

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

September 9, 2014

Anthony S. Hall 9021 Tarpleys Circle Rosedale, Maryland 21237

RE:

Petition for Administrative Variance

Case No. 2015-0035-A

Property: 9021 Tarpleys Circle

Dear Mr. Hall:

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

c: Carl Dyhrberg, 1619 Mussula Road, Towson, MD 21286

IN RE: PETITION FOR ADMIN. VARIANCE

(9021 Tarpleys Circle)
14th Election District
6th Council District
Anthony S. Hall
Petitioner

BEFORE THE

* OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

* CASE NO. 2015-0035-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Anthony S. Hall. The Petitioner is requesting Variance relief from §§ 103.1 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) [§§ 301.1 and 504 of the 1991 Zoning Regulations and § V.B.G.b of the 1991 C.M.D.P.], to permit a proposed dwelling addition (sunroom) and a proposed open projection (new deck) with a window to property line setback of 10' and an open projection to property line setback of 7' in lieu of the minimum required window to property line setback of 15' and open projection to property line setback of 11.25', respectively, and to amend the latest Final Development Plan (FDP) for Kenwood Park, Plat 2, Lot 98 only. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's 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 received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 15, 2014, and there being no request for a public hearing,

a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date	9-9-14
Bv	(20)

The Petitioner has 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 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 Petitioner.

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, this 9th day of September, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 103.1 and 504 of the Baltimore County Zoning Regulations (B.C.Z.R.) [§§ 301.1 and 504 of the 1991 Zoning Regulations and § V.B.G.b of the 1991 C.M.D.P.], of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling addition (sunroom) and a proposed open projection (new deck) with a window to property line setback of 10' and an open projection to property line setback of 7' in lieu of the minimum required window to property line setback of 15' and open projection to property line setback of 11.25', respectively, and to amend the latest Final Development Plan (FDP) for Kenwood Park, Plat 2, Lot 98 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

ORDER	RECEIVED FOR FILING
Date	9-9-14
By	

• Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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.

3

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 9-9-14

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property

located at 9021 Tarpleys Circle, Rosedale, MD 21237 which is presently zoned DR 5.5

Deed Reference: /12377 _ /00610 Tax Account # _2200014151

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal

This Petition shall be filed with the Department of Permits and Development Management. 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 Variance from Section(s) 103.1; 1802.38 & 504, BCZR (Sections 301.1 & 504 of the 1991 Coming Regulations and Section V. B. G.b of the 1991 Com. D. P.) to permit a proposed dwelling addition (sunroom) and a proposed open projection (new deck) with a window to property line set back of 10 feet and an open projection to property line set back of 10 feet and an open projection to property line set back of 15 feet and open projection to property line set back of 114 feet, respectively, and to amend the latest Final Development Plan for Kenwood Park, Plat 2, Lot 98 only.

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 Administrative Variance, 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.

	I/We do solemnly declar perjury, that I/we are the is the subject of this Pet	legal owner(s) of th	
Contract Purchaser/Lessee:	Legal Owner(s):		
Name - Type or Print	Anthony Hall Name - Type or	Print Hall	
Signature	Signature Desiree Hall	_ /vacq	
Address Telephone		Ault	
	Code Signature 9021 Tarpleys Circle		(443) 955 3360
Attorney For Petitioner:	Address		Telephone No.
	Rosedale	MD	21237
Name - Type or Print	City	State	Zip Code
, ING	Representative to	be Contacted:	
Signature Company Address Address	Carl Dyhrberg		
Company	Name		(443) 465 6899
Addiess	1619 Mussula Road		Telephone No.
Audiess	Towson	MD	21286
	Code City	State	Zip Code
A Public Hearing having been formally demanded and/or four this Dy day of that the subject regulations of Baltimore County and that the property be reposted	t matter of this petition be set for a public he I.	ing Commissioner of E earing, advertised, as	required by the zoning

Case No. 2015-0035-A	Reviewed By	JNP	_ Date _	8/12/	2015
	Estimated Posting Date _	8/24)	2014		

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that 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 Affiant(s) does/do presently own and reside at 9021 Tarpleys Circle

Address number Road or Street name and that this address is the subject of this variance request as required by law.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate the hardship or practical difficulty; attach an additional sheet if needed) We wish to construct a 12' x 24' Sunroom and an attached 14' x 14' Deck to the East side of our existing residence. At present the side yards measure a sum of 20' which after the additions will be7' on the North and 10' on the South a total of 17' in lieu of the required 20'. The rear set back will be 18' in lieu of the required 30'. This hardship is peculiar to our property in contrast with other properties in the zoning district and is not the result of our . own actions. Failure to grant this request for a variance would also result in the failure of our ability to make a reasonable use of our property. That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information. Signature Signature **Anthony Hall** Desiree Hall Name- print or type Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this ______ day of _______, day of ______, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Anthony + DeSivee Holl
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Name of Notary Public

Commission expires

PLÁCE SEAL HERE

July 28, 2014

ZONING PROPERTY DESCRIPTION FOR 9021 TARPLEY'S CIRCLE

Beginning at a point on the east side of Tarpley's Circle, which is 50 feet wide, at the distance of 795 feet, more or less, west of the centerline of Bafferton Way, which is 50 feet wide, being Lot 98 in the subdivision of "Plat 2, Kenwood Park" as recorded in Baltimore County Plat Book E.H.K., Jr. No. 64, folio 144, containing 5,662 square feet or 0.130 acres of land, more or less, located in the 14th Election District and 6th Council District.

2015-0035-A

OFFICE	OF BUI	DGET AN	MARYLANI D FINANC RECEIPT	E	0.1	No.	12	13847	POID RECEIPT MISSURESS NUMBER 1716 8/13/2014 8/12/2014 14/46/5/
Fund	Dept 206	Unit	Sub Unit	Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount	THE MEDIT WALKEN THAN LIR THE STATE OF THE TENT OF TH
						Total:		150.0	#190-IN CK Firm to Baltimore County, Assyland
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ISTRIBL	JTION								CASHIER'S VALIDATION

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2015- 0035 -A Address 9021 Tarpleys Circle
Planner, Please Print Your Name
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391 Planner, Please Print Your Name Filing Date: 8/24/2014 Closing Date: 9/8/2014
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. 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.
2. <u>DEADLINE</u> : 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.
4. 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 2015- 0035 -A Address 9021 Tarpley's Circle
Petitioner's Name Anthony & Desiree Hall Telephone 443-955-3360
Posting Date: 8/24/2014 Closing Date: 9/8/2014
Wording for Sign: To permit a proposed dwelling addition (suproom) and a proposed open
projection (new deck) with a window to property line set back of 10 feet and an open projection
side u and setback of 7 feet, respectively in lieu of the minimum required window to property
line setback of 15 feet and open projection side yard yardsetback of 114 fret, respectively, and to amend the latest Final Development Plan for Kenwood Part, Plat 2, Lot 98 OhlKevised 7/18/14

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 8/17/2014

Case Number: 2015-0035-A

Petitioner / Developer: ANTHONY & DESIREE HALL~CARL DYHRBERG

Date of Hearing (Closing): SEPTEMBER 8, 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: 9021 TARPLEYS CIRCLE

The sign(s) were posted on: AUGUST 15, 2014



Xinda 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)

MEMORANDUM

DATE:

October 10, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0035-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 9, 2014. There being no appeal filed, the subject file is ready for return to the Zoping Review Office and is placed in the 'pick up box.'

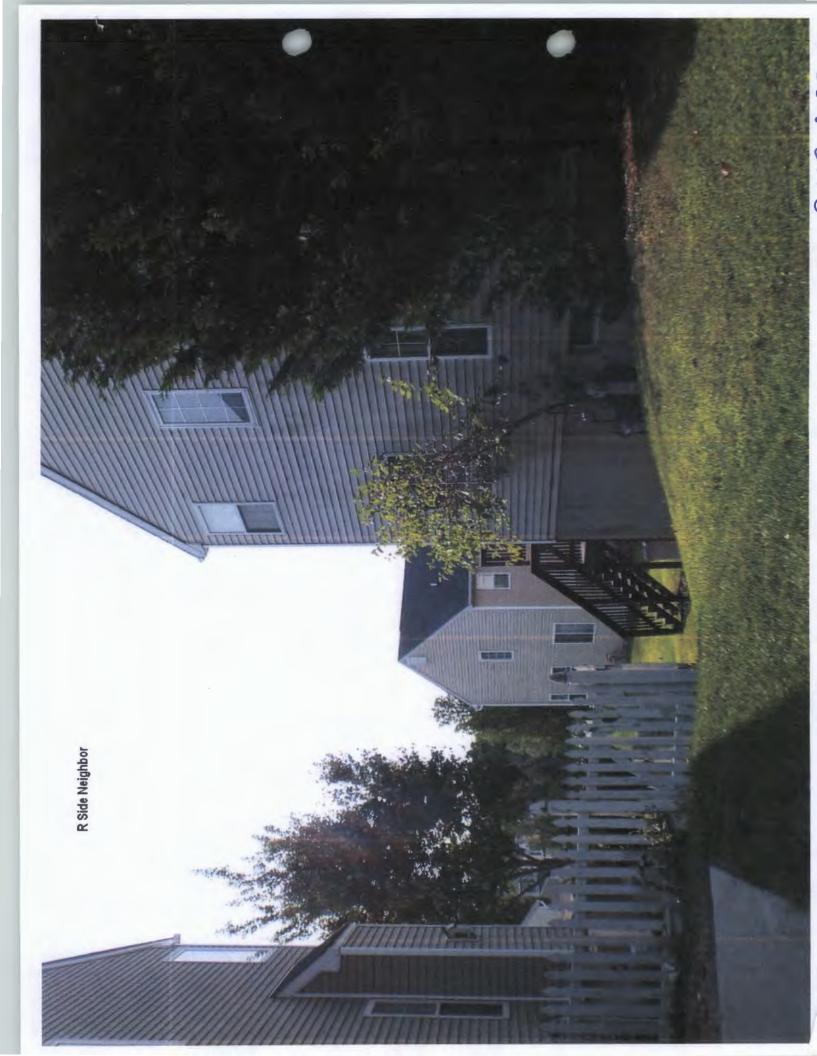
c: Case File

Office of Administrative Hearings

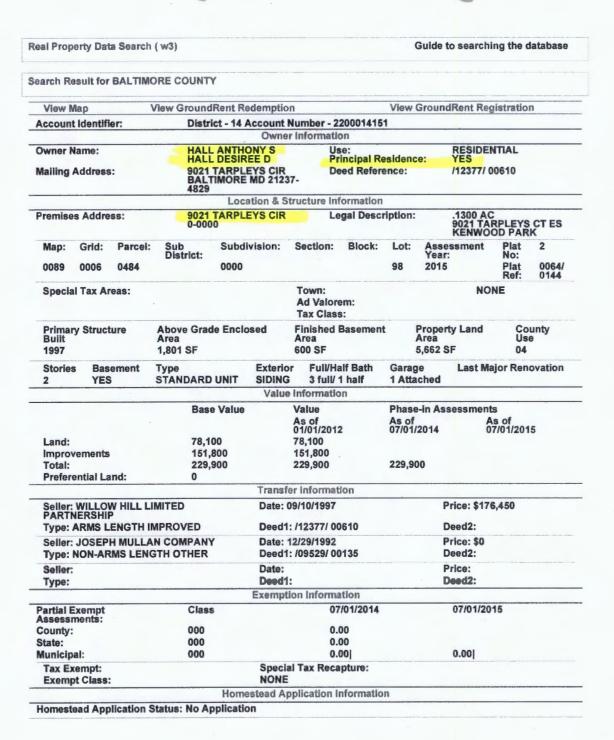
CASE NO. 2015- 0035 -A

CHECKLIST

Comment Received	Department	Conditions/ Comments/ No Comment	
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)		
	DEPS (if not received, date e-mail sent)		
	FIRE DEPARTMENT		
8-28	PLANNING (if not received, date e-mail sent)	NC	
8-18	STATE HIGHWAY ADMINISTRATION	No objection	
	TRAFFIC ENGINEERING		
	COMMUNITY ASSOCIATION		
	ADJACENT PROPERTY OWNERS		
ZONING VIOL	ATION (Case No		
PRIOR ZONING	G (Case No		
NEWSPAPER A	ADVERTISEMENT Date:		
SIGN POSTING	Date: 8-18-14	by O'Keefe	
PEOPLE'S COU	JNSEL APPEARANCE Yes No		
PEOPLE'S COU	JNSEL COMMENT LETTER Yes No		
Comments, if an	y:		



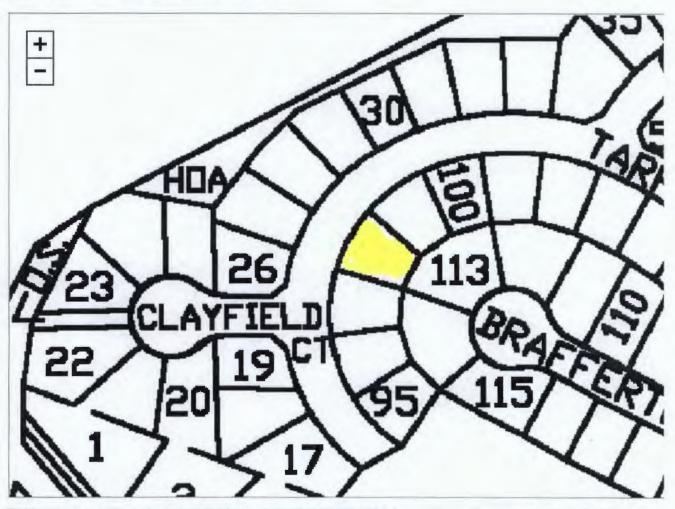




Baltimore County

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

District: 14 Account Number: 2200014151



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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Loading... Please Wait.



KEVIN KAMENETZ County Executive

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

September 9, 2014

Anthony Hall Desiree Hall 9021 Tarpleys Circle Rosedale MD 21237

RE: Case Number: 2015-0035 A, Address: 9021 Tarpleys Circle

Dear Mr. & Ms. Hall:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 12, 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 Carl Dyhrberg, 1619 Mussula Road, Towson MD 21286



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

James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 8/18/14

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

RE: Baltimore County

Item No 2015-0035-A. Administrative Variance Horthory Hall 9021 Tarpley's 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. 2015-0035-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).

Development Manager

Access Management Division

SDF/raz



BALTIMORE COUNTY, MARY LA NECEDVED

INTER-OFFICE CORRESPONDENCE

AUG 2 7 2014

DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS

TO:

Arnold Jablon

DATE: August 25, 2014

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

Zoning Advisory Petition(s) for

Item No: 2015-034, 2015-035, 2015-036

The Department of Planning has reviewed the above referenced zoning item(s) and has no comments. For further questions or additional information concerning the matters stated herein, please contact Lloyd T. Moxley at 410-887-3480.

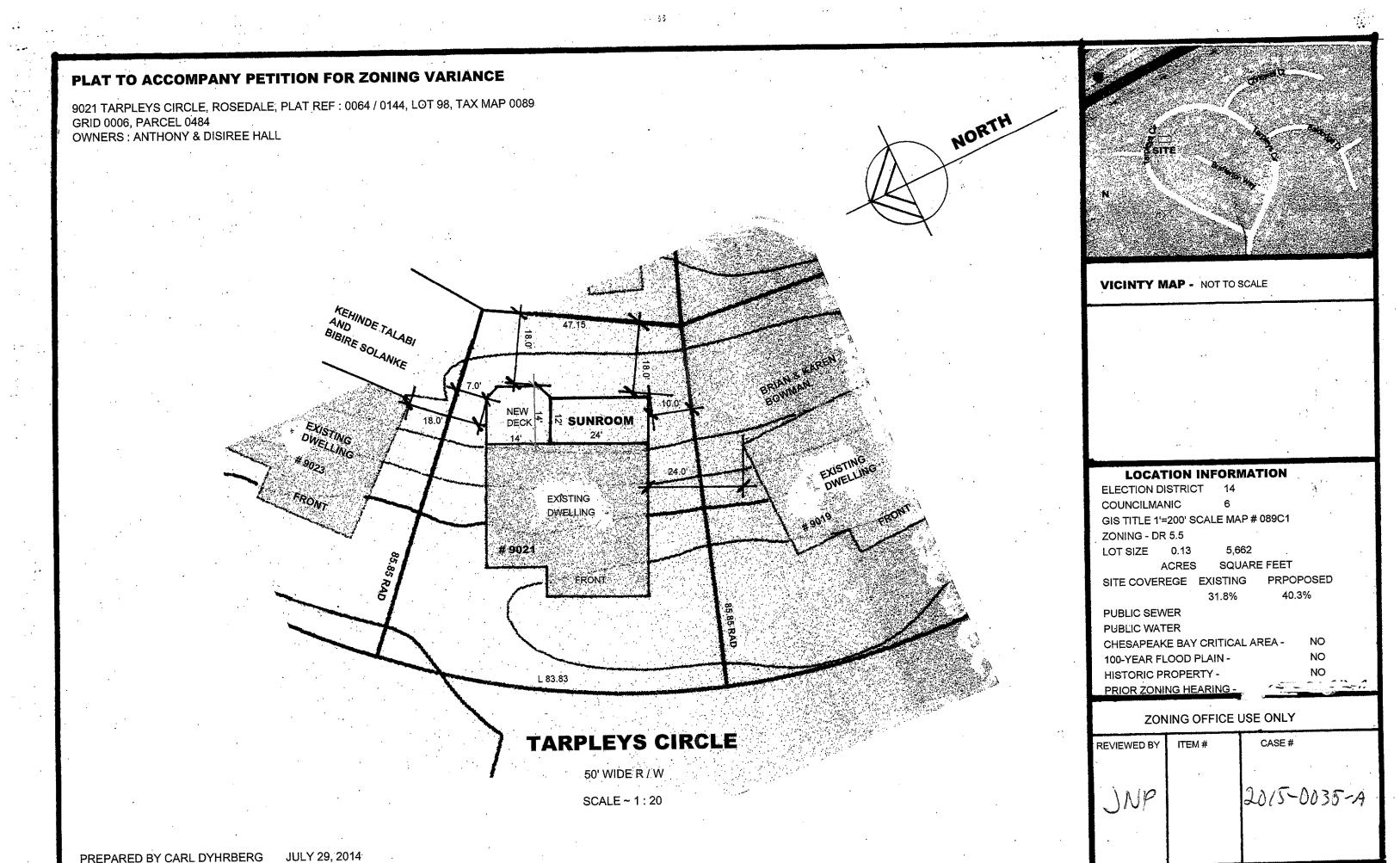
Prepared By:

LTM/ka

c: John Beverungen, ALJ

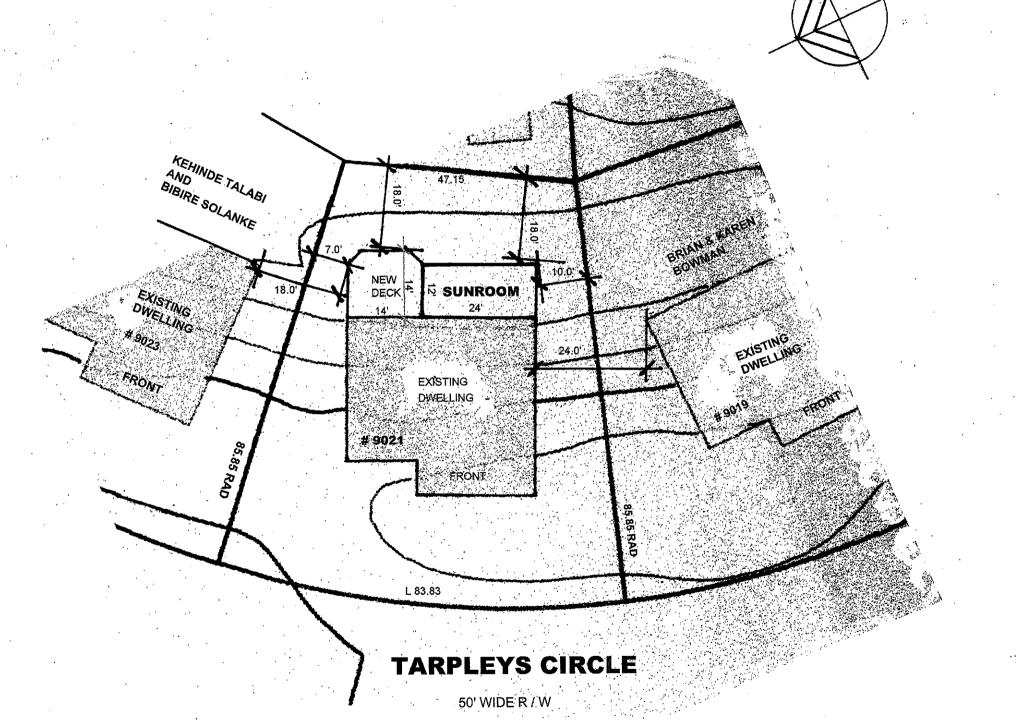
Peter Max Zimmerman



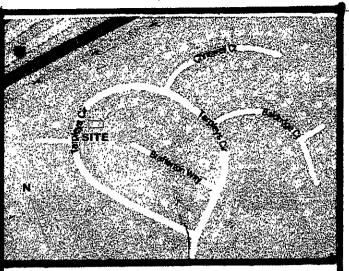


GRID 0006, PARCEL 0484

OWNERS: ANTHONY & DISIREE HALL



SCALE ~ 1:20



VICINTY MAP - NOT TO SCALE

LOCATION INFORMATION

ELECTION DISTRICT 14
COUNCILMANIC 6

GIS TITLE 1'=200' SCALE MAP # 089C1

ZONING - DR 5.5

LOT SIZE 0.13 5,662

ACRES SQUARE FEET

SITE COVEREGE EXISTING PRPOPOSED

31.8%

40.3%

CASE#

NO

NO

PUBLIC SEWER

PUBLIC WATER

CHESAPEAKE BAY CRITICAL AREA -

100-YEAR FLOOD PLAIN - NO

100-12/1/12/00/12/11

HISTORIC PROPERTY -

PRIOR ZONING HEARING - .

ZONING OFFICE USE ONLY

TREVIEWED BY ITEM#

1015-0035-A

PREPARED BY CARL DYHRBERG JULY 29, 2014