IN RE: PETITION FOR ADMIN. VARIANCE (11812 Greenspring Avenue)

4th Election District 2nd Council District Murat M. and Julie B. Dorkan Petitioners **BEFORE THE**

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0107-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, Murat M. and Julie B. Dorkan. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed addition (garage/mudroom) to have a side yard setback as close as 35 ft. on an existing dwelling with a side yard setback of 45 ft. in lieu of the required 50 ft. each. 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 submitted from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 8, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in ORDER RECEIVED FOR FILING

Date	11-27-13
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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 information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the garage not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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

THEREFORE, IT IS ORDERED, this <u>27th</u> day of November, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed addition (garage/mudroom) to have a side yard setback as close as 35 ft. on an existing dwelling with a side yard setback of 45 ft. in lieu of the required 50 ft. each, 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 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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Date 11-27-13	
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- 2. The Petitioners or subsequent owners shall not convert the subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The garage shall not be used for commercial purposes.

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Any appeal	of this	decision	must	be	made	within	thirty	(30)	days	of	the	date	OI	this

Order.

LAWRENCE M. STAHL

Managing Administrative Law Judge for

Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date (1-27-13



KEVIN KAMENETZ
County Executive

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

November 27, 2013

Murat M. Dorkan Julie B. Dorkan 11812 Greenspring Avenue Owings Mills, Maryland 21117

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(11812 Greenspring Avenue) Case No. 2014-0107-A

Dear Mr. and Mrs. Dorkan:

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.

ry/truly yours,

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure

c: Genevieve Haller, Horbey Custom Builders, 7113 Ambassador Road, Suite 200, Baltimore, MD 21244

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 11812 Greenspring Ave which is presently zoned RC - 5 10 Digit Tax Account # 0 4 1 1 0 1 5 8 7 5 Deed Reference 34139 / 00243 Property Owner(s) Printed Name(s) Murat M. Dorkan & Julie B. Dorkan

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. X ADMINISTRATIVE VARIANCE from section(s)

Section 1A04.3.B.2.b - to permit a proposed addition (garage/mudroom) to have a side yard setback as close as 35 feet on an existing dwelling with a side yard setback of 45 feet in lieu of the required 50 feet each

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

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

Email Address

Property is to be posted and advertised as prescribed by the zoning regulations.

Zip Code

Telephone #

regulations of Baltimore County and that the property be reposted.

restrictions of Baltimore County adopted pursuant to the zoning law for 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)

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

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). Legal Owners: Contract Purchaser/Lessee: Murat M. Dorkan Julie B. Dorkan Name- Type or Print Name #1 - Type or Print Name #2 - Type or Print Signature #1 Signature # 2 Signature 11812 Greenspring Ave., Owings Mills, MD Mailing Address City State Mailing Address City State 21117 443-790-4900 mdorkan@sterneagee.com Telephone # Zip Code Telephone # **Email Address** Zip Code Email Address DER REGEIVED FOR FILING **Attorney for Petitioner:** Representative to be contacted: Genevieve Haller - Horbey Custom Builders Name- Type or Print Name - Type or Print Signature 7113 Ambassador Rd., Ste 200, Baltimore, MD Mailing Address State Mailing Address State 21244 410-277-4888 gen.haller@horbeycustombuilders.com Telephone # Email Address

Administrative Law Judge of Baltimore County

that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning

CASE NUMBER 2014-0107-A Filing Date 11/1/3 **Estimated Posting Date**

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County,

Zip Code

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

Address: 11812 Greenspring Ave., Owings Mills, MD 21117

Print or Type Address of property

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:

State

Zip Code

Based upon personal knowledge, the following are the Administrative Variance at the above address. (Clearly	
The owners would like to add an attached 4-car garage to their prom the side, and the driveway will be modified to allow for prop	
a side setback of 50ft. Constructing the garage will encroach app	
as shown on the plan. This is the most practical location for the	garage for several reasons: Detaching the garage may reduce
the minimum setback distance, but a variance will still be require	
the garage and moving to the rear of the property will impact a te	ennis court, new in-ground pool and/or related landscaping.
Detaching the garage and moving to the front of the property wil	
house to the road. Locating the garage at the opposite end of the construction, but the master bedroom will be effected in the need	he house will not only impact the front wooded areas for driveway d to create interior access to the garage. With an approved
variance, the exterior features will stay in place, the front wooded. The house is located approximately 680ft from the road and is su	
with a single family home is 11808 Greenspring Ave., approxima	ately 300ft from the road and 85ft from the shared property line.
(If additional space for the petition request or the above s	Signature of Affiant
Murat M. Dorkan	Julie B. Dorkan
Name- Print or Type	Name- Print or Type
The following information is to be completed by	
I HEREBY CERTIFY, this day of	
Mina H. BONGER	
the Affiant(s) herein, personally known or satisfactorily ider	ntified to me as such Affiant(s) (Print name(s) here)
Notary Public My Commission	Them #0107 REV. 10/12/11



HORBEY CUSTOM BUILDERS, INC.

7113 AMBASSADOR ROAD | SUITE 200 **BALTIMORE MARYLAND 21244** 410.343.2401 OFFICE 410.343.2402 FAX HORBEYCUSTOMBUILDERS.COM

Located on west side of Greenspring Ave., 575 (4/2) north of Caves Rd

ZONING HEARING PROPERTY DESCRIPTION

11812 Greenspring Avenue Owings Mills, Maryland 21117

Beginning of the same in the center of Greenspring Avenue (formerly called Dover Road) at a point distant South 15 degrees 33 minutes East, 760.42 feet measured along the center of said Avenue from the intersection of the center of Greenspring Avenue with the last line of a parcel of land described in a deed dated April 23, 1798 and recorded among the land records of Baltimore County and filed in the Court house in Annapolis, Maryland in Liber W.G. No. 56, folio 246 from Benjamin Bond to John Burnham, said place of beginning also being distant South 15 degrees 33 minutes East 105.64 feet measured along the center of Greenspring Avenue from the beginning of the second line of a parcel of land which by a deed dated November 24, 1951 and recorded among the land records of Baltimore County in Liber GLB No. 2046 folio 530, was conveyed by John R. Scott, et. Al to Francis R. Ott and wife running thence and binding in the center of Greenspring Avenue, as the courses are referred to the magnetic meridian of 1950, South 15 degrees 33 Minutes East 104.53 feet, thence leaving said Avenue and running for lines of division the six following courses and distances viz: North 88 degrees 37 minutes 20 seconds West 567.88 feet to an iron bar, South 74 degrees 27 minutes West 370 feet to an iron bar, North 15 degrees 33 minutes West 200 feet to an iron bar, North 74 degrees 27 minutes East 370 feet to an iron bar, South 15 degrees 33 minutes East 95.47 feet to an iron bar and South 88 degrees 37 minutes 20 seconds East 567.88 feet to the place of beginning.

Containing 3.00 acres of land more or less.

Saving and excepting therefrom all that or parcel of ground which was conveyed to the County Commissioners of Baltimore County for the Widening of Greenspring Avenue by Deed dated September 18, 1954 and recorded among the land records of Baltimore County in Liber GLB 2601 folio 173.

Also saving and excepting therefrom all that lot or parcel of ground which by Deed dated September 19, 1996 and recorded among the land records of Baltimore County in Liber SM 11821 folio 668, was granted and conveyed by Wilfred G. Keir and Blanche Scott Keir by Duncan W. Keir her attorney-in-fact unto Blanche Scott Keir individually.

Said Lot consisting of 0.46 acres of land, reference to said Deed if hereby made for a more particular description of said lot.

4th Election District 2nd Councilmanic District

Ttem # 0107



ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring 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:
Petitioner: MURAT M PORKAN & JULE B DORKAN Address or Location: 11812 GREENSPRING AVE OWINGS MILLS MD
Address or Location: 11812 GREENSPRING AVE OWINGS MILLS MD 21117
PLEASE FORWARD ADVERTISING BILL TO: Name: Murat M. Dorkan & Julie B. Dorkan
Address: 11812 Greenspring Avenue Owings Mills, MD 21117
Telephone Number: 443-790-4900

OFFIC	E OF BUI	DGET AN	MARYLAN D FINANC RECEIPT	E		No.		656	PAID RECEIPT ***********************************
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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/10/2013

Case Number: 2014-0107-A

Petitioner / Developer: M & J DORKAN~GENEVIEVE HALLER of

HORBEY CUSTOM BUILDERS, INC.

Date of Hearing (Closing): NOVEMBER 25, 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: 11812 GREENSPRING AVENUE

The sign(s) were posted on: NOVEMBER 8, 2013



Kendu O Keyfe
(Signature of Sign Poster)

(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

(Dalett Fiduless of Digit Foster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

MEMORANDUM

DATE:

January 6, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0107-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 27, 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. 2014-	DIOM-A
	101

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
11-15	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	•
ZONING VIOLATI	ON (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	VERTISEMENT Date:	
SIGN POSTING	Date:\\-8-13	by_O'Keage_
PEOPLE'S COUNS	SEL APPEARANCE Yes No	
PEO?LE'S COUNS	SEL COMMENT LETTER Yes \square No \square	
Comments, if any:		

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2014-	0107	-A A	Address	11812	Greenspring	Ave
	ct Person:	Diames Di	ease Print Your Nam				
Filing	Date:	/13	Posting	g Date:	11/10/13	Closing Date	e: 11/25/13
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2.	a formal requ	est for a pul	olic hearing.	Please	understand	t or owner within 1, that even if there se closing date.	
3.	commissioner order that the within 10 day	. He may: (matter be set s of the close etition has be	 a) grant the infor a public sing date if a en granted, d 	requeste c hearing all Coun	ed relief; (b) g. You will re ty agencies'	by the zoning or deny the requeste eceive written notifi comments are re public hearing. The	d relief; or (c) cation, usually eceived, as to
4.	changed givin	g notice of the	e hearing date	e, time a	and location.	s that must go to a of the zoning or e sign on the prop As when the sign altered sign must be	was originally
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		USE THE AI	OMINISTRAT	IVE VAF	RIANCE SIG	N FORMAT	
Case	Number 2014-	0107	Addres	s	012 G1	reenspring tu	<u>e</u>
Petitio	ner's Name	M+J Do	rkan		-	Telephone 443	-790-4900
Posti	ng Date:	10/13		C	losing Date	: 1/25/13	1
Wordi	ng for Sign:	To Permit a	proposed	addit	ion (qure	ge/mudroom) to have
a	side yard	setback	as clas	se as	35 feet	on an existiv	ig dwelling
wit	ha side	1	rack of 45	- feet	in lieu	of the existing	
re	quired 5	o feet e	ach		-	·	
	1						Revised 7/06/11



KEVIN KAMENETZ County Executive

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

November 26, 2013

Murat M. & Julie B. Dorkan 11812 Greenspring Avenue Owings Mills MD 21117

RE: Case Number: 2014-0107 A, Address: 11812 Greenspring Avenue

Dear Mr. & Ms. Dorkan:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 1, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

People's Counsel
 Genevieve Haller, Horbey Custom Builders, 7113 Ambassador Road, Ste. 200, Baltimore MD 21244



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: //-/5-/3

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

RE: Baltimore County

Administrature Variouse Murat M. & Julies Dofton 11812 Coreen Spring Avenue

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. 2014-0107-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

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

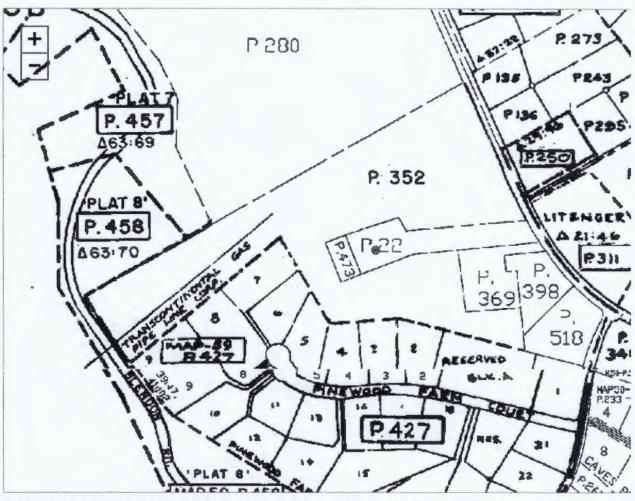
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View Map	View GroundRent Re		View GroundRent Registration							
Account Identifier:	District - 04 Account Number - 0411015875									
		Owner Info	rmation							
Owner Name:	DORKAN MURA DORKAN JULIE		Use: Principa	l Residence:	RESIDENTIA YES	L				
Mailing Address:	11812 GREENSPI OWINGS MILLS		04 Deed Re	ference:	1) /34139/ 0024 2)	3				
	Locat	tion & Structu	re Information							
Premises Address:	11812 GREENSPI 0-0000	RING AVE	Legal De	escription:	2.4780 AC WS GREENSE 440 FT NW CA					
Map: Grid: Parcel 0050 0020 0022	Sub District: Subdiv	rision: Sec	tion: Block:	Lot: Asse 2013	ssment Year:	Plat No: Plat Ref:				
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Seller: KEIR WILFRI	ED G	Date: 02/01/20	002		Price: \$310,000					
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Baltimore County

District: 04 Account Number: 0411015875

New Search



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.

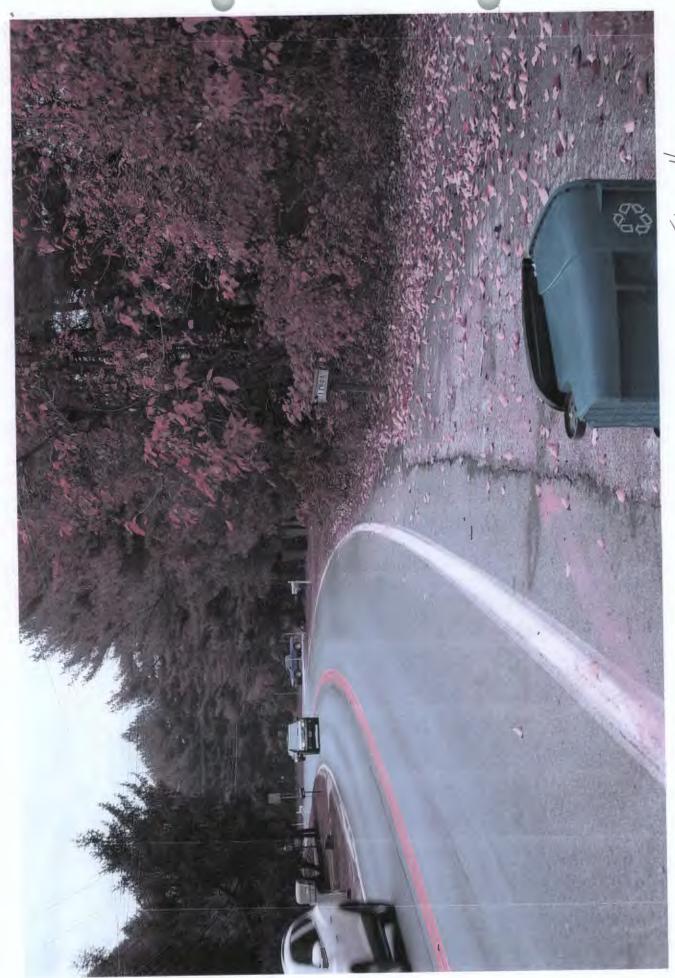
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

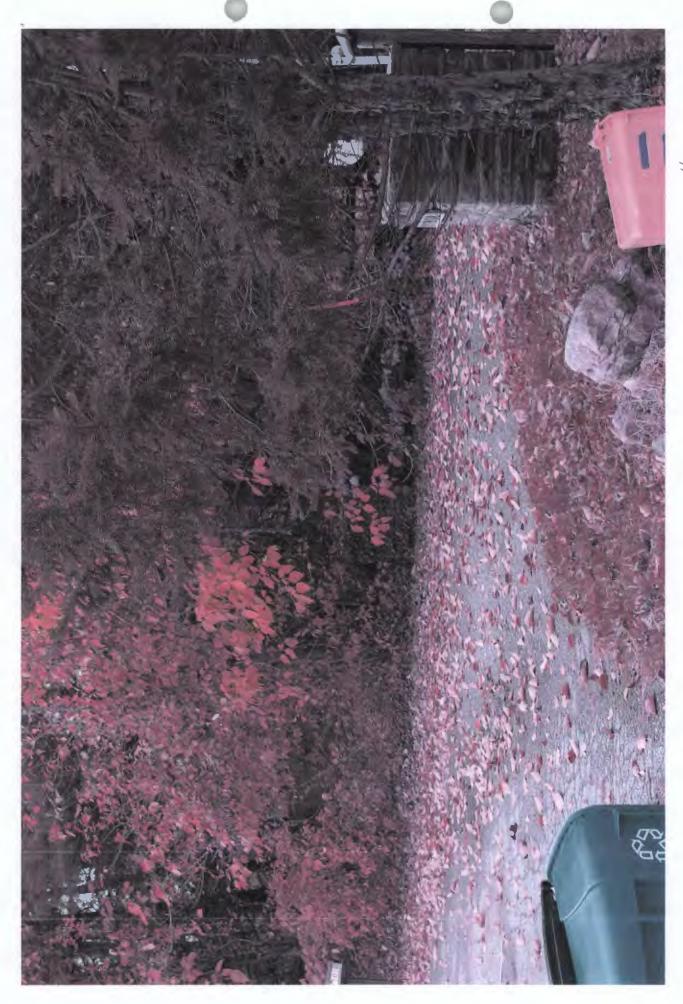
Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml



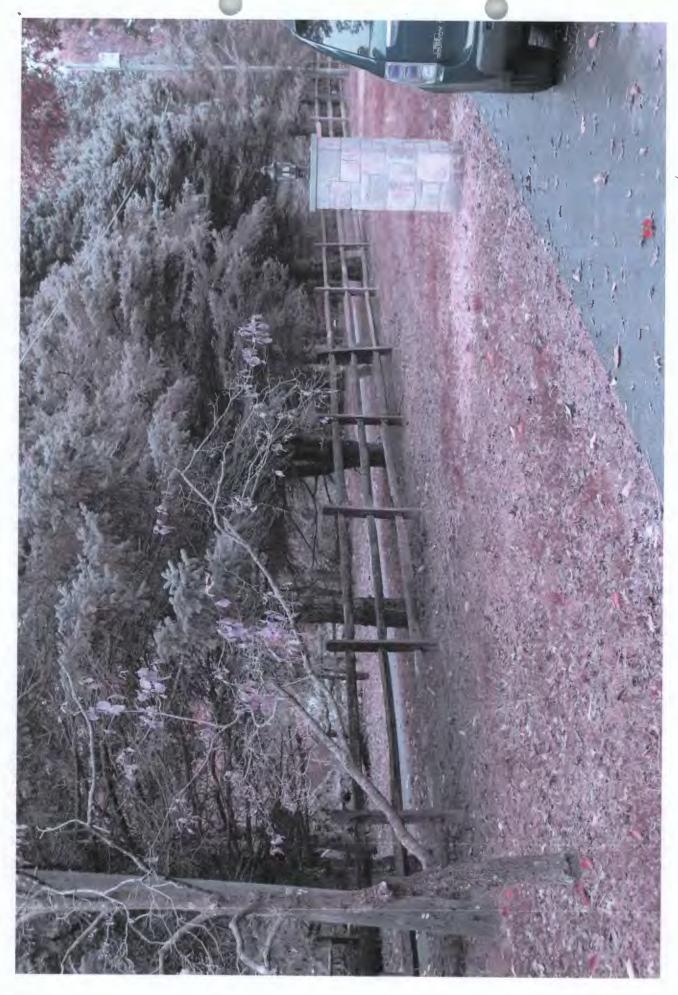
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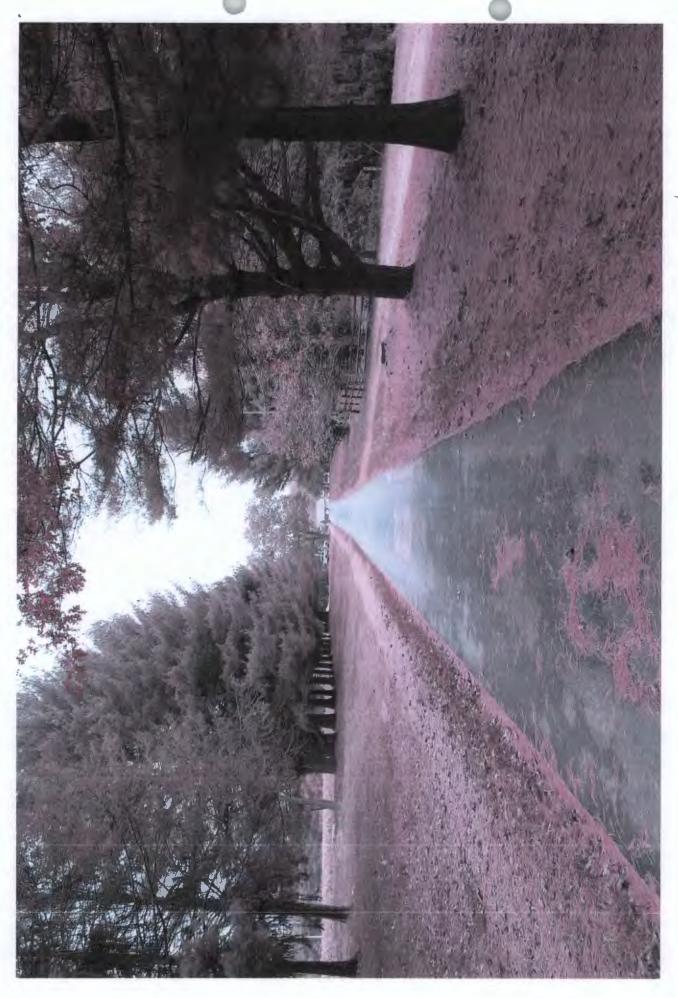






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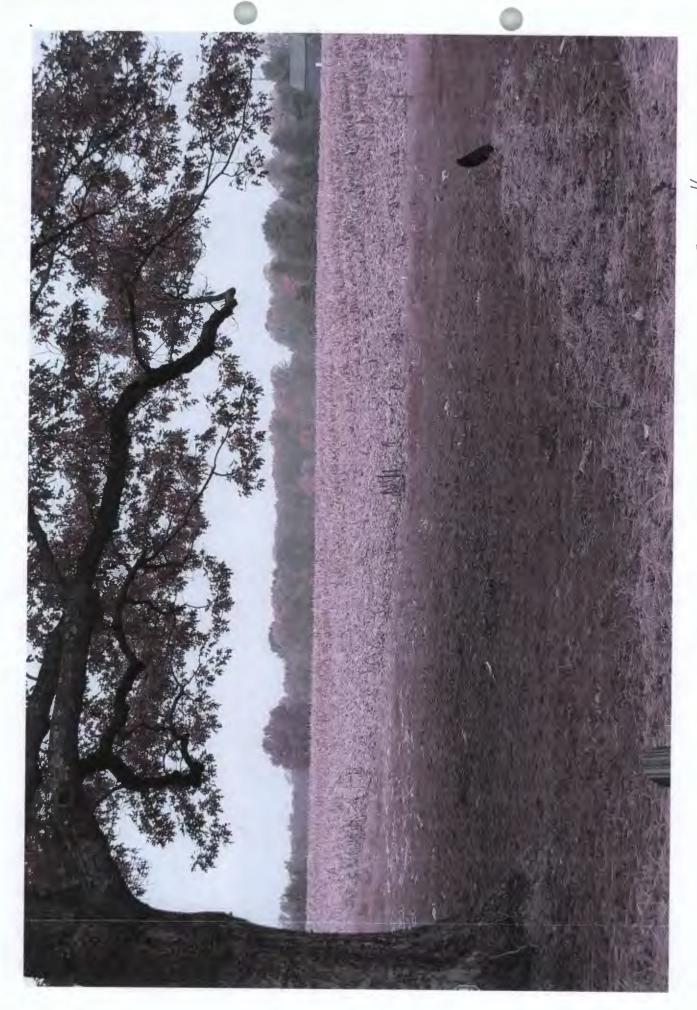




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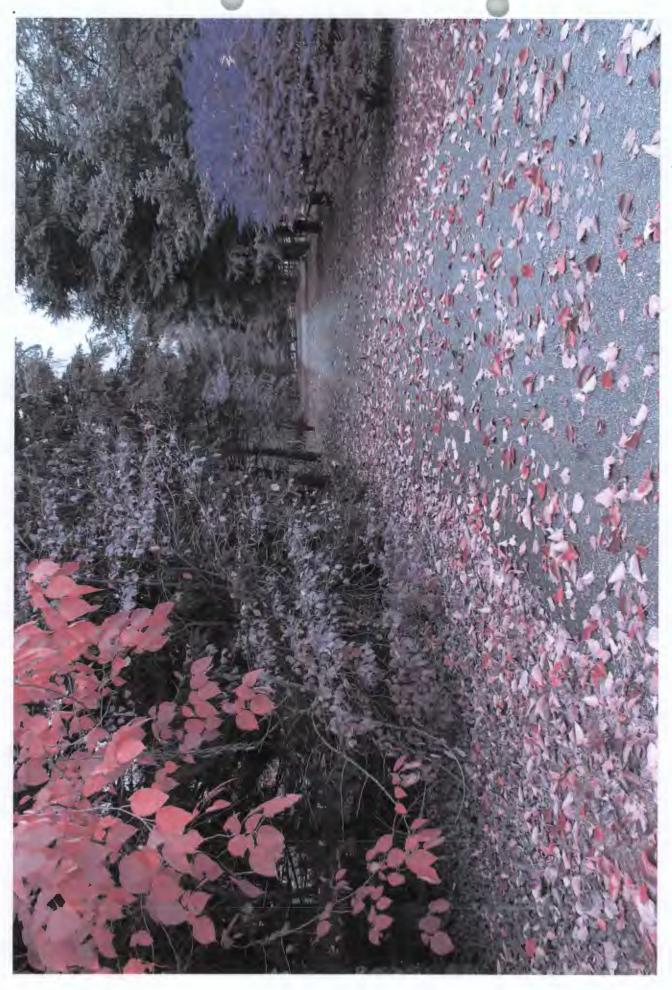


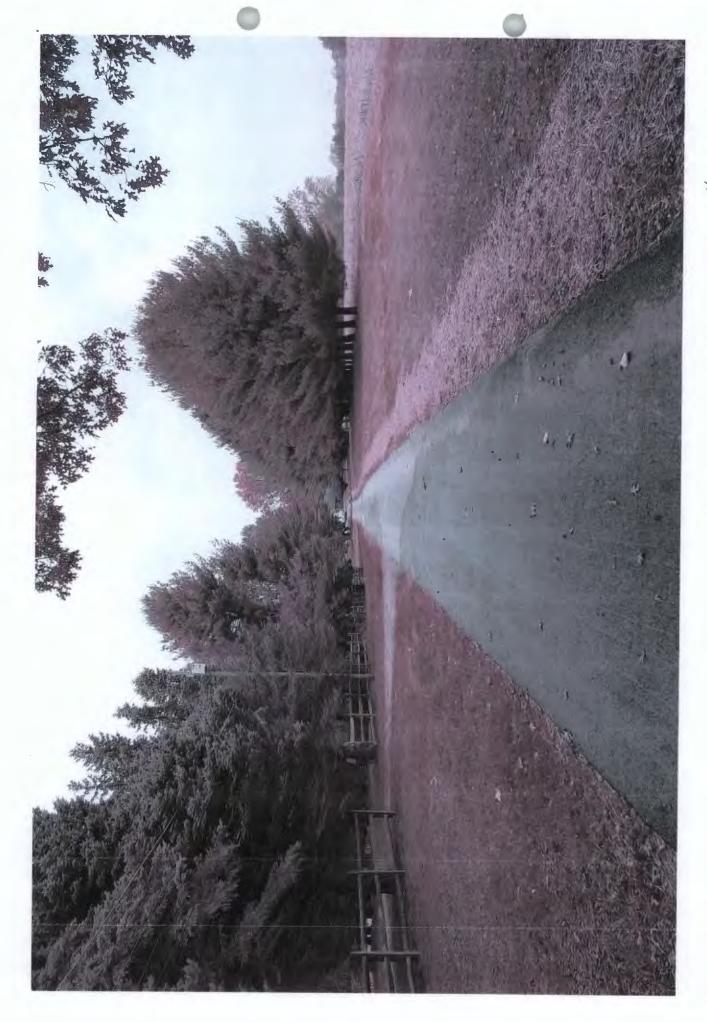
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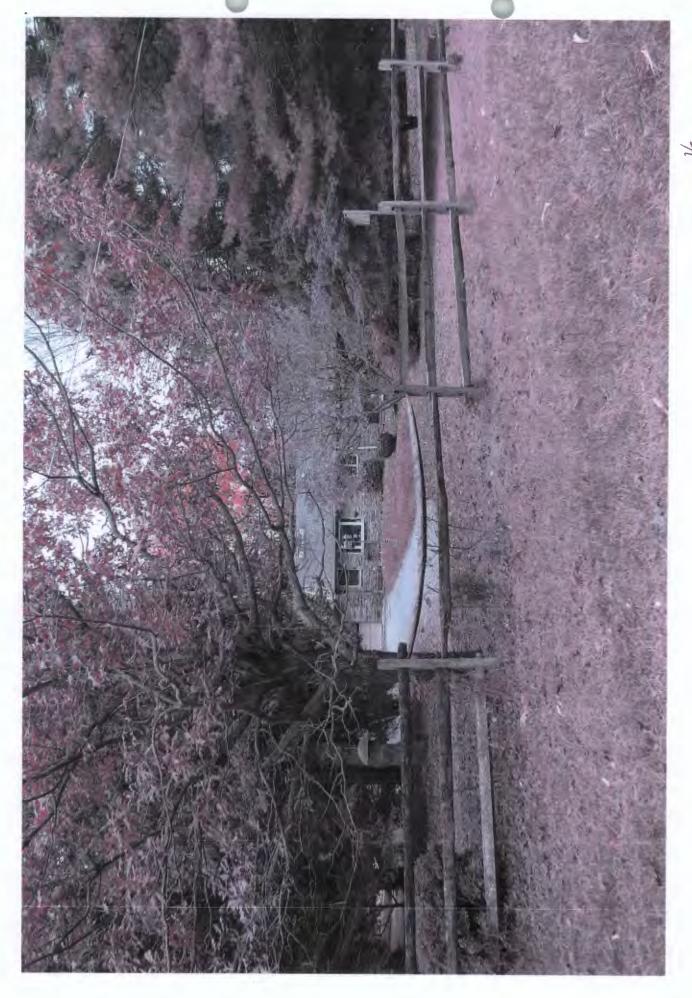








Item # 0107



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Item # 0107







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Item #0107











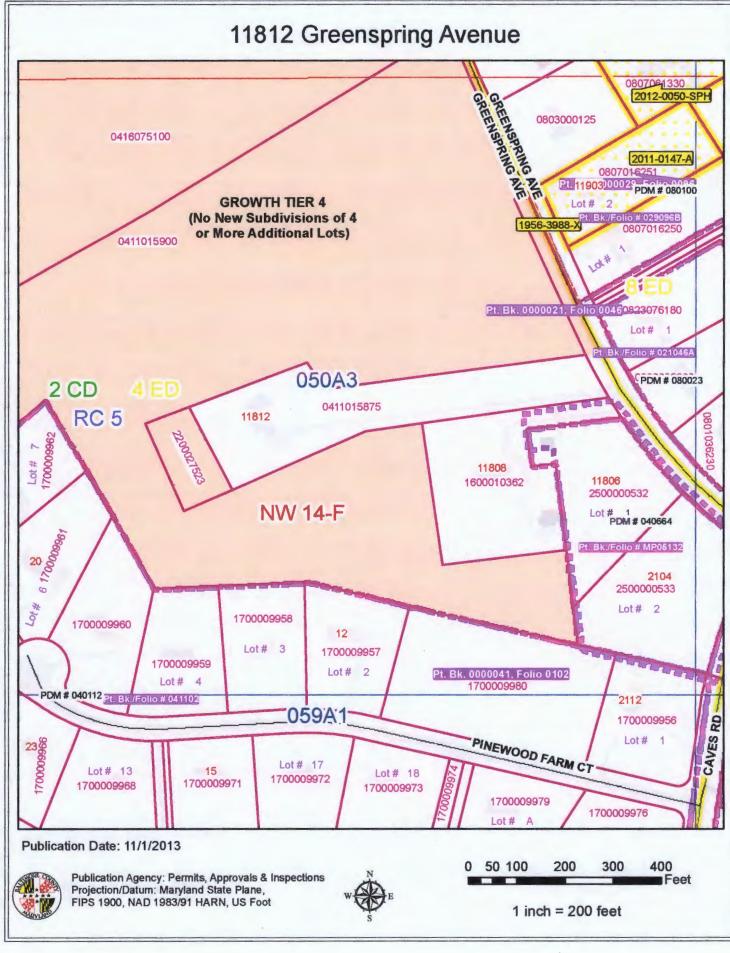
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Item #0107

