

M E M O R A N D U M

DATE: May 24, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0227-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 23, 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
(12204 Happy Hollow Road)		
8 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Michael A. Zarolinski & Ashlee F. Fox	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2016-0227-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, Michael A. Zarolinski & Ashlee F. Fox ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit an accessory structure (garage) with a height of 19 ft. in lieu of the permitted 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 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 April 1, 2016, 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 § 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 4-21-16

By (signature)

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 21st day of **April, 2016** by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit an accessory structure (garage) with a height of 19 ft. in lieu of the permitted 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.

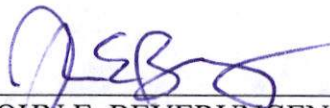
ORDER RECEIVED FOR FILING

Date 4-21-16

2

By [Signature]

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 4-21-16

By dlw



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 12204 HAPPY HOLLOW RD Currently zoned RC5
Deed Reference 36665 1 189 10 Digit Tax Account # 2300003873
Owner(s) Printed Name(s) MICHAEL A. ZAROLINSKI & ASHLEE F. FOX

(SELECT THE HEARING(S) BY MARKING ☒ 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:

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

400.3 (BCZR) TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 19 FEET IN LIEU OF THE PERMITTED 15 FEET

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

2. ☐ **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):

MICHAEL A. ZAROLINSKI ASHLEE F. FOX
Name #1 – Type or Print Name #2 – Type or Print

[Signature] Ashlee Fox
Signature #1 Signature #2

12204 HAPPY HOLLOW RD COCKEYSVILLE, MD
Mailing Address City State

21030 / /
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:

DAVID BILLINGSLEY
Name- Type or Print

[Signature]
Signature

601 CHARYWOOD CT EDGEWOOD MD
Mailing Address City State

21040 (410) 679-8719 dwb0209@yahoo.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 _____ day of _____ 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.

Administrative Law Judge for Baltimore County

CASE NUMBER 2016-0227-A Filing Date 3/24/2016 Estimated Posting Date 4/3/16 Reviewer [Signature]

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: 12204 HAPPY HOLLOW RD. COCKEYSVILLE MD. 21030
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)

SEE ATTACHED

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

Signature of Owner (Affiant)

MICHAEL A. ZAROLINSKI

Name- Print or Type

Ashlee Fox

Signature of Owner (Affiant)

ASHLEE F. FOX

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

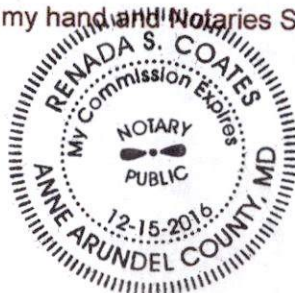
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 7 day of March, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Michael A. Zarolinski and Ashlee F. Fox

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

AS WITNESS my hand and Notaries Seal



Renada S. Coates

Notary Public

12-15-2016

My Commission Expires

REV. 5/8/2014

0227-A

This variance is requested to permit a garage with a 10 foot ceiling height with a roof pitch to architecturally match that of our existing dwelling for a total height of 19 feet. The garage will not be used for additional living quarters or commercial use.

0227-A

ZONING DESCRIPTION

12204 HAPPY HOLLOW ROAD

Beginning for the same at a point on the northwest side of Padonia Road (70 feet wide), distant 272 feet southwesterly from its intersection with the center of Happy Hollow Road, thence:

1. S 35° 59' 50" W 60.38 feet, thence
2. N 39° 23' 35" W 224.34 feet, thence
3. S 53° 03' 51" W 180.77 feet, thence
4. N 39° 40' 09" W 161.72 feet, thence
5. N 50° 16' 41" E 214.88 feet, thence
6. S 39° 43' 19" E 20 feet, thence
7. S 63° 11' 40" E 67.19 feet, thence
8. S 39° 38' 34" E 145.13 feet, thence
9. S 59° 04' 03" E 76.61 feet, thence
10. S 19° 53' 01" E 86.01 feet to the place of beginning.

Containing 1.2400 acre of land, more or less.

Being known as 12204 Happy Hollow Road. Located in the 8TH Election District, 2ND Councilmanic District of Baltimore County, Md.

2016-0227-A

CERTIFICATE OF POSTING

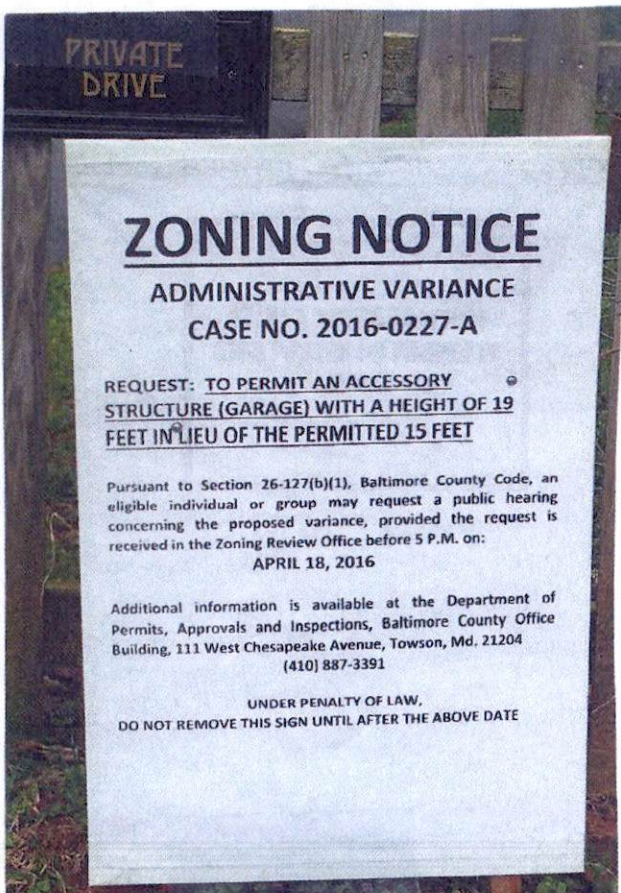
Date: APRIL 1, 2016

RE: Project Name: 12204 HAPPY HOLLOW ROAD
Case Number /PAI Number: 2016-0227-A
Petitioner/Developer: MICHAEL A. ZAROLINSKI
Date of Hearing/Closing: APRIL 18, 2016

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 12204 HAPPY HOLLOW RD

The sign(s) were posted on APRIL 1, 2016

(Month, Day, Year)



David W Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 227 -A Address 12204 Happy Hollow Rd

Contact Person: Leonard Wasilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/24/16 Posting Date: 4/3/16 Closing Date: 4/18/16

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. **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.
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- 227 -A Address 12204 Happy Hollow Road

Petitioner's Name Michael A. Zarolinski & Ashlee Fox Telephone 410 679 8719

Posting Date: 4/3/16 Closing Date: 4/18/16

Wording for Sign: To Permit AN Accessory structure (Garage) with a height of 19 feet in lieu of the permitted 15 feet.

Revised 7/21/15

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **134792**

Date: **3/24/16**

PAID RECEIPT

BUSINESS ACTUAL TIME REV
3/24/2016 3/24/2016 09:27:31 5

REG MS05 WALKIN RE09 LRB
>> RECEIPT # 044918 3/24/2016 CFLN

DEPT 5 528 ZONING VERIFICATION
LN NO. 134792

Receipt Tot 175.00
177.00 GT
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: **75.00**

Rec
From:

For:

12204 Happy Hollow Rd

2016-0227-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

April 19, 2016

Michael A Zarolinski
Ashlee F Fox
12204 Happy Hollow Road
Cockeysville MD 21030

RE: Case Number: 2016-0227 A, Address: 12204 Happy Hollow Road

Dear Mr. Zarolinski & Ms. Fox:

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

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
David Billingsley, 601 Charwood Court, Edgewood MD 21040

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence**

RECEIVED

MAR 29 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: March 29, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0227-A
Address 12204 Happy Hollow Road
(Zarolinski & Fox Property)

Zoning Advisory Committee Meeting of April 4, 2016.

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

Reviewer: Steve Ford

Date: 03-29-2016

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>3-29</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>3-28</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>4-1-16</u> by <u>Beijingley</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 2300003873			
Owner Information					
Owner Name:	ZAROLINSKI MICHAEL A FOX ASHLEE F		Use: Principal Residence:	RESIDENTIAL YES	
Mailing Address:	12204 HAPPY HOLLOW RD COCKEYSVILLE MD 21030-1725		Deed Reference:	/36665/ 00189	
Location & Structure Information					
Premises Address:		12204 HAPPY HOLLOW RD COCKEYSVILLE 21030-1725		Legal Description:	1.244 AC NWS W PADONIA RD 200FT SW HAPPY HOLLOW RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0051	0013	0712		0000	
				Assessment Year:	Plat No: Plat Ref:
				2014	
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area		Property Land Area	County Use
2002	3,012 SF			1.2400 AC	04
Stories	Basement	Type	Exterior SIDING	Full/Half Bath	Garage
2	YES	STANDARD UNIT		2 full/ 1 half	1 Attached
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments	
				As of 07/01/2015	As of 07/01/2016
Land:		256,000	256,000		
Improvements		351,300	342,900		
Total:		607,300	598,900	598,900	598,900
Preferential Land:		0			0
Transfer Information					
Seller: AUMILLER LEONARD MICHAEL		Date: 09/17/2015		Price: \$759,900	
Type: ARMS LENGTH IMPROVED		Deed1: /36665/ 00189		Deed2:	
Seller: BEAUCHAMP WILLIAM		Date: 07/23/2002		Price: \$583,000	
Type: ARMS LENGTH IMPROVED		Deed1: /16635/ 00689		Deed2:	
Seller: HEBERT ROBERT C		Date: 06/14/2001		Price: \$175,000	
Type: ARMS LENGTH VACANT		Deed1: /15300/ 00082		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **08** Account Number: **2300003873**

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>).

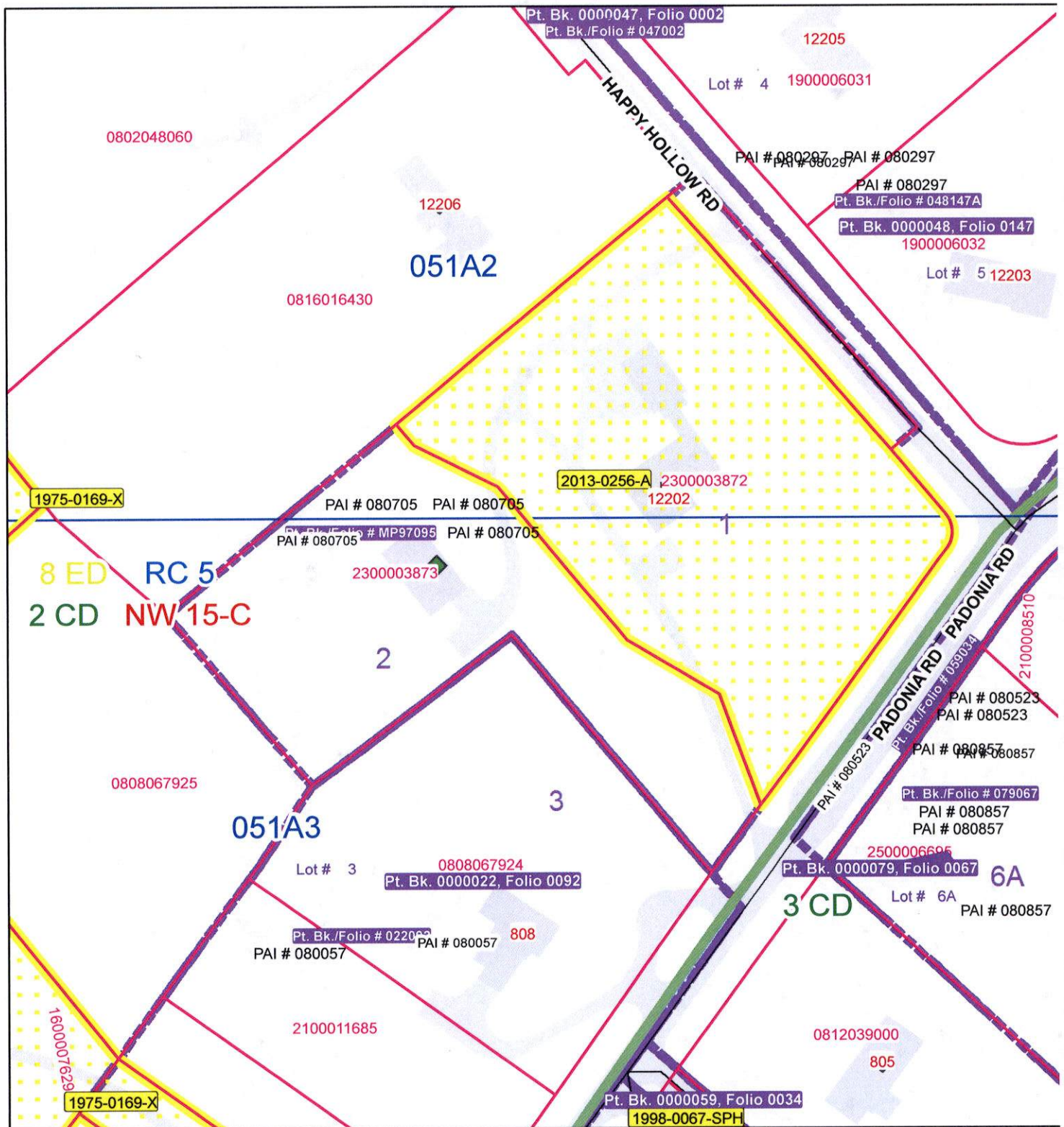
Property maps provided courtesy of the Maryland Department of Planning.

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>).



2016-0217-A

12204 Happy Hollow Road 2016-0227-A



Publication Date: 3/24/2016



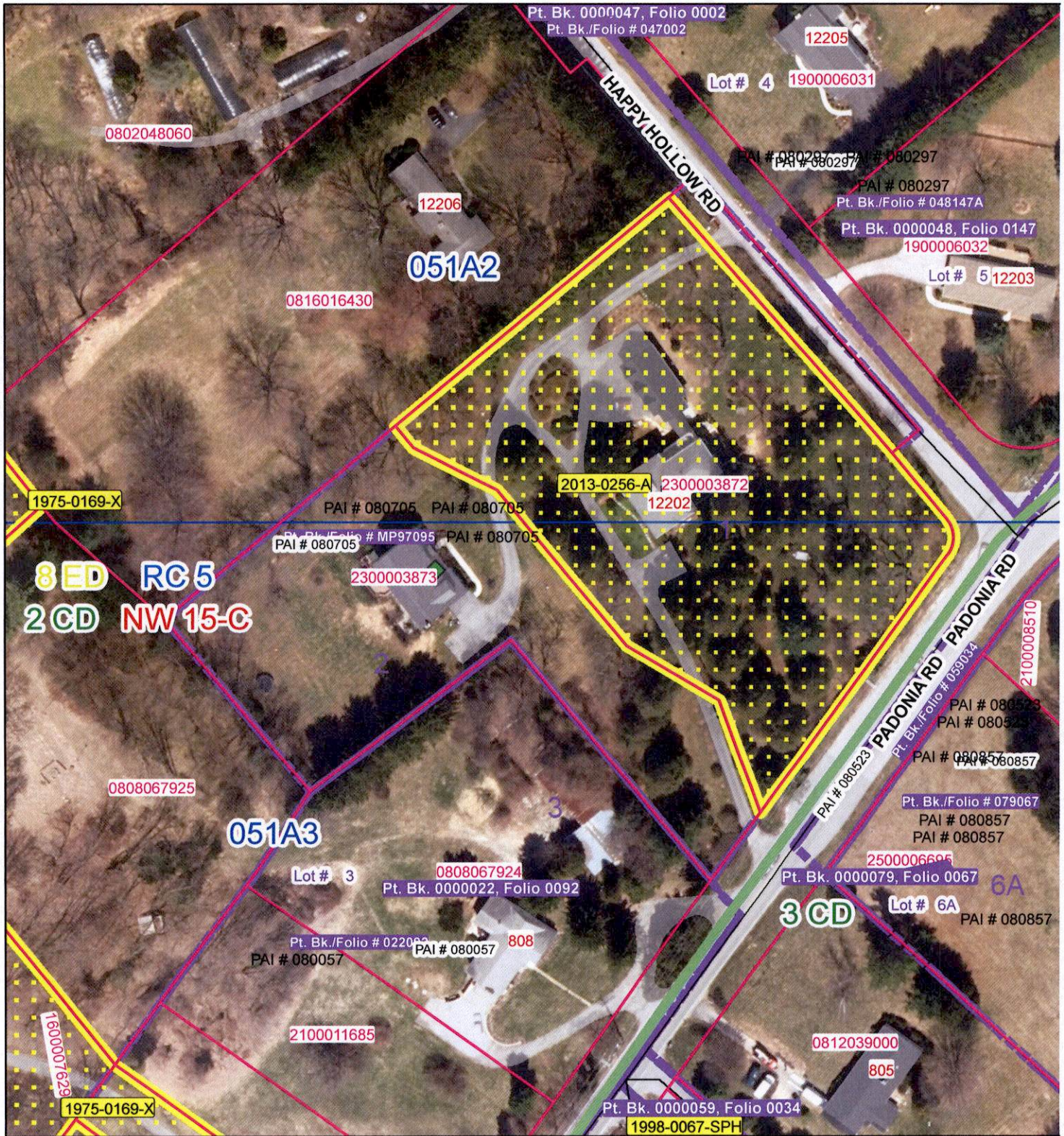
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet

12204 Happy Hollow Road 2016-0227-A



Publication Date: 3/24/2016

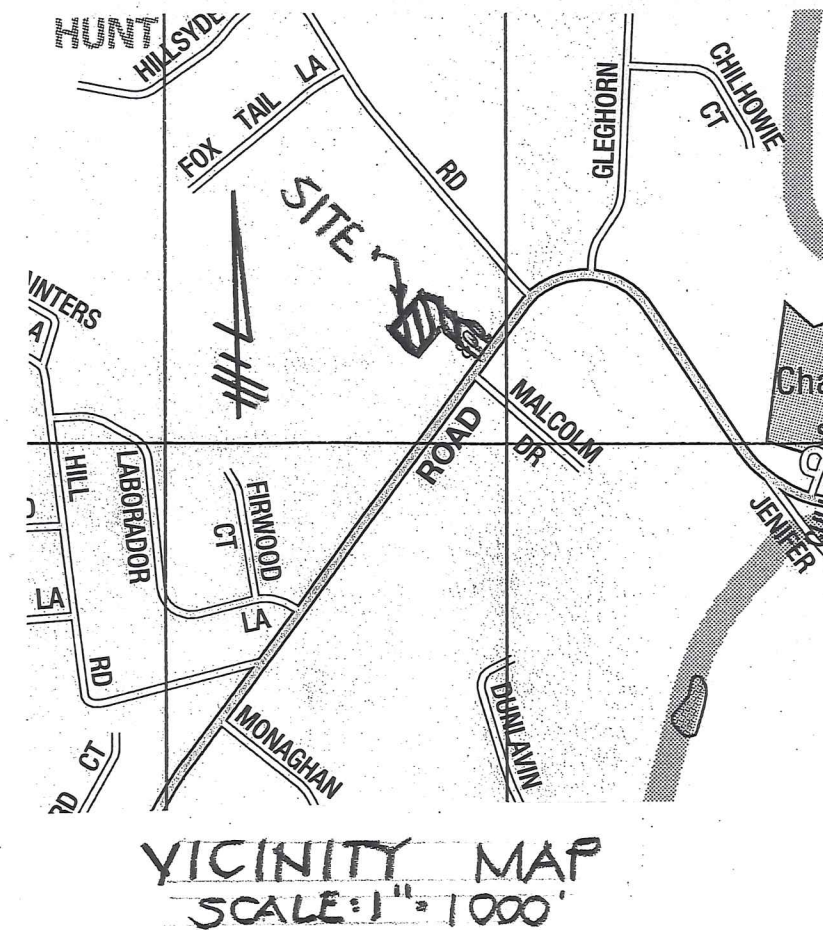
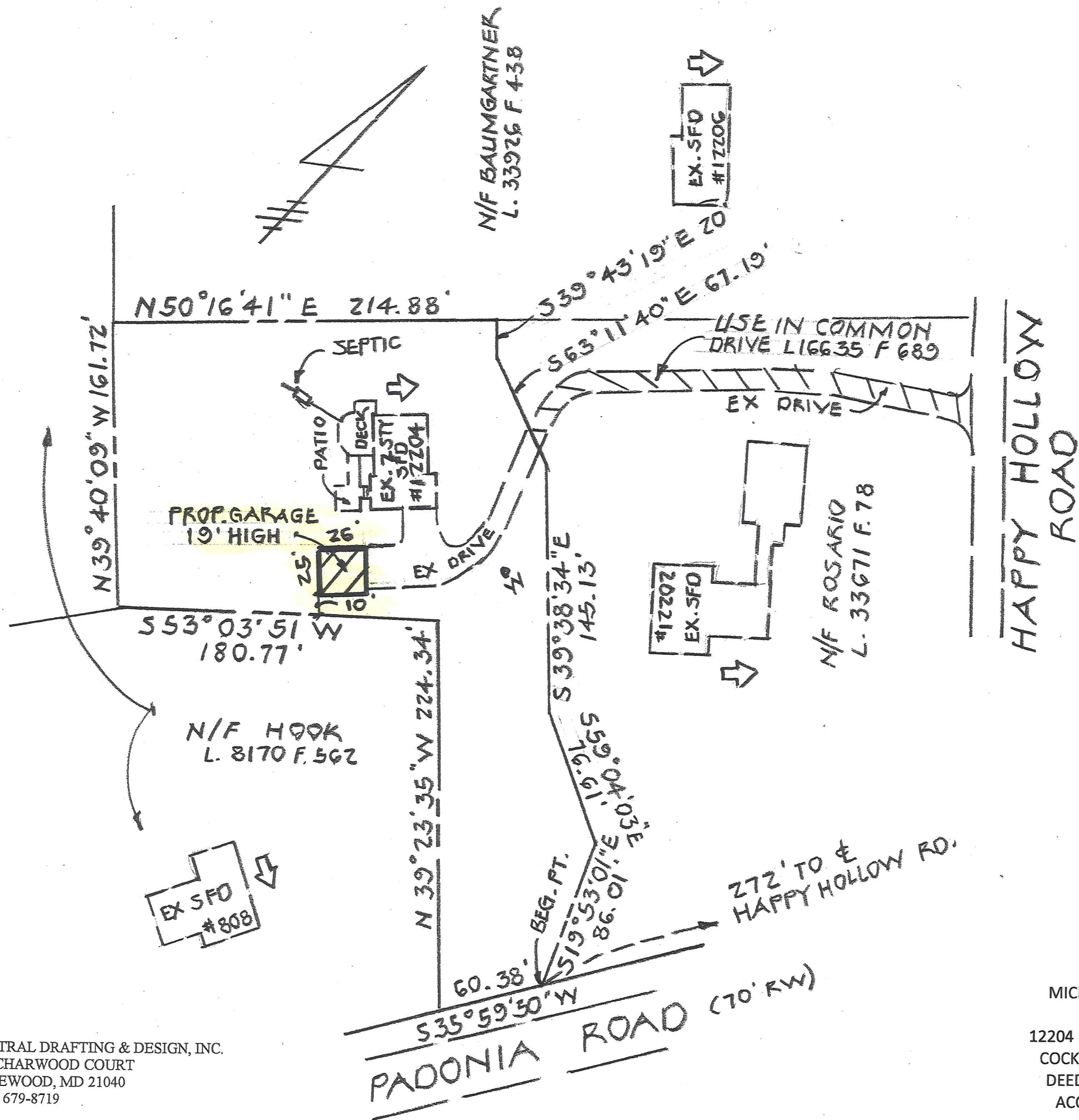


Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 25 50 100 150 200 Feet

1 inch = 100 feet



NOTES

1. ZONING.....RC.5 (MAP NO. 051A2)
2. AREA.....1.2400 ACRE +/-
3. PRIVATE WATER AND SEWER
4. SITE IS NOT LOCATED IN CBCA OR 100 YEAR FLOOD ZONE
5. NO PREVIOUS ZONING HISTORY OR VIOLATIONS
6. NO HISTORIC SITES OR BUILDINGS, CRITICAL AREAS OR UNDERGROUND STORAGE TANKS EXIST

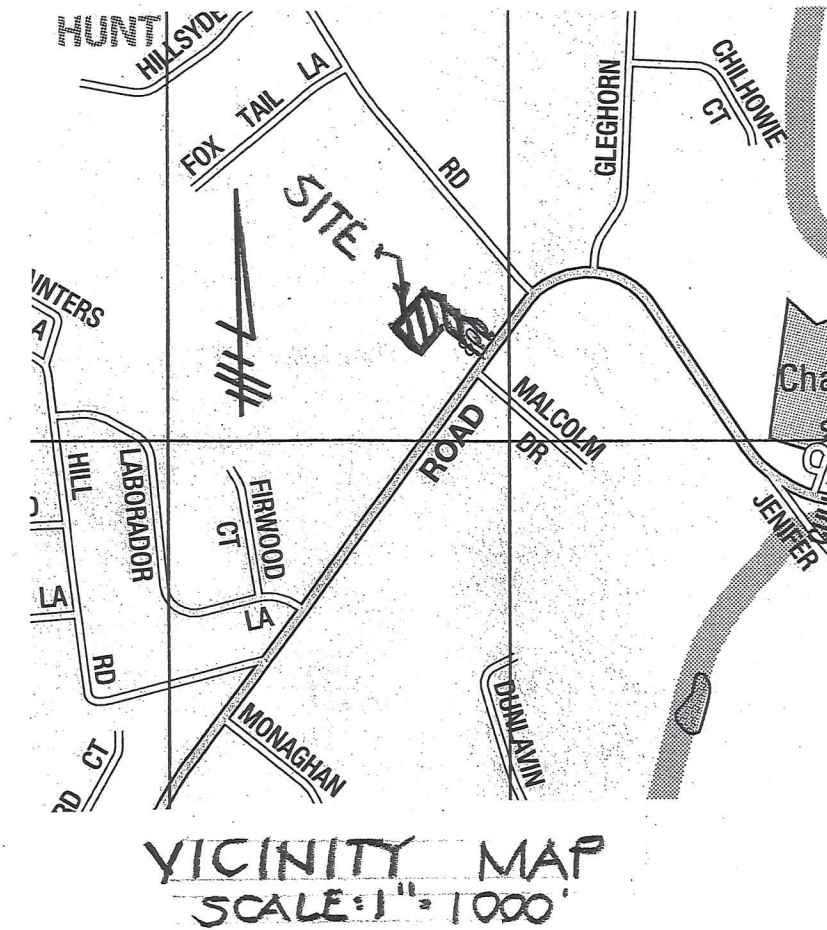
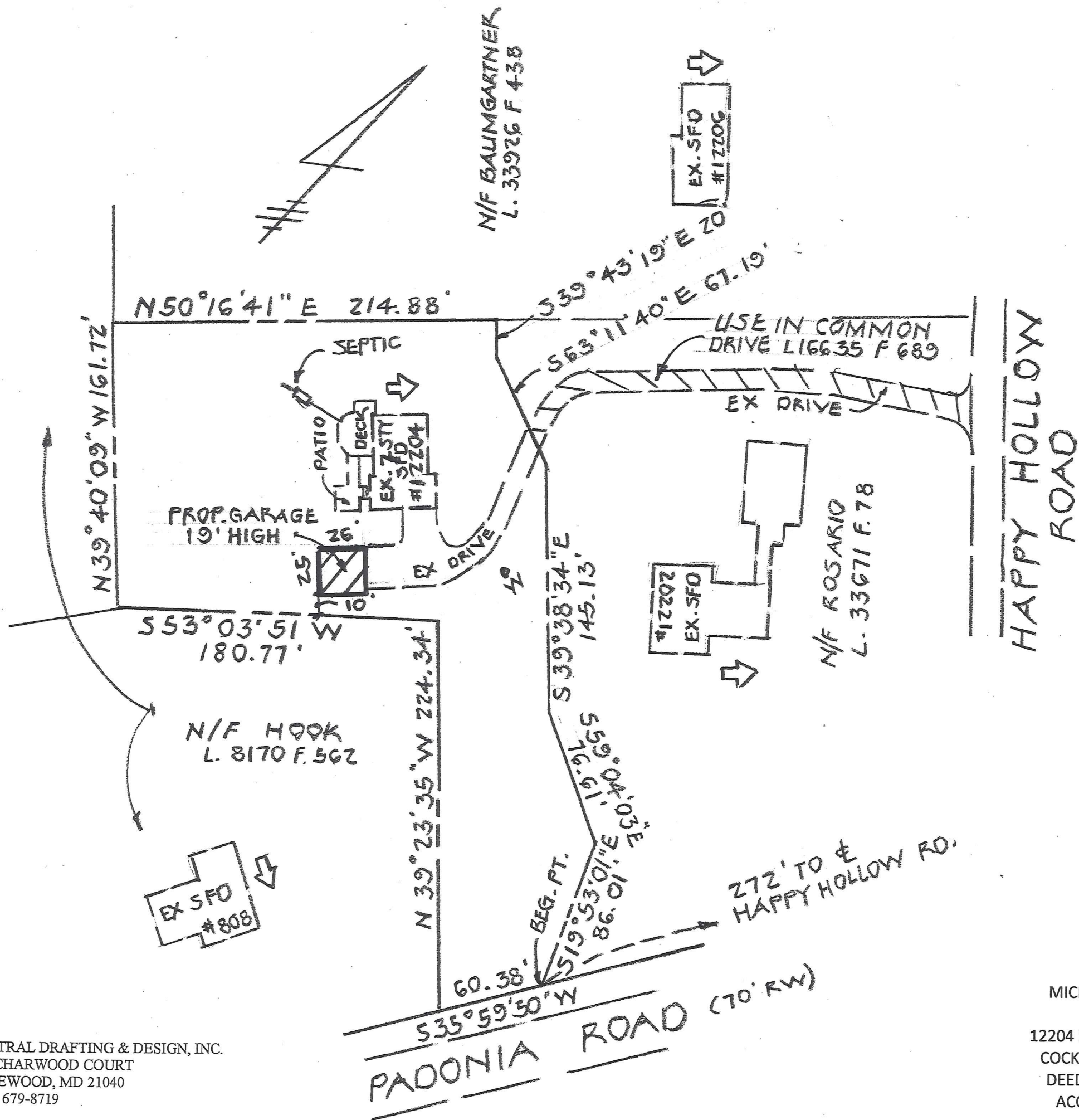
2016-0227-A

OWNERS
MICHAEL A. ZAROLINSKI
ASHLEE F. FOX
12204 HAPPY HOLLOW ROAD
COCKEYSVILLE, MD. 21030
DEED REF: L.36665 F.189
ACCT NO 2300003873

**PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
12204 HAPPY HOLLOW ROAD
ELECTION DISTRICT 8,C2
BALTIMORE COUNTY, MD
SCALE: 1 INCH = 60 FEET MARCH 12, 2016**

Pet. Exp. 1

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719



NOTES

1. ZONING.....RC.5 (MAP NO. 051A2)
2. AREA.....1.2400 ACRE +/-
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2016-0227-A

OWNERS

MICHAEL A. ZAROLINSKI
ASHLEE F. FOX
12204 HAPPY HOLLOW ROAD
COCKEYSVILLE, MD. 21030
DEED REF: L.36665 F.189
ACCT NO 2300003873

PLAT TO ACCOMPANY PETITION FOR ADMINISTRATIVE VARIANCE

12204 HAPPY HOLLOW ROAD
ELECTION DISTRICT 8,C2
BALTIMORE COUNTY, MD

SCALE: 1 INCH = 60 FEET MARCH 12, 2016