#### MEMORANDUM

DATE:

February 6, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0145- A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 2, 2017. 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

(4220 Hanwell Road) 2<sup>nd</sup> Election District

4th Council District Kevin J. Richardson Petitioner BEFORE THE

OFFICE OF ADMINISTRATIVE

\* HEARINGS FOR

\* BALTIMORE COUNTY

\* CASE NO. 2017-0145-A

\* \* \* \* \* \*

#### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Kevin J. Richardson ("Petitioner"). The Petitioner is requesting variance relief from § 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) [Sections 1B01.2.C.1 of the 1970 zoning regulations and Section V.B.2 of the 1970 Comprehensive Manual of Development Policies (CMDP)] as follows:

(1) To permit a proposed addition (bathroom/laundry room) with a rear yard setback of 25 ft. in lieu of the required 30 ft.; and (2) To amend the Final Development Plan (FDP) of THE WOODS OF WINANDS, Section 11, Lot No. 35 ONLY. 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. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on December 10, 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	1-3-17	
Ву	622	

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 and photographs 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 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 <u>3rd</u> day of **January**, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) [Sections 1B01.2.C.1 of the 1970 zoning regulations and Section V.B.2 of the 1970 Comprehensive Manual of Development Policies (CMDP)] as follows: (1) To permit a proposed addition (bathroom/laundry room) with a rear yard setback of 25 ft. in lieu of the required 30 ft.; and (2) To amend the Final Development Plan (FDP) of THE WOODS OF WINANDS, Section 11, Lot No. 35 ONLY, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER	RECEIVED FOR FILING	
Date	1-3-17	
Bv		•

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
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Date	3-17	
	(Carry)	





I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

# **Petition for Administrative Variance**



to the Zoning Commissioner of Baltimore County for the property located at 4220 Hanwell Road, Randallstown, MD 21133

which is presently zoned \_\_\_ DR 3.5

Deed Reference: \_\_/07537/ 00754 Tax Account # \_1800014830

is the subject of this Petition.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto

Section 1B02.3.B (1B01.2.C.1 - 1970 regs. and V.B.2. - CMDP) – to permit a proposed addition (bathroom/laundry room) with a rear yard setback of 25 feet in lieu of the required 30 feet; and to amend the final development plan of THE WOODS OF WINANDS, Section II, lot #35 only.

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

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Administrative Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Contract Purchaser/Lessee:		I I O	•	
		Legal Owner(s):		
Name - Type or Print		Kevin Richardson		
		Name - Type or Print	1 1	
Signature		Signature K	uhardon	~
Address	Tologh			
	Telephone No.	Name - Type or Print		
City State	Zip Code	Signature		
Attorney For Petitioner:		4220 Hanwell Road		440 055 5445
		Address		410 - 655 5149
Name - Type or Print		Randallstown	MD	Telephone No. 21133
		City	State	Zip Code
Signature		Representative to be C	ontacted:	
Company		Carl Dyhrberg		
		Name 1619 Mussula Road		
ddress	Telephone No.	1019 Mussula Road		(443) 465 6899
	ciopitone 140.	Address		Telephone No.
State State	Zip Code	Towson City	MD	21286
Public Hearing having been formally demanded		Oily	State	Zip Code
Public Hearing having been formally demanded are day of that the property be equilations of Baltimore County and that the property because No. 2017 - 0145 - A	Revi	Zoning Commissioner of	Baltimore Count	quired by the zoning
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FRM476_09				
ORDER RECEIVED FOR P	ILING		R	ev 3/09
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### Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently own and reside at _	4220	Hanwell Road
가 없었다. 그는 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은 사람들은	ddress number	Road or Street name
and that this address is the subject of this variance request	as required by l	aw.
That based upon personal knowledge, the following are an Administrative Variance at the above address (indicated distinguished if needed) I wish to construct 168 sq.ft. o	e the hardship of First Floor Addition	r practical difficulty; attach an ns and 168 sq.ft. Second Floor
Additions to the rear of my existing residence on part of an existing		
of my existing garage. At present the non-complying rear South yaresidence. After construction there will be no change in the above 30.0' will remain. This hardship is peculiar to my property in contrace sult of my own actions. Failure to grant this request for a variance easonable use of my property.	measurements and st with other proper	the non- compliance with the require
That the Affiant(s) acknowledge(s) that if a formal deman with their variance request, they will be responsible for readvertising fees. They also understand that they may be readwered.	posting the prop	erty and for payment of the
KEUM RUHUELAN Signature S KEUM RICHAR DSON	lignature	
KEVIN KICHARDSON		
Name- print or type Kevin Richardson	Name- print or ty	pe
A Notary Public must complete the following some state of MARYLAND, BALTIMORE COUNTY, I HEREBY CERTIFY, this day of Out the State of Maryland, in and for the County aforesaid, pe	to wit:	before me, a Notary Public of
(Name Affiant(s) here): <u>Helin Richardson</u> the Affiant(s) herein, personally known or sa		
AS WITNESS my hand and Notarial Seal Name of N	otany Public	Commission expires
PLACE SEAL HERE: WATHY JELLE KATHY JELLE K		
FRM476_09 PRMA76_09		Item #0145 Rev 3109
and the second s		

# **ZONING DESCRIPTION**

#### ZONING DESCRIPTION FOR 4220 HANWELL ROAD

OWNER Kevin James Richardson 4220 Hanwell Road Randallstown Md 21133

Beginning at a pint on the South Side of Hanwell Road which is 50° R/W wide at the distance of 400 feet West of the centerline of the nearest improved intersecting street Brie Court which is 50° R/W wide.

BEING LOT # 35, BLOCK \_\_\_\_\_\_, SECTION # \_\_\_\_\_\_\_, in the subdivision of Section II The Woods of Winands as recorded in Baltimore Count PLAT BOOK # \_\_\_\_\_\_\_, FOLIO # \_\_\_\_\_\_\_\_, containing 8291 SQUARE FEET. Also known as 4220 HANWELL ROAD and located in the \_\_\_\_\_\_\_ ELECTION DISTRICT, \_\_\_\_\_\_\_\_ COUNCILMANIC DISTRICT.

Typical Metes and Bounds: W Radius 50.00' - 33.27 FEET, N 66° 14' 54" E - 136.65 FEET, N 58° 13' 17" W - 117.65 FEET, S 27° 40' 06" W - 105.60 FEET, to the place of beginning.

Item #0145

## CERTIFICATE OF POSTING

**ATTENTION: KRISTEN LEWIS** 

**DATE:** 12/15/2016

Case Number: 2017-0145-A

Petitioner / Developer: K J RICHARDSON

Date of Hearing (Closing): DECEMBER 26, 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: 4220 HANWELL ROAD

The sign(s) were posted on: DECEMBER 10, 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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2017- 0145 -A Address 4220 Hanwell Ra
Contact Person: David Duvall Phone Number: 410-887-3391
Contact Person:    David Duval    Phone Number: 410-887-3391     Filing Date:   1/29/16   Posting Date:   12/11/16   Closing Date:   12/26/16
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. <a href="POSTING/COST">POSTING/COST</a> : The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2017- 0145 -A Address 4220 Hanwell Kd
Petitioner's Name K J Richardson Telephone 410-665-5149
Posting Date: 12/11/16 Closing Date: 12/26/16
Wording for Sign: To Permit a proposed addition (bathroom/laundry room)
with a rear yard setback of 25 feet in lien of the required
30 feet; and to amend the final development plan for The Woods
of Winands, Section II lot #35 only
Revised 7/6/16

# 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:
Property Address: 2017-0145-A  Property Address: 4-220 Hanwell Road Randels town  Property Description: southwest side of Hanwell Rd, 1/- 400'  west of Brie Ct
Legal Owners (Petitioners): Kevin Richardson
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Kevin Richardson
Company/Firm (if applicable):
Address: 4220 Hannell Rol
Address: 4220 Hannell Rol Randellstown 21133
Telephone Number: 410 WB 655 5149

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#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: December 19, 2016

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 12, 2016

Item No. 2017-0135, 0137, 0140, 0141, 0143, 0145 and 0146

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

RECEIVED

JAN 03 20187

OFFICE OF ADMINISTRATIVE HEARINGS

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KEVIN KAMENETZ
County Executive

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

December 30, 2016

Kevin Richardson 4220 Hanwell Road Randallstown, MD 21133

RE: Case Number: 2017-0145 A, Address: 4220 Hanwell Road

Dear Mr. Richardson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 29, 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 Carl Dyhrberg, 1619 Mussula Road, Towson MD 21286

#### **BALTIMORE COUNTY, MARYLAND**

RECEIVED

DEC 0 2 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:

December 2, 2016

SUBJECT:

DEPS Comment for Zoning Item

# 2017-0145-A

Address

4220 Hanwell Road

(Richardson Property)

Zoning Advisory Committee Meeting of DECEMBER 12, 2016.

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

Reviewer:

Steve Ford

Date: 12-2-2016



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

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

Date: 12/5/16

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. 2017-0145-A

Administrative Vovience

Kevin Richardson

4220 Howwell 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

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:

December 2, 2016

SUBJECT:

**DEPS** Comment for Zoning Item

tem # 2017-0145-A

Address

4220 Hanwell Road (Richardson Property)

Zoning Advisory Committee Meeting of DECEMBER 12, 2016.

 $\underline{X}$  The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

Steve Ford

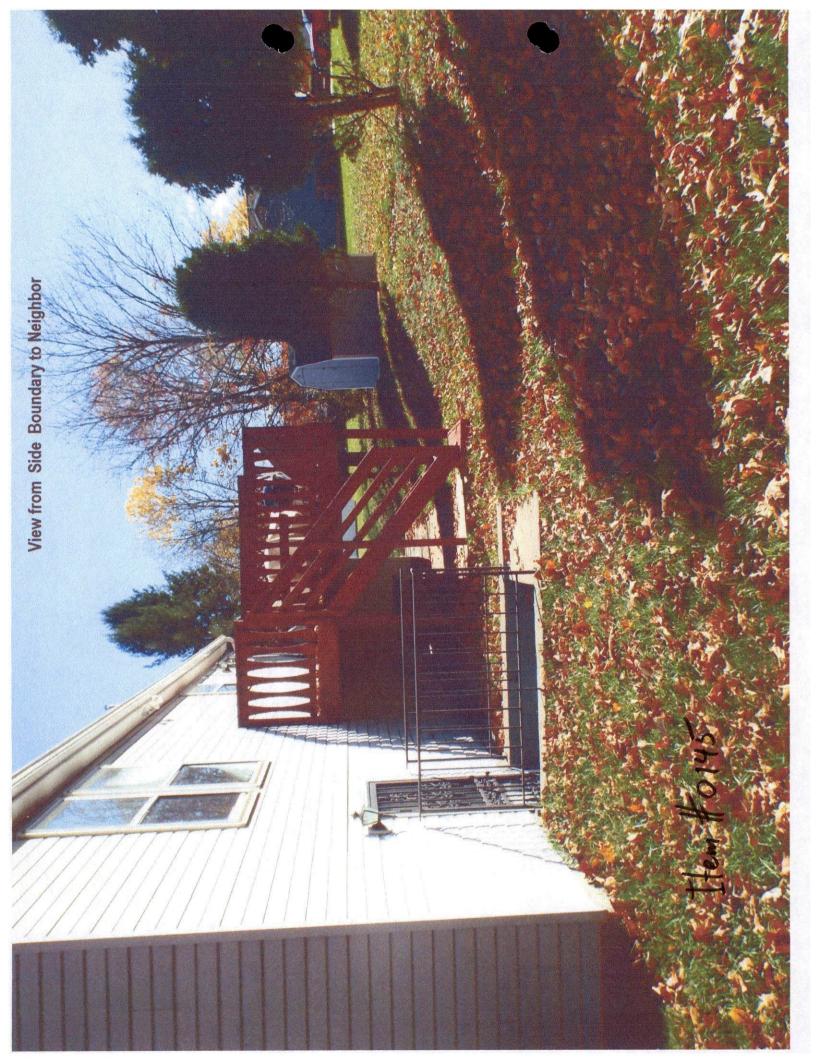
Date: 12-2-2016

### CHECKLIST

Comment <u>Received</u>	<u>Depar</u>	tment			Support/Oppose/ Conditions/ Comments/ No Comment
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NEWSPAPER AI	OVERTISEMENT	Date:			
SIGN POSTING		Date:	12-10-	16_	by O'Keege
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PEOPLE'S COUT	ISEL COMMENT LET	TTER Yes	∐ No	Ц	
Comments, if any	:				

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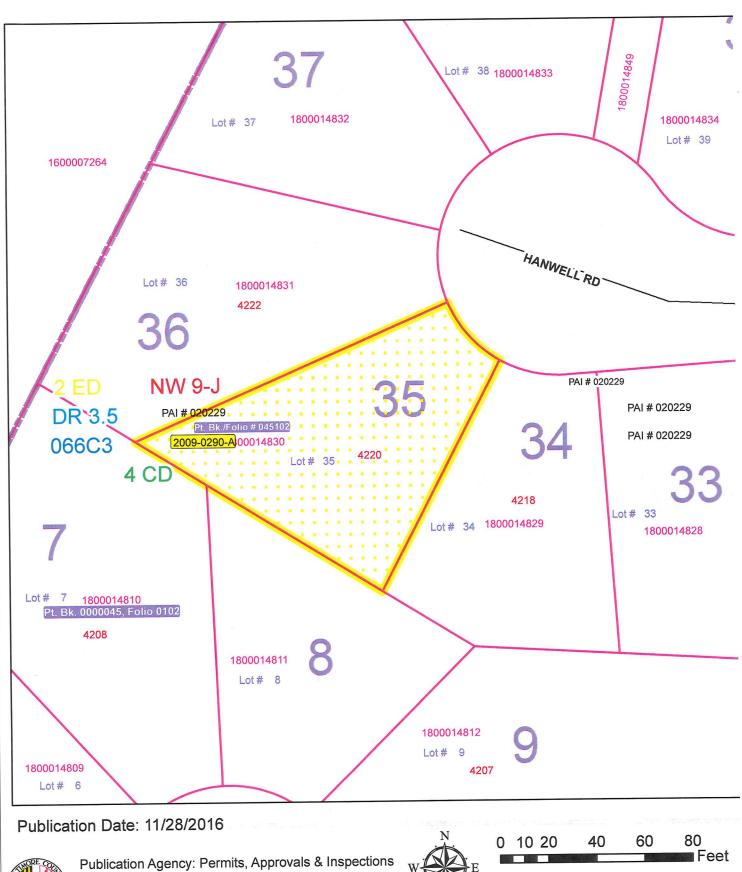




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<sup>3.</sup> Distribution of the desirable of the confidence in the confide

# 4220 Hanwell Road



Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot



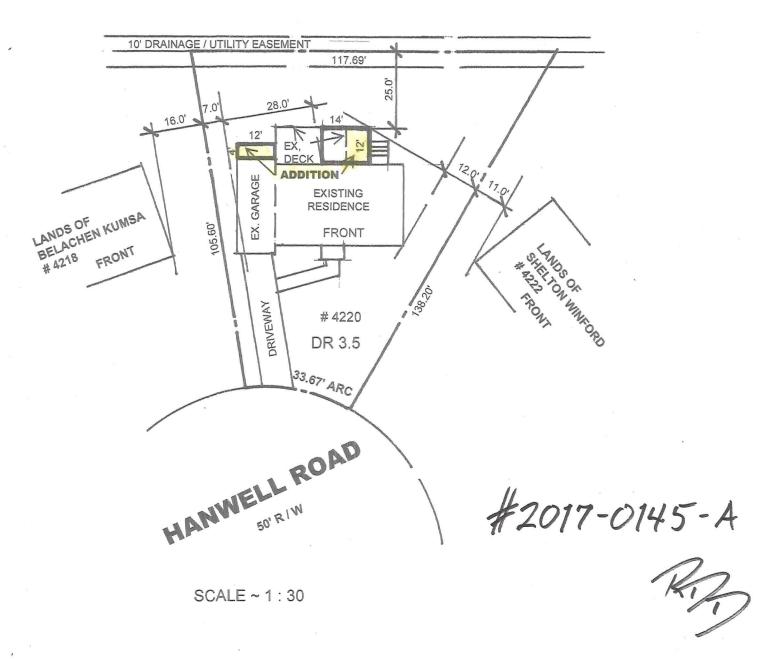
1 inch = 40 feet tem # 0145

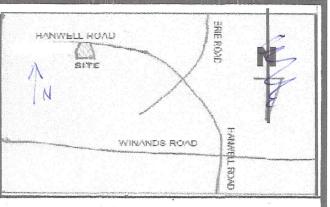
#### PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

4220 HANWELL ROAD, RANDALLSTOWN, PLAT REF: 0045 / 0102, LOT 35, TAX MAP 0066 GRID 0024. PARCEL 0554

OWNER: KEVIN JAMES RICHARDSON







VICINTY MAP - NOT TO SCALE

#### **LOCATION INFORMATION**

ELECTION DISTRICT 2
COUNCILMANIC 4
GIS TITLE 1'=200' SCALE MAP # 066C3
ZONING - DR 3.5
LOT SIZE - 8,291 SQ. FT.
SITE COVERAGE EXISTING PROPOSED
14.2% 17.4%

PUBLIC SEWER
PUBLIC WATER
CHESAPEAKE BAY CRITICAL AREA - NO
100 YEAR FLOOD PLAIN - NO
HISTORIC PROPERTY - NO
PRIOR ZONING HEARING - 2009-0290A

ZONING OFFICE USE ONLY

REVIEWED BY

ITEM#

**CASE**#

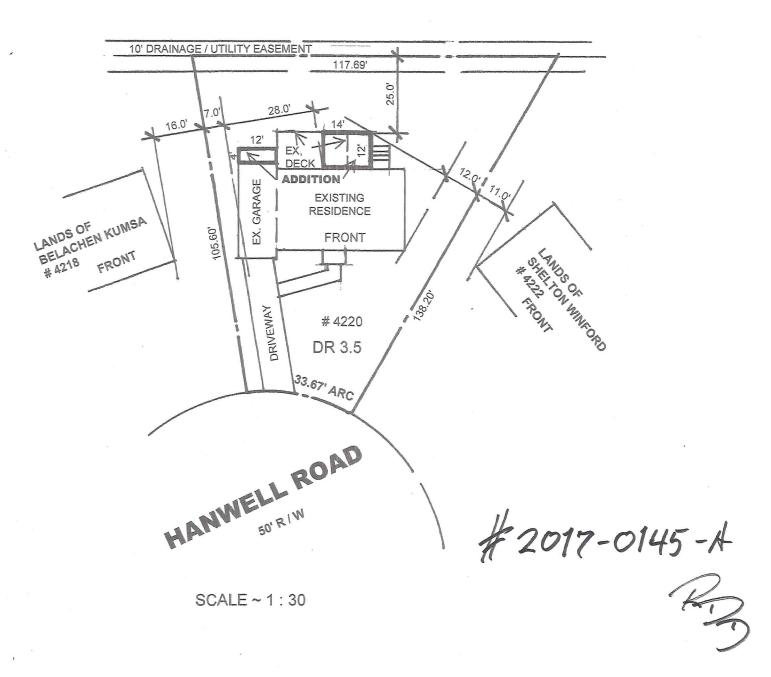
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PROPOSED 14.2% 17.4%

NO

NO

2009-0290A

PUBLIC SEWER PUBLIC WATER CHESAPEAKE BAY CRITICAL AREA - NO 100 YEAR FLOOD PLAIN -HISTORIC PROPERTY -

PRIOR ZONING HEARING -

#### ZONING OFFICE USE ONLY

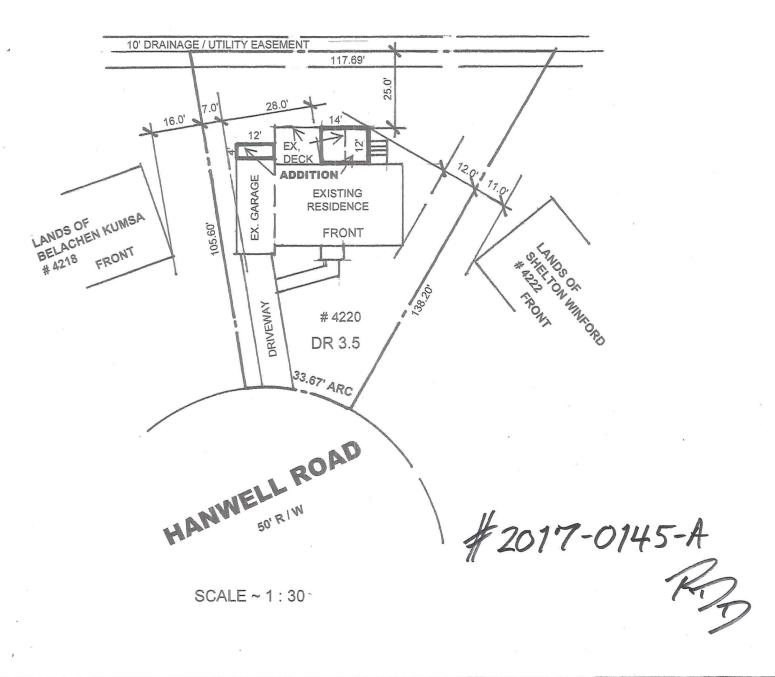
REVIEWED BY ITEM# CASE #

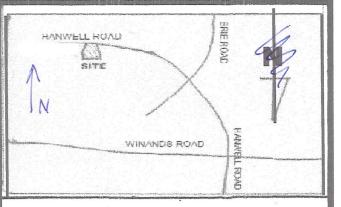
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REVIEWED BY ITEM#

CASE#