MEMORANDUM

DATE: September 9, 2016

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2016-0319-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 8, 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 VARIANCE
(11041 Greenspring Avenue)
8th Election District
2nd Council District
E. Dale III & Marlene A. Adkins
Legal Owners

Petitioners

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0319-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of E. Dale III and Marlene A. Adkins, legal owners of the subject property ("Petitioners"). Petitioners request variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 301 to permit a proposed open projection (patio, terrace and swimming pool) to have a side yard setback of 8 ft. in lieu of the required 26.25 ft. A site plan was marked as Petitioners' Exhibit 1.

E. Dale III & Marlene Adkins and Bruce Doak, surveyor, appeared in support of the Petition. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. No substantive Zoning Advisory Committee (ZAC) comments were submitted by any of the county agencies.

The subject property is approximately 2.91 acres and is zoned RC-2. Petitioners are in the process of constructing a new single family dwelling on the property, as well as a terraced area with a pool. The Zoning Office determined these amenities were "attached to the main building," and Petitioners therefore required variance relief from the open projection regulations.

ORDER F	FCFIAED FOR LITIN	G
Date	8-9-16	
	100)	
By		

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The lot is irregularly shaped and there are topographical features which constrain the building envelope. As such, the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would not be able to construct the proposed terraces and pool. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

THEREFORE, IT IS ORDERED, this <u>9th</u> day of August, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R) § 301 to permit a proposed open projection (patio, terrace and swimming pool) to have a side yard setback of 8 ft. in lieu of the required 26.25 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

ORDER	RECEIVED FOR FILING
Date	8-9-16
Bv	(DV)

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

3

JOHN E. BEVERUNGEN Administrative Law Judge for

Baltimore County

JEB/dlw

ORDER	RECEIVED	FOR FILING
Date	8-	9-10
	(c	`



PETITION FOR ZONING HEARING(S) To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administration Address // OA/ GREENSPRIN			the property loc esently zoned	
Deed References: Sm 95/9/		10 Digit Tax Account #	O C C C C	202
Property Owner(s) Printed Name	(S) E. DALE ADA	JUS III & MARCES	15 A. AOKINS	5192
(SELECT THE HEARING(S) BY MARKING X	AT THE APPROPRIATE S	ELECTION AND PRINT OR	TYPE THE PETITION RE	EQUEST)
The undersigned legal owner(s) of the pro		ore County and which is art hereof, hereby petition		scription
and plan attached	iereto ano made a pa	in hereor, hereby peddo	n ior.	
a Special Hearing under Section 50 or not the Zoning Commissioner should ap		ulations of Baltimore Co	unty, to determine v	whether
a Special Exception under the Zoni	ng Regulations of Bal	timore County to use the	herein described p	roperty for
X a Variance from Section(s) 400./	(2-2-1)			
a variance from Section(s) 400.7	(BCZR)			X.
50	TE ATTACHED PA	148		
of the zoning regulations of Baltimore C (Indicate below your hardship or practi you need additional space, you may ad	cal difficulty or indi	cate below "TO BE PR	nty, for the following	g reasons: \RING". If
70 Be	PRESEUTED AT	THE HEARING		
operty is to be posted and advertised as prescribed b	v the zoning regulations			
or we, agree to pay expenses of above petition(s), ad d restrictions of Baltimore County adopted pursuant t gal Owner(s) Affirmation: 1 / we do so solemnly dec	vertising, posting, etc. and o the zoning law for Baltim	ore County.		
ontract Purchaser/Lessee:	. Le	gal Owners (Petitioner	s):	
		DALE ADKINS III	MARLENE A.	AOKNIS
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8/9-110			A.15, i 18	
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Petition requested:

Section 301.1.A – to permit a proposed open projection (patio, terrace, and swimming pool) to have a side yard setback of \mathscr{E} feet in lieu of the required 26½ feet.

Item #0319



3801 Baker Schoolhouse Road Freeland, MD 21053 o 443-900-5535 m 410-419-4906 bdoak@bruceedoakconsulting.com

Zoning Description

11041 Greenspring Avenue- 2.91 Acres Eighth Election District Second Councilmanic District Baltimore County, Maryland

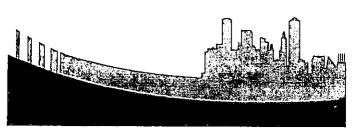
Beginning at a point on the northeast side of Greenspring Avenue, being 12'+- from the centerline of Greenspring Avenue and 980'+- from the centerline of Greenspring Valley Road, thence running on the northeast side of said road and on the outlines of the subject property 1) North 38 degrees 33 minutes West 10.17, thence leaving said avenue and running on the outlines of the subject property, the twenty following courses and distances, viz.

- 2) North 40 degrees 49 minutes East 112.67 feet
- 3) North 58 degrees 22 minutes East 71.24 feet
- 4) North 66 degrees 23 minutes East 202.26 feet
- 5) North 84 degrees 09 minutes East 54.19 feet
- 6) South 77 degrees 19 minutes East 50.68 feet
- 7) South 59 degrees 45 minutes East 50.95 feet
- 8) South 38 degrees 17 minutes East 51.21 feet
- 9) North 64 degrees 57 minutes East 203.98 feet
- 10) South 69 degrees 07 minutes East 194.90 feet
- 11) South 2 degrees 45 minutes West 404.38 feet
- 12) North 63 degrees 03 minutes West 241.03 feet
- 13) North 88 degrees 03 minutes West 63.48 feet
- 14) North 16 degrees 03 minutes West 282.37 feet
- 15) North 38 degrees 17 minutes West 47.00 feet
- 16) North 59 degrees 45 minutes West 47.50 feet
- 17) North 77 degrees 19 minutes West 47.50 feet 18) South 84 degrees 09 minutes West 51.00 feet
- 19) South 66 degrees 23 minutes West 200.00 feet
- 20) South 58 degrees 22 minutes West 69.00 feet and

21) South 40 degrees 49 minutes W 113.00 feet to the point of beginning.

Containing 2.91 acres of land, more or less.

This description is part of a zoning hearing petition and is not intended for an conveyance purposes.



Land Use Expert and Surveyor

ASE # 2016-0319-A



501 N. Calvert St., P.O. Box 1377 Baltimore, Maryland 21278-0001 tel: 410/332-6000 800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4319918

Sold To:

Marlene Adkins - CU00549949 PO Box 604 Brooklandville, MD 21022-0604

Bill To:

Marlene Adkins - CU00549949 PO Box 604 Brooklandville, MD 21022-0604

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jul 19, 2016

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property Identified herein as follows:

Case: # 2016-0319-A

11041 Greenspring Avenue
E/s Greenspring Avenue, 980 ft. N/of centerline of Greenspring Valley Road
8th Election District - 2nd Councilmanic District
Legal Owner(s) E. Dale & Marlene Adkins, III

Variance: to permit a proposed open projection (patio, terrace and swimming pool) to have a side yard setback of 8 ft. in lieu of the required 26.25 ft.

Hearing: Monday, August 8, 2016 at 10:00 a.m. in Room

Hearing: Monday, August 8, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

The Baltimore Sun Media Group

By S. Wilkinson

B e E. Doak Consulting, L__

3801 Baker Schoolhouse Road Freeland, MD 21053 o 443-900-5535 m 410-419-4906 bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

June 22, 2016

Re:

Zoning Case No. 2016-0319-A

Petitioner: E. Dale Adkins, III & Marlene Adkins

Hearing date: August 8, 2016

Baltimore County Department of Permits, Approvals & Inspections County Office Building 111 West Chesapeake Avenue, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 11041 Greenspring Avenue.

The sign was posted on July 19, 2016.

Sincerely

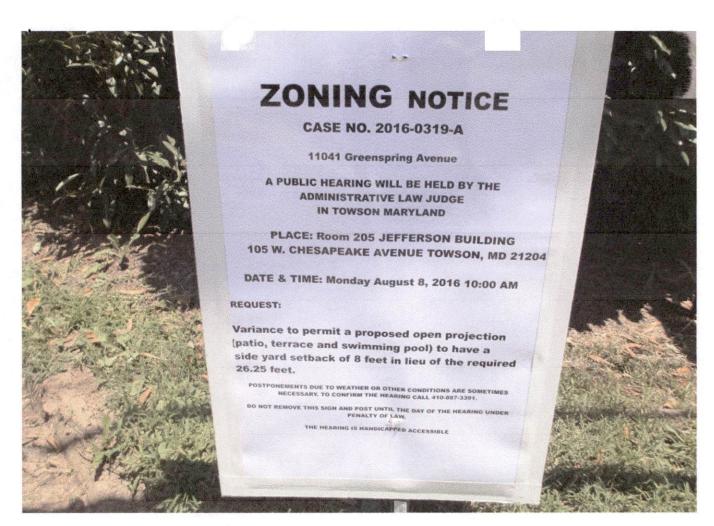
Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor







KEVIN KAMENETZ
County Executive
July 11, 2016

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

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CASE NUMBER: 2016-0319-A

11041 Greenspring Avenue

E/s Greenspring Avenue, 980 ft. N/of centerline of Greenspring Valley Road

8th Election District – 2nd Councilmanic District

Legal Owners: E. Dale & Marlene Arkins, III

Variance to permit a proposed open projection (patio, terrace and swimming pool) to have a side yard setback of 8 ft. in lieu of the required 26.25 ft.

Hearing: Monday, August 8, 2016 at 10:00 a.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jablon Director

AJ:kl

C: Mr. & Mrs. Adkins, P.O. Box 604, Brooklandville 21022 Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 19, 2016.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ County Executive July 11, 2016 ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

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TO: PATUXENT PUBLISHING COMPANY

Tuesday, July 19, 2016 Issue - Jeffersonian

Please forward billing to:

Marlene Adkins P.O. Box 604

Brooklandville, MD 21022

410-419-4906

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0319-A

11041 Greenspring Avenue

E/s Greenspring Avenue, 980 ft. N/of centerline of Greenspring Valley Road

8th Election District – 2nd Councilmanic District

Legal Owners: E. Dale & Marlene Arkins, III

Variance to permit a proposed open projection (patio, terrace and swimming pool) to have a side yard setback of 8 ft. in lieu of the required 26.25 ft.

Hearing: Monday, August 8, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jahlon

Director of Permits, Approvals and Inspections for Baltimore County

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE

11401 Greenspring Avenue; E/S Greenspring

Avenue, 980' N of Greenspring Valley Road *

8th Election & 2nd Councilmanic Districts

Legal Owner(s): E. Dale, III & Marlene Adkins*

Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

2016-319-A

* * * * * * * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

JUN 2 2 2016

Paten Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Cambo S Demlu

CAROLE S. DEMILIO Deputy People's Counsel Jefferson Building, Room 204 105 West Chesapeake Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of June, 2016, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Bruce E. Doak Consulting, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 2016-03/9-A
Petitioner: E. DALE DOKINS III i MARCENE A. ADKINS
Address or Location: 11041 GREENSPRING AVENUE
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: P.O. Box 604 BADOKLANOVILLE, MO 21022
Telephone Number: 470-419-4906

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

August 2, 2016

E Dale & Marlene A Adkins III P O Box 604 Brooklandville MD 21022

RE: Case Number: 2016-0319 A, Address: 11041 Greenspring Avenue

Dear Mr. & Ms. Adkins:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 10, 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
Bruce E Doak, Bruce E Doak Consulting, 3801 Baker Schoolhouse Road, Freeland MD 21053



Larry Hogan, Governor Boyd K. Rutherford, Lt. Governor Pete K. Rahn, Secretary Gregory C. Johnson, P.E., Administrator

Date: 7/5/16

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. 2016-0319-A

Variance

E. Dale III & Marriene A. Adkins

11041 Greenspring Avenue

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,

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4

Baltimore & Harford Counties

Lina A Zela

WW/RAZ



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

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

Date: 6/20/16

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

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> Variance E. DaleTTI & Marlene A. Adkins 11041 Greenspring Axeme.

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,

Wendy Wolcott, PLA

Acting Metropolitan District Engineer – District 4

Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

DATE: July 7, 2016

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 16-319

RECEIVED

JUL 1 2 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

11041 Greenspring Avenue

Property Address: Petitioner:

E. Dale Adkins, III, Marlene A. Adkins

Zoning:

RC₂

Requested Action:

Variance

The Department of Planning has reviewed the petition for a variance to permit a proposed open projection (patio, terrace, and swimming pool) to have a side yard setback of 8 feet in lieu of the required 26 1/4 feet.

The Department has no objection to granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Carmela Iacovelli at 410-887-3480.

Prepared by:

Division Chief:

AVA/KS/LTM/ka

c: Carmela Iacovelli

Bruce E. Doak, Bruce E. Doak Consulting, LLC

Office of the Administrative Hearings

People's Counsel for Baltimore County

RECEIVED

BALTIMORE COUNTY, MARYLAND

JUL 0 5 2016

Inter-Office Correspondence

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:

July 5, 2016

SUBJECT:

EPS Comment for Zoning Item

2016-0319-A - REVISED

Address

11041 Greenspring Avenue

(Adkins Property)

Zoning Advisory Committee Meeting of June 30, 2016.

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

Reviewer:

Steve Ford

Date: 07-05-2016

8-8-16

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

JUN 2 2 2016



OFFICE OF ALMINISTRATIVE 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:

June 22, 2016

SUBJECT:

EPS Comment for Zoning Item

2016-0319-A

Address

11041 Greenspring Avenue

(Adkins Property)

Zoning Advisory Committee Meeting of June 27, 2016.

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

Reviewer:

Steve Ford

Date: 06-22-2016

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 5, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 27, 2016

Item No. 2016-0313, 0315, 0316, 0318, 0319, 0320, 0321, 0323, 0326

and 0327

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

DAK:CEN cc:file

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

DATE: July 7, 2016

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 16-319

INFORMATION:

Property Address: 11041 Greenspring Avenue

Petitioner:

E. Dale Adkins, III, Marlene A. Adkins

Zoning:

RC 2

Requested Action: Variance

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Prepared by:

Division Chief:

AVA/KS/LTM/ka

c: Carmela Iacovelli

Bruce E. Doak, Bruce E. Doak Consulting, LLC

Office of the Administrative Hearings

People's Counsel for Baltimore County

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:

July 5, 2016

SUBJECT:

EPS Comment for Zoning Item

Address

2016-0319-A - REVISED

11041 Greenspring Avenue

(Adkins Property)

Zoning Advisory Committee Meeting of June 30, 2016.

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

Reviewer:

Steve Ford

Date: 07-05-2016

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:

June 22, 2016

SUBJECT:

EPS Comment for Zoning Item

2016-0319-A

Address

11041 Greenspring Avenue

(Adkins Property)

Zoning Advisory Committee Meeting of June 27, 2016.

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

Reviewer:

Steve Ford

Date: 06-22-2016

PLEASE PRINT CLEARLY

CASE NAME AOKIUS

CASE NUMBER 2016-0319-4

DATE 8/08/16

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
BRUCE E. DOAK	3801 BAKER SCHOOLLOUSE/	COSO FREGUANS MO 21053	and the second
BRUCE E. DOAK CONSULT!		BOOALE BRUCE DOA	CONSULTING. COM
briene adkins	11041 Greenspring ave.	Lutherville, MO 21093	madkins 40 ao L. com
E. Dale Alkins III	11091 (Treenspring Ave	Lutherville 21093	adking bmalaw.co
KEUN GAIGHAU	11041 GREENSPANG A)R	LATHERVILLE 21093	Keving@campionhresy.com
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CHECKLIST

Comment Received	<u>Department</u>			Support/Oppose/ Conditions/ Comments/ No Comment		
715	DEVELOPMENT PLANS (if not received, date e-mail			NC		
4/5	DEPS (if not received, date e-mail	sent		MIC		
-	FIRE DEPARTMENT			A		
ALL	PLANNING (if not received, date e-mail	sent		moby		
715	STATE HIGHWAY ADMI	NISTRATION		no opi		
	TRAFFIC ENGINEERING					
	COMMUNITY ASSOCIAT	ION	3			
	ADJACENT PROPERTY O	WNERS				
ZONING VIOLATIO	N (Case No					
PRIOR ZONING	(Case No. 2	302-CC	A-IPC			
NEWSPAPER ADVI	ERTISEMENT Date:	M	19/16			
SIGN POSTING Date: MIGILO by DOCK						
PEOPLE'S COUNSE	L APPEARANCE	Yes 🕽	No \square			
PEOPLE'S COUNSE	L COMMENT LETTER	Yes \Box	No \square			
Comments, if any:						
- a						



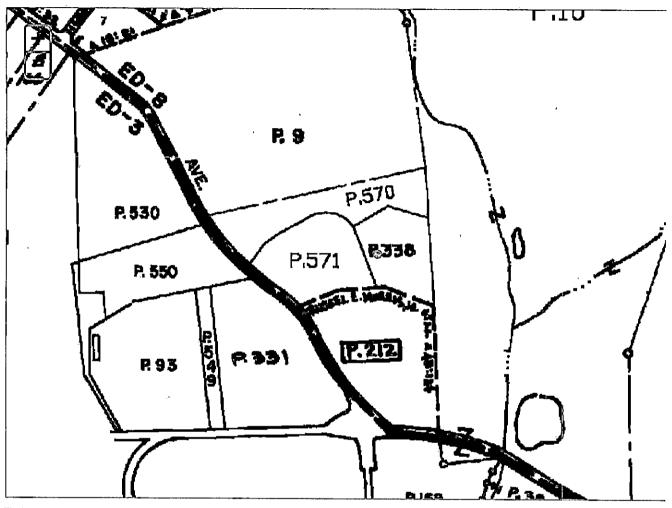


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View Map		View Groundi	Rent Reder	nption		,	View Gr	oundR	ent Regis	stration
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Mailing Addr	ess:	PO BOX 604 BROOKLANDVILLE MD 21022- 0604				Deed Reference:			/09519/ 00068	
		_	Location	n & Structure						
Premises Ad	dress:	11041 G 0-0000	REENSPR	ING AVE		Legal De	scriptio	n:	2.91 AC NE GRE 1000 FT	ENSPRING AVI N VALLEY RD
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Seller:				ate:				Pri		
Туре:				eed1:	47			De	ed2:	
Dortini Euro-		Class	EX	emption Info		on 07/01/20	45		07/04/20	146
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Homestead A	Application	Status: Denie	d							

Baltimore County

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

District: 08 Account Number: 0809015102



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)

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IN RE: PETITION FOR ADMIN. VARIANCE E/S of Greenspring Avenue, 650 ft. N of Greenspring Valley Road 8th Election District 2nd Councilmanic District (11041 Greenspring Avenue)

Marlene & E. Dale Adkins, III

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-097-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Marlene and E. Dale Adkins, III. The administrative variance is requested for property located at 11041 Greenspring Avenue in the Brooklandville area of Baltimore County. The administrative variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (garage) to be located in the front yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 29, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) 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 Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 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 day of September, 2004, by this Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (garage) to be located in the front yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;

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

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES:raj

Case No.:	2016-	0319-	A

Exhibit Sheet

DJ 8-9-16 Petitioner/Developer Protestant

	Ψ	•
No. 1	site plan	
No. 2	Aerial photo	
No. 3	Topo map	
No. 4	4A-G Plan W/ photos	
No. 5	Plan w/ photos "Overall Site plan"	·
No. 6		
No. 7		
No. 8		
lo. 9		
To. 10	 	
To. 11		
To. 12		·

IN RE: PETITION FOR ADMIN. VARIANCE E/S of Greenspring Avenue, 650 ft. N of Greenspring Valley Road 8th Election District 2nd Councilmanic District (11041 Greenspring Avenue)

> Marlene & E. Dale Adkins, III Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-097-A

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Item#0319

MUCH RECEIVED FOR FLAG

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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 25th day of September, 2004, by this Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (garage) to be located in the front yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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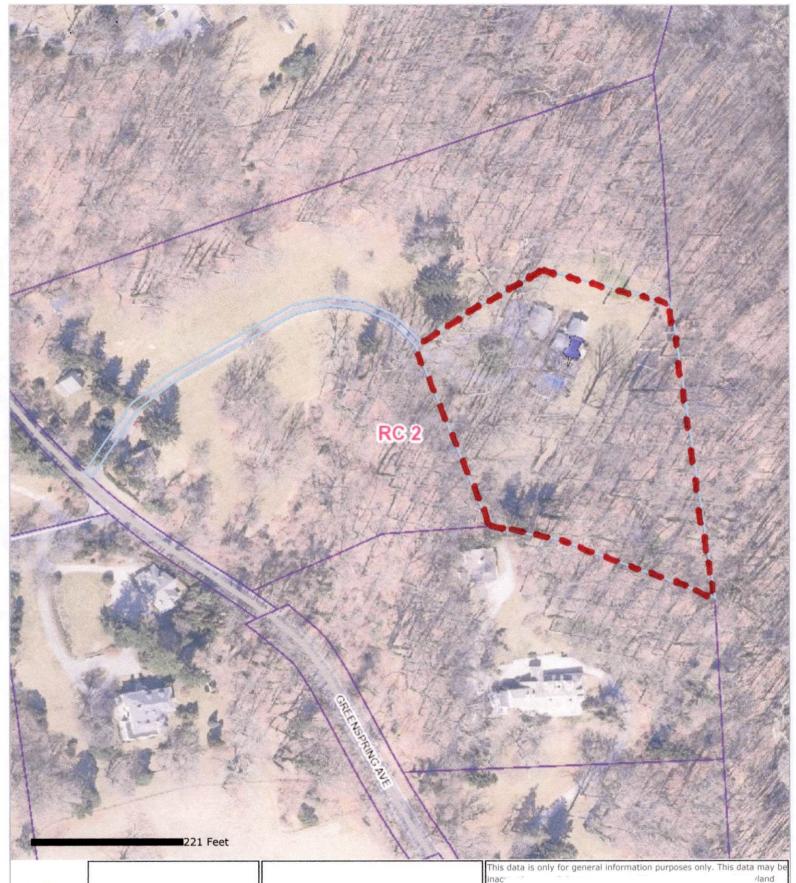
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER

FOR BALTIMORE COUNTY

LES:raj

Date 4/15/07





My Neighborhood Map

Created By Baltimore County My Neighborhood



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PETITIONER'S

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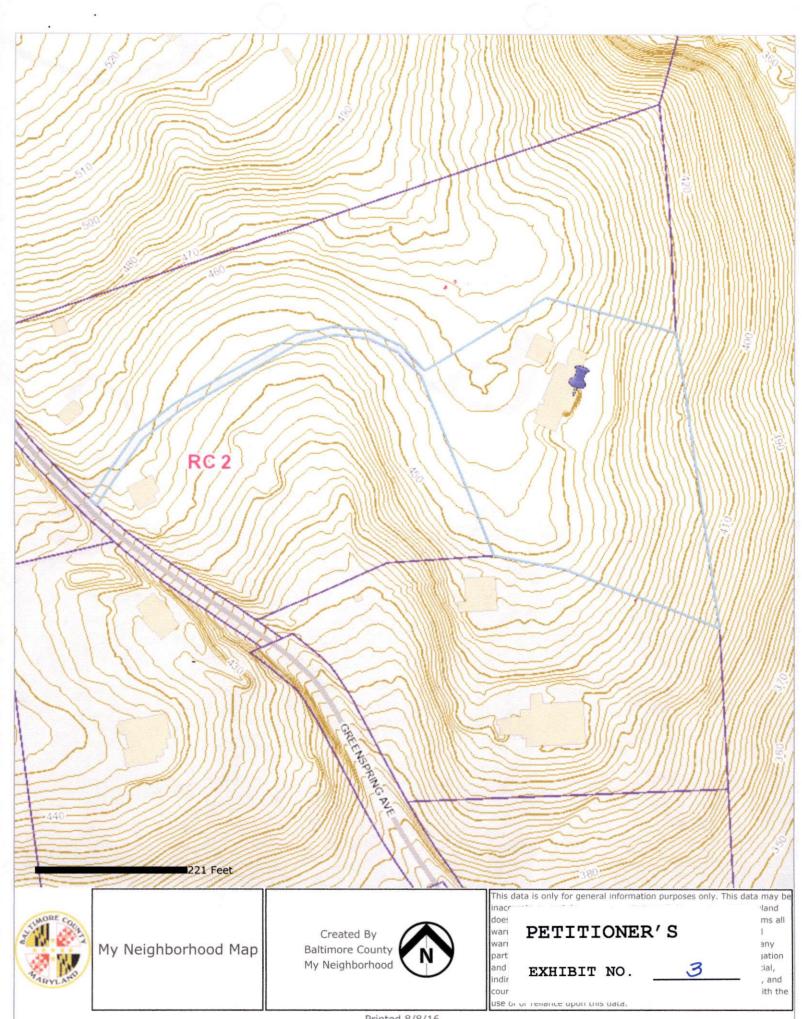
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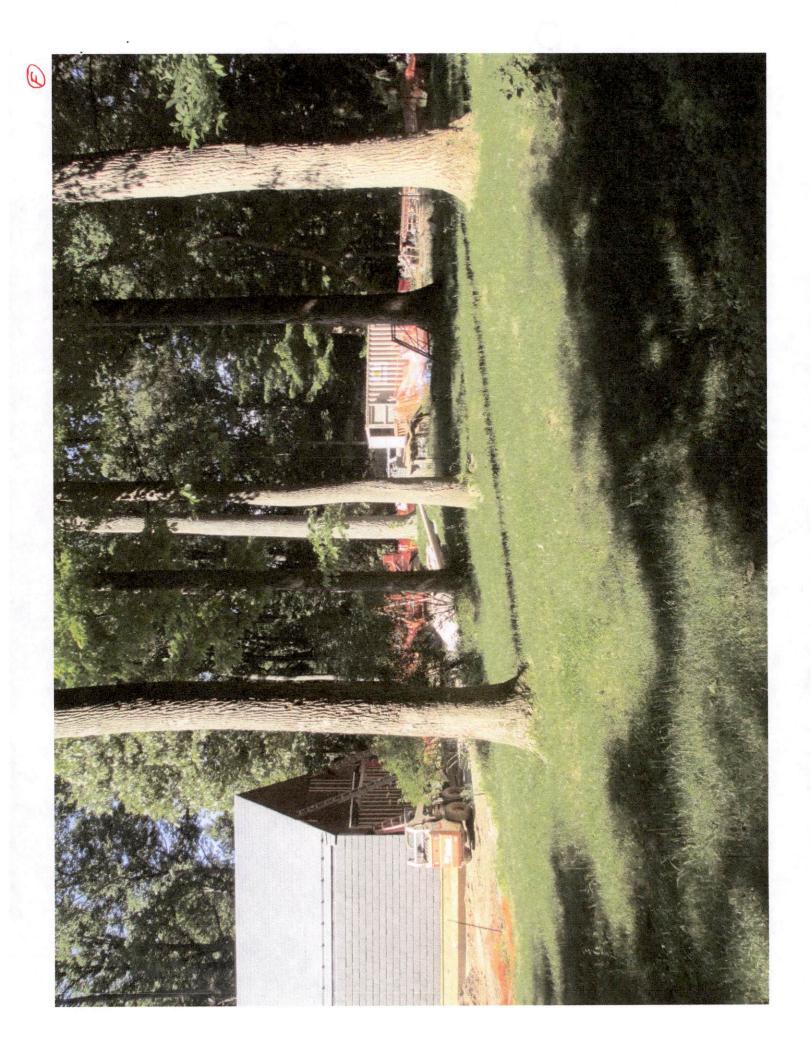
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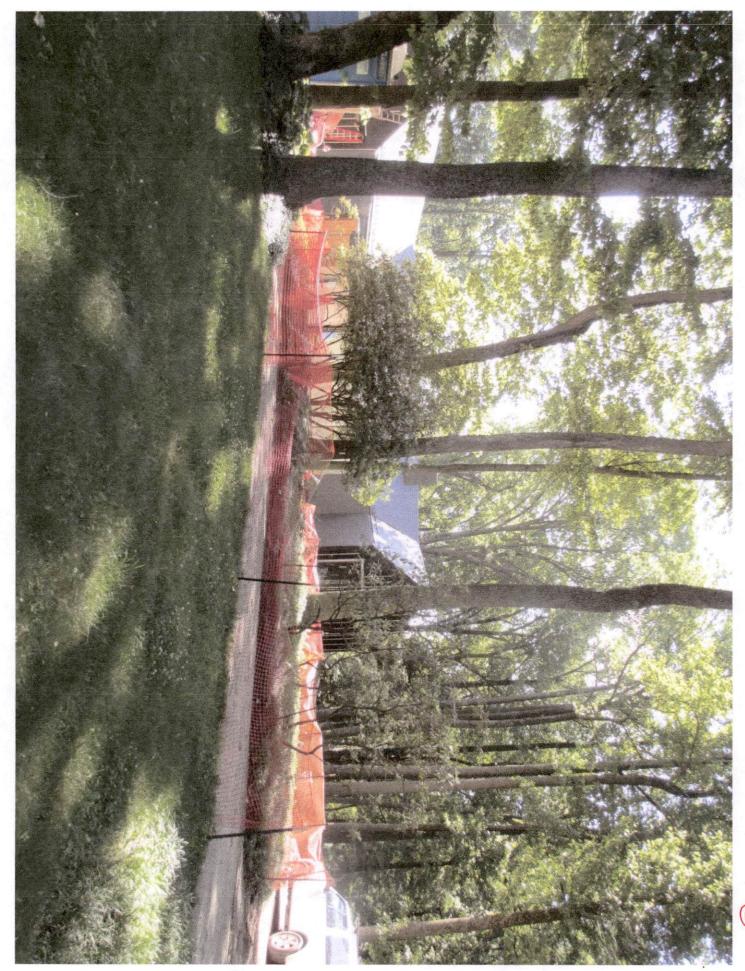


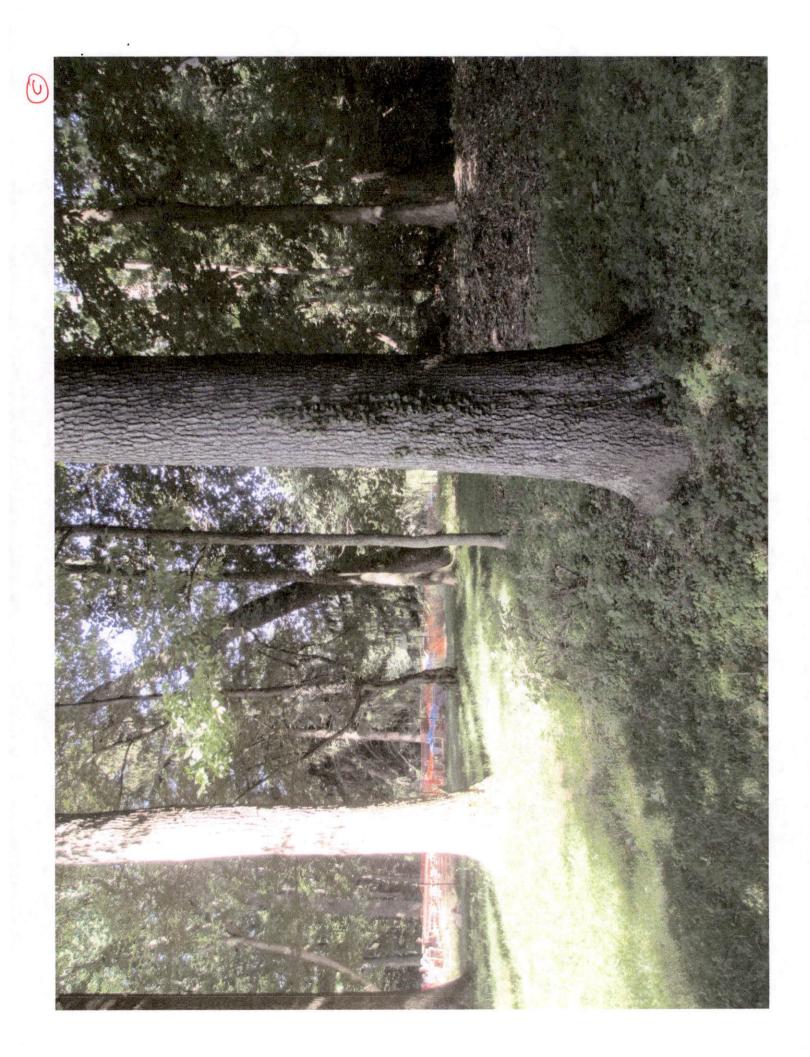


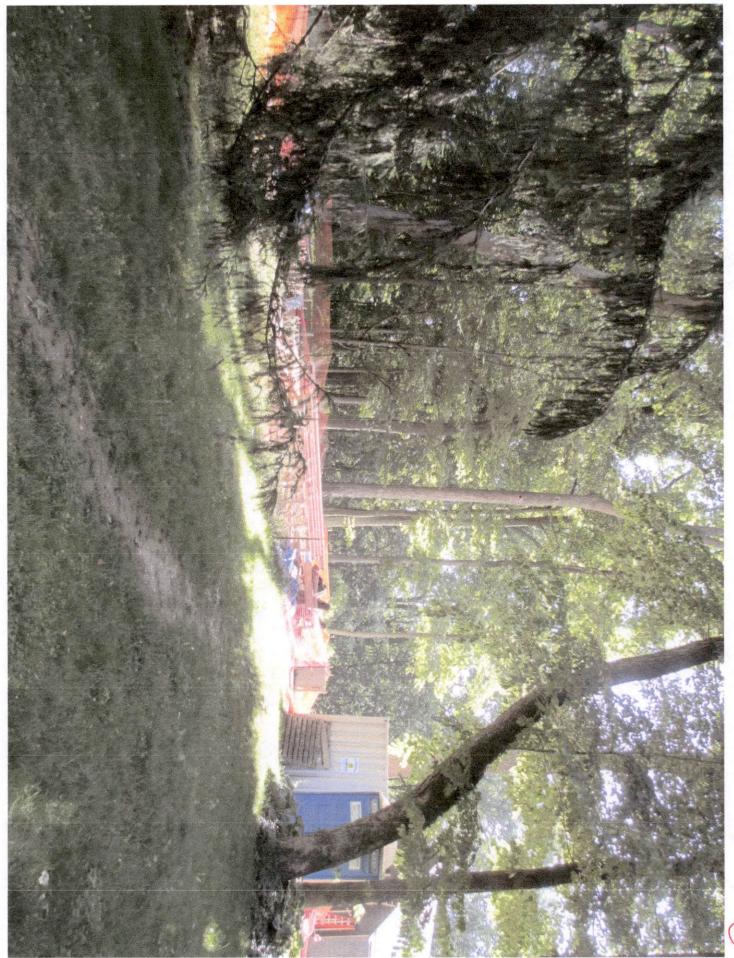






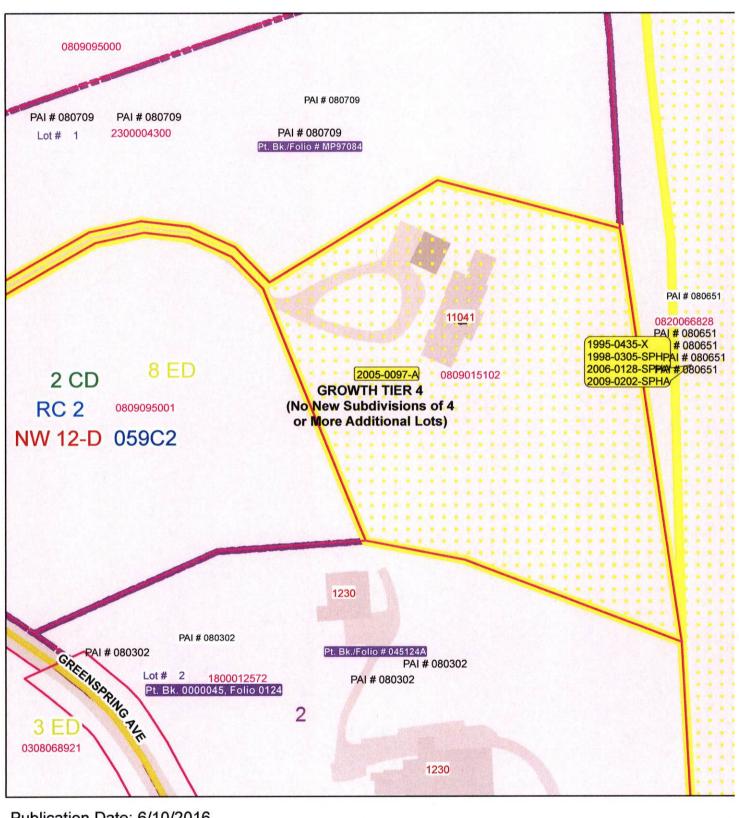








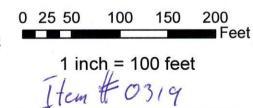
11041 Greenspring Avenue



Publication Date: 6/10/2016

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







- 1. Ownership: E. Dale Adkins, III and Marlene A. Adkins P.O. Box 604 Brooklandville, MD 21022
- 3. Deed references: SM 9519/68
- 4. Area: 2.91 acres (per SM 9519/68)

Address: 11041 Greenspring Avenue

- 5. Tax Map / Parcel / Tax account #: 59 / 338 / 08-09-015102
- 6. Election District: 8 Councilmanic District: 2 ADC Map: 4577K2 GIS tile: 059C2 Position sheets: 48NW14 & 48NW15 Census tract: 408302 Census block: 240054083021012 Schools: Fort Garrison District ES Pikesville MS Pikesville HS
- 7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 059C2 and the information provided by Baltimore County on the internet.
- 8. Improvements: Single family dwelling. The existing dwelling is being re-built due to destruction by fire

OFFICE OF ZONING

Zoning: R.C. 2 PREVIOUS CASE #05-097-A R.C. 2 Setbacks for Residential Dwellings

75 feet from the center line of the road/ street

R.C. 2 Setbacks for an Accessory Structure (Pool)

Side / Rear: 2.5 feet from the property line

Side / Rear: 35 feet from the property line

ENVIRONMENTAL IMPACT

Watershed: Jones Falls URDL land type: 1

- 1. The new dwelling will be serviced by a private well and septic system. There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area. 4. The subject property is not located within a 100 year flood plain.

OFFICE OF PLANNING

Regional Planning District: Chestnut Ridge District Code: 307

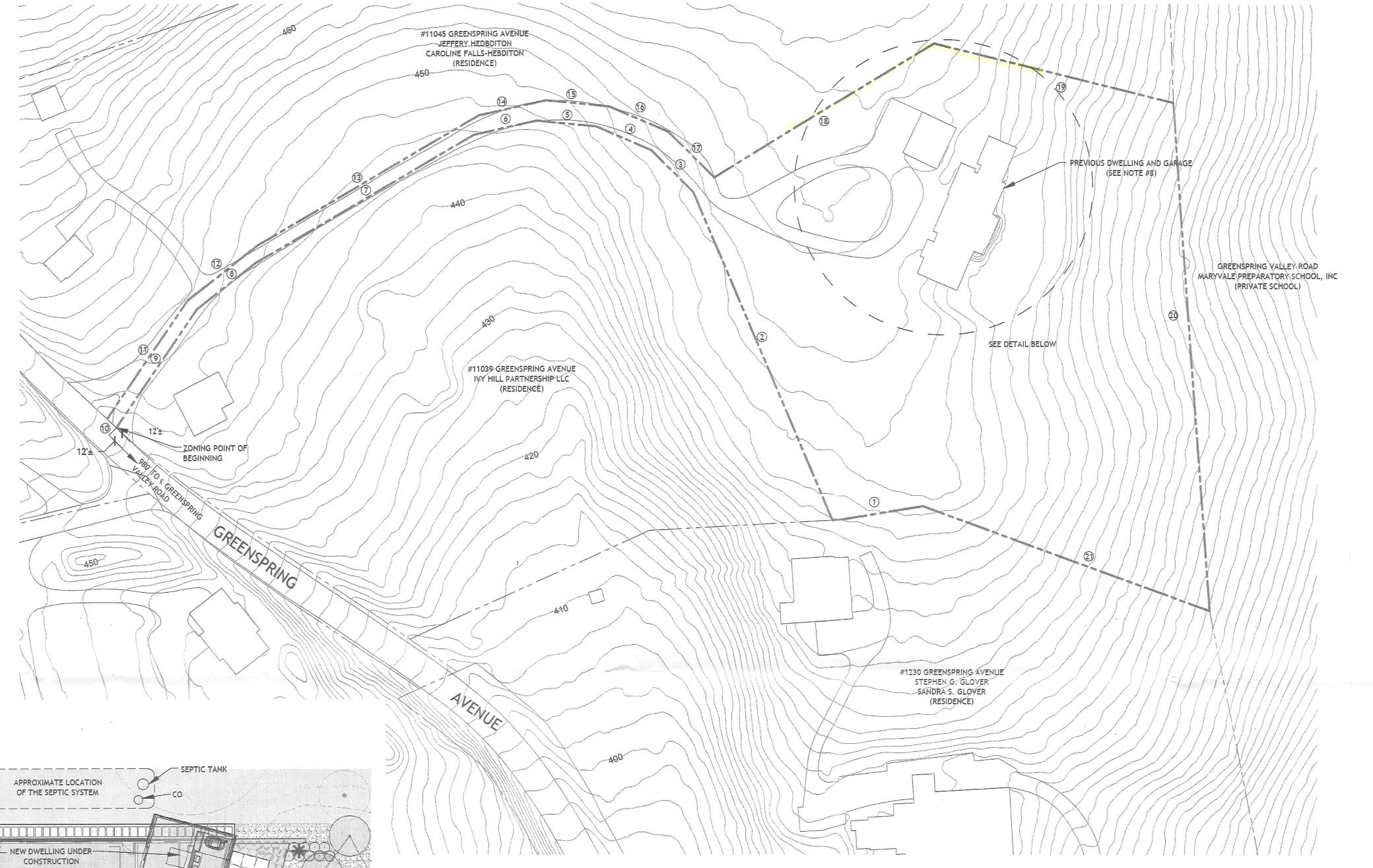
1. The subject dwelling is not historic. The subject property is in the Greenspring Valley National Register

PROPOSED DEVELOPMENT

9585999939999 200999454509921 36588388545

16 x 46

To construct a pool in the side yard



Bearings and Distances of the Subject Property As per SM 9519/68

- 1. N 88 degrees 03 minutes W 63.48'
- 2. N 16 degrees 03 minutes W 282.37'
- 3. N 38 degrees 17 minutes W 47.00'
- 4. N 59 degrees 45 minutes W 47.50'
- 5. N 77 degrees 19 minutes W 47.50'
- 6. S 84 degrees 09 minutes W 51.00'
- 7. S 66 degrees 23 minutes W 200.00'
- 8. S 58 degrees 22 minutes W 69.00'
- 9. S 40 degrees 49 minutes W 113.00'
- 10. N 38 degrees 33 minutes W 10.17'
- 11. N 40 degrees 49 minutes E 112.67'
- 12. N 58 degrees 22 minutes E 71.24'
- 13. N 66 degrees 23 minutes E 202.26'
- 14. N 84 degrees 09 minutes E 54.19'
- 15. S 77 degrees 19 minutes E 50.68'
- 16. S 59 degrees 45 minutes E 50.95'
- 17. S 38 degrees 17 minutes E 51.21'
- 18. N 64 degrees 57 minutes E 203.98' 19. S 69 degrees 07 minutes E 194.90'
- 20. S 2 degrees 45 minutes W 404.38'
- 21. N 63 degrees 03 minutes W 241.03'

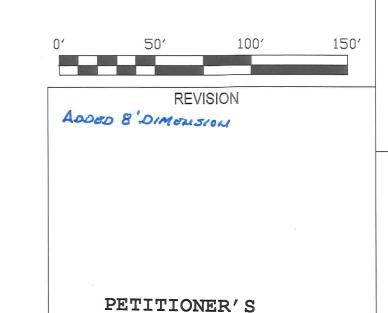


EXHIBIT NO.

Bruce E. Doak Consulting, LLC Land Use Expert and Surveyor 3801 Baker Schoolhouse Road Freeland, MD 21053 o 443-900-5535 m 410-419-4906 bdcak@bruceedoakconsulting.com

GREENSPRING VALLEY ROAD

<u>Vicinity Map − Scale: 1' = 350'</u>

A PLAN TO ACCOMPANY A ZONING PETITION FOR

11041 GREENSPRING AVENUE

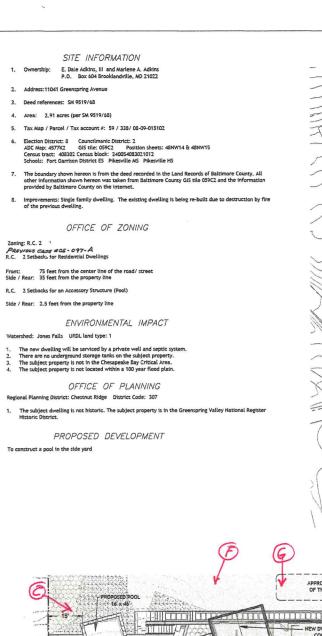
BALTIMORE COUNTY, MARYLAND 8th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT



Date: 6/9/16 Scale: 1"=50'

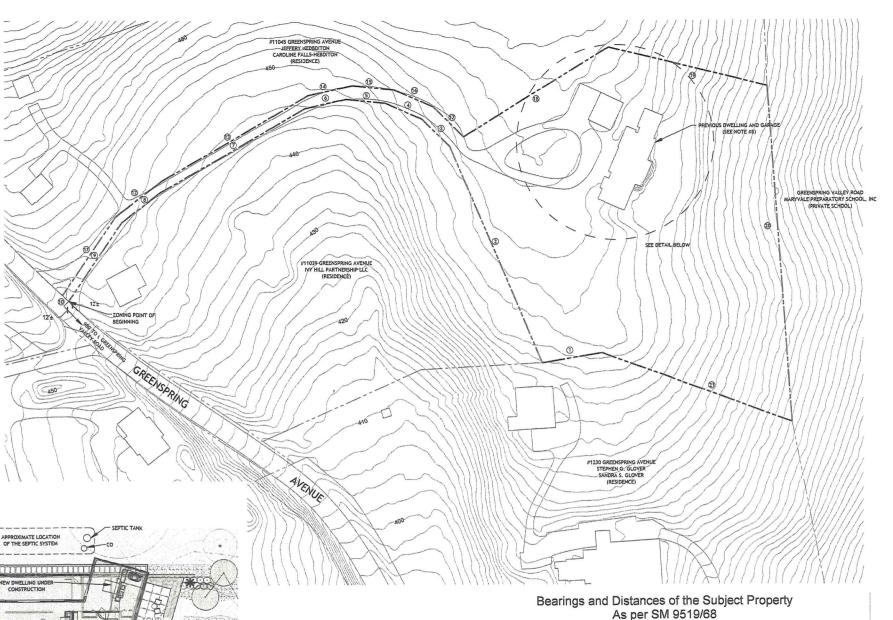
DETAIL SHOWING THE PROPOSED POOL

N.T.S.



DETAIL SHOWING THE PROPOSED POOL

N.T.S.



1. N 88 degrees 03 minutes W 63.48' 11. N 40 degrees 49 minutes E 112.67' 12. N 58 degrees 22 minutes E 71.24' 2. N 16 degrees 03 minutes W 282.37' 3. N 38 degrees 17 minutes W 47.00' 13. N 66 degrees 23 minutes E 202.26' 4. N 59 degrees 45 minutes W 47.50' 14. N 84 degrees 09 minutes E 54.19' 15. S 77 degrees 19 minutes E 50.68 5. N 77 degrees 19 minutes W 47.50' 6. S 84 degrees 09 minutes W 51.00' 16. S 59 degrees 45 minutes E 50.95' 17. S 38 degrees 17 minutes E 51.21' 7. S 66 degrees 23 minutes W 200.00'

9. S 40 degrees 49 minutes W 113.00' 10. N 38 degrees 33 minutes W 10.17'

8. S 58 degrees 22 minutes W 69.00'

PLAN TO ACCOMPANY
PHOTOGRAPHS

19. S 69 degrees 07 minutes E 194.90' 20. S 2 degrees 45 minutes W 404.38' 21. N 63 degrees 03 minutes W 241.03' ADDED B'DIMENSION

18. N 64 degrees 57 minutes E 203.98'

Bruce E. Doak Consulting, LLC Land Use Expert and Surveyor 3801 Baker Schoolhouse Road Freeland. MD 21053 p.443-900-5535 m.410-419-4906

Vicinity Map - Scale: 1' = 350'

A PLAN TO ACCOMPANY A ZONING PETITION FOR

11041 GREENSPRING AVENUE

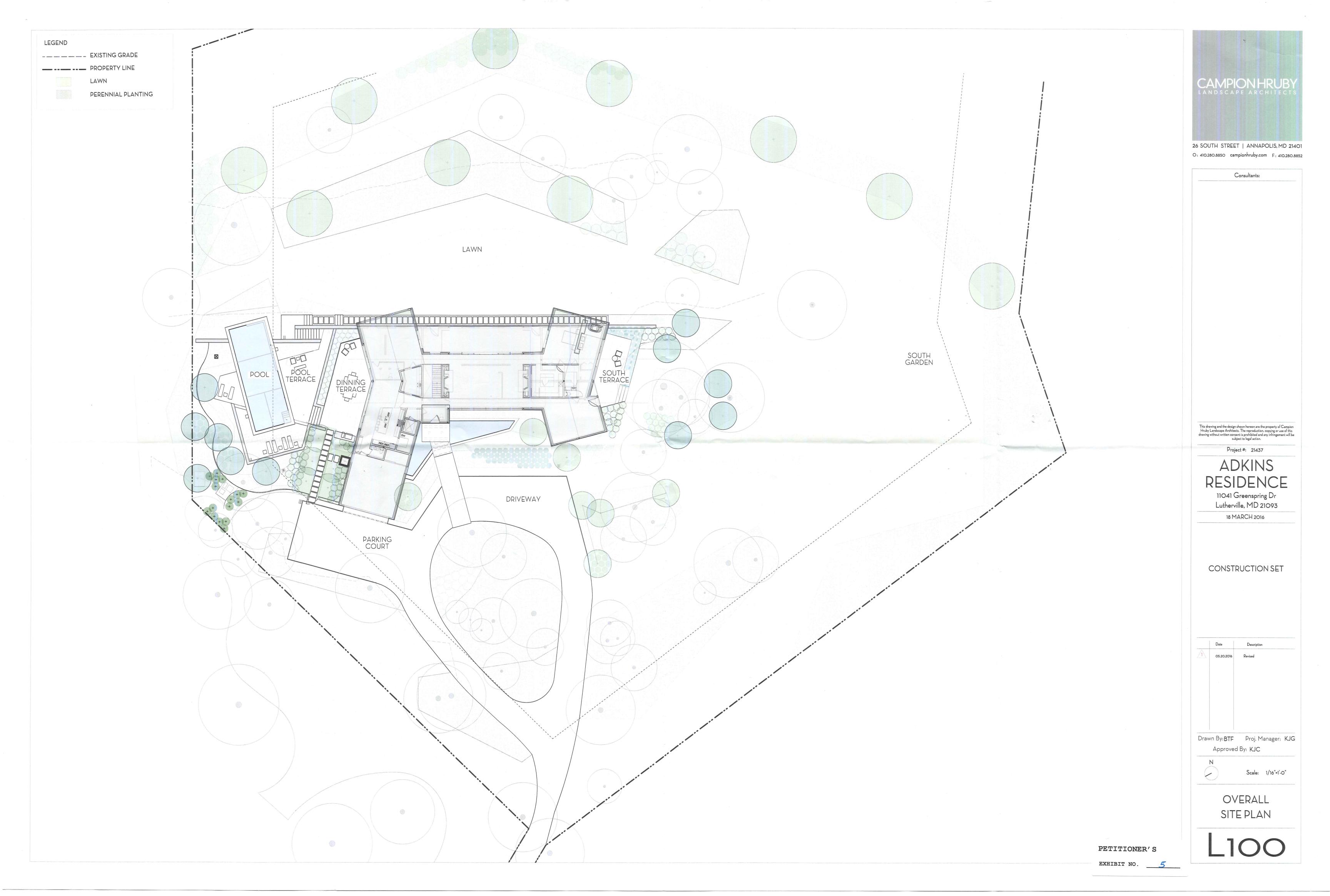
BALTIMORE COUNTY, MARYLAND 8th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT



Date: 6/9/16 ale: 1"=50'

PETITIONER'S

2319-A



SITE INFORMATION

- 1. Ownership: E. Dale Adkins, III and Marlene A. Adkins P.O. Box 604 Brooklandville, MD 21022
- 3. Deed references: SM 9519/68
- 4. Area: 2.91 acres (per SM 9519/68)

2. Address: 11041 Greenspring Avenue

- 5. Tax Map / Parcel / Tax account #: 59 / 338 / 08-09-015102
- 6. Election District: 8 Councilmanic District: 2 ADC Map: 4577K2 GIS tile: 059C2 Position sheets: 48NW14 & 48NW15 Census tract: 408302 Census block: 240054083021012 Schools: Fort Garrison District ES Pikesville MS Pikesville HS
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- There are no underground storage tanks on the subject property. The subject property is not in the Chesapeake Bay Critical Area.
- 4. The subject property is not located within a 100 year flood plain.

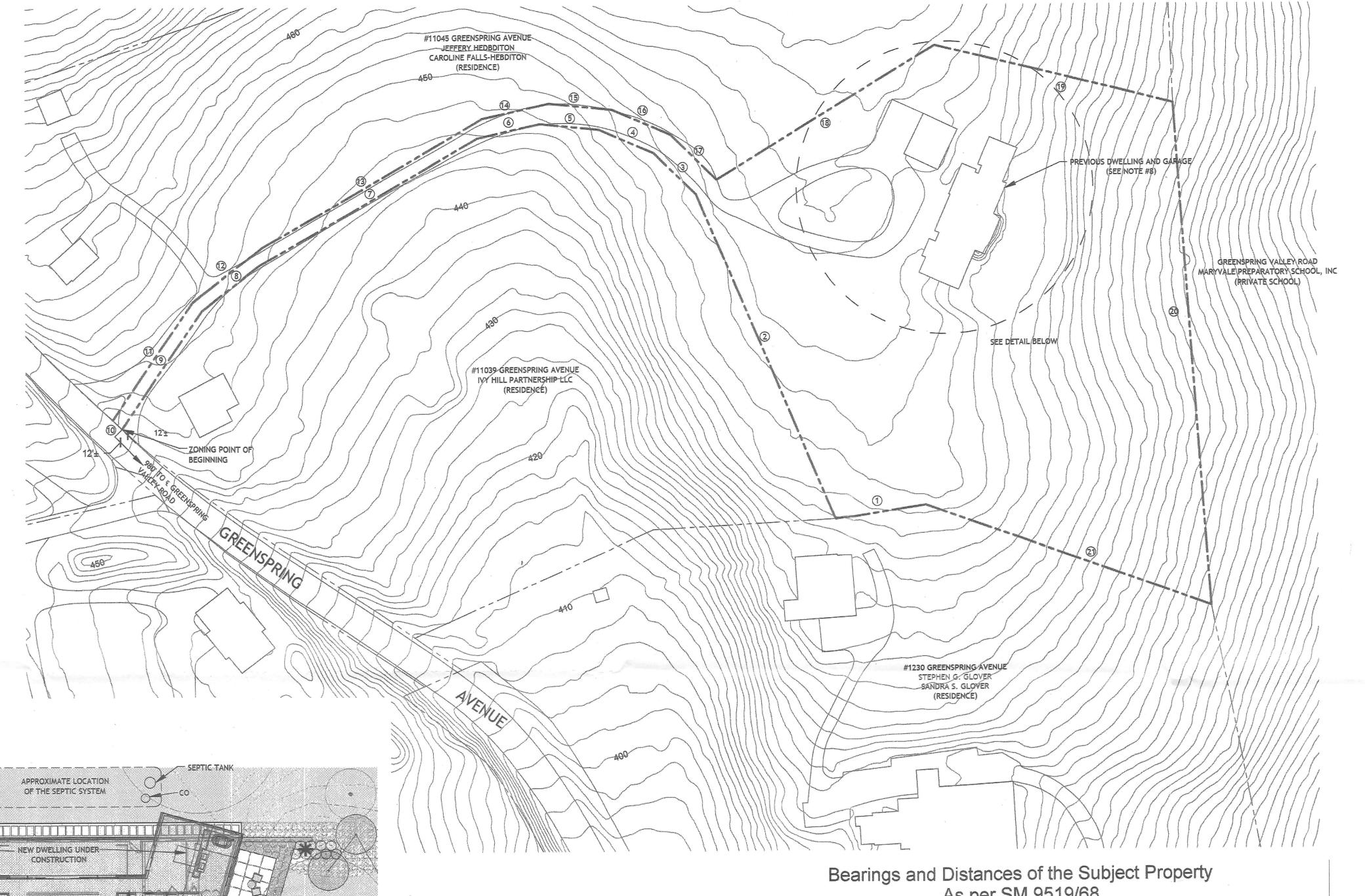
OFFICE OF PLANNING

Regional Planning District: Chestnut Ridge District Code: 307

1. The subject dwelling is not historic. The subject property is in the Greenspring Valley National Register Historic District.

PROPOSED DEVELOPMENT

To construct a pool in the side yard



As per SM 9519/68

1. N 88 degrees 03 minutes W 63.48' 2. N 16 degrees 03 minutes W 282.37'

3. N 38 degrees 17 minutes W 47.00' 4. N 59 degrees 45 minutes W 47.50'

5. N 77 degrees 19 minutes W 47.50' 6. S 84 degrees 09 minutes W 51.00'

7. S 66 degrees 23 minutes W 200.00' 8. S 58 degrees 22 minutes W 69.00'

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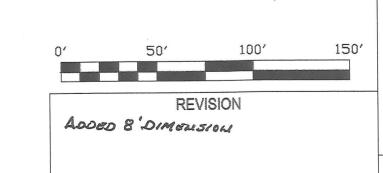
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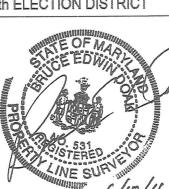


GREENSPRING VALLEY ROAD

<u>Vicinity Map − Scale: 1' = 350'</u>

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BALTIMORE COUNTY, MARYLAND 8th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT



Date: 6/9/16 Scale: 1"=50'

DETAIL SHOWING THE PROPOSED POOL

N.T.S.