



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

to WAC
for file
File

May 4, 2018

VIA HAND-DELIVERY

Civil Clerk
Circuit Court for Baltimore County
401 Bosley Avenue
Towson, Maryland 21204

RE: In the matter of: Caleb R. Kelly, III – Legal Owner
Civil Action No.: 03-C-18-002380
Board of Appeals Case No.: 17-155-X

Dear Clerk:

Enclosed for filing please find the Proceedings before the Administrative Law Judge and the Board of Appeals for Baltimore County. Additionally, please allow this letter to reflect the filing of one accordion folder containing the entire Board of Appeals case file, exhibits, and transcript pursuant to Maryland Rule 7-206.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Tammy A. Zahner
Legal Secretary

Enclosures

c: Michael R. McCann, Esquire
John G. Turnbull, III, Esquire
Caleb R. Kelly, III
Adele Turnbull
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Deputy Administrative Officer and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
CALEB R. KELLY, III

FOR JUDICIAL REVIEW OF THE OPINION OF
THE BOARD OF APPEALS
OF BALTIMORE COUNTY
JEFFERSON BUILDING – ROOM 203
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

IN THE MATTER OF:
CALEB R. KELLY, III – LEGAL OWNER
FOR PROPERTY LOCATED AT
703-B PADONIA ROAD

8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 17-155-X

* * * * *

**PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits, Approvals and Inspections and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
OF BALTIMORE COUNTY**

December 6, 2016 Petition for Administrative Variance under Section 400.1 of the BCZR to permit an existing accessory structure (pole barn) located in the side yard in lieu of the required rear yard.

December 18, 2016	Certificate of Posting
December 21, 2016	Formal Demand for Hearing filed by Adele and John Turnbull.
January 9, 2017	Notice of Zoning Hearing
January 12, 2017	Certificate of Publication in newspaper
January 17, 2017	Letter to Office of Zoning from Bruce E. Doak requesting a postponement as the posting requirement was not met.
February 1, 2017	New Notice of Zoning Hearing
February 16, 2017	Certificate of Posting
February 16, 2017	Certificate of Publication in newspaper
March 2, 2017	ZAC Comments
March 8, 2017	Hearing held before the Office of Administrative Hearings.
March 13, 2017	Opinion and Order issued by the Administrative Law Judge wherein the Petition for Variance to permit an existing accessory structure (pole barn) located in the side yard in lieu of the required rear yard was DENIED.
April 12, 2017	Notice of Appeal filed by Michael R. McCann, Esquire on behalf of Caleb R. Kelly, III, Petitioner.
April 13, 2017	Appeal received by the Board.
April 25, 2017	Notice of Assignment issued by the Board.
April 28, 2017	Letter to Board from Michael R. McCann, Esquire requesting a postponement.
May 9, 2017	Notice of Postponement issued by the Board, and letter offering dates.
May 22, 2017	Notice of Reassignment issued by the Board.
July 11, 2017	Board convened for a Hearing.

Exhibits submitted at Hearings before the Board of Appeals:

Petitioner's Exhibit No.

- 1A-B – Aerial Photos of the Property
- 2 – Plat
- 3A-H – Photos of Property
- 4A-D – Photos
- 5A-C – Inside Barn Photos
- 6A-D – House Photos
- 7A-B – Existing Shed (before new 'pole barn')
- 8A-D – Photos of inside barn
- 9 – List of Equipment
- 10 – Photo of Garage with Cars
- 11A-B – Photo facing pole barn
- 12A-G – Letters from some neighbors
- 13 – Findings of Fact and Conclusions of Law – March 2009

Protestants Exhibit No.

- 1 – Plan to Accompany Variance Request
- 2 – Aerial Photo – My Neighborhood
- 3 – Photo of Kelly House – Prior Front
- 4 – Photo of Kelly House – Current Front
- 5 – Photos of Pole barn

- | | |
|------------------|--|
| October 11, 2017 | Protestants Closing Brief in Opposition to the Petition for Variance filed by John Grason Turnbull, III and Adele L. Brockmeyer. |
| October 11, 2017 | Petitioner's Post-Hearing Memorandum filed by Michael R. McCann, Esquire. |
| October 12, 2017 | E-mail to Board from Michael R. McCann, Esquire asking we check to make sure a blow-up of the site plan was included with Petitioner's Exhibits. |
| November 8, 2017 | Board convened for Public Deliberation. |
| February 5, 2018 | Opinion and Order issued by the Board wherein the Petition for Variance to permit an existing accessory structure (pole barn) located in the side yard in lieu of the required rear yard, was DENIED. A Concurring in the Result but Dissent as to Uniqueness opinion issued wherein a dissent was found with the majority's finding that the subject property is "unique", but concur with the majority's finding regarding a lack of "practical difficulty" or undue hardship, and with the majority's final decision denying the requested variance relief. |

March 6, 2018 Petition for Judicial Review filed in the Circuit Court for Baltimore County by Michael R. McCann, Esquire on behalf of Caleb R. Kelly, III, Petitioner/Appellant.

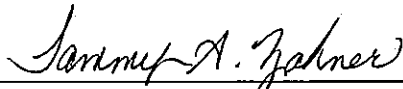
March 9, 2018 Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.

March 15, 2018 Certificate of Compliance sent to all parties and interested persons.

May 4, 2018 Transcript of testimony filed.

May 4, 2018 Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.



Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

c: Michael R. McCann, Esquire
 John G. Turnbull, III, Esquire
 Caleb R. Kelly, III
 Adele Turnbull
 Office of People's Counsel
 Lawrence M. Stahl, Managing Administrative Law Judge
 Andrea Van Arsdale, Director/Department of Planning
 Arnold Jablon, Deputy Administrative Officer and Director/PAI
 Nancy C. West, Assistant County Attorney/Office of Law
 Michael E. Field, County Attorney/Office of Law



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 703B Padonia Rd. Cockeysville MD. 21030 Currently zoned RC5
 Deed Reference 17835 / 00692 10 Digit Tax Account # 1700007710
 Owner(s) Printed Name(s) Caleb R. Kelly III

(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:

- X ADMINISTRATIVE VARIANCE from Section(s) 400.1 BCZR - To permit an existing accessory structure (Pole barn) located in the side yard in lieu of the required rear yard.

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

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

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

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

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

Owner(s)/Petitioner(s):

Caleb R. Kelly III
 Name #1 - Type or Print Name #2 - Type or Print
Caleb R. Kelly III
 Signature #1 Signature #2
703B West Padonia Rd. Cockeysville MD.
 Mailing Address City State
21030 410 252 9759 crk3@verizon.net
 Zip Code Telephone # Email Address

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

Name- Type or Print
 Signature
 Mailing Address City State
 Date / /
 Zip Code Telephone # Email Address

Representative to be contacted:

Caleb R. Kelly III
 Name - Type or Print
Caleb R. Kelly III
 Signature
Above
 Mailing Address City State
 Zip Code Telephone # 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 12 day of 14 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 2017-0155-A Filing Date 12/16/14 Estimated Posting Date 12/18/14 Reviewer gh

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

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

Address: 703B West Padonia Rd. Cockeysville MD. 21030
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)

We have had a shed at the end of my driveway, and plan on expanding its size to accommodate vehicles & equipment, we will build over the existing foot print and use existing driveway paving to be under roof. Due to the shape of the existing lot coming to a point 50 ft to the southwest and 40' to the south, and 5' from the northern property line, 85' from the existing house. The location is the only practical spot for this building, as the driveway has terminated at the shed for 40 years.

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

Caleb R. Kelly III
Signature of Owner (Affiant)

CALEB R. KELLY III
Name- Print or Type

Signature of Owner (Affiant)

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 02 day of December, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Caleb R Kelly III

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

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires

12/30/2017



Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

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

Address: 703B West Padonia Rd. Cockeysville MD. 21030
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)

We have had a shed at the end of my driveway and plan on expanding its size to accommodate vehicles & equipment, we will build over the existing foot print and use existing driveway paving to be under roof. Due to the shape of the existing lot coming to a point 50 ft to the southwest and 40' to the south, and 5' from the northern property line, 25' from the existing house. The location is the only practical spot for this building, as the driveway has terminated at the shed for 40 years.

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

Caleb R. Kelly III
Signature of Owner (Affiant)

Signature of Owner (Affiant)

CALEB R. KELLY III
Name- Print or Type

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 02 day of December, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Caleb R Kelly 3rd

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

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires

12/30/2017





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 703B Padonia Rd. Cockeysville MD. 21030 Currently zoned RC5
Deed Reference 17835100692 10 Digit Tax Account # 1700007710
Owner(s) Printed Name(s) Caleb R. Kelly III

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

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

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

1. X ADMINISTRATIVE VARIANCE from Section(s) 400.1 BCZR
To permit an existing accessory structure (Pole Barn)
located in the side yard in lieu of the require rear yard,
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):

Caleb R. Kelly III
Name #1 - Type or Print Name #2 - Type or Print
Caleb R. Kelly III
Signature #1 Signature #2
703B West Padonia Rd. Cockeysville MD.
Mailing Address City State
21030 410 252 9759 crk3@verizon.net
Zip Code Telephone # Email Address

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

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Representative to be contacted:

Caleb R. Kelly III
Name - Type or Print
Caleb R. Kelly III
Signature
Above
Mailing Address City State
Zip Code Telephone # 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 15 day of March, 2017, 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 2017-0155-A Filing Date 2/20/16 Estimated Posting Date 12/18/16 Reviewer gh

Rev 5/5/2016

zoning property description for
703 B West Padonia Rd

Beginning at a point south west side of west
Padonia Road which is 60 feet right of way
at a distance of 360 feet North West of the
centerline of the nearest improved intersecting
street of Jennifer Road which a right away
width of 40 feet.

Being Lot # 2 in the subdivision
Caleb's Acres as recorded in Baltimore County
Plat Book # 39, Folio # 92 containing 1.64 Ac.
Located in the 8th Election District and 3rd
Council District.

2017-0155-A

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

NO 144024

Date: 12/6/16

PAID RECEIPT

BUSINESS ACTUAL TIME IN
 12/06/2016 12/07/2016 09:20:44 2
 REG #002 WALKIN JEE
 RECEIPT # 972102 12/07/2016 OFLN
 Dept S 528 ZONING VERIFICATION
 CR NO. 144024
 Recpt Tot \$75.00
 \$0.00 CK \$75.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	000		0150				75.00

Total: 75.00

Rec From: Caleb R Kelly III

For: 2017-0155-A

703 B W Padonia Rd 21030

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

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

Nº 147034

Date: 12/21/16

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$60.00

Total: \$60.00

Rec From:

Adel & John Turnbull

For:

703B Padonia Rd

Administrative/Finance Formal Demand
to Public Hearing

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 12/22/2016 12/21/2016 09:41:40 2
 REG MSD2 WALKTH JEE
 >>RECEIPT N 994465 12/21/2016 OFLH
 Dept 5 528 ZONING VERIFICATION
 CR NO. 147034
 Recpt Tot \$60.00
 1.00 CK \$60.00 CA
 Baltimore County Maryland

**CASHIER'S
 VALIDATION**

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: 2017-0155-A

Petitioner: Caleb R. Kelly III

Address or Location: 703 B West Padonia Rd 21030

PLEASE FORWARD ADVERTISING BILL TO:

Name: Caleb R. Kelly III

Address: 703B West Padonia Rd.

Cockeysville MD. 21030

Telephone Number: 410-252-9759

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0155 -A Address 703 B West Padonia Rd 21030

Contact Person: Gary Hucik Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/16/16 Posting Date: 12/18/16 Closing Date: 1/2/17

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 2017- 0155 -A Address 703 B West Padonia Rd 21030

Petitioner's Name Caleb R Kelly III Telephone 410-252-9759

Posting Date: 12/18/16 Closing Date: 1/2/17

Wording for Sign: To Permit an existing detached accessory structure (Pole barn) to be located in the side yard in lieu of the required rear yard.

Revised 7/6/16

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 12, 2017 Issue - Jeffersonian

Please forward billing to:

Caleb R. Kelly, III
703 B West Padonia Road
Cockeysville, MD 21030

410-252-9759

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: 2017-0155-A

703B Padonia Road

SW/S of Padonia Road, NW 360 ft. to the centerline of Jennifer Road

8th Election District – 3rd Councilmanic District

Legal Owners: Caleb R. Kelly, III

Variance to permit an existing accessory structure (pole barn) located in the side yard in lieu of the required rear yard.

Hearing: Thursday, February 2, 2017 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 16, 2017 Issue - Jeffersonian

Please forward billing to:

Caleb R. Kelly, III
703 B West Padonia Road
Cockeysville, MD 21030

410-252-9759

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: 2017-0155-A

703B Padonia Road

SW/S of Padonia Road, NW 360 ft. to the centerline of Jennifer Road

8th Election District – 3rd Councilmanic District

Legal Owners: Caleb R. Kelly, III

Variance to permit an existing accessory structure (pole barn) located in the side yard in lieu of the required rear yard.

Hearing: Wednesday, March 8, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

April 13, 2017

Michael McCann, Esquire
118 West Pennsylvania Avenue
Towson, Maryland 21204-4518



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Variance
Case No. 2017-0155-A
Property: 703 B West Padonia Road

Dear Mr. McCann:

Please be advised that an appeal of the above-referenced case was filed in this Office on April 12, 2017. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/dlw

c: John Grason Turnbull, III, Turnbull Brockmeyer Law Group,
401 Allegheny Avenue, Towson, MD 21204
Baltimore County Board of Appeals
People's Counsel

APPEAL

**Petition for Variance
(703 B West Padonia Road)
8th Election District – 3rd Councilmanic District
Legal Owner: Caleb R. Kelly, III
Case No. 2017-0155-A**

Petition for Variance Hearing (December 6, 2016)

Zoning Description of Property

Notices of Zoning Hearings (2) – [January 9, 2017 & February 1, 2017]

Certificates of Publications (2) – [January 12, 2017 & February 16, 2017]

Certificates of Postings (2) – [December 18, 2016 & February 16, 2017] – Bruce E. Doak

Entry of Appearance by People's Counsel – None

Petitioner(s) Sign-in Sheet – 1 Page

Citizen(s) Sign-in Sheet – 1 Page

Zoning Advisory Committee (ZAC) Comments

Petitioner(s) Exhibits:

1. Site Plan
2. Three (3) Aerial My Neighborhood Photos
3. Photos of Property with Key Sheet
4. Photos – Petitioner's Home
5. Order in Case No. 2008-505-A
6. Plan showing "yard" orientation
7. Photos – New Building
8. July 29, 2016 Letter signed by Mr. Loving

Protestant(s) Exhibits:

1. Plan from 2008 Zoning Case
2. Aerial Google Map
3. Photographs from Neighbor's House

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (DENIED – March 13, 2017)

Notice & Check for Appeal received from Michael R. McCann, Esq. on April 12, 2017

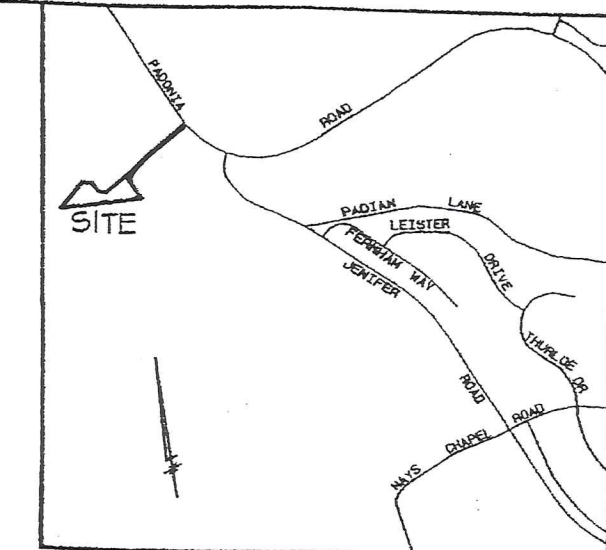
Real Property Data Search (w1) **Guide to searching the database**

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 08 Account Number - 1700007710			
Owner Information					
Owner Name:		KELLY CALEB R 3RD		Use:	RESIDENTIAL
Mailing Address:		703B W PADONIA RD COCKEYSVILLE MD 21030-1722		Principal Residence:	YES
				Deed Reference:	/17835/ 00692
Location & Structure Information					
Premises Address:		703B PADONIA RD 0-0000		Legal Description:	1.644 AC 703 B PADONIA RD CALEBS ACRES
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0051	0019	0544		0000	
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	0039/0092
	2	2017			
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1979	2,558 SF		1.6400 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	STONE	2 full/ 1 half	1 Detached
Value Information					
Base Value		Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2014	07/01/2016	07/01/2017	
Land:	168,700	168,700			
Improvements	241,000	241,000			
Total:	409,700	409,700	409,700		
Preferential Land:	0				
Transfer Information					
Seller: KELLY CALEB R,3RD		Date: 04/11/2003	Price: \$0		
Type: NON-ARMS LENGTH OTHER		Deed1: /17835/ 00692	Deed2:		
Seller: KELLY CALEB R,JR		Date: 05/01/1981	Price: \$0		
Type: NON-ARMS LENGTH OTHER		Deed1: /06281/ 00709	Deed2:		
Seller:		Date:	Price:		
Type:		Deed1:	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016	07/01/2017		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00	0.00		
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Approved 09/02/2008					

3. The Maryland Department of General Services, Office of Information Technology, is responsible for the accuracy of the data presented on this website. While we have confidence in

2017-0155-A



VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS & ETZEL, LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 051A3
3. CENSUS TRACT - 408802, REGIONAL PLANNING DISTRICT - 301
4. WATERSHED - JONES FALLS, SUBWERSHED - 61 N
5. SCHOOL DISTRICT - ELEMENTARY - FINEWOOD ES; MIDDLE - RIDGELY MS;
6. HIGH - DULANEY HS.
7. A.D.C. MAP & GRID
8. THERE WAS A PRIOR ZONING CASE ON THE SUBJECT PROPERTY. CASE #16-14A GRANTED A VARIANCE TO PERMIT A SIDE YARD SETBACK OF 5' IN LIEU OF THE REQUIRED 30'
9. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
10. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
11. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
12. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
13. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS.

OWNER/DEVELOPER
CALEB R. KELLY III
103 B PADONIA ROAD
COCKEYSVILLE, MD 21030

PLAN TO ACCOMPANY A
VARIANCE REQUEST
KELLY PROPERTY
103 B PADONIA ROAD
Deed Ref: S.M. No. 17835 folio 692
Tax Account No.: 17-00-00710
Zoned RC-5; GIS Tile 051A3
Tax Map 51; Grid 19; Parcel 544
8th ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

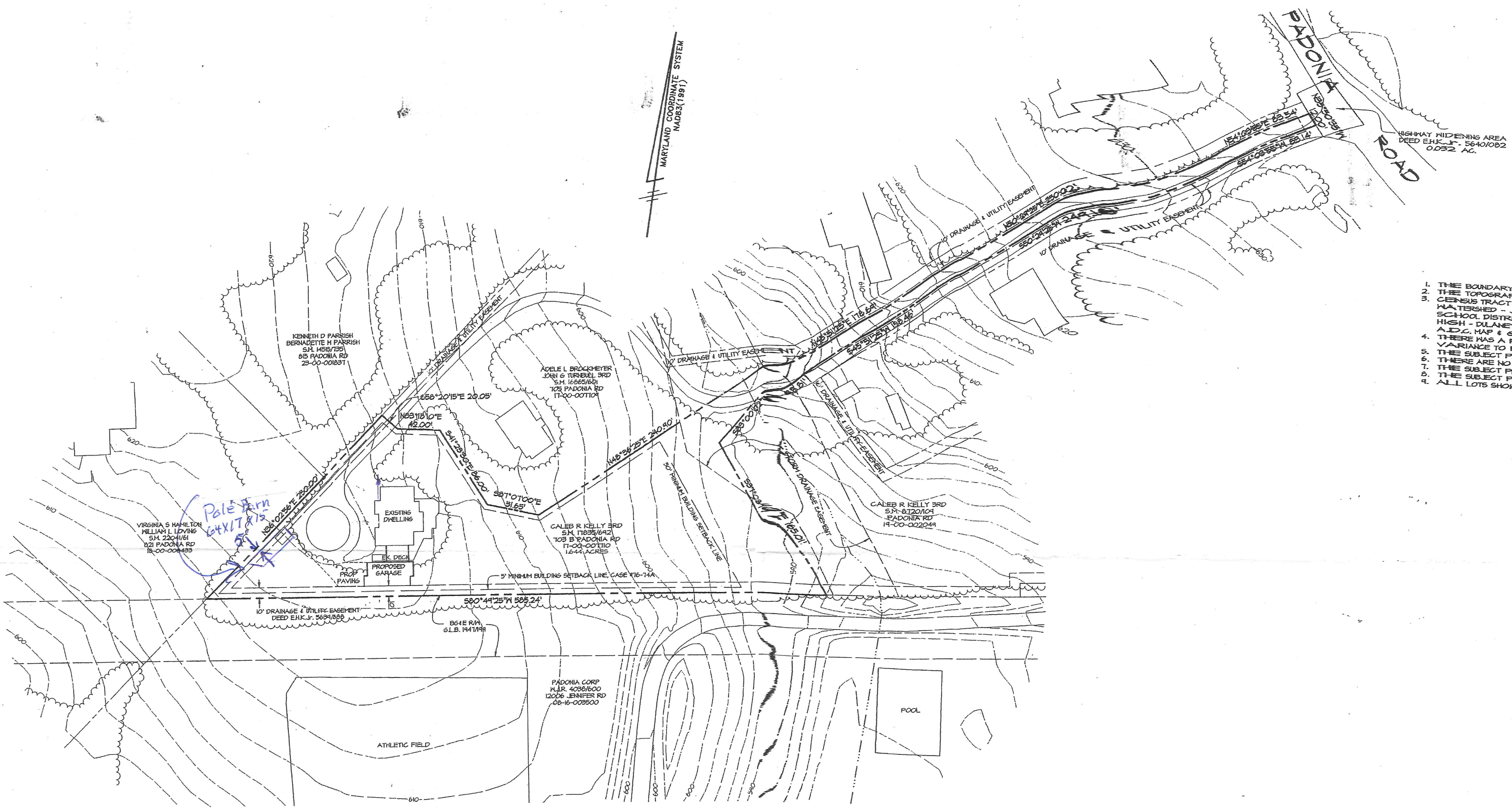


Scale: 1/4" = 50' Date: APRIL 18, 2008

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

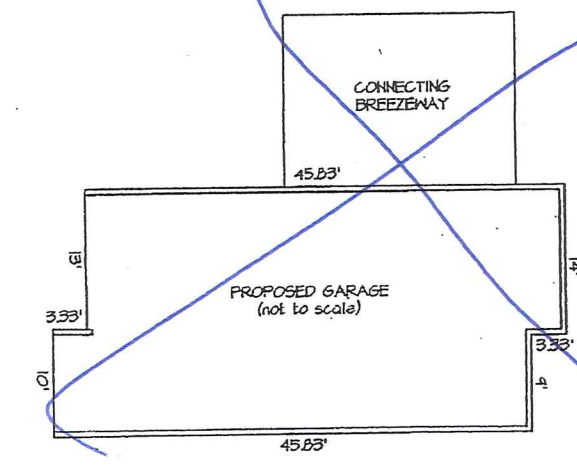
APPROVE THE VARIANCE REQUESTED - 10 FOOT SETBACK IN LIEU OF THE REQUIRED 30 FEET AND CHANGED THE SIZE OF THE PROPOSED GARAGE SHOWN IN RED	3/24/09
REVISION	DATE
COMPUTED:	DRAWN: SMH
CHECKED:	

PETITIONER'S



LEGEND

- PROPOSED DWELLING
- EXISTING BUILDING
- SOIL LINE
- WOODS LINE
- EXISTING PAVING
- PROPERTY LINE
- CONTOURS



VARIANCE REQUESTED

FOR A SIDE YARD SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 30 FEET PER SECTION 1A04.9.2.2 OF THE B.C.Z.R.

2017-0155-A