



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

August 1, 2024

James W. Tyler – loyolabryan123@gmail.com and jtclubby@aol.com
11501 Notchcliff Road
Glen Arm, MD 21057

RE: Petitions for Special Hearing & Variance
Case No. 2024-0147-SPHA
Property: 11417 Notchcliff Road

Dear Mr. Tyler:

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 "DJB", is written over a circular blue stamp or seal.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

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

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(11417 Notchcliff Road)	*	OFFICE OF
11 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
James Tyler		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2024-0147-SPHA
	*	
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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing and Variance filed on behalf of James Tyler (“Petitioner”), legal owner of the property located at 11417 Notchcliff Road, Glen Arm, Baltimore County, Maryland (the “Property”). Special Hearing relief was filed pursuant to Baltimore County Zoning Regulations (“BCZR”) §500.7 to permit an “accessory building” on a parcel of land without a principal building. In addition, variance relief was also requested from BCZR, §400.3 to permit an “accessory building” with a height of 21 ft. in lieu of the maximum height of 15 ft.

A public hearing was conducted on July 24, 2024, using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner, James Tyler, attended the hearing and gave testimony. Bruce E. Doak of Bruce E. Doak Consulting, LLC, a licensed property land surveyor, assisted the Petitioner and prepared the Site Plan. There were no Protestants or interested citizens that appeared at the hearing.

The following exhibits were received from Petitioner and admitted into the record: (1) Site Plan; (2) SDAT report; (3) GIS; (4) GIS aerial photo; (5) Key Sheet and Site Photos A-I; (6) Architectural elevations and floor plan; (7) Letter of Support. The following ZAC comments were received from County agencies and admitted into the record: (1) Department of Planning (“DOP”)

comments; (2) Development Plans Review (“DPR”) comments; and (3) Department of Environmental Protection & Sustainability (“DEPS”) comments. DEPS notes that a building permit for the proposed accessory structure will require closing the existing well and septic.

Findings of Fact

The Property is 4.05 acres in land area and is zoned RC 5 in the Glen Arm area of Baltimore County. The lot itself is a uniquely shaped panhandle lot much larger in size than most adjacent lots and enjoys substantial vegetation. *See* Petitioner’s Exhibit 1, 3, 4 & 5. The property is currently improved with a small shed/garage and once was improved with a single-family detached dwelling with gravel driveway. The single-family detached dwelling was condemned has since been fully razed but the gravel driveway remains. *See* Petitioner’s Exhibit 5b. The proposed two-story shed is 30’ x 40’ and will be located along the existing gravel driveway and used for yard storage and maintenance. *See* Petitioner’s Exhibit 6.

Mr. Tyler testified that he acquired the subject property in 2018. Mr. Tyler also holds title to the property located at 11501 Notchcliff Road which immediately abuts the subject property to the west. 11501 Notchcliff Road is improved with a single-family detached dwelling and accessory structures (pool). Mr. Tyler stated the purpose of the proposed “accessory structure” was for storage of yard maintenance equipment to be used for the subject property and for 11501 Notchcliff Road. The additional height is necessary to accommodate barn doors with enough clearance for a tractor and attic storage above. Mr. Doak testified that the additional height was necessary to construct a peaked roof ensuring the shed could be constructed with a barn-like appearance. Mr. Doak further stated that zoning merger was not requested nor necessary to afford relief under the Petition. It is Mr. Tyler’s intention not to merge the lots as they will be maintained as separate lots of record for both title and zoning purposes. Petitioner submitted a letter from Dean

Landers, an abutting property owner to the south at 11415 Notchcliff Road, supporting the relief requested. *See* Petitioner's Exhibit 7.

Conclusions of Law

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 presented, I find that Special Hearing relief should be granted. While termed an "accessory building" in the Petition, the proposed structure serves the lot on which it's proposed as well as a contiguous lot. Maryland law is clear that simultaneous use of contiguous parcels does not necessarily trigger the doctrine of zoning merger. The Appellate Court of Maryland agreed with the argument precluding merger in *Mueller v. People's Couns. for Baltimore Cnty.*, 177 Md. App. 43, 934 A.2d 974 (2007) when it found that:

We agree with appellants, who argue: "[N]ot all uses of an adjacent undeveloped property result in a merger. It is improper and without legal foundation to suggest

that Appellants' occasional recreational use of Property II caused Properties I and II to merge. If the Appellants had bought an undeveloped lot somewhere else *102 in the community, and “play[ed] ball” on it or placed a shed on it, such actions would never be considered merger. Moreover, the mere existence of a shed-not constructed on a foundation and not a structure for which a building permit was sought—cannot be viewed as similar to a permanent improvement benefitting the other parcel or a driveway being built across one lot to access another. The Appellants never needed the undeveloped Property II for them to enjoy the use of their developed Property I.”

Mueller v. People's Couns. for Baltimore Cnty., 177 Md. App. 43, 101–02, 934 A.2d 974, 1008 (2007). “Each case must be examined on its own.” *Remes v. Montgomery Cnty.*, 387 Md. 52, 68, 874 A.2d 470, 479 (2005).

In the case *sub judice*, building permits notwithstanding, the proposed shed is intended to serve as storage for yard maintenance and equipment; Petitioner expressly does not request zoning merger; and the existence of the proposed shed is not necessary for the full enjoyment of the contiguous lot improved with a single-family detached dwelling. Zoning merger is not necessary to approve the shed as the subject lot is not undersized or otherwise relies upon the contiguous lot to meet BCZR requirements. Further, while BCZR does not expressly contain an alternative definition, I do not find the shed to be “accessory” in the typical sense: it does not serve any principal use. However, there is no prohibition in BCZR in constructing a modest structure to serve a storage and maintenance purpose on the subject lot. Also, if the land were used for agricultural purposes (permitted by right in this RC-5 zoned property) it could be served by agricultural buildings of similar size and for a similar purpose. Further, the variance requested is not a variance to a bulk regulation that relates to the contiguous lot (e.g., setbacks) as building height is an independent regulation based solely upon the conditions of the subject lot. Further still, I do not find Petitioner’s request is an attempt to thwart BCZR or subvert zoning or subdivision regulations and has no adverse impact on adjacent, abutting, or confronting lots. For all these reasons, I find

that the proposed garage would be compatible with the community and generally consistent with the spirit and intent of county regulations.

VARIANCE

Petitioner requests variance relief from BCZR, §400.3 to permit an “accessory building” with a height of 21 ft. in lieu of the 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).

Petitioners have met their burden in demonstrating that the subject property is unique due to its shape, location, and vegetative buffers. For these reasons, I find that this property is unique and that special circumstances or conditions exist that are peculiar to this property where strict compliance with the Zoning Regulations for Baltimore County with respect to “accessory building” height would result in practical difficulty. 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. The proposed shed is not proximate to neighboring residences and is visually sited to the rear of the contiguous lot owned by Mr. Tyler and not visible to other property owners. Also, the lot enjoys substantial vegetative buffers. *See* Petitioner's Exhibit 5. Further, the additional height requested is minimal and the minimum necessary to support the intended use for storage of yard maintenance machinery and equipment.

THEREFORE, IT IS ORDERED this 1st day of **August 2024** by this Administrative Law Judge, that the Petition for Special Hearing from the BCZR §500.7 to permit an accessory building on a parcel of land without a principal building existing, be and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED that Variance relief from BCZR, §400.3 to permit an accessory building with a height of 21 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. The accessory structure shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities;
3. The accessory structure shall also not be used for commercial or industrial purposes. It may be used for agricultural purposes;
4. The accessory building may have separate utility or electric connection if determined necessary by a utility or service provider;

5. Unless otherwise required to do so by separate regulation or state law, Petitioner is not required by this authorization to locate and close the existing septic system, or close the existing well on site; and
5. Petitioner must comply and maintain conditions contained in DOP's 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.



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 6/26/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-147-SPHA

INFORMATION:

Property Address: 11417 Notchcliff Road
Petitioner: James W. Tyler
Zoning: RC 5
Requested Action: Special Hearing, Variance

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

Special Hearing -

1. To permit an accessory building on a parcel of land without a principal building existing; and

Variance -

2. To permit an accessory building with a height of 21' in lieu of the required maximum height 15' per Section 400.3 of the Baltimore County Zoning Regulations (BCZR).

The subject site is an approximately 4.05 acre parcel located behind 11501, 11503, 11505, and 11507 Notchcliff Road in the Glen Arm area. It is improved with a shed and a circular driveway, and is owned by the property owner of 11501 Notchcliff Road. 11501 Notchcliff Road is improved with a two-story single family detached dwelling and a pool. Per the petition, the Petitioner/property owner wishes to construct a 30' x 40' two-story accessory structure along the circular driveway.

Uses surrounding the subject site are primarily single family detached residential dwellings on larger lots.

The subject site is located along the Notchcliff Baltimore County Scenic Route. The subject site is not within the boundary of an adopted community plan, has never been the subject of a Development Plan, has no past Zoning Variance requests, and have never been the subject of a Comprehensive Zoning Map Process (CZMP) issue.

The subject site is zoned RC 5 and is located outside the Urban-Rural Demarcation Line (URDL). The accessory structure is proposed within the RC 5 zoned portion of the site. Performance Standards for the RC 5 zone are outlined in Section 1A04.4 of the Baltimore County Zoning Regulations. The Standards call for accessory structures to be designed at a scale appropriate to the dwelling; garages designed with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style; ensuring that exteriors of all buildings use the same finish materials and

architectural details on all front, side and rear elevations; using quality material such as brick, stone or cedar is encouraged; and that garages not become the dominant street feature, with garage doors using items such as windows, decorative patterns, and color to relieve the visual impact.

The Department of Planning contacted the representative for the petition via email on June 21st, 2024 seeking additional information on why the structure could not be located on the same parcel as the Petitioners primary dwelling and why the increased height was necessary. In a June 26th reply, the representative explained the following:

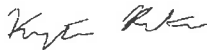
- The accessory structure is proposed to provide storage for equipment that is used to maintain the subject site and the Petitioner's primary property, 11501 Notchcliff Road. The structure will have an attic, which is proposed to be accessed via interior stairs. The increased height is necessary to accommodate an 8' tall door to get equipment in and out of the structure and still propose a typical 8/12 pitch roof.
- Locating the accessory structure on the same lot as the principal dwelling at 11501 Notchcliff Road would negatively impact the existing pool and septic system on the property.

The Department of Planning has no objections to the requested relief, subject to the following conditions:

1. Existing landscaping shall be maintained to the greatest extent possible to screen the proposed structure from the public right-of-way and scenic route; and
2. The proposed accessory structure is subject to the RC 5 Performance Standards outlined in Section 1A04.4 of the Baltimore County Zoning Regulations.

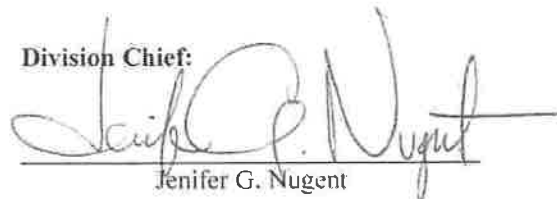
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Bruce E. Doak
Megan Benjamin, Community Planner
Joe Wiley, Community Planner
Abigail Rogers, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



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 11917 NOTCHCLIFF ROAD which is presently zoned RC5
Deed References: 90B591328 10 Digit Tax Account # 1105079051
Property Owner(s) Printed Name(s) JAMES W. TYLER

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2024-0147-SPHA Filing Date 6/11/24

Legal Owners (Petitioners):

JAMES W. TYLER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

11501 NOTCHCLIFF ROAD GLEN ARM MD

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

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

BDOAK@BRUCEDOAKCONSULTING.COM

Do Not Schedule Dates:

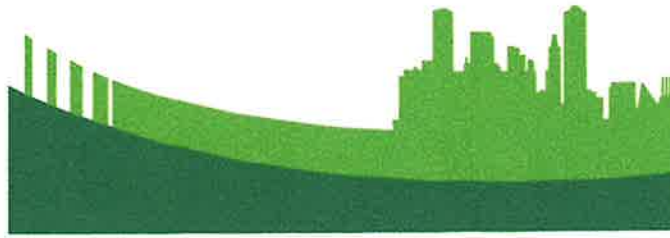
Reviewer JS

Zoning Hearing Petitions Being Requested

Special Hearing to permit an accessory building on a parcel of land without a principal building existing.

Variance to permit an accessory building with a height of 21 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR

2024-0147-SPHA



Zoning Description-Tyler Property

**#11417 Notchcliff Road
Eleventh Election District Third Councilmanic District
Baltimore County, Maryland**

Beginning at a point on the east side of Notchcliff Road, approximately 2,600 feet south and southwesterly from the centerline of Glen Arm Road, thence leaving Notchcliff Road and running with and binding on the outlines of the subject property, the seven following courses and distances, viz. 1) South 75 degrees 48 minutes 30 seconds East 353.35 feet, 2) North 22 degrees 36 minutes East 626.89 feet, 3) South 68 degrees 35 minutes East 133.87 feet, 4) South 07 degrees 16 minutes East 327.86 feet, 5) South 25 degrees 03 minutes West 354.51 feet, 6) North 75 degrees 48 minutes 30 seconds West 284.72 feet and 7) North 75 degrees 48 minutes 30 seconds West 338.27 feet to the east side of Notchcliff Road, thence binding on the east side of said road and also continuing to run with and bind on the outlines of the subject property 8) North 05 degrees 14 minutes East 50.62 feet to the point of beginning.

Containing 4.05 acres of land, more or less.

This description is part of a zoning 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

2024-0147-SPHA

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

No. 230478

Date: 6/11/24

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 150.00

Total: \$ 150.00

Rec

From: BRUCE DOAK

For: 2024-0147-SPHA

TYLER / 11417 NOTCHCLIFF RD

JIS 24-0544

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		3148 15-3/540 429
Date <u>6/05/24</u>		
Pay to the Order of <u>BALTIMORE COUNTY MARYLAND</u>		\$ 150.00
<u>ONE HUNDRED FIFTY AND 00/100</u>		Dollars
 PNCBANK PNC Bank, N.A. 040		
For <u>TYLER ZONING FEE</u>		

**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.

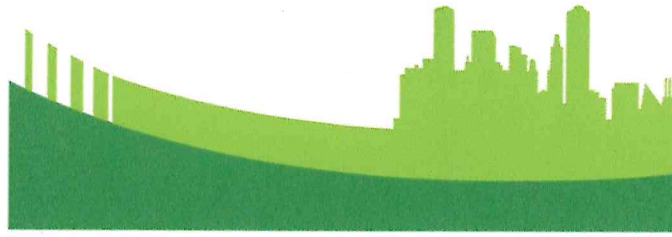
For Newspaper Advertising:

Case Number: 2024-0147-SPHA
Property Address: 11417 NOTCHCLIFF ROAD
Property Description: 4.05 AC EAST SIDE OF NOTCHCLIFF ROAD, 2,600'
TO CENTER LINE OF GLEN ARM ROAD
Legal Owners (Petitioners): JAMES W. TYLER
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
FREDERICK MD 21053
Telephone Number: 410-419-4906

Revised 5/20/2014



CERTIFICATE OF POSTING

July 04, 2024

_____ amended for second inspection

Re:
Zoning Case No. 2024-0147-SPHA
Legal Owner: James W. Tyler
Hearing date: July 24, 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 **11417 Nothchcliff Road**.

The signs were initially posted on **July 03, 2024**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce E. Doak". The signature is stylized with a large "B" and "D".

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

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

ZONING 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 #: 2024-0147-SPHA

11417 Notchcliff Road

(E/S of Notchcliff Rd., SW of Glen Arm Rd.)

Council District 3, Election District 11

Legal Owners: James Tyler

VARIANCE: To permit an accessory building with a height of 21 feet in lieu of the required maximum height of 15 feet per Baltimore County Zoning Regulations (BCZR), Section 400.3.

SPECIAL HEARING: To permit an accessory building on a parcel of land without a principal building existing.

Hearing Date: Wednesday, July 24, 2024 at 10:00 a.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 410-827-3865, ext. 2

Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

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Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 105 - Towson, Maryland 21204 / Phone 410-387-3448, ext 0

Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

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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

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-587-3868, ext.0

Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE



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 11417 NOTCHCLIFF ROAD which is presently zoned RC5
Deed References: 90B59/328 10 Digit Tax Account # 1105074051
Property Owner(s) Printed Name(s) JAMES W. TYLER

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2024-0147-SPHA Filing Date 6/11/24

Legal Owners (Petitioners):

JAMES W. TYLER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

11501 NOTCHCLIFF ROAD GLEN ARM MD

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

BD@BRUCEDOAKCONSULTING.COM

Do Not Schedule Dates:

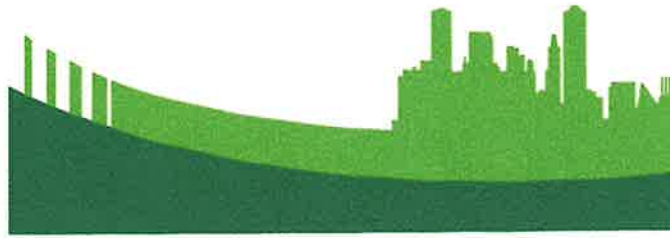
Reviewer JS

Zoning Hearing Petitions Being Requested

Special Hearing to permit an accessory building on a parcel of land without a principal building existing.

Variance to permit an accessory building with a height of 21 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR

2024-0147-SPHA



Zoning Description-Tyler Property

**#11417 Notchcliff Road
Eleventh Election District Third Councilmanic District
Baltimore County, Maryland**

Beginning at a point on the east side of Notchcliff Road, approximately 2,600 feet south and southwesterly from the centerline of Glen Arm Road, thence leaving Notchcliff Road and running with and binding on the outlines of the subject property, the seven following courses and distances, viz. 1) South 75 degrees 48 minutes 30 seconds East 353.35 feet, 2) North 22 degrees 36 minutes East 626.89 feet, 3) South 68 degrees 35 minutes East 133.87 feet, 4) South 07 degrees 16 minutes East 327.86 feet, 5) South 25 degrees 03 minutes West 354.51 feet, 6) North 75 degrees 48 minutes 30 seconds West 284.72 feet and 7) North 75 degrees 48 minutes 30 seconds West 338.27 feet to the east side of Notchcliff Road, thence binding on the east side of said road and also continuing to run with and bind on the outlines of the subject property 8) North 05 degrees 14 minutes East 50.62 feet to the point of beginning.

Containing 4.05 acres of land, more or less.

This description is part of a zoning 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

2024-0147-SPHA

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: June 10, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0147-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 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: LEAVE BLANK

SUBJECT: DEPS Comment for Zoning Item # 2024-0147-SPHA
Address: 11417 NOTCHCLIFF RD
Legal Owner: James Tyler

Zoning Advisory Committee Meeting of June 24, 2024.

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

1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
 - a. Approval of building permit to construct an accessory structure that does not have plumbing will require the existing well and septic system to be properly abandoned or submit documentation that the systems were properly abandoned.

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

 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).

 Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

 Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

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

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: June 26, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0147-SPHA
Address: 11417 NOTCHCLIFF RD
Legal Owner: James Tyler

Zoning Advisory Committee Meeting of June 24, 2024.

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

1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
 - a. Approval of building permit to construct an accessory structure that does not have plumbing will require the existing well and septic system to be properly abandoned or submit documentation that the systems were properly abandoned.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/26/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-147-SPHA

INFORMATION:

Property Address: 11417 Notchcliff Road
Petitioner: James W. Tyler
Zoning: RC 5
Requested Action: Special Hearing, Variance

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

Special Hearing -

1. To permit an accessory building on a parcel of land without a principal building existing; and

Variance -

2. To permit an accessory building with a height of 21' in lieu of the required maximum height 15' per Section 400.3 of the Baltimore County Zoning Regulations (BCZR).

The subject site is an approximately 4.05 acre parcel located behind 11501, 11503, 11505, and 11507 Notchcliff Road in the Glen Arm area. It is improved with a shed and a circular driveway, and is owned by the property owner of 11501 Notchcliff Road. 11501 Notchcliff Road is improved with a two-story single family detached dwelling and a pool. Per the petition, the Petitioner/property owner wishes to construct a 30' x 40' two-story accessory structure along the circular driveway.

Uses surrounding the subject site are primarily single family detached residential dwellings on larger lots.

The subject site is located along the Notchcliff Baltimore County Scenic Route. The subject site is not within the boundary of an adopted community plan, has never been the subject of a Development Plan, has no past Zoning Variance requests, and have never been the subject of a Comprehensive Zoning Map Process (CZMP) issue.

The subject site is zoned RC 5 and is located outside the Urban-Rural Demarcation Line (URDL). The accessory structure is proposed within the RC 5 zoned portion of the site. Performance Standards for the RC 5 zone are outlined in Section 1A04.4 of the Baltimore County Zoning Regulations. The Standards call for accessory structures to be designed at a scale appropriate to the dwelling; garages designed with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style; ensuring that exteriors of all buildings use the same finish materials and

architectural details on all front, side and rear elevations; using quality material such as brick, stone or cedar is encouraged; and that garages not become the dominant street feature, with garage doors using items such as windows, decorative patterns, and color to relieve the visual impact.

The Department of Planning contacted the representative for the petition via email on June 21st, 2024 seeking additional information on why the structure could not be located on the same parcel as the Petitioners primary dwelling and why the increased height was necessary. In a June 26th reply, the representative explained the following:

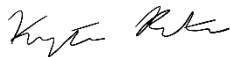
- The accessory structure is proposed to provide storage for equipment that is used to maintain the subject site and the Petitioner's primary property, 11501 Notchcliff Road. The structure will have an attic, which is proposed to be accessed via interior stairs. The increased height is necessary to accommodate an 8' tall door to get equipment in and out of the structure and still propose a typical 8/12 pitch roof.
- Locating the accessory structure on the same lot as the principal dwelling at 11501 Notchcliff Road would negatively impact the existing pool and septic system on the property.

The Department of Planning has no objections to the requested relief, subject to the following conditions:

1. Existing landscaping shall be maintained to the greatest extent possible to screen the proposed structure from the public right-of-way and scenic route; and
2. The proposed accessory structure is subject to the RC 5 Performance Standards outlined in Section 1A04.4 of the Baltimore County Zoning Regulations.

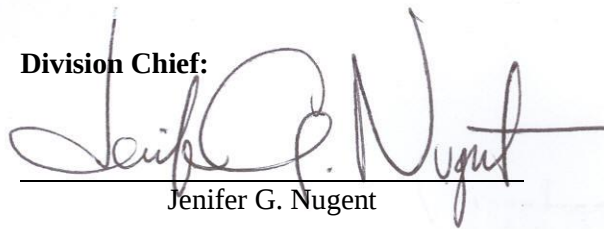
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:


Jenifer G. Nugent

SL/JGN/KP

c: Bruce E. Doak
Megan Benjamin, Community Planner
Joe Wiley, Community Planner
Abigail Rogers, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 11 Account Number - 1105074051		
Owner Information		
Owner Name:	TYLER JAMES WILLIAM	Use: RESIDENTIAL Principal Residence: NO
Mailing Address:	11501 NOTCHCLIFF RD GLEN ARM MD 21057-9443	Deed Reference: /40854/ 00328
Location & Structure Information		
Premises Address:	11417 NOTCHCLIFF RD GLEN ARM 21057-9443	Legal Description: 4.05 AC ESR 11417 NOTCHCLIFF RD RER362 FT 2400 S GLENARM RD
Map:	Grid:	Parcel:
0062	0011	0350
Neighborhood:	Subdivision:	Section:
11070057.04	0000	
Block:	Lot:	Assessment Year:
		2024
Plat No:	Plat Ref:	
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
	4.0500 AC	04
Property Land Area	County Use	
4.0500 AC	04	
Stories	Basement	Type
		1 Detached
Exterior	Quality	Full/Half Bath
Garage	Last Notice of Major Improvements	
1 Detached		
Value Information		
	Base Value	Value
		As of
		01/01/2024
		As of
		07/01/2023
		As of
		07/01/2024
Land:	195,700	224,400
Improvements	36,800	49,800
Total:	232,500	274,200
Preferential Land:	0	0
		232,500
		246,400
Transfer Information		
Seller: TYLER JAMES WILLIAM	Date: 11/08/2018	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /40854/ 00328	Deed2:
Seller: MCLEAN JOSEPH L	Date: 11/08/2018	Price: \$274,000
Type: NON-ARMS LENGTH OTHER	Deed1: /40854/ 00165	Deed2:
Seller: ERDMAN PATRICIA A	Date: 01/27/1975	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05505/ 00235	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2023
County:	000	0.00
State:	000	0.00
Municipal:	000	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:		

GENERAL INFORMATION

1. Ownership: James W. Tyler
11501 Notchcliff Road Glen Arm, MD 21057
2. Address: 11417 Notchcliff Road Glen Arm, MD 21057
3. Deed references: 40854/328
4. Area: 4.05 acres (per SDAT)
5. Tax Map / Parcel / Tax account #: 62 / 350 / 11-05-074051
6. Election District: 11 Councilmanic District: 3
ADC Map: GIS tile: 062B1 Position sheet: 52NE20
Census tract: 411202 Census block: 24005411202
Schools: Pine Grove ES Pine Grove MS Loch Raven HS
7. 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 062B1 and the information provided by Baltimore County.

OFFICE OF ZONING

Zoning: RC 5 There are no previous zoning cases on the subject parcels.

RC 5 Setbacks for Dwellings

Front: 75 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: Lower Gunpowder Falls URDL land type: 1

1. The subject property is served by a private well & septic system
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

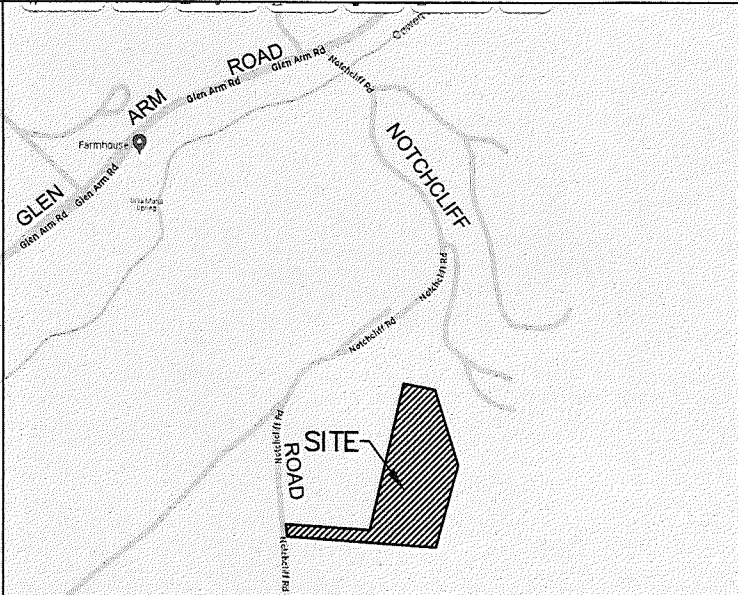
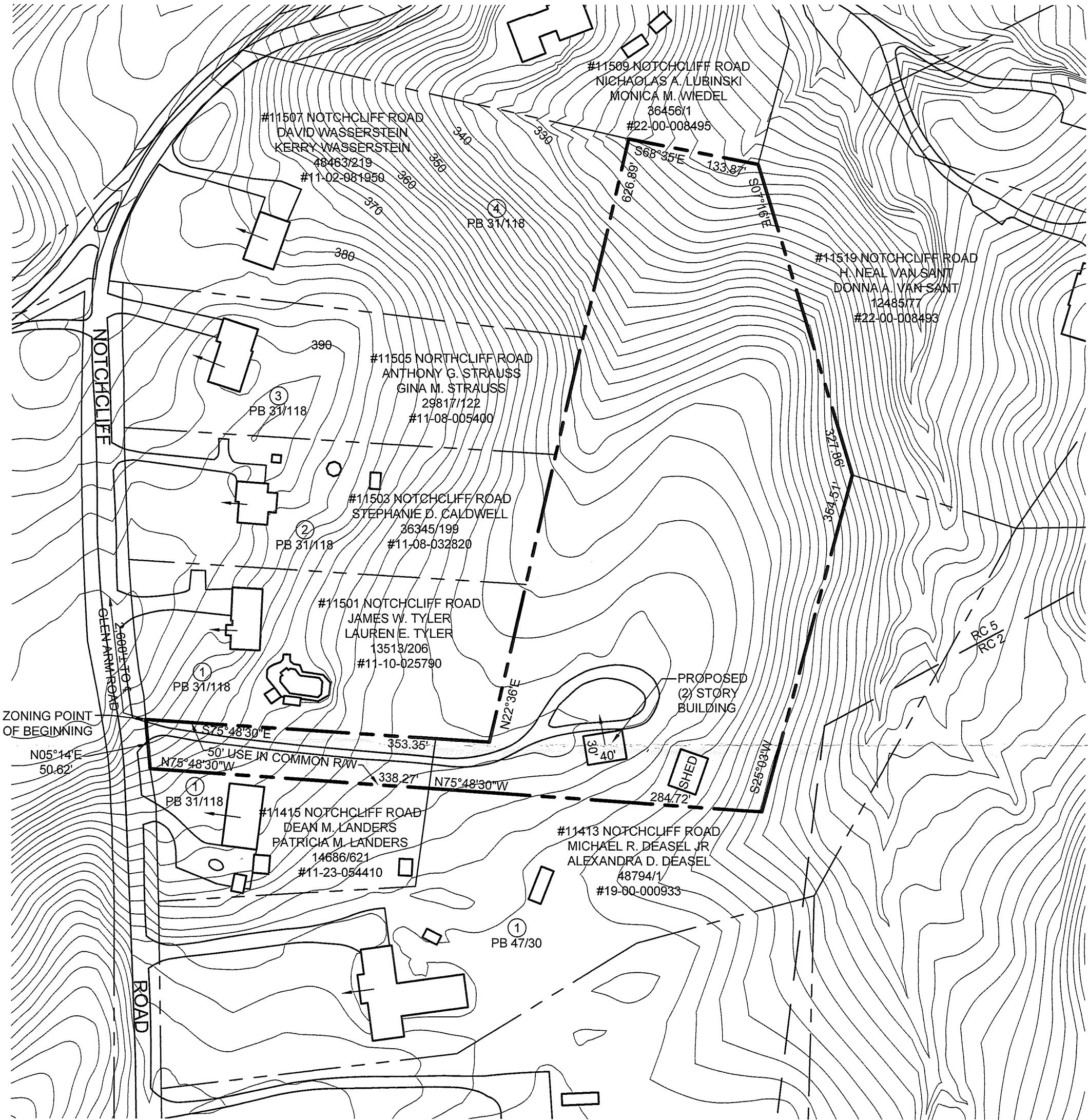
OFFICE OF PLANNING

Regional Planning District: Fork District Code: 310

1. The subject property is not in a National Register Historic District
2. Growth Tier: 4

PROPOSED DEVELOPMENT

To construct a building on a vacant parcel of land.



Vicinity Map - Scale: 1" = 800'

2024-0147-SPHA

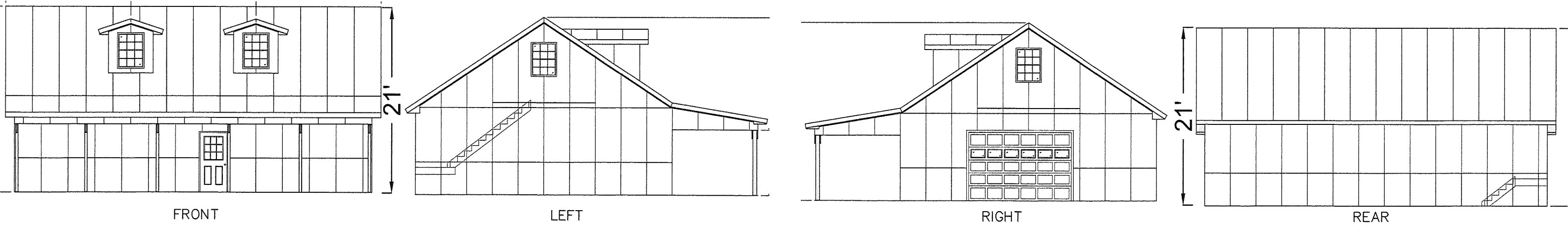
Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#11417 NOTCHCLIFF ROAD

BALTIMORE COUNTY, MARYLAND
11th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 6/2/2024

Scale: 1"=100'



REVISION

NE 14-E

RC 2

2500009359

PAI # 110436

2009-0264-SPH
1994-0310-A
PAI # 110436

Pt. Bk. 0000079, Folio 0248

Pt. Bk./Folio # 079248

PAI # 110436

PAI # 110436

PAI # 110673

PAI # 110673

2200008495

Pt. Bk. 0000031, Folio 0118

1102089150

Lot # 4

11507

11505

Lot # 3

1108005400

PAI # 118027

Pt. Bk./Folio # 031118A

11503

Lot # 2

1108032820

PAI # 118027

11501

1110025790

Lot # 1

062C1

NE 13-E

1900013726

1900013909

NE 13-F

PAI # 110173

PAI # 110173

PAI # 110173

2019-0426-A

1123054410

Lot # 1

Lot # 1

1900000933

1989-0533-A

Pt. Bk. 0000047, Folio 0030

Pt. Bk./Folio # 047030

11413

PAI # 110173

2002-0137-SPH

Lot # 2

1900000934

11411

NOTCHCLIFF RD

Pt. Bk./Folio # MP93135

Lot # 1

2500010075

PAI # 110796

PAI # 110796

PAI # 110796

1108032860

11403

PAI # 110376

PAI # 110376

PAI # 110376

Pt. Bk./Folio # 049064A

Lot # 1A PAI # 110376

1900007109

Pt. Bk. 0000049, Folio 0064

11401

062B2

RC 2

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

1102047728

062C2

1990-0138-SPHX
1990-0567-SPH

11605

1900006866

NE 14-F

PAI # 110673

Pt. Bk./Folio # MP92124

11509

1992-0416-A

1995-0295-A

1114065050

11529

2200008493

11519

1990-0138-SPHX
1990-0567-SPH

1119051825

Pt. Bk. PAI # 118085

PAI # 118085

1105074051

11417

NE 14-E

RC 2

2500009359

PAI #110436

2009-0264-SPH

1994-0310-A

PAI #110436

Pt. Bk. 0000079, Folio 0248

Pt. Bk./Folio # 079248

PAI #110436

PAI #110436

PAI #110673

Pt. Bk./Folio # MP92124

PAI #110673

11509

2200008495

NE 14-F

PAI #110673

1900006866

11605

Pt. Bk. 0000031, Folio 0118

1102089150

Lot # 4

11507

11505

Lot # 3

1108005400

PAI #118027

Pt. Bk./Folio # 031118A

11503

Lot # 2

1108032820

PAI #118027

11501

1110025790

Lot # 1

1105074051

11417

3 CD

RC 5

11 ED

062C1

NE 13-E

1900013726

1900013909

NE 13-F

PAI #110173

Lot # 1

1123054410

1989-0533-A

Pt. Bk. 0000047, Folio 0030

Pt. Bk./Folio # 047030

11413

PAI #110173

PAI #110173

PAI #110173

Lot # 2

2002-0137-SPH

1900000934

11411

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

RC 2

1102047728

Pt. Bk./Folio # MP93135

Lot # 1

2500010075

PAI #110796

PAI #110796

PAI #110796

1108032860

11403

PAI #110376

PAI #110376

PAI #110376

Pt. Bk./Folio # 049064A

Lot # 1A

PAI #110376

11401

1900007109

Pt. Bk. 0000049, Folio 0064

062B1

062B2

062C2

NOTCHCLIFF RD