MEMORANDUM

DATE:

June 2, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0212-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 1, 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 (4230 Chapel Road)

11th Election District 5th Council District Ronald L. and Janet A. Hash

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

* BALTIMORE COUNTY

* CASE NO. 2015-0212-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, Ronald L. and Janet A. Hash ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed pole barn (accessory structure) with a height of 22 ft. in lieu of the required 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 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 April 12, 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 the file to indicate that the requested variance would adversely affect the health, safety or general

ORDER	RECEIVED FOR FILING	
Date	4-30-15	
Ву	ber	

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.

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

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>30th</u> day of April, 2015 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed pole barn (accessory structure) with a height of 22 ft. in lieu of the required maximum height of 15 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. The Petitioners or subsequent owners shall not convert the pole barn into a dwelling unit or apartment. The accessory structure/pole barn shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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					-	

Date	4-50-15
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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____4-30-15

By 1900



KEVIN KAMENETZ County Executive

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

April 30, 2015

Ronald L. and Janet A. Hash 4230 Chapel Road Perry Hall, Maryland 21128

RE:

Petition for Administrative Variance

Case No. 2015-0212-A

Property: 4230 Chapel Road

Dear Mr. and Mrs. Hash:

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,

Administrative Law Judge

for Baltimore County

JEB:dlw Enclosure



ADMINISTRATIVE ZONING PETITION

FOR ADMINITIVE VARIANCE - OR - ADMINISTR A SPECIAL HEARING

To the Other		vith the Departmen				
Address 42	TICE OF Adminis	strative Hearing	is for Baltir			erty located at:
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(SELECT T	HE HEARING(S) BY M.	ARKING X AT THE AP	PROPRIATE SEL	ECTION(S) AND	ADDING THE PETITI	ON REQUEST)
For Adminis	strative Variances	, the Affidavit on th	ne reverse of t	his Petition for	n must be comple	eted and notarized.
		by the property situated, hereby petition		e County and w	which is described	in the plan/plat
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2 ADMINIS	TRATIVE SPECIA	L HEARING to ap	prove a waive	er pursuant to	Section 32-4-10	7(b) of the Baltimo
County Code: (indi	cate type of work ir	n this space: i.e., to	raze, alter or o	construct additi	on to building)	D. W.
				,		
of the Baltimore Co	ounty Code, to the	development law of	Baltimore Cou	unty.		
I/ we agree to pay exper	nses of above petition(s	cribed by the zoning reg), advertising, posting, e	tc. and further agi	ree to be bound by	the zoning regulation	is and restrictions of
Baltimore County adopte	ed pursuant to the zonir	ng law for Baltimore Cou	nty.			
			Owner(s	s)/Petitioner(s)	:	
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Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address City State

Zip Code Felephone # Email Address

Mailing Address
City State

1128, 4432869713,

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

August 24862.

HO3D CHAPELRD PERRY HALL MD.

Mailing Address

City State

2119-8, 443 9-869713

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 _____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

DAWN LICALDERAND

CASE NUMBER 2015 - 0212 - A

Filling Date <u>327 15</u>

Estimated Posting Date

SIZI Salv Reviewer 6. K

Rev 9/8/2014

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REFERENCE FOR AN HISTORIC ADMINISTRATIVE ECIAL 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.

and occupied by the undersigned.
Address: 4330 CHAPEL B. PERDYHAU MB. 21128 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)
HIGHSPRIT SLIDING RARN DOOR FOR ACCESS
REQUIRING 16 HIGH WALL WITH 4/12 PITCH ROOF THEREFORE HE, GHT TO PEXK IS PO
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)
Loud Janeta, Hash
Signature of Owner (Affiant) Signature of Owner (Affiant) Name- Print or Type Signature of Owner (Affiant) 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 25 day of <u>march</u> , <u>aol5</u> , before me a Notary of Maryland, in and for the County aforesaid, personally appeared:
Print name(s) here: Ronald L. Hash & Janet A. Hash
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal Dawn & Calcerard
DAWN L CALCERANO Notary Public Baltimore County Notary Public My Commission Expires

My Commission Expires Dec 20, 2016

REV. 5/8/2014

March 27, 2015

Case # 2015-0212-A

To permit a proposed pole barn (accessory structure) with a height of 22 feet in lieu of the required maximum height 15 feet.

20

Ronald L. and Janet A. Hash

4230 Chapel Road

Perry Hall, Maryland 21128

Zoning property description for 4230 Chapel Road, Perry Hall, Maryland 21128. Beginning at a point on the north side of Chapel Road which is 20 feet wide at the distance of 198.9 feet west of the centerline of the nearest improved intersecting street which is Perry Hall Boulevard which is 91 feet wide thence the following courses and distances

North 41 degrees 00' W 173.50 feet

North 51 degrees 20' E 497.80 feet

South 41 degrees 00' E 173.50 feet

South 51 degrees 20'W 497.80 feet back to the point of beginning as recorded deed liber 368 folio 402 containing 2 acres located in the 11th election district and 5th council district

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015-

Contact Person:

0212

Address 4230

Phone Number: 410-887-3391

Filing Date: 3 21 15 Posting Date: 4/12/15 Closing Date: 4/27/15
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. 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- 02/2 -A Address 4230 Chape Rd Petitioner's Name Ronald Hash Telephone, 443-286-9713 Posting Date: 4 12 15 Closing Date: 4 27 15
Wording for Sign: To Permit a proposed pale barn (accessory structure) with a height of 23 feet in lieu of maximum height of 15 feet. Revised 7/18/14

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE No. MISCELLANEOUS CASH RECEIPT Date: 3/25/2015 3/27/2015 09: Tiell Rev Sub HE WILL HEALTH WITH HE Source/ Rev/ FEFERT # 918357 3/27-2015 Fund Sub Unit Obi Sub Obj Dept Obj BS Acct Unit Dept Amount 5 520 ZONING VERIFICATION 75.00 206 0000 #0. 127583 Record Tet \$75,00 975.00 CK \$ 5 6 Baltimore County, Harvlai Total: Rec From: For: CASHIER'S DISTRIBUTION **VALIDATION** WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING PLEASE PRESS HARD!!!!

CASE NO. 2015- 0212-13

CHECKLIST

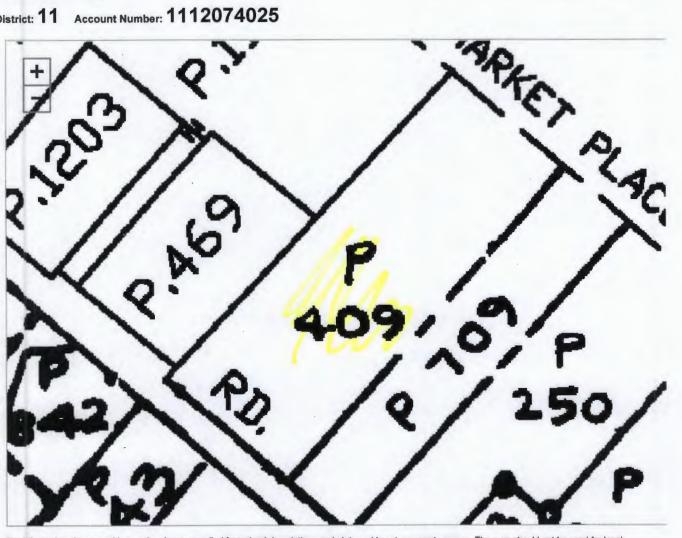
Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
4-13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NU
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
4-13	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
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Comments, if any: _		

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Baltimore County

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

District: 11 Account Number: 1112074025



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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Loading... Please Wait.



KEVIN KAMENETZ County Executive

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

April 28, 2015

Ronald L. & Janet A. Hash 4230 Chapel Road Perry Hall MD 21128

RE: Case Number: 2015-0212 A, Address: 4230 Chapel Road

Dear Mr. & Ms. Hash;

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 27, 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. Carl Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel



Larry Hogan, Governor Boyd Rutherford, Lt. Governor

•

Pete K. Rahn, Secretary Melinda Peters, Administrator

Date: 4/13/15

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

RE: Baltimore County

Hem No 2015-0212-A.
Administrative Vaylence
Fronald L. & Fonet H. Hash

4230 Chapel 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 - OZIZ-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

TO:

Arnold Jablon, Director

DATE: April 13, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 13, 2015

Item No. 2015-0212, 0213 and 0218

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\ZAC04132015.doc



	RE: Case No.:	2015-0212-A
	Petitioner/Developer:	
		Ronald Hash
		April 27, 2015
	Date of Hearing/Closing:	
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204		
Attn: Kristen Lewis:		
Ladies and Gentlemen:		
This letter is to certify under the penaltic posted conspicuously on the property loc		
The size (s) were nested on	April 12, 2015	(m), 5,197 - 19
The sign(s) were posted on	(Month, Day, Year)	
	Sincerely,	
	Mill	April 12, 2015
TONING	(Signature of Sign Poster)	(Date)
ZONING NOTICE ADMINISTRATIVE	SSG Robert B	ack
VARIANCE CASE # 2015-0212-A	(Print Name	e)
To Permit a proposed Pole Barn (accessory structure) with a height of	1508 Leslie Ro	oad
22 feet in lieu of the maximum height of 15 feet. PUBLIC HEARING?	(Address)	
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Contract Contract	(410) 282-794	40
	(Telephone Nun	nber)



LOOKING TOWNEDS REXR OF PROPERTY

2015-0212-A



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11/10/2014



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photo 4.JPG

FRONT OF PROPERTY

2015-0212-A

XFINITY Connect Page 4 of 5

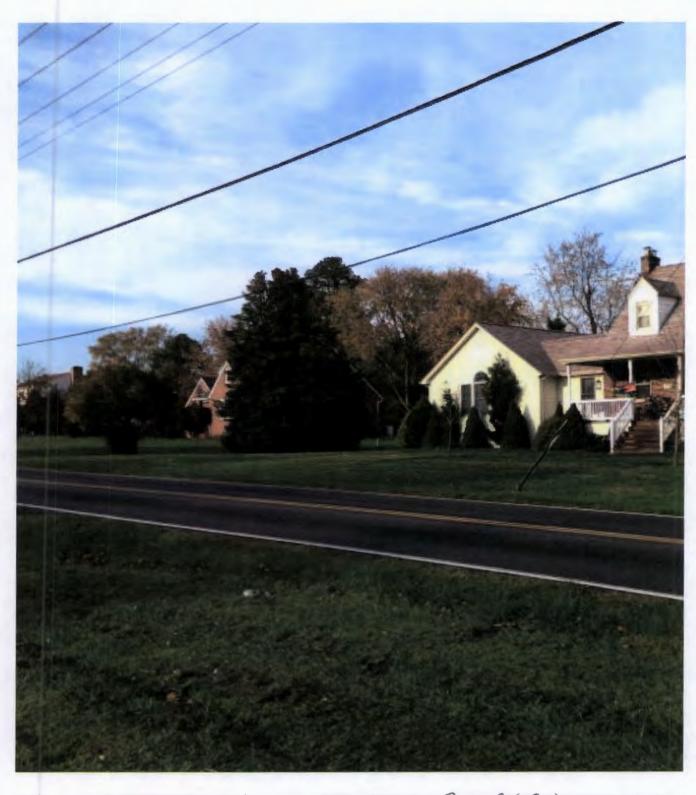
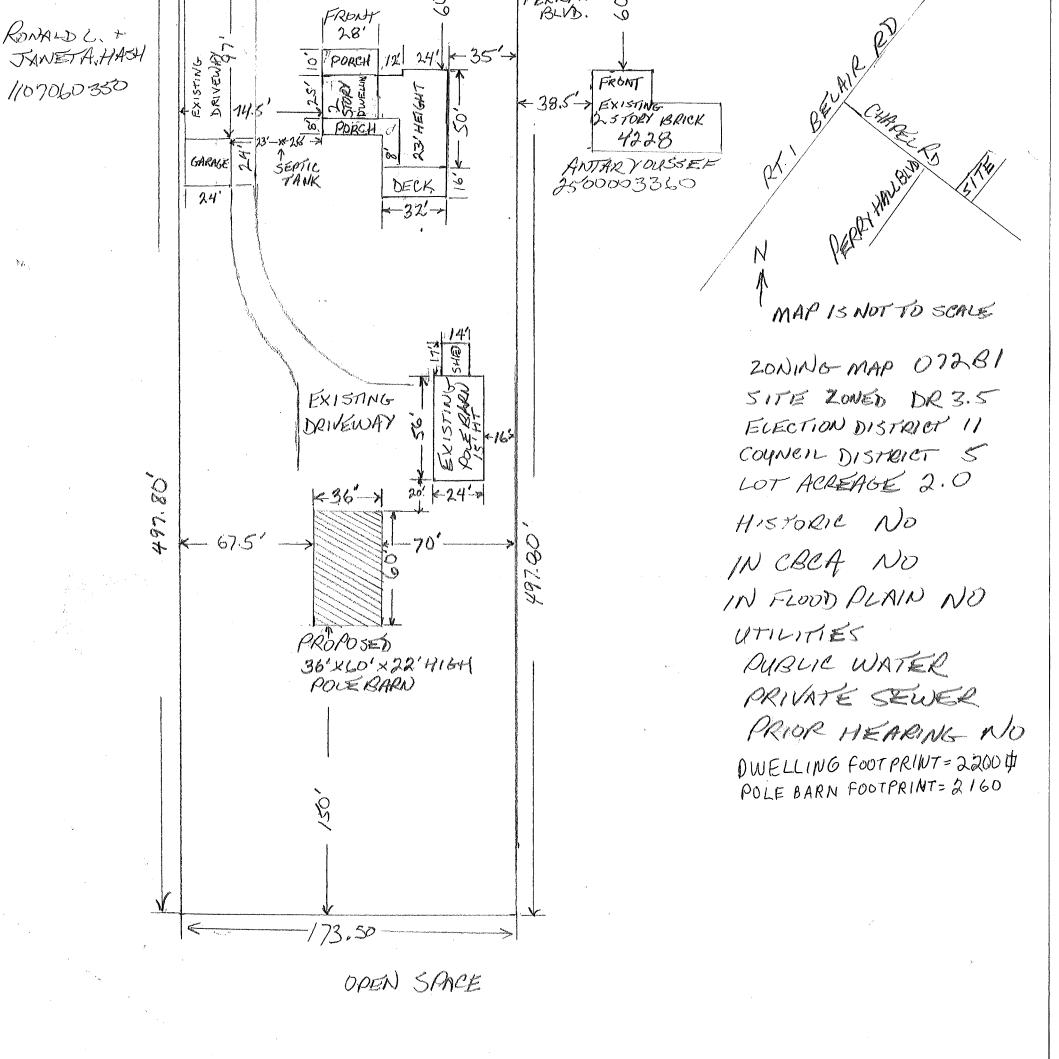


photo 5.JPG PRONT NESIDEON PROPERTY





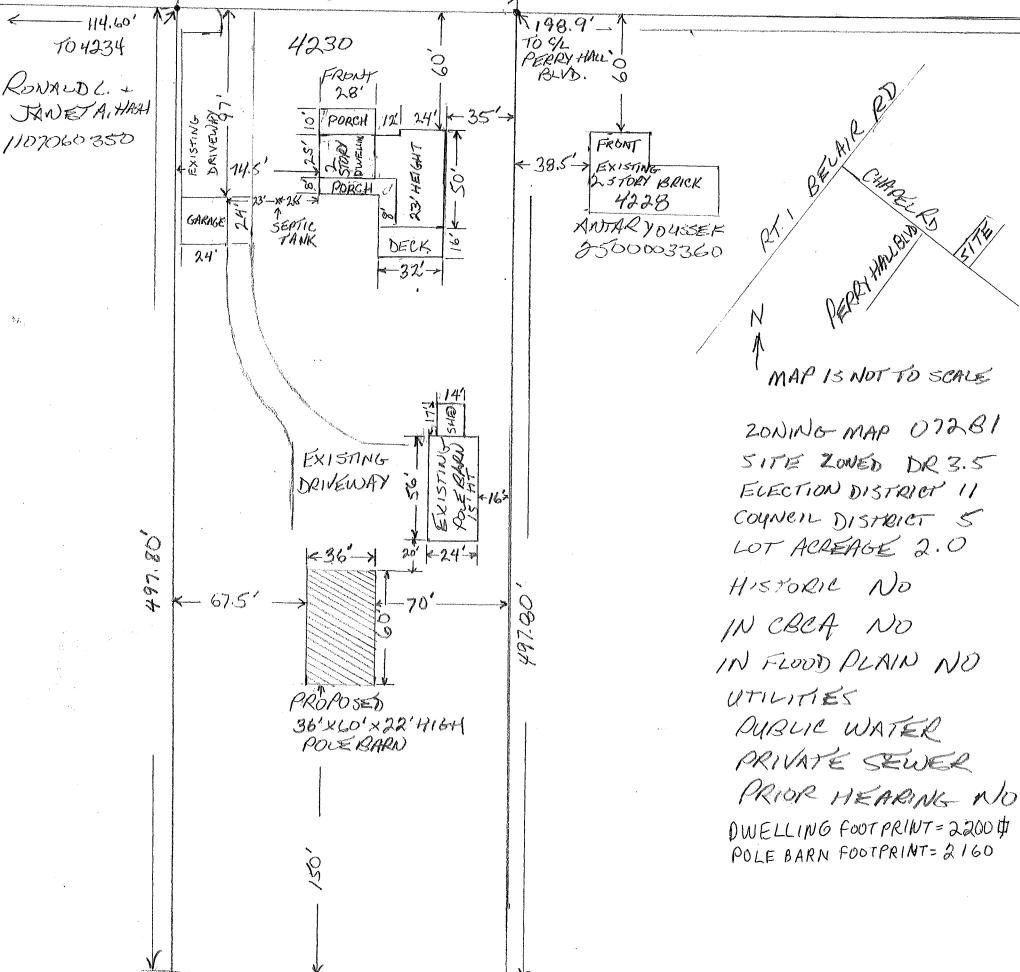
Pet. Ech. 1

PLAN DRAWN BY RONAUDLASH DATE 3/5/15 SCALE INCH = 50 FEET

2015-0212

LONING HEARING MARIANCE X ADDRESS 4230 CHAPEL RD OWNERS NAMES BONALD C. / JANETA. HASH SUBDIVISION N/A

CHAPEL RD 20 FT R/W 173.50 114.60' 198.9 TO 9/L PERRY HALL BLVD. 4230 TO 4234 FRONT



OPEN SANCE

173.50