

MEMORANDUM

DATE: October 28, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0217-A – Appeal Period Expired

The appeal period for the above-referenced cases expired on October 26, 2020. 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

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(513 Club Lane)	*	
9 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District	*	
Bryan & Heidi Kelly	*	HEARINGS FOR
Petitioners	*	
	*	BALTIMORE COUNTY
	*	CASE NO. 2020-0217-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Bryan and Heidi Kelly (“Petitioners”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”) § 1B02.3.C.1 to permit a front yard addition (garage addition) with a front yard setback of 16 ft. in lieu of the required 40 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 3, 2020, 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

ORDER RECEIVED FOR FILING

Date 9-24-2020

By [Signature]

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.

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

THEREFORE, IT IS ORDERED, this 24th day of **September, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("BCZR") § 1B02.3.C.1 to permit a front yard addition (garage addition) with a front yard setback of 16 ft. in lieu of the required 40 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for the appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at her 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.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

ORDER RECEIVED FOR FILING

Date 9-24-2020

By [Signature]



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 513 Club Lane Currently zoned DR2

Deed Reference 15334 / 00250

10 Digit Tax Account # 0916751950

Owner(s) Printed Name(s) Bryan and Heidi Kelly

(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)

BCZR: 1B02.3.C.1 → To permit a front yard addition (garage addition) with a front yard setback of 16 feet in lieu of the required 40 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

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

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

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

Owner(s)/Petitioner(s):

<u>Bryan Kelly</u>	/	<u>Heidi Kelly</u>
Name #1 – Type or Print		Name #2 – Type or Print
<u>[Signature]</u>	/	<u>[Signature]</u>
Signature #1		Signature #2
<u>513 Club Lane, Baltimore, MD</u>		
Mailing Address	City	State
<u>21286</u>	<u>410.382.0029</u>	<u>bkelly@kellyway.com</u>
Zip Code	Telephone #	Email Address

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

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

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 2020-0217-1 Filing Date 8/25/20 Estimated Posting Date 9/6/20 Reviewer JS

maureen@ratcliffearchitects.com

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: 513 Club Lane Baltimore MD 21286
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)

We are looking to expand our existing garage (from 2 car to 3 car) for needed car storage. This added expansion will need to go toward the front property line as it is the only practical direction given all of the existing infrastructure with regard to our existing garage, driveway, existing trees and existing outdoor mechanical equipment. Our property is large and well screened from neighboring property's so there will be little to no visual impact.

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

Bryan Kelly
Signature of Owner (Affiant)

Bryan Kelly
Name- Print or Type

Heidi Kelly
Signature of Owner (Affiant)

Heidi Kelly
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:

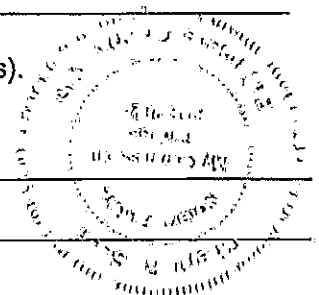
I HEREBY CERTIFY, this 18th day of August, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Bryan Kelly, Heidi Kelly

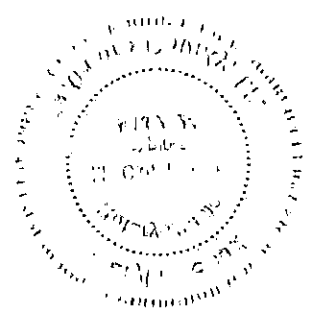
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Cheryl K. Galt
Notary Public
3/13/2024
My Commission Expires



100



Zoning Description to Accompany Petition for Zoning Variance

Zoning Description for 513 Club Lane

Election District 9 Councilmanic District 5

Beginning at a point on the SOUTH side of CLUB LANE which is 50 feet wide at a distance of 136.33 feet EAST of the centerline of the nearest improved intersecting street LAKE DRIVE which is 50 feet wide.

Thence the following courses and distances: S46°30'00"W 103.00', A line south of Club lane bending to the left with a radius of 36.22' for a distance of 36.55', S11°19'00"E 206.59', S78°25'00"E 234.49', N21°15'00"E 104.76', N9°07'00"W 190.79', N34°55'00"E 110.06', N10°00'00"W 25.00', S35°25'30"W 120.00', N74°24'00"W 188.72', back to the point of beginning as recorded in Baltimore County Deed Liber #13872, Folio #179, and containing 1.93 acres. Located in the 9th Election District and 5th Council District.

2020-0217-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/3/2020

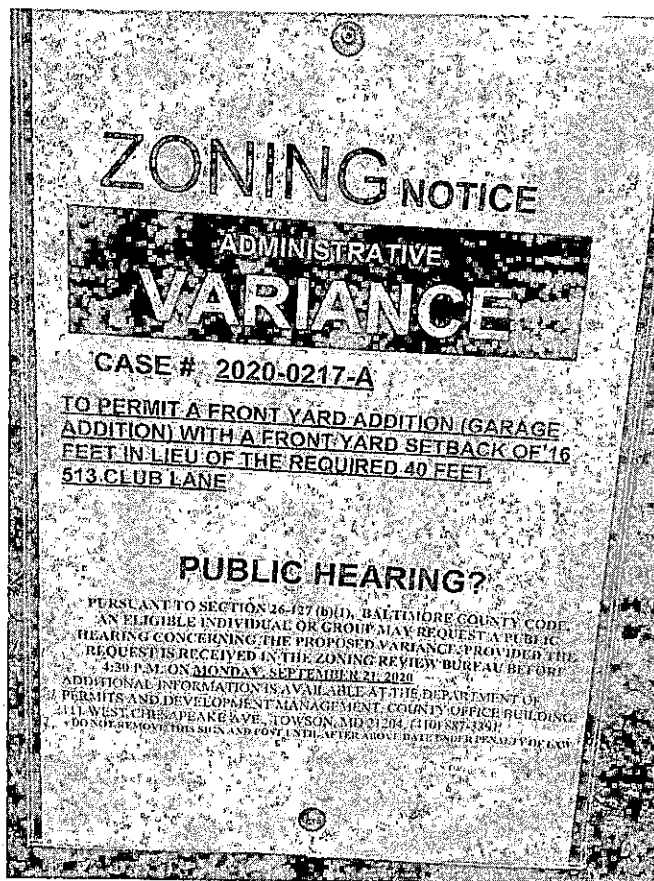
Case Number: 2020-0217-A

Petitioner / Developer: KELLY

Date of Closing: SEPTEMBER 21, 2020

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

The sign(s) were posted on: SEPTEMBER 3, 2020



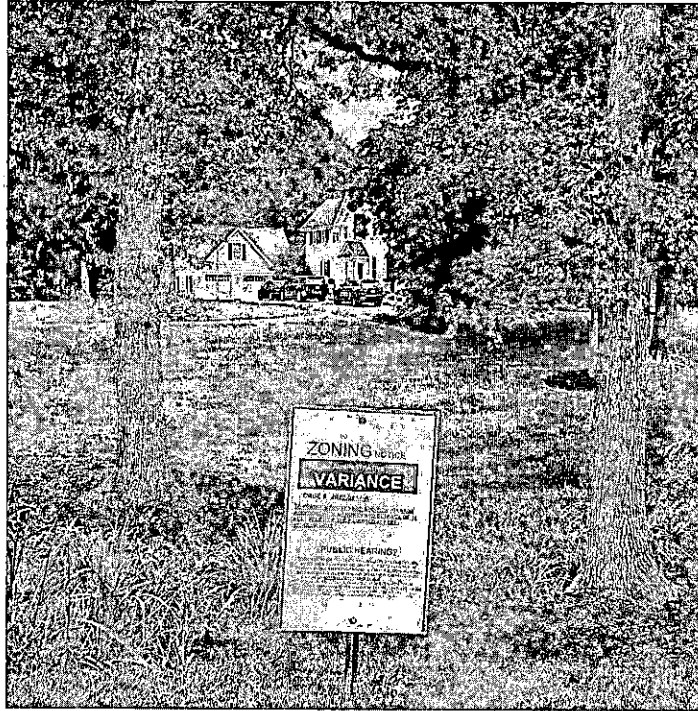
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

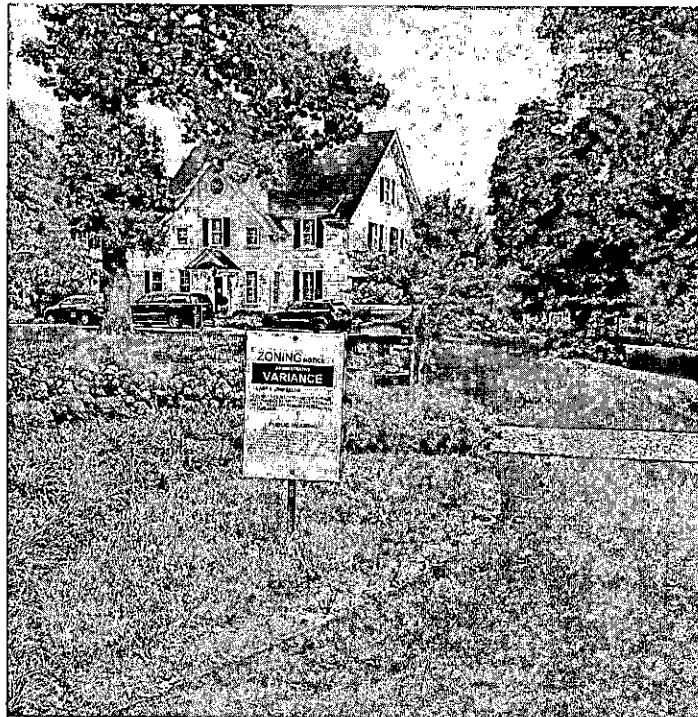
523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)



Background Photo 1st Sign @ 513 Club Lane ~ 9/3/2020



Background Photo 2nd Sign @ 513 Club Lane ~ 9/3/2020
CASE # 2020-0217-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0217 -A Address 513 CLUB LANE, 21286

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

Filing Date: 8/25/20 Posting Date: 9/6/20 Closing Date: 9/21/20

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 2020- 0217 -A Address 513 CLUB LANE, 21286

Petitioner's Name KELLY Telephone 410-382-0029

Posting Date: 9/6/20 Closing Date: 9/21/20

Wording for Sign: TO PERMIT A FRONT YARD ADDITION (GARAGE ADDITION) WITH
A FRONT YARD SETBACK OF 16 FEET IN LIEU OF THE REQUIRED
40 FEET.

Revised 6/30/2018

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

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

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

For Newspaper Advertising:

Case Number: 2020-0217-A

Property Address: 513 CLUB LANE

Property Description: 1

Legal Owners (Petitioners): BRYAN + HEIDI KELLY

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRYAN + HEIDI KELLY

Company/Firm (if applicable): _____

Address: 513 CLUB LANE

BALTIMORE, MD 21286

Telephone Number: 410-382-0029



JOHN A. OLSZEWSKI, JR.
County Executive

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

September 21, 2020

Bryan Kelly,
513 Club Lane
Baltimore MD 21286

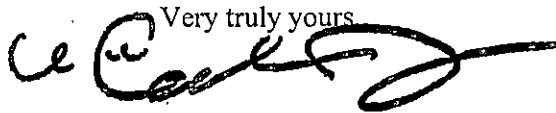
RE: Case Number: 2020-0217-A, 513 Club Lane

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 August 25, 2020. 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


W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: September 18, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0217-A
Address 513 Club Lane
(Kelly Property)

Zoning Advisory Committee Meeting of **September 7, 2020.**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>8-20</u>	DEPS (if not received, date e-mail sent _____)	<u>NO</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
_____	STATE HIGHWAY ADMINISTRATION	_____
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: 9-3-20 by Alex MeyerSIGN POSTING (2nd) Date: _____ by _____PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

ZAC AGENDA

Case Number: 2020-0217-A **Reviewer:** Jason Seidelman

Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Bryan & Heidi Kelly

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 5

Property Address: 513 CLUB LN

Location: South side of Club Lane (50') 137' East of the center line of Lake Drive (50').

Existing Zoning: DR 2

Area: 1.93 AC

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 1B02.3.C.1 To permit a front yard addition (garage addition) with a front yard setback of 16 feet in lieu of the required 40 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 09/21/2020

Miscellaneous Notes:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 09 Account Number - 0916751950		
Owner Information		
Owner Name:	KELLY BRYAN KELLY HEIDI	Use: Principal Residence: RESIDENTIAL YES
Mailing Address:	513 CLUB LN BALTIMORE MD 21286-7350	Deed Reference: 715334/ 00250
Location & Structure Information		
Premises Address:	513 CLUB LN BALTIMORE 21286-7350	Legal Description: 1.93 AC 513 CLUB LA FELLOWSHIP FOREST
Map:	Grid:	Parcel:
0070	0015	0833
Neighborhood:	Subdivision:	Section:
9090095.04	0000	
Block:	Lot:	Assessment Year:
	78	2020
Plat No:		Plat Ref:
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1892	8,432 SF	1000 SF
Property Land Area	County Use	
1.9300 AC	04	
Stories	Basement	Type
2 1/2	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
FRAME/	5	4 full/ 2 half
Garage	Last Notice of Major Improvements	
1 Attached		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2020	07/01/2020
Land:	149,500	
Improvements	955,000	
Total:	1,104,500	1,142,733
Preferential Land:	0	1,180,967
		0
Transfer Information		
Seller: EXCONDE FIDEL V,JR	Date: 06/25/2001	Price: \$585,000
Type: ARMS LENGTH IMPROVED	Deed1: /15334/ 00250	Deed2:
Seller: COOPER ROBERT H	Date: 06/30/1999	Price: \$485,000
Type: ARMS LENGTH IMPROVED	Deed1: /13872/ 00179	Deed2:
Seller: RANDALL WILLIAM E,JR	Date: 06/30/1998	Price: \$470,000
Type: ARMS LENGTH IMPROVED	Deed1: /12984/ 00339	Deed2:



RATCLIFFE
ARCHITECTS

TY

9414 Stevenson Road : Stevenson, Maryland 21153
410-484-7010 • Fax 410-484-3319 • pergamentdesignarchitects.com

I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE No. 10916, EXPIRATION DATE 2020.11.10

OWNERSHIP OF
DOCUMENTS NOTICE

DRAWINGS AND SPECIFICATIONS, AND INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF RATCLIFF ARCHITECTS. THESE DOCUMENTS ARE NOT TO BE REPRODUCED IN ANY FORM AND THEY SHALL NOT BE USED BY ANY ENTITY EXCEPT BY WRITTEN AUTHORIZATION AND PERMISSION FROM RATCLIFF ARCHITECTS. THIS AGREEMENT WITH THE DESIGNER.

COPYRIGHT ACT 1976

PROJECT:
NEW ADDITION AND
RENOVATION PLAN
FOR THE:

THE KELLY
RESIDENCE

513 CLUB LN
TOWSON, MD 2128

RELEASE SCHEDULE

DATE	SUMMARY
08/17/2020	VARIANCE

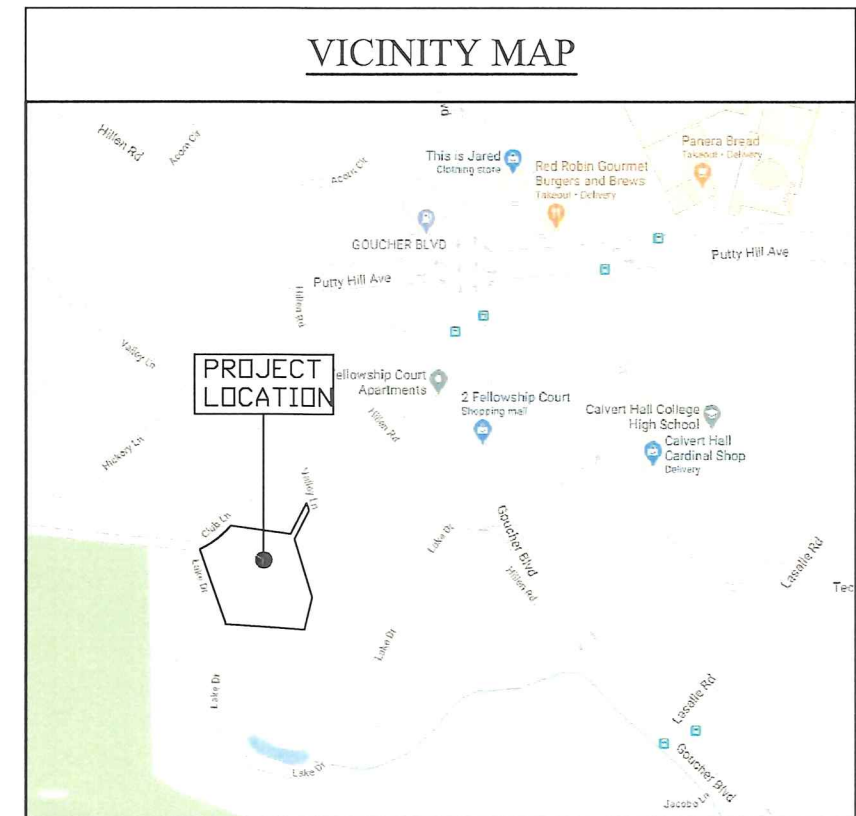
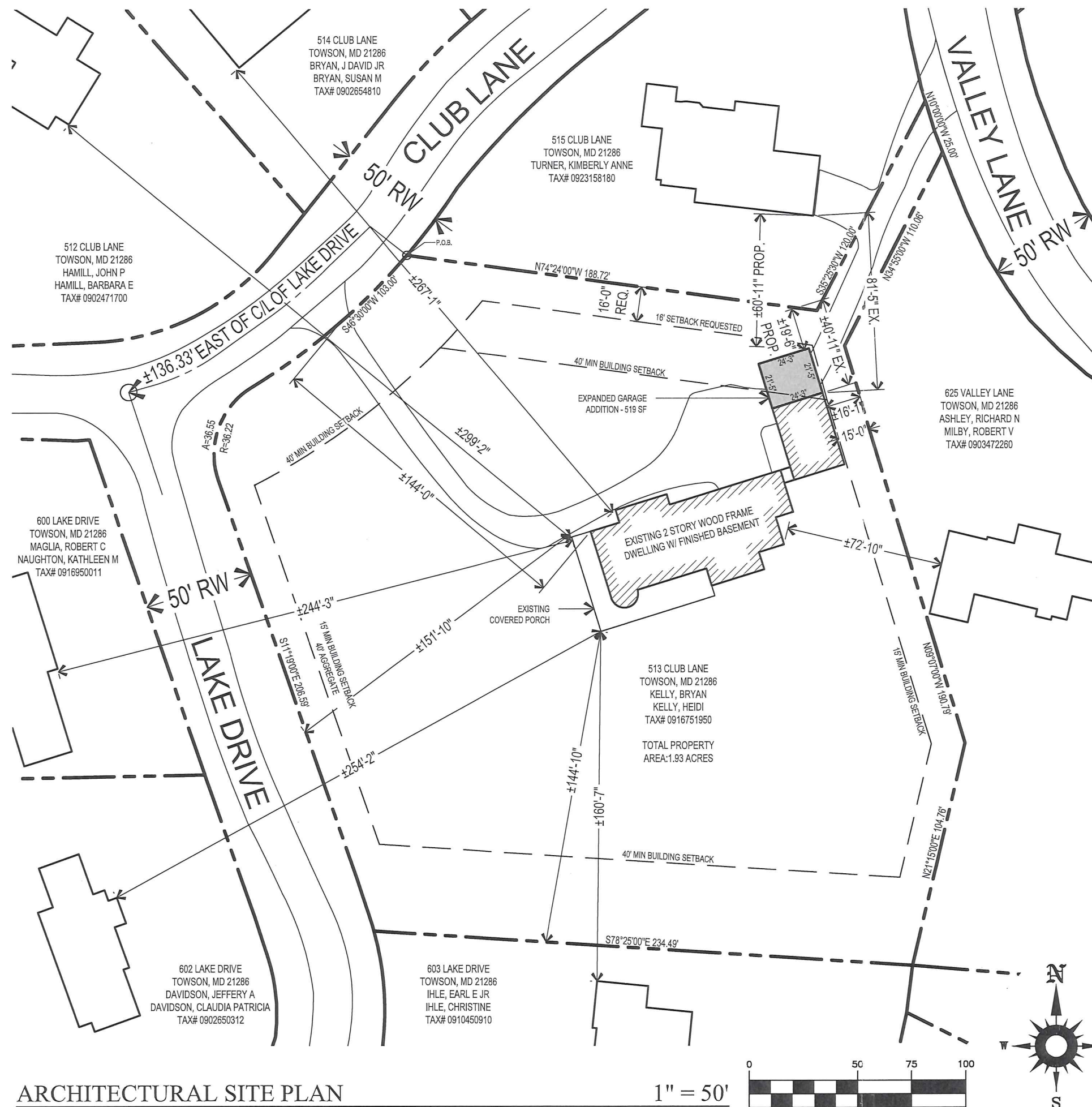
DWG TITLE

SITE PHOTOS

SHEET No. _____

SP1.2

2020-0217-A



SITE INFORMATION

<u>ADDRESS</u> 513 CLUB LANE TOWSON, MD 21286	<u>OWNER NAME</u> KELLY BRYAN KELLY HEIDI	<u>SUBDIVISION</u> 0000
<u>LOT #</u> _____ 78 _____	<u>MAP#</u> 0070 _____	<u>GRID #</u> _____ 0015 _____
		<u>PARCEL#</u> _____ 0833
<u>PLAT BOOK #</u> 1077 _____	<u>FOLIO #</u> 0022 _____	<u>10 DIGIT TAX #</u> _____ 0916751950
<u>ZONING MAP</u> _____	0070	<u>LOT AREA ACREAGE</u> _____ 1.93
<u>SITE ZONED</u> _____	DR2	<u>OR SQUARE FEET</u> _____ 84,071
<u>ELECTION DISTRICT</u> _____	9	<u>HISTORIC</u> _____ NO
<u>COUNCIL DISTRICT</u> _____	5	<u>IN CBCA</u> _____ NO
<u>IN FLOOD PLAIN</u> _____	NO	
<u>UTILITIES MARK WITH "X"</u>		
<u>WATER IS:</u>		
PUBLIC <u> X </u> PRIVATE _____		
<u>SEWER IS:</u>		
PUBLIC <u> X </u> PRIVATE _____		
<u>PRIOR HEARING</u> _____	NO	
<u>IF SO GIVE CASE NUMBER</u>		
<u>AND SHOW RESULT BELOW</u>		
_____ N/A		
_____ N/A		
_____ N/A		

RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
410-464-7010 • Fax: 410-464-3019 • pete@ratcliffearchitects.com

I CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND I AM
A DULY LICENSED ARCHITECT UNDER THE
LAWS OF THE STATE OF MARYLAND.
LICENSE No. 10916, EXPIRATION DATE
2020.11.10

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COPYRIGHT ACT 1976

PROJECT:
NEW ADDITION AND
RENOVATION PLANS
FOR THE:

THE KELLY
RESIDENCE

513 CLUB LN
TOWSON, MD 21286

RELEASE SCHEDULE	
DATE	SUMMARY
08/17/2020	VARIANCE

SCALE:	AS SHOWN
--------	----------

OWG TITLE:

ARCH. SITE
PLAN

SHEET No.

SP1.1

2020-0717-A