MEMORANDUM

DATE:

January 5, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0124-A- Appeal Period Expired

The appeal period for the above-referenced case expired on January 4, 2017. There being no appeal filed, the subject file is ready for return to the Zóning Review Office and is placed in the 'pick up box.'

c: V Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE *
(535 Wampler Road)

(535 Wampler Road)
15th Election District

6th Council District William R. Sheckells

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

* BALTIMORE COUNTY

CASE NO. 2017-0124-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, William R. Sheckells ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations, to permit an accessory building (garage) with a height of 18 ft. in lieu of the maximum permitted 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment dated November 11, 2016 was submitted by the Department of Environmental Protection and Sustainability (DEPS) indicating development of the property must comply with the Baltimore County Code (B.C.C.) Article 33, Titles 3 and 6, and that Ground Water Management must review any future building permits (for a garage) since the site is served by well and septic.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 11, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING	3
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Date	12-1-16	
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The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Although the Department of Planning did not make any recommendations related to the 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 1st day of December, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations, to permit an accessory building (garage) with a height of 18 ft. in lieu of the maximum permitted 15 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 his 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.

ORDER RECEIVED FOR FILING

Date	12-1-16	
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- 2. Petitioner 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.
- 4. Petitioner must comply with the ZAC comment from DEPS, a copy of which is attached hereto and made a part hereof.

	Any	appeal	of	this	decision	must	be	made	within	thirty	(30)	days	of	the	date	of	this
Order.										\bigcap	h	, ()			_	

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

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Date	1-16
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ORDER RECEIVED FOR FILING

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED.

NOV 17 2016



OFFICE OF ADMINISTRATIVE HEARINGS

TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

November 17, 2016

SUBJECT:

DEPS Comment for Zoning Item

2017-0124-A

Address

535 Wampler Road (Sheckells Property)

Zoning Advisory Committee Meeting of November 14, 2016

The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of the property must comply with Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains. There is evidence that non-tidal wetlands and required forest buffers may constrain the use of parts of this property, including the area where the garage is proposed. The locations of the environmental resources and any required forest buffers must be determined in order to determine a viable building location.

Development of this property must comply with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 6. Forest Conservation. The owner may have the option to invoke a single lot declaration of intent for a forest conservation exemption if the exemption criteria can be met.

Reviewer:

Paul Dennis

Date: 11/10/16

Additional Comments:

Ground Water Management must review any future building permits (for a garage), since the site is served by well and septic.

Reviewer:

Dan Esser

Date: 11/9/16

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ADMINISTRATIVE ZONING PETITION FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL

provals and Inspections ore County for the property located at: Currently zoned DR 7 Git Tax Account # 1519712660 THON(S) AND ADDING THE PETITION REQUEST) Petition form must be completed and notarized. County and which is described in the plan/plat RY BUILDING (GARAGE) EET IN LIEU OF THE 15 FEET. The County. Dursuant to Section 32-4-107(b) of the Baltimore instruct addition to building) To be bound by the zoning regulations and restrictions of Petitioner(s):
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Petitioner(s):
MR SHECKEUS
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State City State
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ordered by the Office of Administrative Hearings for Baltimore
on be set for a public hearing, advertised, and re-posted as
for Baltimore County
A COS

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: 535 WAMPLER RO Print or Type Address of property	BALTO	MO	7/270
			Zip Code
Based upon personal knowledge, the followald administrative Variance at the above address.	wing are the fact ess. (Clearly sta	s upon which I/we base te practical difficulty	e the request for an or hardship here)
SEE AT			
	-		
(If additional space for the petition request of Manual Shecked Signature of O Affiant)		ent is needed, label and e	thach it to this Form)
WILLIAM R - SHECKELLS Name- Print or Type	_		
The following information is to be	completed by a No	ary Public of the State of	f Maryland
STATE OF MARYLAND, COUNTY OF BA	LTIMORE, to wi	t.	
HEREBY CERTIFY, this 3 day of and for the County aforesaid, personally appear	October,	<u> 2016</u> , before me a N	otary of Maryland, in
Print name(s) here: William Shec	hells		
the Affiant(s) herein, personally known or satisfa	actorily identified to	me as such Affiant(s).	
AS WITH SHAWN AND NOTATION NOTATION OF THE PROPERTY OF THE PRO	ashown	Slow	
My O	pmmission Expires	3	

REV. 5/8/2014

JUSTIFICATION

I wish to construct a detached garage / storage building in the rear of my property. The building will be utilized for storage of vehicles, yard maintenance equipment, and a workshop. I would like to install a lift inside the building to aide me when working on my vehicles. I have investigated various lifts and need the additional three (3) feet of height for the installation and operation of the lift.

The building will not be used for any commercial purposes or to create additional living quarters.

ZONING DESCRIPTION

535 WAMPLER ROAD

Beginning at a point the three following courses and distances from the intersection formed by the center of Wampler Road with the center of Pawnee Drive:

- 1. Northeasterly 900 along the center of Wampler Road
- 2. S 45° 00' 00" E 302 feet and
- 3. N 39° 46' 06" E 100 feet thence:
- 1. N 39° 46' 06" E 150 feet
- 2. S 61° 43' 54" E 170 feet
- 3. S 39° 46' 06" W 150 feet and
- 4. N 61° 43' 54" W 170 feet to the place of beginning. Containing 24,988 square feet or 0.574 acre of land, more or less.

Being known as 535 Wampler Road. Located in the 15^{TH} Election District, 6^{TH} Councilmanic District of Baltimore County, Md.°

2017-0124-A

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 23, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 14, 2016

Item No. 2017-0121, 0123, 0124, 0125, 0127 and 0128

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

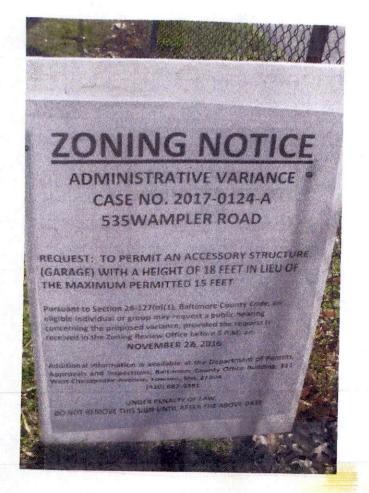
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G:\DevPlanRev\ZAC -No Comments\ZAC11142016.doc

CERTIFICATE OF POSTING

Date: NOVEMBER 11, 2016

RE:	Project Name:	535 WAMPLER ROAD	
	Case Number /PAI Number:	2017-0124-A	
	Petitioner/Developer:	WILLIAM SHECKELLS	
	Date of Hearing/Closing:	NOVEMBER 28, 2016	
were	This is to certify under the pen posted conspicuously on the pro	nalties of perjury that the necessary sign(s) require operty located at535 WAMPLER ROAD	d by law
7	The sign(s) were posted on	NOVEMBER 11, 2016	
		(Month, Day, Year)	



Java Bellingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE INFURIMATION SHEET AND DATES
Case Number 2017- 0124 -A Address 535 Wampter Rd 21220
Contact Person: CARU HUCK Phone Number: 410-887-3391
Filing Date: 10 3 16 Posting Date: 11 21 16 Closing Date: 11 21 16
Case Number 2017- OISH A Address 535 Warmylor Rd 21220 Contact Person: Phone Number: 410-887-3391 Filing Date: 10 3 16 Posting Date: 11/3/6 Closing Date: 11/21/6 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. Please understand that even if there is no formal request 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 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
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
a formal request for a public hearing. Please understand that even if there is no formal
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
(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
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Petitioner's Name William R. Sheckells Telephone 443.677-2222 Posting Date: 11/3/16 Closing Date: 11/21/16 Wording for Sign: To Permit a proposed garage (accessory structure)

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KEVIN KAMENETZ County Executive

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

November 22, 2016

William R Sheckells 535 Wampler Road Baltimore MD 21220

RE: Case Number: 2017-0124 A, Address: 535 Wampler Road

Dear Ms. Sheckells:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 31, 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 Keview

WCR: jaw

Enclosures

c: People's Counsel
David Billingsley, 601 Charwood Court, Edgewood MD 21040

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

NOV 17 2016



OFFICE OF ADMINISTRATIVE HEARINGS

TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

November 17, 2016

SUBJECT:

DEPS Comment for Zoning Item

2017-0124-A

Address

535 Wampler Road (Sheckells Property)

Zoning Advisory Committee Meeting of November 14, 2016

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

- X Development of the property must comply with Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains. There is evidence that non-tidal wetlands and required forest buffers may constrain the use of parts of this property, including the area where the garage is proposed. The locations of the environmental resources and any required forest buffers must be determined in order to determine a viable building location.
- X Development of this property must comply with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 6. Forest Conservation. The owner may have the option to invoke a single lot declaration of intent for a forest conservation exemption if the exemption criteria can be met.

Reviewer:

Paul Dennis

Date: 11/10/16

Additional Comments:

Ground Water Management must review any future building permits (for a garage), since the site is served by well and septic.

Reviewer:

Dan Esser

Date: 11/9/16

 $C: \label{local-windows-temporary-$



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

Maryland Department of Transportation

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

Date: 11/9/16

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. 2017-0124-A

Administrative Varionce William R. Schockells 535 Wampler 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,

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:

November 17, 2016

SUBJECT:

DEPS Comment for Zoning Item

#2017-0124-A

Address

535 Wampler Road (Sheckells Property)

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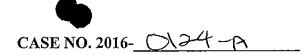
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Reviewer: Paul Dennis Date: 11/10/16

Additional Comments:

Ground Water Management must review any future building permits (for a garage), since the site is served by well and septic.

Reviewer: Dan Esser Date: 11/9/16



CHECKLIST

Comment <u>Received</u>	<u>D</u>	<u>epartment</u>		Support/Oppose/ Conditions/ Comments/ No Comment
		ENT PLANS REVII d, date e-mail sent_		
11-17	DEPS (if not received	d, date e-mail sent_)	
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	PLANNING (if not received	d, date e-mail sent _)	
11-9	STATE HIGH	WAY ADMINISTI	RATION	No objection
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	ADJACENT F	PROPERTY OWNE	ERS	
ZONING VIOLATI	ON	(Case No.		
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SIGN POSTING		Date:	11-11-16	by Belingday
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PEOPLE'S COUNS	EL COMMENT	LETTER Yes	□ No □	
Comments, if any:				

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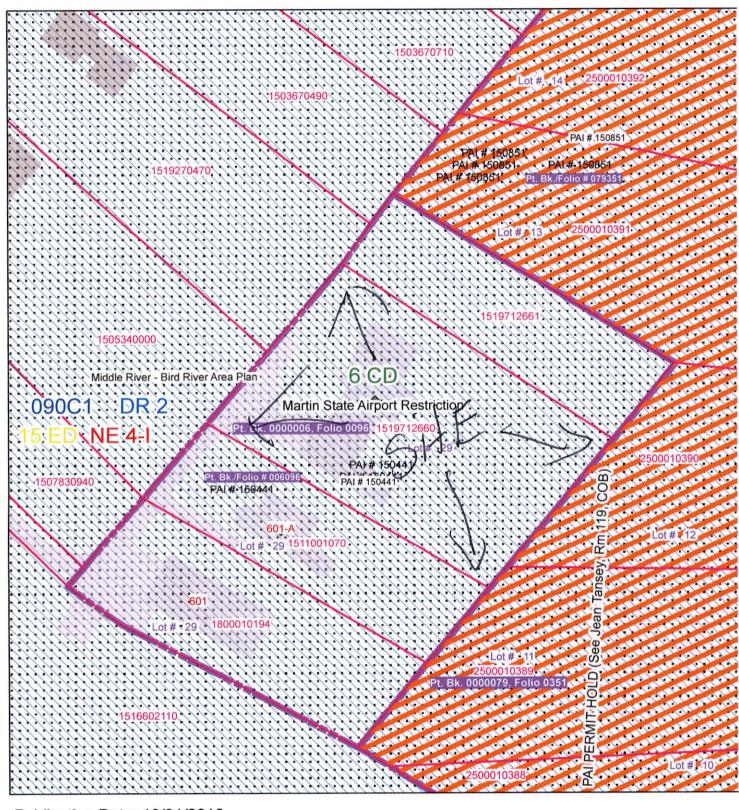






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535 Wampler Roau

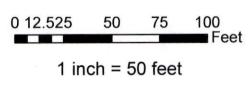


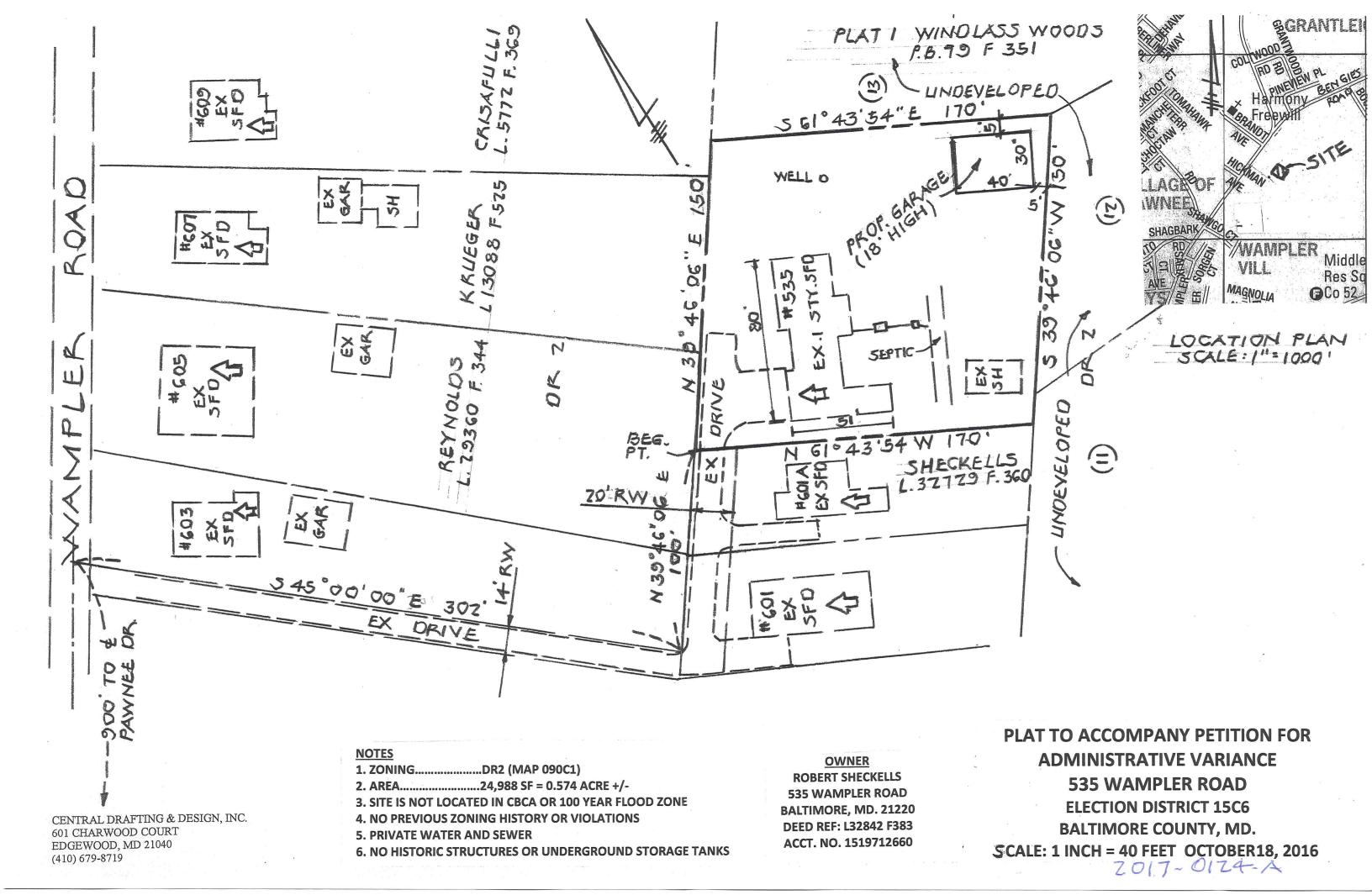
Publication Date: 10/31/2016

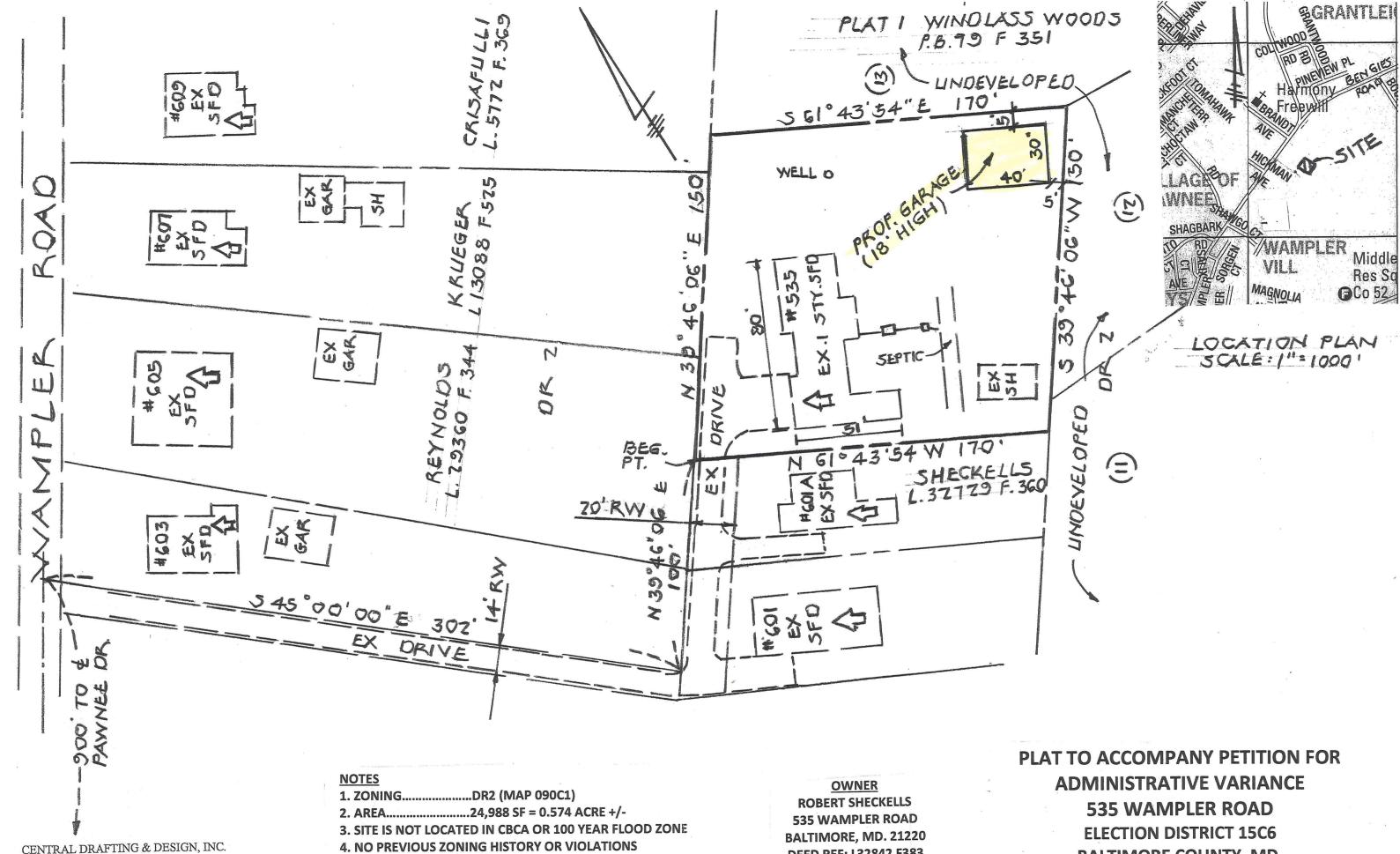


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CENTRAL DRAFTING & DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MD 21040 (410) 679-8719

5. PRIVATE WATER AND SEWER

6. NO HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS

DEED REF: L32842 F383 ACCT. NO. 1519712660

BALTIMORE COUNTY, MD. SCALE: 1 INCH = 40 FEET OCTOBER18, 2016

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