MEMORANDUM

DATE:

June 1, 2016

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0238-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 31, 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: Kase File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE

(19 Church Road)

4th Election District

4th Council District

Robert King Petitioner BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0238-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 owner of the property, Robert King ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a side yard setback for an attached garage of 3 ft. in lieu of the permitted 10 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as 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 received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 10, 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 (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

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Date	4-28-16	
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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 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, this <u>28th</u> day of **April**, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a side yard setback for an attached garage of 3 ft. in lieu of the permitted 10 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his 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, Petitioner would be required to return the subject 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	4-28-16	-

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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 19 Church Rd Currently zoned DR 3.5 Deed Reference 35959100388 10 Digit Tax Account # 0 4 0 2 0 2 1 3 5 0 Owner(s) Printed Name(s) Robert (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: 1. X ADMINISTRATIVE VARIANCE from Section(s) 1802.3.C.1; BCZR, TO PERMIT A SIDEYARD SETBACK FOR AN ATTACHED GARAGE OF 3ft. IN LIEU OF THE PERMITTED 10ft. 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): Signature # 2 DUINGS Mailing Address Attorney for Owner(s)/Petitioner(s): Representative to be contacted: Mailing Address CEIVED FOR FILING Name-Type or Print Name - Type or Print Signature Mailing Address State State City Zip Code Telephone # **Email Address** 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 required by the zoning regulations of Baltimore County

Administrative Law Judge for Baltimore County

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:	19 Church Print or Type Address of pr	Rd	Dwings Mi	DM 211	21117
	Print or Type Address of pr	operty	City	State	Zip Code
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(6)	vot King			Name- Print or Typ	1
Name- Prin	t or Type			Name- Print or Typ	e
	The following info	ormation is to	be completed b	y a Notary Public of the	e State of Maryland
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Print name(s) he	ere: <u>ROB</u>	PRT KIKIP	<u>,</u>	•	
the Affiant	(s) herein, personall	y known or s	atisfactorily ider	itified to me as such At	ffiaňt(s).
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My Commission Expires Sep 25, 2017

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ATTACHMENT TO ADMINISTRATIVE ZONING PETITION

For 19 Church Rd Owings Mills, MD 21117

I request a variance allowing me to build an attached 2-car garage at 3 feet from the property line because:

- 1. The 2-car garage will allow me to store needed yard equipment, and continue to protect my classic automobile from the weather. I need this yard equipment because my property line adjoins vacant property where the owner has not paid taxes or cared for the property since 1990 as demonstrated by the county tax lien. Although Baltimore County holds the tax lien, they do not maintain the property either. Therefore, I remove all trash, limbs, etc. on the vacant property. I also maintain the grass on a bi-weekly schedule, otherwise the neighbors complain of pest infestations. I purchased a riding mower and accessories to accomplish these tasks, and I store this equipment in the existing 1-car garage. However, I had to move my classic automobile outside the garage, under a car cover.
- 2. I retired from the Army in 2014. However, during my tour in Germany in the early 80's, I suffered from cold exposure and still have an intolerance for cold in my hands and feet. I need the attached garage to allow me to get to work in the winter without prolonged exposure to snow, ice, and frost when cleaning off my automobile.
- 3. The existing 1-car garage, built in 1953, has defects needing repair. It is more financially sound to build a new functional garage rather than repair the existing inadequate structure.

Sincerely,

Robert King (757-725-2201

rking@collegematrix.net

STATE OF HD, COUNTY OF BAZTHORY, TO WIT:

1 HEREBY CERTIFY, THIS 24TH DAY OF HARCH 2016,

I HEREBY CERTIFY, THIS 20TH DAY OF HARCH 2016,
BEFORE ME AND NOTHRY OF HARYMAND, IN AND
FOR THE COUNTY AFFRESAND, PERSONALLY APPEARED:
RUBERT KING, THE AFFIRMT HEREIM, PERSONALLY
KNOWN OR SATISFACTORILY IDENTIFIED TO ME 15
SUCH AFFIRMT.

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YOLANDA C. TAYLOR Notary Public Anne Arundel County Maryland

My Commission Expires Sep 25, 2017

Molande C. Saylor NOTARY- YOLANDA C TAYLOR

MY COMMISSION EXPIRES: 9-25-17

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BALTIMORE COUNTY, HARYLAND

www.baltimorecountymd.gov

Real Property Tax

Logout

- Account Information

Parcel ID:

19-00-003708

Owner Name: Sarawoods Limited Partnership C/O R Squared Inc
Parcel/Situs Address: Church Ln



The balance due information is a valid payment amount through the end of the current month. Please note that only 30 bills can be displayed by this system.

This property is currently in a tax sale status. Please contact the Tax Sale Section at 410-887-5616 for additional information.

The number of outstanding bills for this property is greater than the amount supported by our system. Please contact the Office of Budget and Finance at 410-887-2404 for additional information.

Pay with Crediticard . Pay with Electronic Check

Return To Search Menu

400 Washington Avenue • Courthouse • Towson, MD 21204



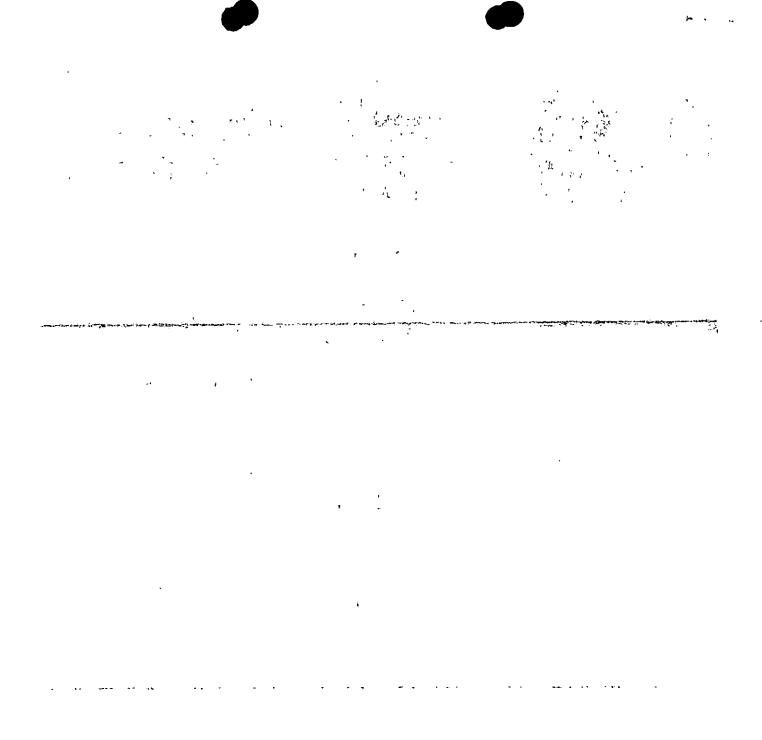
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ZONING DESCRIPTION FOR 19 CHURCH ROAD

That property located on the west side of Church Road,
Approximately 330 ft. south of the centerline of Cedarmere
Circle. Consisting of 19,994 square feet (+/-), in Election
District 4th, Council District 4th.

CERTIFICATE OF POSTING

Date: 4-10-16 RE: Case Number: 2016-0238-A Petitioner/Developer: Robert King Date of Hearing/Closing: 4-25-16 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 19 Church RL 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)





BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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:

April 14, 2016

SUBJECT:

DEPS Comment for Zoning Item

2016-0238-A

Address

19 Church Road

(King Property)

Zoning Advisory Committee Meeting of April 18, 2016.

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

Reviewer:

Steve Ford

Date: 04-14-2016

BALTIMORE COUNTY DE MENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINIO
Case Number 2016- 0238 -A Address 19 CHURCH Pd.
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: Planner, Please Print Your Name Posting Date: 4/10 Closing Date: 4/25
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. <u>DEADLINE:</u> 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 2016-0238 -A Address 19 CHURCH 2D. Petitioner's Name Robert KING Telephone 757-725-220/ Posting Date: 4/10/16 Closing Date: 4/25/16 Wording for Sign: To Permit A SIDE YARD SETBACK OF 3ft. for AN ATTACHED GAPAGE IN LIEU OF THE REQUIRED 10ft.
9/1/16 S/W/PERTIONER TO Change from 4ft. TO 3ft. Revised 7/21/15 BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

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 legal owner/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 legal owner/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.

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KEVIN KAMENETZ County Executive

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

April 26, 2016

Robert King 19 Church Road Owings Mills MD 21117

RE: Case Number: 2016-0238 A, Address: 19 Church Road

Dear Mr. King:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 1, 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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



APR 1 4 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:

April 14, 2016

SUBJECT:

DEPS Comment for Zoning Item

2016-0238-A

Address

19 Church Road

(King Property)

Zoning Advisory Committee Meeting of April 18, 2016.

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

Reviewer:

Steve Ford

Date: 04-14-2016



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

Gregory C. Johnson, P.E., Administrator

Pete K. Rahn, Secretary

Date: 4/11/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016 - 0238-A Advancestrative Variance Robert Hing 19 Church Road.

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: April 14, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 18, 2016

Item No. 2016-0238, 0239, 0241, 0242 and 0243

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

DAK:CEN cc:file

CHECKLIST

Comment <u>Received</u>	<u>De</u> p	artment		Support/Oppose/ Conditions/ Comments/ No Comment
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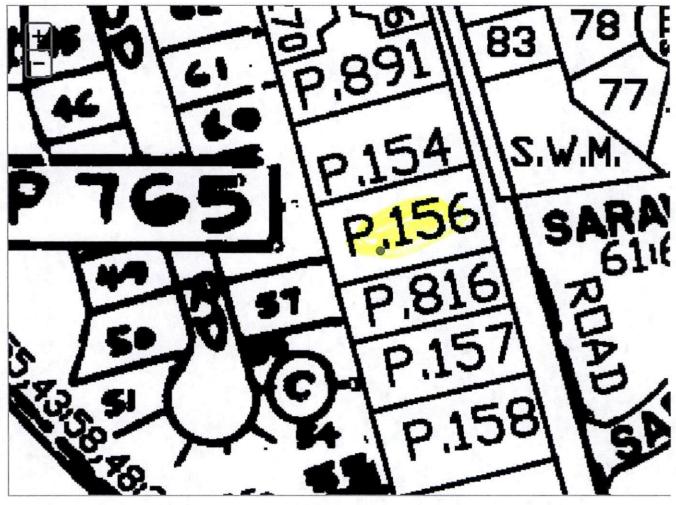
Homestead Application Information

Homestead Application Status: Approved 05/01/2015

Baltimore County

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

District: 04 Account Number: 0402021350

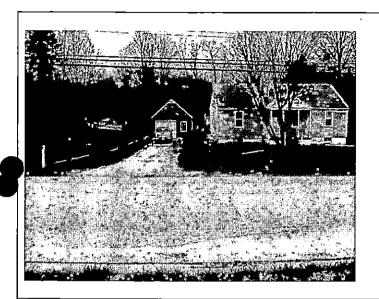


The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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).

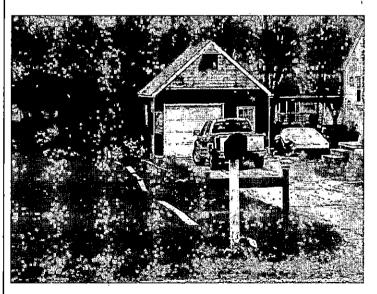


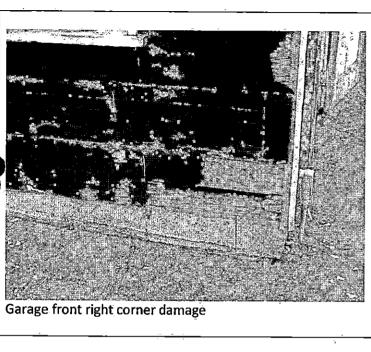


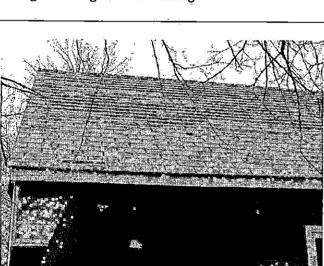
Proposed Garage Boundary

Existing property line

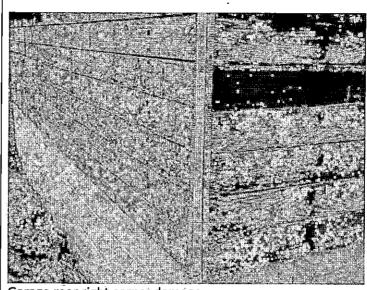








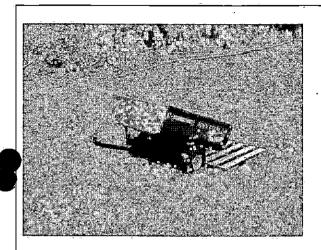
Garage roof damage



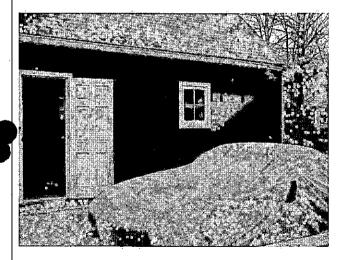
Garage rear right corner damage



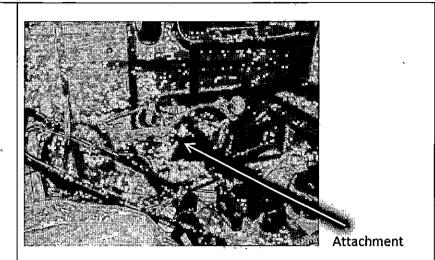
Garage front left damage and garage door cracked



Cart



Classic car (under cover)



Lawnmower attachment (leaning against the wall)

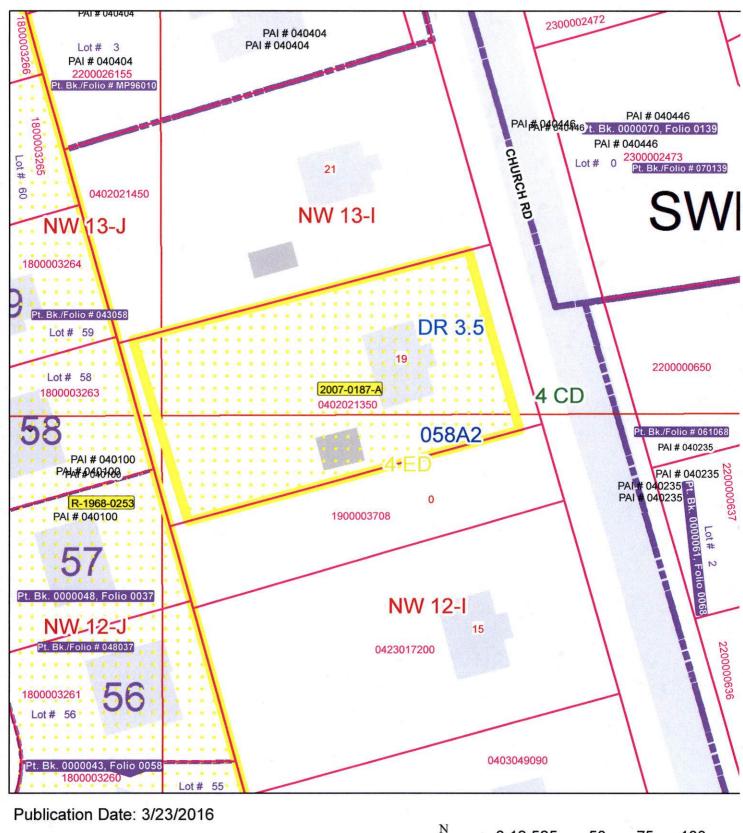


Lawn tractor

T BOOK # FOLIC	D#10 DIGIT TAX # 9	705051320 DEED	BLOCK # SECTION REF. #3 5 9 5 9 / 9		71-153
		^ <u> </u>		0388 Supi	perty of Pleasant 1
Proposed Addition (24×24 Garage) Softween Proposed garage and property Line	TA TO	Deck HO' 36' 32' > Septic Deck HO' 36' 32' > The preh The preh	ax# 0402 02 14 21 Church Rd Daner: Sherri Richar Brenda Anse	ZONING ZONING SITE ZON ELECTIO COUNCI LOT ARE OR SQUA HISTORI IN CBCA IN FLOO UTILITIES WATER I PUBLIC SEWER IS PUBLIC PRIOR H IF SO GIV	PIS NOT TO SCALE MAP# 058A2 VED DR3,5 N DISTRICT 4 th L DISTRICT 4 th A ACREAGE ARE FEET 19, 994 C? N PLAIN? N S? MARK WITH X S: PRIVATE

Pet. Ech. 1

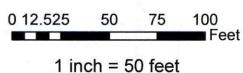
19 Church Road





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





SUBDIVISION NAME_		LOT# BLOCK#	SECTION #	رعا
PLAT BOOK #	FOLIO # 10 DIGIT TAX # 9	402021350 DEED REF.#		*************************************
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	1	•		Please
				N/
	Vacant Lot		0402021450	1 Dolfie
	Daner:		irch Rd	MAP IS NOT TO SCALE
	Sarawoods	, Daner		ZONING MAP# 058A
	Sarawoods Limited Existing Partnership 16x22	Sher		SITE ZONED DR3.5
	Partnership Garage	Bren	ida Ansel E	ELECTION DISTRICT 444
				COUNCIL DISTRICT 444
		septic		LOT AREA ACREAGE
	⟨-50′	02		OR SQUARE FEET 19, 90
Proposed Addition				HISTORIC? N
(24×24		Deck		IN CBCA?
Garage)	The state of the s		200	
	<-v	10'-12 -32'->	1 = 5	IN FLOOD PLAIN ? P
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	water I me - skxx	7 V 7 C		AND ORDER RESULT BELO
	neter to to		<u> </u>	INO ONDER REJUCT DELO
(") >	church Rd 50	(R/L)		indians.
	THE WAY SHOW HELD TO THE WAY BY THE PROPERTY OF	17 🕶		

PLAT BOOK #	_FOLIO #10 DIGIT	TAX#0402021350	DEED REF. #3 5 9 5 8 / 9 9 3 8	8 Subject Property o
Proposed Addition (24×24 Garage) 3 44 botween Proposed gara and propert	(-50'-)	Deck Deck Home Porch Fence Septic Deck Forch Forch Forch Silver This is a septic S	Tax# 0402 02 1450 21 Church Rd Owner: Sherri Richardson Brenda Ansel	MAP IS NOT TO SCALE ZONING MAP# 058 A: