

KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 8, 2012

John P. and Denice M. Rice 2420 Bulls Sawmill Road Freeland, Maryland 21053

RE: Pe

Petition for Special Hearing

Case No.: 2012-0232-SPH

Property: 2420 Bulls Sawmill Road

Dear Mr. and Mrs. Rice:

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

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHNE! BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

c: Michael Fuller, 2219 Bulls Sawmill Road, Freeland, MD 21053

IN RE: PETITION FOR SPECIAL HEARING \*

NE side of Bulls Sawmill Road, c/line 1,735'

SE of Spooks Hill Road

(2420 Bulls Sawmill Road)

6<sup>th</sup> Election District

3<sup>rd</sup> Council District

John P. and Denice M. Rice

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0232-SPH

### ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by the legal owners of the property, John P. and Denice M. Rice. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an accessory building with a building footprint that is larger than the principal dwelling. 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.

Appearing at the public hearing held for this case were Petitioner John P. Rice and Michael Fuller, a friend who is assisting Petitioner with the project. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file. There were no adverse ZAC comments from any of the County reviewing agencies.

Testimony and evidence revealed that the subject property is 2.72 acres and is zoned RC 2.

The property is in the Parkton area, and is part of a much larger tract that has been in Petitioner's family for over 60 years.

OHDER	LOLIVEDIOITIE	
Date	5-8-12	
Bv	0	

BEREIVED FOR FILING

Petitioner submitted a document (Exhibit 3) showing a floor plan of his residence and proposed garage. The home is a modest rancher (approximately 1,829 square feet) and the proposed garage will be 2,220 square feet. Petitioner wants to enlarge the existing garage (approximately 1,500 square feet) shown on Exhibit 3, to accommodate a tractor and some other large farm and garden equipment used for mowing and farming on the site. The Petitioner's immediate neighbor at 2432 Bulls Sawmill Road indicated he has no objection to the relief requested.

The Petitioner's request is entirely reasonable, and the garage will only be approximately 300 square feet larger than the dwelling. In any event, both are modest structures, and the enlarged garage will not detract from the rural setting or negatively impact the community in any way. Therefore, the petition will be granted.

Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this <u>8<sup>th</sup></u> day of May, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an accessory building with a building footprint that is larger than the principal dwelling, be and is hereby GRANTED.

ORDER	RECEIVED	FOR FILING	
Date	5-8	-12	_
	0		

The relief granted herein shall be subject to and conditioned upon the following:

- 1. The Petitioners may apply for their building permits and may be granted same upon receipt of this Order; however the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.
- 2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 3. The accessory structure shall not be used for commercial purposes.

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

JEB:dlw

JOHNE BEVERUNGEN Administrative Law Judge for Baltimore County

ORDER RECEIVED FOR FILING

Date 5-8-12

Ву\_\_\_\_\_



## PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at: Address 2420 Bulk Saw Mill Ro 21053 which is presently zoned RC 2

Deed References: 30882 P- 76 10 Digit Tax Account # 1 6 0 0 0 0 7 2 3 8

Property Owner(s) Printed Name(s) JOHN PHILLIP RICE + DENICE MARIE RICE

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

	made a part hereof, hereby petition for:
1 a Special Hearing under Section 500.7 of the Z or not the Zoning Commissioner should approve Oh	Zoning Regulations of Baltimore County, to determine whether accessory building with a building footprint
that is larger than the principal dwe	lling
2 a Special Exception under the Zoning Regulation	ions of Baltimore County to use the herein described property for
3a Variance from Section(s)	
3 a variance from Section(s)	
	the zoning law of Baltimore County, for the following reasons:
you need additional space, you may add an attack RESIDENTIAL GARAGE FOR TRAC	Ity or indicate below "TO BE PRESENTED AT HEARING". If himent to this petition) NEED APPITION TO DETACHED CTOR + Equipment STORAGE, APPITION ONLY LARGER THAN RESIDENCE FOOTPRINT.
and restrictions of Baltimore County adopted pursuant to the zoning la	ting, etc. and further agree to and are to be bounded by the zoning regulations aw for Baltimore County.  m, under the penalties of perjury, that I / We are the legal owner(s) of the property  Legal Owners (Petitioners):
Name- Type or Print	Name #1 - Type or Print Name #2 - Type or Print
Signature	Signature #1 Signature #2
Mailing Address City State	Mailing Address Saumil Rd Freeland mb 21053
	21053 1410-357-89521 RICE 2420 P COMCAST. A
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
Attorney for Petitioner:	Representative to be contacted:
FORFILIT	JOHN P. RICE
Name- Type or Print	Name - Type or Print
Attorney for Petitioner:  Name- Type or Print Signature DER RECEIVED FOR FILING	Signature Sylls - Sourmill Rol Incolar 1 mb 2105.
Mailing Address City State	Mailing Address City State
Zip Code BY Telephone # Email Address	Zip Code Telephone # Email Address Comcast
CASE NUMBER 2013-033-5011 Filing Date 3 126	Do Not Schedule Dates: Reviewer G H / DT

REV. 10/4/11

1. X SPECIAL HEARING TAX # 1600 DO 7238

2420 BULLE SAW MILL ROAD, FREELAND, MD 21053

JOHN PHILLIP RICE + DENICE RICE T/P- 410-357-8952

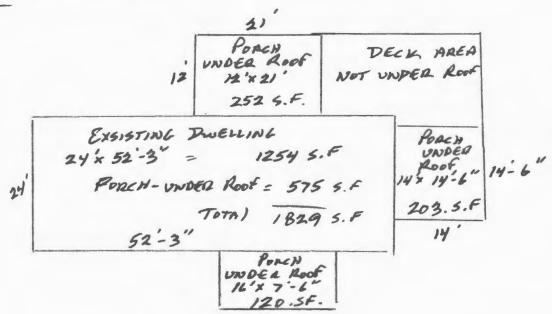
- NOT TO SCALE -EXSISTING DETACHED GARAGE / PROPOSED ADDITION 24 EXSISTING PROPOSED RESIDENTIAL GARAGE DEMINED GARAGE STORAGE ADDITION 30×46'= 13BD S.F 24×30= 7207 30 30 LOVERED Pouch, 120.5F 6 x 20 1500 S.F. COVERED

> EXSISTING GRADE MY APPINION = 2/005. + INCLUDE COVERED POACH = 22205.

# EXSISTING RESIDENTIAL DWELLING

PORCH

20'



### ZONING HEARING PROPERTY DESCRIPTION - SPECIAL HEARING

### OWNER - JOHN AND DENICE RICE

### 10 DIGIT TAX # 1600007238

Zoning Property Description for 2420 Bulls-Sawmill Road, Freeland, MD 21053; North East of Bulls Saw Mill RD 1735' SE of Spooks-Hill Road. (Formerly named Mt-Carmel Road).

Property (1st POC) South 29 degrees 10 minutes 08 seconds east 200.99'

Property (2<sup>nd</sup> POC) South 66 degrees 31 minutes 32 seconds west 626.75'

Property (3<sup>rd</sup> POC) North 5 degrees, 41 minutes west 54.60'

Property (4th POC) North 14 degrees 20 minutes 17 seconds west 149.93'

Property (5<sup>th</sup> POC) North 66 degrees 31 minutes 32 seconds east 566.32'

Back to (1st POC) or Point of Beginning as recorded in Deed Liber #1915 Folio 121,

containing 2.721 acres. Located in the 6<sup>th</sup> Election District and 3<sup>rd</sup> Council District.

OFFICE	OF BUE	GET AN	IARYLAN D FINANC RECEIPT	E		No.		26	12	PAID RECEIPT  MIDDRESS A-THA THE TAIL TO STATE T
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# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 2012-0232-SPH Petitioner: John Phillip Bio	
Address or Location: 2420 Bulls Sow Mill RN	
PLEASE FORWARD ADVERTISING BILL TO:  Name: John Phillip Bio  Address: 2420 Bulls Saw Mill RD  Free land MD 21053	
Telephone Number: 410 - 357 - 8952	

### CERTIFICATE OF POSTING

Date: 4-15-12

RE: Case Number: 2012-0232-SPH

Petitioner/Developer: John Rice

Date of Hearing/Closing: 5 (7 (12 1:30 PH

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 2420 Bulls Sawnellfd



(Telephone Number of Sign Poster)

# NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2012-0232-SPH 2420 Bulls Sawmill Road N/east side of Bulls Sawmill Road, centerline, 1,735 feet S/east of Spooks Hill Road 6th Election District 3rd Councilmanic District

ard Councilmanic District
Legal Owner(s): John &
Denice Rice
Special Hearing: to determine whether or not the
Administrative law Judge
should approve an accessory building footprint that is
larger than the principal
dwelling.
Hearing: Monday, May 7,
2012 at 1:30 p.m. in
Room 205, Jefferson
Building, 105 West Chesapeake Avenue, Towson
21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommodations Please Contact the
Administrative Hearings Office at (410) 887-3868.

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

4/228 Apr. 19 302145

# **CERTIFICATE OF PUBLICATION**

4/19/,2012
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 4/19/, 2012.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
☐ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

PWUKINSON

TO: PATUXENT PUBLISHING COMPANY

Thursday, April 19, 2012 Issue - Jeffersonian

Please forward billing to:

John Rice 2420 Bulls Sawmill Road Freeland, MD 21053 410-357-8952

### NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2012-0232-SPH** 

2420 Bulls Sawmill Road

N/east side of Bulls Sawmill Road, centerline, 1,735 feet S/east of Spooks Hill Road 6<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: John & Denice Rice

Special Hearing to determine whether or not the Administrative Law Judge should approve an accessory building footprint that is larger than the principal dwelling.

Hearing: Monday, May 7, 2012 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING
2420 Bulls-Sawmill Road; NE/S Bulls Sawmill
Road, 1735' S/E of Spooks Hill Road
6<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts
Legal Owner(s): John & Denise Rice
Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

**HEARINGS FOR** 

BALTIMORE COUNTY

2012-232-SPH

### ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

APR 02 2012

CAROLE S. DEMILIO

Deputy People's Counsel

Jefferson Building, Room 204

105 West Chesapeake Avenue

Towson, MD 21204

(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of April, 2012, a copy of the foregoing Entry of Appearance was mailed to John Rice, 2420 Bulls-Sawmill Road, Freeland, MD 21053, Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN People's Counsel for Baltimore County Case No.: 2012 - 232 - 9PH

# Exhibit Sheet

Petitioner/Developer

Protestant

BD 5-8-12

No. 1	Site Plan		
No. 2	Sketch of Garage		
No. 3	Sketch of Exist Dwelling and Garage		
No. 4	Latter from reighbor		
No. 5			
No. 6			
No. 7			
No. 8	·		
No. 9			
No. 10			
No. 11			
No. 12	-	•	

### MEMORANDUM

DATE:

June 11, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0232-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on June 7, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

C:

Case File

Office of Administrative Hearings

PLEASE PRINT CLEARLY

CASE NAME 3-420 Bulls Swmill CASE NUMBER 2012-232 SPH DATE 5-7-12

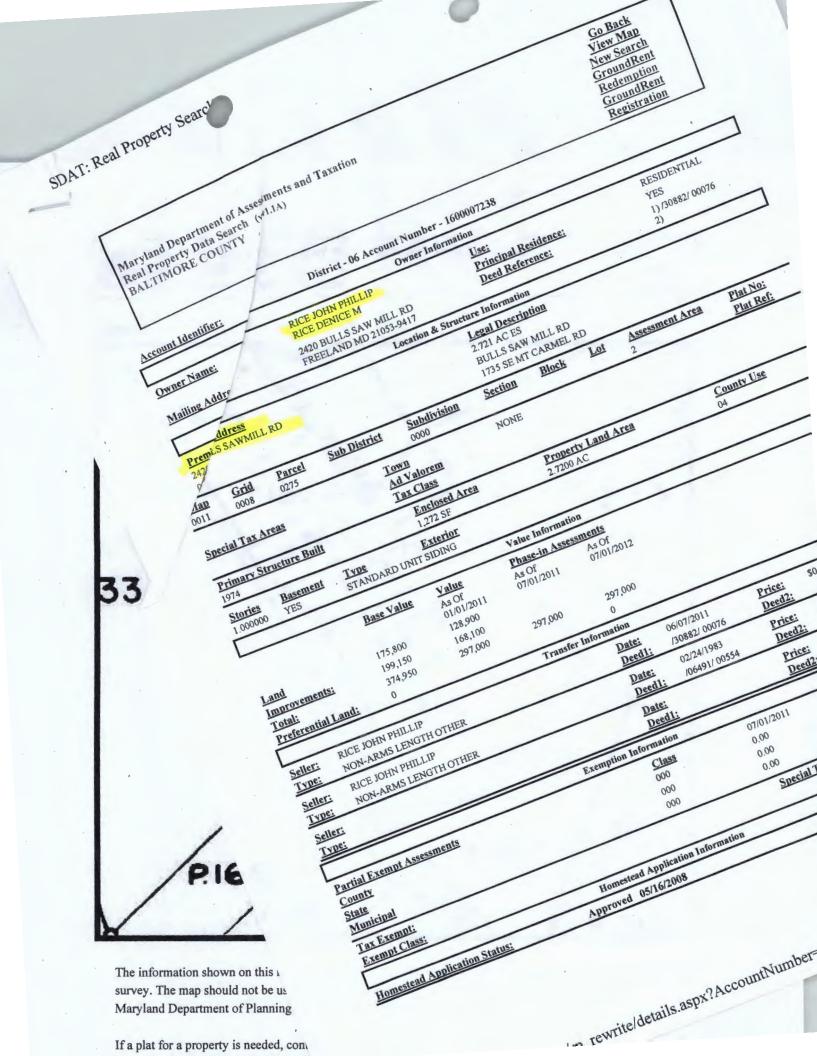
# CITIZEN'S SIGN-IN SHEET

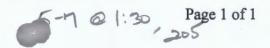
E- MAIL				
FREE/AND ALOSTS				
John P. Rice 2420 Bulls SAU mill				
John P. Rice				



# CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
4-10	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NC NC
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
-	PLANNING (if not received, date e-mail sent)	
4-3-12	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	ΓΙΟΝ (Case No.	
PRIOR ZONING	(Case No.	
NEWSPAPER AD	OVERTISEMENT Date: 4-19-12	
SIGN POSTING	Date: 4-15-12	by Pilson
PEOPLE'S COUN	ISEL APPEARANCE Yes No D	l
PEOPLE'S COUN	SEL COMMENT LETTER Yes No D	
Comments, if any:	- 17 <sup>-</sup>	





### Debra Wiley - ZAC Comments - Distribution Meeting of March 26, 2012

From:

Debra Wiley

To:

Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...

Date:

4/4/2012 1:55 PM

Subject:

ZAC Comments - Distribution Meeting of March 26, 2012

### Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0229-A - 11206 Ridgeway Avenue South Avenue Administrative Variance - Closing Date: No closing date reflected in data base 4/4

2012-0230-XA - 6216 Ebenezer Road No date reflected in data base 4/4

2012-0231-SPHA - 1655 Belmont Avenue No date reflected in data base 4/4

2012-0232-A - 2420 Bulls-Sawmill Road No date reflected in data base 4/4

2012-0233-X - 6709 White Stone Road No date reflected in data base 4/4

2012-0234-A - 311 Railroad Avenue No date reflected in data base 4/4

2012-0235-A - 1218 Elm Ridge Avenue No date reflected in data base 4/4

2012-0236-SPHA - 16928 York Road No date reflected in data base 4/4

### Thanks.

Debbie Wiley Legal Administrative Secretary Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) dwiley@baltimorecountymd.gov



KEVIN KAMENETZ County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 1, 2012

John & Denice Rice 2420 Bulls Sawmill Road Freeland MD 21053

RE: Case Number: 2012-0232 SPHA, Address: 2420 Bulls Saw Mill Road, 21053

Dear Mr. & Ms. Rice:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 26, 2012. 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,

U. Cal Ribal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Martin O'Malley, Governor Anthony G. Brown, Lt. Governor



Beverley K. Swaim-Staley, Secretary Melinda B. Peters, Administrator

Date: 4-3-2012

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

RE: Baltimore County

Special Heaving John Pr Denise M. Rice 2420 Bulls-Sawmill Road.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2012-0232-4.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief

Access Management Division

SDF/raz

### **BALTIMORE COUNTY, MARYLAND**

### INTEROFFICE CORRESPONDENCE

**DATE:** April 10, 2012

TO:

Arnold Jablon, Director

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For April 09, 2012

Item Nos. 2012-218, 229, 231, 232, 233, 235

And 236

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

DAK:CEN cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04092012-NO COMMENTS.doc

TP-410-357-8952

TRACTOR SHED (GARGEE) ADDITION

30

DETACHED

EXSISTING

CARACE

12 OPENING

PETITIONER'S

EXHIBIT NO.

1/4"= )

P-2 PETITION FOR ZONING HEADING(5)

1. X SPECIAL HEADING TAX # 1600007238

2420 BULLY SAW MILL ROAD, FREELAND, MD 21053

JOHN PHILLIP RICE + DENICE RICE TIP- 410-357-8952

EXSISTING DETACHED GARAGE / PROPOSED ADDITION

46'
24'

EXSISTING

RESIDENTIAL

DETHCHED GARAGE

30 x 46' = 1380 S.F

COVERED

PORCH

6'

COVERED

PORCH

PORCH

COVERED

PORCH

PORCH

EXSISTING GRAGE MY ADDITION = 2/005.F. + INCLUDE COVERED PORCH = 22205.F

EXSISTING RESIDENTIAL DWELLING

12	PORCH UNDER ROOF 12'x 21' 252 4.F.	NOT UN	M AREA
	1254 S EQ ROOF = 575 TOTA) 1829	5.F	PORCH UNDED POOF 4× 14-6" 203.5.F
92-3	UNDER ROOM		

PETITIONER'S

EXHIBIT NO.

May 3, 2012

To Whom It May Concern:

I Glen Tracey, the owner of property located 2432 Bulls-Sawmill Rd in Freeland Md. My property is the parcel next to John P. Rice at 2420 Bulls-Sawmill Rd.

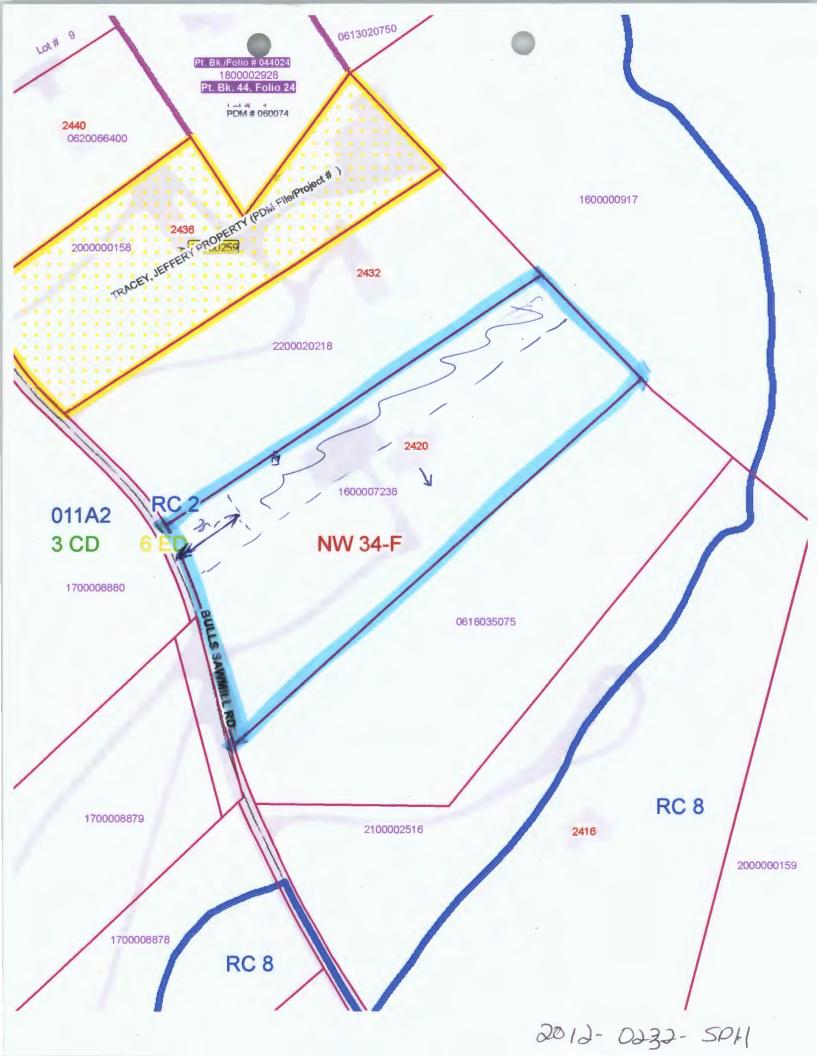
I hereby declare that John Rice who is building an addition onto his garage that is more square footage than his principal dwelling; I have no objection to this addition that he wishes to add onto.

Property Owner: Glen Tracey

Maxim Jacey

PETITIONER'S

EXHIBIT NO.



EXHIBIT

