

**IN RE: PETITION FOR ADMIN. VARIANCE *
(28 Sanford Avenue)**

1st Election District

1st Council District

Deanne Lenehan Cunningham

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0287-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, Deanne Lenehan Cunningham (“Petitioner”). The Petitioner is requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a proposed detached accessory structure (garage) to be located partially in the third of the lot closest to a street with a height of 20 ft. in lieu of the required farthest removed and maximum allowed 15 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 May 7, 2017, 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

ORDER RECEIVED FOR FILING

Date 5-26-17

By [Signature]

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.

Although the Department of Planning did not make any recommendations related to the accessory structure (garage) height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

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 26th day of **May, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed detached accessory structure (garage) to be located partially in the third of the lot closest to a street with a height of 20 ft. in lieu of the required farthest removed and maximum allowed 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.

ORDER RECEIVED FOR FILING

Date 5-26-17

By lw

2. Petitioner or subsequent owners shall not convert the accessory structure (garage) into a dwelling unit or apartment. The accessory structure (garage) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The accessory structure (garage) shall not be used for commercial purposes.

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 5-26-17

By DLW



KEVIN KAMENETZ
County Executive

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

May 26, 2017

Deanne Lenehan Cunningham
28 Sanford Avenue
Catonsville, MD 21228

RE: Petition for Administrative Variance
Case No. 2017-0287-A
Property: 28 Sanford Avenue

Dear Petitioner:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Paul Lewis, 1618 Pine Knob Road, Sykesville, MD 21784



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 28 Sanford Ave Catonsville MD 21228 Currently zoned DR 2
Deed Reference 38130100395 10 Digit Tax Account # 0103671930
Owner(s) Printed Name(s) Deanne Lenehan Cunningham

(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) Sections 400.1 and 400.3 – to permit a proposed detached accessory structure (garage) to be located partially in the third of the lot closest to a street with a height of 20 feet in lieu of the required farthest removed and maximum allowed 15 feet.

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):

Deanne Lenehan Cunningham
Name #1 – Type or Print Name #2 – Type or Print

[Signature]
Signature #1 Signature #2

28 Sanford Ave Catonsville MD 21228
Mailing Address City State

1410-707-9246 decca Cunninghamstudios.com
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:

Paul Lewis

Name- Type or Print

Signature

1615 Pine Knob Rd Sykesville MD
Mailing Address City State

21784 443-597-2657 lewisandassociates contracting@gmail.com
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 4 day of July, 2017 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 2017-0287-A Filing Date 4/24/17 Estimated Posting Date 5/17/17 Reviewer [Signature]

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: 28 Sanford Avenue, Catonsville, MD 21228
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)

Current garage is dilapidated and a safety hazard,
rendering it useless. The new structure will be set back from the street, allowing for off street parking. The
new structure will improve the look of the neighborhood.

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

Signature of Owner (Affiant)

Deanne Lenehan Cunningham

Name- Print or Type

Signature of Owner (Affiant)

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 17th day of April, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Deanne Marie Lenehan

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires

June 3 2017
Item #0287 REV. 5/5/2016

ZONING PROPERTY DESCRIPTION FOR 28 SANFORD AVENUE

Beginning at a point on the west side of Sanford Avenue, which has a 40-foot right of way, at the distance of +/- 20 feet north of the center line of the nearest improved intersecting street Magruder Avenue, which has a 40-foot right of way (ie: northwest corner of intersection.) Thence the following courses and distances: (1st Point of Call "POC") Southwesterly 130', (2nd POC) Northwesterly 40', (3rd POC) Northeasterly 130', (4th POC) Southeasterly 40', back to the point of beginning as recorded in Deed Liber 38130, Folio 395, containing 5200 square feet. Located in the 1st Election District and 1st Councilmanic District.

Item #0287

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

NO 153045

Date: 4/24/17

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

Total: \$75.00

Rec From: D L Cunningham
For: Zoning hearing - case #2017-0287-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
4/25/2017 4/24/2017 12:18:24 3
REG MS03 WALKIN CAM
>>RECEIPT # 723575 4/24/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 153045
Recpt Tot \$75.00
\$75.00 CK \$1.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

Date: 5-7-17

RE: Case Number: 2017-0287-A

Petitioner/Developer: Deanne Cunningham

Date of Hearing/Closing: 5-22-17

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 28 SANFORD AVE

The signs(s) were posted on 5-7-17
(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

ADMINISTRATIVE VARIANCE

CASE # 2017-0287A
TO PERMIT A PROPOSED DETACHED
ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED
PARTIALLY IN THE THIRD OF THE LOT CLOSEST TO A
STREET WITH A HEIGHT OF 20 FEET IN LIEU OF THE
REQUIRED FARTHEST REMOVED AND MAXIMUM
ALLOWED 15 FEET

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 THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 5/22/17

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 NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW.
HANDICAPPED ACCESSIBLE

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application**Date:**

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ²⁰¹⁷2016- 0287 -A Address 28 Sanford Ave

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/24/17 Posting Date: 5/7/17 Closing Date: 5/22/17

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

1. **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.
2. **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.
3. **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.
4. **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 ²⁰¹⁷2016- 0287 -A Address 28 Sanford Ave

Petitioner's Name Deanne Cunningham Telephone 410 707 9246

Posting Date: 5/7/17 Closing Date: 5/22/17

Wording for Sign: To Permit a proposed detached accessory structure
(garage) to be located partially in the third of the lot closest
to a street with a height of 20 feet in lieu of the required
farthest removed and maximum allowed 15 feet

Revised 7/9/15

**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: 2017-0287-A

Property Address: 28 Sanford Ave

Property Description: west side of Sanford Ave., +/- 20'
north of Magruder Ave. (ie: northwest corner of inter.)

Legal Owners (Petitioners): Deanne Cunningham

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Paul Lewis

Company/Firm (if applicable): Lewis + Associates Contracting

Address: 1618 Pine Knob Rd. Sykesville, MD 21784

Telephone Number: 443-897-2657

Revised 7/9/2015



KEVIN KAMENETZ
County Executive

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

May 23, 2017

Deanne Cunningham
28 Sanford Avenue
Catonsville MD 21228

RE: Case Number: 2017-0287 A, Address: 28 Sanford Avenue

Dear Ms. Cunningham:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 24, 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 that reads "W. Carl Richards, Jr." The signature is stylized and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Paul Lewis, 1618 Pine Knob Road, Sykesville MD 21284

Date: 5/1/17

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. 2017-0287-A

*Administrative Variance
Deanna Lenehan Cunningham
28 Sanford 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

DATE: May 12, 2017

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 8, 2017
Item No. 2017-0161, 0279, 0287, 0288 and 0290

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\ZAC05082017.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: May 4, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0287-A
Address 28 Sanford Road
(Cunningham Property)

Zoning Advisory Committee Meeting of **May 8, 2017**.

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

Reviewer: Steve Ford Date: 5-4-2017

M E M O R A N D U M

DATE: June 27, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0287-A - Appeal Period Expired

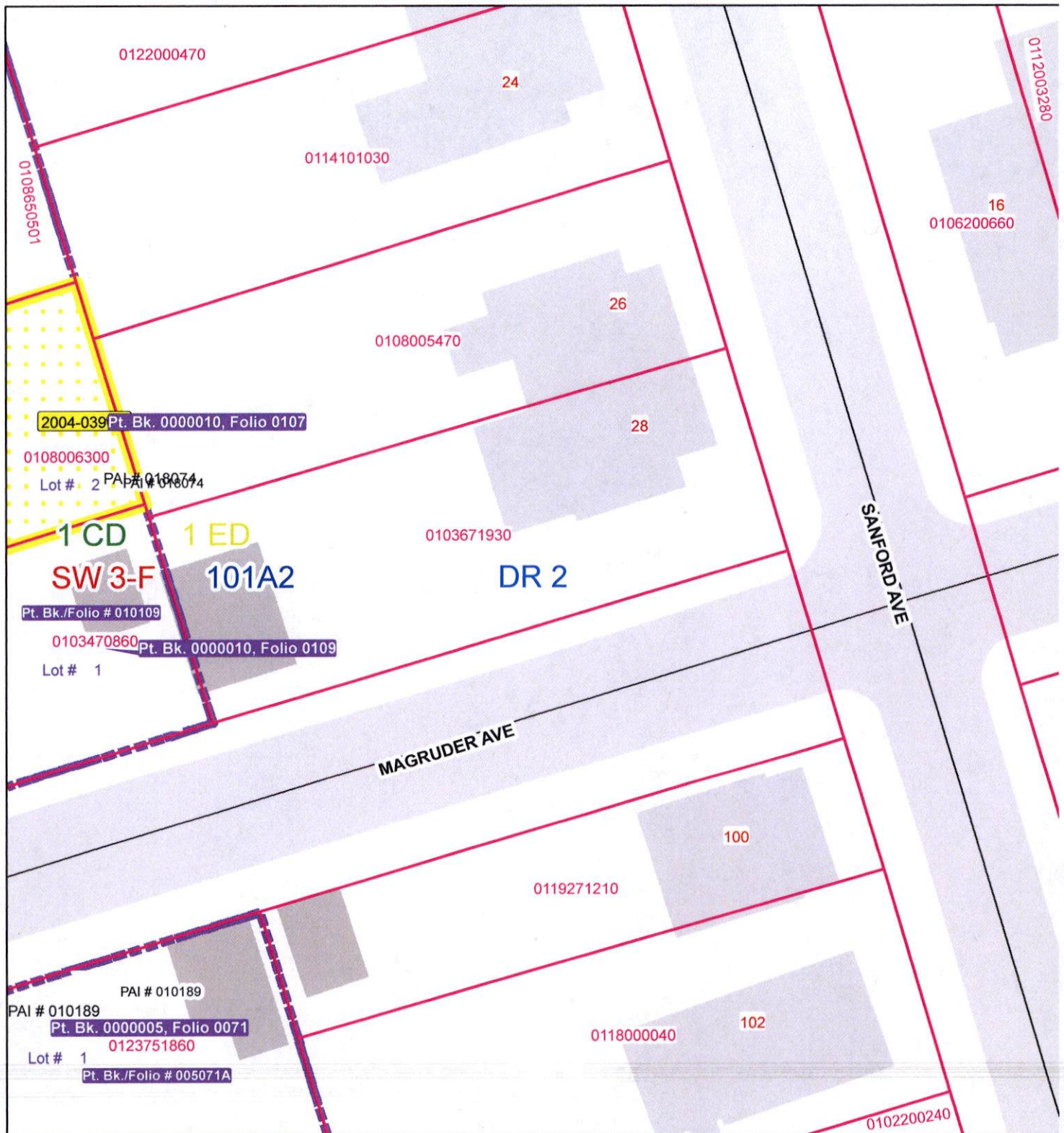
The appeal period for the above-referenced case expired on June 26, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

Search Result for BALTIMORE COUNTY

5/25/2017

28 Sanford Avenue



Publication Date: 4/14/2017



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 = 30 feet

Item #0287



view from Macgruder Ave

N

Item #0287



View from intersection of Maugroder Ave
and Sanford Ave

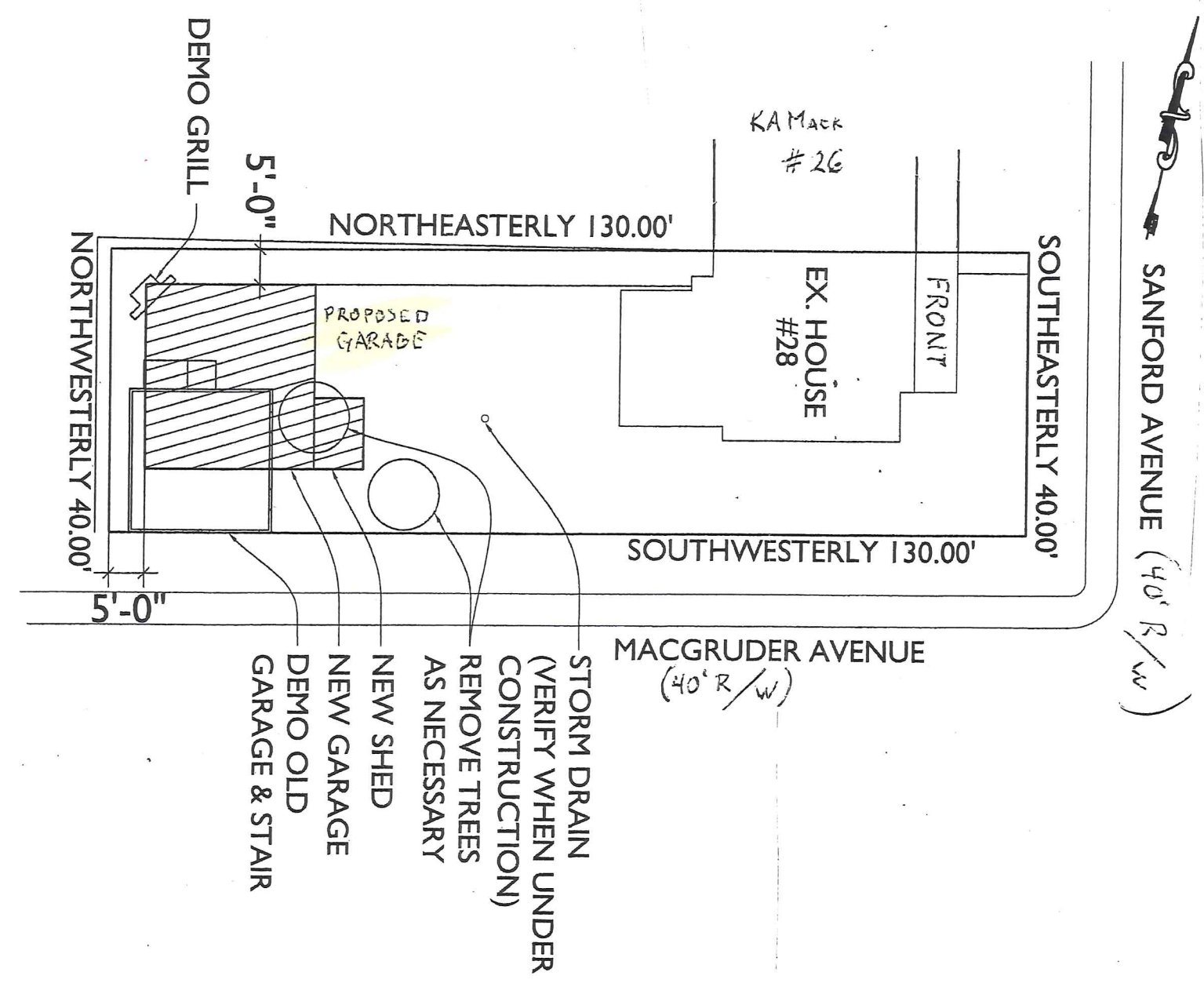
Item #0287



View from Rear of home

Item #0287

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 28 SANFORD AVENUE OWNER(S) NAME(S) DEANNE CUNNINGHAM
 SUBDIVISION NAME N A LOT # _____ BLOCK # _____ SECTION # _____
 PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 0103671930 DEED REF. # 38130/00395



PLAN DRAWN BY _____ DATE _____ SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE
 ZONING MAP# 101A2
 SITE ZONED DR 2
 ELECTION DISTRICT 1st
 COUNCIL DISTRICT 1st
 LOT AREA ACREAGE _____
 OR SQUARE FEET 5200
 HISTORIC? No
 IN CBCA? No
 IN FLOOD PLAIN? No
 UTILITIES? MARK WITH X
 WATER IS: PUBLIC ☒ PRIVATE _____
 SEWER IS: PUBLIC ☒ PRIVATE _____
 PRIOR HEARING? No
 IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

Pet. Exh. 1
 VIOLATION CASE INFO: _____

Handwritten: AD
 #2017-0287-A-2820-2107