



✓ AB 3-11-24

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 20, 2024

Mathew S. Shell – dkshell84@gmail.com
17312 Grace Road
Hampstead, MD 21074

RE: Petitions for Special Hearing & Variance
Case No. 2024-0024-SPHA
Property: 17312 Grace Road

Dear Mr. Shell:

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 read "Andrew M. Belt", is written over a horizontal line.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(17312 Grace Road)	*	OFFICE OF
5 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
Matthew Shell		
Legal Owner	*	FOR BALTIMORE COUNTY
 Petitioner	 *	 Case No. 2024-0024-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Matthew Shell, legal owner (“Petitioner”) for the property located at 17312 Grace Road, Hampstead (the “Property”). The Special Hearing was filed pursuant to Baltimore County Zoning Regulations (“BCZR”), §500.7 to permit an accessory building (4,800 sq. ft.) which has a building footprint larger than the principal use dwelling (2,100 sq. ft.). In addition, Variance relief was also requested from BCZR, §400.3 to approve an accessory building (garage) in the right rear yard at a height of 23 ft. in lieu of the maximum height of 15 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioner Matthew Shell attended the hearing, *pro se*. There were no Protestants or interested citizens that appeared at the hearing.

A Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”), and they opposed the requested relief.

The Property is 4.72 acres+/-, and is zoned RC 2 in the Hampstead area of Baltimore County. The property is currently unimproved with a residential dwelling and a shed. Other residential dwellings, forest conservation, and farms surrounds the subject property. Mr. Shell

explained that he intends to use the accessory building for the storage of tractors and his RV. He further explained that the RV requires over 13 ft. for height clearance and that the additional requested height would include the pitch of the roof.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

Based on the evidence, I find that the Special Hearing relief should be granted. The Property is 4.72 acres in RC 2, surrounded by agricultural uses. While Grace Road is included in the Horse and Hound area, viewing this pole barn-type structure from the road would not be out of place in the area. The primary residential structure on the property was built in 1979 and it is not uncommon for its building footprint to be smaller than more contemporary structures. The proposed structure will be oriented so that the shorter, 40 ft. side will face Grace Road. Additionally, while the Petitioner's requested Special Hearing relief involves a 4,800 sq. ft.

building footprint, the revised site plan clarifies that only 40 sq. ft. by 50 sq. ft. of the accessory structure will be fully enclosed. (Pet. Ex. 1) The end of the structure furthest from Grace Road will include a lean-to type design that will not be fully enclosed that the Petitioner plans to use for the parking of his RV. This accommodation will remove the RV from its current public view on the property.

VARIANCE

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 uniquely triangularly shaped, narrowing towards the rear of the property. The proposed structure will be located towards the center of the triangle, 220 ft. from Grace Road. I find that the Petitioner would suffer a practical difficulty and unreasonable hardship if he proposes larger size of the barn and additional 8 ft. height were not granted because he would not be able to construct a reasonably sized structure to store his vehicles. I also 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.

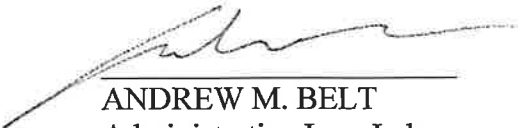
THEREFORE, IT IS ORDERED this 20th day of **March 2024** by this Administrative Law Judge, that the Petition for Special Hearing from the BCZR §500.7 to permit an accessory building (4,800 sq. ft.) which has a building footprint larger than the principle use dwelling (2,100 sq. ft.) be and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED that Variance relief from BCZR, §400.3 to approve the Proposed accessory building (garage) in the right rear yard at a height of 23 ft. in lieu of the Maximum permitted 15 ft., be, and it 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. The Revised Site Plan is attached hereto is incorporated into this Order.
3. Petitioner and/or subsequent owners shall not convert the garage into a dwelling unit or apartment. The proposed garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
4. The garage shall also not be used for commercial or industrial purposes. It may be used for agricultural purposes.
5. The garage shall not have a separate utility or electric connection and shall connect to the electrical/utility in the home.
6. Prior to issuance of permits, Petitioners must comply with the DOP ZAC comment a copy of which is attached hereto and made a part hereof.

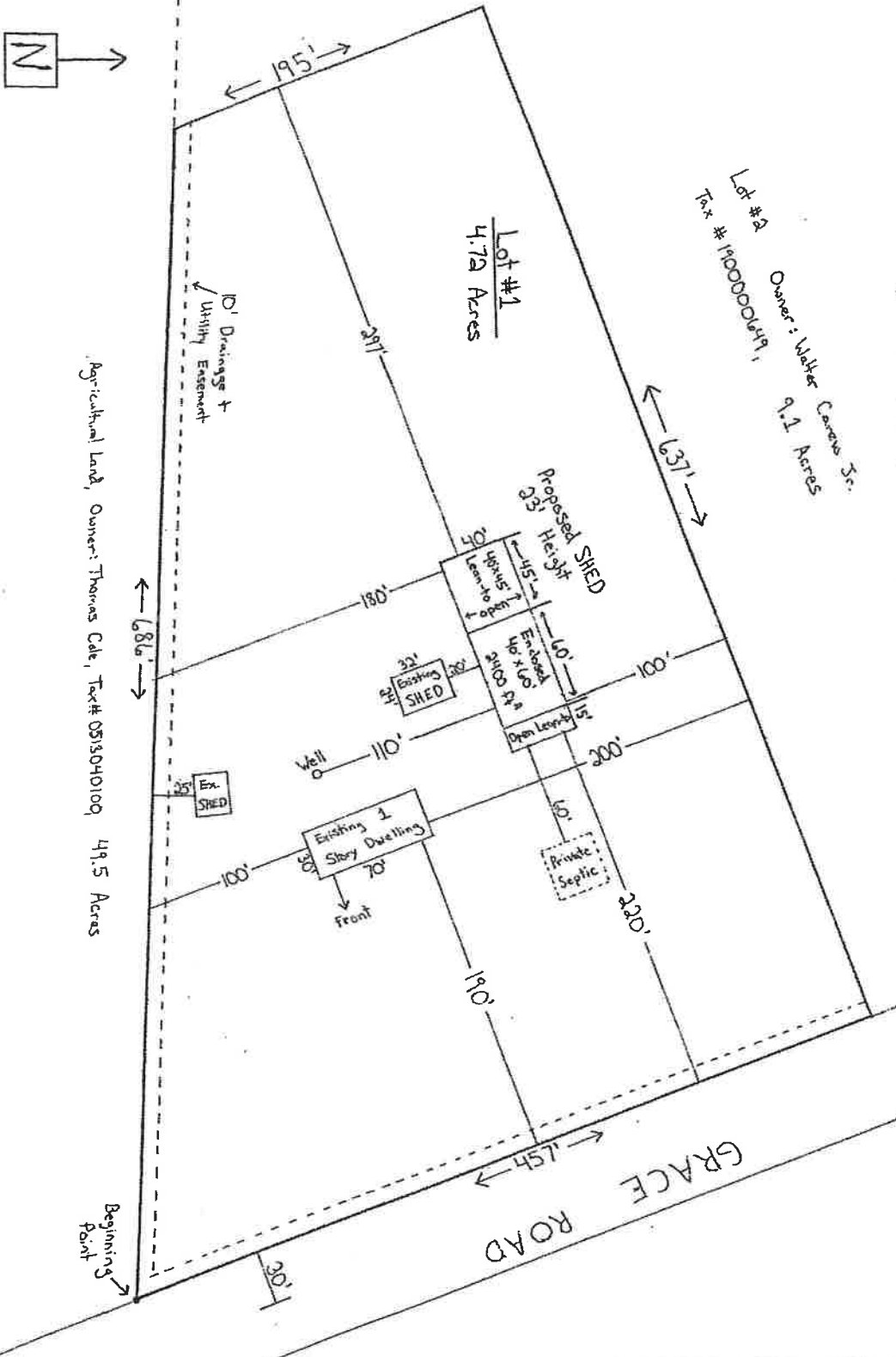
Any appeal of this decision must be filed within thirty (30) days of the date of this Order.



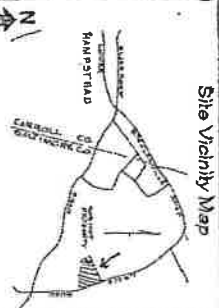
ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm

Zoning Hearing Plan for Variance X for Special Hearing _____ Mark Type Requested with (X)
 Address 17312 Grace Road Owners(s) Name(s) Matthew S. Shell
 Subdivision Name Koppelman Subdivision Lot # 1 Block # N/A Section # N/A
 Plat Book # 1900000649 Folio # 6 10 Digit Tax # 1900000648 Deed Reference# 38380 / 00389



Plan Drawn By: Matthew Shell Date: 3/11/2024 Scale: 1 inch = 60 Feet



MAP IS NOT TO SCALE

Zoning Map # 019C2
 Zoning RC-2
 Election District 5
 Council District 3
 Lot Area Acreage 4.72
 Lot Square Footage 205,890
 Historic (Yes or No) No
 CBCA (Yes or No) No
 Flood Plain (Yes or No) No
 Utilities - Mark with (X)
 Water is: _____
 Public _____ Private X
 Sewer is: _____
 Public _____ Private X
 Prior Hearing (Yes or No) No
 If (Yes) list Case Number(s) and order result(s) below:

Violation Case Number(s)

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: 2024-0024-SPHA

INFORMATION:

Property Address: 17312 Grace Road
Petitioner: Mathew S. Shell
Zoning: RC-2
Requested Action: Special Hearing and Variance

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

Special Hearing -

- a. To permit an accessory building (4,800 sq. ft) which has a building footprint larger than the principal use building (2,100 sq. ft)

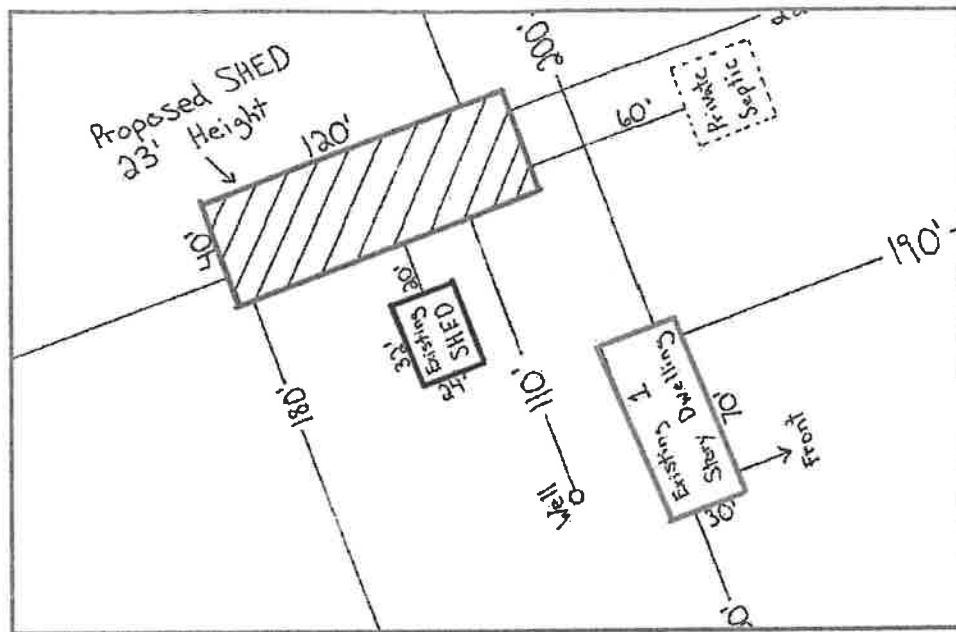
Variance -

- a. BCZR 400.3 to approve an accessory building (garage) in the right rear yard at a height of 23 ft in lieu of the maximum height of 15 ft.

The subject property is located at 17312 Grace Road, and consists of 4.72 acres in the Hampstead area of Baltimore County. The property is currently unimproved with a residential dwelling and a shed. Other residential dwellings, forest conservation, and farms surrounds the subject 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.

Below is an image from the submitted site plan. The structure indicated in orange is the proposed 4,800 sq ft structure. The structure indicated in green is the existing principal building which is 2,100 sq ft. In between the principal building and the proposed structure to the side is an existing shed which is intended to remain on the property.



The petitioner has indicated that they intend to present a demonstration of unreasonable hardship or practical difficulty as required to grant this variance at the hearing for this request. No such unreasonable hardship or practical difficulty is readily identifiable through provided documents or accessible information. Considering the proposed size (4,800 sq ft) and height (23 ft) of the garage, an indicated hardship would have been beneficial to Department's review process. Also, the property is located directly along Grace Road which is an MDOT SHA "Horses and Hounds" scenic route and would definitely show from the road considering the proposed size and height.

The Department of Planning does not support the requested relief due to lack of information justifying the requested relief. The Department will defer all decision making to the Administrative Law Judge. It should be noted that should the Administrative Law Judge decide to grant the requested relief, the Department of Planning requests that the following conditions be implemented:

- a. A sufficient demonstration of unreasonable hardship or practical difficulty is presented as determined by the Administrative Law Judge.
- b. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area or kitchen facilities.
- c. The accessory structure 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

Krystle Patchak

Division Chief:

Jenifer G. Nugent

Jenifer G. Nugent

SL/JGN/KP

c: Matthew S. Shell
Joseph Wiley and Abigail Rogers, Community Planners
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



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March 20, 2024

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Sincerely,

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ANDREW M. BELT
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Matthew Shell		
Legal Owner	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2024-0024-SPHA
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Matthew Shell, legal owner (“Petitioner”) for the property located at 17312 Grace Road, Hampstead (the “Property”). The Special Hearing was filed pursuant to Baltimore County Zoning Regulations (“BCZR”), §500.7 to permit an accessory building (4,800 sq. ft.) which has a building footprint larger than the principal use dwelling (2,100 sq. ft.). In addition, Variance relief was also requested from BCZR, §400.3 to approve an accessory building (garage) in the right rear yard at a height of 23 ft. in lieu of the maximum height of 15 ft.

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SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

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"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

Based on the evidence, I find that the Special Hearing relief should be granted. The Property is 4.72 acres in RC 2, surrounded by agricultural uses. While Grace Road is included in the Horse and Hound area, viewing this pole barn-type structure from the road would not be out of place in the area. The primary residential structure on the property was built in 1979 and it is not uncommon for its building footprint to be smaller than more contemporary structures. The proposed structure will be oriented so that the shorter, 40 ft. side will face Grace Road. Additionally, while the Petitioner's requested Special Hearing relief involves a 4,800 sq. ft.

building footprint, the revised site plan clarifies that only 40 sq. ft. by 50 sq. ft. of the accessory structure will be fully enclosed. (Pet. Ex. 1) The end of the structure furthest from Grace Road will include a lean-to type design that will not be fully enclosed that the Petitioner plans to use for the parking of his RV. This accommodation will remove the RV from its current public view on the property.

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The Property is uniquely triangularly shaped, narrowing towards the rear of the property. The proposed structure will be located towards the center of the triangle, 220 ft. from Grace Road. I find that the Petitioner would suffer a practical difficulty and unreasonable hardship if he proposes larger size of the barn and additional 8 ft. height were not granted because he would not be able to construct a reasonably sized structure to store his vehicles. I also 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 20th day of **March 2024** by this Administrative Law Judge, that the Petition for Special Hearing from the BCZR §500.7 to permit an accessory building (4,800 sq. ft.) which has a building footprint larger than the principle use dwelling (2,100 sq. ft.) be and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED that Variance relief from BCZR, §400.3 to approve the proposed accessory building (garage) in the right rear yard at a height of 23 ft. in lieu of the maximum permitted 15 ft., be, and it 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. The Revised Site Plan is attached hereto is incorporated into this Order.
3. Petitioner and/or subsequent owners shall not convert the garage into a dwelling unit or apartment. The proposed garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
4. The garage shall also not be used for commercial or industrial purposes. It may be used for agricultural purposes.
5. The garage shall not have a separate utility or electric connection and shall connect to the electrical/utility in the home.
6. Prior to issuance of permits, Petitioners must comply with the DOP ZAC comment a copy of which is attached hereto and made a part hereof.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm

Zoning Hearing Plan for Variance X for Special Hearing Mark Type Requested with (X)

Address 17312 Grace Road

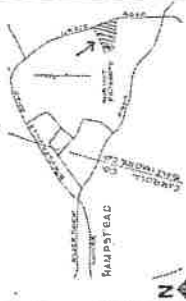
Owners(s) Name(s) Matthew S. Shell

Subdivision Name Koppelman Subdivision

Lot # 1 Block # N/A Section # N/A

Plat Book # 6 Folio # 10 Digit Tax # 1900000648 Deed Reference# 38380 / 00389

Site Vicinity Map



MAP IS NOT TO SCALE

Zoning Map # 019C2

Zoning RC-2

Election District 5

Council District 3

Lot Area Acreage 4.72

Lot Square Footage 205,690

Historic (Yes or No) No

CBCA (Yes or No) No

Flood Plain (Yes or No) No

Utilities - Mark with (X)

Water is:

Public Private X

Sewer is:

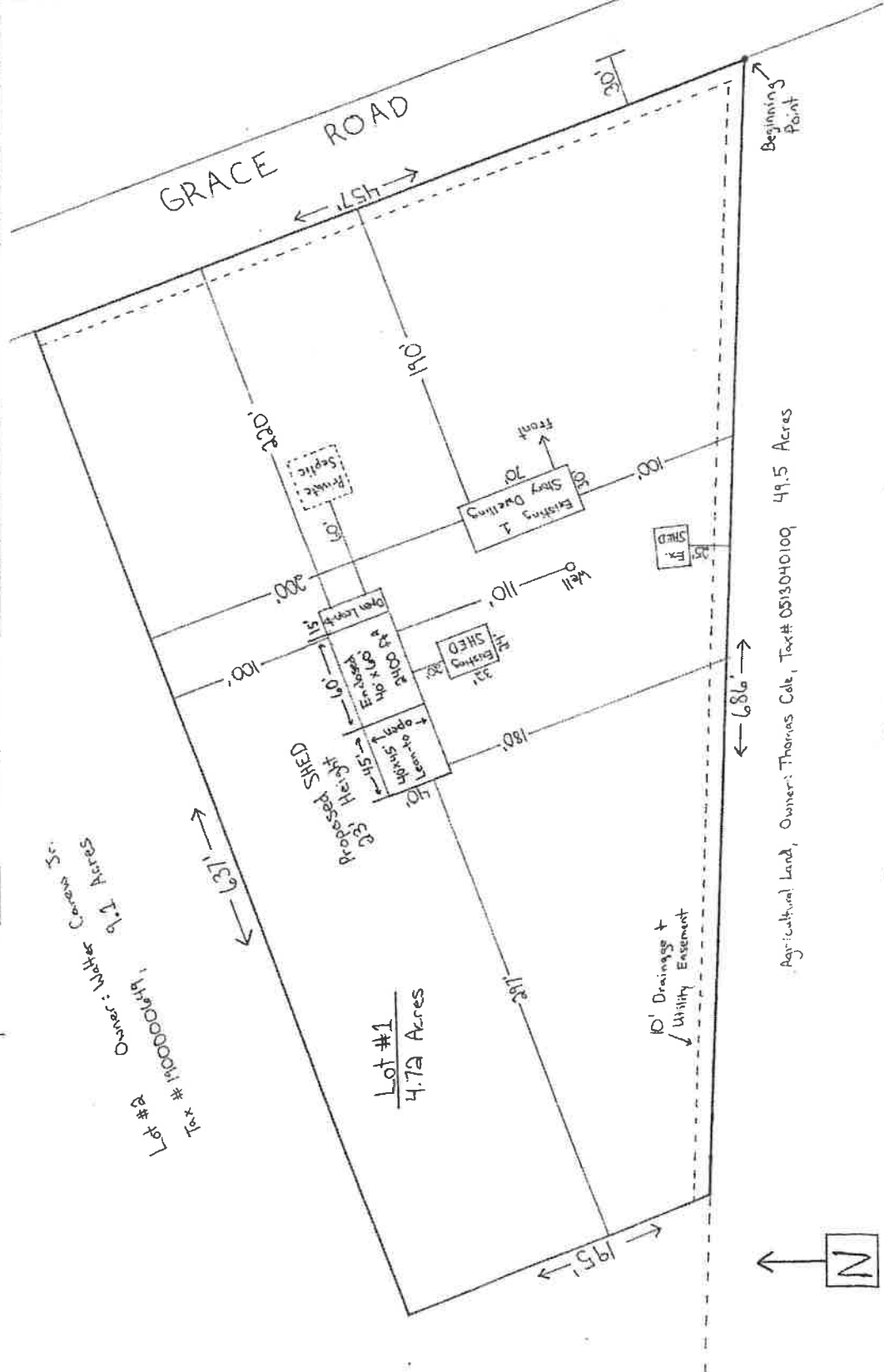
Public Private X

Prior Hearing (Yes or No) No

If (Yes) list Case Number(s)

and order result(s) below:

Violation Case Number(s)



Agricultural Land, Owner: Thomas Cole, Tax# 0513040100 49.5 Acres

Plan Drawn By: Matthew Shell Date: 3/11/2024 Scale: 1 inch = 60 Feet



PETITION FOR ZONING HEARING(S)

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 17312 Grace Road, Hampstead, MD 21074 Currently Zoned RC-2
Deed Reference 38380 / 00389 10 Digit Tax Account # 1900000548
Owner(s) Printed Name(s) Matthew S. Shell

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

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. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
To permit an accessory building (4,800 sq. ft) which has a building footprint larger than the principle use dwelling (2,100 sq.ft.)
2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s)
BCZR 400.3 To approve an accessory building (garage) in the right rear yard at a height of 23 ft in lieu of the maximum height of 15 ft
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/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.
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):

Matthew S. Shell
Name #1 - Type or Print Matthew S. Shell Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
17312 Grace Rd. Hampstead MD
Mailing Address _____ City _____ State _____
21074 / 443-386-7440 / dkshell84@gmail.com
Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

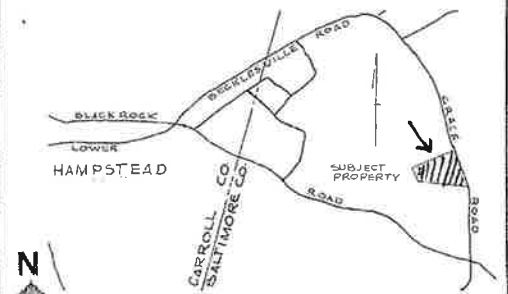
Case Number 2024-0024-SAXA Filing Date 1/26/2024 Do Not Schedule Dates _____ Reviewer CP

Zoning Petition Property Description

Zoning Property Description for 17312 Grace Road, Hampstead, MD 21074. Beginning at a point on the West side of Grace Road which is 60 feet wide. Property being Lot #1 in the subdivision of Koppelman as recorded in Baltimore County Plat Book E.H.K., JR. 47, Folio 6, containing 4.72 acres. Located in the 5th Election District and 3rd Council District. 1,770 FT NORTH of Black Rock

2024-0024-SPAA

Site Vicinity Map



MAP IS NOT TO SCALE

Zoning RC-2

Election District 5

Council District 3

Lot Area Acreage 4.72

Lot Square Footage 205,690

Historic (Yes or No) No

CBCA (Yes or No) No

Flood Plain (Yes or No) No

Utilities – Mark with (X)

Water is:

Public _____ Private X

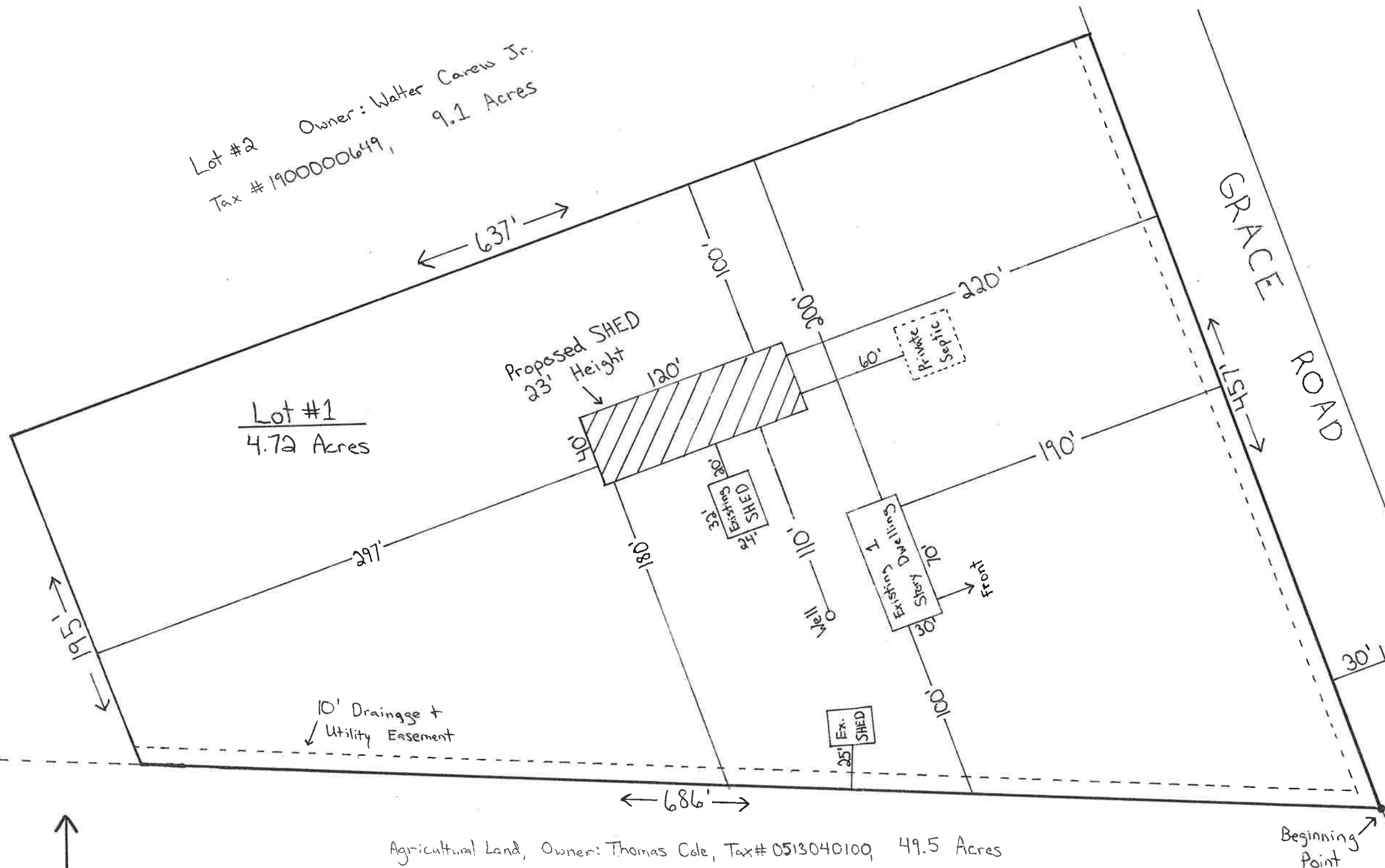
Sewer is:

Public _____ Private X

Prior Hearing (Yes or No) No

If (Yes) list Case Number(s)
and order result(s) below:

Violation Case Number(s)



Plan Drawn By: Matthew Shell Date: 1/25/2024 Scale: 1 inch = 60 Feet

2024-0024-SPHA

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/19/2024

Case Number: 2024-0024-SPHA

Petitioner / Developer: MATTHEW SHELL

Date of Hearing: MARCH 11, 2024

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:
17312 GRACE ROAD

The sign(s) were posted on: FEBRUARY 19, 2024

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 # 2024-0024-SPHA
17312 GRACE ROAD, Hampstead, MD 21074
W/S of Grace Road, 1,770 ft. north of Black Rock Road
Council District: 3, Election District: 5

PETITION REQUEST: *SPECIAL HEARING:*
To permit an accessory building (4,800 sq. ft.) which has a building footprint larger than the principal use dwelling (2,100 sq. ft.) per Baltimore County Zoning Regulations ("BCZR"), Section 500.7.

Hearing Date: Monday, March 11, 2024 – 11:00 AM

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 410-887-3868, ext.0
Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

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)

SIGN #1

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 # 2024-0024-SPHA
Address: 17312 GRACE RD
Legal Owner: Matthew Shell

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

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

DPR: No comment.

BALTIMORE COUNTY, MARYLAND

DPW-T: No Exception taken

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: February 9, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0024-SPHA

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: 2024-0024-SPHA

INFORMATION:

Property Address: 17312 Grace Road
Petitioner: Mathew S. Shell
Zoning: RC-2
Requested Action: Special Hearing and Variance

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

Special Hearing -

- a. To permit an accessory building (4,800 sq. ft) which has a building footprint larger than the principal use building (2,100 sq. ft)

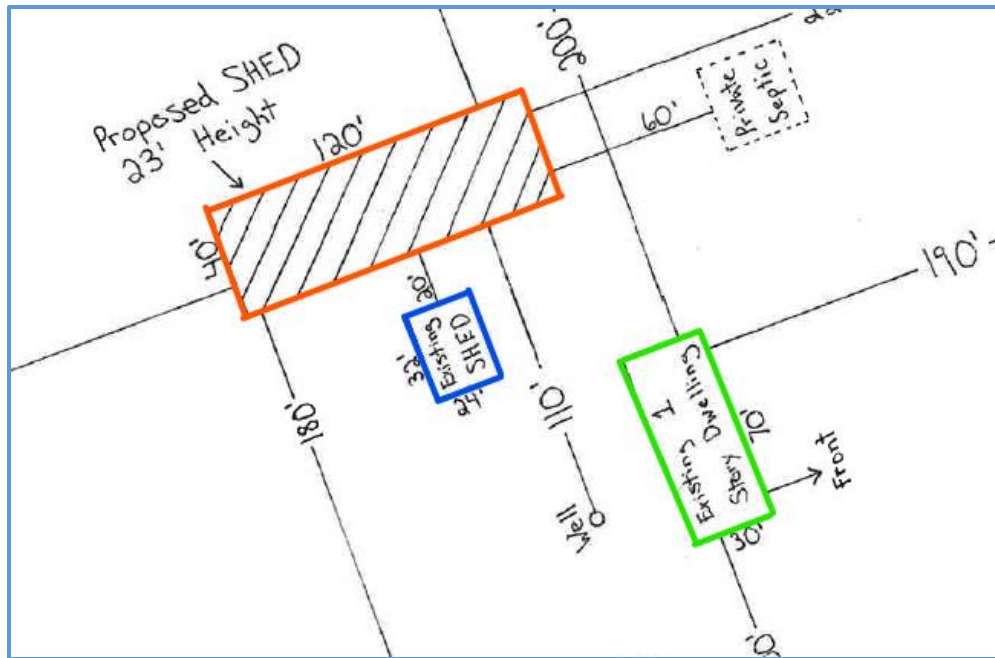
Variance -

- a. BCZR 400.3 to approve an accessory building (garage) in the right rear yard at a height of 23 ft in lieu of the maximum height of 15 ft.

The subject property is located at 17312 Grace Road, and consists of 4.72 acres in the Hampstead area of Baltimore County. The property is currently unimproved with a residential dwelling and a shed. Other residential dwellings, forest conservation, and farms surrounds the subject 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.

Below is an image from the submitted site plan. The structure indicated in orange is the proposed 4,800 sq ft structure. The structure indicated in green is the existing principal building which is 2,100 sq ft. In between the principal building and the proposed structure to the side is an existing shed which is intended to remain on the property.



The petitioner has indicated that they intend to present a demonstration of unreasonable hardship or practical difficulty as required to grant this variance at the hearing for this request. No such unreasonable hardship or practical difficulty is readily identifiable through provided documents or accessible information. Considering the proposed size (4,800 sq ft) and height (23 ft) of the garage, an indicated hardship would have been beneficial to Department's review process. Also, the property is located directly along Grace Road which is an MDOT SHA "Horses and Hounds" scenic route and would definitely show from the road considering the proposed size and height.

The Department of Planning does not support the requested relief due to lack of information justifying the requested relief. The Department will defer all decision making to the Administrative Law Judge. It should be noted that should the Administrative Law Judge decide to grant the requested relief, the Department of Planning requests that the following conditions be implemented:

- a. A sufficient demonstration of unreasonable hardship or practical difficulty is presented as determined by the Administrative Law Judge.
- b. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area or kitchen facilities.
- c. The accessory structure 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: Matthew S. Shell
Joseph Wiley and Abigail Rogers, Community Planners
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

1600006672

019C1

17316

0516015125

Lot # 2 Pt. Bk. 0000047, Folio 0006

1900000649

PAI # 050104

PAI # 050104

Pt. Bk./Folio # 047006

3 CD

5 ED RC 2

NW 28-J

Lot # 1

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

1900000648

17312

019C2

GRACE RD

0513040100

2024-0024-SP#A

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: 2024-0024-SPHA
Property Address: 17312 GRACE RD
Hampstead MD 21074
Legal Owners (Petitioners): MATTHEW SHELL
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): MATTHEW SHELL
Address: 17312 GRACE RD
Hampstead MD 21074
Telephone Number: 443-386-7440

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.



Picture from the West of property looking East towards Grace Road



2024-0024-SPHA

Picture from the East looking West



Picture from the North looking South



2024-0024-SPHA

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

No. 229567

Date: 1/11/24

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	802	0006		650				75.00

Total: 75.00

Rec From: Matthew S. Shell

For: 17312 Grace Rd Petition

DISTRIBUTION

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

**CASHIER'S
VALIDATION**

TR 24-0034

MATTHEW S. SHELL
MARY E. SHELL
443-386-7440
17312 GRACE RD.
HAMPSTEAD, MD 21074-2947

65-330/550 707

DATE 1/11/2024

PAY TO Baltimore County \$ 75.00
the order of Seventy Five 00/100 DOLLARS

TRUIST 

MEMO Variance 

055003308000515405649300707

LOOK FOR FRAUD-DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.



matt shell <dkshell84@gmail.com>

Baltimore County Payment

noreply@baltimorecountymd.gov <noreply@baltimorecountymd.gov>

Fri, Jan 26, 2024 at 12:05 PM

To: dkshell84@gmail.com

Thank you for submitting your Permit/License payment online. Your Transaction Number is PMT-24-00136.

Type: Zoning Review Fee

Reference: Receipt #229484

Payment Amt: 75

Please save this email for your reference. This is a system generated email. DO NOT REPLY
CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

2024-0024-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 - 05 Account Number: 1900000648

Owner Information

Owner Name:

SHELL MATTHEW S

Use:

RESIDENTIAL

Mailing Address:

17312 GRACE RD
HAMPSTEAD MD 21074-2947**Principal Residence: YES**

Deed Reference: /38380/ 00389

Location & Structure Information

Premises Address:

17312 GRACE RD
HAMPSTEAD 21074-2947

Legal Description:

4.722 AC
17312 GRACE RD WS
KOPPELMAN

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:

0019 0012 0083 5030002.04 0000

1 2023

Plat Ref: 0047/ 0006

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

1979

1,472 SF

1000 SF

4.7200 AC

04

StoriesBasementType

1

YES

STANDARD UNITSIDING/4

ExteriorQualityFull/Half BathGarage

2 full

1 Attached

Last Notice of Major Improvements

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	117,300	135,800		
Improvements	233,000	279,700		
Total:	350,300	415,500	372,033	393,767
Preferential Land:	0	0		

Transfer Information

Seller: SHELL STEVEN H

Date: 12/12/2016

Price: \$0

Type: NON-ARMS LENGTH OTHER

Deed1: /38380/ 00389

Deed2:

Seller: SHELL STEVEN H

Date: 12/04/2002

Price: \$0

Type: NON-ARMS LENGTH OTHER

Deed1: /17189/ 00197

Deed2:

Seller: BISCOTTI MATTHEW G

Date: 01/11/1994

Price: \$175,000

Type: ARMS LENGTH IMPROVED

Deed1: /19277/ 00366

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: Approved 05/15/2008

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0024-SPH A