

MEMORANDUM

DATE: September 15, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0010-A – Appeal Period Expired

The appeal period for the above-referenced case expired on September 14, 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

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(519 Grovethorn Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
6 th Council District		
Victor G. Armstrong, Sr.	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0010-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 by the legal owner of the property, Victor G. Armstrong, Sr. ("Petitioner"). The Petitioner is requesting Variance relief pursuant to §§ 1B02.3.B and 504 (211.3 and 400.1 – 1955 regs.) of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a proposed detached accessory structure (garage) to be located on the third of a lot closest to a street in lieu of the required farthest removed and to be as close as 6.5 ft. from the roadside property line and 24.5 ft. from the street centerline in lieu of the required 25 ft. and 50 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. 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 23, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 8-14-15

By [Signature]

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 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.

Although the Department of Planning did not make any recommendations related to the detached accessory structure (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 14th day of **August, 2015**, by the Administrative Law Judge for Baltimore County that the Petition for Administrative Variance seeking relief from §§ 1B02.3.B and 504 (211.3 and 400.1 – 1955 regs.) of the Baltimore County Zoning Regulations (“B.C.Z.R.”) to permit a proposed detached accessory structure (garage) to be located on the third of a lot closest to a street in lieu of the required farthest removed and to be as close as 6.5 ft. from the roadside property line and 24.5 ft. from the street centerline in lieu of the required 25 ft. and 50 ft., respectively, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

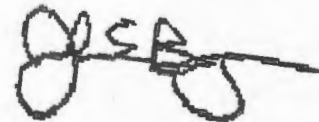
Date 8-14-15

By [Signature]

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.
- Petitioner must comply with Critical Area regulations prior to building permit application.
- 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.
- The garage shall not be used for commercial purposes.

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 8-14-15

By [Signature]



C3CA

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 519 GROVETHORN RD. BALTO. MD - 21220 Currently zoned DR 10.5
 Deed Reference 23820 / 00177 10 Digit Tax Account # 1511352010
 Owner(s) Printed Name(s) VICTOR ARMSTRONG SR.

(SELECT THE HEARING(S) BY MARKING ☒ 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)

1B02.3.B and 504 (211.3 and 400.1 -- 1955 regs) -- to permit a proposed detached accessory structure (garage) to be located on the third of a lot closest to a street in lieu of the required farthest removed, and to be as close as 6½ feet from the roadside property line and 24½ feet from the street centerline in lieu of the required 25 feet and 50 feet, respectively.

or 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):

VICTOR ARMSTRONG

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

519 GROVETHORN RD. BALTO. MD.

Mailing Address

City

State

21220 / 443-854-0146 / cherallee5000e@hotmail.com

Zip Code

Telephone #

Email Address

hotmail.com

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

ORDER RECEIVED FOR FILING
 8-14-15
 BY [Signature]

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

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 _____ 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

CASE NUMBER 2016-0010-A Filing Date 7/14/15 Estimated Posting Date 7/26/15 Reviewer RJD

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: 519 GROVETOWN RD. BALTO. MD. 21220
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)

I AM REQUESTING A VARIANCE FOR A PROPOSED GARAGE FOR REASON LISTED.
I OWN A 1994 BAYLINER BOAT WITH A TRAILER THAT TOTALS APPROXIMATELY 24 1/2 FEET IN LENGTH IT IS NOT POSSIBLE TO PUT MY BOAT IN A GARAGE AT OPTION 1 SITE DUE TO ITS LENGTH AND THE NEIGHBORS FENCES

REASON #2 SITE #1 WOULD COMPLETELY BLOCK OUR VIEW OF OUR BACK YARD MY MAIN CONCERN IS FOR SECURITY REASONS

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

Victor Armstrong Sr.
Signature of Owner (Affiant)
VICTOR ARMSTRONG SR.
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 9th day of July, 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Victor Armstrong Sr.

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

AS WITNESS my hand and Notaries Seal

Laura M. Rebbe
Notary Public
My Commission Expires
LAURA M. REBBEL
NOTARY PUBLIC
HARFORD COUNTY
MARYLAND
MY COMMISSION EXPIRES OCT 30, 2018

ZONING PROPERTY DESCRIPTION FOR 519 GROVETHORN ROAD

Beginning at a point on the northeast side of Grovethorn Road, which is 36 feet wide, at the distance of 18 feet southeast of the centerline of the nearest improved intersection street Southorn Road, which is 36 feet wide (ie: east side of intersection). Being Lot #66, Block #22, Section #6 in the subdivision of Hawthorne, as recorded in Baltimore County Plat Book #28, Folio #108, containing 4,725 square feet. Located in the 15th Election District and 6th Councilmanic District.

Item #0010

ZONING PROPERTY DESCRIPTION FOR 519 GROVETHORN ROAD

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Item #0010

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

No. **127369**

Date: **7/14/15**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 7/14/2015 7/14/2015 15:01:42 5

REC 5 NS05 WALKIN R005 LRB
 >> RECEIPT # 805269 7/14/2015 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6.150				575.00

Dept 5 523 ZONING VERIFICATION
 CR NO. 127369

Recpt Tot \$75.00
 \$100.00 CA
 \$25.00- C6

Baltimore County, Maryland

Total: **575.00**

Rec From:

For:

zoning hearing - case # 2016-0010-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0010 -A Address 519 Grovethorn Rd
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 7/14/15 Posting Date: 7/26/15 Closing Date: 8/10/15

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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- 0010 -A Address 519 Grovethorn Rd
Petitioner's Name Victor Armstrong Telephone 443-854-0146
Posting Date: 7/26/15 Closing Date: 8/10/15

Wording for Sign: To Permit a proposed detached accessory structure (garage) to be located on the third of the lot closest to a street in lieu of the required farthest removed; and to be as close as 6 1/2 feet from the roadside property line and 24 1/2 feet from the street centerline in lieu of the required 25 feet and 50 feet, respectively

Revised 7/18/14

CERTIFICATE OF POSTING

Date: 7-23-15

RE: Case Number: 2016-0010-A

Petitioner/Developer: Cathy Burnup / Victor Armstrong

Date of Hearing/Closing: 8-10-15

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 519 Grovetown Rd

The signs(s) were posted on 7-23-15
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

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)

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 2016-0010-A
TO PERMIT A PROPOSED DETACHED
ACCESSORY STRUCTURE (GARAGE) TO BE
LOCATED ON THE THIRD OF THE LOT CLOSEST
TO A STREET IN LIEU OF THE REQUIRED
SETBACKS. THE PROPOSED SETBACKS ARE 15 FEET FROM
THE FRONT LOT LINE AND 12 1/2 FEET FROM THE STREET
CENTERLINE IN LIEU OF THE REQUIRED 25 FEET AND
20 FEET SETBACKS.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 8/10/15

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204. (410) 31-1200
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER THE HEARING.

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment7-27

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

NC

DEPS

(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING

(if not received, date e-mail sent _____)

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING

Date: 7-23-15by Rilson

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Guide to searching the database

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1511352010			
Owner Information					
Owner Name:		ARMSTRONG VICTOR G SR		Use:	RESIDENTIAL
Mailing Address:		519 GROVETHORN RD BALTIMORE MD 21220-4939		Principal Residence:	YES
				Deed Reference:	/23820/ 00177
Location & Structure Information					
Premises Address:		519 GROVETHORN RD 0-0000		Legal Description:	NE COR OF SOUTHORN R HAWTHORNE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0090	0024	0686		0000	6 22 66 2015 0028/0108
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	Property Land Area
1970		1,152 SF			4,725 SF
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	END UNIT	BRICK	1 full	
Value Information					
		Base Value		Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016
Land:		55,000		55,000	
Improvements		66,300		70,400	
Total:		121,300		125,400	122,667 124,033
Preferential Land:		0			0
Transfer Information					
Seller: WILLIAMS ANDREW A		Date: 05/31/2006		Price: \$130,000	
Type: ARMS LENGTH IMPROVED		Deed1: /23820/ 00177		Deed2:	
Seller: FIKE MARK L		Date: 07/11/1990		Price: \$68,000	
Type: ARMS LENGTH IMPROVED		Deed1: /08538/ 00239		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2015		07/01/2016
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			
Homestead Application Information					
Homestead Application Status: Approved 10/01/2013					



KEVIN KAMENETZ
County Executive

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

August 12, 2015

Victor Armstrong
519 Grovethorn Road
Baltimore MD 21220

RE: Case Number: 2016-0010 A, Address: 519 Grovethorn Road

Dear Mr. Armstrong:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 14, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: July 27, 2015

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

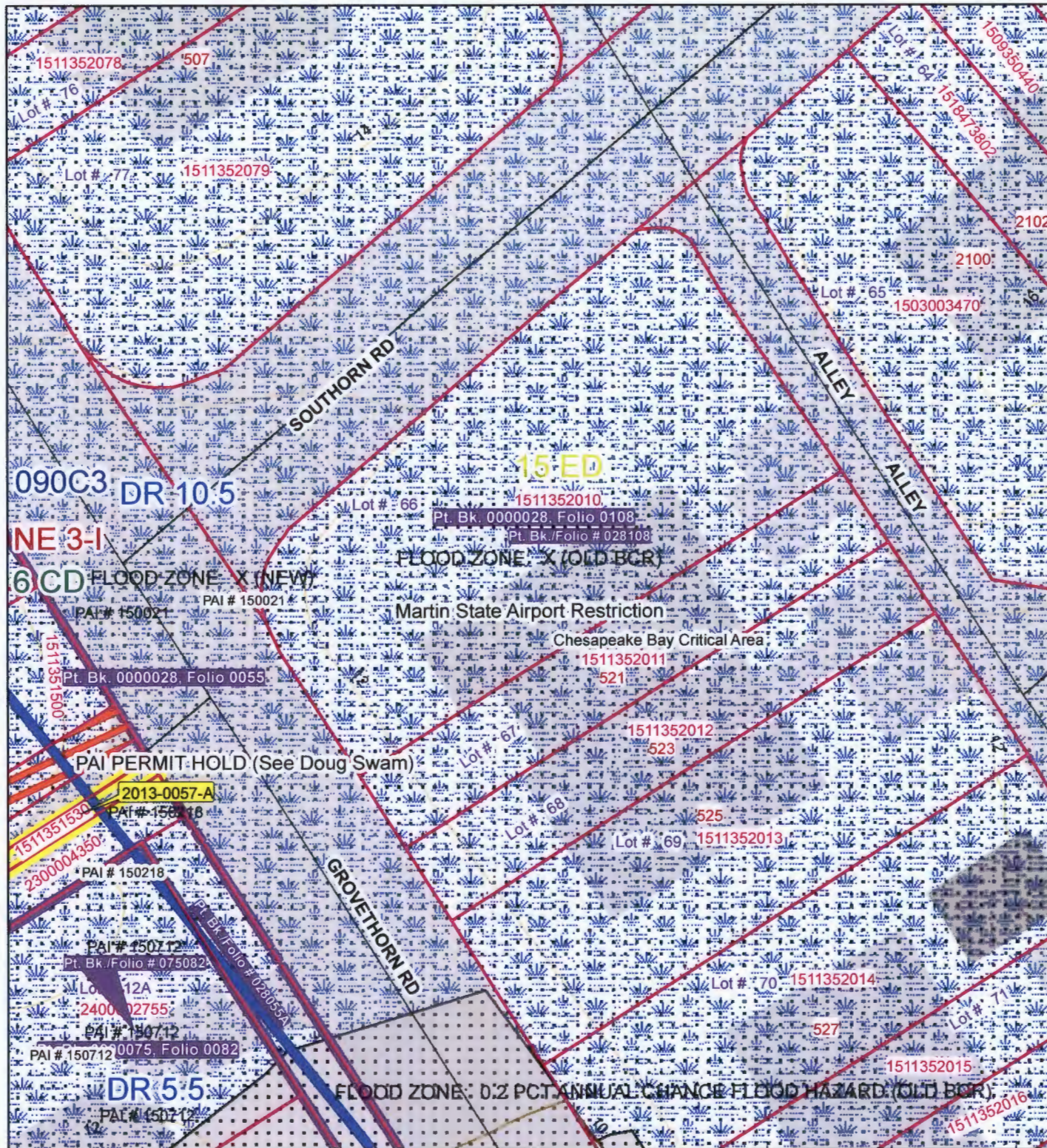
SUBJECT: Zoning Advisory Committee Meeting
For July 27, 2015
Item No. 2015-0308 & 2016-0009, 0010, 0011 and 0012

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\ZAC07272015.doc

Chesapeake Bay Critical Area



Publication Date: 7/14/2015



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

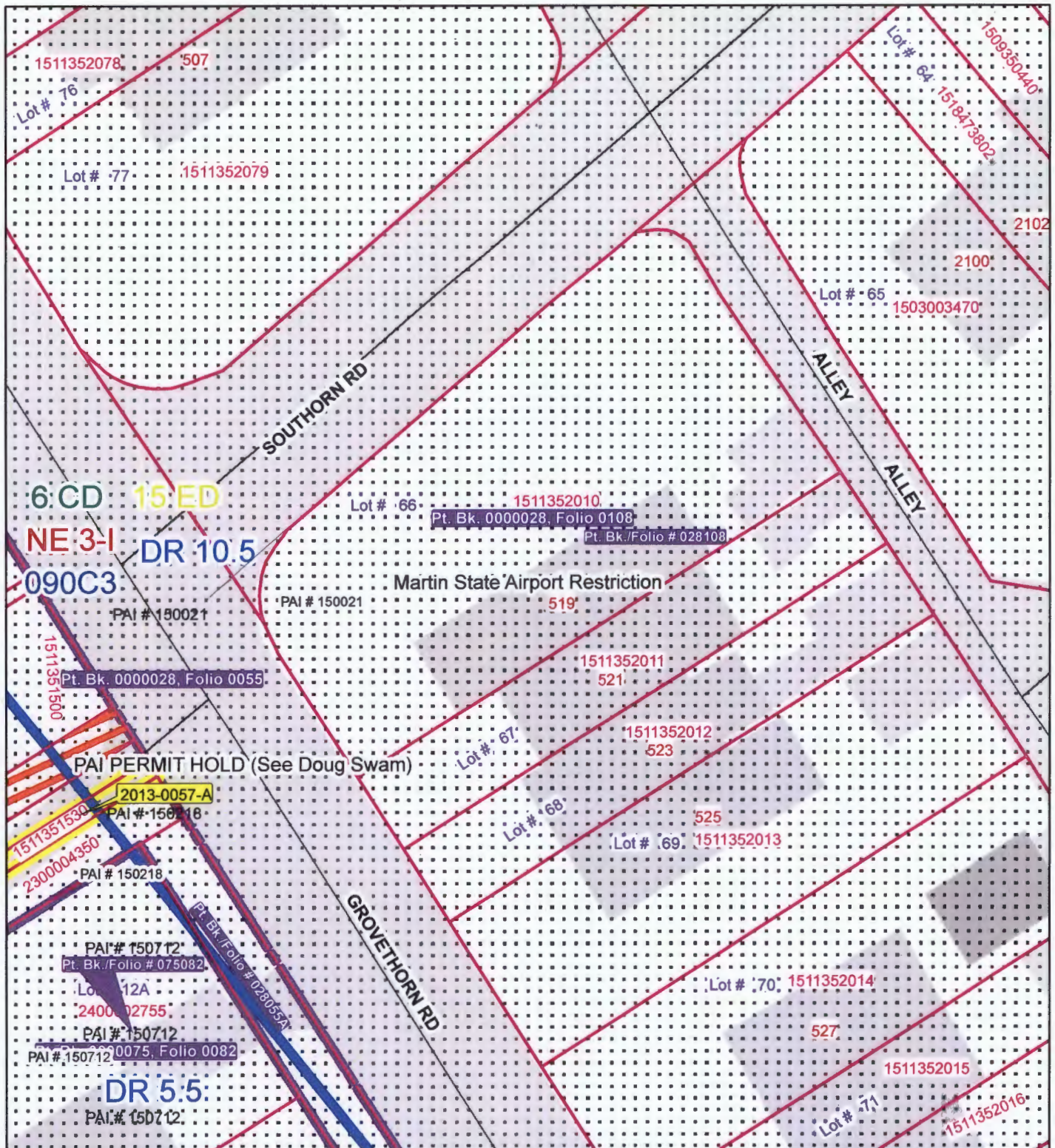


0 5 10 20 30 40 Feet

1 inch = 30 feet

Item #0010

519 Grovethorn Road



Publication Date: 7/14/2015



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40
Feet

1 inch = 30 feet

Item # 0010







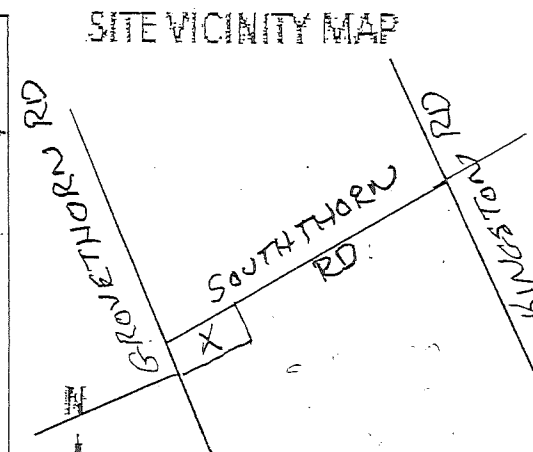
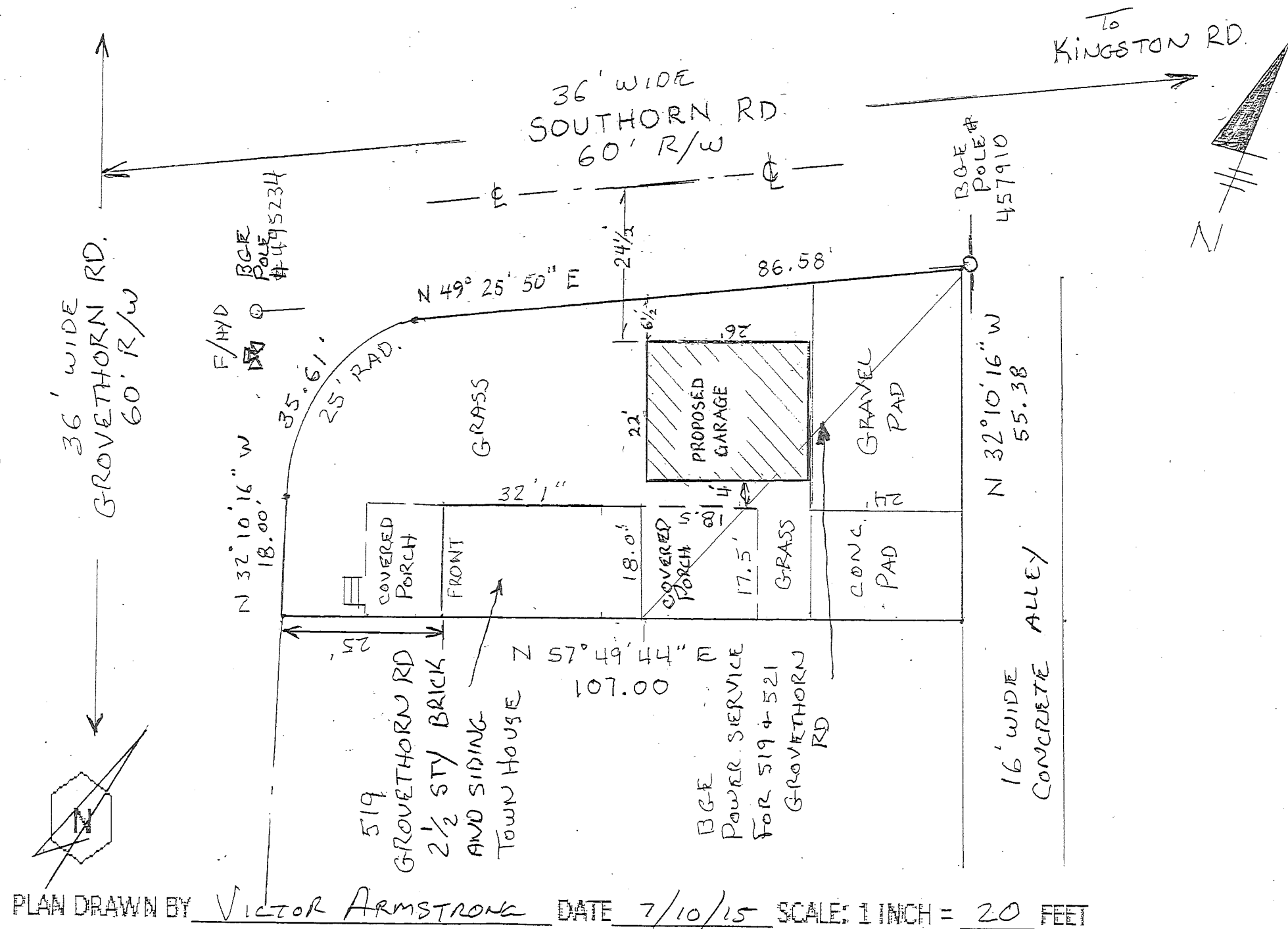








ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH ☒)
 ADDRESS 519 Grovethorn RD OWNER(S) NAME(S) VICTOR G. ARMSTRONG SR.
 SUBDIVISION NAME HAWTHORN LOT # 66 BLOCK # 22 SECTION # 6
 PLAT BOOK # 28 FOLIO # 0108 10 DIGIT TAX # 1511352010 DEED REF. # 23820100177



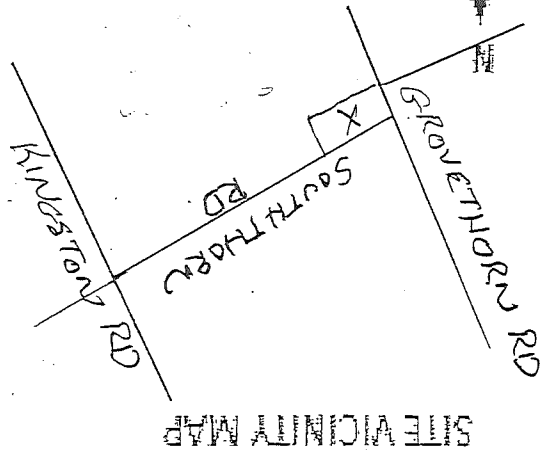
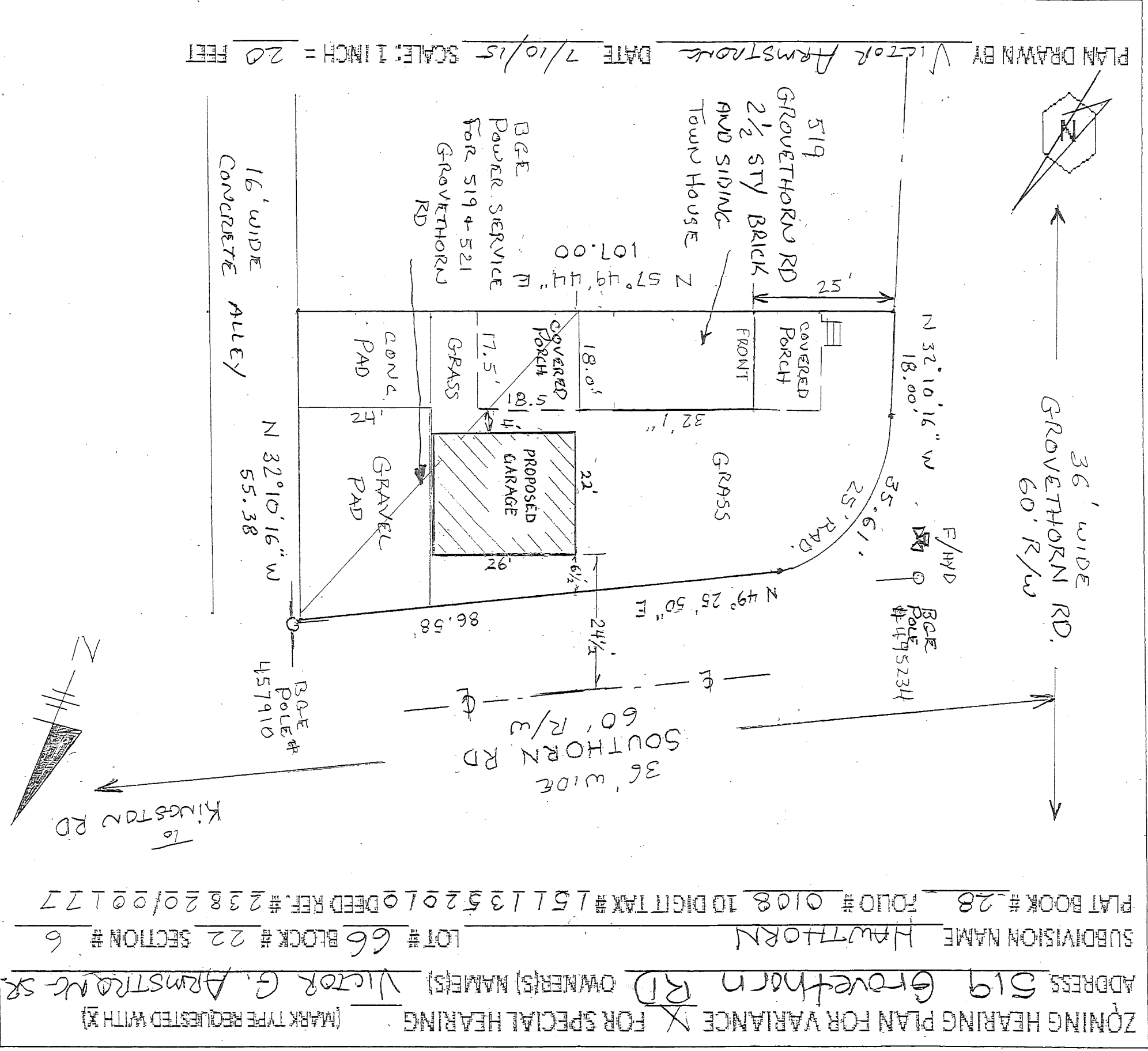
MAP IS NOT TO SCALE
 ZONING MAP # 090C3
 SITE ZONED DR 10.5
 ELECTION DISTRICT 15th
 COUNCIL DISTRICT 6th
 LOT AREA ACREAGE _____
 OR SQUARE FEET 4725
 HISTORIC? No
 IN CBCA? Yes
 IN FLOOD PLAIN? No
 UTILITIES? MARK WITH ☒
 WATER IS:
 PUBLIC ☒ PRIVATE _____
 SEWER IS:
 PUBLIC ☒ PRIVATE _____
 PRIOR HEARING? No
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

#2016-0010-A
 R. J.

PLAN DRAWN BY VICTOR ARMSTRONG DATE 7/10/15 SCALE: 1 INCH = 20 FEET

VIOLATION CASE INFO:

Per. Ex. 1



MAP IS NOT TO SCALE

ZONING MAP# 09063

SITE ZONED DR 10.5

ELECTION DISTRICT 15+

COUNCIL DISTRICT 6+

LOT AREA ACREAGE

OR SQUARE FEET 4725

HISTORIC? No

IN CBCA? Yes

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS: PUBLIC X PRIVATE

SEWER IS: PUBLIC X PRIVATE

PRIOR HEARING? No

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

#2016-0010-A

137