MEMORANDUM

DATE:

September 29, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2017-0354-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 28, 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 VARIANCE	*	BEFORE THE OFFICE
(7894 Harold Road) 12 th Election District	*	OF ADMINISTRATIVE
7 th Council District Cheryl Nelson	*	HEARINGS FOR
Legal Owner	*	BALTIMORE COUNTY
Petitioner	*	CASE NO. 2017-0354-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed on behalf of Cheryl Nelson, the legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from § 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a pool to be located in that portion of the rear yard not farthest removed from both streets, 7.5 ft. from the side property line. A site plan was marked as Petitioner's Exhibit 1.

Cheryl Nelson appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. No substantive Zoning Advisory Committee (ZAC) comments were received from any County reviewing agencies.

The site is approximately 4,500 square feet in size and zoned DR 10.5. The property is improved with an end-of-group townhouse, and the grounds are clean and well-maintained. Petitioner stated her son saved money all year to purchase the pool, which was installed in June 2017 by a contractor. Petitioner suspects her neighbor lodged an anonymous complaint with the County that the pool was constructed without permits. The neighbor did not complain about the location of the pool.

Date Sala By______

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner must contend with long-existing site conditions and thus the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because she would be required to relocate the pool. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of Baltimore County opposition.

THEREFORE, IT IS ORDERED, this <u>29th</u> day of **August**, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a pool to be located in that portion of the rear yard not farthest removed from both streets, 7.5 ft. from the side property line, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

ORDER RECEIVED FOR FILING

Date_

By

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

ORDER RECEIVED FOR FILING

Date

By



Zip Code

Telephone #

PETITION FOR ZONING HEARING(S) To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Law of Baltimore County for the property located at: 7894 HARDLD which is presently zoned Deed References: 10 Digit Tax Account # 1 2 1 6 0 Property Owner(s) Printed Name(s) HERYL CYNN (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST) The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for: a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for BE LOCATED IN THAT PORTION OF THE REAR YARD NOT FORTHEST REMOVED FROM BOTH STREETS, 7.5ft. From SIDE PROPERTY LINE. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition) Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s). Contract Purchaser/Lessee: Legal Owners (Petitioners): Name- Type or Print beryl Lynn Nelson Signature Signature #1 noner: ER PECEIVED FORMALI Adri-Mailing Address Mailing Address 21222, 410-530-0952 philandchery/2 e Zip Code Telephone # Attorney for Petitioner: Representative to be contacted: Name- Type or Print Name - Type or Print Signature Signature Mailing Address City State Mailing Address State

CASE NUMBER 2017-0354 A Filing Date 6/39 Do Not Schedule Dates: ___

Zip Code

Telephone #

Email Address

Email Address

PART A

Beginning at a point on the north side of Harold Road that is 63 feet from the end of the curve measured easterly towards the eastern side of Church Road at a distance of 85 feet from the corner of the northern side of Harold Road and the corner of the the western side of Lynch Road measured along the western side of Lynch Road intersecting with southern side of 20 foot wide alley; measuring 49 feet westerly along said alley to property line.

PART B

Being Lot # 54, Block (), Section #5 in the subdivision of Eastfield as recorded in Baltimore County Plat Book # GLB 24, Folio#69, containing 4500 square feet lot. Located in the 12th Election District and 7th Council District.



501 N. Calvert St., P.O. Box 1377 Baltimore, Maryland 21278-0001 tel: 410/332-6000 800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5112503

Sold To:

Cheryl Lynn Nelson - CU00612615 7894 Harold Rd Dundalk, MD 21222-3301

Bill To:

Cheryl Lynn Nelson - CU00612615 7894 Harold Rd Dundalk, MD 21222-3301

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Aug 08, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2017-0354-A
7894 Harold Road
Northwest corner of Harold and Lynch Roads
12 Election District - 7th Councilmanic District
Legal Owner(s) Cheryl Lynn Nelson
Variance: to permit a pool to be located in that portion of the rear yard not farthest removed from both streets, 7.5 ft from the side property line.
Hearing: Monday, August 28, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing Contact the Zoning Review Office at (410) 887-3391.

JT 8/650 August 8

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

DE C N	2017-0354-A
RE: Case No.:	
Petitioner/Developer:	
Che	eryl Lynn Nelson
Date of Hearing/Closing	August 28, 201
Date of Hearing/Closing	
es of perjury that the necessary sign(s) receated at:	quired by law were
August 8, 2017	
BANK WILLIAM IN	
(Month, Day, Year)	
Sincerely,	
Mill	August 8, 2017
(Signature of Sign Poster)	(Date)
SSG Robert Blac	ek
(Print Name)	
1508 Leslie Roa	d
(Address)	
Dundalk, Maryland	21222
(City, State, Zip Co	ode)
(410) 282-7940	
	Date of Hearing/Closing:

(Telephone Number)



KEVIN KAMENETZ
County Executive

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

July 20, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0354-A

7894 Harold Road Northwest corner of Harold and Lynch Roads 12th Election District – 7th Councilmanic District Legal Owners: Cheryl Lynn Nelson

Variance to permit a pool to be located in that portion of the rear yard not farthest removed from both streets, 7.5 ft. from the side property line.

Hearing: Monday, August 28, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

AJ:kl

Director

C: Cheryl Nelson, 7894 Harold Road, Baltimore 21222

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 8, 2017.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 8, 2017 Issue - Jeffersonian

Please forward billing to:

Cheryl Lynn Nelson 7894 Harold Road Baltimore, MD 21222

410-530-0952

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0354-A

7894 Harold Road

Northwest corner of Harold and Lynch Roads 12th Election District – 7th Councilmanic District

Legal Owners: Cheryl Lynn Nelson

Variance to permit a pool to be located in that portion of the rear yard not farthest removed from both streets, 7.5 ft. from the side property line.

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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE
7854 Harold Road; NW corner of Harold
and Lynch Roads
12th Election & 7th Councilmanic Districts
Legal Owner(s): Cheryl Lynn Nelson
Petitioner(s)

- BEFORE THE OFFICE
- * OF ADMINSTRATIVE
- * HEARINGS FOR
- * BALTIMORE COUNTY
- * 2017-354-A

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

JUL 18 2017

CAROLE S. DEMILIO

Deputy People's Counsel

Carle S Venter

Jefferson Building, Room 204

105 West Chesapeake Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 2017, a copy of the foregoing Entry of Appearance was mailed to Cheryl Lynn Nelson, 7854 Harold Road, Baltimore, Maryland 21222, Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Case Number: 4460856 Z017-0354-A
Property Address: 7894 HAROLD ROAD BALTIMORE, MD 21222
Property Description: THAT PROPERTY LOCATED ON THE
NW/COR OF HAROLD & LYNCH ROS.
Legal Owners (Petitioners): CHERYL L. NELSON
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: CHERYL NELSON
Company/Firm (if applicable):
Address: 7894 HAROLD ROAD
BALTIMORE, MD 21222
Telephone Number:410 - 530 - 09 52

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KEVIN KAMENETZ
County Executive

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

August 24, 2017

Cheryl Lynn Nelson 7894 Harold Road Baltimore MD 21222

RE: Case Number: 2017-0354 A, Address: 7894 Harold Road

Dear Ms. Nelson:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 30, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel



ADMINISTRATION



Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn Secretary

Gregory Slater

Date: 7/17/17

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. 2017-0354-4

Cheryl Lynn Nelson 1894 Havold Road

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Wendy Wolcott, 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 MEMORANDUM

TO:

Arnold Jablon

DATE: 8/3/2017

RECEIVED

OFFICE OF ADMINISTRATIVE HEARINGS

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 17-354

INFORMATION:

Property Address:

7894 Harold Road

Petitioner:

Cheryl Lynn Nelson

Zoning:

DR 10.5

Requested Action:

Variance

The Department of Planning has reviewed the petition for variance to permit a detached accessory structure (pool) to be located in that portion of the rear yard not farthest removed from the street being 7.5 feet from the side property line.

A site visit was conducted on July 18, 2017. The site is currently the subject of violation # 1700351. At the time of the Department's site visit there was observed a recreational vehicle and a trailered boat parked on the site.

The Department of Planning has no objections to granting the petitioned zoning relief conditioned upon the following:

Provide landscape screening along the rear and side of the property in the vicinity of the pool.

The Department recommends that the petitioner demonstrate to the satisfaction of the Administrative Law Judge how the property meets the requirements of BCZR Section 415A.1.B regarding the recreational vehicle and trailered boat.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:

Division Chief:

AVA/KS/LTM/ka

c: Krystle Patchak

Cheryl Lynn Nelson

Office of the Administrative Hearings People's Counsel for Baltimore County

Lloyd 7. Moxley



TO:

Arnold Jablon

DATE: 8/3/2017

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 17-354

INFORMATION:

Property Address:

7894 Harold Road

Petitioner:

Cheryl Lynn Nelson

Zoning: Requested Action: DR 10.5 Variance

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For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:

Division Chief:

AVA/KS/LTM/ka

c: Krystle Patchak

Cheryl Lynn Nelson

Office of the Administrative Hearings People's Counsel for Baltimore County

CHECKLIST

Comment Received	Depar	tment .	¥	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT (if not received, da			
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Comments, if any: _				



Real Property Data Search

Search Result for BALTIMORE COUNTY

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ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) OWNER(S) NAME(S) CHERYL LYNN NELSON ADDRESS 7894 HAROLD RD LOT# 54 BLOCK # N/A SECTION # 5 SUBDIVISION NAME EASTFIELD 10 DIGIT TAX # /2/60/7370 DEED REF. # /2/60/7370 PLAT BOOK # 24 FOLIO # 69 ZONING MAP# 103C2 SITE ZONED DR 10.5 **ELECTION DISTRICT** HOUSE COUNCIL DISTRICT LOT AREA ACREAGE HAROLD OR SQUARE FEET 4500 496" HISTORIC? 55 POOL IN CBCA? PROPOSED DIFT ABOVE IN FLOOD PLAIN? NA GROUND POOL K 20' UTILITIES? 05 FENCE PENTER 85' LYNCH RD

MARK WITH X WATER IS: PUBLIC X PRIVATE SEWER IS: PUBLIC X PRIVATE PRIOR HEARING? NO IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

PHILIP NELSON 6-14-17 SCALE: 1 INCH = 20 FEET PLAN DRAWN BY

VIOLATION CASE INFO: 1700356

SITE VICINITY MAP

MAP IS NOT TO SCALE

ZONING HEARING PLAN FOR VARIANCE × FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) OWNER(S) NAME(S) CHERYL LYNN NELSON ADDRESS 7894 HAROLD RD LOT# 54 BLOCK # N/A SECTION # 5 SUBDIVISION NAME EASTFIELD PLAT BOOK # 24 FOLIO # 69 10 DIGIT TAX # /2/60/7370 DEED REF. # /2/60/7370 HOUSE HAROLD 55' POOL PROPOSED 21 FT ABOVE GROUND POOL LOCATION K 20' 7'6" FENCE CENTER LYNCH RD

DATE 6-14-17 SCALE: 1 INCH = 20 FEET

PHILIP NELSON

PLAN DRAWN BY

SITE VICINITY MAP

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VIOLATION CASE INFO:

