MEMORANDUM

DATE:

September 13, 2019

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2019-0397-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 12, 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: C

Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE * (10521 Vincent Farm Road)

BEFORE THE

15th Election District 6th Council District

Richard L. Heil HEARINGS FOR

Petitioner BALTIMORE COUNTY

CASE NO. 2019-0397-A

OFFICE OF ADMINISTRATIVE

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Richard L. Heil ("Petitioner"). The Petitioner is requesting Variance relief pursuant to §§ 1A02.3.B.4 and 400.1 of the Baltimore County Zoning Regulations ("BCZR") as follows: To allow a front yard setback of 47.3 ft. in lieu of the required 75 ft., to allow a 0 ft. setback of an accessory structure in lieu of the required 2.5 ft., to allow an existing accessory structure to be located in the newly created side yard in lieu of the required rear yard, and for any such other and further 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 received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 21, 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 ORDER RECEIVED FOR FILING

Date	8-13-19	
Bv	60)	

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 BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 13th day of August, 2019, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 1A02.3.B.4 and 400.1 of the Baltimore County Zoning Regulations ("BCZR") as follows: To allow a front yard setback of 47.3 ft. in lieu of the required 75 ft., to allow a 0 ft. setback of an accessory structure in lieu of the required 2.5 ft., and to allow an existing accessory structure to be located in the newly created side yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

Petitioner may apply for necessary permits and/or licenses upon receipt of this
Order. However, Petitioner is hereby made aware that proceeding at this time is at
his own risk until 30 days from the date hereof, during which time an appeal can be
filed by any party. If for whatever reason this Order is reversed, Petitioner would
be required to return the subject property to its original condition.

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____8-13-19

By_____



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 1052 IVINCENT PARM LAHE Currently zoned RC-2 RC-3 Deed Reference 154291716 10 Digit Tax Account # 151000660 Owner(s) Printed Name(s) RICHARD (SELECT THE HEARING(S) BY MARKING \underline{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. ADMINISTRATIVE VARIANCE from Section(s) SEE ATTACHED SHEET 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 Signature # 2 Representative to be contacted: Attorney for Owner(s)/Petitioner(s): RECEIVED FOR FILING Name-Type or Print 2108 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 ______day of _______, ______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 2 7 8

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: 10521 VINCENT FARM LANE W	HITE MARSH P	40 21162
Till of Type / Idaloge of property		
Based upon personal knowledge, the following are the farmant Administrative Variance at the above address. (Clearly statement of the control	acts upon which I/we state practical diffic	base the request for an ulty or hardship here)
SEE ATTACHED SHEET		
(If additional space for the petition request or the above sta		
Signature of Owner (Affiant)	Signature of Owner (A	mant)
Name- Print or Type	Name- Print or Type	
The following information is to be completed by	a Notary Public of the St	tate of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to	o wit:	r 50
and for the County aforesaid, personally appeared:	_, <u>2019</u> , before m	ne a Notary of Maryland, in
Print name(s) here: Richard Heil		
the Affiant(s) herein, personally known or satisfactorily identif	fied to me as such Affian	nt(s).
AS WITNESS my hand and Notaries Seal	Zam/	
Notary Public 18	, 2022	0
My Commission E	xpires	10106

REV. 5/5/2016

10521 Vincent Farm Lane Tax Account No.: 1510000660

Requested variances:

1) To allow a front yard setback of 47.3-feet in lieu of the required 75-feet pursuant to §1A02.3.B.4 of the BCZR; and

2) To allow a 0-foot setback of an accessory structure in lieu of the required 2.5-feet pursuant to \$400.1 of the BCZR; and

3) To allow an existing accessory structure to be located in the newly created side yard in lieu of the required rear yard pursuant to §400.1of the BCZR; and

4) For any such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

As to uniqueness:

The subject property had been improved with a single-family dwelling in 1899 and was placed approximately 47.3 feet from the front property line at that time and no other dwellings in close proximity are of that age and have the same front yard setback. Also, no other lots have the same property size and configuration in close proximity of the subject property.

As hardship:

It is intended to construct an addition that maintains uniformity with the existing front setback for the proposed dwelling allowing for the desired architectural effect while remaining consistent with the other dwellings in the area.

kjWellsInc

Land Surveying, Site Planning and Landscape Architecture

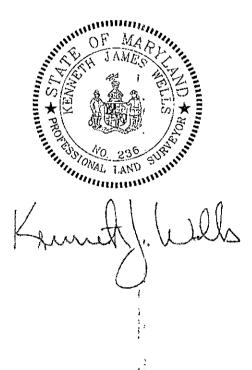
Telephone: (410) 592-8800 Email: kwells@kjwellsinc.com 7403 New Cut Road Kingsville, Md. 21087-1132

July 16, 2019

Zoning Description 10521 Vincent Farm Road

Baltimore County
Maryland
15th Election District
6th Councilmanic District

Beginning at a point on the centerline of Vincent Farm Road (right-of-way varies) at a distance of 508 feet to the centerline of Ebenezer Road, thence 1) South 88 degrees 01 minutes 59 seconds East 241.78 feet; 2) South 12 degrees 09 minutes 47 seconds West 122.83 feet; 3) South 89 degrees minutes 47 seconds West; 4) North 1 degree 44 minutes 13 seconds West 132.09 feet to the point of beginning as recorded in a Deed Liber 15429 folio 716 containing 0.657 acres.



Providing Professional Services in Maryland since 1984

Page 1 of 1

2019-0397-A

PUBLIC HEARING? A LICH OF THE REQUIRED TO BE LOCATED IN THE REAR YARD AND THE REQUIRED MILDING TO SE LOCATED ON THE SIDE YARD WITH ZERO FEET SETOACK DEHE SUITEINE PHE TIMEST OF OUR TERRISTING SAFT TO US LE TETDACK OF 1473 FEET FROM THE CENTER LINE OF THE STREET IN SEAR OF THE EXISTING BACILING WITH A FRONT YARD OWA BOIZ SHI OT HOITICH OSCHORY A TIMAS! OF CASE # 2019-0397-A **3VITARTZINIMQA** TONI MOLICE

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON SISIS

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, NO NOT REMOVE THIS SIGN AND POST UNTIL BETER ABOVE DATE, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE



ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2019-0397-A

TO PERMIT A PROPOSED ADDITION TO THE SIDE AND REAR OF THE EXISTING DWELLING WITH A FRONT YARD SETBACK OF 47.3 FEET FROM THE CENTERLINE OF THE STREET IN LIEU OF THE REDURED 75 FEET AND TO PERMIT THE EXISTING SHED BUILDING TO BE LOCATED ON THE SIDE YARD WITH ZERD FEET SETBACK IN LIEU OF THE REQUIRED TO BE LOCATED IN THE PEAR YARD AND THE REQUIRED 2 1/2 FEET SETBACK RESPECTIVELY

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
5:00 P.M. ON 8/5/176

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

HANDICAPPED ACCESSIBLE

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

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2019-0397-A

This screen allows you to search the Real Property database and display property records.
 Click here for a glossary of terms.
 Deleted accounts can only be selected by Property Account Identifier.
 The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the Information.

CERTIFICATE OF POSTING

Date: 7-2/-19 RE: Case Number: 2019-0397-A Petitioner/Developer: Heel Date of Hearing/Closing: 8-5-19 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 1052/ Vincent Farms Land The signs(s) were posted on 7-21-19
(Month, Day, Year) 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)

42

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BALTIMORE COUNTY TO ARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case N	Number 2019-	0397 - A	Ad	idress <u>1052</u>	21 Vincent Farm L	ane
Contac	ct Person:	Aaron 1	rs <u>ui</u>		Phone Number:	410-887-3391
Filing	Date:0	Planner, Pl 07/16/2019	ease Print Your Name Posting Date:	<u>07/28/19</u>	Closing Dat	te: <u>08/12/19</u>
Any co	ontact made v	with this offic person (planne	e regarding the statuer) using the case nun	ıs of the ad າber.	ministrative varia	nce should be
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2.	a formal requ	lest for a pul	ate is the deadline for blic hearing. Please , the process is not co	understand	that even if there	,000 feet to file e is no formal
3.	commissioner order that the within 10 day	 He may: (matter be set setition has be 	g date, the file will be a grant the requested in for a public hearing sing date if all Counteen granted, denied, or mail.	ed relief; (b) g. You will re tv agencies'	deny the requeste eceive written notif comments are r	ed relief; or (c) ication, usually eceived, as to
4.	(whether due commissioner changed givin	to a neighb), notification on notice of th	ING AND REPOSTIN or's formal request of will be forwarded to e hearing date, time a change and a photog	or by order or o you. The and location.	of the zoning or sign on the pro As when the sign	deputy zoning perty must be was originally
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		USE THE AI	DMINISTRATIVE VAF	RIANCE SIGI	N FORMAT	
Case	Number 2019-	0397	-A Address: <u>1052</u>	1 Vincent Fa	rm Lane	
Petitio	ner's Name: _	Richard Heil	Telephone : <u>44</u>	3-759-0459	<u>.</u>	
Postir	ng Date:	07/21/2019	Closing	Date:0	08/05/2019	
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			PLEA	SE PRES	S HARD!	!!!							



JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL D. MALLINOFF, Director Department of Permits, Approvals & Inspections

August 6, 2019

KJ Wells Inc 7403 New Cut Road Kingsville MD 21087

RE: 2019-0397-A, 10521 Vincent Farm Lane

Dear: JK Wells Inc,

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspections (PAI) on July 19, 2019.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection	
and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887 - 3824
Maryland Office of Planning - Chesapeake	
Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:mcn

C: People's Counsel

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:

July 25, 2019

SUBJECT:

DEPS Comment for Zoning Item

#2019-0397-A

Address

10521 Vincent Farm Road

(Heil Property)

Zoning Advisory Committee Meeting of July 22, 2019.

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

Reviewer:

Steve Ford

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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:

July 25, 2019

SUBJECT:

DEPS Comment for Zoning Item

2019-0397-A

Address

10521 Vincent Farm Road

(Heil Property)

Zoning Advisory Committee Meeting of July 22, 2019.

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

Reviewer:

Steve Ford

•

CHECKLIST

Comment <u>Received</u>	<u>D</u>	<u>epartment</u>		Support/Oppose/ Conditions/ Comments/ No Comment
		ENT PLANS REVIE d, date e-mail sent		
7-25	DEPS (if not receive	d, date e-mail sent)	MC
	FIRE DEPAR	TMENT		
	PLANNING (if not receive	d, date e-mail sent _		
	STATE HIGH	· IWAY ADMINISTR	ATION	
	TRAFFIC EN	GINEERING	·	. ————
	COMMUNIT	Y ASSOCIATION		
	ADJACENT I	PROPERTY OWNE	RS	
ZONING VIOLA	TION	(Case No.)
PRIOR ZONING		(Case No.		
NEWSPAPER AI	OVERTISEMENT	Date:		-
SIGN POSTING	(1 st)	Date:	7-21-19	by <u>Pilson</u>
SIGN POSTING	(2 nd)	Date:		by
PEOPLE'S COU	NSEL APPEARAN	ICE Yes	□ No □	
PEOPLE'S COUR	NSEL COMMENT	LETTER Yes	∐ No L	
Comments, if any	:			

Real Property Data Search

Search Result for BALTIMORE COUNTY

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Special	l Tax Area	as:			Town:				NONE			
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Homestead Application Information

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Homestead Application Status: Approved 06/04/2010									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit Application Status: No Application	Date:								



ZAC AGENDA

Case Number: 2019-0397-A Existng Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Reviewer: Aaron Tsui

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Richard Heil

Contract Purchaser: KJ Wells Inc

Critical Area: No Flood Plain: No

Election Dist: 15 Council Dist: 6 Historic: No

Property Address: 10521 VINCENT FARM RD

Location: ES of Vincent Farm LN, 508 feet S of E of Ebenezer Road.

Existing Zoning: RC3, RC2

Area: 0.657

Proposed Zoning:

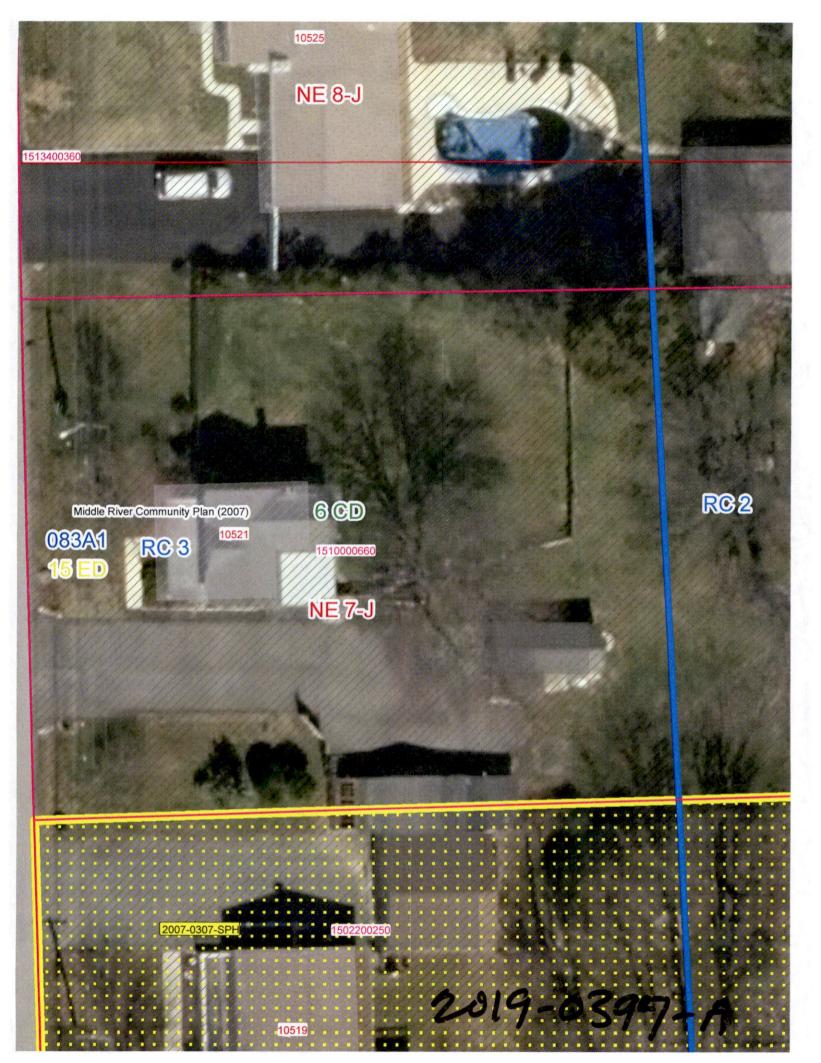
ADMINISTRATIVE VARIANCE:

To allow a front yard setback of 47.3 feet in lieu of the required 75 feet pursuant to 1A02.3.B.4 of the BCZR. To allow a 0 foot setback of an accessory structure in lieu of the required 2.5 feet pursuant to 400.1 of the BCZR. To allow an existing accessory structure to be located in the newly created side yard in lieu of the required rear yard pursuant to 400.1 of the BCZR. For any such other and further relief as may be required by the Administrative Law Judge for

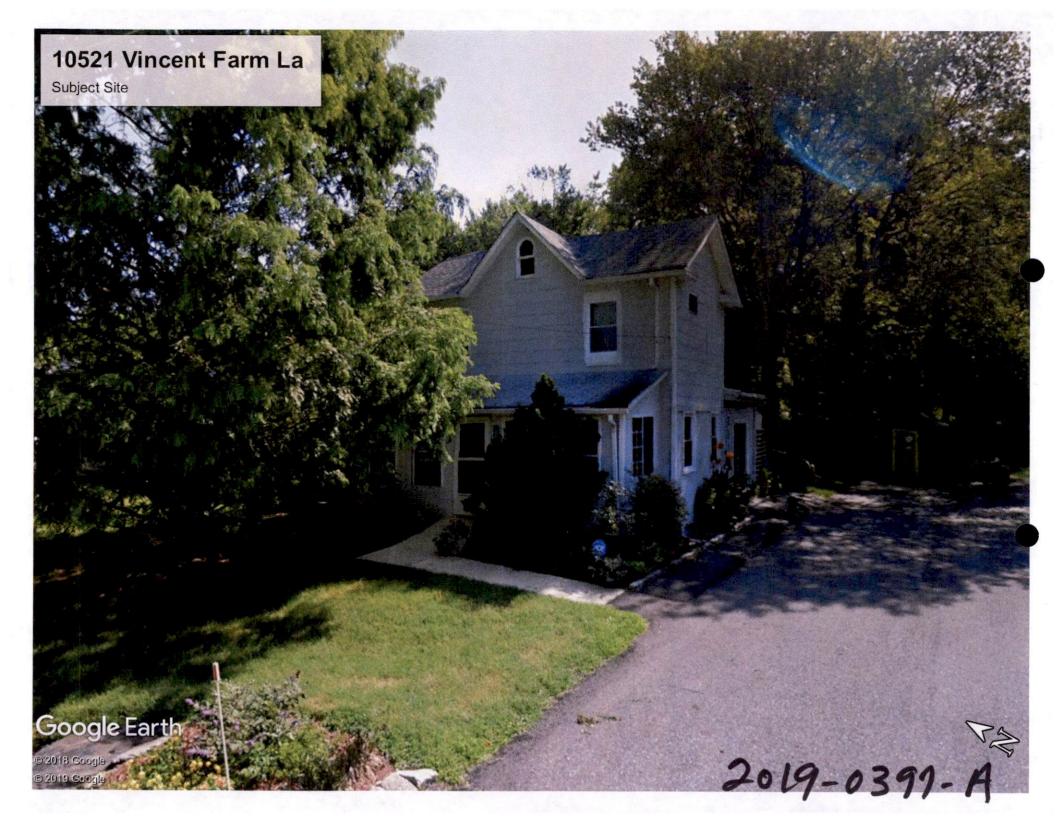
Baltimore County.

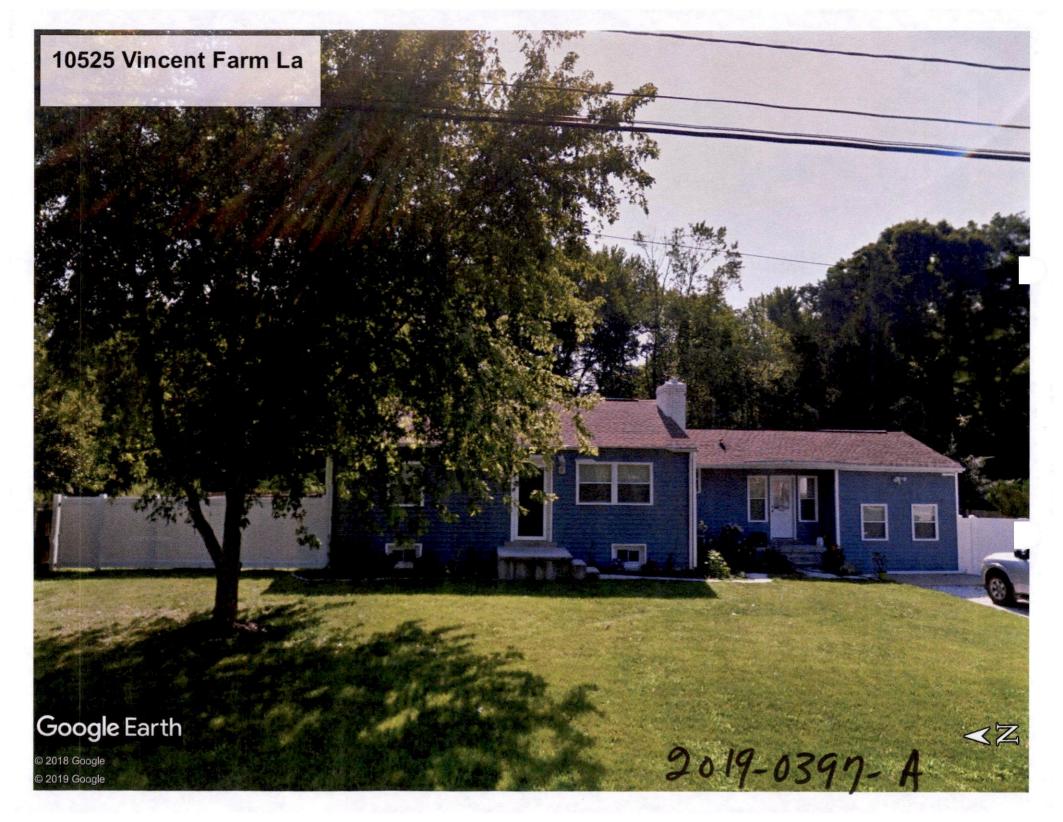
Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 08/05/2019

Miscellaneous Notes:







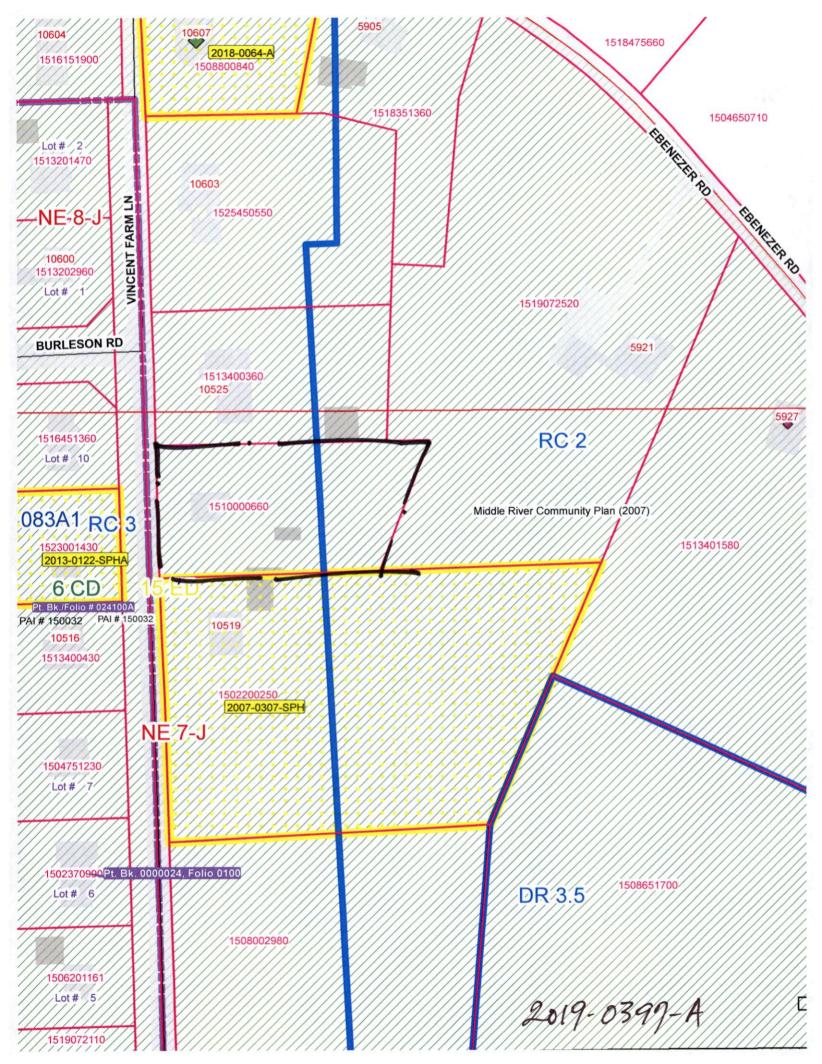




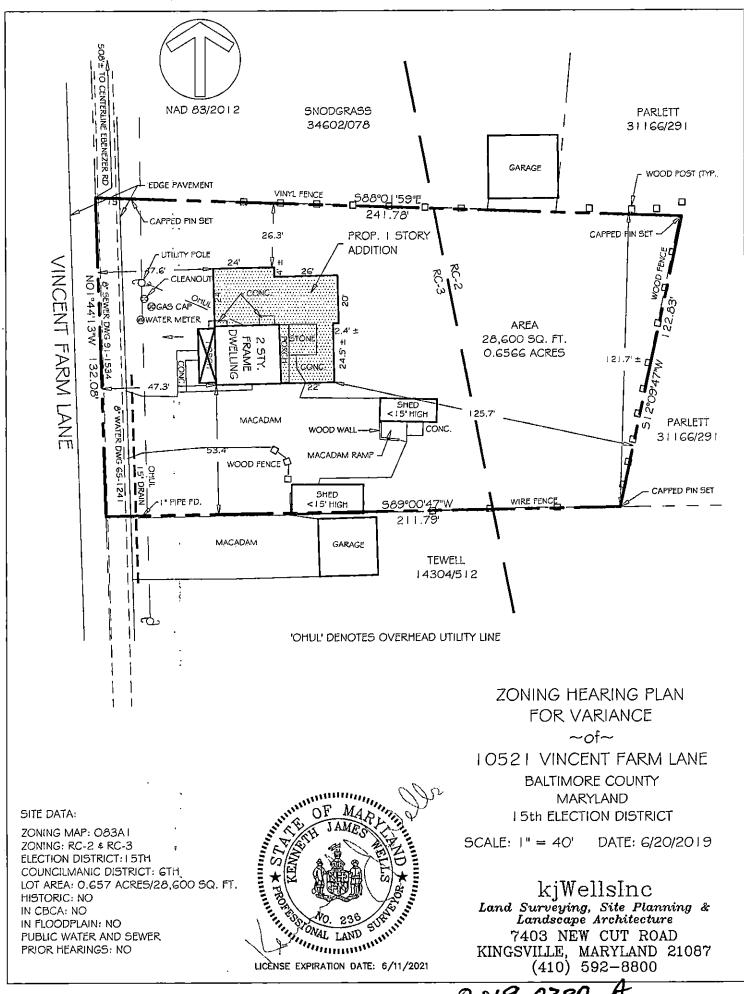




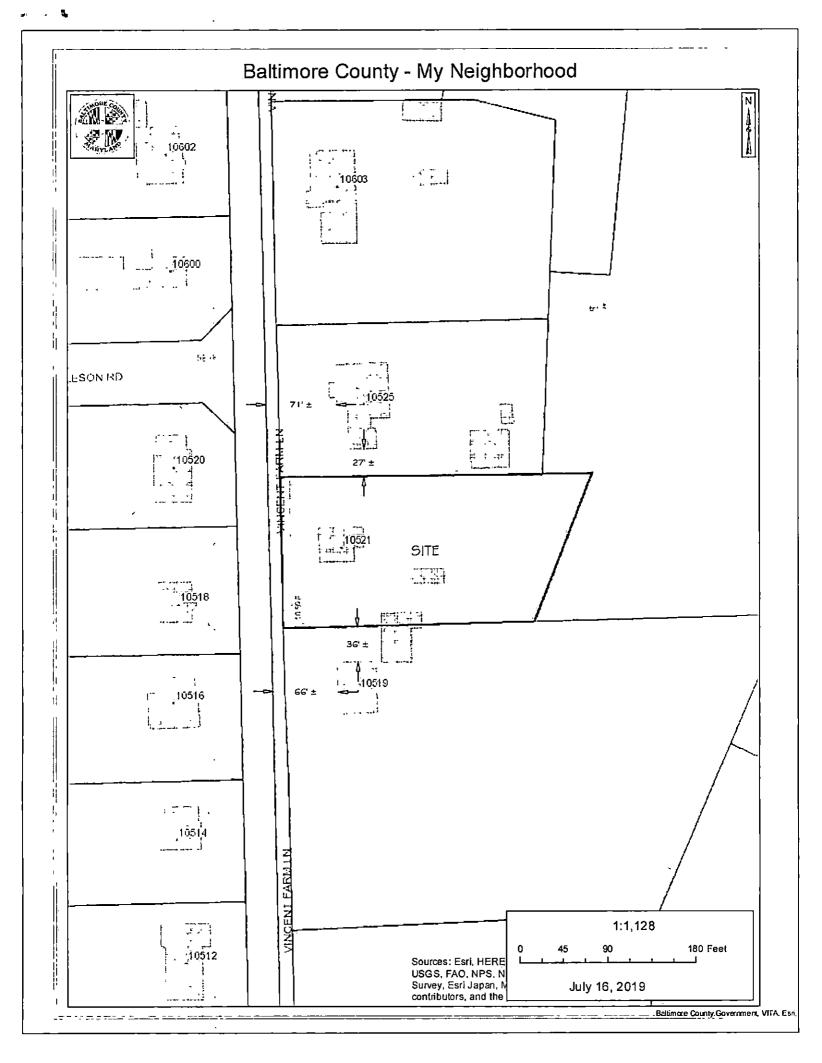


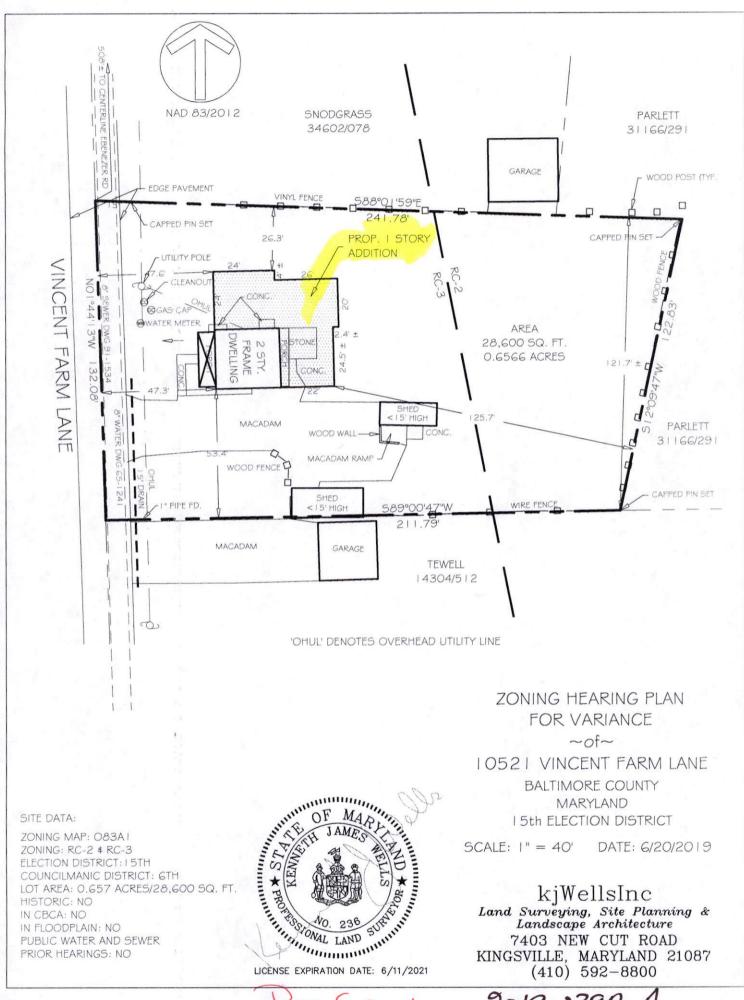


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