IN RE: PETITION FOR ADMIN. VARIANCE * (6918 Ridgeway Road)

12th Election District 7th Council District

Michael G. & Karen Lynn Fitzpatrick

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

* BALTIMORE COUNTY

* CASE NO. 2015-0290-A

ORDER AND OPINION

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, Michael G. & Karen Lynn Fitzpatrick. The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (B.C.Z.R.) §§ 400.1 and 400.2 as follows: (1) To permit an accessory structure (garage) in the side yard of a single family dwelling on a corner lot in lieu of the required third of the lot farthest removed from the side street; and (2) To permit an accessory structure (garage) 12 ft. from the centerline of the alley in lieu of the required 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 28, 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	M-1M-15
Bv	PW

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. 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.

Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure 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 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>17th</u> day of **July**, **2015** by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Baltimore County Zoning Regulations (B.C.Z.R.) §§ 400.1 and 400.2 as follows: (1) To permit an accessory structure (garage) in the side yard of a single family dwelling on a corner lot in lieu of the required third of the lot farthest removed from the side street; and (2) To permit an accessory structure (garage) 12 ft. from the centerline of the alley in lieu of the required 15 ft., be and is hereby GRANTED.

ORDER	RECEIVED FOR FILING
Date	7-17-15

By

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, Petitioners would be required to return the subject property to its original condition.
- 2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The accessory structure 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.

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date



TRATIVE ZONING PET



ANCI I IIMO	To be filed with the Department of			S
	of Administrative Hearings			
Address 6918	Ridge Way Rol			ed Residential
Deed Reference 3568	261 100202	10 Digit Ta	ax Account # 121	1907321_
Owner(s) Printed Name	(s) Michaels Fitzpat	rul		
(SELECT THE HE	ARING(S) BY MARKING X AT THE APPRO	OPRIATE SELECTION(S) AND ADDING THE PI	ETITION REQUEST)
For Administrativ	ve Variances, the Affidavit on the	reverse of this Petit	tion form must be co	mpleted and notarized.
	wn and occupy the property situate de a part hereof, hereby petition for		y and which is descr	ribed in the plan/plat
1. X ADMINISTRATI	VE VARIANCE from Section(s) Section: 400.1; 400.2			
	To permit an accessory	structure (garage)	in the side yard of	a single family
	dwelling on a corner lot in lieu	of the required thi	ird of the lot that is	furthest removed
of the zoning regulation	from the side street and to perm	it an accessory st	ructure (garage)12	feet from the
- 0	centerline of the alley in lieu of			
	IVE SPECIAL HEARING to appro			
County Code: (indicate to	type of work in this space: i.e., to ra	ze, alter or constru	ct addition to building	3)
,				
			6	
	Code, to the development law of Ba			, 4
I/ we agree to pay expenses o	dvertised as prescribed by the zoning regular f above petition(s), advertising, posting, etc. suant to the zoning law for Baltimore County	and further agree to be	bound by the zoning regu	ulations and restrictions of
		Owner(s)/Petiti	ioner(s)	
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		MICHAUG. TI	TZPATRICE KO	NEW LYNNITTENAT
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		Signature #17	1 2/50	1/ 1/
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Attorney for Owner(s)/	Petitioner(s):	Representative	to be contacted:	
Name Type of Brint	.0	Name – Type or Pri	ent	
Name-Type or Print Signature Mailing Agreess Zip Code Telephon	EILING	Name - Type of Th	TIC .	
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10/	been formally demanded and/or found to	he required it is orde	red by the Office of Admi	inistrative Hearings for Raltimore
County, this day of	that the subject	matter of this petition b	e set for a public hearing,	, advertised, and re-posted as
required by the zoning regulati	ions of Baltimore County.			
			HOFF, JR.	JOSEPH J. BONN
	Adminis	strative Law Judge for B	altimore County	HARFORD COL
2016	304 1			MARYLANI MARYLANI
CASE NUMBER 2018 0	290 - A Filling Date 6/16/	Zo15 Estimated P	osting Date	Reviewer

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.

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: 69/8 Ridgeway Id Baltimore Maryland Zizzz 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 <u>practical difficulty or hardship</u> here)
My Property, 6918 Ridgeway Rd is gituated North gide of Pidgeway Rd West side of Portship Rd. Along the western boundary is a 14 wide county ounced Allego My trouse is situated on the Lat Facing Gouth with it's Front Facing Ridgeway Rd. My Reason for Variance Request is according to Code, A Garage Needs to be Placed in the Rear of property. I have 7'or Less in Rear Valor to be vest side Adjacent to Alley is Auple Room. In addition, there is an Existing Driveway appear clearly designed to accompose Vehicular access to My Lote Also Existing Double Gates For Same
Clearly this is the most Logical Location to Place & single CAN GARAGE WITH MINIMAL IMPACT ON ASCA.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form) **Additional space for the petition request or the above statement is needed, label and attach it to this Form) **XounJynu (**Apatrick**) **Signature of Owner (Affiant) **Signature of Owner (Affiant) **Name-Print or Type** 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 12-th day of JUNE, 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared: Print name(s) here: MICHAEL S. FITZ PATRICK AND KAREN LYNN FITZ PATRICK
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notaries Sea
NOTARY PURLIC

My Commission Expires

MY COMMISSION EXPIRES NOVEMBER 21, 2015



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

Zoning Property Description for 6918 Ridgeway Road

Beginning at a point on the North side of Ridgeway Road which is 40 feet wide at a distance of 35 feet North West of the centerline of Portship Road which is 40 feet wide.

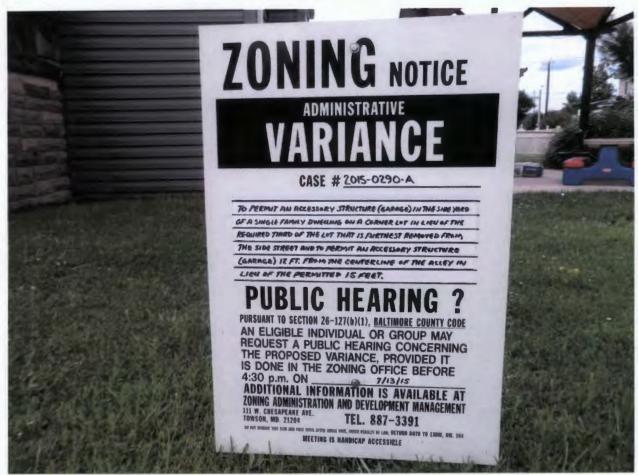
Being lot #1 Section 2 in the subdivision of Lorraine Park as recorded in the Baltimore County Plat Book #9 Folio #24, containing 5600 square feet. Located in the 12th Election District and 7th Council District.

CERTIFICATE OF POSTING

	RE: Case No.	2015-02	290-A				
	Petitioner: Michael & Karen Fitzpatrick						
	Hearing / Closin	ng Date:	7/13/15				
Baltimore County Department of							
Permits and Development Manage	ment						
Room 111, County Office Building							
111 W. Chesapeake Ave.							
Towson, Md. 21204							
were posted conspicuously on the p	geway Road	at					
	on	6/28/1	15				
	Ricl	hard E. Hotelwood	d Drive 21047				
		443-243-7	360				

Certificate of Posting

Case No. 2015-0290-A



6918 Ridgeway Road

(Posted 6/28/15)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

MEMORANDUM

DATE:

August 18, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0290-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 17, 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

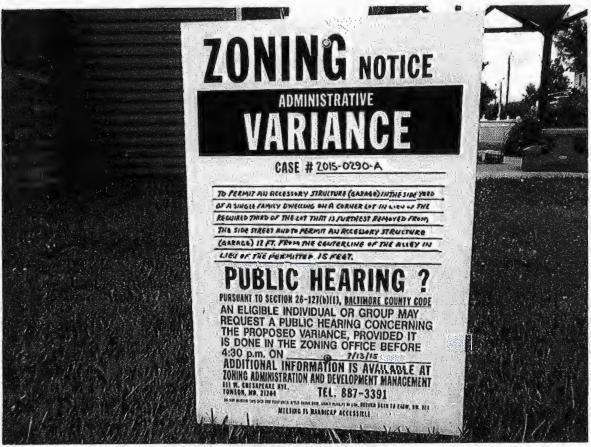
Office of Administrative Hearings

CERTIFICATE OF POSTING

	Petitioner: Mic	hael &Karen Fitzpatrick
	Hearing / Closi	ng Date: 7/13/15
Baltimore County Department of		
Permits and Development Manager	ment	RECEIVED
Room 111, County Office Building		JUL 17 2015
111 W. Chesapeake Ave.		OFFICE OF ADMINISTRATIVE HEARINGS
Towson, Md. 21204		
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Certificate of Posting

Case No. 2015-0290-A



6918 Ridgeway Road

(Posted 6/28/15)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

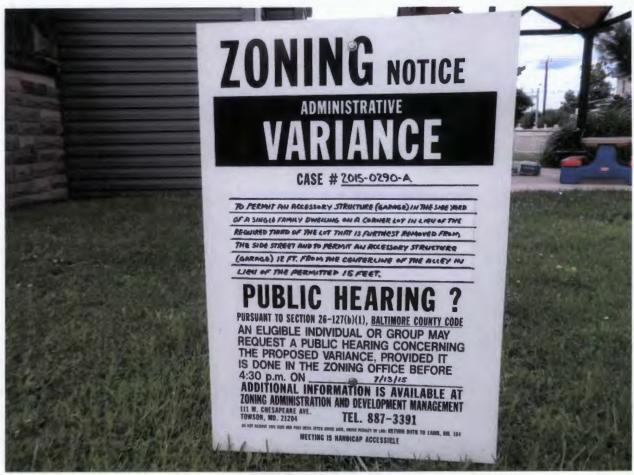
443-243-7360

CERTIFICATE OF POSTING

	NL. Case No. 2013-0230-A
	Petitioner: Michael & Karen Fitzpatrick
	Hearing / Closing Date: 7/13/15
Baltimore County Department of	
Permits and Development Manag	
Room 111, County Office Building	
111 W. Chesapeake Ave.	
Towson, Md. 21204	
	enalties of perjury, that the necessary sign(s) e property located at
6918 R	idgeway Road
	on 6/28/15
	Sincerely, Sincerely, Sincerely, Sincerely, Sincerely, Sincerely, Richard E. Hoffman 904 Dellwood Drive Fallston, Md. 21047
	443-243-7360

Certificate of Posting

Case No. 2015-0290-A



6918 Ridgeway Road

(Posted 6/28/15)

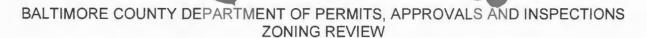
Sull Iff cholis

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Numb	er 2015-	0290]-A	Addres _	6918	Ridgewx	y Road
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BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 25, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 29, 2015

Item No. 2015-0290 and 0296

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

DAK:CEN cc:file



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

Pete K. Rahn, Secretary
Douglas H. Simmons, Acting Administrator

Date: 6/23/15

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

RE: Baltimore County

Item No 2015-0290-A Administrative Varionce Michael G. & Koven Lynn Fitz patrick 6918 RidgewyRoad.

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. 2015-0240-4.

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,

David W. Peake

Metropolitan District Engineer Baltimore & Harford Counties

DWP/RAZ



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

July 13, 2015

Michael G & Karen Lynn Fitzpatrick 6918 Ridgeway Road Baltimore MD 21222

RE: Case Number: 2015-0290 A, Address: 6918 Ridgeway Road

Dear Mr. & Ms. Fitzpatrick:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 16, 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. Supervisor, Zoning Review

Cal Richa

WCR: jaw

Enclosures

c: People's Counsel

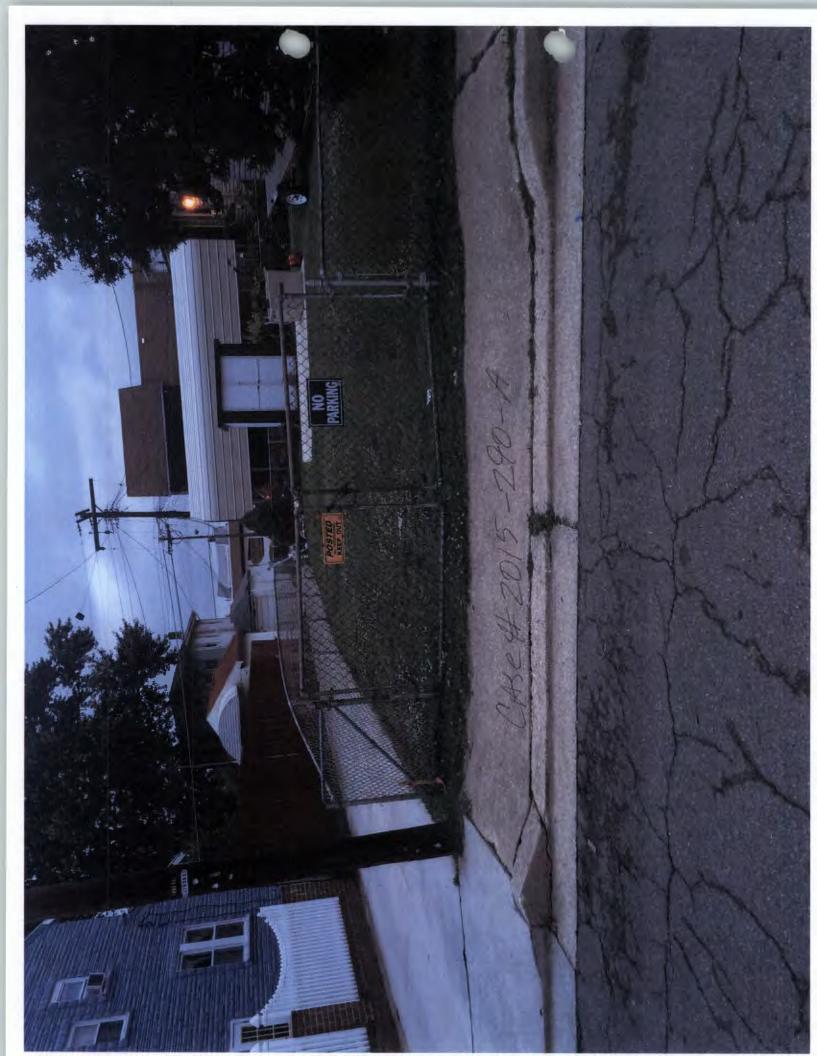
CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
6-25	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
· 	DEPS (if not received, date e-mail sent)	· · · · · · · · · · · · · · · · · · ·
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
6-23	STATE HIGHWAY ADMINISTRATION	No objection
· .	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
· .	ADJACENT PROPERTY OWNERS	
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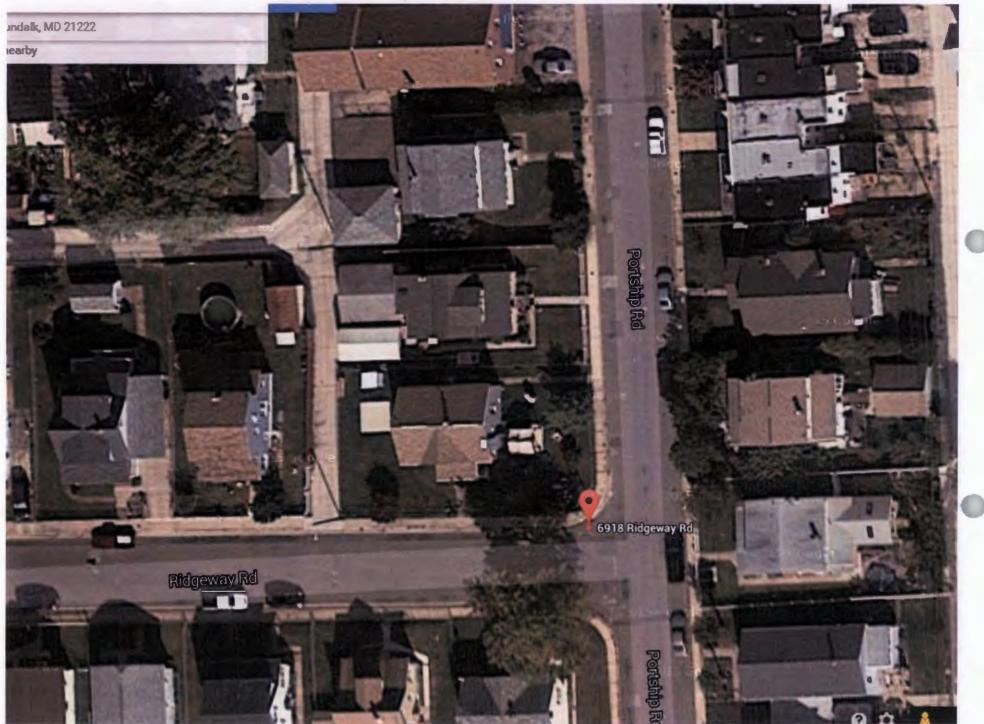
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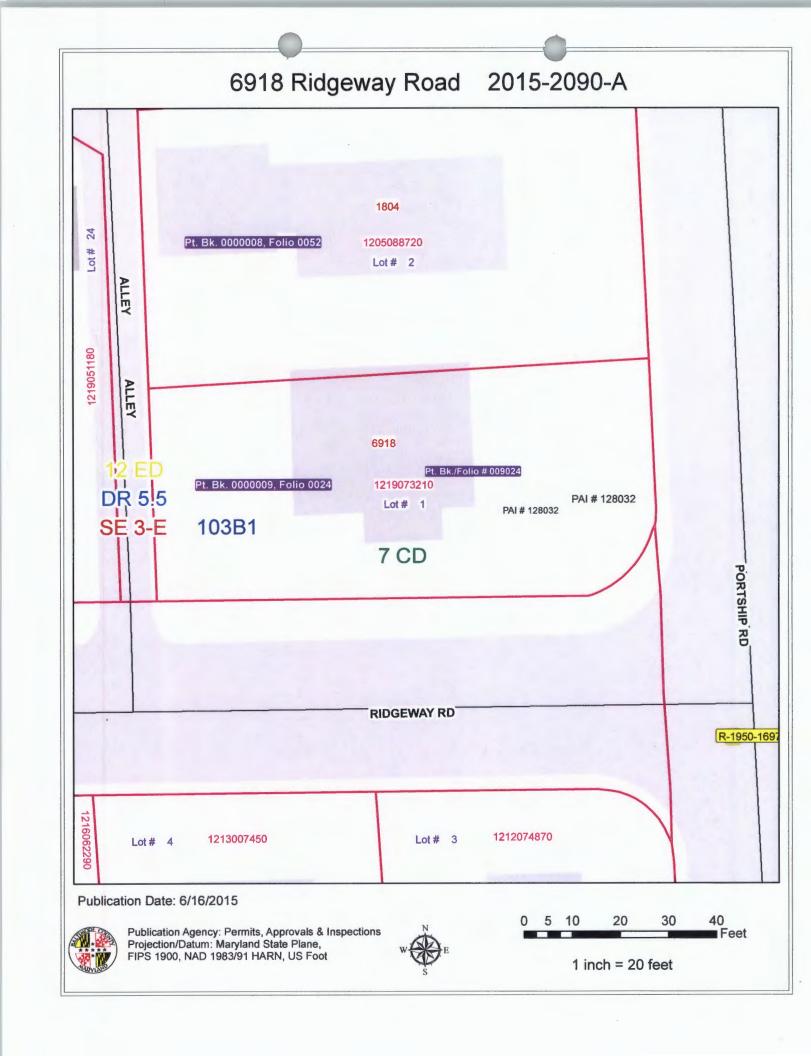
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H-062-\$102 #0580





A/N AND ORDER RESULT BELOW IE 20 CINE CYZE MNWBEK ON 5 DNIRATH AOIRT PUBLIC X PRIVATE SEWER IS: PUBLIC X PRIVATE MYZEB 12: UTILITIES ? MARK WITH X IN FLOOD PLAIN? NO IN CECK 5 ON HIZLOUIC 5 ON OR SOUARE FEET 5,600 JOA ABRA ACREAGE COUNCIL DISTRICT ELECTION DISTRICT 12 SILE SOMED DE 2'2 ZONING MAP# 10331 MAP IS NOTTO SCALE RIDGEMAY BD NA OSIBAJOH SITE VICINITY MAP.

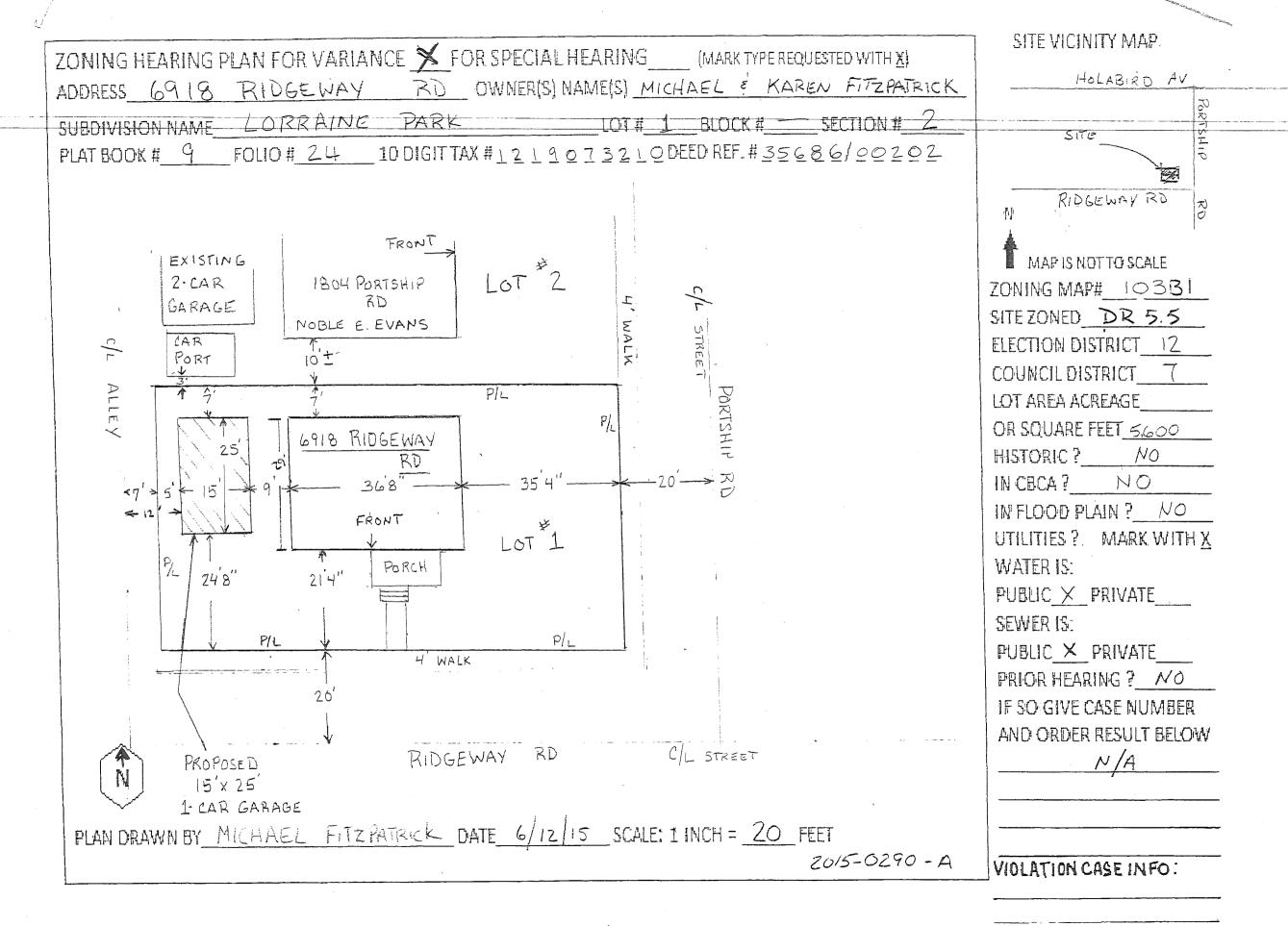
I- LAR GARAGE ,57 x,51 N PROPOSED MIDGEMAN KD TBERTS J/D H MALK 7/0 7/1 71.4" ..8,42 PO RCH T 107 THORY PORTSHIP POIS FIDGEWAY 7/2 170 PT AAI NOBLE E. EVANS BARAGE JA 1804 PORTSHIP Z·CV ら EXISTING TRONI #0170# 5rt TO DO TELL # 35 C & G L S L L O D L S L L D D L S L M XATTIDIO OL # MOO& TAJ9 SUBDIVISION NAME FOLSBAINE YSAG-OMNEBÍZ) NAME(Z) MICHAEL & KAREN FIZBATRICK KAM 39018 (17 ZONING HEARING PLAN FOR VARIANCE 💢 FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

FIZ PATRICK DATE 6/12/15 SCALE: I INCH = 20 FEET

PLAN DRAWN BY MICHAEL

VIOLATION CASE INFO:

A-0950-2105



VIOLATION CASE IN FO: A-0950-2105 SCALE: I INCH = 20 FEET 13AHJIM YB MWARO MAJA I- CAR GARAGE ,52 x,91 N M0905ED, TBERTS J/D KIDPEMAY AND ORDER RESULT BELOW IE 20 CINE CASE NUMBER PRIOR HEARING? NO PUBLIC X PRIVATE H MALK 7/d SEWER IS: PUBLIC X PRIVATE 21.4" 1.8,42 WATER 15: PORCH UTILITIES? MARK WITH X T 107 TRONT IN FLOOD PLAIN? NO IN CECH 5 ON 1,4 55 ON HIZLOBIC 5 PORTSHIP POIS LIDPEMY OR SQUARE FEET 5600 LOT AREA ACREAGE 7/3 COUNCIL DISTRICT PO RT ELECTION DISTRICT AAI SILE YOURD DE 5.5 NOBLE E. EVANS BARAGE Q B ZONING MAP# DOSSI 7 107 91HSTRON HOBI Z·CAR MAPIS MOTTO SCALE EXISTING FRONI KIDPEMUN 159 TO DICITTAX # 12 19 0 13 2 10 DEED REF. # 35 68 6/ 90 2 0 2 P # X000 TA19 #01104 SUBDIVISION NAME TOBBAINE OWNER(S) NAME(S) MICHAEL & KAREN FIZHATRICK RIDGEMAY (17) NA CRIBAJOH (WARK TYPE REQUESTED WITH X) ZONING HEARING PLAN FOR VARIANCE 🗶 FOR SPECIAL HEARING SILE VICINITY MAP.