

IN RE: PETITION FOR SPECIAL HEARING *
(16306 Old York Road)
10th Election District *
3rd Councilmanic District *
George R. And Linda E. Gabell *
Legal Owners *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0149-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by George and Linda Gabell, legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), seeking approval for an accessory apartment (in-law) to be located within an accessory building (detached garage).

Appearing at the public hearing in support of the requests was George and Linda Gabell. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance at the hearing. Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated February 20, 2014. DOP does not oppose the Petitioners' request providing the following conditions are met:

1. The size of the in-law apartment may not exceed 1,200 square feet, and shall comply with the requirements of Section 400 of the B.C.Z.R.
2. The in-law apartment may not be used as a separate dwelling unit or apartment once the family member for which this request is made no longer resides in the apartment. At that time all kitchen and bathroom facilities shall be removed.
3. The accessory building shall not be used for commercial purposes.

ORDER RECEIVED FOR FILING

Date 3-6-14

By Sen

The subject property is 1 acre in size and is zoned RC-2. The property is improved with a single family dwelling and a garage. The Petitioners propose to convert the second story of the garage into an accessory apartment for their daughter and her husband.

Accessory apartments are permitted under the B.C.Z.R., upon a finding by the Administrative Law Judge (ALJ) that the Petitioners in essence satisfy the standards for special exception relief under B.C.Z.R. § 502.1. Here, the photos in the file show that the garage is attractive and well constructed. The apartment's floor area would be 1,176 S.F. (Ex. No. 3), and the structure would not have separate utility meters and would not be served by a separate water/sewer system. The nearest dwellings to either side of Petitioners' property are at least 1,000 feet away, assuring a more than adequate buffer for the use. The setting is rural and bucolic, and there is no indication whatsoever that the accessory apartment would be detrimental to the health, safety and/or welfare of the community. As such, and based upon the testimony and evidence presented, I will grant the petition.

Pursuant to the advertisement, posting of the property, and the public hearing, I find that Petitioners' Special Hearing and use permit requests should be granted, subject to the conditions noted below.

THEREFORE, IT IS ORDERED this 7th day of March 2104, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), seeking approval for an accessory apartment (in-law) to be located within an accessory building (detached garage), be and is hereby GRANTED.

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 RECEIVED FOR FILING

2

Date 3-6-14

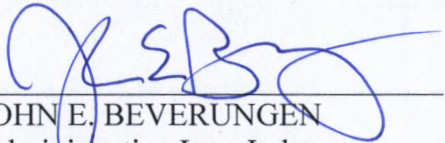
By den

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 the DOP (dated February 20, 2014).
3. Petitioners must apply for and receive from the Department of Permits, Approvals and Inspections (PAI) all necessary permits and approvals, and must file with PAI and among the County's land records the Declaration referenced in B.C.Z.R. § 400.4.

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

ORDER RECEIVED FOR FILING

Date 3-6-14
By sln

KEVIN KAMENETZ
County Executive



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

March 6, 2014

George R. Gabell
Linda E. Gabell
16306 Old York Road
Monkton, Maryland 21111

RE: Petition for Special Hearing
Property: 16306 Old York Road
Case No.: 2014-0149-SPH

Dear Mr. & Mrs. Gabell:

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", is written over the printed name.
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 16306 Old York Rd which is presently zoned RC-2
Deed References: 133871 688 10 Digit Tax Account # 1019085100
Property Owner(s) Printed Name(s) GEORGE R. & LINDA E. GABELL

(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 AN ACCESSORY APARTMENT (IN-LAW) TO BE LOCATED WITHIN AN ACCESSORY BUILDING (DETACHED GARAGE) PER § 400.4B.1 OF B.C.Z.R.
2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☐ a **Variance** from Section(s)

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 _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

George R. Gabell | Linda E. Gabell
Name #1 - Type or Print | Name #2 - Type or Print
[Signature] | [Signature]
Signature #1 | Signature #2
16306 Old York Rd, Monkton, Md
Mailing Address | City | State
21111 | 410-472-9033 | grgabelle@gmail.com
Zip Code | Telephone # | Email Address

Representative to be contacted:

Name - Type or Print _____
ORDER RECEIVED FOR FILING
Signature _____
Date 3-6-14
Mailing Address _____ City _____ State _____
By [Signature]
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2014-0149-SPH Filing Date 1, 9, 14

Do Not Schedule Dates: _____ Reviewer AT

EXHIBIT A

BEGINNING FOR THE SAME at a point on the west side of Old York Road which is 40 feet wide (the right of way width) at the distance of 2,650 feet east to the centerline of the nearest improved intersecting street Markoe Road running thence with the courses of this description referred to north 68 degrees 25 minutes 40 seconds west 284.35 feet, south 16 degrees 34 minutes 40 seconds west 158.84 feet, south 68 degrees 25 minutes 40 seconds east 270.52 feet and north 21 degrees 34 minutes 20 seconds east 158.24 feet to the place of the beginning.

The improvements being known as 16306 Old York Road.

BEING THE SAME lot of ground which by Deed dated December 18, 1998 and recorded among the land Records of Baltimore County in Liber 541, folio 6464, was granted and conveyed by Hollyday P. Compton unto George R. Gabell and Linda E. Gabell, his wife, the Grantors herein.

2014-0149-SPH

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: 2014-0149-SPH
Petitioner: GEORGE R GABELL
Address or Location: 16306 OLD YORK RD, MD 21111

PLEASE FORWARD ADVERTISING BILL TO:

Name: GEORGE R. GABELL
Address: 16306 OLD YORK ROAD
MONKTON, MD 21111
Telephone Number: 410-472-9033

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

No. **107100**
 Date: **1/9/2014**

PAID RECEIPT

BUSINESS RECEIPT
 1/09/2014 1:09 PM 07100436
 REG #502 MARKER JEWEL
 RECEIPT # 845078 1/09/2014 QFLM
 5 500 CASHING VERIFICATION
 NO. 107100
 Recpt Int \$75.00
 \$1.00 CR \$75.00 CA
 Baltimore County, MD, Tax

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount	Dep.
001	806	0000		6150						\$75	CR
Total:										\$75	

Rec From: **GEORGE GABELL**
 For: **16306 OLD YORK RD**
2014-0149-SPH

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Customer copy

The Baltimore Sun
435 N. Michigan Avenue
Chicago, IL 60611

Date: 3/6/2014

Invoice:

Reference ID: 002750245S6VJDCC

Authorization code: 02290A

Credit card type: Visa

CC/Check Number: *****4917

Expiration Date: 10/16

TOTAL: 83.52

SIGN X _____

I agree to pay according to the card
issuer agreement.




THE BALTIMORE SUN MEDIA GROUP
PO Box 3132 Boston, MA 02241-3132
adbilling@tribune.com 866-874-3043
FEIN: 95-4066880

2.1.342 1 MB 0.432 31081D11.p01 872615 1-1 4.5.6



GEORGE GABELL
16306 OLD YORK RD
MONKTON MD 21111-1709

Invoice and Statement

Billed Account #	CU00316253
Client Account #	CU00316253
Statement #	001131395
Client Name	GEORGE GABELL

Billing Period	02/10/14 - 02/16/14
Billing Date	02/16/14
Payment Term	Payable in full upon receipt

TOTAL AMOUNT DUE	83.52
-------------------------	--------------

00031625300031625307001131395 00008352 00008352 9

To ensure proper credit, please detach and return with remittance.

Detail

Date	Advertiser/ Agency PO #	Reference #	Description	Ad Size/ Units	Rate	Gross Amount	Net Amount
02/13/14	20140149SPH 162151276 06OLDYORKRD	INV-0180153 TBSADS: 968893	Classified Listings, Online NOTICE OF ZONING HEARING THE ADMINISTRAT			83.52	83.52
<i>Aug 10k - # 022908 Paid in full 3/6/14</i>							
						TOTAL:	83.52

For Information Regarding These Charges Please Call 866-874-3043 or Email adbilling@tribune.com

Billed Period 02/10/14-02/16/14	Billed Account # CU00316253	Billed Account Name GEORGE GABELL	Client Account # CU00316253	Client Account Name GEORGE GABELL
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THE BALTIMORE SUN MEDIA GROUP

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/11/2014

CASE NUMBER: 2014-0149 SPH

Petitioner/Developer: GEORGE & LINDA GABELL

Date of Hearing (Closing): MARCH 6, 2014 11 A.M.

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:

16306 OLD YORK Rd

The sign(s) were posted on: 2/11/2014

John M. Altmeyer
(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Road
(Street Address of Sign Poster)

Freeland, Maryland 21053
(City, State, Zip of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

ZONING NOTICE

- GEORGE & LINDA GABELL -

CASE # 2014-0149-SPH
16306 OLD YORK RD.

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

JEFFERSON BUILDING

PLACE: 105 W. CHESAPEAKE AVE. ROOM 205
TOWSON, MD 21204

DATE AND TIME: MARCH 6, 2014 AT 11 A.M.

REQUEST: SPECIAL HEARING
TO APPROVE AN ACCESSORY APARTMENT
(IN-LAW) TO BE LOCATED WITHIN AN
ACCESSORY BUILDING (DETACHED GARAGE)

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

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

HANDICAPPED ACCESSIBLE



KEVIN KAMENETZ
County Executive

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

February 7, 2014

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: 2014-0149-SPH

16306 Old York Road

W/s of Old York Road, 1800 ft. S/of the centerline of Markoe Road

10th Election District – 3rd Councilmanic District

Legal Owners: George & Linda Gabell

Special Hearing to approve an accessory apartment (in-law) to be located within an accessory building (detached garage).

Hearing: Thursday, March 6, 2014 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: Mr. & Mrs. Gabell, 16306 Old York Road, Monkton 21111

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 14, 2014.**
- (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, February 13, 2014 Issue - Jeffersonian

Please forward billing to:
George Gabell
16306 Old York Road
Monkton, MD 21111

410-472-9033

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16306 Old York Road

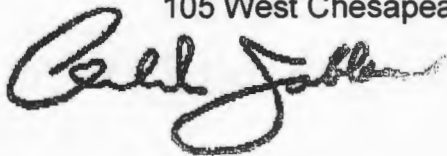
W/s of Old York Road, 1800 ft. S/of the centerline of Markoe Road

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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.



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

February 14, 2014

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 February 13, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

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Case: #2014-0149-SPH

16306 Old York Road
W/s of Old York Road, 1800 ft. S./of the centerline of Markoe Road

10th Election District - 3rd Councilmanic District

Legal Owner(s): George & Linda Gabell

Special Hearing to approve an accessory apartment (in-law) to be located within an accessory building (detached garage).

Hearing: Thursday, March 6, 2014 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 needs persons, please contact the Administrative Law Judge's Office at (410) 326-1234. The claim will be barred unless the creditor presents the claim or other written notice, notifying the creditor that the claim is being presented.

MEMORANDUM

DATE: April 11, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0149-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on April 8, 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 SPECIAL HEARING
16306 Old York Road; W/S Old York Road,
1800' S of c/line of Markoe Road
10th Election & 3rd Councilmanic Districts
Legal Owner(s): George & Linda Gabell
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-149-SPH

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JAN 24 2014

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 24th day of January, 2014, a copy of the foregoing Entry of Appearance was mailed to George & Linda Gabell, 16306 Old York Road, Monkton, MD 21111, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment1/27/14DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)N/C

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

FIRE DEPARTMENT

2/20/14PLANNING
(if not received, date e-mail sent _____)NOT OPPOSED
w/c1/24/14

STATE HIGHWAY ADMINISTRATION

No obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 2005-0028-A)

NEWSPAPER ADVERTISEMENT

Date:

2/13/14

SIGN POSTING

Date:

2/11/14

by

Altmeppen

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

**AREA CALCULATIONS FOR
ACCESSORY IN LAW APARTMENT IN ACCESSORY BUILDING
16306 OLD YORK ROAD**

EXISTING PRIMARY DWELLING					
FIRST FLOOR	LENGTH	X	WIDTH	AREA	
LIVING AREA					
AREA 1	38	X	28	1,064	
AREA 2	36	X	16	576	
MUD ROOM	6.5	X	12.6	82	
FOYER	6	X	2	12	
SUBTOTAL					1,734
SECOND FLOOR	LENGTH	X	WIDTH	AREA	
LIVING AREA					
AREA 1	38	X	28	1,064	
AREA 2	36	X	16	576	
SUBTOTAL					1,640
TOTAL FLOOR AREA EXISTING DWELLING					3,374 S.F.

EXISTING ACCESSORY BUILDING					
FIRST FLOOR	LENGTH	X	WIDTH	AREA	
GARAGE	24	X	44	1,056	
SUBTOTAL					1,056
SECOND FLOOR	LENGTH	X	WIDTH	AREA	
STORAGE	24	X	44	1,056	
SUBTOTAL					1,056
TOTAL FLOOR AREA ACCESSORY BUILDING					2,112 S.F.

PROPOSED ACCESSORY IN-LAW APARTMENT					
SECOND FLOOR	LENGTH	X	WIDTH	AREA	
LIVING AND BEDROOM	24	X	44	1,056	
KITCHEN ADDITION	10	X	12	120	
TOTAL FLOOR AREA ACCESSORY APARTMENT					1,176 S.F.

- 1 AREA OF ACCESSORY BUILDING IS SMALLER THAN PRIMARY RESIDENCE.
- 2 AREA OF ACCESSORY IN LAW APARTMENT DOES NOT EXCEED 1,200 SF.
- 3 OCCUPANTS OF THE ACCESSORY IN LAW APARTMENT, SARAH AND WESLEY GILBERT ARE THE DAUGHTER AND SON IN LAW OF THE DECLARANTS
- 4 NO SEPARATE UTILITY METERS ARE REQUIRED OR NECESSARY.
- 5 NO SEPARATE WATER OR SEWER SERVICES ARE REQUIRED OR NECESSARY.



KEVIN KAMENETZ
County Executive

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

February 26, 2014

George R. & Linda Gabell
16306 Old York Road
Monkton MD 21111

RE: Case Number: 2014-0149 A, Address: 16306 Old York Road

Dear Mr. & Ms. Gabell:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 9, 2014. 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.".

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: 1/24/14

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2014-0149-SPH
Special Hearing
George R. & Linda E. Gabell
16306 Old York Road
MD 562

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 1/22/14. A field inspection and internal review reveals that an entrance onto MD562 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing. Case Number 2014-0149-SPH.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

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

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 27, 2014

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

SUBJECT: Zoning Advisory Committee Meeting
For January 27, 2014
Item No. 2014-0146, 0149, 0150, 0151, 0152, 0153, 0154 and 0156

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\ZAC01272014 -.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 20, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 16306 Old York Road

INFORMATION:

Item Number: 14-149

Petitioner: George and Linda Gabell

Zoning: RC 2

Requested Action: Special Hearing

RECEIVED

FEB 27 2014

OFFICE OF ADMINISTRATIVE HEARINGS

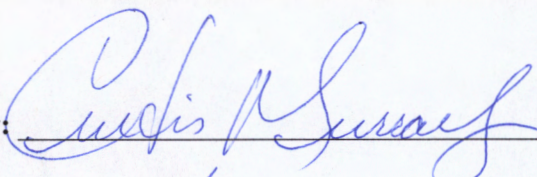
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request provided the following conditions are met:

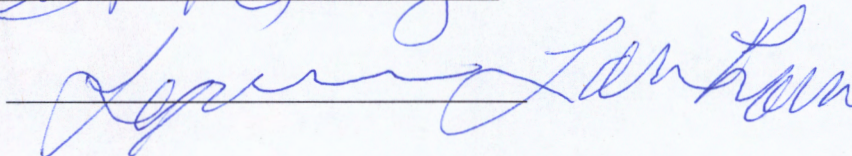
1. The size of the in-law apartment may not exceed 1,200 square feet, and shall comply with the requirements of Section 400 of the Baltimore County Zoning Regulations.
2. The in-law apartment may not be used as a separate dwelling unit or apartment once the family member for which this request is made no longer resides in the apartment. At that time all kitchen and bathroom facilities shall be removed.
3. The accessory building shall not be used for commercial purposes.

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

Prepared By:



Division Chief:
AVA/LL:cjm

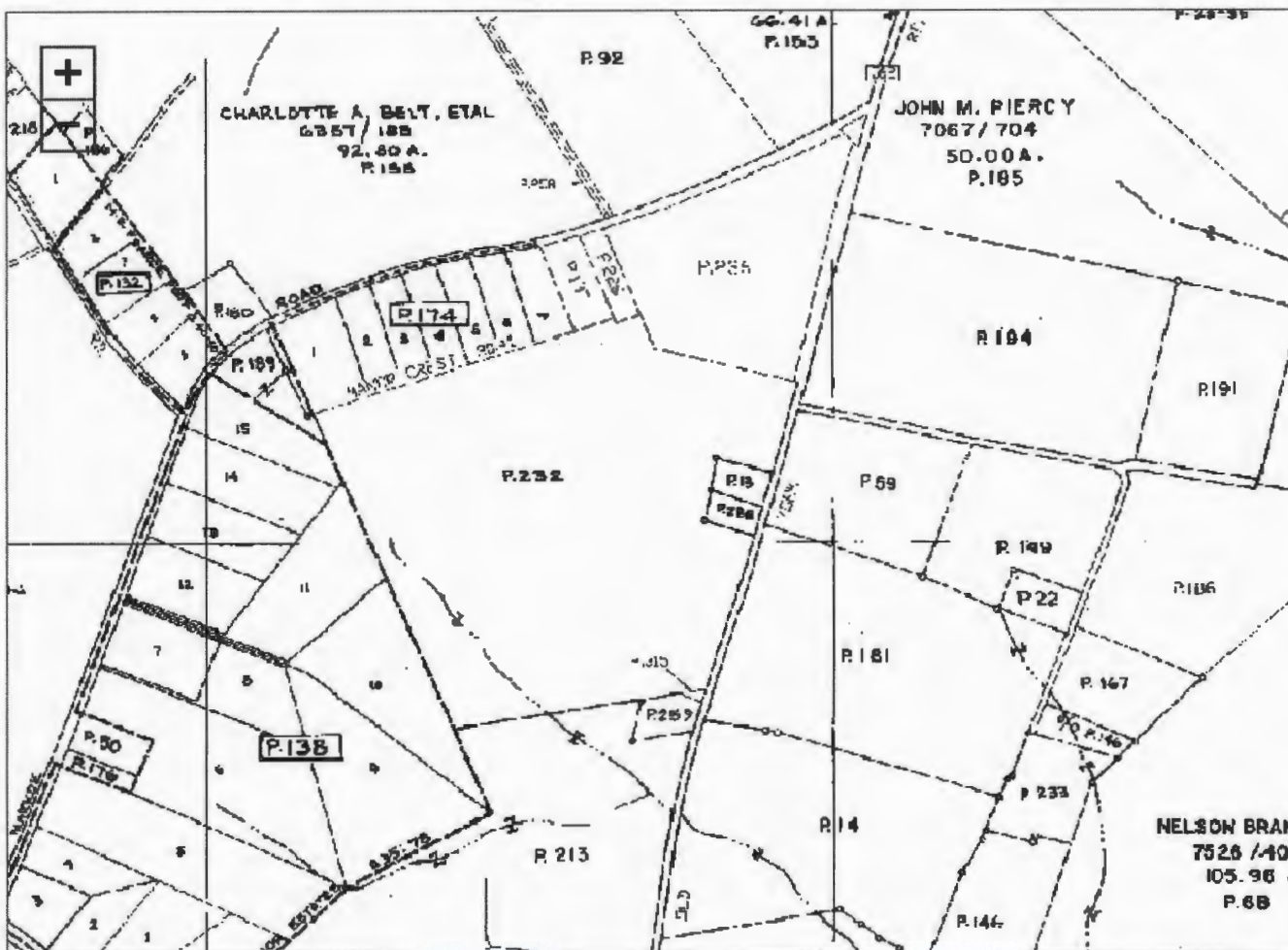


Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registr
Account Identifier:	District - 10 Account Number - 1019085100	
Owner Information		
Owner Name:	GABELL GEORGE R GABELL LINDA E	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	16306 OLD YORK RD MONKTON MD 21111-1709	Deed Reference: 1) /13387/ 0068 2)
Location & Structure Information		
Premises Address:	16306 OLD YORK RD 0-0000	Legal Description: 1 AC WS OLD YOR 2650FT E MAI
Map: 0029	Grid: 0005	Parcel: 0013
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2014
Special Tax Areas:	Town: NONE	Ad Valorem:
Primary Structure Built 1914	Above Grade Enclosed Area 3,856 SF	Finished Basement Area
Property Land Area 1.0000 AC	Stories 2.500000	Basement YES
Type STANDARD UNIT	Exterior FRAME	Full/Half Bath 3 full/ 1 half
Garage	Last Major Ren	
Value Information		
Base Value	Value	Phase-in Assessments
	As of 01/01/2014	As of 07/01/2013
Land: 150,000	135,000	As of 07/01/
Improvements 136,300	123,400	
Total: 286,300	258,400	286,300
Preferential Land: 0		258,400
Transfer Information		
Seller: COMPTON HOLLYDAY P	Date: 12/18/1998	Price: \$183,000
Type: ARMS LENGTH IMPROVED	Deed1: /13387/ 00688	Deed2:
Seller: COMPTON C E PHELPS	Date: 06/24/1996	Price: \$0
Type: ARMS LENGTH MULTIPLE	Deed1: /11659/ 00575	Deed2:
Seller: IGLEHART FRANCIS N,JR	Date: 08/15/1978	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06464/ 00541	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County: 000		07/01/2014
State: 000		0.00
Municipal: 000		0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: Approved 12/31/2012		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **10** Account Number: **1019085100**

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 Wait. Loading... Please Wait.

→

CASE NAME 2014-0149-SPH
CASE NUMBER _____
DATE 3-6-2014

[illegible]

Case No.: 2014-0149 - SPH

Exhibit Sheet

Petitioner/Developer

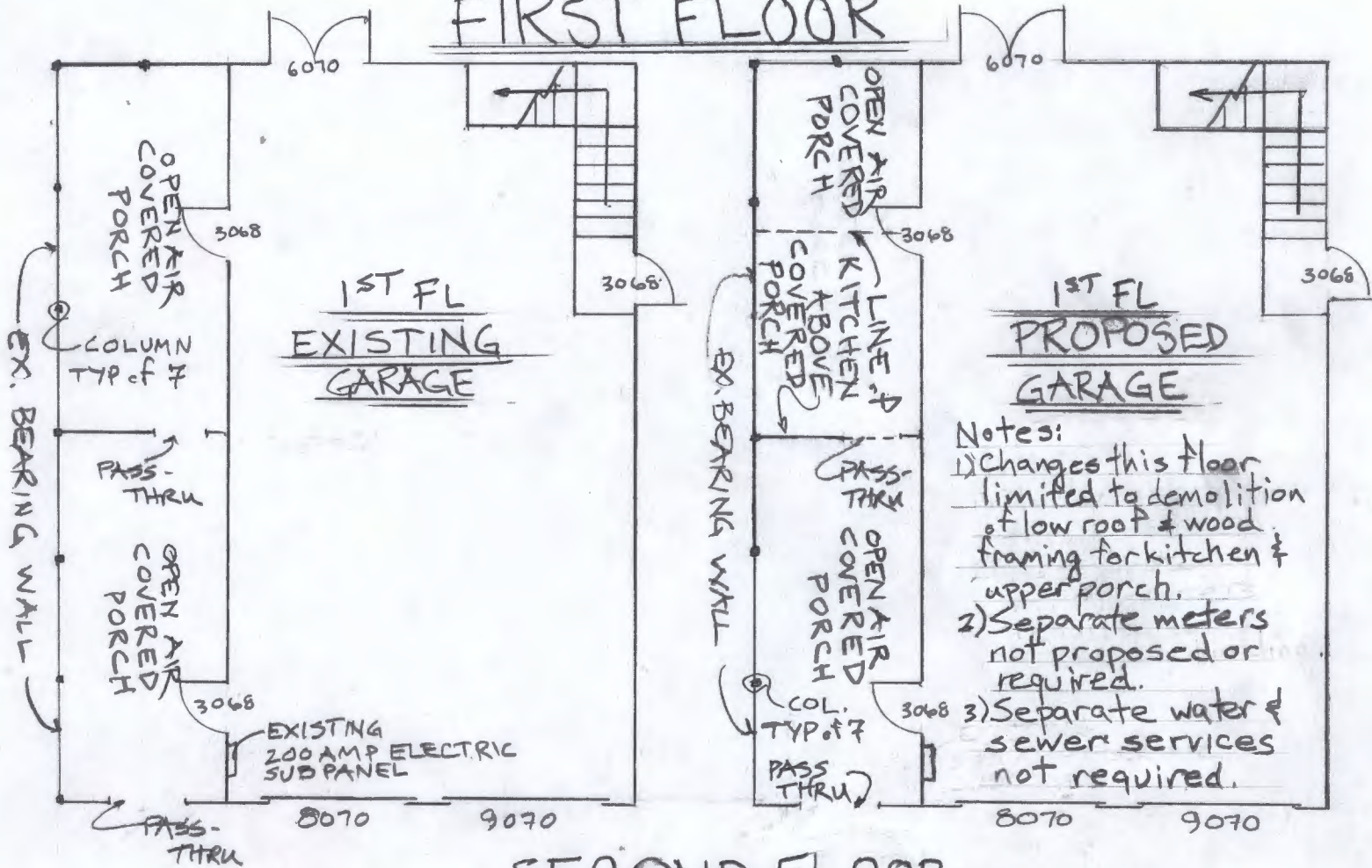
LDW
4-11-14

Protestant

SLW
3-6-14

No. 1	Floor plan	
No. 2	Site plan	
No. 3	Area calculations for In Law Apt.	
No. 4	Declaration (unsigned)	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

FIRST FLOOR



SECOND FLOOR

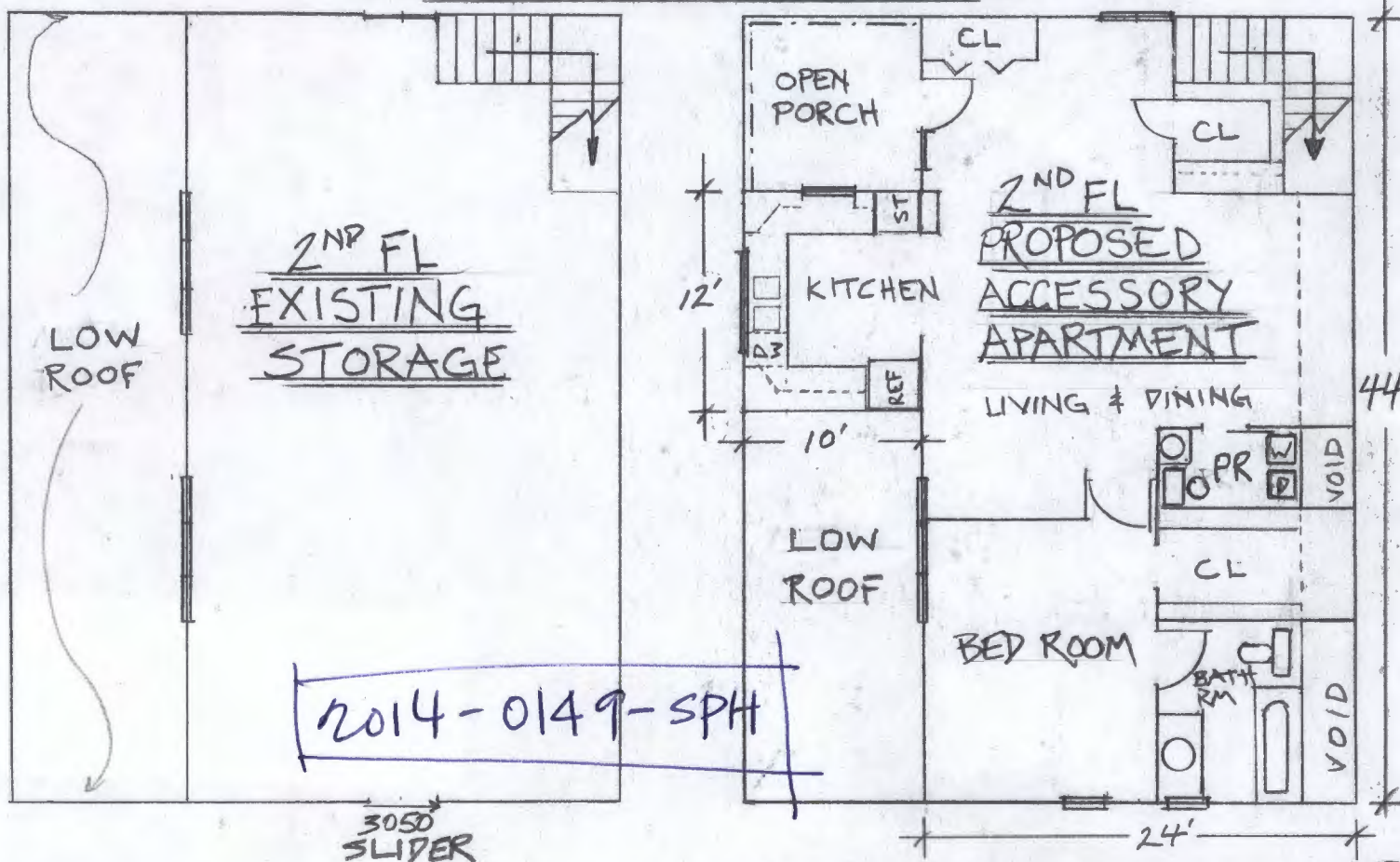
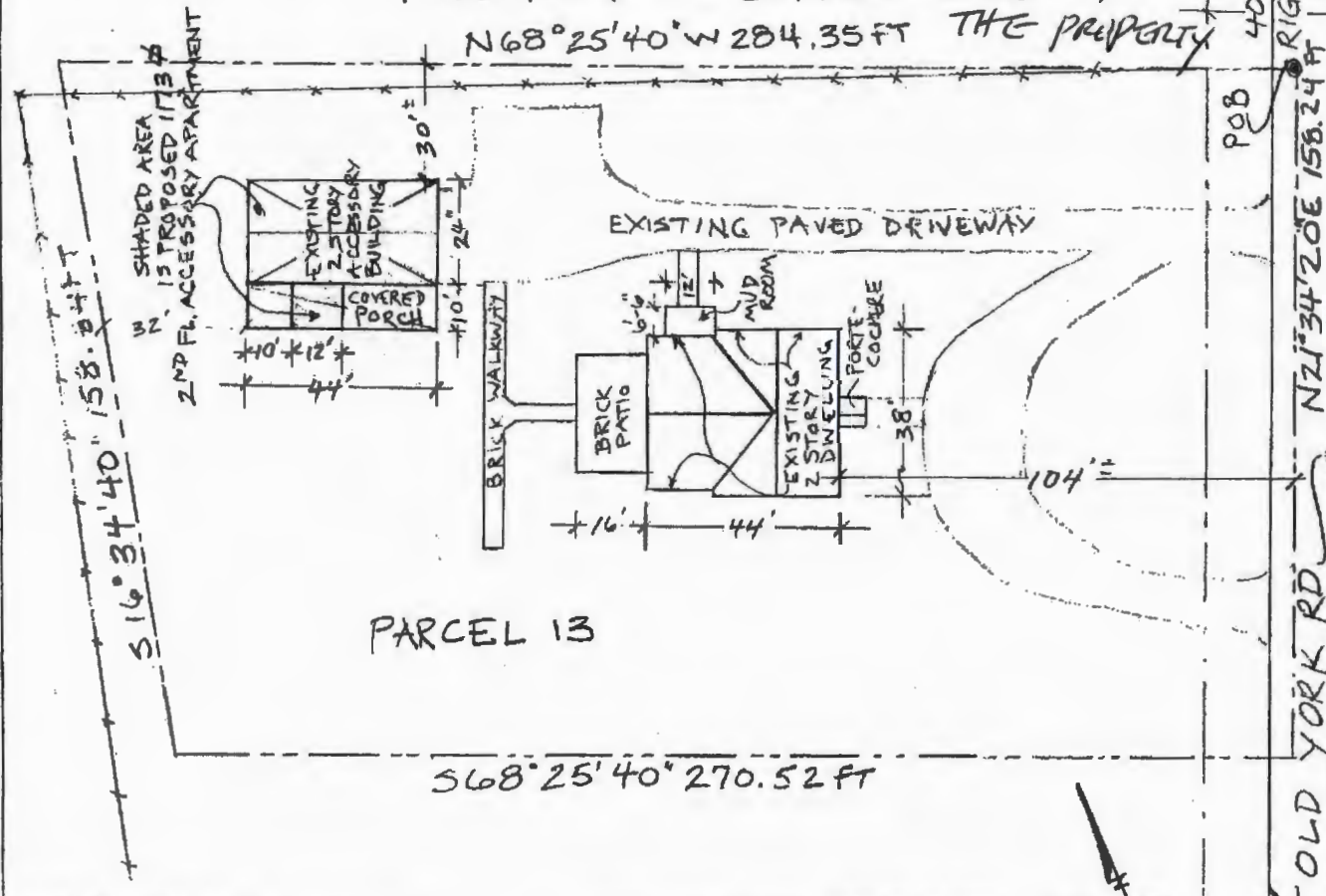


EXHIBIT "B"

ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)
 ADDRESS 16306 Old York Road OWNER(S) NAME(S) George R. & Linda E. Gabell
 SUBDIVISION NAME N/A LOT # N/A BLOCK # N/A SECTION # N/A
 PLAT BOOK # N/A FOLIO # 6464 10 DIGIT TAX # 10 19085 1 00 DEED REF. # 133871-688

* NO PRINCIPAL RESIDENCES WITHIN
 1000 FEET ON EITHER SIDES OF
 N68°25'40"W 284.35 FT THE PROPERTY



PLAN DRAWN BY G.R. Gabell DATE 12-2-13 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



ZONING MAP# 029C1
 SITE ZONED RC2
 ELECTION DISTRICT 10
 COUNCIL DISTRICT 03
 LOT AREA ACREAGE 1.0±
 OR SQUARE FEET 43,560±
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN?
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC PRIVATE X
 SEWER IS:
 PUBLIC PRIVATE X
 PRIOR HEARING? YES
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW
2005-0028-A
Variance Granted
for height &
set back.
 VIOLATION CASE INFO:
NO

PETITIONER'S

EXHIBIT NO. 2

2014-0149-SPH

**AREA CALCULATIONS FOR
ACCESSORY IN LAW APARTMENT IN ACCESSORY BUILDING
16306 OLD YORK ROAD**

EXISTING PRIMARY DWELLING					
FIRST FLOOR		LENGTH	X	WIDTH	AREA
LIVING AREA					
	AREA 1	38	X	28	1,064
	AREA 2	36	X	16	576
	MUD ROOM	6.5	X	12.6	82
	FOYER	6	X	2	12
SUBTOTAL					1,734
SECOND FLOOR		LENGTH	X	WIDTH	AREA
LIVING AREA					
	AREA 1	38	X	28	1,064
	AREA 2	36	X	16	576
SUBTOTAL					1,640
TOTAL FLOOR AREA EXISTING DWELLING					3,374 S.F.

EXISTING ACCESSORY BUILDING					
FIRST FLOOR		LENGTH	X	WIDTH	AREA
	GARAGE	44	X	24	1,056
SUBTOTAL					1,056
SECOND FLOOR		LENGTH	X	WIDTH	AREA
	STORAGE	24	X	44	1,056
SUBTOTAL					1,056
TOTAL FLOOR AREA ACCESSORY BUILDING					2,112 S.F.

PROPOSED ACCESSORY IN-LAW APARTMENT					
SECOND FLOOR		LENGTH	X	WIDTH	AREA
	LIVING AND BEDROOM	24	X	44	1,056
	KITCHEN ADDITION	10	X	12	120
TOTAL FLOOR AREA ACCESSORY APARTMEN'					1,176 S.F.

- 1 AREA OF ACCESSORY BUILDING IS SMALLER THAN PRIMARY RESIDENCE.
- 2 AREA OF ACCESSORY IN LAW APARTMENT DOES NOT EXCEED 1,200 SF.
- 3 OCCUPANTS OF THE ACCESSORY IN LAW APARTMENT, SARAH AND WESLEY GILBERT ARE THE DAUGHTER AND SON IN LAW OF THE DECLARANTS
- 4 NO SEPARATE UTILITY METERS ARE REQUIRED OR NECESSARY.
- 5 NO SEPARTE WATER OR SEWER SERVICES ARE REQUIRED OR NECESSARY.

PETITIONER' S

EXHIBIT NO.

3

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this ____ day of _____ 2014, by and between George Richardson Gabell and Linda Elizabeth Gabell (hereinafter referred to as the "Declarants") 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 construct the ordinary and necessary improvements on and within the footprint of the existing accessory building to create an accessory in-law apartment. The 1,056 s.f. second floor of the accessory building is currently used for storage. The work required within the existing space will include the construction of approx. 80 l.f. of drywall partitions to create a combined living room and dining room, one (1) bedroom, 1 ½ bathrooms, laundry and closet spaces. The proposed work also includes the construction of an approx. 10' x 12' addition over the existing covered porch on the south side of the existing accessory building. This work will include new floor, wall and roof wood framing, sheathing, insulation and roofing meeting all applicable building and energy codes. Incidental work will include all necessary plumbing, electrical and HVAC work to make the space functional. The accessory building is currently served with a 200 amp subpanel not separately metered from the primary residence and an existing well and septic system. The heating, water heating, cooking and clothes drying is currently planned to be powered by liquid propane. That fuel source will be extended via buried piping from the existing 1,000 gallon LPG tank to the accessory building.

The property being located at 16306 Old York Road, Monkton, Maryland 21111 and is more particularly described by metes and bounds in Exhibit A (The Property) and Exhibit B (The use permit or hearing plans) attached hereto and made a part hereof. The property is zoned RC2, which is the particular zone in which the property is located.

- B. PAI 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 housing for Sarah and Wesley Gilbert, the daughter and son in law of the Declarants. The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.
- C. As a condition of approval of the Declarants' request, Bill No. 49-11 requires the filing of this Declaration among the 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 PIA.

Declarations

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarants and PIA hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only the immediate family member listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in Land Records.

Declaration of Understanding for George R. & Linda E. Gabell
16306 Old York Road, Monkton, Md.

2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.
3. The size of the in-law apartment may not exceed 1,200 square feet, and shall comply with the requirements of Section 400 of the Baltimore County Zoning Regulations.
4. The in-law apartment may not be used as a separated dwelling unit or apartment once the family member for which this request is made no longer resides in the apartment.
5. Upon use permit termination of the Accessory Apartment in the accessory building it shall:
 - a. Require removal of the kitchen and bathroom facilities, at the discretion of the PAI and
 - b. The Declarants will provide written notification to PAI for the closing of the Department file.
6. The accessory building shall not be used for commercial use.
7. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the Property.
8. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

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

WITNESS: _____

George Richardson Gabell

Linda Elizabeth Gabell

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this _____ day of _____, 2014 before the Subscriber, a Notary Public of State of Maryland, personally appeared

_____.

The Declarants herein, who are also the owners of this property, known to me 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 Notarial Seal.

My Commission Expires:

Notary Public



2014-0149-SPH



2014-0149-SPH



2014-0149-SPH



2014-0149-SPH



2014-0149-SPH



2014-0149-SPH



2014-0149-SPH

RC2

RC-2

029C1

16306

OLD YORK RD

105 Feet

2014-0149-SPH



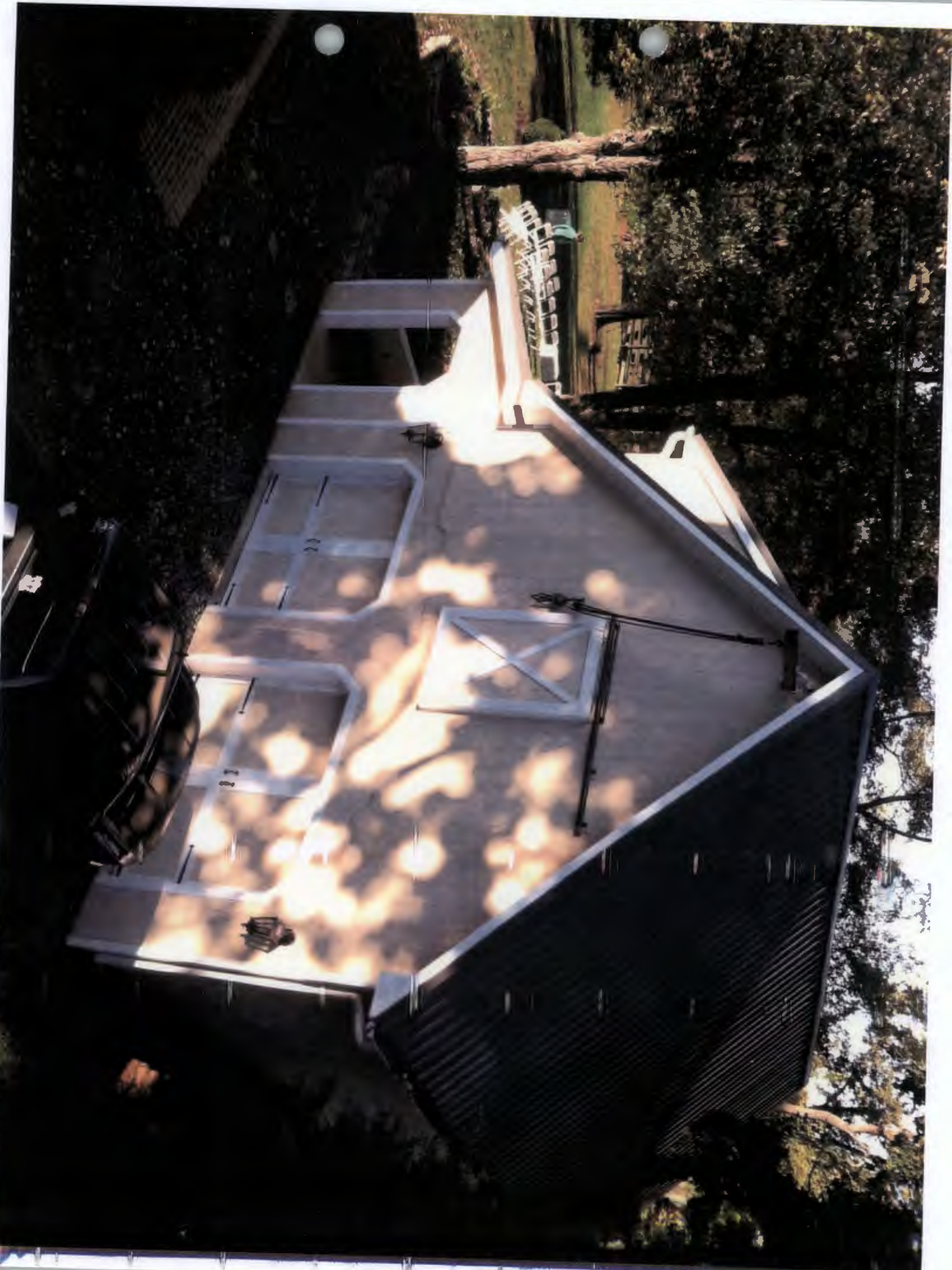
My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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Printed 12/1/2013

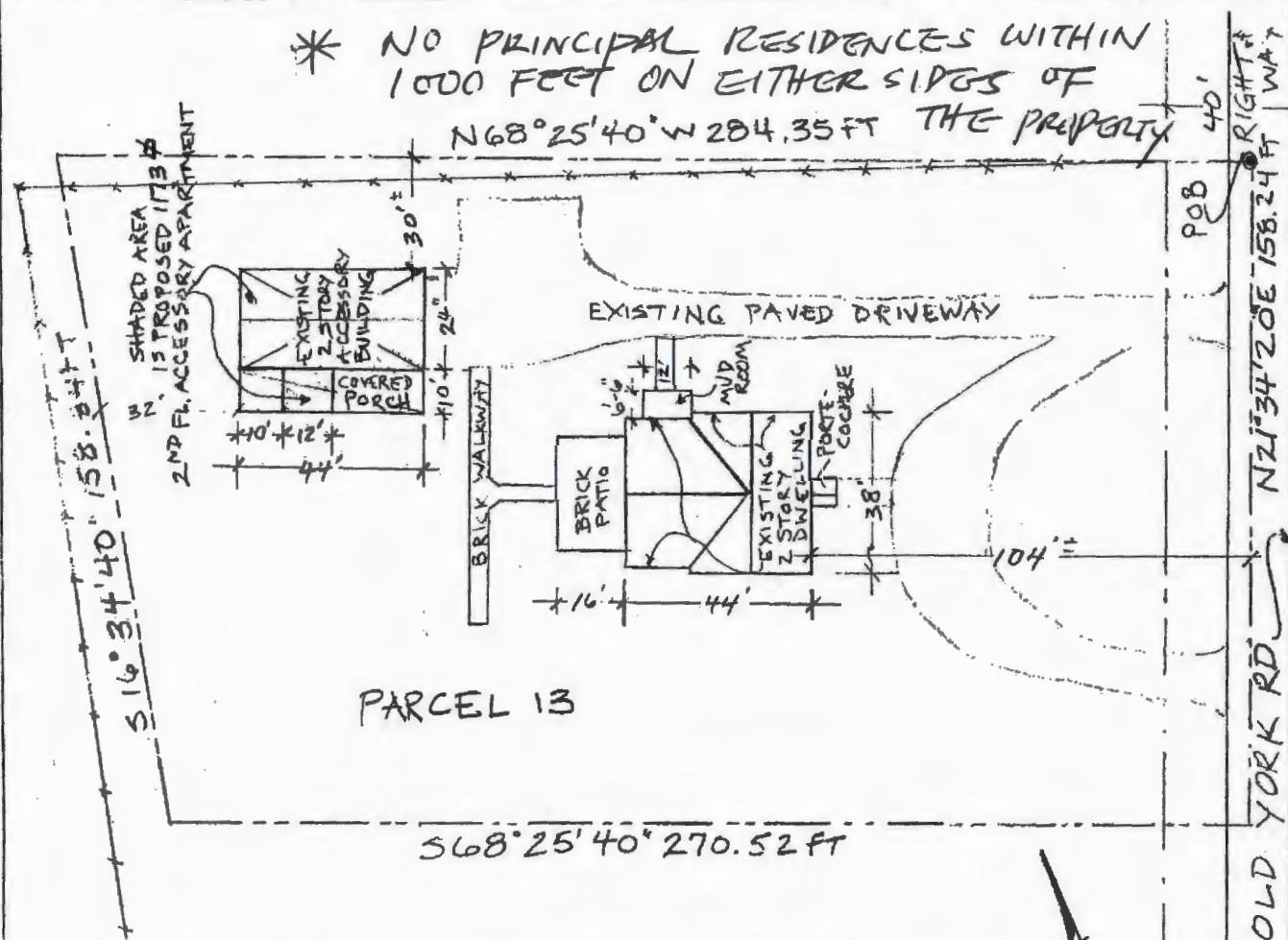


2014-0149-SPH

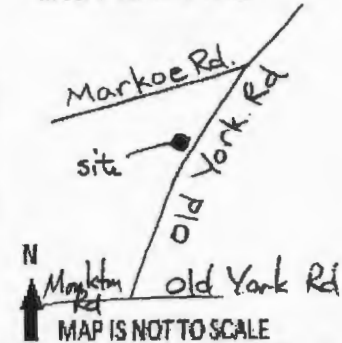
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