

MEMORANDUM

DATE: September 8, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0002-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 4, 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

IN RE: PETITION FOR ADMIN. VARIANCE
(12108 Lamottes Court)
4th Election District
4th Council District
Lisa Clark
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2016-0002-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, Lisa Clark. The Petitioner is requesting Variance relief from §§ 1B01.2.C.1.b and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection deck with a rear yard setback of 10 ft. in lieu of the required 22.5 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 19, 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

Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply

ORDER RECEIVED FOR FILING

Date 8-5-15

By bw

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.

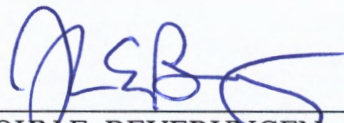
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 5th day of **August, 2015**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B01.2.C.1.b and 301 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an open projection deck with a rear yard setback of 10 ft. in lieu of the required 22.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said 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 8-5-15

By [Signature]



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 12108 LAMOTTES CT REISTERSTOWN MD. Currently zoned DR 5.5
Deed Reference 32318 / 00149 10 Digit Tax Account # 2400000799
Owner(s) Printed Name(s) LISA M. CLARK

(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. ☒ **ADMINISTRATIVE VARIANCE** from Section(s) SECTION 301
SECTION 1801.2.C.1.b *To permit an open projection deck with a rear yard setback of 10' in lieu of the required 22.5'*

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):

LISA CLARK

Name #1 - Type or Print

Name #2 - Type or Print

Lisa M. Clark

Signature #1

Signature #2

12108 LAMOTTES CT. REISTERSTOWN MD.

Mailing Address

City

State

21136 / 443-854-9063

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:

DAMON COGUE

Name - Type or Print

Damon & Logan

Signature

P.O. BOX 567 CROWNSVILLE MD. 21032

Mailing Address

City

State

21032 / 443-871-3340 / DAMON@AOSGONLINE.C

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 8-5-15 day of Aug 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 2016-0002-A

Filing Date 7/4/15

Estimated Posting Date 7/19/15

Reviewer JF

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: 12108 LAMOTTES CT REISTERTOWN MD. 21136
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)

THE HOUSE IS SITUATED ON THE LOT IN A MANNER THAT THE HOUSE SITS RIGHT ON THE REAR YARD SETBACK OF 30'. THIS PROHIBITS ANY CONSTRUCTION IN THIS AREA WITHOUT AN APPROVED VARIANCE. THE REAR OF THE HOUSE HAS A PATIO DOOR EGRESS THAT IS ABOVE GROUND AND REQUIRES ACCESS TO THE REAR LOT. A DECK WOULD ALLOW ACCESS TO THE REAR YARD AND PROVIDE EGRESS FROM THE HOUSE. THE APPROVAL OF THIS VARIANCE WOULD ALLOW THE CONSTRUCTION OF THE REQUESTED DECK (15' X 23' WITH STEPS TO GROUND) AND PROVIDE THE OWNERS ENJOYMENT OF THEIR BACKYARD. THE APPROVAL OF THIS DECK WOULD NOT BE OUT OF CHARACTER OF THE NEIGHBORHOOD AS ALL ADJACENT PROPERTIES HAVE DECKS AS WELL. WE ARE REQUESTING A VARIANCE OF 23' TO ALLOW FOR THE CONSTRUCTION OF THE DECK.

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

Lisa M. Clark
Signature of Owner (Affiant)

LISA M. CLARK
Name- Print or Type

Signature of Owner (Affiant)

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 4th day of June, 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: LISA M. CLARK

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

AS WITNESSES my hand and Notaries Seal



Dawn F. Logan
Notary Public

9-1-18
My Commission Expires



Atlantic Development Services Group, LLC

P.O. Box 567

Crownsville, Maryland 21032-1218

ZONING PROPERTY DESCRIPTION FOR : 12108 Lamottes Ct.

Beginning at a point on the West side of Lamottes Ct. which is 50' wide at the distance of 480' North of the centerline of the nearest improved intersecting street Marshall Wood Rd. which is 50' wide.

Being lot# 30, Block , Section # , in the Subdivision of Shipley Property as recorded in Baltimore County Plat Book # 0074 , Folio 0113 containing 7,197 square feet. Located in the 4th Election District and 4th Council District.

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

No. **127234**

Date: **7/6/15**

PAID RECEIPT

BUSINESS ACTUAL TIME
 7/06/2015 7/06/2015 10:12:27

RES MS05 WALKIN RBOS LRB

>> RECEIPT # 802474 7/06/2015

Dept 5 528 ZONING VERIFICATION

CR NO. 127234

Recpt Tot \$75.00

\$75.00 CX \$1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: **75.00**

Rec From: **Lisa Clark**

For: **Admin. Variance**
12108 Langford Ct.
2014-0002-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No. 2016-0002-A

Petitioner: Lisa Clark

Hearing / Closing Date: 8/3/15

Baltimore County Department of
Permits and Development Management
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

12108 Lamottes Court

on

7/19/15

Sincerely,



Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0002 -A Address 12108 Lanettes Ct.
Contact Person: JUN R. FERNANDEZ Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7-6-15 Posting Date: 7-19-15 Closing Date: 8-3-15

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 2016- 0002 -A Address 12108 Lanettes Ct.
Petitioner's Name LISA CLARK Telephone 443-854-906
Posting Date: 7-19-15 Closing Date: 8-3-15
Wording for Sign: To Permit an open projection deck with a rear
yard setback of 10' in lieu of the required 22.5'.

Revised 7/18/14



KEVIN KAMENETZ
County Executive

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

August 4, 2015

Lisa Clark
12108 Lamottes Court
Reisterstown MD 21136

RE: Case Number: Address: 12108 Lamottes Court

Dear Ms. Clark:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 6, 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 stylized with a large, looped "W" and a cursive "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Damon Cogar, P O Box 567, Crownsville MD 21032

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



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

Date: 7/14/15

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

RE: Baltimore County
Item No 2016-0002-A
Administrative Variance
Lisa Clark
12108 Lammottes Court-

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. 2016-0002-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Peake".

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 July 20, 2015
Item No. 2016-0002

DATE: July 17, 2015

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

The proposed open deck shall be set back at least 11 feet from the rear property line so that the foundation does not encroach on the existing 10-foot-wide drainage and utility easement.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0002-07202015.doc







CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>7-17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>7-14</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>7-19-15</u>	by: <u>Hoffman</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 2400000799			
Owner Information					
Owner Name:	CLARK LISA M		Use:	RESIDENTIAL	
Mailing Address:	12108 LAMOTTES CT REISTERSTOWN MD 21136-4728		Principal Residence:	YES	
			Deed Reference:	/32318/ 00149	
Location & Structure Information					
Premises Address:		12108 LAMOTTES CT REISTERSTOWN 21136-4728		Legal Description:	.1652 AC 12108 LAMOTTES CT SS SHIPLEY PROPERTY
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0048	0023	0342		0000	30
Assessment Year:			Plat No:		
2013			0074/0113		
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
2004	2,336 SF	600 SF	7,197 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached
Last Major Renovation					
Value Information					
	Base Value	Value As of 01/01/2013	Phase-in Assessments As of 07/01/2014 As of 07/01/2015		
Land:	140,100	105,100			
Improvements	262,900	233,400			
Total:	403,000	338,500	338,500	338,500	
Preferential Land:	0			0	
Transfer Information					
Seller: ROSENFELD ERIC M		Date: 07/18/2012		Price: \$366,000	
Type: ARMS LENGTH IMPROVED		Deed1: /32318/ 00149		Deed2:	
Seller: NVR INC		Date: 05/25/2004		Price: \$343,715	
Type: ARMS LENGTH IMPROVED		Deed1: /20112/ 00420		Deed2:	
Seller: PREAKNESS STATEWOOD INC		Date: 03/19/2004		Price: \$904,800	
Type: ARMS LENGTH MULTIPLE		Deed1: /19759/ 00371		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				
Homeshead Application Information					
Homeshead Application Status: Approved 04/01/2014					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty/>)District: **04** Account Number: **2400000799**

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 Wait. Loading... Please Wait. -->

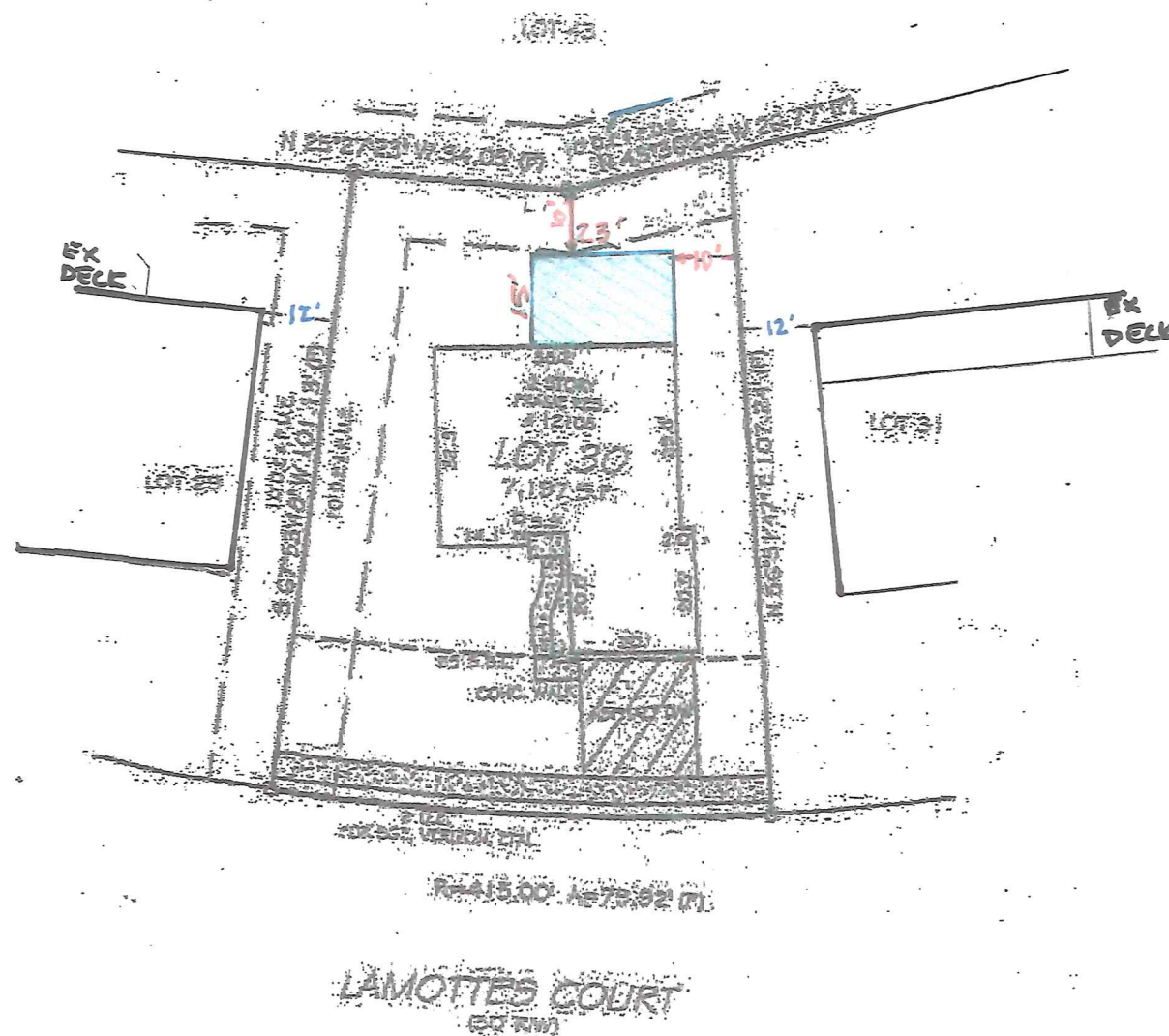


ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 12108 LAMOTTES CT. OWNER(S) NAME(S) LISA M. CLARK

SUBDIVISION NAME SHIPLEY PROPERTY LOT # 30 BLOCK # _____ SECTION # _____

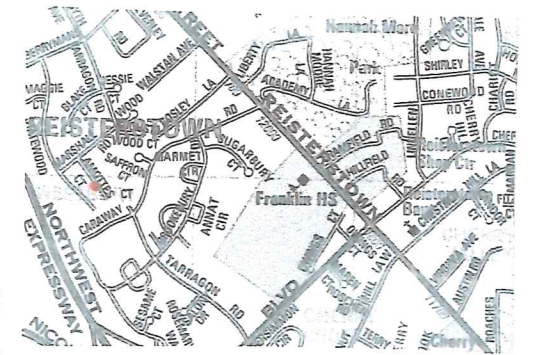
PLAT BOOK # 0074 FOLIO # 0113 10 DIGIT TAX # 240 0000799 DEED REF. # 32318/00149



PLAN DRAWN BY DAMON COGLAR

DATE 5-29-15 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 048C3

SITE ZONED DR 5.5

ELECTION DISTRICT 4

COUNCIL DISTRICT 4

LOT AREA ACREAGE _____

OR SQUARE FEET 7,197 ☒

HISTORIC? NA

IN CBCA? NA

IN FLOOD PLAIN? NA

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NA

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

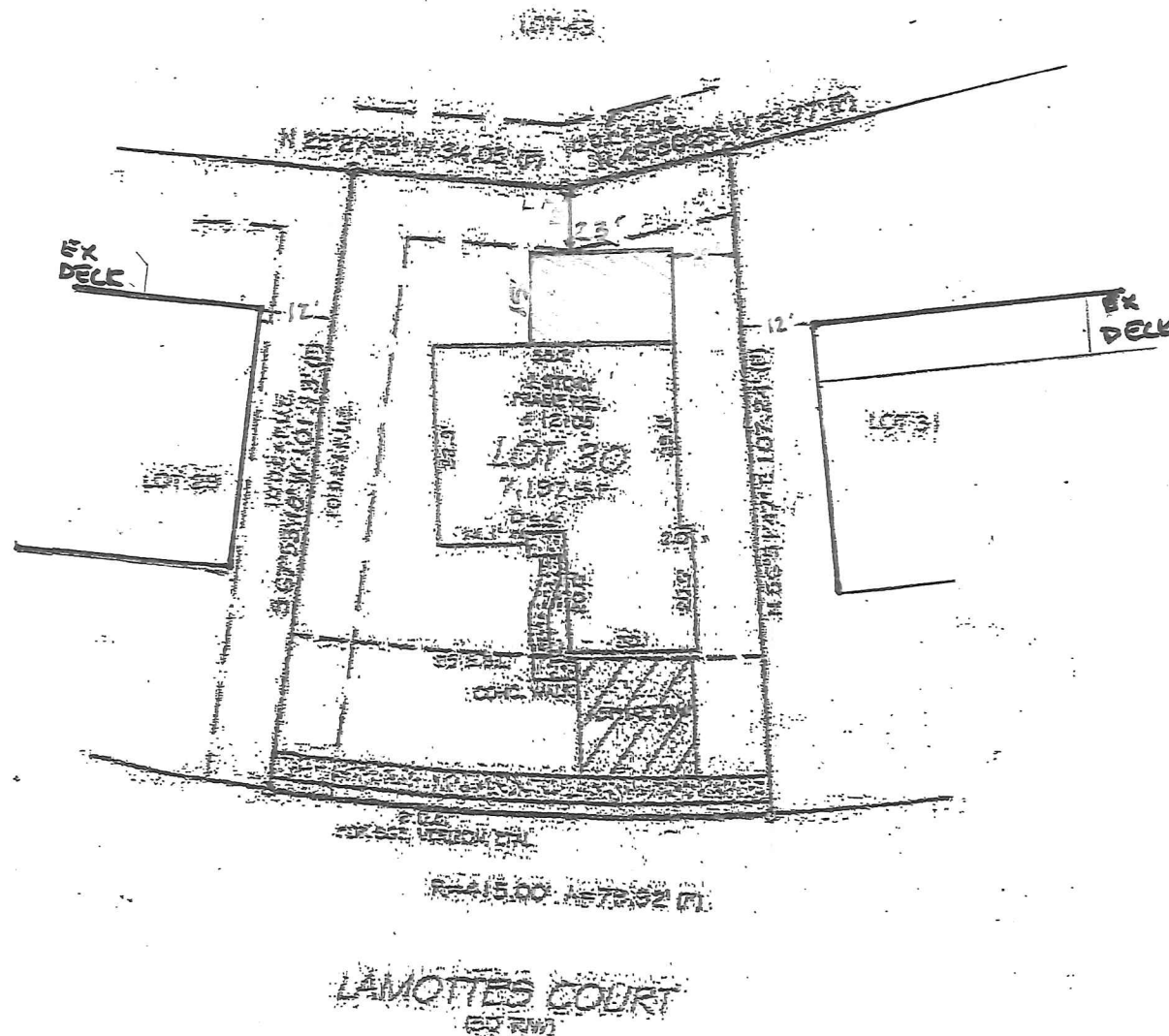
Pat. Ex. 1

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

ADDRESS 12108 LAMOTTES CT. OWNER(S) NAME(S) LISA M. CLARK

SUBDIVISION NAME SHIPLEY PROPERTY LOT # 30 BLOCK # _____ SECTION # _____

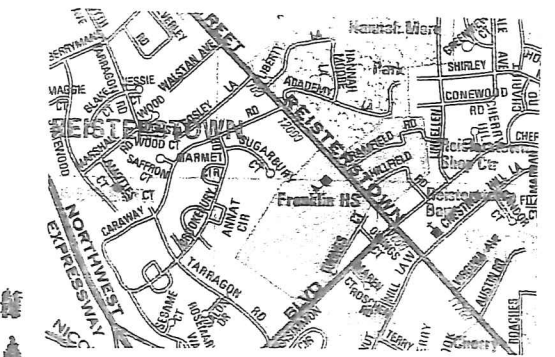
PLAT BOOK # 0074 FOLIO # 0113 10 DIGIT TAX # 240 000 0799 DEED REF. # 32318/00149



PLAN DRAWN BY DAMON COGAR

DATE 5-29-15 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 048C3

SITE ZONED DR 5.5

ELECTION DISTRICT 4

COUNCIL DISTRICT 4

LOT AREA ACREAGE _____

OR SQUARE FEET 7,197 ☒

HISTORIC? NA

IN CBCA? NA

IN FLOOD PLAIN? NA

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? NA

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO: