

MEMORANDUM

DATE: February 25, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0125-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 24, 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

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(343 Sassafras Road)		
15 th Election District	*	OFFICE OF
6 th Council District		
Jerry Lynn Smith, Sr. & Robin A. Smith	*	ADMINISTRATIVE HEARINGS
Petitioners		
	*	FOR BALTIMORE COUNTY
	*	Case No. 2014-0125-A

* * * * *

OPINION AND ORDER

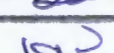
This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Jerry Lynn Smith, Sr. & Robin A. Smith. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed detached accessory structure (storage shed) to be located in the side yard of the principal dwelling and in the third of the closest to a street in lieu of the required rear and farthest removed from the streets, respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) on January 17, 2014, indicating that the Petitioners were obliged to comply with certain Critical Area regulations, as set forth in B.C.Z.R. Section 500.14.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 1, 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. Based upon the information available, there is no evidence in the file to

ORDER RECEIVED FOR FILING

Date 1-22-14


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 storage shed height and usage, I will impose conditions that the detached accessory structure 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 22nd day of January, 2014, that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed detached accessory structure (storage shed) to be located in the side yard of the principal dwelling and in the third of the closest to a street in lieu of the required rear and farthest removed from the streets, respectively, 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.
2. The Petitioners or subsequent owners shall not convert the subject shed into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

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Date 1-22-14

By bw

3. The shed shall not be used for commercial purposes.
4. Petitioners must comply with the ZAC comment received from the Department of Environmental Protection and Sustainability (DEPS) on January 17, 2014; a copy of which is attached and made a part hereof.

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 FILING

Date 1-22-14

By DLW

KEVIN KAMENETZ
County Executive



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

January 22, 2014

Jerry Lynn Smith, Sr.
Robin A. Smith
343 Sassafras Road
Essex, Maryland 21221

RE: Petition for Administrative Variance
Case No. 2014-0125-A
Property: 343 Sassafras Road

Dear Mr. and Mrs. Smith:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

343 Sassafras Road
Essex, Maryland 21221

January, 15, 2014

RECEIVED

JAN 16 2014

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

OFFICE OF ADMINISTRATIVE HEARINGS

Attn: John E Beverungen, Administrative Law Judge for Baltimore County

Subject: Notarized Administrative Hearing Affidavit

Reference: Your letter of January 14, 2014 - Petition for Administrative Variance
Case No. 2014-0125-A
Property: 343 Sassafras Road

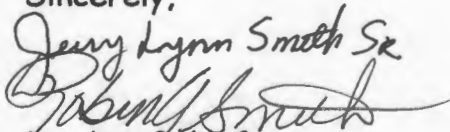
Dear Judge Beverungen,

As requested, please find the enclosed signed and notarized affidavit.

Should you have any question, please contact the undersigned at 410-553-9465.

Thank you for your time and attention in this matter.

Sincerely,



Jerry Lynn Smith, Sr.
Robin Alberta Smith

IN RE: PETITION FOR ADMIN. VARIANCE *

15th Election District

6th Council District *

(343 Sassafras Road) *

Jerry Lynn Smith, Sr. & Robin A. Smith
Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY

Case No. 2014-0125-A

* * * * *

AFFIDAVIT

We, Jerry Lynn Smith, Sr. & Robin A. Smith, are over the age of 18 and have personal knowledge of and are competent to testify to the following:

1. The residence at 343 Sassafras Road is owned by Jerry Lynn Smith, Sr. and Robin A. Smith. No other person or entity has an interest in the operation and/or affairs of 343 Sassafras Road.
2. We will reside year round and actually occupy the property known as 343 Sassafras Road, and we consider this to be our principal residence.

We solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

1/15/14
Date

1/15/14
Date

Jerry Lynn Smith Sr.
Jerry Lynn Smith, Sr.
Robin Alberta Smith
Robin Alberta Smith

RECEIVED
RECEIVED

JAN 16 2014

OFFICE OF ADMINISTRATIVE HEARINGS
OFFICE OF ADMINISTRATIVE HEARINGS

NOTARY Public - State of Maryland.

Stacy Reeder

Stacy Reeder

Comm exp - 10/24/16.



KEVIN KAMENETZ
County Executive

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

January 14, 2014

Jerry Lynn Smith, Sr.
Robin Alberta Smith
343 Sassafra Road
Essex, Maryland 21221

RE: Petition for Administrative Variance
Case No. 2014-0125-A
Property: 343 Sassafra Road

Dear Mr. and Mrs. Smith:

I am in receipt of your e-mail dated January 14, 2014 regarding the above. It appears that this office, in reliance upon certain Maryland Department of Assessments and Taxation (SDAT) records, requested that this case be set in for a public hearing. As you know, the SDAT records reflect that the above-referenced property is not owner occupied (your "principal residence"). However, having reviewed your response, I believe this matter can proceed as an administrative variance, provided you **both sign, notarize, and return** to this Office the enclosed Affidavit.

Should you have further questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

RECEIVED

JAN 16 2014

OFFICE OF ADMINISTRATIVE HEARINGS



CBCA

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 343 SassafRAS Rd which is presently zoned DR 3.5

Deed Reference 29250/00480 10 Digit Tax Account # 1900011855

Property Owner(s) Printed Name(s) Jerry L & Robin A. Smith

(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 400.1 - to permit a proposed detached accessory structure (storage shed) to be located in the side yard of the principal dwelling and in the third of the lot closest to a street in lieu of the require rear and farthest removed, respectively.

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

2. **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).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

Jerry Lynn Smith, Robin Alberta Smith

Name #1 - Type or Print

Name #2 - Type or Print

Jerry Lynn Smith Robin Alberta Smith

Signature #1

Signature #2

343 SassafRAS Rd, Essex, MD

Mailing Address City State

21221, 410553 9465, awesome lady @ Verizon.net

Zip Code Telephone # Email Address

Representative to be contacted:

Robin A Smith

Name - Type or Print

Robin A Smith

Signature

343 SassafRAS Rd Essex MD

Mailing Address City State

21221, 410 553 9465 awesome lady @ Verizon.net

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, this ___ day of ___ 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 2014-0125-A Filing Date 11/21/13 Estimated Posting Date 12/1/13 Reviewer Boj

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: 343 SassafRAS Rd Essex MD 21221
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)

An Administrative Variance is requested due to the following:
The footprint of the existing residence dwelling is 32 feet from the rear property line and rear set back / easement does not allow adequate space to place the shed at the rear behind the existing residence. The Worton Road rear side of the property does not allow conformity with Baltimore County requirements to place shed at Street Side.

The property is located at the Corner of SassafRAS and Worton Roads.

The storage shed would be placed (Proposed) 29 ft from side property line and 15 feet from rear property line as indicated on the Zoning Hearing Plan for Variance.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Jerry Lynn Smith
Signature of Affiant

Jerry Ann Smith
Name- Print or Type

Robin Alberta Smith
Signature of Affiant

Robin Alberta Smith
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of November, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Jerry Smith and Robin Smith

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

T. Hoffma

Notary Public

9/17/14

My Commission Expires



Motor Vehicle Administration
S530744041328
DRIVER LICENSE / SOUND EX NO.

6601 Ritchie Highway, N.E.
Glen Burnie, MD 21062

07/22/13
DATE

ROBIN ALBERTA SMITH
343 SASSAFRAS RD
ESSEX MD 21221

THIS IS A CORRECTION ATTACHMENT ONLY

DL

Class
C

Driver's License

Maryland

LIC #: S-530-744-041-328



ROBIN ALBERTA SMITH
220 MALL RD
GLEN BURNIE AA MD 21061

BIRTH DATE: 04-29-1962

EXPIRES: 04-29-2017

Sex: F HT: 5-06 WT: 165

Restr: B Type: R

Issue Date: 03-02-2012

04-29-1962

Property Description: 343 Sassafras Road

Three forty three (343) Sassafras Road is a corner lot located between Sassafras and Worton Roads in Middleborough, Maryland 21221. Beginning at a point on the ~~south west~~ side of 343 Sassafras Road which is ~~276.86~~ 30 feet wide at the distance of ~~South East~~ 276.86 feet northwest of the centerline of Worton Rd which is 30 feet wide.

(ie: northwest side of intersection)

The following courses and distances (1st Point of Call) S12°18'35"E 47.67', (2nd POC) N77° 41'27"E 200', (3rd POC) S12°18'33"E, 256.53', (4th POC) N65°03'45"W, 276.86' back to the point of beginning as recorded as Lot No. 1 as shown on Plat entitled "Subdivision of Puhl Property" which plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K. Jr. (March 5, 2010) No. 51 Folio 11, (April 3, 1984) Liber 7659 folio 327, (July 24, 1987) Liber 7659 folio 692 and (July 18, 2007) Liber S.M. 25953 folio 1490, containing 37918 square feet. Located in Election District 15 and 6 Council District.

Item # 0125

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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:

Item Number or Case Number: 2014-0125-A

Petitioner: Jerry + Robin Smith

Address or Location: 343 SassafRAS Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jerry Smith

Address: 343 SassafRAS Rd

Balto Md 21221

Telephone Number: 410 553-9465

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0125 -A Address 343 Sassatras Rd
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 11/21/13 Posting Date: 12/1/13 Closing Date: 12/10/13

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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- 0125 -A Address 343 Sassatras Rd
Petitioner's Name Jerry & Robin Smith Telephone 410 553 9465
Posting Date: 12/1/13 Closing Date: 12/10/13
Wording for Sign: To Permit a proposed detached accessory structure
(storage shed) to be located in the side yard of the principal
dwelling and in the third of the lot closest to a street in lieu of
the required rear and farthest removed, respectively

Revised 7/06/11

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **105200**

Date: **11/21/13**

PAID RECEIPT

BUSINESS DATE TIME
 1/22/2013 11/21/2013 11:18:17

REG #502 WALKIN JEAN JEE
 RECEIPT # 857195 11/21/2013
 \$5 529 ZONING VERIFICATION
 CR NO. 105200

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$75.00

Total: **\$75.00**

Rec From:

For: **Zoning Hearing - case # 2014-0125-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RECEIVED

JAN 16 2014

OFFICE OF ADMINISTRATIVE HEARINGS

RE: Case No. 2014-0125-A

Petitioner/Developer FERRY &
ROBIN SMITH

Date Of Hearing/Closing: 12/14/13

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 343 SASSAFRAS ROAD

This sign(s) were posted on December 1, 2013

Month, Day, Year

Sincerely,

Martin Ogle 12/1/13
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE# 2014-0125-A

TO PERMIT A PROPOSED DETACHED ACCESSORY STRUCTURE
(STORAGE SHED) TO BE LOCATED IN THE SIDE YARD OF THE
PRINCIPAL DWELLING AND IN THE THIRD OF THE LOT CLOSEST
TO A STREET IN LIEU OF THE REQUIRED REAR AND SIDE YARD
REMOVED, RESPECTIVELY

PUBLIC HEARING ?

PURSUANT TO SECTION 24-137(b)(1) BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC
HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED
IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 P.M. ON

MONDAY, DECEMBER 16, 2013

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED
AT 111 W. CHESAPEAKE AVE. TOWSON MD. 21204
TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER THE DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

Wendy Ogle 12/1/13



KEVIN KAMENETZ
County Executive

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

January 10, 2014

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0125-A

343 Sassafras Road

NE/s Sassafras Road, approximately 30 ft. N/w of centerline of Worton Road

15th Election District – 6th Councilmanic District

Legal Owners: Jerry Lynn Smith & Robin Alberta Smith

Variance to permit a proposed detached accessory structure (storage shed) to be located in the side yard of the principal dwelling and in the third of the lot closer to a street in lieu of the required rear and farthest removed, respectively.

Hearing: Thursday, February 6, 2014 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Smith, 343 Sassafras Road, Essex 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JANUARY 17, 2014.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 16, 2014 Issue - Jeffersonian

Please forward billing to:
Jerry & Robin Smith
343 Sassafras Road
Essex, MD 21221

410-553-9465

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0125-A

343 Sassafras Road

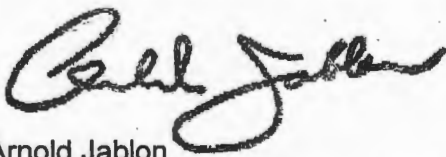
NE/s Sassafras Road, approximately 30 ft. N/w of centerline of Worton Road

15th Election District – 6th Councilmanic District

Legal Owners: Jerry Lynn Smith & Robin Alberta Smith

Variance to permit a proposed detached accessory structure (storage shed) to be located in the side yard of the principal dwelling and in the third of the lot closer to a street in lieu of the required rear and farthest removed, respectively.

Hearing: Monday, February 3, 2014 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

RECEIVED

DEC 05 2013

OFFICE OF ADMINISTRATIVE HEARINGS

DATE: November 26, 2013
TO: Zoning Commissioner and File
FROM: Leonard Wasilewski, Planner II, Zoning Review
SUBJECT: Petition for Administrative Variance Hearing
Case No. 2014-0125-A
(343 Sassafra Road)

- A.** For clarification, this office accepted a Petition for an Administrative Variance Hearing at the above subject location, "to permit an accessory structure in the side yard of a corner property on the portion closest to the road." During the process of updating the Zoning GIS Data Base, it was determined that the property site plan did not match (1) our County GIS data base, (2) The Puhl Property Subdivision Record Plat recorded in the Land Records, (3) the property description submitted with petition, (4) and the size of the property listed in the (SDAT) Real Properties Land Records.
- B.** I have amended the site plan to reflect the correct square footage of the property pursuant to submitted Variance plan and question the legitimacy of the property boundary lines as shown on this site plan.
- C.** I have attached the above records for your convenience.

Please call me if you have any questions. (887-3391)

LW

RE: PETITION FOR ADMINISTRATIVE * BEFORE THE OFFICE
VARIANCE *
343 Sassafras Road; NE/S Sassafras Road, * OF ADMINISTRATIVE
approximately 30' NW of c/line Worton Rd *
15th Election & 6th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Jerry & Robin Smith *
Petitioner(s) * BALTIMORE COUNTY
* 2014-125-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

00214

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of January, 2014, a copy of the foregoing Entry of Appearance was mailed to Robin Smith, 343 Sassafras Road, Essex, Maryland 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>11-29</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NO</u>
<u>1-17</u> <i>Rec'd</i>	<i>missing</i> DEPS (if not received, date e-mail sent <u>1-16</u> <i>Jeff Livingston</i>)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>1-27</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>12-1-13</u> by <u>Ogle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any:	<u>Agg'd sent Rec'd 1-16</u>	
_____	_____	
_____	_____	



TWIN LOCUST BARNS

AT GUNPOWDER FALLS
11011 Pulaski Highway, P.O. Box 689
White Marsh, MD 21162
(410) 344-1270

SALES ORDER

No: 09631

CUSTOMER NAME JERRY SMITH DATE 7/24/13
ADDRESS 343 SASSAFRAS RD TELEPHONE 410.708.4306
COUNTY ESSEX ZIP 21221 410.591-2505 ROBIN

SHED COLOR	FASCIA TRIM COLOR	DOOR TRIM COLOR	SHUTTER COLOR	ROOF COLOR	DRIP EDGE COLOR
SPECIAL ORDER			NONE	ARCH WEATHERWOOD	CLAY
BUILDING SIZE	SHED STYLE	SIDING	BASE PRICE		
10X18	COTTAGE	VINYL	28600		00
DOOR SIZE	DOOR COLOR	OPTIONS			
6' R/P (HIGHER)	SAGEBROOK	3" ALUM TRIM AROUND WINDOWS	-		
LOADING	100 FT LAWN	OPTIONS CERTAINTED CAROLINA BEADED 6 1/2" - CYPRESS	286		00
DOOR DRIVER		OPTIONS 6' RAMP	90		00
ESTIMATED SHIPPING DATE		OPTIONS 6' PAINTED & HIGHER DOORS	120		00
		OPTIONS HIGHER WALLS	171		00
		OPTIONS 10' PEGBOARD & SHELF PKG	140		00

3- 24x36" WINDOWS

145⁰⁰

SUB-TOTAL

3812⁰⁰

STONE PRO
WITH LANDSCAPING
FIBRIC

1200⁰⁰

5012⁰⁰

TAX

300⁷²

DELIVERY

195⁰⁰

TOTAL

5507⁷²

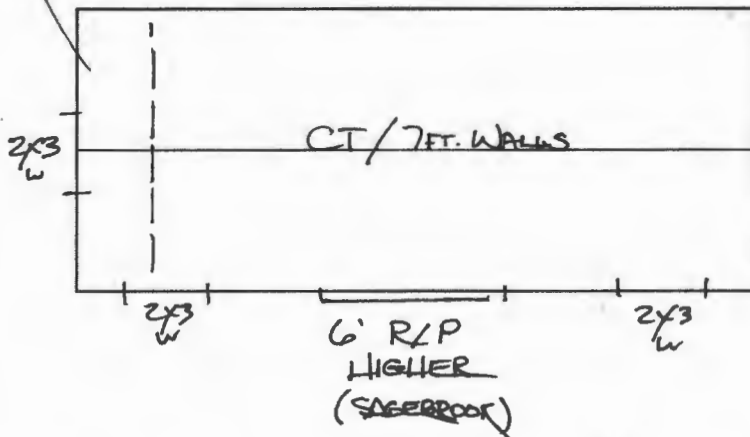
VISA
DEPOSIT

(1000⁰⁰)

BALANCE

4507⁷²

PEGBOARD
& SHELF PKG
(BOTTOM SHELF AT 36"
JUST UNDER WINDOW 18')



SIGNATURE

Jerry Smith

Delivery 9/5

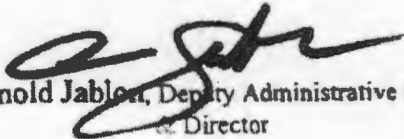
(SHED HEIGHT
10'-3" OUTSIDE
TO PEAK)

THE HOME OWNER IS RESPONSIBLE FOR BUILDING PERMIT & COMPLIANCE WITH LOCAL REGULATIONS, SITE PREPARATION & LEVELING AND FOR PROVIDING SUFFICIENT ACCESS TO THE SITE TO ALLOW DELIVERY. TWIN LOCUST BARNS IS NOT RESPONSIBLE FOR PROPERTY OR YARD DAMAGE. ACCOUNTS OVER 90 DAYS PAST DUE ARE SUBJECT TO A 30% COLLECTION FEE.

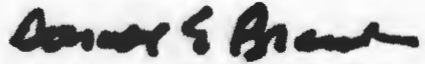
Item # 0125

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS, APPROVALS, AND INSPECTIONS


Arnold Jablon, Deputy Administrative Officer
Director




Donald E. Brand, Building Engineer

PERMIT NO: B813695

PERMISSION IS HEREBY GRANTED TO:

NAME: SMITH JERRY LYNN SR & ROBIN
ADDRESS: 220 MALL RD MD 21081-6365

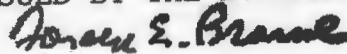
TO USE AND OCCUPY THE LAND AND/OR BUILDINGS DESCRIBED AND LOCATED
AS FOLLOWS ON PERMIT NO. B813695

LOCATION OF PROPERTY: 343
DIST: 15 LOT NO: 1
SUBDIVISION: PUHL PROPERTY

SASSAFRAS RD
BLOCK NO.

DATE: 10/25/2013
FEE PAID: 265.00

ISSUED BY THE BUILDINGS ENGINEER



PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES

111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS, APPROVALS, AND INSPECTIONS


Arnold Jablon, Deputy Administrative Officer
& Director




Donald E. Brand, Building Engineer

PERMIT NO: B813695

PERMISSION IS HEREBY GRANTED TO:

NAME: SMITH JERRY LYNN SR & ROBIN
ADDRESS: 220 MALL RD MD 21081-6365

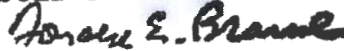
TO USE AND OCCUPY THE LAND AND/OR BUILDINGS DESCRIBED AND LOCATED
AS FOLLOWS ON PERMIT NO. B813695

LOCATION OF PROPERTY: 343
DIST: 15 LOT NO: 1
SUBDIVISION: PUHL PROPERTY

SASSAFRAS RD
BLOCK NO.

DATE: 10/25/2013
FEE PAID: 265.00

ISSUED BY THE BUILDINGS ENGINEER



PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES

111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204



KEVIN KAMENETZ
County Executive

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

December 17, 2013

Jerry Lynn & Robin Alberta Smith
343 Sassafras Road
Essex MD 21221

RE: Case Number: 2014-0125 A, Address: 343 Sassafras Road

Dear Mr. & Ms. Smith:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 21, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

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: 11/27/13

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

RE: Baltimore County
Item No 2014-0125-A
Administrative Variance
Jerry Lynn & Robin Alberta Smith
343 Sussatras 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. 2014-0125-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,

A handwritten signature in black ink, appearing to read 'Steven D. Foster', is written over a horizontal line.

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

KEVIN KAMENETZ
County Executive



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

January 14, 2014

Jerry Lynn Smith, Sr.
Robin Alberta Smith
343 Sassafras Road
Essex, Maryland 21221

RE: Petition for Administrative Variance
Case No. 2014-0125-A
Property: 343 Sassafras Road

Dear Mr. and Mrs. Smith:

I am in receipt of your e-mail dated January 14, 2014 regarding the above. It appears that this office, in reliance upon certain Maryland Department of Assessments and Taxation (SDAT) records, requested that this case be set in for a public hearing. As you know, the SDAT records reflect that the above-referenced property is not owner occupied (your "principal residence"). However, having reviewed your response, I believe this matter can proceed as an administrative variance, provided you **both sign, notarize**, and return to this Office the enclosed Affidavit.

Should you have further questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

Debra Wiley - Re: AV 2014-0125-A (Closing: 12/16)

From: June Fisher
To: Wiley, Debra
Date: 1/16/2014 1:23 PM
Subject: Re: AV 2014-0125-A (Closing: 12/16)

Yes I have it and I don't know why. I will bring it over. So sorry for my brain!

>>> Debra Wiley 1/16/2014 1:20 PM >>>
Hi there,

As you may or may not recall, the above was sent over for a formal demand. However, John is ok with their submitting an Affidavit.

In any event, have either of you seen the proof of sign posting for this? Cannot process without.

Thanks.

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

Debra Wiley - ZAC Comment - CBCA

From: Debra Wiley
To: Livingston, Jeffrey
Date: 1/16/2014 1:13 PM
Subject: ZAC Comment - CBCA

The below closed on 12/16 and there doesn't appear that DEPS has given their comment re: CBCA.

Please advise.

CASE NUMBER: 2014-0125-A

343 SASSAFRAS RD.

Location: NE/S of Sassafras Road, approximately 30 ft. NW of c/line Worton Road
15th Election District, 6th Council District

Legal owner: Jerry Lynn & Robin Alberta Smith

ADMINISTRATIVE VARIANCE To permit a proposed detached accessory structure (storage shed) to be located in the side yard of the principal dwelling and in the third of the closest to a street in lieu of the required rear and farthest removed from the streets, respectively.

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

Debra Wiley - Re: Admin. Var. Case No. 2014-0125-A Notarized Affidavit

From: Debra Wiley
To: Smith, Robin and Jerry
Date: 1/16/2014 7:57 AM
Subject: Re: Admin. Var. Case No. 2014-0125-A Notarized Affidavit
CC: Fisher, June; Lewis, Kristen

Good Morning,

Thanks for letting me know.

No, as long as the original Affidavit is signed and notarized there is no need for you to have a public hearing and a sign would not be required nor publication, which Office of Zoning needs.

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

>>> "Robin and Jerry Smith" <awesomelady@verizon.net> 1/15/2014 1:12 PM >>>

Debra,

Just an FYI to let you know that I placed the sign and notarized affidavit (original) in the mail at the Post Office this morning. Hopefully you should have it by Friday.

Question - since we have followed through we do not have to Post a sign for a Public Hearing correct?

Have a great week.

Jerry and Robin Smith

Debra Wiley - RE: FW: 2014-0125-A - Address Correction and Update of Property Information - 343 Sassafras Road

From: "Robin and Jerry Smith" <awesomelady@verizon.net>
To: "Debra Wiley" <dwiley@baltimorecountymd.gov>, "Fisher, June" <jafish...
Date: 1/14/2014 9:27 AM
Subject: RE: FW: 2014-0125-A - Address Correction and Update of Property Information - 343 Sassafras Road
Attachments: image001.jpg; image002.jpg; image003.jpg; image004.jpg

Debra,

If this will help there is a signed and notarized affidavit in the file attesting (titled Affidavit in Support of Administrative Variance), please note paragraph attesting that 343 Sassafras is our residence home owner. I have attached a copy and a copy of my Driver's License.

Jerry and Robin Smith

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Tuesday, January 14, 2014 8:41 AM
To: Fisher, June; Smith, Robin and Jerry
Subject: RE: FW: 2014-0125-A - Address Correction and Update of Property Information - 343 Sassafras Road

Good Morning,

I will speak to one of the Judges this morning whether the information provided is sufficient. If not, Mrs. Smith is aware that an Affidavit may need to be signed and notarized, and I will let her know either this afternoon or tomorrow. However, our office will need to have the file returned.

June, I am requesting that the file be returned for the Judge's review ASAP.

Thanks in advance.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204

Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

>>> "Robin and Jerry Smith" <awesomelady@verizon.net> 1/13/2014 2:36 PM >>>

Jerry and Robin Smith

-----Original Message-----

From: Robin and Jerry Smith [<mailto:awesomelady@verizon.net>]
Sent: Monday, January 13, 2014 2:31 PM
To: 'BLCO@DAT.STATE.MD.US'
Cc: 'JAFisher@BALTIMORECOUNTYMD.GOV'
Subject: Address Correction and Update of Property Information - 343
Sassafras Road

To Whom it May Concern:

Please be advised that the following address (mailing and residence)
correction is required: This property is owner occupied by:

Jerry L. and Robin A. Smith

343 Sassafras Road

Essex, MD 21221

Also please update the land records that the property is no longer a VACANT
lot. Our residence was constructed by Castle Rock Builders within the
Baltimore County permit approval process. Effective 26 October 2013 we
moved into the residence, I have attached the use and occupancy certificate
that provides county occupancy approval and the building permit number.

The Property Research records are incorrect (P.O. Box 7751, Essex MD 21221)

Should you need additional information, please contact me at 410-553-9465

Sincerely,
Jerry and Robin Smith

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

CONNECT WITH BALTIMORE COUNTY



410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

>>> "Robin and Jerry Smith" <awesomelady@verizon.net> 1/14/2014 8:24 AM >>>

Good morning Debra,

Case Number 2014 0125A

It appears that the Administrative variance review was based on incorrect information in the Property Search Records and the we received a letter from Arnold Jablon requesting a public hearing. This email is to update the information due to the fact that the administrative hearing official had incorrect information. I am asking to have this information reviewed since the information has not been updated. I believe that this will save time, and resources both for the county and myself.

Your assistance is appreciated. Please have Mr. John Beverungen or Mr. Arnold Jablon review the information. I am hopeful with this information a Public Hearing will not be necessary.

Jerry and Robin Smith

From: Debra Wiley [<mailto:dwiley@baltimorecountymd.gov>]
Sent: Tuesday, January 14, 2014 7:59 AM
To: Robin and Jerry Smith
Subject: Re: FW: Address Correction and Update of Property Information - 343 Sassafras Road

June,

I have no idea what this is. What's the case number? Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103

Debra Wiley - RE: FW: Address Correction and Update of Property Information - 343 Sassafras Road

From: "Robin and Jerry Smith" <awesomelady@verizon.net>
To: "Debra Wiley" <dwiley@baltimorecountymd.gov>, <JAFisher@BALTIMORECOUNT...>
Date: 1/14/2014 8:25 AM
Subject: RE: FW: Address Correction and Update of Property Information - 343 Sassafras Road

Good morning Debra,

Case Number 2014 0125A

It appears that the Administrative variance review was based on incorrect information in the Property Search Records and the we received a letter from Arnold Jablon requesting a public hearing. This email is to update the information due to the fact that the administrative hearing official had incorrect information. I am asking to have this information reviewed since the information has not been updated. I believe that this will save time, and resources both for the county and myself.

Your assistance is appreciated. Please have Mr. John Beverungen or Mr. Arnold Jablon review the information. I am hopeful with this information a Public Hearing will not be necessary.

Jerry and Robin Smith

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Tuesday, January 14, 2014 7:59 AM
To: Robin and Jerry Smith
Subject: Re: FW: Address Correction and Update of Property Information - 343 Sassafras Road

June,

I have no idea what this is. What's the case number? Thanks.

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

>>> "Robin and Jerry Smith" <awesomelady@verizon.net> 1/13/2014 2:36 PM >>>

Jerry and Robin Smith

-----Original Message-----

From: Robin and Jerry Smith [<mailto:awesomelady@verizon.net>]
Sent: Monday, January 13, 2014 2:31 PM
To: 'BLCO@DAT.STATE.MD.US'
Cc: 'JAFisher@BALTIMORECOUNTYMD.GOV'
Subject: Address Correction and Update of Property Information - 343
Sassafras Road

To Whom it May Concern:

Please be advised that the following address (mailing and residence)
correction is required: This property is owner occupied by:

Jerry L. and Robin A. Smith

343 Sassafras Road

Essex, MD 21221

Also please update the land records that the property is no longer a VACANT
lot. Our residence was constructed by Castle Rock Builders within the
Baltimore County permit approval process. Effective 26 October 2013 we
moved into the residence, I have attached the use and occupancy certificate
that provides county occupancy approval and the building permit number.

The Property Research records are incorrect (P.O. Box 7751, Essex MD 21221)

Should you need additional information, please contact me at 410-553-9465

Sincerely,
Jerry and Robin Smith

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Debra Wiley - Case No. 2014-0125-A - 343 Sassafras Rd.

From: Debra Wiley
To: awesomelady@verizon.net
Date: 1/14/2014 11:43 AM
Subject: Case No. 2014-0125-A - 343 Sassafras Rd.
Attachments: 20140114112747702.pdf

Mr. and Mrs. Smith,

Per your conversation with Ms. Wiley this morning, please find attached a letter and Affidavit regarding your principal residence. The Judge believes this matter can proceed as an administrative variance, provided you both sign, notarize, and return to this Office the attached Affidavit (original - no copies).

Please contact Ms. Wiley if you have any questions or concerns. Thanks.

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

>>> <officeofhearings@baltimorecountymd.gov> 1/14/2014 11:27 AM >>>
This E-mail was sent from "zoneprt1" (Aficio MP 2852).

Scan Date: 01.14.2014 11:27:47 (-0500)
Queries to: officeofhearings@baltimorecountymd.gov

Message Id: 52D56914.B65 : 38 : 53259
Subject: Case No. 2014-0125-A - 343 Sassafra Rd.
Created By: dwiley@baltimorecountymd.gov
Scheduled Date:
Creation Date: 1/14/2014 11:43 AM
From: Debra Wiley

Recipients:

Recipient	Action	Date & Time	Comment
 verizon.net	Pending		
To: awesomelady@verizon.net (awesomelady@verizon.net)			

Post Offices

Post Office	Delivered	Route
verizon.net		verizon.net

Files

File	Size	Date & Time
20140114112747702.pdf	74596	1/14/2014 11:39 AM
MESSAGE	1573	1/14/2014 11:43 AM
TEXT.htm	1261	1/14/2014 11:43 AM

Options

Auto Delete: No
Concealed Subject: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply requested by None
Security: Standard
To Be Delivered: Immediate

Record Id

Record Id: 52D522C4.NCH_DOM.NCH_PO.100.1687076.1.1AB81.1
Common Record Id: 52D522C4.NCH_DOM.NCH_PO.200.2000026.1.44FC5.1

Debra Wiley - Comment attached - 14-125-A Re: ZAC Comment - CBCA

From: Jeffrey Livingston
To: Wiley, Debra
Date: 1/17/2014 11:51 AM
Subject: Comment attached - 14-125-A Re: ZAC Comment - CBCA
Attachments: ZAC 14-0125-A 343 Sassafras Road.doc

RECEIVED**JAN 17 2014**

OFFICE OF ADMINISTRATIVE HEARINGS

EPS comment attached
j

>>> Debra Wiley 1/16/2014 1:13 PM >>>

The below closed on 12/16 and there doesn't appear that DEPS has given their comment re: CBCA.

Please advise.

CASE NUMBER: 2014-0125-A**343 SASSAFRAS RD.**

Location: NE/S of Sassafras Road, approximately 30 ft. NW of c/line Worton Road
15th Election District, 6th Council District

Legal owner: Jerry Lynn & Robin Alberta Smith

ADMINISTRATIVE VARIANCE To permit a proposed detached accessory structure (storage shed) to be located in the side yard of the principal dwelling and in the third of the closest to a street in lieu of the required rear and farthest removed from the streets, respectively.

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
Department of Permits, Approvals
And Inspections

DATE: November 29, 2013

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 2, 2013
Item No. 2014- 0120, 0121, 0122, 0123, 0124 and 0125

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN
Cc: file

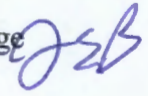
G:\DevPlanRev\ZAC -No Comments\ZAC12022013 -.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: December 20, 2013

TO: Kristen Lewis, Office of Zoning Review
Department of Permits, Approvals & Inspections (PAI)

FROM: John Beverungen, Administrative Law Judge 
Office of Administrative Hearings

RE: Petition for Administrative Variance – 12/16//13 Closing Date
Case No. 2014-0125-A – 343 Sassafras Road , 21221 (Formal Demand)

After receipt and a review of the above-captioned case file, I am requesting that this case be set in for a public hearing. Baltimore County Code (B.C.C.) § 32-3-303(a)(1), states in pertinent part:

“ ... the Zoning Commissioner may grant variances from area and height regulations **without a public hearing if the variance petition involves an owner-occupied lot** zoned residential” (Emphasis Added)

Our office is returning the file to you for further processing such as notifying the Petitioners, posting and advertising of the hearing notices.

Thank you for your attention and cooperation in this matter.

JEB:dlw

c: Office of People's Counsel
W. Carl Richards, Jr., Supervisor, Zoning Review Office, PAI

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 17 2014

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: January 10, 2014

SUBJECT: DEPS Comment for Zoning Item # 2014-0125-A
Address 343 Sassafras Road
(Jerry & Robin Smith Property)

Zoning Advisory Committee Meeting of December 9, 2013.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to allow a shed with reduced side and rear setbacks than permitted. The lot is not waterfront and is developed with a single family dwelling and driveway. Lot coverage on the entirety of this property is limited to 15%; no lot coverage information was provided. The 15% afforestation requirement must be met by the retention and/or planting of 11 trees. Therefore, if the lot coverage and afforestation requirements are met, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. If the lot coverage and afforestation requirements are met it will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

ORDER RECEIVED FOR FILING

Date 1-22-14

By [Signature]

C:\DOCUME~1\dwiley\LOCALS~1\Temp\XPgrpwisw\ZAC 14-0125-A 343 Sassafras Road.doc

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

Based on the information provided, if the applicants meet the lot coverage and afforestation requirements stated above, so the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger – Environmental Impact Review (EIR)*

ORDER RECEIVED FOR FILING

Date 1-22-14

By BW

Real Property Data Search (w4)

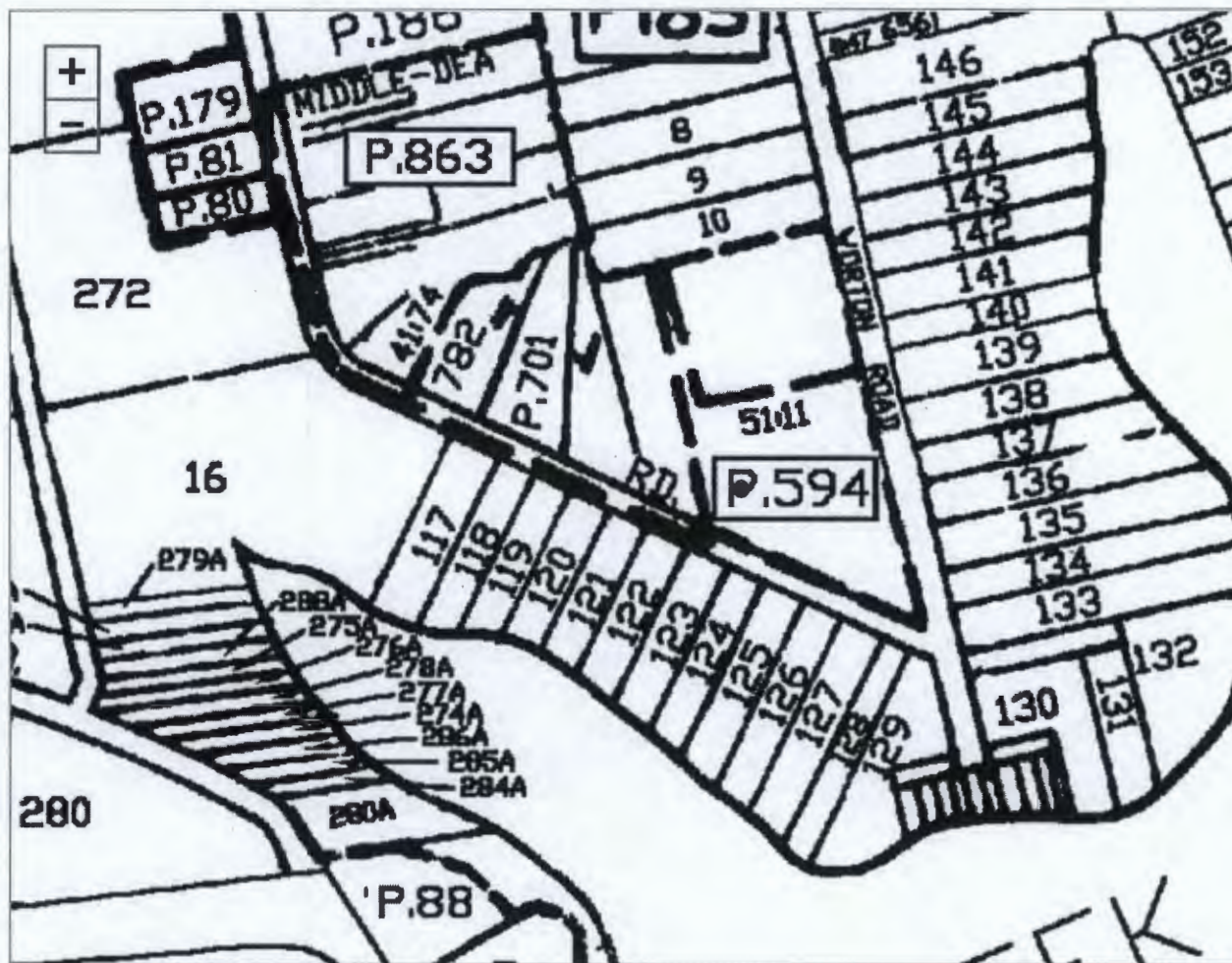
[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1900011855		
Owner Information		
Owner Name:	SMITH JERRY LYNN SR SMITH ROBIN ALBERTA	Use: RESIDENTIAL Principal Residence: NO
Mailing Address:	P O BOX 7751 BALTIMORE MD 21221-0751	Deed Reference: 1) /29250/ 00480 2)
Location & Structure Information		
Premises Address:	343 SASSAFRAS RD BALTIMORE 21221-	Legal Description: PT LT 1 .5905 AC 343 SASSAFRAS RD PUHL PROPERTY
Map: 0097	Grid: 0012	Parcel: 0594
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 1	Assessment Year: 2012
Plat No:	Plat Ref: 0051/ 0011	
Special Tax Areas:	Town: NONE	Ad Valorem:
	Tax Class:	
Primary Structure Built 1919	Above Grade Enclosed Area 978 SF	Finished Basement Area
Property Land Area 37,918 SF	County Use 04	
Stories	Basement NO	Type STANDARD UNIT
Exterior SIDING	Full/Half Bath 1 full	Garage
Last Major Renovation		
Value Information		
	Base Value	Value
		Phase-in Assessments
		As of 07/01/2013
		As of 07/01/2014
Land:	81,400	81,400
Improvements	0	0
Total:	81,400	81,400
Preferential Land:	0	0
Transfer Information		
Seller: BIRMINGHAM MICHAEL J,4TH	Date: 03/08/2010	Price: \$150,000
Type: ARMS LENGTH VACANT	Deed1: /29250/ 00480	Deed2:
Seller: QUINLIN DEREK	Date: 07/25/2007	Price: \$150,000
Type: NON-ARMS LENGTH OTHER	Deed1: /25953/ 00190	Deed2:
Seller: PUHL ANNA B	Date: 05/30/2001	Price: \$79,900
Type: ARMS LENGTH IMPROVED	Deed1: /15242/ 00720	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

District: **15** Account Number: **1900011855**



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



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

Real Property Data Search (w2)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1900011855		
Owner Information		
Owner Name:	SMITH JERRY LYNN SR SMITH ROBIN ALBERTA P O BOX 7751 BALTIMORE MD 21221-0751	Use: RESIDENTIAL Principal Residence: NO Deed Reference: 1) /29250/ 00480 2)
Mailing Address:		
Location & Structure Information		
Premises Address:	343 SASSAFRAS RD BALTIMORE 21221-	Legal Description: PT LT 1 .5905 AC 343 SASSAFRAS RD PUHL PROPERTY
Map: 0097	Grid: 0012	Parcel: 0594
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 1	Assessment Year: 2012
Plat No:	Plat Ref: 0051/ 0011	
Special Tax Areas:	Town:	NONE
Ad Valorem:		
Tax Class:		
Primary Structure Built 1919	Above Grade Enclosed Area 978 SF	Finished Basement Area
Property Land Area 37,918 SF	County Use 04	
Stories	Basement NO	Type STANDARD UNIT
Exterior SIDING	Full/Half Bath 1 full	Garage
Last Major Renovation		
Value Information		
Base Value	Value	Phase-in Assessments
As of 01/01/2012	As of 07/01/2013	As of 07/01/2014
Land: 81,400	81,400	
Improvements: 0	0	
Total: 81,400	81,400	81,400
Preferential Land: 0		0
Transfer Information		
Seller: BIRMINGHAM MICHAEL J,4TH	Date: 03/08/2010	Price: \$150,000
Type: ARMS LENGTH VACANT	Deed1: /29250/ 00480	Deed2:
Seller: QUINLIN DEREK	Date: 07/25/2007	Price: \$150,000
Type: NON-ARMS LENGTH OTHER	Deed1: /25953/ 00190	Deed2:
Seller: PUHL ANNA B	Date: 05/30/2001	Price: \$79,900
Type: ARMS LENGTH IMPROVED	Deed1: /15242/ 00720	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County: 000		0.00
State: 000		0.00
Municipal: 000		0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
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.

Photo 1. Shows thirty feet between west rear corner of residence and property line (white fence)



Photo 2. Shows west rear side of residence looking towards Worton Road. White fence represents property line.



Photo 5. Photo of west corner of residence. White fence depicts property line and neighbors house on Worton Road.



Photo 6. Looking East to Worton Road. Rear left corner of residence and white fence property line.



Photo 3. Shows west rear side of property and neighbors dwelling. White fence depicts property line.

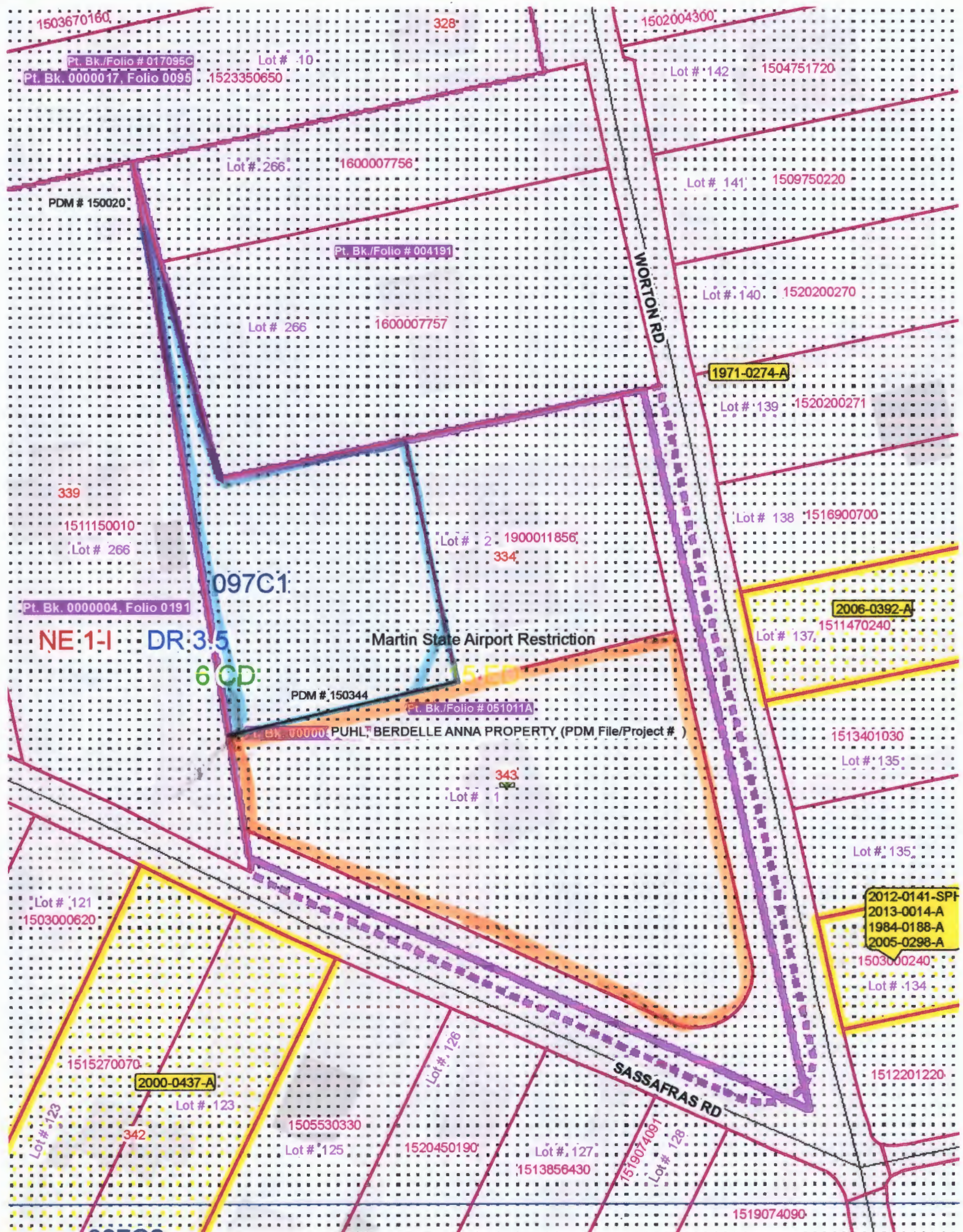


Photo 4. Photo taken looking West from Worton Road side of property. Rear west corner of residence and white fence representing property line.



Photo 7. Indicates proposed location of storage shed 15 feet in front of white fence and 29 feet from the west property line.





1503670160

328

1502004300

Pt. Bk./Folio # 017095C
Pt. Bk. 0000017, Folio 0095

Lot # 10

1523350650

Lot # 142

1504751720

Lot # 266

1600007756

Lot # 141

1509750220

PDM # 150020

Pt. Bk./Folio # 004191

Lot # 266

1600007757

Lot # 140

1520200270

1971-0274-A

Lot # 139

1520200271

339

1511150010

Lot # 266

Lot # 2

1900011856

334

Lot # 138

1516900700

Pt. Bk. 0000004, Folio 0191

097C1

NE 1-I

DR 3.5

6 CD

Martin State Airport Restriction

5 ED

PDM # 150344

Pt. Bk./Folio # 051011A

Pt. Bk. 00000 PUHL, BERDELLE ANNA PROPERTY, (PDM File/Project #)

2006-0392-A

Lot # 137

1511470240

1513401030

Lot # 135

Lot # 135

2012-0141-SPH
2013-0014-A
1984-0188-A
2005-0298-A

1503000240

Lot # 134

1512201220

Lot # 121

1503000620

1515270070

2000-0437-A

Lot # 123

1505530330

Lot # 125

1520450190

Lot # 127

1513856430

1519074090

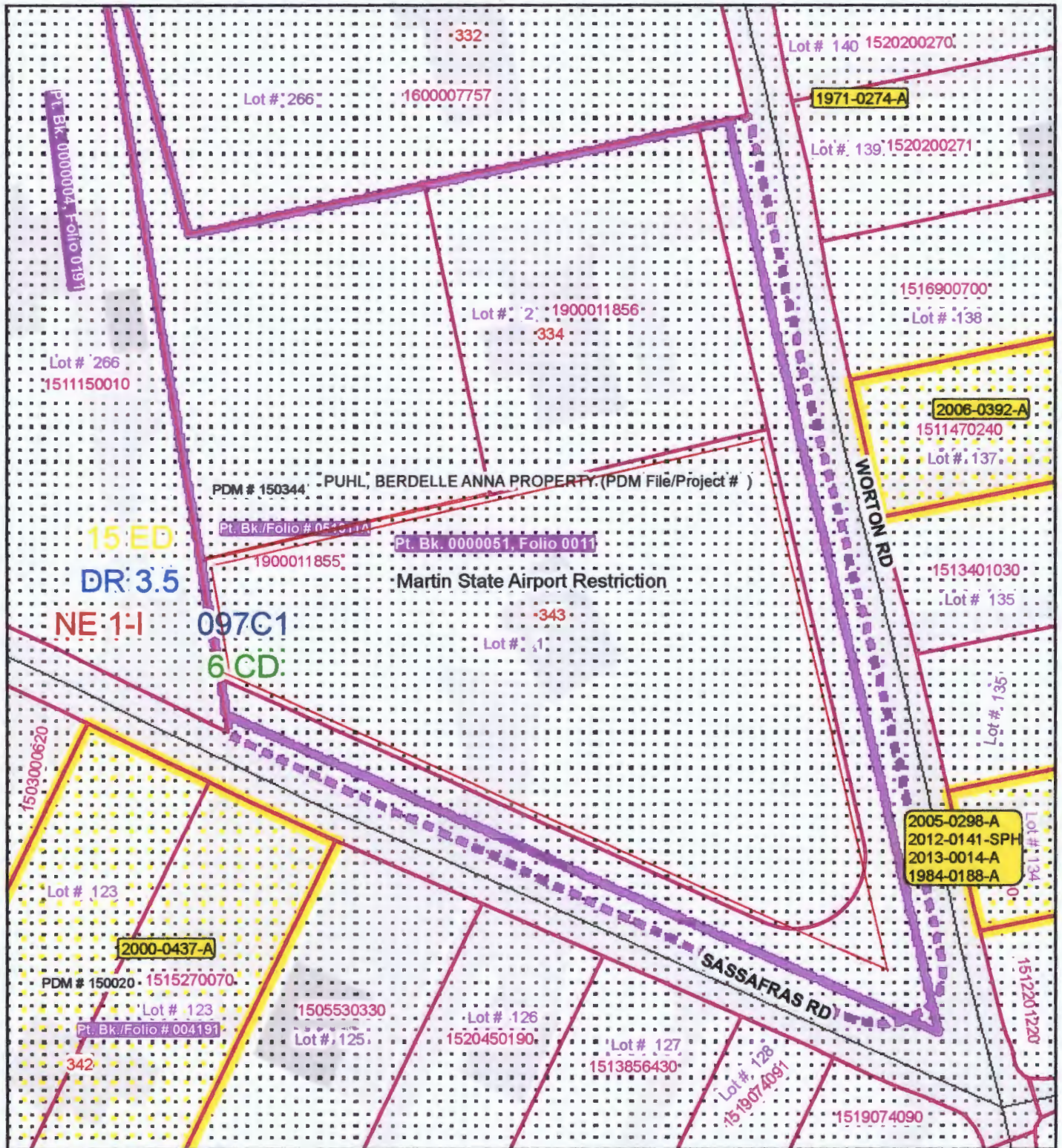
SASSAFRAS RD

Lot # 128

1519074091

Lot # 128

343 Sassafras Road



Publication Date: 11/19/2013



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

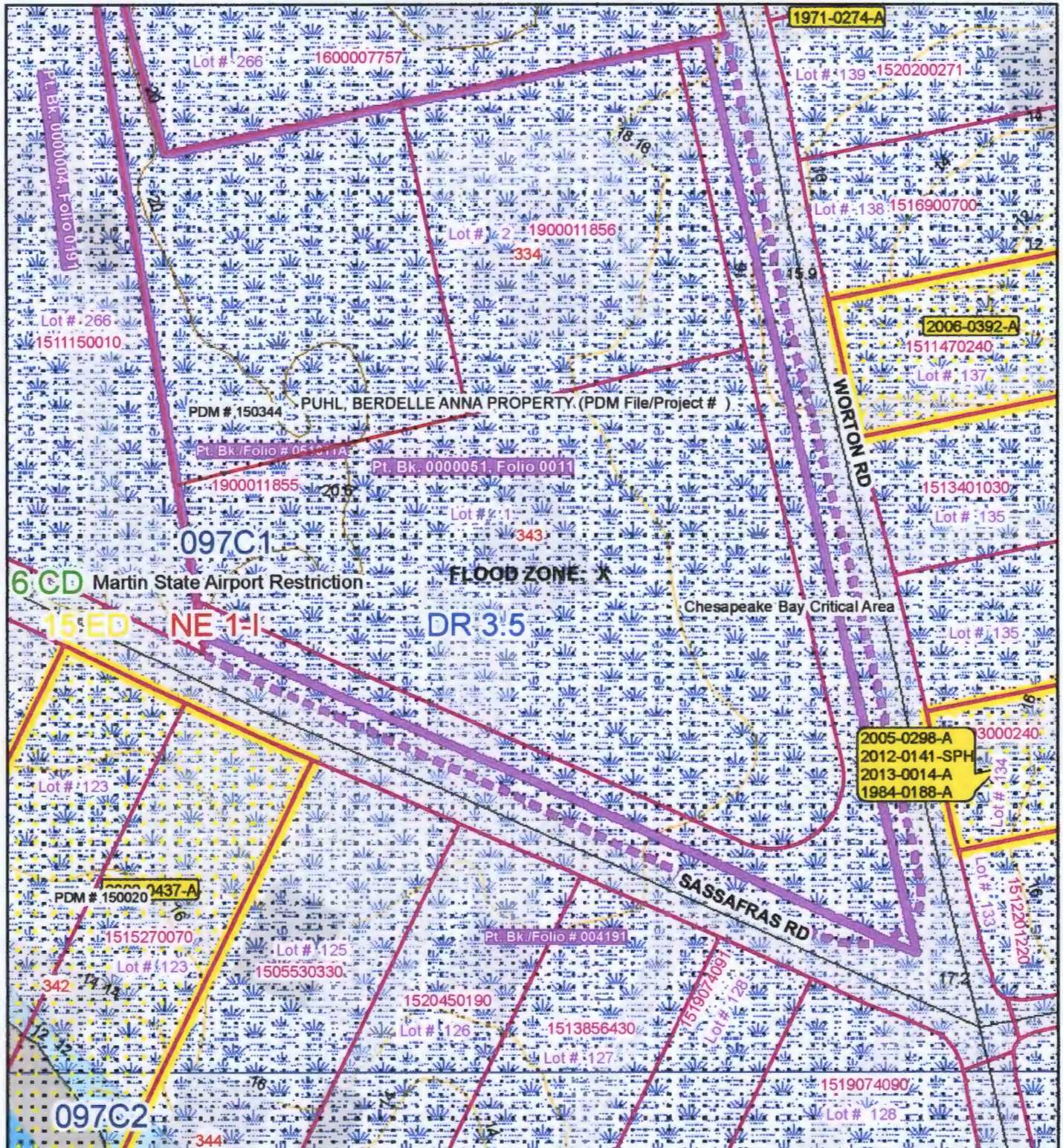


0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Item #0125

Elevations and Flood Hazards



Publication Date: 11/21/2013



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



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Item #0125

COORDINATE TABLE		
NO.	NORTH	EAST
1	2812.06	52663.28
2	2663.57	52657.21
3	2708.15	52892.61
4	2386.57	51942.24
5	2305.30	52711.29
6	2706.02	52082.84
7	2464.39	51937.83
8	2427.40	51902.56
9	2517.16	52102.51

TRACT BOUNDARY		
1-2	S 12° 18' 33" E	150.00'
2-3	N 77° 41' 27" E	200.00'
3-4	S 12° 18' 33" E	327.10'
4-5	N 65° 03' 49" W	176.82'
5-6	N 08° 32' 27" W	310.20'
6-7	S 12° 18' 33" E	326.53'
7-8	N 45° 03' 19" W	212.90'

CURVE DATA				
NO.	RADIUS	Δ	ARC	TAN CHD. BEG. DIST.
7-8	25.00'	105° 30' 32"	46.04'	50.41' S 51° 19' 34" W 44.78'

NOTE:

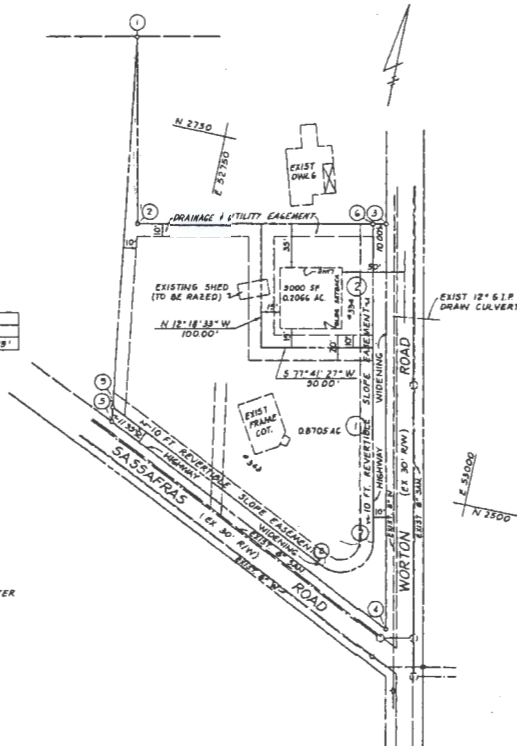
COORDINATES SHOWN HEREON ARE REFERRED TO THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON COORDINATE STATIONS NO 10339 (N 3662.88 E 52744.81) (ND 10338 (N 3482.44 E 51419.37))

SITE ANALYSIS

PRESENT ZONING OR E.B.
TRACT AREA 1.229 AC.
HIGHWAY WIDENING AREA 100 AC.
GROSS AREA 1.466 AC.
NUMBER OF UNITS PERMITTED 1 (444 X 5.5 = 7)
NUMBER OF UNITS PROPOSED 2 (1 EXIST.)
EXISTING USE RESIDENTIAL
PROPOSED USE RESIDENTIAL
PARKING PROVIDED 2/NEW LOT
DEED REF. 6235/615
NEW LOT OWNERSHIP TO BE TRANSFERRED TO SIBLING SISTER
PUBLIC WATER AND SEWER FACILITIES ARE AVAILABLE

Issue L.A.R.
2/1/84
S.A. DEWITT
F.N. 1/2/84

OWNER
BERDELLA ANNA PUEL
343 SASSAFRAS ROAD
BALTIMORE, MD 21221



NOTE:

1. THAT THE FORMAL IRREVOCABLE OFFERS OF DEDICATION HAVE BEEN MADE
2. THAT RECORDING OF THE PLAT DOES NOT CONSTITUTE OR IMPLY ACCEPTANCE BY THE COUNTY OF ANY STREET, EASEMENT, PARK, OPEN SPACE OR OTHER PUBLIC AREA SHOWN ON THE PLAT
3. THAT THE PLAT MAY EXPIRE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 21-48, BILL #56-82
4. THAT THE RECORDING OF THE PLAT DOES NOT GUARANTEE INSTALLATION OF STREETS OR UTILITIES BY BALTIMORE COUNTY
5. THAT THE INFORMATION SHOWN MAY BE SUPERSEDED BY A SUBSEQUENT OR AMENDED PLAT
6. THAT ADDITIONAL INFORMATION CONCERNING THE PLAT MAY BE OBTAINED FROM THE OFFICE OF PLANNING AND ZONING AND THE DEPARTMENT OF PUBLIC WORKS

GENERAL NOTES:

1. THE STREETS AND OR ROADS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE; THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED BY THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS
2. HIGHWAY AND HIGHWAY WIDENING, SLOPE, DRAINAGE (UTILITY EASEMENTS) SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND
3. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND, AT NO COST
4. ENVIRONMENTAL SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY
5. ACCESSORY STRUCTURES, FENCES (PROJECTIONS INTO YARDS) MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 & 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS)

ENCL. JR. 51 FOLIO 11

Plat for record
Date FEB 16 1984
Tost

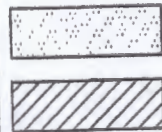
By *[Signature]* Clerk

APPROVED		SURVEYOR'S CERTIFICATE		OWNER'S CERTIFICATE		SUBDIVISION OF		ENGINEER	
DIR. DEPT. OF PUBLIC WORKS	DATE	I, RUSSELL M. HERBERT, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND DO HEREBY CERTIFY THE LAND SHOWN HEREON HAS BEEN LAID OUT AND THE PLAT THEREOF HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LAW RELATING TO SUBDIVISION OF LAND KNOWN AS HOUSE BILL 459, CHAPTER 106 OF THE ACTS OF 1943		THE REQUIREMENTS OF SECTION 728, ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT HAVE BEEN COMPLIED WITH		PUHL PROPERTY		ARTHUR E. LEONARD, P.E.	
APPROVED	DATE	REGISTERED LAND SURVEYOR NO 2690		OWNER		343 SASSAFRAS ROAD		25 W. COURTLAND ST.	
DIR. OFF. OF PLANNING & ZONING	DATE	DATE		DATE		ELECTION DISTRICT #15		BALTIMORE, MD. 21014	
APPROVED	DATE	DATE		DATE		BALTIMORE COUNTY, MD.		301-879-6105	
DEP. STATE COUNTY HEALTH OFFICER	DATE	DATE		DATE		SCALE: 1"=50' DATE: 12-6-83			

MSS SSU 1236 - 6800

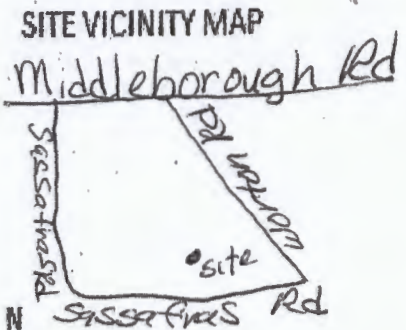
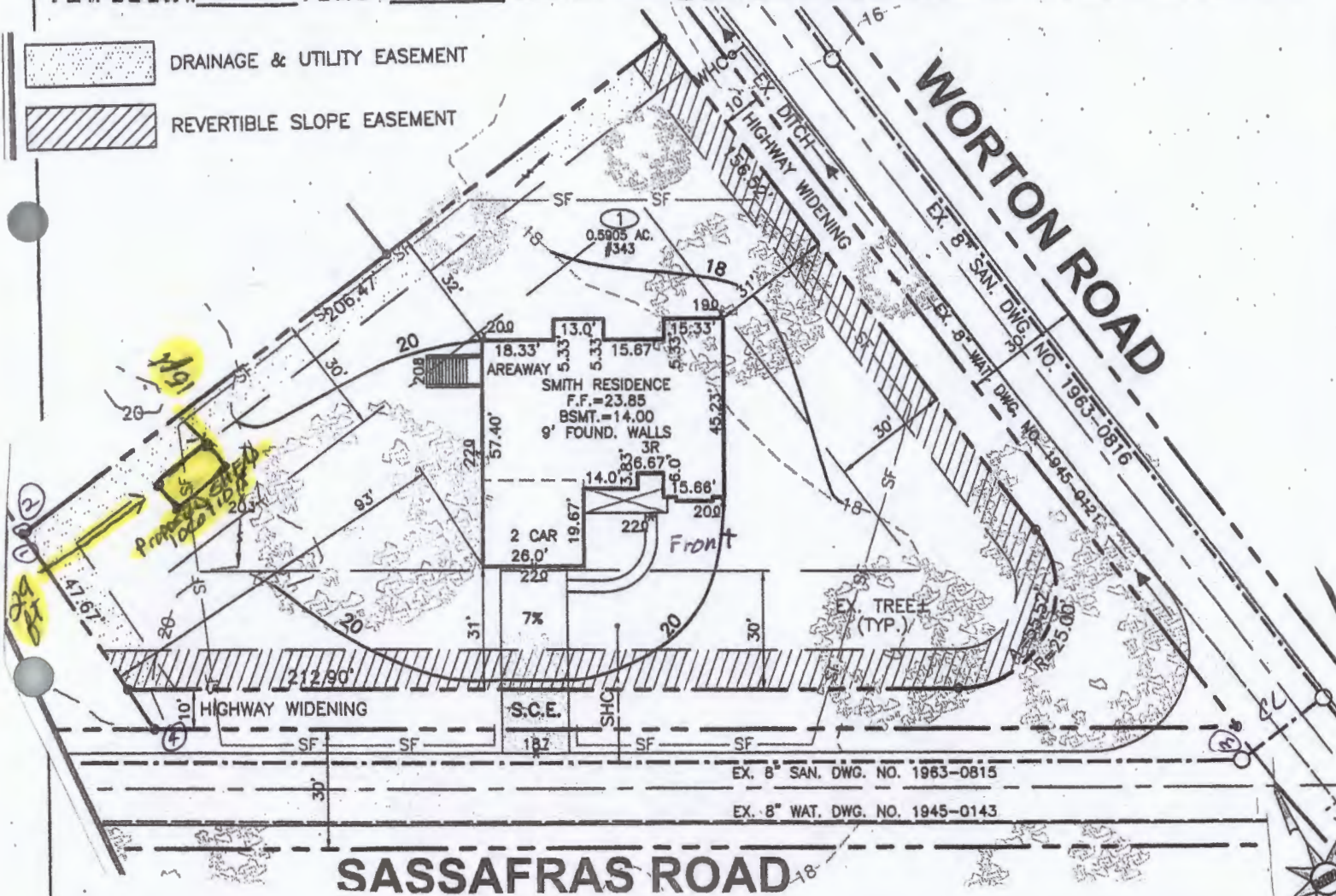
51-11

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 343 SASSAFRAS ROAD OWNER(S) NAME(S) Jerry L. & Robin A. Smith
 SUBDIVISION NAME PUHL PROPERTY LOT# 1 BLOCK# _____ SECTION# _____
 PLAT BOOK# 51 FOLIO# 11 10 DIGIT TAX# 1900011255 DEED REF.# 29250100480



DRAINAGE & UTILITY EASEMENT

REVERTIBLE SLOPE EASEMENT



N SassafRAS Rd

MAP IS NOT TO SCALE

ZONING MAP# 097C1
 SITE ZONED DR 3.5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 6
 LOT AREA ACREAGE 0.87
 OR SQUARE FEET 37918 SF
 HISTORIC? NO
 IN CBCA? YES
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

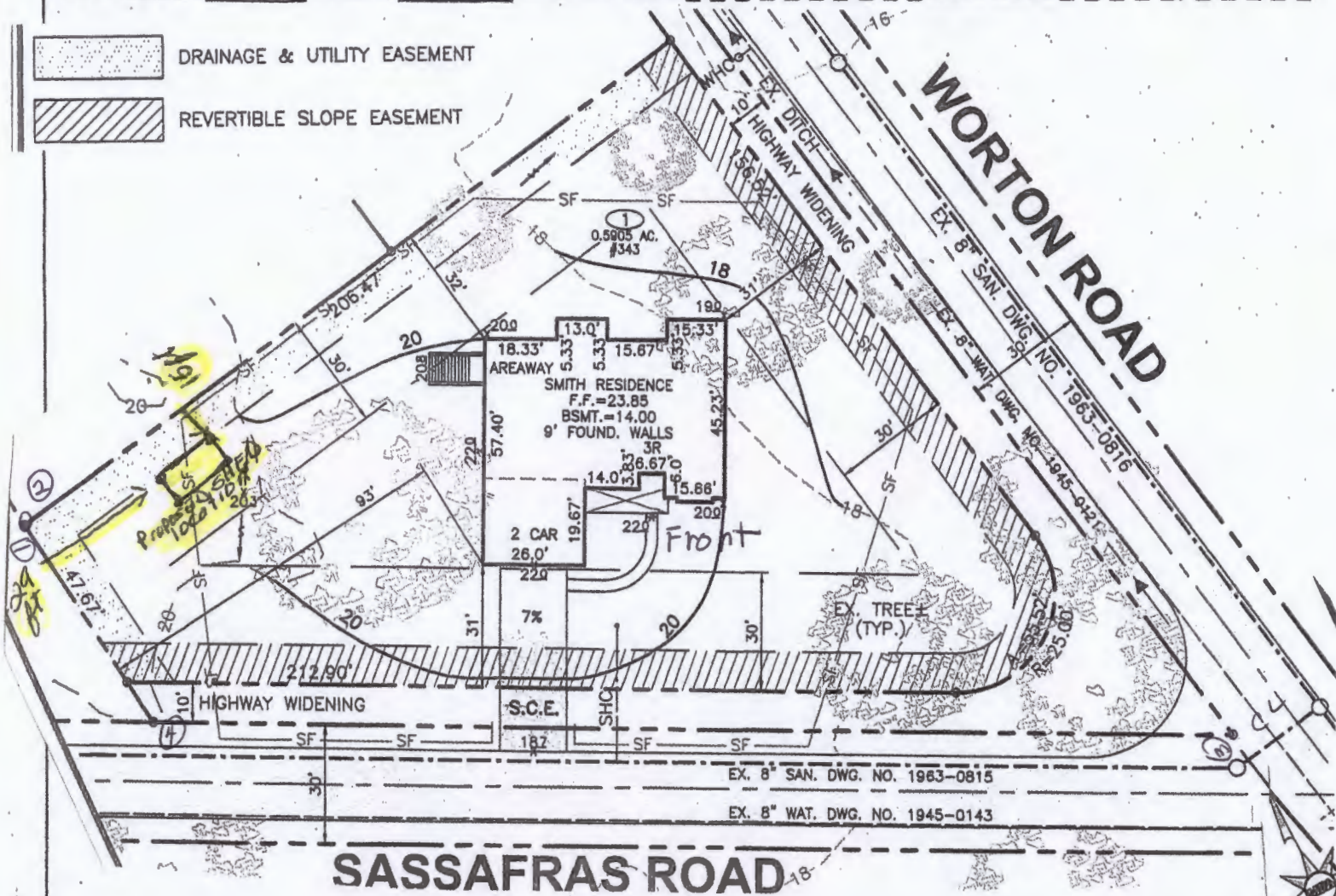
PLAN DRAWN BY Robin Smith DATE 11/12/13 SCALE: 1 INCH = 40 FEET

Robin Smith # 2014-0125-A

VIOLATION CASE INFO:

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 343 SASSAFRAS ROAD OWNER(S) NAME(S) Jerry L. & Robin A. Smith
 SUBDIVISION NAME PUHL PROPERTY LOT# 1 BLOCK# _____ SECTION# _____
 PLAT BOOK# 51 FOLIO# 11 10 DIGIT TAX# 1900011855 DEED REF.# 29250/00480

 DRAINAGE & UTILITY EASEMENT
 REVERTIBLE SLOPE EASEMENT



MAP IS NOT TO SCALE
 ZONING MAP# 097C1
 SITE ZONED DR 3.5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 6
 LOT AREA ACREAGE 0.87
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PLAN DRAWN BY Robin Smith DATE 11/12/13 SCALE: 1 INCH = 40 FEET

VIOLATION CASE INFO:

R.D. #2014-0125-A

Pet. Exp. 1