

M E M O R A N D U M

DATE: June 15, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0205-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on June 10, 2016. 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: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(11116 Old Carriage Road) *

11th Election District *

3rd Council District *

Heath W. & Catherine W. Frome *

Owners *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0205-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 Heath and Catherine Frome, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve the construction of an accessory apartment not attached to the main dwelling unit. In addition, a Petition for Variance seeks to permit a proposed accessory structure to be used as an accessory apartment located in the side yard in lieu of the required rear yard. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was owner Heath Frome. 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 was received from the Department of Environmental Protection and Sustainability (DEPS).

SPECIAL HEARING

The proposed accessory apartment would accommodate Petitioners' mother, who needs frequent medical attention and supervision. Petitioners submitted elevation drawings (Exhibit 2)

ORDER RECEIVED FOR FILING

Date 5-11-16

By Den

of the proposed structure, which will be attractive and compatible with the existing dwelling. Mr. Frome stated he spoke with all of his neighbors and that no one expressed concern about the request. The file also contains the requisite declaration (Exhibit 3) which has been signed and notarized, and it contains all of the restrictions and conditions set forth in B.C.Z.R. §400.4, which governs "accessory apartments." As such, the petition for special hearing will be granted.

VARIANCE

The subject property is 2.58 acres and zoned RC 5. The property is improved with a single family dwelling constructed in 1976. Petitioners propose to construct the accessory apartment adjacent to their dwelling in the side yard, which requires variance relief.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The property is irregularly shaped and has a grade change/slope which to some extent dictates placement of the accessory structure in the location proposed. As such the property is unique. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to construct the apartment which will allow them to provide care for their mother. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

THEREFORE, IT IS ORDERED this 11th day of **May, 2016**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County

ORDER RECEIVED FOR FILING

Date

5-11-16

By

sen

Zoning Regulations ("B.C.Z.R.") to approve the construction of an accessory apartment not attached to the main dwelling unit, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance which seeks to permit a proposed accessory structure (i.e., an accessory apartment) located in the side yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon 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.
2. Petitioners must comply with the conditions and restrictions set forth in the Declaration of Understanding, which must be recorded among the land records in the Circuit Court for Baltimore County.
3. Prior to issuance of permits, Petitioners must obtain approval from the Ground Water Management section of DEPS.

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

JEB/sln



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 5-11-16

By Sen



KEVIN KAMENETZ
County Executive

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

May 11, 2016

Heath Frome
Catherine Frome
11116 Old Carriage Road
Glen Arm, Maryland 21057

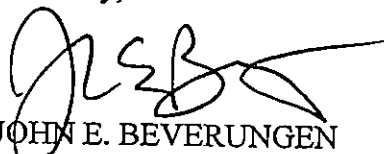
RE: Petition for Special Hearing and Variance
Case No. 2016-0205-SPHA
Property: 11116 Old Carriage Road

Dear Mr. & Mrs. Frome:

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

Sincerely,


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 11116 Old Carriage Rd. which is presently zoned RCS
Deed References: 32340 100218 10 Digit Tax Account # 1600007712
Property Owner(s) Printed Name(s) Heath W. & Catherine M. Frome

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
the construction of an Accessory Apartment not attached to the main dwelling unit.
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)

See attached

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):

Heath W. Frome / Catherine W. Frome
Name #1 - Type or Print Name #2 - Type or Print

Heath Frome / Catherine Frome
Signature #1 Signature #2

11116 Old Carriage Rd Glen Arne MD
Mailing Address City State

21057 410-608-4338 heath@fromeimprovements.com
Zip Code Telephone # Email Address

Representative to be contacted:

Heath the same
Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2016-0205-SPHA Filing Date 3/8/16

Do Not Schedule Dates: Reviewer G.H.

Case # 2016-0205-SPHA

March 8, 2016

A Special Hearing to construct a detached accessory apartment

Variance section 400.1 of the BCZR, to permit a proposed accessory structure to be used as an accessory apartment located in the side yard in lieu of the required rear yard.

EXHIBIT A - PROPERTY DESCRIPTION

To

DECLARATION OF UNDERSTANDING

BEING KNOWN AND DESIGNATED as Lot No. 10, Block C; Section 2, Plat B of Honeysuckle Hill.
Recorded in Plat Book O.T.G. No. 35, folio 73.

The improvements being known as No. 11116 Old Carriage Road, Glen Arm, MD.

BEING THE SAME lot of ground which by deed dated March 8, 2007, and recorded among the Land Records of Baltimore County, Maryland in Liber No. 25410, folio 248 was granted and conveyed by The Lawerance N. Juchs Revocable Trust and The Jean S. Juchs Revocable Trust to Heath W. Frome and Catherine M. Frome, his wife, ther Grantors herin.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4111678

Sold To:

Heath Frome - CU00531879
11116 Old Carriage Rd
Glen Arm, MD 21057-9416

Bill To:

Heath Frome - CU00531879
11116 Old Carriage Rd
Glen Arm, MD 21057-9416

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Apr 19, 2016

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: # 2016-0205-SPHA 11116 Old Carriage Road W/s Old Carriage Road, SW to centerline of Maybrook 11th Election District - 3rd Councilmanic District Legal Owner(s) Heath & Catherine Frome SPECIAL HEARING to determine whether or not the Administrative Law Judge should approve the construction of an accessory apartment not attached to the main dwelling unit. VARIANCE: to permit a proposed accessory structure to be used as an accessory apartment located in the side yard in lieu of the required rear yard. Hearing: Monday, May 9, 2016 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. JT 4/693 April 19 4111678

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2014-0205-SPHA

PETITIONER/DEVELOPER

HEATH & CATHERINE FROME

DATE OF HEARING/CLOSING:

MAY 9, 2014

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT _____

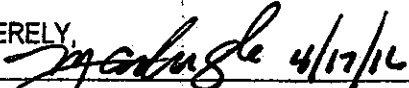
11114 OLD CARRIAGE ROAD

THIS SIGN(S) WERE POSTED ON _____

(MONTH, DAY, YEAR)

April 17, 2014

SINCERELY,

 4/17/14

SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

1. The first part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation

$$f(x) = \int_0^x \frac{1}{1+t^2} dt$$

and to the investigation of its behavior as $x \rightarrow \infty$.

2. The second part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation

$$f(x) = \int_0^x \frac{1}{1+t^2} dt$$

and to the investigation of its behavior as $x \rightarrow \infty$.

3. The third part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation

$$f(x) = \int_0^x \frac{1}{1+t^2} dt$$

ZONING NOTICE

CASE # 2016-0205-SPHA

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

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave, Towson MD 21204

DATE AND TIME: MONDAY, MAY 9, 2016 AT 1:30 P.M.

REQUEST: SPECIAL HEARING TO DETERMINE WHETHER OR NOT
THE ADMINISTRATIVE LAW JUDGE SHOULD APPROVE THE CONSTRUCTION
OF AN ACCESSORY APARTMENT UNIT ATTACHED TO THE MAIN DWELLING
UNIT. VARIANCE TO PERMIT A PROPOSED ACCESSORY STRUCTURE
TO BE USED AS AN ACCESSORY APARTMENT LOCATED IN THE
SIDE YARD IN LIEU OF THE REQUIRED REAR YARD.

APPLICANT: [REDACTED]
PROPERTY ADDRESS: [REDACTED]
ZONING DISTRICT: [REDACTED]
SUBJECT: [REDACTED]

POSTPONEMENTS DUE TO WEATHER OR OTHER CONVENIENCES ARE SOMETIMES NECESSARY.
DO NOT REMOVE THIS SIGN UNTIL THE DAY OF HEARING UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE

11112 & 11114
& 11116
Old Carriage Rd.

mycubicle 4/17/16



KEVIN KAMENETZ
County Executive

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

March 29, 2016

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: 2016-0205-SPHA

11116 Old Carriage Road
W/s Old Carriage Road, SW to centerline of Maybrook
11th Election District – 3rd Councilmanic District
Legal Owners: Heath & Catherine Frome

Special Hearing to determine whether or not the Administrative Law Judge should approve the construction of an accessory apartment not attached to the main dwelling unit. **Variance** to permit a proposed accessory structure to be used as an accessory apartment located in the side yard in lieu of the required rear yard.

Hearing: Monday, May 9, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Frome, 11116 Old Carriage Road, Glen Arm 21057

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 19, 2016**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 19, 2016 Issue - Jeffersonian

Please forward billing to:

Heath Frome
11116 Old Carriage Road
Glen Arm, MD 21057

410-608-4338

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: 2016-0205-SPHA

11116 Old Carriage Road
W/s Old Carriage Road, SW to centerline of Maybrook
11th Election District – 3rd Councilmanic District
Legal Owners: Heath & Catherine Frome

Special Hearing to determine whether or not the Administrative Law Judge should approve the construction of an accessory apartment not attached to the main dwelling unit. **Variance** to permit a proposed accessory structure to be used as an accessory apartment located in the side yard in lieu of the required rear yard.

Hearing: Monday, May 9, 2016 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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE * OF ADMINISTRATIVE
11116 Old Carriage Road; W/S Old Carriage *
Road, SW 1000' to c/line Maybrook *
11th Election & 3rd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Heath & Catherine Frome *
Petitioner(s) * BALTIMORE COUNTY
* 2016-205-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.

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

RECEIVED

MAR 18 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March, 2016, a copy of the foregoing Entry of Appearance was mailed to Heath & Catherine Frome, 11116 Old Carriage Road, Glen Arm, Maryland 21057, Petitioner(s).

Peter Max Zimmerman

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 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: 2016-0205-SPHA

Petitioner: Heath Frome

Address or Location: 11116 Old Carriage rd. Glen Arm. Md. 21057

PLEASE FORWARD ADVERTISING BILL TO:

Name: Heath Frome

Address: 11116 Old Carriage rd.
Glen Arm Md. 21057

Telephone Number: (410) 608-4338

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

No. **135720**

Date: **3/8/16**

PAID RECEIPT

BUSINESS ACTUAL TIME OSW
 3/09/2016 3/08/2016 09:37:47 2

RE S NGR WALKIN JEVA JEE
 >> RECEIPT # 939597 3/18/2016 (FLN)

041 S 529 ZONING VERIFICATION
 041 PA. 135720

Receipt Tot \$150.00
 \$150.00 OK \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	603	0000		6150				150.00

Total: **150.00**

Rec From: **Heath W. & Catherine M Frone**

For: **11116 OLD Carriage Rd 21057**

Case # 2016-0205-SPHA

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

May 4, 2016

Heath W & Catherine W Frome
11116 Old Carriage Road
Glen Arm MD 21057

RE: Case Number: 2016-0205 SPHA, Address: 11116 Old Carriage Road

Dear Mr. & Ms. Frome:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 8, 2016. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 3/21/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016-0205-ASPAA

Special Hearing Variance
Heath W & Catherine W. Fromme
11116 Old Carriage Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'David W. Peake'.

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: April 15, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-205

RECEIVED

APR 19 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 1116 Old Carriage Road
Petitioner: Heath W. Frome, Catherine W. Frome
Zoning: RC 5, RC 7
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve the construction of an Accessory Apartment not attached to the main dwelling unit and also a petition for a variance to permit a proposed accessory structure to be used as an accessory apartment located in the side yard in lieu of the required rear yard.

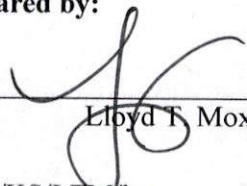
A site visit was conducted on March 24, 2016. The site is located in a Rural Residential designated area, abutting the Loch Raven Reservoir.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- The proposed Accessory Apartment, as defined by the Baltimore County Zoning Regulations, must comply with all provisions found in BCZR § 400.4.

For further information concerning the matters stated herein, please contact Kaylee Justice at 410-887-3480.

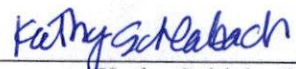
Prepared by:



Lloyd T. Moxley

AVA/KS/LTM/ka

Division Chief:



Kathy Schlabach

c: Heath W. Frome
Kaylee Justice
Office of the Administrative Hearings
People's Counsel for Baltimore County

5-9

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAR 17 2016



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: March 17, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0205-SPHA
Address 11116 Old Carriage Road
(Frome Property)

Zoning Advisory Committee Meeting of March 21, 2016.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Since our records show that this property was served by well and septic when this house was built, Ground Water Management will need to review any proposed building permit for an accessory apartment.

Reviewer: Dan Esser Date: 3/16/16

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: March 15, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For March 21, 2016
Item No. 2016-0181, 0201, 0202, 0204, 0205, 0206, 0207, 0208, 0210,
0211, 0212 and 0213

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\ZAC03212016.doc

Case No.:

2016-0205-SPHA

Exhibit Sheet

Petitioner/Developer

DO
6-15-14

Protestants

slw
5-11-14

No. 1	Plan	
No. 2	Elevations	
No. 3	Declaration of Understanding	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this ____ day of _____ 20____, by and between Heath W. Frome & Catherine M. Frome (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 an Accessory Apartment not attached to the main dwelling The property being located at 11116 Old Carriage Road, Glen Arm, MD 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 RC5, 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 The Rev. Guy P. and Charlotte Hawtin, his wife and mother of Catherine W. Frome. 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.

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

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4. 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.

5. 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.

Heath W. Frome

Date

Catherine M. Frome

Date

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

WITNESS: _____

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this day of 20____, before the Subscriber, a Notary Public of State of Maryland, personally appeared

Heath W. Frome
Heath W, Frome

Catherine M. Frome
Catherine M. Frome

The Declarants herein, who are also the owners of this property, known to me (or satisfactorily proven) 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: 10/9/18

Alexandra Bailey
Notary Public

SEAL





The Declaration of Understanding for the Accessory Apartment at:

11116 Old Carriage Rd 21057

Address of property

is approved: _____

Arnold Jablon, Director-PAI

Date

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3/15</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>3/17</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
<u>4/15</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>3/21</u>	STATE HIGHWAY ADMINISTRATION	<u>no Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT	Date: <u>4/19/16</u>	
SIGN POSTING	Date: <u>4/17/16</u> by <u>Ogle</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w3)

Guide to searching the database

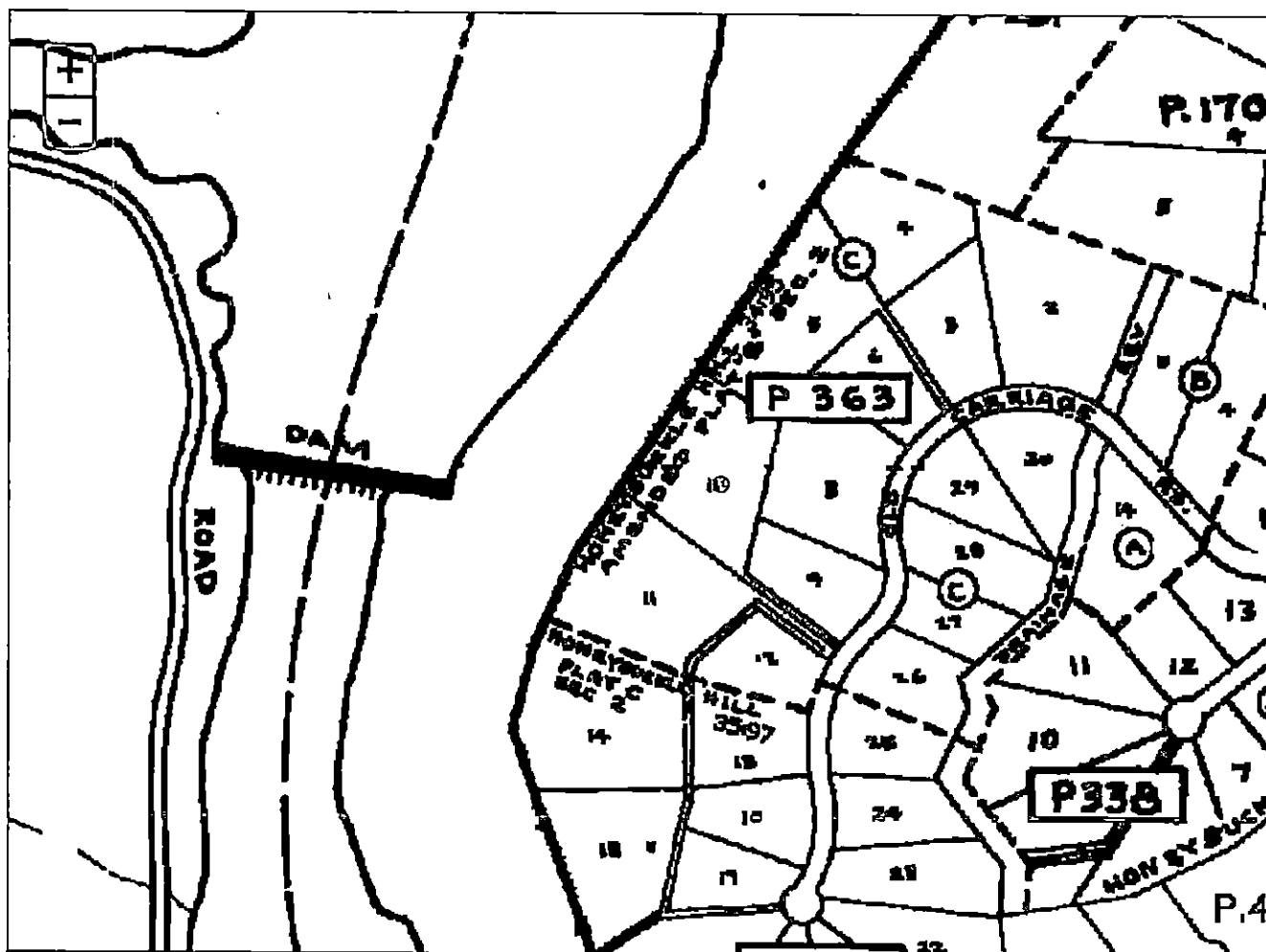
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 11 Account Number - 1600007712			
Owner Information					
Owner Name:	FROME HEATH W FROME CATHERINE M		Use:	RESIDENTIAL	
Mailing Address:	11116 OLD CARRIAGE RD GLEN ARM MD 21057- 9416		Principal Residence:	YES	
			Deed Reference:	/32340/ 00218	
Location & Structure Information					
Premises Address:		11116 OLD CARRIAGE RD GLEN ARM 21057-9416		Legal Description: 11116 OLD CARRIAGE RD HONEYSUCKLE HILL	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: B
0062	0008	0363		0000	2 C 10 2015 Plat No: 0035/ Ref: 0073
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built 1976	Above Grade Enclosed Area 3,305 SF		Finished Basement Area		Property Land Area 2.5800 AC
County Use 04					
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	1/2 BRICK FRAME	3 full	1 Attached
Value Information					
	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:	173,700	173,700			
Improvements	272,000	323,800			
Total:	445,700	497,500	462,967	480,233	
Preferential Land:	0			0	
Transfer Information					
Seller: JUCHS LAWRENCE S TRUSTEE		Date: 07/24/2012		Price: \$389,000	
Type: ARMS LENGTH IMPROVED		Deed1: /32340/ 00218		Deed2:	
Seller: JUCHS LAWRENCE S		Date: 03/27/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /25410/ 00248		Deed2:	
Seller: HONEYSUCKLE HILL ASSOCIATES		Date: 08/31/1973		Price: \$16,500	
Type: ARMS LENGTH IMPROVED		Deed1: /05391/ 00030		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015	07/01/2016		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty/>)

District: 11 Account Number: 1600007712



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>).

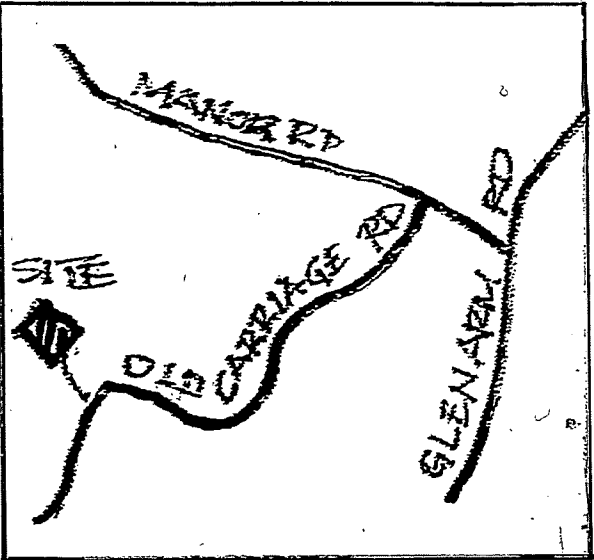
Property maps provided courtesy of the Maryland Department of Planning.

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>).

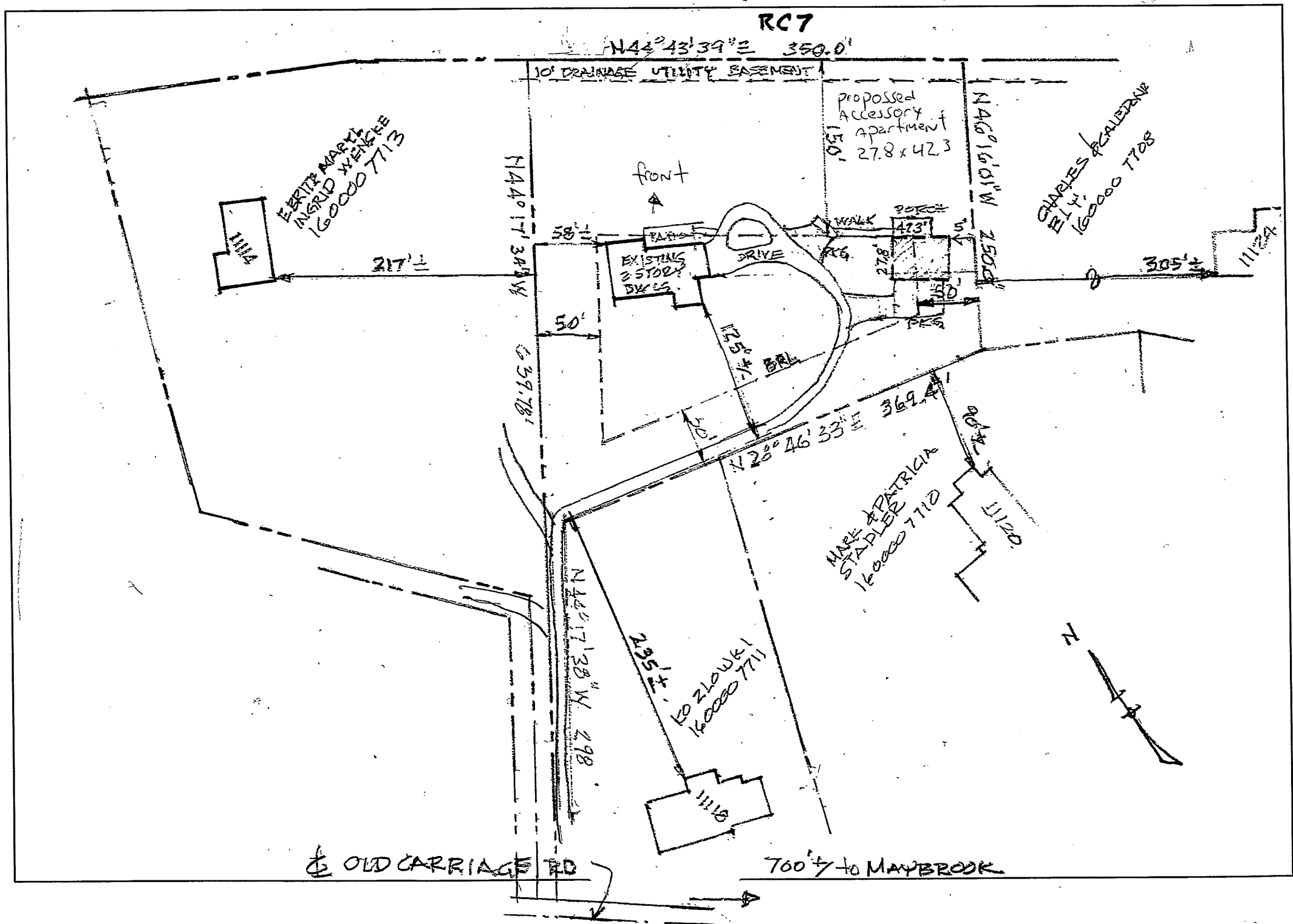
ZONING HEARING PLAN FOR VARIANCE

ADDRESS: 11116 Old Carriage Road
SUBDIVISION: Honeysuckle Hill - Plat 2
PLAT BOOK# - 0035 FOLIO # - 0073

OWNER: Heath W. & Catherine M. Frome
LOT - 10 BLOCK - C SECTION - 2
TAX NUMBER - 1600007712 DEED REF: 32340/00218



MAP IS NOT TO SCALE

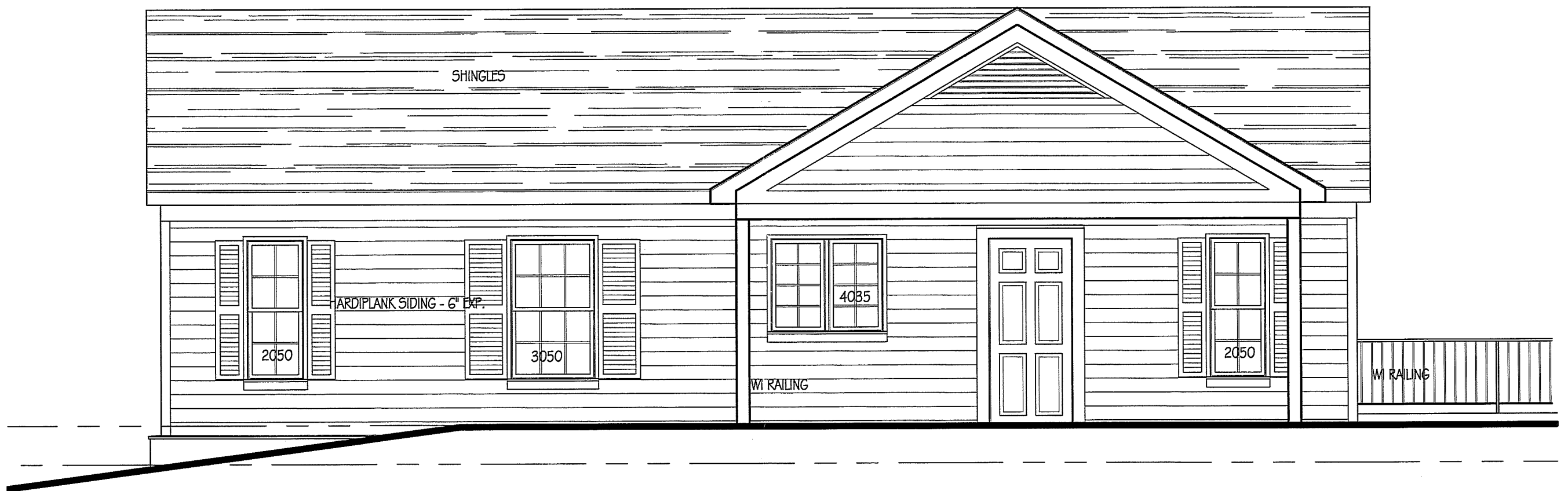


PLAN DRAWN BY - DAN BURSI; DATE - 02-27-2016; SCALE; 1" = 50'-0"

ZONING MAPS - GIS 062A2
SITE ZONED - RC5
ELECTION DISTRICT - 11
COUNCIL DISTRICT - 3
LOT AREA (Acre) - 2.58
HISTORIC - NO
IN CBCA - NO
IN FLOOD PLAIN - NO
UTILITIES
WATER IS PUBLIC
SEWER IS PUBLIC
PRIOR HEARING - NO
VIOLATION CASE INFO - NONE

PETITIONER'S

EXHIBIT NO.



PETITIONER'S

EXHIBIT NO.

2

DANS HOME DESIGNS

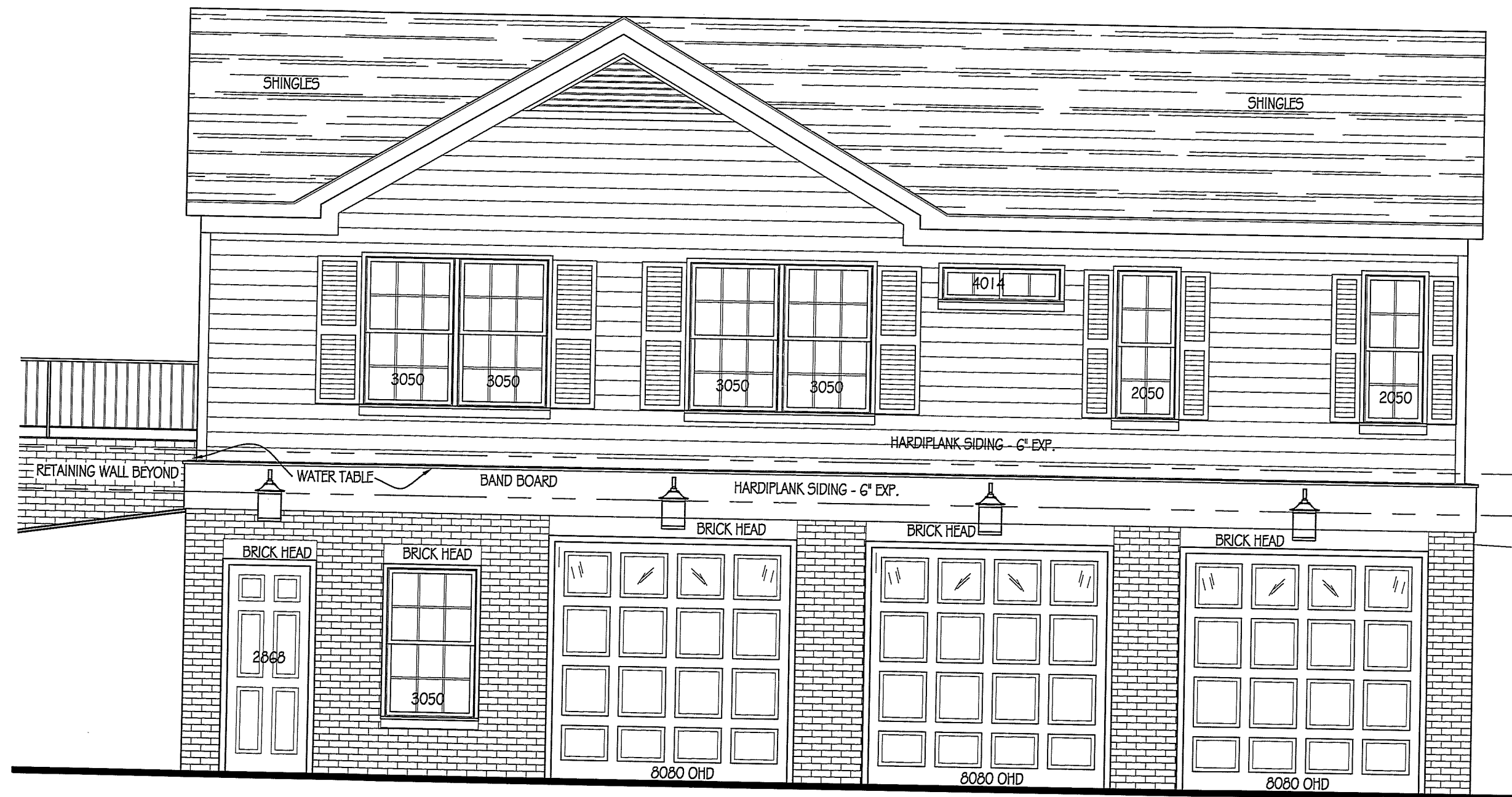
Front Elevation

11116 OLD CARRIAGE ROAD

$\frac{1}{8}" = 1'-0"$

02-27-2016

2016-0205-SPHA



DANS HOME DESIGNS

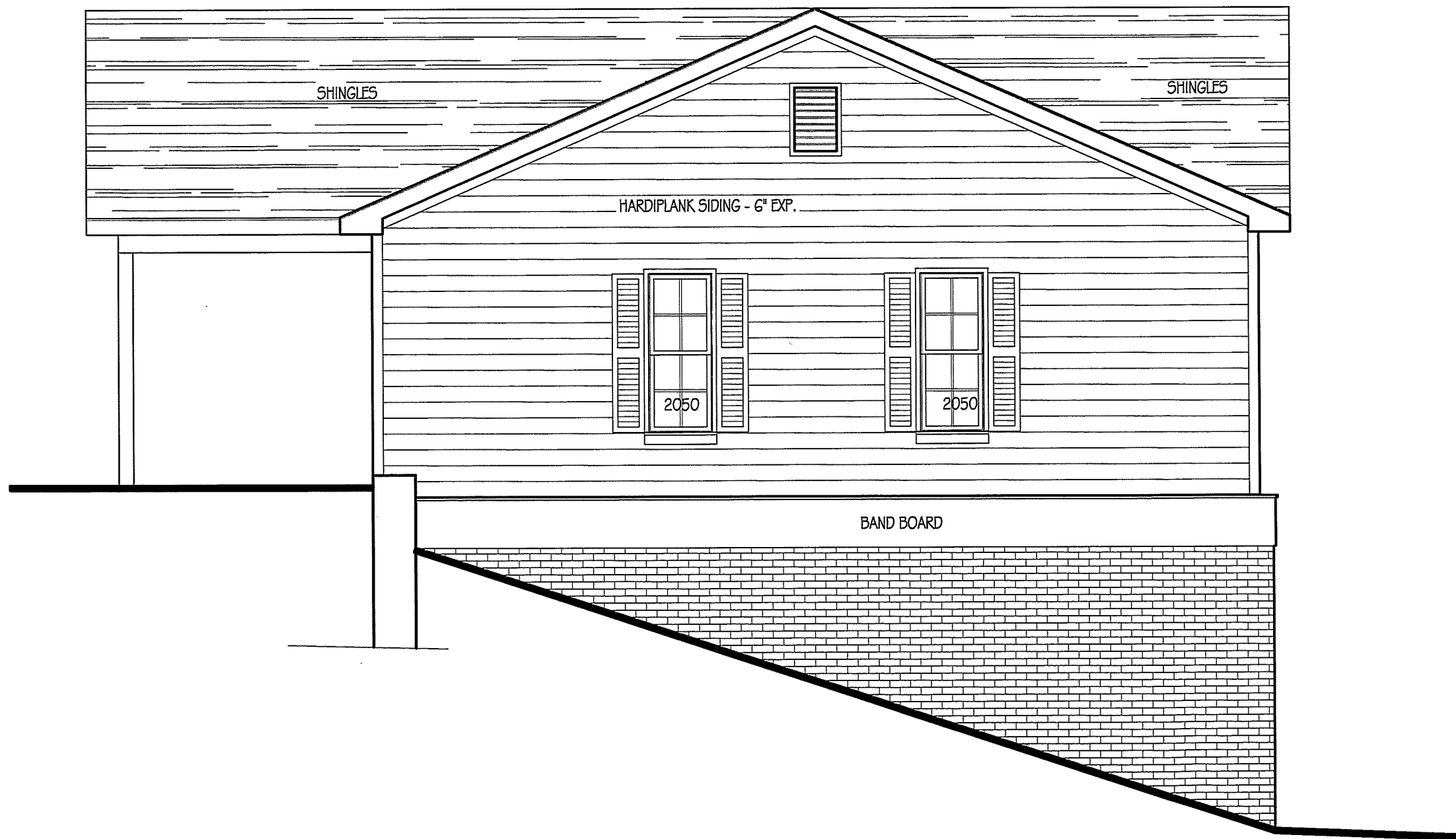
Rear Elevation

11116 OLD CARRIAGE ROAD

1/8" = 1'-0"

02-27-2016

2016-0205-SPHA



DANS HOME DESIGNS

Right Elevation

11116 OLD CARRIAGE ROAD

$\frac{1}{8}" = 1'-0"$

02-27-2016

2016-0205-SPH



11116 OLD CARRIAGE ROAD

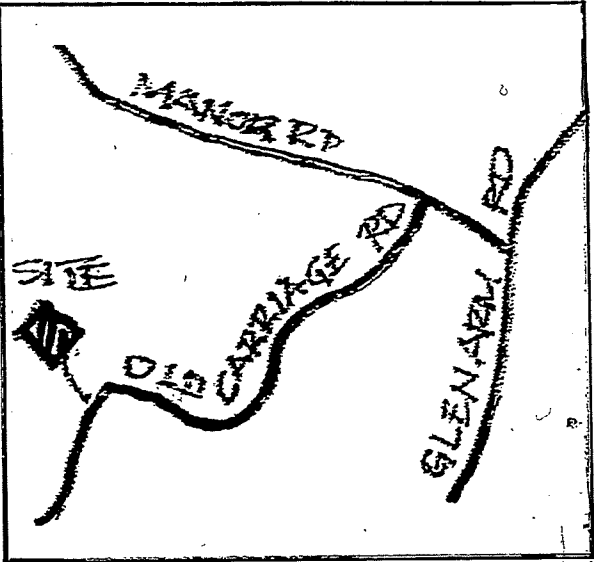
02-27-2016

2016-0205-SPHA

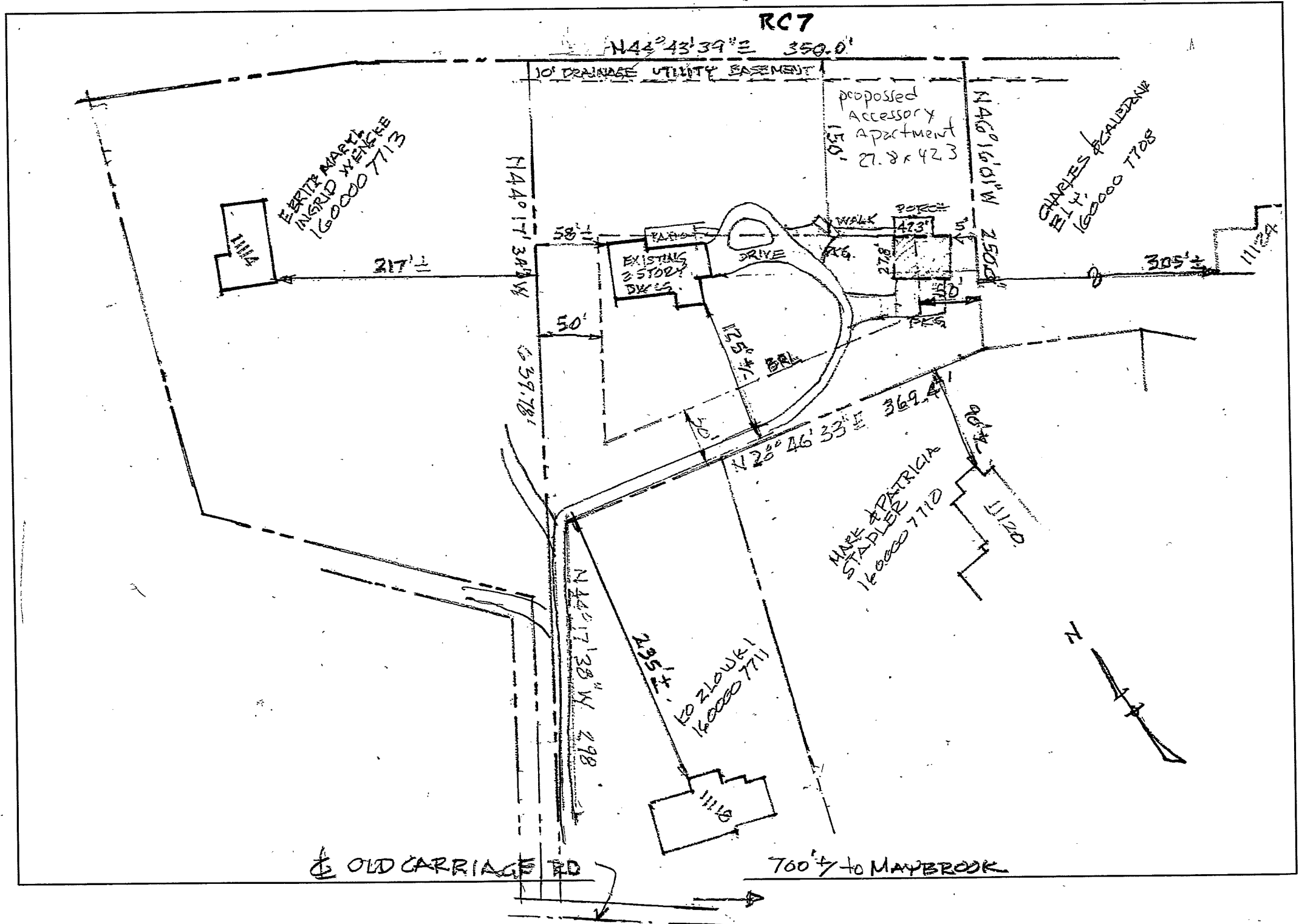
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2016-0205-SPHA