

MEMORANDUM

DATE: May 27, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0207-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 25, 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 *
(93 Hillside Road)
1st Election District *
1st Council District *
Steward H. and Elizabeth P. Macis *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2015-0207-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, Steward H. and Elizabeth P. Macis ("Petitioners"). The Petitioners are requesting Variance relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (detached garage) with a height of 21 ft. in lieu of maximum allowed 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. A ZAC comment was submitted from the Bureau of Development Plans Review (DPR) dated March 31, 2015, indicating that the proposed garage should be set back at least 11 ft. from the rear property line so that the foundation does not encroach on the existing 10 ft. wide drainage and utility easement.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 3, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 4-24-15

By DW

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 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) 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 24th day of April, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (detached garage) with a height of 21 ft. in lieu of maximum allowed 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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. Petitioners must comply with the ZAC comments received from DPR dated March 31, 2015; a copy of which is attached hereto and made a part hereof.

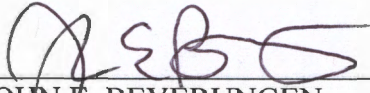
ORDER RECEIVED FOR FILING

Date 4-24-15

By PW

3. 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.
4. 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 4-24-15

By OW



KEVIN KAMENETZ
County Executive

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

April 24, 2015

Stewart H. and Elizabeth P. Macis
93 Hillside Road
Baltimore, Maryland 21228

RE: Petition for Administrative Variance
Case No. 2015-0207-A
Property: 93 Hillside Road

Dear Mr. and Mrs. Macis:

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: Bev True, 3920 London Bridge Road, Sykesville, MD 21784



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 93 Hillside Rd Baltimore MD 21228 Currently zoned RO + DRA
Deed Reference 23823 / 00404 10 Digit Tax Account # 1900013544
Owner(s) Printed Name(s) Steward H. Macis + Elizabeth P. Macis

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ ADMINISTRATIVE VARIANCE from Section(s) 400.1 OF BC2R TO PERMIT AN ACCESSORY BUILDING (DETACHED GARAGE) WITH A HEIGHT OF 21 FEET IN LIEU OF THE MAXIMUM ALLOWED 15 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):

Steward Macis, Elizabeth Macis

Name #1 - Type or Print

Name #2 - Type or Print

Steward Macis
Signature #1

Elizabeth Macis
Signature #2

93 Hillside Rd Baltimore MD
Mailing Address City State

21228 / 443-443-0225
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s)

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Bert True, Agent

Name - Type or Print

Bert True
Signature

3930 London Bridge Rd Sykesville, MD
Mailing Address City State

21784 / 443-398-0958 / berttrue213@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 3 day of April, 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 2015-0207-A

Filing Date 3/24/15

Estimated Posting Date 4/5/15

Reviewer AT

~ 4/20/15

Rev 5/8/2014

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE APPEAL OR A 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.

Address: 93 Hillside Rd Baltimore MD 21228 5519
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)

— We would like to construct a 36' x 26' detached garage on the rear of our property and would need a
— height of 21' for the much needed storage space. There is no other area we can use for storage on our
— property. We have young children and desperately need the storage area. The garage would enable us
— to keep our vehicles out of the elements. The existing driveway would flow into the proposed garage.
— The proposed garage will blend and match our existing home and neighborhood.

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

Steward Macis
Signature of Owner (Affiant)
Steward Macis
Name- Print or Type

Elizabeth P Macis
Signature of Owner (Affiant)
Elizabeth P Macis
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 HOWARD BALTIMORE, to wit:

I HEREBY CERTIFY, this 13 day of MARCH, 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: STEWART MACIS & ELIZABETH MACIS

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

AS WITNESS my hand and Notaries Seal

FRANK W. PALULIS
NOTARY PUBLIC, STATE OF MARYLAND
My Commission Expires November 16, 2016

Frank W. Palulis
Notary Public

My Commission Expires 11/16/2016

ZONING DESCRIPTION FOR 93 HILLSIDE ROAD BALTIMORE MD 21228

Beginning at a point on the North Side of Frederick Road which is 80' wide at the distance of 541' South of the centerline of the nearest improved intersecting street Hillside Road which is 40' wide. Being Lot# 2, of DuVall Property as recorded in the Baltimore County Plat Book 51, Folio 88 containing 21,762SF. Located in the 1st Election District 1st Council District.

2015-0207-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0207 -A Address 93 HILLSIDE ROAD
Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 03/24/2015 Posting Date: 4/5/15 Closing Date: 4/20/15

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- 0207 -A Address 93 HILLSIDE ROAD
Petitioner's Name STEWART MACIS Telephone 443-462-0225
Posting Date: 4/5/2015 Closing Date: 4/20/2015
Wording for Sign: To Permit AN ACCESSORY STRUCTURE (DETACHED GARAGE) WITH A HEIGHT OF 21 FEET IN LIEU OF THE MAXIMUM ALLOWED 15 FEET

Revised 7/18/14

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

No. 123578
 Date: 3/24/15

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$75
Total:								\$75

Rec From: PRECISE BOOKKEEPING, INC.
 For: 93 HILLSIDE RD
2015-0207-A

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

**CASHIER'S
 VALIDATION**

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 6, 2015
Item No. 2015-0207

DATE: March 31, 2015

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Proposed garage should be set back at least 11 feet from the rear property line so that the foundation does not encroach on the existing 10-foot-wide drainage and utility easement.

* * * * *

DAK: CEN
cc:file

ZAC-ITEM NO 15-0206-04062015.doc

ORDER RECEIVED FOR FILING

Date 4-24-15
By DW

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Maryland Department of Transportation

Pete K. Rahn, Secretary
Melinda Peters, Administrator

Date: 3/30/15

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

RE: Baltimore County
Item No. 2015-0207-A
Administrative Variance
Stewart & Elizabeth Macis
93 Hillside 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. 2015-0207-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,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

CERTIFICATE OF POSTING

Date: 4-3-15

RE: Case Number: 2015-0207-A

Petitioner/Developer: Steward Macie

Date of Hearing/Closing: 4-20-15

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 93 Hillside Rd

The signs(s) were posted on 4-3-15
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING

ADMINISTRATIVE
VARIANCE

CASE # 2015-0207-A

TO PERMIT AN ACCESSORY STRUCTURE
(DETACHED GARAGE) WITH A HEIGHT OF
21 FEET IN LIEU OF THE MAXIMUM ALLOWED
15 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 4/20/15

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,

111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE. UNDER PENALTY OF
HANDICAPPED ACCESSIBLE

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment3-31DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)CDEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)3-30

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: 4-3-15 by P.isonPEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w4)

Guide to searching the database

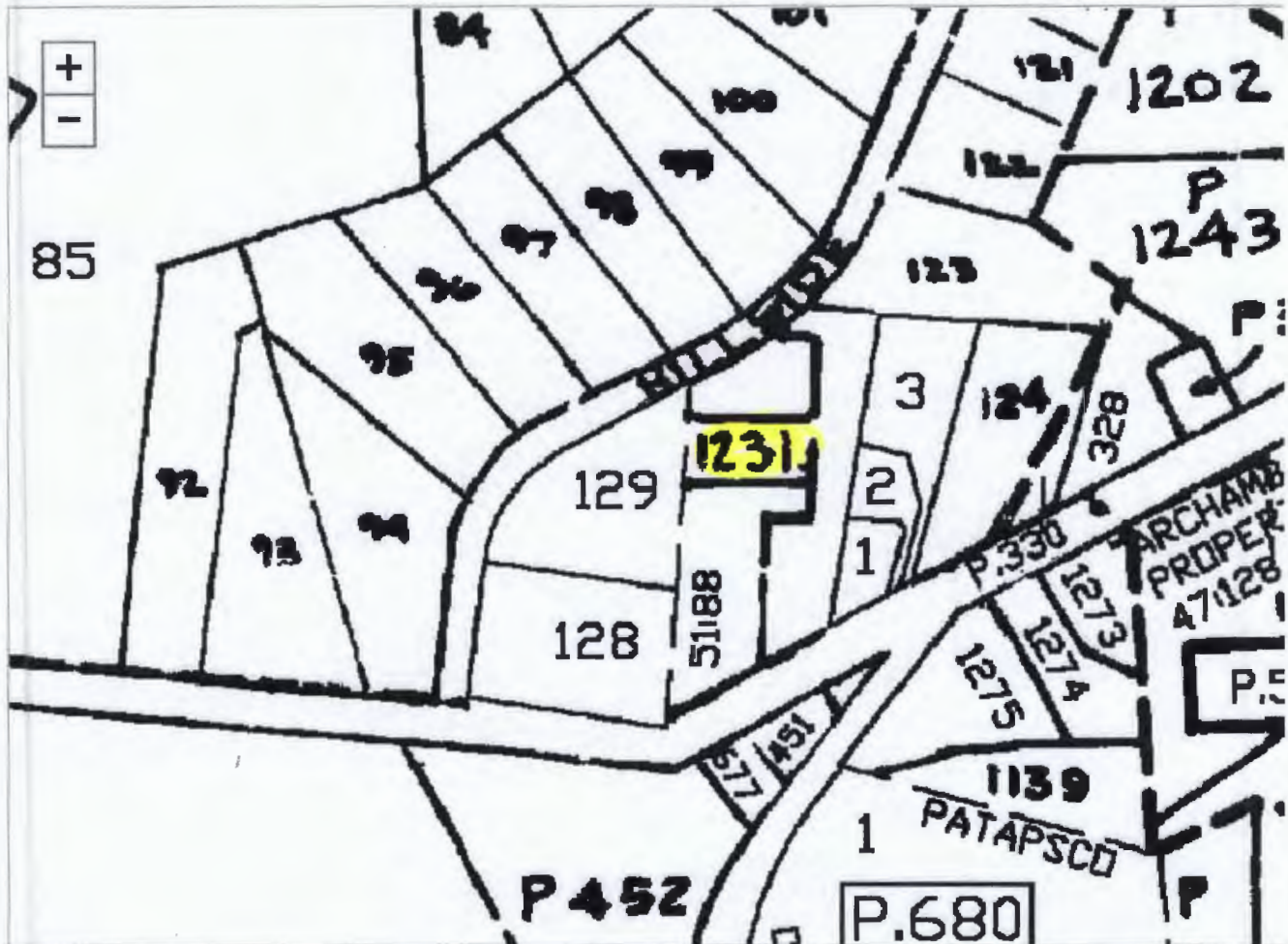
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 01 Account Number - 1900013564			
Owner Information					
Owner Name:		MACIS ELIZABETH P MACIS STEWARD HUGH		Use: RESIDENTIAL Principal Residence: YES	
Mailing Address:		93 HILLSIDE RD BALTIMORE MD 21228- 6819		Deed Reference: /23823/ 00406	
Location & Structure Information					
Premises Address:		93 HILLSIDE RD 0-0000		Legal Description: 25473 SQ FT .5848 AC 93 HILLSIDE RD DUVALL PROPERTY	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0100	0017	1231		0000	2 2013 0051/0088
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
2007		3,063 SF		Property Land Area 21,762 SF	
County Use		04			
Stories	Basement	Type	Exterior Siding	Full/Half Bath	Garage Last Major Renovation
1 1/2	NO	STANDARD UNIT		3 full	
Value Information					
Base Value		Value As of 01/01/2013		Phase-in Assessments As of 07/01/2014 As of 07/01/2015	
Land:		159,900		120,900	
Improvements		287,400		275,000	
Total:		447,300		395,900	
Preferential Land:		0		395,900 395,900 0	
Transfer Information					
Seller: SENBERG ARIELLA		Date: 05/11/2008		Price: \$445,000	
Type: ARMS LENGTH IMPROVED		Deed1: /23823/ 00406		Deed2:	
Seller: MACGILL WILLIAM A		Date: 04/09/2003		Price: \$280,000	
Type: ARMS LENGTH IMPROVED		Deed1: /17824/ 00348		Deed2:	
Seller: MACGILL WILLIAM A		Date: 09/10/1986		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /07305/ 00114		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2014 07/01/2015	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00 0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 12/02/2008					

Baltimore County

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

District: 01 Account Number: 1900013564

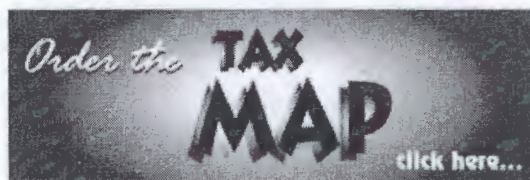


The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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/>)

☒ Loading... Please

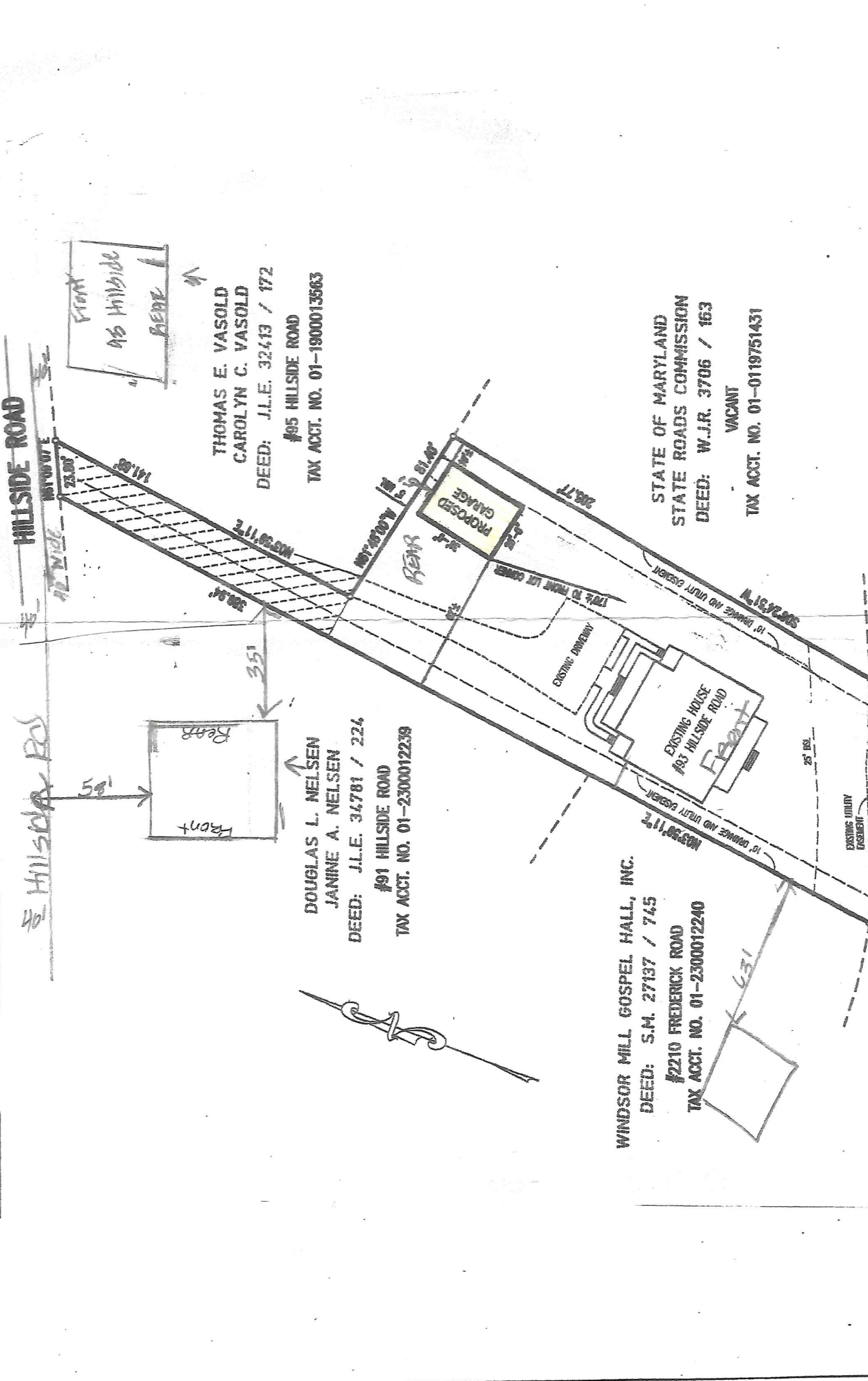
Loading... Please Wait.

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2015-0207-A

SITE VICINITY MAP

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
ADDRESS 93 Hillside Road Bldg MD 2220 OWNER(S) NAME(S) STEWART H. & ELIZABETH B. MACIS
SUBDIVISION NAME DuVall Property LOT # 2 BLOCK # 1 SECTION # 1
PLAT BOOK # 51 FOLIO # 88 10 DIGIT TAX # 1900013564 DEED REF. # 33883102406



2015-0209-A

PLAN DRAWN BY BevTrue DATE 3/20/15 SCALE: 1 INCH = 50' FEET

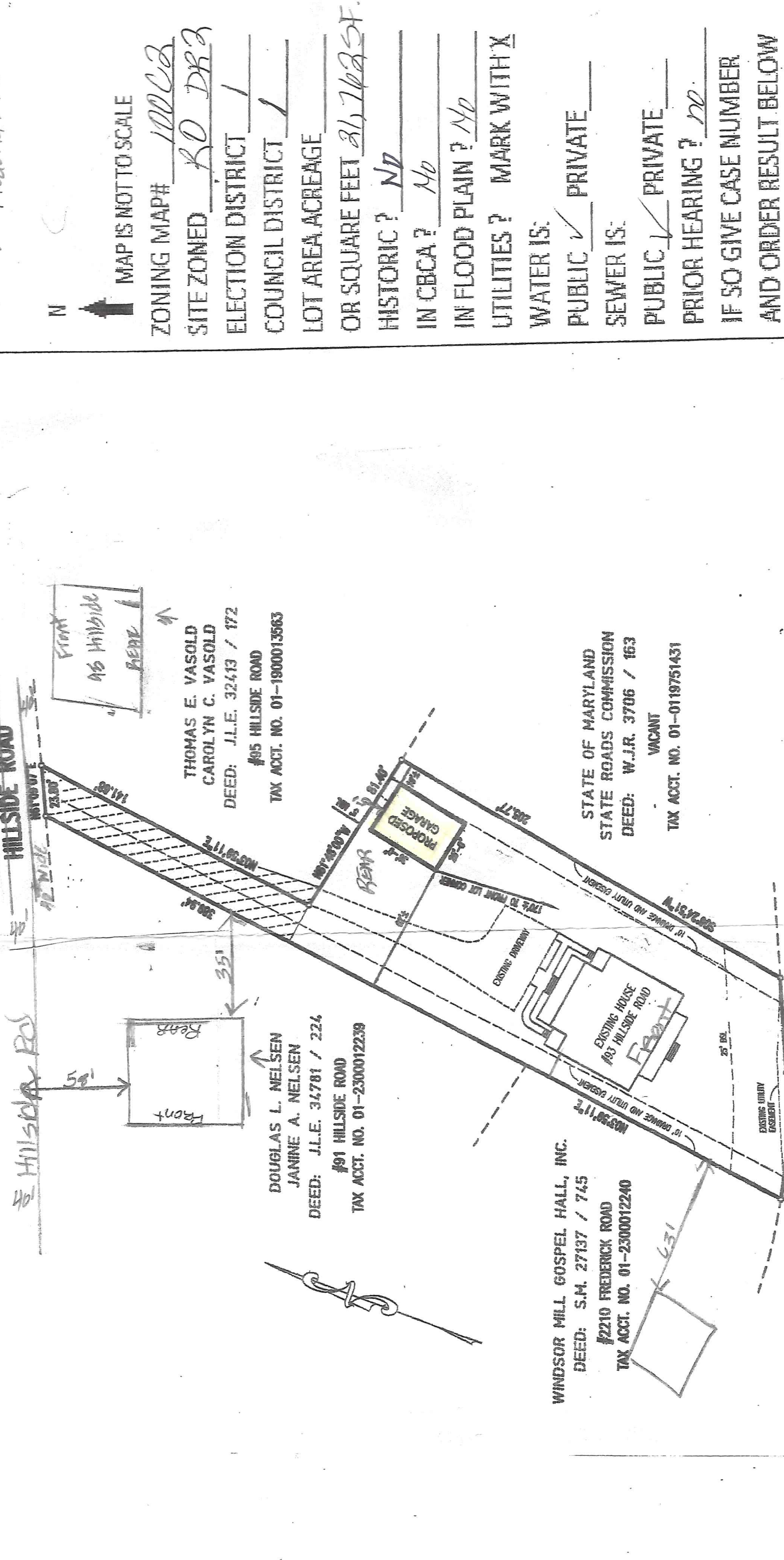
SITE VICINITY MAP

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

ADDRESS 93 Hillside Road, Hillside, MD 21074 OWNER(S) NAME(S) Steward H. & Elizabeth R. Davis

SUBDIVISION NAME DuVal Property LOT # 2 BLOCK # 3 SECTION # 1

PLAT BOOK # 51 FOLIO # 88 10 DIGIT TAX # 1900013564 DEED REF. # 33883100404



FREDERICK ROAD (MD Rte 144)

2015-0207-A

PLAN DRAWN BY BevTruc DATE 3/20/15 SCALE: 1 INCH = 50' FEET