IN RE: PETITION FOR ADMIN. VARIANCE

(27 Belmore Road)

9th Election District 3rd Council District

William P. Colbert, III

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

* BALTIMORE COUNTY

CASE NO. 2013-0108-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, William P. Colbert, III. The Petitioner is requesting Variance relief pursuant to Section 1B02.3.C.2.c of the Zoning Commissioner's Policy Manual ("ZCPM"), to permit an addition on the side of an existing dwelling with a side yard setback of 21 feet in lieu of the required 25 feet in a corner lot. 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 ZAC comments submitted 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 17, 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

ORDER RECEIVED FOR FILING

Date	12-14-12	
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welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the 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, this <u>14th</u> day of December, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1B02.3.C.2.c of the Zoning Commissioner's Policy Manual ("ZCPM"), to permit an addition on the side of an existing dwelling with a side yard setback of 21 feet in lieu of the required 25 feet in a corner lot, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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 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.

2

JOHN E BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEIVED FOR FILING
Date	12-14-18
	(=,)



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

December 14, 2012

William P. Colbert, III 27 Belmore Road Lutherville, Maryland 21093

> Re: Petition for Administrative Variance Case No. 2013-0108-A Property: 27 Belmore Road

Dear Mr. Colbert:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Baltimore County Board of Appeals an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

ADMINIS RATIVE 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: Belmore which is presently zoned Deed Reference 10 Digit Tax Account # 09 09 1 6 60 1 3 Property Owner(s) Printed Name(s) Colbert III (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) 1 BOZ.3.C.2. C OF ZONING COMMISSIONES MANUAL TO PERMIT AN ADDITION ON THE SIDE OF AN EXISTING DWELLING WITH A SIDE YARD SETBACK OF 21 FEET IN LIEU OF THE PERMINED 25 FEET IN A CORNER LOT 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 Mailing Address State Attorney for Petitioner: Name-Type or Rohr Representative to be contacted: - Type or Print Signature Mailing Address State 808-1531 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, this ______ day of ______ 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 2013-0108-A

Filing Date // P5/12

Estimated Posting Date 1/1/2

Reviewer / /

-12/03/12 Rev 10/12/1

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUED FOR AN HISTORIC ADMINISTRATIVE PEGE 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: 27 Belmore Rd. Lutherville InD 21093
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)

The property of 27 Belmore Rd., Lutherville, MD is zoned DR 5.5. Typically the side setback would be 15 ft. Based on the property dimensions and the location of the existing structure which is turned toward a 45 degree angle facing the intersection of Belmore and Tenbury roads, of which Tenbury Road deadends adjacent to the property; construction options are limited improve/enlarge said dwelling.

Based on the 1957 design and the location of the dwelling on the property, the actual side of the dwelling adjacent to the deadend of Tenbury Road has a current setback of 25 feet, even though it is the side of the property. We request relief of the 25 foot setback to be reduced to 15 foot setback in the spirit of the ordinance with is consistent with DR 5.5 and the neighboring properties.

(If additional space for the petition request or the above sta	tement is needed, label and attach it to this Form)
William & Aller III	
Signature of Affiant	Signature of Affiant
William P. Colbert III	
Name- Print or Type	Name- Print or Type
The following information is to be completed by	Notany Public of the State of Manuford
The following information is to be completed by	a Notary Public of the State of Maryland
I HEREBY CERTIFY, this day of	(, <u>20/2</u> , before me a Notary of Maryland, in
the Affiant(s) herein, personally known or satisfactorily identif	led to me as such Amani(s) (Print name(s) nere)
AS WITNESS my hand and Notaries Seal	am Hundt
Notary Public 9	22-2013
My Commission E	xpires

ZONING PROPERTY DESCRIPTION FOR	27 Belmore Rd.
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Beginning at a point on the south side of Belmore Rd. which is 50 ft. wide at the distance of 104.34 ft east of the centerline of the nearest intersecting street Tenbury Rd. which is 50 ft. wide.

Being Lot #1, Block "D", in the subdivision of "Green Ridge Gardens" as recorded in Baltimore County Plat Book #22, Folio #145, containing 0.19 acres located in the 9th Election Districth

2013-0108-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2013- 0108 -A Address 27 BELMORE ROAD
	ct Person: AARON TSUI Phone Number: 410-887-3391
Filing	Date: 11/08/12 Posting Date: 11/18/12 Closing Date: 12/03/12
Any o	contact made with this office regarding the status of the administrative variance should be 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)
Petitio	oner: This Part of the Form is for the Sign Poster Only
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
	Number 2013 0108 -A Address 27 BELMONT ROAD
Petitio	ner's Name WILLAM COLBERT Telephone 410,823.5272
Postir	ng Date: 11/18/12 Closing Date: 12/03/12
	ng for Sign: To Permit AN ADPITION ON THE SIDE OF AN EXISTING
PW	ELLING WITH A SIDE YARD SETBACK OF 21 FEET IN A CORNER
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	Revised 7/06/11

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/17/2012

Case Number: 2013-0108-A

Petitioner / Developer: WILLIAM COLBERT~RICK KALINE of

D L SIDING & CONSTRUCTION

Date of Hearing (Closing): DECEMBER 03, 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: 27 BELMORE ROAD

The sign(s) were posted on: NOVEMBER 17, 2012



Linda O Keife
(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

December 3, 2012

William P. Colbert III 27 Belmore Road Lutherville MD 21093

RE: Case Number: 2013-0108 A, Address: 27 Belmore Road

Dear Mr. Colbert:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 8, 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 Rishal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Richard Kaline, 2707 Merrick Way, Abingdon MD 21009



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-19-12

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

RE: Baltimore County

Item No 2013-0108-A Administrative Variance William P. Colbert III

27 Belmove 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. 2013-0108-4.

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

DATE: November 21, 2012

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 3, 2012

Item Nos. 2010-0295, 2013-0107, 0108,

0109, 0110, 0111 and 0112

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

DAK:CEN cc: File

MEMORANDUM

DATE:

January 15, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0108-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 14, 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

Administrative Hearings - Case # 2013 - 0108 - A 27 Belmore Rd., Lutherville, MD

From: Jen Colbert < jenztictac@verizon.net>

To: <administrativehearings@baltimorecountymd.gov>

12/5/2012 2:33 PM Date:

Case # 2013 - 0108 - A 27 Belmore Rd., Lutherville, MD Subject:

"jenztictac@verizon.net" <jenztictac@verizon.net>, "Aa..My Husband Bill ... CC:

Attachments: 2012-12-05 14.12.08.jpg; 2012-12-05 14.10.52.jpg; 2012-12-05 14.10.27.jpg; 2012-12-

05 14.09.52.jpg

To whom this may concern:

Please see attached photos. If you have any questions or if the photos are not sufficient, please email back or call 410-823-5272

Thank you for your time and Happy Holidays!

Jennifer and William Colbert 27 Belmore Rd. Lutherville, MD. 21093

Case # 2013-0108-A

Sent from my Samsung Epic™ 4G









Maryland Department of Assessments and Taxation Real Property Data Search (vw5.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

		- 1				Owner Infor	mation						
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							Principal Residence:				YES		
Mailing	Address:		27 BELN LUTHER		O TIMONIUM MD	21093-6130		Deed]	Reference:		1) /13335/ 00573 2)		
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	ORE RD					Legal	Description						
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SECTION
1802.3.C.2 - RHALL LOT TABLE APPLICATIONS

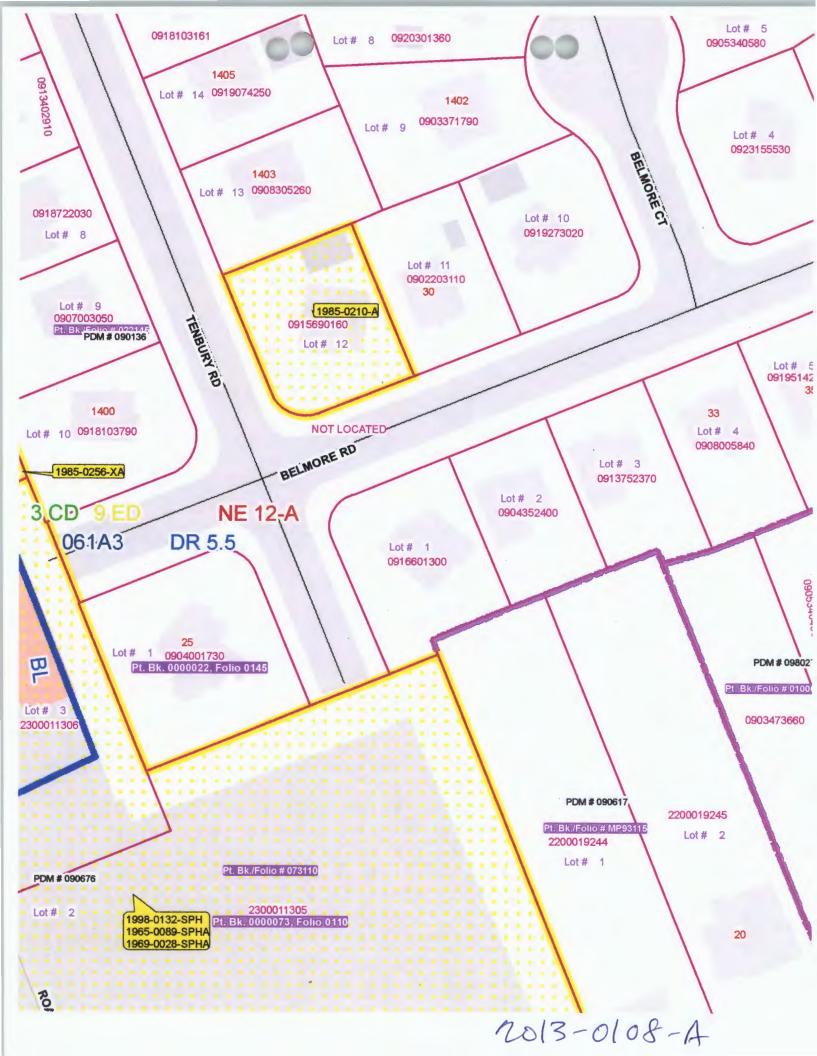
- Between September 19, 1970 (Bill 100) and September 25, 1981 (Bill 124), if a tract of land qualified to be subdivided under the small lot table, the residential transition use and area charts would not have been used. Density and the 75 foot setback in D.R. 16 would also not have been applied. However, the transition use chart was used partially as a guide as follows:
 - If the zoning was D.R. 1, 2, 3.5, 5.5 it was determined that the intent was to permit single family detached dwellings only. And this use limitation was carried over to a small lot table.
 - ii. If the zoning was D.R. 10.5 or 16 it was determined that the intent was to permit townhouses or apartments, but the transition use chart was used partially as a guide so as not to conflict with existing developments or adjacent properties.

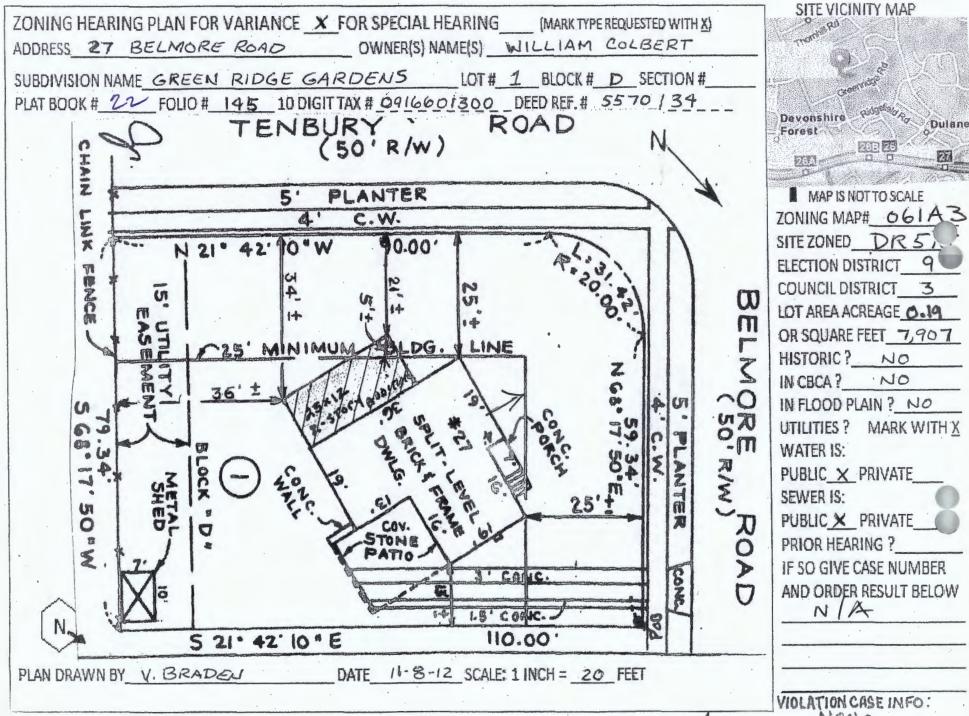
Bill 124-01 (effective September 25, 1981) deleted the limitation of only one principal dwelling on a lot, the Residential Transition Area chart, and also deleted the 75 foot setback in D.R. 16.

- b. Subsequently, any tract of land that qualifies for the small lot table would continue to use the bulk regulations of the chart and the concept of the use regulations would be applied as before under a. The difference being that more than one dwelling could occupy the same lot provided that planning would not require subdivision and the combined area, setbucks, lot width, and distances between principal buildings are complied with.
- .c. METHOD OF MEASURING SETBACKS
 - Street Frontage & Building to Lot Line Orientation
 - The front setback distance is measured radial or perpendicular to the road or front right-of-way.
 - il. Side and rear setback distances are measured by extending the foundation wall lines to the nearest intersection of the property line.
 - iii. The building line setback required by the lot's zoning classification must be maintained from all abutting street frontages.
 - iv. Additionally, if a building is oriented so as to face or front a lot line other than a street, applicable front, side and rear setbucks relative to the building's front must also be maintained as required by the property's class.

[Bill No. 26-1988] Editor's Note: Former Subsection C, which followed, was repealed by Bill No. 124-1981. § 1B02.3. Special regulations for certain existing or proposed developments or subdivisions and for small lots or tracts in D.R. Zones. A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to: 1. Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved

- subdivision plan;
- 2. Any land in a subdivision tract which was laid out in accordance with the regulations of residence zoning classifications now rescinded, for which a subdivision plan tentatively approved by the Planning Board remains in effect and which has not been used, occupied or improved in accordance with such plan;
- 3. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is too small in gross area to accommodate six dwelling or density units in accordance with the maximum permitted density in the D.R. Zone in which such tract is located;
- 4. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is less than 1/2 acre in area, regardless of the number of dwelling or density units permitted at the maximum permitted density in the zone in which it is located; or
- 5. Any lot or tract of lots in single ownership which is in a duly recorded subdivision plat not approved by the Baltimore County Planning Board or Planning Commission.
- B. Standards applicable to existing developments, etc. The minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection A.1 above, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission; however, the same or similar standards may be codified under Section 504, and these standards shall thereupon control in such existing developments.





2013-0108-A

NONE