

KEVIN KAMENETZ County Executive

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

November 30, 2012

Paul E. Murphy 1030 Saxon Hill Drive Cockeysville, Maryland 21030

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(1030 Saxon Hill Drove) Case No. 2013-0097-A

Dear Mr. Murphy:

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.

LAWRENCEM. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure

c: Kevin Taylor, 1944 Nelson Mill, Jarrettsville, MD 21084

IN RE: PETITION FOR ADMIN. VARIANCE (1030 Saxon Hill Drive)

8th Election District 3rd Councilmanic District Paul E. Murphy Petitioner BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0097-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, Paul E. Murphy, for property located at 1030 Saxon Hill Drive. The variance request is from Section 1B02.3.B (Section 208.3 - 1955 zoning regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed addition with a side yard setback of 11' and a combination of side yard setbacks of 21.8' in lieu of the required minimum of 10' and a combination of 25'. 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. There were no adverse ZAC 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 November 4, 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

Date	11-30-12	
Rv	ras)	

ORDER RECEIVED FOR FILING

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, by the Administrative Law Judge for Baltimore County, this 30th day of November, 2012, that a Variance from Section 1B02.3.B (Section 208.3 - 1955 zoning regulations) of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed addition with a side yard setback of 11' and a combination of side yard setbacks of 21.8' in lieu of the required minimum of 10' and a combination of 25', be and is hereby GRANTED, subject to the following:

1. 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.

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

WWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 11 - 30 - 12

2

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 1030 Saxon Hill Dr. which is presently zoned DR 3.5 Deed Reference 21117/00468 10 Digit Tax Account # 0 8 2 9 0 6 6 Property Owner(s) Printed Name(s) murphy (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. ADMINISTRATIVE VARIANCE from section(s) Section 1B02.3.B, BCZR – (Section 208.3, 1955 zoning regs) – to permit a proposed addition with a side yard setback of 11 feet and a combination of side yard setbacks of 21.8 feet in lieu of the required minimum of 10 and a combination of 25 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. 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: Legal Owners: Name-Type or Print Name #2 - Type or Print Signature # 2 Signature 1030 Saxon Mailing Address State Mailing Address Name-Type or Print CEIVED PORFIL Zip Code Telephone # Representative to be contacted: Kevin Name - Type or Print Mailing Addr City State Zip Code Telephone # **Email Address** 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

CASE NUMBER 2013-0097-A

Rev 10/12/1

Estimated Posting Date 11, 4, 12

Affidavit in Support of inistrative 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: 1030 Saxon Hill Drive Cockeyoulle Maryland 21030
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 <u>practical difficulty or hardship</u> here)
Entrance on driveway side has no room before stains
to basement
Home has no foyer
wheelchair hard to maneuver by stairs
The State of the S
(If additional space for the petition request or the above statement is needed, label and attach it to this Form) Paul MURPH Signature of Affiant Name- Print or Type The following information is to be completed by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 23 day of October, 2012 before me a Notary of Maryland, in and for the County aforesaid, personally appeared
PAUL MURPHY
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 Tictoria M. Holden
Notary Public 1-20-2013
My Commission Expires

Them # 0097

REV. 10/12/11

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0097 -A Address 1030 Saxon Hill Dr
Contact Person: David Duvall Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 10/24/12 Posting Date: 11/4/12 Closing Date: 11/4/12
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 0097 -A Address 1030 Saxon Hill Dr
Petitioner's Name Paul Murphy Telephone 410 628 7444
Posting Date: "/4/12 Closing Date: "/19/12
Wording for Sign: To Permit a proposed addition with a side yard set back of 11 feet and a combination of side yard set backs of 21.8 feet
in lieu of the required minimum of 10 and combination of 25

Revised 7/06/11

ZONING PROPERTY DESCRIPTION FOR:

1030 SAXONHILL DRIVE COCKEYSVILLE, MD 21030

Beginning at a point on the east side of Saxonhill Drive which has a 50 feet wide right of way, at the distance of 313.02 feet of the centerline of Old Spring court which is 50 feet wide right of way.

Being Lot #40, Block J, Section 3 in the Springdale subdivision as recorded in the Baltimore County Plat book #7, Folio #7, containing 8,785 square feet.

Located in the 8th election district, and 3rd council district.

This description submitted for review of zoning variance request 10/16/12, for owner Murphy, Paul.

8th Election District 3rd Councilmanic District

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. 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: 2013-0097-A Petitioner: Murphy, Paul
Address or Location: 1030 Saxonhill Drive, Cockeysville 21030
PLEASE FORWARD ADVERTISING BILL TO:
Name: Taylor Kevin
Address: 1944 Nelson Mill Road
Jarrettsville, MD 21084
Telephone Number: 443 807 8830

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CERTIFICATE OF POSTING

KL	case 140	201.	3-0037-A
	Petitioner	Paul	Murphy
	Hearing / Clos	sing Date	11/19/12
Baltimore County Department of			
Permits and Development Manag	gement		
Room 111, County Office Building	3		
111 W. Chesapeake Ave.			
Towson, Md. 21204			
1030 Sax	on Hill Dr. On	11/4/12	
	Since	rely,	
	h	Multe	AL 11/4/1
		Richard E. I	Hoffman
		904 Dellwe	ood Drive
	•	Fallston. N	ld. 21047
		(410) 8	79-3122

Certificate of Posting

Case No. <u>2013-0097-A</u>



1030 Saxon Hill Dr.

(Posted 11/4/12)

whethe 11/2/12

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(410) 879-3122



KEVIN KAMENETZ County Executive

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

November 20, 2012

Paul Murphy 1030 Saxon Hill Drive Cockeysville MD 21030

RE: Case Number: 2013-0097 A, Address: 1030 Saxon Hill Drive

Dear Mr. Murphy:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 24, 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 &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel Kevin Taylor, 1944 Nelson Mill, Jarrettsville MD 21084



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-1-17

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

RE: **Baltimore County**

Item No 2013-0097-A Aministrative Variance Paul Murphy 1030 Saxontill Drive

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. 2013-0097-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: November 01, 2012

Department of Permits, Approvals

And Inspections

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

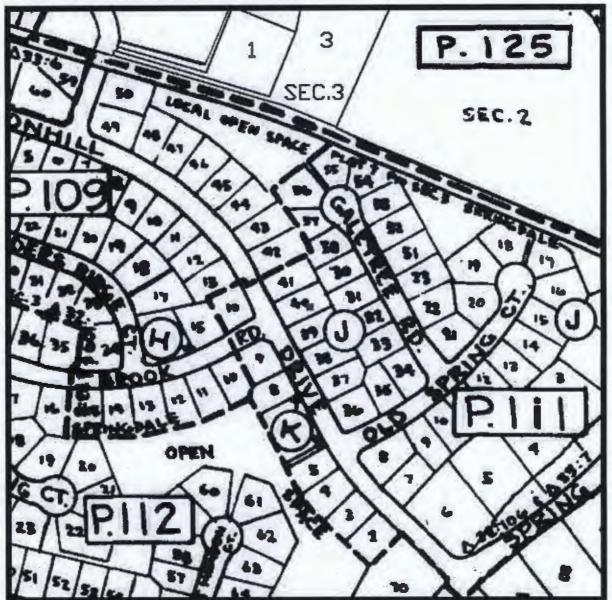
The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK. CEN cc: File Maryland Department of Assessments and Taxation Real Property Data Search (vw3.1A) BALTIMORE COUNTY Go Back
<u>View Map</u>
<u>New Search</u>
<u>GroundRent Redemption</u>
<u>GroundRent Registration</u>

					Owner Infor	mation					
Owner Name: MURPHY PAUL E Mailing Address: 1030 SAXON HILL DR COCKESSYILLE AD 2102				Use: Principal Residence: Deed Reference:					RESIDENTIAL YES 1)/21117/00468 2)		
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					Value Infor	mation					
			Base Value	<u>Value</u> As Of 01/01/2011	Phase-in Ass As Of 07/01/2012	As Of 07/01/20	13				
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Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search <u>Go Back</u> View Map <u>New Search</u>

District - 08 Account Number - 0819066875



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:

January 8, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0097-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 31, 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



From:

Debra Wiley

To:

kevin.taylor1@verizon.net

Date:

12/3/2012 12:10 PM

Subject:

Opinion and Order - Case No. 2013-0097-A

Attachments:

Message from "zoneprt1"

Mr. Taylor,

Per our conversation, please find attached the Order for the above-referenced matter. Have a great day!

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



CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
_//-/	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)	
11-1	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS	
ZONING VIOLA	ATION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER A	DVERTISEMENT Date:	
SIGN POSTING	Date:	by Hoffman
	NSEL APPEARANCE Ves No No No No	
Comments, if any	7:	

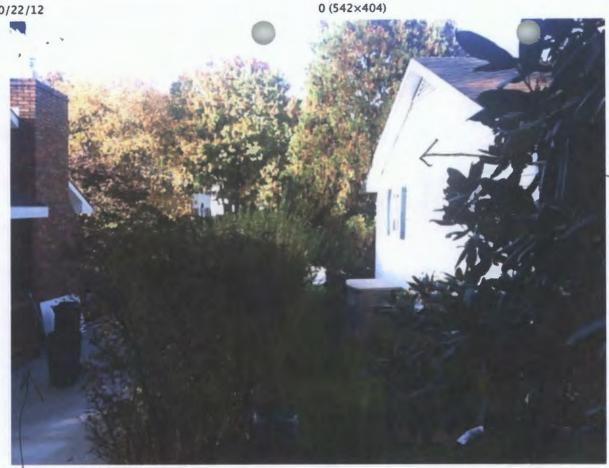


Murphy 1030 Saxonhill Drive Cockeysuille, 21030

Murphy 1630 Saxorhill Dr Cockeysville 21030



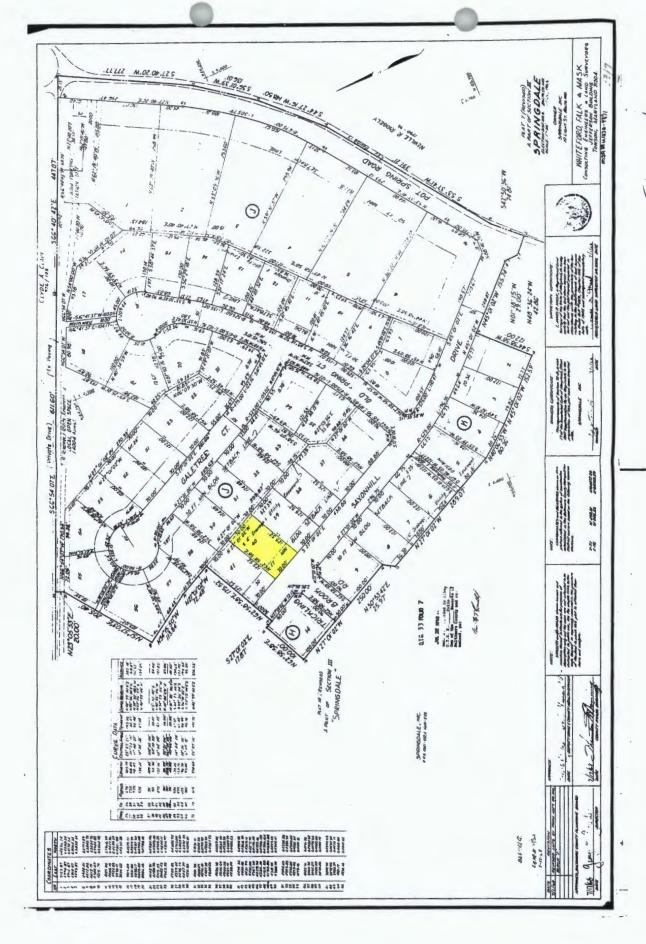
Murphy 1030 Saxonhill Drive Cockeysville 21030



subject

Adjacent property to south

Murphy 1030 Saxonhill Drive Cockeysville 21030



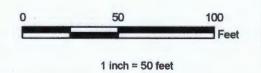
1030 Saxon Hill Drive





Publication Date: October 24, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot





TONING HEADING DUAN FOR VARIANCE V FOR CRECIAL HEADING MARK TORS PROJECTED METHOD	SELL ALCHARIT LABOR
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	
ADDRESS 1030 Saxon Hall Dr OWNER(S) NAME(S) Murphy, Paul	¥ 3,1€
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	THE STREET PROPERTY OF THE STREET
SAXONHILL DRIVE	
(50' R/W - PAVED 30')	
PLAN DRAWN BY K. Taylor DATE 10/16/12 SCALE: 1 INCH = 30 FEET	
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#2013-0097-A

ROD

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SHE VICINITY MAP
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313.02' TO	PUBLIC X PRIVATE
OLD SPRING COURT.	PRIOR HEARING? NO
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SAXONHILL DRIVE	
(50' R/W - PAVED 30')	
PLAN DRAWN BY K. Taylor DATE 10/16/12 SCALE: 1 INCH = 30 FEET	
	VIOLATION CASE INFO:

#2013-0097-A.

ROD

	SITE VICINITY MAP
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	
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41 40 3 39	
6 3 E. N.	SITE ZONED DR 3.5 (R-10
NEW PAIDING	ELECTION DISTRICT 8
ADDITION BASM'T	COUNCIL DISTRICT 3
PROPOSED ENTR.	LOT AREA ACREAGE . 20
w 2 cont. 0 . 2 3	OR SQUARE FEET 8785
setood 10 1 51084	HISTORIC ?NO
proposed II is ID BRICK & FRAME IN	IN CBCA? NO
. All Ducc. al	IN FLOOD PLAIN ? NO
No. 1028 No. 1030 No. 1032	UTILITIES? MARK WITH X
2 -15 10.8 10.8 730' B.R.L.	WATER IS:
CONG. PORCH	PUBLIC_X_PRIVATE
To all the second secon	SEWER IS:
313.02' TO	PUBLIC X PRIVATE
OLD SPRING COURT.	PRIOR HEARING ? NO
A'CONC. WALKS TO.00'	IF SO GIVE CASE NUMBER
/ N 21.01.05. M	AND ORDER RESULT BELOW
	The state of the s
SAXONHILL DRIVE	
(50' R/W - PAVED 30')	
PLAN DRAWN BY K. Taylor DATE 10/16/12 SCALE: 1 INCH = 30 FEET	
	VIOLATION CASE INFO:
1	

#2013-0097-A

ROD

Pet. Eych. 1