

MEMORANDUM

DATE: July 6, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0224-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on July 5, 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: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(6718 North River Dr.) *
15th Election District *
6th Council District *

John & Cynthia Markley *
Legal Owners *
Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0224-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of John & Cynthia Markley, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve the use of an existing improved garage studio to be used occasionally as living quarters for out-of-town friends and family of the owners. A petition for variance seeks to permit a front setback for the existing garage to the road of 20 ft. in lieu of the required 25 ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

John Markley and surveyor Bruce Doak appeared in support of the requests. 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"), the Bureau of Development Plans Review ("DPR") and the Department of Environmental Protection and Sustainability ("DEPS"). None of the reviewing agencies opposed the requests.

ORDER RECEIVED FOR FILING

Date 6/5/18

By Sen

SPECIAL HEARING

The subject property is approximately 10,000 square feet in size and is zoned DR 5.5. The waterfront property is improved with a single-family dwelling and accessory building/garage. This case concerns only the accessory building in the rear of the property. The accessory structure is a one-story wood frame building, 14 ft. in height and approximately 800 square feet (approx. 20'x40') in size. According to the site plan (Pets. Ex. No. 1) and photos submitted at the hearing (Pets. Ex. Nos. 5 J&K) half of the building is used for storage and a workshop while the other half is a studio apartment.

Petitioners explained this structure was most likely built many years ago and was lived in by the former owner while he was constructing the single-family dwelling on the lot in 1991. Petitioners presented a photo of a sticker from the Baltimore County "Department of Permits & Licenses" dated April 2, 1975, certifying that concealed wiring and an electric meter were installed in the accessory building at that time. Pets. Ex. No. 5L. Thus, I believe it is a fair assumption based on this evidence that the accessory building (at least in part) was used for living quarters since at least 1975.

At the hearing Petitioners indicated they initially considered seeking approval for an "accessory apartment" in the garage, and it appears they would satisfy the requirements of BCZR §400.4. Even so, Petitioners indicated some of the guests would not be related to them by blood, marriage or adoption and thus the approval would need to take a different approach. The DOP in its ZAC comment suggested the living quarters could be approved pursuant to a declaration of understanding similar to the one used in accessory apartment cases. I believe this is a reasonable and transparent way to resolve the special hearing request, which will be granted subject to the conditions noted below.

ORDER RECEIVED FOR FILING

Date 6/5/18
By Sen

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

The property has an irregular shape (narrow and long) and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be required to raze or relocate the garage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

The Bureau of DPR indicated a sprinkler system must be installed in the studio garage. As noted above, these living quarters have been in use for many years, and the grant of special hearing relief should not be construed as approving a second dwelling or full-time residence on the subject property. Mr. Doak stated the law does not require an existing, older structure to be retrofitted with sprinklers, and as such I will not impose such a requirement in this case.

THEREFORE, IT IS ORDERED this 5th day of **June, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve the use of an existing improved garage studio to be used occasionally as living quarters for out-of-town friends and family of the owners, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 6/5/18
By SEN

IT IS FURTHER ORDERED that the Petition for Variance to permit a front setback for the existing garage to the road of 20 ft. in lieu of the required 25 ft., be and is hereby GRANTED.

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 must comply with the critical area regulations, as determined in the sole discretion of the DEPS.
3. The accessory structure may not be enlarged nor the exterior altered beyond that required for necessary maintenance.
4. The guest studio within the accessory structure shall not be leased or rented for compensation, and a rental housing license under Article 35, Title 6 of the Baltimore County Code may not be issued for the accessory structure.
5. Petitioners must within 60 days of the date hereof file among the land records of Baltimore County a declaration of understanding as approved by the OAH.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 6/5/18
By sln



CBCA

PETITION FOR ZONING HEARING(S)

flood

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 6718 NORTH RIVER DRIVEwhich is presently zoned DR 5.5Deed References: SM 14743/71310 Digit Tax Account # 1511000940Property Owner(s) Printed Name(s) JOHN D. MARKLEY & CYNTHIA MARKLEY(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

SEE ATTACHED PAGE

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s)

SEE ATTACHED PAGE

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING

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

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

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0229-SP4AFiling Date 2/28/18

Legal Owners (Petitioners):

JOHN D. MARKLEYCYNTHIA MARKLEY

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6718 NORTH RIVER DRIVE BALTIMORE MD

Mailing Address

City

State

Zip Code

Telephone # 21220 / 443-695-3604

Email Address

JOHNMARKLEY8@GMAIL.COM

Representative to be contacted:

BRUCE E. DOAKBRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD

Mailing Address

City

State

Zip Code

Telephone # 21053 / 410-419-9906

Email Address

BDOAK@BRUCEDOAKCONSULTING.COM

Do Not Schedule Dates:

Reviewer AT

HEARING IN THE A.M.

REV. 10/4/11

ORDER RECEIVED FOR FILING
6/5/18
Sen

6718 North River Drive

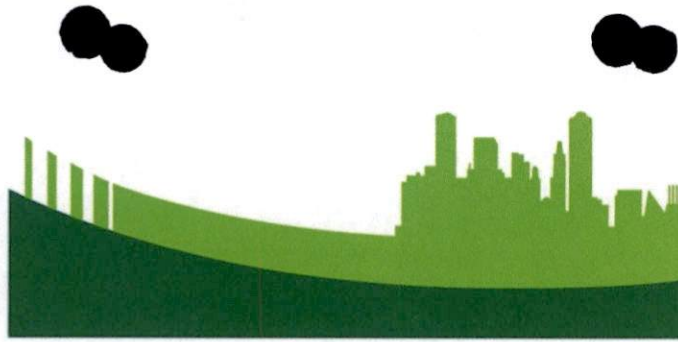
Case# 2018-0224-SPHA

Partitions Requested

Special Hearing under Section 500.7 of Zoning Regulations of Baltimore County , to determine whether or not the Zoning Commissioner should approve the use of an existing improved garage studio to be occasionally used as a guest dwelling for out of town family of the owners.

Variance from Section 1B02.3.C.1 (chart) to permit a front setback for the existing garage to the road of 20 feet in lieu of the required 25 feet.

2018-0228-SPHA



Zoning Description

6718 North River Drive
Fifteenth Election District Sixth Councilmanic District
Baltimore County, Maryland

Beginning at a point on the north side of North River Drive 225 feet, more or less from the centerline of Columbia Drive.

Being Lot 66 and Lot 67 of Harewood Park, which is recorded in the Land Records of Baltimore County, Maryland in Plat Book 7, folio 131

This description is part of a zoning petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

2018-0224-SPHA



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 5599338

Sold To:

John Markley - CU00655186
6718 N River Dr
Middle River, MD 21220-1034

Bill To:

John Markley - CU00655186
6718 N River Dr
Middle River, MD 21220-1034

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

May 10, 2018

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: 2018-0224-SPH
6718 North River Drive
N/s North River Drive, west of Columbia Drive 15th
Election District - 6th Councilmanic District
Legal Owners: John & Cynthia Markley

Special Hearing to determine whether or not the Administrative Law Judge should approve the use of an existing improved garage studio to be occasionally used as a guest dwelling for out of town family for the owners. Variance (chart) to permit a front setback for the existing garage to the road of 20 ft. in lieu of the required 25 ft.

Hearing: Friday, June 1, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

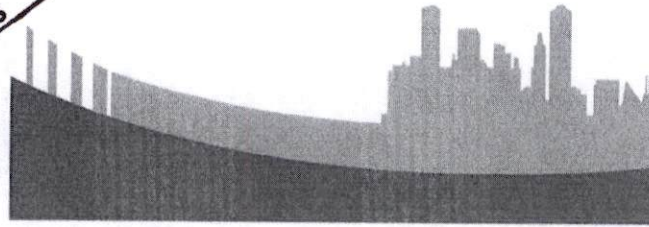
Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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

5599338 5/10/2018

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising



CERTIFICATE OF POSTING

May 11, 2018 (amended 5/31/18)

Re:

Zoning Case No. 2018-0224-SPHA

Legal Owner: John & Cynthia Markley

Hearing date: June 1, 2018

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **6718 North River Drive**.

The signs were posted on **May 10, 2018**.

The signs were inspected again on **May 29, 2018**.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2018-0224-SPHA

6718 North River Drive

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Friday June 1, 2018 1:30 PM

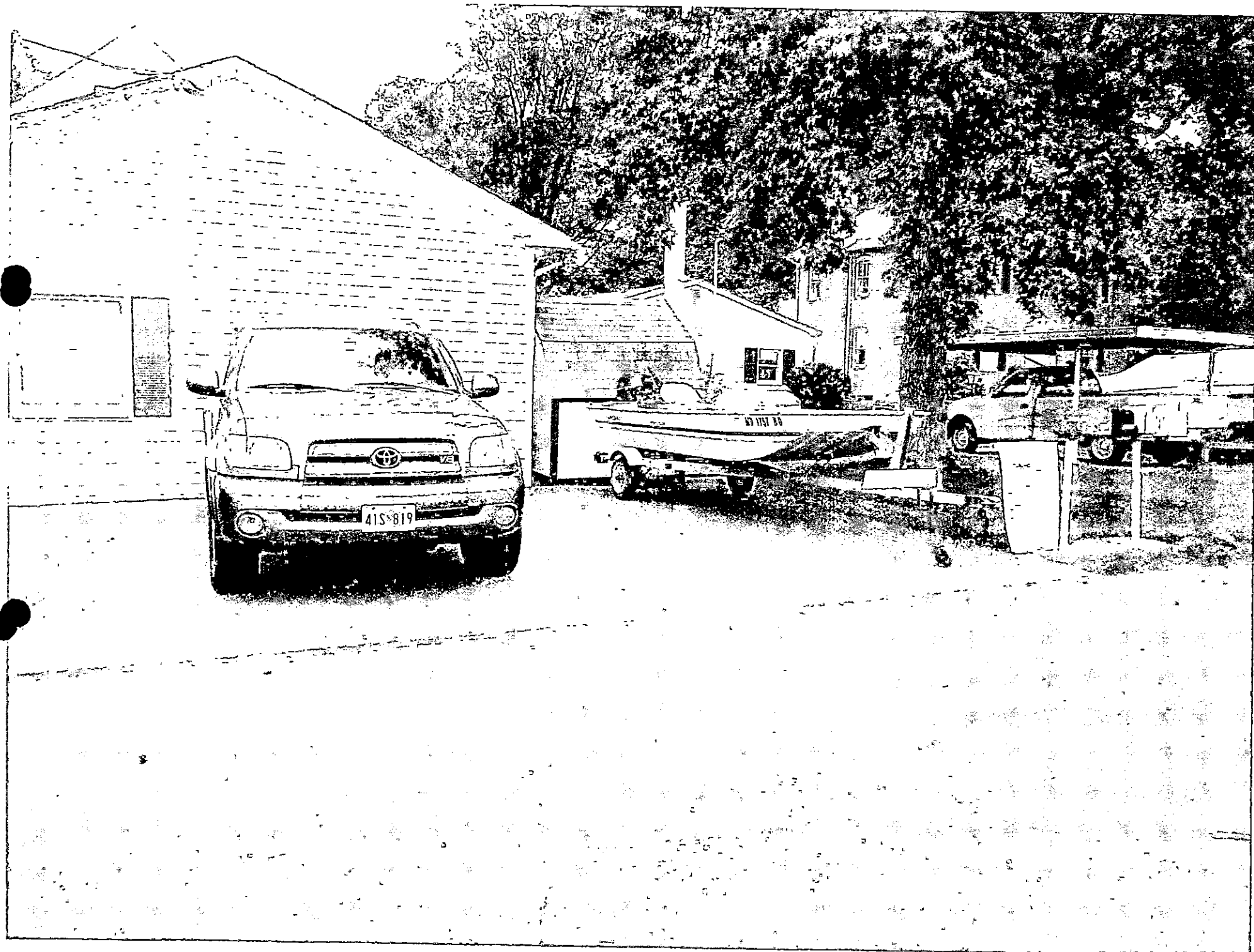
REQUEST: SPECIAL HEARING
TO DETERMINE WHETHER OR NOT THE ADMINISTRATIVE LAW JUDGE
SHOULD APPROVE THE USE OF AN EXISTING IMPROVED GARAGE
STUDIO TO BE OCCASIONALLY USED AS A GUEST DWELLING FOR OUT
OF TOWN FAMILY OF THE OWNERS.

REQUEST: VARIANCE (CHART)
TO PERMIT A FRONT SETBACK FOR THE EXISTING GARAGE TO THE
ROAD OF 20 FEET IN LIEU OF THE REQUIRED 25 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM THE HEARING CALL 410-867-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW

THE HEARING IS HANDICAPPED ACCESSIBLE



ZONING NOTICE

CASE NO. 2018-0224-SPHA
6718 North River Drive

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

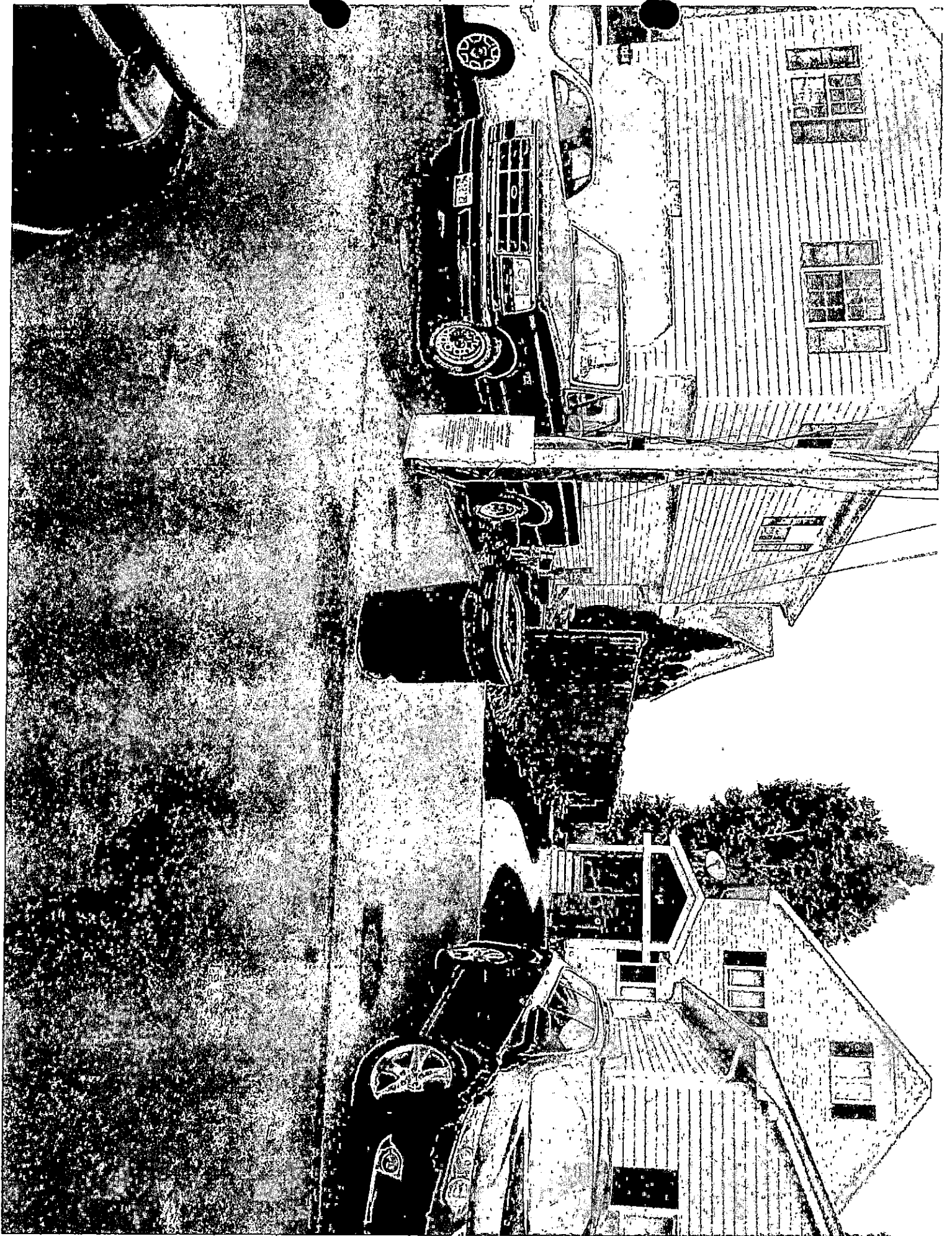
DATE & TIME: Friday June 1, 2018 1:30 PM

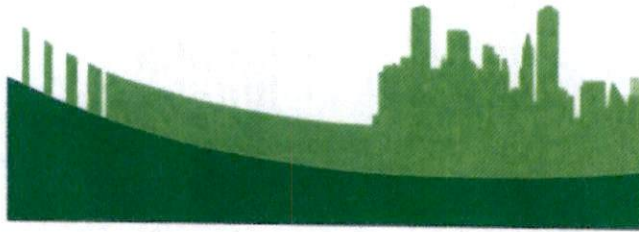
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ROAD OF 20 FEET IN LIEU OF THE REQUIRED 25 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-287-3301.
DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE





CERTIFICATE OF POSTING

May 11, 2018

Re:

Zoning Case No. 2018-0224-SPHA

Legal Owner: John & Cynthia Markley

Hearing date: June 1, 2018

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

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The signs were posted on **May 10, 2018**.

The signs were inspected again on _____.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce E. Doak".

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2018-0224-SPHA

6718 North River Drive

**A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Friday June 1, 2018 1:30 PM

**REQUEST: SPECIAL HEARING
TO DETERMINE WHETHER OR NOT THE ADMINISTRATIVE LAW JUDGE
SHOULD APPROVE THE USE OF AN EXISTING IMPROVED GARAGE
STUDIO TO BE OCCASIONALLY USED AS A GUEST DWELLING FOR OUT
OF TOWN FAMILY OF THE OWNERS.**

**REQUEST: VARIANCE (CHART)
TO PERMIT A FRONT SETBACK FOR THE EXISTING GARAGE TO THE
ROAD OF 20 FEET IN LIEU OF THE REQUIRED 25 FEET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.**

THE HEARING IS HANDICAPPED ACCESSIBLE

ONING NOTICE
CASE NO. 2018-0224-SPHA
River Drive

6718 North River Drive

6718 North River Drive
A PUBLIC HEARING WILL BE HELD AT THE ADMINISTRATIVE
LAW JUDGE IN TOMBSON HALLWAY
AND JEFFERSON BUILDING
ON MONDAY, MAY 21, 1964

PLACE: ROOM 205 JEFFERSON
105 W. CHESAPEAKE AVENUE TOMSON, MO 21204
FRIEDLANDER, JAMES L. 2018 1:00 PM

DATE & TIME: Friday June 1, 2018 11:00 AM
A. CHESAPEAKE

[illegible][illegible]

THE FOLLOWING INFORMATION IS FOR YOUR INFORMATION ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. IT IS THE PROPERTY OF THE U.S. GOVERNMENT AND IS LOANED TO YOU. IT IS TO BE RETURNED TO THE U.S. GOVERNMENT WHEN YOU NO LONGER NEED IT. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE U.S. GOVERNMENT. IT IS TO BE DESTROYED WHEN IT IS NO LONGER NEEDED FOR OFFICIAL USE. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.

ZONING NOTICE

CASE NO. 2018-0224-SPHA

6718 North River Drive

**A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Friday June 1, 2018 1:30 PM

**REQUEST: SPECIAL HEARING
TO DETERMINE WHETHER OR NOT THE ADMINISTRATIVE LAW JUDGE
SHOULD APPROVE THE USE OF AN EXISTING IMPROVED GARAGE
STUDIO TO BE OCCASIONALLY USED AS A GUEST DWELLING FOR OUT
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**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.**

THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2018-0224-SPHA

6718 North River Drive

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND
PLACE, ROOM 201

PLACE: Room 202 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD. 21204

105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Friday, June 1, 2012 1:20 PM

RECEIVED SPECIAL AGENT
TO DETERMINE WHETHER OR NOT THE ADMINISTRATIVE LAW JUDGE
SHOULD APPROVE THE USE OF AN EXISTING IMPROVED GARAGE
STUNG TO BE OCCASIONALLY USED AS A BERT SWELLING FOR ONE
OF FOUR FAMILIES OF THE GONERS.

REUBEN, VERNARD (CHART)
TO PERMIT A FRONT BETWEEN FOR THE EXISTING VERNARD TO TWO
FOOT OF 20 FEET IN LINE OF THE REUBEN 20 FEET

[illegible]

THE BOARD OF DIRECTORS

THE UNIVERSITY OF CHICAGO PRESS



KEVIN KAMENETZ
County Executive

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

May 2, 2018

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: 2018-0224-SPHA

6718 North River Drive

N/s North River Drive, west of Columbia Drive

15th Election District – 6th Councilmanic District

Legal Owners: John & Cynthia Markley

Special Hearing to determine whether or not the Administrative Law Judge should approve the use of an existing improved garage studio to be occasionally used as a guest dwelling for out of town family for the owners. Variance (chart) to permit a front setback for the existing garage to the road of 20 ft. in lieu of the required 25 ft.

Hearing: Friday, June 1, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Markley, 678 North River Drive, Baltimore 21220
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 12, 2018.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 10, 2018 Issue - Jeffersonian

Please forward billing to:

John Markley
6718 North River Drive
Baltimore, MD 21220

443-695-3604

NOTICE OF ZONING HEARING

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6718 North River Drive
N/s North River Drive, west of Columbia Drive
15th Election District – 6th Councilmanic District
Legal Owners: John & Cynthia Markley

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Hearing: Friday, June 1, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
6718 North River Drive; N/S of N River Dr., * OF ADMINISTRATIVE
225' W of the c/line of Columbia Drive * HEARINGS FOR
15th Election & 6th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): John & Cynthia Markley *
Petitioner(s) *
2018-224-SPHA

* * * * *

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

RECEIVED
MAR 09 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of March, 2018, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2018-0224-SPHA
Property Address: 6718 NORTH RIVER DRIVE BALTIMORE MD 21220
Property Description: LOT 66 HAREWOOD PARK

Legal Owners (Petitioners): JOHN D. & CYNTHIA MARKLEY
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN D. MARKLEY
Company/Firm (if applicable): N/A
Address: 6718 NORTH RIVER DRIVE
BALTIMORE MD 21220

Telephone Number: 443-695-3604

Revised 5/20/2014

NO 166253

Date: 2/28/18

Total: 8700

From:

For:

6718 N. RIVER DR

2018-0224-SPHA

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

May 23, 2018

John D & Cynthia Markley
6718 North River Drive
Baltimore MD 21220

RE: Case Number: 2018-0224 SPHA, Address: 6718 North River Drive

Dear Mr. & Ms. Markley:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 28, 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 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
Bruce E Doak Consulting, LLC, 3801 Baker Schoolhouse Road, Freeland MD 21053

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

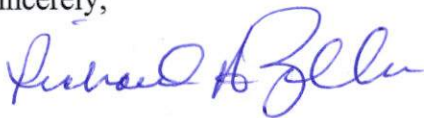
Dear Ms. Lewis:

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. 2018-0224-SPHA

Special Hearing Variance
John & Cynthia Markley
6718 North River Drive

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: April 5, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0224-SPHA
Address 6718 North River Drive
(Markley 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 (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The petitioner seeks approval for the use of an existing, improved garage/studio to be used as a guest dwelling, and to permit a front setback for an existing garage to the road of 20 feet in lieu of the required 25 feet. The property, comprising 10,000 square feet (sf), is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) of the Chesapeake Bay Critical Area. The LDA regulations impose lot coverage limits of 31 1/4% of the property size, with mitigation for lot coverage between 25% and 31 1/4%. According to the plan and the petition, lot coverage is not proposed to increase, therefore, granting the petitioner's request will have no adverse impacts on water quality.

The property is also located within a Modified Buffer Area, which further restricts development activities within 100 feet landward of mean high water (100 foot Critical Area buffer). According to the plan submitted for this review, there are no proposed impacts to the buffer. Any building permit application or development plan received by EPS for review will include application of the LDA and MBA regulations. By allowing the items requested by the applicant in this zoning petition, no impacts to water quality will occur.

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

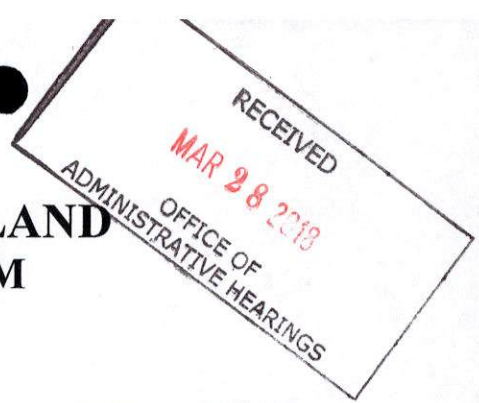
The current proposal for the property has no impact on buffer functions, and therefore, fish, wildlife and plant habitat will be conserved in Bird River.

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 items requested will be consistent with established land use policies, provided that the applicants meet any LDA and MBA requirements applicable to the proposal. The request, if granted, will avoid environmental impacts.

Reviewer: Thomas Panzarella
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



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

DATE: 3/26/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-224

INFORMATION:

Property Address: 6718 North River Drive
Petitioner: John D. Markley, Cynthia Markley
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve the use of an existing improved garage studio to be occasionally used as a guest dwelling for out of town family of the owners and the petition for variance to permit a front setback for the existing garage to the road of 20 feet in lieu of the required 25 feet.

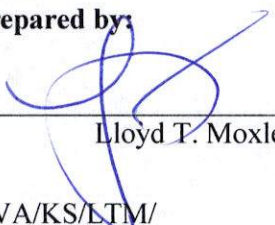
Accessory structures having deficient setbacks converted to residential use are not uncommon in the Middle River area.

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

- The accessory structure shall not be enlarged nor the exterior altered beyond that required for necessary maintenance.
- The accessory structure shall not be used as a rental or for commercial purposes.
- Petitioners shall record among the Land Records for Baltimore County a declaration of understanding similar to that required in BCZR §400.4 as amended by the Administrative Law Judge to suit the facts of the instant case.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Ngone Seye Diop
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: *MD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 12, 2018
Item No. 2018-0224-SPHA

DATE: March 23, 2018

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comment

Developer/Owner shall apply for a change in Use & Occupancy for the improved studio. Also, a sprinkler system shall be installed in the studio, per the Residential Building Code.

* * * * *

VKD: cen
cc: file

CASE NAME 2018-0221-SPH4
CASE NUMBER MARULLOY
DATE 6/6/18

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
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[illegible]

Plot 1914 - Harewood -

SFD - 1991 -

Studio was there when Ps
purchased Prop. in 2000.

garage built 1975 or ~~the~~ earlier.

Sherry Nuffer

From: Sherry Nuffer
Sent: Wednesday, May 30, 2018 9:16 AM
To: 'bdoak@bruceedoakconsulting.com'

Hi Bruce,

Do you have a re-certification for case number 2018-0224-SPHA, 6718 North River Drive?

If so, can you just e-mail me a copy so that I can finish the file?

Thank you,

Sherry

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
3/23	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	Comment
4/5	DEPS (if not received, date e-mail sent _____)	Comment
	FIRE DEPARTMENT	
3/28	PLANNING (if not received, date e-mail sent _____)	No obj w/cond.
3/8/18	STATE HIGHWAY ADMINISTRATION	No obj.
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 5/10/18	
SIGN POSTING (1 st)	Date: 5/10/18	by DOAK
SIGN POSTING (2 nd)	Date: 5/29/18	by DOAK
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1511000940			
Owner Information					
Owner Name:	MARKLEY JOHN D MARKLEY CYNTHIA		Use:	RESIDENTIAL	
Mailing Address:	6718 N RIVER DR BALTIMORE MD 21220-1034		Principal Residence:	YES	
			Deed Reference:	/14743/ 00713	
Location & Structure Information					
Premises Address:		6718 NORTH RIVER DR 0-0000 Waterfront		Legal Description:	LT 66.67 6718 NOTH RIVER DR HAREWOOD PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0083	0006	0258		. 0000	66 2018 0007/0131
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area		Property Land Area	County Use
1991	2,276 SF			10,000 SF	34
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	NO	STANDARD UNIT	SIDING	3 full	1 Attached
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2017	07/01/2018	
Land:	170,000	170,000			
Improvements	223,100	219,400			
Total:	393,100	389,400	393,100	389,400	
Preferential Land:	0			0	
Transfer Information					
Seller: FLOEGEL SUZANNE C		Date: 10/11/2000		Price: \$315,000	
Type: ARMS LENGTH IMPROVED		Deed1: /14743/ 00713		Deed2:	
Seller: CICONE DANIEL A		Date: 02/19/1999		Price: \$275,000	
Type: ARMS LENGTH IMPROVED		Deed1: /13537/ 00314		Deed2:	
Seller: WESTMAN CARL E		Date: 06/12/1989		Price: \$82,500	
Type: ARMS LENGTH IMPROVED		Deed1: /08196/ 00471		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					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

Case No.: 2018-6224-SPHA-6718 North River Dr.

6/1
1:30
PM

Exhibit Sheet

Petitioner/Developer

6-5-18

Protestants

SLW
6-5-18

No. 1	Site plan	
No. 2	Plat - Harewood Park	
No. 3	3A-3B Aerial photos	
No. 4	Zoning map w/ property highlighted	
No. 5	Plan w/ photographs	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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Scale - 100 feet to inch

William Whitney

County Surveyor for Bath Co.

Johnson Mt March 30-1924

1995

6718 North River Drive



- Legend
- High : 255
 - Low : 0
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
 - House Numbers
 - Zoning
 - Property
 - County Boundary

1:1,128
0 45 90 180 Feet
0.0075 0.015 0.03 Miles

June 1, 2018

PETITIONER'S

EXHIBIT NO. 3AIB

6718 North River Drive



Legend

- Red: Band_1
- Green: Band_2
- Blue: Band_3
- House Numbers
- Zoning
- Property
- County Boundary

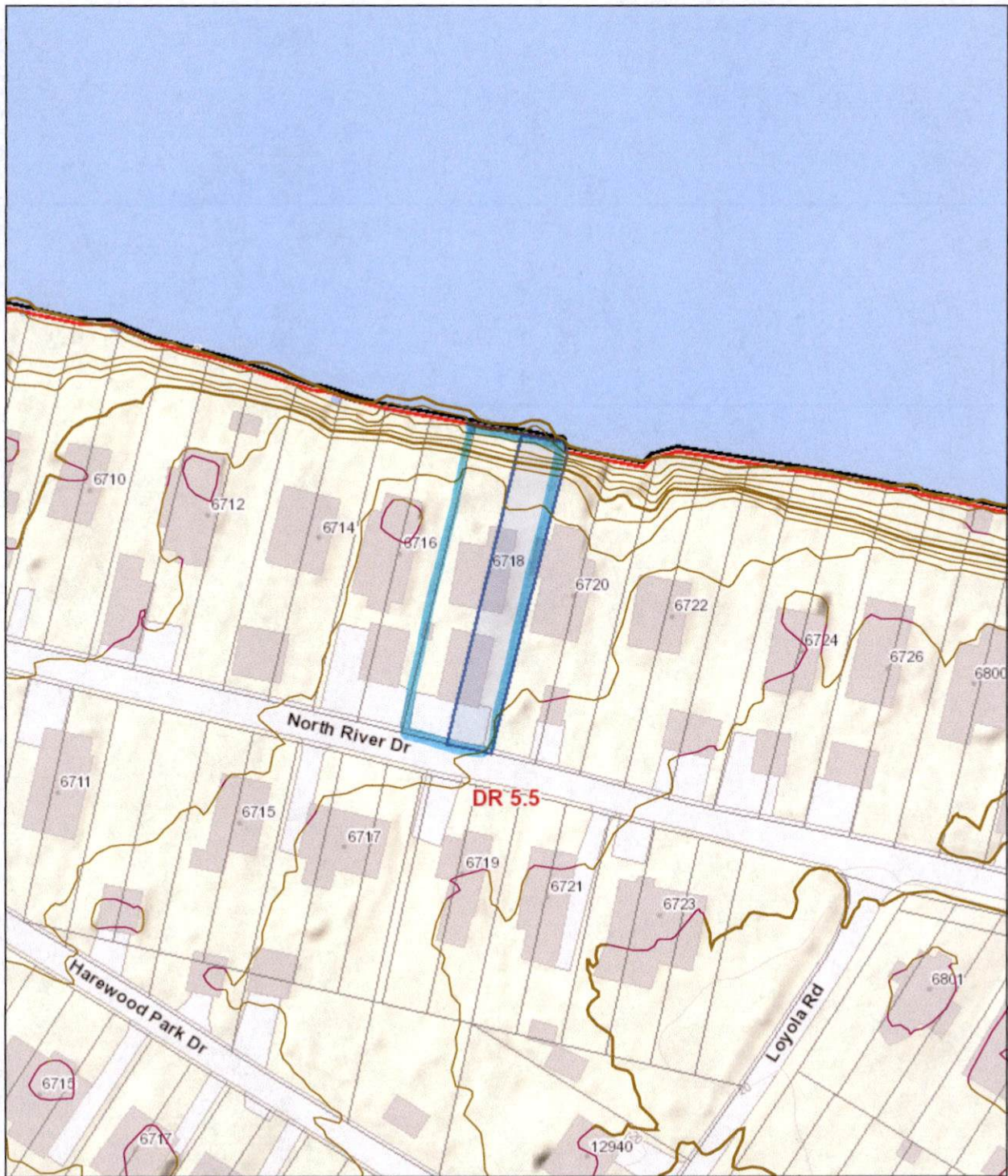
1:1,128

0 45 90 180 Feet

0 0.0075 0.015 0.03 Miles

June 1, 2018

6718 North River Drive



February 10, 2018

Contours

— <all other values>

— INDEX CONTOUR LINE

— INTERMEDIATE CONTOUR LINE

• House Numbers

□ Zoning

□ Property

□ County Boundary

1:1,128
0 0.0075 0.015 0.03 mi
0 0.015 0.03 0.06 km

PETITIONER' S

EXHIBIT NO.

4























ELECTRICAL INSPECTION
BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND LICENSES

INSPECTOR

McGraw

CONCEALED WIRING
O.K. DATE

4-2-75

METER APPROVAL DATE

4-2-75

PLEASE CALL FOR
FINAL APPROVAL DATE

PHONE 494-3960

Real Property Data Search (w1)

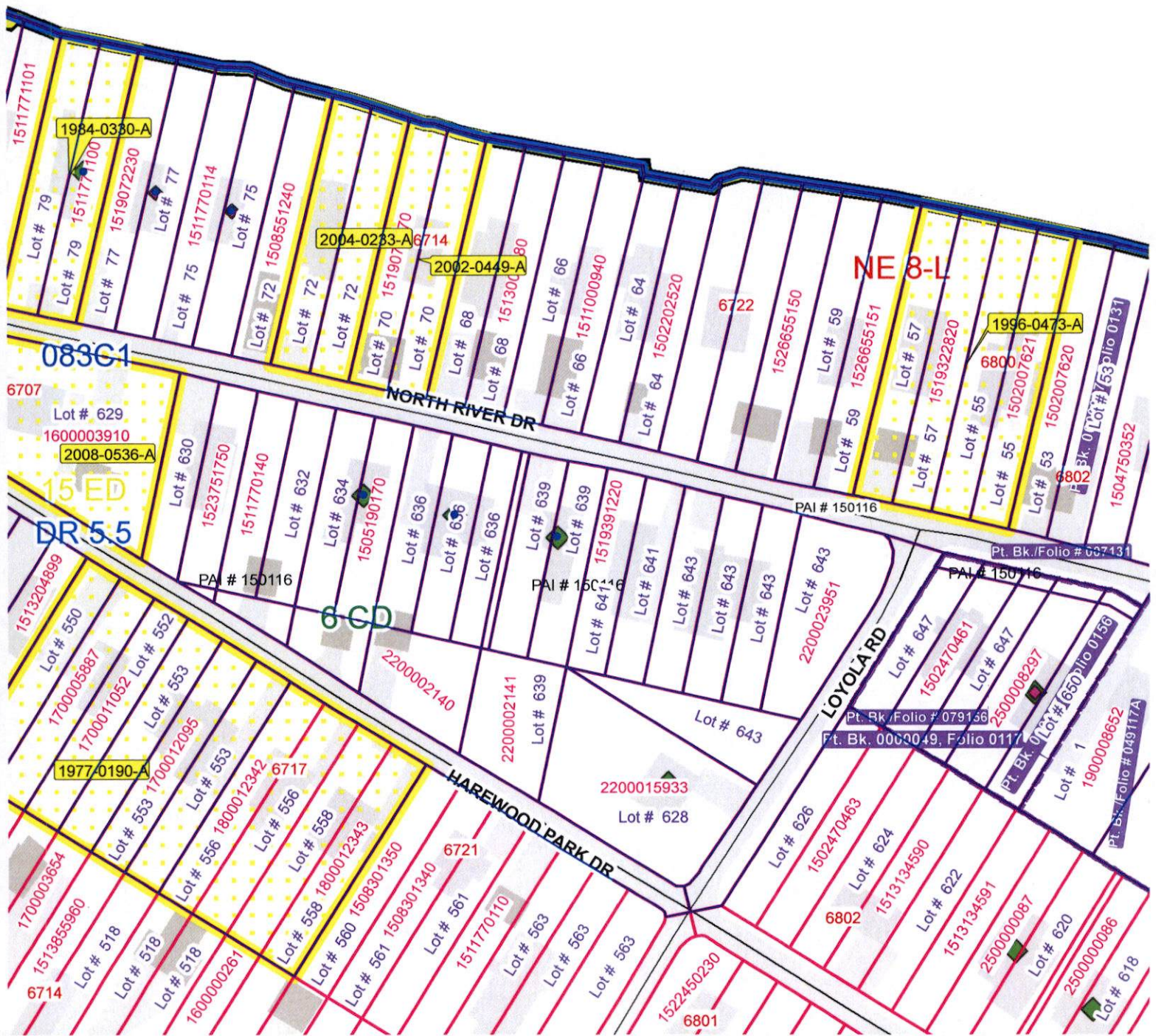
Search Result for BALTIMORE COUNTY

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Owner Information					
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Mailing Address:	6718 N RIVER DR BALTIMORE MD 21220-1034		Principal Residence:	YES	
			Deed Reference:	/14743/ 00713	
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Premises Address:		6718 NORTH RIVER DR 0-0000 Waterfront		Legal Description:	LT 66,67 6718 NOTH RIVER DR HAREWOOD PARK
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
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			Ad Valorem:		
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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					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

2018-0224-SPHA

AA92-4220-S109

2018-0224-SPTA



4497 4550-8105