

M E M O R A N D U M

DATE: January 26, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0121-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 22, 2015. 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

IN RE: PETITION FOR ADMIN. VARIANCE *
(1823 Misty Morning Drive)
1st Election District *
1st Council District *
Shawn M. and Maria Lawson *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2015-0121-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Shawn M. and Maria Lawson ("Petitioners"). The Petitioners are requesting Variance relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (proposed shed) to be located in the rear yard in the third of a corner lot closest to the street in lieu of the required in the lot farthest removed from the street. 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 submitted from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 4, 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 12-23-14

By rw

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 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.

Pursuant to the posting of the property and the provisions of both the B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 23rd day of December, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (proposed shed) to be located in the rear yard in the third of a corner lot closest to the street in lieu of the required in the lot farthest removed from the street, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

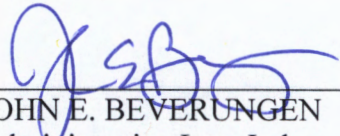
- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

ORDER RECEIVED FOR FILING

Date 12-23-14

By [Signature]

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 12-23-14

By 



KEVIN KAMENETZ
County Executive

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

December 23, 2014

Shawn M. and Maria Lawson
1823 Misty Morning Drive
Catonsville, Maryland 21228

RE: Petition for Administrative Variance
Case No. 2015-0121-A
Property: 1823 Misty Morning Drive

Dear Mr. and Mrs. Lawson:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



ADMINISTRATIVE ZONING PETITION

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:

Address 1823 Misty Morning Drive Catonsville MD 21228 Currently zoned DR1
Deed Reference 34852 1 00090 10 Digit Tax Account # 250 0004710
Owner(s) Printed Name(s) Shawn And Maria LAWSON

(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. ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 400.1 of BCZR to permit an accessory building (proposed shed) to be located in the rear yard in the third of a corner lot closest to the street, in lieu of the required in the lot farthest removed from the street.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ **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):

Shawn LAWSON, Maria LAWSON
Name #1 - Type or Print Name #2 - Type or Print

[Signature] [Signature]
Signature #1 Signature #2

1823 Misty Morning Dr Catonsville MD
Mailing Address City State
21228 410-747-7585 slawson928@gmail.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

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 County, this 12-23-14 day of December that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2015-0121-A Filing Date 11/25/14 Estimated Posting Date 12/7/14 Reviewer AT

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: 1823 Misty Morning Drive CATONSVILLE MD 21228
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 would like to erect a 14x24 foot timber framed shed on the back south-west corner of our property along the Moon Cradle side of the property. We understand that typically Baltimore County requires the structure must be situated in the one-half of the lot furthest from the side street. However, our three sided lot is bounded by both Misty Morning and Moon Cradle on two sides and a HOA forest conservation area on the back. In addition, a 20 foot storm water management easement runs through the back yard limiting the placement of the shed even further. The proposed location of the shed does not interfere with any Baltimore County or HOA easements and places a large portion of the shed directly behind the house. Placing the shed on the east side of the property would require it to be brought forward into what would be considered the side yard to avoid the storm water management easement.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Shawn Lawson
Signature of Owner (Affiant)

Shawn Lawson
Name- Print or Type

Maria Lawson
Signature of Owner (Affiant)

MARIA LAWSON
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 20th day of November, 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Shawn Lawson and Maria Lawson

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

AS WITNESS my hand and Notaries Seal

CRAIG S. GRAYSON
Notary Public-Maryland
Baltimore County
My Commission Expires
April 14, 2018
My Commission Expires

Craig S. Grayson

Zoning Property Description for 1823 Misty Morning Drive, Catonsville, MD 21228

Located at the corner of the south side of Misty Morning Drive which is 50 feet wide and the east side of Moon Cradle which is 50ft wide.

Being lot #25 in the subdivision of Baker Property (Patapsco Reserve) as recorded in Baltimore County Plat Book #78, Folio #400 containing .538 acres. Located in the 1st Election District and 1st Council District.

2015-0121-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0121 -A Address 1823 MISTY MORNING DR.

Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/25/2014 Posting Date: 12/07/14 Closing Date: 12/22/14

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.
3. **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- 0121 -A Address 1823 MISTY MORNING DRIVE
Petitioner's Name SHAWN LAWSON Telephone 410-747-7585
Posting Date: 12/07/14 Closing Date: 12/22/14
Wording for Sign: TO PERMIT AN ACCESSORY BUILDING (PROPOSED
SHED) TO BE LOCATED IN THE REAR YARD IN THE THIRD
OF THE LOT CLOSEST TO THE STREET IN LIEU OF THE REQUIRED
IN THE LOT FARTHEST REMOVED FROM THE STREET.

Revised 7/18/14

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 119640
 Date: 11/25/14

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept Obj	BS Acct	Amount
				Source/	Rev/			
001	806	0000		6150				75 -

Total: \$75 -

Rec From: SHANN LANSON
 For: 1823 MISTY MORNING DR.
2015-0121-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 11/26/2014 11/25/2014 10:01:17 2
 REG 0502 WALKIN JEAN JEE
 >> RECEIPT # 901302 11/25/2014 OFLN
 Bot 5 528 ZINING VERIFICATION
 CR NO. 119640
 Receipt Tot \$75.00
 \$0.00 CR \$0.00 CR
 \$5.00- CR
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

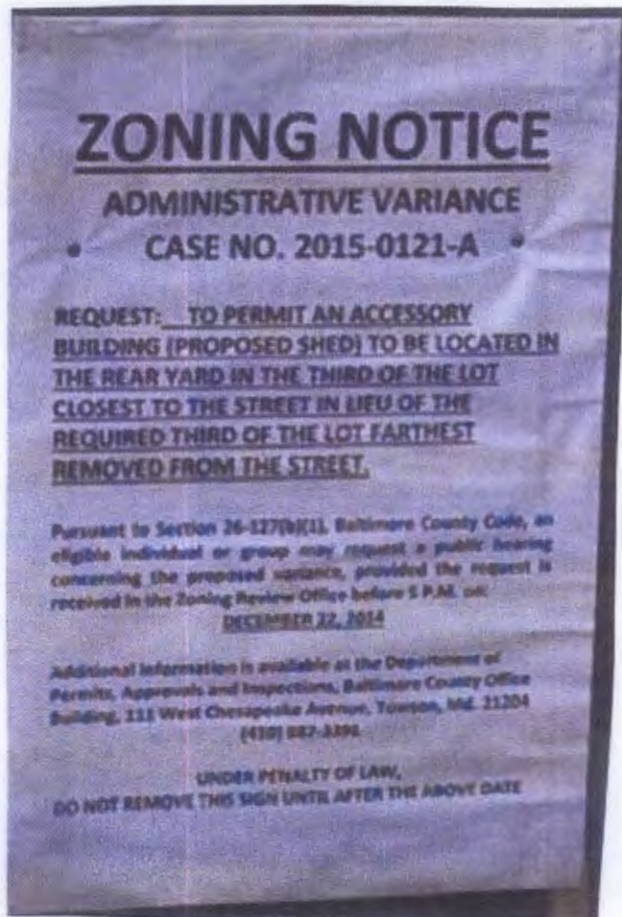
CERTIFICATE OF POSTING

Date: December 4, 2014

RE: Project Name: 1823 Misty Morning Drive
Case Number /PAI Number: 2015-0121-A
Petitioner/Developer: Shawn Lawson
Date of Hearing/Closing: December 22, 2014

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 1823 Misty Morning Drive

The sign(s) were posted on December 4, 2014
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

December 23, 2014

Shawn & Maria Lawson
1823 Misty Morning Drive
Catonsville MD 21228

RE: Case Number: 2015-0121 A, Address: 1823 Misty Morning Drive

Dear Mr. & Ms. Lawson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 25, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." The signature is written in a cursive style with a large, stylized "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

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

SHA
State Highway
Administration
MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 12/8/14

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

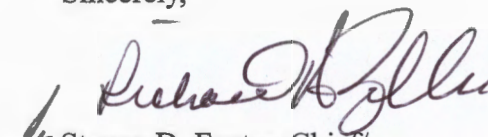
RE: Baltimore County
Item No 2015-0121-A
Administrative Variance
Sharon & Maria Lawson
1823 Misty Morning Drive

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. 2015-0121-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
Department of Permits, Approvals
And Inspections

DATE: December 15, 2014

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 15, 2014
Item No. 2015-0117, 0121, 0123 and 0124

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC12152014 -.doc

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

VI		ap		View GroundRent Redemption		View GroundRent Registration				
Account Identifier:				District - 01 Account Number - 2500004710						
Owner Information										
Owner Name:		LAWSON SHAWN MICHAEL LAWSON MARIA			Use: Principal Residence:		RESIDENTIAL YES			
Mailing Address:		1823 MISTY MORNING DR BALTIMORE MD 21228-			Deed Reference:		/34852/ 00090			
Location & Structure Information										
Premises Address:		1823 MISTY MORNING DR BALTIMORE 21228-0000			Legal Description:		.538AC 1823 MISTY MORNING DR BAKER PROPERTY			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	1
0100	0018	1000		0000			25	2013	Plat Ref:	0078/ 0400
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built 2014		Above Grade Enclosed Area 3,880 SF		Finished Basement Area		Property Land Area 23,435 SF		County Use 04		
Stories 2	Basement YES	Type STANDARD UNIT		Exterior FRAME	Full/Half Bath 3 full/ 1 half		Garage 2 Attached	Last Major Renovation		
Value Information										
Base Value				Value As of 01/01/2013		Phase-in Assessments As of 07/01/2014		As of 07/01/2015		
Land:		143,300		143,300						
Improvements		566,400		556,400						
Total:		709,700		699,700		699,700		699,700		
Preferential Land:		0						0		
Transfer Information										
Seller: RICHMOND AMERICAN HOMES OF MARYLAND INC				Date: 04/11/2014		Price: \$728,416				
Type: ARMS LENGTH IMPROVED				Deed1: /34852/ 00090		Deed2:				
Seller:				Date: 05/20/2011		Price: \$2,740,000				
Type: ARMS LENGTH MULTIPLE				Deed1: /30825/ 00100		Deed2:				
Seller:				Date:		Price:				
Type:				Deed1:		Deed2:				
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2014		07/01/2015				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:				Special Tax Recapture:						
Exempt Class:				NONE						
Homestead Application Information										
Homestead Application Status: Application received										

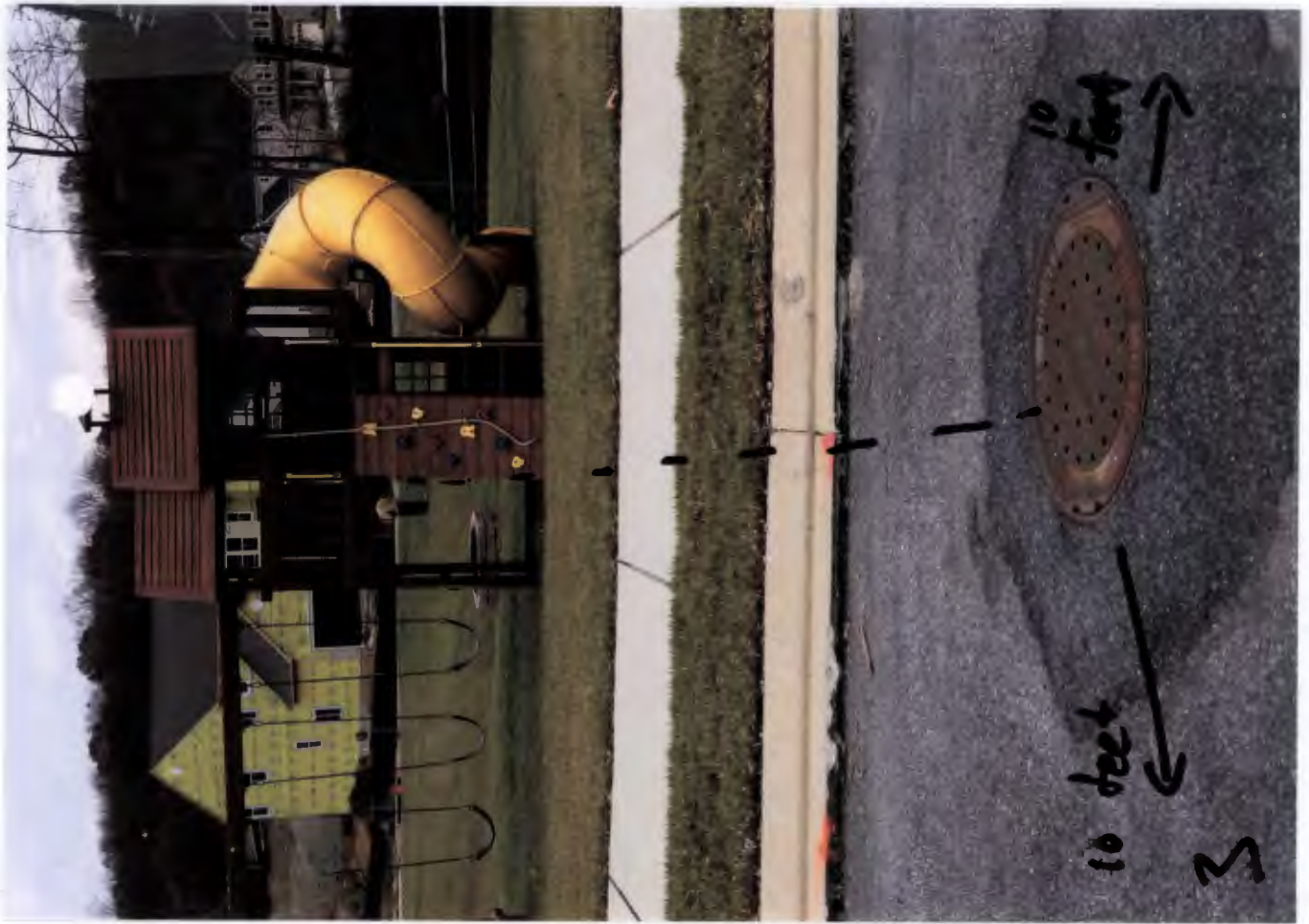
Case Number 2015-0121-A

1823 Misty Morning Drive
Catonsville, MD 21228

Description of pictures.

1. View from the rear right-hand (southwest) side of the property. The shed will run with the fence on the right 15 feet of the back property line which is approximately 10 feet off the retaining wall edge.
2. View from back right corner of the house. The right side of the shed will start behind the swing set and extended to the left. Shed will be 15 feet off the sidewalk on the right measured from nearest edge where it curves out around the court.
3. Photo shows the center line of the storm water management/drainage easement. From one manhole cover in the foreground to the manhole in the background. The gentlemen in the background were inspecting the manhole for debris at the time of the photo.
4. Photo from the East looking back to the proposed shed location.
5. Photo from the West looking back to the proposed shed location. There are no neighbors directly behind the shed.
6. Photo from the front side yard showing location of the nearest house to the property.
7. Photo from the manhole on the east side of the drainage easement.
8. Photo showing location of the storm water management drain.

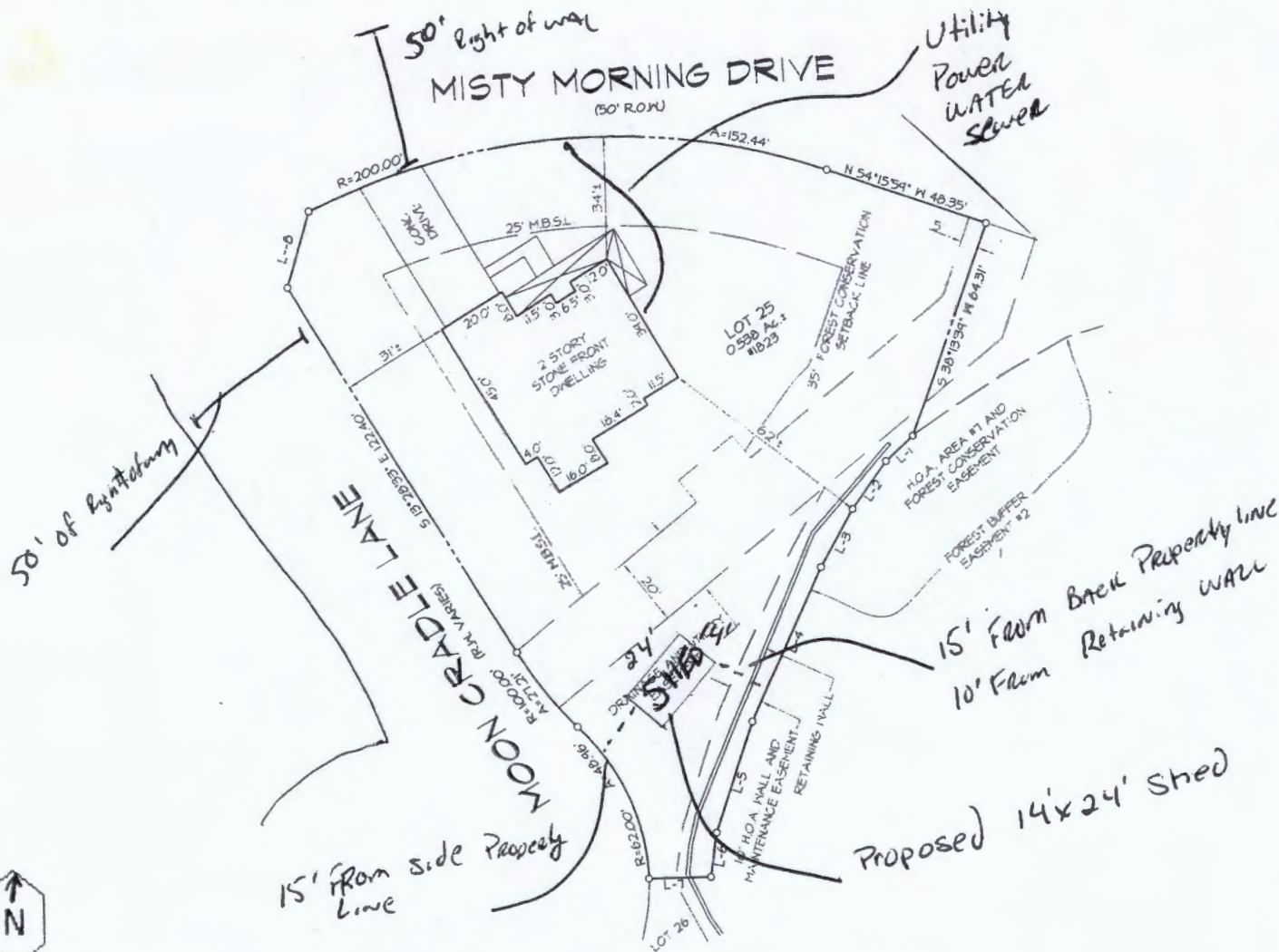




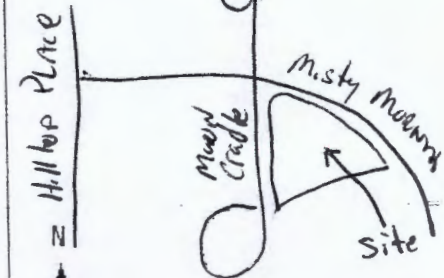




ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 1823 Misty Morning Drive OWNER(S) NAME(S) Shawn & Maria Lawson
 SUBDIVISION NAME Baker Property LOT # 25 BLOCK # _____ SECTION # _____
 PLAT BOOK # 78 FOLIO # 400 10 DIGIT TAX # 2500009710 DEED REF. # 34852/00090



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 100C3

SITE ZONED DR 1

ELECTION DISTRICT 1st

COUNCIL DISTRICT 1st

LOT AREA ACREAGE .538

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

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

N/A

VIOLATION CASE INFO:

NO

PLAN DRAWN BY Shawn Lawson DATE 11/13/2014 SCALE: 1 INCH = 50 FEET

2015-0121-A

NO