

MEMORANDUM

DATE: August 7, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0261-A Appeal Period Expired

The appeal period for the above-referenced case expired on July 29, 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 VARIANCE
(1605 Hicks Road)
7th Election District
3rd Councilmanic District
Paul Blinkin
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2013-0261-A**

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owner of the property, Paul Blinken, for property located at 1605 Hicks Road. The Variance request is from Sections 1A08.6.C.2.f and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed garage with a height of 23 ft. in lieu of the maximum of 15 ft. and located in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioner's Exhibit 1.

This matter was originally filed as an Administrative Variance, with a closing date of May 27, 2013. On May 22, 2013, Eugene Flanagan, a neighbor at 1600 Hicks Road, requested a formal hearing on this matter. The hearing was subsequently scheduled for Thursday, June 27, 2013 at 11:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

A Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review (DPR), indicating that the proposed garage shall be set back at least one foot away from the 10' drainage and utility easement, or 11' from the property line.

ORDER RECEIVED FOR FILING

Date 6-28-13

By pen

Appearing at the public hearing in support for this case was Paul Blinken and Brian Williamson, his contractor. Eugene Flanagan also attended the hearing, and expressed certain concerns regarding the proposal.

Testimony and evidence revealed that the subject property is approximately 4.42 acres and is zoned RC 7. The property is improved with a single family dwelling, which was constructed in 1984. The Petitioner (who is an automobile enthusiast) has lived in the home for over 12 years, and wants to construct a 4 car garage to store his vehicles. To do so requires variance relief.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

The Petitioner has met this test. Mr. Blinken testified that there are steep slopes (in excess of 25%) to the rear of his home, which essentially dictates that the garage be placed in the front yard. Thus, the property is unique for zoning purposes.

The Petitioner would experience a practical difficulty if the regulations were strictly enforced, since he would be unable to construct the garage as planned. In addition, the grant of relief will not be injurious to the public's health, safety and welfare.

The subject property is located in a rural setting, and the Petitioner indicated there are only a few neighbors in the vicinity. His adjoining neighbors at 1609 Hicks Road (F.T. Burden & Charles Smith) submitted a letter stating they did not object to the proposed garage "that will

ORDER RECEIVED FOR FILING

Date 6-28-13

By pln

be used for storage.” Exhibit 4. Mr. Flanagan, who lives across the street at 1600 Hicks Road, testified he was concerned with the potential noise and environmental dangers that would exist if the garage was used for automotive body work and repairs. The Petitioner stated he was disabled, and had no intention of doing such work in the garage. A discussion was had concerning whether the garage would be equipped with an automobile lift, and while Petitioner initially indicated he did not want to install a lift, he at the same time did not want to be restricted from using a lift in the garage if he chose in the future to do so.

The discussion that took place at the hearing was a familiar one. When a garage is proposed, neighbors often express concerns with whether it will in fact be used for living quarters or commercial purposes. In this case, the Petitioner has expressly indicated the garage will not be used in either fashion. The zoning regulations define a “residential garage” as a building “used for storage of private motor vehicles.” B.C.Z.R. §101.1. A “service garage,” on the other hand, is one where “vehicles are stored, equipped for operation, repaired or kept for remuneration, hire or sale.” B.C.Z.R. § 101.1. As discussed at the hearing, it is not uncommon for a homeowner to undertake certain repairs to his vehicles, provided such work is not done for compensation. The situation becomes somewhat muddled when an owner is performing body/fender work or major engine repairs; in these scenarios (which, as Mr. Flanagan correctly notes, requires the use of air-powered tools and chemicals/solvents) it often appears that a “service garage” is being operated. The difficulty comes in trying to articulate exactly where the line gets drawn, but I will condition in certain respects the relief granted herein in an effort to ensure that the use does not negatively impact the community.

ORDER RECEIVED FOR FILING

Date 6-28-13

By SEN

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence, I find that Petitioner's variance request should be granted.

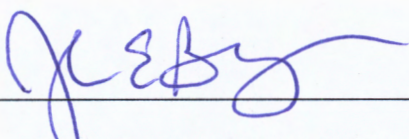
THEREFORE, IT IS ORDERED, this 28th day of June, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from §§ 1A08.6.C.2.f and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed garage with a height of 23 ft. in lieu of the maximum of 15 ft. and located in the front yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The garage shall not be used for commercial purposes, and shall not contain living quarters.
3. The second level or loft area of the garage, which will be accessed by a folding staircase, shall be used only for storage purposes.
4. The interior height of the garage (as shown on the cross-section diagram marked as Exhibit 2 and attached hereto) shall be a maximum of 9' as measured from the concrete floor to the ceiling, which shall be constructed of solid wood.

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

JEB:sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 6-28-13

By sln



KEVIN KAMENETZ
County Executive

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

June 28, 2013

Paul Blinken
1605 Hicks Road
White Hall, Maryland 21161

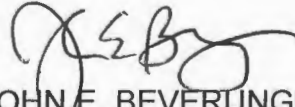
RE: Petitions for Variance
Case No.: 2013-0261-A
Property: 1605 Hicks Road

Dear Mr. Blinken:

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.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Eugene Flanagan, 1600 Hicks Road
White Hall, Maryland 21161
Brian Williamson, 5015 Fawn Grove Road
Pylesville, Maryland 21132



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2013-0261-A

Address: 1605 HICKS RD

Petitioner(s): PAUL BLINKEN

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

We EUGENE FLANAGAN
Name - Type or Print

☐ Legal Owner OR ☐ Resident of
1600 Hicks Rd.
Address

White Hall MD. 21161
City State Zip Code

410-343-1076
Telephone Number

which is located approximately 50 feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.

Eugene Flanagan 5/23/13
Signature Date

Signature
Revised 9/18/98 - wcr/scj

Date

To Whom It May Concern:
I am writing to request a public hearing on case # 2013-0261-A.
The property address is 1605 Hicks Rd. White Hall, MD.

May 22, 2013
Zoning Review Bureau
County Office
Permits and Development
111 W. Chesapeake Ave.
Towson, MD 21204

Call - Eugene
Eugene Flanagan
- 443-527-8083
when hearing date is
set

Eugene Flanagan
1600 Hicks Rd.
White Hall, MD 21161

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **099775**

Date: **5/23/13**

PAID RECEIPT

BUSINESS ACTUAL TIME
 5/23/2013 5/23/2013 11:58:29

REC'D 504 WALKER SNIL SAH
 RECEIPT # 567769 5/23/2013 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6120				\$60.00

Dept 5 528 ZONING VERIFICATION

OR NO. 099775

Recpt Tot \$60.00
 \$60.00 CR \$60.00 CR
 Baltimore County, Maryland

Total: **\$60.00**

Rec From: **EUGENE FLANIGAN**

For: **FLANNA PROTEST**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

2013-0261-A
 This receipt (apparently from this case) not scanned (does it need to be?)



ADMINISTRATIVE ZONING PETITION

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 1605 Hicks Rd which is presently zoned RC7
Deed Reference 16114-612 10 Digit Tax Account # 1800013897
Property Owner(s) Printed Name(s) Paul Blinham

(SELECT THE HEARING(S) BY MARKING ☒ 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

1. ☒ ADMINISTRATIVE VARIANCE from section(s) 1408.6.C.2.f and section 400.3
To permit a proposed garage with a height of 23 feet in lieu of the maximum 15 feet and to located in the front yard in lieu of the required rear yard.
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. _____ 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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

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, this _____ day of _____ 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 2013-0261-A Filing Date 5/2/13 Estimated Posting Date 5/14/13 Reviewer G. H

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: 1605 Hicks Rd White Hall MD 21161
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 practical difficulty or hardship here)

1. The rear property has drainage and utility easements that will burden the placement of garage.
2. The construction of garage would not be practical to build on such a slope.
3. Construction in rear yard could impact the natural setting.
4. The House is limited of storage space needing the extra height to allow for attic storage.
5. The height of garage will not be higher than main house.

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

X [Signature]
Signature of Affiant

Signature of Affiant

X Paul Blunken
Name- Print or Type

Name- Print or 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 22nd day of April, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

PAUL ELLIOTT BLUNKEN
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

[Signature]
Notary Public
OCTOBER 1ST, 2016
My Commission Expires

JOHN D HETRICK
Notary Public
Harford County
Maryland
My Commission Expires Oct. 01, 2016

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: 1605 Hicks Rd White Hall MD 21161
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 practical difficulty or hardship here)

1. The rear property has drainage and utility easements that will burden the placement of garage.
2. The construction of garage would not be practical to build on such a slope.
3. Construction in rear yard could impact the natural setting.
4. The House is limited of storage space needing the extra height to allow for attic storage.
5. The height of garage will not be higher than main house.

(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

Name- Print or Type

Name- Print or 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 22nd day of April, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

PAUL ELLIOTT BUNEN

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

OCTOBER 1ST, 2016

My Commission Expires

JOHN D HETRICK

Notary Public
Harford County
Maryland

My Commission Expires Oct. 01, 2016

REV. 10/12/11

Zoning Property Description For 1605 Hicks Rd.

Beginning at a point on the East Side of
Hicks Rd Thence the following course
and distance. 1st Point of call N.15
17'43" W. 574.25' 2nd Point of call N. 76
12'57" W 380.00' Point of call S. 02
49'48" E 515.33' Point of call N. 87
58'39" E 429.80' Point of call S. 15
17'43" E. 171.36' back to point of
beginning as recorded in Deed Liber46,
Folio 11 containing 4.42 AC+/-.
Lot in the 7th election district and the 3rd
Council District.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0261 -A Address 1605 Hicks RD

Contact Person: Gary Hucik Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/2/13 Posting Date: 5/12/13 Closing Date: 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. **POSTING/COST:** 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. **DEADLINE:** 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- 0261 -A Address 1605 Hicks Rd

Petitioner's Name Paul Blinken Telephone _____

Posting Date: 5/12/13 Closing Date: 5/27/13

Wording for Sign: To Permit a proposed garage with a height of 23 feet in lieu of the required 15 feet maximum and located in the front yard in lieu of the required rear yard.

Revised 7/06/11

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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. For those petitions which require a public hearing, 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: _____

Petitioner: America's Remodeling Group

Address or Location: 5015 Fawn Grove Rd Pylesville MD 21132

PLEASE FORWARD ADVERTISING BILL TO:

Name: Paul Blinker

Address: 1605 Hicks Rd White Hall MD 21161

Telephone Number: 443-567-8283 America's Remodeling Group

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **098428**

Date: **5/2/13**

PAID RECEIPT

BUSINESS ACTUAL TIME
 5/02/2013 5/02/2013 14:48:31

REC MSGS WALKIN DUOL LMD
 RECEIPT # 663821 5/02/2013
 5 522 ZONING VERIFICATION
 CR NO. 098428

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					75.00

Recpt Tot \$75.00
 \$75.00 CR \$0.00 CA
 Baltimore County, Maryland

Total: **75.00**

Rec From: **America's Remodeling Group**

For: **Administrative Variance**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 05/11/2013

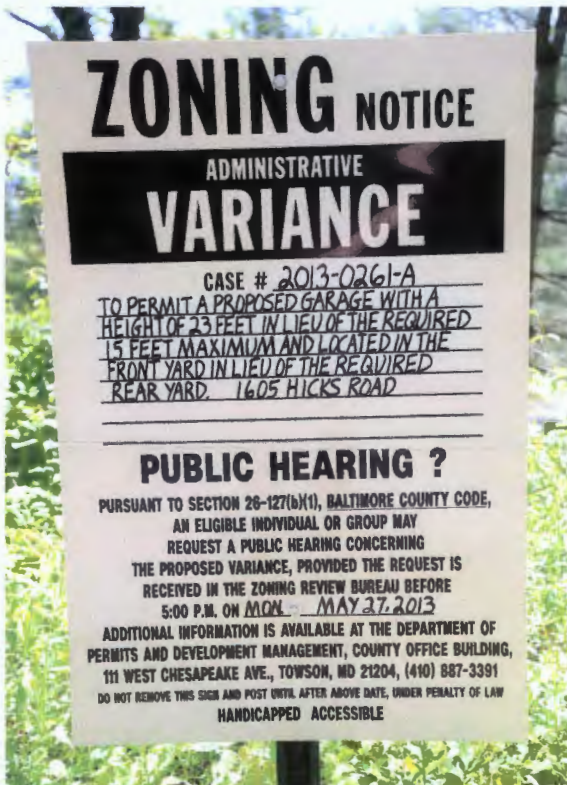
Case Number: 2013-0261-A

Petitioner / Developer: PAUL BLINKEN

Date of Hearing (Closing): MAY 27, 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:
1605 HICKS ROAD

The sign(s) were posted on: MAY 10, 2013



Linda 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)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 06/09/2013

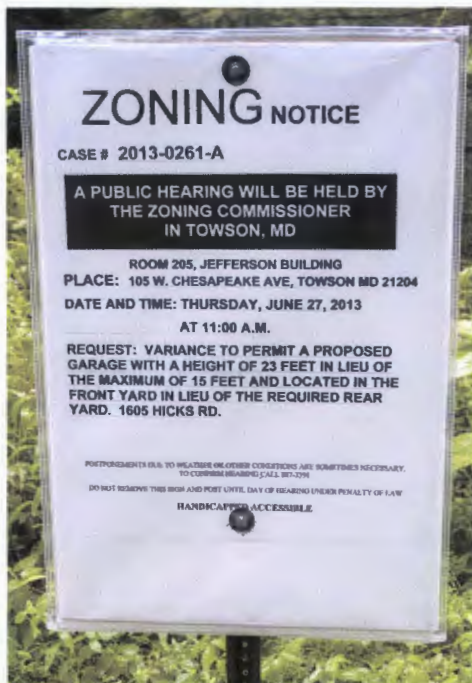
Case Number: 2013-0261-A

Petitioner / Developer: PAUL BLINKEN~BRIAN WILLIAMSON~
EUGENE FLANAGAN

Date of Hearing (Closing): JUNE 27, 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:
1605 HICKS ROAD

The sign(s) were posted on: JUNE 7, 2013



Linda 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)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

June 6, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on June 6, 2013

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #2013-0261-A

1605 Hicks Road

E/s Hicks Road, 800 ft. +/- S/W of centerline of Wilson Road

7th Election District - 3rd Councilmanic District

Legal Owner(s): Paul Blinken

Variance: to permit a proposed garage with a height of 23 feet in lieu of the maximum of 15 feet and located in the front yard in lieu of the required rear yard.

Hearing: Thursday, June 27, 2013 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND

Work sessions are held in the County Council Hearing Chamber at 2:00 p.m. Legislative Meetings are held in the County Council Hearing Chamber at 6:00 p.m. 926310 06/046 June 6



KEVIN KAMENETZ
County Executive

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

May 29, 2013

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0261-A

1605 Hicks Road

E/s Hicks Road, 800 ft. +/- S/w of centerline of Wilson Road

7th Election District – 3rd Councilmanic District

Legal Owners: Paul Blinken

Variance to permit a proposed garage with a height of 23 feet in lieu of the maximum of 15 feet and located in the front yard in lieu of the required rear yard.

Hearing: Thursday, June 27, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Paul Blinken, 1605 Hicks Road, White Hall 21161
Brian Williamson, 5015 Fawn Grove Road, Pylesville 21132
Eugene Flanagan, 1600 Hicks Road, White Hall 21161

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 7, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 6, 2013 Issue - Jeffersonian

Please forward billing to:
Paul Blinken
1605 Hicks Road
White Hall, MD 21161

410-371-3356

NOTICE OF ZONING HEARING

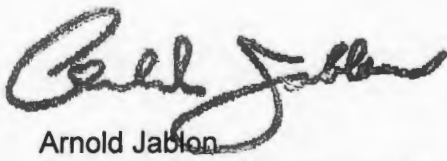
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0261-A

1605 Hicks Road
E/s Hicks Road, 800 ft. +/- S/w of centerline of Wilson Road
7th Election District – 3rd Councilmanic District
Legal Owners: Paul Blinken

Variance to permit a proposed garage with a height of 23 feet in lieu of the maximum of 15 feet and located in the front yard in lieu of the required rear yard.

Hearing: Thursday, June 27, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

CASE NO. 2013- 0261-A

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

5/21/13

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

C

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

5/14/13

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 6/6/13

SIGN POSTING

Date: 6/7/13

by O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes ☐ No ☒

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐ No ☐

Comments, if any: _____

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 20, 2013
Item No. 2013-0261

DATE: May 21, 2013

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Proposed garage shall be set back at least one foot away from the 10' drainage and utility easement, or 11' from the property line.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 13-0261-05202013.doc

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5-14-13

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

RE: Baltimore County
Item No 2013-0261-A
Administrative Variance
Paul Blinkin
1605 Hicks 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. 2013-0261-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,

A handwritten signature in blue ink, appearing to read "Richard Zeller", is written over a horizontal line. Below the signature, the text "for Steven D. Foster, Chief" is printed.

Steven D. Foster, Chief
Access Management Division

SDF/raz



KEVIN KAMENETZ
County Executive

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

June 19, 2013

Paul Blinken
1605 Hicks Road
White Hall MD 21161

RE: Case Number: 2013-0261 A, Address: 1605 Hicks Road

Dear Mr. Blinken:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 2, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Brian Williamson, 5015 Fawn Grove Road, Pylesville MD 21132

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.1A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 07 Account Number - 1800013897

Owner Information

Owner Name: BLINKEN PAUL **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 1605 HICKS RD
WHITE HALL MD 21161-9201 **Deed Reference:** 1)/16114/ 00612
2)

Location & Structure Information

Premises Address 1605 HICKS RD
0-0000 **Legal Description** 4.42 AC
1605 HICKS RD
STARK PROPERTY

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0022	0006	0171		0000			2	2	Plat Ref: 0046/0011

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1984	2,334 SF	4.4200 AC	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT WOOD SHINGLE	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
Land	174,460	134,200		
Improvements:	321,250	218,700		
Total:	495,710	352,900	352,900	352,900
Preferential Land:	0			0

Transfer Information

Seller: OTTE DAVID	Date: 02/15/2002	Price: \$375,000
Type: ARMS LENGTH IMPROVED	Deed1: /16114/ 00612	Deed2:
Seller: RUSS LON D	Date: 11/21/1994	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10838/ 00545	Deed2:
Seller: RUSS LON	Date: 02/15/1990	Price: \$47,890
Type: ARMS LENGTH IMPROVED	Deed1: /08406/ 00182	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: Approved 05/19/2008



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

[Go Back](#)
[View Map](#)
[New Search](#)

District - 07 Account Number - 1800013897



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.

CASE NAME 2013-0261-A
 CASE NUMBER _____
 DATE 6/27/13

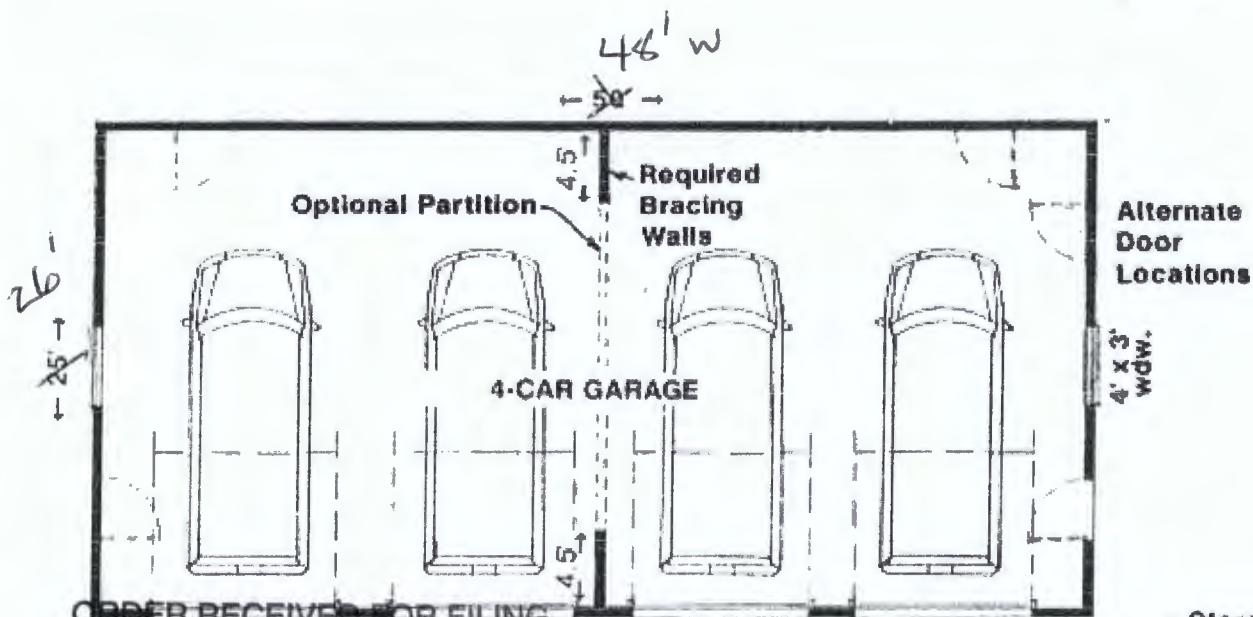
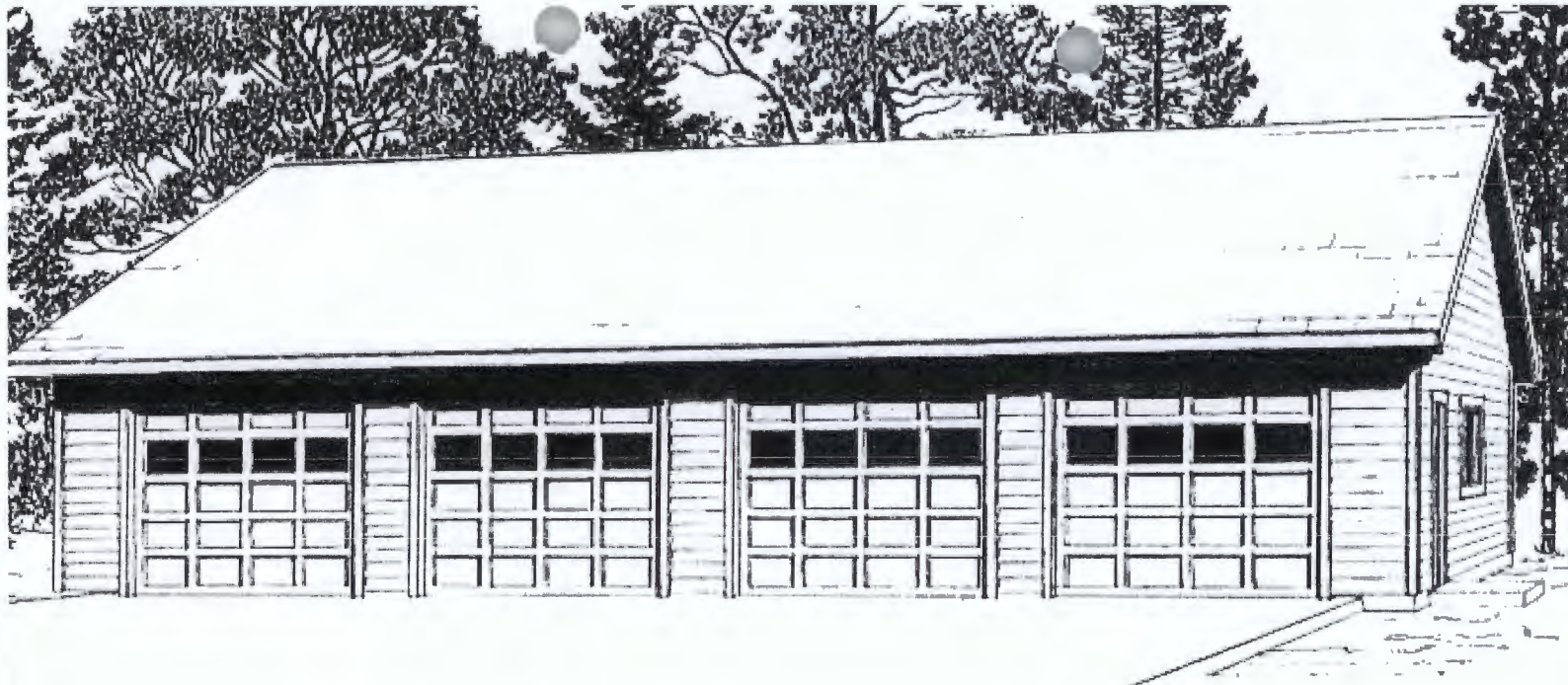
[illegible]

CASE NAME _____
CASE NUMBER 2013-261A
DATE 6/27/13

Petitioners'
CITIZEN'S SIGN-IN SHEET

[illegible]





ORDER RECEIVED FOR FILING

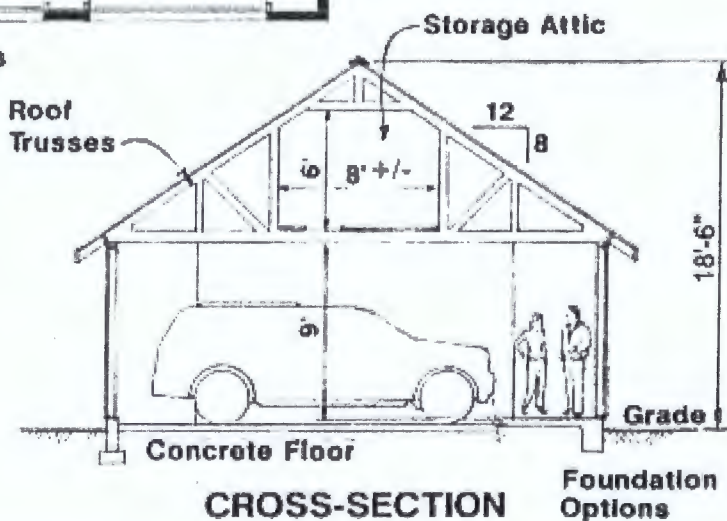
Date 6-28-13 9' w. x 8' h. Garage Doors

By Den **FLOOR PLAN**

Generously sized 4-bay garage is spacious enough for 4 full-sized S.U.V. vehicles, with extra shop/storage areas and has an attic for extra storage.

Simple gable-roof style blends with many styles of homes.

Petitioner's No. 2



CROSS-SECTION



Site Area 1

2013-0261A



Site Area 2



adjacent dwelling 1

2013-0261-A



adjacent dwelling 2

2013-0261-A

Case No.:

2013-261-A

SW 8-17-13

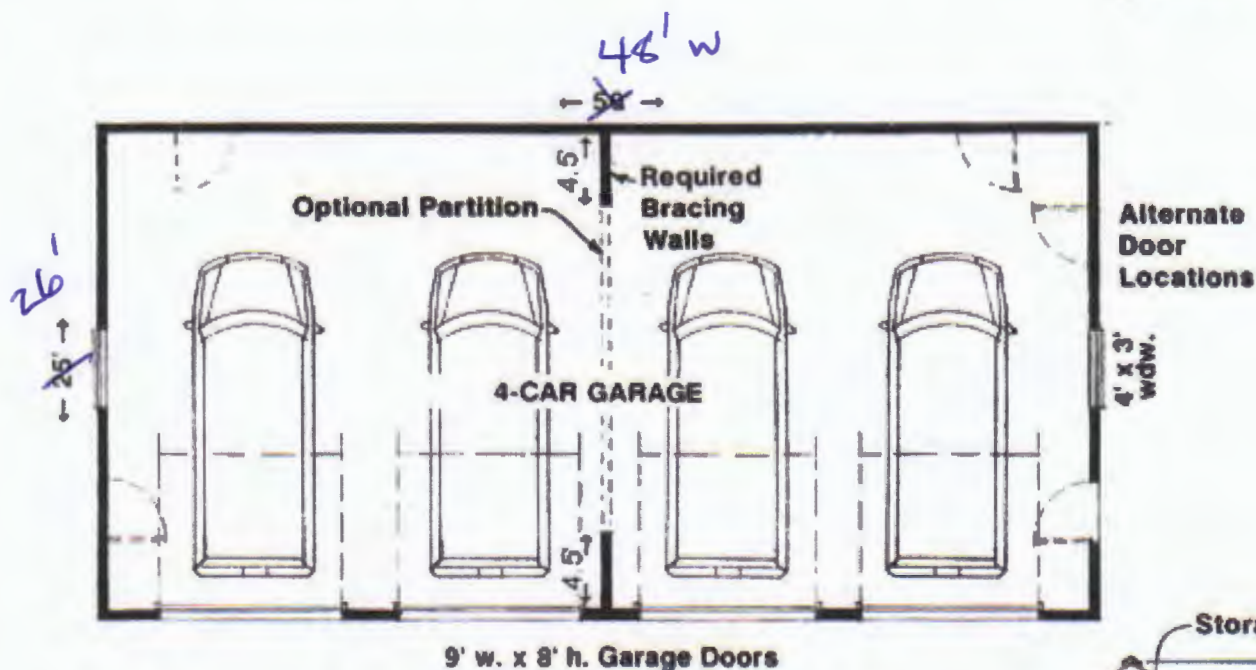
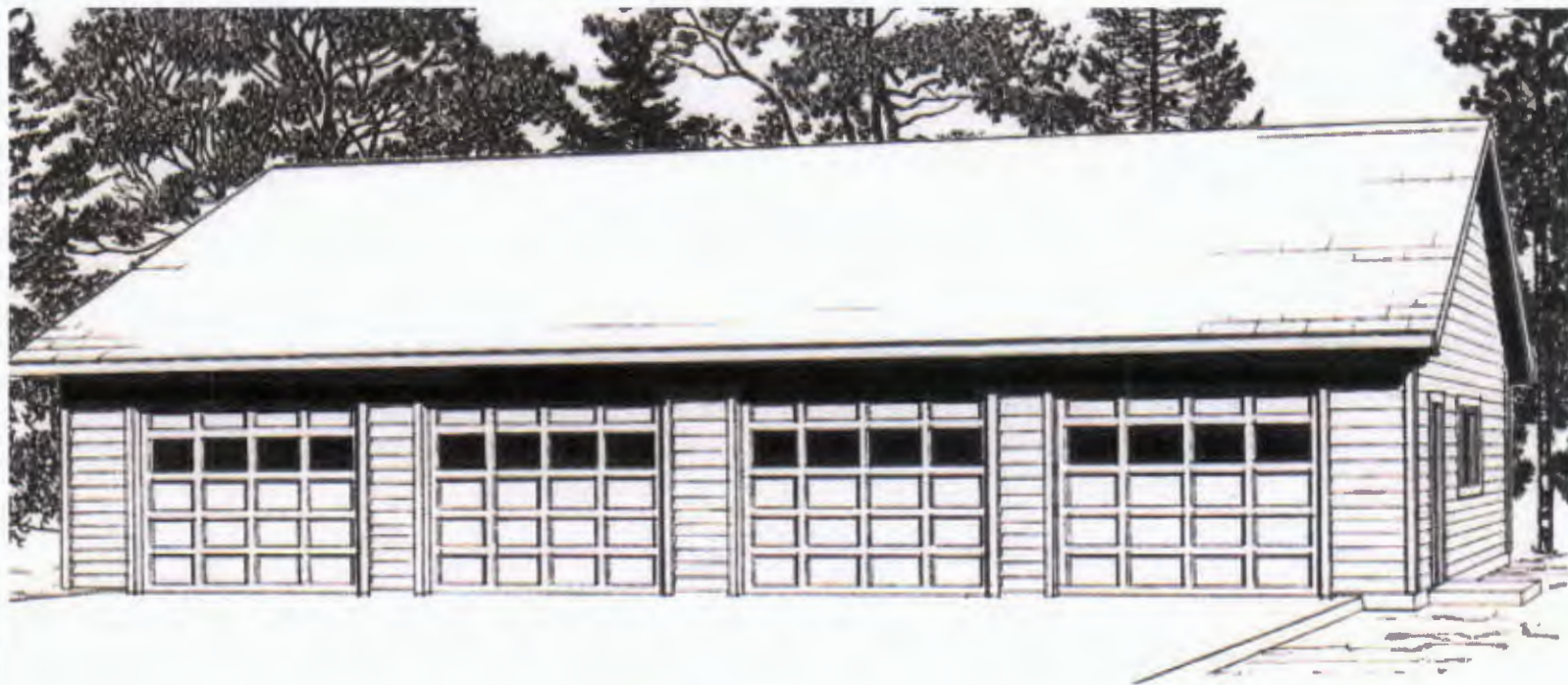
Exhibit Sheet

Petitioner/Developer

Protestant

SW
6-28-13

No. 1	Site plan	
No. 2	sketch of garage	
No. 3	(4) Color photos	
No. 4	Letter from neighbor	
No. 5	Aerial zoning map	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

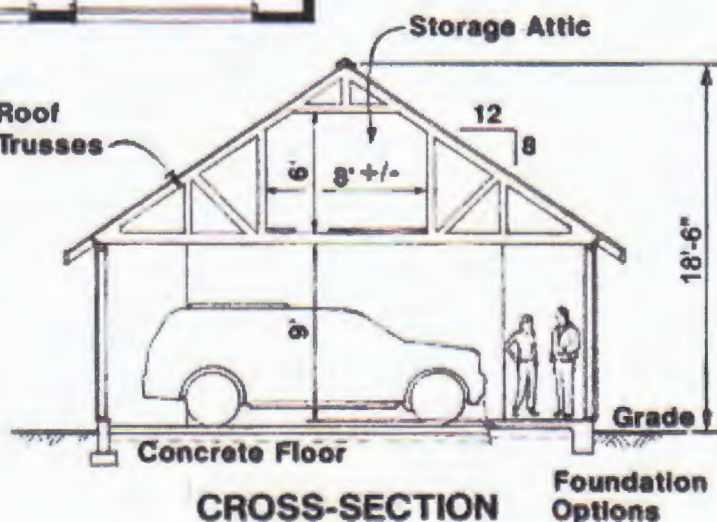


FLOOR PLAN

Generously sized 4-bay garage is spacious enough for 4 full-sized S.U.V. vehicles, with extra shop/storage areas and has an attic for extra storage.

Simple gable-roof style blends with many styles of homes.

Petitioner's No. 2



CROSS-SECTION

**Behm
Design**



WIDTH: 50'
DEPTH: 25'
RIDGE HEIGHT: 18'-6"
FLOOR AREA: 1250 sf

PLAN No.

1250-2

April 20, 2013

J. F.T. Burden & Charles Smith Homeowners of 1601 Hicks Rd.

Whitehall, Md. 21161 have no objections of next door neighbor

Paul Blumberg 1605 Hicks Rd White Hall Md building a 23 foot high garage in front of his house that will be used for storage.





Petitioner's No. 4

2013-0261-A



Petitioner's No. 5

0702047251
2006-0364-SPH

0719072300

2200006542

1600

1609

Lot # 1

1800013896

1609

PDM # 070131

Pl. Bk. / Folio # 046011

RC 7

1605

Pl. Bk. 0000042, Folio 0011

Lot # 2

1800013897

HICKS RD

1006020050

WILSON RD

1019051430

1013055650

PDM # 100296

Pl. Bk. / Folio # 074116

Lot # 5

2400000028

Pl. Bk. 0000074, Folio 0116

10010240000000

0713075390

7 ED

NW 29-A

022C1

3 CD

RC 2

0702000601

10 ED

2013-0261-A

Zoning Hearing Plan for VARIANCE X For Special Hearing

Address 1605 Hicks Rd Owner Paul Blinken

Subdivision None Lot# 2 Block# N/A Section N/A

Plot Book# 46 Folio# 11 TAX# 1800013897 Deed Ref 16114-0612

Plans Drawn By BRIAN WILLIAMSON Date 5-2-13 Scale 1 inch = 60 Feet

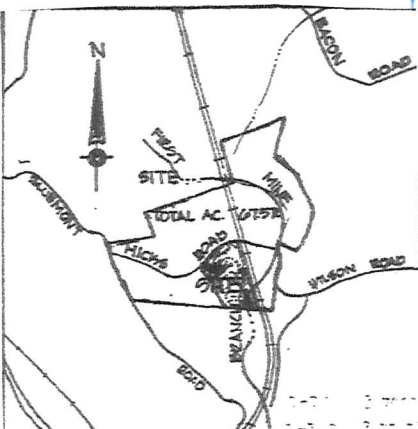
NOTE: THE DRIVEWAY
LYING WITH

PENNSYLVANIA RAILROAD

66' R/W

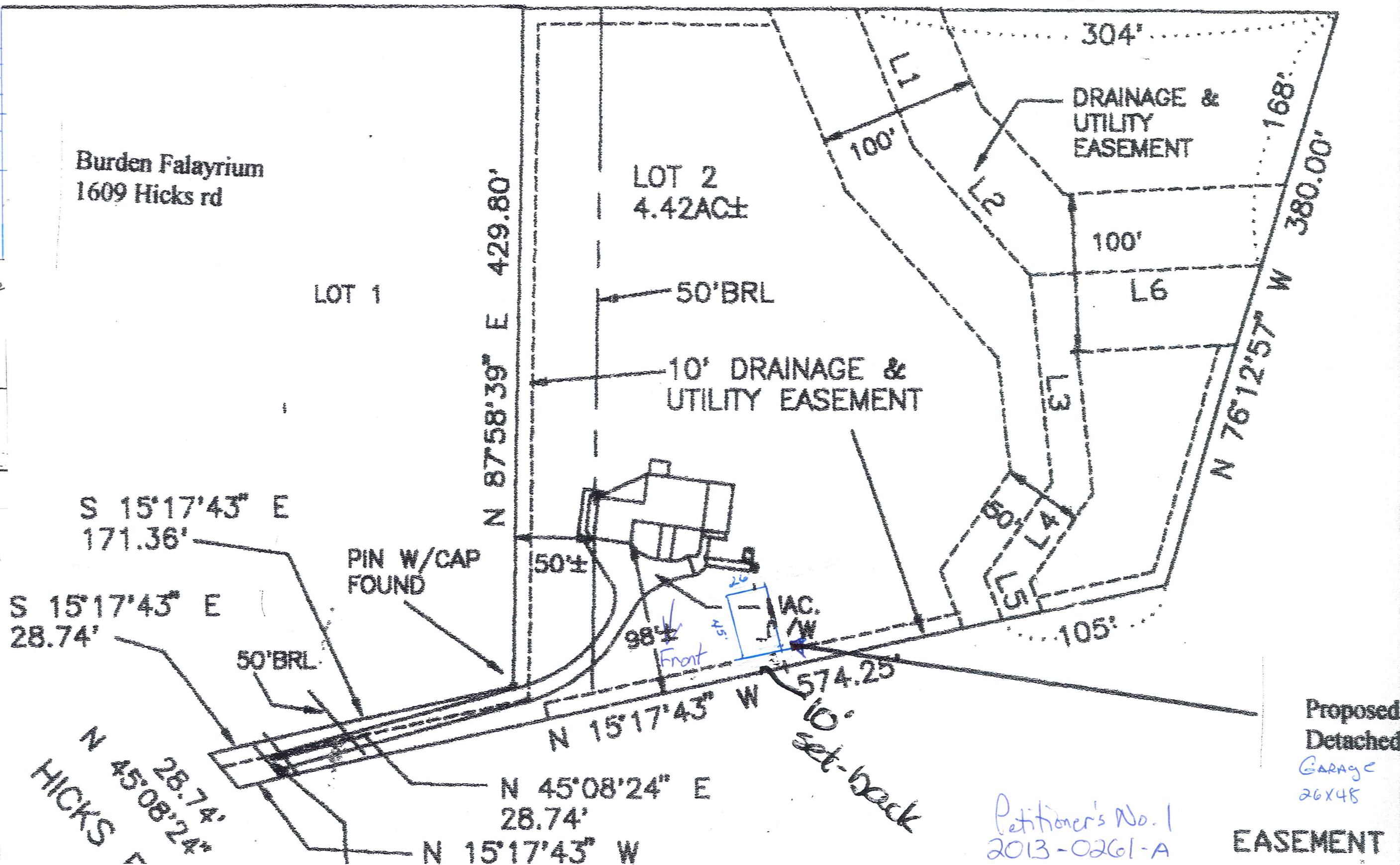
S 02°49'48" E 515.33'

Zoning Map 0022
Site Zoned RC7
Election District 7th
Council District 3
Lot Area 4.42 AC±
Historic NO
In CBA NO
In Flood Plain NO
Utilities Private Water
Utilities Private Sewer
Prior Hearing NO
No Violations



VICINITY MAP
SCALE: 1" = 1200'

North



Proposed
Detached
Garage
26x48

Petitioner's No. 1
2013-0261-A

EASEMENT

Eugene Flanagan