MEMORANDUM

DATE:

May 16, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0182-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 15, 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

(14834 Falls Road)

8th Election District

Charles B. and Rebecca A. Adams

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0182-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, Charles B. and Rebecca A. Adams ("Petitioners"). The Petitioners are requesting Variance relief from § 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed sunroom addition with a side yard setback of 18 ft. in lieu of the required 35 ft., and to permit an existing dwelling with a side setback of 20 ft. in lieu of the required 35 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.

It is to be noted that this administrative variance case closed on March 31, 2014 but was not received by OAH until April 14, 2014; the whereabouts of the case file between these dates is unknown.

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.

ORDE	R RECEIVED FOR FILING
Date.	4-15-14
Bv_	(00)

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 13, 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 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.

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>15th</u> day of April, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed sunroom addition with a side yard setback of 18 ft. in lieu of the required 35 ft., and to permit an existing dwelling with a side setback of 20 ft. in lieu of the required 35 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 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.

ORDER	RECEIVED FOR FILING
Date	4-15-14
Ву	(SW)

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 4-15-14



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

April 15, 2014

Charles B. and Rebecca A. Adams 14834 Falls Road Butler, Maryland 21023

RE: Petition for Administrative Variance

Case No. 2014-0182-A Property: 14834 Falls Road

Dear Mr. and Mrs. Adams:

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: Michelle Kegel, P.O. Box 1253, Eldersburg, MD 21784

CASE NO. 2014- 0182-19

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
3-21	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NC
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
3-21	STATE HIGHWAY ADMINISTRATION	No agection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ON (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	TERTISEMENT Date:	
SIGN POSTING	Date: 3-13-14	by Ogle
PEOPLE'S COUNS	EL APPEARANCE Yes No	
PEOPLE'S COUNS	EL COMMENT LETTER Yes No	
Comments, if any: _		

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

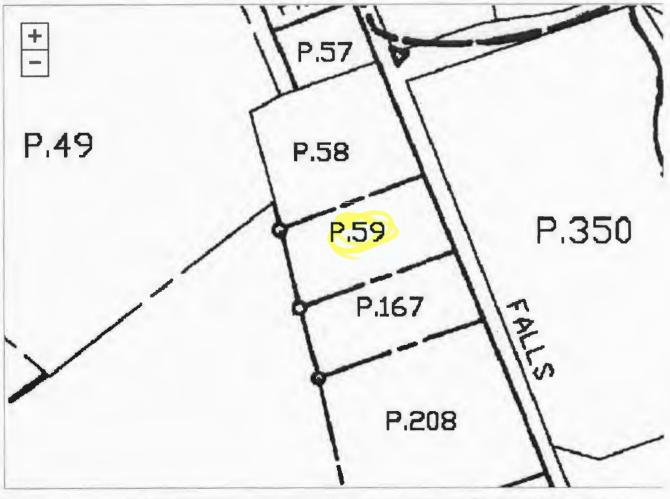
Search Help

Search Result for BAL					w 7 *		- Wa			
View Map	View GroundRent Redemption District - 08 Account Number - 1800014				View GroundRent Registration					
Account Identifier:	District - 08 Acc		-							
			Informati							
Owner Name:	ADAMS CHAR				IDENTIAL					
O WHITE I WARREN	ADAMS REBE									
Mailing Address:	14834 FALLS F BUTLER MD 2			2)	1) /06125/ 00211					
			ructure Int	formation		2)				
			1 detaile lin			868	5 AC			
Premises Address:	14834 FALLS RD		Legal Description:			FALLS RD				
r remises radiress.	0-0000	0-0000		Degat Description			1097FT S OF BUTLER RD			
Map: Grid: Parcel:	Sub District: Subd	ivision:	Section:	Block:	Lot:	Assessmer		Plat No:		
0033 0008 0059	0000					2014		Plat Ref:		
			Town:				NONE			
Special Tax Areas:			Ad Valor							
termine retenentes one more statement anni anni		COLUMN TO THE REAL PROPERTY.	Tax Class							
<u>Primary Structure Bui</u> 1952	Above Grade Enclose 1,190 SF	d Area	Finished 1	Basement	Area	Property 37,831 SF	Land Area	County Use 04		
Stories Basement	Type	Exterior	Full/Hal	f Bath	Garage		t Major Ren	ovation		
1.000000 YES	STANDARD UNIT	SIDING	1 full		1 Carp					
		Value	Informatio	n						
	Base Value		Value		Phase	-in Assessi	nents			
			As of		As of		As of			
			01/01/2014	4	07/01/	2013	07/01/2	2014		
Land:	138,400		138,400							
Improvements	72,000		68,200				****			
Total:	210,400		206,600		210,40	00	206,600			
Preferential Land:	0	Т е	T C	,			0	W. F O.		
			r Informat	ion						
Seller: KESSLER MA		25/1980				Price: \$48,000 Deed2:				
Type: ARMS LENGTI	H IMPROVED		6125/ 0021		is with the comment ages			Milder integra (MAIN-Probates IV IV IV - IV)		
Seller:		Date: Deed1:				Pr	ice: ed2:			
Type:	183 TATALETT OF TRANSPORT OF THE TATALETT OF THE RESIDENCE OF THE RESIDENC	-			UP-P					
Seller: Type:		Date: Deed1:				De	ice: ed2:			
I vpc.			on Informa	tion		170	cuz.			
Partial Exempt Assessi	ments: Class	Zavanije		07/01/2013		07/0	1/2014			
County:	000			0.00		0110				
State:	000			0.00						
Municipal:	000			0.00 0.00		0.00	0.00 0.00			
Tax Exempt:	5	Special Tax	Recapture							
Exempt Class:	Ī	NONE								
	Hou	nestead An	plication I	formation	1					
	1.101	nestead 741	Direction wa	NAME AND ADDRESS OF	R.					

Baltimore County

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

District: 08 Account Number: 1800014578



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.rnd.us/OurProducts/OurProducts.shtml), the Maryland Department of Planning web site at www.mdp.state.rnd.us/OurProducts/OurProducts.shtml).



(http://imsweb05.nap.silate.md.us/website/mosp/)

x Loading... Please

Loading... Please Wait.

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 14834 Falls Rd. which is presently zoned RC2

Deed Reference 06125 00211 10 Digit Tax Account # 1800014578

Property Owner(s) Printed Name(s) CHARLES RACCOUNT

(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)

Section: 1A01.3.B.3

Property is to be posted and advertised as prescribed by the zoning regulations.

regulations of Baltimore County and that the property be reposted.

CASE NUMBER

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

To permit a proposed sunroom addition with a side yard setback of 18 feet in lieu of the required 35 feet and to permit an existing dwelling with a side setback of 20 feet in of the zoning regulation lieu of the required 35 feet.

2. ____ 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)

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: CHArles Adoms Name- Type or Print Signature 14834 Fa Mailing Address Mailing Address State Attorney for Petitioner:

Name- Type of Petitioner 21021 72-908/ Zip Code Telephone # Representative to be contacted: MICHELLO Name - Type or Print Signature Mailing Address City State , Mullelle @ Applied and 21784 Telephone # Zip Code Telephone # **Email Address** Zip Code

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County,

that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning

Estimated Posting Date

Administrative Law Judge of Baltimore County

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

Address: 14834 Fous Road Burler md - 71073
Print or Type Address of property City State

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:

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)
WE Are proposing to construct a very small surroun Addition (12x12=1445.f) To the rear of nor existing House. We occaperately need the additional living space. Furthermore, then to thath conditions, we are unoble to Early utilize our back yord space without Houng an enclosed area to Do So.
The Addition we are proposing is small, only one story. And is Not going closed To the side property line than our existing thouse currently those. Appropring The zoning has changed on our property since to House was built and now if we build anything in line with our house, we need a variance.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form) Challed Allege Al
Signature of Affiant Signature of Affiant Charles Adams Name-Print or Type Rebecca Adams 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 4th day of Marcu ,2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared
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 Wotary Public

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2014- 0182 -A Address 14834 Falls Road
Case Number 2014- 0182 -A Address 14834 Falls Reg cl Contact Person: Leonari Wasi cus ki Planner, Please Print Your Name Planner, Please Print Your Name
Filing Date: 3 7 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
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- 0182 -A Address 14834 + Alls 12d
Petitioner's Name Charles + Rebecca Adams Telephone 410-472-9081
Posting Date: 3 16 14 Closing Date: 3 31 14
Wording for Sign: To permit a proposed sunroom addition with a side yard setback of 18 feet in lieu of the required 35 feet and to permit an existing dwelling with a side setback of 20 feet inlieu of the required 35 feet.

Zoning Property Description For 14834 Falls Road, Butler Maryland 21030

Beginning at a point on the West side of Falls Road which is 60' wide at the distance of 350' South of the centerline of the nearest improved intersecting street, Belfast Road, which is 30' wide.

Thence the following courses and distances: (1st Point of Call - "POC") S.18°00′00″ E. 98.17′, (2nd POC) S.72°22′00″ W. 400.28′, (3rd POC) N.10°39′30″ W. 87.91′, (4th POC) N.72°22′00″ E. 143.68′, (5th POC) N.51°16′30″ E. 52.74′, (6th POC) N.74°43′21″ E. 196.26′, back to the point of beginning as recorded in Deed Liber 6125, Folio 211, containing 37, 831 square feet (.869 acres). Located in the 8th Election District and 3rd Council District.

2014-0180-A

und	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	1	Amoun		EGI MALEH LEGE LIR LIFT 4 50000 3/07/2014 3 376 HISTELLMENDS - IR
11	806	0000		6150	r		el .	75.0	O take	#, 198012 Recent Tot
1		1.			2.834	, 1 · · · · · · · · · · · · · · · · · ·	4 .			15.6
		4 C	Control Control	Alleganies (C			, ,			Saltamore County, Mar, Land
. :			i and	1 1 1		:			-	
:		1				:				
	1.4		2/	56	mtel	10	, .,			
Rec rom: For:	11/4	834	Tolk	Le	0		2011	.010=	1	
rom:	11/4	834	Is/K	Le	P		2014	-0182.	A	
rom:	11/4	834	To lk	Le	0		2014	-0182	A	
rom:	100 l	834	Lalle	L	0		2014	-0182.	A	CASHIER'S

CERTIFICATE OF POSTING

RE:CASE NO: 2014-8182-A
PETITIONER/DEVELOPER
JELEMY CLANCY
DATE OF HEARING/CLOSING:

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERITFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY AT

14834 FALLS ROAD

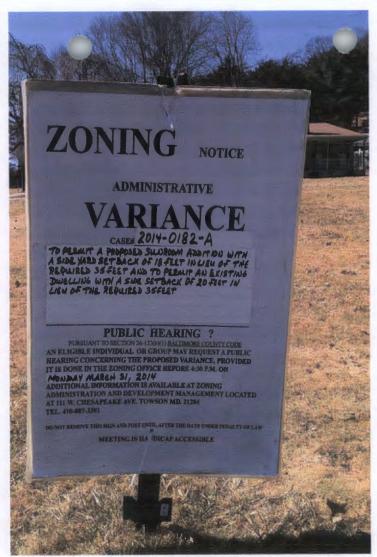
THIS SIGN(S) WERE POSTED ON

MONTH, DAY, YEAR)

SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)

PHONE NUMBER: 443-629-3411



manla 2/13/14



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

April 14, 2014

Charles and Rebecca Adams 14834 Falls Road Butler MD 21023

RE: Case Number: 2014-0182 A, Address: 14834 Falls Road

Dear Mr. & Ms. Adams:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 7, 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 Michelle Kegel, P O Box 1253, Eldersberg MD 21784



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

Date: 3/21/14

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 2014-018Z-A Administrative Variance Charles & Rebecca Adoms 14834 Falls Road.

10025

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 3/19/14. A field inspection and internal review reveals that an entrance onto MbZ3 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance.

Case Number 2014-0162-4.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

Steven D. Foster, Chief/ Development Manager

Access Management Division

SDF/raz.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 21, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 24, 2014

Item No. 2014-0177, 0179, 0180, 0181, 0182, 0183, 0184, 0185, 0186,

and 0187.

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

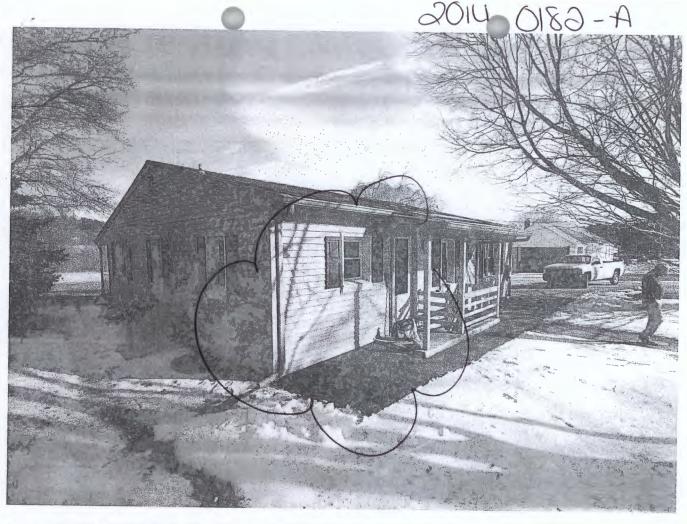
DAK:CEN. Cc: file

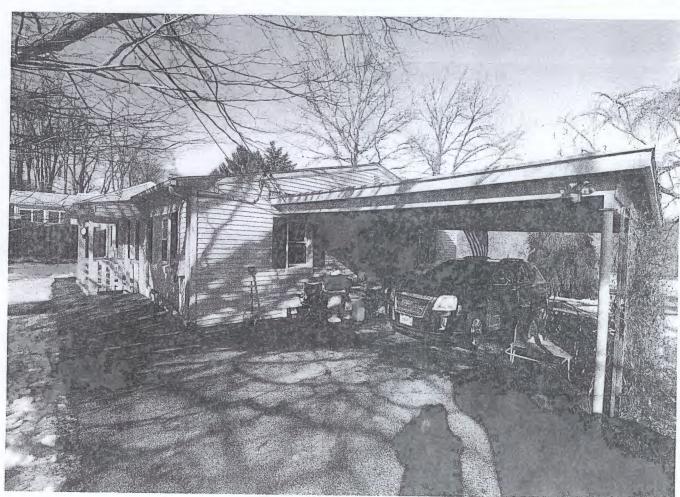
G:\DevPlanRev\ZAC -No Comments\ZAC03242014 -.doc

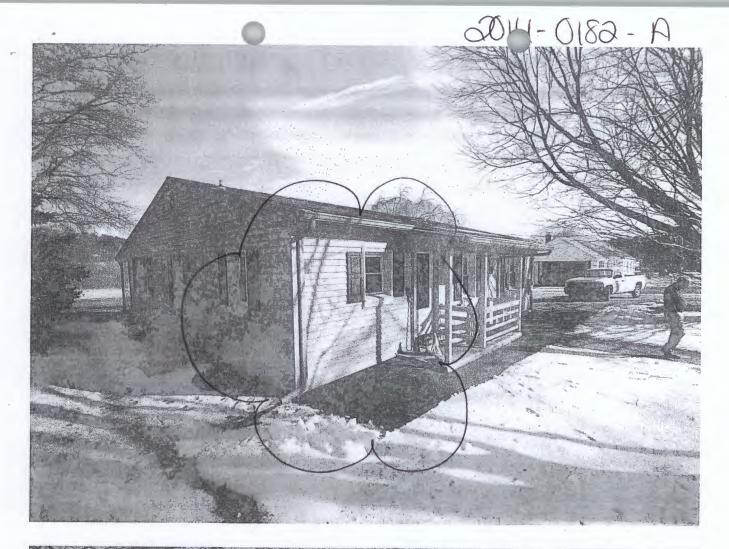
20-4-0189-A





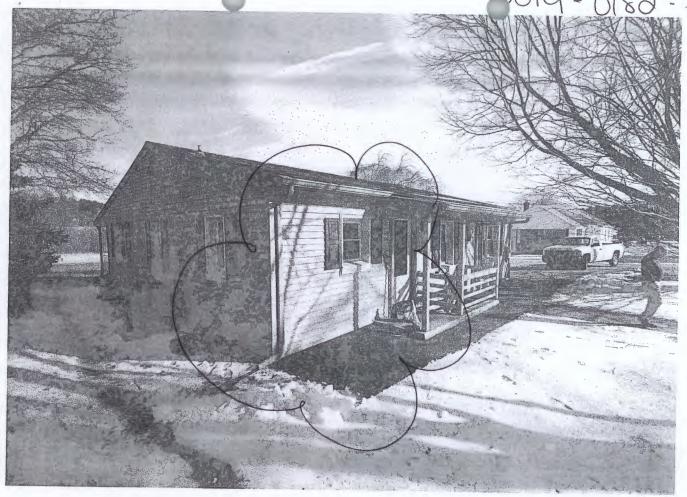


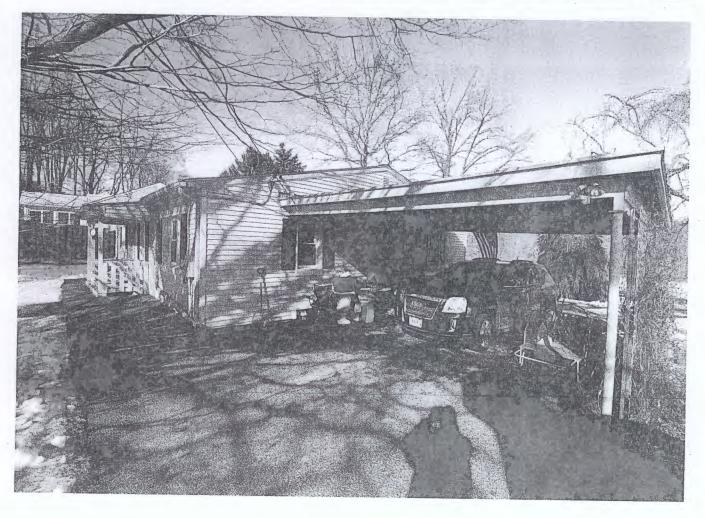




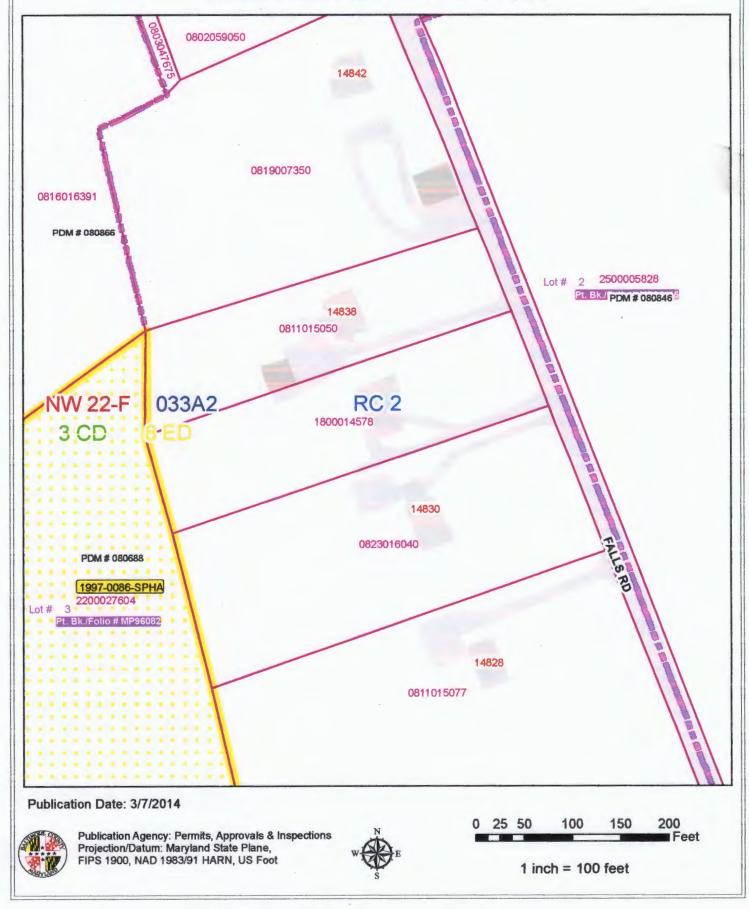


2014-0189-A

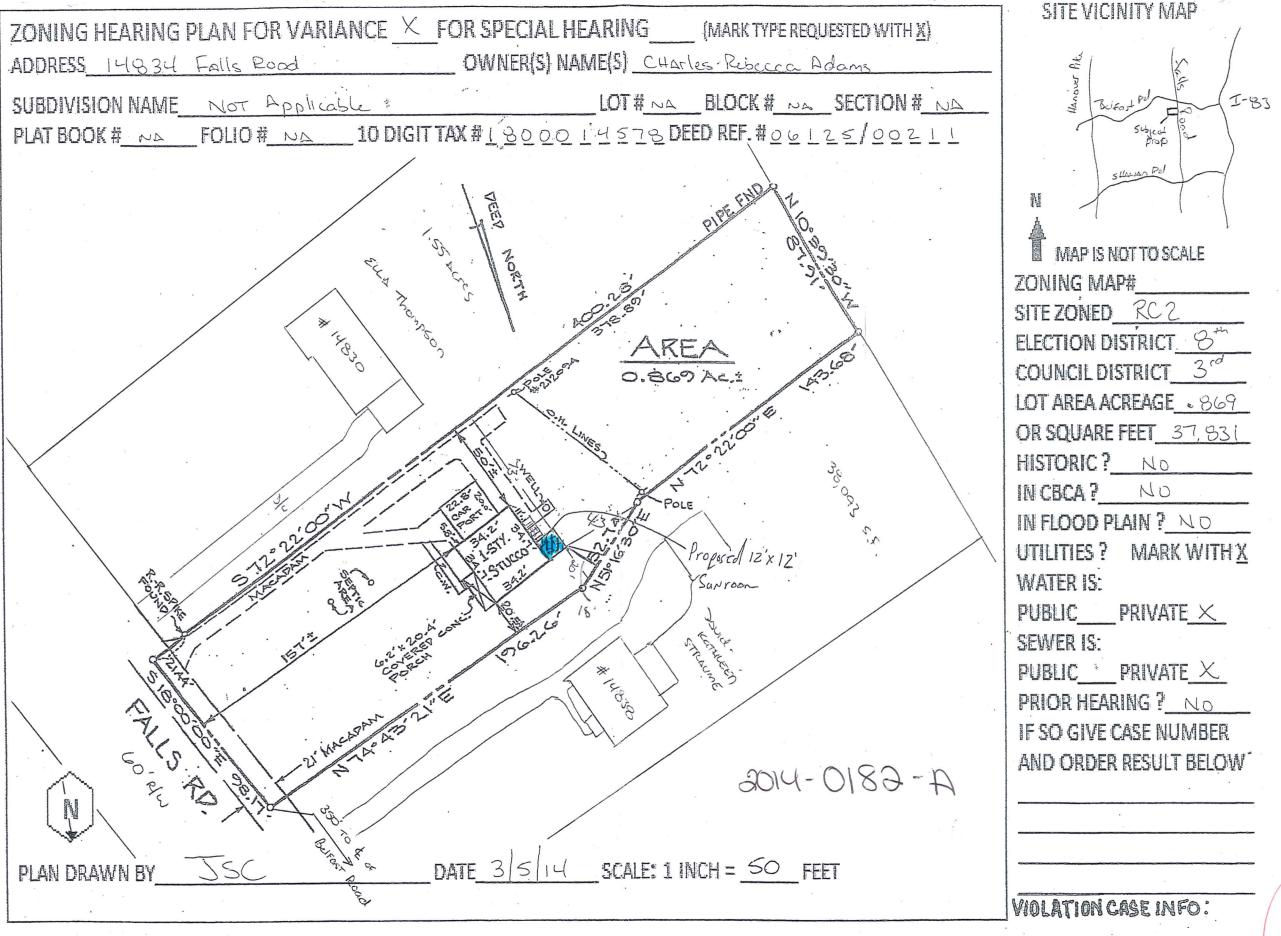




14834 Falls Road 2014-0182-A







Pet.