IN RE: PETITION FOR ADMIN. VARIANCE (8519 Westford Road)

8<sup>th</sup> Election District 2<sup>nd</sup> Council District Richard J. Scholl & Julie B. Gorbey Petitioners **BEFORE THE** 

OFFICE OF ADMINISTRATIVE

**HEARINGS FOR** 

**BALTIMORE COUNTY** 

CASE NO. 2014-0077-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Richard J. Scholl & Julie B. Gorbey. The variance request is from Section 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a rear yard setback of 19 ft. for a deck in lieu of the required 22.5 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. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 6, 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	10-30-13
Ву	(OL)

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.

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 30th day of October, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a rear yard setback of 19 ft. for a deck in lieu of the required 22.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for any 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.

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	RECEIV	ED F	POP	FILING
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2



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

October 30, 2013

Richard J. Scholl Julie B. Gorbey 8519 Westford Road Lutherville, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(8519 Westford Road) Case No. 2014-0077-A

Dear Mr. Scholl and Ms. Gorbey:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Very truly yours,

LAWRENCE-M. STAHI

Managing Administrative Law Judge

for Baltimore County

LMS: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	8519 Westford Rd		or Daitinore County for the property located at.
_	erence /33352/ 0027	Lutherville	which is presently zoned Residental  10 Digit Tax Account # 2 5 0 0 0 0 8 4 2 9
		Didayord T	
Property Owner	(s) Fillited Name(s)	KILMAVA	Sotion, That D Goldey
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	Address City State  Mailing Address City State  Mailing Address City State  Mailing Address City State  21093   646-729-7760   risched holmail.com  Zip Code Telephone # Email Address  Corney for Petitioner:  Representative to be contacted:  Richard J. School  Name - Type or Print  Name - Type or Print  R.J. Sublice  Signature #2  B519 Westford Rd Lutherville, MD  Mailing Address City State  21093   646-729-7760   risched holmail.com  Representative to be contacted:  Richard J. School  Name - Type or Print  R.J. Sublice  Signature		
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of the zoning regula	ations of Baltimore Cour	nty, to the zoning	law of Baltimore County.
ADMINIST	DATIVE ODECIAL HE	ADING to oppose	are a visited averaged to Continue 22 4 407/h) 22 4 222 (0) and
Section 32-4- 416(a	i)(2): (indicate type of w	vork in this space	e to raze, alter or construct addition to building)
restrictions of Baltimore	County adopted pursuant to	the zoning law for Ba	altimore County.
Legal Owner(s) Affirma	ation: I / we do so solemnly d	leclare and affirm, ur	nder the penalties of perjury, that I / We are the legal owner(s) of the property which
s the subject of this / the	ese Petition(s).		
Contract Durches	auli ananai		Lorel Owners
Contract Purchase	anLessee:		Legal Owners:
			Dichard I School , Tulie B Grasher
Name- Type or Print			
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011			R. J. South I State of
Signature			
			8519 Westford Rd Lutherville, MD
Mailing Address	City	State	Mailing Address City State
,	,		21092, 646-729-7760 , rischoll@hotmzil.com
Zip Code Tele	ephone # Email	Address	
Attorney for Petition	oner:		
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Name Type of Brint	- EOP !		
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BECEI	20		K-J. Sholl
Signalura	0		Signature
)Hr	(0)		9519 Westford Rd Lutherville, MD
Mailing Address	City	State	Mailing Address City State
Mailing Address			21093, 646-729-7760, rischoll Chotmail.com
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Zip Cade Tele	ephone # Email	Address	Zip Code Telephone #
			equired, it is ordered by the Office of Administrative Law, of Baltimore County,
his day of			of this petition be set for a public hearing, advertised, as required by the zoning
egulations of Baltimore	County and that the property	be reposted.	
		Admini	istrative Law Judge of Baltimore County
CASE NUMBER Z	014-0077-A	_ Filing Date 9/	2513 Estimated Posting Date 10/6/13 Reviewer JCM

# **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: 8519 Westford Print or Type Address of property	Road	Lutherville	Maryland	21093
		City	State	Zip Code
Based upon personal knowledge Administrative Variance at the ab				
The present distance from	r the end	of the property	y at 8519 Westford	d Road in
Lutherville, MD is 33 f	eet to the	rear of that	home. Currently,	the minimum
offcet from the end of	- the prop	verty is 22 fa	cet This would	allow the
maximum with it a	deck off	the rear of	the home to be	11 feet. The
purpose of this variance	e is to re	equest the or	Fort be reduced	by 3 feet, 4
19 feet, in order to	support a	deck of 1	4 fact depth or	the property.
(If additional space for the petition)  Signature of Affiant				,
		Sign	nature of Affiant	
Richard J. Scholl			B:	
Name- Print or Type		Nai	me- Print or Type	
The following informat	tion is to be co	ompleted by a Nota	ry Public of the State of N	Maryland
STATE OF MARYLAND, COUN		TIMORE, to wit:		
I HEREBY CERTIFY, this 35 and for the County aforesaid, person			0/3_, before me a No	tary of Maryland, in
Richard J. Scholl				
the Affiant(s) herein, personally known	own or satisfa	ctorily identified to	me as such Affiant(s) (P	rint name(s) here)
AS WITNESS my hand and Notarie	. (/	Zenda 1	3. Rowe	
	Notar	Public 23,	2016	
	My Co	ommission Expires		

### ZONING PROPERTY DESCRIPTION FOR:

8519 Westford Road, Lutherville-Timonium, MD; 21093

Beginning at a point on the south side of Westford Road which is 13 40' feet wide at the distance of 480 feet north of the centerline of the nearest improved intersecting street Valleyfield Road which is 17 feet wide.

Being Lot #(1), Block (8200), Section (n/a) in the subdivision of (Meadowvale) as recorded in Baltimore County Plat Book #(79), Folio #(148), containing (6,708 square feet). Located in the (8) Election District and (2) Council District.

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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: Zoning Office, Attn. Ms Kristen Lewis

J	•	
We Are Send	l <b>ing You</b> : 🔽 Attacl	ned Under separate cover the following items:
Copy of Le	etter 🔽 Prints 🔽 I	Documents Cother
No. of Copies	Date	Description
1	10-6-2013	Certificate Of Posting
2	10-6-2013	Site Photos

Tranc	mittal	s are	25 C	heck	red l	hel	OW
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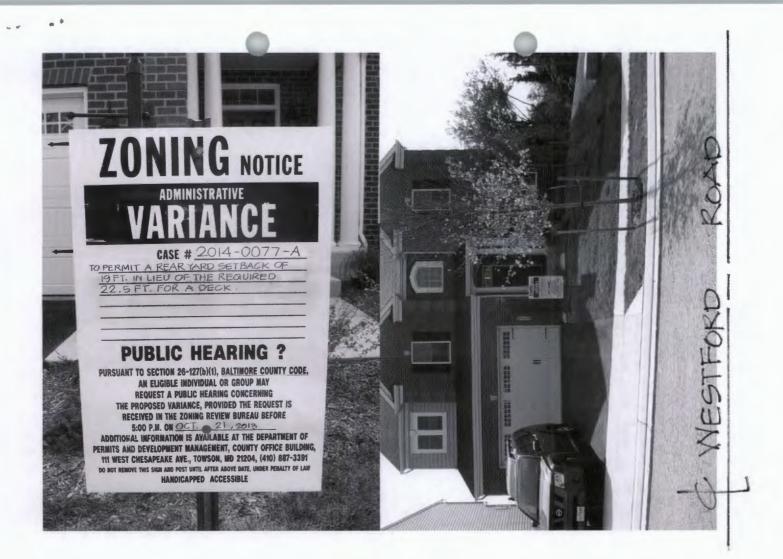
Project: Case No.: 2014-0077-A

Remarks:

8519 Westford Road

William D. Gulick, Jr.

Project Manager



### MEMORANDUM

DATE:

December 2, 2013

TO:

**Zoning Review Office** 

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0077-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 29, 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

# CHECKLIST

Comment Received	<u>Departm</u>	<u>ent</u>			Conditions/ Comments/ No Comment
10-3	DEVELOPMENT PL (if not received, date of			)	NU
10-23	DEPS (if not received, date	e-mail sent	-		NO
	FIRE DEPARTMEN	Γ			
	PLANNING (if not received, date	e-mail sent		)	
15-1	STATE HIGHWAY	ADMINISTR	ATION		150 dejection
	TRAFFIC ENGINEE	RING			
	COMMUNITY ASSO	OCIATION			
1	ADJACENT PROPE	RTY OWNER	RS		4444
ZONING VIOLAT	ON (Case	No.			
PRIOR ZONING	(Case	No			)
NEWSPAPER AD	VERTISEMENT	Date:			-
SIGN POSTING		Date:	10	-6-13	by Suick
PEOPLE'S COUNS	SEL APPEARANCE	Yes		No 🛘	
PEOPLE'S COUNS	SEL COMMENT LETT	ER Yes		No	
Comments, if any:					-

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2014- 0077 -A Address 8519 WEST FORD Rd.
Contact Person:    Description
Filing Date: 9/25/13 Posting Date: 10/2 Closing Date: 10/2
Any contact made with this office regarding the status of the administrative variance should 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 treverse side of this form) and the petitioner is responsible for all printing/posting costs. A reposting must be done only by one of the sign posters on the approved list and the petition 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 closidate.
<ol> <li>DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to a formal request for a public hearing. Please understand that even if there is no form request for a public hearing, the process is not complete on the closing date.</li> </ol>
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zonicommissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or order that the matter be set in for a public hearing. You will receive written notification, usual within 10 days of the closing date if all County agencies' comments are received, as whether the petition has been granted, denied, or will go to public hearing. The order will mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public heart (whether due to a neighbor's formal request or by order of the zoning or deputy zonic commissioner), notification will be forwarded to you. The sign on the property must changed giving notice of the hearing date, time and location. As when the sign was original posted, certification of this change and a photograph of the altered sign must be forwarded 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- 0077 -A Address 8519 West for Rd.
Petitioner's Name Richard Scholl Telephone 646-729-7
Posting Date: $10/6/13$ Closing Date: $10/2/1$
Wording for Sign: To Permit A REARYARD SERACK OF 19ft IN LI of The REQUIRED 27.5ft. FOR ADECK.



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

October 22, 2013

Richard J Scholl & Julie B. Gorbey 8519 Westford Road Lutherville MD 21093

RE: Case Number: 2014-0077 A, Address: 8519 Westford Road

Dear Mr. Scholl & Ms. Gorbey:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 25, 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,

N. Call Rolls

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: 10-1-13

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

RE: **Baltimore County** 

Item No 2014-0077-A. Administrative Varience Richard Ti Scholl & Julie B. Gorby 8519 Westford 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. 2014-0077-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,

Development Manager

Access Management Division

SDF/raz

# BALTIMORE COUNTY, MARYLAND

### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 03, 2013

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 07, 2013

Item No. 2014-0071,0072, 0073,0074,0077,0078 and 0079

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\ZAC10072013 -.doc

RECEIVED

### **BALTIMORE COUNTY, MARYLAND**

OCT 2 3 2013

### **Inter-Office Correspondence**

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

# 2014-0077-A

Address

8519 Westford Road (Scholl/Gorby Property)

Zoning Advisory Committee Meeting of September 30, 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 (w2)

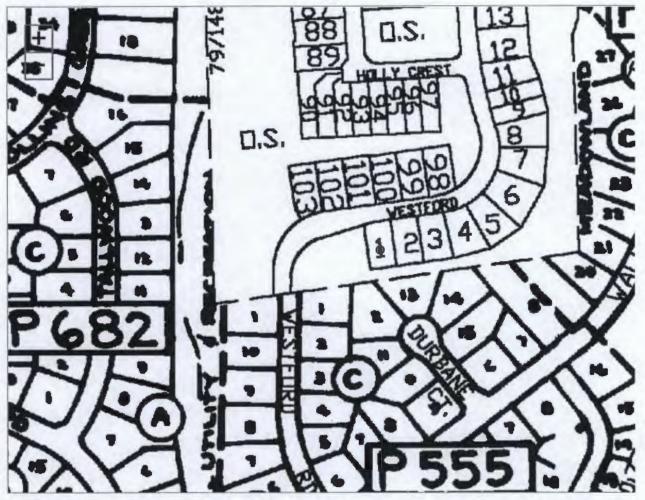
Search	Result	for	BALTIMORE	COUNTY
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View Map	View GroundRent Red	emption		View Grou	indRent Registra	tion
Account Identifier:	District - 08 Acco	Owner Infor		129		
	SCHOLL RICHA	-	Use:		RESIDENTIAL	,
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Special Tax Areas:			n: 'alorem: Class:		NONE	
Primary Structure Built 2012	Above Grade Enclosed A 3,224 SF	Area Finish 900 S		nent Area Prop 6,708	erty Land Area 3 SF	County Use 04
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Land:	120,700	120,7		07/01/2013	07/01/	2014
Improvements	510,900	510,9				
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Preferential Land:	0					
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Seller: NVR INC Type: ARMS LENGTH	The state of the s	ate: 03/27/201			Price: \$678,350 Deed2:	
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Exempt Class:						
Homestead Application		ead Applicati	on Inforn	nation		

**New Search** 

**Baltimore County** 

District: 08 Account Number: 2500008429



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.

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



X Loading... Please Wait. Loading... Please Wait.

SOUTHEAST CORNER OF PROPERTY, SHOWING REP OF HOME



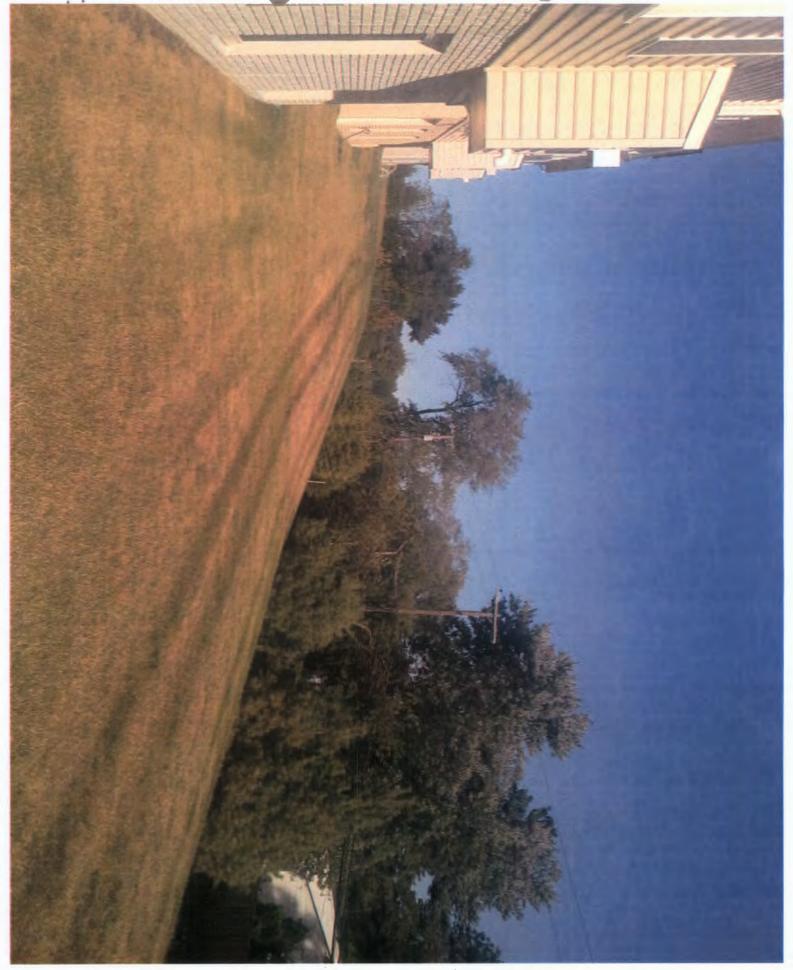
FACING WEST FROM EAST CORNER OF PROCERTY



REAR OF HOME, FACING BACK OF PROPERTY



SOUTH SIDE OF PROPERTY, FACING NORTH



SITE VICINITY MAP

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)  ADDRESS 8519 WEST FORD ROAD OWNER(S) NAME(S) RICHARD SCHOOL THE GORGE	y
SUBDIVISION NAME ME400WV4LE LOT# / BLOCK# SECTION#  PLAT BOOK# FOLIO# 10 DIGIT TAX# 250008+29 DEED REF.# 33352 / 00274	
PLAN DRAWN BY MATRICAL SHANLEY  PLAN DRAWN BY MATRICAL SHANLEY  PLAN DRAWN BY MATRICAL SHANLEY  DATE STORY OF THE SCOT HOLD CONTRACT OF THE STORY OF	PRIOR HEARING ? NO IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
	VIOLATION CASE INFO:

Per #1



# 8519 Westford Road

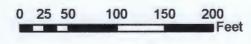


Publication Date: 9/25/2013



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





1 inch = 100 feet