

KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

November 24, 2014

Michael & Geraldine Harris 12351 Long Green Pike Glen Arm, Maryland 21057

RE: Petitions for Special Hearing and Variance

Property: 12351 Long Green Pike Case No.: 2015-0087-SPHA

Dear Mr. and Mrs. Harris:

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,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln Enclosure

c: Geraldine Powers, 14415 Misty Valley Road, Phoenix, Maryland 21131 Jim Kevin, 778 Chessie Crossing Way, Woodbine, Maryland 21797 IN RE: PETITIONS FOR SPECIAL HEARING \*

AND VARIANCE

(12351 Long Green Pike) 11<sup>th</sup> Election District

3<sup>rd</sup> Council District

Petitioners

Michael & Geraldine Harris

Legal Owners

\*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0087-SPHA

**OPINION AND ORDER** 

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of the legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an accessory building for use as an in-law apartment pursuant to an approved Declaration of Understanding, and to permit a separate electric meter. In addition, a Petition for Variance seeks to permit an accessory structure with a height of 30 ft. in lieu of the permitted 15 ft.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1. Appearing at the public hearing in support of the requests was Michael & Geraldine Harris. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment dated November 10, 2014 was submitted by the Department of Planning (DOP). That agency conducted a visit to the site and did not oppose the relief.

The subject property is approximately 23.11 acres and is zoned RC 2. A large portion of the property is used for farming, and an existing single family dwelling is situated towards the rear

ORDER RECEIVED FOR FILING

Date 11 24 14

By Sln

of the lot. The Petitioners would like to construct a detached garage with a second story accessory apartment. To do so requires zoning relief.

To obtain variance relief a petitioner must show:

- (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. The large property is irregularly shaped and is therefore unique. The Petitioners would experience a practical difficulty if the regulations were strictly interpreted, since they would not be able to construct the garage/accessory apartment as proposed. Finally, the relief will not be injurious to the public welfare, as demonstrated by the lack of county and/or community opposition. In fact, Petitioners submitted signatures from each of their contiguous neighbors, expressing support for the request. Exhibit 2.

The Petitioners' mother will occupy the apartment, and Petitioners understand (as provided in the B.C.Z.R. and the Declaration of Understanding which will be filed with the Department of Permits, Approvals and Inspections (PAI)), that a use permit is required and must be renewed every two years, and that the structure can only be used as an accessory apartment for so long as it is occupied by immediate family members related to Petitioners by blood, marriage and/or adoption. The use of the apartment, when conducted in accordance with the conditions below and the Declaration of Understanding, will not have a detrimental impact upon surrounding and neighboring properties, and will conform with B.C.Z.R. §502.1. The Baltimore Gas and Electric Company (BGE) has informed Petitioners that a separate or auxiliary service (with meter) is required for the proposed accessory building, due to the electricity demand from the HVAC system. In my opinion, this finding entitles Petitioners to a separate electric meter for the accessory structure, pursuant to B.C.Z.R. § 400.4.B.4.

Date 11/24/14 \_\_\_\_\_\_

THEREFORE, IT IS ORDERED this <u>24<sup>th</sup></u> day of November, 2014, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve an accessory building for use as an in-law apartment pursuant to an approved Declaration of Understanding, and to permit a separate electric meter, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit an accessory structure with a height of 30 ft. in lieu of the permitted 15 ft., 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 is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioners must obtain from the Department of PAI a use permit for the accessory apartment, which permit must be renewed every two years.
- 3. Petitioners must within 30 days of the date hereof file among the Land Records of Baltimore County the Declaration of Understanding filed with the Petition.

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

By.



## 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:

which is presently zoned RC2 Address#12351 Long Green Pike Deed References: 28690-169 10 Digit Tax Account # 2 2 0 0 0 1 5 Property Owner(s) Printed Name(s) Michael Harris and Geraldine P Harris

(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. X a Special Hearing ur	nder Section 500.7 of the Zon	ing Regulations o	of Baltimore County, to determine whether
or not the Zoning Commiss	sioner should approve An	accessory	building for use as an
In-Law Apartment	pursuant to an	approved T	Declaration of Understanding
400.4B; BCZR);	and to permit a	separate e	building for use as an Declaration of Understanding electric meter:

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

3. X a Variance from Section(s) 400.2; BCZR to permit an accessory structure with a height of 30ft. in lieu of the permitted 15ft.

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 Purc	haser/Lessee:		Legal Owners (Petitioners):
			Michael Harris , Geraldine Harris
Name-Type or Pri	int		Name #1 - Type or Print Name #2 - Type or Print
			muy Hours I Hersedno Hours
Signature			Signature #1 Signature # 2
	:		12351 Long Green Pike Glen Arm, MD
Mailing Address		City Sta	e Mailing Address City State
Zip Code	Telephone #	/ Email Address	21057 / 410-592-8177 /gerrypowers@comca Zip Code Telephone# Email Address .ne
zip Gode	1 diephone w	Littali Piddices	
Attorney for Petitioner:			Representative to be contacted:
4		FOR FIL	NG J. Scott Dallas, Reg No 468
Name- Type or Pr	ORDER RE	CEIVED FOR FIL	Name - Type or Print
Signature	Date	THE T	Signature
	Date	Ver	P.O. Box 26 Baldwin MD
Mailing Address	By-	City Sta	
1	-9	1	21013 / 410-817-4600 jsdinc@aol.com
	Telephone #	Email Address	Zip Code Telephone # Email Address

# J. S. DALLAS, INC.

SURVEYING & ENGINEERING

P.O. BOX 26 BALDWIN, MD 21013 (410) 817-4600 FAX (410) 817-4602

## ZONING DESCRIPTION OF #12351 LONG GREEN PIKE

BEGINNING at a point on the west side of the (abandoned) Maryland and Pennsylvania Railroad right-of-way, 60' wide, at the distance of 4020', more or less, northerly from the of the centerline of Glen Arm Road

- 1) thence by a curve to the left with a radius of 329 feet for an arc length of 45.00 feet;
- 2) thence North 30 Degrees 52 Minutes 40 Seconds East for 25.92 feet;
- 3) thence South 43 Degrees 46 Minutes 43 Seconds East for 78.72 feet;
- 4) thence South 43 Degrees 46 Minutes 43 Seconds East for 36.76 feet;
- 5) thence South 65 Degrees 54 Minutes 42 Seconds East for 202.73 feet;
- 6) thence South 86 Degrees 11 Minutes 35 Seconds East for 105.30 feet;
- 7) thence North 78 Degrees 09 Minutes 40 Seconds East for 107.27 feet;
- 8) thence North 60 Degrees 41 Minutes 49 Seconds East for 200.63 feet;
- 9) thence North 76 Degrees 09 Minutes 44 Seconds East for 280.13 feet;
- 10) thence North 30 Degrees 11 Minutes 39 Seconds East for 603.48 feet;
- 11) thence South 05 Degrees 17 Minutes 06 Seconds East for 265.76 feet;
- 12) thence South 24 Degrees 11 Minutes 27 Seconds East for 176.22 feet;
- 13) thence South 36 Degrees 21 Minutes 13 Seconds East for 153.86 feet;
- 14) thence South 50 Degrees 29 Minutes 59 Seconds East for 327.83 feet;
- 15) thence South 15 Degrees 11 Minutes 05 Seconds East for 62.02 feet;
- 16) thence South 51 Degrees 54 Minutes 35 Seconds West for 199.80 feet;
- 17) thence South 62 Degrees 22 Minutes 28 Seconds West for 125.07 feet;

- 18) thence South 83 Degrees 38 Minutes 54 Seconds West for 116.29 feet;
- 19) thence South 73 Degrees 08 Minutes 36 Seconds West for 207.90 feet;
- 20) thence North 86 Degrees 06 Minutes 52 Seconds West for 281.57 feet;
- 21) thence South 50 Degrees 36 Minutes 20 Seconds West for 295.35 feet;
- 22) thence South 60 Degrees 36 Minutes 12 Seconds West for 198.40 feet;
- 23) thence South 75 Degrees 41 Minutes 04 Seconds West for 157.16 feet;
- 24) thence South 79 Degrees 38 Minutes 41 Seconds West for 153.09 feet;
- 25) thence North 25 Degrees 38 Minutes 35 Seconds West for 392.30 feet;
- 26) thence North 17 Degrees 56 Minutes 07 Seconds East for 303.30 feet;
- 27) thence by a curve to the left with a radius of 389.27 feet for an arc length of 121.56 feet;
- 28) thence North 57 degrees 09 minutes 46 seconds West 74.31 feet to the point of beginning, as recorded in Deed Liber 28690 Folio 169.

CONTAINING 23.11 acres of land, more or less or 1006775 square feet of land, more or less.

LOCATED in the 11th Election District and 3rd Councilmanic District.

Note: Description above based on existing deed of record and NOT the result of a boundary survey.



OFFIC	E OF BU	OUNTY, N DGET ANI US CASH	DFINANC	Ε	· waltat	No.	10/1	18319	PAID RECEIPT MUSINESS ACTUAL TIME NAME
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The statement state



Baltimore, Maryland 21278-0001

October 30, 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 October 30, 2014

The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Sugar Wilkinson

#### NOTICE OF ZONING HEARING

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

Case: # 2015-0087-SPHA

12351 Long Green Pike
SE/s of Long Green Pike, 4020 ft NE of Glen Arm Road
11th Election District - 3rd Councilmanic District
Legal Owner(s) Michael & Geraldine Harris
Special Hearing to approve an accessory building for use as an in-law apartment pursuant to an approved Declaration of Understanding and to permit a separate electric meter.
Variance to permit an accessory structure with a height of

Variance to permit an accessory structure with a height of 30 ft. in lieu of the permitted 15 ft. Hearing: Thursday, November 20, 2014 at 1:30 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.

10/1045 Oct. 30

# **CERTIFICATE OF POSTING**

**ATTENTION: KRISTEN LEWIS** 

**DATE:** 10/31/2014

Case Number: 2015-0087-SPHA

Petitioner / Developer: J. S. DALLAS~MR. & MRS. HARRIS

Date of Hearing (Closing): NOVEMBER 20, 2014

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: 12351 LONG GREEN PIKE

The sign(s) were posted on: OCTOBER 31, 2014



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) TO: PATUXENT PUBLISHING COMPANY

Thursday, October 30, 2014 Issue - Jeffersonian

Please forward billing to:

Michael Harris 12351 Long Green Pike Glen Arm, MD 21057 410-592-8177

## **NOTICE OF ZONING HEARING**

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

CASE NUMBER: 2015-0087-SPHA

12351 Long Green Pike SE/s of Long Green Pike, 4020 ft. NE of Glen Arm Road 11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District Legal Owners: Michael & Geraldine Harris

**Special Hearing** to approve an accessory building for use as an in-law apartment pursuant to an approved Declaration of Understanding and to permit a separate electric meter. **Variance** to permit an accessory structure with a height of 30 ft. in lieu of the permitted 15 ft.

Hearing: Thursday, November 20, 2014 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ ... County Executive

October 22, 2014

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

## NOTICE OF ZONING HEARING

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

CASE NUMBER: 2015-0087-SPHA

12351 Long Green Pike

SE/s of Long Green Pike, 4020 ft. NE of Glen Arm Road

11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Michael & Geraldine Harris

**Special Hearing** to approve an accessory building for use as an in-law apartment pursuant to an approved Declaration of Understanding and to permit a separate electric meter. **Variance** to permit an accessory structure with a height of 30 ft. in lieu of the permitted 15 ft.

Hearing: Thursday, November 20, 2014 at 1:30 p.m. in Room 205, Jefferson Building,

105 West Chesapeake Avenue, Towson 21204

Arnold Jable

AJ:kl

C: Mr. & Mrs. Harris, 12351 Long Green Pike, Glen Arm 21057 J. Scott Dallas, Reg No 468, P.O. Box 26, Baldwin 21013

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 31, 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.

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
12351 Long Green Pike; SE/S Long Green
Pike, 4020' NE of Glen Arm Road
11<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts
Legal Owner(s): Michael & Geraldine Harris
Petitioner(s)

- BEFORE THE OFFICE
- OF ADMINSTRATIVE
- \* HEARINGS FOR
- \* BALTIMORE COUNTY
- \* 2015-087-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

OCT 2 2 2014

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Combe S Dembio

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 22nd day of October, 2014, a copy of the foregoing Entry of Appearance was mailed to J. Scott Dallas, P.O. Box 26, Baldwin, MD 21013, Representative for Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 2015.008 SPHA
Patitioner Michael & Harris and Gosaldine P. Harris
Address or Location: # 12351 Long Green Pike
Address or Location: # 12351 Long Green Pike Glen Arm, MD. 21057
PLEASE FORWARD ADVERTISING BILL TO:
Name: Michael S. Harris
Address: 12351 Long Green Pile
Glen Arm, MD. 21057
**************************************
Telephone Number: 410 · 592 - 8177



DATE: November 10, 2014

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE



TO:

Arnold Jablon

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

12351 Long Green Pike

INFORMATION:

Item Number:

15-087

Petitioner:

Michael Harris

Zoning:

RC 2

Requested Action:

Special Hearing, Variance

## SUMMARY OF RECOMMENDATIONS:

The subject request is for a special hearing to approve an in-law apartment pursuant to Section 400.4.B of the BCZR with separate electric meter and for a variance of Section 400.2 of the BCZR to permit an accessory structure with a height of 30 feet in lieu of permitted 15 feet.

Upon review the petitioner's request and accompanying site plan and subsequent to a site visit the Department of Planning offers the following comment.

- The property is 23 acres in size with a large house located towards the rear of the property after which the elevation drops off significantly. The front of the property is leased for farming. The proposal is to build an accessory unit for the owner's mother. The proposed structure will be approximately 40 feet from the existing residence and located in the rear yard, and will be 1042 square feet in size and located over a three bay garage thus necessitating the height variance. The justification for the separate electric that was given was that the owner wants the unit to have its own meter and that the house line is at capacity.
- The applicant has provided proposed architectural elevations that are consistent with the style and materials of the existing house. The size of the accessory apartment does not exceed 1200 square feet as allowed by Section 400.4.B.2

After consideration, it is the recommendation of this Department that the requested relief can be supported provided that a restriction is entered in the deed that limits the limits the residential use to occupancy of the unit by the immediate family or the use will be discontinued in accordance with the provisions of Section 400.4.C. 1 & 2 of the BCZR.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott, Jr. at 410-887-3480. Fauhan

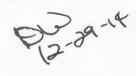
**Division Chief:** 

AVA/LL

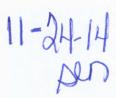
Case No.: 2015 - 0087 - SPHA

## **Exhibit Sheet**

Petitioner/Developer



**Protestants** 



No. 1	Site plan
No. 2	Map w/ Neighbors'signatures
No. 3	
No. 4	
No. 5	
No. 6	
No. 7	
No. 8	
No. 9	
No. 10	
No. 11	
No. 12	





Land Development Map

Created By Baltimore County My Neighborhood



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

Name _	RicHara	d Wat	50n			_
Signature	Relial	J Wat	ma			_
Address	12318	Long	GReen	Pike	Glen ARM	, md 2105 7
Date	10/7/14					

Name William E FILLOGA

Signature Global E. Ellings

Address 12343 Long Green PK

Date 10-24-14

Name EDWARD JOHNSTON

Signature of Edward Schnston, 14

Address 12353 Long Green Pipo Gen am Mr. 21057

Date 9-10-04-14

Name Elizabeth and John Fazzini

Signature State Arm MD 2105")

Date 14/13/14

Name	Jon trank
Signature	Tatruk
Address	5530 E. Glen Avm Rd.
Date	10-4-14

Name William Dietz	
Signature William Dut	
Address 5728 6/enary 1910 21057	
Date 14/14	

## MEMORANDUM

DATE:

December 29, 2014

TO:

**Zoning Review Office** 

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0087-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on December 24, 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

## **DECLARATION OF UNDERSTANDING**

THE DECLADAT	ION OF UNDERSTANDING (hereinafter	referred to as "Declaration") is made on
		The state of the s
this 14th	day of October	20_14,
by and between Mi	chael S Harris and Geraldin	e P Harris, Husband and Wife
	i to as the "Declarant") and the Departmen	
(hereinafter referred	l to as "PAI").	
	Recitals	
A. The Declarant(spermit and special h		erty has/have filed an application for a use

Construct and use a free standingaccessory (in-law) apartment/garage, 30'high, to be located behind and north of the existing dwelling #12351 Long Green Pike.

The property being located at: #12351 Long Green Pike Glen Arm, MD 21057 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.

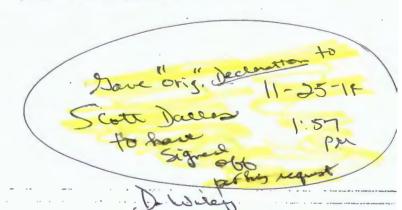
B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory apartment will be the housing for: <a href="Mrs. Geraldine Powers">Mrs. Geraldine Powers</a> (widow) Mother of Geraldine P Harris, Property owner).

The other residents of the property are:

Michael: S and Geraldine P Harris, (husband and wife) and their children Carson C Harris and McLane S Harris.

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 Declarant(s) 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.



NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarant(s) 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(s) 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.
- 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. Upon use permit termination:
- B. In the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.
- C. The Declarant(s) upon termination of the use permit will provide written notification to PAI for the closing of the Department file.
- 5. 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.
- 6. 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:

Michel A. Hams

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 10/14 day of 20/14 before the Subscriber, a Notary Public of

State of Maryland, personally appeared

MICHAEL S. HARRIS AND GERALDINE P. HARRIS

The declarant(s) herein, who is/are also the owner(s) of this property, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and who acknowledged that he/she/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:

7/18/2015 WILLIAM TO THE TAIL THE TAIL

Edith Rosemarie Pallas.
Notary Public

## EXHIBIT A

BEGINNING at a point on the west side of the (abandoned) Maryland and Pennsylvania Railroad right-of-way, 60' wide, at the distance of 4020', more or less, northerly from the of the centerline of Glen Arm Road

- 1) thence by a curve to the left with a radius of 329 feet for an arc length of 45.00 feet;
- 2) thence North 30 Degrees 52 Minutes 40 Seconds East for 25.92 feet;
- 3) thence South 43 Degrees 46 Minutes 43 Seconds East for 78.72 feet;
- 4) thence South 43 Degrees 46 Minutes 43 Seconds East for 36.76 feet;
- 5) thence South 65 Degrees 54 Minutes 42 Seconds East for 202.73 feet;
- 6) thence South 86 Degrees 11 Minutes 35 Seconds East for 105.30 feet;
- 7) thence North 78 Degrees 09 Minutes 40 Seconds East for 107.27 feet;
- 8) thence North 60 Degrees 41 Minutes 49 Seconds East for 200.63 feet;
- 9) thence North 76 Degrees 09 Minutes 44 Seconds East for 280.13 feet;
- 10) thence North 30 Degrees 11 Minutes 39 Seconds East for 603.48 feet;
- 11) thence South 05 Degrees 17 Minutes 06 Seconds East for 265.76 feet;
- 12) thence South 24 Degrees 11 Minutes 27 Seconds East for 176.22 feet;
- 13) thence South 36 Degrees 21 Minutes 13 Seconds East for 153.86 feet;
- 14) thence South 50 Degrees 29 Minutes 59 Seconds East for 327.83 feet;
- 15) thence South 15 Degrees 11 Minutes 05 Seconds East for 62.02 feet;
- 16) thence South 51 Degrees 54 Minutes 35 Seconds West for 199.80 feet;
- 17) thence South 62 Degrees 22 Minutes 28 Seconds West for 125.07 feet;

- 18) thence South 83 Degrees 38 Minutes 54 Seconds West for 116.29 feet;
- 19) thence South 73 Degrees 08 Minutes 36 Seconds West for 207.90 feet;
- 20) thence North 86 Degrees 06 Minutes 52 Seconds West for 281.57 feet;
- 21) thence South 50 Degrees 36 Minutes 20 Seconds West for 295.35 feet;
- 22) thence South 60 Degrees 36 Minutes 12 Seconds West for 198.40 feet;
- 23) thence South 75 Degrees 41 Minutes 04 Seconds West for 157.16 feet;
- 24) thence South 79 Degrees 38 Minutes 41 Seconds West for 153.09 feet;
- 25) thence North 25 Degrees 38 Minutes 35 Seconds West for 392.30 feet;
- 26) thence North 17 Degrees 56 Minutes 07 Seconds East for 303.30 feet;
- 27) thence by a curve to the left with a radius of 389.27 feet for an arc length of 121.56 feet;
- 28) thence North 57 degrees 09 minutes 46 seconds West 74.31 feet to the place of beginning.

The improvements being known as #12351 Long Green Pike.

BEING the same lot of ground which by Deed dated September 23, 2009 and recorded among the Land records of Baltimore County in Liber S.M. No. 28690, Folio 169 etc. was granted and conveyed by Michael S. Harris to Michael S. Harris and Geraldine P. Harris, husband and wife.

CONTAINING 23.11 acres of land, more or less or 1006775 square feet of land, more or less.

LOCATED in the 11th Election District and 3rd Councilmanic District.

Note: Description above based on existing deed of record and NOT the result of a boundary survey.





The Declaration of Understanding for the Accessory Apartment at:							
Address of property							
is approved:	· *						
Arnold Jablon, Director-PAI	Date						

P	L	EA	15	E	P	RI	N	TC	LE	ARI	Y
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ASE NA	ME				
CASE NU	MBER	201	5-6	087	-SPHA
DATE /	1-20	-20	14		2.0).4

# PETITIONER'S SIGN-IN SHEET

ADDRESS	CITY, STATE, ZIP	E- MAIL
. 12357 Long Green Pila.	Glen Arm, MD 21057	mile harns e compellicon
1235 1 Long Green Pike	Glen. Arm, MD 21057	gerrypowerse comcast, net
14413 Misty Vielley Rd.	Phoeny, md. 21131	growing 1227 Og mál
778 Chessie Crossing Way	woodbine mo 21797	Jime Decatur building Services
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• .		
	·	
· ·  .		
	12351 Long Green Pila 12351 Long Green Pike	12351 Long Green Pila Glen Arm, MD 21057 12351 Long Green Pike Glen Arm, MD 21057 14415 Mitty Vielley Rd. Phoeny, Md. 21131

CASE NO. 2015-0087-

## CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
10/24	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	MC
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
Hilolid	PLANNING (if not received, date e-mail sent)	
10/2014	STATE HIGHWAY ADMINISTRATION	w Opi
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION  ADJACENT PROPERTY OWNERS	
ZONING VIOLA		·
PRIOR ZONING	(Case No.	)
NEWSPAPER AL	Date: 10 30 14 Date: 10 31 14	by O'Keefe
	ISEL APPEARANCE  Yes No D  ISEL COMMENT LETTER  Yes No D	
Comments, if any:		

Real Property Data Search ( w4)				(	Guide to search	ing the d	latabase		
arch Result for BALTIM	ORE COUNTY								
View Map	View GroundRent Redemption			POPUL PARAMENTAL ARRANGAMENT TO THE SULFA NATIONAL PROPERTY OF THE SULFACE NATIONAL PROPERTY OF THE	View GroundRent Registration				
Account Identifier:	District - 11 Account Number - 2200015416				***************************************		***************************************		
		Owner	Informatio	on					
Owner Name: Mailing Address:	HARRIS MICHAEL S HARRIS GERALDINE P 12351 LONG GREEN PIKE GLEN ARM MD 21057- 9767		Use: Principal Residence: Deed Reference:		AGRICULTURAL YES /28690/ 00169				
		tion & Si	ructure in	ormation					
Premises Address: 12351 LON PIKE GLEN ARM		GREEN Legal Description		n: 23.1121 AC PT TRT B 12351 LONG GREEN PIK DIETZ GRUMMAN PAUMANOCK		PIKE ES			
Map: Grid: Parcel: 0054 0013 0088	Sub Subdit District: 0000	vision:	Section:	Block:	Lot:	Assessment Year: 2015	Plat No: Plat Ref:	MS 0045/ 0132	
Special Tax Areas:	Town: Ad Valorem: Tax Class:					NONE 0132			
Primary Structure Built 1996	Above Grade Enclo Area 4,933 SF	entry triple de recipi repaire tentre confi		Basement	Property Land Area 23.1100 AC		County Use 05		
Stories Basement 2 YES	Type STANDARD UNIT	Exterior BRICK	Full/Ha	alf Bath 1 half	Garag 1 Atta		ajor Ren	ovation	
		Value	Informatio	n					
	Base Value		Value			-in Assessmen			
			As of 01/01/2012	2	As of 07/01/	2014	As of 17/01/201	5	
Land:	128,200		128,200					•	
Improvements Total: Preferential Land:	522,500 650,700 8,200		522,500 650,700		650,70	00			
		Transfe	er Informat	ion					
Seller: HARRIS MICHAEL S Type: NON-ARMS LENGTH OTHER		Date: 09/29/2009 Deed1: /28690/ 00169			Price: \$0 Deed2:				
Seller: RODICK ALAN J Type: ARMS LENGTH IMPROVED		Date: 05/06/2004 Deed1: /20017/ 00122		Price: \$1,135,000 Deed2:					
Seller: RUSSELL WILLIAM M Type: ARMS LENGTH IMPROVED		Date: 08/26/1994 Deed1: /10721/ 00708		Price: \$155,000 Deed2:					
		Exempti	on Informa						
Partial Exempt Assessments:	Class		07/01/	2014		07/01/2015			
County:	000		0.00						
State: Municipal:	000		0.00			0.001			
Tax Exempt: Exempt Class:	Specia	I Tax Rec		ER TAX		3.00			

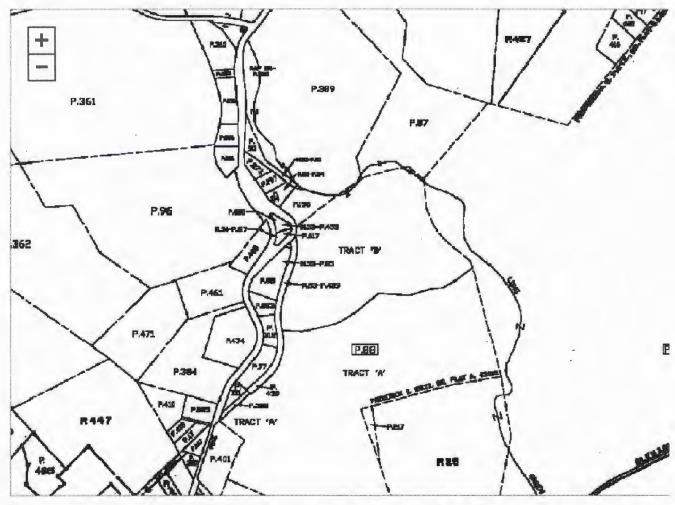
Homestead Application Information

Homestead Application Status: Approved 06/21/2012

## **Baltimore County**

New Search (http://sdat.resiusa.org/RealProperty)

District: 11 Account Number: 2200015416



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 <a href="http://www.plats.net">www.plats.net</a> (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 <a href="https://www.mdp.state.md.us/OurProducts/OurProducts.shtml">www.mdp.state.md.us/OurProducts/OurProducts.shtml</a> (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



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

Loading... Please Wait.



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

November 13, 2014

Michael & Geraldine Harris 12351 Long Green Pike Glen Arm MD 21057

RE: Case Number: 2015-0087 SPHA, Address: 12351 Long Green Pike

Dear Mr. & Ms. Harris:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 15, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: jaw

**Enclosures** 

c: People's Counsel
J Scott Dallas, Reg No 468, P. O. Box 26, Baldwin MD 21013

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



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

Date: 10/20/14

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

RE: **Baltimore County** 

Item No 2015-0087-SPHA
BARRIAL HEWING VALLO
Michael & GeraldineHowis
12351 Long Grean Piko

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. 2015-0087-SPAA.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely

Steven D. Foster, Chief

Development Manager

Access Management Division

SDF/raz

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: November 10, 2014

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

RECEIVED

**SUBJECT:** 

12351 Long Green Pike

NOV 1 2 2014

INFORMATION:

Item Number:

15-087

OFFICE OF ADMINISTRATIVE HEARINGS

**Petitioner:** 

Michael Harris

Zoning:

RC 2

Requested Action:

Special Hearing, Variance

#### SUMMARY OF RECOMMENDATIONS:

The subject request is for a special hearing to approve an in-law apartment pursuant to Section 400.4.B of the BCZR with separate electric meter and for a variance of Section 400.2 of the BCZR to permit an accessory structure with a height of 30 feet in lieu of permitted 15 feet.

Upon review the petitioner's request and accompanying site plan and subsequent to a site visit the Department of Planning offers the following comment.

- The property is 23 acres in size with a large house located towards the rear of the property after which the elevation drops off significantly. The front of the property is leased for farming. The proposal is to build an accessory unit for the owner's mother. The proposed structure will be approximately 40 feet from the existing residence and located in the rear yard, and will be 1042 square feet in size and located over a three bay garage thus necessitating the height variance. The justification for the separate electric that was given was that the owner wants the unit to have its own meter and that the house line is at capacity.
- The applicant has provided proposed architectural elevations that are consistent with the style and materials of the existing house. The size of the accessory apartment does not exceed 1200 square feet as allowed by Section 400.4.B.2

After consideration, it is the recommendation of this Department that the requested relief can be supported provided that a restriction is entered in the deed that limits the limits the residential use to occupancy of the unit by the immediate family or the use will be discontinued in accordance with the provisions of Section 400.4.C. 1 & 2 of the BCZR.

For further information concerning the matters stated here in, please contact Wallace S. Lippincott, Jr. at 410-887-3480. Laubar

**Division Chief:** 

AVA/LL

# BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 24, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For October 27, 2014

Item No. 2015-0081, 0082, 0083, 0084, 0085, 0086, 0087 and 0088

The Bureau of Development Plans Review has reviewed the subject

zoning items, and we have no comments.

DAK:CEN cc:file

