

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
(105 Greenbrier Road) *
9th Election District * OFFICE OF ADMINISTRATIVE
5th Council District * HEARINGS FOR
Jay Davis and Virginia Thompson * BALTIMORE COUNTY
Petitioners *
* CASE NO. 2014-0052-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Jay Davis & Virginia Thompson. The Petitioners are requesting Variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (workshop) with a height of 18 ft. in lieu of the maximum 15 ft. in the rear yard. 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 adverse 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 September 8, 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 (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

ORDER RECEIVED FOR FILING

Date 10-7-13

By [Signature]

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 workshop height and usage, I will impose conditions that the accessory building (workshop) 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 7th day of October, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (workshop) with a height of 18 ft. in lieu of the maximum 15 ft. in the rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

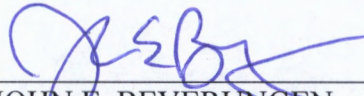
ORDER RECEIVED FOR FILING

Date 10-7-13

By [Signature]

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.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 10-7-13

By (signature)



KEVIN KAMENETZ
County Executive

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

October 7, 2013

Jay Davis
Virginia Thompson
105 Greenbrier Road
Towson, Maryland 21286

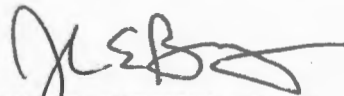
RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
(105 Greenbrier Road)
Case No. 2014-0052-A

Dear Mr. Davis and Ms. Thompson:

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 truly yours,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



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 105 Greenbrier Rd which is presently zoned 070B2

Deed Reference 33861/0185 10 Digit Tax Account # 0906202540

Property Owner(s) Printed Name(s) Jay Davis, Virginia Thompson

(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) 400.3 To permit a proposed accessory building (work shop) with a height of 18 feet in lieu of the maximum 15 feet in 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:

Jay Davis / Virginia Thompson

Name #1 – Type or Print

Name #2 – Type or Print

Jay Davis
Signature #1

Virginia Thompson
Signature #2

105 Greenbrier Rd Towson MD
Mailing Address City State

21286 / 4432530469 / jdavisa@gmail.com
Zip Code Telephone # Email Address

Representative to be contacted:

Jay Davis
Name – Type or Print

Signature

105 Greenbrier Rd Towson Md
Mailing Address City State

21286 / 4432530469 / jdavisa@gmail.com
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 day of , 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 2014-0052-A Filing Date 8/28/13 Estimated Posting Date 9/8/13 Reviewer G.H

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: 105 Greenbrier Rd Towson, MD 21286
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)**

We would like to build a woodworking shop in our back yard. To reduce the impervious surface created by the additional building, We need a 2-story 24x14 building that is 17 feet tall. If we are unable to build a 2-story structure, we would be creating a large unusable space in our back yard due to the triangular shape in the north west corner of the property. To blend in with the neighborhood the building design will have a gambrel roof, be white with black trim just like the existing home as shown in the photographs attached to the variance petition. If we have to build a much larger building to attain the same square footage as a 2-story structure we will be creating twice as much impervious surface. Our other reason for a 2-story building is to have a separate finishing area on the top floor away from the dust created by tools on the first floor.

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

Signature of Affiant

Jay Davis

Name- Print or Type

Jay Davis

Signature of Affiant

Virginia Thompson

Name- Print or Type

Virginia Thompson

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 26 day of AUGUST, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

JAY DAVIS & VIRGINIA THOMPSON
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

RICHARD C. DENISON III
Notary Public, Baltimore County
State Of Maryland
My Commission Expires November 26, 2016

Notary Public

My Commission Expires

Richard C. Denison III

NOVEMBER 26, 2016

THE ZONING HEARING PROPERTY DESCRIPTION:

ZONING PROPERTY DESCRIPTION FOR 105 Greenbrier Rd. Towson MD. 21286

(address or location)

Beginning at a point on the North side of Greenbrier Rd. Which is 50' wide, which is a distance of 170 feet North of the centerline of the nearest improved intersecting street which is Brook Road which has a right of way of 24 feet

Being Lot # (4), Block (3), Section # (1) in the subdivision of Greenbrier as recorded in Baltimore County Plat Book # (12), Folio # (68), containing (14229). Located in the (9th) Election District and (5th) Council District.

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

No. 102560

Date: 8/28/13

PAID RECEIPT

BUSINESS ACTUAL TIME DEW
8/28/2013 8/28/2013 14:34:28 9

REC WSO4 WALKIN SHIL SAN
>>RECEIPT # 587373 8/28/2013 OFLN

Dep: 5 52B ZONING VERIFICATION
CR ID. 102560

Recpt Tot \$75.00
\$75.00 CK \$6.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0007		6150				75.00

Total: 75.00

Rec From: Jay Davis

For: Administrative Varrano
2014-0052-A

DISTRIBUTION

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

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

2014-0052-A

RE: Case No.: _____

Petitioner/Developer: _____

Jay Davis

September 23, 2013

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

105 Greenbrier Rd

September 8, 2013

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,

September 8, 2013

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



M E M O R A N D U M

DATE: November 7, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0052-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 6, 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 TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment9-13DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)NCDEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)9-12

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING

Date: 9-8-13 by Black

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐Comments, if any: 10/7 11:20 Am - Called Jay Davis - Re: V.M.443.253.0469

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0052 -A Address 105 Greenbrier Rd
Contact Person: Gary Hucik Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 8/28/13 Posting Date: 9/8/13 Closing Date: 9/23/13

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- 0052 -A Address 105 Greenbrier Rd
Petitioner's Name Jay Davis Telephone 443-253-0469
Posting Date: 9/8/13 Closing Date: 9/23/13
Wording for Sign: To Permit an accessory building (workshop) with a height of 18 feet in lieu of the maximum 15 feet.

Revised 7/25/13



KEVIN KAMENETZ
County Executive

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

September 24, 2013

Jay Davis & Virginia Thompson
105 Greenbrier Road
Towson MD 21286

RE: Case Number: 2013-0052 A, Address: 105 Greenbrier Road

Dear Mr. Davis & Ms. Thompson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 28, 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." in a cursive style.

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: 9-12-13

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

RE: Baltimore County
Item No 2014-0052-A
Administrative Variance
Jay Davis & Virginia Thompson
105 Green Arden 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. 2014-0052-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

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 13, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For September 16, 2013
Item No. 2014-0047, 0048, 0049, 0050, 0051, 0052, 0054, 0055, 0056,
0057, 0058 and 0059

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 (w4)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 09 Account Number - 0906202540		
Owner Information		
Owner Name:	DAVIS JAY THOMPSON VIRGINIA	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	105 GREENBRIER RD BALTIMORE MD 21286-5445	Deed Reference: 1) /33861/ 00185 2)
Location & Structure Information		
Premises Address:	105 GREENBRIER RD 0-0000	Legal Description: 105 GREENBRIER RD GREENBRIER
Map: 0070	Grid: 0015	Parcel: 0725
Sub District:	Subdivision: 0000	Section: 1
Block: 3	Lot: 4	Assessment Year: 2014
Plat No:		Plat Ref: 0012/ 0068
Special Tax Areas:		Town: NONE
Ad Valorem:		Tax Class:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1942	1,859 SF	400 SF
Property Land Area	County Use	
14,229 SF	04	
Stories	Basement	Type
2.000000	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
BRICK	2 full/ 1 half	1 Attached
Last Major Renovation		
Value Information		
	Base Value	Value
		As of
Land:	123,500	01/01/2011
Improvements	287,300	287,300
Total:	410,800	410,800
Preferential Land:	0	
Transfer Information		
Seller: BIDDISON JAMES R	Date: 06/27/2013	Price: \$372,000
Type: ARMS LENGTH IMPROVED	Deed1: /33861/ 00185	Deed2:
Seller: BIDDISON JAMES R	Date: 02/15/2011	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /30514/ 00126	Deed2:
Seller: FICK CHARLES M	Date: 04/05/2007	Price: \$475,000
Type: ARMS LENGTH IMPROVED	Deed1: /25452/ 00724	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		



View from South fence.

2014-0052-A



Rear yard

2014-0052-A



2014-0052-A



2014-0052-A

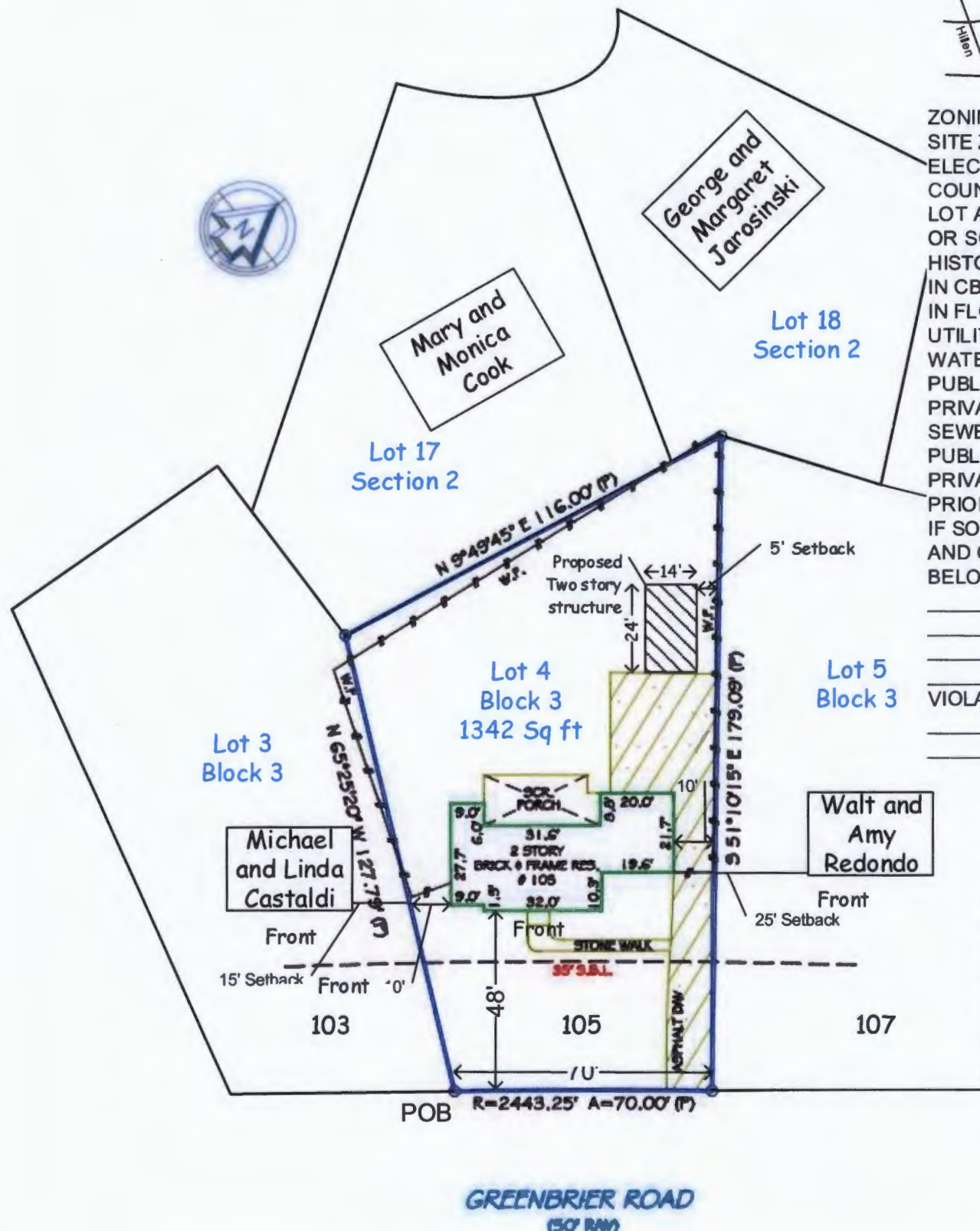
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____
 ADDRESS 105 GREENBRIER RD. OWNERS NAMES Jay Davis & Virginia Thompson
 SUBDIVISION NAME Greenbrier LOT 4 BLOCK 3 SECTION # 1
 PLAT BOOK # 12 FOLIO # 68 10 DIGIT TAX# 0906202540 DEED REF. # 1

SITE VICINITY MAP



ZONING MAP # 070B2
 SITE ZONED DR-515 5.5
 ELECTION DISTRICT 9
 COUNCIL DISTRICT 5
 LOT AREA ACREAGE
 OR SQUARE FEET 14229
 HISTORIC? N/A
 IN CBCA? N/A
 IN FLOOD PLAIN N/A
 UTILITIES?
 WATER IS:
 PUBLIC X
 PRIVATE _____
 SEWER IS: _____
 PUBLIC X
 PRIVATE _____
 PRIOR HEARING?
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT
 BELOW

VIOLATION CASE INFO:



Scale 1' = 40'

Plan Drawn by Jay Davis
 Date: 8/28/13
 2014-0052-A

Pet.
 Exh.
 1