### MEMORANDUM

DATE:

June 18, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0235-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 17, 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



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

May 16, 2013

Joseph A. Uzupus Colleen Maynard 517B Oella Avenue Ellicott City, Maryland 21043

Re: Petition for Administrative Variance

Case No. 2013-0235-A

Property: 517B Oella Avenue

Dear Mr. Uzupus and Ms. Maynard:

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 Politimore County

for Baltimore County

JEB:dlw Enclosure IN RE: PETITION FOR ADMIN. VARIANCE (517B Oella Avenue)

1<sup>st</sup> Election District

1<sup>st</sup> Council District

Joseph A. Uzupus & Colleen Maynard

Petitioners

**BEFORE THE** 

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0235-A

**OPINION AND ORDER** 

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Joseph A. Uzupus and Colleen Maynard. The Petitioners are requesting Variance relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed detached garage building in the front yard in lieu of the required rear yard, and to permit a proposed detached garage building with a height of 17' in lieu of the maximum allowed of 15'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as 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 comments submitted from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 28, 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 (B.C.C.). Based upon the information available, there is no evidence in

Date	5-16-13	
Bv	(Du)	

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 Petitioners.

Although the Department of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory building not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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 <u>16<sup>th</sup></u> day of May, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed detached garage building in the front yard in lieu of the required rear yard, and to permit a proposed detached garage building with a height of 17' in lieu of the maximum allowed of 15', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

#### ORDER RECEIVED FOR FILING

Date

- 2. The Petitioners or subsequent owners shall not convert the subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The garage shall not be used for commercial purposes.

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

> Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

## ADMINISTRATIVE ZONING PEDTION FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections Address 517 R which is presently zoned Deed Reference 10 Digit, Tax Account # Property Owner(s) Printed Name(s) Joseph

To the Office of Administrative Law of Baltimore County for the property located at: (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) 400. 1 OF BCZR TO PERMIT A PROPOSED DETACHED GARAGE BUILDING IN THE FRONT YARD IN LIEU OF THE REQUIRED THE REAR YARD; AND FROM & 400.3 OF BOZE TO PERMIT DETACHED GARAGE BUILDING WITH A HEIGHT OF 17 FEET IN 454 of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, MAXIMUM ALLINES 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 Mailing Address City State Mailing Address Email Address Email Addres Zip Code Telephone # ER RECEIVED FOR FILIN Attorney for Petitioner: Representative to be contacted: Name- Type of Pr Signature Signature Mailing Address City State 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, 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 2013-0235-**Estimated Posting Date** 

### Affidavit in Support of Administrative Variance

NOTARY PUBLIC STATE OF MARYLAND My Commission expires hove noer 10, 2014

(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: 5178 Oella Ave	Ellicott City	MD	2043
Print or Type Address of property	City J	State	Zip Code
Based upon personal knowledge, the Administrative Variance at the above			
The area behind the be ecosystem would be for Batto Co code. This ubs which would increase builder there is also a excavated to put the sta proposed structure from Davise them hardship or needs to be 16' in height	enty. The horse large backyard be averall of the he wither distarbell to much also reguing the erosion of a substantial am acture in the back our neighbors he loss of enjoyments accommadate	er situator of pot the se paving a pur property och the or order of rock of the order of the ord	for the lot such large side yard. and the tructime there per portion of the yard. Heat alone
(If additional space for the petition r	t3i0CL. request or the above statem	ent is needed, labe	I and attach it to this Form)
Signature of Affiant		ignature of Affiant	Maynan
Joseph Uzupus II		Collee	n C. Maynard
Name- Print or Type 1	r	lame- Print or Type	0
The following information	is to be completed by a No	tary Public of the S	State of Maryland
STATE OF MARYLAND, COUNTY	OF BALTIMORE, to wi	t:	
I HEREBY CERTIFY, this and for the County aforesaid, persona	day of,	2013 , before r	ne a Notary of Maryland, in
Dutman County			
the Affiant(s) herein, personally known	or satisfactorily identified	o me as such Affia	ant(s) (Print name(s) here)
AS WITNESS my hand and Notaries S	Seal (		
ANGELA M. EVANS	Notary Public  //// My Commission Expire	es	

### ZONING PROPERTY DESCRIPTION FOR 517B OELLA AVE

Beginning at a point on the southwest side of Oella Avenue, which has a 50 foot right-of-way, at a distance of 740 foot (+/-) east of the centerline of the nearest improved intersecting street, Mary Joe Way, which has a 50 foot right-of-way.

OPTION 3 (Minor Subdivision Lot)

Thence the following courses and distances:

Beginning for the same at a point on the south side of Oella Avenue 50 feet wide, said point being on the 3<sup>rd</sup> or N40°30'E, 596.5 foot line thence leaving the south side of Oella Avenue and running along and reversing said 3<sup>rd</sup> line, for a part of its distance, and along and reversing the 2<sup>nd</sup> line and part of the first line, the three following courses and distances, S34°58'24"W, 586.24 feet, N56°11'06"W, 144.98 feet, and N34°58'24"E, 265.96 feet to a point; thence leaving said first line and running for new lines of division through the whole tract the four following courses and distances: (1) S57°07'50"E, 125.04 feet, (2) N34°58'24"E, 131.09 feet, (3) S57°07'50"E, 8.01 feet and (4) N34°58'24"E, 183.86 feet to a point on the south side of Oella Avenue; Thence along and binding on the south side of Oella Avenue S70°47'11"E, 12.47 feet to the point of beginning, as recorded in Deed Liber 23138, Folio 489, containing 1.00 acres.

Located in the 1<sup>st</sup> Election District and 1<sup>st</sup> Council District. Also known as Lot #3 in the minor subdivision of Dykes, minor subdivision # 05-081-M, as maintained by the Development Management Division of the Department of Permits, Approvals and Inspections.

2013-0235-A

OFFICE	ORE COUNTY, M OF BUDGET AND LANEOUS CASH	FINANCE	No.  Date: Sub Rev/	098529 / 4/16/1	PAID RECEIPT  3 JUSTINESS ACTION TO BE USE  146/2013 4/16/2013 09/05/47
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### CERTIFICATE OF POSTING

RE: Case No 2013-0235-A

	etitioner/Developer
	TOESPH URUPUS
Dat	te Of Hearing/Closing: 5/13/13
Baltimore County Departm Permits and Development County Office Building,Roo 111 West Chesapeake Ave	Management om 111
Attention:	
Ladies and Gentlemen	
	r penalties of perjury that the necessary re posted conspicuously on the property 517 B OELLA AVENUE
This sign(s) were posted or	
	Month, Day, Year Sincerely,
	malantike 4/28/13
	Signature of Sign Poster and Date
	Martin Ogle
	60 Chelmsford Court Baltimore, Md, 21220
	443-629-3411



marlmizle 4/28/13

CASE NO. 2013	0235-A
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### CHECKLIST

Comment Received	Department		Conditions/ Comments/ No Comment					
4-25		DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)						
	DEPS (if not received, date e-mail sent_	)						
	FIRE DEPARTMENT							
	PLANNING (if not received, date e-mail sent _	)	<del></del>					
4-29	STATE HIGHWAY ADMINISTR	RATION	No objection					
	TRAFFIC ENGINEERING							
	COMMUNITY ASSOCIATION							
	ADJACENT PROPERTY OWNE	RS	-					
ZONING VIOLA	ATION (Case No		)					
PRIOR ZONING	(Case No.							
NEWSPAPER AI	DVERTISEMENT Date:							
SIGN POSTING	Date:	4-28-13	by					
	NSEL APPEARANCE Yes USEL COMMENT LETTER Yes	No No No						
comments, if any:								

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 20 13- 0235 -A Address 5715 0ELLA AVE
Contact Person: AARON TSUI Phone Number: 410-887-3391
Contact Person: AARON TSUI Phone Number: 410-887-3391  Filing Date: 4/16/20/3 Posting Date: 4/28/13 Closing Date: 5//3/13
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 0235 -A Address 517B OELLA AVENUE
Petitioner's Name Josep Uzupus Telephone 443-928-8882
Posting Date: 4/28/13 - 5/13/13 Closing Date: 5/13/13
Wording for Sign: To Permit A PROPOSED DETACHED GARAGE IN THE
FRONT YARD OF THE EXISTING DWELLING WITH A HEIGHT
OF 17 FEET IN LIEU OF THE REQUIRED IN THE REAR
YARD WITH A MAXIMUM ALLEWED 15 FEETHIGH
Davined 7/06/11

# 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



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 2013-0235-A.

Administrative Variance

Joseph Uzupus III &

Colleen Maynard

5178 Oella 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. 2013-0235-4

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 14, 2013

Joseph Uzupus III & Colleen Maynard 517 B Oella Avenue Ellicott City MD 21043

RE: Case Number: 2013-0235 A, Address: 517 B Oella Avenue, 21043

Dear Mr. Uzupus & Ms. Maynard:

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

1. Cal Ribal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

**Enclosures** 

c: People's Counsel

Maryland Department of Assessments and Taxation Real Property Data Search (vw1.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

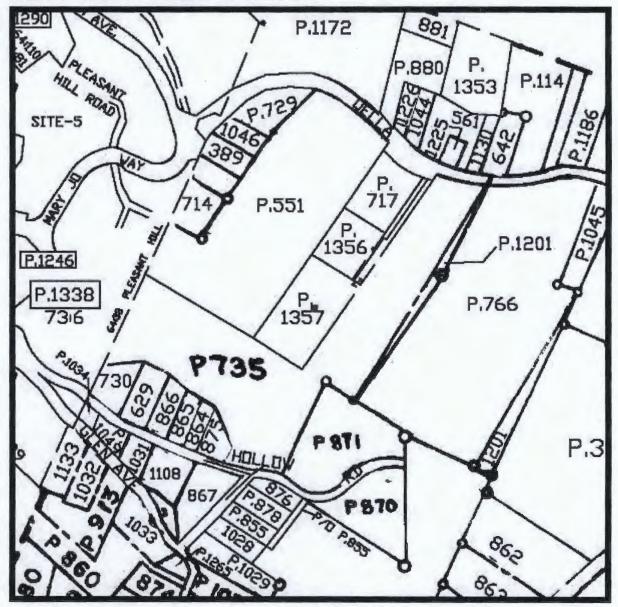
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Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search

Go Back View Map New Search

#### District - 01Account Number - 2500000484



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 <a href="https://www.mdp.state.md.us/OurProducts/OurProducts.shtml">www.mdp.state.md.us/OurProducts/OurProducts.shtml</a>

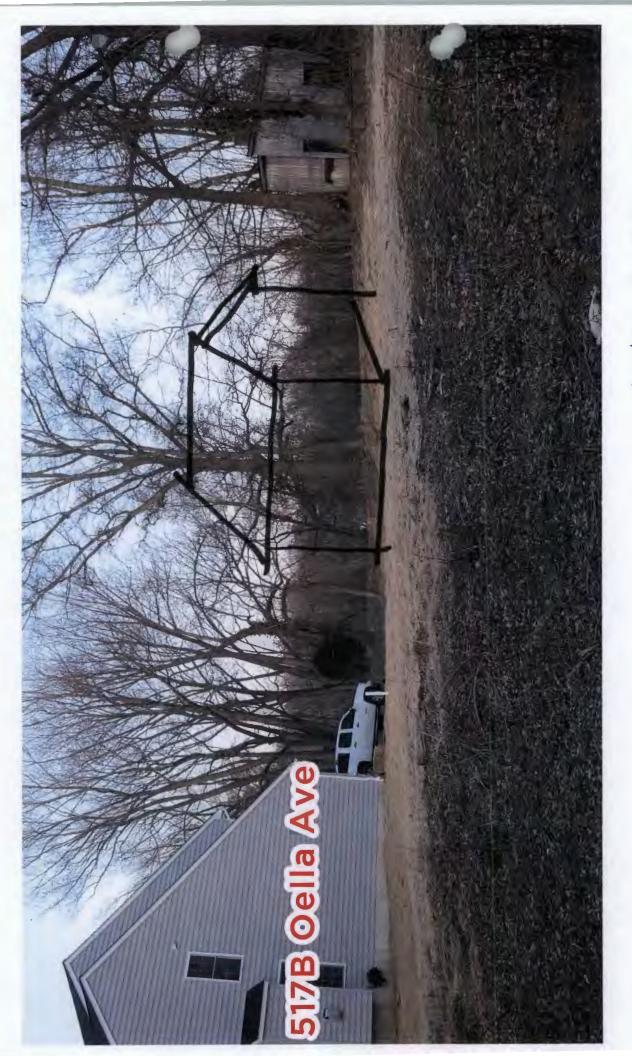
No13-0235-A

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