

Katherine Klausmeier County Executive MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

January 22, 2025

Stephen & Kelly Bellone – <u>sbellone@me.com</u> 11042 Greenspring Avenue Lutherville, MD 21093

RE: Petition for Administrative Variance

Case No. 2024-0258-A

Property: 11042 Greenspring Avenue

Dear Mr. and Mrs. Bellone:

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,

DEREK J. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB:dlw Enclosure

c: Jamie Brown – jbrown@beechbrookla.com
Bruce Doak – <u>bdoak@brucedoakconsulting.com</u>

**IN RE: PETITION FOR ADMIN. VARIANCE** \* BEFORE THE

(11042 Greenspring Avenue)

3<sup>rd</sup> Election District \* OFFICE OF ADMINISTRATIVE

2<sup>nd</sup> Council District

Stephen & Kelly Bellone \* HEARINGS FOR

**Petitioners** \* BALTIMORE COUNTY

\* CASE NO. 2024-0258-A

\* \* \* \* \* \* \* \* \*

#### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owners of the property, Stephen and Kelly Bellone ("Petitioners") for the property located at 11042 Greenspring Avenue, Lutherville (the "Property"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"), Section 400.1, to approve an accessory building (hot tub and pool) in side yard in lieu of the required rear yard only.

The Property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence (the "Site Plan"). (Pet. Ex. 1). Street view photographs of the property was provided. (Pet. Ex. 2A-2D).

There were no adverse Zoning Advisory Committee ("ZAC") comments contained in the case file.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on December 14, 2024, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. The Petitioners have filed the supporting affidavit as required by Baltimore County Code ("BCC"), Section 32-3-303. There is no evidence in the file to indicate that the requested variance would adversely affect the health,

safety or general welfare of the public and should therefore be granted. In the opinion of the

Administrative Law Judge, the Site Plan, photographs, and affidavit submitted provide sufficient

facts that comply with the requirements of BCZR, Section 307.1. Furthermore, strict compliance

with the BCZR would result in practical difficulty and/or unreasonable hardship upon the

Petitioners.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR,

and for the reasons given above, the requested Variance should be granted.

THEREFORE, IT IS ORDERED, this 22nd day of January, 2025, by the Administrative

Law Judge for Baltimore County Zoning Regulations ("BCZR"), Section 400.1, to approve an

accessory building (hot tub and pool) in side yard in lieu of the required rear yard only, be and is

hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is

at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners

would be required to return the subject property to its original condition.

2. The Site Plan, (Pet. Ex. 1) a copy of which is attached hereto, is incorporated

herein.

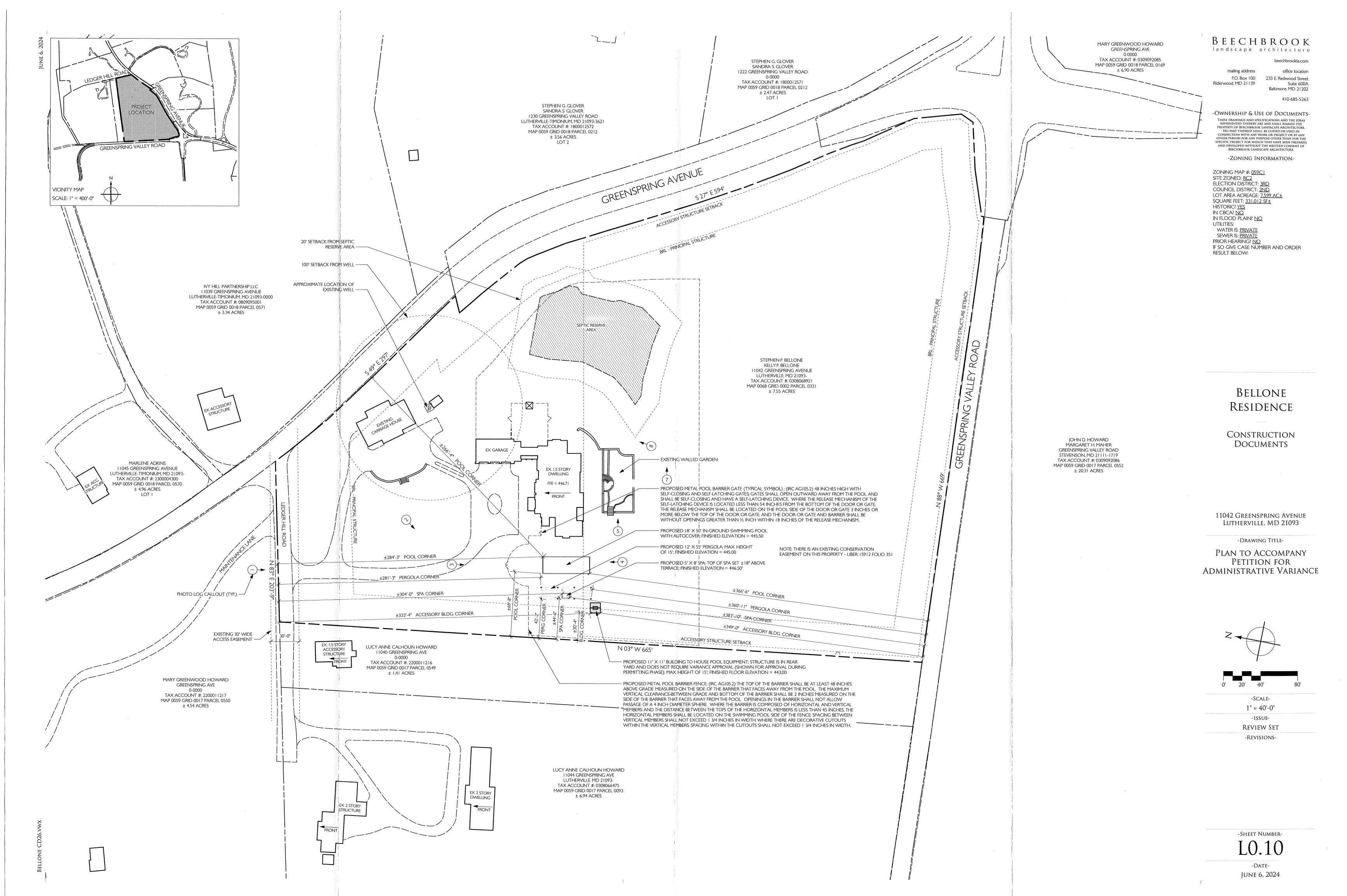
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

DEREK J. BAUMGARDNER Administrative Law Judge

for Baltimore County

DJB:dlw

2





yard only.

Case Number 2024-0258-1

#### **ADMINISTRATIVE ZONING PETITION**

#### FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 11042 Greenspring Avenue, Lutherville, MD 21093 Currently Zoned RC-2 Deed Reference 36860 / 00381

10 Digit Tax Account # 0308068921 Owner(s) Printed Name(s) Stephen K. Bellone & Kelly P. Bellone

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

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X ADMINISTRATIVE VARIANCE from Section(s): Article 4 - Section 400.1 - Accessory Structure Location: placing four accessory structures in the side yard (in-ground swimming pool, in-ground hot tub, pergola, and shed to house pool equipment).

BCZR 400.1 to approve an accessory building (Hot tub and pool) in side yard in lieu of the required rear

ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Owner(s)/Petitioner(s): Stephen P. Bellone / P. Kelly Bellone Name #1 - Type or Print Name # 2 - Type or Print Signature #1 Signature # 2 11042 Greenspring Avenue Lutherville MD Mailing Address City State 410-404-7002 sbellone@me.com Zip Code Telephone #'s (Cell and Home) **Email Address** Landscape Architect for Owner(s)/Petitioner(s): Representative to be Contacted: Jamie Brown Jamie Brown Name - Type or Print Name / Type or Prin m Signature Signature P.O. Box 100 MD P.O. Box 100 Riderwood MD Riderwood Mailing Address Mailing Address City State State City 410-685-5263 jbrown@beechbrookla.com 410-685-5263 jbrown@beechbrookla.com Zip Code Telephone # **Email Address** Zip Code Telephone # **Fmail Address** A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for that the subject matter of this petition be set for a public Baltimore County, this day of hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Revised 8/2022

**Estimated Posting Date** 

## Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 11042 Greenspring Avenue	Lutherville	MD	21093	
Print or Type Address of Property	City	State	Zip Code	
Based upon personal knowledge, the following a <b>Variance</b> at the above address. <b>(Clearly state</b> )				istrative
The rear of the site is an open field on a steep hillside that is	visible from Greensprin	ng Valley Road. The	existing house sits at the top	of the hill, next to
an adjacent walled garden in the rear. Placing any pool and	associated structures (	(hot tub, pergola, and	small structure for pool equip	ment) in the rear
yard would create the need for grading on a steep hillside ar	nd creation of retaining	walls that would detra	ct from the overall aesthetic,	rural nature of the
Greenspring Valley. Applicant is proposing to place to pool	and associated structur	es (hot tub and pergo	la) in the side yard next to the	e house and
hidden from view from neighboring property the west. The p	proposed location for po	ol and associated acc	cessory structures is far away	from any
neighbors on this large, rural property, and its location direct	ly adjacent to the w4st s	side of the house keep	s a compact development for	otprint on this rural
property.				
(If additional space for the petition request of	r the above staten	nent is needed,	label and attach it to t	his Form)
		TROPPE	1 Bellen	2
Signature of Owner (Affiant)	S	ignature of Owne	r/(Affiant)	
Stephen P. Bellone		elly <b>∲</b> . Bellone		
Name - Print or Type	N	ame - Print or Ty	pe	
The following information is to be	e completed by a	a Notary Public	of the State of Mar	yland
STATE OF MARYLAND, COUNTY OF BALTIM	IORE, to wit:			
I HEREBY CERTIFY, this day of and for the County aforesaid, personally appeare	October	, 2024	_, before me a Notary o	of Maryland, in
Print name(s) here: Stephen and	Kelly K	Bellow		
the Affiant(s) herein, personally known or satisfa	ctorily identified to,	me as such Affia	nt(s).	
AS WITNESS my hand and Notaries Seal	HILLAROS	E HARA		
Notary Public Ose M	LO O	ARL		
1-14-25	A A	UBLY & E		
My Commission Expires	Z. P.V. YAN	WARY 14 CO		
	THINK AR	UNDEL		
	- 11	11150,.		

2024-0258-4

## ZONING PROPERTY DESCRIPTION FOR 11042 Greenspring Avenue, Lutherville, MD 21093

Beginning at a point on the North side of Greenspring Valley Road, which is 30' wide at the distance of 600' West of the centerline of the nearest improved intersection street (Greenspring Avenue – formerly Dover Road) which is 30' wide.

#### SUBDIVISION LOT FOR 11042 Greenspring Avenue, Lutherville, MD 21093

Thence the following courses and distances: (1st POC) N 88.25° W 669', thence N 3° W 655, thence N 3° W 15', thence N 83.50° W 203'9", thence S 41.50° E 5'9", thence S 49° E 297', thence S 27.25° E 594' back to point of beginning as recorded in Deed Liber: 36860 Folio: 381, containing 7.86 acres in lot. Located in the 3rd Election District, and 2nd Council District

2024-0258-A

# BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

## **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case N	lumber: 2024 - 0258 -	A Address 11042	Grunspr	ins Ave	
Contac	et Person: Tyler Cor	nner, Please Print Your Name		Phone Number: 410-887-3391	
Filing I	Date: 12/2/24	Posting Date: 12/	15/24 ci	osing Date: 12/30/24	
	ontact made with this office t person (planner) using th		of the administrati	ve variance should be through the	
1.	<u>POSTING/COST</u> : The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.				
2.	<b>DEADLINE:</b> The closing da formal request for a pupublic hearing, the process	ublic hearing. Please und	derstand that even	t or owner) within 1,000 feet to file if there is no formal request for a	
3.	may: (a) grant the reque for a public hearing. If notification as to whether	ested relief; (b) deny the all County/State agencies the petition has been	requested relief; or es' comments are granted, denied, o	ministrative Law Judge. The judge r (c) order that the matter be set in received, you will receive written or will proceed to a public hearing. written order will be mailed to you	
4.	to a neighbor's formal forwarded to you. The	request or by order of sign on the property mus he sign was originally po	the Administrativ st be changed givir	o to a public hearing (whether due e Law Judge), notification will be ng notice of the hearing date, time of this change and a photograph of	
Petitio	oner: This Part of the Forn	n is for the Sign Poster O	nly (Detach Along Dott	ed Line)	
	USE	THE ADMINISTRATIVE \	ARIANCE SIGN FO	RMAT	
	Number: 2024 - 0258				
Petitio	oner's Name: Strehen	/ Kelly Bel	100c Telephone	(Cell)	
Postin	ng Date:	Closing Date: _			
Wordi	ing for Sign: To Permit				
BCZR /		ssory building (Hot tub a	ind pool) in side ya	ard in lieu of the required rear	
200					

Revised 1/2022

# BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case	Number: 2024 - 0258 -A Address 1042 GA	eansfring Ave
Conta	tact Person: TYler COX Planner, Please Print Your Name	Phone Number: 410-887-3391
Filing	g Date: 12/2/24 Posting Date: 12/15/24	Closing Date: 12/30/24
Any c conta	contact made with this office regarding the status of the adact person (planner) using the case number.	ministrative variance should be through the
1.	<u>POSTING/COST:</u> The petitioner must use one of the spetitioner is responsible for all printing/posting costs. Any sign posters on the approved list and the petitioner is agazoning notice sign must be visible on the property on or be remain there through the closing date.	reposting must be done only by one of the ain responsible for all associated costs. The
2.	<u><b>DEADLINE:</b></u> The closing date is the deadline for a neighbor a formal request for a public hearing. Please understand public hearing, the process is not complete on the closing d	that even if there is no formal request for a
3.	ORDER: After the closing date, the file will be reviewed to may: (a) grant the requested relief; (b) deny the requester for a public hearing. If all County/State agencies' commotification as to whether the petition has been granted, This decision is usually made within 10 days of the closing of by First Class mail.	d relief; or (c) order that the matter be set in nents are received, you will receive written denied, or will proceed to a public hearing.
4.	POSSIBLE PUBLIC HEARING AND REPOSTING: In cases the to a neighbor's formal request or by order of the Adm forwarded to you. The sign on the property must be cha and location. As when the sign was originally posted, cert the altered sign must be forwarded to this office.	ninistrative Law Judge), notification will be nged giving notice of the hearing date, time
Petiti	tioner: This Part of the Form is for the Sign Poster Only (Detac	h Along Dotted Line)
	USE THE ADMINISTRATIVE VARIANCE	E SIGN FORMAT
Case	e Number: 2024 - 0258 -A Address	
Petiti	tioner's Name: Stephen / Kelly Bellone Te	elephone (Cell)
Posti	ting Date: Closing Date:	
Word	rding for Sign: To Permit	
	R 400.1 to approve an accessory building (Hot tub and pool) donly.	in side yard in lieu of the required rear

Revised 1/2022

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

**TO:** Peter Gutwald, Director **DATE:** December 16, 2024

Department of Permits, Approvals

**FROM:** Vishnu Desai, Supervisor

Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting

Case 2024-0258-A

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: December 19, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0258-A

Address: 11042 GREENSPRING AVENUE

Legal Owner: Stephen & Kelly Bellone

Zoning Advisory Committee Meeting of December 20, 2024.

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

#### Additional Comments:

Reviewer: Earl D. Wrenn

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

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier:

District - 03 Account Number - 0308068921

**Owner Information** 

**Owner Name:** 

BELLONE STEPHEN P BELLONE P KELLY

**AGRICULTURAL** 

Principal Residence:NO

**Mailing Address:** 

11042 GREENSPRING AVE Deed Reference:

/36860/ 00381

**LUTHERVILLE MD 21093-**

Location & Structure Information

Premises Address:

11042 GREENSPRING AVE Legal Description:

7.599 AC NS

**LUTHERVILLE 21093-**

GREENSPRING VALLEY RD NW COR GRNSPRG AV

Map: Grid: Parcel: Neighborhood: 0059 0017 0331 3010001.04

Subdivision: Section: Block: Lot: Assessment Year:

Plat No:

Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use 2000 SF

2018

StoriesBasementType

ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements

STANDARD UNITFRAME/7 1 1/2 YES

5 full/ 3 half 1Att/1Det

#### Value Information

**Base Value** Value Phase-in Assessments As of As of As of 01/01/2023 07/01/2024 07/01/2025 Land: 422,300 411,600 Improvements 1,261,100 1,580,900 Total: 1,683,400 1,992,500 1,889,467 1,992,500 Preferential Land: 800 800

#### Transfer Information

Seller: ARNOLD CHARLES J Type: ARMS LENGTH IMPROVED Date: 11/09/2015 Deed1: /36860/ 00381 Price: \$2,180,000

Seller: IVY HILL INC AG USE 89-90 Type: ARMS LENGTH IMPROVED

Date: 09/20/1977

Price: \$165,000 Deed2:

Seller:

Deed1: /05804/ 00412

Price:

Deed2:

Type:

Deed1:

Deed2:

#### **Exemption Information**

Partial Exempt Assessments: Class County: 000

07/01/2024 0.00

07/01/2025

State: Municipal: 000 000

0.00 0.00|0.00

0.00|0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

#### **Homestead Application Information**

Homestead Application Status: Denied 09/17/2024

#### Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No ApplicationDate:

2024-0258-4



### **CERTIFICATE OF POSTING**

December 14, 2024
amended for second inspection
Re: Zoning Case No. 2024-0258-A Legal Owner: Stephen P Bellone & P. Kelly Bellone Closing date: December 30, 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 11042 Greenspring Avenue.
The signs were initially posted on December 14, 2024.
The subject property was also inspected on
Sincerely,

See the attached sheets for the photos of the posted signs

Bruce E. Doak

MD Property Line Surveyor #531

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





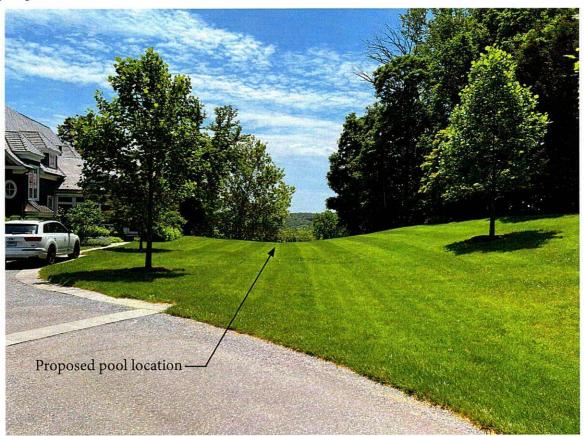


1. View south towards existing house from Ledger Hill Road. Neighboring accessory building to west can be seen on right side of photo.



2. View southwest towards neighboring property. Wide planted buffer between subject property and neighbor to west.

2024-0258-A



3. View south towards proposed pool area. Wide planted buffer to west towards westerly neighbor.



4. View north towards proposed pool area. Wide planted buffer to west towards westely neighbor.



5. View east towards existing walls and steep slopes in rear



6. View east towards existing walls and steep slopes in rear

2024-0255-A



7. View east across steep hillside in rear that runs down to Greenspring Valley Road. Hillside is very visible from Greenspring Valley Road.



8. View northeast towards steep slopes in rear.



