MEMORANDUM

DATE:

March 17, 2020

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2020-0015-A- Appeal Period Expired

The appeal period for the above-referenced case expired on March 16, 2020. 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

(100 Hillside Road)

1st Election District

1st Council District Chervl Thurber

Petitioner

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

* BALTIMORE COUNTY

CASE NO. 2020-0015-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, Cheryl Thurber ("Petitioner"). The Petitioner is requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR"), to approve an addition on right side of house with a rear setback of 12 ft. in lieu of the required 40 ft. setback. 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. A ZAC comment was submitted by the Department of Environmental Protection and Sustainability ("DEPS") dated January 24, 2020, indicating that, "Ground Water Management will need to review any proposed building permit for an addition, since the house is served by a septic system."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on January 24, 2020, 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 ORDER RECEIVED FOR FILING

Date	2-13-2050
Bv	

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 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 <u>13th</u> day of **February**, **2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("BCZR"), to approve an addition on right side of house with a rear setback of 12 ft. in lieu of the required 40 ft. setback, 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.
- Petitioner must comply with the DEPS ZAC comment, dated January 24, 2020; a copy of which is attached hereto and made a part hereof.

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

IAWRENCE M. STAHL Administrative Law Judge for Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING

Date 2-13-2020

2



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

10 the Office of Administrative Hearings	of Permits, Approvals and Inspections for Baltimore County for the property located at:
Address 100 Hillside Road Cutons Deed Reference 40656 100450 Owner(s) Printed Name(s) Cheryl Thur	10 Digit Tax Account # 2) 0 0 0 2 3 4 1 3
(SELECT THE HEARING(S) BY MARKING X AT THE APPRO	OPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
	reverse 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	in Baltimore County and which is also if the in-
1. ADMINISTRATIVE VARIANCE from Section(s) & addition on Right Side of 12 FT in Lieu of The Requi	CZR 1802.3.C.1 TO Approve an House with a Rear setback of Red 40FT setback
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
	Ve a waiver nursuant to Specien 22 4 107/b) -f4-b - D-W
of the Baltimore County Code, to the development law of Ba Property is to be posted and advertised as prescribed by the zoning regulat If we agree to pay expenses of above petition(s), advertising, posting, etc. a Baltimore County adopted pursuant to the zoning law for Baltimore County.	tions.
	Owner(s)/Petitioner(s):
	Name #1 - Type or Print Name #2 - Type or Print Signature #2 100 Hill side I Cat on Sylle MD Mailing Address City State 21228 , 443-630-0672 cthurbe yuhw Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be contacted:
Attorney for Owner(s)/Petitioner(s): Name- Type or Print Signature ORDER 13	Name – Type or Print Signature
ORDE.	Syriaure
Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
County, thisday of that the subject m required by the zoning regulations of Baltimore County.	e required, it is ordered by the Office of Administrative Hearings for Baltimore natter of this petition be set for a public hearing, advertised, and re-posted as
Administra	ative Law Judge for Baltimore County
CASE NUMBER 2020-2015-A Filing Date 1/142	DZD Estimated Posting Date 74,2020 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: 100 H. 18 Le Road Catorsul Print or Type Address of property City	ile Mb	2128 Zip Code
Based upon personal knowledge, the following are the fa Administrative Variance at the above address. (Clearly s	cts upon which I/we base tate practical difficulty	<u>or hardship</u> here)
This house was built in 1937 before subdivisions occurred a street is different from other houses. The house is at an any the property, with about 285 feet to the street. Other house house (948 sqft) compared to the neighborhood, the addit distance to the adjoining neighbor's house will still be about area in the middle of the property, the addition will not be deep lot, the possibilities for addition are limited. The local septic tank (replaced in 2018) limit the ability to move the The purpose of the addition is to add about 460 sqft, with storage in the basement. The addition will extend into the Lot 83 behind has a large workshop 15 to 5 feet from property with the intention of adding on since it is too small to live (If additional space for the petition request or the above state).	gle, at the top of a hill, and a ses are all closer to the stree ion will make it slightly close at 90 feet down the hill. Becanoticed from the street. Witions of an existing room wire addition further away from a library and closet on the mazoning setback with a trianguerty line. The house was pur in comfortably, but a nice present a street was pur in comfortably, but a nice present a street was pur in comfortably, but a nice present a street was pur in comfortably, but a nice present a street was pur in comfortably, but a nice present a street was pur in comfortably, but a nice present a street was pur in comfortably, but a nice present a street was pur in comfortably.	t. This is a small or to average. The ause of a wooded hile this is a large and when the property line. In level and the wedge shape. The coperty.
Signature of Owner (Affiant)	Signature of Owner (Affiant)	
Chery (Thurber Name-Print of Type	Name- Print or Type	
The following information is to be completed by a	Notary Public of the State o	f Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to I HEREBY CERTIFY, this day of day of and for the County aforesaid, personally appeared: Print name(s) here:	, <u> </u>	
Notary Public 21-	123	

My Commission Expires

BRITTANY MACK
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
My Commission Expires 02-07-2023

REV. 5/5/2016

Zoning Property Description for 100 Hillside Road, Catonsville, MD 21228

Owner: Cheryl Thurber

Intersect the northwestern most right of way of Hillside Road, thence binding on said right of way, South 61 degrees 09 minutes 07 seconds West 15.13 feet, to the point of beginning, and shown on a subdivision plat of "Covey Property."

Recorded among the land records of Baltimore County, Maryland, in Liber 7629, folio 398, and being all of lot 99 and part of lot 100, as shown on plat of "Stonewall Park" and recorded among the land Records in Plat Book WPC7, folio 18

Being the same property which by deed dated November 16, 1987 and recorded among the Land Records of Baltimore, Maryland in Liber 7740, folio 131, was granted and conveyed by Covey Construction Company.

Subdivision Stonewall Park, Lot 99.

Plat Book 007 Folio 0018

Tax 2100002467, Deed Ref 40656/00450

Lot Area Acreage .8937, 38930 square feet.

Zoning Property description for 100 Hillside Road

Begining at a point on menorthwest side of

Hillside 21 which is 40 ft wide at a distance

8 (560 ft west of the centerline of the

nearest improved intersecting street Frederick

Road which is 80 ft wide

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 1/24/2020

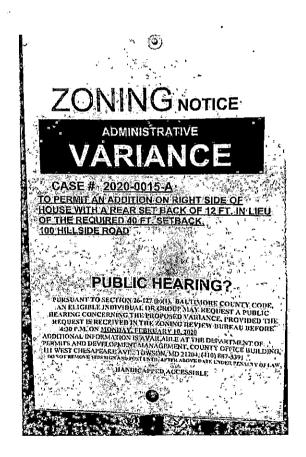
Case Number: 2020-0015-A

Petitioner / Developer: CHERYL THURBER

Date of Closing: FEBRUARY 10, 2020

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: 100 HILLSIDE ROAD

The sign(s) were posted on: JANUARY 24, 2020



Zinda O Keefe (Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

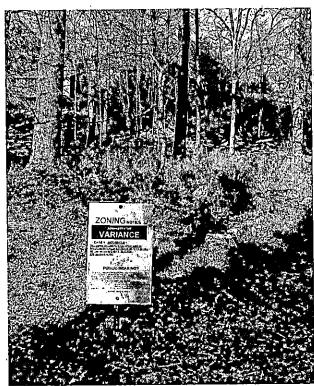
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

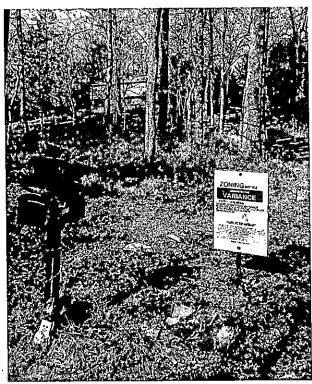
(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



Background Photo 1st Sign @ 100 Hillside Rd. $\sim 1/24/2020$



Background Photo 2^{nd} Sign @ 100 Hillside Rd. $\sim 1/24/2020$ CASE # 2020-0015-A

ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEEL AND DATES
Case Number 2020- 0015A Address 100 Hillside RD
Contact Person: Chr. St. va Fr. L. Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 1-16-2020 Posting Date: 1-26-2020 Closing Date: 2-10-2020
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.
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.
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 2020-0015 -A Address 100 H.IIS: LERE
Petitioner's Name Cherryl Thurber Telephone 445-630-0672
Posting Date: 1-26-2020 Closing Date: 2-10-2020
Wording for Sign: To Permit an addition on Right side of House with a
Rear set Back of 12 FT in Lieu of The Required 40 FT setback.

Revised 6/30/2019



JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL D. MALLINOFF, Director

Department of Permits,

Approvals & Inspections

February 11, 2020

Cheryl Thurber 100 Hillside Road Catonsville MD 21228

RE: Case Number: 2020-0015-A, 100 Hillside 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 January 16, 2020. 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.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR/kl

Enclosures

e: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Hon. Paul M. Mayhew; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

January 24, 2020

SUBJECT:

DEPS Comment for Zoning Item

2020-0015-A

Address

100 Hillside Road (Thurber Property)

Zoning Advisory Committee Meeting of January 27, 2020.

 \underline{X} The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Ground Water Management will need to review any proposed building permit for an addition, since the house is served by a septic system.

Reviewer:

Dan Esser

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

Date: 1/21/20

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. 2020-0065-A

Administrative Vavionce Cheryl Thurber 100 Hillsi Se Hoad.

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@mdot.maryland.gov).

Sincerely,

Wendy Wolcott, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

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Reviewer:

Dan Esser

ORDER RECEIVED FOR FILING

Date___

By.

CHECKLIST

Comment Received	Depar	<u>tment</u>			Support/Oppose/ Conditions/ Comments/ No Comment	
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PRIOR ZONING	(Ca	se No		-		
NEWSPAPER A	DVERTISEMENT	Date:				
SIGN POSTING	(1 st)	Date:	1-24	10	by O'Keele	
SIGN POSTING	(2 nd)	Date:		1 4	by	
PEOPLE'S COU	NSEL APPEARANCE	Yes		o 🔲		
PEOPLE'S COU	NSEL COMMENT LET	TTER Yes		o 🗖		
Comments, if any	·				8	

Real Property Data Search

Search Result for BALTIMORE COUNTY

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ZAC AGENDA

Case Number: 2020-0015-A Reviewer: Christina Frink Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE Legal Owner: Cheryl Thurber

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Property Address: 100 HILLSIDE RD

Location: NW side of Hillside Road 560 feet W of Frederick Road.

Existing Zoning: DR 2

Area: 38,930 SQ FT

Historic: No

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

Bczr 1B02.3.C.1 To approve an addition on right side of House with a rear setback of 12 feet in lieu of the required 40

Election Dist: 1

Council Dist: 1

feet setback.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 02/10/2020

Miscellaneous Notes:

Case Number: 2020-0016-A Reviewer: Joseph Merrey Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE Legal Owner: Allan J. & Linda J. Parsons

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist; 11 Council Dist: 3

Area: 1.3 A

Property Address: 12142 HARFORD RD

Location: West side of Harford Road 360' North of Marc Lane.

Existing Zoning: RC 2

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

400.1 To allow an accessory building (detached garage) to be located in the side yard in lieu of the required rear yard location and section 400.3 to allow a height of an accessory building (detached garage) of 20 feet in lieu of the

maximum allowed 15 feet. Attorney: Allan & Linda Parson

Prior Zoning Cases: None Concurrent Cases: None

Violation Cases: None/

Closing Date: 02/10/2020

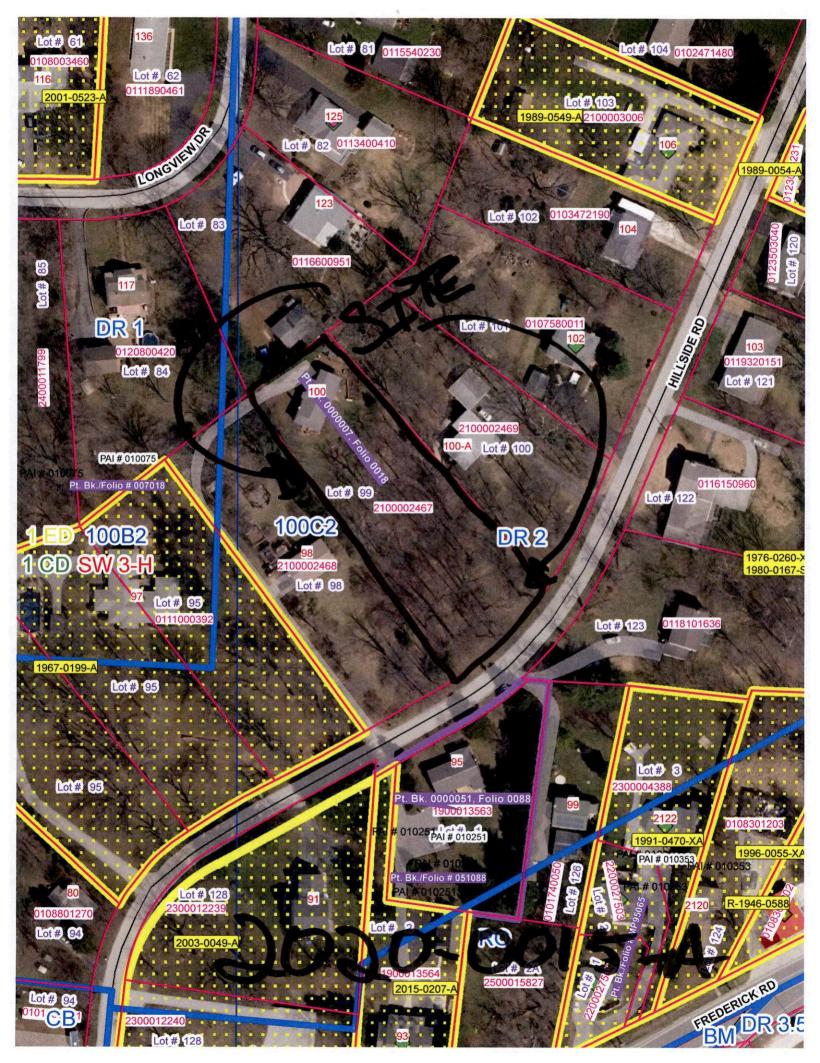
Miscellaneous Notes:

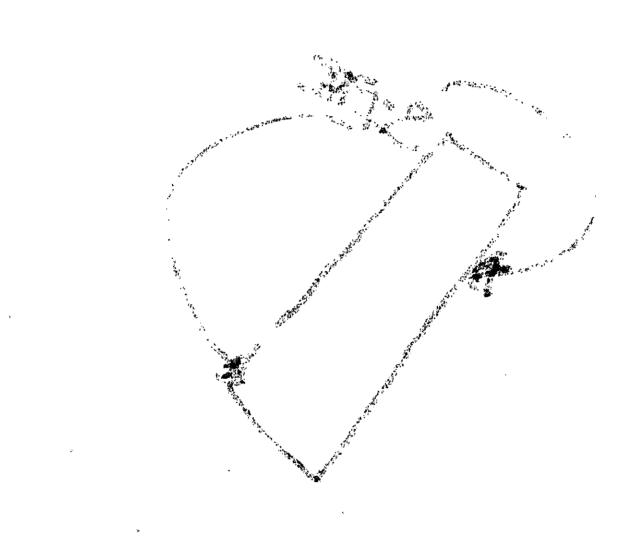
Real Property Data Search (w4)

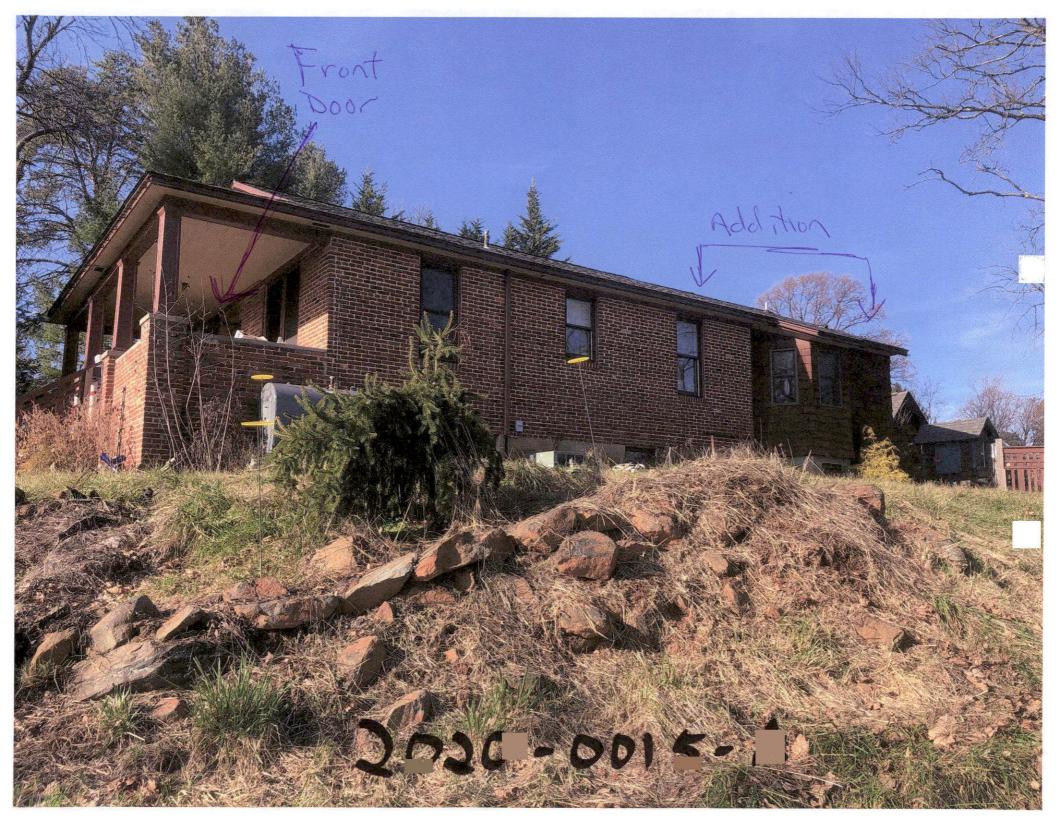
Search Result for BALTIMORE COUNTY

View Map	View C	GroundRent F	Redemption		View GroundRent Registration			
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Account Identifier:		District - 0/	Account Nu	mber - 21000	02467	\supset		
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Mana Orida Dana				Dist			STONEWALL	
Map: Grid: Parce	el: Neighbor	hood: Subd	ivision: Sec	ction: Block	: Lot: As Ye:		Plat No:	
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				Tax	Class:		Non	е
Primary Structure	Built Above	e Grade Livin	g Area Fir	nished Basen	nent Area	Property	Land Area C	County Use
1937	948 S	F				38,930 SF	/	14
Stories Basemen	Type	Exter	ior Quality	Full/Half	Garage	Last Noti	ce of Major	
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Improvements		86,200		65,600				
Total:		211,400	3	05,800	242,	867	274,333	
Preferential Land:		0					0	
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Seller: DYMEK MIC	HAEL S		Date: 06/2	26/2001		Pri	ce: \$150,000	
Type: ARMS LENG	TH IMPROVE	D	Deed1: /1	5341/ 00100		Dee	ed2:	
Seller: COVEY CO	NSTRUCTI ON	N CO INC	Date: 12/0	3/1987		Pric	ce: \$99,000	
Type: ARMS LENG	TH IMPROVE	D		7740/ 00131			ed2:	
			Exemption	n Information	47			
Partial Exempt Ass	essments:	Class			01/2019		07/01/2020	
County:		000		0.0	0			
State:		000		0.0	0			
Vlunicipal:		000		0.0	00.00		0.00 0.00	
Special Tax Recap	ture: None			*****************************				***********************
		Но	mestead App	lication Inform	ation			
		Approved 10/	07/2019					

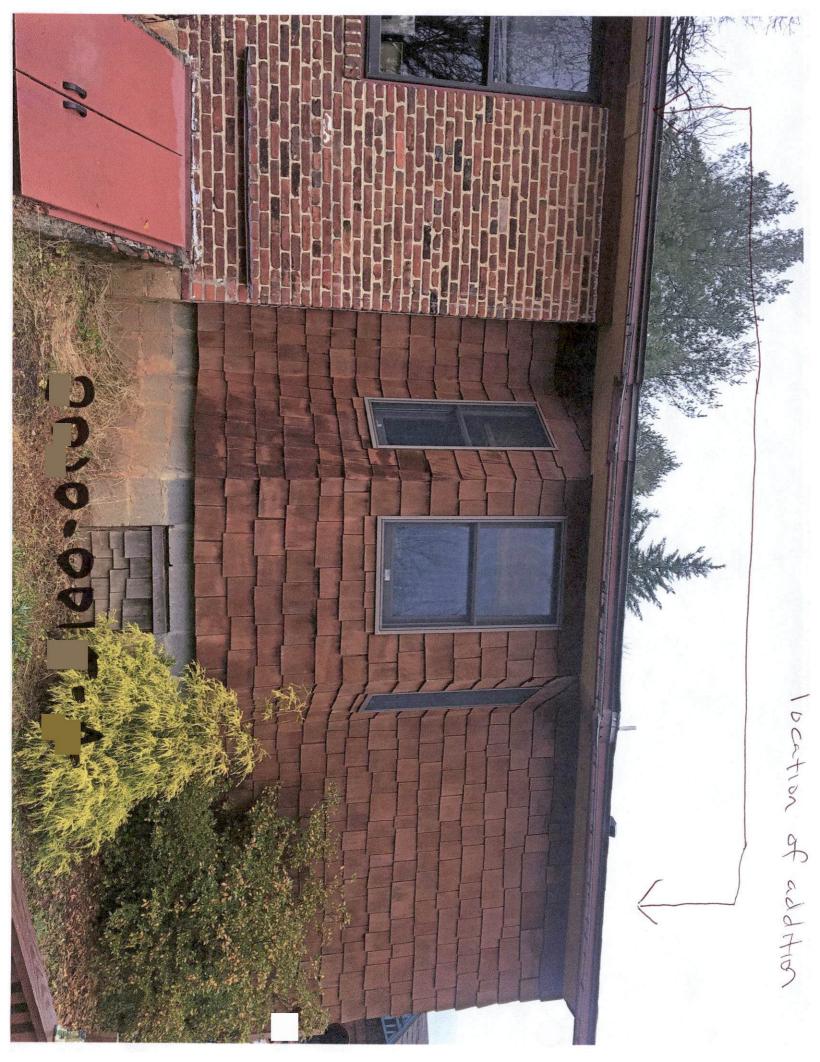
2020 -0015-A









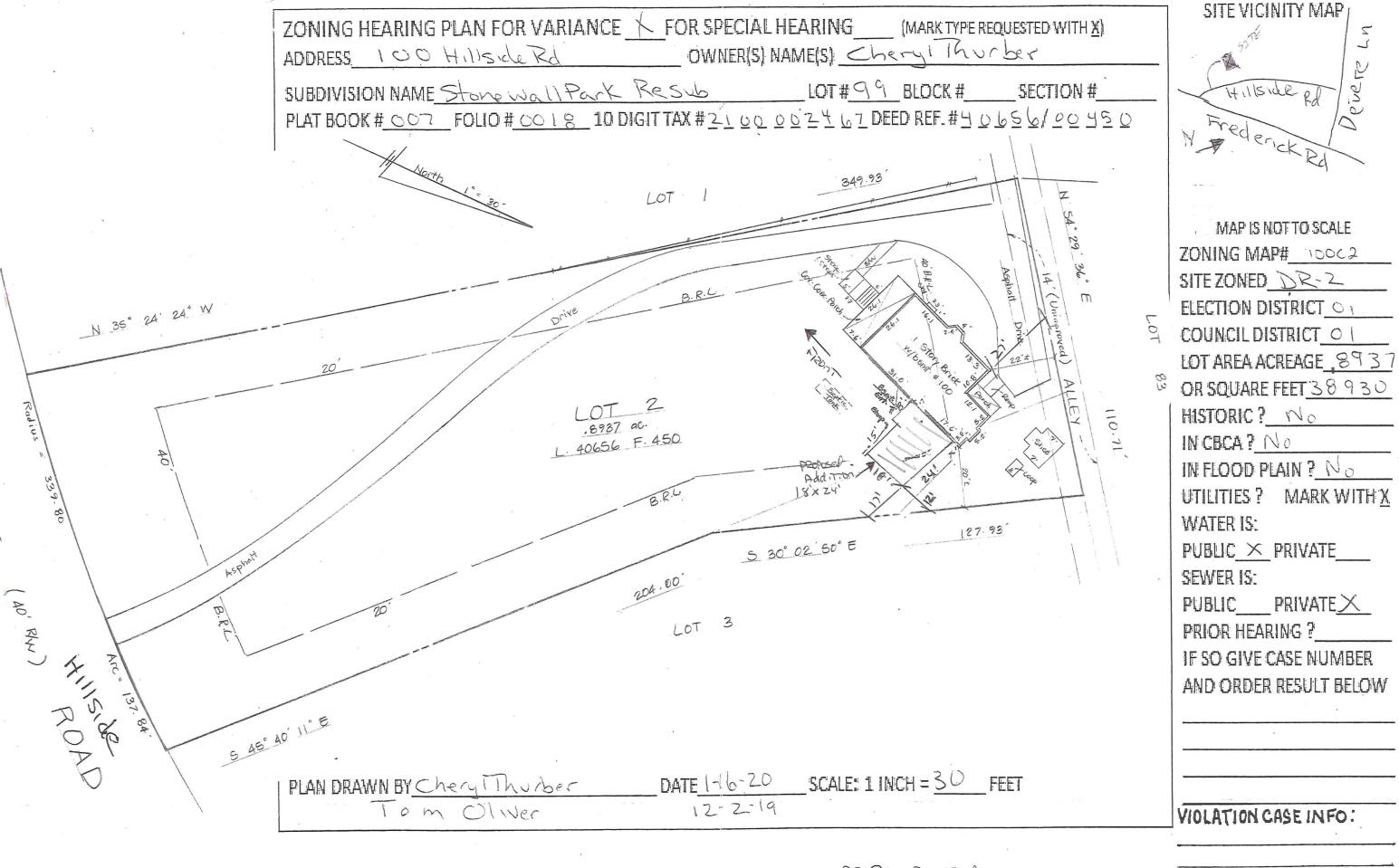






ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 100 Hills Le Rd OWNER(S) NAME(S) Chery 1 Thurber	SITE VICINITY MAP
SUBDIVISION NAME Stone wall Park Resub LOT# 99 BLOCK# SECTION# PLAT BOOK# 007 FOLIO# 0018 10 DIGITTAX#2100002467 DEED REF.#40656/00450	Hillside M 330 Frederick Rd
LOT 2 END 20 E	MAP IS NOT TO SCALE ZONING MAP# 1006 Z SITE ZONED DR-2 ELECTION DISTRICT 0 I COUNCIL DISTRICT 0 I LOT AREA ACREAGE 893 OR SQUARE FEET 38930 HISTORIC? No IN CBCA? No IN FLOOD PLAIN? No UTILITIES? MARK WITH? WATER IS: PUBLIC X PRIVATE
PLAN DRAWN BY Chery Thurber DATE 1-16-20 SCALE: 1 INCH = 30 FEET	SEWER IS: PUBLIC PRIVATE X PRIOR HEARING ? IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW VIOLATION CASE INFO:

Let. Each. 1



2020-0015-A