

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

May 13, 2013

Beverly Jane Slade 4309 Deer Park Road Randallstown, Maryland 21133

Re: Petition for Administrative Variance

Case No. 2013-0233-A

Property: 4309 Deer Park Road

Dear Ms. Slade:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Baltimore County Board of Appeals an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge

for Baltimore County

JEB:dlw Enclosure IN RE: PETITION FOR ADMIN. VARIANCE (4309 Deer Park Road)

2nd Election District 4th Council District Beverly Jane Slade Petitioner BEFORE THE

OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

* BALTIMORE COUNTY

CASE NO. 2013-0233-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Beverly Jane Slade. The Petitioner is requesting Variance relief from §1B01.2.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed side addition with a side yard setback of 8' in lieu of the required 10'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as 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.

In addition, it is to be noted that a letter of support was received from Andre Smith (4311 Deer Park Road) who had no objection to the requested relief.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 21, 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 (B.C.C.). Based upon the information available, there is no evidence in

Date	5-13-13
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By	DW

ORDER RECEIVED FOR FILING

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, this 13th day of May, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from §1B01.2.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed side addition with a side yard setback of 8' in lieu of the required 10', be and is hereby GRANTED.

The relief granted herein shall be 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, 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.

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILIN

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ADMINISTRATIVE ZONING PET 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 4309 Deer Park Road which is presently zoned DR 3,5 10 Digit Tax Account # 0 2 0 4 0 0 0 9 7 0 Deed Reference # 14145 / 638 Property Owner(s) Printed Name(s) BEVERLY JANE SLADE

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances requ	ire that the Affidavit on the reverse of	this Petition Form be completed / notarized.
The undersigned legal owner(s) of the plat attact	e property situate in Baltimore County and hereto and made a part hereof, he	and which is described in the description and reby petition for a
1. ADMINISTRATIVE VARIANC	From section(s)	
Sections: 1B01.2.3.C.1		
To permit a proprequired 10 feet.	osed side addition with a side yard s	etback of 8 feet in lieu of the
of the zoning regulations of Baltimore (county, to the zoning law of Baltimore (County.
restrictions of Baltimore County adopted pursual Legal Owner(s) Affirmation () we do so solem	County, to the zoning law of Baltimore (ribed by the zoning regulations. (s), advertising, posting, etc. and further agree to to the zoning law for Baltimore County.	
is the subject of this / these Petition(s).		
Contract Purchaser/Lessee:	Legal Owners	
		JANE SLADE
Name- Type or Print	Name #1 - Type o	or Print Name #2 – Type or Print
Signature	Signature #1	/ Signature # 2
,		er Park Rd. Randellstwin W
	TOUT I PE	TI I DOWN DANGE IS LOW IN

			BEVERLY JAN	E SLADE	
Name- Type or Print			Name #1 - Type or Print	Name a	12 - Type or Print
Signature			Signature #1	/ Signatu	re # 2
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Attorney for Petition	er: NED FOR F	3	Representative to b	e contacted:	
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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.

Administratives Law	budge of	Baltimore	County	
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CASE NUMBER 2013-0233-A

Filling Date 4/11/20/3 Estimated Posting Date 4/21/13

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) 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: 4309 Deer Park Road Randalstown MD 21133-1703
Print or Type Address of property City State MD 2133-1703
Expression of property City State MD 2133-1703
Expres

Addition would allow room for my extensive-size drafting table and growing reference library.

Addition would eliminate me carrying clothes up a down a drop-down ladder to the attic each season.

Without a 24" variance, the new space would be less than 5 withis would be difficult to tyrn around in the claset and using all walls for storage.

With variance approved there will still be 80° to my neighbor's drive-way property line.

Closet addition will provide window-less between my bedroom and the neighbor's multiple flood-lights.

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

Signature of Affiant

Signature of Affiant

Signature of Affiant

Name- Print of Type

Name- Print of 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 10th day of April , 2013 , before me a Notary of Maryland, in and for the County aforesaid, personally appeared

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 Seales Annual Medicary Public

My Commission Expires

REV. 10/12/11

2013-0233-A

ZONING PROPERTY DESCRIPTION FOR:

4309 Deer Park Road, Randallstown, MD 21133

Beginning at a point on the north east side of Deer Park Road which is 30' wide at the distance of 690' south east of the centerline of the nearest improved intersecting street, Lyons Mill Road, which is 28' wide.

Hernwood subdivision is part of record plat:

Being Lot #52, in the subdivision of Hernwood as recorded in Baltimore County Plat Book #14, Folio # 20, and containing 20,000 sq. ft. Located in the 2 Election District and 4 Council District.

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CERTIFICATE OF POSTING

Date: 4/2//13

RE: Case Number: 2013 - 0233-A

Petitioner/Developer: Jane Blade

Date of Hearing/Closing: 5-6-13

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 4309 Deer Park

The signs(s) were posted on

4/21/13



MEMORANDUM

DATE:

June 13, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0233-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 12, 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-		55.	P
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CHECKLIST

Comment Received	<u>Department</u>		Support/Oppose/ Conditions/ Comments/ No Comment
A-25	DEVELOPMENT PLANS REVI		NO
	DEPS (if not received, date e-mail sent _		· · · · · · · · · · · · · · · · · · ·
	FIRE DEPARTMENT		
	PLANNING (if not received, date e-mail sent _)	
H-29	STATE HIGHWAY ADMINISTR	RATION	No objection
	TRAFFIC ENGINEERING		
	COMMUNITY ASSOCIATION		
4-10	ADJACENT PROPERTY OWNE	RS	Smith 4311 Dear P/c. Ro. 21133
ZONING VIOLATI	ON (Case No		
PRIOR ZONING	(Case No.		
NEWSPAPER ADV	ERTISEMENT Date:		
SIGN POSTING	Date:	4-21-13	by Peson
PEOPLE'S COUNSI	EL APPEARANCE Yes EL COMMENT LETTER Yes	No No No	
Comments, if any: _	Photos		

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSTITUTIONS

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2013- 0233 -A Address 4309 Deer Park Road
Contact Person: Leouas Uasilewski Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 4/11/13 Posting Date: 4/21/13 Closing Date: 5/6/13 Any contact made with this office regarding the status of the administrative variance should be through the contact paragraph (planner) using the case number.
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 0333 -A Address 4309 Dece Park Kood
Petitioner's Name Beverly Jane Slade Telephone 410-521-0025
Posting Date: 4 21 13 Closing Date: 5 6 / 13
Wording for Sign: To permit a proposed side addition with a side yard setback of 8 feet in lieu of the required 10 feet.

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 April 29, 2013

Item Nos. 2013-0211,0224, 0233,0234,0235,0237,0238,0239 and 0240.

DATE: April 25, 2013

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

DAK:CEN Cc: file SKAA StateHighway Administration S

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4-29-13

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

RE: Baltimore County

Item No 2013-0233-A Administrative Variance 4309 Deer Park Road

Beverly Jane Slade.

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. 2013-0233-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

May 7, 2013

Beverly Jane Slade 4309 Deer Park Road Randallstown MD 21133

RE: Case Number: 2013-0233 A, Address: 4309 Deer Park Road, 21133

Dear Ms. Slade:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 11, 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

April 10, 2013

2013-0233-A

To Whom It May Concern:

I would not have any objection to a 24" variance for Ms. Jane Slade's proposed addition at 4309 Deer Park Road.

ANDRE SMITH

4311 Deer Park Road, Randallstown, MD 21133-1703.

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

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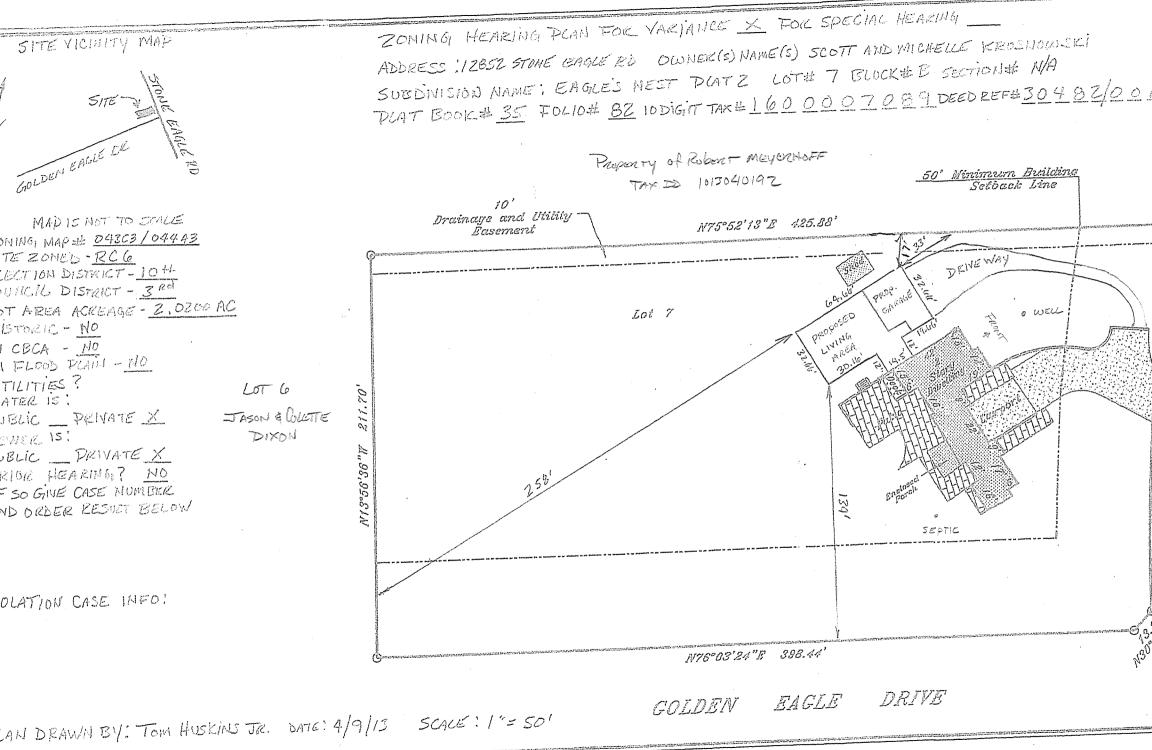






ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SHE VICINITY WAP
ADDRESS 4309 Deer Park Road OWNER(S) NAME(S) BEVERLY JANE SLADE	I RA
SUBDIVISION NAME HERNWOOD #1 LOT # 52 BLOCK # N/A SECTION # N/A	SITE
	8
PLAT BOOK # JW P FOLIO #020 10 DIGITTAX #020400970 DEED REF. #14145/638	DEER PARK RD.
3 20° 50° E 100°	NE LIBERTY ROAD
	MAP IS NOT TO SCALE
ONE level Bump-out 24'5" X7' WELL	ZONING MAP# 066C3
which includes HEAD	SITE ZONED DR 3.5
proposed provided N	ELECTION DISTRICT_02
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2013-0234-A

Ret.