

M E M O R A N D U M

DATE: September 6, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0350-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 31, 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 * BEFORE THE
(1510 Maywood Road) *
9th Election District * OFFICE OF ADMINISTRATIVE
2nd Council District *
Edward L. and Katherine L. Mitzel * HEARINGS FOR
Petitioners *
* BALTIMORE COUNTY
* CASE NO. 2017-0350-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, Edward L. and Katherine L. Mitzel. The Petitioners are requesting Variance relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit two accessory structures (detached porch with roof and chimney and detached garage) to be located in the front and side yards in lieu of the third of the rear yard farthest removed from the street, and to permit a height of 17 ft. (for the chimney) in lieu of the maximum height of 15 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 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 July 9, 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

ORDER RECEIVED FOR FILING

Date 8-1-17

By [Signature]

the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of 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.

Although the Department of Planning did not make any recommendations related to the proposed detached garage's height and usage, I will impose conditions that the garage shall not be converted into dwelling units or apartments, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

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 1st day of **August, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit two accessory structures (detached porch with roof and chimney and detached garage) to be located in the front and side yards in lieu of the third of the rear yard farthest removed from the street, and to permit a height of 17 ft. (for the chimney) in lieu of the maximum height of 15 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.

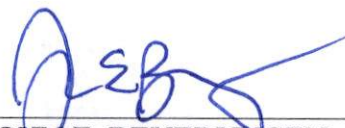
ORDER RECEIVED FOR FILING

Date 8-1-17

By [Signature]

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

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 8-1-17

By kw



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 1510 MAYWOOD AVENUE TOWSON, MD 21204 Currently zoned DR-2
Deed Reference / 10 Digit Tax Account # 0903472250
Owner(s) Printed Name(s) EDWARD L. MITZEL/KATHERINE L. MITZEL

(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. ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 400.36, 400.1, BC2R, to permit two accessory buildings (detached porch with roof & chimney, and detached garage) to be located in the front and side yards in lieu of the third of the rear yard furthest removed from the street, and to permit a height of 17 feet (for the chimney) in lieu of the maximum height of 15 feet. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. allowed

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):

EDWARD L. MITZEL / KATHERINE L. MITZEL
Name #1 – Type or Print Name #2 – Type or Print

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

1510 MAYWOOD AVENUE TOWSON MD
Mailing Address City State

21204 / 443-797-4131 / cmitzel@gmail.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

PATRICK D. JAROSINSKI
Name – Type or Print

[Signature]
Signature

PO BOX 234 RIDGEWOOD MD
Mailing Address City State

21139 / 410 494-1017 / patrickdjassociates.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 8-1-17 day of August, 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 2017-0350-A Filing Date 6/27/2017 Estimated Posting Date 7/9/2017 Reviewer JNP

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

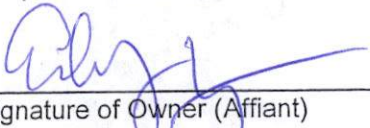
The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in 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: 1510 MAYWOOD AVENUE TOWSON MD 21204
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)

SEE 'ATTACHMENT' X

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


Signature of Owner (Affiant)
EDWARD L. MITZEL
Name- Print or Type


Signature of Owner (Affiant)
KATHERINE L. MITZEL
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 _____ day of _____, _____, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: _____

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

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

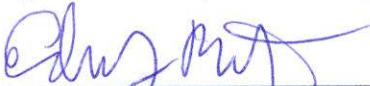
The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in 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: 1910 HAYWOOD AVENUE TOWSON MD 21204
Print or Type Address of property City State Zip Code

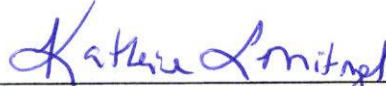
Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

SEE ATTACHMENT 'A'

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


Signature of Owner (Affiant)

EDWARD L. MITZEL
Name- Print or Type


Signature of Owner (Affiant)

KATHERINE L. MITZEL
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 _____ day of _____, _____, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: _____

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

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires



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 1510 MAYWOOD AVENUE TOWSON, MD 21204 Currently zoned DR-2
 Deed Reference / 10 Digit Tax Account # 0903472250
 Owner(s) Printed Name(s) EDWARD L. MITZEL / KATHERINE L. MITZEL

(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. ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 400.3 & 400.1 BCZC to permit two accessory structures (detached porch with roof & chimney; and detached garage) to be located in the front and side yards in lieu of the third of the rear yard furthest removed from the street and to permit a height of 17 feet (for the chimney) in lieu of the maximum height of 15 feet of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. allowed

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):

EDWARD L. MITZEL / KATHERINE L. MITZEL
 Name #1 – Type or Print Name #2 – Type or Print
[Signature] [Signature]
 Signature #1 Signature #2

1510 MAYWOOD AVENUE TOWSON MD
 Mailing Address City State
21204 / 443-797-4131 / emitzel@gmail.com
 Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

N/A
 Name- Type or Print
 Signature
 Mailing Address City State
 Zip Code Telephone # Email Address

Representative to be contacted:

PATRICK D. JAROSINSKI
 Name – Type or Print
[Signature]
 Signature
PO Box 234 RIDERWOOD MD
 Mailing Address City State
21139 / 410-494-1017 / patrick@jarosassociates.ca
 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 01 day of August, 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 2017-0350-A Filing Date 6/27/2017 Estimated Posting Date 7/9/2017 Reviewer JNP

Variance Request for 1510 Maywood, Avenue, Towson, Maryland 21204

Attachment A

We are requesting a variance to allow a 12' x 24' detached Garage in the front yard because the front door was moved from the street facing elevation to the side during previous owner renovations. Our lot is a corner lot and we have no rear yard to speak of and grades would make it impossible to construct a building in that area. The house is in a densely-populated area on a small lot that is not conducive to off street parking as it borders a major thoroughfare. We are proposing an attractive structure which will complement our house as well as will stay in keeping with the architecture of the surrounding neighborhood. Many of the other home owners on the street and in the neighborhood, have a Garage in the same location on their properties.

We are also requesting a variance for a 17'-0" x 19'-0" detached open Covered Porch on the side yard which is proposed to be 3'-6" from the side property line vs. the 15' minimum requirement. The opposite side yard has a 30' setback. The structure is proposed to be 14' in height to the top of the roof pitch, beneath the 15' requirement, but 17' in height to the top of the chimney and cupola.

**ZONING DESCRIPTION FOR
1510 Maywood Avenue, Towson, Maryland 21204**

Beginning at a point on the ~~south east~~^{north} side of Maywood Avenue, which is 20' wide, at the distance of 110 feet east of the centerline of the nearest improved street (Bellona Avenue) which has a 40' R/W, being known and designated as Lots 1 and 2 as shown on a plat entitled "Plat of Ruxton Heights" which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book JWS No. 1, Folio # 64, containing 0.26 acres. Also known as 1510 Maywood Avenue, Towson, Maryland 21204 and located in the 9th Election District, 2nd Councilmanic District.

2017-0350-A

CERTIFICATE OF POSTING

Date: 7-9-17

RE: Case Number: 2017-0350-A



Essary sign(s) required
210 Maryland Ave

(Year)

one filson
 of Sign Poster)

ENCE PILSON
 Name of Sign Poster)

1 Barn Road
 Address of Sign Poster)

n. MD 21120
 , Zip Code of Sign Poster)

13-1443
 Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0350 -A Address 1510 Maywood Avenue

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

Filing Date: 6/27/2017 Posting Date: 7/9/2017 Closing Date: 7/24/17

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- 0350 -A Address 1510 Maywood Avenue

Petitioner's Name Edward & Katherine Mitzel Telephone 443-797-4131

Posting Date: 7/9/2017 Closing Date: 7/24/2017

Wording for Sign: To Permit two accessory buildings (detached porch with roof chimney and a detached garage) to be located in the front and side yards in lieu of the third of the rear yard furthest removed from the street, and to permit a height of 17 feet (for the chimney) in lieu of the maximum allowed height of 15 feet.

Revised 7/9/15

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

NO 154790

Date: 6/27/2017

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

Total: 75.00

Rec From: Edward & Katherine Mitzel

For: Admin. Variance - 1510 Maywood Ave.
2017-0350-A (Mitzel)

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
6/27/2017 6/27/2017 11:15:53 3
REG W503 WALKIN CAN
>>RECEIPT # 730295 6/27/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 154790
Recpt Tot \$75.00
\$75.00 CK \$0.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

July 25, 2017

Edward L & Katherine L Mitzel
1510 Maywood Avenue
Towson MD 21204

RE: Case Number: 2017-0350 A, Address: 1510 Maywood Avenue

Dear Mr. & Ms. Mitzel:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 27, 2017. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Patrick D Jarosinski, P O Box 234, Riderwood MD 21139

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



7-24
RECEIVED

JUL 10 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

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: July 10, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0350-A
Address 1510 Maywood Avenue
(Mitzel Property)

Zoning Advisory Committee Meeting of **July 10, 2017.**

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

Reviewer: Steve Ford

Date: 7-10-2017

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 7/5/17

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

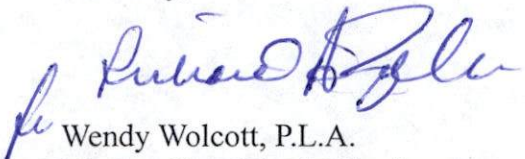
Dear Ms. Lewis:

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. 2017-0350-A

*Administrative Variance
Edward L. & Katherine Mitzel
1510 Maywood Avenue.*

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, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

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: July 10, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0350-A
Address 1510 Maywood Avenue
(Mitzel Property)

Zoning Advisory Committee Meeting of **July 10, 2017.**

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

Reviewer: Steve Ford

Date: 7-10-2017

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>7-10</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>7-5</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. <u>2016-0149-A Feb. 2016</u>)		
NEWSPAPER ADVERTISEMENT Date: _____		
SIGN POSTING Date: <u>7-9-17</u> by <u>Pilson</u>		
PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐		
PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐		
Comments, if any: _____		

IN RE: PETITION FOR ADMIN. VARIANCE *

(1510 Maywood Road)

9th Election District *

2nd Council District

Edward L. and Katherine L. Mitzel *

Petitioners *

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0149-A

* * * * *

OPINION ON MOTION FOR RECONSIDERATION

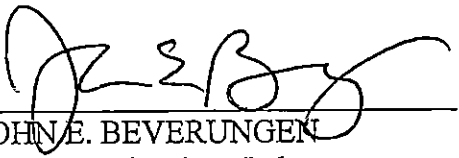
By Order dated February 1, 2016, the Petitioners were granted variance relief permitting the construction of an attached side yard carport with a side setback of 2.5 ft. in lieu of the required 11.5 ft., and a height of 17 ft. in lieu of the maximum allowed 15 ft. On February 16, 2016, the Petitioners' neighbors at 1508 Maywood Avenue (Phil and Kathy Heldrich) filed a Motion for Reconsideration of the February 1, 2016 Order granting variance relief. In that correspondence, the Protestant neighbors contend that "the new owners... have not moved into the neighborhood," and it would appear based on photographs in the file that the subject property 1510 Maywood is currently being renovated and is unoccupied.

In these circumstances, the Motion for Reconsideration will be granted. The Baltimore County Code (BCC) permits administrative variances (such as those granted in this case) only when the petition involves "an owner-occupied lot zoned residential." BCC §32-3-303 (a). In addition, the administrative variance petition itself, which the Petitioners signed and dated on December 22, 2015, provided that they "own and occupy the property situate in Baltimore County." Since the Petitioners are unable to satisfy this requirement, the Motion for Reconsideration will be granted, and the variance relief stricken.

WHEREFORE, for the forgoing reasons, on this 22nd day of February, 2016, the Motion

for Reconsideration be and is hereby granted, and the administrative variance granted by Order dated February 1, 2016 in the above captioned matter, is hereby RESCINDED.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

IN RE: PETITION FOR ADMIN. VARIANCE *
(1510 Maywood Road)
9th Election District *
2nd Council District *
Edward L. and Katherine L. Mitzel *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2016-0149-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, Edward L. and Katherine L. Mitzel. The Petitioners are requesting Variance relief from §§ 1B01.2.C.1.b and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit an attached side yard carport with a side setback of one (1) ft. in lieu of the required 11.5 ft.; and (2) To permit a rear yard accessory structure (open detached covered porch) with a height of 17 ft. in lieu of the maximum allowed height of 15 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. The Bureau of Development Plans Review (DPR) recommended that the side yard setback be no less than 2.5 ft., to guard against the possibility of encroaching on the neighbor's property. This is an appropriate condition, and 2.5 ft. is the minimum setback for even sheds and other minor accessory structures.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 10, 2016, 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 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.

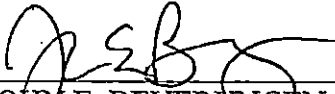
THEREFORE, IT IS ORDERED, this 1st day of February, 2016, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B01.2.C.1.b and 400. 3 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) To permit an attached side yard carport with a side setback of 2.5 ft. in lieu of the required 11.5 ft.; and (2) To permit a rear yard accessory structure (open detached covered porch) with a height of 17 ft. in lieu of the maximum allowed height of 15 ft., 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.
- Building materials for the carport addition shall be consistent with those of the existing principal dwelling.

- The carport shall remain open on the three exposed sides and shall not be enclosed at any time.

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

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0903472250			
Owner Information					
Owner Name:	MITZEL EDWARD L MITZEL KATHERINE L		Use:	RESIDENTIAL	
Mailing Address:	1510 MAYWOOD AVE BALTIMORE MD 21204-		Principal Residence:	YES	
			Deed Reference:	/36772/ 00010	
Location & Structure Information					
Premises Address:		1510 MAYWOOD AVE BALTIMORE 21204-3651		Legal Description:	LT 1-2 1510 MAYWOOD AVE RUXTON HEIGHTS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0069	0010	0829		0000	
					Block:
					1
					Lot:
					1
					Assessment Year:
					2017
					Plat No:
					0001/
					Plat Ref:
					0064
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1915	2,332 SF		11,151 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	NO	STANDARD UNIT	STUCCO	3 full	
					Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2017	07/01/2016	07/01/2017	
Land:	201,100	201,100			
Improvements	161,000	344,100			
Total:	362,100	545,200	362,100	423,133	
Preferential Land:	0			0	
Transfer Information					
Seller: HODGETTS WILLIAM		Date: 10/16/2015		Price: \$575,000	
Type: ARMS LENGTH IMPROVED		Deed1: /36772/ 00010		Deed2:	
Seller: BROOKS RODNEY J,3RD		Date: 09/26/2012		Price: \$375,000	
Type: ARMS LENGTH IMPROVED		Deed1: /32593/ 00166		Deed2:	
Seller: COOK JEFFREY G		Date: 02/29/2012		Price: \$205,500	
Type: NON-ARMS LENGTH OTHER		Deed1: /31758/ 00195		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:		

Mitzel Residence Administrative Variance Photo Log
1510 Maywood Avenue, Towson, Maryland 21204

PROPOSED GARAGE



1 - View north towards proposed Garage from Maywood Avenue. View of neighbors Garage in similar location at 1512 Maywood Avenue.



2 - View west towards the relocated front door of the House

Mitzel Residence Administrative Variance Photo Log
1510 Maywood Avenue, Towson, Maryland 21204



3 - View of Garage in similar location on property across the street at 7825 Bellona Avenue



4 - View south from the proposed Garage towards Maywood Avenue

Mitzel Residence Administrative Variance Photo Log
1510 Maywood Avenue, Towson, Maryland 21204



5 - View north towards neighbor at 7817 Bellona Avenue



6 - View west from proposed Garage towards House

Mitzel Residence Administrative Variance Photo Log
1510 Maywood Avenue, Towson, Maryland 21204



7 - View east towards proposed Garage and neighbor at 1512 Maywood Avenue

Mitzel Residence Administrative Variance Photo Log
1510 Maywood Avenue, Towson, Maryland 21204

PROPOSED COVERED PORCH



8 - View north from house towards proposed Covered Porch



9 - View south from neighbor on 7817 Bellona Avenue towards proposed Covered Porch

Mitzel Residence Administrative Variance Photo Log
1510 Maywood Avenue, Towson, Maryland 21204



10 -View west towards proposed Covered Porch from 1512 Maywood Avenue

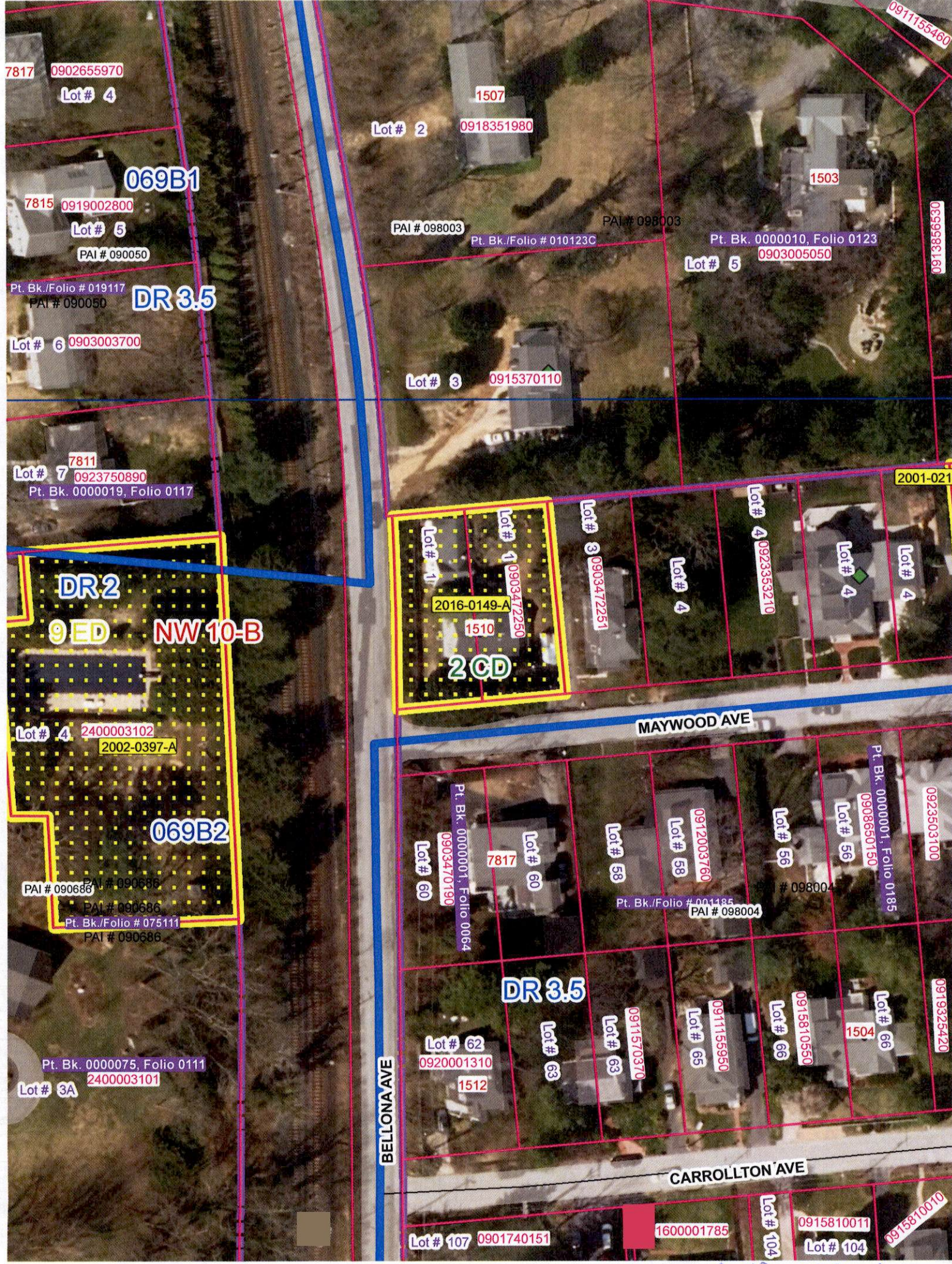


11 - View southeast from proposed Covered Porch towards 1512 Maywood Avenue

Mitzel Residence Administrative Variance Photo Log
1510 Maywood Avenue, Towson, Maryland 21204



12 - View northeast from proposed Covered Porch towards 7817 Bellona Avenue
and 1512 Maywood Avenue



7817 0902655970
Lot # 4

069B1

7815 0919002800
Lot # 5
PAI # 090050

Pt. Bk./Folio # 019117
PAI # 090050
DR 3.5

Lot # 6 0903003700

1507
Lot # 2 0918351980

PAI # 098003
Pt. Bk./Folio # 010123C

PAI # 098003
Pt. Bk. 0000010, Folio 0123
Lot # 5 0903005050

Lot # 3 0915370110

7811
Lot # 7 0923750890
Pt. Bk. 0000019, Folio 0117

DR 2

9 ED NW 10-B

Lot # 4 2400003102
2002-0397-A

069B2

PAI # 090686
PAI # 090686
Pt. Bk./Folio # 075111
PAI # 090686

Pt. Bk. 0000075, Folio 0111
Lot # 3A 2400003101

Lot # 1 0903472250
2016-0149-A
1510
2 CD

Lot # 3 0903472251

Lot # 4

Lot # 4 0923353210

Lot # 4

Lot # 4

MAYWOOD AVE

Pt. Bk. 0000001, Folio 0064
0903470190
Lot # 60

7817
Lot # 60

Lot # 58

0912003760
Lot # 58

Pt. Bk./Folio # 001485
PAI # 098004

Lot # 56

Lot # 56

Pt. Bk. 0000001, Folio 0185
0908650150

0923503100

DR 3.5

Lot # 62
0920001310
1512

Lot # 63

0911570370
Lot # 63

0911155950
Lot # 65

0915810550
Lot # 66

1504
Lot # 66

0919325420

BELLONA AVE

CARROLLTON AVE

Lot # 107 0901740151

1600001785

Lot # 104

0915810011
Lot # 104

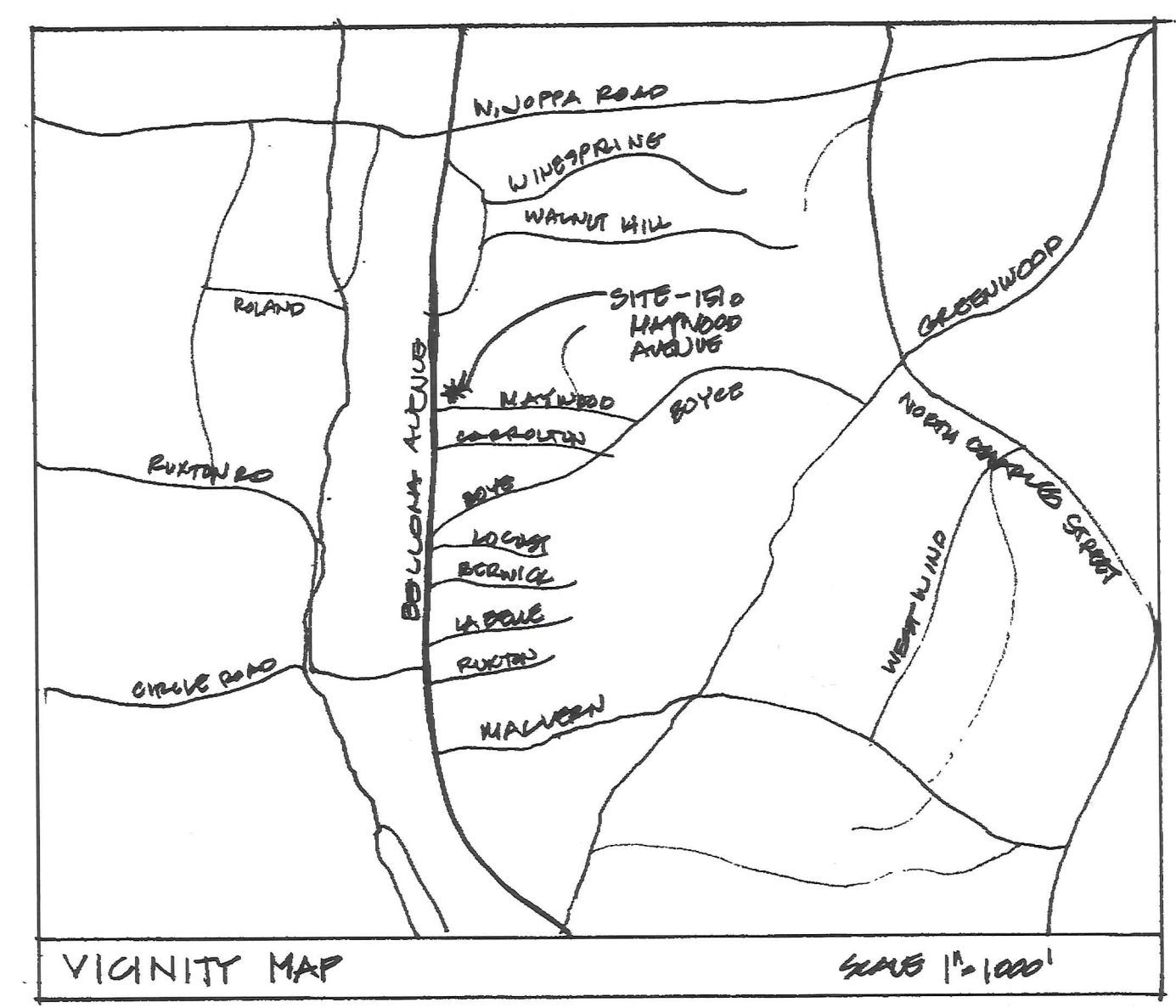
0915810010

REVISIONS	BY

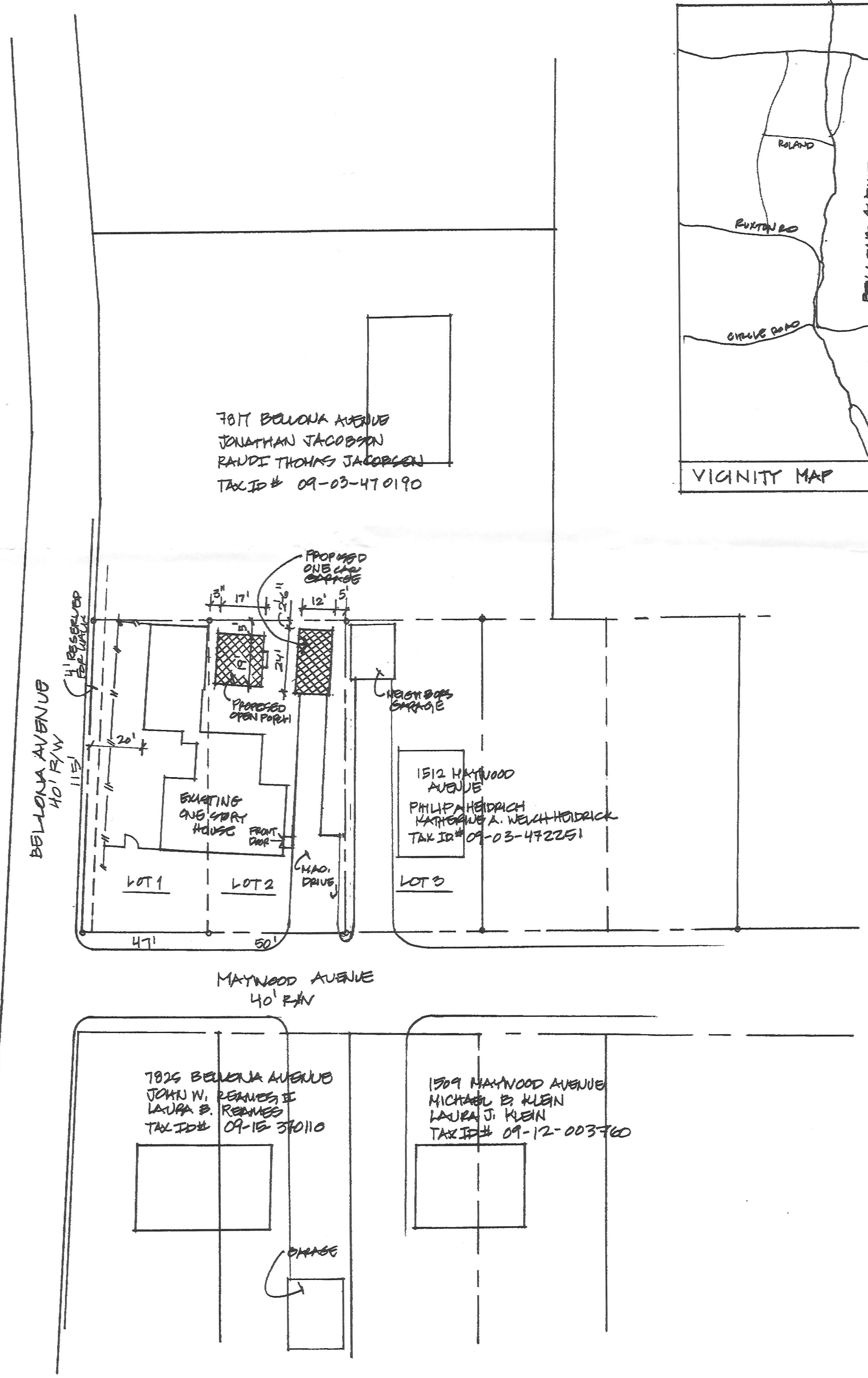
PROJECT: D. JACOBSON & ASSOCIATES
PO BOX 234
RIVERVIEW, WI 53129

THE MITZEL RESIDENCE
190 MAYWOOD AVENUE
TOWNSHIP, WIS 53124

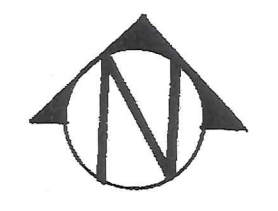
Date	5/25/17
Scale	1"=30'
Drawn	PRJ
Job	MITZEL
Sheet	VP. 1
Of	Sheets

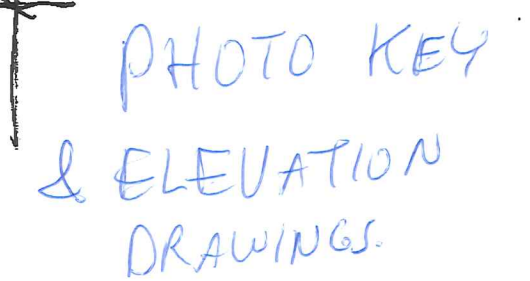


LIGHT RAIL TRACKS

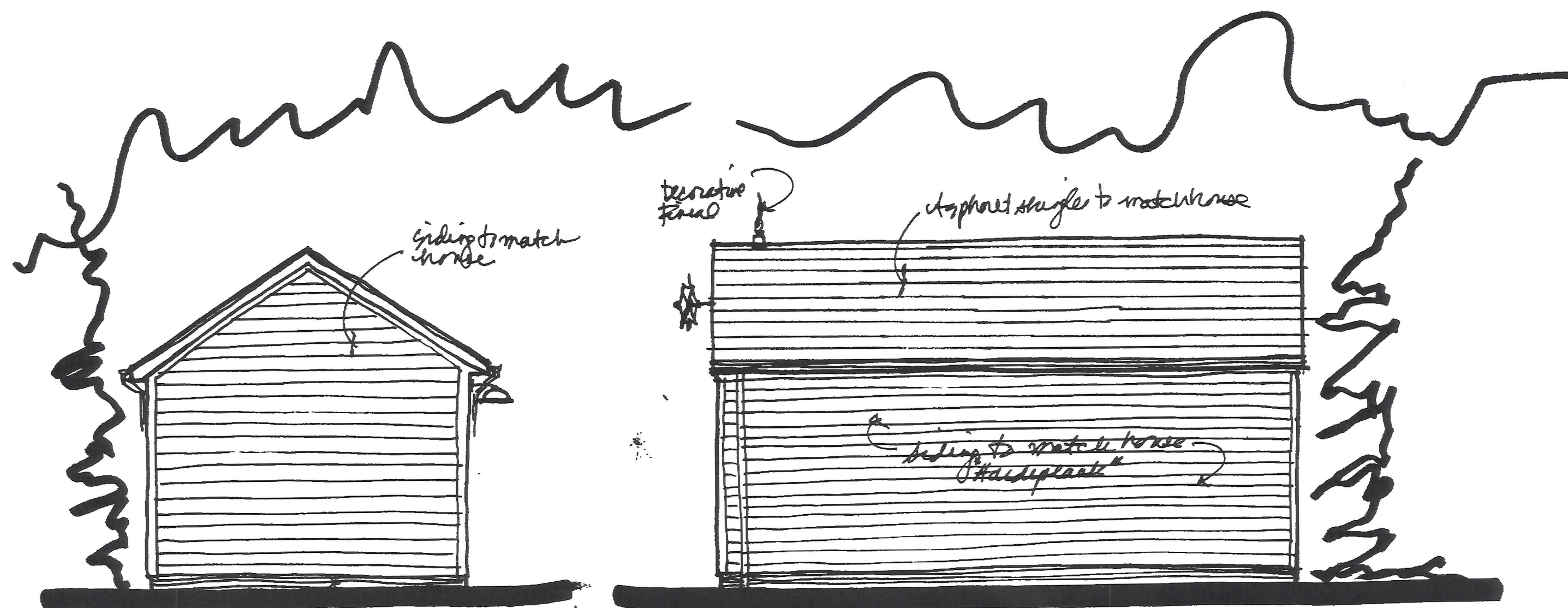


LOCATION INFORMATION	
• ELECTION DISTRICT	- 9
• COUNCILMANIC DISTRICT	- 2
• ZONING	- DR2
• LOT SIZE	- 0.26 ACRES
• GEMOR	- PUBLIC
• WATER	- PUBLIC
• CHESAPEAKE BAY CRITICAL AREA	- NO
• 100 YEAR FLOOD PLAIN	- NO
• HISTORIC PROPERTY	- NO
• OTHER ZONING HEARING	- NO 2016-0149-A
PROPERTY ADDRESS - 190 MAYWOOD AVENUE	
• SUBDIVISION NAME	- RIVINGTON HEIGHTS
• PLAT BOOK	- JWS # 01, PLO # 04
• TAX ID #	- 09-03-472250
• OWNERS	- EDWARD L. AND KATHERINE W. MITZEL
VARIANCE PLAN 1"=30'	



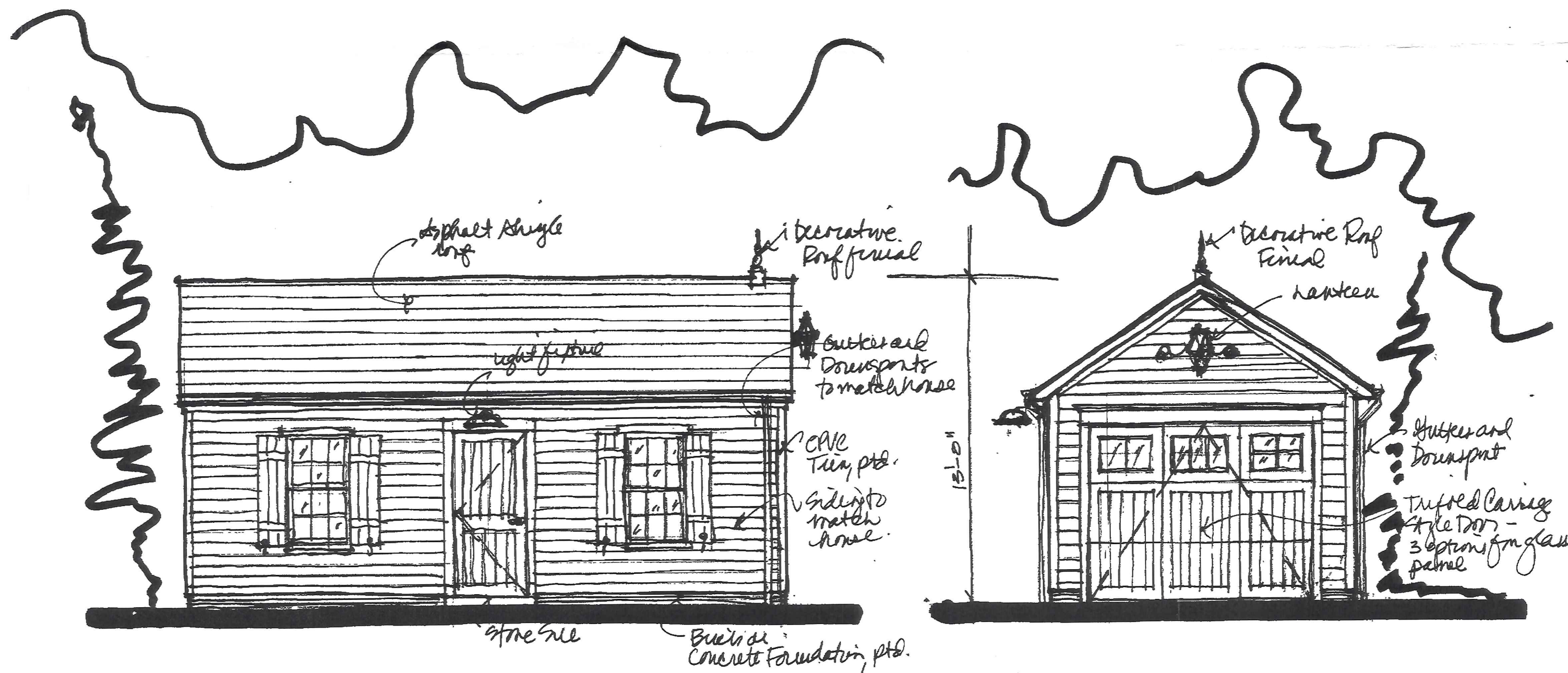


THE HITZEL RESIDENCE - OPEN COVERED PORCH
1506 HAYWOOD AVENUE
TOWSON, MD 21204
5-12-17
Patrick D. Jurasinski, Architect



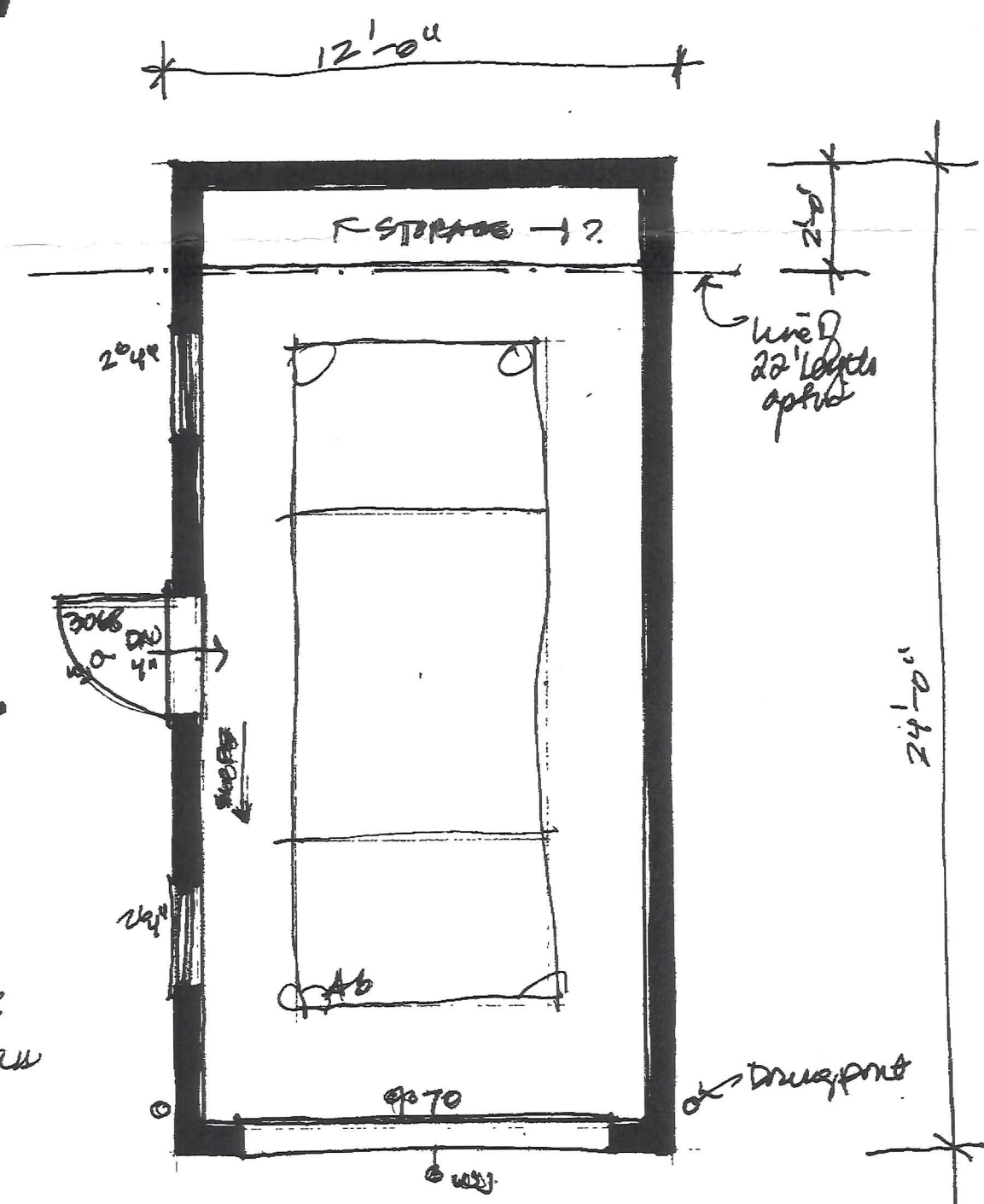
REAR VIEW

VIEW FROM SIDE NEIGHBOR



VIEW FROM COVERED PORCH - 24' option

VIEW OF GARAGE FROM STREET



GARAGE PLAN

