IN RE: PETITION FOR ADMIN. VARIANCE (7847 Bank Street)

15th Election District 7th Councilmanic District Timothy F. Gerst

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

BALTIMORE COUNTY

* CASE NO. 2013-0143-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, Timothy F. Gerst. The Petitioner is requesting Variance relief pursuant to Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (tool shed) in the rear of the property with a side setback of 2 inches in lieu of the required 2.5 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 30, 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

Date	-22-13	
Ву	pow	

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>22nd</u> day of January, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 400.1 of the B.C.Z.R., to permit an accessory structure (tool shed) in the rear of the property with a side setback of 2 inches in lieu of the required 2.5 feet, 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.

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date____

2



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

January 22, 2013

Timothy F. Gerst 7847 Bank Street Baltimore, Maryland 21224

> Re: Petition for Administrative Variance Case No. 2013-0143-A Property: 7847 Bank Street

Dear Mr. Gerst:

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: Henry J. Wegrocki, Esq., Cohen, Snyder, Eisenberg & Katzenberg, 347 N. Charles St., Baltimore, MD 21201-4307

ADMINISTRATIVE ZONING PETITION

E VARIANCE - OR - ADMINISTRATIV

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 7847 BANK Street which is presently zoned, 10 Digit Tax Account # 15 0 3 Deed Reference 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 ADMINISTRATIVE VARIANCE from section(s) BCZR: 400.1 → To permit an accessory structure (tool shed) in the rear of the property with a side set back of 2 inches in lieu of the required 2.5 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). ORDER RECEIVED FOR FILING Contract Purchaser/Lessee: Legal Owners: Name-Type or Print Signature # 2 Signature Mailing Addre State Zip Code relephone # Email Address Attorney for Petitioner: Representative to be contacted: Name-Name - Type or Print Signature Mailing Address City State Email Address Telephone # 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. Administrative Law Judge of Baltimore County CASE NUMBER 2013 - 0143- A Filing Date 12/19/12 __ Estimated Posting Date 12/30 12

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIF OR AN HISTORIC ADMINISTRATIVE



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: Print or Type Address of property	City	State	Zip Code
sased upon personal knowledge, the follo	wing are the fac	cts which I/we base the re	quest for an
dministrative Variance at the above addr	ess. (Clearly st	tate practical difficulty o	r hardship here)
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see attacker			
ignature of Affiant		Signature of Affiant	-
ame- Print or Type		Name- Print or Type	
The following information is to be	e completed by a	Notary Public of the State of	Maryland
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HEREBY CERTIFY, this day nd for the County aforesaid, personally appearance.	eared ,	2012, before me a No	otary of Maryland, ii
Timothy berst			
ne Affiant(s) herein, personally known or sati	sfactorily identifie	ed to me as such Affiant(s) (I	Print name(s) here
S WITNESS my hand and Notaries Seal	Thac	2 Bazdo	8
No	otary Public -	1914)14	
M	/ Commission Ex	pires	

Henry Wegrocki

I am seeking the variance for a number of reasons. As a result of my late hours of employment I moved my fence inward shortening my yard, to create a rear parking pad. This was done to allow me to enter my home from the rear because of safety reasons and because front parking near my home is usually impossible. I return late from my homeland security job and when I exit my car I enter the rear yard through the gate and then enter my home from the rear. Since I am in government (TSA-Homeland Security) issued uniform and ID I don't want to walk a great distance before entering my home for safety reasons. I have "dusk to dawn" security lights out back just inside my gate. In addition I would be denied reasonable use of my property if I were denied this variance and not permitted to extend my shed to the neighboring fence. I would then need to extend the shed the opposite direction which then would encumber the use of my rear walkway leading to my patio, my rear steps and ultimately up to the rear door. In other words I would near to shift that shed to the opposite side of the yard and to do so would narrow my walk, infringe on my patio and steps leading to my home.

2013-0143-4



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

January 22, 2013

Timothy F. Gerst 7847 Bank Street Baltimore, Maryland 21224

> Re: Petition for Administrative Variance Case No. 2013-0143-A Property: 7847 Bank Street

Dear Mr. Gerst:

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,

JOAN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: Henry J. Wegrocki, Esq., Cohen, Snyder, Eisenberg & Katzenberg, 347 N. Charles St., Baltimore, MD 21201-4307

Zoning Description for 7847 Bank Street

Beginning at a point on the south side of Bank Street, which has a 60 foot right of way, at the distance of 25 feet west of the centerline of the nearest improved intersecting street 53rd Street, which also has a 60 foot right-of-way.

Being an un-numbered lot in the subdivision of Northbrook as recorded in Baltimore County Plat Book 19, Folio 7, containing 3,731 square feet.

Located in the 15th Election District and the 7th Councilmanic District.

2013-0143-4

CERTIFICATE OF POSTING ERTIFICATE OF POSTING

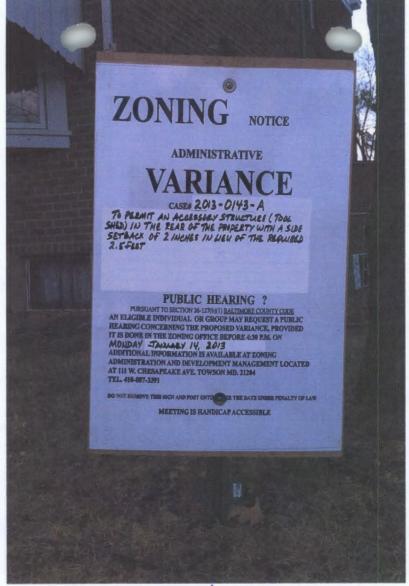


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	RE: CASE NO: 2013-0143-A
	PETITIONER/DEVELOPER
	TIMOTHY GERST
	DATE OF HEARING/CLOSING:
	1/14/13
BALTIMORE COUNTY DEPARTMENT PERMITS AND DEVELOPMENT MAN COUNTY OFFICE BUILDING, ROOM 111 WEST CHESAPEAKE AVENUE	AGEMENT
ATTENTION:	
LADIES AND GENTLEMEN:	
	NDER THE PENALTIES OF PERJURY THAT THE Y LAW WERE POSTED CONSPICUOUSLY ON THE 7847 BANK STREET
THIS SIGN(S) WERE POSTED ON	December 30, 2012
	(MONTH, DAY, YEAR)

SIGNATURE OF SIGN POSTER AND DATE:

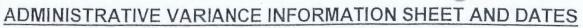
MARTIN OGLE (SIGN POSTER) 60 CHELMSFORD COURT BALTIMORE, MD 21220 (ADDRESS)

PHONE NUMBER: 443-629-3411



Marlin Ogle 12/30/12

ZONING REVIEW



Case Number 2013- 0143 -A Address 7847 BANK 57.
Contact Person: JASIN SEIDELMAN Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 12 18 12 Posting Date: 12 30 12 Closing Date: 1 14 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. <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)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2013 0143 -A Address 7847 BANK ST.
Petitioner's Name TIMOTHY GERST Telephone 410-336-7314
Posting Date: 12 30 12 Closing Date: 1/14/13
Wording for Sign: To Permit AN ACCESSURY STRUCTURE (TOOL SHED) IN THE REAR
OF THE PROPERTY WITH A SIDE SET BACK OF & INCHES IN LIEU OF
THE REQUIRED 2.5 FEET.

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. 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: 2013-0143-A	
Petitioner: TIMOTHY GERST	
Address or Location: 7847 BANK ST.	
PLEASE FORWARD ADVERTISING BILL TO: Name: TIAGTHY GERST	
Address: 7847 BANK ST	
BALTIMORE, MD 21224	
Telephone Number: 410-236-7314	



KEVIN KAMENETZ County Executive

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

January 15, 2013

Timothy Gerst 7847 Bank Street Baltimore MD 21224

RE: Case Number: 2013-0143 A, Address: 7847 Bank Street, 21224

Dear Mr. Gerst:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 18, 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 &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Henry Wegrocki, Esquire, 347 N. Charles St, Baltimore MD 21201

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 2013-0143-A Administrative Variance Timothy Gerst 7847 Bank Street

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. 2013-0143-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 subjectzoning 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. 2013-0143-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



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

February 25, 2013

Ms. Bettina Mabry Holabird East Shopping Center, Inc. 7444 Holabird Avenue, Suite 2 Baltimore, MD 21222

RE:

Final Landscape Plan

7444 Holabird Avenue

Dear Ms. Mabry:

We have not received a response to our letter of December 27, 2012 to Holabird East Shopping Center, Inc. and note that the planting required on your approved Final Landscape Plan pursuant to zoning case #09-143-SPH appears to have not been accomplished. Non-compliance constitutes a zoning violation, subject to daily fines.

Please contact me to discuss this plan. If I do not hear from you by March 11, 2013, the matter will be turned over to Zoning Enforcement for action.

Sincerely,

Jeanette M. S. Tansey, R.L.A.

Project Manager

JMST/js

C. Carl Richards, Zoning

§ 400.1. Location; lot coverage.

Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2 1/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

§ 400.2. Setback.

[Bill No. 2-1992]

Accessory buildings, including parking pads, shall be set back not less than 15 feet from the center line of any alley on which the lot abuts.

§ 400.3. Height.

The height of accessory buildings, except as noted in Section 300, shall not exceed 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

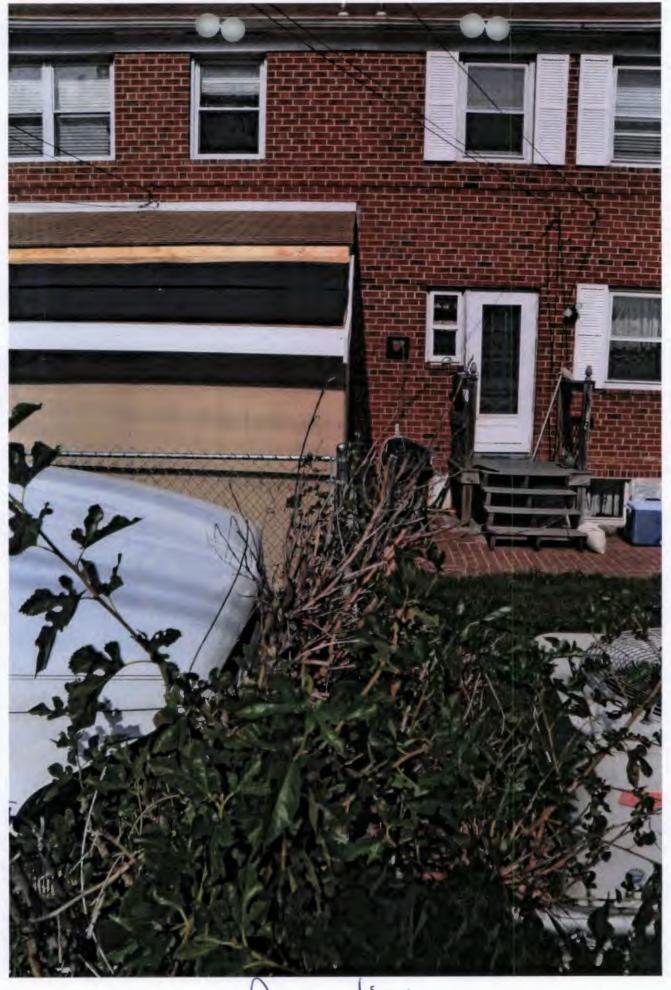
			Owner Inform	nation			8	
Owner Name:	GERST	TIMOTHY FRANKI	LIN	Use:			RESIDENT	TAL
					al Residence:	The state of the s	YES	
Mailing Address:		ANK ST MORE MD 21224-21	12	Deed R	eference:		1)/30878/0 2)	0296
	DALIII		ion & Structure	e Information			2)	
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		Tax Class						
Primary Structure Bui	lt	Enclosed Area	a .	Property	Land Area		County Use	
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	Base Value	Value	Phase-in Ass	essments				
		As Of	As Of	As Of				
		01/01/2012	07/01/2012	07/01/201	13			
Land	42,000	42,000						
Improvements:	93,900	63,400						
Total:	135,900	105,400	105,400	105,400				
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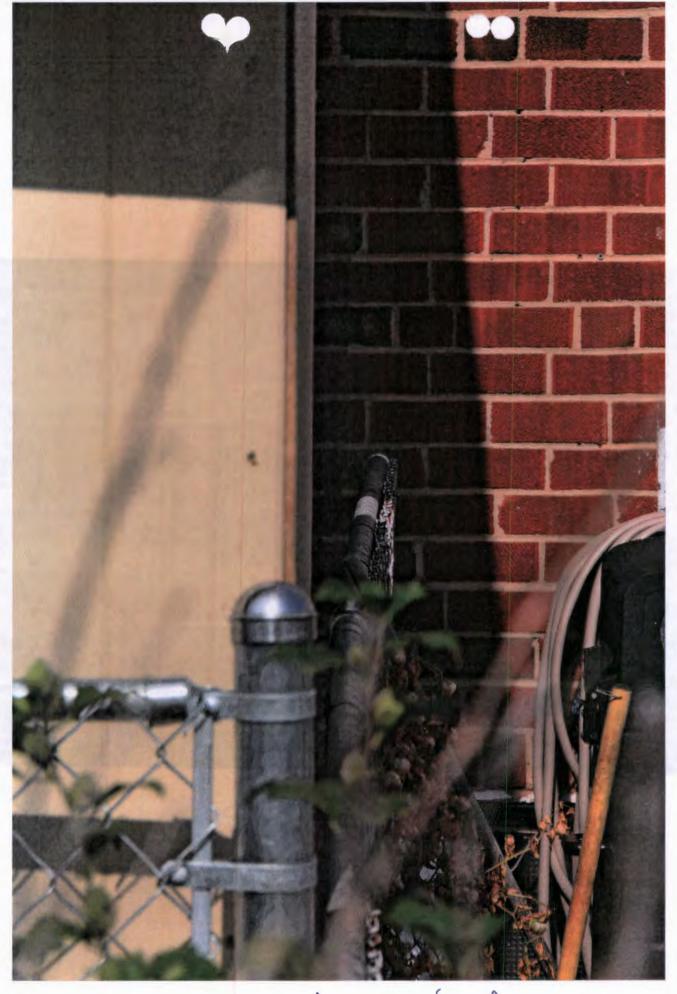


2013-0173-4

Photos



fence line

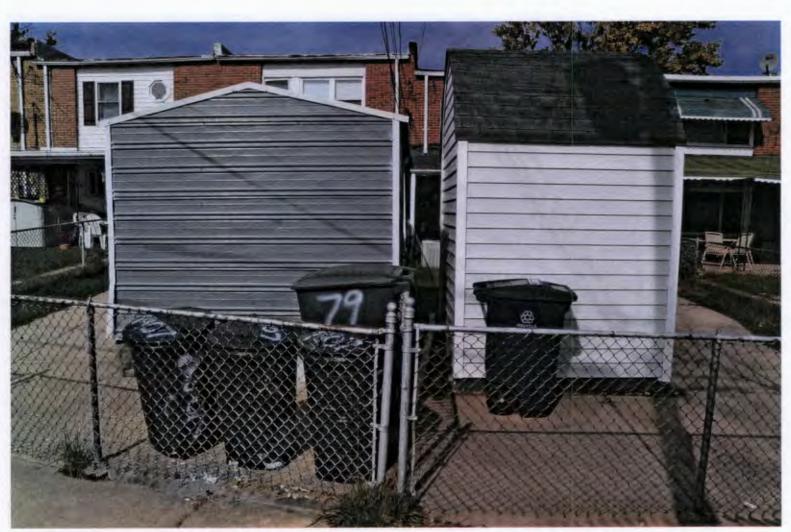


Slite bow in fence



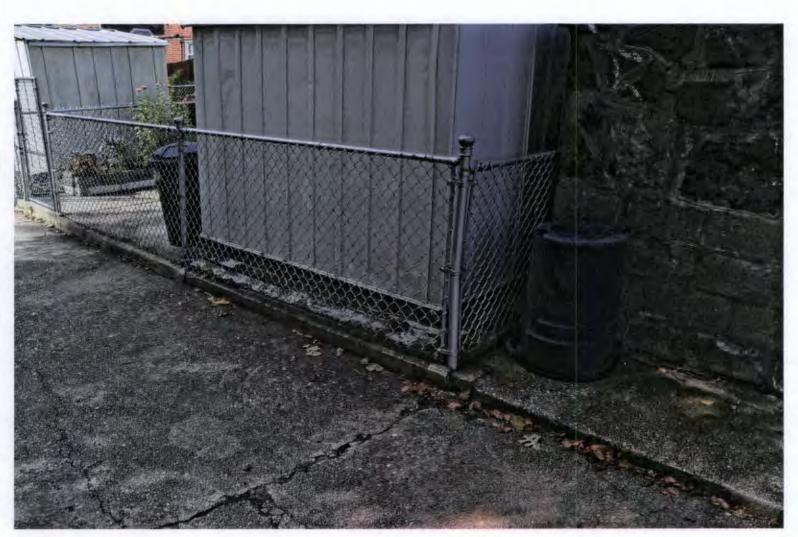
2013-0143-4

too close to property line



2013-0143-A

Both sheds are to close to properly line



2013-0143-4

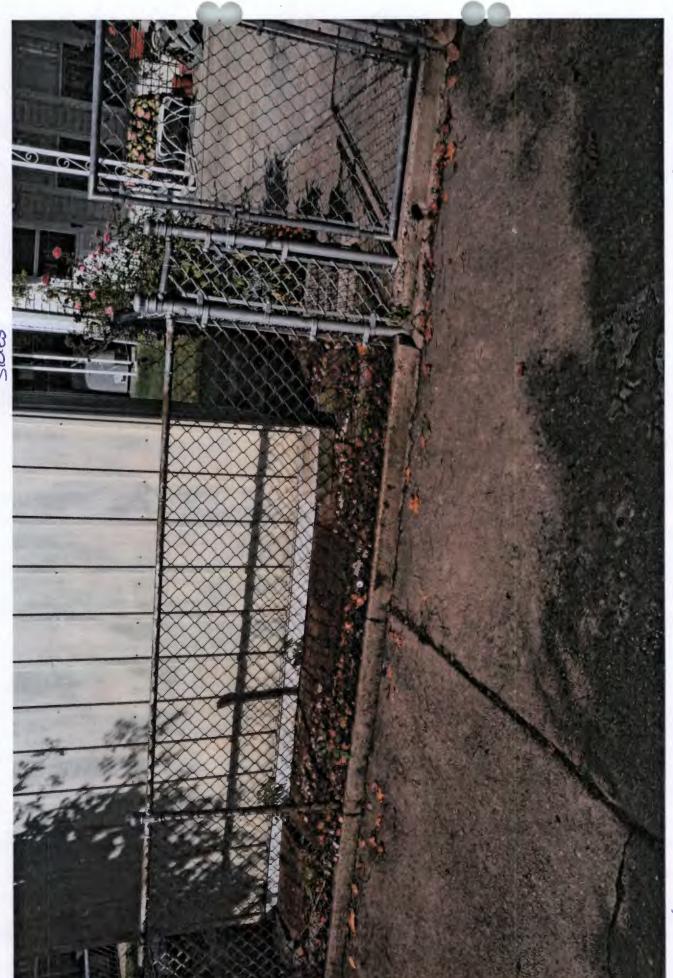
too close to properly line too close to Alley

too close to preparty line, too close to alley

2013-043-4



Addition over 120ª &+ close to proporty line on both sides



Tooclose to property line tooclose to Alley

			ICADIAIC 4		SHE VICINITY MAP
ZONING	HEARING PLAN FOR VA	RIANCE $\sqrt{}$ FOR SPECIAL I	HEAKING (MARK TYPE RE	QUESTED WITH <u>X</u>)	PARVER ST ST
ADDRESS	7847 BANK St.	21224 OWNER(S) N	IAME(S) Timothy Ge	erst	NOT THE ROLL OF TH
	11	,	/ LOT# <u>7&47</u> BLÖCK#	SECTION#	KTO LE RO
1	SION NAME Vorthbrook				EAD COLOR TO THE TOTAL TO THE TOTAL
PLAT BOX	OK# <u>19</u> FOLIO# <u>1</u>	TO DIGIT TAX # 1 5 0 3 9	670640DEED REF.#30	270100476	51) Will Bridge B P St Peters ST
					BANK
				•	RD Exipo
	×	-FT L=22.0	3.		*00/2
		GTRIA REPORT			MAP IS NOT TO SCALE
	_	NK STEEL	. 44.		ZONING MAP# 096B2
	B	ANK STREET L=22.0 P=70.0			SITE ZONED DR 10.5
			38		ELECTION DISTRICT 15+1/2
	3	PORCH			COUNCIL DISTRICT 7th
	áð.	x-x-x			LOT AREA ACREAGE
;		18.6	RES		OR SQUARE FEET 3731
		#78.45	A GNO.		HISTORIC? No
· ·		#7847 2 STORY BRICK	ERTY WALL		IN CBCA? No
	F		PARTH H1800 PARTH H1800		IN FLOOD PLAIN? No
		18.6·	T. T.		
		PORCH *			UTILITIES? MARK WITH X
		1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1			WATER IS:
		SHED E			PUBLIC_X_PRIVATE
		N ₄₀ 17 10 15 10			SEWER IS:
		735.33.			PUBLIC X PRIVATE
		N79'31'26'W			PRIOR HEARING ?
		ALLEY	•		IF SO GIVE CASE NUMBER
					AND ORDER RESULT BELOW
. Line					·
		· · · · · · · · · · · · · · · · · · ·			
PLAN DE	RAWN BY Knowly Gerst	- DATE 11/14/201	Δ scale: 1 INCH = $\underline{20}$	FEET	
					VIOLATION CASE INFO:

2013-0143-A

Pet. Exh.