MEMORANDUM

DATE:

January 30, 2018

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2018-0147-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 29, 2018. 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 (6610 Mount Vista Road)

(6610 Mount Vista Road)
11th Election District

5th Council District

Shaewn Schaeffer & Christine Anderson

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0147-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, Shaewn Schaeffer and Christine Anderson ("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 an accessory building (detached garage) to be located in the side yard with a height of 20 ft. in lieu of the required rear yard and maximum permitted 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 December 8, 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

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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 § 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 accessory building's (detached garage) height and usage, I will impose conditions that the detached 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>29th</u> day of <u>December</u>, <u>2017</u>, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an accessory building (detached garage) to be located in the side yard with a height of 20 ft. in lieu of the required rear yard and maximum permitted 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.

2

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

3

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEIVED FOR FILING
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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

To the Office of Administrative Hearings for Baltimore County for the property located at: Address 6610 MOUNT VISTA ROAD Currently zoned 34092 Deed Reference 310 10 Digit Tax Account # 1 / 0 3 0 Z 4 4 6 0

Owner(s) Printed Name(s) SHAEWN SCHAEFFER CHRISTINE ANDERSON

(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) 400.1 AND 400.3 (BCZR) TO PERMIT AN ACCESSORY BUILDING (GARAGE) TO BE LOCATED IN

THE SIDE YARD WITH A HEIGHT OF 20 FEET IN LIEU OF THE REQUIRED REAR YARD AND MAXIMUM PERMITTED HEIGHT OF 15 FEET

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)/F	etitioner	(s):

SHAEWN SCHAEFFER ICH RISTINE ANDERSON Name # 2 - Type or Print

GGIO MOUNT VISTA RO. KINGSVILLE Mailing Address

71087 (410) 733-3373 shaewn Levahoo.com Zip Code Telephone # Email Address

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

Name- Type or Print Signature Mailing Address State Telephone # Zip Code **Email Address**

Representative to be contacted:

DAVID BILLINGSLE Name - Type or Print Signature 601 CHARWOOD CT. EDGEWOOD

Mailing Address

679-3719, dwhozog - yahoo conz 21040 Zip Code Telephone #

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 day of 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 2018 - 0147-A

Filing Date 11/30/2019 Estimated Posting Date / /

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: 66/0 MOUNT VISTA ROAD Print or Type Address of property	KINGSVILLE	MD.	7/087
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the follow			
Administrative Variance at the above addre	ss. (Clearly state <u>p</u>	ractical diffi	culty or hardship here)
SEE AT	TACHED		
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(If additional space for the petition request or	the above statement i	is needed, labe	el and attach it to this Form)
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Signature of Owner (Affiant)		htustune (hture of Owner (
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SHAEWN SCHAEFFER Name- Print or Type	<u>СНЯ/</u> Name	<u>SガベE </u>	DERSON
•		• •	
The following information is to be o	completed by a Notary	Public of the S	State of Maryland
STATE OF MARYLAND, COUNTY OF HAL	3.后QRQ. ∴ to wit: -		
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I HEREBY CERTIFY, this 27 th day of and for the County aforesaid, personally appear	red:	· · , before r	ne a Notary of Maryland, in
Print name(s) here: Shawin Schaeffe			
Print name(s) here: Showing Schools to	r and chis	TIME HUG	V61201
the Affiant(s) herein bersonally known or satisfa	actorily identified to m	e as such Affia	ant(s).
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Nota	ry Public		
My C	ommission Expires		0147-A
THE PO COUNTY THE THE			REV. 5/5/2016
COUNTY COUNTY			

6610 MOUNT VISTA ROAD

We wish to construct a new garage to be utilized for vehicle storage while providing additional storage space above. The storage space will be approximately 7 feet high requiring a total height of 20 feet to the peak of the roof.

The area of our lot to the left side of the existing dwelling is presently cleared and there is already a previously constructed driveway from that area to Mt. Vista Road. Constructing the garage in the requested location will create the least amount of disturbance and place it in close proximity of the existing dwelling for security purposes. Additionally, the garage will be screened from Mt. Vista Road and the adjacent dwelling by existing mature evergreen trees.

The garage will not be used commercially or to create additional living quarters. It is our intention to construct the garage in a manner that will blend in with the existing neighborhood including the use of neutral colors for the siding and roof.

0147-A

ZONING DESCRIPTION 6610 MT. VISTA ROAD

Beginning for the same at a point in the center of Mount Vista Road, distant 171 feet southeasterly from its intersection with the center of Brooknoll Drive, thence the six following courses and distances viz:

- (1) S 27° 27' E 133.57 feet
- (2) S 23° 11' E 166.43 feet
- (3) S 89° 07' E 636 feet
- (4) S 84° 45' E 78.24 feet
- (5) N 09° 45' E 380.52 feet and
- (6) S 84° 30' W 909.55 feet to the place of beginning.

Containing 6.00 acres of land, more or less.

Being known as 6610 Mount Vista Road. Located in the 11TH Election District, 5TH Councilmanic District of Baltimore County, Md.

CERTIFICATE OF POSTING

Date: DECEMBER 8, 2017

/ISTA ROAD
-A
NDERSON
28, 2017
the necessary sign(s) required by la 610 MT. VISTA ROAD



Oaved Bellengsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2018-0147 -A Address 6610 Mt Vista Rocal
Contact Person: LEGNARD WAS 1 (2005K) Phone Number: 410-887-3391
Filing Date: 11-30 17 Posting Date: 12/10/17 Closing Date: 12/25/17
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.
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- 0147 -A Address 6610 MH Vista Kd
Petitioner's Name Shae w Schaeffer & Christine Anderson Telephone 410 733-3373
Posting Date: 12/10/17 Closing Date: 12/25/2017
Wording for Sign: 400.1 AND 400.3 (BCZR) TO PERMIT AN ACCESSORY BUILDING (GARAGE) TO BE LOCATED IN THE SIDE YARD WITH A HEIGHT OF 20 FEET IN LIEU OF THE REQUIRED REAR YARD AND
MAXIMUM PERMITTED 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 fifteen (15) 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 - 0147 - 2 Property Address: 6610 MT. VISTA Property Description:	RO.
Legal Owners (Petitioners): SHAEWN SSH, Contract Purchaser/Lessee:	
PLEASE FORWARD ADVERTISING BILL TO: Name: SHAWN SCHAFFER	
Company/Firm (if applicable):	
Address:	RO Z1087
Telephone Number: (410) 733 - 337	3

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KEVIN KAMENETZ County Executive

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

December 27, 2017

Shaewn Schaeffer Christine Anderson 6610 Mount Vista Road Kingsville MD 21087

RE: Case Number: 2018-0147 A, Address: 6610 Mount Vista Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 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
David Billingsley, 601 Charwood Court, Edgewood MD 21040

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:

December 11, 2017

SUBJECT:

DEPS Comment for Zoning Item

2018-0147-A

Address

6610 Mount Vista Road

(Schaeffer & Anderson Property)

Zoning Advisory Committee Meeting of December 11, 2017.

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

Reviewer:

Steve Ford





Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 12/6/17

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. 2018-0147-A
Administrative Variance
Spraewn Schaeller and Christine Anderson
6610 Mt. Vista 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

Sustainability (EPS) - Development Coordination

DATE:

December 11, 2017

SUBJECT:

DEPS Comment for Zoning Item

2018-0147-A

Address

6610 Mount Vista Road

(Schaeffer & Anderson Property)

Zoning Advisory Committee Meeting of December 11, 2017.

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

Reviewer: Steve Ford

CHECKLIST

Comment Received	<u>Departm</u>	e <u>nt</u>			Conditions/ Comments/ No Comment
	DEVELOPMENT PLA (if not received, date e)	
12-11	DEPS (if not received, date e	-mail sent)	NO
	FIRE DEPARTMENT				
	PLANNING (if not received, date e	-mail sent)	
12-6	STATE HIGHWAY A	DMINISTR.	ATION		No agent.
	TRAFFIC ENGINEER	RING			
	COMMUNITY ASSO	CIATION	######################################	4	
-	ADJACENT PROPER	CTY OWNER	RS		
ZONING VIOLATI	ON (Case N	lo			
PRIOR ZONING	(Case N	lo	***		
NEWSPAPER ADV	/ERTISEMENT	Date:			
SIGN POSTING		Date:	12-8-	-17	by Billingsley
PEOPLE'S COUNS	EL APPEARANCE	Yes	□ No		S 1
PEOPLE'S COUNS	EL COMMENT LETTE	R Yes	☐ No		
Comments, if any:					

Real Property Data Search

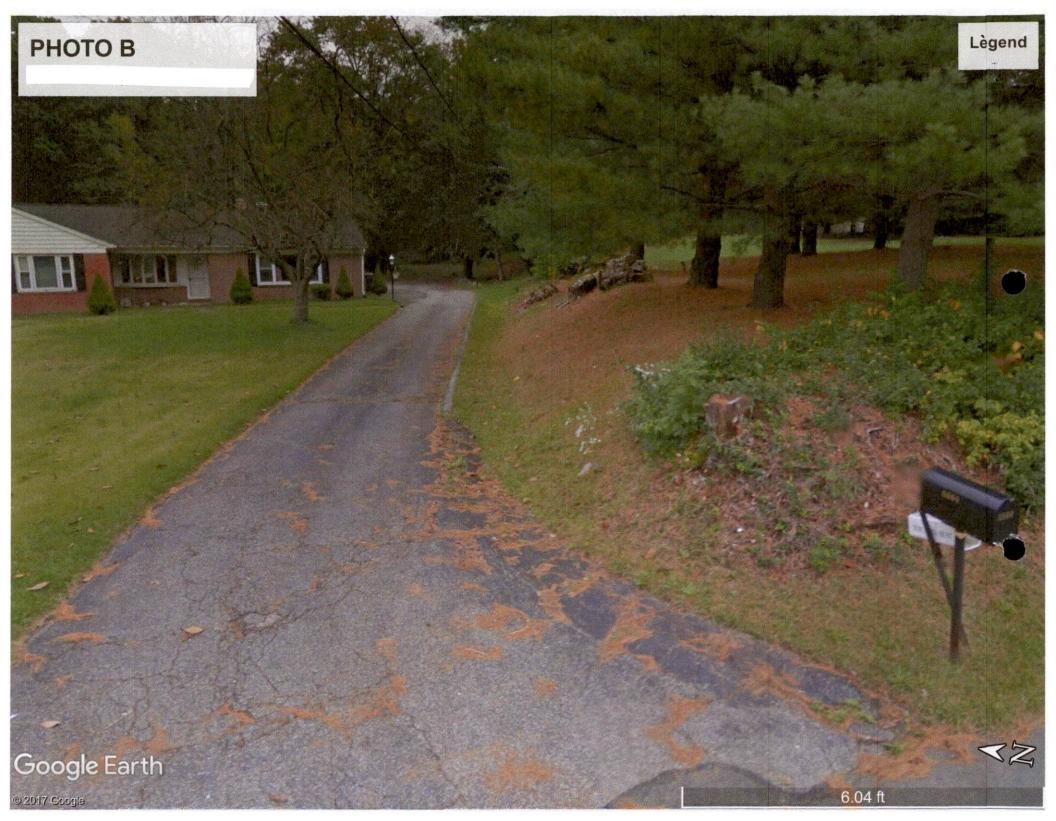
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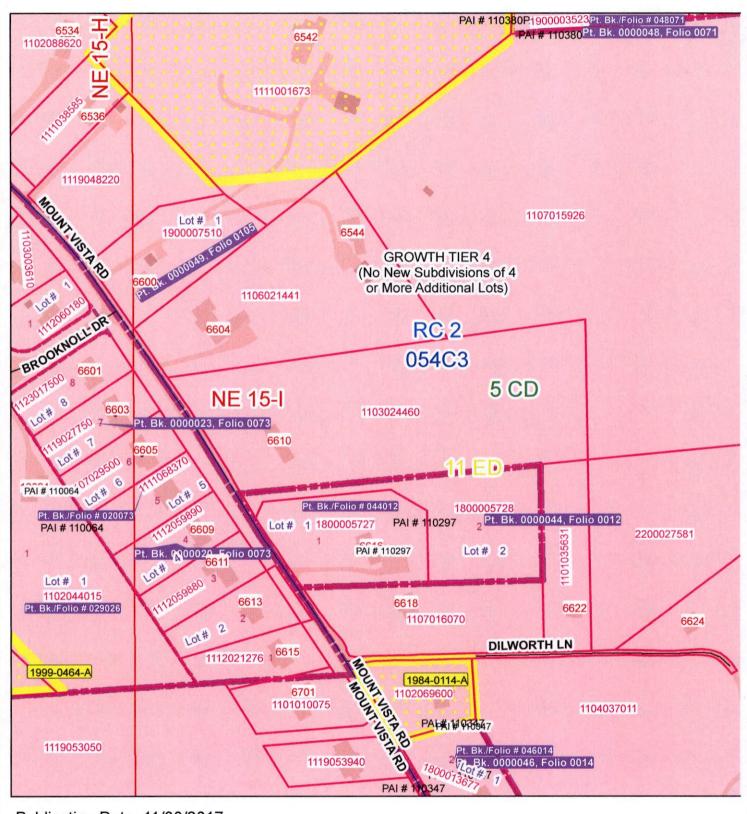
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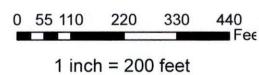


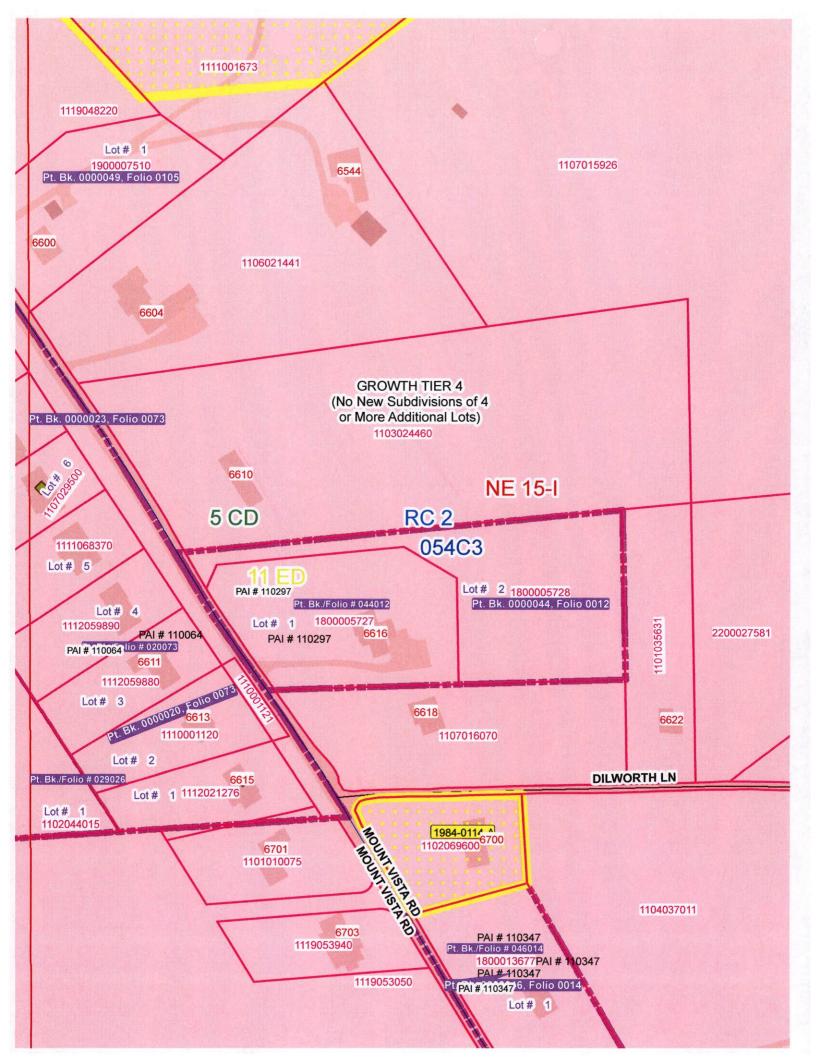
Publication Date: 11/30/2017

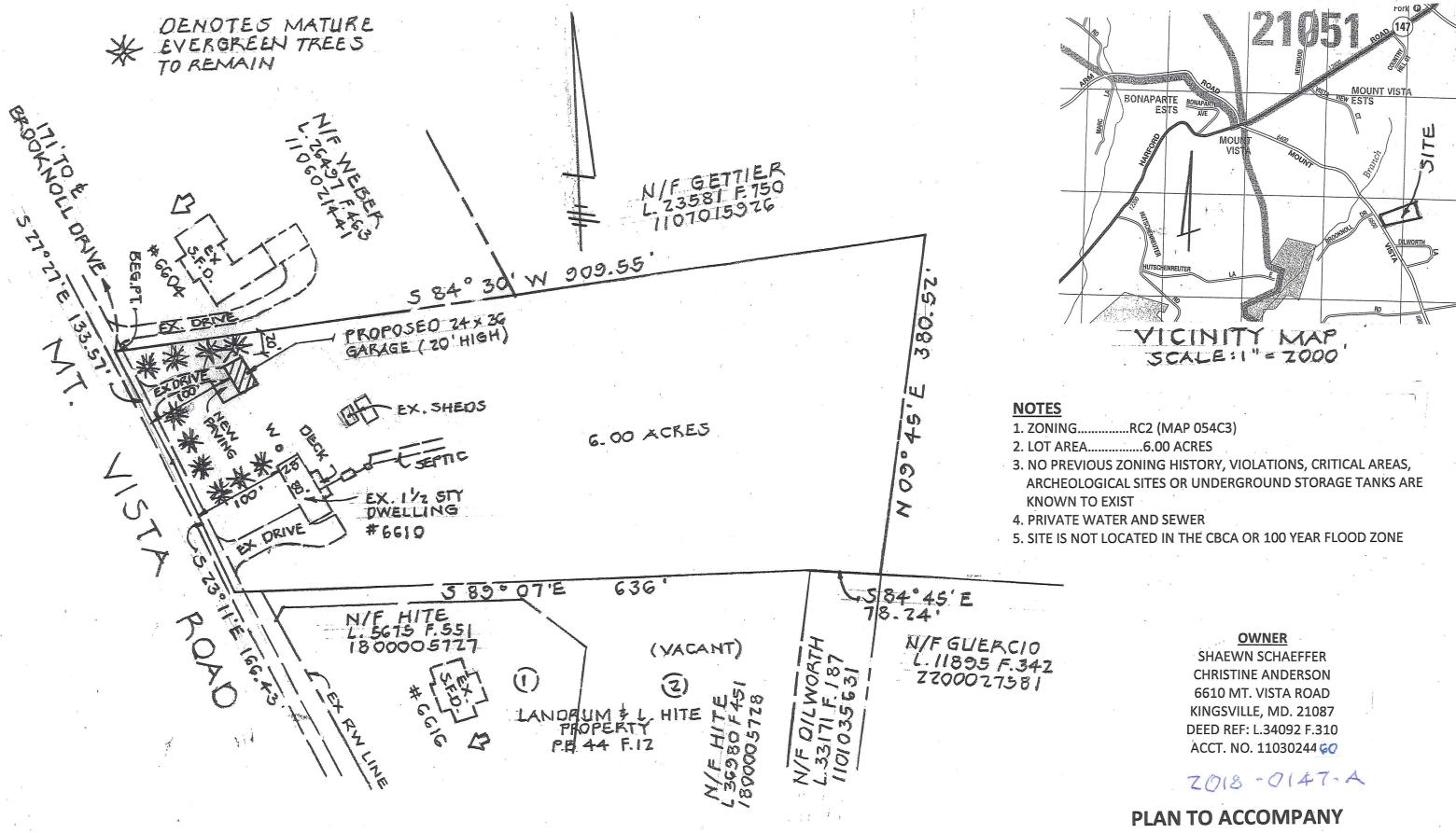


Publication Agency: Permits, Approvals & Inspections Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot









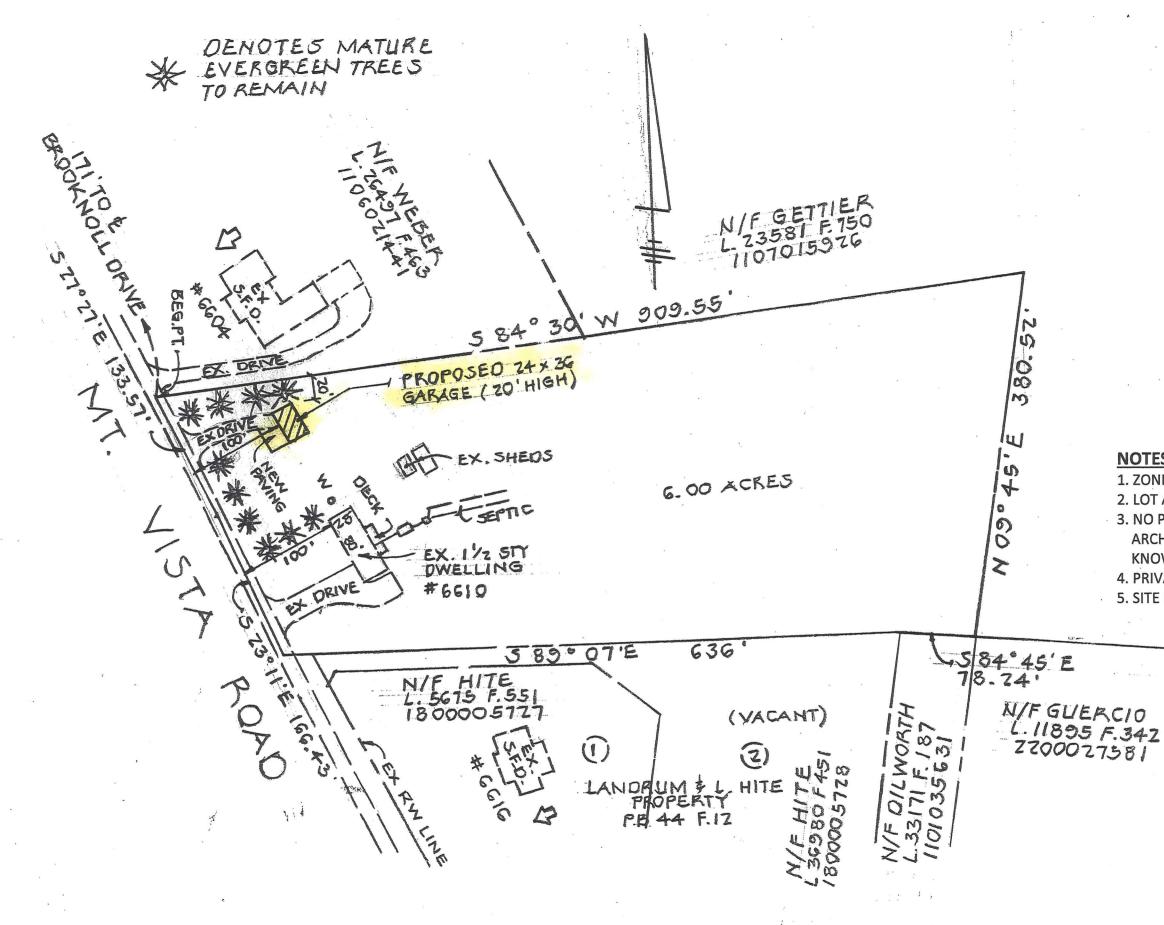
ADMINISTRATIVE VARIANCE

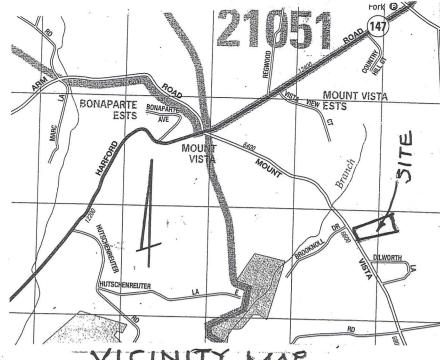
6610 MT. VISTA ROAD

ELECTION DISTRICT 11C5 BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 100 FEET NOVEMBER 21, 2017

CENTRAL DRAFTING & DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MD 21040 (410) 679-8719





VICINITY MAP SCALE: 1" = Z000

NOTES

- 1. ZONING.....RC2 (MAP 054C3)
- 2. LOT AREA......6.00 ACRES
- 3. NO PREVIOUS ZONING HISTORY, VIOLATIONS, CRITICAL AREAS, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS ARE **KNOWN TO EXIST**
- 4. PRIVATE WATER AND SEWER
- 5. SITE IS NOT LOCATED IN THE CBCA OR 100 YEAR FLOOD ZONE

OWNER

SHAEWN SCHAEFFER **CHRISTINE ANDERSON** 6610 MT. VISTA ROAD KINGSVILLE, MD. 21087 DEED REF: L.34092 F.310 ACCT. NO. 1103024 460

2018-0147-A

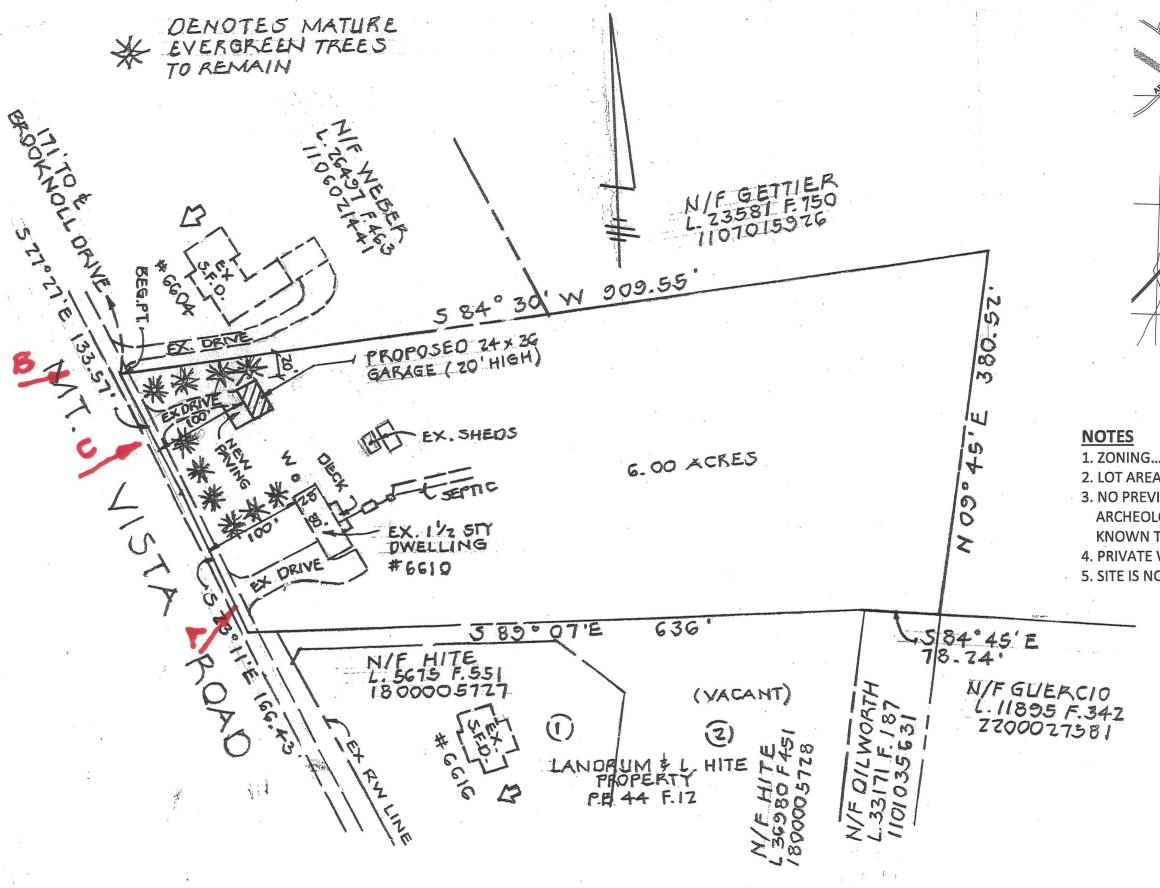
PLAN TO ACCOMPANY ADMINISTRATIVE VARIANCE

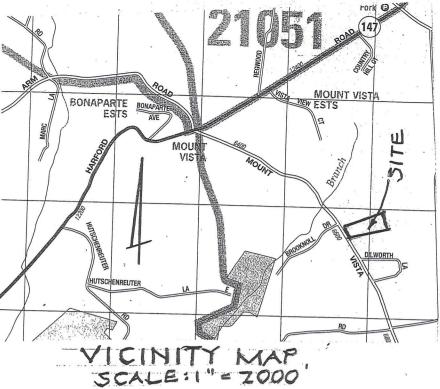
6610 MT. VISTA ROAD **ELECTION DISTRICT 11C5 BALTIMORE COUNTY, MD.**

SCALE: 1 INCH = 100 FEET NOVEMBER 21, 2017

CENTRAL DRAFTING & DESIGN, INC. 601 CHARWOOD COURT EDGEWOOD, MD 21040 (410) 679-8719

Pet. aph. 1





- 1. ZONING.....RC2 (MAP 054C3)
- 2. LOT AREA......6.00 ACRES
- 3. NO PREVIOUS ZONING HISTORY, VIOLATIONS, CRITICAL AREAS, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST
- 4. PRIVATE WATER AND SEWER
- 5. SITE IS NOT LOCATED IN THE CBCA OR 100 YEAR FLOOD ZONE

2018-0147-A

OWNER

SHAEWN SCHAEFFER
CHRISTINE ANDERSON
6610 MT. VISTA ROAD
KINGSVILLE, MD. 21087
DEED REF: L.34092 F.310
ACCT. NO. 11030244



PLAN TO ACCOMPANY
ADMINISTRATIVE VARIANCE

6610 MT. VISTA ROAD ELECTION DISTRICT 11C5 BALTIMORE COUNTY, MD.

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