

MEMORANDUM

DATE: February 9, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0163-A – Appeal Period Expired

The appeal period for the above-referenced case expired on February 8, 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 *
(913 Arran Road)
9th Election District *
5th Council District *
Luke H. Demers & Deirdre A. Reavey *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2018-0163-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, Luke H. Demers & Deirdre A. Reavey (“Petitioners”). The Petitioners are requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations (“B.C.Z.R.”), to permit a proposed detached structure (replacement garage) with a side yard setback of 0 ft. in lieu of the minimum required 2.5 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 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 § 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 1-9-18
By RSW

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 replacement 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 9th day of **January, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed detached structure (replacement garage) with a side yard setback of 0 ft. in lieu of the minimum required 2.5 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.

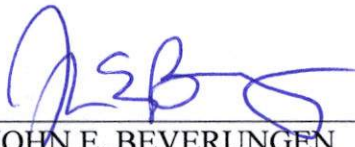
ORDER RECEIVED FOR FILING

Date 1-9-18

By [Signature]

2. Petitioners or subsequent owners shall not convert the replacement garage into a dwelling unit or apartment. The replacement garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The replacement 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 1-9-18

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 Hearings for Baltimore County for the property located at:

Address 913 ARRAW RD, Jellensville, MD 21239 Currently zoned DR 5.5
Deed Reference 31251 / 00465 10 Digit Tax Account # 0913007641
Owner(s) Printed Name(s) Luke Demers, Deirdre Demers (née Reavey)

(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. X **ADMINISTRATIVE VARIANCE** from Section(s)

... Section 400.1 – to permit a proposed detached structure (replacement garage) with a side yard setback of 0 feet in lieu of the minimum required 2½ 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)/Petitioner(s):

Luke Demers / Deirdre Demers
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 _____ Signature #2 _____
913 ARRAW RD Jellensville MD
Mailing Address City State
21239 / 703.608.8226 / lukehd@hotmail.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 _____ 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 2018-0163-A Filing Date 12/14/17 Estimated Posting Date 12/24/17 Reviewer P.D.

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: 913 ARRAN RD Idlewyld MD 21239
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)

The home was built in 1914, likely prior to many modern zoning laws. The location of the existing garage has a 0' setback from the Western property line. The existing garage was badly damaged during a storm in 2012 when the neighbor's oak tree fell on its roof, destroying the roof and crippling the garage's framing where it meets the foundation. Because of the extent of the damage, repairing the garage would not be a viable option. To construct a replacement following the current setback rules would require the removal of a mature cedar tree and would require paving the driveway to curve around the back of the house, which would not be in keeping with the character of the neighborhood. The requested variance is to rebuild using the existing 0' setback along the Western property line. In order to satisfy the fire marshal's concerns the Western wall of the garage will include 5/8" fire rated sheetrock in order to provide a 1-hour fire wall.

(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)
Luke Demers
Name- Print or Type

[Signature]
Signature of Owner (Affiant)
Deirdre A. Demers
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 12th day of December, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Luke Demers + Deirdre A. Demers

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

AS WITNESS my hand and Notaries Seal

DONNA E JOHNSON
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
My Commission Expires 11-03-2020

[Signature]
Notary Public
11/03/2020
My Commission Expires



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 913 ARRAW RD Idleness, MD 21239 Currently zoned DR S.5
 Deed Reference 31251 / 00465 10 Digit Tax Account # 0913007641
 Owner(s) Printed Name(s) Luke Demers, Deirdre Demers (nee Reavey)

(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. **X** **ADMINISTRATIVE VARIANCE** from Section(s)

... Section 400.1 – to permit a proposed detached structure (replacement garage) with a side yard setback of 0 feet in lieu of the minimum required 2½ 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)/Petitioner(s):

Luke Demers / Deirdre Demers
 Name #1 – Type or Print Name #2 – Type or Print

Signature #1 _____ Signature #2 _____
913 ARRAW RD Idleness MD
 Mailing Address City State
21239, 703.608.8226 lukehd@hotmail.com
 Zip Code Telephone # Email Address

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

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Date _____
 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 _____ 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 2018-0163-A Filing Date 12/14/17 Estimated Posting Date 12/24/17 Reviewer [Signature]

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

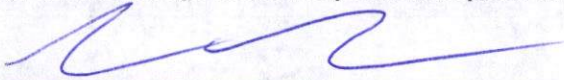
The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in 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: 913 ARRAN RD Idleness MD 21239
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)

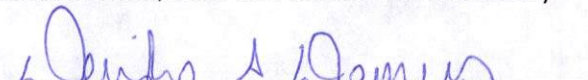
The home was built in 1914, likely prior to many modern zoning laws. The location of the existing garage has a 0' setback from the Western property line. The existing garage was badly damaged during a storm in 2012 when the neighbor's oak tree fell on its roof, destroying the roof and crippling the garage's framing where it meets the foundation. Because of the extent of the damage, repairing the garage would not be a viable option. To construct a replacement following the current setback rules would require the removal of a mature cedar tree and would require paving the driveway to curve around the back of the house which would not be in keeping with the character of the neighborhood. The requested variance is to rebuild using the existing 0' setback along the Western property line. In order to satisfy the fire marshal's concerns, the Western wall would include 5/8" fire rated sheetrock to provide a 1-hour firewall.

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



Signature of Owner (Affiant)

Luke Demers
Name- Print or Type



Signature of Owner (Affiant)

Deirdre A Demers
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 12th day of December, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

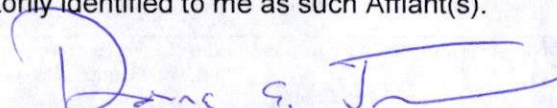
Print name(s) here: Luke Demers + Deirdre A. Demers

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

AS WITNESS my hand and Notaries Seal

DONNA E JOHNSON
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND

My Commission Expires 11-03-2020


Notary Public

11/03/2020
My Commission Expires

Luke Demers
913 Arran Rd.
Idlewylde, MD. 21239
Petition for Administrative Variance

ZONING PROPERTY DESCRIPTION FOR 913 ARRAN ROAD

Deed Ref # 31251/00465

Tax # 0913007641

BEGINNING at a point on the South side of Arran Road, which is 40' wide at a distance of 360' West of the centerline of the nearest improved intersecting street, Beechwood Road, which is 40' wide. Thence the following courses and distances: (1st Point of Call "POC") N.72 15' 00" W.60', (2nd POC) S.17 45' 00" W.160', (3rd POC) S.72 15' 00" E.60', and (4th POC) N.17 45' 00" E.160' , back to the point of beginning as seen in Baltimore County Plat Book W.P.C. #7, Page 140, Lot 5C/6C, in Section A of the Idlewylde Subdivision, containing (9600 ~~acres~~). Located in the 9th Election District and 5th Council District.

square feet

Item #0163

CERTIFICATE OF POSTING

Date: DECEMBER 22, 2017

RE: Project Name: 913 ARRAN ROAD
Case Number /PAI Number: 2018-0163-A
Petitioner/Developer: LUKE DEMERS
Date of Hearing/Closing: JANUARY 8, 2018

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 913 ARRAN ROAD

The sign(s) were posted on DECEMBER 22 2017
(Month, Day, Year)

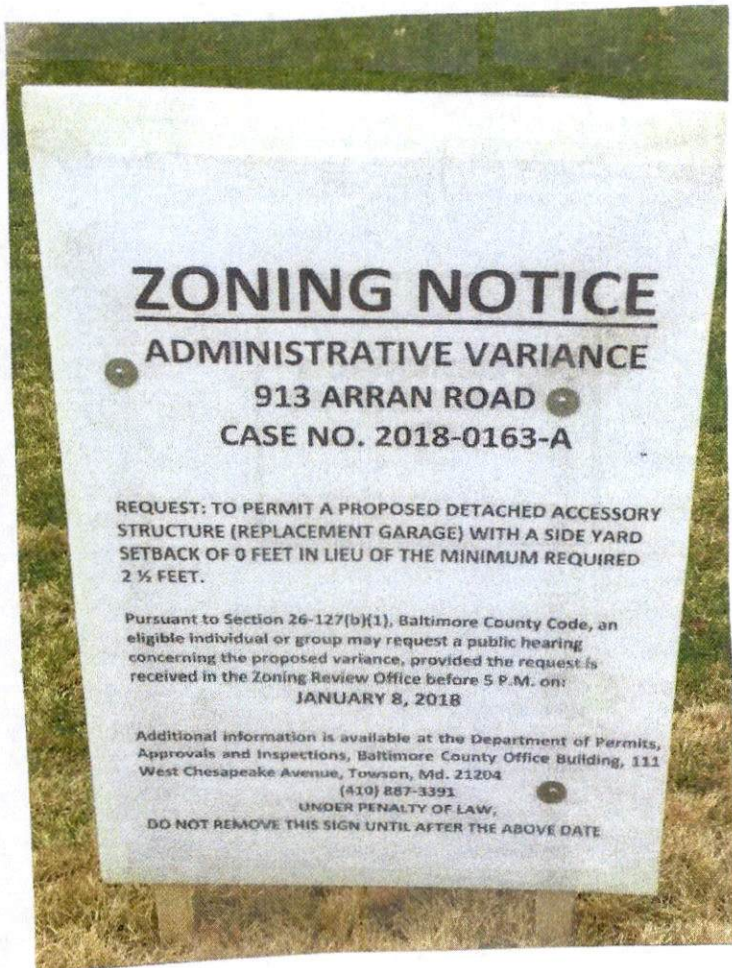

(Signature of Sign Poster)

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- 0163 -A Address 913 Arran Rd

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/14/17 Posting Date: 12/24/17 Closing Date: 1/8/18

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- 0163 -A Address 913 Arran Rd

Petitioner's Name Luke Demers Telephone 703 608 8226

Posting Date: 12/24/17 Closing Date: 1/8/18

Wording for Sign: To Permit a proposed detached accessory structure
(replacement garage) with a side yard setback of 0 feet
in lieu of the minimum required 2 1/2 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: 2018-0163-A
Property Address: 913 ARRAN RD IDLEWYLDE, MD 21239
Property Description: south side of Arran Rd, 360' west of
Beechwood Rd
Legal Owners (Petitioners): Luke Demers & Deirdre Demers
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Luke Demers
Company/Firm (if applicable): _____
Address: 913 ARRAN RD.
IDLEWYLDE, MD 21239

Telephone Number: 703.608.8226

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

NO 161163

Date: 12/14/17

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	8126	0000		6150				\$75.00

Total: \$75.00

Rec From: L Demiers

For: zoning hearing - case # 2013-0163-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME TRN
12/15/2017 12/14/2017 10:22:10
REG NO. 161163 WALKIN LJR
>>RECEIPT # 765652 12/14/2017 OFLN
Dept S 528 ZONING VERIFICATION
CR NO. 161163
Recpt Tot \$75.00
\$75.00 CK \$1.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

January 3, 2018

Luke & Deidre Demers
913 Arran Road
Idlewylde MD 21239

RE: Case Number: 2018-0163 A, Address: 913 Arran Road

Dear Mr. & Ms. Demers:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 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 cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

1-1-18

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 18, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0163-A
Address 913 Arran Road
(Demers Property)

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

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

Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 12/18/17

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. 2018-0163-A.

*Administrative Variance
Lukes Deirdre Danners
913 Arran 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
me
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For December 25, 2017
Item No. 2018-0160-SPHA, 0161-SPH, 0162-A and 0163-A

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 18, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0163-A
Address 913 Arran Road
(Demers Property)

Zoning Advisory Committee Meeting of **December 25, 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 T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
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DEVELOPMENT PLANS REVIEW

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

DEPS

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

FIRE DEPARTMENT

PLANNING

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

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING

Date: _____

12-22-17

by

B. B. B. B.

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 - 09 Account Number - 0913007641							
Owner Information									
Owner Name:		DEMERS LUKE H REAVEY DEIRDRE A				Use: Principal Residence:		RESIDENTIAL YES	
Mailing Address:		913 ARRAN RD BALTIMORE MD 21239- 1502				Deed Reference:		/31251/ 00465	
Location & Structure Information									
Premises Address:		913 ARRAN RD 0-0000				Legal Description:		LT 5C,6C 913 ARRAN RD IDLEWYLDE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0080	0003	0128		0000	A		5C	2017	Plat Ref:
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1914		1,970 SF		300 SF		9,600 SF		04	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
2 1/2	YES	STANDARD UNIT		SIDING	1 full	1 Detached			
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of 01/01/2017		As of 07/01/2017		As of 07/01/2018	
Land:		86,500		86,500					
Improvements		162,300		184,000					
Total:		248,800		270,500		256,033		263,267	
Preferential Land:		0						0	
Transfer Information									
Seller: MCCLEARY NORMA R				Date: 10/05/2011		Price: \$255,000			
Type: ARMS LENGTH IMPROVED				Deed1: /31251/ 00465		Deed2:			
Seller: MCCLEARY RICHARD P				Date: 08/19/2009		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /28547/ 00001		Deed2:			
Seller: MCCLEARY RICHARD P & NORMA				Date: 06/27/1967		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /04773/ 00354		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 03/16/2012

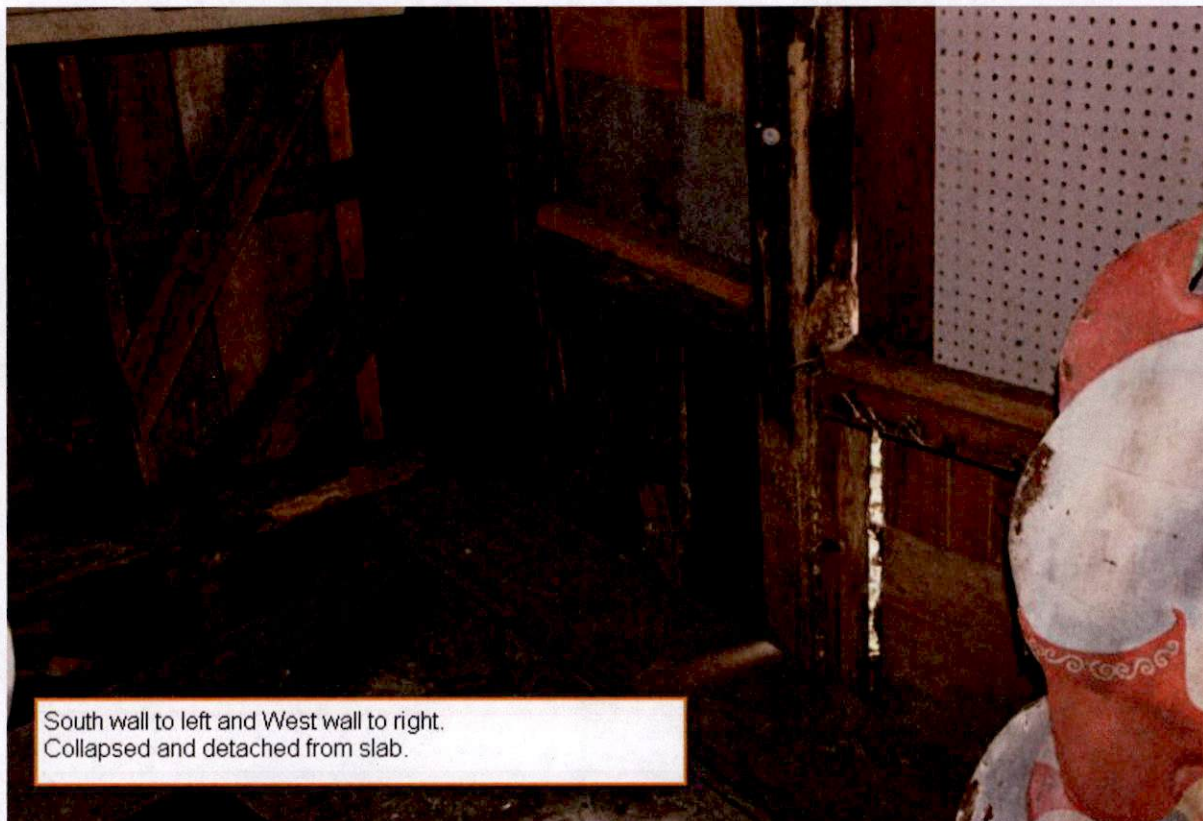
Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

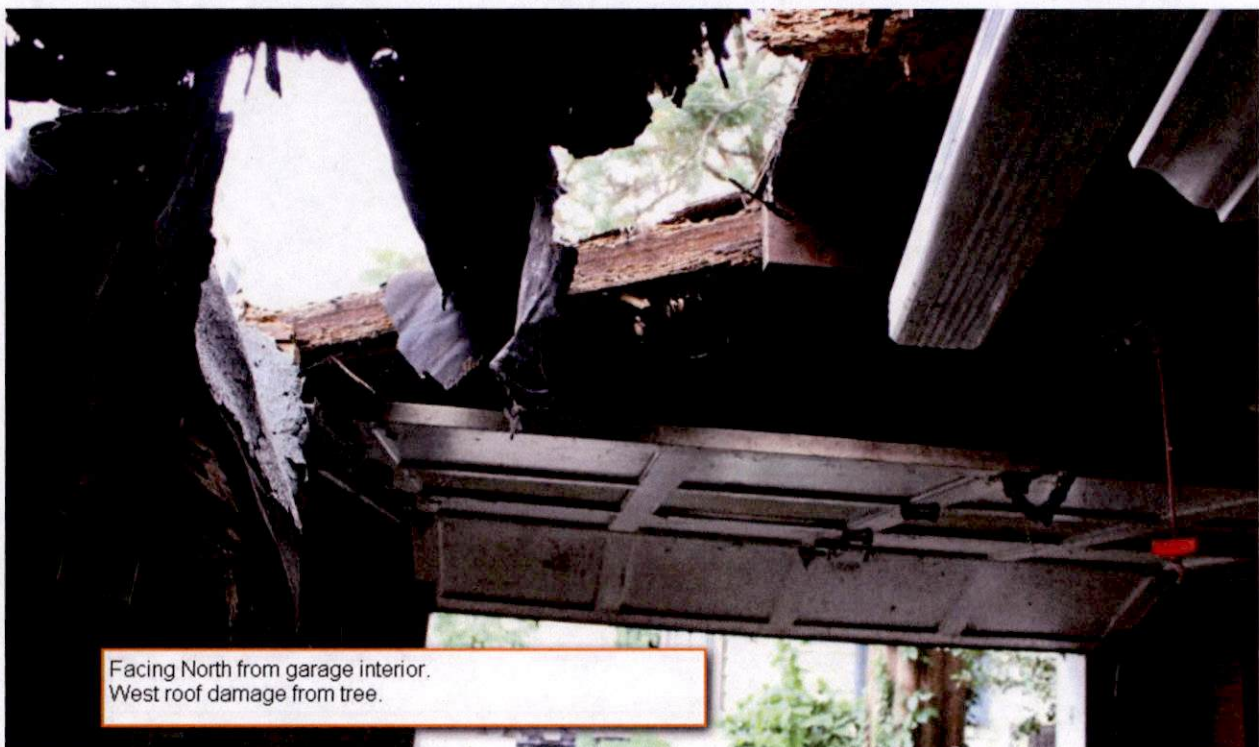
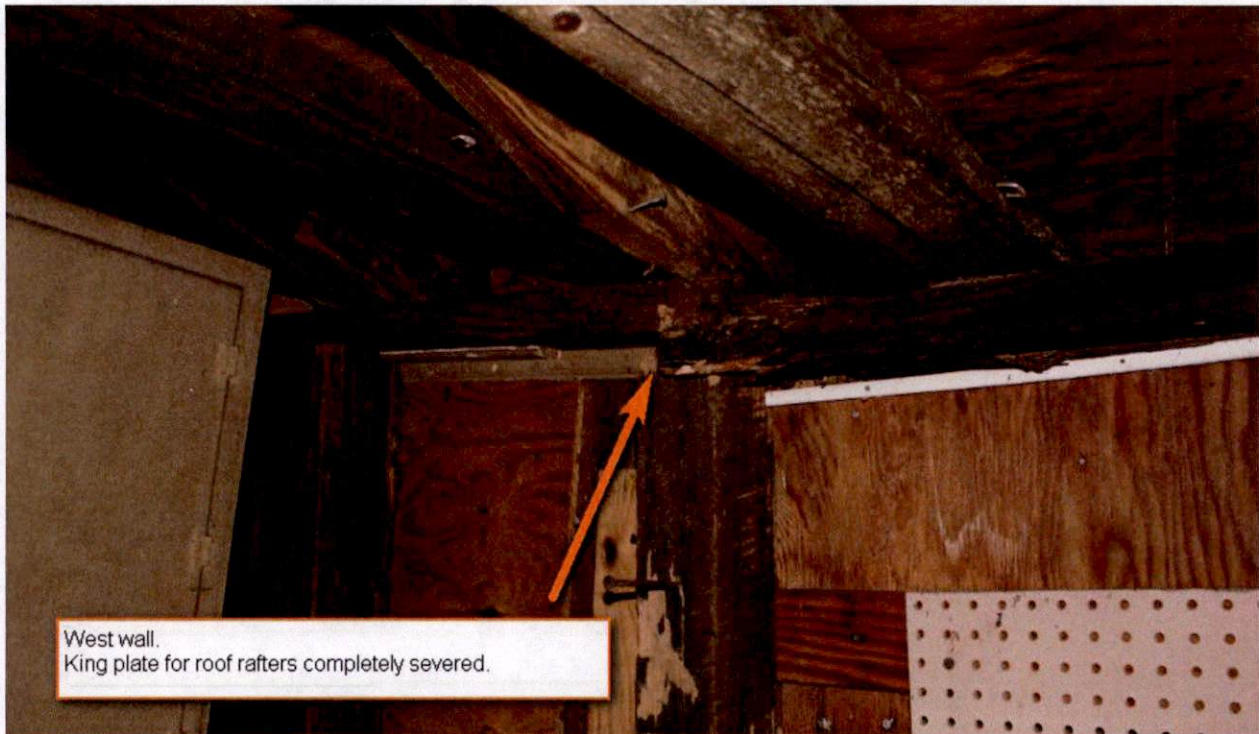


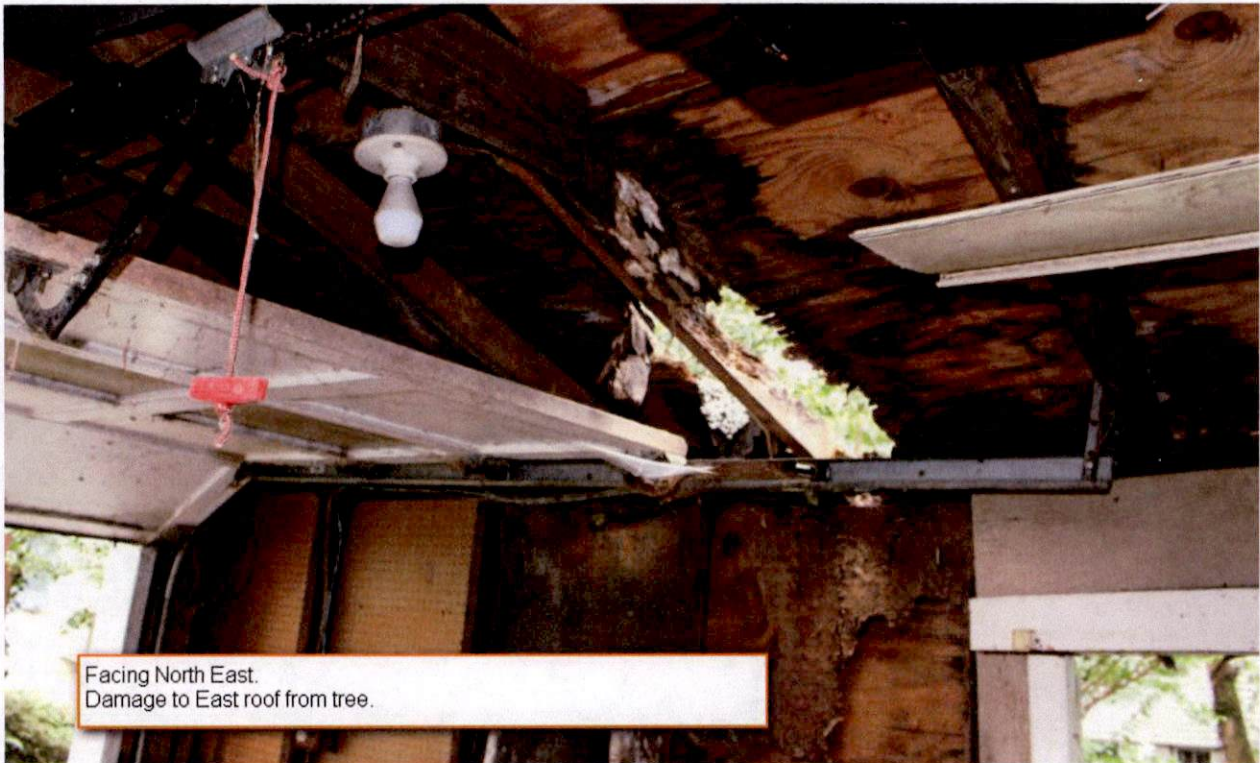


Interior garage, West to right, East to left.
Damaged roof sheathing and rafters.

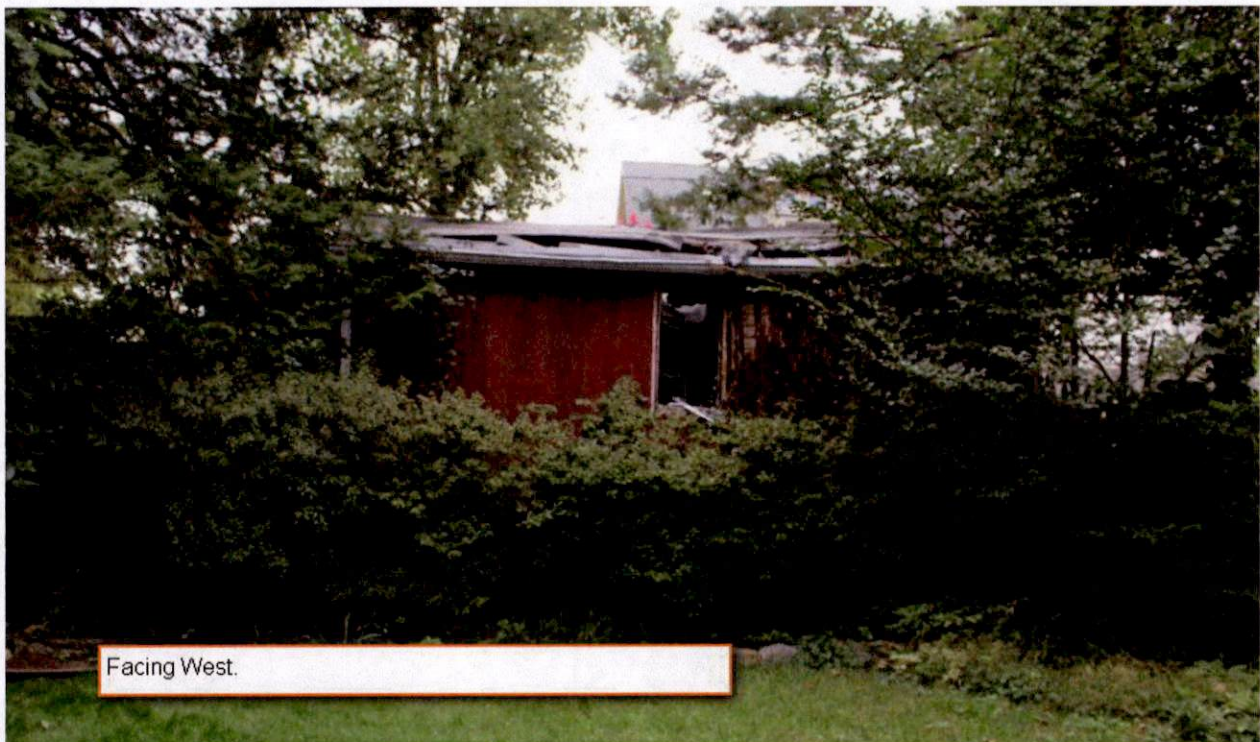


South wall to left and West wall to right.
Collapsed and detached from slab.

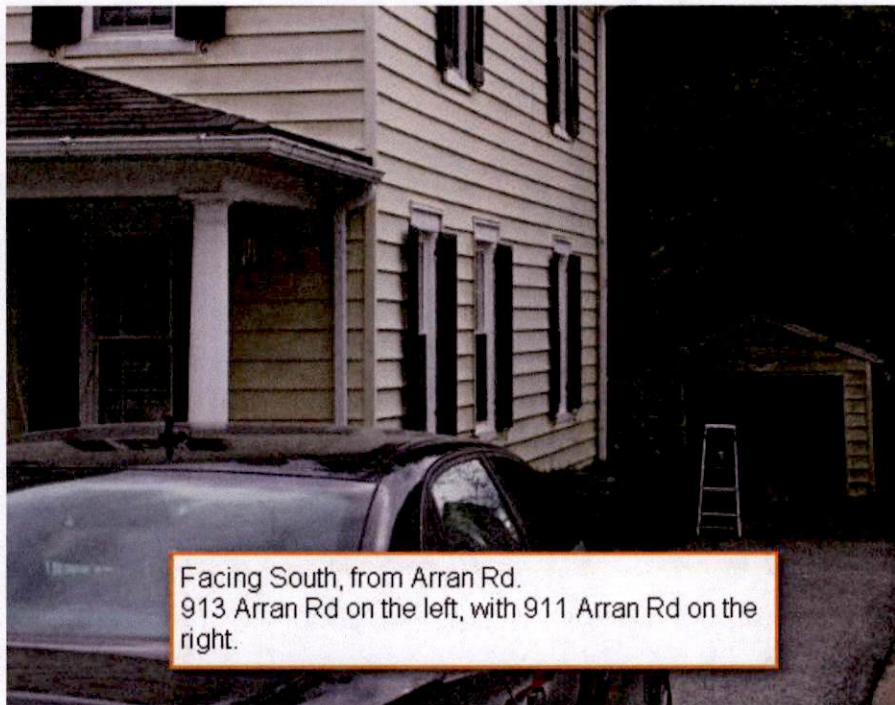




Facing North East.
Damage to East roof from tree.



Facing West.



ZAC AGENDA

Case Number: 2018-0162-A

Primary Use: RESIDENTIAL

Reviewer: WasilewskiLeon
ard

Type: ADMINISTRATIVE VARIANCE

Legal Owner: James Aaron Kelly

Contract Purchaser

Critical Area : No Flood Plain: No Historic No Election Dist Ninth Councilmanic Dist Fifth

Property Address: 1801 Dunwoody ROAD

Location: S/S of Dunwoody Road at the SE corner of the centerline of Oakleigh Road

Existing Zoning: DR 5.5

Area: 7410 sq. ft., .17 acre

Proposed Zoning: ADMINISTRATIVE VARIANCE:

To permit an existing rear yard setback of 16 ft. 3 in. in lieu of the required 30 ft. and to permit an open projection (deck) with a rear setback of 10 ft. in lieu of the required 22.5 ft.

Attorney:

Prior Zoning Cases:

Concurrent Cases:

Violation Cases:

Closing Date: 1/8/2018 12:00:00AM

Miscellaneous:

Case Number: 2018-0163-A

Primary Use: RESIDENTIAL

Reviewer: DuvallRobert

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Luke & Deirdre Demers

Contract Purchaser

Critical Area : No Flood Plain: No Historic No Election Dist Ninth Councilmanic Dist Fifth

Property Address: 913 Arran ROAD

Location: S/S of Arran Road, 360 ft. W of the centerline of Beechwood Road

Existing Zoning: DR 5.5

Area: 0.22 acre, 9600 sq. ft.

Proposed Zoning: ADMINISTRATIVE VARIANCE:

To permit a proposed detached structure (replacement garage) with a side yard setback of 0 ft. in lieu of the minimum required 2.5 ft.

Attorney:

Prior Zoning Cases:

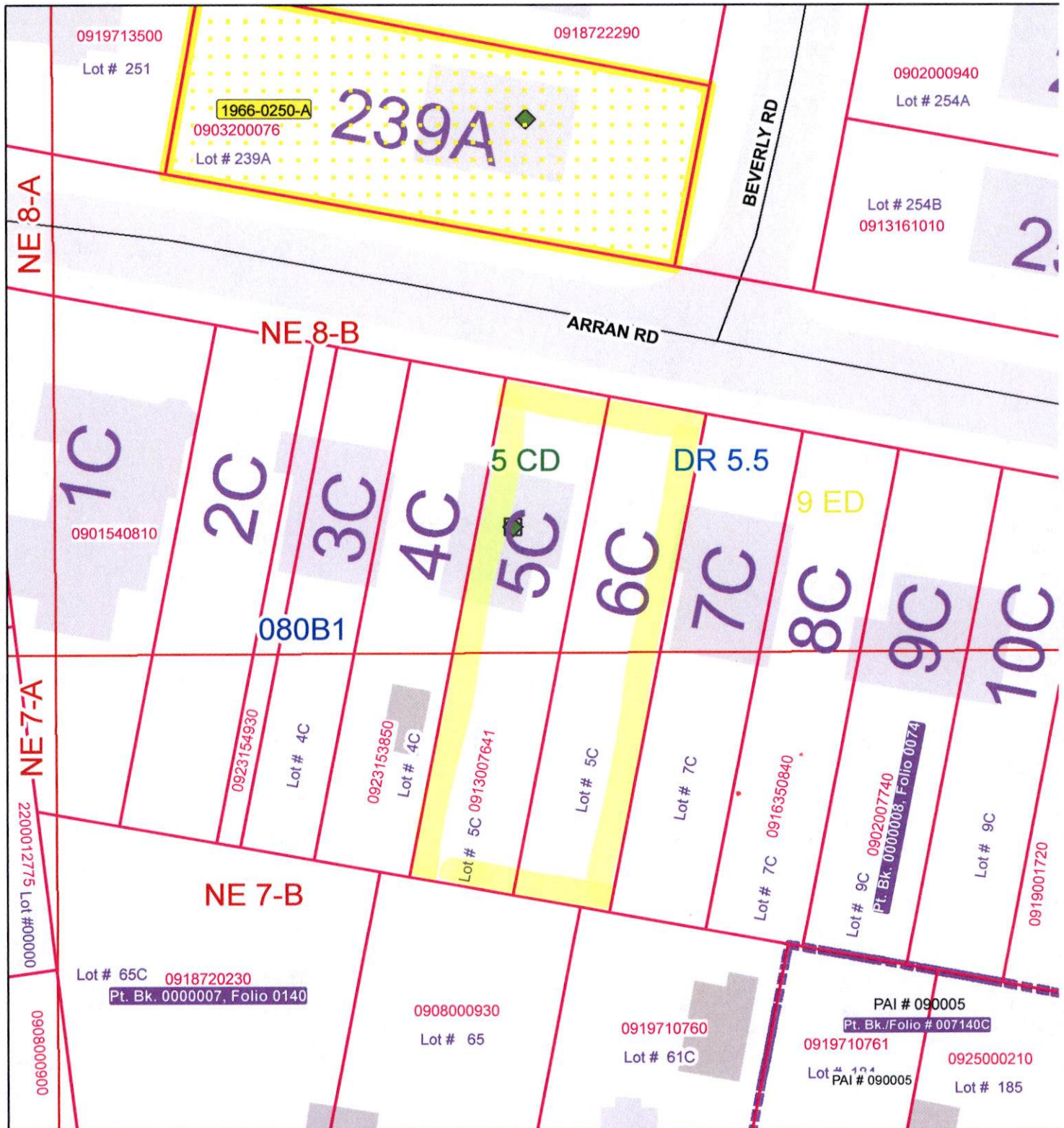
Concurrent Cases:

Violation Cases:

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

Miscellaneous:

913 Aaran Road



Publication Date: 11/30/2017



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

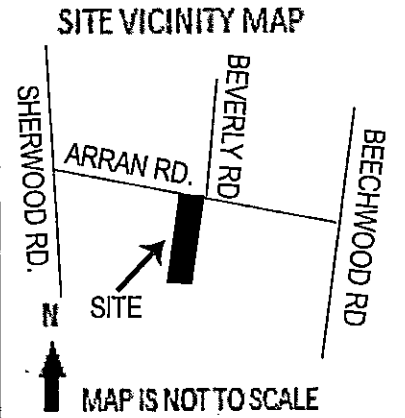
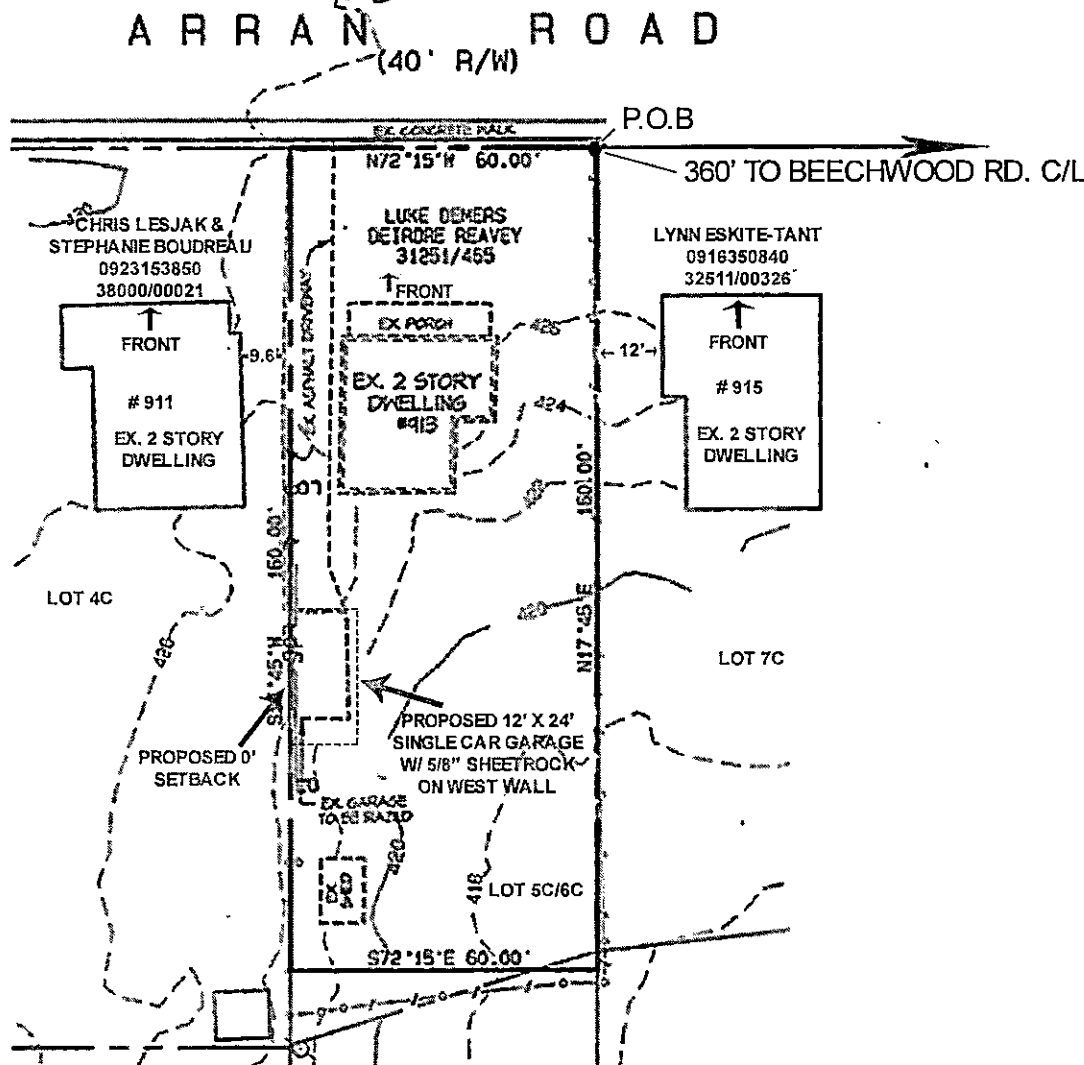


0 10 20 40 60 80 Feet

1 inch = 40 feet

Item # 0163

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 913 ARRAN ROAD OWNER(S) NAME(S) LUKE DEMERS & DEIRDRE (REAVEY) DEMERS
 SUBDIVISION NAME IDLEWYLDE LOT # 5C/6C BLOCK # N/A SECTION # A
 PLAT BOOK # 7 FOLIO # 140 10 DIGIT TAX # 0913007641 DEED REF. # 31251/00465



MAP IS NOT TO SCALE
 ZONING MAP# 080B1
 SITE ZONED DR 5.5
 ELECTION DISTRICT 9TH
 COUNCIL DISTRICT 5TH
 LOT AREA ACREAGE 0.220
 OR SQUARE FEET 9600
 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

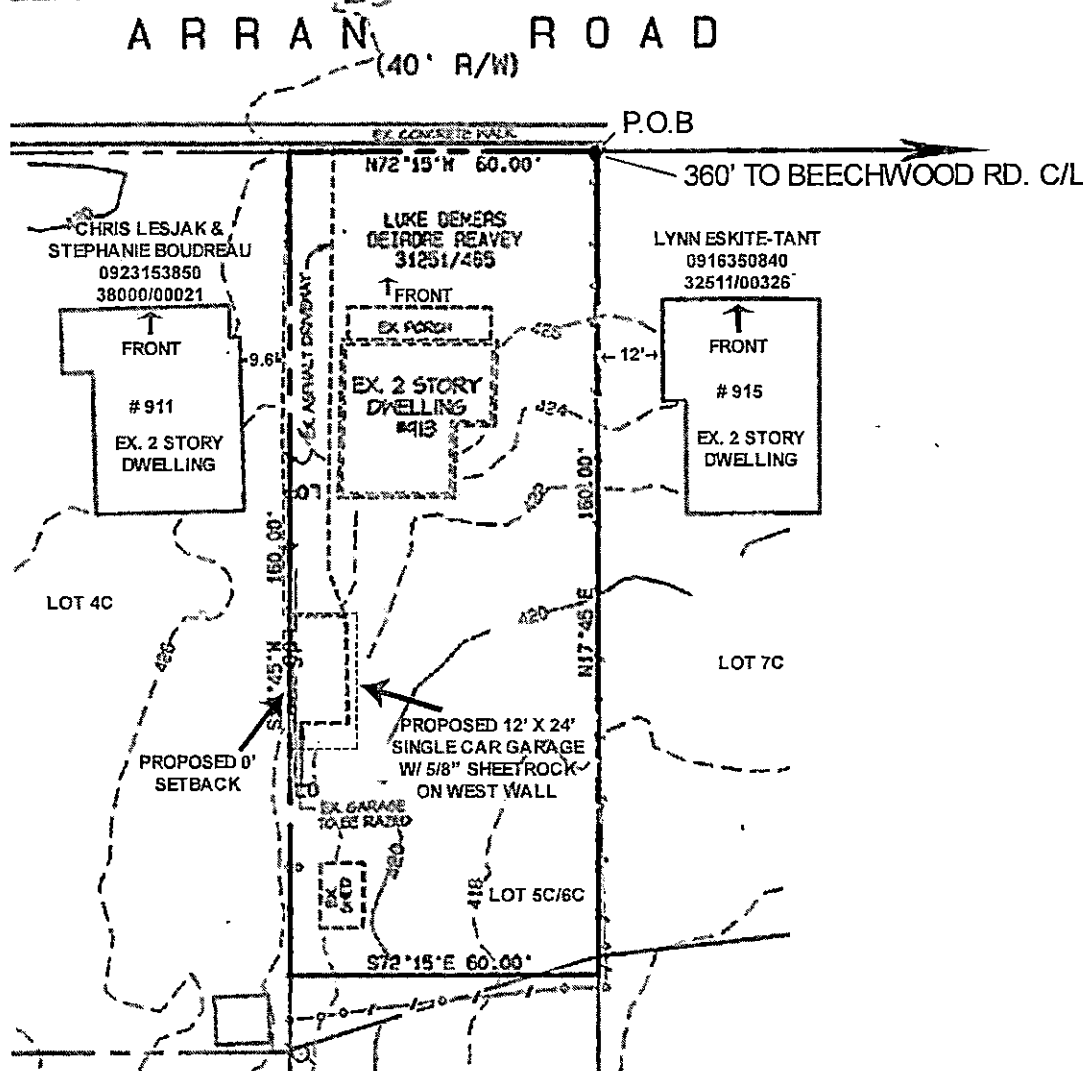
PLAN DRAWN BY LUKE DEMERS DATE 12/5/2017 SCALE: 1 INCH = 30 FEET

VIOLATION CASE INFO:

#2018-0163-A

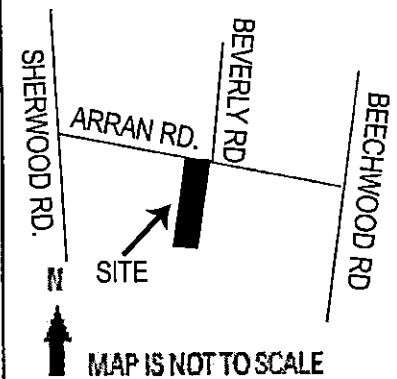
Ret. Exh. 1

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 913 ARRAN ROAD OWNER(S) NAME(S) LUKE DEMERS & DEIRDRE (REAVEY) DEMERS
 SUBDIVISION NAME IDLEWYLDE LOT # 5C/6C BLOCK # N/A SECTION # A
 PLAT BOOK # 7 FOLIO # 140 10 DIGIT TAX # 0913007641 DEED REF. # 31251/00465



PLAN DRAWN BY LUKE DEMERS DATE 12/5/2017 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



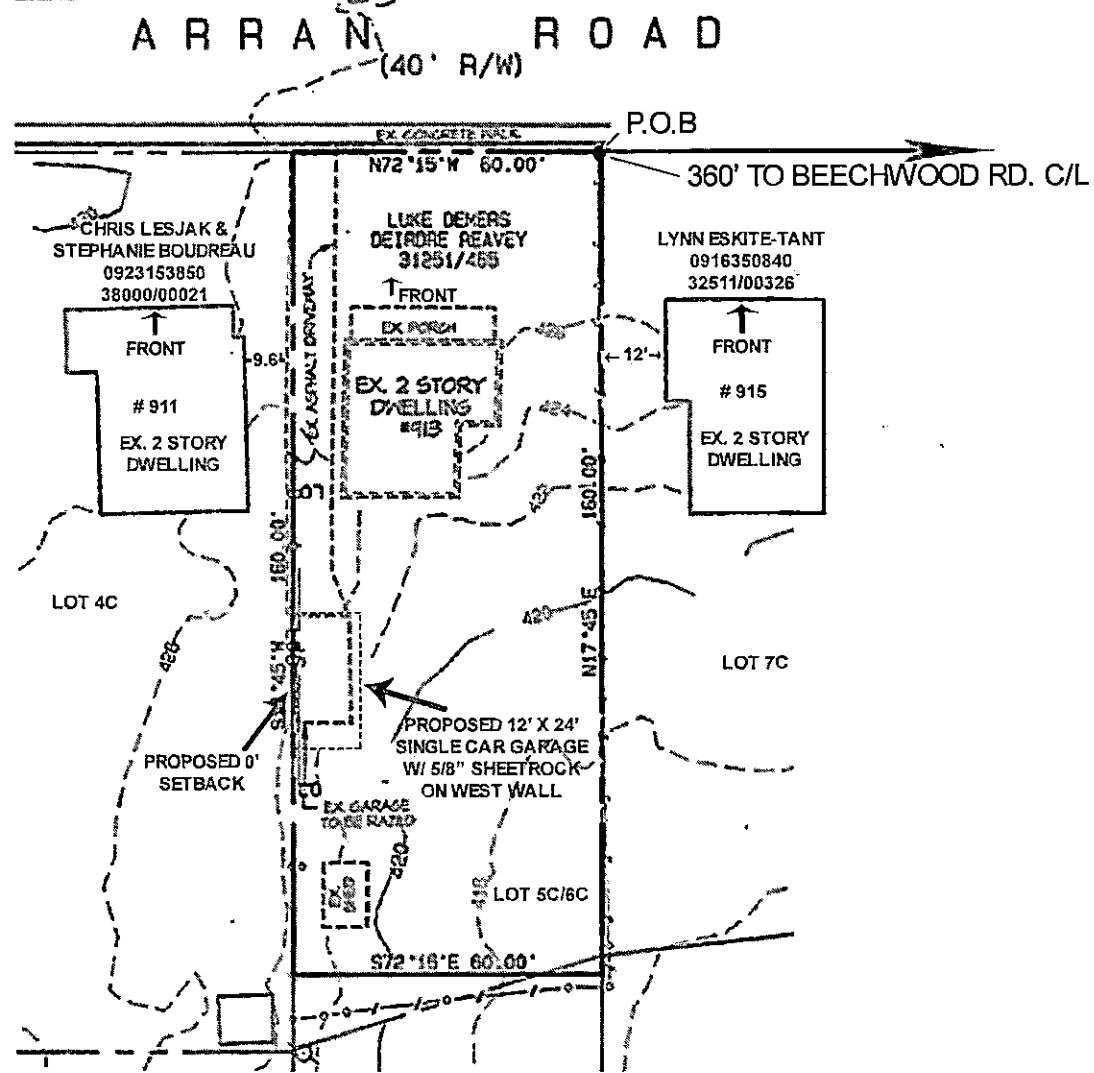
MAP IS NOT TO SCALE
 ZONING MAP# 080B1
 SITE ZONED DR 5.5
 ELECTION DISTRICT 9TH
 COUNCIL DISTRICT 5TH
 LOT AREA ACREAGE 0.220
 OR SQUARE FEET 9600
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC ☒ PRIVATE _____
 SEWER IS:
 PUBLIC ☒ PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

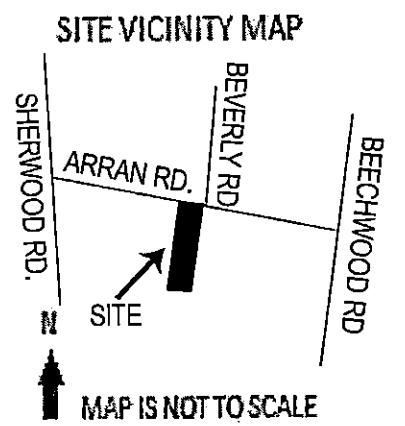
#2018-0163-A

RD

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 913 ARRAN ROAD OWNER(S) NAME(S) LUKE DEMERS & DEIRDRE (REAVEY) DEMERS
 SUBDIVISION NAME IDLEWYLDE LOT # 5C/6C BLOCK # N/A SECTION # A
 PLAT BOOK # 7 FOLIO # 140 10 DIGIT TAX # 0913007641 DEED REF. # 31251/00465



PLAN DRAWN BY LUKE DEMERS DATE 12/5/2017 SCALE: 1 INCH = 30 FEET



ZONING MAP# 080B1
 SITE ZONED DR 5.5
 ELECTION DISTRICT 9TH
 COUNCIL DISTRICT 5TH
 LOT AREA ACREAGE 0.220
 OR SQUARE FEET 9600
 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:

#2018-0163-A *R.D.*