

MEMORANDUM

DATE: February 21, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0153-A – Appeal Period Expired

The appeal period for the above-referenced case expired on February 20, 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 *
(111 Gothard Road)
8th Election District *
3rd Council District *
Joseph L. & Karen C. Jenkins *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2018-0153-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, Joseph L. and Karen C. Jenkins ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1B02.3.B of the Baltimore County Zoning Regulations ("BCZR"), to allow a side yard setback of 3 ft. in lieu of the required 8 ft. and a sum of 11 ft. in lieu of the required 20 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 submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 31, 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 ("BCC"). 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 1-19-18

By [Signature]

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 BCZR. Furthermore, strict compliance with the BCZR 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 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 19th day of **January, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.B of the Baltimore County Zoning Regulations ("BCZR"), to allow a side yard setback of 3 ft. in lieu of the required 8 ft. and a sum of 11 ft. in lieu of the required 20 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.
2. Petitioners or subsequent owners shall not convert the 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.

ORDER RECEIVED FOR FILING

Date 1-19-18

By [Signature]

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 1-19-18

By DLW



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 Law of Baltimore County for the property located at:

Address 111 Gothard Road which is presently zoned DR-5.5

Deed Reference 11315/196 10 Digit Tax Account # 0805063730

Property Owner(s) Printed Name(s) Joseph L. and Karen C. Jenkins

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

1. ☒ **ADMINISTRATIVE VARIANCE** from section(s) 1B02.3.0.1 to allow a side yard setback of 3' in lieu of the required ~~10~~ 8 feet and a sum of 11 feet in lieu of the required 20 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 Sections 32-4-107(b), 32-4-223.(8), and Section 32-4-416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

Joseph L. Jenkins / Karen C. Jenkins

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature #2

111 Gothard Road, Lutherville MD

Mailing Address City State

21093 / 410-561-9600 / JJJenkins@specprint.com
Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC Rick Richardson

Name – Type or Print

Signature

30 E. Padonia Road, Timonium MD

Mailing Address City State

21093 / 410-560-1502 / rick@richardsonengineering.net
Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this ___ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2018-0153-A

Filing Date 12/17

Estimated Posting Date 12/17/17

Reviewer gh

Rev 10/12/11

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 to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 111 Gothard Road Lutherville MD 21093
Print or Type Address of property City State Zip Code

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

The existing driveway for the house is located on the east side and the new garage will be constructed over it
The existing house location would require an addition of a garage to be within the side yard setback
Relocation of the existing house to allow for the garage would be a practical difficulty. There is not room in front of the house
for location of the addition there without going over the setback on that side. There is not sufficient room in the rear yard to
have the garage and access would be awkward and impractical.

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

Joseph L. Jenkins
Signature of Affiant
Joseph L. Jenkins
Name- Print or Type

Karen C. Jenkins
Signature of Affiant
Karen C. Jenkins
Name- Print or Type

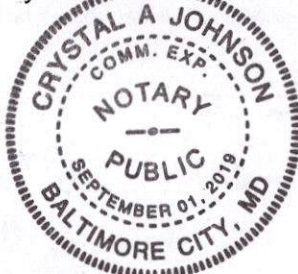
The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of November, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Joseph L. Jenkins and Karen C. Jenkins
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) **(Print name(s) here)**

AS WITNESS my hand and Notaries Seal



Crystal Johnson
Notary Public

Sept. 1, 2019
My Commission Expires

**ZONING DESCRIPTION FOR THE
JENKINS PROPERTY
111 GOTHARD ROAD
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the south side of Gothard Road which is 50 feet wide at a distance of 104 feet west of the centerline of the nearest improved intersecting street (Watford Court) which is 50 feet wide. Being lot 9, Block Q, Section 3 in the subdivision of "York Manor", recorded in the land records of Baltimore County in Plat Book 24 Folio 146, containing 11,360 square feet, or 0.26 acres of land, more or less.

CERTIFICATE OF POSTING

2018-0153-A

RE: Case No.: _____

Petitioner/Developer: _____

Joseph & Karen Jenkins

January 15, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

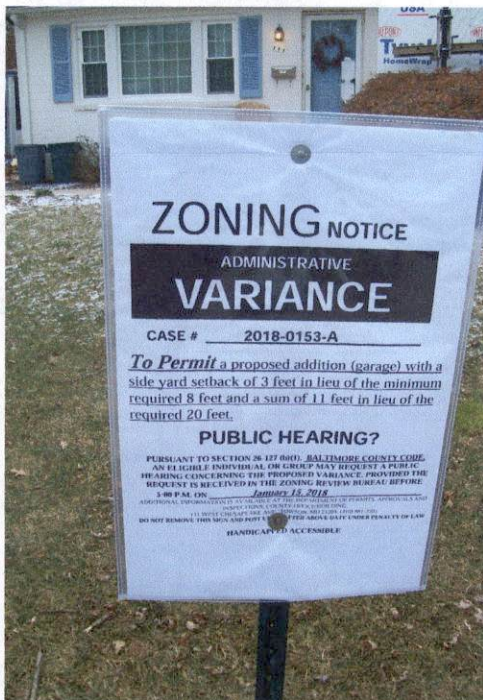
Ladies and Gentlemen:

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

111 Gothard Road

December 31, 2017

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

December 31, 2017

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0153 -A Address 111 Gothard Road

Contact Person: GARY HUCIK Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/6/17 Posting Date: 12/17/17 Closing Date: 1/15/18

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- 0153 -A Address 111 Gothard Road

Petitioner's Name Joseph and Karen Jenkins Telephone 410-561-9600

Posting Date: 12/17/17 Closing Date: 1/1/18

Wording for Sign: To Permit a proposed addition (garage) with
a side yard setback of 3 feet in lieu of the
minimum required 8 feet and a sum of 11
feet in lieu of the required 20 feet.

Revised 6/30/2018

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0153 -A Address 111 Gothard Road

Contact Person: Gary Shuck Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/6/17 Posting Date: 12/17/17 Closing Date: 1/1/18

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- 0153 -A Address 111 Gothard Road
Petitioner's Name Joseph and Karen Jenkins Telephone 410-561-9600
Posting Date: 12/17/17 Closing Date: 1/1/18
Wording for Sign: To Permit a proposed addition (garage) with
a side yard setback of 3 feet in lieu of the
minimum required 8 feet and a sum of 11
feet in lieu of the required 20 feet.

Revised 6/30/2018

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

NO 161153

Date: 12/16/17

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	800	0000		6150				75.00

Total: 75.00

Rec From: P Joseph Lucas Jenkins

For: 111 Gothard Road

2018-0153-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME AMOUNT
12/07/2017 12/06/2017 09:20:17 1
REG MOD: MCKIN LJR
>>RECEIPT# 764743 12/06/2017 OFLN
Dept 51 308 ZONING VERIFICATION
CR NO: 161153
Recpt Tot \$75.00
\$75.00 - CR \$75.00 - CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

January 17, 2018

Joseph L & Karen C Jenkins
111 Gothard Road
Lutherville MD 21093

RE: Case Number: 2018-0153 A, Address: 111 Gothard Road

Dear Mr. & Ms. Jenkins:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on , 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.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Richardson Engineering, LLC, 30 E Padonia Road, Timonium MD 21093

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 12, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0153-A
Address 111 Gothard Road
(Jenkins Property)

Zoning Advisory Committee Meeting of **December 18, 2017**

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

Reviewer: Steve Ford

Date: 12/11/17

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. 2018-0153-A

*Administrative Variance
Joseph L. & Karen C. Jenkins
111 Gothard 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

INTEROFFICE CORRESPONDENCE

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

DATE: January 8, 2018

FROM: *MUZ*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 18, 2017
Item No. 2018-0151-A, 0152-SPH, 0153-A, 0155-SPH, 0156-A and 0157-
SPH

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: December 12, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0153-A
Address 111 Gothard Road
(Jenkins Property)

Zoning Advisory Committee Meeting of **December 18, 2017**

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

Reviewer: Steve Ford

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment1-8DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)NC12-12DEPS
(if not received, date e-mail sent _____)NC

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)12-11

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 2018-0026-ACarportApproved 8-31-17
w/ Cond.

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING

Date: 12-31-17by Black

PEOPLE'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 - 08 Account Number - 0805063730			
Owner Information					
Owner Name:		JENKINS JOSEPH L JENKINS KAREN C		Use:	RESIDENTIAL
Mailing Address:		111 GOTHARD RD LUTH-TIMONIUM MD 21093-5740		Principal Residence:	YES
				Deed Reference:	/11315/ 00196
Location & Structure Information					
Premises Address:		111 GOTHARD RD LUTHERVILLE TIMONIUM 21093-5740		Legal Description: 111 GOTHARD RD YORK MANOR	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0061	0013	0284		0000	2
					Q
					9
					2017
					Assessment Year:
					Plat No:
					Plat Ref:
					3
					0024/0146
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1961	1,997 SF		11,304 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	NO	SPLIT LEVEL	FRAME	1 full/ 1 half	
Last Major Renovation					
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2017	07/01/2017	07/01/2018
Land:		132,000	132,000		
Improvements		176,300	195,200		
Total:		308,300	327,200	314,600	320,900
Preferential Land:		0			0
Transfer Information					
Seller: SCHMIDT SUSAN F		Date: 11/21/1995		Price: \$169,000	
Type: ARMS LENGTH IMPROVED		Deed1: /11315/ 00196		Deed2:	
Seller: DETHMER JAMES M		Date: 10/01/1990		Price: \$165,350	
Type: ARMS LENGTH IMPROVED		Deed1: /08608/ 00532		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 05/05/2008					
Homeowners' Tax Credit Application Information					

Homeowners' Tax Credit Application Status: No Application

Date:

Prior
Zoning

815 (AV) 8-28-17

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
(111 Gothard Road) *
8th Election District * OFFICE OF ADMINISTRATIVE
3rd Council District *
Joseph L. & Karen C. Jenkins * HEARINGS FOR
Petitioners * BALTIMORE COUNTY
* CASE NO. 2018-0026-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, Joseph L. and Karen C. Jenkins (“Petitioners”). The Petitioners are requesting Variance relief from § 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to allow an accessory structure (carport) in the side yard with a side yard setback of 2 ft. in lieu of the required rear yard and minimum setback of 2.5 ft., respectively. 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 submitted by 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 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 31st day of **August, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 400.1 of the B.C.Z.R., to allow an accessory structure (carport) in the side yard with a side yard setback of 2 ft. in lieu of the required rear yard and minimum setback of 2.5 ft., respectively, 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 compatible 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.

JEB:dlw



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

2018-0153-A



018-053-A



ZAC AGENDA

2018-0152-SPH

Primary Use: RESIDENTIAL

Reviewer: WasilewskiLeonard

SPECIAL HEARING

John Copsey

er:

Purchaser

Area: No Flood Plain: No Historic No Election Dist Third

Councilmanic Dist Second

Property Address: 8432 Oakleugh ROAD

Location: W/S of Oakleugh Road, 311 +/- ft. S of the centerline of Redwood Avenue.

Existing Zoning: DR 5.5

Area: 2375 sq. ft.

Proposed Zoning: SPECIAL HEARING:

To determine whether or not the Administrative Law Judge should approve an accessory structure larger than the primary dwelling for handicapped access.

Attorney: Frank V Boozer Jr., 614 Bosley Avenue, Towson MD 21204

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date:

Miscellaneous:

Case Number: 2018-0153-A

Primary Use: RESIDENTIAL

Reviewer: HucikGary

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Joseph L & Karen C Jenkins

Contract Purchaser

Critical Area: No Flood Plain: No Historic No Election Dist Eighth

Councilmanic Dist Third

Property Address: 111 Gothard ROAD

Location: S/S of Gothard Road, W 104 ft. to the centerline of Watford Court

Existing Zoning: DR 3.5, DR 5.5

Area: .26 +/- acre

Proposed Zoning: ADMINISTRATIVE VARIANCE:

To allow a side yard setback of 3 ft. in lieu of the required 8 ft. and a sum of 11 ft. in lieu of the required 20 ft.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

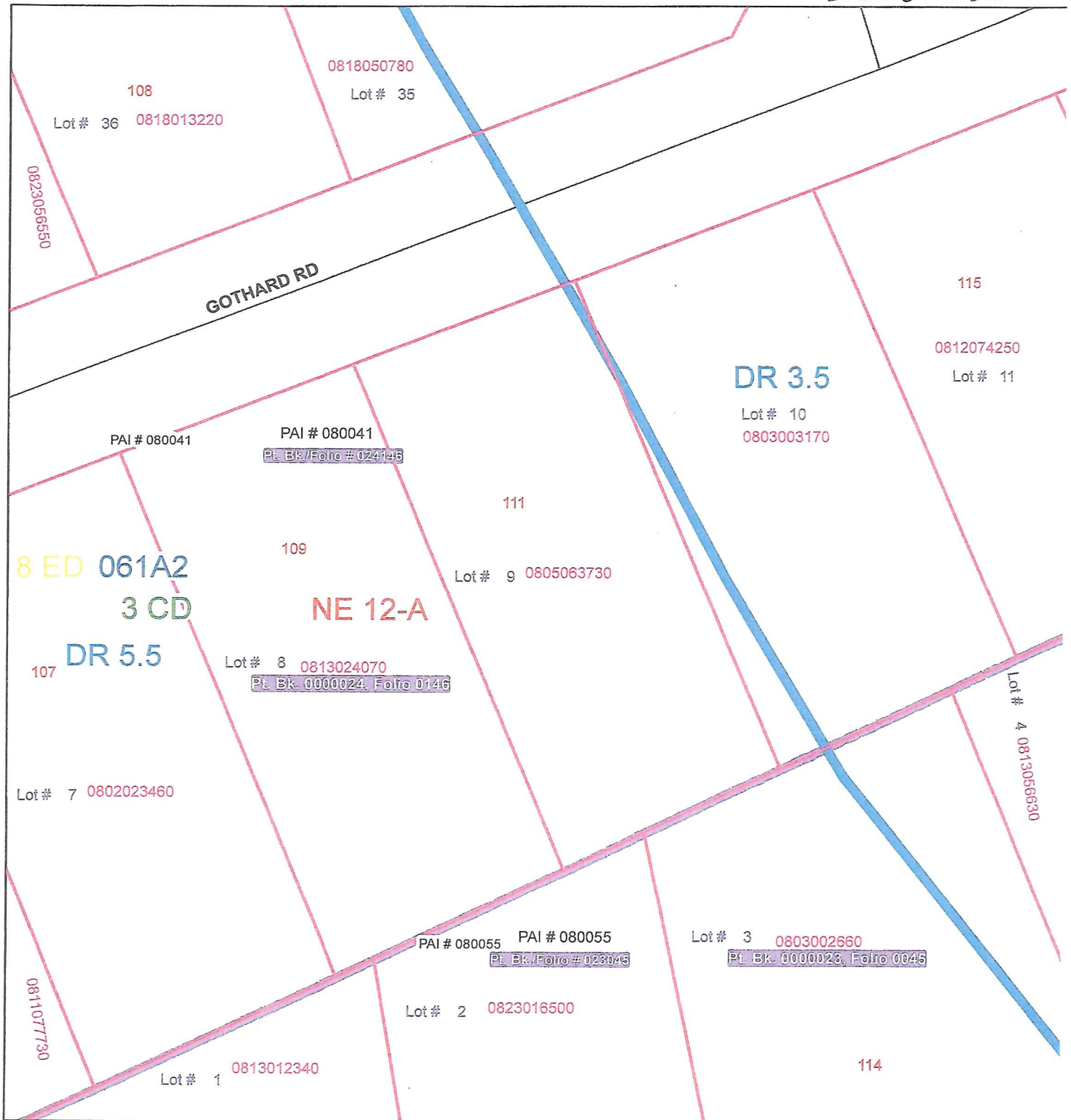
Violation Cases:

Closing Date: 1/1/2018 12:00:00AM

Miscellaneous:

111 Gothard Road

2018-0153-A



Publication Date: 6/30/2017

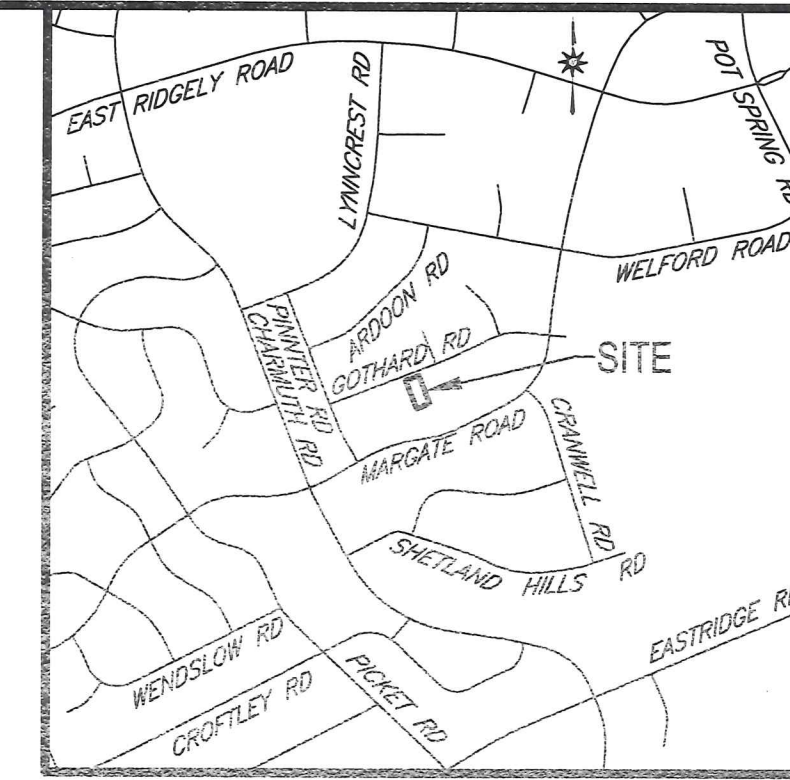


Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet



LOCATION MAP

SCALE: 1" = 1000'

SITE DATA

- OWNER:
JOSEPH L. & KAREN C. JENKINS
111 GOTHARD ROAD
LUTHERVILLE-TIMONIUM, MD 21093
- SITE ADDRESS: #111 GOTHARD ROAD
- SITE AREA: 11,360 SF or 0.26 Ac.±
- DEED REF: 11315/196
- TAX MAP #61, GRID #13, PARCEL #284, SECTION #2, BLOCK Q, LOT #9
- PLAT REF: 24-146 "PLAT THREE-SECTION TWO-YORK MANOR"
- PRESENT ZONING: DR 3.5 & DR 5.5 (PER 1"=200' ZONING MAP 061A2)
- USE: RESIDENTIAL
- UTILITIES: PUBLIC WATER & PUBLIC SEWER
- TAX ACCOUNT #0805063730
- SITE DOES NOT LIE WITHIN ANY FLOOD ZONES (FIRM PANEL 2400100265F)
- PREVIOUS ZONING CASE: 2018-0028-A TO ALLOW AN ACCESSORY STRUCTURE (CARPORT) IN THE SIDE YARD WITH A SETBACK OF 2' IN LIEU OF THE REQUIRED 2.5' GRANTED AUGUST 31, 2017
- PREVIOUS PERMIT: B773058; 6' HIGH, 80 LF WOOD FENCE ISSUED 10-14-2011
B940836 CARPORT ADDITION
B940836 BUILDING ADDITION
- SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
- WATERSHED: LOCH RAVEN RESERVOIR

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR THE

JENKINS PROPERTY

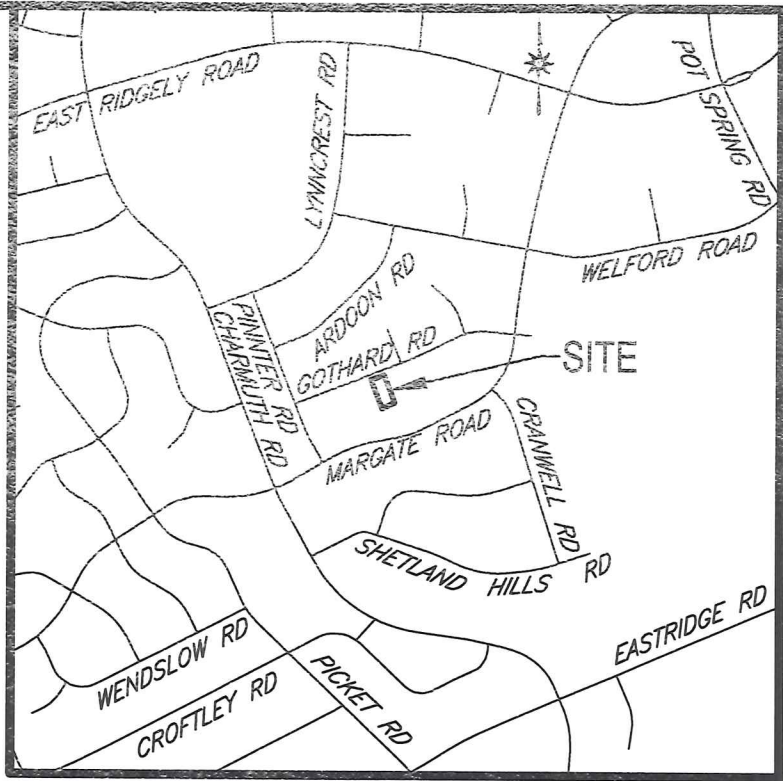
111 GOTHARD ROAD
LUTHERVILLE-TIMONIUM, MD. 21093

BALTIMORE COUNTY
8TH ELECTION DISTRICT

MARYLAND
3RD COUNCILMANIC DISTRICT

REVISIONS			DRAWN BY:		CHECKED BY:		SCALE:	
			CND		PCR		1" = 20'	
			DATE:		JOB NO.:		SHEET NO.:	
			11-21-17		17082		1 OF 1	

2018-0153-A Pet. Sub. 1



LOCATION MAP

SCALE: 1" = 1000'

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- PLAT REF: 24-148 "PLAT THREE-SECTION TWO-YORK MANOR"
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- USE: RESIDENTIAL
- UTILITIES: PUBLIC WATER & PUBLIC SEWER
- TAX ACCOUNT #0805063730
- SITE DOES NOT LIE WITHIN ANY FLOOD ZONES (FIRM PANEL 2400100255F)
- PREVIOUS ZONING CASE: 2018-0026-A TO ALLOW AN ACCESSORY STRUCTURE (CARPORT) IN THE SIDE YARD WITH A SETBACK OF 2' IN LIEU OF THE REQUIRED 2.5' GRANTED AUGUST 31, 2017
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REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	CND	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	11-21-17	17082	1 OF 1