

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

August 19, 2014

John B. and Cindy A. Domingo 4104 Halifax Court Glen Arm, Maryland 21057

RE: Petition for Administrative Variance

Case No. 2015-0014-A

Property: 4104 Halifax Court

Dear Mr. and Mrs. Domingo:

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 IN RE: PETITION FOR ADMIN. VARIANCE (4104 Halifax Court)

11th Election District 3rd Councilmanic District John B. and Cindy A. Domingo Petitioners **BEFORE THE**

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0014-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, John B. and Cindy A. Domingo. The variance request is from § 100.6 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit small livestock (3 goats) in a tract of 1.83 acres of land in lieu of the minimum required 3 acres of grazing or pasture land for the accessory pasturing of animals. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 24, 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 adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Advision of the Advisor of

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 a Variance from § 100.6 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit small livestock (3 goats) in a tract of 1.83 acres of land in lieu of the minimum required 3 acres of grazing or pasture land for the accessory pasturing of animals, be and is hereby GRANTED, subject to the following:

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.

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_

Bv_



STRATIVE ZONING PE

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

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			Owner(s)/Pet			
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Affidavit in Support of Iministrative 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: 4104 Halifax Ct	Glen Arm	MD	21057
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the Administrative Variance at the above			
Since I was 10 years old, I've always dreamed half an acre per small livestock since our pro	of owning several goats as perty sits on 1.83 acre lot. T	pets. We currently satisfy The minimum requirement	the requirement of of 3 acres, however,
would prohibit this. We believe that since we woods, would provide enough room for the sin acre, the ample room and space would ensure the substance would ensure the substance.	nall animals. In addition, s	ince each adjoining neighb	or's property is at least
			·
(If additional space for the petition req	uest or the above statem	ent is needed, label and a	attach it to this Form)
		excons	
Signature of Owner (Affiant)	S	ignature of Owner (Affiant)	
John B Domingo		indy A Domingo	
Name- Print or Type	N	ame- Print or Type	
The following information is	to be completed by a No	tary Public of the State o	f Maryland
STATE OF MARYLAND, COUNTY O	OF BALTIMORE, to w	it:	
I HEREBY CERTIFY, this 20th	day of July	2014 before me a N	lotary of Maryland, in
and for the County aforesaid, personally			,
Print name(s) here: JOHN B. DONINGED	+ CINDY A DOM	Nbo	
the Affiant(s) herein, personally known or	r satisfactorily identified t	to me as such Affiant(s).	
AS WITNESS my hand and Notaries Sea	al tamela	Whye	
PAMELA C. WHYE NOTARY PUBLIC, BALTIMORE COUNTY STATE OF MARYLAND	Notary Public My Commission Expire	5.102018	

Zoning Hearing Property Description

Part A

ZONING PROPERTY DESCRIPTION FOR 4104 Halifax Ct, Glen Arm, MD, 21057

Beginning at a point on the north side of Halifax Ct which is 50 feet of right-of-way width wide at the distance of 1,376 west of the centerline of the nearest improved intersecting street Manor Road which is 50 feet wide.

Part B

Being Lot #6, Block #N/A, Section #N/A in the subdivision of Halifax Heights as recorded in Baltimore County Plat Book #23, Folio #116, containing 1.83 acres. Located in the 11th Election District and 3rd Council District.

OFFICE	OF BUD	OGET AN	IARYLANI D FINANC RECEIPT	E		No.	1	15	505	4	PAID RECEIPT RESIDESS ACTUAL TIME NOW
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MEMORANDUM

DATE:

September 22, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0014-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

ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES

		г			J*					
Case	#	2015-	0	014	-A	A	ddress _		4104 Halifax Cou	rt
Conta	ct Per	son: _		Aaron Planner,	Tsui Please Print Yo	our Name)		Phone Number	: 410-887-3391
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BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT - 7/21/2014

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/25/2014

Case Number: 2015-0014-A

Petitioner / Developer: JOHN DOMINGO
Date of Hearing (Closing): AUGUST 18, 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: 4104 HALIFAX COURT

The sign(s) were posted on: JULY 24, 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

Comment Received	Support/Oppose/ Conditions/ Comments/ No Comment		
8-7	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	No	
	DEPS (if not received, date e-mail sent)		
	FIRE DEPARTMENT		
8-6	PLANNING (if not received, date e-mail sent)		
7-31	STATE HIGHWAY ADMINISTRATION	No dijection	
	TRAFFIC ENGINEERING		
	COMMUNITY ASSOCIATION		
	ADJACENT PROPERTY OWNERS		
ZONING VIOLATI	ION (Case No		
PRIOR ZONING	(Case No.		
NEWSPAPER ADV	VERTISEMENT Date:		
SIGN POSTING	Date: 7-24-14	by O'Keege	
PEOPLE'S COUNS	SEL APPEARANCE Yes No		
PEOPLE'S COUNS	SEL COMMENT LETTER Yes \square No \square		
Comments, if any:			

Type: ARMS LENGTH IMPROVED

Type: NON-ARMS LENGTH OTHER

Type: ARMS LENGTH IMPROVED

Class

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Homestead Application Status: Approved 07/09/2013

Seller: WALKER WENDY

Seiler: BRICKNER ADAM

Partial Exempt Assessments:

County:

Municipal:

Tax Exempt:

Exempt Class:

State:





Deed1: /32962/ 00164

Deed1: /27152/ 00690

Deed1: /25677/ 00576

Exemption Information

Special Tax Recapture:

Homestead Application Information

NONE

07/01/2014

0.00

0.00

0.00

Date: 07/02/2008

Date: 05/23/2007

Deed2:

Deed2:

Deed2:

0.00

Price: \$0

Price: \$500,000

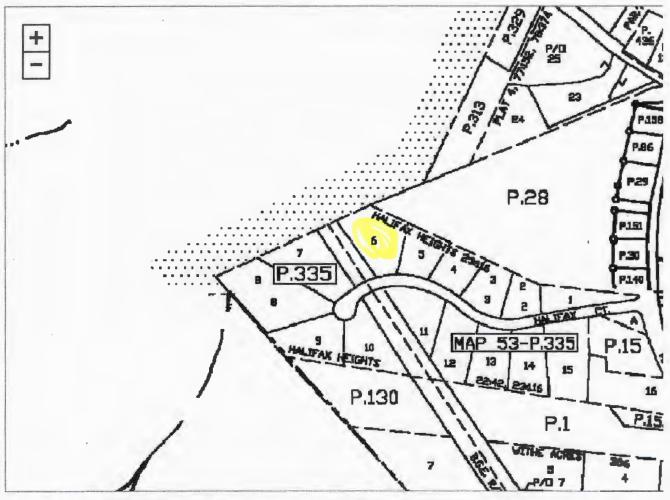
07/01/2015

http://sdat.resiusa.org/RealProperty/Pages/default.aspx

Baltimore County

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

District: 11 Account Number: 1102003270



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/)

X Loading... Please

Loading... Please Wait.

AV 8-18-14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: August 6, 2014

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

4104 Halifax Court

RECEIVED

AUG 06 2014

INFORMATION:

Item Number:

15-014

Petitioner:

John A. and Cindy B. Domingo

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning:

RC 6

Requested Action:

Administrative Variance for small livestock

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request for an administrative variance for the keeping of 3 dwarf goats. Please be advised that County Council Resolution 73-13 calls for consideration of the keeping of small livestock and poultry. The Planning staff has not developed any recommendations and is not at a point to provide recommendations on this site.

For further information concerning the matters stated here in, please contact Wallace S. Lippinicott, Jr. at 410-887-3480.

Division Chief:

AVA/LL



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

August 19, 2014

John B & Cindy A Domingo 4104 Halifax Court Glen Arm MD 21057

RE: Case Number: 2015-0014 A, Address: 4104 Halifax Court

Dear Mr. & Ms. Domingo:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 21, 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 Richal &

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

Hem No 2015-0014A Hemmustvature Variance -Volumber Count Johnson

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. 245-0014-1.

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: August 1, 2014

Department of Permits, Approvals

And Inspections

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

SCA.

DATE: August 6, 2014

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

AUG 0 7 2014

DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS

TO:

Arnold Jablon

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

4104 Halifax Court

INFORMATION:

Item Number:

15-014

Petitioner:

John A. and Cindy B. Domingo

Zoning:

RC 6

Requested Action:

Administrative Variance for small livestock

SUMMARY OF RECOMMENDATIONS:

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For further information concerning the matters stated here in, please contact Wallace S. Lippinicott, Jr. at 410-887-3480.

Division Chief:

AVA/LL

COUNTY OUNCIL OF BALTIMORE COUNTY, MAYLAND Legislative Session 2013, Legislative Day No. 13

Resolution No. 73-13

Councilmembers Quirk, Marks & Bevins

By the County Council, August 5, 2013

A RESOLUTION of the Baltimore County Council requesting the Baltimore County Planning Board to review relevant County laws and regulations relating to the use of land for the accessory, non-commercial stabling, pasturing and raising of animals raising and keeping of small livestock, fowl or poultry, and to review the laws and policies of other jurisdictions relating to the accessory, non-commercial stabling, pasturing and raising of animals raising and keeping of small livestock, fowl or poultry, and to report their findings and recommendations to the County Council.

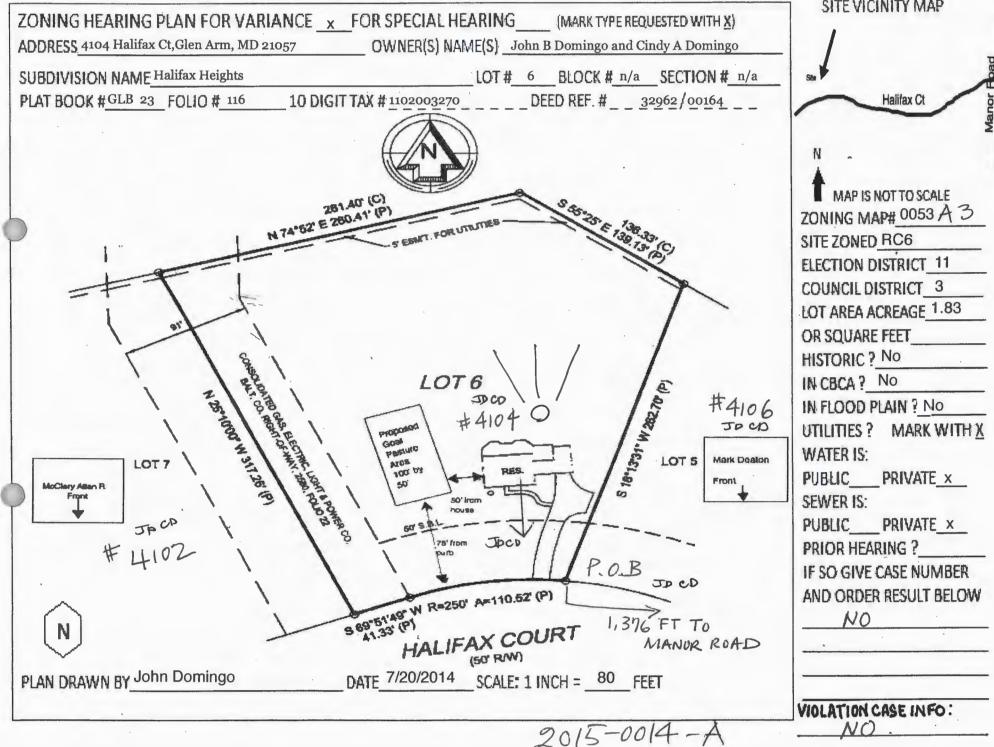
WHEREAS, the Baltimore County Zoning Regulations permit the accessory stabling and pasturing of certain animals raising and keeping of small livestock, fowl or poultry that does not constitute a commercial agricultural operation (Bills 51-93 and 63-09); and

WHEREAS, the Regulations also set forth limitations on the number of livestock small livestock, fowl or poultry permitted for each acre and the minimum acreage required; and

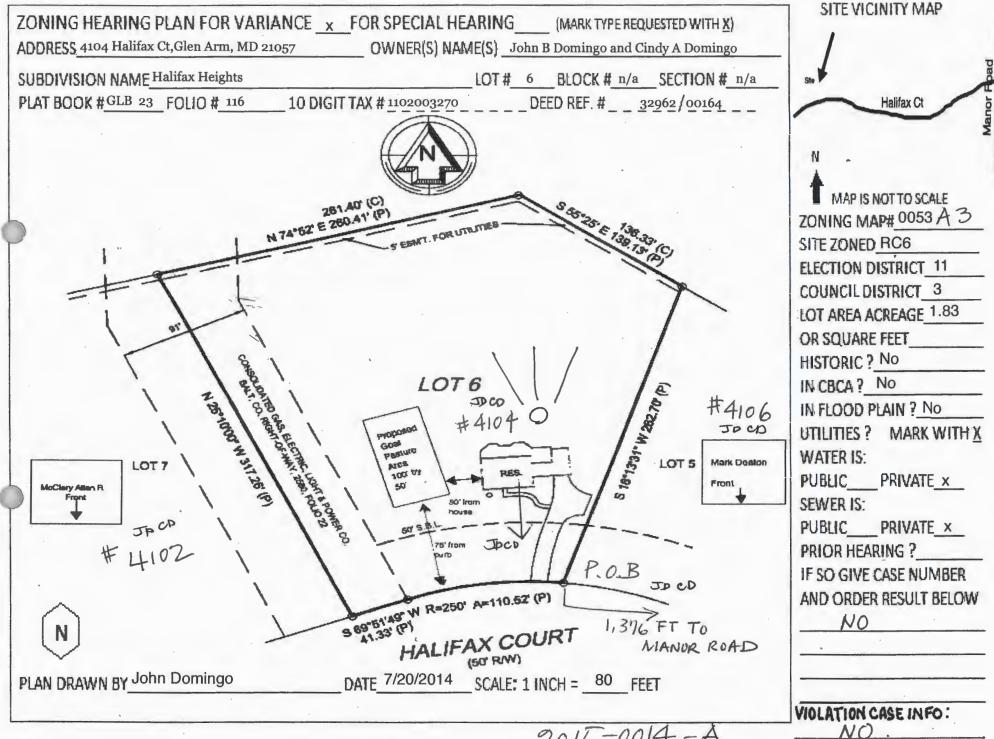
WHEREAS, the County Council believes it is appropriate to periodically review and evaluate the County's standards regarding the raising and pasturing keeping of non-commercial livestock and other animals small livestock, fowl or poultry, and to make changes to County laws and policies where necessary to reflect current trends and standards;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Planning Board, in consultation with the Health Department is requested to hold at least one public hearing and to review County laws and regulations relating to the use of land for the accessory, non-commercial stabling, pasturing and raising of animals raising and keeping of small livestock, fowl or poultry, to review the laws and policies of other jurisdictions relating to the accessory, non-commercial stabling, pasturing and raising of animals raising and keeping of small livestock, fowl or poultry, to determine what, if any, changes are needed to Baltimore County's laws, regulations, or zoning classifications regarding such uses, and to report their findings and recommendations to the County Council.

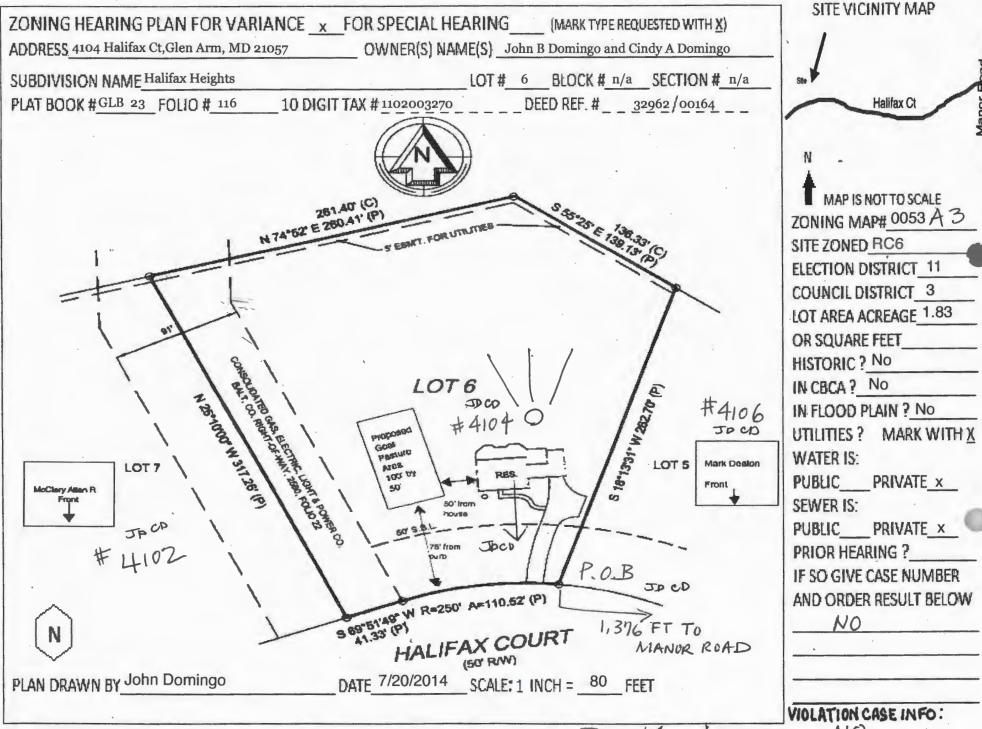




SITE VICINITY MAP



2015-0014-A



2015-0014-A

