IN RE: PETITION FOR ADMIN. VARIANCE (2 Jarretts Court)

4th Election District
3rd Council District
Michael B. and Stacey S. Fein

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

* BALTIMORE COUNTY

CASE NO. 2015-0049-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, Michael B. and Stacey S. Fein. The Petitioners are requesting Variance relief from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit a proposed accessory building (garage) with a height of 27 ft. in lieu of the maximum allowed 15 ft., and (2) To amend the Final Development Plan (FDP) for Cooper's Ridge, Lot 1 only. [First floor of garage already approved by Building Permit #B852721 enclosed with Petition filing]. 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 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 October 5, 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 ORDER RECEIVED FOR FILING

Date	10	-23	-14	
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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 Petitioners.

Although the Department of Planning did not make any recommendations related to the proposed 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 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 <u>23rd</u> day of October, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking Variance relief from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit a proposed accessory building (garage) with a height of 27 ft. in lieu of the maximum allowed 15 ft., and (2) To amend the Final Development Plan (FDP) for Cooper's Ridge, Lot 1 only, be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

ORDER	RECEIVED FOR FILING	
Date	10-23-14	

- 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.
- 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 16 -23-14

By_____



KEVIN KAMENETZ County Executive

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

October 23, 2014

Michael B. and Stacey S. Fein 2 Jarretts Court Reisterstown, Maryland 21136

RE:

Petition for Administrative Variance

Case No. 2015-0049-A Property: 2 Jarretts Court

Dear Mr. and Mrs. Fein:

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

ADMINISTRATIVE ZONING PETITION

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	Michael Fein Starey Fein
Name of the Park o	Michael Levy / States 1611
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Siç	gnature #1 Signature #2
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ORDER 12 Mai	ailing Address City State
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ip Code Telephone # Email Address Zip	p Code Telephone # Email Address
NOURLIC HEARING having been formally demanded and/or found to be required county, thisday of, that the subject matter	of this petition be set for a public hearing, advertised, and re-posted a

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUED 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.

and occupied by the andereigned.			
Address: 2 Tarretts C Print or Type Address of property	ourt, Reisterstown	M D State	21136 Zip Code
Based upon personal knowledge, Administrative Variance at the abo	the following are the facts	upon which I/we	
We are a family of 5 (3 de because of septic Field (a to the left of the proper the additional garage will and a small word working additional Storage incluno other ability or opportunity is to ask occur out projected detaction (cori Resen (Lot 2) 1 Jimmy of garage will be idential in	allow for equipment area. The need ding feel furniture location to add for an additional actual garage. I have age and both are in finish to the exist	f storage i.e. I for the ups for the wi storage: We I 11 1/2 f we spoken to b favor of the	mower bikes etc. stair is for noten we have feel out only set to build oth adjacent neighbor addition. The propose have already adde
(If additional space for the petition Signature of Owner (Affiant)	request or the above statement	an additional	and attach it to this Form)
	3		
Michael Fein	N.	Starry F	ę · 1
Name- Print or Type	. N	ame- Print or Type	
The following information	n is to be completed by a No	tary Public of the St	ate of Maryland
STATE OF MARYLAND, COUNTY I HEREBY CERTIFY, this	day of Sept,		e a Notary of Maryland, in
Print name(s) here: Michael Fein	Stacey Fein		
the Affiant(s) herein, personally known	n or satisfactorily identified t	o me as such Affian	ot(s).
AS WITNESS my hand and Notaries	Notary Public	na	
VLAD ZAGRANICHNY Notary Public Baltimore Co., MD	My Commission Expire	es	

My Comm. Exps. Sept. 6, 2015

Zoning Property Description for:

2 Jarretts Court, Reisterstown, MD 21136

Beginning on the WEST side of Jarretts Court which has a 40 foot right-of-way width and at the distance of 55 feet south of the centerline of the nearest improved intersecting street Woodens Lane which has a 50 foot right-of-way width

Subdivision Lot

Being Lot #1 in the subdivision of Coopers Ridge as recorded in Baltimore County Plat Book 76, Folio 50 containing 1.069 acres. Located in the 4th Election District and the 3rd Council District

OFFICE	E OF BUD	GET AN	MARYLANI D FINANC I RECEIPT	E		No.		6250	PAID RECEIPT
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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 10/5/2014

Case Number: 2015-0049-A

Petitioner / Developer: MICAEL & STACEY FEIN Date of Hearing (Closing): OCTOBER 20, 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:

2 JARRETTS COURT

The sign(s) were posted on: OCTOBER 5, 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)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0049 -A Address 2 Jarretts Court
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391, Planner, Please Print Your Name (0/5/2014)
Filing Date: 9/8/2014 Posting Date: 9/21/2014 Closing Date: 10/6/2014
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- 0049 -A Address 2 Jarretts Court
Petitioner's Name Michael & Stacey Fein Telephone 410-804-5557
Posting Date: 9/21/2014 10/5/2014 Closing Date: 10/6/2014 10/20/2014
Wording for Sign: To permit a proposed accessory building (garage) with a height of
27 feet in lieu of the maximum allowed 15 feet, and to amend the Final Development Pla
for Cooper's Ridge, Lot I only. (First floor of garage was already approved by Buildin
Permit # B-852721 and was included with the petition filing).
Revised 7/18/14



KEVIN KAMENETZ County Executive

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

October 21, 2014

Michael & Stacey Fein 2 Jarrettsville Court Reisterstown MD 21136

RE: Case Number: 2015-0049 A, Address: 2 Jarrettsville Court

Dear Mr. & Ms. Fein:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 8, 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 D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Maryland Department of Transportation

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

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

Date: 9/15/14

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

Baltimore County RE:

Item No 2015-0049-A Administrative Various Michael i Stacey Fein 2 Javretts Count

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. 2015/0049 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).

Steven D. Foster, Chief/ Development Manager

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 17, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 22, 2014

Item No. 2015-0049, 0050, 0051 and 0052

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

DAK:CEN cc:file

MEMORANDUM

DATE:

November 25, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

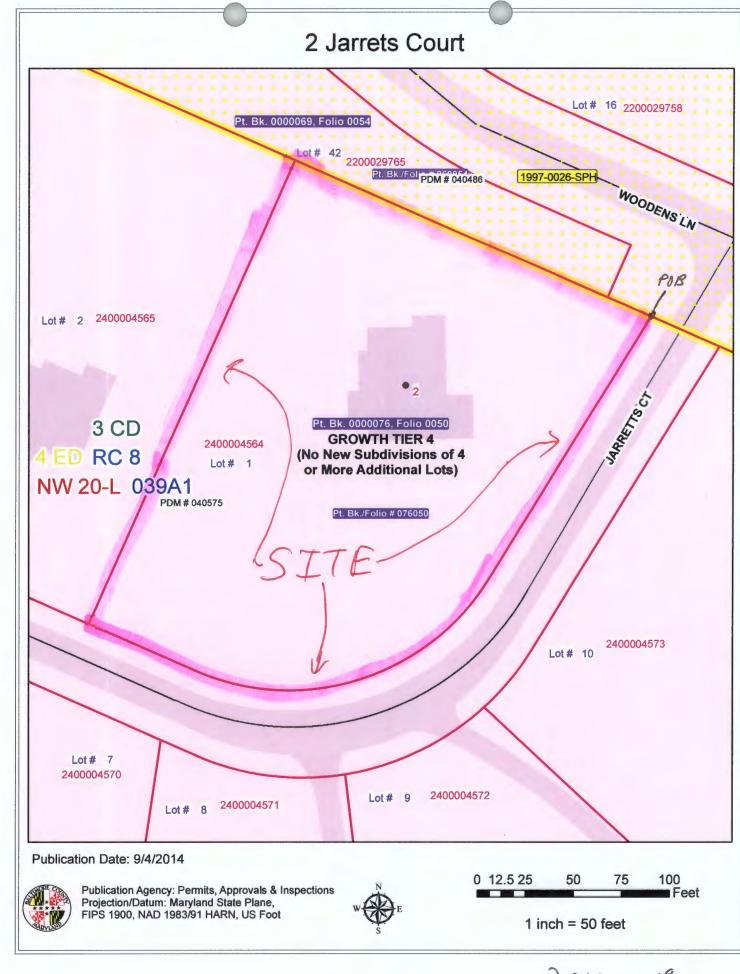
Case No. 2015-0049-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 24, 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

Real Property Data Search (w1)							Guide to searching the database						
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Seller: GLEN FALLS PARTNERSHIP			Date: 08/02/2004			Price: \$1,320,000							
Type: ARMS LENGTH MULTIPLE			Deed1: /20475/ 00724			Deed2:							
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BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS, APPROVALS, AND INSPECTIONS

Arnold Jablon, Deputy Administrative Officer & Director



Donald E. Brand, Building Engineer

BUILDING PERMIT

PERMIT #: B852721 CONTROL #: MR DIST: 04 PREC: 01 DATE ISSUED: 07/29/2014 TAX ACCOUNT #: 2400004564 CLASS: 04

PLANS: CONST 00 PLOT 2 R PLAT 0 DATA 0 ELEC YES PLUM NO

LOCATION: 2 JARRETTS CT

SUBDIVISION: COOPERS RIDGE

OWNERS INFORMATION

NAME: FEIN, MICHAEL B AND STACEY S

ADDR: 25 CROSSROADS DR, STE 320, OWINGS MILLS 21117

TENANT:

CONTR: OWNER

ENGNR:

SELLR:

CONST DETACHED GARAGE ON REAR PROPERTY OF SFD WORK:

32'X30'X15'MAX=960 WITH COVERED PORCH 32'X16'= 512SF. OVERALL WORK 1472SF. ACCESSORY STRUCTURE LETTER ATTACHED. LOCATED IN 3RD PART OF REAR

YARD: BR. OK TO WAIVE PLANS: PH.

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD W/DETACHED GARAGE

EXISTING USE: SFD

TYPE OF IMPRV: NEW BULDING CONTRUCTION

GARAGE

FOUNDATION: BASEMENT:

SEWAGE: PRIV. EXISTS WATER: PRIV. EXISTS

LOT SIZE AND SETBACKS

______ SIZE: 1.070AC FRONT STREET:

FRONT SIREET:
SIDE STREET:
FRONT SETB: NC
SETB: NC/26'

SIDE STR SETB:

REAR SETB: 14'

THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE ZONING HEARING PLAN FOR VARIANCE
FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 2 Javretts Court OWNER(S) NAME(S) _ Michael + Stacey Fein SUBDIVISION NAME copper's BLOCK# — SECTION# — PLAT BOOK # 76 FOLIO # 50 10 DIGITTAX # 2400004564 DEED REF. # 20767/00654 LEGEND ROPERTY BOUNDARY JARRETTS MCINITY MAP SCALE: 1' = 3000 PLAN DRAWN BY Michael Fein DATE 9/5/14 SCALE: 1 INCH = 50 FEET

SITE VICINITY MAP

MAP IS NOT TO SCALE ZONING MAP# 039 AL SITE ZONED RC8 (Vestar RC4) ELECTION DISTRICT 4th COUNCIL DISTRICT 3rd LOT AREA ACREAGE 1.069 OR SQUARE FEET HISTORIC? No IN CBCA? No IN FLOOD PLAIN? No UTILITIES? MARK WITH X WATER IS: PUBLIC PRIVATE X SEWER IS: PUBLIC PRIVATE X PRIOR HEARING ? No IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO:

2015-0049-A

Pet. Esh. 1