

M E M O R A N D U M

DATE: July 18, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0259-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on July 15, 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**

(101 Chatolanee Hill Road) *

3rd Election District *

2nd Council District *

Lawson & Bailey DeVries *

Owners *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2016-0259-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 Lawson & Bailey DeVries, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an accessory apartment structure (in-law suite) situated on the same owner-occupied lot as the principal dwelling. In addition, a Petition for Variance seeks: (1) to permit a proposed addition to the principal dwelling with a rear setback of 15 ft. in lieu of the required 35 ft.; and (2) to permit a proposed accessory structure to be located in the side yard with a height of 22 ft. in lieu of the required rear yard and 15 ft. height. 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 Bailey DeVries and architect Henry Warfield. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) and the Department of Planning (DOP).

The subject property is comprised of two separate lots and tax parcels, and is located in the Owings Mills area adjacent to the Greenspring Valley Country Club. Parcel 1 shown on the plan

ORDER RECEIVED FOR FILING

Date 6/15/16

By Den

(2.57 acres) is unimproved and is subject to an environmental preservation easement. Parcel 2 (0.918 acres) is improved with a single-family dwelling and detached garage. Petitioners propose to construct a one-story addition to the dwelling to provide additional space for their family. Also planned is a two-story detached structure to be used as an accessory apartment.

SPECIAL HEARING

The petition for special hearing concerns the detached accessory apartment. Under the Regulations, such an apartment is permitted to be within a single-family dwelling upon issuance of a use permit. If the apartment is to be located in a detached structure, a special hearing is required.

Ms. DeVries indicated both her parents and her in-laws will at various times stay in the apartment. Petitioners submitted with the petition a declaration of understanding containing all of the restrictions and conditions associated with such accessory apartments, and Ms. DeVries indicated she was cognizant of these requirements. In its ZAC comment the DOP highlighted the size limitations set forth at B.C.Z.R. §400.4.B.2 (i.e., 1,200 square feet), and the declaration of understanding contained in the file indicates the apartment will contain 875 square feet of living space.

VARIANCE

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.

ORDER RECEIVED FOR FILING

Date 6/15/16

By Sen

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

Petitioners have met this test. The rural property has irregular dimensions and is therefore unique. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to construct the proposed improvements. Finally, I find that the variances 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 15th day of **June, 2016**, 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 permit an accessory apartment (in-law suite) situated on the same owner-occupied lot as the principal dwelling, be and is hereby GRANTED.

IT IS FURTHER ORDERED the petition for variance as follows: (1) to permit a proposed addition to the principal dwelling with a rear setback of 15 ft. in lieu of the required 35 ft.; and (2) to permit a proposed accessory structure to be located in the side yard with a height of 22 ft. in lieu of the required rear yard and 15 ft. height, 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. Prior to issuance of permits Petitioners must obtain approval from the Ground Water Management section of DEPS.

ORDER RECEIVED FOR FILING

Date 6/15/16

By Sen

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 6/15/16

By sen

Variances

1A01.3.B.3 to permit a proposed addition to the principal dwelling with a rear setback of 15 ft. in lieu of the required 35 ft.

Sections 400.1 and 400.3 to permit a proposed accessory structure be located in the side yard with a height of 22 ft. in lieu of the required rear yard and 15 ft. height.

Special Hearing

Section 400.4 to permit an accessory apartment structure (in-law suite) situated on the same owner-occupied lot as the principle dwelling.

ZONING DESCRIPTION FOR

101 CHATTOLANEE HILL RD OWINGS MILLS, MD 21117

Beginning at a point in the center of CHATTOLANEE which is 20 FEET wide
at the distance of 325 FEET NORTH of the centerline of the nearest improved intersecting street
GREENSPRING VALLEY ROAD which is 25 FEET wide.

Thence the following courses and distances:

N 15° 27' 50" W	41.31'
N 25° 33' 00" W	75.00'
N 37° 32' 00" W	82.30'
N 21° 23' 00" E	207.80'
N 85° 48' 31" E	85.78'
N 85° 48' 03" E	258.26'
S 85° 48' 00" E	54.20'
S 05° 10' 15" E	274.63'
S 76° 35' 00" W	94.00'
S 03° 51' 00" W	61.00'
S 82° 45' 30" W	311.15'

back to the place of beginning as recorded in Deed Liber 32762 Folio 00126, containing
3.48 acres or 151,937 square feet. Also known as 101 Chattolane Hill Road located in the 3rd
Election District, 2nd Councilmanic District.

DECLARATION OF UNDERSTANDING

This DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 4th day of April 2016, by and between Lawson and Bailey DeVries (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: build a new accessory building in the side yard of their property to contain a ground floor in-law apartment for their parents. 101 Chattolane Hill Road is located within the Greenspring Historic District but is not a listed property. The existing Colonial Revival house dates from 1921 and is distinguished by steep gambrel roofs and a wrap-around porch. A three-car single-story detached Garage, not visible from the public way, was added at a later date. Extensive stone walls exist on the site to create level areas in the sloped site.

The proposed accessory building is to be barn like in appearance with a stone foundation, board and batten siding, standing seam metal roof and large wood barn doors. The goal is for the accessory building to suggest the barns and carriage houses still seen throughout Greenspring Valley. The ground floor is contain a small entry hall with stair, one bedroom with a closet, a full bathroom and a living room with a small kitchenette along one wall. The stair leads to a loft located above the bedroom and bath. Due to the sloping site, the building will have a walk-out basement accessed only from outside to house mechanical equipment.

The proposed building is to have a footprint 20' x 34' creating a ground floor of 680 SF. To create the barn like appearance, the roof will have a 12/12 slope. This creates the space for the loft which adds another 195 SF for a total of 875 square feet of conditioned area. The overall building height, from finished grade to top of ridge, will be 22'.

The property being located at 101 Chattolane Hill Road, Owings Mills, MD 21117 and is more particularly described by metes and bounds in Exhibit A (the property) and Exhibit B (the use permit and hearing plans) attached hereto and made a part hereof. The property is zoned RC-2 which is the particular zone in which the property is located.

B. 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 housing for Donald and Brandy DeVries, parents of the owner of the property, and is to be located in an accessory building. The other residents of the property are the owners Lawson and Bailey DeVries and their child who live in the existing house on the property. 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 the accessory building improvement 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 consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarants and PIA hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only the immediate family 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 of the Accessory Apartment in the accessory building removal of the kitchen and possibly other residential elements will be required at the discretion of PAI.
4. The Declarant(s) upon termination of the use permit will provide written notification to PAI for the closing of the Department file. 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:

Virginia
State of Maryland, County of Frederick to wit:

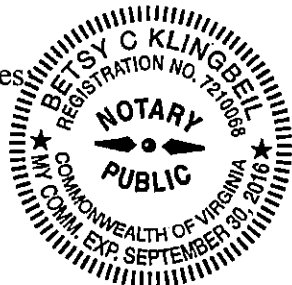
I HEREBY CERTIFY that on this 11th day of April, before the Subscriber, a Notary Public of 20 Virginia
State of Maryland, personally appeared

Lawson DeVries + Bailey G. DeVries

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



Betsy C. Klingbeil
Notary Public



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 4196092

Sold To:

Warfield Architects - CU00539275
P.O. Box 76
Butler, AK 21203

Bill To:

Warfield Architects - CU00539275
P.O. Box 76
Butler, AK 21203

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

May 24, 2016

The Baltimore Sun Media Group

By *S. Wilkinson*

Legal Advertising

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: # 2016-0259-SPHA
101 Chattolane Hill Road
E/s Chattolane Hill Road, 325 ft. n/of Greenspring Valley Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s) Lawson & Bailey DeVries

SPECIAL HEARING: to permit an accessory apartment structure (in-law suite) situated on the same owner-occupied lot as the principle dwelling. **VARIANCE:** to permit a proposed addition to the principal dwelling with a rear setback of 15 ft. in lieu of the required 35 ft., to permit a proposed accessory structure to be located in the side yard with a height of 22 ft. in lieu of the required rear yard and 15 ft. height.

Hearing: Monday, June 13, 2016 at 2:30 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 5/784 May 24 4196092

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/24/ 2016

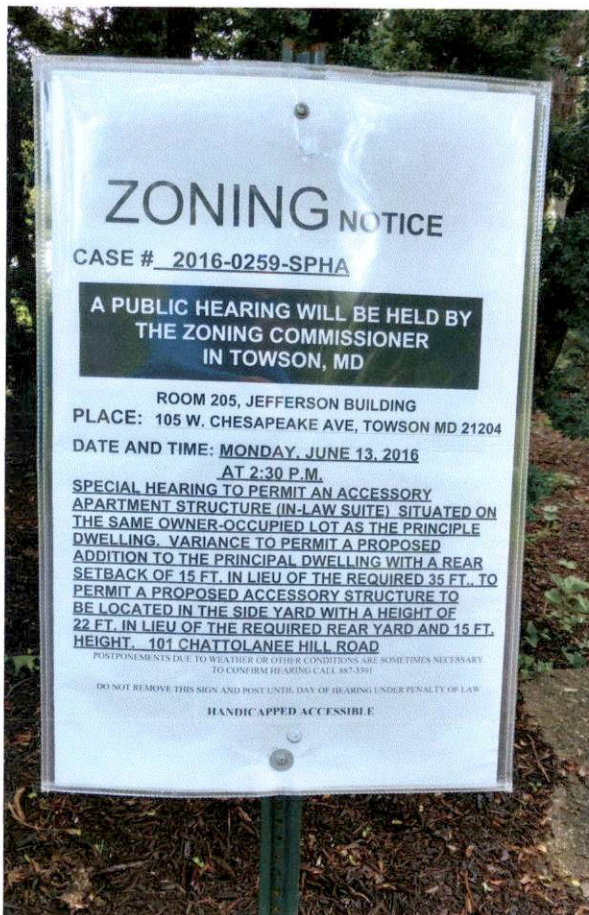
Case Number: 2016-0259-SPHA

Petitioner / Developer: MR. & MRS. DEVRIES ~ HENRY WARFIELD

Date of Hearing (Closing): JUNE 13, 2016

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:
101 CHATTOLANEE HILL ROAD

The sign(s) were posted on: MAY 24, 2016



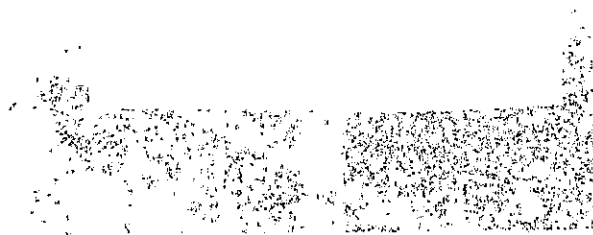
Linda O'Keefe
(Signature of Sign Poster)

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)





KEVIN KAMENETZ
County Executive

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

May 9, 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: 2016-0259-SPHA

101 Chattolane Hill Road
E/s Chattolane Hill Road, 325 ft. n/of Greenspring Valley Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Lawson & Bailey DeVries

Special Hearing to permit an accessory apartment structure (in-law suite) situated on the same owner-occupied lot as the principle dwelling. Variance to permit a proposed addition to the principal dwelling with a rear setback of 15 ft. in lieu of the required 35 ft., to permit a proposed accessory structure to be located in the side yard with a height of 22 ft. in lieu of the required rear yard and 15 ft. height.

Hearing: Monday, June 13, 2016 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. DeVries, 101 Chattolane Hill Road, Owings Mills 21117
Henry Warfield, P.O. Box 76, Butler 21023

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 24, 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, May 24, 2016 Issue - Jeffersonian

Please forward billing to:
Henry Warfield
Warfield Architects
P.O. Box 76
Butler, MD 21203

410-472-4048

NOTICE OF ZONING HEARING

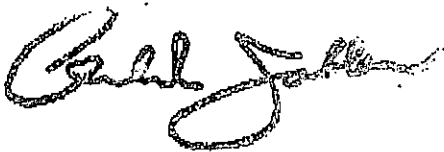
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0259-SPHA

101 Chattolane Hill Road
E/s Chattolane Hill Road, 325 ft. n/of Greenspring Valley Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Lawson & Bailey DeVries

Special Hearing to permit an accessory apartment structure (in-law suite) situated on the same owner-occupied lot as the principle dwelling. Variance to permit a proposed addition to the principal dwelling with a rear setback of 15 ft. in lieu of the required 35 ft., to permit a proposed accessory structure to be located in the side yard with a height of 22 ft. in lieu of the required rear yard and 15 ft. height.

Hearing: Monday, June 13, 2016 at 2:30 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
101 Chatolane Hill Rd; E/S Chatolane Hill Rd,* OF ADMINISTRATIVE
325' N of c/line Greenspring Valley Road
3rd Election & 2nd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Lawson & Bailey DeVries *
Petitioner(s) * BALTIMORE COUNTY
* 2016-259-A

* * * * *

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

MAY 04 2016

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of May, 2016, a copy of the foregoing Entry of Appearance was mailed to Henry Warfield, P.O. Box 76, Butler, Maryland 21023, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 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.

For Newspaper Advertising:

Case Number: 2016- 0259- SPA A

Property Address: 101 Chatolance Hill Rd.

Property Description: _____

Legal Owners (Petitioners): Lawson & Bailey DeVries

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: HENRY WARFIELD

Company/Firm (if applicable): WARFIELD ARCHITECTS

Address: P.O. BOX 76

BUTLER, MD 21203

Telephone Number: 410-472-4048

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

No. **134745**

Date: **4/25/16**

PAID RECEIPT

BUSINESS ACTUAL TIME DRG
 4/25/2016 4/25/2016 10:22:49 S

REC: NS05 WALKIN R005 LRB
 >> RECEIPT 942197 4/25/2016 CELH

Dept: 55 520 ZONING VERIFICATION
 CR NO. 134745

Receipt Tot \$150.00
 \$150.00 CK \$0.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
0000	0000			6150				\$ 150.00

Total: **\$ 150.00**

Rec From: **Henry W. ...**

For: **Special Handling of ...**

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CR NO. 2476-0259-5PMA



KEVIN KAMENETZ
County Executive

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

June 8, 2016

Lawson & Bailey DeVries
101 Chattolane Hill Road
Owings Mill MD 21117

RE: Case Number: 2016-0259 A, Address: 101 Chattolane Hill Road

Dear Mr. & Ms. DeVries:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 25, 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
Henry Warfield, P O Box 76, Butler MD 21117

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



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

Date: 5/5/16

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. 2016-0259-SPHA

Special Hearing Variance
Lawson & Baitey DeVries
101 Chelamere Hill 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 'Richard Zeller', is written over a horizontal line.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence**

RECEIVED

MAY 10 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: May 9, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0259-SPHA
Address 101 Chatolane Hill Road
(DeVries Property)

Zoning Advisory Committee Meeting of May 9, 2016.

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

1. Ground Water Management must review any future building permits for additions or proposed accessory buildings prior to approval.

Reviewer: Dan Esser

Date: 5/6/16

TO WCN

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 19, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For May 9, 2016
Item No. 2016-0259, 0260, 0263, 0264, 0265, 0266 and 0268

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\ZAC05092016.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: May 9, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0259-SPHA
Address 101 Chatolanee Hill Road
(DeVries Property)

Zoning Advisory Committee Meeting of May 9, 2016.

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

1. Ground Water Management must review any future building permits for additions or proposed accessory buildings prior to approval.

Reviewer: Dan Esser Date: 5/6/16

Case No.: 2016-259-SPHA

Sen
6/15/16

Exhibit Sheet

Petitioner/Developer

192-18-16
Protestant

No. 1	Plan	
No. 2	Aerial photos	
No. 3	Photos - existing conditions	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

RC5

RC2

CHIMLAKE HILL RD

GREENSPRING VALLEY RD

330 Feet



My Neighborhood Map
EX. 2

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 County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 3/24/2016



My Neighborhood 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 County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 4/4/2016



My Neighborhood 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 County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 3/22/2016



My Neighborhood 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 County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 3/22/2016



My Neighborhood 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 County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 3/24/2016

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

5/19

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/C

5/9

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

C

FIRE DEPARTMENT

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

5/5

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/24/16

SIGN POSTING

Date:

5/24/16

by

O'heefe

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

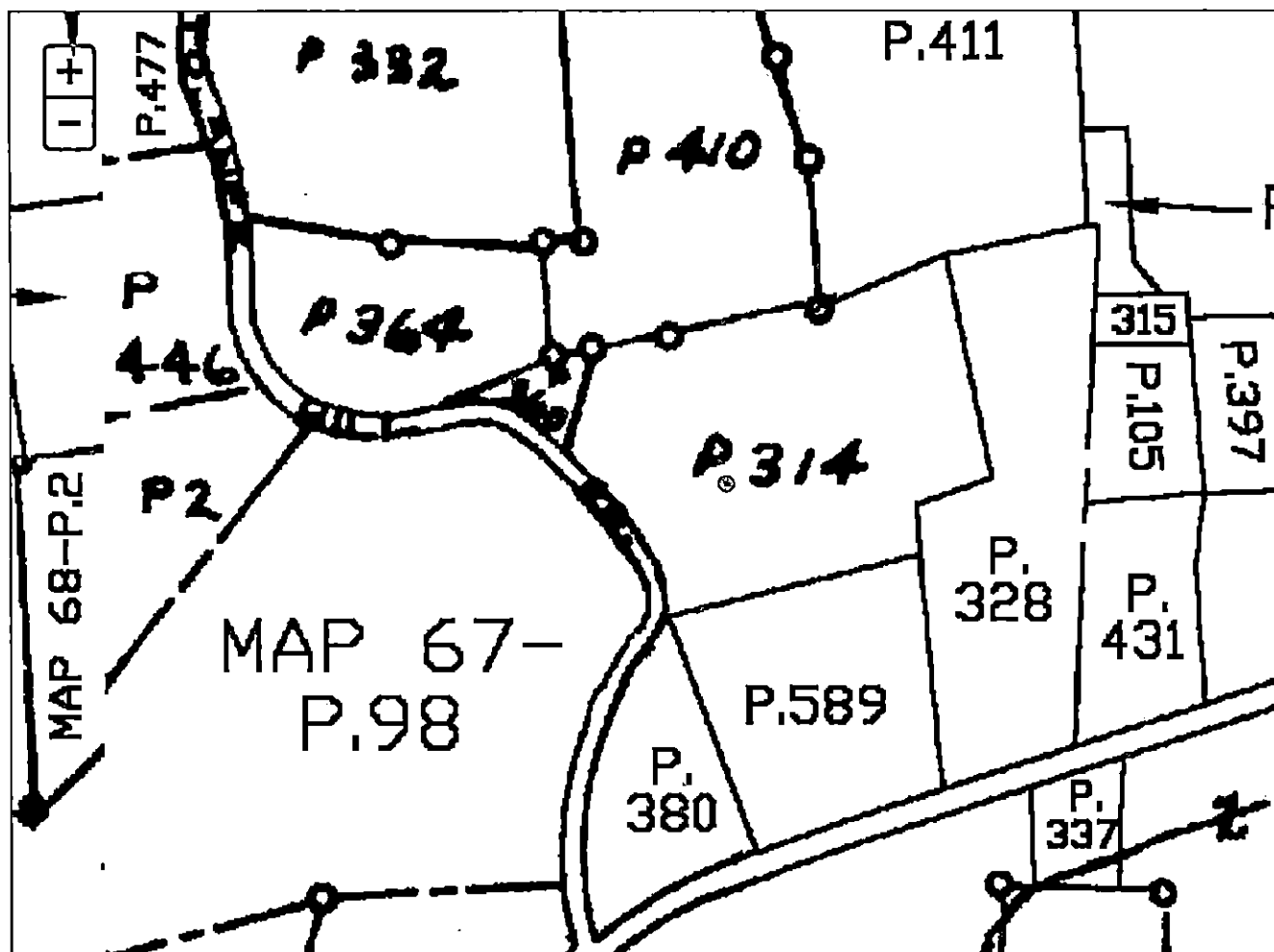
Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map				View GroundRent Redemption				View GroundRent Registration			
Account Identifier:				District - 03 Account Number - 0302087050							
Owner Information											
Owner Name:		DEVRIES DONALD LAWSON 3RD DEVRIES BAILEY GELDERMANN				Use: Principal Residence:		RESIDENTIAL YES			
Mailing Address:		101 CHATTOLANEE HILL RD OWINGS MILLS MD 21117-				Deed Reference:		/32762/ 00126			
Location & Structure Information											
Premises Address:		101 CHATTOLANEE HILL RD OWINGS MILLS 21117-				Legal Description:		.9186 AC REAR 208 FT NES CHATTOLANEE HILL RD 325 N GREEN SPRING VALL			
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:		
0068	0001	0314		0000				2014			
Special Tax Areas:					Town:		NONE				
					Ad Valorem:						
					Tax Class:						
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use			
1921		4,471 SF		750 SF		39,639 SF		04			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation					
2 1/2	YES	STANDARD UNIT	SIDING	5 full/ 1 half	1 Detached	2007					
Value Information											
			Base Value	Value		Phase-in Assessments					
				As of		As of		As of			
				01/01/2014		07/01/2015		07/01/2016			
Land:			558,900	448,900							
Improvements			501,100	814,600							
Total:			1,060,000	1,263,500		1,195,667		1,263,500			
Preferential Land:			0					0			
Transfer Information											
Seller: MASHBURN MARK A				Date: 11/08/2012				Price: \$1,060,000			
Type: ARMS LENGTH MULTIPLE				Deed1: /32762/ 00126				Deed2:			
Seller: GIESKE EDWARD T,JR				Date: 08/17/1995				Price: \$750,000			
Type: ARMS LENGTH MULTIPLE				Deed1: /11170/ 00432				Deed2:			
Seller: BURDETTE THOMAS W				Date: 10/02/1973				Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /05399/ 00438				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: Approved 10/06/2015											

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty/>)District: **03** Account Number: **0302087050**

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>).



KEVIN KAMENETZ
County Executive

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

December 20, 2016

Daniels & Associates Architects, LLC
1113 Ivy Hill Road
Hunt Valley, Maryland 21030
Attention: Walter Daniels
Architect

Dear Sir:

RE: Spirit and Intent Letter for Zoning Case #2017-0259-SPHA
101 Chattolane Hill Road
3rd Election District

Pursuant to your letter of December 12, 2016, you have requested an opinion from this office regarding the Special Hearing and Variance granted in the above referenced case. You're request to amend the previously approved site plan by relocating the 2 story 22' high detached accessory structure that is 26' from the rear property line. This accessory structure is to be used on the 1st level as garage and recreation room with a bath on the 2nd floor. A proposed addition attached to the garage will be a 1 story dwelling 15' high to be used for a 1095 sf in-law suite for Candance Claster, the Mother of Caroline Pinkin. The total footprint of the new structure will be 2950sf.

Upon review of the facts in case #2016-0259-SPHA and analysis of both exhibit #1 and the submitted red-lined site plan, it is the opinion of this office that you request **does not meet the spirit and intent** of the Special Hearing and Variance granted in the subject case. A new Special Hearing and Variance will be required for the detached dwelling and attached garage to be temporally used as in-law suite.

Please note that once the Special Hearing and Variance are approved the in-law suite must be documented as a rider on your deed. This rider must be renewed every 2 years.

A copy of this letter and the new red-lined site plan will be placed in the above reference Special Hearing file. **Additionally, you must present a copy of this letter when submitting application to Baltimore County for building permit approval.**

I trust that the information set forth in this letter is sufficiently detailed and responsive to you request. If you need additional information or have any questions, I can be contacted at 410-887-3391.

Sincerely,

ORIGINAL SIGNED BY
LEONARD J. WASILEWSKI

Leonard Wasilewski
Planner II
Zoning Review

16-480/LW

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: June 1, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-259

JUN 10 2016

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Property Address: 101 Chatolanee Hill Road
Petitioner: Lawson DeVries
Zoning: RC 2
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge (ALJ) should approve an accessory apartment structure (in-law suite) situated on the same owner-occupied lot as the principal dwelling. The Department also reviewed the petition for variance to permit an existing single family dwelling with an addition to have a rear setback of 15' in lieu of the required 35' rear setback and to permit an accessory structure in the side yard with a height of 22' in lieu of the required rear yard location and 15' height respectively.

A site visit was conducted on May 11, 2016. The Department received building elevations on May 16, 2016.

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

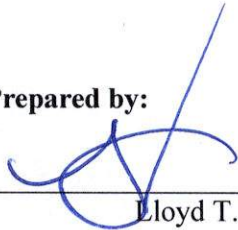
- The accessory apartment structure (in-law suite) shall adhere specifically the requirements defining accessory apartments pursuant to BCZR §101 and shall not be used for commercial purposes.
- The Department recommends the ALJ not approve separate utility, water and/or sewerage meters if petitioned for.

Please be advised that the requirements of BCZR § 400.4.B.2 must also be considered when addressing the size and requested 22' height of the accessory structure.

Date: June 1, 2016
Subject: ZAC #16-259
Page 2

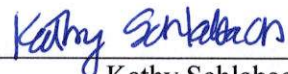
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

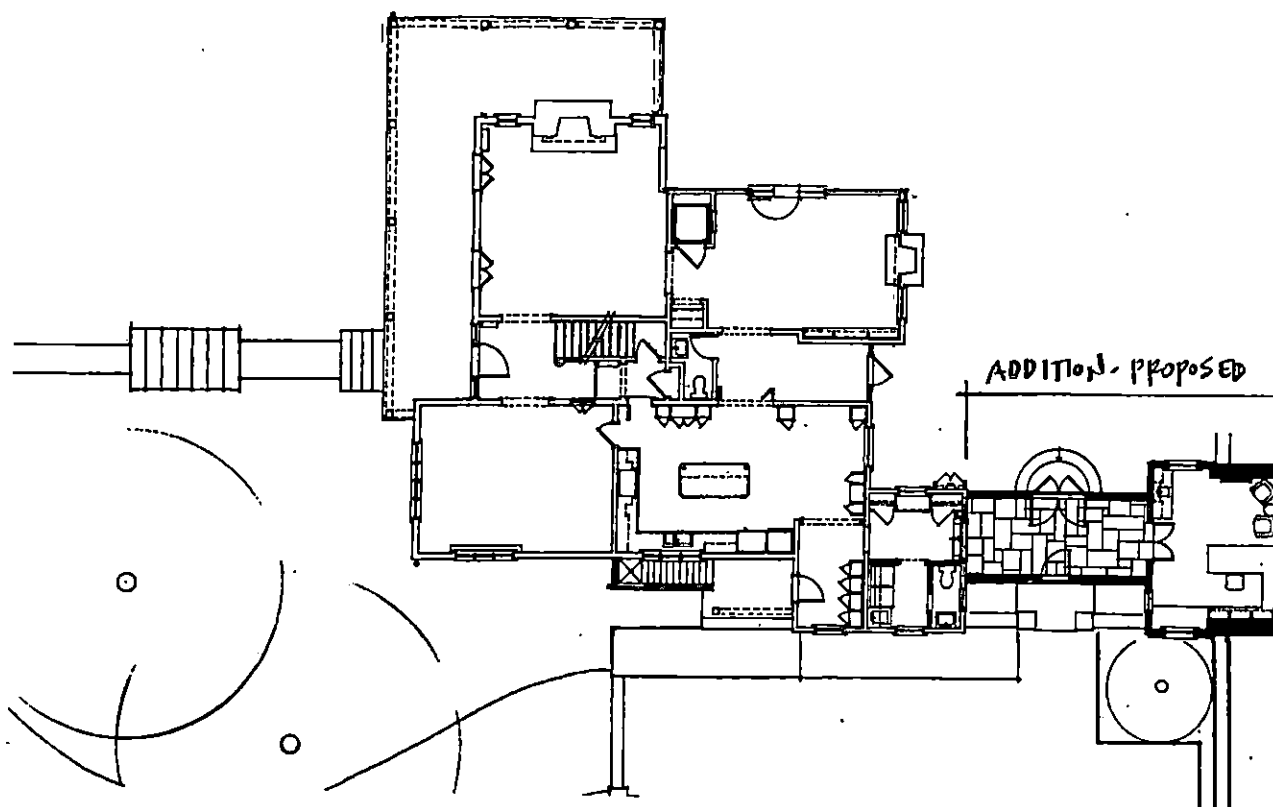
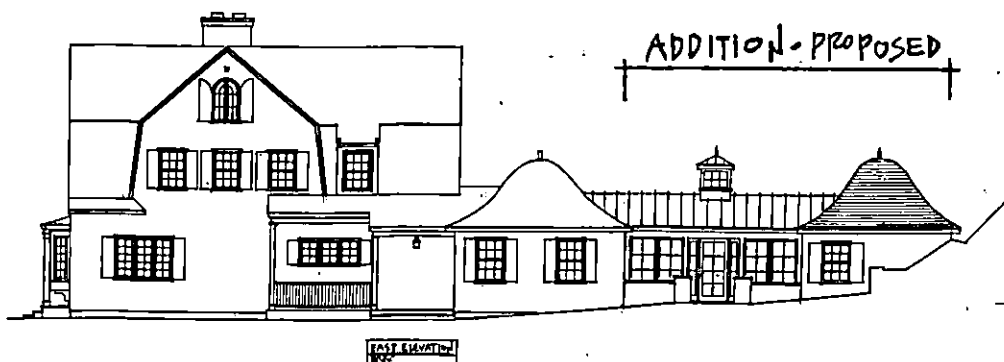
Division Chief:



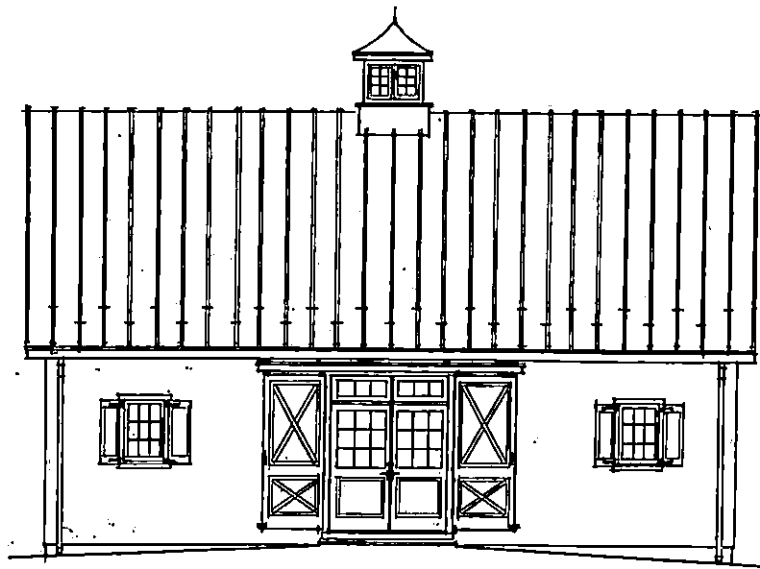
Kathy Schlabach

AVA/KS/LTM/ka

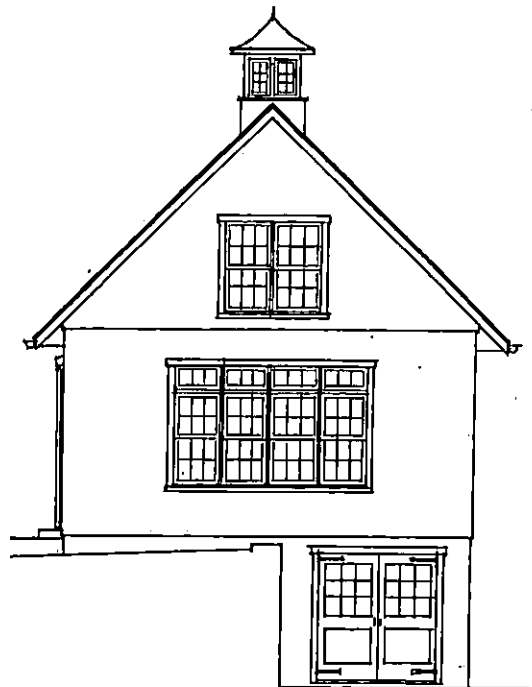
c: Bill Skibinski
Henry Warfield
Office of the Administrative Hearings
People's Counsel for Baltimore County



PLAN AT PROPOSED ADDITION

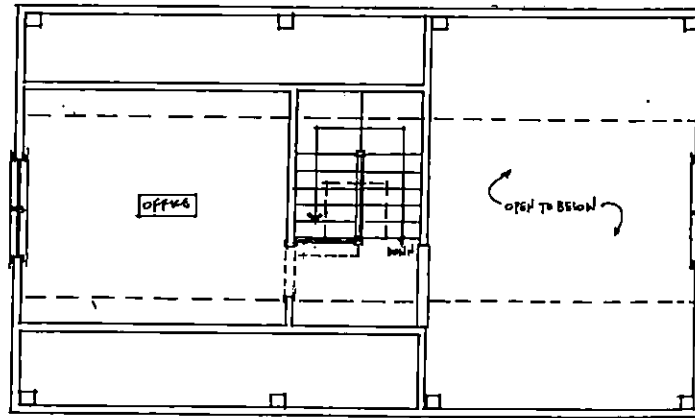


FRONT ELEVATION - BARN
8 FEB 2016

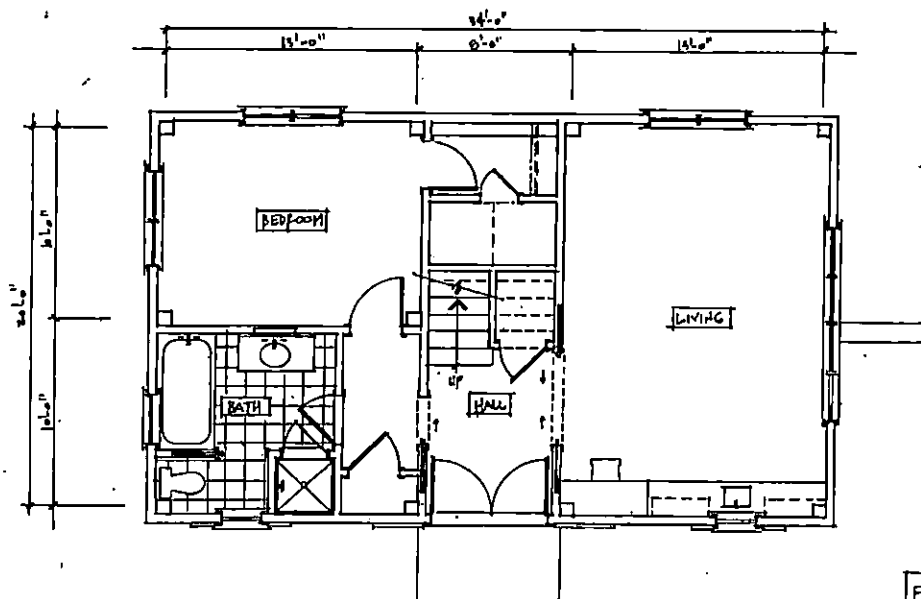


SIDE ELEVATION - BARN
8 FEB 2016

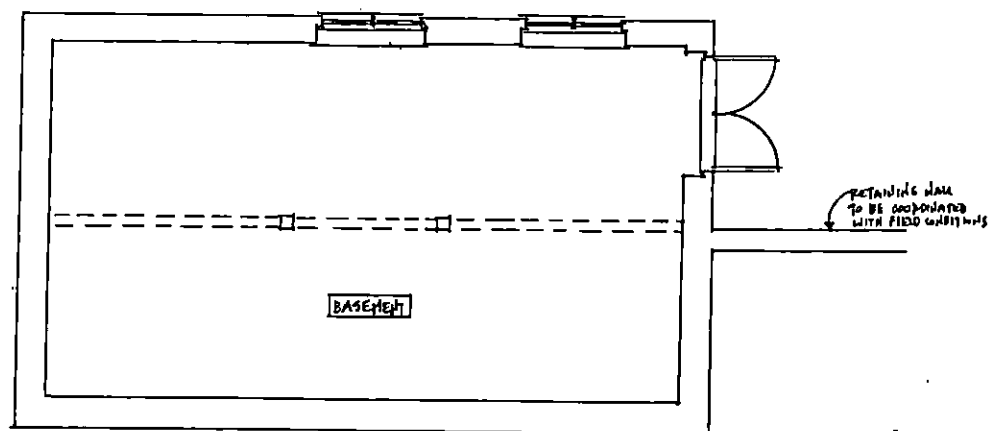
SCALE 1" = 10'-0"



SECOND FLOOR PLAN
8 FEB 2016

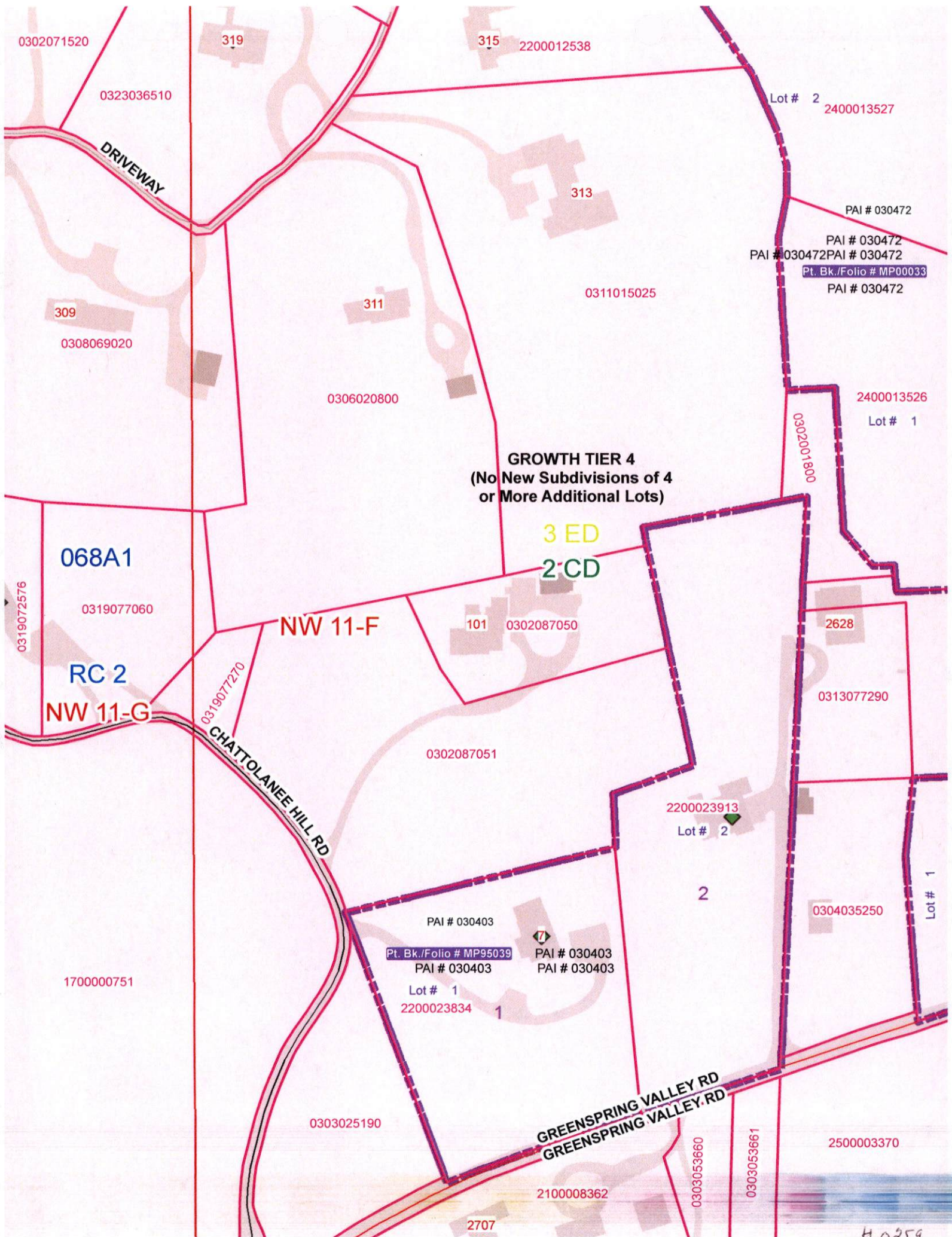


FIRST FLOOR PLAN
8 FEB 2016



BASEMENT PLAN
8 FEB 2016

SCALE 1"=10'0"



0302071520

319

315

2200012538

0323036510

Lot # 2

2400013527

DRIVEWAY

313

PAI # 030472

PAI # 030472

PAI # 030472 PAI # 030472

Pt. Bk./Folio # MP00033

PAI # 030472

309

311

0311015025

0308069020

0306020800

2400013526

Lot # 1

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

3 ED

2 CD

068A1

0319077060

NW 11-F

101

0302087050

2628

0313077290

RC 2

NW 11-G

0319077270

CHATTOLANEE HILL RD

0302087051

2200023913

Lot # 2

2

0304035250

Lot # 1

1700000751

PAI # 030403

Pt. Bk./Folio # MP95039

PAI # 030403

Lot # 1

2200023834



PAI # 030403

PAI # 030403

1

0303025190

GREENSPRING VALLEY RD
GREENSPRING VALLEY RD

2100008362

0303053660

0303053661

2500003370

2707

H 0254



Photograph #1- View from Chattolanee Hill Road with 101 at left



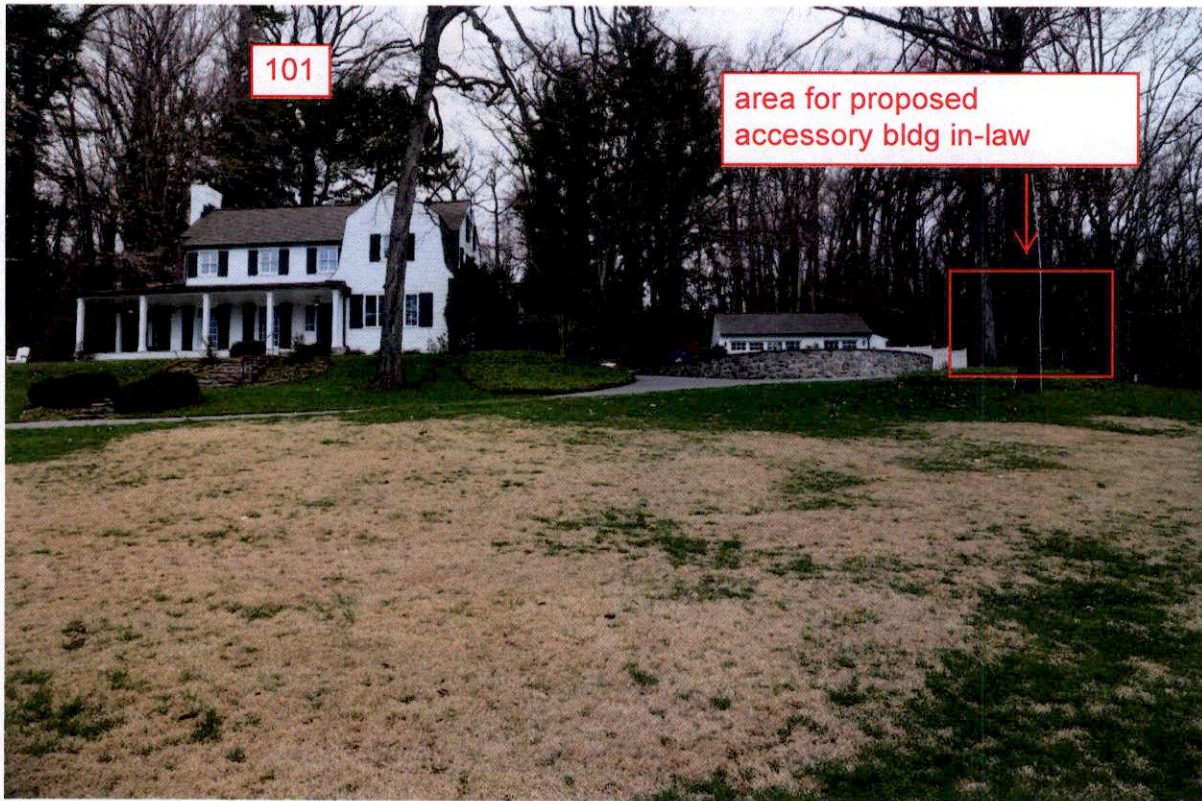
Photograph #2- View from Chattolanee Hill Road with 101 at right



Photograph #3 - View from driveway with front and west side visible.



Photograph #4 - View from driveway with Garage at left and site for Accessory Bldg "B"



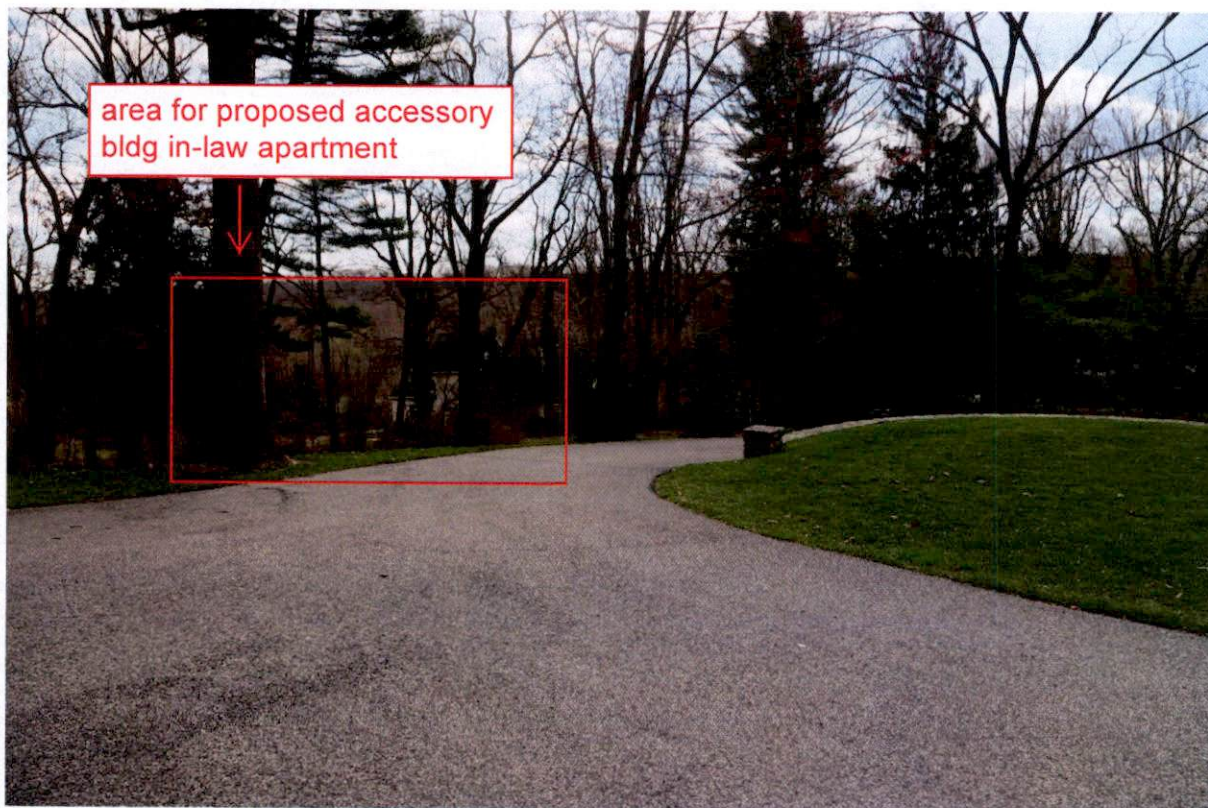
Photograph #5 - View from front yard with site for Accessory Bldg "B" at right behind tree



Photograph #6 - View from driveway island with site for Accessory Bldg "A" at center behind car



Photograph #7 - View from driveway island with Garage at left and site for Accessory Bldg "B" at center



Photograph #8 - View from Garage with site for Accessory Bldg "B" left of driveway island



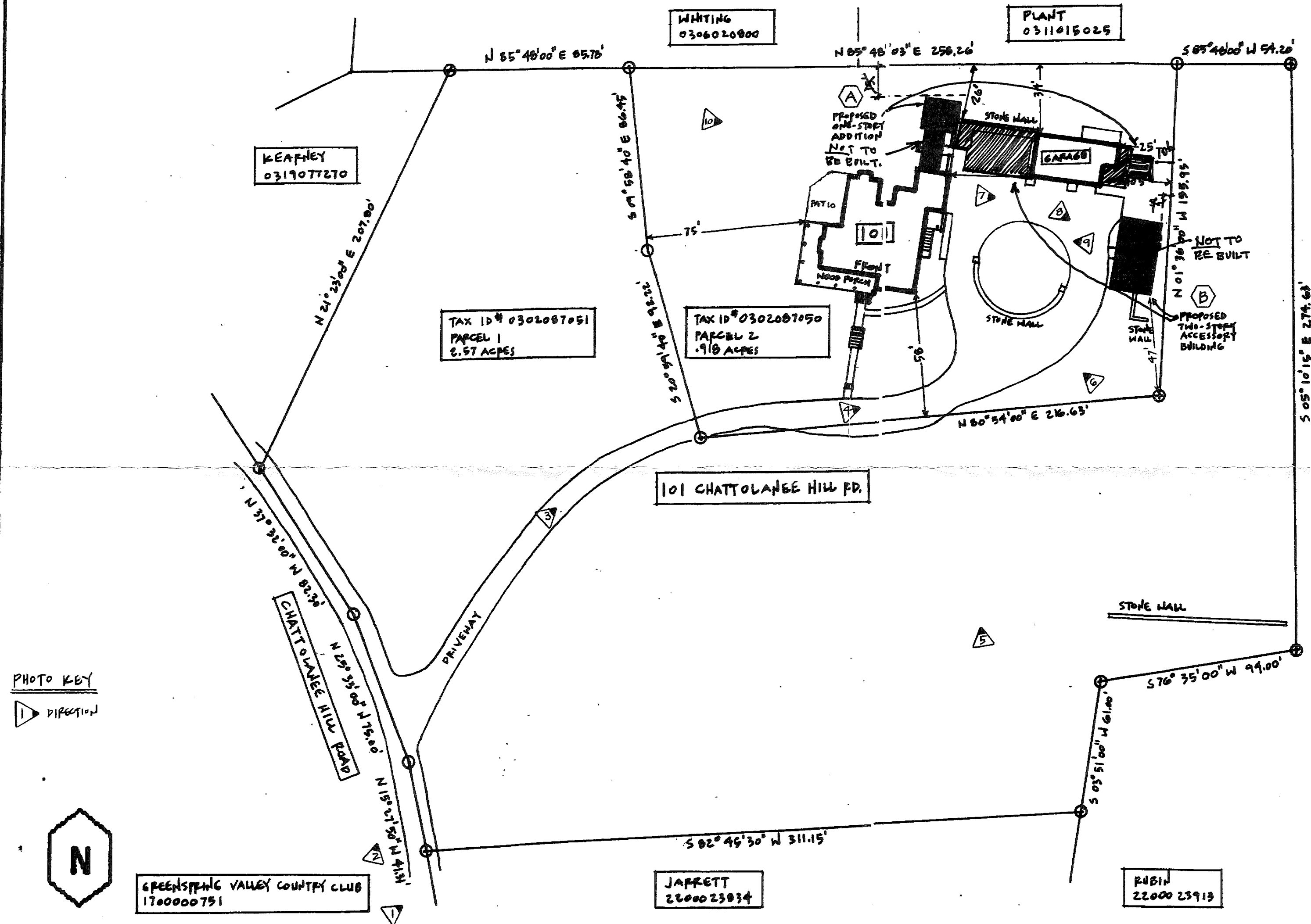
Photograph #9 - View of east side of house with site for Accessory Bldg "A" at right



Photograph #10 - View towards Garage from backyard with site for Accessory Bldg "A" at left

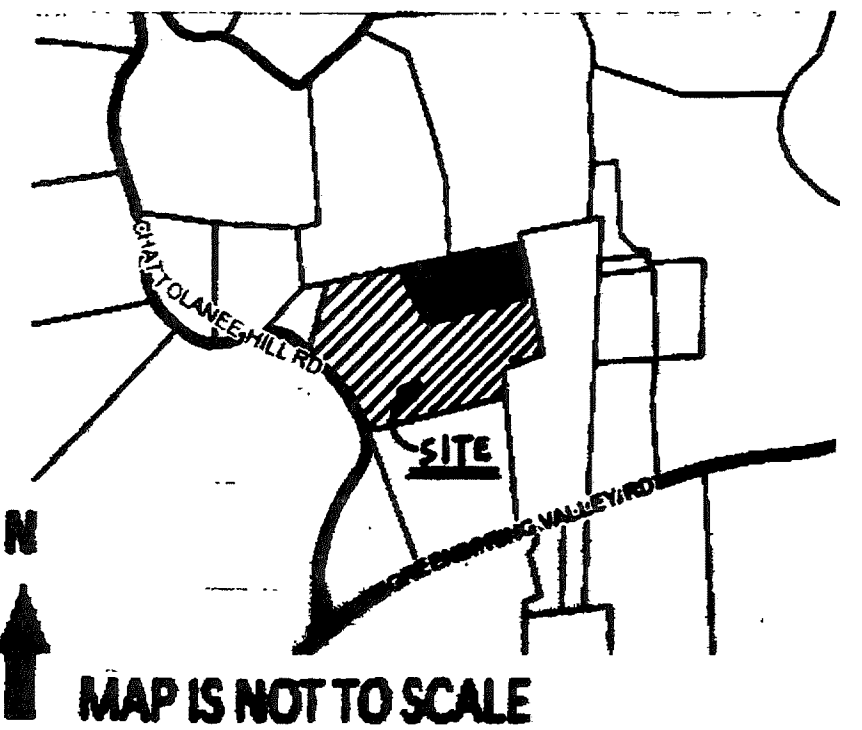
ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 101 CHATTOLANEE HILL ROAD NEW OWNER(S) NAME(S) BREW + CAROLINE FINKIN
 DE-VRIES, DONALD LANSO 3RD AND BATLEY GELDERMAN

SUBDIVISION NAME 0000 LOT # BLOCK # SECTION #
PLAT BOOK # FOLIO # 10 DIGIT TAX # 0302007050 DEED REF. # 32762/00126



PLAN DRAWN BY HENRY WARFIELD - WARFIELD ARCH DATE MARCH 12, 2016 SCALE: 1 INCH = 40 FEET
 TAKEN FROM HOPKINS ENGINEERING LOCATION SURVEY
 DATED 10/22/12
 MARK UP BY DANIELS ARCHITECTS 12/12/16

SITE VICINITY MAP



ZONING MAP# 0068-0001-0314

SITE ZONED RC-2

ELECTION DISTRICT 03

COUNCIL DISTRICT 02

LOT AREA ACREAGE .9186 + 2.57 ACRES

OR SQUARE FEET 39,639 + 111,949 SF

HISTORIC ? **No**

IN CBCA?

IN FLOOD PLAIN ? No

UTILITIES? MARK WITH X

WATER IS: PUBLIC PRIVATE X SPRING SHAPED WATERED STOCK COMPANY, INC.

SEWER IS:

PUBLIC **PRIVATE** x

PRIOR HEARING ?

**IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW**

VIOLATION CASE INFO:

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 101 CHATTOLANEE HILL ROAD OWNER(S) NAME(S) DEVRIES, DONALD LANSON 3RD AND BAILEY GELDERMAN
 SUBDIVISION NAME 0000 LOT # _____ BLOCK # _____ SECTION # _____
 PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 0302087050 DEED REF. # 32762/00126

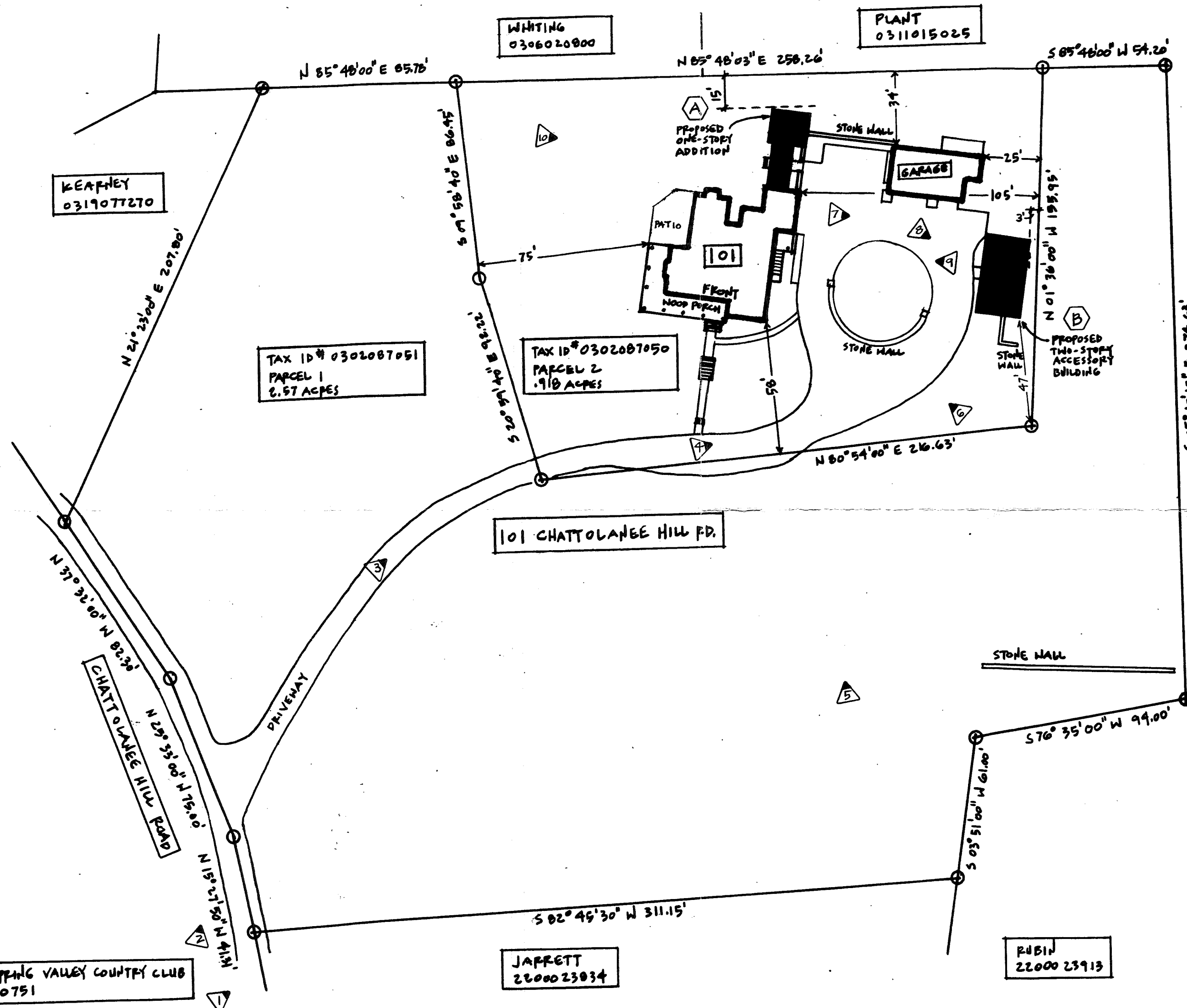
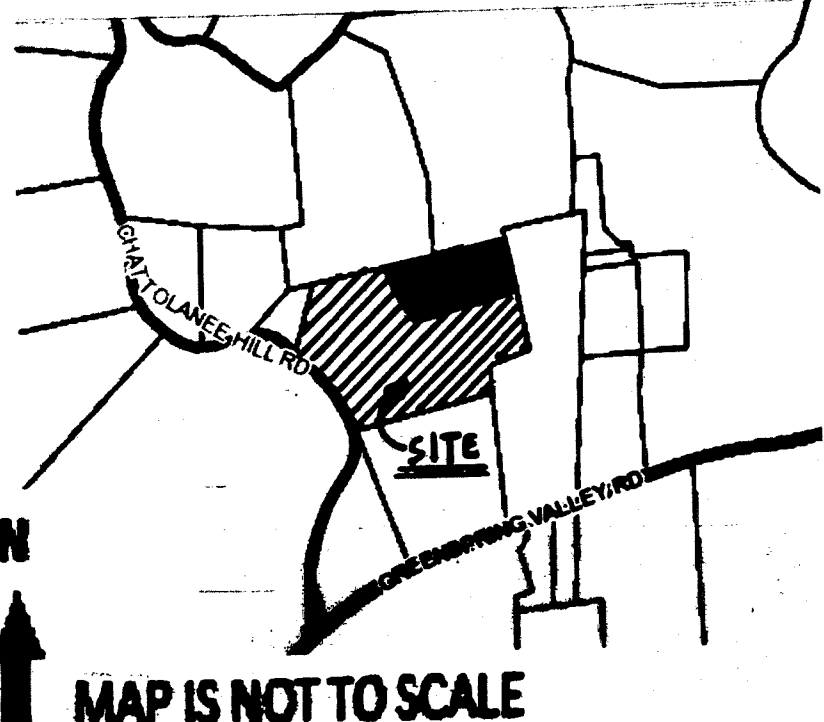


PHOTO KEY
 1 direction



PLAN DRAWN BY HENRY WARFIELD - WARFIELD ARCH DATE MARCH 12, 2016 SCALE: 1 INCH = 40 FEET
 TAKEN FROM HOPKINS ENGINEERING LOCATION SURVEY
 DATED 10/22/12

SITE VICINITY MAP



MAP IS NOT TO SCALE
 ZONING MAP# 0068-0001-0314
 SITE ZONED RC-2
 ELECTION DISTRICT 03
 COUNCIL DISTRICT 02
 LOT AREA ACREAGE .9186 + 2.57 ACRES
 OR SQUARE FEET 39,639 + 111,949 SF
 HISTORIC? No
 IN CBCA? _____
 IN FLOOD PLAIN? No
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC _____ PRIVATE X SPRING SHAPED WATERED STOCK COMPANY, INC.
 SEWER IS:
 PUBLIC _____ PRIVATE X
 PRIOR HEARING? _____
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

Ex.1

#0259