MEMORANDUM

DATE:

September 8, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0006-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 *

(2 Runway Court)

15th Election District 6th Council District Thomas L. Gibson, III Petitioner **BEFORE THE**

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0006-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, Thomas L. Gibson, III ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a pool/deck addition with a rear yard setback of 8 ft. in lieu of the required 30 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 § 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

ORDER F	ECEIVED FOR FILING	
Date	8-5-15	
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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 5th day of August, 2015 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.B of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a pool/deck addition with a rear yard setback of 8 ft. in lieu of the required 30 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.

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	2
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ADM TRATIVE ZONING PEON MINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

	f Permits, Approvals and Inspections
To the Office of Administrative Hearings of Address 2 RUNGAV CT BALLA POPULATION OF THE PROPERTY OF THE PROPER	for Baltimore County for the property located at: 10 0/00 Currently zoned 0.7.5.5 10 Digit Tax Account # 1 507470190 36 6 6 500 ### 1516 / 5 / 330
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPRO	PRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the r	everse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate attached hereto and made a part hereof, hereby petition for	
1. ADMINISTRATIVE VARIANCE from Section(s)	Boz. 9. B to permit a pool/deck
addition with a rear yard se	Bo2. 3. B to permit a pool/deck thack of 8 st. in lieu of the
required 30 St.	
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to appro County Code: (indicate type of work in this space: i.e., to raz	ve a waiver pursuant to Section 32-4-107(b) of the Baltimore re, alter or construct addition to building)
of the Baltimore County Code, to the development law of Baltimore County Code, to the development law of Baltimore County is to be posted and advertised as prescribed by the zoning regulative we agree to pay expenses of above petition(s), advertising, posting, etc. a Baltimore County adopted pursuant to the zoning law for Baltimore County.	ions. and further agree to be bound by the zoning regulations and restrictions of
	Owner(s)/Petitioner(s): Thomas L Gibson Name #1 - Type or Print Name #2 - Type or Print Signature #1 Signature #2 Aunuay C+ Balto mb Mailing Address 40 - City State 21220, 428-0237, DDecKer251 Zip Code Telephone # Email Address VAhoo.
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
Name- Type or Print Signature ORDER RECEIVED FOR FILING Mailing Address City State Zip Code Telephone # Email Address	Revnallt Moskungs Site Rife Surveying Name - Type of Print Signature 200 E. Joppa Road Rm 101 Towson, MD Mailing Address City State 21286 , 410 828 9060 , Siterifying a ol. con Zip Code Telephone # Email Address
County, thisday of, that the subject required by the zoning regulations of Baltimore County.	be required, it is ordered by the Office of Administrative Hearings for Baltimore matter of this petition be set for a public hearing, advertised, and re-posted as rative Law Judge for Baltimore County
CASE NUMBER 2016-0006- A Filing Date 7 / 9 / 6	5 Estimated Posting Date 7/19/15 Reviewer 3h

Affidavit in Support of dministrative 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: 2 KUNWAY CT	16A1+0	MD	9/930
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the for Administrative Variance at the above as	_		
Since my house on co RUNWAY CT there WAS			
RAZEd the house to have	2 room for p	ool and doss	to run (fami.
	is most lever	I and will re	quire only on
Due to side entrance of	-house on thi	s side make	s most convi
and Attaching New dec	ck to carport	- Flood ligh	to are Alread
Removing an unsafe	/ Already in		
respond in favor.	to most ne		they have
(If additional space for the petition reque	ist of the above stateme	ent is needed, label and	attach it to this Form)
Monas & Select 19			
Signature of Owner (Affiant)	Si	gnature of Owner (Affian	t)
Thomas L GIBSON 111			
Name- Print or Type	Na	ame- Print or Type	
The following information is to	be completed by a Not	ary Public of the State	of Maryland
STATE OF MARYLAND, COUNTY OF	BALTIMORE, to wit	es	
I HEREBY CERTIFY, this 5th da and for the County aforesaid, personally ap	ay of SUNE, 2 opeared:	2015, before me a	Notary of Maryland, in
Print name(s) here: Thomas L. GIBSON	V 111		
the Affiant(s) herein, personally known or s	atisfactorily identified to	me as such Affiant(s)	:
AS WITNESS my hand and Notaries Seal		111 -00	
	Notary Public	ROSEMARII MOTARY PUBLIC STA	The state of the s
	My Commission Exmiss	MY COMMISSION FOR	10/2/2016 1

ZONING PROPERTY DESCRIPTION FOR #2 RUNWAY COURT

BEGINNING at a point on the northwest side of Runway Court which is 60 feet wide at the distance of 50 feet northeast of the center line of Beacon Road, which is 100 feet wide. Being Lot Nos. 339 and 339A, Section 1 in the subdivision of "Victory Villa" as recorded in the Baltimore County Plat Book No. 22, folio 106, containing 10,684 square feet, more or less and located in the 15th Election District, 6th Councilmanic District.

Michael V. Moskunas Professional Land Surveyor Reg. No. 21175



Site rite Surveying, Inc. 200 E/ Joppa road Room 101 Towson MD 21286 (410) 828-9060

FILE: 2 RUNWAY COURT.DOC\2015 ZONING DESCRIPTIONS

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2016-	0006	-A	Address _	2 Ru	hway Ct.
Conta	ct Person:	Bruno Planner, Pl	Rudain ease Print Your Na	me		Phone Number: 410-887-3391
Filing	Date:	19/15	Postin	g Date: _	7/19/15	Closing Date: 8/03/15-
Any c throug	ontact made v h the contact p	vith this offic erson (planne	e regarding er) using the	the status	of the adr	ministrative variance should be
1.	reverse side or reposting musis again respo	f this form) a t be done only nsible for all	nd the petition y by one of the associated of	oner is res he sign po costs. The	ponsible for sters on the zoning not	ters on the approved list (on the all printing/posting costs. Any approved list and the petitioner tice sign must be visible on the remain there through the closing
2.	DEADLINE: 7 a formal request for a p	est for a pub	olic hearing.	Please u	inderstand t	or owner within 1,000 feet to file that even if there is no formal 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 Li	ne)	
Petitio	ner: This Par	t of the Form	is for the S	ign Poste	r Only	
		USE THE AD				
Case I	Number 2016-	0006 -A	Addres	ss <u>2</u>	Ruhu	vay ct.
Petitio	ner's Name	Thomas G	ibsoN_		Te	elephone 410-428-6237
Postir	g Date:	7/18/15		Clo	sing Date:	8/03/15
Wordi	ng for Sign: _7	o Permit a	rear yal	rd setb	ack of i	PH. in lieu of the
req att	aired 30	ft. for the Du	a prop velling.	posed di	eck and	of the above ground pool tob



market gle 7/19/15

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
7-15	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)	
7-14	STATE HIGHWAY ADMINISTRATION	No diection
<u> </u>	TRAFFIC ENGINEERING	. ———
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ON (Case No.	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	PERTISEMENT Date:	
SIGN PÖSTING	Date: \(\frac{1-(9-15)}{1-(9-15)}	by Ogle
PEOPLE'S COUNS	EL APPEARANCE Yes No No	
PEOPLE'S COUNS	EL COMMENT LETTER Yes No	
Comments, if any: _	·	4.411



Advantage 188



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 - 15 Account Number - 1507470190 Owner Information GIBSON THOMAS LEFTRIDGE 3RD **Owner Name:** RESIDENTIAL YES Use: Principal Residence: 2 RUNWAY CT BALTIMORE MD 21220-3521 Deed Reference: Mailing Address: /20476/ 00021 Location & Structure Information 2 RUNWAY CT 0-0000 Premises Address: Legal Description: 2 RYNWAY CT VICTORY VILLA Grid: Parcel: Sub Subdivision: Section: Block: Lot: Assessment Plat District: Year: No: 0090 0003 0000 339A 2015 Plat Ref: 0576 1 0022/ Town: NONE Special Tax Areas: Ad Valorem: Tax Class: Above Grade Enclosed Area Primary Structure Built **Finished Basement Property Land** County Area Area 1966 988 SF 5,684 SF 04 Full/Half Bath **Stories Basement** Type Exterior Garage Last Major Renovation 1 YES STANDARD UNIT SIDING 1 full 1 Carport Value Information Base Value Value Phase-in Assessments As of 01/01/2015 As of 07/01/2014 As of 07/01/2015 53,600 Land: 53,600 Improvements 95,800 98,500 Total: 149,400 152,100 149,400 150,300 0 **Preferential Land:** 0 Transfer Information Seller: GORI EDWARD J Date: 08/02/2004 Price: \$161,050 Type: ARMS LENGTH IMPROVED Deed1: /20476/ 00021 Deed2: Seller: Date: Price: Type: Deed1: Deed2: Seller: Date: Price: Deed1: Deed2: Type: **Exemption Information** Partial Exempt Class 07/01/2014 07/01/2015 Assessments: 000 0.00 County: State: 000 0.00 Municipal: 000 0.00|0.00 0.00|0.00 Tax Exempt: Special Tax Recapture:

NONE

Homestead Application Information

Homestead Application Status: Approved 02/03/2009

Exempt Class:

Baltimore County

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

District: 15 Account Number: 1507470190



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/QurProducts/OurProducts.shtml). http://www.mdp.state.md.us/QurProducts/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

August 4, 2015

Thomas L Gibson III 2 Runway Court Baltimore MD 21220

RE: Case Number: Address:

Dear Mr. Gibson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 9, 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 Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

People's Counsel
 Bernadette Moskunas, Site Rite Surveying Inc., 200 E Joppa Road. Room 101
 Towson MD 21286

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 2016-0006th
Administrative Variance
Thomas L. Colbson III
2 Runway 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. 2016-000 6-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,

David W. Peake

Metropolitan District Engineer Baltimore & Harford Counties

DWP/RAZ



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 15, 2015

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. 2016-0001 and 0006

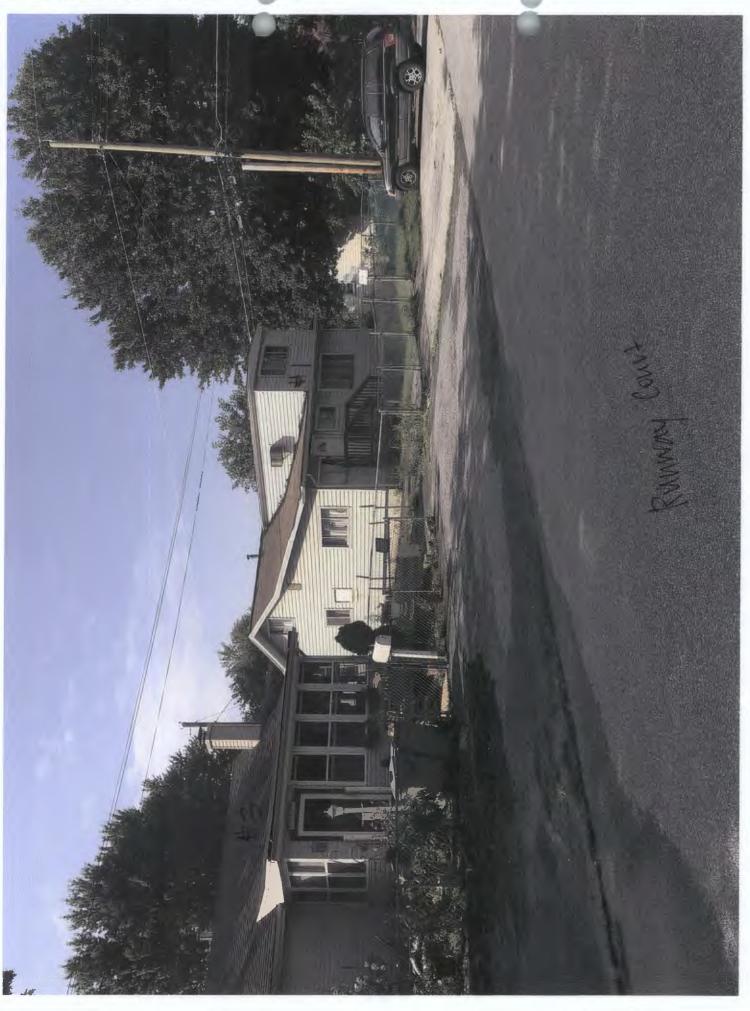
The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

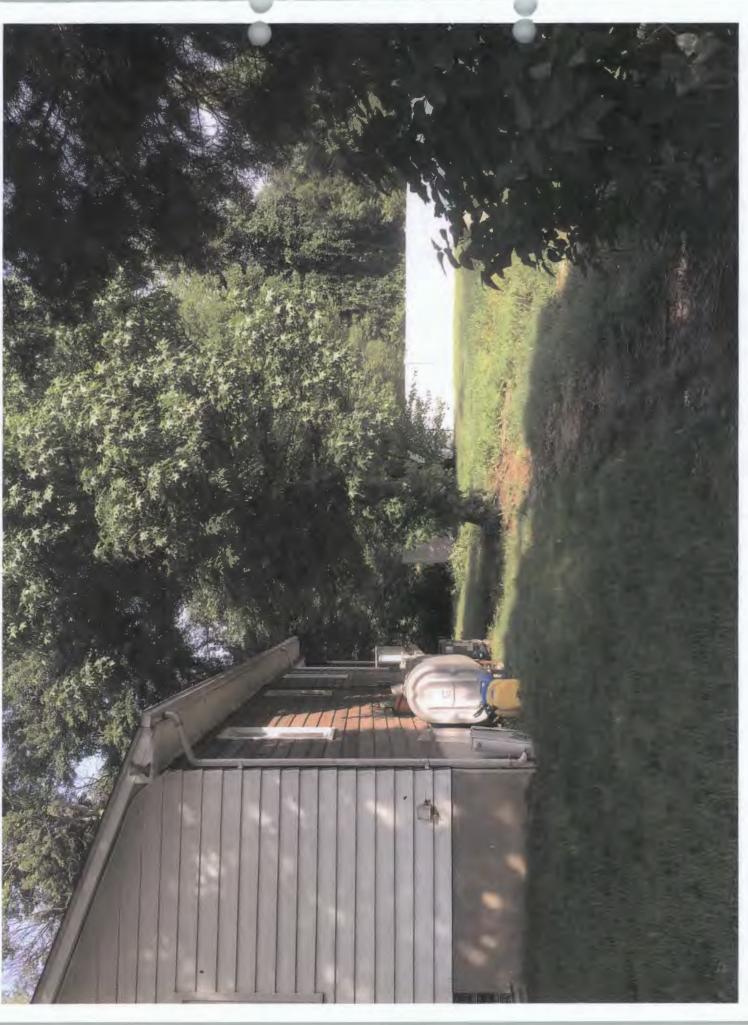
DAK:CEN cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC07202015.doc

Front door and driveway along Beacon Ped.

from Beacon Road Subject Property #2 Runway Ct.







(No front door along Runnay Ct.

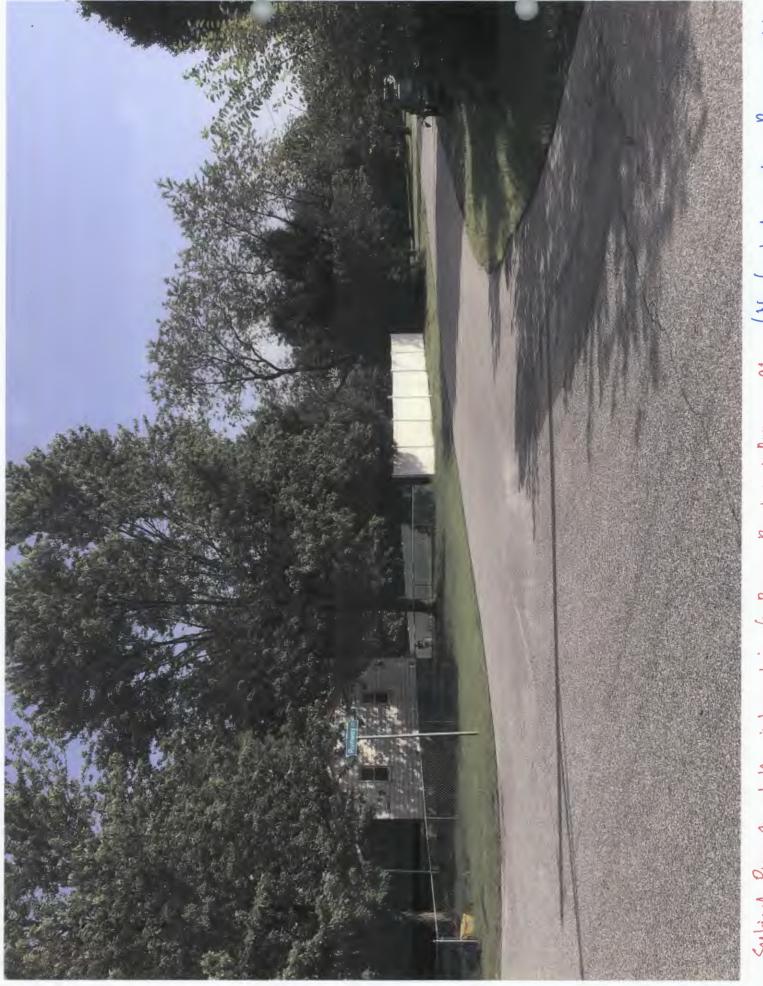
Rear view of Subject Property from Runway Court.

Baltimore County owned lots to the may of #2 Runway Ct.



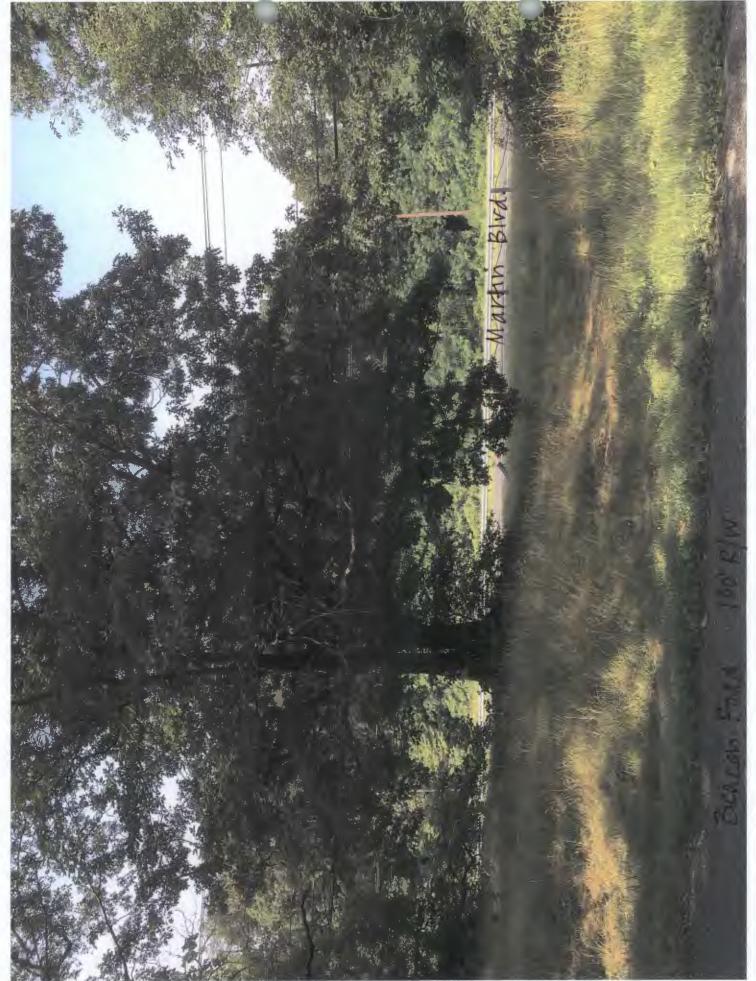
160 King toward the rear of the subject proporty from Runway Ct.





(No front door along Runnay CA) Subject Propurty at the intersection of Beacon Road and Runnary Ct.

Subject Propusay: #2 Kunnay Cot



Vitw from front yard booking at Marthi BIVA across the 100' R/W of Ecacon Poad

Balthinione County owned propuly (5.7 Ac. t)

"Utility Drainage Arra" adjacent to subject property Baltimore County owned proporty



