

M E M O R A N D U M

DATE: September 19, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0399-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 18, 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
(18536 Foreston Road) *
5th Election District * OFFICE OF ADMINISTRATIVE
3rd Council District * HEARINGS FOR
Seth K. & Briana D. Holtan * BALTIMORE COUNTY
Petitioners *
* CASE NO. 2019-0399-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 property, Seth K. and Briana D. Holtan (“Petitioners”). The Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations (“BCZR”), to permit an accessory structure (barn) with a height of 23 ft. in lieu of the permitted 15 ft. 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 from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 28, 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

ORDER RECEIVED FOR FILING

Date 8/19/19
By Sen

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 Petitioners.

Although the Department of Planning did not make any recommendations related to the height and/or usage of the proposed barn, I will impose conditions that the barn shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

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 19th day of **August, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("BCZR"), to permit an accessory structure (barn) with a height of 23 ft. in lieu of the permitted 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.
2. Petitioners or subsequent owners shall not convert the accessory structure (barn) into a dwelling unit or apartment. The accessory structure (barn) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The accessory structure (barn) shall not be used for commercial purposes.

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

JEB:dlw



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

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Date 8/19/19

By Sen



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 18536 Foreston Rd Parkton MD 21120 Currently zoned RC8
 Deed Reference 40677100069 10 Digit Tax Account # 2000000231
 Owner(s) Printed Name(s) Seth Holtan

(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)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **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):

Seth Holtan, Brian Holtan
 Name #1 – Type or Print Name #2 – Type or Print

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

18536 Foreston Rd Parkton MD
 Mailing Address City State

21120, 4106673901, sholta1@verizon.net
 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:

Seth Holtan
 Name – Type or Print

[Signature]
 Signature

18536 Foreston Rd Parkton MD
 Mailing Address City State

21120, 4106673901, sholta1@verizon.net
 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

CASE NUMBER 2019-0399-A Filing Date 7/19/19 Estimated Posting Date 7/28/19 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: 18536 Foreston Rd Parkton MD 21120
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)

Approved permit allows max of barn height of 15 feet.
The architectural plans for barn designed for 23 feet.
Unable to apply for redesign as farm equipment will not
fit for storage.

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

[Signature]
Signature of Owner (Affiant)
Seth Holtan
Name- Print or Type

Briana Holtan
Signature of Owner (Affiant)
[Signature]
Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of July, 2019, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Seth Holtan

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

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

CHERYL A. FESSLER
PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPTEMBER 28, 2022

09/28/2022

REV. 5/5/2016

ZONING PROPERTY DESCRIPTION FOR 18536 Foreston Road Parkton MD 21120

***Beginning at a point on the west side of Foreston Road which is 10 feet wide at distance of 2.94 feet west of the centerline of the nearest improved intersecting street Foreston Road which is 10 feet wide.**

Thence the following courses and distances:(1st point of call-"POC") N.62 07' 15"W 132.05', (2nd POC) N.53 16' 03"E 154.79', (3rdPOC) N.21 50' 20"E 815.89', (3rd POC) S.69 09' 31"E 228.87', (4th POC) S.5 23' 7"W 126.80', (5th POC) S.26 23' 07"W, (6th POC) S.26 05' 07"W 68.25', (7th POC) S.32 21' 07"W 115.99', (8th POC) S.35 47' 07"W 170.67, (9th POC) S.37 14' 47"W 168.22', (10th POC) S.38 49' 14"W 346.63', back to the recorded in Deed Liber (38913), Folio (36), containing 4.128 acres. Located in the 5th election District of Baltimore and 3rd Council District.



JOHN A. OLSZEWSKI, JR.
County Executive

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

August 13, 2019

Seth Holtan
18536 Foreston Road
Parkton MD 21120

RE: Case Number: 2019-0399-A; 18536 Foreston 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 May 30, 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

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 # 2019-0399-A
Address 18536 Foreston Road
(Holtan 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

(AV) 8-12-19

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: July 25, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0399-A
Address 18536 Foreston Road
(Holtan 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

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 - 05 Account Number - 2000000231			
Owner Information					
Owner Name:		HOLTAN SETH KIM HOLTAN BRIANA D B		Use:	RESIDENTIAL
Mailing Address:		18536 FORESTON RD PARKTON MD 21120-9671		Principal Residence:	YES
				Deed Reference:	/40677/ 00069
Location & Structure Information					
Premises Address:		18536 FORESTON RD PARKTON 21120-9671		Legal Description:	4.128 AC WS FORESTON RD 3700 N GEORGES CREEK RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0015	0010	0207		0000	
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1985		3,471 SF		1200 SF	
				Property Land Area	
				4.1200 AC	
				County Use	
				05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	BRICK	3 full/ 1 half	1 Attached
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2017	07/01/2019	07/01/2020
Land:		124,000	124,000		
Improvements		465,600	465,600		
Total:		589,600	589,600	589,600	
Preferential Land:		0			
Transfer Information					
Seller: AYD SIMPSON LORETTA M TRUSTEE		Date: 09/18/2018		Price: \$660,000	
Type: ARMS LENGTH IMPROVED		Deed1: /40677/ 00069		Deed2:	
Seller: AYD SIMPSON LORETTA M		Date: 05/02/2017		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /38913/ 00036		Deed2:	
Seller: SIMPSON JOHN S		Date: 05/02/2017		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /38913/ 00032		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2019	07/01/2020	
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00	0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>7-25</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
_____	STATE HIGHWAY ADMINISTRATION	_____
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING (1 st)	Date: <u>7-28-19</u>	by <u>Pilson</u>
SIGN POSTING (2 nd)	Date: _____	by _____
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

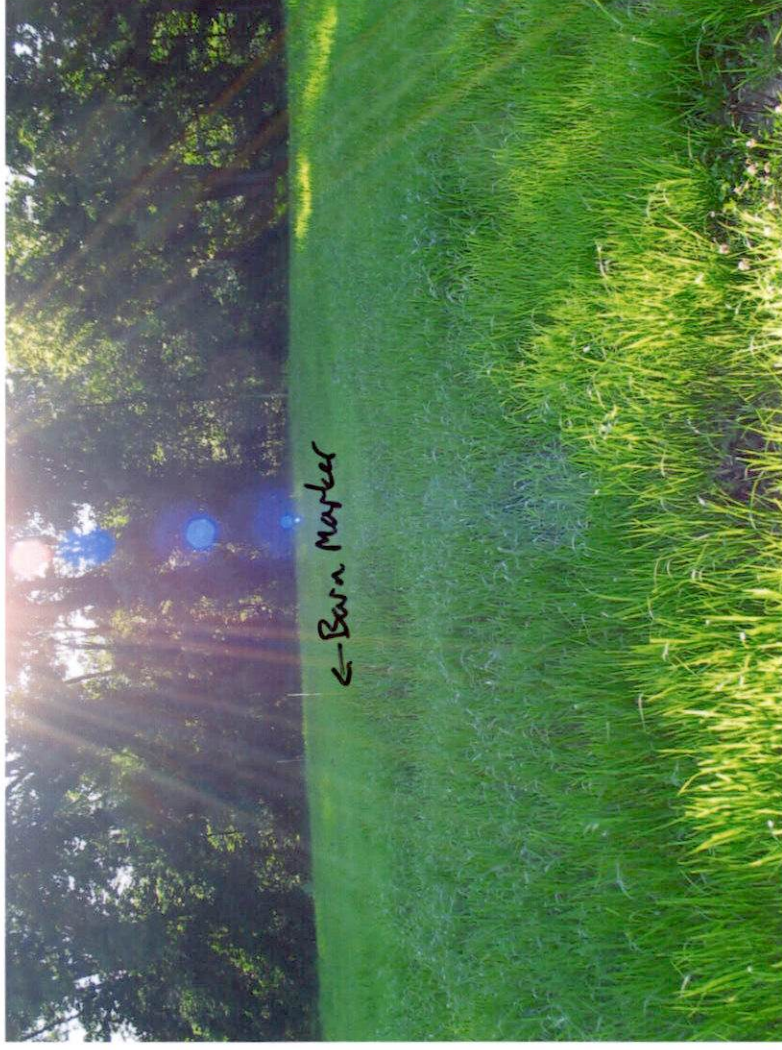
Homestead Application Status: Applied 12/13/2018

Homeowners' Tax Credit Application Information

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



Road
Entrance
view from top



Woods
view

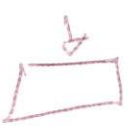
House



Bar
Marker
Bar
Marker

Dwelling
trees

House URM



Road
Forestry Rd
Dead ends



Bar
Marker

CERTIFICATE OF POSTING

Date: 7-28-19

RE: Case Number: 2019-0399-A

Petitioner/Developer: HOLTAN

Date of Hearing/Closing: 8-12-19

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 18536 Foreston Rd

The signs(s) were posted on 7-28-19
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

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)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2019-0399-A

TO PERMIT AN ACCESSORY STRUCTURE (BARN)
WITH A HEIGHT OF 23 FT. IN LIEU OF THE
PERMITTED 15 FT.

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

8/12/19
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVE., TOWSON, MD. 21204
DO NOT REMOVE THIS SIGN AND

ZONING NOTICE

#2

ADMINISTRATIVE VARIANCE

CASE # 2019-0399 - A

TO PERMIT AN ACCESSORY STRUCTURE (BARN)
WITH A HEIGHT OF 23 FT. IN LIEU OF THE PERMITTED
15 FT.

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 8/12/19.

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
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 2019- 0399 -AAddress 18536 FORESTON RD.Contact Person: J. MERREY
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 7/19/19 Posting Date: 7/28/19 Closing Date: 8/12/19

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 FORMATCase Number 2019- 0399 -A Address 18536 FORESTON RD.Petitioner's Name SETH HOLTAN Telephone 410-207-6074Posting Date: 7/28/19 Closing Date: 8/12/19

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (BARN) WITH
A HEIGHT OF 23 FT. IN LIEU OF THE PERMITTED
15ft.

Revised 6/30/2019

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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: 2019-0399-A

Property Address: 18536 FORESTON RD. PARKTON, MD. 21120

Property Description: THAT PROPERTY LOCATED ON THE
NE/S OF THE TERMINUS OF FORESTON RD.

Legal Owners (Petitioners): SETH & BRIANA HOLTAN

Contract Purchaser/Lessee:

Name: SETH HOLTAN

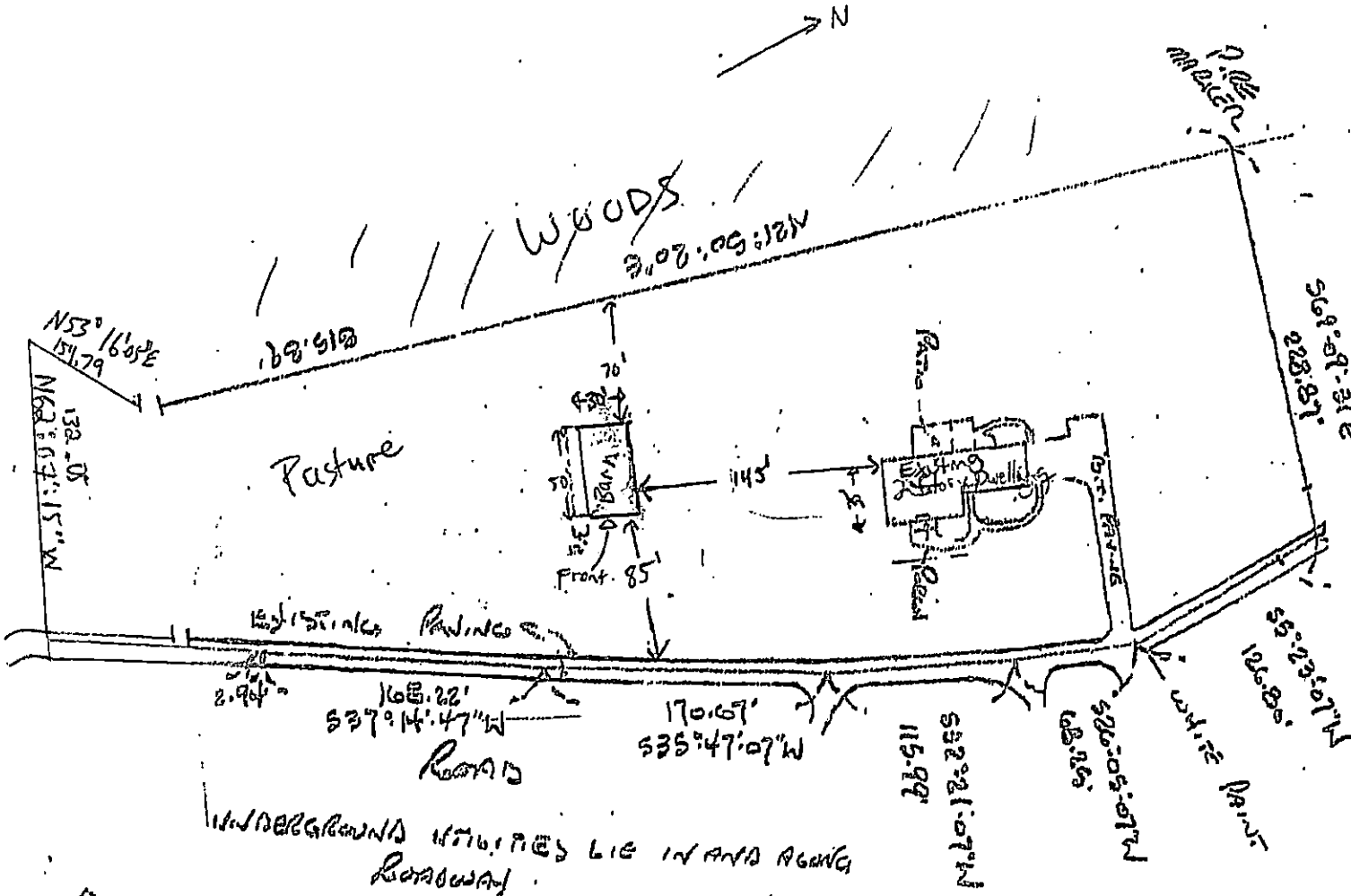
Company/Firm (if applicable): _____

Address: _____
Same

Telephone Number: 410-207-6074

SITE VICINITY MAP

PLAT BOOK # NA FOLIO # 36 10 DIGIT TAX # 200200023 DEED REF. # 10677100069



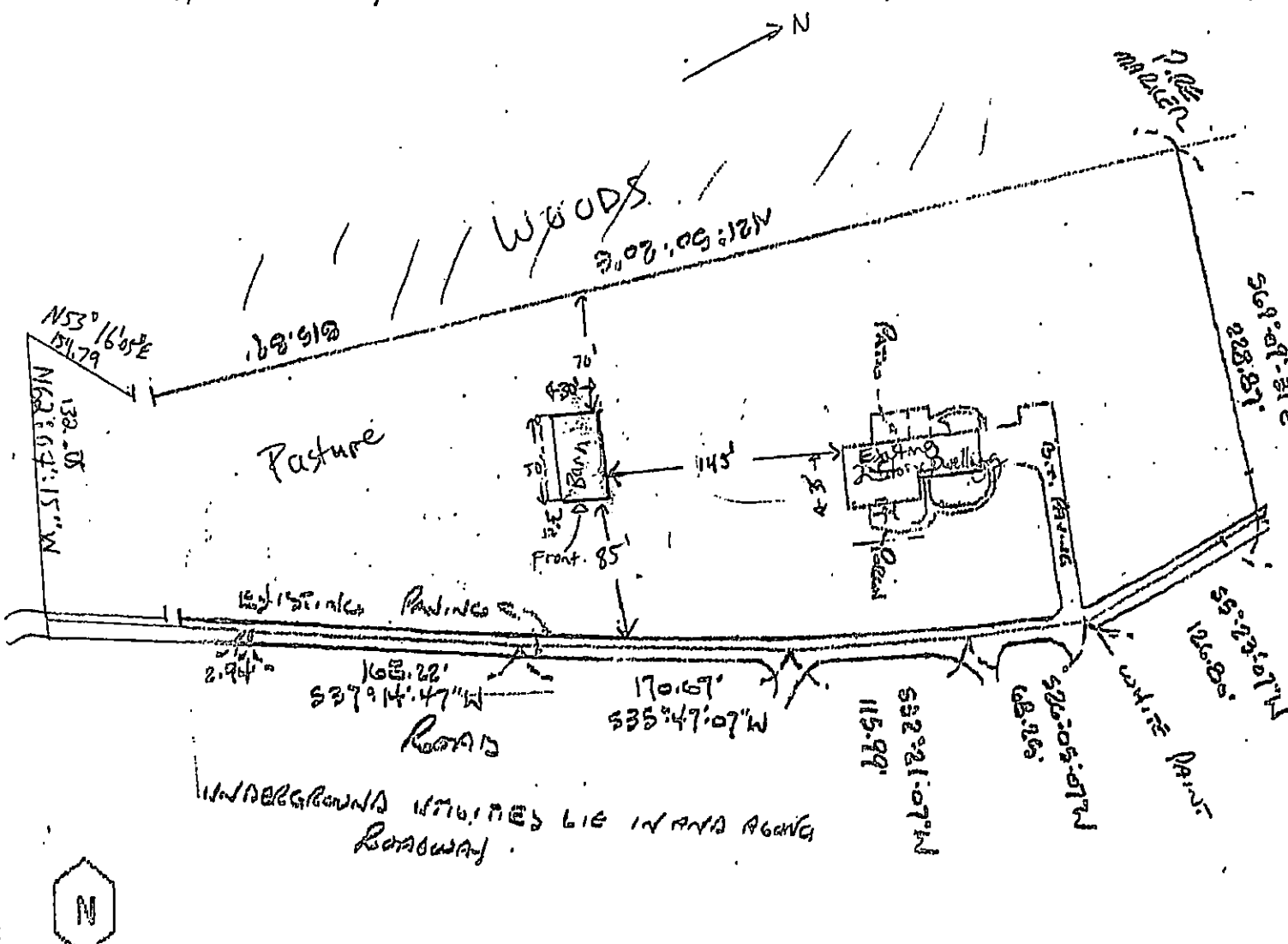
PLAN DRAWN BY Sehr Hoffman / David Ransone DATE 7/17/19 SCALE: 1 INCH = 100 FEET

MAP IS NOT TO SCALE.

ZONING MAP# 15
SITE ZONED PC-8
ELECTION DISTRICT 05
COUNCIL DISTRICT 3
LOT AREA ACREAGE 4.12
OR SQUARE FEET 19467.2
HISTORIC? No
IN CECA? No
IN FLOOD PLAIN? No
UTILITIES? MARK WITH X
WATER IS:
PUBLIC___ PRIVATE X
SEWER IS:
PUBLIC___ PRIVATE X
PRIOR HEARING? No
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
 ADDRESS 18536 Foreston Rd OWNER(S) NAME(S) Seth & Briana Holtan
 SUBDIVISION NAME 3700 N. George Creek Rd LOT # N/A BLOCK # N/A SECTION # N/A
 PLAT BOOK # N/A FOLIO # 36 10 DIGIT TAX # 200200023 DEED REF. # 90677100069



PLAN DRAWN BY Seth Holtan / David Ransome DATE 7/17/19 SCALE: 1 INCH = 100 FEET

SITE VICINITY MAP

N
 MAP IS NOT TO SCALE.
 ZONING MAP# 15
 SITE ZONED PC8
 ELECTION DISTRICT 05
 COUNCIL DISTRICT 3
 LOT AREA ACREAGE 4.12
 OR SQUARE FEET 19467.2
 HISTORIC? No
 IN CECA? No
 IN FLOOD PLAIN? No
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC PRIVATE X
 SEWER IS:
 PUBLIC PRIVATE X
 PRIOR HEARING? No
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

Per. Exh. 1