IN RE: PETITION FOR ADMIN. VARIANCE (1400 Carrollton Avenue)

9th Election District 2nd Councilmanic District James W. and Rebecca Williams Petitioners **BEFORE THE**

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0102-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 owners of the subject property, James W. and Rebecca Williams, for property located at 1400 Carrollton Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a front yard addition (attached garage) with a front setback of 15' in lieu of the minimum required 30'. The subject property and requested relief are more particularly described on Petitioners' 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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 27, 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 of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the DER RECEIVED FOR FILING

Date	11-30-12	
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information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the garage 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, by the Administrative Law Judge for Baltimore County, this <u>30th</u> day of November, 2012, that a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a front yard addition (attached garage) with a front setback of 15' in lieu of the minimum required 30', be and is hereby GRANTED, subject to the following:

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.
- 2. The Petitioners 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.

2

3. The garage shall not be used for commercial purposes.

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Date	11-30-12
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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 FILI	NG
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Date



KEVIN KAMENETZ County Executive

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

November 30, 2012

James W. Williams Rebecca Williams 1400 Carrollton Avenue Ruxton, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(1400 Carrollton Avenue) Case No. 2013-0102-A

Dear Mr. and Mrs. Williams:

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,

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw . Enclosure

c: Michael Owings, 1912 Liberty Road, Eldersburg, MD 21784

STRATIVE ZONING PETT

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 1400 Carrol Hon Aug 21204 which is presently zoned 10 Digit Tax Account # 09 0 1 1 Deed Reference GO 30431 Property Owner(s) Printed Name(s) Towner + F becca williams

(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

ADMINISTRATIVE VARIANCE from section(s)

BCZR: 1B02.3.C.1 → To permit a front yard addition (attached garage) with a front setback of 15 feet in lieu of the minimum required 30 feet.

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 Signature 1400 (Mailing Address Mailing Address City State 21204 210-710-545 Email Address Telephone # Zip Code

Representative to be contacted:

Attorney for Petitioner ED FOR Fladil Address

Signature Signature Mailing Addres City State State

Zip Code Email Address **Email Address** Telephone #

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2013-0107-4

Filling Date 102612 Estimated Posting Date 11,4,12

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: 1400 Carrollton Que Print or Type Address of property	Ruxton	MD State	2120 Y
Based upon personal knowledge, the following Administrative Variance at the above address.	g are the facts v	which I/we base	
< a A VI	a had)	
(If additional space for the petition request or the	above statemer	at is needed, label	and attach it to this Form)
Signature of Affiant James W. Iliams	Sig	rature of Affiant Resecce L	villiams
Name- Print or Type The following information is to be com	Na	me- Print or Type	
STATE OF MARYLAND, COUNTY OF BALTI	MORE, to wit:		
I HEREBY CERTIFY, this 25 ⁺⁺⁺⁺ day of 4 and for the County aforesaid, personally appeared			
the Affiant(s) herein, personally known or satisfactor	orily identified to	me as such Affia	nt(s) (Print name(s) here)
AS WITNESS my hand and Notaries Seal Notary My Com	Sublic Onmission Expires	4/1/16	1

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0102 -A Address 1400 CARROLLTON AVE.
Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 10/26/12 Posting Date: 11/04/12 Closing Date: 11/19/12
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 0102 -A Address (400 CARROLLTON AVE.
Petitioner's Name WILLIAMS Telephone
Posting Date: 11 04/12 Closing Date: 11/19/12
Wording for Sign: To Permit A FRONT YARD ADDITION (ATTACHED GARAGE) WITH
A FLONT SETBACK OF 15 FEET IN LIEU OF THE MINIMUM REQUIRED
30 FEET.

Revised 7/06/11

Hardship:

1400 Carrollton Avenue, Ruxton, MD 21204

The request for this Administrative variance is to add a new two car garage to the front of the existing home. The dimension of the new garage will be 22' wide by 24' deep. The current front setback for DR3.5 requirement is 30'. We are requesting a 15' setback in lieu of the 30'. The house was constructed in 1923 with a garage that had inadequate dimensions, as well as, being poorly designed and non-functional. The previous homeowner converted the garage into a recreational space. Our family is desperately in need of storage space, as well as, a garage to accommodate our vehicles. Given the location of the current driveway and current façade of the home, the location of the new garage is the only solution available. We have provided conceptual drawings to ensure the architectural integrity will integrate into the existing home. Additionally, we have incorporated similar exterior finish material that will also compliment the current home. We thank you in advance for your consideration of our hardship.

Zoning Description:

Description for: 1400 Carrollton Avenue, Ruxton, MD 21204

Beginning for the same at the corner formed by the intersection of the North side of Carrollton Avenue and the West side of Chelsea Avenue; thence Westerly, binding on the North side of said Carrollton Avenue, one hundred and twenty-five feet; thence Northerly parallel with Chelsea Avenue one hundred fifty-five feet; thence Easterly, parallel with Carrollton Avenue, one hundred twenty-five feet to the West side of Chelsea Avenue; thence Southerly, binding on the West side of Chelsea Avenue, one hundred fifty-five feet to the place of beginning.

Being all of lots numbered seventy-eight (78) and seventy-nine (79), and a part of lots numbered seventy-seven (77), forty-four (44), forty-five (45) and forty-six (46) and part of lot 47, on the plat of Ruxton Heights, recorded among the land Records of Baltimore County in plat book JWS No1, folio 64.

The improvements thereon being known as No. 1400 Carrollton Avenue, Baltimore, MD 21204

Being the same property described in a deed dated January 20, 2002 and recorded among the Land Records of Baltimore County in Liber No. 16441, Folio 393, containing 0.46 acres. Located in 9th election district and 2nd council district.

OFFIC	E OF BUD	GET AN	MARYLAN D FINANC RECEIPT	D E		No.		0118	PAID RECEIPT BISHESS WITHER THE BANK
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Sa) edition Electric

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 10/28/2012

Case Number: 2013-0102-A

Petitioner / Developer: WILLIAMS~OWINGS BROTHERS

CONTRACTING

Date of Hearing (Closing): NOVEMBER 19, 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: 1400 CARROLLTON AVENUE

The sign(s) were posted on: OCTOBER 27, 2012



(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

November 20, 2012

James & Rebecca Williams 1400 Carrollton Avenue Ruxton MD 21204

RE: Case Number: 2013-0102 A, Address: 1400 Carrollton Avenue, 21204

Dear Mr. & Ms. Williams:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 26, 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 Richald

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Michael Owings, 1912 Liberty Road, Eldersburg, MD 21784



TO:

Arnold Jablon, Director

DATE: November 15, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 26, 2012

Item Nos. 2013-0100, 0102, 0103, 0104 and 0105.

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

DAK. CEN



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Darrell B. Mobley, Acting Secretary Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-15-12

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

RE: Baltimore County

Item No 2013-0102.A

Administrative Variance Formes à Rebecca William 1400 Carrolton Avenue.

Dear Ms. Lewis:

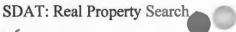
Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2013-010Z-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).

Steven D. Foster, Chief

Access Management Division

SDF/raz



Maryland Department of Assessments and Taxation Real Property Data Search (vw3.1A) BALTIMORE COUNTY

Go Back View Map New Search GroundRent Redemption GroundRent Registration

Owner Name:				Owner Infor	mation					
Mailing Address:		WILLIA 1400 CA	MS JAMES W MS REBECCA ARROLLTON AVE DN MD 21204-	•	Use: Principal Deed Refe		ce:		RESIDENTIA YES 1)/30637/004 2)	
			Loca	tion & Structu	re Information	1				
Premises Address 400 CARROLLTO -0000				LT 78- 1400 C	Description 79 PT 44-47,77 ARROLLTON ON HEIGHTS					
Map <u>Grid</u> 069 0010	Parcel 0829	Sub District	Subdivision 0000	Section	Block	<u>Lot</u> 78	Assessment 2	Area	Plat No: Plat Ref:	0001/000
Special Tax Areas		A	own d Valorem ax Class	NONE						
Primary Structure 923	Built		Enclosed Area 2,360 SF		Property 20,150 SF	Land Ar	rea		County Use 04	
Stories Basem .0000000 YES		ype ANDARD UNIT	Exterior WOOD SHINGLE							
				Value Infor	mation					
Land		Base Value 204,030	<u>Value</u> As Of 01/01/2011 204,000	Phase-in As As Of 07/01/2012	As Of 07/01/20	13				
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			Home	stead Applicat	ion Informatio	n				



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

Go Back View Map New Search

District - 09Account Number - 0901130100



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. 2013-0102-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.'

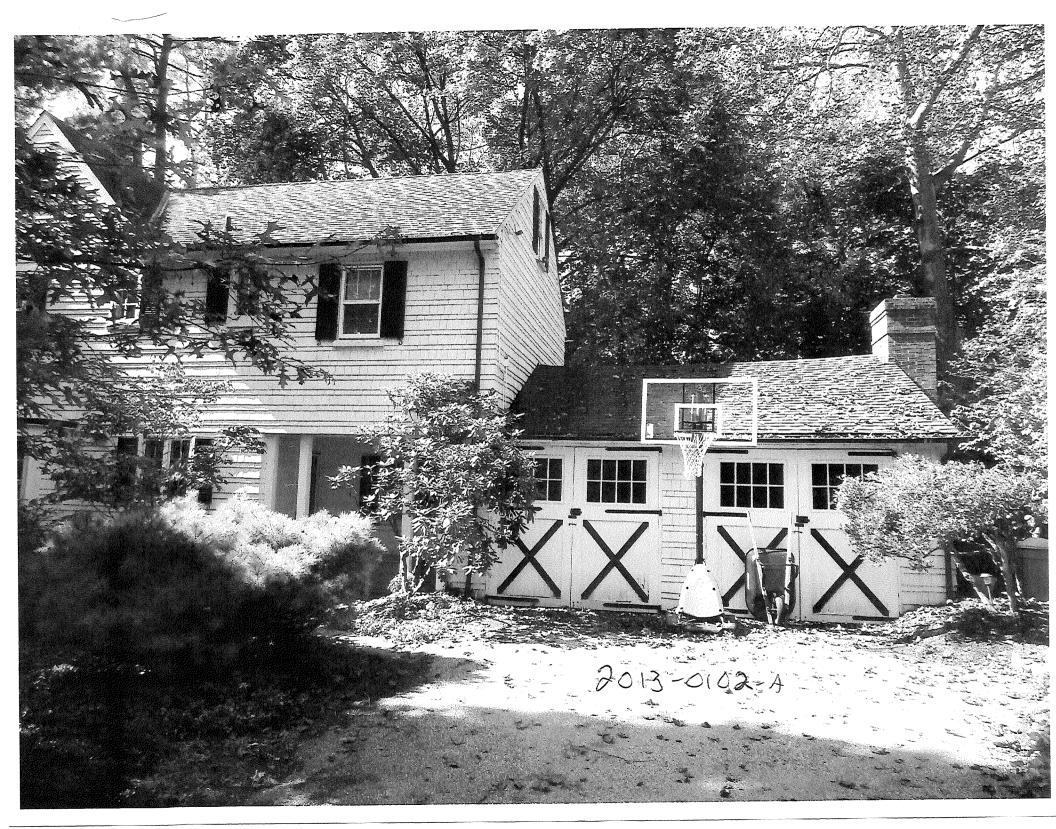
c: Case File

Office of Administrative Hearings



CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
11-15	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	_ <u>po</u> _
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
	STATE HIGHWAY ADMINISTRATION	
	TRAFFIC ENGINEERING	· · · · · · · · · · · · · · · · · · ·
	COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	TION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER AD	DVERTISEMENT Date:	_
SIGN POSTING	Date:\0	2 by O'Keefe
	ISEL APPEARANCE Yes No C]
Comments, if any:		





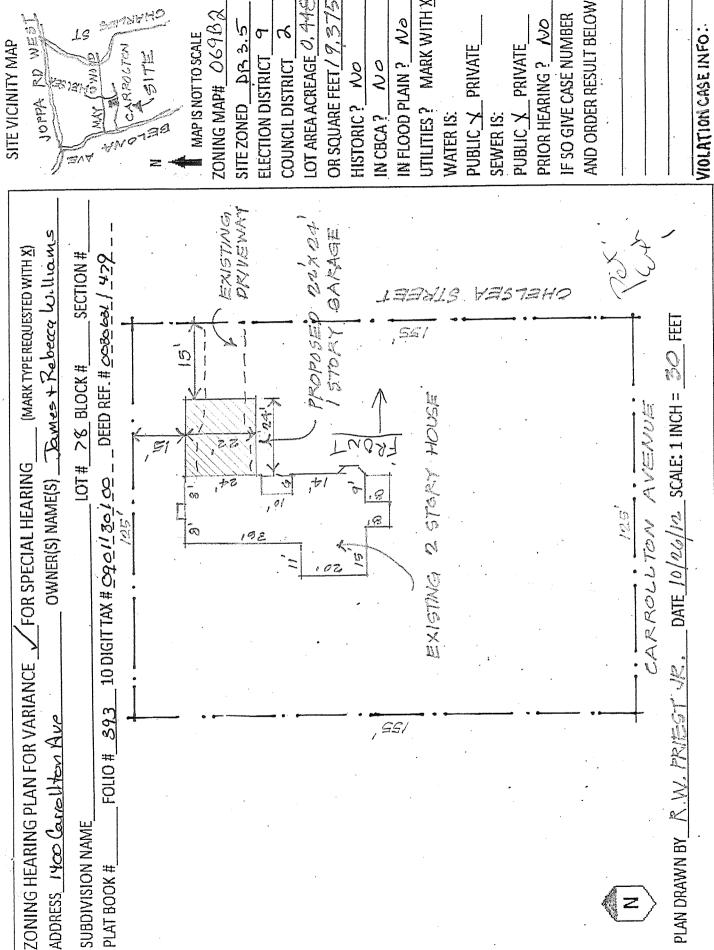




2013-0102-A

SITE VICINITY MAP	JOPPA RD WEST	Jako Jakowo Ta	THE S		MAP IS NOT TO SCALE	ZONING MAP# 06982		COUNCIL DISTRICT A	OR SQUARE FEET / 7,375	HISTORIC? NO	IN CBCA? NO	IN FLOOD PLAIN? No	UTILITIES? MARK WITH X	PUBLIC Y PRIVAIESEWER IS:	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 1400 Care Ward Ave Owner(S) NAME(S) Dames + Rebecce Williams	SUBDIVISION NAME SECTION #	PLAT BOOK # FOLIO # 893 10 DIGIT TAX # 990/130/00 - DEED REF. # 9080 602 / 422	51	8, 8, 15,	TXISTING,	3		TI NOTONY DANGER	70	7 8 8 7		EXISTING 2 STARY HOUSE		572	= H			,502	N AVENUE	~1	

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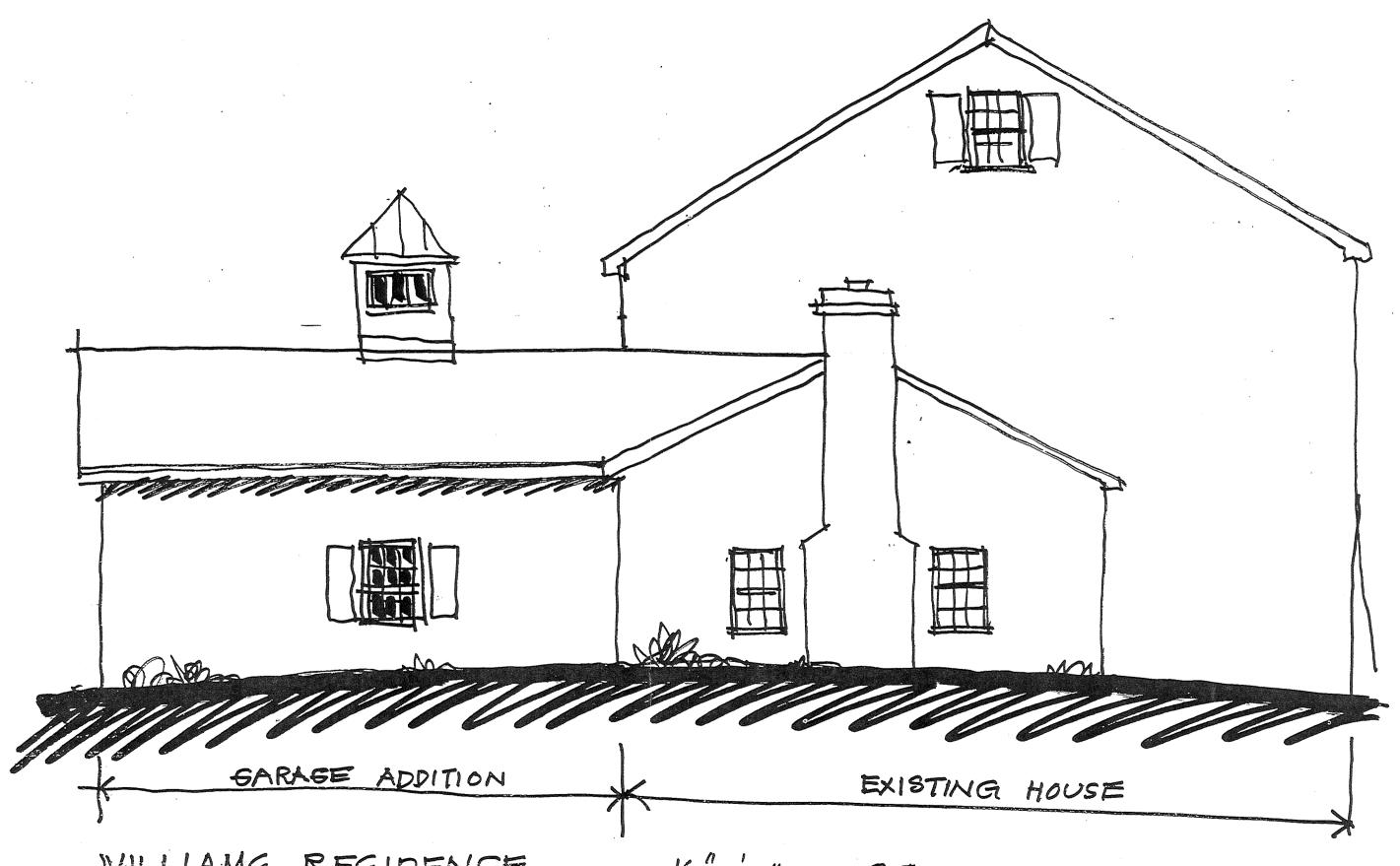
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WILLIAMS RESIDENCE

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Oct 17,2012

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SARAGE ADDITION SIDE ELEVATION

STUDIO 22 INC/OWINGS BROTHERS



VILLIAMS RESIDENCE

GARAGE ADDITION STUDIO 22.INC. OWINGS BROTHERS FRONT ELEVATION (STREET)

2013-0102-4

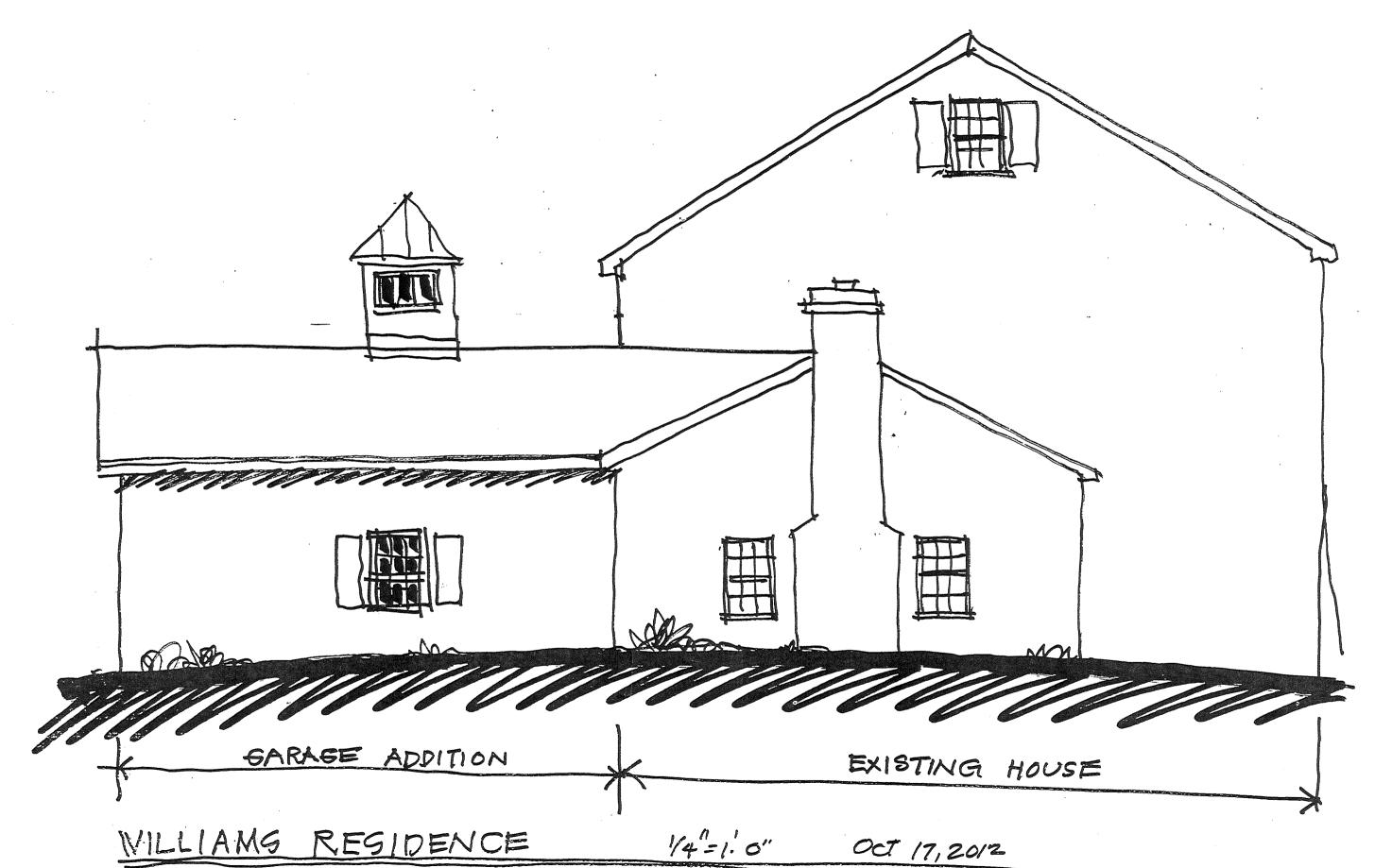
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WILLIAMS RESIDENCE

GARAGE ADDITION GARAGE ADDITION STUDIO 22.INC. OWINGS BROTHERS FRONT ELEVATION (STREET)

2013-0102-A



SARAGE ADDITION SIDE ELEVATION

STUDIO 22 INC/OWINGS BROTHERS