



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

July 3, 2024

Mark Hanley, Esquire – mhanley4144@gmail.com
117 Lakefront Drive
Hunt Valley, MD 21030

RE: Petitions for Special Hearing & Variance
Case No. 2024-0121-SPHA
Property: 13542 Jarrettsville Pike

Dear Mr. Hanley:

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 blue ink signature of Andrew M. Belt, written in a cursive style.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dln
Enclosure

c: Bruce E. Doak – bdoak@bruceedoakconsulting.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(13542 Jarrettsville Pike)	*	OFFICE OF
10 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
Hanley Associates		
Legal Owner	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2023-0121-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 Hanley Associates, legal owner (“Petitioner”) for the property located at 13542 Jarrettsville Pike, Phoenix (the “Property”). The Special Hearing was originally filed pursuant to Baltimore County Zoning Regulations (“BCZR”), § 400.4B2. to permit the size of 2,000 sq. ft., for an accessory structure which is proposed for use as an accessory (in law) apartment. During the hearing on this matter, Petitioner withdrew their requested variance relief to permit a 2,000 sq. ft. accessory structure and amended their requested height variance from BCZR § 400.3 to allow a height of 22 ft. in lieu of the required maximum height of 15 ft. (Petitioner originally requested variance relief for a 35-foot-high structure.)

Additionally, Petitioner requested variance relief from BCZR § 400.4.B.4, to permit the existing accessory (in-law) apartment building to have a separate utility meter and sewerage service from the principal dwelling.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on June 26, 2024 at 1:30 p.m. The Petition was properly advertised and posted. The Petitioner, Mark Hanley, Esquire appeared at the hearing in support of the Petition along with Bruce E. Doak, licensed surveyor, of Bruce E. Doak Consulting who prepared and sealed a site plan (the “Site

Plan”). (Pet. Ex. 1). There were no Protestants or interested citizens at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”), and Department of Planning (“DOP”) which agencies did not oppose the requested relief, with conditions.

The subject property is situated along Jarrettsville Pike, accessible from a long driveway in the Phoenix area of Baltimore County. It includes two parcels: account number 1700012825, residential land of approximately 5 acres, and account number 1600004031, agricultural land spanning 66 acres, both zoned R.C.6. The surrounding area is characterized by a mix of forested areas, rural residential properties and farms.

Petitioner, Mark Hanley of Hanley Associates, explained that the property has been in the family since 1970. Petitioner’s brother, James Hanley also resides at the property and is in poor health. The property is currently occupied by the principal dwelling dating from 1937, a barn, pasture and extensive hayfields. (Pet. Ex. 1) Presently, ducks are being raised on the property, in addition to the cultivation of vegetables. Cattle, horses and other livestock have also been housed on the property in the past.

Mr. Hanley explained that it is proposed that a 1,200 square foot accessory structure be built at the edge of the current pasture that will be occupied by his son, James Hanley, who will assist the care of James Hanley, the elder, and who will help expand the range of farming uses on the property. Mr. Doak explained that the location of the proposed structure has been chosen in that it won’t interfere with the use of prime pasture land that borders the dwelling to the south. The accessory structure will be placed on level ground just prior to a steep slope along the tree line bordering the pasture. (Pet. Exs. 1, 5 & 6) A driveway will be constructed along this tree line that will facilitate the fencing of the pasture if necessary.

Other than the proposed variance relief, Mr. Doak testified that the Petitioner's request for Special Hearing satisfied the requirements of BCZR, § 404 B&C.

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. In keeping with the legislative intent of BCZR, § 404 (B)&(C), the Petitioner intends to provide temporary housing for an immediate family member to facilitate the care of another immediate family member. Petitioner has drafted the required declaration of understanding as required by BCZR, § 404(C)(1)(a). (Pet. Ex. 8) Additionally, the proposed accessory structure will be completely shielded from view from any neighboring structure. The subject property is bordered by trees and approximately 66 acres of farmland. (Pet. Ex. 6)

In the ZAC comment from DOP dated May 28, 2024, the department commented that BCZR, §1A07.8 required that the proposed accessory structure be clustered within a 20,000 sq. ft. building envelope including the other structures on the property. The pertinent part of BCZR, §1A07.8 read as follows:

For residential development, the maximum area of the building envelope on any residential lot **other than a farm** is 20,000 square feet. (Emphasis added).

Based on the testimony provided by Mr. Hanley, the subject property, is presently, and has in the past, been used for farming activities in keeping with its 66 acres of hayfields and pasture. Consequently, I find that BCZR, §1A07.8 is not applicable to the facts presented during the hearing in this matter. Additionally, the decision to place the proposed accessory structure on the edge of the wooded boundary, just south of the property's most prime pasture land, was made in an effort to preserve the use of the pasture itself, which I find to be in keeping with rural conservation efforts. Accordingly, I find the proposed accessory structure to be compatible with the community and generally consistent with the spirit and intent of the regulations, thus, the Petitioner's request for Special Hearing is granted.

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).

Variance from BCZR § 400.4.B.4

Petitioner has requested variance relief from BCZR § 400.4.B.4, to permit the existing accessory (in-law) apartment building to have a separate utility meter and sewerage service from

the principal dwelling. Petitioner is proposing that the proposed accessory structure have its own septic field and well located closer to the proposed structure. The fact that the existing septic field dates from 1937, and the fact that the location of the accessory structure is being guided by the effort to preserve the existing pasture satisfy the “uniqueness” factor of the *Cromwell* analysis. The distance of the proposed accessory structure from the principal dwelling itself, and the age of the principal dwelling may cause logistical issues when attempting to connect to the principal dwelling’s utility meter. While the Petitioner testified that it is their intent to connect to the original utility meter, if this proves to be impractical, a separate meter will be permitted. Consequently, for the reasons noted above, I find that the Petitioner will experience a practical difficulty if relief is denied in that an accessory structure could not otherwise be logically placed on the property. Accordingly, variance relief from BCZR § 400.4.B.4 is granted.

In the ZAC comment provided by the Department of Environmental Protection and Sustainability (“DEPS”) regarding the proposed accessory structure the following was recommended by Ground Water Management:

- a. A perc application and site plan must be submitted and approved by Ground water management prior to approval of a building permit.
- b. Perc tests and a minimum of 10,000 square foot septic reserve area must be established for the proposed accessory in-law-partment9dwelling) and sufficient area for an initial and future repair ODDO must be established of the existing dwelling See COMAR 26.04.02.02C(1)(c)
- c. An OSDS inspection report locating and verifying the condition of all septic system components for the existing dwelling will be required as part of the perc application review. Potentially, installing a new septic system or upgrading the existing system may be required.

COMAR 26.04.02.02A reads as follows:

- A. The requirements of this chapter apply to **new** on-site sewage disposal systems and non-community water supply systems, **replacements, additions to existing systems, repair or replacement of an existing system** and any

potential changes in the strength or volume of the sewage entering an on-site sewage disposal system. (Emphasis added.)

Due to the fact that variance relief has been granted for the construction of a separate septic field in the instance case, and there will be no replacements, additions or repairs to the existing system servicing the principal dwelling on the subject site, I find that the portions of items (b) and (c) regarding the existing septic system will not be required as a condition for approval. Item (a) and the relevant portion of item (b) regarding the new proposed septic system will be required.

Variance from BCZR § 400.3

Petitioner has variance relief from BCZR § 400.3 to permit a 22 ft., height of an accessory structure which is proposed for use as an accessory (in-law) apartment in lieu of the required 15 ft. As testified to by Mr. Doak, the single-story accessory structure proposes standard 9-foot ceiling. (Pet. Ex. 7) The remaining height proposed height comes a result of the proposed roof pitch. To reduce the roof pitch further would create an aesthetic that is inconsistent with the existing structures on the property. Due to the fact that there is no second floor or livable space above the proposed structure 9-foot ceiling, the structure still is in keeping the proposed use as an accessory “in law” apartment. I find that the Petitioner will experience a practical difficulty if relief is denied in that an accessory structure could not be designed in architectural harmony with the building already existing on the property. Accordingly, variance relief from BCZR § 400.3 is granted.

I also find that all of 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 3rd day of **July, 2024** by this Administrative Law Judge, that the Petition for Special Hearing from the BCZR § 400.4.B.2. to permit an accessory

structure which is proposed for use as an accessory (in law) apartment, be and is hereby **GRANTED** and;

IT IS ORDERED, from BCZR § 400.3 to permit a 22 ft., height of an accessory structure which is proposed for use as an accessory (in-law) apartment in lieu of the required 15 ft., be and is hereby **GRANTED**, and;

IT IS FURTHER ORDERED, from BCZR § 400.4.B.4, to permit the existing accessory (in-law) apartment building to have a separate utility meter and sewerage service from the principal dwelling 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. The proposed accessory apartment shall not be used for commercial or industrial purposes.
3. Prior to issuance of permits, Petitioners must comply with the following portions of the ZAC comment submitted by DEPS, a copy of which is attached hereto and made a part hereof.

Ground Water Management commented as follows:

- a. A perc application and site plan must be submitted and approved by Ground water management prior to approval of a building permit.
- b. Perc tests and a minimum of 10,000 square foot septic reserve area must be established for the proposed accessory in-law-apartment (dwelling) and sufficient area for an initial and future repair. A ODDO must be established of the existing dwelling See COMAR 26.04.02.02C(1)(c)
- c. An OSDS inspection report locating and verifying the condition of all septic system components for the existing dwelling will be required as part of the perc application review. Potentially, installing

a new septic system or upgrading the existing system may be required.

It is ordered that the portions of items (b) and (c) regarding the existing septic system **will not** be required as a condition for approval. Item (a) and the relevant portion of item (b) regarding the new proposed septic system **will be** required.

4. The accessory apartment shall not be converted into a second dwelling beyond the scope of BCZR, §400.4. The accessory apartment shall only be utilized by the Petitioners and by those family members permitted in the definition of "Accessory Apartment" in BCZR, §101.1, and may not be occupied by any person other than those permitted therein for any other reason including non-permitted family members. When the accessory apartment is no longer occupied by the persons named in the Use Permit, or if the Property is sold, the use permit shall terminate. Upon termination, the improvements used in the accessory apartment shall be removed and the accessory structure shall be restored to a storage space/garage.
5. The accessory apartment is permitted to have separate utility and electric connection and service, as well as a separate septic system, subject to approval by DEPS.
6. Prior to the issuance of the Use Permit, Petitioner shall file and record at their expense, an executed and notarized Declaration of Understanding along with a property description, a copy of the proposed detailed floor plan and the Zoning Hearing Site Plan (Pet. Ex. 1) as well as a copy of this Order, in the Land Records of Baltimore County, and shall file a copy of the same with the Department of Permits, Approvals and Inspections.
7. Petitioner shall renew the Use Permit with Department of Permits, Approvals and Inspections every two (2) years by filing a renewal on a form approved by Department of Permits, Approvals and Inspections, to be dated from the month of the Order herein, and shall list the name of any person occupying the accessory apartment.

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



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 13542 JARRETSVILLE PIKE which is presently zoned RC6

Deed References: 5711 / 761 10 Digit Tax Account # 16 000 04 03 1

Property Owner(s) Printed Name(s) HANLEY ASSOCIATES

(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

SEE ATTACHED PAGE

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

Legal Owners (Petitioners):

☒ HANLEY ASSO. L.P.I. ☒ Mark Hanley Gov. Part.
Name #1 - Type or Print Name #2 - Type or Print TITLE

☒ Mark Hanley
Signature #1

Signature #2

☒ 117 LAKEFRONT DR HUNT VALLEY MD
Mailing Address City State

☒ 21030 410-909-2174
Zip Code Telephone # Email Address

MHANLEY4144@GMAIL.COM

Attorney for Petitioner:

☒ Mark Hanley
Name- Type or Print

☒ Mark Hanley
Signature

☒ 117 LAKEFRONT DR HuntVal. Md.
Mailing Address City State

☒ 21030 410-409-2174 MHANLEY4144@Gmail
Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
Name - Type or Print

BRUCE E. DOAK CONSULTING LLC
Signature

3801 BAKER SCHOOLHOUSE ROAD FREEDOM MD
Mailing Address City State

21053 410-419-4906
Zip Code Telephone # Email Address

BD@BRUCEDOAKCONSULTING.COM

CASE NUMBER

2024-021-SHA

Filing Date

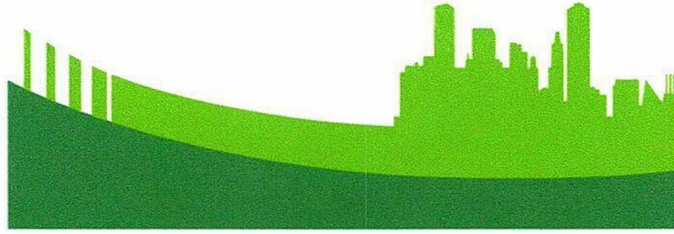
5/13/2025

Do Not Schedule Dates:

Review

PETITIONS REQUESTED

1. Special Hearing to permit an accessory (in law) apartment permitted as a temporary use within a new accessory building situate on the same owner occupied lot as the principal dwelling, and having a separate utility meter and sewerage services from the principal dwelling, pursuant to Section 400.4.B.4 BCZR.
2. Variance to permit the size of 2,000 square foot for an accessory structure which is proposed for use as an accessory (in law) apartment to be permitted, in lieu of the maximum 1,200 square feet per Section 400.4.B.2 BCZR
3. Variance to permit a 35 foot height of an accessory structure which is proposed for use as an accessory (in law) apartment to be permitted, in lieu of the maximum height of 15 feet per Section 400.3 BCZR
4. Variance to permit the existing accessory (in law) apartment building to have a separate utility meter and sewerage services from the principal dwelling per Section 400.4.B.4 BCZR (if necessary)
5. Any relief that the Administrative Law Judge deems to be necessary.



Zoning Description

13542 Jarrettsville Pike

Tenth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at the northeastern most corner of the subject property, said point being southeasterly 1530 feet+₋ from the centerline intersection of Richfield Lane and Jarrettsville Pike and then southwesterly 410 feet+₋ from the centerline of Jarrettsville Pike, thence said point of beginning and binding on the outlines of the subject property, the seventeen following courses and distances, viz.

1. North 73 degrees 11 minutes 20 seconds West 672.23 feet
2. North 56 degrees 25 minutes 30 seconds West 221.10 feet
3. South 27 degrees 59 minutes 10 seconds West 414.01 feet
4. North 56 degrees 25 minutes 30 seconds West 752.21 feet
5. North 56 degrees 53 minutes 20 seconds West 314.49 feet
6. South 27 degrees 46 minutes 50 seconds West 282.60 feet
7. South 04 degrees 08 minutes 40 seconds West 1437.29 feet
8. South 64 degrees 37 minutes 00 seconds East 1057.65 feet
9. North 62 degrees 09 minutes 10 seconds East 308.75 feet
10. North 51 degrees 30 minutes 30 seconds East 225.73 feet
11. North 64 degrees 28 minutes 40 seconds East 454.44 feet
12. North 03 degrees 23 minutes 20 seconds East 148.29 feet
13. North 11 degrees 32 minutes 20 seconds West 396.73 feet
14. North 04 degrees 19 minutes 00 seconds West 296.47 feet
15. North 13 degrees 03 minutes 20 seconds East 279.89 feet
16. North 34 degrees 38 minutes 30 seconds East 99.33 feet and
17. North 66 degrees 18 minutes 20 seconds East 132.31 feet

Containing 66.40 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



DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on the 2 day of February 2024, by and between Hanley Associates LPI hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

RECITALS

- A. The Declarant is the owner of this property filed an application for a use permit and special hearing to permit an accessory (in-law) apartment permitted as a temporary use within a proposed [detached] accessory building situate on the same owner occupied lot as the principal dwelling (together with variance relief), located 360'+- south and in the side yard of the existing principal dwelling and in the center of the subject property.
- B. The property is located at 13542 Jarrettsville Pike Phoenix, MD 21131 ("Property") and is more particularly described by metes and bounds in Exhibit A and shown on the hearing plan, Exhibit B, both attached hereto and made a part hereof. The Property is zoned R.C 6 which is the particular zone in which the Property is located.
- C. The Administrative Law Judge, by issuance of an Opinion and Order, dated , 2024, filed in Case No. 2024- ("Opinion and Order"), approved the request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property ("Accessory Apartment"). The Opinion and Order contained certain conditions, including but not limited to: i) the Accessory Apartment shall not be used for commercial purposes; and 2) "If and when James P. Hanley (son) is no longer living in this in-law apartment the Use Permit shall be null and void and any further residential use of this structure [Accessory Apartment] would require approval via another Special Hearing Petition." A copy of the Opinion and Order is being recorded herewith and is incorporated herein by reference. The Accessory Apartment will be housing for James P. Hanley , who is the son of the Property owner(s). The use permit must be renewed with PIA every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.
- D. As a condition of approval of the Declarant's Petition and request, Bill No. 49-11 (BCZR § 400.4.C.2) requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent *bona fide* purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single- family residence, unless otherwise approved by and at the discretion of PIA.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarant(s) and PIA hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only immediate family members listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the Opinion and Order, and all conditions or restrictions contained therein. The Opinion and Order is to be made part of this Declaration when it is recorded in the Land Records.

2. Once the Accessory Apartment is no longer occupied by the person named in this Declaration or if the Property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the Property owner or subsequent purchaser shall require a new request for a use permit via another Special Hearing Petition.

3. Upon use permit termination, the Accessory Apartment in the accessory building requires removal of the kitchen and possibly other residential elements, at the discretion of PAI.

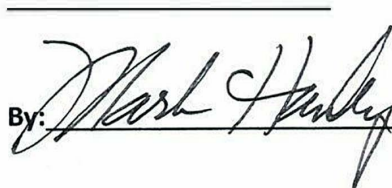
4. The covenants, conditions and restrictions stated above shall run with and bind the Property and shall be enforced by Baltimore County, MD and by the owners the owners of all or any portion of the Property.

5. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

ATTEST/WITNESS:

DECLARANT/PROPERTY OWNER:

By: 

Mark P. Hanley General Partner for Hanley Associates LPI

(SEAL)

PAI:

By: _____ (SEAL)

[TITLE]

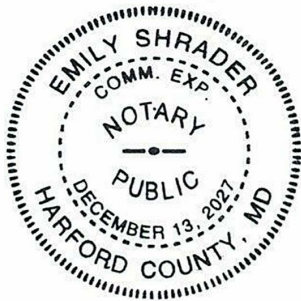
State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 5 day of February, 202~~8~~⁴, before the Subscriber, a Notary Public of State of Maryland, personally appeared mark Hanley, Owner of the above-referenced Property and Declarant herein, known to me (or satisfactorily proven) to be the person(s) whose name is subscribed to the within instrument, and who acknowledged that, in his capacity as such sole member and Declarant, he executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

My Commission Expires: 12/13/27

Notary Public



A handwritten signature in cursive script, appearing to read "Emily Shrader", written over a horizontal line.

**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/neighborhood 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.

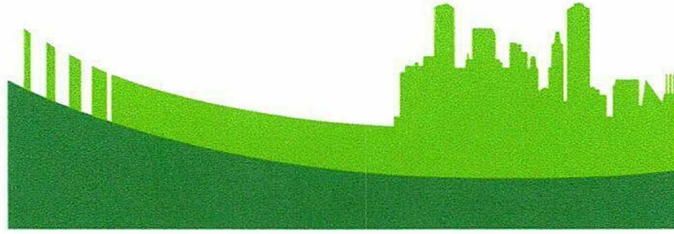
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2024-0121-SPHA
Property Address: 13542 JARRETSVILLE PIKE
Property Description: 66.40 AC PARCEL OF LAND
WEST OF JARRETSVILLE PIKE / SOUTH OF SUNNYBROOK ROAD
Legal Owners (Petitioners): HANLEY ASSOCIATES
Contract Purchaser/Lessee: N/A

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



Zoning Description

13542 Jarrettsville Pike

Tenth Election District Third Councilmanic District
Baltimore County, Maryland

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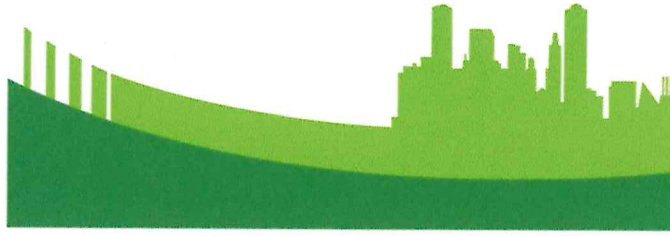
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Containing 66.40 acres of land, more or less.

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





CERTIFICATE OF POSTING

June 03, 2024

_____ amended for second inspection

Re:

Zoning Case No. 2024-0121-SPHA

Legal Owner: Hanley Associates

Hearing date: June 26, 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 **13542 Jarrettsville Pike**.

The signs were initially posted on June 03, 2024.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink, appearing to read "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 #: 2024-0121-SPHA

13542 Jarrettsville Pike

(West of Jarrettsville Pike, South of Sunnybrook Road)

Council District 3, Election District 10

Legal Owners: Hanley Associates

SPECIAL HEARING: To permit an accessory (in-law) apartment permitted as a temporary use within a new accessory building situate on the same owner-occupied lot as the principal dwelling, having a separate utility meter and sewage services from the principal dwelling, pursuant to the Baltimore County Zoning Regulations (BCZR), Section 400.4.B.4.

VARIANCE: To permit the size of 2,000 sq ft for an accessory structure which is proposed for use as an accessory (in-law) apartment to permit, in lieu of the maximum 1,200 sq ft per BCZR Section 400.4.B.2. To permit a 35 ft height of an accessory structure which is proposed for use as an accessory (in-law) apartment to be permitted, in lieu of the maximum height of 15 ft per BCZR Section 400.3. **VARIANCE:** To permit the existing accessory (in-law) apartment building to have a separate utility meter and sewerage services from the principal dwelling per BCZR, Section 400.4.B.4 (if necessary). Any relief that the Administrative Law Judge (ALJ) deems to be necessary.

Hearing Date: Wednesday, June 26, 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 410-857-3800, ext. 8
Email: administrativehearings@balto.org

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Office of Administrative Hearings

205 W. Chesapeake Avenue, Suite 103, Towson, Maryland 21204. Phone: 410-326-7000. Email: administrativehearings@baltimorecountymd.gov

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Office of Administrative Hearings
105 West Crosspointe Avenue, Suite 100, Towson, Maryland 21204 - Phone 410.381.2800 ext. 3
Email: administrative.hearings@baltimorecountymd.gov

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410.887.3865 ext 0
Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

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

No. 230429

Date: 5/10/24

Fund	Dept	Unit	Sub Unit	Obj	Rev	Sub	Dept	Obj	BS Acct	Amount
					Source/	Rev/				
001	806									150.00

Total: 150.00

Rec From: Bruce E. DOAK

For: 13542 Jarrettsville Pike Variance +
Special Hearing

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

BRUCE E DOAK 12-12
BRUCE E DOAK CONSULTING
3801 BAKER SCHOOLHOUSE RD
FREELAND, MD 21053-9738

3139

15-3/540
429

5/02/24

Date

Pay to the Order of: BALTIMORE COUNTY MD

\$ 150.00

ONE HUNDRED FIFTY AND 00/100

Dollars



Photo
Safe
Deposit®
Details on back

PNCBANK

PNC Bank, N.A. 040

For: FAMILY CONING FEE

REC'D

MP

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 1700012825

Owner Information

Owner Name: HANLEY ASSOCIATES Use: RESIDENTIAL
Principal Residence: NO

Mailing Address: 13542 JARRETTSVILLE PIKE Deed Reference: /06869/ 00164
PHOENIX MD 21131-2026

Location & Structure Information

Premises Address: 13542 JARRETTSVILLE PIKE Legal Description: 5 AC WSR
PHOENIX 21131-0000 1000 FT JARRETTSVILLE P
100 N SUNSET LA

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

0043 0016 0272 10010001.04 0000 2023 Plat Ref:

Town: None

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

1979 3,418 SF 5.0000 AC 04

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements

2 YES STANDARD UNITSIDING/4 2 full/ 1 half 1 Attached

Value Information

Base Value Value Phase-in Assessments

As of As of As of

01/01/2023 07/01/2023 07/01/2024

Land: 184,500 253,500

Improvements 371,000 404,800

Total: 555,500 658,300 589,767 624,033

Preferential Land: 0 0

Transfer Information

Seller: HANLEY MARK P,JR Date: 02/19/1985 Price: \$0

Type: NON-ARMS LENGTH OTHER Deed1: /06869/ 00164 Deed2:

Seller: Date: Price:

Type: Deed1: Deed2:

Seller: Date: Price:

Type: Deed1: 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:



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 13542 JARRETSVILLE PIKE which is presently zoned RC6

Deed References: 5711 / 761 10 Digit Tax Account # 16 000 04 03 1

Property Owner(s) Printed Name(s) HANLEY ASSOCIATES

(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

SEE ATTACHED PAGE

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

Legal Owners (Petitioners):

☒ HANLEY ASSO. L.P.I. ☒ Mark Hanley Gov. Part.
Name #1 - Type or Print Name #2 - Type or Print TITLE

☒ Mark Hanley
Signature #1 Signature #2

☒ 117 LAKEFRONT DR HUNT VALLEY MD
Mailing Address City State

☒ 21030 410-909-2174
Zip Code Telephone # Email Address

MHANLEY4144@GMAIL.COM

Attorney for Petitioner:

☒ Mark Hanley
Name- Type or Print

☒ Mark Hanley
Signature

☒ 117 LAKEFRONT DR HuntVal. Md.
Mailing Address City State

☒ 21030 410-409-2174 MHANLEY4144@Gmail
Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
Name - Type or Print

BRUCE E. DOAK CONSULTING LLC
Signature

3801 BAKER SCHOOLHOUSE ROAD FREEDOM MD
Mailing Address City State

21053 410-419-4906
Zip Code Telephone # Email Address

BD@BRUCEEDOAKCONSULTING.COM

CASE NUMBER

2024-021-SHA

Filing Date

5/13/2025

Do Not Schedule Dates:

Review

PETITIONS REQUESTED

1. Special Hearing to permit an accessory (in law) apartment permitted as a temporary use within a new accessory building situate on the same owner occupied lot as the principal dwelling, and having a separate utility meter and sewerage services from the principal dwelling, pursuant to Section 400.4.B.4 BCZR.
2. Variance to permit the size of 2,000 square foot for an accessory structure which is proposed for use as an accessory (in law) apartment to be permitted, in lieu of the maximum 1,200 square feet per Section 400.4.B.2 BCZR
3. Variance to permit a 35 foot height of an accessory structure which is proposed for use as an accessory (in law) apartment to be permitted, in lieu of the maximum height of 15 feet per Section 400.3 BCZR
4. Variance to permit the existing accessory (in law) apartment building to have a separate utility meter and sewerage services from the principal dwelling per Section 400.4.B.4 BCZR (if necessary)
5. Any relief that the Administrative Law Judge deems to be necessary.

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: May 23, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0121-SPHA
Address: 13542 JARRETTSVILLE PIKE
Legal Owner: Hanley Associates

Zoning Advisory Committee Meeting of May 21, 2024.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- X 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).
- X 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:

A variance to the Law for the Protection of Water Quality, Streams, Wetlands, and Floodplains will be required if any of the proposed project will take place within the forest buffer associated with the streams and any wetlands on the property.

Reviewer: Libby Errickson

1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
 - a. A perc application and site plan must be submitted and approved by Ground Water Management prior to approval of a building permit.

- b. Perc tests and a minimum 10,000 square foot septic reserve area must be established for the proposed accessory in-law apartment (dwelling) and sufficient area for an initial and future repair OSDS must be established for the existing dwelling. See COMAR 26.04.02.02C(1)(c)
- c. An OSDS inspection report locating and verifying the condition of all septic system components for the existing dwelling will be required as part of the perc application review. Potentially installing a new septic system or upgrading the existing septic system may be required.

Additional Comments:

Reviewer: Mia Lowery, L.E.H.S.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: May 15, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0121-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 comment LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 5/28/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0121-SPHA

INFORMATION:

Property Address: 13542 Jarrettsville Pike
Petitioner: Hanley Association L.P.I.
Zoning: RC 6
Requested Action: Special Hearing and Variance

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

Special Hearing -

1. To permit an accessory (in law) apartment permitted as a temporary use within a new accessory building situated on the same owner-occupied lot as the principal dwelling, and having a separate utility meter and sewerage services from the principal dwelling, pursuant to Section 400.4.B.4 BCZR.

Variance(s) -

1. To permit the size of 2,000 square foot for an accessory structure which is proposed for use as an accessory (in law) apartment to be permitted, in lieu of the maximum 1,200 square feet per Section 400.4.B.2 BCZR
2. To permit a 35-foot height of an accessory structure which is proposed for use as an accessory (in law) apartment to be permitted, in lieu of the maximum height of 15 feet per Section 400.3 BCZR
3. To permit the existing accessory (in law) apartment building to have a separate utility meter and sewerage services from the principal dwelling per Section 400.4.B.4 BCZR (if necessary)
4. Any relief that the Administrative Law Judge deems to be necessary.

The subject property is situated along Jarrettsville Pike, accessible via a long driveway in the Phoenix area of Baltimore County. It includes two parcels: account number 1700012825—residential land spanning 5 acres, and account number 1600004031—agricultural land covering 66 acres, both zoned R.C.6. The surrounding vicinity is characterized by a mix of forested areas, rural residential properties, and farms.

In the R.C. 6 Zone, the Baltimore County Council aims to preserve and protect the ecosystem, water quality, and biodiversity in the primary conservancy area. In the secondary conservancy area, the focus is on maintaining the rural character and preserving natural, agricultural, and historic resources. The development areas prioritize well-designed, rural residential development while preserving the traditional features and incorporating natural elements. Efforts are made to limit traffic growth and maintain the rural scale of area roads.

There is no information indicating a hardship that would necessitate a variance in size more than 1,200 SF, nor a height in excess of the 15 feet allowed in Section 400.4. The Department believes that the proposed dimensions of an accessory dwelling (in-law apartment), which are 2,000 SF instead of the required 1,200 SF and a height of 35 feet instead of the required 15 feet, to be excessive and should be lowered.

The Department holds that the development of residential structures on the property should be consistent with the RC6 regulation § 1A07.8 pertaining to the property's building envelope:

“For residential development, the maximum area of the building envelope on any residential lot other than a farm is 20,000 square feet. The placement of the building envelope is determined on the basis of

- The goals for the zone
- The standards and guidelines for the Rural Conservation and Residential Zone and scenic views published in the Comprehensive Manual of Development Policies;
- The minimum setbacks for the zone.”

The proposed location of the “in-law apartment” is a new residential structure that is not clustered with the existing residential improvements on the property. The proposed location is within the existing pasture and the access and location will negatively impact any agricultural use and as referenced above not keeping within a 20,000 square foot building envelope as required.

In addition to the above, the Department asks that the following should also be considered:

- The accessory structure shall not be used for principal residential or commercial purposes;
- Certain performance standards as established in BCZR §1A07.8.C and discussed below are followed:
 - Submit a building architectural elevation to the Department of Planning for review before permitting.
 - The form, scale, materials, detailing landscaping and architecture of the buildings should reflect the traditional rural character of the area;
 - All exterior walls of a building must be treated similarly with respect to color and other architectural details.

If the comments above can be addressed, there is otherwise no objection to granting the petitioned zoning relief related to the Special Hearing and Variances.

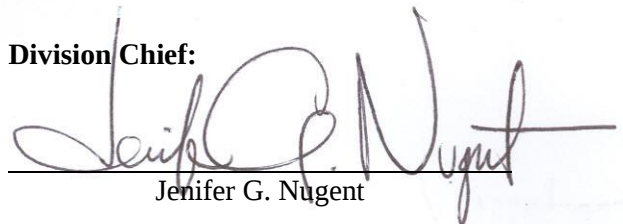
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



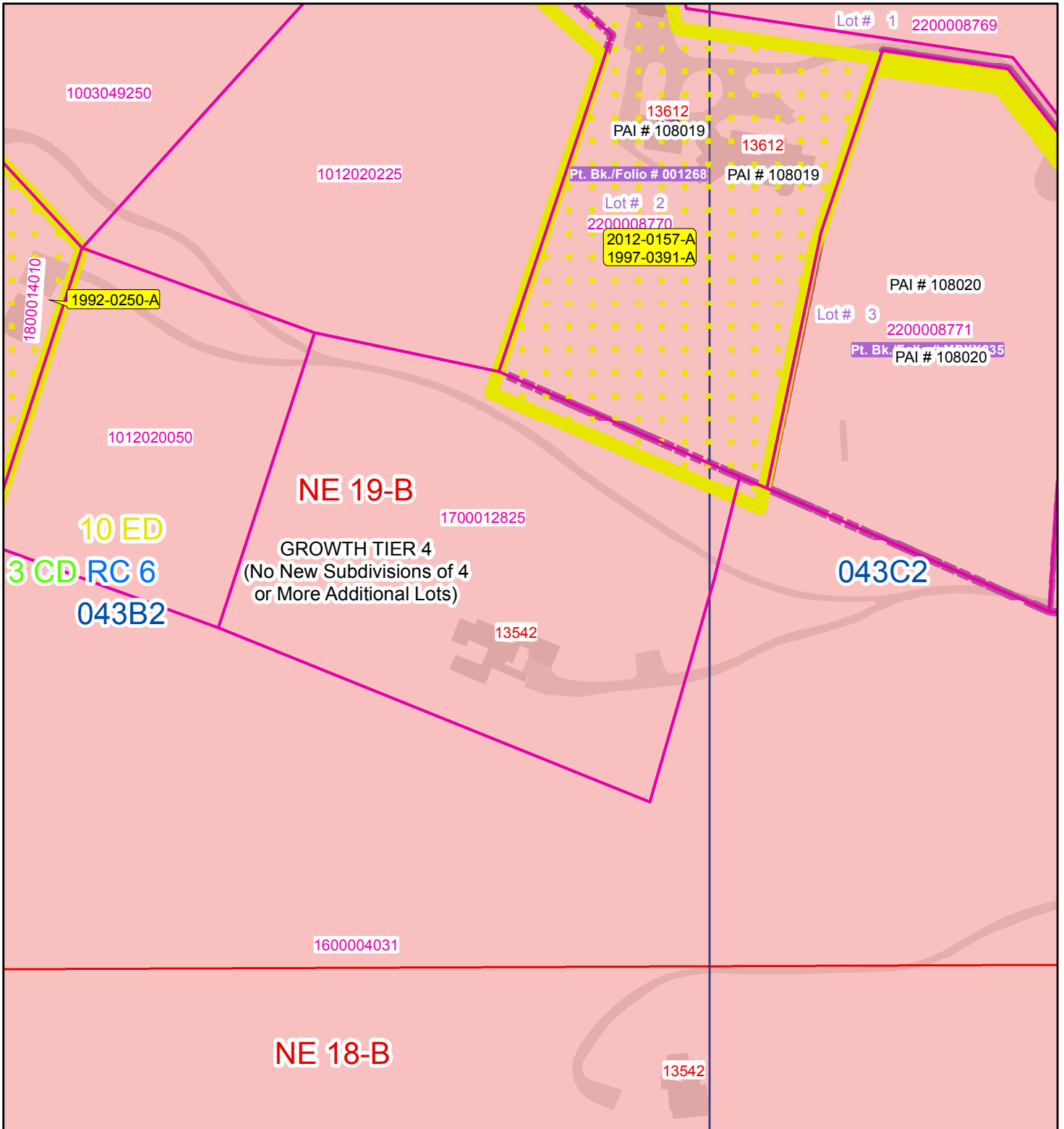
Jenifer G. Nugent

SL/JGN/KP

c: Bruce E. Doak - Bruce E. Doak Consulting LLC
Joe Wiley & Abigail Rogers
Jeff Perlow, Zoning Review

Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

13542 Jarrettsville Pike



Publication Date: 5/13/2024



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 40 80 160 240 320 Feet

1 inch = 147.306397 feet