

KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 3, 2015

Richard T. and Iris F. Hardingham 610 Riverside Road Baltimore, Maryland 21220

RE:

Petition for Administrative Variance

Case No. 2015-0160-A

Property: 610 Riverside Road

Dear Mr. and Mrs. Hardingham:

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 SEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: J. Diegel Builders, 3807 Ady Road, Street, MD 21154

IN RE: PETITION FOR ADMIN. VARIANCE * (610 Riverside Road)

15th Election District
7th Council District
Richard T. and Iris F. Hardingham
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0160-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Richard T. and Iris F. Hardingham ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed side addition on the street side of the property with a side yard setback of 16 ft. in lieu of the required 25 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 February 7, 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 § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in ORDER RECEIVED FOR FILING

Date	3-3-15	
Bv	100	

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 with the requirements of § 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 <u>3rd</u> day of March, 2015 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed side addition on the street side of the property with a side yard setback of 16 ft. in lieu of the required 25 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 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, 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.

2

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date_____3-3-\\$



ADMINISTRATIVE ZONING PETITION

1		ent of Permits, Approvals and Inspections
		gs for Baltimore County for the property located at:
	Address 610 Riverside Rond	Currently zoned Residential
	Deed Reference 78 58 / 331	10 Digit Tax Account # 1 5 2 3 5 0 3 3 4 0
	Owner(s) Printed Name(s) Rich ARL T & IRIS F	C. HARLINGHAM.
	(SELECT THE HEARING(S) BY MARKING X AT THE AF	PPROPRIATE 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 situattached hereto and made a part hereof, hereby petition	uate in Baltimore County and which is described in the plan/plat in for an:
-	1. X ADMINISTRATIVE VARIANCE from Section(s)	
	Sections: 1B01.2.3.C.1	
= 1	To permit a proposed side addition setback of 16 feet in lieu of the required 25	on the street side of the property with a side yard
	of the zoning regulations of Baltimore County, to the zon	
2	2 ADMINISTRATIVE SPECIAL HEARING to a County Code: (indicate type of work in this space: i.e., to	pprove a waiver pursuant to Section 32-4-107(b) of the Baltimore or raze, alter or construct addition to building)
	City Delivers Out to Out to the development leaves	(D-Winner County
F	of the Baltimore County Code, to the development law or Property is to be posted and advertised as prescribed by the zoning re If we agree to pay expenses of above petition(s), advertising, posting, Baltimore County adopted pursuant to the zoning law for Baltimore Co	egulations. etc. and further agree to be bound by the zoning regulations and restrictions of
		2
		Owner(s)/Petitioner(s):
		Seeler I Thursinghon fristay Hardingh
	·	Name #1 Type or Print Name #2 - Type or Print
	ING	Signature #1 Signature #2
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	WEDFOLIS	Mailing Address City State
	SECEN 23	21220 1410-686-0429
	TOER HILL	Zip Code Telephone # Email Address
Δ	Attorney for Awner(s)/Patitioner(s):	Representative to be contacted:
	Actorney for Owner(s)/Petitioner(s):	: 1 = :41 =
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Zip	ip Code Telephone # Email Address	Zip Code Telephone # Email Address
		to be required, it is ordered by the Office of Administrative Hearings for Baltimore ject matter of this petition be set for a public hearing, advertised, and re-posted as
	county, thisday of that the subjective by the zoning regulations of Baltimore County.	good maker of this pention be set for a public find may advertised, and re-posted as
		A CONTRACTOR OF THE PARTY OF TH
	Adm	inistrative Law Judge for Baltimore County
		12 200 8 3 1 1 /
CA	ASE NUMBER 2015-0160 - A Filing Date 1/2	9,2015 Estimated Posting Date 2,8,15 Reviewer W

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT RECOMPOSED FOR AN HISTORIC ADMINISTRATIC CIAL 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: 610 Riverside ROAD ESSEX Md. 21220 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)
Ne weed To Add Space, Bed Room and Bath for Elderly povent. proposed Location of Room, 15 Helpful For Dirive way access. NO. Ritchen
(If additional space for the petition request or the above statement is needed, label and attach it to this Form) Actual January Signature of Owner (Affiant) Signature of Owner (Affiant)
Archaes T. Harsingham Name-Print or Type Tris F. Hardingham 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 26 day of January, 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:
Print name(s) here: John M. Diegel (only)
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS and Notaries Seal Notary Public Notary Public My Commission Expires

ZONING PROPERTY DESCRIPTION FOR: 610 RIVERSIDE ROAD

Property Owner: Richard T. Hardingham and Iris F. Hardingham

Beginning at a point on the Northwest side of Riverside Road which is 50' wide, at the intersection with the Southwest side of Upper Landing Road which is 50' wide, thence, the following courses and distances

- 1) Southwesterly binding on the Northwest side of Riverside Road 100 feet, thence
- 2) Northwesterly parallel with Upper Landing Road 150 feet, thence
- 3) Northeasterly binding thereon 100 feet to the Southwest side of Upper Landing Road, thence
- 4) Southeasterly on the Southeast side of Upper Landing Road 150 feet to the point of beginning as recorded in deed Liber 7858, Folio 331, containing 0.31 Ac. or 13,699 S.F. of land. Located in the 15th Election District and the 7th Council District.

ZUS=0160-A

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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0/60 -A Address 610 Kiverside Road
Contact Person: Leonari Lasi Cusk Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 1/29/15 Posting Date: 2/8/15 Closing Date: 2/23/15
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. <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. <u>POSSIBLE PUBLIC HEARING AND REPOSTING:</u> 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
Case Number 2015- 0160 -A Address 610 Riverside Road
Petitioner's Name Richard & Tris Harding ham. Telephone 410-686-0429
Posting Date: 2/8/15 Closing Date: 2/23/15
Wording for Sign:
To permit a proposed side addition on the street side of the property with a side yard setback of 16 feet in lieu of the required 25 feet.

CERTIFICATE OF POSTING

	CASE NO: 1	015-010	0-A			
	PETITIONER RICHARD	DEVEL E IU	OPER S HADDINGHA	by		•
	DATE OF HEA	ARING/	CLOSING:			
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	60 CHELMSFO BALTIMORE,N (ADDRESS)					
	PHONE NUMB	ER:443	-629-3411			



malagle 2/1/15

MEMORANDUM

DATE:

April 3, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0160-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 2, 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

CHECKLIST

Comment Received	Support/Oppose/ Conditions/ Comments/ No Comment		
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)		
	DEPS (if not received, date e-mail sent)		
	FIRE DEPARTMENT		
	PLANNING (if not received, date e-mail sent)		
22	STATE HIGHWAY ADMINISTRATION	Do agection	
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	COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS		
ZONING VIOLAT	ON (Case No.		
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SIGN POSTING	Date: 2-7-15	by Ogle	
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Comments, if any: _	•		
			

Real Property Data Search (w1)

Guide to searching the database

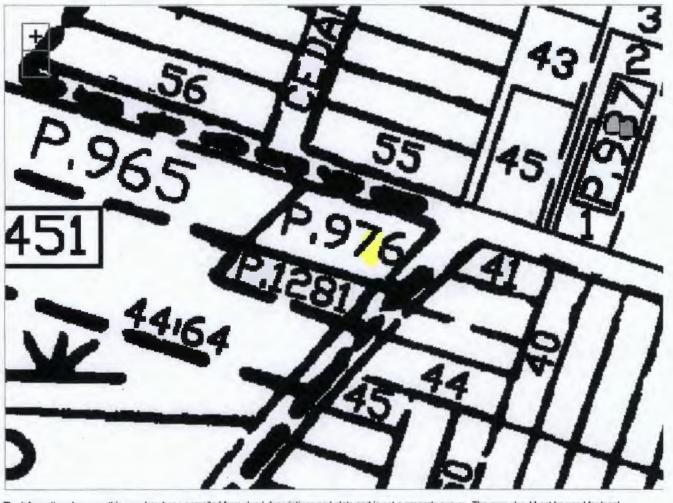
Search Result for BALTIMORE COUNTY

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Baltimore County

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

District: 15 Account Number: 1523503340



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

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Loading... Please Wait.



KEVIN KAMENETZ
County Executive

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

February 23, 2015

Richard T & Iris Fay Hardingham 610 Riverside Road Essex MD 21220

RE: Case Number: 2015-0160 A, Address: 610 Riverside Road

Dear Mr. & Ms. Hardingham:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 29, 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 Richard

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

People's Counsel
 J Diegel Builders Inc., John M Diegel, 3807 Ady Road, Street MD 21154

Lawrence J. Hogan, Jr., Governor Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Acting Secretary Melinda B. Peters, Administrator

Date: 2/2/15

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

RE: Baltimore County

Item No 2015-0160-A Administrative Varionce Richard T. i Iris Fay Hordinghour 610 Riverside 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. 2015-0160-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

2015-016D-A



610 Riverside Road 2015-0160-A



Publication Date: 1/29/2015



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

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1 inch = 50 feet

