MEMORANDUM

DATE: March 6, 2014

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2014-0130-A – Appeal Period Expired

The appeal period for the above-referenced case expired on March 5, 2014. There being no appeal filed, the subject file is ready for return to the Zøning Review Office and is placed in the 'pick up box.'

c: VCase File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE

(600 Almond Avenue)

15th Election District

7th Councilmanic District

Herbert Tart, Jr., Jason Wayne Tart and

Corey Ray Tart

Petitioners

BEFORE THE

OFFICE OF

011101101

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0130-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, Herbert Tart, Jr., Jason Wayne Tart and Corey Ray Tart. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed accessory structure (garage) located on a corner lot closest to the street side in rear yard in lieu of the required 1/3 farthest from the street side and occupying more that 50% of the 1/3. 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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 15, 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 welfare of the public and should therefore be granted. In the opinion of the Administrative Law ORDER RECEIVED FOR FILING

Date	2-3-14
Bv	(Del)

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 structure (garage) not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 3rd day of February, 2014, that a Variance from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed accessory structure (garage) located on a corner lot closest to the street side in rear yard in lieu of the required 1/3 farthest from the street side and occupying more that 50% of the 1/3, 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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Date	Margardian de construir de cons
By	

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 2-3-14



KEVIN KAMENETZ County Executive

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

February 3, 2014

Herbert Tart, Jr. Jason Wayne Tart Corey Ray Tart 600 Almond Avenue Baltimore, Maryland 21221

Petition for Administrative Variance

Case No. 2014-0130-A

Property: 600 Almond Avenue

Dear Gentlemen:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely.

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

ADMINISTRATIVE ZONING PETITION

FOR ADMINIST TIVE VARIANCE – OR – ADMINISTRATION 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 600 Almond Aug	which is presently zoned DR 55
Production = CV 0 / DO 205	10 Digit Tax Account # 52000370
Deed Reference 79/69/00205	Herbert Jason Caren
Property Owner(s) Printed Name(s) TART,	Herbert Jason Covey
	ROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) vit on the reverse of this Petition Form be completed / notarized.
	n Baltimore County and which is described in the description and de a part hereof, hereby petition for a
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the required /3 turthest from the e	street side and occuping more than 50%
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Attorney for Petitioner: Name- Type or Print Signatura DER RECEIVED TO RELING	Representative to be contacted:
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A PUBLIC HEARING having formally demanded and/or found to be	required, it is ordered by the Office of Administrative Law, of Baltimore County,
thisday of, that the subject matter regulations of Baltimore County and that the property be reposted.	er of this petition be set for a public hearing, advertised, as required by the zoning
regulation of salumore sound and the property of reported.	
. Admi	inistrative Law Judge of Baltimore County
CASE NUMBER Z013 0130 A Filing Date	2131 13 Estimated Posting Date 12151 13 Reviewer 6. #
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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: 600 Almond Ave	Bultomore	MARY	Land	21221
Print or Type Address of property	City		State	Zip Code
Based upon personal knowledge, the for Administrative Variance at the above a				
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(If additional space for the petition reque	st or the above sta	tement is need	ded, label and attac	ch it to this Form)
Signature of Affiant		Signature of	Affiant	
Jason Tart				
Name- Print or Type	-	Name- Prin	t or Type	
The following information is to	be completed by	Notary Publi	c of the State of Ma	aryland
STATE OF MARYLAND, COUNTY OF	BALTIMORE, to	wit:		
HEREBY CERTIFY, this 220 dand for the County aforesaid, personally ap		, 20/3	before me a Nota	ry of Maryland, in
HERRERT TART JA	son Tart	Covi	ey Tart	
HERRERT TART J49 he Affiant(s) herein, personally known or s	atisfactorily identifi	ed to me as s	uch Affiant(s) (Pri	nt name(s) here)
AS WITNESS my hand and Notaries Seal	6-learles	SAL	geth	
	Clearles Notary Pyblic MARCH	15 2019	4	
	My Commission E	xpires /		

ZONING PROPERTY DESCRIPTION FOR 600 ALMOND AVENUE

*BEGINNING AT A POINT ON THE NORTH SIDE OF ALMOND AVENUE WHICH IS 60 FEET WIDE AT THE DISTANCE OF 30 FEET EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET DEBBIE AVENUE WHICH IS 60 FT WIDE

BEING LOT #(1) BLOCK (B) SECTION #(1) IN THE SUBDIVION OF ALPINE GARDENS AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #(27) FOLIO (48) CONTAINING 6321 SQUARE FEET. LOCATED IN THE (15TH) ELECTION DISTRICT AND (7TH) COUNCIL DISTRICT

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0130 -A Address 600 Almond Ave
Contact Person: Gay Hock Phone Number: 410-887-3391
Filing Date: 12 3 13 Posting Date: 12 15 13 Closing Date: 12 30 13
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
 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- 0130 -A Address 600 Almond Ave.
Petitioner's Name 1 art Herbert Telephone 40,952-4411
Posting Date: 12 15 13 Closing Date: 12 30 13
Wording for Sign: To Permit a proposed accessory structure (Garage)
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Revised 7/06/11

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CERTIFICATE OF POSTING

	2014-0130-A
	RE: Case No.:
	Petitioner/Developer:
	Herbert Tar
	December 30, 2013
	Date of Hearing/Closing:
altimore County Department of	
ermits, Approvals and Inspections	
ounty Office Building, Room 111	RECEIVED
11 West Chesapeake Avenue	
owson, Maryland 21204	JAN 30 2014
ttn: Kristen Lewis:	OFFICE OF ADMINISTRATIVE HEARINGS
adies and Gentlemen:	
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JAN 30 2014

OFFICE OF ADMINISTRATIVE HEARINGS

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

December 31, 2013

Jason Tart, Corey Tart, Herbert Tart 600 Almond Avenue Baltimore MD 21221

RE: Case Number: 2014-0130 A, Address: 600 Almond Avenue

Dear Messrs. Tart:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 3, 2013. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel



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

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

Date: 12/12/13

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

RE: **Baltimore County**

Item No 2014-0130-A.
Achministrative Vorvance
Henbert Tent Fr., Suson Vort,
Cory Tart
400 Almond Ausence.

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. 2014-0130-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.

Search Help

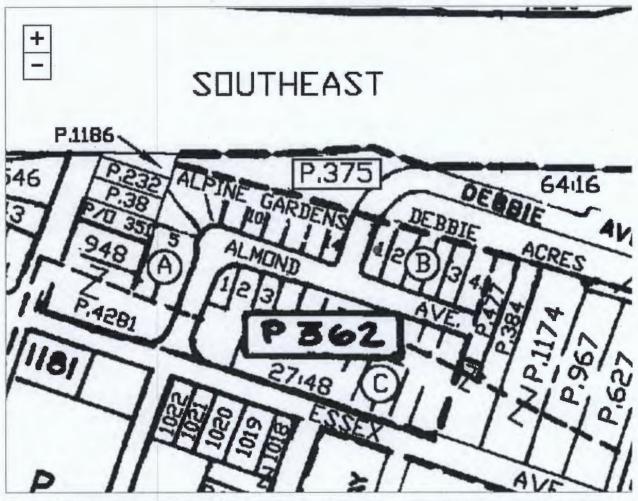
Real Property Data Search (w1)

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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.



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

Debra Wiley - Fwd: Admin. Var. 2014-0130-A (Closing date: 12/30) - 600 Almond Ave., 21221

From:

Debra Wiley

To:

Fisher, June; Hucik, Gary; Lewis, Kristen

Date:

1/27/2014 3:12 PM

Subject: Fwd: Admin. Var. 2014-0130-A (Closing date: 12/30) - 600 Almond Ave., 21221

Hi,

Any update? Our office is still holding the case file pending these items.

Thanks in advance.

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 1/7/2014 1:52 PM >>> Hi,

It appears there's no "photos or legible" sign posting in the file. Can you please look to see if you have them?

Thanks in advance.

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

Administrative Hearings - Subject Case # 2013-0130-A

From: Barbara Misek <barbara.misek@yahoo.com>

To: "administrativehearings@baltimorecountymd.gov" <administrativehearings@b...

Date: 2/1/2014 11:45 AM (Soct wadey)

Subject: Subject Case # 2013-0130-A

CC: herb tart <tart52miller@yahoo.com>, barbara home <barbara.misek@yahoo.com>

Attachments: 0201140907.jpg; 0131141244.jpg; 0131141243b.jpg; 0131141243.jpg;

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Attached are the picture of 600 Almond Ave

Sent by Sprint from my Samsung Galaxy Note® II

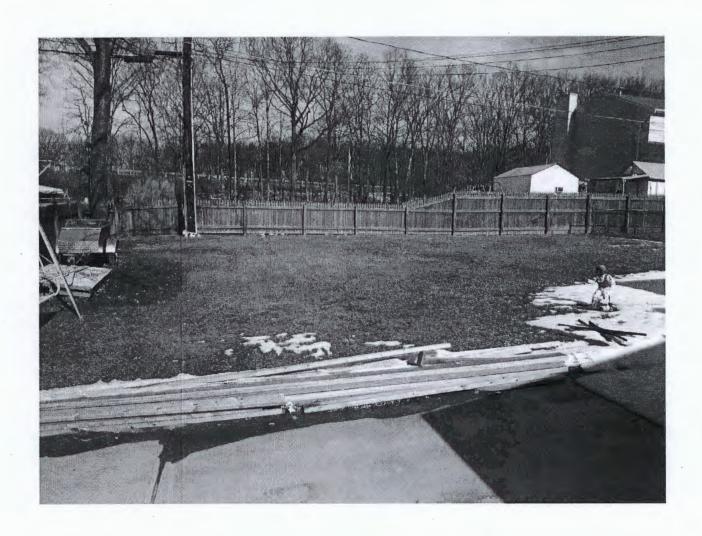
RECEIVED

FEB 0 3 2014

OFFICE OF ADMINISTRATIVE HEARINGS









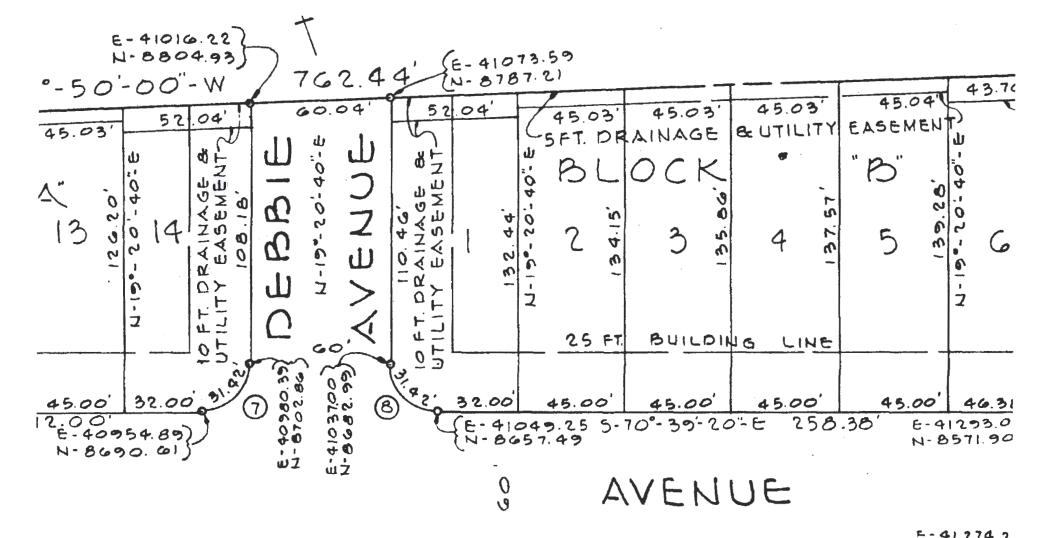












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