IN RE: PETITION FOR ADMIN. VARIANCE

(34 Cedar Avenue)

9th Election District

5th Council District

Christopher H. Bready

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0164-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Christopher H. Bready ("Petitioner"). The Petitioner is requesting Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling addition and existing dwelling with a side setback of 6 ft. in lieu of the minimum 10 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's 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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 9, 2014, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

• • • • • • • • • • • • • • • • • • • •		
Date	3-4-14	
By		

ORDER RECEIVED FOR FILING

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 Petitioner.

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 4th day of March, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling addition and existing dwelling with a side setback of 6 ft. in lieu of the minimum 10 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 The Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN E. BEVERUNCER Admirlistrative Law Judge for Baltimore County

JEB:	dlw		
ORDER	RECEIVED	FOR	FILING

Date	3-4-14
	(2)

KEVIN KAMENETZ County Executive



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

March 4, 2014

Christopher H. Bready 34 Cedar Avenue Towson, Maryland 21286

RE:

Petition for Administrative Variance

Case No. 2014-0164-A Property: 34 Cedar Avenue

Dear Mr. Bready:

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 BEVERUNGE Administrative Law Judge for Baltimore County

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 be filed with the Departme	ent of Permits, Approvals and Inspections
	w of Baltimore County for the property located at:
Address 34 CEDAR AVENUE Deed Reference 08908 / 00096	which is presently zoned DR 5.5
Property Owner(s) Printed Name(s) CHRISTOR	PHER H BREADY
	PPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) lavit on the reverse of this Petition Form be completed / notarized.
	e in Baltimore County and which is described in the description and nade a part hereof, hereby petition for a
1. X ADMINISTRATIVE VARIANCE from section(s)	1800 35 1800 To recent a promised devail
addition and existing develling inte	180236.1802e To permit a proposed dued naside set back of a feet in lieu of
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of the zoning regulations of Baltimore County, to the zon	ning law of Baitimore County.
2 ADMINISTRATIVE SPECIAL HEARING to an	prove a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), ar
Section 32-4- 416(a)(2): (indicate type of work in this sp	
Section 324-410(a)(2). (indicate type of work in this sp	ace to raze, after or construct addition to building)
of the zoning regulations of Baltimore County, to the zon	ning law of Baltimore County
Property is to be posted and advertised as prescribed by the zoning of	
I, or we, agree to pay expenses of above petition(s), advertising, post	ing, 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	or Baltimore County.
is the subject of this / these Petition(s).	n, under the penalties of perjury, that I / We are the legal owner(s) of the property wi
Contract Purchaser/Lessee:	Legal Owners:
	CHRISTOPHER H BREADY ,
Name- Type or Print	Name #1 – Type or Print Name #2 – Type or Print
Signature	Signature #1 Signature # 2
Mailing Address City State	34 CEDAR AVENUE TOWSON MD Mailing Address City State
maining Address Oity State	
	21286 / 410-821-8744 / baltobook@comcast.ne
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
Attorney for Petitioner:	
Attorney for retitioner.	Representative to be contacted:
ING	Representative to be contacted:
TOR FILING	Representative to be contacted: CHRISTOPHER H BREADY
Name- Type or Print SIMED FOR FILING	
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Name- Type or Print Signatures City State	CHRISTOPHER H BREADY Name - Type or Print Chustopher H hund Signature
	CHRISTOPHER H BREADY Name - Type or Print Chustopher H freed Signature 34 CEDAR AVENUE TOWSON MD

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

Affidavit in Support of Administrative Variance

34 CEDAR AVENUE

Address:

(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:

TOWSON

Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge	the following are the facts	which I/we hase the	request for an
Administrative Variance at the at			-
Administrative variance at the at	ove address. (Clearly state	e practical difficult	or narasing here)
A portion of the residence	currently on the proper	tv at 34 Cedar Av	enue rests only 6
feet (+/-) from the relati			
from the property immediate			
Partnership, while another			
to the line dividing the to			
mentioned properties was e	stablished sometime in t	he mid to late 19	th Century (accordin
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Dale Limited Partnership,			
closer to the 6-foot barrie			
Permits, Approvals and Ins		the bartimore oou	ncy Department of
(If additional space for the petitio		ent is needed, label and	attach it to this Form)
Signature of Affiant			
Signature of Affiant		ignature of Affiant	
	3	ignature of Amant	
CHRISTOPHER H. BREAST			
Name- Print or Type	1	lame- Print or Type	
The following informat	ion is to be completed by a No	tary Public of the State	of Maryland
STATE OF MARYLAND, COUN	TY OF BALTIMORE to wi	t·	
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and for the County aforesaid, person	nally appeared	, bolote me u	rectary or maryiana, in
the Affiant(s) herein, personally kno	Bready		
the Affiant(s) herein, personally kno	wn or satisfactorily identified t	o me as such Affiant(s	(Print name(s) here)
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21286

Zoning Property description for 34 Cedar Avenue, Towson, MD 21286:

Beginning at a point on the west side of Cedar Avenue which is 40 feet wide at the distance of 216.5 feet +/- of the centerline of the nearest improved intersecting street (Hillside Avenue) which is 40 feet wide, thence the following courses and distances: beginning at an iron pipe heretofore planted on the northwest side of Cedar Avenue (Liber C.W.B. Jr., No. 1033, folio 433) and running thence bounding reversely on the aforesaid line north sixty degrees west two hundred twenty-four and one-half feet (+/-), thence still bounding on the property reversely south twenty-seven degrees fifteen minutes west fifty-nine feet, thence running for a line of division south sixty degrees twenty-nine minutes east two hundred seven and one-sixth feet (+/-) to intersect the northwest side of Cedar Avenue at the distance of fifty-nine feet southwesterly from the place of beginning and thence bounding on the northwest side of Cedar Avenue north forty-four degrees fifteen minutes east fifty-nine feet to the place of the beginning, as recorded in Deed Liber 8909, Folio 95, containing 12,714.5 square feet (+/-), or thereby .292 acres (+/-). This property is located in the 42A State of Maryland Election District, and Fifth Councilmanic District of Baltimore County.

Prepared January 28, 2013, by Christopher H. Bready 34 Cedar Avenue Towson, MD 21286

8908 . 96

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CERTIFICATE OF POSTING

	RE: Case No.:	2014-0164-A
	Petitioner/Developer:	
	Ch	ristopher Bread
	Date of Hearing/Closing:	ebruary 24, 201
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 11 West Chesapeake Avenue Towson, Maryland 21204		
Attn: Kristen Lewis:		
adies and Gentlemen:		
	January 9, 2014	
he sign(s) were posted on	(Month, Day, Year)	
	Sincerely,	
0	Milla	January 9, 2014
ZONING NOTICE	(Signature of Sign Poster) SSG Robert Bla	(Date)
VARIANCE XXX	(Print Name)	
CASE # 2014-0164-A To Permit a proposed dwelling	1508 Leslie Ro	
addition and existing dwelling with a set back of 6 feet in lieu of the minimum 10 feet.		au
PUBLIC HEARING?	(Address)	
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MANDY APPED ACCESSELY	(City, State, Zip C	
	(410) 282-794	0
	(Telephone Num	ber)

MEMORANDUM

DATE:

April 4, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0164-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 3, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

CASE NO. 2014- 0164-A

Support/Oppose/

CHECKLIST

Comment Received		<u>Department</u>				Conditions/ Comments/ No Comment
2-10	_	ELOPMENT PLANS t received, date e-mai				NU
2-20	DEPS (if no	S t received, date e-mai	l sent _)		NO
	FIRE	DEPARTMENT				
		NNING t received, date e-mai	l sent _)		•
2-5	STAT	E HIGHWAY ADM	INISTR	ATION		No objection
	TRAI	FIC ENGINEERING	ì			
		MUNITY ASSOCIA		RS		
ZONING VIOLA	TION	(Case No				
PRIOR ZONING		(Case No				
NEWSPAPER AI	OVERTISE	EMENT Date:				
SIGN POSTING		Date:		1-9-	14	by Block
PEOPLE'S COUN			Yes Yes	□ No □ No		
Comments, if any:						

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0164 -A Address 34 Cedar Ave. Touson Md 21
Contact Person: Gara Much Phone Number: 410-887-3391
Filing Date: 129 H Posting Date: 2914 Closing Date: 2244
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. <u>POSTING/COST:</u> 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- Olc4 -A Address 34 Godar Aug. 21286
Petitioner's Name Christopher Bready Telephone 410.821.8744 Posting Date: 12914 Closing Date: 22414
Wording for Sign: To Permit a proposed dwelling addition and existing
duelling with a set back of 6 feet in lieu of the
minimum 10 feet.



KEVIN KAMENETZ County Executive

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

February 25, 2014

Christopher Bready 34 Cedar Avenue Towson MD 21286

RE: Case Number: 2014-0164 A, Address: 34 Cedar Avenue

Dear Mr. Bready:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 29, 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 Richal D

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: 2-5-14

RE:

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

Baltimore County Item No 2014-0164-A Administrative Varionce Christopher H. Bready 34 Cedar 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. 2014-0164-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: February 10, 2014

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 10, 2014

Item No. 2014-0076, 0103, 0157, 0158, 0160, 0161 and 0164

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

DAK:CEN. Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC02102014 -.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



FEB 20 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:

February 19, 2014

SUBJECT:

DEPS Comment for Zoning Item

2014-0164-A

Address

34 Cedar Avenue

(Bready Property)

Zoning Advisory Committee Meeting of February 3, 2014.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

Jeff Livingston – Development Coordination

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

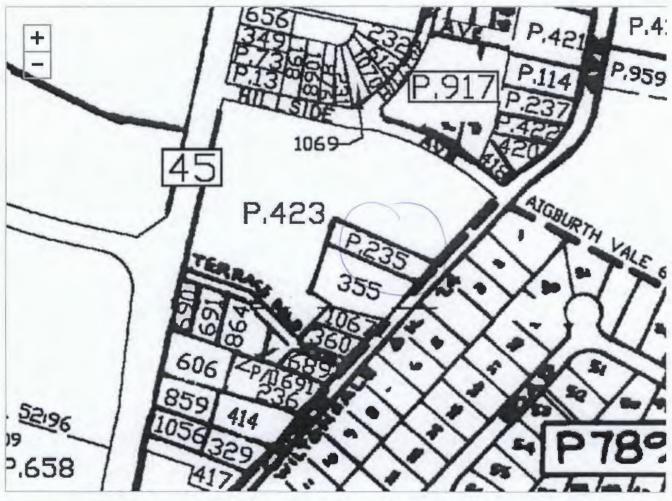
Search Help

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Baltimore County

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

District: 09 Account Number: 0913855381



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).



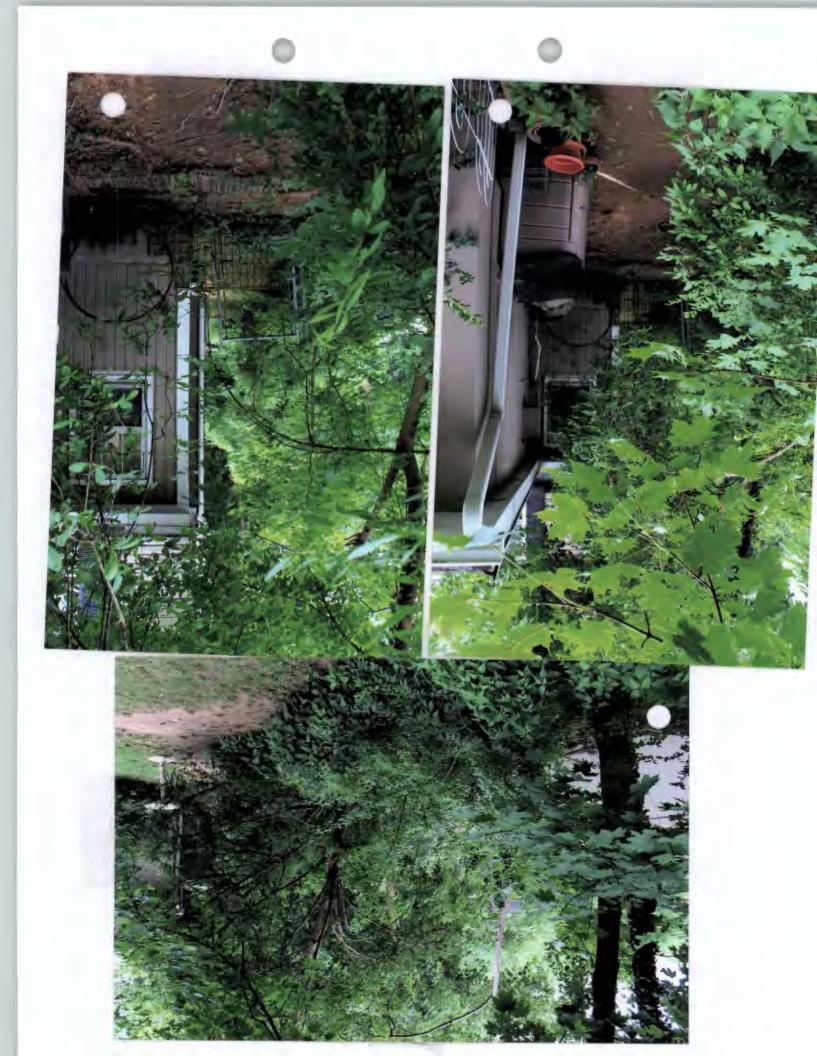
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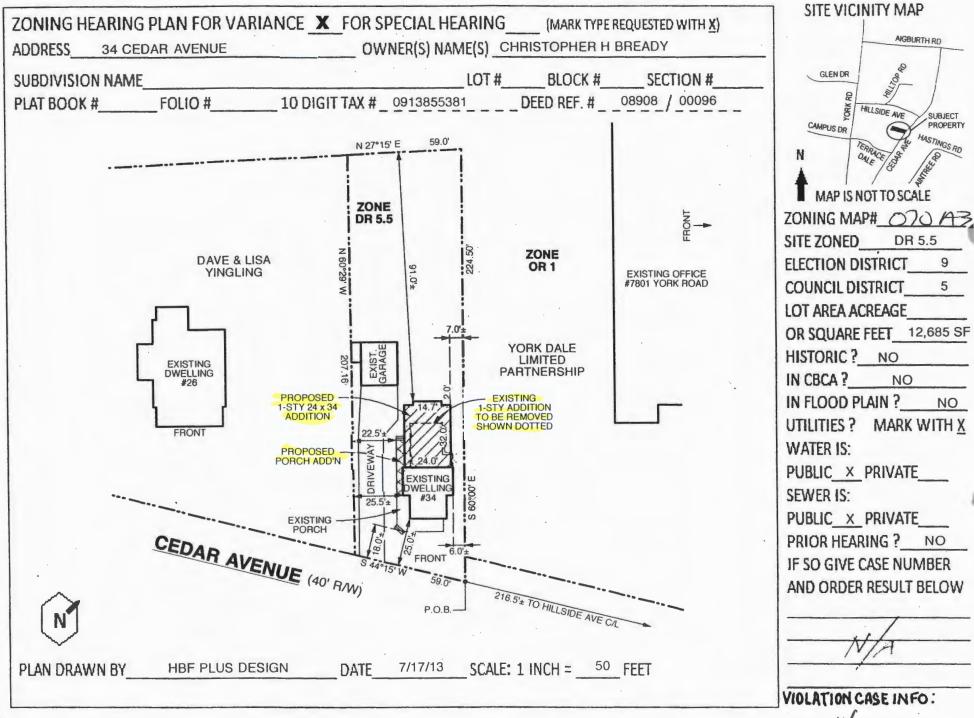
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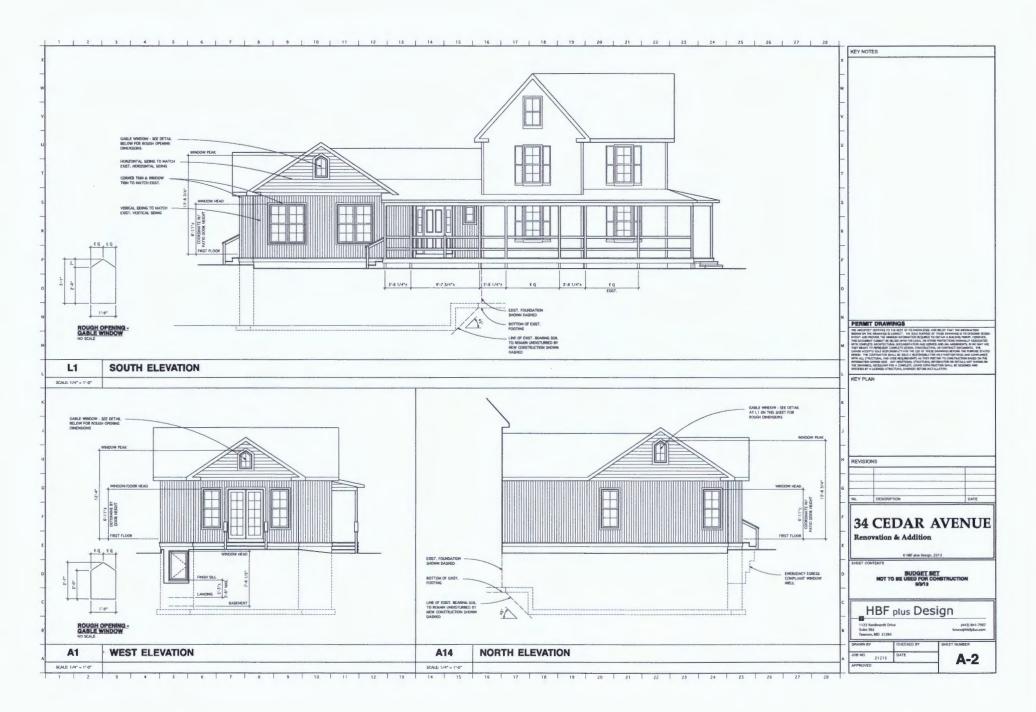


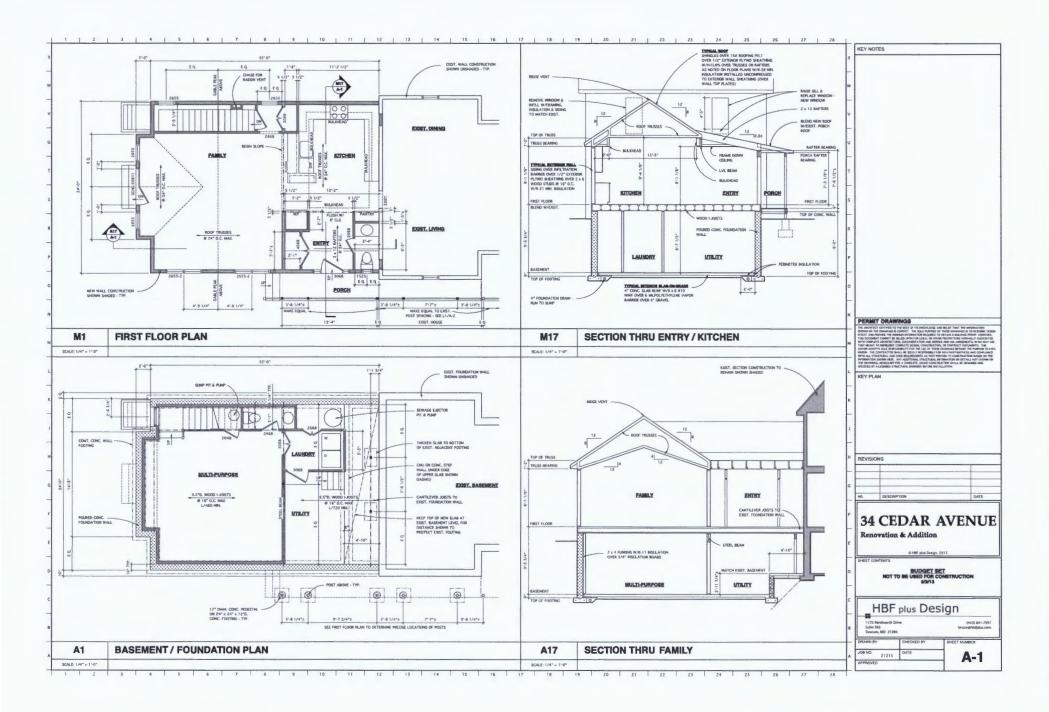




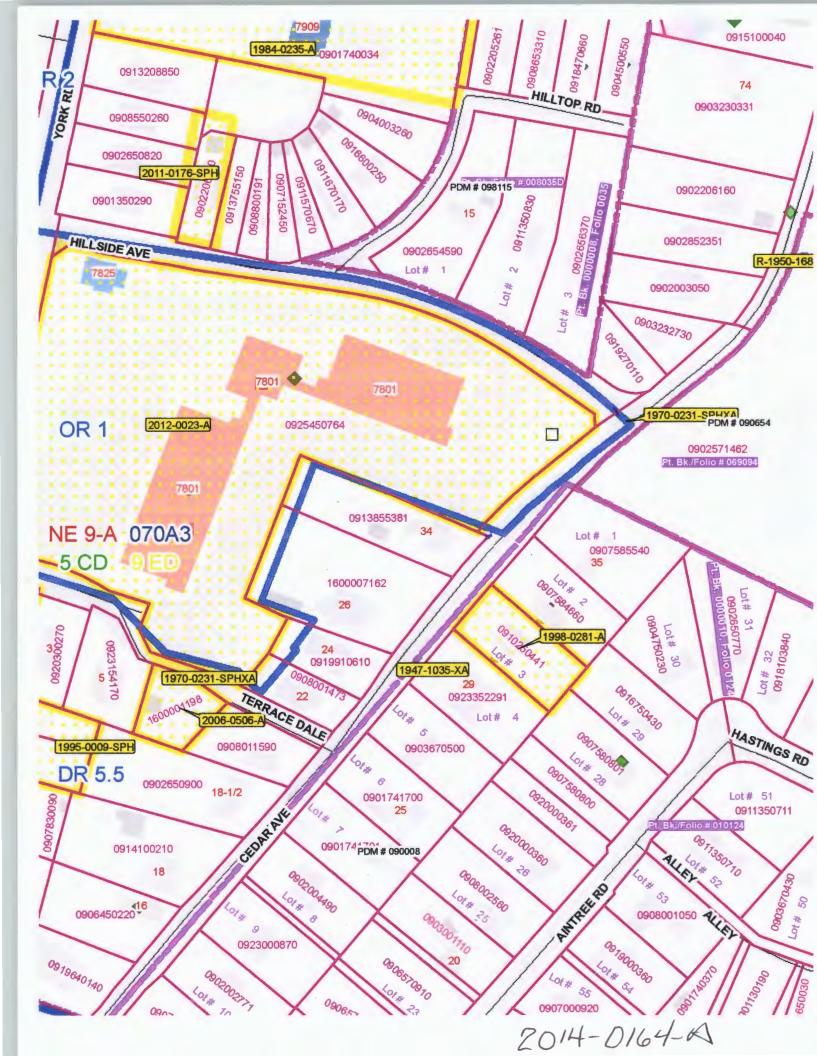
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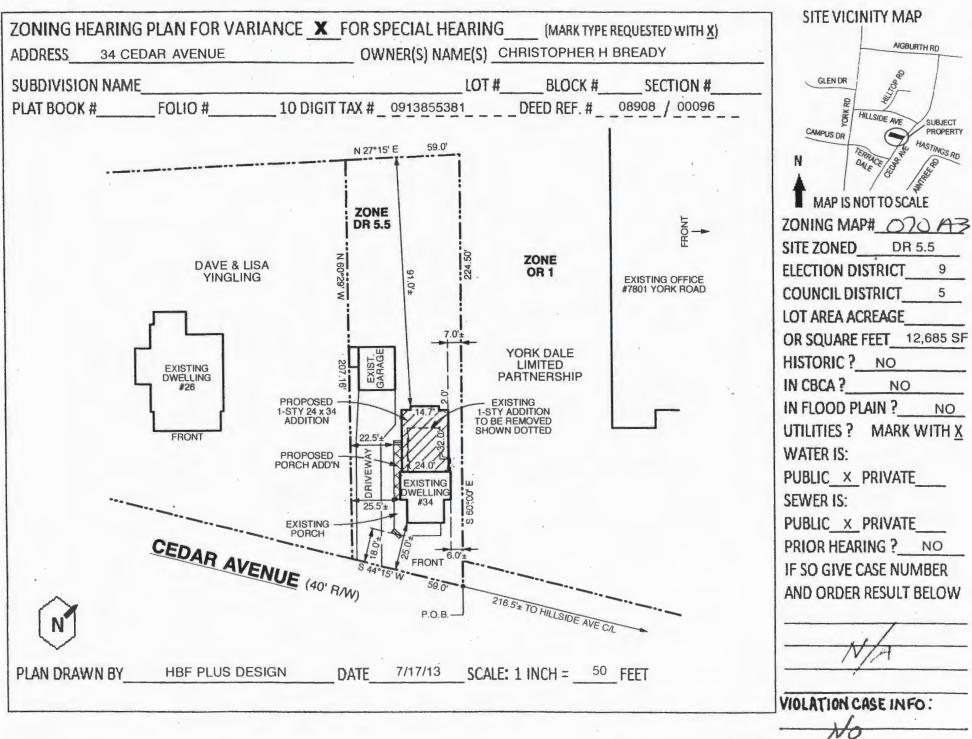
2014-01-4-A





2014-0164-A





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