IN RE: PETITION FOR ADMIN. VARIANCE * (903 Timber Run Road)

(903 Timber Run Road)
4th Election District

2nd Councilmanic District

Wendi R. Bukowitz

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0114-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 owner of the subject property, Wendi R. Bukowitz. 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 Petitioner's 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.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 11, 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 (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 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 ORDER RECEIVED FOR FILING

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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.

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. Petitioner may apply for her appropriate permits 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.
- 2. The Petitioner 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.

ORDER	RECEIVED FOR FILING
Date	12-5-13
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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

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Date (2-5-13

By____



KEVIN KAMENETZ
County Executive

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

December 5, 2013

Wendi Bukowitz 903 Timber Run Road Reisterstown, Maryland 21136

RE:

Petition for Administrative Variance

Case No. 2014-0114-A

Property: 903 Timber Run Road

Dear Ms. Bukowitz:

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 É. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: Craig Stanton, 903 Timber Run Road, Reisterstown, MD 21136

ADMINISTRATIVE ZONING PET ION

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 903 TIMBER RUN RD. which is presently zoned RC-5 10 Digit Tax Account # / 80004550 Deed Reference 16884 100199 BULOWITZ Property Owner(s) Printed Name(s) WENDI (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) 400.1 - 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 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: WENDI BUKOWITZ Name #2 - Type or Print Name #1 - Type or Print Name- Type or Print Werder Britorest Signature #1 Signature # 2 Signature Mailing Address State 1410-526-0291 West, DRG50 JAMES 21136 Zip Code Telephone # Email Address Zip Code ORDER RECEIVED FOR FILING Representative to be contacted: Attorney for Petitioner: Name-Type or Print Signature 903 TIMBARE Mailing Address State 21136 Zip Code Telephone # Email Address Zip Code 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 - 0114 - A Filing Date 17, 13 Estimated Posting Date 17, 13 Reviewer

Affidavit in Support of Administrative Variance

MARYLAND
My Commission Expires 07-11-2016

(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: 403 LIMBER KIN KI	CCUTTY TO WEN	M1	≈1136
Print or Type Address of property	City	State	Zip Code
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Nendy Bukowitz			
the Affiant(s) herein, personally known or s	satisfactorily identified to	me as such Aff	fiant(s) (Print name(s) here)
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MARCIA S SWAIN	Maria S	wain	
NOTARY PUBLIC	Notary Public		
CARROLL COUNTY	Hy Commission Expires		

REV. 10/12/11

Zoning Description for 903 Timber Run Road

Beginning at a point on the south side of Timber Run Road, which is 50 feet wide, at the distance of 313 feet northeast of the centerline of the nearest improved intersecting street Bond Avenue, which is 75 feet wide. Being Lot 100, Section 1, in the subdivision of Sagamore Forest II as recorded in the Baltimore County Plat Book 44, Folio 74, containing 2.02 acres. Located in the 4th Election District and the 2nd Councilmanic District.

Irem # 0114

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. <u>For those petitions which require a public hearing</u>, 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 CASE NUMBER: 2014 - 0114 -DEC 0 9 2013 BUKOWIT OFFICE OF ADMINISTRATIVE HEARINGS Petitioner/Developer: Date of Hearing (Closing): 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: (Signature of Sign Poster) LUNING NOTICE John M. Altmeyer (Printed Name of Sign Poster) 21722 Orwig Road (Street Address of Sign Poster) Freeland, Maryland 21053 CASE # 2014-0114-A (City, State, Zip of Sign Poster) 903 TIMBER RUN Rd. To PERMIT A PROPOSED DETACHED ACCESSORY 410-382-6580 STRUCTURE (GARAGE) to be LOCATED IN THE (Telephone Number of Sign Poster) Side YARD OF THE PRINCIPAL DWELLING IN LIES OF THE REQUIRED REAR

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON 12-02-2013

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391 HOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE

MEMORANDUM

DATE:

January 7, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0114-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

CASE NO. 2014-	0114-1

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ 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	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	ATION (Case No	
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SIGN POSTING	Date: 11-(1-13	by altneyer
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PEOPLE'S COU	NSEL COMMENT LETTER Yes \square No \square	
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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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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



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

November 26, 2013

Wendi Buckowitz 903 Timber Run Road Reisterstown MD 21136

RE: Case Number; 2014-0114A, Address: 903 Timber Run Road

Dear Ms. Buckowitz:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 7, 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 Craig Stanton, 903 Timber Run Road, Reisterstown MD 21136



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

Date: 11-15-13

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

RE: Baltimore County

Hendi Bukavitz

903 Timber Ren Pord

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. 2014-0114-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 12/6/2013 8:57 AM

Date:

Subject: Sign Posting Requirements

Good Morning John,

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

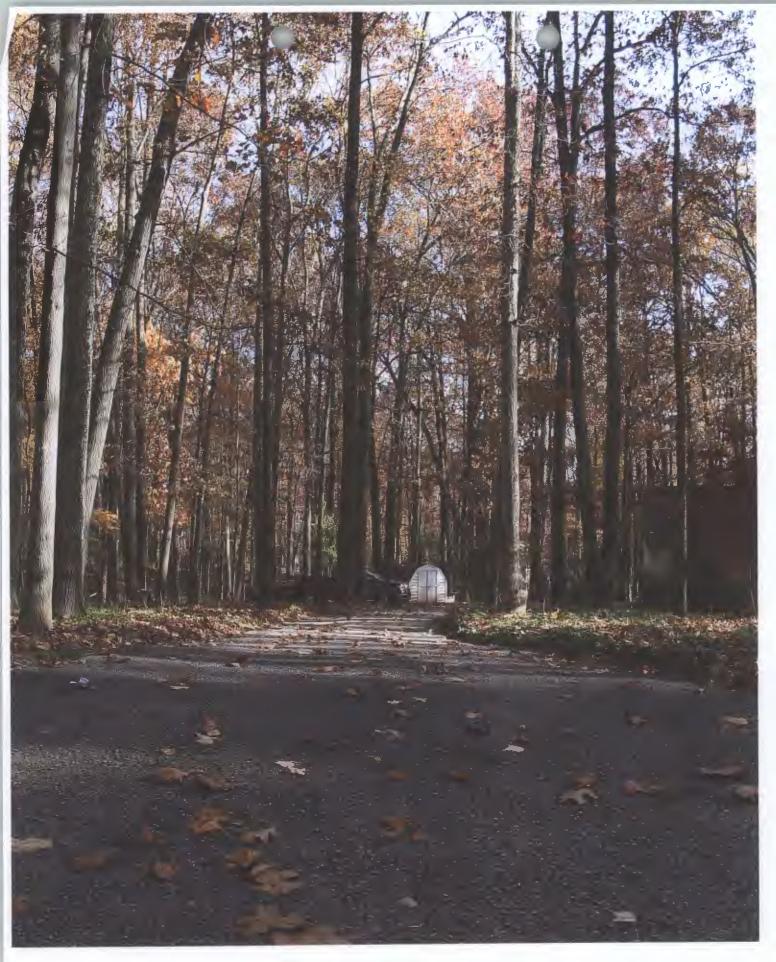
Per our telephone conversation this morning, and after speaking to Zoning, the original of the Certificate of Posting should be delivered to the Zoning Review Office.

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!

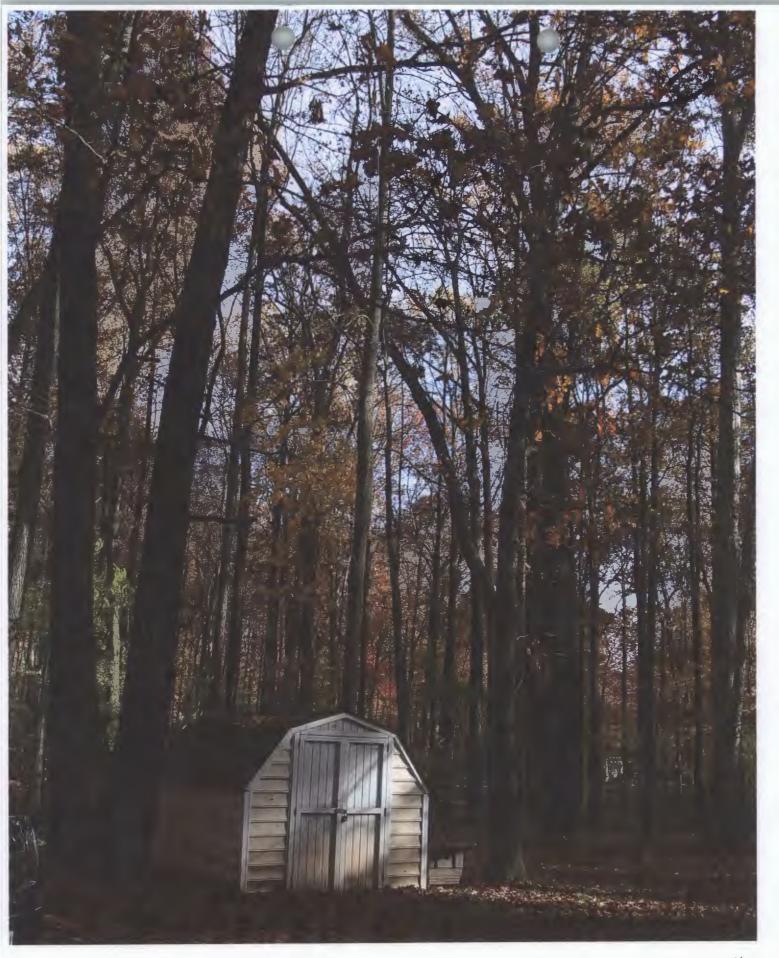
Debbie Wiley Legal Administrative Secretary Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) dwiley@baltimorecountymd.gov



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Item #0114



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Search Help

Real Property Data Search (w4)

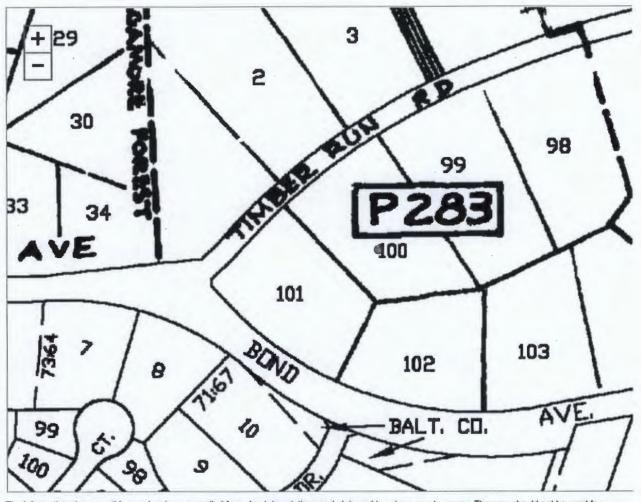
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New Search

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.

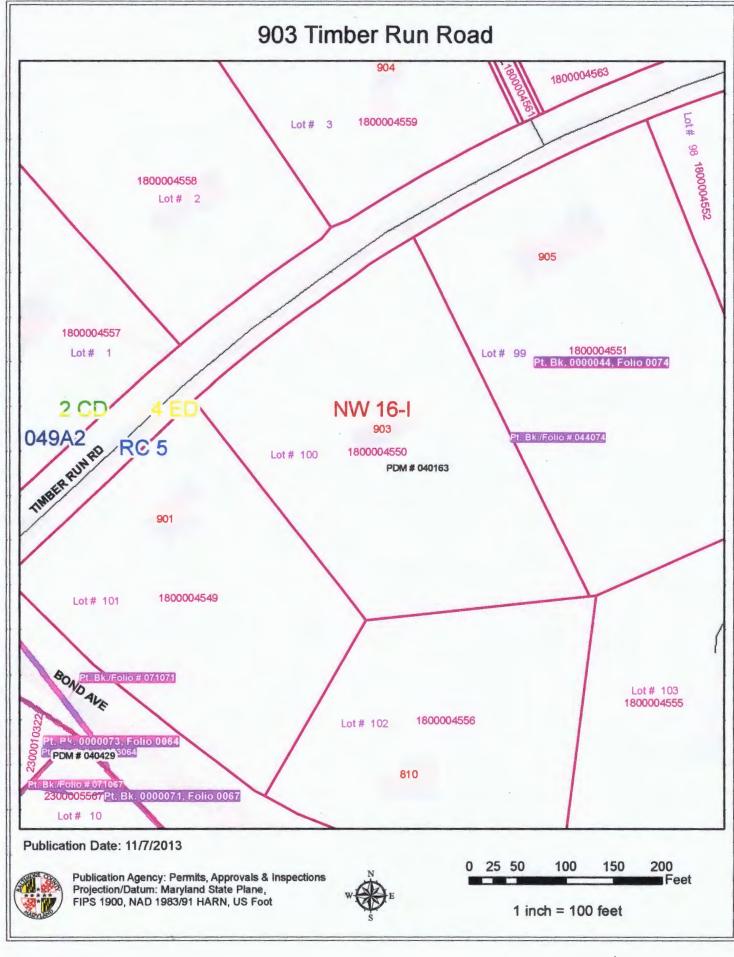
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

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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Ifen #0114

