MEMORANDUM

DATE:

October 3, 2017

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2018-0041-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 2, 2017. There being no appeal filed, the subject file is ready for return to the Zóning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE *
(604 Stone Barn Road)

(604 Stone Barn Road)
9th Election District

3rd Council District Bruce B. & Kimberlee A. Eline

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0041-A

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Bruce B. and Kimberlee A. Eline ("Petitioners"). The Petitioners are requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed detached accessory structure (garage) to be located partially in the side yard with a height of 17.5 ft. in lieu of the required rear yard and 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. 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 August 13, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in

ORDER	RECEIVED FOR FILING	
Date	8-31-17	
Bv	(DW)	

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 § 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 accessory structure (detached garage) height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>31st</u> day of **August**, **2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the B.C.Z.R., to permit a proposed detached accessory structure (garage) to be located partially in the side yard with a height of 17.5 ft. in lieu of the required rear yard and 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 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.

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Date	8-31-17
Rv	

ADDED DECEIVED FOR FILING

- 2. Petitioners or subsequent owners shall not convert the accessory structure (detached garage) into a dwelling unit or apartment. The accessory structure (detached garage) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- 3. The accessory structure (detached 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

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Date	8-31-17	- Management
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ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

	10 Digit Tax Account # 0 9 1 6 6 0 1 2 0 1
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPRO	PRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the r	everse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate attached hereto and made a part hereof, hereby petition for	
1. ADMINISTRATIVE VARIANCE from Section(s)	Sections 400.1 and 400.3 – to permit a proposed
detached accessory structure (garage) to be located part the required rear yard and maximum allowed height of 1	ially in the side yard with a height of 17½ feet in lieu of
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to approve County Code: (indicate type of work in this space: i.e., to raz	ve a waiver pursuant to Section 32-4-107(b) of the Baltimore re, alter or construct addition to building)
of the Baltimore County Code, to the development law of Ba Property is to be posted and advertised as prescribed by the zoning regulat I/ we agree to pay expenses of above petition(s), advertising, posting, etc. a Baltimore County adopted pursuant to the zoning law for Baltimore County.	ions. and further agree to be bound by the zoning regulations and restrictions of
	Mailing Address City State
	21286, 443-829-0710, KIM. eline @ Verizon. Zip Code Telephone # Email Address Ne;
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted: BRUCE EL INE
Name- Type or Print	Name – Type or Print
Name- Type or Print Signature Signature Signature Signature Talanta at Email Address	GO4 STONE BARN RD, TOWSON, MD
Maining Address Sity State	Mailing Address City State
2010	21286, 443-829-0710 Kim. eline@verizon.a
Email Address	Zip Code Telephone # Email Address
County, thisday of, that the subject required by the zoning regulations of Baltimore County.	pe required, it is ordered by the Office of Administrative Hearings for Baltimore matter of this petition be set for a public hearing, advertised, and re-posted as rative Law Judge for Baltimore County
CASE NUMBER 2018 0041 - A Filing Date 2131	Estimated Posting Date 8,13 17 Reviewer

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: 604	STONE	BARNI	RD.	TOWSON	M	D 2	1266
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3. We also	need H	ne exte	erior he	eight in ord	ter to ae	sthefically	match
the exi	sting h	ome.		·			
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(If additional	space for t	he petition	request o	or the above state	ement is neede	d, label and attacl	ı it to this Form)
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Bruce Br. Name-Print or Ty	<u>Eline</u>	·		· 		e.A. Eline	<u> </u>
Name-Fint of T	/h e			• •	Name- Print o	гтуре	
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Print name(s) here:	Bruce	Elin	i K.	mberlee	Eline_		
the Affiant(s) he	rein, perso	nally know	n or satis	factorily identified	d to me as suc	ch Affiant(s).	
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SHELLE L. PARE	Michelle L. NOTARY PL	JBLIC		any Public	23,20	02/	
	Baltimore State of Ma		Му	Commission∕Exp	oires '		

Item # 0041





ZONING PROPERTY DESCRIPTION FOR 604 STONE BARN ROAD

Beginning at a point on the west side of Stone Barn Road, which has a 50-foot right of way, at a distance of +/-60 feet south of the nearest improved intersecting street Stone Barn Court, which has a 50-foot right of way (ie: opposite Stone Barn Court). Being lot #15, Block B, Section #E, in the subdivision of HAMPTON as recorded in Baltimore County Plat Book #27, Folio #64, containing 30,709 square feet. Located in the 9th Election District and 3rd Councilmanic District.

Item #0041

CERTIFICATE OF POSTING

Date:

8-0041-Case Number: RE:

ä

ne of Sign Poster) NCE PILSON

111 WEST CHESPPEAKE AVE, TOWSON, MD 21204, (A10) 887-3391 po hot remove this sign are post until a fer and the perpension of law.

PURSUANT TO SECTION 26-127(b)(1), BALIMORE COUNTY CODE,
THE PROPOSED VARIANCE, PROVIDED, THE REQUEST, 16
RECEIVED IN THE ZOHING REVIEW SUREAU BEFORE
5:00 P, M, ON 8/28/17

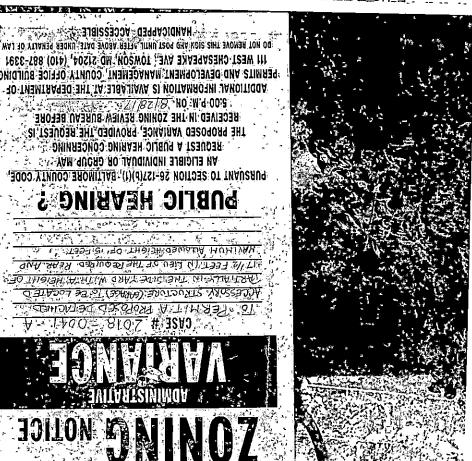
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MD 21120

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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0041 -A Address 604 Stone Barn Rd
Contact Person: David Duvall Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 8/3/17 Posting Date: 8/13/17 Closing Date: 8/28/17
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE:</u> The closing date is the deadline for a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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 2018- 0041 -A Address 604 Stone Barn Rd
Petitioner's Name Bruce Eline Telephone 443 829 6710
Posting Date: 8/13/17 Closing Date: 8/28/17
Wording for Sign: To Permit a proposed detached accessory structure (garage) to be located partially in the side yard with a height of 171/2 feet in lieu of the required rear yard and maximum allowed height
of 15 feet

Revised 6/30/2018



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: 2018 - 0041 - A
Property Address: 604 STONE BARN B TOWSON HIS ZIZER
Property Description: west side of Stone Barn Rd, opposite
Stone Barn Ct
Legal Owners (Petitioners): Bruce & KIMBERGE ELINE
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Bruce ELINE
Company/Firm (if applicable):
Address: 604 STONE BARN RO
Towson Mis 21286
Telephone Number:

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PAID RECEIPT



KEVIN KAMENETZ County Executive

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

August 29, 2017

Bruce & Kimberlee Eline 604 Stone Barn Road Towson MD 21286

RE: Case Number: 2018-0041 A, Address: 604 Stone Barn Road

Dear Mr. & Ms. Eline:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 3, 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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

AUG 0 8 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:

August 8, 2017

SUBJECT:

DEPS Comment for Zoning Item

2018-0041-A

Address

604 Stone Barn Road

(Eline Property)

Zoning Advisory Committee Meeting of August 14, 2017.

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

Reviewer:

Steve Ford

Date: 8-8-2017





Larry Hogan Governor Boyd K. Rutherford Lt. Governor Pete K. Rahn Secretary Gregory Slater

STATE HIGHWAY ADMINISTRATION

Date: 8/9/17

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. 2018 -0041-A

Administrative Variance Bruce & Rimberlee Eline 604 Stone Benn 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 Correspondence



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

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Reviewer:

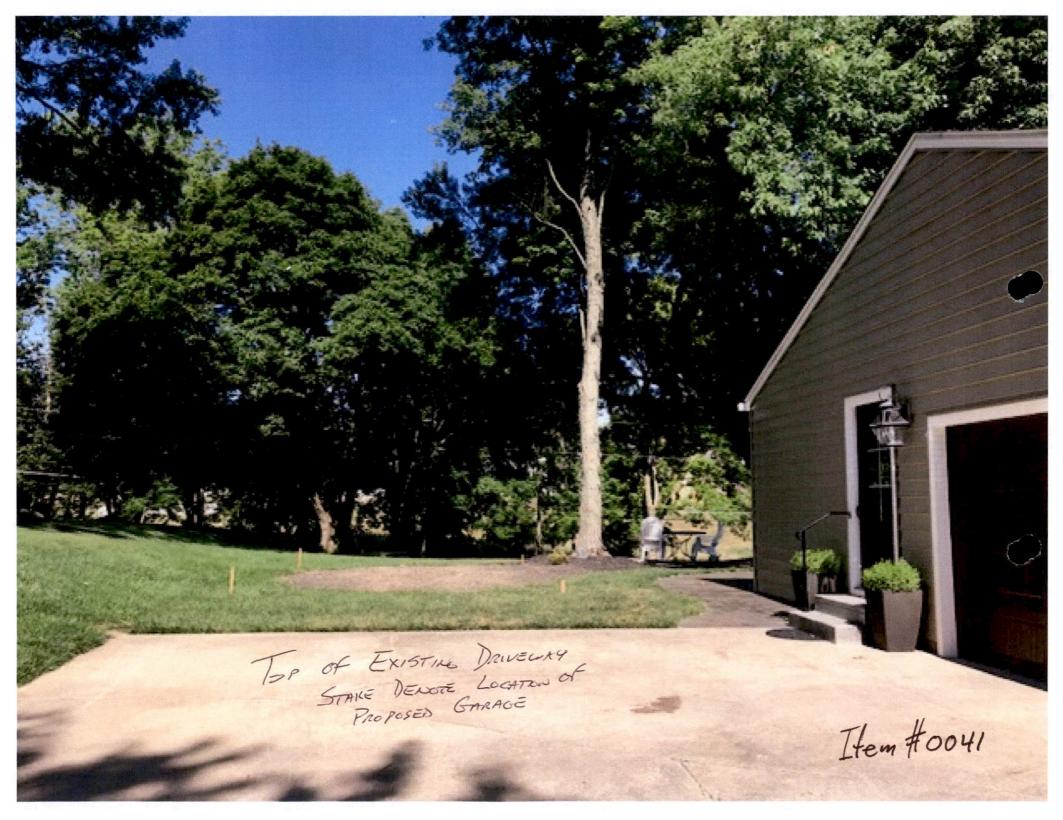
Steve Ford

Date: 8-8-2017

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
8-8	DEPS (if not received, date e-mail sent)	NU
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
8-9	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOL	ATION (Case No	
PRIOR ZONING	G (Case No	
NEWSPAPER A	ADVERTISEMENT Date:	
SIGN POSTING	Date: 8-13-17	by Pilson
	JNSEL APPEARANCE Yes No D	
Comments, if an	ny:	
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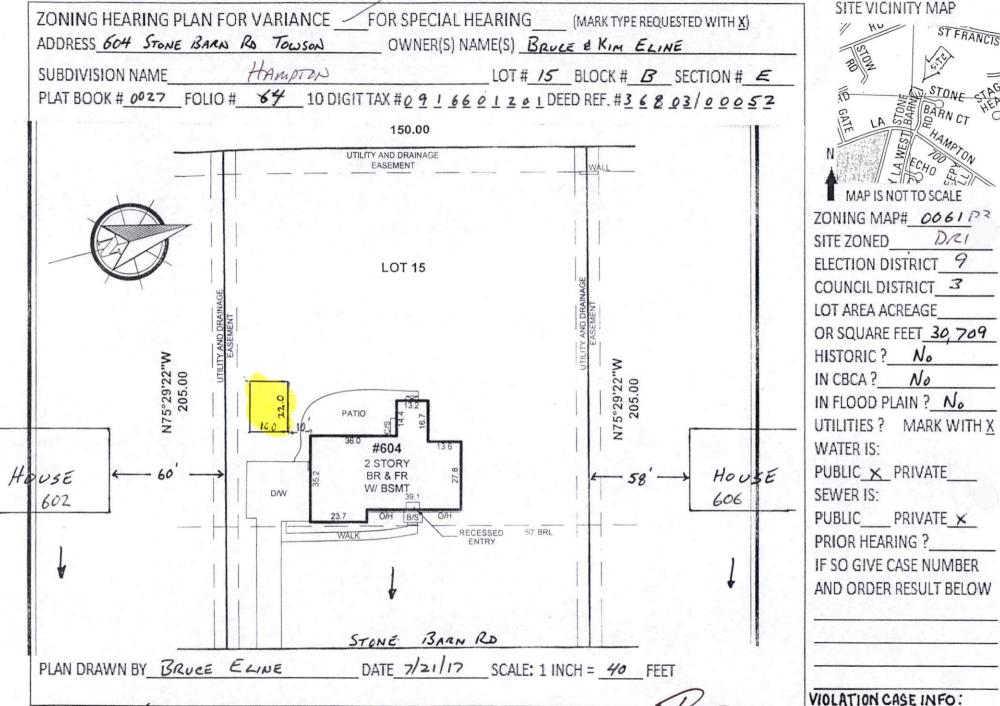
Real Property Data Search (w4)

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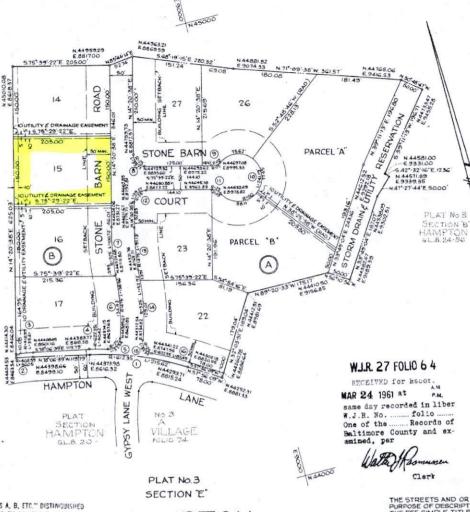
ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 604 STONE BARN RO TOWSON OWNER(S) NAME(S) BRUCE & KIM ELINE SUBDIVISION NAME HAMPTON LOT# 15 BLOCK # B SECTION # E	ST FRANCE
PLAT BOOK # 0027 FOLIO # \$4 10 DIGIT TAX #0 9 1 66 0 1 2 0 1 DEED REF. #3 6 8 03 / 0 00 5 2 150.00 LOT 15 LOT 15 LOT 15 PATTO 8 12 1 1 10 1 10 10 10 10 10 10 10 10 10 10	MAP IS NOT TO SCALE ONING MAP# OO 61 8 2 ITE ZONED D/2 I LECTION DISTRICT 9 OUNCIL DISTRICT 3 OT AREA ACREAGE IR SQUARE FEET 30, 709 ISTORIC? No IN CBCA? No IN FLOOD PLAIN? No ITILITIES? MARK WITH X VATER IS: UBLIC X PRIVATE EWER IS: UBLIC PRIVATE SO GIVE CASE NUMBER IND ORDER RESULT BELOW OLATION CASE INFO:

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2018-0041-A

Pot. Ech. 1



		CUR	VE TAB	LE		
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1	20*-10'-30"	612.35	108.94	215.62	N.68"-01'-24"W.	214.51
2	5*-03-19"	408.59	18.04	36.05	N.80"-38"-19"W.	36.04
3	4*-52-28"	418.59	17.82	35.61	N.80° 32' 53"W.	35.60
4	3*-43'-18"	622.35	20.22	40,42	6.76*-15'-00"E.	40.42
5	85*-34'-13"	25.00	23.14	37.34	N.62*-49*-32"E.	33.96
6	16*-41-21"	475.00	69.67	138.36	N.11*41-46"E.	137.87
7	10*-59-33*	525.00	50.52	100.72	N.8"-50-51'E.	100,57
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9	48-11-23"	25.00	11.18	21.03	5.80° 14.56° W.	20.41
10	276-22-46	50.00	44.72	241.19	N.14"-20"-38"E.	66.67
11	48*-11'-23"	25.00	11.18	21.03	5.51*-33-40"E.	2041
12	90.00.00	25,00	25,00	39.27	N.59"-20"-38"E.	35.36
13	10"-59"-33"	475,00	45.70	91.13	N.8*-50'-51"E.	90.99
14	16*-41'-21"	525.00	77.01	15292	N.11*-41-46"E.	152.38
15	85*-34-13"	25.00	23.14	37.34	5.22°44'-40'E.	33.96
16	7*-35'-38"	622.35	41.30	82.49	5.61'-43'-58'E	82.42

THE STREETS AND OR ROADS AS SHOWN HEREON AND THE MENTION THEREOF IN DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE, THE FEE SIMPLE TITLE IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

COORDINATES SHOWN ON THIS PLAT ARE BASED ON THE METROPOLITAN DISTRICT OF BALTIMORE COUNTY COORDINATE SYSTEM #8738 - N.44, 269.26 E, 5017.59 #8739 N.44, 340.90 E, 5202.03

THE REQUIREMENTS OF SECTIONS 71-74 OF ARTICLE IT OF THE ANNOTATED CODE OF MARYLAND 1951 EDITION TITLE: (CLERKS OF COURT, SUBTITLE: CLERKS OF CIRCUIT COURTS) AS FAR AS THEY RELATE TO THE MAKING OF THIS PLAT, AND SETTING OF MARKERS HAVE BEEN COMPLIED WITH.

LOTS MARKED "PARCILS A, B, ETC." DISTINGUISHED FROM THOSE IDE: "WIED BY HUMERALS HAVE BOT PASSED STOLL PERCOLATION TOSTS. APPLYONAL DE MULTURE APPLICATIONS FOR THESE PARCES WILL WITHHELD UNTIL SUCH TIME THAT ADDITIONAL TESTS PROVE SATISFACTORY OR PUBLIC SEWERATE IS AVAILABLE

A DEVELOPMENT OF

HAMPTON INCORPORATED

C/O J. ELMER WEISHEIT JR. FIRST NATIONAL BANK BUILDING TOWSON 4, MARYLAND.

9TH ELECTION DISTRICT SCALE: 1"=100"

BALTIMORE COUNTY, MD. MARCH 9,1961.

W.A. Compered 96008 - KK in. Plat Checked :-To simon to KMH - Omo

Date

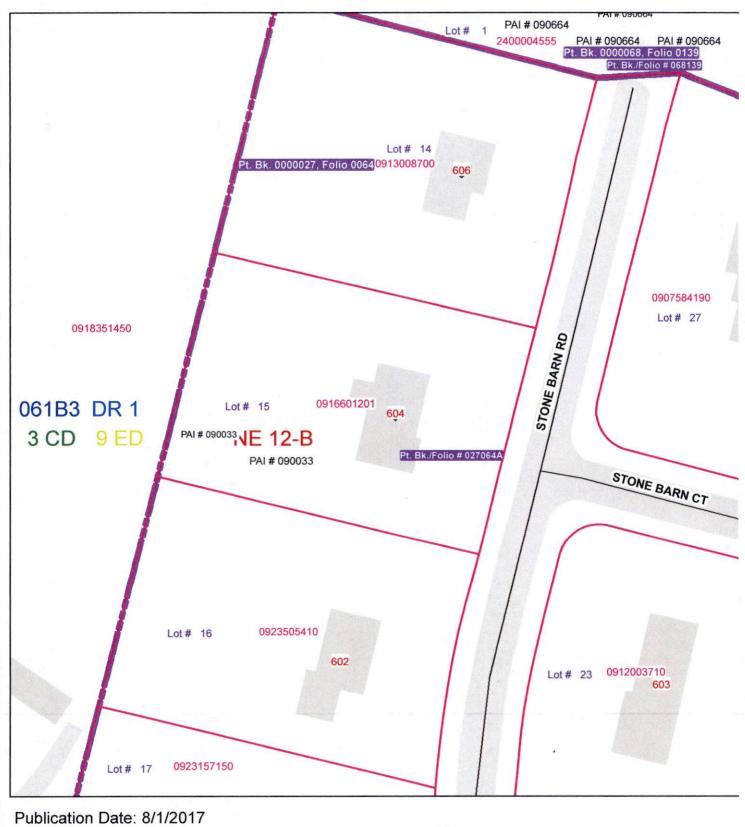
APPROVED FOR BALTIMORE COUNTY HEALTH DEPARTMENT REGISTERED PROFESSIONAL ENGINEER ÉLAND SURVEYOR

HIGHWAYS DEPARTMENT OF BALTIMORE COUNTY APPROVED FOR BALTIMORE COUNTY PLANNING BOARD

JOSEPH D. THOMPSON ENGINEERS & SURVEYORS 200 E JOPPA ROAD TOWSON 4, MD.

MSA 554 1836-3983

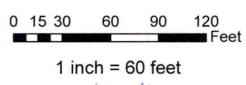
304 Stone Barn Road





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





Item #0041