MEMORANDUM

DATE:

August 24, 2016

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0333-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 22, 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

(19517 Graystone Road)

7th Election District 3rd Council District Melissa Norton

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0333-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, Melissa Norton ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed detached accessory structure (storage barn) to have a height of 24 ft. in lieu of the maximum allowed 15 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. A ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS) dated July 7, 2016 indicating the development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (§§ 33-3-101 through 33-3-120) of the Baltimore County Code (B.C.C.).

order r	eceived for filing	
Date	7-21-16	
Ву	(a)	

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 1, 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 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.

Although the Department of Planning did not make any recommendations related to the accessory structure (storage barn) height and usage, I will impose conditions that the accessory building (pole barn) shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>21st</u> day of **July**, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit an accessory structure (barn) with a height of 24 ft. in lieu of the maximum allowed height of 15 ft., be and is hereby GRANTED.

OADER RECEIVED FOR FILING

Date 1-3(-16

The relief granted herein shall be subject to the following:

- 1. Petitioner may apply for any appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioner or subsequent owners shall not convert the accessory building (pole barn) into a dwelling unit or apartment. The accessory structure (pole barn) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- 3. Petitioner must comply with the ZAC comment received from DEPS, dated July 7, 2016; a copy of which is attached hereto and made a part hereof.

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 FO	OR FILING
Date	7-21-	16
By	p.	>

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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



JUL 07 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:

July 7, 2016

SUBJECT:

EPS Comment for Zoning Item

Address

2016-0333-A

19517 Graystone Road

(Norton Property)

Zoning Advisory Committee Meeting of July 4, 2016.

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
 - <u>X</u> Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Reviewer:

Thomas Panzarella

Date: July 7, 2016

ORDER RECEIVED FOR FILING

Date 7-21-16

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 19517 Graystone Rd White Ital	
Deed Reference 28609 1 00 210	10 Digit Tax Account # 2 00 0 0 / / 0 / /
Owner(s) Printed Name(s) Melissa Norton	
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPR	OPRIATE 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 attached hereto and made a part hereof, hereby petition for	e in Baltimore County and which is described in the plan/plat r an:
1. ADMINISTRATIVE VARIANCE from Section(s)	
Section 400.3 – to permit a proposed detached accerete feet in lieu of the maximum allowed 15 feet.	essory structure (storage barn) to have a height of 24
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to approach County Code: (indicate type of work in this space: i.e., to refer the control of the contr	ove a waiver pursuant to Section 32-4-107(b) of the Baltimore aze, alter or construct addition to building)
of the Baltimore County Code, to the development law of B Property is to be posted and advertised as prescribed by the zoning regula I/ we agree to pay expenses of above petition(s), advertising, posting, etc. Baltimore County adopted pursuant to the zoning law for Baltimore County	ations and further agree to be bound by the zoning regulations and restrictions of
	Owner(s)/Petitioner(s):
	Melissa Norton
	Name #1 – Type or Print Name #2 – Type or Print
	ml - ml
	Signature #1 Signature # 2
	1951) Graystone Ro White Hall, MD Mailing Address City State
	3
	2/161 1443-991-9132 melisquarter 195 Zip Code Telephone # Email Address parcast
ING	Zip Code Telephone # Email Address concast
Attorney for Owner(s)/Petitioners &	Representative to be contacted:
DEONIL	/
Attorney for Owner(s)/Petitioner(s)/ Name- Type or Print Signaturo	
Name- Type or Print	Name – Type or Print
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Signatur	Signature
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Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
A PUBLIC HEARING having been formally demanded and/or found to	b be required, it is ordered by the Office of Administrative Hearings for Baltimore transfer of this petition be set for a public hearing, advertised, and re-posted as
Admini	istrative Law Judge for Baltimore County
CASE NUMBER 2016 - 0333- A Filing Date 6,23	Estimated Posting Date 7,3,16 Reviewer 575

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: 19517 Graystone Rol White Hall, MD 21161 Print or Type Address of property City State Zip Code
Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state <u>practical difficulty or hardship</u> here)
The property currently has a two story gambrel barn that it in a
state of disrepair and needs to be form down, lariance is being
requested to keep the replacement structure a two story gambrel barn.
A portion of the property is still in use to grow crops. The Egen is
necessary for storage of tractors and other equipment needed for
maintenance and care of the property.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)
Signature of Owner (Affiant) Signature of Owner (Affiant)
Melissa Norton
Name- Print or Type Name- Print or Type
The following information is to be completed by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 10th day of fine , 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared: MELIGAR KAY DROWN (METARY PUBLIC)
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal Mullipa Brown
Notary Public
My Commission Expires

Zoning Property Description For 19517 Graystone Rd White Hall, MD 21161

Beginning at a point on the east side of Graystone Rd which is 20 feet wide at a distance of 4,280 feet northeast of the center line of the nearest improved intersecting street Stablersville/Vernon Rd which is 20 feet wide.

Thence the following courses and distances: (1st Point of Call "POC") S22°0'0"W238', (2nd POC) S12°45'12"W136.5', (3rd POC) S37°30'0"E108', (4th POC) S30°30'0"W79', (5th POC) S81°30'0"E362.5', (6th POC) N0°0'0"W429', and (7th POC) N63°30'0"W296, back to the point of beginning as recorded in Deed Liber 7112, Folio 528, containing 3.37 acres. Located in the 7th Election District and 3rd Council District.

Item #0333

ZONING NOTICE ADMINISTRATIVE VARIANCE

CASE # 2016-0333.A

TO PERMIT A PROPOSED DETACHED

ACCESSORY STRUCTURE (STORAGE BARN)

HAVE A HEIGHT OF 24 FEET IN LIEU OF

THE MAXIMUM ALLOWED 15 FEET

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING,
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF

Zoning Property Description For 19517 Graystone Rd White Hall, MD 21161

Beginning at a point on the east side of Graystone Rd which is 20 feet wide at a distance of 4,280 feet northeast of the center line of the nearest improved intersecting street Stablersville/Vernon Rd which is 20 feet wide. Thence the following courses and distances: (1st Point of Call "POC") S22°0'0"W238', (2nd POC) S12°45'12"W136.5', (3rd POC) S37°30'0"E108', (4th POC) S30°30'0"W79', (5th POC) S81°30'0"E362.5', (6th POC) N0°0'0"W429', and (7th POC) N63°30'0"W296, back to the point of beginning as recorded in Deed Liber 7112, Folio 528, containing 3.37 acres. Located in the 7th Election District and 3rd Council District.

CERTIFICATE OF POSTING

	Date: 7-1-16
RE:	Case Number: 2016 - 0 3 3 3 - A
	Petitioner/Developer: Justin Melusa Norton
	Date of Hearing/Closing: 7-18-16
by la	This is to certify under the penalties of perjury that the necessary sign(s) required w were posted conspicuously on the property located at 19517 Gray fore
	The signs(s) were posted on 7-1-16 (Month, Day, Year)
,	Signature of Sign Poster)
1. '	J. LAWRENCE PILSON (Printed Name of Sign Poster)
ATT.	ACH 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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0333 -A Address 19517 Graystone Rd
Contact Person: Phone Number: 410-887-3391
Filing Date: Planner, Please Print Your Name Posting Date: 7/3/16 Closing Date: 7/18/16
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <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.
3. ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2016- 0333 -A Address 19517 Graystone Rd
Petitioner's Name Melissa Norton Telephone 443 991 9132
Posting Date: 7/3/16 Closing Date: 7/18/16
Wording for Sign: To Permit a proposed detached accessory structure
(storage barn) to have a height of 24 feet in lieu of the
maximum allowed 15 feet.

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.

For Newspaper Advertising:
Case Number: 2016-0333-A
Property Address: 19517 Gray Stone RD
Property Description: E/S Graystone Rd, 4280'(+/-) NE of Stublersville / Vernon Rd
Legal Owners (Petitioners): Melissa Norton
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO: Name: Melissa Norton
Company/Firm (if applicable):
Address: 19517 Graystone RD
White Hall MD 21161
Telephone Number: 443 - 991 - 9132

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KEVIN KAMENETZ County Executive

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

July 19, 2016

Melissa Norton 19517 Graystone Road White Hall MD 21161

RE: Case Number: 2016-0333 A, Address: 19517 Graystone Road

Dear Ms. Norton:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 22, 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



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

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

Date: 7.5.2016

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 - 0333-A

Administrative Variance
Melissa Norton
19517 Graystone 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,

Lucul Elle Lucul Elle Wendy Wolcott, PLA Acting Metropolitan District Engineer – District 4

Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 13, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 4, 2016

Item No. 2016-0330, 0331, 0332 and 0333

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

DAK:CEN cc:file

(AV) 7-18-16

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED



JUL 07 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:

July 7, 2016

SUBJECT:

EPS Comment for Zoning Item

2016-0333-A

Address

19517 Graystone Road

(Norton Property)

Zoning Advisory Committee Meeting of July 4, 2016.

 \underline{X} The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

<u>X</u> Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Reviewer:

Thomas Panzarella

Date: July 7, 2016

CHECKLIST

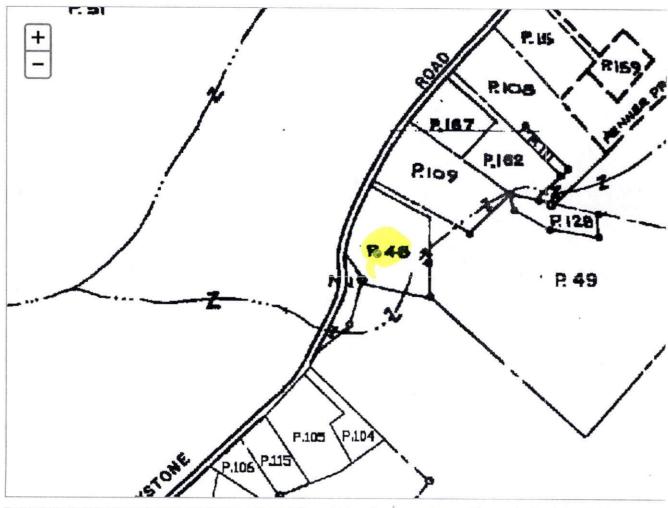
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Baltimore County

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

District: 07 Account Number: 2000011011



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)



Photo 1: View from northeast corner of property



Photo 2: Existing barn to be replaced by proposed barn

Item#0333

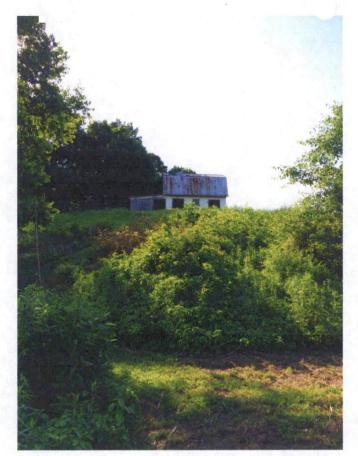


Photo 3: View of barn site from stream below

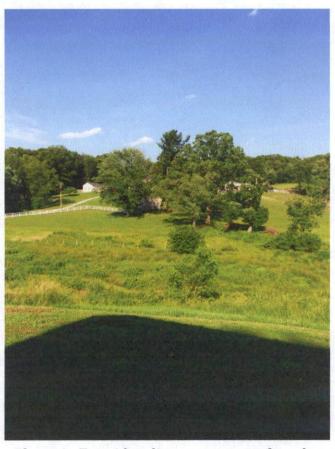


Photo 4: Eastside adjacent property from barn site

Item#0333

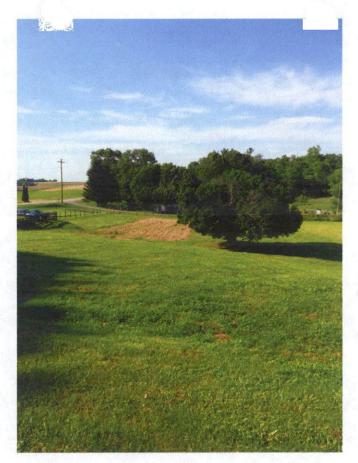


Photo 5: North adjacent property from barn site

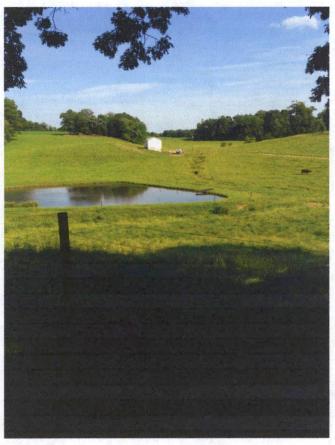
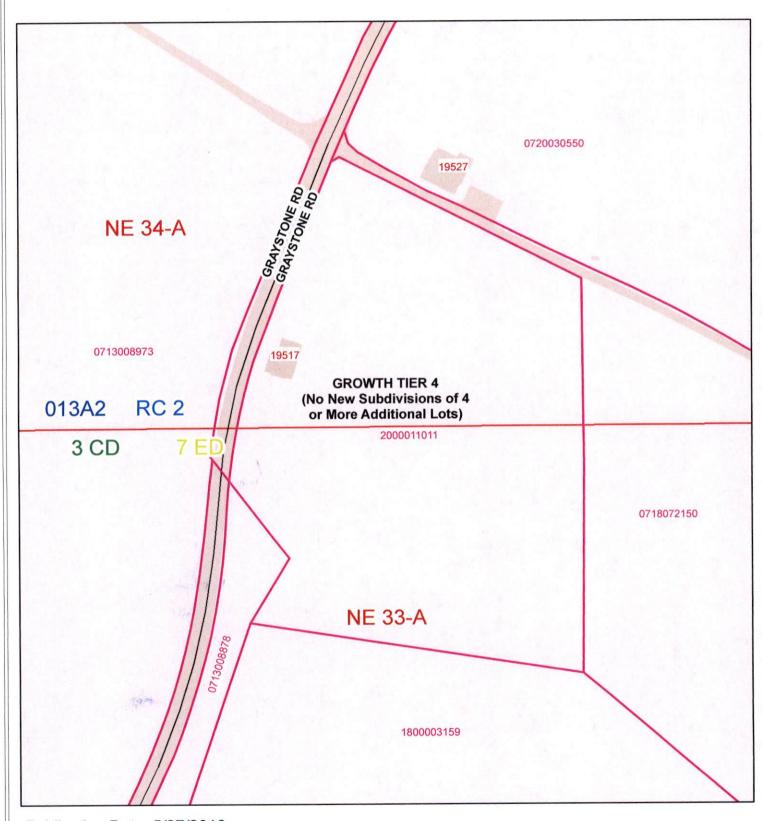


Photo 6: South adjacent property

Item #0333

19517 Greystone Road

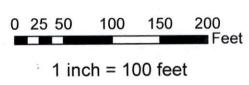


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Item #0333

Pet. Eca. 1

PLAN DRAWN BY DUSTIN QUARANTA DATE 6/9/16 SCALE: 1 INCH=50 FEET

#2016-0333-A

Pet. E.a. 1