

MEMORANDUM

DATE: March 9, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0122-A – Appeal Period Expired

The appeal period for the above-referenced case expired on March 6, 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 VARIANCE
(404 Gerries Avenue)
15th Election District
7th Council District
Jeffrey K & Darlene M. Soter
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2015-0122-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owners of the subject property. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §400.1: to permit an accessory structure in the front yard in lieu of the required rear yard within 2 ft. of the street right-of-way. The subject property and requested relief is more fully depicted on the site plan that was marked as Petitioners' Exhibit 3.

Jeffrey and Darlene Soter appeared in support of the requests. There were no interested citizens in attendance at the hearing. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR). Both agencies opposed the request, and believed the front yard location of the accessory structure was not in keeping with the pattern of the neighborhood.

The subject property is approximately 8,250 square feet and is zoned DR 5.5. The property is improved with a single family dwelling, which Petitioners purchased in 2002. Petitioners installed a prefabricated carport (30' x 12') on the property in 2006. The carport was installed by a contractor who said that since it was not a permanent structure (i.e., it is attached to the ground

ORDER RECEIVED FOR FILING

Date 2/4/15

By Den

with long spikes) a permit was not required. The carport has no foundation, and is in the front yard of the dwelling.

To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test. The Petitioners must contend with existing site conditions, and the property is therefore unique. If the B.C.Z.R. were strictly interpreted Petitioners would experience a practical difficulty, given they would be required to dismantle the carport. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of community opposition. In fact, a petition was signed by approximately 25 adjoining and nearby neighbors, all of whom indicated they had no "problem with me being able to keep the structure erected." Ex. No. 1.

I have reviewed and considered the ZAC comments, and agree with the sentiments expressed therein concerning the undesirability of the carport's front yard location. It is true the variance standard under Maryland law imposes a weighty burden upon an applicant, and if these requirements were strictly enforced the great majority of such applications would be denied. Even so, the OAH frequently grants variances if it is determined the relief will not negatively impact the community. Here, the best evidence on that point is that the carport has been in its present location for nearly 10 years without complaint. It was only upon the filing of an anonymous complaint that the owners became aware of the need for variance relief.

THEREFORE, IT IS ORDERED, this 4th day of February, 2015, by the Administrative

ORDER RECEIVED FOR FILING

Date

2/4/15

By

pen

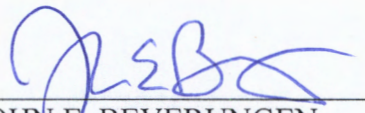
Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §§400.1: to permit an accessory structure in the front yard in lieu of the required rear yard within 2 ft. of the street right-of-way, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners 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.
2. The variance relief granted herein shall not "run with the land," since the carport is not a permanent structure. As such, the carport must be removed when the Petitioners no longer reside at or sell/lease the subject premises.

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

JEB: sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 2/4/15

By sln



KEVIN KAMENETZ
County Executive

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

February 4, 2015

Jeffrey and Darlene Soter
404 Gerries Avenue
Baltimore, Maryland 21221

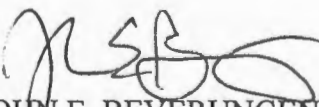
RE: Petition for Variance
Property: 404 Gerries Avenue
Case No. 2015-0122-A

Dear Mr. and Mrs. Soter:

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:slh
Enclosure

VIO^{CB}LATION # 1401008



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 404 GERRIES AVE ESSEX MD 21221 which is presently zoned BALT. COUNTY

Deed References: 82806/13CK1 10 Digit Tax Account # 1503850001

Property Owner(s) Printed Name(s) JEFFREY K. SOTER / DARLENE M. SOTER

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s) 400.1, BCZR; TO PERMIT AN ACCESSORY STRUCTURE IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD WITHIN 2 FT. OF THE STREET RIGHT OF WAY.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

- 1) TO KEEP CARPORT ERECTED, (IT HAS BEEN HERE FOR 8+ YEARS)
- 2) TO KEEP DOORS PUT ON IN 2014 ON CARPORT TO PROTECT MOTORCYCLES. ^{② VINTAGE}

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).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

JEFFREY K. SOTER, DARLENE M. SOTER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

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

CASE NUMBER 2015-0122A

Filing Date 11/26/14

Do Not Schedule Dates:

Reviewer JCM

STATEMENT:

11/25/14

TO BALT. CO. GVT.

I've been living AT 404 Gerries Ave Essex MD Since 2/2002. with wife ETC. I BOUGHT A CARPORT IN 2006 THE COMPANY WHO ERECTED IT ASSURED US IT DIDN'T NEED PERMIT BECAUSE IT WAS NOT ATTACHED TO HOUSE AND ALSO WAS NOT A PERMANENT STRUCTURE. I've ALWAYS BEEN BY THE BOOK I Served in THE GREAT US OF A MILITARY & TRY TO PAY ATTENTION TO DETAIL. LAST YEAR I GOT PERMITS FOR ① A ABOVE ground POOL ② POOL Deck ③ 4x4 FRAME FOR shed (did not even need) Few YEARS BACK I GOT PERMITS FOR INSTALLING Siding & windows (② didn't need), TWO GROUPS & I never FIGHT IS THE POLICE & THE LOCAL + Fed Government, I HOPE TO RIGHT ANY WRONG I've done & THANK YOU FOR YOUR TIME & CONSIDERATION READING THIS LETTER.

Thank you

Sincerely

JEFFREY K. SOTER

Jeffrey K. Soter

ZONING DESCRIPTION FOR

404 GERRIES AVENUE

**THAT PROPERTY LOCATED ON THE EAST SIDE OF GERRIES AVENUE, 100FT.
(APPROXIMATELY) IN A NORTHERLY DIRECTION FROM THE CENTERLINE OF THE
NEAREST IMPROVED STREET, GEORGE AVENUE. ELECTION DISTRICT 15,
COUNCILMANIC DISTRICT 7. LOT AREA, .189 ACRES. RECORD PLAT BOOK 25,
FOLIO 24.**

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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. For those petitions which require a public hearing, 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: 2015-0122A

Petitioner: Jeffrey Soter

Address or Location: 404 GERRIES AVE, ESSEX AVE, BALTO, MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Telephone Number: 410-686-4303

No. 119641

Date 11/26/14

NO. 100-100000

DATE	REMARKS	TIME
11/20/2014	11/20/2014	11:10:00

106 1050 106 1050 106 1050

1260 11/28/2002

9-14 2-10 ZIMMER VERF. ILW. 100

1954

10-17-68

5.00 CR 9100.00 CA

125.80-10

Baltimore County, Maryland

Total: 75.

2015-0122-A

JEFFERY SOTER

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 2959780

Sold To:

Jeffrey Soter - CU00405409
404 Gerries Ave
Essex, MD 21221

Bill To:

Jeffrey Soter - CU00405409
404 Gerries Ave
Essex, MD 21221

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jan 13, 2015

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

NOTICE OF ZONING HEARING
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows: Case: # 2015-0122-A 404 Gerries Avenue E/s Gerries Avenue, 100 ft. n/of centerline of George Avenue 15th Election District - 7th Councilmanic District Legal Owner(s) Jeffrey & Darlene Soter Variance: to permit an accessory structure in the front yard inlieu of the required rear yard within 2 ft. of the street right-of-way; to keep carport erected (it has been in this location for 8 years); to keep doors on each end of the carport to protect 2 vintage motorcycles (installed in 2014). Hearing: Monday, February 2, 2015 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204. ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868. (2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT 1/7/19 January 13 2959780

CERTIFICATE OF POSTING

Date: January 14, 2015

RE: Project Name: 404 GERRIES AVENUE
Case Number /PAI Number: 2015-0122-A
Petitioner/Developer: Jeffrey and Darlene Soter
Date of Hearing/Closing: February 2, 2015

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 404 Gerries Avenue

The sign(s) were posted on January 13, 2015

(Month, Day, Year)

ZONING NOTICE

• CASE NO. 2015-0122-A

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204

TIME: MONDAY, FEBRUARY 2, 2015 @ 10:00 AM

REQUEST: VARIANCE TO PERMIT AN ACCESSORY
STRUCTURE IN THE FRONT YARD IN LIEU OF THE REQUIRED
REAR YARD WITHIN 2 FEET OF THE STREET RIGHT OF WAY
LINE; TO KEEP CARPORT ERECTED (IT HAS BEEN IN THIS
LOCATION FOR 8 YEARS); TO KEEP DOORS ON EACH END OF
THE CARPORT (INSTALLED IN 2014) TO PROTECT 2 VINTAGE
MOTORCYCLES

Postponements due to weather or other conditions are sometimes
necessary. To confirm hearing or obtain additional information, contact
Department of Permits, Approvals and Inspections, 111 West Chesapeake
Avenue, Towson, Md. 21204 (410) 887-3391

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE
DAY OF THE HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE

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)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 13, 2015 Issue - Jeffersonian

Please forward billing to:
Jeffrey Soter
404 Gerries Avenue
Essex, MD 21221

410-686-4303

NOTICE OF ZONING HEARING

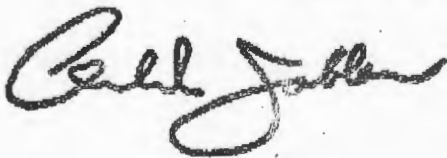
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0122-A

404 Gerries Avenue
E/s Gerries Avenue, 100 ft. n/of centerline of George Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Jeffrey & Darlene Soter

Variance to permit an accessory structure in the front yard in lieu of the required rear yard within 2 ft. of the street right-of-way; to keep carport erected (it has been in this location for 8 years); to keep doors on each end of the carport to protect 2 vintage motorcycles (installed in 2014).

Hearing: Monday, February 2, 2015 at 10:00 a.m. in Room 205, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive
December 19, 2014

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

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0122-A

404 Gerries Avenue
E/s Gerries Avenue, 100 ft. n/of centerline of George Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Jeffrey & Darlene Soter

Variance to permit an accessory structure in the front yard in lieu of the required rear yard within 2 ft. of the street right-of-way; to keep carport erected (it has been in this location for 8 years); to keep doors on each end of the carport to protect 2 vintage motorcycles (installed in 2014).

Hearing: Monday, February 2, 2015 at 10:00 a.m. in Room 205, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Soter, 404 Gerries Avenue, Essex 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 13, 2015.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

January 27, 2015

Jeffrey K. & Darlene M. Soter
404 Gerries Avenue
Essex MD 21221

RE: Case Number: 2015-0122 A, Address: 404 Gerries Avenue

Dear Mr. & Ms. Soter:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 26, 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 that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

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



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

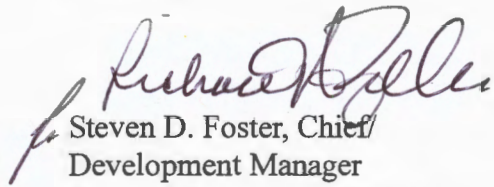
RE: Baltimore County
Item No. 2015-0122-A
Variance
Jeffrey K. Darlane M. Soter
404 Gerries Avenue

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. 2015-0122-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

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 15, 2014
Item No. 2015-0122

DATE: December 15, 2014

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

Setbacks along Gerries Ave. for other homes are consistent. We suggest denying this request since it is out of character with the rest of the street and creates an undesirable precedent.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0122-12152014.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: January 5, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 404 Gerries Avenue

INFORMATION:

Item Number: 15-122

Petitioner: Jeffrey Soter

Zoning: DR 5.5

Requested Action: Variance

RECEIVED

JAN 07 2015

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

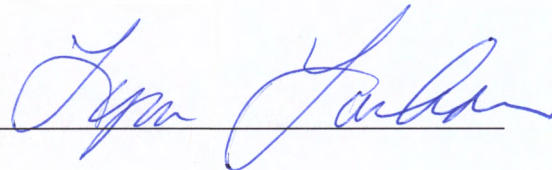
The Department of Planning has reviewed the Petitioner's request and accompanying site plan. The Petitioner is requesting a variance from Section 400.1 of the BCZR to allow an accessory structure in the front yard in the lieu of the required rear yard and to allow the structure to be within 2 feet of the street r-o-w line.

The Department of Planning is not in support the Petitioner's variance request.

It is the recommendation of the Department of Planning that the grant of the variance would be detrimental to the general welfare of the community by adversely altering the established juxtaposed relationship of structures to street along Gerries Avenue. Further, the subject property is not unique in a way that would prevent the Petitioners from achieving their stated "protection" goals while remaining within the requirements of the BCZR. By its prominent front yard location and occupation of a sizable portion of that yard, the detached structure cannot be considered subordinate to the principal structure and therefore is contradictory to the definition of accessory structure found in Section 101 of the BCZR. The existing condition compels the imposition of the "Street Building Line Setback" established in Section 1B02.3.C.2.c.v of the Zoning Commissioner's Policy Manual as adopted and incorporated into the BCZR on 5/13/1992. That setback, which applies to all structures, would be 25 feet from the r-o-w line in the subject property's D.R.5.5 zone classification.

For further information concerning the matters stated herein, please contact Joe Wiley at 410-887-3480.

Division Chief:
AVA/LL



RE: PETITION FOR VARIANCE
404 Gerries Avenue; E/S Gerries Avenue,
100' N of the c/line of George Avenue
15th Election & 7th Councilmanic Districts
Legal Owner(s): Jeffrey & Darlene Soter
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2015-122-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

101



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December, 2014, a copy of the foregoing Entry of Appearance was mailed to Jeffrey & Darlene Soter, 404 Gerries Avenue, Essex, Maryland 21221, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Sherry Nuffer

From: Sherry Nuffer
Sent: Wednesday, February 04, 2015 11:58 AM
To: Lewis A Mayer
Subject: Jeffrey and Darlene Soter 404 Gerries Avenue
Attachments: 20150204113052870.pdf

Attached please find a copy of the decision rendered in Case No. 2015-0122-A; your violation/citation number CB1401008 for 404 Gerries Avenue.

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE:

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Glenn Berry, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2015-0122-A
Legal Owner/Petitioner: JEFFREY + DARLENE SOTER
Contract Purchaser:
Property Address: 404 GERRIES AVE
Location Description:

VIIOLATION INFORMATION: Case No. CB 1400966
Defendants: JEFFREY + DARLENE SOTER

Please be advised that the aforementioned petition is the subject of an active violation case.
When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME LEWIS MAYER ADDRESS BLDG INSPECTION
C.O.B. - G-21
X3953

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☒ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☒ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☐ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☒ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☒ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Room 113 in order that the appropriate action may be taken relative to the violation case.

AGB/
C: Code Enforcement Officer

DATE: 12/09/2014

STANDARD ASSESSMENT INQUIRY (1)

TIME: 08:27:28

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 03 850001	15	3-0	04-00	H	NO		12/03/14

SOTER JEFFREY K

DESC-1..

SOTER DARLENE

DESC-2.. ESSEX

404 GERRIES AVE

PREMISE. 00404 GERRIES

AVE

BALTIMORE

21221-

BALTIMORE

MD 21221-6643 FORMER OWNER: CYZYK JOHN

----- FCV -----			----- PHASED IN -----			
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	74,500	74,500		FCV	ASSESS	ASSESS
IMPV:	92,300	92,300	TOTAL..	166,800	166,800	166,800
TOTL:	166,800	166,800	PREF...	0	0	0
PREF:	0	0	CURT...	166,800	166,800	166,800
CURT:	166,800	166,800	EXEMPT.		0	0
DATE:	01/12	01/12				

----	TAXABLE BASIS	----	FM DATE
	ASSESS:	166,800	11/05/14
	ASSESS:	166,800	
	ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Baltimore County
Permits, Approvals
And Inspections

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953



15

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. CB1401008 Property No. 1503850001 Zoning: _____

Name(s): JEFFREY K SOTER
DARLENE SOTER

Address: 404 GERRIES AVE
BALTIMORE MD 21221

Violation Location: 404 GERRIES AVE 21221

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BALT. COUNTY CODE 2003 ARTICLE 35 SEC 35-2-301, 304

- FAILURE TO OBTAIN BUILDING PERMIT FOR GARAGE STRUCTURE IN FRONT OF DWELLING
- OBTAIN BUILDING PERMIT FOR GARAGE STRUCTURE IN FRONT OF DWELLING

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 12/9/14 DATE ISSUED: 11/18/14

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

INSPECTOR: Lewis Mayer PRINT NAME: LEWIS MAYER

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: _____ DATE ISSUED: _____

INSPECTOR: _____ PRINT NAME: _____

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR

REVISED 2/13



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB1401008

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB1401008	Lewis Mayer		11/07/2014	Inspection Scheduled		

Complaint Description: Shed/garage built in front yard not permitted or built to building code standards

<u>Property</u>	<u>Owner</u>	<u>Complainant</u>
404 GERRIES AVE ESSEX, MD 21221-6643 Tax Id: 1503850001	SOTER JEFFREY K SOTER DARLENE 404 GERRIES AVE BALTIMORE, MD 21221-6643	

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Lewis Mayer		Initial Inspection	Scheduled		

Lien Information - No Lien

Comments Detail - No Comments

11/18/14 - VISITED SITE. OBSERVED PRECAB METAL GARAGE
STRUCTURE INSTALLED IN THE FRONT OF PROPERTY.
ISSUED CORRECTION NOTICE TO OBTAIN BUILDING PERMIT.
MAILED TO OWNER R/C 12/19/14 JAM LK
12/9/14 - OWNER IS APPLYING FOR VARIANCE. R/C 11/30/15 JAM

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1503860001			
Owner Information					
Owner Name:	SOTER JEFFREY K SOTER DARLENE		Use:	RESIDENTIAL	
Mailing Address:	404 GERRIES AVE BALTIMORE MD 21221-6643		Principal Residence:	YES	
			Deed Reference:	/33982/ 00292	
Location & Structure Information					
Premises Address:		404 GERRIES AVE BALTIMORE 21221-		Legal Description: 404 GERRIES AVE ESSEX	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0097	0002	0275		0000	C 1 2015 0025/0024
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
1958	1,362 SF				8,250 SF
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	NO	SPLIT LEVEL	ASBESTOS SHINGLE	1 full/ 1 half	1 Attached
Value Information					
	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2014 As of 07/01/2015		
Land:	74,500	74,500			
Improvements	92,300	91,500			
Total:	166,800	166,000	166,800	166,000	
Preferential Land:	0			0	
Transfer Information					
Seller: CYZYK JOHN		Date: 07/25/2013		Price: \$113,400	
Type: NON-ARMS LENGTH OTHER		Deed1: /33982/ 00292		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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: Approved 01/27/2009					

PLOT PLAN

Application Number _____

OWNER JEFF SOTER

ADDRESS 404 GERRIES AVE

PLEASE SHOW BELOW:

- Property line dimensions and easements;
- Existing buildings;
- Existing well/septic; (show distance to nearest structure)
- Road names and location of alleys;
- If your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- The proposed work and the setback distances to the proposed work.

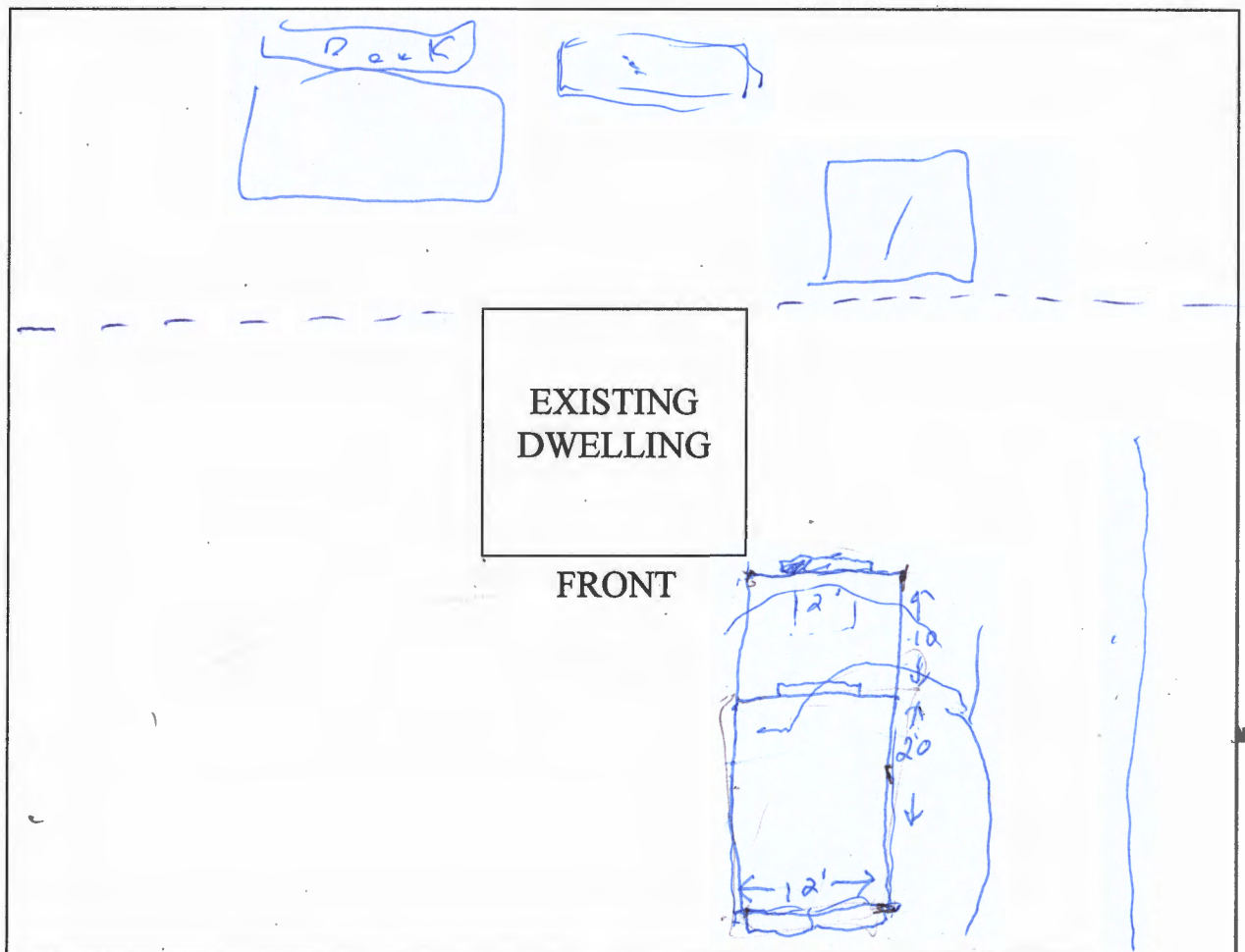
Front Setback _____

Left Setback _____

Rear Setback _____

Right Setback _____

NOTE: Cannot fence access easement.



ROAD NAME _____

Baltimore County
Department of Permits, Approvals & Inspections

**SHEDS AND ACCESSORY STORAGE STRUCTURES:
FOUNDATION REQUIREMENTS**

Accessory storage buildings of *light frame construction up to 600 sf in area:**

No permanent foundation is required, but the building must be anchored. Eave height must not exceed 10 feet.

**Accessory storage buildings greater than 400 sf in area that
are not of *light frame construction**:**

A permanent foundation supported at least 30" below finished grade is required.

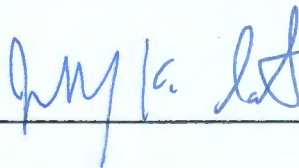
**light frame construction*: structural elements are primarily formed from a system of repetitive wood or cold-formed steel framing members.

NOTE: Permits are required for all accessory structures over 120 square feet

Explanatory Notice to Applicants: When soil freezes, entrapped moisture expands, lifting anything built on top of it. This movement, known as frost heave, can severely damage a building whose foundation is not deep enough. Damage from frost heave is directly proportional to the size and complexity of the structure. The smaller the shed, the more likely it will rise and fall as a unit without differential movement. The addition of windows and doors decreases the likelihood of unity of movement, causing portions of the structure to move out of balance with other portions and thus decrease building function.

For further information, contact Building Inspection at 410-887-3953

Applicant _____





Permits, Approvals & Inspections

111W. Chesapeake Avenue
Towson, MD 21204

Report Generated On:
11/24/2014

Permit Processing Residential Permit Report

Page 1 of 1

Property Information

Tax Account Number: 1503850001

Plat Ref: 025:024

Election District: 15

Owner Name(s): SOTER JEFFREY K and SOTER DARLENE

PDM # :

Address: 404 GERRIES AVE
BALTIMORE, MD 21221

Zoning District(s): DR 5.5

Premise Address: 404 GERRIES AVE

Elevation Range: 46ft - 50ft

Affected Overlays

Instructions: Begin review process with Zoning Review, Room 111.

Contact Agency

Potential Overlay Issues

New Homes	Internal Alts.	Add / Ext. Alts.	Access. Struct.	Open Decks	Piers/Pilings	Grading/SW	Tanks	Ret. Walls/Bulk	Razing	Elec. & Plumb
-----------	----------------	------------------	-----------------	------------	---------------	------------	-------	-----------------	--------	---------------

Agency
Acknowledgment

Initial & Date

Code Enforcement

County Office Building
Room 213
Phone: 410-887-8099

Rental Housing: 410-887-6060
Bldg. Inspections: 410-887-3953
Finance: 410-887-4643

Open Code Enforcement Actions: Do NOT Issue Permit

Case#	Type	Action Status
CB1401008	Building	Correction Notice Issued

PAI-Public Services

County Office Building
Room 119
Phone: 410-887-3751

InFill Lot Review

Verify Water Service Size.

X										
X										

OK To File

Case No.: 2015-0122-A

Exhibit Sheet

2-4-15
sen

Petitioner/Developer

DW
3-9-15

Protestants

No. 1	Petition signed by neighbors	
No. 2	Map showing locations of neighbors signing petition	
No. 3	site plan	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

January 22, 2015

Zoning case #2015-0122-A

I have a carport in the front yard (in lieu of the required rear). I put doors on each end to store vintage motorcycles in it. This petition is if you do not have a problem with me being able to keep the structure erected.

Thank you, Your neighbor Jeff Soter; 404 Gerries Ave

NAME	ADDRESS	Phone#
1. Kenneth Cowan	408 Gerries Ave	21221
2. Christine Forsythe	408 Gerries Ave	410 499 3541
3. Tyler Harter	468 Gerries Ave	410 3 925 6100
4. Chris Gail	902 Althorn Ave	443-410-4461
5. Shawn Buchanan	408 N. Woodward Dr	410-616-3163
6. Margaret Lynch	408 Gerries Ave	410-686-4379
7. Oscar Canas	405 Gerries Ave	410-804-0606
8. Fatima Canas	405 Gerries Ave	410-804-0606
9. Jermaine Huntley	507 George Ave	443 991 2279
10. Jesus of Nazareth	Freewill Baptist Church	401 Gerries Ave
11. Chandler Smith	401 Gerries Ave	443-447-5779
12. James Million	415 Mace Ave	335 891 6004
13. Mike Alvey	415 Mace Ave	
14. David McKeene	415 Mace Ave	443-798-8173
15. [Signature]	501 Mace Ave	410-340-1440
16. [Signature]	501 Mace Ave	863-344-1742
17. [Signature]	501 Mace Ave	410 238-6520
18. [Signature]	404 Gerries Ave - B	413-630-7177
19. [Signature]	Automotive	443-623-2888
20. Dennis Ichter	403 GERRIES AVE	443 604 6064

PETITIONER'S

EXHIBIT NO. 1

21. _____
22. _____
23. Wesley Hart 427 Lorraine Ave 71221 410-240-3974
24. Fred Raitberg ^{used to} 404 Gervies Ave 21221 443-500-9023
25. NORMAN TURNER 410 459 4915
26. JEFF SOTER 404 Gervies Ave Essex MD 21201 410 686-4303
27. Terry Alexander 8 Chandler Dr. 443-220-6100
28. Jim Bevan 443-929-4461
29. _____
30. _____
31. _____
32. _____
33. _____
34. _____
35. _____
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48. _____
49. _____
50. _____

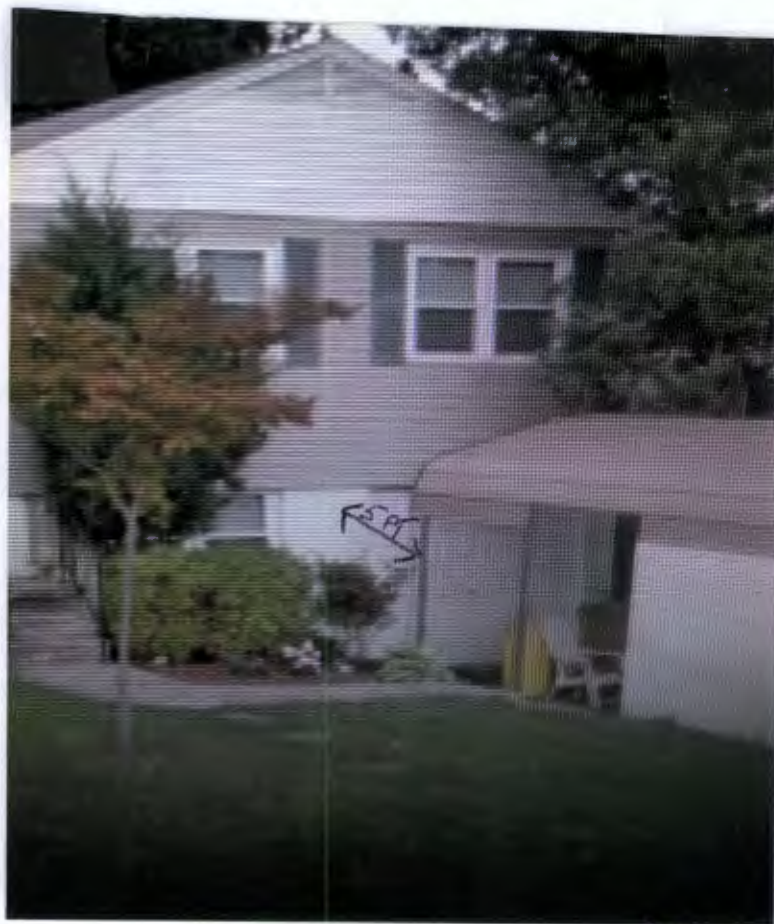
404
GERRIES AVE 11/2014 (CARPORT)



11/2014



404
Gerris Ave 2006'



5 FT FROM HOUSE TO CARPORT 404
GERRIS



2006'

4046062.0)



WOODWARD Ave

George

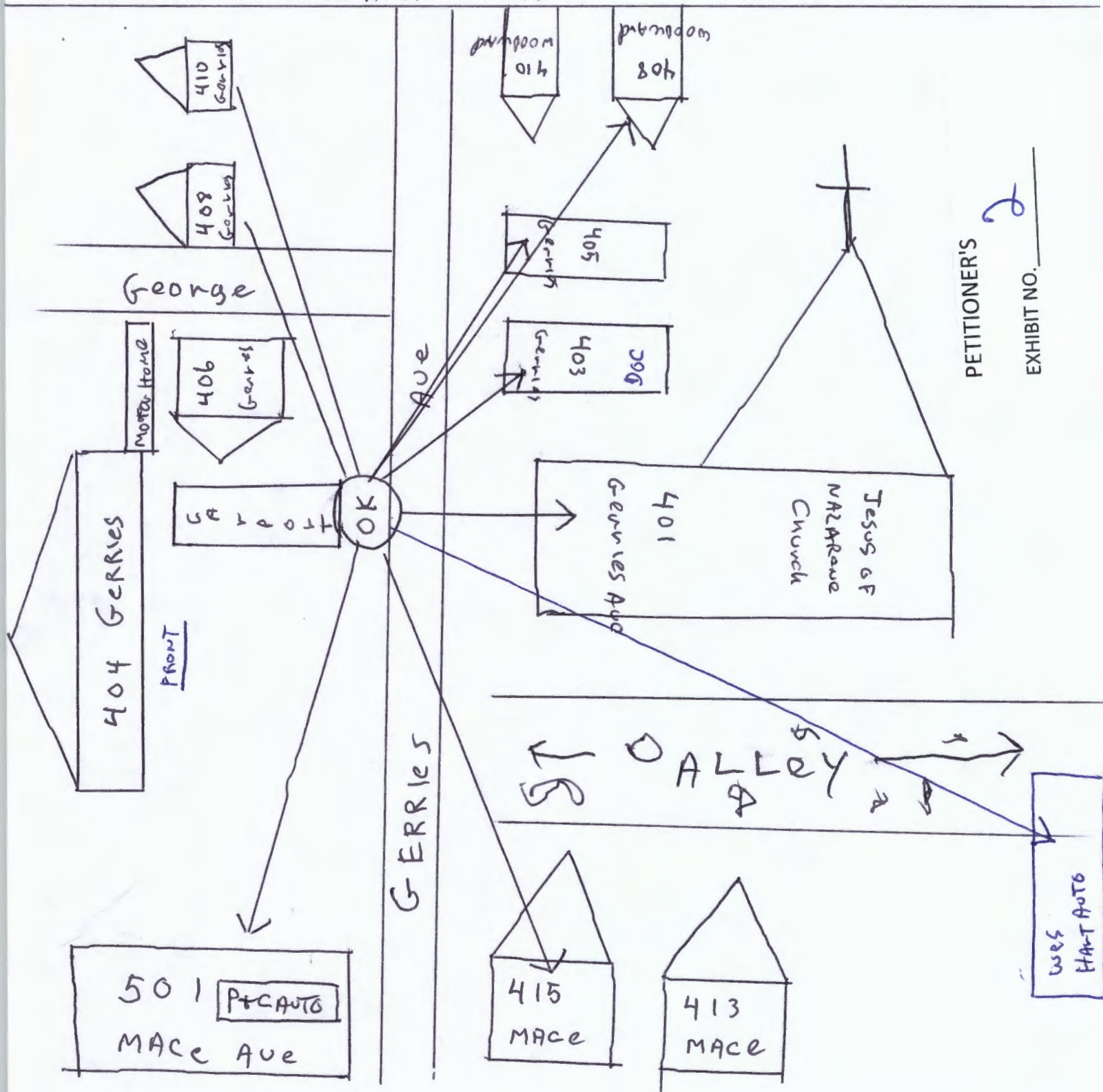
Ave

GERRIES

MAce Ave

PETITIONER'S

EXHIBIT NO. 2



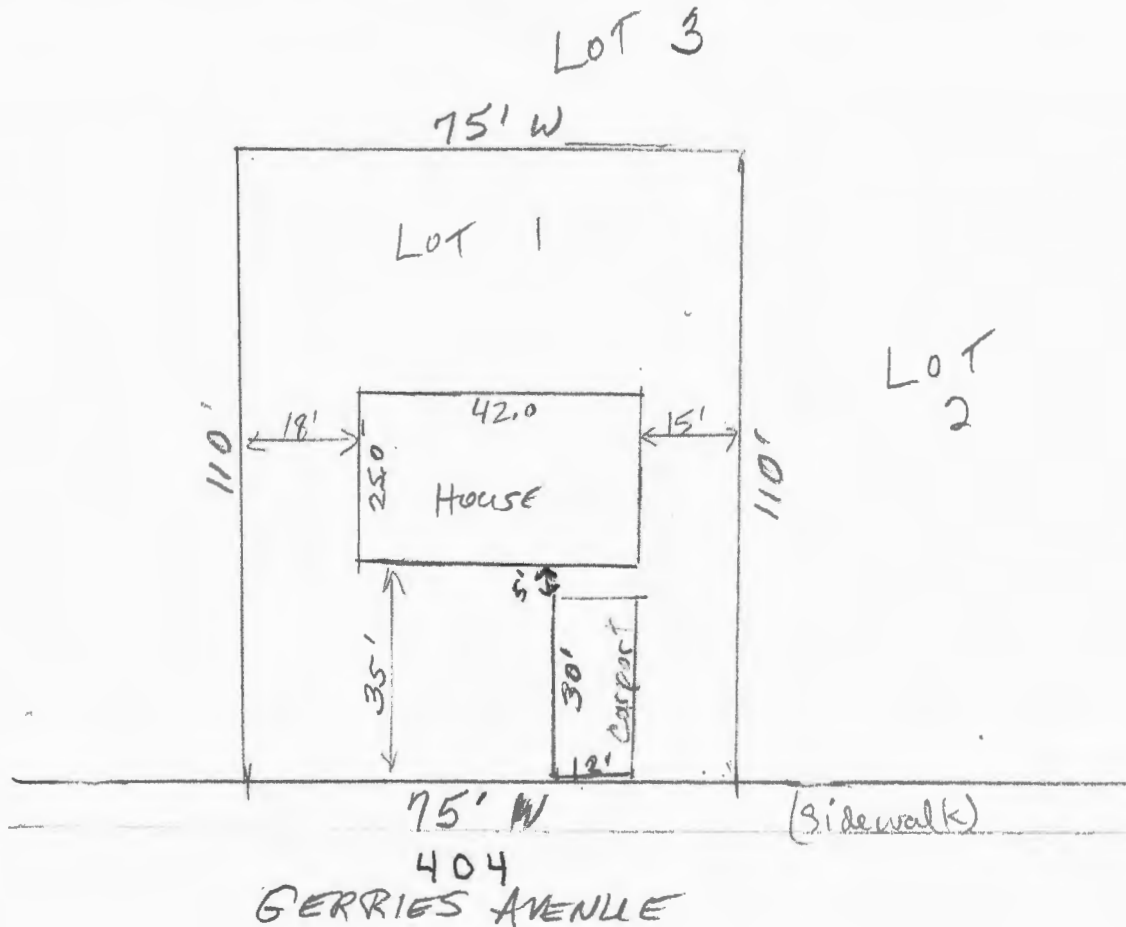
Zoning hearing plan for variance X for special hearing _____ (mark type requested with X)

Address 404 GERRIES AVENUE; ESSEX, MD. 21221

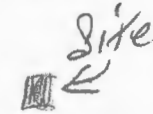
Owner(s) name(s) JEFFREY SOTER and Darlene SOTER

Subdivision name Essex Lot # 1 Block # Cant Section # C

Plat Book # G.L.B. 25, Folio # 24 10 digit tax # 1503850001 Deed ref. # 82806/13CK1



Site Vicinity Map



GERRIES AVE.

Map is not to scale

Zoning Map # BC 37 C-9

Site zoned DR 5-5

Election district 15

Council District 7

Lot area acreage .189

Or square feet 8,250

Historic? NO

In CBCA? NO

In flood plain? NO

Utilities? Mark with an X

Water is:

public X private _____

Sewer is:

Public X private _____

Prior hearing? NO

VIOLATION: # 1401008

CB

PETITIONER'S

EXHIBIT NO. 3

Plan drawn by JEFFREY SOTER

Date 11/24/14 Scale: 1 inch = 30 feet