MEMORANDUM

DATE:

April 24, 2018

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2018-0217-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 23, 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 * (12033 Jerusalem Road)

(12033 Jerusalem Road) 11th Election District

5th Council District

Eva Ward

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0217-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 owner of the property, Eva Ward ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("BCZR"), to permit an existing carport to be enclosed with the side yard setback of 15 ft. in lieu of the required 50 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's 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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 4, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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	3-2	
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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 Petitioner.

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 <u>22nd</u> day of March, 2018, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1A04.3.B.2.b of the Baltimore County Zoning Regulations ("BCZR"), to permit an existing carport to be enclosed with the side yard setback of 15 ft. in lieu of the required 50 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her 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, Petitioner would be required to return the subject property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

2

JOHN E. BEVERUNGEN Administrative Law Judge for

Baltimore County

JEB:dlw

ORDER	RECEIVED	FOR	FILING	
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ISTRATIVE ZONING PETTON

TIVE VARIANCE - OR - ADMINISTRATIVE

PECIAL 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 12033 Jerusalem Rd. Kingsville, MD2108 Currently zoned RC5 10 Digit Tax Account # 1 1 2 3 0 0 Deed Reference 03985 Owner(s) Printed Name(s) Louis (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: ADMINISTRATIVE VARIANCE from Section(s) /A 04.3.6.2.6 BCZR To permit an existing carport to be enclosed with the side yard setback of 15' in lieu of the required 50! of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. 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): Name #2 - Type or Print Signature # 2 P.O. BOX 52 KINGSVILLE, M Mailing Address Attorney for Owner(s)/Petitioner(s): Representative to be contacted: Name - Type or Print Name-Type or Print Signature Signature Mailing Address Mailing Address City State Email Address 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 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as day of

required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2018 -0217 -A Estimated Posting Date 3 Filing Date





Affidavit in Support of Administrative Variance

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

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 12033 Terusalem Print or Type Address of property	Rd Kings	VIIIC MO	21087 Zip Code
Based upon personal knowledge, th Administrative Variance at the above	e following are the	facts upon which I state <u>practical d</u>	we base the request for an fificulty or hardship here)
I am in imperative need of in-the due to the need of in-the I am requesting to en will also allow a secon regular shape of my RC5 zoning. I cannot the side opposite of the seto acks. There is also the opposite side, making into consideration the into consideration the into age by doing what ha	nome care by according to the expand the expand the expand the autream rugit impract dad shape of only obtains been listed	inting covering with the home in the land expering three addit above.	red carport, which e. Due to the ir- setbacks within he front, back, or 50ft property line agh the property on and there. Taxing ty dlong with RCS ional square foot-
(If additional space for the petition re	equest or the above s	tatement is needed, Signature of Owr	4
EVA WARD Name- Print or Type	, 1	Name- Print or T	уре
The following information	is to be completed b	y a Notary Public of	he State of Maryland
I HEREBY CERTIFY, this 13th and for the County aforesaid, personal	_day of Februal		ore me a Notary of Maryland, in
Print name(s) here:	Ward	70 14 3 3 3 4	ASSION NOTARI
the Affiant(s) herein, personally known		tiffed to me as such	2 Thurst 120 B
AD W.	Notary Public My Commission	JAN II DA	021

Affidavit in Support of Administrative Variance

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	Based upon personal knowledge, the following ar Administrative Variance at the above address. (C	re the facts upon v lea rly state <u>prac</u>	which I/we base the re tical difficulty or har	equest for an dship here)
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_	Signature of Owner (Affiant)		e of Owner (Affiant)	
	EVA WARD Name- Print or Type	Name- P	rint or Type	
	The following information is to be compl	leted by a Notary Pu	blic of the State of Mary	land
	STATE OF MARYLAND, COUNTY OF BALTIM	0	, before me a Notary	of Marvland. in
	and for the County aforesaid, personally appeared:	,		al CAST
	Print name(s) here: EVA Ward		A CONTRACTOR	MISSION TO B
	the Affiant(s) herein, personally known or satisfactori	ily identified to me a	as such Affiant(s).	OVEN CO
	AS WITNESS my hand and Notaries Seal	EARL O	ACTICO PERIO	ARY 11. 202 SP
	Notary Pu	ublic JAN I	11 0021	THE CITY
	My Comn	nission Expires		

AMINISTRATIVE ZONING PARTION

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 12033 Jerusa lem Rd. Kingsville, MD 21087 currently zoned RC5 Deed Reference 03995 10 Digit Tax Account # 1 2 30 0 1 Owner(s) Printed Name(s) LOUIS (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: ADMINISTRATIVE VARIANCE from Section(s) /AUH 3 B 2 6 BCZR To permit an existing comport to be enclosed with the side yard setback of 15' in lieu of the required 90'. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. 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): Name #2 - Type or Print Signature # 2 .0.60x52 Kingsville, M Mailing Address -Whitey 19 21087 Zip Code Attorney for Owner(s)/Petitioner(s): Representative to be contacted: Name - Type or Print Name- Type or Print Signature Signature City Mailing Address State Mailing Address State Email Address Zip Code Telephone # Email Address Zip Code A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore 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 __ Estimated Posting Date 3 / 4/ (8 Filing Date 2 121/18

Zoning Property Description

Part A:

Zoning Property Description for 12033 Jerusalem Rd. Kingsville, MD 21087

*Beginning at a point on the southeast side of Jerusalem Rd which is 20 feet wide at a distance of +/- 30 feet southwest of the centerline of the nearest improved intersecting street Chapman Rd which is 20 feet wide.

Part B:

Option 1 (Metes and Bounds Sample – lot not part of record plat or minor subdivision)

Thence the following courses and distances: (1st Point of Call – "POC") S.48 00' 00" W.180', (2nd POC) S.24 25' 00" E.431', and (3rd POC) N.5 00' 00" W.515', back to the point of beginning as recorded in Deed Liber 03985/00510, containing 0.97 acres. Located in the 11th Election District and 5th Council District.

CERTIFICATE OF POSTING

Date: 3-4-18

RE:	Case Number:	2018-0217-A	<u> </u>
	· · · · · ·		

Petitioner/Developer: <u>Evaluard</u>

Date of Hearing/Closing: 3-19-18

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 12033 January A



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

12022 10011 100
Case Number 2018- 0.217 -A Address 12033 JERUSALEM RD
Contact Person: JUN FERNANDO Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 2/21/18 Posting Date: 3/4/18 Closing Date: 3/19/18
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. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE</u> : The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
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- 02/7 -A Address /2033 JERUSALEM RD
Petitioner's Name EVA WARD Telephone 443-465-33
Posting Date: 3/4/18 Closing Date: 3/19/4
Wording for Sign: To Permit an existing earport to be enclosed with
Wording for Sign: To Permit on existing earport to be enclosed with the side yard setback of 15' in lieu af the required 50'
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Povisod 6/20/2019



ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least 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:
Property Address: 2033 Jerusalem Rd Kingsville, MD 21087
Property Description:
egal Owners (Petitioners): Eva ward
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Company/Firm (if applicable): NA
Kingsville, MO 21087
Telephone Number: 443-465-3314

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KEVIN KAMENETZ County Executive

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

March 20, 2018

Eva Ward 12033 Jerusalem Road P O Box 52 Kingsville MD 21087

RE: Case Number: 2018-0217 A, Address: 12033 Jerusalem Road

Dear Ms. Ward:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 21, 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.

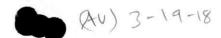
Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAR 0 6 2018

ADMINISTRATIVE HEARINGS



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:

March 6, 2018

SUBJECT:

DEPS Comment for Zoning Item

2018-0217-A

Address

12033 Jerusalem Road

(Ward Property)

Zoning Advisory Committee Meeting of March 5, 2018.

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

Reviewer:

Steve Ford



STATE HIGHWAY

ADMINISTRATION



Pete K. Rahn Secretary Gregory Slater Administrator

Boyd K. Rutherford

Larry Hogan

Date: 2/26/18

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. 2018-0217-A

Administrative Vorince Exallabol 12033 Farusahan Road.

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

Sincerely,

Wendy Wolcott, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

March 6, 2018

SUBJECT:

DEPS Comment for Zoning Item

2018-0217-A

Address

12033 Jerusalem Road

(Ward Property)

Zoning Advisory Committee Meeting of March 5, 2018.

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

Reviewer:

Steve Ford



CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	
3-6	DEPS (if not received, date e-mail sent)	NC
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
2-24	STATE HIGHWAY ADMINISTRATION	No Exection
	TRAFFIC ENGINEERING	
9.0	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ON (Case No	
PRIOR ZONING	(Case No	
NEWSPAPER ADV	ZERTISEMENT Date:	*
SIGN POSTING	Date: 3-4-18	by Pieson
PEOPLE'S COUNS	EL APPEARANCE Yes No	
PEOPLE'S COUNS	EL COMMENT LETTER Yes \square No \square	
Comments, if any: _		



Case Number: 2018-0217-A

Reviewer: Jun Fernando

Existng Use: RESIDENTIAL

DENTIAL Proposed Use:

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Eva Ward

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 11 Council Dist: 5

Property Address: 12033 JERUSALEM RD

Location: SE/S of Jerusalem Road, 30 ft. SW of the centerline of Chapman Road

Existing Zoning: RC 5

Area: 0.97 ACRE

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To permit an existing carport to be enclosed with the side yard setback of 15 ft. in lieu of the required 50 ft.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 03/19/2018

Miscellaneous Notes:

Case Number: 2018-0216-A Reviewer: Jeffrey Perlow

Existing Use: RESIDENTIAL Proposed Use:

Type: VARIANCE

Legal Owner: Robert & Sharon Stark

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Rlain: No Historic: No Election Dist: 11 Council Dist: 5

Property Address: 6111 HUTS CHENREUTER RD

Location: SW/S of Hutschenreuter Road, 520 ft. SE of Harford Road

Existing Zoning: RC 2

Area: 1,0042 ACRES

Proposed Zoning:

VARIANCE:

To permit a proposed replacement dwelling with a street centerline setback of 49 ft. in lieu of the minimum required

75 ft.

Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None

Closing Date:

Miscellaneous Notes:

Real Property Data Search

Search Result for BALTIMORE COUNTY

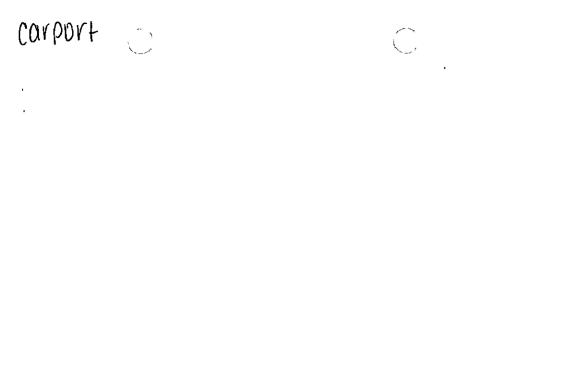
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Mailing Address:		PO BOX 52 KINGSVILLE MD 210 0052			Deed Reference:			/03985/ 00510			
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1	YES		STANDARD UNIT		STUCC	O 1 full		1 Carport			
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			Base Va	lue		Value		Phase-in As	sessmen	ts	
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					Transfe	er Information					
Seller:					Date:			Price	:		22/11
Type:					Deed1:			Deed	2:		
Seller:					Date:			Price	:		
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Homestead A	pplication Information	
Homestead Application Status: Approved 10/01/2013	3	
Homeowners' Tax C	redit Application Information	·
Homeowners' Tax Credit Application Status: No Application	Date:	



close-up snowing distance netween carport 3 property life (fence)

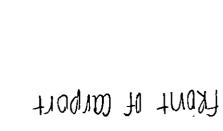






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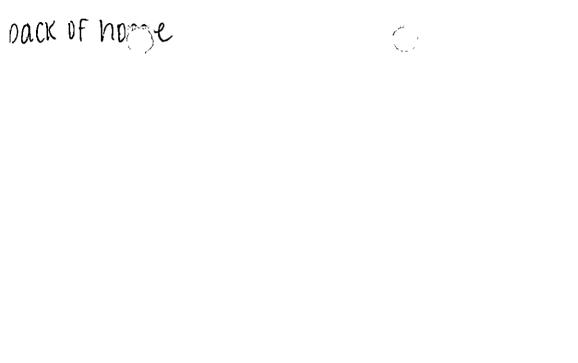
back of carport





Front of ome







front of hame



back of home, exhibits distance from carport to property line. The force approximately nance the inances)



back of nome



stream that runs alongside the pame



stream that runs alongside the name