



KEVIN KAMENETZ
County Executive

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

March 4, 2013

Wayne F. Smith
Louise F. Smith (Trustees)
312 Locust Drive
Catonsville, Maryland 21228

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
(312 Locust Drive)
Case No. 2013-0182-A

Dear Mr. and Mrs. Smith:

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

c: Calvin Boone, 3817 McDonogh Road, Randallstown, MD 21133

IN RE: PETITION FOR ADMIN. VARIANCE

1st Election District

1st Councilmanic District

(312 Locust Drive)

Wayne F. Smith & Louise F. Smith (Trustees)*

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0182-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 owners of the subject property, Wayne F. Smith and Louise F. Smith (Trustees), for property located at 312 Locust Drive. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to allow a side yard setback of 6 feet in lieu of the minimum required 15 feet, and to allow a rear yard setback of 14 feet in lieu of the minimum 40 feet setback for a proposed addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 6, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to

ORDER RECEIVED FOR FILING

Date 3-4-12

By [Signature]

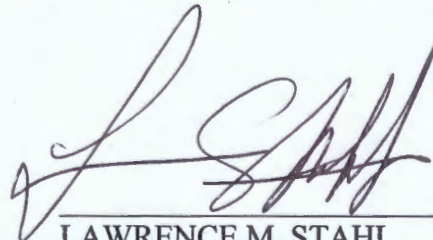
indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 4th day of March, 2013 that a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to allow a side yard setback of 6 feet in lieu of the minimum required 15 feet, and to allow a rear yard setback of 14 feet in lieu of the minimum 40 feet setback for a proposed addition, be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners 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 3-4-12 2

By [Signature]



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 312 Locust Drive which is presently zoned DR2

Deed Reference 14105/00633 10 Digit Tax Account # 0123351340

Property Owner(s) Printed Name(s) _____

(SELECT THE HEARING(S) BY MARKING ☒ 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) 1302.C.1 1302.C.1 To permit a side yard set back of 6 feet in lieu of the minimum 15 feet and to allow a rear yard set back of 14 feet in lieu of the minimum 40 feet set back for a proposed addition 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:

Wayne & Louise Smith
Name- Type or Print

Wayne J. Smith Louise Smith
Signature

312 Locust Drive Catonsville Md
Mailing Address City State

21228-5130 410-788-2260 Wayne.F.Smith@
Zip Code Telephone # Email Address verizon.net

Legal Owners:

Wayne Smith Louise Smith
Name #1 - Type or Print Name #2 - Type or Print

Wayne J. Smith Louise Smith
Signature #1 Signature #2

312 Locust Drive Catonsville Md
Mailing Address City State

21228-5130 410-788-2260 flouise12@gmail.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Calvin Boone
Name- Type or Print

Calvin Boone
Signature

3817 McDonogh Rd Randallstown Md
Mailing Address City State

21133 410-984-5045 c.boone@comcast.net
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 _____ day of _____ 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 2013-0182-A Filing Date 1/29/13 Estimated Posting Date 2/10/13 Reviewer C.A.

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE JUDICIAL 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: 312 Locust Drive Catonsville Md 21228-5130
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)

We would like add additional space on the side of our house for a larger kitchen/Eat in area on the first floor and enlarge a bedroom on the second floor. The current space isn't large enough for our growing family. Due to the current DR2 Zoning we are unable to meet zoning regulations needed for our additional space

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

Wayne F. Smith
Signature of Affiant

Wayne F. Smith
Name- Print or Type

F. Louise Smith
Signature of Affiant

F. Louise Smith
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 15th day of Jan, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Wayne F. Smith and F. Louise Smith
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

My Commission Expires

My Commission Expires 10/6/2015

REV. 10/12/11

PART A

ZONING PROPERTY DESCRIPTION FOR 312 LOCUST DRIVE, CATONSVILLE,
MD 21228

Beginning at a point on the West side of Locust Drive which is 40 feet wide at the distance of 281 feet south of the centerline of the nearest improved intersecting street, Gary Drive, which is 50 feet wide.

PART B

Thence the following courses and distances: (1st POC) S16 19'20" E. 76.00', (2nd POC) N83 43'50" W. 139.30', (3rd POC) N47 47'40" W. 20.00', (4th POC) N42 06'30" E. 10.37', (5th POC) N73 40'50" E. 130.23' back to the point of beginning as recorded in Deed Liber 14105, Folio 00633, containing 7,816 square feet. Located in the 1st Election District and 1st Council District.

2013-0182-A

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

No.

94113

Date:

1/29/13

Rev Source/ Sub Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	000		615				75.00

Total:

75.00

Rec

From:

CEB Construction Services, Inc.

For:

Administrative Variances

2013-0182-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

DUPLICATE CASH RECEIPT

RECEIVED BY THE COUNTY CLERK

RECEIVED BY THE COUNTY CLERK

RECEIVED BY THE COUNTY CLERK

RECEIVED BY THE COUNTY CLERK

RECEIVED BY THE COUNTY CLERK

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 02/08/2013

Case Number: 2013-0182-A

Petitioner / Developer: CALVIN BOONE

Date of Hearing (Closing): FEBRUARY 25, 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:
312 LOCUST DRIVE

The sign(s) were posted on: FEBRUARY 6, 2013



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

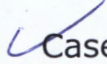
Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

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

MEMORANDUM

DATE: April 3, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0182-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 3, 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

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>2-6</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>2-4</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>2-6-13</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013 0182 -A Address 312 Locust Dr.

Contact Person: Gary Hook Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/29/13 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.

- 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 2013 0182 -A Address 312 Locust Dr

Petitioner's Name Calvin Boone Telephone 410-984-5045

Posting Date: 2/10/13 Closing Date: 2/25/13

Wording for Sign: To Permit a side yard set-back of 6 feet in lieu of the minimum required 15 feet, and to allow a rear yard set-back of 14 feet in lieu of the minimum required 40 feet

Revised 7/06/11

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: February 6, 2013

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, 0181 and 0182.

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

DAK:CEN
Cc: file



KEVIN KAMENETZ
County Executive

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

February 26, 2013

Wayne & Louise Smith
312 Locust Drive
Catonsville MD 21228

RE: Case Number: 2013-0182 A, Address: 312 Locust Drive, 21228

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 29, 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.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Calvin Boone, 3817 McDonogh Road, Randallstown MD 21133

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 2013-0182-A
Administrative Variance
Wayne & Louise Smith
312 Locust Drive

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. 2013-0182-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,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.1A)
BALTIMORE COUNTY

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

Account Identifier:

District - 01 Account Number - 0123351340

Owner Information

Owner Name: SMITH WAYNE F
SMITH F LOUISE TRUSTEES
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 312 LOCUST DR
BALTIMORE MD 21228-5130
Deed Reference: 1) /14105/ 00633
2)

Location & Structure Information

Premises Address
312 LOCUST DR
0-0000
Legal Description
PT LT 128,129
312 LOCUST DR
FOREST SPRING PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0101	0013	1204		0000			128	1		0007/0115

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1947	1,820 SF	7,816 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	133,800	100,800		
Improvements:	163,200	166,500		
Total:	297,000	267,300	297,000	267,300
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
SMITH WAYNE F	10/22/1999	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /14105/ 00633	Deed2:
Seller: PRITCHARD JAMES T	Date: 03/02/1978	Price: \$54,000
Type: ARMS LENGTH IMPROVED	Deed1: /05860/ 00172	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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

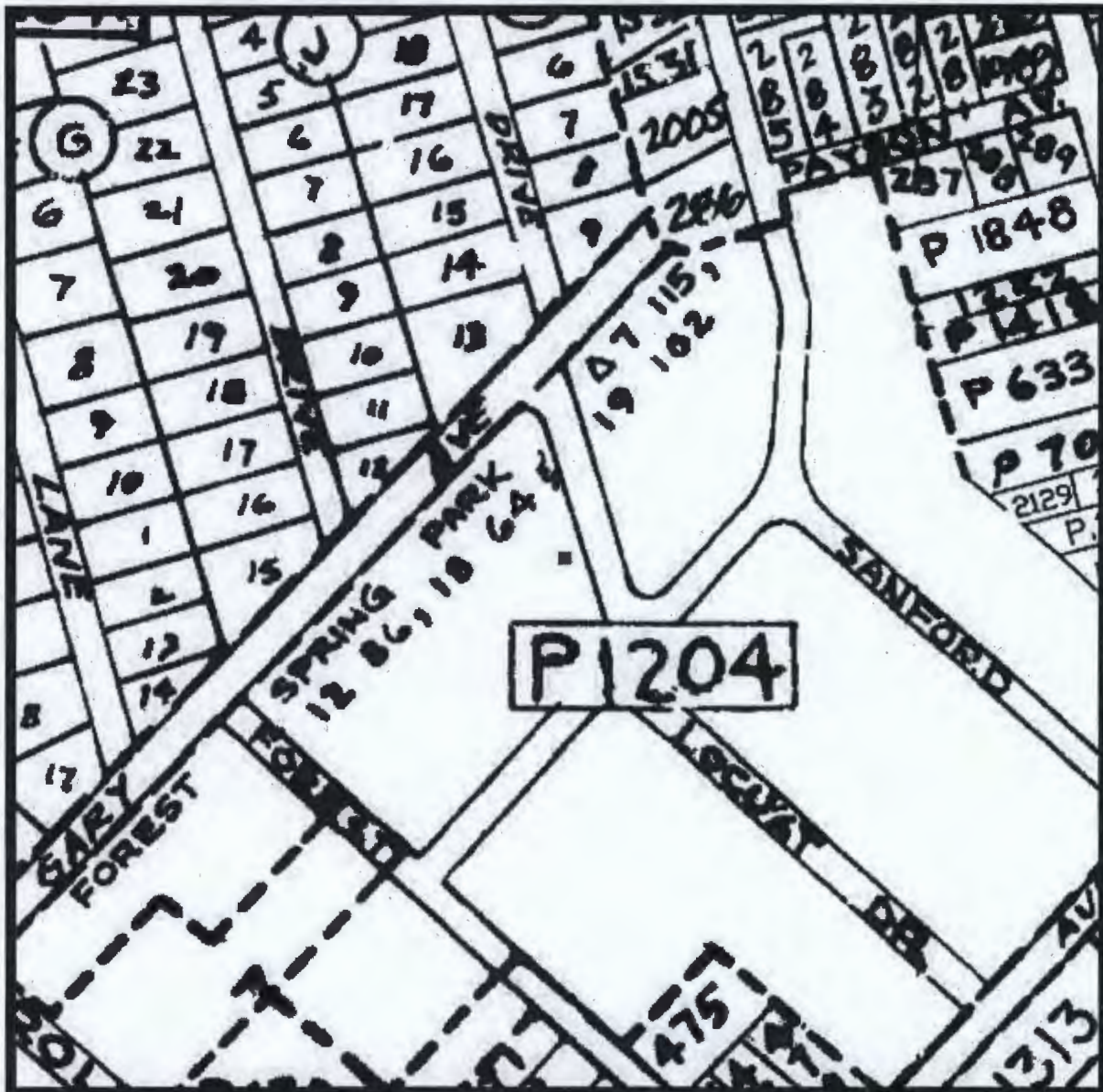
Homestead Application Status:
Approved 01/12/2010



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 01 Account Number - 0123351340



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



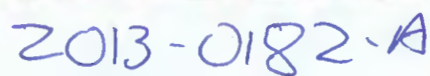
6x13 addition
312 Locust
Drive



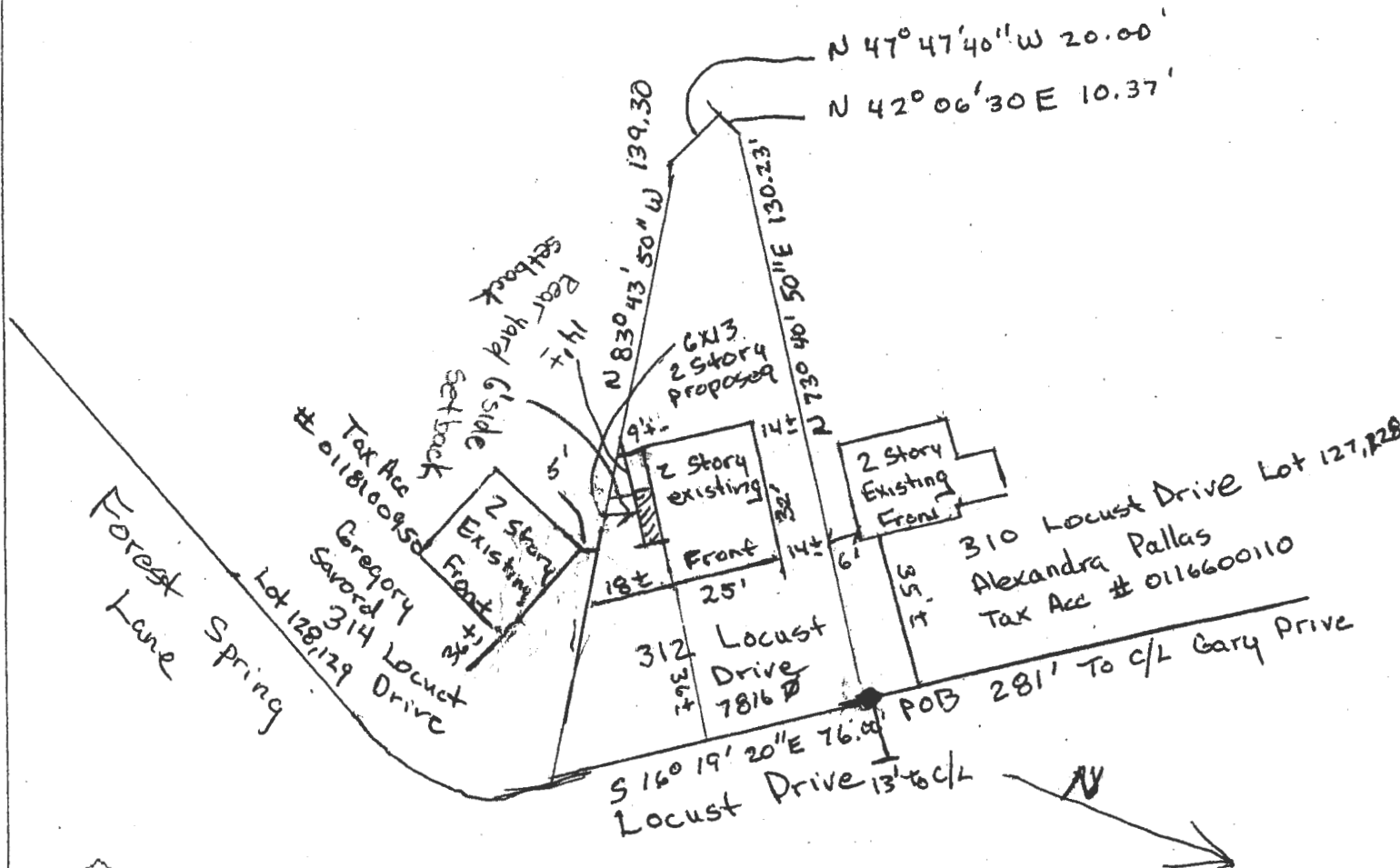
Street View Locust Drive



312 Locust Drive
Subject

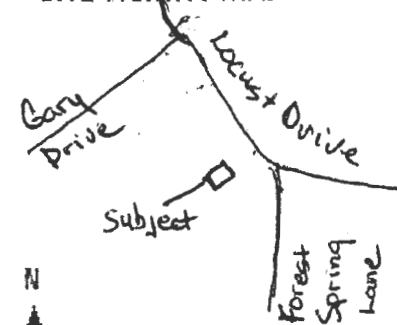


ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH ☒)
 ADDRESS 312 Locust Drive OWNER(S) NAME(S) Wayne & Louise Smith
 SUBDIVISION NAME Forest Spring Park LOT # 128 BLOCK # _____ SECTION # _____
 PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 0123351340 DEED REF. # 14105/00633



PLAN DRAWN BY Calvin Boone DATE _____ SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



N

MAP IS NOT TO SCALE

ZONING MAP# 101A2
 SITE ZONED DR2
 ELECTION DISTRICT 1
 COUNCIL DISTRICT 1
 LOT AREA ACREAGE N/A
 OR SQUARE FEET 7816
 HISTORIC? N/A
 IN CBCA? N/A
 IN FLOOD PLAIN? N/A
 UTILITIES? MARK WITH ☒
 WATER IS:
 PUBLIC ☒ PRIVATE _____
 SEWER IS:
 PUBLIC ☒ PRIVATE _____
 PRIOR HEARING? N/A
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
N/A

VIOLATION CASE INFO:

Pet. Eph. 1

2013-0182-A