IN RE: PETITION FOR ADMIN. VARIANCE (2508 Offutt Road)

2nd Election District 4th Council District Bernadette Clay Petitioner **BEFORE THE**

OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0238-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Bernadette Clay ("Petitioner"). The Petitioner is requesting Variance relief from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (detached garage) with a height of 25 ft. in lieu of the maximum 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's 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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 10, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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

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Date	5-29-15	
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ORDER RECEIVED FOR FILING

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 Petitioner.

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 <u>29th</u> day of May, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (detached garage) with a height of 25 ft. in lieu of the maximum 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners is hereby made aware that proceeding at this time is at her 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, Petitioner would be required to return the subject property to its original condition.
- 2. The Petitioner 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.

2

3. The garage shall not be used for commercial purposes.

ORDER F	RECEIVED FOR FILING
Date	5-29-15
By	(SQ)

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	5-29-15	
Bv	(90)	3



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 2508 OFFUTT Rd woodstock ND Currently zoned 31865 Deed Reference 1 00164 10 Digit Tax Account # 02 1 1 Owner(s) Printed Name(s) Bernadette (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: ADMINISTRATIVE VARIANCE from Section(s) 400.3 of the BCZR to permit a proposed accessory building (detached garage) with a height of 25 feet in lieu of the maximum allowed 15 feet. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. 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, after 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): Bernadette Clay Name #1 - Type or Print Name #2 - Type or Print Signature #2 2508 OFFUTT Rd WOODSTOCK 443-610-6219 21163 Zip Code Telephone # Email Address Attorney for Owner(s)/Petitioner(s): Representative to be contacted: Clance Name - Type PO BOX State 21784 JEREMY @ Applied And Approved. Sip Code 440-340-1229 **Email Address** Zip Code Telephone # **Email Address** A RUBINE HEARING 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 required by the coning regulations of Baltimore County. Administrative Law Judge for Baltimore County

Estimated Posting Date 5

2015-0238-A

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE 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: 2508 OFFUTT Rd	WOODSTOCK	md	21163
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, Administrative Variance at the abo			
I Am Requesting An A	DMINISTIATIUE VARIA	Ance TO Allow	W A DETACHED GARAGE
In my side yard with	a Rear yard SETBAL	CK OF 18 FE	et And a Height of
Since THIS Does not meet			
we are in Desperate run IT is very peculiar. IT wooded and the neighbor a several Hundred Fret	al of storage. Even is also exceptionally and properties are also away.	narrow. M	1 of 15 2.5 peres, 1 crea 15 Heavily THUS THE DWELLINGS
(If additional space for the petition Signature of Owner (Affiant)		ent is needed, labe	
0		ignature of owner (, tinatily
Name- Print or Type	N	lame- Print or Type	
The following information	on is to be completed by a No	etary Public of the	State of Maryland
STATE OF MARYLAND, COUNT	Y OF BALTIMORE, to w	it:	
I HEREBY CERTIFY, this 24th and for the County aforesaid, person	day of Aperl,	2015 , before	me a Meary of Maryland, in
Print name(s) here: Bernadette	Clay	A M	TARLO
the Affiant(s) herein, personally know	n or satisfactorily identified	to me as such Affi	and(e)(C
AS WITNESS my hand and Notaries	1470	ARD MARINING	COUNT
	Notary Public	,	
	My Commission Expir	es	1,000

Property Description

Zoning Property Description for <u>2508 Offut Road, Woodstock Maryland 21163</u>

Beginning at a point on the West side of Offut Road which is 60' wide at the distance of 1200' Northeast of the centerline of the nearest improved intersecting street, Granite Road, which is 50' wide.

Thence the following courses and distances: (1st Point of Call "POC") N. 19 22' 22" W. 233.09', (2nd POC) N. 19 22' 22" W. 66.00', (3rd POC) N. 38 44' 32" E. 686.84', (4th POC) S. 21 22' 54" E. 74.75', (5th POC) S. 25 33' 54" W. 829.39', back to the point of beginning as recorded in Deed Liber 31865, Folio 00164, containing 2.52 acres. Located in the 2nd Election District and 4th Councilmanic District.

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS CASH RECEIPT							41	123672	FAID RECEIPT BUBGIESS ACTUAL TIME ON 4/28/2015 4/28/2015 05:27:52
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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE IN CHIMATION CHEET AND DATES
Case Number 2015- 0238 -A Address 2508 OFFUTT ROAD
Contact Person: AARON TSUI Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: $4/28/15$ Posting Date: $5/10/15$ Closing Date: $5/25/15$
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- 0238 -A Address 2508 0FF477 120AD
Petitioner's Name BERNADETTE CLAY Telephone 443-610-6219
Posting Date: 5/10/15 Closing Date: 5/25/15
Wording for Sign: To Permit AN ACCESSORY BUILDING (DETACHED
GARAGE) WITH A HEIGHT OF 25 FEET IN LIEY OF
MAXIMUM ALLOWED 15 FEET
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BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS SIGN(S) WERE POSTED ON MAY 10, 2015
(MONTH, DAY, YEAR)

SINCERELY,

SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE,MD 21220
(ADDRESS)
PHONE NUMBER:443-629-3411



martingle 5/10/15

MEMORANDUM

DATE:

July 1, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0238-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 30, 2015. There being no appeal filed, the subject file is ready for return to the Zozing Review Office and is placed in the 'pick up box.'

c: /Case File

Office of Administrative Hearings

Debra Wiley

From:

Debra Wiley

Sent:

Friday, May 29, 2015 1:43 PM

To:

Jeffery Livingston

Subject:

RE: zoning petition EPS comments: 2015-0236, 0237, 0238) 0239, 0240

Thanks Jeff.

Just to make you aware that both 237 & 238 were signed and mailed this morning but will include DEPS comments for the file.

Thanks.

From: Jeffery Livingston

Sent: Friday, May 29, 2015 12:54 PM To: Debra Wiley; Sherry Nuffer

Subject: zoning petition EPS comments: 2015-0236, 0237, 0238, 0239, 0240

EPS comments are attached.

Jeff Livingston
Baltimore County
Department of Environmental Protection and Sustainability
111 West Chesapeake Ave, Suite 319
Towson, MD 21204
(410) 887-5859
Fax (410) 887-4804

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

MAY 2 9 2015

OFFICE OF ADMINISTRATIVE HEARINGS



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

May 29, 2015

SUBJECT:

DEPS Comment for Zoning Item

2015-0238-A

Address

2508 Offutt Road

(Clay Property)

Zoning Advisory Committee Meeting of May 4, 2015.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

Ground Water Management must review any future building permits for this site, since there is an existing well and septic system there, and especially since the proposed garage may be close to the septic system – per our records.

Reviewer:

Dan Esser - Groundwater Management

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
6-8	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)	
5-6	STATE HIGHWAY ADMINISTRATION	No objection.
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
 `	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ON (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	TERTISEMENT Date:	
SIGN POSTING	Date: 5-6-15	by Ogle
	EL APPEARANCE Yes No DEL COMMENT LETTER YES NO DEL	
Comments, if any: _		



Guide to searching the database

Search Result for BALTIMORE COUNTY

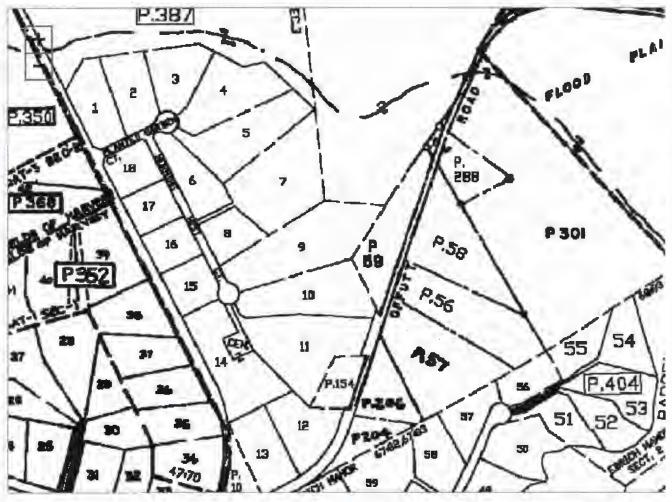
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Homestead Application Status: Application received

Baltimore County

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

District: 02 Account Number: 0211151700



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.

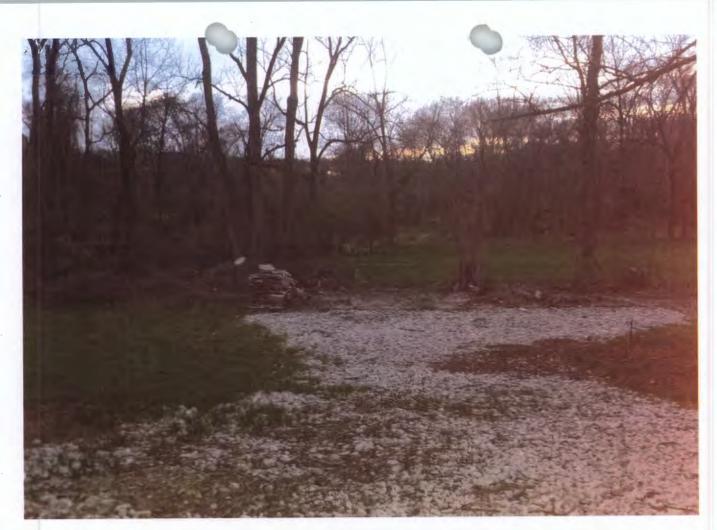
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



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

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2015-0238-A





2015-0238-A



2013-0238-A



KEVIN KAMENETZ County Executive

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

May 26, 2015

Bernadette Clay 2503 Offutt Road Woodstock MD 21163

RE: Case Number: 2015-0238 A, Address: 2508 Offutt Road

Dear Ms. Clay:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 28, 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,

W. Carl Richards, Jr.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel Jeremy Clancey, P O Box 1253 Eldersburg MD 21784 Larry Hogan, Governor Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary

Date: 5/6/15

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

Baltimore County RE:

Item No 2015-0238-A Administrative Variance Bernadette Clay 2508 Offutt 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. 2015-0238-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

DATE: May 8, 2015

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

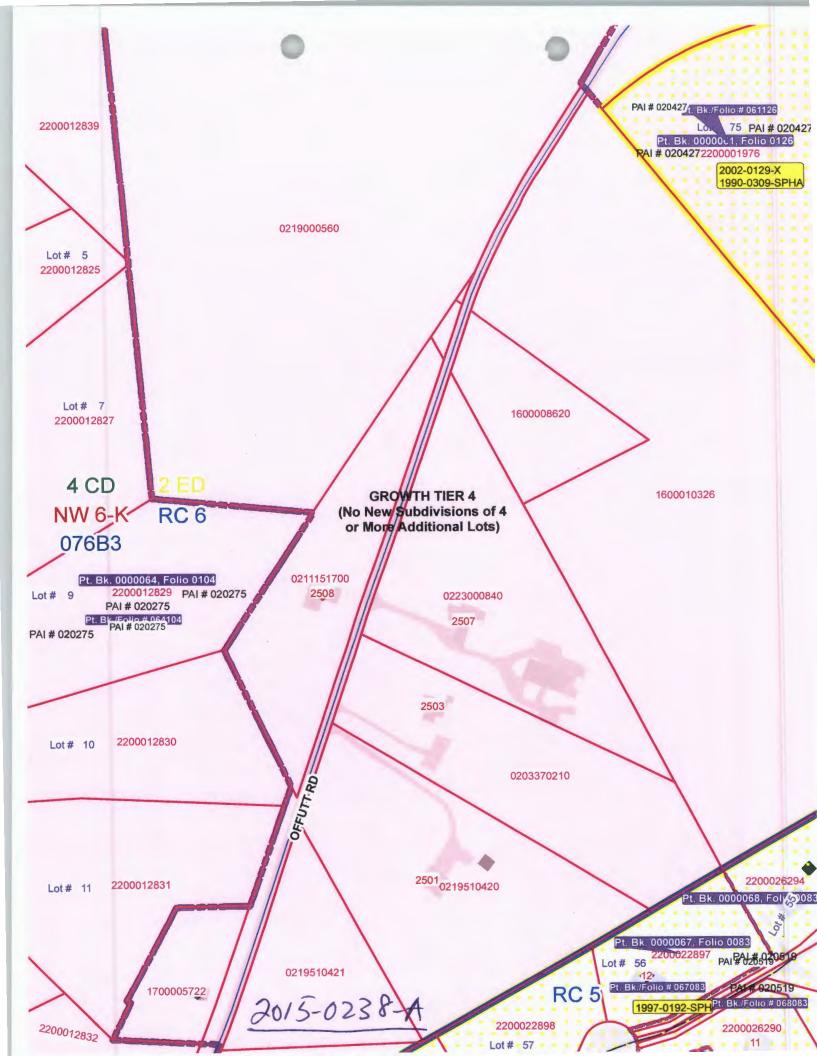
Zoning Advisory Committee Meeting

For May 11, 2015

Item No. 2015-0236, 0238 and 0240

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

DAK:CEN cc:file



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^{1.} This screen allows you to search the Real Property database and display property records.

^{2.} Click here for a glossary of terms.

^{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 3. Deleted accounts can only be selected by Property Account Identifier. the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

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2015-0238-A	VIOLATION CASE INFO:	FRIOR HEARING P D D IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW	PUBLIC PRIVATE V PUBLIC PRIVATE V	IN FLOOD PLAIN ? 70 UTILITIES ? MARK WITH X WATER IS:	COUNCIL DISTRICT 4 LOT AREA ACREAGE 3, 59 PC OR SQUARE FEET 109 111 X		MARCIOTISUILLE REST

SITE VICINITY MAP	OFFOTT POR	M SUNDITTINGUALE		COUNCIL DISTRICT 4		IN CLOOD PLAIN? 100	WATER IS: PUBLIC PRIVATE V SEWER IS:	PRIOR HEARING ? 1/A IF SO GIVE CASE NUMBER	AND ORDER RESULT BELOW N/A	VIOLATION CASE INFO:
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	ADDRESS JEOB OF CUT ROOM ANNER SINAMES POR COULD COUNTY SUBDIVISION NAME FOLIO# 10 DIGIT TAX # 02 1 1 5 1 7 0 DEED REF. # 3 1 8 45 1 0 0 1 2 Y	NDIDI NWOKOTLE 15 MOTHEW SA Ladson Ladson O2.190005	* House To Fee Away To show	(4"58" 4"38")	Story	- 1				PLAN DRAWN BY JOYETH CLONCY DATE 4 49/15 SCALE: 1 INCH = 100 FEET

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