

MEMORANDUM

DATE: October 16, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0043-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 15, 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

/dlw

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
(6649 Walnutwood Circle) *
9th Election District * OFFICE OF ADMINISTRATIVE
5th Council District * HEARINGS FOR
Robert N. & Megan K. Oster *
Petitioners * BALTIMORE COUNTY
* CASE NO. 2019-0043-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Robert N. and Megan K. Oster (“Petitioners”). The Petitioners are requesting Variance relief from § 301.1 of the Baltimore County Zoning Regulations (“BCZR”), as follows: (1) To allow a one-story open porch to extend into the side and rear yards as follows: (a) 5.6 ft. of the minimum required width of the 10.4 ft. side yard (54%) in lieu of the permitted 2.60 ft. (25% of 10.4 ft.) which leaves a 4.8 ft. setback, and (b) 5.6 ft. of the minimum required depth of the 10.4 ft. rear yard (54%) in lieu of the permitted 2.60 ft. (25% of 10.4 ft.) which leaves a 4.8 ft. setback; (2) To confirm that the one-story open porch is in accordance with Section 504 and the standards as set forth in the Comprehensive Manual of Development Policies (“CMDP”), and (3) For such other and further relief as may be necessary. 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.

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.

ORDER RECEIVED FOR FILING

Date 9-14-18

By DW

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 23, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the side and front yard setback variances 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 Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 14th day of **September, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 301.1 of the Baltimore County Zoning Regulations ("BCZR"), as follows: (1) To allow a one-story open porch to extend into the side and rear yards as follows: (a) 5.6 ft. of the minimum required width of the 10.4 ft. side yard (54%) in lieu of the permitted 2.60 ft. (25% of 10.4 ft.) which leaves a 4.8 ft. setback, and (b) 5.6 ft. of the minimum required depth of the 10.4 ft. rear yard (54%) in lieu of the permitted 2.60 ft. (25% of 10.4 ft.) which leaves a 4.8 ft. setback; (2) To confirm that the one-story open porch is in accordance with Section 504 and the standards as set forth in the Comprehensive Manual of Development Policies ("CMDP"), and (3) For such other and further relief as may be necessary, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 9-14-18

By [Signature]

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 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 9-14-18

By bw

ADMINISTRATIVE ZONING PETITION

WARRANTY VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

The Department of Permits, Approvals and Inspections

Administrative Law of Baltimore County for the property located at:

which is presently zoned DR 3.5

10 Digit Tax Account # 1 7 0 0 0 0 6 9 4 5

(s) Robert N. Oster & Megan K. Oster

FOR ADMINISTRATIVE
To be filed with
To the Office of Administrative Law
Address 6649 Walnutwood Circle
Deed Reference 30858/00228
Property Owner(s) Printed Name(s)

(SELECT THE HEARING TYPE)
Administrative Law
The undersigned

BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST
require that the Affidavit on the reverse of this Petition Form be completed / notarized.

of the property situate in Baltimore County and which is described in the description and
attached hereto and made a part hereof, hereby petition for a

VARIANCE from section(s)

Baltimore County, to the zoning law of Baltimore County.

A PUBLIC HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and
of work in this space to raze, alter or construct addition to building)

Baltimore County, to the zoning law of Baltimore County.

as prescribed by the zoning regulations.

of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and
county adopted pursuant to the zoning law for Baltimore County.

ation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which
of these Petition(s).

Purchaser/Lessee:

Legal Owners:

Robert N. Oster, Megan K. Oster

Name #1 - Type or Print Name #2 - Type or Print

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

6649 Walnutwood Circle Baltimore MD

Mailing Address City State

21212, 443-926-4466, meganoster@yahoo.com

Zip Code Telephone # Email Address

Representative to be contacted:

Jason T. Vettori

Name - Type or Print

[Signature]
Signature

600 Washington Ave., Suite 200 Towson MD

Mailing Address City State

21204, 410-821-0070, jvettori@sgs-law.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jason T. Vettori

Name- Type or Print

[Signature]
Signature

600 Washington Ave., Suite 200 Towson MD

Mailing Address City State

21204, 410-821-0070, jvettori@sgs-law.com

Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County,
this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning
regulations of Baltimore County and that the property be reposted.

Date

Administrative Law Judge of Baltimore County

CASE NUMBER

2019-0043-A

Filing Date

8/9/18

Estimated Posting Date

8/19/18

Reviewer

[Signature]

ADMINISTRATIVE VARIANCE
IN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

ties of perjury to the Administrative Law Judge of Baltimore County,
is within the personal knowledge of the Affiant(s) and that the Affiant(s)
that a public hearing is scheduled in the future with regard thereto.

relative zoning violation citation and Affiant(s) is/are the resident home
is/are the contract purchaser(s) of this residential lot, who will, upon
dwelling on said property located at:

Baltimore

MD

21212

City

State

Zip Code

Based on the foregoing, the following are the facts which I/we base the request for an
variance on the above address. (Clearly state practical difficulty or hardship here)

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Signature of Affiant

Robert N. Oster

Name- Print or Type

Signature of Affiant

Megan K. Oster

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 27th day of July, 2018, before me a Notary of Maryland, in
and for the County aforesaid, personally appeared

Robert Oster and Megan Oster

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

AS WITNESS my hand and Notaries Seal



Kelly M Benton

Notary Public

7.10.2027

My Commission Expires



Administrative Variance from Section(s):
(for 6649 Walnutwood Circle)

301.1 of the BCZR as follows:

(1) to allow a one-story open porch to extend into the side and rear yards as follows:

a. 5.6' of the minimum required width of the 10.4' side yard (54%) in lieu of the permitted 2.60' (25% of 10.4') which leaves a 4.8' setback;

b. 5.6' of the minimum required depth of the 10.4' rear yard (54%) in lieu of the permitted 2.60' (25% of 10.4') which leaves a 4.8' setback;

(2) to confirm that the one-story open porch is in accordance with Section 504 and the standards as set forth in the Comprehensive Manual of Development Policies; and

(3) For such other and further relief as may be necessary.

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Practical Difficulty or Hardship
for 6649 Walnutwood Circle

The instant relief is being requested to construct a one-story open porch/deck on the rear of the instant property.

The proposed one-story porch will extend from the lower level of the existing two story deck and accompanying ground floor patio. The idea to expand the deck on the lower level started when consideration was being given to replacing the existing open porch which is out of date, peeling, warping and rusting. The property owners have already received permission from the Homeowners Association (HOA) to extend the main floor porch into their rear/side yard as evidenced by the attached letter.

The current property owners purchased the property in 2011. It is their principal dwelling. The dwelling was originally constructed in 1977. The subject site is the end unit of a row of seven single-family attached dwellings in the Charlesbrooke at Pinehurst community. The property owners would like to replace their existing deck and railing on both the top (second floor) and main floor. While the top floor deck is merely being replaced, they are proposing an extension of the main floor deck. It is the extension of the main floor deck which necessitates the instant request for relief. The proposed extension of the deck will include privacy lattice to the west side of the deck and add stairs to the ground floor patio which will wrap around the proposed deck in a counterclockwise direction to the existing patio which is bordered by a 1' high brick wall.

The single-family attached dwellings in this residential community are clustered to accommodate significant HOA reservations. Those reservations limit the yards of the property owners but provide for a lot of intervening green space. The angled rear and side property boundary cuts sharply in the vicinity of the proposed deck creating the need for the instant relief which is being requested. The instant request for an administrative variance is to allow up to 4.8' setbacks to the rear and side yards as illustrated on the attached plan to accompany. While the stairs and landing could be considered to be a part of the deck if they are in excess of 4' wide and/or 10' long, under Section 301.2 of the Baltimore County Zoning Regulations (BCZR), that is not the case in this instance as the stairs end on the rear ground floor patio well outside the 4.8' setback.

The subject site is unique based upon the particular residential use in the underlying zoning. The single family attached dwelling lies within an area which is zoned DR 3.5, a zone which no longer permits such a use. Not only is the subject property zoned DR 3.5, but the adjoining HOA area is zoned DR 1-NC, a designation that severely limits what uses can be made of that land. It should also be noted that the instant property would not comply with the current regulations regarding existing lots in D.R. Zones, BCZR § 1B02.3.C.1. Similarly, the Comprehensive Manual of Development Policies (CMDP) for Single Family Attached Dwellings imposes restrictions on setbacks for single family attached dwellings (see Division II, Section A of the Residential Standards of the CMDP, pgs. 27-30). However, MD Code, Courts and Judicial Proceedings Article § 5-114 renders the BCZR and CMDP setbacks for the dwelling inapplicable. Last but not least, as illustrated on the plan and accompanying photos showing the subject site, the shape of the property is unique. The boundaries for this property are unique as they are angled

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in the side and rear yards. BCZR § 301.1 allows a one-story open porch to extend into any required side or rear yard a minimum required depth of not more than 25%. The existing **two-story** open porch is therefore considered part of the principal structure. The setback from the existing open porch to the property line is 10.4'. The proposed 11.0' x 14.0' addition to the main level of the deck will be as close as 4.8' to the property line. The regulation would allow the porch to extend 25% of the 10.4' setback, or 2.6' (leaving a setback of 7.8'). The current property owners are requesting that the porch be allowed to extend up to 54 % of the side and rear yard (5.6' into the permitted 10.4' setback as illustrated by the remaining 4.8' setback). Without an administrative variance, the porch would be severely restricted by the existing side and rear lot lines which are unique to this property. While the CMDP Residential Standards do impose restrictions on open porches for Alternative Housing types (see pg. 19), these standards do not apply to this property (the CMDP for Single Family Attached Dwellings does not impose any restrictions on a one-story open porch (see Division II, Section A of the Residential Standards of the CMDP, pgs. 27-30)).

The limited area within which the porch would be permitted constitutes a practical difficulty because strict compliance with the requirement would unreasonably prevent the property owners from building a suitable porch, constituting a substantial injustice to the applicant and the relief can be granted in such a fashion that the spirit of the ordinance will be observed and public safety and welfare secured. 25% of rear yard would only allow the proposed porch to extend 2.6' beyond the existing porch, which would not even allow them to see around their adjoining property owners' property (who coincidentally have a porch which extends several feet beyond their rear building setback, as illustrated in the attached pictures).

Therefore, the relief requested is in the spirit of the applicable regulations and will not be detrimental to the public health, safety and welfare of the community.

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Brodie Management, Inc.

June 20, 2018

R. Nelson & Megan Oster
6649 Walnutwood Circle
Baltimore, MD 21212

Re: Architectural Request Approval for 6649 Walnutwood Circle, Baltimore, MD 21212

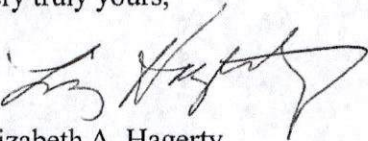
Dear Mr. & Mrs. Oster:

The Architectural & Environmental Control Committee has approved your request to replace your existing deck and railing on the second floor and main floor, extend the main deck, add a privacy lattice to the west side of the deck, add stairs from the main deck to the ground floor patio, and add lighting fixtures as outlined in your enclosed architectural request.

Any deviations from the approval as noted on this letter may be deemed to be a violation of the Charlesbrooke Governing Documents and may need to be corrected. All repairs must be done in compliance with the enclosed General Conditions.

Should you have any questions, please feel free to contact our office at 410-825-6060.

Very truly yours,



Elizabeth A. Hagerty
Regional Property Manager
Brodie Management, Inc.
Agent for Charlesbrooke Community Association, Inc.

EAH/ke

Enclosures: General Conditions
Architectural Request

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ARCHITECTURAL REQUEST

GENERAL CONDITIONS

1. All work must be in strict accordance with the approved plan and all necessary licenses and permits must be obtained.
2. Installation and ongoing maintenance of same shall be at your sole expense.
3. All work is to be performed in a timely manner by a competent contractor who carries proper insurances.
4. Any cleanup required as a result of the installation shall be the responsibility of your contractor and must take place on a daily basis.
5. You shall be responsible for any damage to Association property which may take place as a result of the installation.
6. Drainage cannot be adversely affected by this installation. If this occurs, repairs will have to be made at your expense.
7. No construction work permitted on Sundays.
8. Contractors are not permitted to display their advertising signs at any time.

Please send notification to our office when work has been completed for final inspection and approval to:

*Brodie Management, Inc.
P.O. Box 529
Timonium, MD 21094-0529*

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**ARCHITECTURAL AND ENVIRONMENTAL COMMITTEE FORM
REQUEST FOR APPROVAL**

If you are contemplating any change to the exterior of your property, you must receive the approval of the Committee **PRIOR** to making the change. To do so, you must submit your request in writing. Exact specifications are needed so that proper evaluation of the request can be made.

Property Owner(s) Nelson and Megan Oster
Property Address 6649 Walnutwood Cir
Phone (home) 443.926.4466

Replace existing deck and railing on top (second floor) and main floor. Extend main floor deck to equal the distance south of neighboring deck. Add privacy lattice to west side of the deck closest to neighbor. Add stairs from main deck to ground floor patio. Add lighting fixtures to some posts and steps.

Reason for change: Deck is out of date, peeling, warping and rusting.

For all alterations or structures, e.g., fences, replacement windows, doors, roofs, landscaping, please attach a separate, detailed drawing. Include an overall sketch of your property where necessary. **Photographs may be helpful. Attach paint chips and samples for more expedient review. Sample paint chips of approved colors are available from Brodie or the Architectural and Environmental Committee.**

- Attached pictures of existing deck and neighboring deck
- Attached links to lighting selection
- Attached link to deck color selections (Actual samples will be giving to T.P.)
- Attached link to railing selection
- Attached project drawing
- Attached picture of look of privacy lattice. (Please note location of lattice will be as stated on the drawing in blue, and materials will be as listed below).

Description of change:

Colors: Railing, posts balusters, lattice, lighting finishes - Black; Deck - Antique Palm;
Deck accents (step risers, fascia, and stair stringers) - Mocha

Materials (include grade or quality): TimberTech Composite deck. TimberTech Radiance rails and posts. Square Aluminum balusters. LED Rail Lights by AZEK Timber Tech - Post lights. LED Riser Lights by AZEK TimberTech - Step lights

Dimensions: See attached

Contractor:

Name: Frontier Deck Builders
Address: 4511 Sun Berry Dr.
Phone: 410.781.7500
MHIC Lic. 51321
Date to begin: End of July

REMINDER: All outside construction requires a Baltimore County permit which the homeowner is responsible for obtaining after approval of the project by the Architectural and Environmental Committee.

DATE: 5/9/18
APPLICANT: Megan Oster

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ZONING PROPERTY DESCRIPTION FOR 6649 WALNUTWOOD CIRCLE

Beginning at a point on the south side of Walnutwood Circle, which is 24 feet wide, at a distance of +/-700 feet north of the centerline of the nearest improved intersecting street Charlesbrooke Road, which is 24 feet wide. Being Lot #74, section #2, in the subdivision of CHARLESBROOKE AT PINEHURST as recorded in Baltimore County Plat Book #38, Folio #12, containing 4920 square feet or 0.113 acres of land. Located in the 9th Election District and 5th Councilmanic District.

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Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Monday, September 10, 2018 10:25 PM
To: Debra Wiley
Subject: Walnutwood Circle Cert.
Attachments: Walnutwood Circle Cert..jpeg; New Photos Walnutwood Circle.docx

Hi Debra,

I have attached a Second Certification that was requested by Jason Vettori, Esq. He got special permission to have the signs posted early from Carl Richards. The signs were originally posted 8/23/2018 and the closing date was 9/7/2018. Jason Vettori wanted this re-certified to prove that the signs were still posted the day they were picked up which is today Sept. 10, 2018. I never had to do this before and June Wisnom said I should send it to you.

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com

SECOND CERTIFICATE OF POSTING

ATTENTION: DEBRA WILEY

DATE: 9/10/2018

Case Number: 2019-0043-A

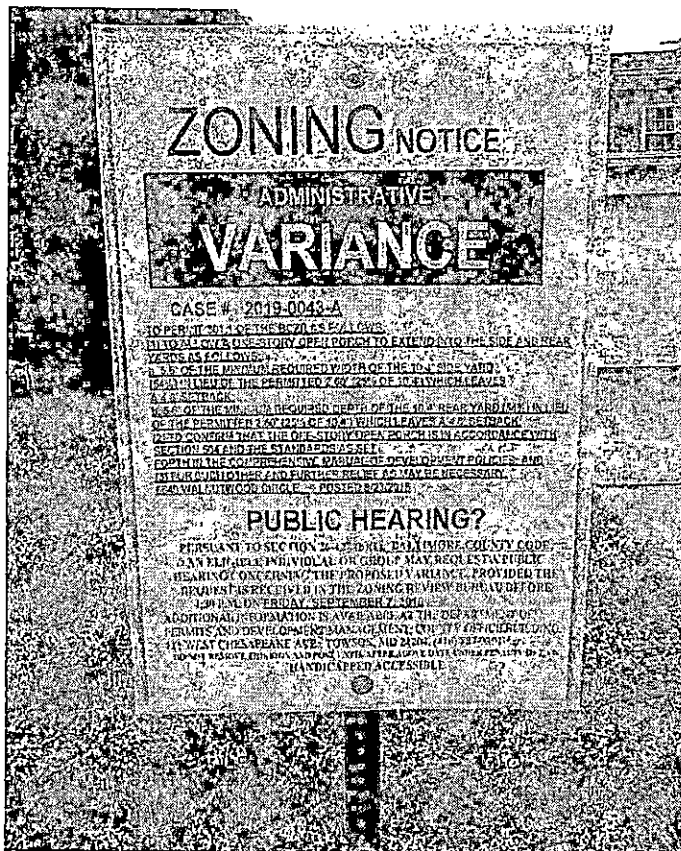
Petitioner / Developer: R. & M. OSTER

Date of Closing: SEPTEMBER 7, 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:
6649 WALNUTWOOD CIRCLE

The sign(s) were posted on: AUGUST 23, 2018

The sign(s) were re-photographed on: SEPTEMBER 10, 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)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2019-0043-A

TO PERMIT 301.4 OF THE BCZR AS FOLLOWS:

(1) TO ALLOW A ONE-STORY OPEN PORCH TO EXTEND INTO THE SIDE AND REAR YARDS AS FOLLOWS:

a. 5.6' OF THE MINIMUM REQUIRED WIDTH OF THE 10.4' SIDE YARD (54%) IN LIEU OF THE PERMITTED 2.60' (25% OF 10.4') WHICH LEAVES A 4.8' SETBACK;

b. 5.6' OF THE MINIMUM REQUIRED DEPTH OF THE 10.4' REAR YARD (54%) IN LIEU OF THE PERMITTED 2.60' (25% OF 10.4') WHICH LEAVES A 4.8' SETBACK;

(2) TO CONFIRM THAT THE ONE-STORY OPEN PORCH IS IN ACCORDANCE WITH SECTION 504 AND THE STANDARDS AS SET

FORTH IN THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES; AND

(3) FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE NECESSARY.

6649 WALNUTWOOD CIRCLE POSTED 8/23/2018

PUBLIC HEARING?

PURSUANT TO SECTION 26-127 (b)(1), BALTIMORE COUNTY CODE,

AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE

4:30 P.M. ON FRIDAY, SEPTEMBER 7, 2018

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 387-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

2ND Sign Re-photographed 9/10/2018 @ 6649 Walnutwood Circle
CASE # 2019-0043-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 8/23/2018

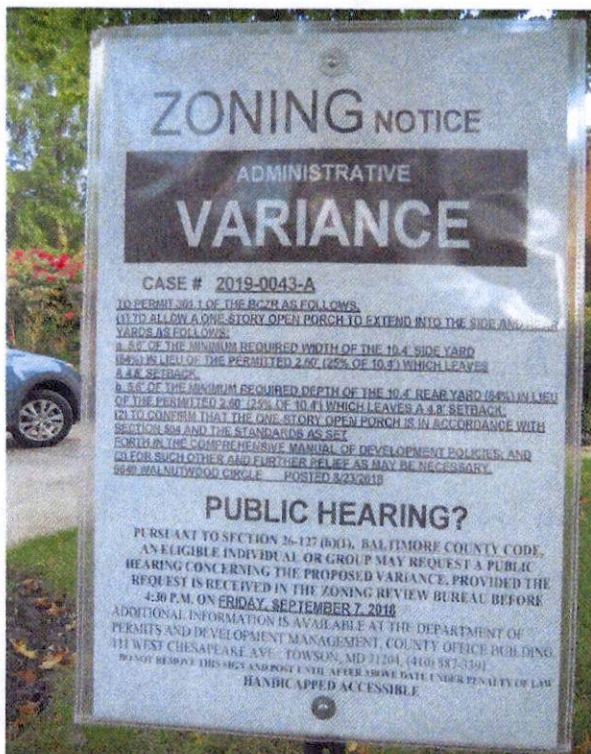
Case Number: 2019-0043-A

Petitioner / Developer: R. & M. OSTER

Date of Closing: SEPTEMBER 7, 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:
6649 WALNUTWOOD CIRCLE

The sign(s) were posted on: AUGUST 23, 2018



1ST SIGN

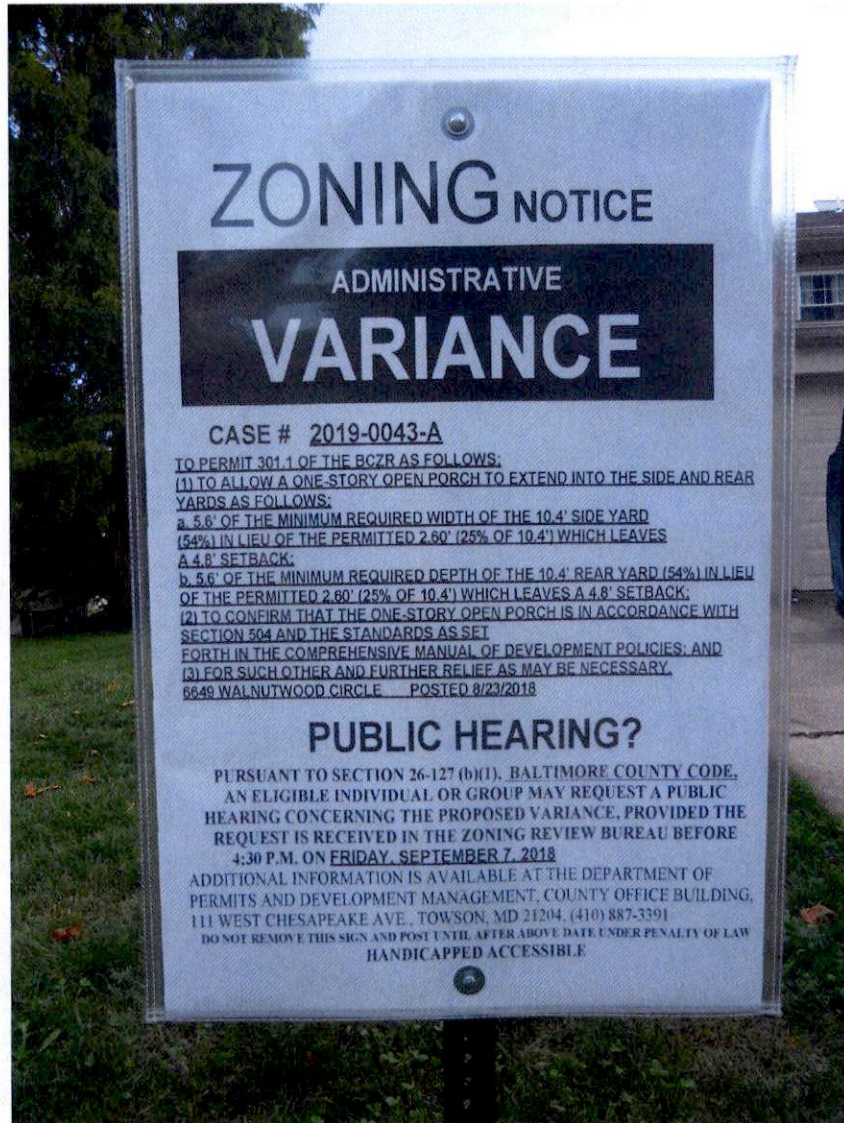
Linda O'Keefe
(Signature of Sign Poster)

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)



2nd SIGN CASE # 2019-0043-A @ 6649 WALNUTWOOD CIRCLE
POSTED 8/23/2018



BACKGROUND PHOTO 1ST SIGN @ 6649 WALNUTWOOD CIRCLE



BACKGROUND PHOTO 2ND SIGN @ 6649 WALNUTWOOD CIRCLE
CASE # 2019-0043-A POSTED 8/23/2018

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0043 -A Address 6649 Walnutwood Cir

Contact Person: David Duwall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/9/18 Posting Date: 8/23/18 Closing Date: 9/10/18

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 2019- 0043 -A Address 6649 Walnutwood Cir

Petitioner's Name R + M Oster Telephone 443 926 4466

Posting Date: 8/23/18 Closing Date: 9/10/18

Wording for Sign: To Permit

301.1 of the BCZR as follows:

(1) to allow a one-story open porch to extend into the side and rear yards as follows:

a. 5.6' of the minimum required width of the 10.4' side yard (54%) in lieu of the permitted 2.60' (25% of 10.4') which leaves a 4.8' setback;

b. 5.6' of the minimum required depth of the 10.4' rear yard (54%) in lieu of the permitted 2.60' (25% of 10.4') which leaves a 4.8' setback;

(2) to confirm that the one-story open porch is in accordance with Section 504 and the standards as set forth in the Comprehensive Manual of Development Policies; and

(3) For such other and further relief as may be necessary.

**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: 2019-0043-A
Property Address: 6649 Walnutwood Circle
Property Description: south side of Walnutwood Cir., +/- 700'
north of Charlesbrooke Rd
Legal Owners (Petitioners): ROBERT N. OSTER
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jason T. Vettori
Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC
Address: 600 Washington Avenue, Suite 200
Towson, MD 21204
Telephone Number: 410-821-0070

Revised 7/9/2015

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

No. **172841**

Date **8/9/18**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 8/10/2018 8/09/2018 11:23:53 2

REL 4502 BALKIN, JEE
 RECEIPT # 063601 8/09/2018 OFLN

5 528 ZONING VERIFICATION
 172841

Receipt Tot \$75.00
 \$75.00 CK \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount	Per
001	806	0000		6150				\$75.00	

Total: **\$75.00**

Rec
 From:

For: **Zoning Hearing - case # 2019-0043-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*

September 11, 2018

Robert N & Megan K Oster
6649 Walnutwood Circle
Baltimore MD 21212

RE: Case Number: 2019-0043 A, Address: 6649 Walnutwood Circle

Dear Mr. & Ms. Oster:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 9, 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
Jason Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

Date: 8/27/18

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. 2019-0043-A

*Administrative Variance
Robert N. & Megan K. Oster
6649 Walnut Wood Circle*

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,


for 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: September 5, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0043-A
Address 6649 Walnutwood Circle
(Oster Property)

Zoning Advisory Committee Meeting of **September 3, 2018.**

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

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

DATE: September 12, 2018

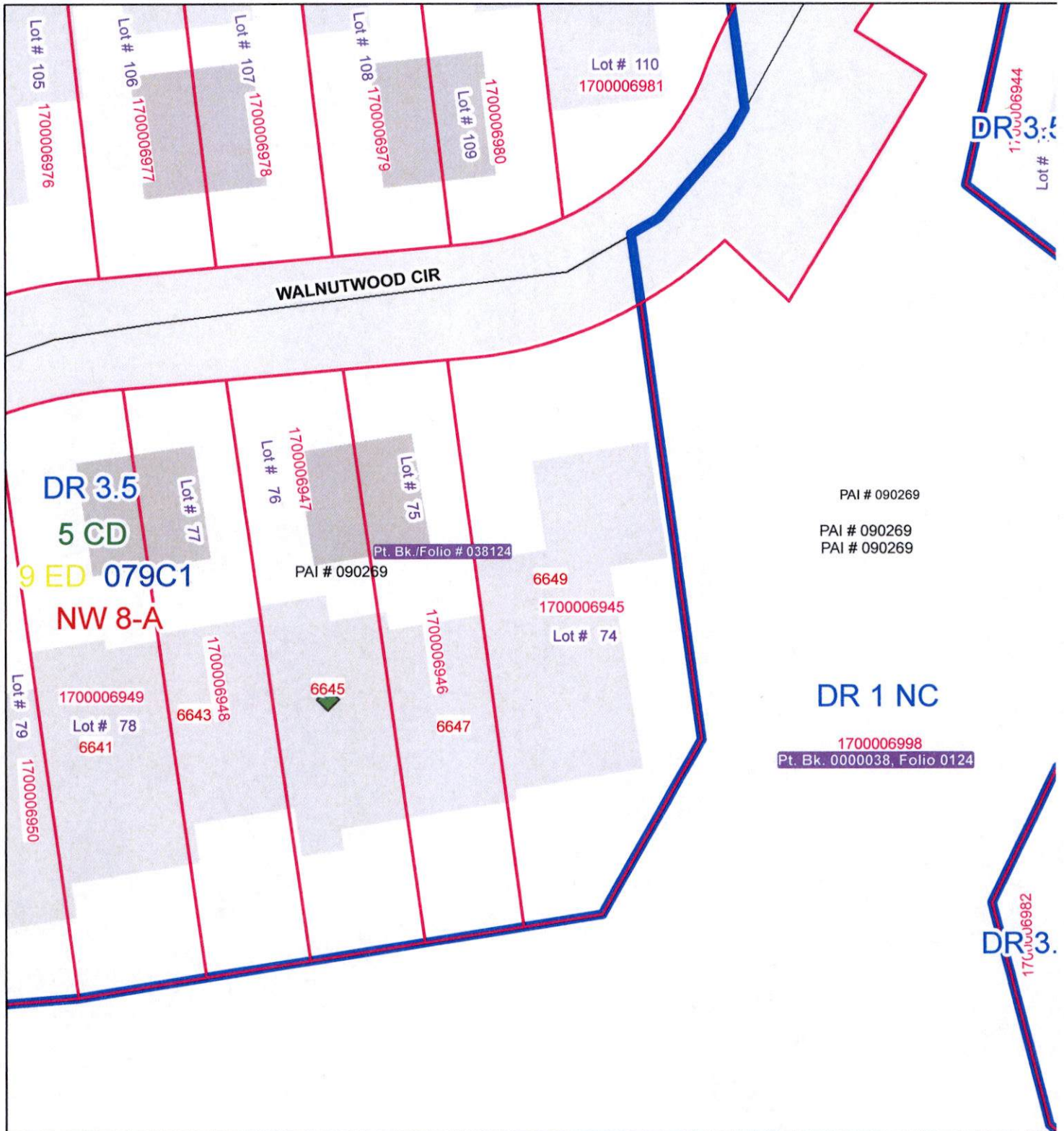
SUBJECT: Zoning Advisory Committee Meeting
For September 3, 2018
Item No. 2019-0043-A, 0052-A, 0053-SPHX, 0054-A, 0055-A and 0060-A

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

* * * * *

VKD: cen
cc: file

0649 Walnutwood Circle



Publication Date: 8/7/2018



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



0 5 10 20 30 40
Feet

1 inch = 30 feet

Item #0043



Item #0043



12



Item #0043



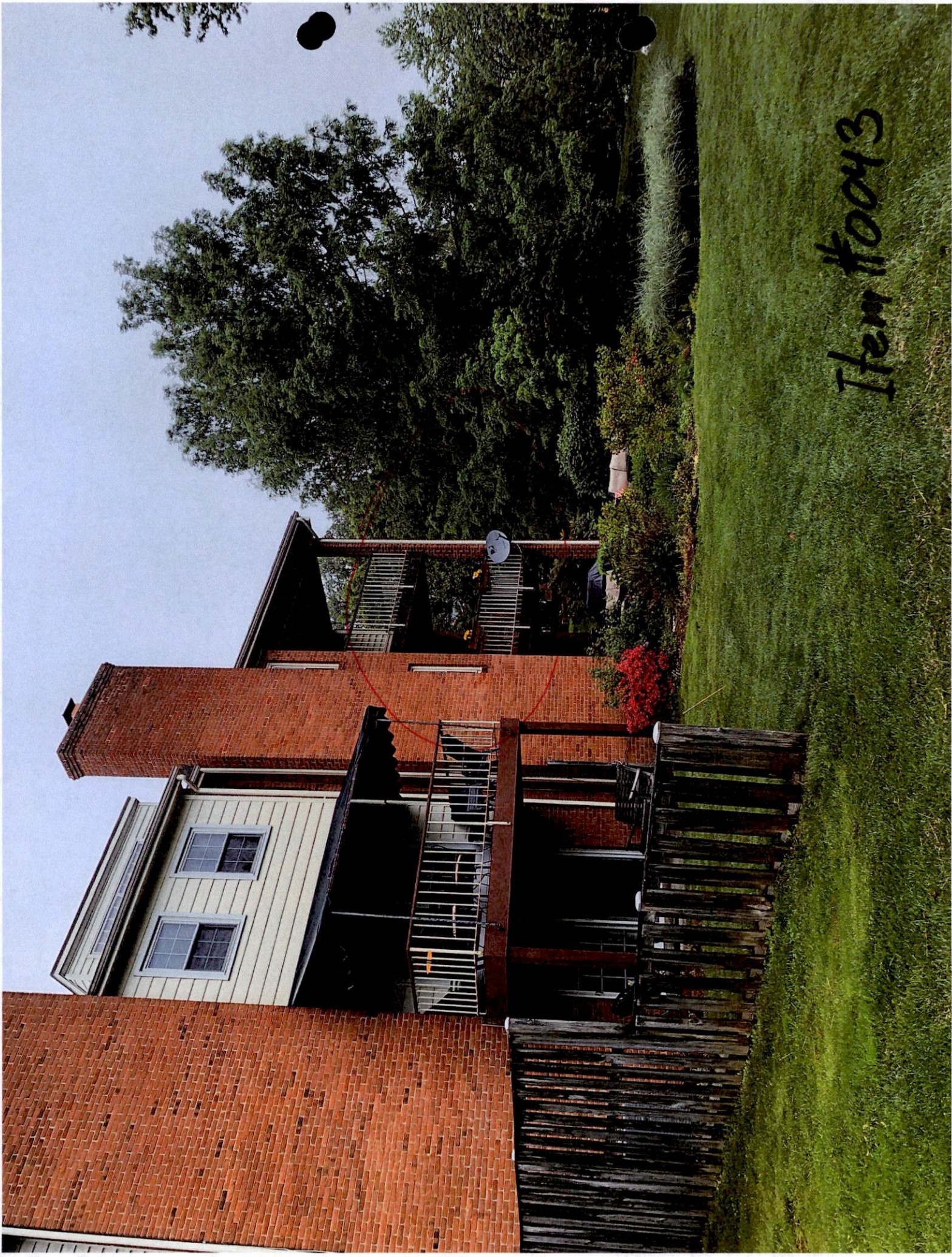
1992-1993



Item # 0043



Item # 0043



Item #0043

9/17

CASE NO. 2019- 0043- AV

C H E C K L I S T

<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>9-5</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>8-27</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING (1 st)	Date: <u>8-23-18</u>	by <u>O'Keefe</u>
SIGN POSTING (2 nd)	Date: <u>9-10-18</u>	by <u>"</u>
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	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 09 Account Number - 1700006945 ✓			
Owner Information					
Owner Name:		OSTER ROBERT N		Use: RESIDENTIAL	
Mailing Address:		6649 WALNUTWOOD CIR BALTIMORE MD 21212-1214		Principal Residence: YES Deed Reference: /30858/ 00228	
Location & Structure Information					
Premises Address:		6649 WALNUTWOOD CIR BALTIMORE 21212-1214		Legal Description: 6649 WALNUTWOOD CIR CHARLESBROOKE AT PINEHU	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: 1
0079	0006	0330		0000	2 74 2017 Plat Ref: 0038/0124
Special Tax Areas:		Town: NONE			
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1977	2,211 SF	725 SF	4,920 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	END UNIT	BRICK	3 full/ 2 half	1 Attached
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2017	07/01/2018	07/01/2019	
Land:	155,000	155,000			
Improvements	273,100	331,800			
Total:	428,100	486,800	467,233	486,800	
Preferential Land:	0			0	
Transfer Information					
Seller: WITTICH MARGARET B		Date: 06/01/2011		Price: \$467,500	
Type: ARMS LENGTH IMPROVED		Deed1: /30858/ 00228		Deed2:	
Seller: WITTICH HENRY 3RD		Date: 06/13/2001		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /15291/ 00126		Deed2:	
Seller: LOFTUS DONALD G		Date: 08/31/1994		Price: \$305,000	
Type: ARMS LENGTH IMPROVED		Deed1: /10729/ 00545		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018	07/01/2019		
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 07/05/2011

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application**Date:**

ZAC AGENDA

Case Number: 2019-0043-A **Reviewer:** Dave Duvall

Existing Use: RESIDENTIAL **Proposed Use:**

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Robert N & Megan K Oster

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 5

Property Address: 6649 WALNUTWOOD CIR

Location: S/S Walnutwood Circle, +/- 700 ft. N of the centerline of Charlesbrooke Road

Existing Zoning: DR 3.5

Area: 4920 SQ. FT. , 0.1129 ACRE

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

1. To allow a one-story open porch to extend into the side and rear yards as follows:

a. 5.6 ft. of the minimum required width of the 10.4 ft. side yard (54%) in lieu of the permitted 2.60 ft. (25% of 10.4 ft.)

which leaves a 4.8 ft. setback;

b.

2. To confirm that the one-story open porch is in accordance with Section 504 and the standards as set forth in the Comprehensive Manual of Development Policies; and

3. For such other and further relief as may be necessary.

Attorney: Jason T Vettori, 600 Washington Avenue, Suite 200, Towson MD 21204

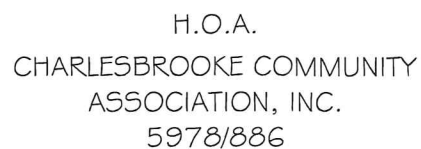
Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 09/17/2018

Miscellaneous Notes:

LI

SHEET 1 OF 2

SCALE: 1" = 30 DATE: 8/5/2018

***Land Surveying, Site Planning
& Landscape Architecture***
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

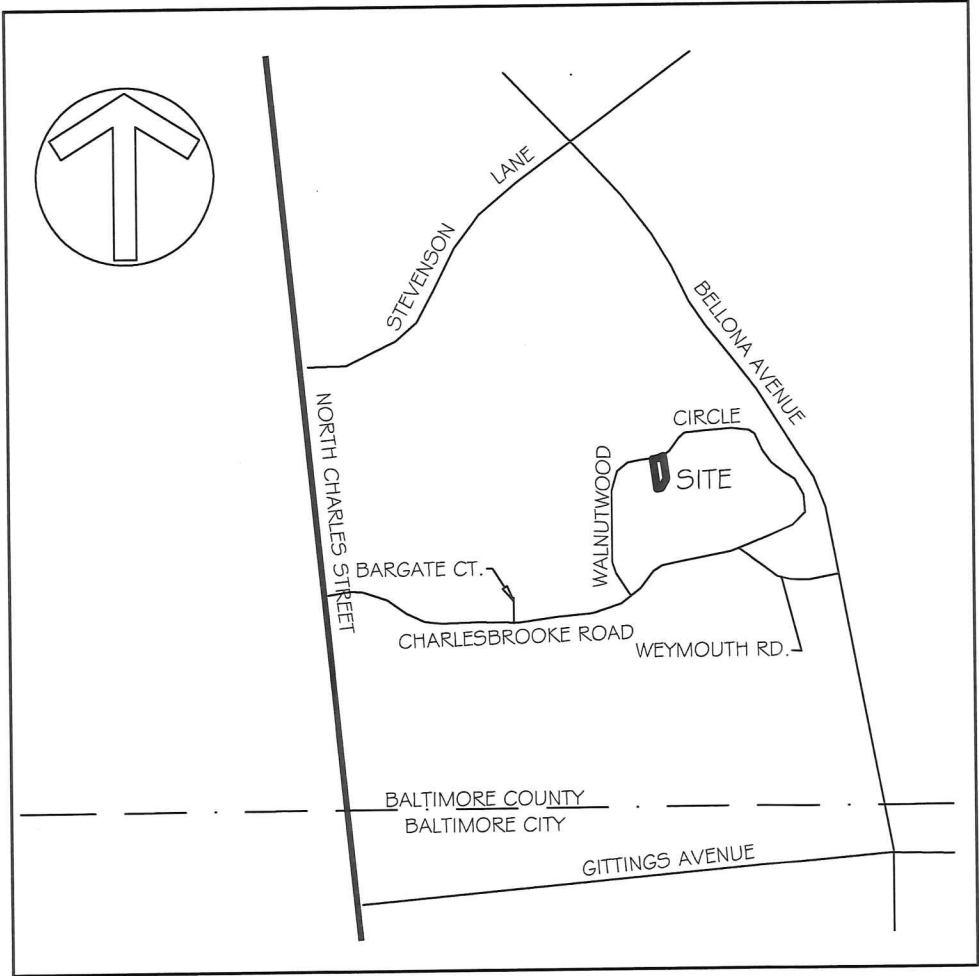


Pet. Esh. 1

RD

SITE DATA:

- 1) OWNER'S: ROBERT N. OSTER
- 2) OWNER'S ADDRESS: 6649 WALNUTWOOD CIRCLE
BALTIMORE, MARYLAND 21212
- 3) OWNER'S TELEPHONE NO.: 443-926-4466
- 4) TAX ACCOUNT NUMBERS: 1700006945
- 5) TAX MAP: 79 GRID: 06 PARCELS: 330 SECTION 2 LOT 74
- 6) DEED REFERENCE: 30858/228
- 7) LOT AREA: 4,920 SF / 0.1129 ACRES
- 9) ZONING MAP: 079C1
- 10) ZONING: DR-3.5
- 11) EXISTING USE: SINGLE FAMILY (TOWNHOUSE)
- 12) THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CBCA.
- 13) THE SUBJECT PROPERTY NOT LOCATED WITHIN A 100-YEAR FLOODPLAIN.
- 14) THE SUBJECT PROPERTY NOT LOCATED WITHIN AN HISTORICAL DISTRICT.
- 15) PUBLIC WATER AND SEWER.
- 16) PRIOR HEARINGS: NONE
- 17) 9TH ELECTION DISTRICT
- 18) 5TH COUNCILMANIC DISTRICT



VICINITY MAP
SCALE: 1" = 1,000'

ZONING DESCRIPTION:

BEING LOT 74, SECTION 2 IN THE SUBDIVISION KNOW AS "CHARLESBROOKE @ PINEHURST" AS RECORDED IN THE BALTIMORE COUNTY PLAT BOOK 38 FOLIO 12 CONTAINING 4,920 SQUARE FEET OR 0.113 ACRES OF LAND. LOCATED IN THE 9TH ELECTION DISTRICT AND 5TH COUNCILMANIC DISTRICT.

SHEET 2 OF 2

ZONING HEARING
PLAN FOR VARIANCE

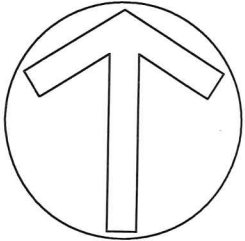
SCALE: 1" = 30' DATE: 8/5/2018

kjWellsInc
*Land Surveying, Site Planning
& Landscape Architecture*
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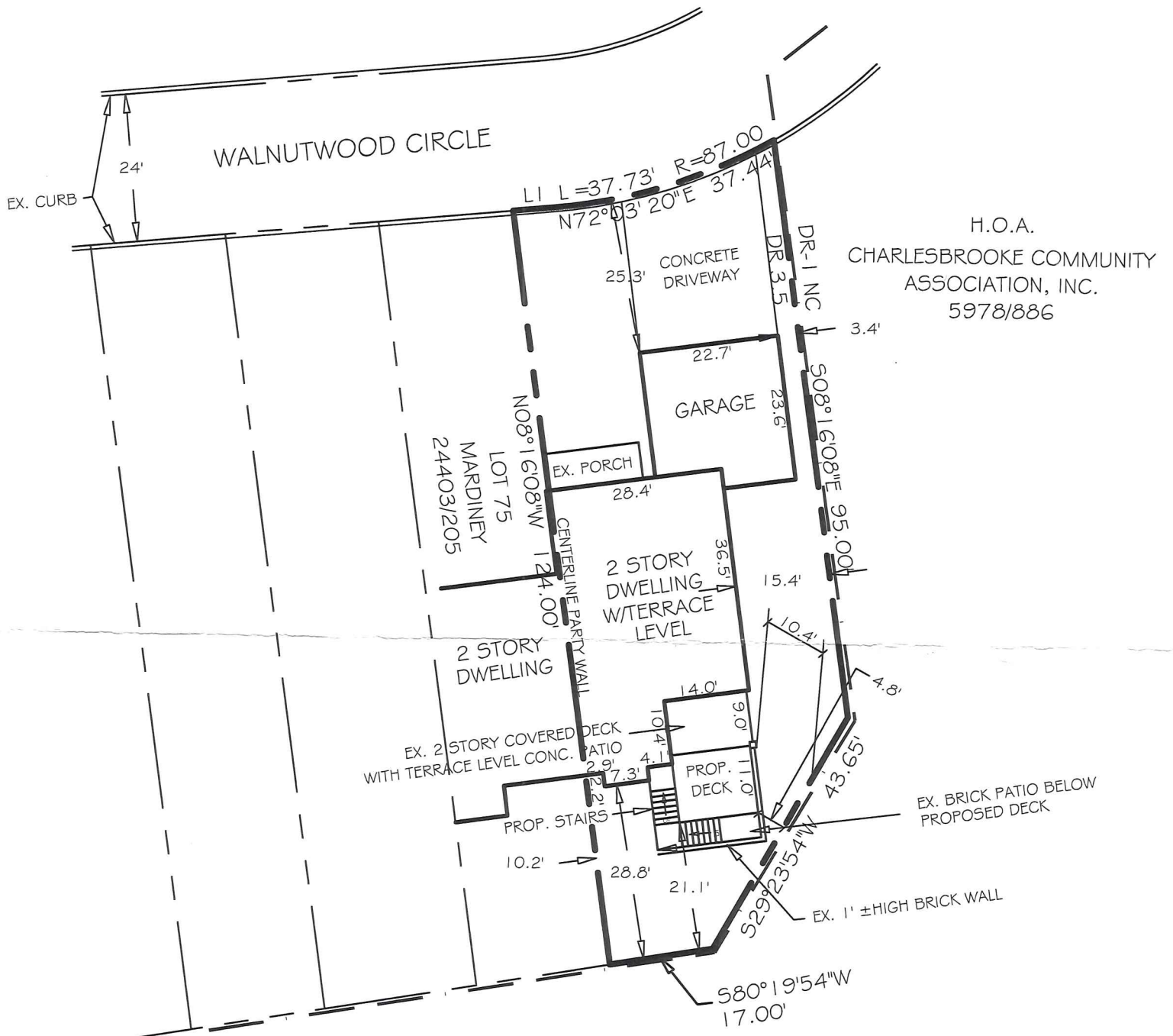
LICENSE EXPIRATION DATE: 6/11/2019

Item #0043



NORTH

LINE TABLE		
LINE	BEARING	LENGTH
L1	N84°28'52"E	6.77



H.O.A.
CHARLESBROOKE COMMUNITY
ASSOCIATION, INC.
5978/886

SHEET 1 OF 2

ZONING HEARING PLAN FOR VARIANCE

SCALE: 1" = 30' DATE: 8/5/2018

kjWellsInc

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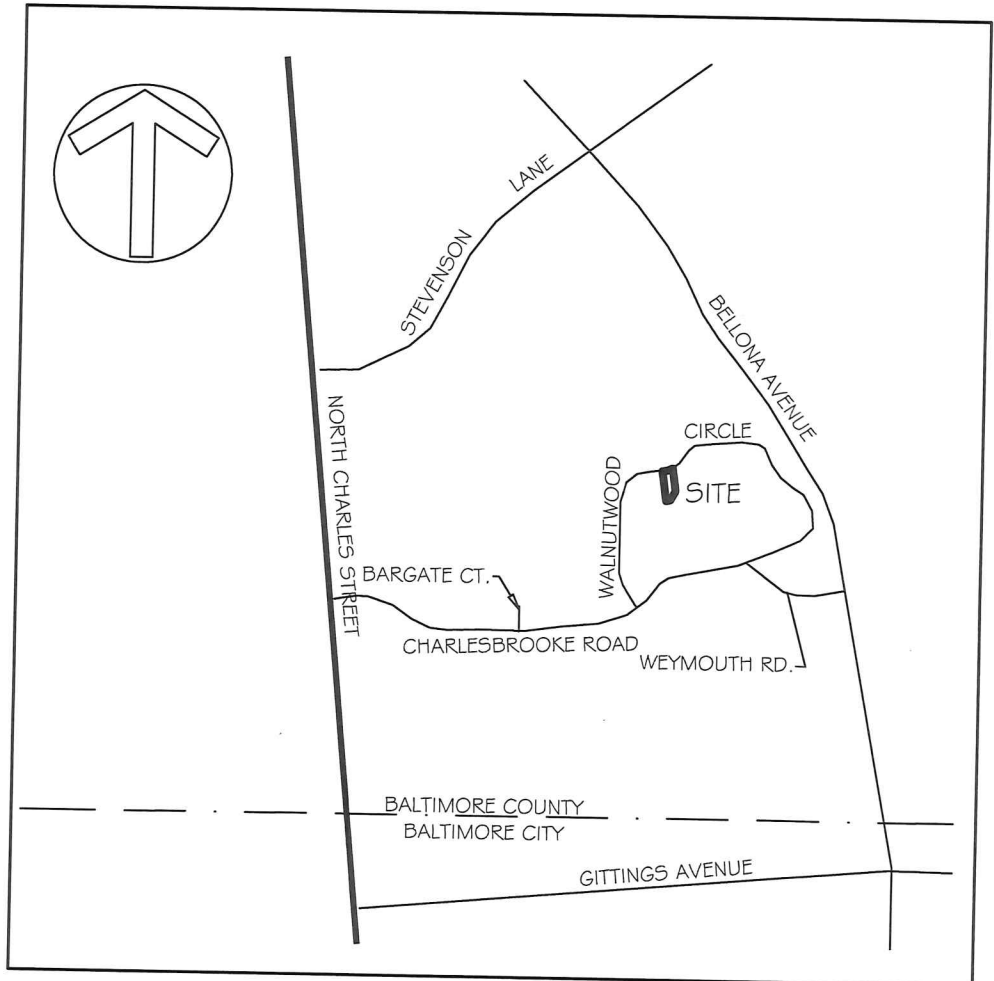


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#2019-0043-A

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ZONING HEARING PLAN FOR VARIANCE

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kjWellsInc

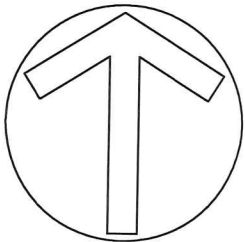
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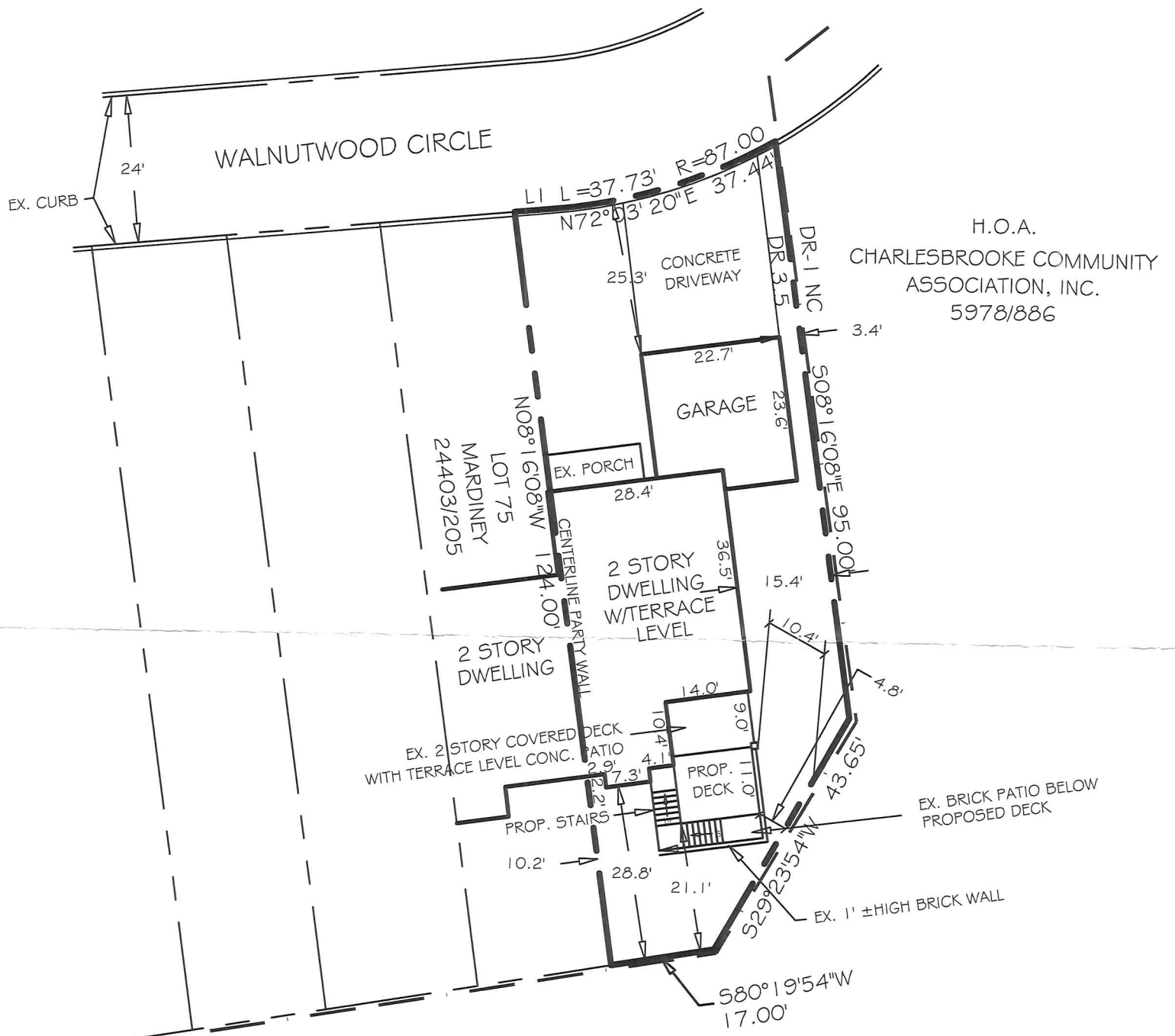
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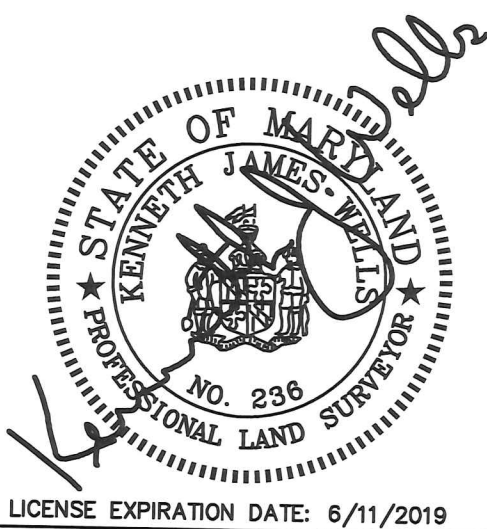
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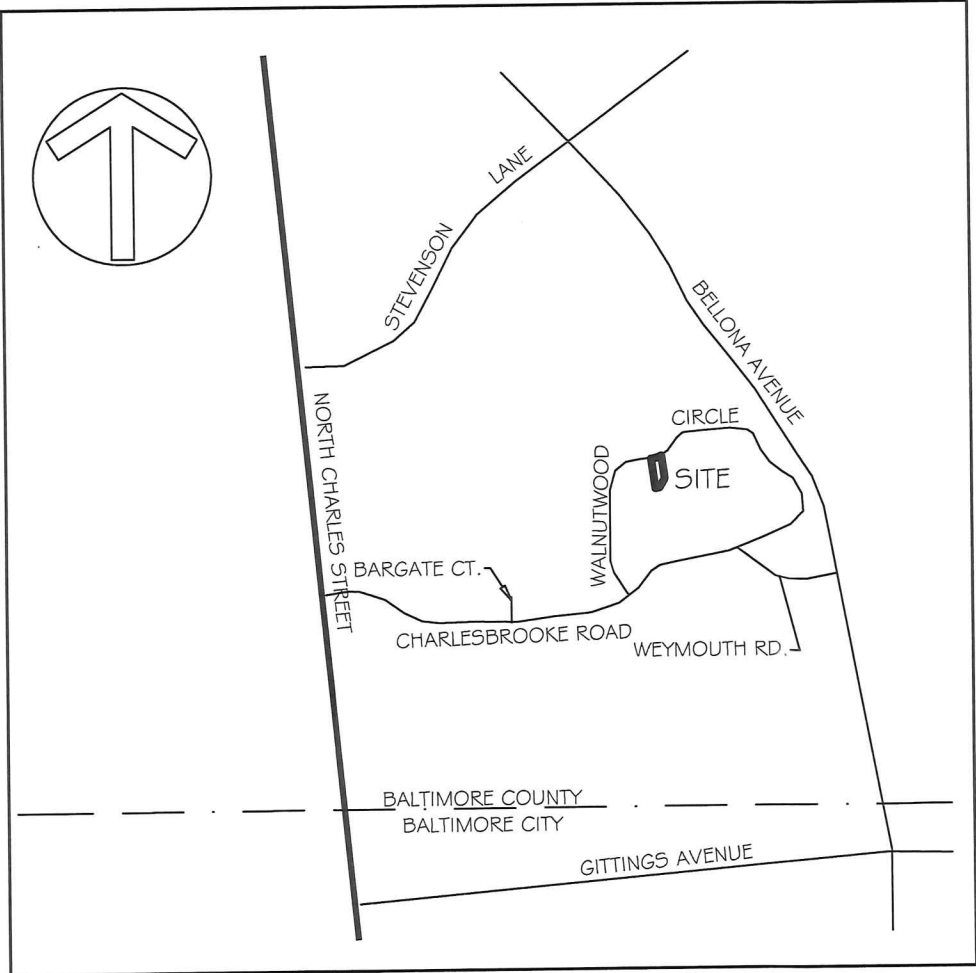
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