

IN RE: PETITION FOR VARIANCE

(7914 Subet Road)
2nd Election District
4th Council District
Derek Tucker
Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0264-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Derek Tucker, owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from the Baltimore County Zoning Regulations ("B.C.Z.R") to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard placement. A site plan was marked as Petitioner's Exhibit 1.

Derek Tucker appeared in support of the petition. The next door neighbor opposed the request. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency opposed the request. In its ZAC comment opposing the request, the DOP stated a zoning violation case is pending against the owner. That is inaccurate; the owner was issued a code enforcement correction notice and the code enforcement bureau has taken no further action, and there is no violation case pending.

The site is approximately 6,825 square feet in size and zoned DR 5.5. The property is improved with a single-family dwelling, which Petitioner purchased last year. Petitioner would like to install a shed (8' x 12') on the side of his home, which requires variance relief. Both the DOP and Petitioner's neighbor contend the proposed shed would "loom over" the adjacent

ORDER RECEIVED FOR FILING

Date 8/7/17

By Sen

property at 7912 Subet Road. Petitioner testified the shed would in fact be one of the smaller varieties available at big-box home stores like Lowe's and Home Depot. Owners are not even required to obtain a building permit for such small structures. Thus, I do not believe it would impact the neighbor to the degree suggested by the opponents. Even so, Maryland law provides that variances should be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." *Cromwell v. Ward*, 102 Md. App. 691, 699 (1995).

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell, 102 Md. App. 691.

Based on the Baltimore County My Neighborhood and GIS maps included in the file, it appears Petitioner's lot is similar in size and shape to the many other homes in the subdivision. The property simply is not unique in terms of shape, size, or topography and thus the petition must be denied.

THEREFORE, IT IS ORDERED, this 7th day of **August, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard placement, be and is hereby DENIED.

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:sln

ORDER RECEIVED FOR FILING

Date 8/7/17
By slh



KEVIN KAMENETZ
County Executive

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

August 7, 2017

Derek Tucker
7914 Subet Road
Windsor Mill, Maryland 21244

RE: Petition for Variance
Case No. 2017-0264-A
Property: 7914 Subet Road

Dear Mr. Tucker:

Enclosed please find a copy of the decision 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 County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 7914 SUBET RD which is presently zoned DR5.5
Deed References: 38083:0222 10 Digit Tax Account # 0212200340
Property Owner(s) Printed Name(s) DEREK TUCKER

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

BCZR: 400.1 → To permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard placement.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print DEREK TUCKER

Signature [Signature]

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Name #1 - Type or Print DEREK TUCKER Name #2 - Type or Print _____

Signature #1 [Signature] Signature #2 _____

Mailing Address 7914 SUBET RD City WINDSOR State MD

Zip Code 21244 Telephone # (443) 589-8326 Email Address dtucker306@gmail.com

Representative to be contacted:

Name - Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2017-0264-A Filing Date 3/30/17 Do Not Schedule Dates: APR 11 - MAY 13 Reviewer JS

(MILITARY SERVICE)

ZONING DESCRIPTION

3/30/2017

PART A

ZONING PROPERTY DESCRIPTION FOR: 7914 Subet Road, 21244

Beginning at a point on the **north** side of **Subet Rd**, which is **50** feet right - of - way at a distance of (+/-) **125** feet **east** of centerline of the nearest improved intersecting street, **Northmont Rd**, which is **50** feet right - of - way wide.

OPTION 2

(SUBDIVISION LOT – Lot is part of record plat):

Being Lot **#8**, Section **#4**, in the in the subdivision of **Lynne Acres** as recorded in Baltimore County Plat Book **#28**, Folio **#149** containing **6825** square feet. Located in the **2nd** Election District and **4th** Council District.

Respectfully Submitted,



Derek Tucker
Home Owner

2017-0264-A

NO 151410

Date: 3/30/17

[illegible]

Total: \$ 75.00

Rec
From: TUCILR

For: 2017-0264-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	INR
3/31/2017	3/30/2017	12:01:24	3
REG #003	WALKIN CAN		
>>RECEIPT # 720025 3/30/2017			OFLN
Dept 5 528 ZONING VERIFICATION			
CR NO. 151410			

```

Recpt Tot      $75.00
  $ .00 CK      $80.00 CA
                   $5.00- CG
Baltimore County, Maryland

```

**CASHIER'S
VALIDATION**



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4927110

Sold To:

Derek Tucker - CU00596795
7914 Subet Rd
Windsor Mill, MD 21244-2957

Bill To:

Derek Tucker - CU00596795
7914 Subet Rd
Windsor Mill, MD 21244-2957

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

May 04, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0264-A
7914 Subet Road
N/s Subet Road, 125 ft. E/of centerline of the intersection with Northmont Road
2nd Election District - 4th Councilmanic District
Legal Owner(s) Derek Tucker

Variance to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard placement.

Hearing: Thursday, May 25, 2017 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing Contact the Zoning Review Office at (410) 887-3391.

5/004 May 4 4927110

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

May 23, 2017

Case # 2017-0264 A

The property of the Petitioner, Derek Tucker, 7914 Subet Road, was not posted. The petitioner will be given another Hearing date. Therefore, the Hearing date of May 25, 2017 is null and void. Thank you.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5010464

Sold To:

Derek Tucker - CU00596795
7914 Subet Rd
Windsor Mill, MD 21244-2957

Bill To:

Derek Tucker - CU00596795
7914 Subet Rd
Windsor Mill, MD 21244-2957

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jun 13, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0264-A
7914 Subet Road
N/s Subet Road, 125 ft. E/of centerline of the intersection with Northmont Road
2nd Election District - 4th Councilmanic District
Legal Owner(s) Derek Tucker

Variance to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard placement.

Hearing: Monday, July 3, 2017 at 10:00 a.m., in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 6/676 June 13 5010464

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

Date: 7-8-17

RE: Case Number: 2017-0264A

Petitioner/Developer: Tonya Tucker

Date of Hearing/Closing: 8-3-17 11 AM

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 7914 Sweet Rd

The signs(s) were posted on 7-8-17
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

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)

ZONING NOTICE

CASE # 2017-0264-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

JEFFERSON BLDG. TOWSON 21204
PLACE: 105 W. CHESAPEAKE AVE. ROOM 205

DATE AND TIME: THURS. AUG. 3, 2017 11AM

REQUEST: VARIANCE TO PERMIT AN ACCESSORY
STRUCTURE (SHED) TO BE LOCATED IN THE
SIDE YARD, IN LIEU OF THE REQUIRED REAR YARD
PLACEMENT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 13, 2017 Issue - Jeffersonian

Please forward billing to:
Derek Tucker
7914 Subet Road
Windsor Mill, MD 21244

443-889-8326

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0264-A

7914 Subet Road

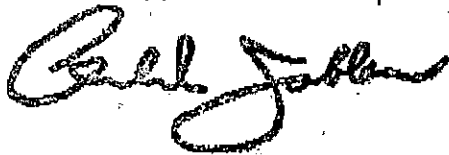
N/s Subet Road, 125 ft. E/of centerline of the intersection with Northmont Road

2nd Election District – 4th Councilmanic District

Legal Owners: Derek Tucker

Variance to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard placement.

Hearing: Monday, July 3, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

June 5, 2017

NEW NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0264-A

7914 Subet Road

N/s Subet Road, 125 ft. E/of centerline of the intersection with Northmont Road

2nd Election District – 4th Councilmanic District

Legal Owners: Derek Tucker

Variance to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard placement.

Hearing: Monday, July 3, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Derek Tucker, 7914 Subet Road, Windsor Mill 21244

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 13, 2017.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 4, 2017 Issue - Jeffersonian

Please forward billing to:

Derek Tucker
7914 Subet Road
Windsor Mill, MD 21244

443-889-8326

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0264-A

7914 Subet Road

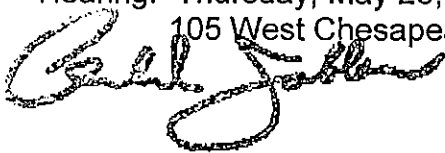
N/s Subet Road, 125 ft. E/of centerline of the intersection with Northmont Road

2nd Election District – 4th Councilmanic District

Legal Owners: Derek Tucker

Variance to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard placement.

Hearing: Thursday, May 25, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

April 24, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0264-A

7914 Subet Road

N/s Subet Road, 125 ft. E/of centerline of the intersection with Northmont Road

2nd Election District – 4th Councilmanic District

Legal Owners: Derek Tucker

Variance to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard placement.

Hearing: Thursday, May 25, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Derek Tucker, 7914 Subet Road, Windsor Mill 21244

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MAY 5, 2017.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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:

Case Number: CB1700082
Property Address: 7914 SUBET RD, WINDSOR MILL, MD 21244
Property Description: LYNNE ACRES, LOT #8, SECT #4,
PLAT #22, FOLIO #149
Legal Owners (Petitioners): DEREK TUCKER
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: DEREK TUCKER
Company/Firm (if applicable): _____
Address: 7914 SUBET RD
WINDSOR MILL, MD 21244

Telephone Number: (443) 889-8326



KEVIN KAMENETZ
County Executive

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

May 18, 2017

Derek Tucker
7914 Subet Road
Windsor Mill MD 21244

RE: Case Number: 2017-0264 A, Address: 7914 Subet Road

Dear Mr. Tucker:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 30, 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

Date: 4/5/17

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

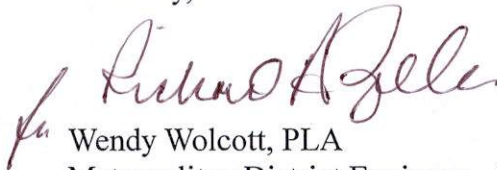
Dear Ms. Lewis:

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. 2017-0264-A

Variance
Derek Tucker
7914 Subet 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 MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 4/24/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-264



INFORMATION:

Property Address: 7914 Subet Road
Petitioner: Derek Tucker
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard.

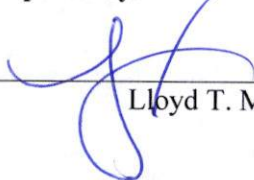
A site visit was conducted on April 11, 2017. The property is the subject of violation case no. CB1700082.

The Department recommends the petitioned zoning relief be denied.

The site plan submitted in support of the petition does not accurately reflect conditions on site therefore this Department's recommendation is based solely upon observations in the field. Although the proposed shed is detached, its close proximity to subject dwelling in the side yard results in what amounts to an addition in terms of bulk and mass. The site is elevated when juxtaposed to neighboring 7912 Subet Road and said bulk would loom over that property. A site visit confirms sufficient area in the rear yard to accommodate an 8'x12' shed.

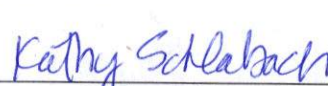
For further information concerning the matters stated herein, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Dennis Wertz
Derek Tucker
Office of the Administrative Hearings
People's Counsel for Baltimore County

20BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 10, 2017

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

SUBJECT: Zoning Advisory Committee Meeting
For April 3, 2017
Item No. 2017-0257, 0258, 0259, 0260, 0262, 0263, 0264, 0265, 0267
and 0268

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\ZAC04102017.doc

RE: PETITION FOR VARIANCE
7914 Subet Road; N/S Subet Road, 125' E
of c/line with Northmont Road
2nd Election & 4th Councilmanic Districts
Legal Owner(s): Derek Tucker
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2017-264-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED
APR 05 2017

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of April, 2017, a copy of the foregoing Entry of Appearance was mailed to Derek Tucker, 7914 Subet Road, Windsor Mill, Maryland 21244, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: September 7, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-02~~14~~⁶-A – Appeal Period Expired

The appeal period for the above-referenced case expired on September 6, 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

Debra Wiley

From: Debra Wiley
Sent: Tuesday, August 15, 2017 10:20 AM
To: 'rhonasmith80@gmail.com'
Subject: Case No. 2017-0264-A - 7914 Subet Road
Attachments: 20170815103001434.pdf

Ms. Smith,

Per our telephone conversation, please find attached a copy of the decision for the above matter.

Per your request, I have also put a copy in the mail to you today.

Thanks.

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Tuesday, August 15, 2017 10:30 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 08.15.2017 10:30:01 (-0400)

Queries to: adminhearingscpr@baltimorecountymd.gov

Debra Wiley

From: Debra Wiley
Sent: Friday, June 30, 2017 9:04 AM
To: John E. Beverungen; Lawrence Stahl; Sherry Nuffer
Cc: Kristen L Lewis
Subject: Change to July Calendar (7/3 @ 10 AM)

Good Morning,

After speaking to the Petitioner, it appears he didn't have his property posted and therefore this item will be removed from the hearing docket for Monday, July 3rd @ 10 AM. He will acquire a new hearing date from Kristen.

Please mark your calendars accordingly. Thanks.

Debra Wiley
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 02 Account Number - 0212200340			
Owner Information					
Owner Name:		TUCKER DEREK L		Use:	RESIDENTIAL
Mailing Address:		7914 SUBET RD		Principal Residence:	YES
		BALTIMORE MD 21244-2957		Deed Reference:	/38083/ 00222
Location & Structure Information					
Premises Address:		7914 SUBET RD BALTIMORE 21244-2957		Legal Description:	7914 SUBET RD LYNN ACRES
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0022/0149
0087	0006	0075		0000	4 8 2016
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built		Above Grade Living Area		Finished Basement Area	Property Land Area County Use
1957		1,718 SF			6,825 SF 04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	NO	SPLIT LEVEL	SIDING	1 full/ 1 half	
Value Information					
Base Value		Value		Phase-in Assessments	
		As of 01/01/2016		As of 07/01/2016 As of 07/01/2017	
Land:		57,000		57,000	
Improvements		97,300		119,100	
Total:		154,300		176,100 161,567 168,833	
Preferential Land:		0		0	
Transfer Information					
Seller: K & S RENOVATIONS LLC		Date: 09/30/2016		Price: \$239,900	
Type: ARMS LENGTH IMPROVED		Deed1: /38083/ 00222		Deed2:	
Seller: JPMORGAN CHASE BANK NATIONAL		Date: 05/26/2016		Price: \$85,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /37559/ 00186		Deed2:	
Seller: PRICE ADRIAN G		Date: 03/03/2016		Price: \$98,040	
Type: NON-ARMS LENGTH OTHER		Deed1: /37241/ 00132		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2016 07/01/2017	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00 0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					

DATE _____

R 2017-0264-A
August 3, 2017

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

Baltimore County
Permits, Approvals
And Inspections

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

- STOP WORK ORDER
- ILLEGAL ACCESSORY
STRUCTURE PLACEMENT

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

CB1700082

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. CB 1700082 Property No. 0212200340 Zoning: _____

Name(s): DICK L. TUCKER

Address: 7914 SUBCT Rd Windsor Mill, MD 21244-2957

Violation Location: 7914 Subct Rd
Windsor Mill, MD 21244-2957

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Zoning Regulations 101/102.40 - accessory structure
placement

permit required for accessory structure as shown at dwelling
if structure placed for storage + sub-location shed 120-700

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 3/15/17 DATE ISSUED: 3/1/17

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION
SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR
90 DAYS IN JAIL, OR BOTH.

INSPECTOR: [Signature] PRINT NAME: CHRISTOPHER R. BARNES

STOP WORK NOTICE

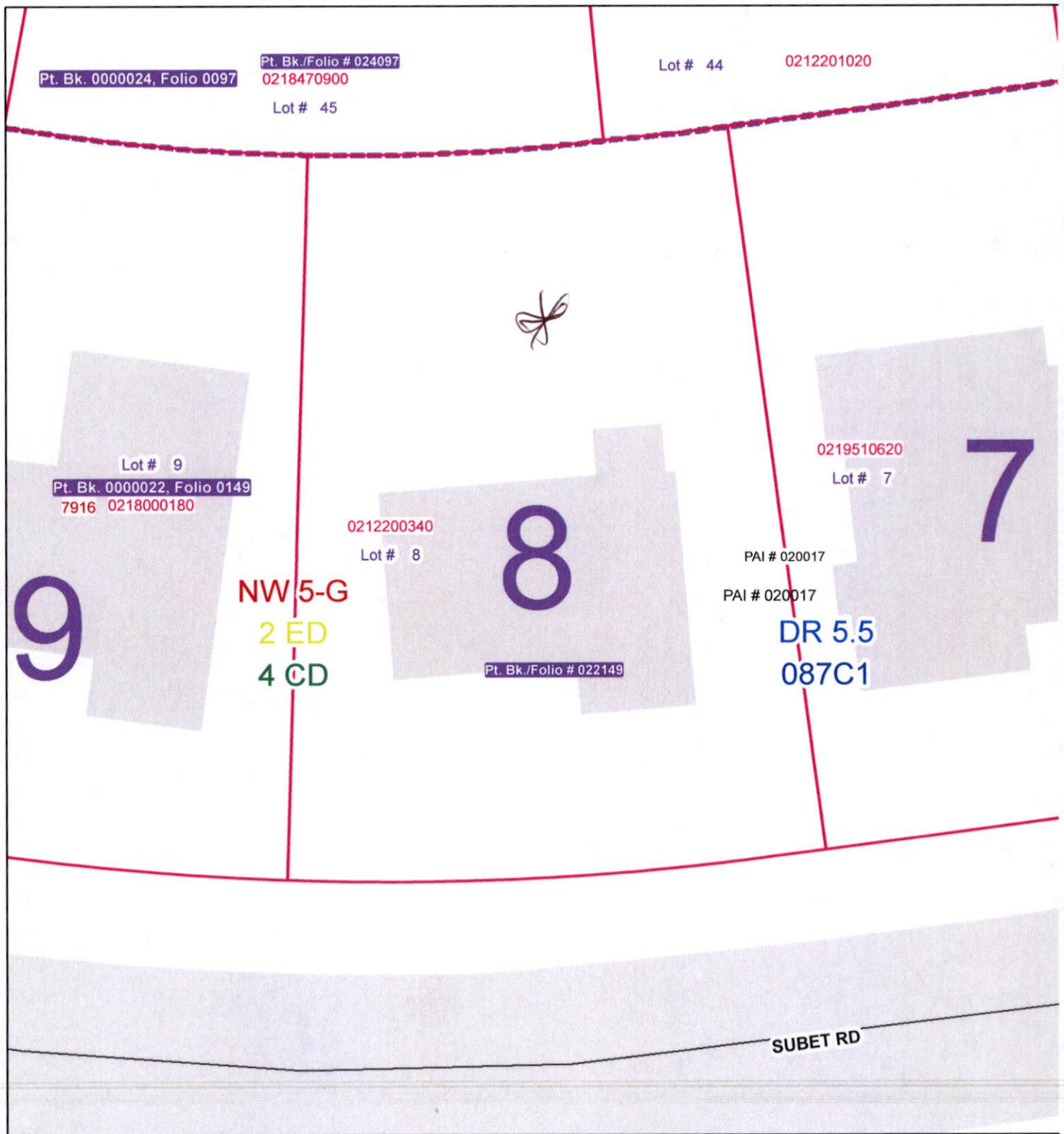
PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS
ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION
OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: _____ DATE ISSUED: _____

INSPECTOR: _____ PRINT NAME: _____

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR

7914 Subet Road



Publication Date: 3/17/2017



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40
Feet

1 inch = 20 feet



Case No.:

2017-0264-A

Exhibit Sheet

Petitioner/Developer

ISD
9-1-17

Protestant

Non
8-7-17

No. 1	Plan	Photos
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Prot. No. 1









E . TIMORE COUNTY MARY AND
INTER-OFFICE CORRESPONDENCE

DATE: April 13, 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.:
Legal Owner/Petitioner: *Derek Tucker*
Contract Purchaser:
Property Address: *7914 Sunset Rd*
Location Description: *side location shed*

VIOLATION INFORMATION: Case No. *CB 1700082*
Defendants:

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
<i>Marla Markow</i>	<i>443-857-6642</i>

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☐ 1. Complaint letter/memo/email/fax (if applicable)
- ☐ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☐ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☐ 8. Photographs including dates taken
- ☐ 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt(s) if applicable
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/
C: Code Enforcement Officer

ZAC AGENDA

Case Number: 2017-0264-A

Primary Use: Residential

Reviewer: JS

Type: VARIANCE

Legal Owner: Derek Tucker

Contract Purchaser:

Critical Area: NO **Flood Plain:** NO **Historic:** NO **Election Dist:** 2nd **Councilmanic Dist:** 4th

Property Address: 7914 Subet Rd

Location: N/S of Subet Road, 125 ft. E of the centerline of the intersection with Northmont Road.

Existing Zoning: DR 5.5

Area: 6825 sq. ft.

Proposed Zoning: VARIANCE To permit an accessory structure (shed) to be located in the side yard in lieu of the required rear yard placement.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases: CB1700082 (Subject of this Hearing)

Closing Date:

Miscellaneous:

Baltimore County
Permits, Approvals
And Inspections

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. CB 1700082 Property No. 0212200340 Zoning: _____

Name(s): Derek L. Tucker

Address: 7914 SUBET Rd Windsor Mill, MD 21244-2957

Violation Location: 7914 Subet Rd
Windsor Mill, MD 21244-2957

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Zoning Regulations 101, 102, 1, 400 - Accessory structure
placement

permit required for accessory structure on side of dwelling
(variance required for issuance of side-location shed location)

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 3/15/17 DATE ISSUED: 3/6/17

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION
SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR
90 DAYS IN JAIL OR BOTH.

INSPECTOR: [Signature] PRINT NAME: WALTER KILKANE

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS
ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION
OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: _____ DATE ISSUED: _____

INSPECTOR: _____ PRINT NAME: _____

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB1700082

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB1700082	Walter Kuklane		02/10/2017	Inspection Scheduled		

Complaint Description: Shed built close to neighbors property - no permits.

<u>Property</u>	<u>Owner</u>	<u>Complainant</u>
7914 SUBET RD WINDSOR MILL, MD 21244-2957 Tax Id: 0212200340	TUCKER DEREK L 7914 SUBET RD BALTIMORE, MD 21244-2957	Marla Markow 443-857-6642

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Walter Kuklane		Initial Inspection	Scheduled		

Lien Information - No Lien

Comments Detail - No Comments

Derek Tucker
443-889-8326



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB1700082

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB1700082	Walter Kuklane		02/10/2017	Correction Notice Issued	03/13/2017	

Complaint Description: Shed built close to neighbors property - no permits.

<u>Property</u>	<u>Owner</u>	<u>Complainant</u>
7914 SUBET RD WINDSOR MILL, MD 21244-2957 Tax Id: 0212200340	TUCKER DEREK L 7914 SUBET RD BALTIMORE, MD 21244-2957	Marla Markow 443-857-6642

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Walter Kuklane	02/15/2017	Initial Inspection	Monitor	Monitor	
Walter Kuklane	03/02/2017	Re-Inspection	Correction Notice Issued	Correction Notice Issued	
Walter Kuklane		Re-Inspection	Scheduled		

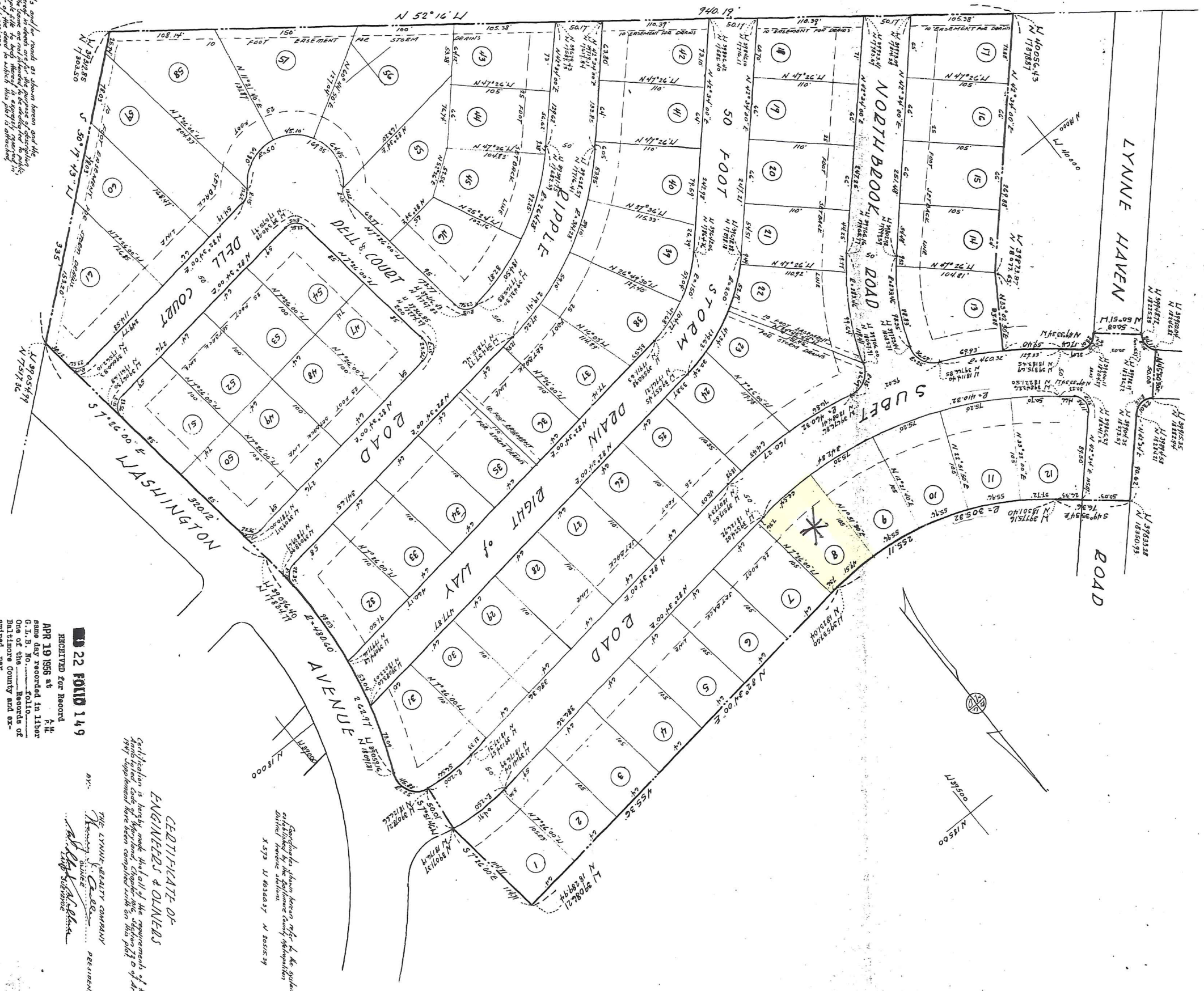
Lien Information - No Lien

Comments Detail

2/21/2017: Initial inspection on 02/15/17 showed 9 x 13 shed located on side of single family dwelling. Property line is not clearly visible but is located about 3 feet from fence. Homeowner was contacted that side sheds are not allowed without a variance. Homeowner (Derek Tucker) plans to apply for this variance and keep me updated on progress. Construction must stop until this is resolved. Will monitor progress and recheck 03/02/17. Will post correction notice if progress not made. ***WK/sph

3/6/2017: Recheck inspection revealed no change. Research shows no permit has been applied for. Homeowner is in violation. Will post correction notice and mail copy to homeowner. R/C

03/14/17. ***WK/sph



SECTION 4
"LYNNE ACRES"
BALTIMORE COUNTY AND
ELECTION DIST 2
THE LYNNE REALTY CO.
3804 Lombard Ave.
Baltimore, Md.

George K. Gandy
Clark

SCALE 1/150
MARCH 4 1956
ALLOYD WALLACE LAND SURVEYOR
3205 THE ALMENA - BALTIMORE, MARYLAND
DEC 6 '63
K. A. Gandy, Surveyor

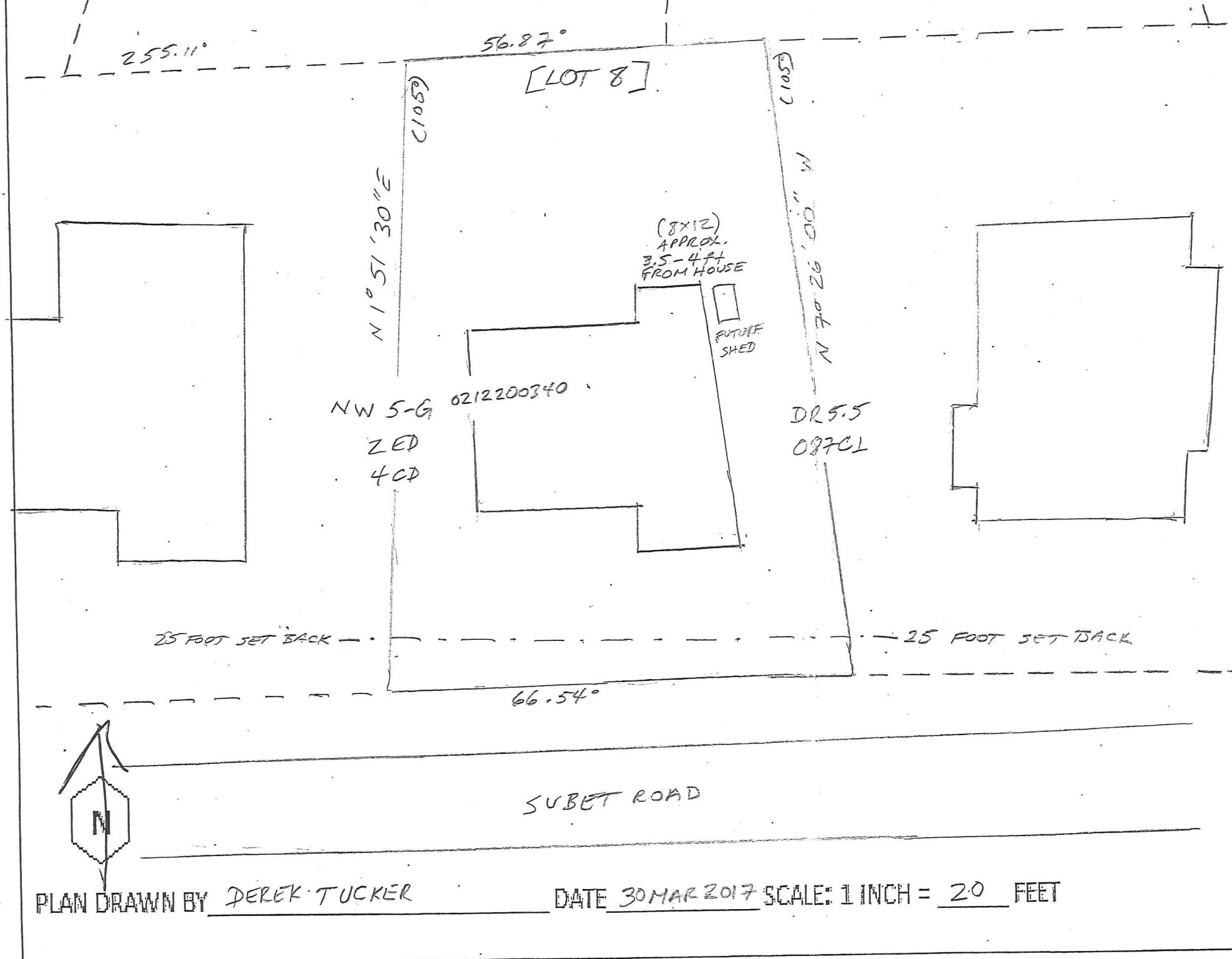
CERTIFICATE OF
ENGINEERS & OLINERS

I hereby make this roll of the members of the
local lodge of Engineers & Oliners, No. 730 of District
No. 1000, as follows:

THE LYNN-DEALY COMPANY
.....
President
.....
Vice President
.....
Secretary
.....
Treasurer
.....
Members at Large
.....
Substitute

Coordinates shown hereon refer to the system established by the Baltimore County Metropolitan District Firewise Staff.

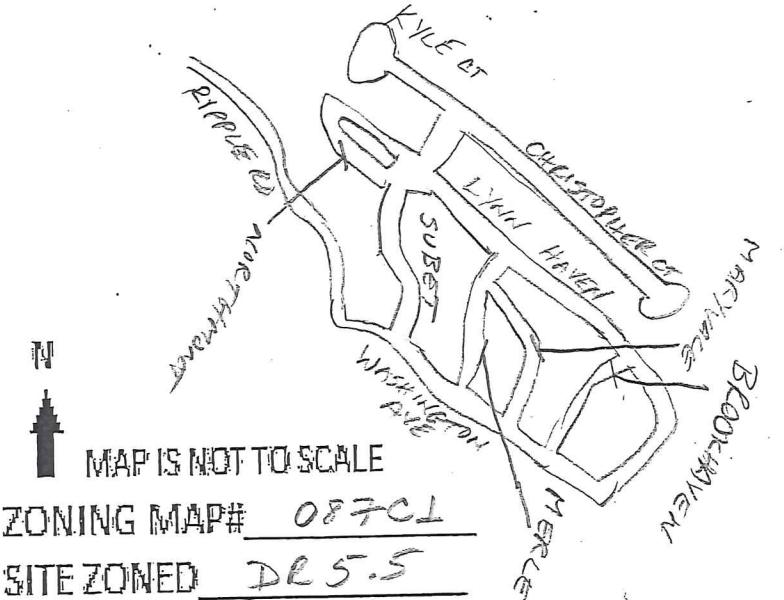
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 7914 SUBET RD 21244 OWNER(S) NAME(S) DEREK TUCKER
 SUBDIVISION NAME LYNNE ACRES LOT # 8 BLOCK # N/A SECTION # 4
 PLAT BOOK # 22 FOLIO # 149 10 DIGIT TAX # 02122 00340 DEED REF. # 39083 / 00222



PLAN DRAWN BY DEREK TUCKER

DATE 30 MAR 2017 SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



ZONING MAP# 087C1
 SITE ZONED DR 5.5
 ELECTION DISTRICT 2nd
 COUNCIL DISTRICT 4th
 LOT AREA ACREAGE _____
 OR SQUARE FEET 6825
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:
CB1700082

2017-0264-A

Pet. No. 1