IN RE: PETITION FOR ADMIN. VARIANCE (1013 Chestnut Avenue)

8th Election District 2nd Council District Michael J. Foley Petitioner **BEFORE THE**

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0168-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, Michael J. Foley ("Petitioner"). The Petitioner is requesting Variance relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an attached front yard addition (garage) with a front setback of 70 ft. to the centerline of the road in lieu of the required 75 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 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 February 15, 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 ORDER RECEIVED FOR FILING

Date	3-10-14	
Bv	(Second	

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.

Although the Department of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the addition (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, this <u>10th</u> day of March, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an attached front yard addition (garage) with a front setback of 70 ft. to the centerline of the road in lieu of the required 75 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.

ORDER RECEIVED FOR FILING

- 2. The Petitioner or subsequent owners shall not convert the subject addition (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.

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 3-10-14

By (SV)

ARYLATO

KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 10, 2014

Michael J. Foley 1013 Chestnut Avenue Lutherville, Maryland 21093

RE:

Petition for Administrative Variance

Case No. 2014-0168-A

Property: 1013 Chestnut Avenue

Dear Mr. Foley:

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

c: Gregory Bell, 5254 Faraway Drive, Felton, PA 17322

ADMISTRATIVE 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 1013 Chest Nut Ridge D2. which is presently zoned RC 5

Deed Reference 33721 100028 10 Digit Tax Account # 08200 460 60

Property Owner(s) Printed Name(s) MICHAEL & ELIZABETH FOLEY

(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)

BCZR: 1A04.3.B.2.b → To permit an attached front yard addition (garage) with a front setback of 70 feet to the centerline of the road in lieu of the required 75 feet.

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: 1 / we do so solemnly declare and affirm, under the penalties of perjury, that 1 / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:		Legal Owners:
	•	MICHAEL FLEY,
Name- Type or Print		Name #1 - Type or Print Name #2 - Type or Print Lighty
Signature		Signature #1 Signature #2
Mailing Address City	State	Mailing Address City State
. 1		21093 1410\$58.2539 MESEUDO 5 ELLUNG
Zip Code Telephone #	Email Address	Zip Code Telephone # Email Address No
Attorney for Petitioner:		Representative to be contacted:
Name-Type or Print Signature Mallin Places City	IG	Name 7 Type or Print
Signature SECENTION OF STREET	3	Signature Salvay Da Telas MD.
0	State	Mailing Address City State 1910-982-7698 19NBille 2001
Zip Cote Zie Telephene #	Email Address	Zip Code Telephone # Email Address, J. J. J.
	ided and/or found to be i	required, it is ordered by the Office of Administrative Law, of Baltimore County.

Administrative Law Judge of Baltimore County

CASE NUMBER 2014-0168-A

Filing Date 2,11,14

Estimated Posting Date 2,16,14

Reviewer_J

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRE OR 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:

pulchase, reside at the existing dwelling on said pr		
Address: 1013 CAESTNUT RIDGE CT. Print or Type Address of property	Little MB. 21093 Try State Zipi	Code
Based upon personal knowledge, the following are Administrative Variance at the above address. (Cle	the facts which I/we base the request for an	ere)
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OF RETIREING AND Would	LIKE TO ENCLOSE EXISTING	7
CHIQUE THES EXPOTEDING TO	HAVE A Full SIZE GARAGE	
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(If additional space for the petition request or the abo	ve statement is needed, label and attach it to this Fo	orm)
h 1 1 1 1		•
Markaul Joly		
Signature of Affiant	Signature of Affiant	.:
MICHAEL) FOLEY		
Name- Print or Type	Name- Print or Type	
The following information is to be complete	ed by a Notary Public of the State of Maryland	
STATE OF MARYLAND, COUNTY OF BALTIMOR	RE. to wit:	
I HEREBY CERTIFY, this 28th day of Jan and for the County aforesaid, personally appeared	,, before me a Notary of Marylan	d, in
Michael Foley		
the Affiant(s) herein, personally known or satisfactorily id	dentified to me as such Affiant(s) (Print name(s) h	ere)
AS WITNESS my hand and Notaries Seal	the 1 w	
Notary Public	: / 2:125/15	

My Commission Expires

JAMES W. HOUCK, IV Notary Public - Maryland Baltimore County My Commission Expires September 27, 2017

REV. 10/12/11

MICHAEL & ELIZABETH FOLEY ChESTAUT RIDGE DR. LUTHERUILE, MB. 21093 BEING LOT # 4 Block THIN SECTION I IN THE SUBDIVISION of FAILSCROFT AS RECORDED IN BALTO. Co. PlAT Book 5000024, FO/10 5039 CONTAINING, 940 ACRES IN LOT. LUCATED IN THE 8th Election DESTRICT AND 2th Council DESTRICT 2 CD

2014-0168-A

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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:
Address or Location: 1013 CHESTNUT RINGE JA.
PLEASE FORWARD ADVERTISING BILL TO: Name: GREGORY BEIL Address: 5254 FARAWAY &2. FELTOW, PA. 17322
Telephone Number: 4/0-982-7698

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Date:		// Amount	712/2014 2/11/2014 11/19:0 REI WEIS WALKIN ROOS LRB 41/1E1/21 # 724636 2/11/2014 REI 5 528 ZONING VERIFICATI
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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/16/2014

Case Number: 2014-0168-A

Petitioner / Developer: FOLEY~GREGORY BELL Date of Hearing (Closing): MARCH 3, 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:

1013 CHESTNUT RIDGE DRIVE

The sign(s) were posted on: FEBRUARY 15, 2014



(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:

April 11, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0168-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 9, 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- 0168-A

CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment			
2-25	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NO			
2-25	DEPS (if not received, date e-mail sent)				
	FIRE DEPARTMENT				
	PLANNING (if not received, date e-mail sent)				
2-24	STATE HIGHWAY ADMINISTRATION	Do objection			
	TRAFFIC ENGINEERING	· .			
	COMMUNITY ASSOCIATION				
	ADJACENT PROPERTY OWNERS				
ZONING VIOLA	ΓΙΟΝ (Case No				
PRIOR ZONING	(Case No.)			
NEWSPAPER AD	OVERTISEMENT Date:				
SIGN POSTING	Date: 2-15-14	by & Keefe			
	ISEL APPEARANCE Yes No SEL COMMENT LETTER Yes No SEL No SEL COMMENT LETTER				
Comments, if any:		-			

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0168 -A Address 1013 CHESTNUT RIGGE BR.
Contact Person: Seidelma Phone Number: 410-887-3391
Filing Date: 2 11 14 Posting Date: 3 16 14 Closing Date: 3 3 14
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- 0168 -A Address 1013 CHESTNUT RIBLE BR
Petitioner's Name Foley Telephone 410-458-2539
Posting Date: 2/16/14 Closing Date: 3/3/14
Wording for Sign: To Permit AN ATTACHED FRONT YARD ADDITION (GARAGE) WITH A
SETBACK OF 70 FEET TO THE CENTERLINE OF THE ROAD IN LIEU OF REGULAGE
75 FEET.

Revised 7/06/11



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

March 6, 2014

Michael Foley 1013 Chestnut Ridge Road Lutherville MD 21093

RE: Case Number: 2014-0168 A, Address: 1013 Chestnut Ridge Road

Dear Mr. Foley:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 11, 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 Gregory Bell, 5254 Faraway Drive, Felton PA 17322 State Highway
Administration

Maryland Department of Transportation

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

Date: 2-24-14

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

RE: Baltimore County
Item No 2014-0168-1,
Administrative Variance.
Michael Foley
1013 Chesnat Pidgo Drove.

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 - 0168-40

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

0 26/14 WEN

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 25, 2014

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 03, 2014

Item No. 2014-0165, 0166, 0167, 0168, 0170 and 0171

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\ZAC03032014 -.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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 25, 2014

SUBJECT:

DEPS Comment for Zoning Item

2014-0168-A

Address

1013 Chestnut Ridge Drive

(Foley Property)

Zoning Advisory Committee Meeting of February 3, 2014.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

Groundwater Mgmt. Section must review any future building permits (for a garage), to check the setbacks to the well and septic system there.

Reviewer: Dan Esser - Groundwater Management

RECEIVED

FEB 2 5 2014

OFFICE OF ADMINISTRATIVE HEARINGS



Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

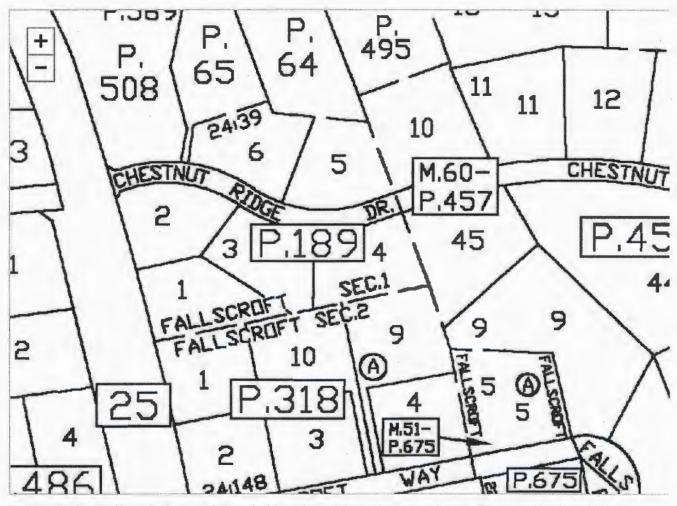
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Baltimore County

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

District: 08 Account Number: 0820046060



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/QurProducts/QurProducts.shtml), https://www.mdp.state.md.us/QurProducts/QurProducts.shtml).

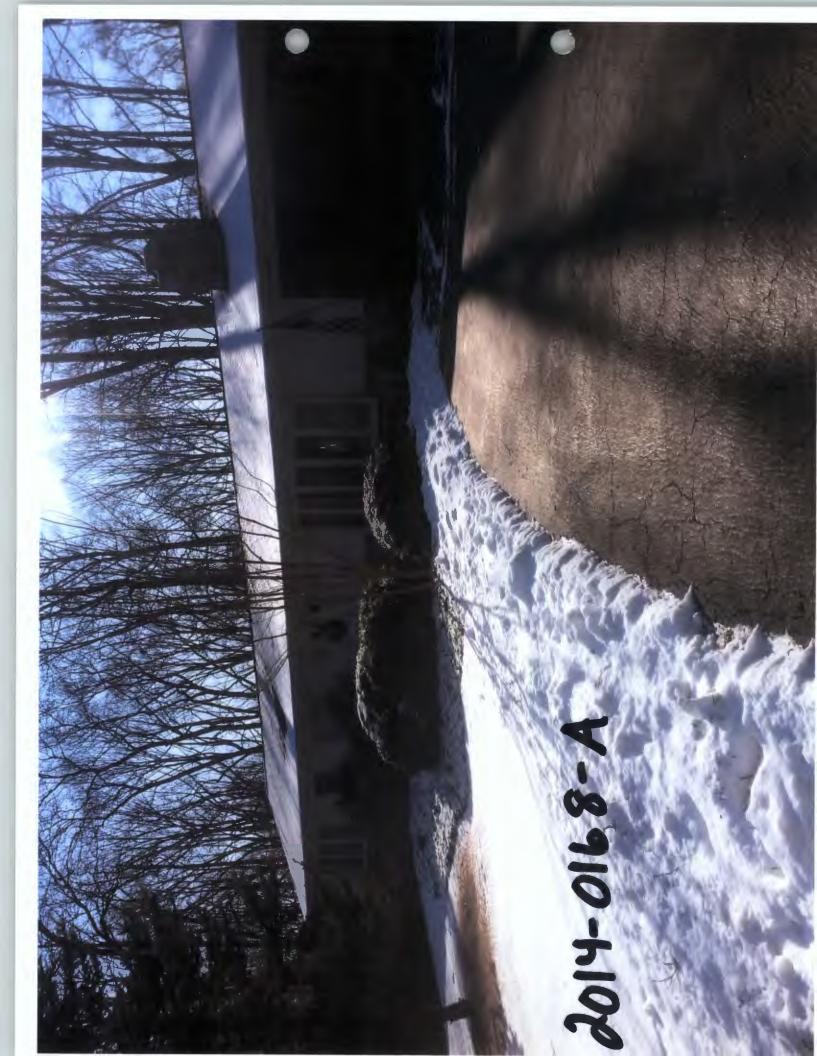


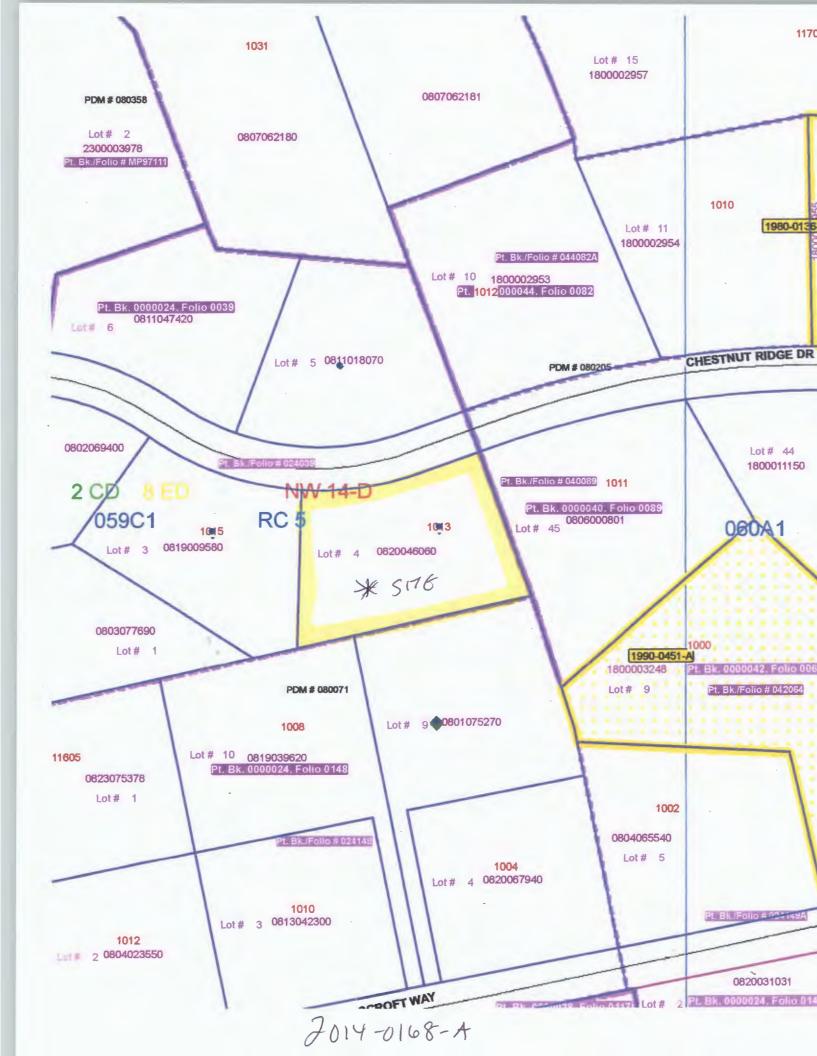
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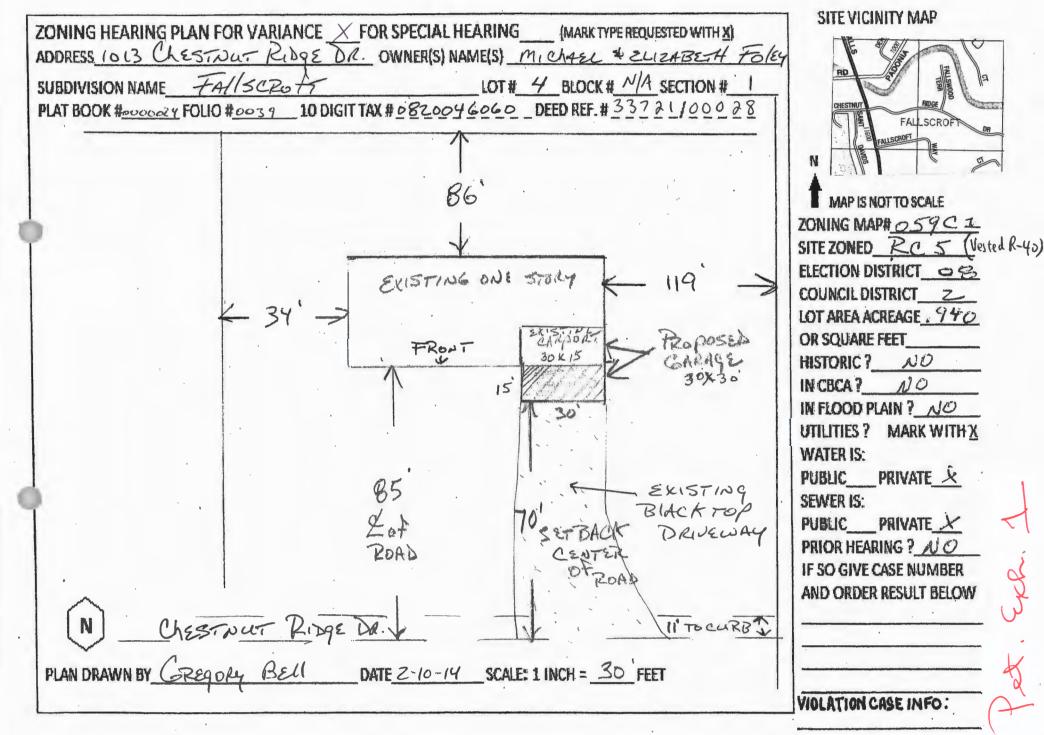
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2014-0168-A

17-