

DATE:

August 28, 2018

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2018-0361-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 27, 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 \* (3005 Wells Road)

15<sup>th</sup> Election District 7<sup>th</sup> Council District Adam C. Whiteford Petitioner BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

**BALTIMORE COUNTY** 

CASE NO. 2018-0361-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 owner of the property, Adam C. Whiteford ("Petitioner"). The Petitioner is requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("BCZR"), to permit a proposed detached garage in the rear yard of the dwelling with a height of 20 ft. in lieu of the maximum allowed 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. No adverse ZAC comments were received from any of the reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 8, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 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	7-27-18
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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 Petitioner.

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 <u>27<sup>th</sup></u> day of **July**, **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 a proposed detached garage in the rear yard of the dwelling with a height of 20 ft. in lieu of the maximum allowed 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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 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.

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3. The proposed garage shall not be used for commercial purposes.

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Date	7-27-18
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Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER	RECEI	VED	FORF	LING
		name of the	-	

Date 4-24-18

By\_\_\_\_



By.

#### **ADMINISTRATIVE ZONING PETITION**

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

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: Currently zoned Address Deed Reference 10 Digit Tax Account # Owner(s) Printed Name(s) (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized. The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an: ADMINISTRATIVE VARIANCE from Section(s) 400.3 of BCZR to permit a proposed detached garage in the rear yard of the dwelling with a height of 20 feet in lieu of the maximum allowed 15 feet. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) of the Baltimore County Code, to the development law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Owner(s)/Petitioner(s) Name # 2 - Type or Print 3005 **Email Address** Attorney for Owner(s)/Petitioner(s): Representative to be contacted: where Name- Type or Print Signature Mailing Address City State Mailing Address Zip Code Telephone # Email Address A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County. Administrative Law Judge for Baltimore County Estimated Posting Date 7/8/8 Reviewer 47

7/23/18 Rev 5/5/2016 ORDER RECEIVED FOR FILING

### 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: 3005 Wells Ave	nue Baltimo	re MD	21219
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the Administrative Variance at the above	ne following are the fac e address. (Clearly st	cts upon which I/w tate practical diff	e base the request for an iculty or hardship here)
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storage for me	1 growing	family 1	ne would like
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we want to m	outch the c	existing to	1:12 pitch of
The house which	- inoverses	the row	f height.
Signature of Owner (Affiant)		Signature of Owner	(Affiant)
Adam whiteford		Name Drint or Time	
Name- Print or Type		Name- Print or Type	
The following information	is to be completed by a	Notary Public of the	State of Maryland
STATE OF MARYLAND, COUNTY	OF BALTIMORE, to	wit:	
I HEREBY CERTIFY, this 21 and for the County aforesaid, personal		2018 , before	me a Notary of Maryland, in
Print name(s) here: ADAM WHITE!	FORD		
the Affiant(s) herein, personally known	or satisfactorily identifie	d to me as such Aff	fiant(s).
AS WITNESS my hand and Notaries S	ieal Marian	baccoft	
MARIAN M BARCROFT NOTARY PUBLIC ANNE ARUNDEL COUNTY	Notary Public SE	PT 18, 2021	
MARYLAND MY COMMISSION EXPIRES SEPT 18,2021	My Commission Exp	DII dS	

KEV. 5/5/2016

2018-0361-A

MY COMMISSION EXPIRES SEPT 18,2921 NIARYLAND ANNE ARCNDEL COUNTY NOTARY PUBLIC MARIAIS M BARCROFT it on an engineering the the state of the state of the state of the state of The section of the se It was the the party of the their was

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2018-0361-1

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### ZONING PROPERTY DESCRIPTION FOR 3005 WELLS RD.

Beginning at a point on the South side of Wells Rd. which is 40 feet wide at the distance of 170 feet East of the centerline of McComas Rd. which is 40 feet wide.

# CERTIFICATE OF POSTI

	2018-0361-A
	RE: Case No.:
	Petitioner/Developer:
	Adam Whiteford
	July 23, 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:	
	of perjury that the necessary sign(s) required by law were ted at:
3005 Wells Avenue	SIGN 1
	July 8, 2018
The sign(s) were posted on	(Month, Day, Year)



home	July 8, 2018
(Signature of Sign Poster)	(Date)
SSG Robert Bla	ck
(Print Name)	
1508 Leslie Roa	ad
(Address)	
Dundalk, Maryland	21222
(City, State, Zip C	Code)
(410) 282-794	0
(Telephone Num	her)

# **CERTIFICATE OF POSTI**

		2018-0361-A
R	E: Case No.:	
	Petitioner/Developer:	
		Adam Whiteford
	Date of Hearing/Closing:	July 23, 2018
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:		
This letter is to certify under the penalties of perju posted conspicuously on the property located at:	ry that the necessary sign(s) i	required by law were
3005 Wells Avenue	GN 2	
Jul The sign(s) were posted on	y 8, 2018	
(Mo	onth, Day, Year)	



Sincerely,

July 8, 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)

# CEK I IFICATE OF POSTING

	RE	:: Case No.:	2018-0361-A
		Petitioner/Developer:	
			Adam Whiteford
		Date of Hearing/Closing:	July 23, 2018
Baltimore County Department Permits, Approvals and Inspectional County Office Building, Room 11 West Chesapeake Avenue Towson, Maryland 21204	etions		
Attn: Kristen Lewis:			
adies and Gentlemen:			
This letter is to certify under the osted conspicuously on the pr	he penalties of perjur operty located at:	y that the necessary sign(s) r	required by law were
3005 Wells Avenue	SIGN 1	Re-Certific	eation
The sign(s) were posted on		8, 2018	
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22/201		(410) 282-79	40
		(Telephone Nur	nher)

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The sign(s) were posted on	8	(Mo	nth, Day, Year)	
		July	8, 2018	
3005 Wells Avenue	SIGN	2	Re-Certific	cation
This letter is to certify under to posted conspicuously on the p	the penalties of property located	perjui at:	ry that the necessary sign(s)	required by law were
Ladies and Gentlemen:				
Attn: Kristen Lewis:				
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			Date of Hearing/Closing:	July 23, 2018
			6	Adam Whiteford
			Petitioner/Developer:	
		RI	E: Case No.:	19 V-10
				2018-0361-A



Sincerely,

July 22, 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)

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case	Number 2018-	0361 - A	Address _	3005 W	/elis Avenue	
Conta	ct Person:	Aaron T	SUÍease Print Your Name		Phone Number: 4	10-887-3391
Filing	Date:0	06/25/2018		7/08/18	Closing Date	: <u>07/23/18</u>
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3.	commissioner, order that the within 10 day	. He may: (a matter be set s of the clos etition has be	date, the file will be a) grant the requested in for a public hearing. ing date if all County en granted, denied, or mail.	relief; (b) You will re agencies'	deny the requested eceive written notific comments are red	l relief; or (c) ation, usually ceived, as to
4.	(whether due commissioner) changed giving	to a neighbo , notification g notice of the	NG AND REPOSTING or's formal request or will be forwarded to hearing date, time and hange and a photograp  (Detach Along Dotted Lir	by order you. The location. of the a	of the zoning or do sign on the prope As when the sign v	eputy zoning erty must be was originally
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Petitio	ner's Name: <u>/</u>	Adam Whitefor	rdTelephone : <u>410</u>	)-491-85 <u>5</u> 9	<u>)                                    </u>	
Postir	ng Date:0	7/08/18	Closing Da	ate:0	7/23/2018	
Wordi	ng for Sign:T	o permit a pro	posed detached garag	e in the rea	ar yard of the dwellir	ng with a
	height of 20 fe	et in lieu of the	e maximum allowed 15	feet.		

 $\underline{R}$ evised 7/10/17 BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

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DONALD I. MOHLER III County Executive

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

July 24, 2018

Adam Whiteford 3005 Wells Avenue Baltimore MD 21219

RE: Case Number: 2018-0361 A, Address: 3005 Wells Avenue

Dear Mr. Whiteford:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 25, 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
Maureen Copeland, 603 East Court, Westminster MD 21157



**ADMINISTRATION** 



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

Date: 7/5/18

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 - 0361-A

Administrative Variouse Adom whiteford, 3005 Whiteford Avenue.

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

## CHECKLIST

Comment Received Department					Support/Oppose/ Conditions/ Comments/ No Comment
		NT PLANS REVIE, date e-mail sent _			
	DEPS (if not received	, date e-mail sent _	)		5
·	FIRE DEPART	MENT			-
	PLANNING (if not received	, date e-mail sent _	)		
75	STATE HIGH	WAY ADMINISTF	RATION		No object.
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7	COMMUNITY	ASSOCIATION			
	ADJACENT P	ROPERTY OWNE	RS		
ZONING VIOLATI	ION	(Case No			)
PRIOR ZONING		(Case No			)
NEWSPAPER ADV	VERTISEMENT	Date:	Parameter		ice 1
SIGN POSTING (1	st)	Date:	7-8-18		by Benck
SIGN POSTING (2	2 <sup>nd</sup> )	Date:	- U		by
PEOPLE'S COUNS	SEL APPEARAN	CE Yes	□ No		
PEOPLE'S COUNS	SEL COMMENT	LETTER Yes	☐ No		
Comments, if any:		9			



#### Real Property Data Search (w4)

#### Search Result for BALTIMORE COUNTY

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Land:			74,600		74,600									
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Total: Preferential Land:			287,200		306,100		0		287,200		293,500			
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Seller: DUDA EMIL H JR					Date: 08/11/2011				Price: \$75,000					
Type: NON-ARMS LENGTH OTHER					Deed1: /31089/ 00486					Deed2:				
Seller: PLUMMER ROLAND J					Date: 08/06/1984					Р	rice: \$28,	500		
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2018 - 0361-A

### **ZAC AGENDA**

Case Number: 2018-0361-A

Reviewer: Aaron Tsui

Existng Use: RESIDENTIAL Proposed Use:

Type: ADMINISTRATIVE VARIANCE Legal Owner: Adam Whiteford

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 15 Council Dist: 7

Property Address: 3005 WHITEFORD AVE

Location: S/S of wells Avenue, 170 ft. E of the centerline of McComas Road

Existing Zoning: DR 5.5

Area: 10,500 SQ. FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To permit a proposed detached garage in the rear yard of the dwelling with a height of 20 ft. in lieu of the maximum

allowed 15 ft.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 07/23/2018

Miscellaneous Notes:

Case Number: 2018-Q362-A Reviewer: Dave Duvall

Existing Use: RESIDENTIAL Proposed Use:

Type: ADMINISTRATIVE VARIANCE Legal Owner: Brett & Laura Szalkowski

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 11 Council Dist: 5

Property Address: 5318 BANGERT ST

Location: N/S of Bangert Street, +/- 970 ft. E of the centerline of Winkler Street

Existing Zoning: DR 2

Area: 20,000 SQ. FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To permit a proposed addition (garage) to have a side yard setback as close as 8 ft. with a combination of side yard

setbacks of 30 ft. in lieu of the minimum required 15 ft. and sum of 40 ft.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 07/23/2018

Miscellaneous Notes:

### PICTURES TO ACCOMPANY VARIANCE FOR 3005 WELLS AVENUE.



View from alley looking towards prospective garage site & house



2<sup>nd</sup> view looking at prospective garage site

2018-0361-A



View from house looking across yard and towards alley



View from Wells Avenue along NW property line

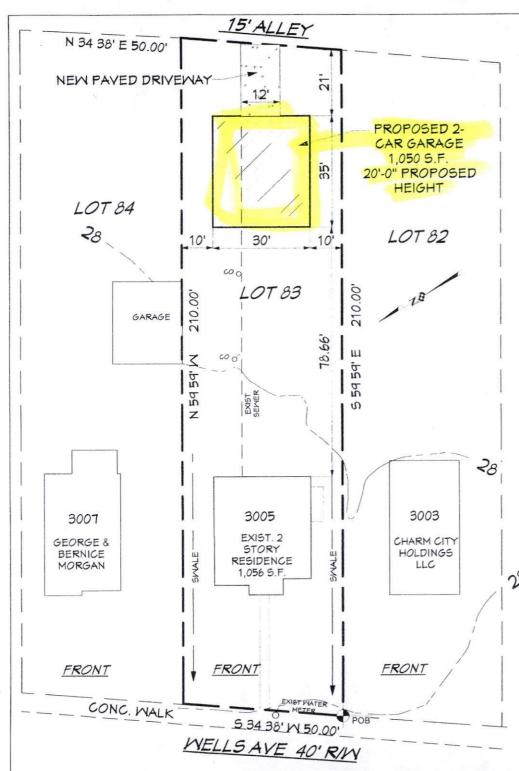


View from Wells Avenue along SE property line towards industrial property



Continued view along same property line

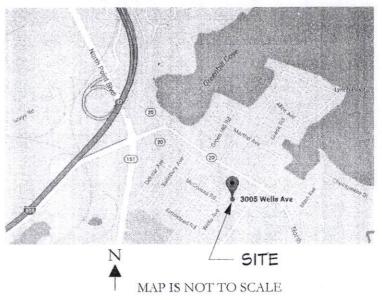
2018-0361-A



#### SITE PLAN FOR VARIANCE SUBMITTAL

ADDRESS: 3005 WELLS AVENUE EDGEMERE MD 21219 OWNER: ADAM WHITEFORD TAX #: 1503470080 PLAT BOOK#: 7 FOLIO #: 58 DEED REF#: 31089/00486

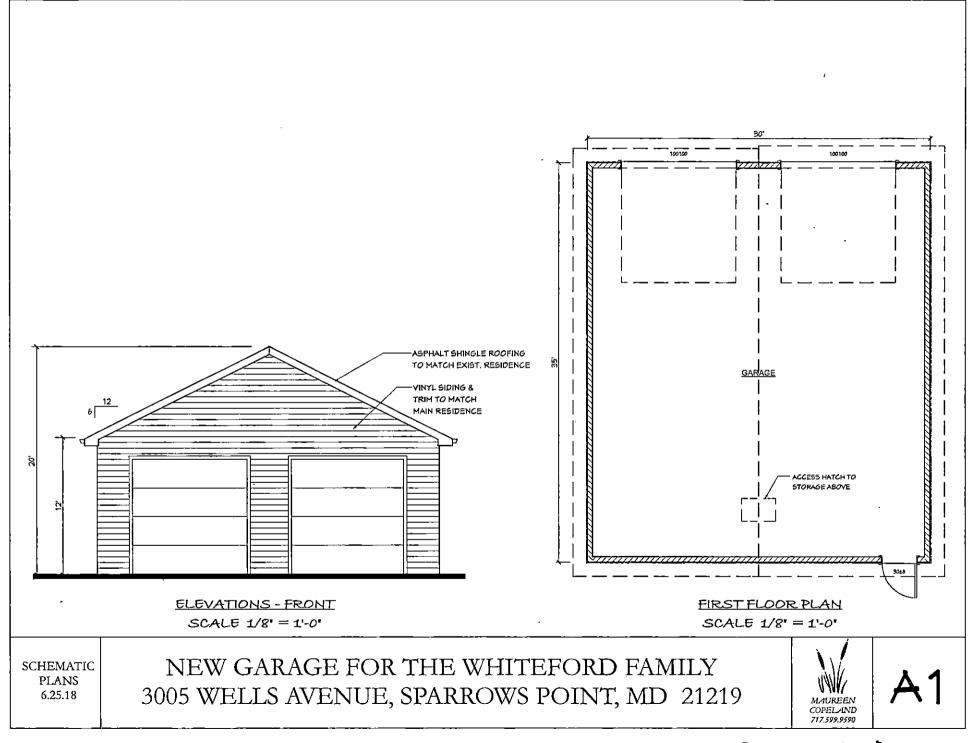
#### SITE VICINITY MAP



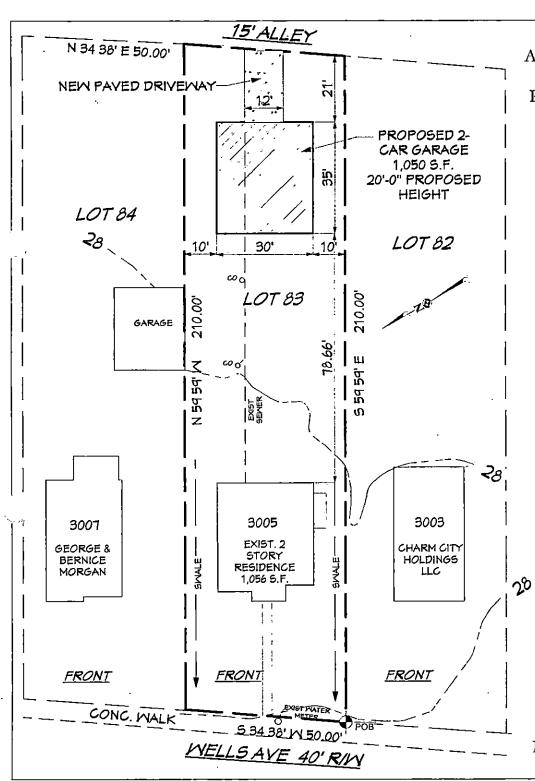
ZONING MAP /// C/
SITE ZONED: DR5.5
ELECTION DISTRICT: 15
COUNCIL DISTRICT: 7
LOT AREA ACREAGE OR SQUARE FEET: 10, 500 SF
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? X
UTILITIES: WATER IS PUBLIC, SEWER IS PUBLIC
PRIOR HEARING? NO
VIOLATION CASE INFO:

2018-0361-A

PLAN DRAWN BY: MAUREEN COPELAND 717.599.9590 SCALE: 1" = 30'-0" DATE: JUNE 25, 2018



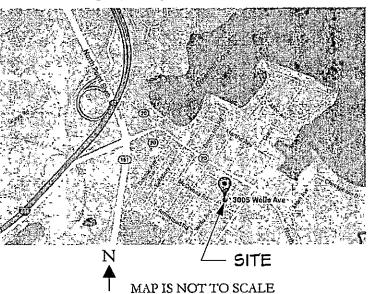




#### SITE PLAN FOR VARIANCE SUBMITTAL

ADDRESS: 3005 WELLS AVENUE EDGEMERE MD 21219 OWNER: ADAM WHITEFORD TAX #: 1503470080 PLAT BOOK#: 7 FOLIO #: 58 DEED REF#: 31089/00486

#### SITE VICINITY MAP



ZONING MAP ///CT SITE ZONED: DR5.5 ELECTION DISTRICT: 15 COUNCIL DISTRICT: 7

LOT AREA ACREAGE OR SQUARE FEET: 10,500 SF

HISTORIC? <u>NO</u> IN CBCA? <u>NO</u>

IN FLOOD PLAIN? X

UTILITIES: WATER IS PUBLIC, SEWER IS PUBLIC

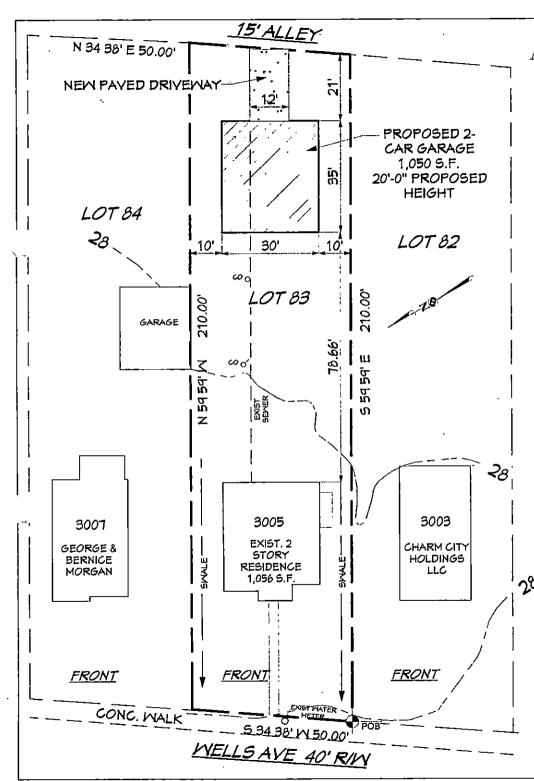
PRIOR HEARING? NO

VIOLATION CASE INFO:

2018-0361-A

PLAN DRAWN BY: MAUREEN COPELAND 717.599.9590 SCALE: 1" = 30'-0" DATE: JUNE 25, 2018

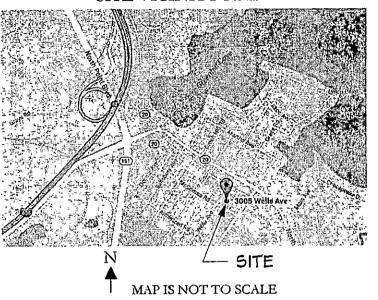
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### SITE PLAN FOR VARIANCE SUBMITTAL

ADDRESS: 3005 WELLS AVENUE EDGEMERE MD 21219 OWNER: ADAM WHITEFORD TAX #: 1503470080 PLAT BOOK#: 7 FOLIO #: 58 DEED REF#: 31089/00486

#### SITE VICINITY MAP



ZONING MAP /// C /
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COUNCIL DISTRICT: 7
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PRIOR HEARING? NO

**VIOLATION CASE INFO:** 

2018-0361-A

PLAN DRAWN BY: MAUREEN COPELAND 717.599.9590 SCALE: 1" = 30'-0" DATE: JUNE 25, 2018

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