



KEVIN KAMENETZ
County Executive

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

August 13, 2014

Thomas J. and Sara E. Smith
303 Pine Forest Court
Timonium, Maryland 21093

RE: Petition for Administrative Variance
Case No. 2015-0013-A
Property: 303 Pine Forest Court

Dear Mr. and Mrs. Smith:

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,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE *
(303 Pine Forest Court)
8th Election District *
3rd Council District *
Thomas J. and Sara E. Smith *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2015-0013-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, Thomas J. and Sara E. Smith ("Petitioners"). The Petitioners are requesting Variance relief from § 1B01.2.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed side addition (garage) with a side yard setback of 9 ft. in lieu of the required 10 ft. and a total of side yards of 24 ft. in lieu of the permitted 25 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 25, 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

ORDER RECEIVED FOR FILING

Date 8-13-14

By [Signature]

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.

Although the Department of Planning did not make any recommendations related to the proposed side addition (garage) height and usage, I will impose conditions that the garage 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 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 13th day of August, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 1B01.2.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed side addition (garage) with a side yard setback of 9 ft. in lieu of the required 10 ft. and a total of side yards of 24 ft. in lieu of the permitted 25 ft., be and is hereby GRANTED.

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.
2. The Petitioners or subsequent owners shall not convert the subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

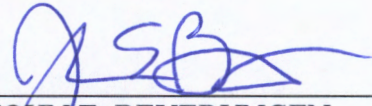
ORDER RECEIVED FOR FILING

Date 8-13-14

By (signature)

3. The garage shall not be used for commercial purposes.

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 8-13-14

By [Signature]



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 Hearings for Baltimore County for the property located at:

Address 303 Pine Forest Court Currently zoned DR 3.5 (Density Residential)
 Deed Reference 30020 / 00492 10 Digit Tax Account # 080803330
 Owner(s) Printed Name(s) Thomas & Sara Smith

(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)

Sections: 1B01.2.3.C.1

To permit a proposed side addition with a side yard setback of 9 feet in lieu of the required 10 feet and a total of side yards of 24 feet in lieu of the permitted 25 feet.

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

2. **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):

Thomas Smith / Sara Smith
 Name #1 – Type or Print Name #2 – Type or Print

Thomas Smith / Sara Smith
 Signature #1 Signature #2

303 Pine Forest Court Timonium MD
 Mailing Address City State

21093 / 410-308-3415 / tjsmith10@comcast.net
 Zip Code Telephone # Email Address

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

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Thomas Smith
 Name – Type or Print

Thomas Smith
 Signature

303 Pine Forest Court Timonium MD
 Mailing Address City State

21093 / 267-307-6709 / tjsmith10@comcast.net
 Zip Code Telephone # Email Address

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 _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2015-0013-A

Filing Date

7/18/2014

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 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: 303 Pine Forest Court
Print or Type Address of property

Timonium
City

MD
State

21093
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)

We recently had our 3rd child. As a result we had to convert
a room on our lower level to a 4th bedroom. We now have
no storage space in our house, as that room was previously used
to store bikes, strollers, wagons, golf clubs, etc. We have been
renting a storage unit since December, to house these items.
Unfortunately it is not practical when we want to use anything
sitting in a storage unit 10-15 minutes from our house. We are
requesting a variance to accommodate our garage addition.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Thomas Smith
Signature of Owner (Affiant)

Thomas Smith
Name- Print or Type

Sara Smith
Signature of Owner (Affiant)

Sara Smith
Name- Print or 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 12th day of July, 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: _____

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

LARRY W. FLAGG
NOTARY PUBLIC
HARFORD COUNTY
MARYLAND

My Commission Expires 09/03/2017

Y. [Signature]
Notary Public

9/3/2017
My Commission Expires

M E M O R A N D U M

DATE: September 15, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0013-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 12, 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

THE ZONING HEARING PROPERTY DESCRIPTION:

PART A:

ZONING PROPERTY DESCRIPTION FOR 303 Pine Forest Court, Timonium, MD 21093.

*Beginning at a point on the southeast side of Pine Forest Court which is 50' wide at the distance of 200' (+/-) northeast of the centerline of the nearest improved intersecting street (Forest Ridge Road) which is 60' wide.

PART B:

OPTION 2 (Subdivision Lot – lot is part of record plat):

Being Lot # 12, Block C, Section # 2 in the subdivision of Pine Valley as recorded in Baltimore County Plat Book # 27, Folio 132, containing 11,171 square feet or 0.269 acres. Located in the 8 Election District and 3 Council District.

2015-0013-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014-0013-A Address 303 Pine Forest Ct

Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/18/14 Posting Date: 7/27/14 Closing Date: 8/11/14

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- DEADLINE:** 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.
- 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 2014-0013-A Address 303 Pine Forest Ct
Petitioner's Name THOMAS & SARA SMITH Telephone 410-308-3415
Posting Date: 7/27/14 Closing Date: 8/11/14

Wording for Sign: _____
To permit a proposed side addition with a side yard setback of 9 feet in lieu of the required 10 feet and a total of side yards of 24 feet in lieu of the permitted 25 feet. _____

Revised 7/25/13

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/28/2014

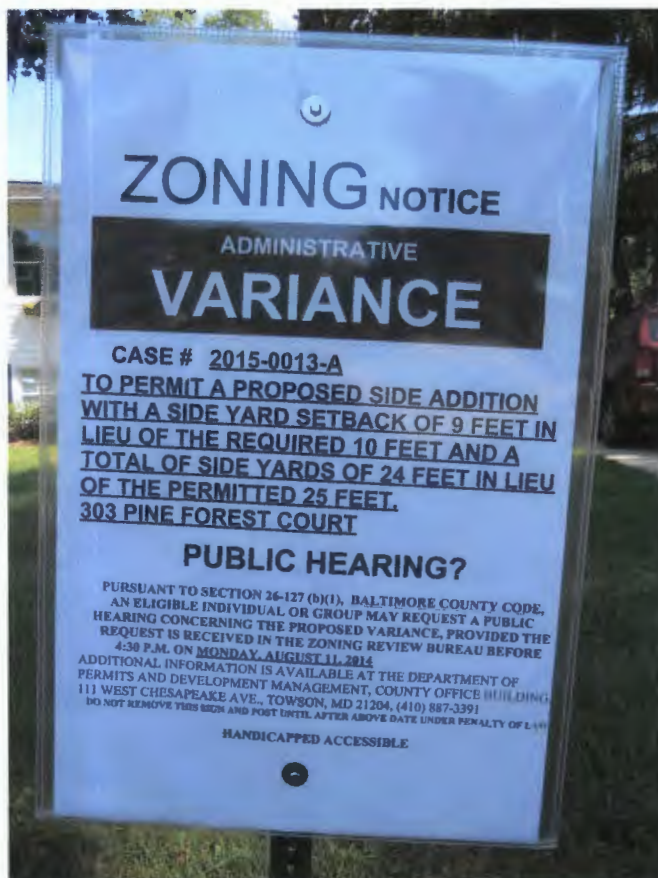
Case Number: 2015-0013-A

Petitioner / Developer: THOMAS & SARA SMITH

Date of Hearing (Closing): AUGUST 11, 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:
303 PINE FOREST COURT

The sign(s) were posted on: JULY 25, 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)

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>8-1</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>7-31</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>7-25-14</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w3)

Guide to searching the database

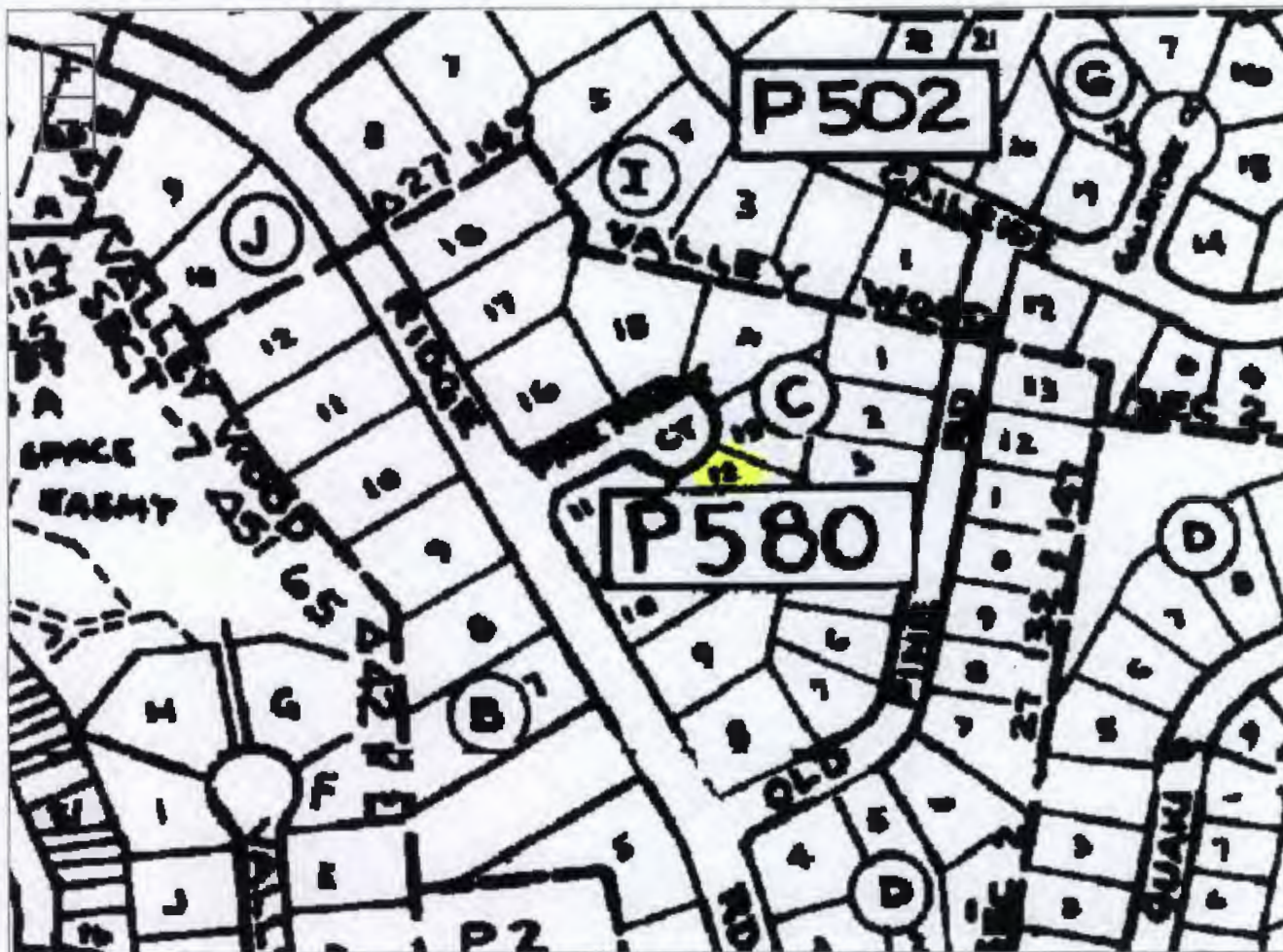
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 0808033330			
Owner Information					
Owner Name:	SMITH THOMAS JOSEPH JR		Use:	RESIDENTIAL YES	
	SMITH SARA ELIZABETH		Principal Residence:		
Mailing Address:	303 PINE FOREST CT TIMONIUM MD 21093-2924		Deed Reference:	/30020/ 00492	
Location & Structure Information					
Premises Address:	303 PINE FOREST CT 0-0000		Legal Description:	303 PINE FOREST CT PINE VALLEY	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0060	0004	0580		0000	2
					C
					12
					2014
					Assessment Year:
					Plat No:
					Plat Ref:
					0027/0132
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1962	1,120 SF	780 SF	11,171 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1.000000	YES	SPLIT FOYER	FRAME	1 full/ 1 half	Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of 01/01/2014	As of 07/01/2014	As of 07/01/2015	
Land:	156,500	156,500			
Improvements	153,900	148,400			
Total:	310,400	304,900	304,900	304,900	
Preferential Land:	0			0	
Transfer Information					
Seller: ANDERSON JAMES V		Date: 10/20/2010	Price: \$324,750		
Type: ARMS LENGTH IMPROVED		Deed1: /30020/ 00492	Deed2:		
Seller: HENDERSON W PAUL & VIRGINIA		Date: 06/18/1970	Price: \$33,950		
Type: ARMS LENGTH IMPROVED		Deed1: /05101/ 00226	Deed2:		
Seller:		Date:	Price:		
Type:		Deed1:	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014	07/01/2015		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Approved 12/31/2012					

Baltimore County

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

District: 08 Account Number: 0808033330



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/>)

☒ Loading... Please

Loading... Please Wait.

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303 Pine Forest Court



Proposed location of garage addition



Rear view



Adjacent Property





KEVIN KAMENETZ
County Executive

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

August 12, 2014

Thomas & Sara Smith
303 Pine Forest Court
Timonium MD 21093

RE: Case Number: 2015-0013 A, Address: 303 Pine Forest Court

Dear Mr. & Ms. Smith:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 18, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

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: 7/31/14

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

RE: Baltimore County
Item No 2015-0013-A
Administrative Variance
Thomas & Sara Smith
303 Pine Forest 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. *2015-0013-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,

A handwritten signature in blue ink, appearing to read 'Steven D. Foster', is written over a horizontal line.

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: August 1, 2014

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 04, 2014
Item No. 2015- 0013, 0014, 0015, 0016, 0017 and 0019

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC08042014 -.doc

303 Pine Forest Court 2015-0013-A



Publication Date: 7/18/2014



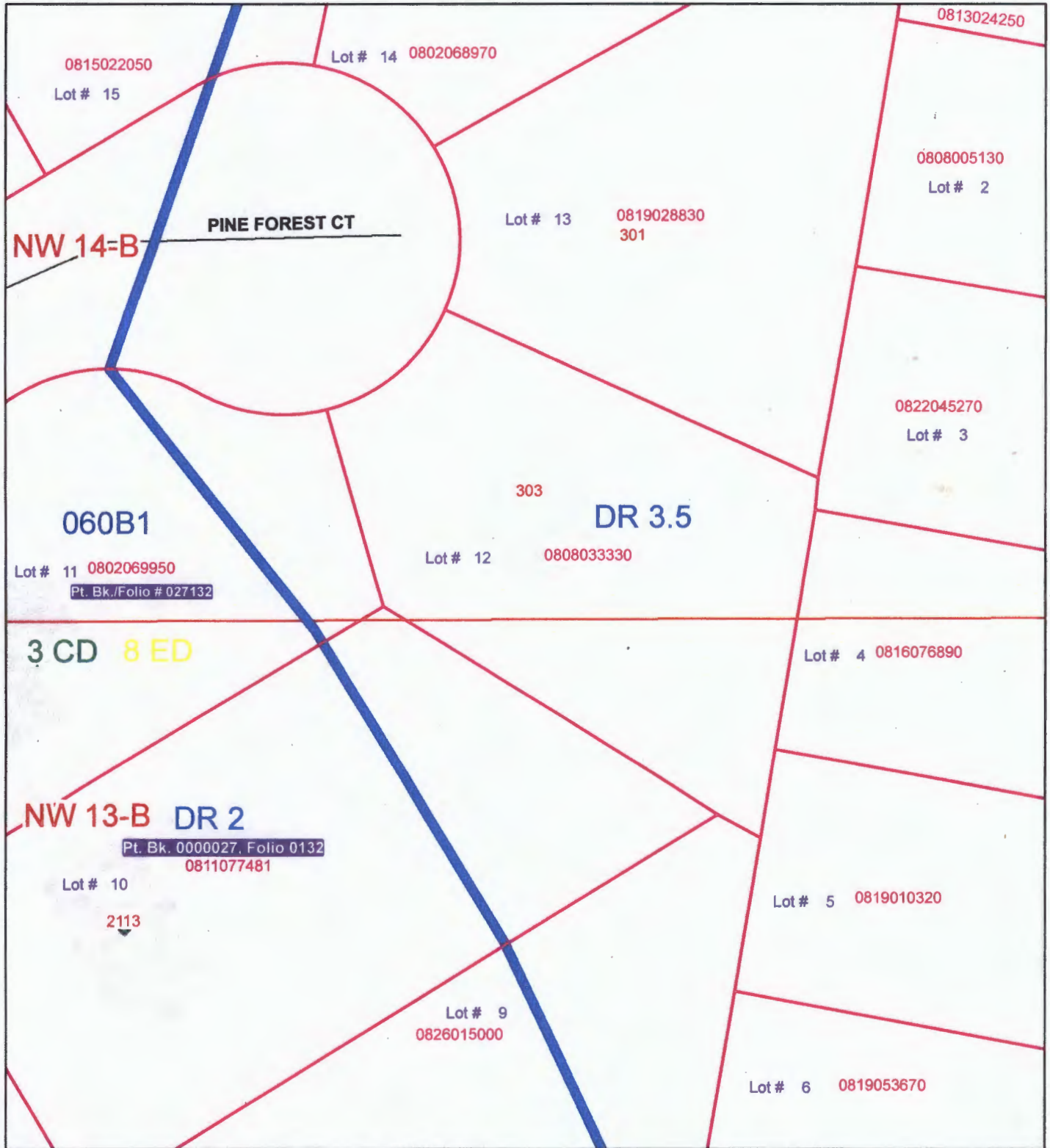
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

303 Pine Forest Court



Publication Date: 7/11/2014



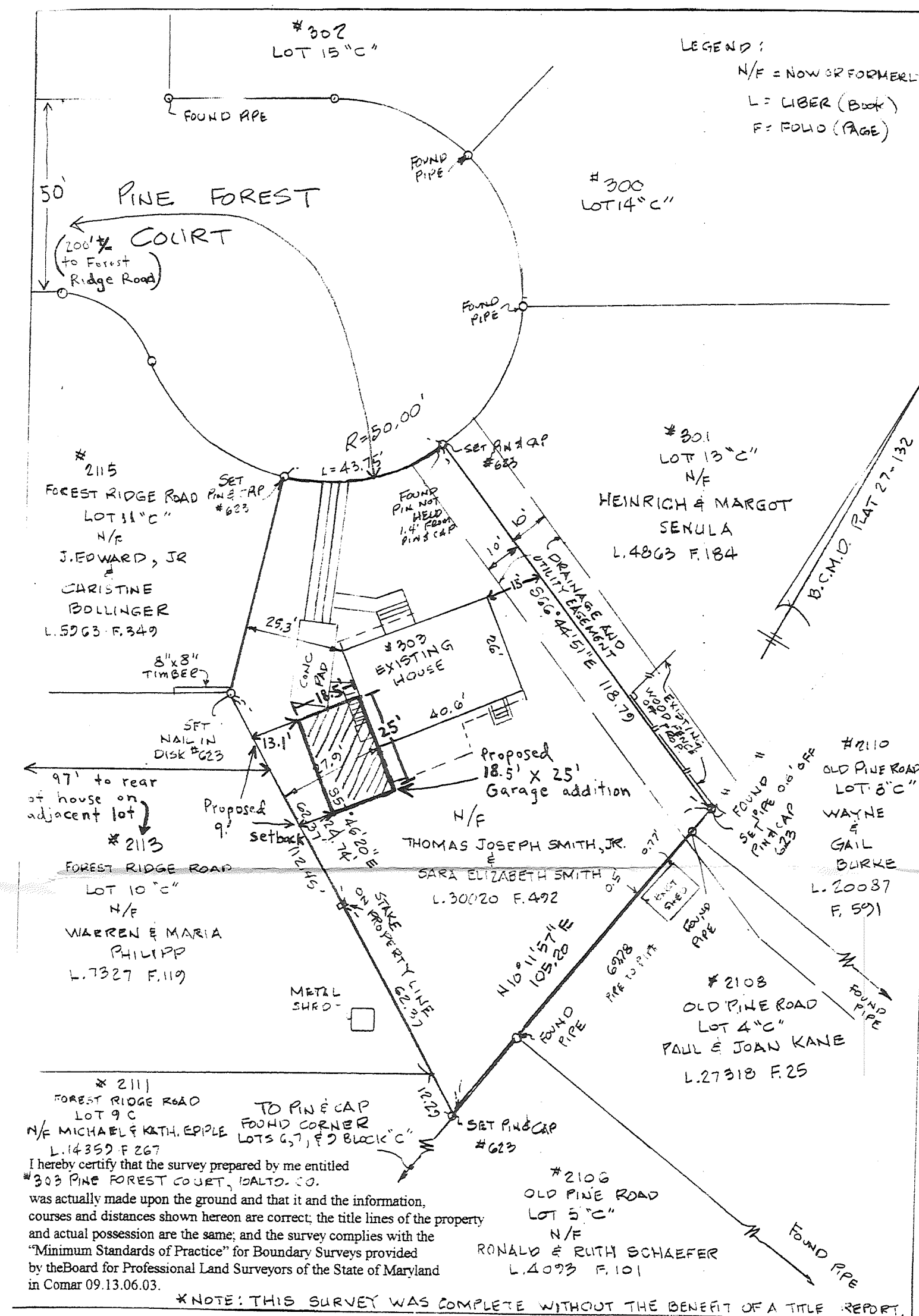
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

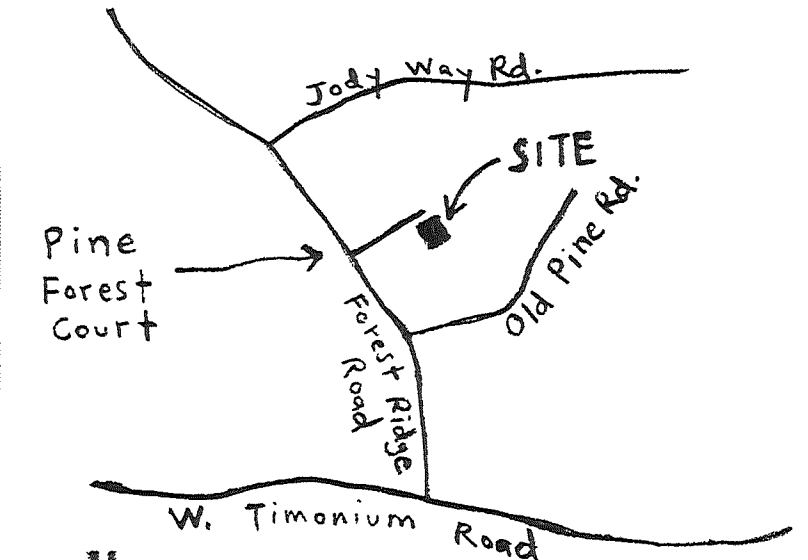
1 inch = 40 feet

PLAT BOOK # 27 FOLIO # 132 10 DIGIT TAX # 080803330 DEED REF. # 30020/00492



PLAN DRAWN BY Cliff Elgin DATE 12/4/13 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



Methods

MAP IS NOT TO SCALE

ZONING MAP# 06081

SITE ZONED DR 3.5

ELECTION DISTRICT 8

COUNCIL DISTRICT 3

LOT AREA ACREAGE 0.269

OR SQUARE FEET 11,171

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES ? MARK WITH X

WATER, S.

PUBLIC ~~X~~ PRIVATE

SEWER IS:

PUBLIC ~~X~~ PRIVATE

PRIOR HEARING? NO

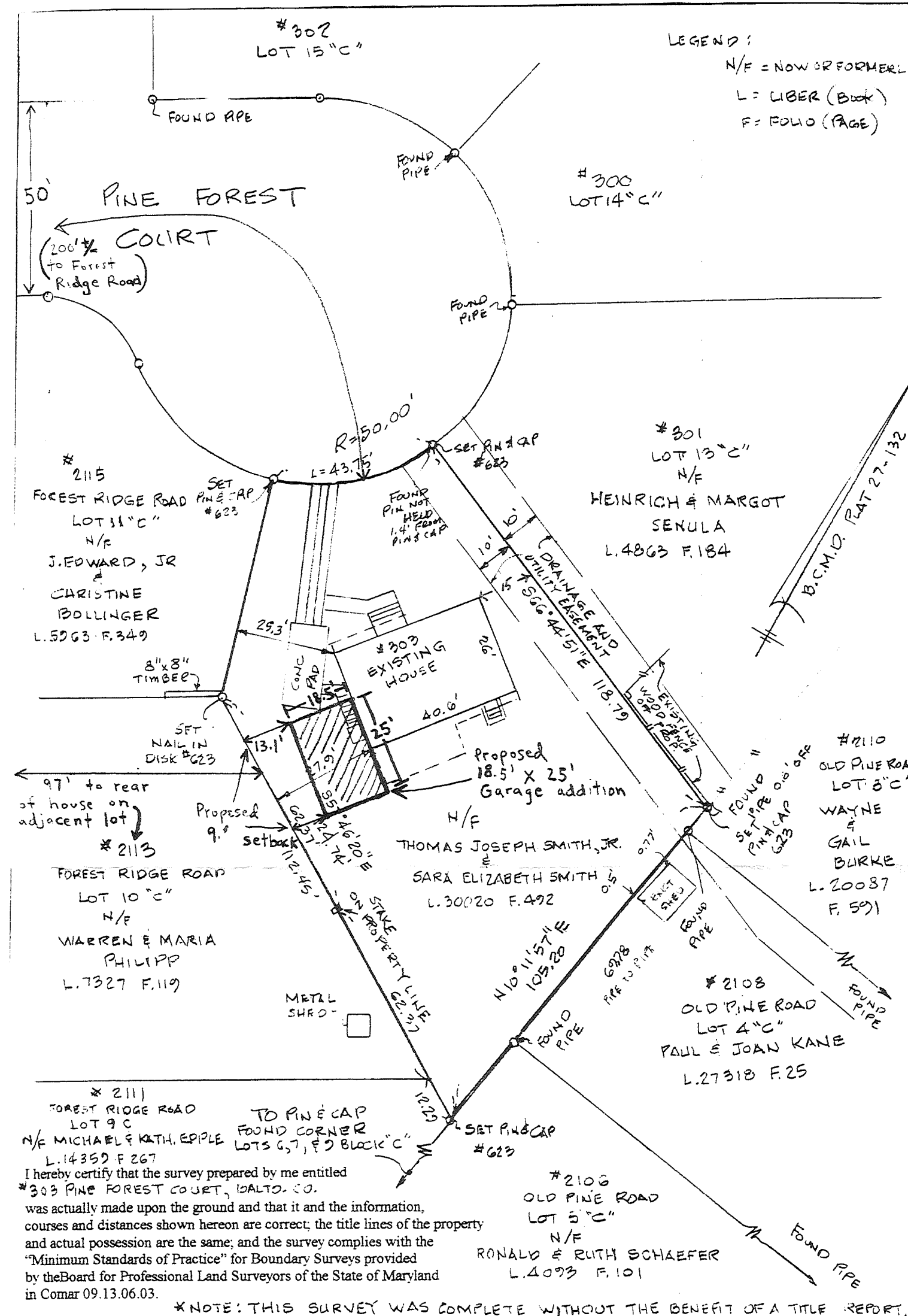
IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

Pet. Exh. 1

PLAT BOOK # 27 FOLIO # 132 10 DIGIT TAX # 0 8 0 8 0 3 3 3 3 0 DEED REF. # 3 0 0 2 0 / 0 0 4 9 2



PLAN DRAWN BY Cliff Elgin

DATE 12/4/13 SCALE: 1 INCH = 30 FEET

Hand-drawn map showing the location of the study site. The map includes Jody Way Rd. at the top, Pine Forest Court on the left, Forest Ridge Road running vertically, Old Pine Rd. on the right, and W. Timonium Road at the bottom. A black square labeled 'SITE' with an arrow points to a location on Forest Ridge Road between Pine Forest Court and Old Pine Rd.

1000



MAP IS NOT TO SCALE

ZONING MAP# 06081

SITE ZONED DR 3.5

ELECTION DISTRICT 8

COUNCIL DISTRICT 3

LOT AREA ACREAGE 0.269

OR SQUARE FEET 11,171

HISTORIC? NO

IN CBQA? NO

IN FLOOD 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

VIOLATION CASE INFO:
