IN RE: PETITION FOR ADMIN. VARIANCE

(4640 Bucks Schoolhouse Road)
14th Election District

6th Council District

James P. Clerkin and Lauren M. Copeland *

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0090-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, James P. Clerkin and Lauren M. Copeland. The Petitioners are requesting Variance relief pursuant to Section 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed accessory structure (pole barn) with a height of 18.5 ft. in lieu of maximum height of 15 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 20, 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	11-6-13
Dv	6112

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 6th day of November, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed accessory structure (pole barn) with a height of 18.5 ft. in lieu of maximum height of 15 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.

ORDER RECEIVED FOR FILING

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 FILIN



KEVIN KAMENETZ County Executive

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

November 6, 2013

James P. Clerkin Lauren M. Copeland 4640 Bucks Schoolhouse Road Rosedale, Maryland 21237

RE: Petition for Administrative Variance

Case No. 2014-0090-A

Property: 4640 Bucks Schoolhouse Road

Dear Mr. Clerkin and Mrs. Copeland:

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.

Sincerely,

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 46 40 BUCKS SCHOOLHOUSE RD which is presently zoned DR3.510 Digit Tax Account # 2 2 0 0 0 1 0 2 2 6 Deed Reference 18165/354 Property Owner(s) Printed Name(s) JAMES ERKIN+LAUREN COPELAND

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances				
	attached hereto and mad	le a part hereof, h	ereby petition for a	
1. ADMINISTRATIVE VARI Structure (Pole Bo height of 15 fee	ANCE from section(s) Arn) with a height	1003 BCZE Intof 18.5	Topermit air	proposed accessing us of maximum
of the zoning regulations of Baltin	nore County, to the zoning	g law of Baltimore	County.	
2 ADMINISTRATIVE SPE Section 32-4- 416(a)(2): (indicate				4-107(b), 32-4-223.(8), and building)
of the zoning regulations of Baltin Property is to be posted and advertised at I, or we, agree to pay expenses of above restrictions of Baltimore County adopted p Legal Owner(s) Affirmation: I / we do so is the subject of this / these Petition(s).	s prescribed by the zoning regul petition(s), advertising, posting, pursuant to the zoning law for Br	lations. etc. and further agree altimore County.	to and are to be bounded	
Contract Purchaser/Lessee:		Legal Owne	rs:	
Name- Type or Print		Name #1 - Type	LERKIN LA	MREN COPELAND me #2 - Type or Print
Signature		Signature #1	Sig	gnature # 2
Mailing Address City	v State	4640 BUCKS	SCHOOLHOUSERD A	SEDALE MO
I I I I I I I I I I I I I I I I I I I	/		3025614501	iderkin 1@umbc.ed
Zip Code Telephone #	Email Address	Zip Code	Telephone #	Email Address
Attorney for Petitioner:		Representat	ive to be contacted	
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Signature	3	Signature	3	0,
Mailing Asign S	State	Mailing Address	City	State
Zip Code Data Telephone #	Email Address	Zip Code	Telephone #	Email Address
A PUBLIC HEARING having formally d this, regulations of Baltimore County and that	that the subject matter			trative Law, of Baltimore County, ortised, as required by the zoning
	Admin	nistrative Law Judge o	f Baltimore County	
			•	· · · · · · · · · · · · · · · · · · ·
CASE NUMBER 20/4/- 009	10-A Filling Date 10	19,13 Estin	nated Posting Date	20, 13. Reviewer G. H

Affidavit in Support of Indicative 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: 4640 BUCKS SCHOOLHOUSE RD ROSEDALE MD 21237
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 are requesting an Administrative Variance from section 400.3 of the zoning regulations of Baltimore County. We are requesting a Variance in order to construct an accessory pole barn with an overall height of 18.5 feet in lieu of the 15 feet required by Section 400.3 of Baltimore County zoning regulations. The requested relief will allow us to build a structure with a high enough ceiling to store our full size truck and future boat.

(If additional space for the petition request	or the above statement is needed, label and attach it to this Form)
Junes Elvin	Lauren Couler
Signature of Affiant	Signature of Affiant
James Clerkin	Lauren Copeland
Name- Print or Type	Name- Print or Type
	be completed by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF E	BALTIMORE, to wit:
I HEREBY CERTIFY, this 02 day and for the County aforesaid, personally appe	of Oct , 2013 , before me a Notary of Maryland, in eared
James Clerkin & Laur the Affiant(s) herein personally known or sat	en Cope (sad isfactorily identified to me as such Affiant(s) (Print name(s) here)
the America horotti, personany known or sac	islanting to the as saot / thanks of the harmons in the
AS WITNESS my hand and Notaries Seal	Marl c
MARLON E GITTENS NOTARY PUBLIC	otary Public MAI 09, 2014
HARFORD COUNTY M	y Commission Expires

MY COMMISSION EXPIRES MAY 9, 2014

ZONING PROPERTY DESCRIPTION FOR: 4640 BUCKS SCHOOLHOUSE RD, ROSEDALE, 21237

Beginning at a point on the east side of BUCKS SCHOOL HOUSE RD which is 50 ft wide at the distance of 170 ft west of the centerline of the nearest improved intersecting street PIN OAK WAY which is 50 ft wide.

Beginning for the same at a point in or near the center of BUCKS SCHOOLHOUSE RD, which point of beginning is the point of beginning of a lot of ground which by deed Dated November 4, 1948 and recording among the land records of Baltimore county in Liber TBS NO. 1709, Folio 249 was granted and conveyed by Otto P. Fiddler and wife to Otto P. Fiedler and wife and running in or near the center of said road south 11 degrees 30 minutes west 200 feet and thence south 78 degrees 30 minutes east 360 feet, more or less, to intersect the third or north 51 degrees east 70 perch line of a parcel of land which by deed dated September 20, 1934 and recorded among the land record of Baltimore county in Libber CWB JR. NO. 937, Folio 561 was conveyed by Fredrick W. Krastel to Otto P. Fiedler and wife and running thence reversely on said line south 54 degrees 30 minutes west 220.30 feet, more or less, to the end of said line and the place of beginning.

Containing 0.96 acres located in the 14th Election District and 6th Council District.

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CERTIFICATE OF POSTING

	2014-0090-A
	Petitioner/Developer:
	James Clerkin
	November 4, 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 penaltic posted conspicuously on the property loc	s of perjury that the necessary sign(s) required by law were ated at:
4640 Buck School House Rd	-U 62 g (1 a)
	October 20, 2013
The sign(s) were posted on	(Month, Day, Year)
	Sincerely, October 20, 2013
@ 	(Signature of Sign Poster) (Date)
ZONING NOTICE ADMINISTRATIVE	SSG Robert Black
VARIANCE CASE# 2014-0090-A	(Print Name)
To Permit a proposed accessory structure (Pole Barn) with a height of 18.5 feet in lieu of the maximum	1508 Leslie Road
height of 15 feet. PUBLIC HEARING?	(Address)
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ACCOUNT AND ACCOUNT OF THE PROPERTY OF THE PRO	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

MEMORANDUM

DATE: December 9, 2013

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2014-0090-A - Appeal Period Expired

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

CASE NO. 2013 0090-A

CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
10-32	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	No
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
1017	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	·
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	TION (Case No	
PRIOR ZONING	(Case No.)
NEWSPAPER AI	DVERTISEMENT Date:	
SIGN POSTING	Date: 16-20-13	by Black
PEOPLE'S COU	NSEL APPEARANCE Yes No	
PEOPLE'S COUR	NSEL COMMENT LETTER Yes No	
Comments, if any	:	

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVAGE AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0090 -A Address 4640 Bucks School House Rd
Contact Person: Gary Huck Phone Number: 410-887-3391
Filing Date: 10/9/13 Posting Date: 10/00/13 Closing Date: 11/4/13
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.
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- 0090 -A Address 4640 Buck School Hase Rd
Petitioner's Name <u>Tomes Clerkin</u> Telephone <u>302-561-4501</u>
Posting Date: 10/20/13 Closing Date: 11/4/13
Wording for Sign: To Permit a propose accessory structure (Pole barn)
with a height of 18.5 feet in lieu of maximum
height of 15 feet.



KEVIN KAMENETZ County Executive

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

November 5, 2013

James & Lauren Copeland 4640 Bucks School House Road Rosedale MD 21237

RE: Case Number: 2014-0090 A, Address: 4640 Bucks School House Road

Dear Mr. & Ms. Copeland:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 9, 2013. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

U. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel



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

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

Date: 10-17-13

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

RE: **Baltimore County**

Item No 2014-0090-A Administrative Vavience Fames Cler Kin & Lawenlopelone 4640 Becks Schoolhouse Rond

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. 2014-0090-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely

Steven D. Foster, Chief/ Development Manager

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: October 22, 2013

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 21, 2013

Item No. 2014-0082, 0085, 0086, 0089 and 0090

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\ZAC10212013 -.doc

Search Help

Search Result for BALTIMORE COUNTY

View Map				View Groun	Redemption	n	View GroundRent Registration						
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Homestead Application Status: No Application

- 1. This screen allows you to search the Real Property database and display property records.
- 2. Click here for a glossary of terms.
- 3. Deleted accounts can only be selected by Property Account Identifier.
- 4. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.



Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

Searcn Help

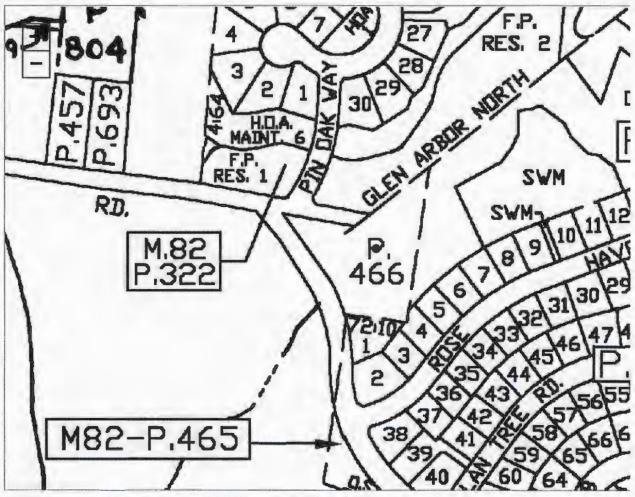
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Exempt Class:		NONE								

Homestead Application Status: No Application

New Search

Baltimore County

District: 14 Account Number: 2200010226



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.



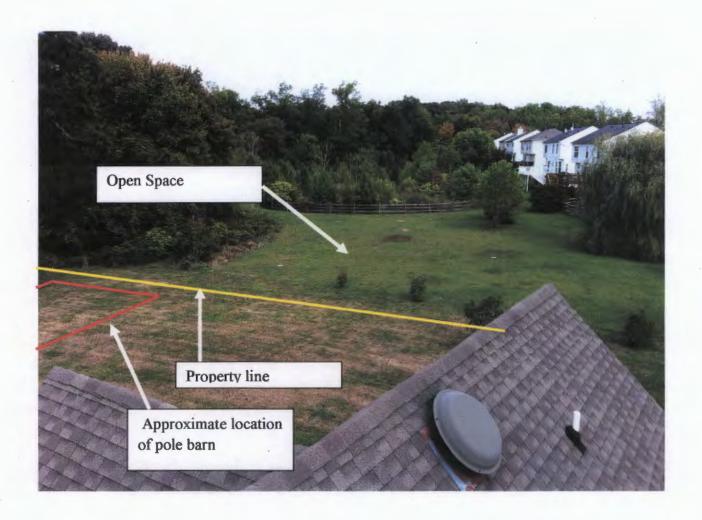
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James Clerkin 4640 Bucks Schoolhouse RD



Viewing North from roof of 4640 Bucks Schoolhouse rd

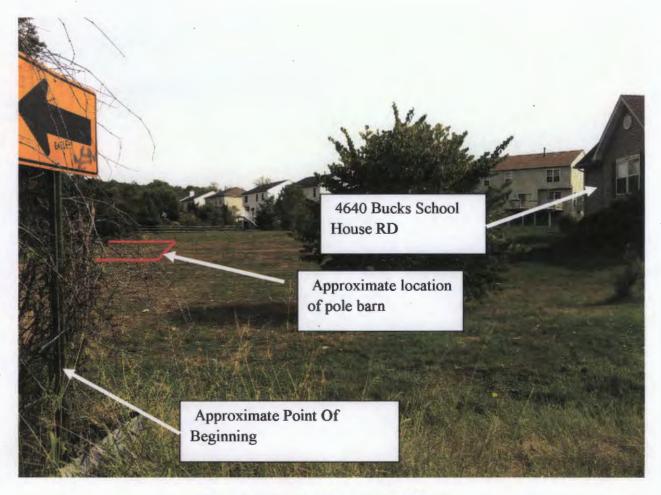
James Clerkin
4640 Bucks Schoolhouse RD



James Clerkin 4640 Bucks Schoolhouse RD



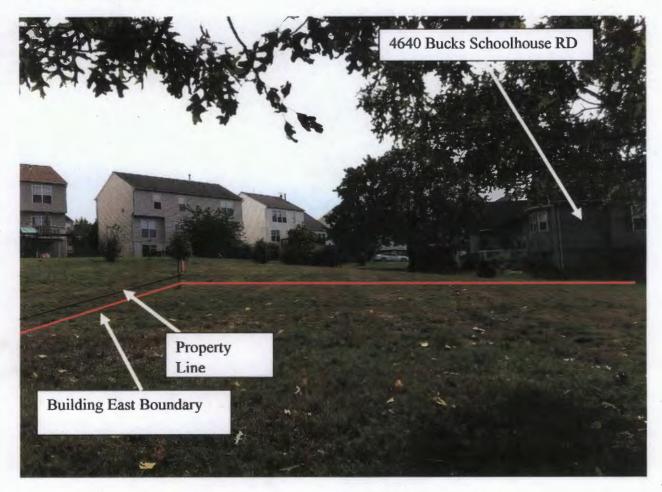
James Clerkin
4640 Bucks Schoolhouse RD



View from Bucks Schoolhouse RD East

James Clerkin

4640 Bucks Schoolhouse RD



View of Neighbors property from inside garage perimeter.

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 46 40 BUCKS SCHOOLHOUSE RD OWNER(S) NAME(S) JAMES CLERKIN + LAUREN COPELAND Blicky School-bussers LOT#N/A BLOCK #N/A SECTION #N/A SUBDIVISION NAME N/A 10 DIGITTAX #220001 0226DEED REF. #18165/354 PLAT BOOK # FOLIO# FOSE P Kerne River CNAME OF LE 8100 MAP IS NOT TO SC OPEN SPACE ASSOC Wat Macagas ZONING MAP# 0824 8/04 SITE ZONED DR 3.9 XS ELECTION DISTRICT / Y N11º 30' E 360 ± COUNCIL DISTRICT 6 S'SET BACK 75 43# OR SQUARE FEET STEENS OF THE PERSON MAGADAM HISTORIC? NO 200 201 IN CBCA? NO 4642 475 30°E PROPOSED 40'x36' POLE BARN CONC. DRIVE IN FLOOD PLAIN? NO 77'+ STORY YIMYL UTILITIES? MARK 46:45× 18.5 HEIGHT SS 100 TE TON WATER IS: 65.7 MICHELLE SMITH Tax 2200029654 PUBLIC X PRIVATI CONC NOOD FORCH DRAF SEWER IS: +09 PUBLIC X PRIVATI STEPS PRIOR HEARING ? NO EX PAVING IF SO GIVE CASE NUI 511'30'W 200 AND ORDER RESULT SCHOOLHOUSE ROAD 46 40 BUCKS PLAN DRAWN BY James Clerkin DATE 9-23-2013 SCALE: 1 INCH = 50 FEET VIOLATION CASE INF

Pet

SITE VICINITY MI

LOT AREA ACREAGE 0.96

