IN RE: PETITION FOR ADMIN. VARIANCE

(502 Stoneleigh Road)

9th Election District 5<sup>th</sup> Council District

Erin Leigh Killough

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0254-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, Erin Leigh Killough ("Petitioner"). The Petitioner is requesting variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition on the side of the existing dwelling with a side yard setback of 11 ft. 8 in. in lieu of the required 25 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. 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 April 2, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 ORDER RECEIVED FOR FILING

Date	4-21-17	·
Bv	(A)	

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>21st</u> day of **April**, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition on the side of the existing dwelling with a side yard setback of 11 ft. 8 in. in lieu of the required 25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

• Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.

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 4-21-17	CONTRACTOR OF A SECURE OF A SE
By	2



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

April 21, 2017

Erin Leigh Killough 502 Stoneleigh Road Baltimore, MD 21212

RE: Petition for Administrative Variance

Case No. 2017-0254-A

Property: 502 Stoneleigh Road

Dear Ms. Killough:

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,

JÖHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: F. Carl Schwartz, 629 W. 36th St., Baltimore, MD 21211



#### ADM STRATIVE ZONING PE TION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRA . . . . 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: Storelish Rd Currently zoned Dik 5.5 10 Digit Tax Account # 0 9 0 24 7 1 770 Deed Reference 1100091 Killow Owner(s) Printed Name(s) + RIN (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: ADMINISTRATIVE VARIANCE from Section(s) 1B02.3.C.1 of BCZR to permit a proposed addition on the side of the existing dwelling with a side yard setback of 11'8" in lieu of the required 25 feet. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County 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): ERIN Leigh Killow Name # 2 - Type or Print ORDER RECEIVED FOR FILING Representative to be contacted: Attorney for Owner(s)/Petitioner(s): Name- Type or Print Mailing Address State Zip Code elephone # 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 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as County, this \_\_\_\_\_day of \_ required by the zoning regulations of Baltimore County Administrative Law Judge for Baltimore Coun

CASE NUMBER 2017-0254-A Filling Date 3 2217 Estimated Posting Date 4/2/17- Reviewer 1

### Affidavit in Support of Iministrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE S. LOIAL 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: 502 STONELEIC	OH B	altimore	State		Zip Code
Based upon personal knowledge, the follow Administrative Variance at the above addre					
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Giffell					
Signature of Owner (Affiant)	Honore	Signature	of Owner (A	ffiant)	
ERIN L KILLOUGH					
Name- Print or Type		Name- Prin	nt or Type		
The following information is to be	completed by	a Notary Pub	lic of the St	ate of Mary	land
STATE OF MARYLAND, COUNTY OF BA	LTIMORE,	to wit:			
I HEREBY CERTIFY, this 215t day or and for the County aforesaid, personally appear		2017	_, before m	e a Notary	of Maryland, in
	neu.				
Print name(s) here: Erin killegh					
the After the personally known or satisf				nt(s).	
ASWITCHESS my and Notaries Seal	Space	Malla . 130/200	/		
Note Note	ary Public	5/30/2020	D.		
My (	Commission			254-	A

#### ZONING PROPERTY DESCRIPTION FOR 502 STONELEIGH RD. BALTIMORE, MD 21212

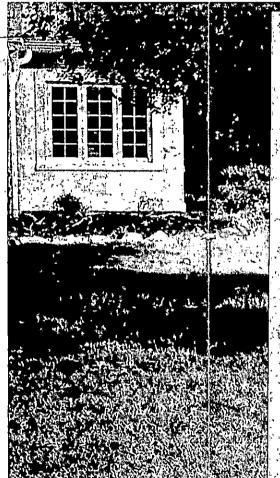
Beginning at a point on the <u>north</u> side of <u>Stoneleigh Rd</u> which is <u>50</u> feet wide at a distance of <u>20</u> feet west of the centerline of the nearest improved intersecting street <u>Bristol Rd</u>. which is <u>40</u> feet wide.

Being Lot 21, Block 2, as recorded in the Baltimore County Plat Book #0007, Folio #0087, containing a total of 13,100 square feet. Located in the 9th Election District, and 5th Council District.

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## CERTIFICATE OF POSTING

	Date: 4-2-17
RE: Case Number: 2017 - 0	254-A
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Petitioner/Developer: Erin	
Date of Hearing/Closing:	-(7-17
This is to certify under the penaltie by law were posted conspicuously on the	es of perjury that the necessary sign(s) required ne property located at 502 Stoneleigh
The signs(s) were posted on	4-2-(7 (Month, Day, Year)
	(Month, Day, Year)
	V. Laurence Pelson
	(Signature of Sign Poster)
	J. LAWRENCE PILSON
	(Printed Name of Sign Poster)
ATTACH PHOTGRAPH	
	1015 Old Barn Road
	(Street Address of Sign Poster)
	Parkton, MD 21120
	(City, State, Zip Code of Sign Poster)
	410-343-1443
	(Telephone Number of Sign Poster)



CASE # 2017 - 0254-A

TO : PERMIT A PROPOSED ADDITION ON THE SIDE OF THE EXISTING DIVELLING

WITH A STDE YARD SETEACK OF WB'IN. LIEU OF THE REQUIRED 25 FEET.

PURSUANT TO SECTION 26-127(6)(1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON 4/17/17

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD. 21204, (410) 887-3391.

DO HOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PERALTY OF LAW
HANDICAPPED ACCESSIBLE.

## CHECKLIST

Comment <u>Received</u>	<u>Department</u>	Conditions/ Comments/ No Comment
4-5	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	No
3-30	DEPS (if not received, date e-mail sent)	hc_
<u> </u>	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
3-27	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
<del></del>	ADJACENT PROPERTY OWNERS	
ZONING VIOL	·	
PRIOR ZONING	G (Case No. 2015 - 0309 -	AV grantige 7-30-15
NEWSPAPER A	ADVERTISEMENT Date:	
SIGN POSTING	Date: $4-2-17$	by Pieson
	JNSEL APPEARANCE Yes No	
Comments, if an	y:	

## BALTIMORE COUNTY DE ARTMENT OF PERMITS, APPROLLS AND INSPECTIONS ZONING REVIEW

#### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

	<u> </u>					<del></del>
Case	Number 2017-	0254 - A	Address	502 Sto	oneleigh_Road	
Conta	ct Person:	Aaron Tsui Planner, Please F	Print Your Name		Phone Number: 4	10-887-3391
Filing	Date:	3/22/17	Posting Date:	04/02/17	Closing Date	: <u>04/17/17</u>
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3.	commissioner order that the within 10 day whether the p	. He may: (a) g matter be set in fo s of the closing	rant the requeste or a public hearing date if all Count granted, denied, o	d relief; (b) J. You will r v agencies	by the zoning or d deny the requested eceive written notific comments are rec public hearing. The	l relief; or (c) ation, usually ceived, as to
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KEVIN KAMENETZ
County Executive

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

April 18, 2017

Erin Leigh Killough 502 Stoneleigh Road Baltimore MD 21212

RE: Case Number: 2017-0254 A, Address: 502 Stoneleigh Road

Dear Ms. Killough:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 22, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

**Enclosures** 

c: People's Counsel F. Carl Schwartz, 629 W 36th Street, Baltimore MD 21211



Larry Hogan, Governor Boyd K. Rutherford, Lt. Governor Pete K. Rahn, Secretary Gregory C. Johnson, P.E., Administrator

Date: 3/27/17

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. 2017-0254-A

Administration and of Case No. 2017-0254-A

Erin Leigh Killough

502 Stone leigh 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

#### 20BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** April 5, 2017

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 03, 2017

Item No. 2017-0244, 0245, 0249, 0251, 0254 and 0255

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\ZAC04032017.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:

March 30, 2017

SUBJECT:

**DEPS** Comment for Zoning Item

# 2017-0254-A

Address

502 Stoneleigh Road (Killough Property)

Zoning Advisory Committee Meeting of April 3, 2017.

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

Reviewer:

Steve Ford

Date: 3-30-2017

#### BALTIMORE COUNTY, MARYLAND

RECEIVED

**Inter-Office Correspondence** 

MAR 3 0 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:

March 30, 2017

SUBJECT:

**DEPS** Comment for Zoning Item

# 2017-0254-A

Address

502 Stoneleigh Road

(Killough Property)

Zoning Advisory Committee Meeting of April 3, 2017.

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

Reviewer:

Steve Ford

Date: 3-30-2017

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#### MEMORANDUM

DATE:

May 23, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0254-A- Appeal Period Expired

The appeal period for the above-referenced case expired on May 22, 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

View Map \	/iew GroundR	ent Redemptio	n		View G	round	Rent Re	gistratio	n
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Map: Grid: Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Asses Year:	sment	Plat No:	
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IN RE: PETITION FOR ADMIN. VARIANCE

(502 Stoneleigh Road)

9<sup>th</sup> Election District 5<sup>th</sup> Council District

Erin Leigh Killough

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0309-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, Erin Leigh Killough ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a side yard addition with a 17 ft. side setback in lieu of the required 25 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. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 12, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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.

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 30th day of July, 2015 by the Administrative Law

Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.C.1 of

the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a side yard addition with a 17 ft.

side setback in lieu of the required 25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 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 her 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.

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

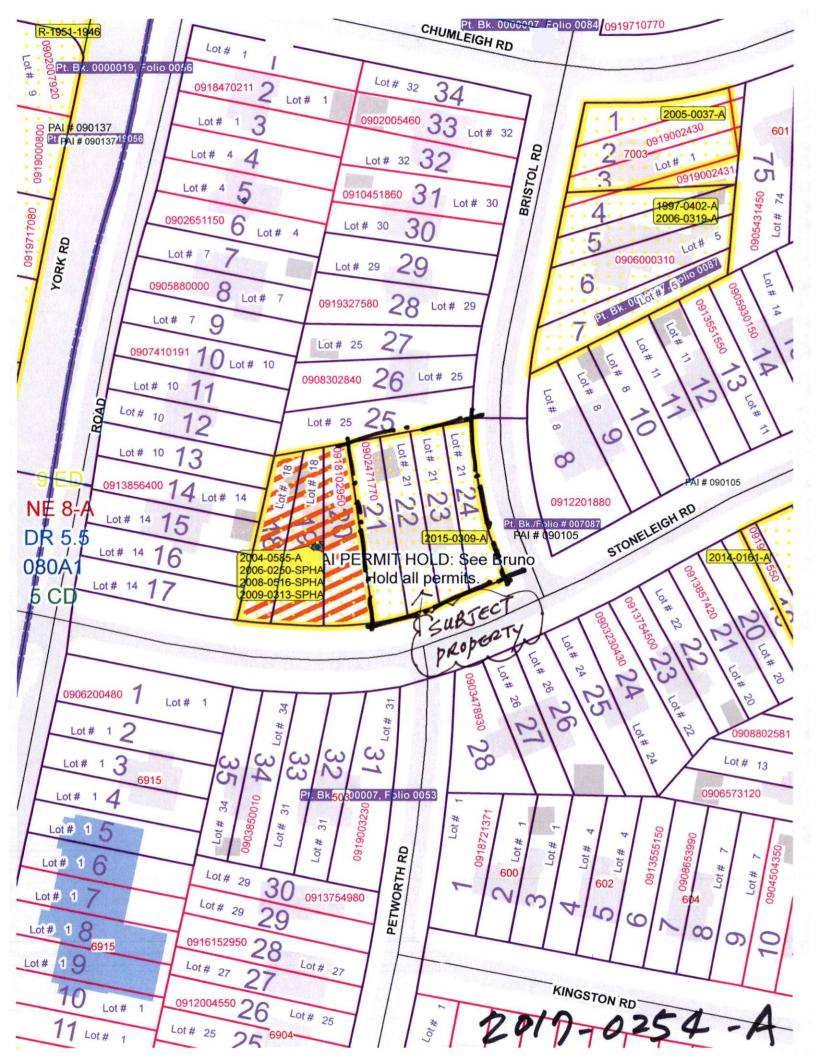
Order.

JOHNE. BEVERUNGEN Administrative Law Judge for

Baltimore County

JEB:dlw

2







PRIOR HEARING ? Yes

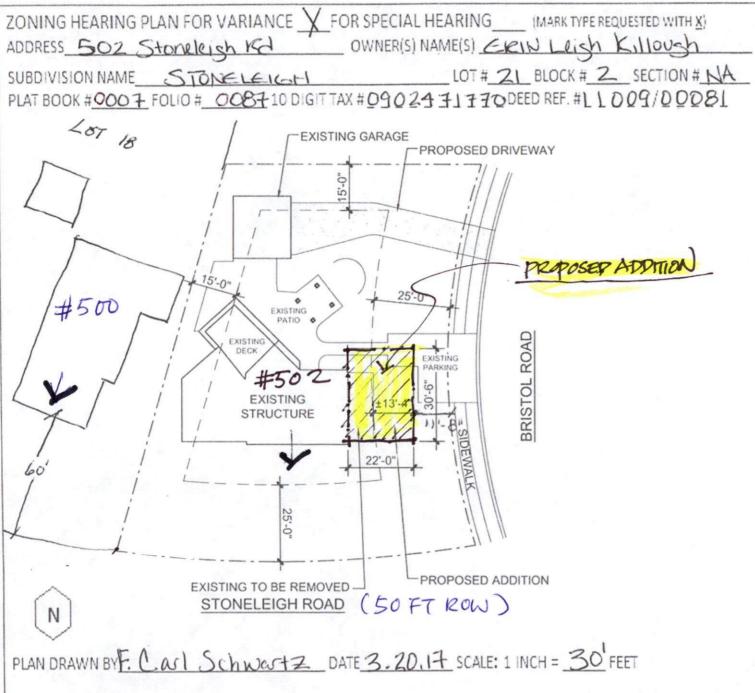
IF SO GIVE CASE NUMBER

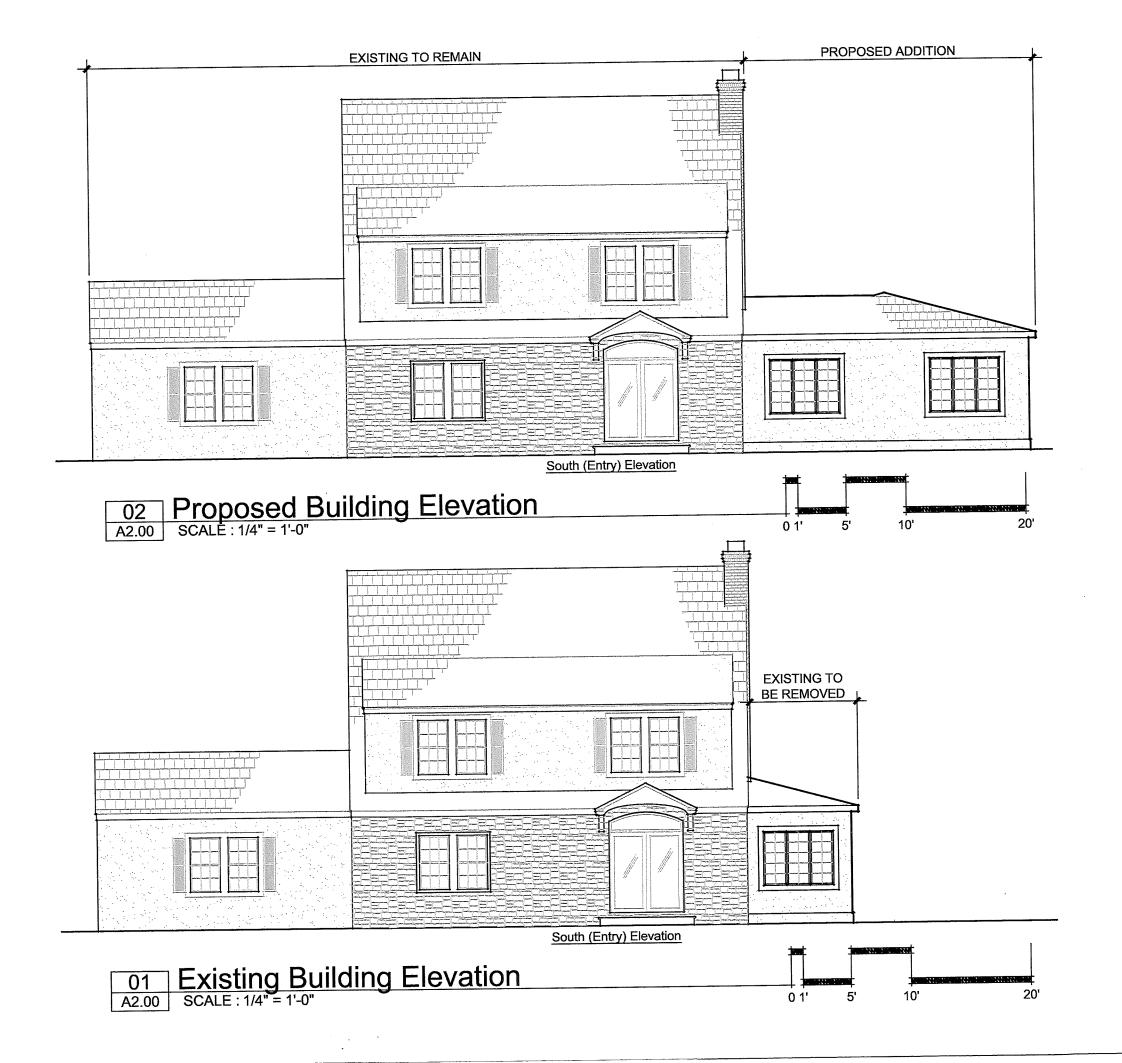
AND ORDER RESULT BELOW

2015-0309 A APPROVED

VIOLATION CASE INFO:

Pet. Ech. 1





CARL SCHWARTZ ARCHITECT, LLC 629 W 36TH STREET, BALTIMORE, MARYLAND 21211 301.312.7058 - WWW.FCSARCH.COM

PROJECT: Addition 502 Stoneleigh Raod Baltimore, MD 21212

DESCRIPTION: **BUILDING ELEVATIONS** 

REVISI	ONS:	_	
NUMBER	DESCRIPTION	DA <sup>*</sup>	ΤE

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED AND APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.

DATE: 03.03.17
PROJ. #: 1700-01
DRAWN BY: FCS

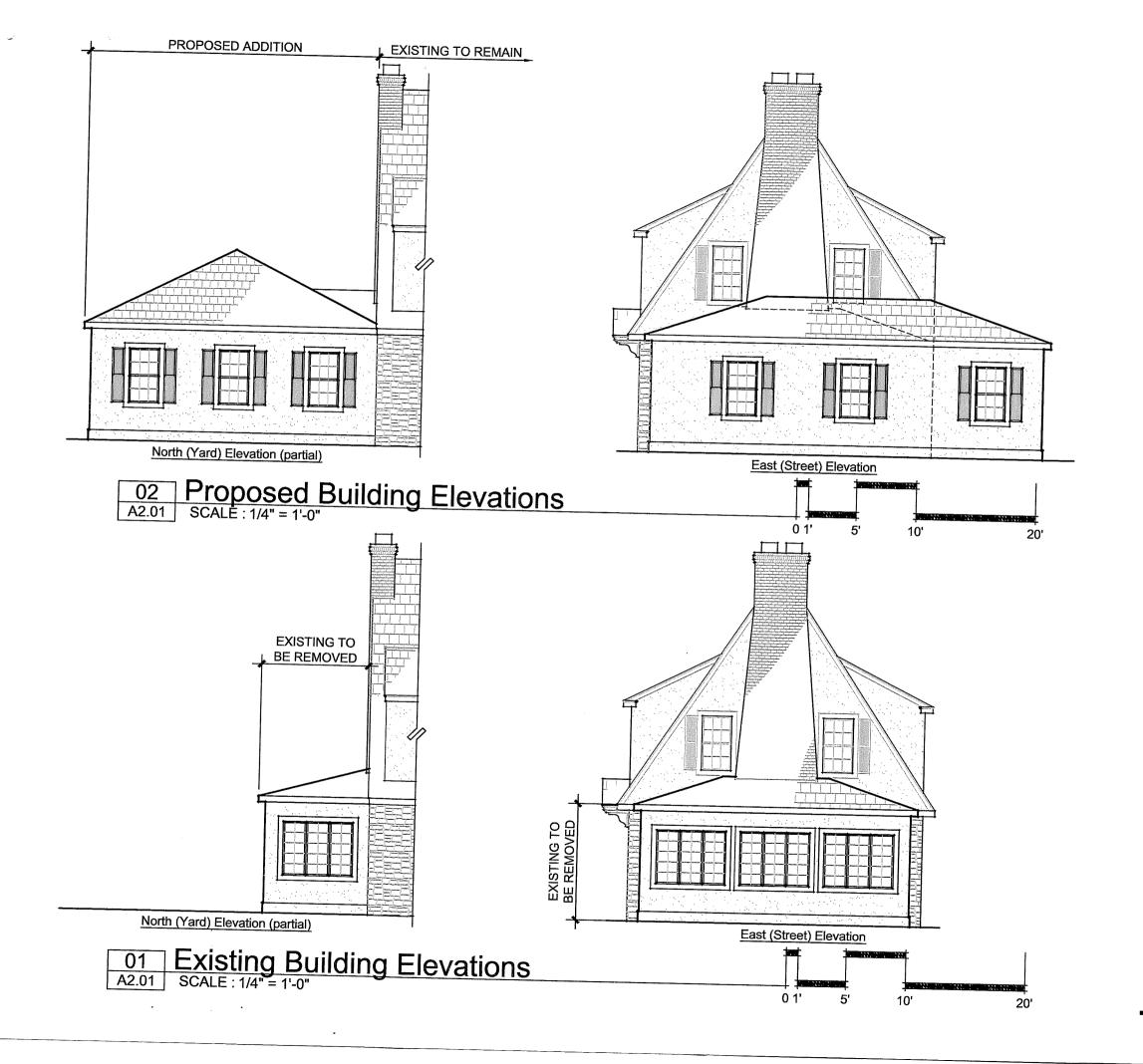
15157 LICENSE:

**SEAL & SIGNATURE:** 

CHECKED BY: FCS DRAWING NUMBER:

A2.00

ISSUED FOR: **PERMIT** 



# FCSA

F. CARL SCHWARTZ ARCHITECT, LLC 629 W 36TH STREET, BALTIMORE, MARYLAND 21211 301.312.7058 - WWW.FCSARCH.COM

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 FCS

 CHECKED BY:
 FCS

DRAWING NUMBER:

A2.01

ISSUED FOR: PERMIT