

MEMORANDUM

DATE: August 8, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0325-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 7, 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 *
(8 Ellens Choice Way)
6th Election District *
3rd Council District *
Julian S. Clarke 3rd & Lisa K. Clarke *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2017-0325-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Julian S. Clarke 3rd and Lisa K. Clarke. The Petitioners are requesting Variance relief pursuant to §§ 103.1 and 1A00.4 (§ 1A03.4.B.4 of the 1989 zoning regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a property line setback as close as 10 ft. in lieu of the minimum required 37.5 ft. and to amend the Final Development Plan (FDP) for Ellen's Choice II, Section II, Lot 8 only. 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 received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 18, 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 Section 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 7-7-17

By bw

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 Section 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 7th day of **July, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to §§ 103.1 and 1A00.4 (§ 1A03.4.B.4 of the 1989 zoning regulations) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck) with a property line setback as close as 10 ft. in lieu of the minimum required 37.5 ft. and to amend the Final Development Plan (FDP) for Ellen's Choice II, Section II, Lot 8 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said 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 7-7-17



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 8 ELLENS CHOICE WAY Currently zoned RC4 (Voted 1989 Regs)
Deed Reference 14144 / 665 10 Digit Tax Account # 21 0 0 0 1 3 8 8 1
Owner(s) Printed Name(s) JULIAN & LISA CLARKE

(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) 103.1 - 1A00.4, BC2R (SECTION 1A03.4.B.4 OF THE 1989 ZONING REGULATIONS) TO PERMIT AN OPEN PROJECTION (DECK) WITH A PROPERTY LINE SET BACK AS CLOSE AS 10 FEET IN LIEU OF THE MINIMUM REQUIRED 37 1/2 FEET, And to amend the Final Development Plan for Ellen's Choice II, of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. Section II, Lot 8 only.

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):

JULIAN CLARKE ^{3RD} LISA CLARKE
Name #1 - Type or Print Name #2 - Type or Print
[Signature] [Signature]
Signature #1 Signature #2
8 ELLENS CHOICE WAY PARKIN, MD
Mailing Address City State 21120
21120 410-336-7398
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:

JOE PARKER (CONTRACTOR)
Name- Type or Print
[Signature]
Signature
1001 68th STREET ROSEDALE MD
Mailing Address City State
21237 410-977-4234 EMCLOPROPERTIES @ COMCAST.NET
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 17 day of July, 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 2017-0325-A Filing Date 6/6/2017 Estimated Posting Date 6/18/2017 Reviewer JNP

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: BELLENS CHOICE WAY PARKTON, MD 21120
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 PROPOSED OPEN AIR DECK IS TO BE CONSTRUCTED ALONG THE EAST SIDE OF THE EXISTING STRUCTURE DUE TO AN EXISTING LOCATION OF AN EXTERIOR DOOR AND THE GRADE OF THE PROPERTY THIS PRESENTS THE BEST SUITABLE LOCATION. THE PRACTICAL DIFFICULTY IS DUE TO THE 20' SETBACK REQUIREMENT. WE REQUEST FOR RELIEF IN REDUCING THE SET BACK FROM 20' TO 10'.

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

Signature of Owner (Affiant)

JULIAN CLARKE
Name- Print or Type

Signature of Owner (Affiant)

LISA CLARKE
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

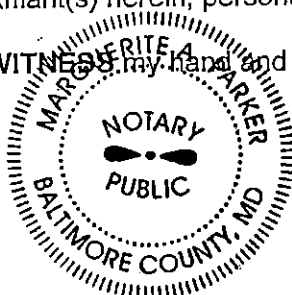
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27th day of April, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Marguerite A. Parker

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

AS WITNESSED by my hand and Notaries Seal



Notary Public

My Commission Expires 1/26/19

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: B ELLENS CHOICE WAY PARKTON, MD 21120
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 PROPOSED OPEN AIR DECK IS TO BE CONSTRUCTED ALONG THE EAST SIDE OF THE EXISTING STRUCTURE DUE TO AN EXISTING LOCATION OF AN EXTERIOR DOOR AND THE GRADE OF THE PROPERTY. THIS PRESENTS THE BEST SUITABLE LOCATION. THE PRACTICAL DIFFICULTY IS DUE THE 20'0 SET BACK REQUIREMENT. WE REQUEST FOR RELIEF IN REDUCING THE SET BACK FROM 20' TO 10'.

(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)

[Signature]
Signature of Owner (Affiant)

Name- Print or Type

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

Print name(s) here: Marguerite A Parker

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

AS WITNESSED by my hand and Notaries Seal



[Signature]
Notary Public

My Commission Expires 1/26/19



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 8 ELLENS CHOICE WAY Currently zoned RC4 (Vested 1989 Reg.)
 Deed Reference 14144 / 665 10 Digit Tax Account # 21 00 01 38 8 1
 Owner(s) Printed Name(s) JULIAN & LISA CLARKE

(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) 103.1; 1A00.4, BCZR (Section 1A03.4.B.4 of the 1989 Zoning Regulations) to permit an open projection (deck) with a property line setback as close as 10 feet in lieu of the minimum required 3 1/2 feet, and to amend the Final Development Plan for Ellen's Choice II, Section II, Lot 8 only.
 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):

JULIAN CLARKE 3RD LISA CLARKE
 Name #1 - Type or Print Name #2 - Type or Print
[Signature] [Signature]
 Signature #1 Signature #2
8 ELLENS CHOICE WAY PARKTON, MD
 Mailing Address City State
21120 410-336-7398
 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:

JOSEPH A. PARKER II
 Name - Type or Print
[Signature]
 Signature
1001 68TH STREET ROSEDALE, MD
 Mailing Address City State
21237 410-977-4234 EMCLOPROPERTIES @
 Zip Code Telephone # Email Address
COMCAST-NET

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 on this 6TH day of JUNE, 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 2017-0325-A Filing Date 6/6/2017 Estimated Posting Date 6/18/2017 Reviewer JNP

Zoning Description

8 Ellen's Choice Way

6th Election District

3rd Councilman District

Baltimore County, MD 21120

Beginning at a point on the west side of Ellen's Choice Way (50 foot wide right-of-way), at the distance of 467 feet southeast of the center line of Rayville Road and being known as Lot 8 of Section II – Ellen's Choice II recorded in Play book 60 Folio 125, containing 2.679 acres of land.

Being located and known as 8 Ellen's Choice Way as recorded in Deed Liber 14144 Folio 665. Located in the 6th Election District and 3rd Councilman District.

2017-0325-A

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2017-0325-A

PETITIONER/DEVELOPER

JULIAN & LISA CLARKE

DATE OF HEARING/CLOSING:

7/3/17

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT

8 ELLEN'S CHOICE WAY

THIS SIGN(S) WERE POSTED ON

(MONTH, DAY, YEAR)

June 18, 2017

SINCERELY,

Martin Ogle 6/18/17

SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

9912 MAD BROOK RD.

BALTO. MD. 21234

(ADDRESS)

PHONE NUMBER: 443-629-3411



mailing 4/18/17

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0325 -A Address 8 Ellen's Choice Way

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/6/2017 Posting Date: 6/18/2017 Closing Date: 7/3/2017

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

- 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.
- 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.
- 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.
- 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- 0325 -A Address 8 Ellen's Choice Way

Petitioner's Name Julian & Lisa Clarke Telephone 410-336-7398

Posting Date: 6/18/2017 Closing Date: 7/3/2017

Wording for Sign: To Permit an open projection (deck) with a property line setback as close as 10 feet in lieu of the minimum required 37½ feet, and to amend the Final Development Plan for Ellen's Choice II, Section II, Lot 8 only

Revised 7/9/15

№ 153087

Date: 6/6/2017

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				150.00
Total:								150.00

Total: 150.00

Rec: Julian & Lisa Clarke

For: Adm. Variance - 8 Ellen's Choice Day
2017-11325-A (CLARKE)

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
6/07/2017	6/06/2017	11:38:06	3

REG 0503 WALKIN CAM

>>RECEIPT # 726092 6/06/2017 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 153087

Recpt Tot: \$150.00

\$150.00 CK \$.00 CA

Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

July 3, 2017

Julian III & Lisa Clarke
8 Ellens Choice Way
Parkton, MD 21120

RE: Case Number: 2017-0325 A, Address: 8 Ellens Choice Way

Dear Mr. & Ms. Clarke:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 6, 2017. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Joe Parker, 1001 68th Street, Rosedale MD 21237

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

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION

Pete K. Rahn, Secretary
Gregory Slater, Administrator

STATE HIGHWAY
ADMINISTRATION

Date: 6/14/17

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. 2017-0325-A

*Administrative Variance
Julian & Lisa Clark 3rd
& Ellen's Choice Way*

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,

for Richard Zeller

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 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0325-A
Address 8 Ellens Choice Way
(Clark Property)

Zoning Advisory Committee Meeting of **June 19, 2017**.

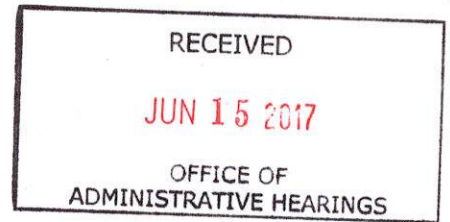
X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 6-15-2017

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 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0325-A
Address 8 Ellens Choice Way
(Clark Property)

Zoning Advisory Committee Meeting of **June 19, 2017**.

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

Reviewer: Steve Ford Date: 6-15-2017

CHECKLIST

<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>6-15</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>6-14</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2009-0065-A</u>)	
NEWSPAPER ADVERTISEMENT	Date: _____	<u>One-story addition 28x38 front yd. setback of 29 ft. and side yd. setback of 20 ft. Approved 10-2-08 w/cond. Bestwick</u>
SIGN POSTING	Date: <u>6-18-17</u> by <u>Ogle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		



FRONT VIEW OF PROPERTY LOOKING SOUTH AT PROPERTY.
SHOWING THE FRONT OF THE HOUSE.

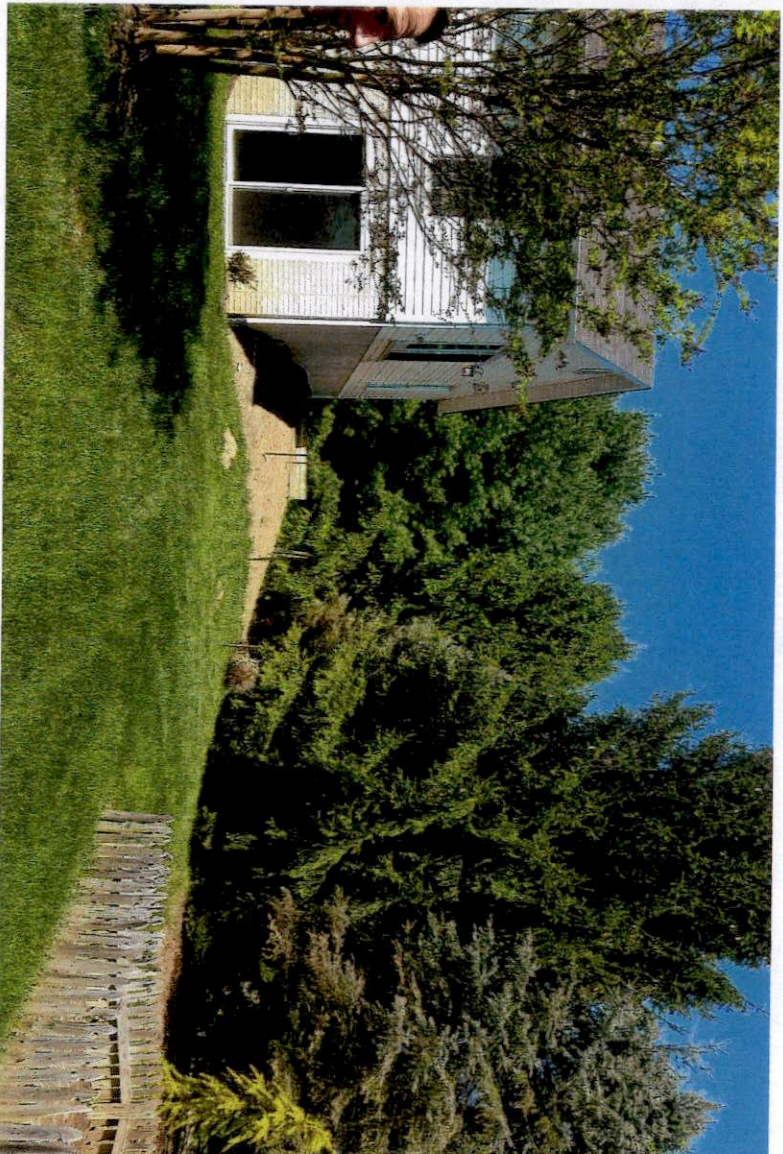


CLOSE VIEW OF SIDE
(EASTSIDE) OF PROPERTY.
LOOKING SOUTH FROM FRONT
YARD.

2017-0325-A



SIDE VIEW OF HOUSE LOOKING WEST AT THE PROPERTY FROM THE SIDE.



VIEW FROM BACKYARD SHOWING REAR & SIDE OF HOUSE LOOKING NORTH AT THE PROPERTY.

2017-0325-4

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 06 Account Number - 2100013881			
Owner Information					
Owner Name:	CLARKE JULIAN S 3RD CLARKE LISA K		Use:	RESIDENTIAL	
Mailing Address:	8 ELLENS CHOICE WAY PARKTON MD 21120-9097		Principal Residence:	YES	
			Deed Reference:	/14144/ 00665	
Location & Structure Information					
Premises Address:		8 ELLENS CHOICE WAY 0-0000		Legal Description:	2.697 AC 8 ELLENS CHOICE CT ELLENS CHOICE II
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0011	0023	0046		0000	2 8 2017 0060/0125
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1990	3,149 SF	1000 SF	2.6900 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Attached
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2017	07/01/2016	07/01/2017	
Land:	115,700	128,500			
Improvements	349,200	419,500			
Total:	464,900	548,000	464,900	492,600	
Preferential Land:	0			0	
Transfer Information					
Seller: PRICE ERNEST R		Date: 11/10/1999		Price: \$276,000	
Type: ARMS LENGTH IMPROVED		Deed1: /14144/ 00665		Deed2:	
Seller: MANOR LAND ASSOC IATES		Date: 03/21/1990		Price: \$58,500	
Type: ARMS LENGTH IMPROVED		Deed1: /08432/ 00824		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

TB AV
19-29-08

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Ellen's Choice Way, 467 feet SE of
c/l of Rayville Road
6th Election District
3rd Councilmanic District
(8 Ellen Choice Way)

Julian S. Clarke 3rd and Lisa Clarke
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0065-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Julian S. Clarke 3rd and Lisa Clarke for property located at 8 Ellen Choice Way. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a front yard setback of 29 feet and a side yard setback of 20 feet in lieu of the minimum required 50 respectively, and to amend the final development plan of Ellen's Choice, Lot 8 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to construct a one-story addition measuring 28 feet x 38 feet. The proposed addition will be used as a residence for the Petitioners' mother and will contain a bedroom, bath, small kitchen and a living and dining area. Due to the architectural layout of the existing dwelling, the area selected for the addition is the only suitable location to place the addition without impacting the livable area of the dwelling. The septic system is located behind the house and prevents adding onto the rear of the dwelling. Because of the location of the dwelling on the lot, steep slopes and the septic area in the rear of the property, the addition cannot be built without the requested variance relief. The subject property contains 2.697 acres.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated September 30, 2008 which indicates that they do not oppose the Petitioners' request provided the addition is constructed using exterior building materials similar to that of the existing structure. Relief is also subject to the condition of the Declaration to be filed after such relief is granted. The kitchen facilities shall be removed from the addition after the Petitioners' mother no longer occupies such.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 13, 2008 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 Section 32-3-303 of the Baltimore County Code. 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 welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 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.

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, by the Deputy Zoning Commissioner for Baltimore County, this 2nd day of October, 2008 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a front yard setback of 29 feet and a side yard setback of 20 feet in lieu of the minimum required 50 respectively, and to amend the final development plan of Ellen's Choice, Lot 8 only is hereby GRANTED, subject to the following:

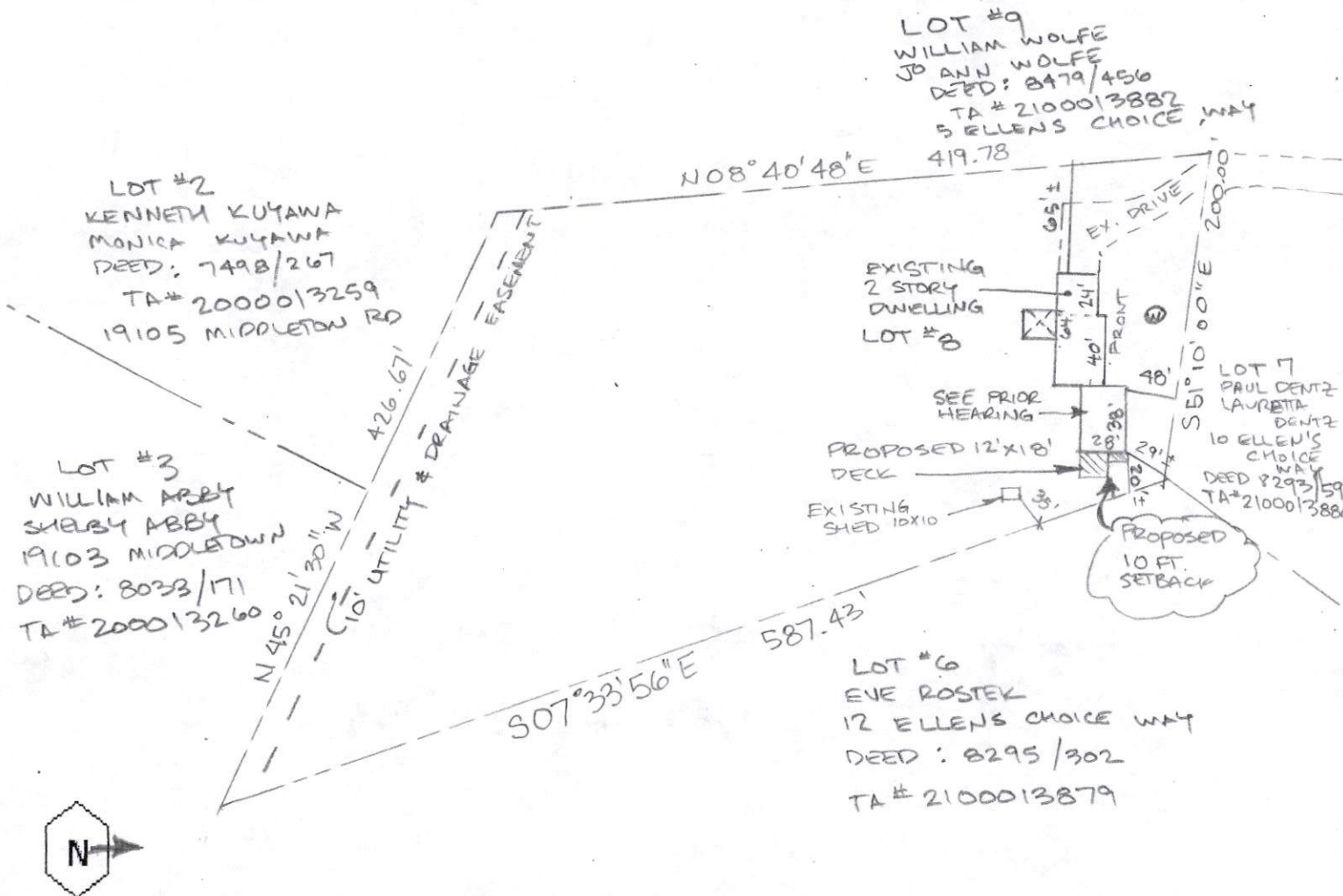
1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall execute and file a Declaration of Understanding for In-Law Quarters with the Department of Permits and Development Management.
3. The in-law quarters must be used only by the Petitioners' mother and not for rental/income purposes.
4. The Petitioners shall record a copy of this Order in the Land Records of Baltimore County.
5. In the event that the Petitioners' mother no longer residents at the subject dwelling, the residence shall not be converted to a 2-two family dwelling.
6. When applying for a building permit, the site plan must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

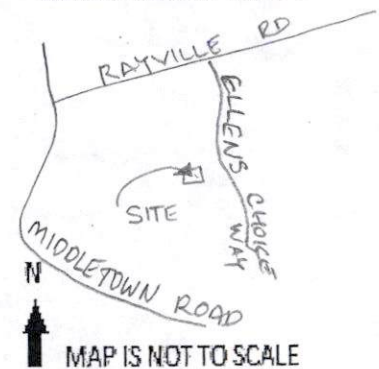
THB:pz

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 8 ELLENS CHOICE WAY OWNER(S) NAME(S) JULIAN & LISA CLAYKE 3RD
 SUBDIVISION NAME ELLENS CHOICE II LOT# 8 BLOCK# _____ SECTION# II
 PLAT BOOK# 60 FOLIO# 125 10 DIGIT TAX# 2100013881 DEED REF.# 14144/665



PLAN DRAWN BY JOSEPH A. PARKER II DATE 03/24/17 SCALE: 1 INCH = 100 FEET

SITE VICINITY MAP



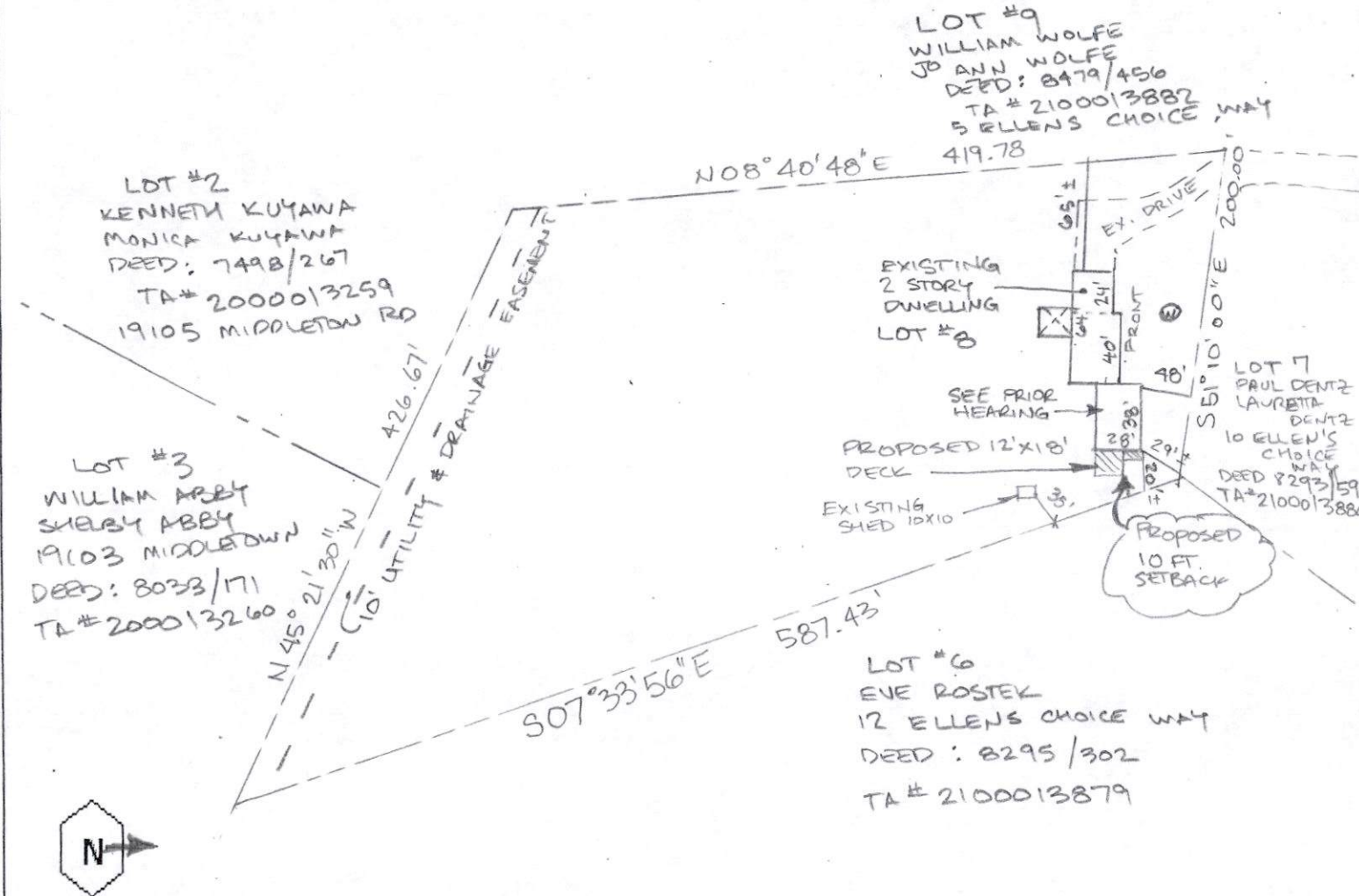
ZONING MAP# 11C3
 SITE ZONED PC4
 ELECTION DISTRICT 6TH
 COUNCIL DISTRICT 3RD
 LOT AREA ACREAGE 2.697 A.C.
 OR SQUARE FEET 117,481 ±
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC _____ PRIVATE X
 SEWER IS:
 PUBLIC _____ PRIVATE X
 PRIOR HEARING? YES
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
#2009-0065-A

APPROVED _____

VIOLATION CASE INFO: _____

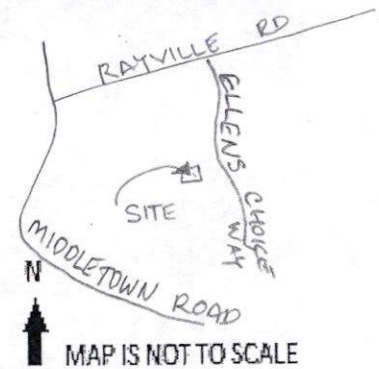
2017-0325-A

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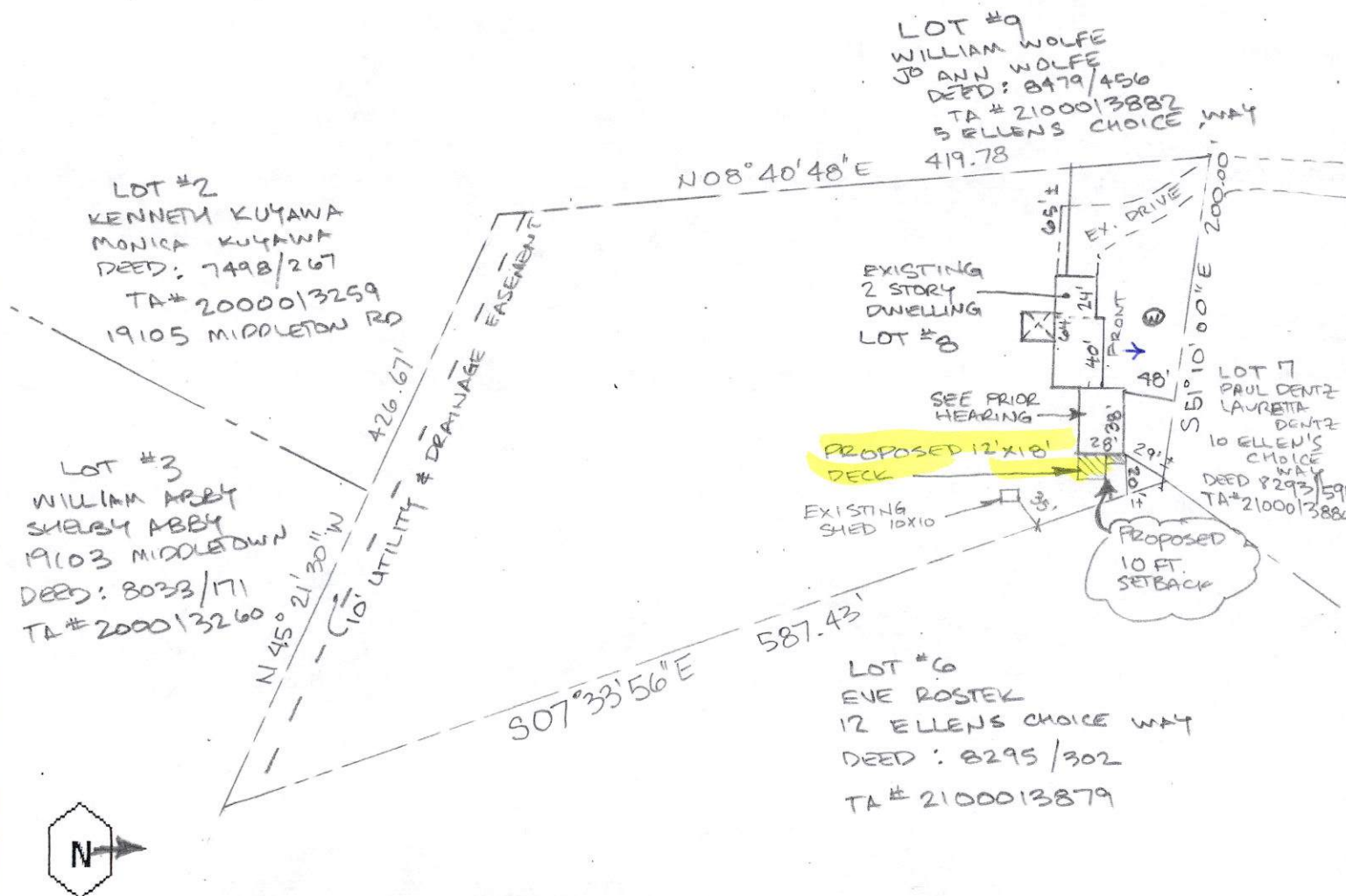
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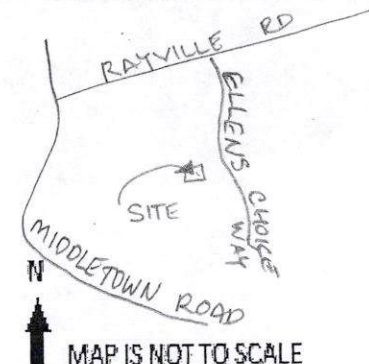
2017-0325-A

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SITE VICINITY MAP



ZONING MAP# 11C3

SITE ZONED RC4

ELECTION DISTRICT 6TH

COUNCIL DISTRICT 3RD

LOT AREA ACREAGE 2.697 AC.

OR SQUARE FEET 117,481

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

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APPROVED

VIOLATION CASE INFO:

2017-0325-A

Pet. Exh. 1