MEMORANDUM

DATE:

October 27, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0019-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 26, 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 VARIANCE (2105 Edmondson Avenue)

1st Election District 1st Council District Joseph R. Steneman Petitioner BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0019-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Joseph R. Steneman, the legal owner of the subject property ("Petitioner"). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 1B02.3.C.1 to permit a side yard setback of 18 ft. and a side yard combination of 33 ft., a lot width of 80 ft. and a lot containing 16,000 sq. ft. in lieu of the required 25 ft., 40 ft., 100 ft., and 20,000 sq. ft., and to approve an undersized lot. The subject property and requested relief is more fully depicted on the site plan that was marked as Petitioner's Exhibit 1.

Owner Joseph R. Steneman appeared in support of the Petition. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not oppose the request, although it did provide suggested conditions for inclusion in the final Order.

The subject property is approximately 16,000 square feet and is zoned DR 2. The lot was created in 1948 by the Graham Place subdivision plat. The owner proposes to construct a single family dwelling on the lot, but requires zoning relief.

To obtain variance relief requires a showing that:

(1) The property is unique; and

(2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. The lot was created by a plat recorded in 1948, before the adoption of the zoning regulations. As such, the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because he would be unable to construct a dwelling on the lot. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of Baltimore County and/or community opposition.

As discussed at the hearing, the request "to approve an undersized lot per Section 304" is both inapposite and unnecessary. The grant of variance relief (under §307) will entitle Petitioner to construct a dwelling on the lot. In addition, §304 would be inapplicable in this case, since the "height and area regulations" (e.g., side yard setbacks) would not be satisfied; which necessitates the variance petition. As such, that aspect of relief will not be granted.

THEREFORE, IT IS ORDERED, this <u>25th</u> day of September, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") § 1B02.3.C.1 to permit a side yard setback of 18 ft. and a side yard combination of 33 ft., a lot width of 80 ft. and a lot containing 16,000 sq. ft. in lieu of the required 25 ft., 40 ft., 100 ft., and 20,000 sq. ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date.

Ву

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.
- 2. Petitioner must provide landscaping at the site, as determined in the sole discretion of the Baltimore County Landscape Architect.

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:sln

ORDER RECEIVED FOR FILING

ate____

By_



PETITION FOR ZONING HEARING(S) To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law Address 206 Edms of Administrative Law Deed References: 3643/1458 Property Owner(s) Printed Name(s)	of Baltimore County for the property located at: which is presently zoned Digit Tax Account # 01 23 1 5 4 6 2 1
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPROP	PRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)
The undersigned legal owner(s) of the property situate in and plan attached hereto and ma	Baltimore County and which is described in the description de a part hereof, hereby petition for.
a Special Hearing under Section 500.7 of the Zoni or not the Zoning Commissioner should approve .	ing Regulations of Baltimore County, to determine whether
2 a Special Exception under the Zoning Regulations	s of Baltimore County to use the herein described property for
3. ✓ a Variance from Section(s) See a Hach	e cl
Property is to be posted and advertised as prescribed by the zoning regul I, or we, agree to pay expenses of above petition(s), advertising, posting, and restrictions of Baltimore County adopted pursuant to the zoning law for	lations etc. and further agree to and are to be bounded by the zoning regulations
which is the subject of this / these Petition(s). Contract Purchaser/Lessee:	Legal Owners (Petitioners):
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Signature	Signature #1 Signature # 2
Mailing Address City State Zip Code Telephone # Email Address Attorney for Petitioner: Name- Type or Print Signature	Mailing Address City 100 State 21328 / 410-744-3257 petrous (apital 40
Zip Code Telephone # Employed	Zip Code Telephone # Emàil Address
Attorney for Petitioner:	Representative to be contacted:
Name- Type or Print	Name - Type or Print
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Mailing Address City State	Mailing Address City 100 State 2/228/410-744-3257 petcon (400) tal., 40m
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CASE NUMBER 2016- 6019- A Filing Date 7/27/15	Do Not Schedule Dates: Reviewer 13 k

1B02.3.C.1 to permit a side yard setback of 18 ft. and a side yard combination of 33 ft., a lot width of 80 ft. and a lot containing 16,000 sq. ft. in lieu of the required 25 ft., 40 ft., 100 ft., and 20,000 sq. ft., and to approve an undersized lot per Section 304.

ZONING PROPERTY DESCRIPTION FOR: 2105 EDMONDSON AVENUE, BALTIMORE, MD 21228

Beginning at a point on the South side of Edmondson Avenue which is 100 feet wide at a distance of 105 feet East of the centerline of the nearest improved intersecting street Edridge Way, which is 40 feet wide. Being Lot # 47, Section 2 in the subdivision of Graham Place as recorded in Baltimore County Plat Book # 14, Folio 95, containing 16,000 square feet. Located in the 1st Election District and the 1st Council District.

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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.

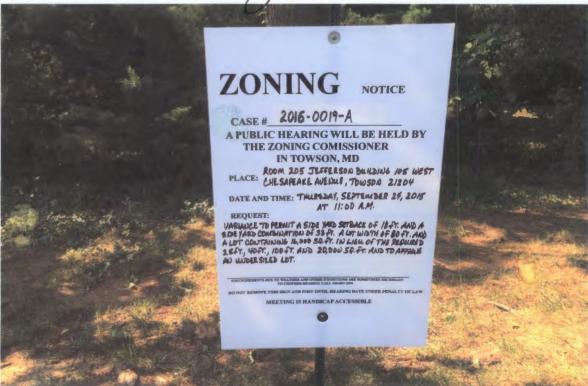
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 2016 - 0019 - A
Petitioner Joseph Steneman
Address or Location: 2105 Edmondson Ave Balt MD 31778
PLEASE FORWARD ADVERTISING BILL TO:
Name: Joseph Stenaman
Address: 2110 Devere La
Balt WHO @21228
Telephone Number: 410-744-3257

CERTIFICATE OF POSTING

	CASE NO: 2016-0019-A	
	PETITIONER/DEVELOPER	
	JOSEPH STENEMAN	
	DATE OF HEARING/CLOSING:	
	9/24/15	
	DUNTY DEPARTMENT OF DEVELOPMENT MANAGEMENT	
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	SAPEAKE AVENUE	
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NECESSARY SIG PROPERTY AT _	SINCERELY, MARTIN OGLE (SIGN POSTER) 60 CHELMSFORD COURT	
NECESSARY SIG PROPERTY AT _	SINCERELY, SINCERELY, SIGNATURE OF SIGN POSTER AND DATE: MARTIN OGLE (SIGN POSTER)	

mating 8/3/15





501 N. Calvert St., P.O. Box 1377 Baltimore, Maryland 21278-0001 tel: 410/332-6000 800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3534839

Sold To:

Joseph Steneman - CU00483495 2110 Devere Ln Catonsville, MD 21228-4806

Bill To:

Joseph Steneman - CU00483495 2110 Devere Ln Catonsville, MD 21228-4806

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Sep 03, 2015

The Baltimore Sun Media Group

By _____S. Wilkinso

Legal Advertising

NOTICE OF ZONING HEARING

The administrative Law Judge of baltimort County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2016-0019-A
2105 Edmondson Avanua

2105 Edmondson Avenue S/s Edmondson Avenue, 105 ft. e/of centerline of Edridge

Way

1st Election District - 1st Councilmanic District
Legal Owner(s) Joseph Steneman

Variance: to permit a side yard setback of 18 ft. and a side
yard combination of 33 ft. a lot width of 80 ft. and a lot yard combination of 33 ft. a lot width of 80 ft. and a lot containing 16,000 sq. ft. in lieu of the required 25 ft., 40 ft., 100 ft. and 20,000 sq. ft. and to approve an undersized lot. Hearing: Thursday, September 24, 2015 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 212Q4.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative

Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. 9/002 September 3



KEVIN KAMENETZ County Executive

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

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0019-A

2105 Edmondson Avenue

S/s Edmondson Avenue, 105 ft. e/of centerline of Edridge Way

1st Election District – 1st Councilmanic District

Legal Owners: Joseph Steneman

Variance to permit a side yard setback of 18 ft. and a side yard combination of 33 ft. a lot width of 80 ft. and a lot containing 16,000 sq. ft. in lieu of the required 25 ft., 40 ft. 100 ft. and 20,000 sq. ft. and to approve an undersized lot.

Hearing: Thursday, September 24, 2015 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jabion Director

AJ:kl

C: Joseph Steneman, 2110 Devere Lane, Baltimore 21228

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 4, 2015

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 3, 2015 Issue - Jeffersonian

Please forward billing to:

Joseph Steneman 2110 Devere Lane Baltimore, MD 21228 410-744-3257

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0019-A

2105 Edmondson Avenue S/s Edmondson Avenue, 105 ft. e/of centerline of Edridge Way 1st Election District – 1st Councilmanic District Legal Owners: Joseph Steneman

Variance to permit a side yard setback of 18 ft. and a side yard combination of 33 ft. a lot width of 80 ft. and a lot containing 16,000 sq. ft. in lieu of the required 25 ft., 40 ft. 100 ft. and 20,000 sq. ft. and to approve an undersized lot.

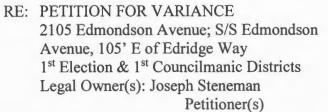
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Director of Permits Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





- BEFORE THE OFFICE
- OF ADMINSTRATIVE
- * HEARINGS FOR
- * BALTIMORE COUNTY
- * 2016-019-A

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

AUG 06 2015

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carle S Domlio

CAROLE S. DEMILIO Deputy People's Counsel Jefferson Building, Room 204 105 West Chesapeake Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of August, 2015, a copy of the foregoing Entry of Appearance was mailed to Joseph Steneman, 2110 Devere Lane, Baltimore, MD 21228, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2016-

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
8/12/15	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	N/C
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
9/20/15	PLANNING (if not received, date e-mail sent)	G
8/3/15	STATE HIGHWAY ADMINISTRATION	no Obj
	TRAFFIC ENGINEERING	0
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ON (Case No.	
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PEOPLE'S COUNS	EL APPEARANCE Yes No	
PEOPLE'S COUNS	EL COMMENT LETTER Yes No	
Comments, if any:		
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Real Property Data Search (w1)

Guide to searching the database

Search Result for	BALTIMORE	COUNTY
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Homestead Application Status: No Application

Baltimore County

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

District: 01 Account Number: 0123154621



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.shtml).



(http://imsweb05.mdp.state.nd.us/website/mosp/)

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

September 17, 2015

Joseph R Steneman 2110 Devere Lane Baltimore MD 21228

RE: Case Number: 2016-0019 A, Address: 2105 Edmondson Avenue

Dear Mr. Steneman:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 27, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

U. Carl Richal

WCR: jaw

Enclosures

c: People's Counsel

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor
Maryland Department of Transports

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

Date: 8/3/15

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

RE: Baltimore County
Item No 2016-0019-A

Variance

Foseph R. Steneman 2105 Edmonson Avenue

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. 2016-00 19-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

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: August 26, 2015

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

2105 Edmondson Avenue

INFORMATION:

Item Number:

16-019

Petitioner:

Joseph P. Steneman

Zoning:

DR 2

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Variance to permit a proposed 2 story dwelling with a side yard of 18 feet, a side yard sum of 33 feet, a lot width of 80 feet, and a lot of 16,000 square feet in lieu of the required 25 feet, 40 feet, 100 feet, and 20,000 square feet respectively, and to approve an undersized lot.

The Department has no objection to the granting of the petitioned relief conditioned upon the following:

- 1. The Petitioner proposes sharing a portion of the existing driveway at 2103 Edmonson Avenue with the subject property. The Department has no objection to this provided all necessary agreements and easements are concluded and recorded among the Land Records for Baltimore County prior to the issuance any Use and Occupancy Permit.
- 2. Submit a landscape plan to the Baltimore County Landscape Architect for review and approval prior to the issuance of any building permit.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Division Chief:

AVA/KS

C: Jeanette Tansey, RLA, Dept. of Permits, Inspections & Approvals

Kalny Gorlabach

Bill Skibinski

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 August 10, 2015

Item No. 2016-0019, 0020, 0021, 0022, 0023, 0024, 0025 and 0026

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

RECEIVED

DATE: August 12, 2015

AUG 1 4 2015

Development Plans Review Department of Permits, Approvals and Inspections

DAK:CEN cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC08102015.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: August 26, 2015

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

2105 Edmondson Avenue

INFORMATION:

Item Number:

16-019

Petitioner:

Joseph P. Steneman

Zoning:

DR 2

Requested Action:

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Division Chief: _

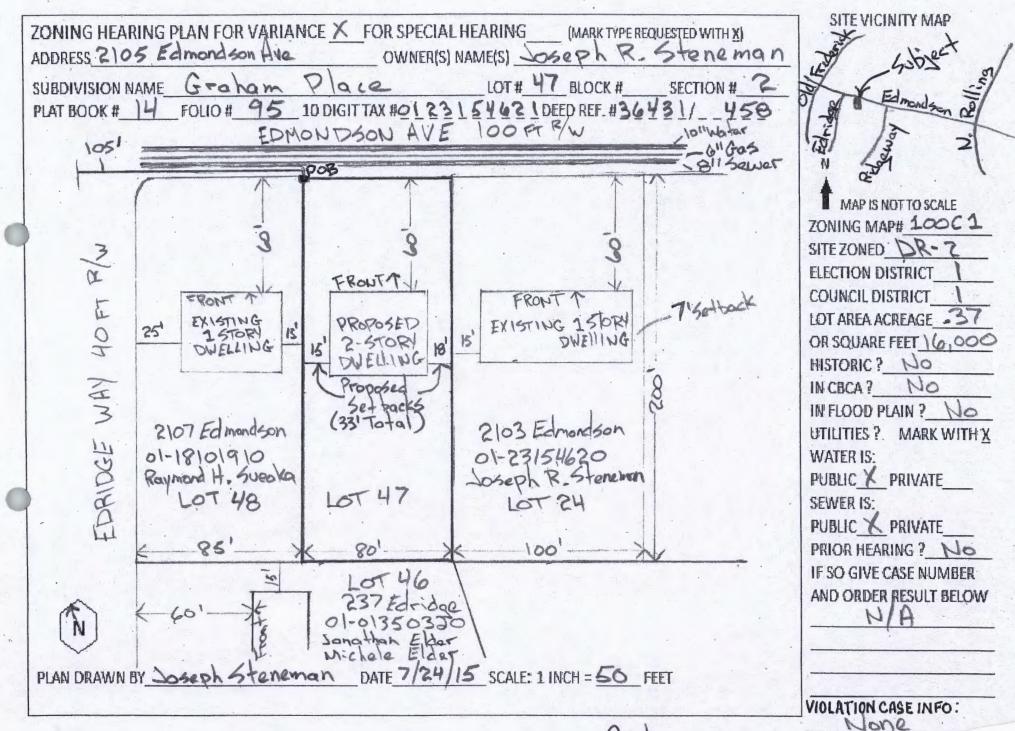
AVA/KS

C: Jeanette Tansey, RLA, Dept. of Permits, Inspections & Approvals Bill Skibinski

Kalny Gerealsach







Petitioner Ex. 1

