IN RE: PETITION FOR ADMIN. VARIANCE * (23 Greentree Drive)

10th Election District
3rd Councilmanic District

David M. and Carolyn M. Mummert

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0218-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, David M. and Carolyn M. Mummert, for property located at 23 Greentree Drive. The variance request is from Section 1A07.8.C.2.g of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed detached accessory structure (garage) to be located in the front yard of the principal dwelling in lieu of the required rear yard. 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 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 May 2, 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. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safe ty or general welfare of

the public and should therefore be granted. In the opinion of the Administrative Law Judge, the ORDER RECEIVED FOR FILING

Date	5-21-14	
Ву	(DI)	

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 accessory structure height and usage, I will impose conditions that the garage shall 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>21st</u> day of May, 2014, that a Variance from Section 1A07.8.C.2.g of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed detached accessory structure (garage) to be located in the front yard of the principal dwelling in lieu of the required rear yard, be and is hereby GRANTED, subject to the following:

The relief granted herein shall be subject to the following:

- 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 accessory structure (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.

ORDER	RECEIVED FOR FILING	
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By (Su)

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 FILI	NG
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Date 5-21-14-

KEVIN KAMENETZ
County Executive



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

May 21, 2014

David M. Mummert Carolyn M. Mummert 23 Greentree Drive Phoenix, Maryland 21131

RE: Petition for Administrative Variance

Case No. 2014-0218-A Property: 23 Greentree Drive

Dear Mr. and Mrs. Mummert:

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

STRATIVE ZONING PET

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 23 GREENTREE DRIVE	which is presently zoned RC-6
Deed Reference 18018 / 00636	10 Digit Tax Account # 1 0 0 8 0 6 5 7 9 0
Property Owner(s) Printed Name(s) DAVID M. AN	D CAROLYN M. MUMMERT
	OPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) ton the reverse of this Petition Form be completed / notarized.
	Baltimore County and which is described in the description and a part hereof, hereby petition for a
1. ADMINISTRATIVE VARIANCE from section(s)	A07.8.C. 2. g - to permit a proposed detach located in the front yard of the principal car law of Baltimore County.
accessory structure (garage) to be	located in the front yard of the principal
dwelling in lieu of the required r	ear
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
	ve 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	
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 regular	itions.
 or we, agree to pay expenses of above petition(s), advertising, posting, e restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore 	etc. and further agree to and are to be bounded by the zoning regulations and
	der 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	DAVID M. MUMMERT / CAROLYN M. MUMMERT Name #1 - Type or Print Name #2 - Type or Print
Truino Typo of Filit	
Signature	Signature #1 Signature #2
Ognature	
Mailing Address City State	23 GREENTREE DR., PHOENIX, MD Mailing Address City State
Mailing Address City State	maining Address City State
Zip Code Telephone # Email Address	21131 / 410-817-4367 / DMUMMERT@COMCAST.NE Zip Code Telephone # Email Address
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
Attorney for Petitioner:	Representative to be contacted:
Name- Type or Print Signature ORDER RECEIVED FOR FILING	DAVID M. MUMMERT
Name- Type or Print	Name - Type or Print
SECEIVEDITO	0/110
Signature ORDER	Signature
OI.	23 GREENTREE DR., PHOENIX, MD
Mailing Address Date City State	Mailing Address City State
	21131 , 410-817-4367 , DMUMMERT@COMCAST
Zip Code Takemone # Email Address	Zip Code Telephone # Email Address
A PUBLIC HEARING having formally demanded and/or found to be re-	quired, it is ordered by the Office of Administrative Law, of Baltimore County,
thisday of,that the subject matter o	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

CASE NUMBER 2014-0218 - A Filing Date 4,2714 Estimated Posting Date 5,4,14

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:	23 GREENTREE DRIVE	PHOENIX	MD	21131
	Print or Type Address of property	City	State	Zip Code
	oon personal knowledge, the frative Variance at the above a	•		
THE S	LOPE OF THE PROPERTY AND	PLACEMENT OF EXI	STING UTILITIES DO	NOT
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FRONT	FOUNDATION OF THE RESID	ENCE.		
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Signature of DAVID M	of Affiant . MUMMERT		gnature of Affiant CAROLYN M. MUMMERI	
Name- Prin	nt or Type	N	ame- Print or Type	
	The following information is t	o be completed by a No	tary Public of the State o	f Maryland
STATE (OF MARYLAND, COUNTY OF	MONTGOMEN BALTIMORE, to wi	t:	
I HEREB and for the	e County aforesaid, personally a	ay of <u>april</u> , <u>a</u>	3014, before me a N	lotary of Maryland, in
the Affian	AVID M. MUMM) t(s) herein, personally known or	FRT & CAR	OLYN M, Mu	MMERT (Print name(s) here)
4.4			o mo do odom / mant(o)	i inicianio(s) nore)
AS WITN	ESS my hand and Notaries Seal	Notary Public Sept 23,	B. Rowe	
	`	Notary Public 23,	2016	
		My Commission Evnire	S	

Item # 0218

REV. 10/12/11

ZONING PROPERTY DESCRIPTION FOR 23 GREENTREE DRIVE, PHOENIX, MD, 21131:

Beginning at a point on the northwest side of Greentree Drive which is 50 feet wide at the distance of 573 feet of the centerline of the nearest improved intersecting street (Bienheim Road N.), which is 18 feet wide.

Being Lot #23 in the subdivision of Blenheim Forest as recorded in Baltimore County Plat Book GLB No. 22, Folio 57, containing .92 acres. Located in the 10th Election District and 3rd Council District.

Item #0218

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS 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. <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.

For Newspaper Advertising:
Item Number or Case Number: 2014-0218-A Petitioner: David Mummert
Address or Location: 23 Greentree Pr. Phoenix MD 2113
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: 23 Greentree Dr.
Proenix mo 21131
Telephone Number: 410 817 4367

All the St. St. Ster. And St. St.			RECEIPT			No.	4/	22/4	PAID SECEIPT BUSINESS ACTUAL TIME 4/23/2014 4/22/2014 10:25:41
Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount	FES MSD5 MALKIN ISBES LIB FECTIFT IN TIEB18 4/22/2014 1-24 5 528 ZENDIG VERIFICATION
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13.11

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/3/2014

Case Number: 2014-0218-A

Petitioner / Developer: DAVID & CAROLYN MUMMERT

Date of Hearing (Closing): MAY 19, 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: 23 GREENTREE DRIVE

The sign(s) were posted on: MAY 2, 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:

June 23, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0218-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 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: VCase File

Office of Administrative Hearings

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
5-2	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)	
4-28	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ON (Case No.	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	VERTISEMENT Date:	_
SIGN POSTING	Date: 5-2-14	by O' Keefe
	EL APPEARANCE Yes No C	
Comments, if any: _		

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINIOTRATIVE VARIANCE IN CRIMATION CHEET AND DATECT
Case Number 2014- 0218 -A Address 23 Greentree Dr
Contact Person: David Dava Phone Number: 410-887-3391
Filing Date: 4/22/19 Posting Date: 5/4/19 Closing Date: 5/19/19
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- 0218 -A Address 23 Greentree Dr
Petitioner's Name David + Carolyn Mummert Telephone 410 817 4367
Posting Date: 5/4/14 Closing Date: 5/19/14
Wording for Sign: To Permit a proposed detached accessory structure
(garage) to be located in the front yard of the principal
dwelling in lieu of the required rear



KEVIN KAMENETZ County Executive

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

May 20, 2014

David M & Carolyn M Mummert 23 Greentree Drive Phoenix MD 21131

RE: Case Number: 2014-0218 A, Address: 23 Greentree Drive

Dear Mr. & Ms. Mummert:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 22, 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: 4/28/14

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

RE: **Baltimore County**

Item No 2014-0218-A Administrative Variance David M. & Carolyn M. Mumment 23 Greentree Drive

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. 2014-0218-4.

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: May 2, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 12, 2014

Item No. 2014-0189, 0216, 0218, 0219 and 0220

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\ZAC05022014 -.doc

Real Property Data Search (w2)

Search Help

Your feedback is important to us. Please take our short survey.

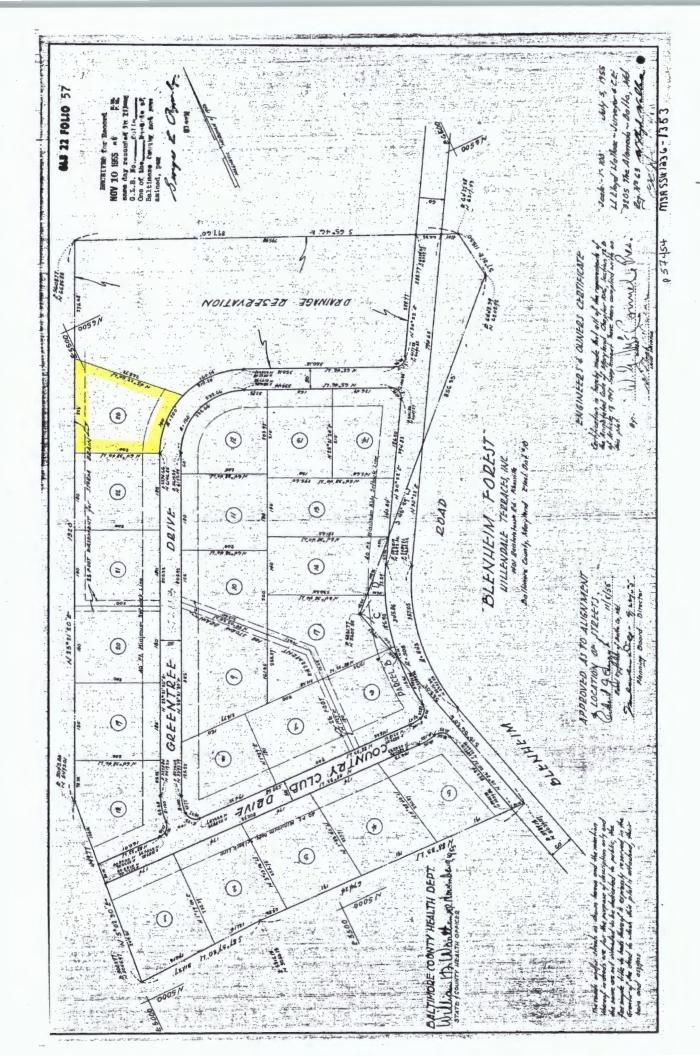
Search	Result	for	BALTIMORE COUNTY

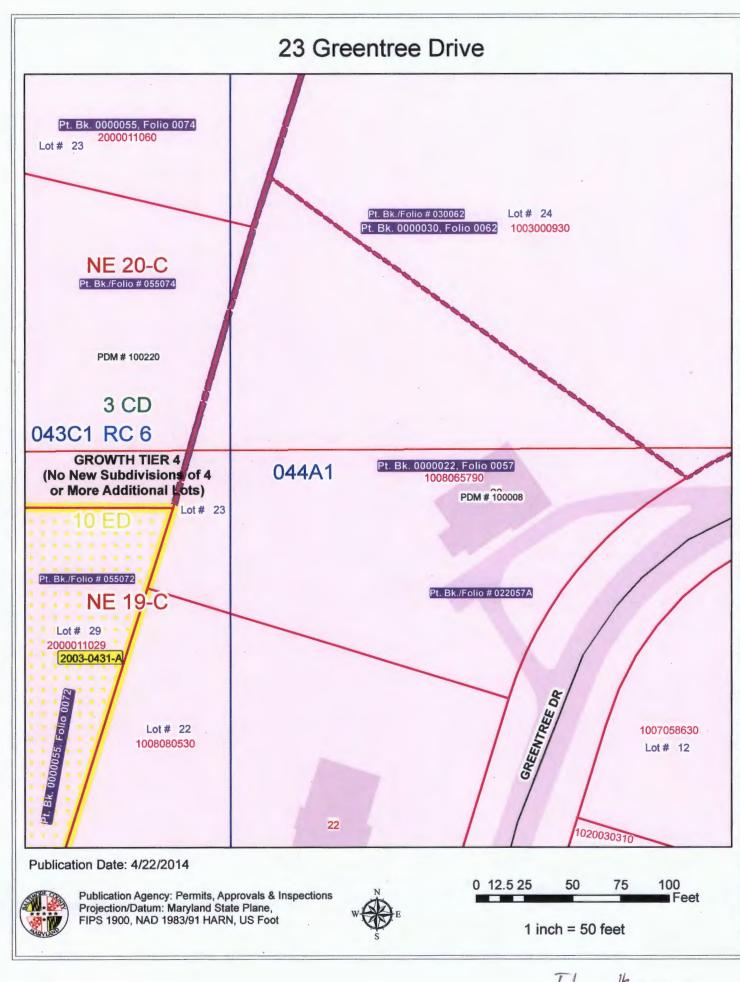
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Owner Name:	MUMMERT DA		Use:		RESIDENTL	AL	
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	Locati	on & Structure I	normation				
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PROPERTY ADDRESS _ 23 GREENT	그는 사람들은 아니라 하나 아니라 아니라 하는 사람들이 가지 않는데, 나는 사람들이 되는데, 그는 사람들이 살아 들어 되었다.	
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DWELLING # 22 FRONT 68	Despessor in the second of the	SCALE: I" = 1000' LOCATION INFORMATION ELECTION DISTRICT 10 COUNCILMANIC DISTRICT 3 I"=200' SCALE MAP # 04441 ZONING RC-6 LOT SIZE 92 40,075 ACREAGE SQUARE FEET PUBLIC PRIVATE
(Z) NORTH	62-8 NO 22 FOLIOST BALTIMOME COUNTY, NIDRYLAND LOCATION SURVEY S73' ± TO L OF NO.23 GACCNIREE DANC BLENHEIM RD.	WATER
PREPARED BY DMM	SCALE OF DRAWING: 1" = 40'	REVIEWED BY ITEM # CASE # #2014-0218-1