#### MEMORANDUM

DATE:

August 20, 2019

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2019-0372-A- Appeal Period Expired

The appeal period for the above-referenced case expired on August 19, 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

(2022 Blue Mount Road)

10<sup>th</sup> Election District 3<sup>rd</sup> Council District

Randall R. Fryer, Jr. & Sharon L. Fryer

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

\* BALTIMORE COUNTY

CASE NO. 2019-0372-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, Randall R. Fryer, Jr. and Sharon L. Fryer ("Petitioners"). The Petitioners are requesting Variance relief from § 400.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit an accessory structure (pavilion) to be located in the front yard in lieu of the required rear yard. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. The property is subject to certain environmental regulations as noted in the ZAC comment, dated July 10, 2019, submitted by the Department of Environmental Protection and Sustainability (DEPS).

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 30, 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

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Date	7-18-19	
Bv	Pas	

CONTROL DECEMBER DECEMBER INC.

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 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 <u>18<sup>th</sup></u> day of **July**, **2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 400.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit an accessory structure (pavilion) to be located in the front yard in lieu of the required rear yard, 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 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.
- Petitioners must comply with the DEPS ZAC comment, dated July 10, 2019; a copy of which is attached hereto and made a part hereof.
- The pavilion shall remain open and shall not be enclosed at any time.

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 19-19

2

### ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

	for Baltimore County for the property located at:
Address 2002 Blue Mount RD Monkton, MY	ONIT Currently zoned RCZ
Owner(s) Printed Name(s) Randy Fryer	10 Digit Tax Account # ( 8 6 0 0 0 4 2 6 5
J	
(SELECT THE HEARING(S) BY MARKING $X$ AT THE APPRO	PRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the	everse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate attached hereto and made a part hereof, hereby petition for	
1. ADMINISTRATIVE VARIANCE from Section(s)	
To permit an accessory other	ture CPAVILION) to be located
in the front yard in lieu of	the required rear yard.
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to appro County Code: (indicate type of work in this space: i.e., to rai	ve a waiver pursuant to S ection 32-4-107(b) of the Baltimore ze, alter or construct addition to building)
of the Baltimore County Code, to the development law of Ba	altimore County
Property is to be posted and advertised as prescribed by the zoning regula	tions. and further agree to be bound by the zoning regulations and restrictions of
	Owner(s)/Petitioner(s):
	Po 1. Trans
	Name #1 – Type or Print Name #2 – Type or Print
	O Randy Figer
/	Signature #1 Signature # 2
	Mailing Address City State
	2111 (40)43-11,31
ų e	Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
	Christopher Majaberz
Name- Type or Print	Name - Type or Print
Signature	Signature
OFIVED FOR	10227 Liberty 20 Randallytour MD
Signature  Mailing Address RECEIVED FOR FILING  State  ORDER  State  State	Mailing Address City State    State   State   State
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
A PURI IC HEARING having been formally demanded and/or found to	be required, it is ordered by the Office of Administrative Hearings for Baltimore matter of this petition be set for a public hearing, advertised, and re-posted as
required by the zoning regulations of Baltimore County.	
Adminis	strative Law Judge for Baltimore County
Adminis	dute can sage of balance sound

CASE NUMBER 2019-0372-A Filing Date 6/9 (9 Estimated Posting Date 6/39 (9 Reviewer\_

## 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: Dozz Blue Mount RO Print or Type Address of property	Mankton	MO	⊇ III   Zip Code
Based upon personal knowledge, the followal Administrative Variance at the above add	owing are the facts ress. (Clearly state	upon which I/we be practical difficu	pase the request for an altright or hardship here)
The land behind the house s removed to build projects	uneven and	would need	extensive tree
(If additional space for the petition request	or the above stateme	ent is needed, label a	and attach it to this Form)
Signature of Owner (Affiant)  ROPERT R (RANDY) FRIEN	8	ignature of Owner (Af	fiant)
Name- Print or Type  The following information is to be		ame- Print or Type tary Public of the Sta	ate of Maryland
STATE OF MARYLAND, COUNTY OF E			
I HEREBY CERTIFY, this 30 day and for the County aforesaid, personally appe	eared:	201 <u>9</u> , before me	e a Notary of Maryland, in
Print name(s) here: Robert R Formula the Affiant(s) herein, personally known or sat		to me as such Affian	nt(s)
AS WITNESS my hand and Notaries Seal	Listacioniy identined	Suf	
NADIYA BABBAR	otary Public	6-5055 es	A

NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
My Commission Expires 07/26/2022

REV. 5/5/2016

#### Affidavit in Support of Administrative Variance

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Address: 2022 Blue Mount RY	) Ylankton	MO	2 III
Based upon personal knowledge, the for Administrative Variance at the above as	ollowing are the facts ddress. (Clearly state	upon which I/we be practical difficu	ase the request for an lty or hardship here)
The land behind the house tree removes to build	Duneyen ar	d would nee	d extensive
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(If additional space for the petition reque	5		
Signature of Owner (Affiant)	Si	gnature of Owner (Aff	iant)
ROBERT R. (RANDY) F Name- Print or Type	RYER Na	ame- Print or Type	
The following information is to	o be completed by a Not	ary Public of the Sta	te of Maryland
STATE OF MARYLAND, COUNTY OF	BALTIMORE, to wit	t:	
I HEREBY CERTIFY, this 30 dand for the County aforesaid, personally a	ay of May, 2 ppeared:	019_, before me	a Notary of Maryland, in
Print name(s) here: Robert R	Fryer	50.	
the Affiant(s) herein, personally known or s	satisfactorily identified to	o me as such Affiant	t(s).
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NADIYA BABBAR
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
My Commission Expires 07/26/2022

REV. 5/5/2016

#### 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 2022 Blue Mount NO Monkton, MD 2111) Currently zoned RC

Deed Reference 08281/00446 10 Digit Tax Account # 1 8 0 0 00 Deed Reference 08281/00646 Owner(s) Printed Name(s) (SELECT THE HEARING(S) BY MARKING  $\overline{X}$  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) 400. ( GCZR To permit an accessory structure (partition) to be located in the front yard in lieu of the required rearyard. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) of the Baltimore County Code, to the development law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Owner(s)/Petitioner(s): Name #2 - Type or Print Mailing Address 21111 **Email Address** Zip Code Representative to be contacted: Attorney for Owner(s)/Petitioner(s): Name-Type or Print State Mailing Address Mailing Address 1 Chrischammerdown home important the **Email Address** Email Address Zip Code Telephone # Zip Code 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 \_day of required by the zoning regulations of Baltimore County. Administrative Law Judge for Baltimore County

CASE NUMBER 2019-0372-A Filing Date 6/19 Estimated Posting Date 6/39 19 Reviewer

Rev 5/5/2016

## ZONING PROPERTY DESCRIPTION FOR 2022 Blue Mount <u>RD Monkton</u>, MD 2111

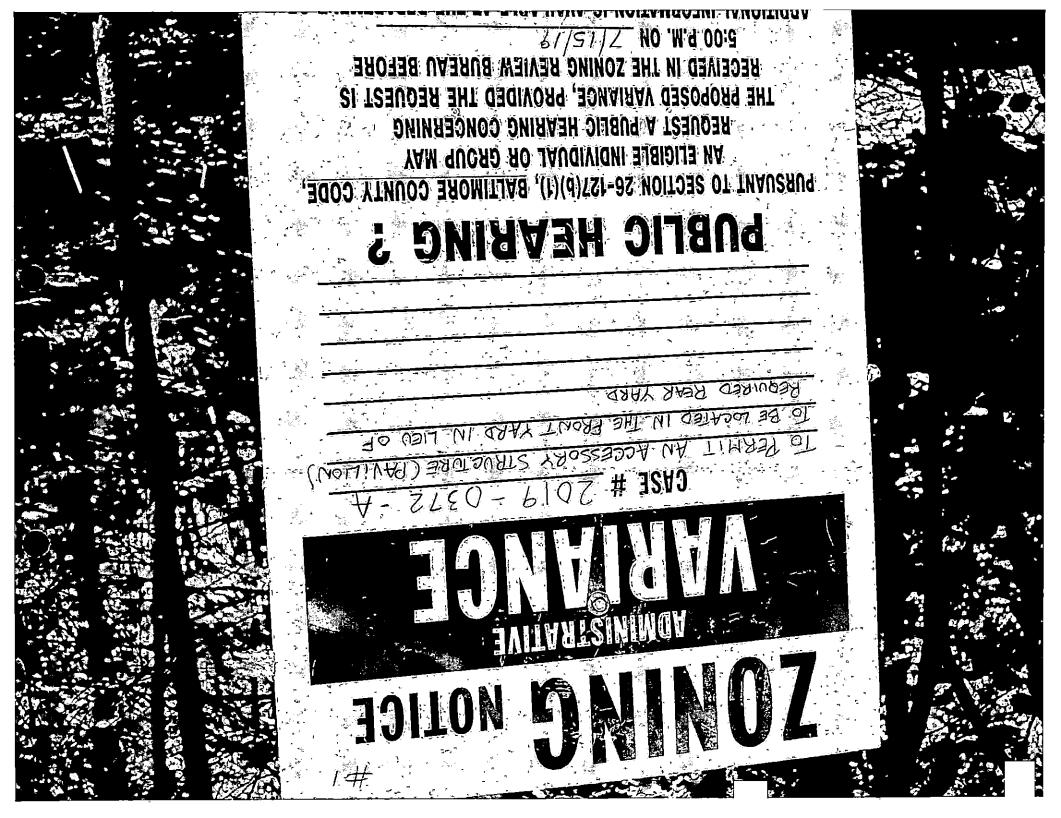
#### NORTH

\*Beginning at a point on the east side of Blue Mount Rd which is 60 feet wide at a distance of 4000 feet west of the centerline of the nearest improved intersecting street Wesley Chapel Road which is 15 feet wide.

Being Lot # 1, Block (N/A), Section #( N/A) in the subdivision of 0000 as recorded in Baltimore County Plat Book #0042, Folio #(N/A), containing 4.508 AC. Located in the 10 Election District and 3 Council District.

#### CERTIFICATE OF POSTING

Date: 6-30-19 RE: Case Number: 2019-0372-A Petitioner/Developer: FRYER Date of Hearing/Closing: 7-15-19 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 2022 Blue Mout Rd The signs(s) were posted on \_\_\_\_\_ J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 1015 Old Barn Road (Street Address of Sign Poster) Parkton, MD 21120 (City, State, Zip Code of Sign Poster) 410-343-1443 (Telephone Number of Sign Poster)





CASE # 2019-0372-A PERMIT AN ACCESSORY STRUCTURE PAVILION) TO LOCATED IN THE FRONT IN LIEU OF THE REQUIRED REAR YARD

# 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
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ON, MD. 21204

ON, MD. 21204

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111 W. CHESAPEAKE AVE.

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

#### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

# 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 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: 2019-0372-A
Property Address: 2022 Blue Mount RD
Property Description:
Legal Owners (Petitioners): Randy Fryer JR
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:
Name: Randy Fryer JR
Company/Firm (if applicable):
Address: 2022 Blue Mount RD 21111
Telephone Number: 4/0 493- 16 3 (

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PLEASE PRESS HARD!!!!

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**



SOMINIS OFFICE OF THE AGE

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:

July 10, 2019

SUBJECT:

DEPS Comment for Zoning Item

# 2019-0372-A

Address

2022 Blue Mount Rd

(Fryer Property)

Zoning Advisory Committee Meeting of June 24, 2019.

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
  - <u>X</u> Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
  - X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

#### Additional Comments:

A Single Lot Declaration of Intent may be filed to meet Forest Conservation Law if proposed forest clearing is 20,000 sf or less.

The pavilion must be located a minimum of 100 feet from any stream.

Reviewer:

Glenn Shaffer

#### BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



SOMINIS OFFICE OF HEARINGS

TO:

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Office of Administrative Hearings

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Reviewer:	Glenn Shaffer	ORDER RECEIVED FOR FILING
		Date
		By

## CHECKLIST

Comment <u>Received</u>	<u>Departme</u>	<u>nt</u>		Support/Oppose/ Conditions/ Comments/ No Comment
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7-10	DEPS (if not received, date e-	mail sent	)	
	FIRE DEPARTMENT			·
	PLANNING (if not received, date e-	mail sent	)	
6-26	STATE HIGHWAY A	DMINISTRA	TION	No object.
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	COMMUNITY ASSOC	CIATION		
	ADJACENT PROPER	TY OWNER	S	·
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SIGN POSTING (2 <sup>n</sup>	d) I	Date:	·	by
PEOPLE'S COUNSE	EL APPEARANCE	Yes	□ No □	
PEOPLE'S COUNSE	L COMMENT LETTE	R Yes	□ No □	
Comments, if any:				

#### Real Property Data Search

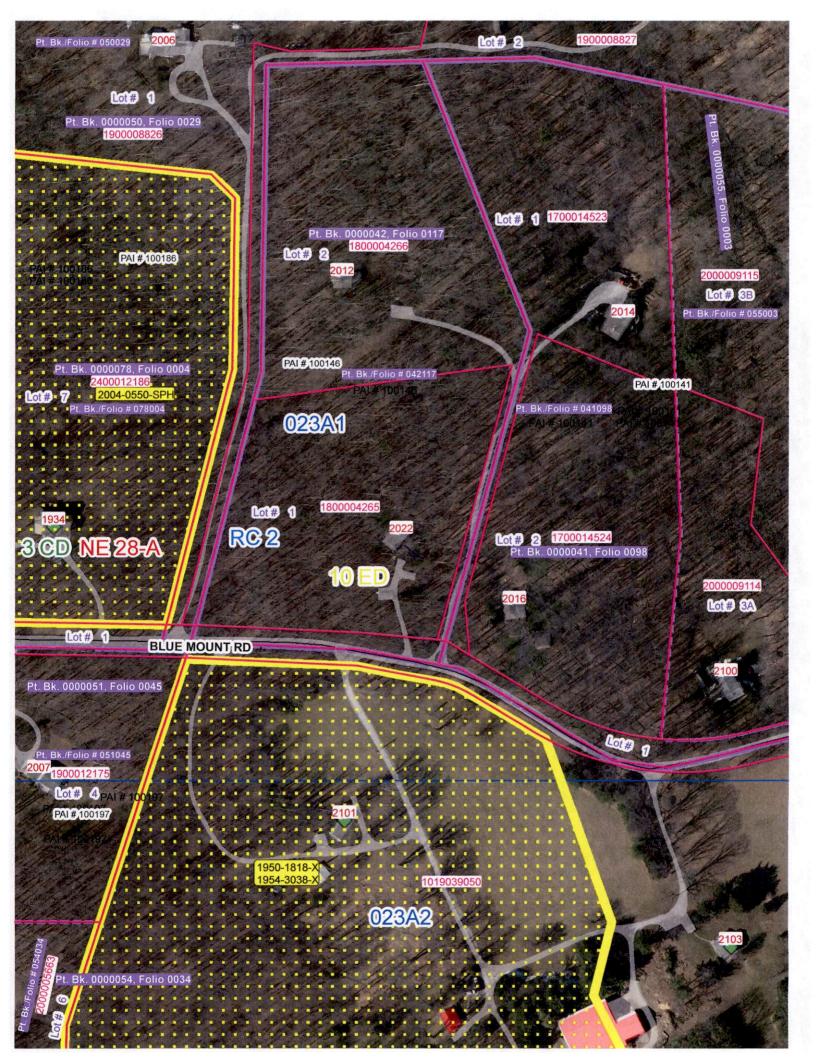
#### Search Result for BALTIMORE COUNTY

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Homestead Application Status: Ap 🛌 ed 06/07/2010

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application













	SIEVENII WAR
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	- , /é
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VIOLATION CASE INFO:

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ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	site with
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