

MEMORANDUM

DATE: August 13, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0348-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 12, 2019. 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.'

/dlw

c:  Case File
Office of Administrative Hearings

Debra Wiley

From: Debra Wiley
Sent: Monday, July 15, 2019 10:15 AM
To: 'johnkillian123@hotmail.com'
Subject: Administrative Variance Case No. 2019-0348-A - 1216 Back River Neck Rd.
Attachments: 20190715100907753.pdf

Good Morning,

Please find attached a **REVISED** Opinion and Order dated July 12, 2019.

Please note that an original Order was prepared the same day, however, inadvertently reflected an approval date of June 12th instead of July. This Revised Order simply changes the month from June to July and no other changes were made. You will receive both Orders, under separate cover, via US mail. Just be sure to look for the most recent, marked Revised.

Please let me know if you have any questions or concerns in reference to this error.

Thank you.

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov <adminhearingscpr@baltimorecountymd.gov>
Sent: Monday, July 15, 2019 10:09 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 07.15.2019 10:09:07 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1216 Back River Neck Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
John D. & Michelle Killian	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0348-A

* * * * *

REVISED
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, John D. and Michelle Killian (“Petitioners”). The Petitioners are requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit an accessory use garage in the front yard (prior zoning Case No. 08-0165-A granted an accessory shed in the front yard where the proposed new garage will be located), and for an existing shed to be relocated to the rear yard per site plan. 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 a Resource Conservation Area (“RCA”) and is subject to Critical Area requirements as noted in the ZAC comment dated June 26, 2019 submitted by the Department of Environmental Protection and Sustainability (“DEPS”). There were no adverse ZAC comments received from any of the County reviewing agencies.

ORDER RECEIVED FOR FILING

Date 7-12-19

By 192

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 16, 2019, 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 detached garage's height and usage, I will impose conditions that the garage 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 BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 12th day of **July, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("BCZR") to permit an accessory use garage in the front yard (prior zoning Case No. 08-0165-A granted an accessory shed in the front yard where the proposed new garage will be located), and for an existing shed to be relocated to the rear yard per site plan, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

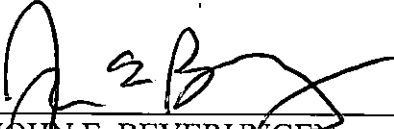
Date 7-12-19

By [Signature]

The relief granted herein shall be subject to the following:

- 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.
- Petitioners must comply with the DEPS ZAC comment, dated June 26, 2019; a copy of which is attached hereto and made a part hereof.
- Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The proposed garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- The proposed garage shall not be used for commercial purposes.

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 7-12-19

By lw

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1216 Back River Neck Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
John D. & Michelle Killian	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0348-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, John D. and Michelle Killian ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations ("BCZR") to permit an accessory use garage in the front yard (prior zoning Case No. 08-0165-A granted an accessory shed in the front yard where the proposed new garage will be located), and for an existing shed to be relocated to the rear yard per site plan. 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 a Resource Conservation Area ("RCA") and is subject to Critical Area requirements as noted in the ZAC comment dated June 26, 2019 submitted by the Department of Environmental Protection and Sustainability ("DEPS"). There were no adverse ZAC comments received from any of the County reviewing agencies.

ORDER RECEIVED FOR FILING

Date 7-12-19

By EW

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 16, 2019, 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 detached garage's height and usage, I will impose conditions that the garage 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 BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 12th day of **June, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("BCZR") to permit an accessory use garage in the front yard (prior zoning Case No. 08-0165-A granted an accessory shed in the front yard where the proposed new garage will be located), and for an existing shed to be relocated to the rear yard per site plan, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 7-12-19

By [Signature]

The relief granted herein shall be subject to the following:

- 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.
- Petitioners must comply with the DEPS ZAC comment, dated June 26, 2019; a copy of which is attached hereto and made a part hereof.
- Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The proposed garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- The proposed garage shall not be used for commercial purposes.

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

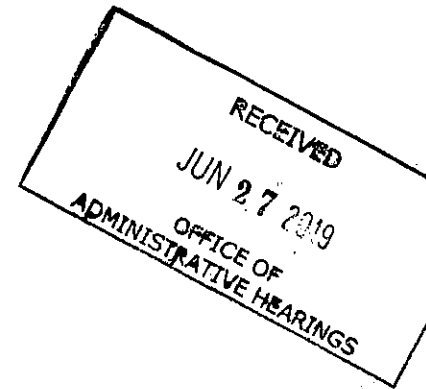
ORDER RECEIVED FOR FILING

Date 7-12-19

By dlw

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: June 26, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0348-A
Address 1216 Back River Neck Road
(Killian Property)

Zoning Advisory Committee Meeting of June 17, 2019.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

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 Resource Conservation Area (RCA) and is subject to Critical Area requirements. The proposed development must meet RCA requirements for Critical Area lot coverage. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). Based on the property area, the maximum Critical Area defined lot coverage allowance for this property is 6,385 square feet with mitigation for any new amount over 25%. Based on the plan, the proposed Critical Area lot coverage appears to be within the maximum allowance. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage, the relief requested can result in minimal adverse impacts to water quality.

ORDER RECEIVED FOR FILING

Date 7-12-19

By lw

2. Conserve fish, plant, and wildlife habitat;

There is a non-tidal wetland and Critical Area buffer on this property. The plan indicates no proposed disturbance to this area. With no buffer disturbance, meeting lot coverage requirements, tree requirements, and any mitigation requirements will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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;

If the proposed development meets the Critical Area defined lot coverage, tree, and mitigation requirements and keeps the Critical Area buffer undisturbed, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

ORDER RECEIVED FOR FILING

Date 7-12-19

By bw



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 1216 BACK RIVER NECK RD BA MD 21221 Currently zoned RC-20
 Deed Reference 24130 1 60 10 Digit Tax Account # 2800000147
 Owner(s) Printed Name(s) JOHN & MICHELLE KILLIAN

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

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

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

1. X ADMINISTRATIVE VARIANCE from Section(s) 400.1, TO PERMIT AN ACCESSORY USE GARAGE IN THE FRONT YARD. PRIOR ZONING CASE NO. 08-165-A GRANTED AN ACCESSORY SHED IN THE FRONT YARD WHERE THE PROPOSED NEW GARAGE WILL BE LOCATED. EXISTING SHED WILL BE RELOCATED TO THE REAR YARD PER the zoning regulations of Baltimore County, to the zoning law of Baltimore County. APPLICANTS PLAN.

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):

JOHN D KILLIAN, MICHELLE KILLIAN
 Name #1 – Type or Print Name #2 – Type or Print

Signature #1 _____ Signature #2 _____
1216 BACK RIVER NECK RD BA MD
 Mailing Address City State
21221, 410 686 3449, john.killian.123@
 Zip Code Telephone # Email Address hotmail.com

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

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

Representative to be contacted:

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

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, 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 2019-0348-A Filing Date 6/3/2019 Estimated Posting Date 6/16/19 Reviewer RJ

Rev 5/5/2016

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: 1216 BARK RIVER NECK RD BALTO 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)

DUE TO EXISTING TREES, LANDSCAPING & DRIVEWAY, THERE
IS NOT ENOUGH ROOM IN THE REAR YARD WITHOUT EXTENSIVE
RE-LANDSCAPING & EXCESSIVE REPAVING. I NEED THE GARAGE FOR
A RESTORED HISTORIC VEHICLE THAT MY MOM IS GIVING TO ME

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

[Signature]
Signature of Owner (Affiant)
JOHN D KILLIAN
Name- Print or Type

[Signature]
Signature of Owner (Affiant)
MICHELLE KILLIAN
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 6 day of June, 2019, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: John D Killian and Michelle Killian

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

AS WITNESS my hand and Notaries Seal

SARAH DAVIS RAMSEY
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND

My Commission Expires 04-30-2022

[Signature]
Notary Public
4/30/22
My Commission Expires

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: 1216 BACK RIVER NECK RD BALTO 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)

DUE TO EXISTING TREES LANDSCAPING & DRIVEWAY THERE IS NOT
ENOUGH ROOM IN THE REAR YARD WITHOUT EXTENSIVE RE LANDSCAPING
& EXCESSIVE RE PAVING. I NEED THE GARAGE FOR A RESTORED
HISTORIC VEHICLE MY MOM IS GIVING ME.

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

Signature of Owner (Affiant)

Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9 day of May, 2019, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: John D Killian and Michelle Killian

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

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires

SARAH DAVIS RAMSEY
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND

My Commission Expires 04-30-2022

REV. 5/5/2016



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 1216 BACK RIVER NECK RD BA MD 21221 Currently zoned RC-20
 Deed Reference 24130160 10 Digit Tax Account # 2500000147
 Owner(s) Printed Name(s) JOHN E MICHELLE KILLIAN

(SELECT THE HEARING(S) BY MARKING ☒ 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) 400.1 TO PERMIT AN ACCESSORY USE GARAGE IN THE FRONT YARD. PRIOR ZONING CASE NO. 08-0165-A GRANTED AN ACCESSORY SHED IN THE FRONT YARD WHERE THE PROPOSED NEW GARAGE WILL BE LOCATED. EXISTING SHED WILL BE RELOCATED TO THE REAR YARD PER SITE PLAN.
APPLICANT'S
 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):

JOHN D KILLIAN, MICHELLE KILLIAN
 Name #1 - Type or Print Name #2 - Type or Print

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

1216 BACK RIVER NECK RD BALTO MD
 Mailing Address City State

21221, 410 686 3449, john.killian123
 Zip Code Telephone # Email Address

@hotmail.com

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

Representative to be contacted:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 17 day of 12, 2019 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 2019-0348-A Filing Date 6/3/2019 Estimated Posting Date 6/16/2019 Reviewer RT

Rev 5/5/2016

My Commission Expires 06-30-2025

ZONING DESCRIPTION

ZONING DESCRIPTION FOR; 1216 BACK RIVER NECK RD.
BALTIMORE, MD 21221-6328

Beginning at a point on the WEST side of BACK RIVER NECK RD.

Which is 30 FEET wide at the distance of 610 FEET SOUTH of the
centerline of the nearest improved intersecting street, BAY AVE. which
is 20 FEET wide. As recorded in Deed Reference 24130, Folio 60; metes
and bounds;

N.87 34' 47" W 200.00'
S.02 35' 39" W 17.00'
S.04 35' 21" E 38.81'
S.86 34' 47" E 210.48'
S.02 35' 39" W 100.00'

To the beginning, containing 20,433 SQUARE FEET.

Also known as 1216 BACK RIVER NECK RD.
BALTIMORE, MD 21221-6328

And located in the 15th Election District, 6th Councilmanic District.

Item # 165

CERTIFICATE OF POSTING

2019-0348-A

RE: Case No.: _____

Petitioner/Developer: _____

John & Michelle Killian

Jul 1, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1216 Back River Neck Road

SIGN 1 Recertification

June 16, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 **June 30, 2019**
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0348-A

RE: Case No.: _____

Petitioner/Developer: _____

John & Michelle Killian

Jul 1, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1216 Back River Neck Road

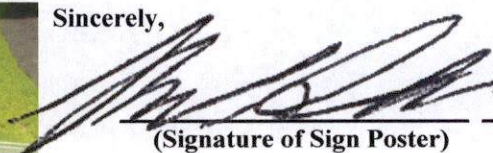
SIGN 2 Recertification

June 16, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 June 30, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0348-A

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Petitioner/Developer: _____

John & Michelle Killian

Jul 1, 2019

Date of Hearing/Closing: _____

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Permits, Approvals and Inspections
County Office Building, Room 111
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Towson, Maryland 21204

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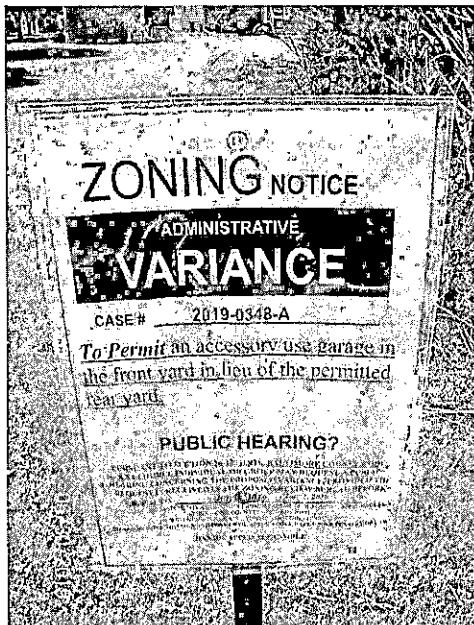
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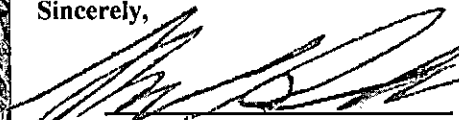
1216 Back River Neck Road **SIGN 1 Recertification**

June 16, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster)

June 30, 2019

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0348-A

RE: Case No.: _____

Petitioner/Developer: _____

John & Michelle Killian

Date of Hearing/Closing: Jul 1, 2019

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

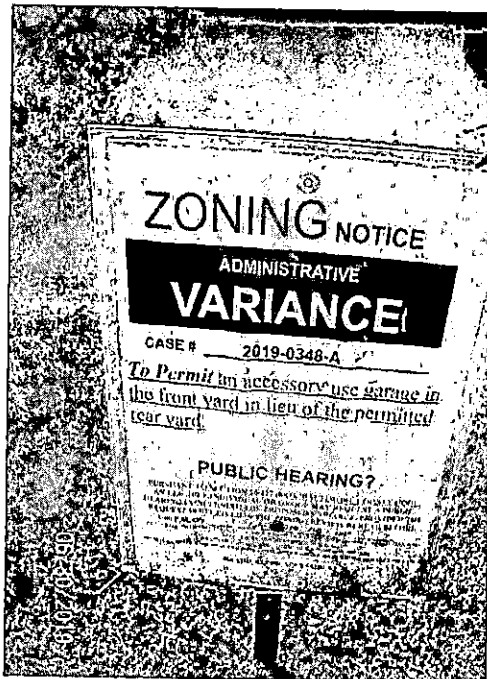
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1216 Back River Neck Road

SIGN 2 Recertification

June 16, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster)

June 30, 2019

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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

No. **184713**

PAID RECEIPT

Date:

6/3/2019

BUSINESS 6/04/2019 ACTUAL 6/03/2019 11:40:48 DRW 1

REG WSO1 WALKIN LJR
 >>RECEIPT # 010436 6/03/2019 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 184713

Recpt Tot \$ 75.00
 75.00 CK .00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$75.00

Total:

\$75.00

Rec

From:

JOHN KILLIAN

For:

1216 BACK RIVER NECK RD.

ADMIN. VARIANCE CASE NO. 0348-A

2019-

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2019-0348-A

RE: Case No.: _____

Petitioner/Developer: _____

John & Michelle Killian

Jul 1, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1216 Back River Neck Road

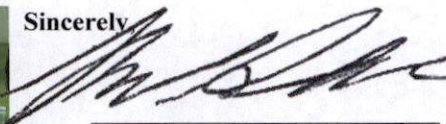
SIGN 1

June 16, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 **June 16, 2019**

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0348-A

RE: Case No.: _____

Petitioner/Developer: _____

John & Michelle Killian

Jul 1, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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1216 Back River Neck Road

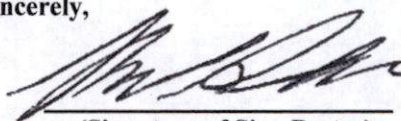
SIGN 2

June 16, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 **June 16, 2019**
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0348-A

RE: Case No.: _____

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John & Michelle Killian

July 1, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

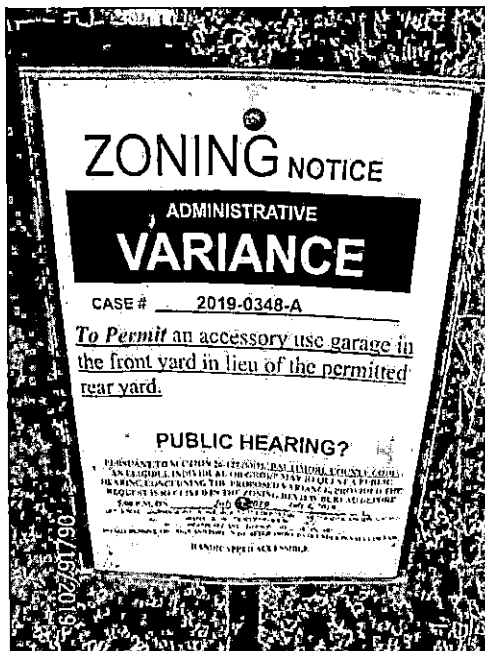
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1216 Back River Neck Road

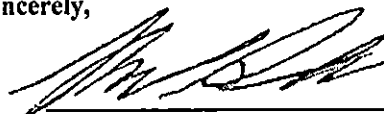
SIGN 2

June 16, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 **June 16, 2019**
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0348-A

RE: Case No.: _____

Petitioner/Developer: _____

John & Michelle Killian

Jul 1, 2019

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

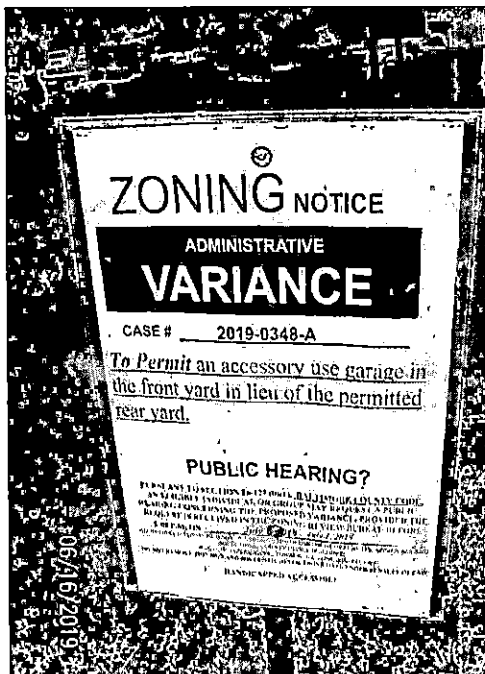
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1216 Back River Neck Road

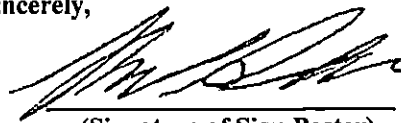
SIGN 1

June 16, 2019

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 June 16, 2019
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0348 -A Address 1216 Back River Neck Rd.
Contact Person: ROZ JOHNSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/3/2019 Posting Date: 6/16/19 Closing Date: 7/1/2019

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 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 a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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 2019- 0348 -A Address 1216 BACK RIVER NECK RD.
Petitioner's Name JOHN/MICHELLE KILLIAN Telephone 443-695-5553
Posting Date: 6/16/2019 Closing Date: 7/1/2019
Wording for Sign: To Permit AN ACCESSORY USE GARAGE IN THE
FRONT YARD IN LIEU OF THE PERMITTED REAR YARD.

Revised 6/30/2019



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

July 2, 2019

John D & Michelle Killian
1216 Back River Neck Road
Baltimore MD 21221

RE: Case Number: 2019-0348-A, 1216 Back River Neck Road

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 June 03, 2019. 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, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 6/12/19

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. 2019-0348-A

*Administrative Variance
John D. & Michelle Kellian
1216 Rock River Neck 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,

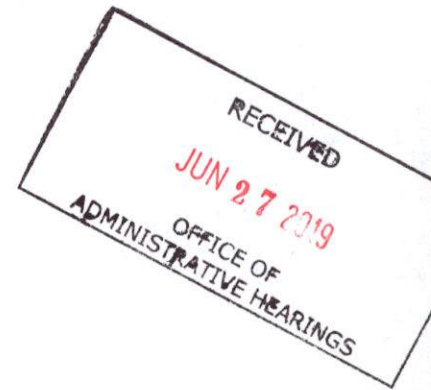


Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

June 26, 2019

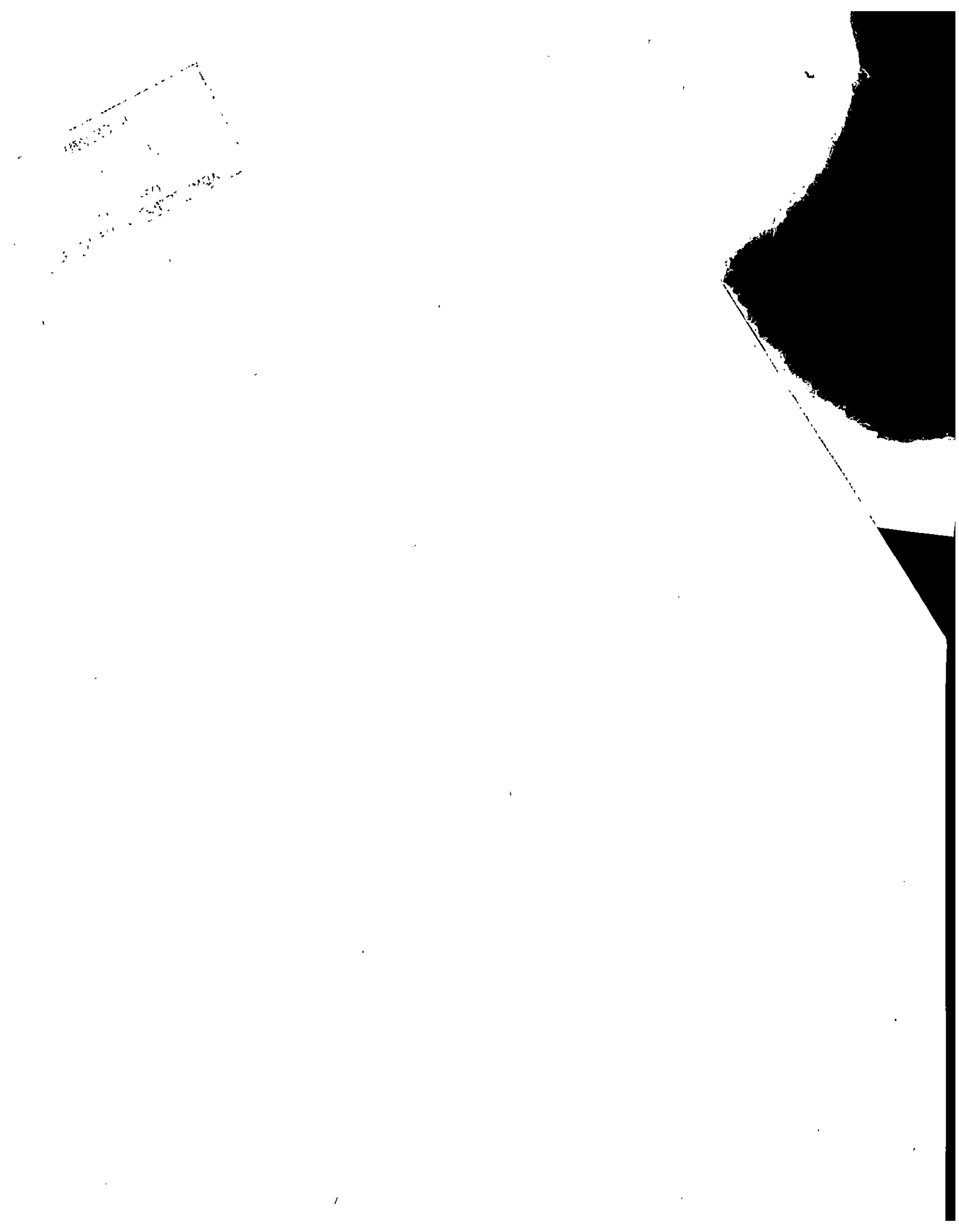
Comment for Zoning Item # 2019-0348-A
Address 1216 Back River Neck Road
(Killian Property)

Zoning Advisory Committee Meeting of **June 17, 2019**.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

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 Resource Conservation Area (RCA) and is subject to Critical Area requirements. The proposed development must meet RCA requirements for Critical Area lot coverage. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). Based on the property area, the maximum Critical Area defined lot coverage allowance for this property is 6,385 square feet with mitigation for any new amount over 25%. Based on the plan, the proposed Critical Area lot coverage appears to be within the maximum allowance. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage, the relief requested can result in minimal adverse impacts to water quality.



2. Conserve fish, plant, and wildlife habitat;

There is a non-tidal wetland and Critical Area buffer on this property. The plan indicates no proposed disturbance to this area. With no buffer disturbance, meeting lot coverage requirements, tree requirements, and any mitigation requirements will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

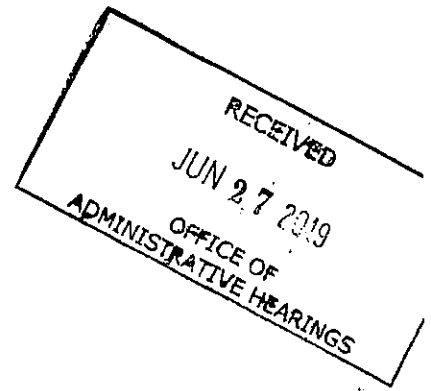
3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

If the proposed development meets the Critical Area defined lot coverage, tree, and mitigation requirements and keeps the Critical Area buffer undisturbed, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

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: June 26, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0348-A
Address 1216 Back River Neck Road
(Killian Property)

Zoning Advisory Committee Meeting of June 17, 2019.

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ORDER RECEIVED FOR FILING

Date 7-12-19

By BLW

2. Conserve fish, plant, and wildlife habitat;

There is a non-tidal wetland and Critical Area buffer on this property. The plan indicates no proposed disturbance to this area. With no buffer disturbance, meeting lot coverage requirements, tree requirements, and any mitigation requirements will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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;

If the proposed development meets the Critical Area defined lot coverage, tree, and mitigation requirements and keeps the Critical Area buffer undisturbed, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

ORDER RECEIVED FOR FILING

Date 7-12-19

By LD

CASE NO. 2019- 0348-AC H E C K L I S T

<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>6-27</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>6-12</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>08-165-A g w/ Cone.</u>)	<u>12-17-17 Wisconsin</u>
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING (1 st)	Date: <u>6-16-19</u>	by <u>Block</u>
SIGN POSTING (2 nd)	Date: <u>"</u>	by <u>"</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

ZAC AGENDA

Case Number: 2019-0347-A **Reviewer:** Gary Hucik
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Douglas J Retha K Shaw
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 12 **Council Dist:** 7

Property Address: 94 DELMAR AVE

Location: West side of Delmar Ave North 155 feet to the centerline of Delmar Circle.

Existing Zoning: DR 5.5 **Area:** 7,875 SQ FT

Proposed Zoning:
ADMINISTRATIVE VARIANCE:

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 07/01/2019

Miscellaneous Notes:

Case Number: 2019-0348-A **Reviewer:** Rosalie Johnson
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: John D & Michelle Killian
Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 1216 BACK RIVER NECK RD

Location: South of Bay Ave. on West side of Back River Neck Road.

Existing Zoning: RC 20 **Area:** 20,433 SF

Proposed Zoning:
ADMINISTRATIVE VARIANCE:

To permit an accessory use garage in the front yard, Prior Zoning case number 08-0165-A, granted an accessory shed in the front yard where the proposed new garage will be located. Existing shed will be relocated to the rear yard per applicant's site plan.

Attorney: Not Available

Prior Zoning Cases: 2008-0165-A

Concurrent Cases: None

Violation Cases: None

Closing Date: 07/01/2019

Miscellaneous Notes:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 15 Account Number - 2500000147			
Owner Information					
Owner Name:	KILLIAN JOHN DAVID KILLIAN MICHELLE		Use:	RESIDENTIAL	
			Principal Residence:	YES	
Mailing Address:	1216 BACK RIVER NECK RD BALTIMORE MD 21221-6328		Deed Reference:	/24130/ 00060	
Location & Structure Information					
Premises Address:	1216 BACK RIVER NECK RD 0-0000		Legal Description:	0.469 AC LTS11,12 BACK RIVER NECK RD WS 1540 FT S OF BAY AVE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0105	0001	0604		0000	
					Block:
					11
					Lot:
					2018
					Assessment Year:
					Plat No:
					Plat Ref:
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
2007	1,800 SF		20,433 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2018	07/01/2019	
Land:	53,100	77,100			
Improvements	188,500	185,900			
Total:	241,600	263,000	248,733	255,867	
Preferential Land:	0			0	
Transfer Information					
Seller: ROMADKA ROBERT J		Date: 07/06/2006		Price: \$125,000	
Type: ARMS LENGTH VACANT		Deed1: /24130/ 00060		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018	07/01/2019		
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:

Prior zoning

BW
12-11-07

IN RE: **PETITION FOR VARIANCE**

W/S Back River Neck Road, 610' S of
Bay Avenue

(1216 Back River Neck Road)

15th Election District

6th Council District

John David Killian, et ux

Petitioners

*
*
*
*
*
*

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-165-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Michelle Killian and her husband, John Killian. The Petitioners seek variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (shed) to be located in the front yard of the principal dwelling in lieu of the required rear yard. The subject property and requested relief are more particularly described on the site plan and photographs submitted, which were accepted into evidence and marked as Petitioners' Exhibits 1 and 4, respectively.

Appearing at the requisite public hearing in support of the request were John and Michelle Killian, property owners. There were no Protestants or other interested persons present. Norman Demond and Glen Buxenstein, adjacent property owners and most affected by the shed's location, wrote letters of support, received as Petitioners' Exhibit 3.

Testimony and evidence offered revealed that the subject property is a rectangularly-shaped parcel located with frontage on Back River Neck Road just south of the Chesapeake Bay and Bay Avenue in Essex. The property contains a gross area of 20,433 square feet, more or less (0.469 acres) zoned D.R. 20, and is improved with a recently constructed single-family dwelling (two story Colonial) and an accessory shed. It is this shed which is the subject of the

instant request. In this regard, the Petition was filed as the result of an anonymous¹ complaint registered with the Code Enforcement Division of the Department of Permits and Development Management relative to the location of the subject shed. As shown on the site plan, the house is located in the rear portion of the lot some 140' west of Back River Neck Road with the shed located in the front side yard 102' back from the road on the south side of the driveway and the paved parking area.

Testimony indicated that the Petitioners recently purchased the subject property (July 2006) and built their home in an area designated by the Department of Environmental Protection and Resource Management (DEPRM). As evidenced by the Zoning Advisory Committee (ZAC) comment and Petitioners' Exhibit 2 which delineates environmental constraints, the property contains two Critical Area Easements (non-disturbance areas) located in both the rear and the front of the property. DEPRM requires the shed be located outside of these critical area easements. In this regard, after building their home, Petitioners purchased the shed for the purpose of storing lawn furniture, garden tools and equipment. Mr. Killian testified that he placed the shed in the side yard as the shed could not be located in the rear yard due to the restricted area. He was unaware that this location conflicted with the applicable zoning regulations. He stated that he placed the shed where he did in part to block the view of the commercial property and activities that take place at ATL Investments, LLC next door. He submitted numerous photographs depicting similarly located sheds throughout the immediate area erected in the side/front yards and questioned why he was being singled out given the immaculate way he and his wife maintain the property. Photographs submitted (Petitioners' Exhibits 4 through 5) support his contention and show many sheds erected over time in disregard of the zoning regulations.

¹ It is worthy of note that Violation Case No. 08-165-A was investigated by Code Official Chip Raynor upon receipt of a "concerned citizen letter" listing various concerns ranging from uncut grass at 2401 and 2501 Barrission Point Road, vehicles (cars and trucks) parked along Barrission Point Road and the need to paint yellow lines down the center of Barrission Point Road....

Relief is requested as set forth above to allow the shed to remain in its present location. It's impact at this location is mitigated across Back River Neck Road (east side) is conservation land owned by the State Highway Administration that effectively prevents the building of homes or other development. Similarly to the rear or west side of the Petitioners' property is a large "remediation area" where landscaping and tree plantings are being placed by Robert Romadke as a condition of approval of the Cottages at Norman Creek Development.

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance request. I must consider the request in accordance with the mandate of *Cromwell v. Ward*, and Section 307 of the B.C.Z.R. in determining whether I think the shed's location is appropriate. The Court interpreted the regulation to require that two tests be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. In the case, I find that the environmental constraints are so sever that the Petitioners were not able to build a garage which they desired and the Critical Area Easement drives the need to locate the shed outside of these non-disturbance areas. Secondly, upon this determination that the property is unique, it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and would be unnecessarily burdensome. Admittedly it is possible to compel the Petitioners to place the shed further back on the side yard, but compliance with B.C.Z.R. Section 400.1 is not possible given these facts. While the current placement of the shed is perhaps not the most aesthetically desirable, I find the variance relief will not have adverse impacts on the surrounding community. For these reasons, I will grant the Petition for Variance and will specifically limit its duration in time to these Petitioners.

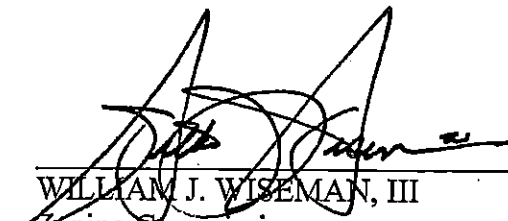
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of December 2007 that the Petition for Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory

structure (shed) to be located in front of the principal dwelling in lieu of the required rear yard, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted:

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioners shall not utilize the accessory structure for any commercial or business purposes. It shall be used solely for storage incidental to the residence. Moreover, the area surrounding the accessory structure shall be maintained in good condition and there shall be no storage of items immediately outside or around the accessory structure. Landscaping and plantings shall be permitted around the accessory structure.
3. Upon such time as the accessory structure is no longer needed by Petitioners for their current use, or in the event Petitioners sell or transfer their interest in the property, Petitioners shall remove said accessory structure from the property within ninety (90) days.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

Lot # 3

1516001311

Lot # 4

1516001312

1208

Lot # 5 2500000235

1510450490

BACK RIVER NECK RD

SE 2-I

Lot # 6 2500003161

1212

Bowleys Quarters-Back River Neck Area

1502852010

104C1 RC 20

105A1

7 CD

15 ED

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

Back River Neck District

1216

2008-0165-A

2500000147

Lot # 11

2500000236

Lot # 13

1525000190

R-1966-0031-XA

SE 3-I

Lot # X

1518350622

1220

MLR

2004-0176-SPH
1963-5942-SPHX
1963-0059-SPHX

R-1953-2700-X
1993-0162-SPH

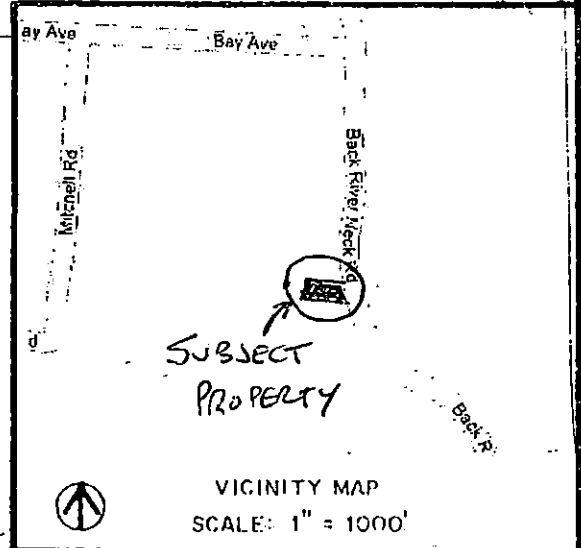
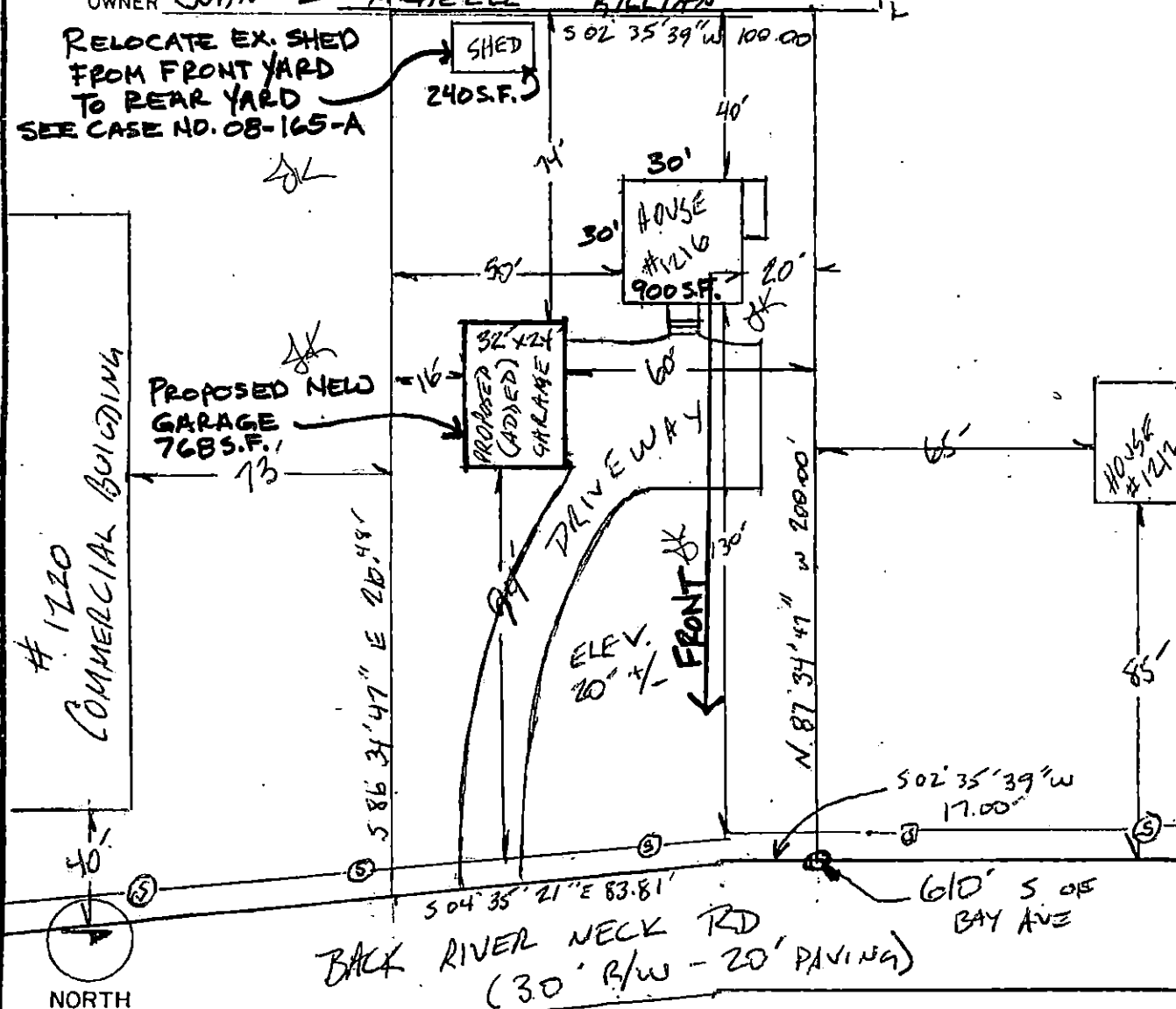
1518350620

1222

1222

1518350621

1513202415

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARINGPROPERTY ADDRESS 1216 BACK RIVER NECK RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATIONSUBDIVISION NAME _____ TAX ACCOUNT No. 25-00-000147 JKPLAT BOOK # _____ FOLIO # _____ LOT # 11 SECTION # _____OWNER JOHN & MICHELLE KILLIANRELOCATE EX. SHED
FROM FRONT YARD
TO REAR YARD
SEE CASE NO. 08-165-A

LOCATION INFORMATION

ELECTION DISTRICT 15th
 COUNCILMANIC DISTRICT 6th
 1" = 200' SCALE MAP # 104 C1
 ZONING RC-20
 LOT SIZE .469 20,433
 ACREAGE SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ YES ☐ NO

ZONING MAP No. 105A1

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO
 100 YEAR FLOOD PLAIN ☐ YES ☒ NO
 HISTORIC PROPERTY/ BUILDING ☐ YES ☒ NO
 PRIOR ZONING HEARING 2008-165-A

ZONING OFFICE USE ONLY
 REVIEWED BY _____ ITEM # _____ CASE # _____

2019-
 0348-A

PREPARED BY JD KILLIANSCALE OF DRAWING: 1" = 40'

Pet. Exh. 1



Permits, Approvals & Inspections

111W. Chesapeake Avenue
Towson, MD 21204

Report Generated On:
6/3/2019

Permit Processing Residential Permit & Development Report

Page 1 of 1

Property Information

Tax Account Number: **2500000147**

Election District: **15**

Owner Name(s): KILLIAN JOHN DAVID and KILLIAN MICHELLE

PDM # :

Address: 1216 BACK RIVER NECK RD
BALTIMORE, MD 21221

Zoning District(s): RC 20

Premise Address: 1216 BACK RIVER NECK RD

Elevation Range: 22ft - 22ft

Affected Overlays	Instructions: Begin review process with Zoning Review, Room 111.	New Homes	Internal Alts.	Add / Ext. Alts.	Access. Struct.	Open Decks	Piers/Pilings	Grading/SW	Tanks	Ret Walls/Bulk	Razing	Elec. & Plumb	Agency Acknowledgment
Contact Agency	Potential Overlay Issues Growth Tier 1a: Served by public sewer and outside URDL												Initial & Date
Planning Jefferson Building Room 101 Phone: 410-887-3211	Bowleys Quarters-Back River Neck Area	X											
DEPS-Dev. Coord. Jefferson Building 4th Floor Phone: 410-887-3733	Chesapeake Bay Critical Area	X		X	X	X	X	X	X	X			
DEPS-Sed. Control Jefferson Building 4th Floor Phone: 410-887-3226	Chesapeake Bay Critical Area	X						X		X			
PAI-Public Services County Office Building Room 119 Phone: 410-887-3751	Bowleys Quarters-Back River Neck Area	X						X					OK To File
	InFill Lot Review	X											OK To File
Zoning Review County Office Building Room 111 Phone: 410-887-3391	Bowleys Quarters-Back River Neck Area	X											
	Zoning Cases: 2008-0165-A	X		X	X	X	X						

Notice: This report is not inclusive as additional issues may arise which would affect the ability to obtain a building permit. This Report is solely for Departmental use and nothing herein creates any right which would accrue to the applicant.
Form171R

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

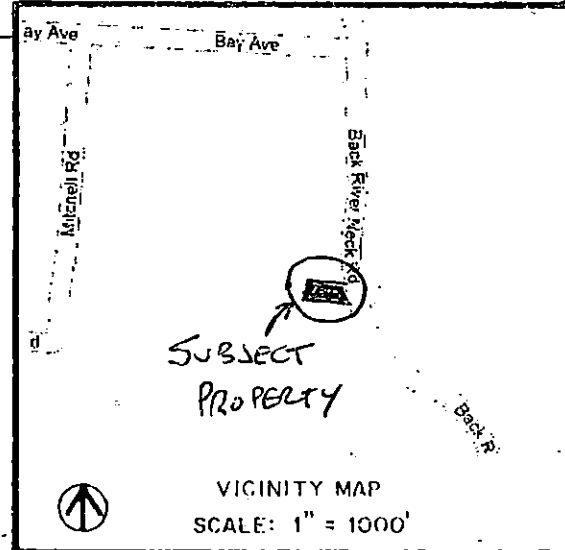
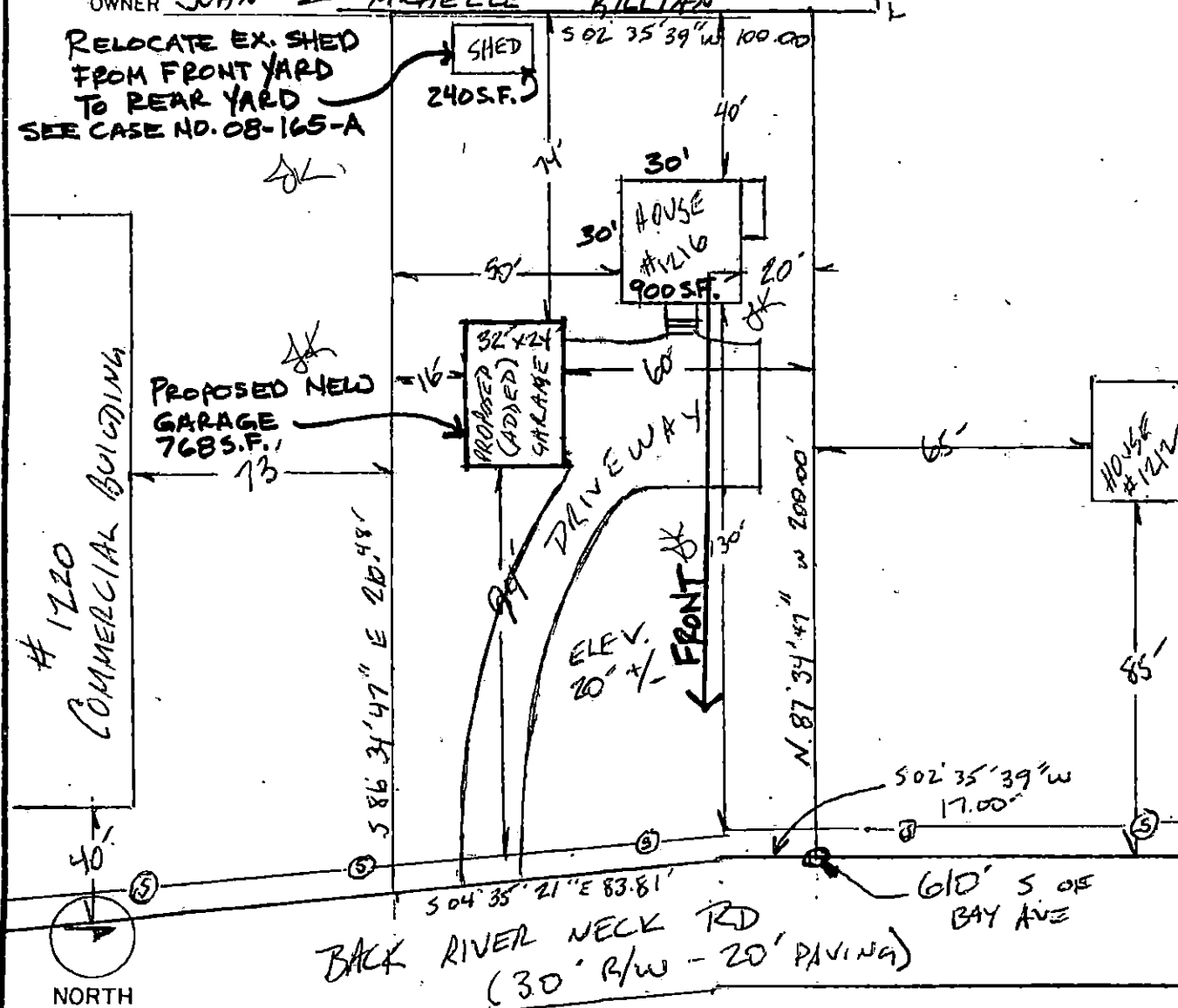
PROPERTY ADDRESS 1216 BACK RIVER NECK RD SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME _____ TAX ACCOUNT No. 25-00-000147 JK

PLAT BOOK # _____ FOLIO # _____ LOT # 11 SECTION # _____

OWNER JOHN E. MICHELLE KILLIAN

RELOCATE EX. SHED
FROM FRONT YARD
TO REAR YARD
SEE CASE NO. 08-165-A



LOCATION INFORMATION

ELECTION DISTRICT 15th
COUNCILMANIC DISTRICT 6th
1" = 200' SCALE MAP # 104 C1
ZONING RC-20
LOT SIZE .469 20,433
ACREAGE SQUARE FEET

SEWER	PUBLIC ☒	PRIVATE ☐
WATER	☒	☐
ZONING MAP NO. <u>105A1</u>	YES ☒	NO ☐
CHESAPEAKE BAY CRITICAL AREA	☒	☐
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	<u>2008-165-A</u>	

ZONING OFFICE USE ONLY

REVIEWED BY _____ ITEM # _____ CASE # 2019-0348-A

PREPARED BY JD KILLIAN SCALE OF DRAWING: 1" = 40'

Property Data Search (w4)

Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 15 Account Number - 2500000147			
Owner Information					
Owner Name:		KILLIAN JOHN DAVID		Use:	
		KILLIAN MICHELLE		Principal Residence:	
Mailing Address:		1216 BACK RIVER NECK RD		Deed Reference:	
		BALTIMORE MD 21221-6328		/24130/ 00060	
Location & Structure Information					
Premises Address:		1216 BACK RIVER NECK RD		Legal Description:	
		0-0000		0.469 AC LTS11,12	
				BACK RIVER NECK RD WS	
				1540 FT S OF BAY AVE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0105	0001	0604		0000	
					Block:
					Lot:
					11
					Assessment Year:
					2018
					Plat No:
					Plat Ref:
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
2007		1,800 SF		20,433 SF	
Property Land Area		County Use			
20,433 SF		04			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	
Last Major Renovation					
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2018	07/01/2019	
Land:	53,100	77,100			
Improvements	188,500	185,900			
Total:	241,600	263,000	248,733	255,867	
Preferential Land:	0			0	
Transfer Information					
Seller: ROMADKA ROBERT J		Date: 07/06/2006		Price: \$125,000	
Type: ARMS LENGTH VACANT		Deed1: /24130/ 00060		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018	07/01/2019		
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:	

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, regarding the information.



CASE NO. 2019-0348-A



CASE No. 2019-0348-A



CASE No. 2019-0348-A



CASE No. 2019-0348-A