

IN RE: PETITION FOR ADMIN. VARIANCE *

(2505 Apache Circle)

3rd Election District *

2nd Council District *

Kevin A. and Rachele Amster *

Petitioners *

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0259-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, Kevin A. and Rachele Amster ("Petitioners"). The Petitioners are requesting Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations, to permit an enclosed addition to the front and side of an existing dwelling with a front yard setback of 17 ft. in lieu of the required 25 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 received from the Bureau of Development Plans Review (DPR) dated May 29, 2015, indicating that if approved, side and rear property lines adjacent to Apache Circle and 2503 Apache Circle should be planted with a Class "A" screen pursuant to the Baltimore County Landscape Manual.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 31, 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 6-18-15

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.

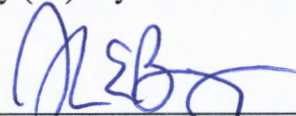
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 18th day of **June, 2015**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations, to permit an enclosed addition to the front and side of an existing dwelling with a front yard setback of 17 ft. in lieu of the required 25 ft., be and are 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 comment from DPR; a copy of which is attached hereto and made a part hereof.

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

2

Date 6-18-15

By [Signature]

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 June 1, 2015
Item No. 2015-0259

DATE: May 29, 2015

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

If approved, side and rear property lines adjacent to Apache Circle and 2503 Apache Circle should be planted with a class "A" screen.

* * * * *

DAK: CEN
cc:file

ZAC-ITEM NO 15-0259-06012015.doc

ORDER RECEIVED FOR FILING

Date 6-18-15

By bw



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 2505 Apache Circle Baltimore MD 21209 Currently zoned DR 5.5
 Deed Reference 33585 1 0021 10 Digit Tax Account # 0303070660
 Owner(s) Printed Name(s) Kerin A. Amster Rachel Amster

(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) 1B02.3.C.1 of BCZR to permit an enclosed addition to the front and side of an existing dwelling with a front yard setback of 17 feet in lieu of the required 25 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, 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):

Kerin Amster, Rachel Amster
 Name #1 – Type or Print Name #2 – Type or Print
Kerin Amster, Rachel Amster
 Signature #1 Signature #2
2505 Apache Circle Baltimore MD
 Mailing Address City State
21209 443-419-3293
 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:

BEN TRUE
 Name – Type or Print
BW True
 Signature
3920 London Bridge Rd Sykesville MD
 Mailing Address City State
21784 443-385-0988
 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 6 day of 18 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 2015-0259-A Filing Date 5/19/15 Estimated Posting Date 5/31/15 Reviewer AT

~6/15/15

ZONING DESCRIPTION FOR 2505 APACHE CIRCLE

Beginning at a point on the South East Corner of Apache Circle which is 50' wide at the Corner of Navajo and Apache which is 50' wide. Being Lot# 18,Block F Section 2, in the Subdivision of Valley Steam as recorded in the Baltimore County Plat Book 20, Folio 85 containing 9340 SF. Located in the 3rd Election District 2nd Council District.

2015-0259-A

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

No.

125427

Date:

5/19/15

PAID RECEIPT

BUSINESS ACTUAL TIME
5/19/2015 5/19/2015 10:00:46

REC WSO5 WALKIN RBOS LRD
RECEIPT # 795773 5/19/2015 OFLJ

5 528 ZONING VERIFICATION

125427

Recpt Tot \$75.00

\$75.00 CK \$1.00 CA

Baltimore County, Maryland

Rev Sub
Source/ Rev/

Fund Dept Unit Sub Unit Obj Sub Obj Dept Obj BS Acct Amount

001	206	0000		6150						\$75

Total:

\$75

Rec
From:

For:

2505 APACHE CIR

2015-0259-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0259 -A Address 2505 APACHE CIRCLE

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

Filing Date: 5/19/15 Posting Date: 5/31/15 Closing Date: 6/15/15

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- 0259 -A Address 2505 APACHE CIRCLE

Petitioner's Name AMSHER, KEVIN Telephone 443-469-3293

Posting Date: 5/31/15 Closing Date: 6/15/15

Wording for Sign: To Permit AN ENCLOSED AND AN OPEN PORCH
ADDITION ONTO THE FRONT AND SIDE OF THE DWELLING
WITH A FRONT YARD SETBACKS OF 17 FEET
IN LIEU OF THE REQUIRED 25 FEET.

Revised 7/18/14

CERTIFICATE OF POSTING

Date: 5-31-15

RE: Case Number: 2015-0259-A

Petitioner/Developer: Kevin Amster

Date of Hearing/Closing: 6-15-15

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 2505 Apache Circle

The signs(s) were posted on 5-31-15
(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 NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 2015-0259-A

TO PERMIT AN ENCLOSED AND AN OPEN
ROCK ADDITION onto the FRONT AND SIDE
OF THE DWELLING WITH A FRONT YARD
SETBACK OF 7 FEET IN LIEU OF THE RE-
QUIRED 25 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 IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 P.M. ON 6/15/15

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 887-3391

MEETING IS HANDICAP ACCESSIBLE

MEMORANDUM

DATE: July 21, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0259-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

Debra Wiley

From: Debra Wiley
Sent: Thursday, June 18, 2015 2:26 PM
To: 'kevamster@gmail.com'
Subject: Admin. Var. Case No. 2015-0259-A (Amster)
Attachments: 20150618142452321.pdf

Mr. Amster,

Per our telephone conversation, please find attached the decision for the above-referenced matter.

Thanks.

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Thursday, June 18, 2015 2:25 PM
To: Debra Wiley
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 06.18.2015 14:24:52 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

CASE NO. 2015- 0259-A

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>5-29</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>5-27</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>5-31-15</u> by <u>Pison</u>	
PEOPLE'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 - 03 Account Number - 0302070660			
Owner Information					
Owner Name:	AMSTER KEVIN A AMSTER RACHELE		Use:	RESIDENTIAL	
Mailing Address:	2505 APACHE CIR BALTIMORE MD 21209-1501		Principal Residence:	YES	
			Deed Reference:	/33585/ 00021	
Location & Structure Information					
Premises Address:		2505 APACHE CIR BALTIMORE 21209-1501		Legal Description: 2505 APACHE CIR VALLEY STREAM	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0078	0006	0536		0000	2 F 18 2014 0020/0085
Special Tax Areas:			Town: NONE		
			Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
1956	1,536 SF		155 SF	9,340 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	NO	SPLIT LEVEL	FRAME	2 full/ 1 half	
Value Information					
	Base Value		Value As of 01/01/2014	Phase-In Assessments As of 07/01/2014 As of 07/01/2015	
Land:	82,500		82,500		
Improvements	127,700		136,600		
Total:	210,200		219,100	213,167	216,133
Preferential Land:	0				0
Transfer Information					
Seller: PRESSMAN ALAN		Date: 05/08/2013		Price: \$261,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /33585/ 00021		Deed2:	
Seller: DAVIS HARVEY A		Date: 06/29/2004		Price: \$245,000	
Type: ARMS LENGTH IMPROVED		Deed1: /20342/ 00250		Deed2:	
Seller: DAVIS HARVEY A		Date: 06/13/1996		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /11640/ 00733		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 09/20/2013					

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty/\)](http://sdat.resiusa.org/RealProperty/)District: **03** Account Number: **0302070660**

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://lmsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please

Loading... Please Wait.

-->



KEVIN KAMENETZ
County Executive

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

June 16, 2015

Kevin & Rachele Amster
2505 Apache Circle
Baltimore MD 21209

RE: Case Number: 2015-0259 A, Address: 2505 Apache Circle

Dear Mr. & Ms. Amster:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 19, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Bev True, 3920 London Bridge Road, Sykesville MD 21784

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary

Date: 5/27/15

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

RE: Baltimore County
Item No 2015-0259-A -
Administrative Variance
Kevin & Rachele Amster
2505 Apache Circle

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. 2015-0259-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 "Brian Romanowski".
for Brian Romanowski, Chief
Access Management Division

BR/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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 June 1, 2015
Item No. 2015-0259

DATE: May 29, 2015

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

If approved, side and rear property lines adjacent to Apache Circle and 2503 Apache Circle should be planted with a class "A" screen.

* * * * *

DAK: CEN
cc:file

ZAC-ITEM NO 15-0259-06012015.doc

STEVICINITY MAP

[illegible]

MAP IS NOT TO SCALE



2015-0259-A

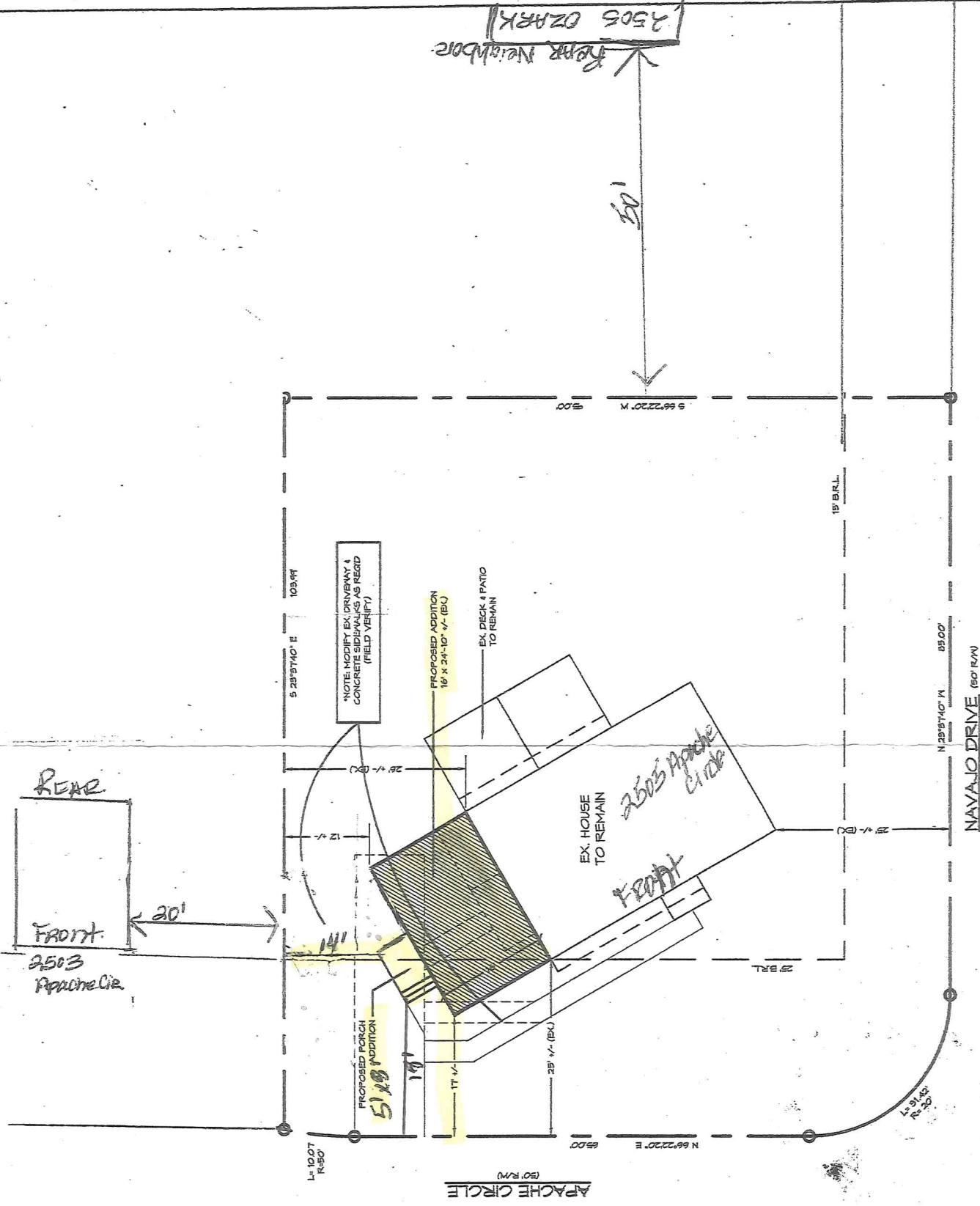
ZONING MAP# 078C1
SITE ZONED DR 5.5
ELECTION DISTRICT 3
COUNCIL DISTRICT 2
LOT AREA ACREAGE _____
OR SQUARE FEET 340 SF
HISTORIC? No
IN CBCA? No
IN FLOOD PLAIN? No
UTILITIES? MARK WITH X
WATER IS: _____
PUBLIC X PRIVATE _____
SEWER IS: _____
PUBLIC X PRIVATE _____
PRIOR HEARING? No
IF SO GIVE CASE NUMBER _____
AND ORDER RESULT BELOW _____

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

ADDRESS 2505 Apache Circle OWNER(S) NAME(S) Kenn A + Rachelle Amster

SUBDIVISION NAME Valley Stream LOT # 18 BLOCK # F SECTION # 2

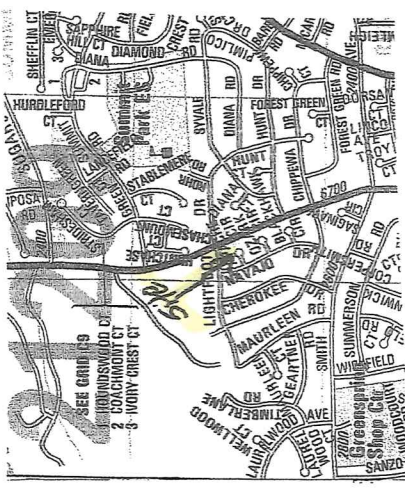
PLAT BOOK # 20 FOLIO # 85 10 DIGIT TAX # 0303010640 DEED REF. # 2253510002L



2015-0259-A

PLAN DRAWN BY Boy True DATE 5/11/15 SCALE: 1 INCH = 20 FEET

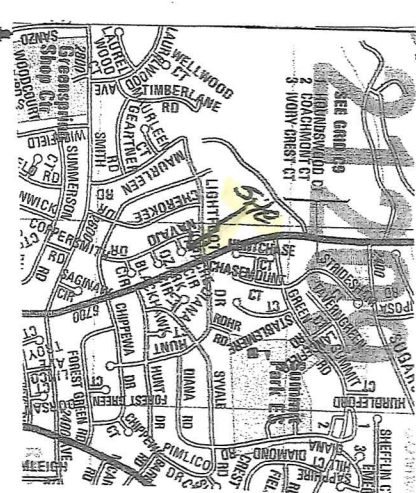
SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 078C1
SITE ZONED DR 5.5
ELECTION DISTRICT 3
COUNCIL DISTRICT 2
LOT AREA ACREAGE _____
OR SQUARE FEET 340 SF
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS: _____
PUBLIC ☒ PRIVATE _____
SEWER IS: _____
PUBLIC ☒ PRIVATE _____
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER _____
AND ORDER RESULT BELOW _____

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 078C1
SITE ZONED DR 5.5
ELECTION DISTRICT 3
COUNCIL DISTRICT 2
LOT AREA ACREAGE _____
OR SQUARE FEET 4340 SF
HISTORIC? N/D
IN CBCA? N/D
IN FLOOD PLAIN? N/D
UTILITIES? MARK WITH X
WATER IS: _____
PUBLIC ☒ PRIVATE _____
SEWER IS: _____
PUBLIC ☒ PRIVATE _____
PRIOR HEARING? N/D
IF SO GIVE CASE NUMBER _____
AND ORDER RESULT BELOW _____

2015-0259-A

Pat. Cor. 1