

M E M O R A N D U M

DATE: February 9, 2021
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0223-SPH – Appeal Period Expired

The appeal period for the above-referenced cases expired on February 8, 2021. 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 SPECIAL HEARING *
(4948 Tulip Avenue)
13th Election District *
1st Council District *
Gordon Kelly *
Legal Owner *

Petitioner

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2020-0223-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Special Hearing filed by Gordon Kelly. The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 500.7 to approve an accessory structure with footprint square footage larger than the principle structure.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”). They did not oppose the requested relief, subject to proposed conditions, which will be incorporated into the Order. There were no protestants or interested parties at the hearing.

The petitioner is the property owner, Gordon Kelly. His son-in-law, Ryan Brown, appeared on the petitioner’s behalf and presented the case since he had prepared the site plan. The subject property is approximately 7,500 sq. ft. and is zoned DR 2. It is within the Relay Historic District. A cease and desist code citation was issued because construction had started without the required permits and without the required review by the Baltimore County Landmarks Preservation

ORDER RECEIVED FOR FILING

Date 1/7/21

By D. Mignon

Committee (LPC). Mr. Brown explained that they had hired a construction company to erect the proposed structure and that they had assumed this firm had obtained all necessary permits and approvals. Mr. Brown further explained that the extended Kelly and Brown families live in the principal residence and that they need this accessory storage structure. The undersigned questioned Mr. Brown about each of the five separate design conditions required by the LPC, and he affirmed that they would comply with each. He also acknowledged that they would be prohibited from ever using the structure for residential or commercial purposes.

Based on the record evidence I find that, given compliance with the conditions required by the LPC, that the special hearing relief can be granted within the spirit and intent of the BCZR and without harming the public health, safety, or welfare.

THEREFORE, IT IS ORDERED this 7th day of **January, 2021** by this Administrative Law Judge, that the Petition for Special Hearing seeking relief from the BCZR § 500.7 to approve an accessory structure with footprint square footage larger than principle structure be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his 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, Petitioner would be required to return the subject property to its original condition.
- Petitioner must comply with the five enumerate design conditions of the Landmarks Preservation Committee, a copy of which are attached hereto and make a part thereof.
- The accessory structure shall not have separate utilities or water and septic service and shall not be used for residential or commercial purposes.

ORDER RECEIVED FOR FILING

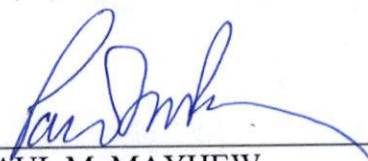
Date

1/7/21

By

D. Mignone

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/dlm

ORDER RECEIVED FOR FILING

Date

1/7/21

By

D. Mignone



PETITION FOR ZONING HEARING(S)

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

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

Address 4948 Tulip Avenue Halethorpe MD 21227

which is presently zoned DR 2

Deed References: 31983/00001

10 Digit Tax Account # 1 3 0 8 0 0 2 9 0 0

Property Owner(s) Printed Name(s) Gordon Kelly

(SELECT THE HEARING(S) BY MARKING **X** 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. **X** a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Accessory Structure with footprint square footage larger than principle structure

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

3. _____ a **Variance** from Section(s)

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

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

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

Legal Owners (Petitioners):

Gordon Kelly

Name #1 - Type or Print

Name #2 - Type or Print

Gordon Kelly

Signature #1

Signature #2

931 Maiden Choice Lane Baltimore MD

Mailing Address

City

State

21229

443-790-9342

towtruck01@comcast.net

Zip Code

Telephone #

Email Address

Representative to be contacted:

Ryan Brown

Name - Type or Print

Ryan Brown

Signature

4948 Tulip Avenue Halethorpe MD

Mailing Address

City

State

21227

301-801-1212

Qryan32@hotmail.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2020-0223-SP4 Filing Date 09/03/2020

Do Not Schedule Dates:

Reviewer JS

ZONING PROPERTY DESCRIPTION FOR 4948 TULIP AVE.

BEGINNING FOR THE SAME AT AN IRON PIPE SET IN THE NORTHWESTERLY LINE OF TULIP AVENUE AT THE DISTANCE NORTHEASTERLY ALONG SAID LINE OF 50 FEET FROM A CONCRETE MONUMENT SET AT THE NORTHEASTERN CORNER OF MAGNOLIA AND TULIP AVENUES; THENCE RUNNING NORTHEASTERLY ALONG SAID LINE OF TULIP AVENUE 50 FEET TO A POINT WHICH IS 3 INCHES SOUTHEREASTERLY FROM AN IRON PIPE; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF LOT 75 [ASSING OVER SAID PIPE 150 FEET TO AN PIPE SET AT THE NORTHEASTERLY CORNER OF LOT 75; THENSE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 50 TO AN IRON PIPE SET IN THE MIDDLE OF SAID LINE OF LOT 75 THENCE BY A DIVISION LINE SOUTHEASTERLY THROUGH THE MIDDLE OF LOT 75, 150 FEET TO THE POINT OF BEGINNING.

BEING THE NORTHEASTERN MOST ONE-HALF OF LOT NO. 75 AS SHOWN ON A THE PLAT OF CEDAR HEIGHTS, RECORDED AMONG THE PLAT RECORDS OF BALTIMORE COUNTY IN PLAT BOOK JWS NO. 1, FOLIO 62, AND SUBJECT TO A WALK FIVE FOOT IN WIDTH ALONG THE NORTH SIDE OF TULIP AVERNUE AS SHOWN ON SAID PLAT.

2020-0223-SPH

SECOND CERTIFICATE OF POSTING

ATTENTION: DONNA MIGNON

DATE: 1/4/2021

Case Number: 2020-0223-SPH

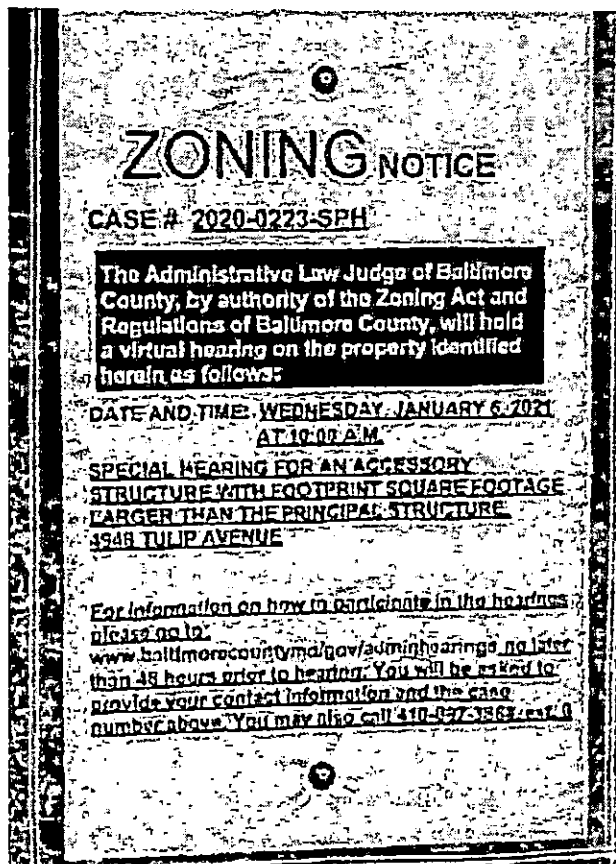
Petitioner / Developer: GORDON KELLY ~ RYAN BROWN

Date of Hearing: JANUARY 6, 2021

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:
4948 TULIP AVENUE

The sign(s) were posted on: DECEMBER 17, 2020

The sign(s) were re-photographed on: JANUARY 4, 2021



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, Maryland 21030
(City, State, Zip of Sign Poster)

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



Re-Photographed 1st Sign @ 4948 Tulip Ave. ~ 1/4/2021



Re-Photographed 2nd Sign @ 4948 Tulip Ave. ~ 1/4/2021

CASE # 2020-0223-SPH

The Daily Record

200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Page 1 of 1

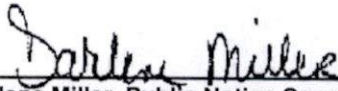
PUBLISHER'S AFFIDAVIT

Order #: 11944212
Case #: 2020-0223-SPH
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2020-0223-SPH

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

12/17/2020



Darlene Miller, Public Notice Coordinator
(Representative Signature)



Baltimore County

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0223-SPH

4948 Tulip Avenue

NW/s Tulip Avenue, 75 ft. n/east of Magnolia Avenue

13th Election District - 1st Councilmanic District

Legal Owners: Gordon Kelly

Special Hearing for an accessory structure with footprint square footage larger than the principle structure.

Hearing: Wednesday, January 6, 2021 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

d17



✓ltr
✓order

✓
JOHN A. OLSZEWSKI, JR.
County Executive

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

December 14, 2020

NOTICE OF ZONING HEARING

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Michael Mallinoff
Director

MM:kl

C: Gordon Kelly, 931 Maiden Choice Lane, Baltimore 21229
Ryan Brown, 4948 Tulip Avenue, Halethorpe 21227

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURS., DECEMBER 17, 2020.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/17/2020

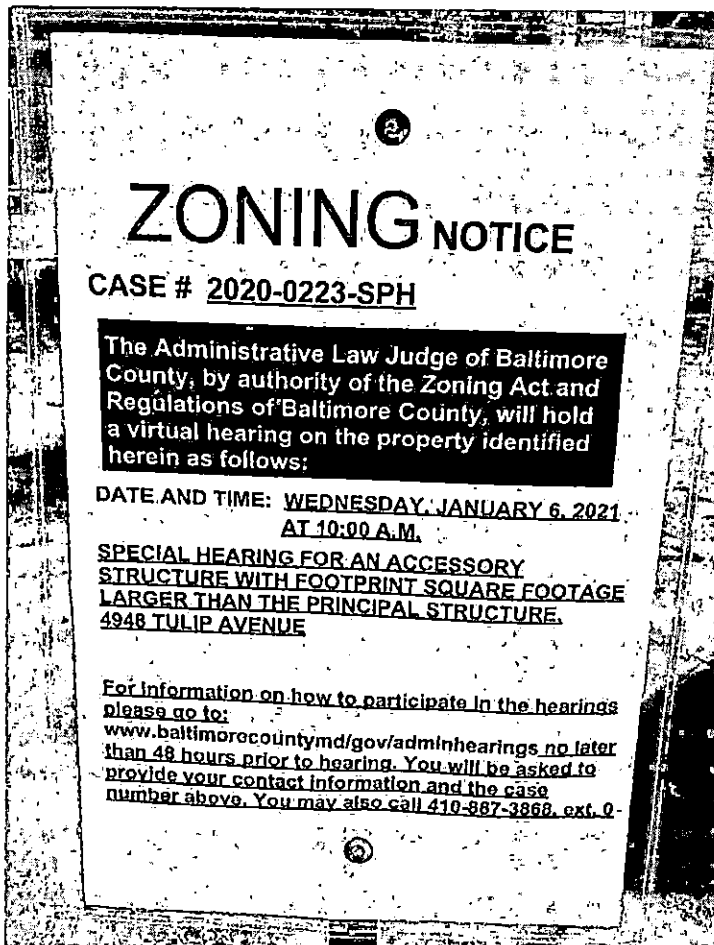
Case Number: 2020-0223-SPH

Petitioner / Developer: GORDON KELLY ~ RYAN BROWN

Date of Hearing: JANUARY 6, 2021

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:
4948 TULIP AVENUE

The sign(s) were posted on: DECEMBER 17, 2020



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

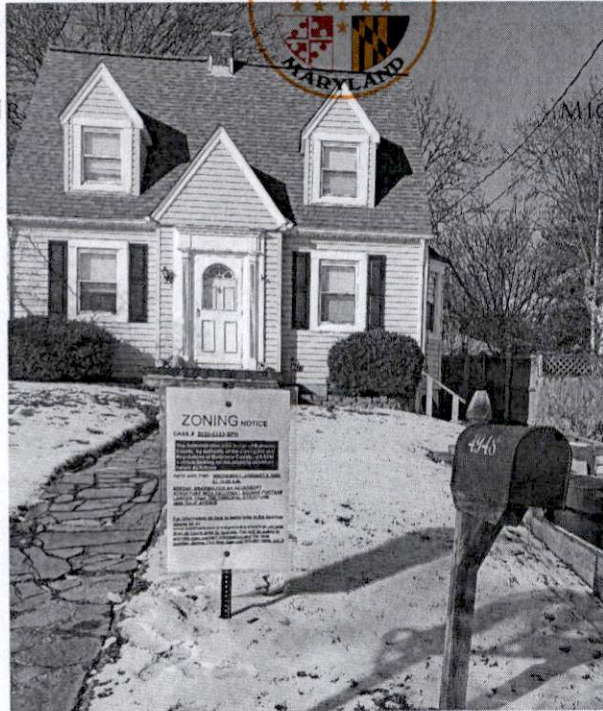
Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

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

JOHN A. OLSZEWSKI, J
County Executive



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



Background Photo 1st Sign @ 4948 Tulip Avenue ~ 12/17/2020



Background Photo 2nd Sign @ 4948 Tulip Avenue ~ 12/17/2020

CASE # 2020-0223-SPH



JOHN A. OLSZEWSKI, JR.
County Executive

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

December 14, 2020

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A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Gordon Kelly, 931 Maiden Choice Lane, Baltimore 21229
Ryan Brown, 4948 Tulip Avenue, Halethorpe 21227

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURS., DECEMBER 17, 2020.

TO: THE DAILY RECORD
Thursday, December 17, 2020 - Issue

Please forward billing to:

Gordon Kelly
931 Maiden Choice Lane
Baltimore, MD 21229

443-790-9342

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4948 Tulip Avenue

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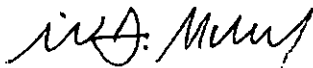
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Legal Owners: Gordon Kelly

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Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
4948 Tulip Avenue; NW/S Tulip Avenue,	*	OF ADMINSTRATIVE
75' NE of Magnolia Avenue	*	HEARINGS FOR
13 th Election & 1 st Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Gordon Kelly	*	2020-223-SPH
Petitioner(s)		

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of September, 2020, a copy of the foregoing Entry of Appearance was mailed to Ryan Brown, 4948 Tulip Avenue, Halethorpe, Maryland 21227, Qryan32@hotmail.com, 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 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: 2020-0223-SP4

Property Address: 4948 Tulip Avenue Halethorpe MD 21227

Property Description: _____

Legal Owners (Petitioners): Gordon Kelly

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gordon Kelly

Company/Firm (if applicable): _____

Address: 931 Maiden Choice Lane Baltimore MD

Telephone Number: 443-790-9342

Revised 7/9/2015

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

No. 198827

Date: 9/3/20

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

Rec From: KELLY/BROWN

For: 2020-0223-SPH

DISTRIBUTION

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

CASHIER'S
VALIDATION

RYAN ANTHONY BROWN
4948 TULIP AVE
HALETHORPE, MD 21227-4949

111
65-320/550-7396

Date: 09/03/2020

Pay to the
Order of

Baltimore County
Seventy Five 00/100

\$ 75.00

Dollars



Photo
Safe
Deposit
Details on back



Wells Fargo Bank, N.A.
Maryland
wellsfargo.com

Case # 8972903

For 4948 tulip Tax ID 1308002900

B. B.

⑆055003201⑆1010085671618⑆00111



JOHN A. OLSZEWSKI, JR.
County Executive

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

December 28, 2020

Ryan Brown,
4948 Tulip Ave
Halethorpe MD 21227

RE: Case Number: 2020-0223-SPH, 1222 4948 Tulip Ave

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 September 03, 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,
A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over the phrase "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 # 2020-0223-SPH
Address 4948 Tulip Avenue
(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

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

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Reviewer: Steve Ford



BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

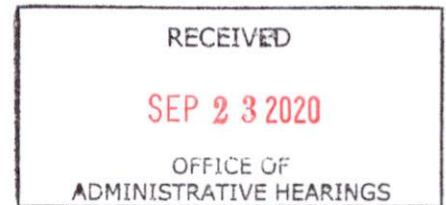
DATE: 9/23/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-223

INFORMATION:

Property Address: 4948 Tulip Avenue
Petitioner: Gordon Kelly
Zoning: DR 2
Requested Action: Special Hearing



The Department of Planning has reviewed the petition for:

Special Hearing under BCZR Section 500.7 to determine whether or not the zoning commissioner should approve an accessory structure with footprint square footage larger than then principle structure.

The property is located within the Relay County Historic District. The primary structure at 4948 Tulip Avenue was constructed in 1940, classifying it as a non-contributing structure within the district. The request for an accessory structure was originally brought to Historic Preservation's attention with **Code Enforcement Correction Notice CB2000085**, as the structure was constructed without prior review from the Landmarks Preservation Commission and without a building permit.

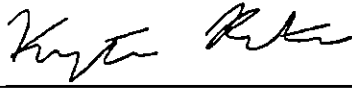
A site visit was conducted by Historic Preservation staff and a Technical Committee composed of Commissioners on June 25th, 2020 to offer feedback to the applicant; plans to amend the structure were submitted for review of the LPC at their July 9th, 2020 meeting. The Commission voted to issue a Notice to Proceed for the amended plans with conditions.

The Department of Planning supports the request as long as the applicant complies with the conditions that were noted in the Landmarks Preservation Commission - Notice to Proceed. If these conditions are not met the Department of Planning denies this request.

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

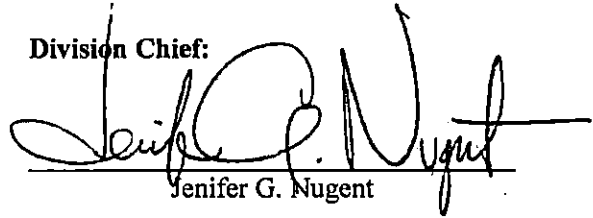
Date: 9/23/2020
Subject: ZAC # 20-223
Page 2

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/KP/

Cc: Josephine Selvakumar
Ryan Brown
Office of the Administrative Hearings
People's Counsel for Baltimore County

Attachment



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, Director
Department of Planning

July 10, 2020

Gordon Kelly
4948 Tulip Avenue
Halethorpe, MD 21227

Re: Historic Review Application for 4948 Tulip Avenue
Non-contributing structure in the Relay County Historic District

Dear Mr. Kelly,

At its July 9th, 2020 meeting, the Baltimore County Landmarks Preservation Commission (LPC) reviewed a request to amend the plans for a 30' x 40' x 14.5' metal garage installed in the rear yard of the property at 4948 Tulip Avenue to correct Code Enforcement Correction Notice CB2000085. The Commission voted to issue a Notice to Proceed for the amended plans with the following conditions:

1. The length of the structure be reduced by 10' as proposed;
2. The structure be re-sided with true tongue and groove board and batten wood siding with no horizontal cuts or with horizontal cementitious clapboard siding;
3. The carriage door be installed in place of the roll up garage door as proposed;
4. The garage should have a single entry door with transom to match the height of the adjacent carriage door on the south elevation;
5. One 32" x 60" double hung 6/6 window should be installed on the south elevation.

This action is in accordance with Baltimore County Code Sections 32-7-403 and 32-7-405 citing Baltimore County Historic Design Guidelines: Additions and Infill, pages 4-7, and Fences and Landscape, page 5.

Please note, the work will require a Baltimore County building permit. Applications for building permits are obtained from the Department of Permits, Approvals and Inspections located at 111 Chesapeake Avenue in Towson. Information regarding building permits is available on the County's website – <https://www.baltimorecountymd.gov/Agencies/permits/index.html>. Questions regarding that process should be directed to the Permits, Approvals & Inspections Office.

Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Taylor Bensley".

Taylor Bensley
Administrator/Secretary

TB:tb



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, *Director*
Department of Planning

July 10, 2020

Gordon Kelly
4948 Tulip Avenue
Halethorpe, MD 21227

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4. The garage should have a single entry door with transom to match the height of the adjacent carriage door on the south elevation;
5. One 32" x 60" double hung 6/6 window should be installed on the south elevation.

This action is in accordance with Baltimore County Code Sections 32-7-403 and 32-7-405 citing Baltimore County Historic Design Guidelines: Additions and Infill, pages 4-7, and Fences and Landscape, page 5.

Please note, the work will require a Baltimore County building permit. Applications for building permits are obtained from the Department of Permits, Approvals and Inspections located at 111 Chesapeake Avenue in Towson. Information regarding building permits is available on the County's website – <https://www.baltimorecountymd.gov/Agencies/permits/index.html>. Questions regarding that process should be directed to the Permits, Approvals & Inspections Office.

Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Taylor Bensley

Taylor Bensley
Administrator/Secretary

ORDER RECEIVED FOR FILING

Date 11/7/21

By [Signature]

TB:tb

PETITIONER'S

EXHIBIT NO.

5

✓ ltr
✓ Order

1/10/21 at
10:00 a.m.

CASE NO. 2020-

~~0000~~ 0223
SPH

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

9/18

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

DEPS
(if not received, date e-mail sent _____)

N/C

9/23

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)

Comment
See attached

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. Cate Complaint)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

~~Missing~~ Emilee Kristen per phone on 12-28 Rec'd
12-17-20

SIGN POSTING (1st)

Date:

12-17-20

by O'Keefe

SIGN POSTING (2nd)

Date:

1-4-21

by "

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

10 Am

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Tuesday, January 5, 2021 12:15 AM
To: Administrative Hearings
Subject: Certification
Attachments: Tulip Ave. Cert. .jpeg; Tulip Ave. Photos.docx

CAUTION: This message from luckylinda1954@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Donna,

I have a Certification for you for Case # 2020-0223-SPH @ 4948 Tulip Ave. Please let me know you received this.

Thank you,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com

PM 1-6-21
10 Am

Debra Wiley

From: Debra Wiley
Sent: Wednesday, December 30, 2020 6:50 PM
To: 'Ryan Brown'
Subject: RE: Case No: 2020-0223-SPH 4948 Tulip Avenue

Mr. Brown,

Since I created the WebEx event, you should have received an email from myself inviting you to participate. You just need to accept it and then the day of the hearing, you will be reminded. I will re-send to you again in the event it went into your junk or spam mail. Please accept it asap.

As far as any exhibits, they must be forwarded to our general email at www.administrativehearings@baltimorecountymd.gov

This is different than what is contained in the case file. The reason being is that since this is a virtual hearing, there must be exhibits on the computer screen to share with everyone attending the hearing. In the pre-Covid days, paperwork included in the case file was sufficient. Unfortunately because the County buildings are closed, the public cannot view your hard copies in the case file.

Please let me know if this clarifies things for you.

Have a great evening.

From: Ryan Brown <qryan32@hotmail.com>
Sent: Wednesday, December 30, 2020 6:38 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: FW: Case No: 2020-0223-SPH 4948 Tulip Avenue

CAUTION: This message from qryan32@hotmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Deb,

I received an auto response to Donna's email to contact you for any questions. Can you see her original email and my response below. I just want to make sure I do not need to submit anything else for the hearing next week. I submitted the documents to have the hearing, but did not see anything telling me I need certain documents for the hearing, or to resubmit these documents.

Regards,

Ryan Brown
Cell: 301-801-1212
Email: Qryan32@hotmail.com

From: Ryan Brown
Sent: Wednesday, December 30, 2020 6:33 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: RE: Case No: 2020-0223-SPH 4948 Tulip Avenue

Donna,

Good evening, thank you for the email. This is my first time thru this process. Do I need to submit more documents. I submitted the hearing plan, petition, property description, advertising and posting requirements for the application for the special hearing. I also went to the Baltimore county website and put my information in to participate in the hearing. Any suggestion are greatly appreciated.

Regards,

Ryan

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Tuesday, December 22, 2020 1:23 PM
To: gryan32@hotmail.com
Subject: Re: Case No: 2020-0223-SPH 4948 Tulip Avenue

Good Afternoon,

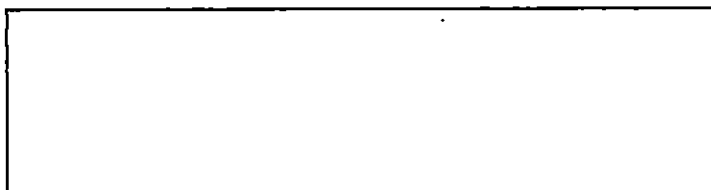
As you are aware, a virtual webex hearing has been scheduled for January 6, 2021 at 10:00 a.m. You should have received an invitation in an email that invited you to this hearing.

Please note that all hearing exhibits—documents, site plans, photographs or evidence of any kind—must be submitted in PDF format at least **two business days** in advance of the hearing to the Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov. Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

If you have any questions or concerns, please feel free to contact our office.

Thank you so much.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



Debra Wiley

From: webmaster@baltimorecountymd.gov
Sent: Wednesday, December 30, 2020 6:29 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Ryan
Last Name	Brown
Email	Qryan32@hotmail.com
Phone	301-801-1212
Address	4948 Tulip Avenue
City	Halethorpe
State	Maryland
ZIP Code	21227
Case Number	2020-0223-SPH
Scheduled Hearing Date	01/06/2021

Donna Mignon

From: Donna Mignon
Sent: Tuesday, December 22, 2020 1:23 PM
To: 'qryan32@hotmail.com'
Subject: Re: Case No: 2020-0223-SPH 4948 Tulip Avenue

Good Afternoon,

As you are aware, a virtual webex hearing has been scheduled for January 6, 2021 at 10:00 a.m. You should have received an invitation in an email that invited you to this hearing.

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Thank you so much.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Baltimore County
Permits, Approvals
And Inspections

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. CB700085 Property No. 1208007900 Zoning: _____
Name(s): GORDON KELLY
Address: 4948 TOLSON AVE
Violation Location: SAME

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

2003 BALTIMORE COUNTY Code Title 7 HISTORIC AND
ARCHITECTURAL PRESERVATION Subtitle 4 Section 32-7-403

PERMITS REQUIRED AND ALL NECESSARY INSPECTIONS FOR
SIDE DRIVE IN REAR YARD

CONTACT TAYLOR BENSLY AT 410-887-7995

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 4/6/20 DATE ISSUED: 3/5/20

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION
SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR
90 DAYS IN JAIL, OR BOTH.

INSPECTOR: [Signature] PRINT NAME: Hunter Rowe

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS
ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION
OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: _____ DATE ISSUED: _____

INSPECTOR: _____ PRINT NAME: _____

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB2000085

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB2000085	Hunter Rowe	02/24/2020	02/24/2020	Inspection Scheduled		

Complaint Description: constructing large garage in historic area, no permits.

Please update complainant.

<u>Property</u>	<u>Owner</u>	<u>Complainant</u>
4948 TULIP AVE HALETHORPE, MD 21227-4949 Tax Id: 1308002900	KELLY GORDON 4948 TULIP AVE BALTIMORE, MD 21227-4949	Regina Hrybyk 410-218-8247

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Hunter Rowe	02/24/2020	Initial Inspection	Scheduled		

Lien Information - No Lien

Comments Detail - No Comments

5/1/20 IN REAR YARD NOTICE SENT P.O. 4/6/20 HRR
SPD

CODE ENFORCEMENT REPORT

DATE: 2/24/20 INTAKE BY: sph CASE#: CB2000085 INSPEC: HR

COMPLAINT
LOCATION: 4948 Tulip

ZIP CODE: _____ DIST: 13

COMPLAINT
NAME: Regina # Krybyk PHONE#: (H) 410 218 8247 (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: Constructing outbuilding - no permits

please update complainant Historic

IS THIS A RENTAL UNIT? YES _____ NO _____

IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT
INFORMATION _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____



PETITION FOR ZONING HEARING(S)

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

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

Address 4948 Tulip Avenue Halethorpe MD 21227

which is presently zoned DR 2

Deed References: 31983/00001

10 Digit Tax Account # 1 3 0 8 0 0 2 9 0 0

Property Owner(s) Printed Name(s) Gordon Kelly

(SELECT THE HEARING(S) BY MARKING X 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. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Accessory Structure with footprint square footage larger than principle structure

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

3. a **Variance** from Section(s)

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

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

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

Legal Owners (Petitioners):

Gordon Kelly

Name #1 - Type or Print Name #2 - Type or Print

Gordon Kelly

Signature #1 Signature #2

931 Maiden Choice Lane Baltimore MD

Mailing Address City State

21229 443-790-9342 towtruck01@comcast.net

Zip Code Telephone # Email Address

Representative to be contacted:

Ryan Brown

Name - Type or Print

Ryan Brown

Signature

4948 Tulip Avenue Halethorpe MD

Mailing Address City State

21227 301-801-1212 Qryan32@hotmail.com

Zip Code Telephone # Email Address

CASE NUMBER 2020-0223-SP4 Filing Date 09/03/2020

Do Not Schedule Dates: _____

Reviewer JS

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Special Tax Recapture: None										
Account Identifier:			District - 13 Account Number - 1308002900							
Owner Information										
Owner Name:			KELLY GORDON				Use:		RESIDENTIAL	
Mailing Address:			4948 TULIP AVE BALTIMORE MD 21227-4949				Principal Residence:		NO	
							Deed Reference:		/31983/ 00001	
Location & Structure Information										
Premises Address:			4948 TULIP AVE BALTIMORE 21227-4949				Legal Description:		PT LT 75 4948 TULIP AVE CEDAR HEIGHTS	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0108	0017	0209	13050082.04	0000			75	2019	Plat Ref:	0001/ 0062
Town: None										
Primary Structure Built			Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1940			1,036 SF		500 SF		7,500 SF		04	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements			
1 1/2	YES	STANDARD UNIT	WOOD SHINGLE/	4	2 full	1 Detached				
Value Information										
			Base Value	Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2019		07/01/2020		07/01/2021		
Land:			83,600	83,600						
Improvements			137,400	152,200						
Total:			221,000	235,800		230,867		235,800		
Preferential Land:			0	0						
Transfer Information										
Seller: ZINKAND JAMES CHARLES JR				Date: 04/25/2012			Price: \$161,118			
Type: NON-ARMS LENGTH OTHER				Deed1: /31983/ 00001			Deed2:			
Seller: ZINKAND JAMES CHARLES, JR				Date: 05/13/2008			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /26989/ 00692			Deed2:			
Seller: BATEMAN ANGELA V				Date: 10/19/2006			Price: \$317,500			
Type: ARMS LENGTH IMPROVED				Deed1: /24648/ 00273			Deed2:			
Exemption Information										
Partial Exempt Assessments:			Class	07/01/2020				07/01/2021		
County:			000	0.00						
State:			000	0.00						
Municipal:			000	0.00 0.00				0.00 0.00		
Special Tax Recapture: None										
Homestead Application Information										
Homestead Application Status: No Application										
Homeowners' Tax Credit Application Information										
Homeowners' Tax Credit Application Status: No Application							Date:			

Debra Wiley

From: Debra Wiley
Sent: Monday, December 14, 2020 2:13 PM
To: Kristen L Lewis
Subject: Link - 2020-0223-SPH

Event Information

Event: Zoning Hearing - Case No. 2020-0223-SPH - 4948 Tulip Ave. - Gordon Kelly
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e84a4a>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eeb050>
Date and time: Wednesday, January 6, 2021 10:00 am
Eastern Standard Time (New York, GMT-05:00)
Duration: 1 hour
Description: Zoning Hearing
Case No. 2020-0223-SPH
4948 Tulip Ave.
Gordon Kelly
Event number: 180 301 9312
Event password: 1234
Host key: 162741
Alternate Host: Donna Mignon, Henry Ayakwah, Maureen Murphy
Panelist Info:
Panelist password:
Panelist numeric password: 830048
Video Address: 1803019312@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll
+1-415-655-0001
[Show all global call-in numbers](#)
Access code: 180 301 9312

Debra Wiley

Subject: Web seminar scheduled: Zoning Hearing - Case No. 2020-0223-SPH - 4948 Tulip Ave. - Gordon Kelly
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ed78eb4e64cdf0a0187ff84fcea016b37>
Start: Wed 1/6/2021 10:00 AM
End: Wed 1/6/2021 11:00 AM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: webex

CAUTION: This message from messenger@webex.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

When it's time, start the Webex event here.

Host: Debra Wiley (dwiley@baltimorecountymd.gov)

Event number (access code): 180 301 9312

Wednesday, January 6, 2021 10:00 am, Eastern Standard Time (New York, GMT-05:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ed78eb4e64cdf0a0187ff84fcea016b37>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ee256757a8f3715b2c59b3eb673f>

Start event

Audio conference information

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 1803019312@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 830048

If you are a host, click here to view host information:

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e768721a31e4049e8e0d5a325fc572bfb>

. Need help? Go to <http://help.webex.com>

DR2
2500
—

ZAC AGENDA

Case Number: 2020-0222-A **Reviewer:** Jason Seidelman
Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: VARIANCE
Legal Owner: Sister Servants of Mary Immaculate, Inc.
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 1 **Council Dist:** 1

Property Address: 1222 TUGWELL DR

Location: North East side of Tugwell Drive (40'), 165' South East of Newberg Avenue (50').

Existing Zoning: DR 2

Area: 4.28 AC

Proposed Zoning:

VARIANCE:

BCZR 400.1 To approve a gazebo in the side yard.

Attorney: Jennifer R. Busse

Prior Zoning Cases: 1956-3928-X; 1991-0001-SPH; 2002-0418-SPHA

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2020-0223-SPH **Reviewer:** Jason Seidelman
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING
Legal Owner: Gordon Kelly
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 13 **Council Dist:** 1

Property Address: 4948 TULIP AVE

Location: North West side of Tulip Ave (40') 75' North East of Magnolia Ave (50')

Existing Zoning: DR 2

Area: 7,500 SQ FT

Proposed Zoning:

SPECIAL HEARING:

Accessory structure with footprint square footage larger than principle structure.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: CB2000085

Closing Date:

Miscellaneous Notes:

Debra Wiley

1-4
(Pet. ECR.)

PM 1-6-21
10 AM

From: Ryan Brown <qryan32@hotmail.com>
Sent: Wednesday, December 30, 2020 7:19 PM
To: Administrative Hearings
Subject: Case No. 2020-0223-SPH Exhibits
Attachments: Exhibit 1 Hearing Plan Case No. 2020-0223-SPH.PDF; Exhibit 2 Petition for Zoning Hearing Case No. 2020-0223-SPH.pdf; Exhibit 3 Zoning Property Description Case No. 2020-0223-SPH.pdf; Exhibit 4 HCL pg 11 Advertising for zoning Case No. 2020-0223-SPH.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

CAUTION: This message from qryan32@hotmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Exhibit 1 Hearing Plan Case No. 2020-0223-SPH
Exhibit 2 Petition for Zoning Hearing Case No. 2020-0223-SPH
Exhibit 3 Zoning Property Description Case No. 2020-0223-SPH
Exhibit 4 HCL pg 11 Advertising for zoning Case No. 2020-0223-SPH

Pet. ECR. List

Regards,

Ryan Brown
Cell: 301-801-1212
Email: Qryan32@hotmail.com

D. Mo
1/6/21

Donna Mignon

5+6
(Pet. Exh.)

1-6-21
10 AM

From: Ryan Brown <qryan32@hotmail.com>
Sent: Friday, January 1, 2021 5:16 PM
To: Administrative Hearings
Subject: Case No. 2020-0223-SPH Exhibits
Attachments: Exhibit 5 Historic Landmarks Preservation Committee Approval Hearing Case No. 202-0223-SPH.pdf; Exhibit 6 Zoning Advisory Hearing Case No. 202-0223-SPH.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

CAUTION: This message from qryan32@hotmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Exhibit 5 Historic Landmarks Preservation Committee Approval Hearing Case No. 202-0223-SPH
Exhibit 6 Zoning Advisory Hearing Case No. 202-0223-SPH

Pet. Exh
List
Cont'd

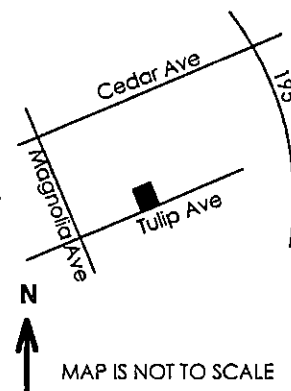
Regards,

Ryan Brown
Cell: 301-801-1212
Email: Qryan32@hotmail.com



ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING X (MARK TYPE REQUEST WITH X)
 ADDRESS 4948 TULIP AVE OWNERS NAME(S) GORDON KELLY
 SUBDIVISION NAME Cedar Heights LOT# 75 BLOCK# N/A SECTION# N/A
 PLAT BOOK# 1 FOLIO# 62 ID DIGIT TAX# 1308002900 DEED REF# 31983/0001

SITE VICINITY MAP



ZONING MAP# 0108

SITE ZONED DR2

ELECTION DISTRICT 13

COUNCIL DISTRICT 1

LOT AREA ACREAGE .181

OR SQUARE FEET 7500

HISTORIC? YES

IN CBCA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE

SEWER IS:

PUBLIC X PRIVATE

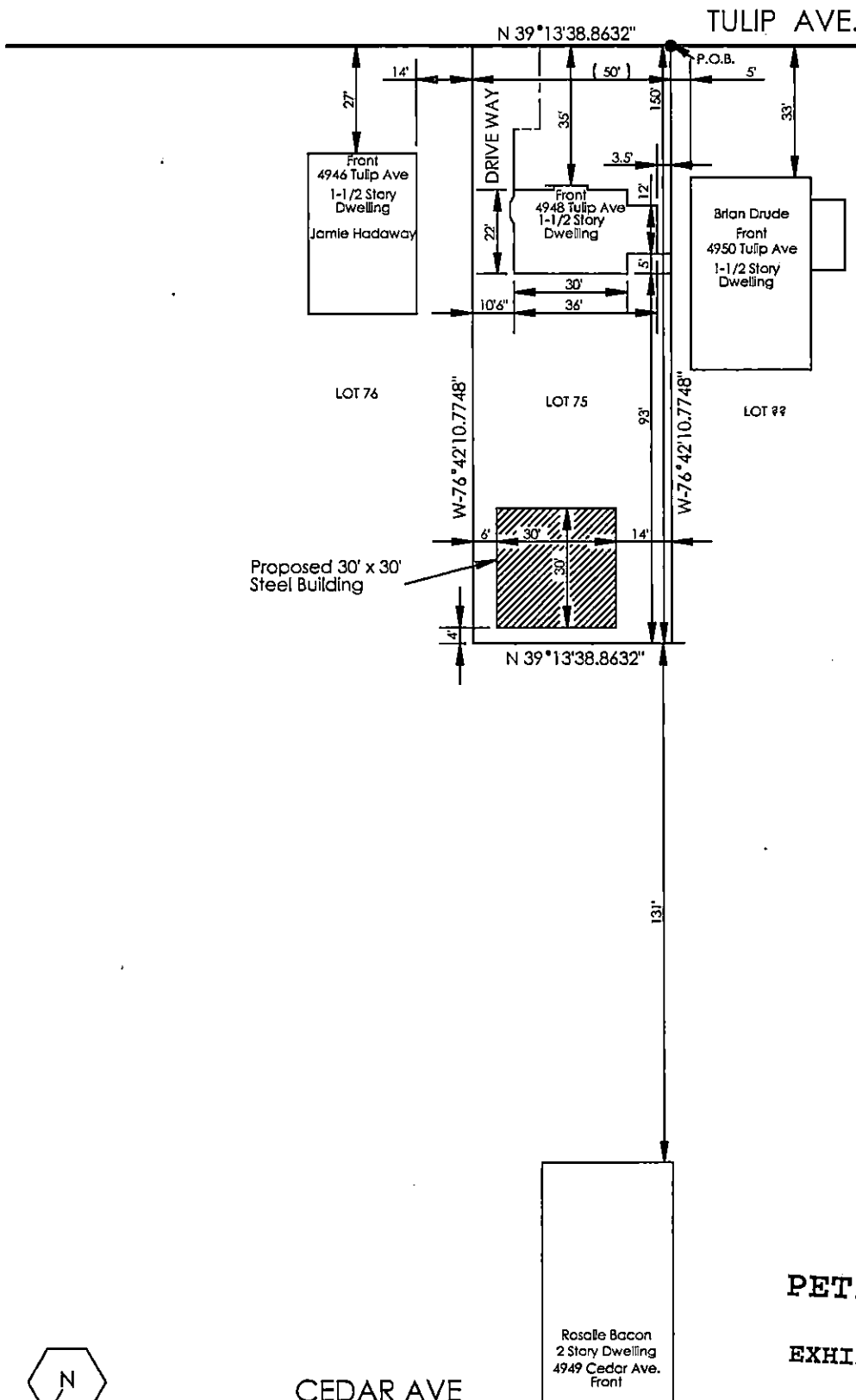
PRIOR HEARING?

IF SO GIVE CASE NUMBER

AND ORDER RESULTS BELOW:

CB2000085

Hunter Rove or Hunter Rowe



PETITIONER'S

EXHIBIT NO. 1

PLAN DRAWN BY RYAN BROWN DATE 08/31/2020 SCALE: 1 INCH= 40 FEET



PETITION FOR ZONING HEARING(S)

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

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

Address 4948 Tulip Avenue Halethorpe MD 21227 which is presently zoned DR 2

Deed References: 31983/00001 10 Digit Tax Account # 1 3 0 8 0 0 2 9 0 0

Property Owner(s) Printed Name(s) Gordon Kelly

(SELECT THE HEARING(S) BY MARKING **X** 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. **X** a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Accessory Structure with footprint square footage larger than principle structure

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

3. a **Variance** from Section(s)

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

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

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

Legal Owners (Petitioners):

Gordon Kelly

Name #1 - Type or Print Name #2 - Type or Print

Gordon Kelly Signature #1 Signature #2

931 Maiden Coice Lane Baltimore MD

Mailing Address City State

21229 443-790-9342 towtruck01@comcast.net

Zip Code Telephone # Email Address

Representative to be contacted:

Ryan Brown

Name - Type or Print

Ryan Brown Signature

4948 Tulip Avenue Halethorpe MD

Mailing Address City State

21227 301-801-1212 Qryan32@hotmail.com

Zip Code Telephone # Email Address

CASE NUMBER B972403

Filing Date 09/03/2020

Do Not Schedule I

PETITIONER'S

EXHIBIT NO.

2

ZONING PROPERTY DESCRIPTION FOR 4948 TULIP AVE.

BEGINNING FOR THE SAME AT AN IRON PIPE SET IN THE NORTHWESTERLY LINE OF TULIP AVENUE AT THE DISTANCE NORTHEASTERLY ALONG SAID LINE OF 50 FEET FROM A CONCRETE MONUMENT SET AT THE NORTHEASTERN CORNER OF MAGNOLIA AND TULIP AVENUES; THENCE RUNNING NORTHEASTERLY ALONG SAID LINE OF TULIP AVENUE 50 FEET TO A POINT WHICH IS 3 INCHES SOUTHEREASTERLY FROM AN IRON PIPE; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF LOT 75 [ASSING OVER SAID PIPE 150 FEET TO AN PIPE SET AT THE NORTHEASTERLY CORNER OF LOT 75; THENSE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 50 TO AN IRON PIPE SET IN THE MIDDLE OF SAID LINE OF LOT 75 THENCE BY A DIVISION LINE SOUTHEASTERLY THROUGH THE MIDDLE OF LOT 75, 150 FEET TO THE POINT OF BEGINNING.

BEING THE NORTHEASTERN MOST ONE-HALF OF LOT NO. 75 AS SHOWN ON A THE PLAT OF CEDAR HEIGHTS, RECORDED AMONG THE PLAT RECORDS OF BALTIMORE COUNTY IN PLAT BOOK JWS NO. 1, FOLIO 62, AND SUBJECT TO A WALK FIVE FOOT IN WIDTH ALONG THE NORTH SIDE OF TULIP AVERNUE AS SHOWN ON SAID PLAT.

PETITIONER'S

EXHIBIT NO. 3

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: B972403

Property Address: 4948 Tulip Avenue Halethorpe MD 21227

Property Description: 1-1/2 Story Dwelling

Legal Owners (Petitioners): Gordon Kelly

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gordon Kelly

Company/Firm (if applicable): _____

Address: 931 Maiden Choice Lane Baltimore MD

Telephone Number: 443-790-9342

PETITIONER'S

EXHIBIT NO. 4



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, Director
Department of Planning

July 10, 2020.

Gordon Kelly
4948 Tulip Avenue
Halethorpe, MD 21227

Re: Historic Review Application for 4948 Tulip Avenue
Non-contributing structure in the Relay County Historic District

Dear Mr. Kelly,

At its July 9th, 2020 meeting, the Baltimore County Landmarks Preservation Commission (LPC) reviewed a request to amend the plans for a 30' x 40' x 14.5' metal garage installed in the rear yard of the property at 4948 Tulip Avenue to correct Code Enforcement Correction Notice CB2000085. The Commission voted to issue a Notice to Proceed for the amended plans with the following conditions:

1. The length of the structure be reduced by 10' as proposed;
2. The structure be re-sided with true tongue and groove board and batten wood siding with no horizontal cuts or with horizontal cementitious clapboard siding;
3. The carriage door be installed in place of the roll up garage door as proposed;
4. The garage should have a single entry door with transom to match the height of the adjacent carriage door on the south elevation;
5. One 32" x 60" double hung 6/6 window should be installed on the south elevation.

This action is in accordance with Baltimore County Code Sections 32-7-403 and 32-7-405 citing Baltimore County Historic Design Guidelines: Additions and Infill, pages 4-7, and Fences and Landscape, page 5.

Please note, the work will require a Baltimore County building permit. Applications for building permits are obtained from the Department of Permits, Approvals and Inspections located at 111 Chesapeake Avenue in Towson. Information regarding building permits is available on the County's website - <https://www.baltimorecountymd.gov/Agencies/permits/index.html>. Questions regarding that process should be directed to the Permits, Approvals & Inspections Office.

Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Taylor Bensley
Administrator/Secretary

PETITIONER'S

EXHIBIT NO.

5

TB:tb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 9/23/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-223

INFORMATION:

Property Address: 4948 Tulip Avenue
Petitioner: Gordon Kelly
Zoning: DR 2
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for:

Special Hearing under BCZR Section 500.7 to determine whether or not the zoning commissioner should approve an accessory structure with footprint square footage larger than then principle structure.

The property is located within the Relay County Historic District. The primary structure at 4948 Tulip Avenue was constructed in 1940, classifying it as a non-contributing structure within the district. The request for an accessory structure was originally brought to Historic Preservation's attention with Code Enforcement Correction Notice CB2000085, as the structure was constructed without prior review from the Landmarks Preservation Commission and without a building permit.

A site visit was conducted by Historic Preservation staff and a Technical Committee composed of Commissioners on June 25th, 2020 to offer feedback to the applicant; plans to amend the structure were submitted for review of the LPC at their July 9th, 2020 meeting. The Commission voted to issue a Notice to Proceed for the amended plans with conditions.

The Department of Planning supports the request as long as the applicant complies with the conditions that were noted in the Landmarks Preservation Commission - Notice to Proceed. If these conditions are not met the Department of Planning denies this request.

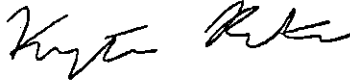
For further information concerning the matters stated herein, please contact Josephine Selvakumar at 410-887-3480.

PETITIONER'S

EXHIBIT NO. 60

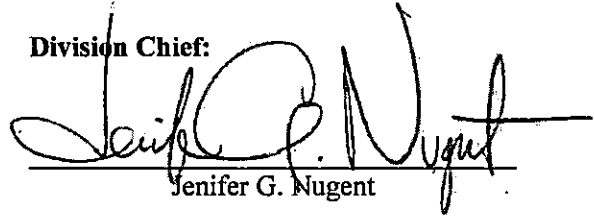
Date: 9/23/2020
Subject: ZAC # 20-223
Page 2

Prepared by:



Krystle Patchak

Division Chief:



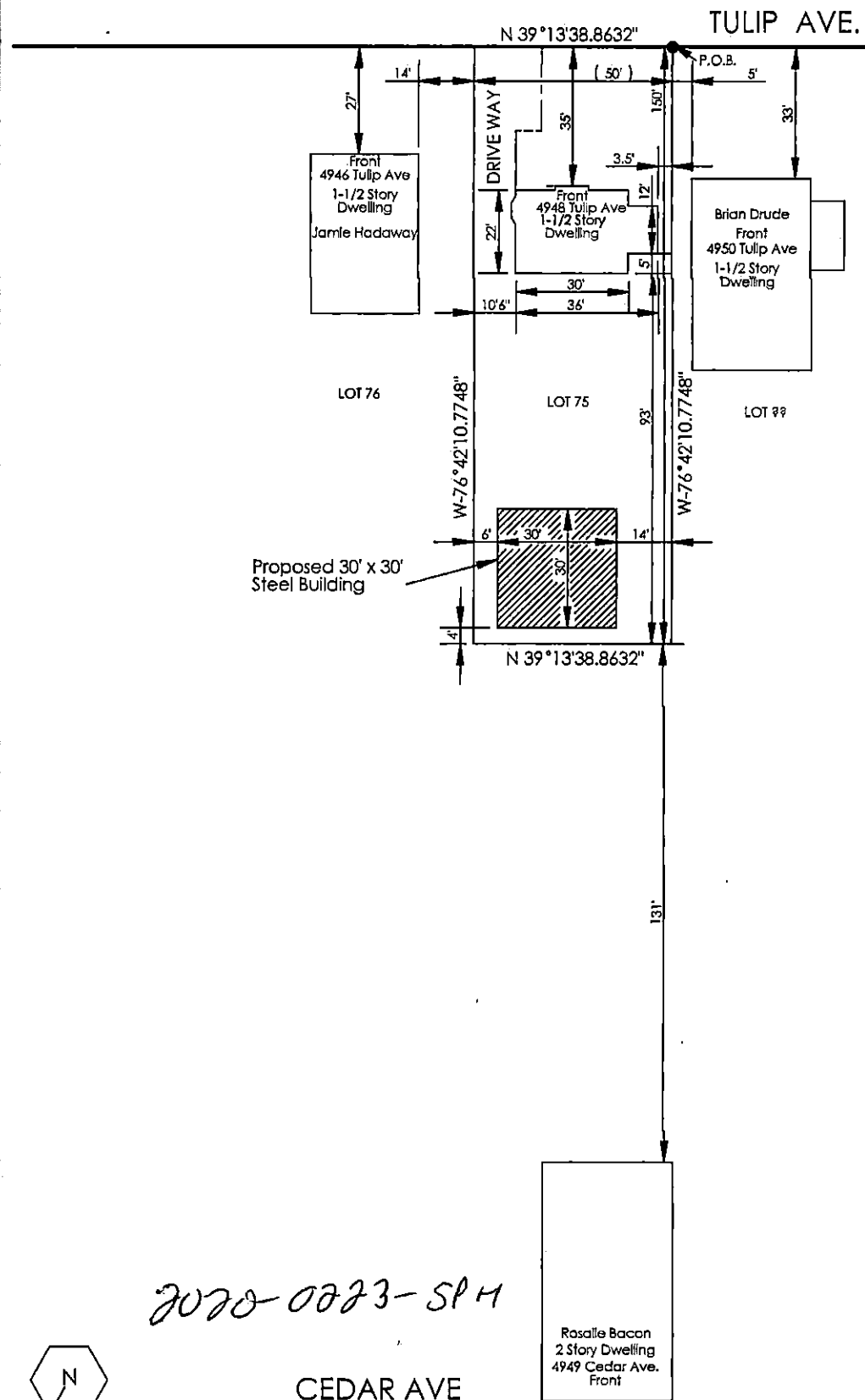
Jenifer G. Nugent

CPG/JGN/KP/

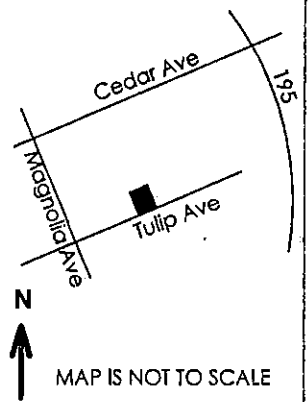
Cc: Josephine Selvakumar
Ryan Brown
Office of the Administrative Hearings
People's Counsel for Baltimore County

Attachment

ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING X (MARK TYPE REQUEST WITH X)
 ADDRESS 4948 TULIP AVE OWNERS NAME(S) GORDON KELLY
 SUBDIVISION NAME Cedar Heights LOT# 75 BLOCK# N/A SECTION# N/A
 PLAT BOOK# 1 FOLIO# 62 ID DIGIT TAX# 1308002900 DEED REF# 31983/0001



SITE VICINITY MAP



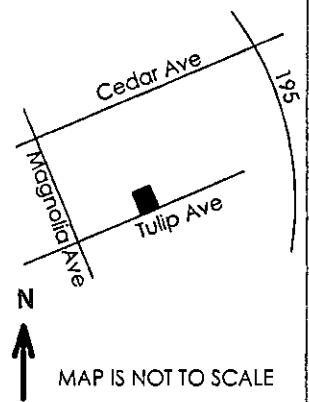
ZONING MAP# 0108
 SITE ZONED DR2
 ELECTION DISTRICT 13
 COUNCIL DISTRICT 1
 LOT AREA ACREAGE .181
 OR SQUARE FEET 7500
 HISTORIC? YES
 IN CBCA? No
 IN FLOOD PLAIN? No
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? _____
 IF SO GIVE CASE NUMBER
 AND ORDER RESULTS BELOW:
CB2000085

Hunter Rove or Hunter Rowe

MAGNOLIA AVE.

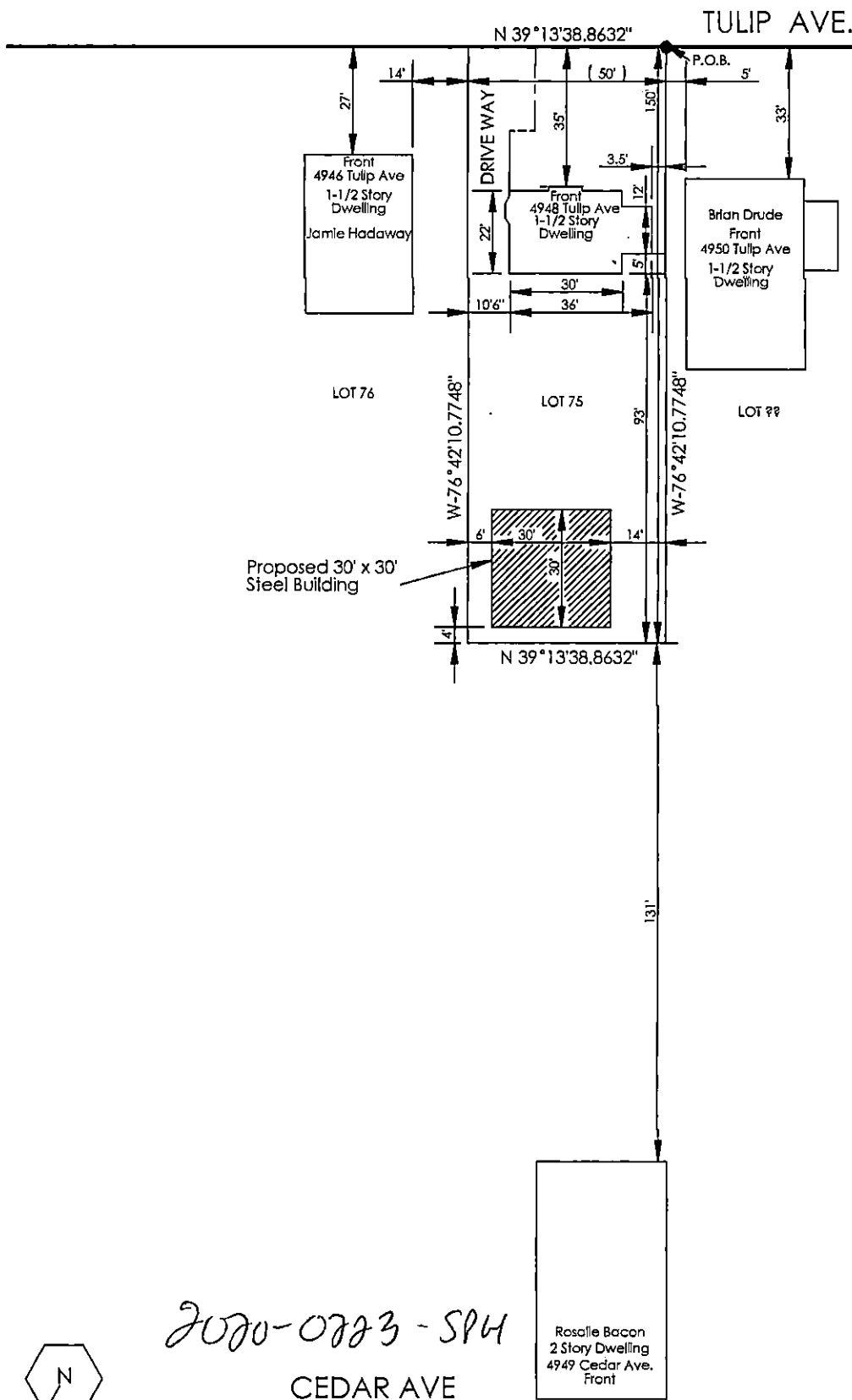
ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING X (MARK TYPE REQUEST WITH X)
 ADDRESS 4948 TULIP AVE OWNERS NAME(S) GORDON KELLY
 SUBDIVISION NAME Cedar Heights LOT# 75 BLOCK# N/A SECTION# N/A
 PLAT BOOK# 1 FOLIO# 62 ID DIGIT TAX# 1308002900 DEED REF# 31983/0001

SITE VICINITY MAP



ZONING MAP# 0108
 SITE ZONED DR2
 ELECTION DISTRICT 13
 COUNCIL DISTRICT 1
 LOT AREA ACREAGE .181
 OR SQUARE FEET 7500
 HISTORIC? YES
 IN CBCA? No
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 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? _____
 IF SO GIVE CASE NUMBER
 AND ORDER RESULTS BELOW:
CB2000085

Hunter Rove or Hunter Rowe



MAGNOLIA AVE.

2020-0723-SP4

CEDAR AVE

Rosale Bacon
 2 Story Dwelling
 4949 Cedar Ave.
 Front

Donna Mignon

From: Donna Mignon
Sent: Thursday, December 17, 2020 11:41 AM
To: Lisa M Henson
Subject: Complaint No: CB2000085

Hi Lisa

I hope you are doing well. When you can, please send me the paperwork regarding the above Code Enforcement Complaint.

Thank you so much. Have a great day.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB2000085

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB2000085	Hunter Rowe	02/24/2020	02/24/2020	Correction Notice Issued	04/05/2020	

Complaint Description: constructing large garage in historic area, no permits.

Please update complainant.

<u>Property</u>	<u>Owner</u>	<u>Complainant</u>
4948 TULIP AVE HALETHORPE, MD 21227-4949 Tax Id: 1308002900	KELLY GORDON 4948 TULIP AVE BALTIMORE, MD 21227-4949	Regina Hrybyk 410-218-8247

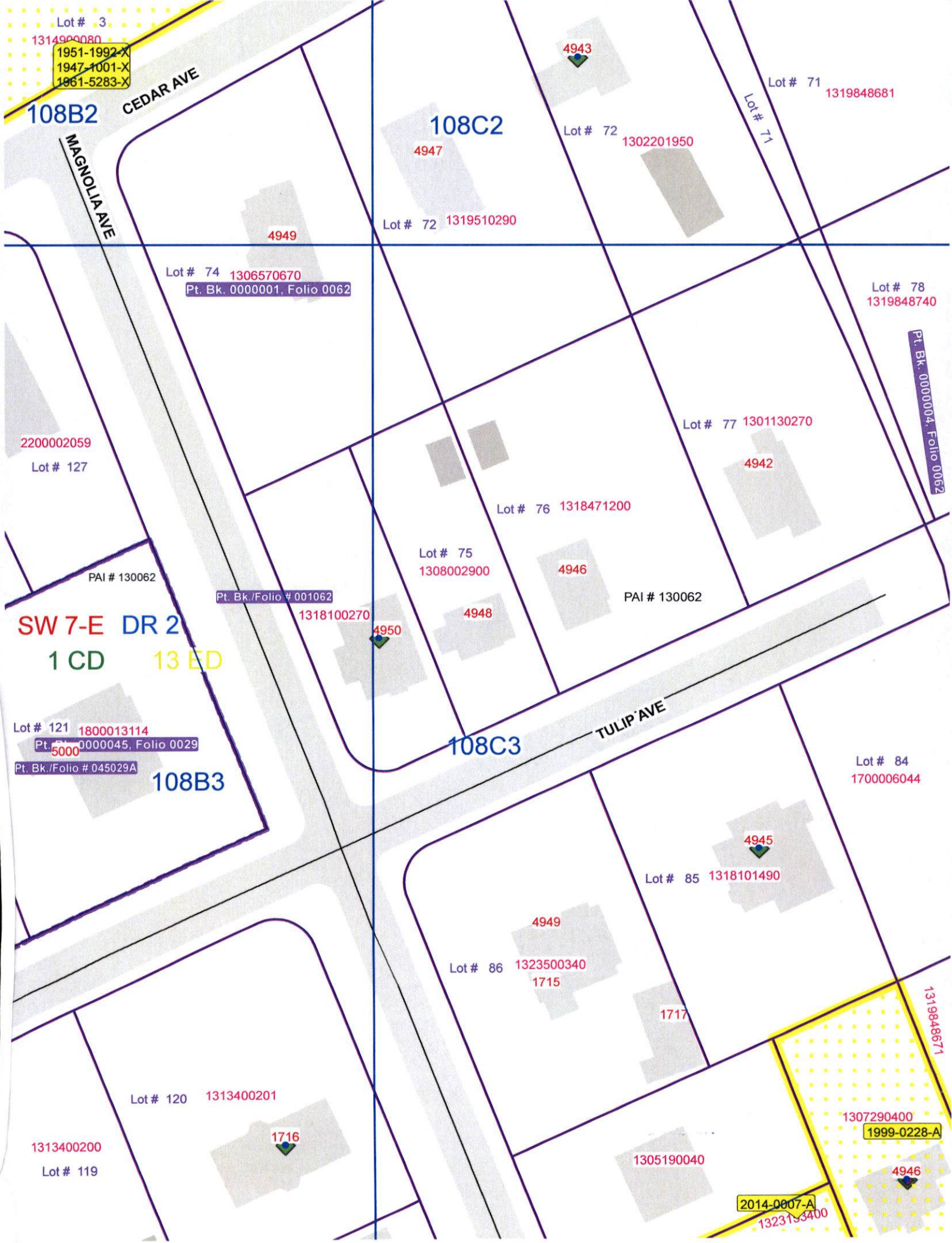
Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Hunter Rowe	03/05/2020	Initial Inspection	Correction Notice Issued	Correction Notice Issued	
Hunter Rowe		Re-Inspection	Scheduled		

Lien Information - No Lien

Comments Detail

3/5/2020: Permit & inspections required for shed built in rear yard. Correction Notice posted & mailed. R/C 03/05/2020. ***HR/sph



Lot # 3
1314990080
1951-1992-X
1947-1001-X
1961-5283-X

108B2

CEDAR AVE

MAGNOLIA AVE

108C2

Lot # 71 1319848681

Lot # 72 1302201950

Lot # 72 1319510290

Lot # 74 1306570670
Pt. Bk. 0000001, Folio 0062

Lot # 78 1319848740

Pt. Bk. 0000004, Folio 0062

Lot # 77 1301130270

2200002059
Lot # 127

Lot # 76 1318471200

Lot # 75 1308002900

PAI # 130062

PAI # 130062

Pt. Bk./Folio # 001062

1318100270

SW 7-E DR 2
1 CD 13 ED

Lot # 121 1800013114
Pt. Bk. 0000045, Folio 0029
5000
Pt. Bk./Folio # 045029A

108B3

108C3

TULIP AVE

Lot # 84 1700006044

Lot # 85 1318101490

Lot # 86 1323500340
1715

Lot # 120 1313400201

1313400200
Lot # 119

1307290400
1999-0228-A

2014-0007-A
1323153400