

**IN RE: PETITION FOR ADMIN. VARIANCE *
(19632 Gunpowder Road)**

6th Election District

3rd Council District

Andrew S. and Susan A. Lohmeyer
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0287-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, Andrew S. and Susan A. Lohmeyer ("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 accessory building (pole barn building) to be located in the rear yard of the dwelling with a height of 17 ft. 5 in. in lieu of the maximum allowed 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 June 21, 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

ORDER RECEIVED FOR FILING

Date 7-8-15

By pw

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 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 8th day of **July, 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 accessory building (pole barn building) to be located in the rear yard of the dwelling with a height of 17 ft. 5 in. in lieu of the maximum allowed 15 ft., be and is 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.

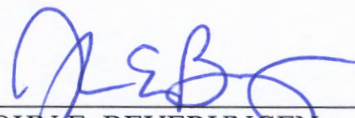
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Date 7-8-15

By [Signature]

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.

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 7-8-15

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 19632 Gunpowder Rd Manchester MD 21102 Currently zoned _____
Deed Reference 87982 100491 10 Digit Tax Account # 1700014452
Owner(s) Printed Name(s) ANDREW LOHMEYER SUSAN LOHMEYER

(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) 400.3 of BCZR to permit a proposed accessory building (pole barn building) to be located in the rear yard of the dwelling with a height of 17'5" in lieu of the maximum allowed 15 feet.

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):

ANDREW LOHMEYER, SUSAN LOHMEYER

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

19632 Gunpowder Rd Manchester MD 21102

Mailing Address

City

State

21102 410-374-1011

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:

Bert True

Name – Type or Print

Signature

3920 London Bridge Rd Sukenville MD

City

State

21784 443-398-0983 berttrue213@gmail.com

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

CASE NUMBER 2015-0287-A

Filing Date 6/10/15

Estimated Posting Date 6/21/15

Reviewer AT

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: 19632 Gunpowder Rd MANCHESTER MD 21102
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)**

- We would like to build a detached pole barn on our property. We are seeking a height of 17'5" to allow
- for the much needed storage space. We have no other means of outside storage on our property. The
- pole barn would be built on the rear of our property and not visible to any adjoining properties, since it's
- so far on the rear and slope of the ground. The pole barn will blend with our existing home.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Signature of Owner (Affiant)

Andrew Lohmeyer
Name- Print or Type

Signature of Owner (Affiant)

Susan A. Lohmeyer
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 6th day of June, 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared.

Print name(s) here:

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESSED, hand and Notaries Seal



Notary Public

My Commission Expires 5/6/18

ZONING DESCRIPTION

Zoning Description for 19632 Gunpowder Road

Beginning at a point on the West side of Gunpowder Road, which is 60 feet wide at the distance of 1,330 ft. south of the centerline of the nearest improved intersecting street Rockdale Road, which is 40 ft. wide. Being Lot # 1, Section 1 in the subdivision of Ramblewood as recorded in Baltimore County Plat Book #0040, Folio# 0065, containing 9.01 acres and located in the 6th Election District, 3rd Councilmanic District.

2015-0287-A

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

No. **127350**
Date: **6/10/15**

PAID RECEIPT

BUSINESS ACTUAL TIME
6/10/2015 6/10/2015 09:14:26

REC 0501 WALKIN LRAS LJR
RECEIPT # 583712 6/10/2015
Dept 5 528 ZONING VERIFICATION
127350
Recpt Tot \$75.00
\$75.00 CK 9.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$75
Total:								\$75

Rec From:

For:

19632 GUNPOWDER RD

2015-0287-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0287 -A Address 19632 Gunpowder Road

Contact Person: Aaron Tsui Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/10/15 Posting Date: 6/21/15 Closing Date: 7/6/15

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- 0287 -A Address 19632 Gunpowder Road

Petitioner's Name Andrew Lohmeyer Telephone 410-373-1011

Posting Date: 6/21/15 Closing Date: 7/6/15

Wording for Sign: To Permit a proposed accessory building (pole barn building) to be located in the rear yard of the dwelling with a height of 17'5" in lieu of the maximum allowed 15 feet.

Revised 7/18/14

CERTIFICATE OF POSTING

Date: 6-21-15

RE: Case Number: 2015-0287-A

Petitioner/Developer: Andrew Lohmeyer

Date of Hearing/Closing: 7-6-15

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 19632 Gunpowder Rd

The signs(s) were posted on 6-21-15
(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 # 2015-0297-A

TO PERMIT A PROPOSED ACCESSORY

BUILDING (BLEBARN BUILDING) TO BE

LOCATED IN THE REAR YARD OF THE DWELLING

WITH A HEIGHT OF 17'9" IN LIEU OF THE

MAXIMUM ALLOWED 5 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 THE REQUEST IS

RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 8/1/15

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
PERMITS AND DEVELOPMENT AVE., TOWSON, MD 21204, (410) 887-3391

OR WEST CHESAPEAKE AVE., AFTER ABOVE DATE, UNDER PENALTY OF LAD

IN POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAD

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment6-17

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

NSC

DEPS

(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING

(if not received, date e-mail sent _____)

6-15

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING

Date: 6-24-15by P. Brown

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

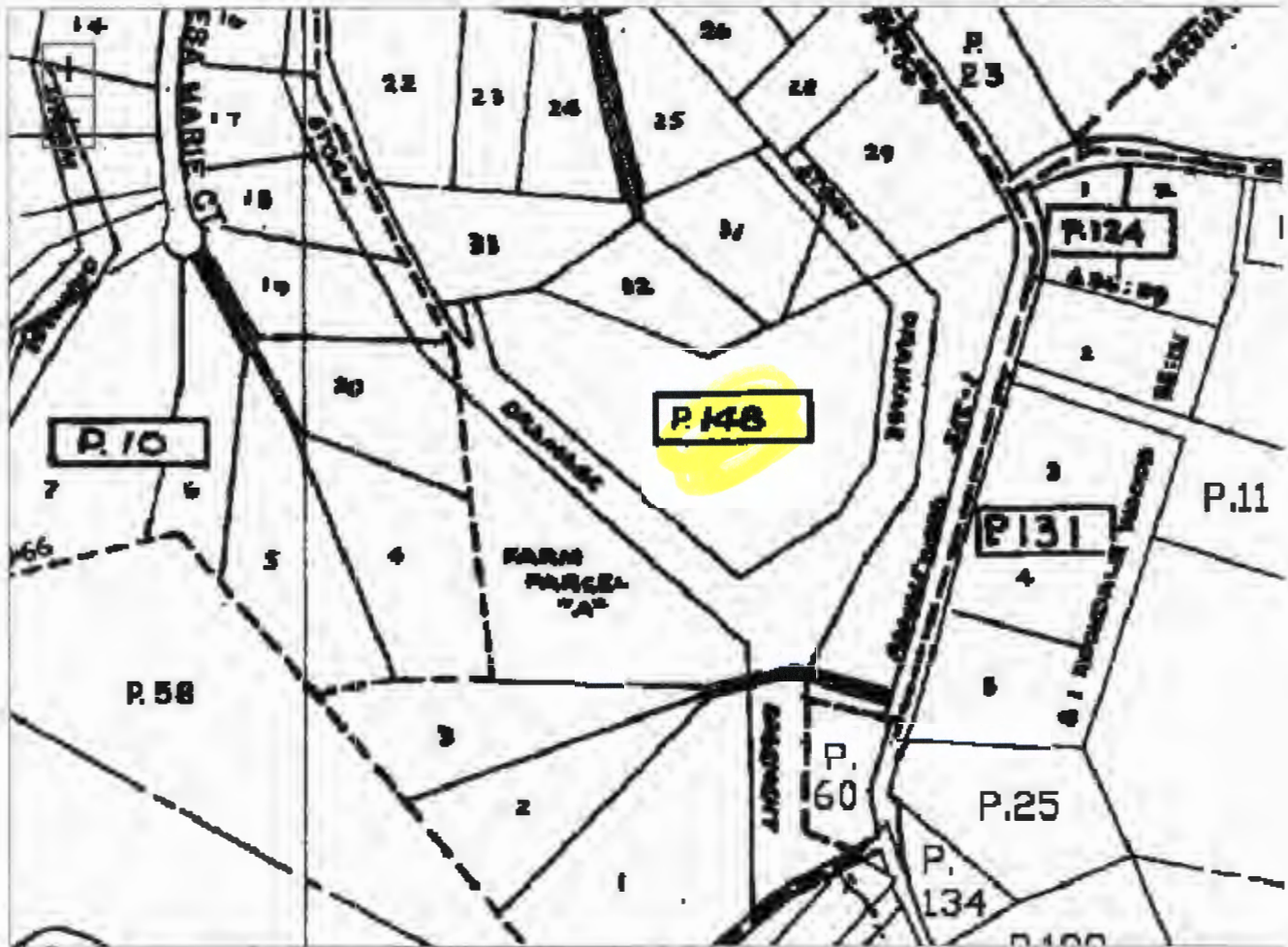
Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 06 Account Number - 1700014452			
Owner Information					
Owner Name:	LOHMEYER ANDREW S LOHMEYER SUSAN A		Use:	RESIDENTIAL YES	
Mailing Address:	19632 GUNPOWDER RD MILLERS MD 21102-2608		Principal Residence:	Deed Reference: /27982/ 00491	
Location & Structure Information					
Premises Address:		19632 GUNPOWDER RD 0-0000		Legal Description:	9.01 AC 19632 GUNPOWDER RD RAMBLEWOOD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0010	0009	0148		0000	1 1 2014 0040/0065
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
2013	4,884 SF			9.0100 AC	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	SIDING	3 full/ 1 half	1 Attached
Value Information					
	Base Value		Value As of 01/01/2014		Phase-In Assessments As of 07/01/2014 As of 07/01/2015
Land:	176,000		158,400		
Improvements	402,800		455,800		
Total:	578,800		614,200		590,600 602,400
Preferential Land:	0				0
Transfer Information					
Seller: SHAW DEVELOPMENT LLC		Date: 04/27/2009		Price: \$215,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /27982/ 00491		Deed2:	
Seller: CHARM CITY HOLDINGS LLC		Date: 01/18/2007		Price: \$680,000	
Type: ARMS LENGTH IMPROVED		Deed1: /25081/ 00677		Deed2:	
Seller: RTR PROPERTIES LLC		Date: 11/03/2008		Price: \$400,000	
Type: ARMS LENGTH IMPROVED		Deed1: /24720/ 00339		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: No Application					

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **06** Account Number: **1700014452**

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/>)

☒ Loading... Please

Loading... Please Wait.

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KEVIN KAMENETZ
County Executive

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

July 7, 2015

Andrew & Susan A. Lohmeyer
19632 Gunpowder Road
Manchester MD 21102

RE: Case Number: 2015-0287 A, Address: 19632 Gunpowder Road

Dear Mr. & Ms. Lohmeyer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 10, 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 that reads "W. Carl Richards, Jr." The signature is written 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
Douglas H. Simmons, Acting Administrator

Date: *June 15, 2015*

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

RE: Baltimore County

Item No *2015-0287-A*

ANDREW & SUSAN A. LOHMEYER

19632 GUNPOWDER RD.

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. 2015-0287-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,

[Signature]
David W. Peake
Metropolitan District Engineer
Baltimore & Harford Counties

DWP/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 22, 2015
Item No. 2015-0285, 0287 and 0289

DATE: June 17, 2015

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\ZAC06222015.doc

M E M O R A N D U M

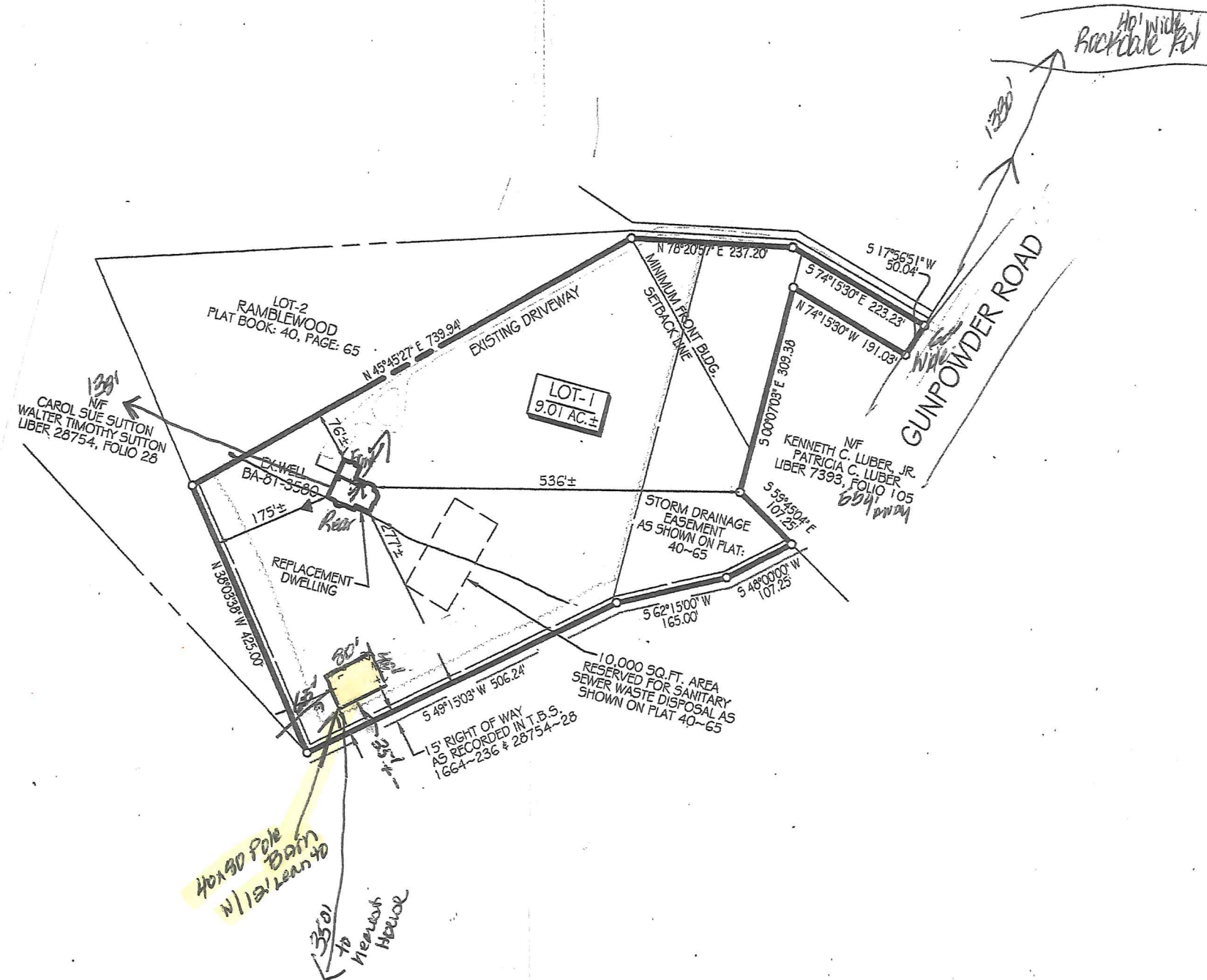
DATE: August 10, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0287-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 7, 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



PLAT BOOK # 0040 FOLIO # 0065 10 DIGIT TAX # 1700014452 DEED REF. # 21983102491



PLAN DRAWN BY Ben Truo.

DATE 6/19/15 SCALE: 1 INCH = 300' FEET

2015-0287-A

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 010B2

SITE ZONED BC2

ELECTION DISTRICT 6

COUNCIL DISTRICT 3

LOT AREA ACREAGE 9.0100.

OR SQUARE FEET

HISTORIC? *No*

IN CBGA? *No*

IN FLOOD PLAIN? *NO*

UTILITIES? MARK WITH 'X'

WATER IS

PUBLIC PRIVATE *X*

SEWER IS.

PUBLIC PRIVATE X

PRIOR HEARING ?

IF SO GIVE CASE NUMBER:

AND ORDER RESULT BELOW

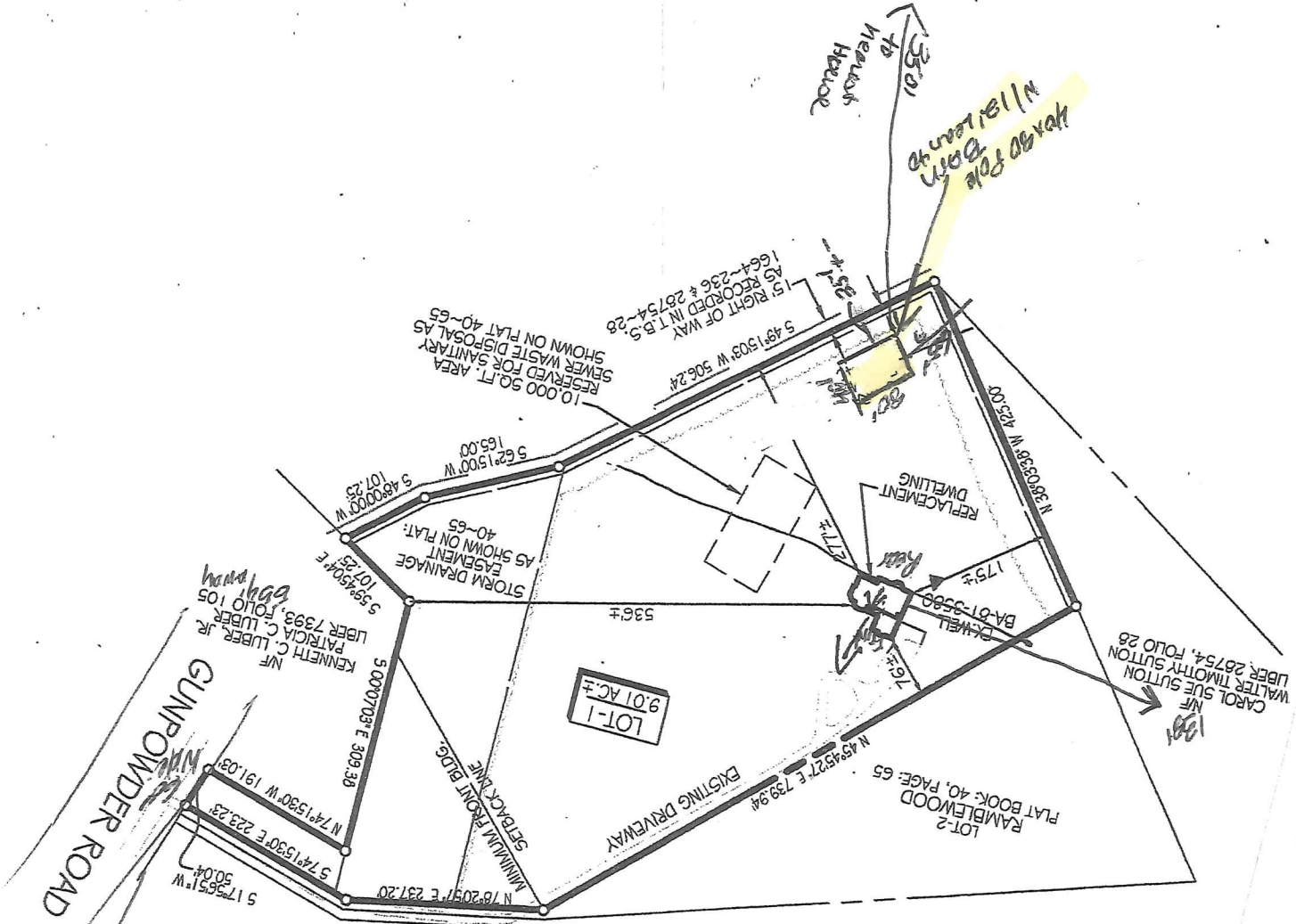
N/A

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

ADDRESS 19432 Gunpowder Road OWNER(S) NAME(S) Andrew & Susan Johnson

SUBDIVISION NAME Ramblewood LOT # 1 BLOCK # SECTION #

PLAT BOOK # 0040 FOLIO # 0045 TO DIGIT TAX # 1700014452 DEED REF. # 21983102791



2015-0287-A

PLAN DRAWN BY Boy Time DATE 6/9/15 SCALE: 1 INCH = 200 FEET



SITE VICINITY MAP

MAP IS NOT TO SCALE

ZONING MAP# 010B3 SITE ZONED BC3

ELECTION DISTRICT 4 COUNCIL DISTRICT 3

LOT AREA ACREAGE 9.0100 OR SQUARE FEET

HISTORIC? No IN CBCA? No IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS: PUBLIC PRIVATE X SEWER IS: PUBLIC PRIVATE X

PRIOR HEARING? IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

N/A