

IN RE: PETITION FOR VARIANCE
SE/S Harford Road, 1900' NE of its
Intersection w/New Cut Road
(12847 Harford Road)
10th Election District
5th Council District

Scott E. McKelvey, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-285-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Scott E. and Kathy A. McKelvy. The Petitioners seek relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the side yard with a height of 26 feet, in lieu of the required rear yard location and maximum height of 15 feet, respectively. The subject property and relief requested are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in support of the request were Scott McKelvey, property owner. Appearing as Protestants in the matter were Carol Shaw and Patricia L. Garner, on behalf of the Greater Kingsville Civic Association, Inc.

Testimony and evidence presented revealed that the subject property is an irregularly shaped parcel, located on the southeast side of Harford Road (Maryland Route 147), just north of its intersection with New Cut Road in Kingsville. The property contains a gross area of 9.198 acres, more or less, zoned R.C.2 and is presently unimproved. The site is mostly wooded with several forest conservation areas. Mr. McKelvey indicated that he and his wife recently purchased the property and wish to develop same with a single family dwelling, which features an attached three-car garage. In addition, a detached garage, 40' x 60' in dimension, with a height of 26 feet is proposed. The proposed improvements will be located towards the rear of the site, a significant

ORDER RECEIVED FOR FILING

Date

By

3/6/01
[Signature]

distance from Harford Road. Mr. McKelvey testified that the property is sloped and wooded and that the locations chosen for the proposed dwelling and garage were the most appropriate given the topography of the land. Mr. McKelvey indicated that he and his family desired a large piece of land and acquired the site for the purpose of building their residence.

The subject of the variance relates to the proposed detached garage. As noted above, the proposed structure will be 40' x 60' x 26' in dimension. Mr. McKelvey testified that the detached garage is for use and association with his hobby of collecting and restoring antique automobiles. He indicated that he has several old Chevrolet Corvettes and similar vehicles which he wishes to keep and rehabilitate. The three-car garage attached to the house will be used for his family's vehicles. Mr. McKelvey stressed that the use of the detached garage would be for his hobby purposes, only, and that his antique car collection is not a business. In this regard, he indicated that he is employed as a Sales Manager for a company that manufactures robotics for the automobile industry.

As to the variance request, Mr. McKelvey indicated that the detached garage cannot be placed in the rear yard due to the slope of the property, the location of the existing well and the septic reserve area. He indicated that the proposed location in the side yard would be most appropriate. It was also indicated that there are no immediately adjacent residences that would be impacted by the garage. The neighboring property owner's residence is located a significant distance away, and closer to Harford Road. The dwelling of the property owner to the rear of this site is also located a sufficient distance from the proposed improvements. As to the height variance, Mr. McKelvey indicated that he proposes constructing a loft on the building for storage purposes.

As noted above, Ms. Shaw and Ms. Garner appeared on behalf of the Greater Kingsville Civic Association. Their primary concerns were fears that the detached garage would be used for commercial purposes, or eventually converted as a dwelling unit. In response to these concerns, Mr. McKelvey stated that he had no intention of utilizing the building for any purposes other than his hobby and that it would not be used residentially. He also indicated that the garage

ORDER RECEIVED FOR FILING
Date 3/16/01
By [Signature]

would be constructed so as to be aesthetically pleasing and similar in style and building materials to the proposed house.

Based on the testimony and evidence presented, I am persuaded to grant the requested variances. I find that the proposed location of the garage is appropriate by virtue of the site's unique topography. Indeed, this is a property with limited flat areas and construction to the rear of the proposed building envelope would be difficult. The height also seems appropriate, particularly in view of the rural nature of the locale. I am satisfied that the height of the proposed detached garage will not detrimentally impact surrounding properties. However, in granting the variances I will impose certain restrictions thereon. The building shall not be used for any dwelling purposes and cannot be converted into a dwelling unit at any time. In the event the property is ever rezoned and/or subdivided, this restriction shall remain in full force and effect, unless and until revoked by Order of the Zoning Commissioner's Office. Moreover, the garage shall not be used for any commercial purposes. The Petitioners shall not operate a business on this site and the building shall be used only to support Mr. McKelvey's hobby. Finally, at the request of the Office of Planning, I will require that the Petitioners submit building elevation drawings of the proposed dwelling and detached garage to that agency for review and approval and a determination that the buildings are appropriate and compatible with the surrounding locale and each other.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of March, 2001 that the Petition for Variance seeking relief from Sections 400.1 and 3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) to be located in the side yard with a height of 26 feet, in lieu of the required rear yard location and maximum height of 15 feet, respectively, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware

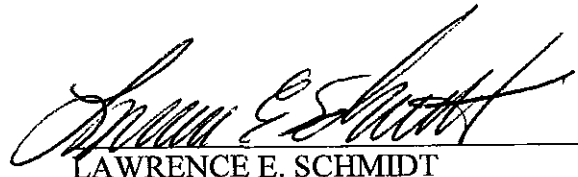
ORDER RECEIVED FOR FILING

Date 3/16/01

By [Signature]

that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) The proposed detached garage shall not be used for any dwelling purposes and cannot be converted into a dwelling unit at any time. In the event the property is ever rezoned and/or subdivided, this restriction shall remain in full force and effect, unless and until revoked by Order of the Zoning Commissioner's Office. Moreover, the garage shall not be used for any commercial purposes; the building shall be used only to support Mr. McKelvey's hobby or as an accessory building to the dwelling.
- 3) The Petitioners shall be required to submit building elevation drawings of the proposed dwelling and detached garage to the Office of Planning for review and approval, prior to the issuance of any building permits, to insure that the buildings are appropriate and compatible with the surrounding locale and each other.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT

Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 3/16/11
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

March 16, 2001

Mr. & Mrs. Scott E. McKelvey
2823 Superior Avenue
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE
SE/S Harford Road, 1900' NE of its intersection w/New Cut Road
(12847 Harford Road)
10th Election District – 5th Council District
Scott E. McKelvey, et ux - Petitioners
Case No. 01-285-A

Dear Mr. & Mrs. McKelvey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Carol Shaw
7 Country Hill Court, Kingsville, Md. 21087
Ms. Patricia L. Garner
12535 Merritt Avenue, Fork, Md. 21051
Office of Planning; People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12847 Harford Rd

which is presently zoned RC-2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 & 3; BCZR, To Permit

ES A Garage To Be Located in the side yard with a height of 26.0 ft. in Lieu of the Required Rear Yard and 15 ft. maximum height respectively.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To Be Presented at Hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 01-285A

Date 9/15/98

By

Legal Owner(s):

Scott E. McKelvey

Name - Type or Print

Signature

Kathy A. McKelvey

Name - Type or Print

Signature

2823 Superior Ave. 410-661-6058

Address

Telephone No.

Balto.

MD

21234

City

State

Zip Code

Representative to be Contacted:

Scott E. McKelvey

Name

2823 Superior Ave. 410-661-6058

Address

Telephone No.

Balto.

MD

21234

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By Jan Date 1-19-01

ORDER RECEIVED FOR FILING

Date

By

ZONING DESCRIPTION

Zoning Description For 12847 Harford Road

Beginning at a point in or near the center of Harford Road, Maryland Route 147 which is located 1900 feet, more or less, from the intersection of Harford Road and New Cut Road; thence running South 09°35'48" East 25.83 feet; thence South 09°35'48" East 928.95 feet; thence North 62°11'42" East 488.40 feet; thence North 30°10'08" West 493.35 feet; thence North 59°49'52" East 396.00 feet; thence North 24°34'58" West 230.59 feet; thence South 58°32'39" West 371.85 feet; thence North 18°14'35" West 175.32 feet; thence North 39°17'48" West 65.00 feet; thence South 50°42'12" West 228.00 feet to the place of beginning.

Containing 9.198 acres more or less.

Also Known As 12847 Harford Road.

Located in the Fifth Councilmanic District, Tenth Election District.

285

01-285-A

BALTIMORE COUNTY, MAF AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

285

90621

No.

DATE 1-19-01 ACCOUNT F001-6150

AMOUNT \$ 50.00

RECEIVED
FROM:

S. McKeLvey 12847 Harford

FOR:

(010) VAR.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Jim

PAID RECEIPT

PAYMENT ACTUAL TIME
1/19/2001 1/19/2001 08:58:07

REG 6504 CASHIER: LRL LIM DRIVER

DEPT 5 528 ZIRKING VERIFICATION

REG 191 16494

CR NO. 090627

57.71

Rec'd For

50.00

50.00 CR

.00 DR

Baltimore County Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #01-285-A

12847 Harford Road

NE/S Harford Road, 1900' +/- NE of centerline New Cut Road

10th Election District - 5th Councilmanic District

Legal Owner(s): Kathy A & Scott E McKelvey

Variance: to permit a garage to be located in the side yard with a height of 26 feet in lieu of the required rear yard and 15-foot maximum height, respectively.

Hearing: Monday, March 12, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

2/308 Feb. 22

6451716

CERTIFICATE OF PUBLICATION

TOWSON, MD, 2/22/, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/22/, 2001.

 THE JEFFERSONIAN,

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 01-285-A

Petitioner/Developer: _____

KATHY A. &
SCOTT MCKELVEY

Date of Hearing/Closing: 3/12/2001

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

12847 HARFORD ROAD

The sign(s) were posted on 2/23/01
(Month, Day, Year)

CASE # 01-285-A

Sincerely,

 2/23/01
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

12847 HARFORD ROAD

POSTED 2/23/2001

 2/23/01

RE: PETITION FOR VARIANCE
12847 Harford Road, NE/S Harford Rd,
1900' +/- NE of c/l New Cut Rd
10th Election District, 5th Councilmanic

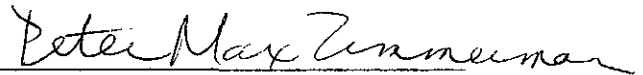
Legal Owner: Scott E. & Kathy A. McKelvey
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-285-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of January, 2001 a copy of the foregoing Entry of Appearance was mailed to Legal Owner Scott E. & Kathy A. McKelvey, 2823 Superior Avenue, Baltimore, MD 21234, Petitioners.



PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

January 31, 2001

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-285-A
12847 Harford Road
NE/S Harford Road, 1900' +/- NE of centerline New Cut Road
10th Election District – 5th Councilmanic District
Legal Owners: Kathy A & Scott E McKelvey

Variance to permit a garage to be located in the side yard with a height of 26 feet in lieu of the required rear yard and 15-foot maximum height, respectively.

HEARING: Monday, March 12, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".
GDZ

Arnold Jablon
Director

C: Kathy A & Scott E McKelvey, 2823 Superior Avenue, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBURARY 24, 2001.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, February 22, 2001 Issue – Jeffersonian

Please forward billing to:
Scott E McKelvey
2823 Superior Avenue
Baltimore MD 21234

410 661-6058

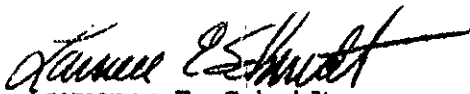
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 01-285-A
12847 Harford Road
NE/S Harford Road, 1900' +/- NE of centerline New Cut Road
10th Election District – 5th Councilmanic District
Legal Owners: Kathy A & Scott E McKelvey

Variance to permit a garage to be located in the side yard with a height of 26 feet in lieu of the required rear yard and 15-foot maximum height, respectively.

HEARING: Monday, March 12, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue


Lawrence E. Schmidt

002

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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:

Item Number or Case Number: 285
Petitioner: Scott E. McKelvey & Kathy A. McKelvey
Address or Location: 12847 Harford Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Scott E. McKelvey
Address: 2823 Superior Ave
Balto. MD 21234
Telephone Number: 410-661-6058



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 9, 2001

Kathy A & Scott E McKelvey
2823 Superior Avenue
Baltimore MD 21234

Dear Mr. & Mrs. McKelvey:

RE: Case Number: 01-285-A, 12847

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 19, 2001.

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.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: March 6, 2001

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 5, 2001
Item Nos. 279, 280, 281, 283, 285,
286, and 287

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

January 31, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF January 29, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

FIRE MARSHAL'S OFFICE HAS NO COMMENTS AT THIS TIME.

281, 282, 285, 286, AND 287

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *MS*

DATE: February 1, 2001

SUBJECT: Zoning Item #285
12847 Harford Road

Zoning Advisory Committee Meeting of January 29, 2001

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X _____ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X _____ Agricultural Preservation: This property shows an existing 3 car garage. The request for a 40' x 60' x 26' high structure does not appear to relate to an agricultural use on the property. If this additional garage space is needed it should comply with the RC2 regulations.

Reviewer: Wally Lippincott

Date: February 1, 2001

LS Jim
3/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: February 5, 2001

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 12847 Harford Road

INFORMATION:

Item Number: 01-285

Petitioner: Scott E. McKelvey

Zoning: RC 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the requested variance to allow a height of 26 feet in lieu of the required 15 feet for the proposed second garage provided the following are met:

1. The garage shall not be converted into a dwelling unit at any time.
2. The materials used in the construction of the garage should be compatible with that of the principal structure.

Prepared by: Maletta Cunniff

Section Chief: Jeffrey W. Z...

AFK:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 1. 31. 01

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 285 JCM

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 147 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

The Greater Kingsville Civic Association Inc.

P.O. BOX 224 KINGSVILLE, MARYLAND 21087

March 9, 2001

Mr. Lawrence Schmidt
Zoning Commissioner of Baltimore County
County Courts Building
401 Bosley Avenue
Suite 405
Towson, Maryland 21204

Dear Mr. Schmidt:

I am writing at the behest of the Board of Directors of The Greater Kingsville Civic Association with regard to Zoning Case # 01-285-A [12847 Harford Road, Hydes - 5th Councilmanic District, 10th Election District]. The property owners have requested a zoning variance to permit a garage to be located in the side yard with a height of 26 feet in lieu of the required rear yard and 15 foot maximum height, respectively.

Carol Shaw, Board member and an Officer of the Association, visited the property and, at her request, was given a survey map of the proposal by the Baltimore County Planning Department. The Board of Directors discussed the proposal and viewed the survey map at their regular monthly meeting on Wednesday, February 21, 2001 and, a quorum being present, voted unanimously to oppose the granting of this variance.

The Association has several areas of concern with regard to this request for a variance for a "garage". This property is zoned RC-2 and, as such, is permitted by right one single-family detached house. The single family house which is currently being constructed on this property is, according to the survey map, to be 26 feet high with an attached three car garage. The septic reserve area is to one side of the house and the existing well to the other. There is nothing shown on the survey map as being an obstruction to building on the 100+ feet of available ground to the rear of the house.

The proposed variance to allow a detached "garage" to the side of the house appears unnecessary with regard to location. Additionally, the Board noticed that the height of the proposed detached "garage" is the same, e.g., 26 feet, as the house. It is also shown to be 60 feet by 40 feet in proposed area. That footprint of 60 feet by 40 feet is almost as big as the house which is to be 62 feet by 44 feet, excluding the attached three-car garage. To make a comparison, the footprint of the proposed detached "garage" is bigger than the footprint of most houses in the area.

The Board is concerned that if a variance is granted, the "garage" – through its size in conjunction with its height and its location at the side of the property – will be capable of readily being converted to a use contrary to one of the uses permitted by right under the RC-2 zoning.

The Greater Kingsville Civic Association Inc.

P.O. BOX 221 KINGSVILLE, MARYLAND 21087

Specifically, the Board is concerned that the building would/could be used as a second house on the property or for a commercial purpose. As this Commission is aware, property owners in this area have attempted in the recent past to have their zoning upgraded/changed after they have effectively circumvented the zoning regulations regarding usage of their property.

Therefore, we respectfully ask that you deny the request for a variance on this property.

Sincerely,



Carol N. Shaw

Corresponding Secretary

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

04902 SHAW

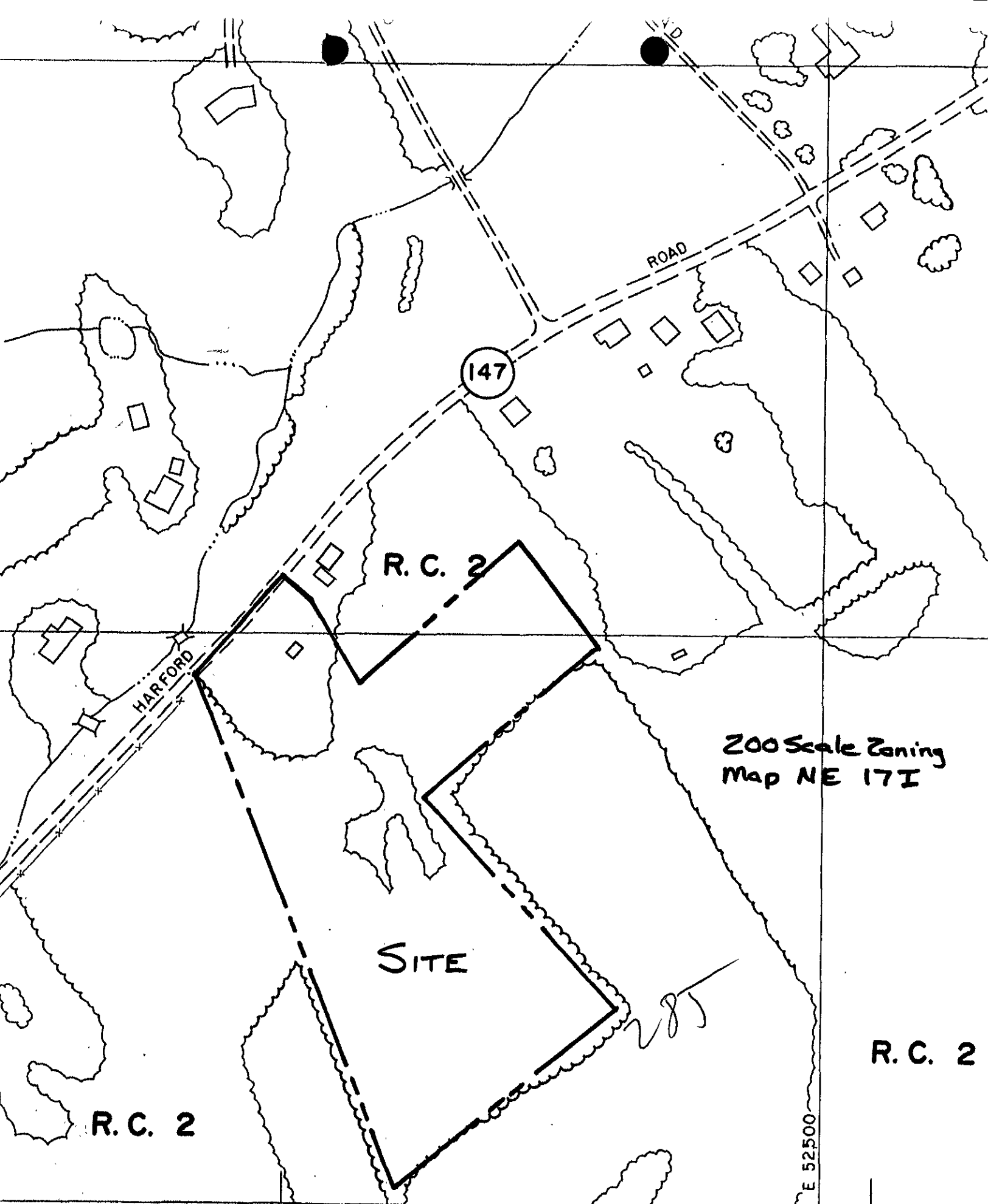
ADDRESS

7 County Hill Ct Kingsville
21087

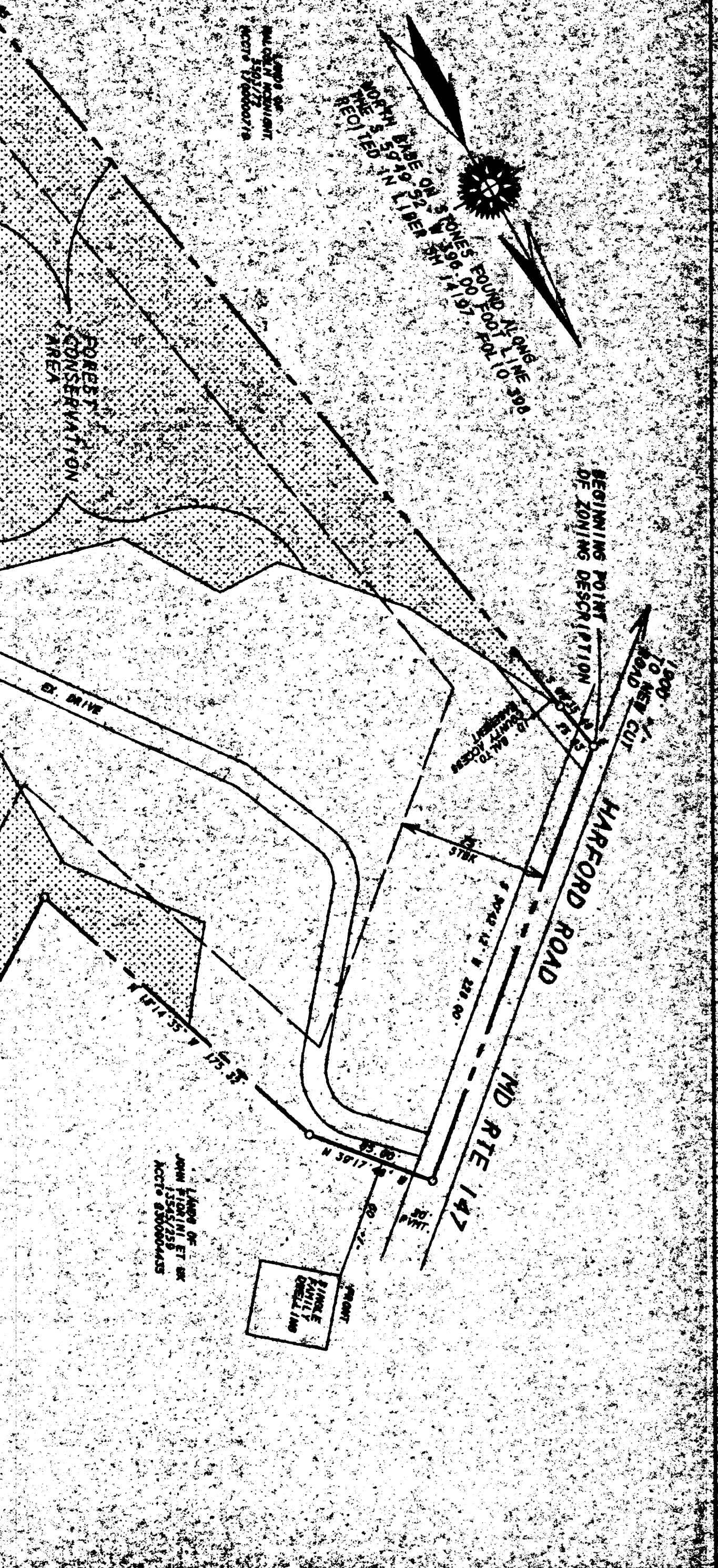
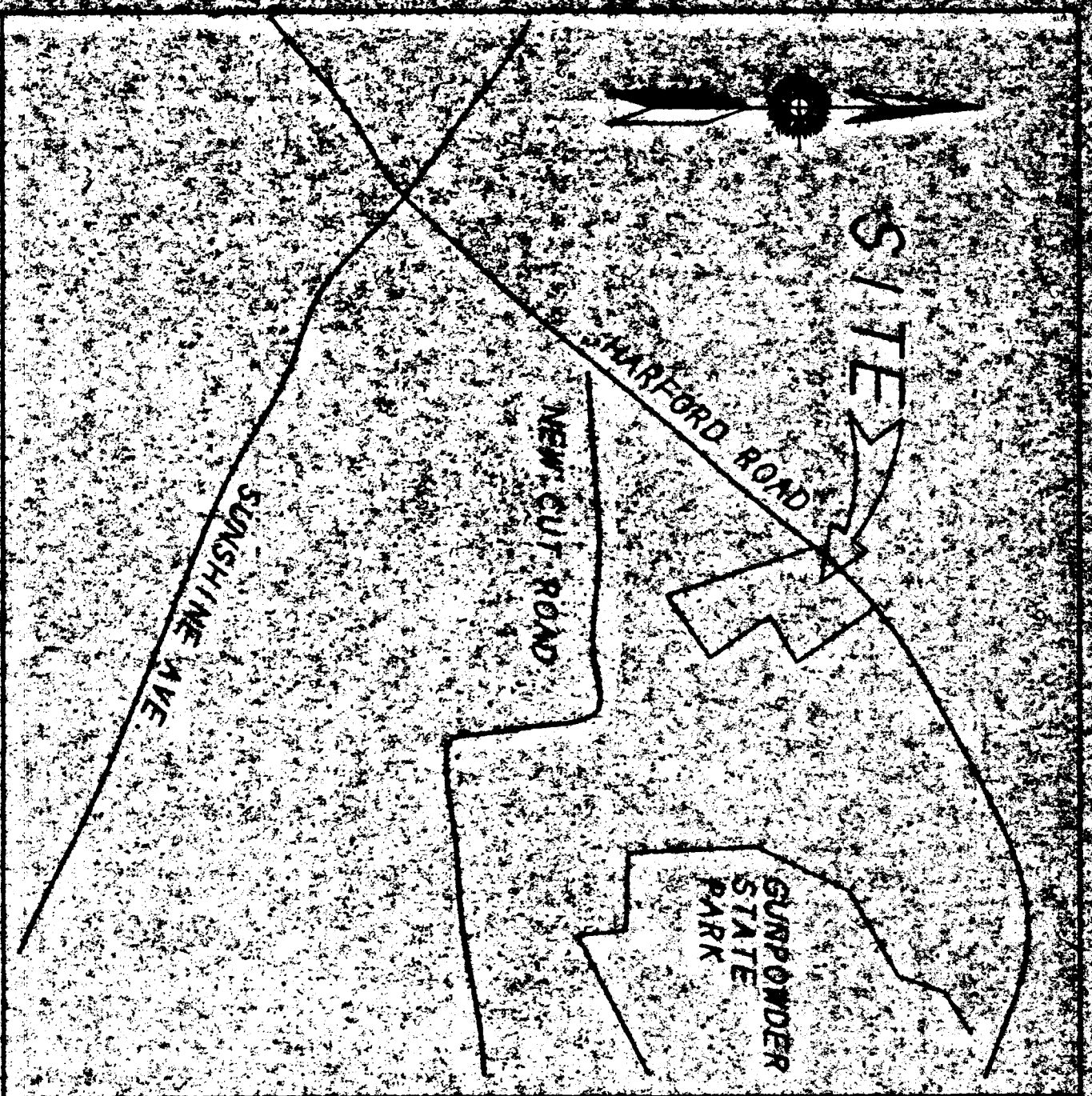
Patricia L GARNER

12535 Merri H Ave. Fork Md
21051





01-285-A



OWNER: SCOTT E & KATHY A. MICHELVEY
1221 MOORE HAVENLAND 21234
ACCOUNT # 0123004455
PAY WITH TO \$200.00 PARCEL 802
DEED REFERENCE 61109/104
TO COUNTY WINING SUBD. 9 IN NO 27053 +
ACRES: 2.00 AC. VOLING MAY BE 17-1
NO FURTHER CLAIMS CASES FOR THIS PROPERTY.
CONSTRUCTION OF THE SHED WILL BE BY BILL TANNAN
WITH CONSTRUCTION OF THE DWELLING.

CONSTRUCTION OF THE GARAGE WILL BE SIMULTANEOUS WITH CONSTRUCTION OF THE DWELLING.

PLAN TO ACCOMPANY ZONING VARIANCE

01-285-A

SCOTT E. & KATHY A.
MCKELVEY

HIGHLAND SURVEY
ASSOCIATES, INC.

4501 Fawn Grove Road
 Suvest, Maryland 21154

Drawn	EJS/CABD	Checked	Scale	1 = 50	Date	01-18-01	Job	2005M
-------	----------	---------	-------	--------	------	----------	-----	-------