



KEVIN KAMENETZ
County Executive

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

March 26, 2015

Aaron D. & Kathryn A. Sloboda
Gregory P. and Annette S. Merrill
3027 Black Rock Road
Reisterstown, Maryland 21136

RE: Petition for Administrative Variance
Case No. 2015-0188-A
Property: 3027 Black Rock Road

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

IN RE: PETITION FOR ADMIN. VARIANCE *
(3027 Black Rock Road)
5th Election District *
3rd Council District
Aaron D. & Kathryn A. Sloboda and *
Gregory P. & Annette S. Merritt
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2015-0188-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, Aaron D. & Kathryn A. Sloboda and Gregory P. & Annette S. Merritt ("Petitioners"). The Petitioners are requesting Variance relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory building (garage/shed) to be located in the side and front yard, with a height of 22 ft. in lieu of the required rear yard and a maximum height of 15 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 submitted from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 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 Section 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 3-26-15

By [Signature]

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 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 detached accessory building (garage/shed) 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 B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 26th day of March, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a detached accessory building (garage/shed) to be located in the side and front yard, with a height of 22 ft. in lieu of the required rear yard and a maximum height of 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date

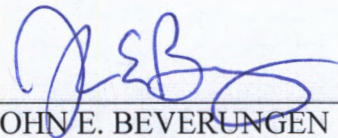
3-26-15

By

[Signature]

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

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 3-26-15

By lpw



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 3027 BLACK ROCK RD Currently zoned RC 2
 Deed Reference 291821033 10 Digit Tax Account # 1600009486
 Owner(s) Printed Name(s) GREGORY & ANNETTE MERRILL AND AARON & KATHRYN SLOBODA

(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:

- X **ADMINISTRATIVE VARIANCE** from Section(s) 400.1 and 400.3 of BCZR to permit an accessory building (detached garage/shed) to be located in the front and side yard of the existing dwelling with a height of 22 feet, in lieu of the required in the rear yard with a maximum height 15 feet respectively.

from Aaron Tsui

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)

RECEIVED

MAR 25 2015

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.

OFFICE OF ADMINISTRATIVE HEARINGS

Owner(s)/Petitioner(s):

GREGORY P. MERRILL ANNETTE S. MERRILL
 NAME 3 NAME 4

Aaron P. Merrill Aaron D. Sloboda
 SIGNATURE 3 SIGNATURE 4

AARON D. SLOBODA KATHRYN A. SLOBODA
 Name #1 - Type or Print Name #2 - Type or Print

[Signature] [Signature]
 Signature #1 Signature #2

3027 BLACK ROCK RD REISTERSTOWN MD
 Mailing Address City State

21136 410-419-4102 gmerrill1219@gmail.com
 Zip Code Telephone # Email Address

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

Name- Type or Print

Signature

Date

Mailing Address

City

State

By

Zip Code

Telephone #

Email Address

Representative to be contacted:

GREGORY MERRILL
 Name - Type or Print

Aaron P. Merrill
 Signature

3027 BLACK ROCK RD REISTERSTOWN MD
 Mailing Address City State

21136 410-419-4102 gmerrill1219@gmail.com
 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 28 day of March 2015 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

2015-0188-A

Filing Date

2/28/15

Estimated Posting Date

3/18/15

Reviewer

AT

-3/23/15

Rev 5/8/2014

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE APPEAL 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: 3027 BLACK ROCK RD REISTERSTOWN MD 21136
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 ATTACHED

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

Gregory P. Merrill Jr / Annette S. Merrill
Signature of Owner (Affiant)

Aaron D. Sloboda / Kathryn A. Sloboda
Signature of Owner (Affiant)

GREGORY P. MERRILL JR ANNETTE S. MERRILL
Name- Print or Type

AARON D. SLOBODA / KATHRYN A. SLOBODA
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 21 day of FEBRUARY, 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: GREGORY P. MERRILL JR, ANNETTE S. MERRILL, AARON D. SLOBODA, KATHRYN A. SLOBODA

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

AS WITNESS my hand and Notaries Seal

Ann A. Parks
Notary Public

4/08/18

My Commission Expires

Affidavit in Support of Administrative Variance

Address: 3027 Black Rock Rd. Reisterstown, MD 21136

Basis for Request for an Administrative Variance

We are requesting a variance to allow a 24' x 40' x 22' tall equipment shed/garage in front of the back line of our house.

The proposed building has three open bays on one 40' side and a wood shed on one 24' end. One of the bays is drive-through for a horse trailer.

While the new building would not be visible from the public road and our front (north) neighbor's house is over 1000' away, we do have three neighbors who use the common driveway along the back (east) side of our property. For that reason, we would like to keep the new building toward the front the property. Also in consideration of the neighbors, as well as ourselves, we would like the new building to be attractive and consistent with the other buildings on the property. Duplication of the 12-on-12 pitched roofs on the other buildings results in the 22' overall height for this new building..

In addition to proximity to the neighbor's driveway, each of the other potential conforming locations has difficulties with poor driveway access and/or proximity to the house and barn and/or exposure of the open side to the prevailing rain and snow from the north and west.

Given that we are in a rural area and our house is not near a road, we believe that the proposed location and roof height are the best alternative for meeting our objectives and minimizing the visual impact on our neighbors.

2015-0188-A

Affidavit in Support of Administrative Variance

Address: 3027 Black Rock Rd. Reisterstown, MD 21136

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2015-0188-A

ZONING DESCRIPTION
#3027 BLACK ROCK ROAD

BEGINNING for the same at a point in the center of Black Rock Road, at the distance of 4080'± northwest of the west side of Falls Road, thence binding on the center of Black Rock Road (1) **North 43 degrees 33 minutes West 30.30 feet**, thence leaving said road and running the following ten courses and distances: (2) **South 54 degrees 35 minutes West 581.13 feet** (3) **North 85 degrees 45 minutes 10 seconds West 341.47 feet** (4) **South 56 degrees 41 minutes 20 seconds West 649.70 feet** (5) **South 53 degrees 04 minutes 08 seconds West 281.15 feet** (6) **South 25 degrees 00 minutes 10 seconds East 527.68 feet** and (7) **North 83 degrees 31 minutes 54 seconds East 429.33 feet** (8) **North 26 degrees 14 minutes West 36.61 feet** (9) **North 4 degrees 44 minutes West 83.53 feet** (10) **North 3 degrees 46 minutes East 338.23 feet** (11) **North 20 degrees 16 minutes West 95.58 feet** and (12) **North 54 degrees 35 minutes East 1211.17 feet** to the place of beginning.

CONTAINING 501371 square feet or 11.51 acres of land, more or less.

2015-0188-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0188 -A Address 3027 BLACK ROCK ROAD

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

Filing Date: 2/25/2015 Posting Date: 3/8/15 Closing Date: 3/23/15

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. **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- 0188 -A Address 3027 BLACK ROCK ROAD

Petitioner's Name GREGORY MERRILL Telephone 410-419-4102

Posting Date: 3/8/15 Closing Date: 3/23/15

Wording for Sign: To Permit A DETACHED ACCESSORY BUILDING (GARAGE/
SHED) TO BE LOCATED IN THE SIDE & FRONT YARD, WITH A
HEIGHT OF 22 FEET IN LIEU OF THE REQUIRED IN THE
REAR YARD AND A MAXIMUM HEIGHT OF 15 FEET.

Revised 7/18/14

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 9, 2015
Item No. 2015-0183, 0185, 0186, 0188 and 0190

DATE: March 9, 2015

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\ZAC03092015.doc

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/7/2015

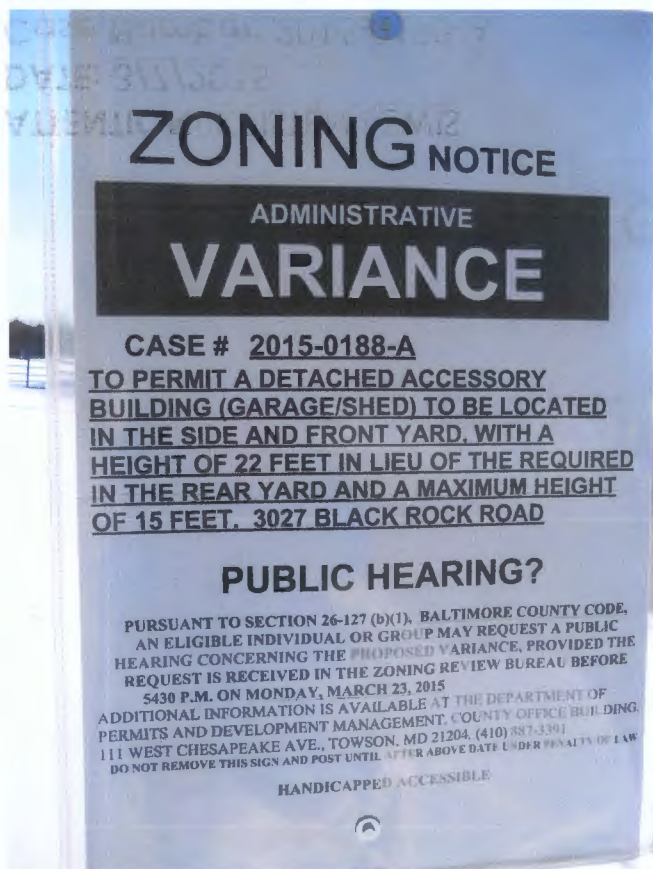
Case Number: 2015-0188-A

Petitioner / Developer: GREG MERRILL

Date of Hearing (Closing): MARCH 23, 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:
3027 BLACK ROCK ROAD

The sign(s) were posted on: MARCH 7, 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)

MEMORANDUM

DATE: April 28, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0188-A – Appeal Period Expired

The appeal period for the above-referenced case expired on April 27, 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

**Support/Oppose/
Conditions/
Comments/
No Comment**

**Comment
Received**

Department

3-9

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 _____)

3-9

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: 3-7-15 by: O'Keefe

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

3027 Blue Rock Rd



VIEW FROM FRONT OF PROPERTY
LOOKING EAST
PROPOSED BUILDING IN LOCATION
OF HORSE TRAILER

2015-0188-A

3027 Black Rock Rd



VIEW FROM 1 1/2 STORY DWELLING
LOOKING NORTHEAST
PROPOSED BUILDING IN LOCATION
OF HORSE TRAILER

2015-0188-A

3027 Black Rock Rd



VIEW FROM BACK OF PROPERTY
LOOKING NORTHWEST
EXISTING 1 1/2 STORY DWELLING ON LEFT
EXISTING HORSE BARN ON RIGHT
PROPOSED BUILDING IN LOCATION
OF HORSE TRAILER

2015-0188-A

3027 Black Rock Rd



VIEW OF FRONT NEIGHBOR
LOOKING NORTHWEST

2015-0188-A

Enclosure



KEVIN KAMENETZ
County Executive

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

March 24, 2015

Aaron D & Kathryn A Sloboda
3027 Black Rock Road
Reisterstown MD 21136

RE: Case Number: 2015-0188 A, Address: 3027 Black Rock Road

Dear Mr. & Ms. Sloboda:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 25, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Gregory Merrill, 3027 Black Rock Road, Reisterstown MD 21136

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



Maryland Department of Transportation

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

Date: 3/9/15

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2015-0188A
Administrative Variance
Aarond. & Kathryn A Slaboda
3027 Black Rock Road.
MD 88

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 3/4/15. A field inspection and internal review reveals that an entrance onto MD 88 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2015-0188A.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz



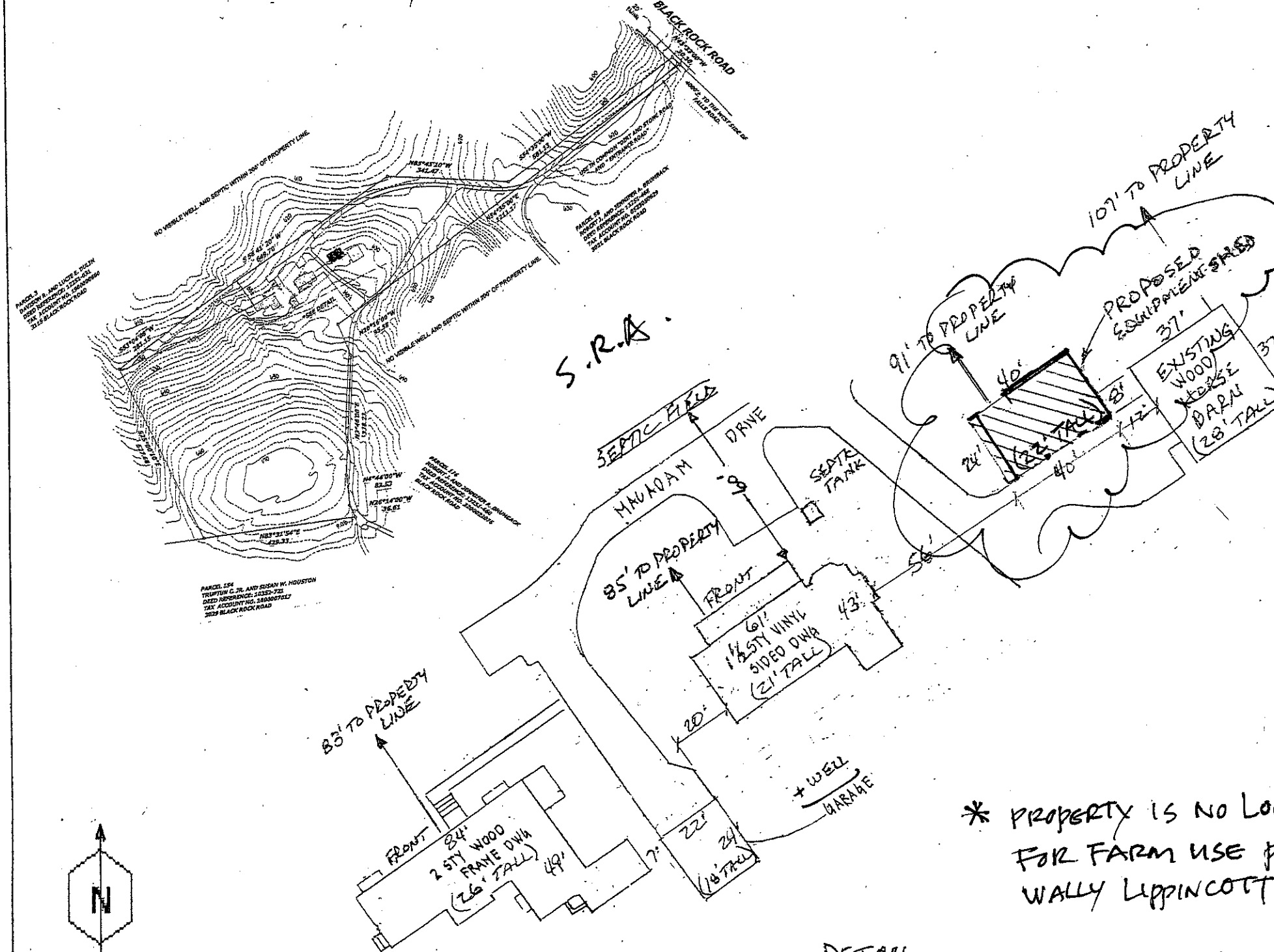
Pet. Exp. 1

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

ADDRESS 3027 BLACK ROCK RD OWNER(S) NAME(S) GREGORY & ANNETTE MERRILL
AARON & KATHRYN SLOBODA

SUBDIVISION NAME N/A LOT # _____ BLOCK # _____ SECTION # _____

PLAT BOOK # N/A FOLIO # N/A 10 DIGIT TAX # 1600009406 DEED REF. # 29182100033



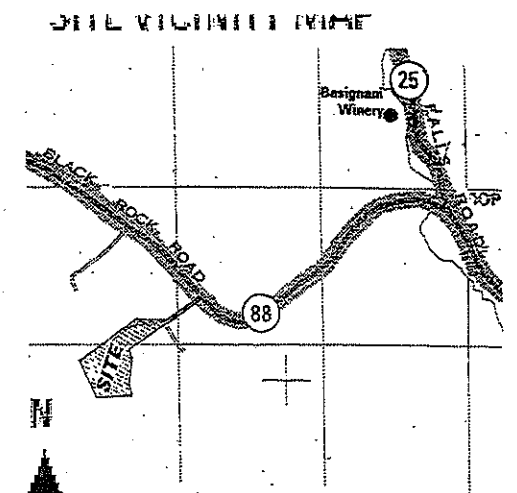
PLAN DRAWN BY G. P. MERRILL

DATE 2-18-15

DETAIL

SCALE: 1 INCH = 40 FEET

* PROPERTY IS NO LONGER FOR FARM USE PER WALLY LIPPINCOTT.



MAP IS NOT TO SCALE

ZONING MAP# 032C1

SITE ZONED RC2

ELECTION DISTRICT 5

COUNCIL DISTRICT 3

LOT AREA ACREAGE 11.51

OR SQUARE FEET 501,376

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO (ZONE C/FIRM)

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE X

SEWER IS:

PUBLIC _____ PRIVATE X

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

CASE 08-328-A

GRANTED 2/25/08

NOT IMPLEMENTED

(RE HEIGHT OF HOUSE ADDITION)

VIOLATION CASE INFO:

NONE

2015-0188-A