

IN RE: PETITION FOR ADMIN. VARIANCE *

11th Election District

3rd Councilmanic District

(11539 Cedar Lane)

Laura C. Hearn (Concannon)

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0160-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Laura C. Hearn (Concannon), for property located at 11539 Cedar Lane. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an addition with a setback of 16' in lieu of the required 50'. The subject property and requested relief are more particularly described on Petitioner's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 17, 2013, 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 of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the

ORDER RECOMMENDED FOR FILING Information, photographs, and affidavits submitted provide sufficient facts that comply with the

Date 2-19-13

By LOW

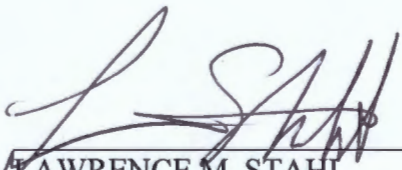
requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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, by the Administrative Law Judge for Baltimore County, this 19th day of February, 2013 that a Variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an addition with a setback of 16' in lieu of the required 50', be and is hereby GRANTED, subject to the following:

1. The Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the 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.


LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 2-19-13

By DLW



KEVIN KAMENETZ
County Executive

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

February 19, 2013

Laura C. Hearn (Concannon)
11539 Cedar Lane
Kingsville, Maryland 21087

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
(11539 Cedar Lane)
Case No. 2013-0160-A

Dear Ms. Hearn:

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.

Very truly yours,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw
Enclosure



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 11539 CEDAR LAKE which is presently zoned BCS

Deed Reference 16296/206 10 Digit Tax Account # 1116075725

Property Owner(s) Printed Name(s) LAURA CONCANNON (HEARN)

(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

1. ☒ **ADMINISTRATIVE VARIANCE** from section(s) 1A043.B.2.b; B C22, TO PERMIT AN ADDITION WITH A SETBACK OF 16 FT IN LIEU OF THE REQUIRED 50 FT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ **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 Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Date

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

LAURA Concannon
Name #1 - Type or Print Name #2 - Type or Print

Laura Concannon
Signature #1 Signature #2

11539 Cedar Lake Kingville MD
Mailing Address City State

21087 443 3269441 CONCANNON R
Zip Code Telephone # Email Address VANDER CA

Representative to be contacted:

WBA
Name - Type or Print

AME
Signature

Mailing Address City State

Zip Code Telephone # 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, this 19 day of January, 2013 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 2013-0160-A Filing Date 1/9/13 Estimated Posting Date 1/29/13 Reviewer JCM

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: 11539 CEDAR LANE Kingsville MD 21087
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

the house was built in 1954. Evidently the
PLAT WAS NOT RECORDED. MY HOUSE DOES NOT MEET
EXISTING ZONING. MY LOT IS 100 FEET WIDE AND THE
ZONING SAYS I NEED A 50 FOOT BUFFER TO THE
PROPERTY LINES. I WANT TO BUILD AN ADDITION
BUT CANNOT ABIDE BY THE ZONING.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Laura Concannon
Signature of Affiant

LAURA CONCANNON
Name- Print or Type

Signature of Affiant

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 BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of dec, 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

LAURA CONCANNON
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

8/15/15
My Commission Expires

Exhibit A

Beginning for the same on the southeast side of Cedar Lane at a point in and distant 100.00 feet north 44 degrees 38 minutes 30 seconds east from the beginning of the sixth or north 44 degrees 38 minutes 30 seconds east 701.63 foot line of that tract of land which by deed dated May 6, 1952 and recorded among the Land Records of Baltimore County in Liber GLB 2114 Folio 407, etc, was conveyed by James William Ruth to Leroy Sparr and wife, thence running with and binding on part of said sixth line and on the said southeast side of Cedar Lane north 44 degrees 38 minutes 30 seconds east 100.00 feet, thence leaving said sixth line and the southeast side of Cedar Lane and running for lines of division the three following courses and distances, south 45 degrees 21 minutes 30 seconds east 200.00 feet, south 44 degrees 38 minutes 30 seconds west 100.00 feet, and north 45 degrees 21 minutes 30 seconds west 200.00 feet to the place of beginning. Containing 0.46 acres of land, more or less, and being known as Lot No. 10 on an unrecorded Plat of Cedar Crest. The improvements thereon being known as 11539 Cedar Lane.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **94044**

Date: **1/9/13**

PAID RECEIPT

RECEIVED BY: [illegible]
 DATE: 1/9/2013
 TIME: 10:10 AM
 RECEIPT # 105850
 BALANCE: \$75.00
 BALANCE DUE: \$0.00
 BALANCE PAID: \$75.00
 BALANCE CASH: \$75.00
 BALANCE CREDIT: \$0.00
 BALANCE DEBIT: \$0.00
 BALANCE TOTAL: \$75.00
 BALANCE CHECK: \$0.00
 BALANCE CASH: \$75.00
 BALANCE CREDIT: \$0.00
 BALANCE DEBIT: \$0.00
 BALANCE TOTAL: \$75.00

Rev Source/ Sub Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		610				75.00

Total: **75.00**

Rec From: **C. CONCANNON**

For: **2013-0160-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 01/23/2013

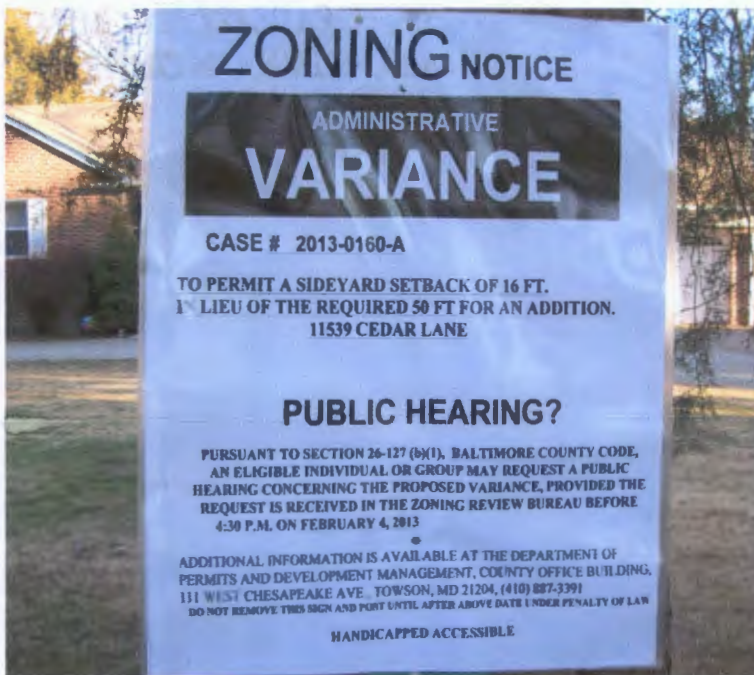
Case Number: 2013-0160-A

Petitioner / Developer: LAURA CONCANNON

Date of Hearing (Closing): FEBRUARY 4, 2013

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:
11539 CEDAR LANE

The sign(s) were posted on: JANUARY 17, 2013



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

410 - 666 - 5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 2012-¹³ 0160 -A Address 11539 CEDAR LNContact Person: J. MERREY Phone Number: 410-887-3391
Planner, Please Print Your NameFiling Date: 1/9/13 Posting Date: 1/20/13 Closing Date: 2/4/13

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- DEADLINE:** 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.
- 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 2012-¹³ 0160A -A Address 11539 CEDAR LANEPetitioner's Name LAURA CONCAUNON Telephone 443-326-9441Posting Date: 1/20/13 Closing Date: 2/4/13Wording for Sign: To Permit A SIDEYARD SETBACK OF 16ft. IN LIEU
of the REQUIRED 50ft. for an ADDITION.

Revised 7/06/11

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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.

For Newspaper Advertising:

Item Number or Case Number: 2013-0160-A

Petitioner: LAURA CONCAHNON

Address or Location: 11539 CEDAR LANE KINGSMILL MD 21087

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

SAME

Telephone Number: 443-326-9441



KEVIN KAMENETZ
County Executive

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

February 5, 2013

Laura Concannon
11539 Cedar Lane
Kingsville MD 21087

RE: Case Number: 2013-0160 A, Address: 11539 Cedar Lane, 21087

Dear Ms. Concannon:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 9, 2013. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

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: 1-25-13

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

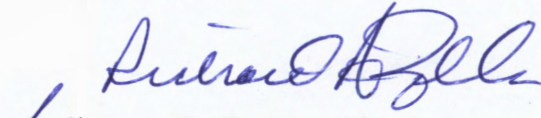
RE: Baltimore County
Item No 2013-0160-A
Administrative Variance
Laura Concannon
11539 Cedar Lane.

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. 2013-0160-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
And Inspections

DATE: January 30, 2013

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For January 28, 2013
Item Nos. 2013-0151,0153,0154,0156,0157,0158,0159,0160,0161,0162,
0163,0164,0165,0166,0167,0168,0169, and 0172.

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

DAK:CEN
Cc: file

MEMORANDUM

DATE: March 26, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0160-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 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 (vw6.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier:

District - 11 Account Number - 1116075425

Owner Information

Owner Name: HEARN LAURA C Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 11539 CEDAR LN
KINGSVILLE MD 21087-1620 Deed Reference: 1) /16296/ 00176
2)

Location & Structure Information

Premises Address Legal Description
11539 CEDAR LN .46 AC
0-0000 11539 CEDAR LA
CEDAR CREST

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0064	0001	0337		0000			10	3	Plat Ref:

Special Tax Areas Town Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1954	1,827 SF	20,037 SF	04

Stories	Basement	Type	Exterior
1.000000	YES	STANDARD UNIT BRICK	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	84,000	84,000		
Improvements:	217,900	175,600		
Total:	301,900	259,600	259,600	259,600
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
MULKERN JAMES A4TH	04/09/2002	\$222,000
Type: ARMS LENGTH IMPROVED	Deed1: /16296/ 00176	Deed2:
Seller: PROFILI ROSE B	Date: 02/29/2000	Price: \$197,000
Type: ARMS LENGTH IMPROVED	Deed1: /14329/ 00538	Deed2:
Seller: PROFILI ROSE B	Date: 03/05/1993	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /09644/ 00714	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: Special Tax Recapture:
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: Approved 11/09/2010





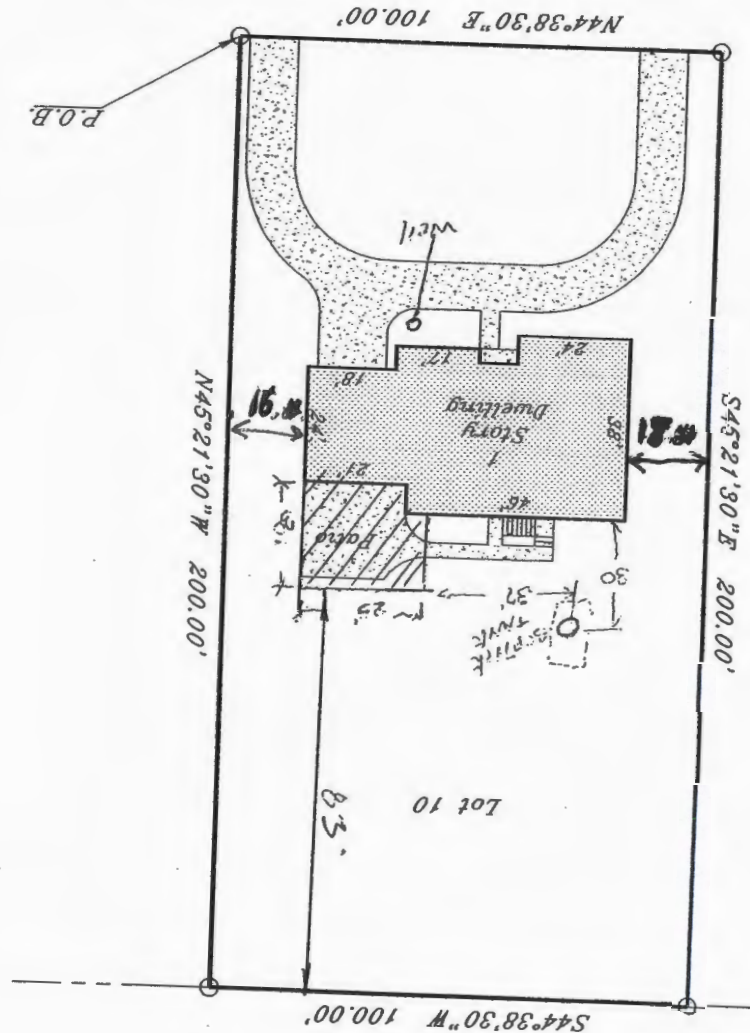


ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 11539 CEDAR LAKE OWNER(S) NAME(S) LAURA HEARN (CONCANNON)

SUBDIVISION NAME CEDAR CREST LOT # 10 BLOCK # _____ SECTION # _____

PLAT BOOK # _____ FOLIO # 407 10 DIGIT TAX # 1116075425 DEED REF. # 162961-206



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 064A1

SITE ZONED RC

ELECTION DISTRICT 11

COUNCIL DISTRICT 3

LOT AREA ACREAGE .46

OR SQUARE FEET 20,000

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE X

SEWER IS:

PUBLIC _____ PRIVATE X

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

PLAN DRAWN BY LAURA CONCANNON DATE 1/6/13 SCALE: 1 INCH = 40 FEET

Per Exh 1