

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

April 23, 2013

Richard Laufer 733 Bentley Road Parkton, Maryland 21120

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(733 Bentley Road) Case No. 2013-0213-A

Dear Mr. Laufer:

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 touly yours,

ZAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure IN RE: PETITION FOR ADMIN. VARIANCE

6th Election District

3rd Councilmanic District

(733 Bentley Road)

Richard Laufer

Petitioner

OFFICE OF

BEFORE THE

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0213-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, Richard Laufer, for property located at 733 Bentley Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit existing and proposed detached accessory structures (storage buildings) to be located in the front and side yards of the principal dwelling in lieu of the required rear. 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. A ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) dated April 5, 2013, indicating that development of the property must comply with Forest Conservation Law (Sections 33-6-101 through 33-6-122 of the Baltimore County Code [B.C.C.]), and that Forest Conservation Law may be met for this project by executing and filing a Single Lot Declaration of Intent with DEPS.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 30, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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By	02	

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 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>23rd</u> day of April, 2013 that a Variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit existing and proposed detached accessory structures (storage buildings) to be located in the front and side yards of the principal dwelling in lieu of the required rear, be and is hereby GRANTED, subject to the following:

- 1. The Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioner must comply with the ZAC comments submitted by DEPS, dated April 5, 2013; a copy of which is attached hereto and made a part hereof.

ORDER F	RECEIVED FOR FILING	
Date	4-23-13	
Ву		

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

VRENCE M. STAHL

Managing Administrative Law Judge for Baltimore County

LMS:dlw

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Ву.

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATION VARIANCE - OR - ADMINISTRATIVE CIAL 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 733 Bentley ROAD which is presently zoned RC 8 Deed Reference 13 422 10 Digit Tax Account # 06 / 20000 Property Owner(s) Printed Name(s) RICHARD DEBORAH JEON

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

ADMINISTRATIVE VARIANCE from section(s)

Section 400.1 – to permit existing and proposed detached accessory structures (storage buildings) to be located in the front and side yards of the principal dwelling in lieu of the required rear

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).

Contract Purchaser/Lessee:	Legal Owners:
Market Steel on a Standard Library Inches of the Standard	RICHARD Laver,
Name- Type or Print	Name #1 - Type or Print Name #2 - Type or Print
metrs to	pufly,
Signature	Signature #1 / Signature # 2 / Signature # 2
and the state of t	733 Bentley RD Bentley Spr MD
Mailing Address - City State	Mailing Address City State
	21120 , 443 255 6967 , RICHARD. Laufer@
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address CONCAST.
Attorney for Petitioner:	Representative to be contacted:
DEIVED FOR	RICHARD Laufer
Name-Type or Print RECEIVED FOR FILING ORDER RECEIVED FOR FILING	Name - Type or Print
Signature Date P	Fignature 733 BEATLEY PD Bentley & 21120
Mailing Address City State	Mailing Address City State 1443 2556967, RICHARD CASFER @
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address COMCACA

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

2013-0213

Beginning at a point on the south side of Bentley Road which is 22 feet wide at the distance of 1160 feet north of the centerline of the nearest improved intersecting street Eagle Mill Road which is 22 feet wide.

Thence the following courses and distances: south 34.5 degrees west 462.5 feet;
Thence north 40 degrees west 152.5 feet; north 38 degrees west 148.5 feet; north 35 degrees west 181.5 feet; north 24 degrees west 200 feet;
thence north 70 degrees east 330 feet;
thence south 22.5 degrees east 188 feet; south 32.5 degrees east 81.5 feet, and south 60.5 degrees east 211.75 feet to starting point.

Containing 4 acres and 136 square perches of land.

Located in Election District No. 6 and Councilmanic District No. 3.

Item # 0213

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.

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TOTAL STREET, STREET,

CERTIFICATE OF POSTING

	RE: Case No. 2013-0213-A
	Petitioner: R. Laufer
	Hearing / Closing Date: 4/15/13
Baltimore County Department of	
Permits and Development Management	RECEIVED
Room 111, County Office Building	APR 2 4 2013
111 W. Chesapeake Ave.	OFFICE OF ADMINISTRATIVE HEARINGS
Towson, Md. 21204	
This letter is to confirm, under penalties were posted conspicuously on the proper	
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Certificate of Posting

Case No. 2013-0213-A



733 Bentley Road

(posted 3/30/13)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(410) 879-3122

MEMORANDUM

DATE:

May 28, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0213-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 23, 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

CASE NO. 2013- 0213- A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
4-4	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NO
4.5	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
A-4	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATIO	ON (Case No.	
PRIOR ZONING	(Case No.)
NEWSPAPER ADV	40.	by Hoffman ser. previously spoke to
PEOPLE'S COUNSI		frey do have
Comments, if any: _		

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0213 -A Address 733 Bentley Rd
Contact Person: David Duval Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 3/21/13 Posting Date: 3/31/13 Closing Date: 4/15/13
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
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 0213 -A Address 733 Bentley Rd
Petitioner's Name Richard Laufer Telephone 443-255-6967
Posting Date: 3/31/13 Closing Date: 4/15/13
Wording for Sign: To Permit existing and proposed detached accessory
Structures (Storage buildings) to be located in the
the required rear
Revised 7/06/11

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

David Lykens, Department of Environmental Protection and Sustainability

(DEPS) - Development Coordination

DATE:

April 5, 2013

SUBJECT:

DEPS Comment for Zoning Item

2013-0213-A

Address

733 Bentley Road (Laufer Property)

Zoning Advisory Committee Meeting of April 1, 2013.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Forest Conservation Law (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Forest Conservation Law may be met for this project by executing and filing a Single Lot Declaration of Intent with EPS.

Reviewer:

Glenn Shaffer - Environmental Impact Review

RECEIVED

APR 0 5 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



	то:	Hon. Lawrence M. Stahl; Managin Office of Administrative Hearings	g Administrative Law Judge
	FROM:	David Lykens, Department of Envi (DEPS) - Development Coordinati	ironmental Protection and Sustainability on
	DATE:	April 5, 2013	
	SUBJECT:	DEPS Comment for Zoning Item Address	# 2013-0213-A 733 Bentley Road (Laufer Property)
	Zonir	ng Advisory Committee Meeting of A	pril 1, 2013.
		Department of Environmental Protection numerity on the above-referenced zoni	
	<u>X</u>	Development of this property must Conservation Law (Sections 33-6-1 County Code).	comply with the Forest 01 through 33-6-122 of the Baltimore
	Forest Conse	ional Comments: rvation Law may be met for this proje f Intent with EPS.	ect by executing and filing a Single Lot
	Revie	wer: Glenn Shaffer - Environmen	ntal Impact Review
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			APR 0 5 2013
ORDER	RECEIVED	FOR FILING	OFFICE OF ADMINISTRATIVE HEARINGS
Date	4-23	2-13	
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Ву____

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 04, 2013

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 8, 2013

Item Nos. 2013- 0210, 0211, 0212,0213,0215 and 0216.

The Bureau of Development Plans Review has reviewed the subjectzoning 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

April 16, 2013

Richard Laufer 733 Bentley Road Bentley Springs MD 21120

RE: Case Number: 2013-0213 A, Address: 733 Bentley Road

Dear Mr. Laufer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 21, 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. Cal Ribal &

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: 4-4-13

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

RE: Baltimore County

Item No 2013-0213-A Administrative Variance Biology / w.for

Richard Lawter 733 Bentley 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. 2013-0213-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

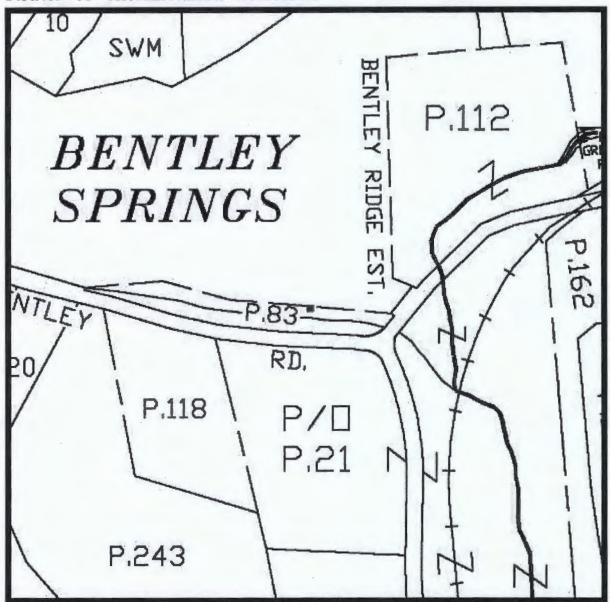
Maryland Department of Assessments and Taxation Real Property Data Search (vw6.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

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

Go Back View Map New Search

District - 06 Account Number - 0612000075



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.

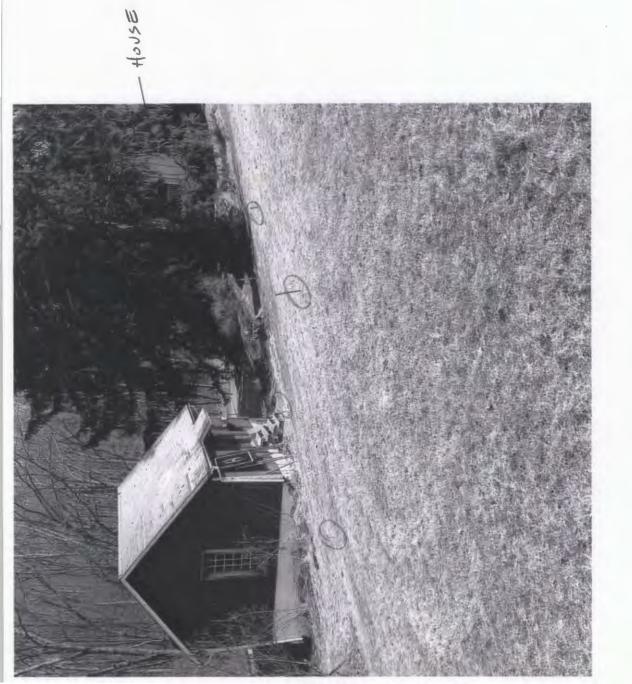
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

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

property elevation very from 570' at 40th to 640' tro liew of prosenty fam



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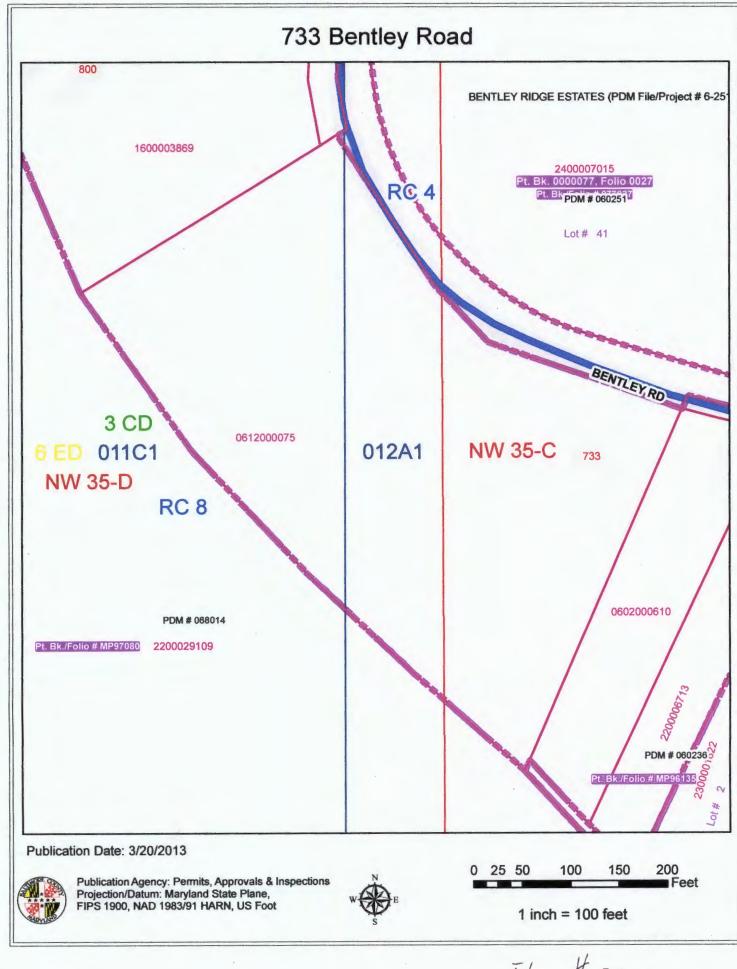


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#2013-0213-A

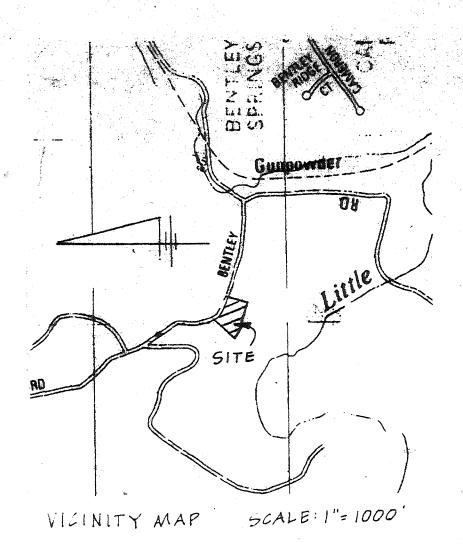
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Item # 0213

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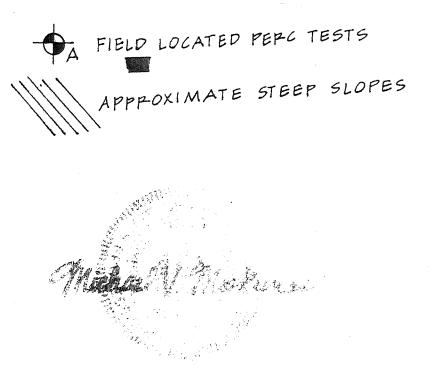
#2013-0213-A



GENERAL NOTES:

- 1. Existing Zoning: RC4
- 2. Lot Area: 4.85 AC±
- 3. Existing well on site

- 4. Existing dwelling on site built in 1906
 5. There is no septic system on this property
 6. Not located in The Chesapeake Bay Critical Area
 7. Not located in a 100 Year Flood Plain Area
- 8. Not located in a Historic Area



Site Rite Surveying, Inc. 200 E. Joppa Road Shell Building, Room 101 Tower, MD 21286 (410)828-9060

