IN RE: PETITION FOR ADMIN. VARIANCE *
(422 Maryland Avenue)

(422 Maryland Avenue)
15th Election District

7th Councilmanic District

Justin P. and Tracy D. LeBrun

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0271-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, Justin P. and Tracy D. LeBrun. The variance request is from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a side yard deck with a side setback of 3 ft. in lieu of the required 10 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 June 29, 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, 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

Date	7-17-14	_
Ву	IDW)	

ORDER RECEIVED FOR FILING

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, by the Administrative Law Judge for Baltimore County, this <u>17th</u> day of July, 2014, that a Variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a side yard deck with a side setback of 3 ft. in lieu of the required 10 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.

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	11-17-4	
Bv	19W	

KEVIN KAMENETZ County Executive



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

July 17, 2014

Justin P. LeBrun Tracy D. LeBrun 422 Maryland Avenue Baltimore, Maryland 21221

RE: Petition for Administrative Variance

Case No. 2014-0271-A

Property: 422 Maryland Avenue

Dear Mr. & Mrs. LeBrun:

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: Robert Infussi, Expedite, LLC, 1536 Dunkeld Way, Bel Air, MD 21015



ADMINISTRATIVE ZONING PETION
FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

		of Permits, Approvals and Inspection	
Address 422 MAI		for Baltimore County for the	ned De-5
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For Administrative V	/ariances, the <u>Affidavit</u> on the	reverse of this Petition form must be o	completed and notarized.
	and occupy the property situate a part hereof, hereby petition for	in Baltimore County and which is des an:	cribed in the plan/plat
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of the zoning regulations of	Baltimore County, to the zoning	law of Baltimore County.	
		ove a waiver pursuant to Section 32 aze, alter or construct addition to building	
Property is to be posted and adver I/ we agree to pay expenses of abo	de, to the development law of B tised as prescribed by the zoning regulative petition(s), advertising, posting, etc. at to the zoning law for Baltimore Country	ations. and further agree to be bound by the zoning re	gulations and restrictions of
		Owner(s)/Petitioner(s):	
		Justin LE BRUN T	RACY LEBRUM
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	4	Signature #1 Sign	nature # 2
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Attorney for Owner (1900)	OF FILING	Zip Code Telephone #	Émail Address
Attorney for Owner Det	itioner(s):	Representative to be contacted:	
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Zip Code Telephone #	Email Address	Zip Code Telephone #	Email Address
A PUBLIC HEARING having bee County, this day of required by the zoning regulations	that the subject	be required, it is ordered by the Office of Ada t matter of this petition be set for a public hearing	ministrative Hearings for Baltimor ng, advertised, and re-posted as
	~ _	1000	- DURING /*
	Admini	strative Law Judge for Baltimore County	19

CASE NUMBER 2014-0211 A Filing Date 6 16 14 Estimated Posting Date 6 2014 Reviewer JS

Affidavit in Support 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.

Address: 422 MAr / CAnd Au Print or Type Address of property	e BAlto.	m ol State	2 [2 Z]
Based upon personal knowledge, the for Administrative Variance at the above ad	llowing are the facts	s upon which I/we ba	
walking all the way around our house	ss door) will enable us	nome. A side yard deck to access the rear of ou	with rear facing r property without
(If additional space for the petition request) Signature of Owner (Affiant)	4	ent is needed, label ar	eblun
Name-Print or Type) _		Beun
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STATE OF MARYLAND, COUNTY OF I HEREBY CERTIFY, this da and for the County aforesaid, personally ap Print name(s) here:	y of Tunk, 2 peared:	it: 2014, before me Tracy Re-	a Notary of Maryland, in
My Commission Expires October 24, 2015	Notary Public 10 24 1	Dyluse 5	s).

The Zoning Hearing Property Description

Zoning Property Description For 422 Maryland Avenue, Baltimore, Md 21221

Beginning at a point on the north side of Maryland Avenue which is 50' wide at the distance of 562'NE of the center line of the nearest improved intersecting street Riverside Drive which is 50' wide.

Option # 2 Subdivision Lot- Lot is part of the record plat.

Being lot # 12, Block J, Section A in the subdivision of Essex as recorded in the Baltimore County Plat Book# 3, Folio 15, containing 7500 square feet. Located in the 15 Election District and the 6th Council District.

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: Justin & TRACY LEBRUN Address or Location: 422 MARY CARD Avel 2122/
PLEASE FORWARD ADVERTISING BILL TO:
Name: Robert InFussi (Expedite, uc Address: 1536 Dun Keld wAr
Bel Air, md 21015 Telephone Number: 410 812 2236

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CERTIFICATE OF POSTING

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	SIGNATURE OF SIGN POSTER AND DATE:	
	MARTIN OGLE	
	(SIGN POSTER)	
	60 CHELMSFORD COURT	
	BALTIMORE,MD 21220	
	(ADDRESS)	
	PHONE NUMBER:443-629-3411	
	FROME NUMBER: TT3*027*3411	



MEMORANDUM

DATE:

August 19, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0271-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 18, 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- 0271-A

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
630	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	No
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
6-23	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	·
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	•
ZONING VIOLATI	ION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	VERTISEMENT Date:	
SIGN POSTING	Date: 6-29-14	by Ogle
PEOPLE'S COUNS	SEL APPEARANCE Yes No	
PEOPLE'S COUNS	SEL COMMENT LETTER Yes No	
Comments, if any:		
		All all all and a second

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE IN CHAIRATTON CHEET AND DATES
Case Number 2014- 0771 -A Address 477 MARYLAND AVE.
Contact Person: Stilling Phone Number: 410-887-3391
Filing Date: 6 16 4 Posting Date: 6 29 4 Closing Date: 7/14/14
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. <u>POSTING/COST:</u> 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 0271 -A Address 472 MARYLAND AVE.
Petitioner's Name JUSTIN + TRACY LEBRUN Telephone 410-961-1555
Posting Date: 6/29/14 Closing Date: 7/14/14
Wording for Sign: To Permit A SIDE YARD DECK WITH A SIDE SET BACK OF 3 FEET
IN LIEU OF THE REQUIRED 10 FEET



KEVIN KAMENETZ County Executive

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

July 15, 2014

Justin & Tracy Lebrun 422 Maryland Avenue Baltimore MD 21221

RE: Case Number: 2014-0271 A, Address: 422 Maryland Avenue

Dear Mr. & Ms. Lebrun:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 6, 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

Robert Infussi, 1536 Dunkeld Way, Bel Air MD 21015

Maryland Department of Transportation

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

Date: 6/23/14

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

RE: **Baltimore County**

Item No 2014-0271-A

Administrative Variance Fustin & Tracey LeBraun 422 Maryland Acquil.

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. 2014-0271-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: June 30, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 30, 2014

Item No. 2014-0270,0271 0274, 0275, 0276, 0277 and 0278

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

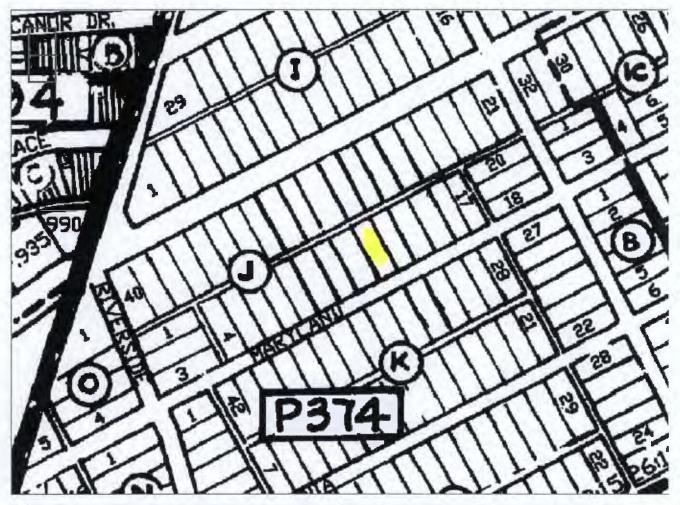
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Baltimore County

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

District: 15 Account Number: 1503670590



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

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2014-0271-A



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ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 422 MARY CAND AND OWNER(S) NAME(S) JUSTIN & TRACY LE BRUN SUBDIVISION NAME ESSEX LOT# 12 BLOCK # J SECTION # A PLAT BOOK # 3 FOLIO# 15 10 DIGIT TAX # 1503670590 DEED REF. # 29873/00236
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2014-0271-A

ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARKTYPE	REQUESTED WITH X)
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IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2014-0271-A Pet-Exh. 1