



KEVIN KAMENETZ
County Executive

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

August 7, 2013

Alexandra Jones (Polyakor)
Katherine Polyakor and Robert Jones, Jr.
8 Barn Gate Court
Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE

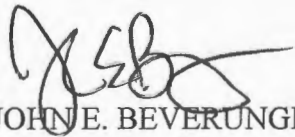
(8 Barn Gate Court)
Case No. 2013-0287-A

To Whom It May Concern:

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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: William and Susan Spedden, 7 Barn Gate Court, Reisterstown, MD 21136

IN RE: PETITION FOR ADMIN. VARIANCE *

(8 Barn Gate Ct.)

4th Election District *

3rd Councilmanic District

Alexandra Jones(Polyakor), *

Katherine Polyakor & Robert Jones, Jr.

Petitioners *

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0287-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owners of the property, Alexandra Jones (Polyakor), Katherine Polyakor and Robert Jones, Jr., for property located at 8 Barn Gate Ct. The Variance request is from § 1B01.2.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) to permit a building to property line setback of 4' and a building to building setback of 10', in lieu of the required 5' and 20', and; (2) to amend the Final Development Plan (FDP) of Glyndon Gate, for Lot 11. The subject property and requested relief are more particularly described on Petitioners' Exhibit 1.

This matter was originally filed as an Administrative Variance, with a closing date of June 24, 2013. On June 18, 2013, William R Spedden, Jr., a neighbor at 7 Barn Gate Ct. requested a formal hearing on this matter. The hearing was subsequently scheduled for Monday, August 5, 2013 at 10:00 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.

There were no Zoning Advisory Committee (ZAC) comments received.

ORDER RECEIVED FOR FILING

Date 8-7-13

By DW

Appearing at the public hearing in support for this case was Katherine Polyakov and Robert and Alexandra Jones. William and Susan Spedden attended the hearing and opposed the petition, as more fully described in the statement marked as Protestants' Exhibit 1.

Testimony and evidence revealed that the subject property is approximately 5,863 square feet and is zoned DR 3.5. The property is improved with a small single-family dwelling (1,470 square feet) the Petitioners have owned since 2005. The Petitioners are expecting another child in February, and would like to construct a 14' x 15' addition to their home, which requires variance relief. The adjoining neighbors, William and Susan Spedden at 7 Barn Gate Court, testified that they oppose the relief, primarily because it would result in their home being positioned 10' (or less) from Petitioners' house.

Based upon the testimony and evidence presented, I will deny 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 Petitioners' property is somewhat unique, at least in that it is of irregular shape and dimensions. But their neighbors' lot (at 7 Barn Gate Court) is of a similar shape, resulting from the positioning of these two lots at the back of the cul-de-sac. And if the regulations were strictly enforced, I believe Petitioners would experience at least a practical difficulty, which is all that is required for an area variance.

But the sticking point is that I believe the grant of relief would be injurious to the public's (most particularly, the Speddens) health, safety and welfare. Mr. Spedden indicated the houses are 22 ½' apart, and the Petitioners propose a 14' wide addition. This would mean the houses

ORDER RECEIVED FOR FILING

Date 8-7-13

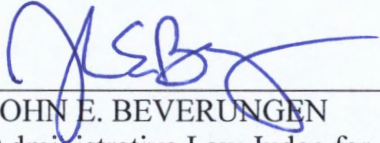
By DW

would then be just 8 ½' apart, which in my opinion would simply be too crowded. Mr. Spedden submitted a Google Earth photo, showing the seven existing single-family dwellings on Barn Gate Court, and it is apparent that Lots 10 and 11 enjoy the least "elbow room," given their positioning at the end of the court. While I am sympathetic to the Petitioners' plight, I believe the grant of relief would not be consistent with the spirit and intent of the B.C.Z.R., and would negatively impact the Speddens' use and enjoyment of their home.

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

THEREFORE, IT IS ORDERED, this 7th day of August, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 1B01.2.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) to permit a building to property line setback of 4' and a building to building setback of 10', in lieu of the required 5' and 20', and; (2) to amend the Final Development Plan (FDP) of Glyndon Gate, for Lot 11, be and is hereby DENIED.

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 8-7-13

By lw



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 8 Barn Gate Court which is presently zoned DR 3.5

Deed Reference 2236 8/0024 10 Digit Tax Account # 2200012083

Property Owner(s) Printed Name(s) Robert T Jones JR Alexandra Katherine Polyakov

(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

1. ☒ **ADMINISTRATIVE VARIANCE** from section(s) SETBACK 10.2 C.1. OF THE B.C.2.R. TO PERMIT A BUILDING TO PROPERLY LINE UP OF 4 FEET, A BUILDING TO BUILDING OF 10 FEET IN LIEU OF THE REQUIRED 5 FEET AND 20 FEET RESPECTIVELY; AND TO AMEND THE FINAL DEVELOPMENT PLAN OF GLYDON GATE, FOR LOT #11 ONLY 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

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners:

Alexandra Jones (Polyakov)
Katherine Polyakov, Robert Jones Jr

Name #1 - Type or Print

Name #2 - Type or Print

Alexandra Jones
Katya Polyakov

Signature #1

Signature #2

8 Barn Gate Ct Reisterstown MD

Mailing Address

City

State

21136 / 410 833 7976 / AlexandraCats@gmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Alexandra Jones

Name - Type or Print

Alexandra Jones

Signature

8 Barn Gate Ct Reisterstown MD

Mailing Address

City

State

21136 / 410 833 7976 AlexandraCats@gmail.com

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 5/29/13 day of May, 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 2013-0287-A Filing Date 5/29/13 Estimated Posting Date 6/9/13 Reviewer AT
~ 6/24/13 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: 8 Barn Gate Court Reisterstown MD 21136
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)

We need to build an addition onto our house in order to accomodate our growing family. Our mother/mother in law shares our home and we have a two year old son. We would like to have another baby however we need additional space - our existing bedrooms are not large enough to share. We are not able to sell and upgrade our home because we owe more on our mortgage than the current market value. We are not able to build onto the back of our house because of restrictions at the existing floor plan as well as external structures. Finally, our property is irregularly shaped with the house sitting at the narrowest part.

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

Alexandra Jones
Signature of Affiant

Alexandra Jones
Name- Print or Type

Katherine Polyakov
Name- Print or Type

Robert Jones
Signature of Affiant

Robert Jones
Name- Print or Type

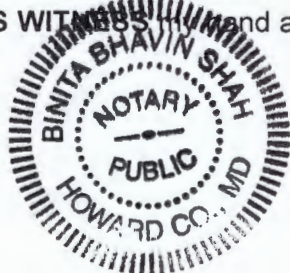
The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of May, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Alexandra Jones & Robert Jones
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESSED and Notaries Seal



Binita Bhavin Shah
Notary Public

My Commission Expires September 2, 2016
BINITA BHAVIN SHAH
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires September 2, 2016

2013-0287-A

ZONING PROPERTY DESCRIPTION FOR 8 BARN GATE COURT, REISTERSTOWN, MD 21136

Beginning at a point on the west side of Barn Gate Ct which is 50 ft wide at the distance of 130ft west of the centerline of the nearest improved intersecting street (Sacred Heart Ln) which is 60ft wide.

Being Lot # 11 in the subdivision Glyndon Gate(Plat One) as recorded in Baltimore County Plat Book #: 0064, Folio #: 0062, containing 5,863 square feet. Located in the 4th Election District and 3rd Council District.

2013-0287-A

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

No. **099738**
 Date: **5/24/13**

PAID RECEIPT

BUSINESS ACTUAL TIME DEW
 5/31/2013 5/29/2013 11:06:09 2

REG MODE WALKIN DOLL BND
 >>RECEIPT # 665341 5/29/2013 DFLH
 Dept 5 528 ZIMING VERIFICATION
 CR NO. 099738

Recpt Tot \$135.00
 \$135.00 CK \$0.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$135.00

Total: **\$135.00**

Rec From: **JONES**

For: **2013-0287-A + AMERICA FDP**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 7-14-13

RE: Case Number: 2013-0287-A

Petitioner/Developer: Robert Jones

Date of Hearing/Closing: Aug 5, 2013 10 AM

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 B Baengate Ct.



14/13
(Month, Day, Year)

J. Lawrence Pilson
(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)

CERTIFICATE OF POSTING

Date: 6-9-13

RE: Case Number: 2013-0287-A

Petitioner/Developer: Alexandra and Robert Jones

Date of Hearing/Closing: 6-24-13

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 8 Barn Gate Ct.



13

(Month, Day, Year)

J. Lawrence Pilson
(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)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

July 18, 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 July 16, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2013-0287-A

8 Barn Gate Court

W/side of Barn Gate Court, 130 ft. w/of centerline of Sacred Heart Lane

4th Election District - 3rd Councilmanic District

Legal Owner(s): Alexander Jones, Katherine Polyakov & Robert Jones, Jr.

Variance: to permit a building to property line setback of 4 feet, a building to building of 10 feet in lieu of the required 5 feet and 20 feet respectively; and to amend the Final Development Plan of Glyndon Gate, for Lot #11 only.

Hearing: Monday, August 5, 2013 at 10:00 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 accommodations 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.

JT 07/741 July 16

934223



KEVIN KAMENETZ
County Executive

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

June 25, 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: 2013-0287-A

8 Barn Gate Court

W/side of Barn Gate Court, 130 ft. w/of centerline of Sacred Heart Lane

4th Election District – 3rd Councilmanic District

Legal Owners: Alexander Jones, Katherine Polyakov & Robert Jones, Jr.

Variance to permit a building to properly line setback of 4 feet, a building to building of 10 feet in lieu of the required 5 feet and 20 feet respectively; and to amend the Final Development Plan of Glyndon Gate, for Lot #11 only.

Hearing: Monday, August 5, 2013 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Jones/Polyakov, 8 Barn Gate Court, Reisterstown 21136

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 16, 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
Tuesday, July 16, 2013 Issue - Jeffersonian

Please forward billing to:

Alexandra Jones
8 Barn Gate Court
Reisterstown, MD 21136

410-833-7976

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: 2013-0287-A

8 Barn Gate Court

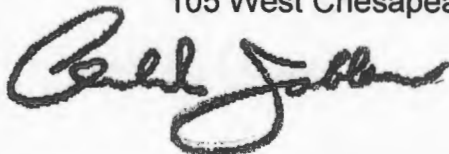
W/side of Barn Gate Court, 130 ft. w/of centerline of Sacred Heart Lane

4th Election District – 3rd Councilmanic District

Legal Owners: Alexander Jones, Katherine Polyakov & Robert Jones, Jr.

Variance to permit a building to properly line setback of 4 feet, a building to building of 10 feet in lieu of the required 5 feet and 20 feet respectively; and to amend the Final Development Plan of Glyndon Gate, for Lot #11 only.

Hearing: Monday, August 5, 2013 at 10:00 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.

MEMORANDUM

DATE: September 9, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0287-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 6, 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

8/5 10m

CASE NO. 2013- 0287-ACHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>6/7/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>6/25/13</u>	DEPS (if not received, date e-mail sent _____)	<u>NO COMMENT</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>6/5/13</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>7/16/13</u>	
SIGN POSTING	Date: <u>7/14/13</u>	by <u>Elson</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☒	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0287 -A Address 8 BARN GATE COURT

Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/29/13 Posting Date: 6/9/13 Closing Date: 6/24/13

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- 0287 -A Address 8 BARN GATE COURT
Petitioner's Name ROBERT JONES Telephone 410-833-7976
Posting Date: 6/9/13 Closing Date: 6/24/13

Wording for Sign: To Permit AN ADDITION ON THE SIDE OF THE DWELLING WITH A SIDE YARD SETBACK OF 5 FEET, BUILDING TO BUILDING SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 5 AND 20 FEET RESPECTIVELY; AND TO AMEND THE FINAL DEVELOPMENT PLAN OF GLYNDON GATE FOR LOT # 11 ONLY.

Revised 7/06/11



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2013-0287-A

Address: 8 BARN GATE CT

Petitioner(s): Robt Jones Jr

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We WILLIAM R SPEDDEN JR
Name - Type or Print

(☒) Legal Owner OR () Resident of

7 BARN GATE CT
Address

REISTGASTOWN MD 21136
City State Zip Code

410-526-0980
Telephone Number

which is located approximately 0 ^{next door neighbor} 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.

William R Spedden Jr 6/18/13
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

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: June 25, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0287-A
Address 8 Barn Gate Court
(Jones/ Polyakor Property)

Zoning Advisory Committee Meeting of June 3, 2013.

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

Reviewer: *Jeff Livingston – Development Coordination*

RECEIVED

JUN 25 2013

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 07, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For June 10, 2013
Item Nos. 2013- 0273, 0274, 0275,
0276,0277,0279,0281,0282,0283,0284,0285,0286,0287 and 0288.

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

DAK:CEN
Cc: file



KEVIN KAMENETZ
County Executive

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

July 31, 2013

Alexandra Jones (Polyakov)
Katherine Polyakov
Robert Jones Jr
8 Barn Gate Court
Reisterstown MD 21136

RE: Case Number: 2013-0287 A, Address: 8 Barn Gate Court

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 29, 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

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-5-13

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

RE: Baltimore County
Item No 2013-0287-A
Administrative Variance
Alexandra Fone (Polyakow)
Kathrine Polyakow,
Robert Jones, Jr.
8 Barnes Gate 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. 2013-0287-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 (vw6.1A)
BALTIMORE COUNTY

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

Account Identifier:

District - 04 Account Number - 2200012083

Owner Information

Owner Name: JONES ROBERT JR
POLYAKOV ALEXANDRA/KATHERINE
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 8 BARN GATE CT
REISTERSTOWN MD 21136-1127
Deed Reference: 1) /22368/ 00024
2)

Location & Structure Information

Premises Address
8 BARN GATE CT
0-0000
Legal Description
.1346 AC
8 BARN GATE CT WS
GLYNDON GATE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	1
0048	0011	0178		0000			11	1	Plat Ref:	0064/ 0062

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1993	1,470 SF	5,863 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
			As Of	As Of
			01/01/2013	07/01/2012
				07/01/2013
Land	100,800	75,800		
Improvements:	150,800	147,800		
Total:	251,600	223,600	251,600	223,600
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
ABRAMOV SEMEN	08/16/2005	\$350,000
Type: ARMS LENGTH IMPROVED	Deed1: /22368/ 00024	Deed2:
CHATSWORTH PARTNERSHIP	02/08/1994	\$152,348
Type: ARMS LENGTH IMPROVED	Deed1: /10334/ 00014	Deed2:
KEOUGH FRANCIS P MOST REV	07/23/1992	\$1
Type: ARMS LENGTH IMPROVED	Deed1: /09291/ 00039	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:
Exempt Class:
Special Tax Recapture: NONE

Homestead Application Information

Homestead Application Status: Approved 02/14/2012

CASE NAME 8 Ram Gate Ct.
CASE NUMBER 2013-287 A
DATE 8-5-13

[illegible]

CASE NAME 8 Barn Gate Ct.
CASE NUMBER 2013-287A
DATE 8-5-13

[illegible]

JB 8/5
10 Am

Case No.: 2013-0287-A

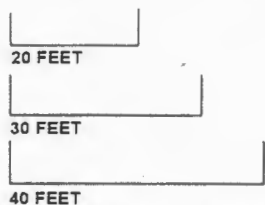
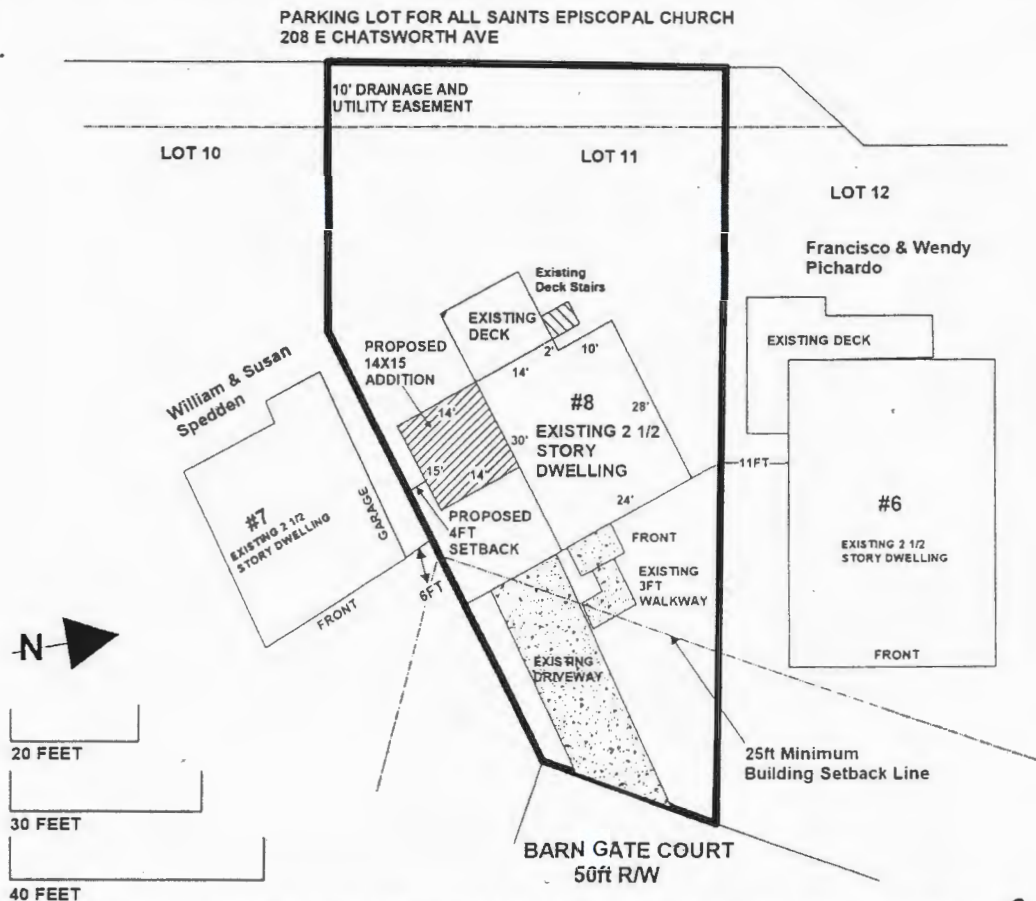
Exhibit Sheet

Petitioner/Developer

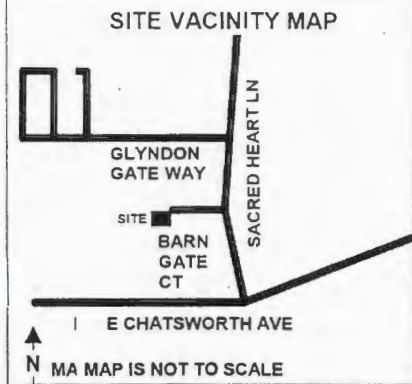
DW 9-9-13
Protestants DW 8-7-13

No. 1	Site plan	Hearing Statement
No. 2	photo	
No. 3	Letter from Realtor	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING
 ADDRESS: 8 BARN GATE COURT OWNERS: ROBERT & ALEXANDRA JONES
 SUBDIVISION NAME: GLYNDON GATE LOT#: 11 BLOCK#: N/A SECTION #: N/A
 PLAT BOOK#: 64 PAGE#: 62 10 DIGIT TAX#: 2200012083 DEED REF #: 22368/ 00024



PLAN DRAWN BY SHAUN MERRELL DATE: 5/6/13 SCALE: 1 INCH = 30' 0"



ZONING MAP #: 048c2

SITE ZONED: DR 3.5
 ELECTION DISTRICT: 4
 COUNCIL DISTRICT: 3
 LOT TOTAL SQ FEET: 5,863
 HISTORIC? NO
 IN CECBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES?
 WATER IS PUBLIC ☒ PRIVATE ☐
 SEWER IS PUBLIC ☒ PRIVATE ☐
 PRIOR HEARING? NO

#1

2013-0287-A



#2

Michelle Vant
Maryland Real Estate Professional
2452 Bowersox Rd.
New Windsor, MD. 21776
Michvant@comcast.net/410-984-2135

To: Mrs. Polyakov

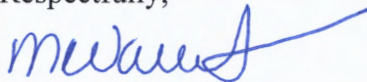
Mr. and Mrs. Jones

Re: Professional opinion on home additions

Thank you for your inquiry regarding the advantages or disadvantages of adding an attractive home addition. Historically, any additions or improvements to real property results in an increase in the value of your home and increases to the overall value within the neighborhood. By adding an additional room, you will boost your homes value and extend its square footage with an impactful home addition that adds to the architectural style of the original design. Furthermore, making improvements to your home adds to your investment in the neighborhood and demonstrates your attachment to the community.

Best wishes in your project and please let me know if you have any additional questions or if I can of any assistance in the future.

Respectfully,



Michelle Vant

Retired MD Real Estate Professional with Long & Foster, Inc.

William and Susan Spedden
7 Barn Gate Court
Reisterstown, MD 21136

August 5, 2013

Comments for zoning review hearing relating to Case Number 2013-0287A for 8 Barn Gate Court.

- We would like to preface our comments with the fact that we love the Jones family and they are great neighbors. We've always had an excellent relationship, and everything regarding this situation has been very cordial. We understand their desire for more room, and we believe they understand our concern about the potential closeness of our houses.
- Our small court is crowded with seven houses. With that said, the houses are still 20 feet away from each other as specified in the original plans for the community. However, the proposed addition would cut that required distance in half or more.
- We feel that this addition would bring the houses much closer together than any of the houses in Glyndon Gate and would not be in "strict harmony with the spirit and intent" of the regulations or the appearance and feel of the community. We also believe that the resultant closeness of the two houses would make our house look to be the one wedged in and out of place due to the layout of the houses in the court.
- The proposed addition would be even with the front facing of our house. At that point the houses are 22.5 feet apart. Therefore, the addition as currently planned would make the houses 8.5 feet apart, exceeding the variance request by 1.5 feet. Building within the variance request would still bring the houses to within 10 feet of each other—half of the required distance under the current zoning regulations.
- We understand that any petitioners for a variance must demonstrate before all other considerations that their lot is "unique, unusual, and different from the surrounding properties such that the uniqueness causes the zoning provision to impact more on the subject property than on the surrounding properties" (Zoning Review Hearing Checklist). We also understand that the bar for establishing that uniqueness is set very high.
- However, all single family home lots in Glyndon Gate are between 0.1 and 0.2 acres. Almost all these homes would require a significant variance to accommodate a 14x15 side addition. There really isn't anything unique about lot 11 that sets it apart from the other lots in the community.
- Plus, all homes were built and everything was in place when the Jones family moved into the home. Nothing has changed around them since they have lived there that would change the necessity for this variance request.
- We definitely understand the impact that market forces have made upon the Jones family. However, we also understand that establishing undue hardship relates only to making any reasonable use of the property and not to hardships related to finances and market conditions. They have been living comfortably in their home for eight years as it currently stands. Further, adding to the house in the back is technically possible and probably without the necessity of a variance.

Prot. # 1

Google Earth overhead view of Barn Gate Court

Lot 11-8 Barn Gate
Robert & Alex Jones &
Katherine Polyakov

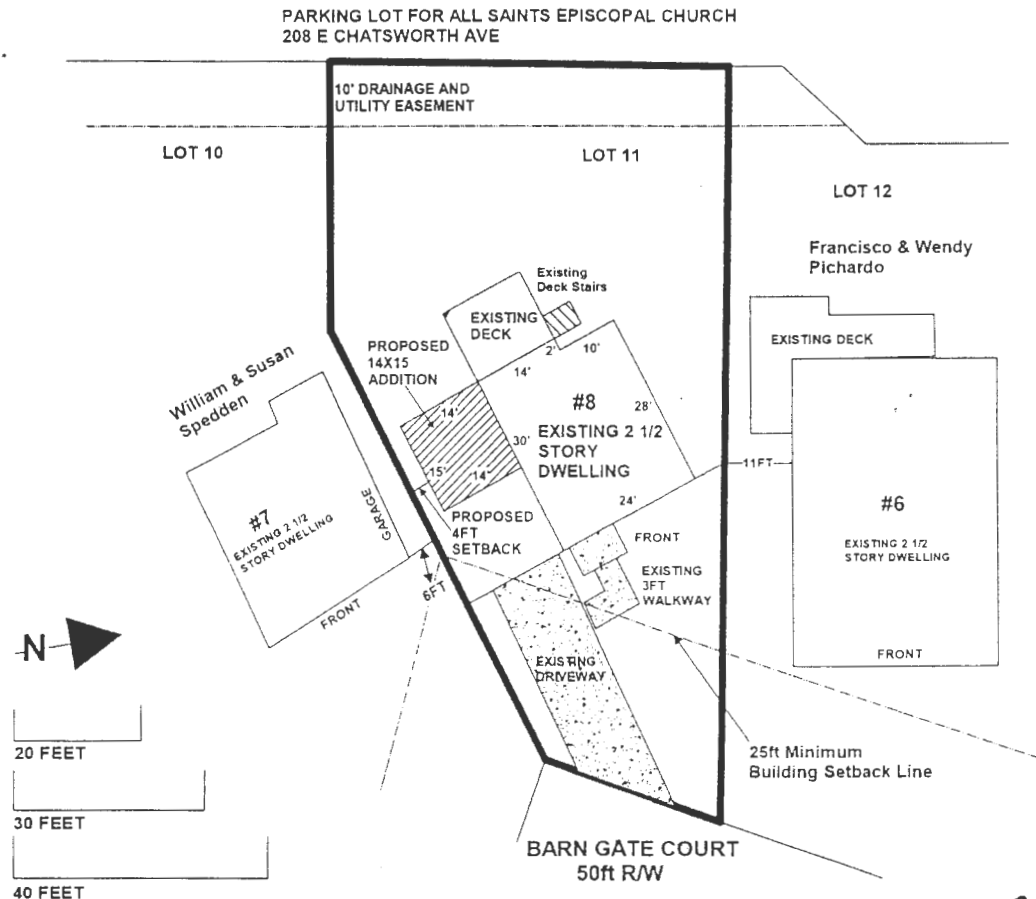
Lot 10-7 Barn Gate
William & Susan
Spedden



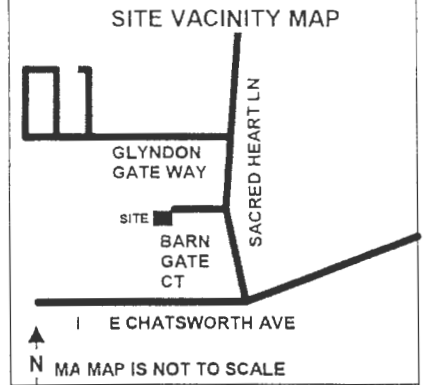
View of current space between lot 10 on the left and lot 11 on the right.



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2013-0287-A