

JOHN A. OLSZEWSKI, JR. County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

April 24, 2024

Ryan & Natasha Dooley – <u>ryan@dooleyadvertising.com</u> 9112 Carlisle Avenue Nottingham, MD 21236

RE:

Petition for Administrative Variance

Case No. 2024-0082-A

Property: 9112 Carlisle Avenue

Dear Petitioners:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

DEREK J. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB:dlw Enclosure IN RE: PETITION FOR ADMIN. VARIANCE

(9112 Carlisle Avenue)

11th Election District

5th Council District

* HEARINGS FOR

Ryan & Natasha Dooley

* BALTIMORE COUNTY

Petitioners

* CASE NO. 2024-0082-A

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, Ryan & Natasha Dooley ("Petitioners"), for the property located at 9112 Carlisle Avenue, Nottingham (the "Property"). The Petitioners are requesting variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR"), Section 400.1, to approve an accessory building (garage) in the left side yard in lieu of the required rear yard placement. The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1. Street view photographs were marked and accepted into evidence as Petitioners' Exhibits 2A-2D.

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 April 6, 2024 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general 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 to satisfy the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioners.

Although the Department of Planning did not make any recommendations related to the detached garage/carport, I will impose conditions that the detached garage/carport shall not be converted into a dwelling unit or apartment, shall not contain any sleeping quarters, living area, kitchen or bathroom facilities, and will not have separate electric or utility connections, or used for commercial purposes.

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

THEREFORE, IT IS ORDERED, this <u>24th</u> day of **April**, 2024, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("BCZR"), Section 400.1, approve an accessory building (garage) in the left side yard in lieu of the required rear yard placement, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.

- 2. Petitioners and subsequent owners shall not convert the detached garage/carport into a dwelling unit or apartment. The detached garage/carport shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities.
- 3. The detached garage/carport shall not have a separate utility or electric connection and shall connect all electrical to the home.
- 4. The detached garage/carport shall not be used for commercial or industrial purposes.

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

DEREK J. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB:dlw



ADMINISTRATIVE ZONING PETITION

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

PARYLAND	To the O	office of Adminis	strative Hearings for	Baltimore County for	the property locate	d at:	
Address 9/	12 Carlis	le Ave	Baltimer	MD 2123	Currently Zone	DR5	.5
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(SELECT	THE HEARING	S) BY MARKING	X AT THE APPROF	RIATE SELECTION(S	AND ADDING THE	PETITION REQU	EST)
or Administrative	Variances, the /	Affidavit on the re	reverse of this Petition	form must be complete	ed and notarized.		
hereof, hereby petit	tho own and occupion for an:			ounty and which is desc	ibed in the plan/plat	attached hereto ar	nd made a part
BCZR 400.1 To	approve an ac	ccessory build	ding (garage) in t	he left side yard in	lieu of the requi	red rear yard p	olacement
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Attorney for Owi	ner(s)/Petitione	er(s):		Representati	ve to be Contacte	d:	
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			_	Administrative La	w Judge for Baltimor	e County	
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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:	9112 Carlisle Ave	Baltinoe	MD	21236
	Print or Type Address of Property	City	State	Zip Code
	oon personal knowledge, the following are to at the above address. (Clearly state prac			Administrative
	See attached	d Statement	~	
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Andrew Committee	onal space for the petition request or the	e above statement is neede	us	it to this Form)
Signature	e of Owner (Affiant)	7		
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and for ti	le county aloresalu, personally appeared.	N) at a cha	Noalen	
	ne(s) here: Kyan Dooley	IVALASIA	poored	
the Affiar	nt(s) herein, personally known or satisfactor	rily identified to me as such A	ffiant(s).	
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Notary P	1/4 0 4/1 6		BALTIMORE CO MARYLAN MY COMMISSION EXPIRES J	YTMUC

2024 OD82-A

My Commission Expires

Reason For Hardship - 9112 Carlisle Avenue.

We are requesting a variance to build a detached garage on our property. The structure will adhere to the guidelines set forth for an accessory structure, with the exception that the rear of the structure will be placed in line with the rear of our main dwelling foundation, rather than behind it. We would like to locate this garage on the side of our house where our current driveway is, with the rear of the garage parallel to our rear foundation line and extending forward to the front of our chimney (approximately ½ the total length of the side of our house, ending well before the front foundation).

Due to the grade of our yard, we were experiencing basement flooding from excess rainwater having nowhere to go. The frequent basement floods were causing damage, so in 2021, we worked with a local landscape architect to design a way for water to flow away from our house, including drain lines which pick up water in the center of our yard and redirect it through underground drains around the side to front of our house, and raising the grade close to the rear of our house with swails to cause water to flow away from our house. We've attached plans showing what water mitigation work has been done.

We are unable to build this detached garage behind our rear foundation due to these water mitigation measures. Ours plans (attached) are to build this detached garage in the same look and feel of our current home, making it appear as if this was always part of the property and not something added years later.

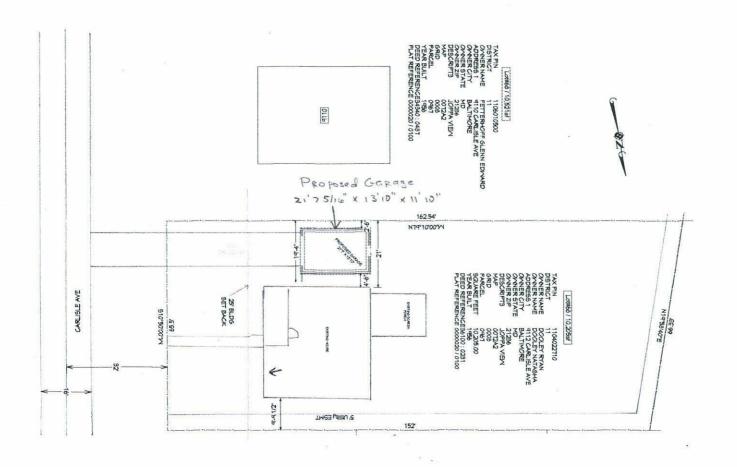
2024-0082-A

THE ZONING PETITION PROPERTY DESCRIPTION Three (3) typed copies (separate pages) of the zoning description of the property is required. Standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, are too wordy but some of the information must be used. (Note: Old deed information such as perches or a stone, etc. cannot be used as is.) Read your deed, your location survey and your State Assessment record to determine which of the three options you should use. DO NOT PHOTOCOPY THE DESCRIPTION IN THE DEED. The zoning property description must comply with Part A and Part B:

PART A (START DESCRIPTION WITH THE FOLLOWING): ZONING PROPERTY DESCRIPTION FOR 9112 Carlisle Ave Baltimore MD 21236-1701 on the west side of Carlisle Avenue side which is 16' wide at the distance of 32' west of the centerline of the nearest improved intersecting street Soth Avenue which is 16' wide.

OPTION 2: (Subdivision Lot – lot is part of record plat): Being Lot # (68), Block (N/A), Section # (3) in the subdivision of (Joppa View) as recorded in Baltimore County Plat Book # (GLB20/100), Folio # (228), containing (10,205 sq ft.). Located in the (11) Election District and (Congressional District 02, Legislative District 08, Councilmanic District 005, Circuit Court District 03, Appellate Circuit Court 02, Senatorial District 08)

oning Hearing Plan for Variance X for Special Hearing Mark Type Requested with (X) idress 9112 Carlisle Ave, Baltimore Maryland 21236-1701 Owners(s) Name(s) Ryan Dooley / Natasha Dooley 0000 Jbdivision Name __ Lot # __68 __ Block # ____ Section # at Book #0000020 Folio # 0100 10 Digit Tax # 1 1 0 4 0 2 2 7 1 0 Deed Reference# 3 6 1 0 0 / 0 2 3 1



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會	E. Joppa
MAP IS	NOT TO SCALE
Zoning Map	
Zoning DF	R 5.5
Election Dis	
Council Dist	rict 5
Lot Area Aci	reage23
Lot Square I	Footage 10,205.00
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CBCA (Yes	or No) No
Flood Plain	(Yes or No) No
Utilities - Ma	ark with (X)
Water is:	
Public X	Private
Sewer is:	
Public X	Private
Prior Hearin	g (Yes or No) No
If (Yes) list (Case Number(s)
and order re	sult(s) below:
Violation Ca	se Number(s)

Site Vicinity Map

Soth Ave

Plan Drawn By Mike Fortune

Date 3/25/2024 Scale: 1 inch = 30' Feet

2024-0082-A



CERTIFICATE OF POSTING

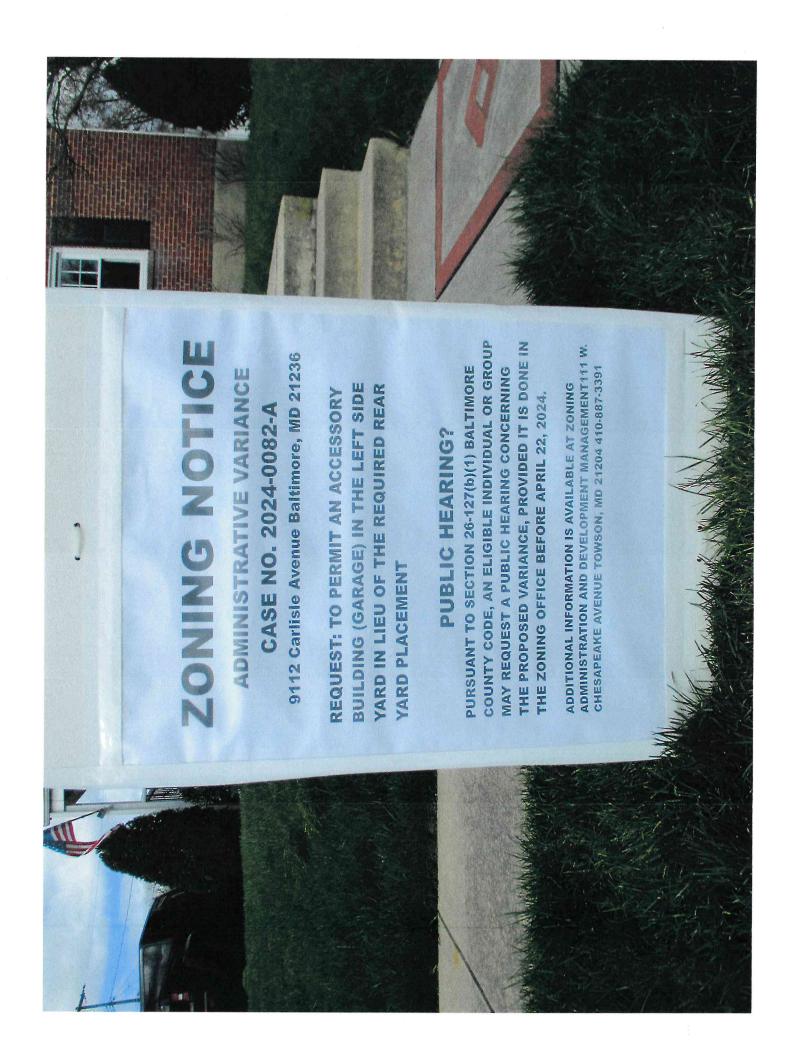
April 6, 2024
amended for second inspection
Re: Zoning Case No. 2024-0082-A Legal Owner: Ryan & Natasha Dooley Closing date: April 22, 2024
Baltimore County Department of Permits, Approvals & Inspections County Office Building 111 West Chesapeake Avenue, Room 111 111 West Chesapeake Avenue Towson, MD 21204
Attention: Jeff Perlow
Ladies and Gentlemen,
This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 9112 Carlise Avenue.
The signs were initially posted on April 6, 2024.
The subject property was also inspected on
Sincerely,

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC 3801 Baker Schoolhouse Road Freeland, MD 21053 410-419-4906 cell / 443-900-5535 office bdoak@bruceedoakconsulting.com





BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE: April 9, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0082-A

Address: 9112 CARLISLE AVE

Legal Owner: Ryan & Natasha Dooley

Zoning Advisory Committee Meeting of April 9, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director **DATE:** April 10, 2024

Department of Permits, Approvals

FROM: Derek M. Chastain

Bureau of Building Plans Review

Zoning Advisory Committee Meeting Case 2024-0082-A SUBJECT:

The Bureau of Building Review has reviewed the subject zoning items and we have the following comments.

BPR: No comment

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: April 8, 2024

Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

Case 2024-0082-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: No exception taken.

Landscaping: No comment.

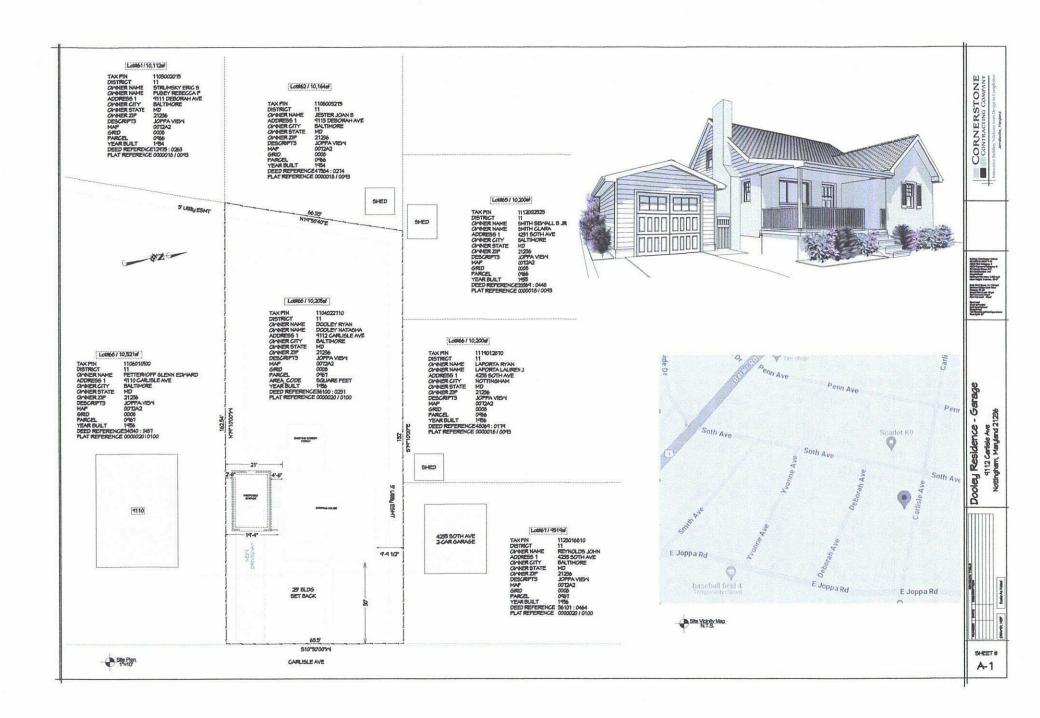
Recreations & Parks: No Greenways affected.



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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024- 0082 -A Address 9112 Carlise Ave
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-339
Filing Date: 3-27-2024 Posting Date: 4-7-2024 Closing Date: 4-222024
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. To zoning notice sign must be visible on the property on or before the posting date noted above, should remain there through the closing date.
 <u>DEADLINE:</u> The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet file a formal request for a public hearing. Please understand that even if there is no formal request f 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 jud may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set 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 you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether do a neighbor's formal request or by order of the Administrative Law Judge), notification will forwarded to you. The sign on the property must be changed giving notice of the hearing date, ting and location. As when the sign was originally posted, certification of this change and a photograph the altered sign must be forwarded to this office.
Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number: 2034 -0082 -A Address 9112 Carlise fre
Petitioner's Name: Ryan NaTaska Dooley Telephone (Cell) 410-804-6224
Posting Date: \(\frac{4}{7} - \frac{2024}{2024} \) Closing Date: \(\frac{4}{22} - 2024 \)
Wording for Sign: To Permit an accessory building (garage) in the left side yard lieu of the required rear yard place





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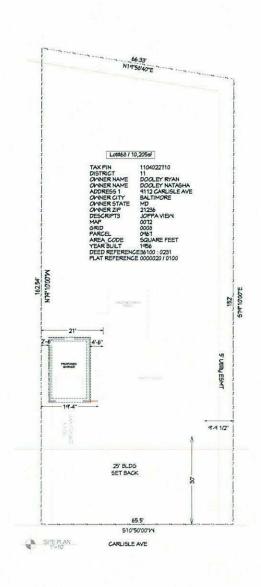
Dooley Residence - Garage

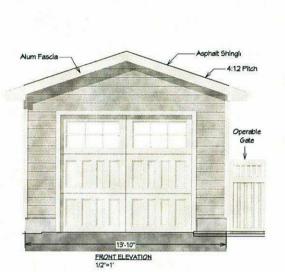




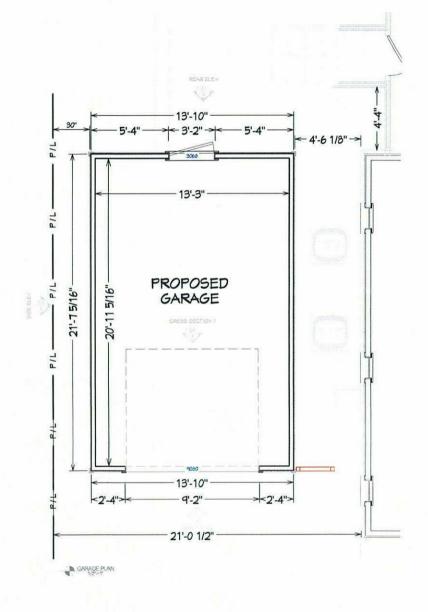
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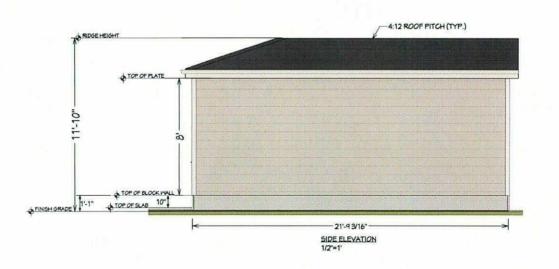


2024-0082-A

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Dooley Residence - Garage 9112 Carliste Ave Nottingham, Maryand 21236



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Dooley Residence - Garage 4112 Carlisle Ave Nottingham, Maryand 21236

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SHEET#

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Real Property Data Search () Search Result for BALTIMORE COUNTY

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Account Identifier:	Distric	t - 11 Account Nur	nber - 1104022710		
		Wner Informa	ition		
Owner Name:		Y RYAN Y NATASHA	Use: Principal Residen	RESIDENTIAL ICE: YES	
Mailing Address:		ARLISLE AVE MORE MD 21236-	Deed Reference:	/36100/ 00231	
	Location	1 & Structure	Information		
Premises Address:		ARLISLE AVE MORE 21236-1701	Legal Description		
Man: Grid: Parcol: No	ighhorhand Subdivi	sion. Ourtlant Bloc	ck: Lot: Assessment Y	JOPPA VIEW	
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Town: None				inderton obzor o too	
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Land:	92,500	96,100			
Improvements	174,100	184,700			
Total:	266,600	280,800	266,600	271,333	
Preferential Land:	0	0			
	Ti	ansfer Inform	ation		
Seller: DEATON CAT	HERINE P	Date: 04/24/2015	P	rice: \$135,000	
Type: NON-ARMS LE	NGTH OTHER	Deed1: /36100/ 00	231 D	eed2:	
Seller:		Date: 04/03/2012	P	rice: \$0	
Type: NON-ARMS LE	NGTH OTHER	Deed1: /31895/ 00)228 D	eed2:	
Seller:		Date:	P	rice:	
Type:		Deed1:	D	eed2:	
	Ex	emption Infor	mation		
Partial Exempt Asse	ssments: Class	15	07/01/2023	07/01/2024	
County:	000		0.00	01/01/2027	
State:	000		0.00		
Municipal:	000		0.00 0.00	0.00 0.00	
Special Tax Recaptu					
		ad Annlication	Information		
Homestead Annlicat	ion Status: Approved	ad Application	i illioilliation		
	Homeowners' T	ax Credit App	lication Informat	tion	
Homeowners' Tax Ci	redit Application Stat	us: No Application	Date:		

