

M E M O R A N D U M

DATE: November 5, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0447-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 4, 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
(708 Kahn Drive)		
3 rd Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Patricia A. Fauntleroy	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0447-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, Patricia A. Fauntleroy ("Petitioner"). The Petitioner is requesting Variance relief from §§ 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit an open projection addition (carport) with a side yard setback of zero (0) ft. in lieu of the required 6 ft. 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 September 15, 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 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 welfare of the public and should therefore be granted. In the opinion of the Administrative Law

ORDER RECEIVED FOR FILING

Date 10-4-19
By low

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 Petitioner.

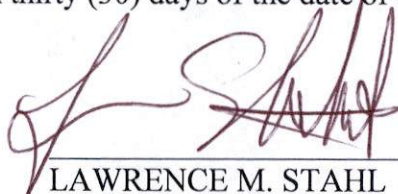
Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 4th day of **October, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B02.3.B and 301.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit an open projection addition (carport) with a side yard setback of zero (0) ft. in lieu of the required 6 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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.
- Building materials for the open projection (carport) shall be compatible with those of the existing principal dwelling.
- The open projection (carport) shall remain open on the three exposed sides 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.



LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 10-4-19

2

By bw



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 708 KAHN DR. BALTO 21208 Currently zoned DR55
Deed Reference 151 10 Digit Tax Account # 0303052440
Owner(s) Printed PATRICIA FAUNTLEROY

HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

I, 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:

ADMINISTRATIVE VARIANCE from Section(s) 1002.3.B & 301.1 BCZR. To permit an
projection addition (carport) with a side yard setback of 0' FT. in lieu
of the required 6' FT.

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):

PATRICIA A. FAUNTLEROY
Name #1 - Type or Print Name #2 - Type or Print

PATRICIA A. FAUNTLEROY
Signature #1 Signature #2

708 KAHN DRIVE Pikesville Md
Mailing Address City State

21208 4104465886 Pisces 413 @
Zip Code Telephone # Email Address

Verizon.net

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
10-4-19
Date

Representative to be contacted:

JOHN MELLANA SURVEYORS
Name - Type or Print

[Signature]
Signature

5409 EAST DR ARBITER MD
Mailing Address City State

21227 410-247-7486 JSM@SVERIZON.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 15 day of September, 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 2019-0447-A Filing Date 9/3/19 Estimated Posting Date 9/15/19 Reviewer JF

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: 708 KATHU DR BALTIMORE MD 21208
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)**

I would like to put a carpet on the side of my house. There is an
existing driveway there now and I would just be covering up that driveway
so I don't get soaked getting out of my car and going into my house
when it rains. I am requesting a variance so I can put the carpet
within 0' foot of the property line.

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

Patricia A. Fautleroy
Signature of Owner (Affiant)

Signature of Owner (Affiant)

PATRICIA A. FAUTLEROY
Name- Print or Type

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 26th day of August, 2019, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: _____

Jacqueline A Craig

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

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires



John C. Mellema, Sr. Inc.
5409 East Drive
Baltimore, Maryland 21227
410-247-7488 fax 410-247-2507

Zoning Description
708 Kahn Drive
Baltimore County Maryland
Tax map 78 Grid 14 Parcel 590

Beginning for the same at a point on the North side of Kahn Drive, point being 301 feet westerly from the centerline of Glenrock Road , thence running along the North side of Kahn Drive , Westerly 65.00 feet, thence Northerly 112.48 feet, thence Easterly 65.00 feet, thence Southerly 113.23 feet to the place of beginning.

Being known as lot 11 as shown on the " Plat of Williamsburg Section 8" which is recorded in Baltimore County MD plat book 24 folio 24. And being the a parcel of land described in a deed dated June 28th ,2001 between Albert and Rosalie Raim, parties of the first and Patricia A Fauntleroy , party of the second in liber 15404 folio 27.



CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/15/2019

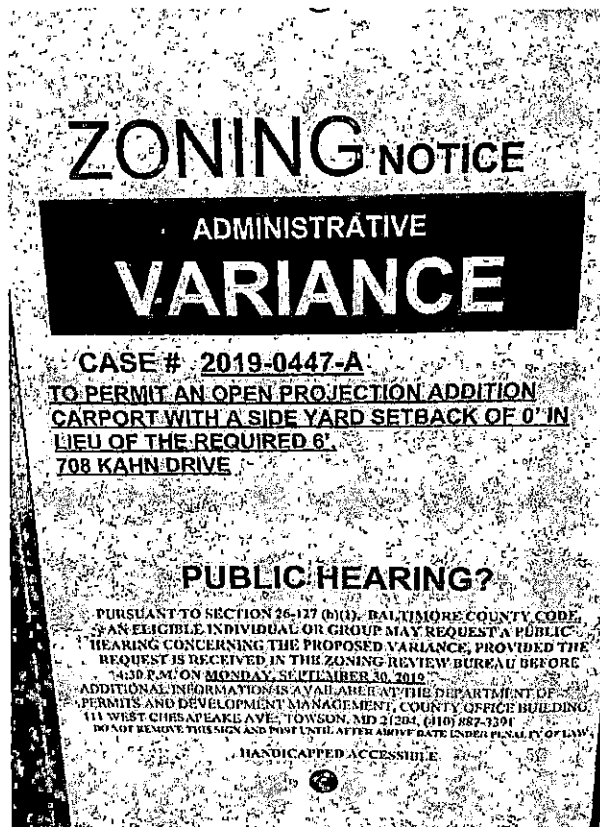
Case Number: 2019-0447-A

Petitioner / Developer: PATRICIA FAUNTLEROY

Date of Closing: SEPTEMBER 30, 2019

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:
708 KAHN DRIVE

The sign(s) were posted on: SEPTEMBER 15, 2019



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0447 -A Address 708 KAHN DR.

Contact Person: JUN FERNANDO Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/3/19 Posting Date: 9/15/19 Closing Date: 9/30/19

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- 0447 -A Address 708 KAHN DR.

Petitioner's Name PATRICIA FAUNTLEROY Telephone 410-446-5886

Posting Date: 9/15/19 Closing Date: 9/30/19

Wording for Sign: To Permit an open projection addition (carport) with a side yard setback of 0' in lieu of the required 6'.

Revised 6/30/2019



JOHN A. OLSZEWSKI, JR.
County Executive

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

September 30, 2019

John Mellema
5409 East Drive
Arbuts MD 21227

RE: Case Number: 2019-0447-A, 708 Kahn Drive

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 September 3, 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
Patricia Fauntleroy 708 Kahn Drive Pikesville Road 21288

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 9/9/19

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

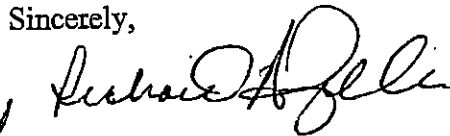
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2019-0447-A -

*Administrative Variance
Patricia Fautleroy
708 Kehn Drive*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



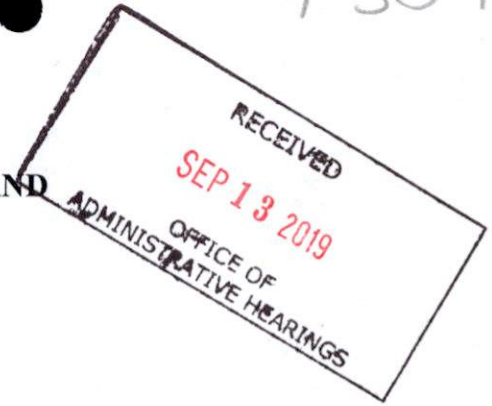
Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

9-30-19

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: September 13, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0447-A
Address 708 Kahn Drive
(Faunteroy Property)

Zoning Advisory Committee Meeting of **September 6, 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>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>9-13</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>9-9</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>9-15-19</u>	by <u>G. Keefe</u>
SIGN POSTING (2 nd)	Date: _____	by _____
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: Deb contacted Code Enforcement to make sure it's not a code
enforcement issue (Hattie advised 10-3-19)
confirmed

Search Result for BALTIMORE COUNTY

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ZAC AGENDA

Case Number: 2019-0447-A **Reviewer:** Jun Fernando

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Patricia Fauntleroy

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 708 KAHN DR

Location: North side of Kahn Dr at the distance of 301' west from the centerline of Glenrock Road.

Existing Zoning: DR 5.5

Area: 7,335 SQ FT

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

1B02.3.B & 301.1 BCZR To permit an open projection addition (carport) with a side yard setback of 0' in lieu of the required 6'.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 09/30/2019

Miscellaneous Notes:

Case Number: 2019-0448-A **Reviewer:** Gary Hucik

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Lisa & Steven Attman

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 3 **Council Dist:** 2

Property Address: 8 VALLEY GATE WAY

Location: West side of Valley Gate Way North 566 feet to the centerline of Hooks Lane.

Existing Zoning: DR 1

Area: 1.19 AC

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

1A04.3.B.b. To permit a proposed addition with a side yard setback of 32 feet in lieu of the required 50 feet, and to amend lot #4 of the final development plan (Valley Gate).

Attorney: Not Available

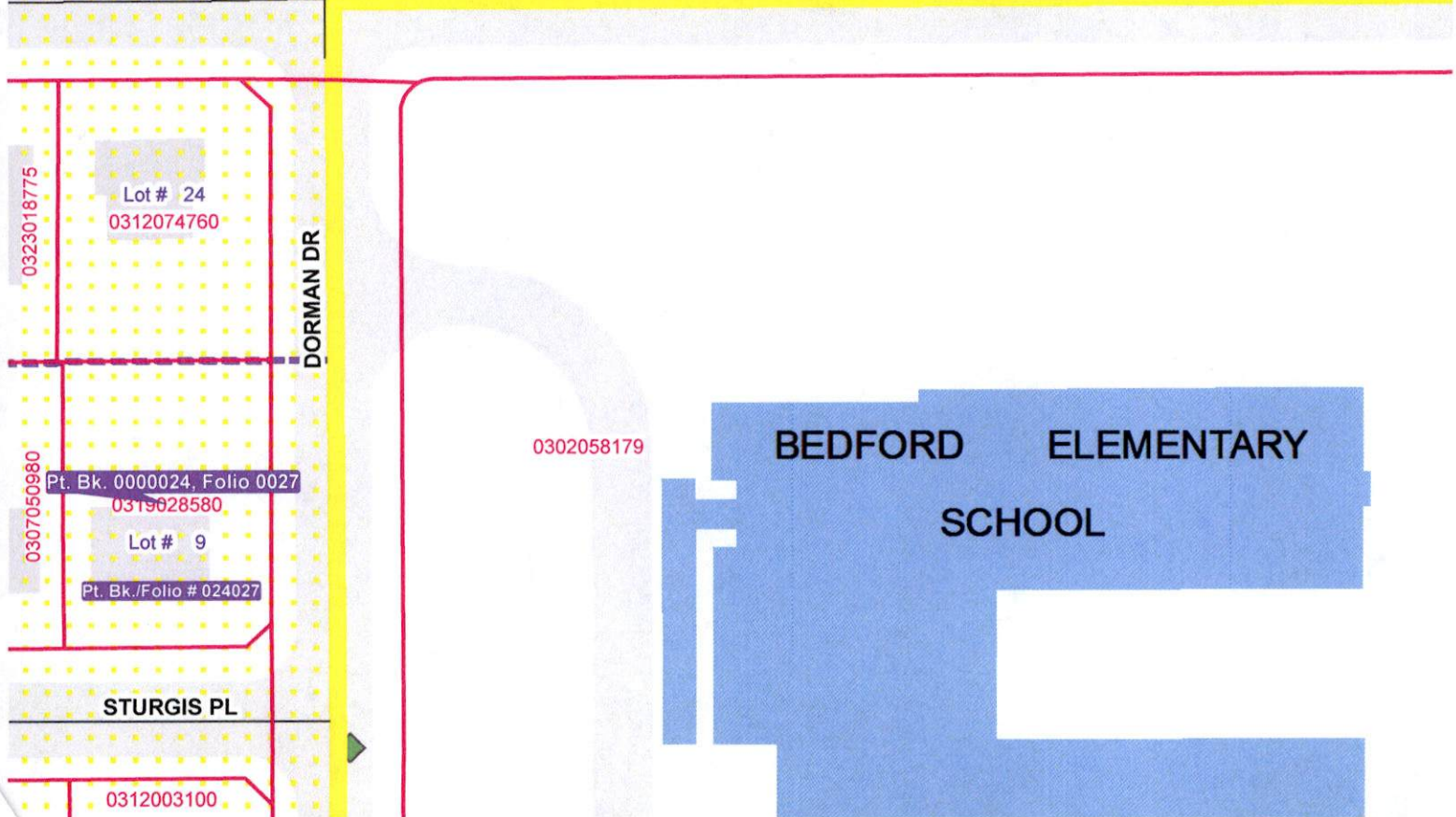
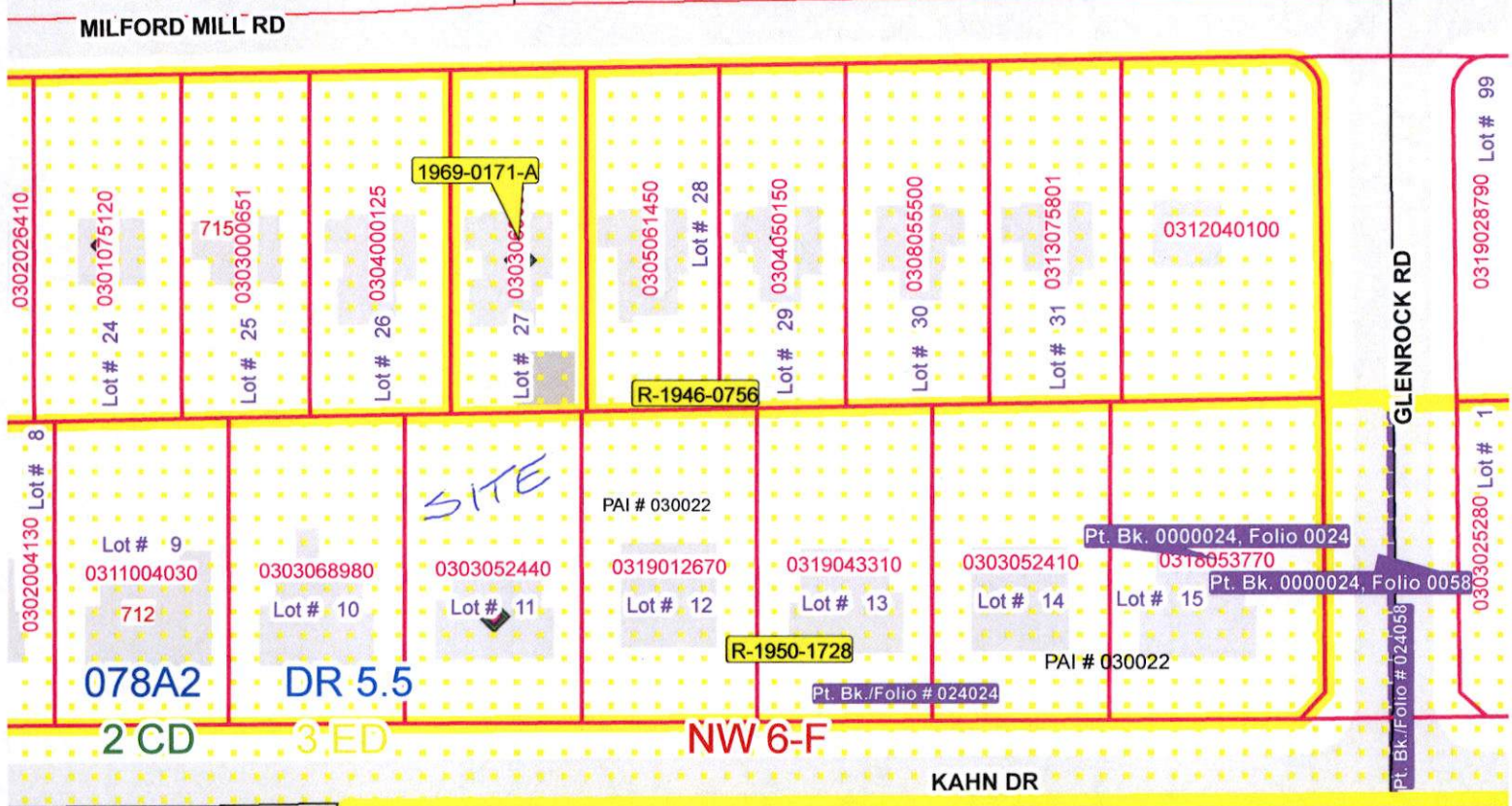
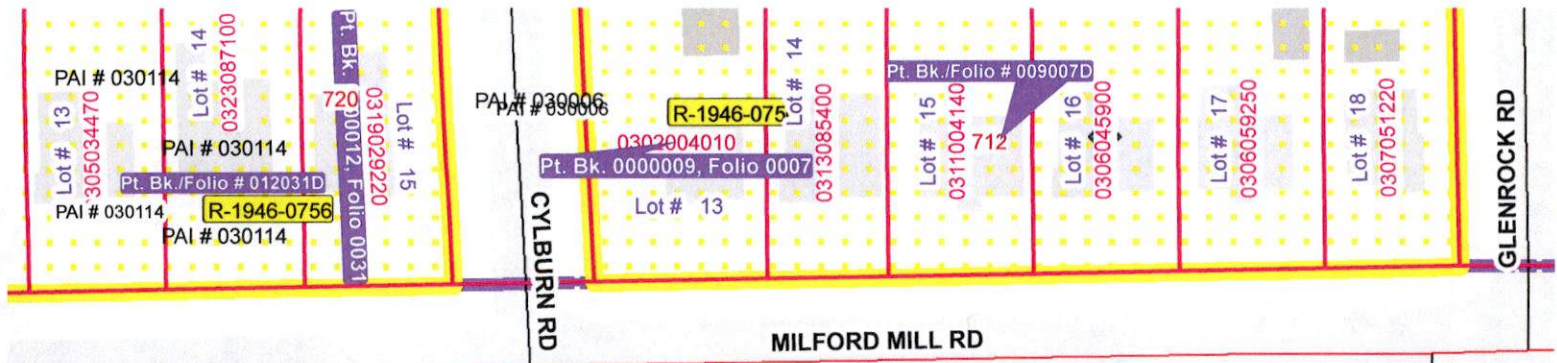
Prior Zoning Cases: None

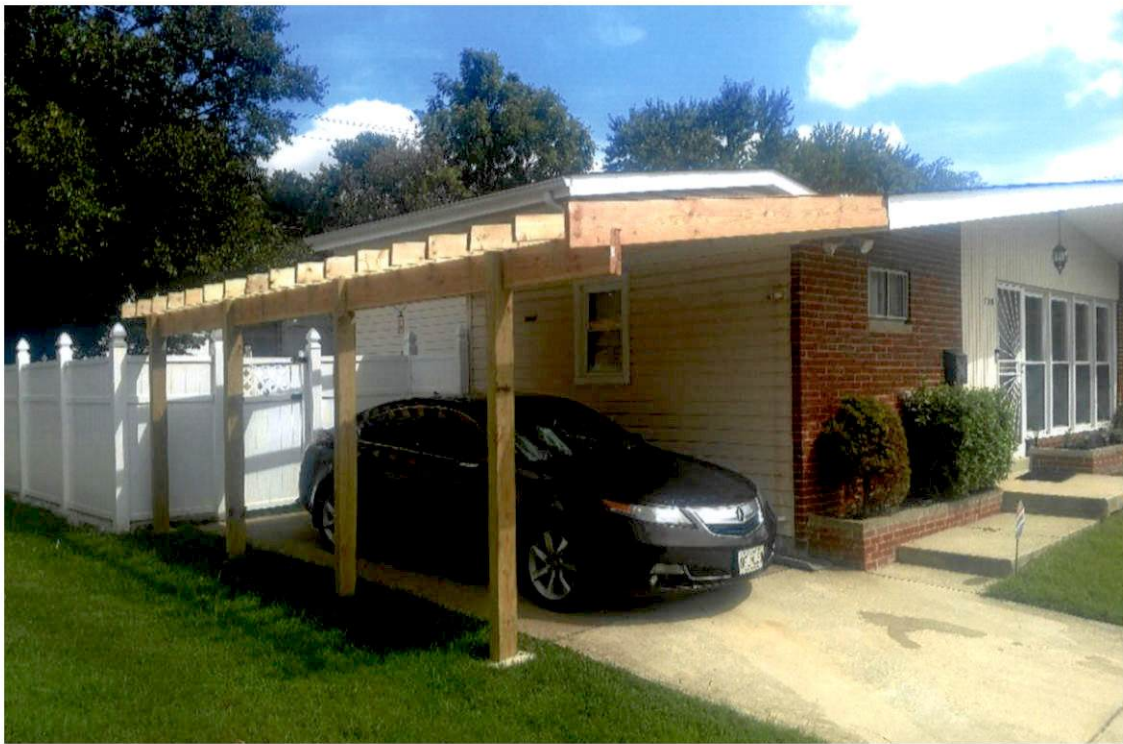
Concurrent Cases: None

Violation Cases: None

Closing Date: 09/30/2019

Miscellaneous Notes:















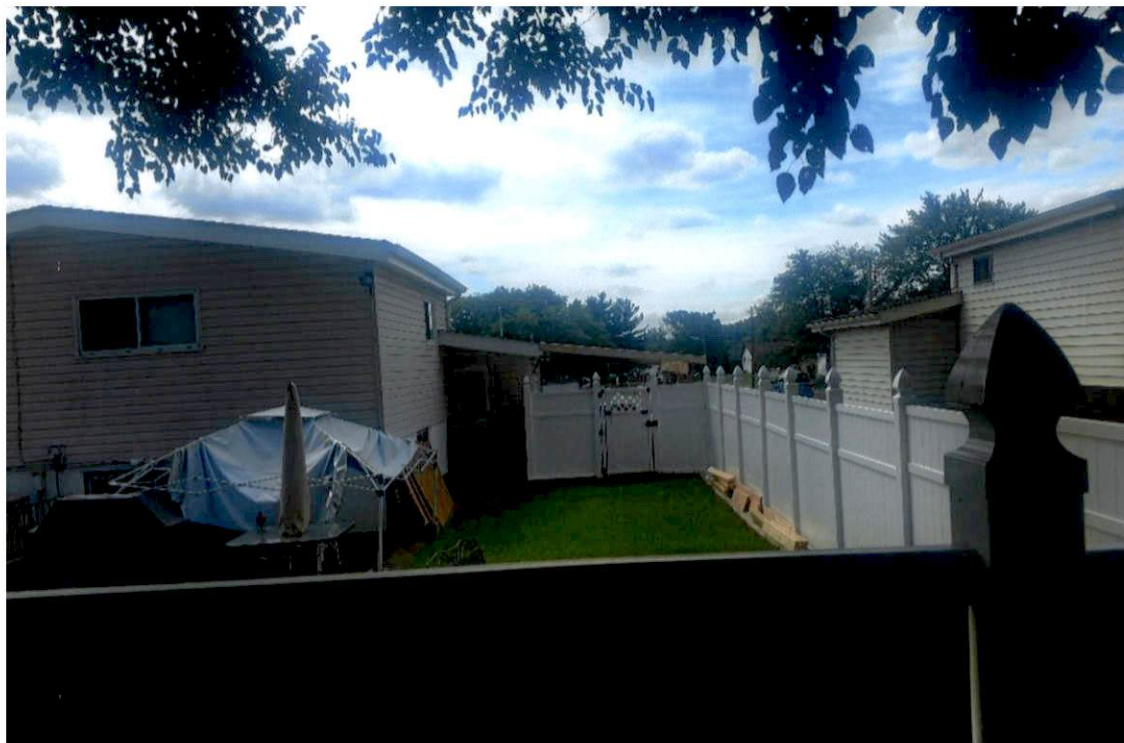




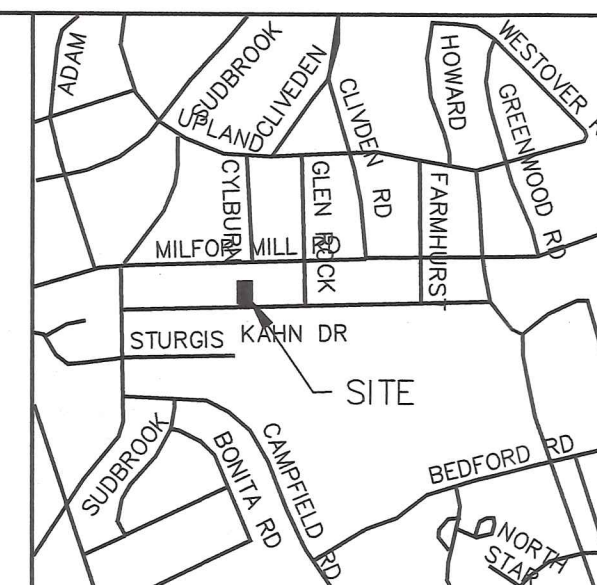
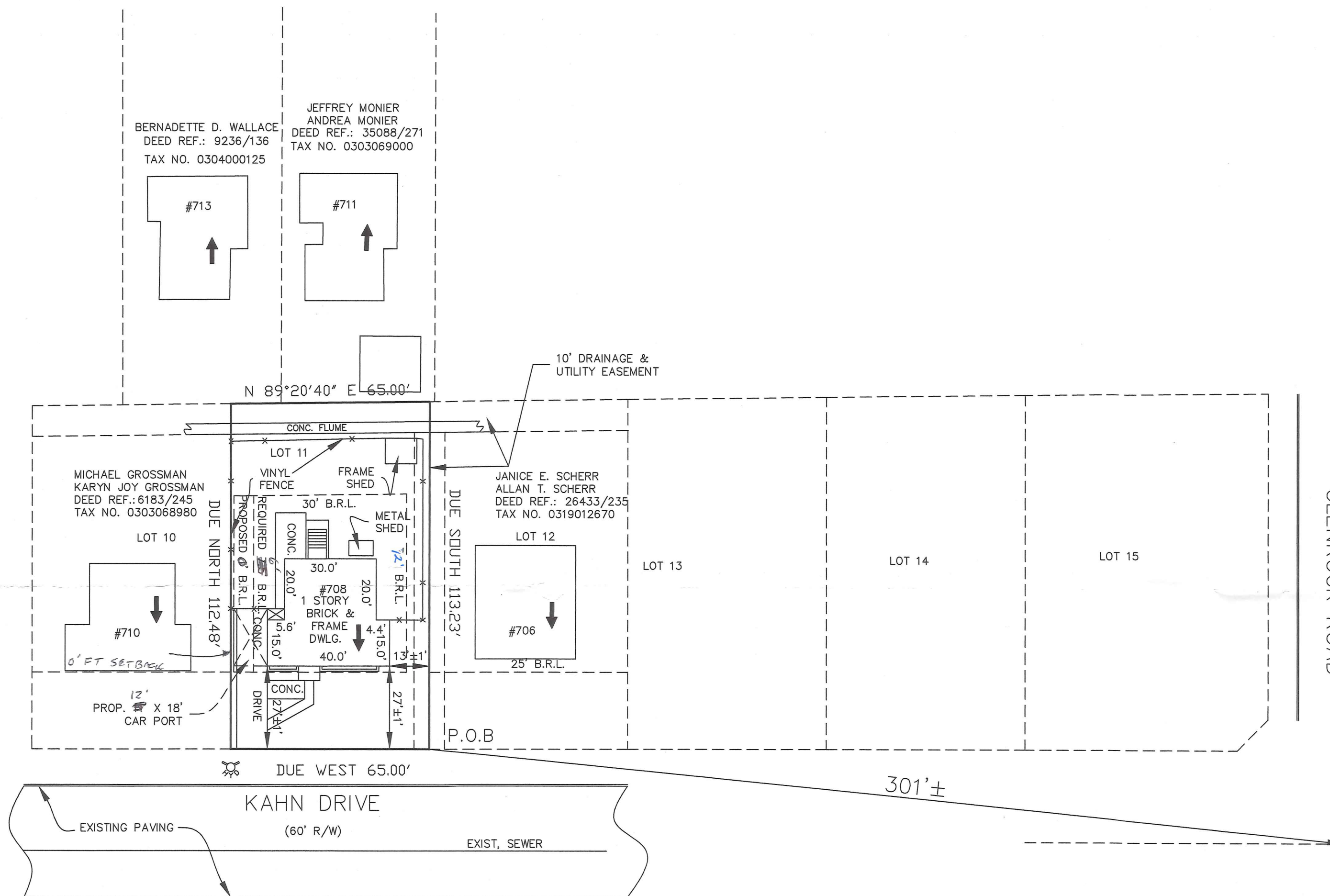








PLAT TO ACCOMPANY ADMINISTRATIVE VARIANCE



VICINITY MAP
SCALE: 1"=1000'

LOCATION INFORMATION

COUNCILMANIC DISTRICT: 2
ELECTION DISTRICT: 03
ZONING: D.R. 5.5
1"=200' SCALE MAP: 078A2

LOT SIZE: 7,335 SQ. FT.

	YES	NO
PUBLIC SEWER	☒	☐
PUBLIC WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	☐	☒

SUBDIVISION NAME: "SECTION 8 WILLIAMSBURG"
P.B. G.L.B. NO. 24 FOLIO 24

PRIOR ZONING HEARING: N/A
DEED REFERENCE: 15404/27

OWNER: PATRICIA A. FAUNTLEROY
#708 KAHN DRIVE
BALTIMORE MD. 21208
PHONE: 410-486-9592
TAX NO. 0303052440

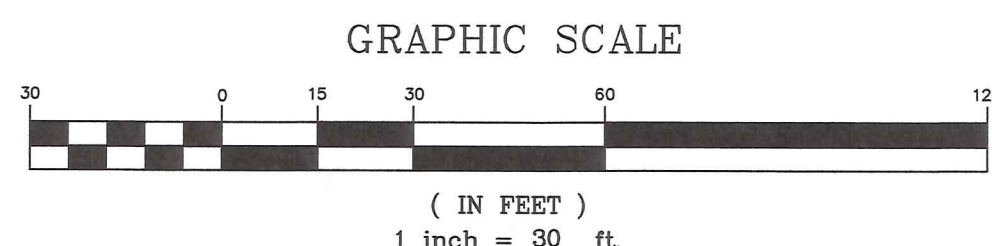
DATE: AUGUST, 2019
SCALE: 1"=30'

Pat. Exh. 1

#708 KAHN DRIVE
LOT 11
SECTION 8 WILLIAMSBURG
BALTIMORE COUNTY, MARYLAND
TAX MAP 0078 GRID 0014 PARCEL 0590
SCALE: 1"=30' DATE: AUGUST, 2019

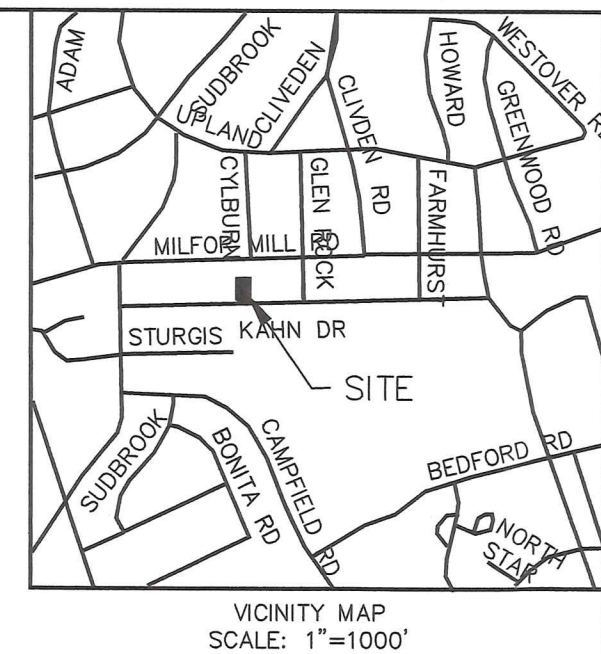
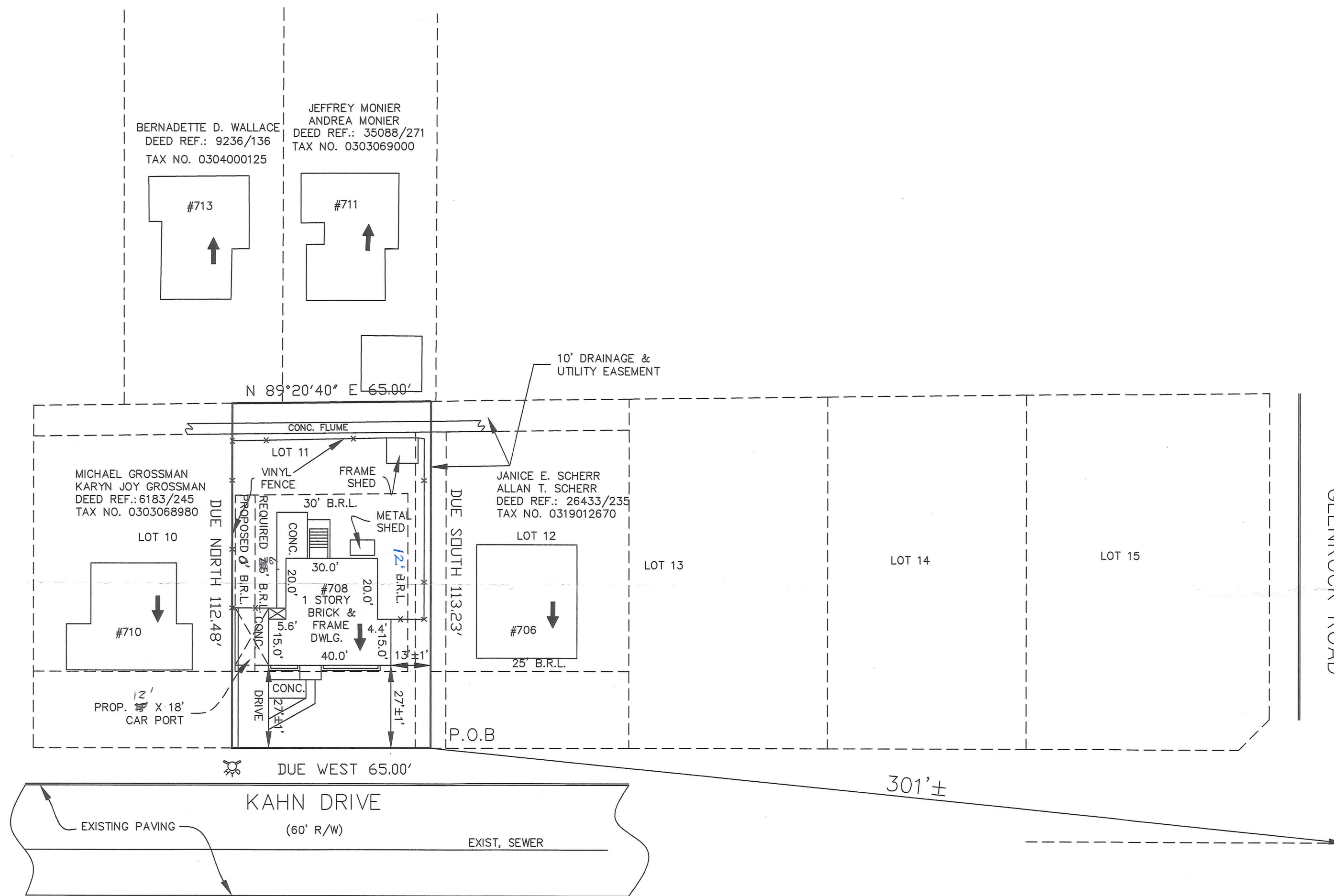


PREPARED BY:
JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DR. BALTO., MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507



D.R.5.5 REGULATIONS
MINIMUM LOT AREA 6,000 SQ. FT.
MINIMUM LOT WIDTH 55'
MINIMUM FRONT YARD SETBACK 25'/AVERAGE
MINIMUM SIDE YARD SETBACK 10'
MINIMUM REAR YARD SETBACK 30'

PLAT TO ACCOMPANY ADMINISTRATIVE VARIANCE



LOCATION INFORMATION

COUNCILMANIC DISTRICT: 2
ELECTION DISTRICT: 03
ZONING: D.R. 5.5
1"=200' SCALE MAP: 078A2

LOT SIZE: 7,335 SQ. FT.

	YES	NO
PUBLIC SEWER	☒	☐
PUBLIC WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	☐	☒

SUBDIVISION NAME: "SECTION 8 WILLIAMSBURG"
P.B. G.L.B. NO. 24 FOLIO 24

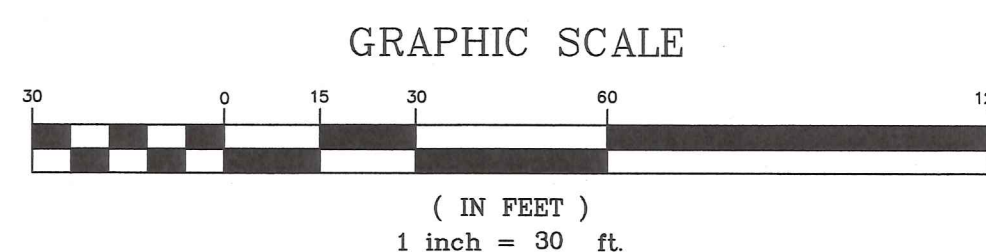
PRIOR ZONING HEARING: N/A
DEED REFERENCE: 15404/27

OWNER: PATRICIA A. FAUNTLEROY
#708 KAHN DRIVE
BALTIMORE MD. 21208
PHONE: 410-486-9592
TAX NO. 0303052440

DATE: AUGUST, 2019
SCALE: 1"=30'



PREPARED BY:
JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DR. BALTO., MD. 21227
PHONE: 410-247-7488 FAX: 410-247-2507



D.R.5.5 REGULATIONS
MINIMUM LOT AREA 6,000 SQ. FT.
MINIMUM LOT WIDTH 55'
MINIMUM FRONT YARD SETBACK 25'/AVERAGE
MINIMUM SIDE YARD SETBACK 10'
MINIMUM REAR YARD SETBACK 30'

#708 KAHN DRIVE
LOT 11
SECTION 8 WILLIAMSBURG
BALTIMORE COUNTY, MARYLAND
TAX MAP 0078 GRID 0014 PARCEL 0590
SCALE: 1"=30' DATE: AUGUST, 2019