

IN RE: PETITION FOR ADMIN. VARIANCE *
(1611 Hunter Mill Road)
7th Election District *
3rd Council District *
Roy A. & Johanne L. Place *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2017-0208-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, Roy A. & Johanne L. Place (Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations, to permit a proposed accessory structure (solar array) located in the side yard in lieu of the required rear yard. 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 February 15, 2017 indicating that "Ground Water Management must review any building permit(s) for a proposed solar array, since the property is served by well and septic." In addition, a ZAC comment was received from the Bureau of Development Plans Review (DPR) dated February 23, 2017 indicating "If an Administrative Variance is granted, a Landscape Plan is required per the requirements of the Landscape Manual."

ORDER RECEIVED FOR FILING

Date 3-10-17

By [Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 15, 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.

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 10th day of March, 2017, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations, to permit a proposed accessory structure (solar array) located in the side yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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.
- Petitioners must comply with the ZAC comments from DEPS & DPR; copies of which are attached and made a part hereto.

ORDER RECEIVED FOR FILING

Date 3-10-17

2

By law

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 3-10-17

By DLW

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 15 2017

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: February 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0208-A
Address 1611 Hunter Mill Road
(Place Property)

Zoning Advisory Committee Meeting of February 20, 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 building permit(s) for a proposed solar array, since the property is served by well and septic.

Reviewer: Dan Esser

Date: 2/13/17

ORDER RECEIVED FOR FILING

Date 3-10-17

By GW

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For February 20, 2017
Item No. 2017-0208

DATE: February 23, 2017

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

If an Administrative Variance is granted, a Landscape Plan is required per the requirements of the Landscape Manual.

* * * * *

DAK:CEN
cc:file
ZAC-ITEM NO 17-0208-02202017.doc

ORDER RECEIVED FOR FILING

Date 3-10-17

By [Signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 10, 2017

Roy A. and Johanne L. Place
1611 Hunter Mill Road
White Hall, MD 21161

RE: Petition for Administrative Variance
Case No. 2017-0208-A
Property: 1611 Hunter Mill Road

Dear Mr. and Mrs. Place:

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: Tim Gelineau, 4823 Hydes Rd., Hydes, MD 21082



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 1611 HUNTER MILL ROAD WHITE HALL MD 21161 Currently zoned RC-2
 Deed Reference 28298 / 00302 10 Digit Tax Account # 2200020708
 Owner(s) Printed Name(s) JOHANNE LYNNE PLACE & ROY ALLEN PLACE

(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) 400.1 of the BCZR. To permit a proposed accessory structure (solar array) located in the side yard in lieu of the required rear yard

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):

JOHANNE PLACE / ROY A. PLACE
 Name #1 - Type or Print Name #2 - Type or Print

[Signature] [Signature]
 Signature #1 Signature #2

1611 HUNTER MILL RD. WHITE HALL MD
 Mailing Address City State

21161 / 410-458-0713
 Zip Code Telephone # Email Address

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

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Tim Gelineau
 Name - Type or Print

Signature

4823 Hydes RD Hydes MD
 Mailing Address City State

21082 / 4103367230 / TGelineau@comcast.net
 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 2017-0208-A Filing Date 2/6/17 Estimated Posting Date 2/19/17 Reviewer gh

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: 1611 HUNTER MILL ROAD WHITE HALL MD 21161
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)**

For a solar array to be efficient and practical, it is necessary to have sufficient
irradiance. Our proposed location is on the east side of the house favoring the front, which
provides 98% irradiance. In order to provide the production necessary in the very limited
space of the rear yard (due to the great downhill slope of the forrest) which only provides
72% average irradiance, the system would have to be upsized from 18.2 Kw to 28 Kw.
This increases the size of the system by 621 ft². If this were to be done, it impacts the
practicality of even installing a system at our house due to financial and space issues.
Taking up more space with a larger system also prevents any agricultural use in this area
of the RC2 zoned property.

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

Johanne Lynne Place
Signature of Owner (Affiant)

JOHANNE LYNNE PLACE
Name- Print or Type

Roy Allen Place
Signature of Owner (Affiant)

ROY ALLEN PLACE
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 30th day of January 2017, before me a Notary of Maryland, in
and for the County aforesaid, personally appeared:

Print name(s) here: Johanne Lynne Place and Roy Allen Place
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

5/14/2018
My Commission Expires

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.

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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)

For a solar array to be efficient and practical, it is necessary to have sufficient irradiance. Our proposed location is on the east side of the house favoring the front, which provides 98% irradiance. In order to provide the production necessary in the very limited space of the rear yard (due to the great downhill slope of the forrest) which only provides 72% average irradiance, the system would have to be upsized from 18.2 Kw to 28 Kw. This increases the size of the system by 621 ft². If this were to be done, it impacts the practicality of even installing a system at our house due to financial and space issues. Taking up more space with a larger system also prevents any agricultural use in this area of the RC2 zoned property.

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

Johanne Lynne Place
Signature of Owner (Affiant)

JOHANNE LYNNE PLACE

Name- Print or Type

Roy Allen Place
Signature of Owner (Affiant)

ROY ALLEN PLACE

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 30th day of January, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here:

Johanne Lynne Place and Roy Allen Place
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

My Commission Expires 5/14/2017



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 1611 HUNTER MILL ROAD WHITE HALL MD 21161 Currently zoned RC-2
Deed Reference 28298 / 00302 10 Digit Tax Account # 2200020708
Owner(s) Printed Name(s) JOHANNE LYNNE PLACE & ROY ALLEN PLACE

(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) 400.1 of the BCZR, To permit a proposed accessory structure (solar array) located in the side yard in lieu of the required rear yard

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):

JOHANNE PLACE / ROY A. PLACE
Name #1 – Type or Print Name #2 – Type or Print

Johanne Place / Roy A. Place
Signature #1 Signature #2

1611 HUNTER MILL RD. WHITE HALL MD
Mailing Address City State

21161 / 410-458-0713 /
Zip Code Telephone # Email Address

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

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Tim Gelneau
Name – Type or Print

[Signature]
Signature

4823 Hydes Rd. Hydes MD
Mailing Address City State

21082 / 410336-7230 / Tgelneau@Comcast.net
Zip Code Telephone # Email Address

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 2017-0208-A Filing Date 2/10/17 Estimated Posting Date 2/19/17 Reviewer gh

Zoning Property Description

Beginning at a point on the south side of Hunter Mill Road which is 30 ft wide at the distance of 250 ft east of center of the nearest improved intersecting street, King Road, which is 20 feet wide. Thence, the following course and distances: N 39 22'30" W 427.58', N 72 56'24" E 511.02', S 5 35'10" E 78.74', S 45 E 84.85', S19 17'24" E 211.9', S61 28'07" W383.75'.

Back to the point of beginning as recorded in deed liber 10669 Folio 212, containing 10.653 acres. Located in Election District #7 and Council District #3.

Being lot 7 in the
Minor Subdivision of Property of John L. Miller, et. al.
(14-047-M).

2017-0208-A

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

№ 148655

Date: 2/6/17

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 2/07/2017 2/06/2017 09:32:54 1

REG 0501 WALKIN LJR

>>RECEIPT # 706333 2/06/2017 DFLN

Dept S 528 ZONING VERIFICATION

CR NO. 148655

Recpt Tot \$75.00

\$75.00 -CK \$1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: 100.00

Rec From: Earth & Air technologies LLC 75.00

For: 2017-0208-A

1611 Hunter Mill RD

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Bruce E. Doak Consulting, LL

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

February 16, 2017

Re:

Zoning Case No. 2017-0208-A

Legal Owner: Roy & Johanne Place

Closing date: March 6, 2017

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **1611 Hunter Mill Road**.

The sign was posted on **February 15, 2017**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2017-0208-A

1611 Hunter Mill Road

**REQUEST: TO PERMIT A PROPOSED ACCESSARY
STRUCTURE (SOLAR ARRAY) TO BE LOCATED IN
THE SIDE YARD IN LIEU OF THE REQUIRED REAR
YARD.**

PUBLIC HEARING?

**PURSUANT TO SECTION 26-127(b)(1) BALTIMORE
COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP
MAY REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN
THE ZONING OFFICE BEFORE MARCH 6, 2017.**

**ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W.
CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391**

ZONING NOTICE

NOTICE TO THE PUBLIC
The following information is being provided to the public for their information and to allow them to participate in the zoning process. The information is being provided to the public for their information and to allow them to participate in the zoning process.

PUBLIC HEARING

Public hearing will be held on the following date and time. The public hearing will be held on the following date and time. The public hearing will be held on the following date and time. The public hearing will be held on the following date and time.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0208 -A Address 1611 Hunter Mill Rd
Contact Person: GARY HURIK Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/6/17 Posting Date: 2/19/17 Closing Date: 3/6/17

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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.
- 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- 0208 -A Address 1611 Hunter Mill Rd 21161
Petitioner's Name Johanne Place & Roy A. Place Telephone 410-458-0713
Posting Date: 2/19/17 Closing Date: 3/6/17

Wording for Sign: To Permit a proposed accessory structure (solar array)
to be located in the side yard in lieu of the required
rear yard.

Revised 7/6/16



KEVIN KAMENETZ
County Executive

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

March 7, 2017

Johanne & Roy A Place
1611 Hunter Mill Road
White Hall MD 21161

RE: Case Number: 2017-0208 A, Address: 1611 Hunter Mill Road

Dear Mr. & Ms. Place:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 6, 2017. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Tim Gelineau, 4823 Hydes Road, Hydes MD 21082

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



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

Date: 2/13/17.

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

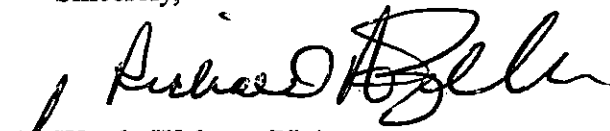
Dear Ms. Lewis:

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. 2017-0208-A.

*Administrative Variance
Johnnie E Roy A. Place
1611 Hunter Mill 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

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For February 20, 2017
Item No. 2017-0208

DATE: February 23, 2017

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

If an Administrative Variance is granted, a Landscape Plan is required per the requirements of the Landscape Manual.

* * * * *

DAK:CEN
cc:file
ZAC-ITEM NO 17-0208-02202017.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: February 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0208-A
Address 1611 Hunter Mill Road
(Place Property)

Zoning Advisory Committee Meeting of **February 20, 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 building permit(s) for a proposed solar array, since the property is served by well and septic.

Reviewer: Dan Esser

Date: 2/13/17

MEMORANDUM

DATE: April 12, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0208-A – Appeal Period Expired

The appeal period for the above-referenced case expired on April 10, 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 (w4) **Guide to searching the database**

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 07 Account Number - 2200020708		
Owner Information		
Owner Name:	PLACE ROY A PLACE JOHANNE L	Use: AGRICULTURAL Principal Residence: YES
Mailing Address:	1611 HUNTER MILL RD WHITE HALL MD 21161-9454	Deed Reference: 728296/ 00302
Location & Structure Information		
Premises Address:	1611 HUNTER MILL RD 0-0000	Legal Description: 10.653 AC 1611 HUNTER MILL RD SS 250FT E KINGS RD
Map:	Grid:	Parcel:
0017	0018	0491
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
		2017
Plat No:	Plat Ref:	
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
2000	4,222 SF	
Property Land Area	County Use	
10.6500 AC	04	
Stories	Basement	Type
2	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
SIDING	3 full/ 1 half	1 Attached
Last Major Renovation		
Value Information		
	Base Value	Value As of 01/01/2017
Land:	93,600	93,600
Improvements	540,000	452,200
Total:	633,600	545,800
Preferential Land:	3,600	
		Phase-in Assessments
		As of 07/01/2016
		As of 07/01/2017
		633,600
		545,800
		3,600
Transfer Information		
Seller: PLACE JOHANNE L	Date: 06/24/2009	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: 728296/ 00302	Deed2:
Seller: MILLER JOHN LINWOOD	Date: 07/26/1994	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: 10669/ 00212	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2016
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	AGRICULTURAL TRANSFER TAX	
Homestead Application Information		
Homestead Application Status: Approved 09/25/2008		

3. The Baltimore County Department of Planning and Zoning has reviewed the information provided and has determined that the information is accurate and complete. While we have confidence in

2017-0208-A

Psr Zoning

HV
11-14-05

IN RE: PETITION FOR ADMIN. VARIANCE
S/ side of Hunter Mill Rd., 30 ft. wide,
East of c/l of King Road
7th Election District
3rd Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-209-A

(1611 Hunter Mill Road)

Johanne Lynne and Roy Allan Place
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Johanne Lynne and Roy Allan Place. The variance request is for property located at 1611 Hunter Mill Road in the White Hall area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed accessory building (storage building) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 30, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. 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 Deputy

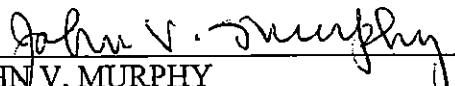
Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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, by the Deputy Zoning Commissioner for Baltimore County, this 12 day of November, 2005, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed accessory building (storage building) to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

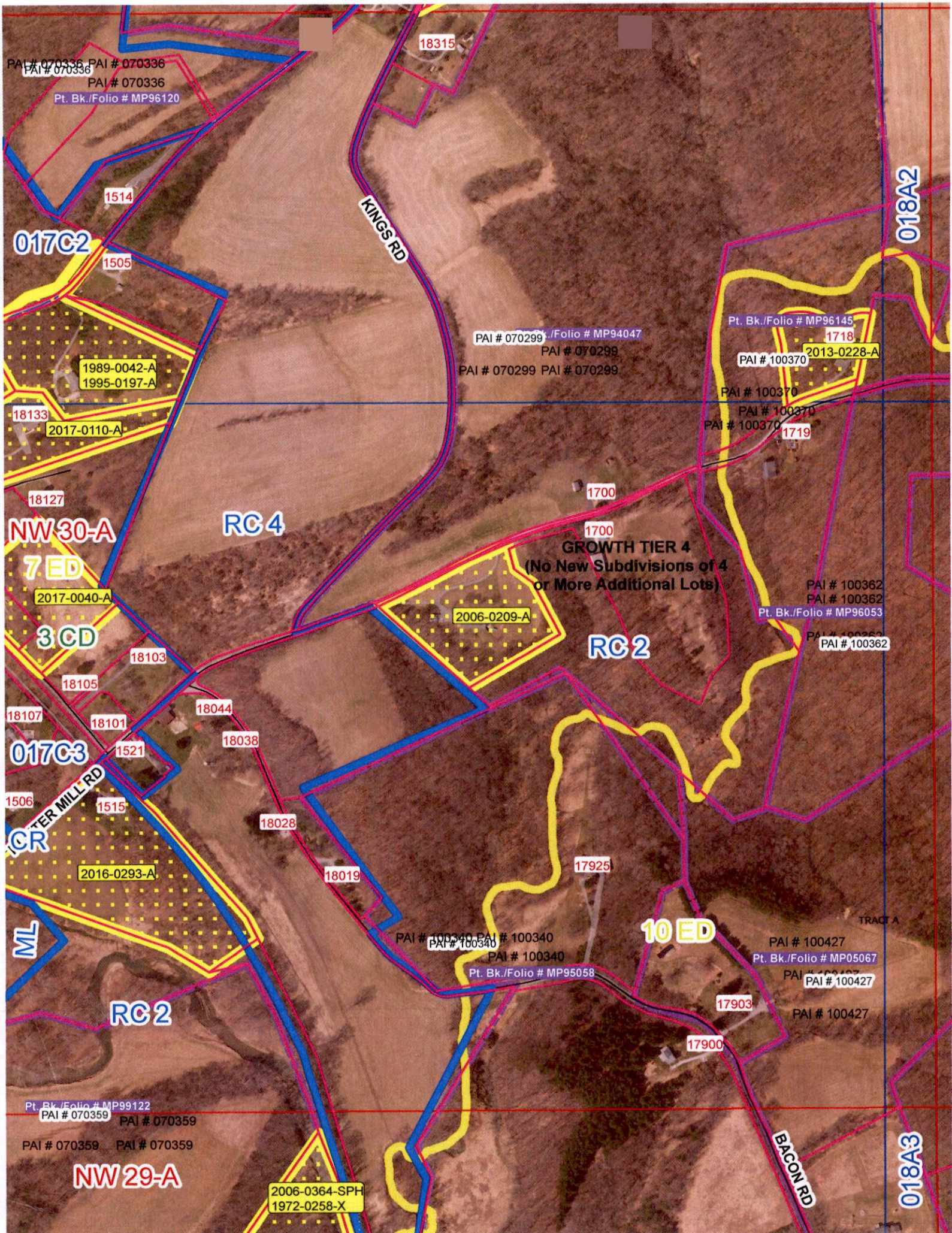
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this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

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw



PAI # 070336 PAI # 070336
PAI # 070336
Pt. Bk./Folio # MP96120

18315

KINGS RD

017C2

1514

1505

1989-0042-A
1995-0197-A

18133

2017-0110-A

18127

NW 30-A

7 ED

2017-0040-A

3 CD

18103

18105

18107

18101

1521

017C3

WATER MILL RD

CR

ML

1506

1515

2016-0293-A

RC 2

RC 4

2006-0209-A

RC 2

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

1700

1700

Pt. Bk./Folio # MP96145

1718

2013-0228-A

PAI # 100370

PAI # 100370

PAI # 100370

PAI # 100362

PAI # 100362

Pt. Bk./Folio # MP96053

PAI # 100362

PAI # 100362

18044

18038

18028

18019

PAI # 100340 PAI # 100340

PAI # 100340

PAI # 100340

Pt. Bk./Folio # MP95058

10 ED

17903

17900

PAI # 100427

Pt. Bk./Folio # MP05067

PAI # 100427

PAI # 100427

PAI # 100427

Pt. Bk./Folio # MP99122

PAI # 070359

PAI # 070359

PAI # 070359

PAI # 070359

NW 29-A

2006-0364-SPH
1972-0258-X

BACON RD

018A2

018A3

RC 4

RC 2

2617-0208-1

338 Feet



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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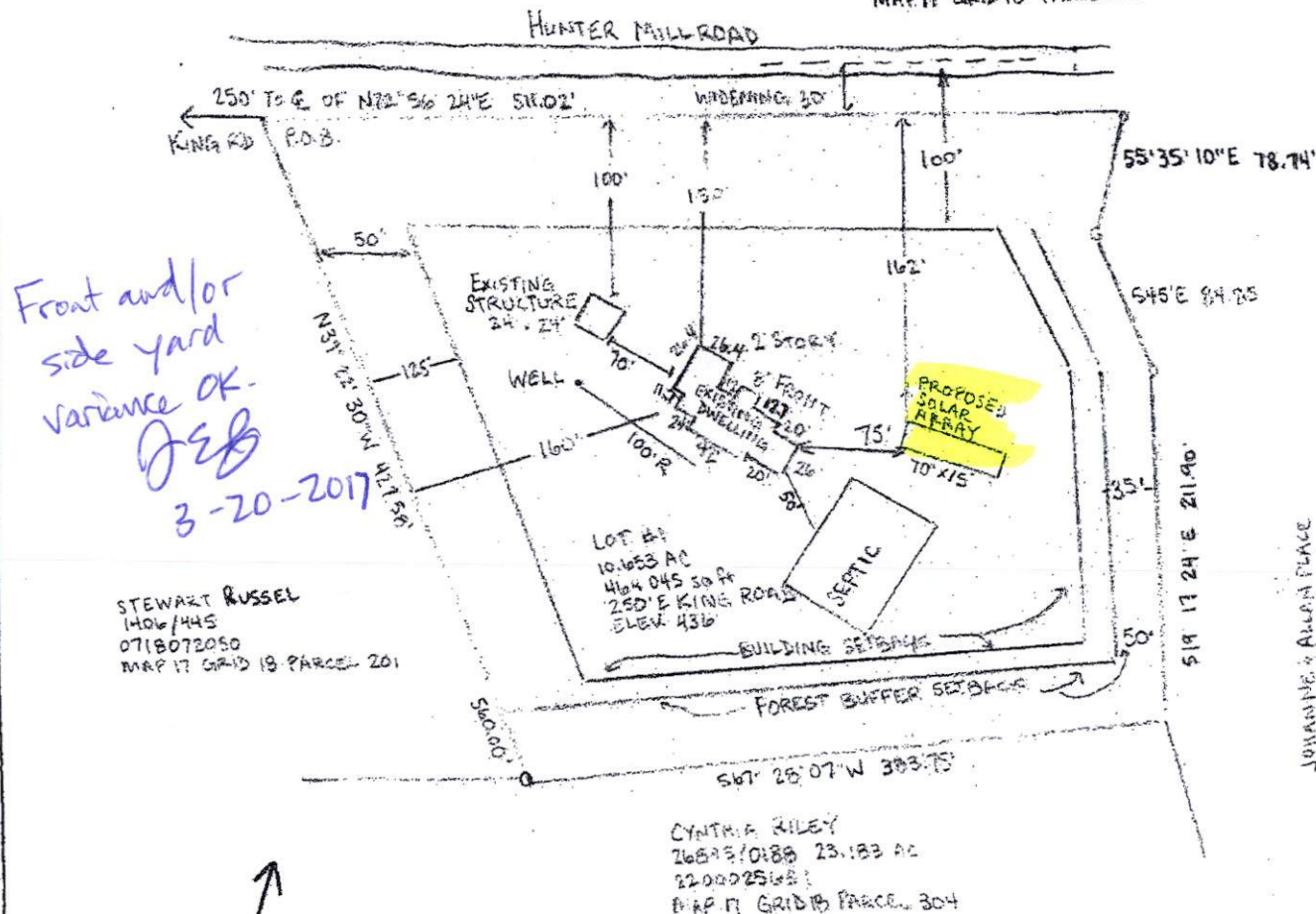
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 1611 HUNTER MILL ROAD OWNER(S) NAME(S) JOHANNE & ROY PLACE

SUBDIVISION NAME John L. Miller et al LOT # 1 BLOCK # _____ SECTION # _____

PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 2200020708 DEED REF. # 28298/00302

JOHANNE & ALLAN PLACE
1222/583 89.65 AC
0713055150
MAP 17 GRID 18 PARCEL 136



Front and/or
side yard
variance OK.
JEB
3-20-2017

STEWART RUSSEL
1406/445
0718072050
MAP 17 GRID 18 PARCEL 201

JOHANNE & ALLAN PLACE
1048/364 11.0978 AC
2200020715
MAP 17 GRID 18 PARCEL 181

CYNTHIA RILEY
2689/0188 23.183 AC
2200025161
MAP 17 GRID 18 PARCEL 304

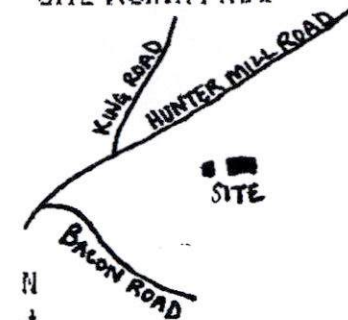


PLAN DRAWN BY EARTH AND AIR

TECHNOLOGIES

DATE 01/30/2017 SCALE: 1 INCH = 100 FEET

SITE VICINITY MAP



N

MAP IS NOT TO SCALE

ZONING MAP# 017C3

SITE ZONED RC-2

ELECTION DISTRICT 7

COUNCIL DISTRICT 3

LOT AREA ACREAGE 10.65

OR SQUARE FEET 464,045

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC PRIVATE X

SEWER IS:

PUBLIC PRIVATE X

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

06-209-A

Variance granted for
garage.

VIOLATION CASE INFO:

None

2017-0208-A

Pet. Ex. 1

House



2017-0208-11

East side of house



2017-08-A

View from proposed site to Hunter Mill Rd.



01-800-2106

Drive way to Road -



Another Place Property

2017-03-08

West side of House looking East



2017-0208-A

Back of house, shading issue.



East side Rear yard.
Septic Drainfield.



West Side Rear yard. Too much shading from tree to fit larger site would have to be larger to fit larger array.



View From Road of ^{proposed} site.

