IN RE: PETITION FOR ADMIN. VARIANCE

(506 Sussex Road)

9<sup>th</sup> Election District 5<sup>th</sup> Council District

Leonard M. and Shannon K. Shetler

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

**HEARINGS FOR** 

**BALTIMORE COUNTY** 

CASE NO. 2014-0045-A

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, Leonard M. and Shannon K. Shetler. The Petitioners are requesting Variance relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the enclosure of an existing side yard porch with a side setback of 8 ft. in lieu of the minimum required setback of 10 ft. 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. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 1, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

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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.

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>23<sup>rd</sup></u> day of September, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the enclosure of an existing side yard porch with a side setback of 8 ft. in lieu of the minimum required setback of 10 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their building permit 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.

2

LAWRENCE M. STAHL

Managing Administrative Law Judge for

**Baltimore County** 

LMS:dlw

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Date	9-23-13
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KEVIN KAMENETZ County Executive LAWRENCE M. STAHL

Managing Administrative Law Judge

JOHN E. BEVERUNGEN

Administrative Law Judge

September 23, 2013

Leonard M. Shetler Shannon K. Shetler 506 Sussex Road Towson, Maryland 21286

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(506 Sussex Road) Case No. 2014-0045-A

Dear Mr. and Mrs. Shetler:

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 trally yours

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure

# **Petition for Administrative Variance**



FRM476\_09

to the Zoning Commissioner of Baltimore County for the property located at 506 SUSSEY RD TOWSON, MD 21286 which is presently zoned RESIDENTIAL

Deed Reference: 24235100419Tax Account # 0922000 370

I/We do solemnly declare and affirm, under the penalties of

Rev 3/09

This Petition shall be filed with the Department of Permits and Development Management. 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 Variance from Section(s)

#### **Administrative Variance:**

1B01.2.C.1.b → To permit the enclosure of an existing side yard porch with a side setback of 8 feet in lieu of the minimum required setback of 10 feet.

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 Administrative Variance, 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.

	is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
	LEONARD M. SHETLER
Name - Type or Print	Name - Type or Print
Signature	SIGNATURE SHANNON K. SHETLER
Address Telephone No.	
City State Zip Code	Signature
Name - Type or Print  Signature  Company	506 SUSSEX RO 410.821.112 Address Telephone No.
SE FILING	TOWSON MD Z1286
Name - Type or Print	City State Zip Code
BEN 3-15	Representative to be Contacted:
Signature	
Company	Name
Address Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
this that the subject mat regulations of Baltimore County and that the property be reposted.	be required, it is ordered by the Zoning Commissioner of Baltimore County, ter of this petition be set for a public hearing, advertised, as required by the zoning
Case No. 2014-0045-A	Reviewed By JS Date 8-22-13
Estimate	ed Posting Date 9-1-13

## Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that 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 Affiant(s) does/do presently own and reside at 500 SUSSE Road or Street name Address number and that this address is the subject of this variance request as required by law. That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate the hardship or practical difficulty; attach an additional sheet if needed) TO ENCLOSE EXISITING SIDE PORCH X13', THE CUPPENT THE HOUSE (CONCRETE SLAB, COLUMS ARE REQUESTING IS TO ENCLOSE STRUCTURE ON THE ORIGINAL FOOTPRINT THE WERENT THE BOOF WAS DEPLACED I'VE AGO. That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information. Signature Name-print or type Name-print or A Notary Public must complete the following section prior to the filing appointment. STATE OF MARYLAND, BALTIMORE COUNTY, to wit: I HEREBY CERTIFY, this 71st day of August , 2013, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared: (Name Affiant(s) here): LEONARD M SHELTER and SHANNOW K SHELTER the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal Name of Notary Public

PLACE SEAL HERE:

CHRISTOPHER C. DENISON Notary Public - Maryland Baltimore County My Commission Expires December 17, 2016 ZONING PROPERTY DESCRIPTION FOR 506 Sussex Road, Towson, MD 21286.

Being situate on the north side of Sussex Road and having a frontage of sixty feet thereon, with a depth northerly of even width of one hundred twenty-five feet. The improvements thereon being known as 506 Sussex Road.

Being Lot #168, Section #1 in the subdivision of Wiltondale as recorded in Baltimore County Plat Book #10, Folio #108 containing 7500 total square feet. Locatd in the 9<sup>th</sup> Election District and 5<sup>th</sup> Council District.

# 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. <u>For those petitions which require a public hearing</u>, 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:
Petitioner: LEONARD & SHANNON SHETUER
Address or Location: 506 SUSSEY RO. TOWSON, MD 21286
PLEASE FORWARD ADVERTISING BILL TO:  Name: LEONARO & SHANNON SHETLER  Address: 506 SUSSEY RD. 7  TOWSON, MD 21286
Telephone Number: 410.821.1126

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# Letter of Transmittal

## William D. Gulick, Jr.

Consultant to Land Development and Industry
Commercial and Residential
2944 Edgewood Avenue
Baltimore, MD 21234
Phone - 410-530-6293
E-mail - wdgjr@comcast.net

To: Balto. Co. PAI, Zoning office, Attn.: Ms. Kristen Lewis

We Are Send	ing You: ✓ Atta	ched Under separate cover the following items:
□ Copy of Le	etter 🔽 Prints 🔽	Documents ☐ Other
No. of Copies	Date	Description
1	Sept 1, 2013	Certificate Of Posting
2	Sept 1, 2013	Site Photos

Transmittals are as checked below:

☐ For approval ☐ For your use ☐ As requested ☐ For review & content

Project: 2014-0045- A

Remarks: 506 Sussex Road

William D. Gulick, Jr.

Project Manager



#### MEMORANDUM

DATE:

October 24, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0045-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 23, 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. 2014- 0045 - A

## CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
9-4	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NC
9-13	DEPS (if not received, date e-mail sent)	NO
- Amort	FIRE DEPARTMENT	-
	PLANNING (if not received, date e-mail sent)	
8-28	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
-	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	ION (Case No	
PRIOR ZONING	(Case No.	)
NEWSPAPER AD	VERTISEMENT Date:	
SIGN POSTING	Date: 9-1-13	by Durick
PEOPLE'S COUNS	SEL APPEARANCE Yes No D	
PEOPLE'S COUNS	SEL COMMENT LETTER Yes No	
Comments, if any:		

## **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**



KEVIN KAMENETZ County Executive

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

September 18, 2013

Leonard M & Shannon K Shelter 506 Sussex Road Towson MD 21286

RE: Case Number: 2014-0045 A, Address: 506 Sussex Road

Dear Mr. & Ms. Shelter:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 22, 2013. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

U. Carl Rishal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel



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

Date: 8-28-13

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

RE: Baltimore County
Item No 2014-0045. A
Administrative Varionce
Leonard M. & Shannon K.
Shelter
506 Sussex 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. 2014-0045-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

DATE: September 04, 2013

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 02, 2013

Item Nos. 2014- 0039, 0041,0043,0044,0045 and 0046.

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\ZAC09022013 - NO COMMENTS.doc

#### **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:

September 13, 2013

SUBJECT:

DEPS Comment for Zoning Item

# 2014-0045-A

Address

506 Sussex Road (Shelter Property)

Zoning Advisory Committee Meeting of August 26, 2013.

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

Reviewer:

Jeff Livingston - Development Coordination



Search Result for BALTIMORE COUNTY

Search Help

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Homestead Application Status: Approved 05/20/2008

506 Sussex Road, Toswon, MD 21286





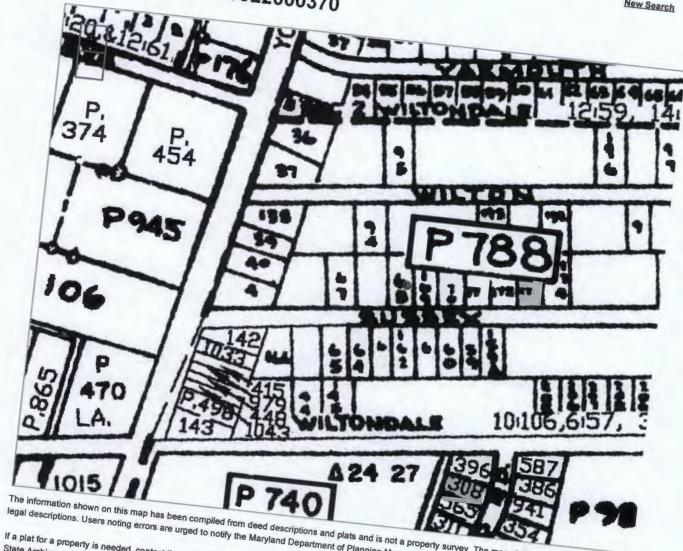




# **Baltimore County**

District: 09 Account Number: 0922000370

New Search



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 local descriptions. Here sating errors are used to notify the Manyland Department of Planning Manning. 301 W. Preston Street Raltimore MD 21201 The information snown on this map has been complied 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.

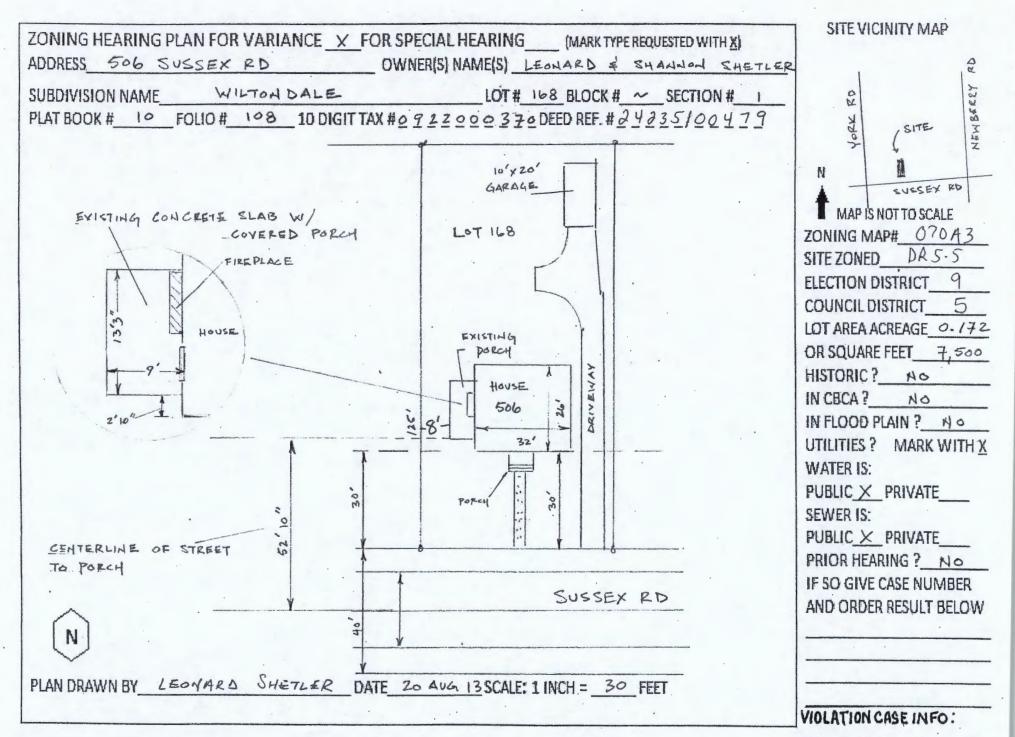
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland Property maps provided courtesy of the Maryland Department of Planning ©2011.

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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2014-0045-A