

DATE: March 29, 2016

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2016-0173-A- Appeal Period Expired

The appeal period for the above-referenced case expired on March 28, 2016. 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

BEFORE THE

(19610 Old York Road)
7th Election District

OFFICE OF

3rd Council District

ADMINISTRATIVE HEARINGS

Ronald L. Schoelkopft Petitioner

* FOR BALTIMORE COUNTY

*

Case No. 2016-0173-A

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Ronald L. Schoelkopft ("Petitioner"). The variance request is from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed accessory structure (storage shed) with a height of 21 ft. in lieu of the maximum allowed height of 15 ft. The subject property and requested relief are more particularly described on Petitioner's 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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 7, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code. 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 ORDER RECEIVED FOR FILING.

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Date	2-26-16	_
D.	DJ	_

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 Petitioner.

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, by the Administrative Law Judge for Baltimore County, this <u>26th</u> day of February, 2016, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed accessory structure (storage shed) with a height of 21 ft. in lieu of the maximum allowed height of 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioner may apply for any appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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.

2

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEIVED FOR FILING
Date	2-26-16
Ву	DW

ADVINSTRATIVE ZONING PETEON
FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of	Permits, Approvals and Inspections
To the Office of Administrative Hearings f	or Baltimore County for the property located at:
Address 19610 Old York Rd. White Hall MD	21161 Currently zoned
Deed Reference 11842 / 00650	10 Digit Tax Account # <u>/ 7 0 0 0 / 3 3 4 8</u>
Owner(s) Printed Name(s) Ronald School Ropt	
(SELECT THE HEARING(S) BY MARKING $\overline{\mathbf{X}}$ AT THE APPRO	PRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
	everse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate i attached hereto and made a part hereof, hereby petition for a	n Baltimore County and which is described in the plan/plat រោៈ
1. X ADMINISTRATIVE VARIANCE from Section(s)	
BCZR: 400.3 → To permit a proposed accessory stru	acture (storage shed) with a height of 21 feet in lieu
of the maximum allowed height of 15 feet.	<u>-</u>
of the zoning regulations of Baltimore County, to the zoning I	aw of Baltimore County
of the zonald requiations of bailinnois County, to the zonald	aw of Baltimore Obanty.
	ve a waiver pursuant to Section 32-4-107(b) of the Baltimore
County Code: (indicate type of work in this space: i.e., to raz	e, alter or construct addition to building)
of the Baltimore County Code, to the development law of Baltimore	timore County
Property is to be posted and advertised as prescribed by the zoning regulating the large to pay expenses of above petition(s), advertising, posting, etc. a	ons. Indigenous fund 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):
	Ronald Schoelkopf
	Name #1 – Type or Print Name #2 – Type or Print
,	x Mil V
·	Signature #1 , Signature # 2
•	1960 Old York Rd. White Hall MD Mailing Address City State
	ivaling , is a see
•	21161 / 443-846-6633 /ren.schælkopf@psgla. Zip Code Telephone # Email Address Co
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
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Name- Type or Print	Name - Type or Print
ING	Hambus O. Bain
Signature	Signature
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ORDEN 3	17566 1717-278-4876 1 Stanbuiralive.com
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A PUBLIC HEARING having been formally demanded and/or found to b	be required, it is ordered by the Office of Administrative Hearings for Baltimore
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Administ	rative Law Judge for Baltimore County olidical VIDION
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CASE NUMBER 2016 - 0173 - A Filing Date 1/28	Estimated Posting Date 21. Z. TO SM Reviewer 32
•	Rev 5/8/2014

Affidavit in Support comministrative 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 19610 Old York Rd. Print or Type Address of property	White Hall	MD State	21161 Zip Code
Based upon personal knowledge, the follow Variance at the above address. (Clearly st			quest for an Administrative
I would like to build a detached s height restriction. The height restriction still allowing a workable sidewall height my house.	does not allow me to	match the 6/12 roof _l	pitch of my house while
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(if additional space for the petition re	equest or the above statem	ent is needed, label and	l attach it to this Form)
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Signature of Owner (Affiant)		Signature of Owner (Affi	ant)
Ronald Schoelkopf			
Name- Print or Type		Name- Print or Type	
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OF MARYLAND, COUNTY OF BALTIMO	RE to wit	•	
1 HEREBY CERTIFY, this 28th and for the County aforesaid, personally ap	day of January.	2016, before m	e a Notary of Maryland, in
Print name(s) here: Ronald Lee:	Schoelkopf	·. 	
the Affiant(s) herein, personally known or s	satisfactorily identified to	me as such Affiant(s)	n
AS WITNESS my hand and Notaries Seal	Melle 3	\$ # ·	•
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RANDALL STEVEN HARRIS Notary Public Baltimore County	Commission Expires	November 7	, 2019 REV. 5/8/2014

Maryland My Commission Expires November 07, 20

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My Commission Expirés November 07, 20<u>1</u>

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I would like to build a detached s height restriction. The height restriction still allowing a workable sidewall height my house.	does not allow me to m	atch the 6/12 roof pitch	of my house while
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(If additional space for the petition n	equest or the above stateme	nt is needed, label and atta	ch it to this Form)
Signature of Owner (Affiant)		Signature of Owner (Affiant)	
Ronald Schoelkopf Name- Print or Type		lame- Print or Type	
The following information is to	be completed by a Notary P	ublic of the State of Maryla	ind STATE
OF MARYLAND, COUNTY OF BALTIMO I HEREBY CERTIFY, this 28th and for the County aforesaid, personally a	-1	<u>2016</u> , before me a l	Notary of Maryland, in
Print name(s) here: Ronald Lee S	choelkopf		
the Affiant(s) herein, personally known or s	satisfactorily identified to π	ne as such Affiant(s).	- ""
AS WITNESS my hand and Notaries Seal	Mill	A. A.	
RANDALL STEVEN HARRIS	Notary Public My		# 4 - Krs
Notary Public Baltimore County Maryland	Commission Expires /	Vovember 7	2019 REV. 5/8/2014

AD TRATIVE ZONING PON ON FOR ADMINISTRATIVE SPECIAL HEARING

To be filed with the Departr	nent of Permits, Approvals and Inspections ings for Baltimore County for the property located at:
Address 19610 Old Vock Rd. While Hall	
Deed Reference 11842 / 00650 Owner(s) Printed Name(s) Roadd Schools	10 Digit Tax Account # 1700013348
(SELECT THE HEARING(S) BY MARKING \underline{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 sattached hereto and made a part hereof, hereby petition	situate in Baltimore County and which is described in the plan/plat ion for an:
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BCZR: 400.3 -> To permit a proposed acc of the maximum allowed height of 15 fee	cessory structure (storage shed) with a height of 21 feet in lieu et.
of the zoning regulations of Baltimore County, to the	zoning law of Baltimore County.
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of the Baltimore County Code, to the development law Property is to be posted and advertised as prescribed by the zonin I/ we agree to pay expenses of above petition(s), advertising, posti Baltimore County adopted pursuant to the zoning law for Baltimore	g regulations. ing, etc. and further agree to be bound by the zoning regulations and restrictions of
·	Owner(s)/Petitioner(s):
·	Ronald Schoelkopt
÷ ,	Name #1 - Type or Print Name #2 - Type or Print Signature #1 Signature #2
,	1960 Old York Rd. White Hall MD Mailing Address City State
. · ·	21161 / 443.846-6633 /ran.scharkopf@psglass. Zip Code Telephone # Email Address Com
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
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A PUBLIC HEARING having been formally demanded and/or to County his day of, that the required by the zoning regulations of Baltimore County.	ound to be required, it is ordered by the Office of Administrative Hearings for Baltimore subject matter of this petition be set for a public hearing, advertised, and re-posted as
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	Administrative Law Judge for Baltimore County (Idual 1992) 1013
CASE NUMBER 2016-0173-4 Filing Date	108/16 Estimated Posting Date Decretory (16) Reviewer 15

ZONING PROPERTY DESCRIPTION FOR 19610 Old York Road, White Hall MD.

Beginning at a point on the south side of Old York Road which is 50' wide at the distance of 750' west of the centerline of the nearest improved intersecting street Kirkwood Shop Road which is 50' wide.

Being Lot #5, in the subdivision of Walnut Springs as recorded in Baltimore County Plat Book #0040, Folio #0077, containing 2.91 acres. Located in the 7th Election District and 3rd Council District.

2016-0173-A

PUBLIC HEARING?

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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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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. <u>For those petitions which require a public hearing</u>, 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: 2016-0173-4	_
Petitioner: SCHOELKOAF	_
Address or Location: 1960 OLD YORK RD	·
	,
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Stanley Boir	
Address: 940 Buck Rd Dyarnyville PA 17566	· -
·	-
	_
Telephone Number: 717- 278-4876	-

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

February 23, 2016

Ronald Schoelkopf 19610 Old York Road White Hall MD 21161

RE: Case Number: 2016-0173 A, Address: 19610 Old York Road

Dear Mr. Schoelkopf:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 28, 2016. 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 Stanley Bair, 940 Buck Road, Quarryville PA 17566

2-22 Closing

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

FEB 1 2 2016



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:

February 12, 2016

SUBJECT:

DEPS Comment for Zoning Item

2016-0173-A

Address

19610 Old York Road

(Schoelkopf Property)

Zoning Advisory Committee Meeting of February 15, 2016.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

Steve Ford

Date: 02-12-2016



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

Pete K. Rahn, Secretary Gregory C. Johnson, P.E., Administrator

Date: 2/8/16

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

RE:

Baltimore County

Item No. 2016-0173A Administrative Vaviore Ronard Schoelkopt. 19610 DICYORK 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. 2016-0173-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



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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 17, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 15, 2016

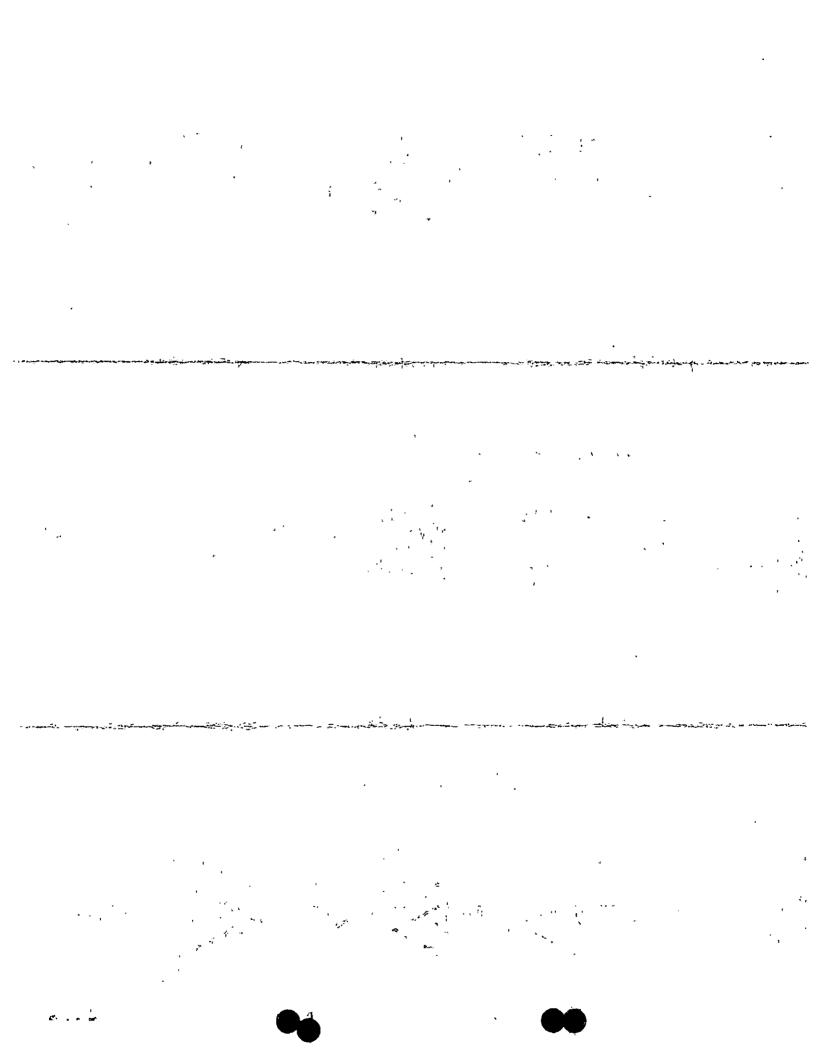
Item No. 2016-0164, 0173, 0174, 0175, 0176, 0177, 0178 and 0179

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

DAK:CEN cc:file

CERTIFICATE OF POSTING

Date: 2-7-16 RE: Case Number: 2016 - 0173-A Petitioner/Developer: Ronald SchoelRopf Date of Hearing/Closing: 2-72-16 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 19610 Old Yorkfl 2-7-16 (Month, Day, Year) The signs(s) were posted on 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)



CHECKLIST

Comment <u>Received</u>	<u>Depar</u>	<u>tment</u>	•		Support/Oppose/ Conditions/ Comments/ <u>No Comment</u>
2-17	DEVELOPMENT I)	ho
2-12	DEPS (if not received, dat	e e-mail sent _	 -)	NO
	FIRE DEPARTME	NT			
	PLANNING (if not received, dat	e e-mail sent _)	
2-8	STATE HIGHWAY	Y ADMINISTF	RATION		No objection
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	COMMUNITY AS	SOCIATION			
	ADJACENT PROF	PERTY OWNE	RS		
ZONING VIOLAT	ION (Cas	se No.		_)
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NEWSPAPER AD	VERTISEMENT	Date:			
SIGN POSTING		Date:	2-	7-16.	by Plson
PEOPLE'S COUN	SEL APPEARANCE	Yes		No 🔲	
PEOPLE'S COUN	SEL COMMENT LET	TER Yes		No \square	
Comments, if any:					



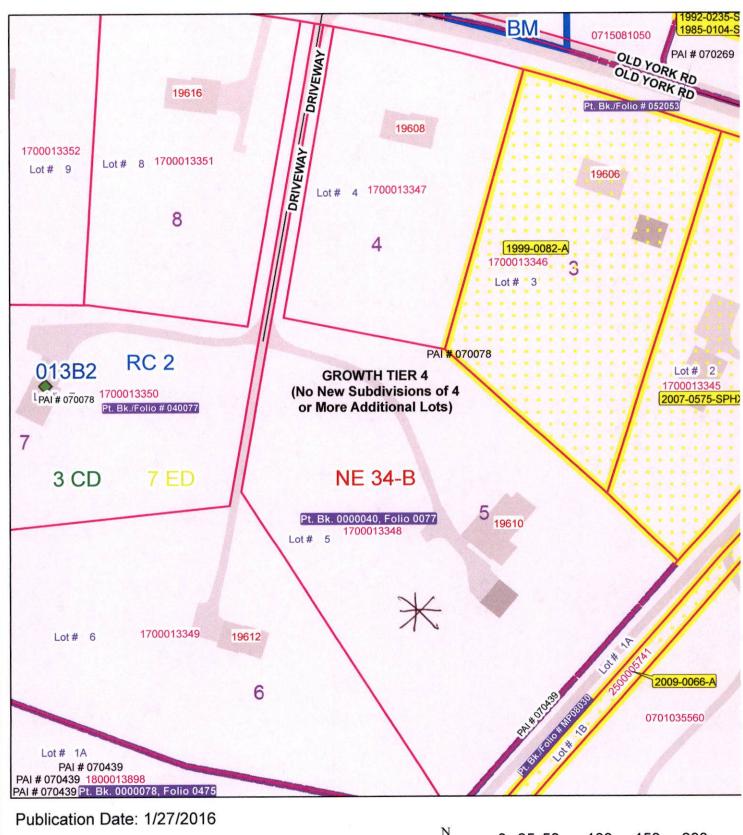


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Homestead Application Information

Homestead Application Status: Approved 03/20/2015

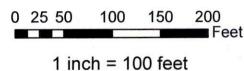
19610 Old York Road

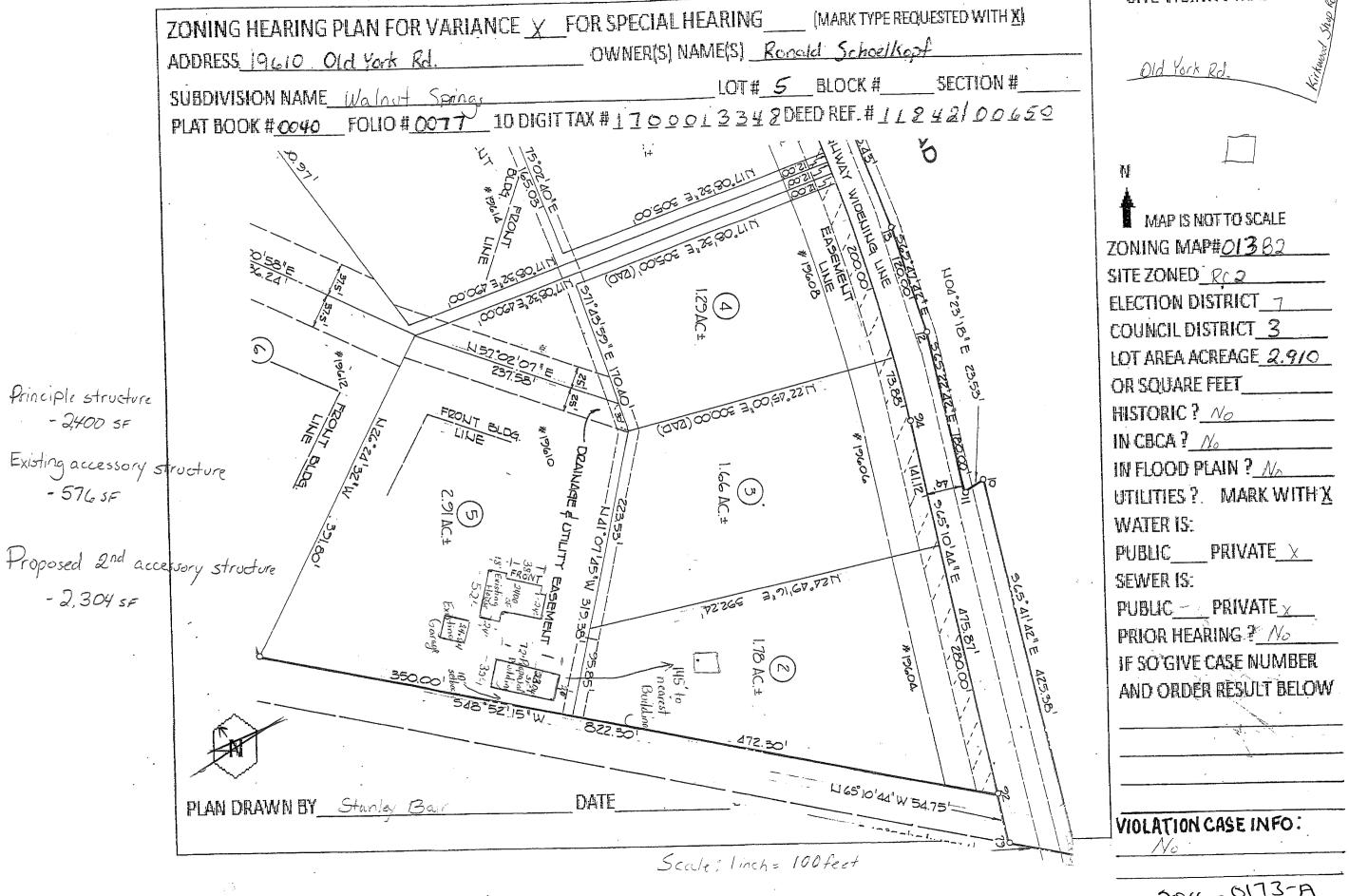




Publication Agency: Permits, Approvals & Inspections Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot

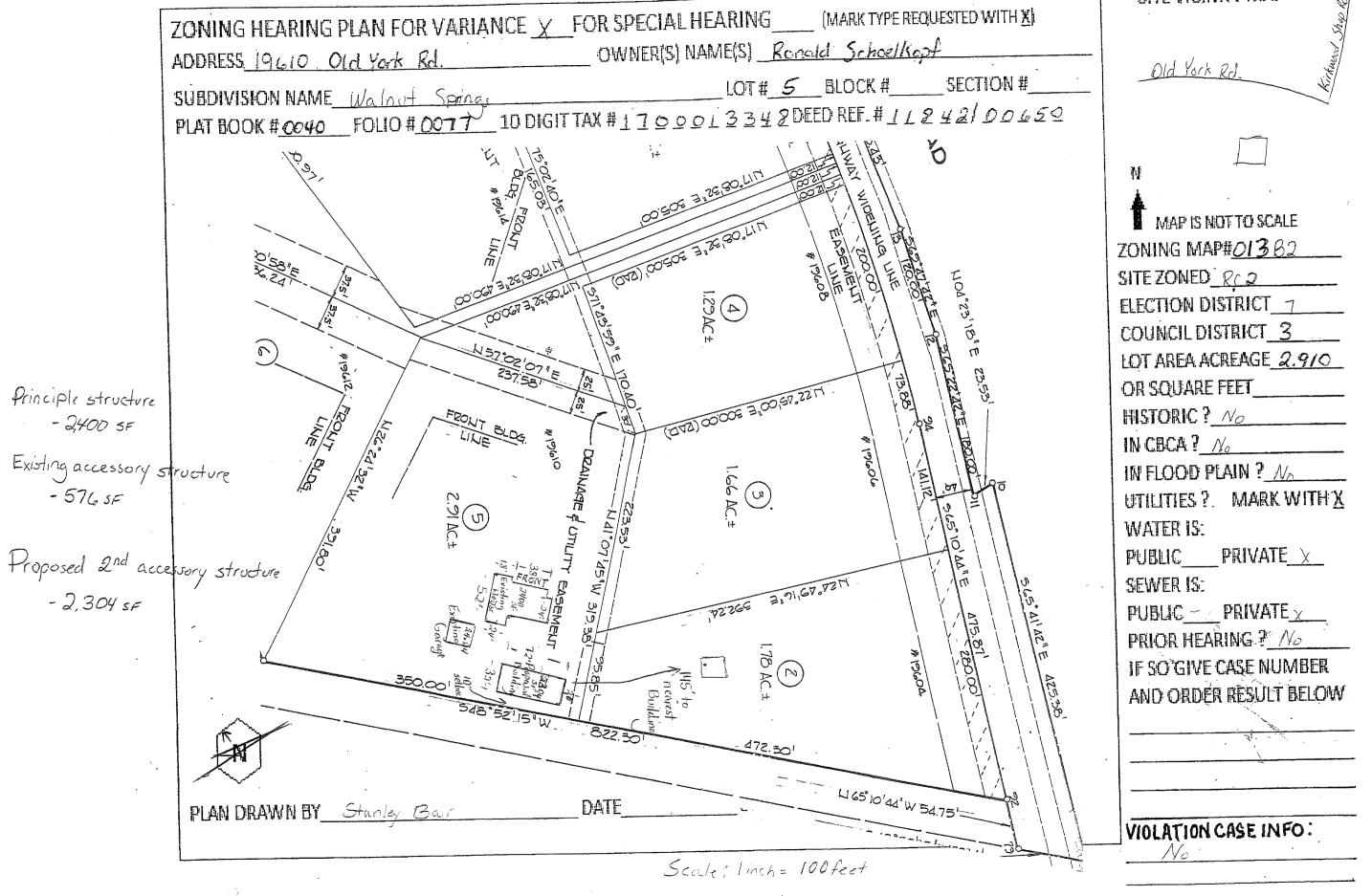






SITE VICINITY MAP

2016-0173-A



SITE VICINITY MAP