IN RE: PETITION FOR ADMIN. VARIANCE

(102 East Avenue)

12<sup>th</sup> Election District 7<sup>th</sup> Council District Edythe Brooks Petitioner **BEFORE THE** 

OFFICE OF ADMINISTRATIVE

\* HEARINGS FOR

**BALTIMORE COUNTY** 

CASE NO. 2015-0293-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, Edythe Brooks. The Petitioner is requesting Variance relief from §§ 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) with a rear yard setback of 20 ft. and a proposed open projection (deck) with a rear yard setback of 20 ft. and a side yard setback of 7 ft. in lieu of the required 30 ft., 22.5 ft. and 7.5 ft., respectively. 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. A ZAC comment was received from the Bureau of Development Plans Review (DPR) dated June 25, 2015 and indicated that prior to building permit application, the Petitioner must contact the Office of the Director of Public Works to determine the flood protection elevation, so that the floor elevation can be set.

The Petitioner 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 RI	ECEIVED FOR FILING	
Date	7-16-15	
Dv	(E)()	

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 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.

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>16<sup>th</sup></u> day of **July**, **2015**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (sunroom) with a rear yard setback of 20 ft. and a proposed open projection (deck) with a rear yard setback of 20 ft. and a side yard setback of 7 ft. in lieu of the required 30 ft., 22.5 ft. and 7.5 ft., respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner 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. Petitioner must comply with the ZAC comment received from the Bureau of Development Plans Review (DPR) dated June 25, 2015; a copy of which is attached hereto and made a part hereof.

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Date	4-16-15	
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3.	Petitioner must must con	ply with	Critical	Area	regulations	prior to	building
	permit application.				- Garations	prior to	building

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\_\_\_\_\_

By\_\_\_\_\_

# 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. 2015-0293

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

Prior to building permit application, the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation, so that the floor elevation can be set.

DAK:CEN cc:file

ZAC-ITEM NO 15-0293-06292015.doc

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Date	7-16-15	
Bv	(SO)	

ADMINISTRATIVE ZONING PETITION PR ADMINIS

VE VARIANCE - OR - ADMINISTRA

PECIAL HE
To be filed with the Department of Permits, Approvals and inspections PECIAL HEARING To the Office of Administrative Hearings for Baltimore County for the property located at: Address 102 EAST AVE., BALTIMORE, MD 21222 Currently zoned DR 5.5 10 Digit Tax Account # / 2 / 9008000 Deed Reference 06001 100306 Owner(s) Printed Name(s) EDYTHE (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) Sections 1B02.3.C.1 and 301.1 – to permit a proposed addition (sunroom) with a rear yard setback of 20 feet, and a proposed open projection (deck) with a rear yard setback of 20 feet and a side yard setback of 7 feet in lieu of the required 30 feet, 221/2 feet, and 71/2 feet, respectively 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): ZHTYCZ Name #2 - Type or Print Signature #1 Email Address Representative to be contacted: Attorney for Owner(s)/Petitioner(s): THREE RECEIVED FOR FILING Type or Prin Name-Type or Print Name -Signature Signature Mailing Address State

2106 Zip Code Date Zip Code Email Address Email Address Telephone

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

Filing Date 6, 17, 15

Estimated Posting Date 6 / 28 15

### Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUESTED FOR AN HISTORIC ADMINISTRATIVE

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:	102 EAST	AVE	BALTIMORE	MD	2/222
Pri	nt or Type Address	of property	City	State	Zip Code
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EDYTH	E BROOK	<u>'</u> S	* **		
Name- Print or		18	. N	ame- Print or Type	
	The following	information	is to be completed by a No	tary Public of the S	tate of Maryland
STATE OF	MARYLAND	, COUNTY	OF BALTIMORE, to wi	t:	
	CERTIFY, thi ounty aforesa			2015, before m	ne a Notary of Maryland, in
Print name(s) here:	Edy	the Br	roks		1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1
the Affiant(s)	herein, perso	nally known	or satisfactorily identified to	me as such Affia	nt(s).
AS WITNESS	s my hand and	d Notaries Se	(1000)	P	
	:		Notary Public 8/3	3/18	·
			My Commission Expire	9	

ZONING PROPERTY DESCRIPTION FOR 102 EAST AVENUE, BALTIMORE, MD 21222.

Beginning at a point on the Southwest side of East Avenue (30' feet right-of-way) wide at the distance of 143' (+/-) Southwest to the centerline of Solley Point Road (50 feet right-of-way) wide

Being Lot # 35 and 36, as shown on Plat Ref 0005/0010 and recorded among the Land Records of Baltimore County in Liber No. 6001, Folio 306 containing 5,040 square feet, located in the 12<sup>th</sup> Election District and the 7<sup>th</sup> Council District.

5/ 10

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS CASH RECEIPT Date: 6 6/19/2015 6/17/2015 11:20:51 5 G NSUS NALKIN ROOS LRB Sub Rev RECEIPT # 608208 6/17/2015 Source/ Rev/ Dest 5 528 ZURING VERIFICATION Sub Unit Obj Sub Obj Dept Obj BS Acct Amount Fund Unit Dept C M. 127148 001 306 0000 6150 Recot Tot \$73.00 175.00 CX \$.00 CA Baltimore County, Maryland Total: Rec From: 2015 - 0293 - A For: Zouma **CASHIER'S** VALIDATION DISTRIBUTION GOLD - ACCOUNTING WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER PLEASE PRESS HARD!!!!



### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2015-	0293	-A	Address	102	East	Avenu	10
	ct Person:	Planner, P	lease Print You	r Name				
Filing	Date:	17/15	Pos	ting Date:	6/28	Clos	ing Date:	7/13
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3.	ORDER: Aft commissioner order that the within 10 day whether the pmailed to you	<ul> <li>He may: matter be segon</li> <li>of the close</li> <li>etition has be</li> </ul>	(a) grant to t in for a pu sing date sen grante	ne requestoublic hearing if all Court	ed relief; (b) og. You will re atv agencies'	deny the receive writted comments	equested re en notificati are recei	elief; or (c) on, usually ved. as to
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Petiti	oner: This Pa	rt of the Forr	n is for the	e Sign Pos	ter Only	**************************************		
		USE THE A	DMINISTR	ATIVE VAI	RIANCE SIGN	FORMAT		
Case	Number 2015-	0293	Add	ress	2 Eas	t Aven	ue	
Petitic	ner's Name	Edythe	Brooks	5	Т	elephone _	443-5	06-6797
Postii	ng Date:	/28/15		_ c	losing Date:	7/	13/15	
Wordi	ng for Sign:	To Permit a	prop	osed a	ddition (	sunroom	) with	9
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(de	ck) with	a rear y	vard se	tback o	£ 20 fe	et and a	side y	ard
set	back of 7	feet in	lieu of	the rea	juived 3	O Fect, S	221/2 F	eet, and
71/	2 feet, resp	sectively		l			Rev	vised 7/18/14
	BALT	TIMORE COUNTY	DEPARTMEN	NT OF PERMIT	IS, APPROVALS	AND INSPEC	TIONS	

## **CERTIFICATE OF POSTING**

	RE: Case No. 2015-0	)293-A
	Petitioner: Edythe	Brooks
	Hearing / Closing Date	7/13/15
Baltimore County Department of		
Permits and Development Management		
Room 111, County Office Building		
111 W. Chesapeake Ave.		
Towson, Md. 21204		
were posted conspicuously on the proper		
	on 6/28/15	
	Sincerely,  Richard E. Hoffman  904 Dellwood Dr	
	Fallston, Md. 210	

#### **Certificate of Posting**

Case No. 2015-0293-A



102 East Avenue

(Posted 6/28/15)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

# 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 Newspaper Advertising:
Item Number or Case Number: 2015 - 0293 - A
Petitioner: GREAT DAY IMPHIEMENTS, LLC
Address or Location: 224 &TH AVE, NW, GLEN BURNIE, MO 2100
PLEASE FORWARD ADVERTISING BILL TO:
Name: LORI Roy C/O GROAT DAY IMPROVEMENTS, LLC
Address: 224 872+ AVE., NW
GLEN BURNIE, MD RIOLE!
Telephone Number: 410 760-1919

#### **Debra Wiley**

From:

Debra Wiley

Sent:

Thursday, July 16, 2015 8:41 AM

To:

Jeffery Livingston

Subject:

ZAC Comment - Case No. 2015-0293-A

Good Morning,

The file for the above indicates this is in CBCA, however, there is no comment from DEPS.

I have provided for your convenience the applicable information necessary.

Thanks.

#### CASE NUMBER: 2015-0293-A

102 EAST AVE.

Location: SW/S East Avenue, 143 ft. SE of the c/line Sollers Point Road

12th Election District, 7th Council District

Legal owner:

**Edythe Brooks** 

ADMINISTRATIVE VARIANCE To permit a proposed addition (sunroom) with a rear yard setback of 20 ft. and a proposed open projection (deck) with a rear yard setback of 20 ft. and a side yard setback of 7 ft. in lieu of the required 30 ft., 22.5 ft. and 7.5 ft., respectively.

Debra Wiley Baltimore County Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Maryland 21204 410-887-3868



KEVIN KAMENETZ County Executive

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

July 13, 2015

Edythe Brooks 102 East Avenue Baltimore MD 21222

RE: Case Number: 2015-0293 A, Address: 102 East Avenue

Dear Ms. Brooks:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 17, 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 Rich

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

**Enclosures** 

c: People's Counsel

Kevin Brown, 224 8th Avenue NW, Glen Burnie MD 21061



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 2015-0293-A

Administrative Voriance

Edythe Brooks

102 East Avenue.

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. 20/5 - 02/3 - 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,

David W. Peake

Metropolitan District Engineer Baltimore & Harford Counties

DWP/RAZ

# 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. 2015-0293

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

Prior to building permit application, the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation, so that the floor elevation can be set.

DAK:CEN cc:file

#### MEMORANDUM

DATE:

August 18, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0293-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

## CHECKLIST

Comment Received	Ī	<u>Department</u>		Support/Oppose/ Conditions/ Comments/ No Comment
6-25		ENT PLANS REVI ed, date e-mail sent		<u> </u>
	DEPS (if not receive	B	7-16	· .
	FIRE DEPAR	TMENT		
	PLANNING (if not receive	d, date e-mail sent_		
6-23	STATE HIGH	IWAY ADMINISTI	RATION	No objection
	TRAFFIC EN	GINEERING	· ·	No objection
	COMMUNIT	Y ASSOCIATION	·	
	ADJACENT F	PROPERTY OWNE	ERS	
ZONING VIOLATI	ON	(Case No.		
PRIOR ZONING		(Case No		
NEWSPAPER ADV	ERTISEMENT	Date:		
SIGN POSTING		Date:	6-28-15	by Holeman
PEOPLE'S COUNS	EL APPEARAN	CE Yes	□ No □	
PEOPLE'S COUNS	EL COMMENT	LETTER Yes	L No L	
Comments, if any: _				·

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102 EAST AVE CASE# 2015-0293-A

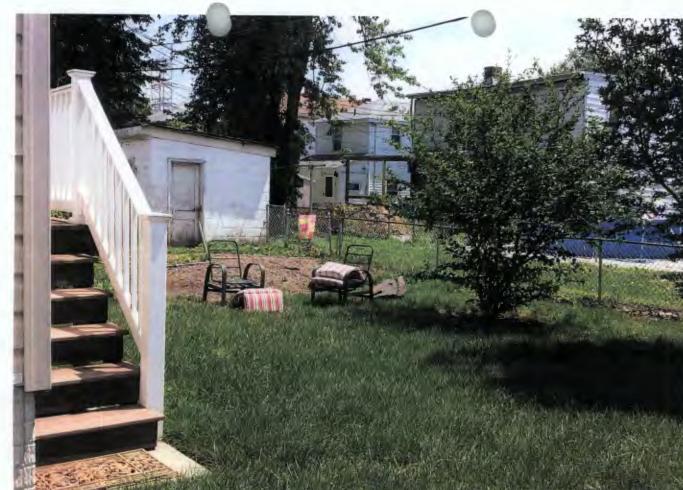


SIDE YARD LOOKING FROM PEAR TO FRONT

TARRO

LOOKING TOOK TROOM





PEAR YARD LOOKING FROM SIDE YARD CORNER



REAR

	PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)  ast Avenue owner(s) name(s) Edythe Brooks	SITE VICINITY MAP  DUNDATK 3800  CHESTNUT
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Sol	EMM POR TO THE TOTAL TO THE TOTAL TO	IN FLOOD PLAIN? Yes  UTILITIES? MARK WITH X  WATER IS:  PUBLIC × PRIVATE
	13' 14' PRODED R SWHAMM	SEWER IS:  PUBLIC  PRIVATE  PRIOR HEARING?
		IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
PLAN DRAWN BY	DATESCALE: 1 INCH = 30_FEET	VIOLATION CASE INFO:

#2015-0293-A

	FLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)  East Avenue Owner(s) NAME(s) Edythe Brooks	DUNDALK 3800 PR
SUBDIVISION NAMI	Turner LOT#35+36BLOCK#SECTION#	Z ZOAK ST HO Sollers I AVON BEACH TO TECHNICE
SOLLER Point Ro	FOLIO # 10 DIGITTAX # 1219 003 00 ODEED REF. # 06001/00306  EAST	MAP IS NOTTO SCALE  ZONING MAP# 110 C 1  SITE ZONED OR 5.5  ELECTION DISTRICT 7 + h  LOT AREA ACREAGE  OR SQUARE FEET 5 0 + 0  HISTORIC? No  IN CBCA? Yes  IN FLOOD PLAIN? Yes  UTILITIES? MARK WITH X  WATER IS:  PUBLIC X PRIVATE  PRIOR HEARING?
	ALLEY 48.0	IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
PLAN DRAWN BY	DATESCALE: 1 INCH = <u>30</u> FEET	VIOLATION CASE INFO: Epi

#2015-0293-A