

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

July 24, 2014

Esther H. Greenberg 7 Chestnut Court Owings Mills, Maryland 21117

RE: Petition for Administrative Variance

Case No. 2014-0282-A Property: 7 Chestnut Road

Dear Ms. Greenberg:

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: Jeff Rubin, 7 Chestnut Court, Owings Mills, Maryland 21117

IN RE: PETITION FOR ADMIN. VARIANCE

(7 Chestnut Road)

4th Election District 2nd Council District

Esther H. Greenberg

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0282-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 owner of the subject property, Esther H. Greenberg. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) To permit a proposed detached accessory structure (shed) to be located partially in the side yard of the principal building in lieu of the required rear, and (2) To amend the Final Development Plan (FDP) of Velvet Hills South, Section 5, Block A, Lot 43 only. The subject property and requested relief are more particularly described on Petitioner's 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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 6, 2014 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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

ORDER RECEIVED FOR FILING

Date 7-24-14

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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 Petitioner.

Although the Department of Planning did not make any recommendations related to the storage shed height and usage, I will impose conditions that the detached accessory structure 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 24th day of July, 2014, that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) To permit a proposed detached accessory structure (shed) to be located partially in the side yard of the principal building in lieu of the required rear, and (2) To amend the Final Development Plan (FDP) of Velvet Hills South, Section 5, Block A, Lot 43 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for any appropriate permits and be granted same upon receipt of
 this Order; however, Petitioner is hereby made aware that proceeding at this time is at
 her own risk until such time as the 30-day appellate process from this Order has
 expired. If, for whatever reason, this Order is reversed, Petitioner would be required
 to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioner or subsequent owners shall not convert the subject shed into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The shed shall not be used for commercial purposes.

ORDER RECEIVED FOR FILING

Date 7-24-14-

2

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 1-29-14



ADMINISTRATIVE ZONING PETITION

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

	SMILLS 21117 Currently zoned DR1
Deed Reference / Owner(s) Printed Name(s) ESTHER H. GRE	10 Digit Tax Account # 200007332
(SELECT THE HEARING(S) BY MARKING X AT THE APPRO	PRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the re	everse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate is attached hereto and made a part hereof, hereby petition for a	
1 ADMINISTRATIVE VARIANCE from Section(s)	
Section 400.1 – to permit a proposed detached partially in the side yard of the principal buil the final development plan of Velvet Hills Sou	ding in lieu of the required rear; and to amend
of the zoning regulations of Baltimore County, to the zoning	aw of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to approcue County Code: (indicate type of work in this space: i.e., to raz	ve a waiver pursuant to Section 32-4-107(b) of the Baltimore re, alter or construct addition to building)
of the Baltimore County Code, to the development law of Baltimore County Code, to the development law of Baltimore County is to be posted and advertised as prescribed by the zoning regulation where the pay expenses of above petition(s), advertising, posting, etc. a Baltimore County adopted pursuant to the zoning law for Baltimore County.	ions. and further agree to be bound by the zoning regulations and restrictions of
	Owner(s)/Petitioner(s):
ESTA	1-0
	Name #1 – Type or Print Name #2 – Type or Print
+	Signature #1 Signature #2
	7 CHESTHUT CT, OWINGS MILLS PHI
	Mailing Address City State
	Zip Code Telephone # LJ Email Address ICC OR
Attorney for Owner(s)/Petitioner(s);	Representative to be contacted:
	JEFF RUBIN
Name- Type or Print	Name – Type or Print
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Mailing Address State	Mailing Address City State
Zip Code Telephone # Email Address	ZIII7 ,240-463-600 JEFFO BACTIMOR Zip Code Telephone # C=C Email Address HANDYPAN
A PUBLIC HEARING having been formally demanded and/or found to	be required, it is ordered by the Office of Administrative Hearings for Baltimore
County, this day of required by the zoning regulations of Baltimore County.	matter of this petition be set for a public hearing, advertised, and re-posted as
Date	trative Law Judge for Baltimore County
CASE NUMBER 2014 - 0282 - A Filing Date 6,24	14 Estimated Posting Date 7,6,14 Reviewer 87

Rev 5/8/2014 -

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.

Address: 7 CHESTNUT CT, OWINGS MILLS, MD ZITT
Print or Type Address of property City State Zip Code
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)
OUR PRACTICAL DIFFICUCTY IS TO LOCATE THE SHED NEXT TO
OUR EXISTING PRIVEWAY SO WE HAVE DIRECT ACCESS TO
THE DOOPS FOR THE SNOW BLOWERS, tooks, ETC.
BECAUSE OUR HOUSE HAS A UNIQUE APONDAGE THAT PROJECT
BEYOUD THE MAIN PEAR FOUNDATION WALL LOCATING THE
SHED COMPLETELY, IN THE REAR YARD WOULD PUSH THE SHED
KPPROXIMATRY IS AWAY FROM THE DRIVEWAY AND 2-3' LOUGE
IN CLAURTION AS THE TERRAIN SLOPES AWAY FROM THE
DENEWAY, STEKET COMPLIANCE WHIT THE BCZR WOULD UNERSONABLY PEDENT THE CONSTRUCTION OF THE SHED
Time Andrew The Time Could Deliter the
IN A LOCATION ALLACEST TO THE EXISTING UPVELLAT.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)
x Esther H. Treenberg
Signature of Owner (Affiant) Signature of Owner (Affiant)
ESTHER H. GREENBERG
Name- Print or Type Name- Print or Type
Hame Time of 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 23 day of Joe , 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:
Print name(s) here: Esther Greenberg
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal
Notary Public /27/18
My Commission Expires

Zoning Property Description for 7 Chestnut Court, Owings Mills, MD 21117

Esther H. Greenberg, applicant

Beginning at a point on the south side of Chestnut Court which is 90' wide at the distance of +- 245' south of the centerline of the nearest improved intersecting street Ashley Way which is 50' wide.

"Being Lot # 43, Block A, Section #5 in the subdivision of VELVET HILLS SOUTH as recorded in Baltimore County Plat Book #54, Folio #64, containing 24,145 square feet. Located in the 4th Election District and Council District 2.

Representative-Jeff Rubin 240-463-6000 cell

Item # 282

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MEMORANDUM

DATE: A

August 26, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0282-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 25, 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	Support/Oppose/ Conditions/ Comments/ No Comment		
7-7	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)		
6-30	STATE HIGHWAY ADMINISTRATION	No objection	
	TRAFFIC ENGINEERING		
	COMMUNITY ASSOCIATION		
	ADJACENT PROPERTY OWNERS	1	
ZONING VIOLATI	ON (Case No		
PRIOR ZONING	(Case No.		
NEWSPAPER ADV	/ERTISEMENT Date:		
SIGN POSTING	Date: <u>M-6-14</u>	by Okeye	
PEOPLE'S COUNS	SEL APPEARANCE Yes No		
PEOPLE'S COUNS	SEL COMMENT LETTER Yes No		
Comments, if any:			



7 CHESTINUT CT. FOOTPOINT OF SHED 6.23.14

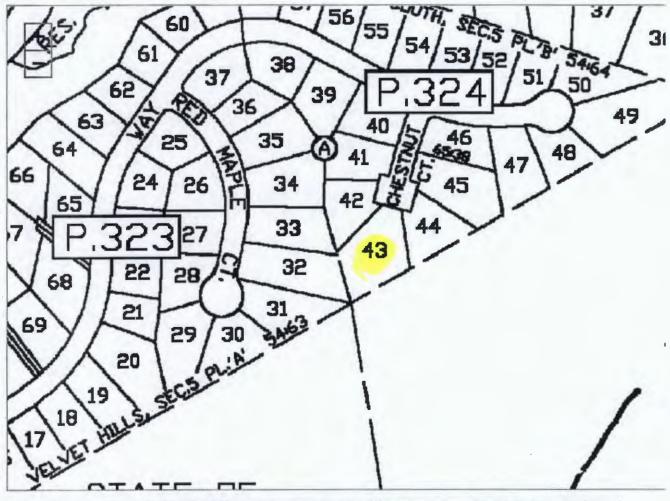
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Baltimore County

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

District: 04 Account Number: 2000007332



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

July 15, 2014

Esther Greenberg 7 Chestnut Court Owings Mills MD 21117

RE: Case Number: 2014-0282 A, Address: 7 Chestnut Court

Dear Ms. Greenberg:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 24, 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 Jeff Rubin, 7 Chestnut Court, Owings Mills MD 21117

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



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

Date: 6/30/14

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

Baltimore County RE:

Item No 2014-0282-A.
Administrative Variouse
Esther H. Green Berg
7 Chestnut 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 -0282-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

Development Manager

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 7, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 7, 2014

Item No. 2014-0272, 0273, 0274, 0281, 0282, 0284, 0285 and 0287

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

DAK:CEN cc:file

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/7/14

Case Number: 2014-0282-A

Petitioner / Developer: E H GREENBERG~JEFF RUBIN

Date of Hearing (Closing): JULY 21, 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: 7 CHESTNUT COURT

The sign(s) were posted on: JULY 6, 2014



Linda O Keefe
(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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2014-	0282	-A	Address _	7 (hestnut	C+	
Conta	ct Person:		ease Print Your Na				ber: 410-887-3391	
Filing	Date: 6/2	14/14	Postir	ng Date:	7/6/14	Closing	g Date: 7/21/14	
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2.	DEADLINE: a formal requ request for a p	est for a pul	olic hearing.	Please	understand	that even if	hin 1,000 feet to file there is no formal e.	
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.	(whether due commissioner) changed giving	to a neighbor, notification a notice of the	or's formal will be for e hearing da	request or warded to ate, time ar	by order you. The nd location.	of the zoning sign on the As when the	to a public hearing g or deputy zoning e property must be e sign was originally ust be forwarded to	
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		USE THE AL	MINISTRAT	TIVE VARI	ANCE SIGI	FORMAT		
Case	Number 2014	0282 -A	Addre	ss	Chest	nut Ct		
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of	Velvet H	11s Sout	h, Section	on 5,	Block	A, lot	13 only	
			,			,	Revised 7/06/11	

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

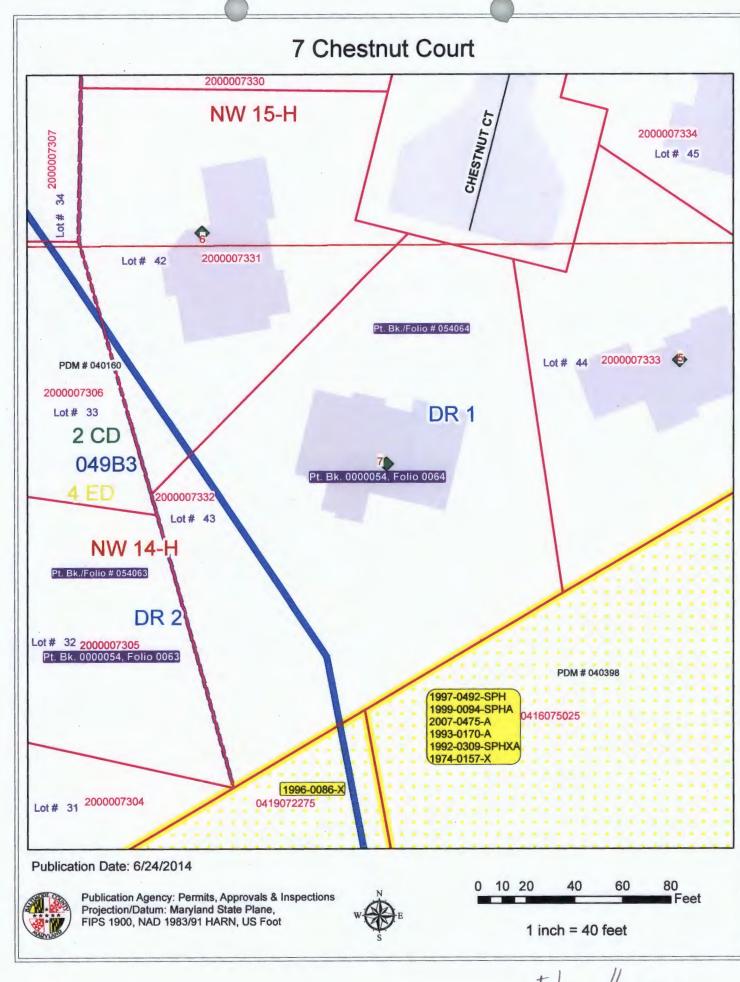
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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 - 0282 - A Petitioner: ESTHER H. GREEN BERG	
Address or Location: 7 CHESTNUT CT, OWINGS MICLS	21117
PLEASE FORWARD ADVERTISING BILL TO: Name: ESTHOR GREENBERG AND JEFF RUBIN Address: 7 CHESTNUT CT 6WINGS MILLS, MD 21117	
Telephone Number: 240 - 463-6000	
ceu- Jefr	



Item # 282

