IN RE: PETITION FOR ADMIN. VARIANCE (1008 Hilton Avenue)

(1008 Hilton Avenue)

1st Election District

1st Council District

Elliot and Rachel Balis

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0061-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, Elliot and Rachel Balis. The Petitioners are requesting Variance relief from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed detached accessory structure (garage) to have a height of 25 ft. in lieu of the 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 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 September 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	10-15-14	
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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>15th</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.), to permit a proposed detached accessory structure (garage) to have a height of 25 ft. in lieu of the 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	RECEIV	ED FOR	FII ING
			LILING

Date 15-14

2

- 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

By______



KEVIN KAMENETZ County Executive

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

October 15, 2014

Elliot and Rachel Balis 1008 Hilton Avenue Baltimore, Maryland 21228

RE: Petition for Administrative Variance

Case No. 2015-0061-A

Property: 1008 Hilton Avenue

Dear Mr. and Mrs. Balis:

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

FOR ADMINISTRA E VARIANCE -	OR - ADMINISTRATIVE SPECIAL HEARING
To the Office of Administrative Law o	Permits, Approvals and pections F Baltimore County for the property located at:
Address 1008 Hilton Ave	which is presently zoned DR2 10 Digit Tax Account # 2 4 0 0 0 0 3 4 1 3
Property Owner(s) Printed Name(s) Elliot + Rache	10 Digit Tax Account # 2 7 0 0 0 0 5 9 1 5
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPRO Administrative Variances require that the Affidavit	PRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) on the reverse of this Petition Form be completed / notarized.
plat attached hereto and made	altimore County and which is described in the description and a part hereof, hereby petition for a
1. ADMINISTRATIVE VARIANCE from section(s) 4	00.3 - to permit a proposed detached
accessory structure (garage) to h	oo.3 - to permit a proposed detached are a height of 25 feet in lieu of the
maximum allowed 15 feet	
of the zoning regulations of Baltimore County, to the zoning	aw of Baitimore County.
2 ADMINISTRATIVE SPECIAL HEARING to approve Section 32-4-416(a)(2): (indicate type of work in this space)	e a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and to raze, alter or construct addition to building)
Property is to be posted and advertised as prescribed by the zoning regulat I, or we, agree to pay expenses of above petition(s), advertising, posting, et restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County adopted pursuant to the zoning law for Baltimore County adopted pursuant to the zoning law for Baltimore County adopted pursuant to the zoning law for Baltimore I / we do so solemnly declare and affirm, und is the subject of this / these Petition(s).	 and further agree to and are to be bounded by the zoning regulations and more County. er the penalties of perjury, that I / We are the legal owner(s) of the property which
Contract Purchaser/Lessee:	Legal Owners:
Name-Type or Print	Name #1 - Type or Print Name #2 - Type or Print
realize-Type of Title	
·	1 4713
Signature	Signature #1 Signature # 2
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Mailing Address City State Zip Code Telephone # Email Address Attorney for Petitioner: Name-Type or Print ECENED FOR FILING	Signature #1 Signature #2 1008 H: 170 Ave Caloneville MI) Mailing Address City State 21228 1410 744 5418 /ebalis@humanscom Zip Code Telephone # Email Address Representative to be contacted: Name - Type or Print
Mailing Address City State Zip Code Telephone # Email Address Attorney for Petitioner: Name-Type or Print Signature ORDER RECEIVED FOR FILING Mailing Address Date City State	Signature #1 Signature #2 1008 H: 1700 Ave Caloneville MD Mailing Address City State 21228 / 410 744 5418 / ebalis@humansca Zip Code Telephone # Email Address Representative to be contacted: Name - Type or Print Signature
Mailing Address City State Zip Code Telephone # Email Address Attorney for Petitioner: Name-Type or Print Signature ORDER RECEIVED FOR FILING Mailing Address Date City State Zip Code Email Address A PUBLIC HEARING having formally demanded and/or found to be received.	Signature #1 Signature #2 1008 H: 1700 Ave Caloneville MI Mailing Address City State 21228 / 410 744 5418 / ebalis@humansca Zip Code Telephone # Email Address Representative to be contacted: Name - Type or Print Signature Mailing Address City State
Mailing Address City State Zip Code Telephone # Email Address Attorney for Petitioner: Name-Type or Print Signature Mailing Address Date City State Zip Code Belephone # Email Address A PUBLIC HEARING having formally demanded and/or found to be recthisday of that the subject matter of the control of the cont	Signature #1 Signature #2 1008 H: 170 Ave Calons ville Milling Address City State 21228 / 410 744 5418 / Ebalis Chamons on Email Address Representative to be contacted: Name - Type or Print Signature Mailing Address City State Zip Code Telephone # Email Address puired, it is ordered by the Office of Administrative Law, of Baltimore County,
Mailing Address City State Zip Code Telephone # Email Address Attorney for Petitioner: Name-Type or Print Signature ORDER RECEIVED FOR FILING Namiling Address City State Zip Code Belephone # Email Address A PUBLIC HEARING having formally demanded and/or found to be recthis day of that the subject matter or regulations of Baltimore County and that the property be reposted.	Signature #1 Signature #2 1008 H: 170 Ave Caloneville Mailing Address City State 21228 / 410 744 5418 / Ebalis Chamoniscon Zip Code Telephone # Email Address Representative to be contacted: Name - Type or Print Signature Mailing Address City State Zip Code Telephone # Email Address puired, it is ordered by the Office of Administrative Law, of Baltimore County,
Mailing Address City State Zip Code Telephone # Email Address Attorney for Petitioner: Name-Type or Print Signature ORDER RECEIVED FOR FILING Namiling Address City State Zip Code Belephone # Email Address A PUBLIC HEARING having formally demanded and/or found to be recthis day of that the subject matter or regulations of Baltimore County and that the property be reposted.	Signature #1 Signature #2 1008 H: 1700 Ave Caloneville MI Mailing Address City State 21028 / 410 744 5418 / ebalis @human score Zip Code Telephone # Email Address Representative to be contacted: Name – Type or Print Signature Mailing Address City State Zip Code Telephone # Email Address puired, it is ordered by the Office of Administrative Law, of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning rative Law Judge of Baltimore County

(THIS AFFIDAVIT IS NOT REQUED FOR	AN HISTORIC ADMINISTRA	TIVE SPECIAL HEARI	NG)
The undersigned hereby affirms under the pe the following: That the information herein give is/are competent to testify thereto in the event	en is within the personal know	edge of the Affiant(s) a	nd that the Affiant(s)
That the property is not under an active owner(s) of this residential lot, or is/are purchase, reside at the existing dwelling.	e the contract purchaser	(s) of this residentia	re the resident home I lot, who will, upon
Address: 1008 Hilton Ave Print or Type Address of property	Catonsville	M D State	21228 Zip Code
Based upon personal knowledge, the Administrative Variance at the above a	following are the facts wa address. (Clearly state p	nich I/we base the roractical difficulty	equest for an or hardship here)
I am asking for a variance to the height restriction tall. The reasons for the variance request are as		construct a garage that is	roughly 25 feet
- With recent car break ins and bike thefts in our which we cannot do unless we have an addition	r neighborhood, we need to be able al floor in the garage	to lock up both cars as we	II as our bikes ——
- Our current house is an 90 year old dutch color	niel house and we would like to ma	tch the existing style with t	he garage
-With 3 children and no attic space in the house	, we need the additional storage sp	ace for sports equipment,	storage,etc
Our lot is a flag lot, and although there is no bu future (If additional space for the petition requ			
M Lilly	11 47		
Signature of Affiant	Sign	ature of Affiant	
Ellist Balis	Non	ne- Print or Type	
Name- Print or Type The following information is			of Maryland
STATE OF MARYLAND, COUNTY O	F BALTIMORE, to wit:		
I HEREBY CERTIFY, this 6 and for the County aforesaid, personally a	day of <u>Jeptenber</u> , Z	before me a N	Notary of Maryland, in
Elliot Balin	NI		- 10 . ur - 10 - 10
the Affiant(s) herein, personally known or	satisfactorily identified to n	ne as such Affiant(s)	(Print name(s) here)
AS WITNESS my hand and Notaries Seal	CAM.	e sar.	120 pm + 140
-	Notary Public	218	

SEAN S. WRAY
Notary Public
Baltimore County
Maryland
My Commission Expires April 9, 2018

My Commission Expires

ZONING DESCRIPTION FOR 1008 HILTON AVENUE

Beginning at a point on the west side of Hilton Avenue, which has a 60-foot right-of-way, at the distance of 300 feet south of the centerline of the nearest improved intersecting street Franklin Tree Court, which has a 50-foot right-of-way. Being lot #1 in the subdivision of Unitas Property as recorded in Baltimore County Plat Book #75, Folio #36, containing 36,154 square feet. Located in the 1st Election District, 1st Councilmanic District.

Item # 0061

MISCE	LLANEOU	JS CASH	RECEIPT			Date:	9/	19	/14		PAID RECEIPT ***********************************
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3801 Baker Schoolhouse Road Freeland, MD 21053 o 443-900-5535 m 410-419-4906 bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

September 26, 2014

Re:

Case Number: 2015-0061-A

Petitioner / Developer: Elliot & Rachel Balis

Closing date: October 13, 2014

Baltimore County Department of Permits, Approvals & Inspections County Office Building 111 West Chesapeake Avenue, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1008 Hilton Avenue.

The sign(s) were posted on September 25, 2014.

Sincerely,

Bruce E. Doak

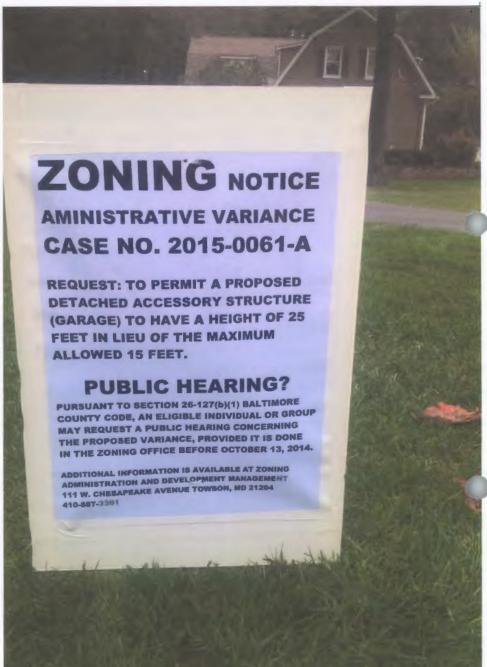
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor





ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2015- 0061 -A Address 1008 Hilton Ave
Case Number 2015- 0061 -A Address 1008 Hilton Ave Contact Person: David Duval Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 9/19/14 Posting Date: 9/28/14 Closing Date: 10/13/19
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.
 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.
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- 0061 -A Address 1008 Hilton Ave
Petitioner's Name Elliot + Rachel Balis Telephone 410, 744 5418
Posting Date: 9/28/14 Closing Date: 10/13/14
structure (garage) to have a height of 25 feet in lieu of the maximum allowed 15 feet
the maximum allowed 15 feet

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

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 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 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:
Item Number or Case Number: 2015 - 0061 - A Petitioner: Ellist Bala
Address or Location: 1008 Hilton Ave Catonsville MD 21228
PLEASE FORWARD ADVERTISING BILL TO: Name: Ellist Balis
Address: 1008 Hilton Ave Catonsville MD 21228
Telephone Number: (410) 744 5418



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

October 14, 2014

Elliott & Rachel Balis 1008 Hilton Avenue Catonsville MD 21228

RE: Case Number: 2015-0061 A, Address: 1008 Hilton Avenue

Dear Mr. & Ms Balis:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 19, 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 Robal D

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: 9/29/14

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

RE: Baltimore County

Item No 2015-0061-A-Administrative Variance Elliott à Rochel Bolis 1008 Hitten Avenue.

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 2006 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,

Steven D. Foster, Chief/

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 1, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 6, 2014

Item No. 2015-0061, 0062, 0063, 0064, 0065, 0066, 0067 and 0068

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

DAK:CEN cc:file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: October 7, 2014

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

Zoning Advisory Petition(s) for SUBJECT:

Item No: 2015-059, 2015-061, 2015-064 and 2015-066

RECEIVED OCT 8 2014 DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS

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 410-887-3482.

Prepared By:

LTM/ka

John Beverungen, ALJ Peter Max Zimmerman

MEMORANDUM

DATE:

November 24, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

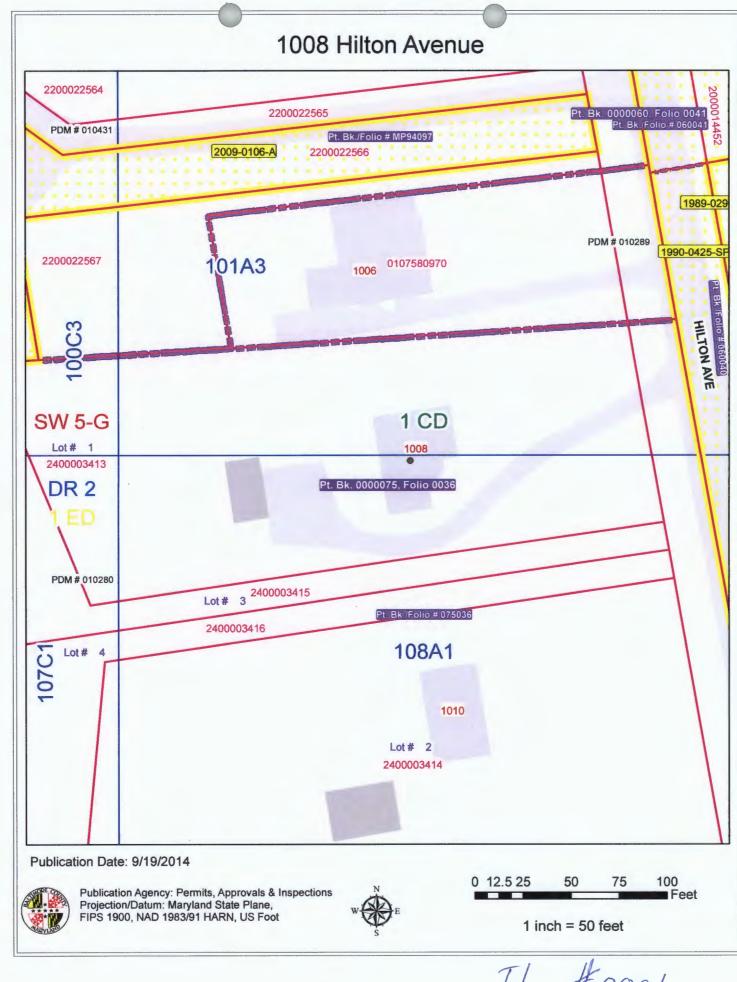
Case No. 2015-0061-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 14, 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: VCase File

Office of Administrative Hearings

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Item #0061



On the right is the current existing garage that will be torn down. The 2 cars reflect where the new garage is positioned



This is another angle reflecting the new position of the garage, the left edge of the driveway reflects the property line that the new garage will be 5 feet off of



This is a view from the side/front of the hous. As you can see we would like to have the new garage fit the character and style of the home by building a dutch coloniel barn style garage that is 2 stories



Picture of the front of the house



Street View, New garage would be behind house on left corner

	7 Fearer
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	
ADDRESS 1008 Hilton Ave Catonsville OWNER(S) NAME(S) Elliot + Rachel Bals	Form While of
SUBDIVISION NAME Unitas Property LOT# 1 BLOCK # SECTION #	
PLAT BOOK # 00 75 FOLIO # 00 3 6 10 DIGITTAX #24 0000 34 1 3 DEED REF. # 22 1 4 0 0 0 4 8 7	SITE - SUSTINGED
300° TO €1 €3.	=
5 86'43'45" W 328.66'	* PD NON
	A .
10' Drainage + Utility Easement 25'	T MAPIS NOTTO SCALE
B.R.L.	ZONING MAP# 100C3/107C
S 38.5 25 F	SITEZONED DR2
	ELECTION DISTRICT
WALK 1008 12.0 Z	COUNCIL DISTRICT
13 B. 15 S.	LOT AREA ACREAGE . 82
12.0 0	OR SQUARE FEET 36,154
30' PROPOSED	HISTORIC? No
B.R.L. PROPOSED GARAGE 30'	IN CBCA? No
	IN FLOOD PLAIN ? NO
N 82'27'51" E 300.00'	UTILITIES? MARK WITH X
N 82'27'51" E 300:00' N 82'27'51" E 300:00'	WATER IS:
SET off prop line EGRESS, MAINTANCE DRAW	PUBLIC X PRIVATE
	SEWER IS: PUBLIC X PRIVATE
Scale: 1"= 40 Date: 6-16-05	PRIOR HEARING? NO
Fleid By: H.B.	IF SO GIVE CASE NUMBER
Drawn By: H.B. Drawing # 1572GNS	AND ORDER RESULT BELOW
	THO ORDER REDUCT DECORA
PLAN DRAWN BY DATE SCALE: 1 INCH = 40 FEET	
	VIOLATION CASE INFO:
160 11 000 1	
# 2015-0061-A	