

MEMORANDUM

DATE: October 26, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0047-A- Appeal Period Expired

The appeal period for the above-referenced case expired on October 23, 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 *
(1 Bertwell Court)
8th Election District *
3rd Council District *
Ed and Courtney Bindl *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2016-0047-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, Ed and Courtney Bindl ("Petitioners"). The Petitioners are requesting Variance relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (shed) be located in the side yard in lieu of the required rear yard and third part of the lot farthest removed from the streets. 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. There were no adverse ZAC comments submitted from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 5, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 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 9-23-15

By BW

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 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.

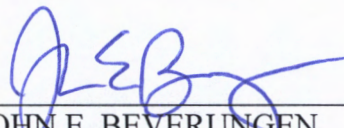
Pursuant to the posting of the property and the provisions of both the B.C.C. and the B.C.Z.R., and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 23rd day of **September, 2015**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (shed) be located in the side yard in lieu of the required rear yard and third part of the lot farthest removed from the streets, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.

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 9-23-15

By JEB



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 1 Bertwell Court Lutherville-Timonium 21093 Currently zoned DR 3.5
 Deed Reference 3405010195 10 Digit Tax Account # 0819079078
 Owner(s) Printed Name(s) Edward Bindl

(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:

- X **ADMINISTRATIVE VARIANCE** from Section(s) 400.1 to permit an accessory structure (shed) be located in the side yard in lieu of the required rear yard and third part of the lot farthest removed from the street.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

- 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):

Ed Bindl , Courtney Bindl
 Name #1 – Type or Print Name #2 – Type or Print
3/1/15 , (Signature)
 Signature #1 Signature #2
1 Bertwell Court Timonium MD
 Mailing Address City State
21093 , 818-635-2550 , cbindl@cydcor.com
 Zip Code Telephone # Email Address

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

Name- Type or Print
 Signature
 Mailing Address City State
 Zip Code Telephone # Email Address

Representative to be contacted:

COURTNEY BINDL
 Name – Type or Print
(Signature)
 Signature
1 Bertwell Court Timonium MD
 Mailing Address City State
21093 , 818-635-2550 , CBINDL@CYDCOR.COM
 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 9-23-15 day of September 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.

BY

Administrative Law Judge for Baltimore County

CASE NUMBER 2016-0047-A Filing Date 8/24/15 Estimated Posting Date 9/6/15 Reviewer BR

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: 1 Bertwell Court Lutherville-Timonium MD 21093
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)**

We are located on a corner lot with 49.5' clearance from the house to the right of way public street (Chetwood Circle). Our property has drainage behind the foundation line in the rear corner furthest from the street. It would be a hardship to relocate the drain and grade the land in order to put a shed in that location.

We'd like a variance to allow a 10' shed placed on the side of our home that would still allow for over 25' clearance to the right of way public street and is visually screened by existing trees on the property.

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

Edward J Bindl
Signature of Owner (Affiant)
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 2nd day of July, 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Edward Joseph Bindl

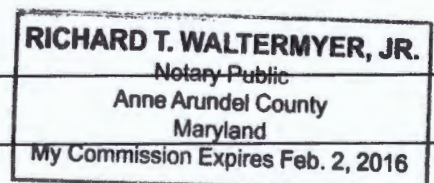
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires

2/2/16



ZONING DESCRIPTION

Zoning Description For 1 Bertwell Court

Beginning at a point on the Southeast corner of Bertwell Court which is 50 ft. wide and Chetwood Circle which varies in width. Being Lot # 25, Section 3, Block C in the subdivision of Coachford as recorded in Baltimore County Plat Book #0031, Folio# 0136, containing 14,575 square feet and located in the 8th Election District, 3rd Councilmanic District.

Case # 2016-0247-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0047 -A Address 1 Bertwell Ct.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/24/15 Posting Date: 9/06/15 Closing Date: 9/21/15

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- 0047 -A Address 1 Bertwell Ct.

Petitioner's Name Ed & Courtney Bindl Telephone 918-635-2550

Posting Date: 9/06/15 Closing Date: 9/21/15

Wording for Sign: To Permit an accessory (shed) in the side yard (street side) in lieu of the required rear yard and the third part of the lot farthest removed from the street.

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- 0047-A

Petitioner: Courtney Bindl

Address or Location: 1 Bertwell Court, Timonium MD 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: Courtney Bindl

Address: 1 Bertwell Court

Timonium MD 21093

Telephone Number: 818- 635- 2550

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0047 -A Address 1 Bertwell Ct.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/24/15 Posting Date: 9/06/15 Closing Date: 9/21/15

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

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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- 0047 -A Address 1 Bertwell Ct.

Petitioner's Name Ed & Courtney Bindl Telephone 918-635-2550

Posting Date: 9/06/15 Closing Date: 9/21/15

Wording for Sign: To Permit an accessory (shed) in the side yard (street side) in lieu of the required rear yard and the third part of the lot farthest removed from the street.

Revised 7/18/14

CERTIFICATE OF POSTING

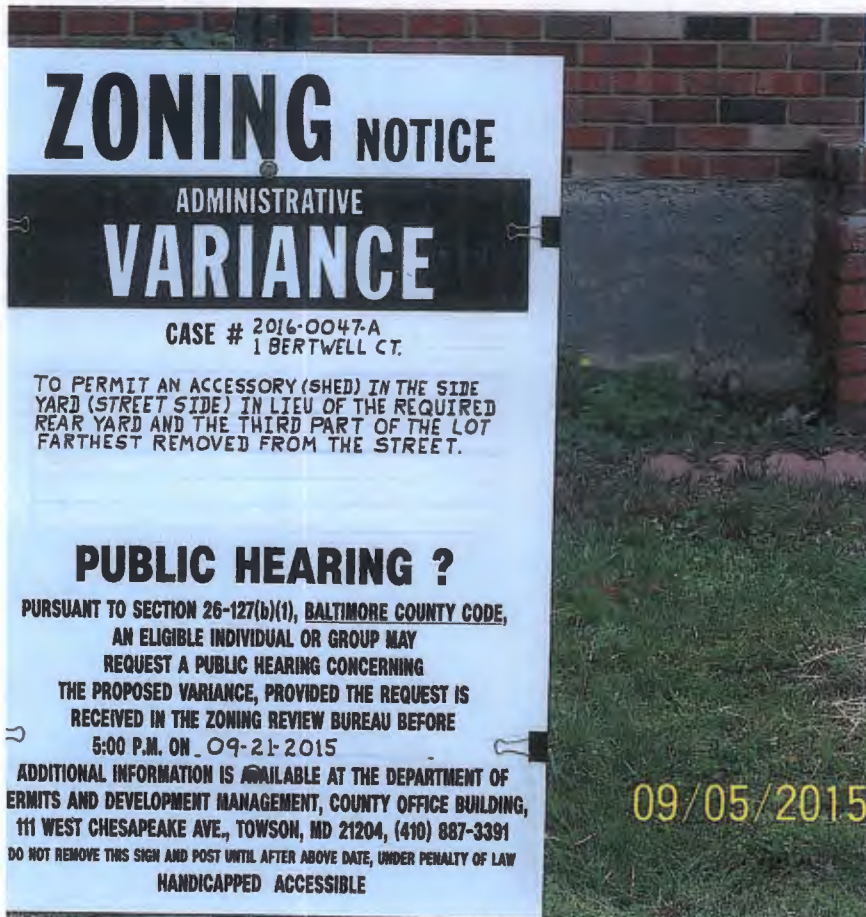
Date: 09/05/2015

RE: Project Name: Administrative Variance
Case Number /PAI Number: 2016-0047-A
Petitioner/Developer: Ed & Courtney Bindl
Date of Hearing/Closing: 09/21/2015

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 1 Bertwell Ct.

The sign(s) were posted on 09/05/2015

(Month, Day, Year)



John M. Altmeyer
(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Rd
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

(410) 382-6580
(Telephone Number of Sign Poster)

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9-9</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>9-2</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>9-5-15</u>	by <u>Altmeier</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

September 21, 2015

Ed & Courtney Bindl
1 Bertwell Court
Timonium MD 21093

RE: Case Number: 2016-0047 A, Address: 1 Bertwell Road

Dear Mr. & Ms. Bindl:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 24, 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

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



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

Date: 9/2/15

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

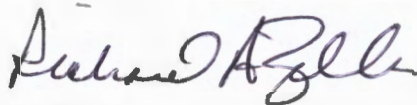
RE: Baltimore County
Item No. 2016-0047-A -
Administrative Variance
Ed & Courtney Bintl
1 Bertwell Court

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2016-0047-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 - District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 9, 2015

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 7, 2015
Item No. 2016-0047, 0048, 0050 and 0051

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\ZAC09072015.doc

2404

CHETWOOD CIR

PAI # 080083

Pt. Bk. 0000032, Folio 0112
PAI # 080083

Pt. Bk./Folio # 080083 0803052522
PAI # 080083

DR 16

0814067270
Lot # 33

2405
Lot # 32 0807016480

3 CD NW 15-A
8 ED 051C3

R-1962-5828

R-1959-4821

Pt. Bk./Folio # 031136

0802060580
Lot # 31

PAI # 088038

Lot # 25 1
0819079078
Pt. Bk. 0000031, Folio 0136

PAI # 088038

DR 3.5

Lot # 24 0819079077

2409

Lot # 23
0819079076

Lot # 41
1800011874

Lot # 40 1800011873
Pt. Bk. 0000042, Folio 0146

Pt. Bk./Folio # 042146

Lot # 27 0826020370

5

1978-0230-A

Pt. Bk. 0000040, Folio 0135
1700008409

Lot # 28
Pt. Bk./Folio # 040135

7

Lot # 39 1800011872

4

NORWICK CIR

710047



#0047



0047



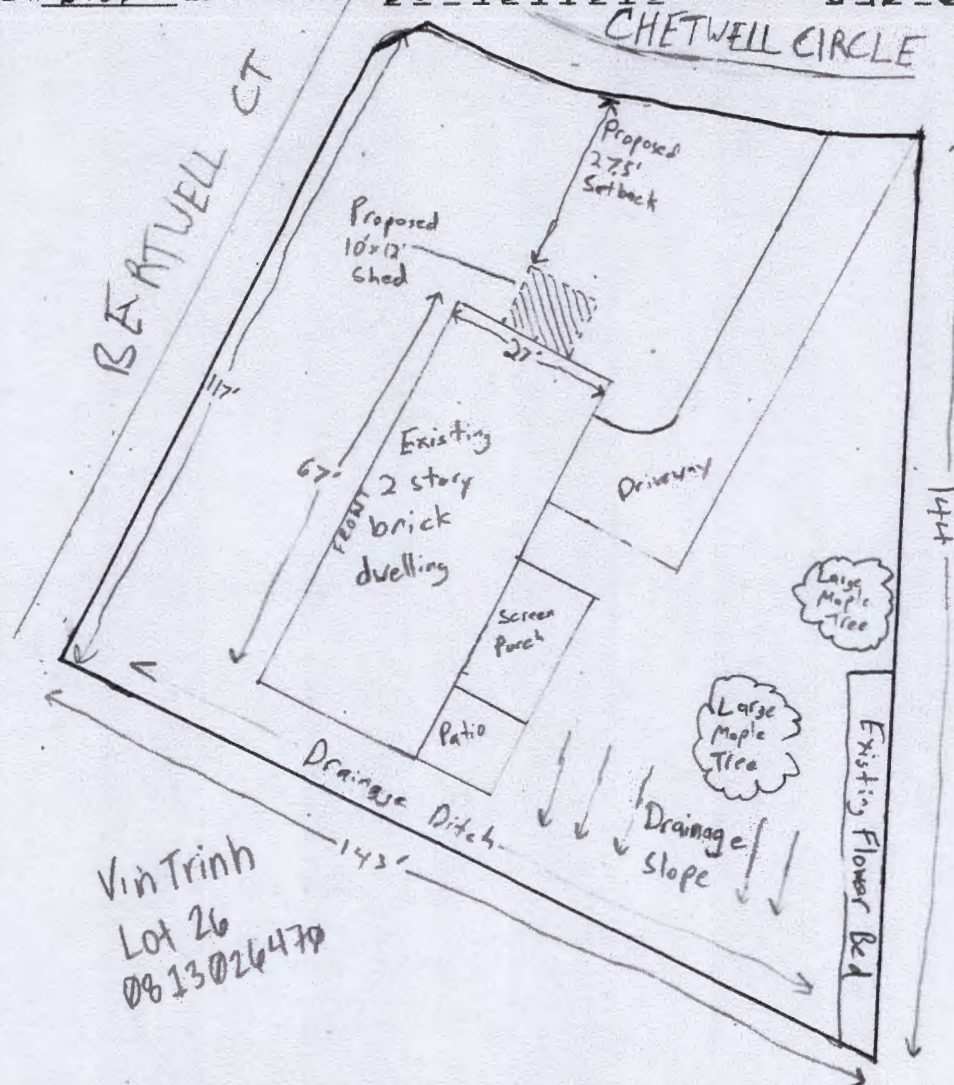
#0047

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 1 Bertwell CT OWNER(S) NAME(S) Ed Bindl

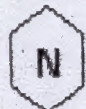
SUBDIVISION NAME (Coachford) LOT # 25 BLOCK # C SECTION # 3

PLAT BOOK # 31 FOLIO # 0136 10 DIGIT TAX # 0019079070 DEED REF. # 34050/00195



Noel Suder
Lot 24
0819079077

Vin Trinh
Lot 26
0813026470



PLAN DRAWN BY Ed Bindl

DATE 8-10-15 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP

N
MAP IS NOT TO SCALE

ZONING MAP# 051C3

SITE ZONED DR 3.5

ELECTION DISTRICT 8ED

COUNCIL DISTRICT 3CD

LOT AREA ACREAGE .33

OR SQUARE FEET 14575

HISTORIC? NO

IN CBCA? NO

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:

#000007

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS 1 Bertwell CT OWNER(S) NAME(S) Ed Bindl

SUBDIVISION NAME (Coachford) LOT # 25 BLOCK # C SECTION # 3

PLAT BOOK # 31 FOLIO # 0136 10 DIGIT TAX # 0019079077 DEED REF. # 34050/00195



Noel Suder
Lot 24
0819079077

SITE VICINITY MAP

N



MAP IS NOT TO SCALE

ZONING MAP# 051C3

SITE ZONED DR 3.5

ELECTION DISTRICT 8ED

COUNCIL DISTRICT 3CD

LOT AREA ACREAGE .33

OR SQUARE FEET 14575

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE

SEWER IS:

PUBLIC X PRIVATE

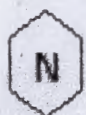
PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

Pat. Ex. 1



PLAN DRAWN BY Ed Bindl

DATE 8-10-15 SCALE: 1 INCH = 30 FEET