IN RE: PETITION FOR ADMIN. VARIANCE

8th Election District

2nd Councilmanic District

(8330 Tally Ho Road)

Cynthia E. Russo

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0168-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, Cynthia E. Russo, for property located at 8330 Tally Ho Road. The variance request is from Section 1B02.3.B [Section 301.1 of 1963 Zoning Regs.] of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit two proposed open projections (basement entry and handicap ramp) with side yard setbacks of 10' and 6', respectively, in lieu of the required 11.25' each. 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 25, 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

Date 2-19-13

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, by the Administrative Law Judge for Baltimore County, this 19th day of February, 2013 that a Variance from Section 1B02.3.B [Section 301.1 of 1963 Zoning Regs.] of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit two proposed open projections (basement entry and handicap ramp) with side yard setbacks of 10' and 6', respectively, in lieu of the required 11.25' each, 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

2



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

February 19, 2013

Cynthia E. Russo 8330 Tally Ho Road Lutherville, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(8330 Tally Ho Road) Case No. 2013-0168-A

Dear Ms. Russo:

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,

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure

ADMI STRATIVE ZONING PET ON FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

SATURE .	Permits, Approvals and Inspections
	Baltimore County for the property located at: which is presently zoned DR-2 (R-20)
Address 8330 Tally Ho Road Deed Reference 31988 /0083	
Property Owner(s) Printed Name(s) Cynthia	10 Digit Tax Account # / 6 0 0 0 0 / 3 0 /
Topoli, Simolo, Milos Hamo(s)	E1 10330
	PRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) on the reverse of this Petition Form be completed / notarized.
	saltimore County and which is described in the description and a part hereof, hereby petition for a
1. X ADMINISTRATIVE VARIANCE from section(s)	
	ng Regs.) - to permit two proposed open projections
	yard setbacks of 10 and 6 feet, respectively, in lieu of the
of the zoning regulations of Baltimore County, to the zoning I	aw of Baltimore County.
	e 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 I	aw of Baltimore County.
Property is to be posted and advertised as prescribed by the zoning regulation and advertising posting at	
I, or we, agree to pay expenses of above petition(s), advertising, posting, et restrictions of Baltimore County adopted pursuant to the zoning law for Balti	c. and further agree to and are to be bounded by the zoning regulations and imore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, und	er the penalties of perjury, that I / We are the legal owner(s) of the property whi
is the subject of this / these Petition(s).	
Contract Purchaser/Lessee:	Legal Owners:
	Cuethia F. River
Name- Type or Print	Name #1 - Type or Print Name #2 - Type or Print
	Cunthea E Russ
Signature	Signature #1 Signature # 2
	8330 Tally-Ho Rd. Lutherville, MD
Mailing Address City State	Mailing Address City State
	21093 / 410-296-5375 /
Zip Code Telephone # Email Address	21093 / 410 - 296 - 5375 / Zip Code Telephone # Email Address
Attorney for Petitioner:	Representative to be contacted:
Name-Type or Print Signature ORDER RECEIVED FOR FILING	
Name-Type or Print	Name - Type or Print
THE PECETA IN THE PERIOD OF TH	
Signature OHO	Signature
D.	
Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
A PUBLIC HEARING having formally demanded and/or found to be rec this day of that the subject matter o	quired, it is ordered by the Office of Administrative Law, of Baltimore County, f this petition be set for a public hearing, advertised, as required by the zoning
regulations of Baltimore County and that the property be reposted.	passes a passes realing, advertised, as required by the zerilling

Filing Date_

CASE NUMBER 2013 - 0168 A

Estimated Posting Date 1,27, 13

Affidavit in Support Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE STECIAL 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: 8330 Tally Ho Print or Type Address of property	Road Lutherville	MD	2/093
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the Administrative Variance at the above	ne following are the fac e address. (Clearly st	ts which I/we base the ate practical difficul	e request for an ty or hardship here)
To salis salis &	an He seawed	15 foot minimum	-ile want set
Jam seeking relief for setback, so I may a bedroom for my disabled	enstruct a handicap	same to a new	first flor
bedroom for my disabled	son. This is the	only place on the	property due to
grading, large trees and re the hardisap van.	quires access from	the driveway to	transport from
		•	
(If additional space for the petition re	equest or the above state	ment is needed, label an	d attach it to this Form)
Cynthia & Russo Signature of Affiant		0:	
		Signature of Affiant	
Cynthia E Russo			
Name- Print or Type		Name- Print or Type	
The following information	is to be completed by a N	lotary Public of the State	e of Maryland
STATE OF MARYLAND, COUNTY	OF BALTIMORE, to v	wit:	×
I HEREBY CERTIFY, this 16th and for the County aforesaid, personall	day of ANUARY, y appeared	2013, before me	a Notary of Maryland, in
CYNTHIA E. RUS	550		- Andrew - Miles
the Affiant(s) herein, personally known	or satisfactorily identified	to me as such Afriant(s) (Print name(s) here)
AS WITNESS my hand and Notaries S	eal Notary Public	til	love
	De	TRICIA D. COOK	
	My Commission Exp	TRICIA D. COOK IT Solve Seltimore County	
		Maryland	REV. 10/12/1

Maryland
My Commission Expires Dec. 15, 2015

Zoning Description for 8330 Tally Ho Road, Lutherville, MD 21093

Tax Account # 1600001301

Beginning at a point on the North side of Tally-Ho Road which is 50' wide at the distance of 607.42' East of the centerline of the nearest improved intersecting street, Sedgefield Court which is 50' wide. Being Lot #8, Block E, Section _ in the subdivision of Seminary Ridge as recorded in Baltimore County Plat Book- #6, Folio # 16, containing 13,500 SF. Located in the 8th Election District and 2nd Council District.

Item # 0168

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 01/26/2013

Case Number: 2013-0168-A

Petitioner / Developer: CINDY RUSSO

Date of Hearing (Closing): FEBRUARY 11, 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: 8330 TALLY-HO ROAD

The sign(s) were posted on: JANUARY 25, 2013



(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)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2013-	0168	-A Add	ress <u>83</u>	30 Jally-ho Kd
Conta	ct Person:	David Planner, Pl	Dava lease Print Your Name	. ,	Phone Number: 410-887-3391
Filing	Date:	6/13	Posting D	ate: 1/27/1	Closing Date: 2/11/13
Any c	ontact made with the contact p	vith this offic erson (planne	e regarding the er) using the case	status of the a number.	administrative variance should be
1.	reverse side of reposting must is again response	f this form) a t be done onl nsible for all	and the petitioner by by one of the s associated cost	is responsible ign posters on t s. The zoning	oosters on the approved list (on the for all printing/posting costs. Any the approved list and the petitioner notice sign must be visible on the ld remain there through the closing
2.	a formal requ	est for a pul	ate is the deadlin blic hearing. Pl , the process is n	ease understan	nt or owner within 1,000 feet to file that even if there is no formal the closing date.
3.	commissioner, order that the within 10 day	He may: (matter be set s of the close etition has be	(a) grant the req t in for a public he sing date if all (een granted, den	uested relief; (b earing. You will County agencie	d by the zoning or deputy zoning o) deny the requested relief; or (c) receive written notification, usually s' comments are received, as to public hearing. The order will be
4.	(whether due commissioner) changed giving	to a neighb , notification a notice of th	or's formal requ will be forward e hearing date, t	est or by orde ed to you. Th ime and location	es that must go to a public hearing r of the zoning or deputy zoning ne sign on the property must be n. As when the sign was originally altered sign must be forwarded to
			(Detach Along	Dotted Line)	
Petitio	oner: This Par	t of the Forn	n is for the Sign	Poster Only	
		USE THE A	DMINISTRATIVE	VARIANCE SI	GN FORMAT
Case	Number 2013-	0168	Address _	8330	Tally-ho Rd
Petitio	ner's Name	CER	usso		Telephone 410 296 5375
Posti	ng Date:	/27/13		Closing Dat	e: 2/11/13
Wordi	ng for Sign:	To Permit 1	wo proposed	open proj	ections (basement
ent	ry and b	andicap	ramp) with	h side yar	d setbacks of 10 and 6
tee	T, respecti	vely, in	lieu of th	e required	11/4 teet each
					1'

Revised 7/06/11

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 N Petitioner:	umber: 2013-0168 Thia E Russo	-A	
	8330 Tally-Ho Rd	Lutherville	MD 21093
		4	
PLEASE FORWARD AD	OVERTISING BILL TO: Cynthia E Russo		
Name:			



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

February 12, 2013

Cynthia Russo 8330 Tally Ho Road Lutherville, MD 21093

RE: Case Number: 2013-0168 A, Address: 8330 Tally Ho Road, 21093

Dear Ms. Russo:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 16, 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,

U. Carl Richal D

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 -0168-A

Cynthia Russo 8330 Tally-Ho Road

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. 2013-0168-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

FROM:

Dennis A. Kennedy, 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.

DATE: January 30, 2013

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. 2013-0168-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

(OKA 10.109)

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: Fred Louis Schlichtmann and I, or we, Sonya Mary Schlichtmann legal owners 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 Variance from Section___1B02.7B__(205.3)____ to permit a side yard of 11 feet instead of the required 15 feet of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1 - To allow us to erect a two-car, attached garage that will be in keeping with the architecture of the existing building and surrounding homes. 2 - Existing swall in back of house for ground water to drain around house would have to be crossed or interrupted with the driveway to a detached garage that would cause a possible flooding condition at the rear of the house. 3 - Property sloves up from the back of the house making it more difficult to erert a detached two-car garage. Because of rock formations on property change of slope would entail excessive dynamiting. 4 - Detached garage to rear of building would not be in keeping with the architecture of the surrounding homes. 5 - Attached garage would cover up exterior protrusion caused by laundry chute that presently is detracting from the appearance of sucres ti. 3 Property is to be posted and advertised as prescribed by Zoning Regulations. or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this n, and further agree to and are to be bound by the zoning regulations and restrictions of re County adopted pursuant to the Zoning Law For Baltimore County. see attached description 3-20-73 Contract purchaser Address 9330 Tally-Ho Brad Lutherville, Md. 21093 Petitioner's Attorney Protestant's Attorney ORDERED By The Zoning Commissioner of Baitimore County, this 19th of December ..., 1972, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning

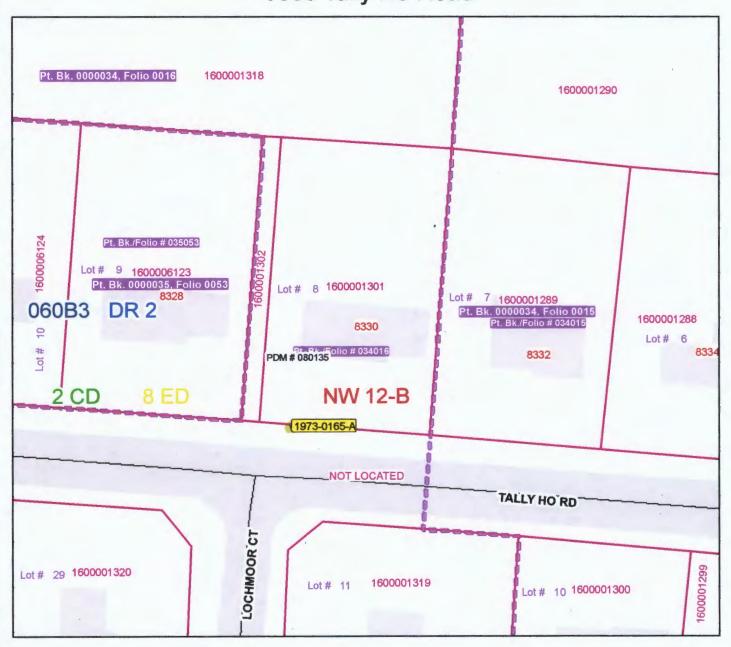
Confinisioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

day of January Zoning Commissioner of Baltimore County. 10.30

Item #0168

DROER RECEIVED FOR FILING

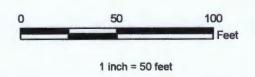
8330 Tally Ho Road





Publication Date: January 14, 2013
Publication Agency: Permits, Approvals and Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



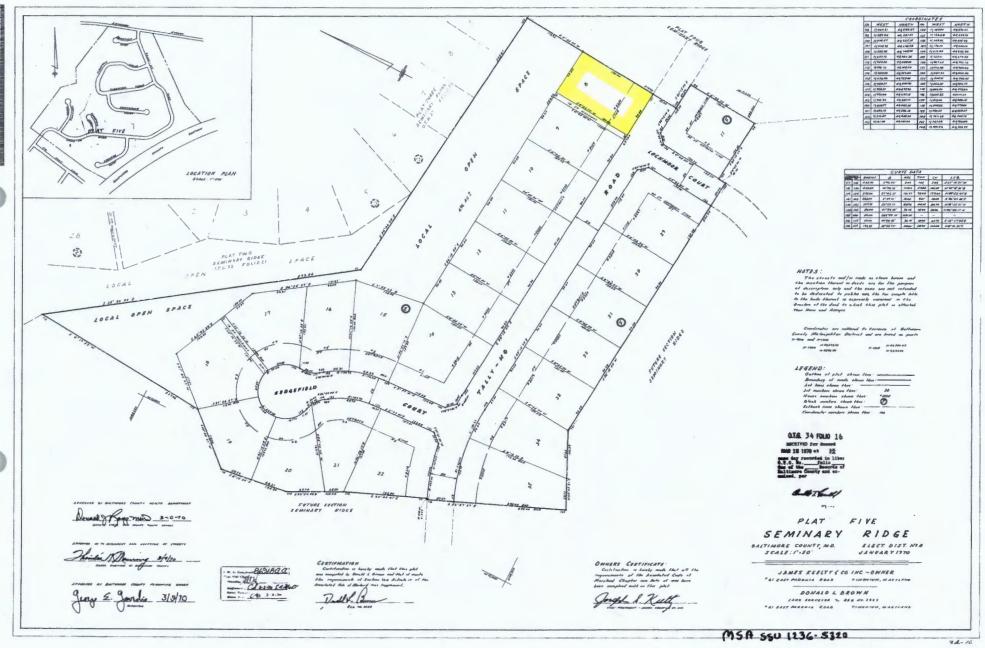


Item #0168

Maryland Department of Assessments and Taxation Real Property Data Search (vw5.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent Redemption
GroundRent
Registration

08 Account Number - 1	600001301				
Owner Informatio	n				
NTHIA E Y HO RD LLE TIMONIUM MD 21093-4722			YES	1) /31988/ 00083	
Location & Structure Inf	ormation				
Legal De	scription				
vision Section	Block Lo	<u>Assessme</u> <u>Area</u>	No:	5	
	E 8	2	Plat Ref:	0034/ 0016	
NONE 1					
		l Area	County Use 04		
Value Information	n				
Phase-in Asses As Of 07/01/2012	As Of				
428,800	428,800 0				
Transfer Informat	ion				
			Price: \$0 Deed2:		
			Price: \$550,000 Deed2:		
			Price: \$49,450 Deed2:		
Exemption Informs	ition		***************************************		
	0	07/01/2012 0.00 0.00	2 07/01/2013		
00					
00		0.00 Special	0.00 Sax Recapture: NONE		
	Owner Information UM MD 21093-4722 Location & Structure Inf Legal De 8330 TALI SEMINAR Vision Section NONE 1 Value Information Phase-in Asses As Of 07/01/2012 428,800 Transfer Information Dai De Exemption Information	Deed Deed	Use:	Use:	

#0168



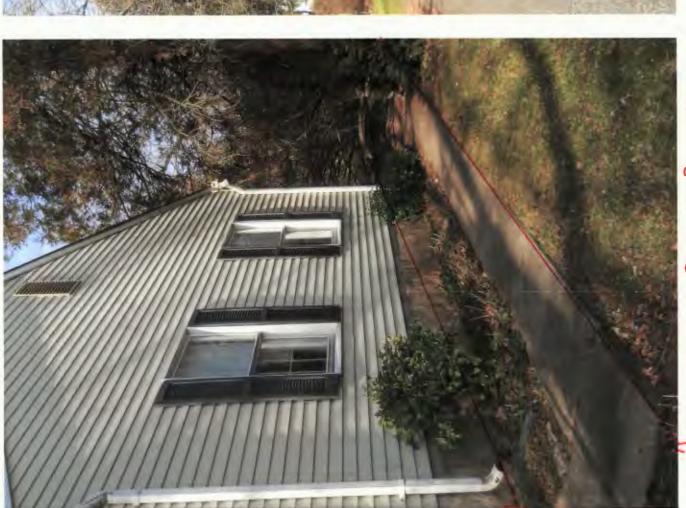
I tem #0168



REAR FROM VIEWED

SIDE





BE INSTALLED IN LIEM OF EXESTING

PROPOSED BASEMENT ENTRANCE

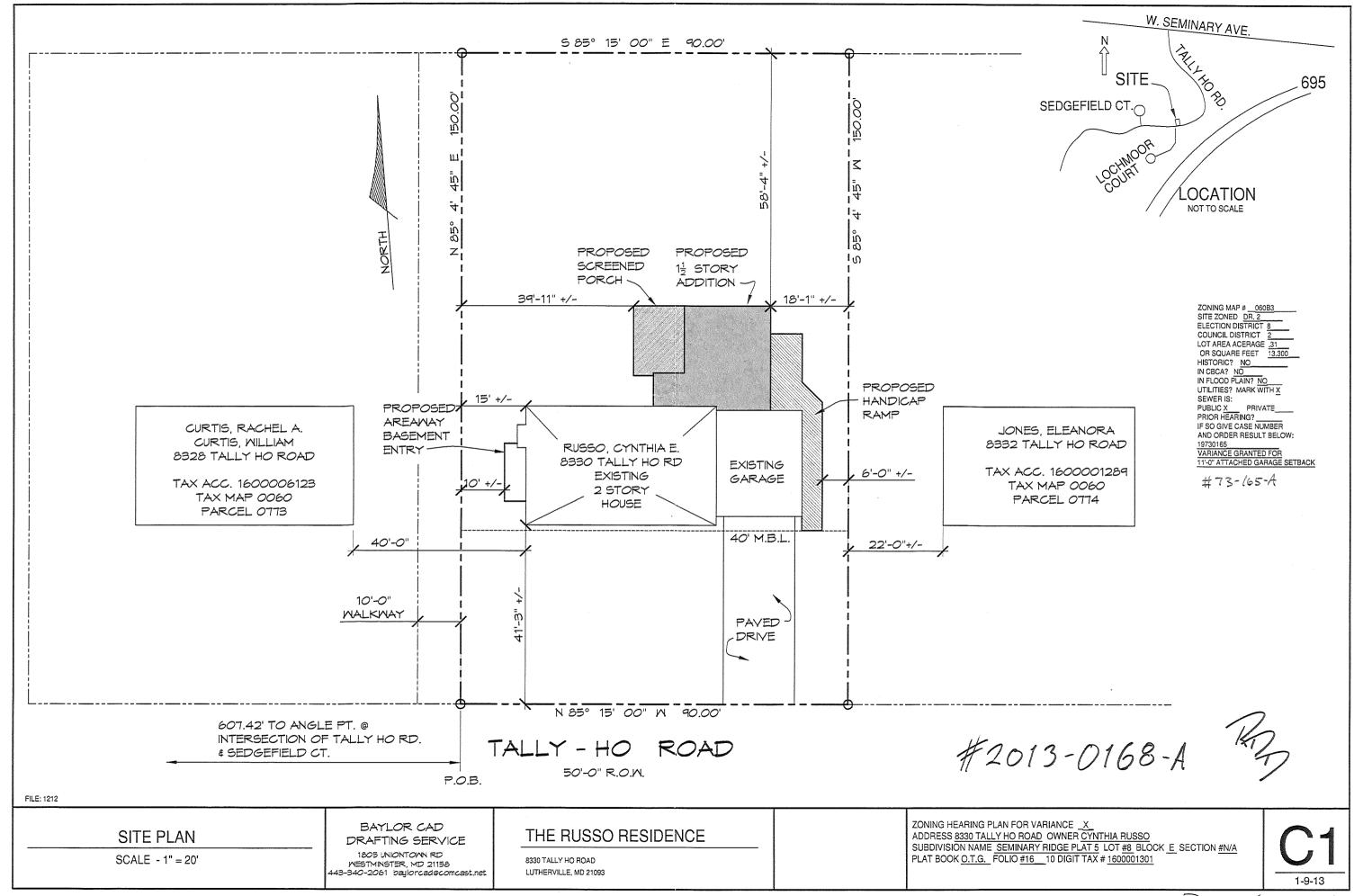
Item # 0168





RIGHT SIDE OF PROPERTY

case # 2013-0168-A



Pet. Exh. 1