

KEVIN KAMENETZ County Executive

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

July 30, 2014

Denise J. Leach 1422 Harberson Road Catonsville, Maryland 21228

RE:

Petition for Administrative Variance

Case No. 2014-0292-A

Property: 1422 Harberson Road

Dear Ms. Leach:

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: Timothy Smith, 615 Magnolia Avenue, Frederick, MD 21701

IN RE: PETITION FOR ADMIN. VARIANCE *

(1422 Harberson Road)
1st Election District

1st Council District Denise J. Leach

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0292-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Denise J. Leach. The Petitioner is requesting Variance relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an attached carport with a side yard setback of 1' in lieu of the required 7.5'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as 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 submitted 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 11, 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 (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

Date 7-30-14

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 Petitioner.

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>30th</u> day of July, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an attached carport with a side yard setback of 1' in lieu of the required 7.5', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 1. The Petitioner may apply for her 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. Building materials for the carport addition shall be consistent with those of the existing principal dwelling.
- 3. The carport shall remain open on the three exposed sides and shall not be enclosed at any time.

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 <u>M-30-14</u>

2



ADM STRATIVE ZONING PE

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 1422 Harberson Road Catonsville, Hd 21228 Currently zoned DR 5.5

Deed Reference 30829 / 00024

10 Digit Tax Account # 0 1 2 3 1 5 6 7 6 0

Owner(s) Printed Name(s) Denise J. Leach

(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) 1802.3.C. 1 and 303.1; BCZR. permit an attached carport with a sideyard setback of i feet in lieu of the required 7.5 Ft.

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

 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)/Petitioner(s):

Name #1 - Typ		Name	e #2 – Type	or Print
Signature #1	itherson Rd		ature # 2	Md
Mailing Address		City	June	State
21228	410 744	1579	Menise	leach@ssa.so
Zip Code	Telephone #		Email Ad	
Representat	tive to be con	tacted:		

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print Zip Code DER PLING mail Address 615 Magnolia

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. that the subject matter of this petition be set for a public hearing, advertised, and re-posted as

Administrative Law Judge for Baltimore County

CASE NUMBER 2014-0292-A Filing Date 7,2,14 Estimated Posting Date 7,1314 Reviewer JCM

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.

and occi	ipled by the	undersigned.				
Address	Print or Type A	Harberson ddress of property	RJ.	Catonsu: 11e	M d	Z1228
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4						
(If add	itional space	for the petition re	quest or th	e above statement is	needed, label an	ed attach it to this Form)
~	of Owner (Aff	iant) 5. 1.06 ch	e selfi	Signatu	re of Owner (Affia	ant)
	nt or Type	s. Leun		Name-	Print or Type	
	The follo	wing information	is to be cor	mpleted by a Notary P	ublic of the Stat	e of Maryland
STATE	OF MARYL	AND, COUNTY	OF BALT	IMORE, to wit:		,
I HEREE	BY CERTIFY ne County afo	Y, this 20 presaid, personally	_ day of _ y appeared	June , 201	4., before me	a Notary of Maryland, in
Print name(s)	here: De	nise J.	Lead	h	The state of the s	
the Affiar	t(s) herein, p	ersonally known	or satisfact	torily identified to me	as such Affiant(s).
AS WITN	IESS my har	nd and Notaries S	eal <			
2			Notary	Public 03/22	12015	
			My Cor	mmission Expires		

ZONING PROPERTY DESCRIPTION FOR 1422 HARBERSON ROAD CATONSVILLE, MD 21228

Beginning at a point on the West side of Harberson Road, which is 50 feet wide, at a distance of approximately 80 feet North of the centerline of Redgate Circle, which is 50 feet wide.

Being lot #16, Block N, Section#8 in the subdivision of Westview Park as recorded in Baltimore County Plat Book RRG 30/48, Folio 21592, containing 7150 square feet. Located in the first election district and first council district.

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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:	2014-0292-A
Petitioner: DENISE	LEACH
Address or Location: 1422	HARBERSON RD.
PLEASE FORWARD ADVERTIS	SING BILL TO:
Name: TIMOTHY	SMITH
Address: 615 F	IAGNOLIA AVE.
FREDERI	CK, Md. 21701
Telephone Number: 301	- 514-9246

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0292 -A Address 1422 HARBERS ON Rd.
Contact Person: J. MERREY Phone Number: 410-887-3391 Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 7/2/14 Posting Date: 7/3/14 Closing Date: 7/28/14
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. <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 201 0292 -A Address 1422 HARBERSON Rd.
Petitioner's Name DENISE LEACH Telephone 410-744-1579
Posting Date: 7/13/14 Closing Date: 7/28/14
Wording for Sign: To Permit AN ATTACHED CARPORT WITHIN BATONE
of The SIDE PROPERTY - Line IN LIEU OF THE
REQUIRED 7.5tt.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Case Number 2014- 0292 -A Address 1422 HARBERS ON Rd.
Contact Person: J. MERREY Phone Number: 410-887-3391 Filing Date: 7 2 4 Posting Date: 7 / 28/14 Closing Date: 7 / 28/14
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Case Number 201 0292 -A Address 1422 HARBERSON Rd.
Petitioner's Name Denise LEACH Telephone 410-744-1579
Posting Date: 7/13/14 Closing Date: 7/28/14
Wording for Sign: To Permit AN ATTACHED CARPORT WITHIN 1 ft.
of The SIDE PROPERTY - CINE IN LIEU OF THE
REQUIRED 7.5 H.

CERTIFICATE OF POSTING

Date: July 11, 2014

RE:	Project Name:	Administrative Variance
	Case Number /PAI Number:	2014-0292-A
	Petitioner/Developer: Denise	Leach (410) 744-1579
	Date of Hearing/Closing: July	

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 1422 Harberson Rd

The sign(s) were posted on July 11, 2014

ZONING NOTICE

VARIANCE

CASE # 2014-0292-A

1422 HARBERSON RD. -DENISE LEACH-TO PERMIT: AN ATTACHED CARPORT WITHIN 15t. OF THE SIDE PROPERTY LINE IN LIEU OF THE REQUIRED 7.5ft.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 07-28-2014

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391 DO NOT BEHOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE

(Month, Day, Year)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd

(Street Address of Sign Poster)

Freeland, MD 21053

(City, State, Zip Code of Sign Poster)

(410) 382-6580

(Telephone Number of Sign Poster)

MEMORANDUM

DATE: September 2, 2014

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2014-0292-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 29, 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

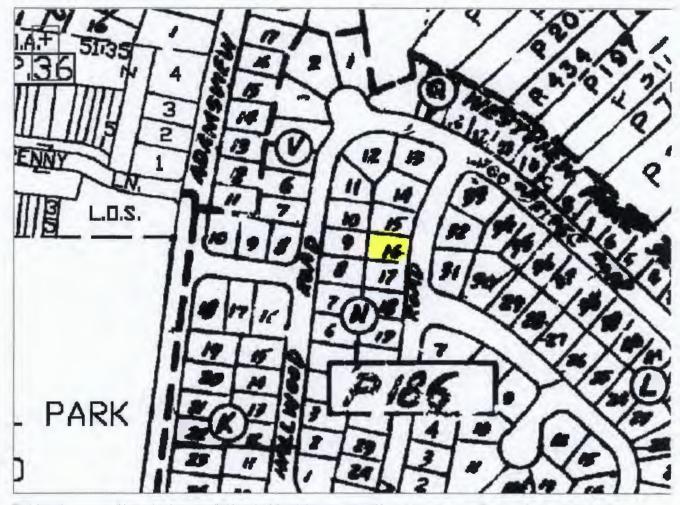
Comment Received	Department	Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	-
	PLANNING (if not received, date e-mail sent)	
7-14	STATE HIGHWAY ADMINISTRATION	De objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
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PRIOR ZONING	(Case No.	
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PEOPLE'S COUN	ISEL COMMENT LETTER Yes No	
Comments, if any:		

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Baltimore County

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

District: 01 Account Number: 0123156760



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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KEVIN KAMENETZ County Executive

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

July 29, 2014

Denise Leach 1422 Harberson Road Catonsville MD 21228

RE: Case Number: 2014-0292 A, Address: 1422 Harberson Road

Dear Ms. Leach:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 2, 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. Carl Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Timothy Smith, 615 Magnolia Avenue, Frederick MD 21701



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

Date: 7/14/14

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

RE: **Baltimore County**

Item No 2014-0292-A. Administrative Variance

Denise J. Leach 1422 Harberson 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. 2014-0292-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).

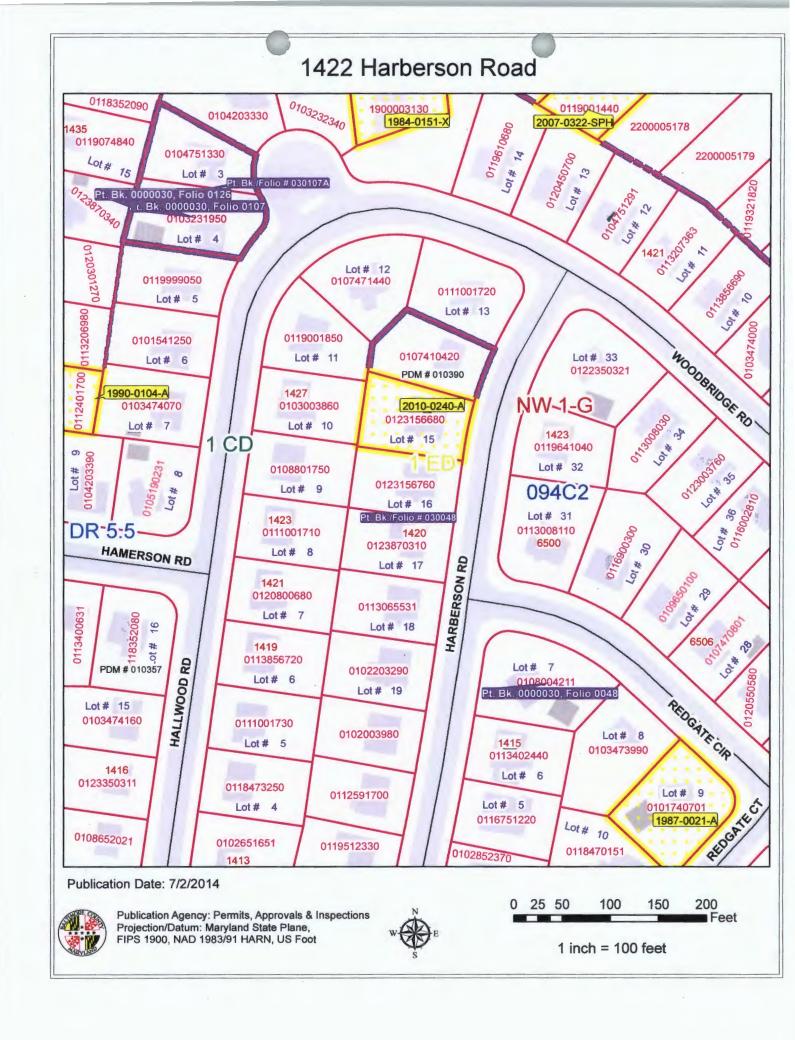
Sincerely,

Steven D. Foster, Chief/

Development Manager

Access Management Division

SDF/raz



ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 1422 Harberson Rd. Catonsville, Md 21228 OWNER(S) NAME(S) Denise J. Leach __LOT#_16__BLOCK#_N__SECTION#_8 SUBDIVISIONNAME Westview Park PLAT BOOK # RRG 30/48 FOLIO # 21592/76 10 DIGIT TAX # 0 1 2 3 1 5 6 7 6 0 DEED REF. # 3 0 8 2 9 / 0 0 0 2 4 #1420 SAMINA KHATTAK FRONT 25 B.R.L. CONC DRIVE . NOS° 07' 06" E
PAVING EDGE (50' WIDE) SCALE: 1 INCH = 20 FEET DATE 7/2/14 PLAN DRAWN BY TIM SMITH

SITE VICINITY MAP	-
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SITE	
SEDGATE CIRCLE	
HARBERSON ROAD	
HARB	
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ZONING MAP# 094C2	Pallager
SITE ZONED DR 5.5	
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IN CBCA? No	
IN FLOOD PLAIN? No	<u> </u>
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PUBLIC X PRIVATE	•
PRIOR HEARING? No	
IF SO GIVE CASE NUMBER	
AND ORDER RESULT BELOW	
	·
VIOLATION CASE INFO:	

Pet. Exh. 1.

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 1422 Harberson Rd. Catonsville, Md 21228 OWNER(S) NAME(S) Denise J. Leach LOT# 16 BLOCK# N SECTION# 8 SUBDIVISIONNAME Westview Park PLAT BOOK # RRG 30/48 FOLIO # 21592/76 10 DIGITTAX # 0 1 2 3 1 5 6 7 6 0 DEED REF. # 3 0 8 2 9 / 0 0 0 2 4 #1420 SAMINA KHATTAK FRONT 25 B.R.L. STEPS & WALK NOS° 07' 06" E
PANING EDGE (50' WIDE) DATE 7/2/14 SCALE: 1 INCH = 20 FEET PLAN DRAWN BY TIM SMITH

	SITE VICINITY MAP
	WOODBRIDGE ROAD
	SITE
	REDGATA
	REDGATE CIRCLE
	HARBERSON ROAD
-	MAP IS NOT TO SCALE
	ZONING MAP# 094C2
	SITE ZONED DR 5.5
	ELECTION DISTRICT
	COUNCIL DISTRICT
	LOT AREA ACREAGE
	OR SQUARE FEET 7150
	HISTORIC? No
	IN CBCA? No
	INFLOOD PLAIN? No
	UTILITIES? MARK WITH X
	WATER IS: PUBLIC × PRIVATE
	SEWER IS:
	PUBLIC X PRIVATE
	PRIOR HEARING? No
	IF SO GIVE CASE NUMBER
	AND ORDER RESULT BELOW
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	VIOLATION CASE INFO: