



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

March 26, 2024

Marianne Schmitt Hellauer- mshellaer@venable.com
Trustee of Irrevocable Trust Agreement for John Carey
750 E. Pratt Street
Baltimore, MD 21202

RE: **REVISED LETTER**
Petition for Variance
Case No. **2024-0021-A**
Property: 11530 Falls Road

Dear Petitioner:

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,

A handwritten signature in black ink, appearing to be "DJB", is written over a faint circular stamp or watermark.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB: dlm
Enclosure
c: Bruce E. Doak – bdoak@bruceedoakconsulting.com

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
(11530 Falls Road)		
8th Election District	*	OFFICE OF ADMINISTRATIVE
2nd Council District		
Marianne Schmidt Hellauer, Trustee	*	HEARINGS OF
Of Irrevocable Trust Agreement for		
John M. Carey	*	BALTIMORE COUNTY
Legal Owner		
	*	CASE NO. 2024-0021-A
Petitioner		
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) on a Petition for Variance filed by the legal owner, Marianne Schmidt Hellauer, Trustee of Irrevocable Trust Agreement for John M. Carey (“Petitioner”), for property located at 11530 Falls Road, Lutherville, Baltimore County, Maryland (the “Property”). The Petitioner is requesting the following variance relief from the Baltimore County Zoning Regulations (“BCZR”); (1) BCZR § 400.1 to permit an accessory structure (garage) to be located in the front and side yards in lieu of the required rear yard; and (2) BCZR § 400.3 to permit an accessory structure (garage) with a height of 16 ft., in lieu of the required maximum height of 15 ft.

A public hearing was conducted virtually on March 11, 2024 using the web-based platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Bruce E. Doak of Bruce E. Doak Consulting, LLC, a licensed surveyor, presented the Petition on behalf of Petitioner. Mr. Doak assisted in the preparation of the Petition and prepared the site plan (the “Site Plan”) (Pet. Ex. 1). There were no community members, Protestants, or other interested persons who appeared at the hearing.

The following exhibits were submitted by Petitioner and admitted into the record: (1) Site Plan; (2) SDAT record; (3) GIS record; (4) GIS aerial photograph; (5) GIS aerial photograph; (6)

site photographs; and (7) building elevations. County exhibits included in the file include the following: (1) Zoning Advisory Committee ("ZAC") comments; (2) Department of Plans Review ("DPR") comments; and (3) Department of Environmental Protection & Sustainability ("DEPS") comments. County agency reports do not indicate any objection to the requested relief.

Findings of Fact

This lot along with neighboring lots were once the Chestnut Ridge Golf & Country Club. The subject property is located along Middle Road but is addressed to Falls Road with unencumbered access from a shared drive from Falls Road. The property consists of approximately 4-acres of land and is improved by an existing single-family dwelling. The property is zoned RC-5. The property is surrounded on three sides by a separate 13-acre parcel of unimproved land under common ownership.

Mr. Doak proffered much of the testimony at the hearing including the property's history and detailed the relief requested under this Petition. The property last received zoning relief under Case No. 2014-0126-A in which then Petitioners were granted authority to permit an accessory structure (existing residential garage) to remain in the side yard and to have a height of 24 ft. in lieu of the required 15 ft. (garage to contain a full bathroom for convenience purposes) and to allow an existing swimming pool to remain in the front yard in lieu of the permitted rear yard. The property has undergone several improvements over the years and more improvements are planned. The single-family dwelling sits on a large, sloped lot and is configured such that the buildable area for the proposed accessory structure is located in the front and side yards of the property. Mr. Doak described the flat buildable area as a hilltop "island" of land that is suitable for the proposed improvement and any future improvements. The proposed accessory structure will be single-story with a basement and will be used for storage of yard equipment and small personal vehicles. At

only 20 feet in length, the proposed accessory structure will not store standard size road-titled motor vehicles. The basement of the proposed accessory structure will be used for recreational family activities. Mr. Doak proffered that the 16-foot height proposed is necessary to accommodate the roof slope of the proposed accessory structure was designed to effectively sheet snow, ice, and rainwater from the structure. Lastly, Mr. Doak proffered that the proposed accessory structure is not visible from adjacent homes or public roads.

Conclusions of Law

The Petition requests the following variance relief from the Baltimore County Zoning Regulations ("BCZR"): (1) BCZR § 400.1 to permit an accessory structure (garage) to be located in the front and side yards in lieu of the required rear yard; and (2) BCZR § 400.3 to permit an accessory structure (garage) with a height of 16 ft., in lieu of the required maximum height of 15 ft. Pursuant to BCZR § 307.1, "...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship...Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare..." 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).

As described above, the Property is unique due to its sloped topography, the orientation of the existing single-family home, and consequently the small buildable area available for development in the yards provided. Further, the property is unique with respect to its surroundings as the parcel is surrounded by a 13-acre undeveloped parcel under common ownership, further buffering any improvements from neighboring properties. I find that the lot's unique characteristics create a practical difficulty in complying with the location requirements and maximum height for accessory structures under BCZR. The location for the proposed accessory structure in the front yard is not visible to neighboring homes or public roadways. Lastly, with respect to the proposed maximum height of an accessory structure, the roof pitch is designed to the minimum degree necessary for adequate snow and water drainage and exceeds the 15 ft. height maximum by only 1 foot, thus requiring only a minimal variance.

For these reasons, I find that special circumstances or conditions exist that are peculiar to this property and strict compliance with the Zoning Regulations for Baltimore County for site location and accessory structure height would result in practical difficulty for Petitioner. Further, I find that the variances proposed are in harmony with the spirit and intent of said area and height regulations and will not result in any injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this 26th day of **March 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR§ 400.1 to permit an accessory structure (garage) to be located in the front and side yards in lieu of the required rear yard be and is hereby **GRANTED**, and;

IT IS FURTHER ORDERED, from BCZR § 400.3 to permit an accessory structure (garage) with a height of 16 ft., in lieu of the required maximum height of 15 ft., be and is hereby **GRANTED.**

The relief granted herein shall be subject to the following:

1. 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 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, Petitioner would be required to return the subject property to its original condition;
2. Petitioner and/or subsequent owners shall not convert the accessory structure into a dwelling unit or apartment except under proper permit. The proposed accessory structure shall not contain any sleeping quarters, living area, or kitchen or bathroom facilities;
3. The accessory structure shall not be used for commercial or industrial purposes; and
4. The accessory structure shall not have a separate utility or electric connection and shall connect to the electrical/utility in the home, except if separate meters or connections are required or recommended by said utility or electric service providers for capacity or other technical or practical reasons.

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


DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB/dlm



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

March 26, 2024

Marianne Schmitt Hellauer- mshellaer@venable.com
Trustee of Irrevocable Trust Agreement for John Carey
750 E. Pratt Street
Baltimore, MD 21202

RE: Petition for Variance
Case No. 2024-0014-A
Property: 11530 Falls Road

Dear Petitioner:

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,

A handwritten signature in blue ink, appearing to be "Derek J. Baumgardner", is written over a circular blue stamp.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB: dlm
Enclosure
c: Bruce E. Doak – bdoak@bruceedoakconsulting.com

IN RE: PETITION FOR VARIANCE
(11530 Falls Road)
8th Election District
2nd Council District
Marianne Schmidt Hellauer, Trustee
Of Irrevocable Trust Agreement for
John M. Carey
Legal Owner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY
* **CASE NO. 2024-0021-A**

Petitioner

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) on a Petition for Variance filed by the legal owner, Marianne Schmidt Hellauer, Trustee of Irrevocable Trust Agreement for John M. Carey (“Petitioner”), for property located at 11530 Falls Road, Lutherville, Baltimore County, Maryland (the “Property”). The Petitioner is requesting the following variance relief from the Baltimore County Zoning Regulations (“BCZR”); (1) BCZR § 400.1 to permit an accessory structure (garage) to be located in the front and side yards in lieu of the required rear yard; and (2) BCZR § 400.3 to permit an accessory structure (garage) with a height of 16 ft., in lieu of the required maximum height of 15 ft.

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The following exhibits were submitted by Petitioner and admitted into the record: (1) Site Plan; (2) SDAT record; (3) GIS record; (4) GIS aerial photograph; (5) GIS aerial photograph; (6)

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Mr. Doak proffered much of the testimony at the hearing including the property’s history and detailed the relief requested under this Petition. The property last received zoning relief under Case No. 2014-0126-A in which then Petitioners were granted authority to permit an accessory structure (existing residential garage) to remain in the side yard and to have a height of 24 ft. in lieu of the required 15 ft. (garage to contain a full bathroom for convenience purposes) and to allow an existing swimming pool to remain in the front yard in lieu of the permitted rear yard. The property has undergone several improvements over the years and more improvements are planned. The single-family dwelling sits on a large, sloped lot and is configured such that the buildable area for the proposed accessory structure is located in the front and side yards of the property. Mr. Doak described the flat buildable area as a hilltop “island” of land that is suitable for the proposed improvement and any future improvements. The proposed accessory structure will be single-story with a basement and will be used for storage of yard equipment and small personal vehicles. At

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As described above, the Property is unique due to its sloped topography, the orientation of the existing single-family home, and consequently the small buildable area available for development in the yards provided. Further, the property is unique with respect to its surroundings as the parcel is surrounded by a 13-acre undeveloped parcel under common ownership, further buffering any improvements from neighboring properties. I find that the lot's unique characteristics create a practical difficulty in complying with the location requirements and maximum height for accessory structures under BCZR. The location for the proposed accessory structure in the front yard is not visible to neighboring homes or public roadways. Lastly, with respect to the proposed maximum height of an accessory structure, the roof pitch is designed to the minimum degree necessary for adequate snow and water drainage and exceeds the 15 ft. height maximum by only 1 foot, thus requiring only a minimal variance.

For these reasons, I find that special circumstances or conditions exist that are peculiar to this property and strict compliance with the Zoning Regulations for Baltimore County for site location and accessory structure height would result in practical difficulty for Petitioner. Further, I find that the variances proposed are in harmony with the spirit and intent of said area and height regulations and will not result in any injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this 26th day of **March 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR§ 400.1 to permit an accessory structure (garage) to be located in the front and side yards in lieu of the required rear yard be and is hereby **GRANTED**, and;

IT IS FURTHER ORDERED, from BCZR § 400.3 to permit an accessory structure (garage) with a height of 16 ft., in lieu of the required maximum height of 15 ft., be and is hereby **GRANTED.**

The relief granted herein shall be subject to the following:

1. 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 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, Petitioner would be required to return the subject property to its original condition;
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3. The accessory structure shall not be used for commercial or industrial purposes; and
4. The accessory structure shall not have a separate utility or electric connection and shall connect to the electrical/utility in the home, except if separate meters or connections are required or recommended by said utility or electric service providers for capacity or other technical or practical reasons.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB/dlm



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 11530 Falls Road which is presently zoned RCS

Deed References: 44875/17 10 Digit Tax Account # 0816062220

Property Owner(s) Printed Name(s) MARIANNE SCHMITT HELLAUER, TRUSTEE OF THE

IRREVOCABLE TRUST AGREEMENT FOR JOHN M. CAREY
(SELECT THE HEARING(S) BY MARKING ☒ 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. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. ☒ a **Variance** from Section(s)

SEE ATTACHED PAGE

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).

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): MARIANNE SCHMITT HELLAUER
TRUSTEE OF IRREVOCABLE TRUST AGREEMENT FOR
JOHN M. CAREY

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

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2024-0021-A Filing Date 1/23/2024 Do Not Schedule Dates: Reviewer MJK

Zoning Hearing Petitions Being Requested

Case # 2024-0021-A

Variance to permit an accessory structure (garage) to be located in the front and side yards in lieu of the required rear yard per Section 400.1 BCZR

Variance to permit an accessory structure (garage) with a height of 16 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR



Zoning Description

11530 Falls Road
Eighth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point which is southwesterly 922 feet, more or less, from the centerline intersection of the subject property driveway and Falls Road, thence running with binding on the outlines of the subject property, the four following courses and distances, viz.

- 1) South 11 degrees 33 minutes West 417.42 feet,
- 2) South 82 degrees 45 minutes East 418.60 feet,
- 3) North 11 degrees 33 minutes East 417.42 feet and
- 4) North 82 degrees 45 minutes West 418.60 feet to the point of beginning.

Containing 4.00 acres of land, more or less.

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



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

2024-0021-A

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

No. 229492

Date: 1/23/2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0006		6150					\$ 75.00

Total: \$ 75.00

Rec
From:

Bruce Doak

For:

Zoning Variance
11530 Falls Road
Zoning Case # 2024-0021-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

MMK

**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 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: 2024- 0021- A

Property Address: 11530 FALLS ROAD

Property Description: 4.0 ACRE PARCEL OF LAND WEST OF FALLS ROAD

Legal Owners (Petitioners): MARIANNE SCHMITT HELLAVER, TRUSTEE OF THE

Contract Purchaser/Lessee: IRREVOCABLE TRUST AGREEMENT FOR JOHN M. CAREY

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE E. DOAK

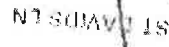
Company/Firm (if applicable): BRUCE E. DOAK CONSULTING LLC

Address: 3801 BAKER SCHOOLHOUSE ROAD

FREELAND MD 21053

Telephone Number: 410- 419- 9906

Revised 5/20/2014



11.2

Baltimore County Government, VIA, Esq., HERE, GAMIN, INCREMENT, USGS, EPA, USDA

Sources: Esri; HERE; Garmin; Internetmap-ner.ch
NPS, NRCAN, GeoBase, IGN, Kadaster NL, O
China (Hong Kong), (c) OpenStreetMap contrib

11530

11526

2024-0021-A

County Boundary

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 08 Account Number - 0816062220

Owner Information

Owner Name: HELLAUER MARIANNE SCHMITT TRUSTEE Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 11530 FALLS RD Deed Reference: /44875/ 00017
LUTHERVILLE-TIMONIUM MD 21093-1609

Location & Structure Information

Premises Address: 11530 FALLS RD Legal Description: 4 AC RER 850 FT
LUTHERVILLE-TIMONIUM 21093-1609 11530 FALLS RD WS
3200FT S BROADWAY RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0059	0006	0013	8090183.04	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1853	5,642 SF	1100 SF	4.0000 AC	04

Stories	Basement	Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	1/2	YES	STANDARD UNIT	FRAME/ 7	4 full/ 1 half	1 Detached 2014

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	325,000	325,000		
Improvements	1,121,600	1,995,200		
Total:	1,446,600	2,320,200	1,737,800	2,029,000
Preferential Land:	0	0		

Transfer Information

Seller: LEE CHRISTOPHER H	Date: 06/09/2021	Price: \$2,500,000
Type: ARMS LENGTH MULTIPLE	Deed1: /44875/ 00017	Deed2:
Seller: FETTING MARK R	Date: 09/25/2013	Price: \$1,732,500
Type: NON-ARMS LENGTH OTHER	Deed1: /34263/ 00297	Deed2:
Seller: MANEKIN DONALD	Date: 07/23/1997	Price: \$820,000
Type: ARMS LENGTH IMPROVED	Deed1: /12290/ 00708	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

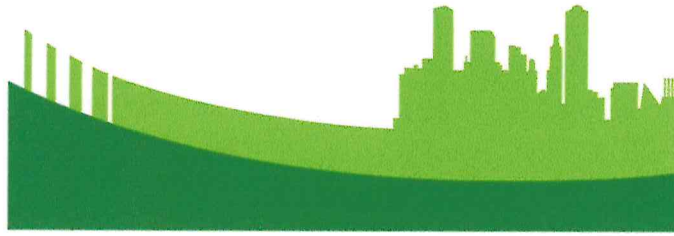
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0021-A



CERTIFICATE OF POSTING

February 16, 2024

_____ amended for second inspection

Re:

Zoning Case No. 2024-0021-A

Legal Owner: Marianne Hellauer, Trustee

Hearing date: March 11, 2024

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 **11530 Falls Road**.

The signs were initially posted on **February 16, 2024**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink that reads "Bruce E. Doak".

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 HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

CASE # 2024-0021-A

11530 Falls Road, Lutherville Maryland 21093

(WS of Middle Rd, 942'W of Falls Rd.)

Council District 2, Election District 8

Legal Owners: Marriannne Hellauer, Trustee

PETITION REQUEST: Variance: To permit an accessory structure (garage) to be located in the front and side yards in lieu of the required rear yard per Baltimore County Zoning Regulations (BCZR), Section 400.1 and to permit an accessory structure (garage) with a height of 16 ft. in lieu of the required maximum height of 15 ft. Per BCZR, Section 400.3

Hearing Date: Monday, March 11, 2024 at 1:30 p.m.

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 105, Towson, Maryland 21204 • Phone: 410-327-1800, ext.0

Email: administrativehearings@balto.org

HANDICAPPED ACCESSIBLE

ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

CASE # 2024-0021-A

11530 Falls Road, Lutherville Maryland 21093
(WS of Middle Rd, 942'W of Falls Rd.)

Council District 2, Election District 8

Legal Owners: Marriannne Hellauer, Trustee

PETITION REQUEST: *Variance:* To permit an accessory structure (garage) to be located in the front and side yards in lieu of the required rear yard per Baltimore County Zoning Regulations (BCZR), Section 400.1 and to permit an accessory structure (garage) with a height of 16 ft. in lieu of the required maximum height of 15 ft. Per BCZR, Section 400.3

Hearing Date: Monday, March 11, 2024 at 1:30 p.m.

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone: 410-887-1868, ext.0
Email: administrativehearings@baltimorecountymd.gov

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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: February 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0021-A
Address: 11530 FALLS RD
Legal Owner: Trustee of Irrevocable Trust
Agreement of John Carey, Marrienne Helluer

Zoning Advisory Committee Meeting of February 12, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
MSL
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0021-A

DATE: February 9, 2024

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

DPR: No comment.

DPW-T: No Exception taken

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 2/13/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0021-A

INFORMATION:

Property Address: 11530 Falls Road
Petitioner: Marianne Schmitt Hellaver, Trustee
Zoning: RC 5
Requested Action: Variance

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

Variance -

1. To permit an accessory building (garage) to be located in the front and side yard in lieu of the required rear yard per Section 400.1 BCZR
2. To permit an accessory structure (garage) with a height of 16 feet in lieu of the required height of 15 feet per Section 400.3 BCZR

The subject property is located along Middle Road which connects to Falls Road. The property consists of an approximately 4-acre site zoned RC-5 that has an existing house that intends to undergo remodeling. Detached residential dwellings, forest conservation and farms surround the property.

The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. In identifying specific areas suitable for rural-residential development, the aim is to direct future growth towards these areas and prevent disorderly development patterns. The R.C.5 zoning classification serves to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.

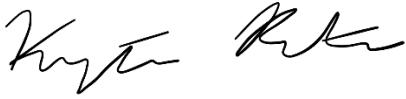
According to Bruce Doak (representative), the property features an aging house with a garage to the front. The property is slated for renovation. The existing garage is to be demolished and replaced. The proposed location of the garage in the front yard is due to the presence of gardens, walls, and a sloping terrain in the rear yard. Furthermore, situating the garage at the rear would necessitate the construction of a new driveway, whereas the proposed location offers better accessibility from Middle Road.

The proposed development does not appear to alter the character of the RC5 zone. The applicant is advised that this site is subject to the RC 5 performance standards as listed in Section 1A04.4 BCZR. The Department supports this request with the following conditions:

1. The Petitioners or subsequent owners shall not convert the subject accessory building into a dwelling unit or apartment. The building shall not contain any sleeping quarters, living area or kitchen facilities.
2. The accessory building shall not be used for commercial or industrial purposes.

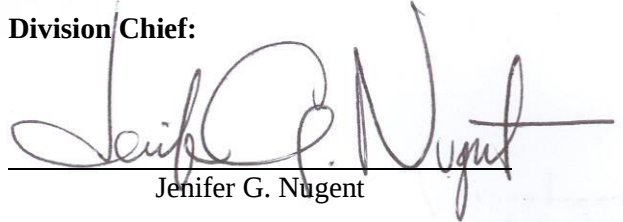
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

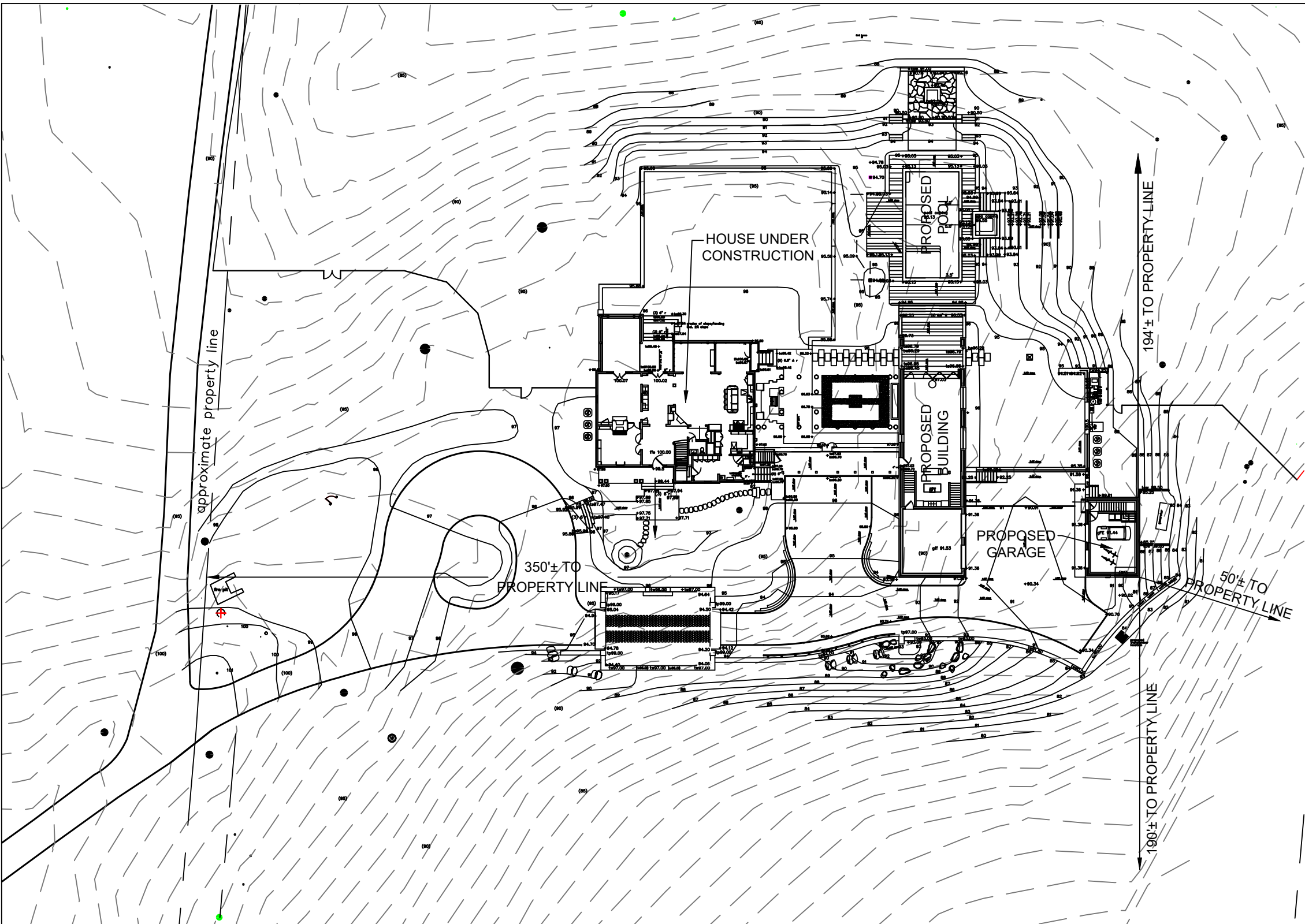
Division Chief:



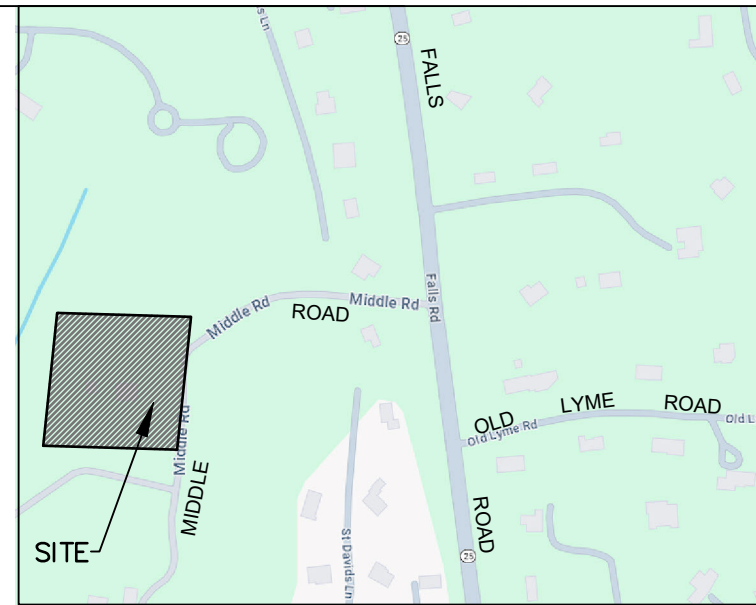
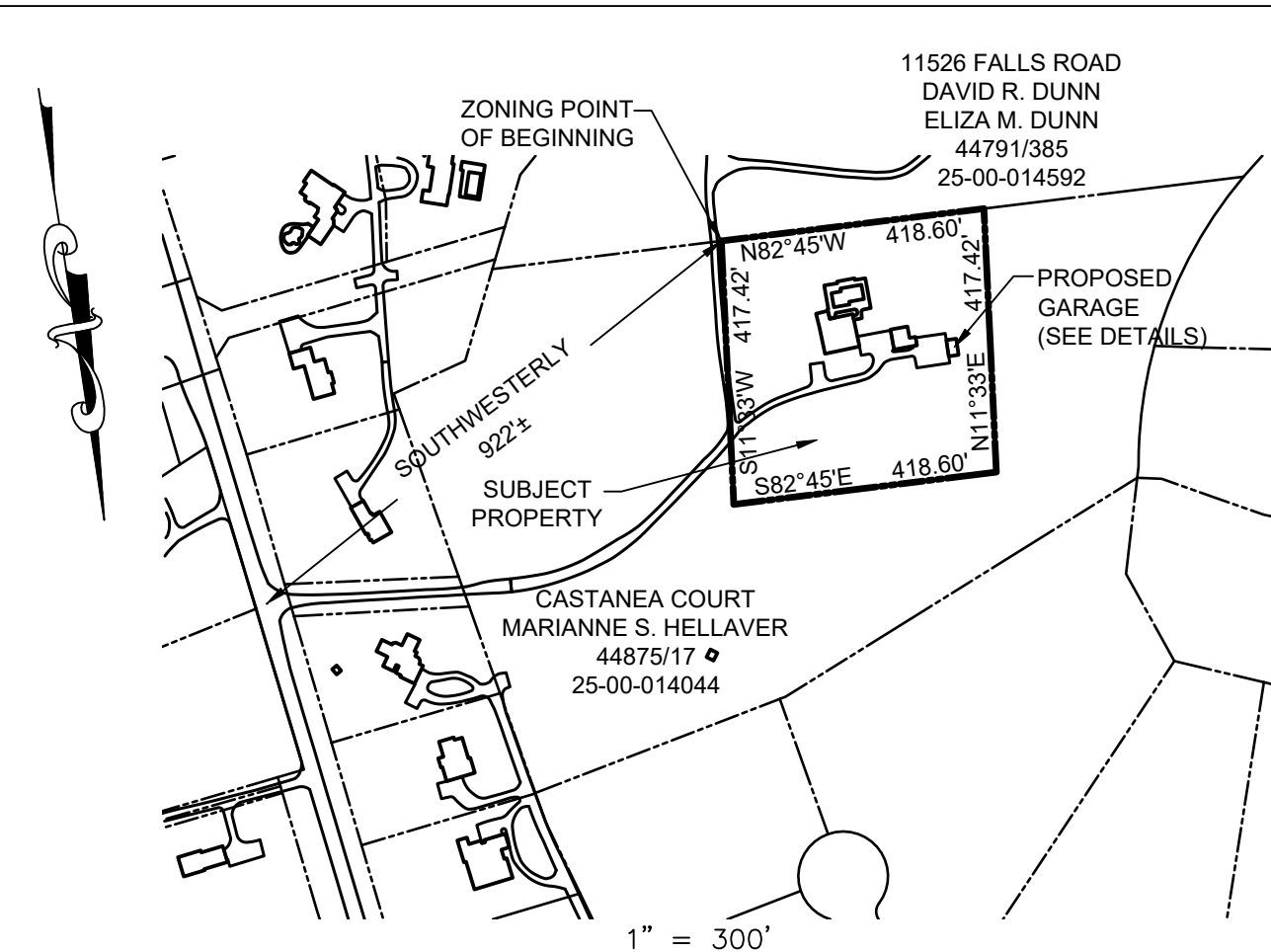
Jenifer G. Nugent

SL/JGN/KP

c: Bruce Doak, Bruce E Doak Consulting LLC., Representative
Joseph Wiley and Abigail Roger, Community Planners
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



SITE DETAIL - N.T.S.



Vicinity Map - Scale: 1" = 600'

GENERAL INFORMATION

- Ownership: Marianne S. Hellauer, Trustee of the Irrevocable Trust Agreement for John Carey
11530 Falls Road Lutherville Timonium, MD 21093
443-465-2770
- Address: 11530 Falls Road Lutherville Timonium, MD 21093
- Deed references: JLE 44875/ 17
- Area: 4.0 acres (per 44875/17)
- Tax Map / Parcel / Tax account #: 589/ 13 / 08-16-062220
- Election District: 8 Councilmanic District: 2
ADC Map: GIS tile: 059C1 Position sheet: 52NW14
Census tract: 408302 Census block: 240054083021000
Schools: Mays Chapel ES Ridgely MS Dulaney HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 059C1 and the information provided by Baltimore County on the internet.
- Improvements: 2 story dwelling, pool & garage. Only the dwelling will remain.

OFFICE OF ZONING

Zoning: RC 5
Case History: 2014-0126-A Garage variances approved

RC 5 Setbacks for Dwellings

Front: 150 feet from centerline of street or road
Side / Rear: 50 feet from a property line

RC 5 Setbacks for Accessory Structures: 2.5 feet from a property line

ENVIRONMENTAL

- Watershed: Jones Falls URDL land type: 1
- The subject property is served by a private well & septic system
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

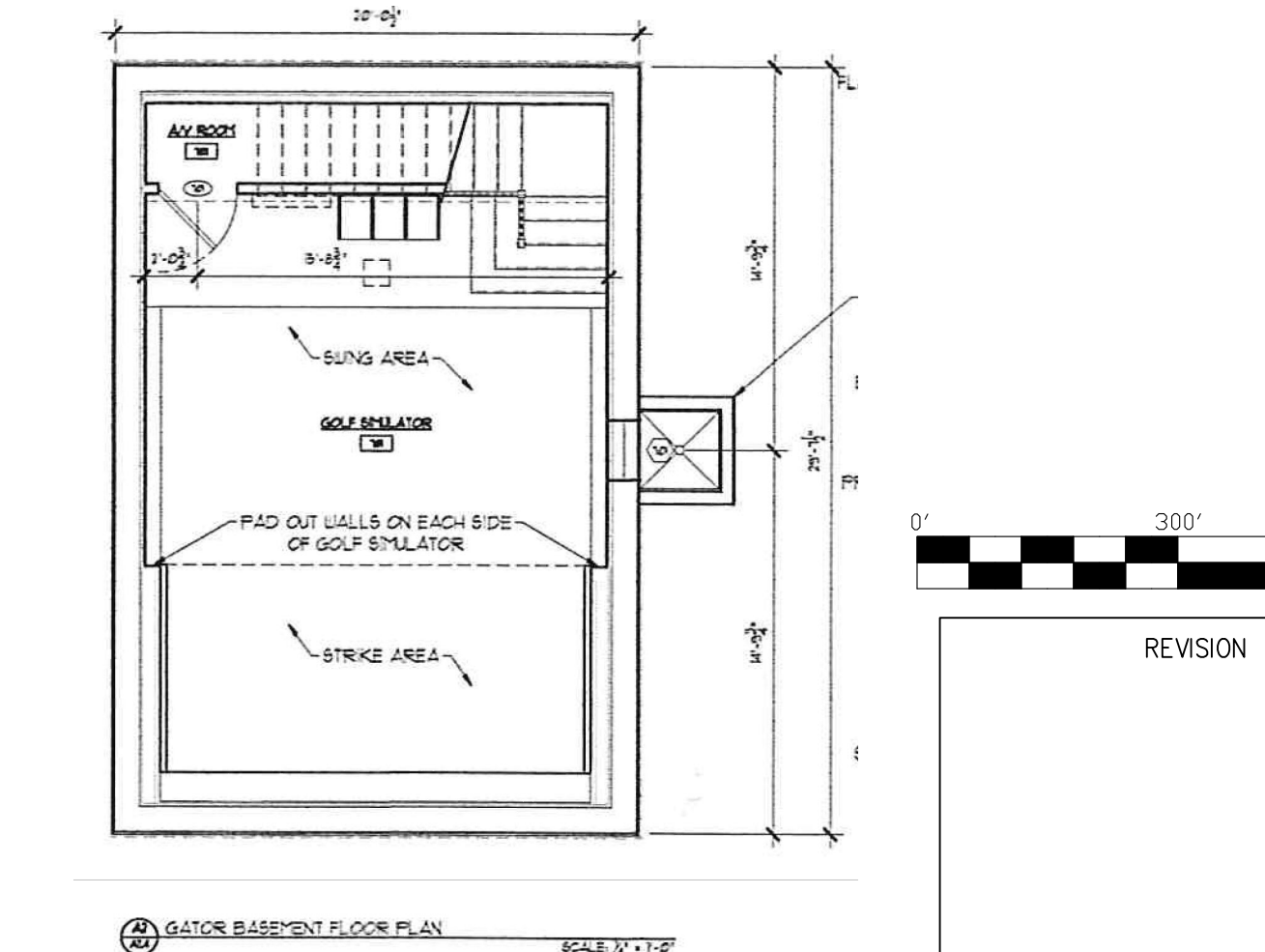
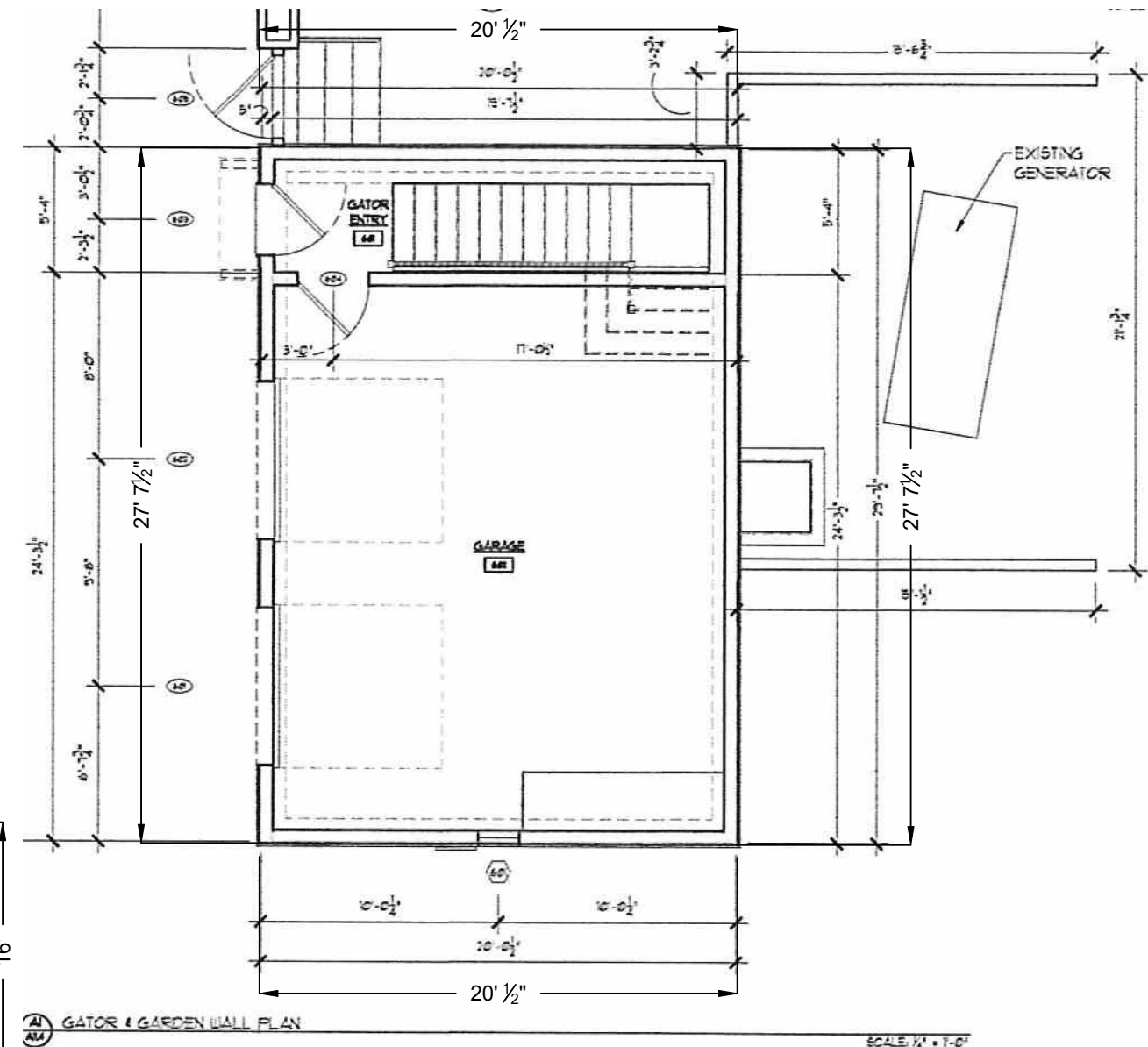
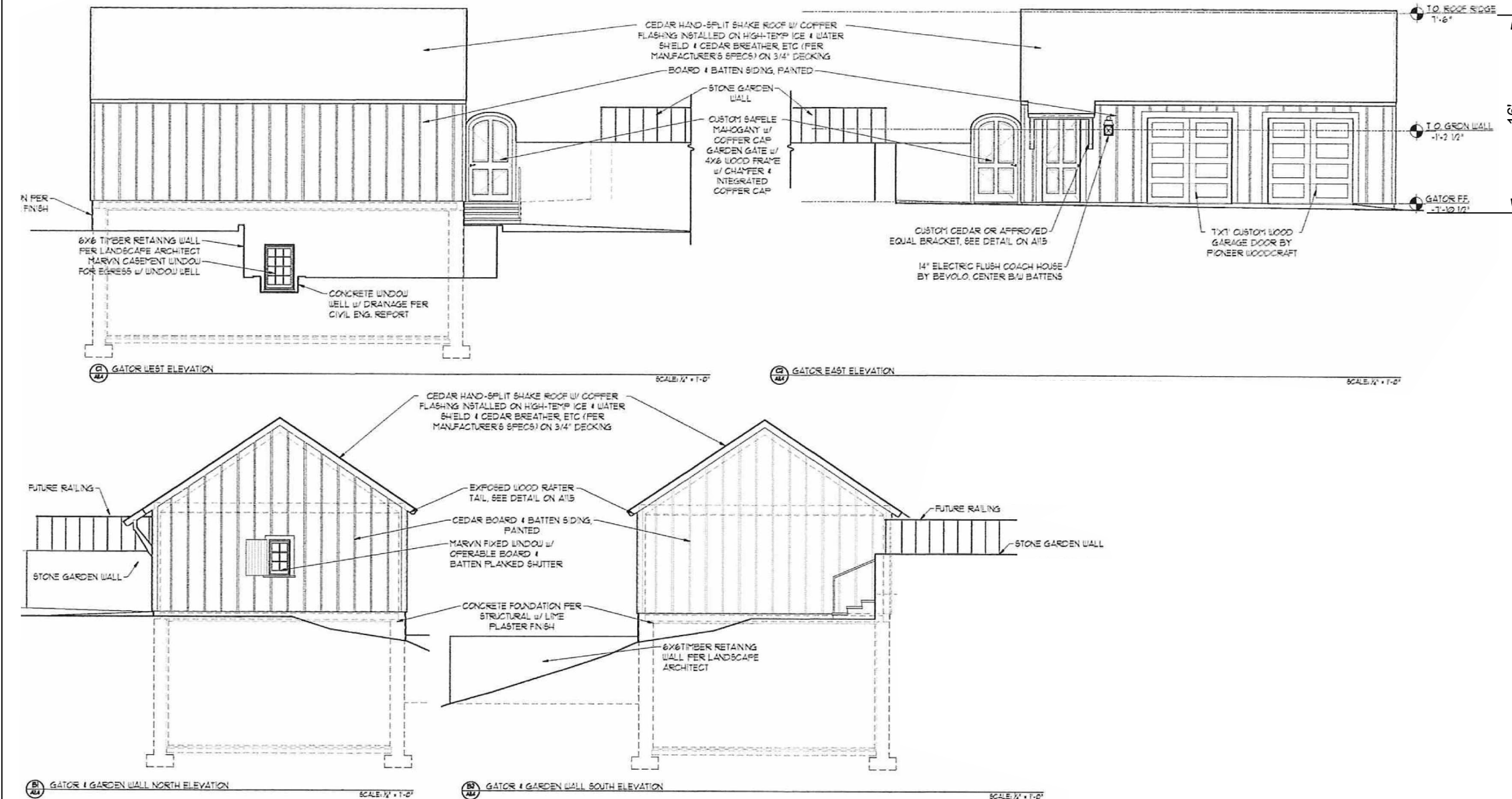
OFFICE OF PLANNING

Regional Planning District: Chestnut Ridge District Code: 307
Growth Tier: 3

- The subject property is not in a National Register Historic District

PROPOSED DEVELOPMENT

To construct a garage for residential use only.



PLAN TO ACCOMPANY A ZONING PETITION FOR #11530 FALLS ROAD

BALTIMORE COUNTY, MARYLAND
8th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 1/13/2024

Scale: 1"=300'