

M E M O R A N D U M

DATE: November 15, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0082-A – Appeal Period Expired

The appeal period for the above-referenced case expired on November 13, 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
(1306 Felton Court) *
9th Election District * OFFICE OF ADMINISTRATIVE
3rd Council District *
Patrick D. Pretty, Jr. & Sondra L. Pretty * HEARINGS FOR
Petitioners *
* BALTIMORE COUNTY
* CASE NO. 2018-0082-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, Patrick D. Pretty, Jr. and Sondra L. Pretty (“Petitioners”). The Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a proposed garage to be erected in the rear of the property at a height of 20 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. No adverse ZAC comments were 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 September 22, 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 10-13-17

By ew

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 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 13th day of **October, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed garage to be erected in the rear of the property at a height of 20 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.

ORDER RECEIVED FOR FILING

Date 10-13-17

By EW

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

ORDER RECEIVED FOR FILING

Date 10-13-17

By bw



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 1306 FELTON CT.

Currently zoned DR 3.5

Deed Reference 12314 100271

10 Digit Tax Account # 0903771020

Owner(s) Printed Name(s) PATRICK A. PRETTY JR. SONDRA L. PRETTY

(SELECT THE HEARING(S) BY MARKING ☒ 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)

BCZR:
400.3

To permit a proposed garage to be erected in the rear of the property at a height of 20 ft. in lieu of the maximum allowed height of 15 ft.

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):

PATRICK PRETTY, SONDRA PRETTY
Name #1 - Type or Print Name #2 - Type or Print

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

1306 FELTON CT. LUTHERVILLE MD
Mailing Address City State

21093 443-324-5966 pspretty@msn.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:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 10 day of 10-13-17 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.

BY

Administrative Law Judge for Baltimore County

CASE NUMBER 2018-0080-A Filing Date 9/14/17 Estimated Posting Date 9/24/17 Reviewer JS

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: 1306 FELTON CT. LUTHERVILLE MD. 21093
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)

WE ARE REQUESTING A HEIGHT VARIANCE FOR NEW
GARAGE. HEIGHT REQUEST IS 20'. ADDITIONAL HEIGHT IS
FOR STORAGE SPACE ABOVE DETACHED GARAGE. CURRENT STORAGE
SHED WILL BE REMOVED. TO GAIN ACCESS TO NEW GARAGE.

(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)

PATRICK D. PRETTY JR.
Name- Print or Type

[Signature]
Signature of Owner (Affiant)

SONDRA PRETTY
Name- Print or Type

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

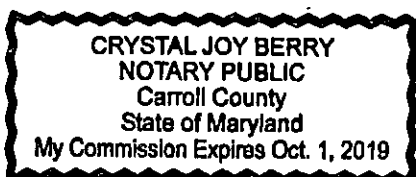
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of September, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Patrick D. Pretty Jr. & Sondra Pretty

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

AS WITNESS my hand and Notaries Seal



[Signature]
Notary Public
10/01/2019
My Commission Expires

ZONING PROPERTY DESCRIPTION FOR 1306 FELTON CT.

Beginning at a point on the ^{SW} ~~NE~~ side of Felton ct. which is 50' wide at a distance of ^{NW} ~~253'~~ of the nearest improved intersecting street Felton rd. which is 50' wide. Being Lot#11,Block E,Section NA In the subdivision of Waterford as recorded in Baltimore County Plat Book #26,Folio#76, containing 11,316sqft. Located in the 9th Election District and 3rd Council District

2018-0082-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/24/2017

Case Number: 2018-0082-A

Petitioner / Developer: PATRICK PRETTY

Date of Hearing (Closing): OCTOBER 9, 2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
1306 FELTON COURT

The sign(s) were posted on: SEPTEMBER 22, 2017



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0082 -A Address 1306 FELTON CT., 21093

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

Filing Date: 9/14/17 Posting Date: 9/24/17 Closing Date: 10/9/17

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 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 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- 0082 -A Address 1306 FELTON CT.

Petitioner's Name PATRICK PRETTY Telephone 443-324-5966

Posting Date: 9/24/17 Closing Date: 10/9/17

Wording for Sign: TO PERMIT A PROPOSED GARAGE TO BE ERECTED IN THE
REAR OF THE PROPERTY AT A HEIGHT OF 20 FEET IN LIEU OF THE
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 Baltimore County Zoning Regulations (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: 2018-0080-A

Property Address: 1306 FELTON CT.

Property Description: _____

Legal Owners (Petitioners): PATRICK & SONORA PRETTY

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: PATRICK PRETTY

Company/Firm (if applicable): _____

Address: 1306 FELTON CT
LUTHERVILLE, MD. 21093

Telephone Number: 443-324-5966

Revised 7/9/2015

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

NO 157198

Date: 9/14/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		10150				\$ 75.00

Total: \$ 75.00

Rec From: PRETTY

For: 2018-0082-4

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME INU
 9/14/2017 9/14/2017 11:09:02 2
 REG 0502 MAIL JEE
 >>RECEIPT # 028136 8/31/2017 GFLN
 Dept: 5 528 ZONING VERIFICATION
 CR NO. 157198
 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

October 11, 2017

Patrick & Sondra Pretty
1306 Felton Court
Lutherville MD 21093

RE: Case Number: 2018-0082 A, Address: 1306 Felton Court

Dear Mr. & Ms. Pretty:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 14, 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: Vishnu Desai, Supervisor 
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 25, 2017
Item No. 2018-0080-A and 0082-A

DATE: October 4, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

* * * * *

VKD: CEN
cc: file

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: September 21, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0082-A
Address 1306 Felton Court
(Pretty Property)

Zoning Advisory Committee Meeting of **September 25, 2017**.

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

Reviewer: Steve Ford Date: 9-21-2017



MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 9/21/17

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.

2018-0082-A
Administrative Variance
Patrick & Sondra Pretty
1306 Fetter Court

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

Sincerely,

Wendy Wolcott, 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: September 21, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0082-A
Address 1306 Felton Court
(Pretty Property)

Zoning Advisory Committee Meeting of **September 25, 2017**.

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

Reviewer: Steve Ford Date: 9-21-2017

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment

_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
<u>9-21</u>	PLANNING (if not received, date e-mail sent _____)	<u>NC</u>
<u>9-21</u>	STATE HIGHWAY ADMINISTRATION	<u>No object.</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 9-22-17 by O'KeefePEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0903771020			
Owner Information					
Owner Name:	PRETTY PATRICK D JR PRETTY SONDRAL		Use:	RESIDENTIAL	
Mailing Address:	1306 FELTON CT LUTHERVILLE TIMONIUM MD 21093-1055		Principal Residence:	YES	
			Deed Reference:	/12314/ 00271	
Location & Structure Information					
Premises Address:		1306 FELTON CT LUTHERVILLE TIMONIUM 21093-1055		Legal Description: 1306 FELTON COURT SW WATERFORD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0061	0020	0313		0000	
					Block:
					E
					Lot:
					11
					Assessment Year:
					2017
					Plat No:
					0026/
					Plat Ref:
					0076
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area		Property Land Area	County Use
1960	2,454 SF			11,316 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	NO	SPLIT LEVEL	SIDING	2 full/ 1 half	1 Attached
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2017	As of 07/01/2017	As of 07/01/2018
Land:		104,800	104,800		
Improvements		196,500	249,800		
Total:		301,300	354,600	319,067	336,833
Preferential Land:		0			0
Transfer Information					
Seller: LENDERKING HUGH E		Date: 08/06/1997		Price: \$129,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /12314/ 00271		Deed2:	
Seller: CURRAN ROBERT H		Date: 06/29/1994		Price: \$150,000	
Type: ARMS LENGTH IMPROVED		Deed1: /10620/ 00740		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2017	07/01/2018
County:	000			0.00	
State:	000			0.00	
Municipal:	000			0.00 0.00	0.00 0.00
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Approved 04/30/2008					
Homeowners' Tax Credit Application Information					

Homeowners' Tax Credit Application Status: No Application

Date:

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 1306 FELTON CT. OWNER(S) NAME(S) PATRICK & SONDR A PRETTY
SUBDIVISION NAME WATERFORD LOT # 11 BLOCK # E SECTION # 1A
PLAT BOOK # 26 FOLIO # 76 10 DIGIT TAX # 0903771020 DEED REF. # 12314100211



PLAN DRAWN BY PATRICK PRETTY DATE 4-24-2017 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



ZONING MAP# 061A3
SITE ZONED DR 3.5
ELECTION DISTRICT 9
COUNCIL DISTRICT 3
LOT AREA ACREAGE 11.316
OR SQUARE FEET 11.316
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC ☒ PRIVATE _____
SEWER IS:
PUBLIC ☒ PRIVATE _____
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

NO

2018-0082-A

Pet. Ech. 1

2018-0087-A







3D

