

IN RE: PETITION FOR VARIANCE

(858 Sue Grove Road)

15th Election District

6th Councilman District

J & M Investments, LLC

Legal Owner

Petitioner

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2014-0006-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by David Billingsley, 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 a height of 24 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 was Mark Haynes, Member and David Billingsley of Central Drafting & Design, the firm that prepared the site plan. The file reveals that the Petition was properly advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition.

Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) and Department of Planning (DOP). DEPS indicated Petitioner must comply with critical area regulations, and the DOP, which did not oppose the relief, requested that certain conditions be included in any final Order.

ORDER RECEIVED FOR FILING

Date

9/5/13

By

Den

Testimony and evidence revealed that the subject property is approximately 11,600 square feet and is zoned DR 3.5. The property is improved with a small single family dwelling, two sheds and a carport. The Petitioner proposes to raze the sheds and carport, and construct in their place a two-story garage, 24' high and 704 sq. ft. To do so requires variance relief.

Based upon the testimony and evidence presented, I will grant the petition for variance. 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).

Petitioner has met this test. The waterfront lot is narrow and deep, and is essentially bisected with a county sewer and water easement. As such, the property is unique.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty, given it would be unable to construct the proposed garage. 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 County and/or 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.

THEREFORE, IT IS ORDERED, this 5th day of September, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") to permit an accessory building (garage) with a height of 24 ft. in lieu of the permitted 15 ft, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

9/5/13

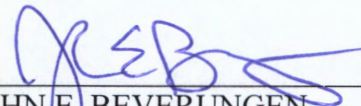
By

Den

The relief granted herein shall be subject to the following:

- Petitioner may apply for 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.
- 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.
- Petitioners must comply with ZAC comments of the DOP & DEPS, which are attached hereto.

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:slm

ORDER RECEIVED FOR FILING

Date

9/5/13

By

slm



KEVIN KAMENETZ
County Executive

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

September 5, 2013

David Billingsley
601 Charwood Ct.
Edgewood, Maryland 21040

RE: Petition for Variance
Property: 858 Sue Grove Road
Case No.: 2014-0006-A

Dear Mr. Billingsley:

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,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal flourish extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Mark Haynes, 905 Sue Grove Road, Baltimore, Maryland 21221



CBCA

PETITION FOR ZONING HEARING(S)

FLOOD

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 858 SUE GROVE ROAD which is presently zoned DR 3.5
 Deed References: L 3834 F 608 10 Digit Tax Account # 1501540710
 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 A HEIGHT OF 24 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

Signature #2

305 SUE GROVE RD BALTO, MD
 Mailing Address City State

21221 (443) 372-6367
 Zip Code Telephone # Email Address

Representative to be contacted:

DAVID W. BILLINGSLEY
CENTRAL DRAFTING & DESIGN

Name - Type or Print

Signature

601 CHARWOOD CT EDGEWOOD, MD
 Mailing Address City State

21040 (410) 675-8715 dwb0209@yahoo.com
 Zip Code Telephone # Email Address

CASE NUMBER 2014-0006-A Filing Date 7/8/2014 Do Not Schedule Dates: _____ Reviewer lu

ZONING DESCRIPTION

858 SUE GROVE ROAD

Beginning at a point on the south side of Sue Grove Road, formerly Riverside Road (30 feet wide) said point being distant 200 feet westerly from its intersection with the center of Sue Grove Road, formerly Riverside Road (30 feet wide) thence being all of Lot 40 as shown on the plat entitled Sue Grove, recorded among the Baltimore County plat records in Plat Book 7 Folio 11.

Containing 11,600 square feet or 0.266 acre of land, more or less.

Being located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Maryland

2014-0006-A

**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: 2014-0006-A
Petitioner: J & M INVESTMENTS, LLC
Address or Location: 858 SUE GROVE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: J & M INVESTMENTS LLC
Address: 905 SUE GROVE ROAD
BALTO., MD. 21221
Telephone Number: (443) 322-6367

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

No. 101409

Date: 7/8/13

PAID RECEIPT

BUSINESS ACTUAL TIME
7/08/2013 7/08/2013 09:24:36
REG MS05 WALKIN RROS LRD
RECEIPT # 671828 7/08/2013
Dept 5 528 ZONING VERIFICATION
CR NO. 101409
Recpt Tot \$75.00
\$75.00 of
Baltimore County, Maryland

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

Total: 75.00

Rec From: J & M Investments LLC
For: 905 Sue Grove RD.
2014-0006-H

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2014-0006-1

PETITIONER/DEVELOPER _____

DAVE BILLINGSLEY

DATE OF HEARING/CLOSING: _____

9/5/13

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

RECEIVED

SEP 11 2013

RECEIVED

SEP 11 2013

OFFICE OF ADMINISTRATIVE HEARINGS

OFFICE OF ADMINISTRATIVE HEARINGS

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 _____

858 SUE GROVE RD

THIS SIGN(S) WERE POSTED ON _____

August 14, 2013

(MONTH, DAY, YEAR)

SINCERELY

Martin Ogle 8/14/13
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE

(SIGN POSTER)

60 CHELMSFORD COURT

BALTIMORE, MD 21220

(ADDRESS)

PHONE NUMBER: 443-629-3411

10/7

ZONING NOTICE

A PUBLIC HEARING WILL BE HELD
BY THE ZONING COMMISSIONER
IN TOWSON, MD

CASE # 2014-0006-A

PLACE: ROOM 205, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE TOWSON 21204
DATE: THURSDAY SEPTEMBER 5, 2013
TIME: AT 11:00 A.M.

REQUEST:

VARIANCE TO PERMIT AN ACCESSORY BUILDING
(GARAGE) WITH A HEIGHT OF 24 FEET IN LIEU OF THE
PERMITTED 15 FEET.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED
AT 111 W. CHESAPEAKE AVE. TOWSON MD. 21204
TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER THE DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

mdm 8/16/13



Baltimore, Maryland 21278-0001

August 15, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on August 15, 2013

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

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0006-A

858 Sue Grove Road
S/S of Sue Grove Road, 200 ft. W/of centerline of
Riverside Road

15th Election District - 6th Councilmanic District
Legal Owner(s): J & M Investments, LLC

Variance: to permit a accessory building (garage) with a height of 24 feet in lieu of the permitted 15 feet.

Hearing: Thursday, September 5, 2013 at 11:00 a.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.
8/319 Aug. 15

940406



KEVIN KAMENETZ
County Executive

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

July 31, 2013

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: 2014-0006-A

858 Sue Grove Road

S/S of Sue Grove Road, 200 ft. W/of centerline of Riverside Road

15th Election District – 6th Councilmanic District

Legal Owners: J & M Investments, LLC

Variance to permit an accessory building (garage) with a height of 24 feet in lieu of the permitted 15 feet.

Hearing: Thursday, September 5, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

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 FRIDAY, AUGUST 16, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 15, 2013 Issue - Jeffersonian

Please forward billing to:

J & M Investments, LLC
Attn: Mark Haynes
905 Sue Grove Road
Baltimore, MD 21221

443-322-6367

NOTICE OF ZONING HEARING

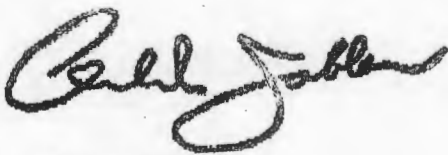
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0006-A

858 Sue Grove Road
S/S of Sue Grove Road, 200 ft. W/of centerline of Riverside Road
15th Election District – 6th Councilmanic District
Legal Owners: J & M Investments, LLC

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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.

MEMORANDUM

DATE: October 8, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0006-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 7, 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
858 Sue Grove Road; S/S Sue Grove Road,
200' W c/line Riverside Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): J & M Investments LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-006-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

JUL 18 2013

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 18th day of July, 2013, 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

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
7/18/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	NK
8/16/13	DEPS (if not received, date e-mail sent _____)	C
	FIRE DEPARTMENT	
7/23/13	PLANNING (if not received, date e-mail sent _____)	C
7/16/13	STATE HIGHWAY ADMINISTRATION	No Obj.
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 8/15/13

SIGN POSTING Date: 8/14/13 by OGL

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

Comments, if any: Called David Beelingsley
and left message on 8/4/13
need proof of sign posting

JUNE
e-mailed
to me
on 8/4/13



KEVIN KAMENETZ
County Executive

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

August 29, 2013

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

RE: Case Number: 2014-0006 A, Address: 858 Sue Grove Road

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 July 8, 2013. 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 that reads "W. Carl Richards, Jr." The signature is written 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

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 7-16-13

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

RE: Baltimore County
Item No. 2014-0006-A.
Variance
J & M Investments LLC.
Mark Haynes, Member
858 Sue Grove 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. 2014-0006-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,

A handwritten signature in blue ink, appearing to read "Richard Zeller", is written over the typed name "Richard Zeller".
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: July 18, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For July 22, 2013
Item Nos. 2013- 0306, 0320, 2014-0001,0002,
0003,0005,0006,0007,0008 and 0009.

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

DAK:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 23, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 858 Sue Grove Road

'JUL 24 2013

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 14-006

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. This department does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 24 feet in lieu of the maximum permitted 15 feet. Should the Administrative Law Judge grant the petitioner's request the following conditions shall apply:

1. Provide architectural elevation (all sides) of the accessory structure to the Department of Planning for review and approval. Architecture shall be consistent with the existing principle dwelling.
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.

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

Prepared By:

Division Chief:
AVA/LL:cjm

ORDER RECEIVED FOR FILING

Date

9/5/13

By

DLN

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

AUG 06 2013

OFFICE OF ADMINISTRATIVE HEARINGS



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(EPS) - Development Coordination

DATE: August 6, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0006-A
Address 858 Sue Grove Road
(J&M Investments LLC Property)

Zoning Advisory Committee Meeting of July 15, 2013.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

This waterfront property is located in a Limited Development Area (LDA) and a Buffer Management Area (BMA) within the Chesapeake Bay Critical Area (CBCA). Development of this property must comply with maximum lot coverage limits, must meet BMA requirements for any development within the 100-foot tidal buffer, and must meet a minimum 15% tree cover requirement. Based on this, EPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed 2-story garage can be minimized provided that total lot coverage on-site does not exceed the maximum lot coverage allowed by Critical Area law, and all mitigation requirements are met. Mitigation requirements may include removal of existing trees and shrubs, and planting of native trees and shrubs.

ORDER RECEIVED FOR FILING

Date 9/5/13By Den

2. Conserve fish, wildlife, and plant habitat; and

The proposed development must comply with all LDA and BMA requirements prior to building permit approval. This includes the 15% afforestation requirement, minimization of impacts to trees, replacement of trees if any tree impacts are approved, and lot coverage requirements. Therefore, meeting all Critical Area requirements to minimize water quality impacts from the

construction of the garage can aid in the conservation of fish, wildlife, and plant habitat in the watershed.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property is limited. Compliance with the Critical Area requirements, and mitigation can allow the subject development to be consistent with established land use policy for development in the CBCA which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: *Paul Dennis – Environmental Impact Review (EIR)*

P:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2014\ZAC 14-0006-A 858 Sue Grove Road.doc

ORDER RECEIVED FOR FILING

Date

9/5/13

By

Den

Real Property Data Search (w3)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1501540710		
Owner Information		
Owner Name:	J & M INVESTMENTS LLC	Use: RESIDENTIAL
	16071A E MULLINIX RD	Principal Residence: NO
Mailing Address:	WOODBINE MD 21797-	Deed Reference: 1) /33959/ 00246 2)
Location & Structure Information		
Premises Address:	858 SUE GROVE RD 0-0000 Waterfront	Legal Description: SS SUE GROVE RD SUE GROVE
Map: 0098	Grid: 0015	Parcel: 0215
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 40	Assessment Year: 2012
Plat No:		Plat Ref: 0007/ 0011
Town:		NONE
Ad Valorem:		
Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1921	1,360 SF	11,781 SF
Property Land Area	County Use	
	34	
Stories	Basement	Type
1.000000	NO	STANDARD UNIT
Exterior	Full/Half Bath	Garage
SIDING	1 full	1 Carport
Last Major Renovation		
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	202,400	202,400
Improvements	143,100	75,100
Total:	345,500	277,500
Preferential Land:	0	277,500
		0
Transfer Information		
Seller:	Date: 07/19/2013	Price: \$230,000
Type: ARMS LENGTH IMPROVED	Deed1: /33959/ 00246	Deed2:
Seller:	Date:	Price: \$0
Type:	Deed1: /03834/ 00608	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

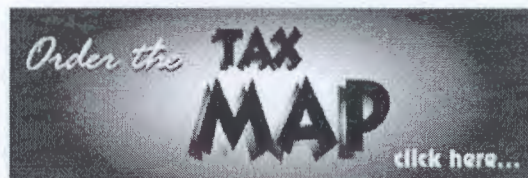
[New Search](#)District: **15** Account Number: **1501540710**

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.



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CASE NAME 858 JUE GROVE RD
CASE NUMBER 2014-0006-A
DATE SEPT 5, 2013

[illegible]

PETITIONER'S EXHIBITS

**858 SUE GROVE ROAD
CASE NO. 2014-0006-A**

BW 10-8-13

9-5-13
per

1. PLAT TO ACCOMPANY PETITION FOR VARIANCE DATED JUNE 26, 2013 (NO CHANGES)
2. SDAT REAL PROPERTY DATA SEARCH
3. TAX MAP 0096
4. PLAT OF SUE GROVE P.B. 7 F. 11
5. DEED OF RECORD L. 33959 F. 246
6. AERIAL PHOTO
- 7a – 7h. PHOTOS

Real Property Data Search (w3)

[Search Help](#)

Search Result for BALTIMORE COUNTY

[View Map](#)[View GroundRent Redemption](#)[View GroundRent Registration](#)**Account Identifier:****District - 15 Account Number - 1501540710****Owner Information****Owner Name:****J & M INVESTMENTS LLC****Use:****RESIDENTIAL****Principal Residence:****NO****16071A E MULLINIX RD****Mailing Address:****WOODBINE MD 21797-****Deed Reference:****1) /33959/ 00246
2)****Location & Structure Information****Premises Address:****858 SUE GROVE RD****Legal Description:****SS SUE GROVE RD****0-0000****SUE GROVE****Waterfront****Map: Grid: Parcel: Sub District:****Subdivision:****Section:****Block:****Lot:****Assessment Year:****Plat No:****0098 0015 0215****0000****40****2012****Plat Ref: 0007/ 0011****Town:****NONE****Special Tax Areas:****Ad Valorem:****Tax Class:****Primary Structure Built****Above Grade Enclosed Area****Finished Basement Area****Property Land Area****County Use****1921****1,360 SF****11,781 SF****34****Stories****Basement****Type****Exterior****Full/Half Bath****Garage****Last Major Renovation****1.000000****NO****STANDARD UNIT****SIDING****1 full****1 Carport****Value Information****Base Value****Value****Phase-in Assessments****As of****As of****01/01/2012****07/01/2013****07/01/2014****Land:****202,400****202,400****Improvements****143,100****75,100****Total:****345,500****277,500****277,500****277,500****Preferential Land:****0****0****Transfer Information****Seller:****Date: 07/19/2013****Price: \$230,000****Type: ARMS LENGTH IMPROVED****Deed1: /33959/ 00246****Deed2:****Seller:****Date:****Price: \$0****Type:****Deed1: /03834/ 00608****Deed2:****Seller:****Date:****Price:****Type:****Deed1:****Deed2:****Exemption Information****Partial Exempt Assessments:****Class****07/01/2013****07/01/2014****County:****000****0.00****State:****000****0.00****Municipal:****000****0.00|0.00****0.00|0.00****Tax Exempt:****Special Tax Recapture:****Exempt Class:****NONE****Homestead Application Information****Homestead Application Status: No Application****PETITIONER'S
EXHIBIT NO. 2**

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **15** Account Number: **1501540710**

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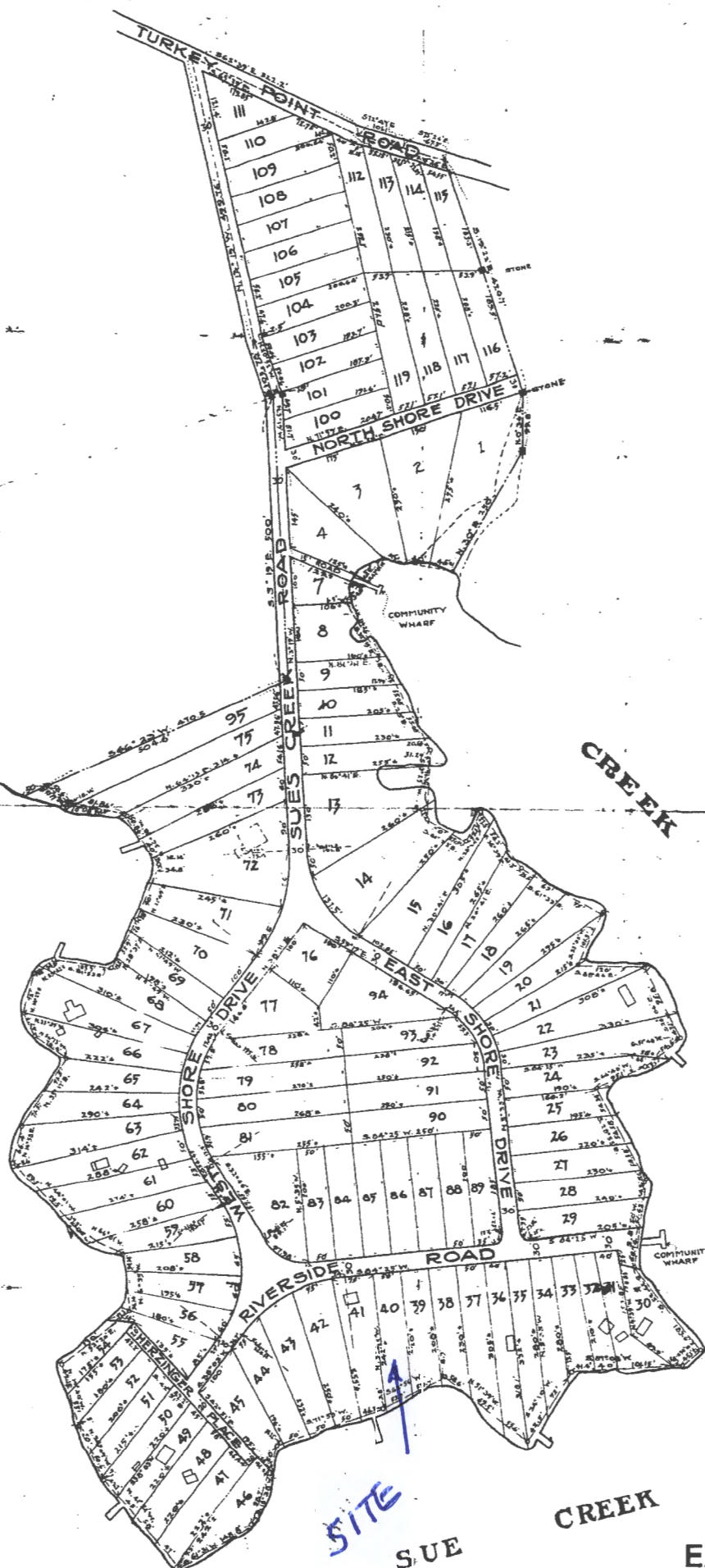
[\(http://imsweb05.mdp.state.md.us/website/mosp/\)](http://imsweb05.mdp.state.md.us/website/mosp/)

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PETITIONER'S
EXHIBIT NO. 3



CREEK



SUEGROVE

SUBDIVIDED BY
MILLER-NELSON
(INCORPORATED)

BALTIMORE MARYLAND.

SURVEYED & LAID OUT

BY
J. SPENCE HOWARD

CIVIL ENGINEER BALTIMORE, MD.
SCALE 1"=100' APRIL, 1921.

SITE

SUE

CREEK

PETITIONER'S
EXHIBIT NO. **4**

After Recording Return to:
 New World Title Company, LLC
 1407 York Road, Suite 304
 Lutherville, MD 21093
 File No.: 1320415

DEED

THIS DEED, made this 16 day of July, 2013, by and between NORBERT JOHN ANDERSON also known of record as NORBERT J. ANDERSON BY JOSEPH L. WOYTOWITZ, HIS ATTORNEY IN FACT, by virtue of the power of attorney recorded among the Land Records of Baltimore County in Liber 27061, folio 250 and SHIRLEY MAE ANDERSON also known of record as SHIRLEY M. ANDERSON by JOSEPH L. WOYTOWITZ, HER ATTORNEY IN FACT, by virtue of the power of attorney recorded among the Land Records of Baltimore County in Liber 27061, folio 243, husband and wife, parties of the first part, and J & M INVESTMENTS, LLC a Maryland limited liability company, party of the second part;

WITNESSETH, that in consideration of TWO HUNDRED THIRTY THOUSAND AND 00/100 DOLLARS (\$230,000.00) the said parties of the first part do grant and convey unto J & M INVESTMENTS, LLC, party of the second part, its successors and assigns, in fee simple, all that piece or parcel of land situate, lying and being in the County of Baltimore, State of Maryland, described as follows:

BEING KNOWN AND DESIGNATED AS LOT NO. 40 ON THE PLAT OF SUE GROVE, SAID PLAT IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK W.P.C. NO. 7, FOLIO 11.

THE IMPROVEMENTS THEREON BEING KNOWN AS 858 SUE GROVE ROAD, BALTIMORE, MARYLAND 21221.

BEING the same lot of ground which by Deed dated April 27, 1961 and recorded among the Land Records of Baltimore County, Maryland in Liber 3834, folio 608 was granted and conveyed from CARRIE HANCOCK unto NORBERT JOHN ANDERSON and SHIRLEY MAE ANDERSON.

Tax Account No: 15-1501540710

TOGETHER with all improvements thereupon, and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said party of the second part, sole owner, his assigns, and unto the survivor of them, his or her heirs, personal representatives and assigns, in fee simple forever.

AND the said parties of the first part covenant(s) 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 conveyed; and that they will execute such further assurances of said land as may be requisite.

Witness hands and seals of the said parties of the first part.

WITNESS:

Witness

Norbert John Anderson {SEAL}
Norbert John Anderson, by Joseph L. Woytowitz,
his attorney-in-fact

Shirley Mae Anderson {SEAL}
Shirley Mae Anderson, by Joseph L. Woytowitz,
her attorney-in-fact

STATE OF MARYLAND, COUNTY OF Baltimore, to wit:

On this 16 day of July, 2013, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared **Joseph L. Woytowitz, attorney in fact for both NORBERT JOHN ANDERSON and SHIRLEY MAE ANDERSON, husband and wife** known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My commission Expires: 11/24/2013

Julie Marousek
Notary Public



This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Bryan R. Wachs, Esq.



858 SUE GROVE ROAD

Created By
Baltimore County
My Neighborhood



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Printed 8/31/2013

c



b



d



a





g



f



h



e

2014-0006-A



Publication Date: 7/8/2013

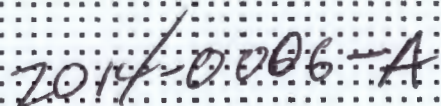


Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

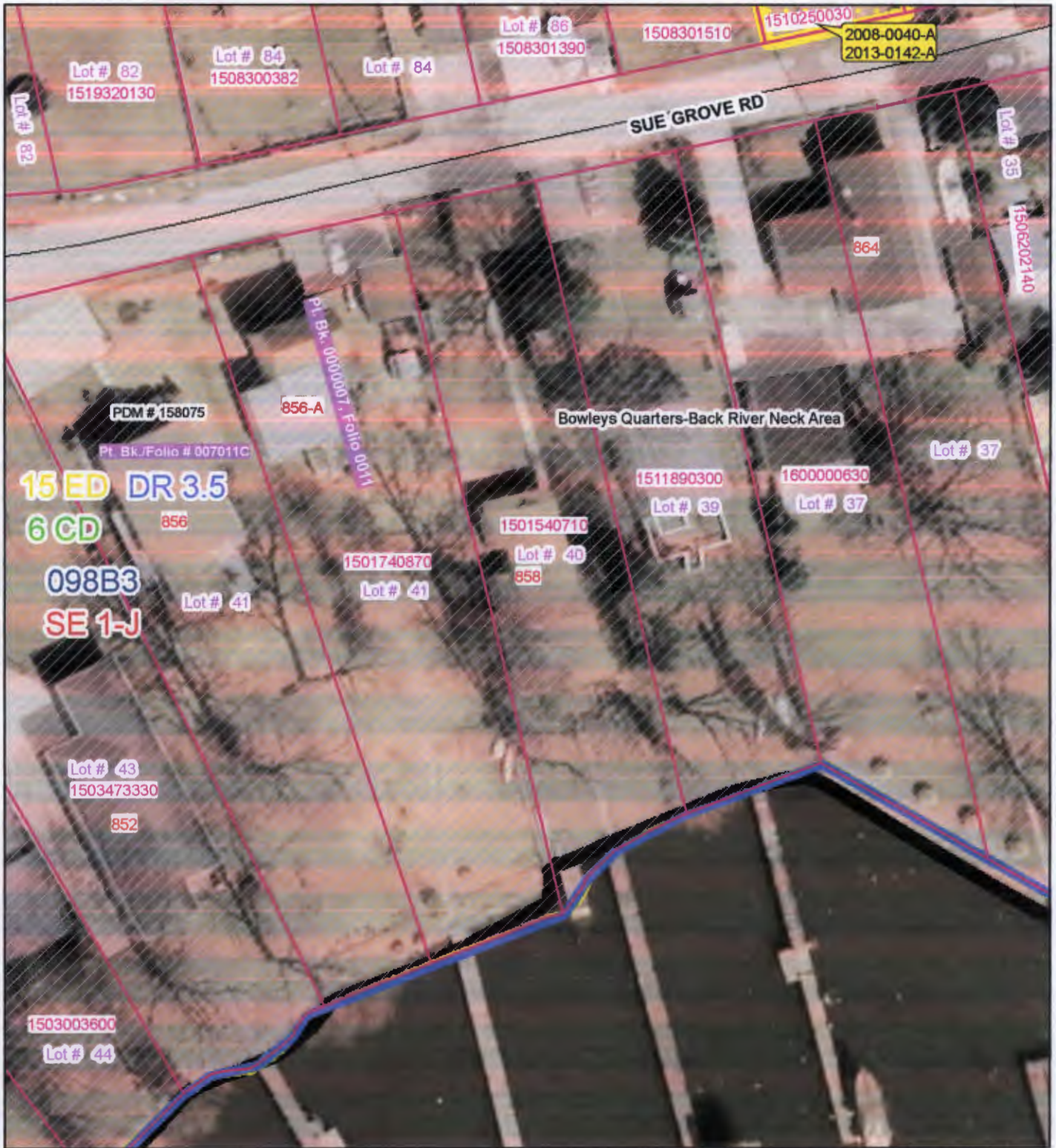


0 12.5 25 50 75 100 Feet

1 inch = 50 feet



2014-0006-A



Publication Date: 7/8/2013

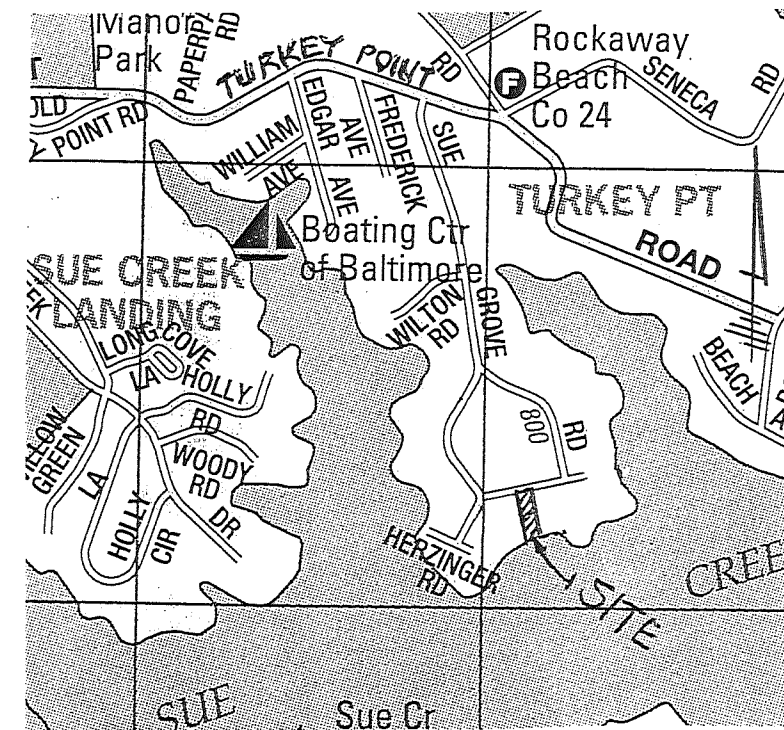
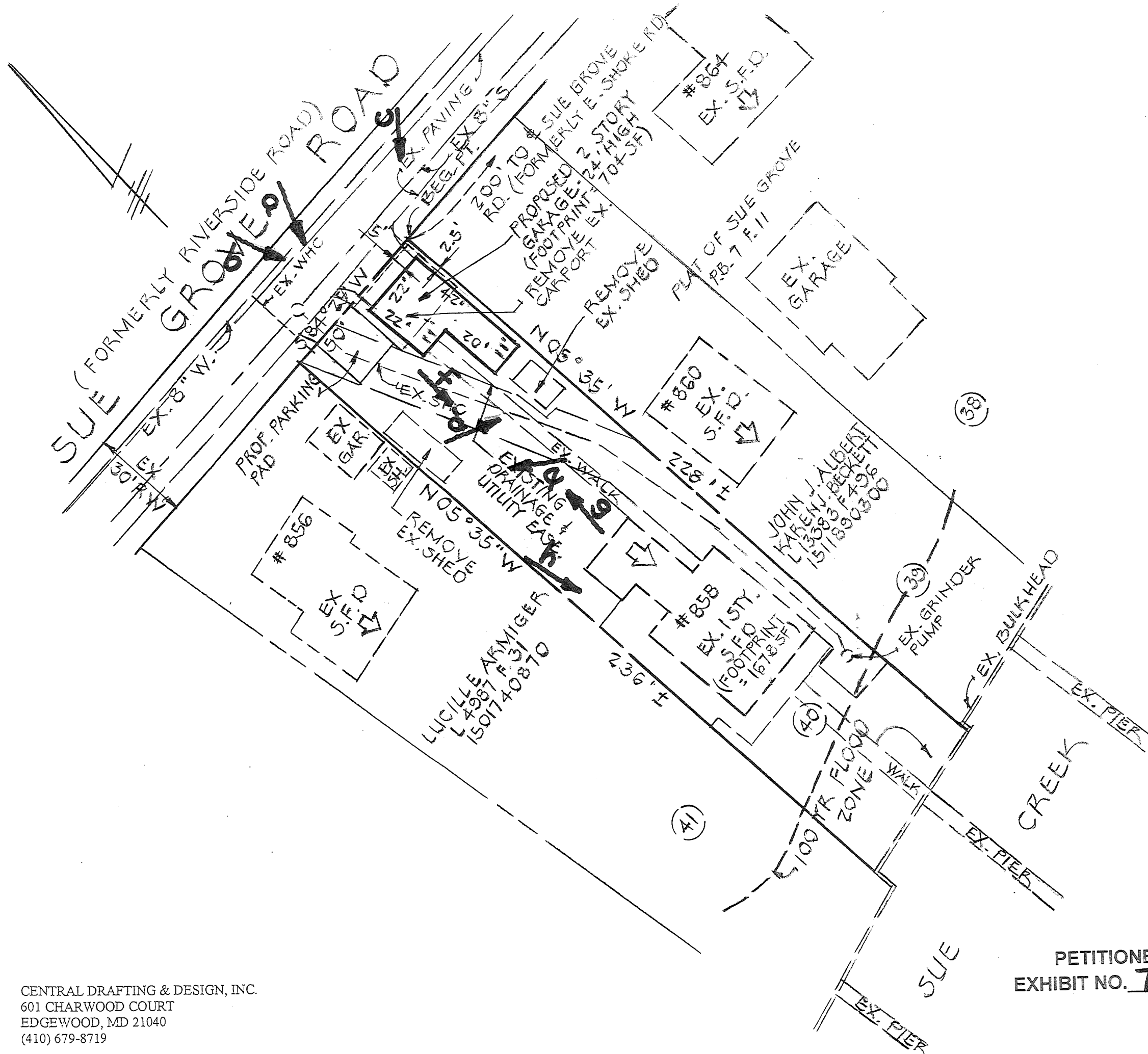


Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet



LOCATION PLAN
SCALE 1"=1000'

NOTES

1. ZONING.....DR 3.5 (MAP 098B3)
2. AREA.....11,600 S.F. = 0.266 ACRE
3. PUBLIC WATER AND SEWER
4. SITE IS LOCATED IN THE CBCA
5. A PORTION OF THE SITE IS LOCATED IN THE 100 YEAR FLOOD ZONE
6. NO PREVIOUS ZONING HISTORY OR VIOLATIONS
7. NO HISTORIC STRUCTURES OR OTHER CRITICAL AREAS

OWNER

J & M INVESTMENTS LLC
905 SUE GROVE ROAD
BALTIMORE, MD. 21221

PHOTOS

PLAT TO ACCOMPANY
PETITION FOR VARIANCE

858 SUE GROVE ROAD
LOT 40 SUE GROVE P.B. 7 F. 11
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MD.

SCALE: 1 INCH = 30 FEET JUNE 26, 2013

PETITIONER'S
EXHIBIT NO. 7a-7h