

KEVIN KAMENETZ County Executive

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

February 5, 2015

Francis K. and Christine E. Miller 3518 Century Avenue Baltimore, Maryland 21227

RE: Petition for Administrative Variance

Case No. 2015-0143-A

Property: 3518 Century Avenue

Dear Petitioners:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: Christian Clifton, 5625 Ashbourne Road, Baltimore, MD 21227

IN RE: PETITION FOR ADMIN. VARIANCE (3518 Century Avenue)

13<sup>th</sup> Election District 1<sup>st</sup> Council District

Francis K. and Christine E. Miller

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0143-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, Francis K. and Christine E. Miller. The Petitioners are requesting Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (enclosure of existing open projection) to have a side yard setback as close as 0 ft. in lieu of the required 10 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 January 18, 2015, 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

ORDER RECEIVED FOR FILING

Date 2-5-15

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 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 5th day of February, 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 proposed addition (enclosure of existing open projection) to have a side yard setback as close as 0 ft. in lieu of the required 10 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.

2

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	2-5-15
Ву	



ADICUISTRATIVE ZONING PECTION

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 3518 CENTURY AUG BALTIMO M. MO 2127 Currently zoned DR 5.5 Deed Reference 14279 1 00573 10 Digit Tax Account # 1 3 1 6 6 0 0 1 8 0 Owner(s) Printed Name(s) CHRISTING AND

(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.

FRANKIS MILLER

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) 1BO2.3.C.1 - to permit a proposed addition (enclosure of existing open projection) to have a side yard setback as close as & feet in lieu of the required 10 feet.

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):
	FRANCIS MILLER , CHRISTINE MILLER
	Name #1 – Type or Print Name #2 – Type or Print
	Signature #1 Signature # 2
	3518 CENTURY AUG BAUTU. MO 21227
	Mailing Address City State
	443 , 820 5488 ,
	Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
	CHRISTIAN CLIETTE
Name-Type or Print Signature Mailing aboress City State	Name - Type or Print
Signature	Signature
HEGEN Z-13	5625 ASHBOURTE RO BAUTO MO 21227
Mailing andress City State	Mailing Address City State
To Carlo Tolland	443 , 965 6500 INFO B. CARDINALMARTLAND
Telephone # Email Address	Zip Code Telephone # Email Address (com
DURI IC HEARING having been formally demanded and/or found to	o he required it is ordered by the Office of Administrative Hearings for Raltim

\_\_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

2015-0143-A Filing Date 1,6,15 Estimated Posting Date 1,19,15 Reviewe

Rev 5/8/2014

# Affidavit in Support Administrative Varianc (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.

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(If additional space for the petition request of Signature of Owner (Affiant)	or the above stat		e millen	it to this Form)
	12.7			
FRANZIS MILLER Print or Type	L. C.	Name- Print or	Type	
The following information is to be	completed by a	Notary Public of	the State of Mary	and
STATE OF MARYLAND, COUNTY OF BA	of <u>December</u> , ared:	wit: 2014, be	fore me a Notary	of Maryland, in
Print name(s) here: SHANNON A. DEMPS	SEY	JANON WAR	A. DEMO	65-1 : M 1/7
the Affiant(s) herein, personally known or satis	factorily identifie	ed to me as supp	BLICE 19(5) Notary F	ON A. DEMPSEY Public State of Maryland
		Remposition	RE CO:	seion Expiree 11/30/2015
Not	ary Public	-30-015		
My	Commission Ex	pires		

REV. 5/8/2014

**Zoning Property Description for 3518 Century Avenue** 

Beginning at a point on the West side of Century Ave which is 20 feet wide at the distance of 95 feet

North of the centerline of the nearest improved intersecting street (Tulip Ave) which is 30 foot wide

**Subdivision Lot Description** 

Being lots numbers 27 and 28 and part of lots number 26 and 29 in the subdivision of East Lansdowne 45 recorded in Baltimore County Plat book # 8 Folio # 36 containing 8,099 square feet.

Located in the 13<sup>th</sup> election district and 1<sup>st</sup> council district.

Item # 143

# BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2015-	0143	-A Ad	dress_	35	18	Centur	·y	Ave
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	BALTII	MORE COUNTY (	DEPARTMENT OF PE		APPROVALS A	ND INSP	ECTIONS		

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

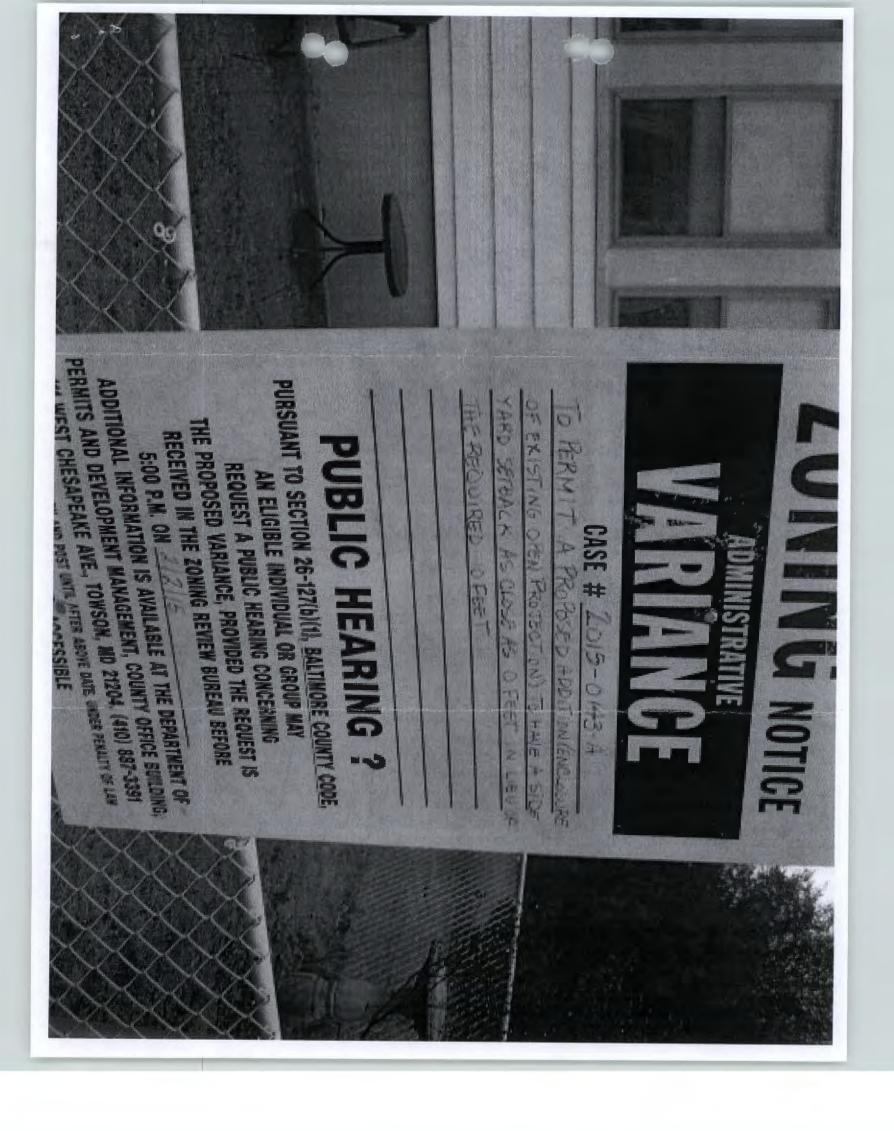
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 2015-0143-4
Petitioner: CHRISTIAN CLIETON ON BEHAUF OF OWNER CHRISTIAL AFRANCIS MINLER
Address or Location: 3518 CENNAY AUE 21227
PLEASE FORWARD ADVERTISING BILL TO:
Name: CHRISTIA- CLIFTON CARDINAL CONSTRUCTION MHIC 87972
Address: 5625 ASHBOURNE RO
Bacomore Mo
21227 3964
Telephone Number: 443 865 6500

#### CERTIFICATE OF POSTING

Date: 1-18-15



#### MEMORANDUM

DATE:

March 10, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0143-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 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

CASE NO. 2015- 014-3-A

## CHECKLIST

Comment Received	Department		Support/Oppose/ Conditions/ Comments/ No Comment
1-14	DEVELOPMENT PLANS REVIE (if not received, date e-mail sent		NO
	DEPS (if not received, date e-mail sent		
	FIRE DEPARTMENT		
	PLANNING (if not received, date e-mail sent		
1-14	STATE HIGHWAY ADMINISTR.	ATION	No objection
	TRAFFIC ENGINEERING		
	COMMUNITY ASSOCIATION		
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ZONING VIOLATI	ON (Case No	·	
PRIOR ZONING	(Case No.		
NEWSPAPER ADV	ERTISEMENT Date:		
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PEOPLE'S COUNSI	EL APPEARANCE Yes EL COMMENT LETTER Yes	No No O	
Comments, if any: _			



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

February 3, 2015

Francis & Christine Miller 3518 Century Avenue Baltimore MD 21227

RE: Case Number: 2015-0143 A, Address: 3518 Century Avenue

Dear Mr. & Ms. Miller:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 6, 2015. 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,

U. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel Christian Clifton, 5625 Ashbourne Road, Baltimore MD 21227

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



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

Date: 1/14/15

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

**Baltimore County** RE:

Item No 2015-0143-A Administrative Varionce Francis & Christine Miller 3518 Century 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. 2015-0143-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

My telephone number/toll-free number is Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

## BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** January 14, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

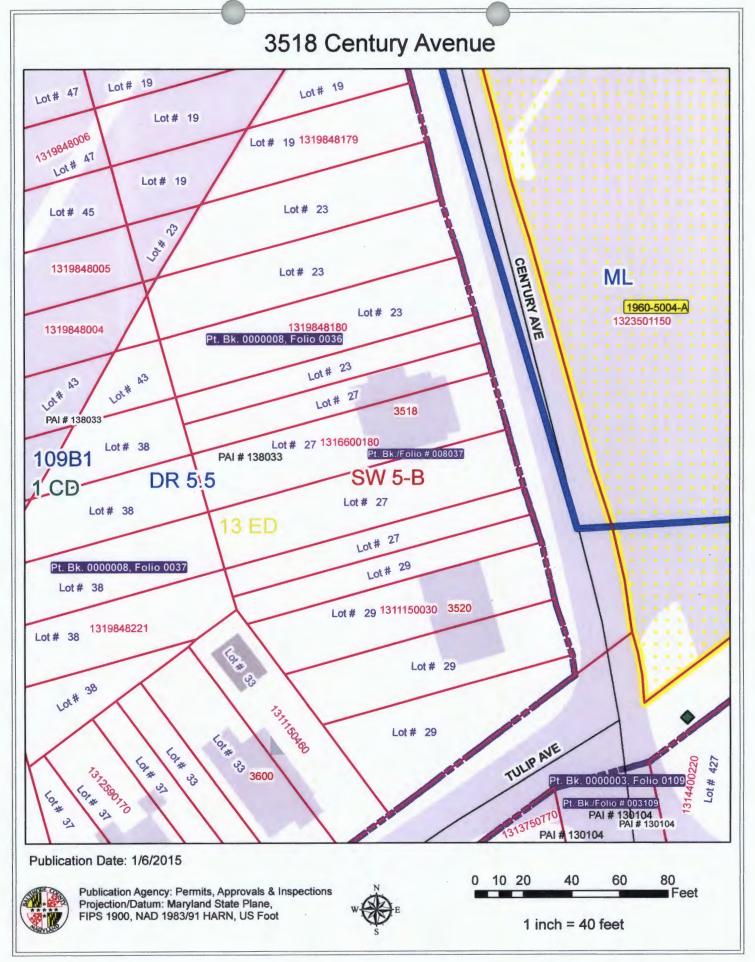
For January 19, 2015

Item No. 2015-0140, 0141, 0143, 0144, 0146 and 0147

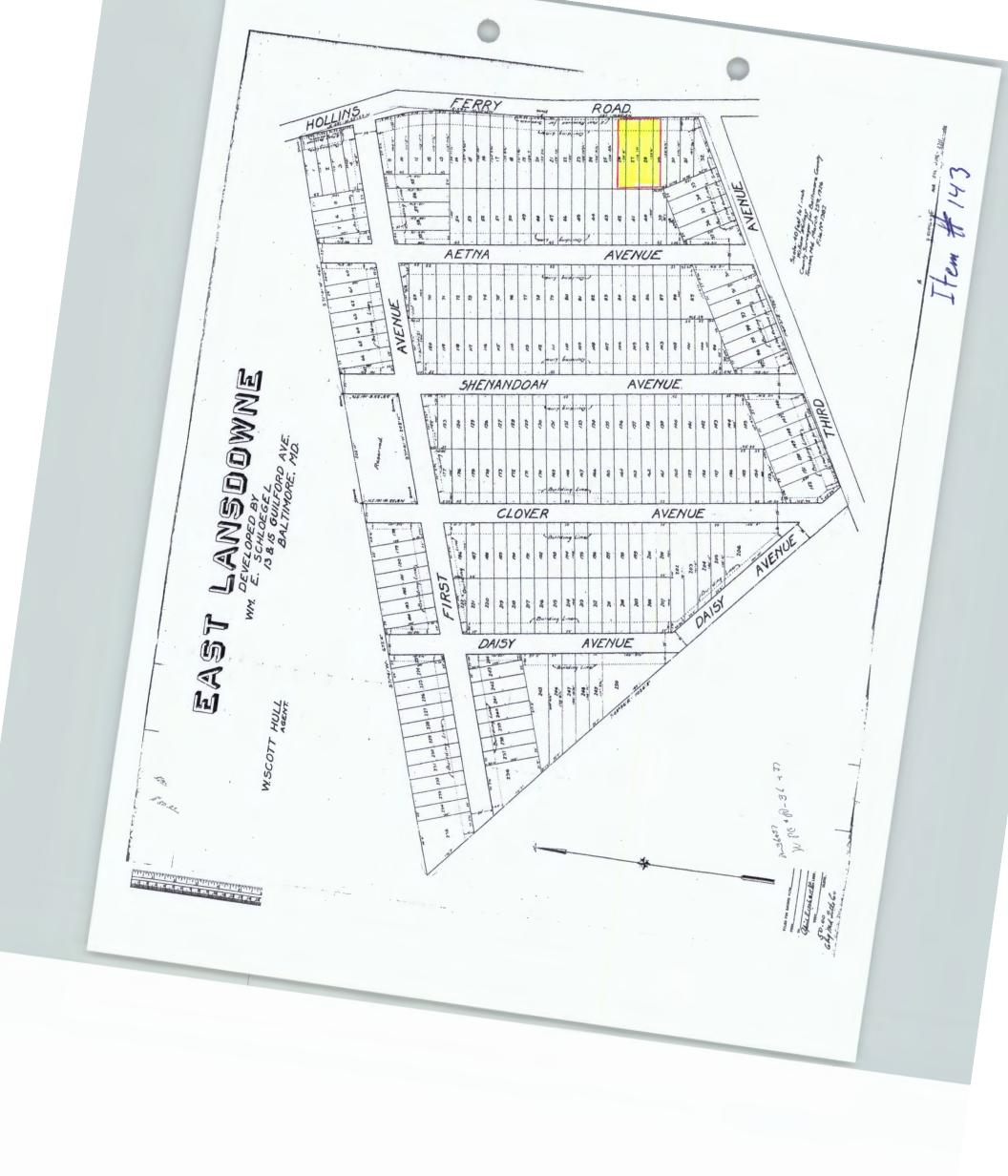
The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

DAK:CEN cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC01192015 -.doc



Item # 143



Real Property Data Search ( w4)

Guide to searching the database

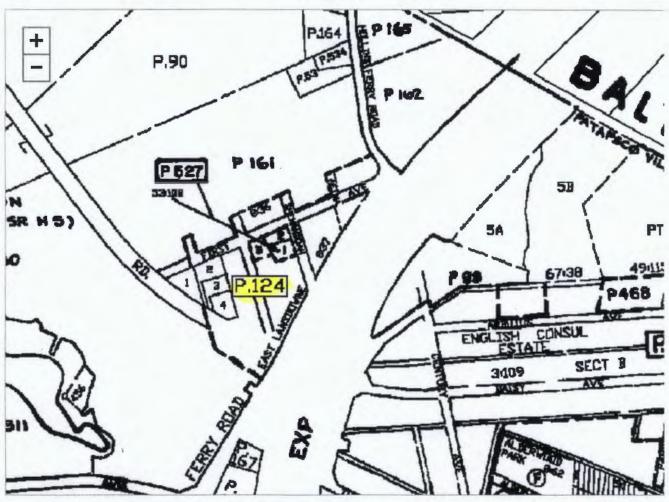
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**Baltimore County** 

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

District: 13 Account Number: 1316600180



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at <a href="http://www.plats.net">www.plats.net</a> (http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <a href="https://www.mdp.state.md.us/OurProducts/OurProducts.shtml">www.mdp.state.md.us/OurProducts/OurProducts.shtml</a>).



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http://sdat.resiusa.org/realproperty/maps/showmap.html?countyid=04&accountid=13+1316... 2/3/2015

ZONING HEARING PLAN FOR VARIANCE × FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	DILE AICHMILIANAL
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#2015-0143-A

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#2015-0143-A

Roy

SITE VICINITY MAP