IN RE: PETITION FOR ADMIN. VARIANCE

(5612 New Forge Road)

11th Election District 5th Council District

Kristi K. Rasmussen & Daniel P. Mullahey *

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0012-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 owners of the subject property, Kristi K. Rasmussen and Daniel P. Mullahey ("Petitioners"). The variance request is from § 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an accessory building (proposed storage shed) to be located in the side yard of the dwelling in lieu of the required rear yard. The subject property and requested relief are more particularly described on 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; however, it is to be noted that a letter of support was signed by adjacent neighbors at 5610 and 5614 New Forge Road.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 31, 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 § 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 adve the property of the pro

By Oln

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 § 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 19th day of August, 2014, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an accessory building (proposed storage shed) to be located in the side yard of the dwelling in lieu of the required rear yard, 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 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

ORDER RECEIVED FOR FILING

Date

By_

JEB:dlw



KEVIN KAMENETZ
County Executive

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

August 19, 2014

Kristi K. Rasmussen & Daniel P. Mullahey 5612 New Forge Road White Marsh, Maryland 21162

RE: Petition for Administrative Variance

Case No. 2015-0012-A

Property: 5612 New Forge Road

Dear Petitioners:

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

c: Norma A. Jabon, 5610 New Forge Road, White Marsh, MD 21162 Shawn D. McCullough, 5614 New Forge Road, White Marsh, MD 21162

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 Law of Baltimore County for the property located at:

Address 5412 New Foral Rand which is presently zoned DR 3.5

Deed Reference LIBER 26728 | 499 10 Digit Tax Account # 25 0000 24 16

Property Owner(s) Printed Name(s) KRISTI RASMISSEN & DANIEL MULIMARY

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

1. X ADMINISTRATIVE VARIANCE from section(s) 460, 1 OF BCZR TO PERMIT AN ACCESSORY BUILDING (PROPOSED STOPAGE SHED) TO BE LOCATED ONTO THE SIDE YARD OF THE DWELLING IN LIEU OF THE REQUIRED Of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

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

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s). Contract Purchaser/Lessee: Legal Owners: MISTI RASMUSSEN, DANIE Name- Type or Print Signature 5612 Mailing Address Mailing Address City State Telephone # Email Address Attorney for Petitioner: Representative to be contacted: RASMUSSER ORDER RECEIVED Name- Type or Print Date Mailing Address State Telephone # Email Address A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning

Administrative Law Judge of Baltimore County

CASE NUMBER 2015-00/2 A

regulations of Baltimore County and that the property be reposted.

Estimated Posting Date

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 to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

purchase, reside at the existing dwelling on said property le	
Address: Sel2 New Force Rd. white n Print or Type Address of property City	NASh mo 21162 State Zip Code
Based upon personal knowledge, the following are the fact Administrative Variance at the above address. (Clearly states)	
SEE ATTACHI	MENT"
(If additional space for the petition request or the above stater Signature of Affiant RASMUSSEN Name- Print or Type	Signature of Affiant DANIEL MULLAHE Name- Print or Type
The following information is to be completed by a N	lotary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to w	wit:
I HEREBY CERTIFY, this 15 day of 11/2, and for the County aforesaid, personally appeared	2014, before me a Notary of Maryland, in
Knish Rasmussen and Dany	el Mullaker
the Affiant(s) herein, personally known or satisfactorily identified	to me as such Affiant(s) (Print name(s) here)
AS WITNESS my hand and Notaries Seal	nokero
riotaly i ubile	1 16

My Commission Expires

We would like to construct ax & free Standing shed on the side of the house because the very yard is not a desirable location for the shed-flooding yard by sedment pond; eronon from pond. My reghbors on either side of our house have no objection to placement plocation of men shed. See Attachments for details and signatures.

PART A

ZONING PROPERTY DESCRIPTION FOR 5612 NEW FORGE ROAD, WHITE MARSH, MD 21162

Beginning at a point on the NICH-EAST side of New Forge Road which is 70 FT wide at the distance of 350 FT EAST of the centerline of the nearest improved intersecting street

PHIADAPHA RUMD which is 70 FT wide.

PART B

Being Lot #2, Block N/A, Section N/A in the subdivision of Mayfield Day as recorded in Baltimore County Plat Book #78, Folio 228, containing 6,621 square feet in lot. Located in the 11th Election District and 5th Council District.

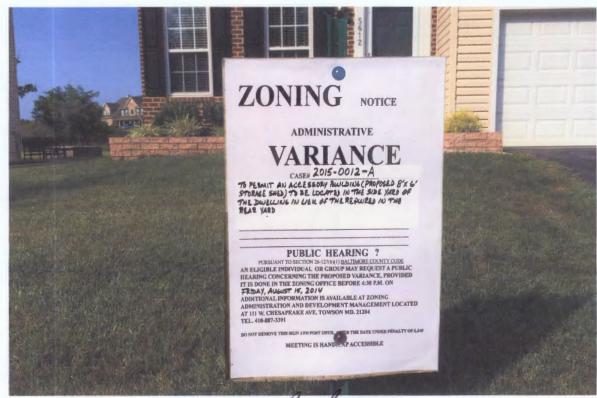
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	RE:CASE NO: 2015-0012-A
	PETITIONER/DEVELOPER
	KRISTI RASMUSSEN
	DATE OF HEARING/CLOSING: 8/15/14
PERMITS AND COUNTY OFF	COUNTY DEPARTMENT OF D DEVELOPMENT MANAGEMENT ICE BUILDING, ROOM 111 IESAPEAKE AVENUE
TTENTION:	
ADIES AND C	GENTLEMEN:
	IS TO CERITFY UNDER THE PENALTIES OF PERJURY THAT THE IGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
	5612 NEW FORLE ROAD
HIS SIGN(S)V	WERE POSTED ON fully 31, 2014. (MONTH, DAY, YEAR)
	SINCERELY, See 7/31/14
	SIGNATURE OF SIGN POSTER AND DATE:
	MARTIN OGLE (SIGN POSTER) 60 CHELMSFORD COURT
	DU LITELVINEUKU LUUKI

BALTIMORE,MD 21220

PHONE NUMBER:443-629-3411

(ADDRESS)



marlingle 7/31/14

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2015-	0012	-A	Address	5612 New Forge Road
Conta	act Person:	Aaron T	SUI ease Print Your Na		hone Number: 410-887-3391
Any o	contact made wigh the contact pe	th this office	e regarding	the status of the	/14 Closing Date: 8/11/14 administrative variance should be
1.	reverse side of reposting must is again respon	this form) a be done only sible for all	nd the petiti by one of the associated	ioner is responsibl the sign posters or costs. The zoning	posters on the approved list (on the e for all printing/posting costs. Any the approved list and the petitioner g notice sign must be visible on the ould remain there through the closing
2.	a formal reque	st for a pub	lic hearing.	adline for an occup Please understa s is not complete o	pant or owner within 1,000 feet to file and that even if there is no formal in the closing date.
3.	commissioner. order that the m within 10 days	He may: (a natter be set of the clos tition has be	 a) grant the in for a publing date if en granted, 	requested relief; lic hearing. You w all County agenc	ed by the zoning or deputy zoning (b) deny the requested relief; or (c) ill receive written notification, usually ies' comments are received, as to public hearing. The order will be
4.	(whether due to commissioner), changed giving	o a neighbor notification notice of the	or's formal will be fon e hearing da	request or by ord warded to you. ate, time and locati	ses that must go to a public hearing er of the zoning or deputy zoning The sign on the property must be on. As when the sign was originally ne altered sign must be forwarded to
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Petiti	ioner: This Part	of the Form	is for the S	Sign Poster Only	,
		USE THE AD	MINISTRA	TIVE VARIANCE S	SIGN FORMAT
Case	Number 2015-	0012	-A Addre	ess <u>5612 New</u>	Forge Road
Petiti	oner's Name	Kristi R	asmussen	Tele	phone 410-303-6579
Post	ing Date:	7/27/14		Closing Date: _	8/11/14
Word	ling for Sign: _To	o Permit a	n accessor	y building (propose	ed 8'x6' storage shed) to be located
	in the side yard	of the dwelli	ng in lieu of	the required in the	rear yard.



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

August 12, 2014

Kristi Rasmussen Daniel Mullahey 5612 New Forge Road White Marsh MD 21162

RE: Case Number: 2015-0012 A, Address: 5612 New Forge Road

Dear Mr. Mullahey & Ms. Rasmussen:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 16, 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: 7/24/14

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

RE: Baltimore County

Item No 2015-0012-4

Administrative Variance

Kristi Rasmussen è Daniel

Mullahey

SLIZ New Forge Roud

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. 2015-0012-4.

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

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 21, 2014

Item No. 2015- 0002, 0009, 0010, 0011 and 0012

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

DAK:CEN cc:file

MEMORANDUM

DATE:

September 22, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0012-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 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



CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
n-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)	
7-24	STATE HIGHWAY ADMINISTRATION	Do objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	Jew Ph Sy
7-14	ADJACENT PROPERTY OWNERS	Solo Forge Ra . Sup h - Sola New Forge RE
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PEOPLE'S COU	NSEL APPEARANCE Yes No	
PEOPLE'S COU	NSEL COMMENT LETTER Yes No	
Comments, if any	y:	-
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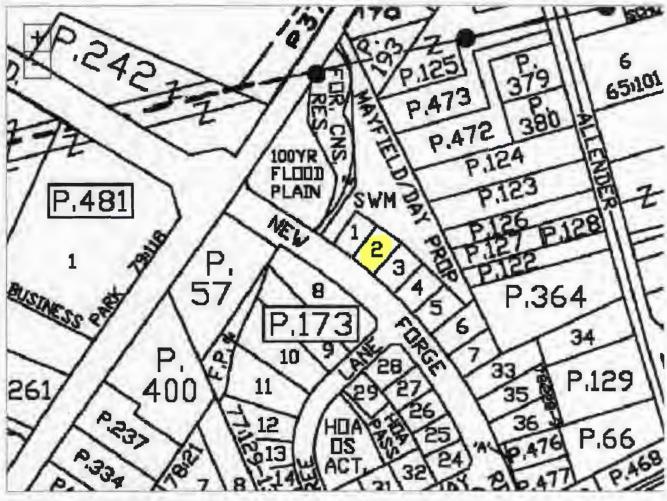
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Baltimore County

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

District: 11 Account Number: 2500002416



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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Call- 1/30
Martin Ogle
-463-629-3411

1e: 2015-0012-A
Khustie Rasmusser

* Sign will be up late
for few days due to
that the sign poster
was just out from
the hospital;
The sign will be posted
for a full 15 days
for a full 15 days

Aaron 7/30/14. -8/14/4 -8/14/4 Closing/15/14

Notice of Proposed Administrative Variance

July 14, 2014

To the neighbors of 5612 New Forge Road:

The owners of the property at 5612 New Forge Road are in the process of submitting an administrative variance in regards to the installation and placement of a shed on the property. The exterior of the shed will be vinyl siding, color matching the exterior of the home as much as possible. The shed will measure 6'x8' in size, and will be positioned on a level pad of crushed rock supported by pressure treated lumber and rebar. The plans for this are attached.

The variance requested is to locate the shed on the right side of the house, before the back foundation line of the home, instead of behind the foundation wall, which is typically required by Baltimore County code.

This notice is presented to both neighbors on either side of 5612 New Forge Road, as a gesture of courtesy, before submitting the request to Baltimore County. The owners of this property feel the proposed location of the shed will be beneficial to all parties, by not blocking any lines of sight currently available, and keeping the shed out of sight as much as possible.

Thank You,

Kristi Rasmussen and Dan Mullahey

5612 New Forge Road

White Marsh, MD 21162

I have reviewed the site plan and approve of the location and placement of a new 6 x 8 shed as identified by Kristi and Dan, and as noted above, on their property. I have no contestations.

5610 New Forge Road

NORMA A. JABON

Printed Name

Nouva A. Jaber

Signature

5614 New Forge Road

Printed Name

Signature



Twin Locust Barns at Gunpowder Falls 11011 Pulaski Hwy, PO Box 689 White Marsh, MD 21162

Phone # 410.344.1270

Fax # 410.344.1271

D-A(7):	Elimote
4/26/2014	2434

Dan Mullahey White Marsh, MD 21162

	Due on receipt	Currer	ntly 4-5 weeks	Ken S
	Description			Tala
single door with locking T-handle exterior grade plywood flooring, p	rranty, 1 - window, 2-gable end vents, 36" latch & Stanley Lifespan hinges, 5/8" 5-ply ressure treated floor joists, pressure treated with roofing paper, all premium grade 2x4	Andreas Control of the Control of th	1,230.00	1,230.00T
Single Slope Roof			0.00	0.00T
Delete standard window			-45.00	-45.00T
4-ft wide double door			50.00	50.00T
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Traditional Series - Saltbox









Saltbox Benefits:

- · Storage space with style!
- · Off-centered roof peak & protective overhang above the door
- · A popular contemporary design

Saltbox Standard Features:

- Two windows & shutters (one window on 6x Saltbox)
- End vents
- Double doors (single door on the 6x Saltbox)

See Step 4 for options information

Most Economical Series - Little Barn









Little Barn Benefits:

- · Provides the most floor space for the dollar
- · Classic backyard barn appearance

Little Barn Standard Features:

- One window
- End vents
- · Double doors (single door on the 6x Little Bam)

See Step 4 for options information

Traditional Series - Cottage









Cottage Benefits:

- · Provides both floor space & usable wall space
- · Wall height of 6'3" allows for the installation of shelving
- . Your choice of doors & windows of any wall

Cottage Standard Features:

- Two windows & shutters (one on 4x & 6x Cottage)
- End vents
- Double doors (single door on 4x & 6x Cottage)

See Step 4 for options information

Maximum Storage Space Series - Big Barn







Big Barn Benefits:

- · Most cubic feet of storage space
- · Your choice of doors & windows on any wall
- Wall height of 6'3" allows for the installation of ample shelving
- . The Big Barn roof shape allows for the installation of a loft

Big Barn Standard Features:

- · One window
- End vents
- · Double doors

See Step 4 for options information

Here's what our customers are saying:

Thank you so much for the wonderful job you did building the shed! We love it! The entire Twin Locust Staff was great to deal with! Thanks again.

- The Ayres

Just a note to say thanks again for the wonderful shed we received from Twin Locust Barns. It has been a few years now and the shed is still in excellent condition and keeps our items dry. The shed is awesome, the price was right and the workmanship is second to no one.

2015—-00612—A

4

5 EASY STEPS TO PURCHASING A SHED

#5: Place Your Order...



Now that you've decided on a shed size, shed style, siding and roofing choice, colors, and options, it's time to place your order.

We ask that you pay a 30% deposit in order to put your shed into our production schedule and have it built. Your deposit is refundable if you cancel your order before we begin production. We take cash, check, or credit card payment for this deposit.

takes approximately four weeks to build a shed to order. If you need something sooner, let us know. When we have a finish date from our shop schedule, we will contact you and establish a delivery appointment. The balance due on your order is payable at the time of delivery. The balance due is collected by the delivery person.

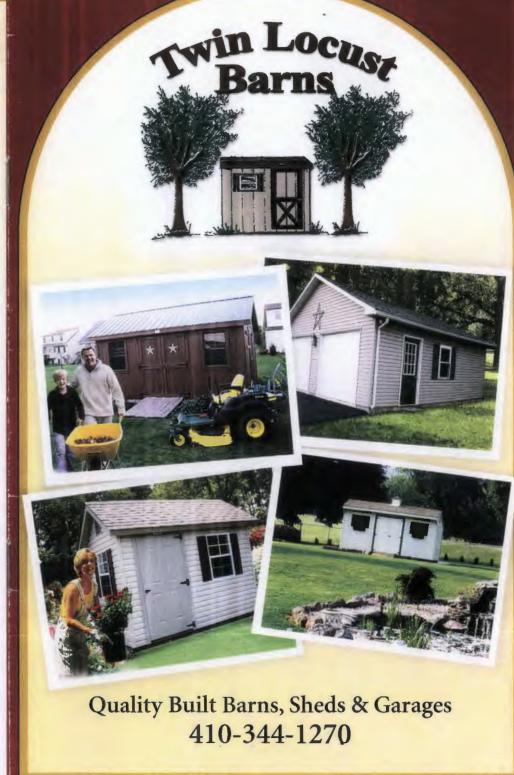


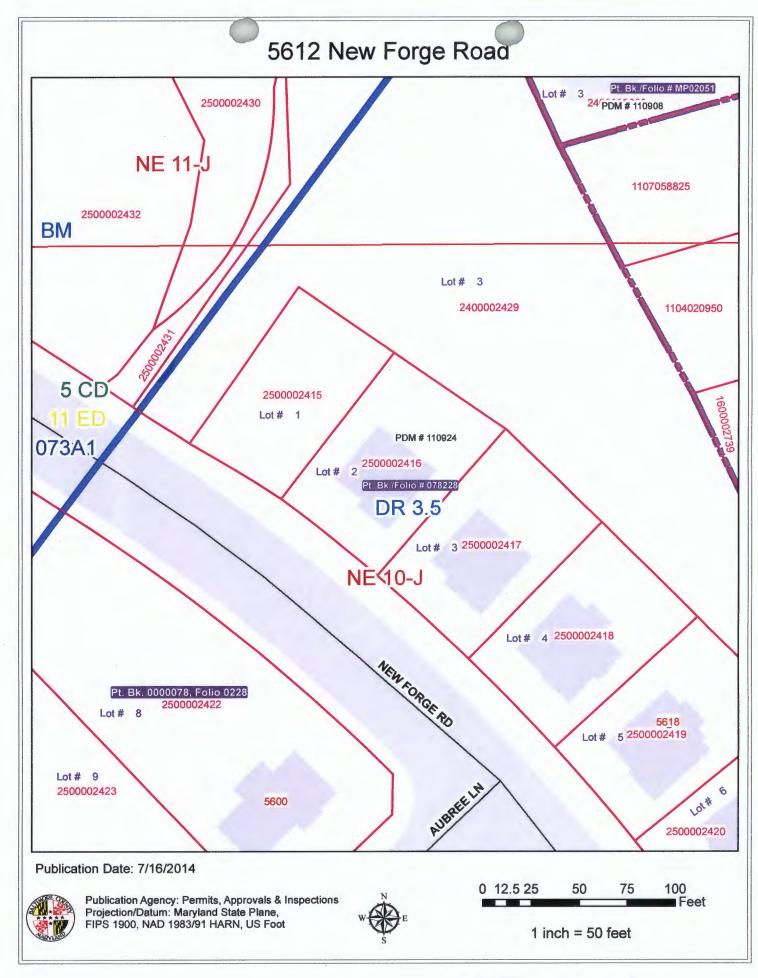
At Gunpowder Falls

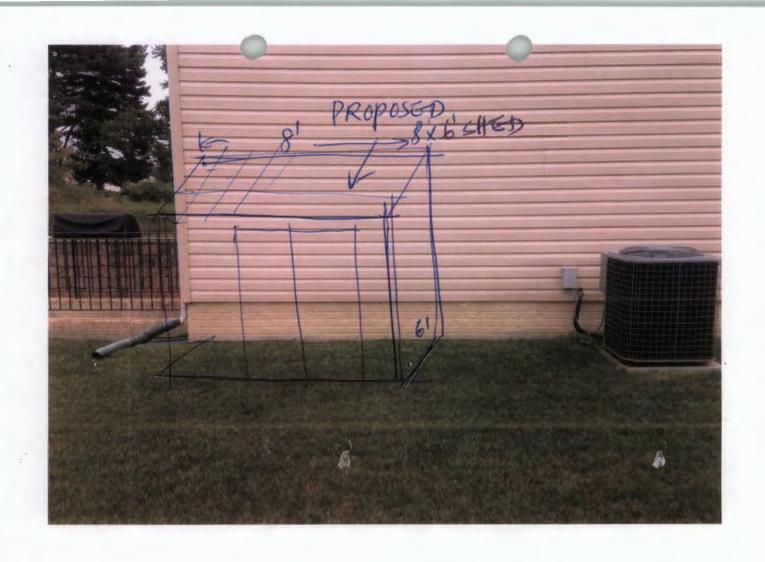
11011 Pulaski Highway, PO Box 689 White Marsh, MD 21162

On Route 40, 1/4 Mile East of Ebenezer Road

410-344-1270













STORM WATER MANAGEMENT POND.

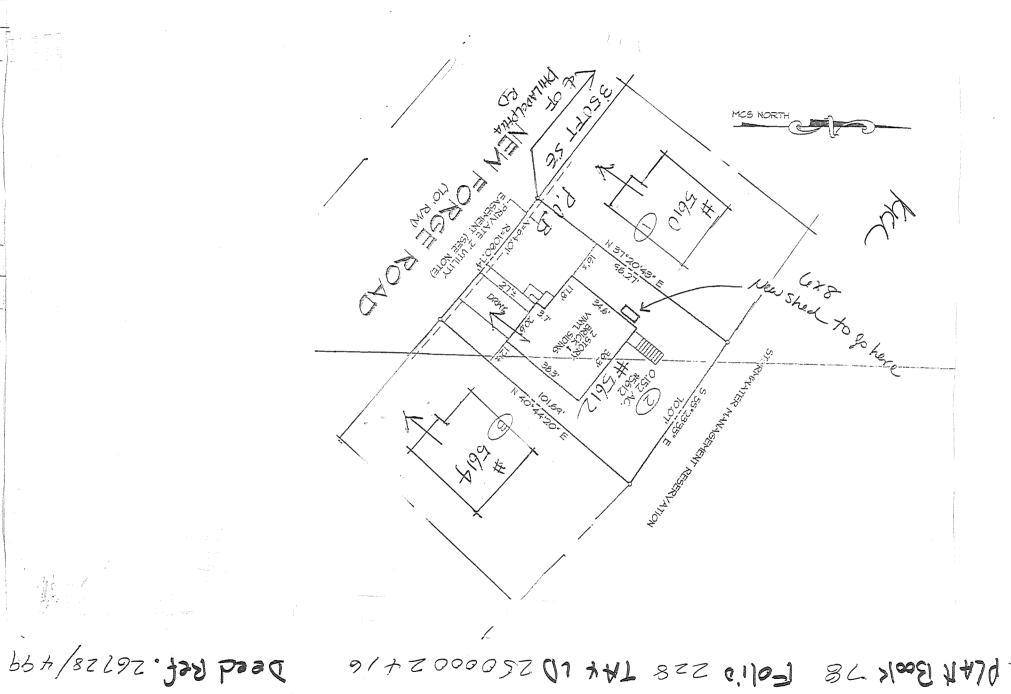
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TSIC TRIFOUND

SITE ZOMEL DR 3, S

TAETOO GAM PHINOS



Sub Division NAMe MAYField DAS Lot 2 BLOCK MAN ERCHION NAM

Address 6612 New Forge Rd OWNERS NAMe OANIEL Mullahey/Krist, RASMUSSED

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