MEMORANDUM

DATE:

June 18, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0241-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

John E. Lambert Patricia Lambert 4127 Piney Grove Road Reisterstown, Maryland 21186

Re: Petition for Administrative Variance

Case No. 2013-0241-A

Property: 4127 Piney Grove Road

Dear Mr. and Mrs. Lambert:

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

(4127 Piney Grove Road)
4th Election District

3rd Council District

John E. and Patricia Lambert

Petitioners

BEFORE THE

* OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0241-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, John E. and Patricia Lambert. The Petitioners are requesting Variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be placed in the side yard in lieu of the required rear yard placement. 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 26, 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 the file to indicate that the requested variance would adversely affect the health, safety or general

ORDER RECEIVED FOR FILING

Date	5-16-13	
By	(20)	

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 16th day of May, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (garage) to be placed in the side yard in lieu of the required rear yard placement, 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.
- 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.

ORDER R	ECEIVED FOR FILING
Date	5-16-13
	(0.)

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.

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 5-16-13

ADM NISTRATIVE ZONING PE

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: 7127 VIVEN FROM KORD which is presently zoned **Deed Reference** 10 Digit Tax Account # 09 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 ADMINISTRATIVE VARIANCE from section(s) BCZR-400.1 → To permit an accessory structure (garage) to be placed in the side yard in lieu of the required rear yard placement. 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:** - Type or Print Name-Type or Print Signature Mailing Address City State Mailing Address City Zip Code Telephone # Email Address RECEIVED FOR FILING **Attorney for Petitioner:** Representative to be contacted: Name - Type or Print Name- Type of Signature Signature Mailing Addres City State Mailing Address City State Zip Code Telephone # Zip Code Telephone # **Email Address 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 day of regulations of Baltimore County and that the property be reposted. Administrative Law Judge of Baltimore County

Estimated Posting Date

2013-0241-A

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	4127	Piver	Grove ROAD	Reisterston	Marylosd State	21136
	Print or Ty	pe Addres	s of property	City	State	Zip Code
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Name- Pri	nt or Type	LAM	BEREF	*,	Name-Print or Type	4. LAMBOR
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		-	John E. Las	mbert Patric	ial-Lambort	
the Affian	t(s) here	in, pers	onally known or	satisfactorily identifie	ed to me as such Affiant(s	s) (Print name(s) here)
AS WITH	ESS my	hand a	nd Notaries Seal	T. Hollin-		
, .	* 1 .			Notary Public		-

My Commission Expires

Affidavit in Support of Administrative Variance

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address.

Upon entering the property, the location of the garage would be esthetically pleasing to the eye and would not distract from the value of the property. The reasons for the variance request is have the least environmental impact of the surrounding woodlands. There would be a minimum amount of added driveway, allowing for less runoff. Placing the garage behind and below the house would require more land to be blacktopped, more trees to be removed. As my wife and I get older it would create a difficulty in climbing a hill from the garage to the house creating a safety and a security issues. All of the above factors would enable us to keep the garage within a reasonable budget.

EXHIBIT "A"

BEGINNING for the same at a nail on or near the center line of the present roadbed of Piney Grove Road at the end of the North one degree forty-six minutes East one hundred forty-one and one tenth foot line as described in a deed from John Zouck, Trustee, et al to Douglas A. MacFarlane and wife dated February 5, 1955 and recorded among the Land Records of Baltimore County in Liber G. L B. No. 2643 folio 482 running thence in or near the center line of Piney Grove Road and binding on the above mentioned deed as now surveyed by true bearings based on a survey made by the Susquehanna Transmission Company of Maryland North no degree thirty-four minutes West two hundred and thirty-five and sixth tenths feet to a nail and North no degree eighteen minutes West one hundred and sixty-four and four tenths feet to a nail thence leaving the center of said road by a new line of division as now surveyed South eighty-nine degrees sixteen minutes thirty seconds West twenty five-feet to a pipe thence continuing the same course and crossing the Susquehanna Transmission Company right of way South eighty-nine degrees sixteen minutes thirty seconds West six hundred sixty- six and four tenths feet to a pipe thence continuing the same course South eighty-nine degrees sixteen minutes thirty seconds West twenty-five feet to nail on or near the center line of the present roadbed of Longnecker Road, said nail being North eighty-nine degrees sixteen minutes thirty seconds East fourteen and four tenths feet from a concrete monument on the Northwest side of the Susquehanna Transmission Company right of way running thence in or near the center line of the Longnecker Road as now surveyed South three degrees forty-eight minutes thirty seconds East four hundred ninety-eight and sixty-three one-hundredths feet to a nail thence by a fine of division as now surveyed North eighty degrees fifty-eight minutes thirty seconds East twenty-five feet to a pipe thence continuing the same course North eighty degrees fifty-eight minutes thirty seconds East six hundred forty-seven and seventy-five one-hundredths feet to a pipe on the West side of Piney Grove Road, thence continuing the same course North eighty degrees fifty-eight minutes thirty seconds East twenty-five feet to the place of beginning. Containing 7.139 acres more or less. Subject, however, to the right of ways of Longnecker Road and Piney Grove Road and also subject to right of way of Susquehanna Transmission Company of Maryland which cross the Northwest corner of the above described parcel.

File No.: 63142 0042CG ALTA Commitment (6/17/06) – Schedule A Page 2 of 5 stewart title quaranty company

2013-0241-4

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: 2013-0241-A
Petitioner:
Address or Location: 4127 Pisay Gove Road, Telstestand 40.21136
PLEASE FORWARD ADVERTISING BILL TO:
Name: John E Lambert
Address: 9127 Privey Grove Road
Resistatous, 400 21136
Telephone Number: 410 - 429 - 4000

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 04/29/2013

Case Number: 2013-0241-A

Petitioner / Developer: JOHN LAMBERT
Date of Hearing (Closing): MAY 13, 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:

4127 PINEY GROVE ROAD

The sign(s) were posted on: APRIL 26, 2013



Lindu 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)

CASE NO. 2013-	0241-A
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CHECKLIST

Comment Received	<u>Department</u>		Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEV (if not received, date e-mail sent		
<u> </u>	DEPS (if not received, date e-mail sent		
	FIRE DEPARTMENT	• .	
·	PLANNING (if not received, date e-mail sent		
5-2	STATE HIGHWAY ADMINISTRA	ATION	No objection
· · · · · · · · · · · · · · · · · · ·	TRAFFIC ENGINEERING		No objection
	COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNER	S	
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NEWSPAPER ADV	ERTISEMENT Date:	O'Keele L	by 4-26-13
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PEOPLE'S COUNSI PEOPLE'S COUNSI	EL APPEARANCE Yes EL COMMENT LETTER Yes	No No No	
Comments, if any: _			

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- D241 -A Address 4127 PINEY GROVE AS.
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 4 19 13 Posting Date: 4 28 13 Closing Date: 5 13 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.
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 0241 -A Address 4127 PINEY GROVE RD
Petitioner's Name LAMBERT Telephone 410-429-4000
Posting Date: $4-19-13$ Closing Date: $5-13-13$
Wording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE) TO BE
PUCED IN THE SIDE YARD, IN LIEU OF THE REGUDRES REAR
VALD PLYCEMENT



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 14, 2013

John E. & Patricia A. Lambert 4127 Piney Grove Road Reisterstown MD 21136

RE: Case Number: 2013-0241 A, Address: 4127 Piney Grove Road, 21136

Dear Mr. & Ms. Lambert: -

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 19, 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,

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: 5-2-13

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

RE: **Baltimore County**

Item No 2013-0241-A Administrative Variance Fohn E. = Patricia Lambert 4127 Piney Grove 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. 2013-0241-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 (vw1.1A) BALTIMORE COUNTY

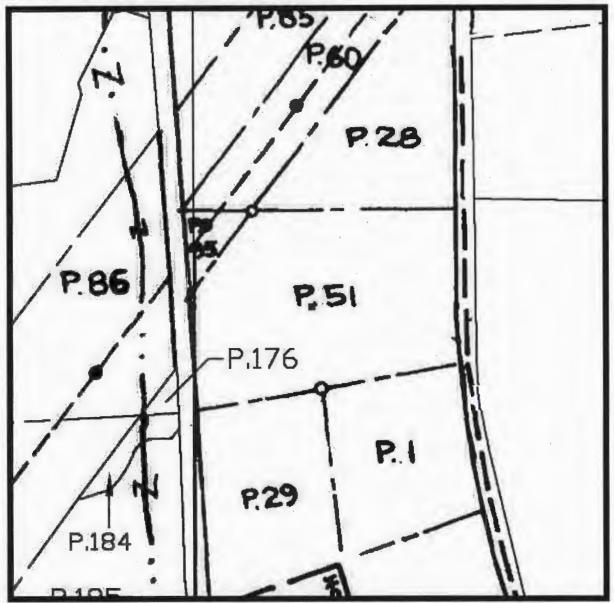
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Maryland Department of Assessments and Taxation BALTIMORE COUNTY
Real Property Data Search

Go Back View Map New Search

District - 04 Account Number - 0419008680



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

Picture # 1 Frontal view of the property of 4127 Piney Grove Road. Piney Grove Road is to the Left of the picture.

Picture #2 This is the driveway entrance to 4127 Piney Grove Road. This picture shows the carport side of the house where the proposed garage would be located next to. Existing shed would be moved to rear of property.

Picture #3 This shows the area where proposed garage would be located next to carport. Note teal birdbath.

Picture # 4 This shows the carport side of the house looking up from the rear of the property. Rear end of Chevy truck marks the end of the driveway.

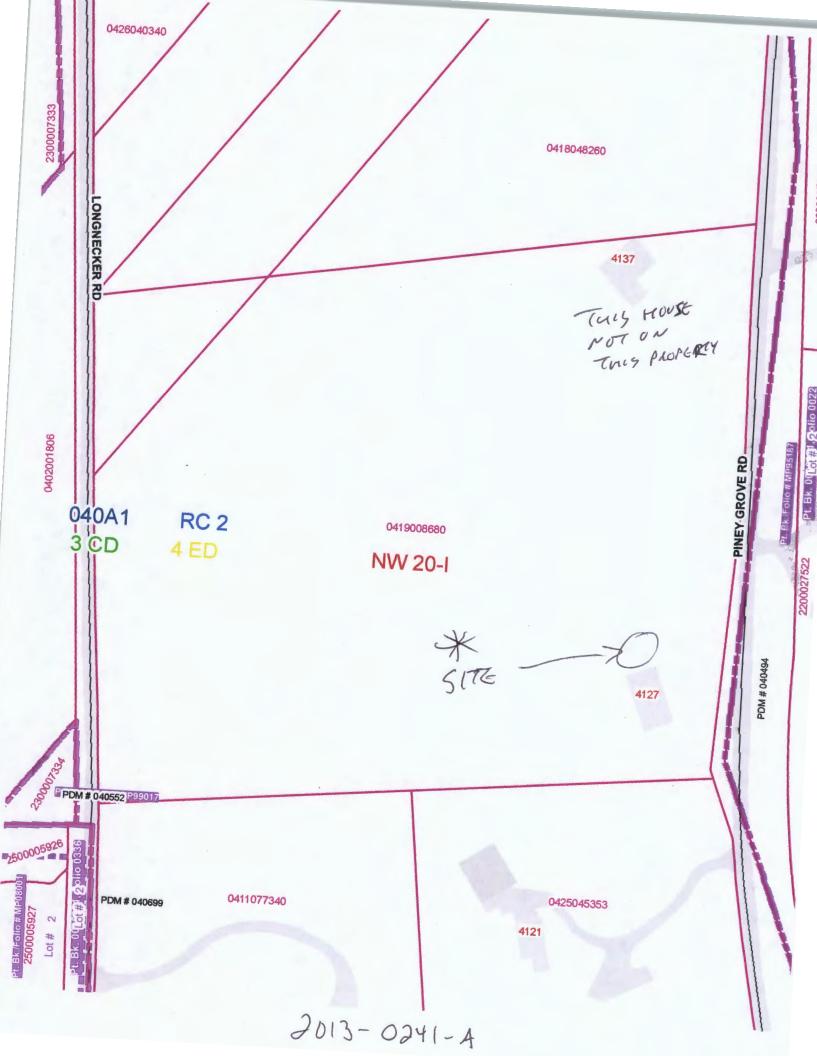
2013-0241-4











ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	OHE WORTH THE
ADDRESS 4127 PINEY GROVE RO, OWNER(S) NAME(S) JOHN / PATRICA LAMBERT	
SUBDIVISION NAME LOT# BLOCK # SECTION #_	
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2013-0241-4

Pet. Exh. 1

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	
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PLAN DRAWN BY JOHN LAMBERS DATE 04/09/13 SCALE: 1 INCH = 40 FEET	Viol Serial (1755)
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