MEMORANDUM

DATE:

December 16, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0090-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 15, 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

IN RE: PETITION FOR ADMIN. VARIANCE

(94 Gwynnswood Road)

4th Election District 2nd Council District

Douglas Hinchy and Ng Ching Shan

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0090-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, Douglas Hinchy and Ng Ching Shan. The Petitioners are requesting Variance relief from §§ 1B01.C.1.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed open projection (deck) with a rear yard setback of 19 ft. in lieu of the minimum required 22.5 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. A ZAC comment was received from the Bureau of Development Plans Review dated November 3, 2014 recommending that fencing will be required along the property lines adjoining County owned local open space. In addition, it is to be noted that a letter of support was received from Tidewater Property Management dated August 22, 2014.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 21, 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	11-14-14
Ву	1000

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 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>14th</u> day of November, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B01.C.1.b and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed open projection (deck) with a rear yard setback of 19 ft. in lieu of the minimum required 22.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.
- Petitioners must comply with the ZAC comment from the Bureau of Development Plans Review dated November 3, 2014; a copy of which is attached hereto and made a part thereof.

OHDER	heceived for filing
Date	11-14-14
-	(2)

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN H. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

By DV



KEVIN KAMENETZ County Executive

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

November 14, 2014

Douglas Hinchy and Ng Ching Shan 94 Gwynnswood Road Owings Mills, Maryland 21117

RE:

Petition for Administrative Variance

Case No. 2015-0090-A

Property: 94 Gwynnswood Road

Dear Petitioners:

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: Nick Trey, 3460 Ellicott Center Drive, Suite 105, Ellicott City, MD 21043

ADMISTRATIVE ZONING PETTION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Hearings for Baltimore County for the property located at: 94 GWYNNSWOOD Currently zoned DR 10.5 Road Address 10 Digit Tax Account # 23 0 0 0 0 6 8 4 6 00202 Deed Reference Owner(s) Printed Name(s) NG CHING SHAN Douglas (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE 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 situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an: 1. X ADMINISTRATIVE VARIANCE from Section(s) 301.1, BCZR, to permit a proposed open projection (deck) with a rear yard setback of 19 feet in lieu of the minimum required 222 feet of the zoning regulations of Baltimore County, to the zoning law of Baltimore County ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) of the Baltimore County Code, to the development law of Baltimore County Property is to be posted and advertised as prescribed by the zoning regulations. I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Owner(s)/Petitioner(s): Mailing Address Telephone # Email Address Attorney for Owner(s)/Petitioner(s): Representative to be contacted: Name- Ty Signature 3460 Ellicott Center Dr. City State Mailing Address 21043 Zip Code Telephone # Email Address A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore that the subject matter of this petition be set for a public hearing, advertised, and re-posted as County, this ~ day of required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

5-0090-A

Filing Date 10/10/14

Estimated Posting Date 10 104114

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: 77 awynnswood Re	our cours	¿ pocietà	-111
Print or Type Address of property	City	State	Zip Coo
Based upon personal knowledge, the Administrative Variance at the above			
Administrative variance at the above	address. (Clearly	State practical	unneutly of hardship her
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into the rear yard in o	rder to satis	ty the 22.5	setback. The vari
would allow for the building	of a "L"	shape deck (new) 19×10 including
the corrent 9x8 platfor	m deck. Th	is would cri	eate a usable space
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My 9x8 platform deck.			
family.	00111 00.0	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	J
(If additional space for the petition requ	uest or the above st	atement is needed	label and attach it to this Form
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gnature of Owner (Affiant)		Signature of Ow	ner (Affiant)
Douslas Hinchy	III and the	Na Chi	os Shan
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The following information is	to be completed by	a Notary Public of	the State of Maryland
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HEREBY CERTIFY, this 9#	day of Octobel	2014 bet	ore me a Notary of Maryland.
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nt name(s) here: Douglas Hinche	1 7 109 (hing Shar	
e Affiant(s) herein, personally known or	satisfactorily identi	fied to me as such	Affiant(s).
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	My Commission B	xpires	

Zoning Property Description for:

94 Gwynnswood Road

Beginning at a point on the northwest side of Gwynnswood Road which is a 40' wide Cul-de-sac at a distance of 1413' northeast of the center line of the nearest improved intersecting street Reisterstown Road which is 80' wide.

Being Lot # 50 in the subdivision of Summer Woods Amended Plat C as recorded in Baltimore County Plat book # 71, Folio # 147, containing 2720 square feet. Located in the 4 Election District and 2 Council District.

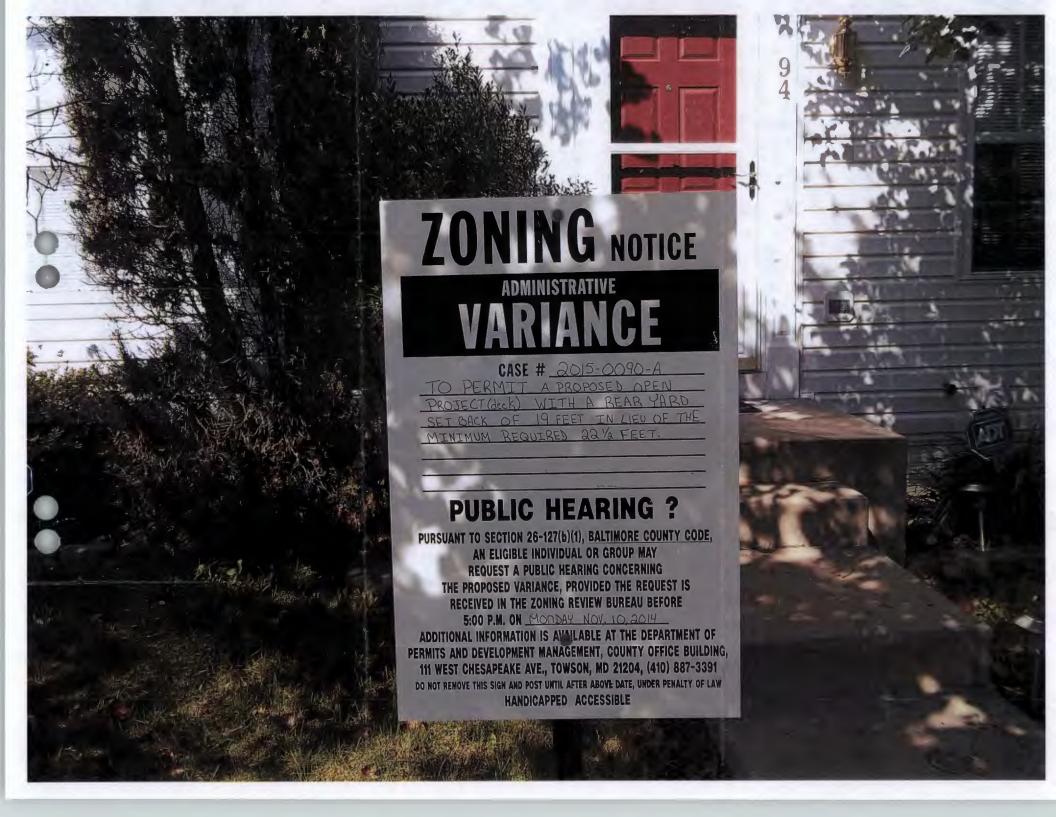
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2015- 0090 -A Address 94 Guynnswood Rd
Conta	Plenner, Please Print Your Name Phone Number: 410-887-3391
Filing	Date: 10 16 14 Posting Date: 10 6 14 Closing Date: 11 10 14
Any o	contact made with this office regarding the status of the administrative variance should be gh the contact person (planner) using the case number.
1.	<u>POSTING/COST:</u> 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.
3.	<u>ORDER:</u> 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)
Petitio	oner: This Part of the Form is for the Sign Poster Only
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case	Number 2015- 0090 -A Address 94 Gwynnswood Rd 2117
Petitio	ner's Name Doughs Hinchy Telephone 410-262-6318
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CERTIFICATE OF POSTING

		Date: Oct. 22, 2014
RE:	Project Name: Hinchy Deck Case Number /PAI Number: 2015 Petitioner/Developer: Douglas Date of Hearing/Closing: 11/10	
were	posted conspicuously on the property loc	perjury that the necessary sign(s) required by law cated at 94 Gwynnswood Rd,
		(Month, Day, Year) Allers Autor (Signature of Sign Poster)
	See Attached ATTACH PHOTOGRAPH OF	(Signature of Sign Poster) Melissa Linton (Printed Name of Sign Poster)
	SIGN POSTED ON PROPERTY HERE	(Street Address of Sign Poster) Eldersburg, MD 21784 (City, State, Zip Code of Sign Poster)
		(Telephone Number of Sign Poster)





Douglas Hinchy 94 Gwynnswood Road Owings Mills, MD 21117 August 22, 2014

Re: 48903

Dear Douglas Hinchy,

The Pleasant Walk II Homeowners Association, Inc. Architectural Review Committee (ARC) has determined that your request for the construction of a *Deck - Replacement of Existing Deck* meets the guidelines of the Architectural Rules and Regulations, and therefore approves your request as submitted in your application dated August 16, 2014 This approval does not include any permits required by the County or State. It is your responsibility to obtain such permits.

You, the homeowner, hereby agree that any and all liability caused by or arising from this modification shall not be held against the Association, Management Company, Builder or Developer. Consequently, the Association, Management Company, Builder or Developer will not be held liable for any damage or hazards caused by this modification to said lot or any adjacent lot. Please note that approval by the Architectural Review Committee is for aesthetic purposes only and does not imply that any review has been made of the structural or other adequacy nor does it imply nor avert the necessity for approval by appropriate governmental authorities. Nothing may be permanently installed in any lake, drainage or utility easements. Any construction pursuant to the provisions of this approval shall be subject to the continuing effect of the provisions of the Declaration, and of the Rules and Regulations of the Association and the Architectural Review Committee.

We hope your new alteration will provide your family with many years of enjoyment.

Sincerely,

Sincerely, At the Direction of the Board of Director's Pleasant Walk II Homeowners Association

Harriet M. Baverman Community Association Manager

3706 Crondall Lane, Suite 105, Owings Mills, MD 21117 | Toll Free: 1(855) TPM-5500 | Phone: (443) 548-0191 Fax: (443) 548-0196 | email: info@tidewaterproperty.com | www.tidewaterproperty.com

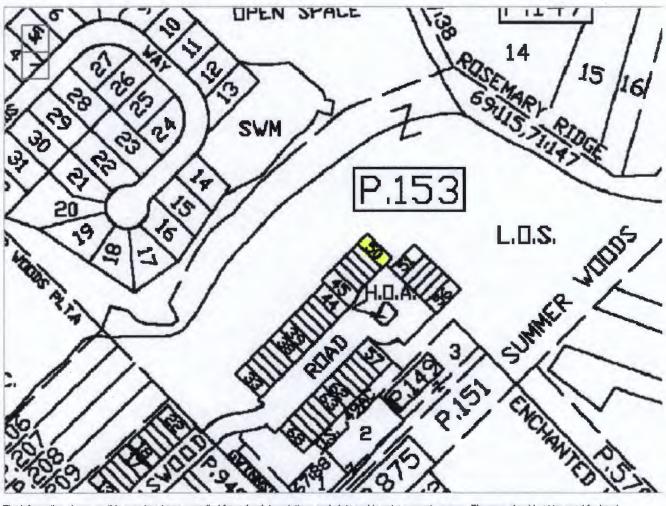
2015-0090-A

Real Property Data Search (w4)							Guide to searching the database				
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Baltimore County

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

District: 04 Account Number: 2300006846



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

November 12, 2014

Douglas Hinchy & Ching Shan Ng 94 Gwynnswood Road Owings Mill MD 21117

RE: Case Number: 2015-0090 A, Address: 94 Gwynnswood Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 16, 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 Rich

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Nick Trey, 3460 Ellicott Center Drive, Suite 105, Ellicott City MD 21043

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 3, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 03, 2014 Item No. 2015-0090

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

Fencing will be required along the property lines adjoining County owned local open space.

DAK:CEN cc:file

ZAC-ITEM NO 15-0090-11032014.doc

Date (1-14-14

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



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

Date: 10/27/14

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

RE: **Baltimore County**

Item No 2015-0090-A
Administrative Variance
Douglas Hinchy & NyChing Shor
94 Cowymoswood Road

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 / 0090-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,

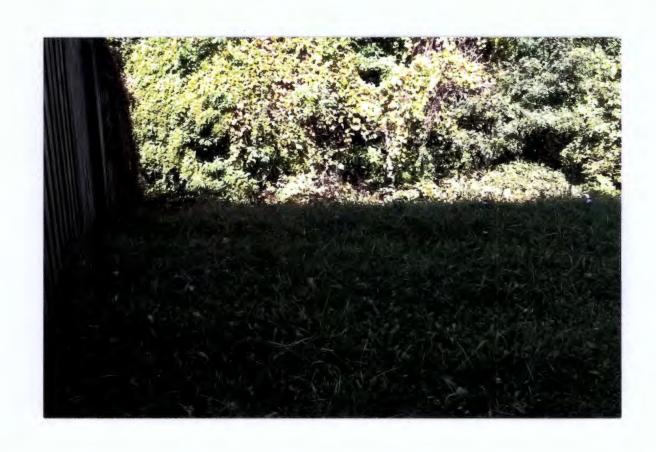
Steven D. Foster, Chief/ Development Manager

Access Management Division

SDF/raz.



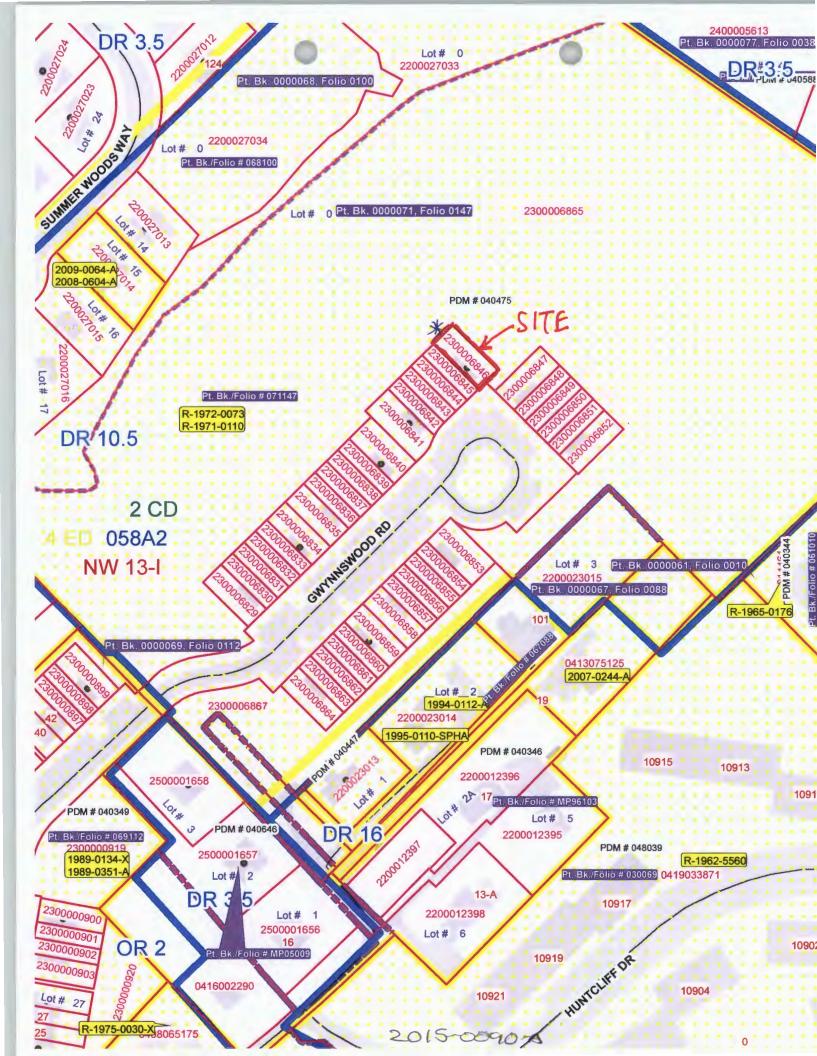
of the Rear yard of 94 awynnswood Road looking toward neighbors yard a the Deck 92 awynnswood Road and A will Not block the GATED ACCESS TO THE YARD.



· YARDS Rear view with approx. 10' of Flat land before constant slope.



Rear view of 94 awynnswood Road and neighbor D 92 awynnswood Road Current deck cannot hold a table for eating outside



LOT AREA ACREAGE -0624 AC OR SQUARE FEET 2720 SF UTILITIES? MARK WITH X

SITE VICINITY MAP ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 94 GWYNNS WOOD ROAD NG CHING SHAN OWNER(S) NAME(S) Douglas Hinchy SUBDIVISION NAME Summer WOODS Amended PLAT C LOT# 50 BLOCK # SECTION # PLAT BOOK # 71 FOLIO # 147 10 DIGITTAX # 2300006 946 DEED REF. #30551/00202 MAP IS NOT TO SCALE S 45'11'50" W 34.00 ZONING MAP# 058 42 SITE ZONED DR 10.5 **ELECTION DISTRICT 4** COUNCIL DISTRICT 2 LOT AREA ACREAGE -0624 AC Proposed Peck 19 ×10 OR SQUARE FEET 2720 5 44.48,10 HISTORIC? NO IN CBCA? IN FLOOD PLAIN? NO UTILITIES? MARK WITH X WATER IS: PUBLIC PRIVATE SEWER IS: PUBLIC PRIVATE PRIOR HEARING? NO IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW 1413' TO & OF. N 45'11'50" E 34.00' GWYNNSWOOD ROAD (40'ROW) PLAN DRAWN BY NTT Associates SCALE: 1 INCH = 20 FEET Z015-0090-A VIOLATION CASE INFO: