

IN RE: PETITION FOR ADMIN. VARIANCE *
(321 Harlem Lane)
1st Election District *
1st Councilmanic District *
Daniel W. Boer *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2014-0038-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owner of the property, Daniel W. Boer for property located at 321 Harlem Lane. The variance request is from §400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a garage in the side and rear yard of an existing single family dwelling in lieu of the rear yard.

This matter was originally filed as an Administrative Variance, with a closing date of September 9, 2013. On September 4, 2013, Emerald F. and Laurie A. Schleicher (319 Harlem Lane) requested a formal hearing on this matter. The hearing was subsequently scheduled for Thursday, October 17, 2013 at 2:30 PM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

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

Appearing at the public hearing in support for this case was Daniel W. and Kim Boer, legal owners. Emerald and Laurie Schleicher, neighbors, appeared and opposed the relief.

Testimony and evidence revealed that the subject property is approximately 15,750 square feet and is zoned DR 5.5. The property is improved with a single family dwelling, and

ORDER RECEIVED FOR FILING
Date 10/22/13
By Den

the Petitioners propose to construct a detached garage in the side and rear yards. To do so requires variance relief.

As noted at the outset, the relief requested concerns locating the garage in the side, as opposed to rear, yard. But the Petitioners own a corner lot, which is subject to an additional limitation, as set forth in the regulations: "*On corner lots they [accessory buildings] shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third.*" BCZR § 400.1. The Petitioners did not request variance relief from this requirement (which is unique to "corner lots") and their neighbors contend this provision is not satisfied. This regulation—as evidenced by its title—concerns two things: (1) *location* of the accessory building; and (2) *percentage of lot coverage*.

As shown on the site plan, the proposed garage would be located in the "third of the lot farthest removed from the street," so that aspect of the regulation is satisfied. The Zoning Commissioner's Policy Manual (p. 4-1.1) provides examples of location diagrams interpreting this regulation, and it is clear that it is 1/3 of the total lot that is under consideration, as far as location is concerned. Petitioners' lot is 15,750 square feet, which means that a "third" of the lot would be 5,250 square feet. Fifty percent of that figure would be 2,625 square feet, which is the maximum size of any permitted accessory structure. The garage proposed is 30' x 36', or 1,080 square feet, which is in compliance with this regulation.

Even so, I believe the petition for variance relief must be denied. Under Maryland law, 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).

ORDER RECEIVED FOR FILING

Date

10/22/13

By

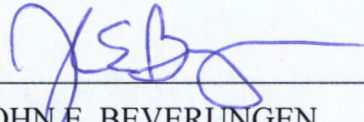
pen

The Petitioners did not submit any evidence or provide testimony to establish that their property is "unique" as that term is defined in the case law. This is the most important element in a variance case, and given the lack of evidence and/or argument on the point, I believe the petition must be denied. In addition, the proposed garage is nearly as large as the Petitioners' dwelling, a point stressed by the Schleichers. In these circumstances, I am inclined to agree with the neighbors that it would appear, in essence, that a second dwelling had been added to the lot.

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

THEREFORE, IT IS ORDERED, this 22nd day of October, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a garage in the side and rear yard of an existing single family dwelling in lieu of the rear yard, be and is hereby DENIED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING
Date 10/22/13
By slh

KEVIN KAMENETZ
County Executive



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

October 22, 2013

Daniel & Kim Boer
321 Harlem Lane
Catonsville, Maryland 21228

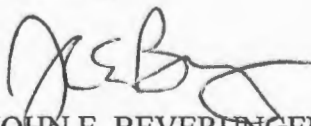
RE: Petition for Variance
Property: 321 Harlem Avenue
Case No.: 2014-0038-A

Dear Mr. and Mrs. Boer:

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:sln
Enclosure

C: Emerald & Laurie Schleicher, 319 Harlem Lane, Baltimore, Maryland 21228



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 321 Harlem Lane which is presently zoned DR.S.5

Deed Reference 11564/0353 10 Digit Tax Account # 0118421520

Property Owner(s) Printed Name(s) Daniel W. Boer

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. X **ADMINISTRATIVE VARIANCE** from section(s)

Section 400.2

To permit a garage in the side and rear yard of an existing single family dwelling
in lieu of the rear yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and
Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

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

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this 10/22/13 day of Oct 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 2014-0038-A Filing Date 8/14/2013 Estimated Posting Date 8/25/13 Reviewer Th

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE VARIANCE 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: 321 HARLEM LANE BALTIMORE MARYLAND 21228-1916
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

THE SOUTH WALL WILL BE 3' (APPROX) FORWARD OF THE
EXISTING DWELLING'S REAR OR NORTH FOOTER LINE.

DUE TO OUR FAMILY INCREASING WE NEED MORE ROOM FOR STORAGE.

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

Daniel W. Boer
Signature of Affiant

DANIEL W. BOER
Name- Print or Type

Signature of Affiant

Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of August, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Daniel W. Boer

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

AS WITNESS my hand and Notaries Seal

Wickie Dayoff

Notary Public

11-21-2014

My Commission Expires

Zoning Property Description for 321 Harlem Lane Catonsville, MD 21228

Beginning at a point on the north side of Stoney lane which is four hundred and twenty four feet northeasterly, running thence northerly on the west side of Harlem Lane, one hundred and thirty five feet 3" and to intersect the third line of the aforesaid land thence northwesterly, building on the said line one forth inches to the north side of stone lane and to and to point westerly seventy – six feet from the place of beginning and thence easterly binding on the north side of said lane, seventy six feet to the place.

Second point of the west side of Harlem Lane one hundred and thirty five feet three inches northly at the south east corner of the ground, running thence northly on the west side of Harlem lane, twenty three feet, thence northwesterly and parallel with the second line of the above described lot of land until it interstec the continuation northly of the, thence southerly twenty four feet.

Being Lot #101 Block #02 Section 82 in the subdivision of NW Cor Harlem Lane as recorded in Baltimore County Plat Book #7578 Folio 276 containing 15750 sf. Located in 01 Election District and 01 Council District.

2014-0038-A

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

No. **101537**

Date: **8/15/13**

PAID RECEIPT

BUSINESS - ACTION TIME DEM
 8/16/2013 8:15 AM 0045156 3

REC 0805 BALTIMORE COUNTY
 RECEIPT & AMOUNT 8/15/2013 DELA
 Dept 5 500 ZOOING CENTER HUNTON
 CH NO. 101537

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

Recpt Tot 75.00
 8.00 11 100.00 CA
 45.00 00
 Baltimore County, Maryland

Total: **75.00**

Rec From: **Daniel Boerz**
 For: **321 Harlem Lane**
2014-0038-A

**CASHIER'S
 VALIDATION**

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

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 08/28/2013

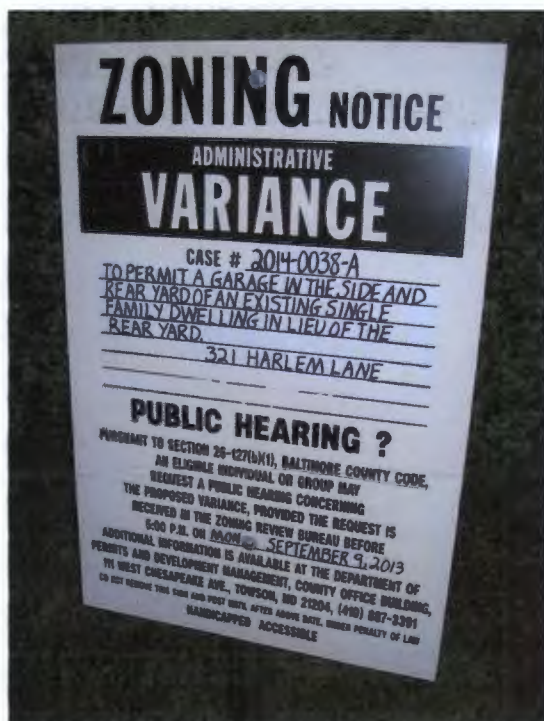
Case Number: 2014-0038-A

Petitioner / Developer: DAVID BOER

Date of Hearing (Closing): SEPTEMBER 09, 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:
321 HARLEM LANE

The sign(s) were posted on: AUGUST 24, 2018



Linda O'Keefe
(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)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 09/28/2013

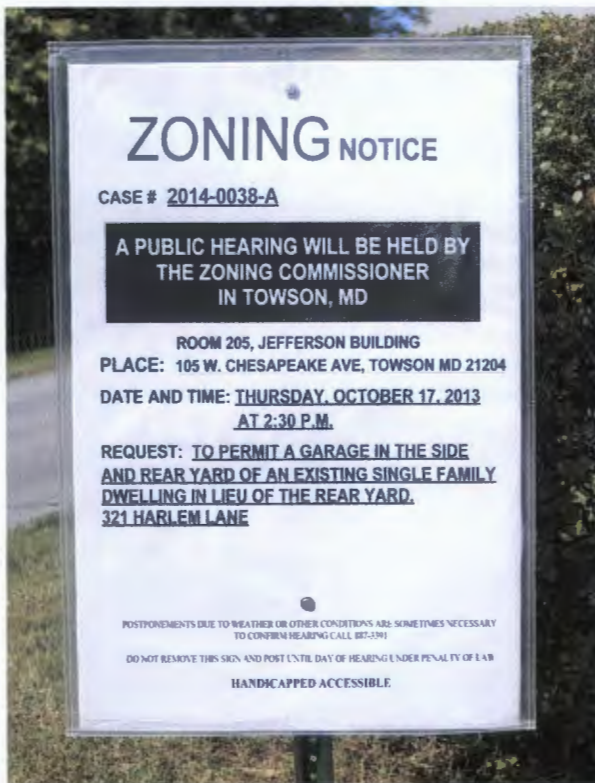
Case Number: 2014-0038-A

Petitioner / Developer: KIM BOER

Date of Hearing (Closing): OCTOBER 17, 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:
321 HARLEM AVENUE

The sign(s) were posted on: **SEPTEMBER 27, 2013**



Linda O'Keefe
(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)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

September 26, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on September 26, 2013.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

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: # 2014-0038-A

321 Harlem Lane

NW/s Harlem Lane, 320 ft. NE to centerline of Stoney Lane
1st Election District - 1st Councilmanic District

Legal Owner(s): Daniel Boer

Variance: to permit a garage in the side and rear yard of an existing single family dwelling in lieu of the rear yard.

Hearing: Thursday, October 17, 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.
9/438 Sept. 26 948911



KEVIN KAMENETZ
County Executive

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

September 9, 2013

NOTICE OF ZONING HEARING

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CASE NUMBER: 2014-0038-A

321 Harlem Lane
NW/s Harlem Lane, 320 ft. NE to centerline of Stoney Lane
1st Election District – 1st Councilmanic District
Legal Owner: Daniel Boer

Variance to permit a garage in the side and rear yard of an existing single family dwelling in lieu of the rear yard.

Hearing: Thursday, October 17, 2013 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Daniel Boer, 321 Harlem Lane, Catonsville 21228
Mr. & Mrs. Schliecher, 319 Harlem Lane, Catonsville 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 27, 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, September 26, 2013 Issue - Jeffersonian

Please forward billing to:

Daniel Boer
321 Harlem Lane
Catonsville, MD 21228

410-747-2180

NOTICE OF ZONING HEARING

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105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

MEMORANDUM

DATE: November 22, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0038-A – Appeal Period Expired

The appeal period for the above-referenced case expired on November 21, 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

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
8/21/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/c
8/21/13	DEPS (if not received, date e-mail sent _____)	N/c
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
8/20/13	STATE HIGHWAY ADMINISTRATION	NO Obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 9/26/13	
SIGN POSTING	Date: 9/27/13 by O'Keefe	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☒	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0038 -A Address 321 Harlem Lane

Contact Person: LEONARD Wasilowski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/15/13 Posting Date: 8/25/13 Closing Date: 9/9/13

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2014- 0038 -A Address 321 Harlem Lane

Petitioner's Name Daniel Boer Telephone 443-277-3074

Posting Date: 8/25/13 Closing Date: 9/9/13

Wording for Sign: To Permit

 To permit a garage in the side and rear yard of an existing single family dwelling
 in lieu of the rear yard.

Revised 7/25/13



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2014-0038-A

Address: 321 HARLEM LANE, 21228

Petitioner(s): Daniel W. Boer

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We EMERALD F. & LAURIE A Schlicher
Name - Type or Print

(☒) Legal Owner OR (☐) Resident of

319 HARLEM LANE

Address

CATONSVILLE MD

21228

City

State

Zip Code

(C) 443-204-2805 or 410-788-4816 (H)

Telephone Number

which is located approximately 70 feet from the
property, which is the subject of the above petition, **do hereby**
formally demand that a public hearing be set in this matter.

**ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND.**

Laurie A Schlicher 9/4/13
Signature Date

Signature

Date

Revised 9/18/98 - wcr/scj



KEVIN KAMENETZ
County Executive

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

October 9, 2013

Daniel W. Boer
321 Harlem Lane
Catonsville MD 21228

RE: Case Number: 2014-0038 A, Address: 321 Harlem Lane

Dear Mr. Boer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 14, 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

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



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

Date: 8-20-13

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

RE: Baltimore County
Item No. 2014-0038-A.
Administrative Variance
Daniel W. Boer
321 Harham Lane.

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. 2014-0038-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,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

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 21, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0038-A
Address 321 Harlem Lane
(Boer Property)

Zoning Advisory Committee Meeting of August 19, 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 21 2013
OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 21, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For August 26, 2013
Item Nos. 2014- 0031, 0032,0033,0034,0037 and 0038.

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

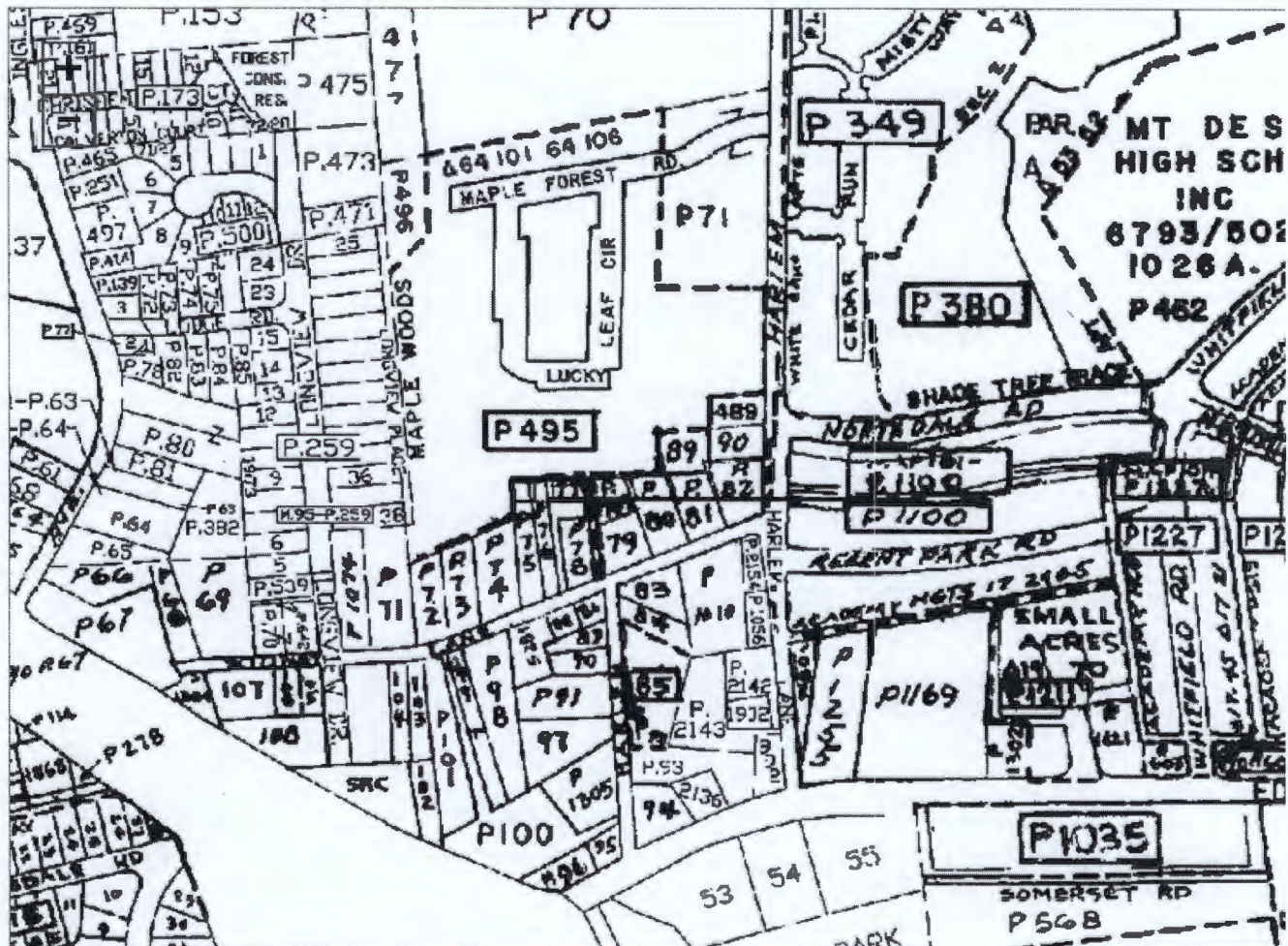
DAK:CEN
Cc: file

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

<u>View Map</u>			<u>View GroundRent Redemption</u>			<u>View GroundRent Registrations</u>		
<u>Account Identifier:</u>			<u>District - 01 Account Number - 0118471570</u>					
<u>Owner Information</u>								
<u>Owner Name:</u>			BOER DANIEL W			<u>Use:</u>		RESIDENTIAL
						<u>Principal Residence:</u>		YES
<u>Mailing Address:</u>			321 HARLEM LA BALTIMORE MD 21228			<u>Deed Reference:</u>		1) /11564/ 00355 2)
<u>Location & Structure Information</u>								
<u>Premises Address:</u>			321 HARLEM LN 0-0000			<u>Legal Description:</u>		321 HARLEM NW COR HAR
<u>Map:</u>	<u>Grid:</u>	<u>Parcel:</u>	<u>Sub District:</u>	<u>Subdivision:</u>	<u>Section:</u>	<u>Block:</u>	<u>Lot:</u>	<u>Assessment Year:</u>
0101	0002	0082		0000				2013
<u>Special Tax Areas:</u>					<u>Town:</u> NONE			
					<u>Ad Valorem:</u>			
					<u>Tax Class:</u>			
<u>Primary Structure Built</u>			<u>Above Grade Enclosed Area</u>		<u>Finished Basement Area</u>		<u>Property Land Area</u>	
1909			1,604 SF				15,750 SF	
<u>Stories</u>	<u>Basement</u>	<u>Type</u>	<u>Exterior</u>	<u>Full/Half Bath</u>	<u>Garage</u>	<u>Last Major Ren</u>		
2.000000	YES	STANDARD UNIT	SIDING	2 full				
<u>Value Information</u>								
			<u>Base Value</u>	<u>Value</u>	<u>Phase-in Assessments</u>			
				As of	As of	As of		
				01/01/2013	07/01/2013	07/01/		
<u>Land:</u>			104,100	79,100				
<u>Improvements</u>			103,800	98,100				
<u>Total:</u>			207,900	177,200	177,200	177,20		
<u>Preferential Land:</u>			0			0		
<u>Transfer Information</u>								
<u>Seller:</u> ROSE MARY CECILIA				<u>Date:</u> 05/03/1996		<u>Price:</u> \$65,000		
<u>Type:</u> NON-ARMS LENGTH OTHER				<u>Deed1:</u> /11564/ 00353		<u>Deed2:</u>		
<u>Seller:</u> ROSE FRANCIS J				<u>Date:</u> 06/19/1987		<u>Price:</u> \$0		
<u>Type:</u> NON-ARMS LENGTH OTHER				<u>Deed1:</u> /07578/ 00276		<u>Deed2:</u>		
<u>Seller:</u>				<u>Date:</u>		<u>Price:</u>		
<u>Type:</u>				<u>Deed1:</u>		<u>Deed2:</u>		
<u>Exemption Information</u>								
<u>Partial Exempt Assessments:</u>			<u>Class</u>	07/01/2013		07/01/2014		
<u>County:</u>			000	0.00				
<u>State:</u>			000	0.00				
<u>Municipal:</u>			000	0.00 0.00		0.00 0.00		
<u>Tax Exempt:</u>				<u>Special Tax Recapture:</u>				
<u>Exempt Class:</u>				NONE				
<u>Homestead Application Information</u>								
<u>Homestead Application Status:</u> Approved 08/12/2013								

Baltimore County

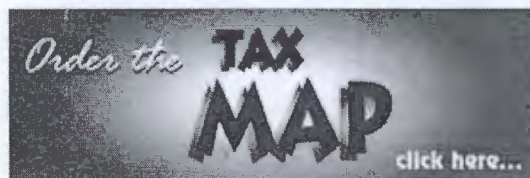
New Search (<http://sdat.resiusa.org/RealProperty>)District: **01** Account Number: **0118471570**

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 (<http://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 (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

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CASE NAME _____
CASE NUMBER 2014-0038-A
DATE 10-17-13

[illegible]

CASE NAME _____
CASE NUMBER 2014-0038-A
DATE 10-17-13

[illegible]

Case No.: 2014 - 0038 - A

Exhibit Sheet

Petitioner/Developer

DW
11-22-13

Protestants

SLW
10-22-13

No. 1	Site plan	Hearing Statement
No. 2		Google Earth photos
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Case Number 2014-0038-A
321 Harlem Lane, 21228
Petitioner: Daniel Boer

1. The Boer's have been good neighbors and we don't like having to do this.
2. Danny's mother was the first to tell us about Danny's plans to build a garage to work on his race cars, but we didn't really think it would come to fruition. She spoke with us separately, on several different occasions about it. She was not happy, as he planned to build the garage where her beautiful garden was situated.
3. Danny then spoke with my husband and me, separately, about his plans. Once again, we were in denial. But then things started happening next door. He had built his mother a gardening shed in the backyard, then moved it to the sideyard. That's when we knew he really did plan to build something back there.
4. I then spoke with Danny about it at length and in detail. He told me the garage was going to be a 30' x 32' prefabricated metal building and would be used to work on his father-in-law's race cars. His father-in-law was going to build a garage for his business on Danny's property. The garage is currently located in Violetville.
5. We contacted the zoning office about their plans when Danny's father-in-law paid to have all of the trees in the backyard cut down. They advised Danny would have to apply for a variance for such a large structure and a sign would have to be posted. He did and that is what brings us here today. Stating on the Affidavit in Support of an Administrative Variance, that the building was to be utilized for storage for their growing family was disingenuous. We had been told repeatedly it was to be used as a garage/workshop for his father-in-law's race cars; which his step-son, who lives with him, is a driver.
6. The proposed garage is in violation of Section 400.1, Location – Lot Coverage. It is a corner lot; which 1/3 of the lot farthest from the corner is 1144 sf, the proposed garage is 1080 sf, occupying approximately 94% of the allotted area in lieu of the 50% allowed.
7. The calculations shown on the drawing of the proposed garage are incorrect, the building will breach the rear NW footer of the house by 9', not 3' as shown.
8. The proposed garage's 30' x 36' footprint is larger than many of the homes in the neighborhood. It is approximately the size of the original portion of his home which was constructed in 1909.
9. Danny has already built a 20' addition with garage and driveway on the west side of his house, where they now want to build another garage. This proposed gigantic garage will be jammed up right against our property line.

10. We would never have bought our home if a gigantic metal building had been stuffed between the houses. What if the Boer's move? Who is going to be interested in buying a home with such a large accessory building? Somebody who wants to operate a business! This proposed building could turn into a never-ending problem.

11. The proposed 30' x 36' prefabricated metal building would be sitting in the midst of 100 year old Victorian style frame and/or stucco farmhouses. The proposed building's style, size, and building material are totally incongruous with any other home or accessory building in the neighborhood. We feel the proposed use of the building, as well as the building itself, would impact negatively on the salability of our home as well as that of others in the neighborhood.

12. People, trucks and cars will be coming and going at all hours during the week-end. The air tools used to work on the cars are very loud. The solvents utilized are very toxic and powerful smelling. The site of the proposed garage is significantly sloped, if we were to have a heavy rainfall it could wash-out part of our yard. We live in a quiet, traditional, Catonsville style residential neighborhood. The building and its proposed use are entirely inappropriate. Its construction would impose on the quality of our life and jeopardize the value of our property, as well as that of our neighbors. We do not want it built.

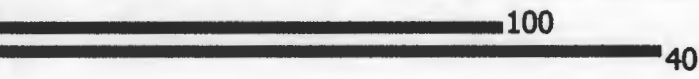
Submitted by: Emerald and Laurie Schleicher

319 ~~311~~ Harlem Lane
Catonsville, MD 21228



Google earth

feet
meters



Protestant No. 2



Google earth

feet 100
meters 30





Google earth



2014-0038-A

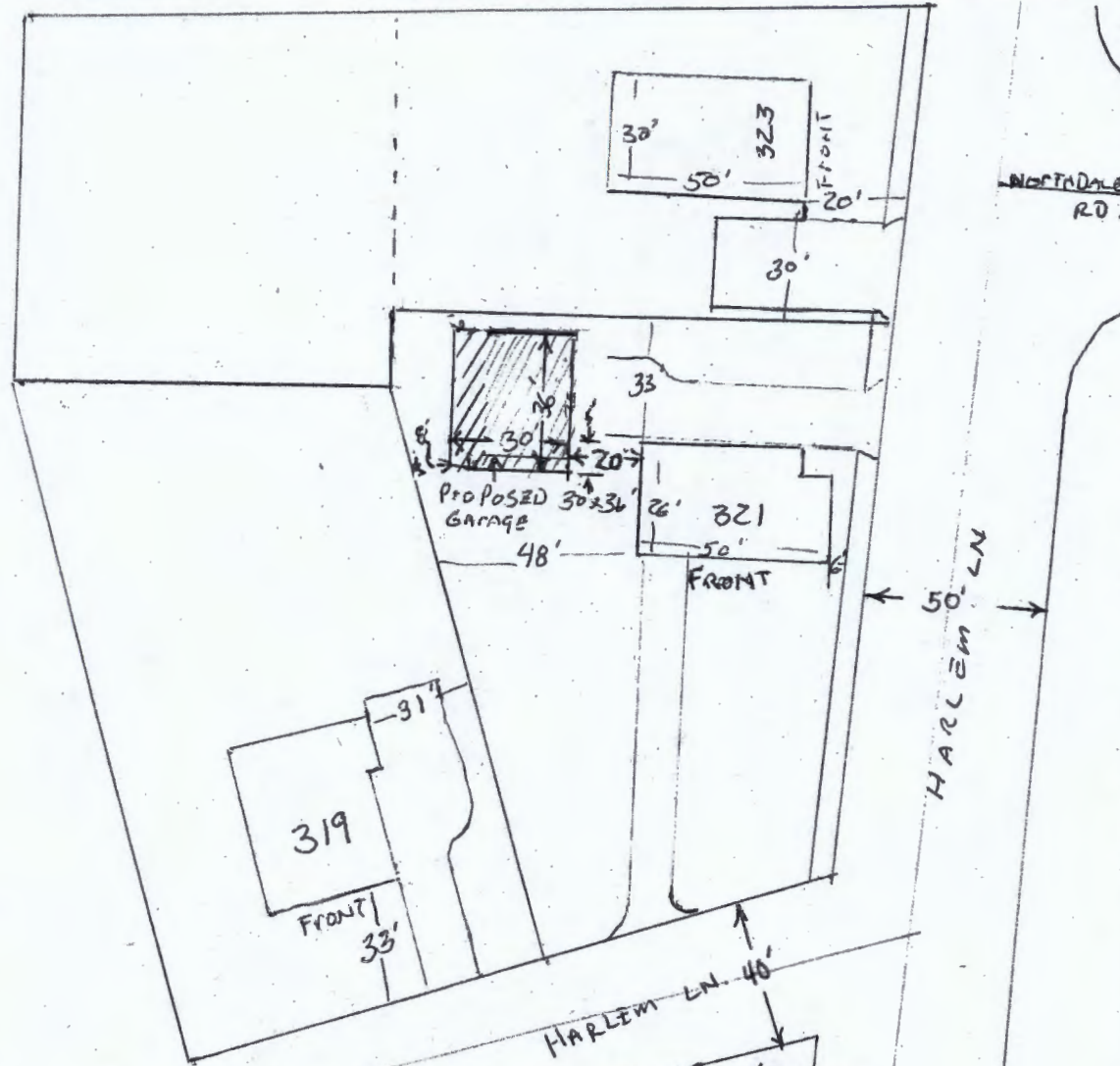


ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 321 HARLEM LN. OWNER(S) NAME(S) DANIEL W. BOER

SUBDIVISION NAME NW Cor Harlem Lane LOT# _____ BLOCK# _____ SECTION# _____

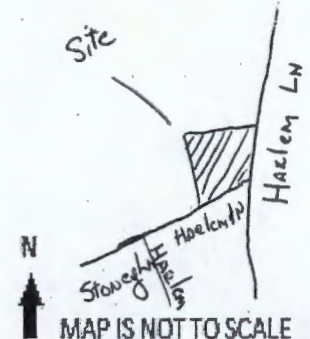
PLAT BOOK # 7577 FOLIO # 276 10 DIGIT TAX # 0110411510 DEED REF. # 1156410353



2014-0038-A

PLAN DRAWN BY DANIEL W. BOER DATE 8-14-13 SCALE: 1 INCH = 50 FEET

SITE VICINITY MAP



ZONING MAP# 095A3
SITE ZONED DR 5.5
ELECTION DISTRICT 01
COUNCIL DISTRICT 01
LOT AREA ACREAGE —
OR SQUARE FEET 15750
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? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

Petitioners # 1