

M E M O R A N D U M

DATE: April 21, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0183-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

IN RE: PETITION FOR ADMIN. VARIANCE *

(611 Berrymans Lane)

4th Election District *

4th Council District

Kevin A. and Mercedes M. Kelch *

Petitioners *

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0183-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, Kevin A. and Mercedes M. Kelch ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed detached accessory structure (garage) to have a height of 24 ft. in lieu of the maximum allowed 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.

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 26, 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 the file to indicate that the requested variance would adversely affect the health, safety or general

ORDER RECEIVED FOR FILING

Date 3-19-15

By bw

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 19th day of **March**, 2015 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed detached accessory structure (garage) to have a height of 24 ft. in lieu of the maximum allowed 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.

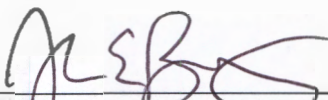
ORDER RECEIVED FOR FILING

Date 3-19-15

By [Signature]

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 E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 3-19-15

By IRJ



KEVIN KAMENETZ
County Executive

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

March 19, 2015

Kevin A. and Mercedes M. Kelch
611 Berrymans Lane
Reisterstown, Maryland 21136

RE: Petition for Administrative Variance
Case No. 2015-0183-A
Property: 611 Berrymans Lane

Dear Mr. and Mrs. Kelch:

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", followed by a stylized flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



ADMINISTRATIVE ZONING PETITION

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 611 BERRYMAN'S LANE Currently zoned RC-5 (UGSTED RDP)
Deed Reference 14103 / 00136 10 Digit Tax Account # 1700012126
Owner(s) Printed Name(s) KEVIN ANDREW KELCH MERCEDES MARGARITA KELCH

(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) 400.3 - to permit a proposed detached accessory structure (garage) to have a height of 24 feet in lieu of the maximum allowed 15 feet

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

2. _____ 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):

KEVIN ANDREW KELCH / MERCEDES MARGARITA KELCH
Name #1 - Type or Print Name #2 - Type or Print

[Signature] [Signature]
Signature #1 Signature #2

611 BERRYMAN'S LANE REISTERSTOWN MD
Mailing Address City State

21136 443-413-7221 kakelch@msw.com
Zip Code Telephone # Email Address

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

Representative to be contacted:

Name- Type or Print

Signature

Mailing Address

Zip Code

ORDER RECEIVED FOR FILING
3-19-15

Date

City

State

By

Telephone #

Email Address

Name - Type or Print

Signature

Mailing Address

Zip Code

City

Telephone #

State

Email Address

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

CASE NUMBER 2015-0183-A Filing Date 2/19/15 Estimated Posting Date 3/1/15 Reviewer [Signature]

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE 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: 611 BERRYMAN'S LANE REISTERSTOWN MD 21136
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

SECTION 400.3 - To permit a proposed detached accessory structure (garage) to have a height of 24 feet in lieu of the maximum allowed 15 feet, allowing us to remove (2) existing sheds, with upper level to be used as personal exercise hobby and storage space, allowing us to utilize existing space in existing home for visiting family and friends. Existing dwelling height is 24 feet.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

[Signature]
Signature of Owner (Affiant)

KEVIN ANDREW KELCH
Name- Print or Type

[Signature]
Signature of Owner (Affiant)

MERCEDES MARGARITA KELCH
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13 day of February, 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

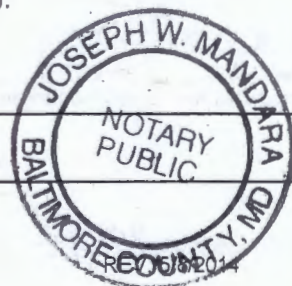
Print name(s) here: Kevin Andrew Kelch, Mercedes Margarita Kelch

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

My Commission Expires 4/12/16



Zoning Property Description For 611 Berrymans Lane 21136

Beginning at a point on the east side of Berrymans Lane which is 35' wide at the distance of 168' north of the centerline of the nearest improved intersecting street Chromine Rd which is 35' wide.

Being Lot#27 in the subdivision of Dyer Property as recorded in Baltimore County Plat Book #40, Folio #121, containing 3.8 acres. Located in the 4th Election District and 4th Council District.

Item #0183

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0183 -A Address 611 Berrymans Lane

Contact Person: David Duval Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/19/15 Posting Date: 3/1/15 Closing Date: 3/16/15

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** 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.
- DEADLINE:** 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)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2015- 0183 -A Address 611 Berrymans Lane

Petitioner's Name K + M Kelch Telephone 443-413-7221

Posting Date: 3/1/15 Closing Date: 3/16/15

Wording for Sign: To Permit a proposed detached accessory structure
(garage) to have a height of 24 feet in lieu of the
maximum allowed 15 feet

Revised 7/18/14

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: 2015-0183-A

Petitioner: KEVIN ANDREW KELCH

Address or Location: 611 BERRYMAN'S LANE REISTERSTOWN MD 21136

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: SAME AS ABOVE

Telephone Number: 443/413/7221

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

No. **121510**
 Date: **2/19/15**

PAID RECEIPT

BUSINESS ACTUAL TIME HRN
 2/23/2015 2/19/2015 14:31:23 5

RES NSIS WALKIN ROOS LAB
 RECEIPT # 784492 2/19/2015 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
00	806	0000		6150				575.00

Dept 5 528 ZONING VERIFICATION
 CR NO. 121510

Recpt Tot 175.00
 175.00 OK 1.00 OK
 Baltimore County, Maryland

Total: **575.00**

Rec From: _____
 For: **zoning hearing - case # 2015-0183-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/26/2015

Case Number: 2015-0183-A

Petitioner / Developer: KEVIN KELCH

Date of Hearing (Closing): MARCH 16, 2015

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:
611 BERRYMAN'S LANE

The sign(s) were posted on: FEBRUARY 26, 2015



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)

CASE NO. 2015- 0183-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3-9</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>3-9</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>2-26-15</u> by: <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		



KEVIN KAMENETZ
County Executive

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

March 17, 2015

Kevin Andrew & Mercedes Marghrita Kelch
611 Berrymans Lane
Reisterstown MD 21136

RE: Case Number: 2015-0183 A, Address: 611 Berrymans Lane

Dear Mr. & Ms. Kelch:

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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

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



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

Date: 3/9/15

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

RE: Baltimore County
Item No 2015-0183-A
Administrative Variance
Kevin Andrew & Mercedes
Margarita Kelch.
611 Berrymans Lane.

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. *2015-0183-A.*

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,

A handwritten signature in dark ink, appearing to read 'Steven D. Foster', is written over a horizontal line.

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

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 9, 2015
Item No. 2015-0183, 0185, 0186, 0188 and 0190

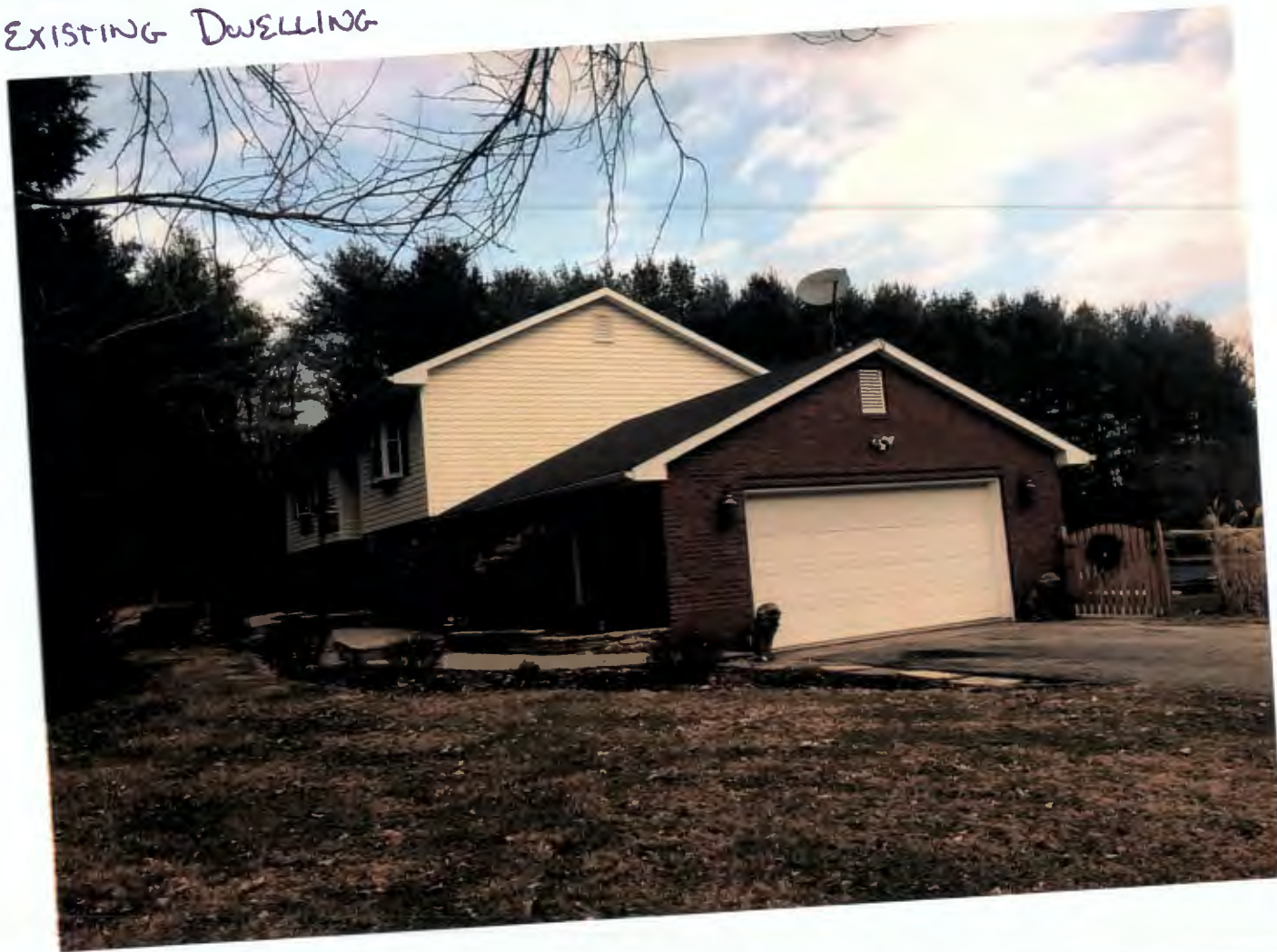
DATE: March 9, 2015

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\ZAC03092015.doc

EXISTING DWELLING



SHED #1



SHED #1



SHED #2



SHED #2



SHED #2



AREA FOR PROPOSED GARAGE LOOKING EAST



BEDROOM EXISTING DWELLING



MUSICAL INSTRUMENTS FAMILY ROOM EXISTING DWELLING



NEIGHBORS DETACHED GARAGE

813 NICODEMUS RD
LOT 15 DYER PROPERTY

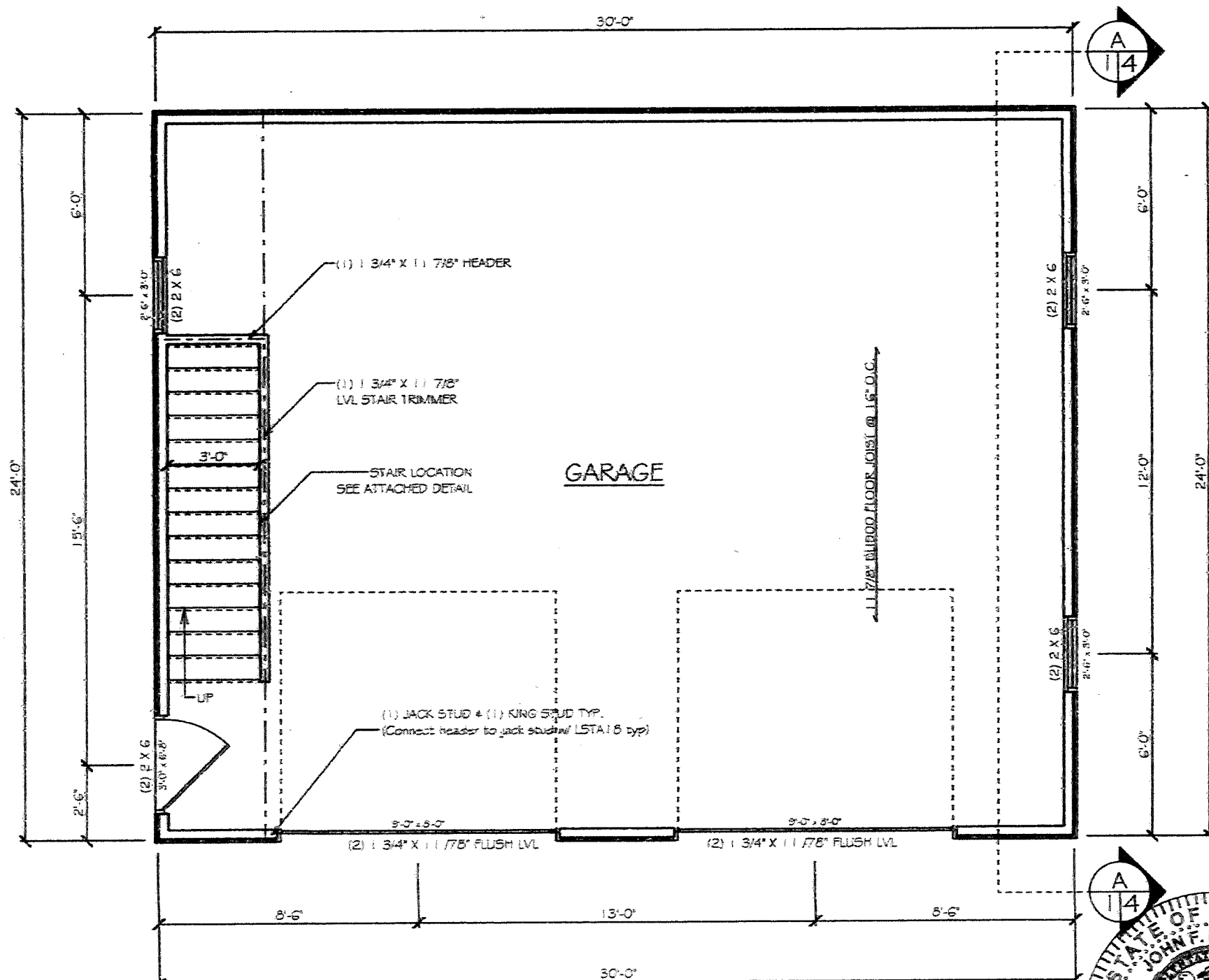


NEIGHBORS DETACHED GARAGE

517 BERRYMAN'S LANE
LOT 24 DYER PROPERTY





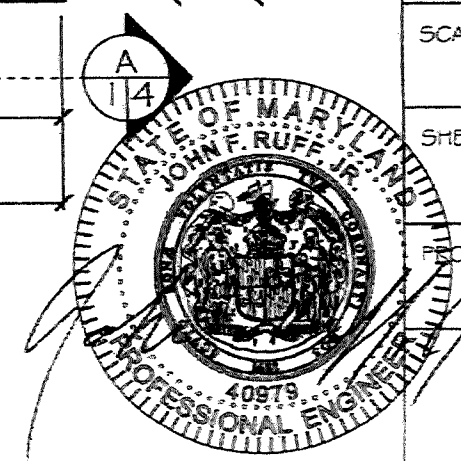


ENGINEER:	RUFF ENGINEERING
	JOHN RUFF 6140 BOYERTOWN PIKE DOUGLASVILLE, PA 19518 V-610-689-9004 F-610-689-9036
BUILDER:	PENN DUTCH STRUCTURES 12025 SUSQUEHANNA TRAIL GLEN ROCK, PA 17327
PROJECT ADDRESS:	
PROJECT NAME:	GARAGE/ UTILITY BUILDING
DATE OF ISSUE:	12-18-13
REVISED	1/7/14
DRAWN BY:	DRAFTING CONCEPTS ARCHITECTURAL DRAFTING JOHN ESH 717-442-5053 DRAFTING.CONCEPTS@COMCAST.NET
SCALE:	AS NOTED
SHEET TITLE:	FIRST FLOOR PLAN
PROJECT NO.:	E341-13

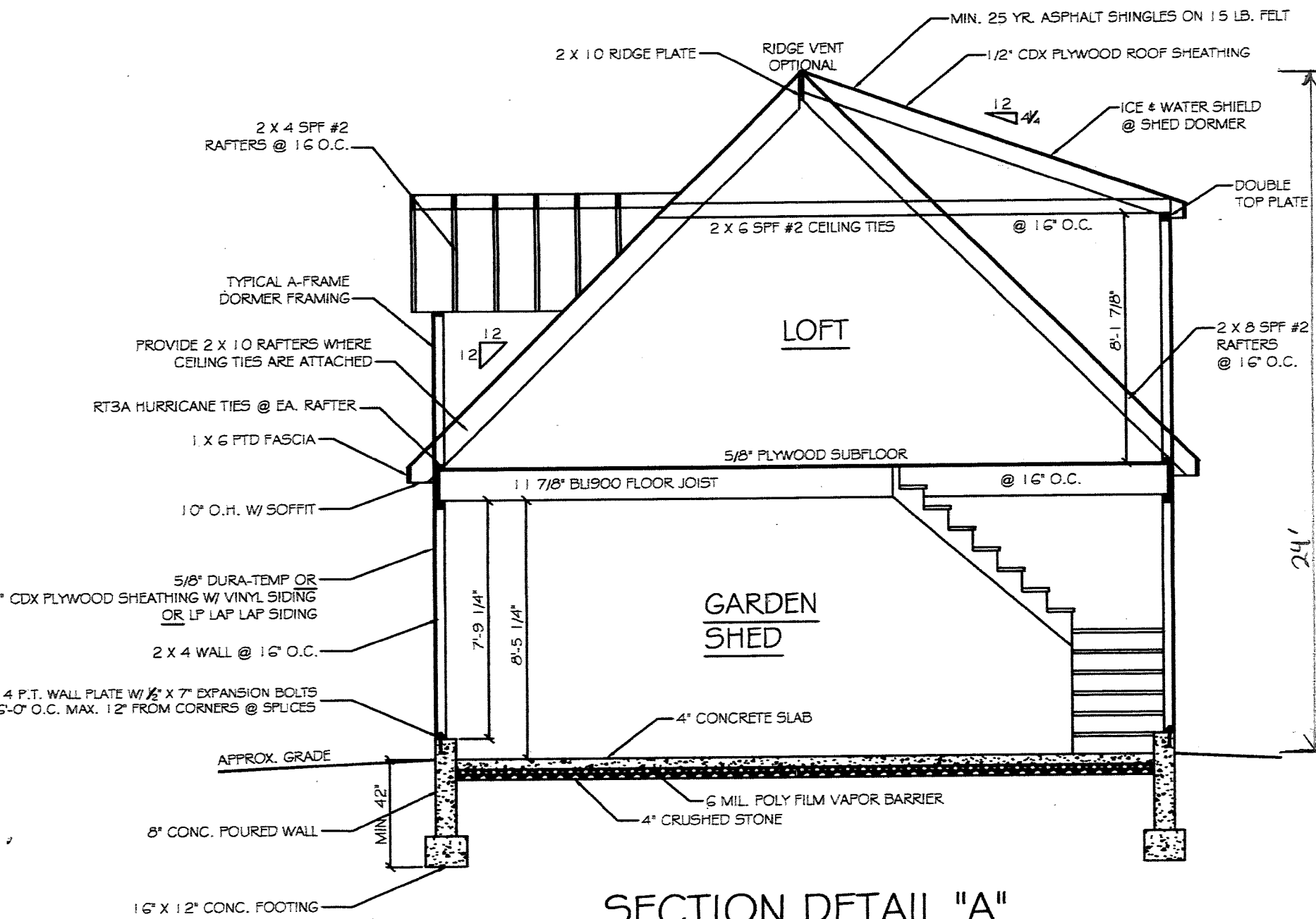
PROFESSIONAL CERTIFICATION
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 40979
Expiration Date: 8-18-15

FIRST FLOOR PLAN
~~NOT TO SCALE~~
NOT TO SCALE



Item #0183



SECTION DETAIL "A"

SCALE: 3/16" = 1'-0"
NOT TO SCALE

SEAL:

BUILDER:

CLASSIC GARDEN STRUCTURES
4070 THOMPSON DR.
GORDONVILLE, PA 17529

PROJECT:

TITLE: 24' WIDE
W/ DORMER

DATE: 12-18-12

DRAWN BY: E.S.

SCALE: AS NOTED

SHEET: 1 OF 1

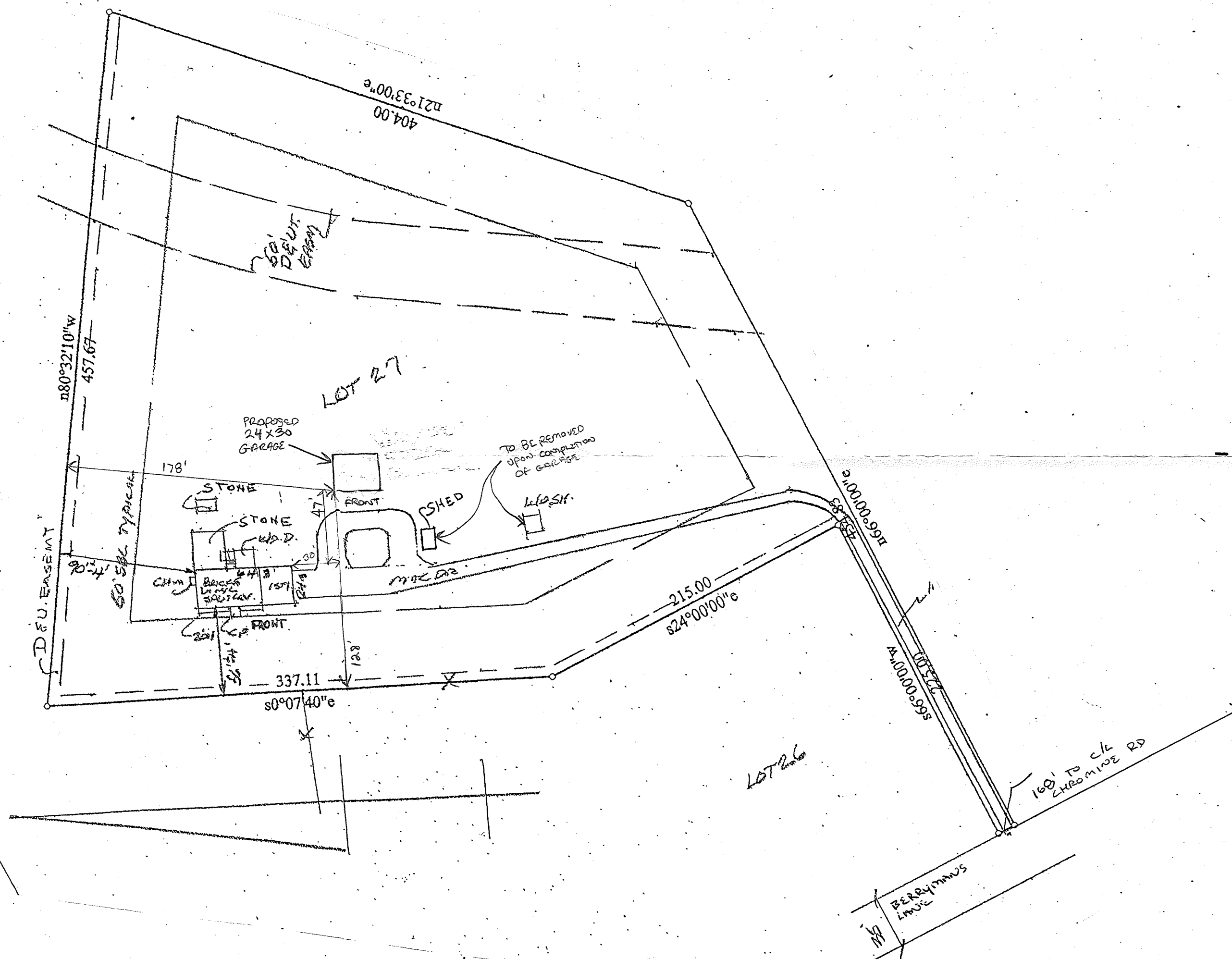
E374-12

A-1

LOAD DESIGN CRITERIA
- SNOW LIVE = 35 PSF

JOHN ESH 717-442-5053
DRAFTING CONCEPTS LLC
ARCHITECTURAL DRAFTING
DRAFTER, MANNY STOLTZFUS

PLAT BOOK # 40 FOLIO # 121 10 DIGIT TAX # 1700012126 DEED REF. # 14103100136



PLAN DRAWN BY K. J. KELCH DATE 2/12/15 SCALE: 1 INCH = 60 FEET

A hand-drawn map showing the location of the site. The map includes Saffell Rd, Berkeymans, Chromina Rd, and a shaded area labeled 'SITE'.

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

#2015-0183-A

R. J.