

**IN RE: PETITION FOR VARIANCE**  
**(847 Kellogg Road)**  
8<sup>th</sup> Election District  
2<sup>th</sup> Councilman District  
Richard R. & Sheryl Morris  
Petitioners

\* BEFORE THE OFFICE  
\* OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* **CASE NO. 2014-0104-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Richard R. & Sheryl Morris, the legal owners of the subject property. The Petitioners are requesting variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing carport located partially in the side yard with a setback of 1 ft. in lieu of the required rear yard placement and 2.5 ft. minimum setback. 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 Luke Canfield, the contractor who is assisting the Petitioners with the process. The file reveals that the Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance and the file does not contain any letters of opposition.

There were no Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence revealed that the subject property is approximately 10,640 square feet and is zoned DR 3.5. The Petitioners hired a contractor to construct a carport at their home, in the same location as a previous carport which collapsed. They later learned that variance relief was required.

**ORDER RECEIVED FOR FILING**

Date 12-20-13

By Sen

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

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 have met this test. As shown on the site plan, the property is of irregular dimensions, and is therefore unique.

If the B.C.Z.R. were strictly interpreted, the Petitioners would indeed suffer a practical difficulty, given they would be required to dismantle the completed carport. 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 agency opposition, and the support of the community association and adjoining neighbor. Exhibits 3 & 4.

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 20<sup>th</sup> day of December, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing carport located partially in the side yard with a setback of 1 ft. in lieu of the required rear yard placement and 2.5 ft. minimum setback, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

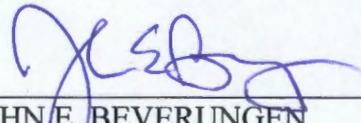
Date 12-20-13

By sen

The relief granted herein shall be subject to the following:

- 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.

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 12-20-13

By sen

KEVIN KAMENETZ  
County Executive



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

December 23, 2013

Luke J. Canfield  
Blake Canfield & Sons, Inc.  
2618 Greene Road  
Baldwin, Maryland 21013

RE: Petition for Variance  
Property: 847 Kellogg Road  
Case No.: 2014-0104-A

Dear Mr. Canfield:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

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

JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:sln  
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 847 Kellogg Rd. Lutherville, MD 21093 which is presently zoned DR 3.5

Deed References: 0818012710/000025004 10 Digit Tax Account # 0818012710

Property Owner(s) Printed Name(s) Richard and Sheryl Morris  
06237/00529

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ a Variance from Section(s)

BCZR: 400.1 → To permit an existing carport located partially in the side yard with a setback of 1 foot, in lieu of the required rear yard placement and 2.5 feet minimum setback.

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).

- New Homes
- Additions

MHIC # 16459



**Blake Canfield & Son, Inc.**  
**Home Improvements**

**Luke J. Canfield**  
Vice President

2618 Greene Road  
Baldwin, MD 21013

Phone: (410) 557-7986  
Fax: (410) 692-5398  
Cell: (443) 506-3890

lukecanfield@blakecanfieldandson.com

- Remodeling
- Light Excavating

Attorney for Petitioner:

ORDER RECEIVED FOR FILING

Name- Type or Print

Signature

Date

By Den  
Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0104-A

Filing Date 10/28/13

Do Not Schedule Dates:

Reviewer JS

Legal Owners (Petitioners):

Richard R Morris, Sheryl Morris  
Name #1 - Type or Print Name #2 - Type or Print

Richard R Morris, Sheryl Morris  
Signature #1 Signature #2

847 Kellogg Rd Lutherville, MD  
Mailing Address City State

21093, 410-321-1816  
Zip Code Telephone # Email Address

Representative to be contacted:

Luke Canfield  
Name - Type or Print

[Signature]  
Signature

2618 Greene Rd Baldwin MD  
Mailing Address City State

21013, (443) 506-3890, lukecanfield@blakecanfieldandson.com  
Zip Code Telephone # Email Address

**Zoning Property Description For 847 Kellogg Rd. Lutherville Md 21093.**

Beginning at a point on the north side of Kellogg Rd. which is 30' wide at the distance of 285' west of the centerline of the nearest improved intersecting street Saunders Rd. which is 30' wide. Thence the following courses and distances: (1<sup>st</sup> Point of Call-"POC") N03 degrees 27' 20"E, (2<sup>nd</sup> POC) S 74 degrees 37'40" E, (3<sup>rd</sup> POC) S05 degrees 58'06"W, (4<sup>th</sup> POC) S86 degrees 32' 40" E 80' back to the point of beginning, as recorded in Deed Liber 25, Folio 48, containing 10,640 square feet in lot. Located in the 8<sup>th</sup> election district and 1<sup>st</sup> council district. Also known as Lot # 19 in the minor subdivision of Thornleigh, as maintained by the Development Management Division of the department of permits, approvals, and inspections.

2014-0104-A

# 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: 2014-0104-A

Petitioner: Richard and Sheryl Morris

Address or Location: 847 Kellogg Rd. Lutherville, MD 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: Luke Canfield

Address: 2618 Greene Rd. Baldwin, MD 21013

Telephone Number: (443) 506-3890

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

No. **102653**

Date: **10/28/13**

**PAID RECEIPT**

BUSINESS ACTUAL TIME BDN  
 10/29/2013 10/29/2013 11:21:17 2

REG 0002 WALKIN JEW JEE  
 >>RECEIPT # 053737 10/29/2013 OFLN

Dept. 5 528 JUDGING VERIFICATION  
 CH NO. 102653

Receipt Tot \$75.00  
 \$75.00 OK \$1.00 CA  
 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: **MORRIS**

For: **2014-0104-A**

**DISTRIBUTION**

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

**CASHIER'S  
 VALIDATION**

# Letter of Transmittal

**William D. Gulick, Jr.**

Consultant to Land Development and Industry

Commercial and Residential

2944 Edgewood Avenue

Baltimore, MD 21234

Phone - 410-530-6293

E-mail - wdgir@comcast.net

**To: Zoning Office, Attn. Ms Kristen Lewis**

**We Are Sending You:** ☒ Attached ☐ Under separate cover the following items:

☐ Copy of Letter ☒ Prints ☒ Documents ☐ Other

No. of Copies      Date      Description

|   |               |                        |
|---|---------------|------------------------|
| 1 | Nov. 30, 2013 | Certificate Of Posting |
| 2 | Nov. 30, 2013 | Site Photos            |
|   |               |                        |
|   |               |                        |

**Transmittals** are as checked below:

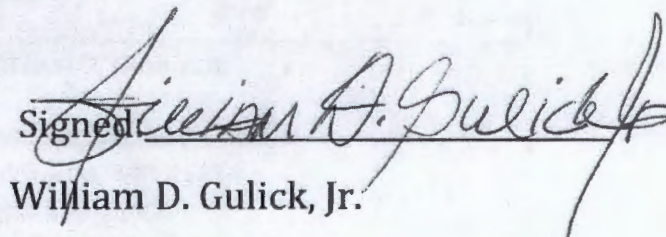
☐ For approval ☒ For your use ☐ As requested ☒ For review & content

**Project: Case No.: 2014-0104-A**

**Remarks:**

847 Kellogg Road

Signed



William D. Gulick, Jr.

Project Manager

# Certificate of Posting

Department of Permits, Approval, and Inspections  
Baltimore County  
111 W. Chesapeake Avenue  
Room 111  
Towson, MD 21204

**Date:** Nov. 30, 2013

**Attention:** Ms. Kristen Lewis

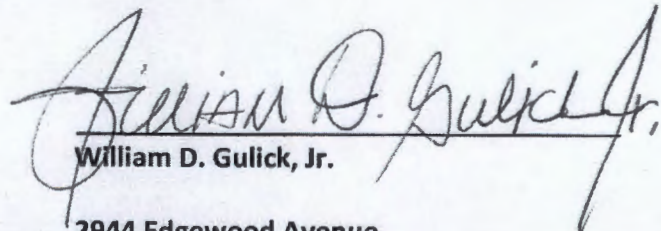
**Re: Case Number:** 2014-0104-A

**Petitioner/Developer:** Richard & Sheryl Morris

**Date of Hearing/Closing:** Dec. 20, 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: 847 Kellogg Road

The sign(s) were posted on: Nov 30, 2013



William D. Gulick, Jr.

2944 Edgewood Avenue  
Baltimore, MD 21234  
(410) 530-6293

# ZONING NOTICE

CASE # 2014-0104-A

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

JEFFERSON BUILDING, ROOM 205  
105 WEST CHESAPEAKE AVENUE  
PLACE: TOWSON, MD 21204

DATE AND TIME: FRIDAY  
DEC. 20, 2013 AT 2:30 PM

REQUEST: VARIANCE TO PERMIT AN  
EXISTING GARPORT LOCATED PARTIALLY IN THE

SIDE YARD WITH A SETBACK OF 1 FOOT, IN LIEU OF  
THE REQUIRED REAR PLACEMENT AND 2.5 FEET  
MINIMUM SETBACK.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 410-3391 (410)

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ROAD

of KELLOGG

L



# THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

November 28, 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 November 26, 2013

☐ The Jeffersonian

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: #2014-0104-A**

847 Kellogg Road  
S/S Kellogg Road, 285 ft. w/of Sanders Road  
8th Election District - 2nd Councilmanic District  
Legal Owner(s): Richard & Sheryl Morris

**Variance:** to permit an existing carport located partially in the side yard with a setback of 1 foot, in lieu of the required rear yard placement and 2.5 feet minimum setback.

**Hearing: Friday, December 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.  
JT 11/821 Nov. 26 959544



KEVIN KAMENETZ  
County Executive

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

November 18, 2013

## NOTICE OF ZONING HEARING

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**CASE NUMBER: 2014-0104-A**

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S/s Kellogg Road, 285 ft. w/of Sanders Road  
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Legal Owners: Richard & Sheryl Morris

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Hearing: Friday, December 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: Richard & Sheryl Morris, 847 Kellogg Avenue, Lutherville 21093  
Luke Confield, 2618 Greene Road, Baldwin 21013

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 30, 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  
Tuesday, November 26, 2013 Issue - Jeffersonian

Please forward billing to:  
Luke Confield  
2618 Greene Road  
Baldwin, MD 21013

443-506-3890

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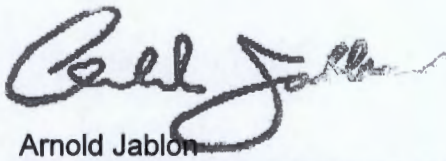
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Arnold Jablon  
Director of Permits, Approvals and Inspections for Baltimore County

- 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.

## MEMORANDUM

DATE: January 27, 2014  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2014-0104-A – Appeal Period Expired

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The appeal period for the above-referenced case expired on January 21, 2014. 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  
847 Kellogg Road; S/S Kellogg Road,  
285' W of Sanders Road  
8<sup>th</sup> Election & 2<sup>nd</sup> Councilmanic Districts  
Legal Owner(s): Richard & Sheryl Morris  
Petitioner(s)

\* BEFORE THE OFFICE  
\* OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* 2014-104-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

NOV 07 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 7th day of November, 2013, a copy of the foregoing Entry of Appearance was mailed to Luke Canfield, 2618 Greene Road, Baldwin, Maryland 21013, Representative for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

CASE NO. 2014-

0104-A

C H E C K L I S TSupport/Oppose/  
Conditions/  
Comments/  
No CommentComment  
ReceivedDepartment

11/7

DEVELOPMENT PLANS REVIEW  
(if not received, date e-mail sent \_\_\_\_\_)

N/C

\_\_\_\_\_

DEPS  
(if not received, date e-mail sent \_\_\_\_\_)

\_\_\_\_\_

FIRE DEPARTMENT

\_\_\_\_\_

PLANNING  
(if not received, date e-mail sent \_\_\_\_\_)

11/6

STATE HIGHWAY ADMINISTRATION

NO Obj

\_\_\_\_\_

TRAFFIC ENGINEERING

\_\_\_\_\_

COMMUNITY ASSOCIATION

\_\_\_\_\_

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. \_\_\_\_\_)

00138700 → reason  
for this  
variance

PRIOR ZONING

(Case No. \_\_\_\_\_)

NEWSPAPER ADVERTISEMENT

Date: \_\_\_\_\_

11/26/13

SIGN POSTING

Date: \_\_\_\_\_

11/30/13

by

Julick

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Baltimore County  
Permits, Approvals  
And Inspections

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953



*87h*

Code Inspections and Enforcement  
County Office Building  
111 West Chesapeake Avenue  
Towson, MD 21204

Plumbing Inspection: 410-887-3620  
Electrical Inspection: 410-887-3960

**BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE**

Citation Case No. 138700 Property No. 0818 012 710 Zoning: \_\_\_\_\_

Name(s): Morris, Richard

Address: 847 Kellogg Rd 21093

Violation Location: Same

**DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:**

Baltimore County Code 2003 Article 35  
35-2-301 Permits required  
35-2-304 Penalty for action without permit

- ① Secure all required permits
- ② Call for all required inspections

Must meet all required zoning setbacks

**YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:**

ON OR BEFORE: 10-23-13 DATE ISSUED: 10-16-13

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

INSPECTOR: Rodney Larrick PRINT NAME: Rodney Larrick

**STOP WORK NOTICE**

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: 10-23-13 DATE ISSUED: 10-16-13

INSPECTOR: Rodney Larrick PRINT NAME: Rodney Larrick

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR

Baltimore County  
Permits, Approvals  
And Inspections

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953



Code Inspections and Enforcement  
County Office Building  
111 West Chesapeake Avenue  
Towson, MD 21204

Plumbing Inspection: 410-887-3620  
Electrical Inspection: 410-887-3960

**BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE**

Citation Case No. C00138700 Property No. 08-18-010710 Zoning: DR 3.5  
Name(s): Morris Richard  
Address: 847 Kellogg Rd 21093  
Violation Location: Same

**DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:**

Baltimore County Code 2003 Article 35  
35-2-301 Permits required  
35-2-304 Penalty for action without permit  
① Secure all required permits  
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Must meet all required zoning setbacks

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COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR



# Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:  
Complaint Record ID: CO0138700

| <u>Record ID</u> | <u>AS/400 Case</u> | <u>Assigned To</u> | <u>Assigned Date</u> | <u>Scheduled Time</u> | <u>Received By</u> | <u>Received Date</u> | <u>Status</u> | <u>Hearing Date</u> | <u>ADC Grid</u> |
|------------------|--------------------|--------------------|----------------------|-----------------------|--------------------|----------------------|---------------|---------------------|-----------------|
| CO0138700        |                    | Rodney Larrick     | 10/16/2013           |                       | Glenn Berry        | 10/16/2013           | Open - Normal |                     | 26H2            |

Complaint Description: BUILDING GARAGE WITHOUT PERMIT.

Facility:

FA0230284  
PDM 0818012710  
847 KELLOGG RD  
LUTHERVILLE TIMONIUM, MD 21093

Owner:

MORRIS RICHARD R MORRIS SHERYL C  
847 KELLOGG RD  
LUTHERVILLE MD 21093

Complainant:

BILL MCNAMARA  
WORK: 4103826799

Daily Activity Details - No Data

Violation Details - No Data

Comment Details - No Comments

Lien Information - None

10/17/13 visited site - carport built in side yard

SWO written to obtain required permits  
may require zoning variance

R/c 10/31/13 LK  
R Larrick

847 Kellogg

2014-004-A

DATE: 10/16/2013

## STANDARD ASSESSMENT INQUIRY (1)

TIME: 14:35:50

| PROPERTY NO.     | DIST | GROUP | CLASS | OCC.                   | HISTORIC | DEL                           | LOAD DATE  |
|------------------|------|-------|-------|------------------------|----------|-------------------------------|------------|
| 08 18 012710     | 08   | 2-0   | 04-00 | H                      | NO       |                               | 10/01/13   |
| MORRIS RICHARD R |      |       |       | DESC-1..               |          |                               |            |
| MORRIS SHERYL C  |      |       |       | DESC-2.. THORNLEIGH    |          |                               |            |
| 847 KELLOGG RD   |      |       |       | PREMISE. 00847 KELLOGG |          | RD                            |            |
|                  |      |       |       | LUTHERVILLE            |          |                               | 21093-4818 |
| LUTHERVILLE      |      |       |       | MD 21093-4818          |          | FORMER OWNER: GRAY PATRICIA L |            |

| ----- FCV ----- |         | ----- PHASED IN ----- |         |         |         |         |
|-----------------|---------|-----------------------|---------|---------|---------|---------|
|                 | PRIOR   | PROPOSED              |         | CURR    | CURR    | PRIOR   |
| LAND:           | 154,100 | 154,100               |         | FCV     | ASSESS  | ASSESS  |
| IMPV:           | 148,700 | 148,700               | TOTAL.. | 302,800 | 302,800 | 302,800 |
| TOTL:           | 302,800 | 302,800               | PREF... | 0       | 0       | 0       |
| PREF:           | 0       | 0                     | CURT... | 302,800 | 302,800 | 302,800 |
| CURT:           | 302,800 | 302,800               | EXEMPT. |         | 0       | 0       |
| DATE:           | 06/10   | 06/10                 |         |         |         |         |

| ---- | TAXABLE BASIS   | ---- | FM DATE  |
|------|-----------------|------|----------|
|      | ASSESS: 302,800 |      | 09/30/13 |
|      | ASSESS: 302,800 |      |          |
|      | ASSESS: 0       |      |          |

ENTER-INQUIRY2   PA1-PRINT   PF4-MENU   PF5-QUIT   PF7-CROSS REF



KEVIN KAMENETZ  
County Executive

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

December 12, 2013

Richard R & Sheryl Morris  
847 Kellogg Road  
Lutherville MD 21093

RE: Case Number: 2014-0104 A, Address: 847 Kellogg Road

Dear Mr. & Ms. Morris:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 28, 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." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel  
Luke Canfield, 2618 Greene Road, Baldwin MD 21031

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



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

Date: 11-6-13

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

RE: Baltimore County  
Item No 2014-0104-A  
Variance  
Richard R. & Sheryl Morris  
847 Kellogg 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. 2014-0104-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/  
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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • [www.roads.maryland.gov](http://www.roads.maryland.gov)

**Sherry Nuffer - Re: 847 Kellogg Road**

---

**From:** Luke Canfield <lukecanfield@blakecanfieldandson.com>  
**To:** Sherry Nuffer <snuffer@baltimorecountymd.gov>  
**Date:** 12/20/2013 3:29 PM  
**Subject:** Re: 847 Kellogg Road

---

Thank you for gating this to me quickly.

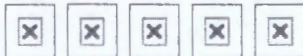
**Luke Canfield**  
**Blake Canfield & Son Inc.**  
**410-557-7986**  
**443-506-3890**

On Dec 20, 2013, at 3:15 PM, "Sherry Nuffer" <[snuffer@baltimorecountymd.gov](mailto:snuffer@baltimorecountymd.gov)> wrote:

Per Judge Beverungen, attached is a copy of the Order.

Sherry Nuffer  
Legal Assistant  
Office of Administrative Hearings  
105 W. Chesapeake Avenue  
Room 103  
Towson, Maryland 21204  
410-887-3868  
Fax: 410-877-3468

CONNECT WITH BALTIMORE COUNTY



<20131220150155499.pdf>

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** November 7, 2013

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For November 4, 2013  
Item No. 2014-0094, 0100, 0102 and 0104

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\ZAC11042013 -.doc

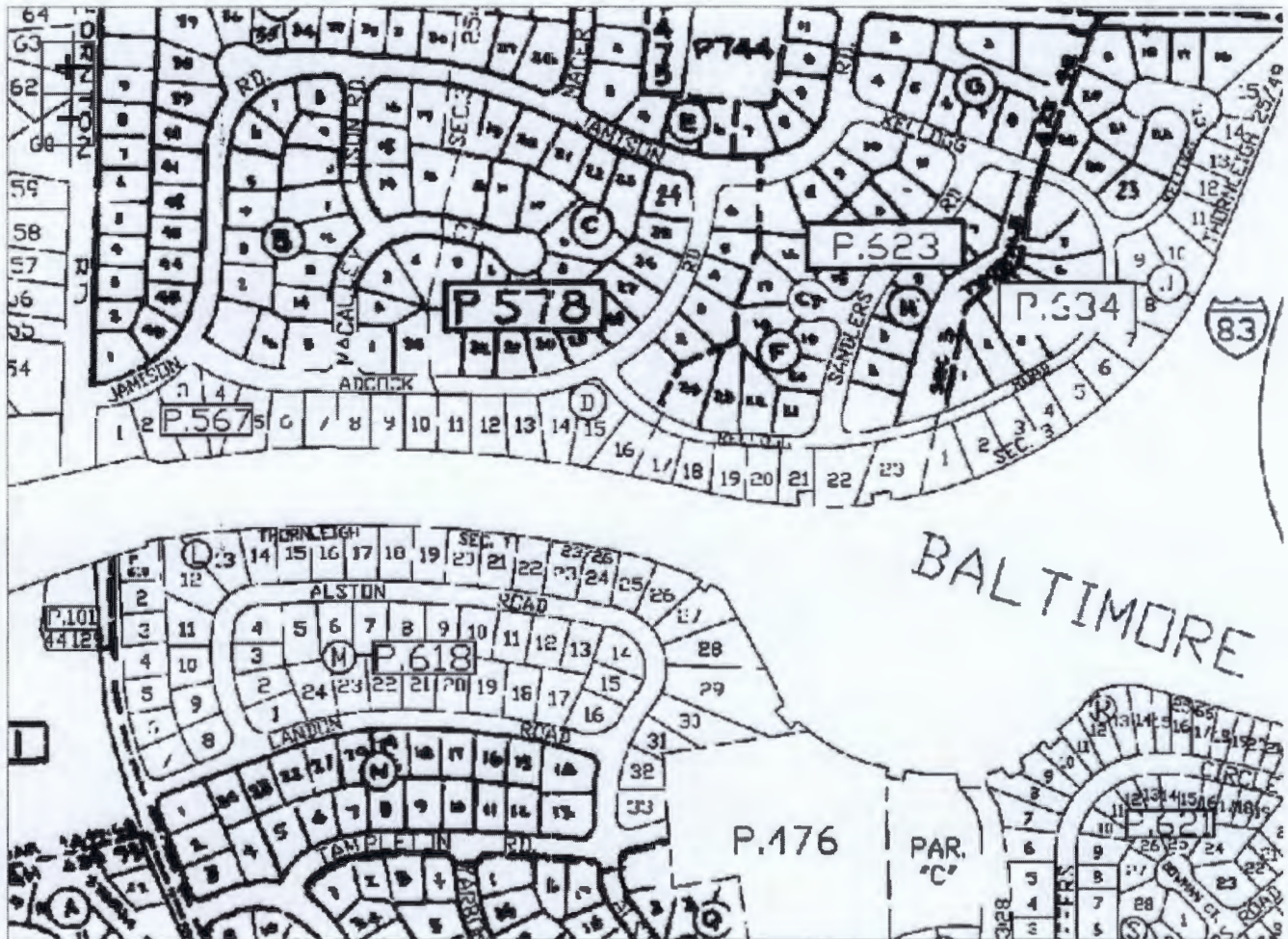
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## Real Property Data Search ( w4)

## Search Result for BALTIMORE COUNTY

|                                                          |                                                  |                                         |
|----------------------------------------------------------|--------------------------------------------------|-----------------------------------------|
| <a href="#">View Map</a>                                 | <a href="#">View GroundRent Redemption</a>       | <a href="#">View GroundRent Registr</a> |
| <b>Account Identifier:</b>                               | <b>District - 08 Account Number - 0818012710</b> |                                         |
| <b>Owner Information</b>                                 |                                                  |                                         |
| <b>Owner Name:</b>                                       | MORRIS RICHARD R<br>MORRIS SHERYL C              | <b>Use:</b> RESIDE                      |
| <b>Mailing Address:</b>                                  | 847 KELLOGG RD<br>LUTHERVILLE MD 21093-4818      | <b>Principal Residence:</b> YES         |
|                                                          |                                                  | <b>Deed Reference:</b> 1) /0623/<br>2)  |
| <b>Location &amp; Structure Information</b>              |                                                  |                                         |
| <b>Premises Address:</b>                                 | 847 KELLOGG RD<br>LUTHERVILLE 21093-4818         | <b>Legal Description:</b> THORN         |
| <b>Map:</b> 0060                                         | <b>Grid:</b> 0022                                | <b>Parcel:</b> 0623                     |
| <b>Sub District:</b>                                     | <b>Subdivision:</b> 0000                         | <b>Section:</b> 3                       |
|                                                          | <b>Block:</b> D                                  | <b>Lot:</b> 19                          |
|                                                          | <b>Assessment Year:</b> 2014                     | <b>Plat No:</b>                         |
|                                                          |                                                  | <b>Plat Ref:</b>                        |
| <b>Special Tax Areas:</b>                                | <b>Town:</b>                                     | NONE                                    |
|                                                          | <b>Ad Valorem:</b>                               |                                         |
|                                                          | <b>Tax Class:</b>                                |                                         |
| <b>Primary Structure Built</b>                           | <b>Above Grade Enclosed Area</b>                 | <b>Finished Basement Area</b>           |
| 1960                                                     | 1,778 SF                                         | Property Land Area                      |
|                                                          |                                                  | 10,640 SF                               |
| <b>Stories</b>                                           | <b>Basement</b>                                  | <b>Type</b>                             |
| 2.000000                                                 | NO                                               | SPLIT LEVEL                             |
| <b>Exterior</b>                                          | <b>Full/Half Bath</b>                            | <b>Garage</b>                           |
| SIDING                                                   | 2 full/ 1 half                                   | 1 Detached                              |
| <b>Last Major Ren</b>                                    |                                                  |                                         |
|                                                          |                                                  |                                         |
| <b>Value Information</b>                                 |                                                  |                                         |
| <b>Base Value</b>                                        | <b>Value</b>                                     | <b>Phase-in Assessments</b>             |
|                                                          | As of                                            | As of                                   |
|                                                          | 01/01/2011                                       | 07/01/2013                              |
| <b>Land:</b>                                             | 154,100                                          | 154,100                                 |
| <b>Improvements</b>                                      | 148,700                                          | 148,700                                 |
| <b>Total:</b>                                            | 302,800                                          | 302,800                                 |
| <b>Preferential Land:</b>                                | 0                                                |                                         |
| <b>Transfer Information</b>                              |                                                  |                                         |
| <b>Seller:</b> GRAY PATRICIA L                           | <b>Date:</b> 12/04/1980                          | <b>Price:</b> \$75,500                  |
| <b>Type:</b> ARMS LENGTH IMPROVED                        | <b>Deed1:</b> /06237/ 00529                      | <b>Deed2:</b>                           |
| <b>Seller:</b>                                           | <b>Date:</b>                                     | <b>Price:</b>                           |
| <b>Type:</b>                                             | <b>Deed1:</b>                                    | <b>Deed2:</b>                           |
| <b>Seller:</b>                                           | <b>Date:</b>                                     | <b>Price:</b>                           |
| <b>Type:</b>                                             | <b>Deed1:</b>                                    | <b>Deed2:</b>                           |
| <b>Exemption Information</b>                             |                                                  |                                         |
| <b>Partial Exempt Assessments:</b>                       | <b>Class</b>                                     | <b>07/01/2013</b>                       |
| <b>County:</b>                                           | 000                                              | 0.00                                    |
| <b>State:</b>                                            | 000                                              | 0.00                                    |
| <b>Municipal:</b>                                        | 000                                              | 0.00                                    |
| <b>Tax Exempt:</b>                                       | <b>Special Tax Recapture:</b>                    |                                         |
| <b>Exempt Class:</b>                                     | NONE                                             |                                         |
| <b>Homestead Application Information</b>                 |                                                  |                                         |
| <b>Homestead Application Status:</b> Approved 05/07/2008 |                                                  |                                         |

## Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty/>)District: **08** Account Number: **0818012710**

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



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

☒ Loading... Please

Loading... Please Wait.

-->

Case No.: 2014-0104-A

Exhibit Sheet

Aln  
12-20-13

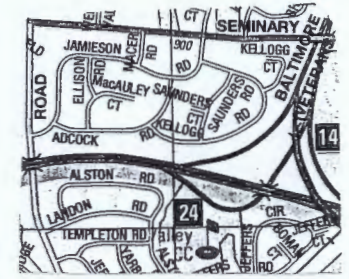
Petitioner/Developer

Protestants

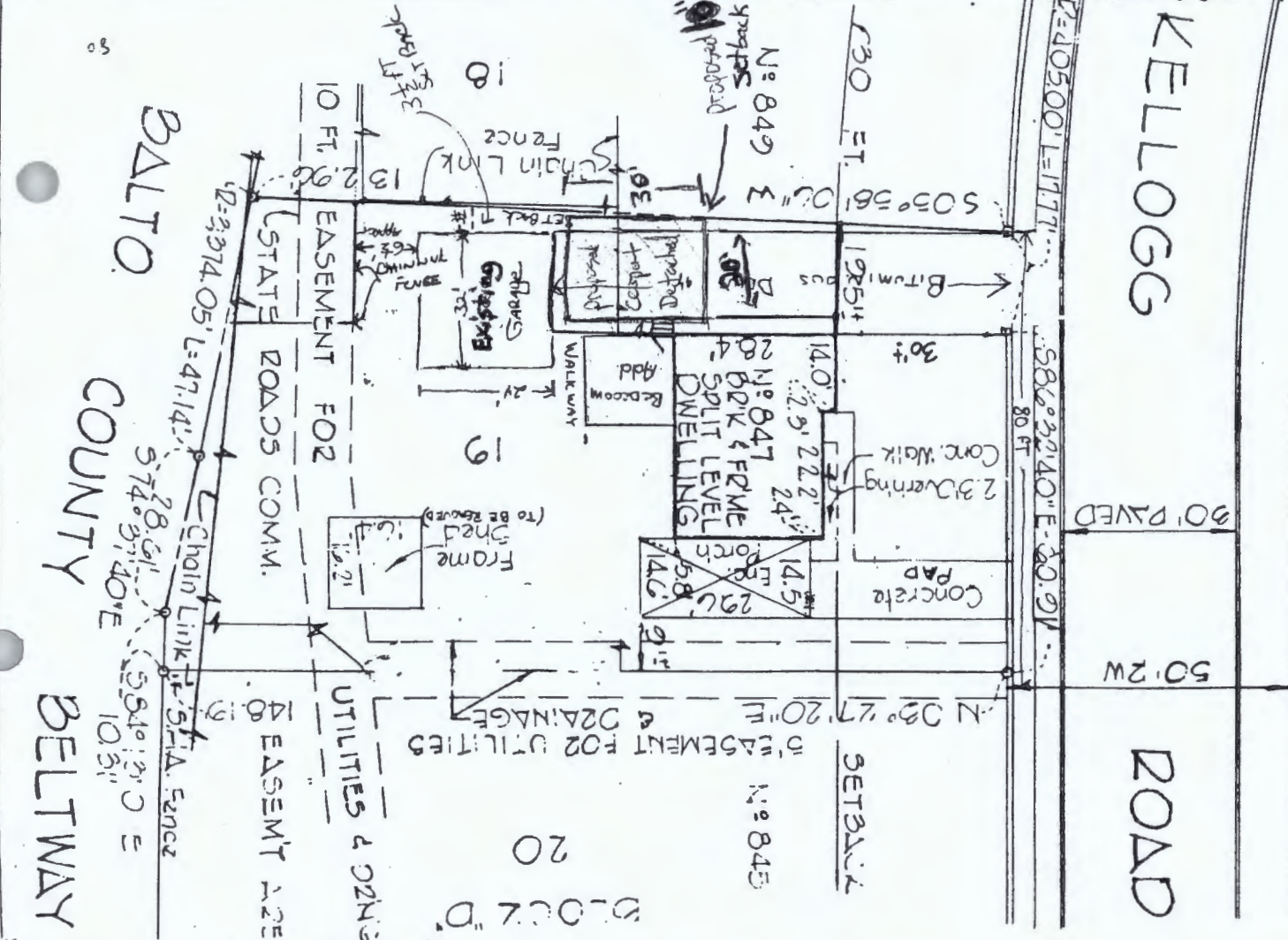
|        |                                 |  |
|--------|---------------------------------|--|
| No. 1  | Plan                            |  |
| No. 2  | photo of house                  |  |
| No. 3  | Letter - Martin Fredrick        |  |
| No. 4  | Letter - 10-30-13<br>L. Cinzahn |  |
| No. 5  |                                 |  |
| No. 6  |                                 |  |
| No. 7  |                                 |  |
| No. 8  |                                 |  |
| No. 9  |                                 |  |
| No. 10 |                                 |  |
| No. 11 |                                 |  |
| No. 12 |                                 |  |

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)  
 ADDRESS 847 Kellogg Rd. Lutherville 21093 OWNER(S) NAME(S) Richard and Sheryl Morris  
 SUBDIVISION NAME Thornleigh LOT# 19 BLOCK# D SECTION# 3  
 PLAT BOOK # 25 FOLIO # 48 10 DIGIT TAX # 0818012710 DEED REF. # 06237100529

SITE VICINITY MAP



MAP IS NOT TO SCALE  
 ZONING MAP# 0060  
 SITE ZONED DR 3.5  
 ELECTION DISTRICT 8  
 COUNCIL DISTRICT 1  
 LOT AREA ACREAGE \_\_\_\_\_  
 OR SQUARE FEET 10,640 sq ft  
 HISTORIC? NO  
 IN CBCA? NO  
 IN FLOOD PLAIN? NO  
 UTILITIES? MARK WITH X  
 WATER IS: PUBLIC X PRIVATE \_\_\_\_\_  
 SEWER IS: PUBLIC X PRIVATE \_\_\_\_\_  
 PRIOR HEARING? yes  
 IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW  
1991-0439-A  
For Separate Garage  
not pertaining to proposed  
carport  
 VIOLATION CASE INFO:  
Co #1387 pp



PLAN DRAWN BY Luke Cantfield DATE 10-28-13 SCALE: 1 INCH = 30' FEET

2014-0104-A

#1



#2

**Subject:** Fwd: Car port

**From:** Rikk <sirvanhool@verizon.net>

**Date:** Mon, Oct 28, 2013 8:18 pm

**To:** lukecanfield@blakecanfieldandson.com

Luke this is the email Marty Frederick sent me tonite.

Rikk Morris

---

-----Original Message-----

**From:** Martin Frederick

**Date:** Oct 28, 2013 8:05:44 PM

**Subject:** Car port

**To:** "sherylsue@email.com" <sherylsue@email.com>

**Cc:** "sirvanhool@verizon.net" <sirvanhool@verizon.net>

Dear Mr. and Mrs. Morris

The Longford Community Association will not oppose your car port at your zoning hearing. We feel as though this issue is between you, Balto. Co. and your immediate neighbors.

Sincerely,

Martin Frederick

Longford Community President

October 30, 2013

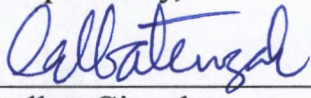
Lalbat Cinzah, Dar Meng and Win Myint  
849 Kellogg Road  
Lutherville, MD 21093-4818

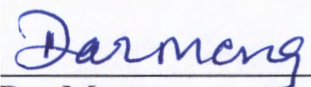
"Morris Carport Project"

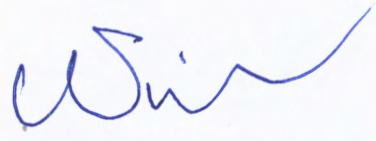
To Whom It May Concern:

We, as the adjoining and directly affected property owners, do not object to the carport being constructed next door at 847 Kellogg Road, Lutherville, MD 21093, in the side yard over the driveway. We also are not opposed to the carport being constructed right up to or on our property line. Please consider this our approval of the proposed carport project and variance.

Respectfully,

  
Lalbat Cinzah

  
Dar Meng

  
Win Myint

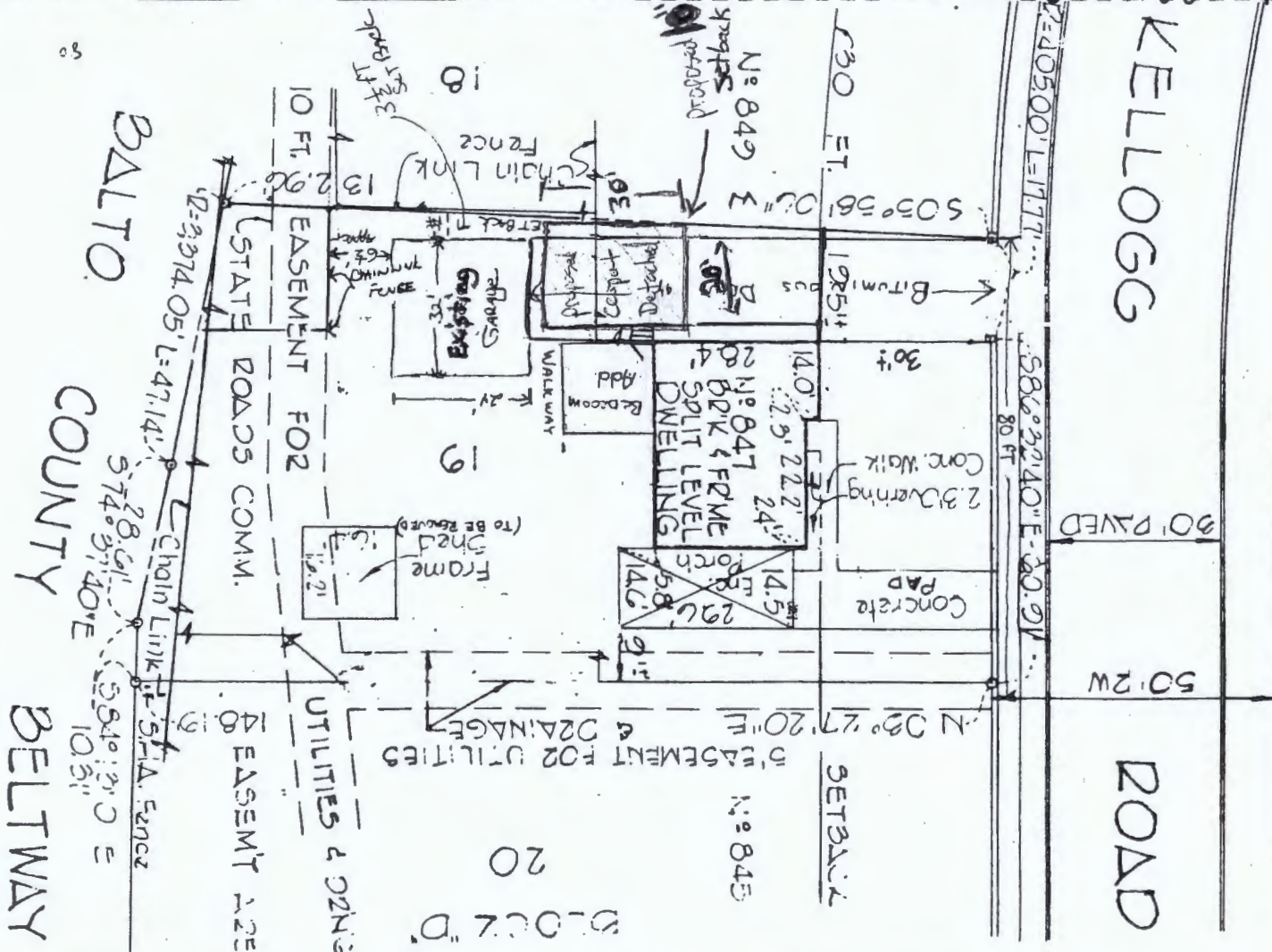
Date: 10/30/13

10/30/13

10/30/13

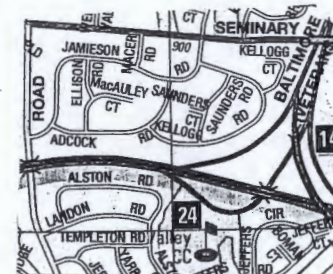


ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)  
 ADDRESS 847 Kellogg Rd. Lutherville 21093 OWNER(S) NAME(S) Richard and Sheryl Morris  
 SUBDIVISION NAME Thornleigh LOT# 19 BLOCK# D SECTION# 3  
 PLAT BOOK # 25 FOLIO # 48 10 DIGIT TAX # 0818012710 DEED REF. # 06237100529



PLAN DRAWN BY Luke Canfield DATE 10-28-13 SCALE: 1 INCH = 30' FEET

# SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 0060  
 SITE ZONED DR 3.5  
 ELECTION DISTRICT 8  
 COUNCIL DISTRICT 1  
 LOT AREA ACREAGE \_\_\_\_\_  
 OR SQUARE FEET 10,640 sq ft  
 HISTORIC? NO  
 IN CBCA? NO  
 IN FLOOD PLAIN? NO  
 UTILITIES? MARK WITH X  
 WATER IS:  
 PUBLIC X PRIVATE \_\_\_\_\_  
 SEWER IS:  
 PUBLIC X PRIVATE \_\_\_\_\_  
 PRIOR HEARING? yes  
 IF SO GIVE CASE NUMBER  
 AND ORDER RESULT BELOW  
1991-0439-A  
For Separate Garage  
not pertaining to proposed  
carport  
 VIOLATION CASE INFO:  
CO #1387 PP

2014-0104-A