#### MEMORANDUM

DATE: December 29, 2014

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2015-0091-A – Appeal Period Expired

The appeal period for the above-referenced case expired on December 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: Vase File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE (12400 Glenbauer Road)

11<sup>th</sup> Election District 3<sup>rd</sup> Council District James R. and Linda H. Pietila Petitioners BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0091-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, James R. and Linda H. Pietila ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit an accessory building (barn building) in the rear yard of the dwelling with a height of 22 ft. in lieu of the maximum permitted 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 November 1, 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 § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in

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Date	11-24-19	
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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 § 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 accessory structure height and usage, I will impose conditions that the barn shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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 24th day of November, 2014 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit an accessory building (barn building) in the rear yard of the dwelling with a height of 22 ft. in lieu of the maximum permitted 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

Petitioners may apply for any 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	RECEIVED	FOR	FILING
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Date\\-	24-14
	~ )

 The Petitioners or subsequent owners shall not convert the pole barn into a dwelling unit or apartment. The accessory structure/pole barn shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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

P 1

ORDER RECEIVED FOR FILING

Date 11-24-14



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

November 24, 2014

James R. and Linda H. Pietila 12400 Glenbauer Road Kingsville, Maryland 21087

RE: 1

Petition for Administrative Variance

Case No. 2015-0091-A

Property: 12400 Glenbauer Road

Dear Mr. and Mrs. Pietila:

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

	CE - OR - ADMINISTRA - E SPECIAL HEARING nt of Permits, Approvals and Inspections
	gs for Baltimore County for the property located at:
Address 12400 Glenhouer Rd. Kings	UILLO MD, 21087 Currently zoned RC-5
Deed Reference 32377.100407	0 10 Digit Tax Account # 21 60 00 433 0
Owner(s) Printed Name(s) James R + Linda	
	PROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
A CONTRACTOR OF THE CONTRACTOR	he reverse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situatached hereto and made a part hereof, hereby petition	ate in Baltimore County and which is described in the plan/plat for an:
1 ADMINISTRATIVE VARIANCE from Section(s)	400.3 of BCZR to permit an accessory building (barn
building) in the rear yard of th maximum permitted 15 feet.	e dwelling, with a height of 22 feet in lieu of the
of the zoning regulations of Baltimore County, to the zoni	ing law of Baltimore County.
2ADMINISTRATIVE SPECIAL HEARING to ap County Code: (indicate type of work in this space: i.e., to	oprove a waiver pursuant to Section 32-4-107(b) of the Baltimo
of the Baltimore County Code, to the development law of	Baltimore County.
Property is to be posted and advertised as prescribed by the zoning reg I/ we agree to pay expenses of above petition(s), advertising, posting, a Baltimore County adopted pursuant to the zoning law for Baltimore County	etc. and further agree to be bound by the zoning regulations and restrictions of
	Owner(s)/Petitioner(s):
	James R Pretila, Lindat Pretila,
Sla	Dellas Jacobut
TOR FILING	Signature #1 Signature # 2
SEIVED FOR	12400 Glenbauer Rd. Kingsuille M.D
A RECEIVE - 24	Mailing Address City State
ORDER RECEIVED FOR FILING	21087, 2407934235, Pretile: Co 40 Zip Code Telephone # Email Address Co.
Attorney for Owner(s)/Fetitioner(s):	Representative to be contacted:
Name- Type or Print	Name - Type or Print
Signature	Signature
Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
A PUBLIC HEARING having been formally demanded and/or found County, this that the subjected by the zoning regulations of Baltimore County.	to be required, it is ordered by the Office of Administrative Hearings for Baltimo ect matter of this petition be set for a public hearing, advertised, and re-posted as
Admi	nistrative Law Judge for Baltimore County
2015-0091-A 102	
CASE NUMBER Filing Date/_	a ulalia
	Rev 5/8/2014

# Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT RECORD FOR AN HISTORIC ADMINISTRATION SCIAL 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: 12400 Glenbauer Re) Kingsuille MD ZIOET
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

We request a zoning variance for the reconstruction of our barn we recently razed the barn with Permit # 8848235 in order to rebuild the previous unsafe structure.

During the permitting process I found out that the maximum height limit for structures as these are 15', despite the original structure being almost 21' high. I had already drafted a plan to replace the structure as originally designed, however knowing this, I assumed my designer could adjust our plan to accommodate the height restriction so I proceeded with the permit. Also with a short discussion with the builder said he could make it work. However after further discussion with my designer, he said that replacing the barn at 15' high would make the roof very flat and look quite bad, not like he barn that was there or anything like his replacement design. If built to this height restriction without a variance the barn simply will not look appropriate for the size of the existing footprint, the existing foundation and stone walls remain in tact. I am attaching old photos and new layouts for your review including elevation views. Also photos of extensive termite damage.

Just 2000	Adaptette.
Signature of Owner (Affiant)	Signature of Owner (Affiant)
Tames & Pretilo	Linda Retila
Name- Print or Type	Name- Print or Type
The following information is to be completed	eted by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIM	ORE, to wit:
I HEREBY CERTIFY, this 9th day of Oct	oldr, 2014, before me a Notary of Maryland, in

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Notally spolic 718

My Commission Expires

110214 1

-1 POO- 2105 REV. 5/8/2014

10-10-14

ZONING PROPERY DESCRIPTION FOR 12400 Glenbauer Rd, Kingsville MD, 21087.

Beginning at a point on the <u>WEST</u> side of Glenbauer Rd which fronts the property, which is <u>50</u> feet wide at the distance of <u>230</u> feet <u>SOUTH</u> of the centerline of the nearest improved intersecting street, King Glen Ct which is <u>50</u> feet of right-of-way wide.

Being Lot#39, Section #1, in the Glenbauer subdivision as recorded in Baltimore County Plat Book #0060, Folio# 34, and containing 5.87 acres. Located in the 11<sup>th</sup> election district and 3<sup>rd</sup> council district.

Submitted by James Pietila, owner and primary residence of 12400 Glenbauer Rd, Kingsville MD

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

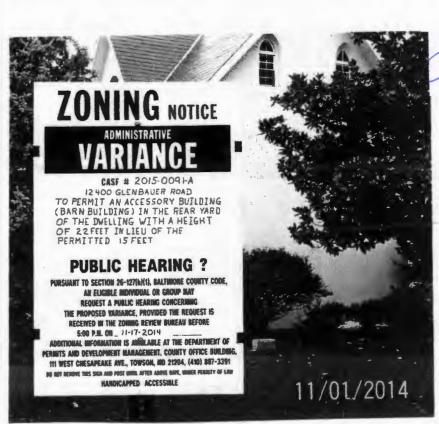
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Contact	Person:	A A	RON T	SUI		Phone Number: 4	10-887-3391
Filing D	Date: 10/2	14 Plantier, Pie	Postin	g Date: _	11/02/14	Phone Number: 4  Closing Date:	11/17/14
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### **CERTIFICATE OF POSTING**

Date: 11/01/2014

RE:	Project Name:	Administrative Variance	
	Case Number /PAI Nu		
	Petitioner/Developer:		
	Date of Hearing/Closin		
were	_	the penalties of perjury that the necessary sign(s) required in the property located at 12400 Glenbauer Rd.	by law
	The sign(s) were poste	ed on 11/01/2014	
		(Month, Day, Year)	



(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd

(Street Address of Sign Poster)

Freeland, MD. 21053

(City, State, Zip Code of Sign Poster)

(410) 382-6580

(Telephone Number of Sign Poster)



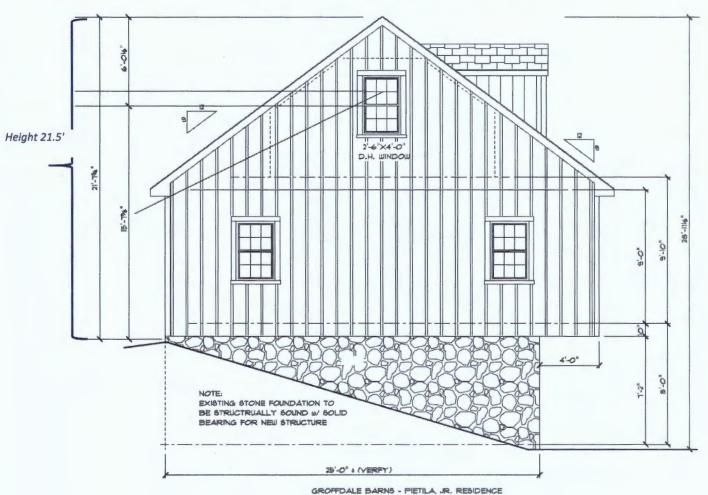


2015-0091-4

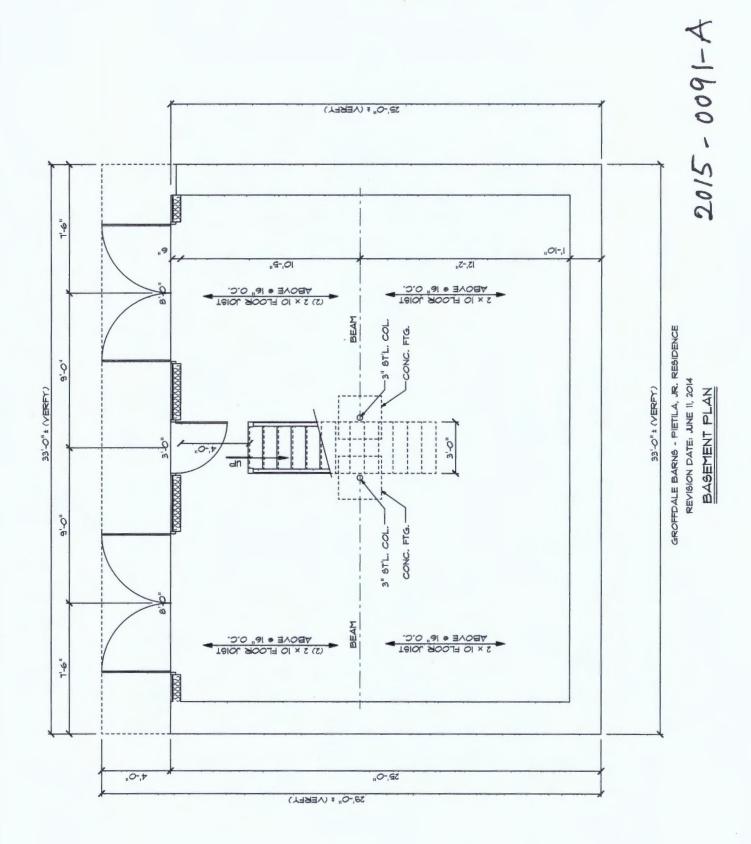


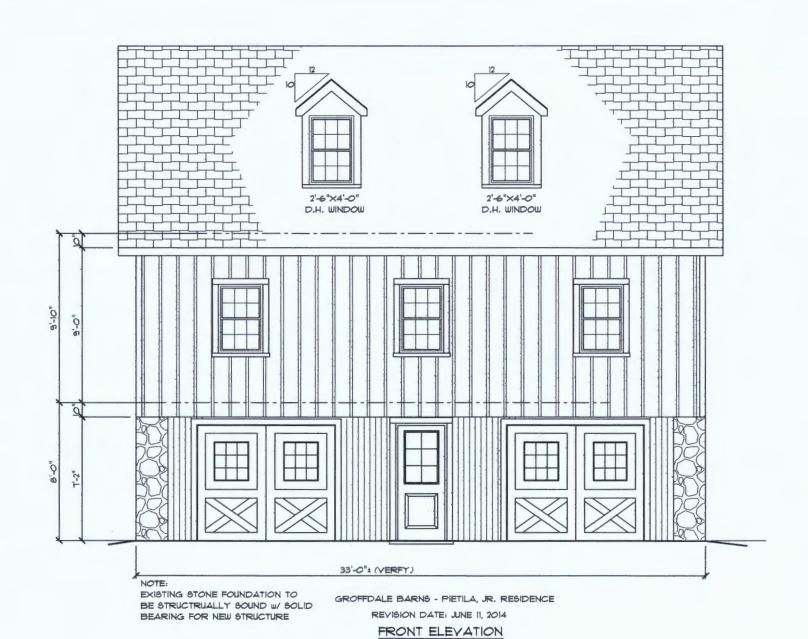


The diagram below shows the left elevation view and the height above grade for the new barn.



GROFFDALE BARNS - PIETILA, JR. RESIDENC REVISION DATE: JUNE 11, 2014 LEFT ELEVATION

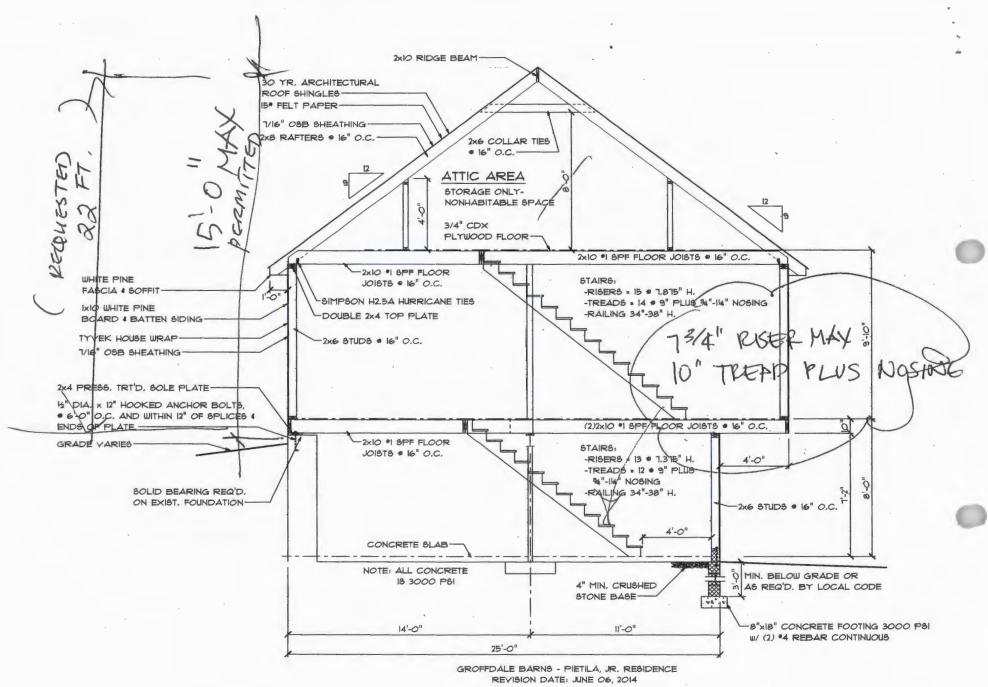




2015-0091-A



GROFFDALE BARNS - PIETILA, JR. RESIDENCE REVISION DATE: JUNE 11, 2014 REAR ELEVATION



LEFT ELEVATION

2015-0091-A

CASE NO. 2015- 0098-0

### CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
11-3	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NO
	DEPS (if not received, date e-mail sent)	
Acceptance	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
10-27	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	ΓΙΟΝ (Case No.	
PRIOR ZONING	(Case No.	
NEWSPAPER AD	OVERTISEMENT Date:	
SIGN POSTING	Date: \\-\-\4	by. Olemeyer
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Comments, if any:		

Real Property Data Search ( w2)			Guide to searching the database						
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Homestead Application Status: No Application

#### **Baltimore County**

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

District: 11 Account Number: 2100004330



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 <a href="https://www.plats.net">www.plats.net</a> (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 <a href="https://www.mdp.state.md.us/OurProducts/OurProducts.shtml">www.mdp.state.md.us/OurProducts/OurProducts.shtml</a>) (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



(http://imsweb05.mdp.state.md.us/website/mosp/)

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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 2015-0091-A
Administrative Variance.
Fames P. & Linda H. Bietila
12400 Glen Dauen 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. 2015-0091-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: November 3, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

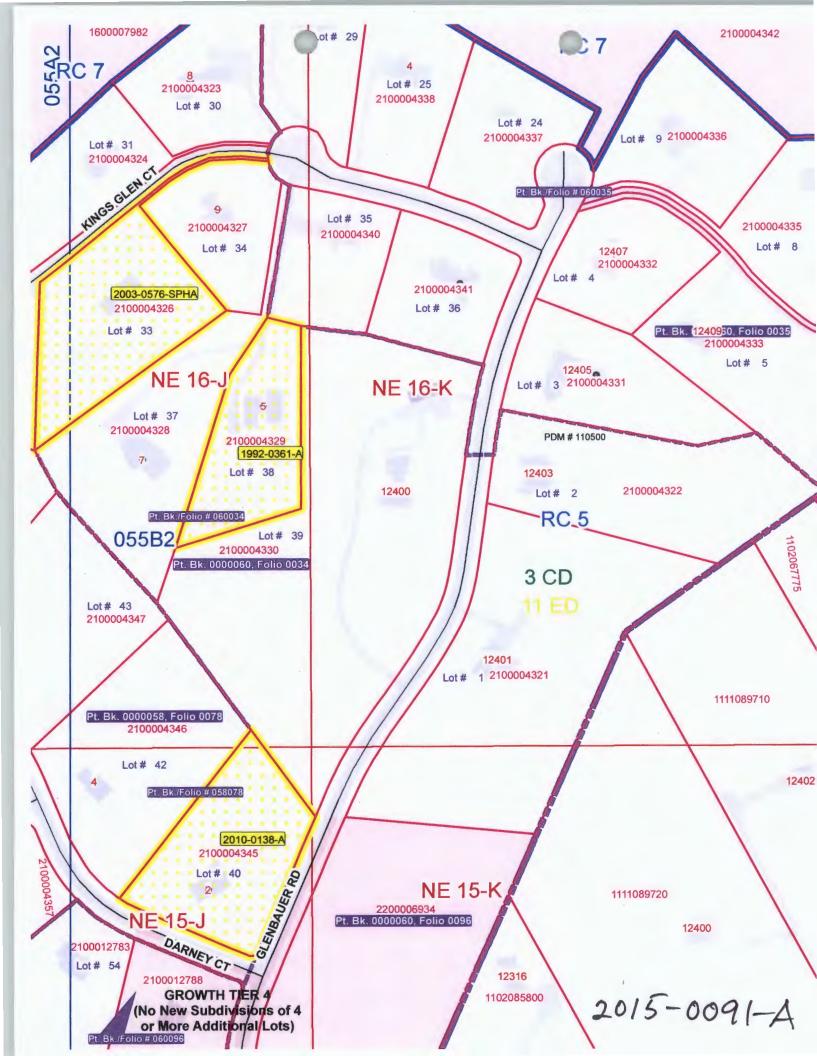
For November 03, 2014

Item No. 2015-0089, 0091, 0092, 0093, 0094, 0095, 0096 and 0099

The Bureau of Development Plans Review has reviewed the subject

zoning items, and we have no comments.

DAK:CEN cc:file



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2015-0091-A

	SITE VICINITY MAP
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Pet. Exc. 1