IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(12 Holly Spring Ct.)		
14th Election District	*	OF ADMINISTRATIVE
6th Councilman District		
Robert P. and Sheila M. Everett	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	**CASE NO. 2013-0317-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Robert and Sheila Everett, the legal owners of the subject property. The Petitioner is requesting Variance relief from Section 415A of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to permit a recreational vehicle to be located in the front yard in lieu of the required side or rear yard; and (2) to allow an existing deck with a 1' side setback in lieu of the minimum setback of 7.5'. 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 Robert Everett. 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 at the hearing, although the file contains an anonymous letter objecting to the variance petition.

The only substantive Zoning Advisory Committee (ZAC) comment received was from the Department of Planning (DOP). Although that agency does not oppose the side yard variance for the deck, they suggest that the Petitioners seek an alternative location for the RV.

ORDER RECEIVED FOR FILING
Date 9-3-13
By DW

Testimony and evidence revealed that the subject property is approximately 6,789 square feet and is zoned DR 3.5. The Petitioners bought the home in 2001, and have stored a travel trailer on the lot since 2005. Their current trailer (shown in Exhibit 2) has been in its present location (the Petitioners' driveway) since 2009. An anonymous complaint was filed with the County, and the Petitioners were instructed to seek zoning relief. When they filed their petition, the County reviewer noticed the placement of the deck as shown on the plan, and instructed Petitioners to include a request for that as well.

Based upon the testimony and evidence presented, I will grant the request for variance relief as it relates to the existing deck. 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.

As shown on the plan, the property is irregularly shaped (like a triangle) and is therefore unique. With regard to the deck, Mr. Everett indicated it was constructed before they purchased the home, and thus the Petitioners are dealing with existing site conditions.

The storage of the trailer presents a closer question. Mr. Everett indicated all of his neighbors are supportive of his request; indeed, he said many currently store boats and RV's in their driveways. The Petitioners' property is at the rear of a cul-de-sac, which mitigates somewhat the visual and visibility concerns identified by the DOP. Mr. Everett indicated that storage off-site would be approximately $150 per month, and that his insurance rates would increase as well. At the same time, the trailer (known as a "5th wheel") is large (30' x 8') and creates a visual

ORDER RECEIVED FOR FILING

Date 9-3-13

By DW

obstruction and impedes slightly one's passage along the sidewalk.

Variance relief "runs with the land," meaning that subsequent owners of the property can also avail themselves of the benefits of the order in question. And that should certainly hold true for the deck at issue in this case. But the parking/storage of the RV trailer strikes me as a more ephemeral/transitory condition, and it would not seem appropriate in this case for zoning relief to be "perpetual" in nature, especially given the concerns identified above. As such, though I will deny variance relief for the trailer, I will provide a one-year grace period which will allow the Petitioners to explore alternatives for storage.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty, given they would need to dismantle a deck constructed many years ago. 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.

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

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 Baltimore County Zoning Regulations ("B.C.Z.R"), to allow an existing deck with a 1' side setback in lieu of the minimum setback of 7.5', be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit a recreational vehicle to be located in the front yard in lieu of the required side or rear yard, be and is hereby DENIED, although the Petitioners are hereby provided a "grace period" of one (1) year from the date of this Order, after which time they must comply with the B.C.Z.R. as it pertains to storage of recreational vehicles.

ORDER RECEIVED FOR FILING

Date 9-3-13

By DW

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 DW

KEVIN KAMENETZ
County Executive

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

September 3, 2013

Robert P. Everett
Sheila M. Everett
12 Holly Spring Court
Nottingham, Maryland 21236

RE: Petition for Variance
Property: 12 Holly Spring Court
Case No.: 2013-0317-A

Dear Mr. and Mrs. Everett:

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: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 for the property located at: DR 3.5

Address 12 Holly Springs Court **which is presently zoned** ~~DR 3.5~~ DR2

Deed References: 16292/00306 10 Digit Tax Account # 1 7 0 0 0 8 5 3 7

Property Owner(s) Printed Name(s) Robert P. AND Sheila M. Everett

(SELECT THE HEARING(S) BY MARKING X 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) 415A To permit a recreational vehicle to be located in the front yard in lieu of the required side or rear yard. Section 1B01.2 To allow an exist^ng deck with a 1 foot side set back in lieu of the minimum set back of 7.5 feet

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 City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Robert P. Everett, Sheila M. Everett

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2 Sheila M. Everett

12 Holly Springs Ct Nottingham MD

Mailing Address City State

21236 410-661-6566 mandseverett@verizon.net

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

Date 9-3-13

By

Representative to be contacted:

Name – Type or Print

Signature SAME

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2013-0317-A **Filing Date** 6/27/13 **Do Not Schedule Dates:** _____ **Reviewer** GH

Property Description

Zoning property descciption for 12 Holly Spring Court, ~~south east~~ west side of Holly Spring Court which is a 50' right of way at the distance of 365' plus or ~~minis~~ minus east and north to the center line of Bennerton Dr. Being lot# 16 in the subdivision of Village of Hickory Hollow. Baltimore plat book #39, folio #138 containing .25 acre lot.Located in 14th election district and 6th council district

2013-0317-A

CERTIFICATE OF POSTING

Date: 8-10-13

RE: Case Number: 2013-0317-A

Petitioner/Developer: Robert Everett

Date of Hearing/Closing: 8-30-13

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 12 Holly Spring Ct.

The signs(s) were posted on 8-10-13
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

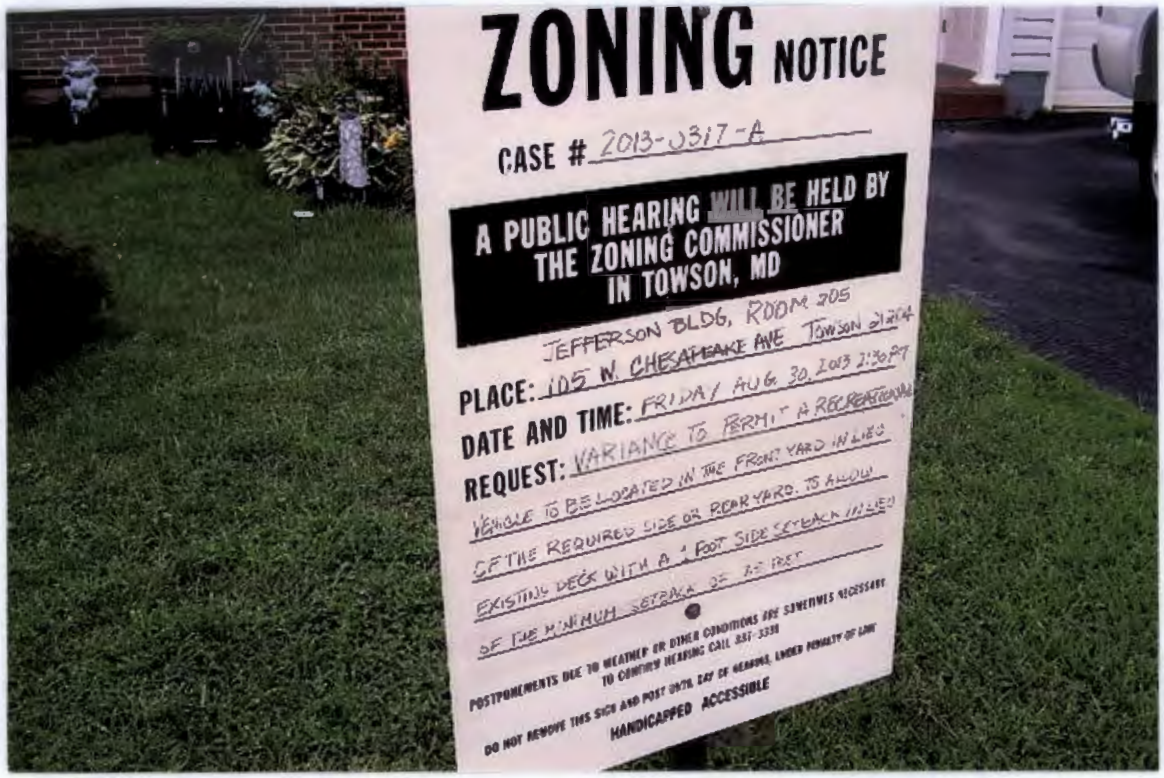
J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTGRAPH

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)


ZONING NOTICE
CASE # 2013-0317-A
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE: JEFFERSON BLDG, ROOM 205 105 W. CHESAPEAKE AVE TOWSON 21204
DATE AND TIME: FRIDAY AUG 30, 2013 2:30PM
REQUEST: VARIANCE TO PERMIT A RECREATIONAL VEHICLE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED SIDE OR REAR YARD. TO ALLOW EXISTING DECK WITH A 4 FOOT SIDE SETBACK IN LIEU OF THE MINIMUM SETBACK OF 25 FEET
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

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

No. 101402

Date: 6/26/13

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

Rec From: Robert Everett

For: Variance

PAID RECEIPT

BUSINESS	ACTUAL	TIME	
6/27/2013	6/26/2013 14:47:07		B
REV W604 WALKIN SHIL SAM			
>>RECEIPT # 572645 6/26/2013			UFLN
Dept 5 520 ZONING VERIFICATION			
CR NO. 101402			
Recpt Tot		$75.00	
$.00 CK		$80.00	CA
		$5.00-	CG

Baltimore County, Maryland

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: #2012-0317-A
12 Holly Spring Court
S/s Holly Spring Court, 365 ft. +/- S/e of centerline of Bennerton Drive
14th Election District - 6th Councilmanic District
Legal Owner(s): Robert & Sheila Everett

Variance: to permit a recreational vehicle to be located in the front yard in lieu of the required side or rear yard. To allow an existing deck with a 1 foot side setback in lieu of the minimum seback of 7.5 ft.

Hearing: Friday, August 30, 2013 at 2:30 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.

08/125 August 8 938717

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 8, 2013 Issue - Jeffersonian

Please forward billing to:
Robert Everett 410-661-6566
12 Holly Spring Court
Nottingham, MD 21236

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: 2012-0317-A
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S/s Holly Spring Court, 365 ft. +/- S/e of centerline of Bennerton Drive
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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.

KEVIN KAMENETZ
County Executive

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

July 11, 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: 2012-0317-A
12 Holly Spring Court
S/s Holly Spring Court, 365 ft. +/- S/e of centerline of Bennerton Drive
14th Election District – 6th Councilmanic District
Legal Owners: Robert & Sheila Everett

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Hearing: Friday, August 30, 2013 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Everett, 12 Holly Spring Court, Nottingham 21236

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.

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: 2013-0317-A

Petitioner: Robert Everett

Address or Location: 12 Holly Spring CT

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert Everett

Address: 12 Holly Spring CT
Nottingham Md 21236

Telephone Number: 410-661-6566

KEVIN KAMENETZ
County Executive

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

August 22, 2013

Robert T. & Sheila M. Everett
12 Holly Spring Court
Nottingham MD 21136

RE: Case Number: 2013-0317 A, Address: 12 Holly Spring Court

Dear Mr. & Ms. Everett:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 26, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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

State Highway Administration
Maryland Department of Transportation

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 2013-0317-A
Variance
Robert P. & Sheila M. Everett
12 Holly Spring 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. 2013-0317-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,

Richard A. Zeller
for Steven D. Foster, Chief
Access Management Division

SDF/raz

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 # 2013-0317-A
Address 12 Holly Spring Court
(Everett 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: June 18, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 12 Holly Spring Court

INFORMATION:

Item Number: **13-317**

Petitioner: Robert P. Everett

Zoning: **DR 3.5**

Requested Action: **Variance**

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests a variance to allow a recreational vehicle (RV) to be located in the front yard in lieu of the required side or rear yard, and to allow an existing deck with a 1 foot side yard setback in lieu of the required 7.5 foot minimum.

The Department of Planning does not oppose side yard variance for the deck as it does not directly impact the adjacent neighbor. However, the RV location does create an undue impact on the adjacent neighbors regarding visibility and lack of screening. The petitioner should seek alternative location options, such as a storage facility.

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

Prepared By: _____

Division Chief: _____
AVA/LL:cjm

RECEIVED

JUL 19 2013

OFFICE OF ADMINISTRATIVE HEARINGS

W:\DEVREV\ZAC\ZACs 2013\13-317.doc

7/22/13
WCR

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 18, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 12 Holly Spring Court

INFORMATION:

Item Number: **13-317**

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Zoning: **DR 3.5**

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Prepared By: _____

Division Chief: _____
AVA/LL:cjm

W:\DEVREV\ZAC\ZACs 2013\13-317.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 3, 2013

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

DAK

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

G:\DevPlanRev\ZAC -No Comments\ZAC07012013 - NO COMMENTS.doc

RE: PETITION FOR VARIANCE 12 Holly Spring Court; S/S Holly Spring Court, 365' SE to the c/line of Bennerton Drive 14th Election & 6th Councilmanic Districts Legal Owner(s): Robert & Sheila Everett Petitioner(s)	* * * * * *	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2013-317-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.

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

RECEIVED
JUL 10 2013

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 Robert & Sheila Everett, 12 Holly Spring Court, Nottingham, MD 21236, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: October 8, 2013

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2013-0317-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

JB 8-30-13 2:00PM Objection

Administrative Hearings - Zoning Variance Hearing #2013-0317-A Scheduled for 8/29 at 2:30 p.m.

From: <djslaw03@verizon.net>
To: <administrativehearings@baltimorecountymd.gov>
Date: 8/29/2013 2:07 PM
Subject: Zoning Variance Hearing #2013-0317-A Scheduled for 8/29 at 2:30 p.m.
Attachments: Variance 20130317-A.doc

Please see the attached letter in reference to the Zoning Variance Hearing 2013-0317-A which is scheduled for Friday, 8/30 at 2:30 p.m.regarding 12 Holly Springs Ct.

Thank you.

RECEIVED

AUG 29 2013

OFFICE OF ADMINISTRATIVE HEARINGS

August 29, 2013

RECEIVED

AUG 29 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearing Office
Baltimore County

RE: Zoning Variance #2013-0317-A
12 Holly Springs Court

Administrative Law Judge John E. Beverungen:

I cannot be at the zoning variance hearing scheduled for Friday, 8/29 at 2:30 p.m. Therefore, I am writing this letter to object to the variance proposed at 12 Holly Springs Court regarding the RV that is currently parked in the driveway of this residence.

My main concern is that the parking of the RV in the driveway, onto the sidewalk, and onto the driveway apron, constitutes a major safety issue. I walk my dog in this court in the morning and in the evening. I have to step off the sidewalk and into the street when I pass by this residence. On one occasion in the evening, while approaching this residence, my dog saw a rabbit and took off after it, pulling me after him on his leash. I hit my head hard on the RV hitch as it is just about head height. I suffered a cut on the side of my head, and believe me, I did see stars. I had to sit down on the curb for a few minutes before proceeding home.

When I saw the zoning variance sign in the yard, I felt obligated to let you know that I strongly oppose the variance. I know that there are many other neighbors in this court and in the Hickory Hollow development who walk their dogs and children in this court, and I am concerned for their safety as well. There are many storage facilities for RV's in the area, and I feel that this RV should be parked in one of these facilities.

I appreciate the opportunity to voice my concern in this matter, and hope you will consider my input in making a decision regarding this variance.

Sincerely,
A Concerned Neighbor

Search Help

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: District - 14 Account Number - 1700008537

Owner Information

Owner Name:	EVERETT ROBERT P EVERETT SHEILA M	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	12 HOLLY SPRINGS CT BALTIMORE MD 21236-3917	**Deed Reference:**	1) /16292/ 00306 2)

Location & Structure Information

Premises Address:	12 HOLLY SPRINGS CT 0-0000	**Legal Description:**	12 HOLLY SPRINGS CT VILLAGE OF HICKORY HOLL

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	1
0081	0012	0180		0000		B	16	2012	Plat Ref:	0039/ 0138

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

Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use
1977	1,268 SF	348 SF	6,789 SF	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2.000000	YES	STANDARD UNIT	SIDING	1 full/ 1 half	1 Attached	

Value Information

	Base Value	Value As of 01/01/2012	Phase-in Assessments As of 07/01/2013	Phase-in Assessments As of 07/01/2014
Land:	94,200	94,200		
Improvements	162,300	68,900		
Total:	256,500	163,100	163,100	163,100
Preferential Land:	0			0

Transfer Information

Seller: ROSS ARTHUR E,3RD	**Date:** 04/09/2002	**Price:** $153,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /16292/ 00306	**Deed2:**
Seller: ROSS ARTHUR E,3RD	**Date:** 07/23/1992	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /09290/ 00063	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

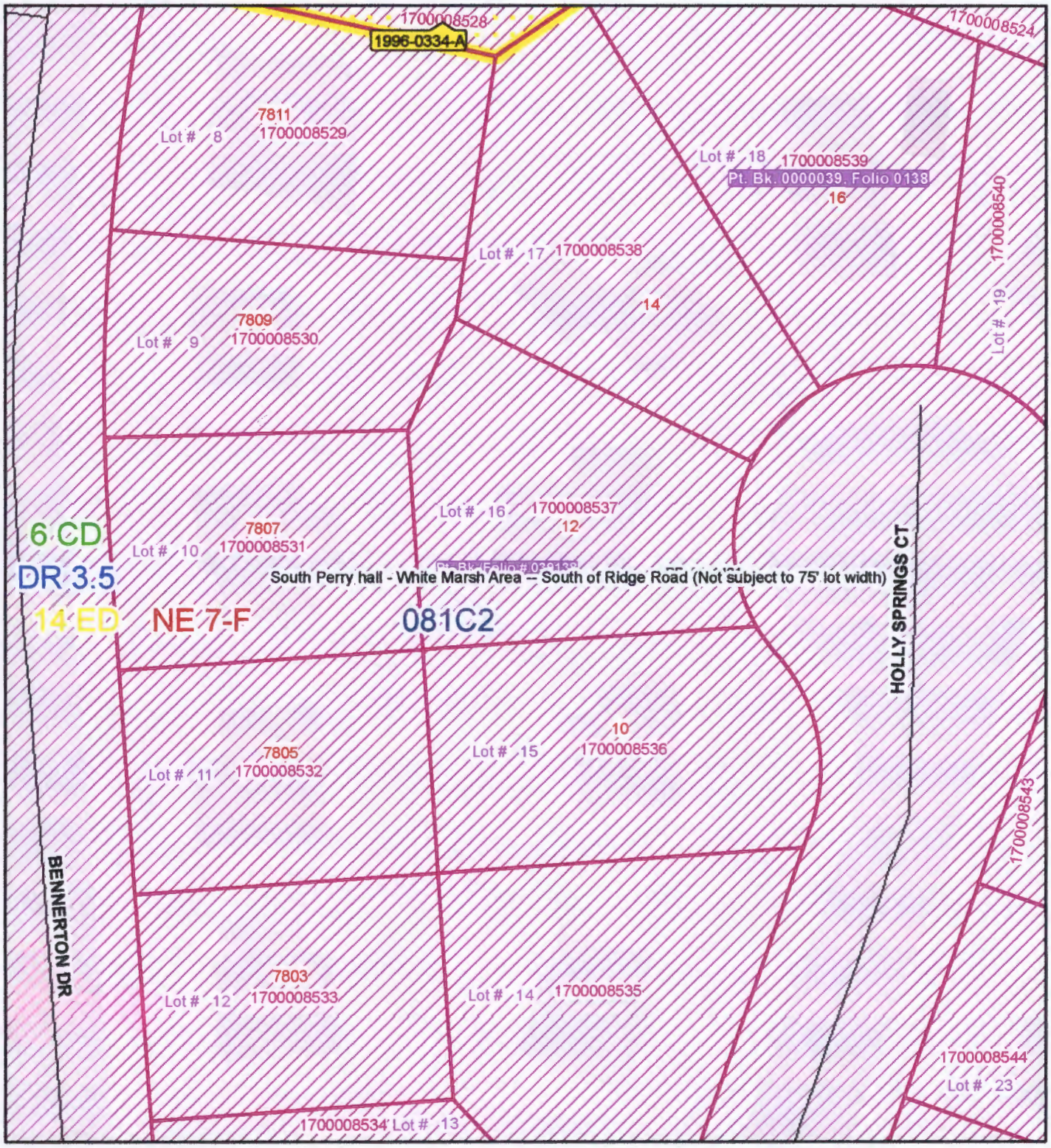
Partial Exempt Assessments:	Class	07/01/2013	07/01/2014
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

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

Homestead Application Information

Homestead Application Status: Approved 01/13/2009

12 Holly Springs Court



Publication Date: 6/12/2013

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

N W E S

0 10 20 40 60 80 Feet

1 inch = 40 feet

2013 - 0317-A

Lot # 5
1700008503
Lot # 6
1700008527
7812
1700008504
Lot # 6
Lot # 5
1700008526
2007-0136-A
Pt. Bk. 0000018, Folio 0071
1403024690
Pt. Bk./Folio
PDM # 140028
FITCH AVE
FITCH AVE
1700008525
Lot # 4
Lot # 7
1996-0334-A
1700008528
1700008524
Lot # 3
1985-0047
1700008523
Lot # 2
MEADOW CREEK CT
Pt. Bk. 0000039, Folio 0138
Lot # 8
1700008529
1700008539
Lot # 18
16
Lot # 11
1700008509
1700008538
Lot # 17
14
Lot # 19
1700008540
18
Lot # 9
1700008530
081C2
NE 7-F
PDM # 140121
17
1700008541
Lot # 20
Lot # 12
1700008510
Lot # 10
1700008531
Lot # 16
1700008537
12
6 CD
DR 3.5
Pt. Bk./Folio # 039138
South Perry hall - White Marsh Area -- South of Ridge Road (Not subject to 75' lot width)
POB
HOLLY SPRINGS CT
1700008542
Lot # 21
Lot # 13
1700008511
Lot # 11
1700008532
Lot # 15
10
1700008536
13
Lot # 22
1700008543
1700008512
Lot # 14
50' RW
Lot # 12
1700008533
8
1700008535
Lot # 14
11
Lot # 23
1700008544
Lot # 15
1700008513
BENNERTON DR
7801
Lot # 13
1700008534
9
Lot # 24
1700008545
1700008514
Lot # 16
50' RW
1700008515
1992-0062-A
1700008516
Lot # 25
1700008546

2013-0317-A

Case No.: 2013-317-A 10-8-13 DW

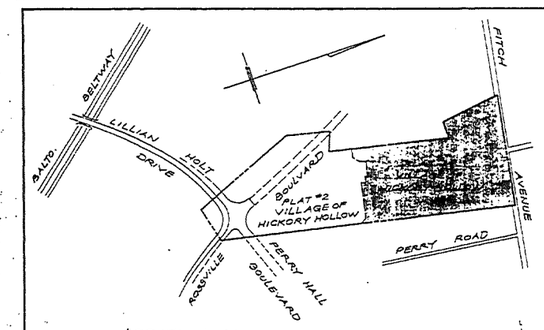
Exhibit Sheet

Petitioner/Developer Protestant 9-3-13 DW

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

EX. 2

EAGLE
EAGLE



LOCATION PLAN
Scale : 1"=500'

DENSITY CALCULATIONS

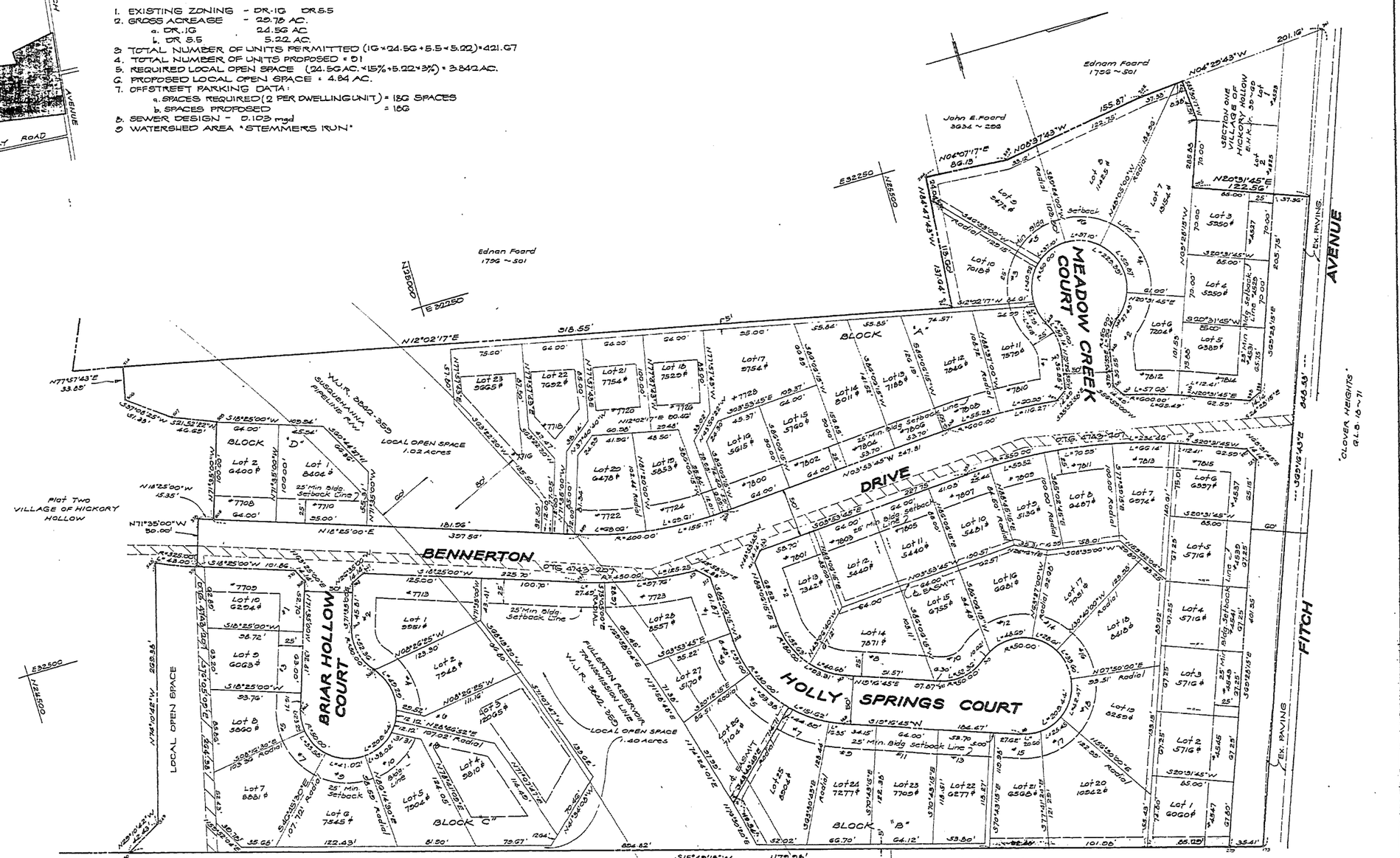
1. EXISTING ZONING - DR-1G DR 5.5
2. GROSS ACREAGE - 29.78 AC.
   a. DR-1G 24.56 AC
   b. DR 5.5 5.22 AC.
3. TOTAL NUMBER OF UNITS PERMITTED (1G×24.56+5.5×5.22)=421.67
4. TOTAL NUMBER OF UNITS PROPOSED = 51
5. REQUIRED LOCAL OPEN SPACE (24.56AC.×15%+5.22×3%) = 3.842AC.
6. PROPOSED LOCAL OPEN SPACE = 4.84 AC.
7. OFFSTREET PARKING DATA:
   a. SPACES REQUIRED (2 PER DWELLING UNIT) = 186 SPACES
   b. SPACES PROPOSED = 186
8. SEWER DESIGN - 0.103 mgd
9. WATERSHED AREA "STEMMERS RUN"

COORDINATES

NB	NORTH	EAST	NB	NORTH	EAST
173	25683.03	33027.23	348	25675.43	32430.87
201	25953.26	32233.50	350	25676.64	32338.25
202	25762.72	32249.35	351	25668.74	32326.60
203	25628.61	32272.74	352	25619.59	32317.65
204	25542.70	32299.35	353	25607.85	32322.14
205	25530.22	32403.62	356	25214.56	32339.62
			357	25075.22	32347.50
275	25648.96	33017.57	359	25051.02	32320.00
283	25750.22	32941.15	362	24395.16	32312.36
284	25814.47	32575.39	365	24683.96	32346.29
286	25801.60	32381.45	367	24691.06	32406.25
299	25784.06	32228.25	369	24843.43	32502.32
316	25474.36	32245.35	369	24800.20	32486.78
315	25458.25	32760.29	370	24784.66	32474.06
321	25409.12	32739.36	372	25208.68	32200.43
329	25316.74	32737.25	373	25108.00	32200.15
			376	24958.02	32441.00
322	25203.34	32667.17	378	24713.82	32364.42
328	25213.45	32270.37	505	24728.36	32355.31
330	25267.28	32268.14	506	24673.72	32236.05
331	25258.46	32258.80	507	24716.64	32267.04
333	25435.20	32572.67	508	24735.37	32304.43
335	25451.61	32522.73	514	24982.73	32222.50
336	25725.43	32205.33	546	24938.26	32425.06
338	25742.28	32255.50	549	24384.80	32264.83
343	25922.26	32461.71	550	24347.73	32705.61
345	26020.05	32446.31	255	25807.02	32353.10
346	25935.76	32460.64	256	25821.97	32287.58
353	26846.00	32954.57	257	25826.26	32249.77
375	26300.23	32764.44			

CURVE DATA

From	To	Radius	Length	Δ	Tan	Chd. Brg. ~Dist.
339	330	650.00'	294.46'	24°25'50"	113.64	N08°10'00"E 292.03
320	325	60.00'	98.81'	88°45'30"	62.78'	N52°41'50"E 88.11'
310	321	50.00'	52.36'	60°00'00"	28.87'	S40°43'15"E 50.00'
318	312	50.00'	262.44'	300°00'00"	–	S72°16'45"W 89.29
328	325	130.00'	181.82'	80°45'30"	65.76'	N52°41'30"E 143.17'
357	373	450.00'	125.25	15°32'52"	63.03	N10°25'34"E 124.85'
393	392	50.00'	55.30'	90°00'00"	35.67	N78°22'00"W 80.00'
392	393	50.00'	200.44'	240°00'00"	–	N11°38'00"W 80.00'
373	346	325.00'	43.00'	07°34'50"	21.53'	N22°12'25"E 42.97'
385	359	400.00'	125.77'	22°18'45"	78.88'	S07°15'38"W 124.73'
380	335	600.00'	166.27'	11°06'11"	83.38'	S01°35'21"W 112.00
346	343	50.00'	38.14'	41°24'45"	18.00'	N70°50'44"E 35.36'
346	345	50.00'	225.35	252°43'09"	"	S10°33'01"W 75.00'
345	346	50.00'	38.14'	41°24'45"	18.00'	N58°44'42"W 35.36'
335	350	600.00'	63.43'	06°35'10"	34.78	S17°12'40"W 63.43'



P.W.A. Completed 147603 OHL
Final Plat Check
Plat
Engineering
Street Names
Owner Plat

OWNER & DEVELOPER
BEACON BUILDING CORP.
5105 N. PARK DRIVE
PENNSAUKEN N.J. 08109

EXC. BK. 39 FOLIO 138
Filed for Record
Date SEP 16 1976

Clerk

Ex. 10' Drainage & Utility Easement
10' Utility Easem't. to Balto. Co.

SUBDIVISION PLAT 7

VILLAGE OF HICKORY HOLLOW

14th Election District
Scale: 1"=50'
Baltimore County, Md.
July , 1976

APPROVED:

9/15/76 Donald E. Brown
DATE: DEPUTY STATE & COUNTY HEALTH OFFICER

APPROVED, BALTIMORE COUNTY PLANNING BOARD

9/15/76 Norman E. Gerber
DATE: DIRECTOR

9/16/76 Charles E. Burnham
DATE: COUNTY ROADS ENGINEER

NOTE:

STREETS and/or ROADS shown hereon and mention thereof in deeds are for purposes of description only, and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

NOTE:

COORDINATES and BEARINGS shown on this plat are referred to the system of coordinates established in The Baltimore County Metropolitan District and are based on the following traverse stations:

X4771 N25961.07 E31918.36
X4770 N24778.22 E31846.26

OWNERS CERTIFICATE:

The requirements of Section 108-A Article 21 of the Annotated Code of Maryland, as far as they relate to the preparation of this plat have been complied with.
BEACON BUILDING CORP.

Beacon Building Corp. 9/9/76
OWNER DATE

SURVEYORS CERTIFICATE:

I, RONALD W. BROYLES, a Registered Land Surveyor of the State of Maryland, do hereby certify that the land shown hereon has been laid out, and the plat thereof prepared in accordance with the provisions of the law relating to the subdivision of land known as House Bill #459, Chapter 1016 of the Acts of 1945 and subsequent amendatory acts.

Ronald W. Broyles 7/22/76
REGISTERED LAND SURVEYOR: No. 5089 DATE

MCA ENGINEERING CORPORATION
1020 CROMWELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204

COMPUTED: H.G.W. DRAWN: J.D.C. CHECKED: J.O. & 72007

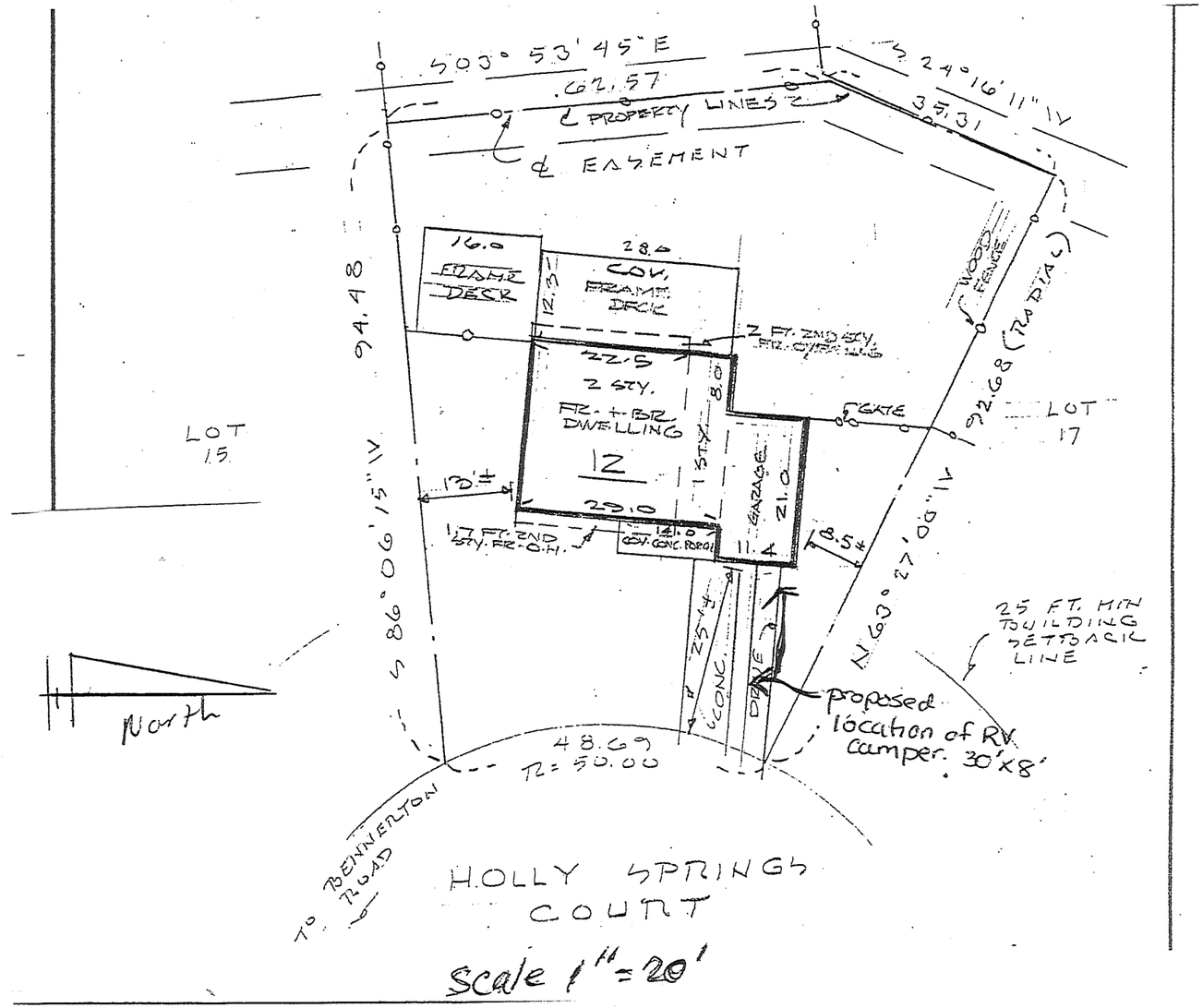
MJA 55W-123G-6015

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

ADDRESS 12 Holly Springs Court OWNER(S) NAME(S) Robert P. AND Sheila M. Everett

SUBDIVISION NAME Village of Hickory Holly LOT # 16 BLOCK # B SECTION # —

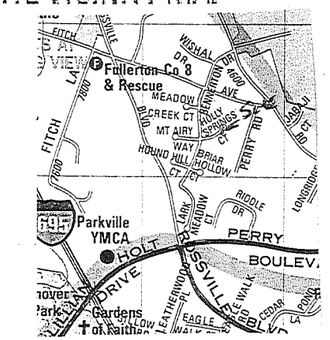
PLAT BOOK # 0029 FOLIO # 0138 10 DIGIT TAX # 1700008537 DEED REF. # 16292/00306



scale 1" = 20'

PLAN DRAWN BY Robert Everett DATE 6/26/13 SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



N

MAP IS NOT TO SCALE

ZONING MAP # 09C2

SITE ZONED DR 3.5

ELECTION DISTRICT 14th

COUNCIL DISTRICT 6th

LOT AREA ACREAGE ____

OR SQUARE FEET 6,789±

HISTORIC ? No

IN CBCA ? No

IN FLOOD PLAIN ? No

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC X PRIVATE ____

SEWER IS:

PUBLIC X PRIVATE ____

PRIOR HEARING ? ____

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO: 130895

EX. 1

2013-0317-A