MEMORANDUM

DATE:

July 6, 2016

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0270-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 5, 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 * (321 Chattolanee Hill Road)

3rd Election District
2nd Council District

Topher J. and Ashley M. Brewer

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0270-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, Topher J. and Ashley M. Brewer ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1A01.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed dwelling addition (connecting existing detached dwelling to existing detached accessory building/garage) with a lot line setback as close as 4 ft. in lieu of the minimum required 35 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 May 14, 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 ORDER RECEIVED that the requested variance would adversely affect the health, safety or general

By____

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.

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>3rd</u> day of **June**, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A01.3.B.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed dwelling addition (connecting existing detached dwelling to existing detached accessory building/garage) with a lot line setback as close as 4 ft. in lieu of the minimum required 35 ft., be and is hereby GRANTED.

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.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

2

JOHNE. BEVERUNCEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER	RECEIVED FOR FILING	
Date	6-3-16	
Ву	100	



ADMISTRATIVE ZONING PERION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

For Administrative Variances, the Affidavit on the	e reverse of this Petition form must be completed and notarized. e in Baltimore County and which is described in the plan/plat or an:
(SELECT THE HEARING(S) BY MARKING X AT THE APPR For Administrative Variances, the Affidavit on the The undersigned, who own and occupy the property situate attached hereto and made a part hereof, hereby petition for	e reverse of this Petition form must be completed and notarized. e in Baltimore County and which is described in the plan/plat or an:
For Administrative Variances, the Affidavit on the The undersigned, who own and occupy the property situate attached hereto and made a part hereof, hereby petition for	e reverse of this Petition form must be completed and notarized. e in Baltimore County and which is described in the plan/plater an:
The undersigned, who own and occupy the property situate attached hereto and made a part hereof, hereby petition for	e in Baltimore County and which is described in the plan/plat
attached hereto and made a part hereof, hereby petition for	r an:
attached hereto and made a part hereof, hereby petition for	r an:
1. X ADMINISTRATIVE VARIANCE from Section(s) 1, addition (connecting existing detached dwelling to set back as close a 4 feet in lieu of the	ADI. 3. B.3. RCZR, to nevmit a proposed dwelle
Service as Store a 1 teel Just the of the	e existing detached accessory building/garage) with a lot e minimum required 35 feet
of the zoning regulations of Baltimore County, to the zoning	
ADMINISTRATIVE SPECIAL HEADING to some	rove a waiver purposent to Section 22.4.107/h) of the Beltimor
County Code: (indicate type of work in this space: i.e., to re	rove a waiver pursuant to Section 32-4-107(b) of the Baltimor
sounty code. (maloute type of work in this opace. i.e., to re	azo, antor or construct addition to building)
of the Baltimore County Code, to the development law of E	Baltimore County.
Property is to be posted and advertised as prescribed by the zoning regu	llations. c. and further agree to be bound by the zoning regulations and restrictions of
Baltimore County adopted pursuant to the zoning law for Baltimore Count	
	Owner(s)/Petitioner(s):
	Topher J. Brewer / Ashley M Brewer
	Name #1 – Type or Print Name #2 – Type or Print
	AMOM AMOM
	Signature #1 Signature # 2
	221 Chattalance Hill Bood Owings Mills MD
	321 Chattolanee Hill Road, Owings Mills, MD Mailing Address City State
	Mailing Address Oity State
	21117 /See below / See Below
	Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
Name- Type or Print Signature Mailing Address City State	Peter W. Ratcliffe, AIA
Name- Type or Print	Name - Type or Print
TOK!	Lat Kithell
Signature CENED 2	Signature
A REUL 13'3	
ORDER	10404 Stevenson Rd., Stevenson, MD
Mailing Address City State	Mailing Address City State
Date	21153 / 410-484-7010 /dan@eatcliffearchitects.com
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
BV	
	to be required, it is ordered by the Office of Administrative Hearings for Baltimo ect matter of this petition be set for a public hearing, advertised, and re-posted as
required by the zoning regulations of Baltimore County.	section of this petition be section a public healing, advertised, and re-posted as

Filing Date 5/4/16

Estimated Posting Date 5/5/16 Reviewer G. A

Affidavit in Support of ministrative 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: _321 Chattolanee Hill Road Print or Type Address of property	Owings Mills City	MD State	21117 Zip Code
Based upon personal knowledge, the Administrative Variance at the above			
	See Attached		
(If additional space for the petition re	equest or the above statem	ent is needed, label ar	nd attach it to this Form)
		AMm-	
Signature of Owner (Affiant)	•	Signature of Owner (Aff	ant)
Topher J. Brewer		Ashley M. Brewer	
Name- Print or Type	Ī	Name- Print or Type	
The following information	is to be completed by a No	tary Public of the Stat	e of Maryland
STATE OF MARYLAND, COUNTY	OF BALTIMORE, to w	it:	
I HEREBY CERTIFY, this 12 ¹² and for the County aforesaid, personal	day of	-∂۱၆ , before me	a Notary of Maryland, in
Print name(s) here: TO PITER J. BREWE	en Ashley M. 1	Bravan	
the Affiant(s) herein, personally known	or satisfactorily identified t	o me as such Affiant	(s).
AS WITNESS my hand and Notaries S	Notary Public Notary Public January 2, 201	eungs	
NOTARY PUBLIC BALTIMORE COUNTY MARYLAND	My Commission Expi	es	

REV. 5/8/2014

My Commission Expires 01-02-2018

1 1 1 1

ADMINISTRATIVE VARIANCE STATEMENT OF HARDSHIP OR PRACTICAL DIFFICULTY 321 CHATTOLANNEE ROAD

The existing dwelling and garage were built and sited in 1926. The family is in need of a more intimate area for family living away from the large spaces located on the first floor of the house which are used for mainly for entertaining. Because of the growing family there was also a need for a larger kitchen located near the more intimate living space and the dining room.

A practical difficulty was caused by the present configuration of the house built in 1926 in regard to the location of the house and the garage, the location of the existing kitchen, stairway and dining room. All of these factors created the only choice of locating the addition between the house and the garage in the rear of the dwelling. This caused the garage to become attached to the house which then made the garage and the addition well within today's setback requirements. Moving the addition toward the center of the house would have destroyed the view from the dining room which is considered a necessary amenity.

ADMINISTRATIVE VARIANCE PROPERTY DESCRIPTION 321 CHATTOLANNEE HILL ROAD

Beginning at a point on the east of Chattolanee Hill Road which is 20 feet wide at the distance of 15 feet (+/-) east of the centerline of the nearest improved intersecting street Hopkins Lane which is 20 feet wide. Thence the following courses and distances:

```
1st Point of Call (POC) S.51°53' E. 289.24 ft.;

2nd POC S. 32°52' W. 241.10 ft.;

3rd POC S. 89°41' W. 59.83

4rd POC N.52°50' W. 53.83 ft.;

5th POC N.28°11' W. 79.51 ft.;

6th POC N.02°49' W. 128.50 ft.;

7th POC N.14°25' E. 37.93 ft.;

8th POC N.30°37' E. 37.93 ft.;

9th POC N.45°54' E. 61.13 ft.
```

back to the point of beginning as recorded in Deed 34869/00333 containing 68,389 S.F. in area. Located in the 3th Election District and 2nd Council District.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/14/2016

Case Number: 2016-0270-A

Petitioner / Developer: RATCLIFFE ARCHITECTS ~ TOPHER J. BREWER

& ASHLEY M. BREWER

Date of Hearing (Closing): MAY 30, 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: 321 CHATTOLANEE ROAD

The sign(s) were posted on: MAY 14, 2016



Linda O'Keefe (Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEFERTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DIVIDE
Case Number 2016- 270 -A Address 321 Chattolanee Rd
Contact Person: Garage Huck Phone Number: 410-887-3391
Filing Date: _5 4 16 Posting Date: _5 15 16 Closing Date: _5/30/16
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. <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- 270 -A Address 321 Chattolaneo Pol 21117 Petitioner's Name Topher J. Brewer & Ashley M Brewer Telephone Posting Date: 5/15/16 Closing Date: 5/30/16
Wording for Sign: To Permit a proposed dwelling addition (connecting existing detached dwelling to existing detached accessory building and/or garage) with a lot line setback of 4 feet, in lieu
of the minimum required 35 Lect. Revised 7/21/15

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

June 1, 2016

Topher J & Ashley M Brewer 321 Chattolanee Hill Road Owings Mills, MD 21117

RE: Case Number: 2016-0270 A, Address: 321 Chattolanee Hill Road

Dear Mr. & Ms. Brewer:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 4, 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
Peter W Ratcliffe, AIA, 10404 Stevenson Road, Stevenson MD 21153



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

Gregory C. Johnson, P.E., Administrator

Pete K. Rahn, Secretary

Date: 5/9/16

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. 2016-0270-A

Administrative Varience Topher F. à Ashley M. Brewer 321 Chattolance Hill Rd.

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,

for Wendy Wolcott, PLA Acting Metropolitan District Engineer - District 4

Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: May 19, 2016

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

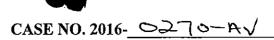
For May 16, 2016

Item No. 2016-0270 and 0272.

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

DAK:CEN cc:file

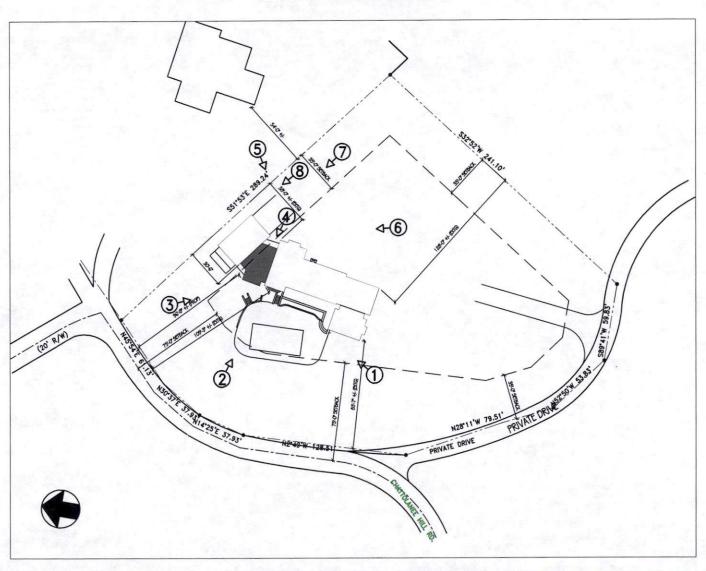
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CHECKLIST

Comment <u>Received</u>	<u>Depa</u>	rtment			Support/Oppose/ Conditions/ Comments/ No Comment
5-19	DEVELOPMENT (if not received, de				<u> pc</u>
	DEPS (if not received, da	ate e-mail sent _			
	FIRE DEPARTM	ENT			
	PLANNING (if not received, da	ate e-mail sent _			
59	STATE HIGHWA	Y ADMINIST	RATION		No objection
	TRAFFIC ENGIN	IEERING			
	COMMUNITY A	SSOCIATION			
	ADJACENT PRO	PERTY OWNE	ERS		
ZONING VIOLAT		ase No			
PRIOR ZONING	(Ca	ase No.)
NEWSPAPER AD	VERTISEMENT	Date:			
SIGN POSTING		Date:	5-10	t-16	by O'Keafe
PEOPLE'S COUNS	SEL APPEARANCE	Yes		No 🔲	
PEOPLE'S COUNS	SEL COMMENT LE	TTER Yes		No \square	
Comments, if any:					

ADMINISTRATIVE VARIANCE 321 CHATTOLANEE HILL ROAD PHOTO MAP



ADMINISTRATIVE VARIANCE - 321 CHATTOLANEE HILL RD. - PHOTOS P



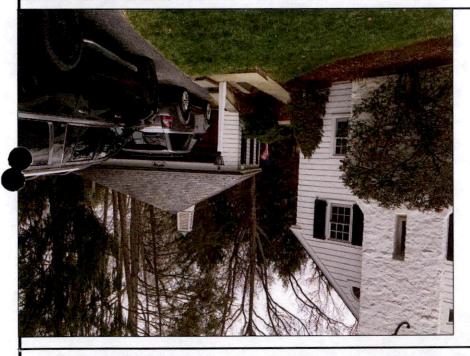




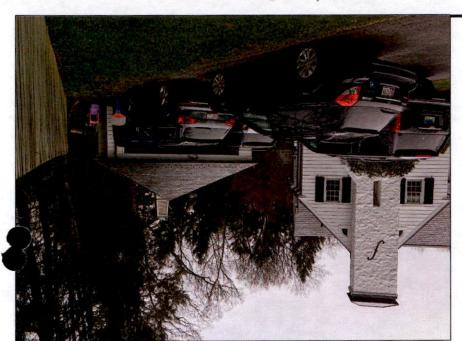
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Z016-0270-A

ADMINISTRATIVE VARIANCE - 321 CHATTOLANEE HILL RD. - PHOTOS P2













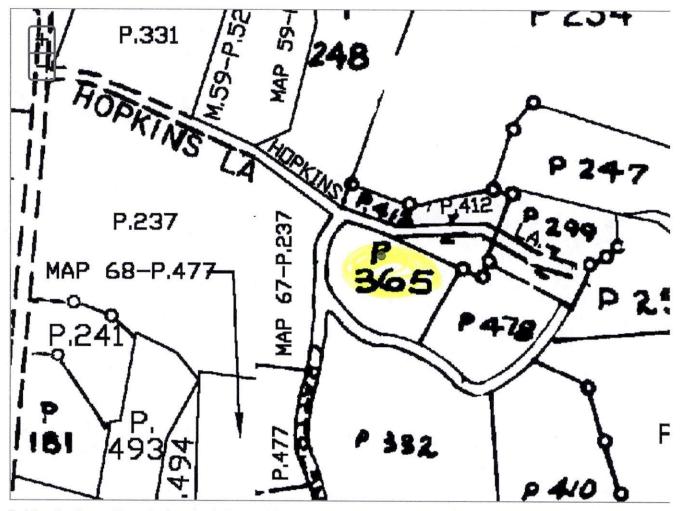
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Account Identifier:	District - 03 A	Account Nu	mber - 0302071	520		
		Owner Inf	ormation			
Owner Name:	BREWER TOP BREWER ASH		Use: Principal Residence:	BE	RESIDENTIAL YES	-
Mailing Address:	321 CHATTOL RD OWINGS MILL		Deed Refere	nce:	/34869/ 00333	
			ture Information			
Premises Address:	321 CHATTOL		Legal Descri	ntion	1.57 AC ES	
Tellises Address.	OWINGS MILL			puon.	321 CHATTOL RD 2640 N GREE RD	
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Special Tax Areas:		Ad	own: d Valorem: dx Class:		NONE	Ref:
Primary Structure Built 1926	Above Grade Enclo Area 5,114 SF	sed Fir	nished Basement ea	Are	perty Land 00 AC	County Use 04
Stories Basement NO	Type STANDARD UNIT	Exterior FRAME	Full/Half Bath 5 full	Garage 1 Detache		r Renovation
		Value Info	ormation			
Land:	Base Value 634,200			Phase-in As of 07/01/201	Assessments As 6 5 07/0	of 01/2016
Improvements Total: Preferential Land:	662,700 1,296,900 0	919	9,000 26,300	1,383,167		26,300
		Transfer In	formation			
Seller: SAMPLE FRAM Type: ARMS LENGTH		Date: 04/10 Deed1: /34	6/2014 1869/ 00333		Price: \$1,700,0 Deed2:	000
Seller: BREWSTER C. Type: ARMS LENGTH		Date: 04/16 Deed1: /16	6/2002 6320/ 00328	97	Price: \$1,050,0 Deed2:	000
Seller:		Date:			Price:	
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Baltimore County

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

District: 03 Account Number: 0302071520

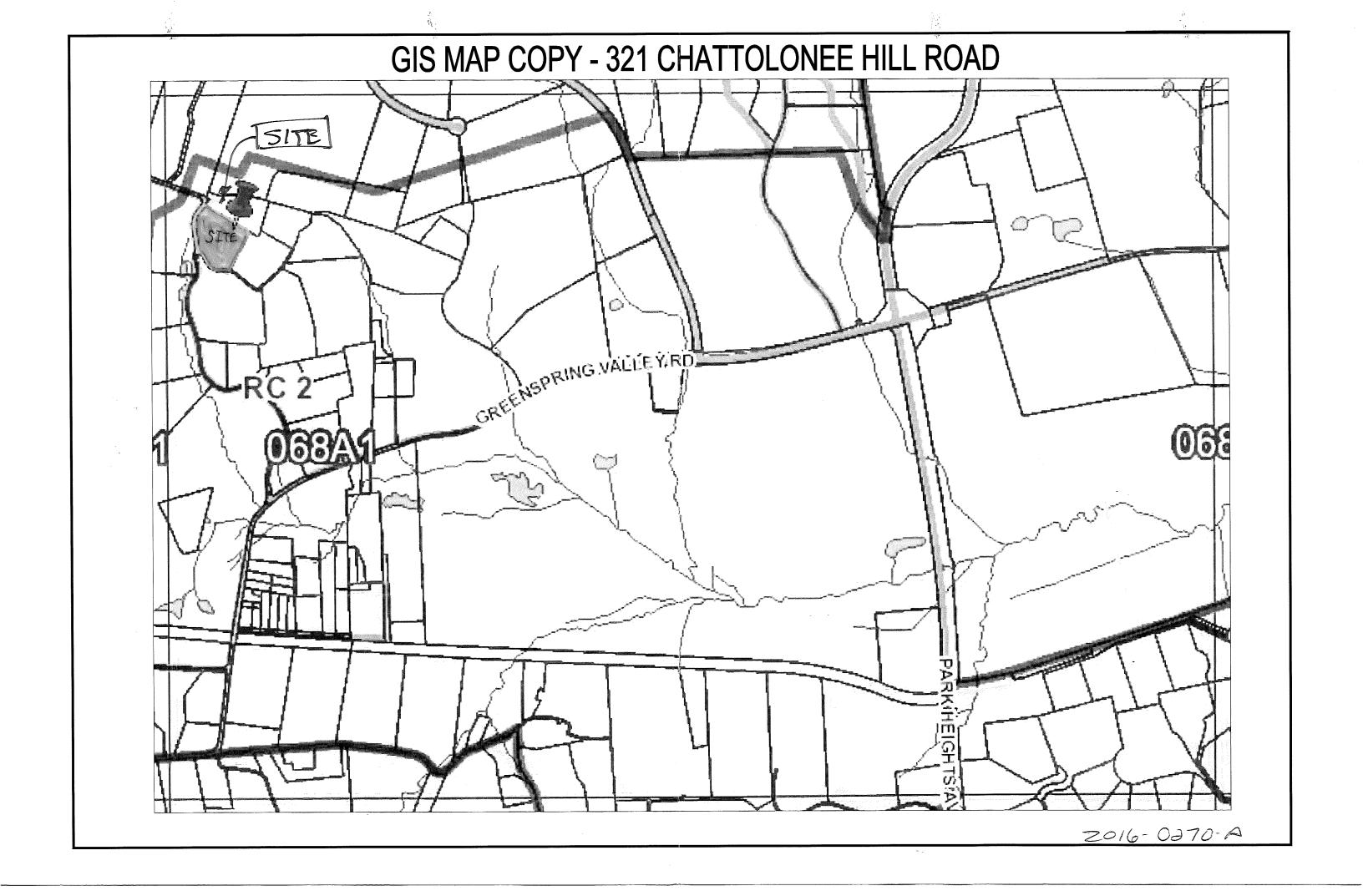


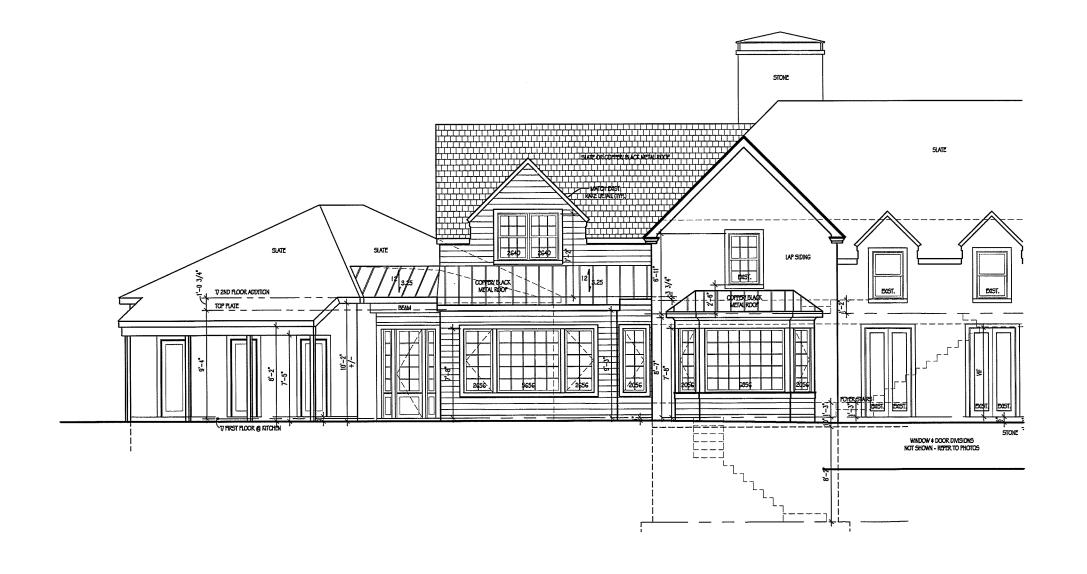
The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

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)).

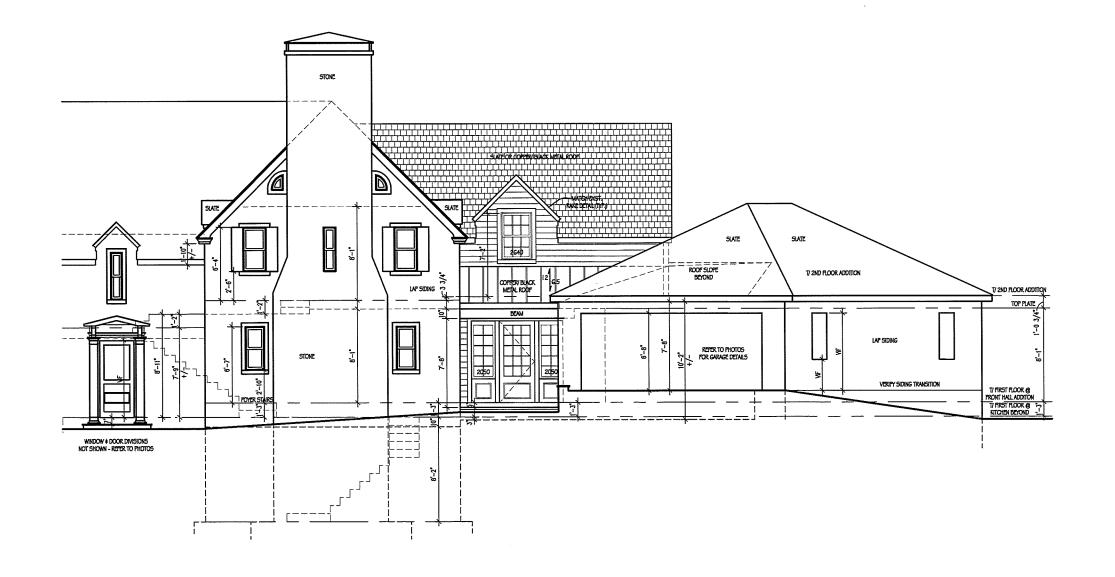






REAR ELEVATION

04-14-16





FRONT ELEVATION

04-14-16

ZONING HEARING PLAN FOR ADMINISTRATIVE VARIANCE

ADDRESS: 321 CHATTOLANEE HILL ROAD

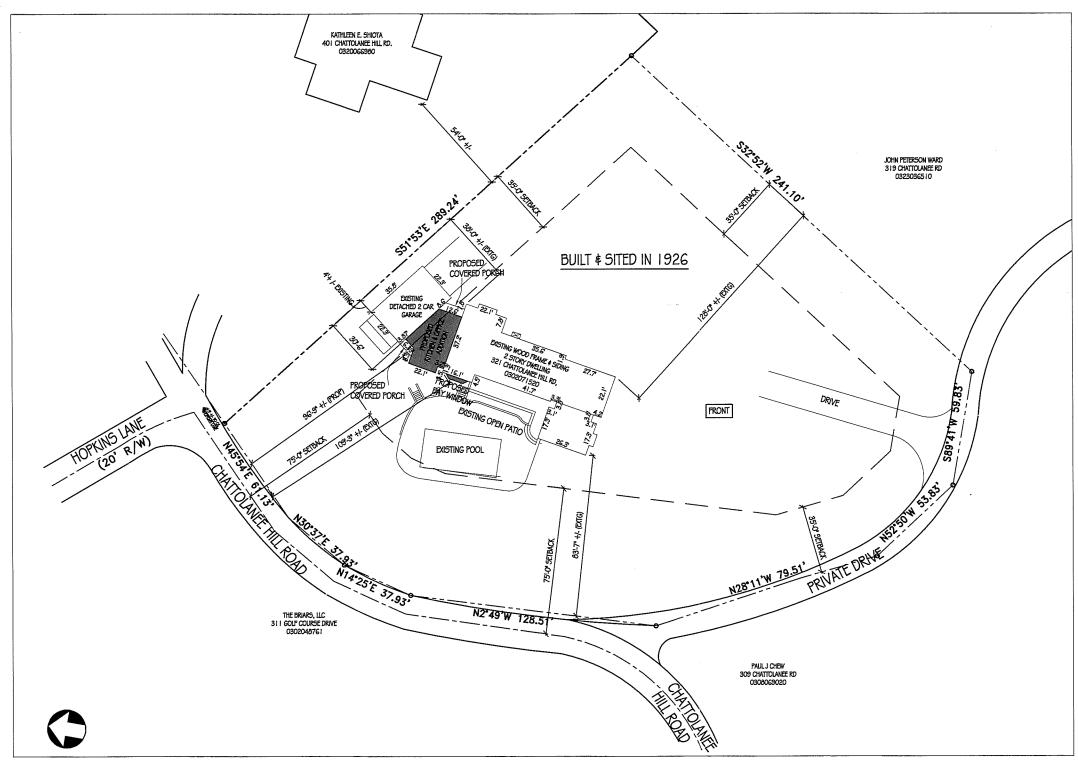
OWNER: TOPHER J. & ASHLEY M. BREWER

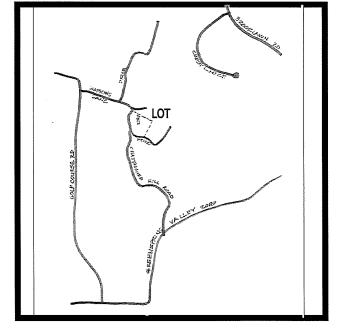
SUBDIVISION: NOT RECORDED LOT # - NA PLAT: NA FOLIO: NA

DEED REF: 34869/00333

TAX NUMBER - 0302071520

MAP - 0068 GRID - 0016 PARCEL - 0365





MAP IS NOT TO SCALE



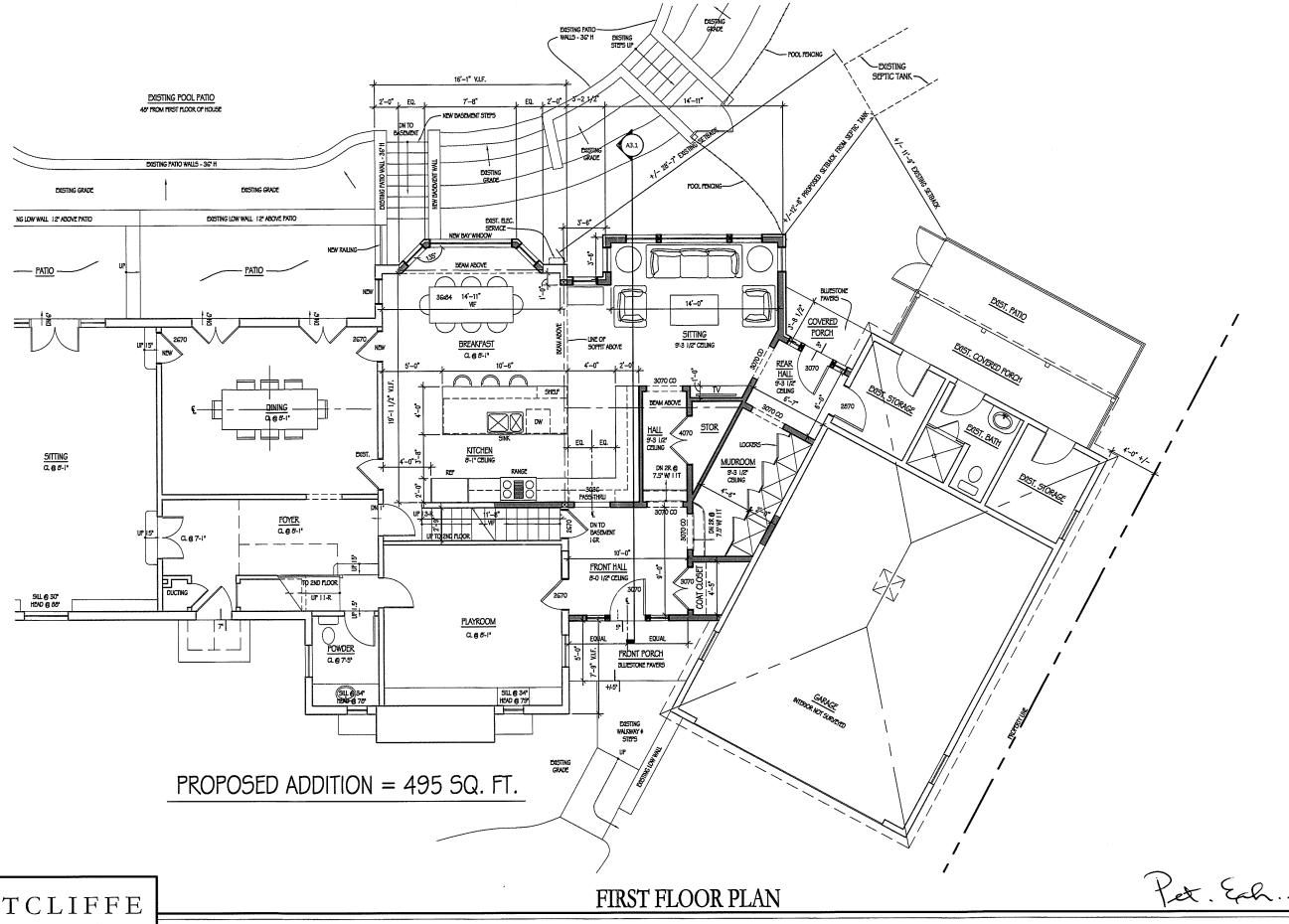
ZONING MAPS - GIS 068A I SITE ZONED - RC2 **ELECTION DISTRICT - 3** COUNCIL DISTRICT - 2 LOT AREA SQ. FT - 68,389 HISTORIC - NO IN CBCA - NO IN FLOOD PLAIN - NO **UTILITIES** WATER IS PUBLIC SEWER IS PRIVATE PRIOR HEARING - NO **VIOLATION CASE INFO - NONE**

PLAN DRAWN BY - RYAN WHITE DATE - 4.28.2016

SCALE: / " = 50'-0"

2016-0270-0

Pet. Esh. 1



RATCLIFFEARCHITECTS

BREWER ADDITION - 321 CHATTOLANEE HILL ROAD

2016-0270-A

ZONING HEARING PLAN FOR ADMINISTRATIVE VARIANCE

ADDRESS: 321 CHATTOLANEE HILL ROAD

OWNER: TOPHER J. & ASHLEY M. BREWER

SUBDIVISION: NOT RECORDED LOT # - NA PLAT: NA FOLIO: NA

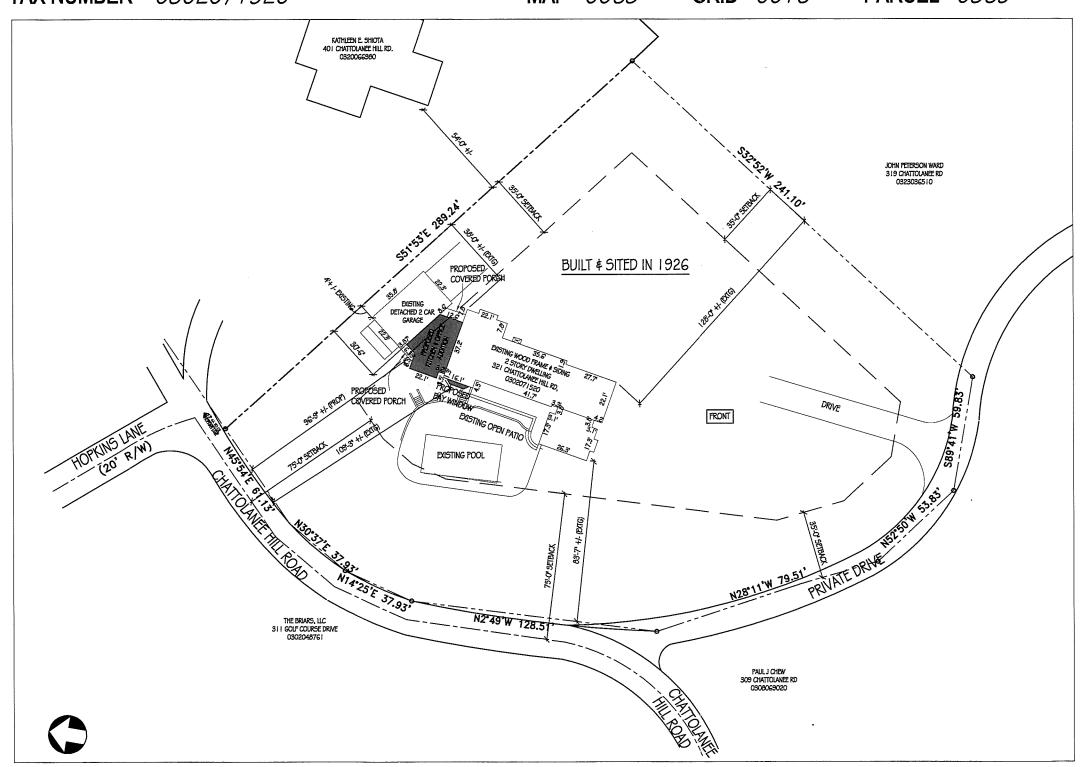
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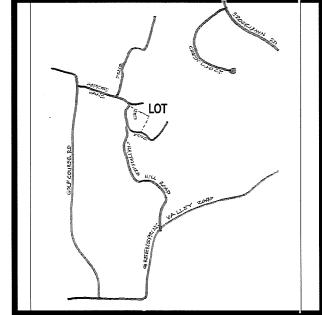
TAX NUMBER - 0302071520

MAP - 0068

GRID - 00/6

PARCEL - 0365





MAP IS NOT TO SCALE



ZONING MAPS - GIS 068A I SITE ZONED - RC2 **ELECTION DISTRICT - 3** COUNCIL DISTRICT - 2 LOT AREA SQ. FT - 68,389 HISTORIC - NO IN CBCA - NO IN FLOOD PLAIN - NO UTILITIES WATER IS PUBLIC SEWER IS PRIVATE PRIOR HEARING - NO **VIOLATION CASE INFO - NONE**

PLAN DRAWN BY - RYAN WHITE DATE - 4.28.2016

SCALE: /" = 50'-0"

2016-0270-A