IN RE: PETITION FOR ADMIN. VARIANCE (2932 St. Lukes Lane)

2nd Election District 4th Council District Guy Lester Barnes Petitioner BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0297-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, Guy Lester Barnes. The Petitioner is requesting Variance relief from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed two-story accessory building (detached garage with storage) in the rear yard of the dwelling with a height of 24 ft. 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 Petitioner's 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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 5, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 ORDER RECEIVED FOR FILING

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Bv		

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.

Although the Department of Planning did not make any recommendations related to the two-story accessory building (garage) height and usage, I will impose conditions that the garage 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 22nd day of July, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed 2-story accessory building (detached garage with storage) in the rear yard of the dwelling with a height of 24 ft. in lieu of the maximum allowed 15 ft., 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 his 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.
- The Petitioner or subsequent owners shall not convert the subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

2

3. The garage shall not be used for commercial purposes.

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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

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Date	1-2218	
By	pw	3



ADISTRATIVE ZONING PICTON

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 2932 ST. LUKES LN Currently zoned 10.711 10 Digit Tax Account # 02 0 9 Deed Reference Owner(s) Printed Name(s) GUY (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) 400.3 of BCZR to permit a proposed 2-story accessory building (detached garage with storage) in the rear yard of the dwelling with a height of 24 feet in lieu of the maximum allowed 15 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): Signature # 2 Attorney for Owner(s)/Petitioner(s): Representative to be contacted: ER RECEITED FOR F Name - Type or Print Name- Type or Print Signature Mailing Address State City State Mailing Address City **Email Address** Zip Code Telephone # Email Address elephone # Zip Code A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore that the subject matter of this petition be set for a public hearing, advertised, and re-posted as County, this_ required by the zoning regulations of Baltimore County Administrative Law Judge for Baltimore County **Estimated Posting Date**

~ 7/20/15 Rev 5/8/2014

Affidavit in Support Administrative Varianc (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: 2932 ST. LUKES LN Print or Type Address of property	BALTO	MD	21207
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the fol Administrative Variance at the above ad-	lowing are the fadress. (Clearly s	acts upon which I/we state practical diffic	base the request for an culty or hardship here)
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			AND
(If additional space for the petition reques	st or the above sta	tement is needed, labe	I and attach it to this Form)
11 . 1 0			
Duy L. Barnes			
Signature of Owner (Affiant)		Signature of Owner (A	Affiant)
GUY L. BARNES			
Name- Print or Type		Name- Print or Type	
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The following information is to	be completed by a	i Notary Public of the S	tate of Maryland
CITY			
STATE OF MARYLAND, COUNTY OF	BALTIMORE, to	wit:	
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I HEREBY CERTIFY, this 4th day and for the County aforesaid, personally app	peared:	,, belote t	ic a rectary or waryland, in
and to the county are county approximation			
Print name(s) here: Guy L. Barnes			
the ASS and/a) bearing a second by length of	tiafactorily identif	ad to me as such Affic	unt(a)
the Affiant(s) herein, personally known or sa	atisfactorily identifi	ed to me as such Ama	mt(s).
AS WITNESS my hand and Notaries Seal	Marily	w & Carr	
	Notary Public		
	Marilyn R. Car		
	VIY COMMISSION E	xpires 2/14/2016	

Zoning Property Description For 2932 St. Lukes Lane:

Beginning at a point on the west side of St. Lukes Lane, which is 30ft wide at the distance of 105ft North of centerline of the nearest improved intersecting street, Charleswood ct, which is 50ft wide.

Being Lot #8, block C in the subdivision of Ridgely Heights as recorded In Baltimore County Plat Book #23, Folio #80, containing 7029sqft. Located in the 2 Election District and 4th Council District.

CERTIFICATE OF POSTING

	Date: 7-5-15
	7 1
RE: Case Number: 2015-029	1-4
Petitioner/Developer: Guy	Barnes
Date of Hearing/Closing:	20-15
This is to certify under the penalti by law were posted conspicuously on t	es of perjury that the necessary sign(s) required the property located at 2932 St. Lukes La
The signs(s) were posted on	7-5-15 (Month, Day, Year)
	(Signature of Sign Poster)
	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)

MONINGE NOTICE

IN THE REAR YARD OF THE DWELLING MITH CESSORY BUILDING (DEMOJED GARAGE) A HEIGHT OF 24 FEET IN LED OF "HE TO PERMITA PROPOSED 2 STORY CASE # 2015-0297-4 MAXIMUM ALLOWED 5 DEET

PUBLIC HEARING

PURSUANT TO SECTION 26-127(V)(1) BALTIMORE COUNTY CODE ATION IS AVAILABLE AT REQUEST A PUBLIC HEARING CONCERNIN IS DONE IN THE ZONING OFFICE BEFORE AN ELIGIBLE INDIVIDUAL OR GROUP MAY THE PROPOSED VARIANCE, PROVIDED IT TEL. 887-3391 4:30 p.m. ON 712212 ZONING ADMINISTRATION 131 W CHISAPEAKE AVE THWSON, NP. 21204

1/3/55 4554 GEDING

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2015-	0297	-A	Add	ress	2932 St. Lu	kes Lane	
Conta	ct Person:			ne		Phone N	umber: 410	-887-3391
Filing	Planner, Please Print Your Name Planner, Please Print Your Name Poate: 6/23/2015 Posting Date: 7/5/15 Closing Date: 7/20/15 Posting Date: 7/5/15 Posting Date: 7/20/15 Posting Date: 7/5/15 Posting Date: 7/20/15 Posting Date: 7/20/15 Posting Date: 7/20/15 Posting Date: 7/20/15 Posting Date: 7/5/15 Posting Date: 7/5							
						dministrativ	e variance	should be
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2.	a formal requ	est for a publi	ic hearing.	Please u	nderstan	d that even	if there is	
3.	commissioner order that the within 10 day whether the p	. He may: (a matter be set in s of the closin etition has bee) grant the in for a public and the for a public and the formal formal the formal formal formal the formal	requested c hearing. all County	relief; (b You will agencies	deny the receive writter of the comments of th	equested re en notifications are receive	elief; or (c) on, usually red, as to
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		USE THE ADI	MINISTRATI	VE VARIA	NCE SIG	N FORMAT		
Case	Number 2015-	0297	-A Addres	s <u>2932</u>	2 St. Luke	es Lane		
Petitio	ner's Name	Guy Barr	nes			Telephone	410-944-3	525
Postir	ng Date:	7/5/15		Clos	sing Date	e:	15	
Wordi								

MEMORANDUM

DATE:

August 25, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0297-A - Appeal Period Expired

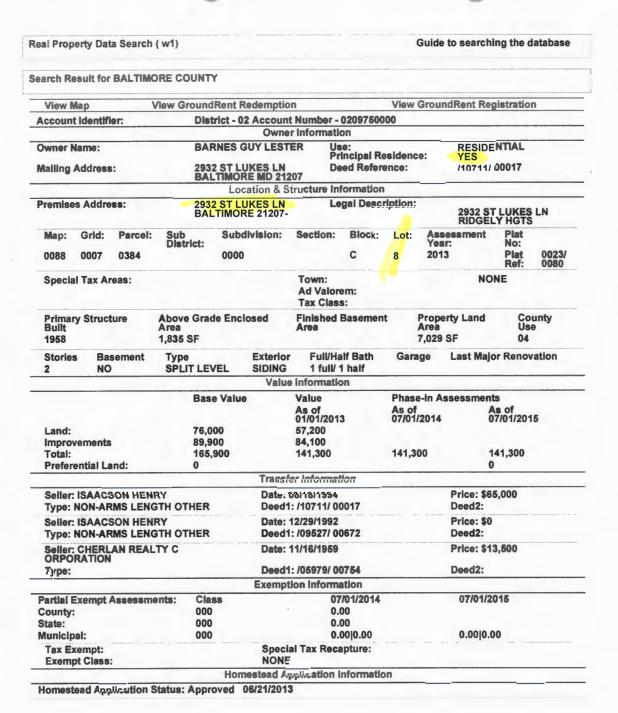
The appeal period for the above-referenced case expired on August 21, 2015. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

CHECKLIST

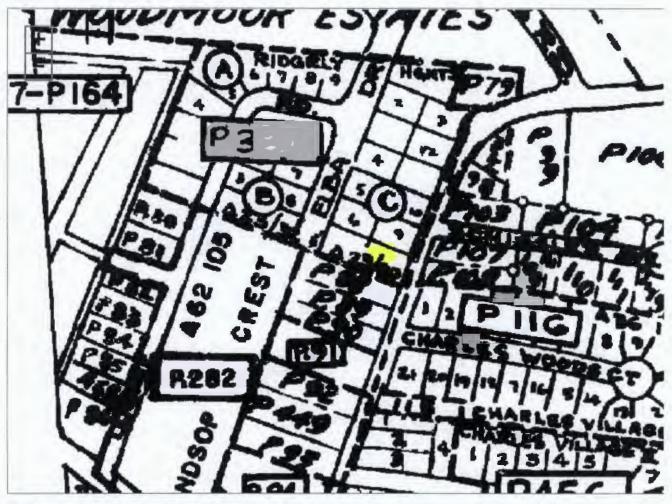
Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	· .
	PLANNING (if not received, date e-mail sent)	
6-28	STATE HIGHWAY ADMINISTRATION	No objection
<u></u>	TRAFFIC ENGINEERING	No objection
	COMMUNITY ASSOCIATION	
· .	ADJACENT PROPERTY OWNERS	
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PRIOR ZONING	(Case No.	
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Comments, if any: _		



Baltimore County

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

District: 02 Account Number: 0209750000



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/)

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

July 21, 2015

Guy L Barnes 2932 St. Lukes Lane Baltimore MD 21207

RE: Case Number: 2015-0297 A, Address: 2932 St. Lukes Lane

Dear Mr. Barnes:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 23, 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. Cal Richal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

State Highwa Administration Maryland Department of Transport

Larry Hogan, Governor Boyd Rutherford, Lt. Governor Pete K. Rahn, Secretary Douglas H. Simmons, Acting Administrator

Date: 6/28/15

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-D297-A Administrative Varionce Guy Lester Barnes 2932 St. Lukes Lane.

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. 2015-0297-A.

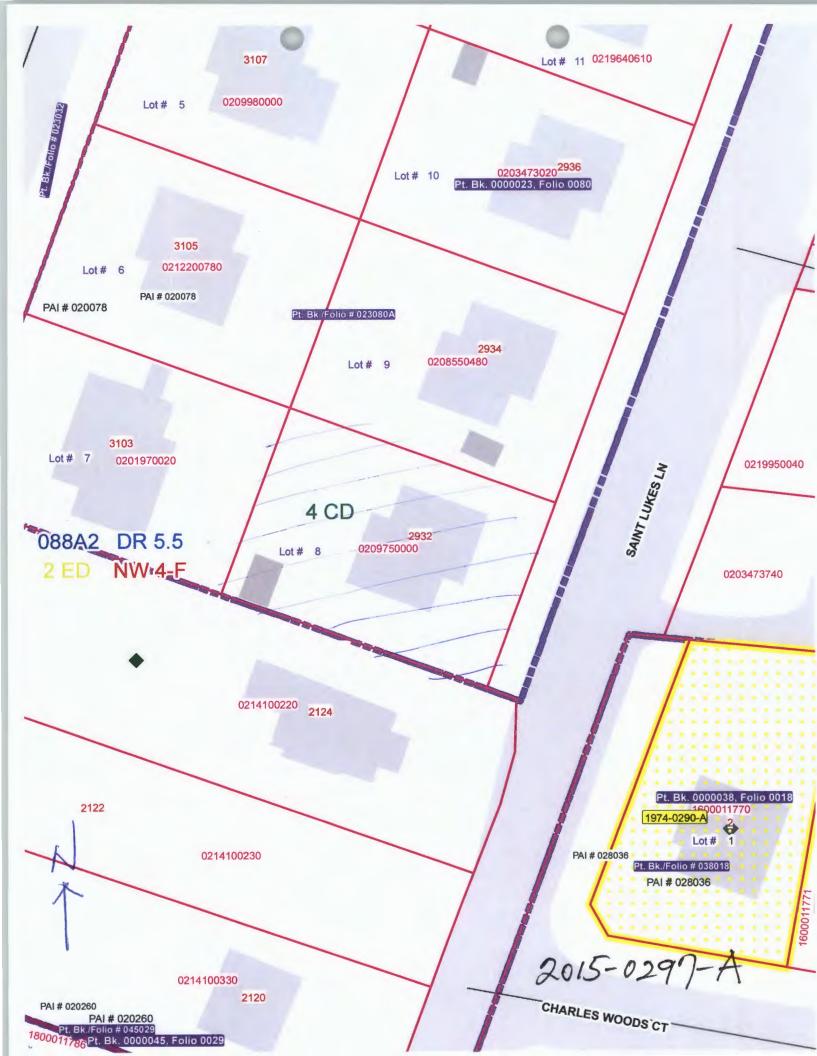
Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2398 or 1-866-998-0367 (in Maryland only) extension 2398, or by email at (rzeller@sha.state.md.us).

Sincerely,

David W. Peake

Metropolitan District Engineer Baltimore & Harford Counties

DWP/RAZ



Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

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- 1. This screen allows you to search the Real Property database and display property records.
- 2. Click here for a glossary of terms.
- 3. Deleted accounts can only be selected by Property Account Identifier.
- 4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

2015-0297-A

