

KEVIN KAMENETZ County Executive

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

February 28, 2013

Marion Knott 1507 LaBelle Avenue Ruxton, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(1507 LaBelle Avenue) Case No. 2013-0179-A

Dear Ms. Knott:

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

c: Patrick D. Jarosinski, P.O. Box 234, Riderwood, MD 21139

IN RE: PETITION FOR ADMIN. VARIANCE

9th Election District

2nd Councilmanic District

(1507 LaBelle Avenue)

Marion Knott

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0179-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, Marion Knott, for property located at 1507 LaBelle Avenue. The variance request is from Section 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a 5 ft. side yard setback for a proposed addition (screened in porch) in lieu of the required 11.25 ft. for an open projection. 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. 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 February 10, 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 ORDER RECEIVED FOR FILING

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Date	2-28-13	
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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, by the Administrative Law Judge for Baltimore County, this <u>28th</u> day of February, 2013 that a Variance from Section 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a 5 ft. side yard setback for a proposed addition (screened in porch) in lieu of the required 11.25 ft. for an open projection, 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 RECEIVED FOR FILING	
Date	2-28-13	
Date	(0)	

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: 1507 Labelle Avenue which is presently zoned 10 Digit Tax Account # 10 91 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 1. LA ADMINISTRATIVE VARIANCE from section(s) 301.1A to permit a 5 ft. sile yard setback for a proposed addition (screened in porch) in lieu of the required 11.25 Ct. for an open projection. 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). Legal Owners Contract Purchaser/Lessee: Name- Type or Print Signature Signature, #1 Mailing Address City State Zip Code Telephone # Email Address Email Address Name-Type or Print CEIVED FOR FILING Representative to be contacted:

Zip Code Telephone # Email Address Zip Code Telephone # Email Address Care

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 day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning

Administrative Law	Judge of	f Baltimore	County
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CASE NUMBER 2013-0179-A

regulations of Baltimore County and that the property be reposted.

City

Mailing Address

Filing Date _// 28// 3

State

Estimated Posting Date 2/10/(3

Reviewer

Bh

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: 1507 Laballe,	Avenue Kuxton Maryland 21204		
ST ATTACHNIA	FIT 1/		
(If additional space for the polition request or the above statement is needed, label and attach it to this Form Mai or Afficiant 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:			
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) (If additional space for the petition request or the above statement is needed, label and attach it to this Form) (If additional space for the petition request or the above statement is needed, label and attach it to this Form) (If additional space for the petition request or the above statement is needed, label and attach it to this Form) (If additional space for the petition request or the above statement is needed, label and attach it to this Form) (If additional space for the petition request or the above statement is needed, label and attach it to this Form) (If additional space for the petition request or the above statement is needed, label and attach it to this Form) (If additional space for the petition request or the above statement is needed, label and attach it to this Form) (If additional space for the petition request or the above statement is needed, label and attach it to this Form) (If additional space for the petition request or the above statement is needed, label and attach it to this Form) (If additional space for the petition request or the above statement is needed, label and attach it to this Form) (If additional space for the petition request or the above statement is needed, label and attach it to this Form) (If additional space for the petition request or the above statement is needed, label and attach it to this Form)			
	,		
Signature of Affiant Marion Knott			
(If additional space for the petition requi	est or the above statement is needed, label and attach it to this Form)		
	Marion Vigredel		
Signature of Affiant	Signature of Affiant		
Marion Knott			
Name- Print or Type	Name- Print or Type		
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) **CHATACHMANT** A (If additional space for the petition request or the above statement is needed, label and attach it to this Form) **CHATACHMANT** A (If additional space for the petition request or the above statement is needed, label and attach it to this Form) **CHATACHMANT** A (If additional space for the petition request or the above statement is needed, label and attach it to this Form) **CHATACHMANT** A (If additional space for the petition request or the above statement is needed, label and attach it to this Form) **CHATACHMANT** A **CHATACHMANT** A **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 **24 that** day of **Javuary**, 2013**, before me a Notary of Maryland, in and for the County aforesaid, personally appeared **MARION T. KNOTT**			
STATE OF MARYLAND, COUNTY OF	F BALTIMORE to wit:		
OTATE OF MARKIEARD, GOORTT OF	BALTIMONE, to wit.		
the Affiant(s) herein personally known or	satisfactorily identified to me as such afficient(s) (Print name(s) here)		
the Amanday herein, personally known of	CLUAN		
AS WITNESS my hand and Notaries Seal	(a		
	Notary Public		
	april, 2016 (3)		
	My Commission Expires		

Attachment 'A' - 1507 Labelle Avenue, Ruxton, Maryland 21204

I request an administrative variance at the above noted address because I would like to build an attached addition for a mud room entrance/screen porch that extends into the side yard setback, within 5 feet of the side property line. The yard is very tight on both the sides and rear of my property, along with a very steep grade in the rear yard. Neither the side nor rear yards are very usable due to the steep grade, therefore I would like to create more useable and aesthetically pleasing outdoor spaces. At the same time, I will be removing a larger 12'x 20' garage in the rear yard that is in disrepair and building a smaller 13'-6" x 8'-6" shed. This will improve the overall appearance of my property for both my neighbors and myself.

PROPERTY DESCRIPTION for 1507 Labelle Avenue, Ruxton, Marylana 21204

Beginning at a point on the east side of Labelle Avenue with a right-of-way which is 40 feet wide at the distance of 244 feet east of the centerline of the nearest improved intersecting street (Bellona Avenue) which has a right-of-way of 60 feet wide.

Being Lot #241, as shown on the Plat of Ruxton Heights, which Plat is recorded among the Land Records of Baltimore County in Plat Book JWS Plat Book #1, folio 64, containing 5,750 square feet.

Also known as 1507 Labelle Avenue and located in the 9 Election District and 2nd Councilmanic District.

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.

For Newspaper Advertising:
Item Number or Case Number: 2013-0179-A Petitioner: Marion Knott
Address or Location: 1507 Labelle Avenue Ruxton, Ma 21200
PLEASE FORWARD ADVERTISING BILL TO: Name: Marion Knott
Address: 1507 Labelle Avenue Ruston, Maryland 21204
Telephone Number: 410-252 - 3577

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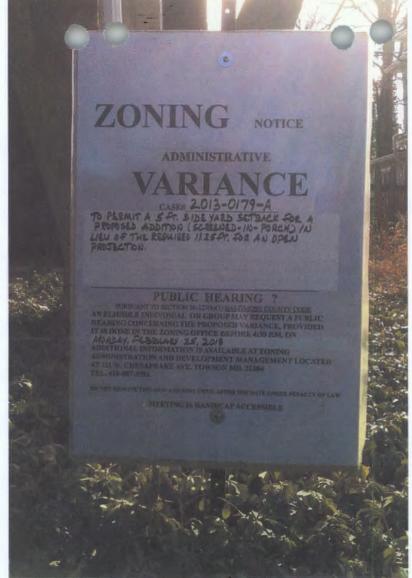
TIFICATE OF POSTING CERTIFICATE OF POSTING



•	RE: CASE NO: 2013-0179-A
	PETITIONER/DEVELOPER
	MARION KNOTT
	DATE OF HEARING/CLOSING:
	2/25/13
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 NECESSARY SIGN(S) REQUIRED BY LAW WE PROPERTY AT /507 L	
THIS SIGN(S) WERE POSTED ON ///	NTH (DAY, YEAR)
	SINCERELY, 2/10/13 SIGNATURE OF SIGN POSTER AND DATE:
	MARTIN OGLE
	(SIGN POSTER)
	60 CHELMSFORD COURT

(ADDRESS) PHONE NUMBER: 443-629-3411

BALTIMORE, MD 21220



Malut gle 2/10/13

MEMORANDUM

DATE:

April 3, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0179-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 1, 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



Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
2-6	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NU
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
2-4	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT		
PRIOR ZONING	(Case No.)
NEWSPAPER AD	VERTISEMENT Date:	
SIGN POSTING	Date: $2-10-13$	by Ogle
PEOPLE'S COUNS	SEL APPEARANCE Yes No	
PEOPLE'S COUNS	SEL COMMENT LETTER Yes No	
Comments, if any:		

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2013- 0179 -A Address 1507 Labelle Ave.
Contact Person: Rudaitis Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: $1/28/13$ Posting Date: $2/10/13$ Closing Date: $2/25/13$
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.
 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.
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- 0179 -A Address 1507 Labelle Avenue
Petitioner's Name Marion Knott Telephone 4/0-252- 3577
Posting Date: $2/10/13$ Closing Date: $2/25/13$
Wording for Sign: To Permit a 5 ft. side yard setback for a proposel
addition (screened-in porch) in lieu of the required 11.25 ft. for
an open projection.

Revised 7/06/11

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

DATE: February 6, 2013

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 February 11, 2013

Item Nos. 2013-0178, 0179, 0180,0181and 0182.

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

DAK:CEN Cc: file



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2 4 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 2013-0179-A Administrative Various

Marion Knott 1507 Labelle 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. 2013-0179-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



KEVIN KAMENETZ County Executive

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

February 26, 2013

Marion Knott 1507 LaBelle Avenue Ruxton MD 21204

RE: Case Number: 2013-0179 A, Address: 1507 LaBelle Avenue, 21204

Dear Mr. & Ms. Smith:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 28, 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,

1. Cal Richal 2

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel Patrick D. Jarosinski, P.O. Box 234, Riderwood MD 21139





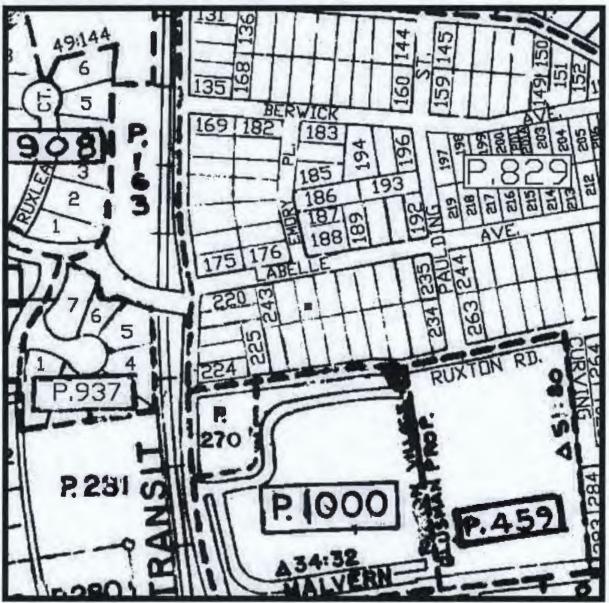
Maryland Department of Assessments and Taxation Real Property Data Search (vw5.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

				Owner Infor	mation						
Owner N	ame:	KNOTT	MARION		Use:				RESIDENTIA	L	
						al Resider	ice:		YES		
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Premises	Address			Legal	Description						
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Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search

Go Back View Map New Search

District - 09Account Number - 0916900650



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011. For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml





View north from proposed addition towards Labelle Avenue



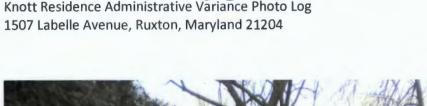
View towards existing house/addition from rear yard



View south towards proposed addition (and existing Garage) from Labelle Avenue



View east from the proposed addition towards the neighbor



View south from proposed addition towards rear neighbor



View west from proposed addition towards the neighbor



Vicinity Map

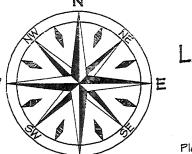
- 1. Owner: Marion Knott 1507 LaBelle Avenue Baltimore MD 21204
- 2. Deed Liber: 25642/227
- 3. Area= 5,750 Sq.Ft. ±
- 4. Tax # 0916900650
- 5. Zoned: DR-3.5
- 6. This site is not in the Chesapeake Bay Critical Area or the 100 year flood plain.
- 7. There are no underground fuel tanks.
- 8. This is not a historic property/building.
- 9. This site is serviced by public Water and Sewer.
- 10. No prior Zoning Hearings.

GRAPHIC SCALE REVISE PROPOSED IMPROVEMENTS
ADD PROPOSED IMPROVEMENTS Plat to Accompany a Petition for a Zoning Request

Knott Property

1507 La Belle Avenue Baltimore County, Maryland 9th Election District, 2nd Councilmanic District Scale: 1"=20' Date: January 13, 2013

Dietz Surveying, Inc.



Land Surveying and Land Planning

8119 Oakleigh Road Baltimore MD 21234 Ph 410-661-3160, Fax 410-661-3163 www. dietzsurveying.net Plot Date: 1/28/2013

Job No. 2012-369 Party Chief: DRD