

IN RE: PETITION FOR VARIANCE

(4914 Berry Hill Circle)

11th Election District

6th Councilman District

Kathleen M. Austin &

Kimberly S. Harmeyer Ruark

Petitioners

*

*

*

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*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0314-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Kathleen Austin and Kimberly Harmeyer Ruark, the legal owners of the subject property. The Petitions are requesting Variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (shed) to be located in the side yard with a setback of 0.333' to the property line in lieu of the required rear yard and 2.5', respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Kathleen Austin and Kimberly Harmeyer Ruark. The file reveals that the Petition was properly advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of opposition.

The only Zoning Advisory Committee (ZAC) comment received was from the Department of Planning (DOP), which indicated the Petitioners' request should be denied as the proposed location of the accessory structure is not in keeping with the general neighborhood pattern.

ORDER RECEIVED FOR FILING

Date 9-3-13

By low

Testimony and evidence revealed that the subject property is approximately 3,038 square feet and is zoned DR 5.5. The Petitioners indicated they were unaware of the pertinent regulations, and hired a contractor from Virginia to construct a 9' x 12' shed on the side of their end-of-group townhome. An anonymous complaint was filed, and the Petitioners were instructed to seek 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).

Petitioners have met this test. The Petitioners submitted photos (Exhibit 2) that show their rear yard, which is sloped and subject to frequent flooding and muddy conditions. Thus, the property is unique for zoning purposes.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty, given they would be unable to construct a shed in a secure location on the lot. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the support of Petitioners' adjoining neighbors, both of whom submitted letters expressing support for the Petition. I am not unmindful of DOP's comment, but was persuaded after reviewing the photographs that special circumstances indeed exist here that justified the departure from the regulations.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

ORDER RECEIVED FOR FILING

Date 9-3-13

2

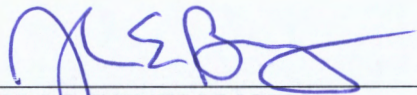
By [Signature]

THEREFORE, IT IS ORDERED, this 3rd day of September, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit an existing accessory structure (shed) to be located in the side yard with a setback of 0.333' to the property line in lieu of the required rear yard and 2.5', respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 9-3-13

By lpw



KEVIN KAMENETZ
County Executive

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

September 3, 2013

Kathleen M. Austin
Kimberly S. Harmeyer Ruark
4914 Berry Hill Circle
Perry Hall, Maryland 21128

RE: Petition for Variance
Property: 4914 Berry Hill Circle
Case No.: 2013-0314-A

Dear Ms. Austin and Ruark:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County the property located at:

Address 4914 Berryhill Cir, 21128 which is presently zoned DR 5.5

Deed References: 331684 00024 10 Digit Tax Account # 1900012373

Property Owner(s) Printed Name(s) Kimberly S. Harmeyer Kuark
Kathleen M. Austin

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s) 400.1 to permit an existing accessory structure (shed) be located in the side yard with a setback of 0.333 ft. to the property line in lieu of the required rear yard and 2.5ft., respectively, of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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:

BY

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

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

CASE NUMBER 2013-0314-A

Filing Date 6/24/13

Do Not Schedule Dates: _____

Reviewer BR

ZONING DESCRIPTION

Zoning Description For 4914 Berryhill Circle

Beginning at a point on the Northwest side of Berryhill Circle, which is 80 feet wide at the distance of 220 ft. northeast of the centerline of the nearest improved intersecting street Beaconsfield Drive, which is 50 ft. wide. Being Lot # 14, Block A in the subdivision of Berryhill as recorded in Baltimore County Plat Book #0054, Folio# 0001, containing 3,038 square feet. Also known as 4914 Berryhill Circle and located in the 11th Election District, 6th Councilmanic District.

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: 2013-0314-A
Petitioner: Kimberly Harmeyer Ruark
Address or Location: 4914 Berryhill Circle, 21128

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kim Ruark
Address: 4914 Berryhill Cir.
Perry Hall, MD 21128
Telephone Number: 410-916-5287

July 8th - July 26

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

No. **099651**

Date: **6/24/13**

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
6/24/2013	6/24/2013 10:51:03		2

REG NS02 WALJIN JEW JEE
 >>RECEIPT N 830003 6/24/2013 OPEN

Dep: 5 528 ZONING VERIFICATION
 CR ID. 099651

Recpt tot \$75.00
 \$75.00 CK \$0.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	306	0000		6150				\$ 75.00

Total: **\$ 75.00**

Rec From: **Kim Runk**

For: **Variance**

CASHIER'S

CERTIFICATE OF POSTING

RE: Case No. 2013-0314-A

Petitioner: Kim Ruark

Hearing / Closing Date: 8/30/13

Baltimore County Department of
Permits and Development Management
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

4914 Berryhill Circle

_____ on 8/10/13

Sincerely,

 8/10/13

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

410-879-3122

Certificate of Posting

Case No. 2013-0314-A



4914 Berryhill Circle

(posted 8/10/13)

Richard E. Hoffman 8/10/13

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443-243-7360)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 8, 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 August 8, 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: # 2013-0314-A

4914 Berryhill Circle

NW/s Berryhill Circle, 220 ft. NW Beaconsfield Drive

11th Election District - 6th Councilmanic District

Legal Owner(s): Kathleen Austin, Kimberly Ruark

Variance: to permit an existing accessory structure (shed) be located in the side yard with a setback of 0.333 feet to the property line in lieu of the required rear yard and 2.5 ft., respectively.

Hearing: Friday, August 30, 2013 at 1:30 p.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.
8/126 Aug. 8

939358



KEVIN KAMENETZ
County Executive

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

July 11, 2013

NOTICE OF ZONING HEARING

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CASE NUMBER: 2013-0314-A

4914 Berryhill Circle
NW/s Berryhill Circle, 220 ft. NW Beaconsfield Drive
11th Election District – 6th Councilmanic District
Legal Owners: Kathleen Austin, Kimberly Ruark

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Hearing: Friday, August 30, 2013 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Austin/Ruark, 4914 Berryhill Circle, Perry Hall 21128

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 10, 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, August 8, 2013 Issue - Jeffersonian

Please forward billing to:
Kimberly Ruark
4914 Berryhill Circle
Perry Hall, MD 21128

410-916-5287

NOTICE OF ZONING HEARING

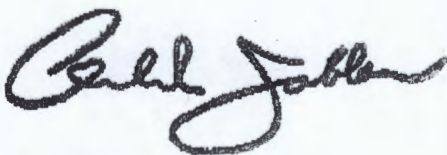
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

M E M O R A N D U M

DATE: October 8, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0314-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 3, 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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
4914 Berryhill Circle; NW/S Berryhill Circle, *
220' NE of Beaconsfield Drive * OF ADMINISTRATIVE
11th Election & 6th Councilmanic Districts *
Legal Owner(s): Kathleen Austin & Kimberly * HEARINGS FOR
Harmeyer Ruark *
Petitioner(s) * BALTIMORE COUNTY
* 2013-314-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
JUL 10 2013

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of July, 2013, a copy of the foregoing Entry of Appearance was mailed to Kathleen Austin/Kimberly Ruark, 4914 Berryhill Circle, Perry Hall, MD 21128, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

8/30 / 30

CASE NO. 2013- 0314-ACHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>7/3/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>8/6/13</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
	FIRE DEPARTMENT	
<u>7/19/13</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comment</u>
<u>7/2/13</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>8/8/13</u>	
SIGN POSTING	Date: <u>8/10/13</u> by <u>Hoffman</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: <u>Called Kim Ruark on 8/27/13</u> <u>left message - NO sign posting</u>		

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 3, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For July 08, 2013
Item Nos. 2013- 0313, 0314, 0315, 0316, 0317, 0318 and 0319.

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: August 6, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0314-A
Address 4914 Berryhill Circle
(Austin/ Harmeyer Ruark Property)

Zoning Advisory Committee Meeting of July 1, 2013.

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

Reviewer: *Jeff Livingston – Development Coordination*

RECEIVED
AUG 13 2013
OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: July 19, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 4914 Berryhill Circle

INFORMATION:

Item Number: 13-314

Petitioner: Kathleen M. Austin

Zoning: DR 5.5

Requested Action: Variance

RECEIVED

JUL 24 2013

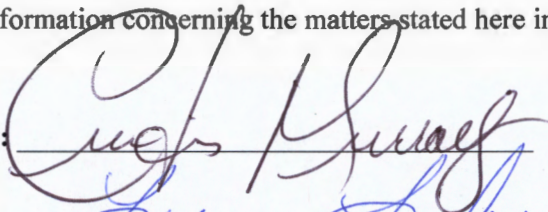
OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

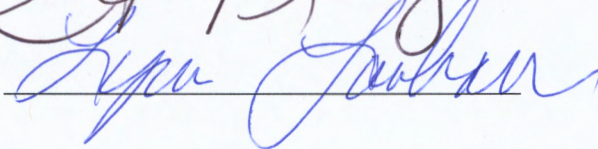
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests the permission to place an accessory structure in the side yard with a .333 foot setback to the property line in lieu of the required 2.5 feet.

The Department of Planning recommends the petitioner's request be **denied** as the proposed location of the accessory structure is not in keeping with the general neighborhood pattern. There are many other neighboring properties that have accessory structures that are similar to that which the petitioner requests. However, those structures are located in the rear yard. It appears from the information provided, that this proposal is a self imposed hardship as there are no unique circumstances that would warrant support of this request. The Department of Planning suggests the petitioner choose an alternate location on the subject lot for the accessory structure.

For further information concerning the matters stated here in, please contact Matt Diana at 410-887-3480.

Prepared By: 

Division Chief:
AVA/LL:cjm



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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 7/2/13

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

RE: Baltimore County

Item No 2013-0314-A

Variance

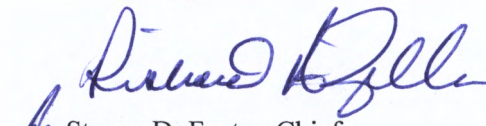
Kathleen M. Austin
Kimberly S. Hammerer Rank
4914 Berryhill Circle

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. 2013-0314-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



KEVIN KAMENETZ
County Executive

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

August 20, 2013

Kathleen M. Austin
Kimberly S Harmeyer Ruark
4914 Berryhill Circle
Perry Hall MD 21128

RE: Case Number: 2013-0314 A, Address: 4914 Berryhill Circle

Dear Ms. Austin & Ms. Ruark:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 24, 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:jaf

Enclosures

c: People's Counsel

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 - 11 Account Number - 1900012373

Owner Information

Owner Name: AUSTIN KATHLEEN M
RUARK KIMBERLY HARMMEYER
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 4914 BERRYHILL CIRCLE
PERRY HALL MD 21128-
Deed Reference: 1) /33168/ 00024
2)

Location & Structure Information

Premises Address 4914 BERRYHILL CIR
PERRY HALL 21128-9107
Legal Description .0697 AC
4914 BERRYHILL CIR
BERRYHILL

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
0072	0022	0774		0000		A	14	3	2	
									Plat Ref:	0054/ 0001

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1986	1,220 SF	3,038 SF	04

Stories 2.000000
Basement YES
Type END UNIT SIDING
Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	66,000	66,000		
Improvements:	110,700	104,300		
Total:	176,700	170,300	170,300	170,300
Preferential Land:	0			0

Transfer Information

Seller: RUARK MARTIN F	Date: 02/11/2013	Price: \$200,000
Type: ARMS LENGTH IMPROVED	Deed1: /33168/ 00024	Deed2:
Seller: BOWERS ALLAN B	Date: 12/29/2006	Price: \$224,000
Type: ARMS LENGTH IMPROVED	Deed1: /24992/ 00274	Deed2:
Seller: GARRISS DANIEL	Date: 02/27/1992	Price: \$95,000
Type: ARMS LENGTH IMPROVED	Deed1: /09072/ 00716	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

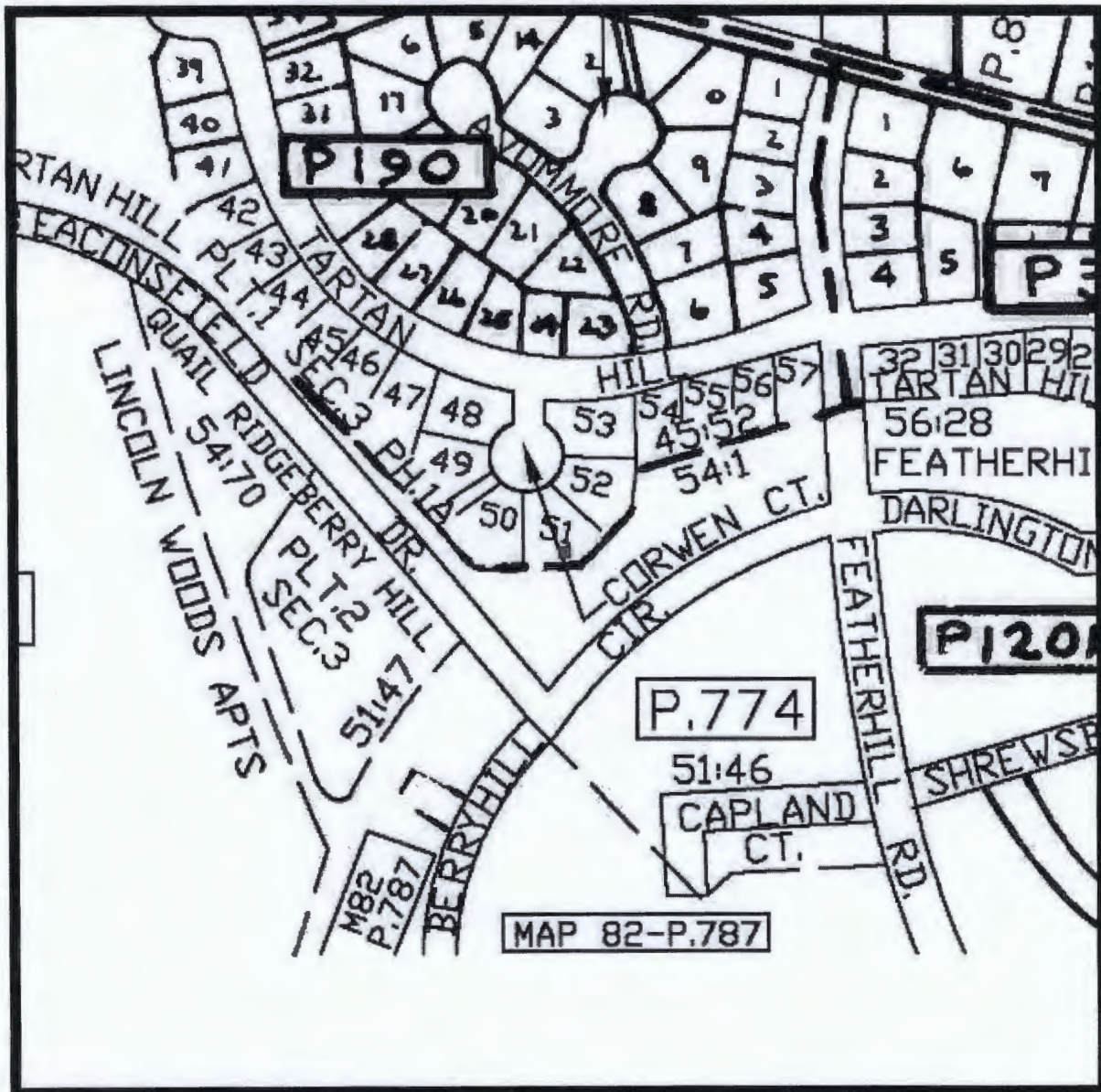
Homestead Application Status: Approved 07/09/2013



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

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

District - 11 Account Number - 1900012373



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 No.:

2013-314-A

Exhibit Sheet

bw

10-8-13

9-3-13 bw

Petitioner/Developer

Protestant

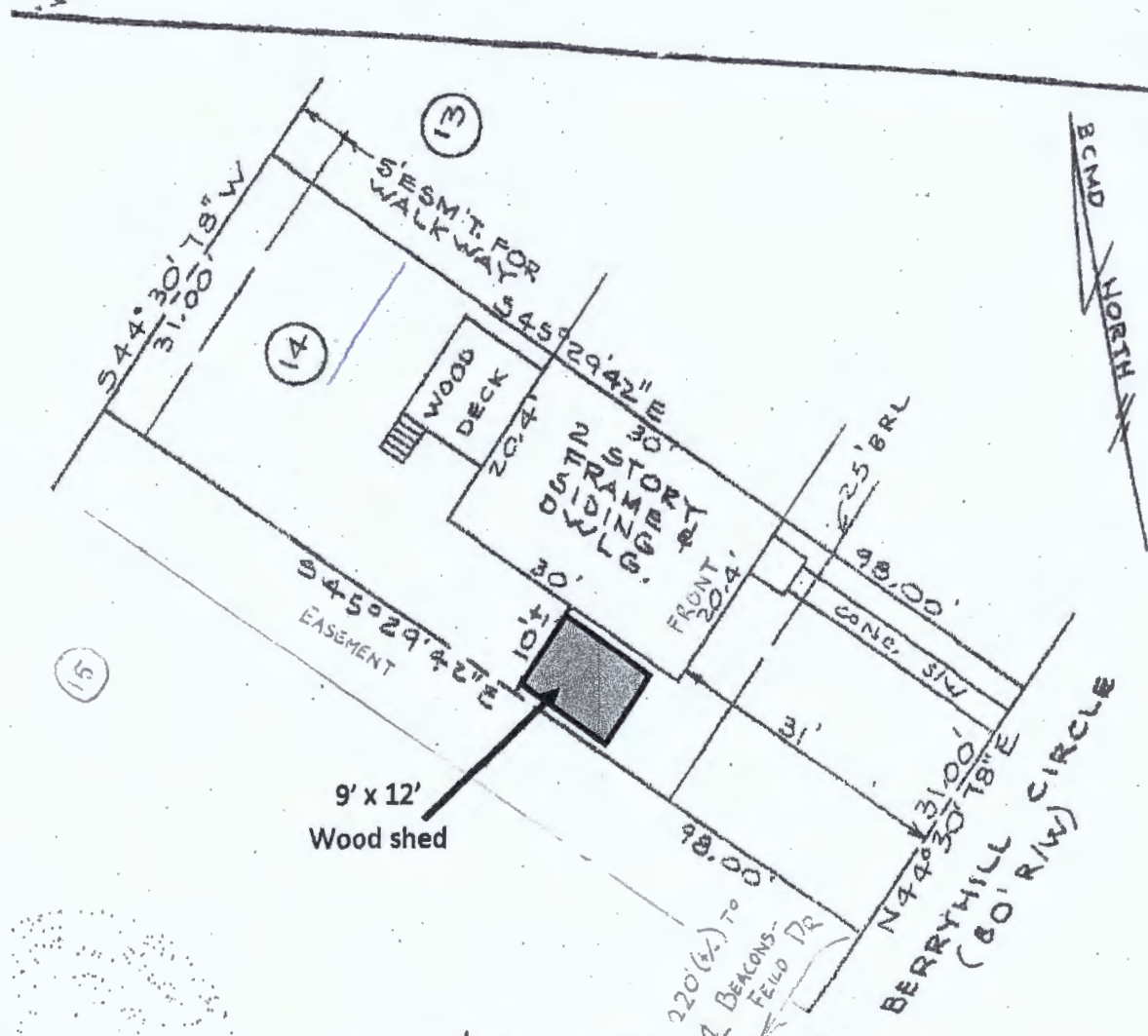
No. 1	Site plan	
No. 2	Photos + letters from neighbors	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

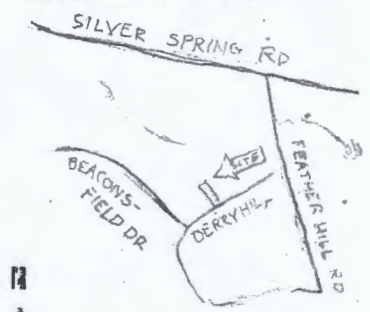
ADDRESS 4914 Berryhill Cir OWNER(S) NAME(S) Fallieen M. Austin
Kimberly J. Farmer-Rick

SUBDIVISION NAME Berryhill LOT # 14 BLOCK # A SECTION #

PLAT BOOK # 054 FOLD # 0001 10 DIGIT TAX # 19 0001 23 73 DEED REF. # 331 681 000 24



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 072 B3

SITE ZONED DR-5.5

ELECTION DISTRICT 11th

COUNCIL DISTRICT 6th

LOT AREA ACREAGE .0697

OR SQUARE FEET 3038

HISTORIC? No

IN CBCA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE

SEWER IS:

PUBLIC ☒ PRIVATE

PRIOR HEARING? N/A

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

PLAN DRAWN BY

KR

DATE 6/24/13

SCALE: 1 INCH = 20 FEET

Petitioner's Ex-1

August 1, 2013

Katherine M. Are
Development Review Section
Baltimore County
Department of Planning
105 W. Chesapeake Avenue, Suite 101
Towson, MD 21204

Subject: 4914 Berryhill Circle
Item Number: 13-314
Petitioner: Kathleen M. Austin and Kimberly Ruark
(my mother and me)
Zoning: DR 5.5
Requested Action: Variance

Dear Ms. Van Ardale,

Thank you for your consideration of my petition for a variance to place an accessory structure in the side yard with a 0.333 foot setback to the property line in lieu of the required 2.5 feet. I understand that you have recommended denying the request.

At the time I filed the petition for variance, I offered to include photographs I brought, but Mr. Bruno suggested I not include them, that I could bring them to the hearing. However, we feel that your recommendation was made without benefit of that information, and are concerned that you suggest we choose an alternate location.

Our lot presents a unique circumstance in that we have a practical difficulty that cannot be seen in the plat. The area in the backyard is sloping and wet. Attached is a photo of the area when rains are heavy. There is both standing and rushing water. The neighbors on either side do not have sheds. Neighbors farther down on each side have sheds, but they also have flat enough space in their back.

Please view attached photographs that support our view that there is no other location for this structure. The constraints on us are:

- The slanted topography of our lot
- The lack of sufficient drainage of the lot

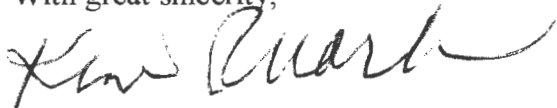
Some mitigating factors are:

- Although we are not within the 2.5' setback, there is a 10' common area between our end of group home and the one across from us for a total of 37' between the houses.
- Our neighbors on both sides approved it before it was placed.
- The shed is painted the same as the house and is in beautiful condition.

We will cheerfully erect an agricultural screen between the shed and the street to avoid any issues of an eyesore.

Thank you for considering my request. I hope this additional information is helpful to you.

With great sincerity,



August 29, 2013

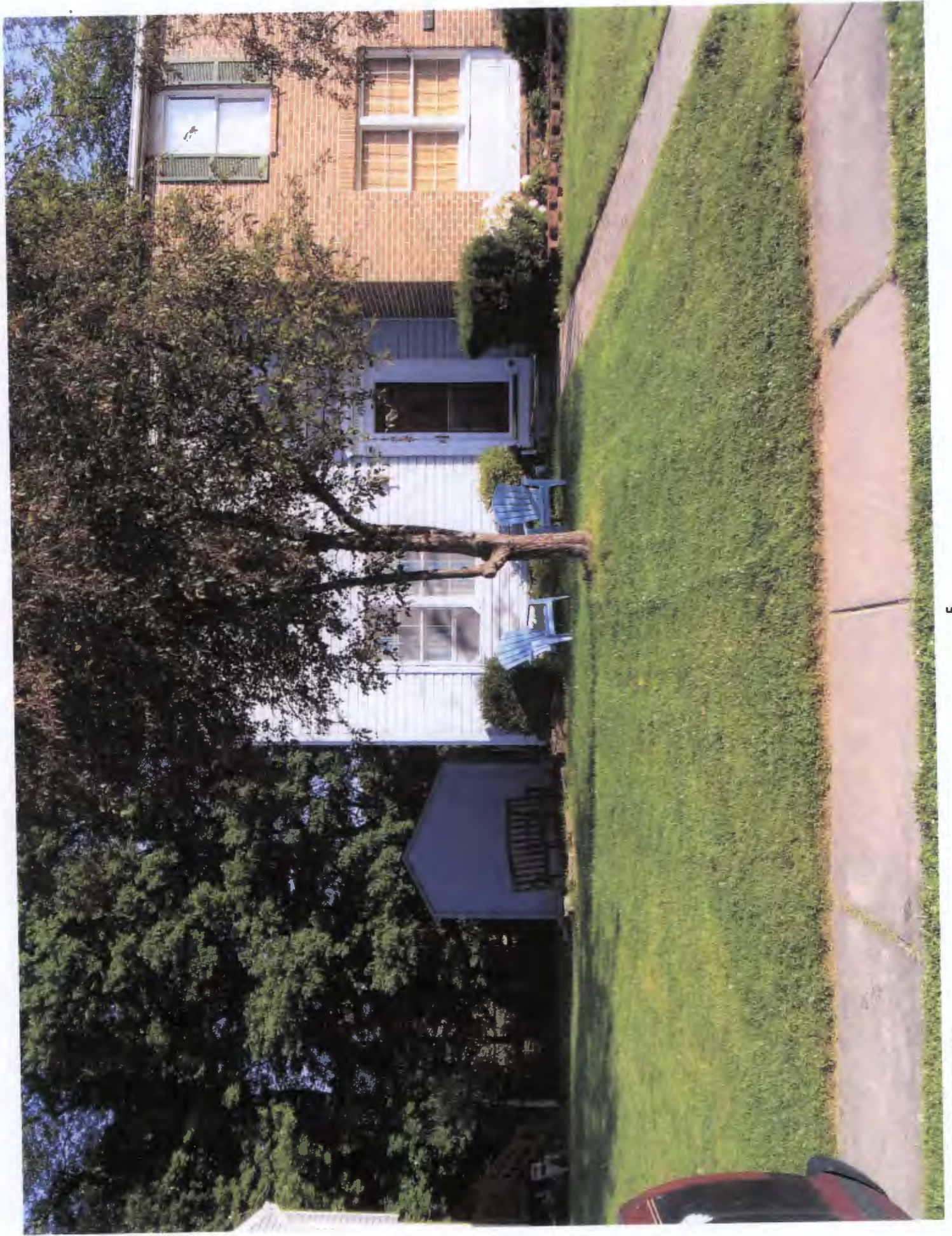
From
Kaushik Dutta
4912 Berryhill Cir
Perry Hall, MD. 21128

TO WHOM IT MAY CONCERN

We do not have any aesthetic problem with the outdoor shed put up by Kim Ruark (4914 Berryhill Cir) adjacent to her house wall. However, we are not cognizant if the placement of the shed is in accordance with the local county law and follows the Right Of Way / Easement area codes.

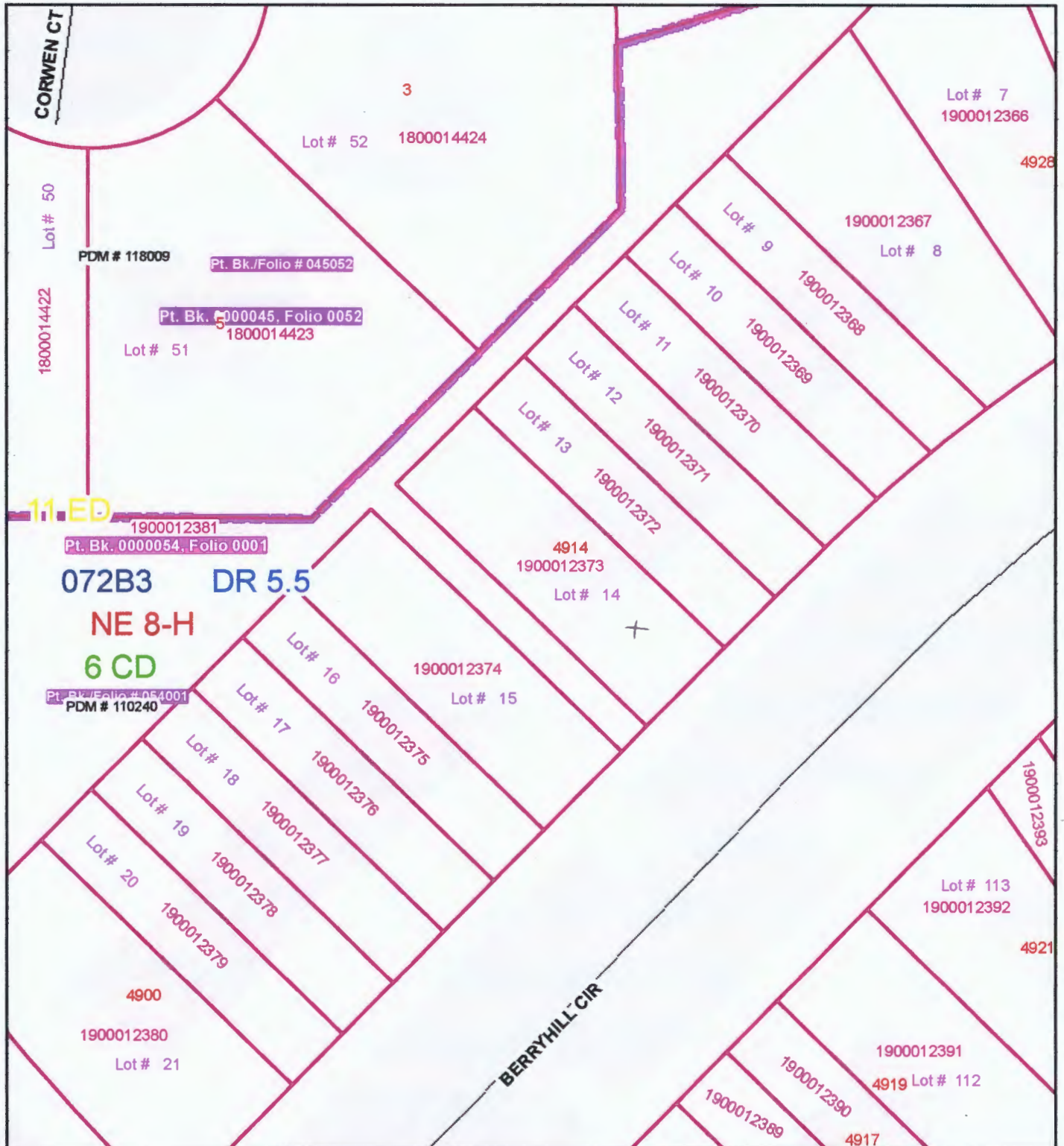
Thanks

 - 8/30/2013
Kaushik Dutta





4914 Berryhill Circle



Publication Date: 6/18/2013



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet

#0314