

MEMORANDUM

DATE: June 1, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0222-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 29, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: / Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(2911 Rain Tree Court)

4th Election District

2nd Council District

Charles H. Horich

Legal Owner

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2018-0222-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Charles H. Horich, legal owner of the subject property (“Petitioner”). The Petition seeks variance relief from §1A04.3.B.2.b of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed addition (bedroom) with a side yard setback of 39 ft. in lieu of the minimum required 50 ft.; and to amend the Final Development Plan of RAINTREE FARM, lot #6 only. A site plan was marked as Petitioner’s Exhibit 1.

Charles H. Horich and surveyor Bruce E. Doak appeared in support of the petition. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (DEPS), indicating Petitioner would need approval from the Bureau of Ground Water Management, since the property is served by well and septic.

The site is approximately 1.685 acres in size and zoned RC-5. The property is improved with a single-family dwelling constructed in 2007. Petitioner and his wife have difficulty climbing stairs and would like to have their bedroom on the first floor. To do so requires zoning relief.

ORDER RECEIVED FOR FILING

Date

4/27/18

By

SEN

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property has an irregular shape and is therefore unique. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to construct the proposed addition. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County or community opposition.

THEREFORE, IT IS ORDERED, this 27th day of **April, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to §1A04.3.B.2.b of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed addition (bedroom) with a side yard setback of 39 ft. in lieu of the minimum required 50 ft.; and to amend the Final Development Plan of RAINTREE FARM, lot #6 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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 his 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.
2. Petitioner must comply with the DEPS ZAC comment, a copy of which is attached hereto.

ORDER RECEIVED FOR FILING

Date 4/27/18

By sen

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:sln

ORDER RECEIVED FOR FILING

Date 4/27/18

By sln



PETITION FOR ZONING HEARING(S)

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 2911 RAIN TREE COURT OWINGS MILLS 21117 which is presently zoned RC5
Deed References: SM 28901 / 296 10 Digit Tax Account # 2500002980
Property Owner(s) Printed Name(s) CHARLES H. HORICH

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s)

SEE ATTACHED SHEET

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING

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 (Petitioners):

CHARLES H. HORICH

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2911 RAIN TREE COURT OWINGS MILLS MD

Mailing Address City State

21117 Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING LLC

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD

Mailing Address City State

21053 Zip Code Telephone # Email Address

BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2018-0222-A

Filing Date 2/29/18

Do Not Schedule Dates:

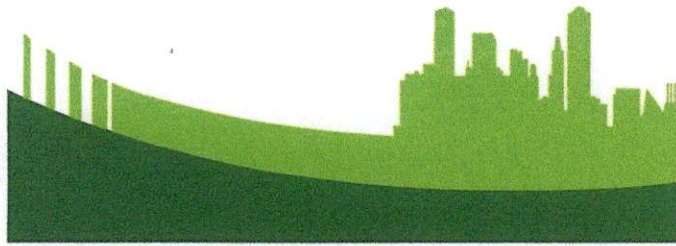
Reviewer RJ

AFTER 1:30 PM REV. 10/4/11

VARIANCE REQUEST FOR 2911 RAIN TREE COURT

...from Section 1A04.3.B.2.b – to permit a proposed addition (bedroom) with a side yard setback of 39 feet in lieu of the minimum required 50 feet; and to amend the Final Development Plan of RAIN TREE FARM, lot #6 only.

Item # 0222



Zoning Description

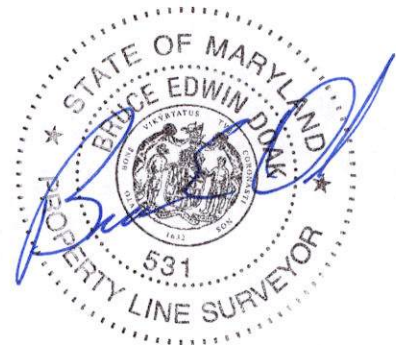
2911 Raintree Court- 1.685 Acres
Lot #6 "Plat 2 of 2 Raintree Farm"
Fourth Election District Second Councilmanic District
Baltimore County, Maryland

Beginning at a point on the southeast side and at the end of Raintree Court, approximately 955 feet, more or less, southwesterly of the centerline of Greenspring Avenue.

Being Lot 6 of "Plat 2 of 2 Raintree Farm" which was recorded in the Land Records of Baltimore County in Plat Book SM 77, page 174.

Containing 1.685 acres of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

Item #0222



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5530243

Sold To:

Eisenbrandt Companies - CU00645756
14414 Cuba Rd
Cockeysville, MD 21030-1010

Bill To:

Eisenbrandt Companies - CU00645756
14414 Cuba Rd
Cockeysville, MD 21030-1010

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 29, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2018-0222-A
2911 Rain Tree Court
SE/s Raintree Court, southwest of Greenspring Avenue
4TH Election District - 2nd Councilmanic District
Legal Owner(s) Charles Horich

Variance: to permit a proposed addition (bedroom) with a side yard setback of 39 ft. in lieu of the minimum required 50 ft., and to amend the Final Development Plan of Raintree Farm, lot #6 only.

Hearing: Thursday, April 26, 2018 at 10:00 a.m in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868,
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

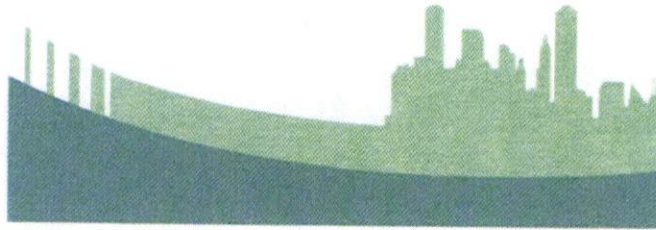
03/29/18 5530243

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising



CERTIFICATE OF POSTING

April 7, 2018

Re:
Zoning Case No. 2018-0222-A
Legal Owner: Charles Horich
Hearing date: April 26, 2018

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 2911 Rain Tree Court.

The sign was posted on April 6, 2018.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

SIGN 1

ZONING NOTICE

CASE NO. 2018-0222-A

2911 Rain Tree Court

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD
21204**

DATE & TIME: Thursday April 26, 2018 10:00 AM

**VARIANCE TO PERMIT A PROPOSED ADDITION (BEDROOM)
WITH A SIDE YARD SETBACK OF 39 FEET IN LIEU OF THE
MINIMUM REQUIRED 50 FEET, AND TO AMEND THE FINAL
DEVELOPMENT PLAN OF RAIN TREE FARM, LOT #6 ONLY.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**

ZONING NOTICE

CASE NO. 2018-0222-A

2911 Rain Tree Court

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THE HEARING IS HANDICAPPED ACCESSIBLE**





KEVIN KAMENETZ
County Executive

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

March 26, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0222-A

2911 Rain Tree Court
SE/s Raintree Court, southwest of Greenspring Avenue
4th Election District – 2nd Councilmanic District
Legal Owners: Charles Horich

Variance to permit a proposed addition (bedroom) with a side yard setback of 39 ft. in lieu of the minimum required 50 ft., and to amend the Final Development Plan of Raintree Farm, lot #6 only.

Hearing: Thursday, April 26, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Charles Horich, 2911 Rain Tree Court, Owings Mills 21117
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, APRIL 6, 2018.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 5, 2018 Issue - Jeffersonian

Please forward billing to:
Eisenbrandt Companies
14414 Cuba Road
Cockeysville, MD 21030

410-925-6749

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

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2911 Rain Tree Court
SE/s Raintree Court, southwest of Greenspring Avenue
4th Election District – 2nd Councilmanic District
Legal Owners: Charles Horich

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105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
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RE: PETITION FOR VARIANCE
2911 Rain Tree Court; SE/S Raintree Court,
955' SW of c/line Greenspring Avenue
4th Election & 2nd Councilmanic Districts
Legal Owner(s): Charles Horich
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-222-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

MAR 09 2018

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of March, 2018, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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 fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2018-0222-A
Property Address: 2911 RAIN TREE COURT OWINGS MILLS MD 21117
Property Description: LOT 6 "PAT 2 OF 2 RAIN TREE FARM PB 71/124

Legal Owners (Petitioners): CHARLES H. HORICH
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: EISENBRANDT COMPANIES
Company/Firm (if applicable): _____
Address: 14414 CUBA ROAD
COCKEYSVILLE MD 21030

Telephone Number: 410-925-6749

Revised 5/20/2014

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

NO 166108

Date: 2/26/18

PAID RECEIPT

BUSINESS ACTUAL TIME DRG
2/27/2018 2/26/2018 11:16:18
REF: WALKIN LRB
RECEIPT # 944821 2/26/2018 OFD
Dept: 5 528 ZONING VERIFICATION
CR NO: 166108
Receipt Tot \$150.00
\$150.00 CR \$4.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$150

Total: \$150

Rec From: Bruce Deal
For: zoning hearing - case # 2018-0222-A

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*

April 18, 2018

Charles H Horich
2911 Rain Tree Court
Owings Mills MD 21117

RE: Case Number: 2018-0222 A, Address: 2911 Rain Tree Court

Dear Mr. Horich:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 26, 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 black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Bruce E Doak, 3801 Baker Schoolhouse Road, Freeland MD 21053



STATE HIGHWAY
ADMINISTRATION

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

Date: 3/8/18

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. 2018-0222-A

Variance
Charles H. Horich
2911 Rain Tree Court

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).

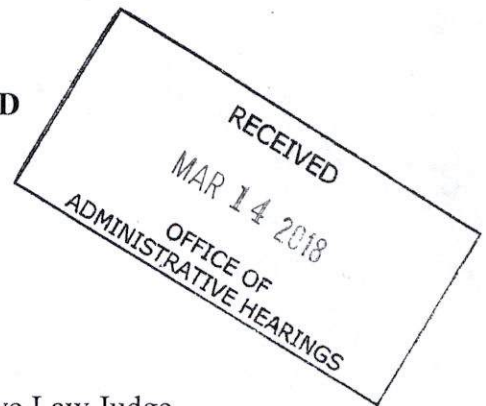
Sincerely,

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 14, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0222-A
Address 2911 Rain Tree Court
(Horich Property)

Zoning Advisory Committee Meeting of **March 12, 2018**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Ground Water Management must review any proposed building permit(s) for an addition, especially since it might involve changing the septic area.

Reviewer: Dan Esser

ORDER RECEIVED FOR FILING

Date 4/27/18
By Sen

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 4/9/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-222



INFORMATION:

Property Address: 2911 Rain Tree Court
Petitioner: Charles H. Horich
Zoning: RC 5
Requested Action: Variance

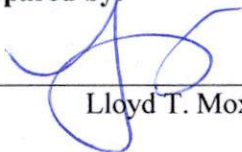
The Department of Planning has reviewed the petition for a variance to permit a single family dwelling with a proposed addition (bedroom) having a side yard setback of 39 feet in lieu of the minimum required 50 feet; and to amend the FDP of Raintree Farm, lot 5 only.

A site visit was conducted on March 29, 2018.

The Department has no objection to granting the petitioned zoning relief.

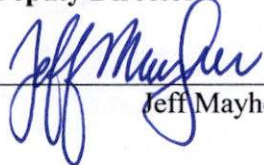
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

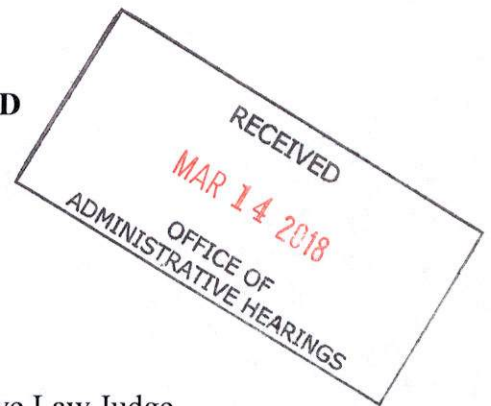
AVA/KS/LTM/

c: Wally Lippincott
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

4-26

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

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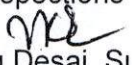
Reviewer: Dan Esser

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 23, 2018

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 12, 2018
Item No. 2018-0218-A, 0221-A, 0222-A, 0225-SPH, 0226-A and 0227-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

*

*

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*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 4/9/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-222

INFORMATION:

Property Address: 2911 Rain Tree Court
Petitioner: Charles H. Horich
Zoning: RC 5
Requested Action: Variance

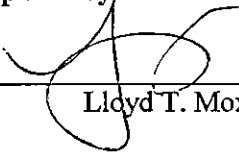
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Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Wally Lippincott
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

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Address 2911 Rain Tree Court
(Horich Property)

Zoning Advisory Committee Meeting of **March 12, 2018**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Ground Water Management must review any proposed building permit(s) for an addition, especially since it might involve changing the septic area.

Reviewer: Dan Esser

Kristen L Lewis

From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Wednesday, March 21, 2018 5:27 PM
To: Kristen L Lewis
Subject: Fwd: Horich - dates for hearing

Kristen,

The owners of the property for Case 2018-0222-A will be out of town 4/13- 4/20.

Can we schedule the hearing for a morning prior to that week?

Thanks,
Bruce

Bruce E. Doak Consulting
410-419-4906
bdoak@bruceedoakconsulting.com
3801 Baker Schoolhouse Road
Freeland, MD 21053

Begin forwarded message:

From: Ashley Shaver <ashley@eisenbrandtcompanies.com>
Subject: Horich - dates for hearing
Date: March 21, 2018 at 3:51:57 PM EDT
To: Bruce Doak <doakfarm@gmail.com>

The dates the Horich's are out of town is April 13-20th.

If possible, they'd love to do the hearing before heading out of town.

Thanks!

--

Ashley Shaver
Interior Design
Eisenbrandt Companies
www.eisenbrandtcompanies.com
P: 443.271.3065

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment3/23/18DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)No Comment3/14/18DEPS
(if not received, date e-mail sent _____)Comment

FIRE DEPARTMENT

4/9/18PLANNING
(if not received, date e-mail sent _____)No Comment3/8/18

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2003-0052-A)

NEWSPAPER ADVERTISEMENT

Date:

3/29/18SIGN POSTING (1st)

Date:

4/6/18

by

DOAKSIGN POSTING (2nd)

Date:

by

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 - 04 Account Number - 2500002480			
Owner Information					
Owner Name:	HORICH CHARLES H		Use:	RESIDENTIAL	
Mailing Address:	2911 RAINTREE CT OWINGS MILLS MD 21117-1042		Principal Residence:	YES	
			Deed Reference:	/28901/ 00290	
Location & Structure Information					
Premises Address:		2911 RAINTREE CT OWINGS MILLS 21117-1042		Legal Description:	1.685 AC 2911 RAINTREE CT SS RAINTREE FARM
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0049	0018	0153		0000	6 2016 0078/0194
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
2007	5,077 SF		1.6900 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	BRICK	4 full	1 Attached
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2016	07/01/2017	07/01/2018	
Land:	256,500	256,500			
Improvements	446,700	573,100			
Total:	703,200	829,600	787,467	829,600	
Preferential Land:	0			0	
Transfer Information					
Seller: WOODSIDE HOMES INC		Date: 11/23/2009		Price: \$675,000	
Type: ARMS LENGTH IMPROVED		Deed1: /28901/ 00290		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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 02/13/2015					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

IN RE: PETITION FOR VARIANCE
W/S of Greenspring Avenue,
305' N of Walnut Avenue
4th Election District
3rd Councilmanic District
(12508 Greenspring Avenue)

Dorothy E. & Guy L. Shaneybrook
Petitioners

JH
9/11

* BEFORE THE
* DEPUTY ZONING COMMISSIONER.
* OF BALTIMORE COUNTY
* CASE NO. 03-052-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Dorothy E. & Guy L. Shaneybrook. The Petitioners are requesting a variance for property they own at 12508 Greenspring Avenue, which property is located in Greenspring Valley. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow side yard setbacks of 35 ft. and 45 ft. in lieu of the required 50 ft. for a single-family residential dwelling.

Appearing at the hearing on behalf of the variance request were Guy and Dorothy Shaneybrook, owners of the property, David Billingsley, the engineer who prepared the site plan of the property, and Buck Jones, the contractor hired to build the dwelling in question.

Testimony and evidence indicated that the property, which is the subject of this variance request, has been owned by the Shaneybrook's for many years. The property in question has proceeded through the minor subdivision process. The Shaneybrooks are interested in subdividing their property to create a 1.2402-acre parcel of property upon which they intend to construct a one-story single-family dwelling. The house in which they live at this time will remain on the 8.9464-acre parcel of property, as shown on the site plan. The purpose of constructing the new single-family dwelling is to provide more appropriate accommodations to the Shaneybrooks as they grow older. The new house to be constructed will provide living conditions on one floor which better

suits their needs at this time and in the future. In order to proceed with the construction of a dwelling, as proposed, the variance request is necessary.

After considering the testimony and evidence offered at the hearing, I find that the variance requests necessary to allow the Petitioners to construct this new single-family residential dwelling should be approved.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

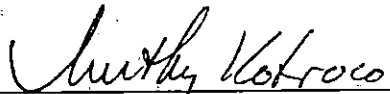
Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 19th day of September, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow side yard setbacks of 35 ft. and 45 ft. in lieu of the required 50 ft. for a single-family residential dwelling., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioners may apply for their permit 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, the Petitioners would be required to return, and be responsible for returning; said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

Case No.: 2018-0222-A 2911 Rain Tree Court

Exhibit Sheet

Petitioner/Developer

P2
6-1-18

Protestants

Sen
4-27-18

No. 1	Plan	
No. 2	Aerial photo	
No. 3	Photos	
No. 4	Floorplan + Elevation	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

CASE NAME HORICH
CASE NUMBER 2018-0222-A
DATE 4/26/18

[illegible]



2





















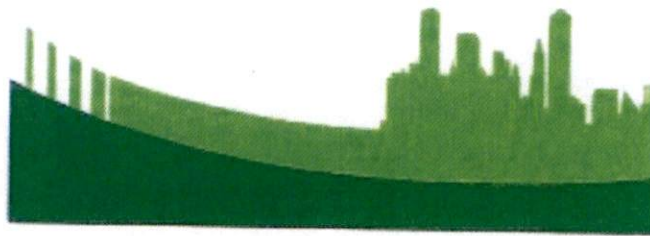
4











CERTIFICATE OF POSTING

April 7, 2018

Re:

Zoning Case No. 2018-0222-A

Legal Owner: Charles Horich

Hearing date: April 26, 2018

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 2911 Rain Tree Court.

The signs was posted on April 6, 2018.

The signs were inspected again on April 23, 2018.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com



2911 Rain Tree Court- GIS photo



January 22, 2018

Regional Planning Districts

ADC 2008 Grid - ADC 2008

Key Sheet Grid - Key Sheet

200 Scale Grid - 200 Scale

Watersheds

Census Tracts 2010 - Tracts 2010

Census Block Groups 2010 - Block Groups 2010

600 Scale Grid - 600 Scale

Census Blocks 2010 - Blocks 2010

Contours

<all other values>

INDEX CONTOUR LINE

INDEX DEPRESSION CONTOUR LINE

INTERMEDIATE CONTOUR LINE

INTERMEDIATE DEPRESSION CONTOUR LINE

Position Sheet Grid - Position Sheet

Red: Band_1

Green: Band_2

Blue: Band_3

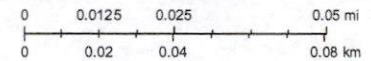
House Numbers

Zoning

Property

County Boundary

1:1,128



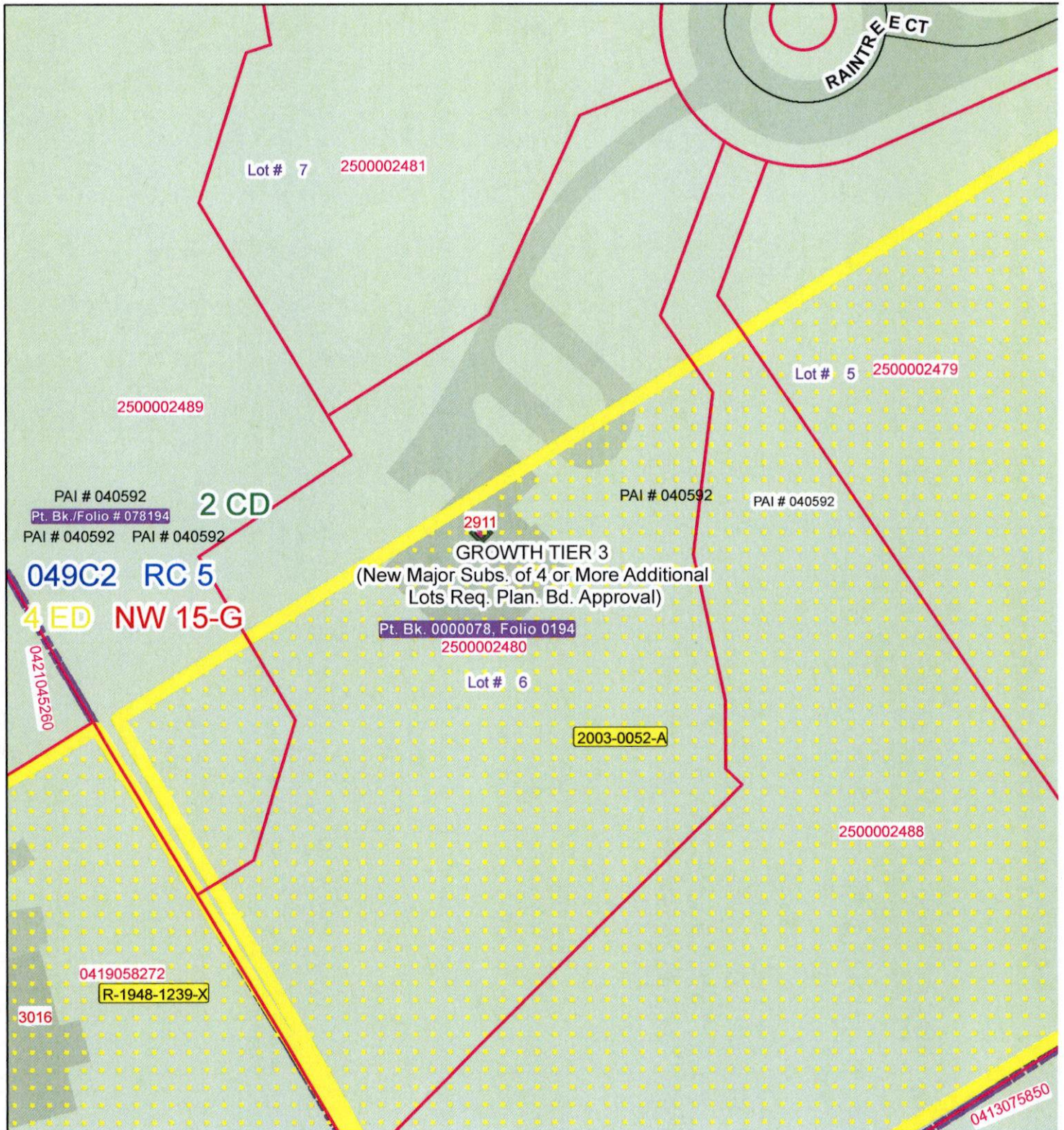
Baltimore County GIS - Web Application

PETITIONER'S

EXHIBIT NO.

2

2911 Raintree Cou



Publication Date: 2/26/2018



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



0 15 30 60 90 120 Feet

1 inch = 60 feet

Item # 0222