

M E M O R A N D U M

DATE: July 21, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0312-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 20, 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

IN RE: PETITION FOR ADMIN. VARIANCE *
(4205 Herrera Court)

2nd Election District

4th Council District

Justin I. Giwa and Chiedza A. Mgodì
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0312-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 owners of the property, Justin I. Giwa and Chiedza A. Mgodì ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a side yard addition (garage) with a side setback of 40 ft. in lieu of the required 50 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 28, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have 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 6-20-17

By 195

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 Petitioners.

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 20th day of **June, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a side yard addition (garage) with a side setback of 40 ft. in lieu of the required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.

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 6-20-17

By [Signature]



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 4205 Herrera Ct, Randallstown, MD 21133 Currently zoned RC 5
 Deed Reference 35229 100049 10 Digit Tax Account # 23 00007321
 Owner(s) Printed Name(s) JUSTIN I GIWA CHIEOZA A MGOBI

(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)

BCZR: 1A04.3.B.2.B. → To permit a side yard addition (garage) with a side setback of 40 feet in lieu of the required 50 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):

JUSTIN I GIWA / CHIEOZA MGOBI
 Name #1 – Type or Print Name #2 – Type or Print

[Signature] / [Signature]
 Signature #1 Signature #2

4205 Herrera Ct, Randallstown MD
 Mailing Address City State

21133 / 1405-812-7621 / justingiwa@comcast.net
 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:

Name – Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 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 19 day of May, 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 2017-0318-A Filing Date 5/19/17 Estimated Posting Date 5/28/17 Reviewer SS

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: 4205 Herrera Ct Randallstown MD 21133
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)

A Variance is requested to construct a 1-story addition to contain
a two car garage (26 feet in width and 26 feet in depth) which will be used
to accommodate my growing family storage needs. To store motorcycle
vehicles, snow blower, mowing tractor, bicycles and house hold
storage items. The existing garage is small and has limited storage
capacity. Thanks in advance for your assistance and we
look forward to your decision on this matter.

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

Justin I Giwa
Signature of Owner (Affiant)

JUSTIN I GIWA
Name- Print or Type

Chiedza Mgodi
Signature of Owner (Affiant)

CHIEDZA MGODI
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 27 day of April, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Justin Giwa and Chiedza Mgodi

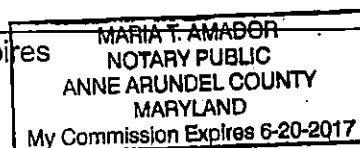
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Maria T Amador
Notary Public

4-27-2017

My Commission Expires



REV. 5/5/2016

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.

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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)

A variance is requested to construct a 1-story addition to contain a two car garage (26 feet in width and 26 feet in depth), which will be used to accommodate my growing family storage needs. To store motorcycle, vehicles, snow blower, mowing tractor, bicycles, and house hold storage items. The existing garage is small and has limited storage capacity. Thanks in advance for your assistance and we look forward to your decision on this matter.

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

[Signature]
Signature of Owner (Affiant)
JUSTIN I GIWA
Name- Print or Type

Chiedza Mgodi
Signature of Owner (Affiant)
CHIEDZA MGODI
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 27 day of April, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Justin Giwa and Chiedza Mgodi

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

AS WITNESS my hand and Notaries Seal

Maria T Amador 4-27-2017
Notary Public

My Commission Expires

MARIA T. AMADOR
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
My Commission Expires 6-20-2017

REV. 5/5/2016



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 4205 Herrera Ct, Randallstown, MD 21133 Currently zoned RC 5
Deed Reference 35229 100049 10 Digit Tax Account # 23 000 07371
Owner(s) Printed Name(s) JUSTIN I GIWA, CHIEDZA A MGOPI

(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)

BCZR: 1A04.3.B.2.B. → To permit a side yard addition (garage) with a side setback of 40 feet in lieu of the required 50 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):

JUSTIN I GIWA, CHIEDZA MGOPI
Name #1 – Type or Print Name #2 – Type or Print

[Signature] [Signature]
Signature #1 Signature #2

4205 Herrera Ct, Randallstown, MD
Mailing Address City State

21133 405-812-7621 justingiwa@comcast.net
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:

Name – Type or Print

Signature

Mailing Address City State

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 19 day of May, 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 2017-0312-A Filing Date 5/19/17 Estimated Posting Date 5/28/17 Reviewer JS

THE ZONING PETITION PROPERTY DESCRIPTION:

ZONING PROPERTY DESCRIPTION FOR 4205 Herrera Ct., Randallstown, MD 21133

Beginning at a point on the South side of Herrera Ct. on which property fronts which is 40 feet wide at a distance of 2,400 feet West of the centerline of the nearest improved intersecting Liberty Road which is 60 feet wide.

2017-0312-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/30/2017

Case Number: 2017-0312-A

Petitioner / Developer: JUSTIN GIWA

Date of Hearing (Closing): JUNE 12, 2017

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:
4205 HERRERA COURT

The sign(s) were posted on: APRIL 28, 2017



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0312 -A Address 4805 HERRERA CT., 21133

Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/19/17 Posting Date: 5/28/17 Closing Date: 6/12/17

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 2017- 0312 -A Address 4805 HERRERA CT.

Petitioner's Name GILWA Telephone 405-812-7621

Posting Date: 5/28/17 Closing Date: 6/12/17

Wording for Sign: TO PERMIT A SIDE YARD ADDITION (GARAGE) WITH A SIDE SETBACK OF
40 FEET IN LIEU OF THE REQUIRED 50 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/neighbor 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: 2017-0312-A

Property Address: _____

Property Description: _____

Legal Owners (Petitioners): JUSTIN GIWA + CHIEDZA A. MGOBI

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Justin Giwa

Company/Firm (if applicable): _____

Address: 4205 Herrera Ct.
Randallstown, MD 21133

Telephone Number: 410-812-7621

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

No 153072

Date: 5/19/17

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6050					\$ 75.00

Total: \$ 75.00

Rec From: JUSTIN GIWA

For: 2017-0312-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME BRN
 5/22/2017 5/19/2017 12:00:49 3

REG W503 WALKIN CAM
 >>RECEIPT # 726479 5/19/2017 QFLH
 Dept 5 528 ZONING VERIFICATION
 CR NO. 153072

Receipt Tot \$75.00
 \$75.00 CK \$1.00 CA
 Baltimore County, Maryland

JH
 X 3391

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

June 13, 2017

Justin Giwa & Chieoza Mgodu
4205 Herrera Court
Randallstown MD 21133

RE: Case Number: 2017-0312 A, Address: 4205 Herrera Court

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 19, 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

6-12-17

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: June 6, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0312-A
Address 4205 Herrera Court
(Giwa & Mgodì Property)

Zoning Advisory Committee Meeting of **June 12, 2017.**

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

Reviewer: Steve Ford

Date: 6-6-2017

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory Slater, Administrator

STATE HIGHWAY
ADMINISTRATION

Date:

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. *2017-0312-A*

*Administrative Variance
Fustin Giwa & Chloza Mgodu
4205 Herrera Court*

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

Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030
410.229.2300 | TTY 800.735.2258 | roads.maryland.gov
My telephone number/toll-free number is 866.998.0367

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: June 6, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0312-A
Address 4205 Herrera Court
(Giwa & Mgodì Property)

Zoning Advisory Committee Meeting of **June 12, 2017**.

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

Reviewer: Steve Ford

Date: 6-6-2017

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>6-6</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>No date</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 1999-0447-SP-1)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 4-28-17 by O'KeefePEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 02 Account Number - 2300007371			
Owner Information					
Owner Name:	GIWA JUSTIN I MGODI CHIEDZA A		Use:	RESIDENTIAL	
Mailing Address:	4205 HERRERA CT RANDALLSTOWN MD 21133		Principal Residence:	YES	
			Deed Reference:	/35229/ 00049	
Location & Structure Information					
Premises Address:		4205 HERRERA CT RANDALLSTOWN 21133-		Legal Description:	2.8471 AC 4205 HERRERA CT SS KRAM/JAEGER PROPERTY
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0066	0022	0170		0000	15
					Assessment Year: 2016
					Plat No: 2
					Plat Ref: 0072/0068
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
2000	3,040 SF	1099 SF	2.8500 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	3 full/ 1 half	1 Attached
			Last Major Renovation		
			2000		
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2016	07/01/2016	07/01/2017
Land:		142,200	142,200		
Improvements		208,100	252,700		
Total:		350,300	394,900	365,167	380,033
Preferential Land:		0			0
Transfer Information					
Seller: SHEPPARD JENNIFER A		Date: 08/05/2014		Price: \$412,500	
Type: ARMS LENGTH IMPROVED		Deed1: /35229/ 00049		Deed2:	
Seller: CHESTNUT WOODS INC		Date: 12/04/2000		Price: \$273,350	
Type: ARMS LENGTH IMPROVED		Deed1: /14839/ 00733		Deed2:	
Seller: KRAM BEVERLY J JAEGER BRIAN L		Date: 03/28/2000		Price: \$760,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /14378/ 00400		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: Approved 12/29/2014					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

P. Zoning History
Per Code File
2017-0312-A
7/15/99

IN RE: DEVELOPMENT PLAN HEARING
W/S Liberty Road, 2200' NW
of centerline of Windy Hill Road
2nd Election District
2nd Councilmanic District

(10301 Liberty Road)
Beverly Kram & Brian Jaeger
Owners/Developers

* BEFORE THE
* HEARING OFFICER
* OF BALTIMORE COUNTY
* Case Nos. II-591 & 99-447-SPH

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County as a requested approval of a development plan prepared by W. Duvall & Associates, Inc. (Civil Engineers and Land Planners) for the proposed development of a parcel of property located on the southeast corner of the intersection of Falls Run Road and Liberty Road in the Randallstown area of Baltimore County. In addition to the requested approval of the development plan, the Petitioners have also requested special hearing relief for a waiver pursuant to Sections 26-171, 26-172(b), 26-203(c)(8) and Section 26-278 to raze a historic structure.

Appearing at the hearing on behalf of the Petitioner were: G. Dwight Little, professional engineer with W. Duvall & Associates, Inc.; David Gonzales and Richard Demmitt, on behalf of Chestnut Woods, LLC; Brian Jaeger, one of the current owners of the property; and, Howard Alderman, Jr., attorney at law, representing the Petitioners.

Appearing in opposition to the Petitioners' request were Michael Chapman, adjacent property owner; Elizabeth Wilhelm and H. Gerard Knoche, also adjacent property owners. Mr. Knoche and Ms. Wilhelm were represented by Rob Hoffman and Timmy Ruppertsberger, attorneys at law. As is customary, representatives from the various Baltimore County reviewing agencies also attended the hearing, namely, Jun R. Fernando, (Zoning), Colleen M. Kelly (Land Acquisition), and Robert W. Bowling (Development Plans Review), all from the Office of Permits & Development Management; Jan Cook from the Department of Recreation & Parks; R. Bruce Seeley from the Department of

Environmental Protection and Resource Management; and Cynthia Pollock from Councilman Kevin Kamenetz's office.

As to the history of the development plan project, a concept plan conference was held February 16, 1999, followed by a community input meeting held at the Hernwood Elementary School on March 23, 1999. A development plan conference followed on June 23, 1999 and a Hearing Officer's Hearing was held on July 15, 1999 in Room 106 of the County Office Building.

At the preliminary stage of the development plan hearing, I attempted to determine what, if any, agency issues remained unresolved at the time of the hearing before me. In response to my inquiry, a couple of issues were identified by Mr. Alderman, on behalf of the developer, Mr. Hoffman and Ms. Ruppertsberger on behalf of their clients, as well as Mr. Chapman. Furthermore, Bob Bowling, a representative of the Department of Permits & Development Management, also identified an issue. Those issues were unable to be resolved at the preliminary stage of the hearing and, therefore, testimony and evidence was taken on those particular topics.

As to the project itself, testimony and evidence offered by the developer indicated that the property, which is the subject of this approval request, consists of 114 acres, zoned R.C.5. The subject property is located on the south side of Liberty Road in the Randallstown area of Baltimore County. The property at this time is currently being farmed by the current owners of the property, Brian Jaeger and Beverly Kram. The owners of the property and the developer, Chestnut Woods, LLC, are interested in developing the property with 37 single family residential lots. Those 37 lots are depicted on Developer's Exhibit No. 1, the development plan of the property. All lots will be serviced by private water and septic. Access to the lots is provided by a main entrance road which intersects Liberty Road.

As stated previously, several issues were identified by the citizens in attendance. One issue involved the road improvements that are proposed to be made to Liberty Road at the intersection of the entrance road to this development. The developer, in accordance with State Highway requirements, is proposing to provide acceleration and deceleration lanes along Liberty Road at the entrance to this subdivision. In addition, a bypass lane will be constructed on the northeast side of Liberty Road, which would allow vehicles to bypass automobiles which turn into the subdivision. Furthermore, the State Highway Administration is requiring the developer to install curbs and gutters along Liberty Road. The developer and the citizens in attendance at the hearing objected to these road improvements, in that, in their opinion, these types of improvements take away from the rural character of the surrounding area. I indicated to the citizens in attendance that I do not have legal jurisdiction over this matter, in that Liberty Road is a State road which does not fall under my purview. However, the State Highway Administration has always taken into consideration the findings and facts and conclusions of law made by this Hearing Officer, as well as Hearing Officer Schmidt in our opinions and orders. Therefore, the findings made herein are advisory in nature and are not an attempt to supercede the judgment of the State Highway Administration.

However, after considering the testimony and evidence of the citizens, as well as my personal knowledge of the property and the surrounding community, I find that it would be more appropriate to not install curb and gutters along Liberty Road at this location. The installation of curbs and gutters do, in fact, detract from the rural feel of a scenic road such as Liberty Road. In addition, there are no other curbs and gutters in this vicinity. Therefore, I believe a better design of the entrance to this proposed community would be to eliminate the installation of curbs and gutters. Along those same lines, I feel that the acceleration and deceleration lanes, as well as the bypass land would be appropriate, given the amount of traffic that utilizes Liberty Road on any given day. These are safety features that I do believe should be installed by the developer. In any event, my findings

are only advisory in nature and the ultimate decision on this issue shall be made by the State Highway Administration.

Another issue raised at the hearing before me involved two proposed panhandle driveways located within the subdivision. The first panhandle driveway at issue services Lots 32, 35 and 36, as shown on the development plan. Mr. Bowling, the representative of the Department of Public Works, objected to the design of the panhandle driveway, in that the developer has failed to provide a T-turnaround area at the end of the panhandle driveway. These turnaround areas are provided on panhandle driveways that exceed 300 ft. in length. The purpose of these T-turnaround areas is to afford emergency vehicles an area to turn their vehicles around and exit the panhandle driveway. Mr. Bowling testified that the panhandle that services Lots 32, 35 and 36 and also the panhandle that services Lots 13, 14, 15 and 16 is actually longer than 300 feet and therefore, a T-turnaround area is mandated.

The developer disagrees with Mr. Bowling's position and argues that the actual portion of the panhandle driveway that is used in common by those lots in question is less than 300 feet. Additional testimony was provided by both the developer and Mr. Bowling as to the policy reasons for installing T-turnaround areas and why the length of 300 feet appears to be the determining factor. In addition to the testimony received, the developer indicated that the T-turnaround areas are unsightly to the homeowners who eventually purchase those lots, given that the large paved area would be situated in their front yards. The developer believes the installation of a T-turnaround at these two locations is unnecessary in that the use and common area of the driveway is less than 300 feet. After considering the testimony and evidence of the developer, as well as Mr. Bowling, I find that the two panhandles in question do, in fact, exceed the 300 ft. use in common requirement and therefore, T-turnaround areas must be provided by the developer at the end of the panhandle that services Lots 32, 35 and 36 and also the panhandle that services Lots 13, 14, 15 and 16.

In addition to the issues previously raised, the adjacent property owners, Reverend H. Gerard Knoche, speaking on behalf of his family, who own 72 acres adjacent to this site, identified an issue of a landscape screen that is to be provided by the developer between the two properties. The developer has set aside a 30 ft. landscape area which is situated immediately adjacent to the property owned by Reverend Knoche's family. At issue between these neighbors is the amount and type of landscaping to be installed upon this berm. Reverend Knoche testified that a Class A landscape screen, plus an additional 25% of plantings would be an appropriate screen to buffer his family's property from the proposed development. On the other hand, the developer submitted into evidence as Developer's Exhibits 3 & 4, schematic landscape drawings of the buffer they wish to provide between the two properties. The parties were unable to come to an agreement at the hearing before me as to the appropriate type of landscaping to be provided on this berm. Therefore, this issue must be resolved by way of this decision.

As an alternative to requiring this developer to provide a landscape buffer, the Knoche family has offered to purchase Lots 1-9 from the developer which would not be built upon, thereby providing a very nice buffer between their property and those lots upon which houses would be built. This offer was made as an alternative to providing the landscape strip and screening. However, at the time of the hearing before me, the parties had not reached an agreement as to the purchase price for Lots 1-9. Therefore, it becomes necessary to rule upon the landscaping issue.

After considering the testimony and evidence offered by the developer, as well as Reverend Knoche, I find that the Developer shall be required to submit a landscape plan to Mr. Avery Harden, the landscape architect for Baltimore County, for his review and approval. Mr. Harden shall take into consideration, when reaching what he believes to be an appropriate screen between the properties, the landscape plans submitted by the developer marked as Developer's Exhibit No. 3, and the position of the Knoche Family who requested a Class A screen with planting units increased by 25%. It shall be Mr.

Harden's responsibility to ultimately decide on the amount and type of appropriate screening to be placed on this landscape berm.

One final matter was raised by Mr. Mike Chapman, adjacent property owner. Mr. Chapman raised a concern over the intensity of this development and the location of the wells and septic reserve areas located on the lots within this subdivision. Mr. R. Bruce Seeley, a representative of DEPRM, testified on this particular issue. Mr. Seeley stated that his office has reviewed this subdivision, the location of the lots, and the wells and septic areas as shown on the plan, and assured Mr. Chapman that given the recharge rate for lots of this size, that there would be no adverse affects on groundwater in the area or septic problems associated with this property. Mr. Seeley also based his testimony on the data maintained in his office as to the availability of groundwater in this area of Baltimore County and the fact that the soils are good soils for providing septic drain fields. After considering the testimony provided by Mr. Seeley, I find that Mr. Chapman's concerns over the amount of wells and septic areas on these lots is not sufficient to warrant a denial of this development plan.

No other issues were raised at the hearing before me. The issues that were raised at the hearing were resolved by way of this Order and were not sufficient to warrant a denial of the development plan. Therefore, the development plan submitted into evidence as Developer's Exhibit No. 1, be and is hereby approved.

In addition to the requested approval of the development plan, the Developers also requested a waiver pursuant to Sections 26-171, 26-172(b), Section 26-203(c)(8), and Section 26-278 of the Baltimore County Code, requesting approval to raze a historic structure. The issue of whether to raze the historic structure which at one time served as a dwelling on the subject property was, in fact, reviewed by the Landmarks Preservation Commission. After reviewing the issue, the Commission ruled that they had no objection to the property owners tearing down the old structure on the property. Photographs showed the structure to be extremely deteriorated and a safety hazard. Based on the

testimony and evidence presented, I am persuaded to grant the requested special hearing relief. The undisputed testimony and evidence presented demonstrated that the subject structure has little historic value and need not be preserved. Therefore, it shall be appropriate for the structure to be torn down and the special hearing shall be granted.

Pursuant to the advertisement and posting of the property, and after considering the testimony and evidence offered by all parties in attendance, I find that the development plan submitted as Developer's Exhibit No. 1, shall be approved and the special hearing request to raze a historic structure granted.

THEREFORE, IT IS THIS 20th day of July, 1999, by the Deputy Zoning Commissioner/Hearing Officer for Baltimore County, that the developer's requested approval of the Development Plan submitted as Developer's Exhibit No. 1, be and is hereby APPROVED.

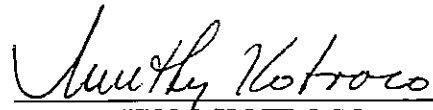
IT IS FURTHER ORDERED, that the special hearing request for a waiver, pursuant to Sections 26-171, 26-172(b), Section 26-203(c)(8), and Section 26-278 of the Baltimore County Code, to raze a historic structure, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the relief granted herein is subject to the following conditions and restrictions:

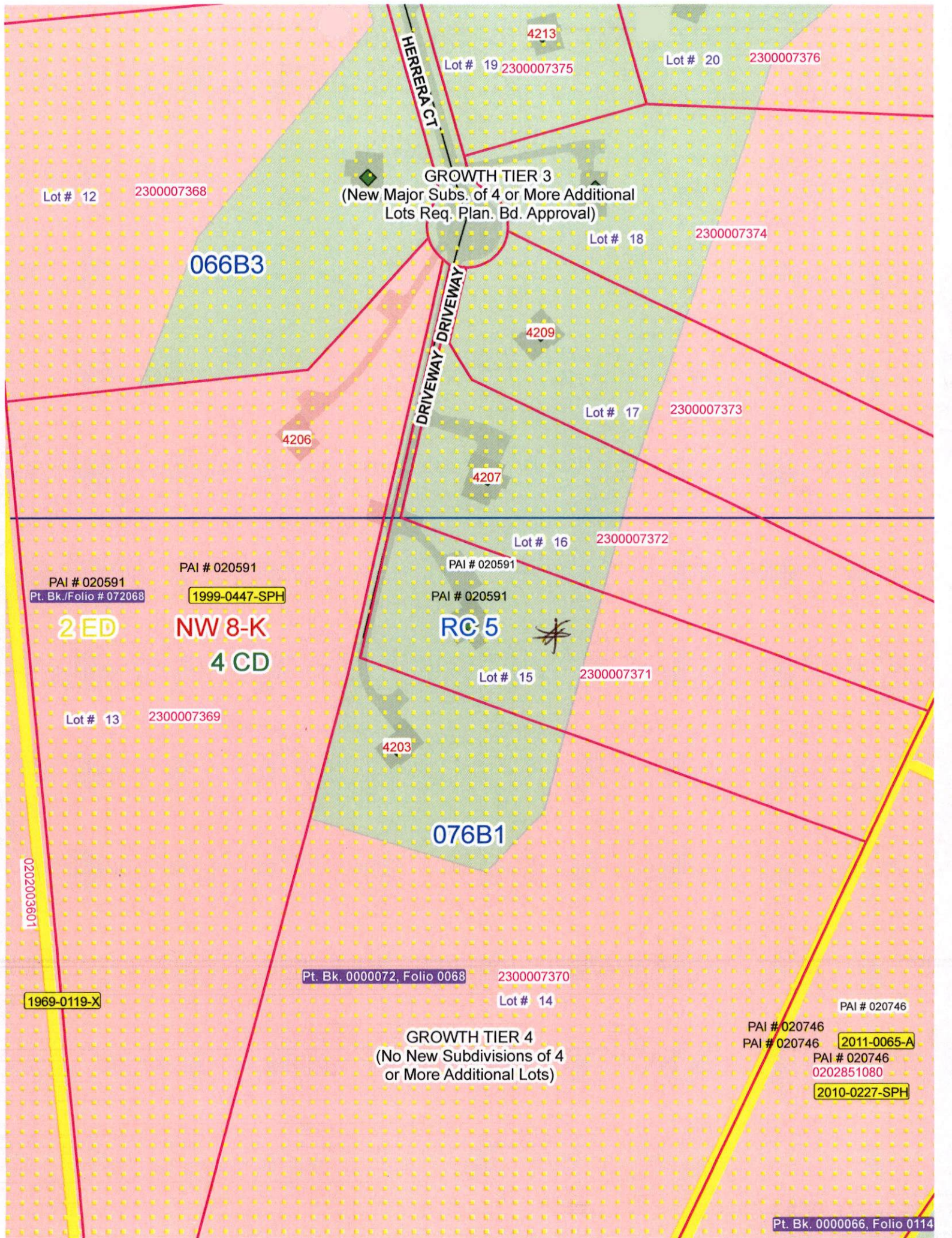
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at his time is at their own risk until such time as the 30 day appellate process from this Order has expired. If an appeal is filed and the Order is reversed, the relief granted herein shall be rescinded.
- 2) The special hearing relief to raze a historic structure is contingent upon the Petitioners submitting photographic documentation of the subject structure prepared to National Register standards, as approved by the County historian.

- 3) The developer shall submit a landscaping proposal to Mr. Avery Harden, Landscape Architect for Baltimore County, within thirty (30) days from the date of this Order. Mr. Harden shall have ultimate authority to determine the amount, type and appropriateness of the screening that is to be provided on the 30 ft. landscape strip located between the property to be developed herein and the adjacent property owned by the Knoche Family.
- 4) The developer shall be required to install T-around areas at the end of the panhandle servicing Lots 14, 15 and 16 and the panhandle servicing Lots 32, 35 and 36.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



HERRERA CT

GROWTH TIER 3

(New Major Subs. of 4 or More Additional
Lots Req. Plan. Bd. Approval)

DRIVEWAY DRIVEWAY

066B3

RC5

076B1

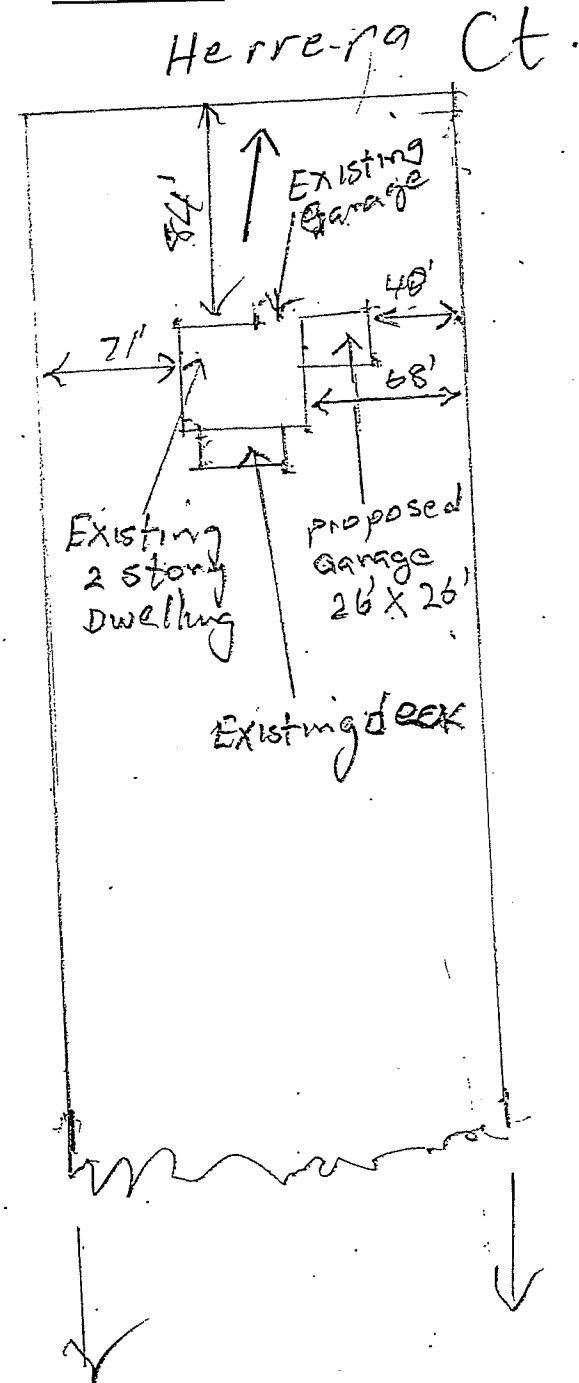
2ED

NW 8-K
4 CD

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

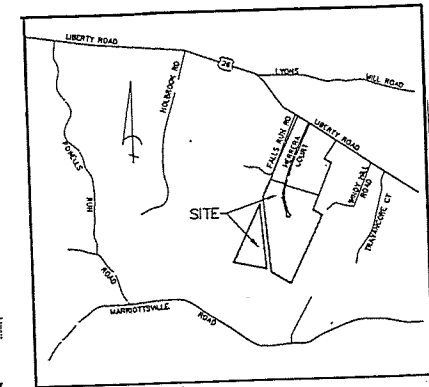
Pt. Bk. 0000066, Folio 0114

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 4205 Herrera Ct. OWNER(S) NAME(S) Justin Giwa & Chiedza Mgodli
SUBDIVISION NAME KRAM / JAEGER PROPERTY LOT # 15 BLOCK # _____ SECTION # _____
PLAT BOOK # 2 FOLIO # _____ 10 DIGIT TAX # 2300007371 DEED REF. # 35229/00049



DRAWN BY Justin Giwa DATE 5/19/17 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 07681

SITE ZONED RC-5

ELECTION DISTRICT 2nd

COUNCIL DISTRICT 4th

LOT AREA ACREAGE 2.85

OR SQUARE FEET 124,146

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE X

SEWER IS:

PUBLIC _____ PRIVATE X

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

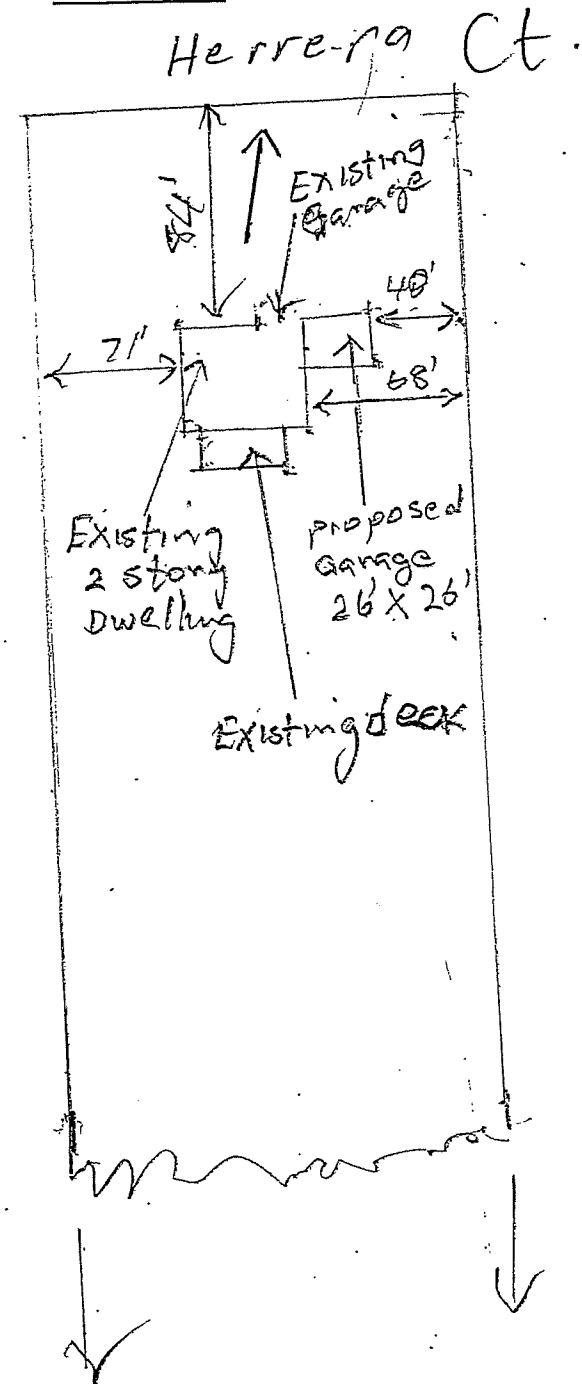
AND ORDER RESULT BELOW

1999-0447-SPH

VIOLATION CASE INFO:

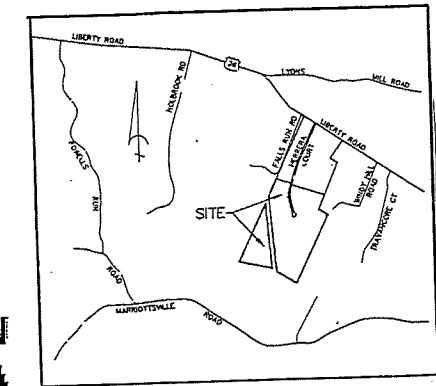
2017-0312-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 4205 Herrera Ct. OWNER(S) NAME(S) Justin Giwa & Chiedza Mgodli
SUBDIVISION NAME KRAM / JAEGER PROPERTY LOT # 15 BLOCK # _____ SECTION # _____
PLAT BOOK # 2 FOLIO # _____ 10 DIGIT TAX # 2300001371 DEED REF. # 35229/00049



DRAWN BY Justin Giwa DATE 5/19/17 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

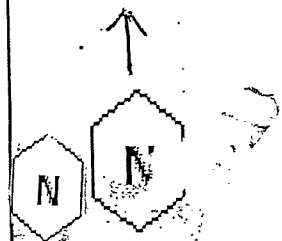
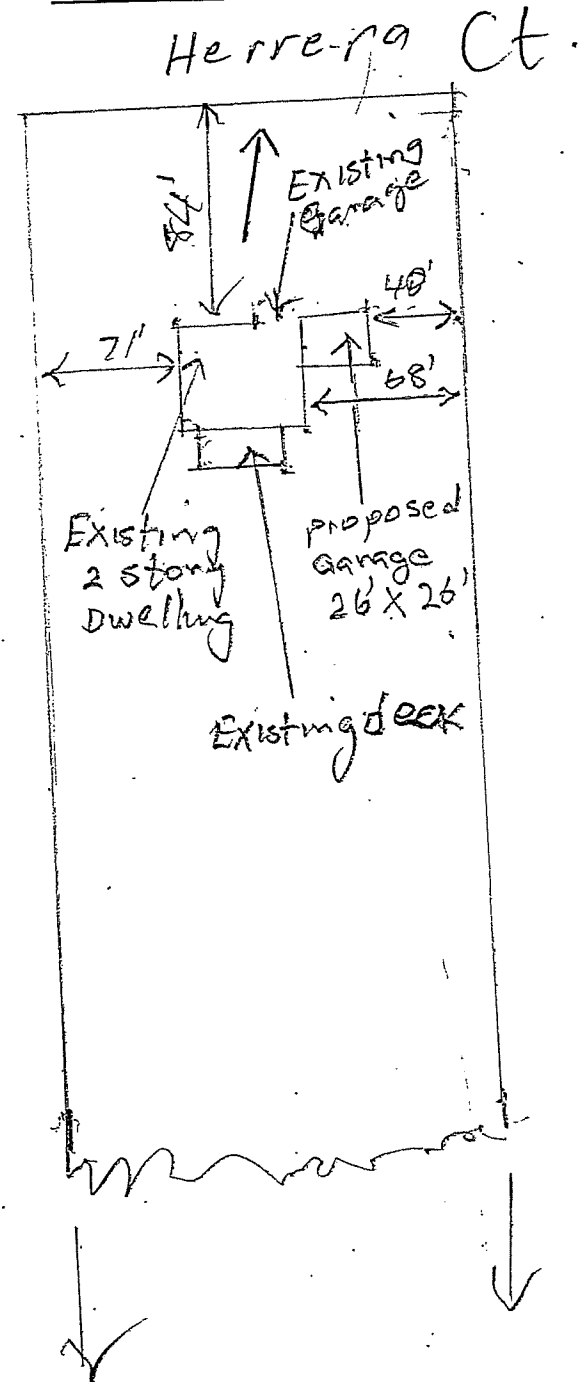
ZONING MAP# 07681
SITE ZONED RC-5
ELECTION DISTRICT 2nd
COUNCIL DISTRICT 4th
LOT AREA ACREAGE 2.85
OR SQUARE FEET 124,146
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS: PUBLIC _____ PRIVATE X
SEWER IS: PUBLIC _____ PRIVATE X
PRIOR HEARING? YES
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
1999-0447-SPH

VIOATION CASE INFO:

2017-0312-A

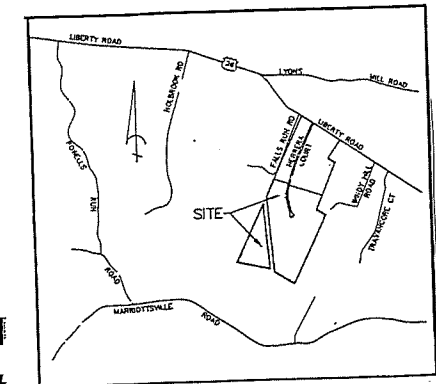
Pat. Exh. 1

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 4205 Herrera Ct. OWNER(S) NAME(S) Justin Giwa & Chiedza Mgodini
SUBDIVISION NAME KRAM / TAAGER PROPERTY LOT # 15 BLOCK # _____ SECTION # _____
PLAT BOOK # 2 FOLIO # _____ 10 DIGIT TAX # 2300001371 DEED REF. # 35229/00049



DRAWN BY Justin Giwa DATE 5/19/17 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

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SITE ZONED RC-5
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AND ORDER RESULT BELOW
1999-0447-SPH

VIOATION CASE INFO:

2017-0312-A