#### MEMORANDUM

DATE:

August 7, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0288-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 ADMIN. VARIANCE \* (11636 Greenspring Avenue)

(11636 Greenspring Avenue)
3<sup>rd</sup> Election District

2<sup>nd</sup> Councilmanic District

Stephen A. and Angela N. Patrick

Petitioners

**BEFORE THE** 

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0288-A

**OPINION AND ORDER** 

This matter comes before the Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Stephen A. and Angela N. Patrick, for property located at 11636 Greenspring Avenue. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an existing accessory structure (garage) located in the side yard in lieu of the required rear yard only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments 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 June 7, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of ORDER RECEIVED FOR FILING

Date	6-28-13	
By	Well	

the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory building not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this <u>28<sup>th</sup></u> day of June, 2013, that a Variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an existing accessory structure (garage) located in the side yard in lieu of the required rear yard only, be and is hereby GRANTED, subject to the following:

The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners or subsequent owners shall not convert the subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The garage shall not be used for commercial purposes.

ORDER	RECEIVED FOR FILING	
Date	6-28-13	
By	(A)	

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 FIL	LING
-------	----------	---------	------

Date\_\_\_\_\_6-28-13

By\_\_\_\_\_



KEVIN KAMENETZ County Executive

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

June 28, 2013

Stephen A. and Angela N. Patrick 11636 Greenspring Avenue Lutherville, Maryland 21093

Re: Petition for Administrative Variance

Case No. 2013-0288-A

Property: 11636 Greenspring Avenue

Dear Mr. and Mrs. Patrick:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Baltimore County Board of Appeals an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHNE. BEVERUNGEN Administrative Law Judge

for Baltimore County

JEB:dlw Enclosure

#### **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 \\V\00 0	which is prese	ntly zoned (1)
Deed Reference 3	1675 [000/3 10 Digit Tax Acco	ount # 03 1 8 0 4 9 2 5 0
Property Owner(s) Printed N	Name(s) STEPHEN A PATRICLE ANGEL	A N-PATRICK
rioperty owner(b) rimited i	Talleto Mariota Mariota	
(SELECT THE HEARING!	S) BY MARKING X AT THE APPROPRIATE SELECTION(S) A	AND ADDING THE PETITION REQUEST)
Administrative Variance	es require that the Affidavit on the reverse of this	Petition Form be completed / notarized.
rammonant variant	oo roquito mat the rimate on the rotate of the	
The undersigned legal owner p	r(s) of the property situate in Baltimore County and lat attached hereto and made a part hereof, hereby	which is described in the description and petition for a
		la artel.
ADMINISTRATIVE VA	tructure (Garage) located the required rear yard only	permit an existing
accessory s	tructure (Garage) located	in the side yard
in lieu of	the required rear yard only	
vii (lea o	in the second second	
of the zoning regulations of Ba	Itimore County, to the zoning law of Baltimore Cour	nty.
	NAME OF THE PARTY	
2. ADMINISTRATIVE SI	PECIAL HEARING to approve a waiver pursuant	to Sections 32-4-107(b), 32-4-223.(8), and
	ate type of work in this space to raze, alter or const	
Section 52 4 410(a)(2): (maio	ate type of work in this opado to raze, and or const	add addition to banding,
	WINC.	
of the manine we winting of De	Himara County to the Tening law of Baltimore Coun	atr.
	Itimore County, to the zoning law of Baltimore Cound as prescribed by the zoning regulations.	ity.
or we agree to pay expenses of abo	ove petition(s), advertising, posting, etc. and further agree to and	are to be bounded by the zoning regulations and
restrictions of Baltimore County adopted	ed pursuant to the zoning law for Baltimore County.	
1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2		
Legal Owner(s) Affirmation: I / we do	o so solemnly declare and affirm, under the penalties of perjury,	that I / We are the legal owner(s) of the property which

Politiact Fulchaser/Lessee.	Legal out pro
STEPHEN PATEICK	Stephen A. Pareick, ANDELA N. PATRICK
Name-Type or Print	Name #1 - Type or Print Name #2 - Type or Print
Stylen (	Signature #1 Signature #2
Signature	
Mailing Address City State	Mailing Address City State
21093 ,443-519-5510 Spatrock 2833/2 yohoo	21093 1413-519-5510 Epstrace 2933 Dyphos
Zip Code Telephone # Email Address Con	Zip Code Telephone # Email Address
Attorney for Petitioner:  Name- Type or Print Signature OFFER RECEIVED FOR FILING Signature OFFER RECEIVED FOR FILING	Representative to be contacted:
WED FOR	Stephen Patrick
Name- Type or Print	Name - Type or Print
SignatureORDEN	Signature
	11036 Greensprub Ave Lutherville MO
Mailing Address City State	Mailing Address City State
tay	2093 143-519-5510 (Spatrick 2033) yehr
Zip Code Telephone # Email Address	Zip Code Telephone #
A PUBLIC HEARING having formally demanded and/or found to be requ	ired, it is ordered by the Office of Administrative Law, of Baltimore County,

A PUBLIC HEARING that the formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this \_\_\_\_\_\_ 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 2013-0388-A Filing Date 59/13 Estimated Posting Date 69/13 Reviewer 6

### Affidavit in Support of Administrative Variance

--- 111 01 1-000 m Ada

(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: 110 DV (7V JENSKUNG KNG	LUTHGOVILLE	MU	21093
Print or Type Address of property	City	State	Zip Code
WE wish to extend THE KitcHEN	I IN DEDGE TO GE	Ate A DINING	ROOM AS
CARRIES, FU WILL GAD I SIE DISMAIN	210 Start 3 VOV	IN WHICH MOR	20 THE EXTE
			110 7 100 1110
(If additional space for the petition request of			
Carly Market Control of the Control	_ W	ALL D. VI	Mucho
Signature of Affiant	Signa	ture of Amant	
STEVHEN A VATRICK	Ac	ada N. Yo	trick.
Name- Print or Type	Name	e-Print or Type	
The following information is to be	Type Address of property  rsonal knowledge, the following are the facts which I/we base the request for an Variance at the above address. (Clearly state practical difficulty or hardship here)  2. Extend the Kitchen in older to greate A Dinit Room As Dinity Loom The Witchen is 10'x10' and the laundry Coom As Dinity Loom		
STATE OF MARYLAND, COUNTY OF BA	ALTIMORE, to wit:		
I HEREBY CERTIFY, this 29th day of and for the County aforesaid, personally appear		, before me a	Notary of Maryland, in
Stephen A. Patrick Angela	N. Patrick		
the Affiant(s) herein, personally known or satis	sfactorily identified to m	e as such Affiant(s)	(Print name(s) here)
AS WITNESS my hand and Notaries Seal	River a . Vac	w	MARIO
No	tary Public	W 9-	William Cal Valley

My Commission Expires

#### **ZONING PROPERTY DESCRIPTION FOR 11636 GREENSPRING AVENUE**

Beginning in the center of Dover Road at the distance OD 545-83/100 feet on the sixth of south 28 ½ degrees east 52 line of that parcel of land recorded among the land records of Baltimore County in liber H.M.F No. 2, Folio 251 running thence and binding on said line and in the center of Dover Road south 21 degrees 25 minutes east 223-88/100 feet running for lines of division south 68 degrees 18 minutes west 431-33/100 feet to a stake north 25 degrees 13 minutes west 237-1/100 feet to a stake, north 69 degrees 56 minutes east 447-17/100 feet to the place of beginning, containing 2-32/100 acres.

50

170 t NW

LUBO TENTO

# ZONING PROPERTY DESCRIPTION FOR 1/636 GREGENSPRING AVE

BOBINDIND AT A POINT ON THE SOUTH WOST SIDE OF GREEKSPRIND AND WHICH IS 50' WIDE AT THE DISTANCE OF 170+- NORTH WEST OF THE CENTERLING OF THE NEARLEST IMPRINED INTERSECTING STREET VALUEY HI CT WHICH IS 40' WIDE LOCATED IN the 3rd Election District and 2rd Council District.

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0288 -A Address 11630 Greenspring Auc
Contact Person: 6 Gry Huck Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 62913 Posting Date: 6913 Closing Date: 6241
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
<ol> <li>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.</li> <li>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.</li> </ol>
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 0288 -A Address 11636 Greenspring Aug
Petitioner's Name Stephen Podrick Telephone
Posting Date: 6 9 13 Closing Date: 6 3 13
Wording for Sign: To Permit an existing accessory structure (Garace)
to be located in the sar yard in hew of the required
rear yard only.

OFFIC	E OF BU	DGET AN	MARYLAN ID FINANC I RECEIPT	E	Sub Rev/	No.		795	KE	PAID RECEIPT  BUSINESS ACTUAL TIME DAM  5/29/2013 5/29/2013 14:35:05 8  WHICH SHILL SEH  SEEIPT # 568294 5/29/2013 GELM
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amou	7.	5 528 ZONING VERIFICATION
001	806	0600		(e150				, E 9 -	75	Recot Tot \$75.00 \$75.00 CK \$.00 CA Baltimore County, Maryland
Rec From: For:	SI	ephe	n Pr	atric	k Va	Total:	u	4800	15 <sup>-00</sup>	
DISTRIB WHITE -	UTION CASHIER	OO PINK - AC	13- (	728	8-A	<b>4</b>	GOLD - AC	CCOUNTING		CASHIER'S VALIDATION
		PLE	AȘE PRES	S HARD!						za kakuanaka antan este akabaya

# Brae E. Doak Consulting, L

3801 Baker Schoolhouse Road Freeland, MD 21053 o 443-900-5535 m 410-419-4906 bdoak@bruceedoakconsulting.com

#### CERTIFICATE OF POSTING

June 8, 2013

Re:

Case Number: 2013- 0288-A

Petitioner / Developer: Stephen Patrick

Date of Closing: June 24, 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 **11636 Greenspring Avenue**.

The sign(s) were posted on June 7, 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





CASE NO. 2013- 0288-9

# CHECKLIST

Comment Received	Department				Conditions/ Comments/ No Comment	
	DEVELOPMENT PLAN (if not received, date e-ma			)		
6-25	DEPS (if not received, date e-ma	ail sent		)	<u> </u>	
	FIRE DEPARTMENT					
	PLANNING (if not received, date e-ma	ail sent		)		
6-5	STATE HIGHWAY ADI	MINISTR	ATION		Do ajection	
	TRAFFIC ENGINEERIN	1G				
	COMMUNITY ASSOCI	ATION				
	ADJACENT PROPERTY	Y OWNER	RS			
ZONING VIOLAT	ION (Case No.					
PRIOR ZONING	(Case No.					
NEWSPAPER AD	VERTISEMENT Da	te:				
SIGN POSTING	Da	te:	6-7		by Doal	
	SEL APPEARANCE SEL COMMENT LETTER	Yes Yes	□ No			
Comments, if any:						
			1111		- Ar Joseph	

## BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** June 07, 2013

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, 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

#### **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

# 2013-0288-A

Address

11636 Greenspring Avenue

(Patrick Property)

Zoning Advisory Committee Meeting of June 3, 2013.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

A future building permit (for a garage) must be reviewed by Groundwater Mgmt., since the house is served by well and septic. A well variance may be required – if the proposed building is to be less than 30 feet from the well there.

Reviewer:

Dan Esser - Groundwater Management

RECEIVED

JUN 25 2013

OFFICE OF ADMINISTRATIVE HEARINGS



KEVIN KAMENETZ County Executive

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

June 25, 2013

Stephen A. & Angela N. Patrick 11636 Greenspring Avenue Lutherville MD 21093

RE: Case Number: 2013-0288 A, Address: 11636 Greenspring Avenue

Dear Mr. & Ms. Patrick:

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,

U. Carl Rishal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

**Enclosures** 

: 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 2013-0288-A Admin 15 trative Variances Stephen A. & Augela N. Patrick 11636 Green spring Arenue

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. 2013-0288-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,

Access Management Division

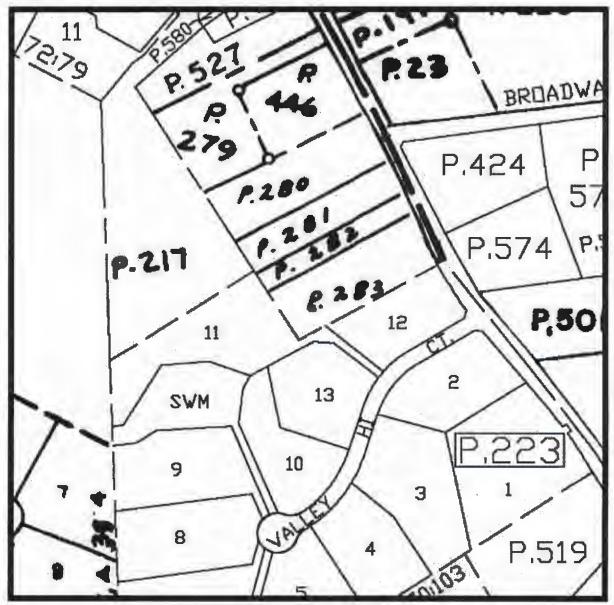
SDF/raz

Maryland Department of Assessments and Taxation Real Property Data Search (vw6.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

					Owner Info	rmation						
Owner Name: Mailing Addre	35:	IEN A N RING AVE M MD 21093-	1410	Use: Principal Residence: Deed Reference:				RESIDENTIAL YES 1) /31675/ 00013 2)				
				Locat	ion & Struct	ure Informa	tion					
Premises Addr 11636 GREENSP 0-0000		3			1.76 GRE	al Descripti AC WS ENSPRING S CAVES R	AVE					
Map Grid 0059 0003	<u>Par</u> 0283		District	Subdivisi 0000	ion Se	ction	Block	Lot	Assessme 2	ent Are	<u>a</u>	Plat No: Plat Ref:
Special Tax Ar	eas		Town Ad Val Tax Cl		NONE	3						
Primary Struct 1948	ure Built		_	rclosed Area 76 SF		Prope 1.7600	ty Land	Area		<u>Co</u> 04	unty U	ic .
Stories Bas 1.000000 YES	ement	Type STANDARI	Exter UNIT SIDIN									
					Value Info							
		Base Val	As C		Phase-in A As Of 07/01/2012	As O 07/01						
Land Improvements Total:		182,920 133,420 316,340	118, 119, 238,	700	238,000	238,0	00					
Preferential La	nd:	0	-		Transfer In							
	P RUTH S	H IMPROVE	)		Transfer III	Date: Deed1:		2/2012 75/ 00013		ice: ed2;	\$199,0	00
	INSON M I-ARMS L	ARY E ENGTH OTH	ER			Date: Deed1		27/1971 161/ 00653	_	rice: ced2;	\$0	
Seller: Type:						Date: Deed 1	<u>:</u>			ice: ed2:		
					Exemption In	iformation						
Partial Exemp County State Municipal	Assessm	ents				Class 000 000 000		07/01 0.00 0.00 0.00	/2012		07/01/20	013
Tax Exempt: Exempt Class:								S	pecial Tax NO		ure:	
					stead Applica							

Go Back View Map New Search

District - 03 Account Number - 0318048250

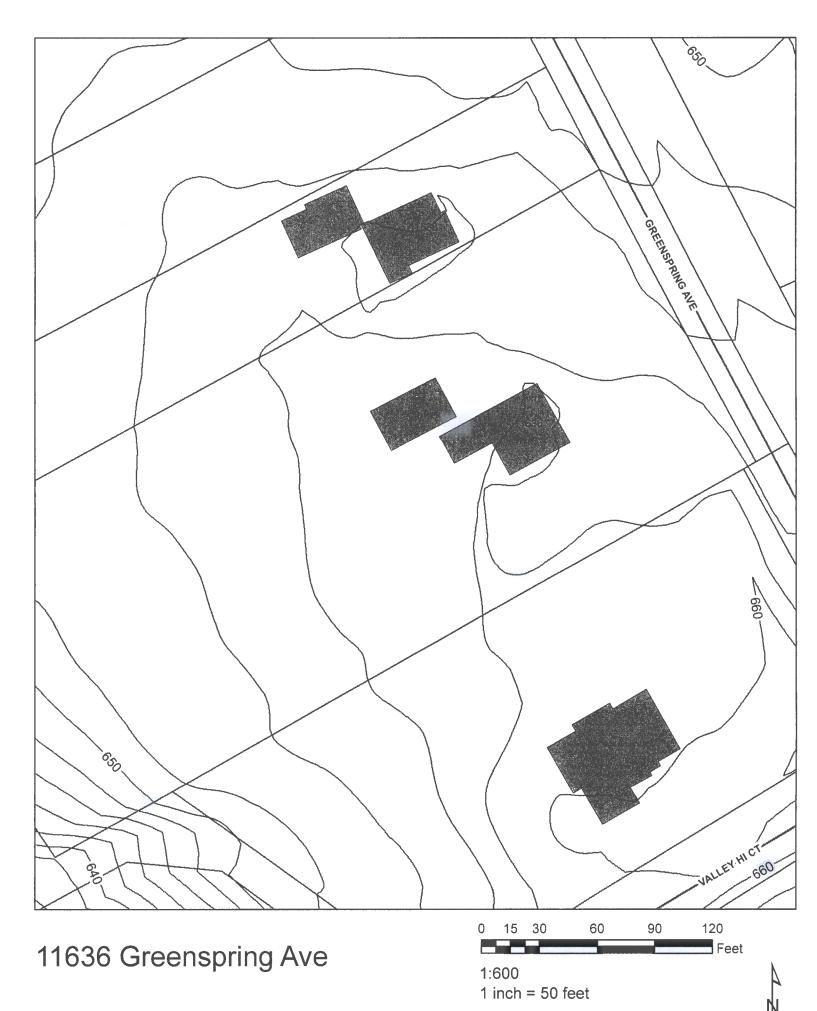


The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <a href="www.mdp.state.md.us/OurProducts/OurProducts.shtml">www.mdp.state.md.us/OurProducts/OurProducts.shtml</a>



2013-028A

05/23/2013



D013-0288-A





