MEMORANDUM

DATE:

March 17, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0151-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 16, 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: VCase File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE (1440 Burton Way)

8th Election District 3rd Councilmanic District William C. and Monica Brecka

William C. and Monica Brecka Petitioners **BEFORE THE**

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0151-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, William C. and Monica Brecka. The variance request is from Sections 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed addition with a side yard setback of 8 ft. and an existing garage with a setback of 2 ft. in lieu of the required 10 ft. and 2.5 ft. respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 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 22, 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. 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 ORDER RECEIVED FOR FILING

Date	2-12-15	
Bv	(SU)	

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.

Although the Department of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the garage not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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, by the Administrative Law Judge for Baltimore County, this <u>12th</u> day of February 12, 2015, that a Variance from Sections 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed addition with a side yard setback of 8 ft. and an existing garage with a setback of 2 ft. in lieu of the required 10 ft. and 2.5 ft. respectively, be and is hereby GRANTED, subject to the following:

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. The Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The garage shall not be used for commercial purposes.

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Date	2-12-15	2
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DEARWED FOR THING

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	2-12-15	
	(6:)	



KEVIN KAMENETZ
County Executive

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

February 12, 2015

William C. Brecka Monica Brecka 1440 Burton Way Lutherville, Maryland 21093

RE:

Petition for Administrative Variance

Case No. 2015-0151-A

Property: 1440 Burton Avenue

Dear Mr. and Mrs. Brecka:

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



Deed Reference

ADMISTRATIVE ZONING PETTION

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 1440 BURTONAVE., LUTHER VILLE, MD 21093 Currently zoned DR-5.5

10 Digit Tax Account # 080806935 Owner(s) Printed Name(s) WILLIAM BRECKA + MONICA BRECKA

(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) 1302.3.C. I and 400, I to permit a proposed addition with a side yard setback of 8 ft. and an existing garage with a setback of 2 ft. in lieu of the required 10 ft. and 2.5 Cf. , respectively. 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)/P	etitio	ner(s):

WILLIAM BRECKA MONICA BRECKA Name #1 - Type or Print

Signature #

Mailing Address City

Zip Code Telephone # Email Address

Signato FOER REGEIVED FOR FILING Mailing Addre State Zip Gode Telephone # Email Address

Representative to be contacted:

WILLIAM Name - Type or Print

Signature

1440 BURTON Mailing 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 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

Filing Date 1 / 12/15 Estimated Posting Date 1 / 25/15 Reviewer_

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRE FOR AN HISTORIC ADMINISTRATIVE SECIAL 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: 1440 BURTONAVE, LUTHERVILLE, MD 21093 Print of Type Address of property City State Zip Code
Print of 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 <u>practical difficulty or hardship</u> here)
SINCE WE AREDESIROUS OF ACCOMODATINGOUR GRAND CHILDREN
AND THEPROSED IMPROVEMENTS DO NOR MEET MIN. SET BACKS.
EVEN THOGHTHE HOUSE WAS BUILT IN 1904.
A 1 50 TUE BAR 100 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
DECLAREDAL FGAL USE.
TO THE TOP TO GAL OUT E
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)
corbrat /
Signature of Owner (Affiant) Signature of Owner (Affiant)
WILLIAM (BRECKA MONICAA BRECKA
Name- Print or Type 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 12 th day of January 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:
Print name(s) here: William C Brecka and Monica A Brecke
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal Wayane D. Idenelly
MARJORIE D HENDLEY Notary Public
NOTARY PUBLIC april 29, 2013
My Commission Expires MARYLAND My Commission Expires
MY COMMISSION EXPIRES APR. 24, 2015

ZONING DESCRIPTION

Zoning Description For 1440 Burton Avenue Beginning at a point on the West side of B, which is 50 feet wide at the distance of 260 ft. south of the centerline of the nearest improved intersecting street Seminary Avenue, which is 100 ft. wide.

BEGINNING for the same at a point in the fourth line of the land which by Deed dated July 9, 1885, and recorded among the Land Records of Baltimore County in Liber W.M.I., No. 148, folio 430, etc. was granted and conveyed by Jasper M. Berry, et al. to D. Hopper Emory distant 130 feet from the beginning thereof running thence with the said fourth line as now surveyed (July, 1941) South 05 degrees 15 minutes West 63 feet, thence at a right angle with said fourth line as now run South 84 degrees 45 minutes East 229 feet to the center of a private avenue 50 feet wide to be left open for the use in common of purchasers of parts of the whole tract as a private right of way and not intended to be dedicated to the use of the public, thence with the center of said avenue North 05 degrees 15 minutes East 63 feet, thence at a right angle to the said avenue and parallel with the second line in this deed North 84 degrees 45 minutes West 229 feet to the place of beginning.

Containing 14,427 square feet and located in the 8th Election District, 3rd Councilmanic District.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0151 -A Address 1440 Burton Ave.
Contact Person: Bruno Rudai fis Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 1/12/15 Posting Date: 1/25/15 Closing Date: 2/09/6
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. <u>DEADLINE</u> : 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.
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- 0151 -A Address 1440 Burton Aur.
Petitioner's Name William & Motica Brecks Telephone 646-841-2238
Posting Date: 125/15 Closing Date: 2/09/15
Wording for Sign: To permit a proposed addition with a side
Wording for Sign: To permit a proposed addition with a side yard setback of 8 ft. and to approve an existing garage with a setback of 2 ft. in lieu of the required 10 ft. and 2.5 ft.,
'a setback of 2 ft. in lieu of the required 10 ft. and 2.5 ft.,
respectively. Revised 7/18/14

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. <u>For those petitions which require a public hearing</u>, 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.

Item Number or Case Number:	2015 - 0151 - A
Petitioner:	
Address or Location: 1440 BURTO	NAUE, LUTHER VILLE, MO
	21093
PLEASE FORWARD ADVERTISING BILL	ro:
Name: WM BRECKA	
Address: 1440 BURTON AUE	
LUTHERVILLE, MO	21093
LOTATEROTEUR, NO	21072
Telephone Number: 646-841-	2238

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 1/23/2015

Case Number: 2015-151-A

Petitioner / Developer: WILLIAM & MONICA BRECKA

Date of Hearing (Closing): FEBRUARY 9, 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:

1440 BURTON AVENUE

The sign(s) were posted on: JANUARY 22, 2015



Linda O'Keefe (Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster)

410-666-5366(Telephone Number of Sign Poster)

CASE NO. 2015- 0151-A

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
1-23	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NC
· · ·	DEPS (if not received, date e-mail sent) FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
1-22	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	No objection
	COMMUNITY ASSOCIATION	
1	ADJACENT PROPERTY OWNERS	· · · · · · · · · · · · · · · · · · ·
ZONING VIOLA	ΓΙΟΝ (Case No.	
PRIOR ZONING	(Case No.	
NEWSPAPER AD	OVERTISEMENT Date:	
SIGN POSTING	Date: \22-15	by O'Keepe
	SEL APPEARANCE Yes No C	
Comments, if any:	•	·





Real Property Data Search (w4)

Guide to searching the database

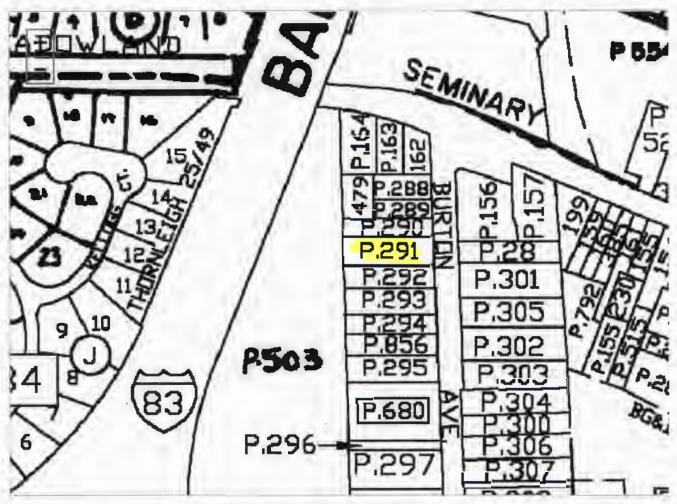
Search Result for BALTIMORE COUNTY

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Mailing A	Address	::	1440 BURTON AVE		Deed Reference:			1364901 00140	
				Location & St					
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									MINARY AV
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Land:			101,300		101,300		07/01/20	14	7/01/2015
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Total:			199,400		193,300		193,300		93,300
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Exemp									



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

District: 08 Account Number: 0808069350



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 www.plats.net (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 www.mdp.state.md.us/OurProducts/OurProducts.shtml). (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



(http://imsweb05.mdp.state.md.us/website/mosp/)

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

February 10, 2015

William & Monica Brecka 1440 Burton Avenue Lutherville MD 21093

RE: Case Number: 2015-0151 A, Address: 1440 Burton Avenue

Dear Mr. & Ms. Brecka:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 12, 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,

N. Carl Pickerts In

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

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



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

Date: 1/22/15

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

RE: Baltimore County

Item No 2015-0151-A Administrative Variouco

Buston Way.

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. 2015-0151-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

TÒ:

Arnold Jablon, Director

DATE: January 23, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 29, 2015

Item No. 2015-0149, 0150, 0151, 0152, 0154 and 0155

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

DAK:CEN cc:file



South Property Line



North Property Line



Western End Of Northern Property Line



Rear Of 1440 Burton Ave.



South Property Line & Rear Of Improvements To The South



1440 Burton Ave. South Side



South Property Line Looking West



1440 Burton Ave. Garage

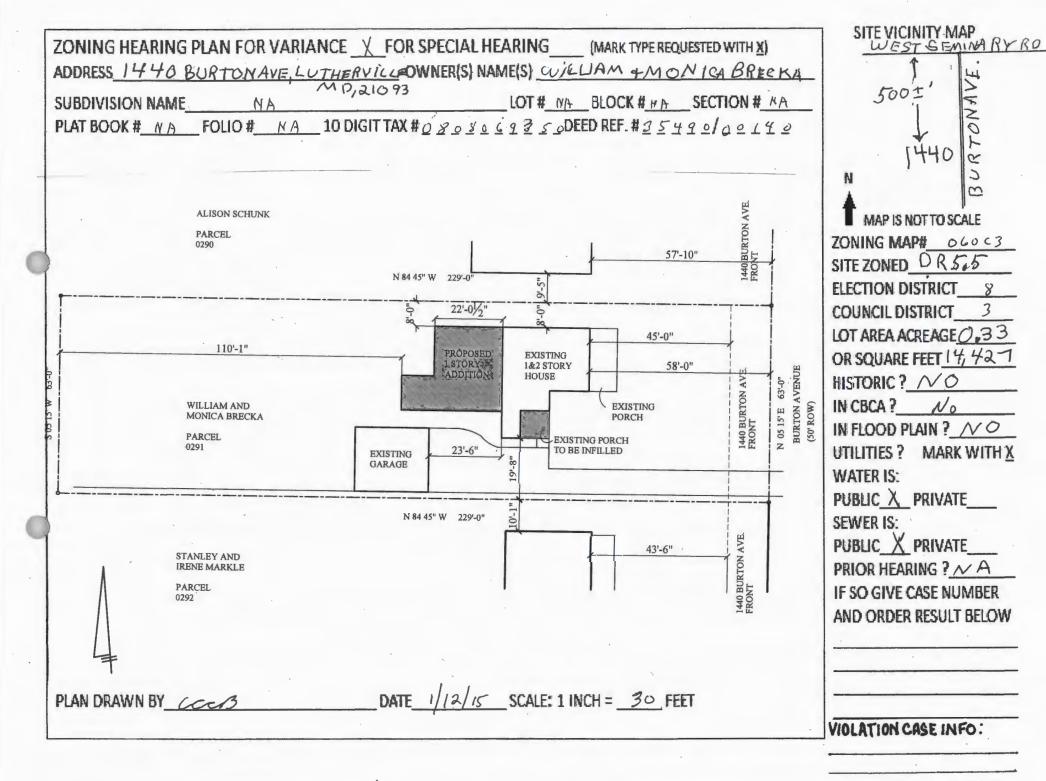


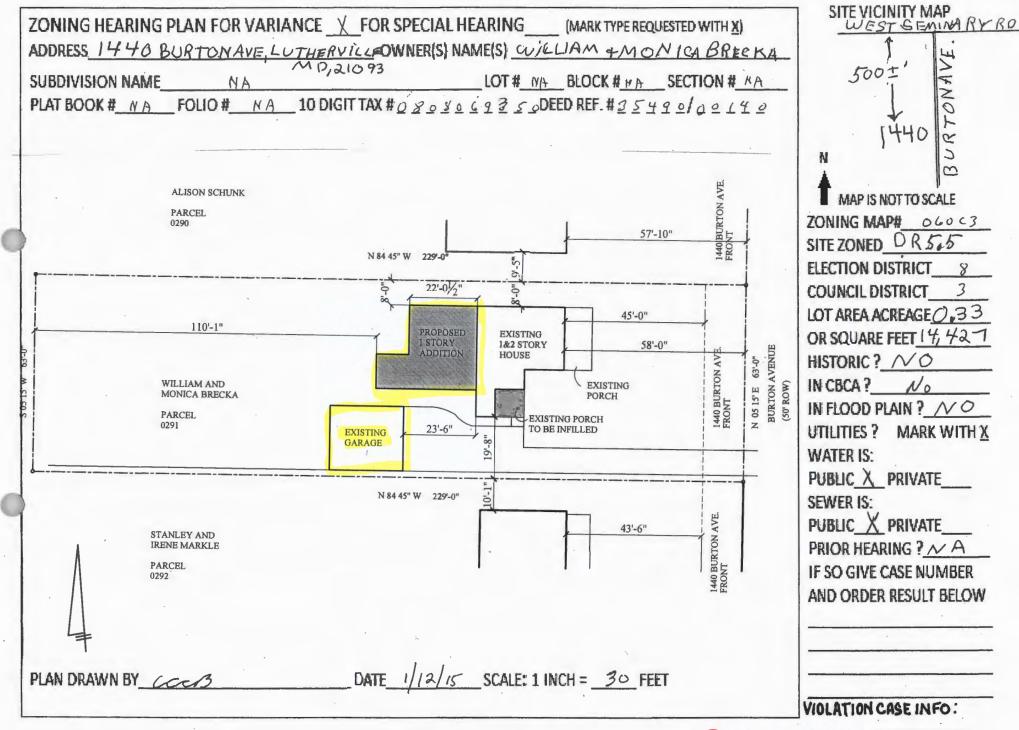
Burton Ave. South of 1440



Burton Ave. North Of 1440







Pet Exch 1