### MEMORANDUM

DATE:

July 2, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0245-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 28, 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

IN RE: PETITION FOR ADMIN. VARIANCE \*

BEFORE THE

(1 Brookstone Court)

8<sup>th</sup> Election District

2<sup>nd</sup> Councilmanic District

Will D. and Cathy Ann Jackson

Petitioners

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0245-A

**ORDER AND OPINION** 

This matter comes before the Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Will D. and Cathy Ann Jackson. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) To permit a proposed detached accessory structure (garage) to be located on the side yard of the principal dwelling and have a height of 17 ft. in lieu of the required rear yard and maximum allowed 15 ft., and (2) To amend the Final Development Plan (FDP) for The Hill Farm, Lot #3 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 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 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 May 5, 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

Date	5-29-13
By	

ORDER RECEIVED FOR FILING

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, by the Administrative Law Judge for Baltimore County, this <u>29<sup>th</sup></u> day of May, 2013, that a Variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) To permit a proposed detached accessory structure (garage) to be located on the side yard of the principal dwelling and have a height of 17 ft. in lieu of the required rear yard and maximum allowed 15 ft., and (2) To amend the Final Development Plan (FDP) for The Hill Farm, Lot #3 only, be and is hereby GRANTED.

The relief granted herein shall be 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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Date 5-29-13

- 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.

ZAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw

ORDER RECEI	VED I	FOR	FIL	ING
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Date 5-39-13

By 1000



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

May. 29, 2013

Will D. Jackson Cathy Ann Jackson 1 Brookstone Court Lutherville, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(1 Brookstone Court) Case No. 2013-0245-A

Dear Mr. and Mrs. Jackson:

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,

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure

## ADMINISTRATIVE ZONING PETITION FOR ADMINISTRATE VARIANCE - OR - ADMINISTRATIVE ECIAL 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: which is presently zoned BROOKSTONE CT. 10 Digit Tax Account # 1800 Deed Reference 06273 Property Owner(s) Printed Name(s) Will (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 DMINISTRATIVE VARIANCE from section(s) Section 400.1 and 400.3 - to permit a proposed detached accessory structure (garage) to be located on the side vard of the principal dwelling and have a height of 17 feet in lieu of the required rear yard and maximum allowed 15 feet; and to amend the final development plan for The Hill Farm, lot #3 only 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: Name-Type or Print Signature Mailing Address State Zip Code Telephone # Email Address Representative to be contacted: Attorney for Petitioner: IDER RECEIVED FOR FILING Name-Type or Print Name - Type or Print Signature Signature Mailing Addre Mailing Address City Zip Code 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 regulations of Baltimore County and that the property be reposted. Administrative Law Judge of Baltimore County Estimated Posting Date 5, 5, 13 CASE NUMBER 2013 - 0245 -A Filing Date 4 / 23 / 3

Rev 10/12/11

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: Brooks Four Ct. Lutherine Mo 21093 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 <u>practical difficulty or hardship</u> here)
The reason WE ARE UNABLE to RELOCATE THE PROPOSED LOCATION FOR THE GARAGE, IS BECAUSE THE SPACE IS ALREADY TAKEN BY A PATIO. THE NEW CARAGE IS SURROUNDED ON (3) SIDES BY A WOODED AREA, THATHERMORE, THE BACK YARD HAS BEEN TAKE UP BY POOL SEDIMMENTS AND DRAIN LINES. THE PROPERTY IS 2.2 AC AND I NEED to SPRAND OUT. THE OTHER PROBLEM IS THAT IN THE BACK THERE IS A NATURAL GAS LINE THAT RUNS TO MY HOUSE FROM FALLS RD. IF THE GARAGE WAS PLACED IN THE BACK YARD IT WOULD COVER THE NATURAL GAS LINES.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)    Will   Signature of Affiant   Signature of Affiant   Signature of Affiant   Signature of Type     Name-Print or 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:
HEREBY CERTIFY, this 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 Seal
Notary Public  9-11-2014  My Commission Expires
REV. 10/12/1

NOW HOLLER

Affidavit in Support of Administrative Variance (This Affidavit is NOT REQUIRED OR 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)

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: 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) SURROUNDED to DLAKED IN THE BACK YARD (If additional space for the petition request or the above statement is needed, label and attach it to this Form) Name-Print o Name-Print or The following information is to be completed by a Notary Public of the State of Maryland

STATE OF WARTLAND, COUNTY OF BALTIMORE, to With
I HEREBY CERTIFY, this day of April , 2013 , before me a Notary of Maryland, in and for the County aforesaid, personally appeared
Will Tackson and Cuthy Tackson
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)
$\rho$
AS WITNESS my hand and Notaries Seal
Notary Public 9-11-2014
My Commission Expires

REV. 10/12/11

The zoning property description for 1 Brookstone Court, Lutherville, Maryland is Beginning at the south east side of Brookstone Court which is 50 feet wide at a east distance of 30 feet to the center line of Falls Road, which is 60 feet.

Being known and designated as lot no.3 in the sub division of Hill Farm, Containing 2.22 acres, as recorded in the plat book 0043 folio 103, Baltimore County, located in the Election District 8 and Council District 2.

Item # 0245

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0245

Address \_\_\_\_

Brookstone C+

	ct Pers		David Planner, Pleas	Ouva    Print Your Name		Phone Number:	
Filing	Date:	4/23/	/13	Posting Date	e: <u>5/5/13</u>	Closing Dat	te: 5/20/13
Any c	ontact the c	made wit ontact per	h this office i son (planner)	regarding the st using the case n	atus of the adnumber.	ministrative varia	nce should be
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Petitio	ner's N	ame	Will Jac	kson	Te	elephone 410,	821 6141
Postir	g Date	: _ 5	15/13		Closing Date:	5/20/12	)
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# 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 - 0245 - A
Petitioner: WILL D. JACKSON
Address or Location: 1 BROOKS TONE Ct.
PLEASE FORWARD ADVERTISING BILL TO:
Name: WILL D. JACKSON
Address: 1 B ROOKSTONE Ct.
LUTHERVILLE, MARYLAND Z1093
Telephone Number: 410 821-6141

OFFICE	OF BUD	GET AND	ARYLANI FINANC RECEIPT	E		No.	<b>国内台</b>	3544		PAILD R	ECEIPT ACHEL 4/23/2013	(別集	NW.
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## **CERTIFICATE OF POSTING**

Date: 5-5-13

RE: Case Number: 2013-0245-A

Petitioner/Developer: Will Tackson

Date of Hearing/Closing: 5/20 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 1 Brookstone ct.





5/5/13 (Month, Day, Year)

(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Road (Street Address of Sign Poster)

Parkton, MD 21120 (City, State, Zip Code of Sign Poster)

410-343-1443 (Telephone Number of Sign Poster)

## CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
5-13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NC
5-9	DEPS (if not received, date e-mail sent)	NC
<u> </u>	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
5-2	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
*	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ON (Case No.	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	VERTISEMENT Date:	
SIGN POSTING	Date: <u>5-5</u>	by Pieson
PEOPLE'S COUNS	EL APPEARANCE Yes No DEL COMMENT LETTER Yes No DEL	
Comments, if any:		·
1		1

## BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** May 13, 2013

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 10, 2013

Item Nos. 2013- 0241, 0244, 0245, 0246,0248, 0250,0251,0252,0253

and 0254.

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

DAK:CEN Cc: file

## **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:

May 9, 2013

SUBJECT:

**DEPS** Comment for Zoning Item

Address

# 2013-0245-A

1 Brookstone Court (Jackson Property)

Zoning Advisory Committee Meeting of May 6, 2013.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

Jeff Livingston - Development Coordination

RECEIVED

MAY 0 9 2013

OFFICE OF ADMINISTRATIVE HEARINGS



KEVIN KAMENETZ County Executive

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

May 21, 2013

Will & Cathy Jackson 1 Brookstone Court Lutherville MD 21093

RE: Case Number: 2013-0245 A, Address: 1 Brookstone Court, 21093

Dear Mr. & Ms. Jackson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 23, 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 Richal D

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

5-2-13 Date:

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

RE: **Baltimore County** 

Item No 2013-0245-A ... Hoministrative Variance Will & Bathy Juckson Brookstone Court

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. 2013-0245-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

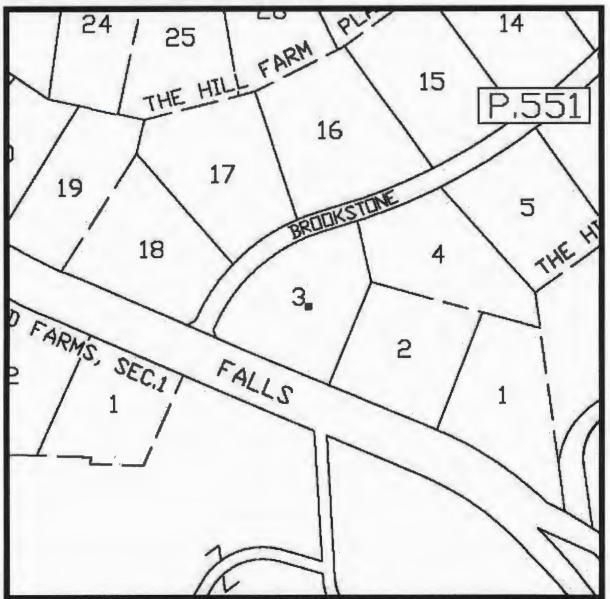
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Land			280,500	280,500							
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Item #0245

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

Go Back View Map New Search

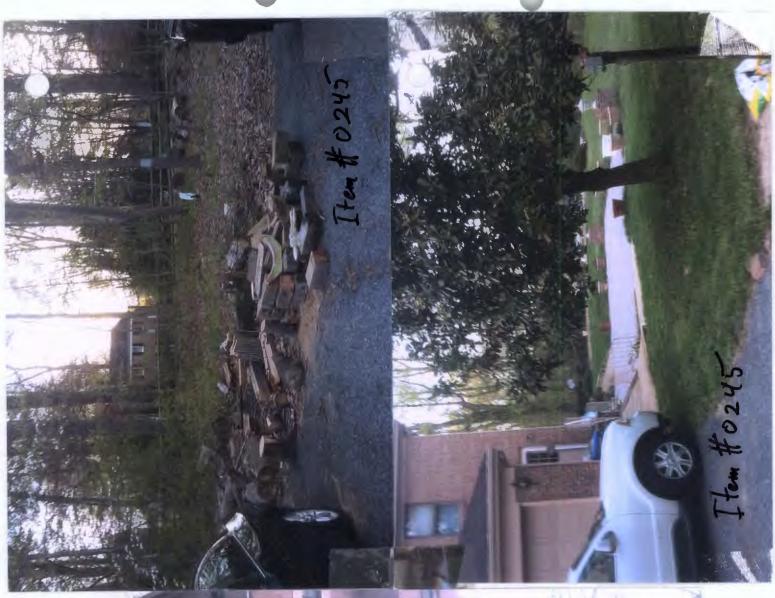
District - 08 Account Number - 1800004358



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 ©2010. 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>





Item # 0245

Item #0245

5





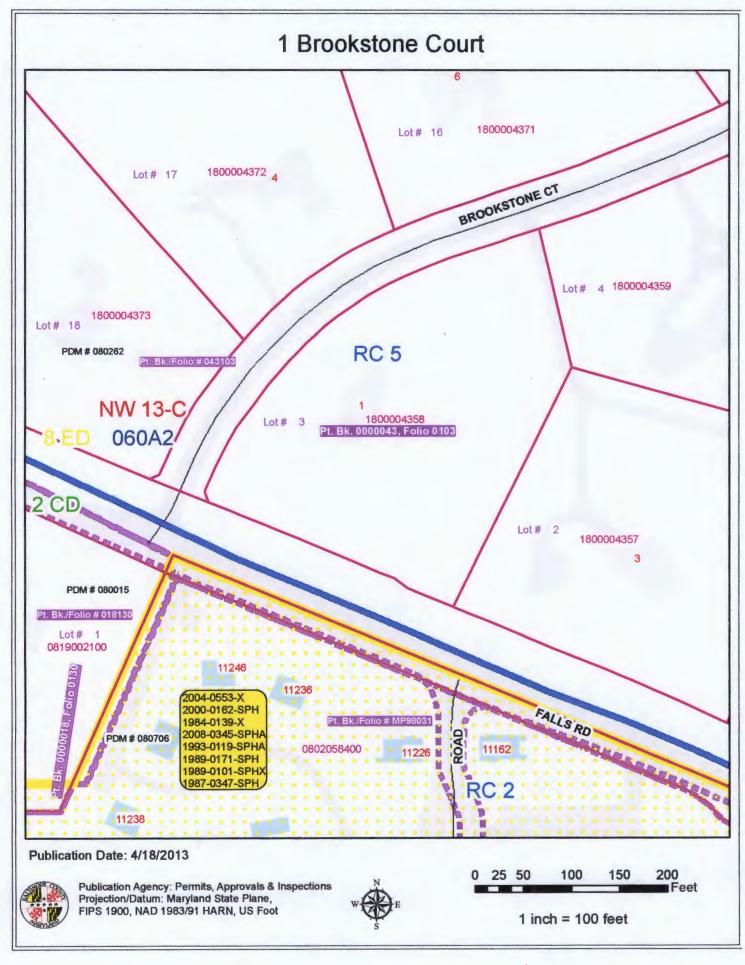
Richard a moore 0-7-78

Item # 0245

1685

TOWERD MAN CHEMOT

MSA 854-1236-208



ADDRESS   BROOKSTONE COURT OWNER(S) NAME(S) WILL AND CATH JACKSON	
SUBDIVISION NAME HILL FARM LOT# 3 BLOCK# SECTION#	I ANT
PLAT BOOK # 43 FOLIO # 103 10 DIGIT TAX # 1 8 00 0 0 43 58 DEED REF. # 0 6 2 7 3 / 0 0 0 0 5	TREMOTOT CT
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Lot # 17 1800004372	MAP IS NOT TO SCALE
Lot # 5 1800004360	ZONING MAP# 060A2
	SITE ZONED RC5
BROOKSTONE CT (50	ELECTION DISTRICT 8 TH
HIS 95.6	COUNCIL DISTRICT_2
Lot # 18 1800004373 W(10t) Lot # 1800004359	LOT AREA ACREAGE 2.22
Region 1	OR SQUARE FEET/
The season of th	HISTORIC? No
Lot # (3 )800004358	IN CBCA? No IN FLOOD PLAIN? No
PROPOSED CARAGE RP. 10	UTILITIES? MARK WITH X
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11246 11236	IF SO GIVE CASE NUMBER
11244 TILES RD	AND ORDER RESULT BELOW
11220	NONE
PLAN DRAWN BY WILL JACKSON DATE APRIL 20, 35 CALE: 1 INCH = 100 FEET R	
#2013-0245-4	VIOLATION CASE INFO:
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