IN RE: PETITION FOR ADMIN. VARIANCE

(11 Lynn Ridge Court)

6th Election District 3rd Council District

Richard and Pamela V. Gawrych

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

* BALTIMORE COUNTY

CASE NO. 2015-0234-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, Richard and Pamela V. Gawrych ("Petitioners"). The Petitioners are requesting Variance relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a shed (accessory structure) located in the front yard in lieu of the required rear yard. 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.

It is to be noted that this administrative variance case closed on May 18, 2015 but was not received by OAH until June 17, 2015; the whereabouts of the case file between these dates is unknown.

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 May 2, 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	le-18-15	
Ву	190	

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.

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 <u>18th</u> day of **June**, **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 a shed (accessory structure) located in the front yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 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.

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	6-18-15	2
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WINSTRATIVE ZONING INTUION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRA

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 11 LYNN RIDGE CT LINEBORD, MD 21102 Currently zoned RC2 & RC8 10 Digit Tax Account # 1700000593 Deed Reference 06060 100237 Owner(s) Printed Name(s) RICHARD & PAMELA GAWRYCH (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) 400. 1 BCZR To permit asked (accessory Structure) located in the front yard in her of the regulard rear yard. 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): RICHARD GAWRYCH 11 LYNN Mailing Address RPGOAKS@GMAIL.COM Email Address Representative to be contacted: Attorney for Owner(s)/Petitioner(s): Mail Address

Tip C Name - Type or Print Signature Mailing Address State Zip Code ate. Email Address Email Address A PUBLICAN ARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore that the subject matter of this petition be set for a public hearing, advertised, and re-posted as County, this day of required by the zoning regulations of Baltimore County. Administrative Law Judge for Baltimore County ANNAUTONET TO HILAMWOMY

CASE NUMBER 2015-0234-A Filing Date 42215

Estimated Posting Date

At Reviewer REWSBURY TWE.

8:05 ,8 lat 29:19x3 HC:2476V 578/2014

Affidavit in Support Administrative Variance (THIS AFFIDAVIT IS NOT RECUIRED 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: ILYNN RIDG	E CT LINEBON	RO MD	21/02 Zip Code
Based upon personal knowledge Administrative Variance at the ab			
We are retired and we want to be making some home improvemen will allow us to access snow blow has an incline leading to the drive found getting the snow blower or Our neighborhood lay out is not twe want to put the shed along the yard of the fourth neighbor. We see the shed. Three of these neighbor is "new" and has along with our sidewalk and turns	ts that will facilitate that go vers from level ground. The eway that when snowy or icut of the existing shed and uthe conventional neighborhole driveway is in the backyan have seven neighbors that a ghbors have no problem with not moved in yet. We snow	al. One of the improvement layout of our lot is such that y is difficult to navigate. This per the incline to our driveway and layout with houses lining the view of three neighbors are but our property four of when hour building a shed along y blow our long driveway and	ts is a shed built that t the existing shed is past winter we by to be very difficult. by a street. Where and the side front from would be able to the driveway. The d the panhandle
(If additional space for the petition Action Harry Mary Signature of Owner (Affiant) RICHARD GAWRYCH Name- Print or Type	n request or the above st	Signature of Owner (Af PAMELA GAW Name- Print or Type	wrych
	ion is to be completed by		ate of Maryland
STATE OF MARYLAND, COUNTILL INTERPRETATION OF THE COUNTY aforesaid, person	TY OF BALTIMORE, to	1 413 -	tennsylvania e a Notary of Maryland, in
Print name(s) here: RICHARD GAWR	RYCH PAM	ELA GAWRYCH	
the Affiant(s) herein, personally know	wn or satisfactorily identit	fied to me as such Affian	t(s).
AS WITNESS my hand and Notaries	s Seal Range	Colwardo	
COMMONWEALTH OF PENNSYLVANIA NOTARIAL SEAL	Notary Public O	2018	
RENEE J EDWARDS Notary Public SHREWSBURY TWR, YORK CNTY	My Commission E	xpires	REV. 5/8/2014

My Commission Expires Jul 9, 2018

Richard and Pamela Gawrych 11 Lynn Ridge Court Lineboro, MD 21102

THE ZONING HEARING PROPERTY DESCRIPTION:

Part A

ZONING PROPERTY DESCRIPTION FOR 11 Lynn Ridge Ct. Beginning at a point on the south side of Lynn Ridge Court which is 50' (R/W) wide at the distance of 1300'(±) southeast of the centerline of the nearest improved intersecting street Gunpowder Rd. which is 50' (R/W) wide.

Part B

Being Lot # 20, Section #1 in the subdivision of Walkers Run as recorded in Baltimore County Plat #38, Folio #58, containing 2.93 acres. Located in the 6th Election District and 3rd Council District.

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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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3801 Baker Schoolhouse Road Freeland, MD 21053 o 443-900-5535 m 410-419-4906 bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

May 6, 2015

Re:

Zoning Case No. 2015-0234-A Petitioner / Owner: Gawrych Date of Closing: May 18, 2015

Baltimore County Department of Permits, Approvals & Inspections County Office Building 111 West Chesapeake Avenue, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4 Lynn Ridge Court.

The sign(s) were posted on May 2, 2015.

Sincerely,

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor





MEMORANDUM

DATE:

July 21, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0234-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 20, 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	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
56	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	No
-	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
A-30	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
3-24 ZONING VIOLATI	COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS (2)	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	TERTISEMENT Date:	
SIGN PÖSTING	Date: 5-2-15	by Dock
PEOPLE'S COUNS	EL APPEARANCE . Yes No C	
Comments, if any: _	·	





Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

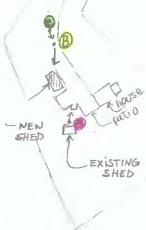
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- Homestead Application Status: Approved 04/30/2008
- This screen allows you to search the Real Property database and display property records.
 Click here for a glossary of terms.
- 3. Deleted accounts can only be selected by Property Account Identifier.
- 4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

2015-0134-A



This is a view from the existing shed in the side yard. The slope up to the driveway is steep.





This is standing in the driveway facing the turnaround. The house is on the left. This is the place we would like to place a shed. It is just about level with the driveway.



This is a view of the driveway approaching our house. The placement of the shed would be on the left side of the driveway about 10 – 12 feet from the turnaround.



Sat, Mar 21, 2015 at 12:03 PM



Re: Question about a shed

1 message

Danielle Davis <daniellemd3@gmail.com>

To: rich and pam gawrych <rpgoaks@gmail.com>

Cc: linda mester < lgm1118@yahoo.com>

No issues here!! House is looking great! You guys are full of surprises:)

Sent from my iPhone

On Mar 21, 2015, at 11:28 AM, rich and pam gawrych <rpgoaks@gmail.com> wrote:

Hello to you all,

We are thinking about putting up another shed along our driveway near our turn around. We would have to file for a zoning variance because it will be in the front of our house. But before we even begin the procedure, we wanted to know if anyone has an objection to the project.

I don't see it impacting anyone negatively and it would afford some privacy to Linda and Mike. The shed would be siding with a shingle roof and no rear windows. The door would open out to our driveway. Rich wants to be able to store the snowblower closer to the driveway.

Please let me know your thoughts.

Happy Spring, Rich and Pam

2015-0234-12.



Sat, Mar 21, 2015 at 12:42 PM



Re: Question about a shed

1 message

Igm1118@yahoo.com < Igm1118@yahoo.com>

To: rich and pam gawrych <rpgoaks@gmail.com>

Cc: Danielle Davis <daniellemd3@gmail.com>

Go for it.

Linda Mester

Sent from my iPhone

On Mar 21, 2015, at 11:28 AM, rich and pam gawrych <rpgoaks@gmail.com> wrote:

Hello to you all,

We are thinking about putting up another shed along our driveway near our turn around. We would have to file for a zoning variance because it will be in the front of our house. But before we even begin the procedure, we wanted to know if anyone has an objection to the project.

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Please let me know your thoughts.

Happy Spring, Rich and Pam



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

June 17, 2015

Richard & Pamela Gawrych 11 Lynn Ridge Court Lineboro MD 21102

RE: Case Number: 2015-0234 A, Address: 11 Lynn Ridge Court

Dear Mr. & Ms. Gawrych:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 22, 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,

M. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel



Larry Hogan, Governor Boyd Rutherford, Lt. Governor



Date: 4/30/15

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

RE: **Baltimore County**

Item No 2015-0234-A.
Administrative Various
Richard - Pemela Goverych
11 Lynn Ridge Court.

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. 2015-0234-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: May 6, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

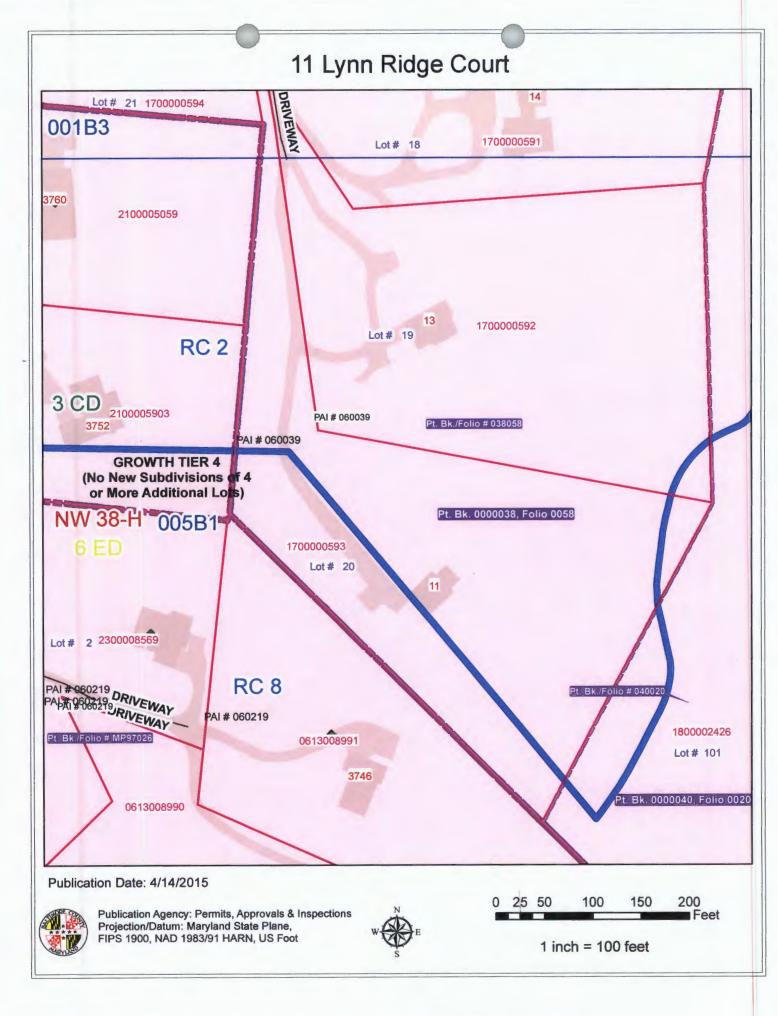
Zoning Advisory Committee Meeting

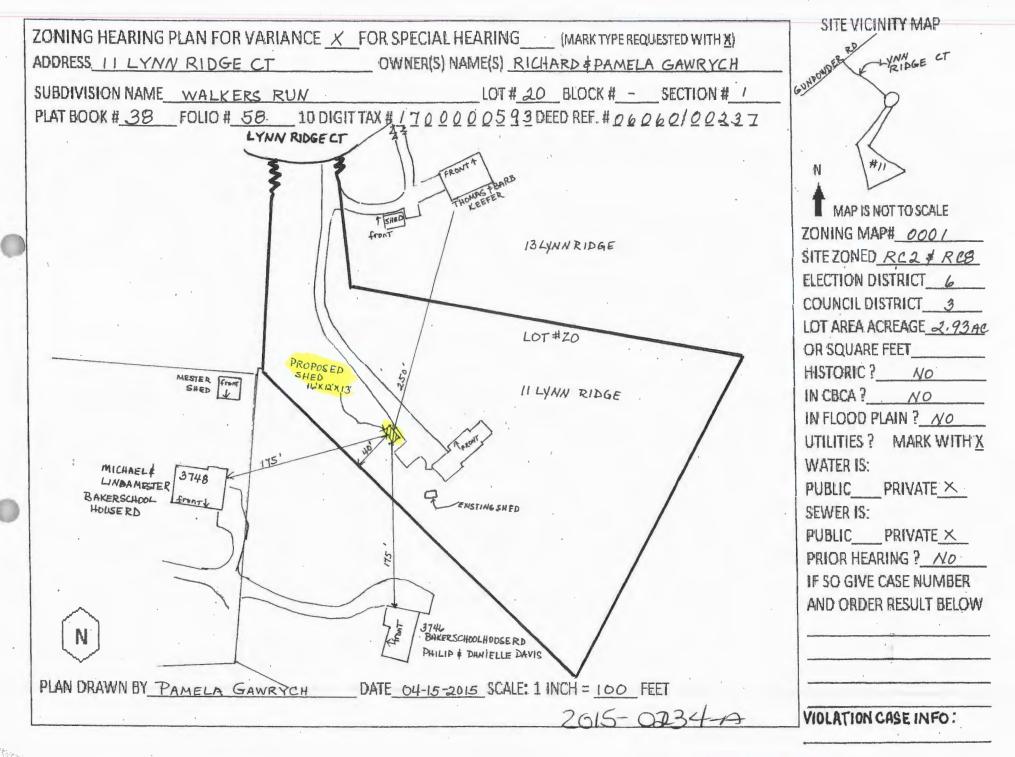
For May 4, 2015

Item No. 2015-0232, 0233 and 0234

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

DAK:CEN cc:file





Pet. Exch. 1

