

MEMORANDUM

DATE: February 10, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0130-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 *

(105B Oak Avenue)

15th Election District *

7th Council District *

Kenneth L. Bazemore, Jr. *

Petitioner *

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0130-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, Kenneth L. Bazemore, Jr.. The Petitioner is requesting Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard addition with a side setback of 4 ft. and rear setback of 16 ft. in lieu of the required 10 ft. and 30 ft., respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's 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 Petitioner 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 Petitioner has 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

ORDER RECEIVED FOR FILING

Date 1-8-15

By DW

Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 a side yard addition with a side setback of 4 ft. and rear setback of 16 ft. in lieu of the required 10 ft. and 30 ft., respectively, 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, Petitioner is hereby made aware that proceeding at this time is at his 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, Petitioner 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 2

By DLW



KEVIN KAMENETZ
County Executive

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

January 8, 2015

Kenneth L. Bazemore, Jr.
105B Oak Avenue
Edgemere, Maryland 21219

RE: Petition for Administrative Variance
Case No. 2015-0130-A
Property: 105B Oak Avenue

Dear Mr. Bazemore:

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 typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Kenneth Bazemore, Sr., 10 Morning Star Ct., Baltimore, MD 21226



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 105 b Oak Ave Edgemere MD 21219 Currently zoned DR 5.5

Deed Reference 1 10 Digit Tax Account # 2500005896

Owner(s) Printed Name(s) Kenneth Louis Bazemore Jr

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X ADMINISTRATIVE VARIANCE from Section(s)

BCZR: 1B02.3.C.1 → To permit a side yard addition with a side setback of 4 feet and rear setback of 16 feet, in lieu of the required 10 feet and 30 feet, respectively.

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):

Kenneth L Bazemore Jr

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

105 b Oak Ave Edgemere MD

Mailing Address

City

State

21219 , 443 955-9316 , bazemore-20@yahoo.com

Zip Code

Telephone #

Email Address

Yahoo.com

Representative to be contacted:

Kenneth Bazemore Sr.

Name - Type or Print

Signature

10 Morning Star Ct Baltimore MD

Mailing Address

City

State

21226 , (410) 952-2507 , kbazemore@verizon.com

Zip Code

Telephone #

Email Address

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

Name - Type or Print

Signature

By

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 _____ day of _____ 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 2015-0130-A

Filing Date 12/11/14

Estimated Posting Date 12/21/14

Reviewer JS

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE REVIEW 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: 105 b Oak Ave Edgemere MD 21219
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)

I am requesting a variance permit approval for an attached garage due to practical difficulty for the following reasons:

1) The insufficient space in the rear of my property is not feasible or allowable for an addition.

2) If the space in the rear was sufficient it would cost me money to extend my driveway to the rear to access garage.

3) Due to the unusual property line on the North side, I do have more room in the front yard however a large tree which includes a utility light pole currently occupy's a majority of the area.

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

Kenneth Bazemore Jr
Signature of Owner (Affiant)

Kenneth Bazemore Jr
Name- Print or Type

Signature of Owner (Affiant)

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 9 day of December, 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Kenneth Bazemore Jr

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

AS WITNESS my hand and Notaries Seal



Mark Lightman
Notary Public
09/06/17
My Commission Expires

ZONING PROPERTY DESCRIPTION FOR: 105 B Oak Avenue

Beginning at the third point on the North East side of Oak Avenue which is 50 feet wide at the distance of 175 feet of the centerline of the nearest improved intersecting street Oak Avenue.

Thence the following courses and distances: (1st Point of Call) N.36 16'55" E. 76.23', (2nd POC) S.63 17'39" E. 101.41', (3rd POC) S.36 16'55" W. 268.10', (4th POC) N.53 43'05" W. 12.00', (5th POC) N.36 16'55" E. 175', (6th POC) N.53 43'05" W. 88', back to the point of beginning as recorded in the Deed liber 32518/00441, Folio # 86, containing 10,566 Square feet. Located in the 15th Election District and the 7th Council District.

2015-0130-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0130 -A

Address 105 B OAK AVE

Contact Person: JASON SEIDELMAN

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 12/11/14

Posting Date: 12/21/14

Closing Date: 1/5/15

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- 0130 -A

Address 105 B OAK AVE

Petitioner's Name BALTIMORE

Telephone 443-955-9316

Posting Date: 12-21-14

Closing Date: 1-5-15

Wording for Sign: TO PERMIT A SIDE YARD ADDITION WITH A SIDE SET
BACK OF 4 FEET AND A REAR SETBACK OF 16 FEET, IN LIEU OF
THE REQUIRED 10 FEET AND 30 FEET RESPECTIVELY.

Revised 7/18/14

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: 2015-0130-A

Petitioner: KENNETH BAZEMORE

Address or Location: 105 B OAK AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: KENNETH BAZEMORE

Address: 105 B OAK AVE

EDGEMERE, MD 21219

Telephone Number: 443-955-9316

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

No. **119647**

Date: **12/11/14**

PAID RECEIPT

BUSINESS ACTUAL TIME
 12/12/2014 12/11/2014 09:35:57

REG 4505 WALKIN RDOS LRD
 > RECEIPT # 776108 12/11/2014 OFLN
 Dept 5 526 ZONING VERIFICATION
 CR NO. 119647

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	01000		6100				\$ 75.00

Recpt Tot \$75.00
 1.00 CR \$75.00 CA
 Baltimore County, Maryland

Total: **\$ 75.00**

Rec From: **BALTIMORE**

For: **2015-0130-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2015-0130-A

RE: Case No.: _____

Petitioner/Developer: _____

Kenneth Bazemore

January 5, 2015

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

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 located at: _____

105b Oak Ave

December 21, 2014

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 **December 21, 2014**

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment12-19DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)NODEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)12-15

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 12-21-15 by BlackPEOPLE'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

Kenneth L Bazemore Jr
105 B Oak Avenue
Edgemere MD 21219

RE: Case Number: 2015-0130 A, Address: 105 B Oak Avenue

Dear Mr. Bazemore:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 11, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

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:CEN
cc:file

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

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



MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 12/15/14

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

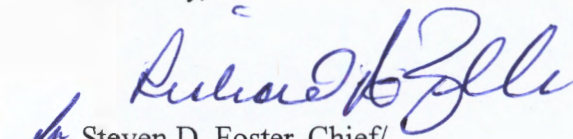
RE: Baltimore County
Item No. 2015-0130-A
Administrative Variance
Kenneth L. Bazemore
105 Oak Avenue.

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. 2015-0130-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

2015-0130-A

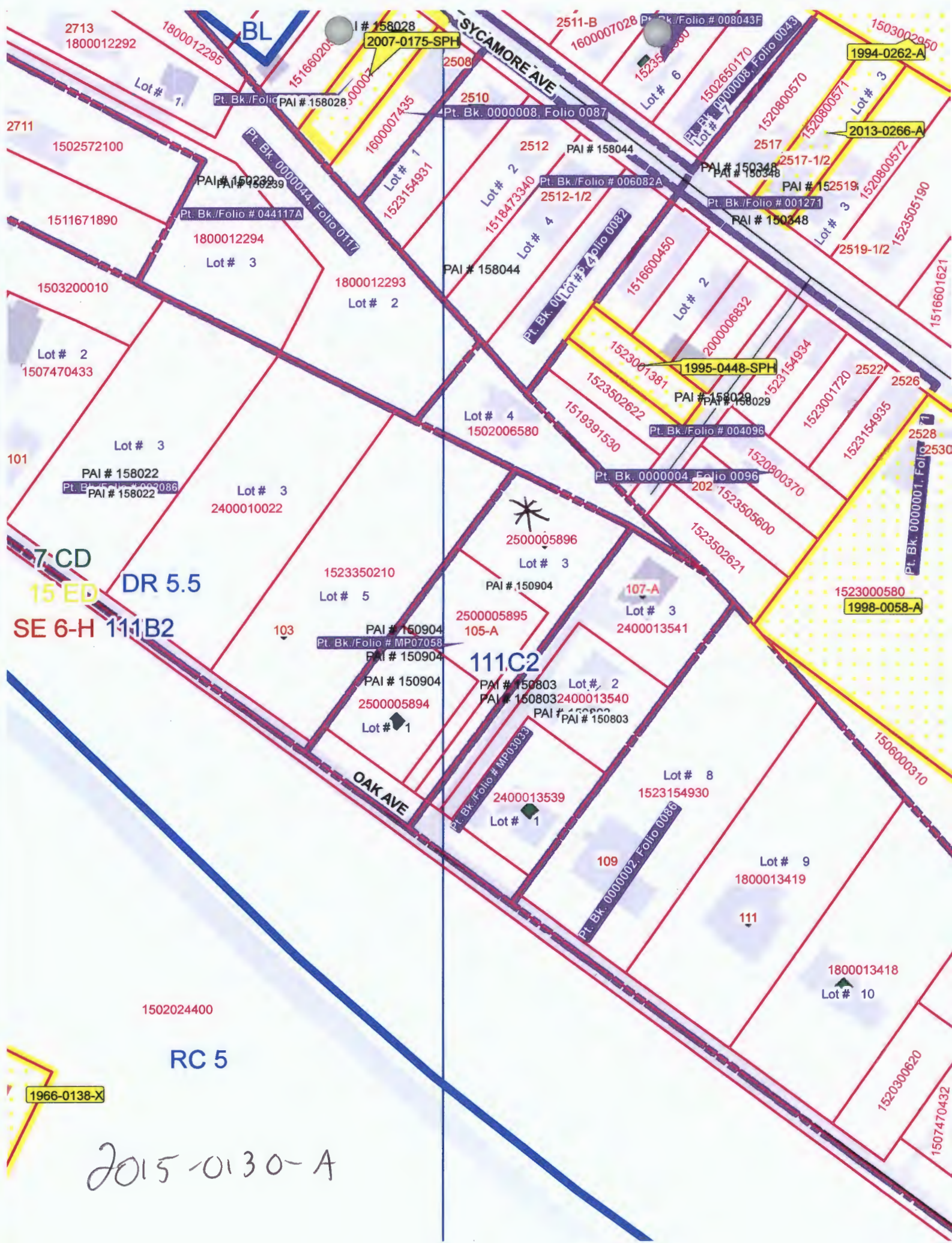


2015-0130-A



2015-0130-A





2713
1800012292

2711
1502572100

1511671890

1503200010

Lot # 2
1507470433

Lot # 3
PAI # 158022
Pt. Bk./Folio # 000004, Folio 0086
PAI # 158022

7 CD
15 ED
SE 6-H 111B2
DR 5.5

1502024400
RC 5

1966-0138-X

2015-0130-A

1 # 158028
2007-0175-SPH

Pt. Bk./Folio # 000004, Folio 0117
PAI # 158028

Pt. Bk./Folio # 044117A
PAI # 150239

Pt. Bk./Folio # 044117A
PAI # 150239

1800012294

Lot # 3

1800012293

Lot # 2

PAI # 158044

Lot # 4
1502006580

1523350210

Lot # 5

PAI # 150904
Pt. Bk./Folio # MP07058
PAI # 150904

PAI # 150904

2500005894

Lot # 1

OAK AVE

111C2

PAI # 150803 Lot # 2
PAI # 150803 2400013540
PAI # 150803

PAI # 150803

2400013539

Lot # 1

Pt. Bk./Folio # MP03033

Lot # 8
1523154930

Pt. Bk./Folio # 000002, Folio 0086

109

Lot # 9
1800013419

111

1800013418
Lot # 10

1520300620

1507470432

SYCAMORE AVE

2511-B
1600007028
Pt. Bk./Folio # 008043F

Lot # 6

1502650170
Pt. Bk./Folio # 000008, Folio 0043

Lot # 7

1520800570

1520800571

1520800572

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1520800591

1520800592

1520800593

1520800594

1520800595

1520800596

1520800597

1520800598

1520800599

1994-0262-A

2013-0266-A

1995-0448-SPH

PAI # 158029

Pt. Bk./Folio # 004096

PAI # 158029

Pt. Bk./Folio # 000004, Folio 0096

PAI # 158029

1523502621

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1523502649

1523000580
1998-0058-A

2528
2530

Pt. Bk./Folio # 000001, Folio 0001

1516601621

1516601622

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1516601628

1516601629

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1516601639

1516601640

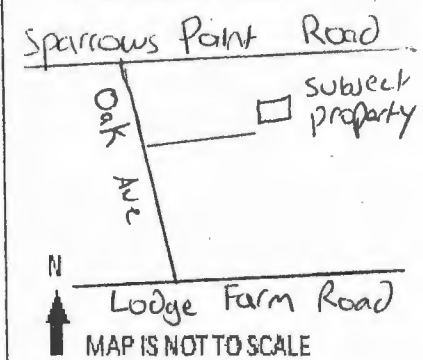
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 105 b Oak Ave OWNER(S) NAME(S) Kenneth L Bazemore Jr

SUBDIVISION NAME Snyders LOT # 3 BLOCK # NA SECTION # NA

PLAT BOOK # JWS2 FOLIO # 86 10 DIGIT TAX # 2500005896 DEED REF. # 32518/00441

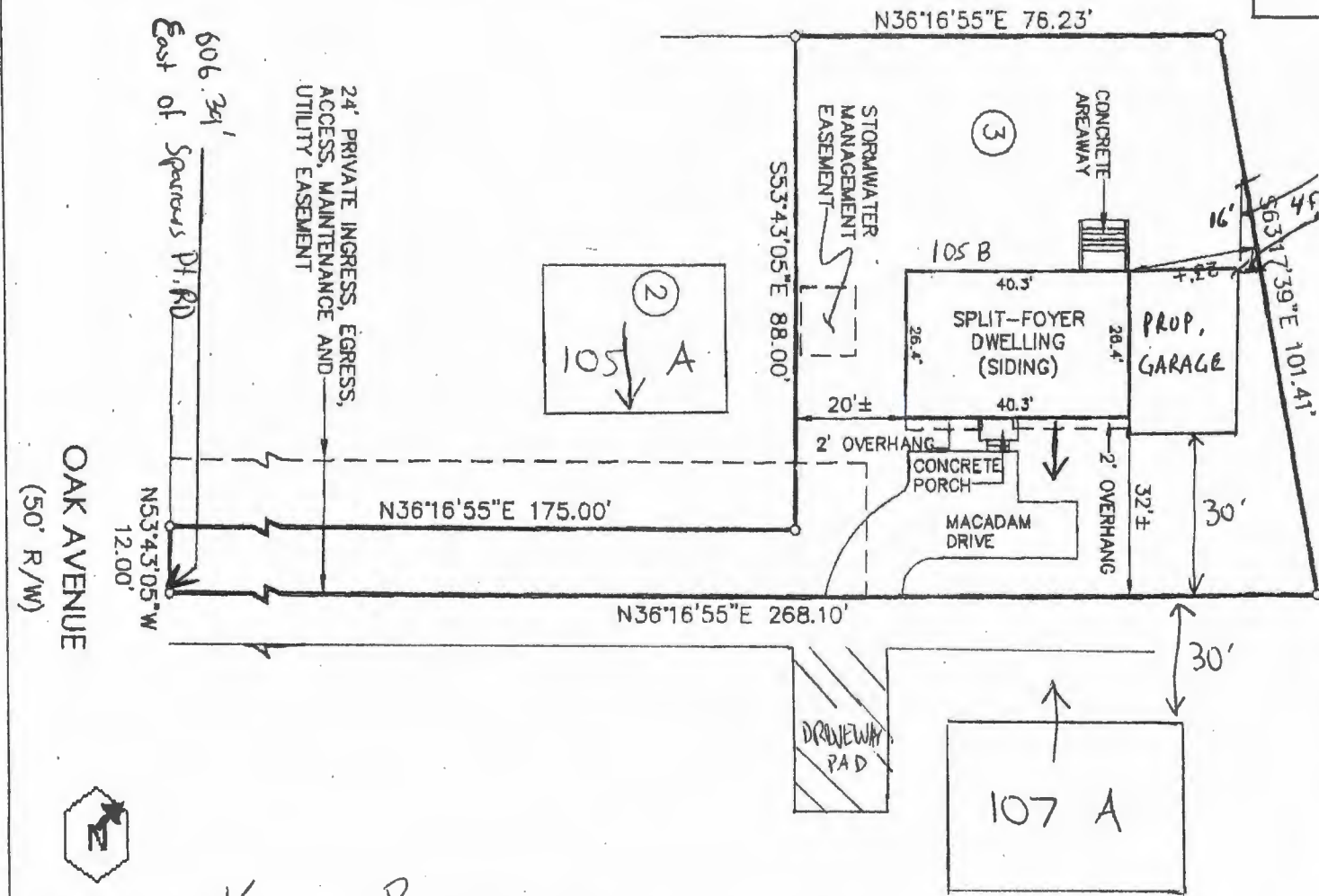
SITE VICINITY MAP



ZONING MAP# 111C2
SITE ZONED DR 5.5
ELECTION DISTRICT 15 ED
COUNCIL DISTRICT 7 CD
LOT AREA ACREAGE _____
OR SQUARE FEET 10,566
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS: PUBLIC X PRIVATE _____
SEWER IS: PUBLIC X PRIVATE _____
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

NO



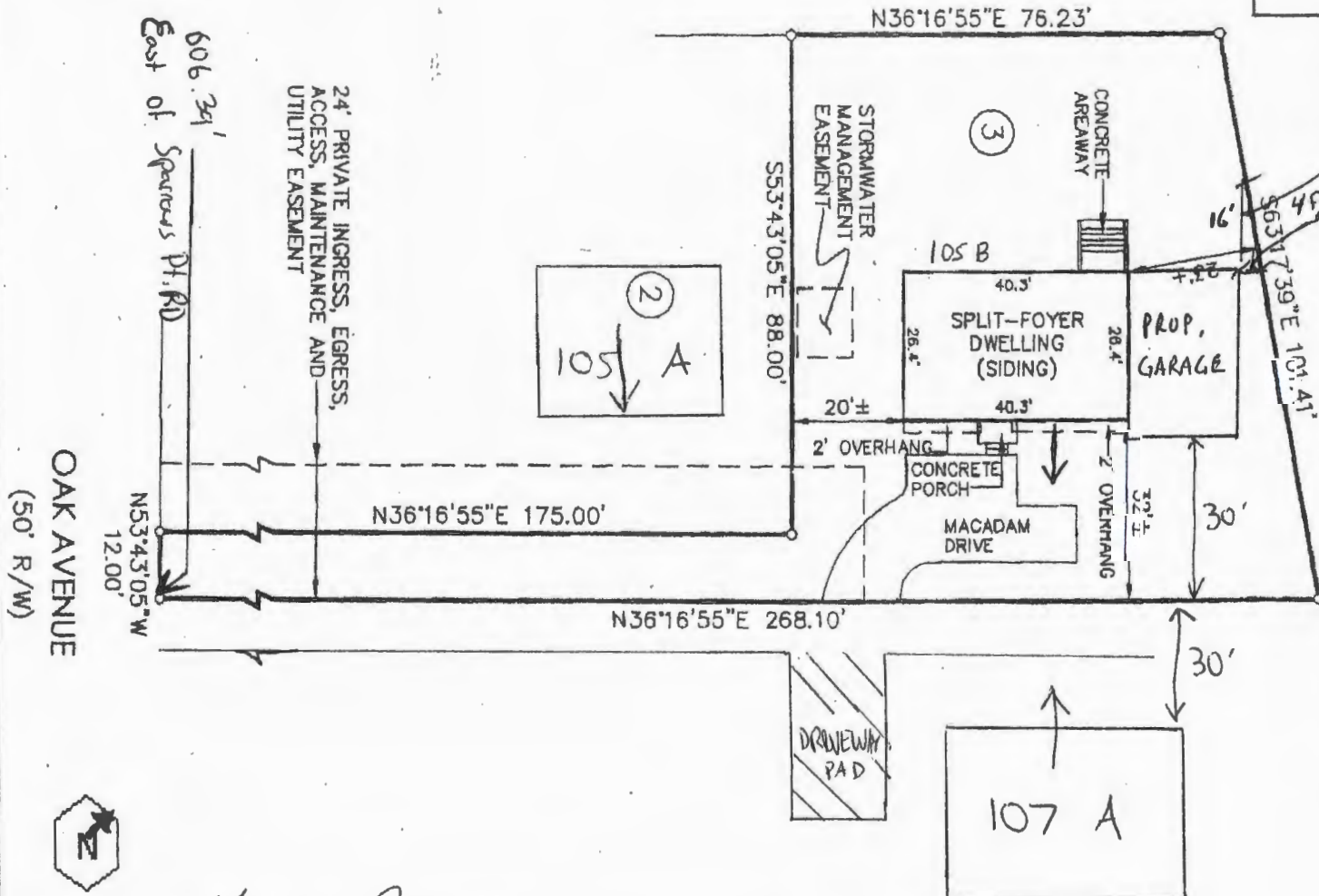
OAK AVENUE
(50' R/W)

PLAN DRAWN BY Kenneth Bazemore DATE 12/10/2014 SCALE: 1 INCH = 30 FEET

2015-0130-A

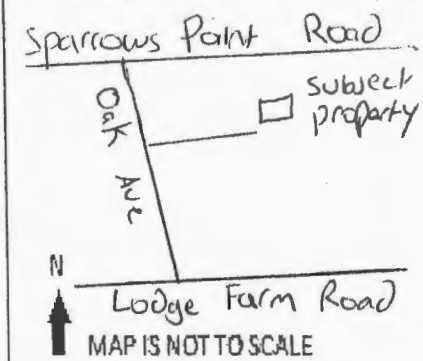
P. 5.5 1

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 105 b Oak Ave OWNER(S) NAME(S) Kenneth L Bazemore Jr
 SUBDIVISION NAME Snyders LOT # 3 BLOCK # NA SECTION # NA
 PLAT BOOK # JWS2 FOLIO # 86 10 DIGIT TAX # 2500005896 DEED REF. # 32518/00441



PLAN DRAWN BY Kenneth Bazemore DATE 12/10/2014 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE
 ZONING MAP# 111C2
 SITE ZONED DR 5.5
 ELECTION DISTRICT 15 ED
 COUNCIL DISTRICT 7 CD
 LOT AREA ACREAGE _____
 OR SQUARE FEET 10,566
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

NO

2015-0130-A