

M E M O R A N D U M

DATE: April 30, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0252-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 29, 2019. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(13410 Jarrettsville Pike)		
10 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Jay M. King	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0252-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owner of the property, Jay M. King (“Petitioner”). The Petitioner is requesting Variance relief from § 1A07.8.B.5 of the Baltimore County Zoning Regulations (“BCZR”), to permit principal building to building setbacks of 32' and 25' respectively in lieu of the required 80'. 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. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 5, 2019, 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 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

ORDER RECEIVED FOR FILING

Date 3-29-19

By [Signature]

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.

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 29th day of **March, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1A07.8.B.5 of the Baltimore County Zoning Regulations ("BCZR"), to permit principal building to building setbacks of 32' and 25' respectively in lieu of the required 80', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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 3-29-19

By [Signature]



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 13410 Jarretttsville Pk Currently zoned RC-6
 Deed Reference 38941 / 00494 10 Digit Tax Account # 1011035330
 Owner(s) Printed Name(s) Jay M. King

(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:

- X** **ADMINISTRATIVE VARIANCE** from Section(s) 1A07.8.B.5, BCZR, To Permit Building To Building Principal Setbacks of 32' and 25' Respectively in Lieu of the Required 80'.

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):

Jay M. King /
 Name #1 – Type or Print Name #2 – Type or Print
[Signature] /
 Signature #1 Signature #2
13410 Jarretttsville Pk, Phoenix, MD
 Mailing Address City State
21131 / 443 677 7654 / JKing@CSDonline.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 SAME
 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 31 day of March, 2019 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 2019-0252-A Filing Date 3/1/19 Estimated Posting Date 3/10/19 Reviewer JCM

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: 13410 Jarrettville Pike Phoenix MD 21131
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)**

The existing structure is in need of serious repair and the more
my Engineer looked at it we determined that it would be better
to RAZE + Replace

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

Signature of Owner (Affiant)

Jay King
Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

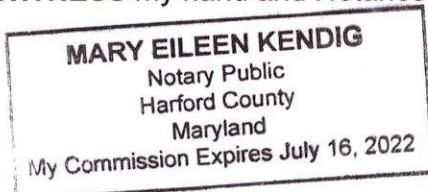
Harford MEK
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of February 28, 2019, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Jay King

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

AS WITNESS my hand and Notaries Seal



Mary Eileen Kendig
Notary Public
July 16, 2022
My Commission Expires

Jay King

From: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Sent: Friday, May 24, 2019 3:15 PM
To: Gary M Hucik; Jay King
Cc: Debra Wiley
Subject: Case No. 2019-252-A

The captioned matter was an administrative variance case wherein Petitioner was granted variances for principal building-to-building setbacks in the RC-6 zone. As requested in that petition, and as shown on the site plan submitted with that petition, the March 29, 2019 order approved setbacks of 25 and 33 feet in lieu of the required 80 ft. for a proposed dwelling. What was apparently overlooked is that Petitioner proposed to connect the new dwelling to an existing detached garage on the site, which was the subject of Case No. 2018-0003-A, which granted a variance for a height of 25 ft. in lieu of the maximum 15 ft. Under Section 400.1 of the zoning regulations, when an accessory structure (like a detached garage) is attached to a principal building it is "considered part of the principal building." As Mr. Hucik noted on the site plan, the garage is in fact 17 ft. from the nearest principal building to the south (the 33 ft. building to building setback to the north is not involved and has not changed).

What this means is that the variance request should have been for setbacks of 17 ft. and 33 ft. in lieu of the required 80 ft. So as I see it, 3 potential options exist at this juncture:

1. Petitioner can revise the plan so that the existing garage is not attached to the new dwelling, in which case the setbacks would be 25 and 33 ft., as permitted in the order.
2. Petitioner can file another admin. variance request seeking approval for setbacks of 17 and 33 ft.; or
3. A determination can be made that the request for a 17 ft. setback instead of the 25 ft. setback approved would be within the "spirit and intent" of the March 29, 2019 order and the zoning regulations. Ordinarily I believe a determination like this should be made by the Office of Zoning review, since it is that agency which routinely issues such letters. Even so, and having reviewed this matter in detail, I believe the request would be within the spirit and intent of the March 29 order, given the rather unusual circumstances of this case. The garage is existing, and was approved as to its height and location in the 2018 case referenced above. It is only when the garage becomes attached to the dwelling that it is transmogrified from an accessory structure to a principal building. The reality is the new dwelling is the principal building, and the 25 and 33 ft. setbacks approved in the March 29 order should allow Petitioner to construct the dwelling in the location shown on the site plan.

John Beverungen
ALJ



CONNECT WITH BALTIMORE COUNTY

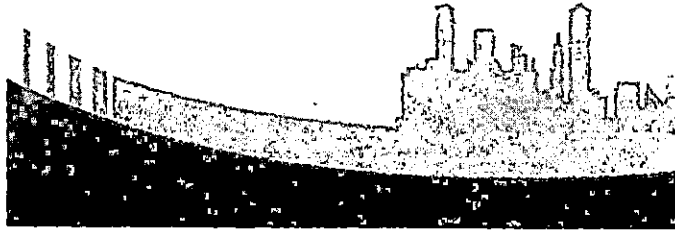


set is 20' feet

2019-0252-A

Property Description for 13410 Jarrettsville Pike, Phoenix, MD 21131

Thence the following courses and distances: (1st POC) S. 81 54' 57" E. 220.42', (2ND POC) S. 81 54' 57" E. 43.65', (3RD POC) N. 12 55' 26" E 66.55', (4TH POC) N. 77 56' 00" W. 255.89', (5TH POC) N. 77 56' 00" W. 22.92', Back to the beginning as recorded in Deed Liber 38941, Folio 00494, Containing .476 Acre. Located in the 10th Election District and 3rd Council District.



CERTIFICATE OF POSTING

March 6, 2019

_____ amended for second inspection

Re:

Zoning Case No. 2019-0252-A

Legal Owner: Jay King

Closing date: March 25, 2019

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign required by law were posted conspicuously on the property located at 13410 Jarrettsville Pike.

The signs were initially posted on March 5, 2019.

The subject property was also inspected on _____.

Sincerely,

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906 cell / 443-900-5535 office

bdoak@bruceedoakconsulting.com

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2019-0252-A

13410 Jarrettsville Pike

**REQUEST: TO PERMIT A REPLACEMENT
DWELLING WITH BUILDING TO BUILDING
SETBACKS OF 32 FEET AND 25 FEET,
RESPECTIVELY IN LIEU OF THE
REQUIRED 80 FEET.**

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 IT IS DONE IN
THE ZONING OFFICE BEFORE MARCH 25, 2019.**

**ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W.
CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391**

ZONING NOTICE

**ADMINISTRATIVE VARIANCE
CASE NO. 2019-0252-A**

13410 Jurellsville Road

**REQUEST: TO PERMIT A REPLACEMENT
DWELLING WITH BUILDING TO BUILDING
SETBACKS OF 32 FEET AND 25 FEET,
RESPECTIVELY IN LIEU OF THE
REQUIRED 60 FEET.**

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1) BALTIMORE
COUNTY CODE, AN EINGHELS INDIVIDUAL OR GROUP
MAY REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN
THE ZONING OFFICE BEFORE MARCH 25, 2019

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT
6500 SEASIDE AVENUE, TOWSON, MD 21204-2100 EXT. 1501

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

No. **180789**

Date:

3/1/19

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 3/04/2019 3/01/2019 11:19:12 5

REG WS05 WALKIN LRB
 >>RECEIPT # 997678 3/01/2019 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 180789

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Recpt Tot \$ 75.00
 .00 CK 80.00 CA
 5.00- CG
 Baltimore County, Maryland

Total: **75.00**

Rec From:

Jay King

For:

2019-0252-A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

March 26, 2019

Jay M. King
13410 Jarrchsville Pike
Phoenix MD 21131

RE: Case Number: 2019-0252-A, 13410 Jarrchsville Pike

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 March 1, 2019. 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/kl

Enclosures

c: People's Counsel



STATE HIGHWAY
ADMINISTRATION

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

Date: 3/7/19

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 3/6/19. A field inspection and internal review reveals that an entrance onto MD146 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Administrative Variance, Case Number 2019-0252-A.

Jay M. King
13410 Jarrett'sville Rd
MD 146

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) X 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

INTEROFFICE CORRESPONDENCE

TO: Michael Mohler, Acting Director
Department of Permits, Approvals

DATE: March 18, 2019

FROM: *MC2*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 11, 2019
Item No. 2019-0238-SPH, 0240-A, 0241-A, 0242-A, 0243-A, 0244-A, 0246-
SPH, 0247-A, 0248-A, 0249-A, 0250-SPH, 0251-A & 0252-A

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

* * * * *

VKD: cen
cc: file

**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: 2019-0252-A

Property Address: 13410 JARRETTSVILLE PIKE.

Property Description: Plot property located on the W side of Jarrettsville Pike, 370ft. S. of Summer Dr.

Legal Owners (Petitioners): JAY KING

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAY KING

Company/Firm (if applicable): _____

Address: 13410 JARRETTSVILLE PIKE
PHOENIX, MD 21131

Telephone Number: 443-677-7654

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0252 -A Address 13410 Jarrettville Pike

Contact Person: J. Merrey Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/1/19 Posting Date: 3/10/19 Closing Date: 3/25/19

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- 0252 -A Address 13410 Jarrettville Pike

Petitioner's Name JAY KING Telephone 443-677-7654

Posting Date: 3/10/19 Closing Date: 3/25/19

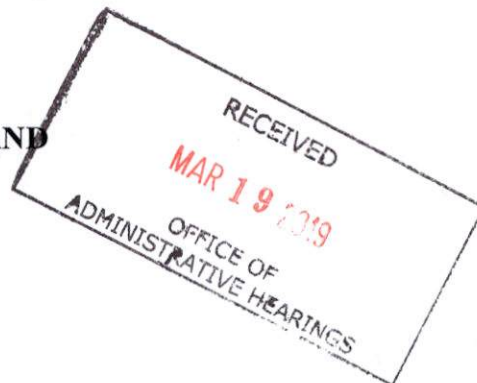
Wording for Sign: To Permit A REPLACEMENT DWELLING WITH BUILDING TO BUILDING SETBACKS OF 32ft AND 25ft, RESPECTIVELY IN LIEU OF THE REQUIRED 80ft.

Revised 6/30/2019

3-25-19

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: March 19, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0252-A
Address 13410 Jarrettsville Pike
(King Property)

Zoning Advisory Committee Meeting of **March 11, 2019.**

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

Reviewer: Steve Ford

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3-18</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>3-19</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>3-7</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>3-5-19</u>	by <u>Doak</u>
SIGN POSTING (2 nd)	Date: _____	by _____
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

✓ JB (AV) 3-25-19

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
(13410 Jarrettsville Pike) *
10th Election District * OFFICE OF ADMINISTRATIVE
3rd Council District * HEARINGS FOR
Jay M. King * BALTIMORE COUNTY
Petitioner *
* CASE NO. 2019-0252-A

* * * * *

OPINION AND ORDER

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The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 5, 2019, 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 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.

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 29th day of **March, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 1A07.8.B.5 of the Baltimore County Zoning Regulations ("BCZR"), to permit principal building to building setbacks of 32' and 25' respectively in lieu of the required 80', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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

Debra Wiley

From: Jay King <JKing@CSDOnline.com>
Sent: Friday, May 24, 2019 3:47 PM
To: John E. Beverungen; Gary M Hucik
Cc: Debra Wiley
Subject: RE: Case No. 2019-252-A

CAUTION: This message from JKing@csdonline.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Mr. Beverungen,

Thank you for reviewing and giving your thoughts and opinions on this situation. I will get with Gary and the Office Of zoning Review on Tuesday and see if they are willing to give me the "Spirit and Intent" determination and allow me to move forward in getting my building permit without having to go through with another Admin. Variance!

Have a great holiday weekend!

Regards,

Jay M. King



Control Systems Design, Inc.

1613 Robin Circle - Unit B

Forest Hill, MD 21050

Cell 443-677-7654

Fax 410-638-9959

JKing@CSDonline.COM

Confidentiality Notice: This electronic message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender via telephone, facsimile, or reply e-mail and destroy all copies of the original message, including any attachments.

From: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Sent: Friday, May 24, 2019 3:15 PM
To: Gary M Hucik <ghucik@baltimorecountymd.gov>; Jay King <JKing@CSDOnline.com>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Case No. 2019-252-A

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What this means is that the variance request should have been for setbacks of 17 ft. and 33 ft. in lieu of the required 80 ft. So as I see it, 3 potential options exist at this juncture:

1. Petitioner can revise the plan so that the existing garage is not attached to the new dwelling, in which case the setbacks would be 25 and 33 ft., as permitted in the order.
2. Petitioner can file another admin. variance request seeking approval for setbacks of 17 and 33 ft.; or
3. A determination can be made that the request for a 17 ft. setback instead of the 25 ft. setback approved would be within the "spirit and intent" of the March 29, 2019 order and the zoning regulations. Ordinarily I believe a determination like this should be made by the Office of Zoning review, since it is that agency which routinely issues such letters. Even so, and having reviewed this matter in detail, I believe the request would be within the spirit and intent of the March 29 order, given the rather unusual circumstances of this case. The garage is existing, and was approved as to its height and location in the 2018 case referenced above. It is only when the garage becomes attached to the dwelling that it is transmogrified from an accessory structure to a principal building. The reality is the new dwelling is the principal building, and the 25 and 33 ft. setbacks approved in the March 29 order should allow Petitioner to construct the dwelling in the location shown on the site plan.

John Beverungen

ALJ



CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

6/3
10 Am

Debra Wiley

From: Timothy M. Kotroco <tkotroco@gmail.com>
Sent: Tuesday, May 28, 2019 4:04 PM
To: noahrobd@me.com
Cc: John E. Beverungen; Debra Wiley
Subject: Pikesville Hilton New Hearing Date

CAUTION: This message from tkotroco@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Dear Mr. Dankner,

You attended the hearing for the Pikesville Hilton back on April 26, 2019. I was the attorney who was in the hearing room when you showed up. No one else was there.

I told you that I would make you aware of the new date and time for the hearing. The hearing has been reset for June 3, 2019 at 10am in the very same room where you appeared last time. Let me know if you need any information or if I can be of any assistance to you.

Regards,

Tim K.
Timothy M. Kotroco, Esquire
305 Washington Ave., Suite 502
Towson, Maryland 21204
410-299-2943

This communication, including attachments, is confidential, may be subject to legal privileges, and is intended for the sole use of the addressee. Any use, duplication, disclosure or dissemination of this communication, other than by the addressee, is prohibited. If you have received this communication in error, please notify the sender immediately and delete or destroy this communication and all copies.

John E. Beverungen

From: John E. Beverungen
Sent: Friday, May 24, 2019 3:15 PM
To: Gary M Hucik; 'JKing@CSDOnline.com'
Cc: Deborah Wiley (dwiley@baltimorecountymd.gov)
Subject: Case No. 2019-252-A

The captioned matter was an administrative variance case wherein Petitioner was granted variances for principal building-to-building setbacks in the RC-6 zone. As requested in that petition, and as shown on the site plan submitted with that petition, the March 29, 2019 order approved setbacks of 25 and 33 feet in lieu of the required 80 ft. for a proposed dwelling. What was apparently overlooked is that Petitioner proposed to connect the new dwelling to an existing detached garage on the site, which was the subject of Case No. 2018-0003-A, which granted a variance for a height of 25 ft. in lieu of the maximum 15 ft. Under Section 400.1 of the zoning regulations, when an accessory structure (like a detached garage) is attached to a principal building it is "considered part of the principal building." As Mr. Hucik noted on the site plan, the garage is in fact 17 ft. from the nearest principal building to the south (the 33 ft. building to building setback to the north is not involved and has not changed).

What this means is that the variance request should have been for setbacks of 17 ft. and 33 ft. in lieu of the required 80 ft. So as I see it, 3 potential options exist at this juncture:

1. Petitioner can revise the plan so that the existing garage is not attached to the new dwelling, in which case the setbacks would be 25 and 33 ft., as permitted in the order.
2. Petitioner can file another admin. variance request seeking approval for setbacks of 17 and 33 ft.; or
3. A determination can be made that the request for a 17 ft. setback instead of the 25 ft. setback approved would be within the "spirit and intent" of the March 29, 2019 order and the zoning regulations. Ordinarily I believe a determination like this should be made by the Office of Zoning review, since it is that agency which routinely issues such letters. Even so, and having reviewed this matter in detail, I believe the request would be within the spirit and intent of the March 29 order, given the rather unusual circumstances of this case. The garage is existing, and was approved as to its height and location in the 2018 case referenced above. It is only when the garage becomes attached to the dwelling that it is transmogrified from an accessory structure to a principal building. The reality is the new dwelling is the principal building, and the 25 and 33 ft. setbacks approved in the March 29 order should allow Petitioner to construct the dwelling in the location shown on the site plan.

John Beverungen
ALJ

Sherry Nuffer

From: Jay King <JKing@CSDOnline.com>
Sent: Friday, May 24, 2019 8:49 AM
To: Administrative Hearings
Subject: Fwd: Clarification for 2019 - 0252-A
Attachments: 20190522_125727_resized.jpg

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Sent from my Sprint Samsung Galaxy S9+.



----- Original message -----

From: Jay King <JKing@CSDOnline.com>
Date: 5/22/19 1:05 PM (GMT-05:00)
To: administrationhearings@baltimorecountymd.gov
Cc: ghucik@baltimorecountymd.gov
Subject: Clarification for 2019 - 0252-A

To Whom it May Concern,

I requested an Administrative Hearing (2019 - 0252-A) and was granted to allow me to build a new Residential dwelling to the Building to Building Setbacks of 25' and 33' respectfully (See Attached Copy of the Site plan that was part of the Hearing) Today I went to apply for my building permit and was talking to Gary Hucik in Zoning and it appears that whoever wrote up the Hearing Paper work used the Proposed New Dwelling to adjacent Dwelling instead of the Existing Garage that I'm attaching to for the setbacks and it has a slightly smaller (17') setback that was not picked up on the original Hearing Paperwork.

I assume this is ok and I just need clarification so Zoning can sign off on it, but please let me know! Thanks in advance for your help in getting this resolved! You can reach me anytime at 443-677-7654 if you need more information or clarification

Regards,

Jay M. King

 Control Systems Design, Inc.

1613 Robin Circle - Unit B

Forest Hill, MD 21050

Cell 443-677-7654

RECEIVED
MAY 21 2012
OFFICE OF
ADMINISTRATIVE HEARINGS

Fax 410-638-9959

JKing@CSDonline.COM

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N 02°40'07" E
TO PIPE FOL

57" E

5'

Dry Well

Septic Tank

EXISTING
DOG RUN

EXISTING GARAGE

Macadam Drive

PROPOSED
PATIO

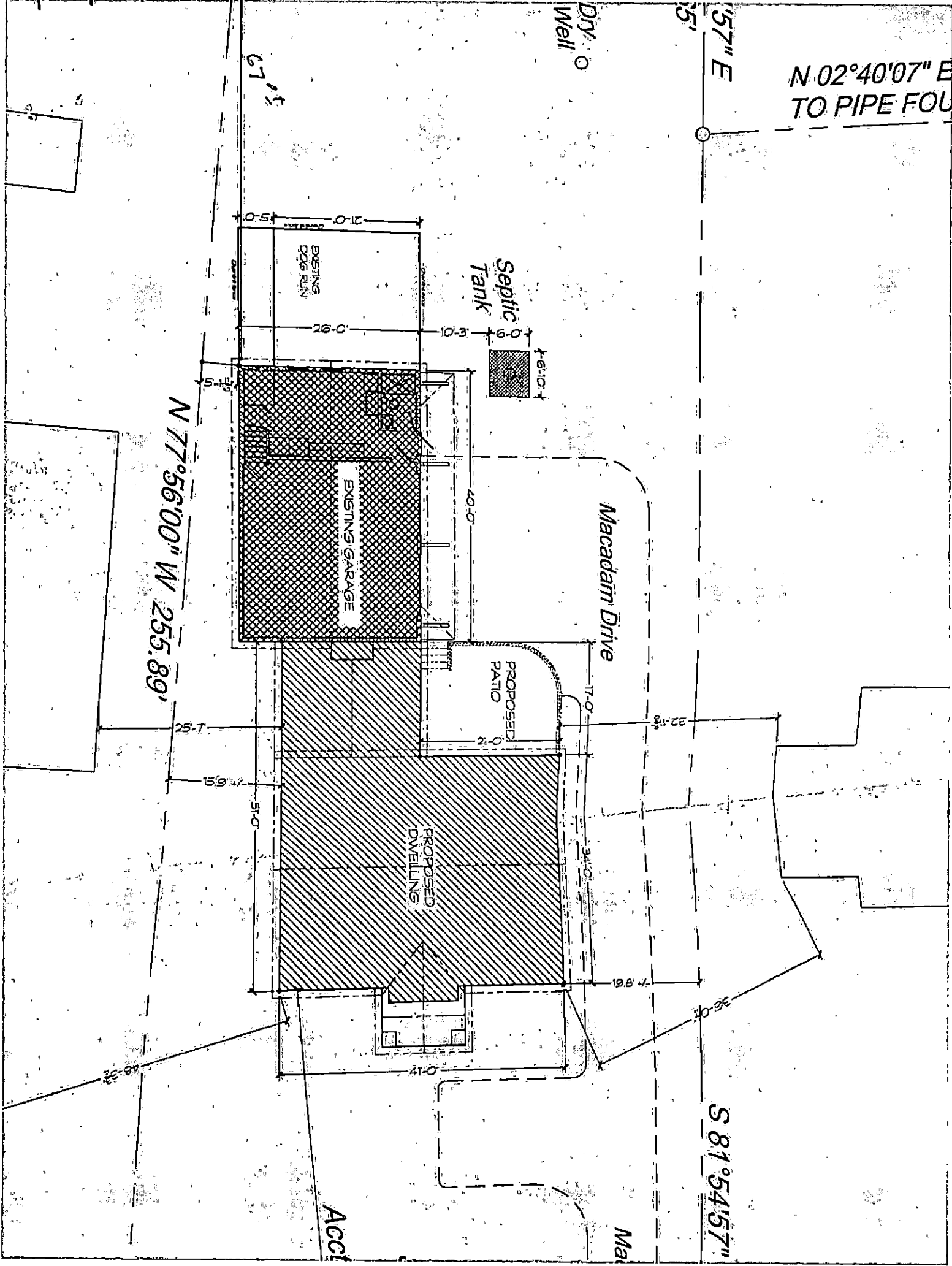
PROPOSED
DWELLING

N 77°56'00" W 255.89'

S 81°54'57"

Acc

Ma



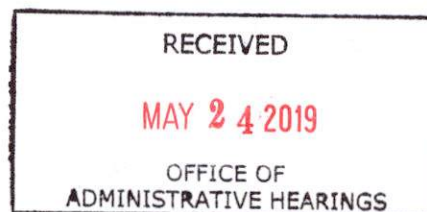
Debra Wiley

From: Jay King <JKing@CSDOnline.com>
Sent: Friday, May 24, 2019 8:49 AM
To: Administrative Hearings
Subject: Fwd: Clarification for 2019 - 0252-A
Attachments: 20190522_125727_resized.jpg

*Please
Send
order for email
to
email for JWS*

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Sent from my Sprint Samsung Galaxy S9+.



----- Original message -----

From: Jay King <JKing@CSDOnline.com>
Date: 5/22/19 1:05 PM (GMT-05:00)
To: administrationhearings@baltimorecountymd.gov
Cc: ghucik@baltimorecountymd.gov
Subject: Clarification for 2019 - 0252-A

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Regards,

Jay M. King

 Control Systems Design, Inc.

1613 Robin Circle - Unit B

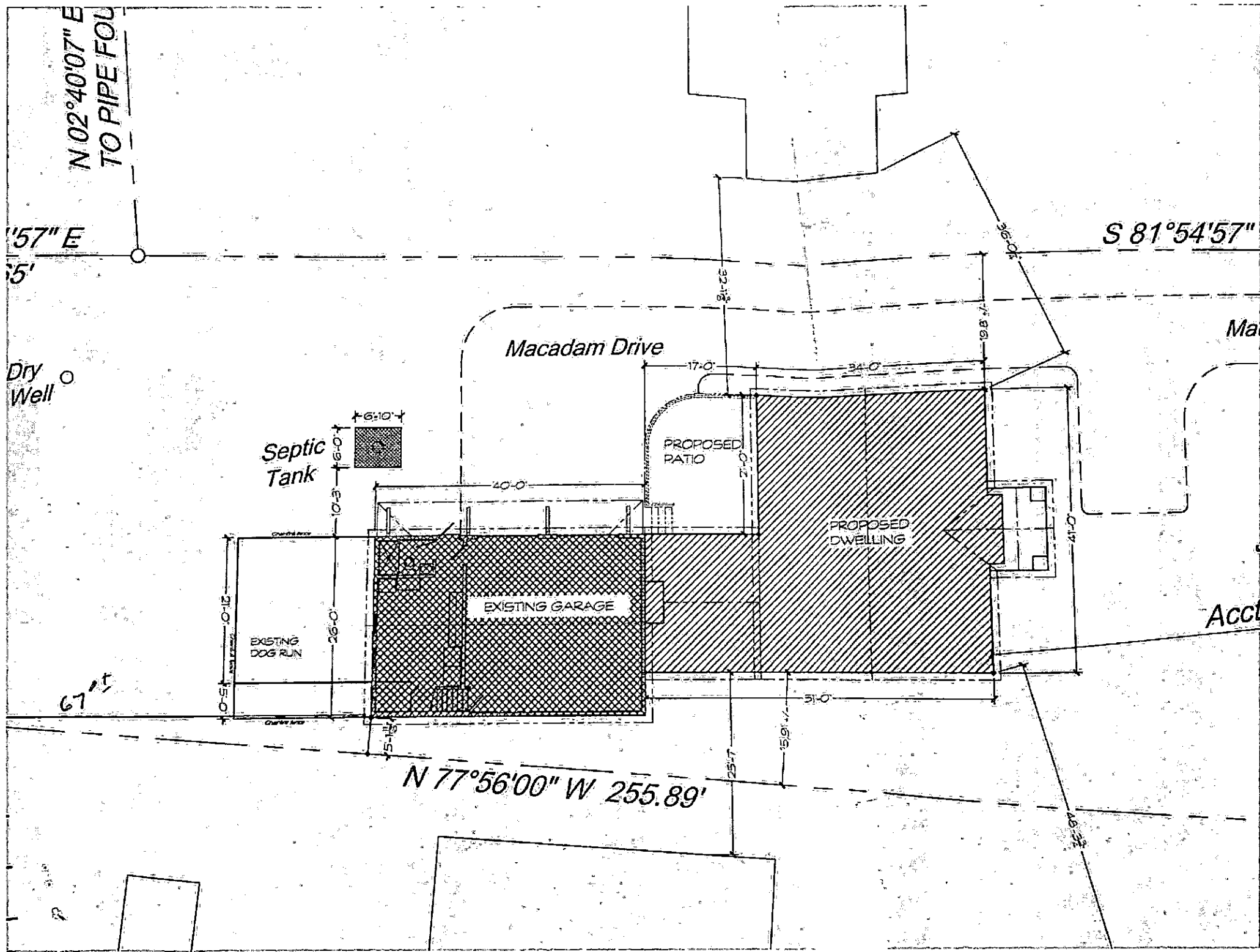
Forest Hill, MD 21050

Cell 443-677-7654

Fax 410-638-9959

JKing@CSDonline.COM

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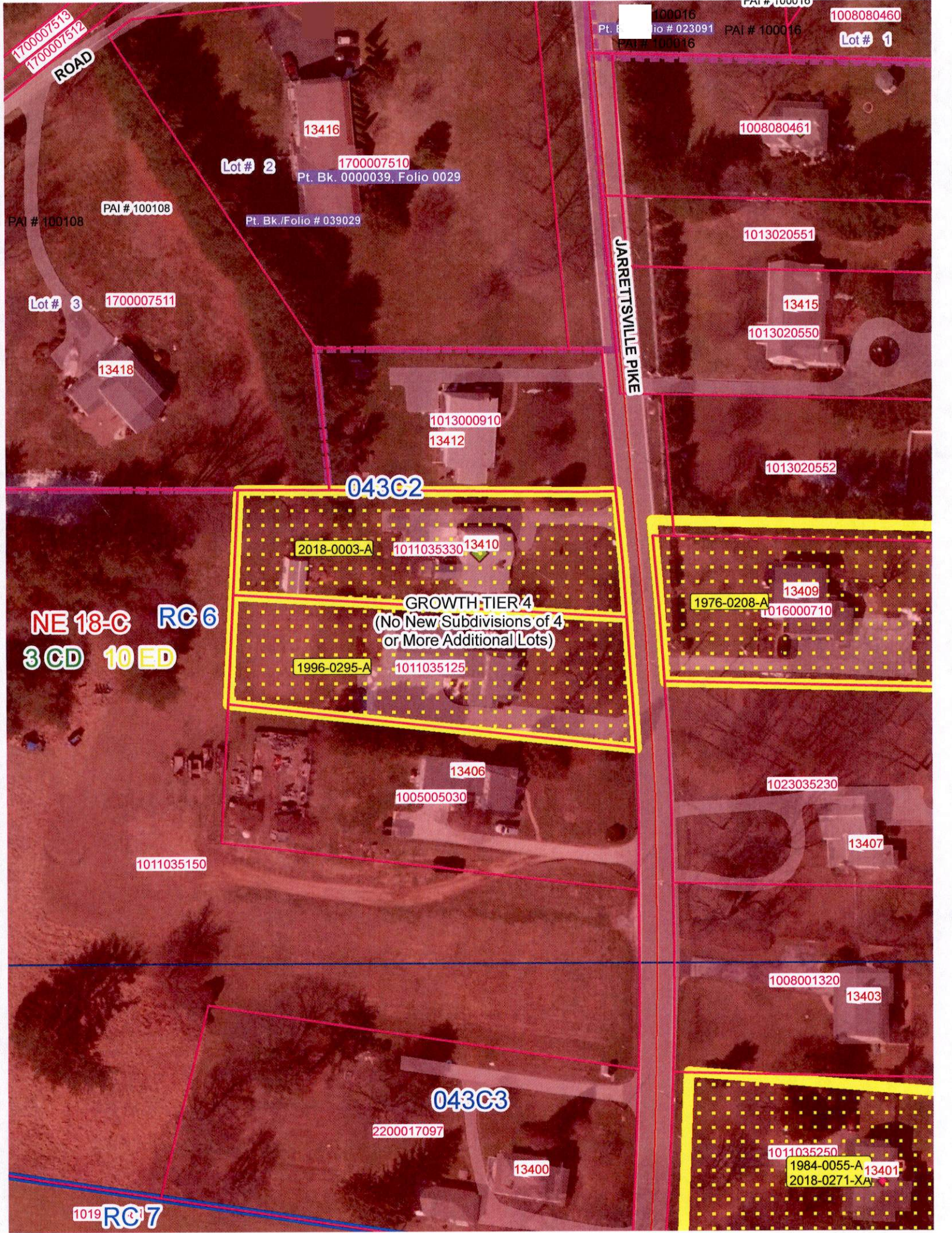












1700007513
1700007512
ROAD

100016
io # 023091
PAI # 100016
1008080460
Lot # 1

13416
Lot # 2
1700007510
Pt. Bk. 0000039, Folio 0029

PAI # 100108
PAI # 100108

Pt. Bk./Folio # 039029

Lot # 3
1700007511

13418

JARETTSVILLE PIKE

1013020551

13415

1013020550

1013000910
13412

1013020552

043C2

2018-0003-A
1011035330
13410

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

1996-0295-A
1011035125

1976-0208-A
13409
1016000710

NE 18-C RC 6
3 CD 10 ED

13406

1005005030

1023035230

13407

1011035150

1008001320

13403

043C3

2200017097

13400

1011035250

1984-0055-A
2018-0271-XA
13401

1019 RC 7

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 - 10 Account Number - 1011035330			
Owner Information					
Owner Name:		KING JAY M		Use:	RESIDENTIAL
Mailing Address:		13410 JARRETTSVILLE PIKE PHOENIX MD 21131-2028		Principal Residence:	YES
				Deed Reference:	/38941/ 00494
Location & Structure Information					
Premises Address:		13410 JARRETTSVILLE PIKE PHOENIX 21131-2028		Legal Description:	0.47 AC WS JARRETTSVILLE PIKE 4800 S MERRYMANS MILL RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0043	0017	0202		0000	
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1964	1,802 SF		20,272 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	NO	SPLIT LEVEL	1/2 BRICK FRAME	1 full/ 1 half	1 Detached
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2017	07/01/2018	07/01/2019	
Land:	121,000	121,000			
Improvements	108,400	112,700			
Total:	229,400	233,700	232,267	233,700	
Preferential Land:	0			0	
Transfer Information					
Seller: KING DONALD W		Date: 05/09/2017		Price: \$275,000	
Type: ARMS LENGTH IMPROVED		Deed1: /38941/ 00494		Deed2:	
Seller: KING J MCKINLEY		Date: 02/25/1964		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /04268/ 00205		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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 07/31/2017

Homeowners' Tax Credit Application Information

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

ZAC AGENDA

Case Number: 2019-0252-A

Reviewer: Joseph Merrey

Existng Use: **Proposed Use:**

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Jay M. King

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 10 **Council Dist:** 3

Property Address: 13410 JARREHSVILLE PIKE

Location: Located on the W/S of Jarrettsville pike, 370 ft S of Sunnyview drive

Existing Zoning: RC 6

Area: .476

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To permit building to principal build setbacks of 32' and 25' respectively in lieu of the required 80'.

Attorney: Not Available

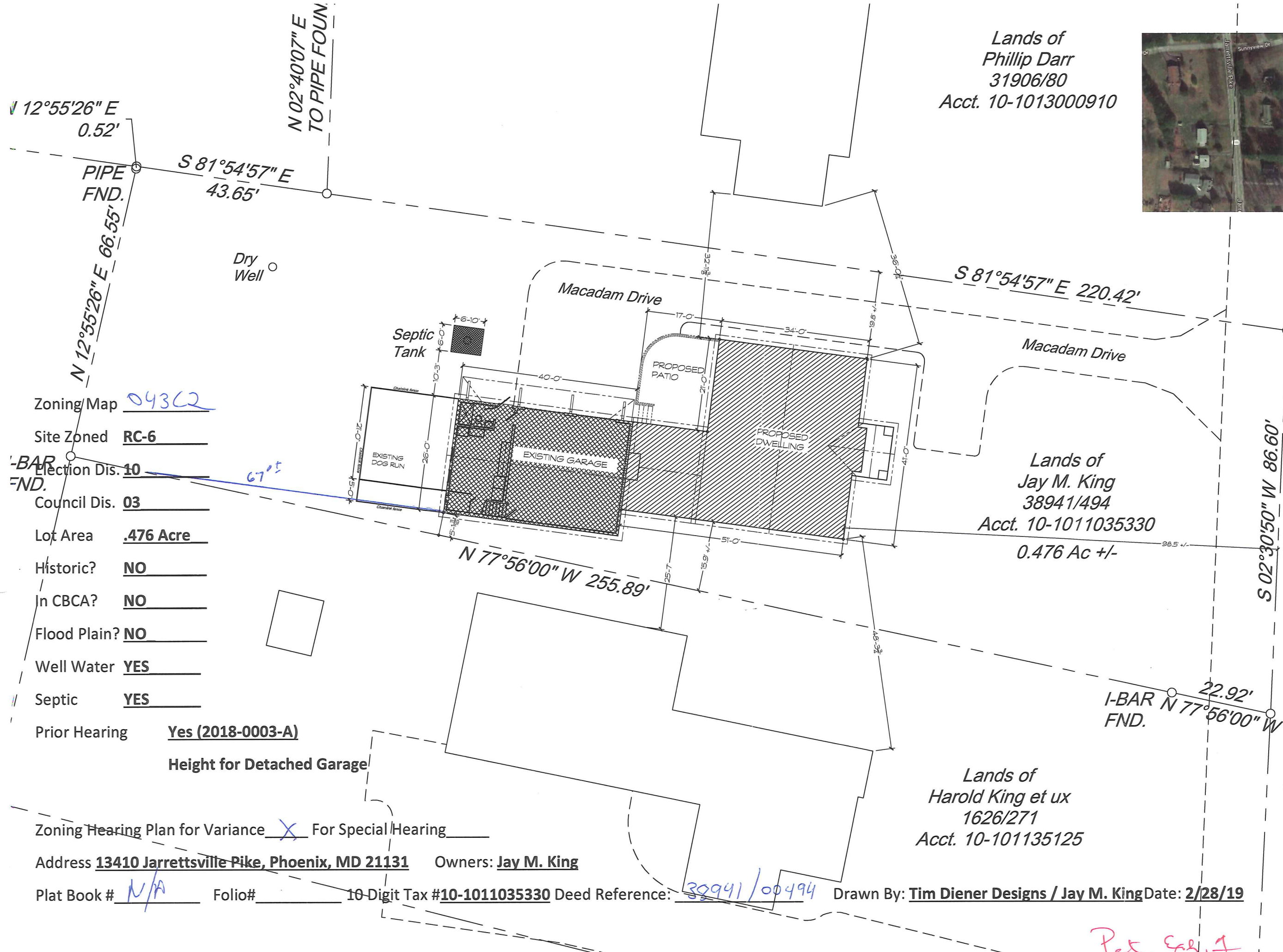
Prior Zoning Cases: 2018-0003-A

Concurrent Cases: None

Violation Cases: None

Closing Date: 3-25-19

Miscellaneous Notes:



Lands of
Phillip Darr
31906/80
Acct. 10-1013000910



Lands of
Jay M. King
38941/494
Acct. 10-1011035330
0.476 Ac +/-

Lands of
Harold King et ux
1626/271
Acct. 10-101135125

N 12°55'26" E 0.52'
PIPE FND.
N 12°55'26" E 66.55'
N 02°40'07" E TO PIPE FOUN.

Zoning Map 043C2
Site Zoned RC-6
Election Dis. 10
Council Dis. 03
Lot Area .476 Acre
Historic? NO
In CBCA? NO
Flood Plain? NO
Well Water YES
Septic YES
Prior Hearing Yes (2018-0003-A)

Height for Detached Garage

Zoning Hearing Plan for Variance X For Special Hearing

Address 13410 Jarrettsville Pike, Phoenix, MD 21131 Owners: Jay M. King

Plat Book # N/A Folio# 10-Digit Tax #10-1011035330 Deed Reference: 38941/00494 Drawn By: Tim Diener Designs / Jay M. King Date: 2/28/19

MD RTE 146 JARRETTSVILLE PIKE



NORTH BASED ON MONUMENTS FOUND ALONG
THE N 77°56' W 276.70' LINE OF DEED 4288205.

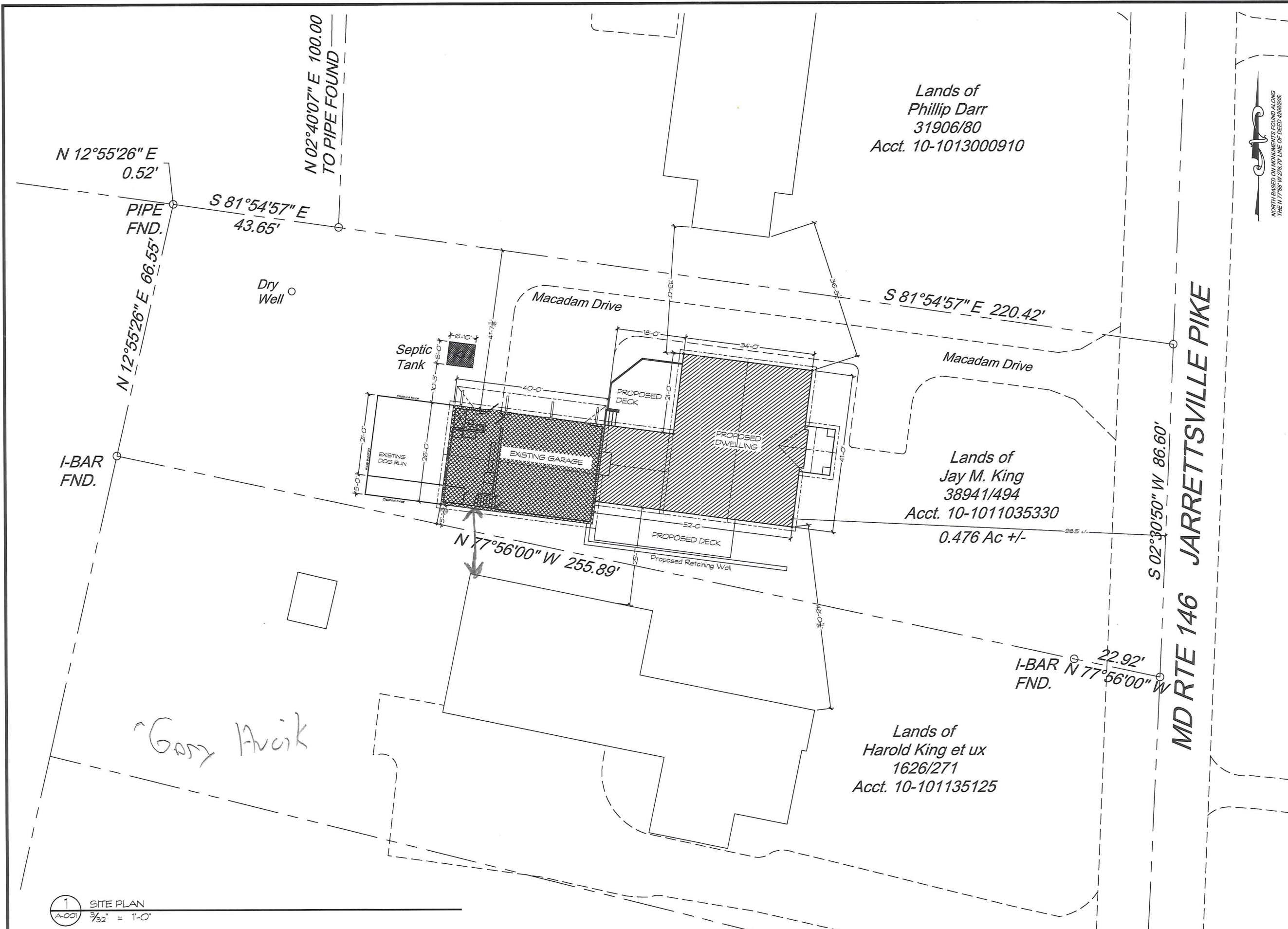
TIM DIENER DES
534 S Yale St York PA

A New Residence for
JAY KING

SITE	
Rev.	
Scale	
Drawn	
Date	

Scale: 1" = 20'

Pet. Exh. 1



NORTH BASED ON MONUMENTS FOUND ALONG THE N 77°56'00" W 255.89' LINE OF DEED 4286205.

TIM DIENER DESIGN
534 S. Yale St. York, PA 17403
Tel.: (717) 424-1548
Email: tdienert2@comcast.net

A New Residence for
JAY KING
13410 Jarrettsville Pike
Phoenix, MD 21131

SITE PLAN	
Rev.	v.2
Scale	3/32" = 1'-0"
Drawn	TD
Date	07MAY19

A-001

1 SITE PLAN
A-001 3/32" = 1'-0"

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Jay King 2019-0252-A (Av) 3-25-19