IN RE: PETITION FOR ADMIN. VARIANCE *

(18 Lauriann Court)
7th Election District *

3rd Councilmanic District

Frederick T. and Catherine M. Swift

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0109-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Frederick T. and Catherine M. Swift. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed detached accessory structure (garage) to be located in the side yard of the principal dwelling in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 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. However, it is to be noted that a letter of support was contained in the file from an adjacent neighbor (Jeffrey S. Hill, 12 Lauriann Court), who had no objection to the Petitioners' request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 16, 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

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ORDER RECEIVED FOR FILING

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 accessory building 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, by the Administrative Law Judge for Baltimore County, this 5th day of December, 2013, that a Variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed detached accessory structure (garage) to be located in the side yard of the principal dwelling in lieu of the required rear yard, be and is hereby GRANTED, subject to the following:

The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for their 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.
- 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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ORDER RECEIVED FOR FILING

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

JOHN B. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEIVE	ED FOR	FILING
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Date 12-5-13



KEVIN KAMENETZ
County Executive

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

December 5, 2013

Frederick T. Swift Catherine M. Swift 18 Lauriann Court Parkton, Maryland 21120

RE:

Petition for Administrative Variance

Case No. 2014-0109-A Property: 18 Lauriann Court

Dear Mr. and Ms. Swift:

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

c: Jeffrey Hill, 12 Lauriann Court, Parkton, MD 21120

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 18 LAURIANN CT, PARKTON, MD which is presently zoned RC4 Deed Reference / 3243 / 00350 10 Digit Tax Account # 18 00006286 Property Owner(s) Printed Name(s) Frederick CATHERINE M. S (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) Section 400.1 - To Permit a proposed detacked accessory structure (garage) to be recased partly on the side yard of the principal dwelling in lieu of the required rear. 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). Legal Owners: Contract Purchaser/Lessee: PREDERICK T. SWIFT I CATHERINE M. SWIFT Name #2 - Type or Print Name #1 - Type or Print Name- Type or Print Signature #1 Signature # 2 Signature Mailing Address City State 1410-357-0148 Zip Code Telephone # Email Address Mailing Address Representative to be contacted: Attorney for Petitioner: FREDERICK Name - Type or Print Signature 18 Lauren State 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, 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 2014-0109-A Filing Date 11/6/13 Estimated Posting Date 11/17/13 Reviewer JCM

PROPERTY DESCRIPTION

PART A

ZONING PROPERTY DESCRIPTION FOR 18 Lauriann Court

Beginning at a point on the north side of Lauriann Court which is 50' wide at the distance 1106'(+/-) west of the centerline of the nearest improved intersecting street Hillcrest Road which is 50' wide.

PART B

Being lot #13, Block (n/a), Section #1 in the subdivision of Hoot Owl Hills as recorded in Baltimore County Plat Book #43, Folio #71, containing 2.04 ac. Located in the 7th Election District and 3rd Council District.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

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.

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

RECEIVED

DATE: 11/16/2013

DEC 0 9 2013

CASE NUMBER: 2014-0109-A

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner/Developer: FREDERICK SWIFT

Date of Hearing (Closing): 12/02/13

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:

The sign(s) were posted on: 11/16/2013

(Signature of Sign Poster)

John M. Altmeyer (Printed Name of Sign Poster)

21722 Orwig Road (Street Address of Sign Poster)

Freeland, Maryland 21053 (City, State, Zip of Sign Poster)

410-382-6580 (Telephone Number of Sign Poster)



MEMORANDUM

DATE:

January 7, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0109-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 6, 2014. 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>Department</u>	Conditions/ Comments/ No Comment
11-20	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)	
11-15	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
11-5	ADJACENT PROPERTY OWNERS	Supports auriam Ct.
ZONING VIOLA	ATION (Case No.	aurian Ct.
PRIOR ZONING		
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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VANIANCE IN CHMIATION STILLT AND DATES
Case Number 2014- 8/09 -A Address 18 CAURIANN CT.
Contact Person: NEPPEY Phone Number: 410-887-3391
Filing Date: 11/6//3 Posting Date: 11/17 Closing Date: 12/02
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. <u>POSTING/COST:</u> 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- 0109 -A Address 18 LANRIANN CT.
Petitioner's Name FREDERICK Swift Telephone
Posting Date: $\frac{(1/1)/13}{}$ Closing Date: $\frac{12/02/13}{}$
Wording for Sign: To Permit A GARAGE TO BE LOCATED IN THE
SiDE YARD IN LIEU OF THE REQUIRED REAR YAR



KEVIN KAMENETZ County Executive

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

November 26, 2013

Frederick & Catherine Swift 18 Lauriann Court Parkton MD 21120

RE: Case Number: 2014-0109A, Address: 18 Lauriann Court

Dear Mr. & Ms. Swift:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 6, 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: //-15-/3

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

RE: **Baltimore County**

Item No 2014-0109-A.
Administrative Variance
Frederick T. & Cotherme M. Switt

18 Lauriann 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. 2014-0109-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

Debra Wiley - Sign Posting Requirements

From:

Debra Wiley

To:

jaltmeyer@aol.com

Date:

12/6/2013 8:57 AM

Subject: Sign Posting Requirements

Good Morning John,

RE: Case Nos. 2014-0109-A & 2014-0114-A

Per our telephone conversation this morning, and after speaking to Zoning, the original of the Certificate of Posting should be delivered to the Zoning Review Office.

In the event the Certificate is not included in the file, a call will be placed to the Petitioner's representative or the Petitioner himself to advise that the sign posting requirement has not been fulfilled. It is at this time that a copy can be presented however the original still must be received for inclusion in the file; this will alleviate processing time.

I hope this information clarifies the procedure for you. Please feel free to contact either myself, Kristen Lewis or June Fisher and we will of course help you in any way that we can.

It was nice speaking to you, and continue to enjoy your grandchildren and retirement!

Debbie Wiley Legal Administrative Secretary Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) dwiley@baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 20, 2013

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 18, 2013

Item No. 2014-0078, 0106, 0107, 0109, 0110, 0111, 0112, 0113 and

0114

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\ZAC11182013 -.doc

November 5, 2013

Sir/Madam
Zoning Review
Department of Permits, Approvals and Inspections
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

Re: Garage at:

18 Lauriann Court Parkton, MD 21120

I, Jeffrey Hill, am owner of 12 Lauriann Court, Parkton, MD (lot 16) which is the residence immediately to the east of 18 Lauriann Court (lot 13). My neighbors, Frederick Swift and Catherine Swift, residing at 18 Lauriann Court have advised me of their desire to place a two car garage on their property which would be between their residence and mine. I have no objection to the Swift's desire to construct a garage between our residences.

Thank you,

Jeffrey Hill

phy Siel 11/5/13 9891 Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

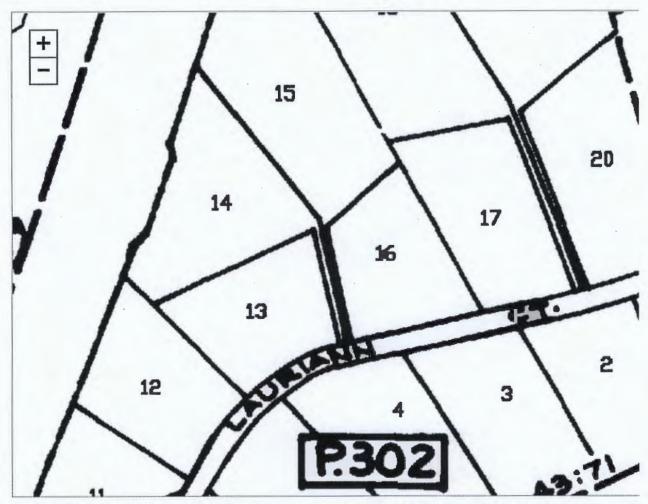
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Baltimore County

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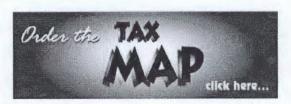


The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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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Search Help

Real Property Data Search (w4)

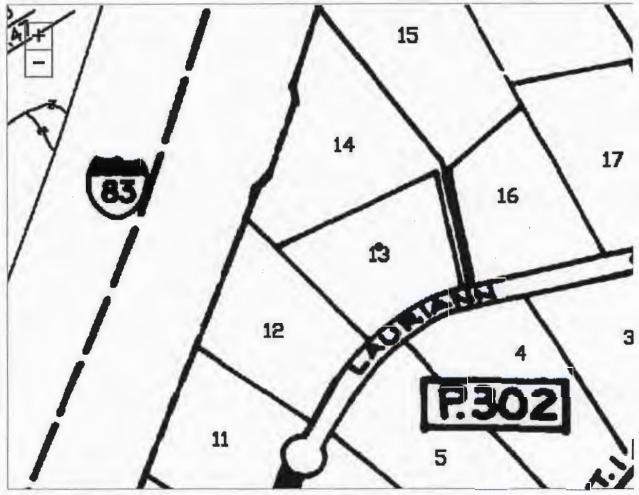
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Homestead Application Status: Approved 09/18/2012

Baltimore County

District: 07 | Account Number: 1800006286

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.

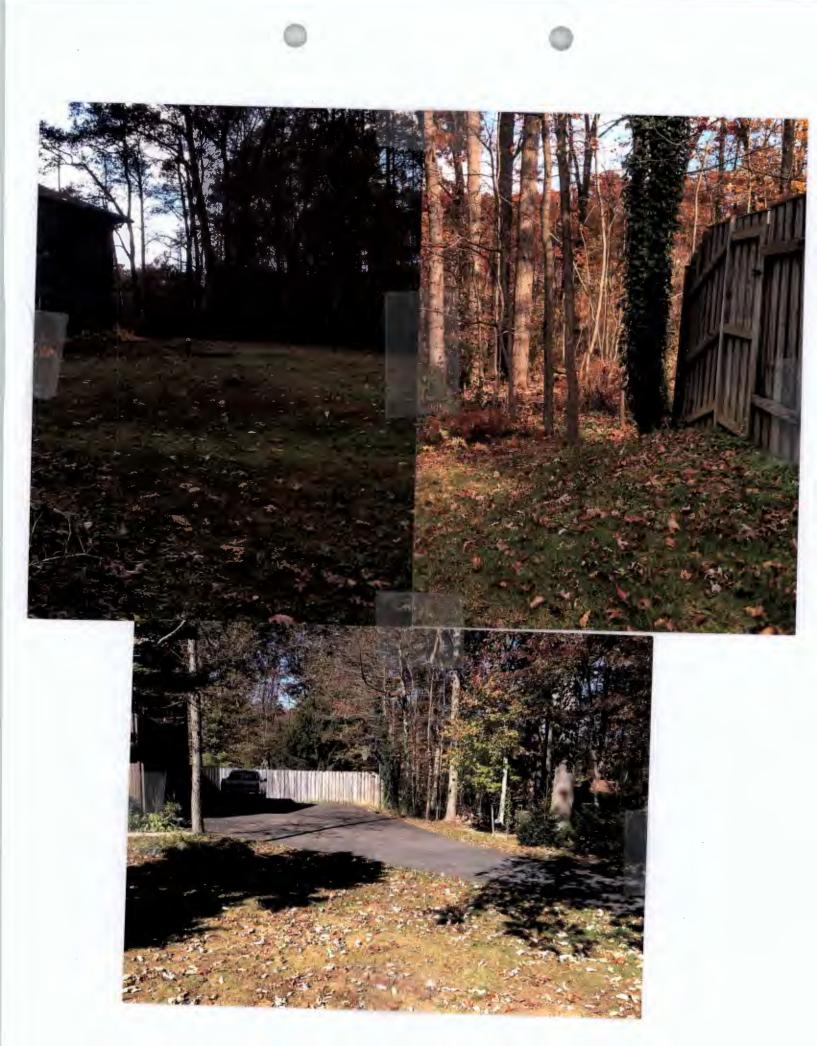
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

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

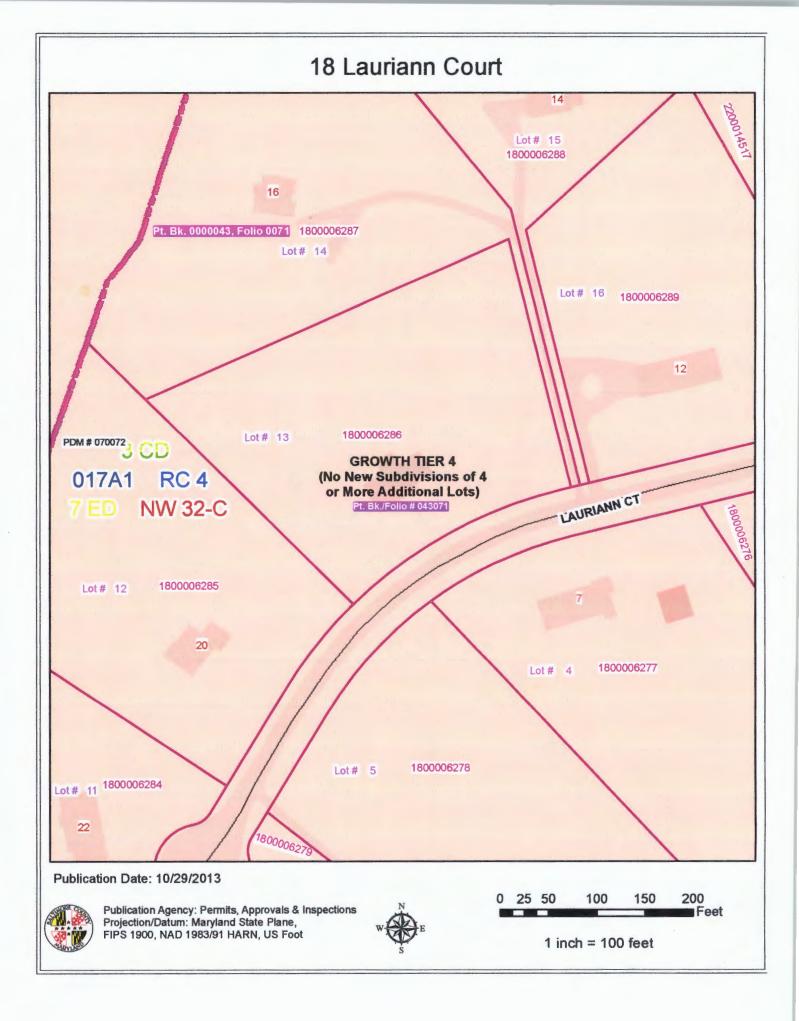
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml.



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	· SITE VICINITY MAP
COMING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 18 LAURI ANN COURT OWNER(S) NAME(S) FREDERICK & CATHERINE SWAF SUBDIVISION NAME HOOT OWN HILLS LOT# 13 BLOCK # MA SECTION # 1	Did aider Ave
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