

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

November 6, 2014

Todd D. Carbaugh Karen J. Carbaugh 13808 E. Devonfield Drive Baldwin, Maryland 21013

RE: Petition for Administrative Variance

Case No. 2015-0083-A

Property: 13808 E. Devonfield Drive

Dear Mr. and Mrs. Carbaugh:

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 (13808 Devonfield Drive)

11th Election District 3rd Council District Todd D. and Karen J. Carbaugh Petitioners **BEFORE THE**

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0083-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, Todd D. and Karen J. Carbaugh. The Petitioners are requesting Variance relief from §§ 1A04.3.B.2.b and 504 [§ 205.3 of 1955 regulations] of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (garage) to have a side street setback of 25 ft. in lieu of the required 40 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 October 19, 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 welfare of the public and should therefore be granted. In the opinion of the Administrative Law ORDER RECEIVED FOR FILING

Date	11-6-14	
By	(00)	

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 addition (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 6th day of November, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1A04.3.B.2.b and 504 (§ 205.3 of 1955 regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition (garage) to have a side street setback of 25 ft. in lieu of the required 40 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.
- 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.

ORDER	RECEIVED FOR FILING	
Date	11-6-14	

(a)

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.

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 11-6-14

By 190



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To the Office of Administrative Hearin	aryland 21013
Address 13808 E. Devonfield Drive, Baldwin, M Deed Reference 11578 / 00745	10 Digit Tax Account # 1101054365
Owner(s) Printed Name(s) Todd D. and Karen J. Ca	
(SELECT THE HEARING(S) BY MARKING X AT THE A	PPROPRIATE 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 sit attached hereto and made a part hereof, hereby petition	uate in Baltimore County and which is described in the plan/plat n for an:
1. X ADMINISTRATIVE VARIANCE from Section(s) 1A04.3.B.Z.b and 504 (section 205.3 1955 year) -
to permit a proposed addition (garage) the required 40 feet	1) 1A04.3.8.2.6 and 504 (section 205.3 1955 regs) - to have a side yard setback of 25 feet in lieu of street
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of the Baltimore County Code, to the development law	of Baltimore County.
of the Baltimore County Code, to the development law of Property is to be posted and advertised as prescribed by the zoning relation of the property is to be posted and advertised as prescribed by the zoning relation of the zoning law for Baltimore County adopted pursuant to the zoning law for Baltimore Count	regulations. In etc. and further agree to be bound by the zoning regulations and restrictions of ounty.
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Property is to be posted and advertised as prescribed by the zoning r I/ we agree to pay expenses of above petition(s), advertising, posting	Owner(s)/Petitioner(s): Todd D. Carbaugh Name #1 – Type or Print Name #2 – Type or Print
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CASE NUMBER 2015 - 0083 A Filing Date 10, 9, 19 Estimated Posting Date 10, 19, 19 Reviewer

Rev 5/8/2014

Affidavit in Support of Administrative 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: 13808 E. Devonfield Drive	Baldwin	Maryland	21013
Address: 13808 E. Devonfield Drive Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the fo	ollowing are the fa	acts upon which I/we base	e the request for an
Administrative Variance at the above a	ddress. (Clearly	state practical difficulty	or hardship here)
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collector vehicles that are garaged in our vehicle, however, will need to be garaged p			
attached garage addition to our main dwell			
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Todd D. Caled		Signature of Owner (Affiant	
Signature of Owner (Affiant)		Signature of Owner (Affiant	t)
Todd D. Carbaugh		Karen J. Carbaugh	
Name- Print or Type		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	o wit:	
I HEREBY CERTIFY, this <u>D8</u> d	ay of October	, <u>2014</u> , before me a	Notary of Maryland, in
and for the County aforesaid, personally a		_	
Print name(s) here: Todd D Carbaugh	3 Karen	J Carbaugh	
the Afficiants, personally known or s	satisfactorily identif	fied to me/as such Affiant(s)	
GOODW,			
Notaries Seal			
W N N N N N N N N N N N N N N N N N N N	Notary Public	1	
0 5 2	My Commission 5	106/17	
PUD SILL	My Commission E	expires	

REV. 5/8/2014

Item # vo83

PROPERTY DESCRIPTION:

ZONING PROPERTY DESCRIPTION FOR 13808 E. Devonfield Drive, Baldwin, Maryland 21013.

- Being known and designated as Lot 2, Block A, Section A, as shown on a plat entitled "Plat of Section A, Dulaney Valley Estates," which plat is recorded among the land records of Baltimore County, Maryland in Plat Book GLB No. 23, folio 17, containing .91 acres in lot. Located in Election District 11 and Council District 3.
- Beginning at a point on the southwest side of East Devonfield Pr., which has a 50-foot right-of-way, at the distance of 18 feet southeast of the centerline of the nearest improved intersecting street Carroll Manor Rd, which has a 36-foot right-of-way (ie: the southwest corner of intersection).

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CERTIFICATE OF POSTING

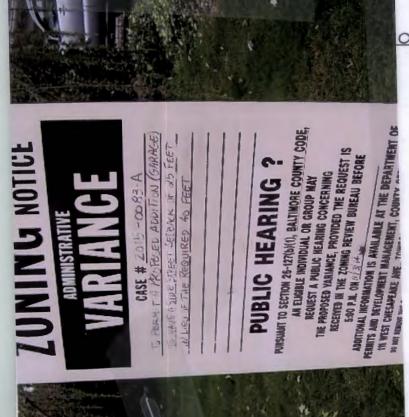
Date: 10-19-14

RE: Case Number: 2015-0083-4

Petitioner/Developer: Tool Carbough

Date of Hearing/Closing: 11 - 3-14

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 13808 Decorpted Deco



0-19-14 (Month, Day, Year)

(Signature of Sign Poster)

J. LAWRENCE PILSON (Printed Name of Sign Poster)

1015 Old Barn Road (Street Address of Sign Poster)

Parkton, MD 21120 (City, State, Zip Code of Sign Poster)

410-343-1443 (Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2015- 0083 -A Address 13808 E. Devon field Dr
Contact Person: David Duval Phone Number: 410-887-3391
Filing Date: 10/9/14 Posting Date: 10/19/14 Closing Date: 11/3/14
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. 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- 0083 -A Address 13808 E Devonfield Dr
Petitioner's Name Todd Carbaugh Telephone 410 207 0585
Posting Date: 10/19/14 Closing Date: 1/3/14
Wording for Sign: to permit a proposed addition (garage) to have a side
1 duest

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 Newsp			715-0083-A
		d Karen J. Carbaug	
			eld Drive, Baldwin, Maryland 21013
PLEASE F	ORWARD.	ADVERTISING B	SILL TO:
Name:	Todd D. Ca	rbaugh	
Address:	13808 E. De	evonfield Drive, Bal	ldwin, Maryland 21013
_			
Telephone	Number:	410-592-2586	cell: 410-207-0585

MEMORANDUM

DATE:

December 12, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0083-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 8, 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

CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
10-24	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NU
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	 -
10-20	STATE HIGHWAY ADMINISTRATION	No Objection
	TRAFFIC ENGINEERING	
4	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	ΓΙΟΝ (Case No.	
PRIOR ZONING	(Case No.	
NEWSPAPER AD	OVERTISEMENT Date:	
SIGN POSTING	Date: 10-19-14	by Pilson
PEOPLE'S COUN	ISEL APPEARANCE Yes No	
PEOPLE'S COUN	ISEL COMMENT LETTER Yes No	
Comments, if any:		

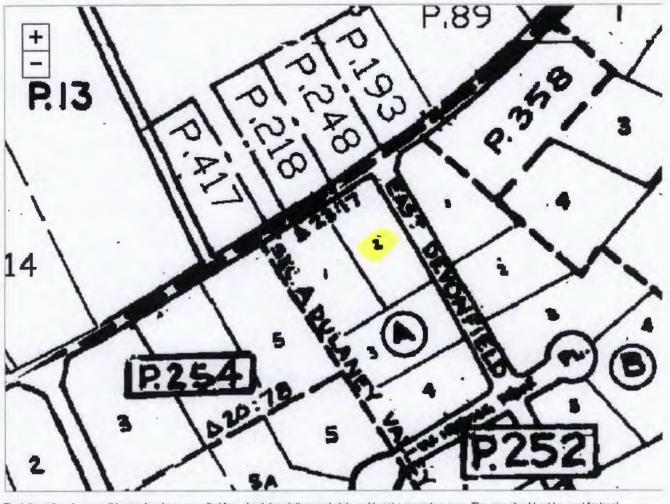
Real Property Data Search (w2)					Guide to searching the database				
ORE COUNTY									
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Homestead Application Status: Approved 01/13/2009

Baltimore County

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

District: 11 Account Number: 1101054365



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

November 5, 2014

Todd D & Karen J Carbaugh 13808 E Devonfield Drive Baldwin MD 21013

RE: Case Number: 2015-0083 A, Address: 13808 E Devonfield Drive

Dear Mr. & Ms. Carbough:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 9, 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 &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10/20/14

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

Baltimore County RE: Item No 2015-0083-A Administrative Vavione Todd Di Karen I. Carbaugh 13808 Devonfield E.

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. 2015-0083-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email 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 24, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

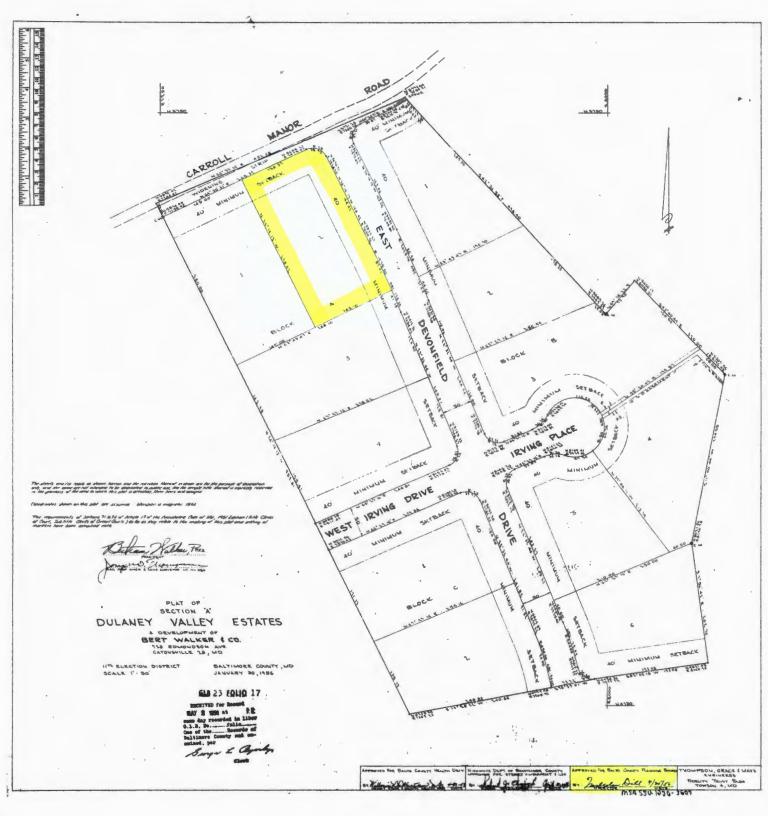
Zoning Advisory Committee Meeting

For October 27, 2014

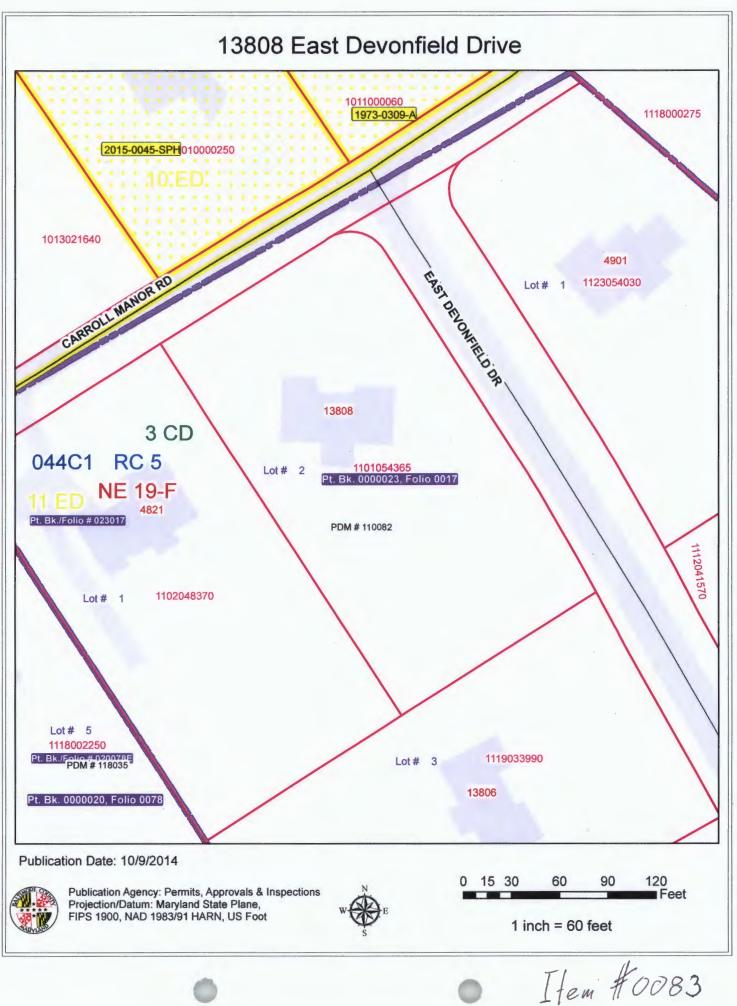
Item No. 2015-0081, 0082, 0083, 0084, 0085, 0086, 0087 and 0088

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

DAK:CEN cc:file



R-20 Item #0083





My Neighborhood Map

Baltimore County My Neighborhood

	SITE VICINITY MAP
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	Will agget 2 20
ADDRESS 13808 E. Devonfield Dr, Baldwin, MD 21013 OWNER(S) NAME(S) Todd and Karen Carbaugh	Johnson Johnson
SUBDIVISION NAME Dulaney Valley Estates LOT # 2 BLOCK # A SECTION # A	ABOO WESNED TO
PLAT BOOK # 23 FOLIO # 17 10 DIGIT TAX # 1101054365 DEED REF. # 11578 _ / _00745 _	- Soul
CARROLL MANOR ROAD	
N64°30'31"E 120.39'	N S AUS
38.93X	A CONS
	MAP IS NOT TO SCALE
40' MBSL 7	ZONING MAP# 044C1
	SITE ZONED RC 5 (vested R 20)
Proposed Driveway	ELECTION DISTRICT_11
#4621	COUNCIL DISTRICT_3
NASSER HAMID FRONT 19 12 12 1 40 , 20 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	LOT AREA ACREAGE .916 acre
rancher Strictung 16 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	OR SQUARE FEET
ent sunrm baio	HISTORIC ?no
Proposed F	IN CBCA ?no
	IN FLOOD PLAIN ?
1VE	UTILITIES? MARK WITH X
MBSL Lot	WATER IS:
2 50	PUBLICPRIVATE_X
R/W	SEWER IS:
1975	PUBLICPRIVATE_X_
	PRIOR HEARING ?no
	IF SO GIVE CASE NUMBER
87.	AND ORDER RESULT BELOW #2015-0083-1
N63°43'47"E 143.10'	
	· ~?_
PLAN DRAWN BY Todd D. Carbaugh DATE 9/29/2014 SCALE: 1 INCH = 50, FEET	
	VIOLATION CASE INFO:

Pet. Exch. 1

TONING HEADING DUAN FOR MADIANCE AT FOR CRECIAL HEADING (MARKEDOR REQUESTED MOTION)	SITE VICINITY MAP
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	CARGONIC RO
ADDRESS 13808 E. Devonfield Dr, Baldwin, MD 21013 OWNER(S) NAME(S) Todd and Karen Carbaugh	1800 VEST IRVINGEL
SUBDIVISION NAME_Dulaney Valley Estates LOT # 2 BLOCK # A SECTION # A	THE TRIME
PLAT BOOK # 23 FOLIO # 17 10 DIGIT TAX # 1101054365 DEED REF. # 11578 _ / _00745	
CARROLL MANOR ROAD	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2
N64°30'31"E 120.39'	N E E
	ALLEN E
38.93	MAP IS NOT TO SCALE
40' MBSL]	ZONING MAP# 044C1
	SITE ZONED RC 5 (vested R 20)
Proposed Driveway	ELECTION DISTRICT_11
# 4821 NASSER PRONT 15 TO ASSET	COUNCIL DISTRICT 3
HAMID Saisting 2 1 2	LOT AREA ACREAGE .916 acre
	OR SQUARE FEET
ent sunrm Existing Pro	HISTORIC? no
Proposed Service 16 The service 15 T	IN CBCA? no
	IN FLOOD PLAIN ? no
IVE (10 Lo	UTILITIES? MARK WITH X
MBSL MBSL Lot 2	WATER IS:
	PUBLICPRIVATE_X_ SEWER IS:
	PUBLICPRIVATE_X_
1975	PRIOR HEARING ?no
	IF SO GIVE CASE NUMBER
87.	AND ORDER RESULT BELOW
	The state of the s
N63°43'47"E 143.10'	#2015-0083-A
PLAN DRAWN BY Todd D. Carbaugh DATE 9/29/2014 SCALE: 1 INCH = 50. FEET	Ko
	VIOLATION CASE INFO: