



KATHERINE A. KLAUSMEIER
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER

March 21, 2025

Michael James mjames44@hotmail.com
Melanie James
4204 Mt. Carmel Road
Upperco, MD 21155

RE: Petitions for Special Hearing & Variance
Case No. 2025-0016-SPHA
Property: 4204 Mt. Carmel Road

Dear Petitioners:

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

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

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

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(4204 Mt. Carmel Road)	*	OFFICE OF
5 th Election District		
3 rd Council District	*	ADMINISTRATIVE HEARINGS
Michael and Melanie James		
<i>Legal Owners</i>	*	FOR BALTIMORE COUNTY
Petitioners	*	Case No. 2025-0016-SPHA

* * * * *

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 Michael and Melanie James (“Petitioners”), owners of the property located at 4204 Mt. Carmel Road, Upperco, Baltimore County, Maryland (the “Property”). Special Hearing relief was filed pursuant to Baltimore County Zoning Regulations (“BCZR”), Section 400, to permit an accessory building (barn/garage) to have a larger footprint than the principal building (dwelling). Variance relief is requested from BCZR Section 400.3 to permit an accessory building (barn/garage) to have a height of 29 ft. in lieu of the maximum permitted height of 15 ft.

A public hearing was conducted on March 13, 2025, using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner, Michael James, appeared at the hearing and was assisted by Bruce E. Doak of Bruce E. Doak Consulting, LLC, a licensed surveyor, who prepared and sealed the site plan (“Site Plan”). Pet. Ex. 1. There were no Protestants or other interested persons that appeared at the hearing.

Petitioners submitted the following exhibits which were admitted into the record: (1) Site Plan; (2) SDAT Report; (3) GIS; (4) GIS aerial; (5) Key sheet with site photographs; and (6) Elevation plans. Zoning Advisory Committee (“ZAC”) comments were received from the following county agencies: (1) Department of Environmental Protection and Sustainability

(“DEPS”); (2) Department of Planning (“DOP”); and (3) Development Plans Review (“DPR”) on behalf of DPR/DPWT/Rec & Parks. ZAC comments did not indicate objection to the requested relief.

Findings of Fact

The Property is approximately 11.32 acres in land area and is zoned RC-2. The property is actively farmed and is currently improved with a single-family dwelling as well as multiple barns and accessory structures. Petitioner testified that the proposed accessory structure is intended to be used as storage for the residential use of the property to include storage of tractors, hobby vehicles, lawncare equipment, and similar items. The existing home is historic (originally constructed in 1869) and has limited storage space. The proposed structure will replace an existing barn and will not have separately metered electric, water, or other utilities. Mr. Doak testified that the property is unique because of its size and vegetative buffering from neighboring lots as well as its dual residential/agricultural use. Mr. Doak further opined that the proposed structure will “fit right in” with existing barns and sheds on the property and will be virtually indistinguishable from existing agricultural buildings on site. Mr. Doak further testified that the structure will not be close in proximity to adjacent residential homes. The existing single-family dwelling is approximately 3,385 sq. ft. in size while the proposed accessory structure (garage) will be 3,438, making the requested variance minimal.

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, I find that the Special Hearing relief should be granted. The Property is used dually for residential and agricultural uses as intended by its RC-2 zoning. Further, the lot is large in size and other structures and barns on site are of comparable size and height. The historic nature of the home limits storage space and the proposed use of the garage as extra storage is both credible and reasonable. For these reasons I find that the proposed accessory structure is compatible with the community and generally consistent with the spirit and intent of BCZR regulations. Special Hearing relief is therefore granted.

VARIANCE

Petitioner requests variance relief from BCZR Section 400.3 to permit an accessory building (barn/garage) to have a height of 29 ft. in lieu of the maximum permitted 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).

The property is unique because of its large acreage, private setting buffered by substantial vegetation, and dual uses as residential and agricultural with multiple accessory structures on site to serve both residential and agricultural purposes. This uniqueness necessitates variance relief and if denied, Petitioner would experience practical difficulty or hardship. The existing single-family dwelling is both historic and modest in size, making interior storage limited. The proposed garage is both in keeping with other permitted structures on site and reasonable for its intended use. For these reasons, I find that this variance is within the spirit and intent of the BCZR and will not harm the public health, safety or welfare. Lastly, the proposed accessory structure supports the property’s current residential and agricultural uses which serve the purpose and intent of the RC-2 zone. While not qualifying for the agricultural height exemption under the BCZR Section 300.1.A, the variance serves to further the purpose and intent of the RC-2 zone by supporting the dual residential/agricultural use of the property and provide additional interior storage for vehicles and equipment used for upkeep of the residential portion of the property.

THEREFORE, IT IS ORDERED this 21st day of **March, 2025** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to BCZR Section 400, to permit an accessory building (barn/garage) to have a larger footprint than the principal building (dwelling), be and is hereby, **GRANTED**; and

IT IS FURTHER ORDERED that Variance relief from BCZR, 400.3 to permit an accessory building (barn/garage) to have a height of 29 ft. in lieu of the maximum permitted height of 15 ft. 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) attached hereto is incorporated into this Order.
3. Petitioners and/or subsequent owners shall not convert the accessory structure into a dwelling unit or apartment unless under proper permit. The accessory structure shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
4. The barn shall not have a separate utility or electric connection and shall connect to the electrical/utility in the home unless required or recommended by a utility service provider or services for reasons of safety or capacity.

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

GENERAL INFORMATION

- Ownership: Michael J. James & Melanie A. James
- Address: 4204 Mt. Carmel Road Upperco, MD 21155
- Deed references: I.E. 4118J/415
- Area: 11.32 acres (per SDAT)
11.334 acres - 0.014 acre (saving & excepting 13548/1)
- Tax Map / Parcel / Tax account #: 20 / 034 / 05-23-035125
- Election District: 5 Councilmanic District: 3
ADC Map: GIS file: 020A1 Position sheet: 113NW34
Census tract: 409000 Census block: 34006405000108
School: 5th District 65 Haverford MS Haverford HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS file 020A1 and the information provided by Baltimore County on the internet.
- Improvements: 2 story dwelling, barns & sheds. All of the improvements will remain, except the northern barn will be replaced.

OFFICE OF ZONING

Zoning: RC 2 There are no previous zoning cases on the subject property.

RC 2 Setbacks for Principal Buildings

Front: 75 feet from the center line of the public road

Side/Rear: 35 feet from a property line

Minimum setback for an accessory structure: 2.5 feet

Maximum building height for an accessory structure: 15 feet

ENVIRONMENTAL IMPACT

Watershed: Prettyboy Reservoir URSI land type: 1

- The subject property is served by a private well and septic system
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.
- Master Water Plan W-7 Master Sewer Plan S-7

OFFICE OF PLANNING

Regional Planning District: Prettyboy District Code: 302

Growth Tier: 4 Preservation & conservation areas-no major subdivisions on septic

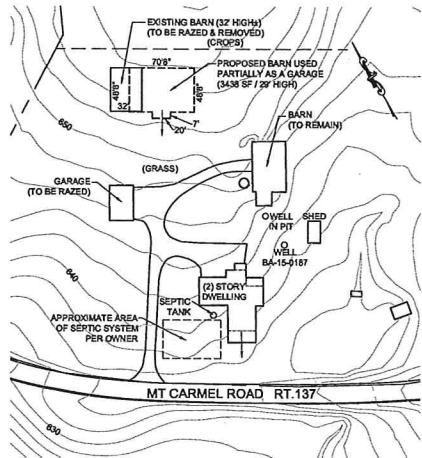
- The subject property is not in a National Register Historic District

PROPOSED DEVELOPMENT

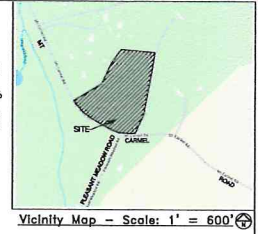
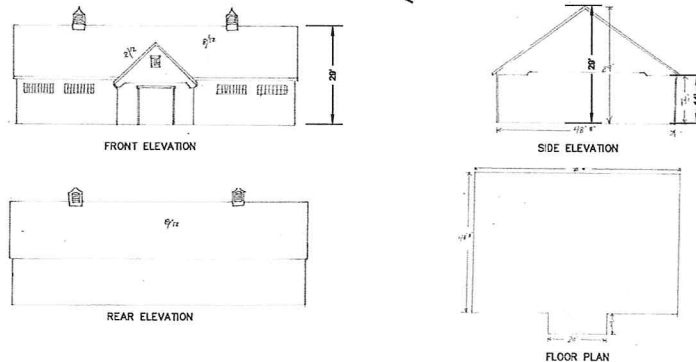
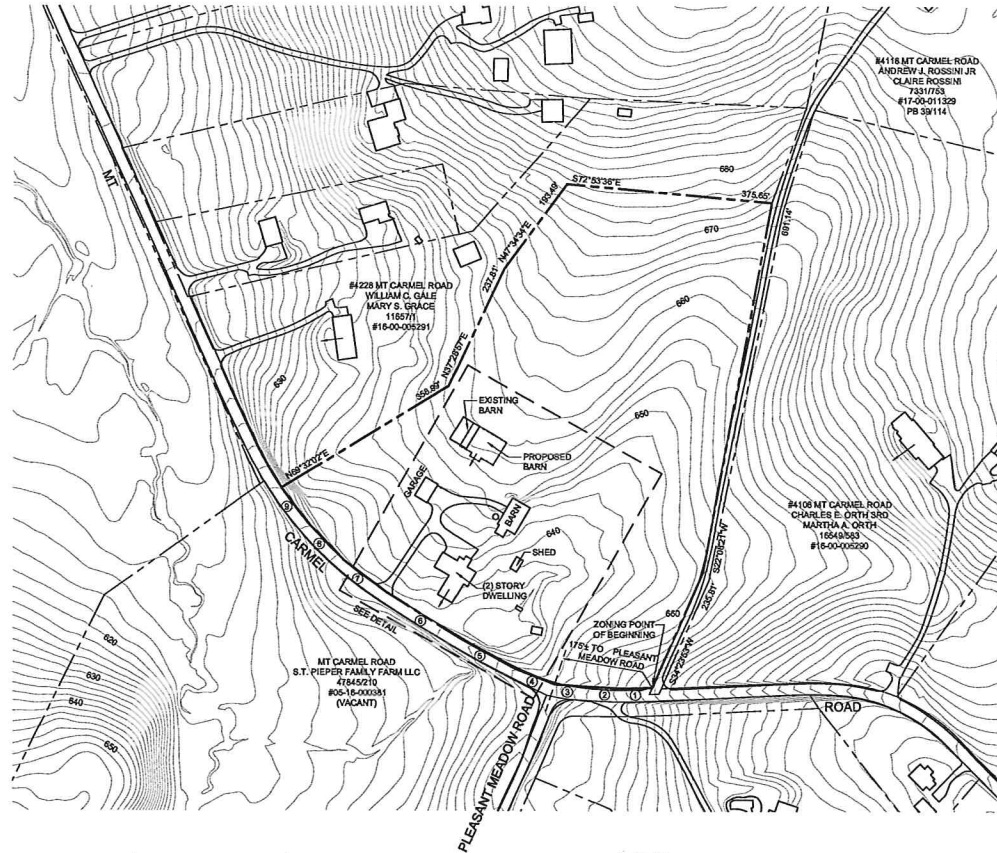
To replace an existing barn with another barn to be used partially as a garage. The building will not have a bathroom in it.

PROPERTY BEARINGS AND DISTANCES

- North 79 degrees 58 minutes 21 seconds West 56.78 feet
- North 75 degrees 12 minutes 07 seconds West 68.61 feet
- North 73 degrees 35 minutes 17 seconds West 53.18 feet
- North 56 degrees 46 minutes 08 seconds West 77.93 feet
- North 48 degrees 45 minutes 08 seconds West 115.11 feet
- North 45 degrees 14 minutes 08 seconds West 161.08 feet
- North 40 degrees 48 minutes 08 seconds West 96.63 feet
- North 31 degrees 46 minutes 53 seconds West 95.59 feet
- North 24 degrees 47 minutes 33 seconds West 80.34 feet



DETAIL 1" = 60'



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3901 Baker Schoolhouse Road
Frederick, MD 21703
2443-900-1535 m: 410-414-4900
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#4204 MT CARMEL ROAD

BALTIMORE COUNTY, MARYLAND
5th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 1/23/2023
Scale: 1" = 100'

PET. Ex #1



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 4204 Mt. Carmel Road which is presently zoned RC2
Deed References: 41181 / 415 10 Digit Tax Account # 0523035125
Property Owner(s) Printed Name(s) MICHAEL J. & MELANIE A. JAMES

(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 _____

Attorney for Petitioner:

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

Legal Owners (Petitioners):

MICHAEL J. JAMES MELANIE A. JAMES
Name #1 - Type or Print Name #2 - Type or Print
Michael J James Melanie A James
Signature #1 Signature #2
4204 Mt. Carmel Road Upperco Md
Mailing Address City State
21155 (330) 719-5214
Zip Code Telephone # Email Address
MJAMES44@HOTMAIL.COM

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING, LLC
Name - Type or Print
Bruce E Doak
Signature
3901 BAKER SCHOOLHOUSE ROAD FREELAND MD
Mailing Address City State
21053 410-919-9906
Zip Code Telephone # Email Address
BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 0025-0016-SPHA Filing Date 1, 23, 05 Do Not Schedule Dates: _____ Reviewer JS

Zoning Hearing Petitions Being Requested

Case # 2025-0016-SMA

Special Hearing

To permit an accessory building (barn / garage) to have a larger footprint than the principal building (dwelling) per Section 400 BCZR

Variances

To permit an accessory building (barn / garage) to have height of 29 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR



Zoning Description
4204 Mt. Carmel Road- 11.32 Acres
Fifth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point in Mt Carmel Road (State Route 137-variable width), said point being 175 feet, more or less, easterly from the centerline of Pleasant Meadow Road (variable width), thence running in or near the centerline of said Mt Carmel Road and running with and binding on the outlines of the subject property, the nine following courses and distances, viz.

1. North 79 degrees 58 minutes 21 seconds West 56.78 feet
2. North 75 degrees 12 minutes 07 seconds West 68.61 feet
3. North 73 degrees 35 minutes 17 seconds West 53.18 feet
4. North 56 degrees 46 minutes 08 seconds West 77.93 feet
5. North 48 degrees 45 minutes 08 seconds West 115.11 feet
6. North 46 degrees 14 minutes 08 seconds West 162.08 feet
7. North 40 degrees 48 minutes 08 seconds West 96.63 feet
8. North 31 degrees 46 minutes 53 seconds West 95.59 feet
9. North 24 degrees 47 minutes 33 seconds West 80.34 feet, thence leaving said road and continuing to run and bind on the outlines of the subject property, the six following courses and distances, viz.
10. North 69 degrees 32 minutes 02 seconds East 358.99 feet
11. North 37 degrees 28 minutes 57 seconds East 237.81 feet
12. North 47 degrees 34 minutes 34 seconds East 193.49 feet
13. South 72 degrees 53 minutes 36 seconds East 375.65 feet
14. South 22 degrees 08 minutes 21 seconds West 691.14 feet and
15. South 34 degrees 23 minutes 53 seconds West 235.81 feet to the point of beginning

Containing 11.334 acres of land, more or less.

Saving and excepting the parcel of land conveyed to the State of Maryland for the use of The State Highway Administration of the Department of Transportation by a deed dated February 24, 1999 and recorded in the land records in Liber SM 13548, folio 1.

For a final area of 11.32 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

2025-0016 - SPMA



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

No. **235058**

Date: 1/23/25

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

Rec From: BRUCE DOAK

For: JAMES / 4204 MT CARMEL RD.

2025-0016-SP4A

JSS 25-0065

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

3257
 15-3/540
 427

Date 1/21/25

Pay to the Order of BALTIMORE COUNTY MD \$ 150.00

ONE HUNDRED FIFTY AND 00/1000 Dollars

PNC BANK
 PNC Bank, N.A. 040

For JAMES - ZONING PGT. FEE

BEOD
 MP

**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: 2025-0016-SPHA
Property Address: 4204 MT. CARMEL ROAD
Property Description: 11.32 ACRES ON NORTH SIDE OF MT. CARMEL ROAD, 175' EASTERLY OF CENTER LINE OF PLEASANT MEADOW ROAD
Legal Owners (Petitioners): MICHAEL J. & MELANIE A. JAMES
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 SCHUBBHOUSE ROAD
FREELAND MO 21053
Telephone Number: 410-419-4906



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 4204 Mt. Carmel Road which is presently zoned RC2
Deed References: 41181 / 415 10 Digit Tax Account # 0523035125
Property Owner(s) Printed Name(s) MICHAEL J. & MELANIE A. JAMES

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

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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

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3. a **Variance** from Section(s)

SEE ATTACHED PAGE

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TO BE PRESENTED AT THE HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

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

Attorney for Petitioner:

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

Legal Owners (Petitioners):

MICHAEL J. JAMES MELANIE A. JAMES
Name #1 - Type or Print Name #2 - Type or Print
Michael J James Melanie A James
Signature #1 Signature #2
4204 Mt. Carmel Road Upperco Md
Mailing Address City State
21155 (330) 719-5214
Zip Code Telephone # Email Address
MJAMES44@HOTMAIL.COM

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING, LLC
Name - Type or Print
Bruce E Doak
Signature
3901 BAKER SCHOOLHOUSE ROAD FREEWIND MD
Mailing Address City State
21053 410-919-4906
Zip Code Telephone # Email Address
BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 0025-0016-SPHA Filing Date 1, 23, 05 Do Not Schedule Dates: _____ Reviewer JS

Zoning Hearing Petitions Being Requested

Case # 2025-0016-SHA

Special Hearing

To permit an accessory building (barn / garage) to have a larger footprint than the principal building (dwelling) per Section 400 BCZR

Variances

To permit an accessory building (barn / garage) to have height of 29 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR



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

2025-0016 - SPHA



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: February 7, 2025

SUBJECT: DEPS Comment for Zoning Item # 2025-0016-SPHA
Address: 4204 MT. CARMEL ROAD
Legal Owner: Michael & Melanie James

Zoning Advisory Committee Meeting of February 7, 2025.

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

Additional Comments:

Reviewer: Earl Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: February 3, 2025

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2025-0016-SPHA

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

DPR: No Comment.

DPW-T: An ultimate land use conditions non-tidal or riverine flood study meeting the Baltimore County Department of Public Works and Transportation (DPWT) Design Manual and the Baltimore County Department of Permits, Approvals and Inspections (PAI) Bureau of Development Plans Review is required and must be submitted to PAI to be "Accepted for Filing".

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: 2/11/2025

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2025-0016

INFORMATION:

Property Address: 4204 Mt. Carmel Road
Petitioner: Michael J. James and Melanie A. James
Zoning: RC-2
Requested Action: Special Hearing and Variance

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

Special Hearing - To permit an accessory building (barn / garage) to have a larger footprint than the principal building (dwelling) per Section 400 BCZR

Variance(s) - To permit an accessory building (barn / garage) to have height of 29 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR.

The subject property is located directly at the intersection of Mt. Carmel Road and Pleasant Meadow Road in the Upperco area of Baltimore County. The property is a 11.32-acre site zoned RC 2. It is currently improved with a 2-story dwelling, a garage (to be razed), and a shed. Agricultural activities, Peggys run River, dwellings and forests surround the property.

The RC 2 zone was created to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses. Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in the RC 2 zone. Continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area.

The Department of Planning does not object to the relief request, with the condition that the structure shall not be converted into a dwelling or used for industrial or commercial purposes. The applicant has yet to provide a clear demonstration of the practical hardship that necessitates the proposed variance. It is anticipated that this will be addressed at the hearing.

In rural settings, it is typical for accessory buildings to be larger than the main dwelling. The plans describe the structure as a barn/garage; however, it is essential to note that this structure is

not intended for agricultural purposes, which could impact permitting and zoning considerations. It is important to acknowledge that this structure is intended as an accessory residential building.

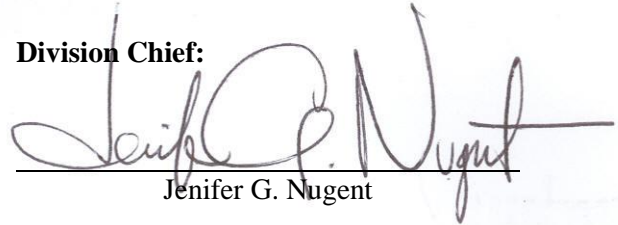
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

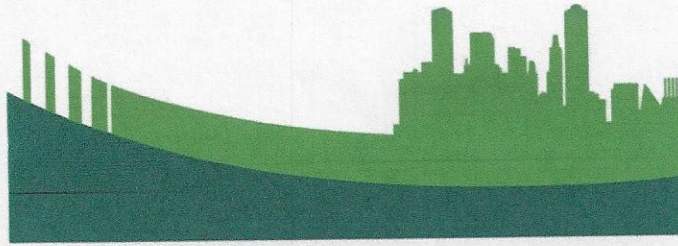
Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Bruce E. Doak – Bruce E. Doak Consulting, LLC.
Megan Benjamin and Joseph Wiley, Community Planners
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People’s Counsel for Baltimore County



CERTIFICATE OF POSTING

February 17, 2025

_____ amended for second inspection

Re:
Zoning Case No. 2025-0016-SPHA
Legal Owner: Michael & Melanie James
Hearing date: March 13, 2025

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 **4204 Mt Carmel Road**.

The signs were initially posted on **February 17, 2025**.

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 #: 2025-0016-SPHA

4204 Mt Carmel Road

(N/side of Mt Carmel Rd. At intersection w/Pleasant Meadow Rd.)

Council District 3, Election District 5
Legal Owners: Michael & Melanie James

VARIANCE: To permit an accessory building (barn/garage) to have a height of 29 ft. in lieu of the required maximum height of 15 ft. per Section 400.3 of the Baltimore County Zoning Regulations (BCRZ)

SPECIAL HEARING: To permit an accessory building (barn/garage) to have a larger footprint than the principal building (dwelling) per Section 400 of the Baltimore County Zoning Regulations (BCZR).

Hearing Date: Thursday, March 13, 2025 at 11:00 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 202, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103, Towson, Maryland 21204 / Phone 410-887-1868, ext. 325

Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

ZONING HEARING

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 1037 Towson, Maryland 21204 Phone 410.383.3300 ext. 333
Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 205, Towson, Maryland 21284, Phone: 410-321-2000
Email: administrative.hearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

ZONING HEARING

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4204 Mt Carmel Road

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VARIANCE: To permit an accessory building (barn/garage) to have a height of 29 ft. in lieu of the required maximum height of 15 ft. per Section 400.3 of the Baltimore County Zoning Regulations (BCRZ)

SPECIAL HEARING: To permit an accessory building (barn/garage) to have a larger footprint than the principal building (dwelling) per Section 400.4 of the Baltimore County Zoning Regulations (BCZR).

Hearing Date: Thursday, March 13, 2025 at 11:00 a.m.

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21284 / Phone 410-887-6900 ext. 111

Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

Real Property Data Search ()
 Search Result for BALTIMORE COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Number: District - 05 Account Identifier - 0523035125

Owner Information

Owner Name: JAMES MICHAEL J **Use:** AGRICULTURAL
 JAMES MELANIE A **Principal Residence:** YES
Mailing Address: 4204 MOUNT CARMEL RD **Deed Reference:** /41181/ 00415
 UPPERCO MD 21155-9557

Location & Structure Information

Premises Address: 4204 MT CARMEL RD **Legal Description:** 11.32 AC
 UPPERCO 21155-9557 4204 MT CARMEL RD
 OPP PLEASANT MEAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0020 0008 0004 5040004.04 0000 2023 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1869 3,385 SF 11.3200 AC 33

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
 2 YES STANDARD UNITBRICK/ 8 2 full/ 1 half 1Att/1Det
 FRAME

Value Information

	Base Value	Value		Phase-in Assessments	
		As of 01/01/2023	As of 07/01/2024	As of 07/01/2025	
Land:	97,000	101,500			
Improvements	839,000	955,700			
Total:	936,000	1,057,200	1,016,800	1,057,200	
Preferential Land:	2,500	2,500			

Transfer Information

Seller: HERION KEITH **Date:** 03/04/2019 **Price:** \$910,000
Type: ARMS LENGTH MULTIPLE **Deed1:** /41181/ 00415 **Deed2:**
Seller: ALESSI CAROLE L BANKERT **Date:** 08/31/2017 **Price:** \$150,000
Type: ARMS LENGTH IMPROVED **Deed1:** /39345/ 00028 **Deed2:**
Seller: BANKERT CAROLE M **Date:** 11/06/2013 **Price:** \$0
Type: NON-ARMS LENGTH OTHER **Deed1:** /34411/ 00487 **Deed2:**

Exemption Information

Partial Exempt Assessments: Class 07/01/2024 07/01/2025
County: 000 0.00
State: 000 0.00
Municipal: 000 0.00|0.00 0.00|0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: Approved 05/28/2019

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

0504035100
1985-0178-A

0504035110

4244

0523051050

4116

PAI # 050062

Pt. Bk./Folio # 039144

1700011329

Pt. Bk. 0000020 Folio 0144

PAI # 050062

NW 29-I

PAI # 050259 2400004287

Lot # 2

Pt. Bk./Folio # MP99094

PAI # 050259

PAI # 050259

Lot # 1

2400004288

MOUNT CARMEL RD

1600005291

4228

020A1 RC 2

0516000380

3 CD

5 ED

0523035125

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

1600005290

4108

4204

0508000200

NW 28-I

0516000381

PLEASANT MEADOW RD

Pt. Bk./Folio # MP07116

1972-0252-X

Lot # 2

2500004466

PAI # 050319

PAI # 050283 PAI # 050283

Pt. Bk./Folio # 001260

PAI # 050283

Lot # 1

2400006462

PAI # 050283

0501074860

4111

PAI # 050319

Lot # 1

2500004465

PAI # 050319

PAI # 050319

0504035075

4101

0520000100

0501074540

0501074541

0504035100
1985-0178-A

0504035110

4244

0523051050

4116

PAI # 050062
Pt. Bk./Folio # 039144
1700011329
Pt. Bk. 00000200, Folio 0144
PAI # 050062

NW 29-I

PAI # 050259 2400004287

Lot # 2

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0516000381

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Lot # 1

2500004465

Pt. Bk./Folio # MP07116
1972-0252-X

Lot # 2

2500004466

PAI # 050319

PAI # 050319
PAI # 050319

0504035075

4101

0520000100

PLEASANT MEADOW RD

0501074540

PAI # 050283 PAI # 050283
Pt. Bk./Folio # 001260

PAI # 050283

Lot # 1

2400006462

PAI # 050283

0501074860

0501074541

GENERAL INFORMATION

- Ownership: Michael J. James & Melanie A. James
- Address: 4204 Mt. Carmel Road Upperco, MD 21155
- Deed references: JLE 41181/415
- Area: 11.32 acres (per SDAT)
11.334 acres - 0.014 acre (saving & excepting 13548/1)
- Tax Map / Parcel / Tax account #: 20 / 004 / 05-23-035125
- Election District: 5 Councilmanic District: 3
ADC Map: GIS tile: 020A1 Position sheet: 113NW34
Census tract: 405000 Census block: 240054050001038
Schools: 5th District ES Hereford MS Hereford HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 020A1 and the information provided by Baltimore County on the internet.
- Improvements: 2 story dwelling, barns & sheds. All of the improvements will remain, except the northern barn will be replaced.

OFFICE OF ZONING

Zoning: RC 2 There are no previous zoning cases on the subject property.

RC 2 Setbacks for Principal Buildings

Front: 75 feet from the center line of the public road
Side/Rear: 35 feet from a property line

Minimum setback for an accessory structure: 2.5 feet
Maximum building height for an accessory structure: 15 feet

ENVIRONMENTAL IMPACT

Watershed: Prettyboy Reservoir URDL land type: 1

- The subject property is served by a private well and septic system
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.
- Master Water Plan W-7 Master Sewer Plan S-7

OFFICE OF PLANNING

Regional Planning District: Prettyboy District Code: 302
Growth Tier: 4 Preservation & conservation areas-no major subdivisions on septic

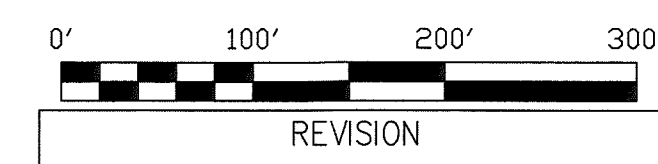
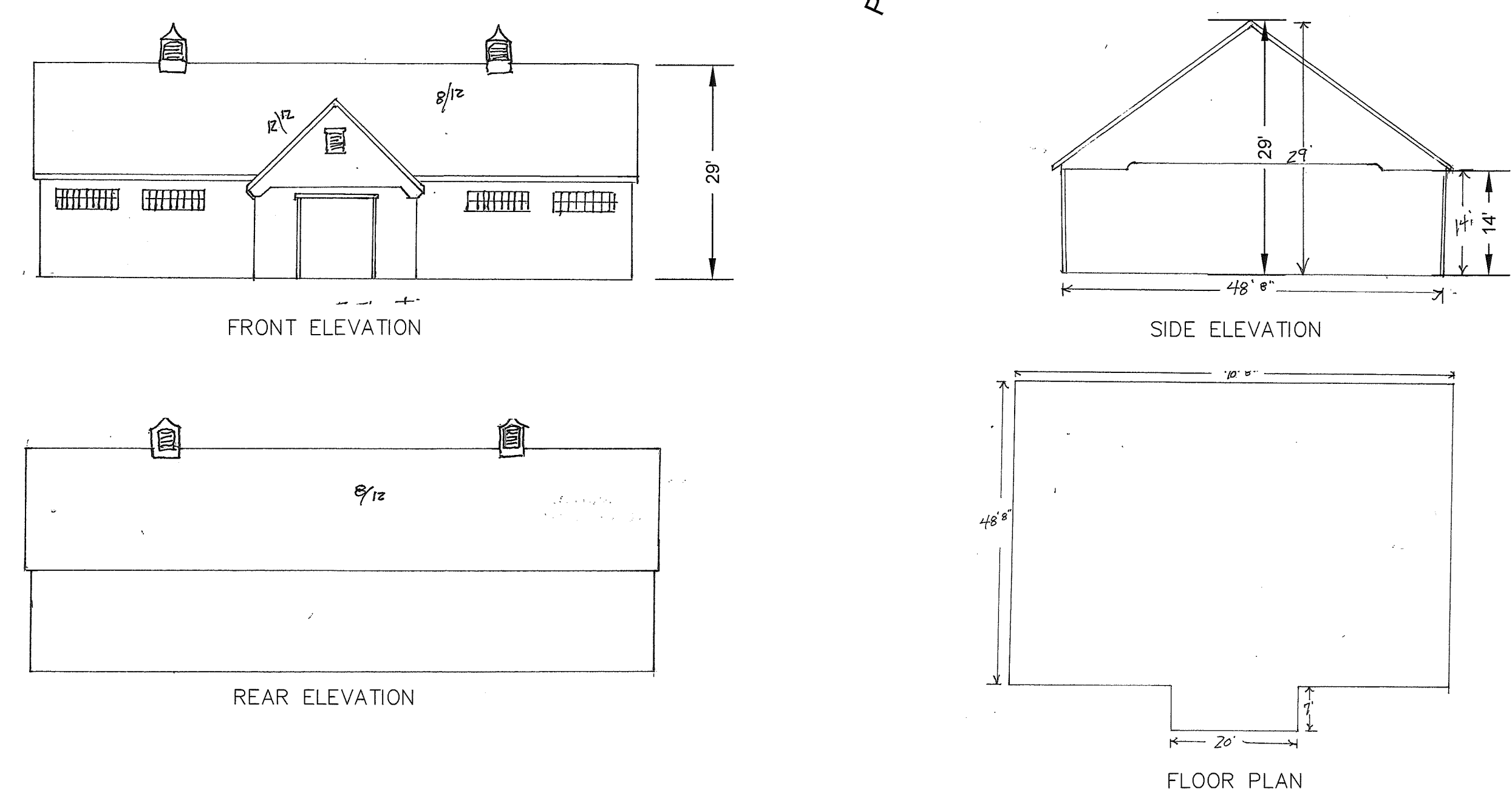
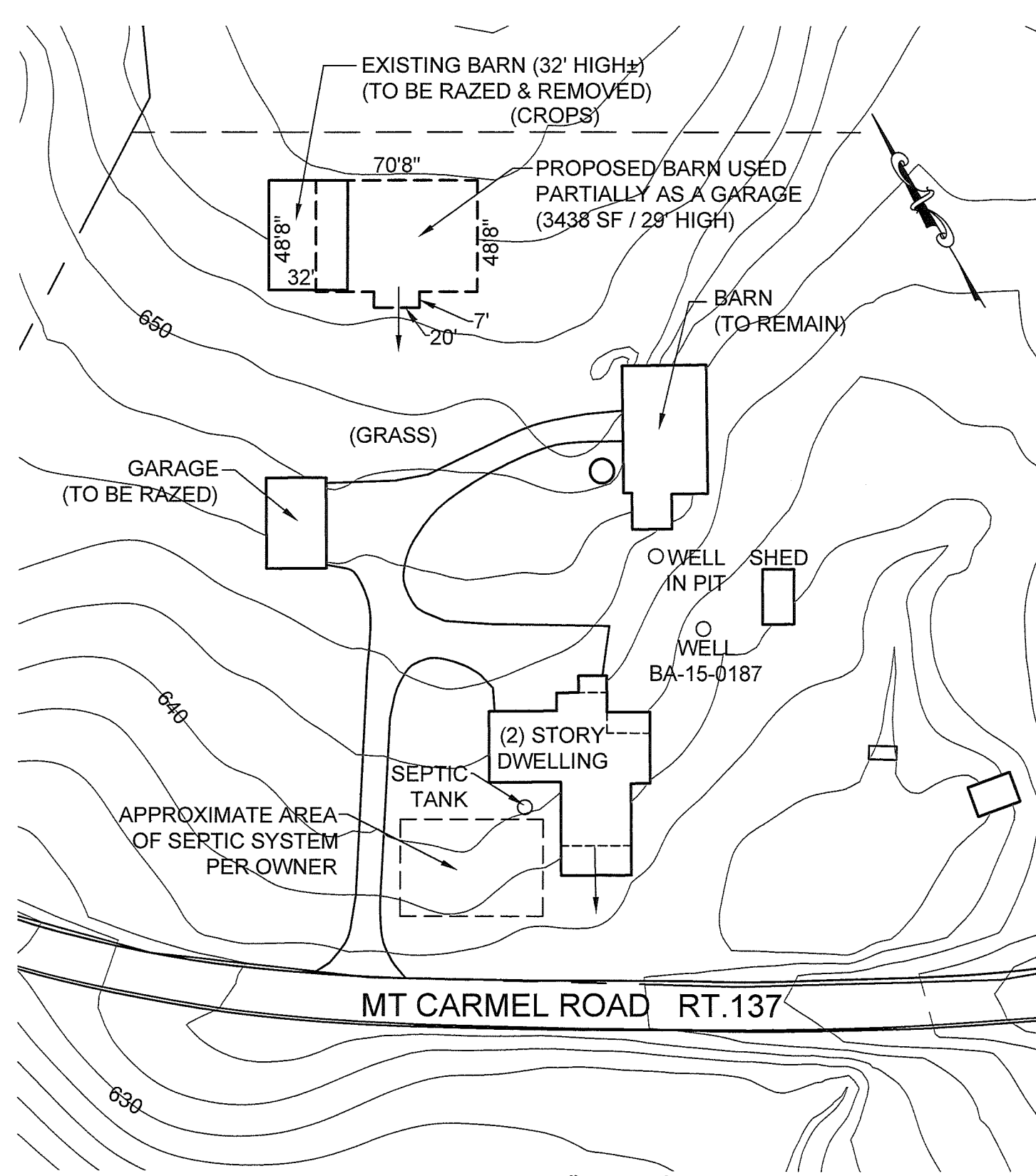
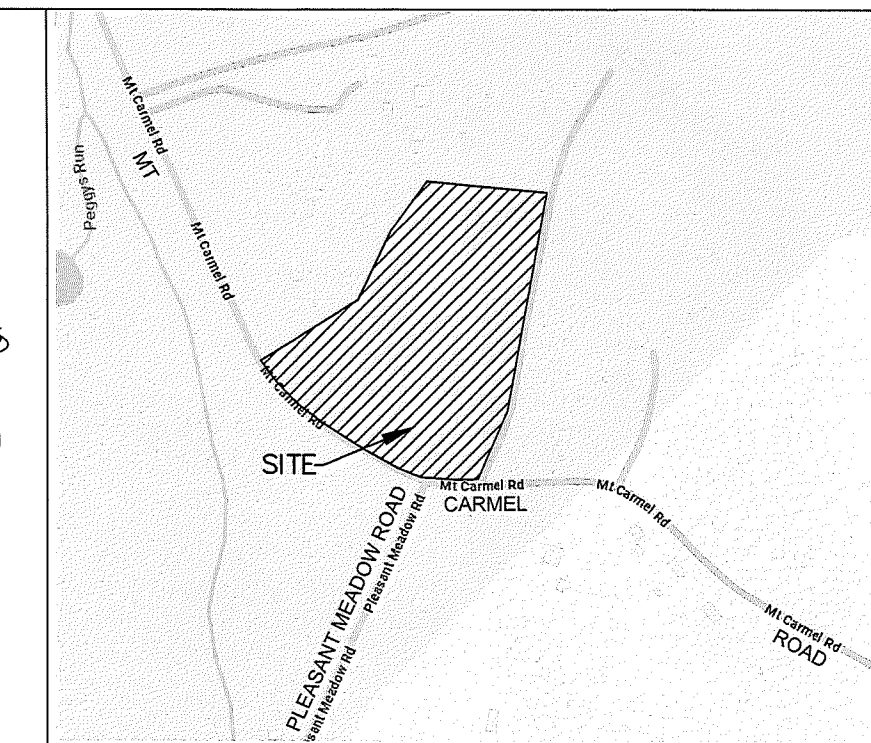
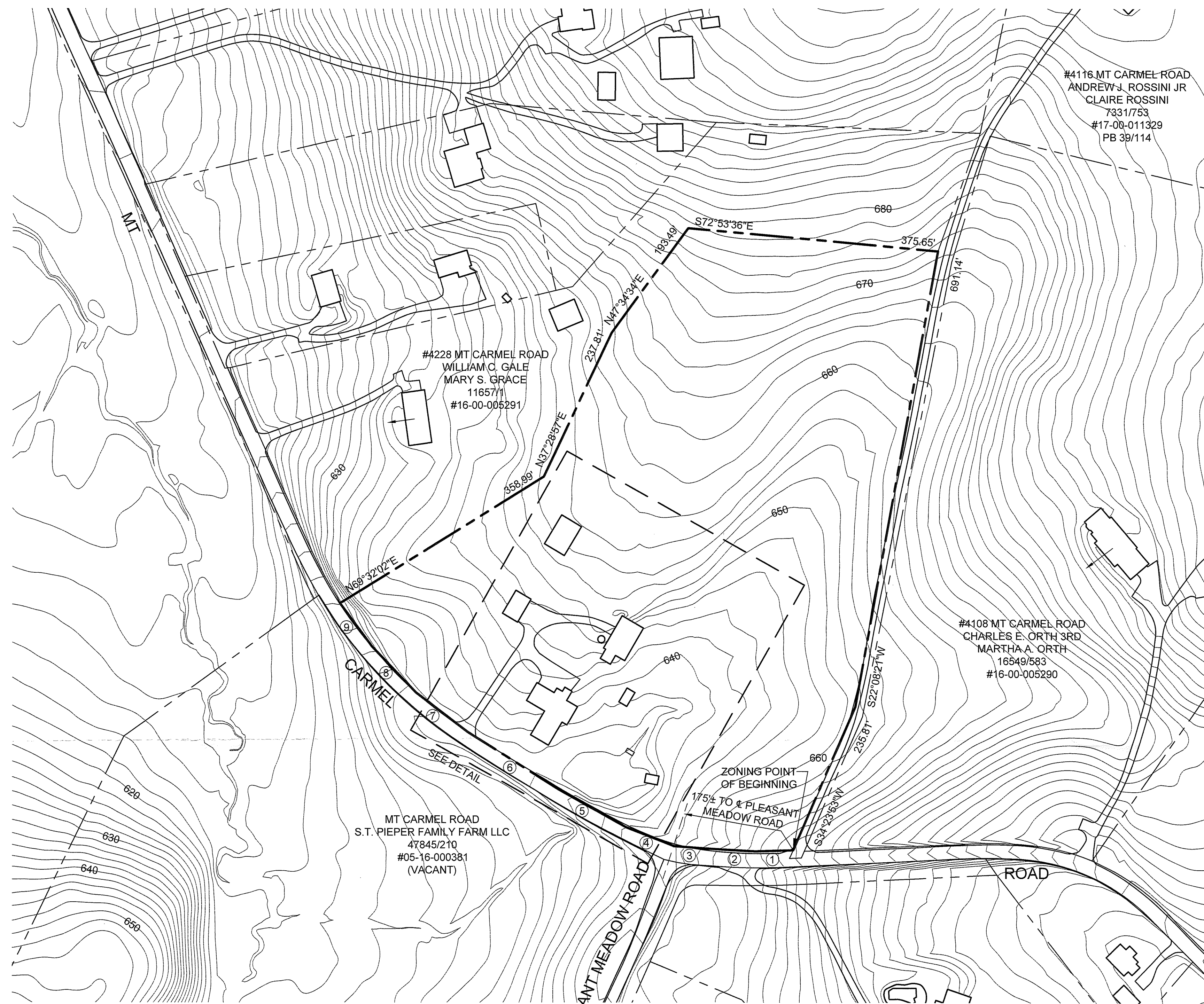
- The subject property is not in a National Register Historic District

PROPOSED DEVELOPMENT

To replace an existing barn with another barn to be used partially as a garage.
The building will not have a bathroom in it.

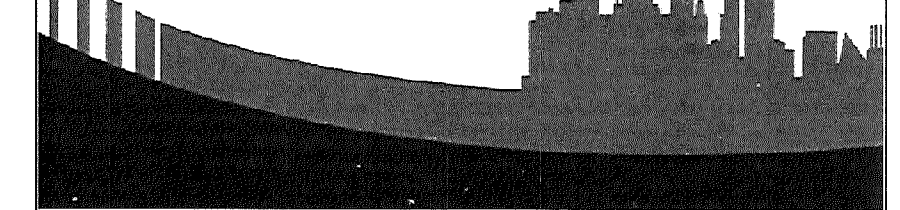
PROPERTY BEARINGS AND DISTANCES

- North 79 degrees 58 minutes 21 seconds West 56.78 feet
- North 75 degrees 12 minutes 07 seconds West 68.61 feet
- North 73 degrees 35 minutes 17 seconds West 53.18 feet
- North 56 degrees 46 minutes 08 seconds West 77.93 feet
- North 48 degrees 45 minutes 08 seconds West 115.11 feet
- North 46 degrees 14 minutes 08 seconds West 162.08 feet
- North 40 degrees 48 minutes 08 seconds West 96.63 feet
- North 31 degrees 46 minutes 53 seconds West 95.59 feet
- North 24 degrees 47 minutes 33 seconds West 80.34 feet



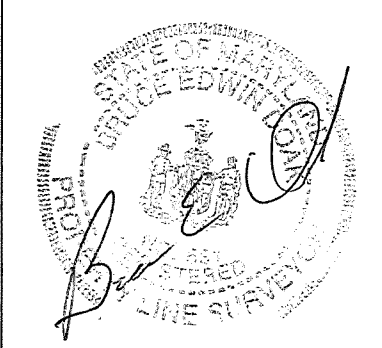
2025-0016-SPHA

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3501 Baker Schoolhouse Road
Freetland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com



**PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#4204 MT CARMEL ROAD**

BALTIMORE COUNTY, MARYLAND
5th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT



Date: 1/16/2025
Scale: 1" = 100'