MEMORANDUM

DATE:

October 27, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0052-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 ADMIN. VARIANCE (12401 Glenbauer Road)

11th Election District
3rd Council District
Thomas E. Turner, IV, Laurie K. Turner, & *
Janet L. Dunne
Petitioners
**

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0052-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 owners of the property, Thomas E. Turner, IV, Laurie K. Turner, and Janet L. Dunne ("Petitioners"). The Petitioners are requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) as follows: (1) To permit a proposed accessory building (detached garage) to be located in the side yard of the dwelling in lieu of the required in the rear yard; and (2) To permit a proposed accessory building with a height of 18 ft. in lieu of the maximum allowed 15 ft. respectively. 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 received 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.

OHDER	RECEIVED FOR FILING	
Date	9-24-15	
Ву	100	

The Petitioners have 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 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 Petitioners.

Although the Department of Planning did not make any recommendations related to the accessory structure (detached 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 <u>24th</u> day of <u>September</u>, <u>2015</u> by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) as follows: (1) To permit a proposed accessory building (detached garage) to be located in the side yard of the dwelling in lieu of the required in the rear yard; and (2) To permit a proposed accessory building with a height of 18 ft. in lieu of the maximum allowed 15 ft. respectively, be and is hereby GRANTED.

2

ORDER	MECEIVED FOR FILING
Date	9-24-15
By	(90)

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
- 2. The Petitioners 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.
- 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	9-24-15	



ADMINISTRATIVE ZONING PERSON

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 12401 GLENBAUER RD KINGSVILLE MD 51087 Currently zoned 10 Digit Tax Account # 210000432 Deed Reference 9862 1 508 LAURIE KTURNER, JANET Owner(s) Printed Name(s) Thomas (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: ADMINISTRATIVE VARIANCE from Section(s) 400.1 of BCZR to permit a proposed accessory building (detached garage) to be located in the side yard of the dwelling in lieu of the required in the rear yard, and from Section 400.3 of BCZR to permit a proposed accessory building with a height of 18 feet in lieu of maximum allowed 15 feet respectively. 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): Owner(s)/Petitioner(s): Name #2 - Type or Print Signature # 2 Mailing Address 11087 ORDER RECEIVED FOR FILING Email Address Zip Code Attorney for Owner(s)/Petitioner(s): Representative to be contacted: ame - Type or Print Name- Type or Print Signature Signature Mailing Address State Mailing Address City State Email Address Email Address Zip Code Zip Code Telephone # A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore that the subject matter of this petition be set for a public hearing, advertised, and re-posted as County, this_ day of required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2016-0052-A

Filing Date 8 28, 15

Estimated Posting Date 9,6,15

Rev 5/8/2014

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: 12401 Glenbauer Rd. Ling. Print or Type Address of property City	suille Ud 21087 State Zip Code
Based upon personal knowledge, the following are	
The proposed garage winnerth of the principal dwell north of the principal dwelling rear of the principal dwelling and utility easement as she recorded, among the land recorded, among the land recorded.	is an existing drainage
(If additional space for the petition request or the above stated that the state of the petition request or the above stated that the stated t	Signature of Owner (Affiant) Aurel K Turner Name- Print or Type
The following information is to be completed by a	a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to	The state of the s
i HEREBY CERTIFY, this day of August and for the County aforesaid, personally appeared:	
Print name(s) here: Thomas & TwnERIV a	LAURIE R TURNER
the Affiant(s) herein, personally known or satisfactorily identifi	ed to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal	2 muzalu
Notary Public	2108/81/8

My Commission Expires

ZONING PROPERTY DESCRIPTION FOR: 12401 GLENBAUR ROAD

Property Owner: Thomas E. Turner IV, Laurie K. Turner, and Janet L. Dunne

Beginning at a point on the Southeast side of Glenbaur Road which is 50' wide, 1000' North of the intersection with Jerusalem Road which is 60' wide, thence, the following courses and distances

- 1) By a curve to the right with a radius of 845.00' for an arc distance of 150.96', thence
- 2) N 36° 27′ 22" E, 102.56', thence
- 3) By a curve to the left with a radius of 420.00' for an arc distance of 211.79', thence
- 4) N 07° 33′ 49" E, 88.00', thence
- 5) S 74° 47′ 50" E, 412.77', thence
- 6) S 54° 10′ 41″ W, 206.17′, thence
- 7) S 23° 28′ 26″ W, 310.00′, thence
- 8) N 86° 31′ 34″ W, 337.76′ to the point of beginning as recorded in deed Liber 9862, Folio 508, containing 3.50 Ac. or 152,460 S.F. of land. Located in the 11th Election District and the 5 th Council District.

OFFICE	OF BUD	GET AND	IARYLANI D FINANC RECEIPT	E		No.	0	8723 28/15	PAID RECEIPT - BUSINESS ACTUAL TIME DRN 8/28/2015 8/28/2015 09:23:48 5
1				Rev	Sub				NES WSGS MALKIN RRGS LRB >> KSCEIPT # 816679 8/28/2015 GFLH
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2016-0052-A									
DISTRIBU WHITE - 0	1000	PINK - AGE	ENCY SE PRES		CUSTOME	R	GOLD - AC	COUNTING	CASHIER'S VALIDATION

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2016-	0052	-A	Address	12401 Glenbaurer Road	
Conta	ct Person:	Aaron T Planner, Ple	SUI ease Print Your Na	me	Phone Number: 410-887-3391	
Filing	Date:	8/28/2015	Postir	g Date: <u>9/6/15</u>	Closing Date: 9/21/15	
Any o	ontact made in the contact p	with this office person (planne	e regarding er) using the	the status of the case number.	administrative variance should be	
1.	reverse side of reposting must is again response	of this form) a st be done only onsible for all	nd the petition by one of the associated of	oner is responsible he sign posters on costs. The zoning	posters on the approved list (on the e for all printing/posting costs. Any the approved list and the petitioner notice sign must be visible on the uld remain there through the closing	
2.	a formal requ	lest for a pub	lic hearing.	adline for an occup Please understa is not complete or	ant or owner within 1,000 feet to file and that even if there is no formal 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.	(whether due commissioner changed givin	to a neighbor), notification g notice of the	or's formal r will be forw hearing da change and	request or by ordevarded to you. Ite, time and location of the photograph of the second control of the second	ses that must go to a public hearing er of the zoning or deputy zoning The sign on the property must be on. As when the sign was originally e altered sign must be forwarded to	
				Along Dotted Line)		
Petition	oner: This Pa	rt of the Form	is for the S	Sign Poster Only		
		USE THE AD	MINISTRAT	IVE VARIANCE S	IGN FORMAT	
Case	Number 2016-	0052	-A Addres	ss <u>12401 Gler</u>	bauer Road	
Petitio	oner's Name _	Thomas	Turner Et A	<u>I</u> Tele	phone 410-456-4320	
Posti	ng Date:	9/6/15		Closing Date: _	9/21/15	
Wordi	ing for Sign: _	To Permit a p	roposed acc	essory building (d	etached garage) to be located onto	
	the side yard	of the dwelling	and with a	height of 18 feet, in	n lieu of the required in the rear yard	
	and a maximu	um allowed hei	ght of 15 fee	et respectively.		

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS SIGN(S) WERE POSTED ON System 5, 2015
(MONTH, DAY, YEAR)

SINCERELY,
SIGNATURE OF SIGN POSTER AND DATE:

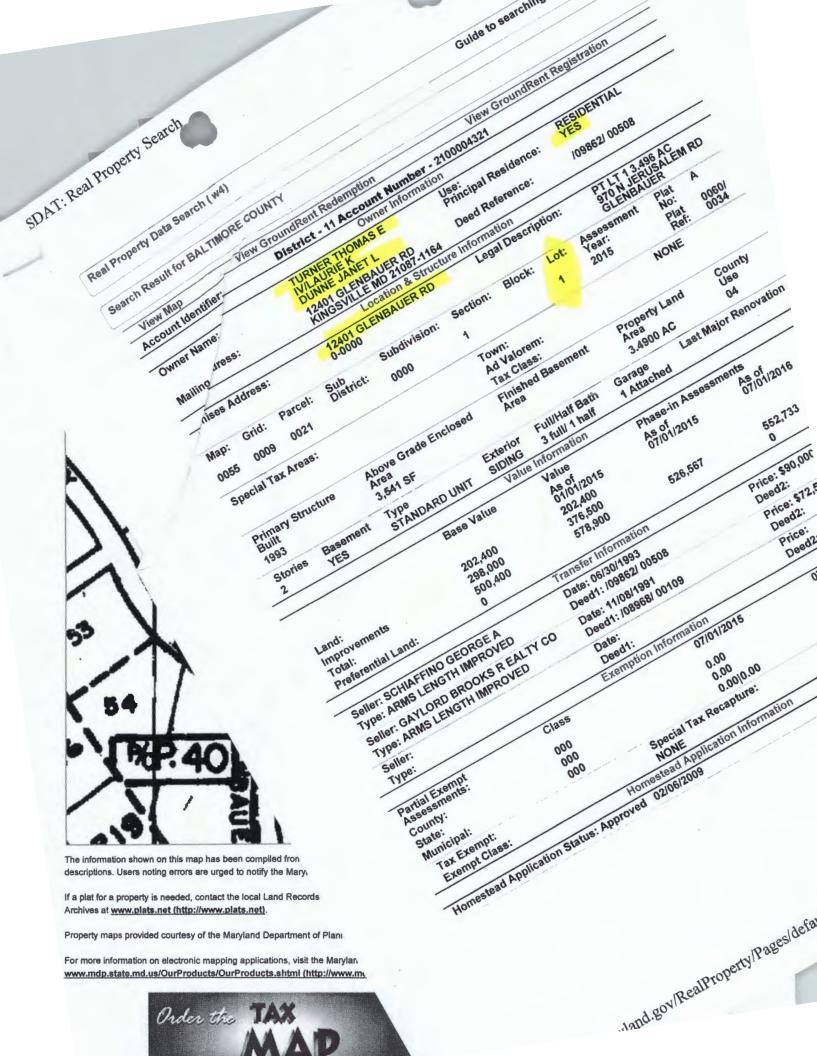
MARTIN OGLE (SIGN POSTER) 60 CHELMSFORD COURT BALTIMORE,MD 21220 (ADDRESS) PHONE NUMBER:443-629-3411



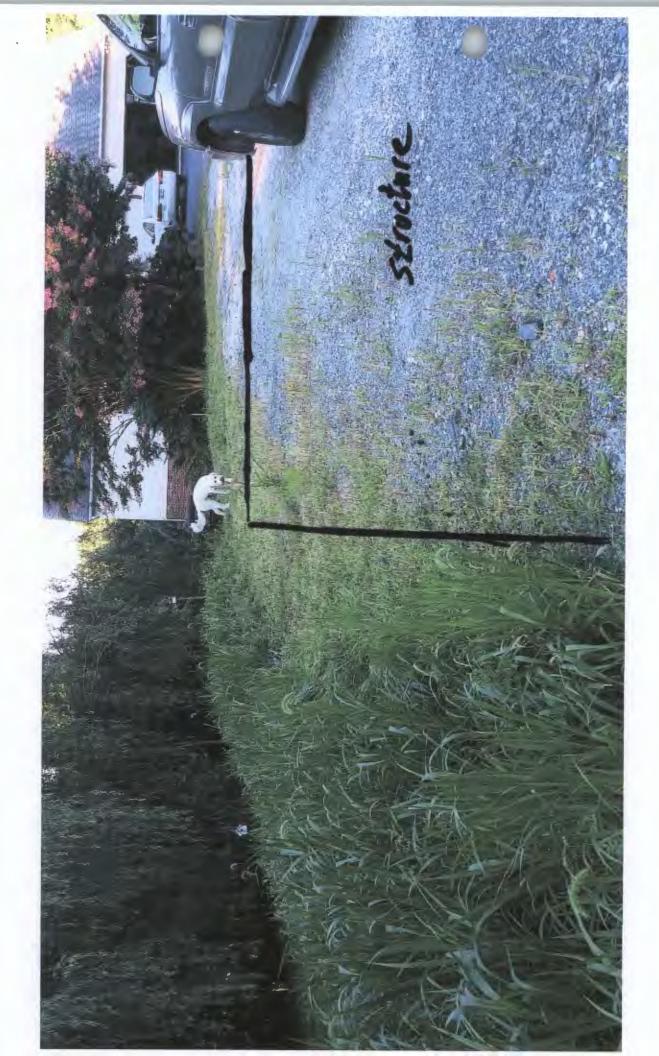


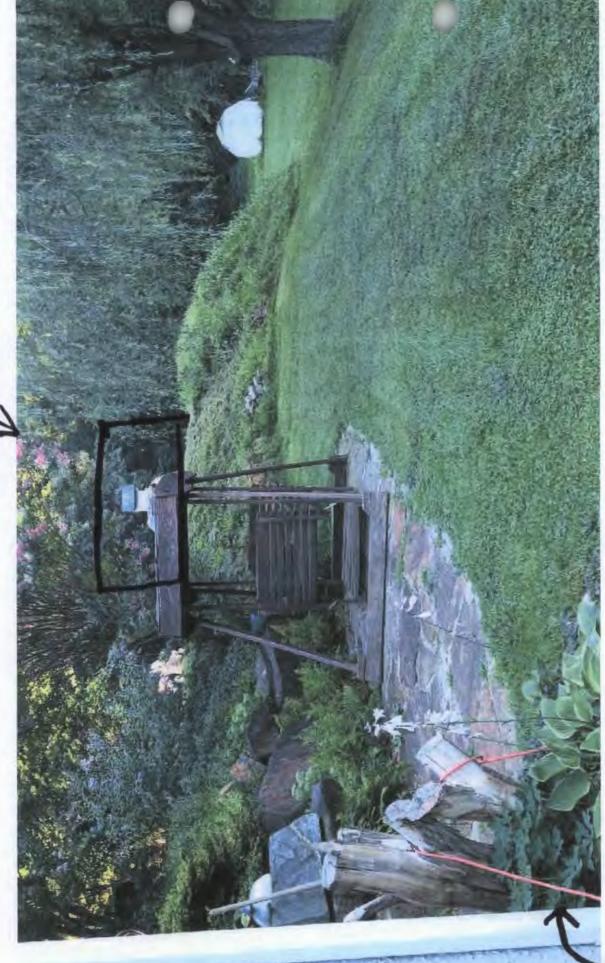
CHECKLIST

Comment Received	Support/Oppose/ Conditions/ Comments/ No Comment	
9-11	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	No.
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
9-10	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
-	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	ATION (Case No)
PRIOR ZONING	G (Case No	
NEWSPAPER A	ADVERTISEMENT Date:	_
SIGN POSTING	Date: 9-5-15	by Ogle
PEOPLE'S COU	NSEL APPEARANCE Yes No	1
PEOPLE'S COU	NSEL COMMENT LETTER Yes No	
Comments, if any	y:	



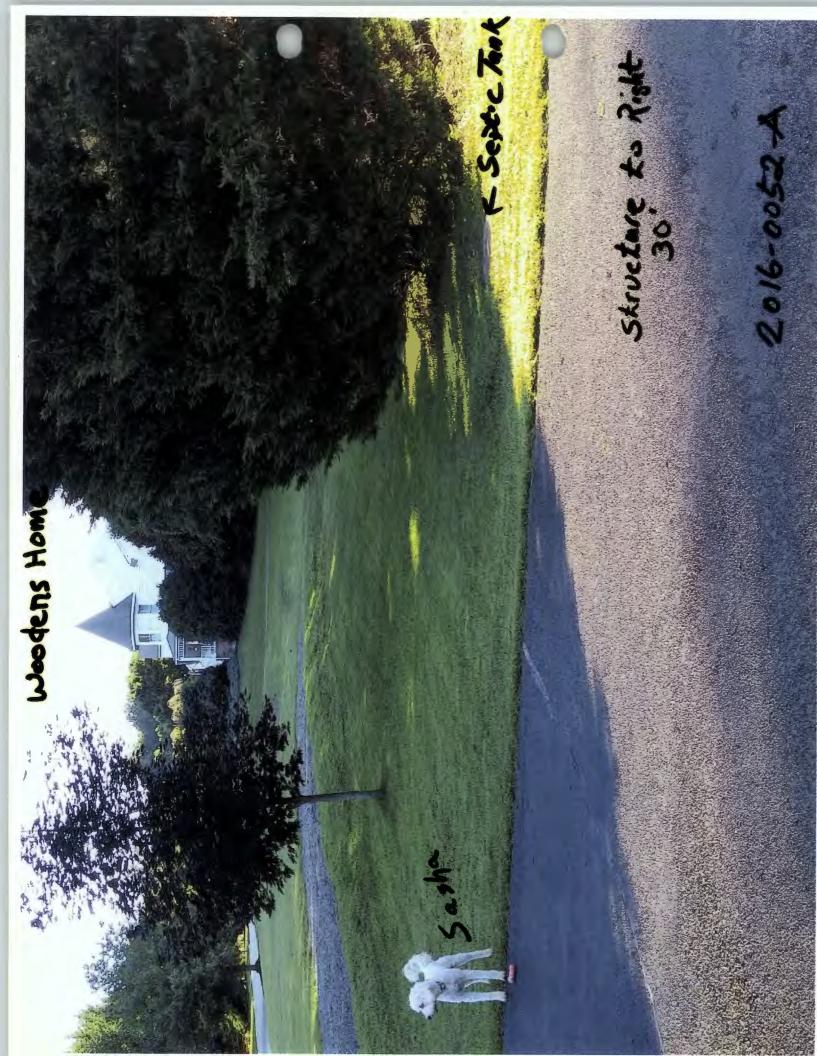






strocton

House





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

September 21, 2015

Thomas E. IV & Laurie K. Turner Janet L. Dunne 12401 Glenbauer Road Kingsville MD 21087

RE: Case Number: 2016-0052 A, Address: 12401 Glenbauer Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 28, 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,

1. Carl Richa

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: 9/10/15

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

RE: **Baltimore County**

Item No. 2016-0052-A
Administrative Variance
Thomas E. & Laurie K. Turner, Janet L. Dunne
12401 Glenbauer 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. 2016-0052-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

DATE: September 11, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

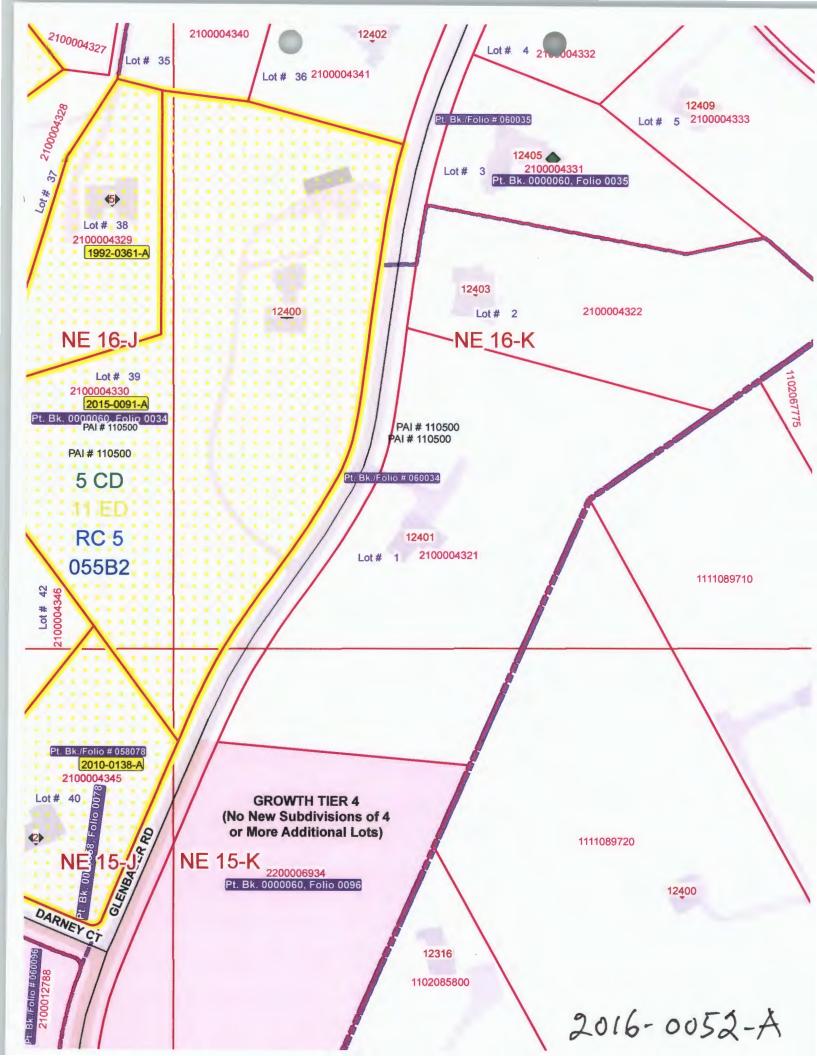
Zoning Advisory Committee Meeting

For September 14, 2015 Item No. 2016-0052 and 0056

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

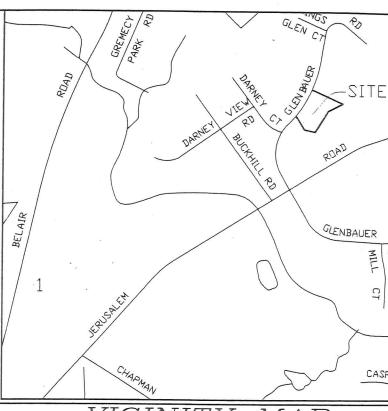
DAK:CEN cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC09142015.doc



ADDRESS: 12401 GLENBAUER ROAD. OWNER NAME: TURNER YHOMAS E. IV/LAURIE K, DUNNE JANET SUBDIVISION NAME: GLENBAUER LOT #: NA BLOCK #: NA SECTION #: NA PLAT BOOK #: 60 FOLIO #: 34 IO DIGIT TAX #: 21-00004321 DEED REF .: 9862/508 LAND OF JAMES AND 100 YEAR 1 (50FTROW) FLOOD PLAIN AND DRAINAUE AND UTILITY EASKMEM-63.53 LAND OF DANIEL AND KATHLEEN WOODEN (8376/746) AndosED DRIVEWAY 5730-201261 LAND OF MARK KUKUCKA LAND OF MANK KUKUCKA 2016-0052-A

ZONING HEARING PLAN FOR VARIANCE _ FOR SPECIAL HEARING $\underline{\mathsf{X}}$ (MARK TYPE REQUESTED WITH



SCALE: 1" = 1200'

ZONING MAP # 0055 B2 SITE ZONED 25-5 ELECTION DISTRICT 411102 COUNCIL DISTRICT 5 CENSUS TRACT LITTLE GUNPOWER FALLS LOT AREA ACREAGE 3.50 AC. OR SQUARE FEET 152,460 S.F. HISTORIC ? IN CBCA ? NO IN FLOOD PLAIN ? NO GIS MAP # 055B2

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC __ PRIVATE X

SEMER IS: PUBLIC ___PRIVATE _X_

TAX MAP 55 BLOCK 9 PARCEL 21

PROPERTY USE: EXISTING USE: SINGLE FAMILY RESIDENTIAL LOT PROPOSED USE: SINGLE FAMILY RESIDENTIAL LOT

THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS, CRITICAL AREAS, STREAMS OR OTHER BODIES OF WATER, ENDANGERED SPECIES HABITATS, OR HAZARDOUS WASTE, ARCHEOLOGICAL OR HISTORIC SITES ON THIS PROPERTY. THIS SITE IS NOT LOCATED IN ANY DEFICIENT AREAS ON THE COUNTY'S BASIC SERVICES MAPS.

PRIOR HEARING ? NO IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO:

LONE

Pet. End. 1

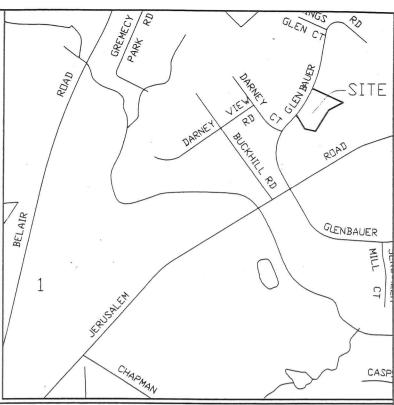
REVISED:

PLAN DRAWN BY: W.STIFLER (WILSON DEEGAN AND ASSOCIATES)

DATE: 8/20/2015

SCALE: I INCH = 100 FEET

ZONING HEARING PLAN FOR VARIANCE _ FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH OWNER NAME: TURNER YHOMAS E. IV/LAURIE K, DUNNE JANET ADDRESS: 12401 GLENBAUER ROAD. SUBDIVISION NAME: GLENBAUER LOT #: NA BLOCK #: NA SECTION #: NA PLAT BOOK #: 60 FOLIO #: 34 IO DIGIT TAX #: 21-00004321 DEED REF .: 9862/508 JAMES AND 100 YEAR 1 (50FTROW) FLOOD PLAIN AND DRAINAUE AND UTILITY ZONING MAP # 0055 B2 EASKMEM-SITE ZONED RC-5 ELECTION DISTRICT COUNCIL DISTRICT 5 LAND OF 411102 CENSUS TRACT WATERSHED DANIEL AND LOT AREA ACREAGE KATHLEEN OR SQUARE FEET 152,460 S.F. HISTORIC ? WOODEN IN CBCA ? IN FLOOD PLAIN ? (8376/746 615 MAP # 055B2 AndosED UTILITIES ? MARK WITH X WATER IS: DRIVEWAY PUBLIC PRIVATE X SEMER IS: PUBLIC ___PRIVATE _X 5230201261 TAX MAP 55 BLOCK 9 PARCEL 21 LAND OF MARK KUKUCKA LAND OF PRIOR HEARING ? IF SO GIVE CASE NUMBER MANK KUKUCILA AND ORDER RESULT BELOW 2016-0052-A VIOLATION CASE INFO: REVISED: SNOIL PLAN DRAWN BY: W.STIFLER (WILSON DEEGAN AND ASSOCIATES) DATE: 8/20/2015 SCALE: | INCH = 100 FEET



SCALE: 1" = 1200

LITTLE GUNPOWER FALLS 3.50 AC.

PROPERTY USE: EXISTING USE: SINGLE FAMILY RESIDENTIAL LOT PROPOSED USE: SINGLE FAMILY RESIDENTIAL LOT

THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS, CRITICAL AREAS, STREAMS OR OTHER BODIES OF WATER, ENDANGERED SPECIES HABITATS, OR HAZARDOUS WASTE, ARCHEOLOGICAL OR HISTORIC SITES ON THIS PROPERTY. THIS SITE IS NOT LOCATED IN ANY DEFICIENT AREAS ON THE COUNTY'S BASIC SERVICES MAPS.