

M E M O R A N D U M

DATE: May 15, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0218-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 14, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE *
(2241 Monocacy Road)
15th Election District *
7th Council District *
William J. & Amy M. Nicely *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2018-0218-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, William J. and Amy M. Nicely (“Petitioners”). The Petitioners are requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (“BCZR”), to permit an accessory structure (pole barn) in the rear yard located in the third of the rear yard along Wicomico Road in lieu of being in the third of the yard farthest from all roads, and to have a height of 17 ft. in lieu of the maximum allowed height of 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. The property is located within the Chesapeake Bay Critical Area (“CBCA”) and is subject to Critical Area requirements as noted in the ZAC comment dated March 14, 2018 submitted by the Department of Environmental Protection and Sustainability (“DEPS”).

ORDER RECEIVED FOR FILING

Date 4-13-18

By low

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 4, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the proposed accessory structure's (pole barn) height and usage, I will impose conditions that the pole barn shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 13th day of **April, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("BCZR"), to permit an accessory structure (pole barn) in the rear yard located in the third of the rear yard along Wicomico Road in lieu of being in the third of the yard farthest from all roads, and to have a height of 17 ft. in lieu of the maximum allowed height of 15 ft., be and is hereby GRANTED.

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Date 4-13-18

By pw

The relief granted herein shall be subject to 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 or subsequent owners shall not convert the proposed accessory structure (pole barn) into a dwelling unit or apartment. The proposed accessory structure (pole barn) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The proposed accessory structure (pole barn) shall not be used for commercial purposes.
4. Petitioners must comply with the DEPS ZAC comment, dated March 14, 2018; a copy of which is attached hereto and made a part thereof.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 4-13-18

By [Signature]



CBCA

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 2241 MONOCACY RD. Currently zoned DR 3.5
 Deed Reference 34446 / 161 10 Digit Tax Account # 1513202930
 Owner(s) Printed Name(s) WILLIAM J. AMY M. NICELY

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

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

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

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

BCZR: 400.1 & 400.3 → To permit an accessory structure (pole barn) in the rear yard located in the 1/3 of the rear yard along Wicomico Road in lieu of being located in the 1/3 of the yard furthest from all roads, and to have a height of 17 feet in lieu of the maximum allowed height of 15 feet.
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

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

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

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

Owner(s)/Petitioner(s):

WILLIAM J. NICELY / AMY M. NICELY

Name #1 – Type or Print Name #2 – Type or Print

[Signature] [Signature]
 Signature #1 Signature #2

2241 MONOCACY RD BALTIMORE MD

Mailing Address City State

21221 / 410-913-8840 / jeff@powerupco.com

Zip Code Telephone # Email Address

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

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

R. CRAIG RODGERS

Name – Type or Print

Signature

7024 GREENBANK RD BALTIMORE MD.

Mailing Address City State

21220 / 443-617-2007 / craigr Rodgers200@gmail.com

Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 13 day of April, 2018 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2018-0218-A Filing Date 2/22/18 Estimated Posting Date 3/4/18 Reviewer JS

Rev 5/5/2016

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 4-13-18
 BY

Affidavit in Support of Administrative Variance

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

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

Address: 2241 MONOCACY RD BALTIMORE MD 21221
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

I AM HOPING TO CONSTRUCT A POLE BARN ON MY PROPERTY NEXT TO WICOMICO ROAD AS SHOWN ON MY SITE PLAN. MY PROPERTY IS UNIQUE IN THAT IT IS A WATERFRONT LOT WITH ROAD FRONTAGE ON THREE SIDES. IT IS ALSO CONSIDERED TO BE A CORNER LOT. AS SUCH, MY POLE BARN IS SUPPOSED TO BE LOCATED IN THE "THIRD OF THE YARD FARTHEST REMOVED" FROM THE INTERSECTION OF WICOMICO AND MONOCACY ROADS. THIS IS NOT PRACTICAL AS THAT WOULD REQUIRE ME TO LOCATE THE POLE BARN ALL THE WAY ACROSS MY PROPERTY AND THEREBY FORCING ME TO CREATE MUCH MORE IMPERVIOUS SURFACE AREA FOR THE DRIVEWAY. I AM ALREADY AT MY LIMIT OF LOT COVERAGE AND TO MOVE MY POLE BARN TO THE OTHER SIDE OF MY PROPERTY WOULD PUT ME OVER THE ALLOWABLE LOT COVERAGE. IT MAKES MORE SENSE TO LOCATE THE POLE BARN RIGHT NEXT TO THE ROAD FOR EASY ACCESS. ALSO, GIVEN THE LENGTH & WIDTH OF THE POLE BARN, THE PITCH OF MY ROOF CAUSES THE BARN TO BE 17' TALL INSTEAD OF THE ALLOWABLE 15.'

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

William J. Nicely
Signature of Owner (Affiant)

WILLIAM J. NICELY
Name- Print or Type

Amy M. Nicely
Signature of Owner (Affiant)

AMY M. NICELY
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of Feb, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: David Stephen Nicely

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

AS WITNESS my hand and Notaries Seal

David S Nicely
Notary Public

10/30/19
My Commission Expires

ZONING DESCRIPTION FOR 2241 MONOCACY ROAD

Beginning at a point on the south side of Middleborough Road which is 40 feet wide at a distance of 206 feet west of the centerline of Monocacy Road which is 30 feet wide, being Lot #227 in the subdivision of "Middleborough on Middle River," as recorded in Baltimore county Plat Book #4, Folio #191, containing 1.83 acres, more or less, or 79,715 square feet. Located in the 15th Election District and 7th Council District.

2018-0718-4



KEVIN KAMENETZ
County Executive

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

March 20, 2018

William J & Amy M Nicely
2241 Monocacy Road
Baltimore MD 21221

RE: Case Number: 2018-0218 A, Address: 2241 Monocacy Road

Dear Mr. & Ms. Nicely:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 22, 2018. 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 dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
R Craig Rodgers, 7024 Greenbank Road, Baltimore MD 21220

3-14

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 14, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0218-A
Address 2241 Monocacy Road
(Nicely Property)

Zoning Advisory Committee Meeting of **March 12, 2018**.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area and is subject to Critical Area lot coverage, buffer, and forest requirements. If the proposed pole barn can be located and constructed with no buffer disturbance, the lot coverage amounts do not exceed 15% for the entire property, and all forest/tree requirements are met, the relief requested can result in minimal impacts to water quality. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17)

2. Conserve fish, wildlife, and plant habitat; and

This property is located on a cove associated with Middle River and the Critical Area buffer covers about half the property area above mean high water. The applicant's plan accompanying this zoning petition shows that the proposed pole barn is located outside the 100-foot tidal buffer, but one corner is shown on the buffer limit. Impacts to fish, wildlife, and plant habitat can be minimal

provided that the pole barn is located so that no buffer impacts occur, and if the property can comply with all Critical Area requirements.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal to construct a pole barn in an area outside the Critical Area buffer can be consistent with this goal provided that there is no disturbance within the buffer, the lot coverage allowance is not exceeded, and any mitigation requirements are met.

Reviewer: Paul Dennis

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
VLD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

DATE: March 28, 2018

SUBJECT: Zoning Advisory Committee Meeting
For March 5, 2018
Item No. 2018-0212-A, 0213-A, 0216-A and 0217-A

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

* * * * *

VKD: cen
cc: file

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 14, 2018

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By kw

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Reviewer: Paul Dennis

S:\EPS\Shared\DEShared\Devcoord\1 ZAC-Zoning Petitions\ZAC 2018\ZAC 18-0218-A 2241 Monocacy Road.doc

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Date 4-13-18

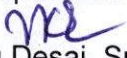
By [Signature]

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 23, 2018

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 12, 2018
Item No. 2018-0218-A, 0221-A, 0222-A, 0225-SPH, 0226-A and 0227-A

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

* * * * *

VKD: cen
cc: file



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 3/8/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2018-0218-A

Administrative Variance
William & Amy M. Nicely
2241 Monocacy 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,

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

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 14, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0218-A
Address 2241 Monocacy Road
(Nicely Property)

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Reviewer: Paul Dennis

IN RE: PETITION FOR ADMIN. VARIANCE *
15th Election District *
7th Councilmanic District *
(2241 Monocacy Road) *

William J. & Amy M. Nicely
Petitioners *

BEFORE THE OFFICE OF
ADMINISTRATIVE HEARINGS
FOR
BALTIMORE COUNTY
Case No. 2018-0218-A

* * * * *

AFFIDAVIT

We, William J. and Amy M. Nicely, are over the age of 18 and have personal knowledge of and are competent to testify to the following:

1. The residence at 2241 Monocacy Road is owned by William J. and Amy M. Nicely. No other person or entity has an interest in the operation and/or affairs of 2241 Monocacy Road.
2. We reside year round and actually occupy the property known as 2241 Monocacy Road, and consider this to be our principal residence.

We solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

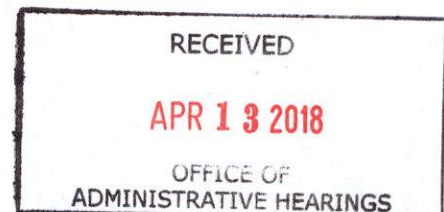
4-11-18
Date

4-11-18
Date

William J. Nicely
William J. Nicely
Amy M. Nicely
Amy M. Nicely

Due to

My Comm Exp 10/30/19





KEVIN KAMENETZ
County Executive

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

March 21, 2018

William J. Nicely
Amy M. Nicely
2241 Monocacy Road
Baltimore, MD 21221

Re: Petition for Administrative Variance
Case No. 2018-0218-A
Property: 2241 Monocacy Road

Dear Mr. and Mrs. Nicely:

I am writing in regard to the captioned matter, wherein an administrative variance has been requested. The Baltimore County Code ("BCC") requires that a property be owner occupied in order to qualify for administrative hearing relief. State records in this case show the property is not your principal residence. As such, a public hearing is usually required in this scenario.

Please respond to the undersigned in writing regarding the above. Once I received your information, I can then make my decision and prepare an Order or set the matter in for a public hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long horizontal flourish extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Attachment

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1513202930			
Owner Information					
Owner Name:	NICELY WILLIAM JEFFREY NICELY AMY M		Use:	RESIDENTIAL NO	
Mailing Address:	2217 WICOMICO RD BALTIMORE MD 21221-		Deed Reference:	/34446/ 00161	
Location & Structure Information					
Premises Address:		2241 MONOCACY RD BALTIMORE MD 21221-		Legal Description:	
MIDDLEBOROUGH					
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0097	0012	0313		0000	227
					Assessment Year: 2018
					Plat No: 0004/0191
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1965		3,155 SF		1.8300 AC	
Property Land Area		County Use			
04					
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	NO	SPLIT LEVEL	1/2 BRICK SIDING	3 full	1Att/1Det
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2018	As of 07/01/2017	As of 07/01/2018
Land:		195,900	195,900		
Improvements		242,600	257,200		
Total:		438,500	453,100	438,500	443,367
Preferential Land:		0			0
Transfer Information					
Seller: MATTINGLY OWEN M		Date: 11/19/2013		Price: \$425,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /34446/ 00161		Deed2:	
Seller: SINDLER HERMAN & IDA		Date: 01/22/1955		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /02633/ 00299		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1900008809			
Owner Information					
Owner Name:	NICELY WILLIAM JEFFREY NICELY AMY M		Use:	RESIDENTIAL	
Mailing Address:	2217 WICOMICO RD BALTIMORE MD 21221-1545		Principal Residence:	YES	
			Deed Reference:	/24670/00532	
Location & Structure Information					
Premises Address:		2217 WICOMICO RD 0-0000 Waterfront		Legal Description:	.37 AC 2217 WICOMICO RD HELLDORFER
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0098	0001	0259		0000	1A 2018 0050/0028
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area		Finished Basement Area	Property Land Area	County Use
2006	3,276 SF			16,117 SF	34
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	SIDING	3 full	1 Detached
Value Information					
	Base Value		Value		Phase-in Assessments
			As of 01/01/2018		As of 07/01/2017 As of 07/01/2018
Land:	203,000		203,000		
Improvements	459,500		450,800		
Total:	662,500		653,800		662,500 653,800
Preferential Land:	0				0
Transfer Information					
Seller: HOENIG AMY M		Date: 10/25/2006		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /24670/ 00532		Deed2:	
Seller: HOENIG AMY M		Date: 11/09/2004		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /20959/ 00519		Deed2:	
Seller: DORSEY MARY ELLEN		Date: 04/21/2000		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /14423/ 00136		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class				
County:	000	07/01/2017		07/01/2018	
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 02/13/2015					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application		Date:			

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>3-14</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>3-8</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>3-4-18</u>	by <u>Billingley</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

ZAC AGENDA

Case Number: 2018-0218-A **Reviewer:** Jason Seidelman

Existing Use: RESIDENTIAL **Proposed Use:**

Type: ADMINISTRATIVE VARIANCE

Legal Owner: William J & Amy M Nicely

Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** No **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 2241 MONOCACY RD

Location: SW corner of intersection of Monocacy Road and Middleborough Road

Existing Zoning: DR 3.5

Area: 1.83 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To permit an accessory structure (pole barn) in the rear yard located in the 1/3 of the rear yard along Wicomico Road in lieu of being in the 1/3 of the yard farthest from all roads, and to have a height of 17 ft. in lieu of the maximum allowed height of 15 ft.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 03/19/2018

Miscellaneous Notes:

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No
Application

Date:



#1



#2



#3



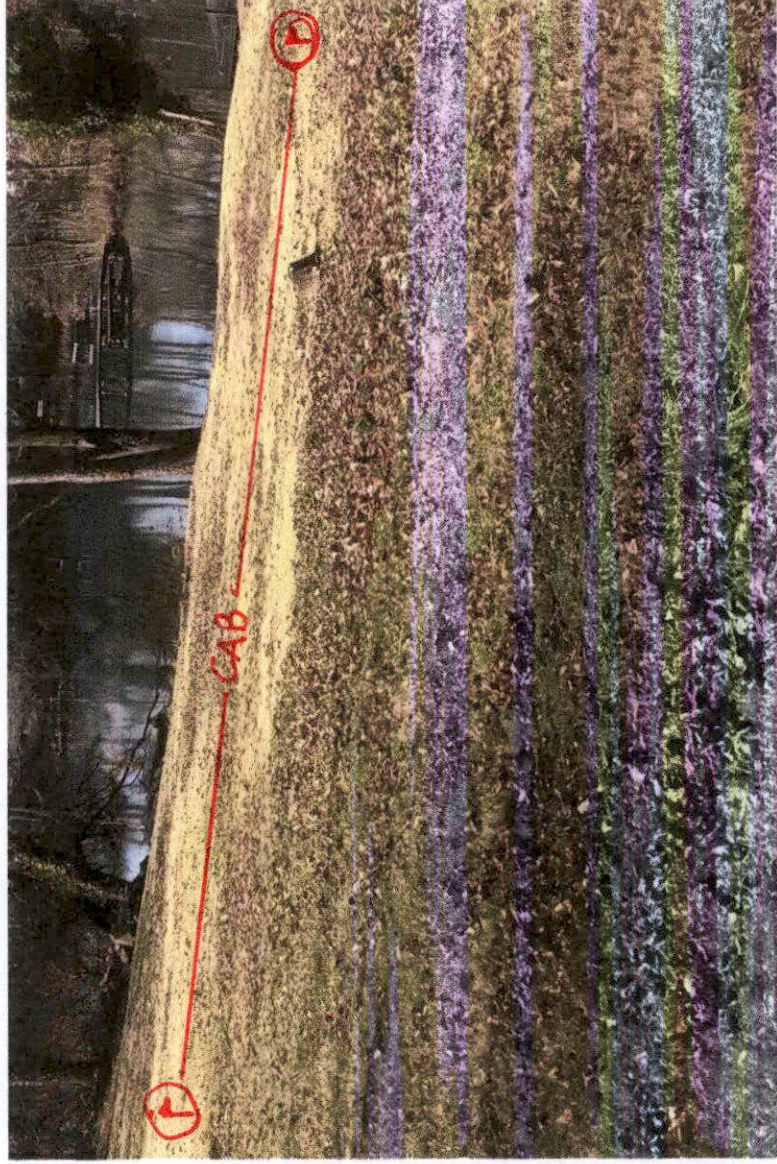
#4

5#





#6



#7

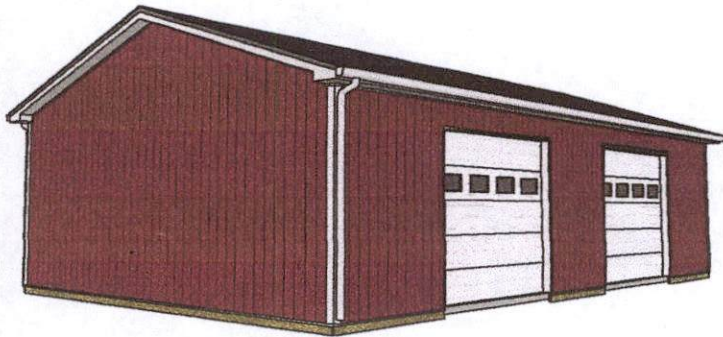


#B



#9

JEFF NICELY



DESCRIPTION	SYMBOL
PLAN TITLE	# DESCRIPTION SCALE: # = 1"
ELEVATION TAG	DRAWING NUMBER SHEET NUMBER
SECTION TAG	DRAWING NUMBER SHEET NUMBER
ELEVATION HEIGHT TAG	0'-0" A.F.F. DESCRIPTION
ROOM TAG	ROOM TITLE 101
DOOR TAG	#
WINDOW TAG	#

DANIELSON CONSTRUCTION, LLC
Building and Remodeling
695 HARRIS STATION RD.
LANCASTER, PA 17601
(717) 283 4870

JEFF NICELY

SITE LOCATION

2241 MONOCACY
RD

PAGE	DESCRIPTION
CS-01	COVER SHEET
A-01	PLANS

ABBREVIATIONS

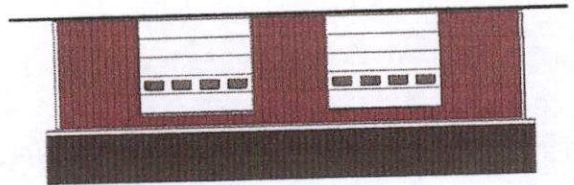
AFI	ABOVE FINISH FLOOR
BFF	BELOW FINISH FLOOR
CONC	CONCRETE
FFE	FINISH FLOOR ELEVATION

DATE	ISSUE	FOR REVIEW	PROJECT NO.	NAME OF P.E.C.
02/27/2016				

CS.01

2241 MOWBRACK RD.

2 FRONT ELEVATION
SCALE: 1" = 10'



3 REAR ELEVATION
SCALE: 1" = 10'



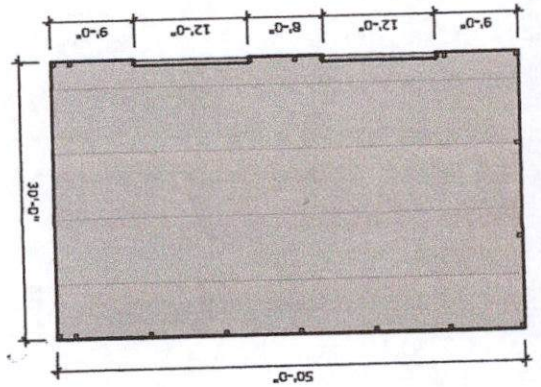
5 RIGHT ELEVATION
SCALE: 1" = 10'



4 LEFT ELEVATION
SCALE: 1" = 10'



1 FLOOR PLAN
SCALE: 1" = 10'



A.01

DATE	ISSUE
08/27/16	FOR REVIEW

JEFF NICELY

QVC QUINN KIRBY CONSULTING LLC
 Building and Planning Dept.
 695 HARRIS STATION RD.
 LANCASTER, PA 17601
 (717) 283 4870



NE 2-J DR 3.5

098A1

7 CD
15 ED

Martin State Airport Restriction

NE 1-J

MONOCACY RD

MIDDLEBOROUGH RD

WICOMICO RD

MONOCACY RD

1980-0135-XA

1999-0418-2262

1994-0181-A

1951-1979-SPH

2006-0629-A

Pt. Bk. 0000046, Folio 0120

1900006004

Pt. Bk./Folio # 046120

Pt. Bk. 0000050, Folio 0028

1983-0076-A

1900008810

Pt. Bk./Folio # 050028

2001-0393-A

1508300570

Pt. Bk. 0000017, Folio 0043

1508650770

2004-0214-SPHA

1518350371

Pt. Bk. 0000004, Folio 0191

Lot # 220 1519711970

2210

Lot # 222

99999

Lot # 227

1513202930

Lot # 227

Pt. Bk./Folio # 004191

Lot # 1

1519391970

Pt. Bk. 0000006, Folio 0147

Pt. Bk./Folio # 006147A

1511800390

2252

1519072380

Lot # 226

Lot # 225

1511670800

Lot # 225

1513553210

PAI # 150020

PAI # 150020

PAI # 150020

PAI # 150020

Lot # 238

2223

1513203890

Lot # 240

1519073720

2225

2274

1513401420

1513920630

1526400210

1519391971

2268

1504502323

1508651311

1503471660

1519641130

1523503900

1502201181

1502201180

1518471051

1526400010

1700005889

2229

1700005888

Lot # 241

Lot # 241

Lot # 241

Lot # 241

Lot # 241

Lot # 241

Lot # 241

Lot # 241

Lot # 241

Lot # 241

2238

1526400010

1518471051

1502201180

1502201181

1523503900

1503471660

1519641130

1502201180

1502201181

1518471051

1526400010

1502201180

1502201181

1523503900

1503471660

1519641130

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1518471051

1526400010

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1526400010

1502201180

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1523503900

1503471660

1519641130

1502201180

1502201181

1518471051

1526400010

1502201180

1502201181

1523503900

1503471660

1519641130

CERTIFICATE OF POSTING

Date: MARCH 4, 2018

RE: Project Name: 2241 MONACACY ROAD
Case Number /PAI Number: 2018-0218-A
Petitioner/Developer: NICELY
Date of Hearing/Closing: MARCH 19, 2018

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 2241 MONACACY ROAD

The sign(s) were posted on MARCH 4, 2018
(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)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0218 -A Address 2241 MONOCACY RD.

Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/27/18 Posting Date: 3/4/18 Closing Date: 3/19/18

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2018- 0218 -A Address 2241 MONOCACY RD.

Petitioner's Name NICELY Telephone 410-913-8840

Posting Date: 3/4/18 Closing Date: 3/19/18

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (POLE BARN) IN THE REAR
YARD LOCATED IN THE 1/3 OF THE REAR YARD ~~ADJACENT~~ ALONG WILCOMICO RD
IN LIEU OF BEING LOCATED IN THE 1/3 OF THE REAR YARD FURTHEST FROM ALL
ROADS, AND TO HAVE A HEIGHT OF 17 FEET IN LIEU OF THE MAXIMUM ALLOWED
HEIGHT OF 15 FEET

Revised 7/9/15

**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/neighbor 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: 2018-0218-A
Property Address: 2241 MONOCACY RD
Property Description: _____
Legal Owners (Petitioners): WILLIAM & AMY NICELY
Contract Purchaser/Lessee: NA

PLEASE FORWARD ADVERTISING BILL TO:

Name: WILLIAM JEFFREY NICELY
Company/Firm (if applicable): _____
Address: 2241 MONOCACY RD
BALTIMORE, MD 21221
Telephone Number: 410-913-8840

Revised 7/9/2015

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

NO 166202

Date: 2/22/18

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
1001	806	0000				650				\$ 75.00

Total: \$ 75.00

Rec From: NICKY

For: 2018-0218 - A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
2/22/2018 2/22/2018 11:14:06
REG 4501 WALSH LJR
>>RECEIPT # 776487 2/22/2018 DELN
Dept 5 520 ZONING VERIFICATION
CR NO. 166202
Receipt Tot \$75.00
\$75.00 CR \$ 0.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION