

JOHN A. OLSZEWSKI, JR. County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

December 18, 2023

Thomas and Jacqueline Iacoboni, Trustee- <u>tiacoboni@iacaboni.com</u> 15635 Yeoho Road Sparks, MD 21152

RE:

Petition for Variance

Case No. 2023-0197-A

Property: 15635 Yeoho Road

#### Dear Petitioners:

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,

ANDREW M. BELT Administrative Law Judge for Baltimore County

AMB:dlm Enclosure

c: Bruce E. Doak – <u>bdoak@bruceedoakconsulting.com</u>

IN RE: PETITION FOR VARIANCE

(15635 Yeoho Road)

8th Election District

3rd Council District

Thomas and Jacqueline Iacoboni, Trustee
Legal Owners

\* BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS OF

BALTIMORE COUNTY

Petitioners \* CASE NO. 2023-0197-A

### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Variance filed by Thomas and Jacqueline Iacoboni, Trustee ("Petitioners") for property located at 15635 Yeoho Road, Sparks ("Property"). Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR") §§ 400.1 and 400.3 to approve an accessory building (garage) in the left side yard at a height of 23 ft. in lieu of the required rear yard placement and a maximum height of 15 ft., respectively.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioners appeared at the hearing, in support of the Petition. Bruce E. Doak of Bruce E. Doak Consulting, LLC assisted the Petitioners and prepared the Site Plan.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"), the Department of Environmental Protection and Sustainability ("DEPS") and Department of Public Works and Transportation ("DPWT"), and these agencies did not oppose the requested relief.

There were no protestants or interested citizens in attendance at the hearing.

The Property is approximately 14 acres and is zoned RC 2. Mr. Doak explained that the

Petitioners wish to build a 23 ft. garage on the left side of the property instead of rear yard and in lieu of the required 15 ft. The present two story dwelling presently has an attached garage and swimming pool. (Pet Ex. 1) The property is surrounded by a forested area and is subject to Forest Buffer and Conservation Easements. The rear of the property consists of sloping topography and the area on which the current dwelling is constructed sits at an elevation exceeding surrounding properties. (Pet. Ex. 3 & Ex. 5). The dwelling septic field is also located to the north of the property.

Petitioner, Thomas Iacoboni testified that he currently stores two cars and equipment in his attached garage and would like to store his truck, Gator utility vehicle and other tools used for the maintenance of the property in the proposed garage. He explained that the increased height of the garage would aid in the storage of larger vehicles and would be in architectural harmony with the roofline of the existing structures, (Pet. Ex. 6E-J; Ex 7).

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

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

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

The Property is unique as illustrated in photographs submitted by the Petitioners, the steep terrain of the rear yard precludes the construction of the proposed garage in the rear of the property and conservation easements precludes the proposed garage from being located elsewhere on the property. It is clear that without the requested variance relief an accessory garage could not be constructed on the property.

Additionally, efforts have been made to maintain a consistent and harmonious architectural aesthetic between existing structures and allowing the garage to have a height of 23 ft. would continue this effort and allow for the storage of larger vehicles and provide space for additional storage need for maintaining the property.

I find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED, this <u>18<sup>th</sup></u> day of December, 2023, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR, §§ 400.1 and 400.3 to approve an accessory building (garage) in the left side yard at a height of 23 ft. in lieu of the required rear yard placement and a maximum height of 15 ft., respectively, be and is hereby **GRANTED.** 

The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
- 2. Petitioners and subsequent owners shall not convert the detached garage/office into a dwelling unit or apartment. The proposed detached garage shall not contain any sleeping quarters, bathroom, kitchen area or living area.
- 3. There shall be no second utility and/or electric meter(s). All utility and electric shall extend from the house to the detached garage.
- 4. The detached garage/office shall not be used for commercial or industrial purposes.

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

ANDREW M. BELT

Administrative Law Judge

for Baltimore County

AMB/dlm



CASE NUMBER

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: which is presently zoned Address 15635 YEOHO KOAD 10 Digit Tax Account # 220002 Deed References: 10944 / 48 Property Owner(s) Printed Name(s) (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: a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for 3. X a Variance from Section(s) BCZR 400.1 and 400.3 To approve an accessory building (garage) in the left side yard at a height of 30 ft in lieu of the required rear yard placement and a height of 23 ft in lieu of the maximum height of 15 ft, respectively of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition) TO BE PRESENTED AT THE HEARING Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s). Legal Owners (Petitioners): Contract Purchaser/Lessee: Name- Type or Print Signature Signature YED Mailing Address City State City State Mailing Address 43-250-5040 **Email Address** Email Address Zip Code Telephone # Zip Code Telephone # TIACOBOUL @ IACOBOUL. COM Representative to be contacted: Attorney for Petitioner: RUCE E. DOAK BRUCE E. DOAK COUSULTING Name-Type or Print Signature Signature REEMMO BAKER State City State Mailing Address Mailing Address 410-419-4906 Email Address Telephone # Email Address Zip Code Zip Code Telephone # BOOAK @ BRUCE EDOAK COUSULT

Filing Date 10 125, 2025

Do Not Schedule Dates:

## **ZONING PROPERTY DESCRIPTION FOR**

## 15635 Yeoho Rd

Beginning at a point on the North East side of Yeoho Rd which is 20 feet wide at a distance of 1,068 feet North of the centerline of the nearest improved intersecting street, Belfast Rd which is 22 feet wide.

2023-0197-A



#### **Zoning Description**

15635 Yeoho Road- 14.00 Acre Parcel
Lot Two "The David S. Hale Property" Plat Book 1, Page 105
Eighth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at the southern most corner of Lot Two as shown on the plat entitled "The David S. Hale Property", which is recorded in the Land Records of Baltimore County, Maryland in Plat Book 1, page 105. Said point being 800 feet +\_ northerly and northwesterly from the centerline of Yeoho Road.

The subject property is Lot Two as shown on the plat entitled "The David S. Hale Property", which is recorded in the Land Records of Baltimore County, Maryland in Plat Book 1, page 105.

Containing 14.00 acres of land, more or less.

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

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

2023-0197-A

# DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Case Number: 2023-0197-A
Property Address: 15635 YEO HO ROAD
Property Description: Lor 2 "THE DAVID S. HALE PROPERTY" PB 1/105
Legal Owners (Petitioners): THOMAS & JACQUELINE /ACOBONI
Contract Purchaser/Lessee:
PLEASE FORWARD ADVERTISING BILL TO:  Name:
Company/Firm (if applicable): BRUCE E. DOAK CONSULTING, LLC
Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MO 21053
Telephone Number: 410-419-4906

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## **CERTIFICATE OF POSTING**

November 22, 2023
amended for second inspection
Re: Zoning Case No. 2023-0197-A Legal Owner: Thomas & Jacqueline Iacoboni, Trustee Hearing date: December 13, 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 15635 Yeoho Road.
The signs were initially posted on November 21, 2023.
The subject property was also inspected on
Sincerely,

See the attached sheets for the photos of the posted signs

Bruce E. Doak

MD Property Line Surveyor #531

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





# BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

**TO:** C. Pete Gutwald **DATE:** 11/13/2023

Director, Department of Permits, Approvals and Inspections

**FROM:** Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2023-0197-A

**INFORMATION:** 

**Property Address:** 15635 Yeoho Road

**Petitioner:** Thomas J. and Jaqueline E. Iacoboni, Trustees

**Zoning:** RC-2 **Requested Action:** Variance

The Department of Planning has reviewed the petition for the following:

Variance -

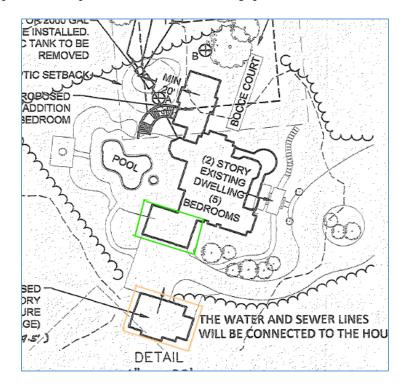
a. From BCZR Sections 400.1 and 400.3 – to approve an accessory building (garage) in the left side yard at a height of 30 ft in lieu of the required rear yard placement and a height of 23 ft in lieu of the maximum height of 15 ft, respectively.

The subject property consists of 14 acres, zoned RC-2 in the Sparks Glencoe area of Baltimore County. The property is improved with an existing 2 story house, a garage and swimming pool. Rural residential dwellings, forest conservations and agricultural purposes surround the property.

The RC-2 zone is a zoning district established to preserve the rural character of the area and promote low-density residential development. This district is intended to maintain the natural beauty and peacefulness of the surrounding countryside, while providing for compatible land uses and development patterns. The proposed relief is in harmony with the spirit and intent of the RC-2 zoning regulations. The requested use adheres to the zoning requirements and standards since it does not seek to alter the existing approved design. Therefore, the proposed use ensures that the rural character of the area remains uncompromised. The relief also maintains the low-density residential character of the area and upholds the requirements of the Section 1A01 BCZR.

The applicant requests to build a 23 ft garage on the left side of the property instead of in the rear yard and in lieu of the required maximum 15 ft. The applicant has cited a practical difficulty for the variance (over the phone), noting that the property's uneven topography leaves the chosen site as the only viable flat area. The owner plans to construct a garage (indicated in brown) directly opposite the existing one (indicated in green). The current garage will continue to house their two cars, while the new structure will accommodate their truck and lawn maintenance tools, such as a mower. Additionally, the attic space of the new garage is intended for storage. The relief sought will meet the petitioner's storage needs while preserving the natural topography and aesthetic appeal of the surroundings. The proposed development aligns with the low-density zoning of the area, reinforcing its commitment to environmental stewardship and sustainable growth. The representative has assured that the new garage will be designed in harmony

with the principal building, including matching roofing materials, to ensure consistency with the local environmental. The Department of Planning does not oppose to this petition however, the petitioner must ensure that the proposed development is not used as a living quarters or for commercial uses.



For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

**Division Chief:** 

Jenifer G. Nugent

Prepared by:

Krystle Patchak

SL/JGN/KP

c: Bruce Doak – Bruce Doak Consulting LLC
Joseph Wiley, Megan Benjamin and Abigail Rogers
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

#### **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: November 13, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0197-A

Address: 15635 YEOHO RD

Legal Owner: Thomas & Jacqueline Iacoboni, Trustees

Zoning Advisory Committee Meeting of November 13, 2023.

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
  - <u>X</u> Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
  - <u>X</u> Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

#### **Additional Comments:**

Any accessory structures or additions must be outside the existing Forest Buffer and/or Forest Conservation Easements.

Reviewer: Glenn Shaffer

## Real Property Data Search ( ) Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redem	ption	View GroundRent Registration			
Special Tax Recapture						
Account Identifier:	District - 08 Account N	umber - 2200	0023299			
	Owne	er Informa	tion			
Owner Name:	IACOBONI JACQUELIN IACOBONI THOMAS J T		EUse: Principal Residence	RESIDENTIAL e:YES		
Mailing Address:	15635 YEOHO RD SPARKS MD 21152-960	2	Deed Reference: /40444/ 00048			
7	Location & S	Structure	Information			
Premises Address:	15635 YEOHO RD SPARKS 21152-9602		Legal Description:	14.0035 AC NSR YEOHO RD 1300 FT NW OF BELFAST R		
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Town: None						
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