MEMORANDUM

DATE:

March 20, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0156-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 20, 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 (2409 Crestnoll Road)

8th Election District 2nd Council District

Thomas P. and Linda I. Sparks (Trustees)

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0156-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Thomas P. and Linda I. Sparks (Trustees) ("Petitioners"). The Petitioners are requesting Variance relief from § 1A04.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an attached garage with a side yard setback of 5 ft. in lieu of the required 50 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as 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 ZAC comments submitted from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 26, 2014, 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 ORDER RECEIVED FOR FILING

Date	2-18-14	
By	100	

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the proposed 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 B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>18th</u> day of February, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 1A04.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an attached garage with a side yard setback of 5 ft. in lieu of the required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 1. The 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 garage 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	2-18-19
Bv	(D)

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 2-18-14

ARYLAND

KEVIN KAMENETZ County Executive

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

February 18, 2014

Thomas P. Sparks (Trustee) Linda I. Sparks (Trustee) 2409 Crestnoll Road Reisterstown, Maryland 21136

RE:

Petition for Administrative Variance

Case No. 2014-0156-A

Property: 2409 Crestnoll Road

Dear Mr. and Mrs. Sparks:

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,

JOHNE. BEVERUNGEN Administrative Law Judge

for Baltimore County

JEB:dlw Enclosure

ADMINISTRATIVE ZONING PETITION FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATI 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 2409 Crestnoli Rd. which is presently zoned Deed Reference 30474/00409 10 Digit Tax Account # / 6 0 Property Owner(s) Printed Name(s) THOMAS P. Sparks Trustee (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) 1404.3 BCZR To permit an attached garage with a side yard setback of 5 feet in lieu of the regard 50 Leet 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).

Contract Purchaser/Lessee:	Legal Owners:
	THOMAS P. Sparks, Linda I. Sparks
Name- Type or Print	Name#1 - Type or Print Name #2 - Type or Print O
Signature	Signature #1 Signature # 2
	2409 Crestnoll Rd. Reisterstown MD,
Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address	21136, 410252:4113, Sparks 48@Vertzons Zip Code Telephone # Email Address
Attorney for Petitioner:	Representative to be contacted:
OR FILING	THOMAS P SCARKS
Name- Type or Print Signature RDER 3	Name - Type or Print
Signature RDER 3	Signature DY OF STANK RO REISTELSOWN MD
Mailing Address State	Mailing Address City State
There I	21136 1410-252-4113 , SPARKS 48EVER 120N. NET
Zip Code By Telephone # Email Address	Zip Code Telephone # Email Address
A PUBLIC HEARING having formally demanded and/or found to be recthis that the subject matter of	uired, it is ordered by the Office of Administrative Law, of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning

Administrative Law Judge of Baltimore County

Estimated Posting Date / #6/14 Reviewer G.A.

regulations of Baltimore County and that the property be reposted.

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: 2409 Crestnoll Rd. Reistenstown, MD 21136 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 <u>practical difficulty or hardship</u> here)
when we purchased our home it was located in the center of the lot. We added an addition to the house. We need a variance to put a garage on our property
my wife and I are older and would like to have. protection from the weather when we leave and noturn home.
This location for a garage will make it much easier to go about our daily work and chores.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)
Signature of Affiant Signature of Affiant Signature of Affiant Linda T. Sparks Name-Print or Type 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 13 day of 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared
Thomas Starks, Linda Sparks 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 Notary Public 4-18-15
My Commission Expires REV. 10/12/11

2409 Crest noll Rd

BEGINNING FOR THE SAME at a point on the southeast Right of Way line of the proposed extension of Crestnoll Road (50' wide) said point of beginning being at the end of the two following courses and distances from a point on the southeast Right of Way line of Crestnoll Road at the northernmost corner of Lot No. 8, Block B, of "Knollcrest Manor", Amended Plat No. 1, a subdivision of Baltimore County recorded among the Plat Records of said County in Plat Book OTG 33, folio 115, the two courses being 1) northeasterly by a curve to the right with a radius of 475.00' for a distance of 70.50' (the chord of said arc being N 64° 51' 47" E 70.43') and 2) N 69° 06' 53" E 178.22', running thence from said point of beginning and binding on the southeast Right of Way line of the proposed extension of Crestnoll Road, as now surveyed, N 69° 06' 53" E 177.00', thence leaving said road and running for lines of division the four following courses and distances: 1) S 20° 53' 07" E 225.00'; 2) S 60° 35' 44" W 139.14'; 3) N 39° 42' 00" W 122.14'; 4) N 20° 53' 07" W 130.00' to the place of beginning.

CONTAINING 0.914 acres of land more or less.

2014-0156-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE IN ORMATION OFFICE AND DATES
Case Number 2014- 0156 -A Address 2409 Crestno 11 Boad
Contact Person: Gary Huck Phone Number: 410-887-3391
Filing Date: 1/16/14 Posting Date: 1/26/14 Closing Date: 2/10/15
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.
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 2014- 0156 -A Address 2409 (restnoll Road 21136
Petitioner's Name Thomas P. Sparks Telephone 40-252-4113
Posting Date: $\frac{1/26/14}{}$ Closing Date: $\frac{2/10/14}{}$
Wording for Sign: To Permit an attach proposed garage with a side set back of 5 feet in lieu of the required 50 feet

OFFICE	OF BUD	GET AN	IARYLAN D FINANC	E		No.	108	114,7		MID MEETIN
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Fig. 1

CERTIFICATE OF POSTING

	RE: Case No.:	2014-0156-2
	Petitioner/Developer:	
		Thomas Spark
	Date of Hearing/Closing:	February 10, 201
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204		
Attn: Kristen Lewis:		
Ladies and Gentlemen:		
posted conspicuously on the property located 2409 Crestnoll Rd 21136		
The sign(s) were posted on	January 26, 2014	
	(Month, Day, Year)	
· ·	(Signature of Sign Poster)	January 26, 2014 (Date)
ZONING NOTICE ADMINISTRATIVE VARIANCE	SSG Robert Bl	
CASE # 2014-0156-A	(Print Name)
To Permit an attached proposed	1508 Leslie Ro	ad
in lieu of the required 50 tess	(Address)	
PURSUANT TO SECTION 26-127 (b)(1). BALTIMOSE COUNTY COLOR PURSUANT TO SECT	Dundalk, Marylan	d 21222
AND RELIGIOUS CONVENIENCE THE PROPERTY OF REPORT OF THE ADDRESS OF	(City, State, Zip	Code)
	(410) 282-794	10
	(Telephone Num	iber)

CASE NO. 2014-	156-A

Support/Oppose/

CHECKLIST

Comment Received	Department	Conditions/ Comments/ No Comment
1-27	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)	-
1-24	STATE HIGHWAY ADMINISTRATION	No esjection
. *	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
·	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	ON (Case No.	
PRIOR ZONING	(Case No.)
NEWSPAPER ADV	ERTISEMENT Date:	
SIGN POSTING	Date: 1-26-14	by Black
PEOPLE'S COUNSI	EL APPEARANCE Yes No	
Comments, if any: _		



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

February 11, 2014

Thomas P. & Linda I. Sparks 2409 Crestnoll Road Reisterstown MD 21136

RE: Case Number: 2014-0156 A, Address: 2409 Crestnoll Road

Dear Mr. & Ms. Sparks:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 16, 2014. 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 D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel



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

Date: 1/24/14

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

RE: Baltimore County

Item No 2014-0156-A. Administrative Variance
Thomas P. & Linda T. Sparks
2409 Crestnoll 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. 2014-0156-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: January 27, 2014

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 27, 2014

Item No. 2014-0146, 0149, 0150, 0151, 0152, 0153, 0154 and 0156

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\ZAC01272014 -.doc

Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

Search Help

Search Result for BAI	TIMORE COUNTY							
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2014-0156-A DOOR INTO Waved Re SOUTHWEST ENTRACE CORNER OF BREEZUA XXXX LOOKING WEST.

200K

Baltimore County

New Search (http://sdat.resiusa.org/RealProperty)

District: 08 Account Number: 1600004227



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 (http://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) (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).

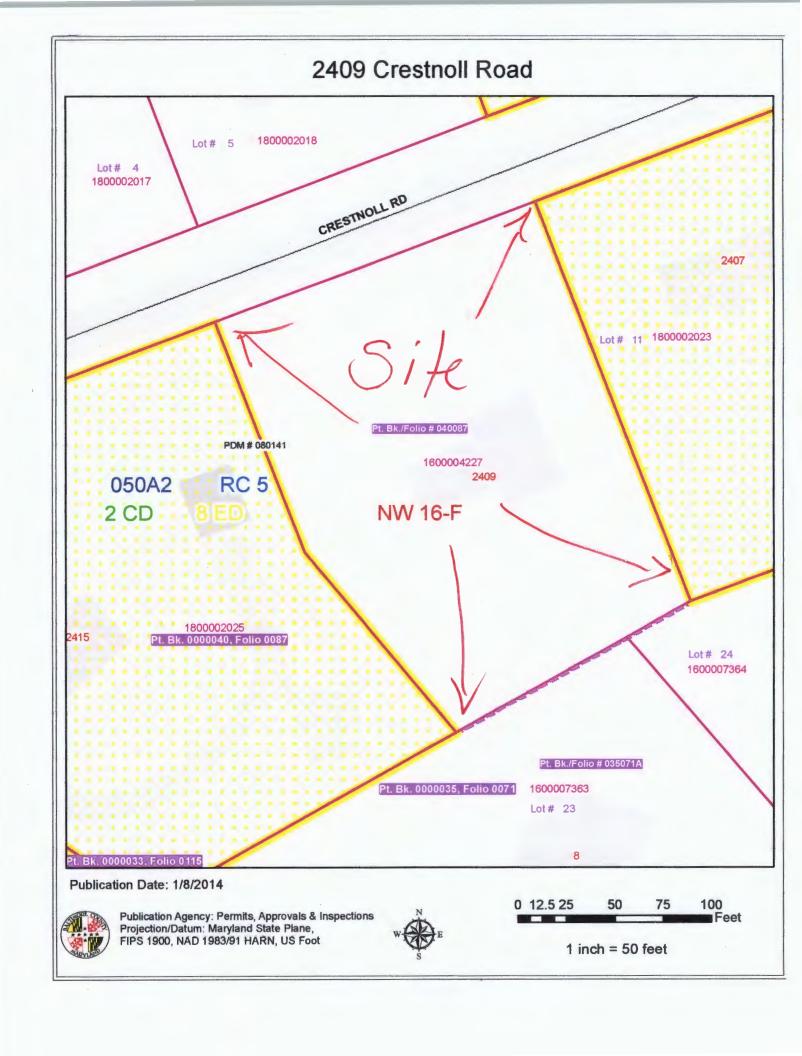


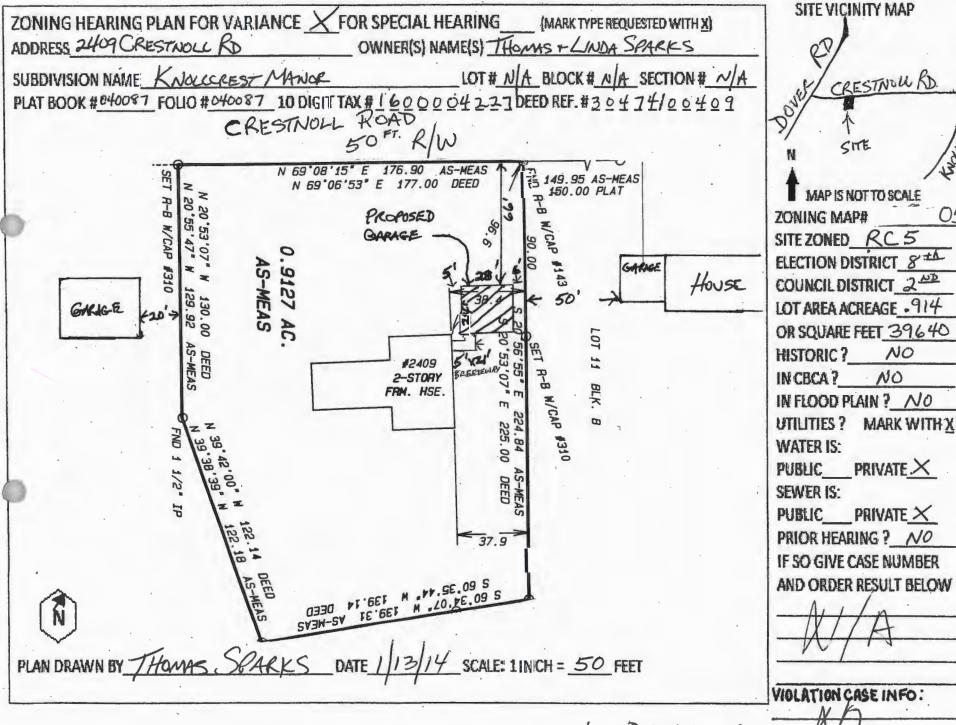
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2014-0156-A

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