#### MEMORANDUM

DATE:

October 2, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0027-A- Appeal Period Expired

The appeal period for the above-referenced case expired on October 1, 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 (9100 Avenue A)

15<sup>th</sup> Election District 7<sup>th</sup> Council District Michael and Kristine Weber Petitioners **BEFORE THE** 

OFFICE OF ADMINISTRATIVE

\* HEARINGS FOR

**BALTIMORE COUNTY** 

CASE NO. 2016-0027-A

### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Michael and Kristine Weber. The Petitioners are requesting Variance relief from § 1B01.2.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed rear addition on a corner lot with a side street setback of 7± feet in lieu of the required 25 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The property is located within the Critical Area and thus the Petitioners must comply with both the CBCA and flood protection regulations, as noted in the ZAC comments submitted by the Department of Environmental Protection and Sustainability (DEPS) and the Bureau of Development Plans Review (DPR).

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 15, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 seneral welfare of the public and

Date 9-1-15

By Sln

should therefore be granted. In the opinion of the Administrative Law Judge, the information and photographs submitted provide sufficient facts that comply 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 Petitioners.

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 <u>1st</u> day of September, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §1B01.2.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed rear addition on a corner lot with a side street setback of 7 ± feet in lieu of the required 25 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
  - 2. Petitioners must comply with Critical Area and Floodplain regulations prior to building permit application.

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

Date\_\_\_

BV\_\_\_DUN

2

# CBCK

# ADI STRATIVE ZONING PROTION

F100)

To be filed with the Department of	– OR – ADMINISTRATI\ SPECIAL HEARING of Permits, Approvals and Inspections for Baltimore County for the property located at:
Address 9100 Avenue A Spacraus Point, mi	
Deed Reference 34798 / 038	10 Digit Tax Account # 1 5 1 1 6 7 0 0 2 0
Owner(s) Printed Name(s) michael and Kris	tine weber
(SELECT THE HEARING(S) BY MARKING X AT THE APPRO	PRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the r	reverse 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. X ADMINISTRATIVE VARIANCE from Section(s)	
Sections: 1B01.2.3.C.1	
To permit a proposed rear addition or lieu of the required 25 feet.	n a corner lot with a side street setback of 7+/- feet in
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to approach County Code: (indicate type of work in this space: i.e., to raz	ove a waiver pursuant to Section 32-4-107(b) of the Baltimore are, alter or construct addition to building)
of the Baltimore County Code, to the development law of Baltimore County is to be posted and advertised as prescribed by the zoning regular l/ we agree to pay expenses of above petition(s), advertising, posting, etc. a Baltimore County adopted pursuant to the zoning law for Baltimore County.	tions. and further agree to be bound by the zoning regulations and restrictions of
Attorney for Owner(s)/Petitioner(s):	Zip Code Telephone # Émail Address c  Representative to be contacted:
Actioney for Owner(s)/r eccloner(s).	Representative to be contacted.
Name- Type or Print	Name - Type or Print
Signature	Signature
Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address	212 19 / 706-761-6746 /mdwebec1120gma.l.c
County, this day 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 trative Law Judge for Baltimore County
CASE NUMBER 2016-0027-A Filing Date Y 4	2015 Estimated Posting Date// Reviewer

Rev 5/8/2014

# Affidavit in Support 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: 9100 Avenue A	Spacrows	Point	WD	21219
Print or Type Address of property	City		State	Zîp Code
Based upon personal knowledge, the fol				
Administrative Variance at the above ad-	dress. (Clear	rly state	practical diffic	culty or hardship here)
we would like to build				
existing home. The addition	is not	chonging	the existi	ns sete backs
of the current home to t	re proper	ly line	· According	to the location
on the north east side of the	the pro	perty in	es purchase	d, our existing setbac
built in 1926, prior to theexis	tion code	man dad	100 0 10	Soot cet back the
change the houses legation of				
addition to accommodate au	growing f	òmily.	this addition	will continue the
houses existing foundation/wa	ill lines, 1	pasically	extanding th	e house 40 feet
in-land. We request on adv	in intrative	vario	nce approvel	so that we can
continue to enjoy the home				
family. with the new addition	the home	will be	approx. 2,100	sque feet on a 24,0
(If additional space for the petition reques	t or the above	statemen	t is needed, labe	squire foot Lot, and attach it to this Form)
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NUAND			1 + 11	41
Signature of Owner (Affiant)		Sign	nature of Owner (A	Affiant)
		V	wisting in	(2)-21-
Name- Print or Type		Nan	ne- Print or Type	leber_
Name- Fint of Type		Nan	ne- Fint of Type	
The following information is to	be completed	by a Nota	ry Public of the S	tate of Maryland
STATE OF MARYLAND, COUNTY OF I	BALTIMORE	to wit:		
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I HEREBY CERTIFY, this 31 37 day	of Juli	1.00	//, before n	ne a Notary of Maryland, in
and for the County aforesaid, personally app	eared:	1	,	/
Print name(s) here: MIChael We	hort	KNIS	tine le	be-
	THE !			7-06
the Affiant(s) herein, personally known or sa	tisfactorily ide	ntified to	me as such Afria	nt(s).
	//		Lori M. P.	ummer
AS WITNESS my hand and Notaries Seal	1	1/	Notary	Public
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N	ly Commissio	n Expires	Cammission Evni	res February 5, 2016
		My	COLLINSSION EXPI	10010010017

REV. 5/8/2014

### Zoning property description for 9100 Avenue A, Sparrows Point, MD 21219.

Beginning at a point on the north side of Avenue A which is approximately 30 feet wide at the distance of 15 feet west of the centerline of the nearest improved intersecting street Ross Road which is 30 feet wide. Being Lot # 9, Block N/A, Section N/A in the subdivision of Thomas B.Todd Jr. as recorded in Baltimore County Plat Book #7, Folio #70, containing 24,034 Square Feet. Located in the 15 Election District and 7 Council District.

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DISTRIB	ITION	BUT F THE	1 - 1	1- 1	2,3	O. 57-75.	-		VALIDATION

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2016- 0027 -A Address 9100 Avenue A
Contact Person: heovard hasilewski Phone Number: 410-887-3391
Filing Date: 8/4/15 Posting Date: 8/16/15 Closing Date: 8/31/1  Any contact made with this office regarding the status of the administrative variance should be
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. <a href="POSTING/COST">POSTING/COST</a> : 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. <b>DEADLINE:</b> 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.
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- 0027 -A Address 9100 Avenue A  Petitioner's Name Michael + Kristine Weben Telephone
Petitioner's Name Michaelt Kristine Weben Telephone
Posting Date: 8/16/15 Closing Date: 8/31/15
Wording for Sign:  To permit a proposed rear addition on a corner lot with a side street setback of 7+/- feet in lieu of the required 25 feet.

### CERTIFICATE OF POSTING

Date:

RE:	Droject Name:	9100 AVENUE A
KE.	Project Name:	0046 0007 A
	Case Number /PAI Number:	
	Petitioner/Developer: MIC	HAEL & KRISTINE WEBER
	Date of Hearing/Closing:A	UGUST 31, 2015
were	This is to certify under the pe	nalties of perjury that the necessary sign(s) required by law
	9100 AVEN	
	The sign(s) were posted on _	AUGUST 15, 2015
		(Month Day Year)

# **ZONING NOTICE**

ADMINISTRATIVE VARIANCE CASE NO. 2016-0027-A

REQUEST: TO PERMIT A PROPOSED REAR
ADDITION ON A CORNER LOT WITH A SIDE
STREET SETBACK OF 7 FEET +/- IN LIEU OF THE
REQUIRD 25 FEET

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 teceived in the Zoning Review Office before 5 P.M. on:

AUGUST 31, 2015

Additional information is available at the Department of Permits, Approvals and Inspections, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson, Md. 21204 (410) 887-3391

 Oaved W. Delleuply
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

AUGUST 15, 2015

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

### **BALTIMORE COUNTY, MARYLAND**

### **Inter-Office Correspondence**

RECEIVED



SEP 0 1 2015

OFFICE OF ADMINISTRATIVE HEARINGS

TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

September 1, 2015

SUBJECT:

DEPS Comment for Zoning Item

# 2016-0027-A

Address

9100 Avenue A (Weber Property)

Zoning Advisory Committee Meeting of XXX, 2015.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

- (17) (i) "Lot coverage" means that percentage of total lot or parcel that is:
- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material
- (ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.
- (iii) "Lot coverage" does not include:

C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content,Outlook\WPHS9SSK\ZAC 16-0027-A 9100 Avenue A.doc

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;

- 2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
- 3. A wood mulch pathway; or
- 4. A deck with gaps to allow the water to pass freely.

In order to minimize impacts on water quality, the applicant should comply with the LDA lot coverage requirement, which, for a property this size, is 5,445 square feet (sf), with mitigation for lot coverage between 15% and 5,445 sf. The property is also located within a Buffer Management Area (BMA), which further restricts lot coverage and structures within 100 feet landward of mean high water (100 foot buffer). According to the plan submitted for this review and a site inspection of the property, the total existing and proposed lot coverage is below 15%, and there is no proposed lot coverage or structures within the 100 foot buffer, therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized.

2. Conserve fish, wildlife, and plant habitat; and

The current development proposal for the property will be reviewed for application of the LDA and BMA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Galloway Creek.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The side yard setback and lot coverage areas requested will be consistent with established land use policies, provided that the applicants meet any LDA and BMA requirements applicable to the proposal. The request, if granted, will avoid environmental impacts.

Reviewer: Thomas Panzarella; Environmental Impact Review



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

District: 15 Account Number: 1511670020

A map was not found for this property.

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 <a href="http://www.plats.net">www.plats.net</a> (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 <a href="https://www.mdp.state.md.us/OurProducts/OurProducts.shtml">www.mdp.state.md.us/OurProducts/OurProducts.shtml</a>) (http://www.mdp.state.md.us/OurProducts/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 31, 2015

Michael & Kristine Weber 9100 Avenue A Sparrows Point MD 21219

RE: Case Number: 2016-0027 A, Address: 9100 Avenue A

Dear Mr. & Ms. Weber:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 4, 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. Carl Richa

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: 8/11/15

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

RE: Baltimore County

Item No 2016-0027-A

Administrative Variance

Michael & Christine Weber

9100 Dignie A

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. 2016-0027-4.

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



### CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
21/1/18	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)	
81415	STATE HIGHWAY ADMINISTRATION	moby
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	· · · · · · · · · · · · · · · · · · ·
ZONING VIOLAT	TION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER AD		
SIGN POSTING	8 (15 2015 Date: 83415	by Bullingsley
PEOPLE'S COUN	SEL APPEARANCE Yes No	
PEOPLE'S COUN	SEL COMMENT LETTER Yes No L	_
Comments, if any:		
	÷	

### Real Property Data Search ( w4)

Guide to searching the database

Search Resu	It for BA	LTIMORE	COUNTY
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View GroundRent Rec	demption		View Ground	Rent Registration	n	
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Homestead Application Status: No Application

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** August 17, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For August 17, 2015 Item No. 2016-0027

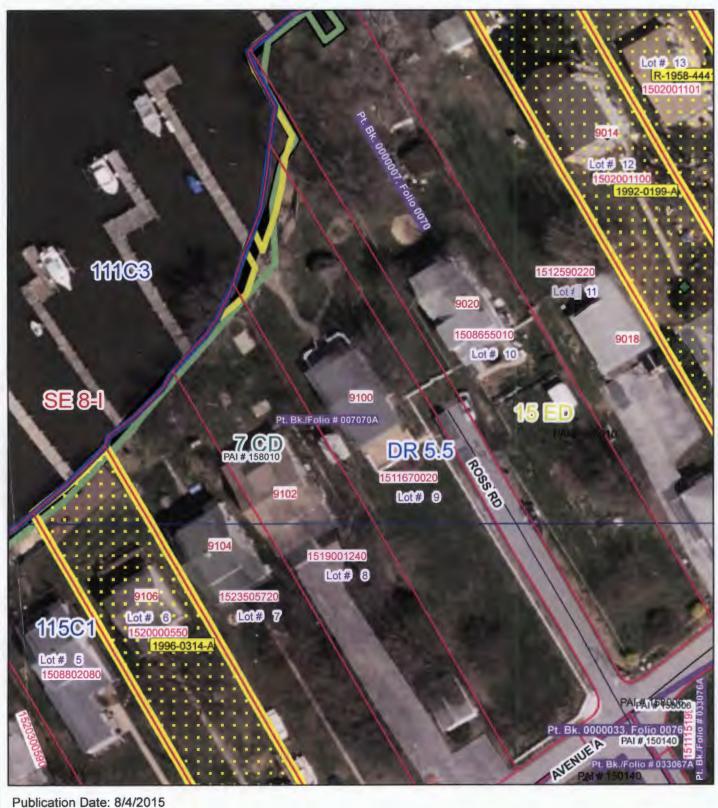
The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Prior to building permit application, the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation so that the lowest floor elevation can be set.

DAK:CEN cc:file

ZAC-ITEM NO 16-0027-08172015.doc

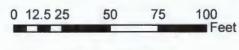
### 9100 Avenue A 2016-0027-A





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





1 inch = 50 feet

## ZU16-0027-A

