IN RE: PETITION FOR ADMIN. VARIANCE

(8200 Jeffers Circle) 8<sup>th</sup> Election District

2<sup>nd</sup> Council District

Joseph A. and Amy M. Bakewell

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

**HEARINGS FOR** 

**BALTIMORE COUNTY** 

CASE NO. 2015-0008-A

### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Joseph A. and Amy M. Bakewell ("Petitioners"). The Petitioners are requesting Variance relief from § 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard addition with a rear setback of 7 ft. in lieu of the required 30 ft. 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 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 July 17, 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

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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 B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>8<sup>th</sup></u> day of August, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from §1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard addition with a rear setback of 7 ft. in lieu of the required 30 ft., be and is hereby GRANTED.

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.

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

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Date	8-8-14
Bv	



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

August 8, 2014

Joseph A. and Amy M. Bakewell 8200 Jeffers Circle Baltimore, Maryland 21204

RE: Petition for Administrative Variance

Case No. 2015-0008-A Property: 8200 Jeffers Circle

Dear Mr. and Mrs. Bakewell:

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

# ADIMISTRATIVE ZONING PERSON FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department				
To the Office of Administrative Hearings  Address 8200 Jeffers Circle Towson  Deed Reference 29312 / 00426  Owner(s) Printed Name(s) Joseph 4 Amy Bakeu	for Baltimore  Md. 21204  10 Digit T		property located oned DR 5.4	5
(SELECT THE HEARING(S) BY MARKING X AT THE APPR	OPRIATE SELECTION	(S) AND ADDING TH	E PETITION REQUEST)	
For Administrative Variances, the Affidavit on the	reverse of this Pet	ition form must be	completed and notar	ized.
The undersigned, who own and occupy the property situate attached hereto and made a part hereof, hereby petition for		nty and which is de	scribed in the plan/pl	at
1. ADMINISTRATIVE VARIANCE from Section(s)				
BCZR: 1801.2.C.1.b $\rightarrow$ To permit a rear yard add 30 feet.	dition with a rear s	etback of 7 feet in	lieu of the required	
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore (	County.		
<ol> <li> ADMINISTRATIVE SPECIAL HEARING to appropriate County Code: (indicate type of work in this space: i.e., to remain the control of the contro</li></ol>				altimore
Property is to be posted and advertised as prescribed by the zoning regularly we agree to pay expenses of above petition(s), advertising, posting, etc. Baltimore County adopted pursuant to the zoning law for Baltimore County	Owner(s)/Petin	tioner(s):  ALEUR V / K r Print No	Amy Baken ame #2 - Type or Print  Wy Ba gnature #2  Thousan M State  358 aboxes	20 x114
Attorney for Owner(s)/Petitioner(s):	Representative	e to be contacted	e grail	, CO 4
Name-Type or Print  Signature  Mailing Address  City  State	Name - Type or P	rint		
Signature RECEIVED 8	Signature			
Mailing Address City State	Mailing Address	City	State	
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required by the zoning regulations of Baltimore County.	be required, it is ord at matter of this petition estrative Law Judge for	be set for a public hea	dministrative Hearings for ring, advertised, and re-pos	Baltimor sted as
CASE NUMBER 2015-000 8 - A Filing Date 7,10	14 Estimated	Posting Date 7 120	14 Reviewer JS	ś

### Affidavit in Support dministrative 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: 8200 Jeffers Circl	e Towson	Md.	21204
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the Administrative Variance at the above a			
SE AU	ACMES		
(If additional space for the petition requ	uest or the above sta	tement is needed, label an	d attach it to this Form)
Darend Bahull		OLWW BC Signature of Owner (Affici	
Signature of Oymer (Affiant)  Toseph Bakewell	)	Signature of Owner (Affia	ant) Soukewell
Name- Print or Type	-	Name- Print or Type	
The following information is	to be completed by a	Notary Public of the Stat	e of Maryland
STATE OF MARYLAND, COUNTY C	F BALTIMORE, to	wit:	
I HEREBY CERTIFY, this 10th and for the County aforesaid, personally	day of <u>July</u> appeared:	, before me	a Notary of Maryland, in
Print name(s) here: Joe Bake	ewell and	Amy Bakewa	O Expires 9
the Affiant(s) herein, personally known or	r satisfactorily identif	ied to me as such Affiant	Sport of the state
AS WITNESS my hand and Notaries Sea	VV like	L. Vogel	NOMALE COUNT
	Notary Public	4-8-2014	BALTIMONIA BALTIMONIA
	My Commission E	xpires	

BCZR - July 10, 2014

8200 Jeffers circle

- A. The houses in this neighborhood are small compared to many single family homes in this desirable geography. As such, a large majority of the homes have 1 or more additions. Of the single family units, the split levels are the smallest, with our model being the smallest of the split levels. In addition yards on the north side of Jeffers Road and the outside of Jeffers Circle are some of the neighborhoods smallest with the corner houses, placed on an angle are the smallest of all. The neighbors next to 8200 Jeffers Circle as well as across and diagonal, all received variances, and the house and property is smaller than 2 of the 3 previously granted variances.
- B. Although the house appears to an ample yard in the back and sides, a requested plat drawing appears the setbacks/build lines are much closer than they appear. In calling the county for setback information, original house is only 20 feet (10 feet less than the designated 30 foot setback) in the back, leaving nowhere to go. With the house facing a corner and the driveway perpendicular instead of alongside the house like other houses, much of the yard is beside the house instead of behind ( the front corner already at the build line. The direction of the house also creates a diagonal line to the rear setback, eliminating a rectangular or standard shaped bump-out.
- C. The request is consistent with other corner lot additions which have already been approved by both the covenant committee and the BCZR board.

### **Zoning Hearing Property Description (3 copies)**

Zoning property description for 8200 Jeffers Circle, Towson, MD 21204.

Beginning at a point on the west side of Jeffers circle which is 50 feet of right of way width (urban roadway minor arterial) wide at the distance of 50.88 feet west of Jeffers Circle, and 52.31 feet from the north of Jeffers road.

Front door to center of Jeffers Circle = 68.3 feet

Front door to intersection center line of Jeffers Road and Jeffers Circle = 98.7 feet

Front door to Jeffers Road Center line = 65.25 feet

Being lot # 2, block R, Section 2, in the subdivision of Thornleigh as recorded in Baltimore Country Plat Book #25, Folio # 00426, containing 9024 Square Feet. Located in the 8<sup>th</sup> election district and 2<sup>nd</sup> council district.

2015-0008-A

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### **CERTIFICATE OF POSTING**

**ATTENTION:** KRISTEN LEWIS

DATE: 7/19/2014

Case Number: 2015-0008-A

Petitioner / Developer: JOSEPH & AMY BAKEWELL

Date of Hearing (Closing): AUGUST 4, 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: 8200 JEFFERS CIRCLE

The sign(s) were posted on: JULY 17, 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)

## BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case I	Number 201 <b>5</b> -	0008	-A A	Address 8 00	OJEFF	ERS CIRCLE	
Conta	ct Person:	JASON SEIL	ELMIN	o o	P	hone Number: 4	110-887-3391
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2.	DEADLINE: 7 a formal request for a p	est for a pub	lic hearing.	Please under	stand tha	owner within 1,0 at even if there losing date.	000 feet to file is no formal
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## DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

### 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. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/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 legal owner/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:
Case Number: 2015-0008-4
Property Address: 8000 JEFFERS CIRCLE
Property Description: NW CURNER OF JEFFERS RD AND
JEFFERS CIRCLE
Legal Owners (Petitioners): JOSEPH AMY BAKEWELL
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:  Name:
Company/Firm (if applicable):
Address: 8700 SEFFERS CIRCLE
TOWSON, Mb 21204
Telephone Number: 443 - 862 - 4358



KEVIN KAMENETZ County Executive

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

August 5, 2014

Joe & Amy Bakewell 8200 Jeffers Circle Towson MD 21204

RE: Case Number: 2015-0008 A, Address: 8200 Jeffers Circle

Dear Mr. & Ms. Bakewell:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 10, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

**Enclosures** 

c: People's Counsel

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 2015-0008-4.

Administrative Variance For a Amy Bakewell 8200 Feffers Circle

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. 2015 - DOOB-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 28, 2014

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Department of Permits, Approvals

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 14, 2014

Item No. 2014-0288, 0289, 0293, 0294 and Item No. 2015-0004, 0006, 0007 and 0008

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

DAK:CEN cc:file

#### MEMORANDUM

DATE:

September 9, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0008-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 8, 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. 2015- 0008-A

### CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
7-28	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)	
7-14	STATE HIGHWAY ADMINISTRATION	No dejection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	ION (Case No	
PRIOR ZONING	(Case No.	)
NEWSPAPER ADV	VERTISEMENT Date:	
SIGN POSTING	Date: <u> </u>	by O'Koope
PEOPLE'S COUNS	SEL APPEARANCE Yes No	
PEOPLE'S COUNS	SEL COMMENT LETTER Yes No	
Comments, if any:		





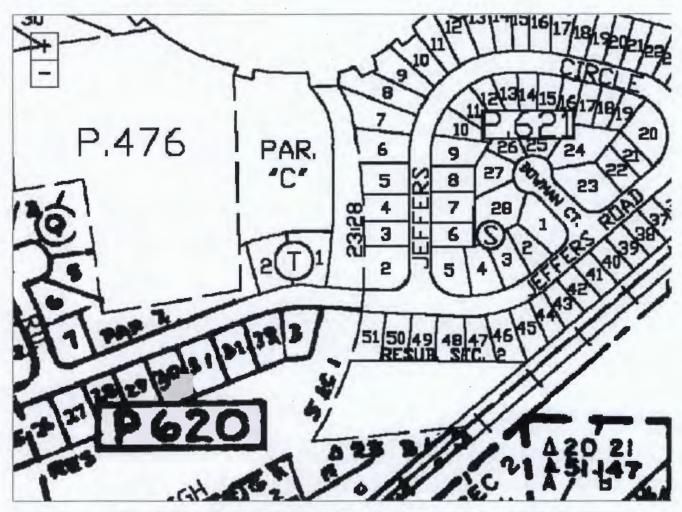
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Homestead Application Status: No Application

**Baltimore County** 

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

District: 08 Account Number: 0820067580



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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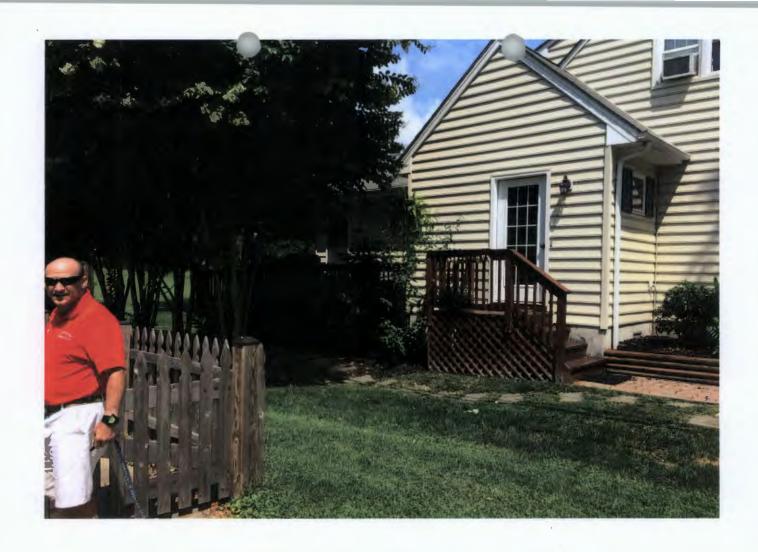
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	CA 50	1.317	James Town		NO FRONT OF HOUSE	LOT AREA ACREAGE
	- 43	1 PE	THE WAY		1'Avor	OR SQUARE FEET 9039
	2 2		EE / FE	MASTE	,	HISTORIC? NO IN CBCA? NO
			声 1	BEDRO	om one	IN FLOOD PLAIN? NO
	8		18	BATH BATH	3	UTILITIES ? MARK WITH X
	. 2	10	SENES !	WASH	1.10	WATER IS:
		18/	The same of the sa	DRY 20'		PUBLICX PRIVATE
	o.	. 関一一十		-		SEWER IS:
	\	YAW	1 8	-		PUBLIC X PRIVATE
	2	5	0.88	and the state of t		PRIOR HEARING ? NO
		6.50	WAY			IF SO GIVE CASE NUMBER
		48.4	71 39.87	4		AND ORDER RESULT BELOW
		Teffe	rscircle	2015-00	08-A	
			3 1	O .		
	PLAN DRAWN BY A	my Bakewill	DATE 7/8/14 SCALE	: 1 INCH = 20 FEET		
			<b>V V</b>			VIOLATION CASE INFO:
		45-05-1	· 1. 1. C. C	17 Quality I	Carrier C.	
	Q.	Jeff + 411	1 EO E	269/ 2	P. Har July	D . C .0
			1	1	. ()	You the.





FRONT OF 8700



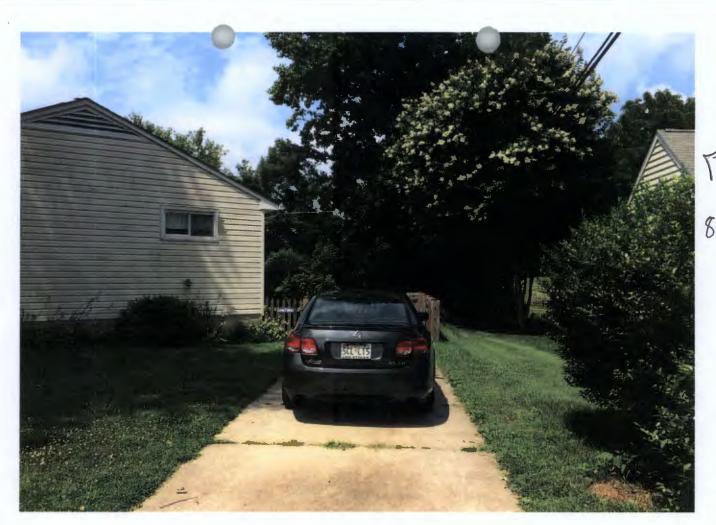
REAR CORNER OF 8200 COOKING AT 8202.



REAR OF 8200



REAR OF 8200



SIDE/REAR CORNER OF 8200

