IN RE: PETITION FOR ADMIN. VARIANCE

(1200 Cowpens Avenue)

9<sup>th</sup> Election District

Daniel R. Dodd & Sandra L. Brooks

Petitioners

**BEFORE THE** 

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0138-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, Daniel R. Dodd & Sandra L. Brooks. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an accessory structure (proposed pool) to be located in the side yard in lieu of the required rear yard. 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. There were no adverse comments received from any of the County agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 27, 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 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

Date DU DU DU DATE

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.

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 <u>16<sup>th</sup></u> 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 an accessory structure (proposed pool) to be located in the side yard in lieu of the required rear yard, 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.

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\_\_\_\_\_

KEVIN KAMENETZ County Executive



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

January 16, 2014

Daniel R. Dodd Sandra L. Brooks 1200 Cowpens Avenue Towson, Maryland 21286

RE: Petition for Administrative Variance

Case No. 2014-0138-A

Property: 1200 Cowpens Avenue

Dear Mr. Dodd and Ms. Brooks:

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 H. BEVERUNGEN Administrative Law Judge for Baltimore County

for Baltimore Co

JEB:dlw Enclosure 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 1200 COMPENS AVE TOWSON 21286 which is presently zoned DR 2 10 Digit Tax Account # 0 90 3 0 0 5 Deed Reference 13155 / 00 613 DANDER L. BROOKS Property Owner(s) Printed Name(s) DANIEL K. DODD (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. & ADMINISTRATIVE VARIANCE from section(s) 400. 18CZR To permit an accessory structure (proposed pool) to be located in the state yourd of the required rear yourd. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building) of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s). Legal Owners: Contract Purchaser/Lessee: Name- Type or Print Signature Mailing Address SANDYLBROOKS W Zip Code **Email Address Attorney for Petitioner:** Representative to be contacted: Name- Type or Print Name - Type or Print Signature Signature Mailing Address City Mailing Address City State Zip Code Telephone # Email Address 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 regulations of Baltimore County and that the property be reposted. that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning Administrative Law Judge of Baltimore County CASE NUMBER 2014 - 0138- A Filing Date 12/17/13 OPERIND PROPERTY DE Rev 10/12/11

# 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:

purchase, reside at the existing dwelling on sa	id property loca	alcu al.	
Address: 1200 Cawpens Ave	City	State	3128L Zip Code
Based upon personal knowledge, the following Administrative Variance at the above address.			
OF THE PROPOSED POOL BY MOVE	ME NE	FO TO MOVE	E IN THE SIDEY
(If additional space for the petition request or the	e above stateme	nt is needed, label a	and attach it to this Form)
Signature of Affiant  DANIER & DUNN		Sur dual mature of Affiant Sandra	Brooks
Name- Print or Type  The following information is to be com-		me- Print or Type	ate of Maryland
STATE OF MARYLAND, COUNTY OF BALT	IMORE, to wit:		
I HEREBY CERTIFY, this 12th day of Day and for the County aforesaid, personally appeared	ecemberz	before rne	a Notary of Maryland, in
the Affiant(s) herein, personally known or satisfactor	orily identified to	me as such Affian	t(s) (Print name(s) here)
AS WITNESS my hand and Notaries Seal	boolle		
Notary F	Public ( - > > > > > > > > > > > > > > > > > >	2-2015	

# Property Description

Deed Information as found amoung the land records of Baltimore County for 1200 Cowpens Avenue, Towson, MD 21286:

Being known and designated as Lot No. 3, Block D, as shown on a plat entitled "Resubdivision of Plat 2, Section 5 and part of Plat 1, Section 5, Hunt Club Farms, which Plat is recorded among the Land Records of Baltimore County in Plat Book OTG No. 33, folio 30. The improvements therein being know as 1200 Cowpens Avenue.

Being the same lot of ground which by Deed of even date and intended to be recorded among the land records of Baltimore County immediately prior hereto was granted and conveyed by Robert H. Gay, Louise M. Gay and Louise M. Warfield unto the Grantor herein.

Begining at a point on the North west side of Cowpens which is a 50' Right of well 35' to the & of Brook Hollow which is 50'.

Being 10t 3, Block B in the subdivision of Hunt Club Farms as recorded in Baltimore County Plat Book & B3, Folio 30 contains 19422 D. Located in the 9th Election District and 3rd Cancil District.

OFFICE	E OF BUD	GET AND	IARYLAN D FINANC RECEIPT	E	Sub Rev/	No.		7081	PAID RECEIPT  MEDIESS ACTUM THE D  13 17/2013 12/17/2013 09/30/14  REG RESM MALEDI SHE SAM  285 ETM & 96/59 12/17/2013 09/
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Rec From:	Da	niel	Doc	18	(	Total:		M5.00	
DISTRIBU	ITION	200	010	1-	0	13	8-1	4	CASHIER'S VALIDATION

## **CERTIFICATE OF POSTING**

**ATTENTION: KRISTEN LEWIS** 

DATE: 12/29/2013

Case Number: 2014-0138-A

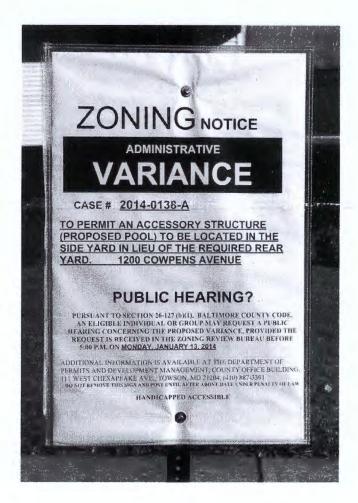
Petitioner / Developer: <u>DANIEL DODD</u>

L.O.

Date of Hearing (Closing): JANUARY 13, 2013 2014

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: 1200 COWPENS AVENUE

The sign(s) were posted on: DECEMBER 27, 2013



(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

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

410 – 666 – 5366 (Telephone Number of Sign Poster)

#### MEMORANDUM

DATE:

February 19, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0138-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 18, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

### CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
12-31	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)	
1-4	STATE HIGHWAY ADMINISTRATION	Do ajection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ON (Case No	
PRIOR ZONING	(Case No.	)
NEWSPAPER ADV	/ERTISEMENT Date:	
SIGN POSTING	Date: 12-27-13	by O'Keefe
PEOPLE'S COUNS	SEL APPEARANCE Yes No	
PEOPLE'S COUNS	SEL COMMENT LETTER Yes  No	
Comments, if any:		

BALTIMORE COUNTY DEPARTMENT OF LENGTH OF

**ZONING REVIEW** 

#### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0138 -A Address 1200 Coupens Ave
Contact Person: Sara Huck Phone Number: 410-887-3391  Planner, Please Print Your Name
Filing Date: 12 17 13 Posting Date: 1229 13 Closing Date: 131
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. <a href="POSTING/COST">POSTING/COST</a> : The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE</u> : 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 2013 0138 -A Address 1200 Cowpens Ave
Petitioner's Name Daniel Dodd Telephone 410-487-1390
Posting Date: 12 29 3 Closing Date: 1 13 14
Wording for Sign: To Permit an accessory structure (proposed pool)
to be located in the side yard in lieu of the
required rear yard.



KEVIN KAMENETZ County Executive

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

January 14, 2014

Daniel R. Dodd & Sandra L. Brooks 1200 Cowpens Avenue Towson MD 21286

RE: Case Number: 2014-0138 A, Address: 1200 Cowpens Avenue

Dear Mr. Dodd & Ms. Brooks:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 17, 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 Ribal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Maryland Department of Transportation

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

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

Date: 1/7/14

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

RE: **Baltimore County** 

Item No 2014-0138-A
Administrative Variouse
Daviel R. Dodd & Sondra L. Brooks

1200 Compens Avenue.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2014-0138-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

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 31, 2013

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For December 30, 2013 Item No. 2014-0137 to 0140

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

2014-0138

DAK:CEN:cab

Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC12302013 -.doc

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

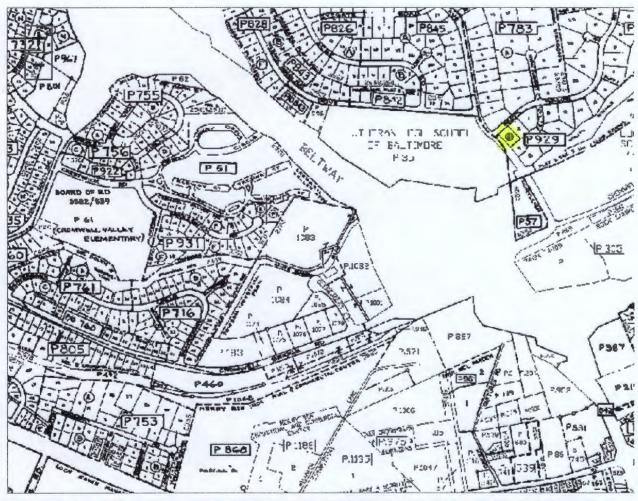
Searcn Heip

View Map	View GroundRent Reden	ption	View GroundRent Registration			
Account Identifier:	District - 09 Accou	ınt Number - 0903005320	0			
	0	wner Information				
Owner Name:  DODD DANIEL R BROOKS SANDRA L 1200 COMPENS AVE		RA L Principa	Principal Residence: YES			
Mailing Address:	1200 COWPENS A TOWSON MD 21	Dood Do	<u>1) /13155/ 00613</u> <u>2)</u>			
	Location	& Structure Information	n			
Premises Address:	1200 COWPENS . 0-0000	AVE Legal Do	escription: 1200 COWPENS AVE HUNT CLUB FARMS			
Map: Grid: Parcel: 0070 0011 0929	Sub District: Subdivision: 0000		Assessment Year: Plat No: 2 2014 Plat Ref: 0033/0030			
Special Tax Areas:		Town: Ad Valorem: Tax Class:	NONE			
Primary Structure Bu 1972	Above Grade Enclosed Are 2,718 SF	ea Finished Basement	t Area Property Land Area County Use 19,422 SF 04			
Stories Basement 2.000000 NO	Type Exterior SPLIT LEVEL 1/2 BRICK F	RAME Full/Half Bar				
	\	alue Information				
	Base Value	Value	Phase-in Assessments			
		As of	As of As of			
	4.42.000	01/01/2014	07/01/2013 07/01/2014			
Land:	143,800	122,800				
Improvements	292,500	319,000	427, 200			
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Seller: LUECK ROLI		<u>::</u> 06/29/1990	Price: \$230,000			
Type: ARMS LENGT		<u>11:</u> /08529/ 00570	Deed2:			
Seller:	Date		Price:			
Type:	<u>Deec</u>	mption Information	Deed2:			
Partial Exempt Assess		07/01/20	07/01/2014			
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State:	000	0.00				
Municipal:	000	0.00 0.00	0.00 0.00			
Tax Exempt:		l Tax Recapture:				
Exempt Class:	NONE					
Exempt Class:						

**Baltimore County** 

District: 09 Account Number: 0903005320

**New Search** 



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

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

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

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



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

#### **Subject Photo Page**

D		
Property Address 1200 Cowpens Avenue		
City Towson County Baltimore	State Md	Zip Code 21286



Subject Front 1200 Cowpens Avenue



**Subject Looking Left** 



**Subject Looking Right** 

#### **Subject Photo Page**

Borrower/Client	Dan Dodd					
Property Address	1200 Cowpens Avenue					
City	Towson	County	Baltimore	State M	d Zip Code	21286



From Rear Corner of Lot 1200 Cowpens Avenue



From House to Rear Corner

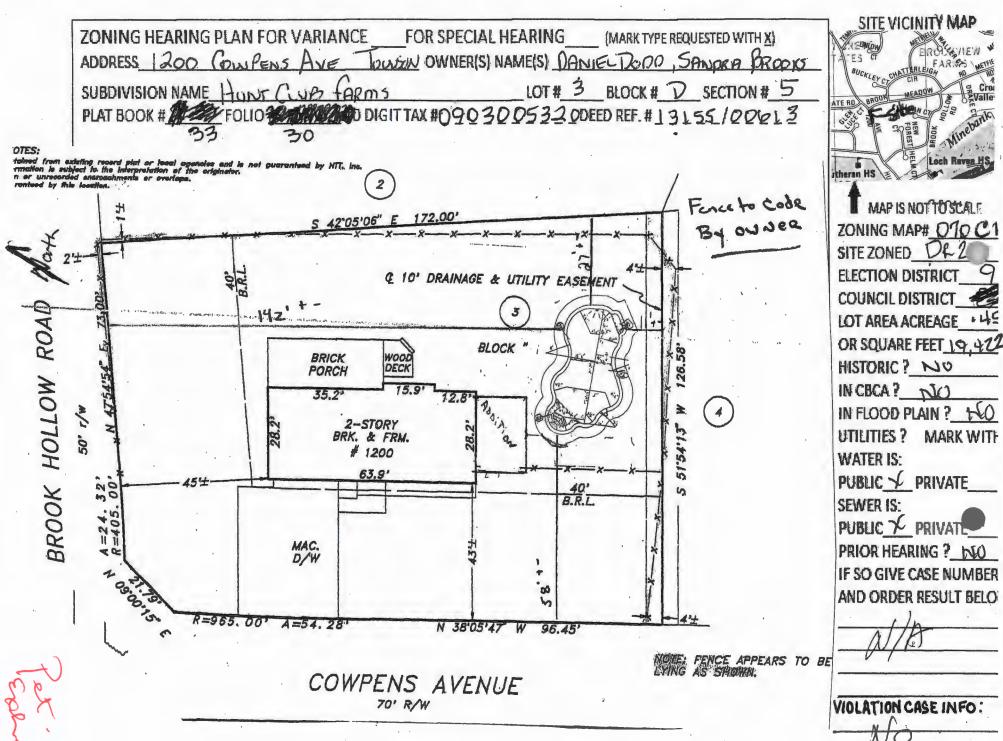


From House to Side Lot

#### **Location Map**

Borrower/Client Dan Dodd			
Property Address 1200 Cowpens Avenue			
City Towson	County Baltimore	State Md	Zip Code 21286





2014-0138-A 1" = 30'

