

KEVIN KAMENETZ County Executive

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

January 8, 2013

Steven Haywood 15 Middle Woods Court Parkton, Maryland 21120

> Re: Petition for Administrative Variance Case No. 2013-0125-A Property: 15 Middle Woods Court

Dear Mr. Haywood:

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

c: Austin Childs, 16260 Falls Road, Monkton, MD 21111

IN RE: PETITION FOR ADMIN. VARIANCE (15 Middle Woods Court)

7th Election District 3rd Councilmanic District Steven W. Haywood Petitioner **BEFORE THE**

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0125-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, Steven W. Haywood. The Petitioner is requesting Variance relief pursuant to Section 400.3, to permit a garage (detached) in the rear yard of an existing single-family dwelling with a height of 21 feet in lieu of the required 15 feet. 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 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 December 9, 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

ORDER	RECEIVED	FOR	FILING
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Date	1-8-13	
Bv		

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.

Although the Office of Planning did not make any recommendations related to the garage usage, I will impose conditions that the accessory structure 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 8th day of January, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 400.3, to permit a garage (detached) in the rear yard of an existing single-family dwelling with a height of 21 feet in lieu of the required 15 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 1. Petitioner may apply for his building 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.
- 2. The Petitioner 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 RECEIVED FOR FILING

Date	1-8-13	NO NO DE LA CONTRACTION DEL CONTRACTION DE LA CO
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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 1-8-13

By______



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

	for the property	which is presently zoned RC-4			
This Petition shall be filed with the owner(s) of the property situate in Balmade a part hereof, hereby petition for	Itimore County and which	is and Development Management. The undersigned, legal in its described in the description and plat attached hereto and in(s)			
Section 400.3					
To permit a ga	arage in the rear yard	of an existing single family with a height of 21			
feet in lieu of the requ	aired 15 feet.	DWELLING			
of the zoning regulations of Baltimore of this petition form.	County, to the zoning to	w of Baltimore County, for the reasons indicated on the back			
Property is to be posted and advertise I, or we, agree to pay expenses of above regulations and restrictions of Battimore (Variance, advertising, pos	kling, etc. and further agree to and are to be bounded by the zoning			
		I/We do 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 Petition.			
Contract Purchaser/Lessee:		Legal Owner(s):			
Name - Type or Print		Steven Haywood Name - Type or Pfint			
		All Arco			
Signature		Signature			
Address	Telephone No.	Name - Type or Print			
City State	Zip Code	Signature			
Attorney For Petitioner:		15 Middle Woods Court			
		Parkton, Maryland 21120			
Name - Type or Print		City State Zip Code			
Signature		Representative to be Contacted:			
		A CHAIN			
Company		Name Austin Childs			
Address	Telephone No.	Address 16260 Falls Road 419 172 248			
City State	Zip Code	City Monkton, Maryland 21111 State Zip Code			
A Public Hearing having been formally de this day of regulations of Beltimore County and that the p	that the subject matter of t	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning			
		Zoning Commissioner of Baltimore County			
CASE NO. 2013-012	5-A Ren	riewed By W Date 11/30/12			
REV 10/25/01		imated Posting Date 12/9/12			
ORDER RECEIVED F	OR FILING	minister i voting vate			

09-235-689

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that 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 Affiant(s) does/do presently reside at

15 Middle Woods Court

Address

Parkton, Maryland 21120

City Sinte Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

The Haywood family wishes to construct a garage on their property.

They own multiple cars, which, along with lawn and maintenance equipment, need to be stored and protected from the elements.

We have conducted a comprehensive architectural and site analysis, and as illustrated in the attached photographs and sketches, the height of the garage can not be reduced without sacrificing appropriate architectural compatibility with the adjacent buildings and neighborhood.

The neighbors have seen the proposed design, and are in full support of the project.

60,000;00

That the Affigrat(s) acknowledge(s) that if a advertising fee and may be required to provide	formal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
Signature	Signature .
Name Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTI I HEREBY CERTIFY, this 20 day of A of Maryland, in and for the County aforesaid, p the Affiant(s) herein, personally known or satis	Jove by , 3012, before me, a Notary Public of the State personally appeared
AS WITNESS my hand and Notarial Seal	
	Notary Public 9 200
	My Commission Expires COMMONWEALTH OF PENNSYLVANIA
REV 10/25/01	ANN M. FREY, NOTARY PUBLIC FAWN GROVE BORO YORK COUNTY My Commission Expires September 24, 2014

ZONING DESCRIPTION for the HAYWOOD PROPERTY, 15 MIDDLE WOODS COURT, PARKTON, MARYLAND 21120

Beginning at a point on the East side Middle Woods Court, which is 40 ft. wide at the distance of 1,272 ft. south of the centerline of the nearest intersecting street, Middletown Road, which is 40 ft. wide, thence running Northeast, 180 ft., thence Southeast 110 ft., thence Northeast 90 ft., thence Northeast 45 ft., thence Northwest 85 ft., thence Northeast 197 ft, thence Southeast 248 ft., thence Southwest 254.75 ft., thence West 50 ft., thence Southwest 170 ft., thence West 125 ft., thence Northwest 54.98 ft., thence Northwest 91.65 ft., thence Northwest 24.44 ft. to the point of beginning, containing 2.604 acres.

703

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KEVIN KAMENETZ County Executive

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

December 28, 2012

Steven Haywood 15 Middle Woods Court Parkton MD 21120

RE: Case Number: 2013-0125 A, Address: 15 Middle Woods Court, 21120

Dear Mr. Haywood:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 30, 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. Carl Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Austin Childs, 16260 Falls Road, Monkton, MD 21111



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-13-12

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

RE: Baltimore County

Item No 2013-0125-A
Administrative Variance
Steven Haywood.
15 Middle Woods Court

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. 2013-0125-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: December 17, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 24, 2012

Item Nos. 2013-0124, 0125, 0126, 0128, 0129, 0130 and 0131.

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

DAK:CEN Cc: file

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/10/2012

Case Number: 2013-0129-A

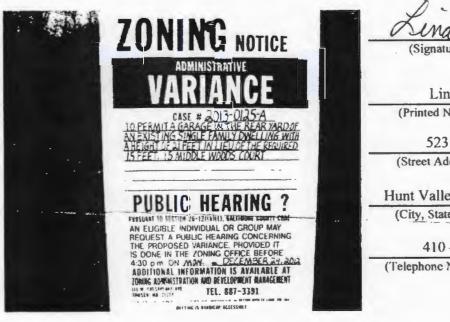
Petitioner / Developer: STEVEN W. HAYWOOD~

AUSTIN B. CHILDS, AIA

Date of Hearing (Closing): DECEMBER 24, 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: 15 MIDDLE WOODS COURT

The sign(s) were posted on: DECEMBER 9, 2012



Linda O Keefe (Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lanc

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



TO	Debbie
COMPANY	Baltimore County
FAX NUMBER	14108873468
FROM	Austin Childs
DATE	2013-01-07 11:50:18 GMT
RE	

COVER MESSAGE

See attached sign posting for 15 Middle Woods Court

RECEIVED

JAN 7 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013 0125 -A Address 15 Middle Woods Court
Contact Person: AGONARD Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: $11/30/12$ Posting Date: $12/9/12$ Closing Date: $12/24/12$
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.
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 0125 -A, Address 15 Middle Woods Court
Petitioner's Name Steven the Hay wood Telephone 410-472-2488
Posting Date: 12/9/12 Closing Date: 12/24/12
Wording for Sign:
To permit a garage in the rear yard of an existing single family with a height of 21 feet in lieu of the required 15 feet.

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

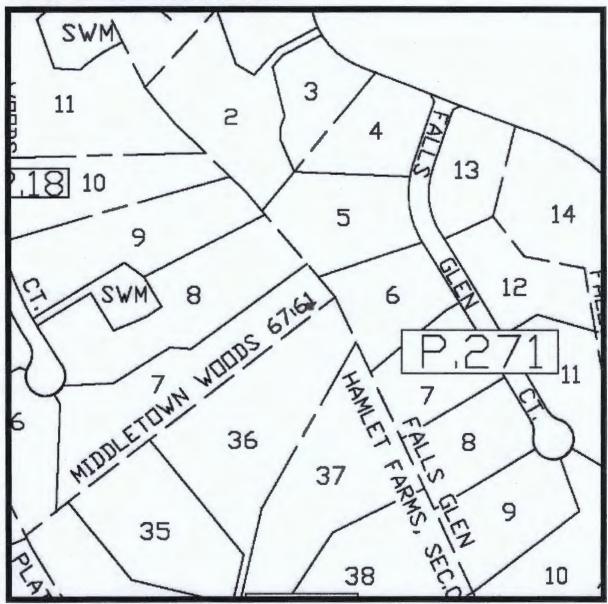
Go Back View Map New Search GroundRent Redemption GroundRent Registration

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Owner N	ame:		I	AYWO	OD STEVEN W		Use:				RESIDENTIA	L
							Principa	Resider	ice:		YES	
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					As Of 01/01/2011	As Of 07/01/2012	As Of 07/01/20	12				
Land			278,400		232,000	07/01/2012	07/01/20	15				
Improve	ments:	1	390,880		414,400							
Total:			669,280		646,400	646,400	646,400					
Preferent	tial Land:		0				0					
						Transfer Info	rmation					
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Type:	NON-AR	MS LE	NGTH OTHE	R			Deed1:	/14261/	00357	Deed2:		
Seller:	WOODS	BROS	INC				Date:	09/23/	1998	Price:	\$130,000	
Type:			VACANT				Deed1:		/ 00026	Deed2:		
Seller:	MIDDLE	TOWN	WOODS IN	`			Date:	04/30/	1996	Price:	\$92,000	
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Tax Exer									Special	Tax Reca	pture:	
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Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search

Go Back View Map New Search

District - 07Account Number - 2200022472



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:

February 15, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0125-A - Appeal Period Expired

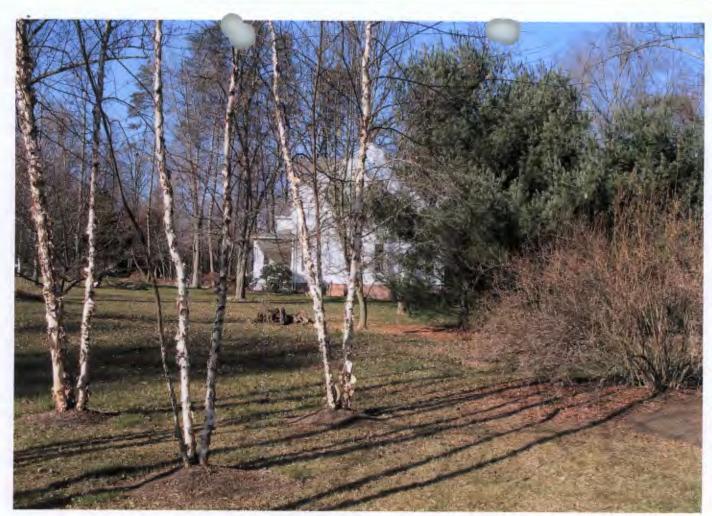
The appeal period for the above-referenced case expired on February 7, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
12-17	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	_ Ne
	DEPS (if not received, date e-mail sent)	·
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
213	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	ATION (Case No	
PRIOR ZONING	(Case No.	Der 17
NEWSPAPER A	DVERTISEMENT OF Date: Date: Date: Proper V. m. Refer for Mr. Chie NSEL APPEARANCE Yes No	by O'Keefe do - heer Sig
	NSEL APPEARANCE Yes No	fox proof
Comments, if any	:	



VIEW 'A'



VIEW 'B'



VIEW 'C'



VIEW 'D'



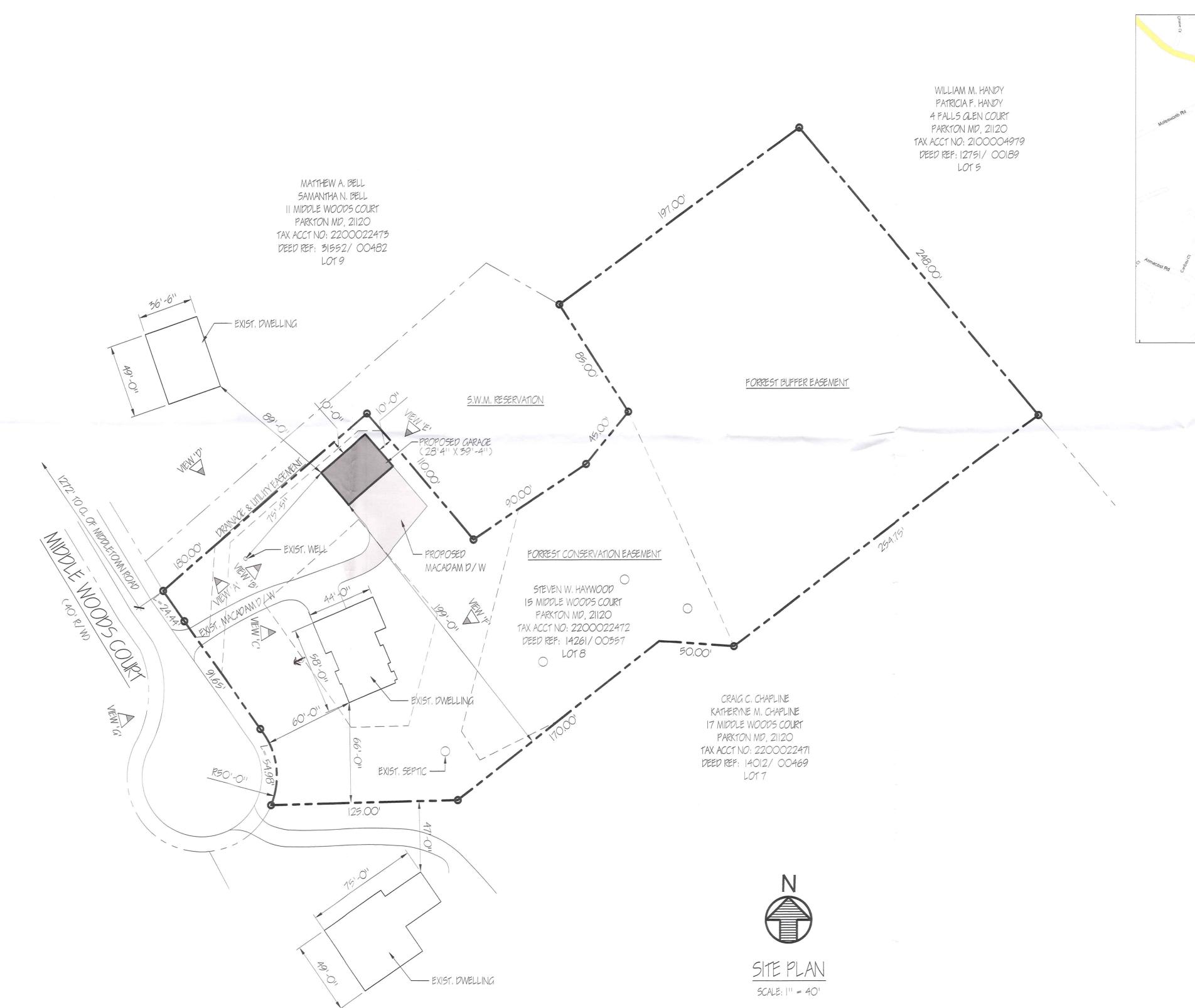
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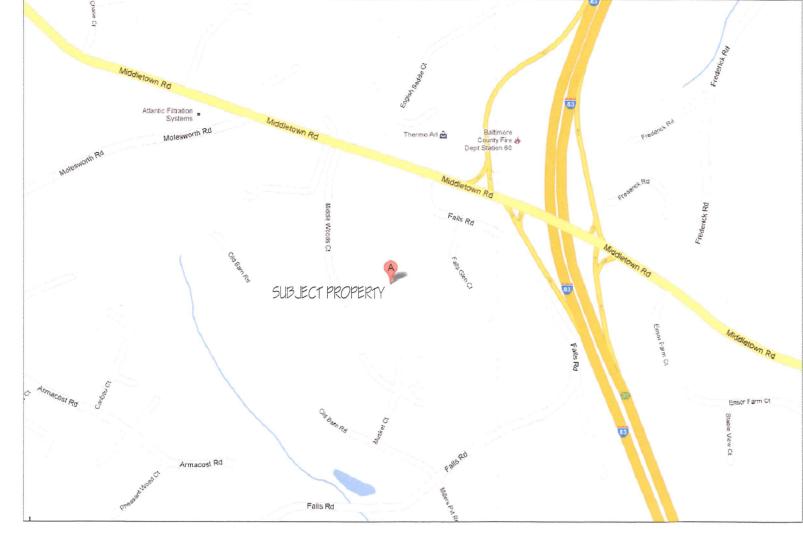
VIEW 'F'



VIEW 'G'



10 —



SCALE: NTS

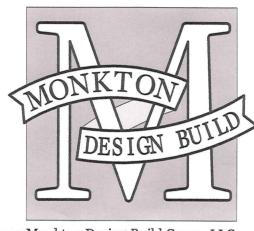
PROJECT DATA:

PROPERTY ADDRESS: OWNER:	15 Middle Woods Court Steven W. Haywood
LOCATION INFORMATION	
ELECTION DISTRICT:	07
COUNCILMANIC DISTRICT:	03
1'-200' SCALE MAP #;	OI7A2
ZONING:	RC-4
LOT SIZE:	2,604 Acres
SEWER:	Private
WATER:	Private
CHES, BAY CRITICAL AREA:	NO
100 YEAR FLOOD PLAIN:	NO
HISTORIC PROPERTY:	NO
PRIOR ZONING HEARING:	NA

THE **HAYWOOD** RESIDENCE

NEW GARAGE

15 MIDDLE WOODS COURT PARKTON, MD



Monkton Design Build Group, LLC

Unau	right Aust thorized u y prohibite	in B. Childs Architecture, LLC use, reproduction or distribution of distributions.	20 on	
No.	Date	Item		
	REVISIONS			

Drawn

Checked

Approved



chickenranch design studio

16260 falls road monkton, maryland 21111 410.472.2488 achildsaia@msn.com

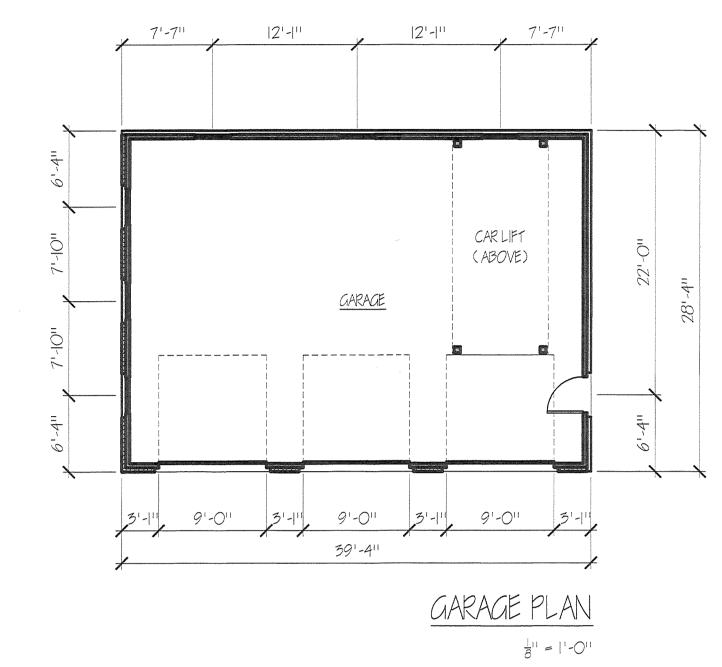
2013-0125-A

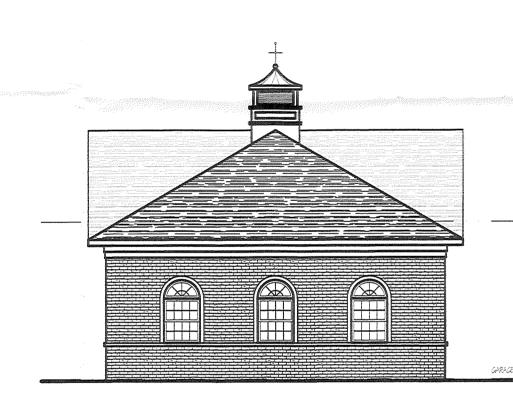
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PLAN TO ACCOMPANY ADMINISTRATIVE

VARIANCE

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	SCALE	1" = 40'
	DATE	OCTOBER 30, 2012
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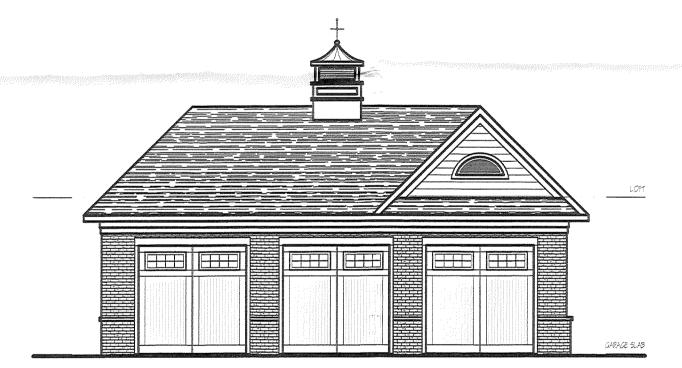
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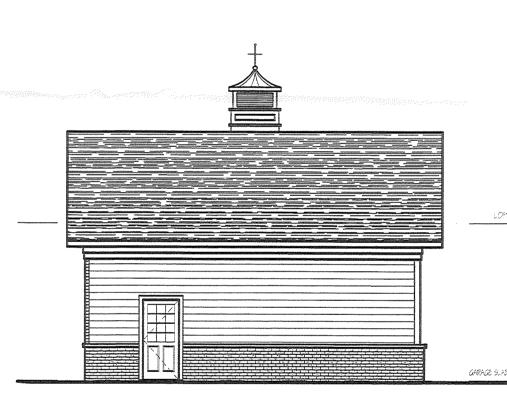
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NORTH ELEVATION

\$\frac{1}{8}\text{1'} = 1\text{1'-0'}

NORTH ELEVATION

THE HAYWOOD RESIDENCE

NEW GARAGE

15 MIDDLE WOODS COURT PARKTON, MD



Copyright Austin B. Childs Architecture, LLC 2012. Unauthorized use, reproduction or distribution strictly prohibited.

No.	Date	Item
		REVISIONS

Drawn

Checked

Approved



chickenranch design studio

16260 falls road monkton, maryland 21111 410.472.2488 achildsaia@msn.com

2013-0125-A

PLAN & ELEVATIONS

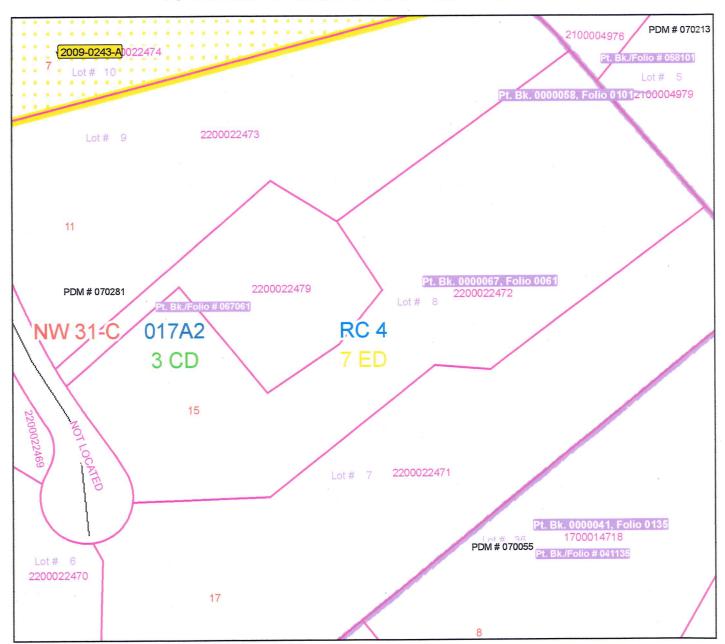
CONTRACT NO.

 SCALE
 1/4" = 1'-0"

 DATE
 □CT□BER 30, 2012

A.I

15 Middle Woods Court 2013-0125-A





Publication Date: November 30, 2012 Publication Agency: Permits, Approvals and Inspections Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot

