

MEMORANDUM

DATE: April 17, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0210-A – Appeal Period Expired

The appeal period for the above-referenced case expired on April 16, 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	*	BEFORE THE
(3004 Dunglew Road)		
12 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
Rebecca C. Gephardt & David J. Lawson, Jr.	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2018-0210-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, Rebecca C. Gephardt and David J. Lawson, Jr. (“Petitioners”). The Petitioners are requesting Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”), to allow a rear yard setback of 19 ft. in lieu of the required 30 ft. for a proposed rear yard addition. 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 February 25, 2018, 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 (“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 3-16-18
By low

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 BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

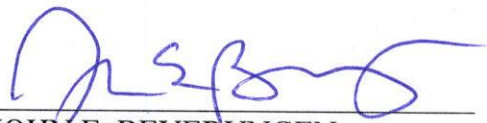
Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 16th day of **March, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1B02.3.C.1 of the BCZR, to allow a rear yard setback of 19 ft. in lieu of the required 30 ft. for a proposed rear yard addition, 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.

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 3-16-18

By bw



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 3004 Dunglow Road which is presently zoned DR-5.5

Deed Reference 27242/474 10 Digit Tax Account # 1208005380

Property Owner(s) Printed Name(s) Rebecca C. Gephardt and David J. Lawson, Jr.

(SELECT THE HEARING(S) BY MARKING **X** 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. **X** **ADMINISTRATIVE VARIANCE** from section(s) 1B02.3.C.1 to allow a rear yard setback of 19' in lieu of the required 30'. **FOR A REAR YARD ADDITION PROPOSED**

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:

Rebecca C. Gephardt / David J. Lawson, Jr.
Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

3004 Dunglow Road, Baltimore MD
Mailing Address City State

21222-5102 / 443-841-8954 / rebecca@remodelmax.net

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 21 day of April, 2018 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.

By

Administrative Law Judge of Baltimore County

CASE NUMBER 2018-0210-A

Filing Date 2/14/18

Estimated Posting Date 2/25/18

Reviewer gr

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very important document, as it contains the President's annual message to Congress, which is a key document in the history of the United States.

2. The second part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Treasury, which is a key document in the history of the United States.

3. The third part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Treasury, which is a key document in the history of the United States.

ANNUAL MESSAGE OF THE PRESIDENT OF THE UNITED STATES TO THE CONGRESS, JANUARY 3, 1862.

4. The fourth part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Treasury, which is a key document in the history of the United States.

5. The fifth part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Treasury, which is a key document in the history of the United States.

6. The sixth part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Treasury, which is a key document in the history of the United States.

7. The seventh part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Treasury, which is a key document in the history of the United States.

8. The eighth part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Treasury, which is a key document in the history of the United States.

9. The ninth part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Treasury, which is a key document in the history of the United States.

10. The tenth part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Treasury, which is a key document in the history of the United States.

11. The eleventh part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Treasury, which is a key document in the history of the United States.

12. The twelfth part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Treasury, which is a key document in the history of the United States.

13. The thirteenth part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Treasury, which is a key document in the history of the United States.

14. The fourteenth part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Treasury, which is a key document in the history of the United States.

15. The fifteenth part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Treasury, which is a key document in the history of the United States.

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: 3004 Dunglew Road Baltimore MD 210222
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 house is located on the lot such that the rear addition will be constructed over an existing patio and there will be 21' setback from the 14' alley. The first level will be open like a deck on 3 sides. There is a garage in the rear of the house that will be between the addition and the alley

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

RC Gephardt
Signature of Affiant
Rebecca C Gephardt
Name- Print or Type

DAVID J LAWSON JR
Signature of Affiant
DAVID J LAWSON JR
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 6th day of February, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

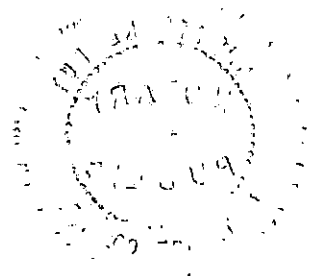
Rebecca C Gephardt and David J Lawson
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) **(Print name(s) here)**

AS WITNESS my hand and Notaries Seal

Annette Klaput
Notary Public

My Commission Expires

ANNETTE KLAPUT
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 22, 2021



100-100000-100000

30 E. Padonia Road, Suite 500
Timonium, Maryland 21093

tel. 410-560-1502
fax 443-901-1208

**ZONING PROPERTY DESCRIPTION FOR
3004 DUNGLOW ROAD
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the South side of **Dunglow Road** which is **80** feet wide at the distance of 105 feet southeast of the edge of the nearest improved intersecting street of **Mornington Road**, which is 40 feet wide. Being lot **#3 in Section 14**, in the subdivision of **Dundalk Plat 3** as recorded in Baltimore County Plat Book **#8**, Folio **#54**, containing **12,500** Sq.Ft. or **0.29** Ac.+/. Located in the 12th. Election District, 7th Councilmanic District.

2018-0210-16

CERTIFICATE OF POSTING

2018-0210-A

RE: Case No.: _____

Petitioner/Developer: _____

Rebecca C. Gephardt & David J. Lawson Jr

March 12, 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: _____

3004 Dunglew Road

February 25, 2018

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

Sincerely,

February 25, 2018

(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)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0210 -A Address 3004 Dunglew Road

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

Filing Date: 2/14/18 Posting Date: 2/25/18 Closing Date: 3/12/18

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- 0210 -A Address 3004 Dunglew Rd 21222
Petitioner's Name Rebecca C. Gephardt & David J. Lawson Jr Telephone 443-841-8954
Posting Date: 2/25/18 Closing Date: 3/12/18
Wording for Sign: To Permit a proposed rear addition with
a rear setback of 19 feet in lieu of the required
30 feet.

Revised 6/30/2018

NO 166201

Date: 2/14/78

SECRET

BUSINESS ACTUAL TIME IN
2/14/2018 2/14/2018 09:16:14 3

REG BSQ3 WALKIN CAN
 >>RECEIPT # 762893 2/14/2018 DFL

Dept. 9 528 ZONTIG VERIFICATION
CR NO. 163201

Recept Tot \$75.00
 \$75.00 CR \$.00 CA
 Baltimore County, Maryland

[illegible]

Total: 75

Rec
From: Hick Richardson

For 2018-0210-A
3004 Dunslow Rd

DISTRIBUTION

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

PLEASE PRESS HARD!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

March 13, 2018

Rebecca C & David J Lawson, Jr.
3004 Dunglow Road
Baltimore MD 21222-5102

RE: Case Number: 2018-0210 A, Address: 3004 Dunglow Road

Dear Mr. & Ms. Lawson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 14, 2018. 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 dark 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, Rick Richardson, 30 E Padonia Road, Timonium MD 21093



STATE HIGHWAY
ADMINISTRATION

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

Date: 2/21/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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.

2018-0210-A
Administrative Variance
Rebecca C. Gebhardt and
David F. Lawson Jr.
3004 Junglow 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: March 07, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 19, 2018
Item No. 2018-0182-A, 0205-A, 0206-X, 0207-XA, 0208-XA, 0209-A, 0210-A and 0211-X.

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: February 21, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0210-A
Address 3004 Dunglow Road
(Gebhardt & Lawson Jr. Property)

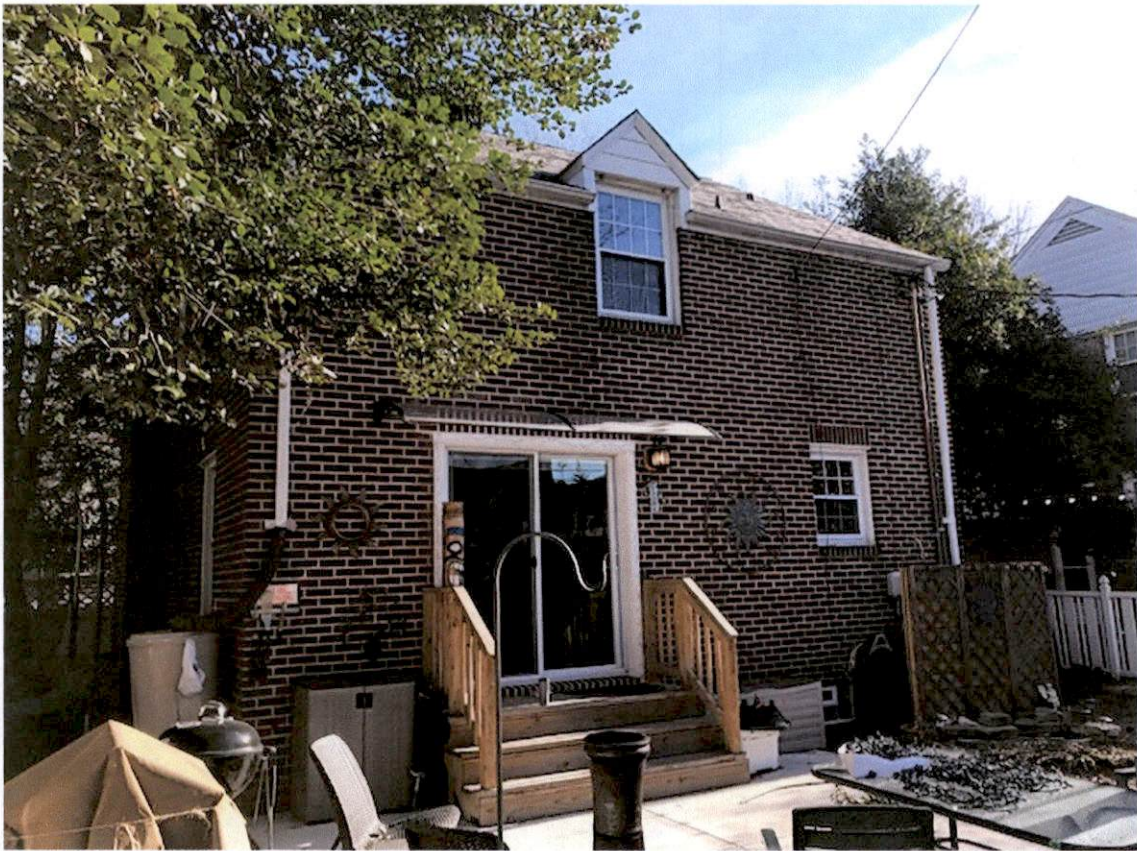
Zoning Advisory Committee Meeting of **February 26, 2018**.

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

Reviewer: Steve Ford



2018-0210-A



2018-0210-A

C H E C K L I S T

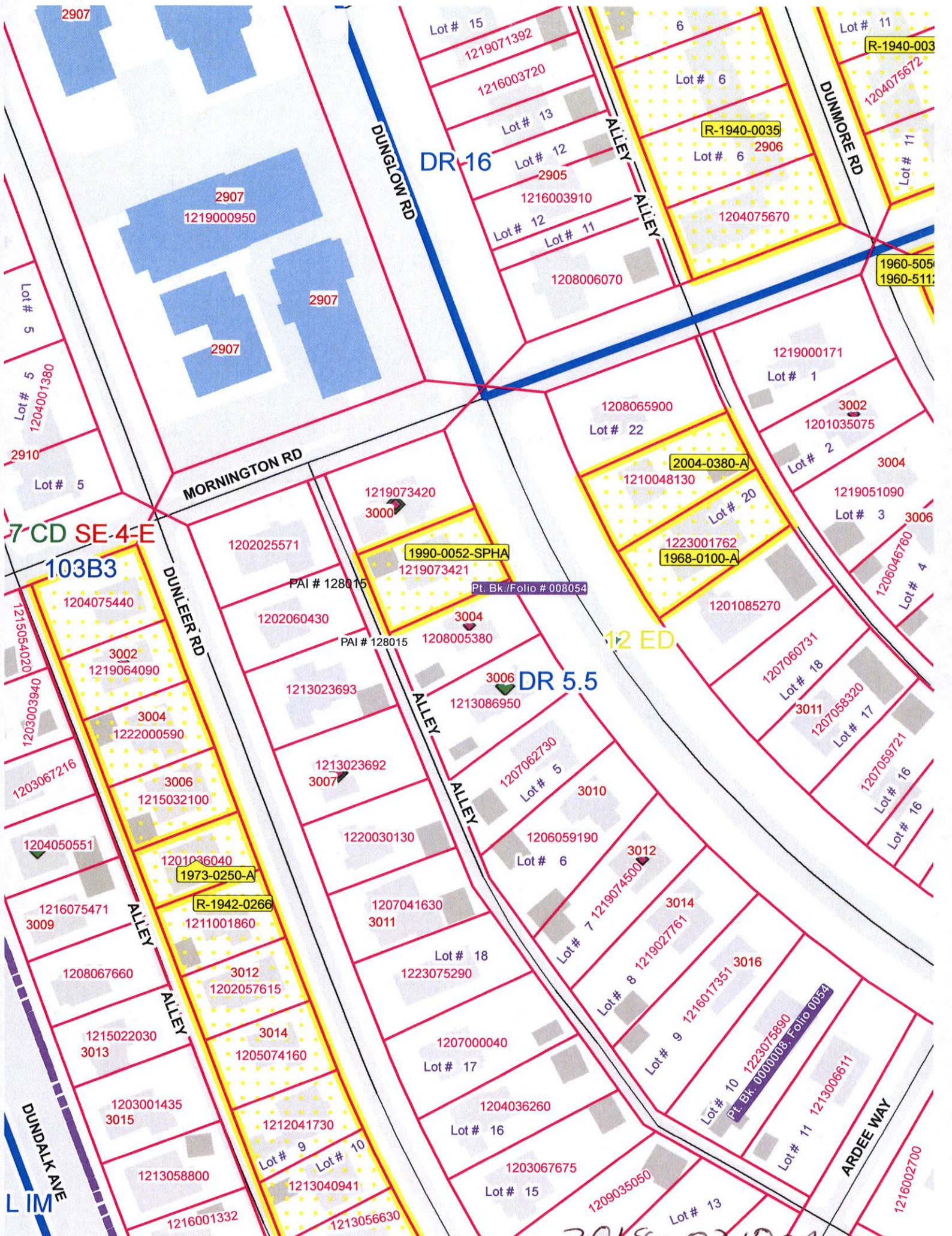
<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3-7</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>2-21</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>2-21</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>2-25-18</u> by <u>Beack</u>	
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 - 12 Account Number - 1208005380			
Owner Information					
Owner Name:	GEPHARDT REBECCA C LAWSON DAVID J JR		Use:	RESIDENTIAL	
Mailing Address:	3004 DUNGLOW RD BALTIMORE MD 21222-5102		Principal Residence:	YES	
			Deed Reference:	/27242/ 00474	
Location & Structure Information					
Premises Address:		3004 DUNGLOW RD 0-0000		Legal Description: 3004 DUNGLOW RD DUNDALK	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0103	0022	0501		0000	
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	3
14	3	2018		0008/0054	
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1938	1,421 SF	338 SF	5,390 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	BRICK	1 full	1 Detached
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2018	As of 07/01/2017	As of 07/01/2018
Land:		49,300	49,300		
Improvements		137,900	147,900		
Total:		187,200	197,200	187,200	190,533
Preferential Land:		0			0
Transfer Information					
Seller: HALL BETTY LEE		Date: 08/08/2008		Price: \$260,000	
Type: ARMS LENGTH IMPROVED		Deed1: /27242/ 00474		Deed2:	
Seller: HALL CHARLES R,SR		Date: 09/23/1994		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /10763/ 00328		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 11/04/2008					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					



2907

DR-16

R-1940-003

R-1940-0035

1960-505
1960-511

7 CD SE-4-E
103B3

1990-0052-SPHA

2004-0380-A
1223001762
1968-0100-A

DR 5.5

12 ED

L IM