#### MEMORANDUM

DATE:

May 25, 2018

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2018-0254-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 24, 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

(1111 Hart Road)

9<sup>th</sup> Election District 3<sup>rd</sup> Council District Anna Marie Smith Petitioner BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0254-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owner of the property, Anna Marie Smith ("Petitioner"). The Petitioner is requesting Variance relief from § 1B02.3.C. 1 of the Baltimore County Zoning Regulations ("BCZR"), to permit an open projection (deck) with a rear yard setback of 24 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 31, 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 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 welfare of the public and should therefore be granted. In the opinion of the Administrative Law

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Date	4-24-18	
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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 Petitioner.

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 <u>24<sup>th</sup></u> day of **April**, **2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1B02.3.C. 1 of the Baltimore County Zoning Regulations ("BCZR"), to permit an open projection (deck) with a rear yard setback of 24 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 her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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	FORF	LING	
Date	4-3	4-18		
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## **ADMINISTRATIVE ZONING PETITION**

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

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of the Baltimore County Code, to the development law	of Delkinsons County
Baltimore County adopted pursuant to the zoning law for Baltimore Co	Owner(s)/Petitioner(s):  Anna Marie Smith Name #1 - Type or Print Name #2 - Type or Print
	Coma Wayer South
	Signature #1 Signature #2
	1111 Hart Road, Baltimore MD
	1111 Hart Road, Baltimore MD  Mailing Address City State
	Mailing Address City State
Attorney for Owner(s)/Petitioner(s):	Mailing Address City State
	Mailing Address City State  21286 , 443-677-2682 , see below  Zip Code Telephone # Email Address annamarie.smith@maryland.go
	Mailing Address  City State  21286 , 443-677-2682 , see below  Zip Code Telephone # Email Address annamarie.smith@maryland.go  Representative to be contacted:
Signature	Mailing Address  City State  21286 , 443-677-2682 , see below  Zip Code Telephone # Email Address annamarie.smith@maryland.go  Representative to be contacted:  Name - Type or Print  Signature
Signature  Mailing Address  City  State	Mailing Address  City State  21286 , 443-677-2682 , see below  Zip Code Telephone # Email Address annamarie.smith@maryland.go  Representative to be contacted:  Name - Type or Print  Signature
Zip Code Email Address  A PUBLIC HEARING having been formally demanded and/or four	Mailing Address  City State  21286 , 443-677-2682 , see below  Zip Code Telephone # Email Address annamarie.smith@maryland.go  Representative to be contacted:  Name - Type or Print  Signature  Mailing Address City State

#### **Affidavit in Support of Administrative Variance**

MOREC

(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: 1111 Hart Road, Baltimore MD 213	286
Print or Type Address of property City	State Zip Code
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The back yard is unusually shaped (area i	s not useable). A deck on the
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	A NAME OF THE OWNER OF THE STREET
(If additional space for the petition request or the above stat	ement is needed. label and attach it to this Form)
$0 \rightarrow 0$	
Umal ace Smith	
Signature of Owner (Affiant)	Signature of Owner (Affiant)
Anna Marie Smith	Name Print or Type
Name- Print or Type	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-
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and for the County aforesaid, personally appeared:	2018 , before me a Notary of Maryland, in
Print name(s) here: Anna Manie Smith	
the Affiant(s) herein, personally known or satisfactorily identifie	ed to me as such Affiant(s).
AS WITNESS my hand and Marshes Stall	$\mathcal{H}$
NOTARY Public Notary Public 120/2	070
Commission Ex	pires

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Signature of Owner (Affiant)	Signature of	Owner (Affia	nt)	
Anna Marie Smith	oignatare or	owner (/ una	,	
Name- Print or Type	Name- Print	or Type		
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The following information is to be completed by	a Notary Public	of the State	of Maryland	
STATE OF MARYLAND, COUNTY OF BALTIMORE,	to wit:			
Oth Man	0010			
HEREBY CERTIFY, this day of March	, 2018	before me a	Notary of Ma	ryland, in
and for the County aforesaid, personally appeared:				
Print name(s) here: Ama Marie Smith		7		
the Affiant(s) herein, personally known or satisfactorily ident	ified to me as su	uch Affiant(s	s).	
AGALD KALO				
AS WITNESS my hand and Notation Seal	off			
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CASE NUMBER 2018 - 6254 - A

#### 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: 1111 Hart Road, Balimore MD 21286 Currently zoned DR-1 Deed Reference Liber #2764 Folio #284 10 Digit Tax Account # 0 9 1 Anna Marie Smith Owner(s) Printed Name(s) (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) 1B02.3.C.1 To permit an open projection (DECK) with a rear setback of 24-feet in lieu of the required 50-feet. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to S ection 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): Anna Marie Smith Name # 2 - Type or Print Name #1 - Type or Print Signature # 2 Signature #1 1111 Hart Road, Baltimore MD State Mailing Address City 21286 see below 443-677-2682 **Email Address** Zip Code Telephone # annamarie.smith@maryland.gov Representative to be contacted: Attorney for Owner(s)/Petitioner(s): Name - Type or Print Name- Type or Print Signature Signature Mailing Address State City Mailing Address State Zip Code Telephone # **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 required by the zoning regulations of Baltimore County

Administrative Law Judge for Baltimore County

Filing Date 3/22/20/8 Estimated Posting Date

Rev 5/5/2016

# **ZONING PROPERTY DESCRIPTION FOR 1111 HART ROAD, Baltimore MD 21286**

Beginning at a point on the north side of Hart Road which is 10 feet wide at a distance of 970± feet south east of the centerline of the nearest improved intersecting street Denby Road which is 60 feet wide.

Thence the following courses and distances: at a point in the center line of Hart Road at the beginning of the 7<sup>th</sup> or South 85 degree 45 West 259.88 foot line of property recorded among Land Records of Baltimore County in Liber G.L.B. No. 2764, folio 284; BOOK: 39339; PAGE: 391; and running thence binding on the 7<sup>th</sup> and 8<sup>th</sup> line of said property on or near the center line of Hart Road two courses and distances, back to the point of beginning as recorded in Deed Liber 2764, folio 284; containing 29,241± total square feet. Located in the 9 Election District and 3 Council District.

BEGINNING FOR THE SAME at a point in the center line of Hart Road at the beginning of the 7th or South 85 degree 45 minute West 259.88 foot line of the property conveyed by William S. Hart and Isabella Hart, his wife, to Georgia F. Giddings by deed dated August 22, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2764, folio 284; and running thence binding on the 7th and 8th line of said property and on or near the center line of Hart Road two courses and distances, South eight-five (85) degrees forty-five minutes West two hundred fifty-nine and 88/100 (259.88) feet and North seventy-four (74) degrees forty-eight minutes West thirty-eight and 51/100 (38.51) feet; thence leaving said road and binding on the 9th and 10th and part of the 11th lines of the aforesaid property three courses and distances: South twelve (12) degrees twentyeight (28) minutes East sixty-four and 67/100 (64.67) feet; North seventyseven (77) degrees thirty-two (32) minutes East fifty-six and 35/100 (56.35) feet and South thirty degrees and no minutes East ninety-two (92) feet; thence running for a line of division through said property North seventy-six (76) degrees sixteen (16) minutes fifty (50) seconds East two hundred twenty-nine and 58/100 (229.58) feet intersect the 6th or North 26 degree 01 minute 30 seconds West 105.00 foot line of the whole tract of which this parcel is a part and thence binding on part of said line North 26 degrees one (1) minute thirty (30) seconds West ninety-five (95) feet to the place of beginning. Containing 0.669 acres of land, more or less.

2018-0254-A

### CERTIFICATE OF POSTING

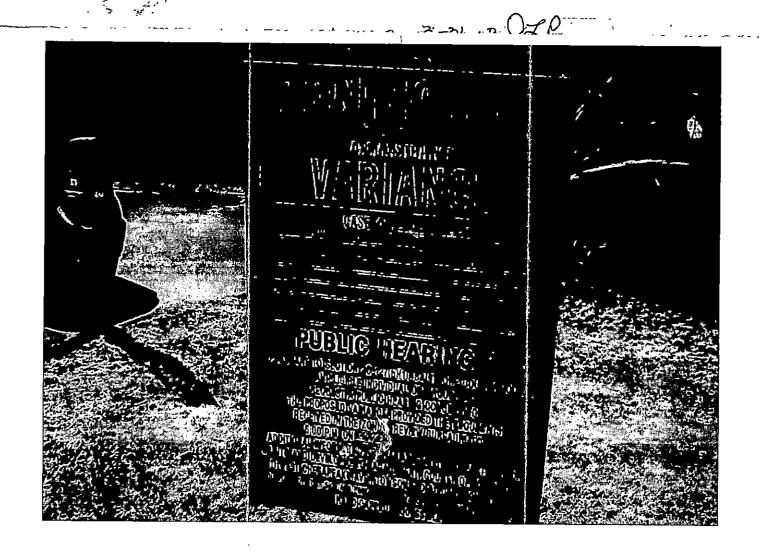
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RE: Case Number: 2018-0254-A

Petitioner/Developer: Anna Marie Smith

Date of Hearing/Closing: 4-16-18

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 111 Hart Rd



# 'ARTMENT OF PERMITS, APPRO S AN ZONING REVIEW OFFICE

S AND INSPECTIONS

#### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director Department of Permits,
Approvals & Inspections

April 18, 2018

Anna Marie Smith 1111 Hart Road Baltimore MD 21286

RE: Case Number: 2018-0254 A, Address: 1111 Hart Road

Dear Ms. Smith:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 22, 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



Larry Hogan Governor

Boyd K. Rutherford Lt. Governor

Pete K. Rahn Secretary

Gregory Slater Administrator

Date: 3/26/18

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 -0254-A

Administrative Varianco Anna Marie Smith 1111 Hort 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 28, 2018

SUBJECT:

**DEPS** Comment for Zoning Item

# 2018-0254-A

1111 Hart Road

(Smith Property)

Zoning Advisory Committee Meeting of April 2, 2018

 $\underline{X}$  The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer:

Steve Ford

### CHECKLIST

Comment Received	<u>Depart</u>	<u>ment</u>			Support/Oppose/ Conditions/ Comments/ No Comment
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3-28	DEPS (if not received, date	e e-mail sent	)		NO
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3-26	STATE HIGHWAY	ADMINISTRA	ATION		No object.
	TRAFFIC ENGINE	ERING			
	COMMUNITY ASS	SOCIATION			
_	ADJACENT PROP	ERTY OWNER	a.S		
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PRIOR ZONING	(Case	e No			)
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SIGN POSTING (2	<sup>nd</sup> )	Date:			by
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Comments, if any: _					





#### Real Property Data Search

#### Search Result for BALTIMORE COUNTY

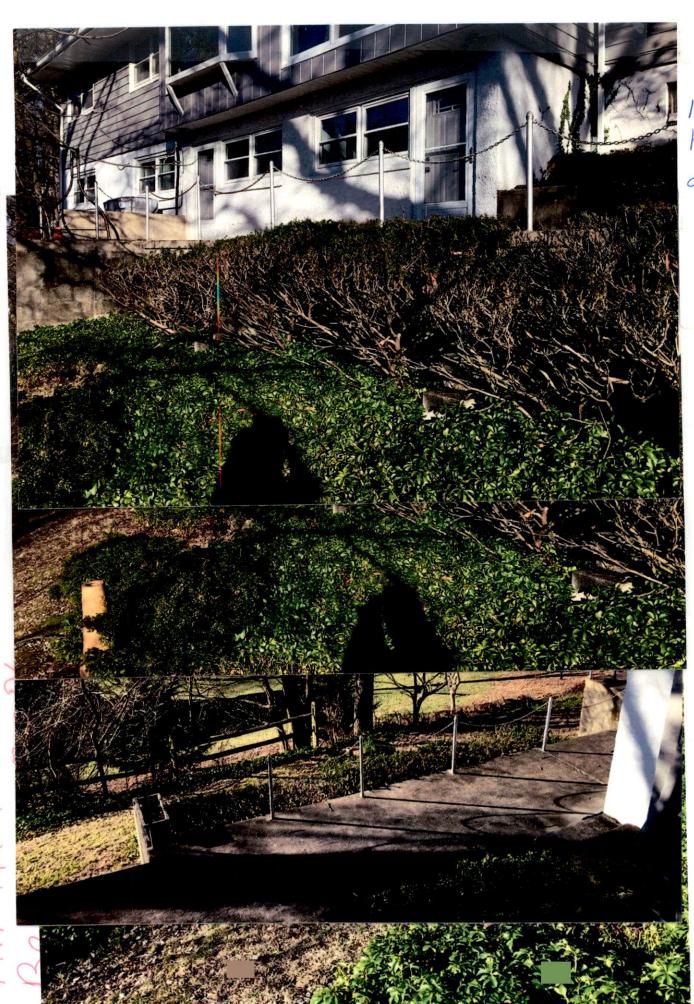
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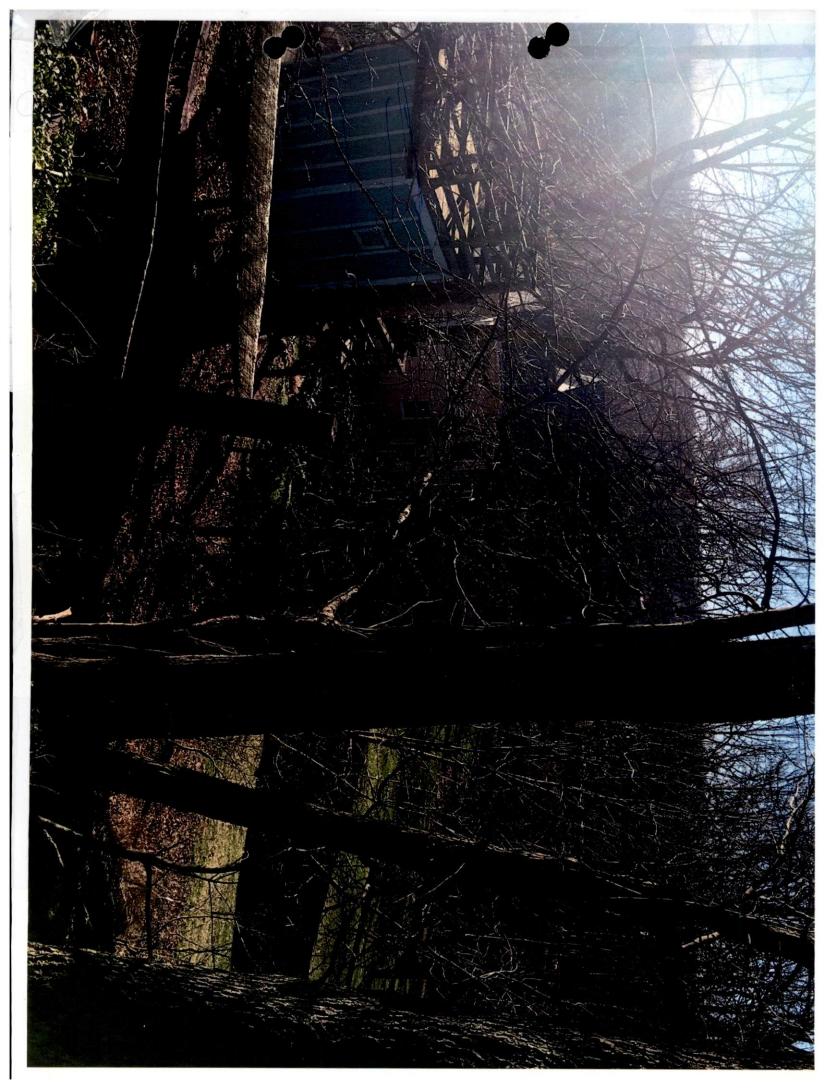
Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date





Hart Rd 



#### **Debra Wiley**

From:

Debra Wiley

Sent:

Wednesday, April 25, 2018 10:02 AM

To:

'annamarie.smith@maryland.gov'

Subject:

Administrative Variance Case No. 2018-0254-A (Anna Marie Smith - 1111 Hart Road)

Attachments:

20180425101701308.pdf

Good Morning Ms. Smith,

Per our telephone conversation, please find attached the necessary paperwork needed for filing your permit.

It was very nice speaking to you and I hope you enjoy your new deck!

Debbie Wiley, Legal Administrative Secretary Office of Administrative Hearings

----Original Message----

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]

Sent: Wednesday, April 25, 2018 10:17 AM

To: Debra Wiley <dwiley@baltimorecountymd.gov>

Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 04.25.2018 10:17:01 (-0400)

Queries to: adminhearingscpr@baltimorecountymd.gov

Permit # Control # A Receipt # Fee 5 00 Total Paid Paid By Inspector	APPLICATION FOR PERMIT BALTIMORE COUNTY, MARYLAND DEPARTMEN OF PERMITS, APPROVALS & INSPECTIONS TOWSON, MARYLAND 21204  Property Address	Date 3/13/2018  OEA TO Historic District/Building  Yes 20 No District / Precinct
I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT, AND WILL REQUEST ALL REQUIRED INSPECTIONS.	SellerAPPLICANT INFORMATION	
01. One Family       08.         02. Two Family       09.         03. Three and Four Family       10.         04. Five or More Family       11.         (enter no. units)       12.         05. Swimming Pool       13.	DESCRIBE PROPOSED WORK:  Const open free S  Click on rear of the SFD.  (irre  N-RESIDENTIAL  Amusement, Recreation, Place of Assembly  Church, Other Religious Building	

# 111. Hart Road 2018 254-A



Publication Date: 3/22/2018



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



