

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
(Keech Road)
13th Election District
1st Councilmanic District
James A. & Laura L. Rudy
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2014-0039-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by James A. and Laura L. Rudy, legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve the construction of an accessory building (in-law apartment) on the same lot as their principal dwelling. The Variance petition seeks relief from B.C.Z.R. §§400.1 and 400.3 to permit a proposed detached accessory structure (garage/in-law apartment) to be located in the side yard of the principal dwelling and have a height of 30 ft. in lieu of the required rear yard and maximum allowed 15ft., respectively. 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 in support of the requests was James Rudy. The file reveals that the Petition was advertised and the site was 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 opposition.

Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) and Department of Planning (DOP). DEPS

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Date 10/21/13
By Sen

noted Petitioners must comply with the various environmental regulations set forth in Article 33 of the Baltimore County Code. DOP expressed concern with the size of the accessory structure, a point discussed below.

The subject property is 10.47 +/- acres in size and is zoned RC 5. The Petitioners purchased the property (which is improved with a barn that will be razed) several years ago, and propose to construct a single family dwelling and detached in-law apartment on the site. The property is near the intersection of Keech and Gun Roads, which is a rural and sparsely populated section of Catonsville. Special Hearing relief is required given that the accessory apartment would be detached from the proposed single family dwelling. The Petitioners have engaged an architect to design the home and accessory apartment, and they will be situated on the site such that the front of the structures will be visible to guests arriving from Keech Road. Mr. Rudy testified the accessory building will be occupied by his in-laws, and he indicated a declaration (as required by law) to that effect has been prepared for filing among the land records.

The DOP took issue with the proposed size of the accessory apartment, and in most cases seeking such relief I would share their concern. But the Petitioners own a 10 ½ acre lot in a rural setting, and the proposed single family dwelling will be over 7,000 square feet while the accessory apartment will be approximately 2,300 square feet. In these circumstances, I believe the accessory building (though large) will not be out of scale with the other improvements on site, and the large lot provides a more than sufficient buffer from neighboring homes. The Petitioners shared their plans with the Gun Road Historical and Protective Association, which indicates that it (and the neighbors in the vicinity) was supportive of the request. Petitioners'

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Date

10/21/13

By

Sen

Exhibit 2. As such, I believe the Petitioners have satisfied the factors set forth in B.C.Z.R. §502.1, which is incorporated into the accessory apartment regulation. B.C.Z.R. §400.4.

Based upon the testimony and evidence presented, I will also 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).

The Petitioners have met this test. The subject property is large and irregularly shaped, and is therefore unique. The Petitioners would experience a practical difficulty if the regulations were strictly interpreted, given they would be unable to construct the proposed accessory building. The grant of relief would not in my opinion be detrimental to the health, safety or welfare of the community.

Pursuant to the advertisement, posting of the property, and the public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing and Variance requests should be granted.

THEREFORE, IT IS ORDERED this 21st day of October 2013, by this Administrative Law Judge, that the request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve the construction of an accessory building (in-law apartment) on the same lot as Petitioners' principal dwelling, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioner's request for Variance relief to permit a proposed detached accessory structure (garage/in-law apartment) to be located in the side yard of the principal dwelling and have a height of 30 ft. in lieu of the required rear yard and maximum allowed 15ft., respectively, be and is hereby GRANTED.

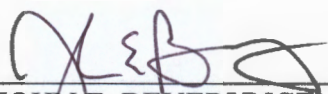
ORDER RECEIVED FOR FILING

Date 10/21/13
By Den

The relief granted herein shall be subject to the following:

1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners must comply with the ZAC comments of DEPS, attached as an exhibit hereto.
3. Petitioners, must comply with §400.4 (Accessory apartments) of the B.C.Z.R. and shall not convert the accessory apartment into a second dwelling, which is prohibited under the regulations.

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/sln

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Date 10/21/13
By sln



KEVIN KAMENETZ
County Executive

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

October 21, 2013

James A. and Laura L. Rudy
5958 Ivy League Drive
Catonsville, Maryland 21228

RE: Petitions for Special Hearing and Variance
Property: Keech Road
Case No.: 2014-0039-SPHA

Dear Mr. & Mrs. Rudy:

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", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



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 KEECH ROAD which is presently zoned RC-5
 Deed References: 22522 / 00668 10 Digit Tax Account # 2000013412
 Property Owner(s) Printed Name(s) JAMES A RUDY / LAURA C RUDY

(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
 ...the construction of an accessory building (in-law apartment) on the same lot as the principal dwelling.

2. ☐ **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ **a Variance** from Section(s)
 Sections 400.1 and 400.3 – to permit a proposed detached accessory structure (garage/in-law apartment) to be located on the side yard of the principal dwelling and have a height of 30 feet in lieu of the required rear yard and maximum allowed 15 feet, respectively.
 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)

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

Date

Signature

By

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2014-0039-SPHA Filing Date 8/15/13

Do Not Schedule Dates:

Reviewer

ORDER RECEIVED FOR FILING
 10/21/13
 Sen

Rudy Property

Zoning Hearing Property Description

Zoning Property Description for **KEECH ROAD (RUDY PROPERTY)**

Beginning at a point on the (North) side of (Keech Road) which is (Twenty Four feet) wide at the distance of (Four Hundred Fifty) ~~Hundred feet~~ (East) of the Centerline of the nearest improved intersecting street (Gun Road) which is (Twenty Four feet) wide.

Thence the following courses and distances: (1st POC) S.48° 05' 07" E.576.06', (2nd POC) S. 48° 20' 38" E. 432.05', (3rd POC) S. 64° 55' 27" W. 346.74', (4th POC) S. 64° 55' 28" W. 257.18', (5th POC) N. 31° 14' 47" W. 89.90', (6th POC) N. 52° 48' 17" W. 500.52', (7th POC) N. 54° 44' 42" W. 48.08', (8th POC) N. 37° 38' 38" E. 269.30', (9th POC) W 52° 20' 42" W. 21.70', (10th POC) N. 02° 01' 28" E. 40.35', (11th POC) N 54° 37' 31" W. 72.59', (12th POC) N. 41° 58' 15" E. 283.00', back to the point of the beginning as recorded in Deed Liber (6254), folio (458) containing 456,269 square feet / 10.474 acres. Located in the (13th) Election District and (1st) Council District.

Item #0039

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2014-0039-SPHA
Petitioner: JAMIE RUDY
Address or Location: 5304 KEECH RD
HAZLETFOUR MD 212287

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMIE RUDY
Address: 5958 JULY LEAGUE DR
CATONSVILLE MD 21228

Telephone Number: 443-506-9960

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

No. **101538**

Date: **Aug 15 2013**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 8/15/2013 8/15/2013 11:46:40 2
 NEW MD02 MAIL JENH JEE
 >>RECEIPT N 849993 7/31/2013 OFLN

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				6150 ²⁰¹³

Dept: 5 528 ZONING VERIFICATION
 101538
 Recpt Tot \$150.00
 \$150.00 OK 1.00 CA
 Baltimore County, Maryland

Total: **6150**

Rec From:

For:

Zoning hearing - case # 2014-0039-SPHA

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 09/28/2013

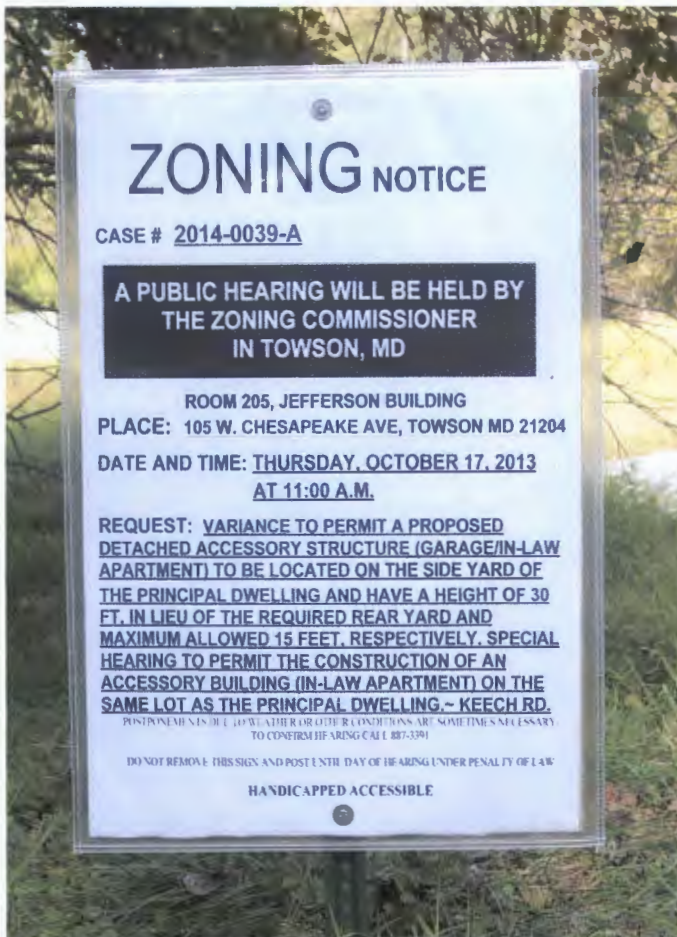
Case Number: 2014-0039-A

Petitioner / Developer: MR. & MRS. RUDY

Date of Hearing (Closing): OCTOBER 17, 2013

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:
KEECH ROAD-(ON-SITE)

The sign(s) were posted on: SEPTEMBER 27, 2013



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 – 666 – 5366
(Telephone Number of Sign Poster)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

September 26, 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 September 26, 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: #2014-0039-A

Keech Road

NE/s Keech road, 450 ft. NE of Gun Road

13th Election District - 1st Councilmanic District

Legal Owner(s): James & Laura Rudy

Variance to permit a proposed detached accessory structure (garage/in-law apartment) to be located on the side yard of the principal dwelling and have a height of 30ft. in lieu of the required rear yard and maximum allowed 15 feet, respectively. **Special Hearing** to permit the construction of an accessory building (in-law apartment) on the same lot as the principal dwelling.

Hearing: Thursday, October 17, 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.

09/439 September 26

948886



KEVIN KAMENETZ
County Executive

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

September 3, 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: 2014-0039-A

Keech Road

NE/s Keech Road, 450 ft. NE of Gun Road

13th Election District – 1st Councilmanic District

Legal Owners: James & Laura Rudy

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105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Rudy, 5958 Ivy League Drive, Catonsville 21228

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, SEPTEMBER 27, 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, September 26, 2013 Issue - Jeffersonian

Please forward billing to:
James Rudy
5958 Ivy League Drive
Catonsville, MD 21228

443-506-9960

NOTICE OF ZONING HEARING

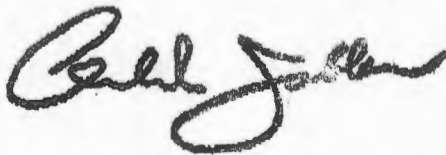
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13th Election District – 1st Councilmanic District
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- 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.

M E M O R A N D U M

DATE: November 21, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0039-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on November 20, 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 SPECIAL HEARING &
VARIANCE

Keech Rd; NE/S Keech Rd, 450' NE of Gun Rd
13th Election & 1st Councilmanic Districts

Legal Owner(s): James & Laura Rudy
Petitioner(s)

*

BEFORE THE OFFICE

*

OF ADMINSTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

2014-039-SPHA

* * * * *

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

AUG 29 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 29th day of August, 2013 a copy of the foregoing Entry of Appearance was mailed to James & Laura Rudy, 5958 Ivy League Drive, Catonsville, Maryland 21228, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
9/14/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	N/C
9/13/13	DEPS (if not received, date e-mail sent _____)	C
_____	FIRE DEPARTMENT	_____
9/23/13	PLANNING (if not received, date e-mail sent _____)	C
8/28/13	STATE HIGHWAY ADMINISTRATION	NO Obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 9/26/13	
SIGN POSTING	Date: 9/27/13	by O'Keefe
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Declaration of Understanding

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 8th day of August, 2013, by and between Jamie Rudy / Laura Rudy and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

- A. The Declarants who are also the owners of this property have filed an application for a use permit and special hearing to: add / build an accessory building. This building will be adjacent (not attached) to the main residence. It will be located on the right side of the main residence approximately 43' away the will slightly sit on the side yard of the main residence. It will utilize a shared driveway. The property being located at 5304 Keech Road Halethorpe, MD 21227 and is more particularly described by metes and bounds in Exhibit A (The Property) in Exhibit B (The use permit and hearing plans) attached hereto and made a part hereof. The property is zoned RC-5 which is the particular zone in which the property is located.
- B. PAI (or) the Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory apartment will be the housing for: Bill & Debbie Jahnigen (Parents of one of the owners). There will be no other residents on the property except for the immediate family members (Children – Grace Rudy / Caroline Rudy / Ella Rudy) of the property owners in the main residence.
- C. As a condition of approval of the Declarants request, Bill No. 49-11 requires the filing of this Declaration among Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of the PAI.

Item #0039

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under Seal on the date first above written:

WITNESS: JAB 8/14/13 - owner
Laura Reddy 8/14/13 - owner

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 14TH day of August 2013, before the Subscriber, a Notary Public of State of Maryland, personally appeared

The declarants herein, who are also the owners of the property, known to me (or Satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and who acknowledged that they executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notary Seal

[Signature]
NOTARY PUBLIC



KEVIN KAMENETZ
County Executive

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

October 9, 2013

James A. & Laura L. Rudy
5958 Ivy League Drive
Catonsville MD 21228

RE: Case Number: 2014-0039 SPHA, Address: Keech Road

Dear Mr. & Ms. Rudy:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 15, 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, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



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

Date: 8-28-13

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

RE: Baltimore County
Item No 2014-0039-SPHA
Special Hearing Variance
James A. & Laura L. Rudy
Keech 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. 2014-0039-SPHA.

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 black ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 04, 2013

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For September 02, 2013
Item Nos. 2014- 0039, 0041,0043,0044,0045 and 0046.

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

DAK:CEN
Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC09022013 - NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 23, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: Keech Road (James & Laura Rudy Property)

INFORMATION:

Item Number: 14-039

Petitioner: James and Laura Rudy

Zoning: RC 5

Requested Action: Special Hearing and Variance

RECEIVED

OCT 01 2013

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

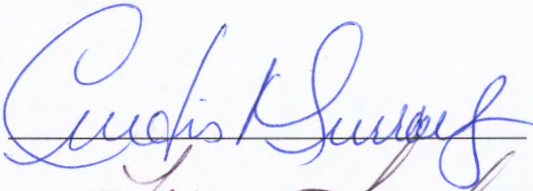
The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests a special hearing to construct an accessory building (in-law apartment on the same lot as the principal dwelling and a variance to permit the same detached accessory structure to be located in the side yard in lieu of the required rear yard with a height of 30 feet in lieu of the maximum permitted 15 feet.

Section 404 of the Baltimore County Zoning Regulations states that accessory apartment may not exceed 1,200 square feet. The proposed structure on the plan accompanying the subject petition is over 2,300 square feet. If, the accessory structure is less than 1,200 square feet, note the condition on the plan. An accessory structure larger than the maximum permitted is not desired by this department.

Section 404 also states that accessory apartments on the same lot as the principal dwelling are to be inhabited by immediate family members only. Provide a note on the plan which states the relationship of the inhabitants of the proposed accessory apartment to those that inhabit the principal dwelling.

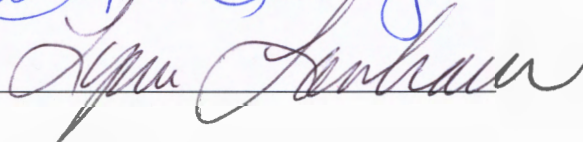
For further information concerning the matters stated here in, please contact Donnell Zeigler at 410-887-3480.

Prepared By:



Division Chief:

AVA/LL:cjm



BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

SEP 13 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
(DEPS) - Development Coordination

DATE: September 13, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0039-SPHA
Address Keech Road
(Rudy Property)

Zoning Advisory Committee Meeting of August 26, 2013.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

1. There are additional environment resources and forest buffer onsite in the south west area of the property that are not shown. The proposed plan may require an alternatives analysis and/or variance of the Regulations for the Protection of Water Quality, Stream, Wetlands and Floodplains to be submitted and approved by this office prior to issuance of any permits.

Reviewer: J. Russo – Environmental Impact Review (EIR)

ORDER RECEIVED FOR FILING

Date 10/21/13

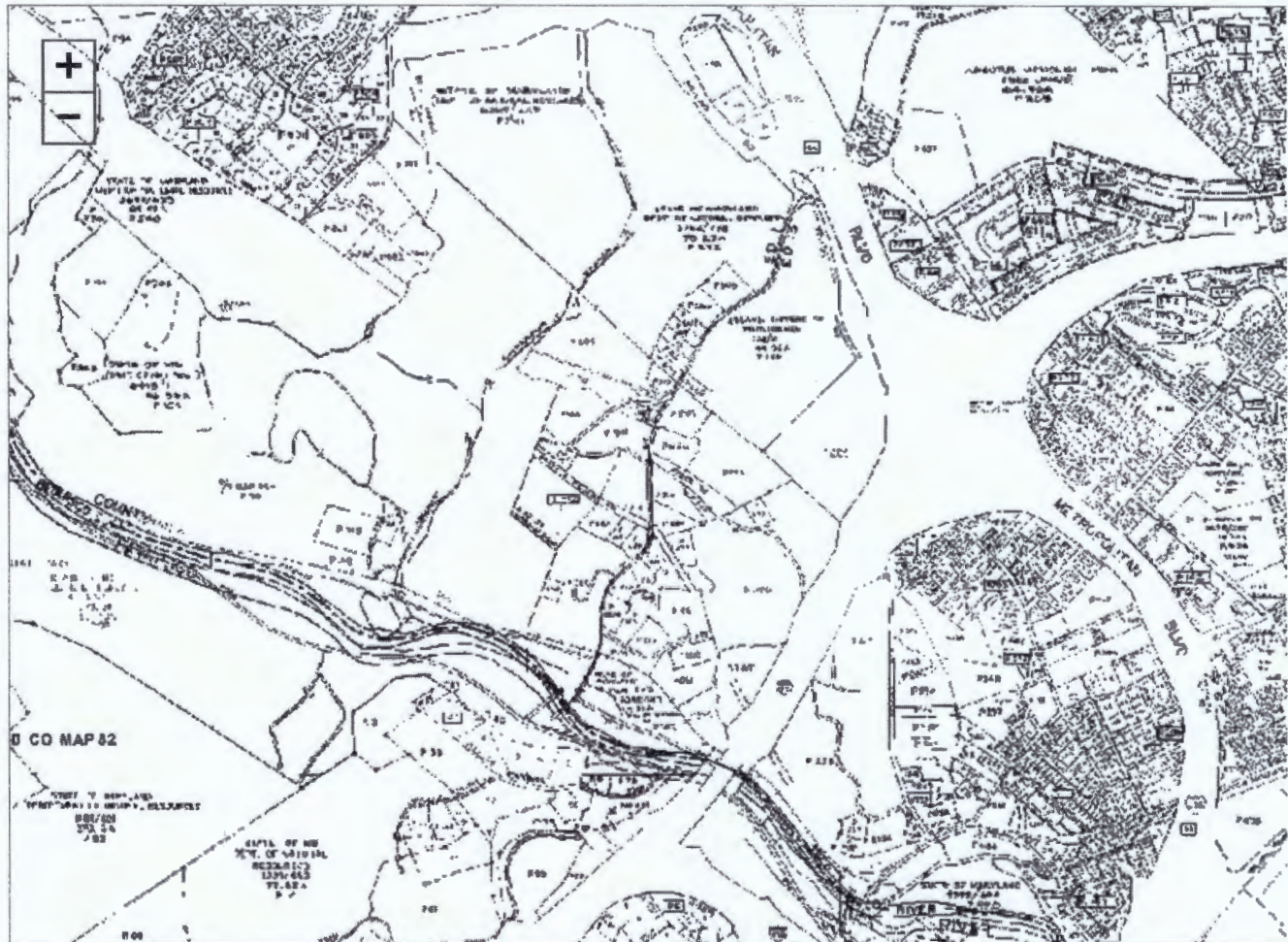
By Den

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registr
Account Identifier:	District - 13 Account Number - 2000013412	
Owner Information		
Owner Name:	RUDY JAMES A RUDY LAURA C	Use: RESIDENTIAL
Mailing Address:	5958 IVY LEAGUE DR BALTIMORE MD 21228-5783	Principal Residence: NO Deed Reference: 1) /22522/ 006 2)
Location & Structure Information		
Premises Address:	KEECH RD 0-0000	Legal Description: 10.474 AC NE 350 SE GUN 1
Map: 0108	Grid: 0015	Parcel: 0555
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2013
Special Tax Areas:	Town: NONE	Ad Valorem:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
Stories	Basement	Type
Exterior	Full/Half Bath	Garage
Value Information	Base Value	Value
Land:	120,000	As of 01/01/2013 89,900
Improvements	0	0
Total:	120,000	89,900
Preferential Land:	0	0
Transfer Information	Date: 09/12/2005	Price: \$500,000
Seller: PRINCIPIO LOUIS J,3RD	Deed1: /22522/ 00668	Deed2:
Type: ARMS LENGTH IMPROVED	Date: 12/30/1999	Price: \$0
Seller: PRINCIPIO SHANE J,3RD	Deed1: /14238/ 00382	Deed2:
Type: NON-ARMS LENGTH OTHER	Date: 06/24/1994	Price: \$1
Seller: PRINCIPIO LOUIS J,3RD	Deed1: /10609/ 00127	Deed2:
Type: NON-ARMS LENGTH OTHER	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:	07/01/2014
Exempt Class:	NONE	0.00 0.00
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty\)](http://sdat.resiusa.org/RealProperty)District: **13** Account Number: **2000013412**

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 (<http://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 (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



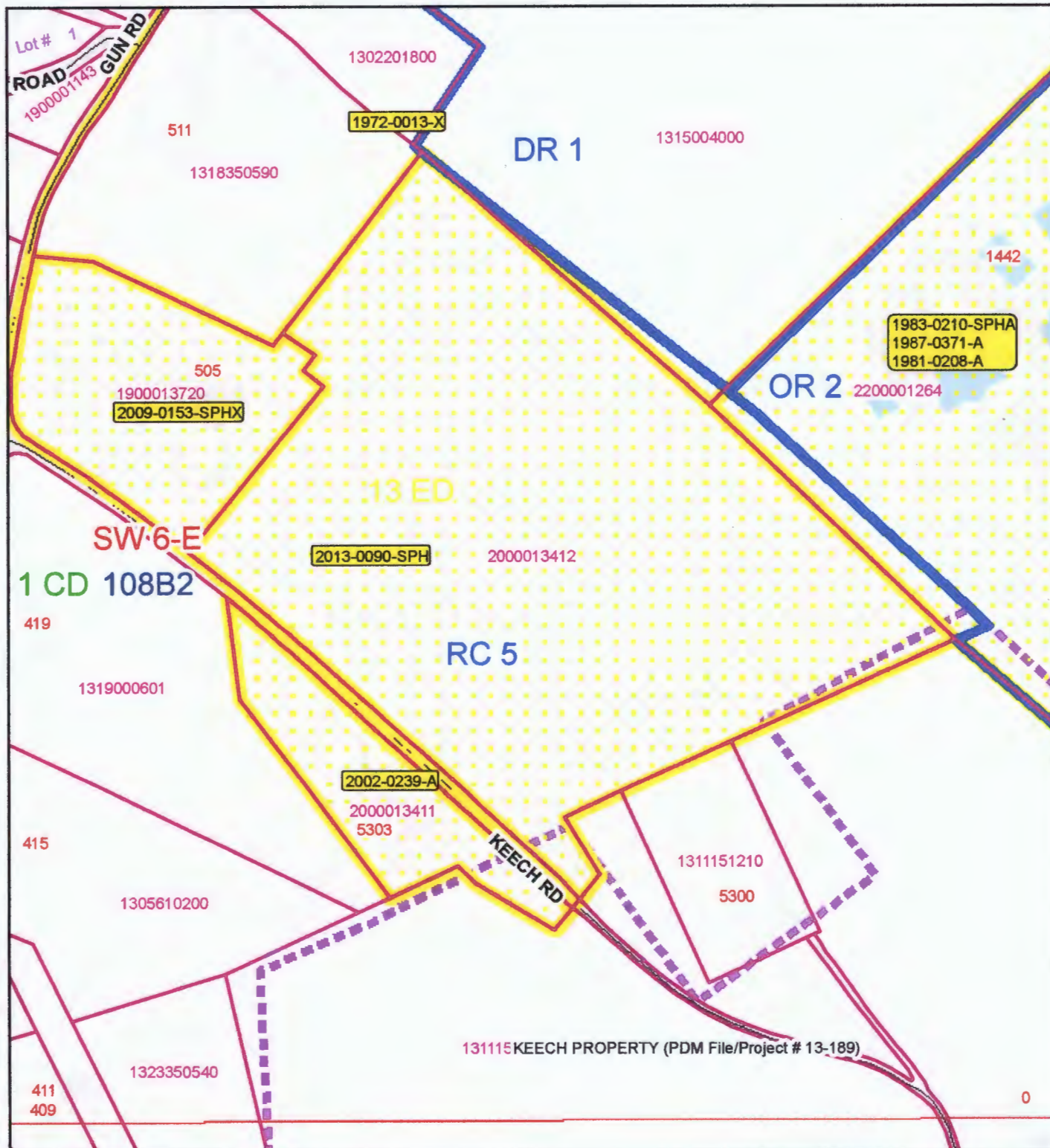
(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please

Loading... Please Wait.

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Tax #20-00-013-412



Publication Date: 8/13/2013



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



0 50 100 200 300 400 Feet

1 inch = 200 feet

Item #0039

Case No.:

2014-0039-SPHA

Exhibit Sheet

Petitioner/Developer

DW
11-21-13

Protestants

SLR
10-21-13

No. 1	Site plan	
No. 2	Letter from Community Ass'n.	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Gun Road Historical and Protective Association

October 16, 2013

Mr. James A. Rudy
5958 Ivy League Drive
Catonsville, Md. 21228

Re: Case No. 2013-0090-SPH

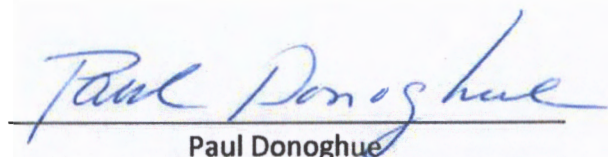
Dear Jamie:

I write as President of the Gun Road Historical & Protective Association to memorialize the Association's decision following its Development Committee's meeting with you last month to support your request for a special exception related to the accessory building/in-law residence.

You, Willy Moore, Lucy McKean, Gene Pometto and I attended. You showed us the various documentation including the Richardson Engineering, LLC drawing. Willy Moore and I spoke with many neighbors about this before and after our meeting including all of the adjoining property owners whose support, likewise, is unanimous. No one expressed opposition.

I will be unable to attend the hearing on October 17th for work commitments. I will be available by phone, however, if you, the hearing officer or anyone else has questions.

Good luck. Welcome to the neighborhood.



Paul Donoghue
Gun Road Historical & Protective Association
508 Gun Road
Baltimore, Md. 21227
(410) 206-5376

Pet ~~XXXXXXXXXX~~
2

