#### MEMORANDUM

DATE:

June 19, 2018

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2018-0279-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 18, 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

(507 Saint Francis Road)

9<sup>th</sup> Election District 3<sup>rd</sup> Council District

Elaine & Panagiotis K. Patiniotis

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

**HEARINGS FOR** 

\* BALTIMORE COUNTY

CASE NO. 2018-0279-A

V-MA 10 0000 10 10 1000

#### **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, Elaine and Panagiotis K. Patiniotis ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit a rear yard setback of 42 ft. in lieu of the required 50 ft. for a dwelling 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 April 27, 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 welfare of the public and should therefore be granted participated 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 <u>18<sup>th</sup></u> day of May, 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 a rear yard setback of 42 ft. in lieu of the required 50 ft. for a dwelling addition, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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:sln

ORDER RECEIVED FOR FILING

Date

Bv



## ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Hearings for Baltimore County for the property located at: Address 507 SAINT FRANCIS ROAD Currently zoned \_DIZI Deed Reference 38579 / 10 Digit Tax Account # 0 9 0 Z Z 0 0 3 4 0 Owner(s) Printed Name(s) ELAINE & PANAGIOTIS K PATINIOTIS (SELECT THE HEARING(S) BY MARKING  $\underline{X}$  AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized. The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an: 1. X ADMINISTRATIVE VARIANCE from Section(s) 1807.3.C.1 (BCZR) TO PERMIT A REAR YARD SETBACK OF 42 FEET IN LIEU OF THE REQUIRED 50 FEET FOR A DWELLING ADDITION. 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): ELAINE PATINIOTIS, PANAGIOTIS PATINIOTIS SOT ST. FRANCIS RD. Attorney for Owner(s)/Petrioner(s): Mailing Address **ZIZ86** 4439399278 Zip Code Telephone # Email Address Representative to be contacted: DAYID BILLINGSLEY Name - Type or Print Signature GOI CHARWOOD CT. Mailing Address City State Mailing Address (410)679-8719, dwb 0209 & yahoo. com 2104-0 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

CASE NUMBER 20/8-0279-A Filing Date 4/18/2018 Estimated Posting Date 4/29/18 Reviewer W

## 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:	507 SAINT FRA Print or Type Address of proper	ANCIS ROAD	TOWSON	MO.	71786
Based up	on personal knowledg	e the following	are the factour	om rednimb 16 - 1	Zip Code
Administra	ative Variance at the	above address.	(Clearly state p	ractical difficulty	or hardship here
		SEE ATT	ACHEO		
				3	
(If additio	nal space for the petitio	on request or the a	bove statement is	needed, label and a	attach it to this Form)
	Dwner (Affiant)				
		The second secon		re of Owner (Affiant)	
me-Print or	PATINIOTIS Type		PANA!	Print or Type	NIOTIS
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	Elame Patin				
Affiant(s) I	herein, personally know	n or satisfactorily	identified to me a	s such Affiant(s)	
	my hand and Notaries		Oll	SHAKIEI	RA CARTER RY PUBLIC
		Notary Publ	02 00	MAR Commission	RE COUNTY YLAND Expires 05/03/2020

REV. 5/5/2016

0279-A

#### JUSTIFICATION FOR VARIANCE REQUEST

#### **507 ST FRANCIS ROAD**

We purchased this residence one year ago and are now in need of an additional bedroom and bathroom. After reviewing our needs with our architect, it appears that the best way to provide the additional space is to build a second story above the existing garage and expand with a two story addition to the rear of garage. This will allow us to add a mud room and powder room on the first floor and provide for the additional bedroom, bathroom and some storage area on the second floor.

The proposed location of the addition will create the least amount of disruption during construction while maintaining the character of the existing dwelling and the neighborhood.

0279-A

### **ZONING DESCRIPTION**

#### **507 ST FRANCIS ROAD**

Beginning for the same at a point on the south side of St. Francis Road (50 feet wide) distant 95 feet westerly from its intersection with the centerline of Limekiln Road, thence being all of Lot 37 as shown on the plat entitled Hampton Village recorded among the Baltimore County plat records in Plat Book 14 Folio 7.

Containing 25,264 square feet of 0.580 acre of land, more or less.

Being known as 507 St Francis Road. Located in the  $9^{TH}$  Election District,  $3^{RD}$  Councilmanic District of Baltimore County, Md.

Z018-0279-A

## **CERTIFICATE OF POSTING**

Date: APRIL 27, 2018

RE:	Project Name:	507 ST. F	RANCIS ROAD
	Case Number /PAI Number:	2018-0	279-A
	Petitioner/Developer:	PATINIOTIS	
	Date of Hearing/Closing:	MAY 14, 20	018
were	This is to certify under the per posted conspicuously on the pr STED ON BOTH STREETS)	roperty located at	nat the necessary sign(s) required by law 507 ST. FRANCIS ROAD

The sign(s) were posted on

**APRIL 27 2018** 

(Month, Day, Year)



DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



### **CERTIFICATE OF POSTING**

Date: APRIL 27, 2018

KE:	Project Name:	OUT OT TIVANCIO NOAD	
	Case Number /PAI Number:	2018-0279-A	
	Petitioner/Developer:	PATINIOTIS	-
	Date of Hearing/Closing:	MAY 14, 2018	
	This is to certify under the pe	nalties of perjury that the necessary sign(s) re	equired by law
were	posted conspicuously on the p	DESCRIPTION OF THE PROPERTY OF	

The sign(s) were posted on

(POSTED ON BOTH STREETS)

**APRIL 27 2018** 

507 ST FRANCIS POAD

(Month, Day, Year)



DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



# 7

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2018- 6279 -A Address 507 St. Francis Road
Contact Person: Liona Das lews & Phone Number: 410-887-3391
Case Number 2018- 6279 -A Address 567 St Pancis Road  Contact Person: Planner, Please Print Your Name  Filing Date: 410-887-3391  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.
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- 6779 -A Address 507 St. Francis Kord
Petitioner's Name Elaine & Panagiotis Pativiotis Telephone 443 939 9278
Posting Date: 4/29/18 Closing Date: 3/14/18
Wording for Sign: To permit an addition to a single family dwelling with a rear setback of 42feet in lieu of the required 50 feet.

Revised 6/30/2018

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

#### **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.

Case Number:	2018-0279-A 507 St. FRANCIS ROM	)
Property Descript		
Legal Owners (Pe	etitioners): ELAINE PATINIOTIS	
Contract Purchas	er/Lessee:	(A)
	RD ADVERTISING BILL TO:	
	applicable):	
	SOT ST. FRANCIS ROAD	
	TONSON, MO. 21286	
Telephone Numb	er: (443) 939- 9278	

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,



· KEVIN KAMENETZ County Executive

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

May 16, 2018

Elaine & Panagiotis Patiniotis 507 St. Francis Road Towson MD 21286

RE: Case Number: 2018-0279 A, Address: 507 St. Francis Road

Dear Mr. & Ms. Patiniotis:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 18, 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
David Billingsley, 601 Charwood Court, Edgewood MD 21040



•

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 4/23/18

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 - 0279 - A
Administrative Variance
Elame & Panagiotis Patiniotis
507 Saint Francis 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

(AV) 5-14-18

#### BALTIMORE COUNTY, MARYLAND

**Inter-Office Correspondence** 

RECEIVED

APR 3 0 2018

OFFICE OF 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:

April 30, 2018

SUBJECT:

DEPS Comment for Zoning Item

# 2018-0279-A

Address

507 Saint Francis Road (Patiniotis Property)

Zoning Advisory Committee Meeting of April 30, 2018.

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

Reviewer:

Steve Ford

#### **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:

April 30, 2018

SUBJECT:

**DEPS** Comment for Zoning Item

# 2018-0279-A

Address

507 Saint Francis Road

(Patiniotis Property)

Zoning Advisory Committee Meeting of April 30, 2018.

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

Reviewer:

Steve Ford

## CHECKLIST

Comment Received	Depar	tment		Support/Oppose/ Conditions/ Comments/ No Comment			
	DEVELOPMENT (if not received, da						
4-30	DEPS (if not received, da	te e-mail sent	)	NO			
	FIRE DEPARTME	ENT					
	PLANNING (if not received, da	te e-mail sent	)				
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PRIOR ZONING	(Ca	se No					
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SIGN POSTING	(1 <sup>st</sup> )	Date:	4124118	by Belingsley			
SIGN POSTING	(2 <sup>nd</sup> )	Date:		by			
	NSEL APPEARANCE	Yes ITER Yes	No D				
Comments, if any	:						

#### Real Property Data Search

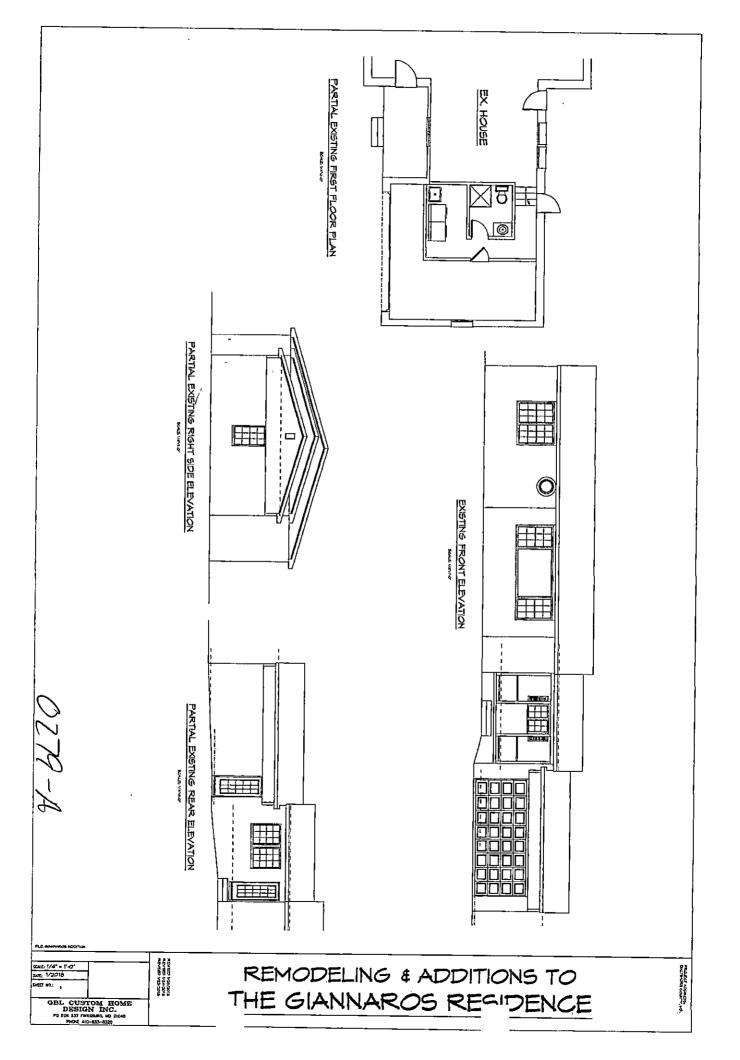
#### Search Result for BALTIMORE COUNTY

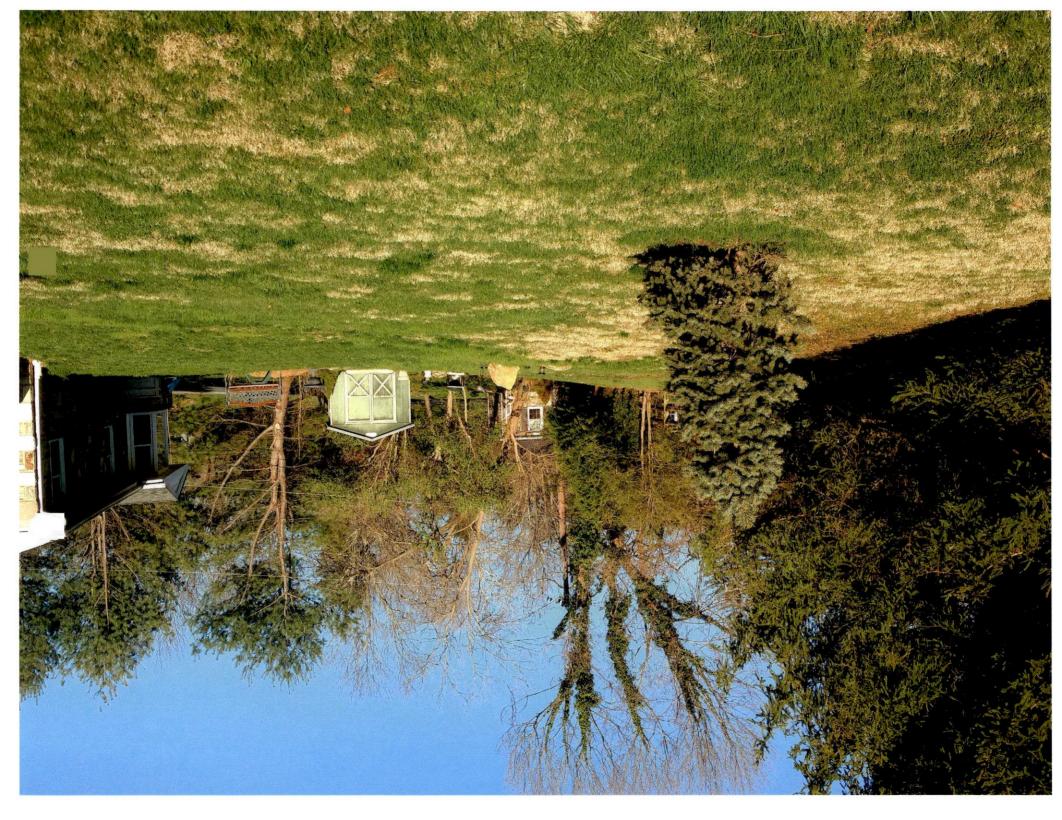
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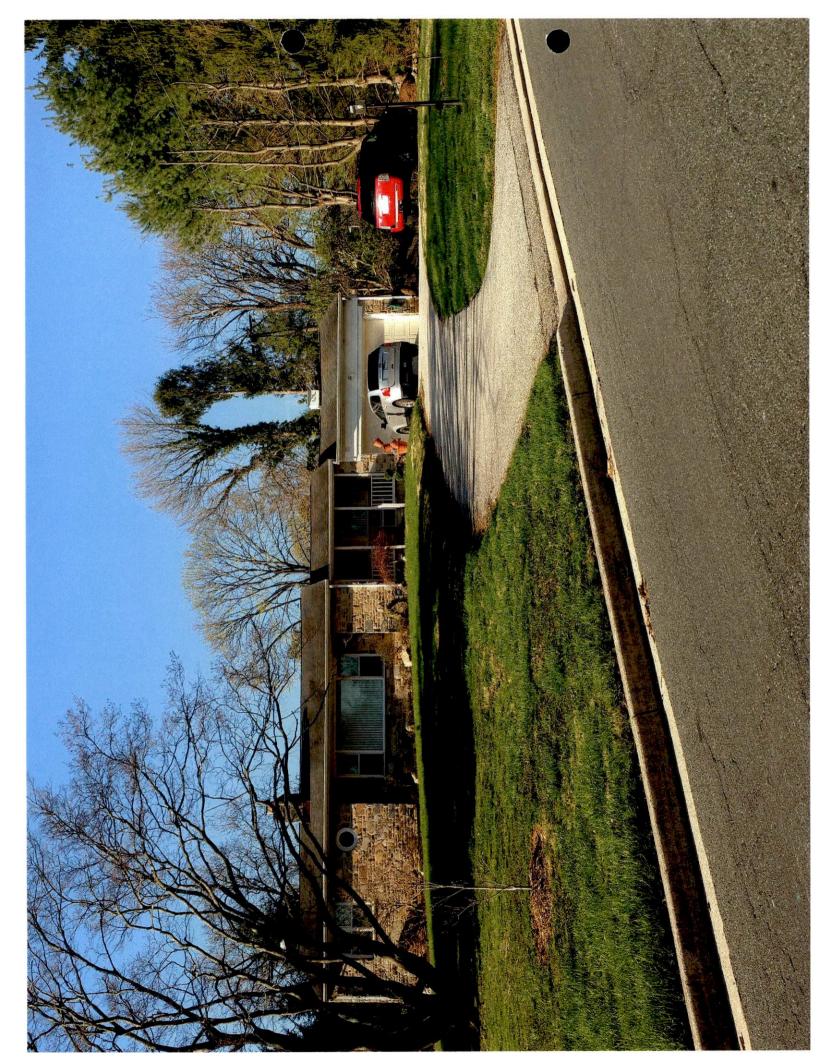


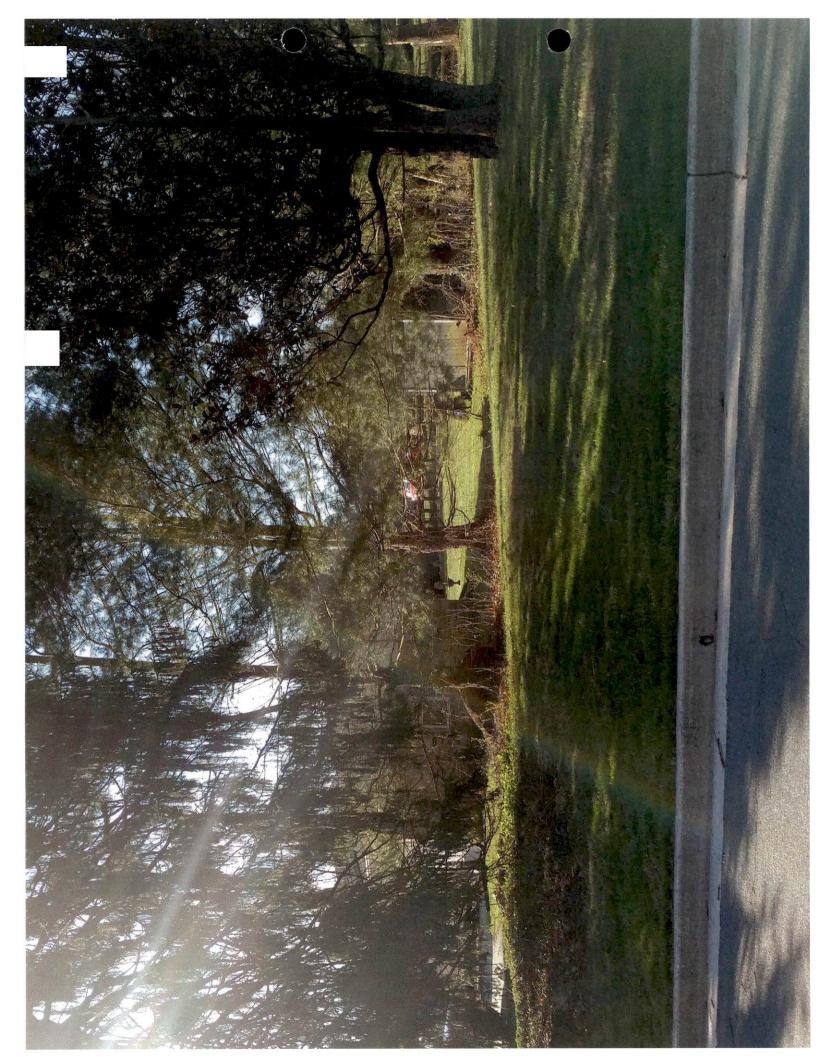
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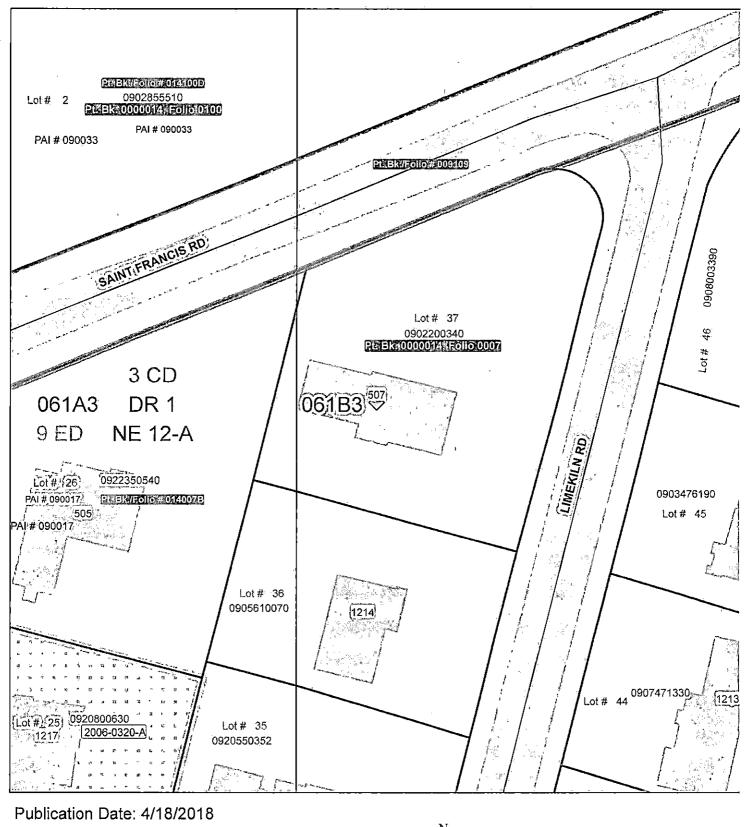








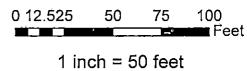
## 507 Saint Francis Road 20 เป-0279-A

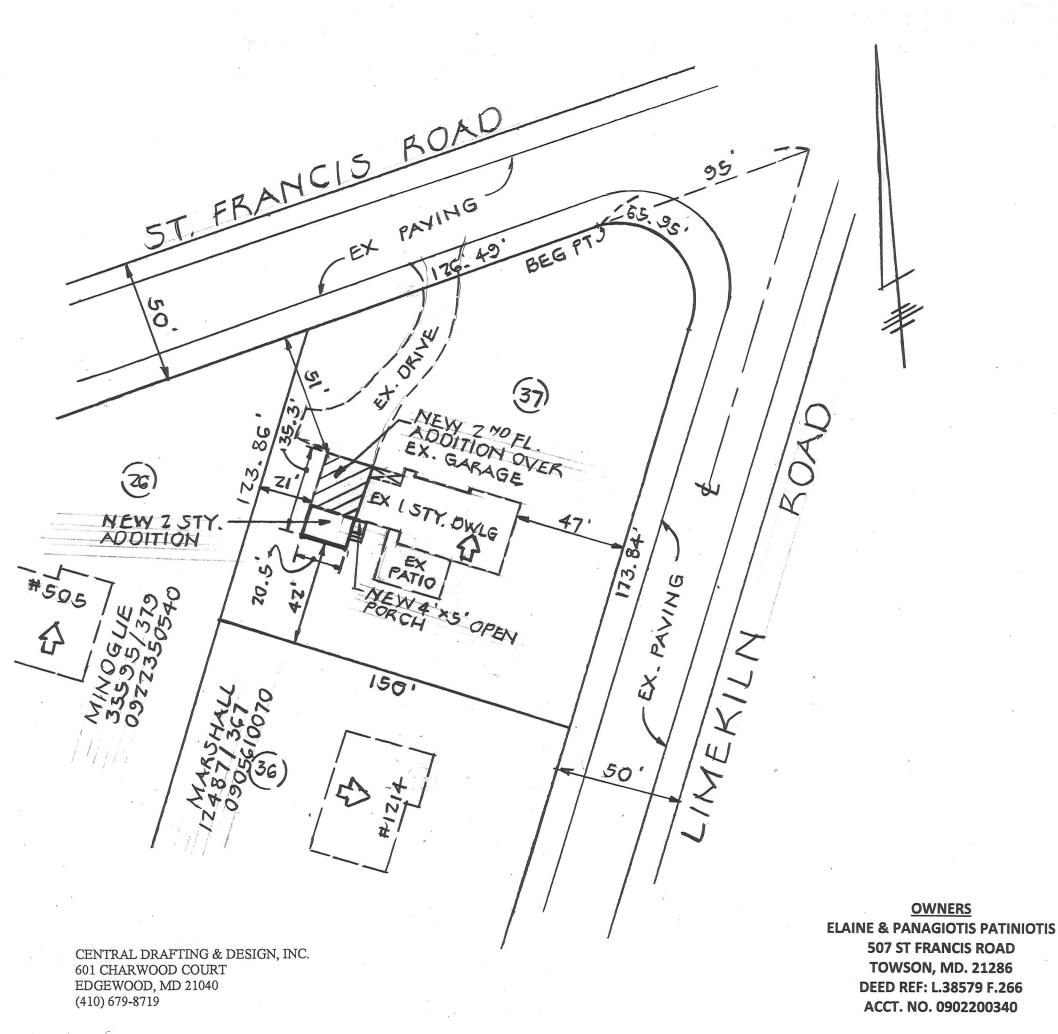


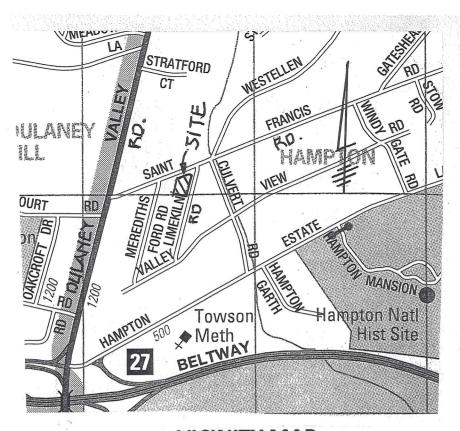


Publication Agency: Permits, Approvals & Inspections Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot









VICINITY MAP
SCALE: 1 INCH = 1000 FEET

#### **NOTES**

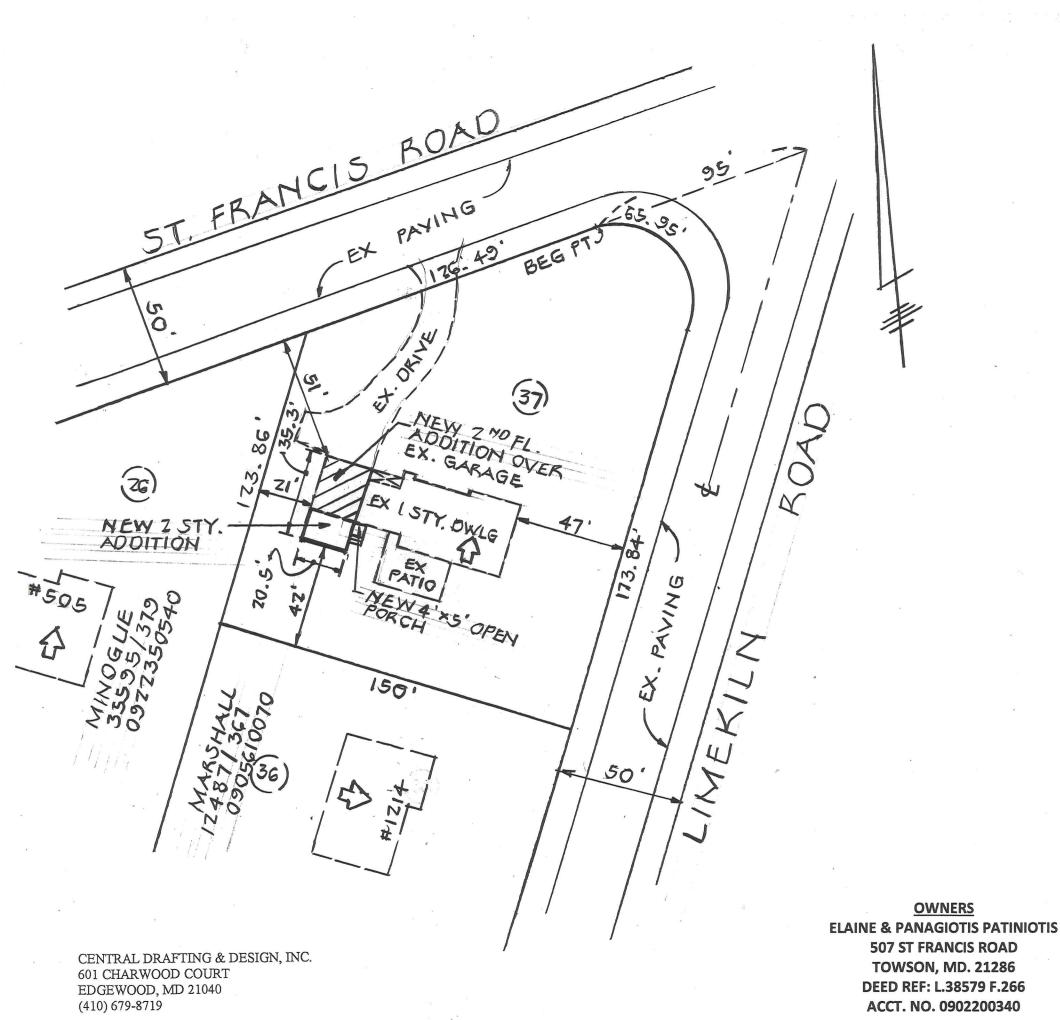
- 1. ZONING......DR1 (MAP NO. 061A3)
- 2. AREA.....25,264 S.F. = 0.580 ACRE
- 3. PUBLIC WATER AND SEWER
- 4. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN TO EXIST.
- 5. SITE IS NOT LOCATED IN A 100 YEAR FLOOD ZONE OR CBCA
- 6. NO UNDERGROUND STORAGE TANKS, CRITICAL AREAS, HAZARDOUS MATERIALS SITES OR HISTORIC STRUCTURES OR SITES ARE KNOWN TO EXIST

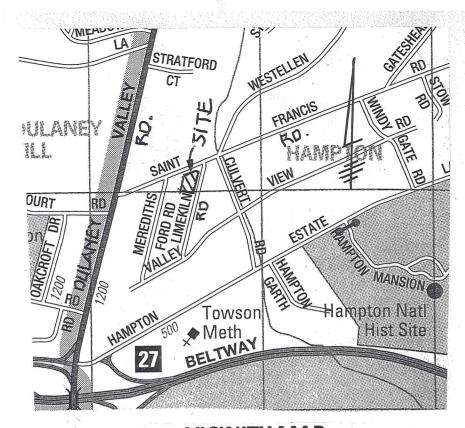
Z018-0279-A

# PLAT TO ACCOMPANY PETITION FOR ADMINISTRATIVE VARIANCE 507 ST. FRANCIS ROAD

LOT 37 HAMPTON VILLAGE 14/7
ELECTION DISTRICT 9C3 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 40 FEET MARCH 30, 2018

PETITIONERS EXHIBIT I





VICINITY MAP

SCALE: 1 INCH = 1000 FEET

#### **NOTES**

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