IN RE: PETITION FOR ADMIN. VARIANCE

(1417 Rosewick Avenue)

OFFICE OF ADMINISTRATIVE

14th Election District 7<sup>th</sup> Councilmanic District

Bradley Cole and Stephanie Amos

Petitioners

**HEARINGS FOR** 

**BEFORE THE** 

**BALTIMORE COUNTY** 

CASE NO. 2013-0121-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 owners of the property, Bradley Cole and Stephanie Amos. The Petitioners are requesting Variance relief pursuant to Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory structure (detached garage) with a height of 21 feet in lieu of the maximum 15 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 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 December 30, 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 ORDER RECEIVED FOR FILING

Date	1-22-13
By	PU

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 Petitioners.

Although the Office of Planning did not make any recommendations related to the garage usage, I will impose conditions that the accessory structure (detached 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, this <u>22<sup>nd</sup></u> day of January, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 400.3 of the B.C.Z.R., to permit a proposed accessory structure (detached garage) with a height of 21 feet in lieu of the maximum 15 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their building 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 owner(s) 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.
- 3. The accessory structure shall not be used for commercial purposes.

ORDER	RECE	VEDL	UNI	ILING

By\_\_\_\_

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:dlw

ORDER RECEIVED FOR FILING

Date	1-22-13
	10.3



KEVIN KAMENETZ County Executive

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

January 22, 2013

**Bradley Cole** Stephanie Amos 1417 Rosewick Avenue Baltimore, Maryland 21237

> Re: Petition for Administrative Variance Case No. 2013-0121-A

Property: 1417 Rosewick Avenue

Dear Mr. Cole and Ms. Amos:

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

Victoria Meyer & Lee Giroux, 1602 Pinnacle Road, Towson, MD 21286

NONE Name- Type or Print

Mailing Address

City

Telephone #

Signature

Zip Code

ADMISTRATIVE 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 1417 ROSEWICK AVE.	which is presently zoned
Deed Reference 31 306/00039	10 Digit Tax Account # 1418001700
Property Owner(s) Printed Name(s) Bradley Cole	and Stephanie Amos
	opriate selection(s) and adding the Petition Request) it on the reverse of this Petition Form be completed / notarized.
	Baltimore County and which is described in the description and e a part hereof, hereby petition for a
accessory structure (Detected al feet in lieu of the rec	00.3 BCZR TO permit a proposed Coragel with a height of guired 15 Leet
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
estrictions of Baltimore County adopted pursuant to the zoning law for Ba	a law of Baltimore County.  ations.  etc. and further agree to and are to be bounded by the zoning regulations and
Contract Purchaser/Lessee:	Legal Owners:
NONE n/a	Bradley Cole / Stephanie Amos
	Name #1 Type or Print of Name #2 - Type or Print tundent
Name-Type or Print  Signature  Mailing Address  ORDER RECEIVED FOR FILING  State	Signature #1 Signature #2  1417 Rosewick Ave. Balto., MD
Mailing Address ORDER City State	Mailing Address City State 21237 / 443-935-4288 / BCF1coring678yahou
Zip Code Telegatide# Email Address	Zip Code Telephone # Email Address
Attorney for Petitioner:	Representative to be contacted:

Victoria Meye Name - Type or Print Signature S

1602 Pinnacle Rd. Mailing Address

City

State MdBldgPermits@comca 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.

21286

Zip Code

State

Email Address

	Administrative Law Judge of Baltimore County	10/20/
	12/19/12	12/30/12
CASE NUMBER 2013-0121-A	Filing Date 1001 (a) Estimated Posting Date	Reviewer G. A

## Affidavit in Support C. 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: 1417 Rosewick Ave., Ros Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the follow Administrative Variance at the above addre			
See separate sheet.			
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		-	
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5 - 1			
(If additional space for the petition request of	r the above sta	atement is needed, label and at	tach it to this Form)
Bridle Colo	- 4.	Stephanie Shi	W)
Signature of Afficient	1.03%	Signature of Affiant	
Bradley Cole	edado.	Stephanie Amos	
Name- Print or Type		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 BA	ALTIMORE, t	o wit:	77
	& Septenth		
I HEREBY CERTIFY, this day of and for the County aforesaid, personally appear		<u>, AUIA</u> , before me a No	tary of Maryland, ir
Bradley Cole Stephan	· ^	S	
the Affiant(s) herein, personally known or satis	2.4	at a second of the second of t	Print name(s) here
		( N 1 O	
AS WITNESS my hand and Notaries Seal	Motters	2 Sylles	
KATHLEEN L. WEISMAN	ary Public	1 2012	
NOTARY PUBLIC -	Commission E	6,2013	

My Commission Expires July 26, 2013

Affidavit in Support of Administrative Variance for 1417 Rosewick Ave.

Rosedale, MD 2l237

Bradley Cole and Stephanie Amos, Owners -

Based upon person knowledge the following are the facts which We base the request for an Administrative Variance at the above address.

As owners Mr. Cole and Ms. Amos want to build a 24'wide by 30' deep Detach garage a total of 720 square feet with **the height of 21 feet**. So there will be space for practical use for car, storage and workshop area in the detach garage.

## ONING PROPERTY DESCRIPTION FOR 1417 ROSEWICK AVENUE BALTIMORE COUNTY, MARYLAND

Beginning at a point on the west side of Rosewick Avenue which is 30 feet wide at the distance of 921.22 feet north of the northern right of way line of the nearest improved intersecting street Redmore Road which is 30 feet wide. Being lot #74, Section "B" in the subdivision of ROSEDALE GARDENS as recorded in Baltimore County Plat Book #9, Folio #8, containing 9,520 Sq.Ft. or 0.22 Ac.+/-. Located in the 14th Election District, 7<sup>th</sup> Councilmanic District.

130	OFFICI	E OF BUD	GET ANI	IARYLAN D FINANC RECEIPT	Ē.	Sub Rev/	<b>No.</b> Date:	41/2	0137 <del>0 12</del>	PAID PETERPI MISDESS ACOM THE 2/19/2012 (Cres dell'illoced) REI MENZ MARTIN ACOM	N.W.
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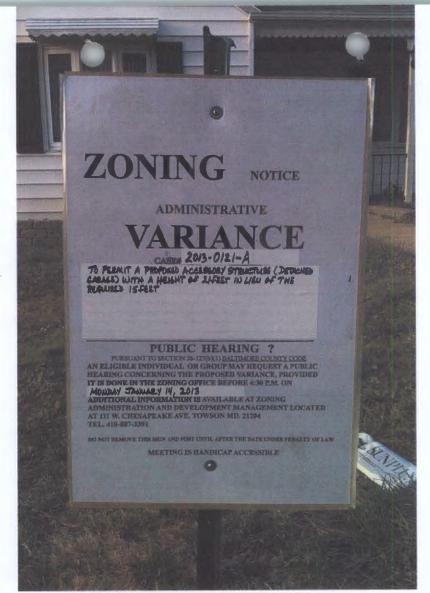
#### CERTIFICATE OF POSTING RTIFICATE OF POSTING



	-
	RE:CASE NO: 2013-0121-A
	PETITIONER/DEVELOPER
	LEE GIRDUX
	DATE OF HEARING/CLOSING:
	1/14/13
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVENUE	
ATTENTION:	
LADIES AND GENTLEMEN:	
THIS LETTER IS TO CERITFY UNDER THE NECESSARY SIGN(S) REQUIRED BY LAW WE PROPERTY AT /4/7	
THIS SIGN(S) WERE POSTED ON Dece	nth, DAY, YEAR)
	SINCERELY, 12/30/12 SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE (SIGN POSTER) 60 CHELMSFORD COURT BALTIMORE, MD 21220 (ADDRESS)

PHONE NUMBER: 443-629-3411



malmOgle 12/30/12

DALTHVIONE COUNTY DELIVER THE TO . - -------

### ZONING REVIEW

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0121 -A Address 1417 Rosewick Ave.
Contact Person: Gary Huck Phone Number: 410-887-3391
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. <a href="POSTING/COST">POSTING/COST</a> : 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 Old -A Address 1417 Rosewick Ave 21237
Petitioner's Name Bradley Cole, Telephone
Posting Date: 12/2/12 12/30 12 Closing Date: 12/17/13
Wording for Sign: To Permit a proposed accessory structure (Detached Garage
a height of 21 feet in lieu of the required 15 feet



KEVIN KAMENETZ County Executive

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

January 15, 2013

Mr. Bradley Cole & Ms. Stephanie Amos 1417 Rosewick Avenue Baltimore MD 21237

RE: Case Number: 2013-0121 A, Address: 1417 Rosewick Avenue, 21237

Dear Mr. Cole & Ms. Amos:

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

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

**Enclosures** 

c: People's Counsel Victoria Meyer & Lee Giroux, 1602 Pinnacle Road, Towson MD 21286

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

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

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-7-13

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

RE: **Baltimore County** 

Item No 2013-0121-A

Administrative Variance Bradley Cole & Stephanie Amos 1417 Rosewick 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. 2013-0121-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: January 02, 2013

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For January 07, 2012

Item Nos. 2013-0121, 0139, 0140, 0141,0142,0143,0144 and 0145.

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

DAK:CEN Cc: file

#### MEMORANDUM

DATE:

February 25, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0121-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 21, 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

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

Redemption
GroundRent
Registration

			Owner Inform	ation					
Owner Name:		BRADLEY STEPHANIE		Use: Princip	al Resi	dence:		RESIDENTIA	AL
Mailing Address:		OSEWICK AVE MORE MD 21237-15	36	Deed R				1) /31306/ 00( 2)	039
		Locat	ion & Structure	Information					
Premises Address 417 ROSEWICK AVE 0-0000			Lega	l Descripti	<u>on</u>				
			ROSE	EDALE FAR	MS				
Map Grid Parc	el Sub District	Subdivision	Section	Block	Lot	Assessment Area	-	Plat No:	
0089 0022 0597		0000			74	3		Plat Ref:	0009/
Special Tax Areas		Town Ad Valorem Tax Class	NONE						
Primary Structure Buil 1950	<u>t</u>	Enclosed Area 980 SF	1	Property 9,520 SF	Land A	Area	<u>C</u>	County Use	
Stories Basement 1.000000 YES	Tvpe STANDARD UT	Exterior NIT SIDING							
			Value Informa	tion					
	Base Value	<u>Value</u> As Of 01/01/2012	Phase-in Asse As Of 07/01/2012	As Of 07/01/20	13				
Land	71,200	71,200							
Improvements: Total:	91,100 162,300	41,000 112,200	112,200	112,200					
Preferential Land:	0	112,200	112,200	0					
			Transfer Inform	nation					
Seller: RAYMAN CA	ALVIN C TH IMPROVED			Date: Deed1:	10/19 /3130	/2011 6/ 00039	Price: Deed2:	\$125,000	
	AISY TH IMPROVED			Date: Deed1:		/1980 60/ 00335	Price: Deed2:	\$11,500	
Seller: RAYMAN DA				Date: Deed1:			Price: Deed2:		
Seller: RAYMAN DA				Decar					
Seller: RAYMAN DA Type: ARMS LENG Seller:			Exemption Infor						
Seller: RAYMAN DATE OF TYPE: ARMS LENG Seller: Type: Partial Exempt Assessi County	<u>nents</u>		0	mation Class		07/01/2012 0.00		07/01/2013	
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## BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS, APPROVALS, AND INSPECTIONS

Arnold Jablon, Deplty Administrative Officer & Director



Conner & Ana

Donald E. Brand, Building Engineer

### BUILDING PERMIT

PERMIT #: B796418 CONTROL #: MR DIST: 14 PREC: 01 DATE ISSUED: 08/27/2012 TAX ACCOUNT #: 1418001700 CLASS: 04

CONST 00 PLOT 2 R PLAT 0 DATA 0 ELEC NO PLUM NO

LOCATION: 1417 ROSEWICK AVE

SUBDIVISION: ROSEDALE FARMS

OWNERS INFORMATION
NAME: COLE, BRADLEY & AMOS, STEPHANIE
ADDR: 1417 ROSEWICK AVE BALTIMORE MD 21237-1536 YEAR FROM DATE OF ISSUE THIS PERMIT EXPIRES ONE

ENGNR: WORK:

SELLR:

CONSTRUCT DETACHED GARAGE/SHED (POLE BLDG CONST) IN REAR PROPERTY OF SFD. 24'X30'X15'MAX 720SF

ACCESSORY LETTER ATTACHED.

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD & DETACHED GARAGE/SHED

EXISTING USE: SFD

TYPE OF IMPRV: NEW BULDING CONTRUCTION

USE: GARAGE

FOUNDATION: BASEMENT:

SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 9520SF FRONT STREET: SIDE STREET:

FRONT SETB: NC SIDE SETB: 5'/21'

SIDE STR SETB:

REAR SETB:

Parish Markener

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

MAKE CHECKS PAYABLE TO BALTIMORE COUNTY MARYLAND -- NO PERMIT FEES REFUNDED

PUB SERV

ENVRMNT

PERMITS

PLANNING.

STORIES

LOT #'S

CORNER LOT

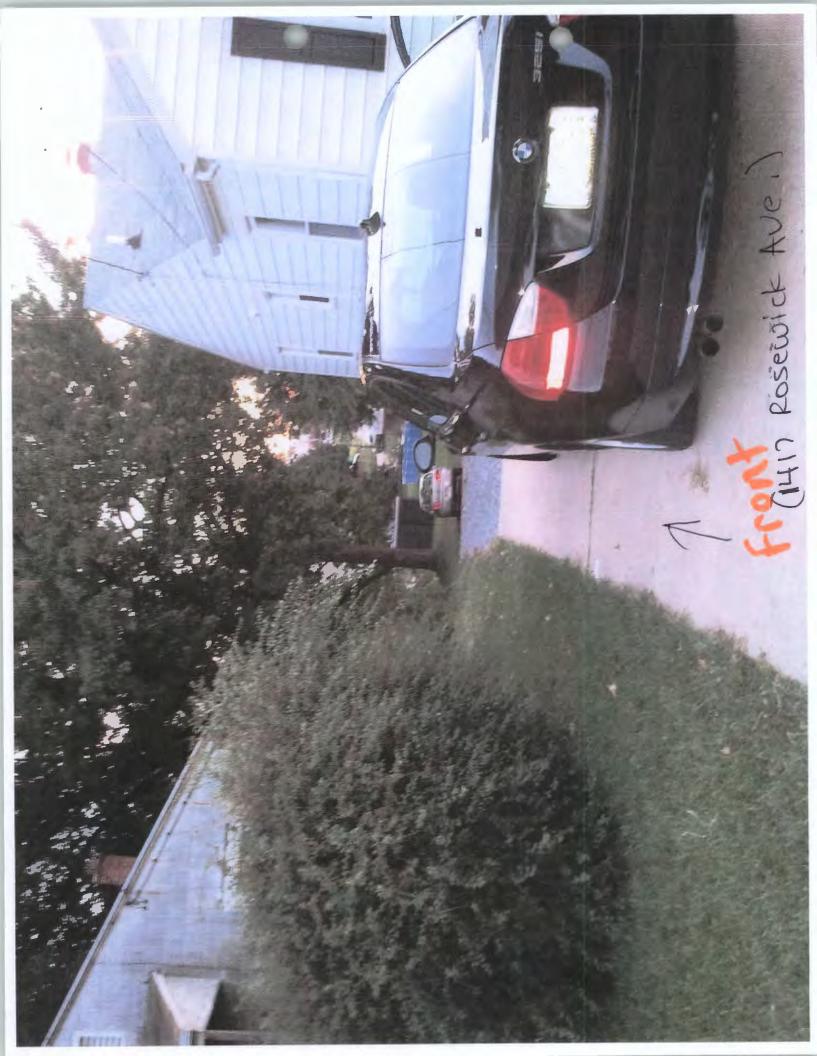
SIDE SETBK

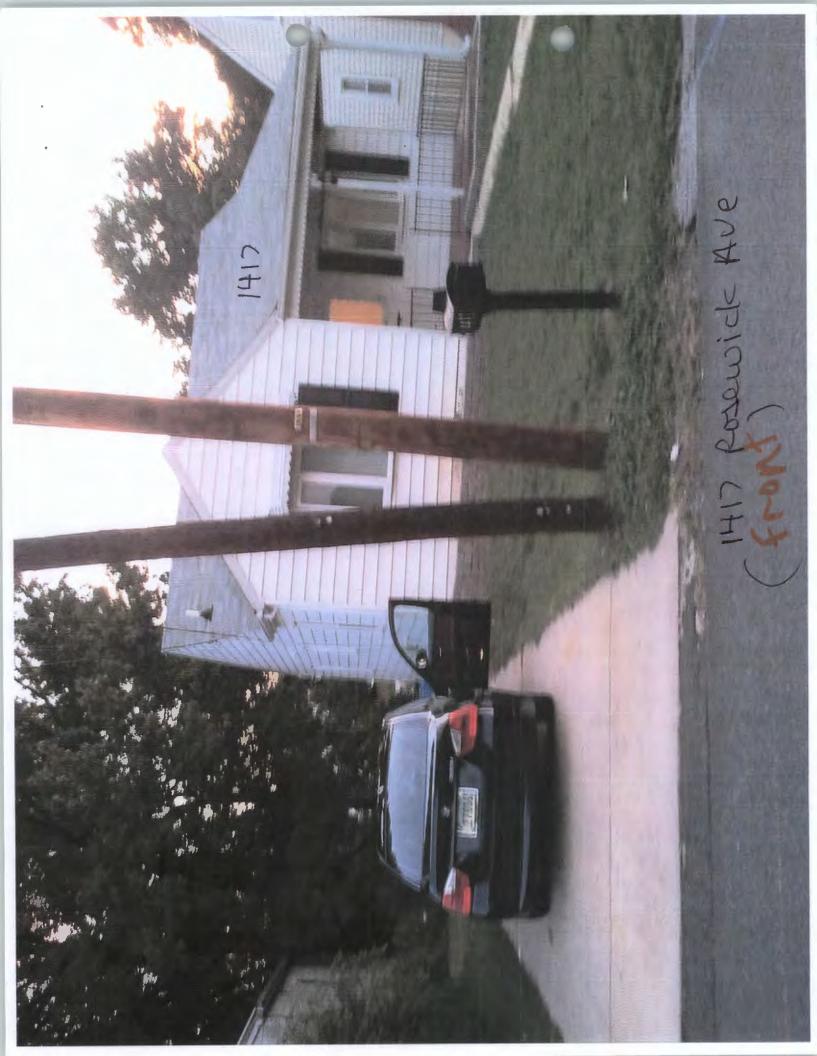
REAR SETBK

1. \_ YES 2. \_ NO ZONENG DE

SIDE STR SETBK









congret

1-1610 C) QB

24' x 30 Detachod GALAGR
(21' HgMt) -

HSe

1417 Rosowick AUR

REA YAD



Looking From



LOCATION
DOTACHON GALAGE

(21' HIGHT):

REAL YALD

1417 ROSOWICK AVE



21' Hght (24 × 30) SIZE DETACHED GARAGE 1417 ROSEWICK

( REAF YAFD )

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE	CE SPECIAL HEARING
PROPERTY ADDRESS 1417 ROSEWICK Ave: SEE PAGES 5 8 6 OF THE CHECKLIST I	FOR ADDITIONAL REQUIRED INFORMATION
SUBDIVISION NAME ROSEDALE FARMS	
PLAT BOOK # 0009 FOLIO # 000 PLOT # 74 SECTION # B	
OWNER BRADLEY. COLE + STEPHANIE AMOSI	
301 ROSEWICK Ave.	
50 100 7	<u> </u>
The art	The state of the s
20 10 30 46' SED 30 46'	VICINITY MAP  SCALE: 1" = 1000'
Barrier III	LOCATION INFORMATION
	ELECTION DISTRICT 14
7 7 7	COUNCILMANIC DISTRICT 7
#1419	1"=200' SCALE MAP # 089B3
+ $+$ $+$ $+$ $+$	ZONING DR 5.5
132'	LOT SIZE 22 9520 ACREAGE SQUARE FEET
24'	PUBLIC PRIVATE SEWER []
30'	WATER []
5' 24'	CHESAPEAKE BAY STEEL STE
26'	100 YEAR FLOOD PLAIN
	HISTORIC PROPERTY/ BUILDING
De Marie 1	PRIOR ZONING HEARING
NORTH  Defroted Subject property  GHRAGE 24×30×21'HiGH	ZONING OFFICE USE ONLY REVIEWED BY ITEM # CASE #
PREPARED BY Le GIROUX 24x30x21'4164 SCALE OF DRAWING: 1" = 30	

2013-01-A

Pet. Exh. 1