MEMORANDUM

DATE:

August 21, 2018

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2018-0321-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on August 20, 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: VCase File

Office of Administrative Hearings

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(3339 Edwards Lane) * OFFICE OF

15th Election District * ADMINISTRATIVE HEARINGS

Gregory V. Ottensmeyer * FOR BALTIMORE COUNTY

Legal Owner

Petitioner * Case No. 2018-0321-SPHA

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Gregory V. Ottensmeyer, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve temporarily, an existing accessory building (shed) to remain on a vacant property, prior to construction of a proposed single family dwelling and continue to remain after dwelling construction. A petition for Variance seeks to permit an existing accessory building (shed) to be located partially within the side yard in lieu of the required rear yard only. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Gregory V. Ottensmeyer appeared in support of the requests. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee ("ZAC") comments were received from the Department of Environmental Protection and Sustainability ("DEPS") and the Bureau of Development Plans Review ("DPR"). Neither agency opposed the requests.

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SPECIAL HEARING

The Petitioner owns two (2) lots on Edwards Lane; one is improved with a single family dwelling and the other (the subject property) is unimproved. The unimproved lot was created with DRC approval of a lot line adjustment. Prior to that time, the shed in question was situated in the rear yard of 3337 Edwards lane. Following the lot line adjustment the shed is now on the newly-created and unimproved lot. Petitioner plans to construct a single family dwelling on the subject property, which necessitated zoning relief.

VARIANCE

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 waterfront property is subject to a variety of environmental constraints, which renders the property unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be required to raze/relocate the shed. 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 and/or community opposition.

THEREFORE, IT IS ORDERED this <u>20th</u> day of July, 2018, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve temporarily, an existing accessory building (shed) to remain

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By	(GW)	2

on a vacant property, prior to construction of a proposed single family dwelling and continue to remain after dwelling construction, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit an existing accessory building (shed) to be located partially within the side yard in lieu of the required rear yard 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 ZAC comments submitted by the DPR and DEPS, copies of which are attached hereto.

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

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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 3339 Edwards Land which is presently zoned DR 3.5

Deed References: 38895/00185 10 Digit Tax Account # Z 0 0 0 0 5 3 2 2 which is presently zoned DR 3.5

10 Digit Tax Account # Z O O O O 5 3 2 2 Property Owner(s) Printed Name(s) Oregory V. Ottensmeyer 50

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

	Baltimore County and which is described in the description de a part hereof, hereby petition for:
1. a Special Hearing under Section 500.7 of the Zonin or not the Zoning Commissioner should approve tempo to remain on a Vacant property, prid dwelling, and continue to remain after	rarily, an existing accessory building (shed) or to construction of a proposed single family dwelling construction.
	of Baltimore County to use the herein described property for
of the Zoning regulations of Daltimore County, to the 2	ory Buildings in Residence Zones ion: Lot coverage BCZR, to permit an a partially within the stde yard in lieu of the zoning law of Baltimore County, for the following reasons: or indicate below "TO BE PRESENTED AT HEARING". If
you need additional space, you may add an attachme To be presented at hearing. Property is to be posted and advertised as prescribed by the zoning regular	nt to this petition)
I, or we, agree to pay expenses of above petition(s), advertising, posting, eand restrictions of Baltimore County adopted pursuant to the zoning law fo Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, unwhich is the subject of this / these Petition(s). Contract Purchaser/Lessee:	etc. and further agree to and are to be bounded by the zoning regulations
Name-Type or Print Signature	Name #2 - Type or Print Signature #1 Signature #2
Mailing Address City State / / / Zip Code Telephone # Email Address	3337 Edwards Ln. Baltimore, MD Mailing Address City State 21220, 410-499-4734, area & Ottensmeyer.com Zip Code Telephone # Ethail Address
Attorney for Petitioner: Name- Type or Print Name- Type or Print	Representative to be contacted: Justin Ottensmeyer, Prof. L.S. Name - Type or Print Hy
Mailing Address City State Zip Code Telephone # Email Address	Signature I Nashwa Ct. Baltimore, MD Mailing Address City State 21721 , 410-560-0007 Justin Ottensmeyer Zip Code Telephone # Email Address 2000 follows
CASE NUMBER 2018-0321-5PHA Filing Date 5,2420	Cemtpis, ne

REV. 10/4/11

(00/7

ZONING PROPERTY DESCRIPTION FOR 3339 Edwards Lane, Baltimore, MD, 21220

*Beginning at a point on the (east) side of (Edwards Lane) which is (50) feet wide at a distance of (352+/-) feet (south) of the centerline of the nearest improved intersecting street (Park Road) which is (40) feet wide, thence S 71 degrees 30 minutes East 245.64' to the Point of Beginning.

Thence the following courses and distances: (1st POC) South 71 degrees 30 minutes East 227.36 feet, (2nd POC) South 20 degrees 26 minutes 25 seconds West 129.50 Feet, (3rd POC) North 71 degrees 23 minutes 36 seconds West 218.36 feet, (4th POC) North 16 degrees 27 minutes 00 seconds East 129.10 feet to the point of beginning as recorded in Deed Liber 38895 Folio 185, containing 0.66 acres. Located in the 15th Election District and 6th Council District.

2018-0321-SPHA



TO: PATUXENT PUBLISHING COMPANY

Thursday, June 28, 2018 Issue - Jeffersonian

Please forward billing to:

Ben Battaglia Battaglia Homes, LLC 14333 Jarrettsville Pike Phoenix, MD 21131 443-987-5804

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: 2018-0326-A

8116 Redstone Road

E/s Redstone Road, 547 ft. W/f of Yellowstone Road 11th Election District – 5th Councilmanic District

Legal Owners: Joseph Esposito

Variance to permit a proposed detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard; and to amend the Final Development Plan of Fox Creek Farm, Lot 5 only.

Hearing: Friday, July 20, 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 ACCOMODATIONS, 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.

TO: PATUXENT PUBLISHING COMPANY

Thursday, June 28, 2018 Issue - Jeffersonian

Please forward billing to:

Sunay Ahmadov 2226 Sanibal Drive Reston, VA 20191 202-706-4070

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: 2018-0322-SPH

1200 White Avenue

NE/s White Avenue, 50 ft. NW of the centerline of Pulaski Highway

15th Election District - 7th Councimanic District

Legal Owners: Davud Musayev

Contract Purchaser/Lessee: Sunay Ahmadov

Special Hearing to determine whether or not the Administrative Law Judge should approve the amending of the previously approved site plan, reflecting the removal of garage and the layout of display parking from Case 2018-0105-X.

Hearing: Thursday, July 19, 2018 at 11:00 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 ACCOMODATIONS, 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.

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RE	201 :: Case No.:	8-0321-SPHA
	Petitioner/Developer:	
	Gregory	Ottensmeyer
	Date of Hearing/Closing:	July 19, 2018
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 I11 West Chesapeake Avenue		RECEIVED
Towson, Maryland 21204 Attn: Kristen Lewis:		JUL 1 6 2018
Ladies and Gentlemen:		OFFICE OF ADMINISTRATIVE HEARINGS
This letter is to certify under the penalties of perjury posted conspicuously on the property located at:		
The sign(s) were posted on	th, Day, Year)	
ZONING NOTICE CASE # 2018-0321-SPHA A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON, MD. ROOM 20S, JEPPERSON BUILDING PLACE: 105 W. CHESAPEAKE AVE. TOWSON MD 21705 DATE AND TIME: Thursday, July 19, 2018 at 10:00 a.m., REQUEST: Special Measurements are the designed and support and properly approved to the special confidence of the special money, a providence of the special confidence of the special conf	14 11.	e)

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Case No.:
Petitioner/Developer:
Gregory Ottensmeyer
July 19, 2018 Date of Hearing/Closing:
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OFFICE OF ADMINISTRATIVE HEARIN
e-Certification
28, 2018
h, Day, Year)
July 15, 2018 (Signature of Sign Poster) (Date)
SSG Robert Black (Print Name)

(Address)

Dundalk, Maryland 21222

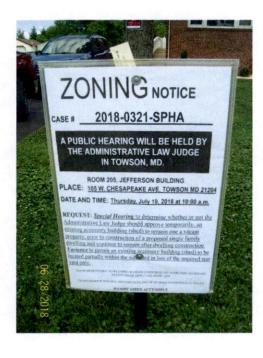
(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CENTIFICATE OF POSTING

	2018-0321-SPHA RE: Case No.:
	Petitioner/Developer:
	Gregory Ottensmeyer
	July 19, 2018 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
	ies of perjury that the necessary sign(s) required by law were cated at:
3339 Edwards Lane	SIGN 1
The sign(s) were posted on	June 28, 2018
The sign(s) were posted on	(Month, Day, Year)



Sincerely,

June 28, 2018

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CENTIFICATE OF POSTING

	2018-0321-SPHA RE: Case No.:
	Petitioner/Developer:
	Gregory Ottensmeyer
	July 19, 2018 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 Attn: Kristen Lewis:	
Ladies and Gentlemen:	
	ies of perjury that the necessary sign(s) required by law were cated at:
3339 Edwards Lane	SIGN 2
The sign(s) were negted on	June 28, 2018
The sign(s) were posted on	(Month, Day, Year)



Sincerely,

June 28, 2018

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ County Executive

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

June 12, 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: 2018-0321-SPHA

3339 Edwards Lane

E/s Edwards Lane, 352 ft. S/of Park Road 15th Election District – 6th Councilmanic District

Legal Owners: Gregory Ottensmeyer

Special hearing To determine whether or not the Administrative Law Judge should approve temporarily, an existing accessory building (shed) to remain on a vacant property, prior to construction of a proposed single family dwelling and continue to remain after dwelling construction. Variance to permit an existing accessory building (shed) to be located partially within the side yard in lieu of the required rear yard only.

Hearing: Thursday, July 19, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Sablen
Director

AJ:kl

C: Gregory Ottensmeyer, 3337 Edwards Lane, Baltimore 21220 Justin Ottensmeyer, 1 Nashua Court, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 29, 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, June 28, 2018 Issue - Jeffersonian

Please forward billing to:

Greg Ottensmeyer 3337 Edwards Lane Baltimore, MD 21220 410-499-4734

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: 2018-0321-SPHA

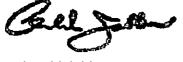
3339 Edwards Lane

E/s Edwards Lane, 352 ft. S/of Park Road 15th Election District – 6th Councilmanic District

Legal Owners: Gregory Ottensmeyer

Special hearing To determine whether or not the Administrative Law Judge should approve temporarily, an existing accessory building (shed) to remain on a vacant property, prior to construction of a proposed single family dwelling and continue to remain after dwelling construction. Variance to permit an existing accessory building (shed) to be located partially within the side yard in lieu of the required rear yard only.

Hearing: Thursday, July 19, 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 ACCOMODATIONS, 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.

RE: PETITION FOR SPECIAL HEARING AND VARIANCE 3339 Edwards Lane; E/S Edwards Lane, 352' S of Park Road 15th Election & 6th Councilmanic Districts Legal Owner(s): Gregory Ottensmeyer

RECEIVED

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* OF ADMINSTRATIVE

BEFORE THE OFFICE

* HEARINGS FOR

* BALTIMORE COUNTY

* 2018-321-SPHA

Petitioner(s)

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.

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Cante S Vente

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 31st day of May, 2018, a copy of the foregoing Entry of Appearance was mailed to Justin Ottensmeyer, 1 Nashua Court, Baltimore, Maryland 21221, Representative for Petitioner(s).

Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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:
Case Number: 2018-0321-5PH+
Property Address: 3339 EDWARDS LANE MIDDLE RIVER MID 21220
Property Description: ACOUT SEEKING SED BUILDING PERMIT E/S OF EDWARDS LANE, 352' SOUTH OF PARK ROAD
Legal Owners (Petitioners): GREGORY VOTTENSMEYER SR.
Contract Purchaser/Lessee: Green & Direct MENE NA
PLEASE FORWARD ADVERTISING BILL TO:
Name: GREG OTTENSMEYER
Company/Firm (if applicable): N/N
Address: 3337 EDWARDS LANE
MIDDLE RIVER MD 21200
Telephone Number: 410 499 - 4734

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS CASH RECEIPT Date: 5/22/2049	PAID RECEIPT BUSINESS ACTUAL TIME DRW 5/24/2018 5/22/2018 11:39:25
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Dul 206 Doo 6(50 - 150.00 - 15	# 150,00 CA \$150,00 CA Baltimore County; Maryland
Total (3.0).00	
Rec. Gregory V. DHenimeyer, Jr. For Special Heaving & Variance 3339 Edwards Caire	
2618-15321-SPHA (6Hensmeyer)	
DISTRIBUTION WHITE - CASHIER PINK AGENCY YELLOW CUSTOMER, GOLD ACCOUNTING PLEASE PRESS HARDIIII	CASHIER'S VALIDATION:



DONALD I. MOHLER III County Executive

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

July 12, 2018

Gregory V Ottensmeyer Sr. 3337 Edwards Lane Baltimore MD 21220

RE; Case Number: 2018-0321 SPHA, Address: 3339 Edwards Lane

Dear Mr. Ottensmeyer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 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 Justin Ottensmeyer, 1 Nashua Court, Baltimore MD 21221





STATE HIGHWAY ADMINISTRATION

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

Date: 5/25/18

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. 2018-0321-SPAA

Special Hearing, Variance Gregory V. Ottens mayer 3334 Edwards Lane

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

TO: PATUXENT PUBLISHING COMPANY

Thursday, June 28, 2018 Issue - Jeffersonian

Please forward billing to:

Greg Ottensmeyer 3337 Edwards Lane Baltimore, MD 21220

410-499-4734

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: 2018-0321-SPHA

3339 Edwards Lane E/s Edwards Lane, 352 ft. S/of Park Road 15th Election District – 6th Councilmanic District Legal Owners: Gregory Ottensmeyer

Special hearing To determine whether or not the Administrative Law Judge should approve temporarily, an existing accessory building (shed) to remain on a vacant property, prior to construction of a proposed single family dwelling and continue to remain after dwelling construction. Variance to permit an existing accessory building (shed) to be located partially within the side yard in lieu of the required rear yard only.

Hearing: Thursday, July 19, 2018 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

BUSA

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.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 26, 2018

Department of Permits, Approvals

And Inspections

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 4, 2018

Item No. 2018-0321-SPHA (REVISED)

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

Since ZAC 2018-0321 SPHA is specific to an existing on-site accessory structure our prior comment regarding showing and labeling the LiMWA (Limited Wave Action) line on the site plan, is not applicable at this time and shall not be required.

In regards to proposed improvements to the property (which includes a new 2-story dwelling) all required permits or approvals for said improvement, shall show the LiMWA (Limited Wave Action) line.

The existing accessory structure (shed) shall comply with Baltimore County floodplain building regulations, documentation shall be provided.

VKD: cen

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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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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:

July 5, 2018

SUBJECT:

DEPS Comment for Zoning Item

2018-0321-SPHA

Address

3339 Edwards Lane (Ottensmeyer Property)

(Ottensmeyer Frope

Zoning Advisory Committee Meeting of June 4, 2018.

EPS has reviewed the subject zoning petition for compliance with the goals of the Statemandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

 Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to allow an existing shed to remain on a vacant property prior to construction of a dwelling and to permit the shed to be partially located in the side yard. The lot is waterfront, and a proposed dwelling has not yet been built. The property does not currently exceed lot coverage limits and the shed does not intrude into the 100-foot Critical Area buffer. Any proposed future development must meet all LDA requirements, including lot coverage limits and buffer requirements. As proposed, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

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This property is waterfront but the shed is beyond the 100-foot Buffer. Lot coverage requirements will be met. Therefore this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

The shed exists and does not exceed lot coverage limits or intrude into the buffer. Therefore the relief requested will be consistent with established land-use policies.

Reviewer:

Regina Esslinger

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 21, 2018

Department of Permits, Approvals

And Inspections

FROM:

YK0 Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 4, 2018

Item No. 2018-0321-SPHA

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

Show & label the LiMWA (Limited Wave Action) line on the site plan.

The existing accessory structure (shed) shall comply with Baltimore County floodplain building regulations, documentation shall be provided.

VKD: cen cc: file

ORDER RECEIVED FOR FILING

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 28, 2018 Issue - Jeffersonian

Please forward billing to:

Timothy Kotroco Kotroco & Associates 305 Washington Avenue, Ste. 502 Towson, MD 21204 410-299-2943

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: 2018-0312-A

1740 E. Joppa Road

N/s E. Joppa Road at the corner of Emge Road 9th Election District – 5th Councilmanic District

Legal Owners: 1740 E. Joppa Road, LLC, Mike Weber

Variance 1. To approve a Joint ID sign located on the building parapet without street frontage and without the words "The" & "Building"; 2. To approve a new tenant enterprise sign for Old Line Bank located on the drive-thru canopy facing west, without a customer entrance; 3. To allow an existing enterprise tenant bank sign to remain on a lower vestibule entrance canopy within direct customer access and to allow 2 canopy signs in lieu of one; 4. To allow an existing joint ID sign to remain without the words "The" & "Building". For such other and further relief as the nature of this cause may require.

Hearing: Wednesday, July 18, 2018 at 11:00 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 ACCOMODATIONS, 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.

XS 7-19-18 DAM

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

JUL 0 5 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:

July 5, 2018

SUBJECT:

DEPS Comment for Zoning Item

2018-0321-SPHA

Address

3339 Edwards Lane (Ottensmeyer Property)

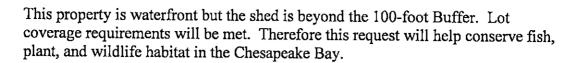
Zoning Advisory Committee Meeting of June 4, 2018.

EPS has reviewed the subject zoning petition for compliance with the goals of the Statemandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands:

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to allow an existing shed to remain on a vacant property prior to construction of a dwelling and to permit the shed to be partially located in the side yard. The lot is waterfront, and a proposed dwelling has not yet been built. The property does not currently exceed lot coverage limits and the shed does not intrude into the 100-foot Critical Area buffer. Any proposed future development must meet all LDA requirements, including lot coverage limits and buffer requirements. As proposed, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;



3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

The shed exists and does not exceed lot coverage limits or intrude into the buffer. Therefore the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

DATE: 6/19/2018

RECEIVED

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 18-321

INFORMATION:

Property Address: 3339 Edwards Lane

Petitioner:

Gregory Ottensmeyer, Sr.

Zoning:

DR 3.5

Requested Action:

Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should temporarily approve an existing accessory building (shed) to remain on a vacant property prior to construction of a proposed single family dwelling and continue to remain after dwelling construction. The Department also reviewed the petition for variance to permit an existing accessory building (shed) to be located partially within the side yard in lieu of the required rear yard only.

A site visit was conducted on May 30, 2018.

The Department of Planning has no objections to granting the petitioned zoning relief.

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

Prepared by

Llo dT. Moxley Division Chief:

AVA/JGN/LTM/

c: Krystle Patchak

Justin Ottensmeyer, Prof. L.S.

Office of the Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 21, 2018

Department of Permits, Approvals

And Inspections

YKO

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 4, 2018

Item No. 2018-0321-SPHA

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

Show & label the LiMWA (Limited Wave Action) line on the site plan.

The existing accessory structure (shed) shall comply with Baltimore County floodplain building regulations, documentation shall be provided.

VKD: cen cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

July 5, 2018

SUBJECT:

DEPS Comment for Zoning Item

2018-0321-SPHA

Address

3339 Edwards Lane

(Ottensmeyer Property)

Zoning Advisory Committee Meeting of June 4, 2018.

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The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to allow an existing shed to remain on a vacant property prior to construction of a dwelling and to permit the shed to be partially located in the side yard. The lot is waterfront, and a proposed dwelling has not yet been built. The property does not currently exceed lot coverage limits and the shed does not intrude into the 100foot Critical Area buffer. Any proposed future development must meet all LDA requirements, including lot coverage limits and buffer requirements. As proposed, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront but the shed is beyond the 100-foot Buffer. Lot coverage requirements will be met. Therefore this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

The shed exists and does not exceed lot coverage limits or intrude into the buffer. Therefore the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

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The filed

Greg Ottensmeyer

3337 Edwards Lane

Middle River, MD

A, J,

21220

Mr. Arnold Jablon, Director Permits, Approvals and Inspections **Baltimore County Office Building** 111 West Chesapeake Avenue Towson, Maryland 21204

May 22, 2018

RE: 3337 Edwards Lane Middle River, MD 21220

Dear Mr. Jablon:

Enclosed, please accept our request waiver of the variance procedure for 3337 Edwards Lane Middle River, MD 21220 LOT-2.

The variance application was filed with Mr. Richards offices on May 22, 2018.

Thank you for your kindest consideration and response.

Thank you, Sincerely,

Greg Ottensmeyer

Greg@Ottensmeyer.com

410 499-4734 text/cell

REQUEST FOR SPECIAL HEARING TO EXPEDITE VARIANCE PROCEDURE

A variance request was required by Baltimore County zoning board upon attempt to file for a building permit to construct a single family home on an individually owned lot at:

3337 Edwards Lane Middle River, MD 21220

The variance application was filed with this request. Applicant seeks waiver of variance procedure due to special circumstances and conditions existing that are peculiar to the land and structure, which is the subject of this variance request. where The applicant seeks to expedite the normal interval to obtain a variance hearing based on the following hardships;

- 1) Strict compliance with the applicable Zoning Regulations for Baltimore County would result in practical difficulty and unreasonable hardship.
- 2) No other space exists on the applicant's properties to reasonably locate the shed.
- 3) The shed was legally placed 4 years ago.
- 4) Variance requirement was created only upon application for a building permit.
- 5) Owner agrees to move the shed in the event a variance is not approved.
- 6) Owner has placed a \$10,000 collateral deposit with Baltimore County.
- 7) Owner is willing to obtain signed waiver from every neighbor within the affected area within 10-days from approval of this request.

Wherefore the applicant respectfully requests your consideration and decision at the soonest possible time.

BY:

Greg Ottensmeyer

Greg@Ottensmeyer.com

410 499-4734 text/cell

NEIGHBOR APPROVAL OF VARIANCE WAIVER FOR OTTENSMEYER SHED

I am a property owner in Baltimore County and a neighbor to Greg Ottensmeyer's property at:

3337 Edwards Lane Middle River, MD 21220

I am aware that Mr. Ottensmeyer has a large, lite gray shed on his property and I have no objection to it remaining there.

By:	 - · · · _ <u></u>		
Address:		·	
Date: May	2018		

FROM THE OFFICES OF THE HONORABLE

Mr. Arnold Jablon, Director Permits, Approvals and Inspections Baltimore County Government 111 West Chesapeake Avenue Towson, Maryland 21204

May_	, 2018
TATCE A	, 2010

ORDER

By the power and authority granted to me by my position with Baltimore County and after due consideration of the petition and application of Greg Ottensmeyer requesting an expedited variance procedure, it is hereby GRANTED,

contingent upon;
No further conditions
Obtaining the signed acknowledgments from neighbors as further instructed.
Other conditions separately instructed
ACCEPTED
Arnold Jablon, Director
DATE:

W. Carl Richards Jr., Chief Baltimore County Zoning Department County Office Building 111 West Chesapeake Avenue, Room 111 Towson, Maryland 21204

May 22, 2018

RE: 3337 Edwards Lane Middle River, MD 21220

Dear Mr. Richards:

Enclosed, please accept our application for a variance for 3337 Edwards Lane Middle River, MD 21220 LOT-2.

In accordance with our discussion in your office on or about May 10th, I'm enclosing our request for waiver of the variance process due to the hardship exceptions cited.

As suggested I've directed our waiver request to Mr. Arnold Jablon, Director. Permits, Approvals and Inspections, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204. May I ask you to forward it to him.

Thank you, Sincerely,

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Greg@Ottensmeyer.com

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Date: May	. 2018		

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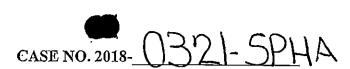
Mr. Arnold Jablon, Director Permits, Approvals and Inspections Baltimore County Government 111 West Chesapeake Avenue Towson, Maryland 21204

May		2018
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ORDER

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contingent upon;
No further conditions
Obtaining the signed acknowledgments from neighbors as further instructed.
Other conditions separately instructed
ACCEPTED
Arnold Jablon, Director
DATE



CHECKLIST

Comment. Received	<u>Department</u>		Support/Oppose/ Conditions/ Comments/ No Comment		
16/21	DEVELOPMENT PLANS REV		Comment		
45	DEPS (if not received, date e-mail sen	t)	Comment		
	FIRE DEPARTMENT		·		
419	PLANNING (if not received, date e-mail sen	t)	NO Objections		
5/25	STATE HIGHWAY ADMINIS	TRATION	NO Objection		
	TRAFFIC ENGINEERING		<u> </u>		
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SIGN POSTING	(2 nd) Date:	7/15/18	by <u>559 B19</u> C/C		
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Real Property Data Search

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Sherry Nuffer

From:

Kristen L Lewis

Sent:

Tuesday, July 17, 2018 2:47 PM

To:

Sherry Nuffer

Subject:

FW: Missing Zoning Hearing Notices

Attachments:

BSMG LEGAL ADS FAX#1 6-13-18

FYI, this is the reply from the Corporate office for the Jeffersonian.

Kristen Lewis PAI – Zoning Review 410-887-3391

From: Welenc, Charlie [mailto:cwelenc@tronc.com]

Sent: Tuesday, July 17, 2018 2:08 PM

To: Kristen L Lewis <klewis@baltimorecountymd.gov>

Subject: Missing Zoning Hearing Notices

Hello Kristen,

We just received an email from Ellen in our local office in regards to 3 missing Zoning Hearing Notices that you have not received proof of publications from June 28th. From what we can see on our end, it appears those three did not publish. We are looking into what happened and why those three did not run as requested. At this time, is there anything that we can do on our end in regards to these three notices to help resolve this. If speaking about it over the phone is easier, please feel free to give me a call at 312-981-7298, or you can let me know the best number to reach you at.

Best,

Charlie Welenc

Team Lead, Inbound Sales 160 N Stetson Ave. Chicago, IL 60601 312-981-7298 | Direct



Formerly Tribune Publishing
Our calls may be recorded for quality and training purposes

Hi Brendan – Kristin from the Baltimore County Zoning office called concerning these 4 ads which were supposed to publish in the Jeffersonian on June 28th. She never received the Certificates for them. I tried to look them up in the computer by the billing phone number and could not locate them. I then looked at the archives of the paper that day – but could only locate one of the ads. (2018-0312-A)

Once you determine the ad numbers for the other three ads - let me know and then we can send out Certificates.

Attached is the email that was forwarded to your office from our office containing these ads.

Thanks!

2018-0321-SPHA 2018-0322-SPH 2018-0326-A

2018-0312-A - Found - order number 5675396





Baltimore County Government

Historic Courthouse 400 Washington Ave Towson, Maryland 21204

Fax

To:

Jeffersonian

From:

PAI Zoning Fax

Fax:

4103326446

Fax:

410-887-3048

Company:

Voice:

410-887-3373

Voice:

,... .,

Email:

paizoningfax@baltimorecountymd.gov

Date:

June 13, 2018

Subject:

Advertisement Requests

Comments:

Please publish accordingly. Thanks,

Kristen Lewis PAI - Zoning Review 410-887-3391

CONFIDENTIALITY NOTICE:

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action based on the contents of this telecopy information is strictly prohibited. If you have received this telecopy in error, please immediately notify the sender to arrange for return of the original documents.

Case No.: 2018 - 6321 - SPHA 3339 Edwards Lame

Exhibit Sheet

Petitioner/Developer

Protestants Dy. 2018

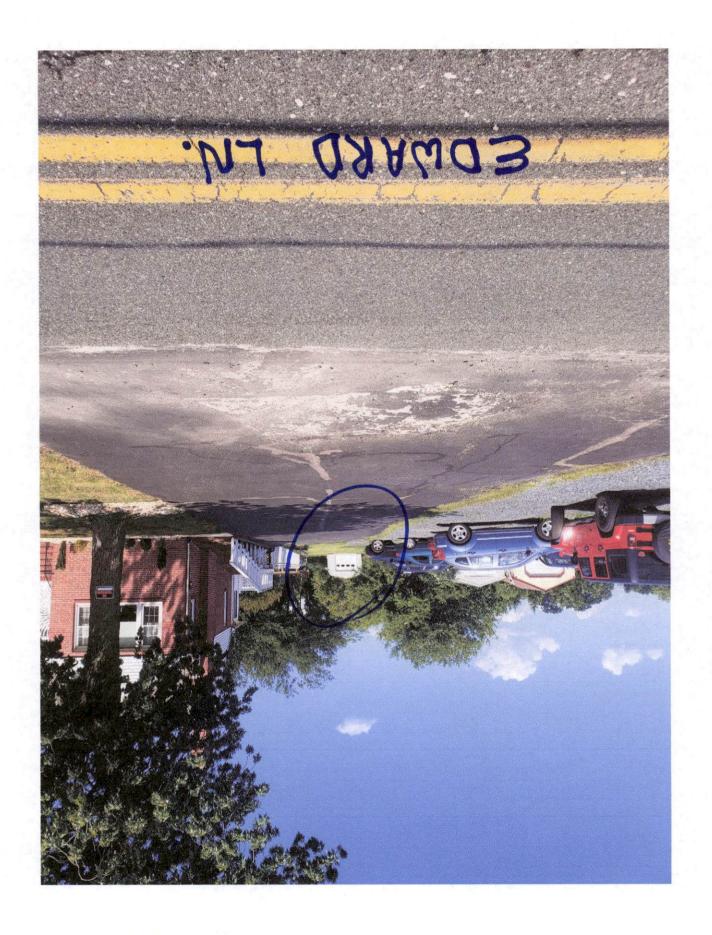
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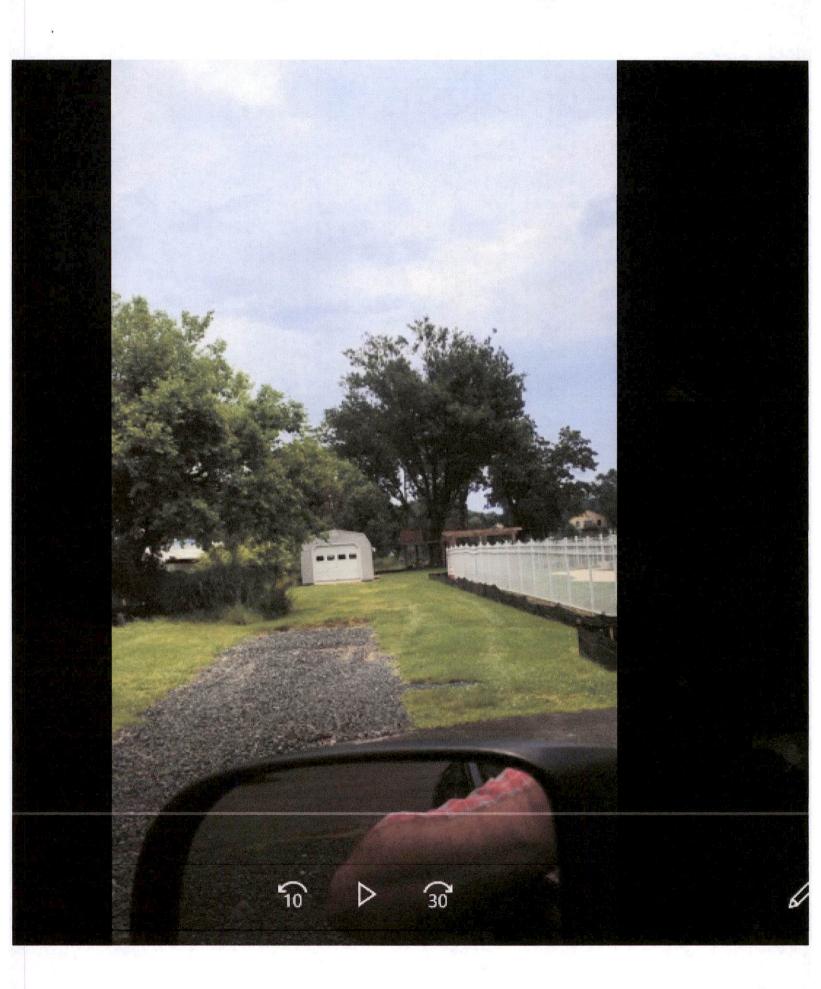
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DATE	F 8
	7-19-2018

PETITIONER'S SIGN-IN SHEET

NAME **ADDRESS** E - MAIL CITY, STATE, ZIP Justin Ottensneyer 161 Wenzel Rd. 1

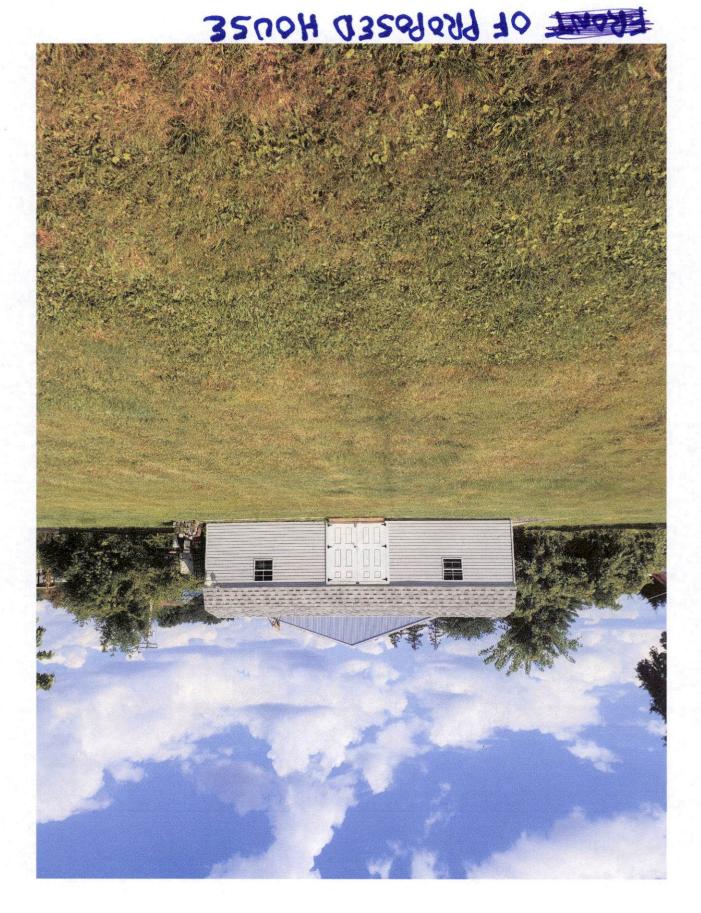




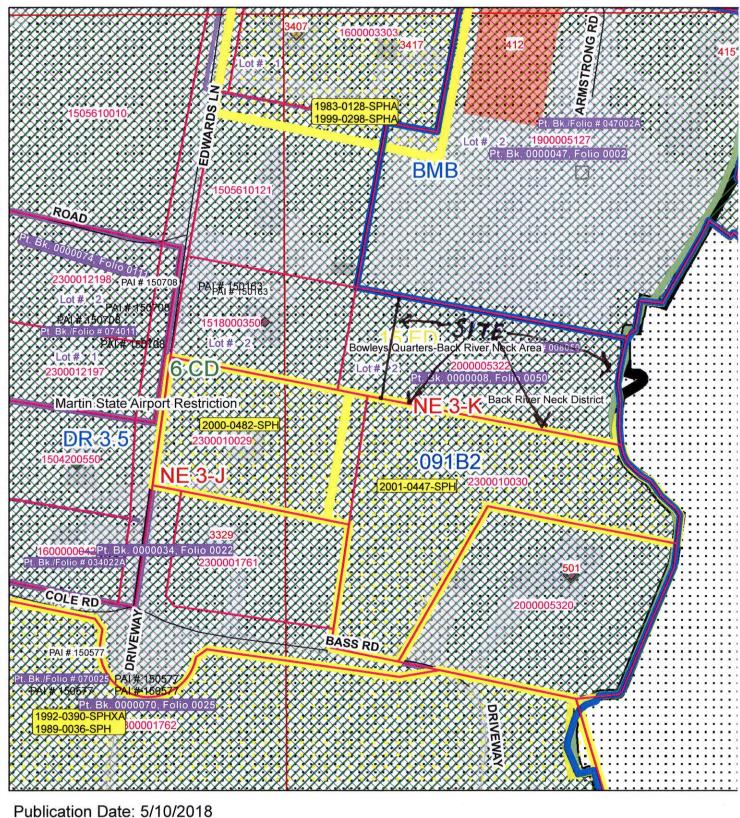


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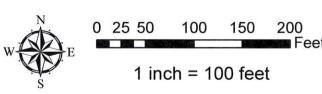


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Publication A

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



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