IN RE: PETITION FOR ADMIN. VARIANCE (1706 Hilltop Avenue)

15<sup>th</sup> Election District 6<sup>th</sup> Councilmanic District William J. and Sharon L. Grauling Petitioners **BEFORE THE** 

OFFICE OF ADMINISTRATIVE

**HEARINGS FOR** 

BALTIMORE COUNTY

CASE NO. 2013-0138-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, William J. and Sharon L. Grauling. The Petitioners are requesting Variance relief pursuant to Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory building (garage) with a height of 20 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 23, 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	1-10-13
By	

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 building (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>10<sup>th</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 allow an accessory building (garage) with a height of 20 feet in lieu of the maximum 15 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 1. 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.

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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

Data 1-10-13

By\_\_\_\_



KEVIN KAMENETZ County Executive

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

January 10, 2013

William J. and Sharon L. Grauling 1706 Hilltop Avenue Baltimore, Maryland 21221

> Re: Petition for Administrative Variance Case No. 2013-0138-A

> > Property: 1706 Hilltop Avenue

Dear Mr. and Mrs. Grauling:

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,

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Ct., Edgewood, MD 21040

### ADMINISTRATIVE 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 1706 HILLTOP AVENUE which is presently zoned Deed Reference L. 8198 F. 10 Digit Tax Account # 150 SHARON L. GRAULING Property Owner(s) Printed Name(s)

(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

BUILDING (GARAGE) WITH A HEIGHT OF TO FEET IN LIEU OF THE PERMITTED 15 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 Purc	haser/Lesse	<b>:</b>		Legal Owners:			
				WILLIAM J. GRAL	ILING, SHARE	ON L. GRAULI	ING
Name- Type or Pr	int			Name #1— Type or Print		Type or Print	1 wel
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				1706 HILLTOP A	YE BALTO.	MD.	U
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/		1		21221 (443)	190-2926		
Zip Code	Telephone #	Email Add	ress			nail Address	
Attorney for F	etitioner:		à	Representative to b	e contacted:	ESIGIN INC	

Mailing Address GOICHARWOOD CT.

State Mailing Address *21040* **Email Address** Zip Code Telephone #

A PUBLIC HEADING 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 2013-0138-A

Zip Code

Filling Date 12/3/2012 Estimated Posting Date 12/23/12

Reviewer

### **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: 1706 HILLTOP AVENUE Print or Type Address of property	UE BALTO-	MD.	2/27/
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the f Administrative Variance at the above a			•
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Signature of Affiant	S	ignature of Affiant	
WILLIAM J. GRAULING		SHARON L.GRA	LILING
Name- Print or Type	<u> </u>	lame- Print or Type	
The following information is t	o be completed by a No	tary Public of the State o	f Maryland
			,
STATE OF MARYLAND, COUNTY OF	LAREORD to wi	t-	
I HEREBY CERTIFY, this d	ay of <u>December</u> , Z	0/2_, before me a N	lotary of Maryland, in
and for the County aforesaid, personally a	ppeared		
WILLIAM J. GRAULIN	6 & SHARO	N L GRAUL	ING
41 ACC 46 N	satisfactorily identified to	ome as such Affiant(s)	(Print name(s) here)
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Maria Maria			REV. 10/12
THE PUBLIC COUNTY IN THE PROPERTY OF THE PROPE		0/3	8-A
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REV. 10/12/11

### **ZONING DESCRIPTION**

### **1706 HILLTOP AVENUE**

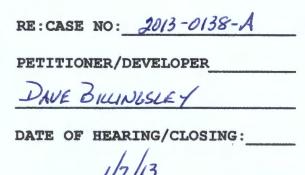
Beginning at a point on the north side of Hilltop Avenue (30 feet wide), said point being distant 219 feet northeasterly from its intersection with the center of Middleborough Road (30 feet wide), thence being all of Lot 78 as shown on the plat entitled Hilltop Park recorded among the Plat Records of Baltimore County in Plat Book 8 Folio 32.

Containing 72,155 square feet or 1.656 acre of land, more or less.

Being known as 1706 Hilltop Avenue. Located in the 15<sup>th</sup> Election District, 6<sup>th</sup> Councilmanic District of Baltimore County, Md.

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## CERTIFICATE OF POSTING



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 PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY AT /706 HILCTOP AVENUE

THIS SIGN(S) WERE POSTED ON

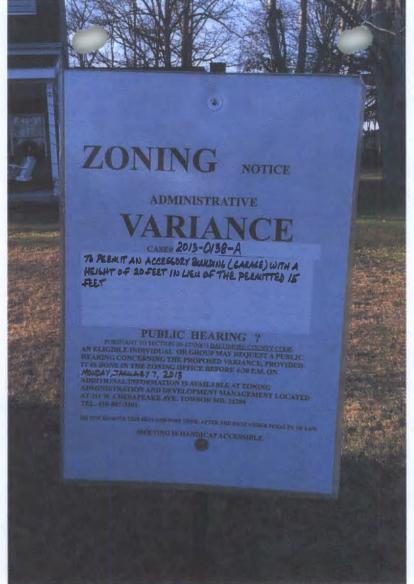
(MONTH, DAY, YEAR)

SINCERELY,

SIGNATURE OF SIGN POSTER AND DATE:

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

PHONE NUMBER: 443-629-3411



malist gle 12/23/12

## BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

2.1120
Case Number 2013- 0138 -A Address 1706 Hiltop Avenue  Contact Person: Lewski Phone Number: 410-887-3391
Contact Person: Lewski Phone Number: 410-887-3391  Planner, Please Print Your Name
Filing Date: 12 13 12 Posting Date: 12 23 12 Closing Date: 01 07 13
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. POSTING/COST: 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- 0138 -A Address 1706 Hilltop Hve Nue
Petitioner's Name William & Sharon GRAULING Telephone 443 790 2926
Posting Date: 12 23 12 Closing Date: 0107 13
Wording for Sign: To Permit AN Accessory building (garage) with A height of 20 ftet in lieu of the permitted 15 feet.

Revised 7/06/11

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT 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. For those petitions which require a public hearing, 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.

Item Number	or Case Number:
Petitioner:	WILLIAM GRAULING
	cation: 1706 HILLTOP AVE
	WARD ADVERTISING BILL TO:
	WARD ADVERTISING BILL TO:
Name:	



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 8, 2013

William J. & Sharon J. Grauling 1706 Hilltop Avenue Baltimore MD 21221

RE: Case Number: 2013-0138 A, Address: 1706 Hilltop Avenue

Dear Mr. & Ms. Grauling:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 13, 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 D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

**Enclosures** 

c: People's Counsel
David Billingsley, 601 Charwood Road, Edgewood MD 21040



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 2013-0138-4.
Administrative Vovionce
William J. à Sharon L. Crauling
1706 Hilltop 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. 2013-0138 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,

Access Management Division

SDF/raz

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: December 20, 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 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

#### MEMORANDUM

DATE:

February 15, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0138-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 11, 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

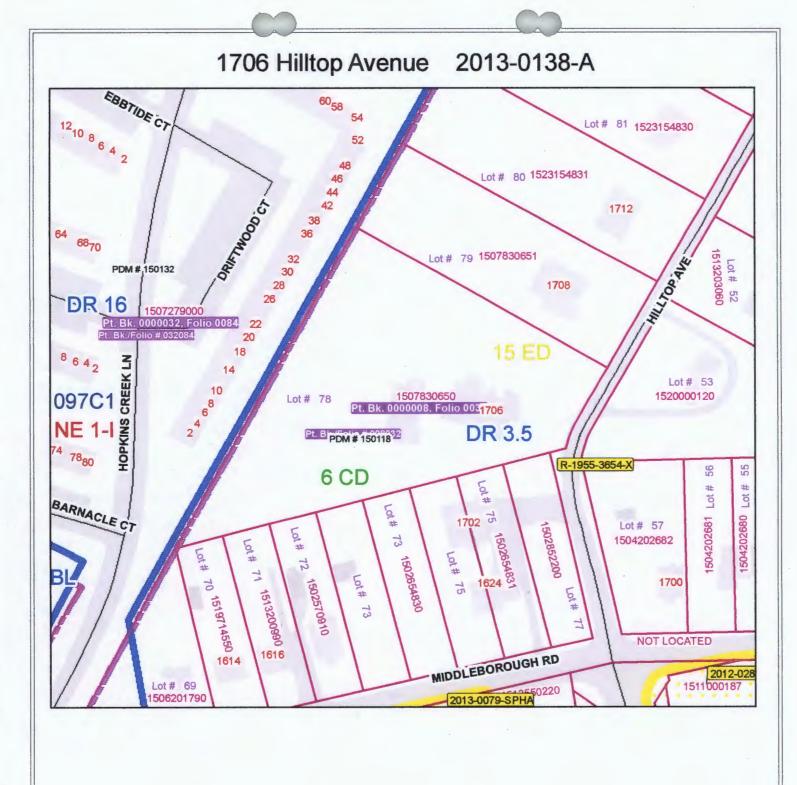




Maryland Department of Assessments and Taxation Real Property Data Search (vw6.2A) BALTIMORE COUNTY

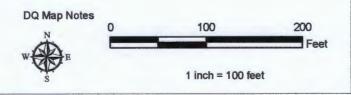
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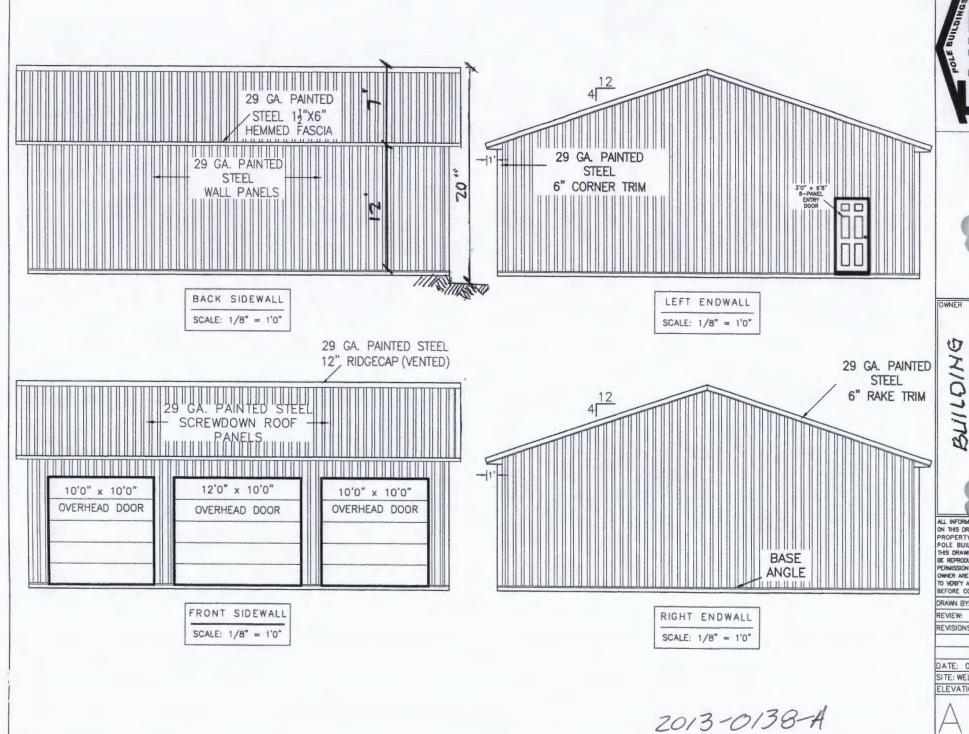
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Publication Date: December 13, 2012
Publication Agency: Permits, Approvals and Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot







BUILDING ELEVATION



ALL INFORMATION SHOWN ON THIS DRAWING IS THE PROPERTY OF SHIRK POLE BUILDINGS LLC THIS DRAWING MAY NOT BE REPRODUCED WITHOUT PERMISSION, BUILDER AND OWNER ARE RESPONSIBLE TO VERIFY ALL DIMENSIONS BEFORE CONSTRUCTION

DRAWN BY:	ALS
REVIEW.	

REVISIONS:

DATE: 04/25/12 SITE: WELCH

ELEVATIONS





1706 HILLTOP AVENUE

2013-0138-A

Created By Baltimore County My Neighborhood



inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Mary and disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.









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