IN RE: PETITION FOR ADMIN. VARIANCE (502 Stoneleigh Road)

9th Election District 5th Council District Erin Leigh Killough Petitioner **BEFORE THE**

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0309-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 owner of the property, Erin Leigh Killough ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a side yard addition with a 17 ft. side setback in lieu of the required 25 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 12, 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 § 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

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| Date | 7-30-15 |

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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 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>30th</u> day of **July**, **2015** by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a side yard addition with a 17 ft. side setback in lieu of the required 25 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 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.

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 17-30-15

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ADMINISTRATIVE ZONING PETITION FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATI 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: STONELFIGH KD. Address 507 **Currently zoned** 10 Digit Tax Account # 0902 Deed Reference Owner(s) Printed Name(s) (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) BCZR: 1B02.3.C.1 → To permit a side yard addition with a 17 feet side setback in lieu of the required 25 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): Name #2 - Type or Print Signature # 2 Mailing Address el killough @ ao Email Address (Attorney for Owner(s)/Petitioner(s): Representative to be contacted: Name-Type or Print

ORDER RECEIVED FOR FILING Signature Mailing Addre State

Email Address Zip Code Telephone # Zip Code Colephone # 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 1614 day of 1614 required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Estimated Posting Date

Affidavit in Support Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE OF LCIAL 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.

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| My Com | mission Expires 12-16-2015 | | | | | nm/ enm | 044 |

ZONING PROPERTY DESCRIPTION FOR 502 STONELEIGH RD. BALTIMORE,MD. 21212

Being Lot 21, Block 2, as recorded in the Baltimore County Plat Book #0007, Folio#0087, containing a total of 13100 square feet. Located in the 9th Election District, and 5th Council District.

BALTIMORE COUNTY, MARYLAND 127161 No. OFFICE OF BUDGET AND FINANCE MISCELLANEOUS CASH RECEIPT TIFE Date: 7/02/2013 7/01/2015 14:25:22 Rev Sub RES WSD1 WALKIN LRAS LJR Source/ Rev/ >> ECEIPT # 367333 7/01/2015 Fund Dept Unit Sub Unit Obj Sub Obj Dept Obj BS Acct Amount 5 528 ZONING VERIFICATION 001 206 0000 6150 N 75.00 CR NO. 127161 Recot Tot \$75.00 \$75.00 CK \$.00 CA Baltimore County, Maryland \$ 75.00 Total: Rec KILLOUGH From: 2015-0369-A

GOLD - ACCOUNTING

YELLOW - CUSTOMER

PLEASE PRESS HARD!!!!

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY

CASHIER'S VALIDATION

MEMORANDUM

DATE:

September 8, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0309-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 31, 2014. 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. For those petitions which require a public hearing, 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.

| Item Number or Case Number: 2015 · 0309 - A | | | |
|---------------------------------------------|-----------|-----------|-------|
| Petitioner: SRIN KILLOUSH | : | | |
| Address or Location: 502 STONELEIGH RD | BALTIMORE | MH | 2/2/2 |
| | | | |
| PLEASE FORWARD ADVERTISING BILL TO: | | | • |
| Name: Ky Fox | ' ¥ . | · · · · · | |
| Address: 1850 Sorre Ringe LANE | | | |
| New Freedom Pa 17349 | | | |
| | . • • | | |
| Telephone Number: (443) 722-4486 | | - | |

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

| Case Number 2015- 0309 -A Address 502 STONELEIGH RD |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contact Person: Seineman Phone Number: 410-887-3391 |
| Filing Date: 7/15 Posting Date: 7/2/15 Closing Date: 7/27/15 |
| 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. |
| 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. |
| 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- 0309 -A Address 502 STONELEIGH RI |
| Petitioner's Name KILLOUGH Telephone 410-241-9693 |
| Posting Date: 7/12/15 Closing Date: 7/27/15 |
| Wording for Sign: To Permit A SIDE YARD ADDITION (BRISTOL RD. SIDE) WITH A |
| 17 FEET SET BACK IN LIEU OF THE REQUIRED 25 FEET. |
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| m : 17/10// |

CERTIFICATE OF POSTING

Date: 7-12-(5 RE: Case Number: 2015-0309-A Petitioner/Developer: Killough Date of Hearing/Closing: 7-27-/5 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 502 Stowling L 7-12-15 (Month, Day, Year) 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)





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

July 28, 2015

Erin Leigh Killough 502 Stoneleigh Road Baltimore MD 21212

RE: Case Number: 2015-0309 A, Address: 502 Stoneleigh Road

Dear Ms. Killough:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 1, 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 Rishal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Jay M Fox, 1850 Sorrel Ridge Lane, New Freedom PA 17349

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



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

Date: 7/7/15

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

RE: Baltimore County

Item No 2015-0309-A Administrative Variance Evin Leigh Killough Soz Stoneleigh Road

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. 2015-0304-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

Luchard A Zeller

DWP/RAZ

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 10, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 13, 2015

Item No. 2015-0302, 0303, 0307, 0308 and 0309

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

DAK:CEN cc:file

Support/Oppose/

CHECKLIST

| Comment Received | <u>Department</u> | | Comments/ No Comment |
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| 7-10 | DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent | | NO_ |
| | DEPS (if not received, date e-mail sent | | |
| | FIRE DEPARTMENT | | · |
| | PLANNING (if not received, date e-mail sent | | |
| M-M | STATE HIGHWAY ADMINISTRATION | | No objection |
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Special Tax Recapture: NONE

Homestead Application Information

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

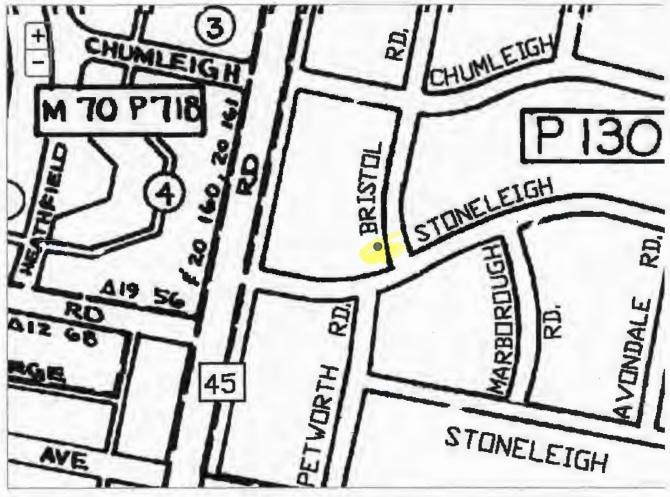
Homestead Application Status: No Application

Tax Exempt: Exempt Class:

Baltimore County

New Search (http://sdat.dat.maryland.gov/RealProperty)

Account Number: 0902471770 District: 09



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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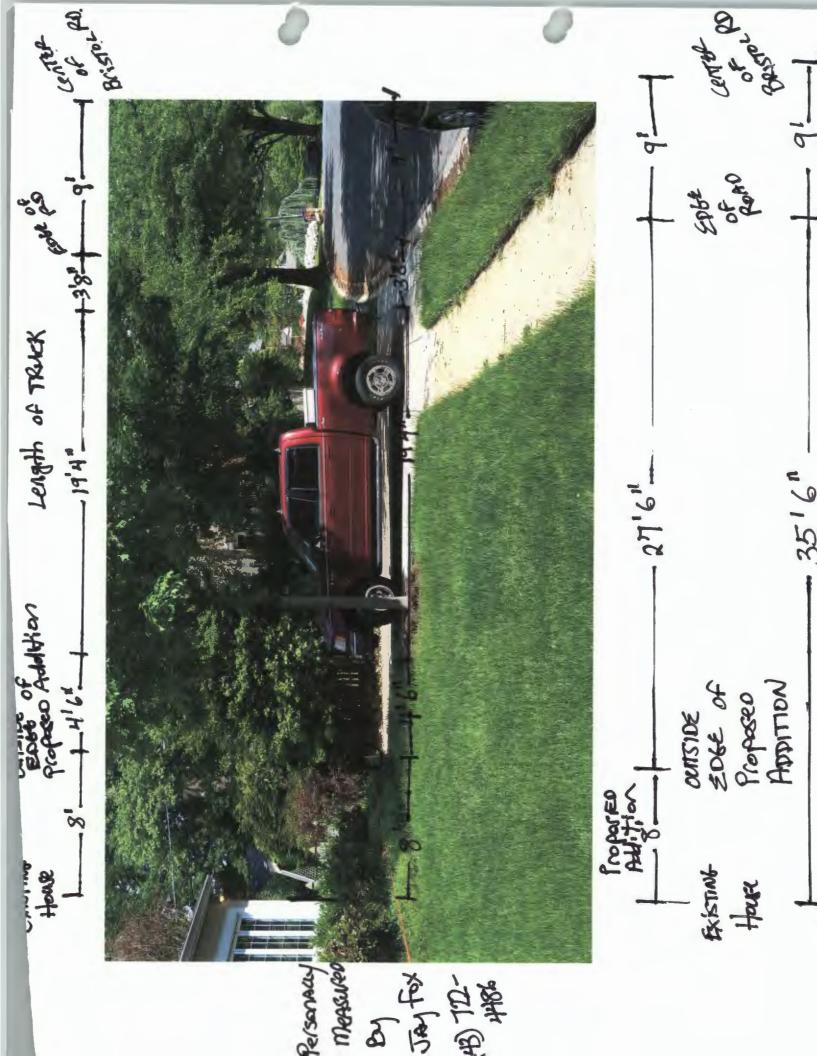


Conner of Proposed Appendix



REAR COLLES OF PROPERTION





| | ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) | SHE VICINITY MAP |
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| | ADDRESS 502 STONELEIGH OWNER(S) NAME(S) FRIN LEIGH KILLOUGH | 1,5 |
| | SUBDIVISION NAME STONELEIGH LOT # 2// BLOCK # 2 SECTION # NA PLAT BOOK # 0007 FOLIO # 0087 10 DIGIT TAX # 0902 47177 ODEED REF. # 11009/ 0082 | SITE BOOKS OF THE 18'S |
| | LOT #10 LOT 18 LOT 21; | MAP IS NOT TO SCALE |
| | GARRE S | zoning map#4579C10 site zoned_DR 5.5 election district_9 council district_5 |
| | LOT # 14 EXISTING BRICK DRIVEWAY DRIVEWAY | OR SQUARE FEET 13100 HISTORIC? NO |
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| | PLAN DRAWN BY Jay Fox DATE 6-2-15 SCALE: 1 INCH = 30' FEET | |
| | | WINI ATION CASE INFO: |

2015-0309-4

Pet Ed I

| ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) | SITE VICINITY MAP |
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| GARRE & BRICK DRIVEWAY & | SITE ZONED DR 5.5 ELECTION DISTRICT 9 COUNCIL DISTRICT 5 LOT AREA ACREAGE OR SQUARE FEET 13100 |
| LOT #14 Existing 2 story 817 817 | HISTORIC? NO IN CBCA? NO IN FLOOD PLAIN? NO UTILITIES? MARK WITH X |
| 21'2" Proparion | WATER IS: PUBLIC X PRIVATE SEWER IS: PUBLIC X PRIVATE |
| STONELEIGH RD STONELEIGH RD | PRIOR HEARING ?NO IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW |
| PLAN DRAWN BY Jay Fox DATE 6-2-15 SCALE: 1 INCH = 30' FEET | VIOLATION CASE INFO: |

2015-0309-4

| ZONING HEARING PLAN FOR VARIANCE Y FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) | SITE VICINITY MAP |
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| | VIOLATION CASE INFO: |

2015-0309-4

