IN RE: PETITION FOR ADMIN. VARIANCE * (228 Homevale Road)

4th Election District

3rd Councilmanic District Mark D. and Cara R. Norris

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0195-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, Mark D. and Cara R. Norris. The variance request is from Section 208.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") - [1955 regulations R 10], to permit a proposed attached garage addition with a side setback of 3 ft. in lieu of the minimum 10 ft. setback and a combined side setback of 16 ft. in lieu of the required combined sum of 25 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 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 March 30, 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 ORDER RECEIVED FOR FILING

Date 4-16-14

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 garage addition 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, by the Administrative Law Judge for Baltimore County, this <u>16th</u> day of April, 2014, that a Variance from Section 208.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") - [1955 regulations R 10], to permit a proposed attached garage addition with a side setback of 3 ft. in lieu of the minimum 10 ft. setback and a combined side setback of 16 ft. in lieu of the required combined sum of 25 ft., be and is hereby GRANTED, subject to the following:

The relief granted herein shall be subject to the following:

- 1. 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 structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The garage shall not be used for commercial purposes.

OUDPU	3 min har hard	VED FOR FILING	
Date		4-16-14	

ADDED PEACIVED CAD CILINA

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 46-4

By (6)

KEVIN KAMENETZ County Executive



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

April 16, 2014

Mark D. and Cara R. Norris 228 Homevale Road Reisterstown, Maryland 21136

RE: Petition for Administrative Variance

Case No. 2014-0195-A

Property: 228 Homevale Road

Dear Mr. and Mrs. Norris:

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: Sid Gorman, 825 Coldspring Road, Baltimore, MD 21220

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE To be filed with the Department of Permits, Approvals and Inspections

Office of Administrative I aw of Baltimore County for the property located at:

Address 228 Homevale RD Deed Reference 40/3 03256 Property Owner(s) Printed Name(s)	which is presently zoned RESEDENTEAL 10 Digit Tax Account # 04 05 053 250

(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

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:
Name- Type or Print Signature	NAME NORRES CARA NORRES Name #1 - Type or Print Name #2 - Type or Print Signature #1 Signature #2
	228 HOMEVALERO MD
Mailing Address City State	Mailling Address City State
Zip Code Telephone # FOR Email Address	Zip Code Telephone # Email Address
Attorney for Petition	Representative to be contacted:
Name Time or Print	SID GORNIAN Name - Type or Print
Mailing Address City State Zip Code Telephone # Email Address Attorney for Petition Name-Type or Print	Al h
Signature	Signature 22
Mailing Address City State	825 COLOSPIENG RO MO Malling Address City State SIDGORMAN &
· /	21220 1301 748 2634 1 COMCASTINET
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, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning day of regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED OR AN HISTORIC ADMINISTRATIVE CIAL 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:

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REV. 10/12/11

NOTARY PUBLIC BALTIMORE COUNTY

MARYLAND
MY COMMISSION EXPIRES FEBRUARY 1, 2016

Zoning property description for 228 Homevale rd, 21136. Beginning for the same at a point on the Northwest side of Homevale Rd located 395.00 feet northeasterly from the intersection formed by the extensions of the northwest side of Homevale Rd and the northeast side of Nasco Rd, and running thence North 6 degrees 15 minutes 51 seconds West135.00 feet, North 83 degrees 44 minutes 9 seconds, East 70.00 feet and South 6 degrees 15 minutes 15 seconds East 135.00 feet to the Northwest side of Homevale Rd, and thence binding thereon South 83 degrees 44 minutes 9 seconds West 70.00 feet to the place of beginning. Containing 9,450 square feet more or less. BEING DESIGNATED as Lot Number 24, Block G, as shown on Plat Number 7 of Chartley, recorded in Plat Book WJR No. 26, olio 145.



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. <u>For those petitions which require a public hearing</u>, 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.

Item Number or Case Number.	
Petitioner:	
Address or Location:	
PLEASE FORWARD ADVERTISING BILL TO: Name: Mark · Carca Norris Address: 228 Homewale Rd	

OFFICE	E OF BUI	DGET AN	IARYLAN D FINANC RECEIPT	E		No.	1	9831	PAID RECEIPT SERVICE AND THE B
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CERTIFICATE OF POSTING

	RE: Case No.:	2014-0195-A
	Petitioner/Developer:	
		Mark Norri
	Date of Hearing/Closing:	April 14, 2014
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:		
This letter is to certify under the penaltic posted conspicuously on the property loc		
228 Homevale Rd		
	March 30, 2014	
The sign(s) were posted on		
	(Month, Day, Year)	
228	Sincerely,	March 30, 2014
	(Signature of Sign Poster)	(Date)
ZONING NOTICE	SSG Robert I	Black
VARIANCE	(Print Nan	ne)
To Permit a proposed attached garage addition with a side set back of 3 feet in lieu of the 10 feet	1508 Leslie F	Road
with a side set out. Out of the minimum combined side back of 16 feet in lieu of the minimum combined sum of 23 feet.	(Address	
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MEMORANDUM

DATE:

May 19, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0195-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 16, 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- 0195-A

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
331	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NU
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
3-24	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	· .
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ON (Case No	
PRIOR ZONING	(Case No.)
NEWSPAPER ADV	TERTISEMENT Date:	
SIGN POSTING	Date: 3-30-14	by Block
PEOPLE'S COUNS	EL APPEARANCE Yes No DEL COMMENT LETTER Yes No	
Comments, if any: _		

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE IN CRIMATION CHEET AND DATES
Case Number 2014- 0195 -A Address 228 Home vale Rd
Contact Person: Gary Huck Phone Number: 410-887-3391
Filing Date: 3/20/4 Posting Date: 3/30/14 Closing Date: 4/14/14
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. 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- 0195 -A Address 228 Home vale Rd
Petitioner's Name Mark Norris Telephone
Posting Date: 3/30/14 Closing Date: 4/14/14
Wording for Sign: To Permit a proposed attached garage addition with a
side set back of 3 feet in lieu of the 10 feet minimum side set back
and a combined side back of 16 feet in lieu of the minimum
combined sum of 25 Jest



KEVIN KAMENETZ County Executive

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

April 15, 2014

Mark F. & Cara Norris 228 Homevale Road Reisterstown MD 21136

RE: Case Number: 2014-0195 A, 228 Homevale Road

Dear Mr. & Ms. Norris:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 20, 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 &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel Sid Gorman, 825 Coldspring Road, Baltimore MD 21220 Martin O'Malley, Governor Anthony G. Brown, Lt. Governor



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

Date: 3/24/14

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

RE: Baltimore County

Administrative Vaneree Mark & Cara Novois 228 Homevale 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. 294-095-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: March 31, 2014

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 31, 2014

Item No. 2014-0190, 0191, 0193 and 0195

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\ZAC03312014 -.doc

Real Property Data Search (w4)

Search Help

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Homestead Application Status: Approved 12/03/2013

Baltimore County

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

District: 04 Account Number: 0405053250



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).

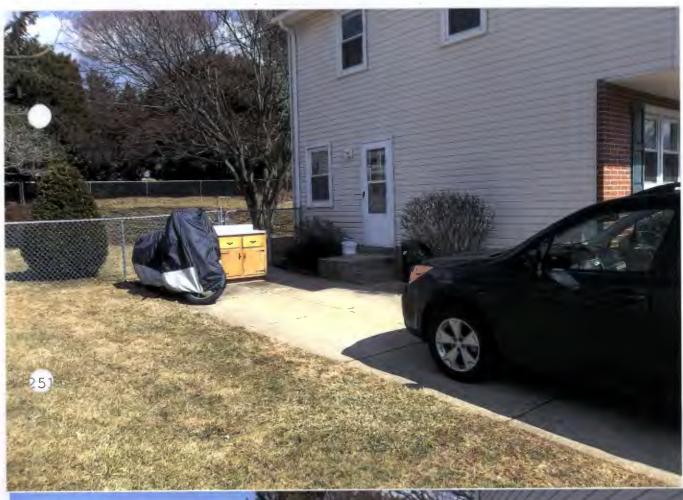


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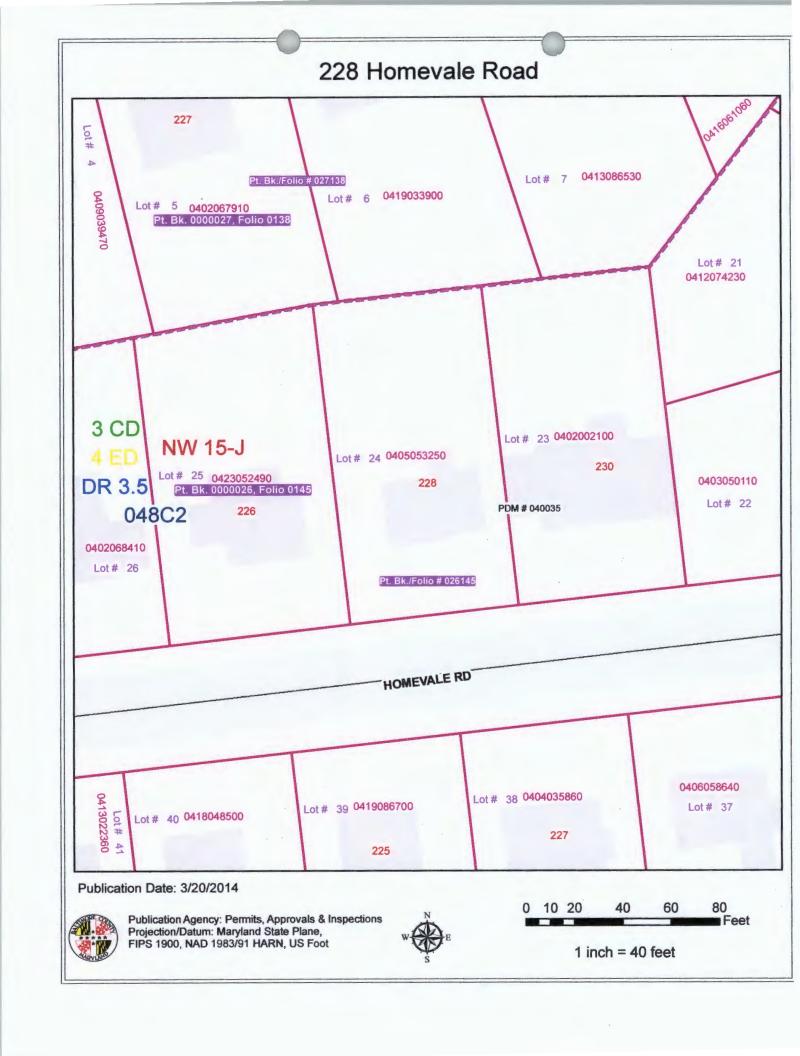


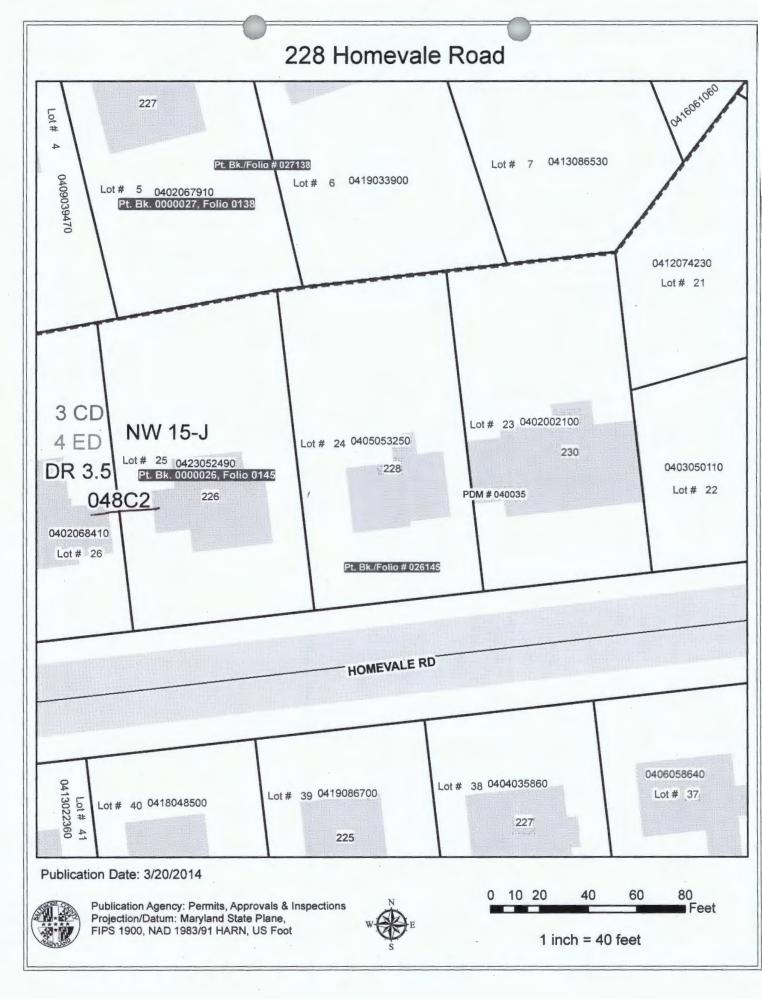




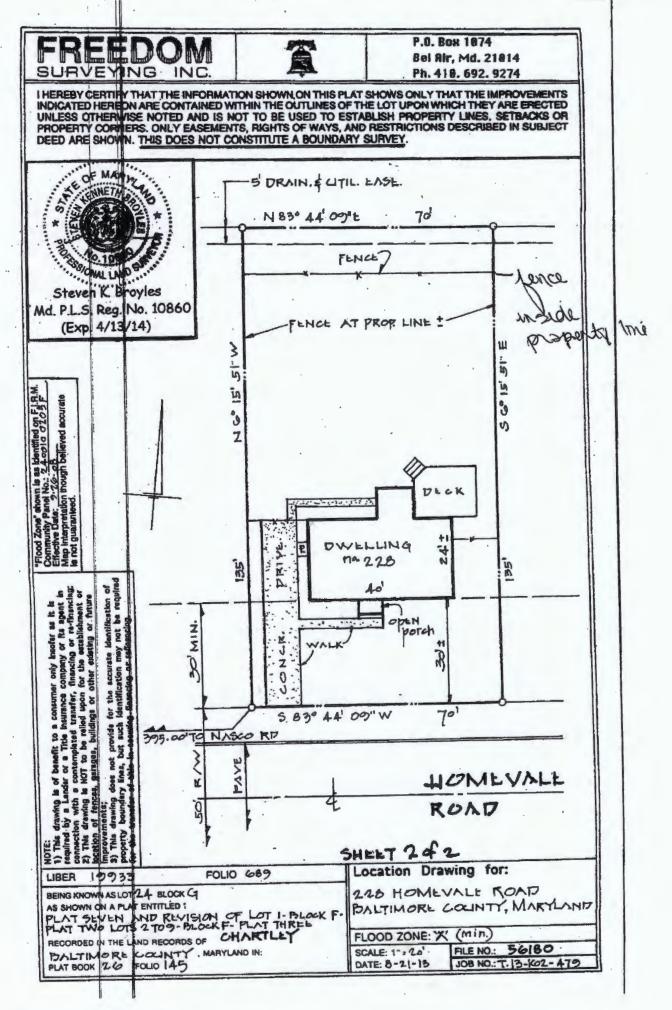


ZONING HEARING PLAN FOR VARIANCE X FOR SPECIA	AL HEARING (MARK TYPE REQUESTED WITH X)	SITE VICINITY MAP
	S) NAME(S) mark · Cara Norris	Masse de la Masse
SUBDIVISION NAME Chartley	LOT# 24 BLOCK# G SECTION# N/A	
PLAT BOOK # 26 FOLIO # 145 10 DIGIT TAX # 2 4 0	5053250 DEED REF.#/	Homewale Rd 3
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VIOLATION CASE INFO:



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