

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
(13230 Long Green Pike) \*  
11<sup>th</sup> Election District \* OFFICE OF  
3<sup>rd</sup> Council District \*  
Martin, Joseph & Thomas Kelly \* ADMINISTRATIVE HEARINGS  
Legal Owners \*  
Patricia Smith \* FOR BALTIMORE COUNTY  
Contract Purchaser \*  
Petitioners \* Case No. 2017-0244-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 Martin, Joseph & Thomas Kelly, legal owners and Patricia Smith, contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) to approve an accessory (in-law) apartment in a new single family dwelling.

Patricia Smith, David Preller, III, and David Billingsley 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. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Department of Environmental Protection and Sustainability (DEPS).

The subject property is 6.6 acres in size and zoned RC-2. The property is unimproved, and the contract purchaser proposes to construct a new single-family dwelling on the site. An 875 sq. ft. accessory apartment would be located within the new dwelling. Although a public hearing would not usually be required in this scenario (see B.C.Z.R. §400.4), the zoning office advised Petitioners special hearing relief was necessary since the single-family dwelling has not yet been constructed.

ORDER RECEIVED FOR FILING

Date

5/2/17

By

Sen

Petitioners presented a site plan and elevation drawings for the new dwelling. Petitioners' Exhibit Nos. 1 & 7. The overall floor area of the new home will be 2,779 sq. ft., of which 875 sq. ft. will be dedicated to the accessory apartment use. The site is large enough to accommodate the proposed improvements, including the accessory apartment. As such, the request will be granted.

THEREFORE, IT IS ORDERED this 2<sup>nd</sup> day of May, **2017** by this Administrative Law Judge, that the Petition for Special Hearing to approve an accessory (in-law) apartment in a new single-family dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with the ZAC comments of the DOP and DEPS, which are attached hereto.

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

ORDER RECEIVED FOR FILING

Date 5/2/17

2 By slh

# BALTIMORE COUNTY, MARYLAND

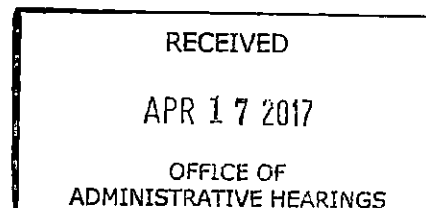
## INTER-OFFICE MEMORANDUM

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

**DATE:** 4/14/2017

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 17-244



**INFORMATION:**

**Property Address:** 13230 Long Green Pike  
**Petitioner:** Martin T. Kelly, Thomas N. Kelly, Joseph E. Kelly, Jr.  
**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 accessory in-law apartment in a new single family dwelling.

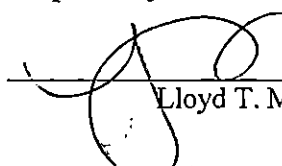
A site visit was conducted on April 5, 2017. Long Green Pike is a Baltimore County Scenic route.

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

- The Department recommends the petitioners consider the scenic route guidelines set forth in the Comprehensive Manual of Development Policies wherein it advises development along such routes should create an interesting sequence of visual experiences with selective planting. The petitioners are encouraged to plant screening consisting of indigenous species to include evergreen and flowering trees and shrubs to mitigate the appearance of the bulk of the 80' wide structure as seen from the scenic route.

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

**Prepared by:**

  
Lloyd T. Moxley

**Division Chief:**

  
Kathy Schlabach

AVA/KS/ETM/ka

c: Kaylee Justice

James Hermann, R.L.A., Department of Permits, Approvals and Inspections,  
David Billingsley, Central Drafting & Design, Inc.  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

**ORDER RECEIVED FOR FILING**

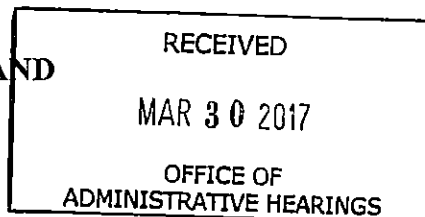
Date 5/2/17

By Sen

5-1-17

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: March 30, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0244-SPH  
Address 13230 Long Green Pike  
(Kelly Property)

Zoning Advisory Committee Meeting of April 3, 2017.

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Additional Comments:

A Forest Buffer Easement and its Declaration of Protective Covenants protecting any stream and/or wetlands on or near the site must be recorded in Baltimore Co. Land Records via either the Exhibit A or Right of Way Plat process prior to EPS approval of any permit.

Also, Ground Water Management must review any proposed building permit (for an in-law apt.), since the site is served by well and septic. – Dan Esser

Reviewer: Glenn Shaffer

Date: March 28, 2017

ORDER RECEIVED FOR FILING

Date

5/2/17

By

Sen



KEVIN KAMENETZ  
*County Executive*

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

May 2, 2017

Martin Kelly  
Thomas Kelly  
Joseph Kelly  
13330 Long Green Pike  
Hydes, MD. 21082

RE: Petitions for Special Hearing  
Case No. 2017-0244-SPH  
Property: 13230 Long Green Pike

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 of John E. Beverungen.

JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:slh  
Enclosure

c: David J. Preller, III, Esq., 307 W. Pennsylvania Avenue, Towson, MD 21204  
David Billingsley, 601 Charwood Ct., Edgewood, MD. 21040



# 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 13230 LONG GREEN PIKE which is presently zoned RC2  
 Deed References: L-20534 F. 298 10 Digit Tax Account # 22000 07241  
 Property Owner(s) Printed Name(s) MARTIN T. KELLY, THOMAS N. KELLY  
JOSEPH E. KELLY, JR.

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

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

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve AN ACCESSORY (IN-LAW) APARTMENT IN A NEW SINGLE FAMILY DWELLING.
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)

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 PATRICIA SMITH  
Patricia Smith  
 Signature C/O DAVID J. PRELLER III  
307 W. PENNSYLVANIA AVE TOWSON, MD.  
 Mailing Address City State  
21204 / (443) 794-1883 / dprell  
 Zip Code Telephone # Email Address  
130491601

## Attorney for Petitioner:

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

## Legal Owners (Petitioners):

THOMAS N. KELLY  
Thomas N. Kelly  
MARTIN T. KELLY JOSEPH E. KELLY, JR.  
 Name #1 - Type or Print Name #2 - Type or Print  
Martin T. Kelly Joseph E. Kelly Jr.  
 Signature #1 Signature #2  
13330 LONG GREEN PIKE HYDES, MD  
 Mailing Address City State  
21082 / /  
 Zip Code Telephone # Email Address

## Representative to be contacted:

DAVID BILLINGSLEY  
 Name- Type or Print  
David Billingsley  
 Signature  
601 CHARWOOD CT. EDGEWOOD, MD.  
 Mailing Address City State  
21040 / (410) 679-8719 / dwb0209@yahoo.com  
 Zip Code Telephone # Email Address

CASE NUMBER 2017-0244-SPH Filing Date 3/15/17

Do Not Schedule Dates: Reviewer AT

Mr. A. J. ...

April 3, 1901

Wm. T. ...

Very truly yours,  
[Signature]  
[Name]  
[Address]  
[City]  
[State]

**DESCRIPTION**  
**13230 LONG GREEN PIKE**

Beginning for the same at a point in the center of Long Green Pike, distant 877 feet

southwesterly from its intersection with the center of Church Lane, thence:

1. S 48° 50' 56" W 195.43 feet, thence
2. S 34° 05' 13" W 492.34 feet, thence
3. N 46° 03' 23" W 338.53 feet, thence
4. N 42° 26' 19" E 672.44 feet, thence
5. S 47° 33' 41" E 288.00 feet to the place of beginning.

Containing 6.6 acres of land, more or less.

Being located in the 11<sup>TH</sup> Election District and the 3<sup>RD</sup> Councilmanic District of Baltimore County, Maryland. Being known as 13230 Long Green Pike.

2017-0244-SPH

**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 4894088

**Sold To:**

David Billingsley - CU00541614  
601 Charwood Ct  
Edgewood, MD 21040-2714

**Bill To:**

David Billingsley - CU00541614  
601 Charwood Ct  
Edgewood, MD 21040-2714

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

Apr 11, 2017

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: |
| <b>Case: # 2017-0244-SPH</b>                                                                                                                                                                                      |
| 13230 Long Green Pike                                                                                                                                                                                             |
| W/s of Long Green Pike, 877 ft. SW of the centerline of Church Lane                                                                                                                                               |
| 11th Election District - 3rd Councilmanic District                                                                                                                                                                |
| Legal Owner(s) Martin Kelly, Thomas Kelly, Joseph Kelly, Jr.                                                                                                                                                      |
| Contract Purchaser(s): Patricia Smith                                                                                                                                                                             |
| <b>Special Hearing:</b> to determine whether or not the Administrative Law Judge should approve an accessory (in-law) apartment in a new single family dwelling.                                                  |
| <b>Hearing: Monday, May 1, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.</b>                                                                                      |
| ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY                                                                                                                                |
| NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.                                                                   |
| (2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.                                                                                                       |
| JT 4/662 April 11 4894088                                                                                                                                                                                         |

# CERTIFICATE OF POSTING

Date: APRIL 11, 2017

RE: Project Name: 13230 LONG GREEN PIKE  
Case Number /PAI Number: 2017-0244-A  
Petitioner/Developer: PATRICIA SMITH  
Date of Hearing/Closing: MAY 1, 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 13230 LONG GREEN PIKE

The sign(s) were posted on APRIL 11, 2017

(Month, Day, Year)

David Billingsley  
(Signature of Sign Poster)

DAVID W. BILLINGSLEY

(Printed Name of Sign Poster)

601 CHARWOOD COURT

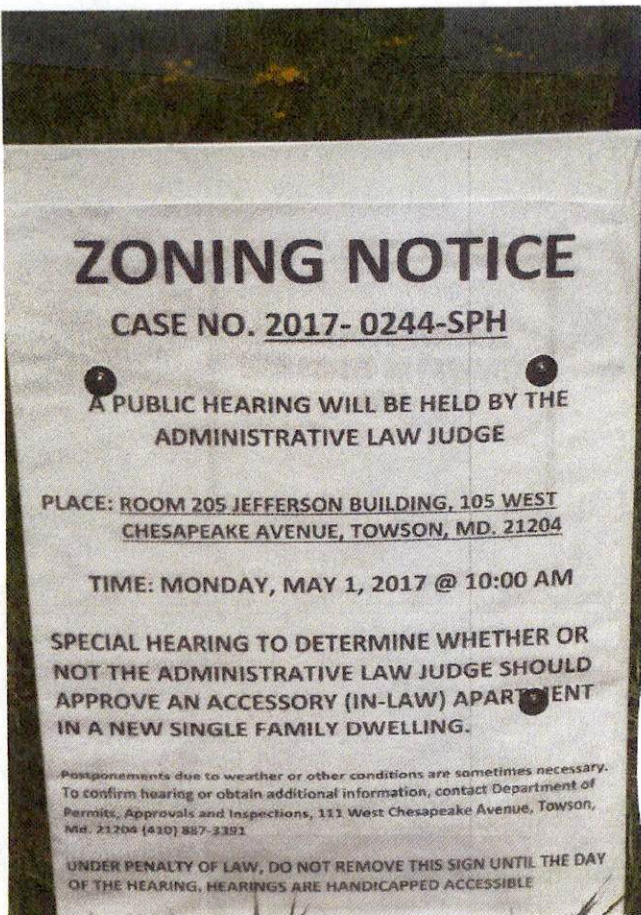
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040

(City, State, Zip Code of Sign Poster)

(410) 679-8719

(Telephone Number of Sign Poster)



TO: PATUXENT PUBLISHING COMPANY  
Tuesday, April 11, 2017 Issue - Jeffersonian

Please forward billing to:  
David Billingsley  
601 Charwood Court  
Edgewood, MD 21040

410-679-8719

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## 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: 2017-0244-SPH**

13230 Long Green Pike

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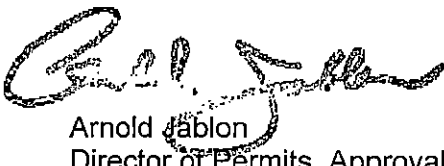
11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Martin Kelly, Thomas Kelly, Joseph Kelly, Jr.

Contract Purchaser: Patricia Smith

Special Hearing to determine whether or not the Administrative Law Judge should approve an accessory (in-law) apartment in a new single family dwelling.

Hearing: Monday, May 1, 2017 at 10:00 a.m. in Room 205, Jefferson Building,  
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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

March 28, 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: 2017-0244-SPH**

13230 Long Green Pike

W/s of Long Green Pike, 877 ft. SW of the centerline of Church Lane

11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Martin Kelly, Thomas Kelly, Joseph Kelly, Jr.

Contract Purchaser: Patricia Smith

Special Hearing to determine whether or not the Administrative Law Judge should approve an accessory (in-law) apartment in a new single family dwelling.

Hearing: Monday, May 1, 2017 at 10:00 a.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon  
Director

AJ:kl

C: David Preller, III, 307 W. Pennsylvania Avenue, Towson 21204  
Kelly Residence, 13330 Long Green Pike, Hydes 21082  
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 11, 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.

**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 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.**

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**For Newspaper Advertising:**

Case Number: 2017-0244-SPH  
Property Address: 13730 Long Green Pike  
Property Description: \_\_\_\_\_  
\_\_\_\_\_  
Legal Owners (Petitioners): \_\_\_\_\_  
Contract Purchaser/Lessee: \_\_\_\_\_

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: DAVID BILLINGSLEY  
Company/Firm (if applicable): \_\_\_\_\_  
Address: 601 CHARWOOD CT  
EDGEMOON MD 21040  
\_\_\_\_\_  
Telephone Number: (410) 679-8719



KEVIN KAMENETZ  
*County Executive*

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

April 25, 2017

Thomas N Kelly  
Martin T Kelly  
Joseph E Kelly, Jr.  
13330 Long Green Pike  
Hydes MD 21082

RE: Case Number: 2017-0244 SPH, Address: 13230 Long Green Pike

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 15, 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  
Patricia Smith, c/o David Preller III, 307 W Pennsylvania Avenue, Towson MD 21204  
David Billingsley, 601 Charwood Court, Edgewood MD 21040

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

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

**DATE:** 4/14/2017

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 17-244

**INFORMATION:**

**Property Address:** 13230 Long Green Pike  
**Petitioner:** Martin T. Kelly, Thomas N. Kelly, Joseph E. Kelly, Jr.  
**Zoning:** RC 2  
**Requested Action:** Special Hearing

RECEIVED  
MAY 01 2017

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

A site visit was conducted on April 5, 2017. Long Green Pike is a Baltimore County Scenic route.

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

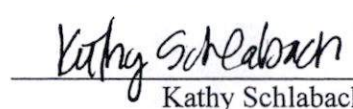
- The Department recommends the petitioners consider the scenic route guidelines set forth in the Comprehensive Manual of Development Policies wherein it advises development along such routes should create an interesting sequence of visual experiences with selective planting. The petitioners are encouraged to plant screening consisting of indigenous species to include evergreen and flowering trees and shrubs to mitigate the appearance of the bulk of the 80' wide structure as seen from the scenic route.

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

**Prepared by:**

  
Lloyd T. Moxley

**Division Chief:**

  
Kathy Schlabach

AVA/KS/ETM/ka

c: Kaylee Justice

James Hermann, R.L.A., Department of Permits, Approvals and Inspections,  
David Billingsley, Central Drafting & Design, Inc.  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

Date: 3/27/17

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. 2017-0244-BPH

*Special Hearing  
Martin T. Kelly, Joseph E. Kelly, Thomas N. Kelly  
13230 Long Green Pike*

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,



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

WW/RAZ

# BALTIMORE COUNTY, MARYLAND

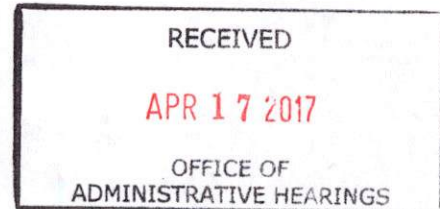
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**TO:** Arnold Jablon  
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**DATE:** 4/14/2017

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
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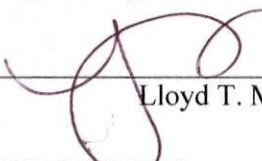
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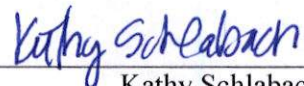
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**Prepared by:**

  
\_\_\_\_\_  
Lloyd T. Moxley

**Division Chief:**

  
\_\_\_\_\_  
Kathy Schlabach

AVA/KS/LFM/ka

c: Kaylee Justice

James Hermann, R.L.A., Department of Permits, Approvals and Inspections  
David Billingsley, Central Drafting & Design, Inc.  
Office of the Administrative Hearings  
People's Counsel for Baltimore County

5-1-17

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: March 30, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0244-SPH  
Address 13230 Long Green Pike  
(Kelly Property)

Zoning Advisory Committee Meeting of **April 3, 2017**.

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

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Additional Comments:

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Also, Ground Water Management must review any proposed building permit (for an in-law apt.), since the site is served by well and septic. – Dan Esser

Reviewer: Glenn Shaffer Date: March 28, 2017

**20BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** April 5, 2017

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For April 03, 2017  
Item No. 2017-0244, 0245, 0249, 0251, 0254 and 0255

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\ZAC04032017.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: March 30, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0244-SPH  
Address 13230 Long Green Pike  
(Kelly Property)

Zoning Advisory Committee Meeting of **April 3, 2017**.

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

  X   Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Additional Comments:

A Forest Buffer Easement and its Declaration of Protective Covenants protecting any stream and/or wetlands on or near the site must be recorded in Baltimore Co. Land Records via either the Exhibit A or Right of Way Plat process prior to EPS approval of any permit.

Also, Ground Water Management must review any proposed building permit (for an in-law apt.), since the site is served by well and septic. – Dan Esser

Reviewer: Glenn Shaffer Date: March 28, 2017

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE OFFICE  
13230 Long Green Pike; W/S of Long Green  
Pike, 877' SW of the c/line of Church Lane \* OF ADMINISTRATIVE  
11<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts  
Legal Owner(s): Martin, Joseph & Thomas Kelly\* HEARINGS FOR  
Contract Purchaser(s): Patricia Smith  
Petitioner(s) \* BALTIMORE COUNTY  
\* 2017-244-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.

*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 29<sup>th</sup> day of March, 2017, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

## **M E M O R A N D U M**

DATE: June 2, 2017  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2017-0244-SPH – Appeal Period Expired

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The appeal period for the above-referenced case expired on June 1, 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

## Aaron K Tsui

---

**From:** Kaylee Justice  
**Sent:** Wednesday, April 05, 2017 2:17 PM  
**To:** Aaron K Tsui  
**Subject:** Declaration of Understanding

Hi Aaron,  
Did the petitioner for ZAC 17-244 at 13230 Long Green Pike happen to file a Declaration of Understanding with their request for the in-law apartment? If so, could I please get a copy of that? Thank you.

Kaylee Justice  
Department of Planning  
Neighborhood Response Team  
Jefferson Building  
105 W. Chesapeake Avenue, Suite 101  
Towson, MD 21204  
410-887-3480

2017-244-SP4

CASE NAME 13230 LONG GREEN PK  
CASE NUMBER 2017-0244-SPH  
DATE 5/1/17

CASE NUMBER 2017-0244-SFH

DATE 5/1/67

[illegible]

Pt. Bk. 0000036, Folio 0056

5633

PATTERSON RD

BL CF

045A2

Pt. Bk. 0000050, Folio 0050  
PAI # 110406

PAI # 110406

Pt. Bk./Folio # 050050

PAI # 110406 PAI # 110406

Pt. Bk. 0000036, Folio 0016

PAI # 110226 13342

PAI # 110226 # 036016

13340

PAI # 110238

13338

13339

2003-0232-SPH

2014-0103-X

NE 18-G

RC 2

11 ED

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

3 CD

045A3

Pt. Bk. 0000037, Folio 5806

CHURCH LN

5815

ROAD

2003-0043-SPH  
1991-0155-XA

13305

13311

13311

13305

13305

13305

13219

Pt. Bk./Folio # 047068

Pt. Bk. 0000047, Folio 0068

PAI # 110250

PAI # 110250

PAI # 110250 PAI # 110250

5907

Pt. Bk. 0000048, Folio 0043

Pt. Bk./Folio # 048043

13134

13201

Pt. Bk. 0000040, Folio 0112

Pt. Bk./Folio # 040112

PAI # 111071

PAI # 111071

PAI # 111071

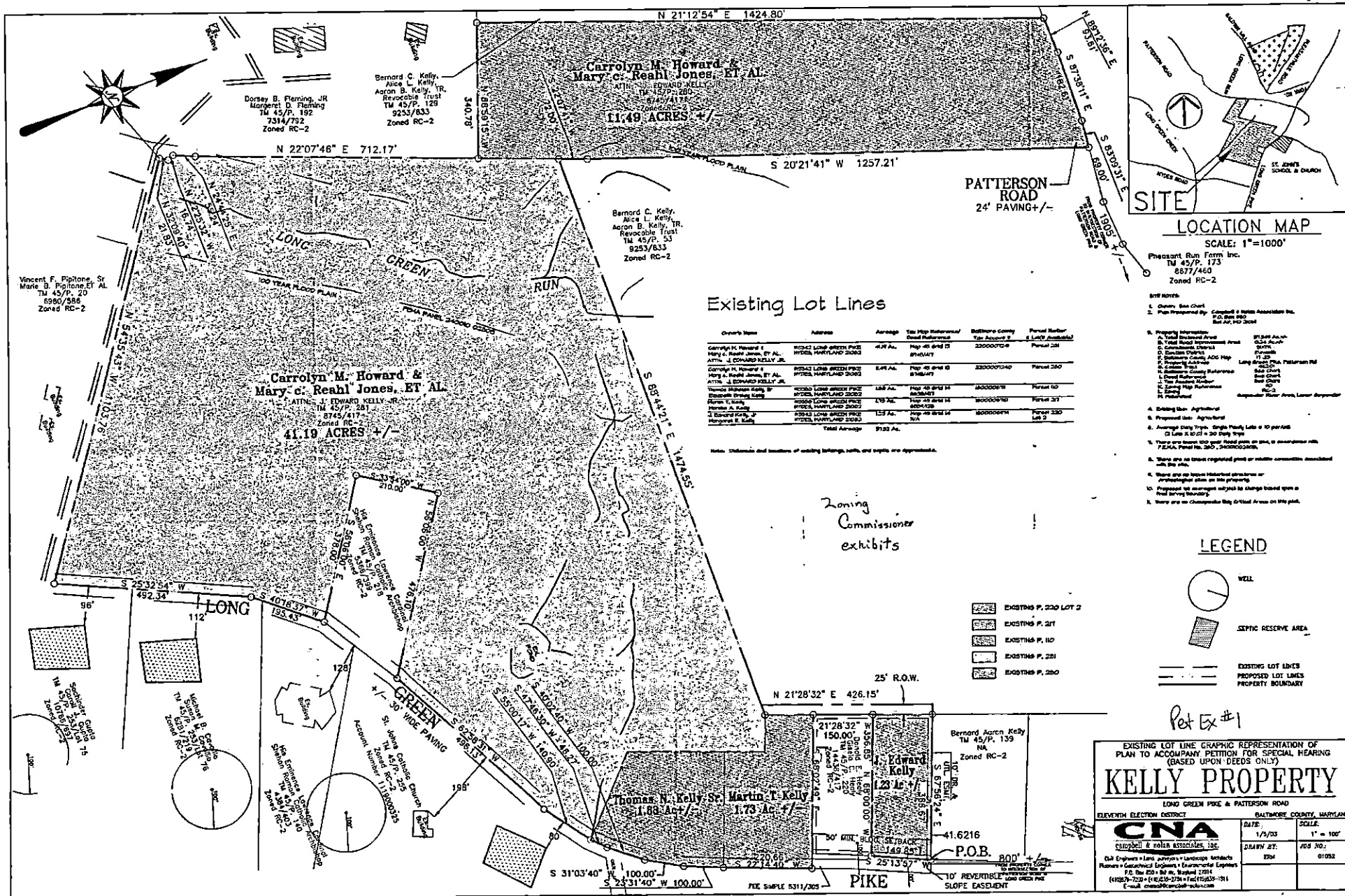
ROAD

1990-0541-XA

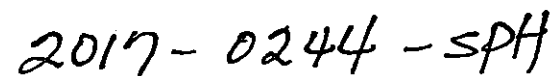
1990-0001-SPHX  
2013-0169-A

2017-0244-SPH

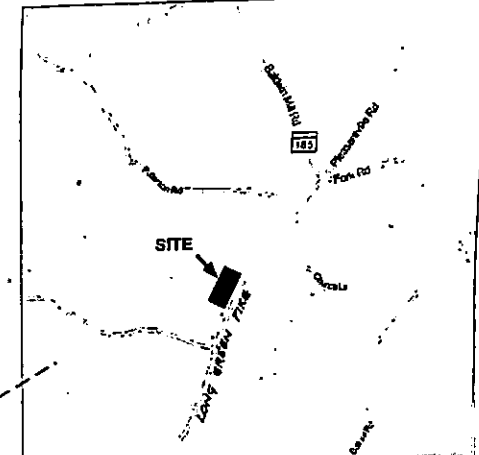
42.4500 - 0102



2017-0244-SPH

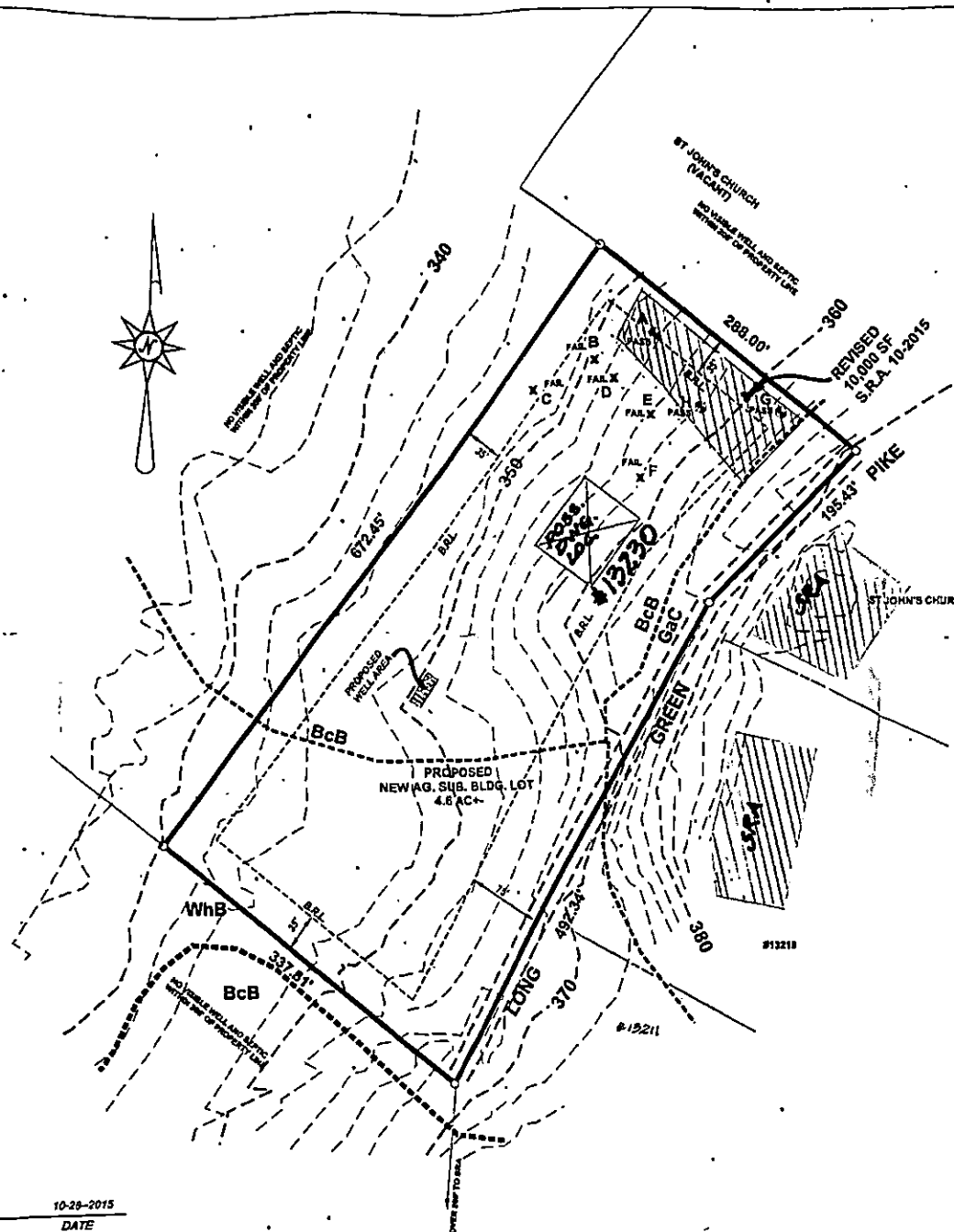


1. OWNERSHIP:  
MARTIN T. KELLY, THOMAS N. KELLY  
AND JOSEPH EDWARD KELLY
2. PROPERTY INFORMATION:  
TAX MAP 0245 PARCEL 0281  
TAX ACCOUNT NO. 2200007241
3. DEED REFERENCE: 6M 20534-298
4. AREA OF SUBJECT PROPERTY: 41.04 AC.±
5. SITE LIES IN FLOOD ZONE X PER F.I.R.M. 2400100280F DATED SEPT. 25, 2008
6. PRIVATE WELL AND SEPTIC SYSTEM
7. SOILS AND TOPOGRAPHY SHOWN HEREON PER BALTIMORE COUNTY  
"MY NEIGHBORHOOD" WEBSITE
8. EXISTING ZONING ON SITE RC2 (NO KNOWN ZONING HISTORY)
9. SITE IS NOT IN CBCA
10. NO HISTORIC BLDGS ON PROPERTY NOR IS SITE ITSELF HISTORIC



VICINITY MAP  
NOT TO SCALE

| PROPERTY ADDRESS | TYPE OF BPO | DIST. TYPE | SOURCE                  | LOCATED BY | UNKNOWN |
|------------------|-------------|------------|-------------------------|------------|---------|
| ST. JOHN'S       | WELL        |            | AS PER DEED             |            |         |
| 613219           | WELL        |            | AS PER PROPERTY CHANGES |            |         |
| 613211           | WELL        |            | AS PER PROPERTY CHANGES |            |         |
|                  | WELL        |            | AS PER PROPERTY CHANGES |            |         |
|                  | WELL        |            | AS PER PROPERTY CHANGES |            |         |
|                  | WELL        |            | AS PER PROPERTY CHANGES |            |         |
|                  | WELL        |            | AS PER PROPERTY CHANGES |            |         |
|                  | WELL        |            | AS PER PROPERTY CHANGES |            |         |
|                  | WELL        |            | AS PER PROPERTY CHANGES |            |         |
|                  | WELL        |            | AS PER PROPERTY CHANGES |            |         |



\*MASTER\*

PERCOLATION TEST  
PLAN

4.3 AC± AGRICULTURAL SUBDIVISION  
BUILDING LOT  
#13230 LONG GREEN PIKE  
11TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT  
BALTIMORE COUNTY, MD.

J.S. DALLAS, INC.  
SURVEYING & ENGINEERING  
P.O. BOX 26  
BALDWIN, MD. 21013  
(410) 817-4600



10-28-2015  
DATE

|           |            |      |            |          |    |
|-----------|------------|------|------------|----------|----|
| FILE NAME | 10-28-2015 | DATE | 10-28-2015 | DRAWN BY | MS |
| SCALE     | AS SHOWN   | DATE | 10-28-2015 | REVISION | 1  |
| FILE      | 10-28-2015 | DATE | 10-28-2015 | REVISION | 1  |

2017-0244-SPH

IN RE: PETITION FOR SPECIAL HEARING  
W/S Long Green Pike, 800' S  
centerline of Patterson Road  
11th Election District  
6th Councilmanic District  
(S/S of Long Green Pike, approx.  
1700' E of Patterson Road)

Carolyn M. Howard, et al.  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 03-232-SPH  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by a large group of property owners who, for the purpose of this hearing, have come to be known as the "Kelly Family", involving property located on the south side of Long Green Pike, approximately 1,700 ft. east of Patterson Road. The subject property is zoned R.C.2. The special hearing request is to approve a reconfiguration of the R.C.2 lots with no change in overall density in the nature of a non-density transfer as shown on the site plan filed along with the petition for special hearing. In addition, the Petitioners are requesting special hearing approval of a lot line adjustment as a limited exemption from the development, review and approval process under Section 26-171(a)(9) of the Baltimore County Development Regulations.

Appearing at the hearing on behalf of the special hearing request were what appeared to be most, if not all, of the entire Kelly family, whose names appear on the Petitioners' Sign-In Sheet. Appearing as interested citizens in the matter were Charlotte Pine and Carol Shaw, attending as individuals, as well as on behalf of the Long Green Valley Association. The Petitioners were represented by Scott Barhight and Dino La Fiandra of Whiteford, Taylor & Preston and Ms. Pine and Ms. Shaw were represented by J. Carroll Holzer, attorney at law.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, consists of 57.52 acres, more or less, zoned R.C.2. The property is located in

2017-0244-SPH

the Long Green Valley on the West Side of Long Green Pike, opposite St. John's School and Church. The property has been in the Kelly family for many generations. As stated previously, most, if not all, of the Kelly family members who have an interest in this matter were present at the hearing before me. In an effort to settle an estate between the heirs, the members of the Kelly family have reached an agreement as to how their property holdings should be divided amongst themselves. The end result of their negotiations are more particularly shown on Petitioners' Exhibit No. 2, a colorized version of the site plan submitted into evidence.

As is shown on the plan, some of the Kelly family members' own homes are situated along Long Green Pike. The goal of these family members was to divide the total acreage of the Kelly farm and to make those lands contiguous to those existing houses located along Long Green Pike.

As the site plan indicates, the family members are seeking approval to set aside two 3-acre lots of record in the names of Carolyn M. Howard and Mary C. Reahl Jones, et al, which two lots are situated close to and take access from Patterson Road. These two lots of record would be building lots whereupon houses are proposed to be located. The owners also propose to install sand mound septic systems for those lots. These sand mound systems were of great concern to the Long Green Valley Association, as the testimony of Ms. Pine demonstrated;

In addition, the family is proposing to set aside a 15.43-acre parcel of property in the name of Thomas N. Kelly, Sr. and Elizabeth Kelly, which parcel is shaded in purple on the site plan submitted; a 18.02-acre parcel of property set aside in the name of Martin T. Kelly and Marsha A. Kelly, which lands are highlighted in green on the site plan submitted; and finally, a 17.83 acre parcel of property in the name of J. Edward Kelly, Jr. and Margaret E. Kelly, which land is highlighted in a rose color on the site plan. As can be seen by reviewing the site plan, the properties, in an effort to allow single ownership as one lot of record, have been interconnected

1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-2602-2603-2604-2605-2606-2607-2608-2609-2610-2611-2612-2613-2614-2615-2616-2617-2618-2619-2620-2621-2622-2623-2624-2625-2626-2627-2628-2629-2630-2631-2632-2633-2634-2635-2636-2637-2638-2639-2640-2641-2642-2643-2644-2645-2646-2647-2648-2649-2650-2651-2652-2653-2654-2655-2656-2657-2658-2659-2660-2661-2662-2663-2664-2665-2666-2667-2668-2669-2670-2671-2672-2673-2674-2675-2676-2677-2678-2679-2680-2681-2682-2683-2684-2685-2686-2687-2688-2689-2690-2691-2692-2693-2694-2695-2696-2697-2698-2699-2700-2701-2702-2703-2704-2705-2706-2707-2708-2709-2710-2711-2712-2713-2714-2715-2716-2717-2718-2719-2720-2721-2722-2723-2724-2725-2726-2727-2728-2729-2730-2731-2732-2733-2734-2735-2736-2737-2738-2739-2740-2741-2742-2743-2744-2745-2746-2747-2748-2749-2750-2751-2752-2753-2754-2755-2756-2757-2758-2759-2760-2761-2762-2763-2764-2765-2766-2767-2768-2769-2770-2771-2772-2773-2774-2775-2776-2777-2778-2779-2780-2781-2782-2783-2784-2785-2786-2787-2788-2789-2790-2791-2792-2793-2794-2795-2796-2797-2798-2799-2800-2801-2802-2803-2804-2805-2806-2807-2808-2809-2810-2811-2812-2813-2814-2815-2816-2817-2818-2819-2820-2821-2822-2823-2824-2825-2826-2827-2828-2829-2830-2831-2832-2833-2834-2835-2836-2837-2838-2839-2840-2841-2842-2843-2844-2845-2846-2847-2848-2849-2850-2851-2852-2853-2854-2855-2856-2857-2858-2859-2860-2861-2862-2863-2864-2865-2866-2867-2868-2869-2870-2871-2872-2873-2874-2875-2876-2877-2878-2879-2880-2881-2882-2883-2884-2885-2886-2887-2888-2889-2890-2891-2892-2893-2894-2895-2896-2897-2898-2899-2900-2901-2902-2903-2904-2905-2906-2907-2908-2909-2910-2911-2912-2913-2914-2915-2916-2917-2918-2919-2920-2921-2922-2923-2924-2925-2926-2927-2928-2929-2930-2931-2932-2933-2934-2935-2936-2937-2938-2939-2940-2941-2942-2943-2944-2945-2946-2947-2948-2949-2950-2951-2952-2953-2954-2955-2956-2957-2958-2959-2960-2961-2962-2963-2964-2965-2966-2967-2968-2969-2970-2971-2972-2973-2974-2975-2976-2977-2978-2979-2980-2981-2982-2983-2984-2985-2986-2987-2988-2989-2990-2991-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6-2-17

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5-2-17

**PETITIONER'S EXHIBITS**

**13230 LONG GREEN PIKE**

- 1. PLAT TO ACCOMPANY PETITION DATED MARCH 8, 2017**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. TAX MAP 0045 PARCEL 281**
- 4. DEED OF RECORD L.20534 F.298 DATED JULY 30, 2004**
- 5. BALTIMORE COUNTY MY NEIGHBORHOOD AERIAL PHOTO**
- 6. UNEXECUTED DECLARATION OF UNDERSTANDING**
- 7. HOUSE PLANS**

Real Property Data Search ( w3)

Guide to searching the database

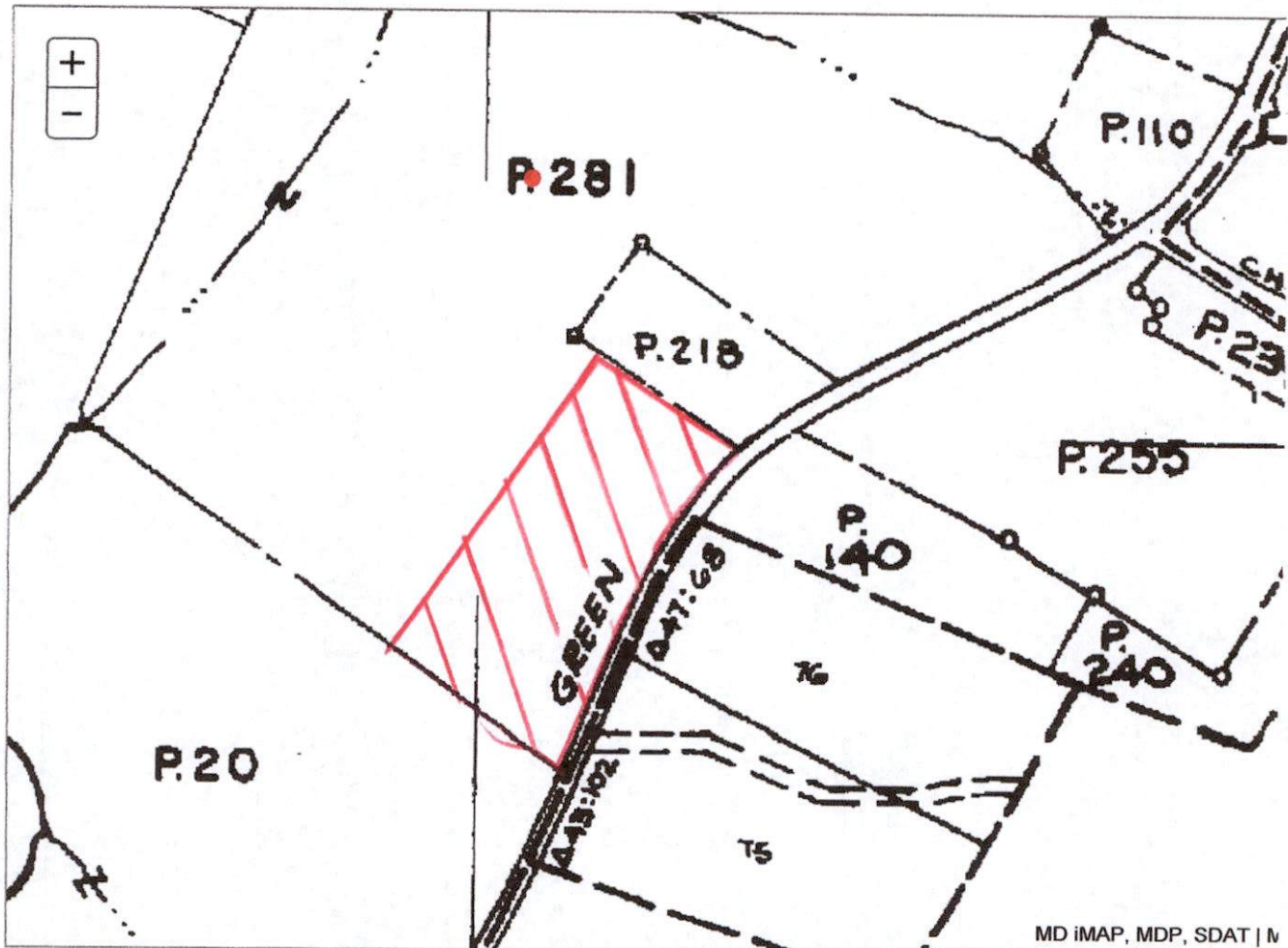
Search Result for BALTIMORE COUNTY

| View Map                                            |                                                                  | View GroundRent Redemption                       |                        | View GroundRent Registration  |                                                      |
|-----------------------------------------------------|------------------------------------------------------------------|--------------------------------------------------|------------------------|-------------------------------|------------------------------------------------------|
| <b>Account Identifier:</b>                          |                                                                  | <b>District - 11 Account Number - 2200007241</b> |                        |                               |                                                      |
| <b>Owner Information</b>                            |                                                                  |                                                  |                        |                               |                                                      |
| <b>Owner Name:</b>                                  | KELLY MARTIN T KELLY<br>THOMAS N<br>KELLY JOSEPH EDWARD JR       |                                                  | <b>Use:</b>            | AGRICULTURAL<br>NO            |                                                      |
| <b>Mailing Address:</b>                             | C/O THOMAS KELLY<br>13330 LONG GREEN PIKE<br>HYDES MD 21082-9719 |                                                  | <b>Deed Reference:</b> | /20534/ 00298                 |                                                      |
| <b>Location &amp; Structure Information</b>         |                                                                  |                                                  |                        |                               |                                                      |
| <b>Premises Address:</b>                            |                                                                  | LONG GREEN PIKE<br>0-0000                        |                        | <b>Legal Description:</b>     | 4.60 AC WS<br>LONG GREEN PIKE<br>2250 S PATTERSON RD |
| <b>Map:</b>                                         | <b>Grid:</b>                                                     | <b>Parcel:</b>                                   | <b>Sub District:</b>   | <b>Subdivision:</b>           | <b>Section:</b>                                      |
| 0045                                                | 0013                                                             | 0281                                             |                        | 0000                          |                                                      |
| <b>Special Tax Areas:</b>                           |                                                                  | <b>Town:</b>                                     |                        | <b>Ad Valorem:</b>            |                                                      |
|                                                     |                                                                  |                                                  |                        | NONE                          |                                                      |
| <b>Primary Structure Built</b>                      |                                                                  | <b>Above Grade Enclosed Area</b>                 |                        | <b>Finished Basement Area</b> | <b>Property Land Area</b>                            |
|                                                     |                                                                  |                                                  |                        |                               | 4.6000 AC                                            |
| <b>County Use</b>                                   |                                                                  | <b>05</b>                                        |                        |                               |                                                      |
| <b>Stories</b>                                      | <b>Basement</b>                                                  | <b>Type</b>                                      | <b>Exterior</b>        | <b>Full/Half Bath</b>         | <b>Garage</b>                                        |
|                                                     |                                                                  |                                                  |                        |                               |                                                      |
| <b>Value Information</b>                            |                                                                  |                                                  |                        |                               |                                                      |
| <b>Base Value</b>                                   |                                                                  | <b>Value</b>                                     |                        | <b>Phase-in Assessments</b>   |                                                      |
|                                                     |                                                                  | <b>As of 01/01/2015</b>                          |                        | <b>As of 07/01/2015</b>       |                                                      |
|                                                     |                                                                  |                                                  |                        | <b>As of 07/01/2016</b>       |                                                      |
| <b>Land:</b>                                        | 1,200                                                            | 1,200                                            |                        |                               |                                                      |
| <b>Improvements</b>                                 | 1,300                                                            | 1,300                                            |                        |                               |                                                      |
| <b>Total:</b>                                       | 2,500                                                            | 2,500                                            |                        | 2,500                         | 2,500                                                |
| <b>Preferential Land:</b>                           | 1,200                                                            |                                                  |                        |                               | 1,200                                                |
| <b>Transfer Information</b>                         |                                                                  |                                                  |                        |                               |                                                      |
| <b>Seller: HOWARD CAROLYN M</b>                     |                                                                  | <b>Date: 08/12/2004</b>                          |                        | <b>Price: \$0</b>             |                                                      |
| <b>Type: NON-ARMS LENGTH OTHER</b>                  |                                                                  | <b>Deed1: /20534/ 00298</b>                      |                        | <b>Deed2:</b>                 |                                                      |
| <b>Seller: HOWARD CAROLYN M, ET AL</b>              |                                                                  | <b>Date: 04/02/1991</b>                          |                        | <b>Price: \$0</b>             |                                                      |
| <b>Type: NON-ARMS LENGTH OTHER</b>                  |                                                                  | <b>Deed1: /08745/ 00417</b>                      |                        | <b>Deed2:</b>                 |                                                      |
| <b>Seller:</b>                                      |                                                                  | <b>Date:</b>                                     |                        | <b>Price:</b>                 |                                                      |
| <b>Type:</b>                                        |                                                                  | <b>Deed1:</b>                                    |                        | <b>Deed2:</b>                 |                                                      |
| <b>Exemption Information</b>                        |                                                                  |                                                  |                        |                               |                                                      |
| <b>Partial Exempt Assessments:</b>                  | <b>Class</b>                                                     | <b>07/01/2015</b>                                |                        | <b>07/01/2016</b>             |                                                      |
| <b>County:</b>                                      | 000                                                              | 0.00                                             |                        |                               |                                                      |
| <b>State:</b>                                       | 000                                                              | 0.00                                             |                        |                               |                                                      |
| <b>Municipal:</b>                                   | 000                                                              | 0.00/0.00                                        |                        | 0.00/0.00                     |                                                      |
| <b>Tax Exempt:</b>                                  | <b>Special Tax Recapture:</b>                                    |                                                  |                        |                               |                                                      |
| <b>Exempt Class:</b>                                | <b>AGRICULTURAL TRANSFER TAX</b>                                 |                                                  |                        |                               |                                                      |
| <b>Homestead Application Information</b>            |                                                                  |                                                  |                        |                               |                                                      |
| <b>Homestead Application Status: No Application</b> |                                                                  |                                                  |                        |                               |                                                      |

1. This screen allows you to search the Real Property database and display property records.
2. Click here for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regard

**PETITIONER'S**  
**EXHIBIT NO. 2**

## Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty/>)District: **11** Account Number: **2200007241**

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) (<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) (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

PETITIONER'S  
EXHIBIT NO. 3

2/3

DEED

THIS DEED, dated July 30, 2004, from RUTH K. DILLINGER (formerly known as Ruth E. Sudia Dillinger), MARY K. JONES (formerly known as Mary C. Reahl Jones), CAROLYN K. HOWARD (formerly known as Carolyn M. Howard), MARGARET KOPP, SARAH A. FURMAN, MARTIN T. KELLY, THOMAS N. KELLY, and JOSEPH EDWARD KELLY, JR., GRANTORS, to MARTIN T. KELLY, THOMAS N. KELLY, and JOSEPH EDWARD KELLY, JR., GRANTEES.

The Grantors, for a consideration of Zero Dollars (\$0.00), grant, convey and assign to the Grantees, and to their respective personal representatives, heirs and assigns, as tenants in common, each an equal undivided one-third interest, in fee simple, the property located in Baltimore County, Maryland, and described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

Being a portion of the property described in the Deed dated March 11, 1991, and recorded among the Land Records of Baltimore County, in Liber 8745, folio 417, from The Gralan Company to the Grantors herein, and referred to in said Deed as "Parcel B - Deed 4721/304".

Together with all improvements thereupon and the rights, alleys, ways, waters, easements, privileges, appurtenances and advantages belonging or appertaining thereto.

To have and to hold the property, unto the Grantees, their respective personal representatives, heirs and assigns, in fee simple, forever, as tenants in common each an equal undivided one-third interest.

Whereas Grantors hereby certify under penalties of perjury that the total payment for the purpose of §10-912(b)(2) of the Tax - General Article of the Annotated Code of Maryland is Zero (\$0.00) Dollars.

REVIEWED SDAT

IS

8/10/04

BY

DATE

 AGRICUL  
 NOT AFF  
 SIGNAT

 PETITIONER'S  
 EXHIBIT NO. 4



PETITIONER'S  
EXHIBIT NO. 5



13230 LONG GREEN  
PIKE

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.

**DECLARATION OF UNDERSTANDING**

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this \_\_\_\_\_ day of \_\_\_\_\_, 2017 by and between Patricia Smith (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

RECITALS

A. The Declarant is the owner of the Property, described in Exhibit A, known as 13230 Long Green Pike, described in a deed dated \_\_\_\_\_ recorded among the Baltimore County Land Records in Liber \_\_\_\_\_ Folio \_\_\_\_\_, . The Property is located in the Eleventh Election District and is unimproved. The Property is zoned RC 2.

B. The Declarant has filed an application for a use permit for an accessory apartment within a proposed single family dwelling. The accessory apartment, containing 875 square feet, complete with dedicated bathing and cooking facilities, will be housing for the declarant. The Declarant's daughter and son-in-law, Jennifer Preller and David Preller III will occupy the remainder of the dwelling.

C. The Property and proposed Accessory Apartment are shown on Exhibit B which is attached hereto and made a part hereof.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarants and PAI hereby declare as follows:

1. Any 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 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 for any other reason.
2. The Declaration, including exhibits and use permit shall be recorded among the Land Records of Baltimore County to provide notice to future owners, subsequent bona fide purchasers of the property that no part of any addition or improvements 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 PAI. A copy of the recorded document shall be filed with PAI.
3. The Accessory Apartment may not have separate utility meters, such as gas and electric service.
4. The use permit shall 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 and shall list the name of any person occupying the Accessory Apartment.
5. 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.

6. Upon use permit termination:

- a. The second kitchen must be removed and the former Accessory Apartment space to be occupied by the Declarant or subsequent purchaser
- b. The Declarant will provide written notification to PAI for the closing of the Department file.

7. 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.

8. 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 have duly executed this Declaration under seal on the date first above written.

WITNESS: \_\_\_\_\_  
PATRICIA SMITH, DECLARANT DATE

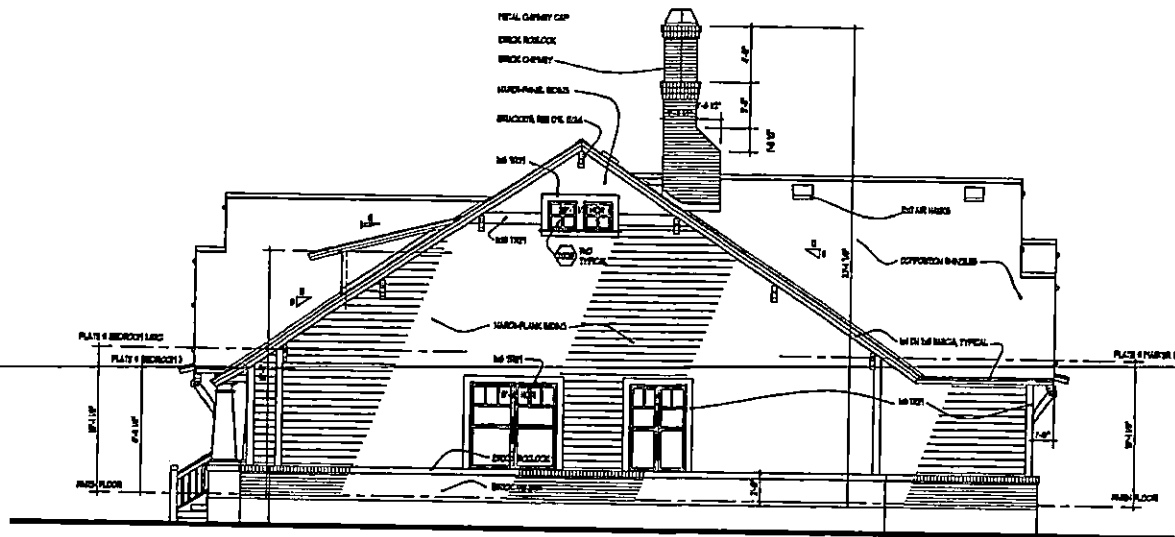
State of Maryland, County of Harford to wit:

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2017, before the Subscriber, a Notary Public of the State of Maryland, personally appeared Patricia Smith, the Declarant herein, known to me (or satisfactorily proven) to be the persons whose names is subscribed to the within instrument, and who acknowledge that the executed for the foregoing instrument for the purposes therein contained.

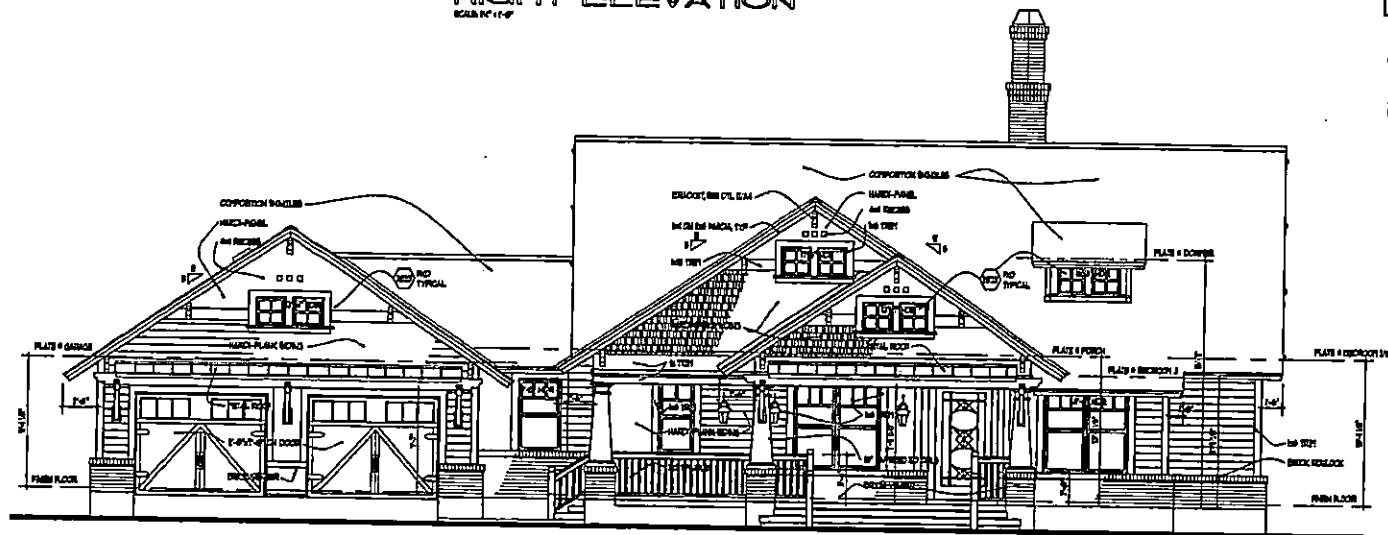
IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

My Commission Expires:

\_\_\_\_\_  
Notary Public



RIGHT ELEVATION  
SCALE 1/4\"/>



FRONT ELEVATION  
SCALE 1/4\"/>

|                                                                                                                               |                                                |
|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| MODIFIED BY<br><i>LifeStyle</i><br>DESIGN SERVICE<br>2201 LINDSEY AVE. WILSON, NC 27601<br>PH: 919.255.3439 FAX: 919.255.3439 | NAME<br>Smith<br>PROJECT<br>NUMBER<br>2017-048 |
|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|

**Important:**  
 Contractor/Builder shall verify all conditions and dimensions before beginning construction. Any discrepancies shall be reported to LifeStyle Design Service for justification and/or corrections before proceeding with work. Contractor/Builder shall assume responsibility for all errors that are not reported. (EES) 266-3439

DAVID E. WIGGINS  
 ARCHITECT  
 1000 W. 10TH ST. SUITE 100  
 WILSON, NC 27601

SMITH RESIDENCE

PLANS  
 ELEVATIONS

DATE:

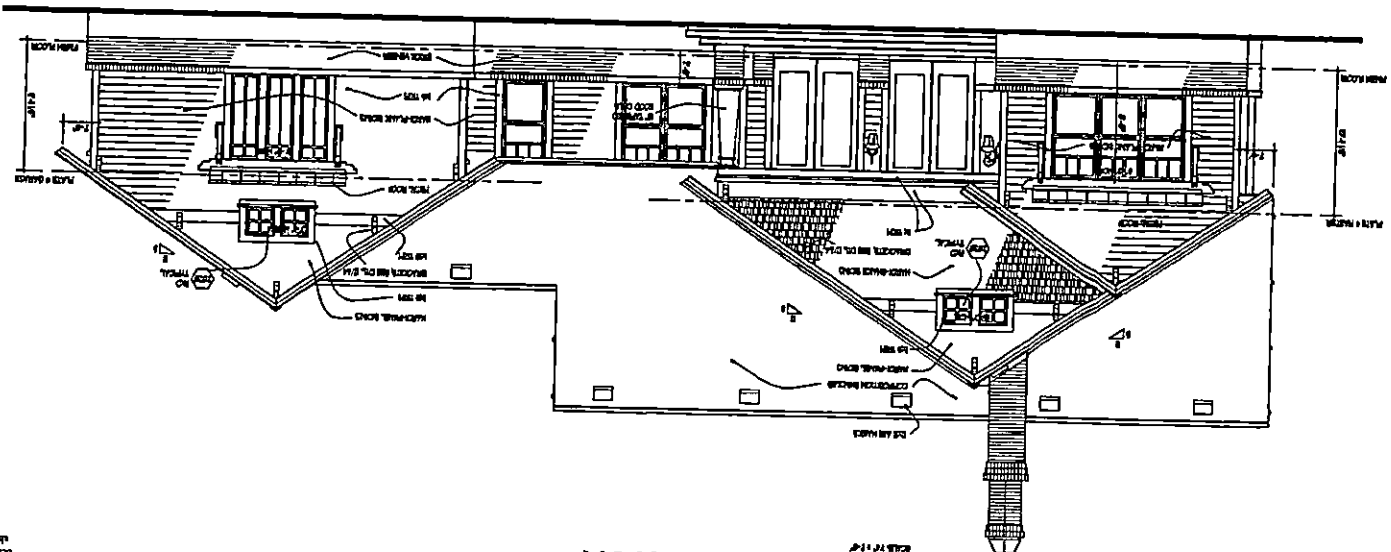
10/12/2017

A2

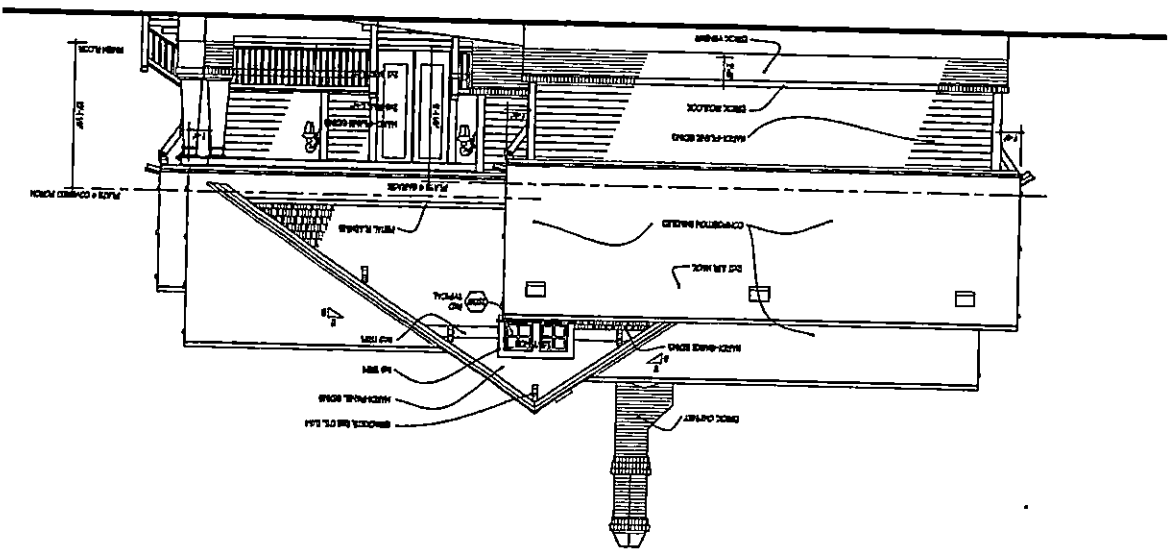
OF 11

PETITIONER'S  
 EXHIBIT NO. 7

REAR ELEVATION



LEFT ELEVATION



Important:  
Contractor/Builder shall verify all conditions and dimensions before beginning construction. Any design written before being reported to LifeStyle Design Service for professional seal or construction before proceeding with work. Contractor/Builder shall assume responsibility for all errors that are not reported. (228) 266-3439

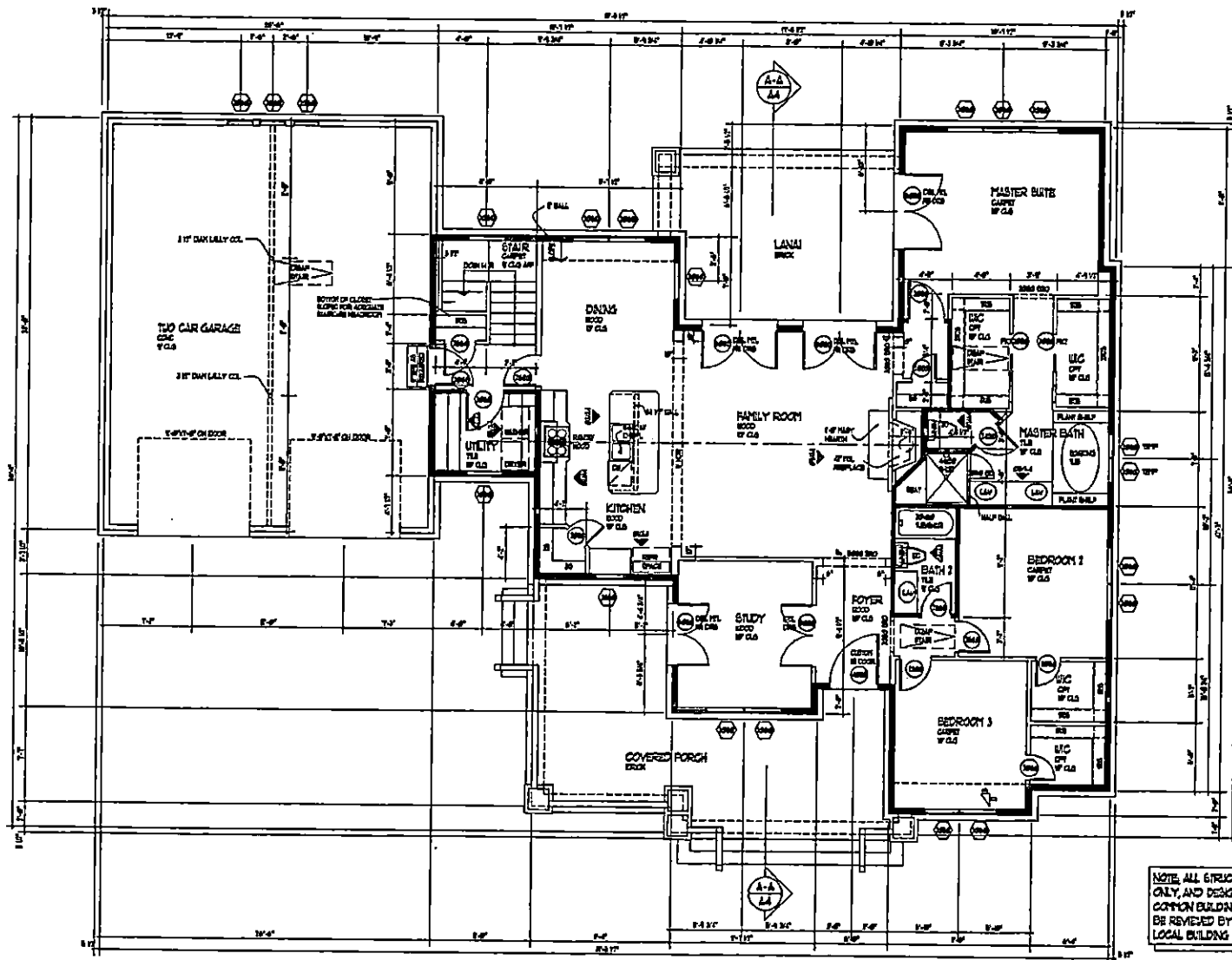
|                |                  |
|----------------|------------------|
| DATE           | 2017-04-04       |
| DRAWN BY       | DAVID E. WIGGINS |
| DESIGN SERVICE | DAVID E. WIGGINS |
| PROJECT        | SMITH RESIDENCE  |

SMITH RESIDENCE

A3

03.12.2017

DAVID E. WIGGINS  
ARCHITECT  
A PROFESSIONAL LIMITED LIABILITY CORPORATION



**FIRST FLOOR PLAN**  
SCALE 1/4" = 1'-0"

|                                                                                                                                         |                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| MODIFIED BY<br><b>LifeStyle</b><br>DESIGN SERVICE<br>2538 Lakeside Rd. #100, Lakeville, MN 55017<br>Tel: 952-266-3430 Fax: 952-266-3431 | NAME<br>Smith<br>PROJECT NUMBER<br>2017-048 |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|

**Important:**  
Contractor/Builders shall verify all conditions and dimensions before beginning construction. Any discrepancies shall be reported to LifeStyle Design Service for justification and/or corrections before proceeding with work. Contractor/Builders shall assume responsibility for all errors that are not reported. (R22) 266-3430

NOTE: CHECK MANUFACTURER'S DIMENSIONS AND NOTES

|                             |               |
|-----------------------------|---------------|
| <b>AREAS:</b>               |               |
| HEATED AREA +               | 2811 SF       |
| SCREENED PORCH +            | 89 SF         |
| LANAI +                     | 23 SF         |
| <b>TOTAL COVERED AREA +</b> | <b>140 SF</b> |

**WALL TYPES**

- 3/4" x 8" OC
- 3/4" x 8" OC w/ 2" FILL
- 3/4" x 8" OC w/ 2" FILL
- 3/4" x 8" OC w/ 2" FILL
- 3/4" x 8" OC w/ 2" FILL
- 3/4" x 8" OC w/ 2" FILL
- 3/4" x 8" OC w/ 2" FILL
- 3/4" x 8" OC w/ 2" FILL

NOTE: ALL STRUCTURAL ELEMENTS ARE SUGGESTED ONLY, AND DESIGNED IN ACCORDANCE WITH MINIMUM COMMON BUILDING METHODOLOGIES. PLANS SHALL BE REVIEWED BY A LOCAL ENGINEER FAMILIAR WITH LOCAL BUILDING CODES AND REQUIREMENTS.



**DAVID E. WIGGINS**  
ARCHITECT  
A PROFESSIONAL LIMITED LIABILITY CORPORATION

**SMITH RESIDENCE**

DATE: 10/22/2017

BY: [Signature]

10/22/2017

**A1**  
OF 14

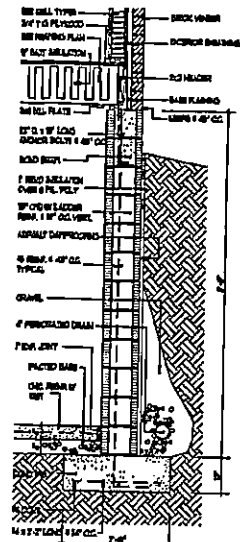


FIG DETAIL  
1/4\"/>

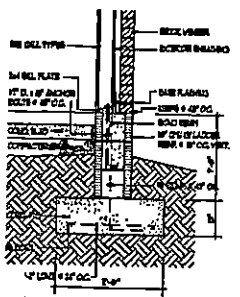
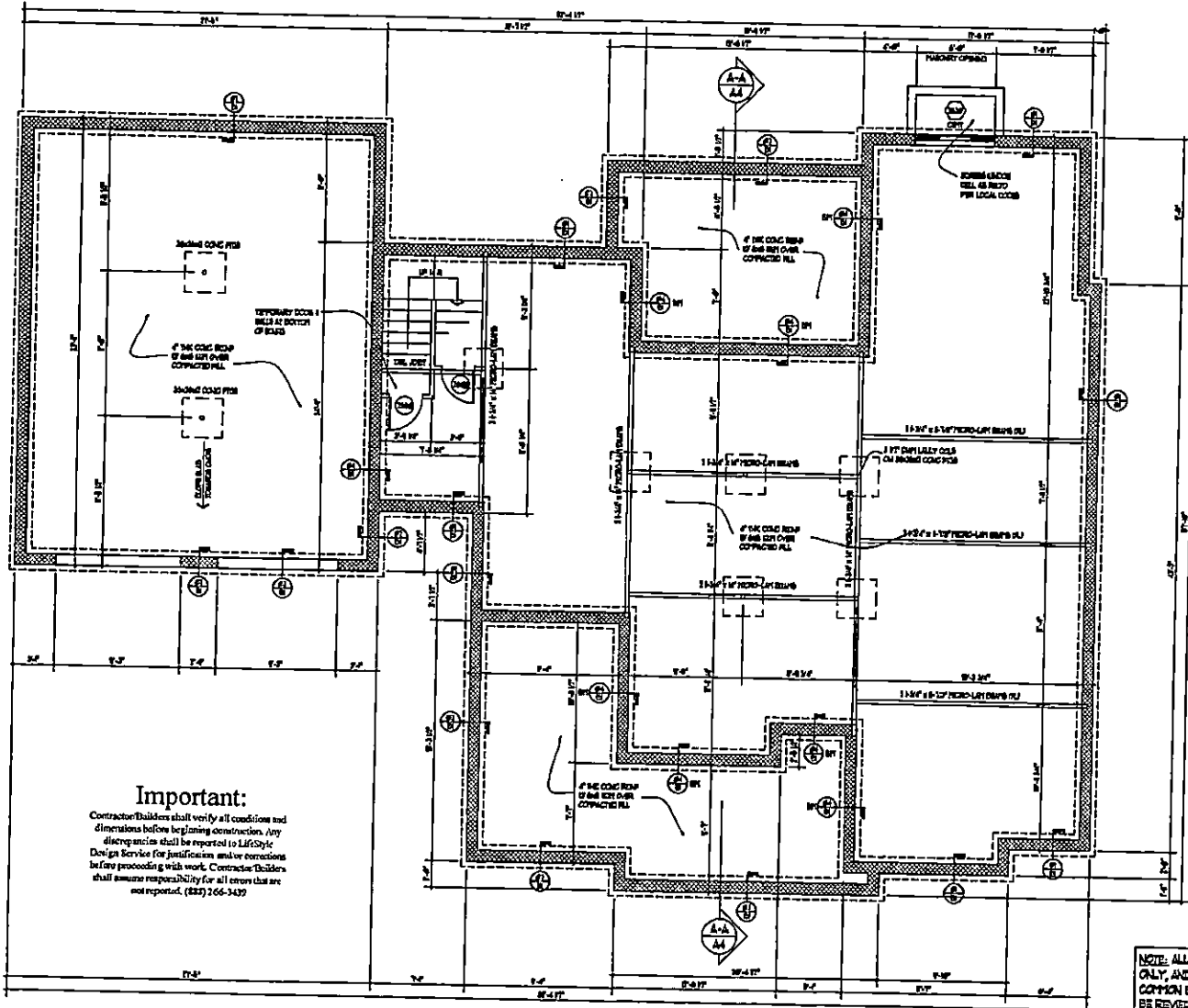


FIG DETAIL  
1/4\"/>



**Important:**  
Contractor/Builder shall verify all conditions and dimensions before beginning construction. Any discrepancies shall be reported to LifeStyle Design Service for justification and/or corrections before proceeding with work. Contractor/Builder shall assume responsibility for all errors that are not reported. (888) 266-3499

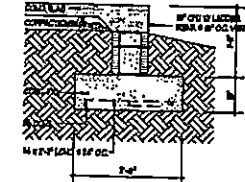


FIG DETAIL  
1/4\"/>

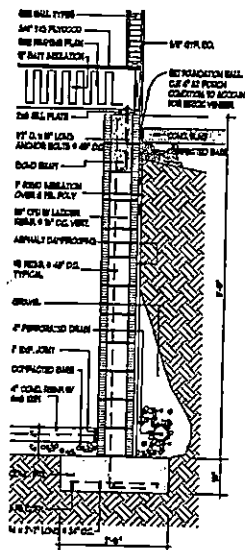


FIG DETAIL  
1/4\"/>

WORKED BY  
*LifeStyle*  
DESIGN SERVICE  
12111 Highway 101, Suite 100, San Diego, CA 92120  
TEL: (619) 594-3499 FAX: (619) 594-3499

NOTE: ALL STRUCTURAL ELEMENTS ARE SUGGESTED ONLY, AND DESIGNED IN ACCORDANCE WITH MINIMUM COMMON BUILDING METHODOLOGIES. PLANS SHALL BE REVIEWED BY A LOCAL ENGINEER FAMILIAR WITH LOCAL BUILDING CODES AND REQUIREMENTS.

**BASEMENT PLAN**  
SCALE: 1/4\"/>

**DAVID E. WIGGINS**  
ARCHITECT  
A PROFESSIONAL LIMITED LIABILITY CORPORATION

**SMITH RESIDENCE**

DATE: 03.22.2011  
DRAWN: [Signature]

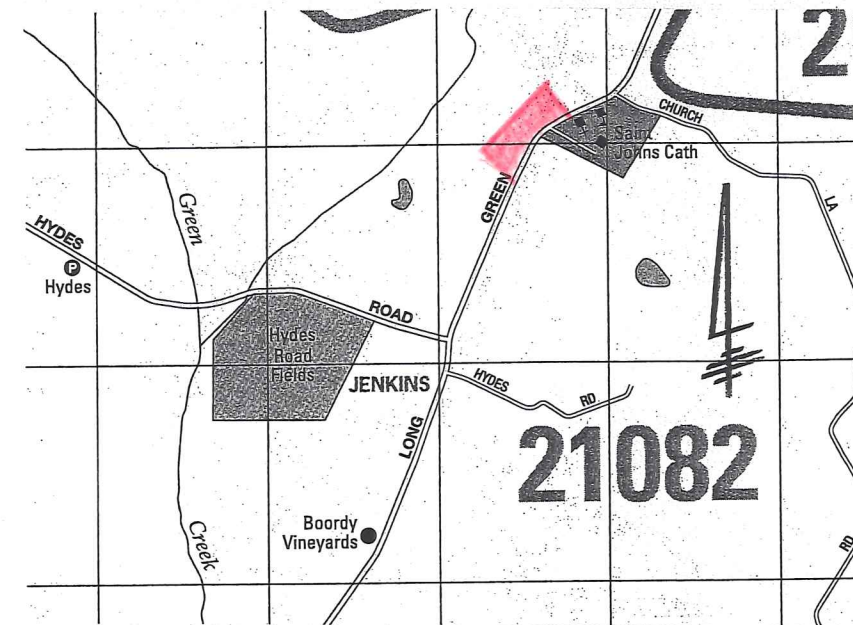
REVISIONS:

03.22.2011

**B1**  
OF 01

**NOTES**

1. ZONING....RC2 (MAP 045A3)
2. AREA... 4.6 ACRE +/-
3. PRIVATE WATER AND SEWER
4. SEE ZONING CASE 2003-0232-SPH
5. NO CRITICAL AREAS, HISTORIC STRUCTURES, UNDERGROUND STORAGE TANKS OR 100 YEAR FLOOD PLAINS EXIST



VICINITY MAP  
SCALE 1"=2000'

**CONTRACT PURCHASER**

PATRICIA SMITH  
C/O DAVID J. PRELLER III  
307 W. PENNSYLVANIA AVE.  
TOWSON, MD. 21204  
(443) 794-1883

**OWNERS**

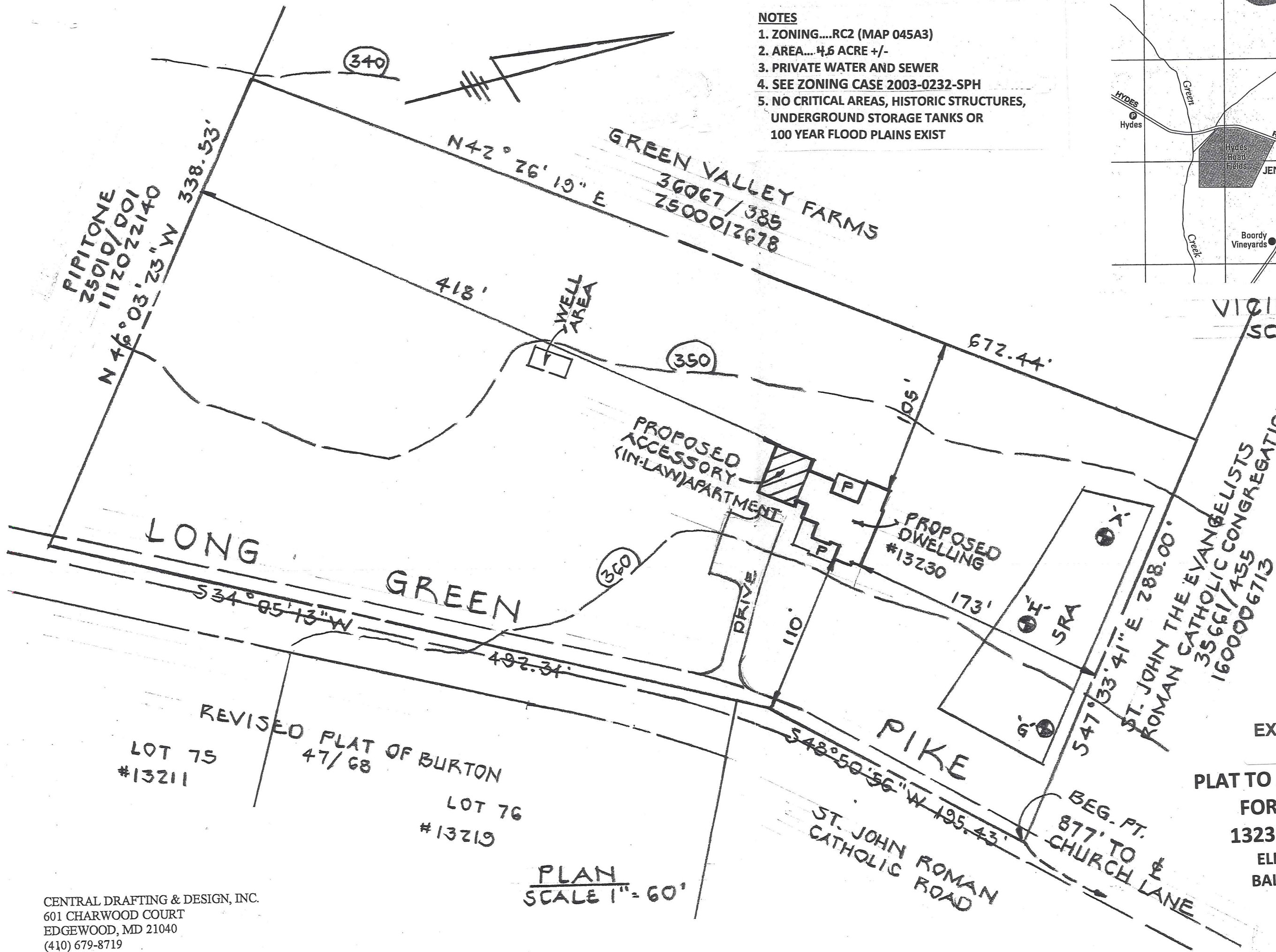
MARTIN T. KELLY, THOMAS N. KELLY  
AND JOSEPH E. KELLY, JR.  
13330 LONG GREEN PIKE

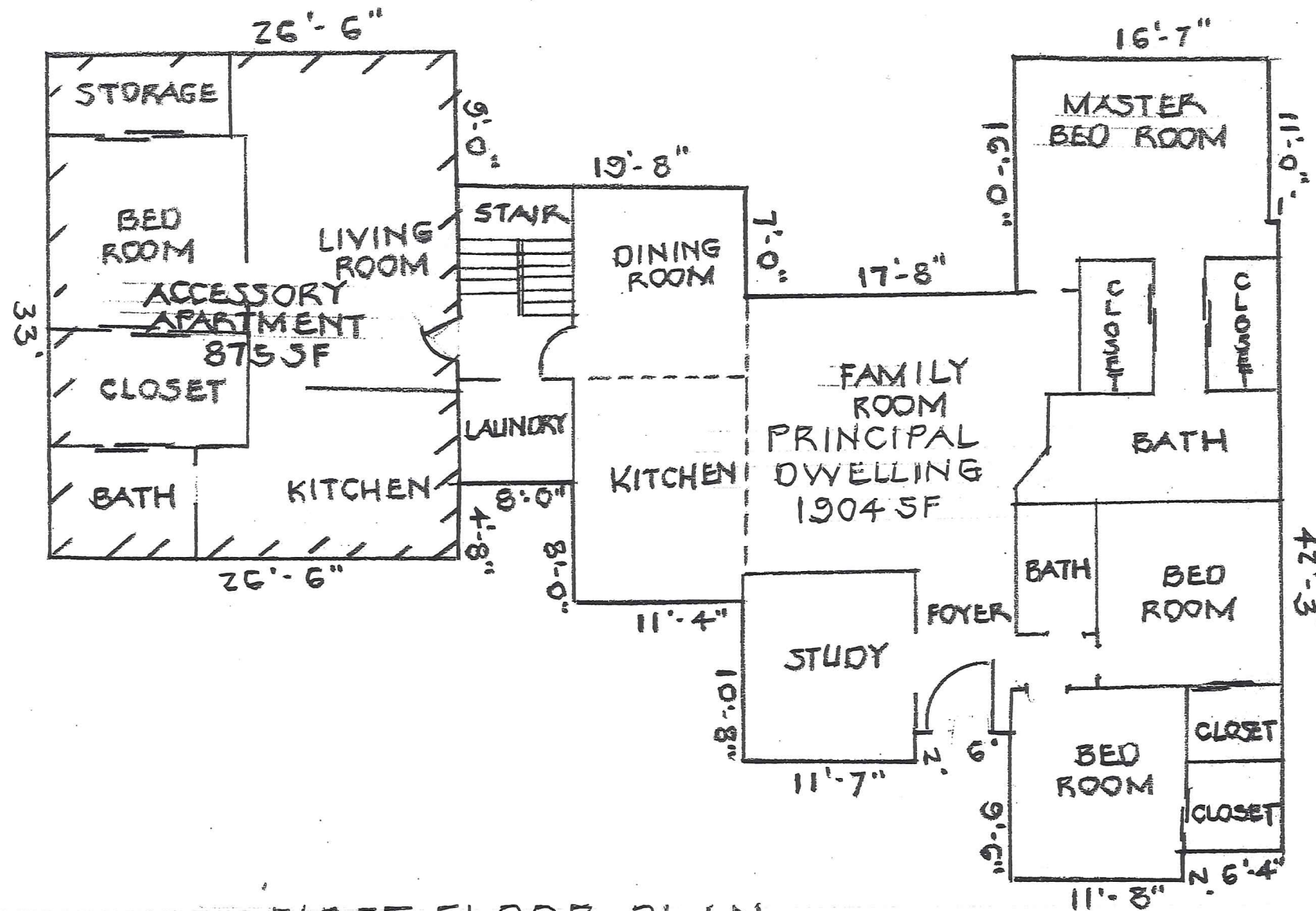
PETITIONER'S  
EXHIBIT NO. 1

**PLAT TO ACCOMPANY PETITION  
FOR SPECIAL HEARING  
13230 LONG GREEN PIKE  
ELECTION DISTRICT 11C3  
BALTIMORE COUNTY, MD.  
MARCH 8, 2017  
SHEET 1 OF 2**

CENTRAL DRAFTING & DESIGN, INC.  
601 CHARWOOD COURT  
EDGEWOOD, MD 21040  
(410) 679-8719

PLAN  
SCALE 1"=60'





# FIRST FLOOR PLAN

SCALE: 1" = 10'

## NOTES

1. OVERALL FLOOR AREA.....2,779 SQUARE FEET (EXCLUDES BASEMENT)
2. MAX. FLOOR AREA OF ACCESSORY APARTMENT PERMITTED  
=  $2,779 \times 1/3 = 926$  SQUARE FEET
3. PROPOSED AREA OF ACCESSORY APARTMENT = 875 SQUARE FEET
4. NO SEPARATE UTILITY METERS ARE PERMITTED FOR THE ACCESSORY APARTMENT
5. A DECLARATION OF UNDERSTANDING AND PROPERTY DESCRIPTION, INCLUDING ANY CONDITIONS, RESTRICTIONS OR REGULATIONS IMPOSED BY THE OFFICE OF ADMINISTRATIVE HEARINGS, SHALL BE RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY AND A COPY SHALL BE FILED WITH THE DEPARTMENT.
6. THE ACCESSORY APARTMENT SHALL ONLY BE UTILIZED BY THE IMMEDIATE FAMILY MEMBERS AS DEFINED IN SECTION 101 AND MAY NOT BE USED BY ANY PERSON OTHER THAN AN IMMEDIATE FAMILY MEMBER FOR ANY OTHER REASON.
7. IF THE ACCESSORY APARTMENT IS NO LONGER OCCUPIED BY ANY PERSON NAMED IN THE USE PERMIT OF IF THE PROPERTY IS SOLD, 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 AS APPLICABLE UNDER SUBSECTION A OR B.
8. THE APPLICANT SHALL RENEW THE USE PERMIT WITH THE DEPARTMENT EVERY TWO YEARS BY FILING A RENEWAL ON A FORM APPROVED BY THE DEPARTMENT, TO BE DATED FROM THE MONTH OF THE INITIAL APPROVAL, AND SHALL LIST THE NAME OF ANY PERSON OCCUPYING THE ACCESSORY APARTMENT.