

IN RE: PETITION FOR ADMIN. VARIANCE *
(16 Six Point Court)
2nd Election District *
4th Council District *
Esther C. Johnson *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2014-0070-A

* * * * *

OPINION AND ORDER

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owner of the property, Esther C. Johnson. The Petitioner is requesting Variance relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed sunroom addition (enclosure) with a rear setback of 24.5 ft. in lieu of the minimum rear setback of 30 ft. 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.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 29, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 the public and should therefore be granted. In the opinion of the Administrative Law Judge, the

ORDER RECEIVED FOR FILING

Date 10-23-13

By ESW

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 Petitioner.

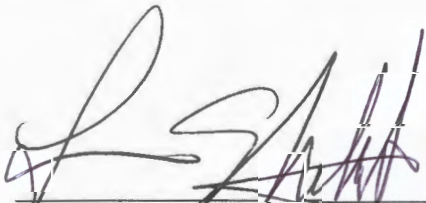
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 22nd 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 a proposed sunroom addition (enclosure) with a rear setback of 24.5 ft. in lieu of the minimum rear setback of 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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


LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 10-23-13

By [Signature]

KEVIN KAMENETZ
County Executive



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

October 22, 2013

Esther C. Johnson
16 Six Point Court
Baltimore, Maryland 21244

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
(16 Six Point Court)
Case No. 2014-0070-A

Dear Ms. Johnson:

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,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name and title.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw
Enclosure

c: Ashley Mogenhan, Patio Enclosures, Inc., 224 8th Avenue NW, Glen Burnie, MD 21061



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 16 Six Point Ct which is presently zoned DB 5.5

Deed Reference 25087/00109 10 Digit Tax Account # 23 00011132

Property Owner(s) Printed Name(s) Esther Johnson

(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

- ☒ **ADMINISTRATIVE VARIANCE** from section(s) 1B01.2.C.1.b to permit a proposed sunroom addition (enclosure) with a rear set-back of 24.5 feet in lieu of the minimum rear set-back of 30 feet

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

- ☐ **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:

Esther Johnson

Name #1 - Type or Print

Name #2 - Type or Print

Esther Johnson

Signature #1

Signature # 2

16 Six Point Ct Baltimore MD

Mailing Address

City

State

21244 / 443-722-0440

Zip Code

Telephone #

Email Address

Representative to be contacted:

Ashley Mogenhan: Patio Enclosures, Inc.

Name - Type or Print

Signature

224 8th Ave NW Glen Burnie MD

Mailing Address

City

State

21061 / 443-797-0351 ashley.mogenhan@patioenclosures.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 10 day of September, 2013 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 2014-0070-A

Filing Date 9/18/13

Estimated Posting Date 9/29/13

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: 110 Six Point Ct. Baltimore MD 21244
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 property currently has an existing deck which is to remain & is 34.5' from rear property line & 8' from both side property lines. The proposed enclosure is to be built over the existing deck. The enclosure shall not extend any further than the existing deck. The homeowner would like to utilize the deck throughout the year. Enclosing the deck will allow a protected environment not only from weather but insects etc. The space shall not be heated or cooled therefore it is an unconditioned space & does not change the original use of the deck. There is no other practical location to build an enclosure on the property & the owner would like to enjoy her rear yard in an enclosed area as others currently do in the neighborhood.

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

Esther C. Johnson
Signature of Affiant

Signature of Affiant

Esther C. Johnson
Name- Print or Type

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 17th day of Sept, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Esther Johnson
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

[Signature]
Notary Public

My Commission Expires 8/3/14

ZONING PROPERTY DESCRIPTION FOR 16 SIX POINT COURT, BALTIMORE,
MD 21244

Being known and designated as Lot No. 82 shown on the Plat entitled, "First Amended Plat Final One- Section Two- DEER RUN AT MAYFIELD (formerly recorded in S.M. 72, folio 145)", which Plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book 73, folio 92. The improvements thereon being known as No. 16 Six Point Court.

Zoning Property Description For 16 Six Point Ct, Baltimore, MD 21244

Beginning at a point on the north side of Six Point Court which is 50' wide at the distance of 300'± west of the centerline of the nearest improved intersecting street, Rolling Road, which is 40' wide.

Being Lot #82, Block -, Section #2 in the subdivision of Deer Run at Mayfield in Baltimore County Plat Book #73, folio #92, containing 4,138 sF. Located in the 02 Election District and 4 Council District.

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

No. **103483**

Date: **9/18/13**

PAID RECEIPT

BUSINESS: ALMANAC 10/19/2013 9/18/2013 14:34:46

NEW MS02 WALTON JEN JEE
 >>RECEIPT # 09/20/13 9/18/2013 07:11

Dep: 5 520 JUDICIAL INVESTIGATION
 CR NO. 103483

Recpt Tot: 175.00
 175.00 (10) 9.00 CA
 Baltimore County, Maryland

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

Total: **75.00**

Rec From: **Breat Day Improvements**

For: **2014-0070-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

check #19250

CERTIFICATE OF POSTING

RE: Case No. 2014-0070-A

Petitioner: Esther Johnson

Hearing / Closing Date: 10/14/13

Baltimore County Department of
Permits and Development Management
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

RECEIVED

OCT 22 2013

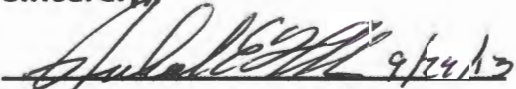
OFFICE OF ADMINISTRATIVE HEARINGS

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

_____ 16 Six Point Court _____

_____ on _____ 9/29/13 _____

Sincerely,

 9/29/13

_____ Richard E. Hoffman _____

_____ 904 Dellwood Drive _____

_____ Fallston, Md. 21047 _____

_____ 443-243-7360 _____

Certificate of Posting

Case No. 2014-0070-A



16 Six Point Court

(posted 9/29/13)

Richard E. Hoffman 9/29/13

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443-243-7360)

MEMORANDUM

DATE: November 22, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0070-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>
<u>9-24</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>9-24</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING <u>Missing</u>	Date: <u>9-29</u> by <u>Hoffman</u>	
<u>10-22 Per June, she has twice send.</u> <u>1:03 PM</u>		
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- 0070 -A Address 16 Six Point Ct

Contact Person: Gary Huak Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/18/13 Posting Date: 9/29/13 Closing Date: 10/14/13

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- 0070 -A Address 16 Six Point Ct 21244
Petitioner's Name Esther Johnson Telephone 443-797-0351
Posting Date: 9/29/13 Closing Date: 10/14/13
Wording for Sign: To Permit a propose sunroom addition (enclosure)
with a rear set back of 24.5 feet in lieu of the
minimum rear set back of 30 feet.

Revised 7/06/11



KEVIN KAMENETZ
County Executive

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

October 14, 2013

Esther Johnson
16 Six Point Court
Baltimore MD 21244

RE: Case Number: 2014-0070 A, Address: 16 Six Point Court

Dear Ms. Johnson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 18, 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." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Ashley Mogenhan, 224 8th Avenue NW, Glen Burnie MD 21061

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



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

Date: 9-24-13

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

RE: Baltimore County
Item No 2014-0070-A -
Administrative Variance
Esther Johnson
16 Six Point Court.

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. 2014-0070-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', 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

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 24, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For September 30, 2013
Item No. 2014-0068, 0069 and 0070

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\ZAC09302013 - NO COMMENTS.doc

Real Property Data Search (w4)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 02 Account Number - 2300011132		
Owner Information		
Owner Name:	JOHNSON ESTHER C	Use: RESIDENTIAL
		Principal Residence: YES
Mailing Address:	16 SIX POINT CT BALTIMORE MD 21244-2073	Deed Reference: 1) /25087/ 00109 2)
Location & Structure Information		
Premises Address:	16 SIX POINT CT BALTIMORE 21244-2073	Legal Description: .095 AC 16 SIX POINT CT NS DEER RUN AT MAYFIELD
Map:	Grid:	Parcel:
0087	0005	0060
Sub District:	Subdivision:	Section:
	0000	2
Block:	Lot:	Assessment Year:
82	2013	
Plat No:	Plat Ref:	
1	0073/ 0092	
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
2001	1,076 SF	475 SF
Property Land Area	County Use	
4,138 SF	04	
Stories	Basement	Type
1.000000	YES	SPLIT FOYER
Exterior	Full/Half Bath	Garage
SIDING	3 full	1 Attached
Last Major Renovation		
2001		
Value Information		
	Base Value	Value
		As of
Land:	109,500	01/01/2013
Improvements	118,300	106,900
Total:	227,800	189,000
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2013
		As of
		07/01/2014
		189,000
		189,000
Transfer Information		
Seller: ROBERTSON MAURICE	Date: 01/18/2007	Price: \$309,900
Type: ARMS LENGTH IMPROVED	Deed1: /25087/ 00109	Deed2:
Seller: ROBERTSON MAURICE	Date: 11/23/2005	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /22955/ 00214	Deed2:
Seller: RYLAND GROUP INC	Date: 02/05/2002	Price: \$159,095
Type: NON-ARMS LENGTH OTHER	Deed1: /16069/ 00187	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

New Search

Order the **TAX MAP** [click here...](#)

→



Neighb



Front



Area of
Proposed
Enclosure
Sun room

16 Six Point Ct





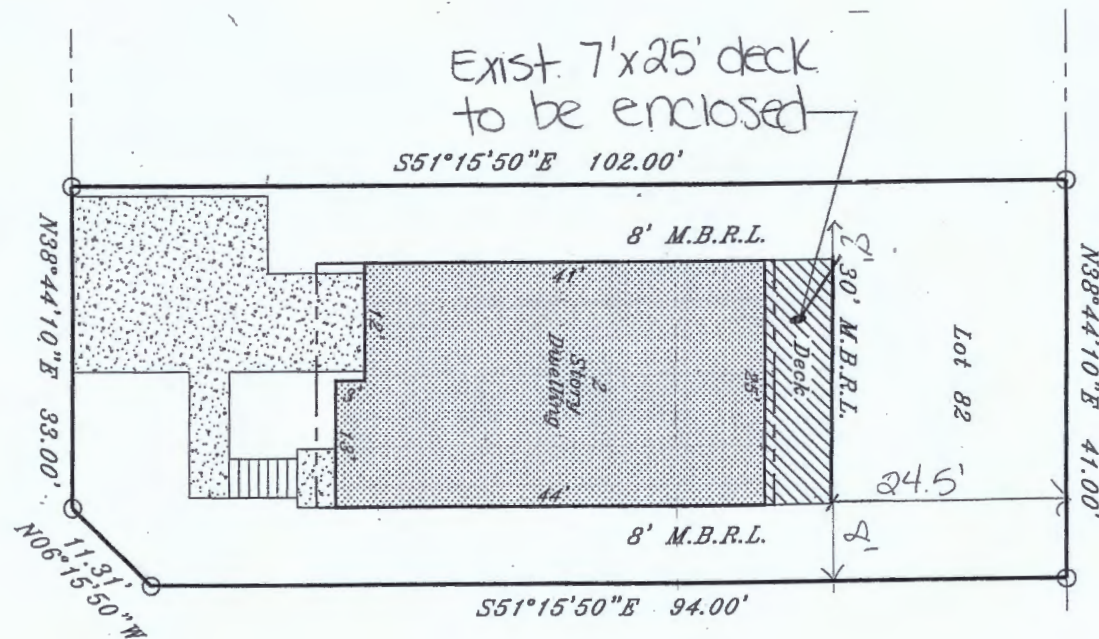
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 160 Six Point Ct. 21244 OWNER(S) NAME(S) Esther Johnson

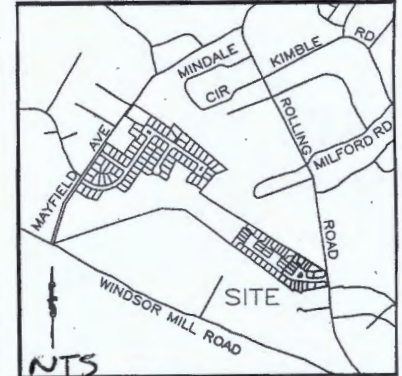
SUBDIVISION NAME Deer Run @ Mayfield LOT # 82 BLOCK # _____ SECTION # 2

PLAT BOOK # 1 FOLIO # 73/92 10 DIGIT TAX # 2300011132 DEED REF. # 25087100109

SIX
POINT
COURT



SITE VICINITY MAP



ZONING MAP# 087B1

SITE ZONED DR 5.5

ELECTION DISTRICT 2

COUNCIL DISTRICT 4

LOT AREA ACREAGE _____

OR SQUARE FEET 4,138

HISTORIC? No

IN CBQA? No

IN FLOOD PLAIN? N

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? No

IF SO GIVE CASE NUMBER

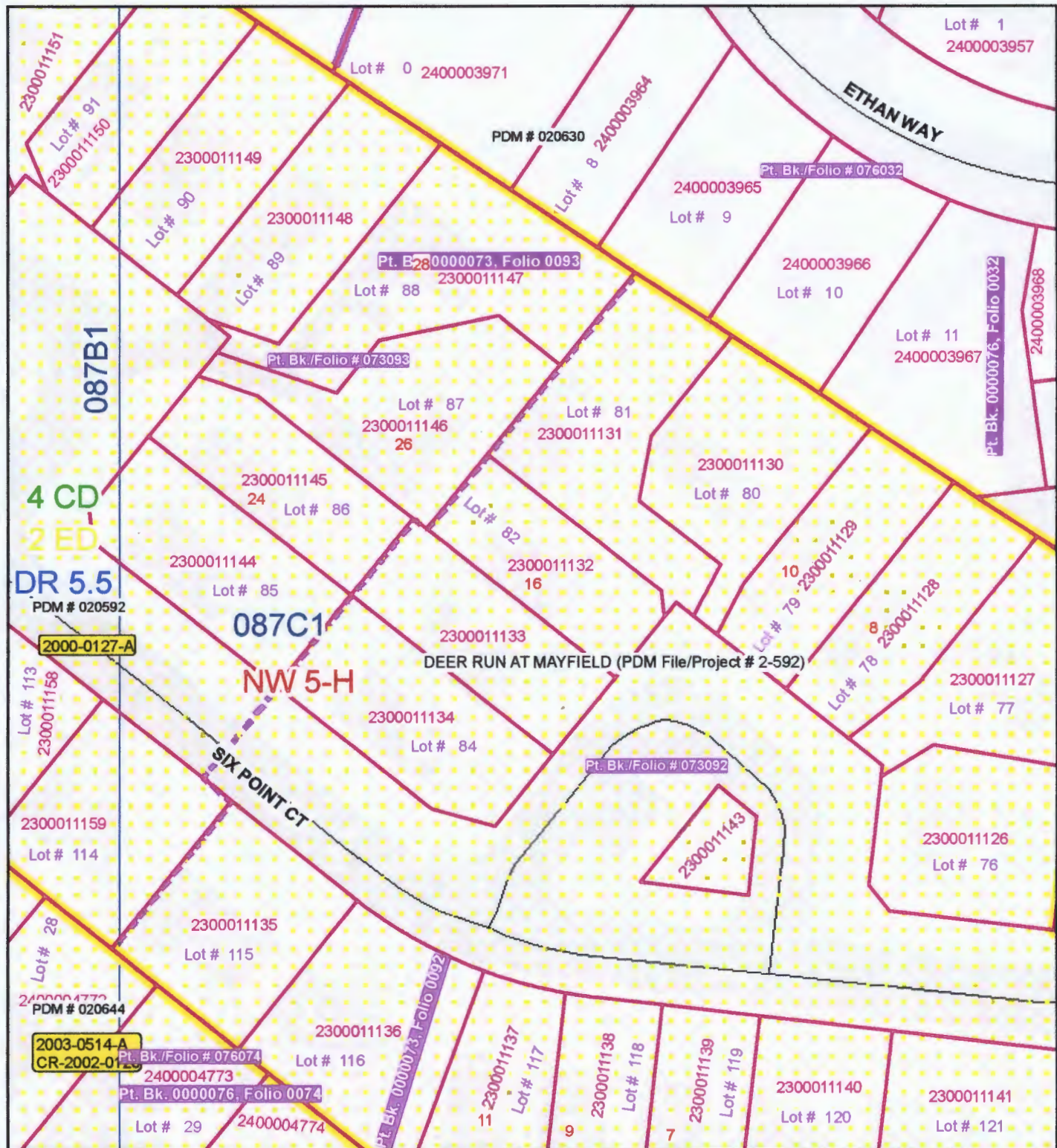
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

No

PLAN DRAWN BY Patio Enclosures, Inc DATE 9/16/13 SCALE: 1 INCH = 20 FEET

16 Six Point Court



Publication Date: 9/18/2013



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



A horizontal scale bar with markings at 0, 15, 30, 60, 90, and 120 feet. The bar is divided into segments: 0-15, 15-30, 30-60, 60-90, and 90-120. The segments from 0 to 30 are the shortest, followed by 30 to 60, then 60 to 90, and finally 90 to 120 which is the longest. The word "Feet" is written at the right end of the bar.

1 inch = 60.39886 feet

2014-0070-A



2014-0070-A