

IN RE: PETITION FOR ADMIN. VARIANCE *
(2900 Anderson Road)
7th Election District *
3rd Council District *
Marilyn G. Lee *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2016-0026-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, Marilyn G. Lee ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed detached accessory structure (garage) with a height of 17 ft. in lieu of the maximum allowed 15 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 August 9, 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 RECEIVED FOR FILING

Date 8-26-15

By DW

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 accessory structure (garage) height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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 26th day of **August, 2015** by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a proposed detached accessory structure (garage) with a height of 17 ft. in lieu of the maximum allowed 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.
2. The Petitioner or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

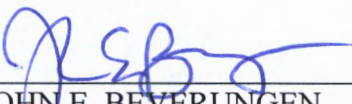
ORDER RECEIVED FOR FILING

Date 8-26-15

By DW

3. 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 8-26-15

By RAJ



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 2900 Anderson Rd. White Hall MD 21161 Currently zoned RC2
Deed Reference 26759 / 800376 10 Digit Tax Account # 1900001039
Owner(s) Printed Name(s) Marilyn Gail Lee

(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. X **ADMINISTRATIVE VARIANCE** from Section(s) 400.3 - to permit a proposed detached accessory structure (garage) with a height of 17 feet in lieu of the maximum allowed 15 feet

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):

Marilyn Gail Lee
Name #1 - Type or Print Name #2 - Type or Print

Marilyn G. Lee
Signature #1 Signature #2

2900 Anderson Rd White Hall MD
Mailing Address City State

21161 410 3574056 H
Zip Code Telephone # Email Address

410-785-2300 W comcast.net

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

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Same
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 8 day of August, 2015, 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 2016-0026-A Filing Date 7/30/15 Estimated Posting Date 8/9/15 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: 2900 Anderson Rd. White Hall MD 21161
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)

Architecturally consistent with current Roof pitch of house and
provides additional storage.
Existing Roof Pitch is 8/12 and Roof Pitch of both
proposed attached and detached garages would be
architecturally pleasing and consistent at 8/12 Pitch.

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

Marilyn G Lee
Signature of Owner (Affiant)
Marilyn Gail Lee
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 16th day of July, 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Marilyn G Lee

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

AS WITNESS my hand and Notaries Seal

Linda Redhouse
Notary Public
MY COMMISSION EXPIRES OCTOBER 17, 2018
My Commission Expires

PROPERTY DESCRIPTION

PART A:

ZONING PROPERTY DESCRIPTION FOR 2900 ANDERSON ROAD, WHITE HALL

Beginning at a point on the North side of Anderson Road which is 60 feet of Right of Way width at the distance of 2000 feet from center line of W. Liberty Road.

east

PART B:

Being Lot #21 , Block N/A, Section N/A, in the subdivision of Indian Meadows as recorded in Baltimore County Plat Book #46, Folio #96, containing 1.37 acres. Located in the 7 Election District and 3 Council District.

Item #0026

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

No. **127374**

Date: **7/30/15**

PAID RECEIPT

BUSINESS ACTUAL TIME
 7/31/2015 7/30/2015 11:41:41

REG 0904 WALKIN KENI RNS

RECEIPT # 675427 7/30/2015

Dept 5 505 ZONING VERIFICATION

NO. 127374

Recpt Tot 175.00

175.00 CR 1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0080		6150					\$75

Total: **575**

Rec

From:

For:

Zoning Hearing - case # 2016-0026-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0026 -A Address 2900 Anderson Rd

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/30/15 Posting Date: 8/9/15 Closing Date: 8/24/15

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- 0026 -A Address 2900 Anderson Rd

Petitioner's Name Marilyn G Lee Telephone 410 785-2300

Posting Date: 8/9/15 Closing Date: 8/24/15

Wording for Sign: To Permit a proposed detached accessory structure
(garage) with a height of 17 feet in lieu of the maximum
allowed 15 feet

Revised 7/18/14

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 2016-0026-A
Petitioner: Marilyn G Lee
Address or Location: 2900 Anderson Rd White Hall MD 21161

PLEASE FORWARD ADVERTISING BILL TO:

Name: Marilyn G Lee
Address: Same

Telephone Number: 410-785-2300

CERTIFICATE OF POSTING

Date: 8-9-15

RE: Case Number: 2016-0026-A

Petitioner/Developer: Gail Lee

Date of Hearing/Closing: 8-24-15

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 2900 Anderson Rd

The signs(s) were posted on 8-9-15
(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 # 2016-0026-A

TO PERMIT A PROPOSED DETACHED
ACCESSORY STRUCTURE (GARAGE) WITH A
HEIGHT OF 17 FEET IN LIEU OF THE
MAXIMUM ALLOWED 15 FEET

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 8/26/16

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391
REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

MEMORANDUM

DATE: September 25, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0026-A – Appeal Period Expired

The appeal period for the above-referenced case expired on September 24, 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

CASE NO. 2015-

⁶ 0026-A

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

8-12

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 _____)

8-3

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 8-9-15 by Pilson

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 07 Account Number - 1900001039			
Owner Information					
Owner Name:	LEE MARILYN GAIL		Use:	RESIDENTIAL	
Mailing Address:	2900 ANDERSON RD WHITE HALL MD 21161-9021		Principal Residence:	YES	
			Deed Reference:	/26759/ 00376	
Location & Structure Information					
Premises Address:		2900 ANDERSON RD 0-0000		Legal Description:	1.37 AC 2900 ANDERSON RD NS INDIAN MEADOWS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0008	0010	0026		0000	21 2014 0046/0096
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1981	925 SF	414 SF	1.3700 AC	04	
Stories Split Foyer	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
	YES	SPLIT FOYER	SIDING	2 full/ 1 half	1 Attached
Value Information					
	Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	114,000	102,600			
Improvements	150,000	135,900			
Total:	264,000	238,500	238,500	238,500	
Preferential Land:	0			0	
Transfer Information					
Seller: LEE MARYILYN GAIL		Date: 03/12/2008		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /26759/ 00376		Deed2:	
Seller: WILKENLOH ANDREW F		Date: 07/15/1994		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /10650/ 00550		Deed2:	
Seller: FINLEY DOUGLAS K		Date: 05/31/1990		Price: \$154,000	
Type: ARMS LENGTH IMPROVED		Deed1: /08493/ 00086		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 06/19/2008					

Item # 0026
Need shirts &
boots for
Tactical Training



Location of
Detached Garage
2000
S. West 11th St
Arlington, VA

Item #0026





Garage 101 parking
proposed

Item #0026



Footbridge
Tennis
Clubhouse
Golf Cart

Item #0020



KEVIN KAMENETZ
County Executive

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

August 25, 2015

Marilyn Gail Lee
2900 Anderson Road
White Hall MD 21161

RE: Case Number: 2016-0026 A, Address: 2900 Anderson Road

Dear Ms. Lee:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 30, 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 written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel



Larry Hogan, Governor
Boyd Rutherford, Lt. Governor

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

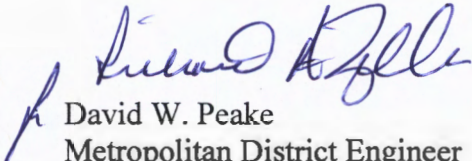
RE: Baltimore County
Item No 2016-0026-A
Administrative Variance
Marilyn G. Lee
2900 Anderson Road

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. 2016-0026-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

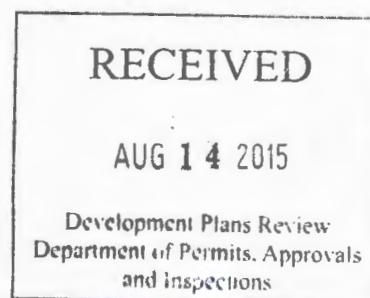
TO: Arnold Jablon, Director,
Department of Permits, Approvals
And Inspections

DATE: August 12, 2015

FROM: Dennis A. Kennedy, ^{DAK}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

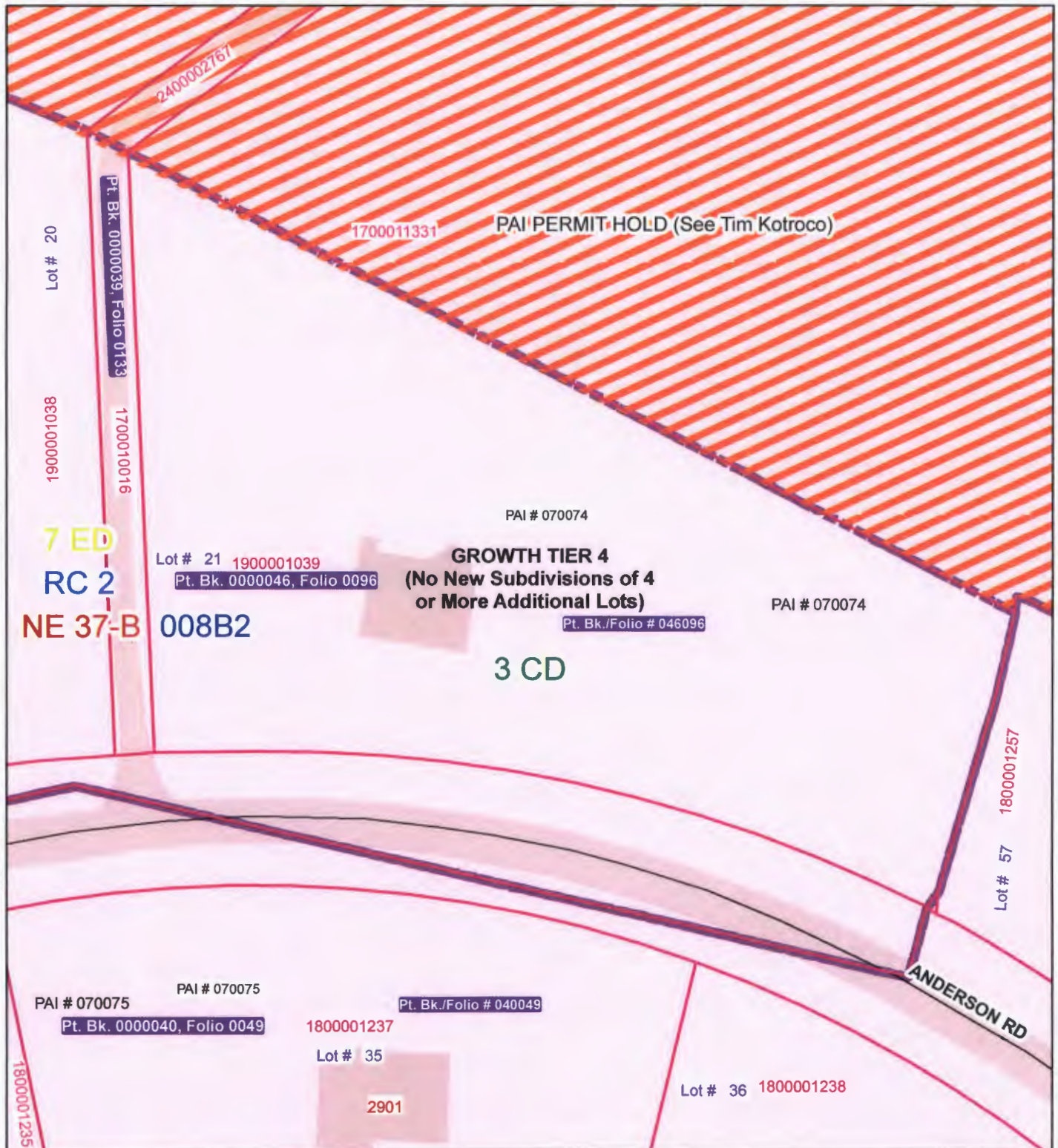
The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.



DAK:CEN
cc:file

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

2900 Anderson Road



Publication Date: 7/29/2015



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



0 15 30 60 90 120 Feet

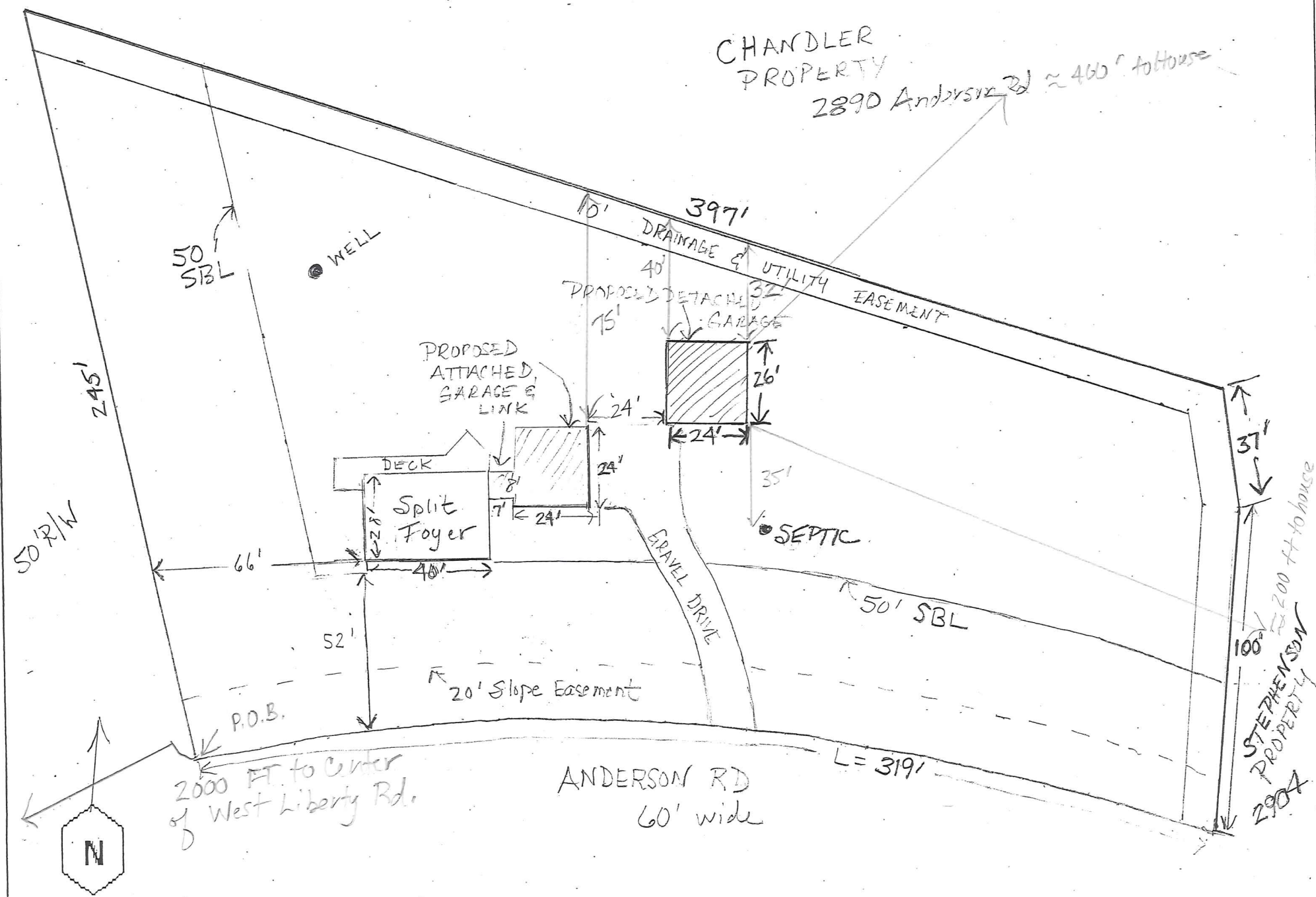
1 inch = 60 feet

Item #0026

Per. Eoh. 1

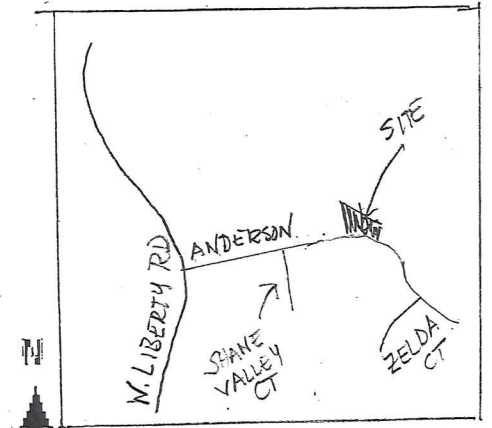
VIOLETION CASE INFO:

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 2900 ANDERSON RD WHITE HALL OWNER(S) NAME(S) MARILYN G LEE
 SUBDIVISION NAME INDIAN MEADOWS LOT # 21 BLOCK # _____ SECTION # _____
 PLAT BOOK # 46 FOLIO # 96 10 DIGIT TAX # 19 000 010 39 DEED REF. # 26 1591 00 376



PLAN DRAWN BY M. GAIL LEE DATE 07/22/15 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE
 ZONING MAP# 008B2
 SITE ZONED RC-2
 ELECTION DISTRICT 7
 COUNCIL DISTRICT 3
 LOT AREA ACREAGE 1.37
 OR SQUARE FEET _____
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS: PUBLIC _____ PRIVATE X
 SEWER IS: PUBLIC _____ PRIVATE X
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

#2016-0026-A

RJD

VIOLATION CASE INFO: