

MEMORANDUM

DATE: February 10, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0129-A – Appeal Period Expired

The appeal period for the above-referenced case expired on February 9, 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 *
(201 Sherwood Road)
8th Election District *
3rd Council District *
Darrell A. and Carol Jean Spera *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2015-0129-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, Darrell A. and Carol Jean Spera. The Petitioners are requesting Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition to the side of the dwelling with a side yard setback of 12 ft. in lieu of the required 20 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 December 21, 2014, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law

Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply

ORDER RECEIVED FOR FILING

Date 1-8-15

By EW

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.

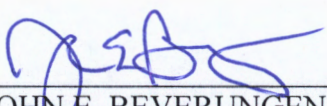
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 8th day of January, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition to the side of the dwelling with a side yard setback of 12 ft. in lieu of the required 20 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.

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 1-8-15

By [Signature]



KEVIN KAMENETZ
County Executive

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

January 8, 2015

Darrell A. and Carol Jean Spera
201 Sherwood Road
Cockeysville, Maryland 21030

RE: Petition for Administrative Variance
Case No. 2015-0129-A
Property: 201 Sherwood Road

Dear Mr. and Mrs. Spera:

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", followed by a long horizontal flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Douglas W. DuVal, L.S., Pres., DuVal & Associates, P.A., 1729 York Rd.,
Ste. 205, Lutherville, MD 21093



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 201 Sherwood Road Currently zoned DR 1
 Deed Reference 11169-197 10 Digit Tax Account # 0823000050
 Owner(s) Printed Name(s) Darrell A. Spera and Carol Jean Spera

(SELECT THE HEARING(S) BY MARKING ☒ 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:

- ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 1B02.3C.1 of B.C.Z.R. to permit an addition to the side of the dwelling, with a side yard setback of 12 feet in lieu of the required 20 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):

Darrell A Spera Carol J Spera
 Name #1 - Type or Print Name #2 - Type or Print

Darrell A Spera Carol J Spera
 Signature #1 Signature #2

201 Sherwood Road MD
 Mailing Address City State

21030 410-628-1051
 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:

Douglas W. DuVal, L.S., Pres.
 Name - Type or Print

DW DuVal
 Signature

DuVal & Associates, P.A.
1729 Park Rd., Ste. 205, Lutherville, MD
 Mailing Address City State

21093 410-666-5467 DUVALAPA@VERIZON.NET
 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, on 12/10/14 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 2015-0129-A Filing Date 12/10/14 Estimated Posting Date 12/21/14 Reviewer AT

~01/05/15

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: 201 Sherwood Road, Cockeysville MD 21030
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)

See attachment

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

X Darrell A Spera
Signature of Owner (Affiant)

Darrell A Spera
Name- Print or Type

X Carol J Spera
Signature of Owner (Affiant)

Carol J. Spera
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

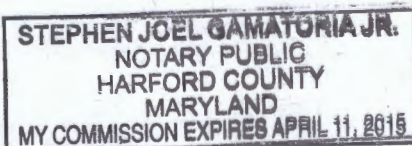
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4 day of December, 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Darrell A Spera and Carol J Spera

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

AS WITNESS my hand and Notaries Seal



[Signature]
Notary Public

Nov 11 2015
My Commission Expires

ADMINISTRATIVE VARIANCE REQUEST ATTACHMENT
201 Sherwood Road, Cockeysville 8,C3

The property's shape and improvements have been intact since at least 1938 and as such, predate zoning regulations. The Spera's wish to add a first floor bedroom to their house for their use, as Mrs. Spera's ability to climb steps is diminishing. The addition cannot be placed in the yard south of the house due to the presence of the septic system and the Septic Reserve Area. This practical difficulty leaves only the east yard for the addition, which creates the need for this request for a side yard variance from 20 feet to 12 feet,
as established in BCZR Section

ZONING PROPERTY DESCRIPTION FOR 201 SHERWOOD ROAD

Beginning at a point on the east side of Tyrie Avenue which is 16 feet wide at the distance of 25 feet south of the centerline of Sherwood Road, which is 50 feet wide. Thence the following courses and distances: N. $52^{\circ} 03' 48''$ E. 55.22', S. $32^{\circ} 04' 34''$ E. 138.00', S. $55^{\circ} 10' 26''$ W. 55.00', and N. $32^{\circ} 04' 34''$ W. 135.00' back to the point of beginning, as recorded in Deed Liber 11169, Folio 197, containing 7499 square feet or 0.1722 acres of land, more or less. Located in the 8th Election District and 3rd Councilmanic District.

2015-0129-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0129 -A Address 201 SHERWOOD ROAD

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

Filing Date: 12/10/14 Posting Date: 12/21/14 Closing Date: 01/05/15

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- 0129 -A Address 201 SHERWOOD ROAD

Petitioner's Name CAROL SPERA Telephone 410-628-1051

Posting Date: 12/21/14 Closing Date: 01/05/15

Wording for Sign: TO PERMIT AN ADDITION TO THE SIDE
OF THE DWELLING WITH A SIDE YARD SETBACK OF
12 FEET IN LIEU OF THE REQUIRED 20 FEET.

Revised 7/18/14

No.

119715

Date: _____

12/10/14

BUSINESS	ACTUAL	TIME	DNV
2/12/2014	12/10/2014	11:08:49	5

REG 5505 WALKIN REGS LRB
X-RECEIPT N 775824 12/10/2014 OFLN

Dept. 5 528 ZONING VERIFICATION
EN NO. 119715

Receipt Tot \$75.00
 \$75.00 OK 1.00 CA
 Baltimore County, Maryland

[illegible]

Total:

\$25-

Rec

From:

CAROL SPERA

For:

201 SHERWOOD RD

2015-0129-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

CASE NO: 2015-0129-A

PETITIONER/DEVELOPER

DUVAL & ASSOCIATES

DATE OF HEARING/CLOSING:

1/5/15

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE**

ATTENTION:

LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT**

201 SHERWOOD ROAD

THIS SIGN(S) WERE POSTED ON December 21, 2014
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 12/21/14

SIGNATURE OF SIGN POSTER AND DATE:

**MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411**



made gl 12/21/14

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>12-19</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>12-15</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>12-21-13</u> by <u>Ogle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

January 7, 2014

Darrell A & Carol J Spera
201 Sherwood Road
Cockeysville MD 21030

RE: Case Number: 2015-0129 A, Address: 210 Sherwood Road

Dear Mr. & Ms. Spera:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 10, 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
Douglas W DuVal, L S President, DuVal & Associates, 1729 York Road, Suite 205, Lutherville MD 21093

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12/15/14

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

RE: Baltimore County
Item No. 2015-0129-A
Administrative Variance
Darrell A. & Carol E. Spera
201 Sherwood 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. 2015-0129-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,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

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 19, 2014

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

SUBJECT: Zoning Advisory Committee Meeting
For December 19, 2014
Item No. 2015-0125, 0127, 0129 and 0130

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

DAK:CFN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC12192014 -.doc



← W. and S. (back) of House
Trie Ale 201 Sherwood Rd.
2015-0129-A

A photograph showing the northeast corner of a two-story house with light blue horizontal siding. The house has a white-painted porch with a black metal railing. A white rocking chair is visible on the porch. To the left of the porch, there is a large, dense evergreen tree. The lawn in the foreground is green with some fallen leaves. The sky is overcast.

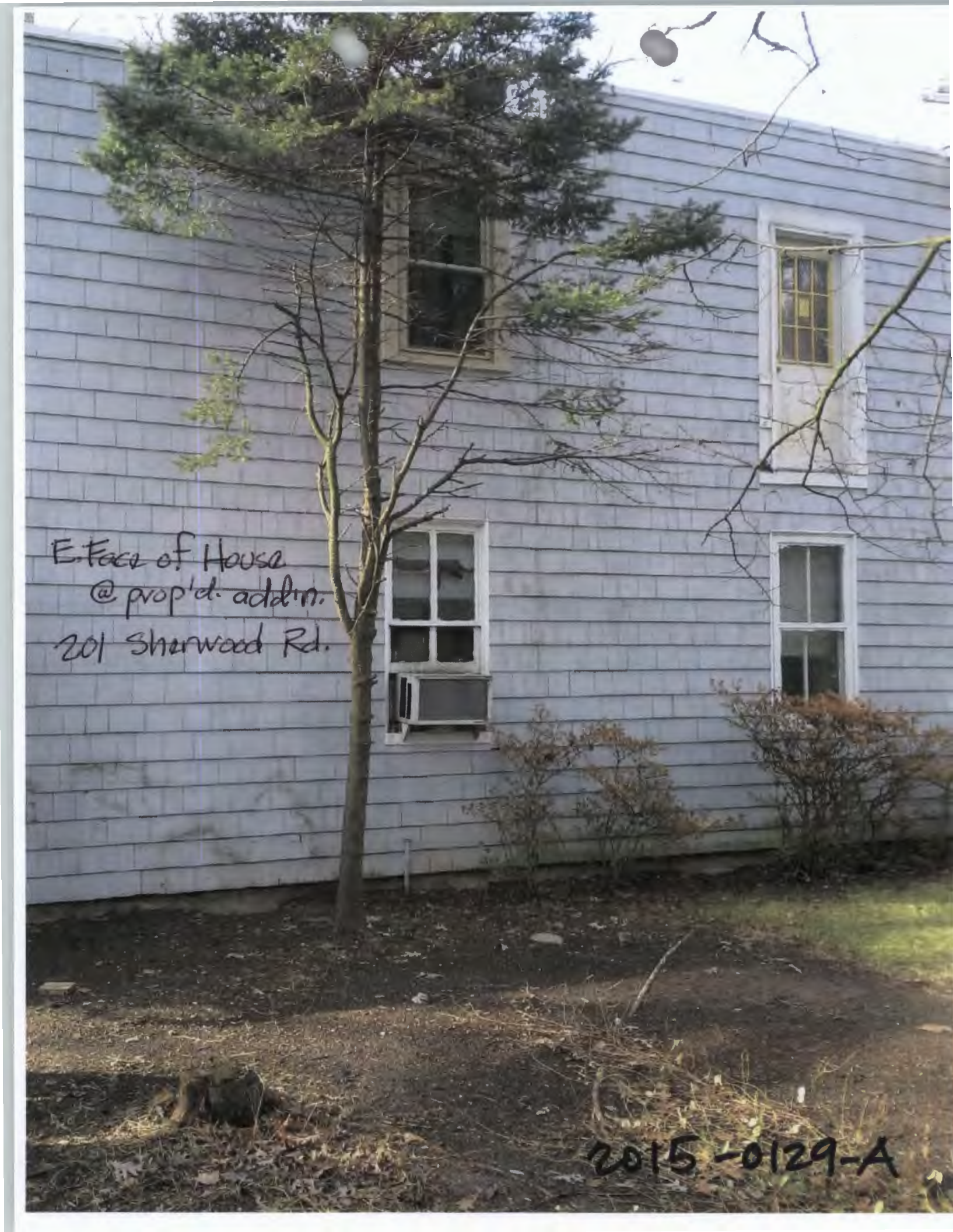
NE Corner of House
201 Sherwood Rd.

2015-0129-A



S. Face of House
201 Sherwood Rd.

2015-0129-A



E. Face of House
@ prop'd. add'n.
201 Sherwood Rd.

2015-0129-A

A photograph of a yard. In the background, a wooden fence runs across the frame. Behind the fence, a large, leafless tree stands prominently, with a white house visible behind its branches. To the left of the tree is a large evergreen. In the foreground, a large pile of grey stones is on the left, and a smaller pile is on the right. A blue tarp is partially visible on the right side of the ground. The ground is covered with dry leaves and twigs.

At prop'd. Add'n.,
facing E. twds 207
Sherwood Rd.

2015-0129-A

114 Sherwood Ave.



2015-0129-A

202 Sherwood Ave.



2015-0129-A

115. Sherwood Ave.



2015-0129-A

10712 Tyrie Ave.



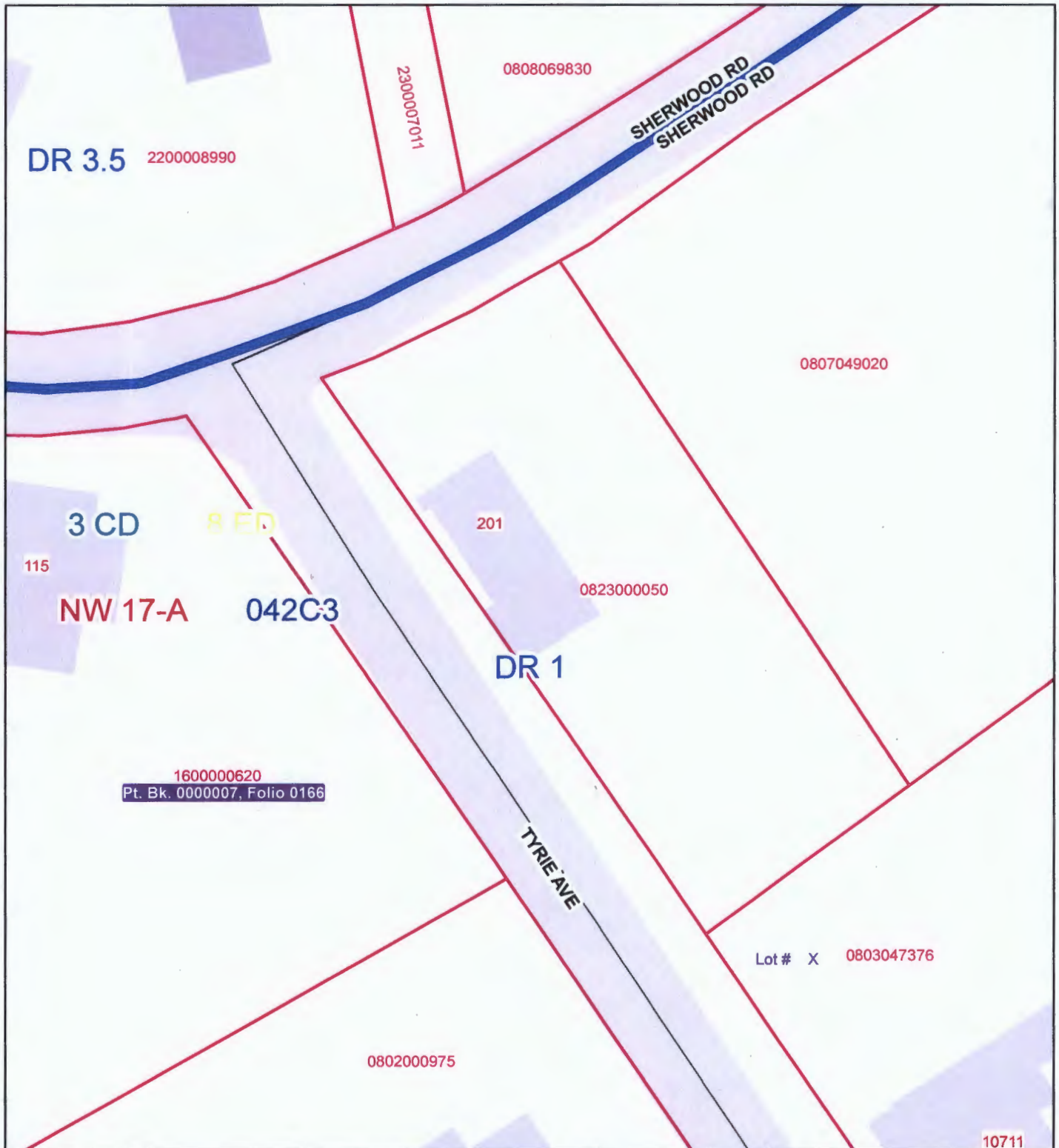
2015-0129-A

10711 Tyrice Ave.



2015-0129-A

201 Sherwood Road



Publication Date: 12/8/2014



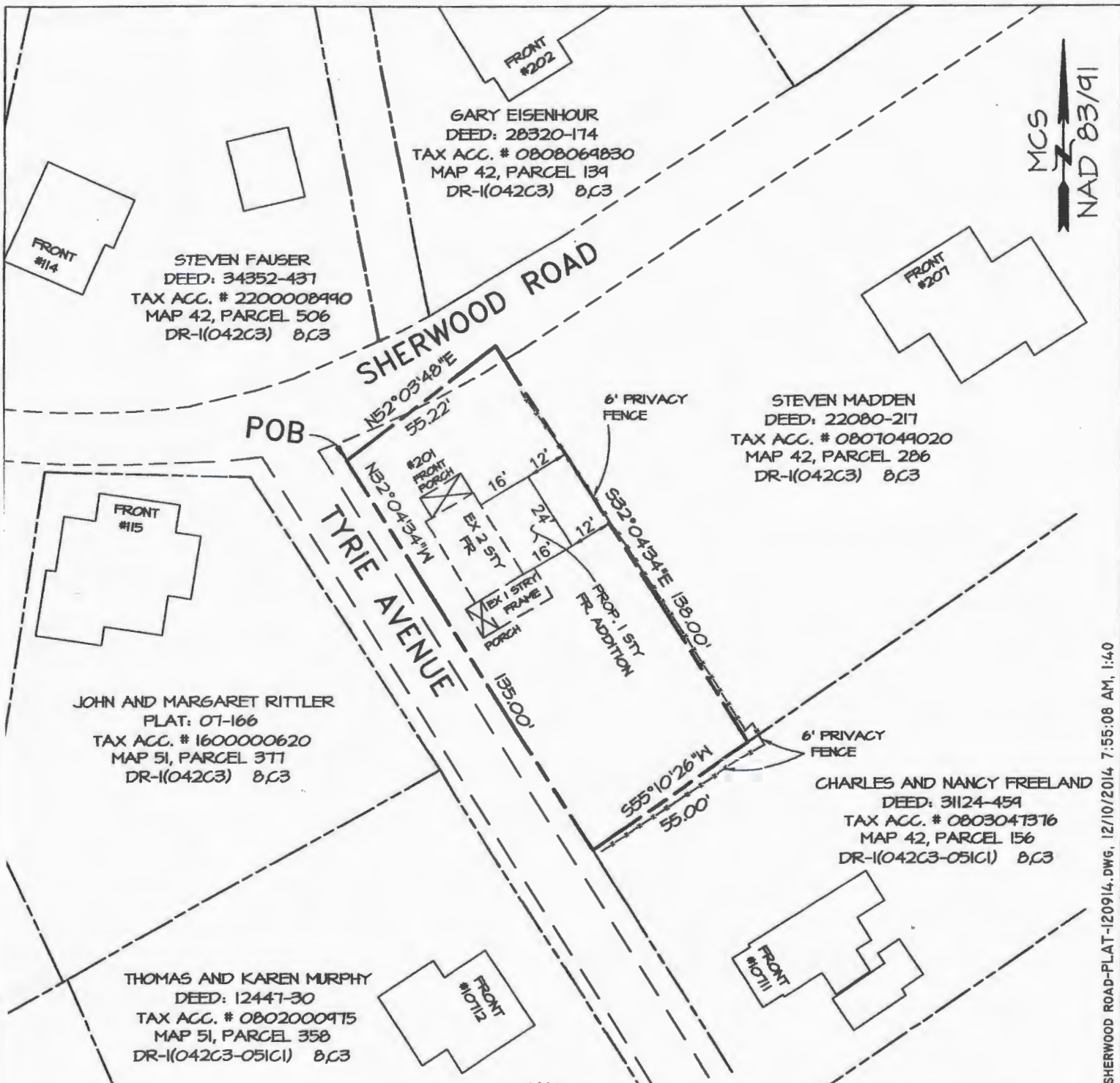
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40
Feet

1 inch = 30 feet

2015-0129-A



MCS
 NAD 83/91

DUVAL & ASSOCIATES, P.A.

SURVEYING - ENGINEERING
 17219 YORK ROAD
 SUITE 205
 LUTHERVILLE, MD 21093

PHONE: 410-566-5487 FAX: 410-563-4888
 E-MAIL: DUVALAPA@VERIZON.NET
 WWW.DUVALSURVEYORS.COM



DRAWING FOR ADMINISTRATIVE VARIANCE

201 SHERWOOD ROAD
 DARRELL AND CAROL SPERRA
 DEED: 11169-197
 TAX ACC. # 0823000050

MAP 42, PARCEL 156 DR-1(042C3) 8,C3

8th ELECTION DISTRICT BALTIMORE COUNTY, MD
 SCALE: 1" = 40' DATE: DECEMBER 10, 2014

L:\G\2014\14058\DRAWINGS\201 SHERWOOD ROAD-PLAT-120914.DWG, 12/10/2014 7:55:08 AM, 1:40

2015-0129-A

