#### MEMORANDUM

DATE:

July 31, 2018

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2018-0289-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on July 30, 2018. There being no appeal filed, the subject file is ready for return to the Zøning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE \*

BEFORE THE

(316 West Wind Road)

9<sup>th</sup> Election District 2<sup>nd</sup> Council District

OFFICE OF ADMINISTRATIVE

Austin G. & Tracey A. Root

HEARINGS FOR

Petitioners

BALTIMORE COUNTY

CASE NO. 2018-0330-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Austin G. and Tracey A. Root ("Petitioners"). Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("BCZR"), to permit the height of an existing garage roof to be raised to a height of 24 ft. in lieu of the permitted 15 ft. 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 June 7, 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 § 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

ORDER RECEIVED FOR FILING

Date 6/28/18

By 428/18

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the 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 28th day of June, 2018, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("BCZR"), to permit the height of an existing garage roof to be raised to a height of 24 ft. in lieu of the permitted 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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 30day 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:dlw

ORDER RECEIVED FOR FILING

2

### **ADMINISTRATIVE ZONING PETITION**

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

Address 316 West Wind Rd, Towson, MD 21204	Currently zoned DR-2
eed Reference/	10 Digit Tax Account # <u>0912591061</u>
wner(s) Printed Name(s) Austin & Tracey Root	
(SELECT THE HEADING (S) BY MADKING Y AT THE AL	PPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
	그는 맛을 이용하는 것이 되었다. 그런 이번 모르게 되었다.
	the reverse of this Petition form must be completed and notarized.
he undersigned, who own and occupy the property situtached hereto and made a part hereof, hereby petition	uate in Baltimore County and which is described in the plan/plat for an:
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OF AN EXISTING GARAGE P	E PERMITTED 15 FT.
OF 24 FT. IN LIEU OF THE	E PERMITTED 15 FT.
f the zoning regulations of Baltimore County, to the zor	
	pprove a waiver pursuant to Section 32-4-107(b) of the Baltimore
ounty Code: (indicate type of work in this space: i.e., to	o raze, alter or construct addition to building)
44.0, 248.0 VA - 17. T - Y - Y - 25.4 T - A	
f the Baltimore County Code, to the development law or roperty is to be posted and advertised as prescribed by the zoning re	organisations
roperty is to be posted and advertised as prescribed by the zoning re	
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
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we agree to pay expenses of above petition(s), advertising, posting, altimore County adopted pursuant to the zoning law for Baltimore County adopted pursuant law for Baltimore County adopted pursuan	Owner(s)/Petitioner(s):  Austin Root

Administrative Law Judge for Baltimore County

### 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:	316 West Wind Rd	Towson	MD	21204
Prin	nt or Type Address of property	City	State	Zip Code
	personal knowledge, the ve Variance at the above			
family sy that is no We have a gambr	cessary to expand the uppace. After careful site a of feasible to add the species developed a solution the later and the resulting height of the resulting height of the style roof that is more.	analysis and a thorough ace to the existing hou nat replaces the existin architecturally compat	n architectural revie se. g low-slope garage ible with the roofline	w, we have determined roof with a
Conth	nal space for the petition rec		ent is needed, label an  Locus Roet ignature of Owner (Affia	
Signature of O	,			int)
Austin Roo Name- Print or			<u>Fracey Root</u> ame- Print or Type	
	The following information is	s to be completed by a No	tary Public of the State	e of Maryland
STATE OF	MARYLAND, COUNTY	OF BALTIMORE, to wi	t:	
I HEREBY (	CERTIFY, this 24 ounty aforesaid, personally	day of <u>May</u> , <u>2</u> appeared:	before me	a Notary of Maryland, in
Print name(s) here:	Austin Root	and Tracey K.	00 t	
the Affiant(s)	herein, personally known o	or satisfactorily identified t	o me as such Affiant(s	s).
DEIRDRE	S my hand and Notaries Se	Notary Public  11/21/21	y Johnson	
Cit	Notary Public by of Baltimore Maryland on Expires November 21, 2021	My Commission Expire	es	REV. 5/5/2016

### ZONING DESCRIPTION for the ROOT PROPERTY, 316 WEST WIND ROAD, TOWSON, MARYLAND 21204

Beginning at a point on the North side of West Wind Road, which is 50 ft. wide at the distance of 142 ft. west of the centerline of the nearest intersecting street, North Wind Road, which is 50 ft. wide.

Being Lot No. 85, in the subdivision of Four Winds, as recorded in Baltimore County Plat Book No. 16., Folio No. 103, containing 22,651 sq. ft. Also known as 316 West Wind Road, located in the 9<sup>th</sup> Election District, 2nd Councilmanic District.

# BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0330 -A Address 316 WEST WIND R.	
Contact Person:     Some Places Brist Your Note: 410-887-	-3391
Contact Person:     S   MERPEY   Phone Number: 410-887-   Filing Date:   C   (8)   Posting Date:   6   (0)   Closing Date:   6	
Any contact made with this office regarding the status of the administrative variance shou through the contact person (planner) using the case number.	ld be
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list ar petitioner is responsible for all printing/posting costs. Any reposting must be done only be of the sign posters on the approved list and the petitioner is again responsible frassociated costs. The zoning notice sign must be visible on the property on or before posting date noted above. It should remain there through the closing date.	y one or all
2. <u>DEADLINE:</u> The closing date is the deadline for a neighbor (occupant or owner) within feet to file a formal request for a public hearing. Please understand that even if there formal request for a public hearing, the process is not complete on the closing date.	1,000 is no
ORDER: After the closing date, the file will be reviewed by the Administrative Law Judge judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order the matter be set in for a public hearing. If all County/State agencies' comments are received will receive written notification as to whether the petition has been granted, denied, or proceed to a public hearing. This decision is usually made within 10 days of the closing The written order will be mailed to you by First Class mail.	at the d, you or will
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public he (whether due to a neighbor's formal request or by order of the Administrative Law Junotification will be forwarded to you. The sign on the property must be changed giving of the hearing date, time and location. As when the sign was originally posted, certificate this change and a photograph of the altered sign must be forwarded to this office.	udge), notice
(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- 0330 -A Address 3/6 WEST WIND RD.	
Petitioner's Name AUSTIN POOT Telephone 917-476	<u>~26</u> 7
Posting Date: $6/6/8$ Closing Date: $6/25/8$	
Wording for Sign: To Permit An existing garage to be  its roof reised to a height of 24ft.  live of the permitted 15ft.	ane
/	

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.

Date <u>と</u> ///只 5/04/2018 6/61/2018 02:13:25 Rev Sub 1 REG WS02 MALKIN 7EE						
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DONALD I. MOHLER III County Executive

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

June 26, 2018

Austin & Tracey Root 316 West Wind Road Towson MD 21204

RE: Case Number: 2018-0330 A, Address: 316 West Wind Road

Dear Mr. & Ms. Root:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 1, 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 Austin Childs, 16850 Gerting Road, Monkton MD 21111



STATE HIGHWAY ADMINISTRATION Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 4/6/18

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. 2019-0330-A

Austin & Tracey Root 316 West Wind 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

# **CERTIFICATE OF POSTING**

**ATTENTION: KRISTEN LEWIS** 

**DATE:** 6/7/2018

Case Number: 2018-0330-A

Petitioner / Developer: AUSTIN CHILDS, AIA ~ AUSTIN ROOT

Date of Closing: JUNE 25, 2018

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: 316 WEST WIND ROAD

The sign(s) were posted on: JUNE 7, 2018



Linda O'Keefe (Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



Sign #(2) CASE # 2018-0330-A Background Photo Sign #(1) CASE # 2018-0330-A



Backround Photo Sign # (2) Case # 2018-0330-A 316 West Wind Road

### **BALTIMORE COUNTY, MARYLAND**

### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** July 12 2018

Department of Permits, Approvals

And Inspections

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 11, 2018

Item No. 2018-0325-A, 0328-A and 0330-A

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

VKD: cen cc: file

## CHECKLIST

Comment Received	<u>Depart</u>	ment		Support/Oppose/ Conditions/ Comments/ No Comment
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PRIOR ZONING	(Cas	e No		
NEWSPAPER ADV	/ERTISEMENT	Date:		_
SIGN POSTING (1	st)	Date:	6-7-18	by O'Keefe
SIGN POSTING (2	nd)	Date:		by
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Comments, if any:				

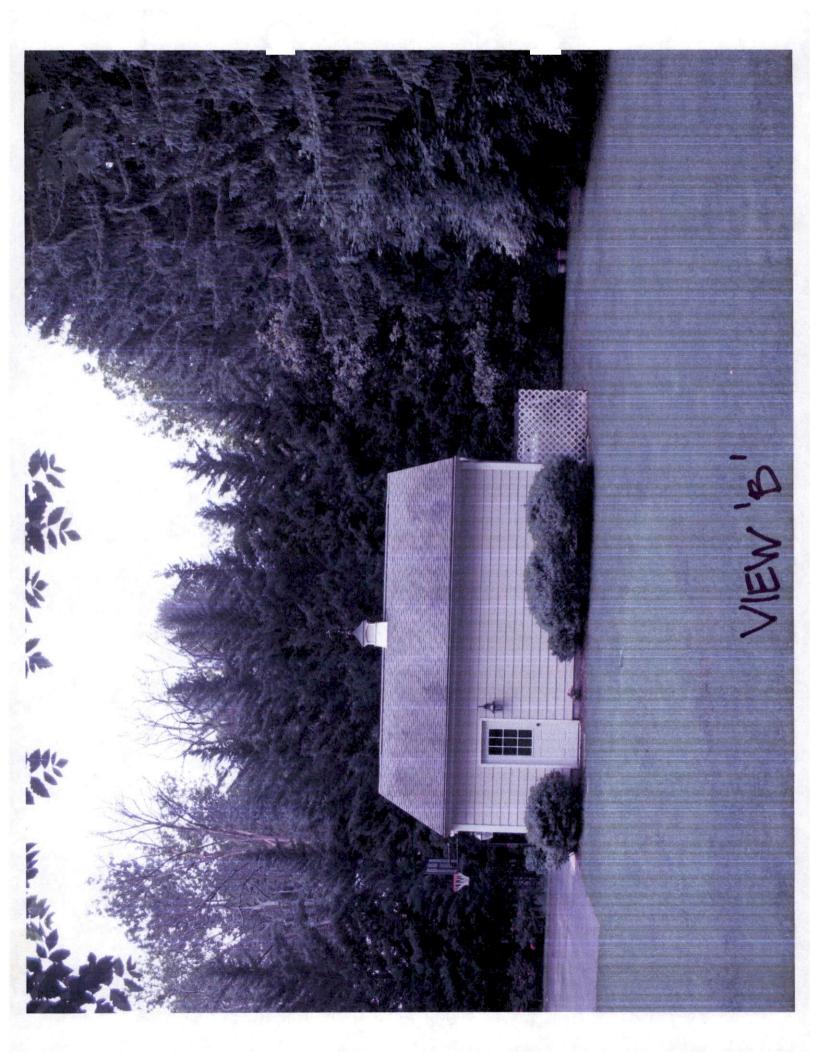
### Real Property Data Search

### Search Result for BALTIMORE COUNTY

View M			/iew GroundF				04050400		oundRent R	egistration		
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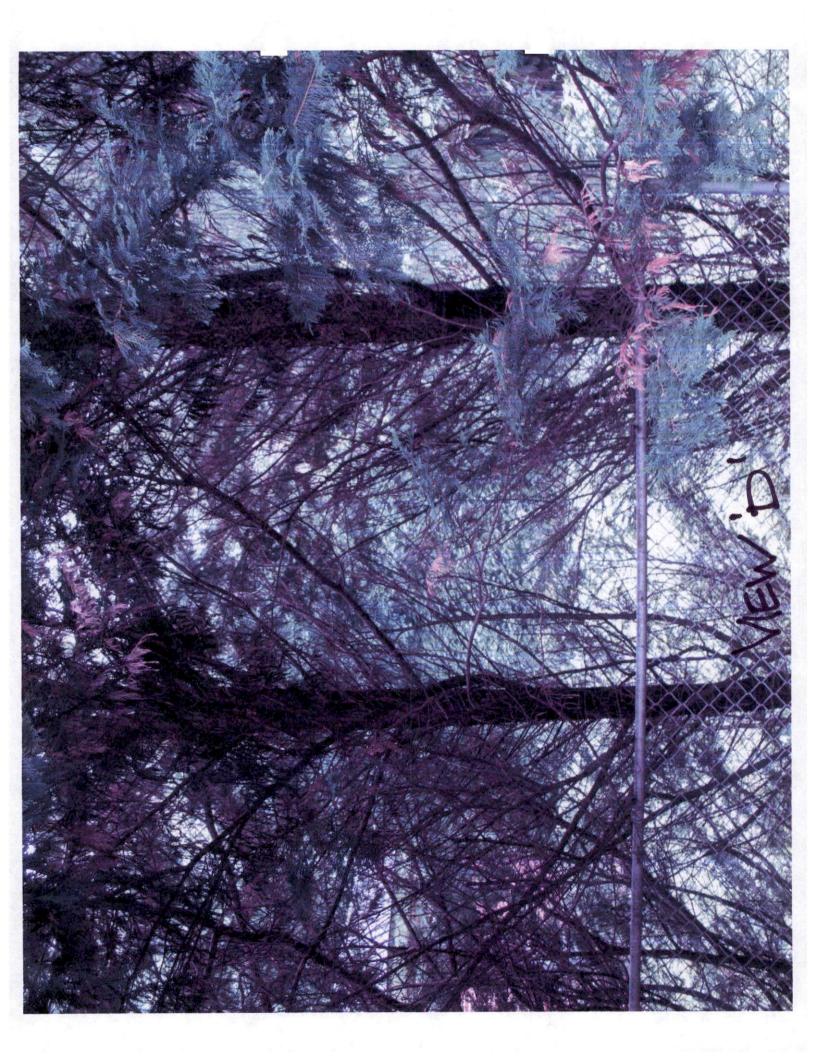
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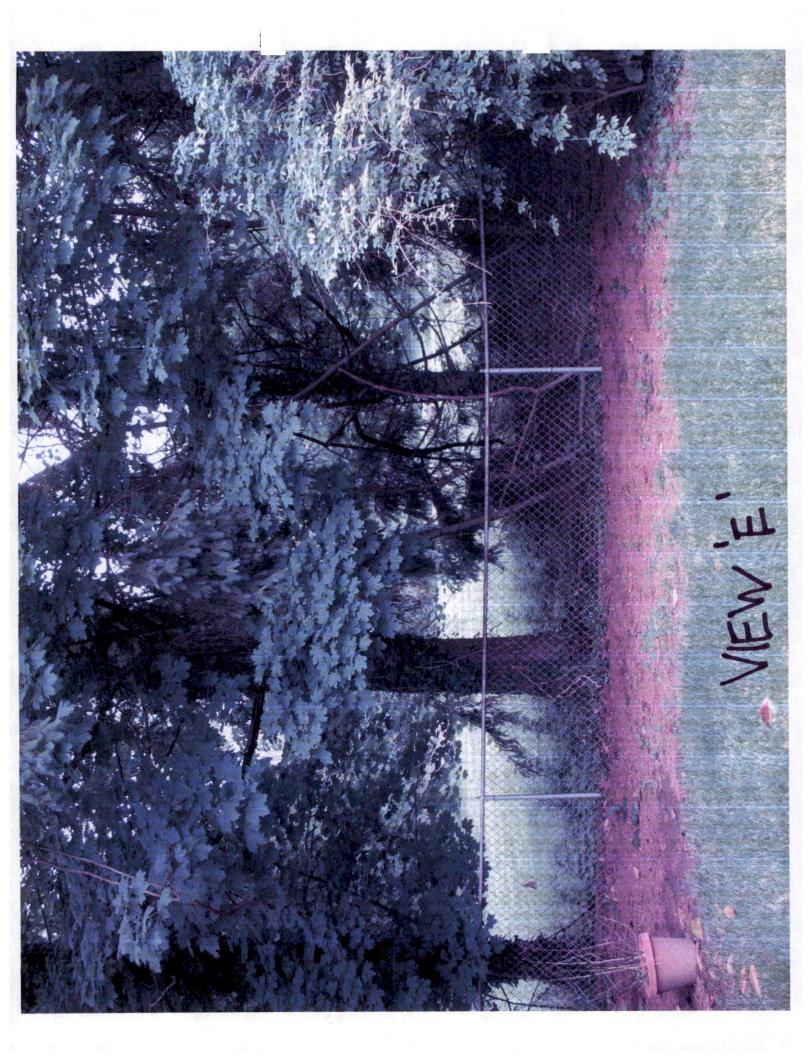


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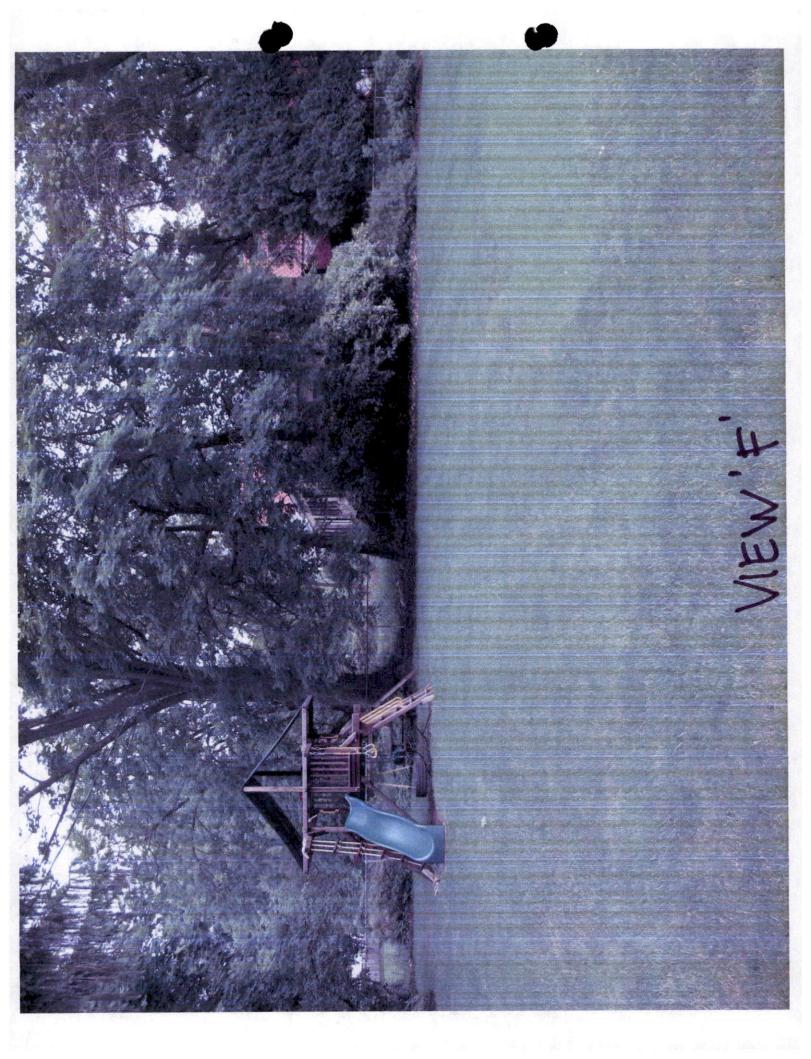
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VIEW E

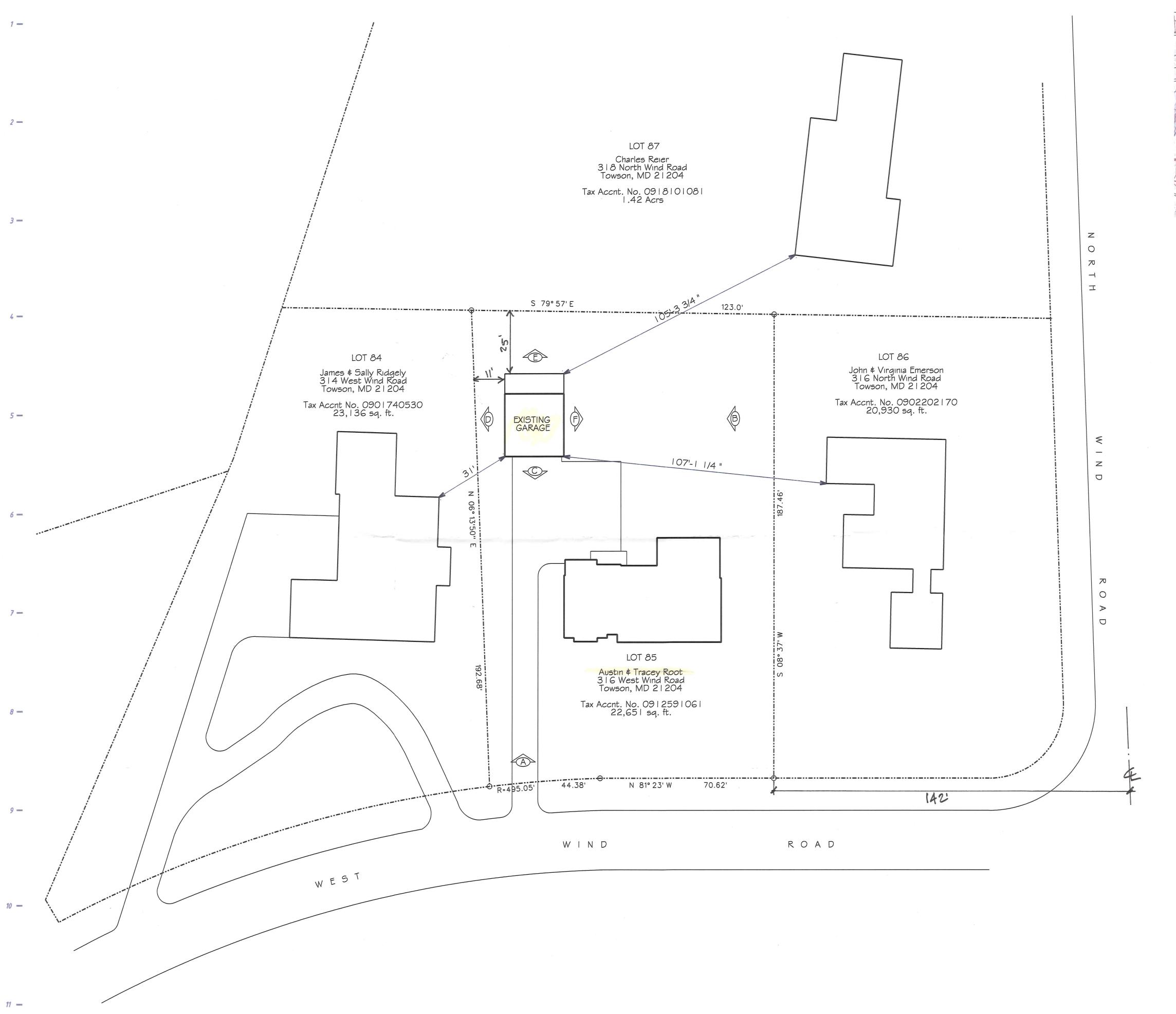
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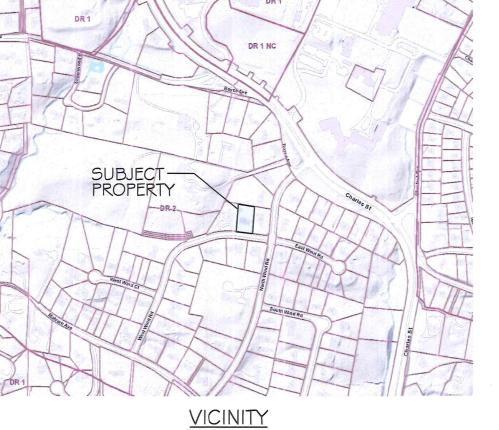
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NEM, E







## PROPERTY DATA

OWNER	Austin & Tracey Root
ZONING MAP #	0069/0011/0403
ZONING	DR-2
ELECTION DISTRICT	9
COUNCIL DISTRICT	2
LOT AREA	22,651 SF
HISTORIC	NO
IN CBCA	NO
IN FLOOD PLAIN	NO
WATER	Public
SEWER	Public
PRIOR ZONING HEARINGS	None



PROPOSED GARAGE ELEVATION

1/8" = 1'-0"

4 MONKTON DESIGN OF

TRACEY & AUSTIN

HOUSE

316 WEST WIND ROAD TOWSON, MARYLAND 21204

No. Date Item

REVISIONS

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Drawn

Approved



16850 gerting road monkton, maryland 21111 410.472.9290 achildsaia@msn.com

SITE PLAN

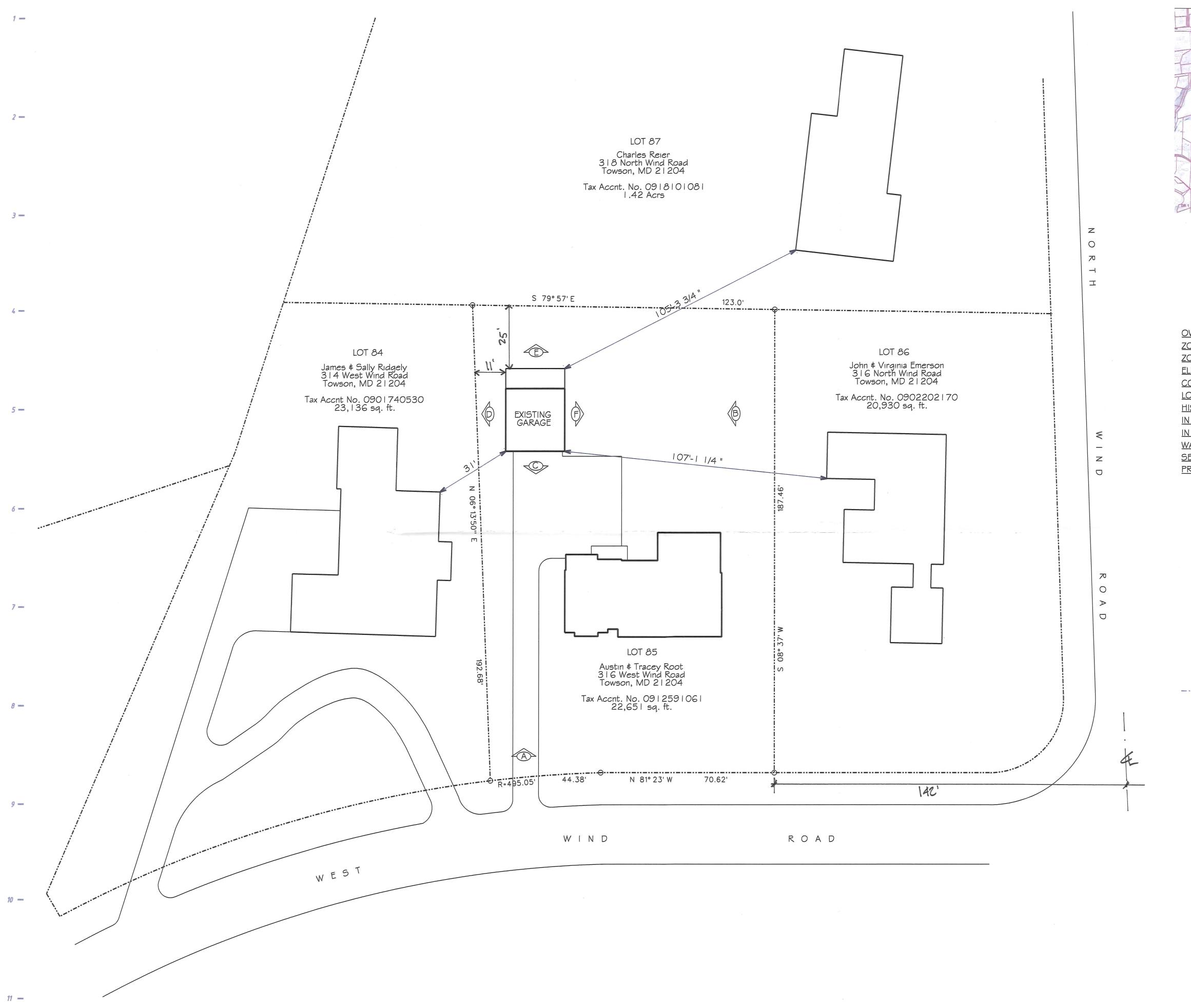
PLAT TO ACCOMPANY PETITION FOR ADMINISTRATIVE ZONING VARIANCE

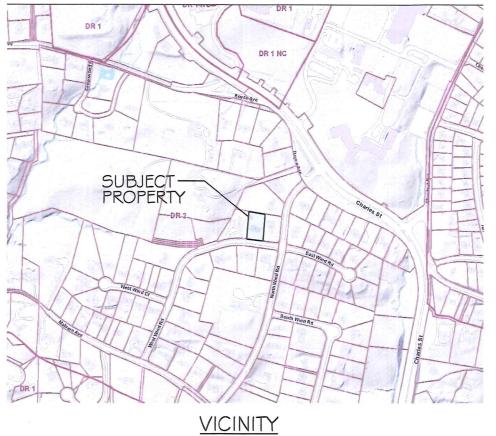
CONTRACT NO.

SCALE 1"=20'

DATE June 1, 2018

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# PROPERTY DATA

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ZONING	DR-2
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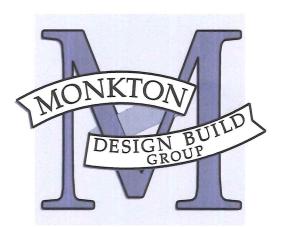
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1/8" = 1'-0"

ROOT

TRACEY & AUSTIN

316 WEST WIND ROAD TOWSON, MARYLAND 21204



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No. Date Item

REVISIONS

Checked

Approved

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410.472.9290

achildsaia@msn.com

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CONTRACT NO.

SCALE 1"=20'

DATE June 1, 2018

