## MEMORANDUM

DATE:

July 10, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0257-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 5, 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

June 4, 2013

Timothy W. Kerins Kelly L. Bayne-Kerins 11 East Main Boulevard Timonium, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE - AMENDED

(11 East Main Boulevard) Case No. 2013-0257-A

Dear Mr. and Mrs. Kerins:

It has been brought to my attention that the Opinion and Order issued on June 4, 2013 contained a typographical error. Specifically, on Page 2, in the therefore clause on line 1, the month of May was reflected instead of June. We have amended the Order as follows:

"THEREFORE, IT IS ORDERED, this 4th day of June, 2013, by the Administrative Law Judge for Baltimore County ..."

This letter shall be incorporated into the case file and made a part thereof. I apologize for any inconvenience this may have caused.

Very truly yours

AWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

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

(11 East Main Boulevard)

8<sup>th</sup> Election District 3<sup>rd</sup> Council District

Timothy W. and Kelly L. Bayne-Kerins

Petitioners

**BEFORE THE** 

OFFICE OF ADMINISTRATIVE

**HEARINGS FOR** 

BALTIMORE COUNTY

CASE NO. 2013-0257-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, Timothy W. and Kelly L. Bayne-Kerins. The Petitioners are requesting Variance relief from Section 1B02.3.A.1 and 1954 Residence A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front addition with a front yard setback of 27 ft., 11 in. in lieu of the required average setback of 31 ft., 2 in. 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 ZAC comments received 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 9, 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

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Date 6-4-1	3

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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.

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 4<sup>th</sup> day of May, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 1B02.3.A.1 and 1954 Residence A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front addition with a front yard setback of 27 ft., 11 in. in lieu of the required average setback of 31 ft., 2 in., 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.

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

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LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

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Date	6-4-13	
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Bv	00	



KEVIN KAMENETZ County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

June 4, 2013

Timothy W. Kerins Kelly L. Bayne-Kerins 11 East Main Boulevard Timonium, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(11 East Main Boulevard) Case No. 2013-0257-A

Dear Mr. and Mrs. Kerins:

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

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure

# **ADMINISTRATIVE ZONING PETITION**

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

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Administrative Law Judge of Baltimore County

CASE NUMBER 2013 -0257-A Filling Date 5/1/3 Estimated Posting Date 5/17/3

Rev 10/12/11

# 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:	11 E. Main Blvd	Timonium	Maryland	21093
Prin	nt or Type Address of property	City	State	Zip Code
	personal knowledge, the ve Variance at the above a			
As part of the	he replacement of our roof we are se	eking the extension of the roof	to cover our concrete front por	ch to provide
	protection from rain and ice.			
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Signature of A		<u>/</u> s	Kelly Bagne - Kignature of Affiant	
Timothy Kerins Name- Print o			Kelly Bayne-Kerins  Iame- Print or Type	
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	The following information is	to be completed by a No	tary Public of the State of	f Maryland
STATE OF	MARYLAND, COUNTY O	F BALTIMORE, to wi	t:	
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TIMOTH the Affiant(s)	WKERINS KE	ELLY BANE- satisfactorily identified t	ICERINS o me as such Affiant(s) (	Print name(s) here
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		My Commission Expire	SHEILA	JUANITA MALONE

My Commission Expires

NOTARY PUBLIC STATE OF MARYLAND My Commission Expires August 7, 2016

REV. 10/12/11

# ZONING PROPERTY DESCRIBTION FOR 11 E. Main Blvd.

Beginning at a point on the south side of E. Main Blvd., which is 48ft. wide at the distance of 560ft east of the centerline of the nearest improved intersecting street, York Rd, which is 67ft wide.

Being Lot # 11, in the subdivision of "Wayside "as recorded in Baltimore County Plat Book #19, Folio # 41, containing 11,655sqft (0.268 acres). Located in the 8<sup>th</sup> Election District and the 3<sup>rd</sup> Council District.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2013- 0257 -A Address 11 EAST MAIN BLVD.
Contact Person: AARON TSUT Phone Number: 410-887-3391
Filing Date: $\frac{5}{1/28/3}$ Posting Date: $\frac{5}{12/3}$ Closing Date: $\frac{5}{27/13}$
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. <a href="POSTING/COST">POSTING/COST</a> : 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 025) -A Address // EAST MAIN BOULEVARD
Petitioner's Name TIMONTHY KERINS Telephone 410-308-0132
Posting Date: $\frac{5/27/13}{}$ Closing Date: $\frac{5/27/13}{}$
Wording for Sign: To Permit AN ADDITION IN THE FRONT OF EXISTING
DWELLING WITH A FRONT YARD SETBACK OF
27' 11" IN LIEU OF THE REQUIRED 31'2".

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CASE NO. 2013- 0257-A

# CHECKLIST

Comment Received	<u>Depa</u>	<u>rtment</u>		Support/Oppose/ Conditions/ Comments/ No Comment
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	FIRE DEPARTM	ENT		
,	PLANNING (if not received, d	ate e-mail sent		
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Comments, if any:				
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Maryland Department of Assessments and Taxation Real Property Data Search (vw2.1A) BALTIMORE COUNTY

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GroundRent Redemption
GroundRent Registration

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·	натычи			Tax Class							
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				As Of 01/01/2011	As Of 07/01/2012	As Of 07/01/20	13				
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Improve	ments:		177,240	129,400							
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3801 Baker Schoolhouse Road Freeland, MD 21053 o 443-900-5535 m 410-419-4906 bdoak@bruceedoakconsulting.com

## **CERTIFICATE OF POSTING**

May 10, 2013

Re:

Case Number: 2013-0257-A

Petitioner / Developer: Timothy Kerins

Date of Closing: May 27, 2013

Baltimore County Department of Permits, Approvals & Inspections County Office Building 111 West Chesapeake Avenue, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at **11 East Main Boulevard**.

The sign(s) were posted on May 09, 2013.

Sincerely,

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor







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

May 29, 2013

Timothy Kerins Kelly Bayne-Kerins 11 E Main Boulevard Timonium MD 21093

RE: Case Number: 2013-0257 A, Address: 11 E. Main Boulevard

Dear Mr. Kerins & Ms. Bayne-Kerins:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 1, 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. Cul Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

# BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

**DATE:** May 13, 2013

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 May 10, 2013

Item Nos. 2013-0249, 0256, 0257, 0258,0259, and 0260.

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: 5-7-13

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 -0257-A
Administrative Varionce
Timothy Kerins akely BryneHerins
II E Main Backerand

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. 203-0257-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

ADDRESS 11 East Main Blvd. OWNER(S) NAME(S) Timothy + Kelly Kerins	SITE VICINITY MAP
	E.Main Blyd
SUBDIVISION NAME Waside LOT# 1\ BLOCK# SECTION#  PLAT BOOK # 19 FOLIO # 4\ 10 DIGITTAX # 0 8 0 9 0 9 70 0 0 DEED REF. # 1 4 8 4 5 1 0 0 4 0 2	The state of the s
N75°41'35'E	N MAP IS NOT TO SCALE
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N. S. L. S.	COUNCIL DISTRICT 371 LOT AREA ACREAGE 0,268 OR SQUARE FEET 11,655 HISTORIC? NO
Not to Scale	IN CBCA? <u>NO</u> IN FLOOD PLAIN? <u>NO</u> UTILITIES? MARK WITH X WATER IS: PUBLIC × PRIVATE
#13 Front  (A Fount #1 Front #2 Fount #2 Front #21-8"	PUBLIC X PRIVATE PRIOR HEARING ? NO IF SO GIVE CASE NUMBER
PLAN DRAWN BY Robert We pper DATE 4/21/13 SCALE: 1 INCH = 40 FEET	AND ORDER RESULT BELOW
	VIOLATION CASE INFO:
PLAN TO ACCOMPANY PHOTOGRAPHS	6

2013-0257-A Para



2013-0237-A



2013-0257-A



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	2		•	OR SQUARE FEET 11,655
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				IN CBCA? NO
				IN FLOOD PLAIN ? NO
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28-4"	27-18 New Port La	34-5°		IF SO GIVE CASE NUMBER
	N71° 54'30"E	P.O.B		AND ORDER RESULT BELOW
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