IN RE: PETITION FOR ADMIN. VARIANCE (3105 Hunting Tweed Drive)

4<sup>th</sup> Election District 2<sup>nd</sup> Council District

Anne I. & Christopher K. Steuart

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

**BALTIMORE COUNTY** 

CASE NO. 2017-0189-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, Anne I. and Christopher K. Steuart ("Petitioners"). The Petitioners are requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) To approve a proposed accessory structure (detached garage for cars and farm equipment storage) to be located onto the side and front yard of the existing dwelling in lieu of the required to be located in the rear yard, and (2) To approve the proposed accessory structure with a height of 25 ft. in lieu of the maximum allowed 15 ft., respectively. 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. A ZAC comment was received from the Department of Environmental Protection and Sustainability (DEPS), dated January 24, 2017, and indicated the following:

"Ground Water Management must review any future proposed building permits(s) for a detached garage, especially since the plan shows the building less than 30 feet from the existing well, which also requires a variance from us to allow that."

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The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 27, 2017, 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 § 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 detached garage 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 <u>21st</u> day of February, 2017, 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 ("B.C.Z.R."), as follows: (1) To approve a proposed accessory structure (detached garage for cars and farm equipment storage) to be located onto the side and front yard of the existing dwelling in lieu of the required to be located

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in the rear yard, and (2) To approve the proposed accessory structure with a height of 25 ft. in lieu of the maximum allowed 15 ft., respectively, 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.
- 2. 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.
- 4. The Petitioners must comply with the ZAC comments submitted by DEPS, dated January 24, 2017; 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.

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

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### BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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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:

January 24, 2017

SUBJECT:

**DEPS** Comment for Zoning Item

# 2017-0189-A

Address

3105 Hunting Tweed Drive (Insley & Steuart Property)

Zoning Advisory Committee Meeting of January 30, 2017.

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
  - 1. Ground Water Management must review any future proposed building permit(s) for a detached garage, especially since the plan shows the building less than 30 feet from the existing well, which also requires a variance from us to allow that.

Reviewer:

Dan Esser

Date: 1/23/17

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By\_

Date 3-21-17

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KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 21, 2017

Anne I. and Christopher K. Steuart 3105 Hunting Tweed Drive Owings Mills, MD 21117

RE: Petition for Administrative Variance

Case No. 2017-0189-A

Property: 3105 Hunting Tweed Drive

Dear Mr. and Mrs. Steuart:

Enclosed please find a copy of the Order rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: Henry Warfield, Warfield Architects, P.O. Box 76, Butler, MD 21023



### **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:

3105 HUNTING TWEED DRIVE

Gurrently zoned RC-2

Owner(s) Printed Name(s) ANNE INSLEY STEUART and CHRISTOPHER KENDRICK STEUART  (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 notariz. 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:  1x ADMINISTRATIVE VARIANCE from Section(s)  GET ATTACHMENT  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.  Properly is to be posted and advertised as prescribed by the zoning regulations.  1x 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.  Properly is to be posted and advertised as prescribed by the zoning regulations.  Owner(s)/Petitioner(s):  Anne Insley Steuart / Christopher Kendrick Steuart Name #1 - Type or Print	TIGOTION THE TWEED DRIVE	Currently zoned RC-2
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### **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:	3105 HUNTING TWEED DRIVE	OWINGS MILLS	MARYLAND	21117-1532
	Print or Type Address of property	City	State	Zip Code
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	on personal knowledge, the following			
Administra	ative Variance at the above add	ress. (Clearly state p	ractical difficulty of	narusnip nere)
Request ne	rmission to locate a detached accessor	y building in the side yard :	and 8 fact into the front w	ard to be used as a
	cars/farm equipment with storage in a			
	lieu of the required 15' height limit to			
	one and a half story building footprint			
	ted facing the existing garage of the ho			
	future pool in the rear yard. The grad			
	the hillside to correct a persistent drain			
	ling helps to screen the owner's view o			
north side o	of the property. There is also a 65" gas	transmission right-of-way v	which runs through the no	orthwest side of the
property an	nd bisects the BG&E right-of-way. Thes	e right-of-ways reduce the	buildable area of the pro	perty, especially in th
ear yard. A	At the proposed location the building v	vill be 82 feet from the side	property line at its closes	st point.
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(ir addit	ional space for the petition request	or the above statement	is needed, label and at	tach it to this ronin)
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	The following information is to I	be completed by a Notary	Public of the State of	Maryland
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My Commission Expires

Notary Public - State of Florand My Comm. Expires Jun 13, 201 Commission # FF 27223 Bonded Through National Notary Asso REV. 5/5/2016

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Administrative Petition
Zoning Case# 2017-189-A

From Section 400.1 of BCZR to approve a proposed accessory structure (detached garage for cars and farm equipment storage) to be located onto the side and front yard of the existing dwelling in lieu of the required to be located in the rear yard, and from Section 400.3 of BCZR to approve the proposed accessory structure with a height of 25 feet in lieu of the maximum allowed15 feet, respectively.

### ZONING PROPERTY DESCRIPTION FOR

# 3105 HUNTING TWEED DRIVE OWINGS MILLS, MD 21117

Beginning at a point on the south side of Hunting Tweed Drive which is 50 feet wide at a distance of 520 feet west of the centerline of the nearest improved intersecting street Park Heights Avenue which is 80 feet wide.

Being Lot #31, in the subdivision of Huntington as recorded in Baltimore County Plat book 50 Folio 66 containing 4.505 acres (196,238 square feet). Located in the 4<sup>th</sup> Election District, 2nd Councilmanic District.

2017-0189-A

BALTIMORE COUNTY MARYLAND OFFICE OF BUDGET AND FINANCE	PAID RECEIPT
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# **CERTIFICATE OF POSTING**

**ATTENTION:** KRISTEN LEWIS

**DATE:** 1/29/2017

Case Number: 2017-0189-A

Petitioner / Developer: ANNE STEUART ~ HENRY WARFIELD, AIA

Date of Hearing (Closing): FEBRUARY 13, 2017

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: 3105 HUNTING TWEED DRIVE

The sign(s) were posted on: JANUARY 27, 2017



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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# BALTIMORE COUNTY ARTMENT OF PERMITS, APPR ALS AND INSPECTIONS ZONING REVIEW

## **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2017-	0189 - A	Address	s <u>3105 Hu</u>	nting Tweed Drive
Contact Person:	Aaron Tsu Planner, Pleas	ui se Print Your Name		Phone Number: 410-887-33
Filing Date:	01/18/17	Posting Date:	01/29/17	Closing Date: <u>02/13/17</u>
Any contact made through the contact p				ministrative variance should
reverse side of reposting must is again response.	of this form) and at be done only b onsible for all as	d the petitioner is in by one of the sign associated costs. T	responsible for posters on the The zoning no	ters on the approved list (on to all printing/posting costs. A approved list and the petition tice sign must be visible on to remain there through the closi
a formal requ	est for a public	e is the deadline for c hearing. Please he process is not c	e understand	or owner within 1,000 feet to that even if there is no former closing date.
commissioner order that the within 10 day whether the p	<ul> <li>He may: (a) matter be set in s of the closin</li> </ul>	grant the request for a public hearing g date if all Coun granted, denied,	ed relief; (b) on ng. You will re nty agencies'	by the zoning or deputy zoniceny the requested relief; or ceive written notification, usual comments are received, as ublic hearing. The order will
(whether due commissioner changed givin	to a neighbor' ), notification w ig notice of the h	ls formal request vill be forwarded t hearing date, time	or by order o to you. The and location. graph of the al	that must go to a public hear f the zoning or deputy zon sign on the property must As when the sign was origina tered sign must be forwarded
Petitioner: This Pa	rt of the Form is			
Tollioner. The La		INISTRATIVE VA	_	FORMAT
Case Number 2017-				
Petitioner's Name: <u>/</u>				
Posting Date:	01/29/17	Closing	g Date:0	2/13/2017
Wording for Sign: _	To permit a prop	oosed accessary st	ructure (detacl	ned garage for cars and farm
equipment sto	orage) to be loca	ited onto the side a	and front yard o	of the existing dwelling and wi
a height of 25	feet, in lieu of th	ne required to be lo	ocated in the re	ear yard and a maximum
allowed heigh	t of 15 feet, resp	pectively.		
Revised 8/9/16				



KEVIN KAMENETZ County Executive

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

February 14, 2017

Anne Insley & Christopher Kendrick Steuart 3105 Hunting Tweed Drive Owings Mills MD 21117-1532

RE: Case Number: 2017-0189 A, Address: 3105 Hunting Tweed Drive

Dear Mr. & Ms. Steuart:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 18, 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,

U. Cal Ril

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel Henry Warfield, Warfield Architects, P O Box 76, Butler MD 21023-0076



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

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

Date: 1/30/17

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. 2017-0189-A

Administrative Variance

Anne Insley & Christopher Kenfrick Stenart

3105 Hunting Tweed Drive

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**

### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** January 31, 2017

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 30, 2017

Item No. 2017-0189 and 0190

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

DAK:CEN
cc:file
G:\DevPlanRev\ZAC -No Comments\ZAC01302017.doc

### **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:

January 24, 2017

SUBJECT:

**DEPS** Comment for Zoning Item

# 2017-0189-A

Address

3105 Hunting Tweed Drive (Insley & Steuart Property)

Zoning Advisory Committee Meeting of January 30, 2017.

 $\underline{X}$  The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Ground Water Management must review any future proposed building permit(s) for a detached garage, especially since the plan shows the building less than 30 feet from the existing well, which also requires a variance from us to allow that.

Reviewer:

Dan Esser

Date: 1/23/17

#### MEMORANDUM

DATE:

March 24, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0189- A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 23, 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

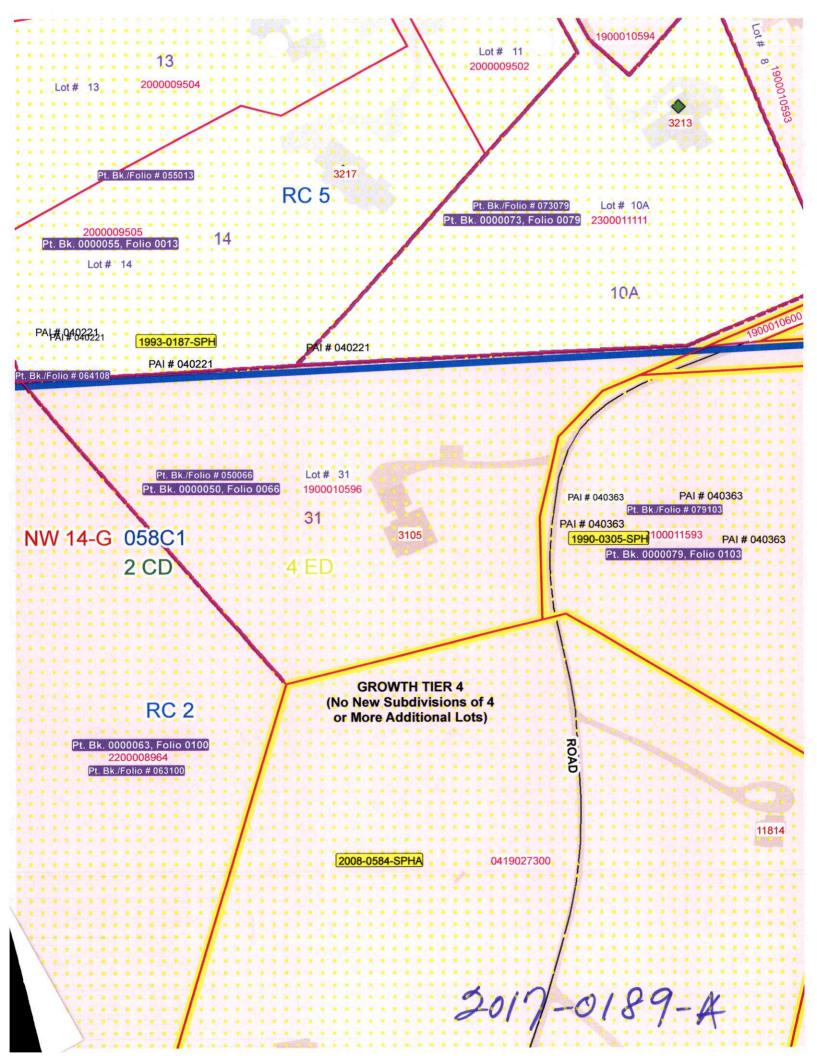
Office of Administrative Hearings

Real Property Data Search (w2) Guide to searching the database Search Result for BALTIMORE COUNTY

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2017-0189-A





<u>Photograph #1</u>- View looking southwest towards front of house and BG&E right-of-way at right.

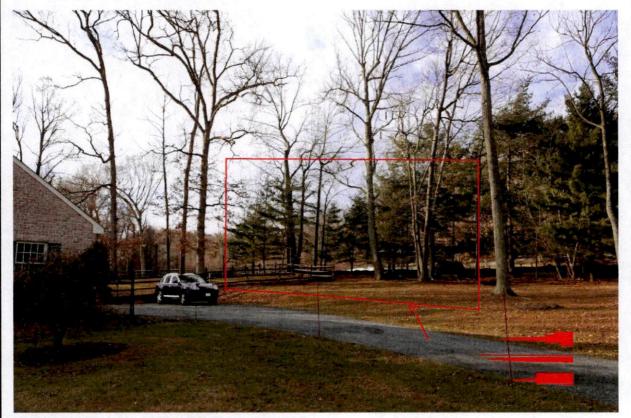


Photograph #2- View from southeast from front yard

2017-0189-A



Photograph #3 - View looking northwest from front yard.



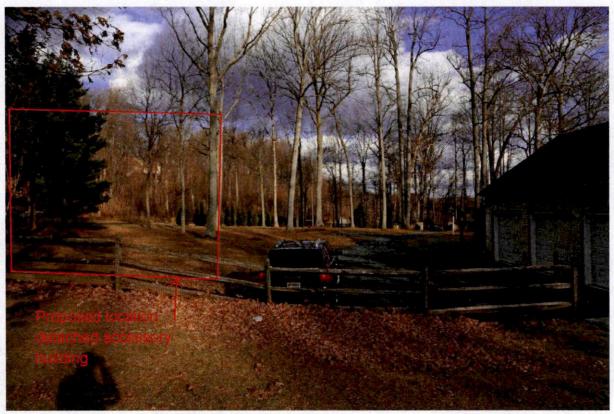
Photograph #4 - View looking west from front yard



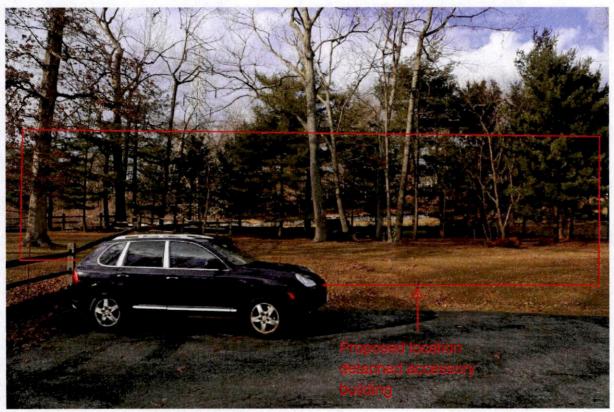
Photograph #5 - View looking south from front yard



Photograph #6 - View looking north from rear yard



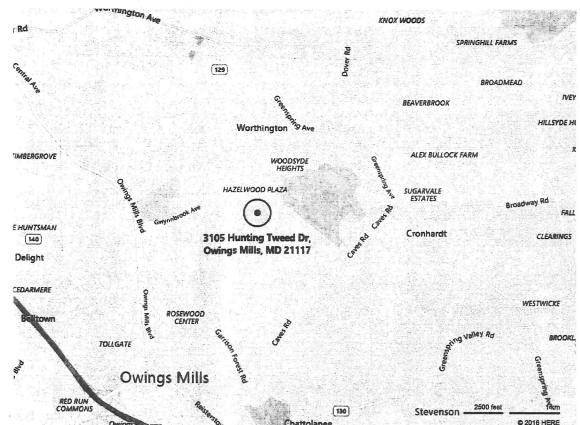
Photograph #7 - View looking east from rear yard.



Photograph #8 - View looking northwest from side yard

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 3105 HUNTING THEED DRIVE OWNER(S) NAME(S) AND INSULY STEUART AND CHRISTOPHER KENDRICK STEUART LOT# 31 BLOCK# N/A SECTION# N/A SUBDIVISION NAME HUNTINGTON PLAT BOOK # 0050 FOLIO # 0066 10 DIGIT TAX # 1 9 0 0 0 1 0 5 9 6 DEED REF. # 3 2 6 3 0 / 0 0 4 9 7 BAR & CAP SET ON LINE 10' FROM CORNER BAR SET ON LINE 10' FROM CORNER EPHRAM J. FUCHS S.M. No.23219 folio 195 3217 HUNTING TWEED DR BAR &-ON LINE GERALDINE DIGGS S.M. No. 16783 folio 705 3213 HUNTING TWEED DR PROPOSED POPCH - 1/2" IRON BAR FOUND UP G&E \*454476 3105 BAR FOUND BAR & CAP SET ON LINE IO' FROM CORNER SEPTIC 1/4" IRON -BAR FOUND 543°5118"W 76.70 LAPPROX. SRA BAR & CAP FOUND POND 513°06'13"W PANHANDLE DRIVE TO 100.84 BAR & CAP SET ON LINE HUNTING TWEED DRIVE NOT SHOWN OR SURVEYED IF SO GIVE CASE NUMBER 501°19'40"E 124,92 AND ORDER RESULT BELOW I" REBAR CAVES VALLEY CLUB, INC. KEY LENORE ORRICK TRUST 5.M. No. 8324 follo 260 S.M. No.22105 Folio 286 11814 PARK HEIGHTS AVE. PHOTO NUMBER PLAT S.M. 79-103 AND DIRECTION PARK HEIGHTS AVENUE PLAN DRAWN BY DATE JANUARY 3, 2017 SCALE: 1 INCH = 50 FEET HEHRY WARFIELD - WARFIELD ARCHITECTS TAKEN FROM GERHOLD, CROSS & ETZEL, LTD. PARTIAL BOUNDARY PLAT DATED 5/24/2011 SCALE 1": 100"

SITE VICINITY MAP



MAP IS NOT TO SCALE ZONING MAP# 058C1 SITE ZONED RC-2 MAIN RC-5 PANHANDLE ELECTION DISTRICT 04 COUNCIL DISTRICT LOT AREA ACREAGE OR SQUARE FEET 196,238 HISTORIC? IN CBCA? IN FLOOD PLAIN? No MARK WITH X UTILITIES? WATER IS: PUBLIC\_\_\_PRIVATE\_X SEWER IS: PUBLIC\_\_\_PRIVATE\_X PRIOR HEARING?

1990 - 0305 - SPH

1993-0187-SPH FINAL DEVLOPMENT PLAN OF HUNTINGTON

GRANTED APPROVAL OF 9TH AMENDED

GRANTED APPROVAL OF GTH AMENDED FIHAL DEVELOPMENT PLAN OF HUNTINGTON CPENTION OF NON-DENSITY LOT/PARCEL TO CONVEY EASEMENT PLENTS TO MET

2008-0584-5PHA

ADJACENT PROPURTY - GRANTED REQUEST FUR EXISTING TEMANT HOUSE IN FRONT YARD TO BE A GUESTHOUSE, FUR GUESTHOUSE TO BE 30' HIGH IN LIEV OF 15' AND FOR A POOL TO BE WCATED IN FRONT YARD

VIOLATION CASE INFO:

2017-0189-A

Pet. Exp. 1