

M E M O R A N D U M

DATE: September 22, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0021-A – Appeal Period Expired

The appeal period for the above-referenced case expired on September 21, 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 *
(11909 Woodberry Place)
11th Election District *
5th Council District *
Marcia A. Barton *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2017-0021-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, Marcia A. Barton ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 1A04.3.B.2 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a proposed enclosure of existing carport creating an addition with a side yard setback of 6 ft. in lieu of the minimum required 50 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 Planning (DOP) indicating subject dwelling is a contributing structure in the Baltimore County Historic District of Franklinville and is subject to Landmarks Preservation Committee approval and all alterations must be compatible with the Baltimore County Historic Preservation Design Guidelines.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 30, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 8-22-16

By 190

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.

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 22nd day of **August, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A04.3.B.2 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a proposed enclosure of existing carport creating an addition with a side yard setback of 6 ft. in lieu of the minimum required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with the ZAC comments submitted from DOP dated August 1, 2016; a copy of which is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING

Date: 8-22-16

By: [Signature]

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

JEB:dlw



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 8-22-16

By WJ



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 11909 WOODBERRY PLACE Currently zoned RC5

Deed Reference 37397 / 00225 10 Digit Tax Account # 1102003240

Owner(s) Printed Name(s) MARCIA ALICE BARTON

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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

Section 1A04.3.B.2.b – to permit a proposed enclosure of existing carport creating an addition with a side yard setback of 6 feet in lieu of the minimum required 50 feet.

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

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

MARCIA ALICE BARTON

Name #1 – Type or Print

Name #2 – Type or Print

Marcia Alice Barton

Signature #1

Signature #2

11909 WOODBERRY PL, KINGSVILLE, MD

Mailing Address

City

State

21087 / 410-592-9247, mabarton@

Zip Code

Telephone #

Email Address

sbcglobal.net

Attorney for Owner(s)/Petitioner(s):

Representative to be contacted:

Name- Type or Print

Name – Type or Print

Signature

Signature

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 be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0021-A

Filing Date 7/19/16

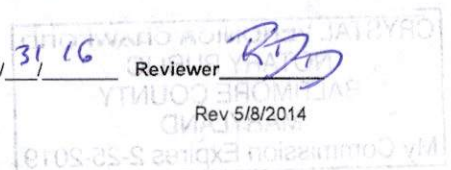
Estimated Posting Date 7/31/16

Reviewer RD

ORDER RECEIVED FOR FILING

Date 8-22-16

By [Signature]



Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 11909 WOODBERRY PLACE, KINGSVILLE, MD 21087
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

- Variance is requested to enclose existing carport and make it a garage. The primary residence was built in the mid-1800's and the carport was added on in the late 1960s, well before current codes and requirements. The carport was grandfathered in when the area became a Historical District several decades later.
- The footprint of the carport will not change. The space between the side of the carport to the property line on the West side (11907 Woodberry Pl) will remain at the current 6 feet.
- It would not be practical or feasible to move the parking area to another location on the property due to extreme slopes, geographical hazards, and the location of the well.
- Every lot in the Village of Franklinville has similarly short setbacks between property lines and buildings, including dwellings, additions, garages and other out buildings.
- A recent variance (2015) was granted to the neighbor on the West side of my property line (11907 Woodberry Pl.) in order to construct a new 1-story addition which was within 12 feet of their neighbor's property on their West side (11905 Woodberry Pl.) This would suggest that if precedence was set to allow a variance for an addition, it should not be unreasonable to also approve a variance for me to enclose my existing carport.

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

Marcia Alice Barton
Signature of Owner (Affiant)

Signature of Owner (Affiant)

MARCIA ALICE BARTON
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:

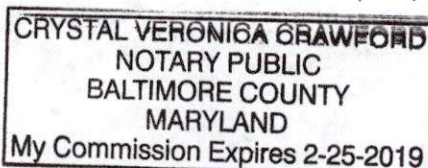
I HEREBY CERTIFY, this 13th day of July, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Marcia Alice Barton

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

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public
02/25/2019
My Commission Expires



REV. 5/8/2014

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.

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- It would not be practical or feasible to move the parking area to another location on the property due to extreme slopes, geographical hazards, and the location of the well.
- Every lot in the Village of Franklinville has similarly short setbacks between property lines and buildings, including dwellings, additions, garages and other out buildings.
- A recent variance (2015) was granted to the neighbor on the West side of my property line (11907 Woodberry Pl.) in order to construct a new 1-story addition which was within 12 feet of their neighbor's property on their West side (11905 Woodberry Pl.) This would suggest that if precedence was set to allow a variance for an addition, it should not be unreasonable to also approve a variance for me to enclose my existing carport.

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

Marcia Alice Barton

Signature of Owner (Affiant)

Signature of Owner (Affiant)

MARCIA ALICE BARTON

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 13th day of July, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared: J

Print name(s) here:

Marcia Alice Barton

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

AS WITNESS my hand and Notaries Seal

CC
Notary Public

02/25/2019

My Commission Expires

CRYSTAL VERONICA GRAWFORD
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
My Commission Expires 2-25-2019

REV. 5/8/2014



ADMINISTRATIVE ZONING PETITION

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

FLOOD

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 11909 WOODBERRY PLACE Currently zoned RC5
Deed Reference 37397 / 00225 10 Digit Tax Account # 1102003240
Owner(s) Printed Name(s) MARCIA ALICE BARTON

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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

Section 1A04.3.B.2.b – to permit a proposed enclosure of existing carport creating an addition with a side yard setback of 6 feet in lieu of the minimum required 50 feet.

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

2. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

MARCIA ALICE BARTON

Name #1 – Type or Print

Name #2 – Type or Print

Marcia Alice Barton

Signature #1

Signature #2

11909 WOODBERRY PL, KINGSVILLE, MD

Mailing Address

City

State

21087 / 410-592-9247 / mabarton@

Zip Code

Telephone #

Email Address

sbcglobal.net

Attorney for Owner(s)/Petitioner(s):

Representative to be contacted:

Name- Type or Print

Name – Type or Print

Signature

Signature

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 be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

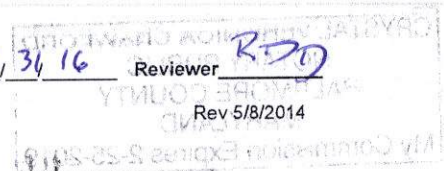
CASE NUMBER 2017-0021-A Filing Date 7/19/16

Estimated Posting Date 7/31/16 Reviewer RJD

ORDER RECEIVED FOR FILING

Date 8-22-16

By [Signature]



Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

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Marcia Alice Barton
Signature of Owner (Affiant)

Signature of Owner (Affiant)

MARCIA ALICE BARTON

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 13th day of July, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Marcia Alice Barton

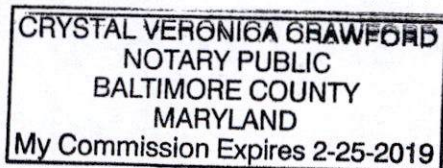
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

02/25/2019

My Commission Expires



REV. 5/8/2014



ADMINISTRATIVE ZONING PETITION

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

F1001

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Address 11909 WOODBERRY PLACE Currently zoned RC5
Deed Reference 37397 / 00225 10 Digit Tax Account # 1102003240
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Owner(s)/Petitioner(s):

MARCIA ALICE BARTON

Name #1 – Type or Print

Name #2 – Type or Print

Marcia Alice Barton

Signature #1

Signature #2

11909 WOODBERRY PL, KINGSVILLE, MD

Mailing Address

City

State

21087 / 410-592-9247 / mabarton@

Zip Code

Telephone #

Email Address

sbcglobal.net

Attorney for Owner(s)/Petitioner(s):

Representative to be contacted:

Name- Type or Print

Name – Type or Print

Signature

Signature

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 be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

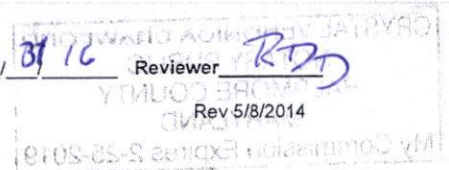
Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0021-A Filing Date 7/19/16 Estimated Posting Date 7/31/16 Reviewer RJD

ORDER RECEIVED FOR FILING

Date 8-22-16

By [Signature]



ZONING PROPERTY DESCRIPTION FOR 11909 WOODBERRY PLACE

Beginning at a point on the southeast side of Woodberry Place, which has a 50-foot right of way, at a distance of 305 feet northeast of the centerline of the nearest improved intersecting street Jericho Road, which has a 40-foot right of way. Thence the following courses and distances: (1st Point of Call- "POC") S 20° 30' E 38.13', (2nd POC) S 19° 20' E 178.5', (3rd POC) N 78° 40' 483.75', (4th POC) N 27° 35' W 305', (5th POC) S 69° 40' 332.7', (6th POC) S 22° 30' 19', (7th POC) S 67° 51' W 91', back to the point of beginning as recorded in Deed Liber 37397, Folio 225, containing 2.8 acres. Located in the 11th Election District and the 5th Councilmanic District.

Item #0021

CERTIFICATE OF POSTING

RE: Case No. 2017-0021

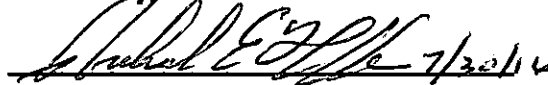
Petitioner: Marcia Barton

Hearing / Closing Date: 8/15/16

Baltimore County Department of
Permits and Development Management
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____
11909 Woodberry Place
_____ on 7/30/16

Sincerely,

 7/30/16

Richard E. Hoffman

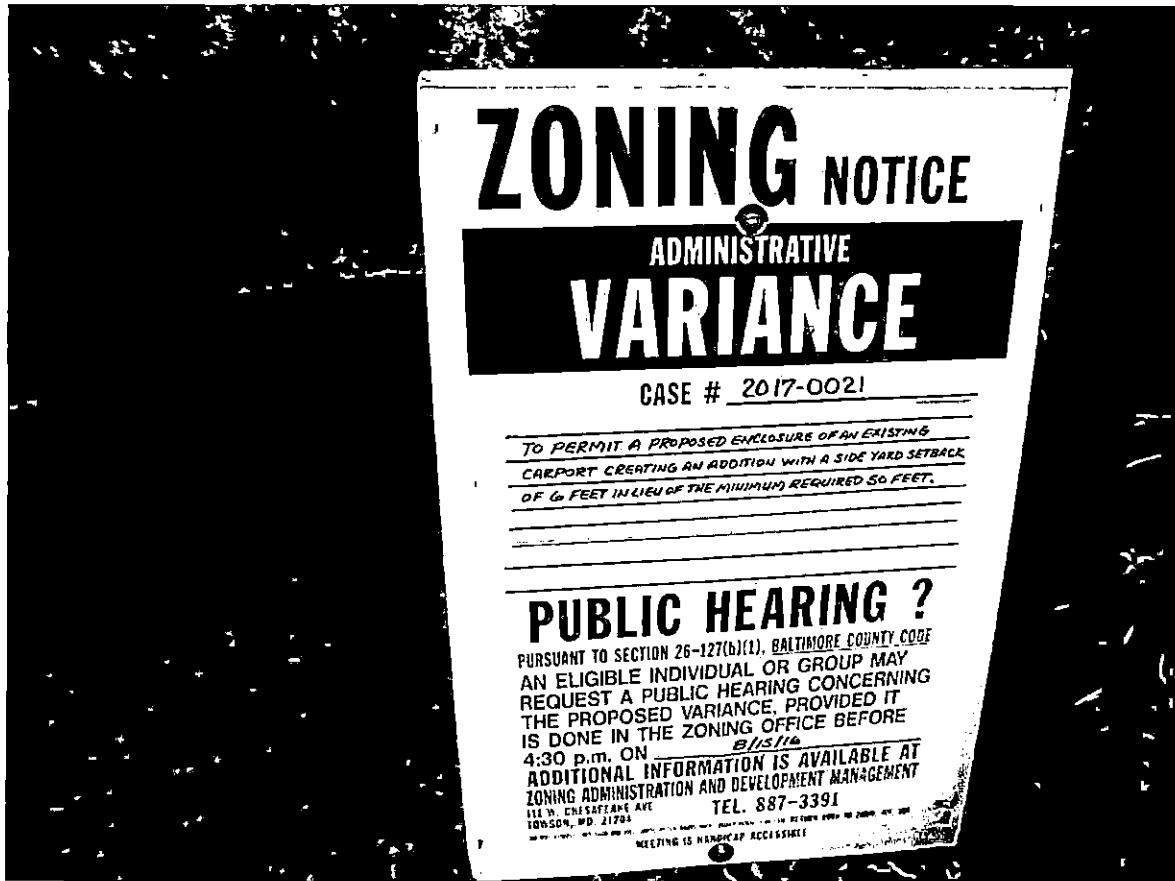
904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Certificate of Posting

Case No. 2017-0021



11909 Woodberry Place

 7/30/16

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(410) 879-3122

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0021 -A Address 11909 Woodberry Pl

Contact Person: David Puvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/19/16 Posting Date: 7/31/16 Closing Date: 8/15/16

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2017- 0021 -A Address 11909 Woodberry Pl

Petitioner's Name Marcia Barton Telephone 410-592-9247

Posting Date: 7/31/16 Closing Date: 8/15/16

Wording for Sign: To Permit a proposed enclosure of an existing
carport creating an addition with a side yard setback
of 6 feet in lieu of the minimum required 50 feet

Revised 7/6/16

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 2017-0021-A
Property Address: 11909 WOODBERRY PLACE
Property Description: southeast side of Woodberry Pl, +/- 500'
northeast of Franklinville Rd
Legal Owners (Petitioners): MARCIA BARTON
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: MARCIA BARTON
Company/Firm (if applicable): _____
Address: 11909 WOODBERRY PLACE
KINGSVILLE, MD 21087
Telephone Number: 410-592-9247

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

No. **141348**

Date: **7/19/16**

PAID RECEIPT

BUSINESS ACTUAL TIME INM
 7/19/2016 7/19/2016 11:51:28 4

G HSC6 MAIL 1343
 RECEIPT N 391254 7/19/2016 OFLA

Dept S 520 ZONING VERIFICATION
 NO. 141348

Recpt Tot. \$75.00
 \$75.00 CK 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
006	806	0000		70150					\$ 75.00

Total: **\$ 75.00**

Rec From:

For: **zoning hearing - case # 2017-0021-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

August 16, 2016

Marcia Alice Barton
11909 Woodberry Place
Kingsville MD 21087

RE: Case Number: 2017-0021 A, Address: 11909 Woodberry Place

Dear Ms. Barton:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 19, 2016. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

8-15-16
CLOSING

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: August 1, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-021

RECEIVED

AUG 02 2016

INFORMATION:

Property Address: 11901 Woodberry Place
Petitioner: Marcia Alice Barton
Zoning: RC 5
Requested Action: Administrative Variance

OFFICE OF ADMINISTRATIVE HEARINGS

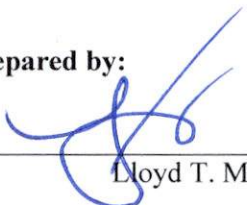
The Department of Planning has reviewed the petition for administrative variance to permit an existing single family dwelling with addition to have a side yard setback of 6' in lieu of the minimum required 50'.

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

Please be advised that the subject dwelling is a contributing structure in the Baltimore County Historic District of Franklinville. As such, the proposal is subject to Landmarks Preservation Committee approval (Baltimore County Code Section 32-7-403). Further, all alterations must be compatible with the Baltimore County Historic Preservation Design Guidelines.

For further information concerning the matters stated herein, please contact Teri Rising at 410-887-3495.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Kaylee Justice
Teri Rising
Marcia Alice Barton
Office of the Administrative Hearings
People's Counsel for Baltimore County

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



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

Date: 7/25/16

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. 2017-0021-A

*Administrative Variance
Marcia Alice Barton
11909 Woodberry Place*

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,

Richard Zeller

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: August 2, 2016

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 1, 2016
Item No. 2016-0340, 2017-0002, 0013, 0014, 0019 and 0021

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC08012016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: August 1, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-021

INFORMATION:

Property Address: 11901 Woodberry Place
Petitioner: Marcia Alice Barton
Zoning: RC 5
Requested Action: Administrative Variance

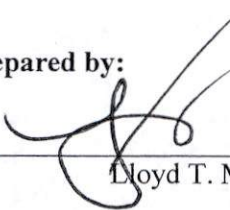
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For further information concerning the matters stated herein, please contact Teri Rising at 410-887-3495.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Kaylee Justice
Teri Rising
Marcia Alice Barton
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 29, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0021-A
Address 11909 Woodberry Place
(Barton Property)

Zoning Advisory Committee Meeting of **July 25, 2016**.

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

Reviewer: Steve Ford

Date: 07-29-2016

8-15-16
CLOSING

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: August 1, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-021

RECEIVED

AUG 02 2016

INFORMATION:

Property Address: 11901 Woodberry Place
Petitioner: Marcia Alice Barton
Zoning: RC 5
Requested Action: Administrative Variance

OFFICE OF ADMINISTRATIVE HEARINGS

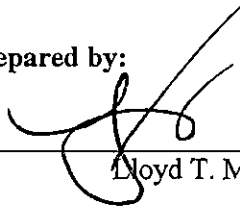
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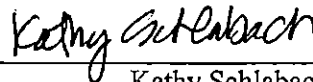
For further information concerning the matters stated herein, please contact Teri Rising at 410-887-3495.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlach

AVA/KS/LTM/ka

c: Kaylee Justice
Teri Rising
Marcia Alice Barton
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 8-22-16

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>8-2</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>7-29</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
<u>8-1</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>7-25</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>7-30-16</u> by <u>Hoffman</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 1102003240			
Owner Information					
Owner Name:		BARTON MARCIA ALICE		Use:	RESIDENTIAL
Mailing Address:		11909 WOODBERRY PL KINGSVILLE MD 21087-1905		Principal Residence:	YES
				Deed Reference:	/37397/ 00225
Location & Structure Information					
Premises Address:		11909 WOODBERRY PL KINGSVILLE 21087-1905		Legal Description:	2.80 AC SS WOODBERRY 11909 WOODBERRY PL 400 NE FRANKLINVILLE RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0055	0023	0050		0000	
				Assessment Year:	Plat No:
				2015	Plat Ref:
Special Tax Areas:		Town: NONE			
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1852	2,552 SF		2.8000 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	STONE	1 full/ 1 half	1 Carport
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		118,000	118,000		
Improvements		176,800	177,300		
Total:		294,800	295,300	294,967	295,133
Preferential Land:		0			0
Transfer Information					
Seller: BARTON MARCIA ALICE		Date: 04/15/2016		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /37397/ 00225		Deed2:	
Seller: BARTON MARCIA ALICE		Date: 10/06/2010		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /29969/ 00080		Deed2:	
Seller: BARTON WILLIAM F		Date: 10/06/1993		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /10057/ 00086		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 05/21/2014					

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

Item #0021



11909 WOODBERRY PLACE
CARPORT: SIDE #1

Item #0021

Item #0021

11909 WOODBERRY PLACE
GARPORT: SIDE #2





11909 WOODBERRY PLACE
CARPORT: BACK (LOOKING NORTH)

Item #0021



← 6' →
TO PROPERTY LINE

11909 WOODBERRY PLACE
GARAGE: BACK & SIDE SHOWING NEIGHBOR'S
PROPERTY LINE

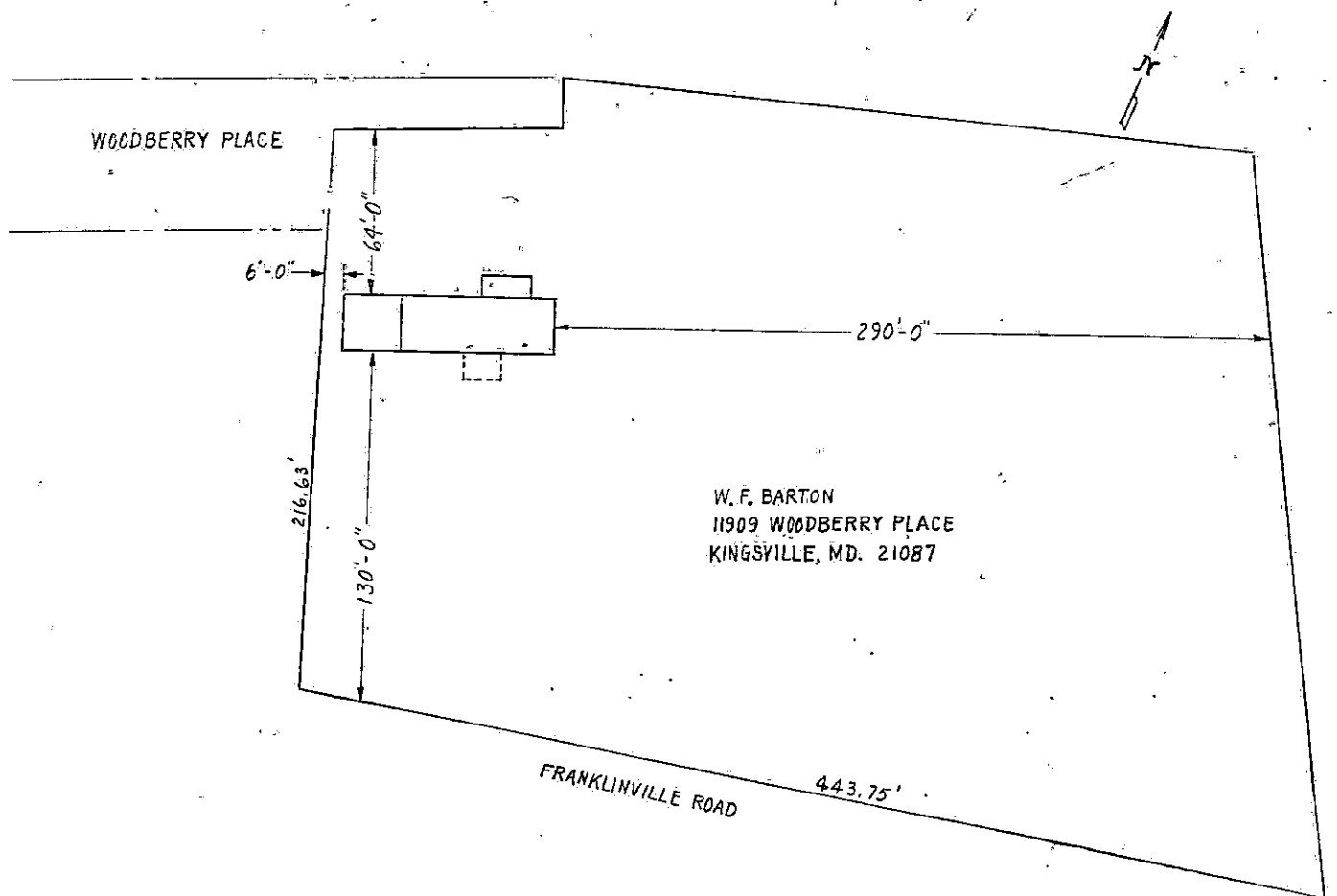
Item #0021

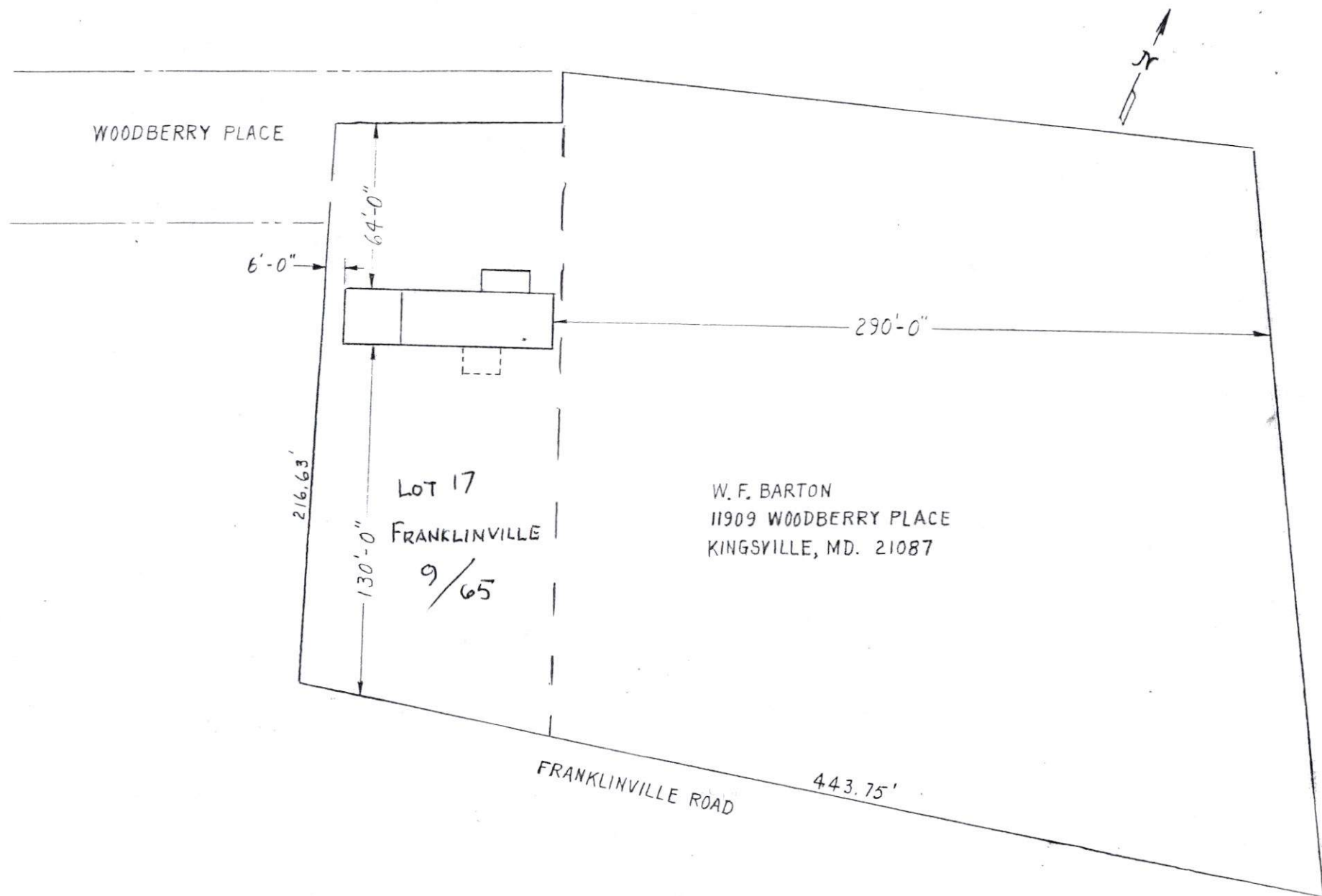


11909 WOODBERRY PLACE

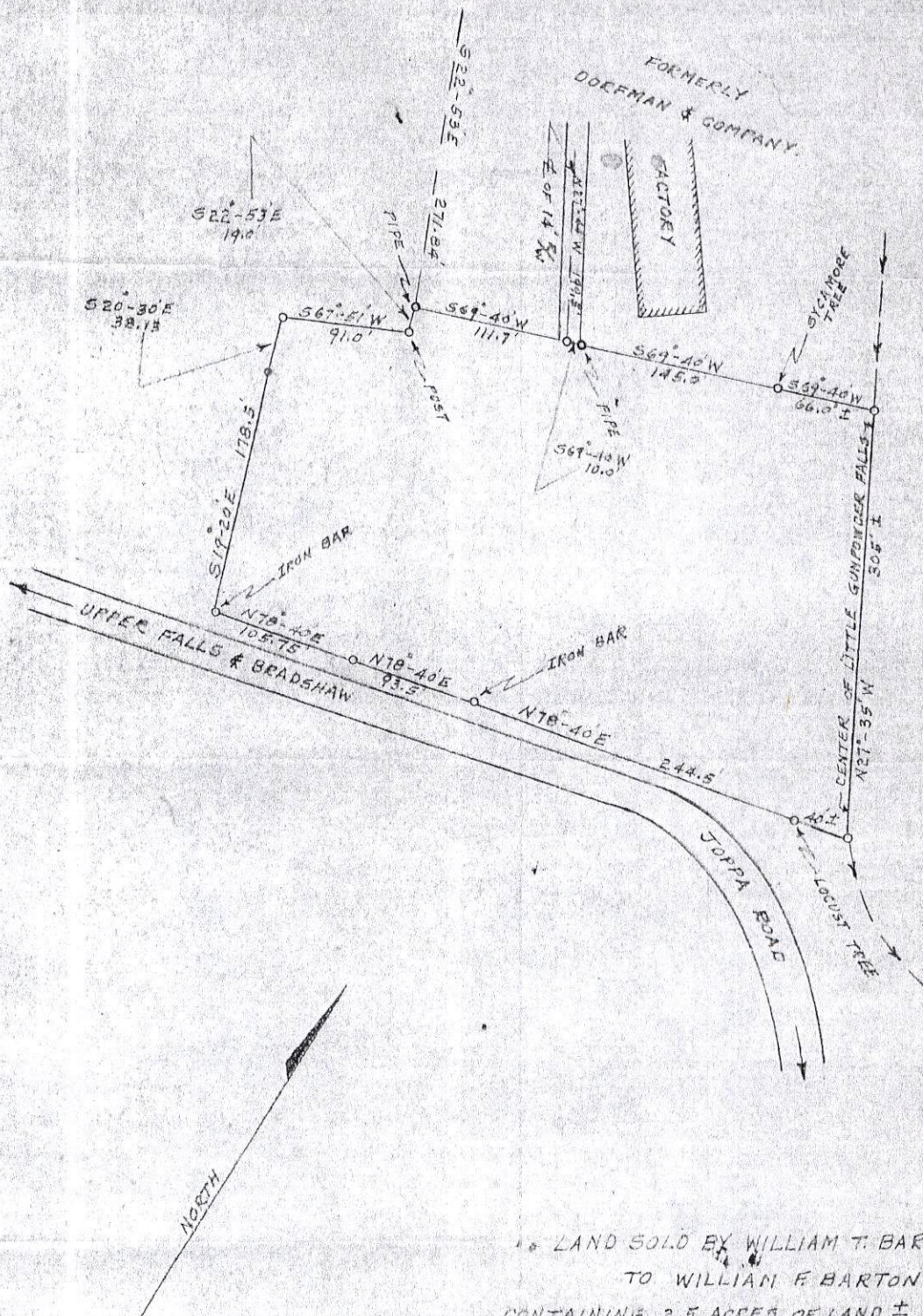
CARPORT: FRONT (LOOKING SOUTH)

Item #0021





Item #0021



LAND SOLD BY WILLIAM T. BARTON
TO WILLIAM F. BARTON
CONTAINING 2.5 ACRES OF LAND ±
ELEVENTH DISTRICT- BALTIMORE COUNTY- MD.

-1 SCALE:-

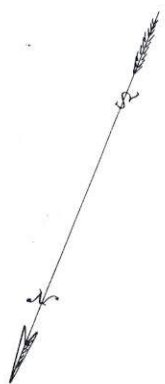
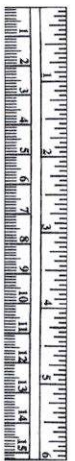
ONE INCH EQUALS ONE HUNDRED FEET.
SOMERVILLE & SOMERVILLE SURVEYORS.

JUNE 1936 & MAY 1945

PLAT BY F.R. STIFLER, SURVEYOR.

SEPTEMBER, 1956.

Item #0021

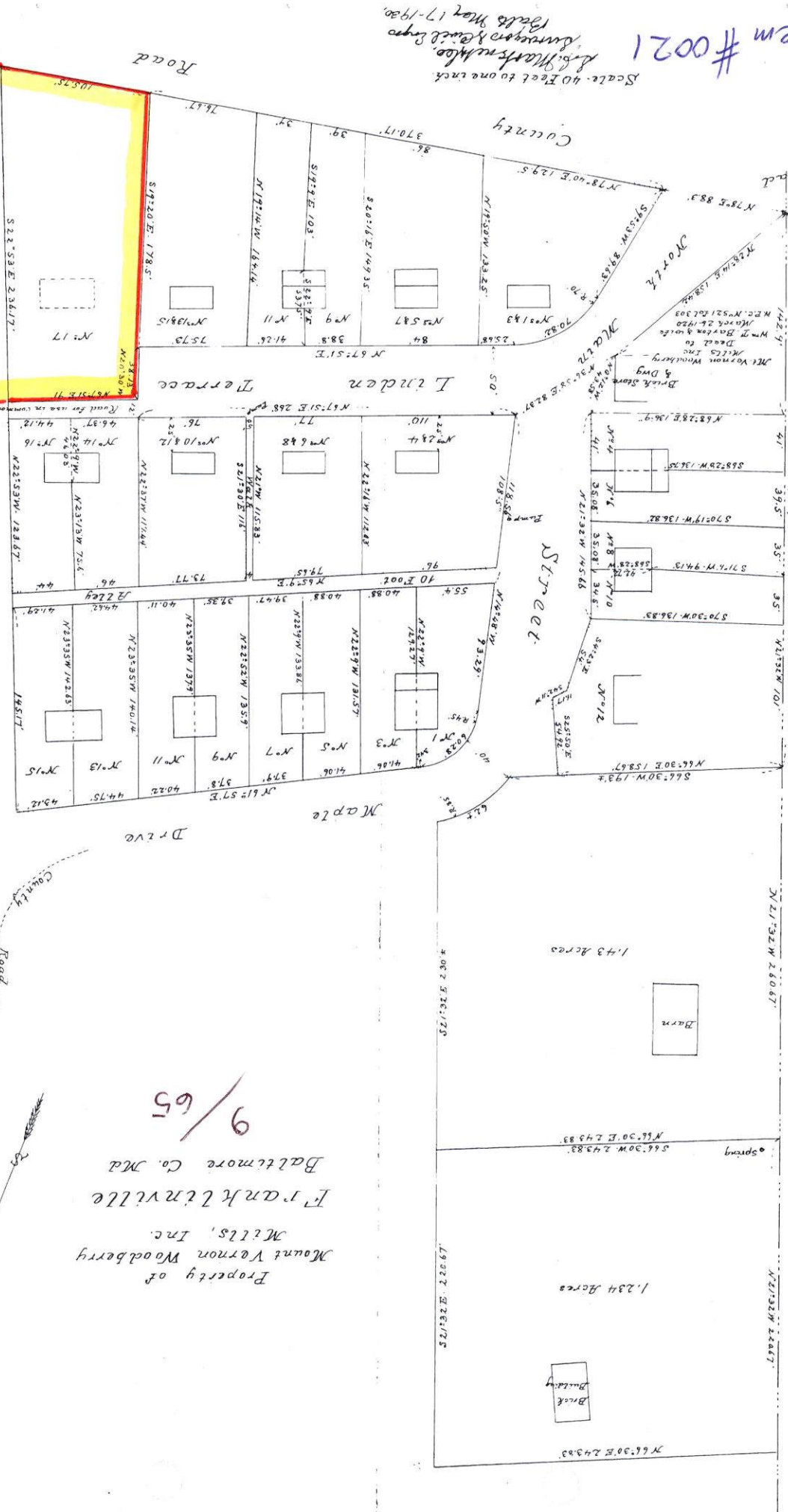


Property of
Mount Vernon Woodberry
Mills, Inc.
Franklinville
Baltimore Co. Md

9/65

County Road
to the
Division

McElz
Property

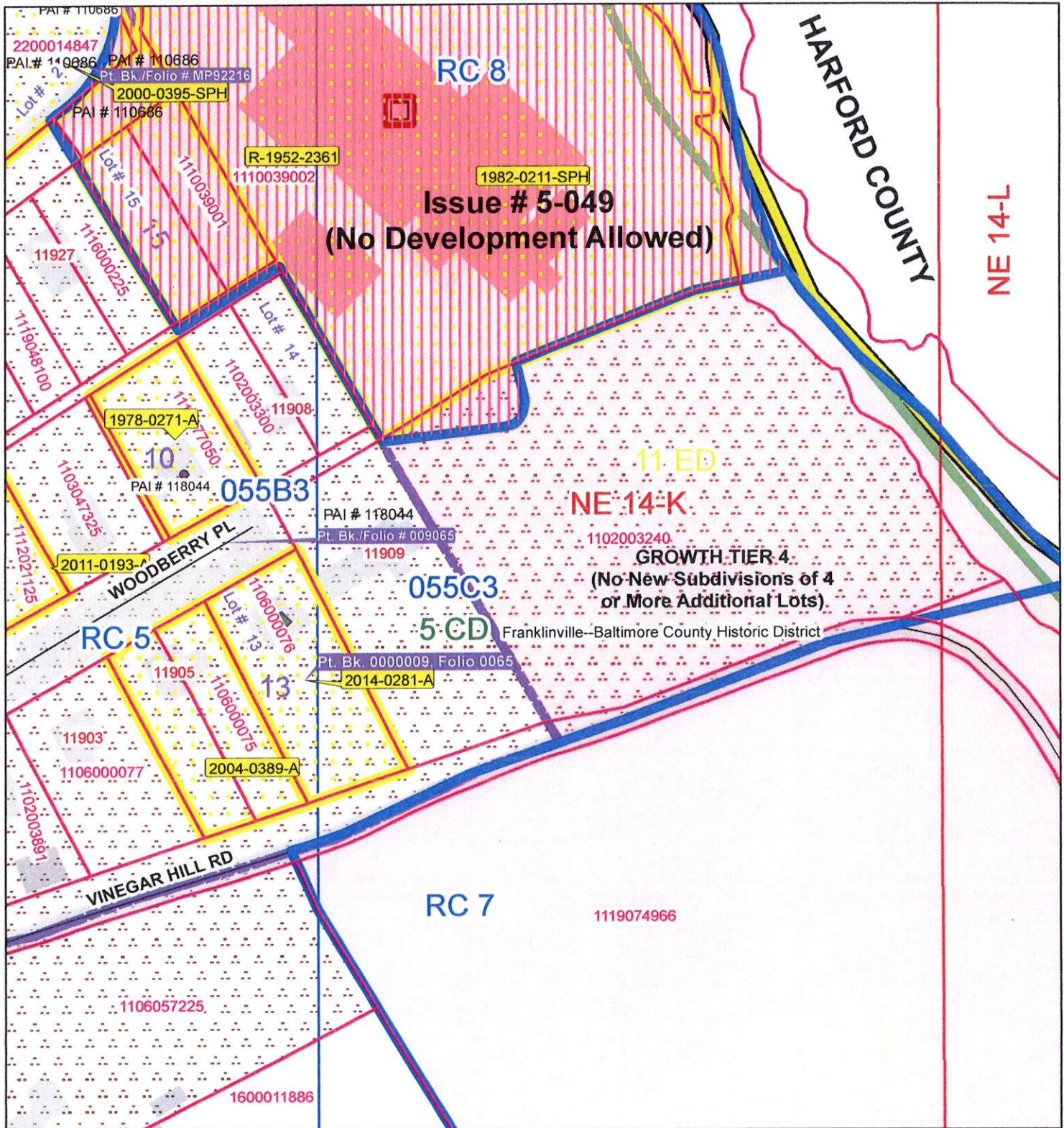


Scale: 40 Feet to one inch
R.B. Matthews & Sons
Baltimore May 17-1920

Item #0021

County Road
to Upper Falls

11909 Woodberry Place



Publication Date: 6/28/2016



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

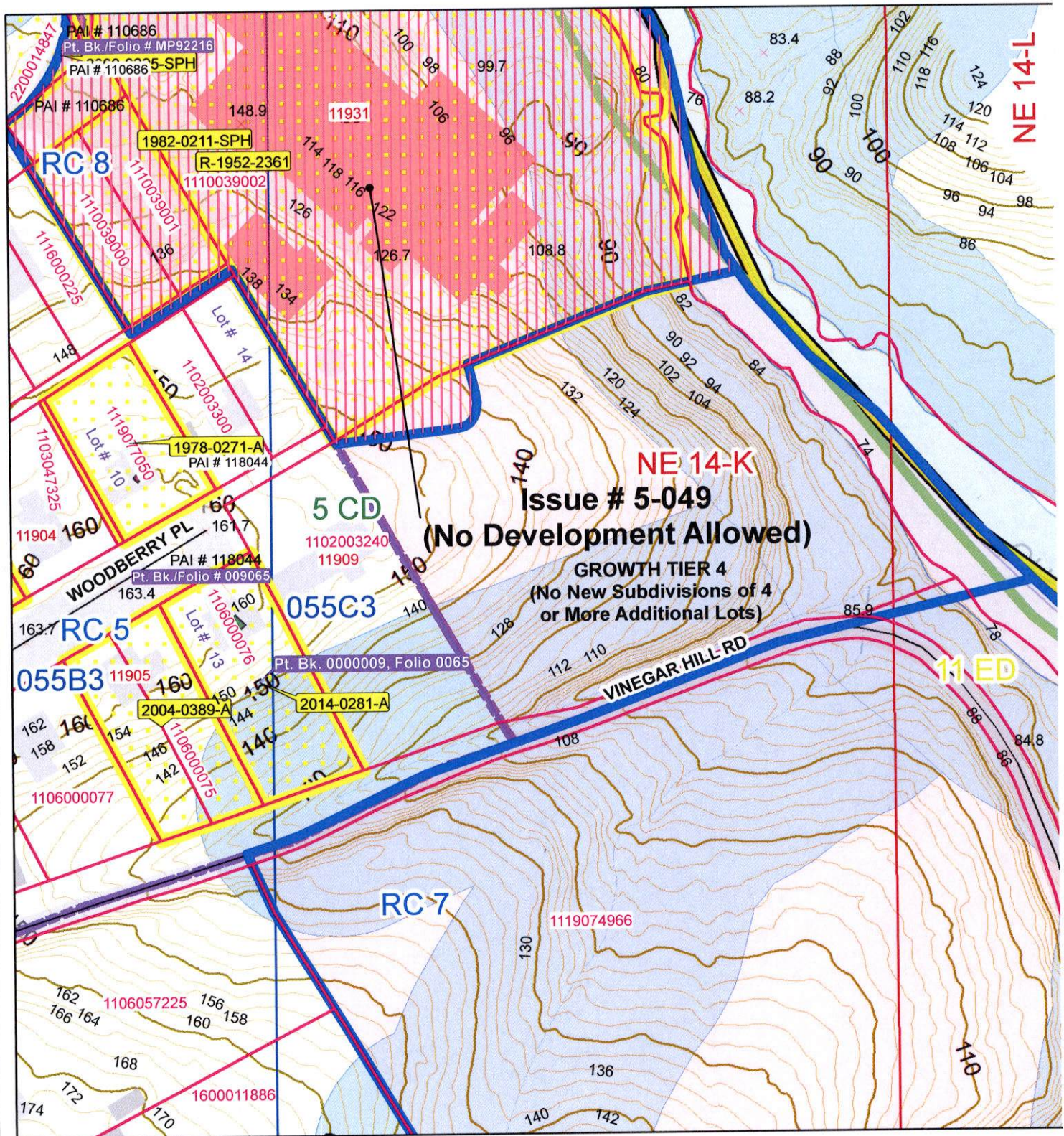


0 25 50 100 150 200 Feet

1 inch = 100 feet

Item #0021

Possible Flood Hazard Area and Elevations



Publication Date: 7/21/2016



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

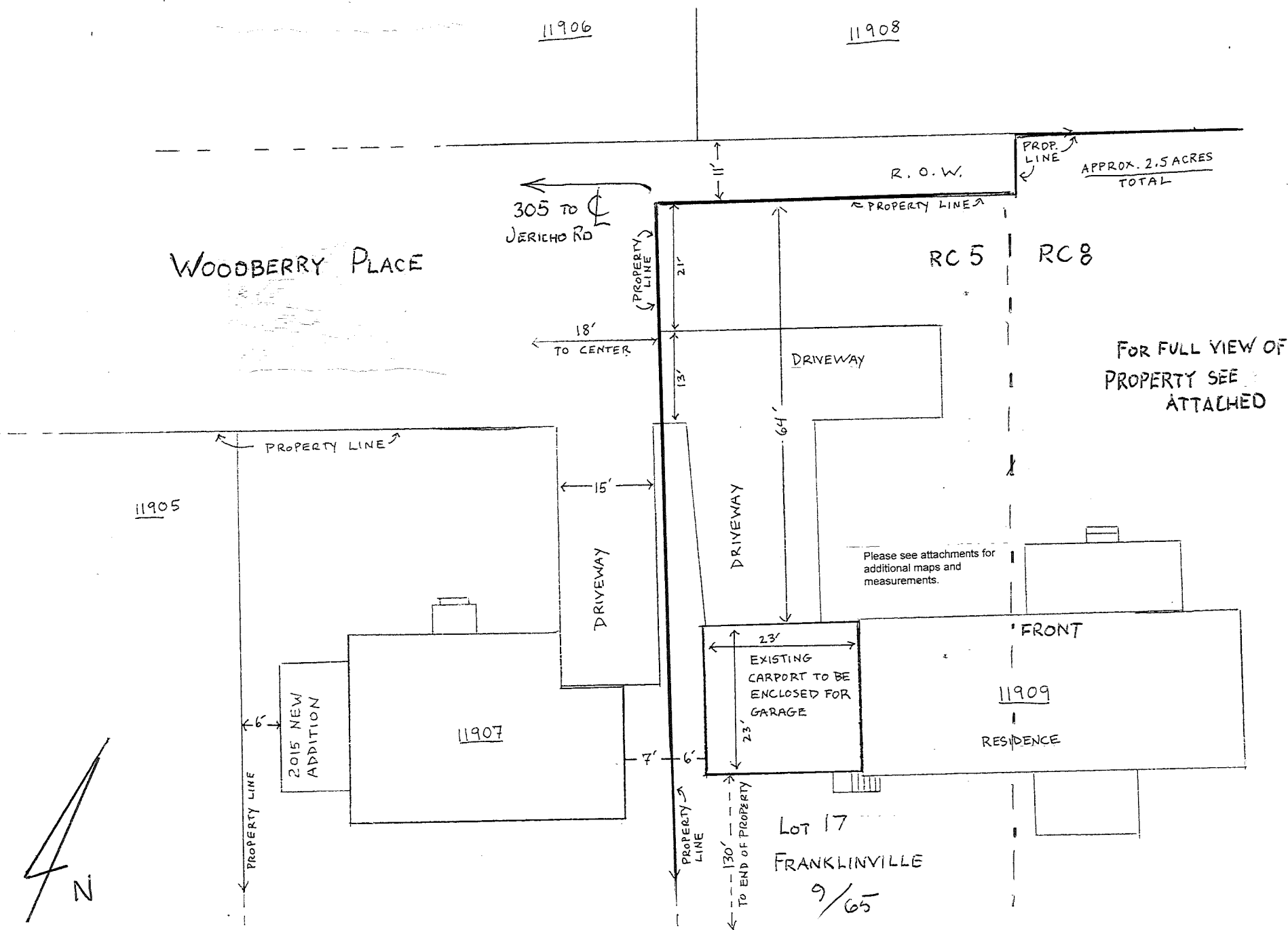


0 25 50 100 150 200 Feet

1 inch = 100 feet

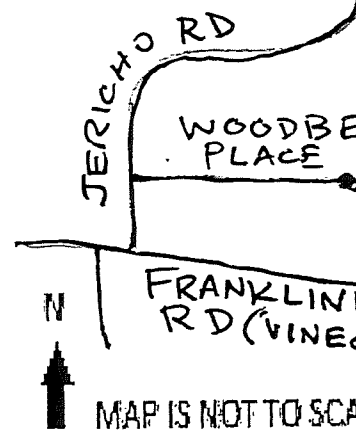
Item #0021

PLANNING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 11909 WOODBERRY PLACE OWNER(S) NAME(S) MARCIA ALICE BARTON
SUBDIVISION NAME PART OF FRANKLINVILLE LOT # 17 BLOCK # _____ SECTION # _____
PLAT BOOK # 9 FOLIO # 65 10 DIGIT TAX # 1102003240 DEED REF. # 37397/00225



MAP DRAWN BY MARCIA BARTON DATE 7/13/2016 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP

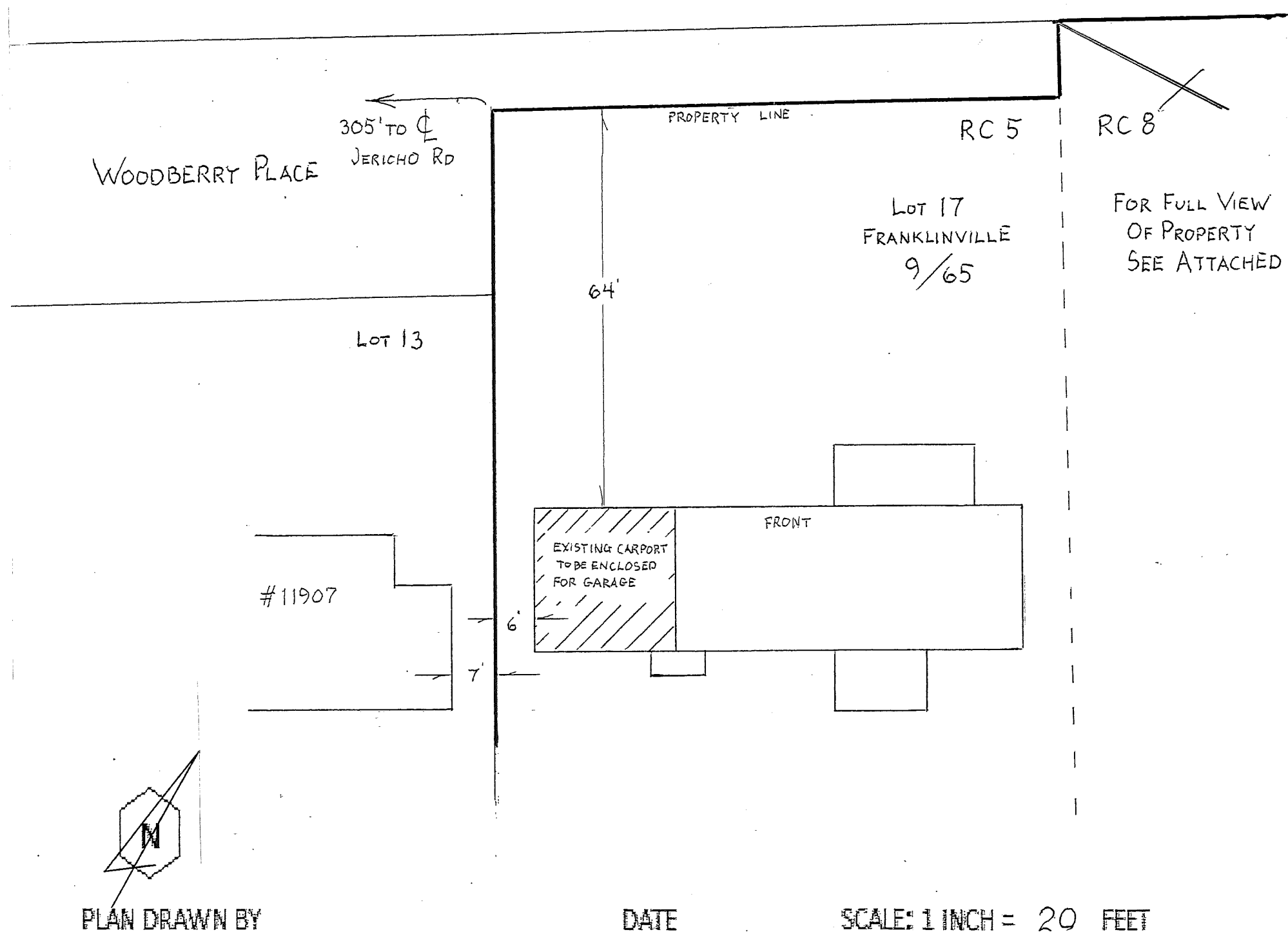


MAP IS NOT TO SCALE
ZONING MAP# 05
SITE ZONED RC8
ELECTION DISTRICT _____
COUNCIL DISTRICT _____
LOT AREA ACREAGE _____
OR SQUARE FEET _____
HISTORIC? YES
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK _____
WATER IS: _____
PUBLIC _____ PRIVATE _____
SEWER IS: _____
PUBLIC _____ PRIVATE _____
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER _____
AND ORDER RESULT _____

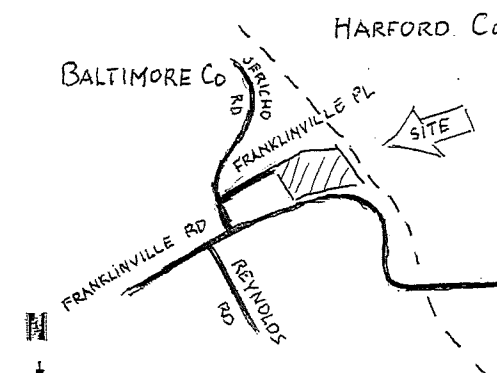
VIOLATION CASE INFORMATION

17-21

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 11909 WOODBERRY PLACE OWNER(S) NAME(S) MARCIA ALICE BARTON
SUBDIVISION NAME PART FRANKLINVILLE / PART LOT OF RECORD LOT # 17 BLOCK # _____ SECTION # _____
PLAT BOOK # 9 FOLIO # 65 10 DIGIT TAX # 1102003240 DEED REF. # 37397/00225



SITE VICINITY MAP



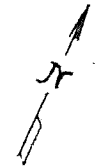
MAP IS NOT TO SCALE
ZONING MAP# 055C3
SITE ZONED RC 5 / RC 8
ELECTION DISTRICT 11TH
COUNCIL DISTRICT 5TH
LOT AREA ACREAGE 2.8
OR SQUARE FEET _____
HISTORIC? YES
IN CBCA? No
IN FLOOD PLAIN? YES
UTILITIES? MARK WITH X
WATER IS:
PUBLIC _____ PRIVATE X
SEWER IS:
PUBLIC _____ PRIVATE X
PRIOR HEARING? NONE
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

#2017-0021-A

RJD

Pet. Exh. 4



WOODBERRY PLACE

6'-0"

64'-0"

290'-0"

216.63'

LOT 17
FRANKLINVILLE
9/65

W. F. BARTON
11909 WOODBERRY PLACE
KINGSVILLE, MD. 21087

130'-0"

FRANKLINVILLE ROAD

443.75'

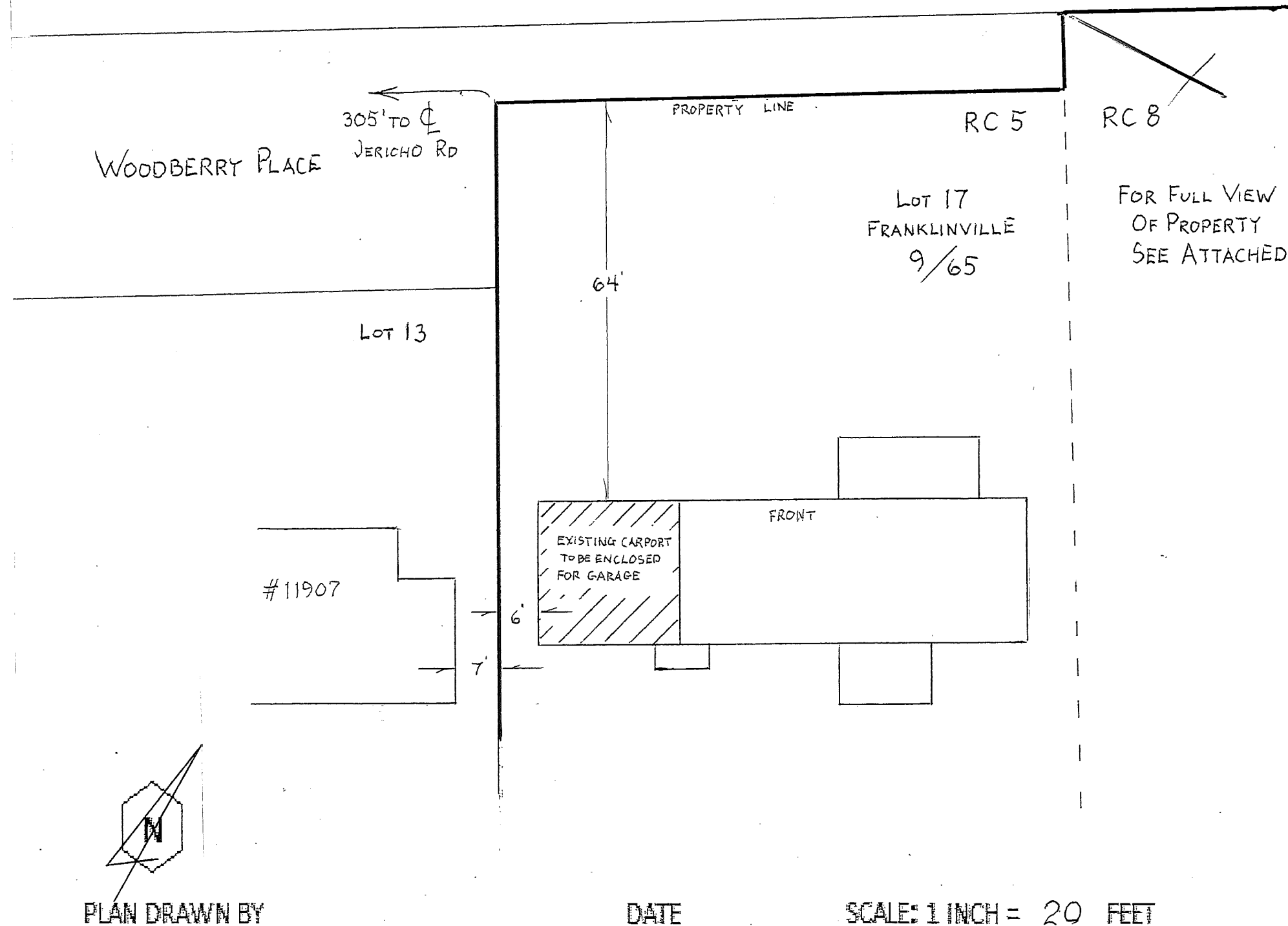
Item #0021

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 11909 WOODBERRY PLACE OWNER(S) NAME(S) MARCIA ALICE BARTON

SUBDIVISION NAME PART FRANKLINVILLE / PART LOT OF RECORD LOT # 17 BLOCK # _____ SECTION # _____

PLAT BOOK # 9 FOLIO # 65 10 DIGIT TAX # 1102003240 DEED REF. # 37397/00225

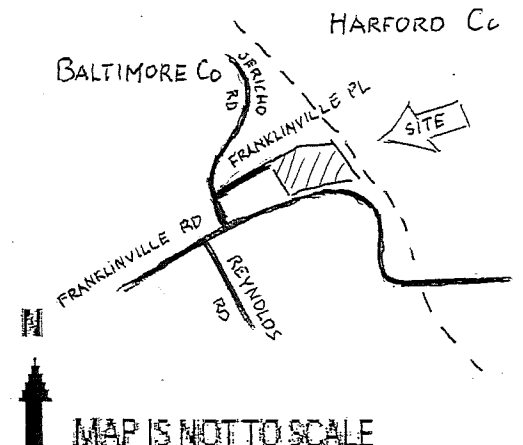


PLAN DRAWN BY _____

DATE _____

SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 055C3

SITE ZONED RC 5 / RC 8

ELECTION DISTRICT 11TH

COUNCIL DISTRICT 5TH

LOT AREA ACREAGE 2.8

OR SQUARE FEET _____

HISTORIC? YES

IN CBCA? No

IN FLOOD PLAIN? YES

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE X

SEWER IS:

PUBLIC _____ PRIVATE X

PRIOR HEARING? NONE

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

#2017-0021-A

RJD