

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

March 19, 2015

Scott E. and Kathy A. McKelvey 12847 Harford Road Hydes, Maryland 21082

RE:

Petition for Administrative Variance

Case No. 2015-0180-A

Property: 12847 Harford Road

Dear Mr. and Mrs. McKelvey:

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,

JOHM E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: David Billingsley, 601 Charwood Ct., Edgewood, MD 21040

IN RE: PETITION FOR ADMIN. VARIANCE (12847 Harford Road)

11<sup>th</sup> Election District
5<sup>th</sup> Council District
Scott E. and Kathy A. McKelvey
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

\* BALTIMORE COUNTY

CASE NO. 2015-0180-A

**OPINION AND ORDER** 

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Scott E. and Kathy A. McKelvey ("Petitioners"). The Petitioners are requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a garage partially in the side yard of an existing single family dwelling with a height of 20 ft. in lieu of the rear yard and the required 15 ft. respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 28, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in ORDER RECEIVED FOR FILING

Date	3-19-15	
Bv	60	

the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the accessory structure height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>19th</u> day of March, 2015 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a garage partially in the side yard of an existing single family dwelling with a height of 20 ft. in lieu of the rear yard and the required 15 ft. respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

ORDER	RECEIVED FOR FILING	
Date	3-19-15	
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- 2. The Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- 3. The garage shall not be used for commercial purposes.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN L. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 3-19-15



# TRATIVE ZONING PE

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at: Address 17847 HARFORD ROAD Currently zoned RCZ

L. 14197 | F. 398 Deed Reference

10 Digit Tax Account # 2 3 0 0 0 0 4 4 3 6

Owner(s) Printed Name(s) SCOTT E. ANDKATHY MCKELVEY

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X ADMINISTRATIVE VARIANCE from Section(s) 400.1 \$400.3 (BEZR)

To permit a garage partially in the side yard of an existing single family dwelling with a height of 20 feet in lieu of the rear yard and the required 15 feet respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County,

ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

SCOTT E. MC KELVET KATHY A. MCKELVEY Name #2 - Type or Print

12847 HARFORD RD. Mailing Address

HYDES

YELIZON.

21082 Zip Code

Signature #1

Email Address

Telephone #

Attorney for Owner(s)/Petitioner(s): LING

Name-Type or Print

Signature RDER PEGEIVED FOR

Signature R Mailing Addres State

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

GOI CHARWOOD EUGEWOOD

State

Mailing Address

lahoo. com

21040

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

2015-0180-A CASE NUMBER

Zip Code

**Email Address** 

Filing Date Z/1/2015 Estimated Posting Date 3/1/15 Reviewer W

# Affidavit in Support of ministrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 12847 HARFORD	ROAD HY	DES	MO.	2/087
Print or Type Address of property		City	State	Zip Code
Based upon personal knowledge, Administrative Variance at the abo				
SEE,	ATTACHED			
(If additional space for the petition	request or the abo	ove statement is	needed, label a	nd attach it to this Form)
Signature of Owner (Affiant)		Signat	ure of Owner (Affi	ant)
SCOTT E. MCKELVEY			HY A. MCK	ELYEY
Name- Print or Type		Name-	Print or Type	
The following information	n is to be complet	ted by a Notary	Public of the Stat	te of Maryland
STATE OF MARYLAND, COUNT	Y OF BALTIMO	RE, to wit:		
I HEREBY CERTIFY, this $24^{++}$ and for the County aforesaid, personal	day of Janually appeared:	vary, 20	5 , before me	a Notary of Maryland, in
Print name(s) here: Scott E. Mc	ckelvey an	d Kath	y A. Mck	elvey
the Affiant(s) herein, personally know	n or satisfactorily	identified to me	e as such Affiant	(s).
AS WITNESS my hand and Notaries	Seal BM	utae T.	Moulder	)
BRONTAE T. MOULDEN NOTARY PUBLIC		ic vary 13,6	2015	

MARYLAND MY COMMISSION EXPIRES FEBRUARY 13, 2016

ZUIS-0180-A

REV. 5/8/2014

## **12847 HARFORD ROAD**

We recently acquired a travel trailer and wish to construct and accessory structure (garage) for its storage along with lawn / garden equipment. The size of the trailer requires an opening with a height of 15 feet. An additional 5 feet is needed for the roof structure.

The garage will not be used for any commercial purposes or to create additional residential living units. Add to the state of the state

### **ZONING DESCRIPTION**

### Zoning Description For 12847 Harford Road

Beginning at a point in or near the center of Harford Road, Maryland Route 147 which is located 1900 feet, more or less, from the intersection of Harford Road and New Cut Road; thence running South 09°35'48" East 25.83 feet; thence South 09°35'48" East 928.95 feet; thence North 62°11'42" East 488.40 feet; thence North 30°10'08" West 493.35 feet; thence North 59°49'52" East 396.00 feet; thence North 24°34'58" West 230.59 feet; thence South 58°32'39" West 371.85 feet; thence North 18°14'35" West 175.32 feet; thence North 39°17'48" West 65.00 feet; thence South 50°42'12" West 228.00 feet to the place of beginning.

Containing 9.198 acres more or less.

Also Known As 12847 Harford Road.

Located in the Fifth Councilmanic District, 11.th Election District.

OFFICE	E OF BUI	DUNTY, M DGET ANI US CASH Unit	FINANC	E Rev Source/	Sub Rev/	No. Date:		21507 2/9/15 Amount	PAID RESEIPT  BUSINESS ACTUAL TIME DAN  2 19/2015 - 2/19/2015 DAL2208 5  FEE NOOS MALKIN PROSEIN  SECREPT N 184365 2/19/2015 DELA
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From: For:	CENT								

#### MEMORANDUM

DATE:

April 21, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0180-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 20, 2015. 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

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

#### 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 legal owner/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 legal owner/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.

Case Number:	7015-0180-A
Property Addre	ess: 12847 HARFORD RD
	ription: SE/S HARFORD RD, 1900' NE OF
	NEW CUT ROAD
Legal Owners	(Petitioners): SCOTT & KATHY MCKELVEY
	naser/Lessee:
PLEASE FOR	WARD ADVERTISING BILL TO:
	WARD ADVERTISING BILL TO:  SCOTT MCKELVEY
Name:	
Name:	SCOTT MCKELVEY  (if applicable):
Name: Company/Firm Address:	SCOTT MCKELVEY

## BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case N	Jumber 2015- 0180 -A Address 12847 HAR FORD Kd.
	t Person: AFONDED -A Address 12847 HAR FORD Number: 410-887-3391
Filing I	Date: 3/19/15 Posting Date: 3/1/15 Closing Date: 3/16/15
Any co	ontact made with this office regarding the status of the administrative variance should be the contact person (planner) using the case number.
- <u> </u>   	<b>POSTING/COST:</b> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
6	<b>DEADLINE:</b> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
(	ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
(	POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
	(Detach Along Dotted Line)
Petitio	ner: This Part of the Form is for the Sign Poster Only
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
	Jumber 2015- 0180 -A Address 12947 Longton Rd
Petition	ner's Name Scott of Kathy Mc Kelvey Telephone 410 916 6793
Posting	g Date: 3/1/15 Closing Date: 3/16/15
Wordin	g for Sign:
,	To permit a garage partially in the side yard of an existing single family dwelling with a height of 20 feet in lieu of the rear yard and the required 15 feet respectively.
	Davised 7/49/44

### **CERTIFICATE OF POSTING**

Date: FEBRUARY 28, 2015

RE:	Project Name:	12847 HARFOR	D ROAD
	Case Number /PAI Number:	2015-0180-A	
	Petitioner/Developer: SCO	EY	
	Date of Hearing/Closing:M		
	This is to certify under the per	nalties of perjury that the neo	essary sign(s) required by law
were	posted conspicuously on the pr	roperty located at	
	12847 HARF	ORD ROAD	
	The sign(s) were posted on	FEBRUARY 28,	2015
		(Month, Da	ay, Year)



Oaved W Billingley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719 (Telephone Number of Sign Poster)

CASE NO. 2015- 0180 -A

## CHECKLIST

Comment Received	Department		Support/Oppose/ Conditions/ Comments/ No Comment
39	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent		NO_
-	DEPS (if not received, date e-mail sent	)	
4	FIRE DEPARTMENT		-
	PLANNING (if not received, date e-mail sent	)	
2-25	STATE HIGHWAY ADMINISTRATION		No objection
	TRAFFIC ENGINEERING		
	COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS		· .
ZONING VIOLA	ATION (Case No		
PRIOR ZONING	(Case No		
NEWSPAPER A	DVERTISEMENT Date:		
SIGN POSTING	Date: <u>5-28</u>	-15	by Bringley
	NSEL APPEARANCE Yes No		
Comments, if any			
*			



Real Property Data Search (w3)

Guide to searching the database

## Search Result for BALTIMORE COUNTY

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For more info www.mdp.st

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

March 17, 2015

Scott E & Kathy A McKelvey 12847 Harford Road Hydes MD 21082

RE: Case Number: 2015-0180 A, Address: 12847 Harford Road

Dear Mr. & Ms. McKelvey:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 19, 2015. 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,

U. Carl Richal )

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

**Enclosures** 

c: People's Counsel
David Billingsley, 601 Charwood Court, Edgewood MD 21040



Lawrence J. Hogan, Jr., Governor Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Acting Secretary Melinda B. Peters, Administrator

Date: 2/25/15

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

RE: Baltimore County

Item No. 2015-070-A-Administrative Variance Scott & Kathy Makelucy 12847 Harbord Road

MD147

Dear Ms. Lewis:

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

**DATE:** March 9, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For March 2, 2015

Item No. 2015-0173, 0174, 0175, 0176, 0179, 0180, 0181 and 0182

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

DAK:CEN cc:file

