

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(101 Chattolantee Hill Road)		
3 rd Election District	*	OFFICE OF
2 nd Council District		
Drew and Caroline Pinkin	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
Petitioners	*	FOR BALTIMORE COUNTY
	*	Case No. 2017-0180-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Drew & Caroline Pinkin, 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 in-law apartment in an accessory structure.

Mel Benhoff, Candace Chester, Caroline Pinkin and architect Walter Daniels appeared in support of the petition. 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 Planning (DOP). That agency did not oppose the requests, and the concern noted in its comment will be included in the order below.

The subject property is approximately 0.9 acres in size and zoned RC-2. The property is improved with a single-family dwelling constructed in 1921. Petitioners propose to construct an accessory building (approximately 1,100 sq. ft.) to be used as an in-law apartment. The B.C.Z.R. requires a special hearing for such accessory apartments.

The site plan (Ex.1) and floorplans were prepared by Walter Daniels, an architect. Mr. Daniels described the layout of the project, and noted a utility pole providing electricity to the

ORDER RECEIVED FOR FILING

Date 3/3/17
By Sen

property is immediately adjacent to where the accessory building is proposed. Mr. Daniels explained that unless a separate utility meter was used, Petitioners would need to run electric wires between the apartment and the principal dwelling, a distance of over 70 feet. As such, I believe good cause has been shown to permit the installation of a separate meter. In other respects the proposal meets the requirements set forth in B.C.Z.R. §§400.4 & 502.1, and the accessory apartment use will in no way have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED this 3rd day of **March, 2017** by this Administrative Law Judge, that the Petition for Special Hearing to permit an accessory apartment (served by its own utility meter) in an accessory structure, 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. The proposed detached garage (adjacent to the proposed accessory apartment) shall not be used for commercial purposes and shall not contain living quarters, kitchen or bathroom facilities. When constructed there shall be no interior connection between the garage and the accessory apartment.
3. The accessory apartment use shall be subject to the restrictions and requirements set forth in B.C.Z.R. §400.4 and the Declaration of Understanding which Petitioners must file among the land records of Baltimore County.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

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Date 3/3/17

By sen



KEVIN KAMENETZ
County Executive

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

March 3, 2017

Drew and Caroline Pinkin
101 Chattolane Hill Road
Owings Mills, Maryland 21117

RE: Petition for Special Hearing
Case No. 2017-0180-SPH
Property: 101 Chattolane Hill Road

Dear Petitioners:

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,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slm
Enclosure

c:

Walter Daniels, 1113 Ivy Hill Road, Cockeysville, MD 21030
Mel Benhoff, 215 Old Padonia Road, Cockeysville, MD 21030
Candace Chester, 13 Parliament Ct., Baltimore, MD 21212



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 101 Chattolane Hill Road which is presently zoned RC-2
 Deed References: _____ 10 Digit Tax Account # 0302087050
 Property Owner(s) Printed Name(s) DREW + CAROLINE PINKIN

(SELECT THE HEARING(S) BY MARKING X 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. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An in-law apartment in an accessory structure

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)

To be presented at hearing

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

X Legal Owners (Petitioners):

Drew Pinkin

Name #1 - Type or Print

[Signature]

Signature #1

Caroline Pinkin

Name #2 - Type or Print

[Signature]

Signature #2

101 Chattolane Hill Rd Owings Mills, MD

Mailing Address City State

21117 / 908-230-3055 / drewpinkin@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Walter Daniels / Daniels Architects

Name - Type or Print

[Signature]

Signature

1113 109 Hill Rd Cockeysville MD

Mailing Address City State

21030 / 410-560-3588 / danielsarchitect@gmail.com

Zip Code Telephone # Email Address

CASE NUMBER 2017-0180-SP4 Filing Date 1/9/17 Do Not Schedule Dates: _____ Reviewer gh

ORDER RECEIVED FOR FILING

REV. 10/4/11

Date 3/3/17

By Sen

lucky linda 1954@yahoo.com

EXHIBIT A

PARCEL #1, Beginning 470' +/- north of the intersection Greenspring Valley Road and Chattolanee Hill Road to center of Chattolanee Hill Road, (20 feet wide), then running three courses along the centerline of Chattolanee Hill Road, north 15 degrees 27 minutes 50 seconds west 41.31 feet, and then north 25 degrees 33 minutes west 75 feet, and then finally north 37 degrees 32 minutes west 82.30 feet. Then north 21 degrees 23 minutes east 207.80 feet. Then north 85 degrees 48 minutes east 85.78 feet to a concrete monument (north west corner of Parcel #2), then south 9 degrees 58 minutes 40 second east 86.45 feet, then south 20 degrees 59 minutes 40 seconds east 92.22 feet, then north 80 degrees 54 minutes east 216.63 feet, then north 1 degree 36 minutes west 155.95 feet, then north 85 degrees 48 minutes east 54.20 feet, then south 5 degrees 10 minutes 15 seconds east 274.63 feet, then south 76 degrees 35 minutes west 94 feet, then south 3 degrees 51 minutes west 61 feet , then south 82 degrees 45 minutes 30 seconds west 311.15 to the place of beginning. Containing 2.57 acres of land, known as Parcel #1 of 101 Chattolanee Hill Road.

PARCEL #2, Beginning at a concrete monument at the north-west corner of Parcel #2 (as located within the description of Parcel #1 above), then south 9 degrees 58 minutes 40 second east 86.45 feet, then south 20 degrees 59 minutes 40 seconds east 92.22 feet, then north 80 degrees 54 minutes east 216.63 feet, then north 1 degree 36 minutes west 155.95 feet, then south 85 degrees 48 minutes east 256.26 feet to the place of beginning. Containing 0.918 acres of land, known as Parcel #2 of 101 Chattolanee Hill Road.

BEING THE SAME lot of ground which by Deed dated 31st of October, 2016 by and between Donald Lawson Devries, II and Bailey Geldermann Devries, GRANTORS, and Drew M. Pinkin and Caroline R. Pinkin, GRANTEES.

Being the same property granted and conveyed to Donald Lawson Devries, II and Bailey Geldermann Devries, by deed dated October 2, 2012 from Mark A. Mashburn and Beth A. Mashburn, recorded among the Land Record of Baltimore County in Liber 32762, Folio 126.

2017-0180-SPH

PAID RECEIPT

Date: _____

Source/ Rev/

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Total: 75

Rec: Daniels Architects

For: SPC 21 FR 2V 10X (250) 2011/01/03 30H

101 Chittolane Hill Rd

DISTRIBUTION

WHITE CASHIER

PINK-AGENCY

YET LOW-CUSTOMER

GOLD ACCOUNTING

PLEASE PRESS HARD!!!

**CASHIER'S
VALIDATION**



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 4763219

Sold To:

Drew Pinkin - CU00583797
101 Chattolane Hill Rd
Owings Mills, MD 21117-4312

Bill To:

Drew Pinkin - CU00583797
101 Chattolane Hill Rd
Owings Mills, MD 21117-4312

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

Feb 09, 2017

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: # 2017-0180-SPH
101 Chattolane Hill Road
NE/s Chattolane Hill Road, N/of Greenspring Valley Road
3rd Election District - 2nd Councilmanic District
Legal Owner(s) Drew & Caroline Pinkin

SPECIAL HEARING: to permit an in-law apartment in an accessory structure.
Hearing: Thursday, March 2, 2017 at 10:00 a.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.

2/076 Feb. 9 4763219

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/10/2017

Case Number: 2017-0180-SPH

Petitioner / Developer: DREW & CAROLINE PINKIN ~
WALTER DANIELS, AIA

Date of Hearing (Closing): MARCH 2, 2017

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: FEBRUARY 10, 2017



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)

**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/neighborhood 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 twenty (20) 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: 2017-0180-SPH
Property Address: 101 Chattanooga Hill Road
Property Description: _____
Legal Owners (Petitioners): Drew + Caroline Pinkin
Contract Purchaser/Lessee: _____

☒ PLEASE FORWARD ADVERTISING BILL TO:

Name: Drew Pinkin
Company/Firm (if applicable): _____
Address: 101 Chattanooga Hill Road
Owings Mills, MD 21117
Telephone Number: (908) 230-3055

Revised 7/9/2015

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 9, 2017 Issue - Jeffersonian

Please forward billing to:

Drew Pinkin
101 Chattolane Hill Road
Owings Mills, MD 21117

908-230-3055

NOTICE OF ZONING HEARING

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CASE NUMBER: 2017-0180-SPH

101 Chattolane Hill Road
NE/s Chattolane Hill Road, N/of Greenspring Valley Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Drew & Caroline Pinkin

Special Hearing to permit an in-law apartment in an accessory structure.

Hearing: Thursday, March 2, 2017 at 10:00 a.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

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

January 31, 2017

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: 2017-0180-SPH

101 Chattolane Hill Road

NE/s Chattolane Hill Road, N/of Greenspring Valley Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Drew & Caroline Pinkin

Special Hearing to permit an in-law apartment in an accessory structure.

Hearing: Thursday, March 2, 2017 at 10:00 a.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 a faint circular stamp.

Arnold Jablon
Director

AJ:kl

C: Drew & Caroline Pinkin, 101 Chattolane Hill Road, Owings Mills 21117
Walter Daniels, 1113 Ivy Hill Road, Cockeysville 21030

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 10, 2017.**
- (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.**



KEVIN KAMENETZ
County Executive

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

February 22, 2017

Drew & Caroline Pinkin
101 Chattolantee Hill Road
Owings Mills MD 21117

RE: Case Number: 2017-0180 SPH, Address: 101 Chattolantee Hill Road

Dear Mr. & Ms. Pinkin:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 9, 2017. 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
Walter Daniels, Daniels Architects, 1113 Ivy Hill Road, Cockeysville MD 21030

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



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

Date: 1/17/17

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. 2017-0180-SPH

*Special Hearing
Drew & Caroline Pindlin
101 Chattanooga 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 black ink, appearing to read "Richard Zeller".

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 2/9/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-180



INFORMATION:

Property Address: 10 Chattolantee Hill Road
Petitioner: Drew Pinkin, Caroline Pinkin
Zoning: RC 2
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve an in-law apartment in an accessory structure.

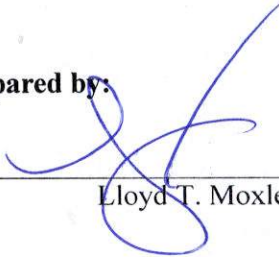
A site visit was conducted on January 26, 2017. The site was previously the subject of zoning case 16-0258.

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

- Neither accessory structure shall be used for commercial purposes nor have a separate utility meter.
- The proposed garage shall not be used as living quarters.

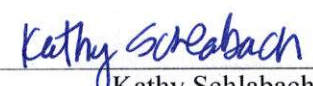
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski
Walter Daniels, Daniels Architects
Office of the Administrative Hearings
People's Counsel for Baltimore County

RECEIVED

FEB 1 2017

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 27, 2017

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

SUBJECT: Zoning Advisory Committee Meeting
For January 23, 2017
Item No. 2017-0179, 0180, 0181, 0182, 0184 and 0185

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

DAK:CEN

cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC01232017.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
101 Chattolane Hill Road; NE/S Chattolane *
Hill Road, N of Greenspring Valley Road * OF ADMINISTRATIVE
3rd Election & 2nd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Drew & Caroline Pinkin *
Petitioner(s) * BALTIMORE COUNTY
* 2017-180-SPH

* * * * *

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

JAN 18 2017

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 18th day of January, 2017, a copy of the foregoing Entry of Appearance was mailed to Walter Daniels, 1113 Ivy Hill Road, Cockeysville, Maryland 21030, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE: April 4, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0180- SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on April 3, 2017. 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

CASE NAME 101 Chaffolance Hill Rd
CASE NUMBER 2017 0180 SP11
DATE 3-2-17

[illegible]

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:	PINKIN DREW M PINKIN CAROLINE R	Use: Principal Residence: RESIDENTIAL YES
Mailing Address:	101 CHATTOLANEE HILL RD OWINGS MILLS MD 21117-	Deed Reference: /38400/ 00428
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:
0068	0001	0314
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
		2017
Plat No:	Plat Ref:	
Special Tax Areas:	Town:	NONE
	Ad Valorem:	
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1921	4,471 SF	750 SF
Property Land Area	County Use	
39,639 SF	04	
Stories	Basement	Type
2 1/2	YES	STANDARD UNIT
Exterior SIDING	Full/Half Bath	Garage
	5 full/ 1 half	1 Detached
Last Major Renovation	2007	
Value Information		
	Base Value	Value As of 01/01/2017
Land:	448,900	448,900
Improvements	814,600	903,500
Total:	1,263,500	1,352,400
Preferential Land:	0	0
	Phase-in Assessments As of 07/01/2016	As of 07/01/2017
	1,263,500	1,293,133
Transfer Information		
Seller: DEVRIES DONALD LAWSON,3RD	Date: 12/15/2016	Price: \$1,725,000
Type: ARMS LENGTH MULTIPLE	Deed1: /38400/ 00428	Deed2:
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:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2016
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: No Application		

8. The Baltimore County Department of Assessments and Taxation (SDAT) is not responsible for errors or omissions in the data presented herein. We have confidence in the accuracy of the data presented herein.

2017-0180-SPH

16-13-16
JB

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

(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.

311

PAI # 030472

Pt. Bk./Folio # MP00033

PAI # 030472

PAI # 030472

1997-0090-3

0306020800

0311015025

0302001800

2 CD

068A1 RC 2

3 ED

NW 11-F

2016-0259-SPHA

0302087050

GROWTH TIER 4

(No New Subdivisions of 4 or More Additional Lots)

Lot # 2 2200023913

0302087051

2700

PAI # 030403

PAI # 030403

Pt. Bk./Folio # MP94039

PAI # 030403

PAI # 030403

2

1992-0413-XA

Lot # 1

2200023834

1700000751

CHAFFOLANEE HILL RD

2017-0180-SPH

DECLARATION OF UNDERSTANDING
FOR AN ATTACHED ("In-law") APARTMENT USE PERMIT

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 10th day of December 2016 by and between Caroline Pinkin and Drew Pinkin (hereinafter referred to as the "Declarant") 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 allow 1095 sf accessory apartment in the a portion of the existing garage in the rear yard

The property located at: 101 Chattolane Hill Road, Baltimore County, MD. And is more described by metes and bounds in Exhibit A (the property) and Exhibit B (The use permit plans) attached hereto and made a part hereof. The property is zoned RC2, which is the 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:

Candance Claster (the Mother of Caroline Pinkin).

The other residents of the property are: Minor Children: Reed Pinkin & Jamie Pinkin, in the Principal Dwelling (list all residents with full names, their dwelling location in the building(s) and their relationship to the immediate family, in detail as required in Bill No. 49-11) 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 Declarant(s) 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 Declarant(s) and PIA hereby declare as follows:

1. 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 member(s) 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.

LR - Agreement
Recording Fee 20.00
Name: PINKIN
Ref:
Surf: 40.00
SubTotal: 60.00
Total: 62.00
03/20/2017 12:32
CC03-LL
17003061660301 -
Baltimore
County, MD 21.06
Register 06

2017-0180-SPA

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: (Adjust this statement for the location of the Apartment)

A. In the Accessory Apartment in the principal dwelling, use permit termination requires removal of the second kitchen and the former Accessory Apartment space to be occupied by the Declarant(s) or subsequent purchaser.

B. In the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.

C. The Declarant(s) upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

5. 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.

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: Molly Gilbert Molly Gilbert
Caroline N. (Caroline Pinkin) Drew Pinkin

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 1 day of 2017, before the Subscriber, a Notary Public of State of Maryland, personally appeared

Caroline N. Drew Pinkin

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.

7/7/19
My Commission Expires:

Molly Gilbert
Notary Public

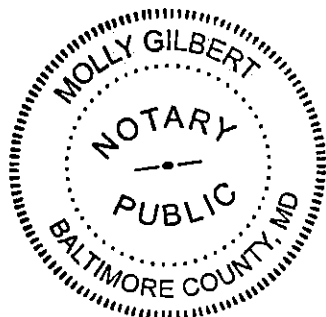


EXHIBIT A

PARCEL #1, Beginning 470' +/- north of the intersection Greenspring Valley Road and Chattolanee Hill Road to center of Chattolanee Hill Road, (20 feet wide), then running three courses along the centerline of Chattolanee Hill Road, north 15 degrees 27 minutes 50 seconds west 41.31 feet, and then north 25 degrees 33 minutes west 75 feet, and then finally north 37 degrees 32 minutes west 82.30 feet. Then north 21 degrees 23 minutes east 207.80 feet. Then north 85 degrees 48 minutes east 85.78 feet to a concrete monument (north west corner of Parcel #2), then south 9 degrees 58 minutes 40 second east 86.45 feet, then south 20 degrees 59 minutes 40 seconds east 92.22 feet, then north 80 degrees 54 minutes east 216.63 feet, then north 1 degree 36 minutes west 155.95 feet, then north 85 degrees 48 minutes east 54.20 feet, then south 5 degrees 10 minutes 15 seconds east 274.63 feet, then south 76 degrees 35 minutes west 94 feet, then south 3 degrees 51 minutes west 61 feet , then south 82 degrees 45 minutes 30 seconds west 311.15 to the place of beginning. Containing 2.57 acres of land, known as Parcel #1 of 101 Chattolanee Hill Road.

PARCEL #2, Beginning at a concrete monument at the north-west corner of Parcel #2 (as located within the description of Parcel #1 above), then south 9 degrees 58 minutes 40 second east 86.45 feet, then south 20 degrees 59 minutes 40 seconds east 92.22 feet, then north 80 degrees 54 minutes east 216.63 feet, then north 1 degree 36 minutes west 155.95 feet, then south 85 degrees 48 minutes east 256.26 feet to the place of beginning. Containing 0.918 acres of land, known as Parcel #2 of 101 Chattolanee Hill Road.

BEING THE SAME lot of ground which by Deed dated 31st of October, 2016 by and between Donald Lawson Devries, II and Bailey Geldermann Devries, GRANTORS, and Drew M. Pinkin and Caroline R. Pinkin, GRANTEES.

Being the same property granted and conveyed to Donald Lawson Devries, II and Bailey Geldermann Devries, by deed dated October 2, 2012 from Mark A. Mashburn and Beth A. Mashburn, recorded among the Land Record of Baltimore County in Liber 32762, Folio 126.

2017-0180-SPA

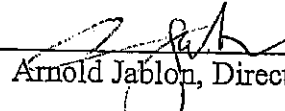


The Declaration of Understanding for the Accessory Apartment at:

101 CHATTOLANNE HILL ROAD

Address of property

is approved: _____


Arnold Jablon, Director-PAI

3/13/07
Date

☒ County: BALTO

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

Space Reserved for County Validation

ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING ☒ (MARK TYPE REQUESTED WITH X)

ADDRESS 101 CHATTOLANEE HILL ROAD OWNER(S) NAME(S) DREW & CAROLINE PINKIN

SUBDIVISION NAME 0000 LOT # BLOCK # SECTION #

PLAT BOOK # FOLIO # 10 DIGIT TAX # 0302007050 DEED REF. # 32762/00126

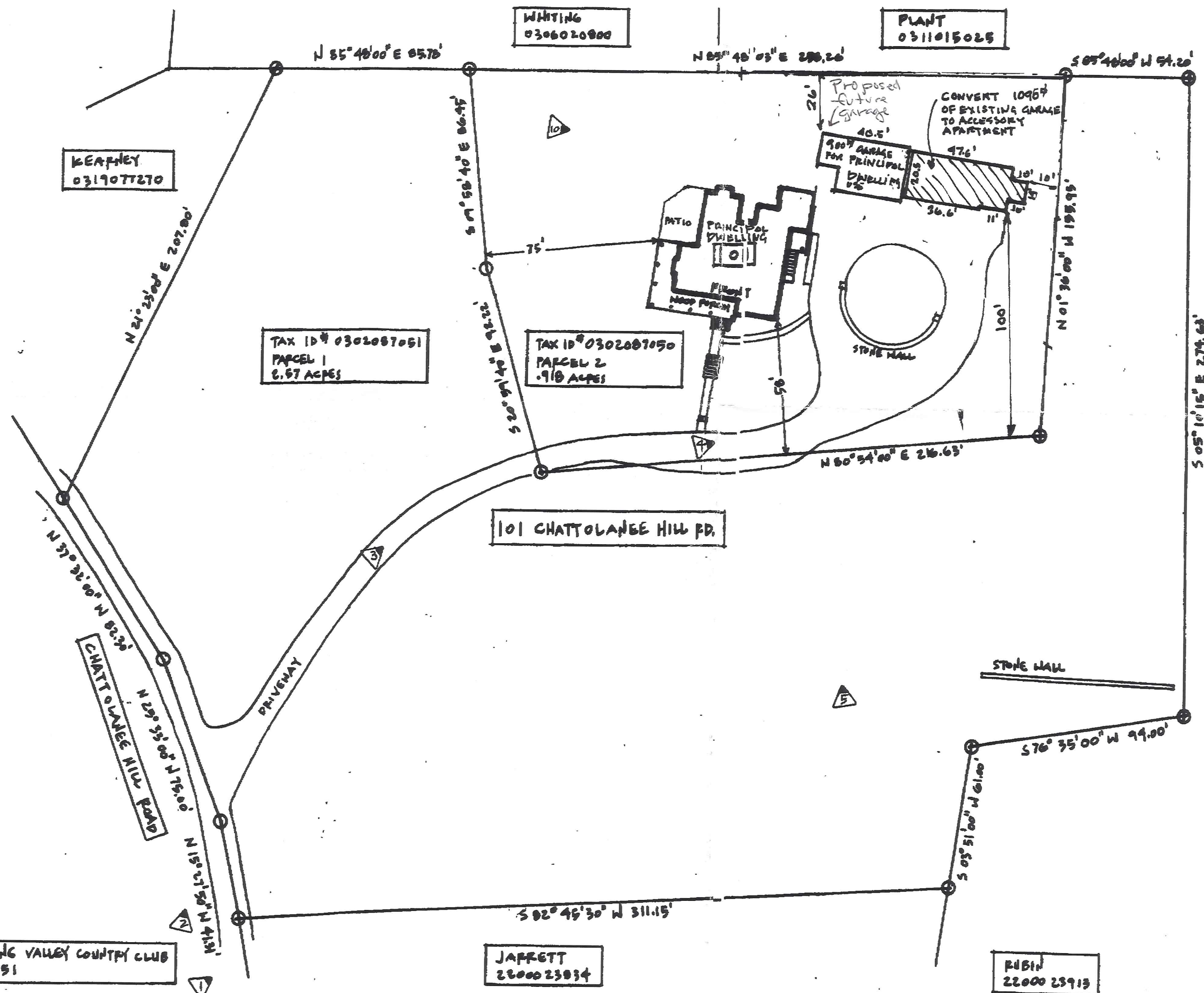


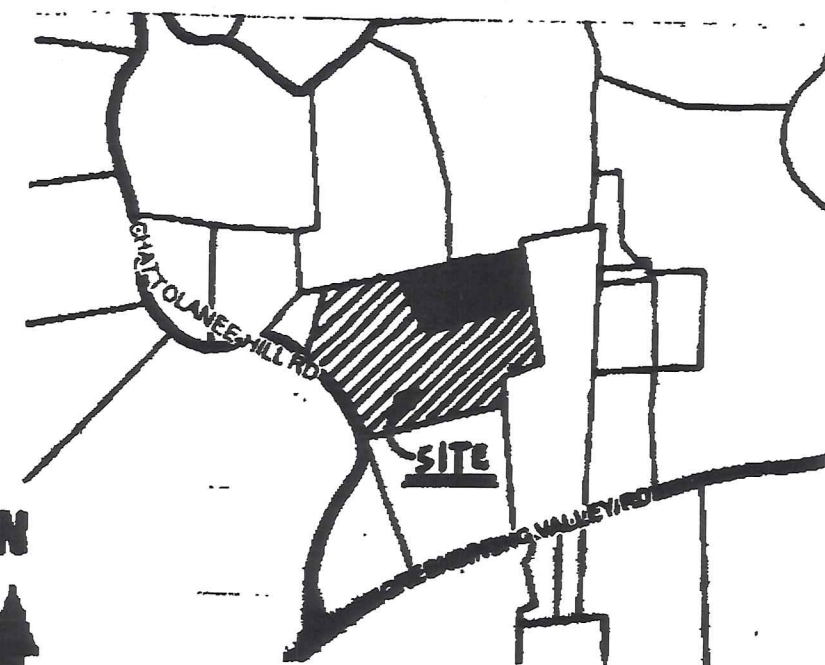
PHOTO KEY
1 direction



PLAN DRAWN BY WALTER DANIELS - DANIELS ARCHITECTS DATE 12-28-16 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? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2016-0259-SPHA APPROVAL TO:

PERMIT AN ACCESSORY APARTMENT

(IN-LAW SUITE). PERMIT

ACCESSORY STRUCTURE 221

VIOLATION CASE INFO:

Petitioners No. 1