

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
(Morning Glory Lane)
15th Election District
6th Councilmanic District
Gudmar MG, LLC
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2014-0063-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Jason T. Vettori, Esquire, on behalf of the legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) for an amendment to the Final Development Plan (FDP) entitled "Morning Glory-Phase-2" (PAI # 15-932), which plat is recorded among the Land Records of Baltimore County in Plat Book JLE 79, folio 309. The Variance petition seeks relief from B.C.Z.R. §1B01.2.C.1.b: (1) to permit setbacks from rear building faces to rear property lines as follows: (A) 1600 Morning Glory Lane; 20 feet in lieu of the required 30 feet; (B) 1601 Morning Glory Lane; 21 feet in lieu of the required 30 feet; (C) 1602 Morning Glory Lane; 20 feet in lieu of the required 30 feet; (D) 1603 Morning Glory Lane; 24 feet in lieu of the required 30 feet; (E) 1604 Morning Glory Lane; 21 feet in lieu of the required 30 feet; and (F) 1606 Morning Glory Lane; 22 feet in lieu of the required 30 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date

11/18/13

By

Sen

Appearing at the public hearing in support of the requests was Rich Thometz, Dwight Little and Ed Levendusky. Jason T. Vettori, Esquire with Smith, Gildea & Schmidt, LLC appeared and represented the Petitioner. The file reveals that the Petition was advertised and the site was posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance.

The only substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Department of Planning (DOP), which did not oppose the request.

The subject property (zoned DR 3.5) involves six (6) unimproved lots located within the Morning Glory-Phase 2 subdivision approved in PAI # 15-932. The Petitioner indicates that the majority of new home purchasers want the option of constructing a "morning room" on the rear of their home. To do so, the builder requires relief from the rear yard setback requirements for these six lots (lots 1-4, 42 & 43).

Based upon the testimony and evidence presented, I will grant the petition for variance. 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).

The Petitioner has met this test. The lots are somewhat irregularly shaped and are bordered by open space and a utility easement. As such they are unique. The Petitioner would experience a practical difficulty if the regulations were strictly interpreted, since it would be unable to offer for sale the type of home sought by current purchasers. The relief would in no way negatively impact the health, safety and welfare of the community, especially since the rear yards of the lots (with the reduced setbacks) are oriented towards open space lands and utility easements.

ORDER RECEIVED FOR FILING

Date 11/18/13
By Sen

For the same reasons, I will also grant the Special Hearing relief, which will amend the Final Development Plan for "Morning Glory-Phase 2" for lots 1-4 and 42-43, to reflect the rear yard setback relief discussed above.

Pursuant to the advertisement, posting of the property, and the public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing and Variance requests should be granted.

THEREFORE, IT IS ORDERED this 18th day of November 2013, by this Administrative Law Judge, that the request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) for an amendment to the Final Development Plan (FDP) entitled "Morning Glory-Phase-2" (PAI # 15-932) for lots 1-4 and 42-43 **only**, to reflect the reduced rear yard setbacks approved herein, which plat is recorded among the Land Records of Baltimore County in Plat Book JLE 79, folio 309, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the request for Variance relief : (1) to permit setbacks from rear building faces to rear property lines as follows: (A) 1600 Morning Glory Lane; 20 feet in lieu of the required 30 feet; (B) 1601 Morning Glory Lane; 21 feet in lieu of the required 30 feet; (C) 1602 Morning Glory Lane; 20 feet in lieu of the required 30 feet; (D) 1603 Morning Glory Lane; 24 feet in lieu of the required 30 feet; (E) 1604 Morning Glory Lane; 21 feet in lieu of the required 30 feet; and (F) 1606 Morning Glory Lane; 22 feet in lieu of the required 30 feet, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

11/18/13

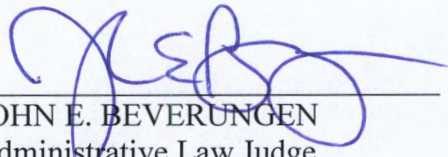
By

Sen

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 11/18/13
By Den

KEVIN KAMENETZ
County Executive



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

November 18, 2013

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204

RE: Petition for Special Hearing and Variance
Case No.: 2014-0063-SPHA
Property: Morning Glory Lane

Dear Mr. Vettori:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Dwight Little, 1055 Taylor Avenue, #307, Towson, Maryland 21204
Ed Levenduoky, 8019 Corporate Drive, Suite A, Baltimore, Maryland 21036



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1600, 1601, 1602, 1603, 1604 and 1606 Morning Glory Lane

which is presently zoned DR 3.5

Deed References: 33372/160

10 Digit Tax Account # 2500009718, 2500009719, 2500009720,

Property Owner(s) Printed Name(s) Gudmar MG, LLC

2500009721, 2500009743, & 2500009744

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

See Attachment

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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 bound 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

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 jvettori@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Rich Thometz

Authorized Representative of Gudmar MG, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

3905 National Drive, Suite 105 Burtonsville MD

Mailing Address City State

20866 301-476-7716 rjthometz@aol.com

Zip Code Telephone # Email Address

Representative to be contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 (410) 821-0070 jvettori@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER 2014-0063-SPHA

Filing Date 9/11/13

Do Not Schedule Dates:

Reviewer G.A.

ATTACHMENT TO PETITION FOR ZONING HEARING

1600 (Lot 1), 1601 (Lot 43), 1602 (Lot 2), 1603 (Lot 42), 1604 (Lot 3) and 1606 (Lot 4)
Morning Glory Lane

Special Hearing relief pursuant to:

1. BCZR § 1B01.3 and Section 1B01.3.A.7.c of the Zoning Commissioner's Policy Manual (ZCPM) for an amendment to the Final Development Plan (FDP) entitled "Morning Glory - Phase 2" (PAI #15-932), which plat is recorded among the Land Records of Baltimore County in Plat Book JLE 79, folio 309; and
2. For such other and further relief as deemed necessary by the Administrative Law Judge for Baltimore County

Variance relief from Section(s):

1. 1B01.2.C.1.b of the BCZR to permit setbacks from rear building faces to rear property lines as follows:
1600 Morning Glory Lane: 20 feet in lieu of the required 30 feet;
1601 Morning Glory Lane: 21 feet in lieu of the required 30 feet;
1602 Morning Glory Lane: 20 feet in lieu of the required 30 feet;
1603 Morning Glory Lane: 24 feet in lieu of the required 30 feet;
1604 Morning Glory Lane: 21 feet in lieu of the required 30 feet;
1606 Morning Glory Lane: 22 feet in lieu of the required 30 feet;
2. For such other and further relief as deemed necessary by the Administrative Law Judge for Baltimore County.

ZONING DESCRIPTION FOR
1600, 1601, 1602, 1603, 1604 & 1606 Morning Glory Lane

Beginning for the same on the north side of Morning Glory Lane, which is 50 feet wide, at the distance of 55 feet northeasterly of the centerline of Back River Neck Road, which has a future width of 70 feet. Being Lot #1, Lot #2, Lot #3, Lot #4, Lot #42 and Lot #43 in the subdivision of Morning Glory as recorded in Baltimore County Plat Book J.L.E. 79 folio 309, containing 0.812 acres, plus or minus. Also known as 1600, 1601, 1602, 1603, 1604 & 1606 Morning Glory Lane and located in the 15th Election District, 6th Councilmanic District.



James G. Wiest
Professional Land Surveyor
License Expiration Date: 2-5-14

2014-0003-SPH14

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2014-0063-SPHA

Petitioner: GUDMAR MG, LLC

Address or Location: 1600-1606 Morning Glory Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Debbie Gaskins, Smith, Gildea&Schmidt, LLC

Address: 600 Washington Ave, Ste 200, Towson MD, 21204

Telephone Number: (410) 821-0070

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

No. **102591**

Date: **9/11/13**

PAID RECEIPT

BUSINESS ACTUAL TIME DPM
 9/11/2013 9/11/2013 14:18:51 2

REG 0502 WALKIN JEAN JEE
 >>RECEIPT # 043577 9/11/2013 05/11

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				1000.00 900.00

Dept 5 326 ZONING VERIFICATION

OR NO. 102591

Recpt Tot \$1,000.00

\$1,000.00 CA \$1.00 CA

Baltimore County, Maryland

Total: **1000.00**

Rec From: **Smith, Gildea & Schmidt, LLC**

For: **2014-0063-SPHA**

DISTRIBUTION

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 10/28/2013

Case Number: 2014-0063-SPHA

Petitioner / Developer: JASON VETTORI, ESQ. ~ RICH THOMETZ

Date of Hearing (Closing): NOVEMBER 18, 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: 1600, 1601, 1602, 1603, 1604, & 1606 MORNING GLORY LANE

The sign(s) were posted on: OCTOBER 25, 2013

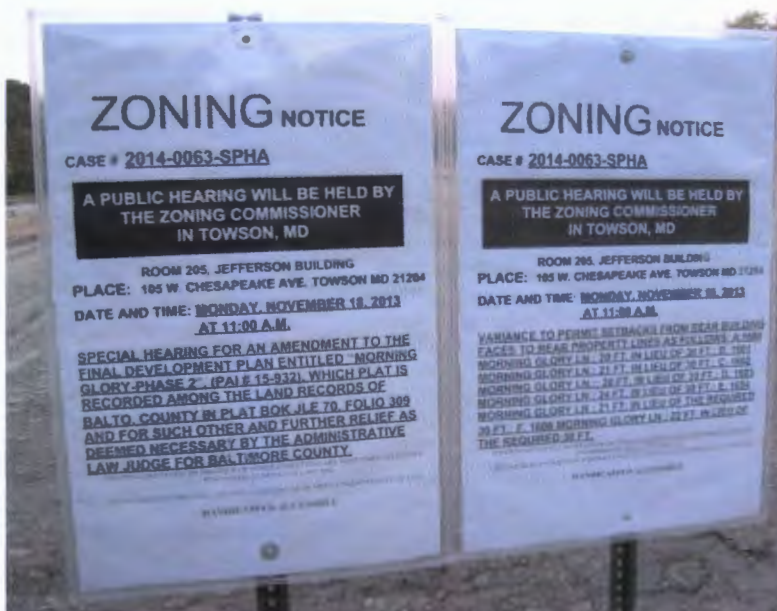
Linda O'Keefe
(Signature of Sign Poster)

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

October 31, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on October 29, 2013



The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2014-0063-SPHA

1600, 1601, 1602, 1603, 1604 & 1606 Morning Glory Lane
Intersection of Morning Glory Lane and Back River
Neck Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Gudmar MG, LLC, Rich Thometz

Special Hearing: for an amendment to the Final Development Plan entitled "Morning Glory-Phase 2", (PAI #15-932), which plat is recorded among the Land Records of Balto. County in Plat Book JLE 70, folio 309 and for such other and further relief as deemed necessary by the Administrative Law Judge for Baltimore County. **Variance:** to permit setbacks from rear building faces to rear property lines as follows: A. 1600 Morning Glory Ln.: 20 ft. in lieu of 30 ft.; B. 1601 Morning Glory Ln.: 21 ft. in lieu of 30 ft.; C. 1602 Morning Glory Ln.: 20 ft. in lieu of 30 ft.; D. 1603 Morning Glory Ln.: 24 ft. in lieu of 30 ft.; E. 1604 Morning Glory Ln.: 21 ft. in lieu of the required 30 ft.; F. 1606 Morning Glory Ln.: 22 ft. in lieu of the required 30 ft.

Hearing: Monday, November 18, 2013 at 11:00 a.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.

JT 10/912 Oct. 29

955095



KEVIN KAMENETZ
County Executive

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

September 30, 2013

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0063-SPHA

1600, 1601, 1602, 1603, 1604 & 1606 Morning Glory Lane
Intersection of Morning Glory Lane and Back River Neck Road
15th Election District – 6th Councilmanic District
Legal Owners: Gudmar MG, LLC, Rich Thometz

Special Hearing for an amendment to the Final Development Plan entitled "Morning Glory – Phase 2", (PAI #15-932), which plat is recorded among the Land Records of Balto. County in Plat Bok JLE 70, folio 309 and for such other and further relief as deemed necessary by the Administrative Law Judge for Baltimore County. Variance to permit setbacks from rear building faces to rear property lines as follows: A. 1600 Morning Glory Ln.: 20 ft. in lieu of 30 ft.; B. 1601 Morning Glory Ln.: 21 ft. in lieu of 30 ft.; C. 1602 Morning Glory Ln.: 20 ft. in lieu of 30 ft.; D. 1603 Morning Glory Ln.: 24 ft. in lieu of 30 ft.; E. 1604 Morning Glory Ln.: 21 ft. in lieu of the required 30 ft.; F. 1606 Morning Glory Ln.: 22 ft. in lieu of the required 30 ft.

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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: Jason Vettori, Smith, Gildea & Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
Rich Thometz, 3905 National Drive, Ste. 105, Burtonsville MD 20866

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 29, 2013.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 29, 2013 Issue - Jeffersonian

Please forward billing to:

Debbie Gaskins
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

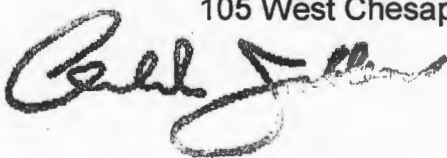
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CASE NUMBER: 2014-0063-SPHA

1600, 1601, 1602, 1603, 1604 & 1606 Morning Glory Lane
Intersection of Morning Glory Lane and Back River Neck Road
15th Election District – 6th Councilmanic District
Legal Owners: Gudmar MG, LLC, Rich Thometz

Special Hearing for an amendment to the Final Development Plan entitled "Morning Glory – Phase 2", (PAI #15-932), which plat is recorded among the Land Records of Balto. County in Plat Bok JLE 70, folio 309 and for such other and further relief as deemed necessary by the Administrative Law Judge for Baltimore County. Variance to permit setbacks from rear building faces to rear property lines as follows: A. 1600 Morning Glory Ln.: 20 ft. in lieu of 30 ft.; B. 1601 Morning Glory Ln.: 21 ft. in lieu of 30 ft.; C. 1602 Morning Glory Ln.: 20 ft. in lieu of 30 ft.; D. 1603 Morning Glory Ln.: 24 ft. in lieu of 30 ft.; E. 1604 Morning Glory Ln.: 21 ft. in lieu of the required 30 ft.; F. 1606 Morning Glory Ln.: 22 ft. in lieu of the required 30 ft.

Hearing: Monday, November 18, 2013 at 11:00 a.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 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: December 19, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0063-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on December 18, 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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
1600-1604 & 1606 Morning Glory Lane;	*	OF ADMINISTRATIVE
Intersection of Morning Glory Lane & Back	*	HEARINGS FOR
River Neck Road	*	
15 th Election & 6 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Rich Thometz	*	
Petitioner(s)	*	2014-063-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

SEP 17 2013

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of September, 2013, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

9/23/13

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/C

10/23/13

DEPS
(if not received, date e-mail sent _____)

N/C

FIRE DEPARTMENT

10/4/13

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

C

9/16/13

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

10/29/13

SIGN POSTING

Date:

10/25/13

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

November 14, 2013

Rich Thometz
3905 National Drive
Suite 105
Burtonsville MD 20866

RE: Case Number: 2014-0063 SPHA, Address: 1600, 1601, 1603, 1604 & 1606 Morning Glory Lane

Dear Mr. Thometz:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 11, 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Jason T. Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



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

Date: 9-16-13

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

RE: Baltimore County
Item No 2014-0063-SHA
Special Hearing Variance
Rich Thometz
1600-1606 Morning Glory 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. 2014-0063-SHA.

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 dark ink, appearing to read 'Steven D. Foster', is written over the typed name.

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 23, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For September 23, 2013
Item No. 2014-0060, 0062 and 0063

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\ZAC09232013 - NO COMMENTS.doc

10/4/13
WUK
f

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 4, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1600-1604 and 1606 Morning Glory Lane

INFORMATION:

Item Number: 14-063

Petitioner: Rich Thometz

Zoning: DR 3.5

Requested Action: Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's requests filed under the subject variance and special hearing. However, the Administrative Law Judge should consider also granting relief for open projections (i.e. decks, etc...).

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

Prepared By:

Division Chief:
AVA/LL:cjm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 14, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1600-1604 and 1606 Morning Glory Lane

INFORMATION:

Item Number: 14-063 (*revised comments*)

Petitioner: Rich Thometz

Zoning: DR 3.5

Requested Action: Variance and Special Hearing

RECEIVED

NOV 14 2013

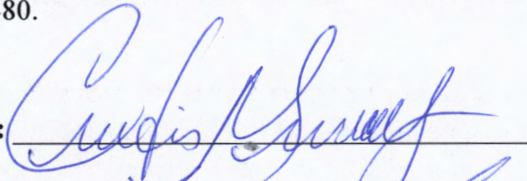
OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

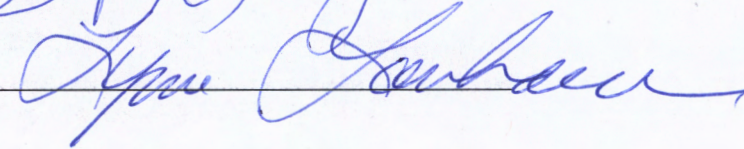
The Department of Planning has reviewed the petitioner's request and accompanying revised site plan. The Department of Planning does not oppose the petitioner's requests filed under the subject variance and special hearing. As stated, the site plan has been revised to reflect that no setback relief is required for any of the proposed open projections (decks) in accordance with previous comments submitted by the Department of Planning dated November 13, 2013.

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

Prepared By:



Division Chief:
AVA/LL:cjm



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



OCT 23 2013

OFFICE OF ADMINISTRATIVE HEARINGS

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: October 23, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0063-SPHA
Address 1600, 1601, 1602, 1603, 1604, 1606
Morning Glory Lane
(Thometz Property)

Zoning Advisory Committee Meeting of September 16, 2013.

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

Reviewer: *Jeff Livingston – Development Coordination*

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

<u>View Map</u>		<u>View GroundRent Redemption</u>		<u>View GroundRent Registr</u>	
<u>Account Identifier:</u>		<u>District - 15 Account Number - 2500009718</u>			
<u>Owner Information</u>					
<u>Owner Name:</u>		GUDMAR MG LLC		<u>Use:</u>	RESIDENTIAL
				<u>Principal Residence:</u>	NO
<u>Mailing Address:</u>		2500 MULLINIX MILL RD MT AIRY MD 21771-		<u>Deed Reference:</u>	1) /33372/ 00160 2)
<u>Location & Structure Information</u>					
<u>Premises Address:</u>		1600 MORNING GLORY LN BALTIMORE MD 21221-		<u>Legal Description:</u>	0.144 AC 1600 MORNING GL MORNING GLORY
<u>Map:</u>	<u>Grid:</u>	<u>Parcel:</u>	<u>Sub District:</u>	<u>Subdivision:</u>	<u>Section:</u>
0097	0018	0269		9309	
				<u>Block:</u>	<u>Lot:</u>
					1
				<u>Assessment Year:</u>	
				2012	
				<u>Plat I</u>	<u>Plat I</u>
					NONE
<u>Special Tax Areas:</u>					
<u>Town:</u>					
<u>Ad Valorem:</u>					
<u>Tax Class:</u>					
<u>Primary Structure Built</u>		<u>Above Grade Enclosed Area</u>		<u>Finished Basement Area</u>	
				Property Land Area 6,272 SF	
<u>Stories</u>	<u>Basement</u>	<u>Type</u>	<u>Exterior</u>	<u>Full/Half Bath</u>	<u>Garage</u>
					Last Major Renovation
<u>Value Information</u>					
		<u>Base Value</u>		<u>Value</u>	
				As of	
				01/01/2012	
<u>Land:</u>		48,000		36,000	
<u>Improvements</u>		0		0	
<u>Total:</u>		48,000		36,000	
<u>Preferential Land:</u>		0		36,000	
				36,000	
				0	
<u>Transfer Information</u>					
<u>Seller:</u> MORNING GLORY L L C			<u>Date:</u> 03/29/2013		<u>Price:</u> \$1,585,550
<u>Type:</u> ARMS LENGTH MULTIPLE			<u>Deed1:</u> /33372/ 00160		<u>Deed2:</u>
<u>Seller:</u>			<u>Date:</u>		<u>Price:</u>
<u>Type:</u>			<u>Deed1:</u>		<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>		<u>07/01/2013</u>	
<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> No Application					

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty/\)](http://sdat.resiusa.org/RealProperty/)District: **15** Account Number: **2500009718****A map was not found for this property.**

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>).

[\(http://imsweb05.mdp.state.md.us/website/mosp/\)](http://imsweb05.mdp.state.md.us/website/mosp/)☒ Loading... Please

Loading... Please Wait.

-->

CASE NAME 1600-1604+1606 Morning
CASE NUMBER 14-063 Gly Case
DATE 11/18/13

[illegible]

Case No.:

2014-0063-SPHA

Exhibit Sheet

Petitioner/Developer

192
12-19-13

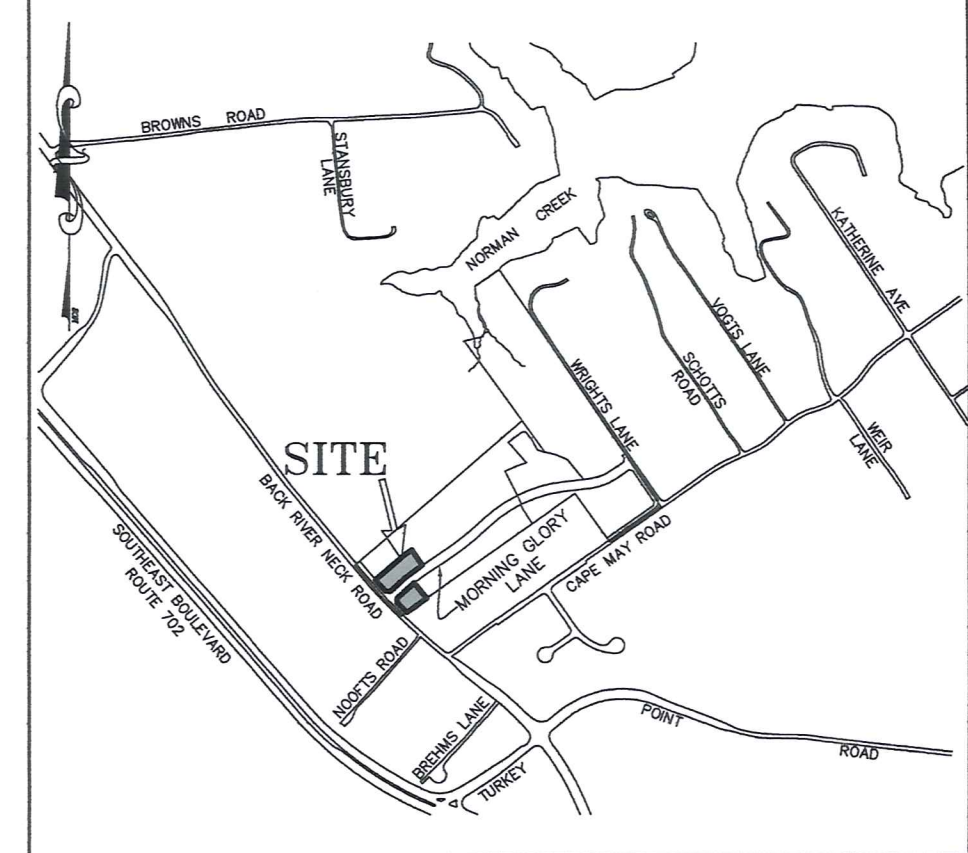
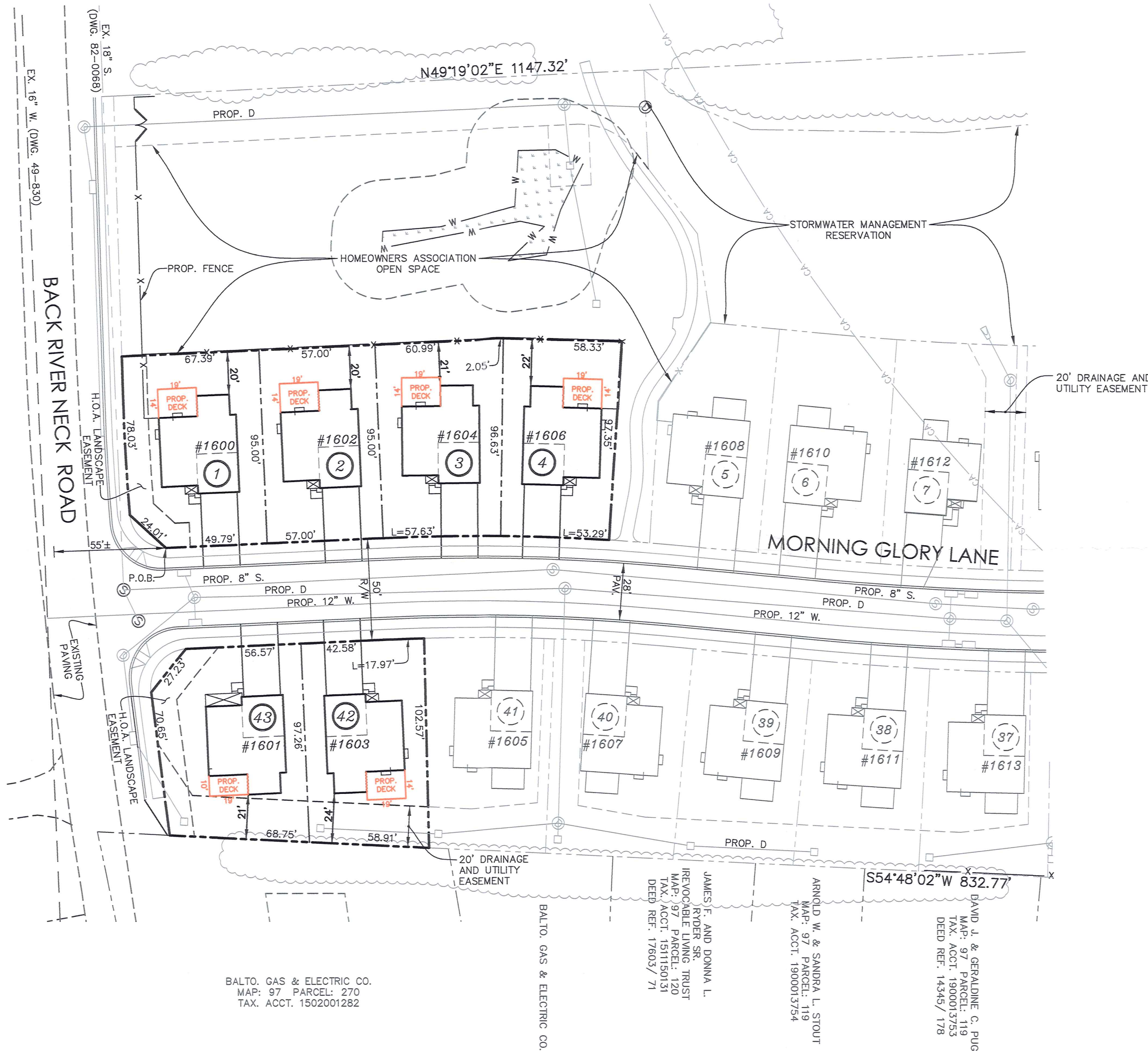
Protestants

ALW
11-18-13

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



2014 0063-SPHA



VICINITY MAP

$$1'' = 1000'$$

SITE DATA

SITE DATA
GROSS AREA: 0.81 AC (35,388 SF±) (LOTS 1-4, 42, 43)
EXISTING ZONING: DR 3.5, (200 SCALE MAP 97C2)
EXISTING USE: VACANT
PROPOSED USE: RESIDENTIAL

OWNER: GUDMAR MG, LLC
2500 MULLINIX MILL ROAD
MT. AIRY, MD 21771

TAX ACCOUNT NUMBERS:
2500009718, 2500009719, 2500009720, 2500009721, 2500009743,
& 2500009744
TAX MAP NO. 97 GRID 18 PARCEL 269
DEED: 33372/160
SITE ADDRESS:
#1600, #1601, #1602, #1603, #1604, & #1606 MORNING GLORY LANE
PARKING REQUIRED: 12 P.S. (6 LOTS)
PARKING PROVIDED: 12 P.S.

GENERAL NOTES

1. THIS SITE HAS NO PRIOR ZONING HISTORY.
2. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
3. THIS SITE IS NOT LOCATED IN A 100-YEAR FLOOD PLAIN.
4. THIS SITE DOES NOT CONTAIN ANY KNOWN HISTORICAL BUILDINGS.
5. THERE ARE NO KNOWN WELLS, SEPTIC SYSTEMS, OR UNDER GROUND STORAGE IS LOCATED ON SITE.
6. THIS SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES MAP AREAS.

SPECIAL HEARING RELIEF PURSUANT TO:

- SPECIAL HEARING REQUEST FOR JUDICIAL REVIEW**
1. EDCR § 1B01.3 AND SECTION 1B01.3.A.7.C OF THE ZONING COMMISSIONER'S POLICY MANUAL ("ZCPM") FOR AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN (FDP) ENTITLED "MORNING GLORY" PHASE 2" (PAI #15-032), WHICH PLAT IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK JLE 79, FOLIO 309; AND
2. FOR SUCH OTHER AND FURTHER RELIEF AS DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY

VARIANCE RELIEF FROM SECTION(S):

- VARIABLE REDLINE FROM SECTION(S):**
1. 1801.2.C.1.B. OF THE BCZR TO ALLOW SETBACKS FROM REAR BUILDING FACES
TO REAR PROPERTY AS FOLLOWS:
- | | | |
|--------------------------|------------------------|-------------------|
| 1600 MORNING GLORY LANE: | 20 FEET IN LIEU OF THE | REQUIRED 30 FEET; |
| 1601 MORNING GLORY LANE: | 21 FEET IN LIEU OF THE | REQUIRED 30 FEET; |
| 1602 MORNING GLORY LANE: | 20 FEET IN LIEU OF THE | REQUIRED 30 FEET; |
| 1603 MORNING GLORY LANE: | 24 FEET IN LIEU OF THE | REQUIRED 30 FEET; |
| 1604 MORNING GLORY LANE: | 21 FEET IN LIEU OF THE | REQUIRED 30 FEET; |
| 1606 MORNING GLORY LANE: | 22 FEET IN LIEU OF THE | REQUIRED 30 FEET; |

2. FOR SUCH OTHER AND FURTHER RELIEF AS DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

LOT#/ADDRESS	REAR SETBACK (FT.)	MIN. DECK REAR YARD SETBACK (FT.)
1 (#1600)	20	15
2 (#1602)	20	15
3 (#1604)	21	15.75
4 (#1606)	22	16.50
42 (#1603)	24	18
43 (#1601)	21	15.75

PLAN TO ACCOMPANY PETITION FOR
ZONING HEARING
MORNING GLORY
LOTS 1 - 4, 42 & 43

DISTRICT: 15c6
PLAT: 79/309
SCALE: 1"=40'

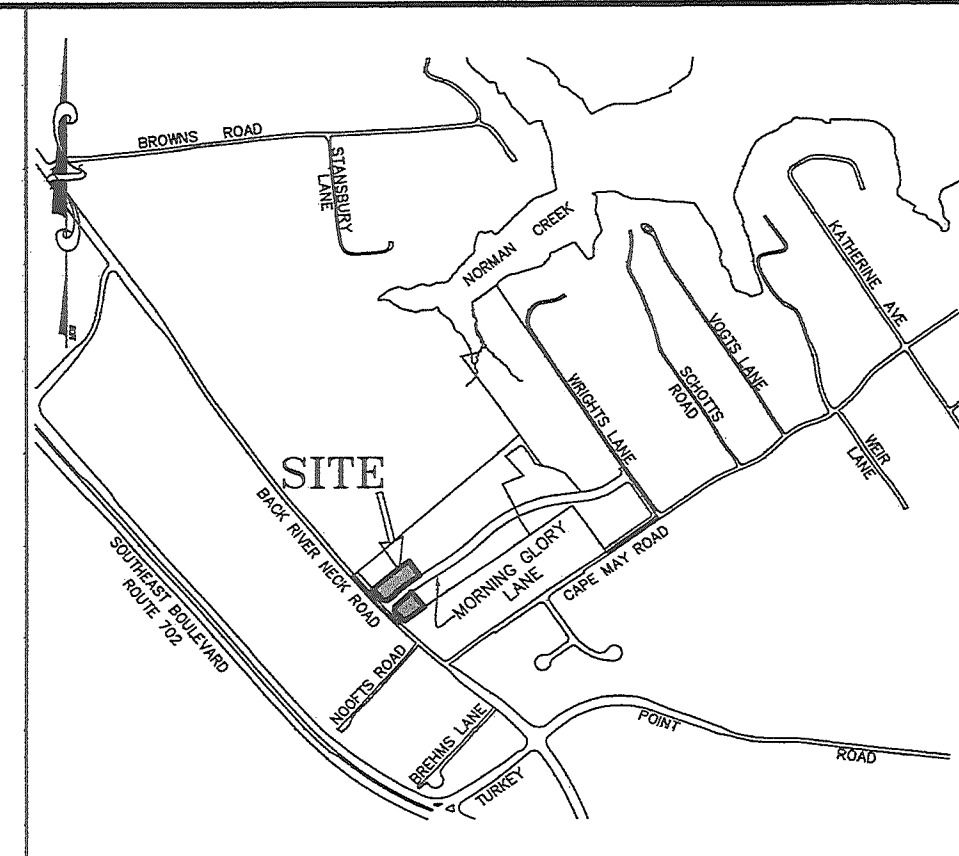
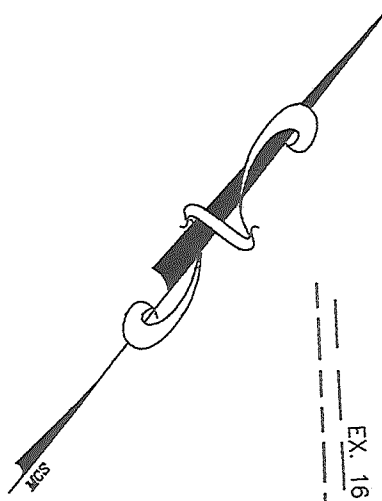
BALTIMORE COUNTY, MD
REV. NOVEMBER 13, 2013
SEPTEMBER 10, 2013

Petitioner No. 1



LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

NOTE: DECKS SHOWN ARE A SIZE CONTEMPLATED BY THE BUILDER. NO SETBACK RELIEF IS REQUIRED FOR THE DECKS, AS THE 25% ENCRoACHMENT INTO THE REAR YARD SETBACK WOULD NOW BE BASED ON THE RELIEF REQUESTED FOR THE PRINCIPAL STRUCTURE. MINIMUM REAR YARD SETBACKS TO THE DECKS WILL THEREFORE BE AS FOLLOWS, BARRING CONFLICT WITH EASEMENTS:



VICINITY MAP

1"=1000'

SITE DATA

GROSS AREA: 0.81 AC (35,388 SF±) (LOTS 1-4, 42, 43)
EXISTING ZONING: DR 3.5, (200 SCALE MAP 97C2)
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PROPOSED USE: RESIDENTIAL

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MT. AIRY, MD 21771

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2500009718, 2500009719, 2500009720, 2500009721, 2500009743,
& 2500009744

TAX MAP NO. 97 GRID 18 PARCEL 269

DEED: 33372/160

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#1600, #1601, #1602, #1603, #1604, & #1606 MORNING GLORY LANE

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PARKING PROVIDED: 12 P.S.

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6. THIS SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES MAP AREAS.

SPECIAL HEARING RELIEF PURSUANT TO:

1. BCZR § 1801.3 AND SECTION 1801.3.A.7.C OF THE ZONING COMMISSIONER'S POLICY MANUAL (ZCPM) FOR AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN (FDP) ENTITLED "MORNING GLORY - PHASE 2" (PAI #15-932), WHICH PLAT IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK JLE 79, FOLIO 309; AND
2. FOR SUCH OTHER AND FURTHER RELIEF AS DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY

VARIANCE RELIEF FROM SECTION(S):

1. 1801.2.C.1.B OF THE BCZR TO PERMIT SETBACKS FROM REAR BUILDING FACES TO REAR PROPERTY LINES AS FOLLOWS:
1600 MORNING GLORY LANE: 20 FEET IN LIEU OF THE REQUIRED 30 FEET;
1601 MORNING GLORY LANE: 21 FEET IN LIEU OF THE REQUIRED 30 FEET;
1602 MORNING GLORY LANE: 20 FEET IN LIEU OF THE REQUIRED 30 FEET;
1603 MORNING GLORY LANE: 24 FEET IN LIEU OF THE REQUIRED 30 FEET;
1604 MORNING GLORY LANE: 21 FEET IN LIEU OF THE REQUIRED 30 FEET;
1606 MORNING GLORY LANE: 22 FEET IN LIEU OF THE REQUIRED 30 FEET;

2. FOR SUCH OTHER AND FURTHER RELIEF AS DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

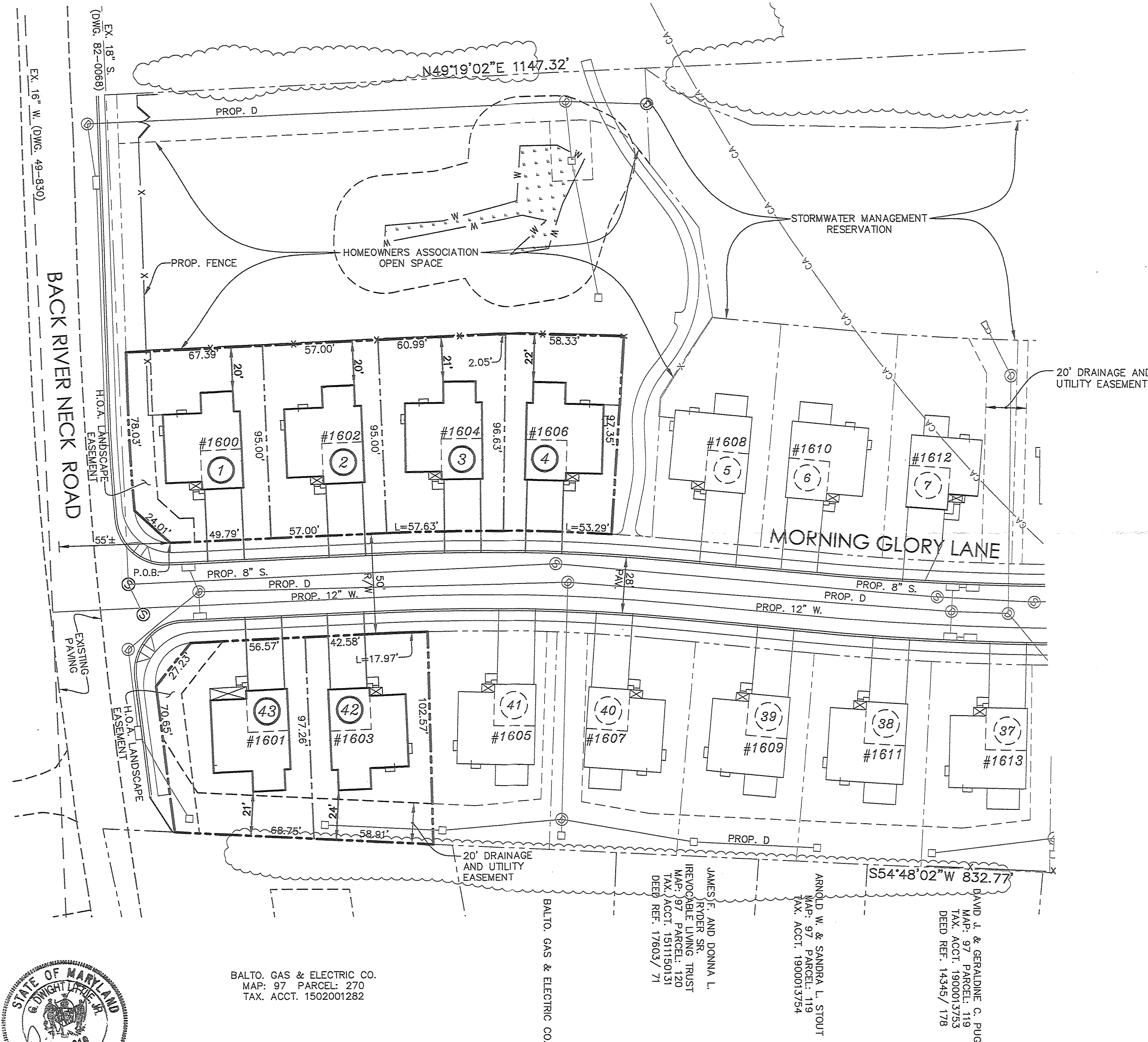
LOT#/ADDRESS	REAR SETBACK (FT.)
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2 (#1602)	20
3 (#1604)	21
4 (#1606)	22
42 (#1603)	24
43 (#1601)	21

PLAN TO ACCOMPANY PETITION FOR
ZONING HEARING
MORNING GLORY
LOTS 1 - 4, 42 & 43

DISTRICT: 15c6
PLAT: 79/309
SCALE: 1"=40'

BALTIMORE COUNTY, MD

SEPTEMBER 10, 2013



BALTO. GAS & ELECTRIC CO.
MAP: 97 PARCEL: 270
TAX. ACCT. 1502001282

JAMES F. AND DONNA L.
RYDER SR.
REVOCABLE TRUST
MAP: 97 PARCEL: 120
TAX. ACCT. 151150131
DEED REF. 17603/71

ARNOLD W. & SANDRA L. STOUT
MAP: 97 PARCEL: 119
TAX. ACCT. 1900013754

DAVID J. & GERALDINE C. PUGH
MAP: 97 PARCEL: 119
TAX. ACCT. 1900013753
DEED REF. 14345/178



LITTLE & ASSOCIATES, INC.
ENGINEERS~LAND PLANNERS~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639

2014-063-SPAA