IN RE: PETITION FOR ADMIN. VARIANCE
(2 Medori Court)

11th Election District 3rd Council District

Jonathan D. & Kathleen D. Fine Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0258-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Jonathan D. & Kathleen D. Fine. The Petitioners are requesting Variance relief pursuant to Section 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R), to permit a proposed open projection (deck) to have a rear yard setback of 34 ft. in lieu of the required 37.5 ft., and to amend the Final Development Plan (FDP) for Scenic Ridge, Lot #10 only. 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.

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 June 8, 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 ORDER RECEIVED FOR FILING

Date	6-26-14	
Ву	(OW)	

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 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>26th</u> day of June, 2014 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R), to permit a proposed open projection (deck) to have a rear yard setback of 34 ft. in lieu of the required 37.5 ft., and to amend the Final Development Plan (FDP) for Scenic Ridge, Lot #10 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioners may apply for any 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 30day 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.

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

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ORDER	RECEIVED	FOR	FIL	.ING
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Date 6-26-14

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A PARTIE COLLEGE

KEVIN KAMENETZ County Executive LAWRENCE M. STAHL

Managing Administrative Law Judge
JOHN E. BEVERUNGEN

Administrative Law Judge

June 26, 2014

Jonathan D. Fine Kathleen D. Fine 2 Medori Court Kingsville, Maryland 21087

RE: Petition for Administrative Variance

Case No. 2014-0258-A Property: 2 Medori Court

Dear Mr. and Mrs. Fine:

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,

JOHNE. BEVERUNGEN 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 the Office of Administrative Hearings for Baltimore County for the property located at:

Address 2 Medori Ct Kingsville, MD 21087

Currently zoned RC 5

Deed Reference 31117 / 00191 10 Digit Tax Account # 2 5 0 0 0 0 0

Owner(s) Printed Name(s) Jonathan and Kathleen Fine

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X ADMINISTRATIVE VARIANCE from Section(s)

Section 301.1 – to permit a proposed open projection (deck) to have a rear yard setback of 34 feet in lieu of the required 37½ feet; and to amend the Final Development Plan for Scenic Ridge, lot #10 only.

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

2. ___ ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

	Owner(s)/Petitione	r(s):	
	Jonathan Fine	, Kathleen	Fine
	Name # - Type or Print	Name/#2 - 1	Type or Print
	Fin	Parl	when
	Signature #1	Signature #	2
	2 Medori Ct	Kingsville	MD
ia /	Mailing Address	City	State
" INC. A	21087 / 410-	-458-0642 / JF	Fine22@gmail.com
ORFILE			Address
Attorney fon wner(s) Petitioner(s)		phone # Emai	
Attorney for wher(s) Petitioner(s)	Zip Code Telep	phone # Emai	
Attorney for Swiner(s) Petitioner(s) Name Type or Print	Zip Code Telep Representative to b	phone # Emai	
Attorney for Owner(s) Petitioner(s)	Zip Code Telep Representative to b Jonathan Fine	phone # Emai	
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Attorney for Owner(s) Petitioner(s) Name Type or Print Signature	Zip Code Teleg Representative to b Jonathan Fine Name Type or Print Signature	phone # Emai	
Signature	Representative to b Jonathan Fine Name Type or Print	phone # Emai	I Address
Signature	Zip Code Telegon Representative to be Jonathan Fine Name Type or Print Signature 2 Medori Ct Mailing Address	phone # Email	MD

Administrative Law Judge for Baltimore County

CASE NUMBER 2014-0258- A

County, this _____day of ___,
required by the zoning regulations of Baltimore County.

Filing Date 5,3914

Estimated Posting Date 6 8 14

Reviewer_

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 and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here) We, as the homeowners, are petitioning to allow a deck to be added to the property with a 34' setback from the rear property line. The planned 20'x20' deck is very typical for the area and we feel it is correctly sized for the house and neighborhood. Existing utilities located on the property will not allow us to expand the deck in any direction but toward the rear property line to get the desired square footage. To one side of the proposed deck are two hung air conditioning compressors along with a direvent for a gas fireplace. To the other side of the proposed deck is the property's buried propane tank. Both adjacent property owners along with the sub division's home owners association are willing to signature of Owner (Affiant) Jonathan Fine 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 29 day of 30 day 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared: Print name(s) here: 30 day of 30 day 30	Address: 2 Medori Ct	Kingsville	MD	21087
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My Commission Expires My Commission Expires November 2, 2014

Zoning Property Description for 2 Medori Ct Kingsville, MD 21087

Beginning at a point on the north side of Medori Ct which is 40' wide at the distance of 20' east of the centerline of the nearest improved intersecting street, Connor Ct, which is 40' wide. (ie: nartheast corner of intersection)

Being lot #10 in the subdivision of Scenic Ridge as recorded in Baltimore County Plat Book #78, Folio #150, containing 1.0673 acres. Located in the 11th Election District and 3rd Council District.

Hem #0258

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:
Petitioner: Janothan Fine
Address or Location: 2 Medori Ct. Kingsville, MD 21087
PLEASE FORWARD ADVERTISING BILL TO: Name: Jonathan Fine Address: 2 Medani Ct. Kingsville, MD 21087
Telephone Number: 410-458-0642

And the second second second second	Control of the contro		D FINANC RECEIPT			No. Date:	. /	12219	PAID RECEIPT BUSINESS ACTUAL TIME VOV/2014 5/30/2014 11:43:68
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CERTIFICATE OF POSTING

Date: 6-8-14

RE: Case Number: 2014-6258-A

Petitioner/Developer: Jonathan Fine

Date of Hearing/Closing: 6-23-14

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 2 Hedori Ct



(Month, Day, Year)

Lawrence Pelson (Signature of Sign Poster)

J. LAWRENCE PILSON (Printed Name of Sign Poster)

1015 Old Barn Road (Street Address of Sign Poster)

Parkton, MD 21120 (City, State, Zip Code of Sign Poster)

410-343-1443 (Telephone Number of Sign Poster)

MEMORANDUM

DATE:

July 29, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0258-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 28, 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

CHECKLIST

Comment Received	Department		Support/Oppose/ Conditions/ Comments/ No Comment
7-16	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		
6-9	STATE HIGHWAY ADMINISTRATIO	N	No esjection
	TRAFFIC ENGINEERING	•	
	COMMUNITY ASSOCIATION		
	ADJACENT PROPERTY OWNERS		<u> </u>
ZONING VIOLATION	ON (Case No		
PRIOR ZONING	(Case No		
NEWSPAPER ADV	ERTISEMENT Date:		
SIGN POSTING	Date:	-8-14	by Pilson
	L APPEARANCE Yes L L COMMENT LETTER Yes	No D	
Comments, if any: _			
		-	

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0258 -A Address 2 Medori Ct
Contact Person: David Duva Phone Number: 410-887-3391
Filing Date: $\frac{5/30/14}{}$ Posting Date: $\frac{6/8/14}{}$ Closing Date: $\frac{6/23}{}$
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- 0258 -A Address 2 Medori Ct
Petitioner's Name Vonathan Fine Telephone 410 458-0642
Posting Date: 6/8/14 Closing Date: 6/23/14
Wording for Sign: To Permit a proposed open projection (cleck) to have
a rear yard setback of 34 feet in lieu of the required
37 1/2 feet; and to amend the Final Development Plan for
Scenic Ridge, lot #10 only

Revised 7/06/11



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

June 3, 2014

Jonathan & Kathleen Fine 2 Medori Court Kingsville MD 21087

RE: Case Number: 2014-0258 A, Address: 2 Medori Court

Dear Mr. & Ms. Fine:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 30, 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

Maryland Department of Transportation

Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

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

Date: 6/9/14

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

RE: **Baltimore County** Item No 2014-0258-A Administrative Variance Jonathan & Kathleen Fino 2 Mederi Court

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. 2014-0258-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: July 16, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 16, 2014

Item No. 2014-0233, 0258, ()259, 0260, 0261, 0262 and 0263

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

DAK:CEN cc:file

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

Search Help

View Map	View GroundRent Redemption						v Ground	Rent Registrat	tion
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Baltimore County

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

District: 11 Account Number: 2500000789



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).



(http://imsweb05.mdp.state.md.us/website/mosp/)

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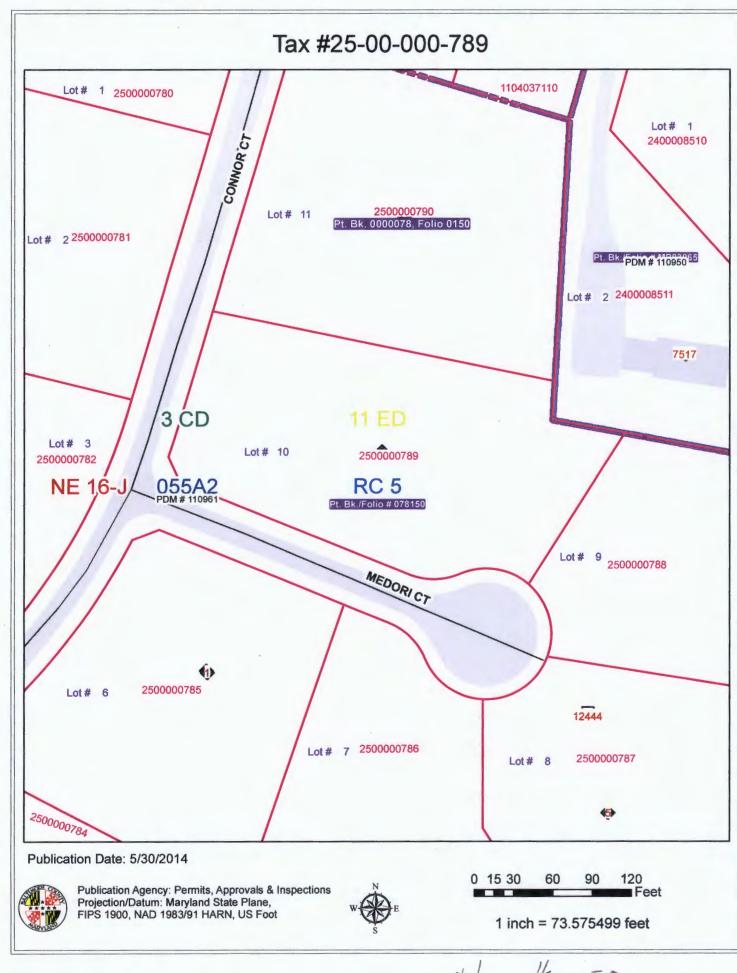


Item # 0258





Item #0258



Item #0258

SITE VICINITY MAP ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 2 Medori Ct. OWNER(S) NAME(S) Jonathan 5 Karthleen Fine Ridge SUBDIVISION NAME Scenic LOT# | BLOCK# SECTION# SITE PLAT BOOK # 78 FOLIO # 150 10 DIGITTAX #2500000 789 DEED REF. #31 1 1 7/00191 MEDORI MAP IS NOT TO SCALE ZONING MAP# 055A2 SITE ZONED RC 5 LOT: 11 SUB DEED REF: 1315721 00454. **ELECTION DISTRICT** COUNCIL DISTRICT 3 (9) LOT AREA ACREAGE |. 0673 OR SQUARE FEET HISTORIC? NO IN CBCA? NO IN FLOOD PLAIN? NO UTILITIES? MARK WITH X WATER IS: PUBLIC PRIVATE X SEWER IS: PUBLIC PRIVATE X PRIOR HEARING? NO IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW MEDORI COURT Plandraun by: Jonathan Fine Date: 5/28/14 Scale: 1 inch = 50 feet VIOLATION CASE INFO:

#2014-0258-A

