

KEVIN KAMENETZ County Executive

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

November 3, 2014

Joseph E. and Dina L. Carr 7807 Shadow Knoll Court Baltimore, Maryland 21236

RE:

Petition for Administrative Variance

Case No. 2015-0070-A

Property: 7807 Shadow Knoll Court

Dear Mr. and Mrs. Carr:

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,

JOHNE, BEVERUNGE Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: Ryan Tolson, 10509 Stahl Road, White Marsh, MD 21162 IN RE: PETITION FOR ADMIN. VARIANCE (7807 Shadow Knoll Court)

14th Election District 6th Council District Joseph E. and Dina L. Carr Petitioners **BEFORE THE**

OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

BALTIMORE COUNTY

* CASE NO. 2015-0070-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, Joseph E. and Dina L. Carr. The Petitioners are requesting Variance relief from § 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18 ft. in lieu of the required 22.5 ft. for a proposed deck. 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. A ZAC comment was received from the Bureau of Development Plans Review (DPR) dated October 9, 2014, indicating that a fence and planting along the rear property line to prevent encroachment into the open space be provided, and in addition, a Landscape Plan is required.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 9, 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

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Ву	1967	

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.

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>3rd</u> day of November, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 18 ft. in lieu of the required 22.5 ft. for a proposed deck, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 1. The 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, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners must comply with the ZAC comment from the Bureau of Development Plans Review (DPR) dated October 9, 2014; a copy of which is attached hereto and made a part hereof.

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	11-3-14	2
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BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 9, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 13, 2014 Item No. 2015-0070

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Provide a fence and planting along the rear property line to prevent encroachment into the open space. A Landscape Plan is required..

DAK:CEN cc:file

ZAC-ITEM NO 15-0070-10132014.doc

ORDER	RECEIVED FOR FILING
Date	11-3-14
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ADMINISTRATIVE ZUNING PETITION 'E VARIANCE - OR - ADMINISTRATION To be filed with the Department of Permits, Approvals and Spections To the Office of Administrative Law of Baltimore County for the property located at: Address 7807 Shadow Knoll Q. which is presently zoned DR 3.5 10 Digit Tax Account # 2 5 0 0 0 0 9 1 6 4 Deed Reference 34690/0001 Property Owner(s) Printed Name(s) Diwa (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized. 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 1. X ADMINISTRATIVE VARIANCE from section(s) 301.1 is to permit a rear yard setback of 18 ft. in lieu of the required 22.5 ft. for a proposed dede. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building) 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 petition(s), 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. Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s). Legal Owners: Contract Purchaser/Lessee: Name-Type or Print Signature Signature #1 Mailing Address State 443-290-4987 21236 Zip Code Telephone # Zip Code Telephone # Email Address **Email Address** Attorney for Petitioner: Representative to be contacted: Name-Type or Print Signature Mailing Address City State Zip Code Telephone # **Email Address** A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

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All I see a	Administrative Law Judge of Baltimore County	,	
Date	6		
CASE NUMBER 2015 - 0070- A	Filing Date 9,29, 14 Estimated Posting Dat	ta / /	Daviewer BK

Affidavit in Support of Administrative variance (THIS AFFIDAVIT IS NOT REQUITED RAN HISTORIC ADMINISTRATIVE AL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 7807 Shadow Knoll Ct. Baltimore MD 21236 Print or Type Address of property City State Zip Code
Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)
Our property located at 7807 Shadow Knoll Ct. in Baltimore MD 21236has a 30' rear setback which would allow us to build a deck from the year of the home going out only 7' which would not be a functioning deck. We are asking to 50 out to 12' which would allow for a useable dock as well as resale value. When purchasing the property we were unaware that we would not be able to build a reasonable deck. The purposed deck in no way would affect neighbori Properties. Other homes in surrounding areas have decks that are functioning and none go out only 17 feet from house. The deck will be in strict harmony with the spirit of the community.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form) Signature of Affiant Signature of Affiant Signature of 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 25th day of August, 20, 4, before me a Notary of Maryland, in and for the County aforesaid, personally appeared
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)
AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires

REV. 10/12/11

ZONING DESCRIPTION

Zoning Description For 7807 Shadow Knoll Court

Beginning at a point on the East side of Shadow Knoll Ct., which is 50 feet wide at the distance of 1 \$8 ft. south of the centerline of the nearest improved intersecting street Heathers Lane, which is 50 ft. wide. Being Lot # 13, in the subdivision of Shadow Knoll as recorded in Baltimore County Plat Book #0079, Folio# 0226, containing 6,316 square feet and located in the 14th Election District, 6th Councilmanic District.



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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. <u>For those petitions which require a public hearing</u>, 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 - 0070- A
Petitioner: DINA L. & VOSEPIA E CARR
Address or Location: 7807 SHADOW KNOWN CT
PLEASE FORWARD ADVERTISING BILL TO:
Name: TYAN C. TOLSON
Address: 10509 STAHL ROAD
WHITE MARSH MD. 21162
Telephone Number: 41.0 258 - 2308



malat 8 10/9/14

MEMORANDUM

DATE:

December 4, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0070-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 3, 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







CASE NO. 2015-	0070-A	
CASE NO. 2015-	00 10 1.	

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
10-9	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
10-le	STATE HIGHWAY ADMINISTRATION	No objection
<u>·</u>	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
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Comments, if any:		





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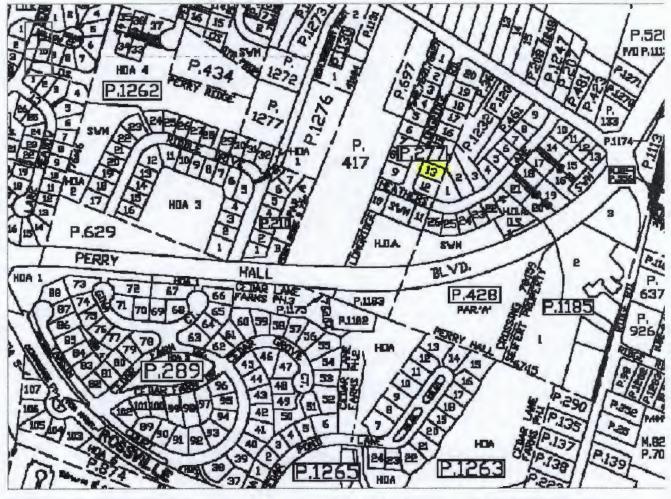




New Search (http://sdat.resiusa.org/RealProperty)

Baltimore County

District: 14 Account Number: 2500009164



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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KEVIN KAMENETZ County Executive

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

October 28, 2014

Dina L & Joseph Carr Jr. 7807 Shadow Knoll Court Baltimore MD 21236

RE: Case Number: 2015-0070 A, Address: 7807 Shadow Knoll Court

Dear Mr. & Ms. Carr:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 29, 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. Carl Richal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Ryan Tolson, 10509 Stahl Road, White Marsh MD 21162



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

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

Date: 10/6/14

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

RE:

Baltimore County

Item No 2015-0070-A.

Administrative Variable

Dina Liè Foseph Corr Fr.

7807 Shadoed Knoll Court

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. 2015-8070-4.

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: October 9, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

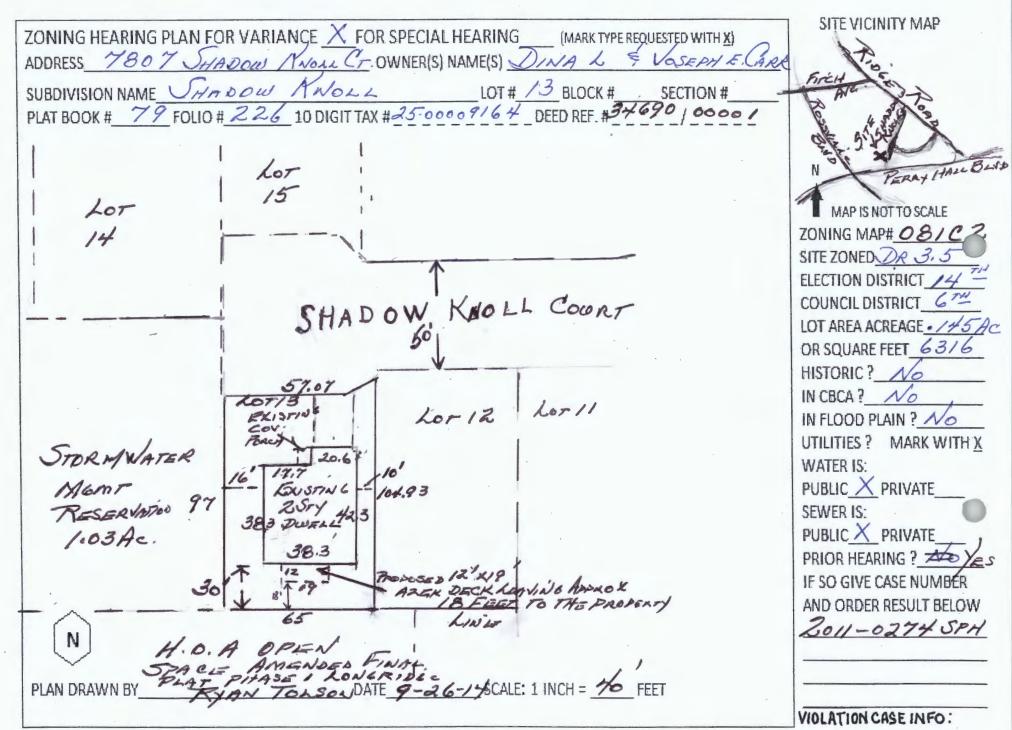
For October 13, 2014 Item No. 2015-0070

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

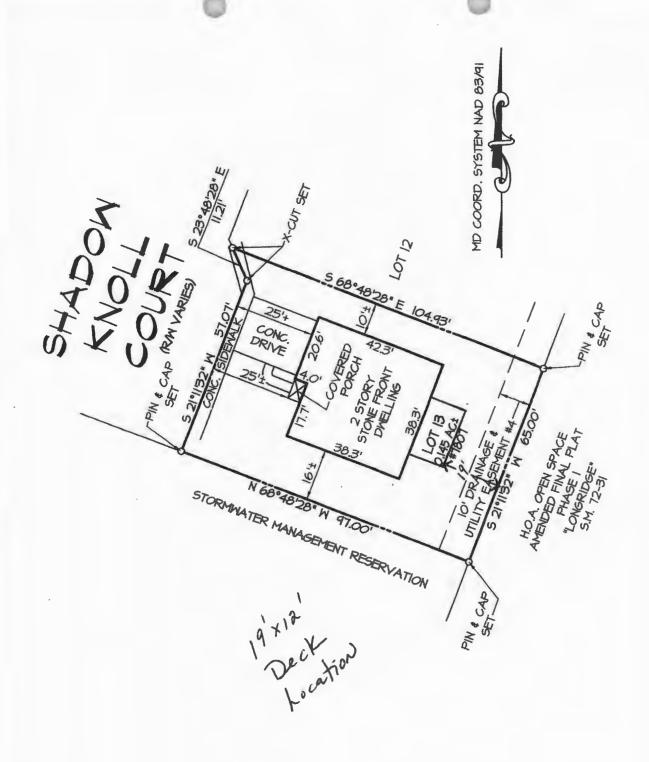
Provide a fence and planting along the rear property line to prevent encroachment into the open space. A Landscape Plan is required..

DAK:CEN cc:file

ZAC-ITEM NO 15-0070-10132014.doc



Pat Exe 1



#7807 DENOTES POSTAL ADDRESS

ACCURACY LIMITATIONS

LOT BOUNDARY - AS CALLED BUILDING DIMENSIONS - ±0.2' BUILDING TO BOUNDARY LINE - ± |



EXPIRES: 01/16/2015

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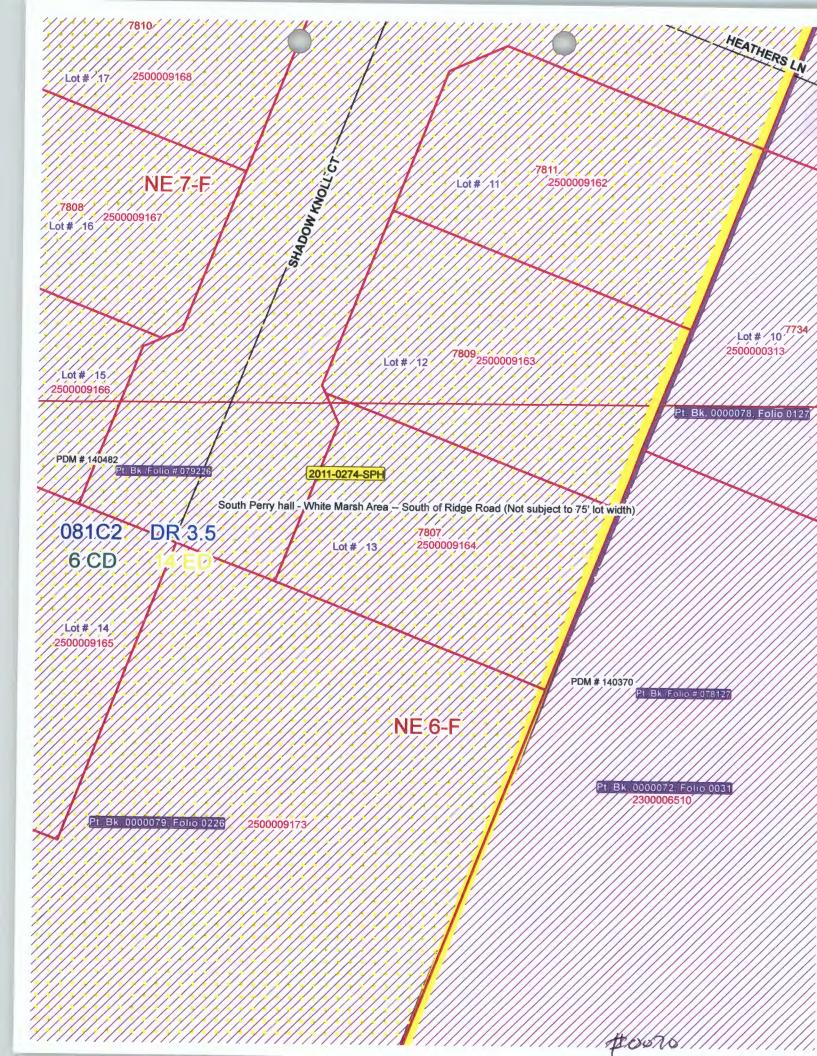
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morris & ritchie associates, inc.

BISNEPS, ARCHTECTS, PLANNERS, SURVEYORS, & LANDSCAPE ARCHTECTS
3445-A Box Hill Corporate Center Drive



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