MEMORANDUM

DATE:

December 21, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0100-A- Appeal Period Expired

The appeal period for the above-referenced case expired on December 18, 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 (240 Hopkins Lane)

3rd Election District 2nd Council District

Christopher A. and Cristin L. Berrier

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0100-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, Christopher A. and Cristin L. Berrier ("Petitioners"). The Petitioners are requesting Variance relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 30 ft. 6 in. (existing) for an addition connecting a detached garage to the dwelling in lieu of the required 50 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 by any of the county reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 1, 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 general welfare of the public and 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

ORDER RECEIVED FOR FILING

Date	11-18-18
Ву	

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>18th</u> day of November, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 30 ft. 6 in. (existing) for an addition connecting a detached garage to the dwelling in lieu of the required 50 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.

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	11-18-15	_
Ву	62	



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 18, 2015

Christopher A. and Cristin L. Berrier 240 Hopkins Lane Owings Mills, Maryland 21117

RE:

Petition for Administrative Variance

Case No. 2016-0100-A Property: 240 Hopkins Lane

Dear Mr. and Mrs. Berrier:

Enclosed please find a copy of the Order rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: William Rohde, 1006 Morton St., Baltimore, MD 21201



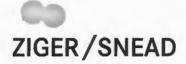
ADI STRATIVE ZONING PLOSON
FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To the Office of Administrative Hearings	of Permits, Approvals and Inspections s for Baltimore County for the property located at:
Address 240 HOPKING LANE, OWINGS M Deed Reference / Owner(s) Printed Name(s) CHRISTOPHER BEKK	10 Digit Tax Account # 240005598 IER & CRISTIN BERRIER
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APP	ROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the	e reverse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situat attached hereto and made a part hereof, hereby petition for	te in Baltimore County and which is described in the plan/plat or an:
1. X ADMINISTRATIVE VARIANCE from Section(s)	1.404.3.B.2.b; BCZR, TO PERMIT A SIDEY SETBACK OF 30'6"(EXISTING) FOR AN ADDITION CONNECTING AN DETACHED GARAGE TO THE QUELLING, IN LIEU OF THE REDUIRED SOFT.
of the zoning regulations of Baltimore County, to the zonin	g law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to app County Code: (indicate type of work in this space: i.e., to r	prove a waiver pursuant to Section 32-4-107(b) of the Baltimore raze, alter or construct addition to building)
Baltimore County adopted pursuant to the zoning law for Baltimore Coun	Owner(s)/Petitioner(s): CHRISTOPHER BERRIERI Name #1 - Type or Print Name #2 - Type or Print Signature #2 240 HOPKINS LANE OWINGS MILLS, MD Mailing Address City State 2-1117 (46) 446-3757 Cherrier & browning Company Comp
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
Name- Type or Print Signature Mailing Address Zip Code Lefephone # Email Address	Name Type or Print Name Type or Print Signature 1006 Moreton 3T. BALTO., MD Mailing Address, State 21201 (440) 576-9131 Wrohle & Ziger Zip Code Telephone # Email Address Sheed.
County, thisday ofthat the subject required by the zoning regulations of Baltimore Countythat the subject required by the zoning regulations of Baltimore Countythat the subject required by the zoning regulations of Baltimore Countythat the subject required by the zoning regulations of Baltimore Countythat the subject required by the zoning regulations of Baltimore Countythat the subject required by the zoning regulations of Baltimore Countythat the subject required by the zoning regulations of Baltimore Countythat the subject required by the zoning regulations of Baltimore Countythat the subject required by the zoning regulations of Baltimore Countythat the subject required by the zoning regulations of Baltimore Countythat the subject required by the zoning regulations of Baltimore Countythatthatthatthatthatthatthatthatthatthatthatthatthatthatthatthat	to be required, it is ordered by the Office of Administrative Hearings for Baltimore ct matter of this petition be set for a public hearing, advertised, and re-posted as distrative Law Judge for Baltimore County 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 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: 240 HOPKINS LANE OWINGS MILVS MD Print or Type Address of property City State	2/117 Zip Code
Based upon personal knowledge, the following are the facts upon which I/we base the Administrative Variance at the above address. (Clearly state practical difficulty or	ne request for an hardship here)
THE PROPOSED ADDITION MAINTAINS EXISTING SETBAGE OF CONTROL HOUSE AND ALL PROPERTY LINES.	cks
ALSO, THE PROPOSED ADDITION DOES NOT AFFEC	+
CUPRENT SETBACKS BETWEEN THE GARAGE	1.1.1.16
PROTECTED PASSAGE BETWEEN THE GARAGE AND THE HOUSE.	FLCON S
(If additional space for the petition request or the above statement is needed, label and atta	ch it to this Form)
Signature of Owner (Affiant) Signature of Owner (Affiant)	
Name- Print or Type LAIST IN THE PRINT OF Type AND THE PRINT OF Type	R
The following information is to be completed by a Notary Public of the State of M	aryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	× - ± 4
I HEREBY CERTIFY, this day of, dolle_, before me a Nota and for the County aforesaid, personally appeared:	ary of Maryland, in
Print name(s) here: Sandra L. Mills	
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).	
AS WITNESS my hand and Notaries Seal Notary Public	
07 27 2016	
My Commission Expires	



PROPERTY DESCRIPTION

Date:

OCTOBER 21, 2015

Project #:

1105

Project:

Berrier Residence

Regarding:

Petition for Variance

From:

William Rohde

Copies To:

File

Part A:

Zoning Property Description for 240 Hopkins Lane, Owings Mills, MD 21117

Beginning at a point 10ft to the northeast side of the center of Hopkins Lane at the beginning of the N 25-37-15 E 612.53 line.

Part B:

Thence the following courses and distances: (1st Point of Call "POC") N 58-44-40 W 30.14', (2nd POC) N 62-05-10 W 149.02, (3rd POC) S 56-50-00 W 89.62, (4th POC) 22-23-21 W 258.78. (5th POC) S 00-00-00 W 63, (6th POC) 32-10-40 W 199.15', (7th POC) 61-40-06 E 174.92', (8th POC) S 25-37-15 W 917.23', (9th POC) S 65-03-27 E 379.92', (10th POC) N 25-21-58 E 450', (11th POC) N 12-45-09 W 408.88', (12th POC) N 07-14-19 173.38', (13th POC) N 25-37-15 E 612.53'

			D FINANC RECEIPT	Rev	Sub	No.	1	7335	10/	ISTIZ WALL	ACTUAL BVZ1/ZB15 IBI JEVA	JEE	N
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Rec rom:		IGER	SNE					· ·					

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Nun	nber 2016-	0100	-A	Address _	240	HOPKINS LN.
Contact P	erson:	Planner, Ple	MERRES ease Print Your Na	me		Phone Number: 410-887-3391
Filing Da	te: /0·2	21.15	Postin	g Date: _	11.1.15	Closing Date: 11.16.15
Any conta through th	act made v	with this office person (planne	e regarding er) using the	the status	of the a	dministrative variance should be
rev rep is a	erse side o osting mus again respo perty on or	of this form) a t be done only onsible for all	nd the petition by one of the associated of the second contraction or market the contraction of the second contraction o	oner is res he sign po costs. The	sponsible f sters on the zoning n	osters on the approved list (on the for all printing/posting costs. Any he approved list and the petitioner office sign must be visible on the different there through the closing
a f	ormal requ	est for a pub	lic hearing.	Please (understand	at or owner within 1,000 feet to file that even if there is no formal he closing date.
cor ord with whe	nmissioner er that the nin 10 day ether the p	He may: (a matter be set s of the clos	a) grant the in for a publicing date if a central central centrel cent	requested c hearing. all County	relief; (b) You will r agencies	by the zoning or deputy zoning deny the requested relief; or (c) eceive written notification, usually comments are received, as to public hearing. The order will be
(wh con cha pos	ether due nmissioner) inged giving	to a neighbor, notification g notice of the	or's formal re will be forw hearing dat hange and a	equest or varded to e, time an photogra	by order you. The diocation. ph of the a	s that must go to a public hearing of the zoning or deputy zoning a sign on the property must be As when the sign was originally altered sign must be forwarded to
				Along Dotted Li		
Petitioner	: This Par	t of the Form				
		USE THE AD				
Case Num	ber 2016-	0100 -A	Addres	s 240	HOPK	INS LN.
Petitioner's	s Name	RERRIER	LN.			Telephone 415-446-3757
						11.16.15
Wording fo	or Sign: _7	o Permit A	SIDEYA	RD S	TRACK	OF 30'6" (EXISTING)
						ACHED TO THE DWELLIN
IN LIG	iy of	THE REO	JIRGO S	oft.		

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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:	2016-0100-A	
Petitioner: CHRISTOPHER	BERRIER & CRISTIN BERRIE	e
Address or Location: 240	HOPKINS LANE, OWINGS MILLS	MD 21117
PLEASE FORWARD ADVERTI	SING BILL TO:	
Name: WILLIAM RO	MPE .	
Address: 1006 morro	V STREET	
BALTIMORE	MP	
2/20/		
Telephone Number: 410)	576-9131	



CERTIFICATE OF POSTING

Date: 11-1-15 RE: Case Number: 2016-0100-A Petitioner/Developer: BERRIER CHRISTOPHER Date of Hearing/Closing: 11-16-(5 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 240 Hopkins La The signs(s) were posted on _______(Month, Day, Year) J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 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)



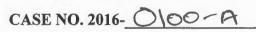
VARIANCE

CASE # 2016-5100-A
TO PERM T A STRENGTH SETBACK OF
30'6" (EXISTING) FOR AN ADDITION BONHESTING THE METACHED BANAGE TO THE
STRENGTH WE FIRE REQUIRED SOFT

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

PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, SO NOT REMOVE THE SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PERMITS AND POST UNTIL AFTER ABOVE DATE, UNDER PERMITS.



CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
11-4	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)	
10-27	STATE HIGHWAY ADMINISTRATION	Do signation
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	ION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER AD	VERTISEMENT Quite:	
SIGN POSTING	S down Date: 11-1-15	by Pieson
PEOPLE'S COUN	SEL APPEARANCE Yes No	
PEOPLE'S COUNS	SEL COMMENT LETTER Yes No	
Comments, if any:		

Real Property Data Search (w1)

Guide to searching the database

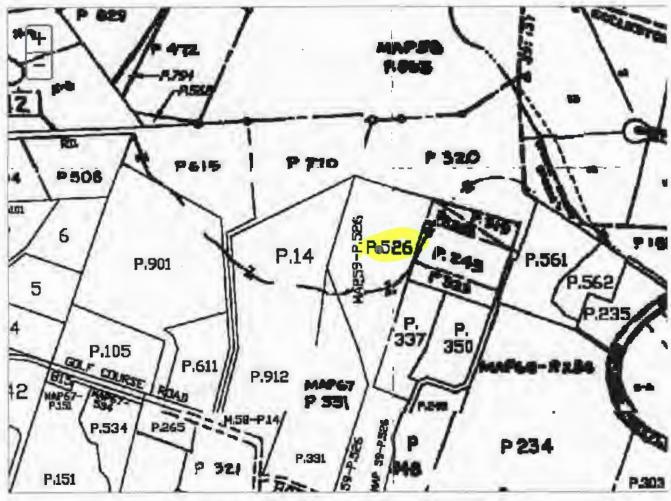
Search Result for BALTIMORE COUNT	Search	Result fo	r BAL	TIMORE	COUNTY
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View Map	View GroundRent Re	demption	1		View Gro	oundRent Regi	stration
Account Identifier:	District - 03	Account	Number - :	24000055	598		
		Owner	Information	1			
Owner Name:	BERRIER CHR BERRIER CRIS		RA Us Pri	e: ncipal sidence:	-	RESIDENTI	AL
Mailing Address:	240 HOPKINS OWINGS MILL	LN S MD 211	De	ed Refer		/28423/ 000	29
	4327	ation & St	ructure Info	rmation			
Premises Address:	240 HOPKINS			gal Desc	ription:	8.955 AC	
_	OWINGS MILL	S 21117-4	327		•	240 HOPKII	NSA LA BOLF COURSE
Map: Grid: Parcel		division:	Section:	Block:	Lot:	Assessment	Plat
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Land:	432,100		575,100				
Improvements Total:	650,500		775,900		4 264 52	. 42	E4 000
Preferential Land:	1,082,600 0		1,351,000		1,261,53	0	351,000
		Transfe	r Informatio	n			
Seller: ATKINS SARAH Type: NON-ARMS LEN			7/22/2009 /28423/ 000	29		Price: \$1,150, Deed2:	.000
Seller: GUINEE JOHN Type: NON-ARMS LEN			2/25/2004 /19652/ 006	67		Price: \$1,600, Deed2:	000
Seller:	439.000	Date:	****			Price:	
Type:		Deed1:		-	*****	Deed2:	
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Baltimore County

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

District: 03 Account Number: 2400005598



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 www.plats.net (http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



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

November 17, 2015

Christopher & Cristin Berrier 240 Hopkins Lane Owings Mills MD 21117

RE: Case Number: 2016-0100 A, Address: 240 Hopkins Lane

Dear Mr. & Ms. Berrier:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 21, 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

William Rohde, 1006 Morton Street, Baltimore MD 21201

State Highway
Administration

Maryland Department of Transportation

Pete K. Rahn, Secretary

Gregory C. Johnson, P.E., Administrator

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

Date: 10/21/15

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

RE: Baltimore County

Helministrative Voriouce Christopher & Cristin Berrier 240 Hophius Lone

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. 2016-0100-4.

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 - District 4

Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 4, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

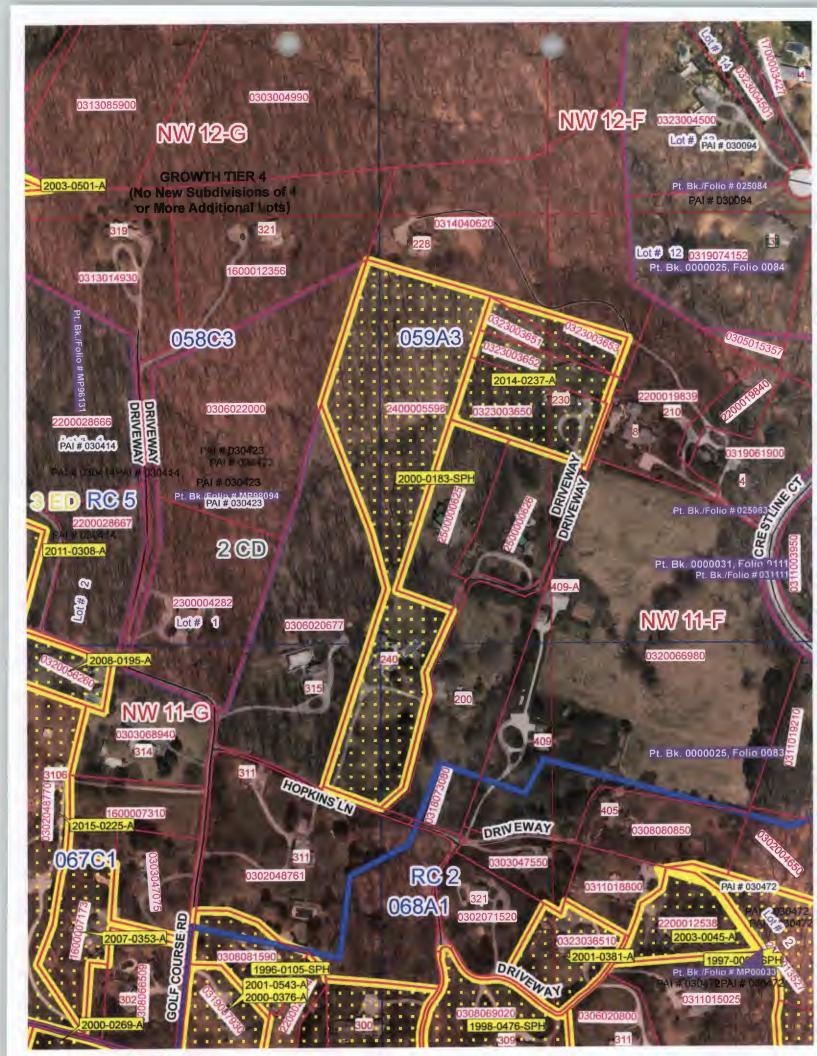
Zoning Advisory Committee Meeting

For October 26, 2015

Item No. 2016-0087, 0099, 0100, 0101 and 0102

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

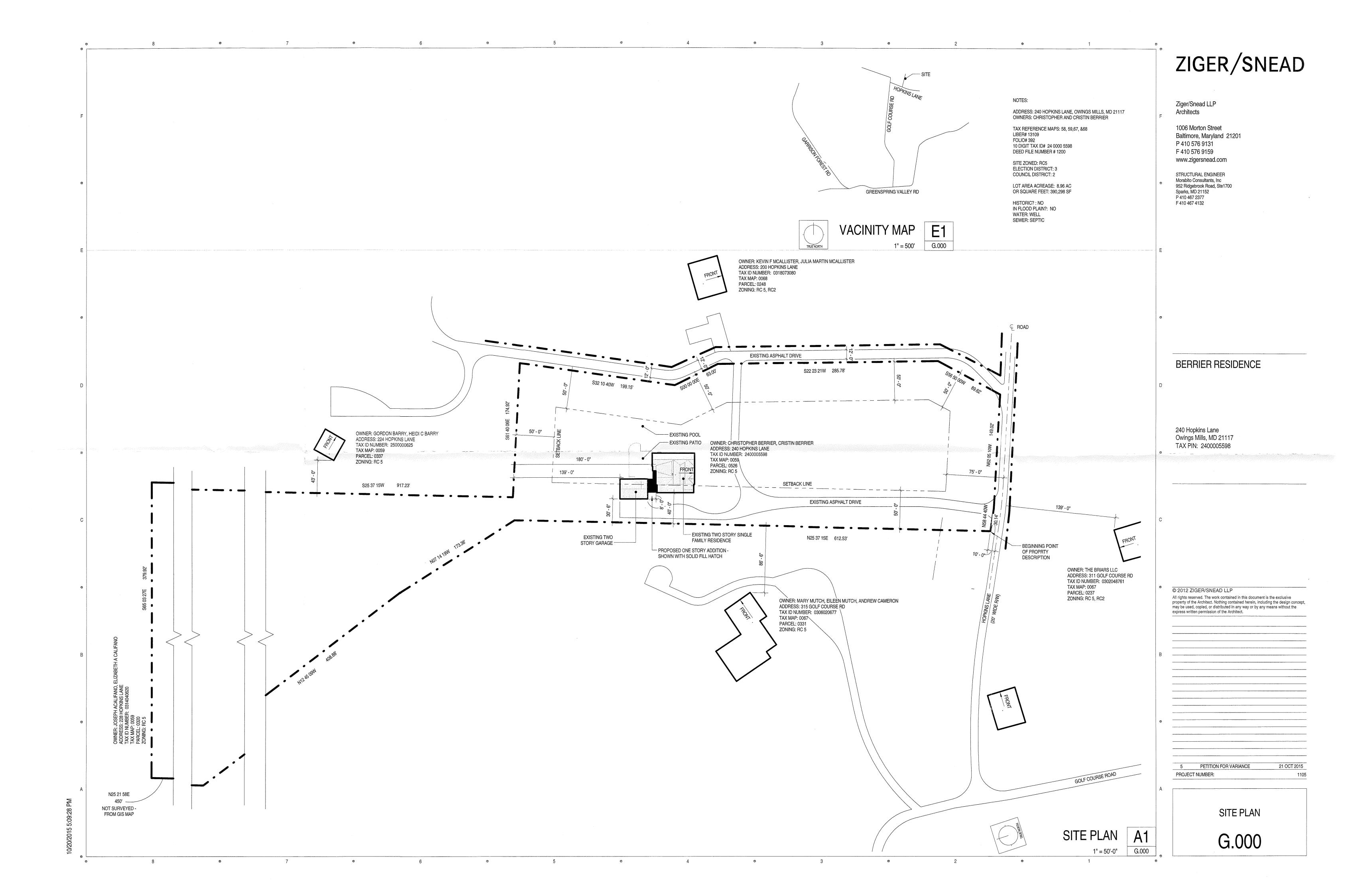
DAK cc:file

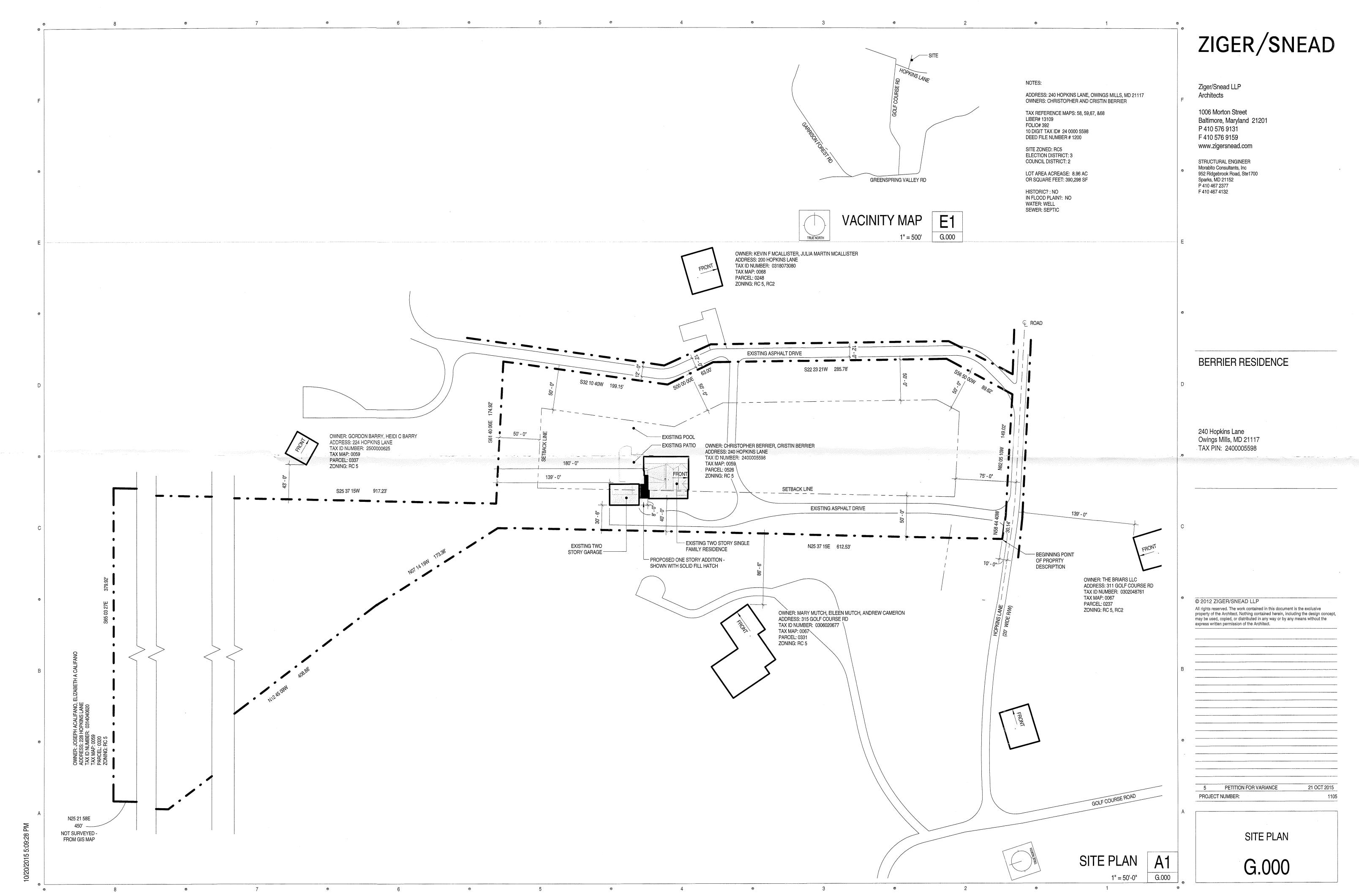












Pet. Exch. 1