### MEMORANDUM

DATE:

October 26, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0048-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 (19630 Graystone Road)

7<sup>th</sup> Election District 3<sup>rd</sup> Council District Michael and Ashley Harrison Petitioners BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

\* BALTIMORE COUNTY

CASE NO. 2016-0048-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 Ashley Harrison ("Petitioners"). The Petitioners are requesting Variance relief from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed shed (accessory structure) with a height of 27 ft. in lieu of the maximum height of 15 ft. 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. However, it is to be noted that various signatures were obtained from neighbors acknowledging the height and size of the proposed shed.

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 ORDER RECEIVED FOR FILING

Date	9-23-15	
By	(0)	

the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of 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.

Although the Department of Planning did not make any recommendations related to the accessory structure height and usage, I will impose conditions that the shed 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 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 <u>23<sup>rd</sup></u> day of September, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed shed (accessory structure) with a height of 27 ft. in lieu of the maximum height of 15 ft., 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.
- The Petitioners or subsequent owners shall not convert the accessory structure (shed) into a dwelling unit or apartment. The accessory structure (shed) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- The accessory structure (shed) shall not be used for commercial purposes.

Date	9-23-15
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RV	

ORDER RECEIVED FOR FILING

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

BV PW

# ADM STRATIVE ZONING PECOON

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at: Address 19630 GRAYSTONE ROAD which is presently zoned RESIDENTIAL RC-Z Deed Reference 15855-0123 10 Digit Tax Account # 0 7 0 8 0 0 1 2 1 1

Property Owner(s) Printed Name(s) ASHLEY C. HARRISON AND MICHAEL HARRISON

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

ADMINISTRATIVE VARIANCE from section(s) 400.3 BCZE SEE Attached

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

State Zerming regulations of Zermines						
	ove a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and					
Section 32-4- 416(a)(2): (indicate type of work in this space	e to raze, alter or construct addition to building)					
of the zoning regulations of Baltimore County, to the zoning						
restrictions of Baltimore County adopted pursuant to the zoning law for B	etc. and further agree to and are to be bounded by the zoning regulations and					
is the subject of this / these Petition(s).						
Contract Purchaser/Lessee:	Legal Owners:					
	ASHLEY C. HARRISON, MICHARY HARRISON					
Name- Type or Print	Name # - Type or Print Name # - Type or Print					
Signature	Signature #1 Signature #2					
	19630 GRAYSTONE FD, WHITEHALL, MD					
Mailing Address City State	Mailing Address City State					
	21161 , 443 - 824-5153, LLUYDK88EGMAIL					
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address					
Attorney for Petitioner:	Representative to be contacted:					
Name- Type or Print  Signature  Mailing Address  City  State	Name - Type or Print					
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A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

Beltimore County, Maryland My Commission Expires 8/26/2018

Filing Date

Estimated Posting Date 9,6,15

# Affidavit in Support Administrative Varianc (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

parcificace, reside at the existing awaring on oale	proporty toodtod c	•••	
Address: 19630 Graystone Road Print or Type Address of property	white Hall	State	21161 Zip Code
Based upon personal knowledge, the following a Administrative Variance at the above address. (	are the facts which Clearly state <u>prac</u>	I/we base the rec tical difficulty or	uest for an hardship here)
I own over 5 Ades OF land AND STORE EVERYTHING I OWN IN A TRAILOR AND MUCH MORE. I TRAILOR THAT ARE FILLED. THE OVER SORE TO ALL. BASICALLY. FOR MY SELF AND MY NEIGHT	Also own A Are in M I WANT A	ROOF Heighti Clean UP A A BOAT TOAD 26' AND 5 Y Drive WAY BETTER CURL BY. THE F	AND Are A
(If additional space for the petition request or the a	above statement is no	eeded, label and att	ach it to this Form)
Signature of Affiant	Signature	of Affiant	·
AsHley HArrison	Mic	Hael HATTI	60~
Name- Print or Type		rint or Type	30
The following information is to be comp	leted by a Notary Pul	olic of the State of N	Maryland
STATE OF MARYLAND, COUNTY OF BALTIN	ORE, to wit:		:
I HEREBY CERTIFY, this 24th day of Au and for the County aforesaid, personally appeared	gust. 2015	_, before me a Not	ary of Maryland, in
Ashley C. Harrison and	d Micha	pel D. Ha	vvison
the Affiant(s) herein, personally known or satisfactori			rint name(s) here)
AS WITNESS my hand and Notaries Seal	Juli an	in Stan	100
JULIE ANN STAMPER Notary Pu	blic /a	-7-1-16	-1-)

My Commission Expires

**Notary Public** 

Harford County
Maryland
My Commission Expires June 21, 2016

August 26, 2015

Case # 2016-0048-A

Administrative Variance: Section 400.3 BCZR To permit a proposed shed (accessory structure) with a height of 27 feet in lieu of the maximum height of 15 feet.

August 22, 2015

## Zoning Property Description for 19630 Graystone Road, Whitehall, MD, 21161

Beginning at the point on the North-West side of Graystone Road, which is 26'3" wide at the distance of 3360' South-West of Route 439 (Old York Road), which has a 30' right-of-way.

The following courses and distances recorded in Liber T.B.S. No. 1722 folio 70: (1<sup>st</sup> POC) North 43 degrees and 3 minutes East 137.7 feet to a point; (2<sup>nd</sup> POC) North 50 degrees and 46 minutes West 260.78 feet to a point; (3<sup>rd</sup> POC) South 43 degrees and 3 minutes West 133.5 feet to a point; (4<sup>th</sup> POC) South 49 degrees and 50 minutes East 260.5 feet; containing an area of 0.805 acres.

2016-0048-RS

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE						No.	12	8720	PA	D RECEIPT		
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HERM

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2016- 0048 -A Address 19630 Graystone Pd
Contact Person: Govy Huck Phone Number: 410-887-3391
Filing Date: 8/25/15 Posting Date: 9/6/15 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.
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- 0048 -A Address 19630 Braystone Rd 2116 Petitioner's Name Ashley Harrison Telephone 443-824-5153
Posting Date: 9/6/15 Closing Date: 9/21/15
Wording for Sign: To Permit a proposed accessory structure (Shed) with a height of 27 feet in lieu of the maximum height of 15 feet.

## CERTIFICATE OF POSTING

Date: 09/05/2015

RE:	Project Name:	Administrative Variance
	Case Number /PAI Num	aber: 2016-0048-A
	Petitioner/Developer: As	shley Harrison
	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 19630 Graystone Rd. 21161

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

(Month, Day, Year)



(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)

Real Property Data Search (w3)

Guide to searching the database

### Search Result for BALTIMORE COUNTY

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0708001210 2016-0048-A

### **Debra Wiley**

From:

**Administrative Hearings** 

Sent:

Tuesday, September 29, 2015 11:26 AM

To:

lloydk80@gmail.com

Subject:

2016-0048-A - 19630 Graystone Rd.

**Attachments:** 

20150929112551485.pdf

Mr. and Mrs. Harrison,

Per your request, please find attached a copy of the correct Opinion and Order you should have received. We apologize for this error.

Thank you for contacting the Office of Administrative Hearings.

----Original Message----

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]

Sent: Tuesday, September 29, 2015 11:26 AM

To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>

Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 09.29.2015 11:25:51 (-0400)

Queries to: adminhearingscpr@baltimorecountymd.gov

# CHECKLIST

Comment Received	Support/Oppose/ Conditions/ Comments/ No Comment	
9-9	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)	
9-22	STATE HIGHWAY ADMINISTRATION Designation	
9-8	TRAFFIC ENGINEERING	
8-25-4	COMMUNITY ASSOCIATION  ADJACENT PROPERTY OWNERS  Recognity of the same of the	
ZONING VIOLATI	ON (Case No)	
PRIOR ZONING	(Case No. 1974-0277-A)	
NEWSPAPER ADV	ERTISEMENT Date:	
SIGN POSTING	Date: 9-5-15 by although	
PEOPLE'S COUNS	EL APPEARANCE Yes No	
PEOPLE'S COUNS	EL COMMENT LETTER Yes No	
Comments, if any:		

September 8, 2015

Dear Kristen Lewis,

My name is Ashley Harrison and my case file number is 2016-0048-A. My street address is 19630 Graystone Road, White Hall, MD, 21161. Can you add this letter to my case file for the law judge. It's a letter signed by all my neighbors recognizing the height and size of the proposed shed on my property.

Thanks,

Ashley Harrison

147 BOND ST.
NEW FREEDOM FA 17349
August 29, 2015

RONALD E. OPENSHAW 2510 OPENSHAW RD WHITE HALL MD 21161

Kendra Brawn 19529 old York White Hall, MD 21161

CASE FILE# 2016-0048-A

Ashley Harrison, of 19630 Graystone Rd, Whitehall, Maryland, has shown me his drawings of the proposed storage shed he would like to build on his property. The shed has a proposed footprint of 30' by 25', with a height of 27'. I am aware of the proposed location on his property on which the storage shed will be built.

Diana Brinsfield Aut Christensen 104 Wiseburg 160 19631 Graystore Rd white HAll 2161 White HAll 2161 White Hall MD 21161 443-388-071 8

Eligabeth Kielling 19638 Gray stone Rd White Half Md 21161 Joyce Goldbooke 19700 Graystone Rd White Hall Med 21161.

Tammy Roth 2500 Openshaw Rd White Hall, Md. 21161

Kenneth Thompson 19700 Graystone Rd White Hall and 21161

Dennys Roth
19700 Graystone Road
White Hall, mp 21161

Jackie Knox
19442 Graystine Rd.
White Hall, MD 21161

Kathy liburz:
19640 Chry stone Rd
White Hall MD 21161
Bob Six
19703 Draystone Rd.
White Hall, Md. 21161

Ashley Harrison, of 19630 Graystone Rd, Whitehall, Maryland, has shown me his drawings of the proposed storage shed he would like to build on his property. The shed has a proposed footprint of 30' by 25', with a height of 27'. I am aware of the proposed location on his property on which the storage shed will be built.

Frank E. Smith 19634 Graystone Rd.

White Hall, mb 2/16/

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19632 CBAYSTONS

WHITE HOW 21161

Hugh Brinsheld 19631 Graystone Rel White Hall, MD 21161

19640 GRAYSTORE RODD WHITE HALL 21161

Jim Tiburzi



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

September 21, 2015

Ashley C. & Michael Harrison 19630 Graystone Road White Hall MD 21161

RE: Case Number: 2016-0048 A, Address: 19630 Graystone Road

Dear Mr. & Ms. Harrison:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 25, 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

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. 2016-0048-A.

Administrative Variance Ashley C. & Michael Harrison 19430 Gray Stone 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. 2014-0048-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,

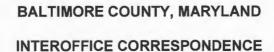
David W. Peake

Metropolitan District Engineer - District 4

when hele

Baltimore & Harford Counties

DWP/RAZ



TO:

Arnold Jablon, Director

DATE: September 9, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, 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

