

M E M O R A N D U M

DATE: August 7, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0341-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 6, 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 * BEFORE THE
(921 Dunellen Drive) *
9th Election District * OFFICE OF ADMINISTRATIVE
3rd Council District *
Albert L. Smith, Jr. & Kellie E. Moran * HEARINGS FOR
Petitioners * BALTIMORE COUNTY
* CASE NO. 2018-0341-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, Albert L. Smith, Jr. and Kellie E. Moran (“Petitioners”). The Petitioners are requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard. 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. A ZAC comment was received from the Department of Environmental Protection and Sustainability (“DEPS”), dated June 27, 2018, indicating Ground Water Management must review any proposed permit(s) for a garage, since the site is served by well and septic. In addition, a ZAC comment was received from the Department of Planning (“DOP”), dated June 22, 2018, recommending landscaping along property line and side of garage facing Dunellen Drive.

ORDER RECEIVED FOR FILING

Date 7-5-18

By DW

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 17, 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 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.

Although the Department of Planning did not make any recommendations related to the proposed detached garage's height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

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 5th day of **July, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 7-5-18

By [Signature]

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
2. Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The proposed garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The proposed garage shall not be used for commercial purposes.
4. Petitioners must comply with the ZAC comments submitted by DEPS, dated June 27, 2018, and DOP, dated June 22, 2018; copies of which are attached and made a part hereof.

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

Date 7-5-18

By DLW



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 921 Duncellen DR TOWSON MD 21286 Currently zoned DR 2
Deed Reference 28613/349 # 10 Digit Tax Account # 0 919329900
Owner(s) Printed Name(s) ALBERT Smith Kellie Moran

(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:

1. X **ADMINISTRATIVE VARIANCE** from Section(s) BCZR:400.1 →

TO PERMIT AN ACCESSORY STRUCTURE (DETACHED GARAGE) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD PLACEMENT

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **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):

Albert Smith, Kellie Moran
Name #1 – Type or Print Name #2 – Type or Print

[Signature] [Signature]
Signature #1 Signature #2

921 Duncellen DR TOWSON
Mailing Address City State

21286, 410-689-9761, smitha1@AAIcorp.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name – Type or Print

Signature

Mailing Address City State

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 County, this day of , 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 2018-0341-4 Filing Date 6/8/18 Estimated Posting Date 6/17/18 Reviewer JS

Rev 5/5/2016

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: 921 Dunellen DR TOWSON MD 21286
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

We are asking for a property VARIANCE at 921 Dunellen Drive, Towson, Maryland 21286 to build a garage on the property. There is a current L shaped drive way with two car spaces on the front/side of the house and we would like to cover the current space with a garage. The garage would not be sitting directly in front of the house, but rather on the detached front/side of the house 23 feet from front and 9 feet over to the side.

The way our property is laid out, to put a garage in the back of the house, we would have to excavate, clear a driveway to the back, tear the existing decking and retaining wall out and rebuild, do a complete site preparation then pour a required concrete pad.

We have a recommendation from the Builder that the current end of the L shape driveway would be an ideal location for the detached garage and very appealing to the neighborhood landscaping.

Signature of Owner (Affiant)

Albert C Smith
Name- Print or Type

Signature of Owner (Affiant)

Kellie Moran
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:

I HEREBY CERTIFY, this 23rd day of May, 2018, before me a Notary of Maryland; in and for the County aforesaid, personally appeared:

Print name(s) here: Robert M. Roberts

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires

Robert M. Roberts
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 15, 2020

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: 921 Dunellen DR TOWSON MD 21286
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

We are asking for a property VARIANCE at 921 Dunellen Drive, Towson, Maryland 21286 to build a garage on the property. There is a current L shaped drive way with two car spaces on the front/side of the house and we would like to cover the current space with a garage. The garage would not be sitting directly in front of the house, but rather on the detached front/side of the house 23 feet from front and 9 feet over to the side.

The way our property is laid out, to put a garage in the back of the house, we would have to excavate, clear a driveway to the back, tear the existing decking and retaining wall out and rebuild, do a complete site preparation then pour a required concrete pad.

We have a recommendation from the Builder that the current end of the L shape driveway would be an ideal location for the detached garage and very appealing to the neighborhood landscaping.

Signature of Owner (Affiant)

Albert C Smith
Name- Print or Type

Signature of Owner (Affiant)

Kellie Moran
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:

I HEREBY CERTIFY, this 23rd day of may, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Robert M. Roberts

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires

ROBERT M. ROBERTS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 15, 2020



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 921 Dunellen DR TOWSON MD 21286 Currently zoned DR 2
Deed Reference 28613/349 # 10 Digit Tax Account # 0 919329900
Owner(s) Printed Name(s) ALBERT Smith Kellie Moran

(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:

1. X ADMINISTRATIVE VARIANCE from Section(s) BCZR: 400.1 →

TO PERMIT AN ACCESSORY STRUCTURE (DETACHED GARAGE) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD PLACEMENT

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. 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):

Albert Smith, Kellie Moran
Name #1 - Type or Print Name #2 - Type or Print

[Signature] [Signature]
Signature #1 Signature #2

921 Dunellen DR TOWSON
Mailing Address City State

21286, 410-689-9761, smithcl@AAIcorp.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

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 County, this day of , 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 2018-0341-4 Filing Date 6/8/18 Estimated Posting Date 6/17/18 Reviewer JS

Rev 5/5/2016

ZONING PROPERTY DESCRIPTION FOR:

921 DUNELLEN DRIVE, TOWSON, MD 21286

1. *Beginning at a point on the WEST side of DUNELLEN DRIVE which is 50'R/W feet wide at a distance of 90 feet SOUTH of the centerline of the nearest improved intersecting street GLEN ELLEN CT which is 50'R/W feet wide.
2. Being Lot # 89, 90, & PT 88, Section #() in the subdivision of GLEN ELLEN as recorded in Baltimore County Plat Book #14, Folio #80, containing 1.08 AC. Located in the 9th Election District and 3rd Council District.

2018-0341-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 6/14/2018

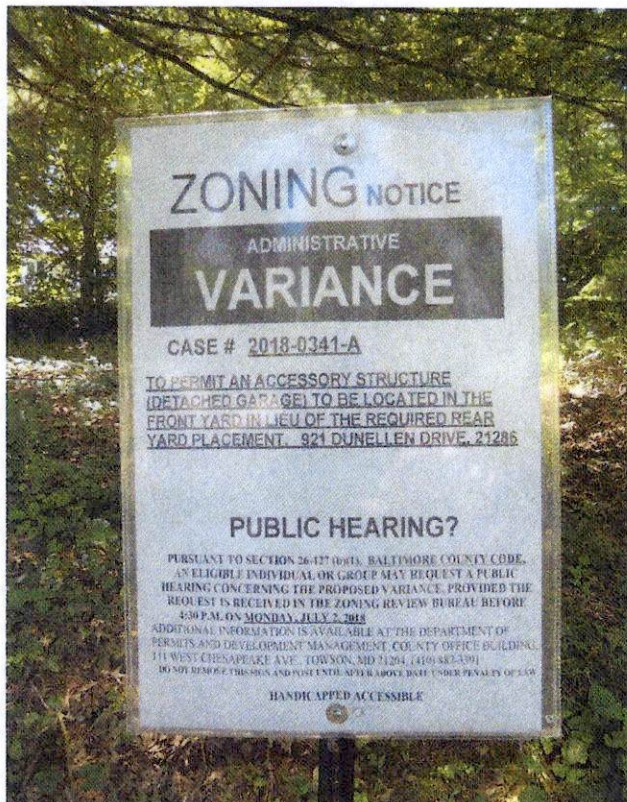
Case Number: 2018-0341-A

Petitioner / Developer: SMITH/MORAN

Date of Closing: JULY 2, 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:
921 DUNELLEN DRIVE, 21286

The sign(s) were posted on: JUNE 14, 2018



Sign # (1)

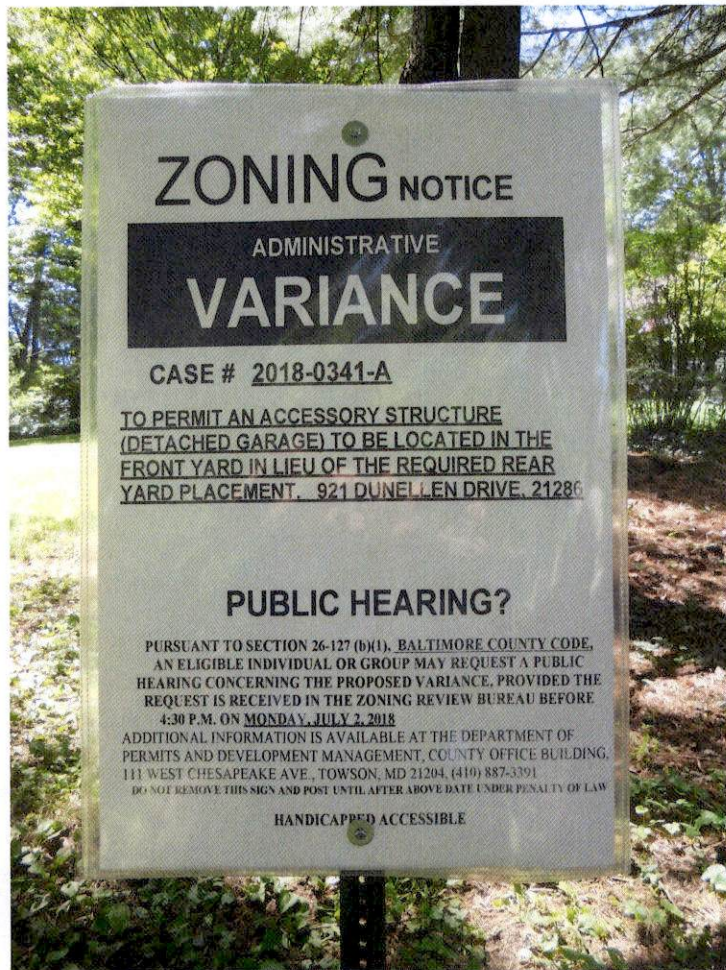
Linda O'Keefe
(Signature of Sign Poster)

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)



Second Sign ~ Case # 2018-0341-A
921 Dunellen Drive, 21286 Posted 6/14/2018

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0341 -A Address 921 DUNELLEN DRIVE, 21286

Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/8/18 Posting Date: 6/17/18 Closing Date: 7/2/18

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. **POSTING/COST:** 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. **DEADLINE:** 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.
3. **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- 0341 -A Address 921 DUNELLEN DRIVE, 21286

Petitioner's Name SMITH/MORAN Telephone 410-689-9761

Posting Date: 6/17/18 Closing Date: 7/2/18

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (DETACHED GARAGE)
TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR
YARD PLACEMENT.

Revised 6/30/2018

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least 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: 2018-0341-A

Property Address: 921 Dunellen Drive Towson, MD 21286

Property Description: _____

Legal Owners (Petitioners): Leroy Smith / Kellie Moran

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: LEROY SMITH + KELLIE MORAN

Company/Firm (if applicable): _____

Address: 921 DUNELLEN DRIVE
TOWSON, MD 21286

Telephone Number: 410-689-9761

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

No. **168900**

Date **6/8/18**

PAID RECEIPT

BUSINESS ACTUAL TIME ISN
 6/08/2018 6/08/2018 11:13:30 1

Rev Sub
 Source/ Rev/

REC 0501 WALKIN LTR
 >> RECEIPT # 789527 6/08/2018 OFLN

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount	Der
001	806	0000		650				\$ 75.00	CR

5 528 ZONING VERIFICATION
 NO. 168900

Recpt Tot \$75.00
 \$75.00 CR \$4.00 CA
 Baltimore County, Maryland

Total: \$ 75.00

Rec From: **SMITH/MORAN**

For: **2018-0341-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



DONALD I. MOHLER III
County Executive

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

July 3, 2018

Albert Smith and Kellie Moran
921 Dunellen Drive
Towson MD 21286

RE: Case Number: 2018-0341 A, Address: 921 Dunellen Drive

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 8, 2018. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

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: June 27, 2018

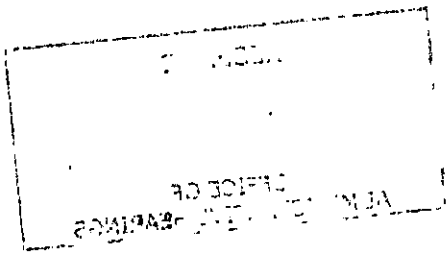
SUBJECT: DEPS Comment for Zoning Item # 2018-0341-A
Address 931 Dunellen Drive
(Smith & Moran Property)

Zoning Advisory Committee Meeting of **June 25, 2018**.

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

1. Ground Water Management must review any proposed permit(s) for a garage, since the site is served by well and septic.

Reviewer: Dan Esser



BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING

Memorandum



TO: Lloyd Moxley **DATE:** June 22, 2018

FROM: Wally Lippincott, Jr. *[Signature]*

SUBJECT: – Admin Variance – 921 Dunellen Drive
Case No. 2018-0341-A

The request is to permit a garage in the front instead of the rear. The homes in the area are well kept and the street is a well landscaped street with garages to the rear of the houses that front onto Dunellen Drive. The location proposed will be in front of the adjacent dwelling located at 919 Dunellen. If approved the petitioner should plant additional landscaping along the property line to screen the garage from view and landscape the side of the garage facing Dunellen.

Date: 6/18/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

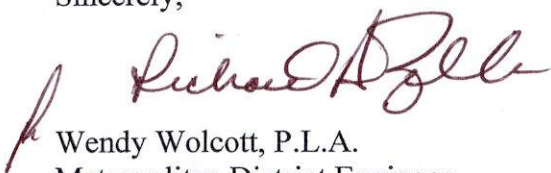
Dear Ms. Lewis:

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. 2018-0341-A

*Administrative Variance
Albert Smith & Kelli Moran
921 Dunellen Drive*

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: June 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0341-A
Address 931 Dunellen Drive
(Smith & Moran Property)

Zoning Advisory Committee Meeting of **June 25, 2018**.

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

1. Ground Water Management must review any proposed permit(s) for a garage, since the site is served by well and septic.

Reviewer: Dan Esser

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 5, 2018

FROM: *For EFC*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 25, 2018
Item No. 2018-0339-A, 0341-A, 0343-A, 0344-X, 0347-A, 0348-A, 0349-A
and 0350-SPHA

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

*

*

*

*

*

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: June 27, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0341-A
Address 931 Dunellen Drive
(Smith & Moran Property)

Zoning Advisory Committee Meeting of **June 25, 2018**.

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

1. Ground Water Management must review any proposed permit(s) for a garage, since the site is served by well and septic.

Reviewer: Dan Esser

ORDER RECEIVED FOR FILING

Date 7-5-18

By [Signature]

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING

Memorandum



TO: Lloyd Moxley

DATE: June 22, 2018

FROM: Wally Lippincott, Jr. 

SUBJECT: – Admin Variance – 921 Dunellen Drive
Case No. 2018-0341-A

The request is to permit a garage in the front instead of the rear. The homes in the area are well kept and the street is a well landscaped street with garages to the rear of the houses that front onto Dunellen Drive. The location proposed will be in front of the adjacent dwelling located at 919 Dunellen. If approved the petitioner should plant additional landscaping along the property line to screen the garage from view and landscape the side of the garage facing Dunellen.

ORDER RECEIVED FOR FILING

Date 7-5-18

By 

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>6-27 6-27</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
<u>6-27</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>6-18</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2003-0122-A)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: 6-14-18 by O'Keefe

SIGN POSTING (2nd) Date: _____ by _____

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0919329900			
Owner Information					
Owner Name:	MORAN KELLIE E SMITH ALBERT LEROY JR		Use:	RESIDENTIAL	
Mailing Address:	921 DUNELLEN DR BALTIMORE MD 21286-1508		Principal Residence:	YES	
			Deed Reference:	/28613/ 00349	
Location & Structure Information					
Premises Address:		921 DUNELLEN DR 0-0000		Legal Description:	LT 89.90 PT 88 921 DUNELLEN DR GLEN ELLEN
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0061	0018	0328		0000	
					Block:
					89
					Lot:
					2017
					Assessment Year:
					3
					Plat No:
					0014/0080
					Plat Ref:
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1950	1,654 SF	400 SF	1.0800 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	FRAME	1 full/ 1 half	
					Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of 01/01/2017	As of 07/01/2017	As of 07/01/2018	
Land:	128,500	128,500			
Improvements	131,600	188,900			
Total:	260,100	317,400	279,200	298,300	
Preferential Land:	0			0	
Transfer Information					
Seller: SZYMANSKI FRANK A		Date: 09/09/2009		Price: \$400,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /28613/ 00349		Deed2:	
Seller: SHEEHAN CHARLOTTE		Date: 09/05/1978		Price: \$78,500	
Type: ARMS LENGTH IMPROVED		Deed1: /05930/ 00819		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Approved 12/01/2009					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

ZAC AGENDA

Case Number: 2018-0341-A **Reviewer:** Jason Seidelman

Existing Use: RESIDENTIAL **Proposed Use:**

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Albert Smith & Kelli Moran

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 3

Property Address: 921 DUNELLEN DR

Location: W/S of Dunellen Drive, 90 ft. S of the centerline of the intersection with Glen Ellen Court

Existing Zoning: DR 2

Area: 1.08 ACRE

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To permit an accessory structure (detached garage) to be located in the front yard in lieu of the required rear yard

Attorney: Not Available

Prior Zoning Cases: 2003-0122-A

Concurrent Cases: None

Violation Cases: None

Closing Date: 07/02/2018

Miscellaneous Notes:

Case Number: 2018-0342-SPH **Reviewer:** Jason Seidelman

Existing Use: COMMERCIAL **Proposed Use:**

Type: SPECIAL HEARING

Legal Owner: MGJ Properties LLC, Mark Goloboski

Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** Yes **Historic:** No **Election Dist:** 15 **Council Dist:** 6

Property Address: 1101 BOWLEYS QUARTERS RD

Location: NE corner of Bowleys Quarters Road and Chestnut Road

Existing Zoning: BL

Area: 1.79 ACRES

Proposed Zoning:

SPECIAL HEARING:

1. To permit an existing office and accessory indoor/outdoor storage as more particularly shown on the site plan attached to this Petition; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Attorney: Lawrence E Schmidt, 600 Washington Avenue, Suite 200, Towson MD 21204

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: CC170981

Closing Date:

Miscellaneous Notes:

BALTIMORE COUNTY, MARYLAND

www.baltimorecountymd.gov



What Is My District?

Where Do I Vote?

What Is My District?

Who Is My Representative?

Search with Another Street Address

Search Address:

921 DUNELLEN DR 21286

Your Districts:

County Councilmanic District: 3

Legislative District: 42B - Maryland State Senate and House of Delegates

Congressional District: 1 - US House of Representatives

Election District: 9

Election Precinct: 8

Print

Done

Need help? Call 410-887-5700.

400 Washington Avenue • Historic Courthouse • Towson, MD 21204



Site plan
indicates
+
changed to 3
D.W.

June 1, 2018

To Whom It May Concern:

We, Albert L. Smith, Jr. and Kellie E. Moran are the owners and occupiers of 921 Dunellen Drive, Towson, MD, 21286. There are no active code Enforcement violations currently at this site.

Sincerely,

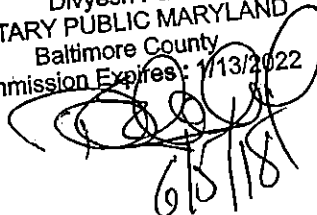


Albert L. Smith Jr.



Kellie E. Moran

Divyesh Patel
NOTARY PUBLIC MARYLAND
Baltimore County
Commission Expires: 1/13/2022



X- or Zoning 11/12

IN RE: PETITION FOR VARIANCE
S/S Dunellen Drive, 1225' NW
centerline of Providence Road
9th Election District
4th Councilmanic District
(921 Dunellen Drive)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-122-A

Katherine & Frank Szymanski
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Katherine and Frank Szymanski. The Petitioners are requesting variance relief for property they own at 921 Dunellen Drive, which is located in the Towson area of Baltimore County. The variance request is to permit an existing single-family dwelling to have a side yard setback of 10 ft. in lieu of the required 15 ft.

Appearing at the hearing on behalf of the variance request were Frank and Katherine Szymanski, owners of the property, Melvin Kodenski, attorney at law, representing the property owners, and Joe Wilz. Appearing in opposition to the Petitioners request were Walter Savoye, Jr. and Anne Engle.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 24,750 sq. ft., zoned D.R.2. The property is known as Lot #90 of the subdivision known as "Glen Ellen". It is improved with a single-family residential dwelling wherein the Szymanski's have lived for the past 36 years. In addition to owning Lot #90, the Szymanski's also own Lot #89 and a 10 ft. section of Lot #88. They are interested in performing a lot line adjustment to the common boundary line between Lot #90 and Lot #89. Apparently, at the time their dwelling was constructed on their property, it was built directly upon the line of division between these two lots. In essence, the house currently has a 0 ft. setback. By virtue of the lot line adjustment, a new setback of 10 ft. will be established between the side of the

existing dwelling and the adjacent line of division between Lots #89 and #90. This will afford the Szymanski's an opportunity to sell their home and allow the new purchasers to have an area along side of the existing dwelling for purposes of maintaining the house and grounds.

Further testimony revealed that the Szymanski's are interested in selling their existing home and constructing a new single-family dwelling on Lot #89 within which they hope to live in the future. The Szymanski's are getting up in years and are interested in constructing a home that is better suited for their retirement years. Lot #89 is vacant at this time and may accommodate a new home. However, as was discussed at the hearing, it has yet to be determined whether or not a new home can be constructed on Lot #89. Apparently, there are a great number of environmental constraints that affect Lot #89, which may prevent a house from ever being constructed on that property. The purpose of the hearing before me is only to approve of this lot line adjustment and the new 10 ft. setback of their existing dwelling to this common lot line.

As stated previously, appearing in opposition to the Petitioners' request were two residents of the surrounding neighborhood, Walter Savoye, Jr. and Anne Engle. Ms. Engle and her husband were at one time the owners of all of the lots in this neighborhood. Ms. Engle has resided within the community since 1950. She has great concern regarding the intentions of the Szymanski's to construct a home on Lot #89. Ms. Engle stated that Lot #89 has never passed a percolation test and that a swale runs through the subject property. She is concerned that constructing a house on Lot #89 would have adverse environmental effects on the surrounding community. She, therefore, asks that no new home be permitted on Lot #89.

Also testifying at the hearing was Mr. Savoye. Mr. Savoye has resided in this neighborhood for the past 46 years. He too is concerned over the construction of a house on Lot #89. He indicated that the natural drainage patterns in the neighborhood cause water to sheet-

flow over Lot #89, which is then collected in a culvert and piped under Dunellen Drive. For these environmental reasons, Mr. Savoye is also against the construction of a house on Lot #89.

As I indicated at the hearing, the purpose of the hearing before me is to approve a 10 ft. setback from the existing dwelling owned by the Szymanski's to the boundary line which separates Lot #89 and #90. This is not a request to construct a home on Lot #89. That issue should be preserved for further review in the future by the Baltimore County Departments of Environmental Protection & Resource Management, Public Works, Zoning, and all other departments which review an application for a building permit. If, in fact, what Mr. Savoye and Ms. Engle have alleged at the hearing is true, that being that the property will not pass percolation tests, then there will never be a home constructed on Lot #89, assuming that public sewer is not extended to the property. Again, this shall be reviewed at the time the Szymanski's attempt to obtain a building permit for a house on that property.

As to the requested lot line adjustment and the 10 ft. setback, I believe it is appropriate to grant the variance to allow the existing dwelling to be situated 10 ft. from this property line in lieu of the required 15 ft.

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

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

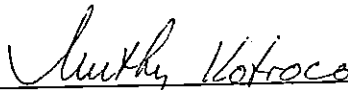
Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

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

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

THEREFORE, IT IS ORDERED this 14th day of November, 2002, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations, to permit an existing single-family dwelling to have a side yard setback of 10 ft. in lieu of the required 15 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj



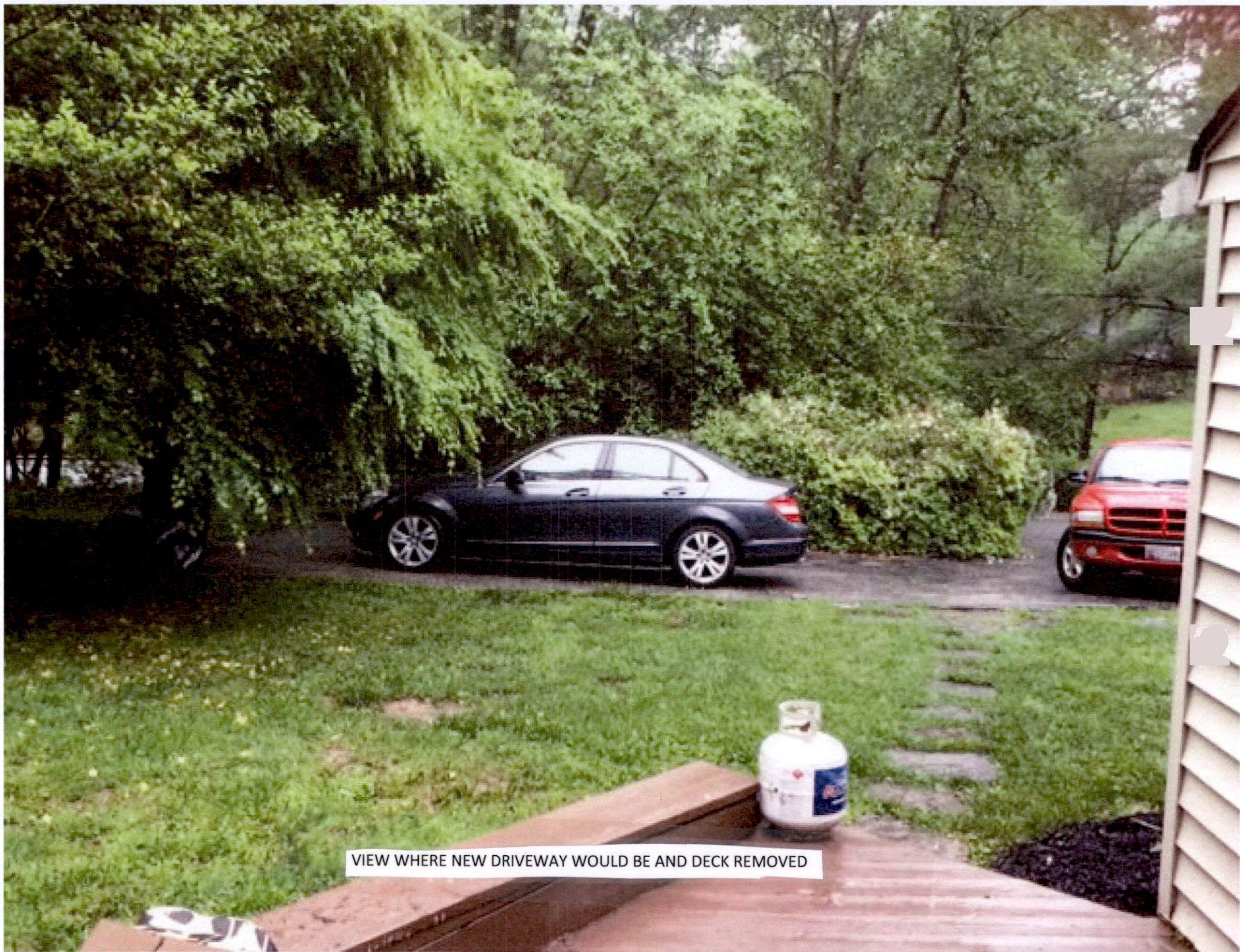
BACKYARD VIEW SHOWING RETAINING WALL THAT WOULD HAVE TO BE MOVED



50FT TO PROPERTY LINE



PROPOSED GARAGE SITE



VIEW WHERE NEW DRIVEWAY WOULD BE AND DECK REMOVED







EXISTING DRIVEWAY

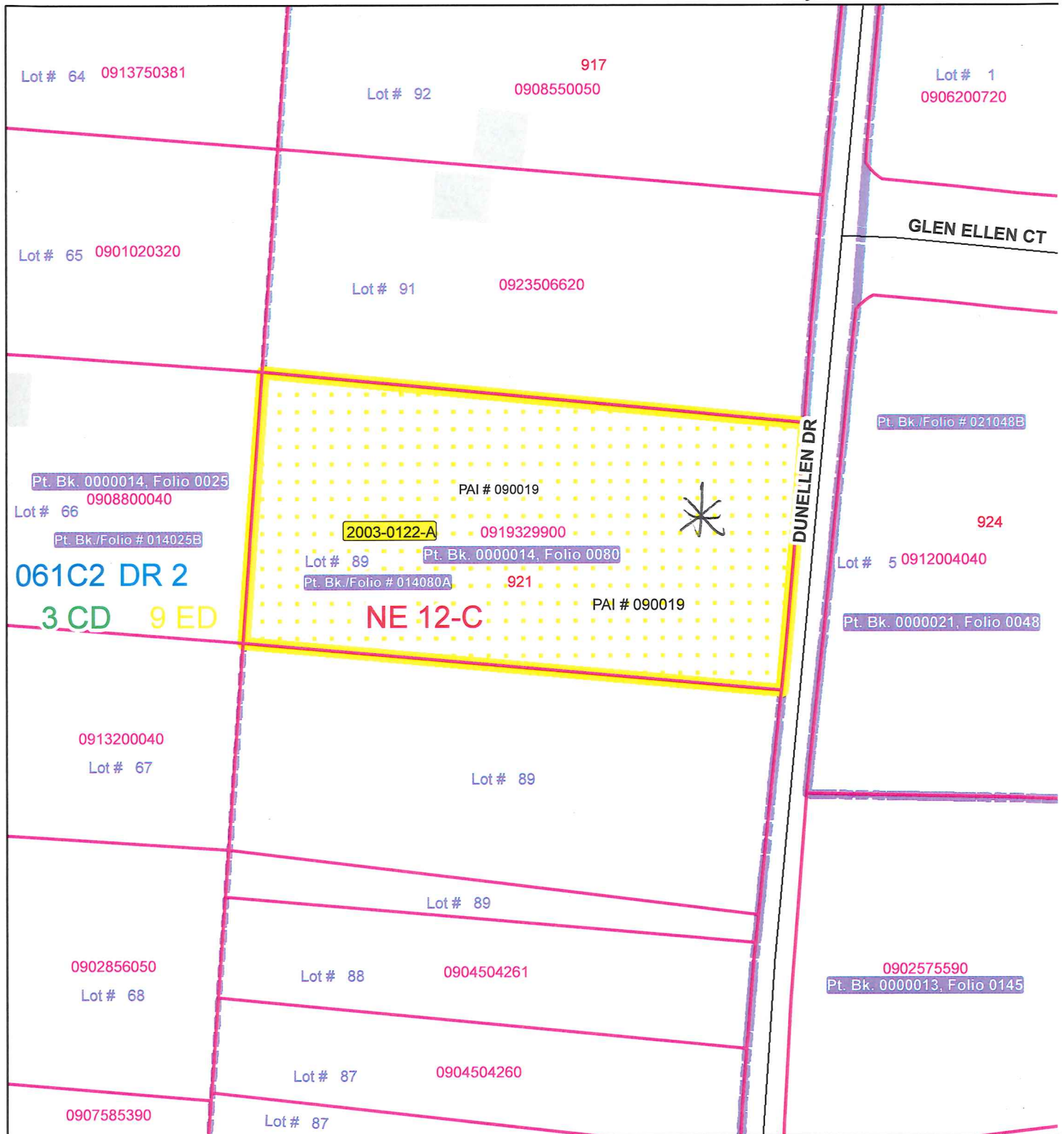
Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0919329900			
Owner Information					
Owner Name:	MORAN KELLIE E SMITH ALBERT LEROY JR		Use:	RESIDENTIAL	
Mailing Address:	921 DUNELLEN DR BALTIMORE MD 21286-1508		Principal Residence:	YES	
			Deed Reference:	/28613/ 00349	
Location & Structure Information					
Premises Address:		921 DUNELLEN DR 0-0000		Legal Description:	LT 89,90 PT 88 921 DUNELLEN DR GLEN ELLEN
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0061	0018	0328		0000	
					Block:
					89
					Lot:
					2017
					Assessment Year:
					3
					Plat No:
					0014/
					Plat Ref:
					0080
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1950	1,654 SF	400 SF	1.0800 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	FRAME	1 full/ 1 half	
Last Major Renovation					
Value Information					
Base Value		Value	Phase-in Assessments		
		As of	As of		As of
		01/01/2017	07/01/2017		07/01/2018
Land:	128,500	128,500			
Improvements	131,600	188,900			
Total:	260,100	317,400	279,200	298,300	
Preferential Land:	0			0	
Transfer Information					
Seller: SZYMANSKI FRANK A		Date: 09/09/2009		Price: \$400,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /28613/ 00349		Deed2:	
Seller: SHEEHAN CHARLOTTE		Date: 09/05/1978		Price: \$78,500	
Type: ARMS LENGTH IMPROVED		Deed1: /05930/ 00819		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 12/01/2009					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

921 Dunellen Drive

2018-0341-A



Publication Date: 5/10/2018



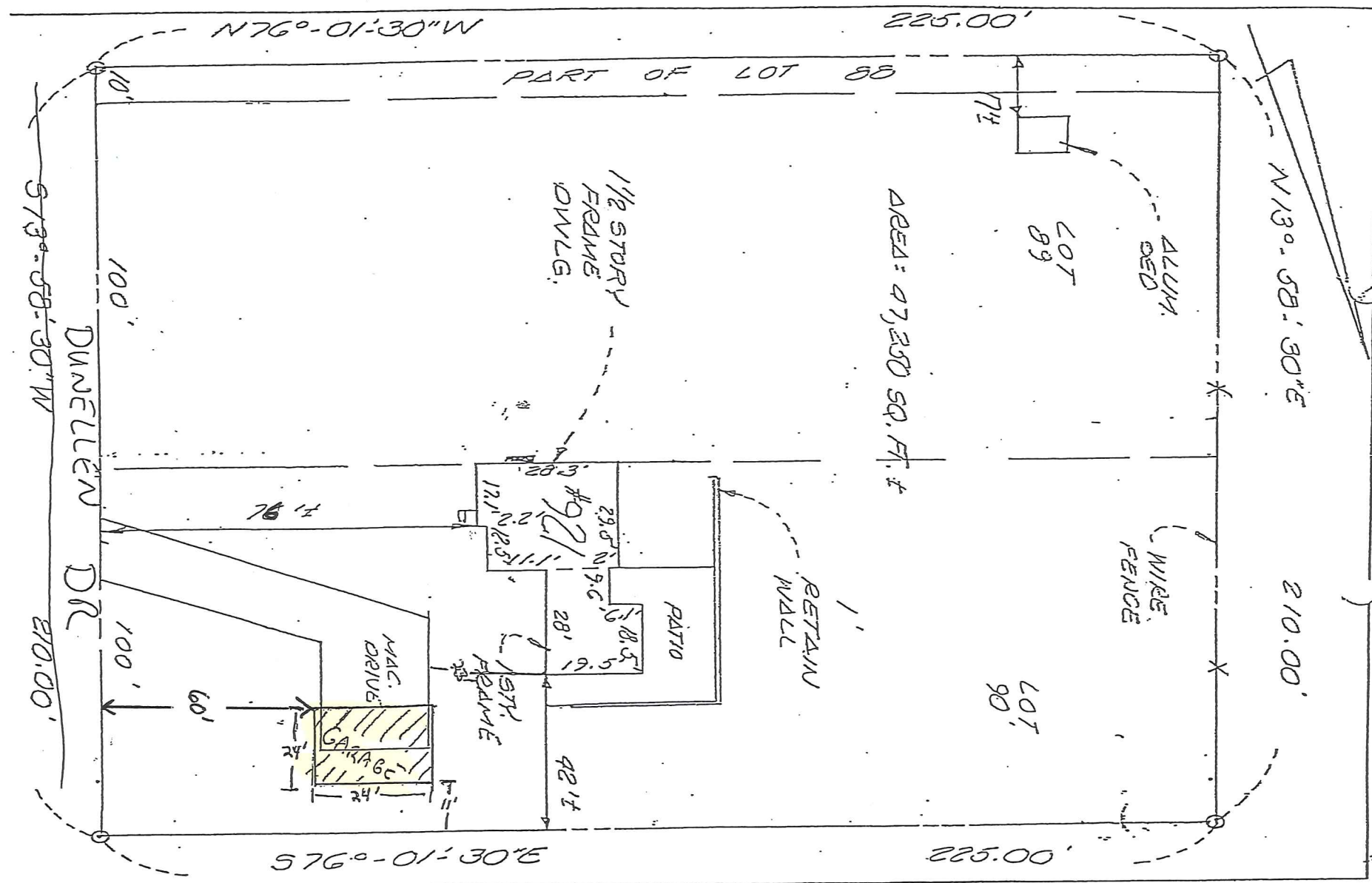
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 15 30 60 90 120 Feet

1 inch = 60 feet

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 921 DUNELLEN DRIVE OWNER(S) NAME(S) ALBERT SMITH AND KELLIE MORAN
 SUBDIVISION NAME GLENELLEN LOT # 89, 90 BLOCK # _____ SECTION # _____
 PLAT BOOK # 14 FOLIO # 80 10 DIGIT TAX # 0919329900 DEED REF. # 28613/349



PLAN DRAWN BY SPOTTS, STEVENS AND MCCOY INC DATE _____ SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP

N



MAP IS NOT TO SCALE

ZONING MAP# NE 12 C

SITE ZONED DR 2

ELECTION DISTRICT 9

COUNCIL DISTRICT 4 3

LOT AREA ACREAGE 1.08

OR SQUARE FEET 47,250

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE X

SEWER IS:

PUBLIC _____ PRIVATE X

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2003-0122-A

PRIMARY STRUCTURE SIDE SET BACK

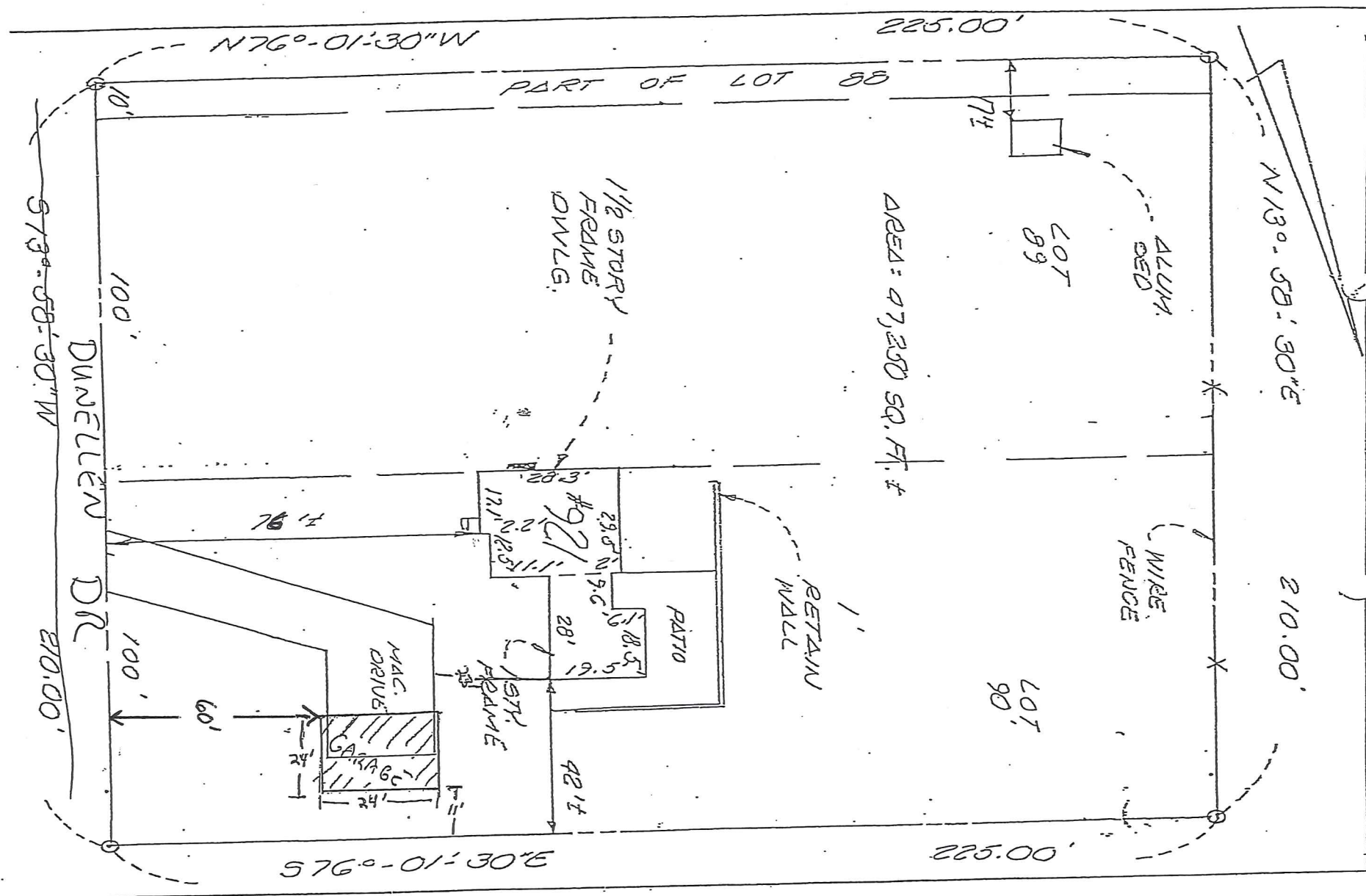
GRANTED

VIOLATION CASE INFO:

Det. Eoh 1

2018-0341-A

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 921 DUNELLEN DRIVE OWNER(S) NAME(S) ALBERT SMITH AND KELLIE MORAN
 SUBDIVISION NAME GLENELLEN LOT # 89, 90 BLOCK # _____ SECTION # _____
 PLAT BOOK # 14 FOLIO # 80 10 DIGIT TAX # 0919329900 DEED REF. # 286131349



PLAN DRAWN BY SPOTTS, STEVENS AND MCCOY INC DATE _____ SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP

N



MAP IS NOT TO SCALE

ZONING MAP # NE 12 C

SITE ZONED DR 2

ELECTION DISTRICT 9

COUNCIL DISTRICT 4

LOT AREA ACREAGE 1.08

OR SQUARE FEET 47,250

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE ☒

SEWER IS:

PUBLIC _____ PRIVATE ☒

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2003-0122-A

PRIMARY STRUCTURE SIDE SET BACK

GRANTED

VIOLATION CASE INFO:

2018-0341-A