

KEVIN KAMENETZ
County Executive

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

August 19, 2014

Philip M. and Denise A. Andrews 222 Greenspring Valley Road Owings Mills, Maryland 21117

RE: Petition for Administrative Variance

Case No. 2015-0016-A

Property: 222 Greenspring Valley Road

Dear Mr. and Mrs. Andrews:

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 (222 Greenspring Valley Road)

3rd Election District 2nd Council District Philip M. and Denise A. Andrews

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0016-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, Philip M. and Denise A. Andrews ("Petitioners"). The Petitioners are requesting Variance relief from § 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed detached accessory structure (garage) to be located partially in the side yard and have a height of 16 ft., 4 in. in lieu of the required rear yard and maximum allowed 15 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 August 3, 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 (B.C.C.). Based upon the information available, there is no evidence in ORDER RECEIVED FOR FILING OBDER RECEIVED FOR FILING

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 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.

Although the Department of Planning did not make any recommendations related to the detached accessory structure (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 <u>19th</u> day of August, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed detached accessory structure (garage) to be located partially in the side yard and have a height of 16 ft., 4 in. in lieu of the required rear yard and maximum allowed 15 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.

ORDER RECEIVED FOR FILING

Date

By²

Date

- 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.
- 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.

Ву_

STRATIVE ZONING PLANON

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

Address 222 Greenspring Valley Rd. Owings M. 11s MD21117 Currently zoned RC 2 10 Digit Tax Account # 0 3 1 1 0 6 7 7 Deed Reference Deed Liber 8071 Hage 266 M. and Denise Owner(s) Printed Name(s) Philip

(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/pla attached hereto and made a part hereof, hereby petition for an:

ADMINISTRATIVE VARIANCE from Section(s) BCZR \$\$400.1 4400.3

Sections 400.1 and 400.3 - to permit a proposed detached accessory structure (garage) to be located partially in the side yard and have a height of 16 feet, 4 inches in lieu of the required rear yard and maximum allowed 15 feet.

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 Baltimor 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.

	TO FOR FILING	à	Owner(s)/Petitione	er(s):						
ORDER RECE	IVED FOR FILING		Philip M. And	rews Degise	A Andrew					
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Attorney for Owner(s)/Petitioner(s):		Representative to be contacted:							
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Mailing Address	City	State	Mailing Address	City	State					
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A PUBLIC HEARING havi	ng been formally demand	ded and/or found	to be required, it is ordered b	by the Office of Administrat	tive Hearings for Ba					

Administrative Law Judge for Baltimore County

required by the zoning regulations of Baltimore County

day of

County, this

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

Affidavit in Support of Auministrative 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: 222 Greenspring Valley Rd, Owings Mills MD 21117 Print or Type Address of property State Zip Co.
Based upon personal knowledge, the following are the facts upon which I/we base the request for a Administrative Variance at the above address. (Clearly state <u>practical difficulty or hardship</u> her
See attached "Affidavit Statement"
Signature of Owner (Affiant) PHILIP M. ANDREWS Name- Print or Type (If additional space for the petition request or the above statement is needed, label and attach it to this For Signature of Owner (Affiant) Signature of Owner (Affiant) 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 2151 day of 3201, before me a Notary of Maryland and for the County aforesaid, personally appeared:
Print name(s) here: PHILIP M ANDREWS & DENISE A. ANDREWS
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal
JOHN D HETRICK Notary Public Harford County Maryland My Commission Expires My Commission Expires My Commission Expires
I tem #0014 REV. 5/8/2014

Affidavit Statement in Support of Administrative Variance For 222 Greenspring Valley Rd., Owings Mills, MD 21117

We seek an Administrative Variance from certain location and height requirements set forth in the Baltimore County Zoning Regulations (BCZR §§ 400.1 and 400.3, respectively) in order to build a garage on our home property, which is a corner lot located at 222 Greenspring Valley Road, Owings Mills. The property has no access to on-street parking and limited interior storage space.

We need the garage to: provide a covered place to park our vehicles (particularly in cold and inclement weather); free up surface parking and turnaround space on the existing driveway for family, friends and other visitors; and provide interior storage space to supplement inadequate storage capacity in our home, which has a rustic, partial basement with access issues that make it particularly difficult to use for storage purposes, and inaccessible, unfinished attic space that is not suitable for storage. The requested variances are relatively minor but necessary (given the special conditions and circumstances of our home and location) to enable us to build a garage to accomplish these purposes and make reasonable use of our property.

In compliance with BCZR §400.1, the proposed garage will be "located only in the third of the lot farthest from any street." Within that third of the lot, however, the proposed garage will be sited partially in the rear yard and partially in the side yard to the rear of our house. This minimal variance from the rear yard mandate of BCZR §400.1 is required as it is not possible to site a garage entirely in the rear of the requisite third of our lot because that is where the drain fields for our property's septic system are located. (See Site Plan Submission and Attachment 1, Location Drawing in Application for Baltimore County Plumbing Permit for Septic System). In addition to being minimal and necessary, this variance is also in keeping with the neighboring property. Although the proposed garage will be partially sited in the side yard to the rear of our house, it will be located completely behind our neighbors' house (which fronts on Moales Lane, not Greenspring Valley Road) and next to the neighbors' rear yard, where their garage, parking pad, sport court, shed, and fire wood storage are located. (See Site Plan and Photograph Submissions).

The proposed garage has a pitched roof, with a height of 16' 4" at its peak. The minimal variance (1' 4") requested from the 15' height requirement in BCZR §400.3 is necessary to provide sufficient headroom (6') to access a portion of the attic space above the proposed garage and to utilize that space for much needed storage purposes.



SALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

GROUND WATER MANAGEMENT (410-887-2762)

RECONSTRUCT PLUMBING PERMIT RECOMMENDATION

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ZONING DESCRIPTION – 222 Greenspring Valley Road

Beginning for the same at a point on the west side of Greenspring Valley Road, 33 feet wide, distant 316 feet measured Southwesterly from the centerline of Moales Lane, running thence and binding on the west and north sides of said Road South 17 degrees 45 minutes West 153.56 feet and North 83 degrees 02 minutes West 249.67 feet, thence leaving said road and running and binding on the property of the petitioners herein the 2 following courses and distances: North 29 degrees 26 minutes East 195.20 feet and South 74 degrees 47 minutes East 205.94 feet to the place of beginning.

Containing 0.87 of and acre of land, more or less (38,332 square feet, more or less).

3rd Election District

2nd Counsilmanic District

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MEMORANDUM

DATE: September 22, 2014

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2015-0016-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 VARIANCE INFORMATION SHEET AND DATES

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Revised 7/18/14

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: 2015-0016 - A
Property Address: 222 Greenspring Valley Rd
Property Description: W/S Greenspring Valley Rd
316' SW of & Mogles
Legal Owners (Petitioners): Philip + Denise Andrews
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Philip Andrews
Company/Firm (if applicable):
Address: 222 Greenspring Valley Rd
Owings Mills MO
21117
Telephone Number: 4(0 581 0816

CERTIFICATE OF POSTING

Date:8-3-14

RE: Case Number: 2015 - 2016 - A

Petitioner/Developer: Derice Andrews

Date of Hearing/Closing: 2-18-14

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 2226 recognition

(Signature of Sign Poster)



ADMINISTRATIVE VARIANTS AND PROVIDED THE REQUEST A PUBLIC HEARING ?

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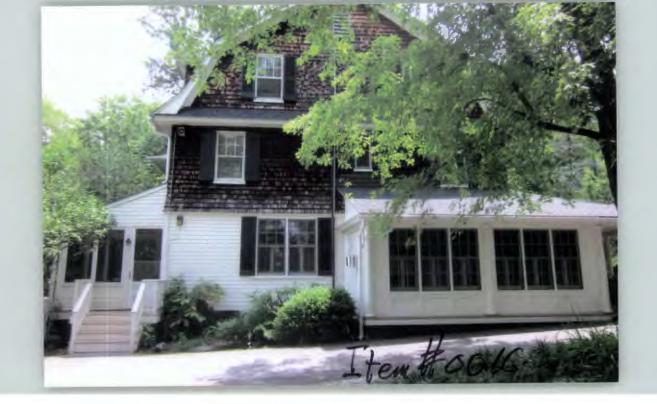
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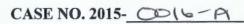












CHECKLIST

Comment Received	Department	Conditions/ Comments/ No Comment
8-1	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)	
7-31	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
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SIGN POSTING	Date: 8-3-14	by Pilson
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PEOPLE'S COUNS	SEL COMMENT LETTER Yes \square No \square	
Comments, if any:		



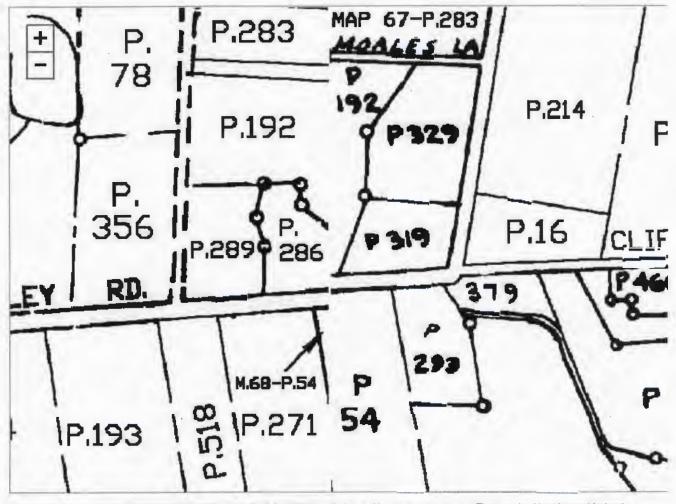


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Baltimore County

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

District: 03 Account Number: 0311067779



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).



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KEVIN KAMENETZ County Executive

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

August 19, 2014

Philip M & Denise A Andrews 222 Greenspring Road Owings Mills MD 21117

RE: Case Number: 2015-0016 A, Address: 222 Greenspring Road

Dear Mr. & Ms. Andrews:

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 Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

Melinda B. Peters, Administrator

James T. Smith, Jr., Secretary

Date: 7/31/14

Ms. Kristen Lewis Baltimore County Department of Permits, Approvals & Inspections County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 2015-0016-A Administrative Variance Philip M. = Sonise A. Andrews 222 Greenspring Valley Road 118 130

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 7/30/14. A field inspection and internal review reveals that an entrance onto MS Consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Vavauce Case Number 2015-0016-A.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

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

Dennis A. Kennedy, Supervisor FROM:

Bureau of Development Plans Review

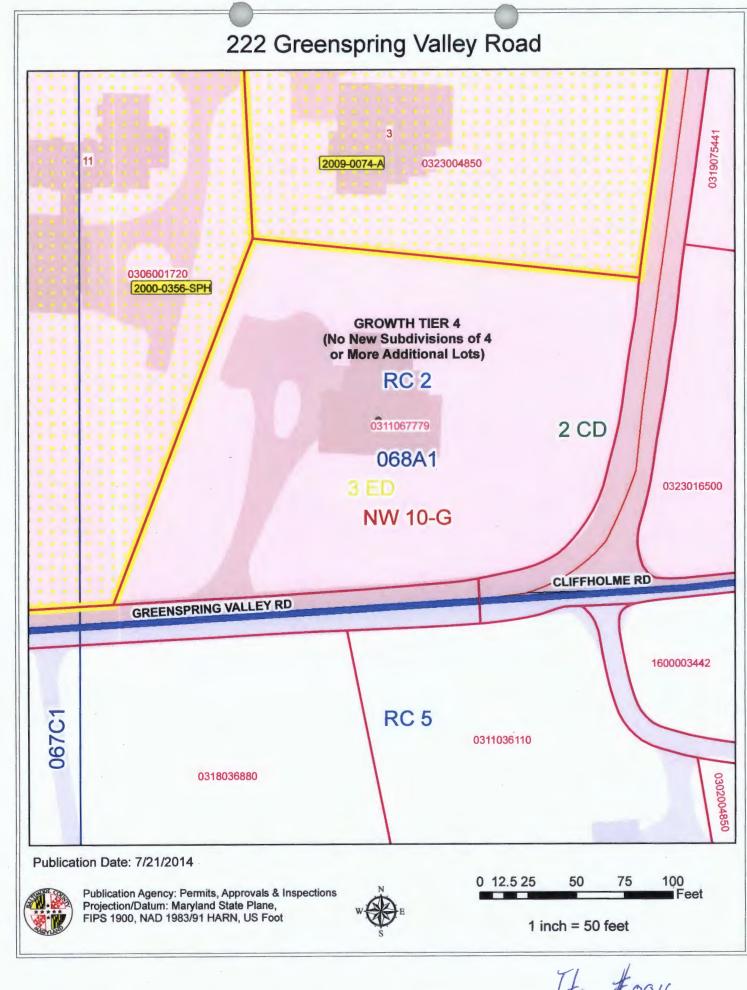
SUBJECT: Zoning Advisory Committee Meeting

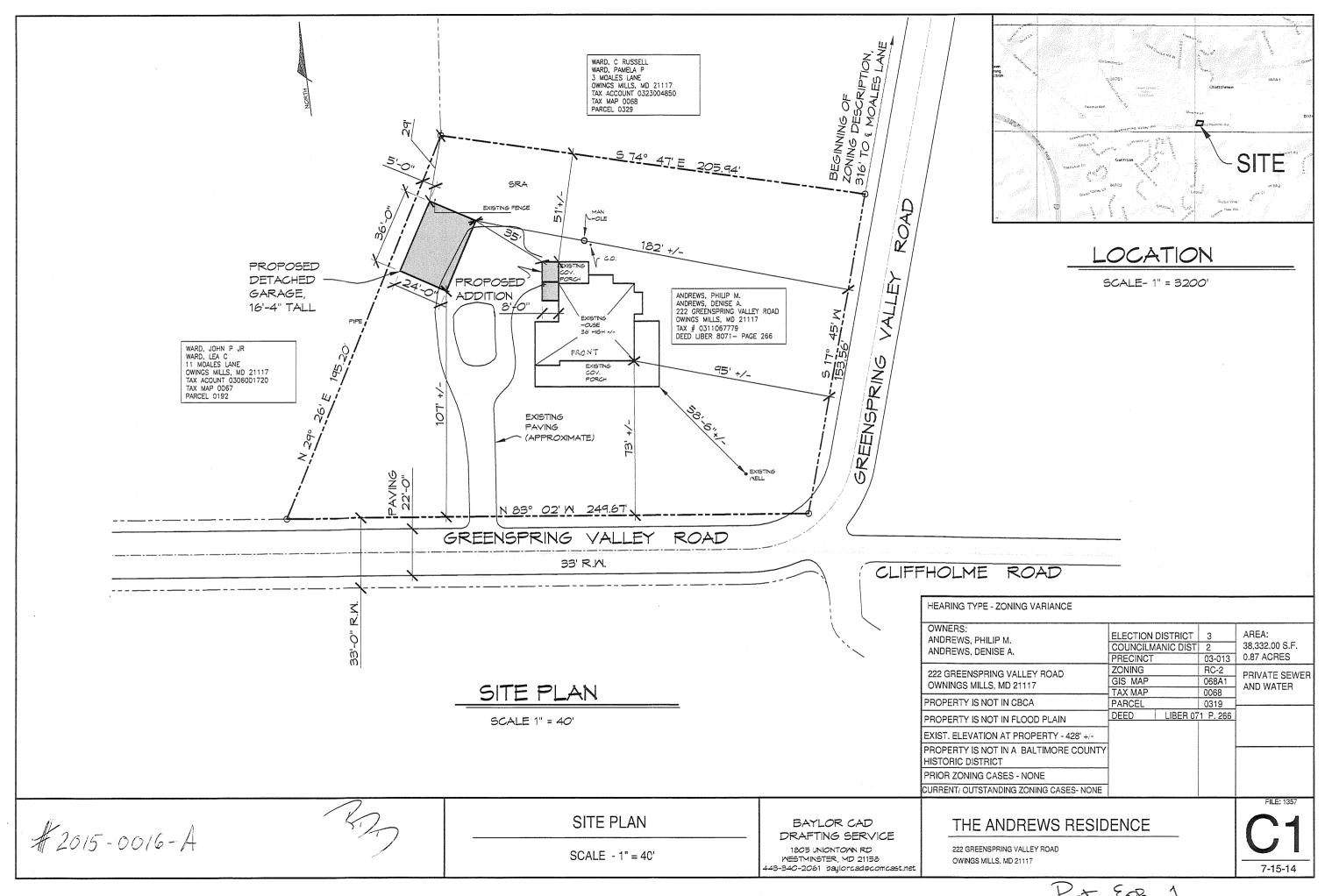
For August 04, 2014

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





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