IN RE: PETITION FOR ADMIN. VARIANCE * (7511 North Point Road)

(7511 North Point Road 15th Election District 7th Council District

Robert Crusse, Jr.

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0288-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, Robert Crusse, Jr. ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an accessory building (garage) with a height of 20 ft. in lieu of the maximum permitted 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 6, 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 the file to indicate that the requested variance would adversely affect the health, safety or general ORDER RECEIVED FOR FILING

Date	5-30-19
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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 building (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 <u>30th</u> day of May, 2017, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an accessory building (garage) with a height of 20 ft. in lieu of the maximum permitted 15 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 his 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.
- 2. Petitioner or subsequent owners shall not convert the accessory building (garage) into a dwelling unit or apartment. The accessory building (garage) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- 3. The accessory building (garage) shall not be used for commercial purposes.

	1 5 10	
Date	5-30-19	
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ORDER RECEIVED FOR FILING

	Any	appeal	of this	decision	must be	made	within	n thirty (30) days of the date of thi
Order.								JOHNE. BEVERUNGEN
IFD II								Administrative Law Judge for Baltimore County
JEB:dl	W							

ORDER RECEIVED FOR FILING

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NV	100	



KEVIN KAMENETZ County Executive

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

May 30, 2017

Robert Crusse, Jr. 7511 North Point Road Baltimore, MD 21219

> RE: Petition for Administrative Variance

> > Case No. 2017-0288-A

Property: 7511 North Point Road

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,

JOHN E. BEVERUNGEN Administrative Law Judge

for Baltimore County

JEB:dlw Enclosure

c: David Billingsley, 601 Charwood Ct., Edgewood, MD 21040



ADMINISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To the Office of Administrative Hearings	of Permits, Approvals and Inspections for Baltimore County for the property located at:
Address 1311 NONTH FUINT K	Currently zoned DR 5.5
Deed Reference 3 8 279/ 36	10 Digit Tax Account # / 5 0 7 0 0 0 1 Z 1
Owner(s) Printed Name(s) ROBERT CRU	SSE, JR
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPROPRIES	OPRIATE 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 attached hereto and made a part hereof, hereby petition for	in Baltimore County and which is described in the plan/plat an:
1. X ADMINISTRATIVE VARIANCE from Section(s)	
400.3 TO PERMITANACO	ESSORY BUILDING (GARAGE) WITH U OF THE MAXIMUM PERMITTED 15 F
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
ADMINISTRATIVE SPECIAL HEADING	
2 ADMINISTRATIVE SPECIAL HEARING to appro	ove a waiver pursuant to Section 32-4-107(b) of the Baltimore
County Code: (indicate type of work in this space: i.e., to rai	ze, alter or construct addition to building)
of the Baltimore County Code, to the development law of Ba	altimore County
Property is to be posted and advertised as prescribed by the zoning regular	tions
I/ we agree to pay expenses of above petition(s), advertising, posting, etc. Baltimore County adopted pursuant to the zoning law for Baltimore County.	and further agree to be bound by the zoning regulations and restrictions of
Salamore Soundy adopted parsuant to the 20 mig law for Balamore County.	
	Owner(s)/Petitioner(s):
	ROBERT CHUSSE IR.
	Name #1 – Type or Print Name #2 – Type or Print
	7,
	Signature #2
	75/1 NORTH POINT RO. BALTO, MO Mailing Address City State
	21719 1(443-771-6085)
Attorney for Owner(s)/Petitioner(s):	Zip Code Telephone # Email Address
Automey for Owner(s)/Feditioner(s).	Representative to be contacted:
	DAVID BILLINGSLEY
Name-Type or Print	Name – Type or Print
EILING	and Billings 4
Signature	Signature
(ED 120)	GOI CHARWOOD ST. EDGEWOOD, MO
Mailing Address City State	Mailing Address City State
RECO	21040 (410)679-8719,
Name- Type or Print Signature Mailing Address City State Zip obe Telephone # Email Address	Zip Code Telephone # Email Address
DUDUO HEADING LOS COMPANIES OF THE PROPERTY OF	
County this day of that the subject required by the zoning regulations of Baltimore County.	be required, it is ordered by the Office of Administrative Hearings for Baltimore matter of this petition be set for a public hearing, advertised, and re-posted as
av/	
Administr	rative Law Judge for Baltimore County
2017-0202-0	
CASE NUMBER 2017 - 0288 - A Filing Date 4,25,	2017 Estimated Posting Date 5,7,17 Reviewer 7W

Affidavit in Support of A linistrative 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: 75/1 NOSTA Point Print or Type Address of property	NT KO. BAI	TO. MD.	Z/7/9
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the Administrative Variance at the above	following are the faddress. (Clearly	acts upon which I/we state <u>practical diffi</u> e	e base the request for an culty or hardship here)
I wish to construct a garage in the rea	ar yard of my reside	nce. I would like the g	arage door to be
12 feet high with the bottom of the r	oof trusses at 14 fee	et placing the peak of	the roof at 20 —
feet. This will allow me to work on m	y boat and truck ins	ide the garage.	<u>-</u>
The garage will be sided to match the	existing dwelling a	nd will not be used fo	r additional living
quarters or commercial use.			
·			
		- 	·
(If additional space for the petition requ	uest or the above sta	7)	
Signature of Owner (Affiant)		Signature of Ovener (Xffiant)
		ROBERT CRL Name- Print or Type	ISSE JR
Name- Print or Type		Name- Print or Type	,
The following information is	to be completed by a	a Notary Public of the S	State of Maryland
STATE OF MARYLAND, COUNTY O	イ <i>ヘステクペ</i> の F BALTIMORE , to	wit:	•
I HEREBY CERTIFY, this 28 and for the County aforesaid, personally a	day of <u>March</u> appeared:	, <u>7017</u> , before n	ne a Notary of Maryland, in
Print name(s) here: ROBERT CR	USSE, JR		
the Affiant(s) herein, personally known or	satisfactorily identif	ed to me as such Affia	ant(s).
AS WITNESS from hand and Notaries Sea	<u> </u>	Marind-	
NOTARL	Notary Public My Commission E	<u> </u>	·
NOTAPL NO	•	•	REV. 5/5/2016
THE COUNTY WHEN		2017-0	7288-A

ZONING DESCRIPTION

7511 NORTH POINT ROAD

Beginning for the same at a point on the southwest side of North Point Road (40 feet wide) said point being distant 242 feet southeasterly from its intersection with the center of Lodge Farm Road, thence being all of Lot 404 as shown on the plat entitled Lodge Forest recorded among the Baltimore County plat records in Plat Book 10 Folio 76.

Containing 10,000 square feet or 0.230 acre of land, more or less.

Being known as 7511 North Point Road. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Md.

2017-0788-X

										PAID I	RECEIPT	-	
OFFIC	E OF BUI	DGET AN	MARYLAN D FINANC I RECEIPT	Ε		Date:	_	10	153046	>>RECEIPT # OX		5/2017	IRN 2 OFLK
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CERTIFICATE OF POSTING

Date: MAY 6, 2017 7511 NORTH POINT ROAD RE: Project Name: __ 2017-0288-A Case Number /PAI Number: ROBERT CRUSSE, JR Petitioner/Developer: MAY 22, 2017 Date of Hearing/Closing: 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 __7511 NORTH POINT ROAD MAY 6, 2017 The sign(s) were posted on ____ (Month, Day, Year) DAVID W. BILLINGSLEY (Printed Name of Sign Poster) ADMINISTRATIVE VARIANCE CASE NO: 2017-0288-A **601 CHARWOOD COURT** (Street Address of Sign Poster) REQUEST: TO PERMIT AN ACCESSORY BUILDING (GARAGE) WITH A HEIGHT OF 20" FEET IN LIEU OF THE MAXIMUM PERMITTED 15 EDGEWOOD, MD. 21040 (City, State, Zip Code of Sign Poster) Pursuant to Section 26-127(b)[1), Baltimore County Code, an eligible individual or group may request a public hearing conterning the proposed variance, provided the request is (410) 679-8719 received in the Zoning Review Office before 5 P.W. on: MAY 22, 2017

Additional information is available at the Department of Permits, Approvals and inspections, Baltimore County Office Building, 111

(410) 887-3391 UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL AFTER THE ABOVE DATE

West Chesapeake Avenue, Towson, Md. 21204

(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017 0288 -A Address 7511 North Point Road
Case Number 2017 0288 -A Address 7511 North Point Road Contact Person: Leonard Dasi Coski Planner, Please Print Your Name Planner, Please Print Your Name
Filing Date: $\frac{4/25/17}{25/17}$ Posting Date: $\frac{5/7/17}{25/17}$ Closing Date: $\frac{5/22/17}{25/17}$
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. <u>POSTING/COST:</u> 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. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
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 2017 0288 -A Address 7511 North Point Rd
Petitioner's Name Robert Crusse Jr Telephone 443-271-6085
Posting Date: $\frac{5/7/17}{}$ Closing Date: $\frac{5/22/17}{}$
Wording for Sign: To Permit AN Accessory building (GARAGE) with A
height of 20 feet in lieu of the permitted 15 feet MAXIMUM.



KEVIN KAMENETZ. County Executive

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

May 23, 2017

Robert Crusse Jr. 7511 Northpoint Road Baltimore MD 21219

RE: Case Number: 2017-0288 A, 7511 North Point Road

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.

U. Cal Ribal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
David Billingsley, 601 Charwood Court, Edgewood MD 21040



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. 2017-0288-A

Hohert Crusse Ir. 7511 North Pond 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

DATE: May 12, 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. 2017-0161, 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

#2017-0288-A

Address

7511 North Point Road

(Crusse, Jr. 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

MEMORANDUM

DATE:

June 30, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0288-A- Appeal Period Expired

The appeal period for the above-referenced case expired on June 29, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Ma			/iew GroundF						round	Rent Regi	stration		
Account	Identifie	r:	Distr	ict - 15 A	1								
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						Ad Valore							
Primary Structure Built 1927			Above Grad Area 2,208 SF	e Living	Finished Basement Area			Property Land County Use 10,000 SF 04					
Stories	Base	ement	Туре		Exterio	r Full	Half Bath	Garag		Last Majo		ation	
2	YES	9-3-	STANDARD	UNIT	SIDING	2 ful	l						
					Value I	nformatio	n	10.3					
Land: Improvements Total:		Base	Value		alue		Phase-in	Asse	ssments				
				-	s of 1/01/201	5	As of 07/01/20	16	As of 07/01/2017				
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		123,00		134,300									
	ntial Lan	d:	197,500 0		208,800		205,033		33 208,80 0		3,800	U .	
					Transfer	Informati	on			-	-		
Seller: 0	CRUSSE	ROBERT	JR		Date: 11	/16/2016				Price	: \$0		
Type: N	ON-ARM	IS LENGT	'H OTHER		Deed1: /38279/ 00036			Deed2:					
		ROBERT			Date: 03					Price	: \$0		
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	ore! Tax	Cradit A	pplication Sta				Date:						

Aistory for 2017-0288 A

IN RE: PETITION FOR VARIANCE

W side of North Point Road 15th Election District 7th Councilmanic District (7509 and 7511 North Point Road)

Stacy and Robert Crusse Jr. *Petitioners*

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 06-423-A 06-424-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Robert Crusse Jr. and Stacy Crusse. The Petitioners are requesting variance relief for property located at 7509 and 7511 North Point Road, in the Sparrows Point section of the County.

In case no. 06-423-A (7511 North Point Road) the Petitioners request variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a lot width of 50 feet in lieu of the required 55 feet and a side yard setback for an existing house of 8.7 feet in lieu of the required 10 feet. In case no. 06-424-A (7509 North Point Road) the Petitioners request variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a lot width of 50 feet in lieu of the required 55 feet.

The property was posted with Notice of Hearing on March 27. 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on March 23, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

Applicable Law

Section 307 of the B.C.Z.R. – Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated March 16, 2006, a copy of which is included in the file of this case.

Interested Persons

Appearing at the hearing on behalf of the variance request was Robert Crusse, Jr., Petitioner and Rick Richardson, professional engineer who prepared the Plat to Accompany. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

7511 North Point Road 2017-0288-A

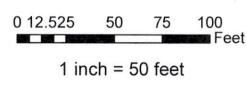


Publication Date: 4/25/2017



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













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