

M E M O R A N D U M

DATE: September 15, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0166-A- Appeal Period Expired

The appeal period for the above-referenced case expired on September 11, 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.'

/dlm

cc: Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
(3306 Tray Lane) *
3rd Election District * OFFICE OF ADMINISTRATIVE
2nd Council District *
Howard R. and Susan R. Shearer * HEARINGS FOR
Petitioners * BALTIMORE COUNTY
* CASE NO. 2020-0166-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, Howard R. and Susan R. Shearer (“Petitioners”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”) §§ 301.1 (open projection) and 1B02.3.C.1. to permit an open projection (deck) to be situated as close as 12 ft. to the rear property line in lieu of the required 22.5 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 July 24, 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

ORDER RECEIVED FOR FILING

Date 8/12/20
By D. M. Magon

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.

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 12th day of **August, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR") §§ 301.1 and 1B01.2.C.1b to permit an open projection (deck) to be situated as close as 12 ft. to the rear property line in lieu of the required 22.5 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.

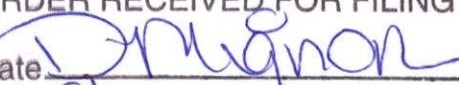
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

ORDER RECEIVED FOR FILING

Date: 

By: 8/12/20



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 3306 Tray Lane Currently zoned DR 2
 Deed Reference 39868 10171 10 Digit Tax Account # 2500011124
 Owner(s) Printed Name(s) Howard & Susan Shearer

(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) 301.1 (open projection) and 1B01.2.C.1.b
of the BCZR to allow an open projection (deck) to be situated as close as 12 feet
to the rear property line in lieu of the permitted 22.5 feet
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.

ORDER RECEIVED FOR FILING
 Date 8/12/20
 By DMignone

Owner(s)/Petitioner(s):

Howard Shearer, Susan Shearer
 Name #1 – Type or Print Name #2 – Type or Print
Howard Shearer Susan R Shearer
 Signature #1 Signature #2

3306 Tray Lane Balto MD
 Mailing Address City State
21208 410 804 0640 hshearer@berjdeno
 Zip Code Telephone # Email Address com

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

Timothy M. Kotroco, Esq.
 Name- Type or Print
Timothy Kotroco
 Signature
305 Washington Ave Suite 502 Towson MD
 Mailing Address City State
21204 410 299 2943 TKotroco@gmail.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Same as Attorney
 Name – Type or Print
 Signature
 Mailing Address City State
 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 2020-0166-A Filing Date 7/14/2020 Estimated Posting Date 7/16/2020 Reviewer RT

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: 3306 Tray Lane Pikesville 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)

My Wife and I recently purchased a brand new home from Beazer Homes, LLC. As a brand new home, it was built w/out a rear deck. (see photo) We cannot walk out our back door w/out falling to the ground. We hope to build a reasonably sized deck (20' x 14') with a set of steps leading to the ground. (see attached drawing) without a properly sized deck, we would suffer a hardship as we could not enjoy our backyard or rear of the house.

We submitted our plans to our HOA Architectural Review Committee + they have approved our request to build this Deck + Patio. We are brand new owners and we live in this house. There are no active violation cases on this property. The Architectural review is attached to our petition.

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

Howard Shearer
Signature of Owner (Affiant)

Howard Shearer
Name- Print or Type

Susan R Shearer
Signature of Owner (Affiant)

Susan Shearer
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:

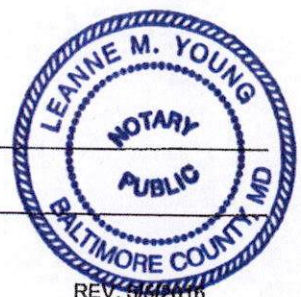
I HEREBY CERTIFY, this 25th day of June, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Howard Shearer & Susan Shearer

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

AS WITNESS my hand and Notaries Seal

Leanne M Young
Notary Public
7/13/2020
My Commission Expires



2020-0166-A

Exhibit AProperty Description

BEING KNOWN AND DESIGNATED as Lot Nos. 1, 2, 3, 23, 24, 25 & 46 as shown on the plat entitled "FOURTH AMENDED PLAT 1 OF 5 OLD COURT CROSSING", which plat is recorded among the Land Records of Baltimore County in Plat Book 79, folio 736.

BEING KNOWN AND DESIGNATED as Lot Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 21 & 22 as shown on the plat entitled "FOURTH AMENDED PLAT 2 OF 5 OLD COURT CROSSING" which plat is recorded among the Land Records of Baltimore County in Plat Book 79, folio 737.

BEING KNOWN AND DESIGNATED as Lot Nos. 15, 16, 20, 26, 27, 28, 29, 30, 31, 32, & 33, and 45 as shown on the plat entitled "FOURTH AMENDED PLAT 3 OF 5 OLD COURT CROSSING" which plat is recorded among the Land Records of Baltimore County in Plat Book 79, folio 738. *our lot*

TOGETHER WITH the right to the use in common with others of all of the roads within Old Court Crossing subdivision for ingress, egress and regress to and from the public roads contiguous thereto.

Yard

House

Slider

Window

Basement slider

Concrete Slab

7'

5'

10'

20'

10'

10'

10'

patio

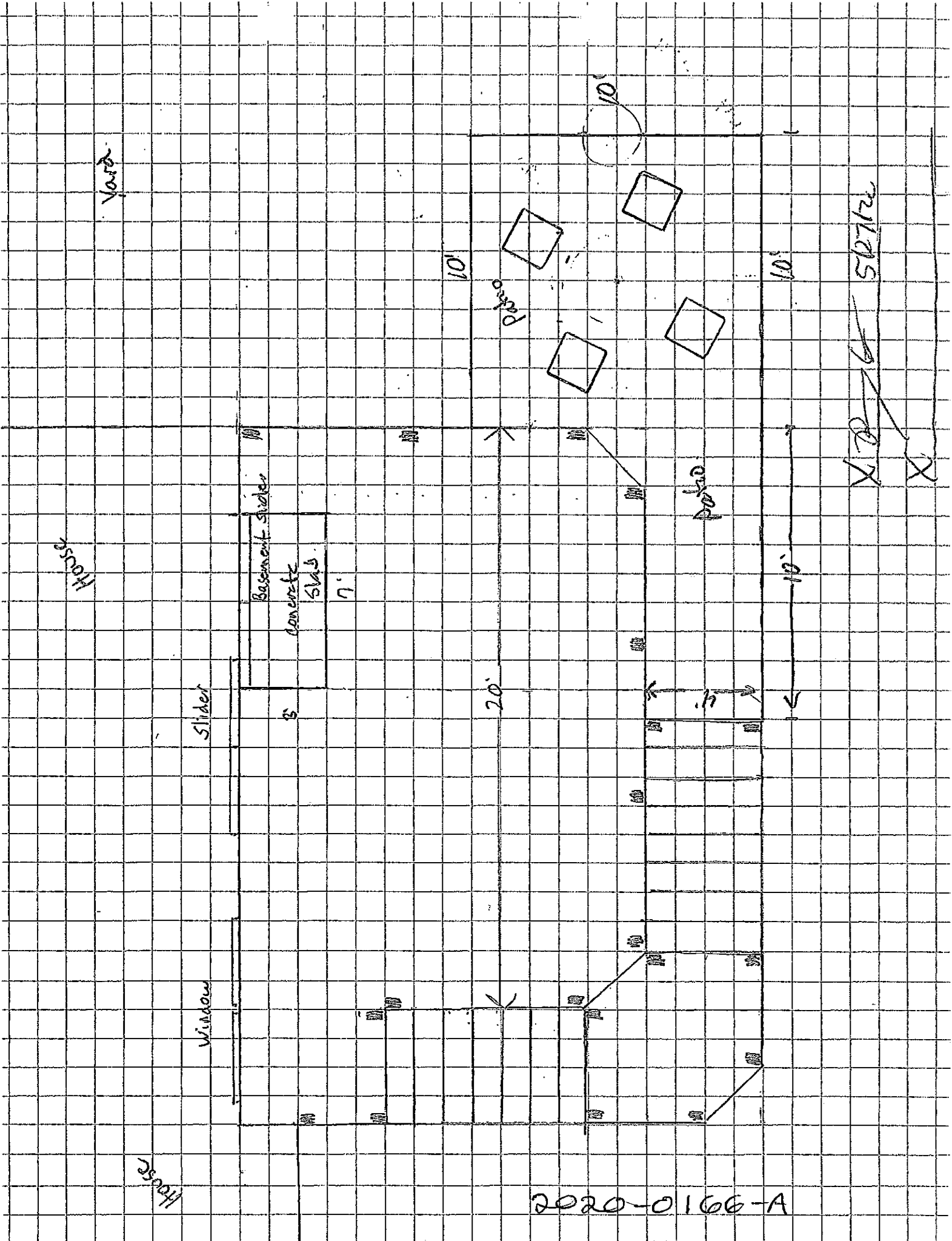
patio

50712

X 20' 6"

X

2020-0166-A



Old Court Crossing Homeowners Association, Inc
PO Box 1056
Havre de Grace, MD 21078



Architectural Control - Approval

June 10, 2020

Architectural Approval Letter

MAIL TO:
Howard Shearer
Susan Shearer
3306 Tray Lane
Pikesville, MD 21208

Ref Address: 3306 Tray Lane
Ref Account Number: Unassigned

Email & USPS
Standard
80-20191007

Dear Homeowner,

The Architectural Control Committee has reviewed your application for a patio (as submitted).

The committee has approved your request with the following conditions:

1. You are responsible for obtaining any government required approvals and permits.
2. A utility locating service must come and mark the utility line(s) prior to any digging.
3. Work completed is limited to the scope of work contained in the approved application.
4. Any damage to association property or existing infrastructure due to the construction or installation of any alteration shall be remedied at your sole expense.
5. All work completed is at your sole risk and expense and in no way shall the association be liable for any costs of the alteration.
6. If hiring a contractor, company, or individual it is your responsibility to hire a person who is properly licensed, insured, and bonded in accordance with state law.
7. Any revision or deviation from this approval will require an additional approval from the Architectural Control Committee or Board of Directors.

Questions should be submitted in writing by one of the options below. Please allow time for the Architectural Control Committee, which is comprised of volunteers, to receive, review, and respond in writing.

Sincerely,
Old Court Crossing Homeowners Association, Inc Architectural Control Committee

Ways to Communicate with the Architectural Control Committee

Email:
Admin@InfoHOA.com

U.S. Mail:
Old Court Crossing Homeowners Association, Inc
Attn: Architectural Control Committee
PO Box 1056
Havre de Grace, MD 21078

Fax:
(866) 724-5497

2020-0166-A

Application for Exterior Alteration (Architectural Request)

PLEASE PRINT LEGIBLY

Association:	Old Court Crossing		
Subject Property:			
All Homeowner Name(s):	Howard and Susan Shearer		
Homeowner Primary Mailing Address:	3306 Tray Lane, Pikesville, MD 21208		
Primary Phone Number:	410-491-4423	Secondary Phone Number:	
Primary Email Address:	hshearer@bergdemo.com	Secondary Email Address:	
Describe proposed alteration, attach additional sheets if necessary:			
*** SEE ATTACHED SCOPE OF WORK ***			
Contractor's Name, if applicable: T.W. Ellis, LLC			

All Homeowners listed on the Deed must initial and sign this form where indicated.

HW / SUS If applicable, you must submit items 1 through 5 for this application to be processed. If these items are applicable and not submitted, this application will be denied:

1. Total dimensions of proposed project, if applicable, include square footage;
2. Complete list and description of materials to be used, including manufacturer, color, and model;
3. If applicable, plat showing property boundaries with the area of the proposed alteration drawn on it;
4. If applicable, diagram, elevation, and/or illustration of the proposed project, (a working web-link may be used);
5. If a contractor is completing work, copy of contractor's work license and certificate of insurance.

HW / SUS The Homeowner(s) hereby agree that any and all liability caused by, or arising from, this modification shall be assumed by the Homeowner(s). Homeowner(s) agree to release the Association, HPS Management, Builder, and Declarant of any and all liability.

HW / SUS Approval by the Association is for the outward appearance only and does not imply any engineering review of a structural nature has been completed. No structure may be permanently installed in any drainage or utility easements. Any construction pursuant to the provisions of this approval shall be subject to the continuing effect of the provisions of the Declaration, Bylaws, Rules and Regulations of the Association, the Architectural Review Committee, the Board of Directors, and/or their designee.

HW / SUS This application will be forwarded for review to the Board of Directors and/or the Architectural Review Committee. It is the Homeowner's responsibility to obtain any government issued permits that may be required for the proposed alteration. If the requested alteration requires any ground to be dug up, it is the Homeowner's responsibility to have any underground utilities identified to prevent damages from occurring.

HW / SUS Depending on the scope of your project, please allow at least 30 calendar days for the Board of Directors and/or the Architectural Review Committee to meet and review this application. The community manager and management company do NOT make any decision or recommendation regarding this application. Status updates and questions may be emailed to Admin@InfoHOA.com. Please allow two full business days for the manager to respond.

Homeowner's Signature: Howard Shearer Print Name: Howard Shearer Date: 6-6-20
Homeowner's Signature: Susan Shearer Print Name: Susan Shearer Date: 6-6-20

Ways to submit this form: Email: Admin@InfoHOA.com

Fax: 866-724-5497

Mail: Document Processing, 424 North Union Avenue, Havre de Grace, MD 21078

Portal: Go to www.InfoHOA.com

2020-0166-A



2243 Rock Spring Road • Forest Hill, MD 21050 • Phone: 410.420.0740 • Fax: 410.420.0102
barry@twellis.com • www.twellis.com • MHBR#3599 • MHIC#49977

May 27, 2020

Client:

Howard and Susan Shearer

Project Address:

3306 Tray Lane
Pikesville, MD

Project description:

Deck and Patio

Scope of work:

Build 14'x20' deck on rear of house.

Build (2) landings .

Per drawings provided by TW Ellis.

6x6 support posts on concrete footers

6x6 will be wrapped in white vinyl sleeves.

2x10 beam wrapped in white PVC trim.

Trex Transcend decking. *- Island Mist*

Decking installed with hidden fasteners.

White 100 series Shoreline vinyl railing with black balusters.

White PVC trim around perimeter of deck, landings, risers and stringers.

2x12 stringers at 12" on center.

Steps to grade.

Build a 140sq foot paver patio.

Per drawings provided by TW Ellis.

Furnish and install EP Henry Old Towne Cobble Stone pavers. *- Pewter Blend*

Furnish and install 2" of CR6 base.

Furnish and install 2" of bedding sand.

Furnish and install Polymer sand.

Furnish and install a 3'x7' concrete pad at basement slider.

Permit.

HOA

2020-0166-A

Note to file: Administrative Variance Petition - Case no. 2020-0166-A

1. The minimum rear setback of 30 ft. for principle building setback is established pursuant to the final development plan for "Old Court Crossing".
2. The Owner's contact was advised to submit a site plan that conforms to an engineering scale.
3. The Owner's contact was advised that the tax record did not reflect the owner of record to be Howard and Susan Shearer. Since this is a new purchase, Owner's contact will update the file to show proof of residency at the subject property prior to the hearing date.

RJ

2020-0166-A

CERTIFICATE OF POSTING

Date: JULY 24, 2020

RE: Project Name: 3306 TRAY LANE #1
Case Number /PAI Number: 2020-0166-A
Petitioner/Developer: SHEARER
Date of Hearing/Closing: AUGUST 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 3306 TRAY LANE

The sign(s) were posted on

JULY 24, 2020

(Month, Day, Year)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

3306 TRAY LANE

CASE NO. 2020-0166-A

REQUEST: TO PERMIT AN OPEN
PROJECTION REAR DECK 12 FT.
FROM THE REAR PROPERTY LINE IN
LIEU OF THE REQUIRED 22.5 FT.
MINIMUM SETBACK

Pursuant to Section 26-127(b)(2), 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 Office before 5 P.M. on AUGUST 10, 2020.

Additional information is available at the Department of Permits, Approvals and Inspections, Baltimore County Office Building, 111 West Chesapeake Avenue, Towson, Md. 21204 (410) 887-3391.

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL AFTER THE ABOVE DATE

David Billingsley

(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: JULY 24, 2020

RE: Project Name: 3306 TRAY LANE #2
Case Number /PAI Number: 2020-0166-A
Petitioner/Developer: SHEARER
Date of Hearing/Closing: AUGUST 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 3306 TRAY LANE

The sign(s) were posted on JULY 24, 2020
(Month, Day, Year)

Jul 24, 2020 8:30:21 AM

David Billingsley
(Signature of Sign Poster)

ZONING NOTICE
ADMINISTRATIVE VARIANCE
3306 TRAY LANE
CASE NO. 2020-0166-A

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

**REQUEST: TO PERMIT AN OPEN
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FROM THE REAR PROPERTY LINE IN
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MINIMUM SETBACK**

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UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL AFTER THE ABOVE DATE.

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0166 -A Address 3306 Tray Lane

Contact Person: ROZ JOHNSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/14/2020 Posting Date: 7/26/2020 Closing Date: 8/10/2020

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.
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 2020- 0166 -A Address 3306 TRAY LANE

Petitioner's Name HOWARD/SUSAN SHEARER Telephone 410.804.0

Posting Date: 7/26/2020 Closing Date: 8/10/2020

Wording for Sign: To Permit AN OPEN PROJECTION REAR DECK 12 FT.
FROM THE REAR PROPERTY LINE IN LIEU OF THE
REQUIRED 22.5 FT MINIMUM SETBACK.

Revised 2/20/2020

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

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.

For Newspaper Advertising:

Case Number: 2020-0166-A

Property Address: 3306 TRAY LANE

Property Description: _____

Legal Owners (Petitioners): _____

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy Kotroco

Company/Firm (if applicable): Kotroco & Associates, LLC

Address: 305 Washington Ave Suite 502
Towson, MD 21204

Telephone Number: 410 299 2943



JOHN A. OLSZEWSKI, JR.
County Executive

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

August 10, 2020

Timothy M. Kotroco,
305 Washington Ave Suite 502
Towson MD 21204

RE: Case Number: 2020-0166-A, 3306 Tray Lane

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 July 14, 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,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Howard Shearer 3306 Tray Lane Baltimore MD 21208

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: July 31, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0166-A
Address 3306 Tray Lane
(Shearer Property)

Zoning Advisory Committee Meeting of **July 27, 2020**.

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



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

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(Shearer Property)

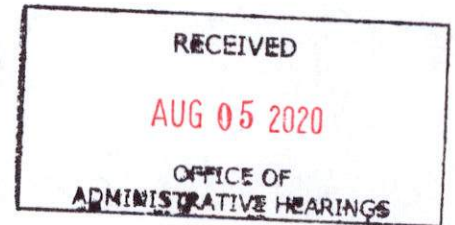
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Reviewer: Steve Ford

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>7-31</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 (1st) Date: 7/24/20by D. BillingslySIGN POSTING (2nd) Date: _____

by _____

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 03 Account Number - 2500011124		
Owner Information		
Owner Name:	SHEARER HOWARD ROBERT SHEARER SUSAN R	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	3306 TRAY LN PIKESVILLE MD 21208-3200	Deed Reference: /43049/ 00225
Location & Structure Information		
Premises Address:	3306 TRAY LN PIKESVILLE 21208-3200	Legal Description: 0.212 AC 3306 TRAY LN WS OLD COURT CROSSING
Map: 0068	Grid: 0023	Parcel: 0594
Neighborhood: 3050071.04	Subdivision: 9736	Section: 29
Block: 29	Lot: 2020	Assessment Year: 3
Plat No: 0079/ 0738		Plat Ref: 0079/ 0738
Town: None		
Primary Structure Built: 2020	Above Grade Living Area: 3,150 SF	Finished Basement Area: 762 SF
Property Land Area: 0.2120 AC	County Use: 04	
Stories: 2	Basement: YES	Type: STANDARD UNIT
Exterior: SIDING/	Quality: 6	Full/Half Bath: 4 full/ 1 half
Garage: 1 Attached	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of 01/01/2020
		Phase-in Assessments
		As of 07/01/2019
		As of 07/01/2020
Land:	211,200	241,200
Improvements:	417,700	463,600
Total:	628,900	704,800
Preferential Land:	0	31,200
		654,200
		0
Transfer Information		
Seller: BEAZER HOMES LLC	Date: 06/25/2020	Price: \$741,263
Type: ARMS LENGTH IMPROVED	Deed1: /43049/ 00225	Deed2:
Seller: OLD COURT LLC	Date: 01/22/2018	Price: \$3,686,400
Type: ARMS LENGTH MULTIPLE	Deed1: /39868/ 00171	Deed2:
Seller:	Date: 06/29/2014	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /35110/ 00163	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		Date:

ZAC AGENDA

Case Number: 2020-0166-A

Reviewer: Rosalie Johnson

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

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Howard Susan Shearer

Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 3306 TRAY LN

Location: Residence on East side of Tray Lane South of Shopo Road.

Existing Zoning: DR 2

Area: 0.212 AC

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

From section 301.1 (open projection) and 1B01.2.C.1.b To the BCZR to allow an open projection (deck) to be situated as close as 12 feet to the rear property line in lieu of the permitted 22.5 feet.

Attorney: Timothy M. Kotroco

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 08/10/2020

Miscellaneous Notes:

MR. KOTROCO WILL UPDATE TAX RECORD OR CONFIRM RESIDENCY OF THE PETITIONERS.

Search Result for BALTIMORE COUNTY

2020-0166-A

2020-0166-A



Old Court Crossing Homeowners Association, Inc
PO Box 1056
Havre de Grace, MD 21078



Architectural Control - Approval

June 10, 2020

Architectural Approval Letter

MAIL TO:
Howard Shearer
Susan Shearer
3306 Tray Lane
Pikesville, MD 21208

Ref Address: 3306 Tray Lane
Ref Account Number: Unassigned

Email & USPS
Standard
80-20191007

Dear Homeowner,

The Architectural Control Committee has reviewed your application for a patio (as submitted).

The committee has approved your request with the following conditions:

1. You are responsible for obtaining any government required approvals and permits.
2. A utility locating service must come and mark the utility line(s) prior to any digging.
3. Work completed is limited to the scope of work contained in the approved application.
4. Any damage to association property or existing infrastructure due to the construction or installation of any alteration shall be remedied at your sole expense.
5. All work completed is at your sole risk and expense and in no way shall the association be liable for any costs of the alteration.
6. If hiring a contractor, company, or individual it is your responsibility to hire a person who is properly licensed, insured, and bonded in accordance with state law.
7. Any revision or deviation from this approval will require an additional approval from the Architectural Control Committee or Board of Directors.

Questions should be submitted in writing by one of the options below. Please allow time for the Architectural Control Committee, which is comprised of volunteers, to receive, review, and respond in writing.

Sincerely,
Old Court Crossing Homeowners Association, Inc Architectural Control Committee

Ways to Communicate with the Architectural Control Committee

Email:
Admin@InfoHOA.com

U.S. Mail:
Old Court Crossing Homeowners Association, Inc
Attn: Architectural Control Committee
PO Box 1056
Havre de Grace, MD 21078

Fax:
(866) 724-5497

2020-0166-A

Application for Exterior Alteration (Architectural Request)

PLEASE PRINT LEGIBLY

Association:	Old Court Crossing		
Subject Property:			
All Homeowner Name(s):	Howard and Susan Shearer		
Homeowner Primary Mailing Address:	3306 Tray Lane, Pikesville, MD 21208		
Primary Phone Number:	410-491-4423	Secondary Phone Number:	
Primary Email Address:	hshearer@bergdemo.com	Secondary Email Address:	
Describe proposed alteration, attach additional sheets if necessary:			
*** SEE ATTACHED SCOPE OF WORK ***			
Contractor's Name, if applicable: T.W. Ellis, LLC			

All Homeowners listed on the Deed must initial and sign this form where indicated.

HS / SS If applicable, you must submit items 1 through 5 for this application to be processed. If these items are applicable and not submitted, this application will be denied:

1. Total dimensions of proposed project, if applicable, include square footage;
2. Complete list and description of materials to be used, including manufacturer, color, and model;
3. If applicable, plat showing property boundaries with the area of the proposed alteration drawn on it;
4. If applicable, diagram, elevation, and/or illustration of the proposed project, (a working web-link may be used);
5. If a contractor is completing work, copy of contractor's work license and certificate of insurance.

HS / SS The Homeowner(s) hereby agree that any and all liability caused by, or arising from, this modification shall be assumed by the Homeowner(s). Homeowner(s) agree to release the Association, HPS Management, Builder, and Declarant of any and all liability.

HS / SS Approval by the Association is for the outward appearance only and does not imply any engineering review of a structural nature has been completed. No structure may be permanently installed in any drainage or utility easements. Any construction pursuant to the provisions of this approval shall be subject to the continuing effect of the provisions of the Declaration, Bylaws, Rules and Regulations of the Association, the Architectural Review Committee, the Board of Directors, and/or their designee.

HS / SS This application will be forwarded for review to the Board of Directors and/or the Architectural Review Committee. It is the Homeowner's responsibility to obtain any government issued permits that may be required for the proposed alteration. If the requested alteration requires any ground to be dug up, it is the Homeowner's responsibility to have any underground utilities identified to prevent damages from occurring.

HS / SS Depending on the scope of your project, please allow at least 30 calendar days for the Board of Directors and/or the Architectural Review Committee to meet and review this application. The community manager and management company do NOT make any decision or recommendation regarding this application. Status updates and questions may be emailed to Admin@InfoHOA.com. Please allow two full business days for the manager to respond.

Homeowner's Signature: Howard Shearer Print Name: Howard Shearer Date: 6-6-20
Homeowner's Signature: Susan R Shearer Print Name: Susan Shearer Date: 6-6-20

Ways to submit this form: Email: Admin@InfoHOA.com

Fax: 866-724-5497

Mail: Document Processing, 424 North Union Avenue, Havre de Grace, MD 21078

Portal: Go to www.InfoHOA.com

2020-0166-A



2243 Rock Spring Road • Forest Hill, MD 21050 • Phone: 410.420.0740 • Fax: 410.420.0102
barry@twellis.com • www.twellis.com • MHBR#3599 • MHIC#49977

May 27, 2020

Client:

Howard and Susan Shearer

Project Address:

3306 Tray Lane
Pikesville, MD

Project description:

Deck and Patio

Scope of work:

Build 14'x20' deck on rear of house.

Build (2) landings .

Per drawings provided by TW Ellis.

6x6 support posts on concrete footers

6x6 will be wrapped in white vinyl sleeves.

2x10 beam wrapped in white PVC trim.

Trex Transcend decking. — *Island Mist*

Decking installed with hidden fasteners.

White 100 series Shoreline vinyl railing with black balusters.

White PVC trim around perimeter of deck, landings, risers and stringers.

2x12 stringers at 12" on center.

Steps to grade.

Build a 140sq foot paver patio.

Per drawings provided by TW Ellis.

Furnish and install EP Henry Old Towne Cobble Stone pavers. — *Pewter Blend*

Furnish and install 2" of CR6 base.

Furnish and install 2" of bedding sand.

Furnish and install Polymer sand.

Furnish and install a 3'x7' concrete pad at basement slider.

Permit.

HOA

2020-0166-A

Note to file: Administrative Variance Petition - Case no. 2020-0166-A

1. The minimum rear setback of 30 ft. for principle building setback is established pursuant to the final development plan for "Old Court Crossing".
2. The Owner's contact was advised to submit a site plan that conforms to an engineering scale.
3. The Owner's contact was advised that the tax record did not reflect the owner of record to be Howard and Susan Shearer. Since this is a new purchase, Owner's contact will update the file to show proof of residency at the subject property prior to the hearing date.

RJ

2020-0166-A

2500011143
Lot # 42

PELGER RD

2500011128

068C-3

2500071108

Yard

House

Slider

Basement slider

Concrete Slab

7'

Window

House

20'

10'

Patio

10'

Patio

10'

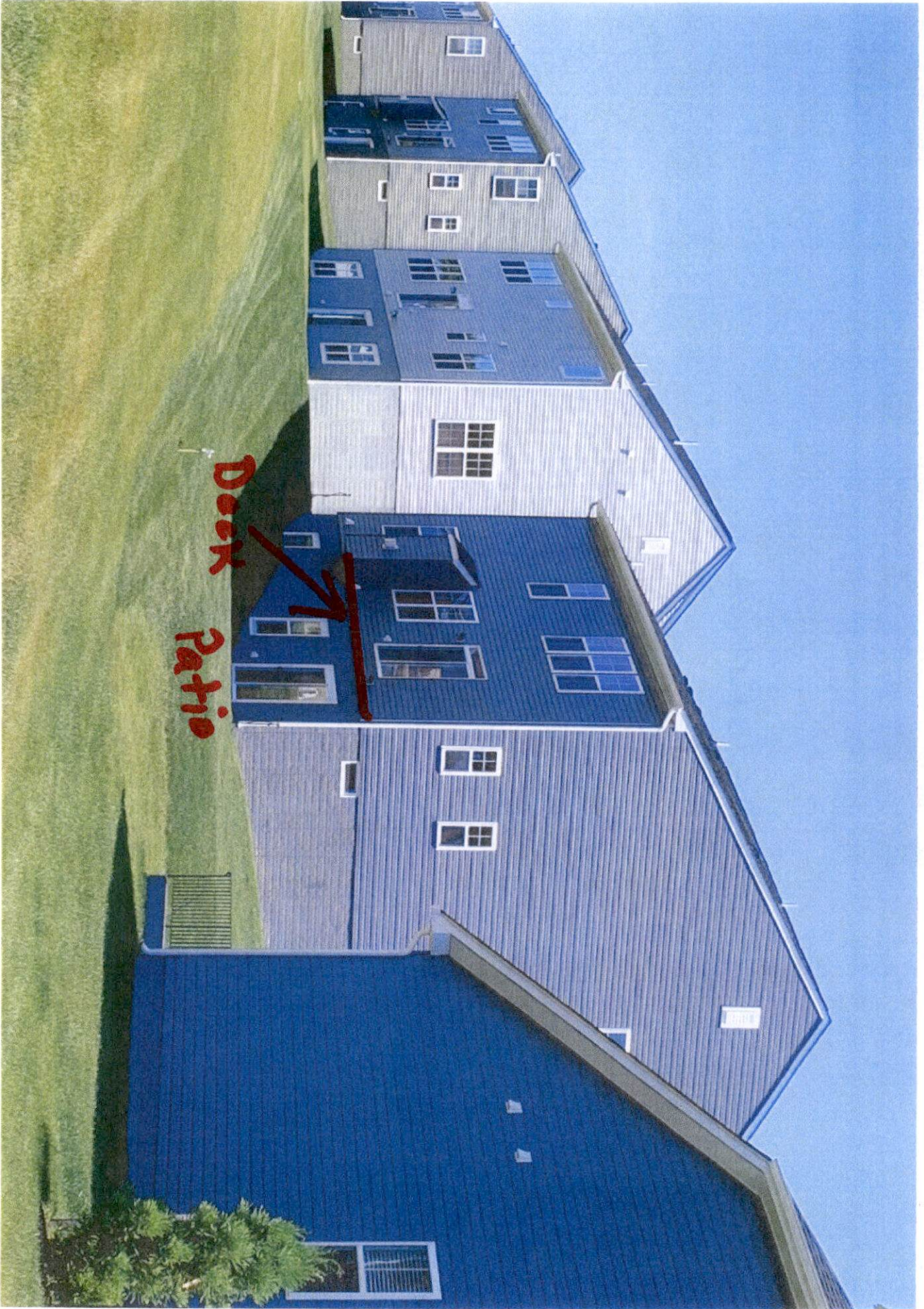
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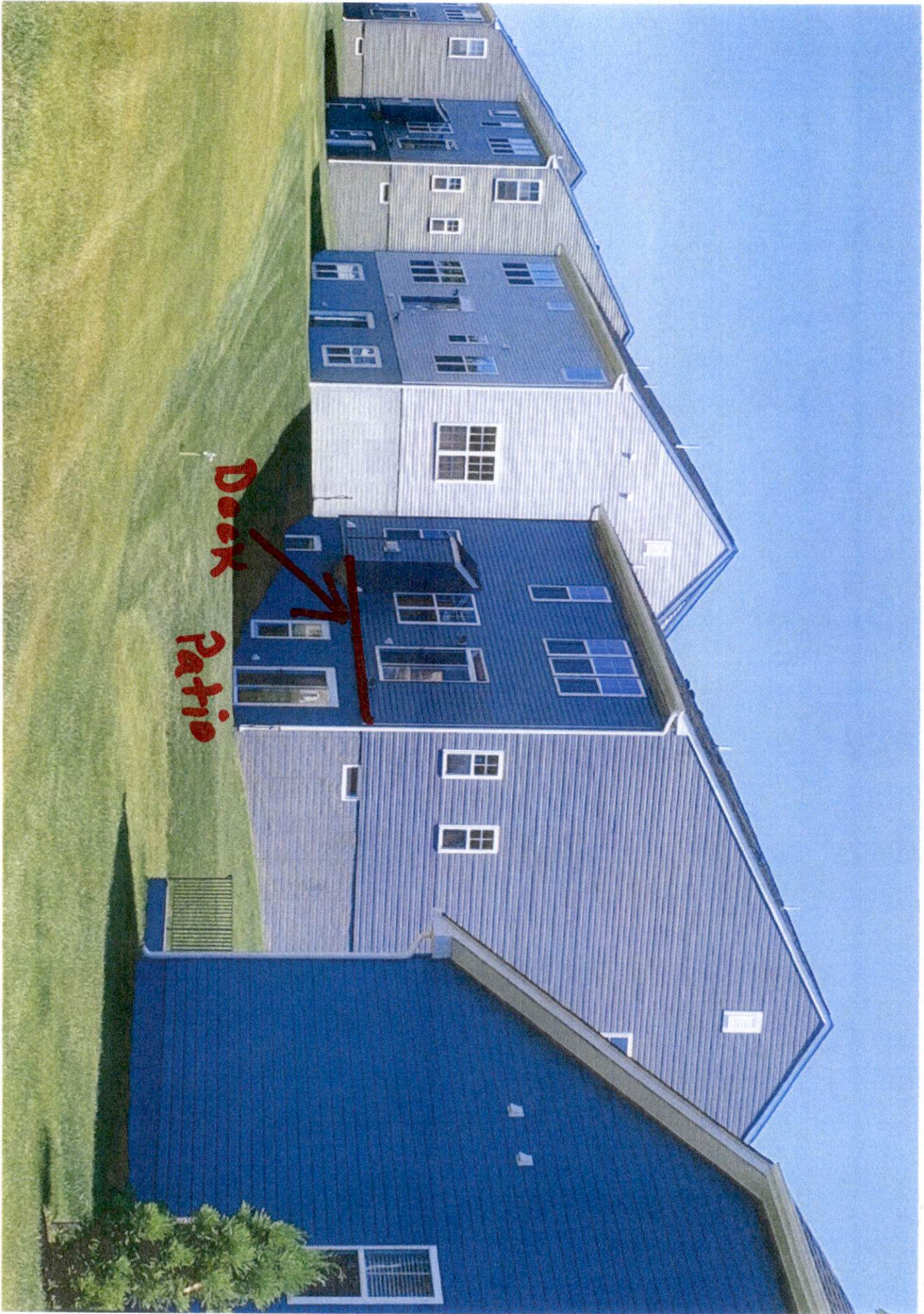
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2020-0166-A

2020-0166-A



2020-0166-A



2020-0166-A



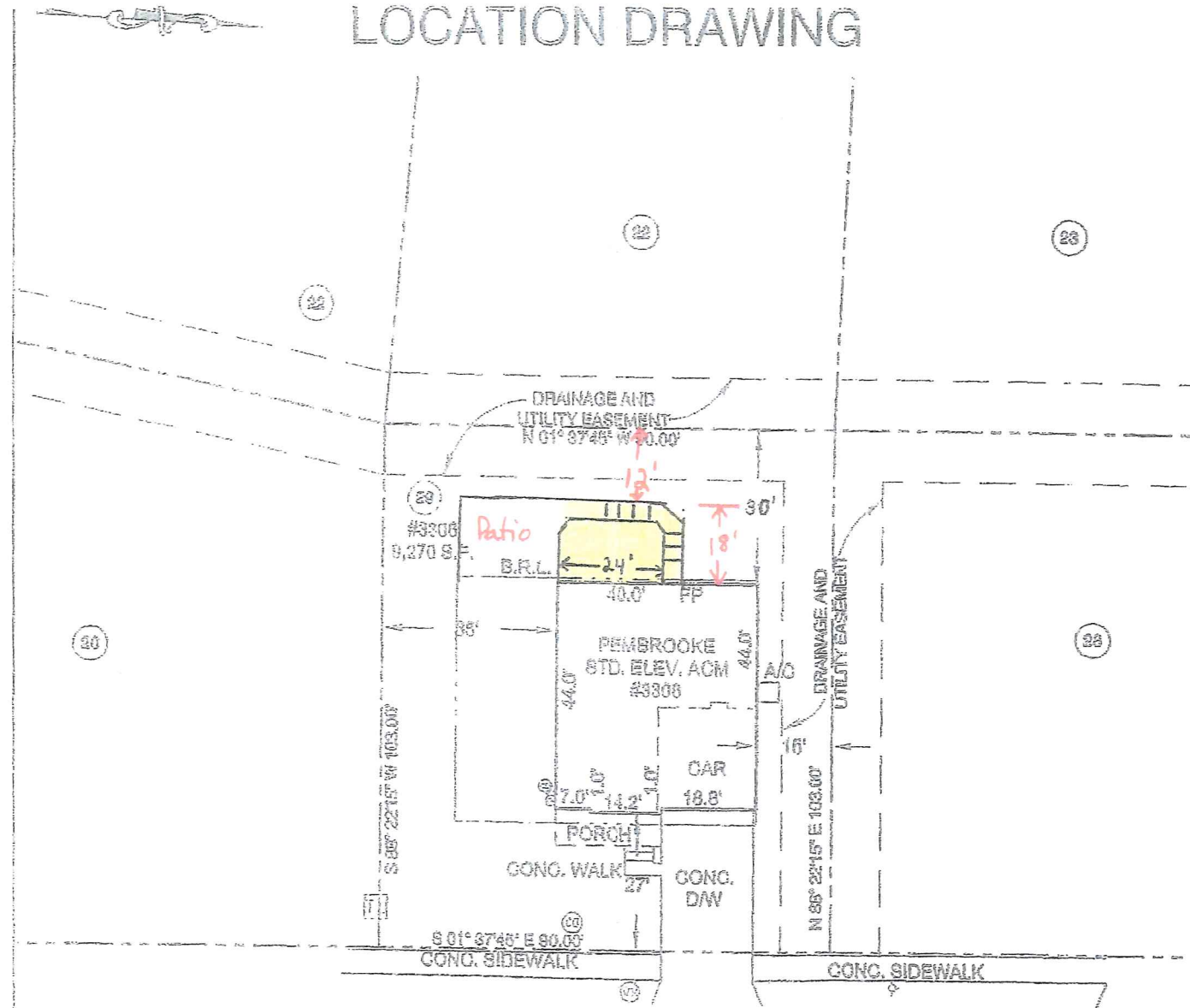
ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 3306 TRAY LANE OWNER(S) NAME(S) Howard + Susan Shearer

SUBDIVISION NAME Old Court Crossing LOT # 29 BLOCK # _____ SECTION # _____

PLAT BOOK # 0379 FOLIO # 0738 10 DIGIT TAX # 2500011124 DEED REF. # 39868 / 0171

LOCATION DRAWING



TRAY LANE

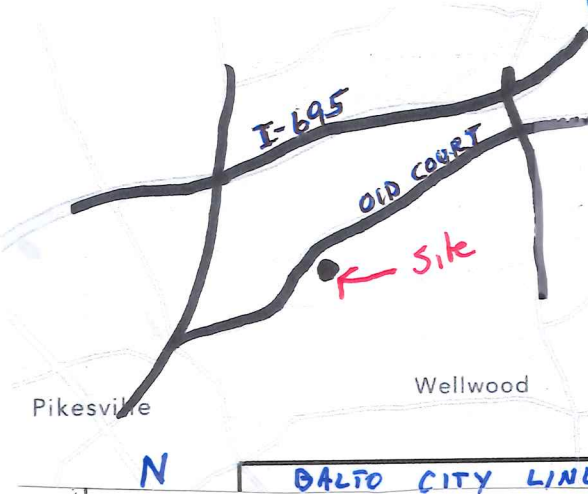
(56' PUBLIC R/W)



Pet. Exhibit 1

FOURTH AMENDED PLAT 3 OF 5
LOT - 29
OLD COURT CROSSING

3RD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND



MAP IS NOT TO SCALE

ZONING MAP# 068-B3

SITE ZONED DR 2

ELECTION DISTRICT 3

COUNCIL DISTRICT 2

LOT AREA ACREAGE 0.212

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH?

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

CASE No.
2020-0166-A

VIOLATION CASE INFO:

NONE



PLAN DRAWN BY Hines

DATE 6/1/20

SCALE: 1 INCH = 30' FEET

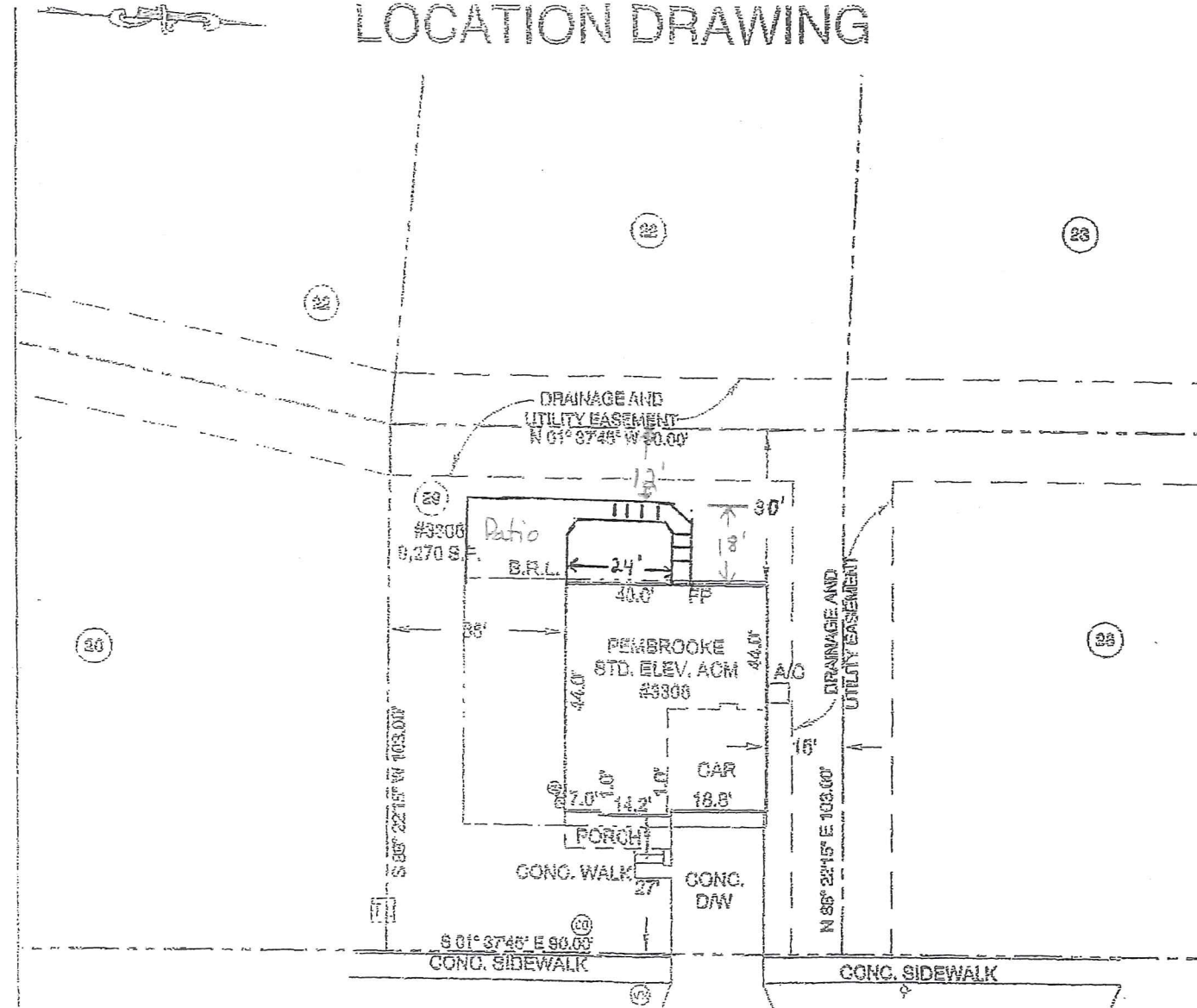
ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 3306 TRAY LANE OWNER(S) NAME(S) Howard + Susan Shearer

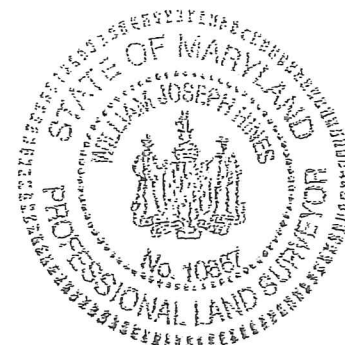
SUBDIVISION NAME Old Court Crossing LOT # 29 BLOCK # _____ SECTION # _____

PLAT BOOK # 0079 FOLIO # 0738 10 DIGIT TAX # 2500011124 DEED REF. # 39868 / 0171

LOCATION DRAWING

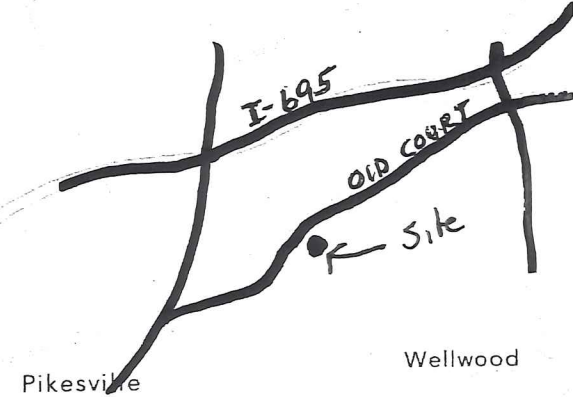


TRAY LANE
(50' PUBLIC R/W)



FOURTH AMENDED PLAT 3 OF 5
LOT - 29
OLD COURT CROSSING

3RD ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND



N BALTO CITY LIN

MAP IS NOT TO SCALE

ZONING MAP# 068-B3

SITE ZONED DR 2

ELECTION DISTRICT 3

COUNCIL DISTRICT 2

LOT AREA ACREAGE 0.212

OR SQUARE FEET _____

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

CASE No.
2020-0166-A

VIOLATION CASE INFO:

NONE



PLAN DRAWN BY Hines

DATE 6/1/20

SCALE: 1 INCH = 30' FEET