MEMORANDUM

DATE:

May 9, 2019

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2019-0262-A- Appeal Period Expired

The appeal period for the above-referenced case expired on May 8, 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.'

c: Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE (12620 Dulaney Valley Road)

10th Election District 3rd Council District

Shawn R. & Paula D. Campbell

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

* BALTIMORE COUNTY

* CASE NO. 2019-0262-A

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, Shawn R. and Paula D. Campbell ("Petitioners"). The Petitioners are requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("BCZR"), to allow an accessory building (detached garage) in the side yard in lieu of the required rear yard, and to allow an accessory building (detached garage) to have a height of 31' in lieu of the allowed 15'. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 17, 2019, 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 requested variance would adversely affect the health, safety or general

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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 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 8th day of April, 2019, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("BCZR"), to allow an accessory building (detached garage) in the side yard in lieu of the required rear yard, and to allow an accessory building (detached garage) to have a height of 31' in lieu of the allowed 15', be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

Order.

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

OHDER HEDGIVED POLLIER	
Date 4-8-19	

A ABABIVEA EAR FILING

2

ATTACHMENT TO PETITION FOR VARIANCES 12620 Dulaney Valley Road

ZONING RELIEF REQUESTED:

- 1) Section 400.1. Variance to allow an accessory building (detached garage) in the side yard in lieu of the required rear yard.
- 2) Section 400.3. Variance to allow an accessory building (detached garage) to have a height of 31' in lieu of the allowed 15'.



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 12620 DULANEY VALLEY RD, PHOENIX, MD 21131 Currently zoned RC-6 10 Digit Tax Account # 2200012568 15668 / 208 Deed Reference Owner(s) Printed Name(s) SHAWN & PAULA CAMPBELL (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized. The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an: 1. X ADMINISTRATIVE VARIANCE from Section(s) SEE ATTACHED 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): PAULA CAMPBELL Name # 2 - Type or Print Signature # 2 Signature # 12620 DUI MEY VALLEY RD, PHOENIX, MD Mailing Address City State SALES@SEABOARDASPHALT,COM 443-324-4170 21131 Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s): Representative to be contacted:

N/A Mailing Address RECEIVED FOR FILING State

elephone #

Email Address

THOMAS J. HOFF

Name - Type or Print

Signature 512 VIRGINIA AVE., TOWSON, MD

Mailing Address 21286 410-296-3669 Zip Code Telephone #

State TOM@THOMASJHOFF.COM 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 3,17,19 CASE NUMBER 2019-0767-A Filing Date

'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: 12620 DULANEY VA	LLEY RD.	PHOENIX, I	MD 21131					
Print or Type Address of property		City	State	Zip Code				
Based upon personal knowledge Administrative Variance at the at								
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7,								
(If additional space for the petitio	n request or	the above sta	tement is needed, label	and attach it to this Form)				
Signature of Owner (Affiant)		•	Signature of Owner (A	ffiant)				
SHAWN CAMPBELL			PAULA CAMPBELL					
Name- Print or Type			Name- Print or Type					
The following informat	ion is to be c	ompleted by	a Notary Public of the St	ate of Maryland				
STATE OF MARYLAND, COUN	TY OF BAI	_TIMORE, to	o wit:					
I HEREBY CERTIFY, this 8 H and for the County aforesaid, perso	day of nally appear	Fabruary ed:	. <u>2019</u> , before m	e a Notary of Maryland, in				
Print name(s) here: Shawn Campbe	e /1		Pavla Camp	bell & do				
the Affiant(s) herein, personally kno	wn or satisfa	actorily identif	ied to me as such Affiar	nt(s).				
AS WITNESS my hand and Notarie	s Seal	Shon	4 Bulle	10 Miles In				
Sharon Marie Bradshaw Notary Public	-	ry Public	9/2022					
County of Baltimore	My C	ommission E	ion Expires					

Notary Public County of Baltimore State of Maryland My Commission expires: January 29, 2022

REV. 5/5/2016

Mana Mana Baratawa Motary Public County of Bataman State of Maryland Commission and programment

ANTOH COLLO

ATTACHMENT TO PETITION FOR VARIANCES 12620 Dulaney Valley Road

Practical difficulty or hardship:

Would require placing the garage on a steeper slope and would require more grading and additional paving.

The additional height is in keeping with the roof style of the existing house.

ATTACHMENT TO PETITION FOR VARIANCES 12620 Dulaney Valley Road

Practical difficulty or hardship:

Would require placing the garage on a steeper slope and would require more grading and additional paving.

The additional height is in keeping with the roof style of the existing house.

NS(XV)4-1-19

Debra Wiley

From:

Marty Ogle <mert1114@aol.com> Sunday, March 31, 2019 7:05 PM

Sent: To:

Administrative Hearings

Subject:

2019-0262-A

2nd set of certificates

CERTIFICATE OF POSTING CASE NO. 2019-0262-A PETITIONER/DEVELOPER TOM HOFF DATE OF HEARDNO/CLOSING APRIL 1, 2019 BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING ROOM LIT. 111 WEST CHESAPEAKE AVENUE myada gle 3/31/19 ATTENTION: LADIES AND GENTLEMAN THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERSORY THAT THE NECESSARY SIGNES) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON ON March 17, 2019 March 31, 2019

SINCERELY,

SIGNATURE OF SIGN POSTER

WHEN THE SIGNATURE OF SIGN POSTER THIS SIGN(S) POSTED ON MARTIN OGLE 9412 MAIDBROOK ROAD PARKVILLE, MD. 21234 443-629-3411

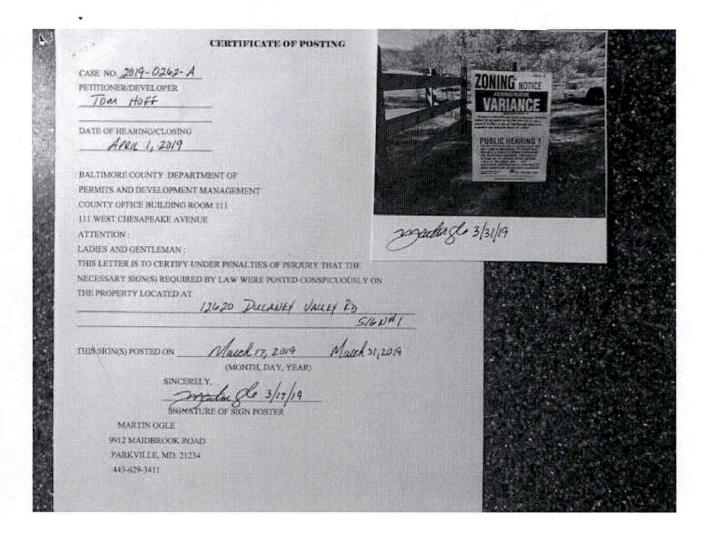
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OFFICE OF ADMINISTRATIVE HEARINGS

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APR 01 2019

OFFICE OF ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTII

CASE NO. 2019-0262-A
PETITIONER/DEVELOPER
TOM HOFF
DATE OF HEARING/CLOSING
APRIL 1, 2019
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:
LADIES AND GENTLEMAN:
THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT 12620 DULANEY VALLEY 25
5/6N#2
THIS SIGN(S) POSTED ON
SINCERELY, SIGNATURE OF SIGN POSTER
MARTIN OGLE

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411

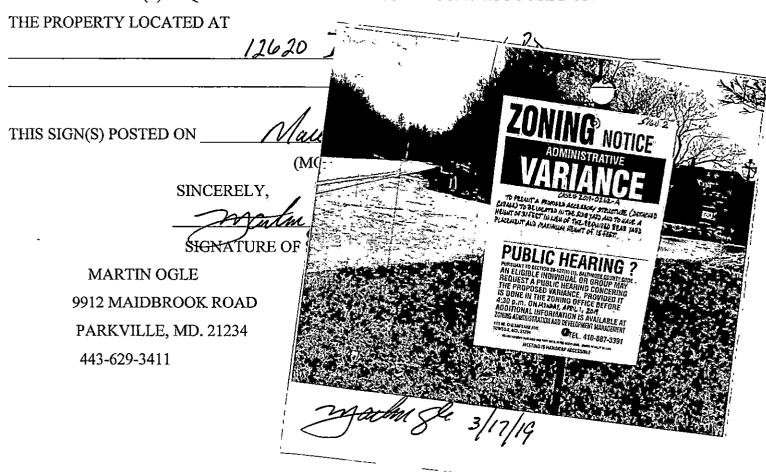
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CASE NO	2019-0262-A
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BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING ROOM 111 111 WEST CHESAPEAKE AVENUE ATTENTION:

LADIES AND GENTLEMAN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) 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.

Case Number:	
Property Address: 12620 DULANEY VALLEY R	OAD
Property Description:	
Lec SHAWN & PAULA C	CAMPBELL
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Jan 8/3/17/19	

BALTIMORE COUNTY DEPARE ENT OF PERMITS, APPROVALS () INSPECTIONS LONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 076 2 -A Address 12620 DULANCY VALLEY ROAD, 2113.
Contact Person: Stidelman Phone Number: 410-887-3391
Planner, Please Print Your Name Filling Date: 3/7/19 Posting Date: 3/17/19 Closing Date: 4/1/19
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. <u>POSTING/COST:</u> 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. <u>DEADLINE:</u> 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.
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- 0762 -A Address 12620 DULNEY VALLEY RUAD 21131
Petitioner's Name CAMPBELL Telephone 443-1170
Posting Date: 3 17 19 Closing Date: 4 1/19
Wording for Sign: To Permit A PROPOSED ACCESSORY STRUCTURE (DETATINED GARAGE)
TO BE LOCATED IN THE SINE YARD AND TO HAVE & HEIGHT OF 31 FEET IN LIEU OF
THE REGULES REAR YARD PUTCEMENT AND MAYINUM MEIGHT OF 15 FEET.
Paying 4 6/30/2019



JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL MOHLER, Director Department of Permits, Approvals & Inspections

April 2, 2019

Shawn & Paula Campbell 12620 Dulaney Valley Road Phoenix MD 21131

RE: Case Number: 2019-0262-A, 12620 Dulaney Valley Road

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 7, 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

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Michael Mohler, Acting Director

Department of Permits, Approvals

NO

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 18, 2019

Item No. 2019-0253-SPHA, 0254-SPH, 0255-SPH, 0257-A, 0259-SPHA,

DATE: March 29, 2019

0260-SPHA, 0261-A, 0262-A, 0263-X & 0264-SPH

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

VKD: cen cc: file

(AV) 4-1-19

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

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ADMINISTRATIVE HEARINGS

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 20, 2019

SUBJECT:

DEPS Comment for Zoning Item

2019-0262-A

Address

12620 Dulaney Valley Road

(Campbell Property)

Zoning Advisory Committee Meeting of March 18, 2019.

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

Reviewer:

Steve Ford

CHECKLIST

Comment Received	<u>Depai</u>	tment			Support/Opp Conditions/ Comments/ No Comment	
3-29	DEVELOPMENT (if not received, da				NO	
3-20	DEPS (if not received, da	te e-mail sent)		NO	
	FIRE DEPARTMI	ENT				
-	PLANNING (if not received, da	te e-mail sent)			
	STATE HIGHWA	Y ADMINISTR	ATION			
7	TRAFFIC ENGIN	EERING				
	COMMUNITY AS	SSOCIATION				
	ADJACENT PRO	PERTY OWNER	RS			
ZONING VIOLA	TION (Ca	se No				
PRIOR ZONING	(Ca	se No)
NEWSPAPER AI	OVERTISEMENT	Date:				* *
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SIGN POSTING	(2 nd)	Date:	3-31-19	1	by	
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Comments, if any	:					7

Real Property Data Search

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Homestead Application Status: Appli

04/30/2008

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

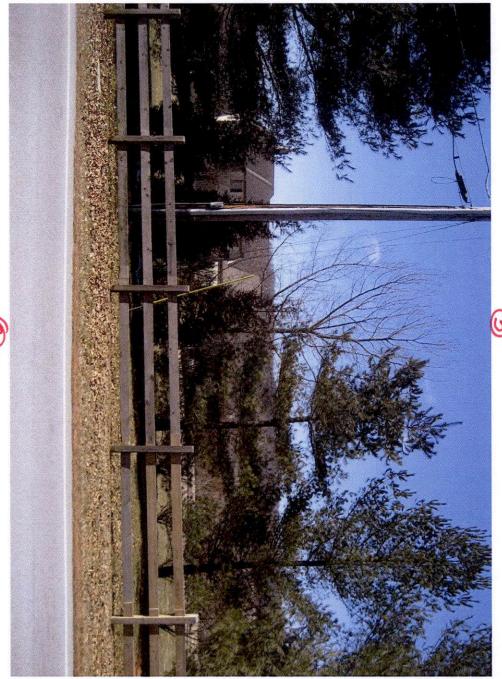
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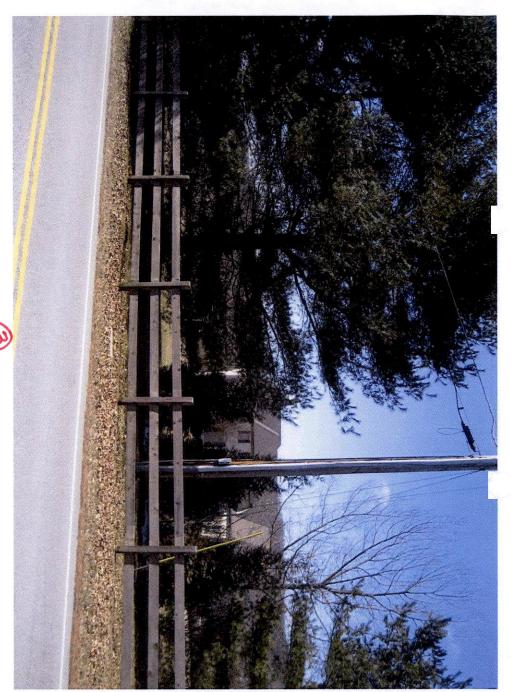






2019-0262.4





2019-0762-4



(AV) 4-1

ZAC AGENDA

Election Dist: 15 Council Dist: 6

Case Number: 2019-0261-A

Reviewer: Rosalie Johnson Proposed Use: COMMERCIAL

Existing Use: COMMERCIAL Proposed L Type: ADMINISTRATIVE VARIANCE Legal Owner: Robert & Eleanor Ronadlew

Contract Purchaser: No Contract Purchaser was set.

Property Address: 10416 VINECENT RD

Critical Area: No Flood Plain: No

Location: W. on Vincent Road, S/W of Gambrill Road

Existing Zoning: RC 3

Area: .51

Historic: No

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To permit the side yard setback of 13' in lieu of the required 25' for a building addition.

Attorney: John B. Gotron Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 04/01/2019

Miscellaneous Notes:

Case Number: 2019-0262-A Reviewer: Jason Seidelman
Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE
Legal Owner: Shawn & Paula Campbell

Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 12620 DULANEY VALLEY RD

Location: W/S of Dulaney Valley Road 70',649' SW of the centerline of Dance Mill Road.

Existing Zoning: RC 6

Area: 11.456

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To allow an accessory building (detached garage) in the side yard in lieu of the required rear yard. To allow an accessory building (detached garage) to have a height of 31' in lieu of the allow 15'.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 04/01/2019

Miscellaneous Notes:

