MEMORANDUM

DATE:

May 18, 2020

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2020-0084-A - Appeal Period Expired

The appeal period for the above-referenced cases expired on May 14, 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.'

/dlw

c: / Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE

(2208 Wiltonwood Road)

3rd Election District 2nd Council District

Joshua B. & Kelly R. Nelson

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2020-0084-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, Joshua B. and Kelly R. Nelson ("Petitioners"). The Petitioners are requesting Variance relief from § 400.3 to approve an accessory structure (Pool House) at a total height of 19 ft. in lieu of the required maximum height of 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 submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 28, 2020, 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 § 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

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ORDER RECEIVED FOR FILING

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.

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>14th</u> day of April, 2020, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 400.3 to approve an accessory structure (Pool House) at a total height of 19 ft. in lieu of the required maximum height of 15 ft., 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.

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

PAUL M. MAYHEW

Managing Administrative Law Judge

for Baltimore County

PMM:dlw

ORDER	RECEIVED FOR FILING
Date	4-14-2000
Ву	

VISTRATIVE ZONING PETITION

ATIVE VARIANCE - OR - ADMINI 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: Currently zoned Stevensin WD 21153 Address 2208 Wiltonwood Ka 10 Digit Tax Account # 22 00 0 Deed Reference 42143 Owner(s) Printed Name(s) _ Kelly (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. XADMINISTRATIVE VARIANCE from Section(s) BCZR 400.3 TO APPROVE an accessory STRUCTURE (POOLHOUSE) at a TOTAL HEIGHT of 19 FT. In Lieu of the Required maximum Height of 15 FT 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): Mailing Address Representative to be contacted: Attorney for Owner(s)/Petitioner(s): VER RECEIVED FOR FILING Name-Type or Print Signature State Zip Code Email Address Email Address Telephone # 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

required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Filing Date 3 17, 2020 Estimated Posting Date 3 129 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.

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<u>Joshva</u>	<u>Nelson</u>		· · ·	Name- Print or T	Vicio VIII
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and for the Count	ty aforesaid, p	ersonally ap	opeared:	•	. <u>.</u>
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Zoning Property Description For 2208 Wiltonwood Rd Stevenson MD 2/153 Beginning at point on the North side of wiltonwood Rd which is 20' Feet wide At Adistance of 273 Feet west of The center line of the nearest Improved intersection

street Longacie LN. Which is 25 Feet.

Being Lot # 2 Block NA section NA in subdivision
Wiltonwood OS recorded in Baltimore county Plat Book # 66
Folio #51 Containing 2 Acres of Lot Located in The
3 election District and 2 council District.

CERTIFICATE OF POSTING

	RE: Case No.	2020-0084-A
	Petitioner:	Joshua & Kelly Nelson
	Closing Date: _	4/13/20
Baltimore County Department of		
Permits, Approvals and Inspections		
Room 111, County Office Building		
.11 W. Chesapeake Ave.		
Towson, Md. 21204		
2208 Wiltonwood Road – from 2208 Wiltonwood Road – from		
	on	3/28/20
	Sincerely	,
	Residential freed along the property of the control	
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		4 Dellwood Drive

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Certification of Posting

Case No 2020-0084-A



2208 Wiltonwood Road - front WS driveway (1 of 2)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

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Certification of Posting

Case No 2020-0084-A



2208 Wiltonwood Road - front ES driveway (2 of 2)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

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BALTIMORE COUN DEPARTMENT OF PERMITS, AF OVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- OOSY -A Address 2208 WITTON WOOD RD						
Contact Person: CARASTINA FRINK Phone Number: 410-887-3391						
Filing Date: 3-17-2020 Posting Date: 3-29-2020 Closing Date: 4-13-2020						
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 (on the reverse side of this form) 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. <u>DEADLINE:</u> The closing date is the deadline for an 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 zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The 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 zoning or deputy zoning commissioner), 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- 0084 - A Address: 2208 W. Tonwood Rd						
Petitioner's Name: Joshua B. Nelson Kelly Telephone: 813-391-4310						
Posting Date: 3-29-2020 Closing Date: 4-13-2020						
Wording for Sign:						
TO Approve An accessory STRUCTURE (ADD HOUSE) at a TOTAL						
Height of 19FT in lieu of the Required maximum Height of						
15. FT						



JOHN A. OLSZEWSKI, JR. County Executive

MICHAEL D. MALLINOFF, Director

Department of Permits,

Approvals & Inspections

April 13, 2020

Kelly Nelson & Joshua Nelson, 2208 Wiltonwood Road Stevenson MD 21153

RE: Case Number: 2020-0084-A, 2208 Wiltonwood 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 March 17, 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.

very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Rob Snyder 7706 Hickory Road Stewartstown PA 17363

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Michael Millanoff, Director

DATE: April 8, 2020

Department of Permits, Approvals

FROM:

FFC for VKD Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 30, 2020

Item No. 2020-0078-A, 0081-A, 0082-A, 0083-A & 0084-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

VKD: efc

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:

April 2, 2020

SUBJECT:

DEPS Comment for Zoning Item

2020-0084-A

Address

2208 Wiltonwood Road

(Nelson Property)

Zoning Advisory Committee Meeting of March 23, 2020.

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

Reviewer: Steve Ford



Larry Hogan Governor Boyd K. Rutherford Lt. Governor Gregory Slater Secretary Tim Smith, P.E. Acting Administrator

Date: May 11, 2020

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. 2020-0084-A

Administrative Variance Kelly & Joshua Nelson 2208 Wiltonwood Road

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,

For Wendy Wolcott, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

Jenae Johnson

From:

Jenae Johnson

Sent:

Monday, April 13, 2020 8:30 AM

To:

'Knelsonuflgator@yahoo.com'; '65construction2015@gamil.com'

Cc:

Debra Wiley

Subject:

Second Sign Post 2020-0084-A

Good morning,

My name is Jenae, I'm preparing your file to go over to the Law Judge's office for review. I' am missing you're second sign posting. Can you please email the second sign posting so I can complete your file. If you have any further question please call 410-887-3391.

Thank you

CASE NO. 2019- 6084-A

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
4-8	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NO
K-2	DEPS (if not received, date e-mail sent)	NO
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
	STATE HIGHWAY ADMINISTRATION	
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	ION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER AD	VERTISEMENT Date:	
SIGN POSTING (1	1st) Date: 3-38 20	by flogunan
SIGN POSTING (2	2 nd) Date:	by
	SEL APPEARANCE Yes No SEL COMMENT LETTER Yes No	
Comments, if any:		

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption				View GroundRent Registration			
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			Transfer Inf	ormation				
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Seller: MULTI STAR	SLLC	D	ate: 07/17/2	2006		Price: 9	5178,500	
Type: NON-ARMS L			eed1: /2416			Deed2:	9 TATES 9	
Seller: JANET HOW	ARD A	D	ate: 03/30/2	2005		Price: 9	51,350,000	
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ZAC AGENDA

Case Number: 2020-0084-A Reviewer: Christina Frink
Existng Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE Legal Owner: Kelly & Joshua Nelson

Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 2208 WILTONWOOD RD

Location: North side of Wiltonwood Road 273 feet West Long acre Ln.

Existing Zoning: RC 5

Area: 2 AC

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.3 To approve an accessory structure (Pool House) at a total height of 19 feet in lieu lieu of the required

maximum height of 15 feet.

Attorney: Not Available

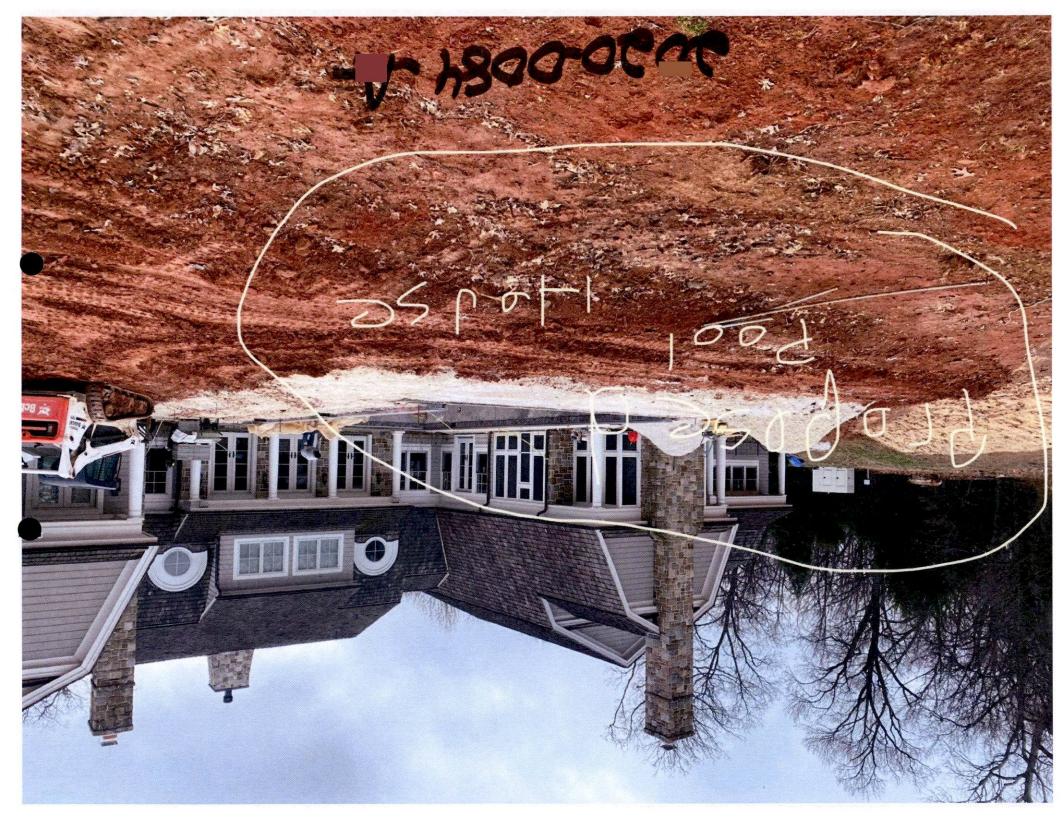
Prior Zoning Cases: None

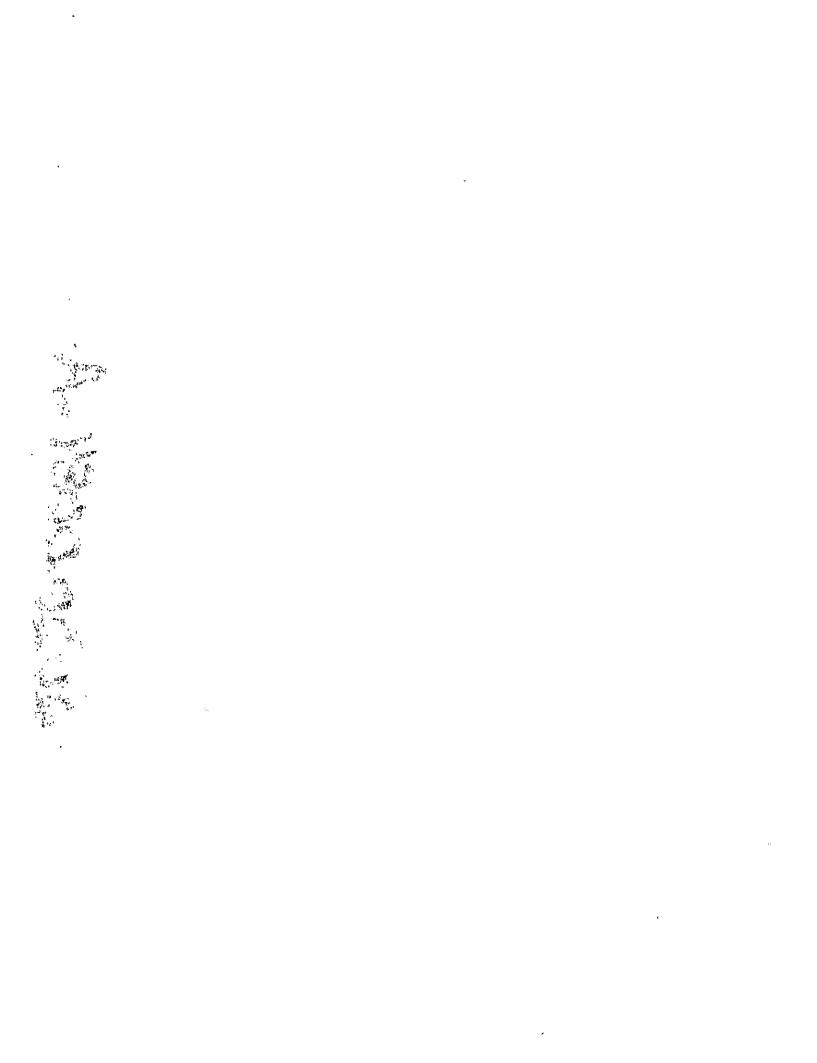
Concurrent Cases: None

Violation Cases: None

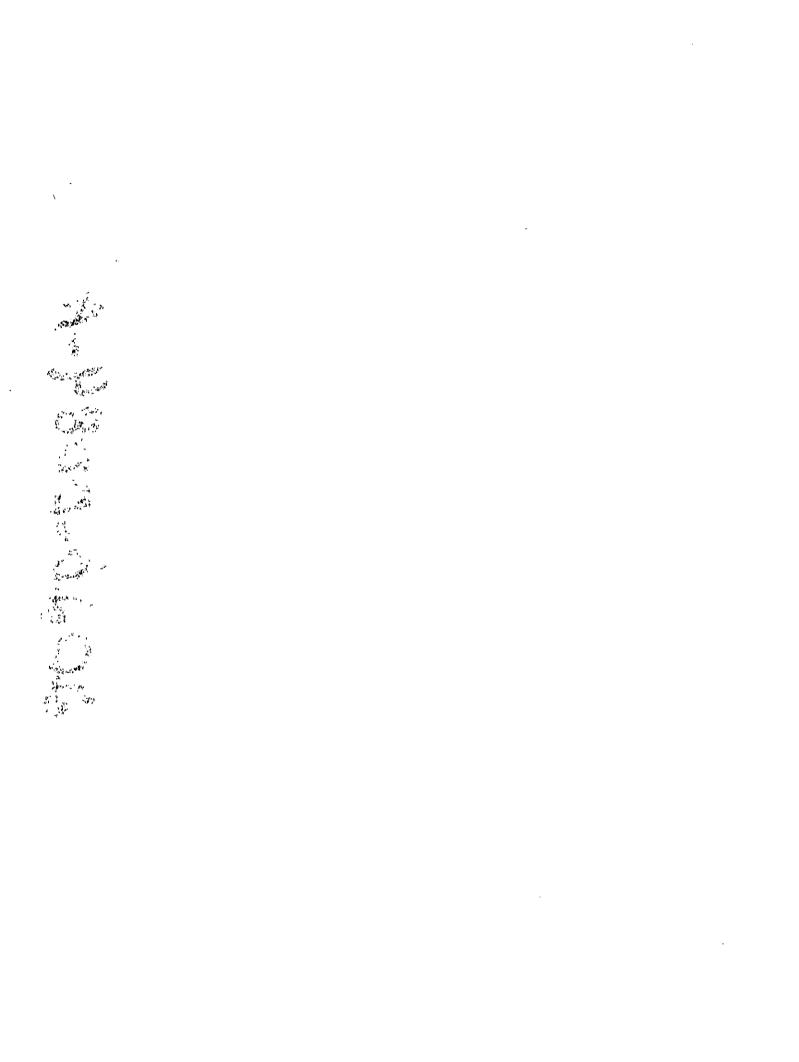
Closing Date: 04/13/2020

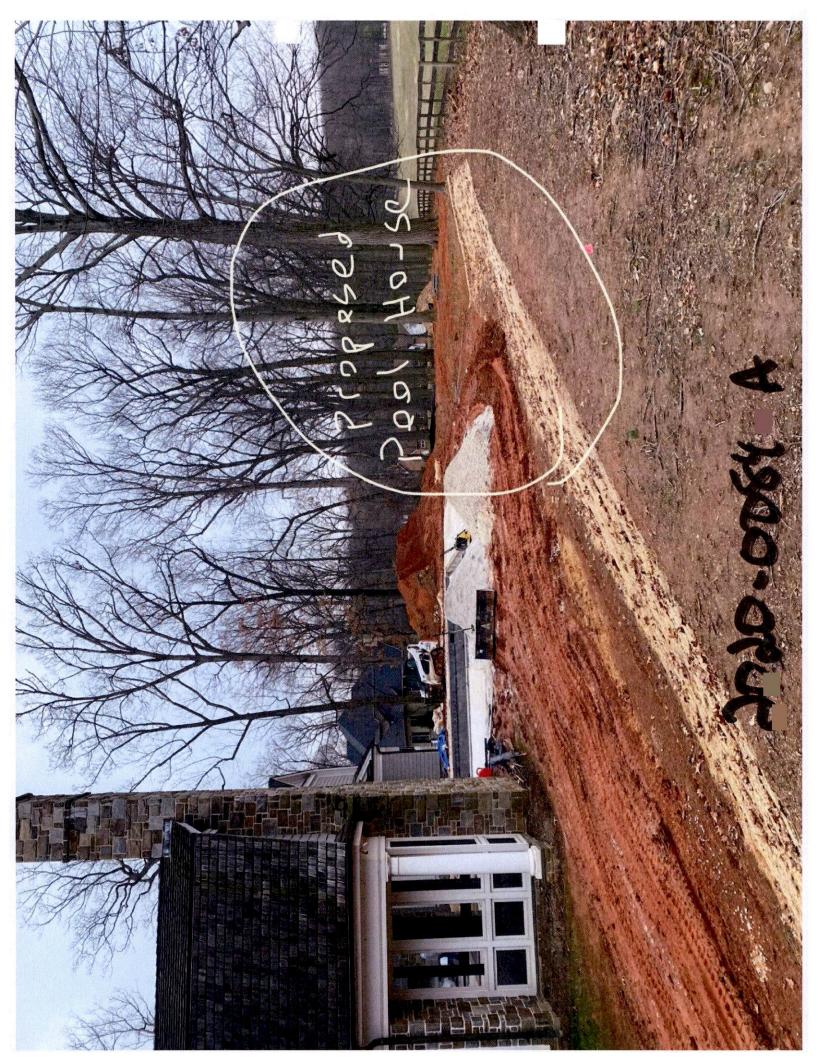
Miscellaneous Notes:

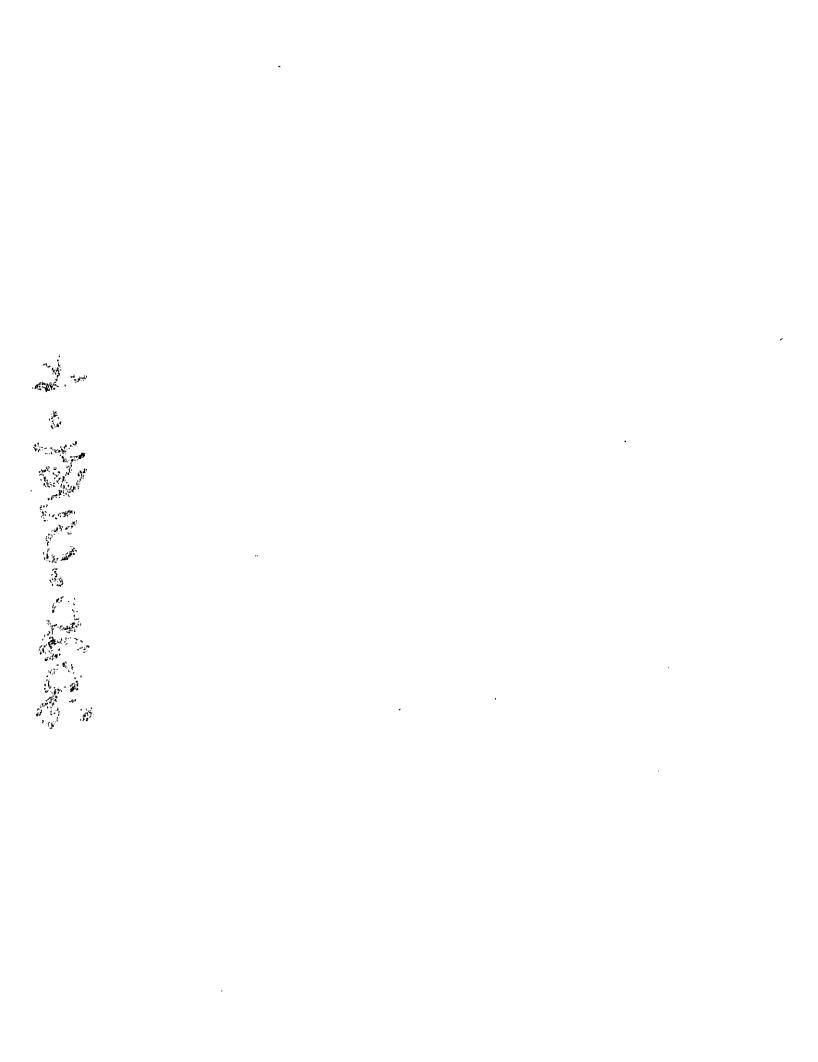




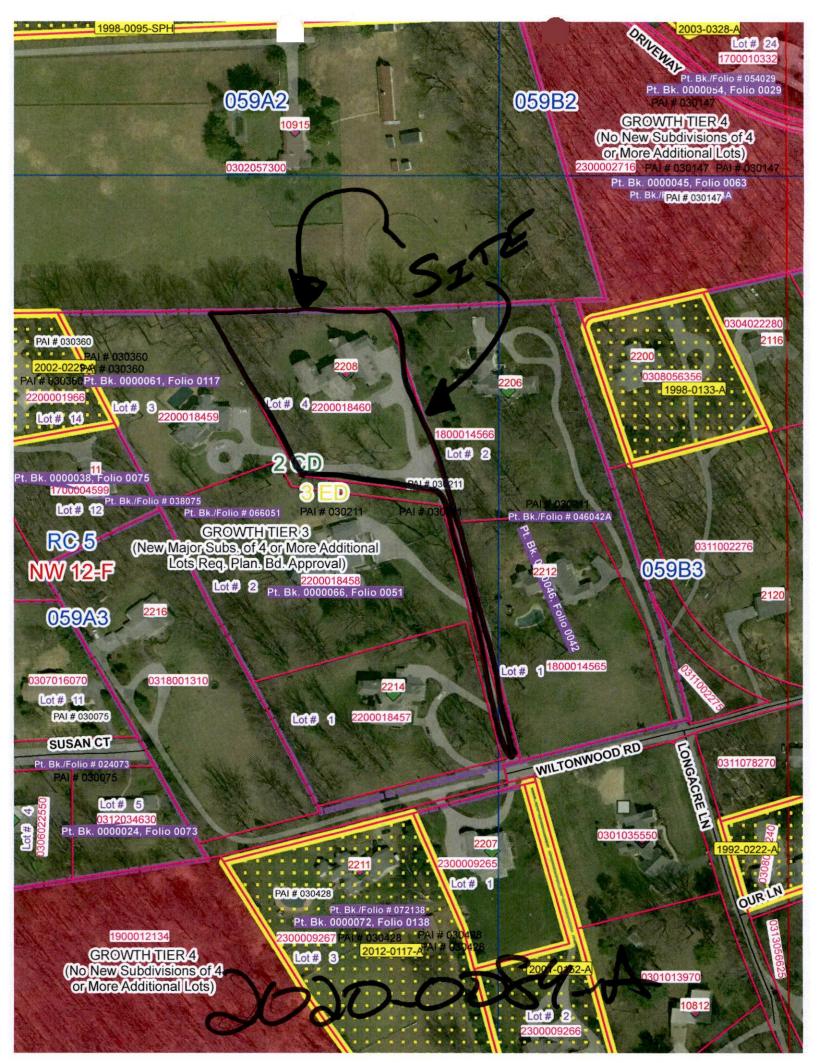






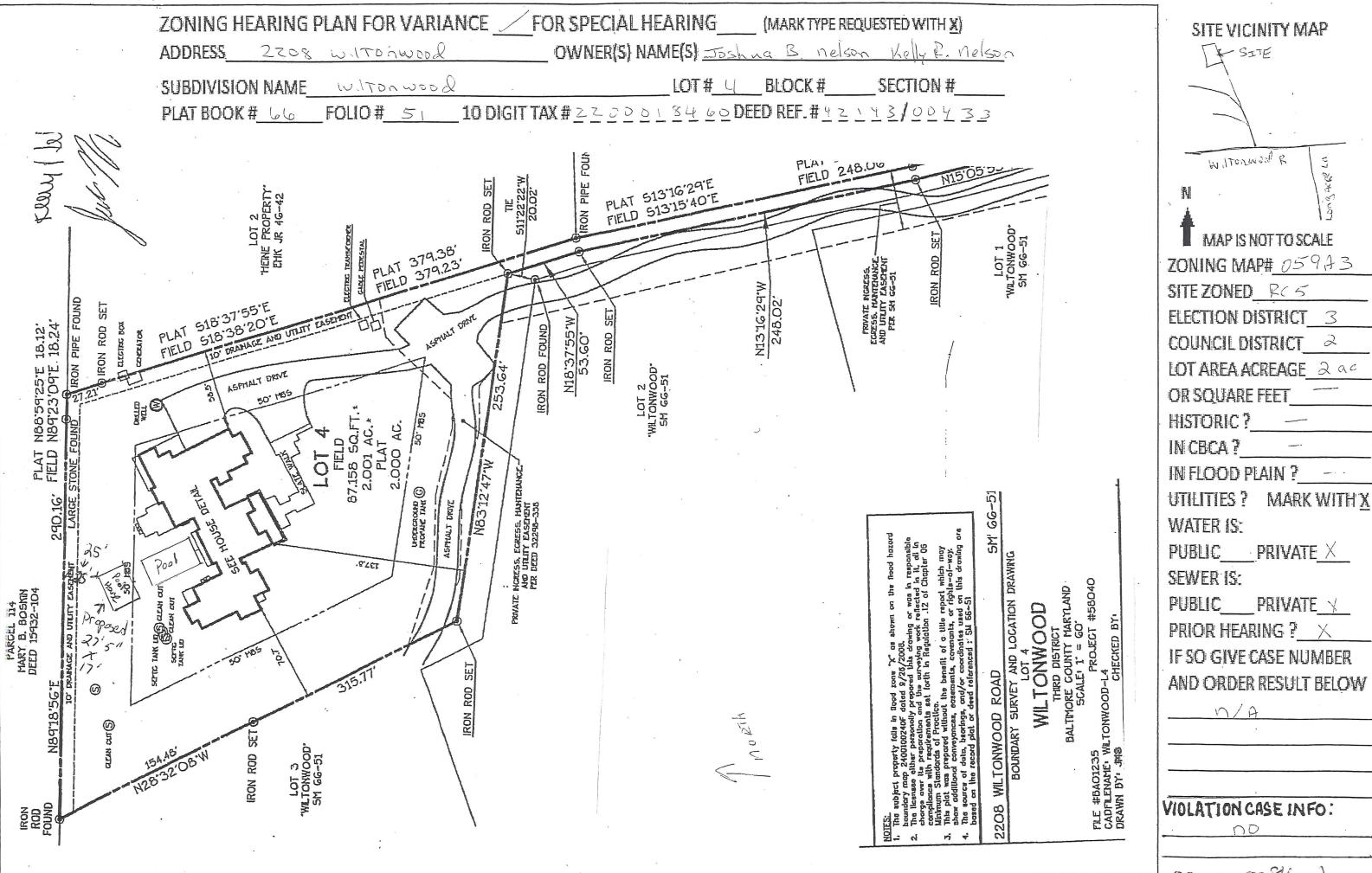








ZONING HEARING PLAN FOR VARIANCE _ FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X) ADDRESS 2208 WITO NOOL OWNER(S) NAME(S) OWNER(S) OWNER(S) OWNER(S) OWNER(S) OWNER(S) OWNER(S) OWNER(S) OWNER(S)	SITE VICINITY MAP
SUBDIVISION NAME WATONWOOD LOT# 4 BLOCK# SECTION# PLAT BOOK# 66 FOLIO# 51 10 DIGIT TAX#ZZZZZZZZZZZZZZZZZZZZZZZZZZZZZZZZZZZZ	
PLAIN PROCESSTOFF BALT: CORNING	
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Yet. Exh 1	2020-0684-A



2020-0084-A