IN RE	PETITION FOR VARIANCE
	(1423 Hopewell Avenue)
	15 th Election District
4	7 th Councilman District
	Gary Horan
	Petitioner

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0134-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Gary Horan, the legal owner of the subject property. The Petitioner is requesting Variance relief from Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing shed with a side setback of 0 ft. in lieu of the required 2.5 ft. 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.

Appearing at the public hearing in support of the request was Gary Horan. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the record of this case. There were no substantive comments from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is 2,170 square feet and is zoned DR 10.5. The Petitioner purchased the home in 2003, and constructed the shed in 2007. Although the shed has been in place for over 5 years, a complaint was recently lodged with the County's Code Enforcement Bureau, which triggered the filing of the petition.

Date By

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

(1) The property is unique; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. The lot is extremely narrow (18'), which makes the property unique.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty and/or hardship, since he would be required to dismantle or reconstruct the garage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of opposition from County agencies. In addition, the Petitioner testified that many homes in the community (of row houses) have sheds and other structures in the rear yards that do not observe the setback requirements in the B.C.Z.R.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this <u>14th</u> day of February, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing shed with a side setback of 0 ft. in lieu of the required 2.5 ft., be and is hereby GRANTED.

		D FOR FILING
Date_2	14	13
Ву		<u>n</u>

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:sln

ORDER RECEIVED FOR FILING

Date 211411

By.



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

February 14, 2013

Gary Horan 1423 Hopewell Avenue Baltimore, Maryland 21221

RE: Petition for Variance

Case No.: 2013-0134-A

Property: 1423 Hopewell Avenue

Dear Mr. Horan:

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.

Sincerely,

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln Enclosure

PETITION FOR ZONING HEARING(S) To be filed with the Department of Permits, Approvals and Inspections Office of Administrative Law of Baltimore County for the property located at:

Address 1423 HOPEWELL	AVENUE which is presently zoned 10.5
Deed References: 18505/	00694 10 Digit Tax Account # 15 13553350
Property Owner(s) Printed Name(s)	GAM WILLIAM HOLAN
(SELECT THE HEADING (S) BY MADVING Y AT	THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)
(SELECT THE HEARING(S) BY MARKING A	THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)
	rty situate in Baltimore County and which is described in the description
and plan attached her	reto and made a part hereof, hereby petition for:
Sandal Harrison and a Cartina 500 7	7 of the 7-size Descriptions of Boltimore County to determine the the
or not the Zoning Commissioner should appro	7 of the Zoning Regulations of Baltimore County, to determine whether
of flot the Zorling Continussioner should appro	ove
2 a Special Exception under the Zoning	Regulations of Baltimore County to use the herein described property for
a Variance from Section(s)	
negwined 2.5 feet	in existing shed with a side set back of zero feet in lieu of the
required 2.5 feet.	
of the zoning regulations of Baltimore Cour	inty, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical	Il difficulty or indicate below "TO BE PRESENTED AT HEARING". If
you need additional space, you may add a	
Property is to be posted and advertised as prescribed by the	ne zoning regulations
, or we, agree to pay expenses of above petition(s), advert	tising, posting, etc. and further agree to and are to be bounded by the zoning regulations
nd restrictions of Baltimore County adopted pursuant to the	he zoning law for Baltimore County. e and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property
thich is the subject of this / these Petition(s).	e and animit, dider the penalties of perjury, that it is vive are the regal owner(s) of the property
Contract Durcheson/	Legal Owners (Petitioners):
Contract Purchaser/Lessee:	
	GAM W. HOMAN,
lame- Type or Print	Name #1 – Type or Print Name #2 – Type or Print
COR'	Gang W. Horan
ignature Iailing Address ip Code Oelephone # Email Addres	Signature #1 Signature #2
CEIVE	1423 HOPEWELL AVE. BANTO, MD.
lailing Address Dity	State Mailing Address City State
SER!	21221 (\$10)687-9793 GAMHOLAND WER
p Code Pelephone # Email Addre	
ttorney for Petitioner:	Representative to be contacted:
ame- Type or Print	Name – Type or Print
ignature	Signature
Bustan	Ognatuio
failing Address	State Mailing Address City
failing Address City	State Mailing Address City State
ip Code Telephone # Email Addre	ess Zip Code Telephone # Email Address
CASE NUMBER 2013-0134-4 Filing Date	te 12, 10, 1) Do Not Schedule Dates: Reviewer) 5
ASE NUMBER 0013 0134-77 Filing Dat	te J V Do Not Schedule Dates: Reviewer J

ZONING PROPERTY DESCRIPTION FOR 1423 Hopewell Avenue, Baltimore, Maryland 21221. Beginning at the point of the southeast side of Hopewell Avenue, which is 60 feet of right-of-way width wide at the distance of 215.10 feet southwest of the centerline of the nearest improved intersecting street Bladen Road, Baltimore, Maryland 21221, which is 60 feet of right-of-way width wide.

Being Lot #15, Block E, Section #1 in the subdivision of Country Ridge as recorded in Baltimore County Plat Book #1, Folio #13, containing 2,070 square feet. Located in the 15th Election District and 7th Council District.

0	FFIC	E OF BUI	DGET AN	MARYLAN D FINANC I RECEIPT	E	•	No.		27/		1	PAID RE	EIPT	TRE	CRON
					Rev Source/	Sub Rev/					REG N	11/2012 12 502 WALKII	/10/2012 (* JEVA J		2
F	und	Dept	Unit	Sub Unit	Charles of the second	THE SOUTH PROPERTY	Dept Obj	BS Acct		Amount	DHK(EIPT # 0053	39 12/10	/2012	OFLH
-	01	806	0001		6:50		T. PERSONAL		A	75.00	Dept	5 329 3	MING UER	TEXCATION	
		000							120123		UK MU	. 002748			
TOTAL STATE									22-31 by			Recent lot		\$75.00	
	1433	HERMAN				~			-		1.			F75.00	聯
1695					Maria de la companya della companya			Y	1	and the second	14.5	Baltimore	County,	narytand	
An All				17.7	National Property of				1		福品				
							Total:		J	75.00					
	Rec rom:	20	3-01	34-A		<									
	IOIII.								- 11/4		Marie II				
1	or:	GAR	- wh	MM 1	HURAN	K									
										7.1					
												CAS	HIER'S		
DI	STRIB	UTION						1012.5	100			VALI	DATION		
W	HITE -	CASHIER	PINK - AC	SENCY	YELLOW -	CUSTOME	R	GOLD - AC	COUN	NTING					
1			PLE	ASE PRES	S HARD!	111					THE P				
											BEAT.				

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2013-0134-A
1423 Honewell Avenue

Case: # 2013-0134-A
1423 Hopewell Avenue, 215 ft. SW of centerline
of intersection with Bladen Road
15th Election District - 7th Councilmanic District
Legal Owner(s): Gary Horan
Variance: to permit an existing shed with a side setback of 0
ft. In lieu of the required 2.5 ft.
Hearing: Wednesday, February 13, 2013 at 1:30 p.m. in
Room 205, Jefferson Building, 105 West Chesapeake
Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
1/270 Jan. 24



501 N. Calvert Street, Baltimore, MD 21278

January 24, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on January 24, 2013.

×	The Jeffersonian
	Arbutus Times
	Catonsville Times
	Towson Times
	Owings Mills Times
	NE Booster/Reporter
	North County News

PATUXENT PUBLISHING COMPANY

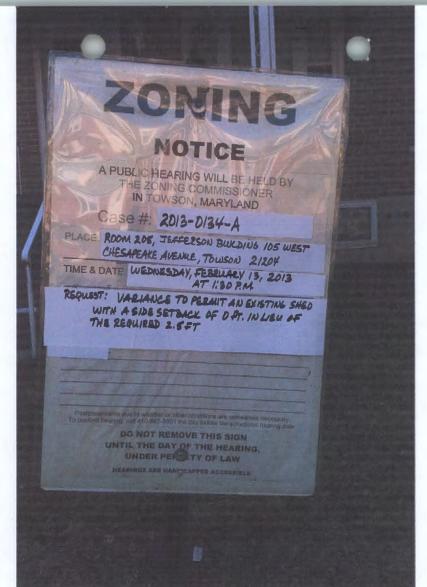
By: Susan Wilkinson

Susan Wilkinson

CERTIFICATE OF POSTING

RE: Case No 2013-0134-4

Petitione GAL	er/Developer - HORAN
Date Of H	learing/Closing: 2/13/13
Baltimore County Department of Permits and Development Mana County Office Building,Room 11 111 West Chesapeake Avenue	gement
Attention:	
Ladies and Gentlemen	
	alties of perjury that the necessary ed conspicuously on the property 3 HOPEWELL AVENUE
Sino	Animay 23, 2013 n,Day() ear cerely, Martin Ogle 60 Chelmsford Court Baltimore,Md,21220 443-629-3411



malule 1/23/13

TO: PATUXENT PUBLISHING COMPANY

Thursday, January 24, 2013 Issue - Jeffersonian

Please forward billing to:

Gary Horan 1423 Hopewell Avenue Baltimore, MD 21221

410-687-9793

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0134-A

1423 Hopewell Avenue

SE/S Hopewell Avenue, 215 ft. SW of centerline of intersection with Bladen Road 15th Election District – 7th Councilmanic District

Legal Owner: Gary Horan

Variance to permit an existing shed with a side setback of 0 ft. in lieu of the required 2.5 ft.

Hearing: Wednesday, February 13, 2013 at 1:30 p.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ County Executive

January 7, 2013

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

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0134-A

1423 Hopewell Avenue

SE/S Hopewell Avenue, 215 ft. SW of centerline of intersection with Bladen Road 15th Election District – 7th Councilmanic District

Legal Owner: Gary Horan

Variance to permit an existing shed with a side setback of 0 ft. in lieu of the required 2.5 ft.

Hearing: Wednesday, February 13, 2013 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jabier Director

AJ:kl

C: Gary Horan, 1423 Hopewell Avenue, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURS., JANUARY 24, 2013.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. <u>For those petitions which require a public hearing</u>, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

GARY W. HORAN	· · · · · ·
r Location: 1423 HOPEWELL AVE.	
GARY W. HURAN	
1423 MOREWELL AVE.	
 BACTIMORE, MD. 21221	



KEVIN KAMENETZ County Executive

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

February 8, 2013

Gary W Horan 1423 Hopewell Avenue Baltimore MD 21221

RE: Case Number: 2013-0134 A, Address: 1423 Hopewell Avenue, 21221

Dear Mr. Horan:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 10, 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 Ribal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-17-12

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

RE: **Baltimore County**

Item No 2013-0134-A

Variouse

Gary Horan 1423 Hopewell 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. 2013-0134-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

Department of Permits, Approvals

DATE: December 20, 2012

And Inspections

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 31, 2012

Item Nos. 2013-0134, 0135, 0136, 0137 and 0138.

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

DAK:CEN Cc: file RE: PETITION FOR VARIANCE

1423 Hopewell Ave; SE/S of Hopewell Ave,
215' SW c/line of intersection with Bladen Rd *
15th Election & 7th Councilmanic Districts
Legal Owner(s): Gary Horan

Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

* 2013-134-A

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

DEC 2 0 2012

CAROLE S. DEMILIO

Deputy People's Counsel Jefferson Building, Room 204

come S Vembre

105 West Chesapeake Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of December, 2012, a copy of the foregoing Entry of Appearance was mailed to Gary Horan, 1423 Hopewell Avenue, Baltimore, MD 21221, Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE:

March 19, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0134-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 18, 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 (vw3.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

			Owner Inform	nation					
Owner Name: Mailing Address:	1423 F	IN GARY W HOPEWELL AVE IMORE MD 21221-37.	29		oal Resi Reference			RESIDENTI/ YES 1) /18505/ 00 2)	
		Locati	on & Structur	e Informatio	n				
Premises Address			Les	al Descript	tion				
1423 HOPEWELL AVE 0-0000				3 HOPEWEL					
Map Grid Parc	el Sub District	Subdivision	Section	Block	Lot	Assessment Area		Plat No:	1
0097 0004 0444		0000	1	E	35	3		Plat Ref:	0024/ 0136
Special Tax Areas		Town Ad Valorem Tax Class	NON	Е					
Primary Structure Buil 1958	!	Enclosed Area 1,008 SF	:	Property 2,070 SF	Land A	Area	0-	County Use	
Stories Basement 2.000000	Type CENTER UNIT	Exterior BRICK							
			Value Inform	nation					
	Base Value	Value	Phase-in Ass	essments	,				
		As Of 01/01/2012	As Of 07/01/2012	As Of 07/01/20	013				
Land	40,000	40,000							
<u>Improvements:</u> Total <u>:</u>	84,300 124,300	56,600 96,600	96,600	96,600					
Preferential Land:	0	90,000	30,000	0					
			Transfer Info	mation					******
Seller: MILLER DON Type: ARMS LENG	IALD D I'H IMPROVED			Date: Deed1:	08/04 /1850	/2003 5/ 00694	Price:	\$65,000	
Seller: Type:				Date: Deed1:			Price: Deed2:		
Seller: Type:				Date:			Price: Deed2:		
			Exemption Info	rmation					
Partial Exempt Assessn	ients	·		Class		07/01/2012		<i>07/</i> 01/2013	
County				000		0.00			
State				000		0.00			
State				000		0.00		0.00	
<u>Municipal</u>							D		
						Special T	NONE	ture:	



Case	T. T.	
1 200	NO	
	TAO.	

2013-0134-A

Exhibit Sheet

Sar Briston

D-13

Petitioner/Developer

Protestant

SitePlan	
•	

