IN RE: PETITION FOR ADMIN. VARIANCE (13011 Gent Road)

8<sup>th</sup> Election District 2<sup>nd</sup> Council District Charles C. and Lynn H. Freitag Petitioners BEFORE THE

OFFICE OF ADMINISTRATIVE

\* HEARINGS FOR

**BALTIMORE COUNTY** 

CASE NO. 2015-0269-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, Charles C. and Lynn H. Freitag ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed detached accessory structure (garage) to be located in the side yard of the principal building 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.

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. However, it is to be noted that a letter of support was received from the Shawan Valley Association, Inc., dated May 9, 2015.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 7, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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Ву	(OW)	

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 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 garage 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>23<sup>rd</sup></u> day of **June**, **2015** by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed detached accessory structure (garage) to be located in the side yard of the principal building 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 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,

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Date	6-23-15.	2
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Petitioners would be required to return the subject property to its original condition.

- 2. The Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- 3. 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.

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

Date 6-23-15

By\_\_\_\_\_\_



## NISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

	nent of Permits, Approvals and Inspections ings for Baltimore County for the property located at:
Address 13011 Gent Pd Reiders	
Deed Reference 06400 1 00349	10 Digit Tax Account # 160013615
Owner(s) Printed Name(s) Charlese Freis	lagtr. + Lynn Narey Freignag
(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.
attached hereto and made a part hereof, hereby petiti	
1. <u>L</u> ADMINISTRATIVE VARIANCE from Section accessory structure (qarage) to	(s) 400.1 - to permit a proposed detached be located in the side yard of the principal rear yard
building in lieu of the required	rear yard
of the zoning regulations of Baltimore County, to the z	zoning law of Baltimore County.
	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 lav	
Property is to be posted and advertised as prescribed by the zoning If we agree to pay expenses of above petition(s), advertising, posting	g regulations.  ng, etc. and further agree to be bound by the zoning regulations and restrictions of
Baltimore County adopted pursuant to the zoning law for Baltimore	
	Owner(s)/Petitioner(s):
	Name #1 - Type or Print > Name #2 - Type or Bright
	V. CCASI
	Signature #1 Signature #2
	13011 GentRol Keiserstown mo
	Mailing Address City State
	2/3/4/0 1/37 1/4/3 / Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
	BONTIPUS.
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Signature Signature	Signature
TO RECEIVE 23	3920 Landon Bridge Polsukesville, MD
Mailing Andress eny	Mailing Address City State
	21784, 443,398 M33, Box Lrue 213@gma
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address CP
	ound 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
***	

CASE NUMBER 2015-0269 - A Filing Date 5,26 15 Estimated Posting Date 6,7,15 Reviewer

Rev 5/8/2014

## 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: 13011 Gent Rd	Reiderstown	130	21136
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the			•
Administrative Variance at the above	address. (Clearly state <u>pract</u>	ical difficulty or nard	snip nere)
-			
<ul> <li>We would like to Build a Detached Garage</li> <li>layout of our home and septic location the</li> </ul>			
garage would be used for the much neede			
<ul> <li>garage would add beauty to the neighborh</li> </ul>			
- Architectural Review Committee for Shawa			
<ul> <li>the committee and association.</li> </ul>			
-			
(If additional space for the petition req	uest or the above statement is ne	eded, label and attach it	to this Form)
1 Cach	, _	1414	
Signature of Owner (Affiant)	Signatura	of Owner (Affiant)	
Signature of Country (Amant)	Signature	or owner (Amark)	
Name- Print or Type	Name- Pri	nt or Type	
The following information is	to be completed by a Notary Pub	lic of the State of Maryla	nd
STATE OF MARYLAND, COUNTY O	F BALTIMORE, to wit:		
I HEREBY CERTIFY, this /9	day of May 2015	, before me a Notary of	Maryland in
and for the County aforesaid, personally		_, before the a Notary of	Iviai yiai iu, iii
	,,		
Print name(s) here:			
the Affiant(s) herein, personally known or	satisfactorily identified to me as	such Áffiant(s).	
		,	
AS WITNESS my hand and Notaries Sea	1 Belo O XII	16	
	Notary Public		
		My Commission Expir	res
	My Commission Expires	5/14/2016	
·	1/	# 0260 R	REV. 5/8/2014
	Item	11 0269	



May 9, 2015

Mr. and Mrs. Chuck Freitag

13011 Gent Road

Reisterstown, Maryland

Dear Chuck and Lynn

In response to your recent request of April 21, 2015 and the modifications of your request dated April 27, 2015, and May 4, 2015, the Shawan Valley Architectural Review Committee (ARC) has reviewed and discussed your request. The Committee has approved your request with the modification to have the doors to the new detached structure face the existing garage door. The Committee is also approving the request with the requirement that the new "structure" be well screened by the use of shrubs and/or trees.

Best wishes for a successful project.

Most Lessel

Martha Lessner, Chairperson

Shawan Valley ARC

Hem #0269

			RECEIPT	Rev. Source/	Sub Rev/	Date:			PRID REIE IP   PRID REIE IP   PRID REIE IP   \$727/2015   5/26/2015   10:18:41    PER 8505   801/20   800   1/8    >#ECELPT # 796838   5/26/2015   0
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## MEMORANDUM

DATE:

July 24, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0269-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 23, 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

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. <u>For those petitions which require a public hearing</u>, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newton and Advertising	
For Newspaper Advertising:	
Item Number or Case Number: 2015-0269-A	
Petitioner: Charles Freitag	
Address or Location: 13011 Gent Rd Resterolowing M	P 21136
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Charles Freitag	
Address: 1301 Coent Pd	
Reisteroteun MO 21136	
Telephone Number: 410-631-7648.	_

## **CERTIFICATE OF POSTING**

Date: 6-7-15 RE: Case Number: 2015 - 0269-A Petitioner/Developer: Charles Freitag Date of Hearing/Closing: 6-2215 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 13011 Gent Rd The signs(s) were posted on J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 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)

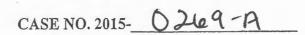
# ONING NOTICE

TESS IF STRUCTURE (GROVE) TO BE PUBLIC HEARING CASE # 2015-0269-4 THE KINGUIRED THEF

PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING WEST CHESAPEAKE AVE., TOWSON, NO 21204, (410) 887-3391 SHANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE RECEIVED IN THE ZONING REVIEW BUREAU BEFORE THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS REQUEST A PUBLIC HEARING CONCERNING AN ELICIBLE INDIVIDUAL OR GROUP MAY

THE WAY THE THE TON AND FOST DATE AFTER ABOVE DATE, WHERE PERMITY OF

,	ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES				
Case	lumber 2015- 0269 -A Address 13011 Gent Rd				
	t Person: Planner, Please Print Your Name  Phone Number: 410-887-3391				
Filing	Date: $\frac{5/26/15}{}$ Posting Date: $\frac{6/7/15}{}$ Closing Date: $\frac{6/22/15}{}$				
Any o	intact made with this office regarding the status of the administrative variance should be the contact person (planner) using the case number.				
1.	<b>POSTING/COST:</b> The petitioner must use one of the sign posters on the approved list (on the everse side of this form) and the petitioner is responsible for all printing/posting costs. Any eposting 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.	<b>DEADLINE:</b> 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.	DRDER: 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 his 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- 0269 -A Address 13011 Gent Rd					
Petitioner's Name Charles Freitag Telephone 410 627 7642					
Posting Date: 6/7/15 Closing Date: 6/22/15					
Wording for Sign: To Permit a proposed detached accessory structure (garage) to be located in the side yard of the principal building in lieu of the required rear yard					
in lieu of the required rear yard					



## CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
<u> </u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	Le
	DEPS (if not received, date e-mail sent)	· · ·
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
6-10	STATE HIGHWAY ADMINISTRATION	approved wy modif.
· ·	TRAFFIC ENGINEERING	approved of modif.
59		n Valley Arch. Rev. G
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	TION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER AD		
SIGN POSTING	Date: 6-7-15	by Pison
PEOPLE'S COUN	SEL APPEARANCE Yes No	
PEOPLE'S COUN	SEL COMMENT LETTER Yes $\square$ No	
Comments, if any:		

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 17, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 15, 2015

Item No. 2015-0269, 0270, 0271, 0275, 0276, 0277, 0278, 0279, 0280,

0281, 0282 and 0283

The Bureau of Development Plans Review has reviewed the subject zoning

items and we have no comments.

DAK:CEN cc:file

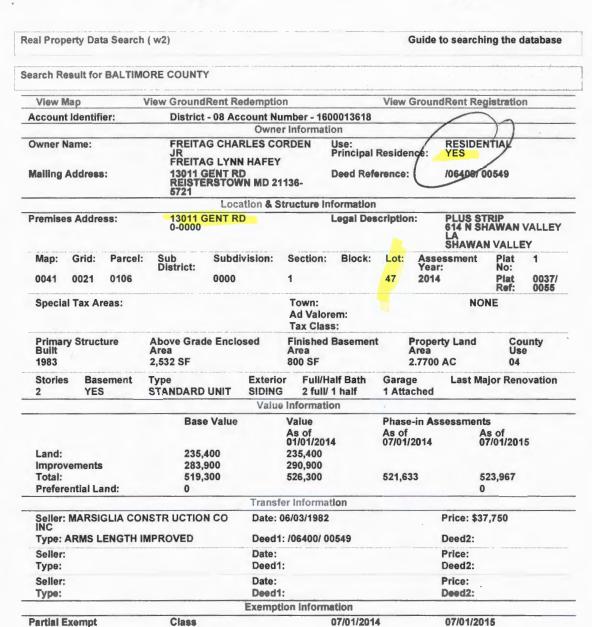
Assessments: County:

**Exempt Class:** 

State:

Municipal: Tax Exempt:





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Special Tax Recapture:

**Homestead Application Information** 

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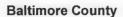
http://sdat.resiusa.org/RealProperty/Pages/default.aspx

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Homestead Application Status: Approved 08/14/2014



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

District: 08 Account Number: 1600013618



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 <a href="http://www.plats.net">www.plats.net</a> (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 <a href="https://www.mdp.state.md.us/OurProducts/OurProducts.shtml">www.mdp.state.md.us/OurProducts/OurProducts.shtml</a>) (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



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

June 23, 2015

Charles C & Lynn H Freitag 13011 Gent Road Reisterstown MD 21136

RE: Case Number: 2015-0269 A, Address: 13011 Gent Road

Dear Mr. & Ms. Freitag:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 26, 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
Bev True, 3920 London Bridge Road, Sykesville MD 21784



Larry Hogan, Governor Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary

Date: 6/10/15

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

RE: Baltimore County

Item No 2015-02-69-A

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above 2015-00-69-4 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.

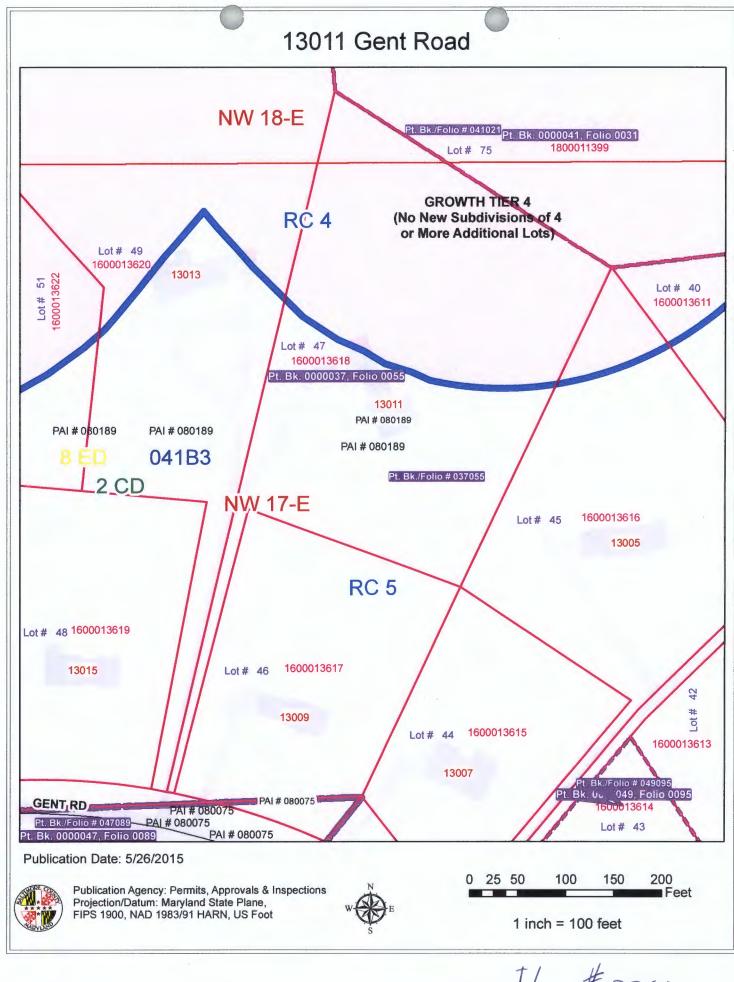
Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

on David W. Peake

Metropolitan District Engineer Baltimore & Harford Counties

DWP/RAZ



Item # 0269

AND ORDER RESULT BELOW IF SO GIVE CASE NUMBER PRIOR HEARING ? SS 10 DIGIT TAX # L & Q D D L S W L B DEED REF. # D & Y D D L D D S Y Y ADDITION LOT# 47 BLOCK# HOM T. HVS. EX DECK TO REMAIN EX. DRIVENAY TO REMAIN EX. GARAGE TO REMAIN GENT ROAD EX. C/O \$ 30" CONC. LID (VERIFY) 12012. 100 May (A)1001 Shawan Valley PLAN DRAWN BY BOY INVO SUBDIVISION NAME PLAT BOOK # W/ #2015-0269-A

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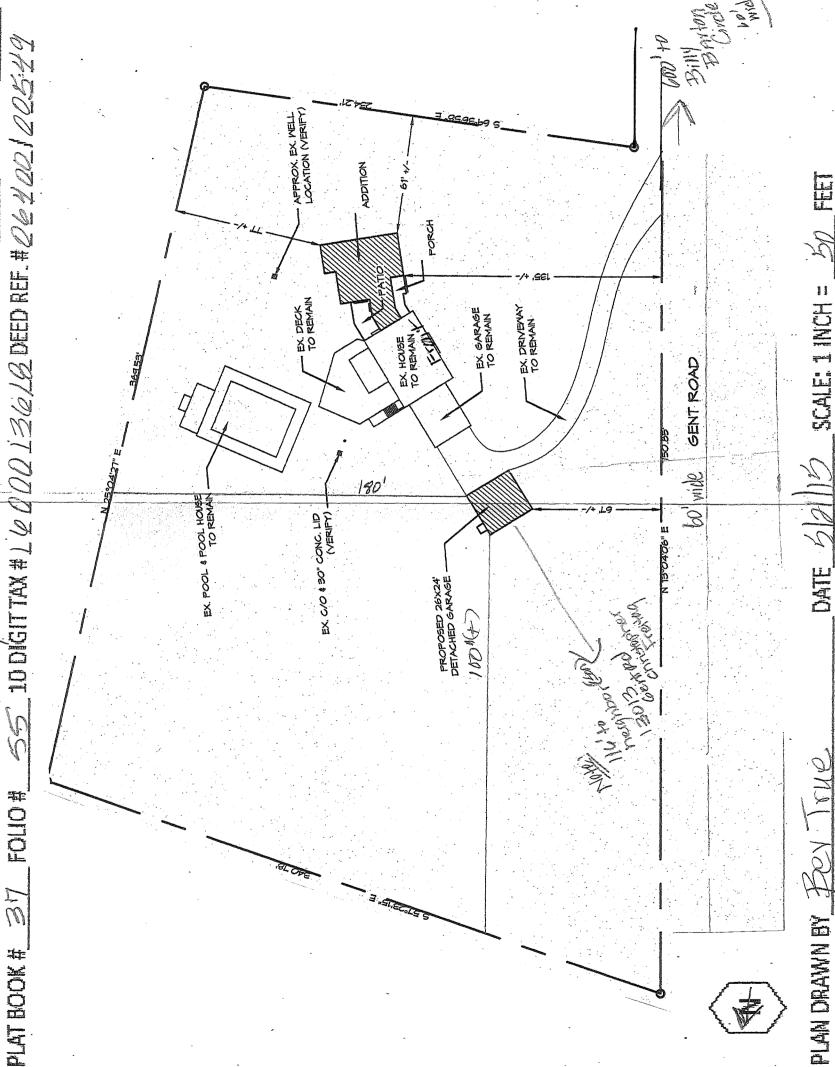
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SUBDIVISION NAME PLAT BOOK # 307 #2015-0269-A

LOT# 47 BLOCK#

Shrway Valley



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