IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1913 Oakland Road)		
6th Election District	*	OFFICE OF ADMINISTRATIVE
3rd Council District		
Derek J. Van Duzer and	*	HEARINGS FOR
Kimberly Williams-Van Duzer		
Petitioners	*	BALTIMORE COUNTY
	*	**CASE NO. 2017-0097-A**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Derek J. Van Duzer and Kimberly Williams-Van Duzer ("Petitioners"). The Petitioners are requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations, to permit a proposed detached accessory structure (3-car garage) to be located in the front yard of the principal dwelling with a height of 22 ft. in lieu of the required rear yard and maximum allowed height of 15 ft. and to amend the Final Development Plan (FDP) of Bisker Property, Lot No. 2 only. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 15, 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 11-4-16

By LW

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in 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 Petitioners.

Although the Department of Planning did not make any recommendations related to the proposed garage's height and usage, I will impose conditions that the garage 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 4th day of **November, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations, to permit a proposed detached accessory structure (3-car garage) to be located in the front yard of the principal dwelling with a height of 22 ft. in lieu of the required rear yard and maximum allowed height of 15 ft. and to amend the Final Development Plan (FDP) of Bisker Property, Lot No. 2 only, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 11-4-16

By

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. The Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

3. The garage shall not be used for commercial purposes.

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 11-4-16

By DW

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 1913 Oakland Road Freeland, MD.21053 **Currently zoned** RC-8 (vested RC4)

Deed Reference 32684 / 00223 10 Digit Tax Account # 2400004668

Owner(s) Printed Name(s) Derek J. Van Duzer / Kimberly Williams- Van Duzer

(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)

Sections 400.1 and 400.3 – to permit a proposed detached accessory structure (3-car garage) to be located in the front yard of the principal dwelling with a height of 22 feet in lieu of the required rear yard and maximum allowed height of 15 feet; and to amend the Final Development Plan of Bisker Property, Lot #2 only.

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):

Derek J. Van Duzer / Kimberly Williams- Van Duzer

Name #1 – Type or Print Name # 2 – Type or Print

Signature #1 Signature # 2

1913 Oakland Road Freeland, MD.

Mailing Address City State

21053 / 443-827-1592 / dvddvm5@gmail.com

Zip Code Telephone # Email Address

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

ORDER RECEIVED FOR FILING

Date 11-4-16

By

Name – Type or Print

Signature

Mailing Address City State

Zip Code / Telephone # / Email Address

Representative to be contacted:

John M. Altmeyer

Name – Type or Print

Signature

21722 Orwig Rd Freeland MD.

Mailing Address City State

21053 / 410-382-6580 / jaltmeyer@aol.com

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 2017-0097-A **Filing Date** 10/6/16 **Estimated Posting Date** 10/16/16 **Reviewer** RT

Rev 5/5/2016

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: 1913 Oakland Road | Freeland | MD. | 21053

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)**

Due to varied slopes and contours on our property, and the location of the required Septic Reserve Area, we are very limited as to a location for our "proposed" 3 car pole barn garage. The cost of excavation and extensive grading are also key factors that would prohibit construction, and are among our reasons for the applying for the Variance.

We are asking for relief of the 15 foot height regulation to allow us to build a structure with a similar roof pitch as the house. Also we have a recreational vehicle that does require a 10 foot high door due to it's height and accessories.

Attached is a copy of the Baltimore County Environmental Dept. Approved plan for our lot, showing property contours and the Septic Reserve Area. We have also included a full size plot of our property that shows a lot line adjustment that has been made and recorded.

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

Signature of Owner (Affiant)

Derek J. Van Duzer

Name- Print or Type

Signature of Owner (Affiant)

Kimberly Williams- Van Duzer

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 4th day of October, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Derek J. Duzer & Kimberly Williams-Van Duzer

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

AS WITNESS my hand and Notaries Seal

R. ALAN GREELEY NOTARY PUBLIC MY COMMISSION EXPIRES 9-28-20 BALTIMORE COUNTY, MD

Notary Public

My Commission Expires 9/28/2020

Item #0097

REV. 5/5/2016

ALAN GREEN
NOTARY PUBLIC
MY
COMMISSION
EXPIRES
BALTIMORE COUNTY

Zoning property description for 1913 Oakland Road.

Tax I.D. #2400004668

Deed reference 32684/00223

Owners: Derek S. VanDuzer/Kimberly Williams-VanDuzer

Beginning at a point on the south side of Oakland Road which is 20' wide at a distance of 1735' East of the centerline of the nearest improved intersecting street (Keeney Mill Road) which is 20' wide.

Being Lot #2, Block ~~O~~, Section ~~O~~ in the subdivision of (Bisker Property) as recorded in Baltimore County Plat Book #0079; Folio #0002, containing 1.470 acres. Located in the (6th) Election District and 3rd Council District.

Item #0097

CERTIFICATE OF POSTING

Date: October 15, 2016

RE: Project Name: Administrative Variance

Case Number /PAI Number: 2017-0097-A

Petitioner/Developer: Derek / Kimberly Van Duzer

Date of Hearing/Closing: October 31, 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 1913 Oakland Rd. Freeland, MD. 21053

The sign(s) were posted on October 15, 2016
(Month, Day, Year)

(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Rd.
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

SEE ATTACHED

BALTIMORE COUNTY D ARTMENT OF PERMITS, APPRC LS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0097 -A Address 1913 Oakland Rd

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

Filing Date: 10/6/16 **Posting Date:** 10/16/16 **Closing Date:** 10/31/16

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

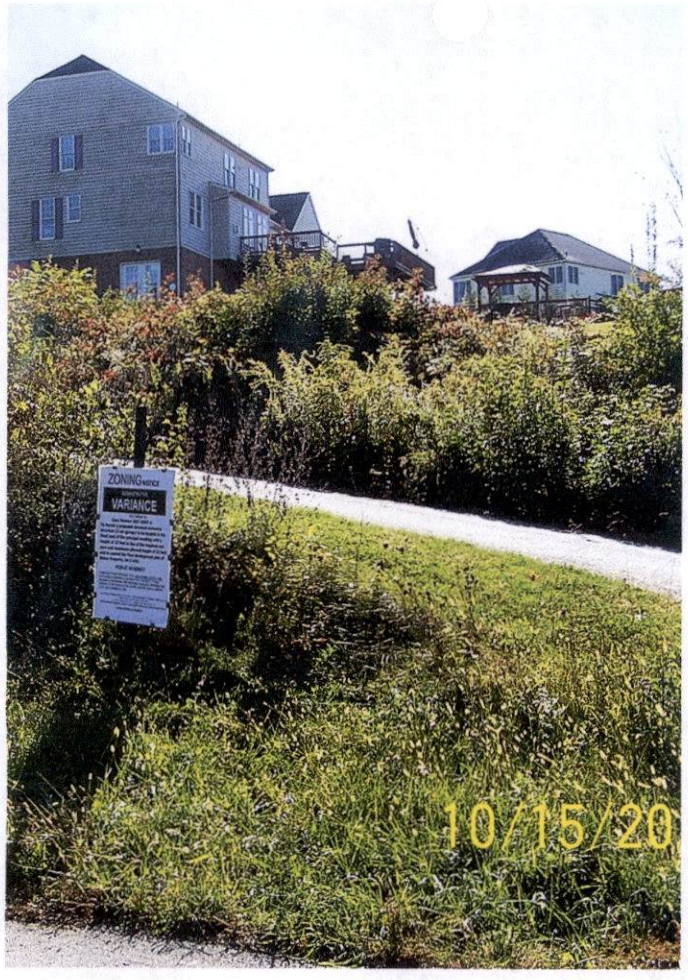
Case Number 2017- 0097 -A Address 1913 Oakland Rd

Petitioner's Name D + K Van Duzer Telephone 443-827-1592

Posting Date: 10/16/16 **Closing Date:** 10/31/16

Wording for Sign: To Permit a proposed detached accessory structure (3 car garage) to be located in the front yard of the principal dwelling with a height of 22 feet in lieu of the required rear yard and maximum allowed height of 15 feet; and to amend the final development plan of Bisker Property, lot 2 only

Revised 7/6/16


ZONING notice
VARIANCE
10/15/20

BALTIMORE COUNTY [ARTMENT OF PERMITS, APPR(S AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0097 -A Address 1913 Oakland Rd

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

Filing Date: 10/6/16 **Posting Date:** 10/16/16 **Closing Date:** 10/31/16

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.

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(Detach Along Dotted Line)

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Case Number 2017- 0097 -A Address 1913 Oakland Rd

Petitioner's Name D + K Van Duzer Telephone 443-827-1592

Posting Date: 10/16/16 **Closing Date:** 10/31/16

Wording for Sign: *To Permit* a proposed detached accessory structure (3 car garage) to be located in the front yard of the principal dwelling with a height of 22 feet in lieu of the required rear yard and maximum allowed height of 15 feet; and to amend the final development plan of Bisker Property, lot 2 only

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 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: 2017-0097-A

Property Address: 1913 Oakland Rd Freeland Md 21053

Property Description: south side Oakland Rd, 1735' east of Keeney Mill Rd

Legal Owners (Petitioners): Derek + Kim VanDuzer

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Derek S VanDuzer

Company/Firm (if applicable): _____

Address: 1913 Oakland Rd
Freeland Md 21053

Telephone Number: 443-827-1592

Revised 7/9/2015

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

№ 145711

Date: 10/6/16

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				150 00

Total: 150 00

Rec From: [illegible] Duzer

For: Zoning hearing - case # 2017-0097-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
10/06/2016	10/06/2016	10:46:58	I

REG WS01 WALKIN LJR
>>RECEIPT # 694994 10/06/2016 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 145711
Recpt Tot $150.00
$150.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

KEVIN KAMENETZ
County Executive

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

November 1, 2016

Derek J & Kimberly Williams Van Duzer
1913 Oakland Road
Freeland MD 21053

RE: Case Number: 2017-0097 A, Address: 1913 Oakland Road

Dear Mr. & Ms. Van Duzer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 6, 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
John M. Altmeyer, 21722 Orwig Road, Freeland MD 21053

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

State Highway Administration
Maryland Department of Transportation

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

Date: 10/11/16

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. 2017-0097-A.
Administrative Variance
Derek J. & Kimberly Williams VonDuzco
1903 Oakland 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,

for 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: October 17, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For October 17, 2016
Item No. 2017-0097

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

Landscape Plan is required to show screening of both sides and rear of proposed garage from Oakland Road.

* * * * * *

DAK:CEN
Cc:file
ZAC-ITEM NO 17-0097-10172016.doc

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: November 2, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 17-097

INFORMATION:
Property Address: 1913 Oakland Road
Petitioner: Derek J. Van Duzer, Kimberly Williams-Van Duzer
Zoning: RC 8
Requested Action: Administrative Variance

The Department of Planning has reviewed the petition for a variance to permit a proposed detached accessory structure (3-car garage) to be located in the front yard of the principal dwelling with a height of 22 feet in lieu of the required rear yard and maximum allowed height of 15 feet; and to amend the Final Development Plan of Bisker Property, Lot#2 only.

A site visit was conducted on October 20, 2016. Oakland Road is designated a Baltimore County Scenic Route.

It is the finding of the Department of Planning through the undersigned as designee on behalf of the Director that the petitioned variance is consistent with the purposes of the R.C. 8 zone and is warranted to provide for better site design. The Department has no objection to granting the petitioned zoning relief conditioned upon the petitioners submitting elevation drawings with materials and colors indicated for approval by the DOP prior to the issuance of a building permit.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Kathy Schlabach

AVA/KS/LTM/ka

c: Lloyd Moxley
John M. Altmeyer
Office of the Administrative Hearings
People's Counsel for Baltimore County

s:\planning\dev rev\zac\zacs 2017\17-097.docx

10/31

BALTIMORE COUNTY, MARYLAND

RECEIVED

OCT 13 2016

OFFICE OF ADMINISTRATIVE HEARINGS

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: October 13, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0097-A
Address 1903 Oakland Road
(Van Duzer Property)

Zoning Advisory Committee Meeting of **October 17, 2016**.

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

Reviewer: Steve Ford Date: 10-13-2016

C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WPHS9SSK\ZAC 17-0097-A 1903 Oakland Road.doc

CASE NO. 2017- 0097-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	
10-13	DEPS (if not received, date e-mail sent _____)	NC
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent _____)	
10-11	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. V1-247 + 03-420-A Bicker Prop.)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 10-15-16 by Geltmeyer

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w1) | Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: **District** - 06 **Account Number** - 2400004668

Owner Information

Owner Name:	VAN DUZER DEREK J WILLIAMS-VAN DUZER KIMBERLY	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	1913 OAKLAND RD FREELAND MD 21053-9720	**Deed Reference:**	/32684/ 00223

Location & Structure Information

Premises Address:	1913 OAKLAND RD FREELAND MD 21053-9720	**Legal Description:**	1.468 AC 1913 OAKLAND RD SS BISKER PROPERTY

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0002	0021	0048		0000			2	2017	Plat Ref: 0079/ 0002

Special Tax Areas:	**Town:** **Ad Valorem:** **Tax Class:**	NONE

Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use
2004	3,245 SF		1.4700 AC	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached	

Value Information

	Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2016	As of 07/01/2017
Land:	122,400	122,400		
Improvements	317,000	317,000		
Total:	439,400	439,400	439,400	
Preferential Land:	0			

Transfer Information

Seller: WOODS BROS INC Type: ARMS LENGTH IMPROVED	Date: 12/23/2004 Deed1: /32684/ 00223	Price: $559,000 Deed2:
Seller: MORRILL TODD L Type: ARMS LENGTH VACANT	Date: 02/10/2004 Deed1: /00000/ 00000	Price: $130,000 Deed2:
Seller: Type:	Date: Deed1:	Price: Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2016	07/01/2017
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|	0.00|

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status: Approved 05/20/2008

JP 6/13

IN RE: DEVELOPMENT PLAN HEARING AND PETITION FOR VARIANCE S/S Oakland Road, E Keeney Mill Road 6th Election District 3rd Councilmanic District (Bisker Property) Todd L. Morrill *Developer/Petitioner*	* * * * * *	BEFORE THE HEARING OFFICER/ ZONING COMMISSIONER OF BALTIMORE COUNTY Case Nos. VI-247 & 03-420-A

* * * * * * * * * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for Baltimore County pursuant to Section 26-206.1 of the Baltimore County Code, which permits a single public hearing for consideration of a proposed Development Plan and associated zoning relief. The Developer/Petitioner herein, Todd L. Morrill, seeks approval of a Red Line Development Plan proposing a subdivision of the subject property with five (5) single-family dwellings, one of which is existing. Additionally, zoning variance relief is requested from Section 1A03.4.B.(2)(d), to permit a building face to be located 50 ft. from an adjacent R.C.2 zone line in lieu of the required 100 ft., and for such other relief as may be necessary for the approval of the proposed Development Plan. In open hearing, the Petition for Variance was amended, as will be addressed hereinafter.

A review of the subject Development Plan has been in accordance with the process set out for development review in Title 26 of the Baltimore County Code. A Concept Plan was originally filed and a Concept Plan Conference held between representatives of the Developer and reviewing County agencies on July 8, 2002. Thereafter, on August 1, 2002, a Community Input Meeting was conducted at the Maryland Line Volunteer Fire Department. The Community Input Meeting affords residents of the community an opportunity to review the Development Plan and offer questions and comment on the proposed Development Plan. Thereafter, a Development Plan was submitted by the applicant and a Development Plan Conference

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conducted between reviewing County agencies and the Developer's representatives on May 21, 2003. The Hearing Officer's Hearing was conducted on June 13, 2003.

Appearing at the Hearing Officer's Hearing was Todd Morrill, Developer/Petitioner. Also present was Guy Ward, the consultant from McKee & Associates, Inc., the preparers of the site plan. The Petitioner was represented by Howard L. Alderman, Jr., Esquire. Appearing from the agencies of Baltimore County, which reviewed the Development Plan, were Don Stires and Ron Goodwin (Bureau of Land Acquisition), Phil Martin (Development Plans Review), and Donna Thompson (Zoning Review), all from the Department of Permits & Development Management. Also present was Jan Cook from the Department of Recreation & Parks; Anne Roane from the Office of Planning; and R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM). Chris Rorke, the Project Manager also appeared. Also appearing were several residents of the community. They included Richard Marconi and John G. Bowman, III. Also present were Ben and Debbie Radebaugh. Mr. and Mrs. Radebaugh were represented by Michael R. McCann, Esquire.

The subject property under consideration is an irregularly shaped parcel, approximately 27.2 acres in area, split-zoned R.C.2 (12.18 acres) and R.C.4 (15.01 acres). The property is located with frontage on Oakland Road, near Keeney Mill Road, just south of the Pennsylvania/Maryland line in northern Baltimore County. The property is presently improved with an existing single-family dwelling which will remain on Lot No. 1. Much of the parcel is presently in agricultural use.

The format and conduct of the Hearing Officer's hearing is governed by Section 26-206 of the Baltimore County Code. That section requires the Hearing Officer to first identify any open and unresolved issues. If issues are identified, then testimony and evidence is to be received to address each issue.

At the onset of the hearing, counsel for the Developer indicated that most of the issues regarding the proposal had been resolved. In this regard, the Development Plan features a series

of Red Line amendments which have been inserted to address Development Plan comments offered by the reviewing agencies of Baltimore County.

Counsel for the Developer's representation that there were no open issues was corroborated by the County representatives present. Ms. Thompson indicated that there were no outstanding zoning issues, Mr. Cook stated that there were no open issues from the Department of Recreation & Parks, and Messrs. Goodwin and Stires indicated that there were no unresolved issues on behalf of the Bureau of Land Acquisition. Additionally, on behalf of the Department of Public Works and the Development Plans Review Division of the Department of Permits & Development Management, Mr. Martin indicated that there were no outstanding issues.

An outstanding issue was raised by Bruce Seeley on behalf of DEPRM. This plan had been reviewed by Wally Lippincott of that office. Mr. Lippincott's comments were regarding the siting of the lots, in view of the agricultural nature of the property. This issue was related to an issue raised by the neighbors.

Although most County issues had been resolved, a number of issues were identified by the residents who appeared at the hearing. The issues generally related to landscaping, the location of the proposed dwellings, and the visibility of same from adjacent properties and vehicular access to the site.

The Hearing Officer's Hearing was adjourned in order to give counsel for the parties an opportunity to discuss the Development Plan in an effort to solve these issues. When the hearing was reconvened, the parties advised that their issues had been resolved and that amended notations and language were added to the Development Plan. These amendments were reflected not only in the typical red line changes, but also in yellow and orange coded changes. As more particularly shown on the Development Plan, the changes essentially relate to increased landscaping and the relocation of the proposed dwellings. As more particularly shown on the Development Plan, enhanced landscaping has been added to the northern side of the property to buffer the houses on the R.C.4 portion of the tract from the Bowman and Marconi properties.

Additionally, those houses have been slightly shifted in location. That shift has resulted in an amendment to the variance relief requested. As has been noted above, a Petition for Variance was filed to permit the two proposed houses in the R.C.4 zoned portion of the tract to be located 50 ft. from the R.C.2 zone line in lieu of the required 100 ft. Due to the relocation of the dwellings, this variance has been amended so that lesser relief is requested. Specifically, the houses have been moved in a westerly direction so that same will be 75 ft. (in lieu of 100 ft.) from the R.C.2 zone line. This relocation will make the houses less visible to adjacent properties. A note was also added to the plan stating that the existing dwelling on the R.C.4 zoned portion of the tract will remain as is. However, if that dwelling is razed or destroyed, approval will be sought to relocate a replacement dwelling to a less visible location.

The houses in the R.C.2 portion of the tract have also been relocated. Additionally, the driveway providing access to these two lots is reoriented so that it is located entirely upon the subject property. Presently, a part of that driveway is situated on Mr. Bowman's lot.

As noted above, these changes were primarily requested by the surrounding residents. However, the changes were reviewed by Mr. Seeley on behalf of DEPRM and Ms. Roane on behalf of the Office of Planning. These representatives indicated that the changes were acceptable to their respective departments.

Based upon the testimony and evidence offered, I am persuaded to approve the Development Plan. I believe that the Development Plan, as amended, is appropriate and conforms to all applicable regulations and standards of Baltimore County. In accordance with the Baltimore County Code, future detailed plans, which are required in Phase II of the review process, shall be in compliance with the amended Development Plan approved herein. The proposed houses shall be constructed in the location shown and landscaping shall be installed and maintained accordingly.

Finally, I am persuaded that variance relief should be granted. In this regard, I find that the Developer/Petitioner has met the requirements of Section 307 of the Baltimore County

Zoning Regulations and the case law.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition and Development Plan held, and after considering the testimony and evidence offered by the Developer/Petitioner, I find that the Developer/Petitioner's requests should be granted.

THEREFORE, IT IS ORDERED by this Hearing Officer/Zoning Commissioner for Baltimore County this 18th day of June, 2003, that the amended Development Plan submitted into evidence as Developer's Exhibit No. 1, for the project known as "The Bisker Property", be and is hereby APPROVED.

IT IS FURTHER ORDERED, that the variance relief requested from Section 1A03.4.B.(2)(d), to permit a building face to be located 50 ft. from an adjacent R.C.2 zone line in lieu of the required 100 ft. has been amended to reflect 75 ft. in lieu of the required 100 ft., be and is hereby GRANTED.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

LAWRENCE E. SCHMIDT
HEARING OFFICER/ZONING COMMISSIONER
FOR BALTIMORE COUNTY

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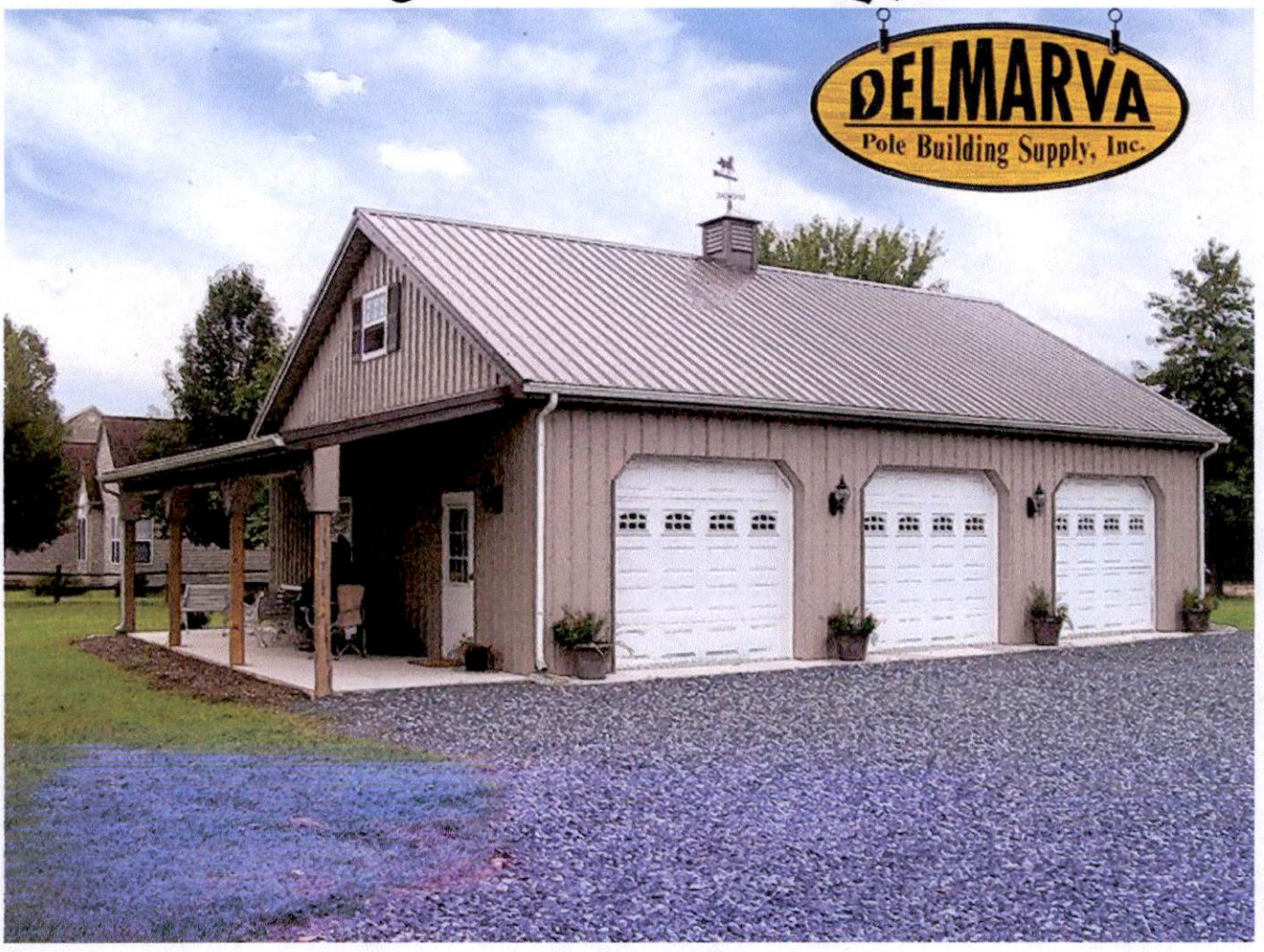

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MEMORANDUM

DATE: December 6, 2016

TO: Zoning Review Office

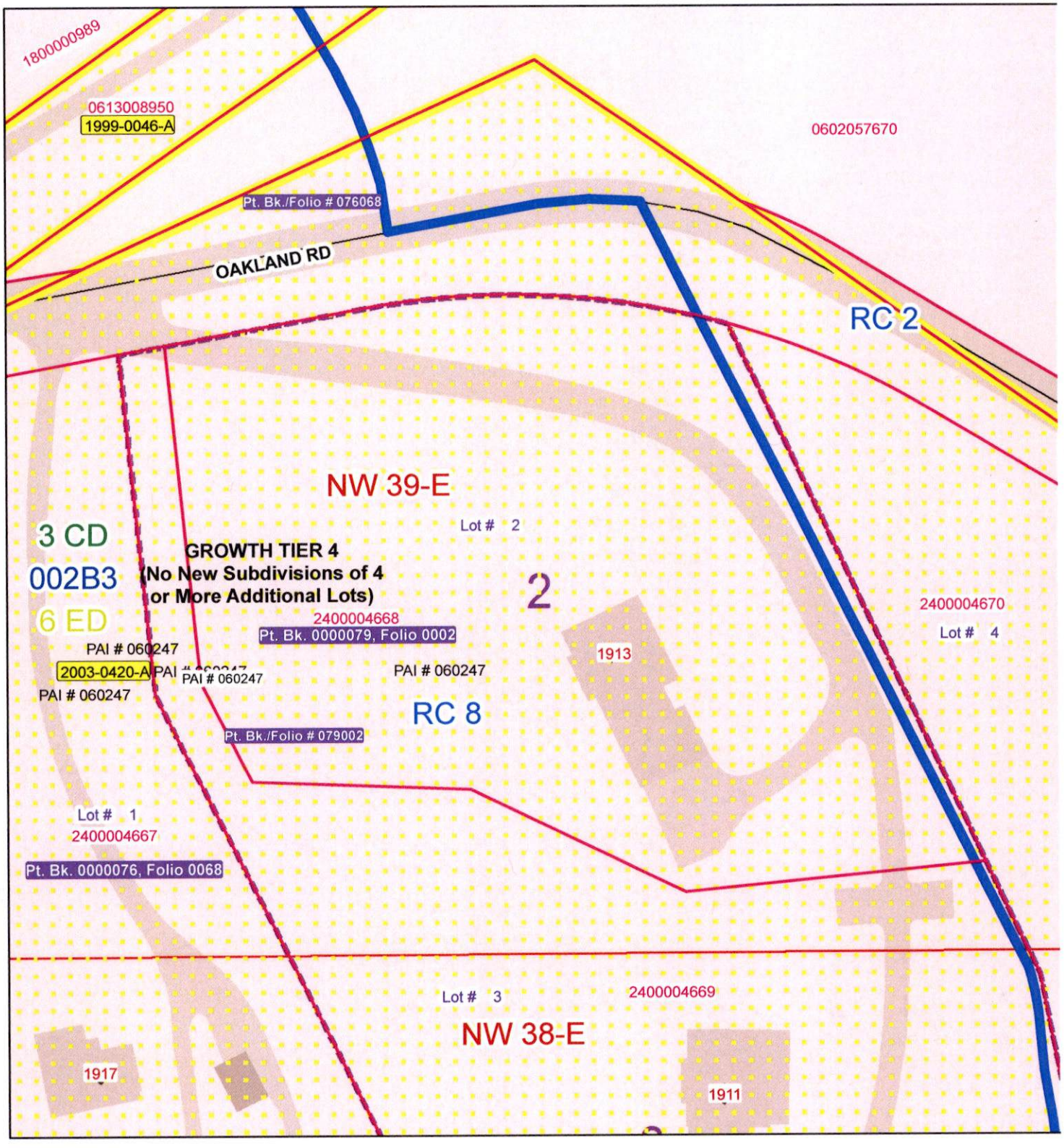
FROM: Office of Administrative Hearings

RE: Case No. 2017-0097-A – Appeal Period Expired

The appeal period for the above-referenced case expired on December 5, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

1913 Oakland Road



Publication Date: 10/3/2016

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

N W E S

0 15 30 60 90 120 Feet

1 inch = 60 feet

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B 547243

OAKLAND ROAD

N79°33'04"E
86.80'
S80°50'55"E
R=350.00'
L=156.58'
POLE BLDG 26x40
S05°56'23"E
146.30'
FOREST BUFFER EASEMENT
S26°41'20"E
48.37'
S87°53'58"E
94.18'
252.73'
MBSL
159'
2F
2E
2D
2B
2C
RC-2
N25°27'33"W
257.84'
273.87'
N72°04'56"E
26.60'
N84°21'55"E
130.01'
82.84'
S72°04'56"W
N17°55'04"W
38.00'
S64°20'20"E
102.75'
PROP. WELL
34.00'
40.00'
52.67'
8.00'
12.00'
0.67'
26.00'
21.33'
31.00'
22.00'

O.K. TO FILE: 2/26/04
Dept. of Environmental Protection and Resource Management
FINAL PLAN APPROVED: 3/3/04
WELL AND SEPTIC ONLY

HOUSE DETAIL
NO SCALE

NOTES:

CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM FOUNDATION AT ALL TIMES.

DISTURBED AREA = 29,800 SF +/-

PROPOSED ELEVATIONS:

FIRST FLOOR = 792.50
CELLAR FLOOR = 782.50
GARAGE FLOOR = 791.20

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TOPOGRAPHY SHOWN IS TAKEN FROM THE FINAL DEVELOPMENT