IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(5633 Patterson Road) 11 th Election District 3 rd Council District	*	OF ADMINISTRATIVE
Charles & Katherine Albertson Legal Owners	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
rennoners	*	CASE NO. 2017-0283-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Charles & Katherine Albertson, owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from §400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit an accessory structure/barn in the rear yard of a single-family dwelling under construction with a height of 21 ft. in lieu of the required 15 ft. A site plan was marked as Petitioners' Exhibit 1.

Charles Albertson appeared in support of the petition. There were no protestants or interested citizens in attendance. 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 did not oppose the request.

The site is approximately 11.49 acres in size and zoned RC 2. The large lot is unimproved, although Petitioners are currently in the process of constructing a single-family dwelling. Petitioners propose to construct a barn in their rear yard to accommodate horses, pigs and chickens. To compliment the design of their home, Petitioners would like to have a roof pitch on the accessory building which would be 21 feet in height, for which a variance is required.

A variance request involves a two-step process, summarized as follows: ORDER RECEIVED FOR FILING

By_____Sen

(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 v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The lot is narrow and deep (approximately 300 ft. x 1400 ft.); this irregular shape renders the property unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed barn. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED, this <u>14th</u> day of June, 2017, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit an accessory structure/barn in the rear yard of a single-family dwelling under construction with a height of 21 ft. in lieu of the maximum 15 ft., 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.

2. Petitioners or subsequent owners shall not convert the barn/accessory building into a dwelling unit or apartment. The accessory building shall not contain any sleeping quarters, living area or kitchen facilities.

3. The accessory structure shall not be used for commercial purposes.

ORDER RECEIVED FOR FILING	
Date 6/14/17	
By Sln	

2

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_

By



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

June 14, 2017

Charles and Katherine Albertson 15901 Irish Avenue Monkton, Maryland 21111

RE: Petition for Variance

Case No. 2017-0283-A

Property: 5633 Patterson Road

Dear Mr. and Mrs. Albertson:

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,

JOMN 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 5633 Patterson Rd Baldwin no 21013 which is presently zoned 10 Digit Tax Account #2 2 0 0 0 0 7 240 Deed References: 36825 | 00105 Property Owner(s) Printed Name(s) Charles Albertson Katherine (SELECT THE HEARING(S) BY MARKING X 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: a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for 3. X a Variance from Section(s) Section 400.3 To permit an accessory structure/barn in the rear yard of single family dwelling under construction with a height of 21 feet in lieu of the required 15 feet. 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) TO BE PRESENTED AT HEARING 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). Legal Owners (Petitioners): Contract Purchaser/Lessee: Name- Type or Print Signature Signature 15901 Mailing Address State City Mailing Address Name-Type or Print ECEIVED FOR FILE (Name-Type or Print ECEIVED) 443-720-5028 21111 Telephone # Zip Code Representative to be contacted: Signatu@RDER Signature 2159 WHITE STREET YORK Mailing Address Mailing Addre State City -0891 JSHIPLEYE C POPFI Zip Code Telephone # Email Address Telephone # Zip Code Filing Date 4 120, 2017 CASE NUMBER 2017-0283-A Do Not Schedule Dates:

REV. 10/4/11

PART A (Start description with the following):

ZONING PROPERTY DESCRIPTION FOR 563 Patterson Rd Baldwin MD 21013

Beginning at a point on the south side of Patterson Rd which is 20' feet 9" wide at a distance of +/-1900' west of the centerline of the nearest improved intersecting street Long Green Pike which is 20' feet wide.

PART B (Continue description with one of the following 3 options):

OPTION 1 (Metes & Bounds)

Thence the following courses and distances 1st "POC" North 83 degrees 09 minutes 31 seconds West 69.00 feet to a point, 2nd "POC" North 87 degrees 38 minutes 11 seconds West 182.61 feet to a point, 3rd "POC" South 89 degrees 12 minutes 36 seconds West 93.61 feet to a point, 4th "POC" South 21 degrees 12 minutes 54 seconds West 1424.80 feet to a capped bar set, 5th "POC" South 59 minutes 15 seconds East 340.78 feet to an iron pipe, found on the aforesaid third line of deed Liber OTG No. 4710 folio 590, thence running with and binding on a part said third line, 6th "POC" North 22 degrees 07 minutes 41 seconds East 277.77 feet to the point of beginning, 7th "POC" North 20 degrees 21 minutes 41 seconds East 1257.21 feet to the center of Patterson Road, thence running with and binding on center of said road, back to the point beginning as recorded in deed Liber OTG NO. 4710 folio 590 containing 11.49 acres located in the 11th election district and 3rd Council District

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CERTIFICATE OF POSTING

Date: 05/21/2017

RE:	Project Name:	Public Hearing						
	Case Number /PAI Number: 2017-0283-A							
	Petitioner/Developer: Charl	es & Katherine Albertson						
	Date of Hearing/Closing: 06		1					

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 5633 Patterson Road Baldwin, MD. 21013

The sign(s) were posted on 05/21/2017

(Month, Day, Year)



(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Rd.
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580 (Telephone Number of Sign Poster)



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 4967974

Sold To:

Castle Rock Builders - CU00600454 2159 White St York,PA 17404-4943

Bill To:

Castle Rock Builders - CU00600454 2159 White St York,PA 17404-4943

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

May 23, 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: # 2017-0283-A

Case: # 2017-0283-A
5633 Patterson Road
S/s Patterson Road, 1900 +/- ft. w/of centerline of Long
Green Pike
11th Election District - 3rd Councilmanic District
Legal Owner(s) Charles & Katherine Albertson
Variance: to permit an accessory structure/barn in the rear
yard of a single family dwelling under construction with a
height of 21 ft. In lieu of the required 15 ft.
Hearing: Monday, June 12, 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.

The Baltimore Sun Media Group

By_S.Wilkinson

Legal Advertising

TO: PATUXENT PUBLISHING COMPANY

Tuesday, May 23, 2017 Issue - Jeffersonian

Please forward billing to:

John Shipley Castle Rock Builders 2159 White Street York, PA 17404 443-388-0891

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: 2017-0283-A

5633 Patterson Road

S/s Patterson Road, 1900 +/- ft. w/of centerline of Long Green Pike

11th Election District – 3rd Councilmanic District

Legal Owners: Charles & Katherine Albertson

Variance to permit an accessory structure/barn in the rear yard of a single family dwelling under construction with a height of 21 ft. in lieu of the required 15 ft.

Hearing: Monday, June 12, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jabion

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

May 8, 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: 2017-0283-A

5633 Patterson Road

S/s Patterson Road, 1900 +/- ft. w/of centerline of Long Green Pike

11th Election District - 3rd Councilmanic District

Legal Owners: Charles & Katherine Albertson

Variance to permit an accessory structure/barn in the rear yard of a single family dwelling under construction with a height of 21 ft. in lieu of the required 15 ft.

Hearing: Monday, June 12, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jakion Director

AJ:kl

C: Mr. & Mrs. Albertson, 15901 Irish Avenue, Monkton 21111 John Shipley, 2159 White Street, York PA 17404

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 23, 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 <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising: Case Number: 2017-0283-A	
Property Address: 5633 PATTERS ON ROAD	
Property Description: BACSWID, MD 21013	
NEW BARD CONTRUCTION	
Legal Owners (Petitioners): CHAD & KATIE ALBERTSON	4
Contract Purchaser/Lessee:	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: John Shipley	
Company/Firm (if applicable): <u>Castle Kock Builders</u>	
Company/ in (ii applicable). Castie Noch Dollars	
Address: 2159 White Street YOUK PA 17404	
Address: 2159 White Street	

Revised 7/9/2015

To permit an accessory structure/barn in the rear yard of a single family dwelling under construction with a height of 21 feet in lieu of the required 15 feet.



KEVIN KAMENETZ County Executive

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

June 7, 2017

Charles & Katherine Albertson 15901 Irish Avenue Monkton MD 21111

RE: Case Number: 2017-02783A, Address: 5633 Patterson Road

Dear Mr. & Ms. Albertson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 20, 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 John Shipley, 2159 White Street, York PA 17404





Date: 4/26/17

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. 2017-0283-A

Variance Charles & Hatherine Albertson 5632 Patlerson 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

frem Afeli

Baltimore & Harford Counties

WW/RAZ

DATE: 5/22/2017

RECEIVED

ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 17-283

INFORMATION:

Property Address: 5633 Patterson Road

Petitioner: Charles Albertson, Katherine Albertson

Zoning: RC 2 **Requested Action:** Variance

The Department of Planning has reviewed the petition for variance permit an accessory structure with a height of 21 feet in lieu of the required 15 feet.

A site visit was conducted on May 2, 2017. Patterson Road is a Baltimore County Scenic Route. The property is the subject of zoning case 2003-0232 SPH. As a condition of the order, elevations were required to be submitted for review by the Department of Planning for any non-residential structures on the property. The petitioners have met this condition.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

• The proposed structure shall not be used as a residence or for commercial purposes.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Kathy Schlabach

AVA/KS/LTM/ka

c: Kaylee Justice John Shipley

> Office of the Administrative Hearings People's Counsel for Baltimore County

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:

April 28, 2017

SUBJECT:

DEPS Comment for Zoning Item

2017-0283-A

Address

5633 Patterson Road

(Albertson Property)

Zoning Advisory Committee Meeting of May 1, 2017.

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

Reviewer:

Paul Dennis, Environmental Impact Review Date: April 26, 2017

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 8, 2017

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 8, 2017

Item No. 2017-0270, 0278, 0280, 0282, 0283, 0285 and 0286

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

DAK:CEN cc:file

RE: PETITION FOR VARIANCE

5633 Patterson Road; S/S Patterson Road,
1900' W of c/line Long Green Pike

11th Election & 3rd Councilmanic Districts
Legal Owners: Charles & Katherine Albertson*

Petitioner(s)

RECEIVED

APR 26 2017

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

2017-283-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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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 26th day of April, 2017, a copy of the foregoing Entry of Appearance was mailed to John Shipley, 2159 White Street, York PA 17404, Representative for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Peter Max Zimmerman

MEMORANDUM

DATE:

July 17, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0283-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 14, 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: VCase File

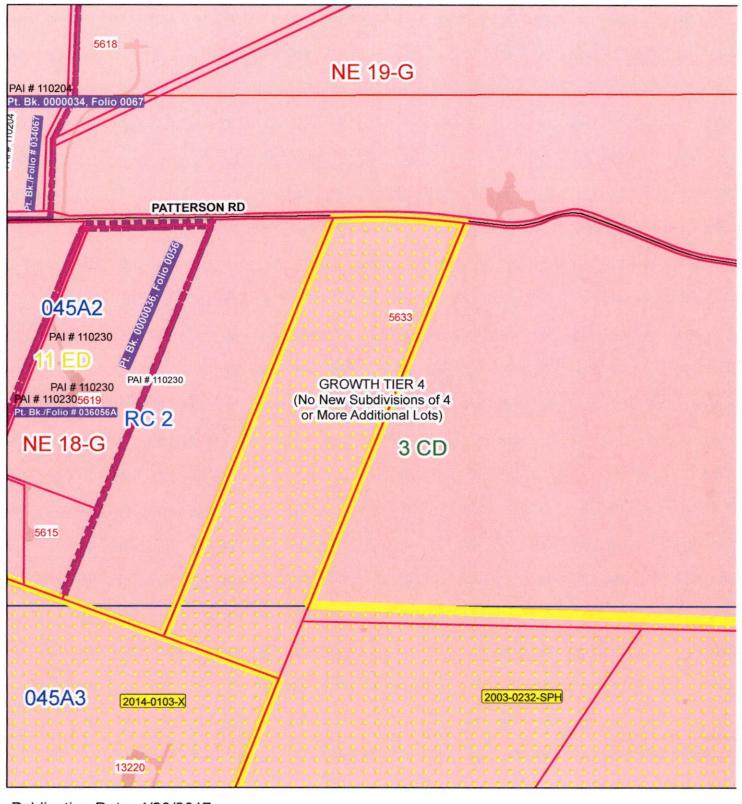
Office of Administrative Hearings

Real Property Data Search

Search Result for BALTIMORE COUNTY

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5633 Latterson Road 20.7-0283-A

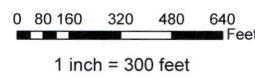


Publication Date: 4/20/2017



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





Case No.: 2017 - 0283 -A (5632 Patterson Re.)

Exhibit Sheet

Petitioner/Developer

D3/1/1

Protestants

Den 14-17

No. 1	Site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
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No. 12		

	ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 5633 Patters Rd 21013 OWNER(S) NAME(S) Alberts D	SITE VICINITY MAP
-	SUBDIVISION NAMELOT#BLOCK#SECTION#PLAT BOOK#FOLIO#10 DIGITTAX#220007240 DEED REF.#36825/00105	Patterson Road SITE
966'±	N 2017 - 0253 - A PLAN DRAWN BY DRS DATE 715 16 SCALE: 1 INCH = 60 FEET	VICINITY MAP SCALE: 1'= 2000' MAP IS NOT TO SCALE ZONING MAP# 0 45 62 SITE ZONED RC - 2 ELECTION DISTRICT 11 COUNCIL DISTRICT 362 LOT AREA ACREAGE 11 . 49 60 OR SQUARE FEET HISTORIC? N IN CBCA? N IN FLOOD PLAIN? N WATER IS: PUBLIC PRIVATE X SEWER IS: PUBLIC PRIVATE X PRIOR HEARING? IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW 2003 - 0232 - 59 H VIOLATION CASE INFO: