



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

May 26, 2023

Eric and Elizabeth Holmes – eric.j.holmes1@gmail.com
4106 Kincaid Road
Baldwin, MD 21013

RE: Petition for Administrative Variance
Case No. 2023-0093-A
Property: 4106 Kincaid Road

Dear Mr. and Mrs. Holmes:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,


PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(4106 Kincaid Road)		
10 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Eric & Elizabeth Holmes	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2023-0093-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 subject property, Eric and Elizabeth Holmes (“Petitioners”). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 400.1: To approve an accessory building (garage) located in the 1/3 area of the yard closest to the side street in lieu of the 1/3 furthest removed from the side street. The subject property and requested relief are 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 May 5, 2023, 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 to satisfy the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioners.

Although the Department of Planning did not make any recommendations related to the proposed accessory building (detached garage) height and usage, I will impose conditions that the proposed accessory building (detached 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.

THEREFORE, IT IS ORDERED, this 26th day of **May, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("BCZR") § 400.1: To approve an accessory building (garage) located in the 1/3 area of the yard closest to the side street in lieu of the 1/3 furthest removed from the side street, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate 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.
- Petitioners or subsequent owners shall not convert the proposed accessory building (detached garage) into a dwelling unit or apartment. The proposed accessory building (detached garage) shall not contain any sleeping quarters, living area, or kitchen or bathroom facilities.

- The proposed accessory building (detached 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.



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlw



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 4106 Kincaid Rd Baldiwn MD 21013 Currently Zoned RC5
Deed Reference /27380 / 00233 10 Digit Tax Account # 1023075305
Owner(s) Printed Name(s) Eric Holmes & Elizabeth Holmes

(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 400.1 to approve an accessory building (garage) located in the 1/3 area of the yard closest to the side street in lieu of the 1/3 furthest removed from the side street

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 zoning regulations of Baltimore County, to the zoning 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):

Eric Holmes / Elizabeth Holmes
Name #1 – Type or Print Name #2 – Type or Print
Eric Holmes / Elizabeth Holmes
Signature #1 Signature #2

4106 Kincaid Rd Baldiwn MD 21013
Mailing Address City State
21013 / 443-255-7144 / eric.j.holmes1@gmail.com
Zip Code Telephone #'s (Cell and Home) 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:

Eric Holmes
Name - Type or Print
Eric Holmes
Signature
4106 Kincaid Rd Baldiwn MD 21013
Mailing Address City State
21013 / 4432557144 / eric.j.holmes1@gmail.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ 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 2023-0093-A Filing Date 4/25/2023 Estimated Posting Date 5/7/2023 Reviewer CP

Revised 8/2022

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: 4106 Kincaid Rd Baldwin MD 21013

Print or Type Address of Property

City

State

Zip Code

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

I Eric Holmes understand there are no limitation to the structures we can build on our property in the community of Quinn. Based on the location of our home and it's drive way it would be nearly impossible for me to put this building in the rear of my property. We would need to create a very long drive way causing more urban sprawl and making the rain water run off more difficult. The intent of this building is to house a vehicle and boat which will need access to the drive way. To attach the drive way to the building we will need access to the top of my drive way in its current location without adding an additonal 75+ feet of asphalt.

I have already had the building approved by our local community leaders and HOA

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

Elizabeth Holmes
Signature of Owner (Affiant)

Elizabeth Holmes
Name - Print or Type

Eric Holmes
Signature of Owner (Affiant)

Eric Holmes
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 1 day of April, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Eric Holmes Elizabeth Holmes

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

AS WITNESS my hand and Notaries Seal

Simone Trintis Volikas Simone Trintis Volikas
Notary Public

3/24/24
My Commission Expires

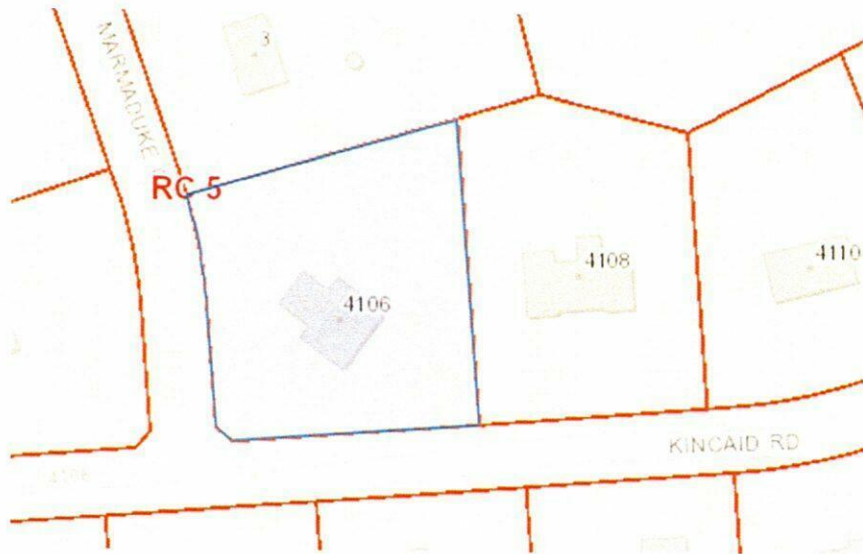


2023-0093-A

Property Description

Zoning Property Description for 4106 Kincaid Rd Baldwin MD 21013

Beginning at a point west of Marmaduke CT which is 20 feet wide at the distance of 52.4 feet South of the centerline of the nearest improved intersection street of Kincaid Rd which is 20 feet wide



2023-0093-A

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

No. 222689

Date: 4-25-2023

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: 2023-0093-A

For: 4106 Kincaid Rd

RLS

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CF 23-0331

ERIC J HOLMES 08-96
ELIZABETH HOLMES
4106 KINCAID RD
BALDWIN, MD 21013-9611

1133

7-163/520 MD
5171

March 30, 2024
Date

Pay to the
Order of Baltimore County \$ 75.00
Seventy Five 00/100 Dollars

BANK OF AMERICA

ACH R/T 052001633

For

Elizabeth Holmes
MP

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: June 7, 2023

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 8, 2023
Item No. 2023-0088-SPH

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

DPW&T Comments:

Lot Line adjustments are considered development according to county code. A riverine flood plain that meets the qualifications of a Baltimore County flows overland on the property. Based on Baltimore County Code 32-4-414, development in a riverine flood plain is prohibited. A riverine flood study based on ultimate land use conditions according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review (DPR) Policy Manual and DPW&T Design Manual must be submitted and "Accepted for Filing" by DPR before the approval of the Special Hearing.

*

*

*

*

*

VKD: cen

cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director

DATE: June 7, 2023

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 8, 2023
Item No. 2023-0089-SPH

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

DPW&T Comments:

Lot Line adjustments are considered development according to county code. A riverine flood plain that meets the qualifications of a Baltimore County flows overland on the property. Based on Baltimore County Code 32-4-414, development in a riverine flood plain is prohibited. A riverine flood study based on ultimate land use conditions according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review (DPR) Policy Manual and DPW&T Design Manual must be submitted and "Accepted for Filing" by DPR before the approval of the Special Hearing.

*

*

*

*

*

VKD: cen

cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

DATE: June 7, 2023

SUBJECT: Zoning Advisory Committee Meeting
For May 8, 2023
Item No. 2023-0092-A

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

DPW&T Comments:

A riverine flood plain that meets the qualifications of a Baltimore County flows overland very close to the property. Based on Baltimore County Code 32-4-414, development in a riverine flood plain is prohibited. A riverine flood study based on ultimate land use conditions according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review (DPR) Policy Manual and DPWT Design Manual must be submitted and "Accepted for Filing" by DPR before the approval of the Administrative Variance for the addition. The proposed addition must also meet DPW&T Design Manual Plate DF-1.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
VKD

DATE: June 7, 2023

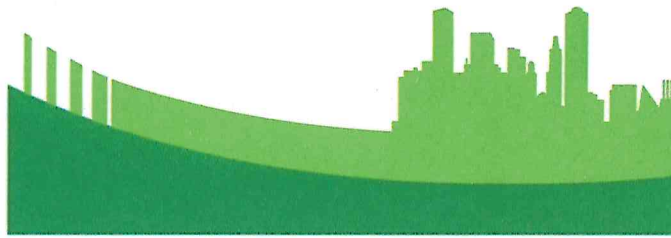
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 8, 2023
Item No. 2023-0090-A, 0091-A, 0093-A

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

* * * * *

VKD: cen
cc: file



CERTIFICATE OF POSTING

May 05, 2023

_____ amended for second inspection

Re:

Zoning Case No. 2023-0093-A

Legal Owner: Eric & Elizabeth Holmes

Closing date: May 22, 2023

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

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **4106 Kincaid Road**.

The signs were initially posted on **May 5, 2023**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink that reads "Bruce E. Doak". The signature is stylized with a large "B" and "D".

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

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

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2023-0093-A

4106 Kincaid Road Baldwin MD 21013

**REQUEST: BCZR 400.1 TO APPROVE AN
ACCESSORY BUILDING (GARAGE) LOCATED
IN THE 1/3 AREA OF THE YARD CLOSEST TO
THE SIDE STREET IN LIEU OF THE 1/3
FURTHEST REMOVED FROM THE SIDE
STREET**

PUBLIC HEARING?

**PURSUANT TO SECTION 26-127(b)(1) BALTIMORE
COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP
MAY REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN
THE ZONING OFFICE BEFORE MAY 22, 2023.**

**ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W.
CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391**

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2023-0093-A

4106 Kincaid Road Baldwin MD 21013

**REQUEST: BCZR 400.1 TO APPROVE AN
ACCESSORY BUILDING (GARAGE) LOCATED
IN THE 1/3 AREA OF THE YARD CLOSEST TO
THE SIDE STREET IN LIEU OF THE 1/3
FURTHEST REMOVED FROM THE SIDE
STREET**

PUBLIC HEARING?

**PURSUANT TO SECTION 26-127(b)(1) BALTIMORE
COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP
MAY REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN
THE ZONING OFFICE BEFORE MAY 22, 2023.**

**ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W.
CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391**



1023075302

Lot # 9⁵

1023075303

Lot # 16

1600013087

MARMADUKE CT

Lot # 3 1023075297

Pt. Bk. 0000033, Folio 0102

1023075304

Lot # 10

Lot # 15

Pt. Bk. 0000035, Folio 0084
1600013086

Pt. Bk./Folio # 035084

NE 20-D

3 CD

SITE

10 ED
RC 5

044A1

PAI # 100046

Pt. Bk./Folio # 033102

Lot # 2
1002026961

PAI # 100046

Lot # 12

1023075306

4108

GROWTH TIER 2
(New Major Subs. of 4 or More Additional
Lots Req. Plan. Bd. Approval)

1023075305

Lot # 11
4106

PAI # 100046

PAI # 100046

Lot # 13
1600013084

KINCAID RD

NE 19-D

4105

Lot # 2
1019008510

Lot # 3

1023075292

Lot # 4

1023075293

4107

4109

Lot # 5

1023075294

Lot # 6

1600013082

2023 DD 93-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023 - 0093 -A Address 4106 Kincaid Rd

Contact Person: Christine Frank Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4-25-2023 Posting Date: 5-7-2023 Closing Date: 5-22-2023

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

- 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.
- 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.
- 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.
- 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.

Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2023 - 0093 -A Address 4106 Kincaid Rd

Petitioner's Name: Eric Holmes & Elizabeth Holmes Telephone (Cell) 443-255-7144

Posting Date: 5-7-2023 Closing Date: 5-22-2023

Wording for Sign: To Permit an accessory building (garage) located in the 1/3 area of the yard closest
to the side street in lieu of the 1/3 furthest removed from the side street



2023-0093-A



Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
--------------------------	--	--

Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 1023075305

Owner Information

Owner Name:	HOLMES ERIC HOLMES ELIZABETH	Use:	RESIDENTIAL
Mailing Address:	4106 KINCAID RD BALDWIN MD 21013-9611	Principal Residence:	YES
		Deed Reference:	/27380/ 00233

Location & Structure Information

Premises Address:	4106 KINCAID RD BALDWIN 21013-9611	Legal Description:	4106 KINCAID RD QUINN
-------------------	---------------------------------------	--------------------	--------------------------

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0044 0002 0151 10030036.04 0000 3 B 11 2023 Plat Ref: 0033/ 0102

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1970	2,452 SF		0.9800 AC	04

Stories	Basement Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT 1/2 BRICK SIDING/4 BRICK	2 full/ 1 half	1 Attached		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2022	07/01/2023
Land:	167,500	220,500		
Improvements	315,700	332,900		
Total:	483,200	553,400	483,200	506,600
Preferential Land:	0	0		

Transfer Information

Seller: DICKINSON SUSAN W	Date: 10/08/2008	Price: \$595,000
Type: ARMS LENGTH IMPROVED	Deed1: /27380/ 00233	Deed2:
Seller: PLUNKETT DANIEL J	Date: 10/04/2004	Price: \$475,000
Type: ARMS LENGTH IMPROVED	Deed1: /20778/ 00253	Deed2:
Seller: PLUNKETT DANIEL J	Date: 08/30/2000	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /14666/ 00303	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
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: Approved 02/19/2014

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0093-A

SITE PLAN

4106 Kincaid Rd

Baldwin, MD 21013

Parcel ID: 10-1023075305

Lot area: 0.98 Acres

Paper Size: 11"x17"

Drawn by Eric Holmes Date 4/13/2023

Zoning Hearing plan Variance X

Owners Name: Eric and Elizabeth Holmes

Subdivision: Quinn Block: B Lot: 11 Section N/A

Plat Book # 0033 Folio # 0102 Parcel 0151

Tax PIN 1023075305

Deed Reference: 27380:0233

Platt Reference: 0000033/0102



scale 1"=50'

Historic No

CBCA No

Flood Plain No

Water is Private

Sewer is Private

Prior Hearing No

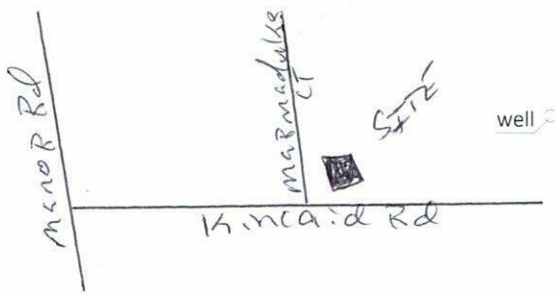
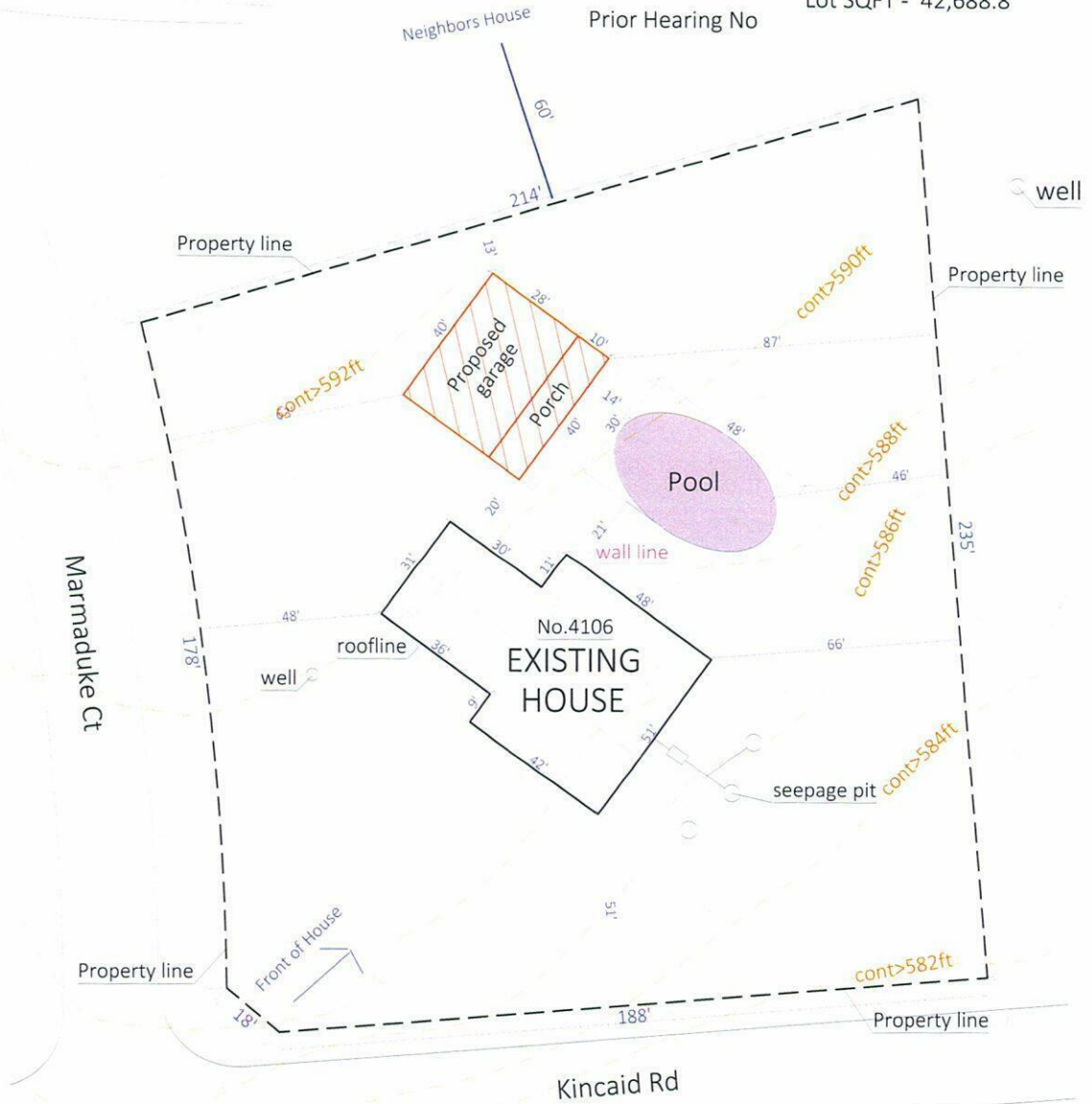
zoning map - 0044#1

Zoning RC5

Election District - 10

council district - 3

Lot SQFT - 42,688.8



Created by:



2023-0093-A