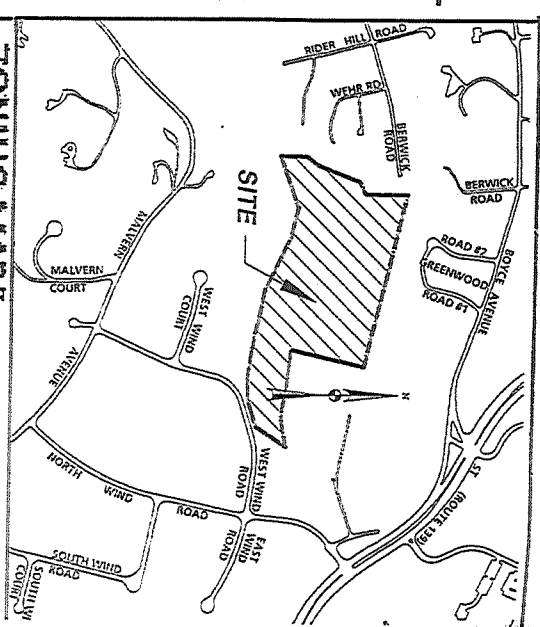
2013-0094-A



PLAN DRAWN BY Pete Kettle DATE 10/17/12

SCALE: 1 INCH = 100 FEET

SITE VICINITY MAP



ZONING MAP#

SITE ZONED PR-2

ELECTION DISTRICT 9

COUNCIL DISTRICT 2

LOT AREA ACREAGE 12.48

OR SQUARE FEET —

HISTORIC? No

IN CBQA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? No

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

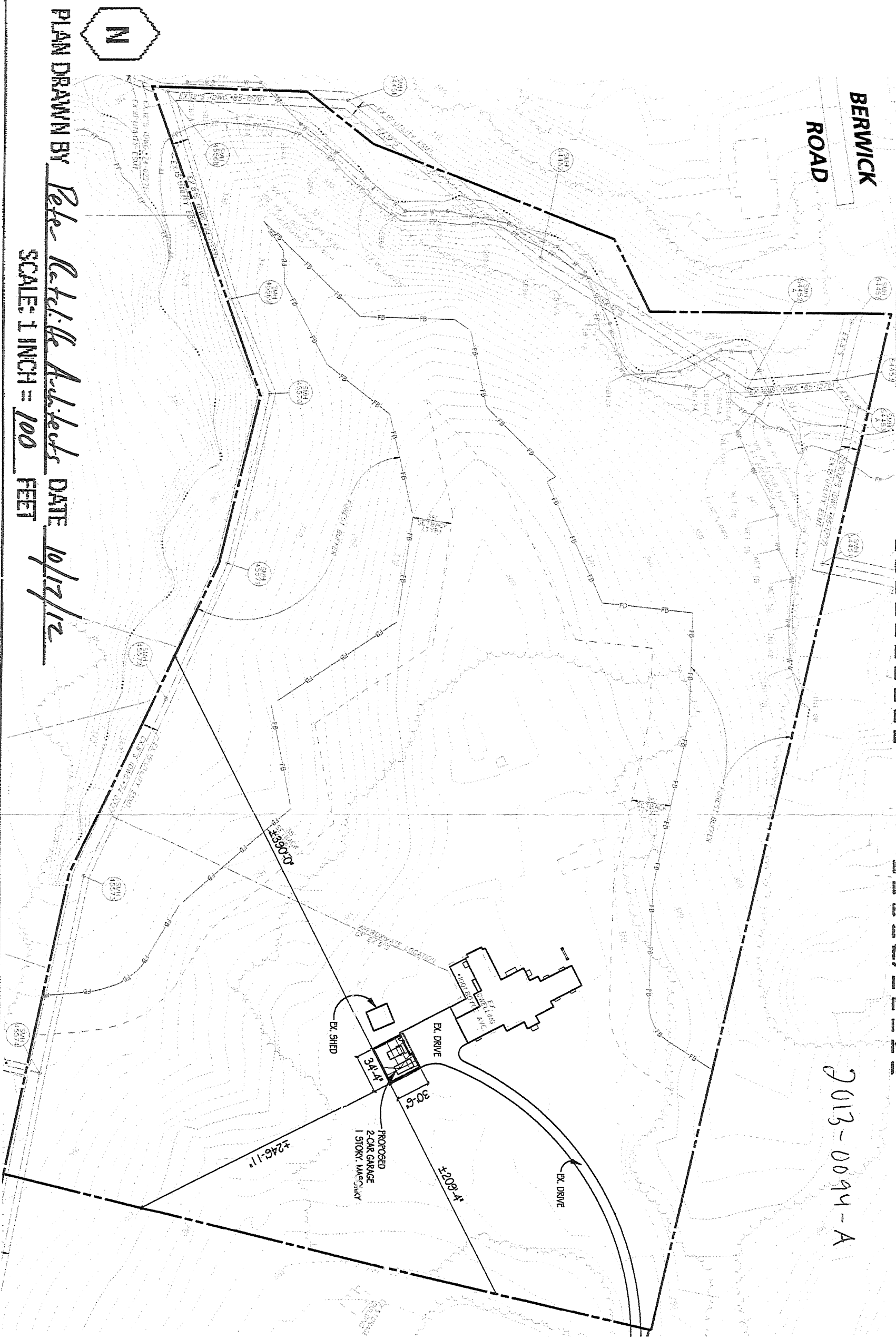
ADDRESS 1001 Boyce Ave., Baltimore, MD 21204 OWNER(S) NAME(S) James F. and Carroll D. Knoff

SUBDIVISION NAME _____ LOT # _____ BLOCK # _____ SECTION # _____

PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 0203470310 DEED REF. # 06408100332

BERWICK ROAD

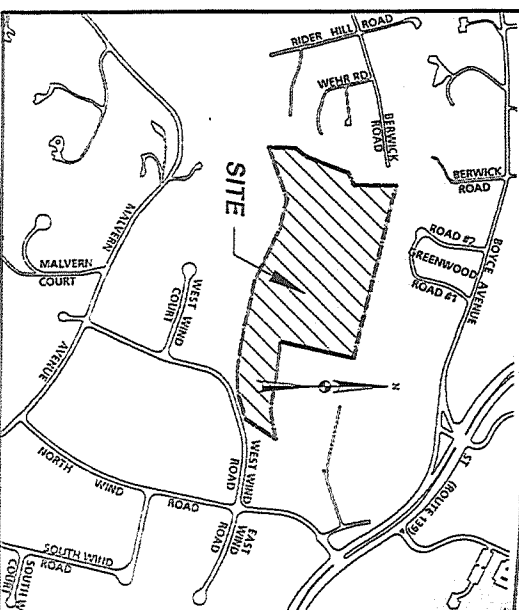
2013-0094-A



PLAN DRAWN BY Pete Nettelle Architects DATE 10/17/12

SCALE: 1 INCH = 100 FEET

SITE VICINITY MAP



ZONING MAP#

SITE ZONED PR-2

ELECTION DISTRICT 9

COUNCIL DISTRICT 2

LOT AREA, ACREAGE 12.48

OR SQUARE FEET —

HISTORIC? No

IN CBQA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? No

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO: