IN RE: PETITION FOR ADMIN. VARIANCE

(1801 Ridge Road)

8th Election District 2nd Council District

Christopher B. and Nancy Baggan

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0020-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Christopher B. and Nancy Baggan. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) To permit a proposed addition to have a side yard setback of 20 ft. and a front yard setback of 67 ft. from the centerline of a road in lieu of the required 50 ft. and 75 ft., respectively; and (2) To amend the Final Development Plan (FDP) of Fox Ridge Estates, Lot 14 only. 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.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no ZAC comments submitted from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 9, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER R	ECEIVED FOR FILING	
Date	9-3-13	
By		

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). 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 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 garage 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, this <u>3rd</u> day of September, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) To permit a proposed addition to have a side yard setback of 20 ft. and a front yard setback of 67 ft. from the centerline of a road in lieu of the required 50 ft. and 75 ft., respectively; and (2) To amend the Final Development Plan (FDP) of Fox Ridge Estates, Lot 14 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

Date	9-3-13	
Bv	(se)	2

ORDER RECEIVED FOR FILING

- 1. Petitioners may apply for any appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at her 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.

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

Order.

LAWRENCE M. STAHL

Managing Administrative Law Judge for

Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date____9-3-13

By_____



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

September 3, 2013

Christopher B. Baggan Nancy Baggan 1801 Ridge Road Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(1801 Ridge Road) Case No. 2014-0020-A

Dear Mr. and Mrs. Baggan:

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 trylly yours,

Wanaging Administrative Law Judge

VRENCE M. STAHI

for Baltimore County

LMS:dlw Enclosure

c: Walter J. Daniels, Daniels & Associates Architects, Ltd., 1113 Ivy Hill Road, Hunt Valley, MD 21030

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

Address SON CAR Regol Deed Reference 30893200354 Property Owner(s) Printed Name(s)	which is presently zoned RC5
Topolty Officion Finited Harriston	Ther and Mancy Baggan
	PROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) vit on the reverse of this Petition Form be completed / notarized.
	in Baltimore County and which is described in the description and ade a part hereof, hereby petition for a
ADMINISTRATIVE VARIANCE from section(s)	
Section 1A04.3.B.2.b – to permit a proposed addit setback of 67 feet from the centerline of a road in to amend the final development plan of Fox Ridge	
the zoning regulations of Baltimore County, to the zoning	ng law of Baltimore County.
ction 32-4-416(a)(2): (indicate type of work in this space	
perty is to be posted and advertised as prescribed by the zoning regular, we, agree to pay expenses of above petition(s), advertising, posting trictions of Baltimore County adopted pursuant to the zoning law for E	julations. g, etc. and further agree to and are to be bounded by the zoning regulations and
ntract Purchaser/Lessee:	Legal Owners: Christo phur Baggan Maney Baggan Name #1 - Type or Print Name #2 - Type of Print
	1
nature	Signature #1 Signature #2 BID 1 Ridge Road Repterstown MYD
iling Address City State	Mailing Address City State
Code Telephone # CREmail Address	Zip Code Telephone # Email Address
torney for Petitioner	Representative to be contacted:
BREA HE Q	Walter Diniels, Architect
me- Type or Print	Name - Type or Print
pale	llast John
nature	Signature 1113 144 Hill Red Cockensville Miss 2
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7 The transfer of the second s	
Code Telephone # Email Address	Zip Code Telephone # Email Address
day of, that the subject matter	e required, It is ordered by the Office of Administrative Law, of Baltimore County, ter of this petition be set for a public hearing, advertised, as required by the zoning
ulations of Baltimore County and that the property be reposted.	
ulations of Baltimore County and that the property be reposted.	ninistrative Law Judge of Baltimore County

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	: 1801	Ridge Rd.	Reistastown	Wib	21136
					Zip Code
Based u Adminis	ipon persor strative Varia	nal knowledge, the ance at the above	following are the facts of address. (Clearly state	which I/we base practical diffi	e the request for an culty or hardship here)
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Signature	e of Affiant Fint or Type	Bagga	Sign No.	mature of Affant ame- Print or Type	
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the Affia	nt(s) herein,	personally known o	r satisfactorily identified to	me as such Affi	iant(s) (Print name(s) here)
AS WIT	NESS my ha	and and Notaries Se	al 7	+. 1h	111
			Notary Public	723-20	16
			My Commission Expire		

REV. 10/12/11

Item #0020

PROPERTY DESCRIPTION

Beginning at a point on the south side of Ridge Road, which has a 60-foot right of way, at a distance of 50 feet west of the centerline of the nearest improved intersecting street Falls Road, which has a 100-foot right of way (ie: the southwest corner of intersection.)

Being Lot#14 in the subdivision of Fox Ridge Estates, as recorded in Baltimore County Plat Book #59, Folio #29, containing 2.67 acres, located in the 8th Election District, 2nd Councilmanic District.

Item # 0020

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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:			1		
Item Number or Case Number:,			4		_
Petitioner: Christopi	ner + No	ency	Baggan		_
Address or Location: 1801	Ridge	Road.	Reistors-	town MD	2103
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PLEASE FORWARD ADVERTIS	ING BILL TO:				•
Name: Daniels Archi	itects		-		
Address: 1113 1V4 H	ill Rd				
Cockeysville	MD				
21030					
Telephone Number: 410 4	93 8550				

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

					_		
Case Number 2014	0020	-A	Address	1801	Ridge	Rd	,
Case Number 2014 Contact Person:	Dav Blanner Bl	id Day	all Name		Phone Nu	mber: 41	0-887-3391
Filing Date: 7/	31/3	Post	ing Date:	8/11/13	Closi	ng Date:	8/26/13
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ZONING REVIEW

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.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 08/09/13

Case Number: 2014-0020-A

Petitioner / Developer: WALTER DANIELS~CHRIS & NANCY BAGAN

Date of Hearing (Closing): AUGUST 26, 2013

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 1801 RIDGE ROAD

The sign(s) were posted on: AUGUST 9, 2013



(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster)

410 – 666 – 5366 (Telephone Number of Sign Poster)

MEMORANDUM

DATE:

October 8, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0020-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

CASE NO. 2013 - 2020 - A

CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
8-4	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	120
	DEPS (if not received, date e-mail sent)	
<u> </u>	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
8-le	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	TION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER AI	DVERTISEMENT Date:	
SIGN POSTING	Date: 8-9-13	by O'Keefe
	NSEL APPEARANCE Yes No No No No No No No No No N	
Comments, if any		



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 27, 2013

Christopher & Nancy Bagger 1801 Ridge Road Reisterstown MD 21136

RE: Case Number: 2013-0020 A, Address: 1801 Ridge Road

Dear Mr. & Ms. Bagger:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 31, 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. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel Walter Daniels, Architect, 1113 Ivy Hill Road, Cockeysville MD 21030



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 8-6-13

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

RE: Baltimore County

Item No 2014-0020-A Administrative Variance Christopher & Honey Baggan 1801 Ridge Road.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2014-0020-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/ Development Manager

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 7, 2013

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 12, 2013

Item Nos. 2014- 0020, 0021 and 0022.

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

DAK:CEN Cc: file



Search Result for BALTIMORE COUNTY

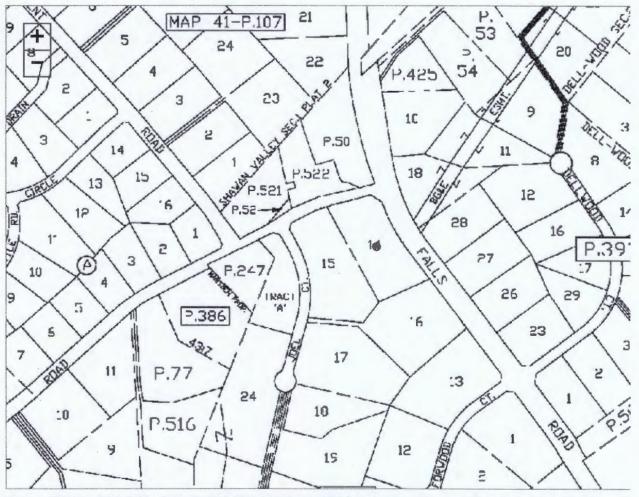
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New Search

Baltimore County

District: 08 Account Number: 2100008992



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 www.mdp.state.md.us/OurProducts/OurProducts.shtml.

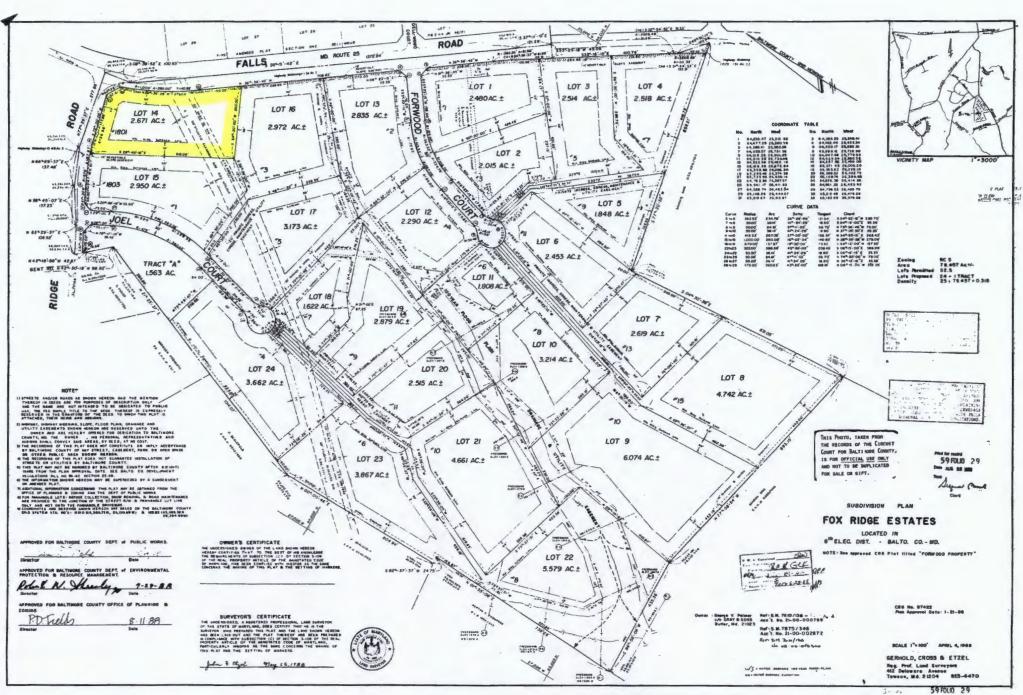


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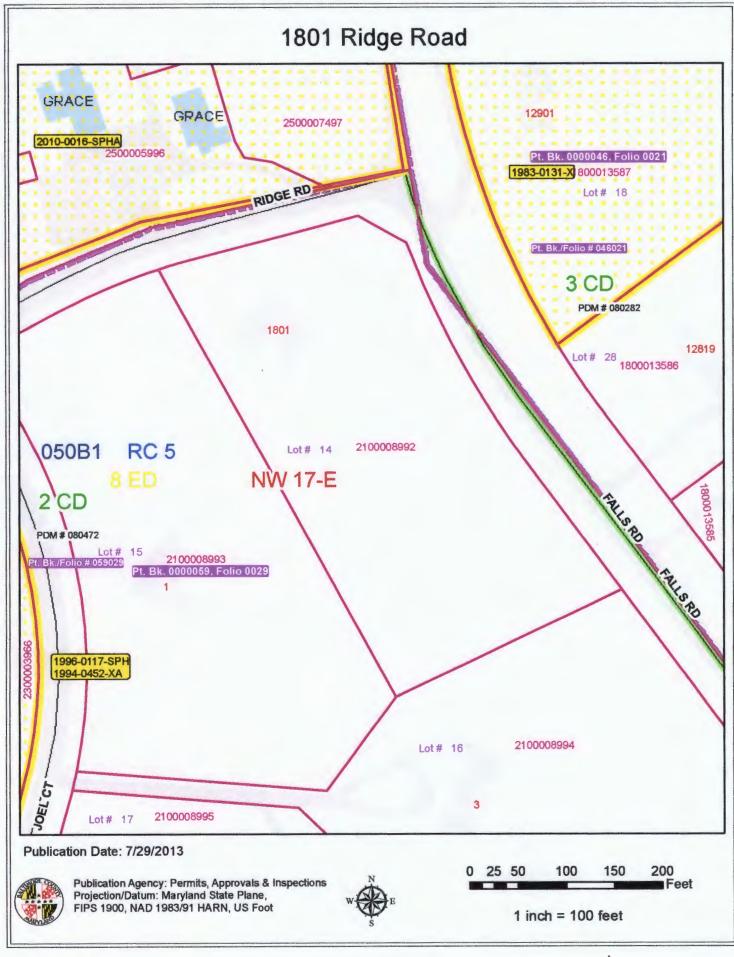
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PHOTO #2-1801 RIDGE ROOD - "SIDE VIEW" APPITION Item #0020

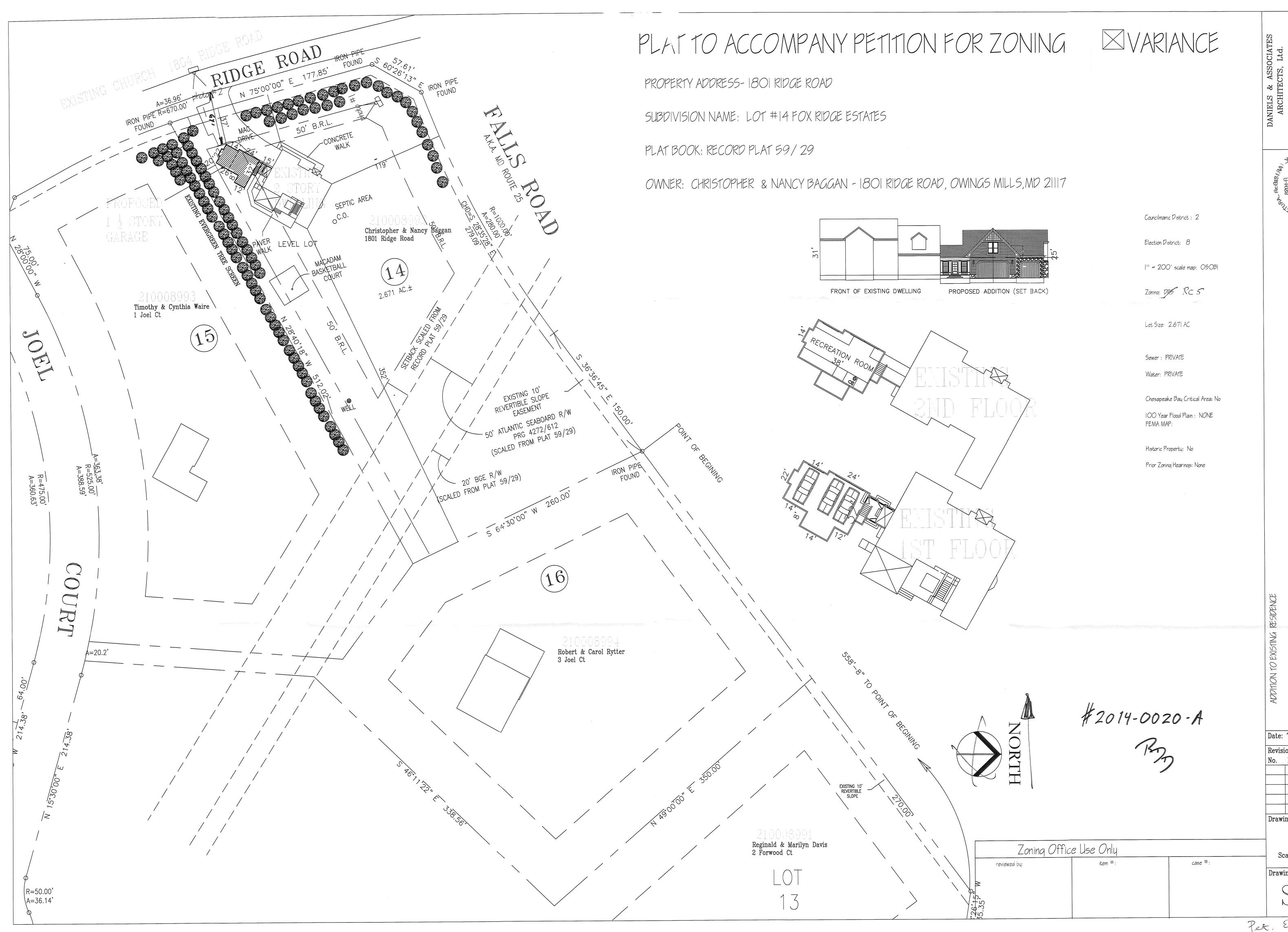


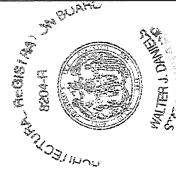


Item # 0020



Item #0020





Date: 7/29/13

Revisions No. Date Reference

Drawing Title SITE PLAN Scale 1" =50'-0"

Drawing Number

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