## MEMORANDUM

DATE:

October 25, 2016

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0058-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 24, 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

BEFORE THE

(14 Forest Glen Ct.)

4<sup>th</sup> Election District

OFFICE OF ADMINISTRATIVE

2<sup>nd</sup> Council District

Paul T. & Lindsay B. Taylor (Diehlmann)

HEARINGS FOR

Petitioners

BALTIMORE COUNTY

CASE NO. 2017-0058-A

**OPINION AND ORDER** 

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Paul T. & Lindsay B. Taylor (Diehlmann) ("Petitioners"). The Petitioners are requesting Variance relief from § 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement rear yard deck with a zero (0) ft. setback in lieu of the required 22.5 ft. setback. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 4, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 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 ORDER RECEIVED FOR FILING

Date	9-23-16	
Ву	(D)	·** .

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 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 <u>23<sup>rd</sup></u> day of **September**, **2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement rear yard deck with a zero (0) ft. setback in lieu of the required 22.5 ft. setback, 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.

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

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEIVED FOR FILING	
Date	9-23-14	NECTURAL DESIGNATION OF THE PERSON OF THE PE
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## ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Hearings for Baltimore County for the property located at: Address 14 Forest blen Ct. Reisterstown, Mb 21136 Currently zoned Resident Deed Reference 10 Digit Tax Account # 2 1 0 0 0 1 3 9 4 4 Owner(s) Printed Name(s) (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. ADMINISTRATIVE VARIANCE from Section(s) BCZR: 1B01.2.C.1.b. → To permit a replacement rear yard deck with a zero feet setback in lieu of the required 22.5 feet setback. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) of the Baltimore County Code, to the development law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Owner(s)/Petitioner(s): aylor (Dichlmann) Zip Code Attorney for Owner(s)/Petitioner(s): Representative to be contacted: Name- Type or Print Name - Type or Print Signature Signature Mailing Address City Mailing Address State Zip Code 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 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 Estimated Posting Date 9416 Reviewer Filing Date 875 16 Rev 5/8/2014

ORDER RECEIVED FOR FILING

9-23-14

By\_\_\_\_\_\_

## Affidavit in Support of Auministrative 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: 14 Forest Glen Ct Reisterstown MD 21136 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)
We would like to construct a deck the width of our home (22) and 14' out. The left outside corner of ormored deck will be exactly on the ormerty line. The property behind our property is HOFF worded by those wetland buffer zone followed by those wetland buffer zone. The deck corner falling on our property line will not affect any other homeowners ormerty and we have already discussed the surent plans with the fort president.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)  Signature of Owner (Affiant)  Fau  Lindsay  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:
HEREBY CERTIFY, this 31 day of JUNE, 2014, before me a Notary of Maryland, in nd for the County aforesaid, personally appeared:
rint name(s) here: PAUL T. TAYLOR & LINDSAY B. TAYLOR
ne Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
Notary Public Parties Seal 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.

Address: 14 Forest Glen Ct Reisterstan MD 21136 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)
We would like to construct a deck the width of our home (12) and 14' out. The left outside corner of proposed deck will be exactly on the property line. The property behind our property is the Hold's worded by more wetland burder zone. The deck corner falling on our property line will not affect any other homeowners property and have already discussed the current days with the Hoth president
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)  Signature of Owner (Afflant)  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 21 day of JUUE, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:
Print name(s) here: PAUL T. TAYLOR & LINDSLY B. TAYLOR
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notaries Seal  () Remail Republic STATE OF WID  Notary Public CARROLL COUNTY  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

To the Office of Administrative Hearings of Address 14 Forest Glen Ct. Beisterston Deed Reference 28492 / 00130 Owner(s) Printed Name(s) Lindson (aylor	for Baltimore County for the property located at:  White Missing Currently zoned Residential  10 Digit Tax Account # 2 1 0 0 0 1 3 9 4 4
(SELECT THE HEARING(S) BY MARKING $\underline{X}$ AT THE APPRO	PRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the r	everse 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 a	
1. X ADMINISTRATIVE VARIANCE from Section(s)	
BCZR: 1B01.2.C.1.b. → To permit a replace	ement rear yard deck with a zero feet setback in lieu of
the required 22.5 feet setback.	
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
County Code: (indicate type of work in this space: i.e., to raz	
of the Baltimore County Code, to the development law of Ba Property is to be posted and advertised as prescribed by the zoning regulat I/ we agree to pay expenses of above petition(s), advertising, posting, etc. a Baltimore County adopted pursuant to the zoning law for Baltimore County	tions. and further agree to be bound by the zoning regulations and restrictions of
The state of the s	Owner(s)/Petitioner(s):
	DITTILL BTIDE
	Name #1 – Type or Print  Name #2 – Type or Print  Lidau B  Signature #1  Signature #2
	14 Forest Dan Ct Reistertain MD
	Mailing Address  City  State  21136  443-388-7286  Email Address  State  Email Address
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 County, this day of that the subject required by the zoning regulations of Baltimore County.	be required, it is ordered by the Office of Administrative Hearings for Baltimore matter of this petition be set for a public hearing, advertised, and re-posted as
Administ	trative Law Judge for Baltimore County
CASE NUMBER 2017-0058-4 Filling Date 8/25	0.1.4
ORDER RECEIVED FOR FILING	Rev 5/8/2014
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## Zoning Property Description for 14 Forest Glen Court, Reisterstown, MD 21136

Beginning at a point on the Northwest Side of Forest Glen Court, which is 150 feet wide at a distance of 160 feet northwest of the center line of the nearest improved intersecting street (Glyndon Drive) which is 70 feet wide.

Being lot #53, in the subdivision Worthington Meadows in Baltimore County Plat Book #62, Folio #84, containing 2,542 square feet. Located in the 4<sup>th</sup> Election District and 2<sup>nd</sup> Council District.

## **CERTIFICATE OF POSTING**

**ATTENTION: KRISTEN LEWIS** 

**DATE:** 9/5/2016

Case Number: 2017-0058-A

Petitioner / Developer: PAUL TAYLOR

Date of Hearing (Closing): SEPTEMBER 19, 2016

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 14 FOREST GLEN COURT

The sign(s) were posted on: SEPTEMBER 4, 2016



Linda O Keefe (Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

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## 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 twenty (20) 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: 3017-0058-A  Property Address: 14 Forest GLEN CT.
Property Description:
Legal Owners (Petitioners): PAUL + LINDSAY TAYLOR
PLEASE FORWARD ADVERTISING BILL TO:  Name: PAUL + LIND SAY TAYLOR
Company/Firm (if applicable):  Address: 14 FUREST GLEN CT.  REISTERSTOWN, MD 21136
Telephone Number: 443-398-7296

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

September 20, 2016

Paul T Taylor Lindsey B Taylor (Diehlmann) 14 Forest Glen Court Reisterstown MD 21136

RE: Case Number: 2017-0058 A, Address: 14 Forest Glen Court

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 25, 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

Maryland Department of Transportation

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

Date: 1/7/16

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. 2017-0058-A

Administrative Vavience

Paul T. & Lindsay B (Diehiman) Taylor

14 Forest Glon Court

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 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:

September 14, 2016

SUBJECT:

**DEPS** Comment for Zoning Item

# 2017-0058-A

Address

14 Forest Glen Court

(Taylor Property)

Zoning Advisory Committee Meeting of September 12, 2016.

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

Reviewer:

Steve Ford

Date: 09-14-2016

# SEP 2 0 2016 DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS

# BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 15, 2016

Department of Permits, Approvals And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 12, 2016 Item No. 2017-0058

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

Petitioner is advised that the footing for the deck may not extend beyond the property line. We would advise that the setback should be at least 1-foot.

DAK:CEN Cc:file ZAC-ITEM NO 17-0058-09122016.doc

## CHECKLIST

Comment <u>Received</u>	<u>Depar</u>	tment		Support/Oppose/ Conditions/ Comments/ No Comment	
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9-14	DEPS (if not received, da	te e-mail sent _		N-	
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SIGN POSTING		Date:	9-4-16	 by O'Keefe	_
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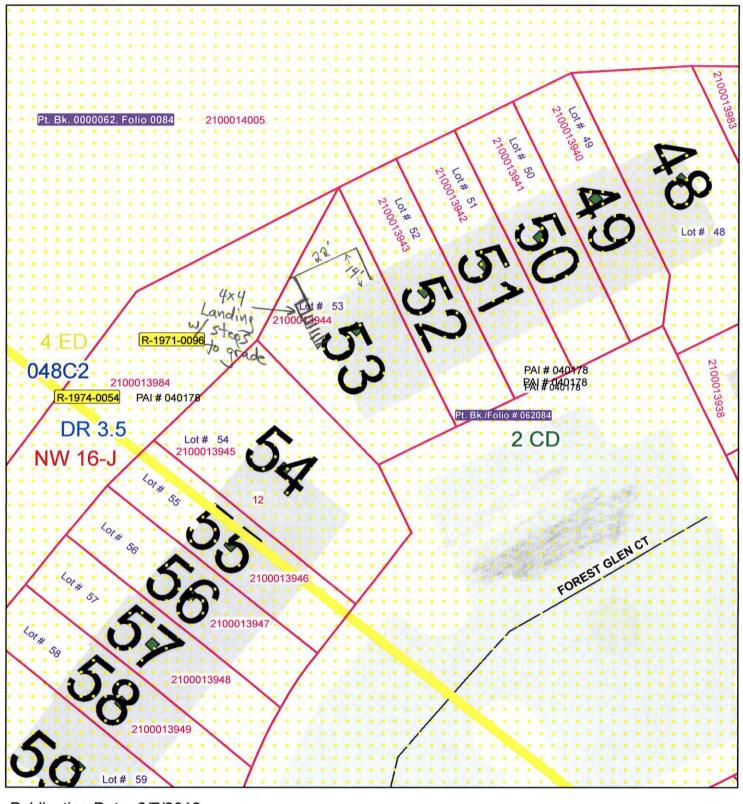
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Forest CH 10 House Storm	IF SO GIVE CASE NUMBER
	AND ORDER RESULT BELOW
BLANDON BUY DOWN DOWN DOWN DATE & 201	
PLAN DRAWN BY Paul Taylor DATE 8-24-16 SCALE: 1 INCH = 30 FEET	
	VIOLATION CASE INFO:

2017-0058-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SITE VICINITY MAP 🤼
ADDRESS 14 FORST GIEN CT OWNER(S) NAME(S) Lindsay B. Tay or Dienling	
The said of the sa	
SUBDIVISION NAME Worthington Meadows LOT# 53 BLOCK # SECTION #	Cherry Tree on
PLAT BOOK # 62 FOLIO# 8410 DIGIT TAX #2100013944 DEED REF. # 28492/00130	
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	ELECTION DISTRICT 4
200 Tilles Decly	council district 2
Salar Indiana	LOT AREA ACREAGE
5 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	OR SQUARE FEET 2542
Tovers of Forest ct.	HISTORIC? NO
of the state of th	IN CBCA? NO
July 200 Ser Street Color	IN FLOOD PLAIN ? NO
	UTILITIES? MARK WITH X
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	WATER IS:
The state of the s	PUBLIC PRIVATE
	SEWER IS:
	PUBLIC PRIVATE
12 cest ct 10 Hope side walls	PRIOR HEARING ?_ NO
Torking Low	IF SO GIVE CASE NUMBER
Forking Lot	AND ORDER RESULT BELOW
N	
PLAN DRAWN BY Paul Taylor DATE 8-24-16 SCALE: 1 INCH = 30 FEET	
	VIOLATION CASE INFO:

2017-0058-A

## 14 Forest Glen Co...t

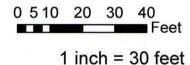


Publication Date: 6/7/2016



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





70MING HEADING DIAN FOR WARLANGE NA ÉOR EDECLAR MEARING (MARIE DE PROMETER METHAL	SITE VICINITY MAP
ADDRESS 14 Focest Glen Ct. OWNER(S) NAME(S) Lindsay B. Tay or Diestman	
OMMETTED TANKETS TO THE TOTAL OF THE TOTAL O	
SUBDIVISION NAME Worthington Meadows LOT# 53 BLOCK# SECTION#	Cherry Tree Con
PLAT BOOK # 62 FOLIO # 84 10 DIGIT TAX #2 100013944 DEED REF. # 28492/00130	CT.  ‡
	Black day
	N F Glyndon Dr
	MAP IS NOT TO SCALE
	ZONING MAP# 048C2
De de la companya de	SITE ZONED DR 3.5
Second Se	ELECTION DISTRICT 4
The state of the s	COUNCIL DISTRICT_2
The state of the s	LOT AREA ACREAGE
18 3	OR SQUARE FEET 25425
Tores of Forest ct.	HISTORIC? No
Long Change Chan	IN CBCA? NO
101 mg	IN FLOOD PLAIN ? <u>NO</u> UTILITIES? MARK WITH X
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	WATER IS:
1 - X 3 2 3 1 10 10 10 10 10 10 10 10 10 10 10 10 1	PUBLIC X PRIVATE
The state of the s	SEWER IS:
	PUBLIC X PRIVATE
13 cest ct 10 Hotel Sideman	PRIOR HEARING ? NO
Forest CX Foods	IF SO GIVE CASE NUMBER
(0" / / /VOU - )	AND ORDER RESULT BELOW
PLAN DRAWN BY Paul Taylor DATE 8-24-16 SCALE: 1 INCH = 30 FEET	
	VIOLATION CASE INFO:

2017-0058-A

Pet. Exh. 1

