

IN RE: PETITION FOR VARIANCE

(863 Sue Grove Road)

15th Election District

6th Councilman District

Mark Haynes, J & M Investments LLC

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0142-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Mark Haynes, Member, on behalf of J & M Investments, LLC, the legal owner of the subject property. The Petitioner is requesting Variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (garage with second story storage) with a height of 22 ft. in lieu of the permitted 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests were Mark Haynes and David Billingsley, who prepared the site plan. 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 interested citizens in attendance, and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the record of this case. The Department of Planning submitted a comment indicating support for the Petition, along with a request that the materials used for the garage match those used for the single family dwelling on site.

ORDER RECEIVED FOR FILING

Date 2-21-13

By Den

Testimony and evidence revealed that the subject property is 10,000 square feet and is zoned DR 3.5. Mr. Haynes testified that he acquired the property in 2007, at which point it was a vacant lot littered with garbage. The Petitioner constructed an attractive dwelling on the lot in 2008 (see exhibit 7A), and now desires to construct a garage in the rear yard.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners has met the test. The property was subdivided in 1921 (known as the Sue Grove Community) long before the adoption of the B.C.Z.R. In addition, the lot is narrow and deep, as shown on the plat (Exhibit 5). These qualities make the property unique.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty and/or hardship, since they would be unable to construct the garage as planned, to provide much needed storage space for Mr. Haynes' family. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of community opposition.

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

ORDER RECEIVED FOR FILING

Date 2-21-13

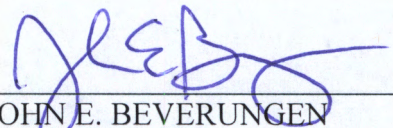
By Den

THEREFORE, IT IS ORDERED, this 21st day of February, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (garage with second story storage) with a height of 22 ft. in lieu of the permitted 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for its appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners 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 proposed garage shall be constructed with siding and roofing materials similar to those used on the existing single family dwelling.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 2-21-13
By slh



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 21, 2013

Mark Haynes
305 Sue Grove Road
Baltimore, Maryland 21221

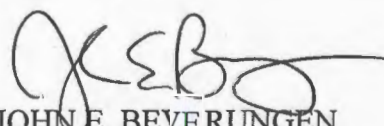
RE: Petition for Variance
Case No.: 2013-0142-A
Property: 863 Sue Grove Road

Dear Mr. Haynes:

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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: David Billingsley, 601 Charwood Ct., Edgewood, Maryland 21040



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 863 SUE GROVE ROAD which is presently zoned DR 3.5
 Deed References: L. 25919 P. 470 10 Digit Tax Account # 1510250030
 Property Owner(s) Printed Name(s) J & M INVESTMENTS LLC

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

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a **Variance** from Section(s) 400.3 (BCZR) TO PERMIT AN ACCESSORY BUILDING (GARAGE WITH SECOND STORY STORAGE) WITH A HEIGHT OF 22 FEET IN LIEU OF THE PERMITTED 15 FEET

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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 petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

MARK HAYNES, MEMBER
J & M INVESTMENTS LLC
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
 Signature #1 Mark Haynes Signature #2 _____
 Mailing Address 905 SUE GROVE RD. BALTO. MD.
 Zip Code 21221 Telephone # (443) 322-6367 Email Address metro-carimark@comcast.net

Representative to be contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.
 Name - Type or Print _____
 Signature David W Billingsley
 Mailing Address 601 CHARWOOD CT. EDGEWOOD, MD.
 Zip Code 21040 Telephone # (410) 679-8719 Email Address dwbo209@yahoo.com

CASE NUMBER 2013-0142-A Filing Date 12/18/2012 Do Not Schedule Dates: _____ Reviewer th

ZONING DESCRIPTION

863 SUE GROVE ROAD

Beginning at a point on the north side of Sue Grove Road (formerly Riverside Road), 30 feet wide, distant westerly 65 feet from it's intersection with the center of Sue Grove Road (formerly E. Shore Road), 30 feet wide, thence being all of Lot 88 as shown on the plat entitled Suegrove, recorded among the Baltimore County plat records in Plat Book 7, Folio 11. Containing 10,000 square feet or 0.230 acre of land, more or less.

Being known as 863 Sue Grove Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md.

2013-0142-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 92756

Date: 12/18/12

PAID RECEIPT

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						75.00

Total: 75.00

Rec From: Carter/Drafting + Design

For: 863 Sue Grove Rd
21221

2013-0142-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2013-0142-A

863 Sue Grove Road

N/s Sue Grove Rd., 65 ft. W/of the centerline
of Sue Grove Road

15th Election District - 6th Councilmanic District

Legal Owner(s): J & M Investments, LLC,

Mark Haynes, Member

Variance: to permit an accessory building (garage with second story storage) with a height of 22 ft. in lieu of the permitted 15 ft.

Hearing: Wednesday, February 20, 2013 at 2:30 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) 887-3391.
1/368 Jan. 31 901670



501 N. Calvert Street, Baltimore, MD 21278

January 31, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on January 31, 2013.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2013-0142-A

PETITIONER/DEVELOPER _____

DAVE BILLINGSLEY

DATE OF HEARING/CLOSING: _____

2/20/13

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT 863 SUE GROVE RD

THIS SIGN(S) WERE POSTED ON January 30, 2013
(MONTH, DAY, YEAR)

SINCERELY,
Martin Ogle 1/30/13
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411



Michael J. 1/30/13

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 31, 2013 Issue - Jeffersonian

Please forward billing to:
Central Drafting & Design
601 Charwood Court
Edgewood, MD 21040

410-679-8719

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: 2013-0142-A

863 Sue Grove Road

N/s Sue Grove Rd., 65 ft. W/of the centerline of Sue Grove Road

15th Election District – 6th Councilmanic District

Legal Owners: J & M Investments, LLC, Mark Haynes, Member

Variance to permit an accessory building (garage with second story storage) with a height of 22 ft. in lieu of the permitted 15 ft.

Hearing: Wednesday, February 20, 2013 at 2:30 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.



KEVIN KAMENETZ
County Executive

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

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2013-0142-A

863 Sue Grove Road

N/s Sue Grove Rd., 65 ft. W/of the centerline of Sue Grove Road

15th Election District – 6th Councilmanic District

Legal Owners: J & M Investments, LLC, Mark Haynes, Member

Variance to permit an accessory building (garage with second story storage) with a height of 22 ft. in lieu of the permitted 15 ft.

Hearing: Wednesday, February 20, 2013 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mark Haynes, 905 Sue Grove Rd., Baltimore 21221
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 31, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) 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: 2013-0142-A
Petitioner: J & M INVESTMENTS LLC
Address or Location: 863 JUE GROVE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: CENTRAL DRAFTING & DESIGN, INC.
Address: 601 CHARWOOD CT.
EDGEWOOD, MD 21040

Telephone Number: (410) 679-8719



KEVIN KAMENETZ
County Executive

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

February 15, 2013

Mark Haynes, Member
J & M Investments LLC
863 Sue Grove Road
Baltimore MD 21221

RE: Case Number: 2013-0142 A, Address: 863 Sue Grove Road, 21221

Dear Mr. Haynes:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 18, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
David Billingsley, Central Drafting & Design, 601 Charwood Court, Edgewood MD 21040

2-20-13
2:30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: January 30, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 863 Sue Grove Road

INFORMATION:

Item Number: 13-142

Petitioner: Mark Haynes, Member, J&M Investments, LLC

Zoning: DR 3.5

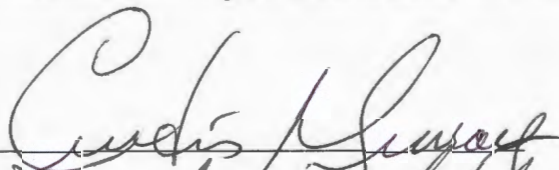
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The existing dwelling on the subject site is very attractive. The Department of Planning recommends that the siding and roofing materials for the proposed accessory building match that of the existing dwelling. As such, this department does not oppose the petitioner's request provided the aforementioned recommendation is addressed.

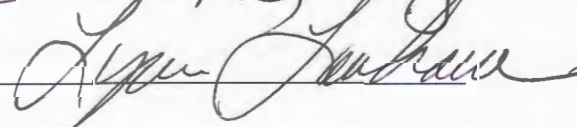
For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Division Chief:

AVA/LL: CM



RECEIVED

FEB 05 2013

OFFICE OF ADMINISTRATIVE HEARINGS



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

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-7-13

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

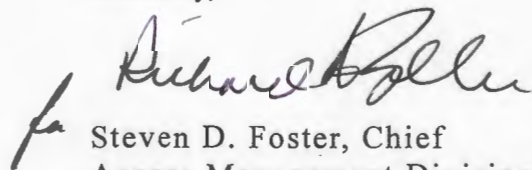
RE: Baltimore County
Item No 2013-0142-A
Variance
Mark Haynes.
J & M Investments, LLC
863 SueGrate Road

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. 2013-0142-A.

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

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: January 02, 2013

FROM: Dennis A. ^{DAK}Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For January 07, 2012
Item Nos. 2013-0121, 0139, 0140, 0141, 0142, 0143, 0144 and 0145.

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

DAK:CEN
Cc: file

M E M O R A N D U M

DATE: March 27, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0142-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 25, 2013. 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

RE: PETITION FOR VARIANCE
863 Sue Grove Road; N/S Sue Grove Road,
65' W of c/line Sue Grove Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): J&M Investments, LLC
By Mark Haynes

Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2013-142-A

* * * * *

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.

RECEIVED

DEC 28 2012

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 28th day of December, 2012, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Debra Wiley - 2013-0142-A (2/20 @ 2:30 PM)

From: Debra Wiley
To: Fisher, June
Date: 2/14/2013 12:18 PM
Subject: 2013-0142-A (2/20 @ 2:30 PM)
CC: ~~Nuffer, Kurt~~

Hi June,

In reviewing next week's case files, Sherry has brought to my attention that the cover letter to the legal owner from Carl Richards (re: ZAC comments) for this case is missing. Unfortunately, the file is reflective of Case 2013-0145-A. She's looked in all the file folders that you delivered for next week and none of them have the letter for this case (2013-0142-A).

Can you send us the appropriate cover letter so that it can be placed in our file. Please call us if you have any questions.

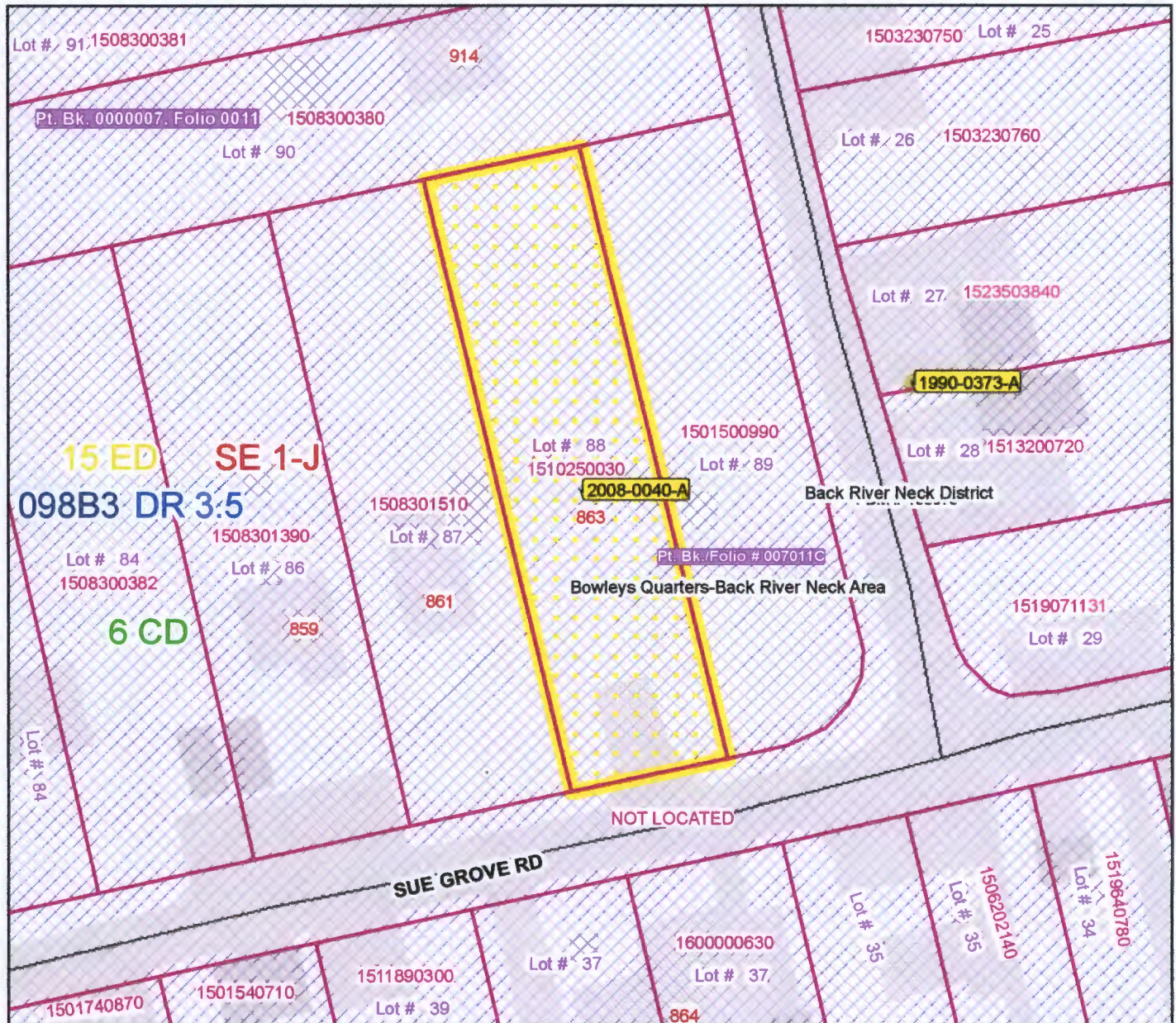
Thanks in advance.

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

CASE NAME 863 SUE GROVE RD
CASE NUMBER 2013-0142-A
DATE 2/20/13

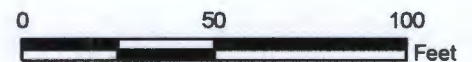
[illegible]

863 Sue Grove Road 2013-0142-A



Publication Date: December 18, 2012
 Publication Agency: Permits, Approvals and Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



1 inch = 50 feet

Case No.:

2013-0142-A

2-22-13
Sen

Exhibit Sheet

Petitioner/Developer

Protestant

DW
3-27-13

No. 1	Site Plan	
No. 2	SDAT record	
No. 3	Tax Map	
No. 4	Deed	
No. 5	Sue Grove plat	
No. 6	Order # 2008-0040-A	
No. 7	2A-7G Photos	
No. 8	My Neighborhood Map	
No. 9	Photo of Similar Garage	
No. 10		
No. 11		
No. 12		

PETITIONER'S EXHIBITS

**863 SUE GROVE ROAD
CASE NO. 2013-0142-A**

- 1. PLAT TO ACCOMPANY PETITION FOR VARIANCE DATED NOVEMBER 13, 2012**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. TAX MAP 0098**
- 4. DEED OF RECORD L.25919 F.420** ✓
- 5. PLAT OF SUE GROVE P.B.7 F.11**
- 6. COPY OF ORDER FOR CASE NO. 2008-0040-A GRANTING 50 FOOT LOT WIDTH AND 10 FOOT SIDE YARDS**
- 7a – 7g. PHOTOS**
- 8. AERIAL PHOTO**
- 9. PHOTO OF GARAGE SIMILAR TO THAT PROPOSED TO BE CONSTRUCTED**

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 15 Account Number - 1510250030

Owner Information

Owner Name: J&M INVESTMENTS LLC **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: C/O MARK HAYNES
905 SUE GROVE RD
BALTIMORE MD 21221-1824 **Deed Reference:** 1) /25919/ 00420
2)

Location & Structure Information**Premises Address**

863 SUE GROVE RD
0-0000

Legal Description

SUE GROVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0098	0015	0215		0000			88	3	Plat Ref: 0007/0011

Special Tax Areas

Town NONE
Ad Valorem Tax Class

Primary Structure Built

2009

Enclosed Area

1,616 SF

Property Land Area

10,000 SF

County Use

04

Stories

1.500000

Basement

YES

Type

STANDARD UNIT SIDING

Exterior**Value Information**

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	77,700	77,700		
Improvements:	342,200	208,200		
Total:	419,900	285,900	285,900	285,900
Preferential Land:	0			0

Transfer Information

Seller: JEDLANEK CHARLES GEORGE, JR	Date: 07/16/2007	Price: \$100,000
Type: ARMS LENGTH VACANT	Deed1: /25919/ 00420	Deed2:
Seller: JEDLANEK CHARLES G	Date: 06/04/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /18123/ 00323	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:

Exempt Class:

Special Tax Recapture:

NONE

Homestead Application Information**Homestead Application Status:**

No Application

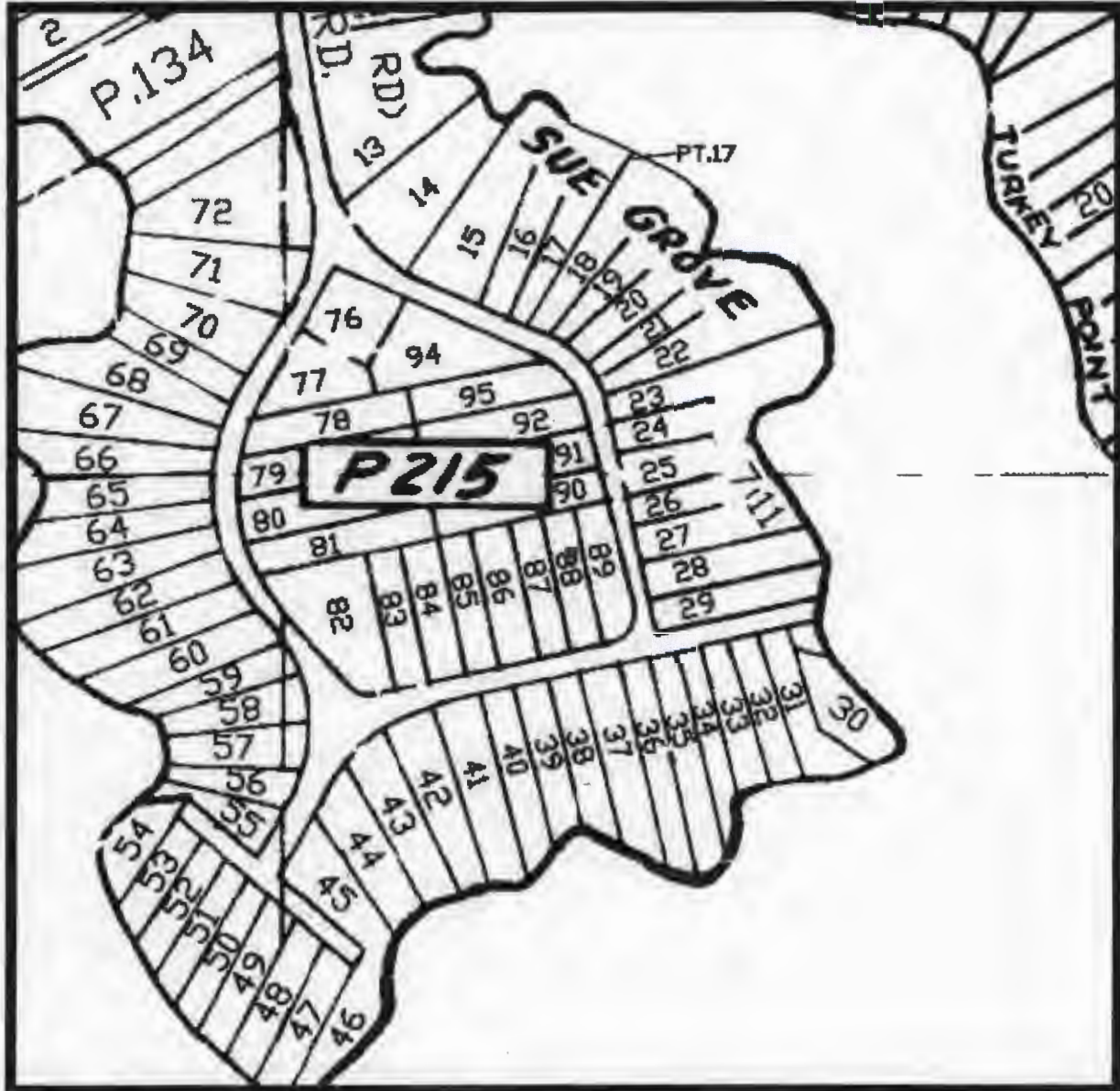
PETITIONER'S
EXHIBIT NO. **2**



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 Account Number - 1510250030



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

PETITIONER'S
EXHIBIT NO. 3

Title Wave, Inc.
File No. 07-013GJC
Tax ID #

This Deed, made this 5th day of April, 2007, by and between Charles G. Jedlanek Jr. and Doris Jedlanek, parties of the first part, Grantors; and J&M Investments, LLC, party of the second part, Grantee.

- Witnesseth -

That for and in consideration of the sum of One Hundred Thousand Dollars 00/100 (\$100,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantors do grant and convey to the said J&M Investments, LLC, sole owner, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

All that lot of Ground on Sue Creek and being known and designated as Lot number Eighty-Eight (88) on the plat of "Suegrove", said plat being recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 7, folio 11 &c. The improvements thereon being known as 88 Riverside Avenue.

BEING the fee simple property which, by Deed dated June 11, 2002, and recorded in the Land Records of the County of Baltimore, Maryland, was granted and conveyed by Charles G. Jedlanek Jr. and Robert William Jedlanek unto Charles G. Jedlanek Jr. and Doris Jedlanek the grantors herein.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said J&M Investments, LLC, as sole owner, in fee simple.

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property hereby granted; and that they will execute such further assurances of the same as may be requisite.

As Witness the hands and seals of said Grantors, the day and year first above written.

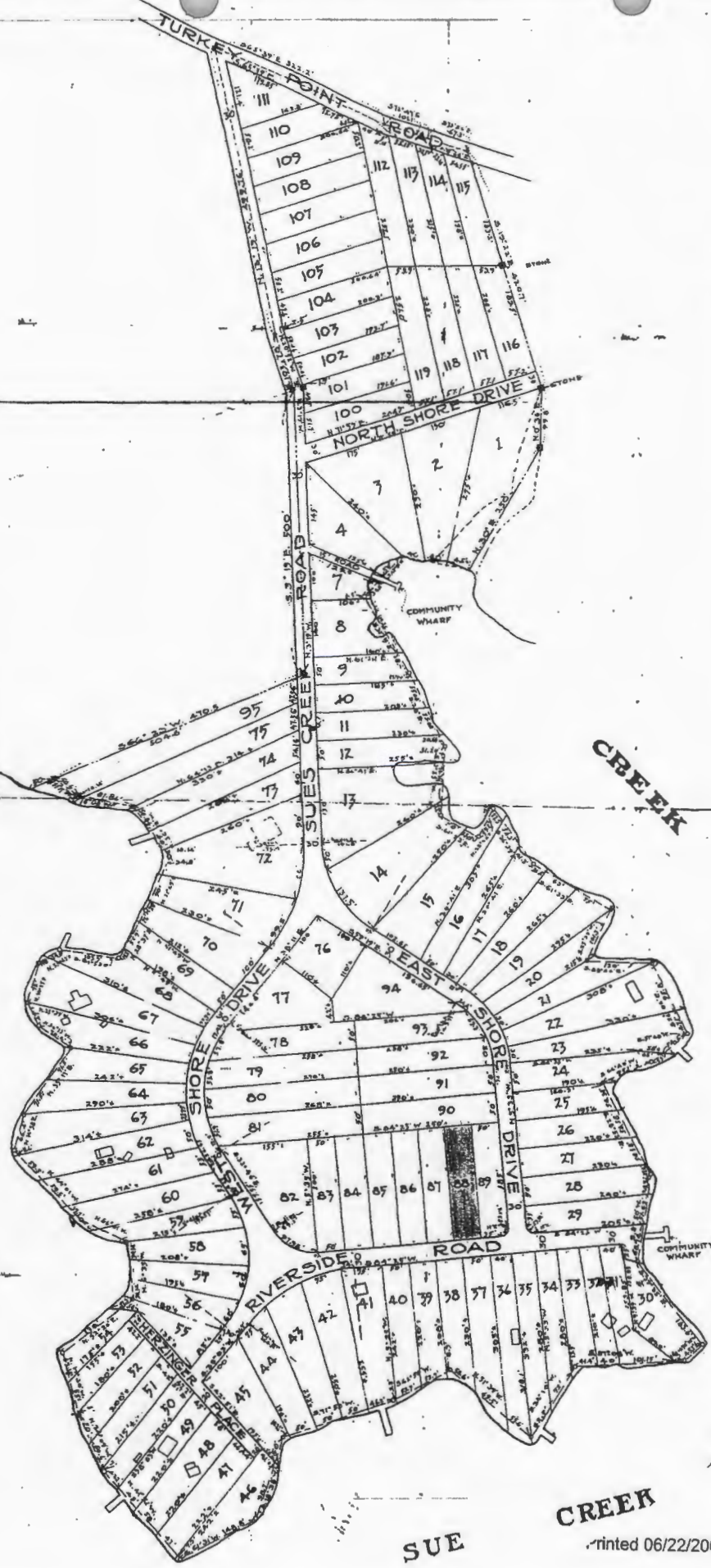
WITNESS:

Charles G. Jedlanek Jr. {Seal}
Charles G. Jedlanek Jr.

Doris Jedlanek {Seal}
Doris Jedlanek



P.B. 7 F. 11
5/24/21
CREEK



SUEGROVE

SUBDIVIDED BY
MILLER-NELSON
(INCORPORATED)
BALTIMORE MARYLAND.
SURVEYED & LADOUT
BY
J. SPENCE HOWARD
CIVIL ENGINEER BALTIMORE, MD.
SCALE 1"=100' APRIL, 1921

CREEK

SUE

Printed 06/22/2007. Online

PETITIONER'S
EXHIBIT NO. **5**

IN RE: PETITION FOR VARIANCE

N side Sue Grove Road (formerly Riverside Road), 65 feet W intersection of Sue Grove Road (formerly E. Shore Road)
15th Election District
6th Councilmanic District
(863 Sue Grove Road)

J & M Investments, LLC; Mark Haynes, Member
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 08-040-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, J & M Investments, LLC by Mark Haynes, Member. Petitioner is requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling on a lot with a width of 50 feet in lieu of the required 70 feet, and a 10 foot side yard setback with a sum of side yard setbacks of 20 feet in lieu of the required 15 feet and 25 feet, respectively. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests were Mark Haynes, Member, on behalf of Petitioner J & M Investments, LLC, and David Billingsley with Central Drafting & Design, Inc., the consultant who was involved in the preparation of the site plan. Also appearing as an interested citizen was Joe Coughlin of 852 Sue Grove Road. There were no Protestants or other interested persons in attendance as the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped parcel containing approximately 10,000 square feet or 0.230 acre, more or less, and zoned D.R.3.5. The lot is approximately 50 feet wide by 200 feet deep. The property is located near

PETITIONER'S
EXHIBIT NO. 6



c



a



d



b

9



2



f





My Neighborhood Map



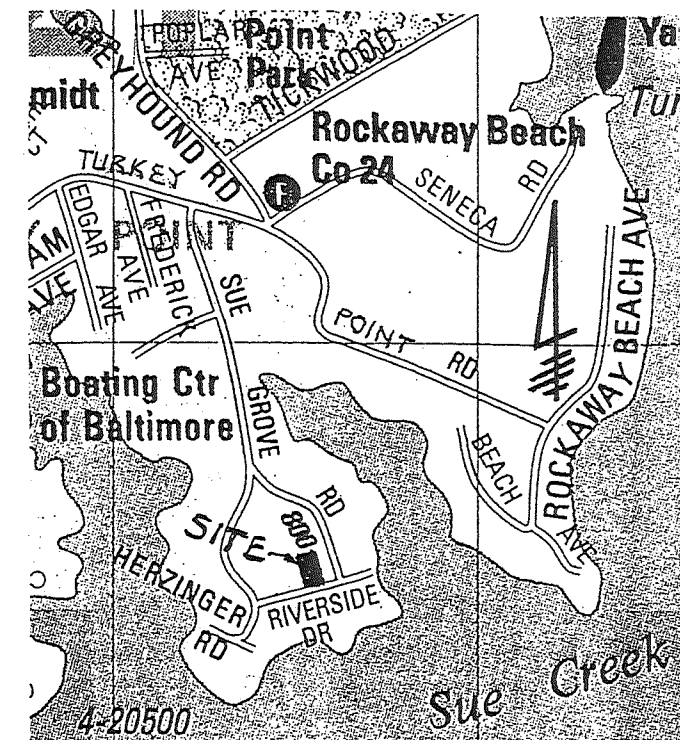
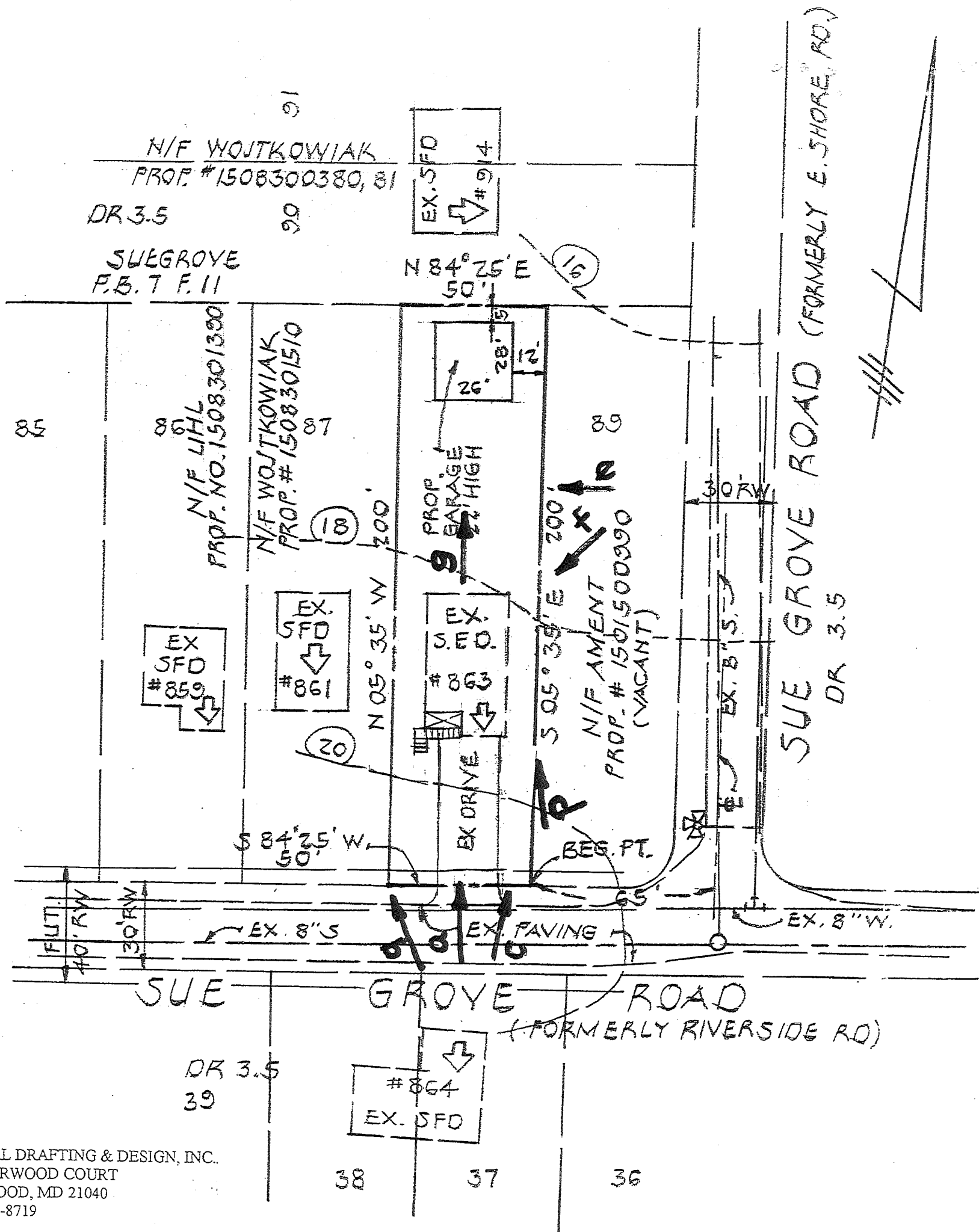
Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

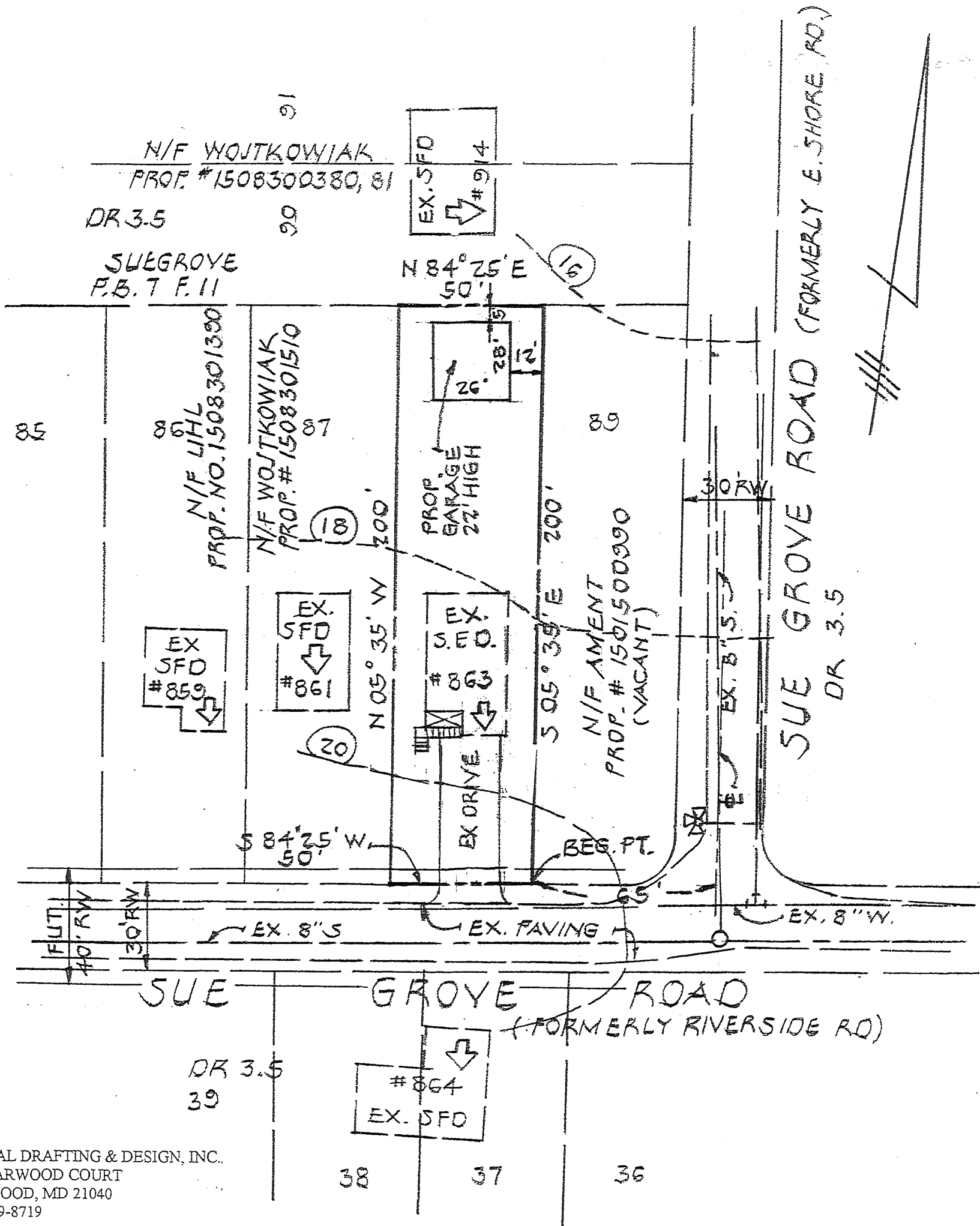
Printed 1/28/2013



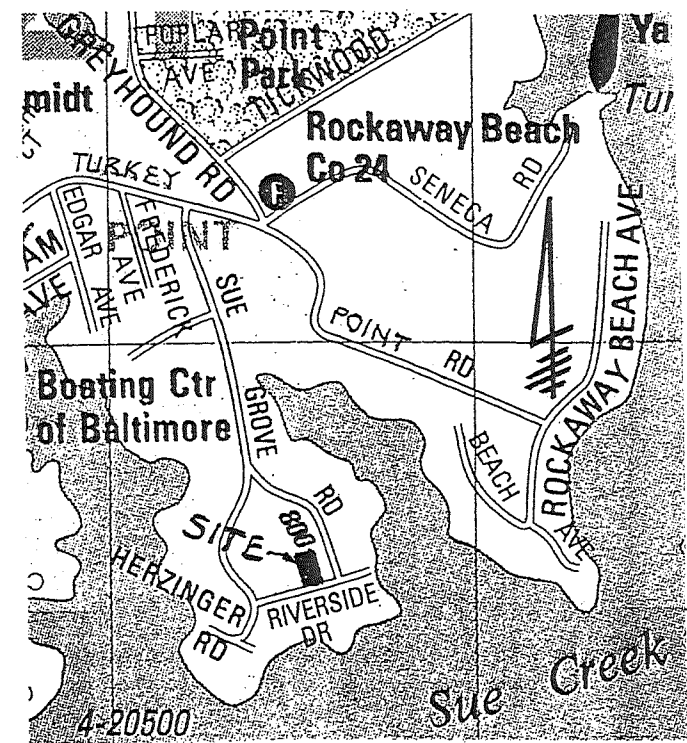


PHOTOS
PLAT TO ACCOMPANY PETITION
FOR VARIANCE
863 SUE GROVE ROAD
LOT 88, SUEGROVE P.B. 7 F.11
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 40 FEET

PETITIONER'S
EXHIBIT NO. 7a-g



OWNER
 J & M INVESTMENTS LLC
 905 SUE GROVE ROAD
 BALTIMORE, MD. 21221
 DEED REFERENCE: L.25919 F.420
 PROP. ACCT. NO. 1510250030



VICINITY MAP
 SCALE: 1" = 1000'

NOTES

1. ZONING.....DR 3.5 (MAP NO. 098B3)
2. AREA.....10,000 SF = 0.230 ACRE
3. SITE IS LOCATED IN THE CBCA
4. SITE IS NOT LOCATED IN A 100 YEAR FLOOD ZONE
5. PUBLIC WATER AND SEWER
6. TO THE PREPARER'S KNOWLEDGE, NO UNDERGROUND STORAGE TANKS OR OTHER CRITICAL AREAS EXIST
7. PREVIOUS ZONING HISTORY:
 CASE NO. 2008-0040-A. ORDER DATED NOVEMBER 19, 2007
 GRANTING A LOT WIDTH OF 50 FEET AND A 10 FOOT SIDE YARD WITH
 A SUM OF 20 FEET IN LIEU OF THE REQUIRED 70 FEET, 15 FEET AND 25
 FEET RESPECTIVELY.

**PLAT TO ACCOMPANY PETITION
 FOR VARIANCE**
863 SUE GROVE ROAD
LOT 88, SUEGROVE P.B. 7 F.11
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 40 FEET **NOV. 13, 2012**

**PETITIONER'S
 EXHIBIT NO. 1**