

IN RE: PETITION FOR ZONING VARIANCE  
W/S Longnecker Road, 890' NW  
Intersection of Butler Road  
(13304 Longnecker Road)  
4th Election District  
3rd Councilmanic District  
Charles C. Owens  
Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and was represented by Robert A. Hoffman, Esquire and William P. Splitgerber, Jr. of Venable, Baetjer and Howard. There were no protestants.

Mr. Splitgerber proffered that the parcel is zoned R.C.2. and has an approximate gross acreage of 43.5 acres. He testified that due to the severe slope in the back yard as well as the existence of a septic field, the only location for installing the pool near the home was the side yard. He also presented letters from three adjoining property owners stating that they had no objection to the installation of the pool.

Based upon the testimony and evidence presented at the hearing, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements

of Section 307 of the Baltimore County Zoning Regulations (BCZR) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing held on this Petition, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by The Zoning Commissioner for Baltimore County, this 9th day of October, 1989 that the Petition for Zoning Variance to permit an accessory structure (swimming pool) to be located on the side yard in lieu of the required rear yard be and is hereby GRANTED.

*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner for  
Baltimore County

PINDFACT WFS

MICROFILMED

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.11 (to locate a pool in the side yard, rather than in the rear yard, of the property)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)  
To be shown at the hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do 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 Petition.

|                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contract Purchaser:<br>(Type or Print Name)<br>Signature<br>Address<br>City and State                                                                                                            | Legal Owner(s):<br>Charles C. Owens<br>(Type or Print Name)<br><i>Charles C. Owens</i><br>Signature<br>(Type or Print Name)<br>Signature<br>Address<br>City and State                                                                                                                                                        |
| Attorney for Petitioner:<br>John B. Howard, Esquire<br>(Type or Print Name)<br><i>John B. Howard</i><br>Signature<br>210 Allegheny Avenue<br>Address<br>Towson, Maryland 21204<br>City and State | 13304 Longnecker Road 532-9500<br>Address Phone No.<br>Reisterstown, Maryland 21138<br>City and State<br>Name, address and phone number of legal owner, contract purchaser or representative to be contacted<br>John B. Howard, Esquire<br>Name 210 Allegheny Avenue<br>Towson, Maryland 21204 823-4111<br>Address Phone No. |
| Attorney's Telephone No.: 823-4111                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                              |

ORDERED By The Zoning Commissioner of Baltimore County, this 6 day of July, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the 27 day of Sept, 1989, at 10:00 A.M.

*J. Robert Haines*  
Zoning Commissioner of Baltimore County

MICROFILMED (over)

#### ZONING DESCRIPTION, CHARLES C. OWENS PROPERTY

NOT TO BE USED AS A TITLE DESCRIPTION

Beginning for the same at a point in the center of Longnecker Road, said point being distant approximately 890 feet northwest of the intersection of the center line of Longnecker Road with the center line of Butler Road, thence leaving the center of Longnecker Road and running for the following courses and distances viz: (1) north 68° 42' minutes 39 seconds west 1788.53 feet to a stone, (2) north 14° 47' minutes 00 seconds east 92.40 feet to a stone, (3) north 68° 27' minutes 53 seconds west 1211.46 feet to a pipe now set, (4) north 14° 50' minutes 17 seconds east 615.10 feet to a stone heretofore set at the beginning of the parcel of land secondly described in a Deed dated December, 1, 1944 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1371 folio 440, thence binding on part of the first line of said parcel, (5) south 68° 06 minutes 43 seconds east 2806.54 feet to a nail in or near the center line of the present road bed of Longnecker Road and to the end of the third line of a parcel of land which was conveyed by a Deed dated December 15, 1975 and recorded as aforesaid in Liber E.H.K.Jr. No. 5593 folio 422, thence binding on said line and running in or near the center of Longnecker Road, (6) south 00° 44 minutes 11 seconds east 728.41 feet to the place of beginning. Containing 43.473 acres of land, more or less.

DESC0088.RAH

MICROFILMED

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 4th Date of Posting September 5, 1989  
Posted for: Variance  
Petitioner: Charles C. Owens  
Location of property: 13304 Longnecker Road, 890' NW of c/l of Butler  
11384 Longnecker Road  
Location of Sign: West side of Longnecker Road at intersection  
subject property  
Remarks: S. J. Arata Date of return: September 8, 1989  
Number of Signs: 1

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#### CERTIFICATE OF PUBLICATION

TOWSON, MD August 31, 1989  
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., beginning August 31, 1989.  
THE JEFFERSONIAN  
*S. Zabe*  
Publisher

PO 16359  
M3460  
CA 90-112-1  
Aug 13 1989

MICROFILMED

ELLIN & BAKER  
ATTORNEYS AT LAW  
SECOND FLOOR  
101 ST. PAUL STREET  
BALTIMORE, MARYLAND 21202  
(410) 787-1787  
FAX (410) 788-4893  
June 29, 1989

#### HAND DELIVERED

RE: Our Adjoining Property  
on Longnecker Road in  
Glyndon, Maryland

Mr. Charles C. Owens  
Trident Management  
105 Village Square  
Village of Cross Keys  
Baltimore, Maryland 21210

Dear Chick:

Please excuse the long delay in getting back to you. Due to out-of-town court commitments, I am just catching up with some of my mail.

It is to confirm the fact that my property abuts your forty-five acres to the north and your plan to build a swimming pool is not only one to which I have no objection, but, indeed, the exercise will be a good one.

I don't see how in the world your building a swimming pool on your property could elicit an objection from anyone. I am having this hand delivered to you to save the additional days the mail will take.

With kind regards,

Sincerely,

*Marvin Ellin*  
Marvin Ellin

PETITIONER'S  
EXHIBIT 2

J. PATRICK SMITH  
13224 LONGNECKER ROAD  
GLYNDON, MARYLAND 21071

June 9, 1989

Mr. Charles C. Owens  
13304 Longnecker Road  
Glyndon, Maryland 21071

Dear Chick:

My property adjoins your property to the south. I understand that you are proposing to receive a special exemption for a side yard pool, and I certainly have no objection to this.

Your house, on its 45 acres, is a fairly long way from my house and our common property line, and I cannot see your house from most of my property, so it doesn't matter to me where you locate your pool.

Sincerely yours,

*J. Patrick Smith*  
J. Patrick Smith

PETITIONER'S  
EXHIBIT 3

WALTER BREWSTER  
13401 LONGNECKER ROAD  
GLYNDON, MARYLAND 21071

June 9, 1989

Mr. Charles C. Owens  
13304 Longnecker Road  
Glyndon, Maryland 21071

Dear Chick:

I understand that you are proposing to put a swimming pool in the side yard of your house which is located across Longnecker Road from my property.

I certainly have no objections to this as you live on a 45 acre piece of property and your house is more than a half mile from Longnecker Road and is mostly hidden by a lot of trees around it. Therefore, I will never be able to see the pool no matter where you put it.

Sincerely yours,

*Walter Brewster*  
Walter Brewster

PETITIONER'S  
EXHIBIT 4

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

Mr. Charles C. Owens  
13304 Longnecker Road  
Reisterstown, Maryland 21136

Re: Petition for Zoning Variance  
CASE NUMBER: 90-112-A  
13304 Longnecker Road, 690' NW of c/l of Butler  
4th Election District - 3rd Councilmanic  
Petitioner(s): Charles C. Owens  
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 27, 1989 at 11:00 a.m.

Dear Petitioner:  
Please be advised that \$112.19 is due for advertising and posting of the above captioned property.  
THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.  
Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

MICROFILMED

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

JRH:gs  
cc: John B. Howard, Esq.  
File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

Mr. Charles C. Owens  
13304 Longnecker Road  
Reisterstown, Maryland 21136

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Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE, REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE: 9/27/89  
AMOUNT: \$112.19  
RECEIVED BY: CHARLES C. OWENS  
FOR: P.A. F. 8/27/89  
VALIDATION OR SIGNATURE OF CASHIER

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Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

August 11, 1989

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 90-112-A  
13304 Longnecker Road, 690' NW of c/l of Butler  
4th Election District - 3rd Councilmanic  
Petitioner(s): Charles C. Owens  
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 27, 1989 at 11:00 a.m.

Variance: To locate a pool in the side yard rather than in the rear yard.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRH:gs  
cc: Charles C. Owens  
John B. Howard, Esq.  
File

MICROFILMED

VENABLE, BAETJER AND HOWARD

BALTIMORE, MD  
WASHINGTON, D. C.  
ROCKVILLE, MD  
BETHESDA, MD  
FARMERS MARKET  
CHARLES MILLS  
494-9162

June 27, 1989

J. Robert Haines  
Zoning Commissioner for Baltimore County  
County Office Building, First Floor  
Towson, Maryland 21204

Re: Charles C. Owens  
Petition for Variance  
Item No. 567

Dear Mr. Haines:

I represent the above-referenced petitioner in his request for a variance to build a pool in his side yard in lieu of the required rear yard. Mr. Owens is seeking your conditional approval to begin construction of the pool.

My client's petition has been accepted by the Zoning Office, and he is awaiting a hearing date. My client understands the risk involved in obtaining your conditional approval; in that, should his variance request be denied, he will be responsible for restoring the property to its original condition.

Attached are letters from Patrick Smith, Walter Brewster and Marvin Elin, the abutting property owners, stating that they have no objections to Mr. Owens' request.

Please do not hesitate to contact me should you have any questions.

Sincerely,  
Robert Hoffman

Read and Understood: Charles C. Owens

Dated: 7/10/89

VENABLE, BAETJER AND HOWARD

BALTIMORE, MD  
WASHINGTON, D. C.  
ROCKVILLE, MD  
BETHESDA, MD  
FARMERS MARKET  
CHARLES MILLS  
494-9162

July 11, 1989

RECEIVED  
JUL 12 1989  
ZONING OFFICE

Ann McLaughlin-Nastarowicz  
Deputy Zoning Commissioner for  
Baltimore County  
County Office Building  
First Floor  
Towson, Maryland 21204

Re: Charles C. Owens - Petition for Pool Variance  
Conditional Approval

Dear Ms. Nastarowicz: Ann  
As requested, I have obtained an acknowledgement of understanding from Mr. Owens on the attached letter. Please "O.K." the original for obtaining a conditional permit.  
Thank you for your assistance.

Please do not hesitate to contact me should you have any questions.

Yours truly,

Robert A. Hoffman

RAH/jhr  
Enclosure  
cc: Charles C. Owens

MICROFILMED

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: J. Robert Haines  
Zoning Commissioner

Ann M. Nastarowicz  
Deputy Zoning Commissioner

FROM: John J. Sullivan, Jr.  
Planning & Zoning Associate III

SUBJECT: Conditional Approval of Building Permit  
Item #567  
13304 Longnecker Road

Please advise of your decision in this case for final disposition of the building permit application.

Thank you.

scj

MICROFILMED

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

July 26, 1989

RECEIVED  
AUG 3 1989  
ZONING OFFICE

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 523, 541, 560, 561, 562, 563, 564, 566, 567, 571, and 572.

Very truly yours,

Michael S. Planigan  
Traffic Engineer Associate II

MSF/lab

MICROFILMED

Baltimore County  
Fire Department  
800 York Road  
Towson, Maryland 21204-2556  
(301) 887-4500

June 27, 1989

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: CHARLES C. OWENS

Location: #13304 LONGNECKER ROAD

Item No.: 567 Zoning Agenda: JULY 5, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

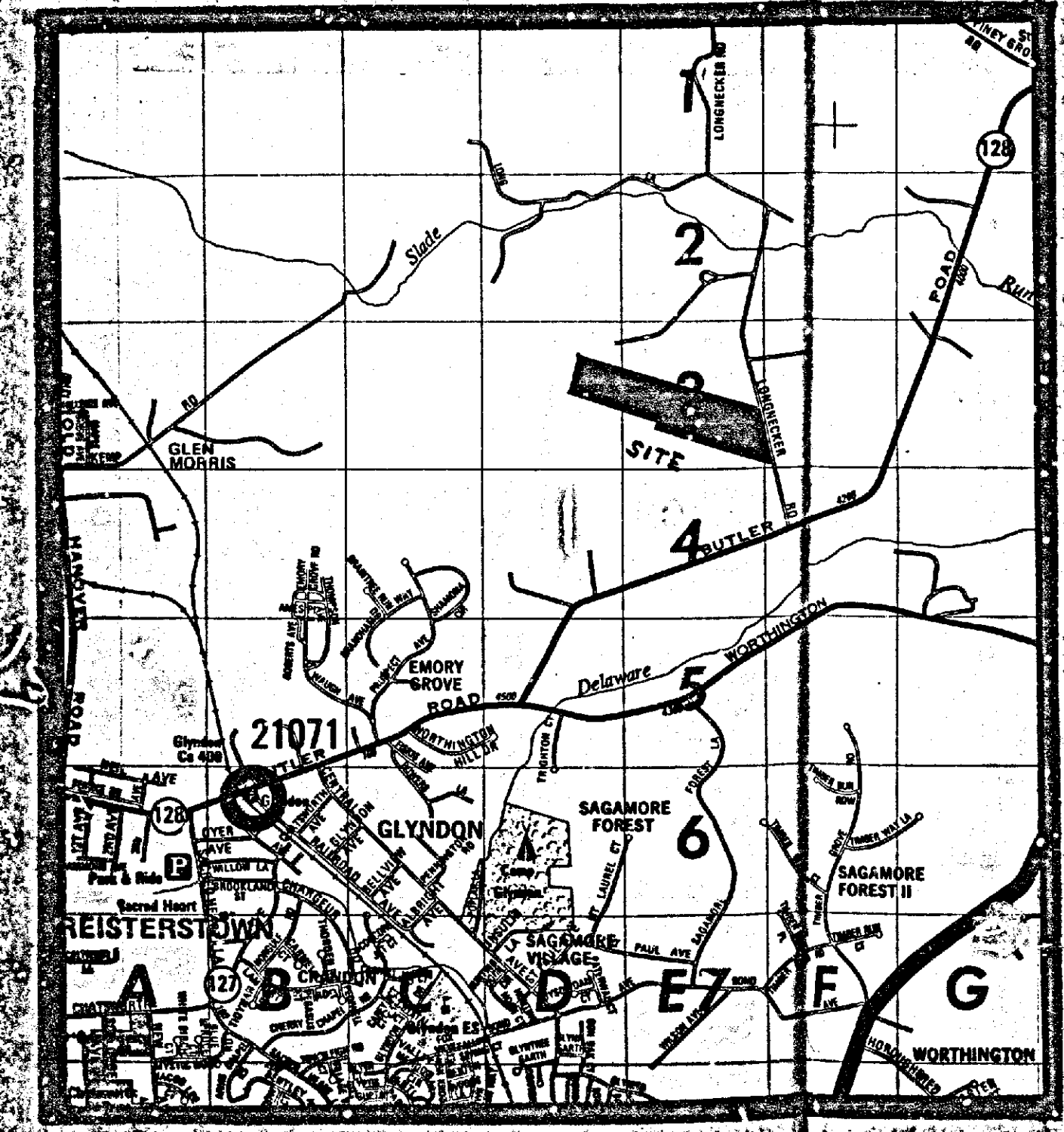
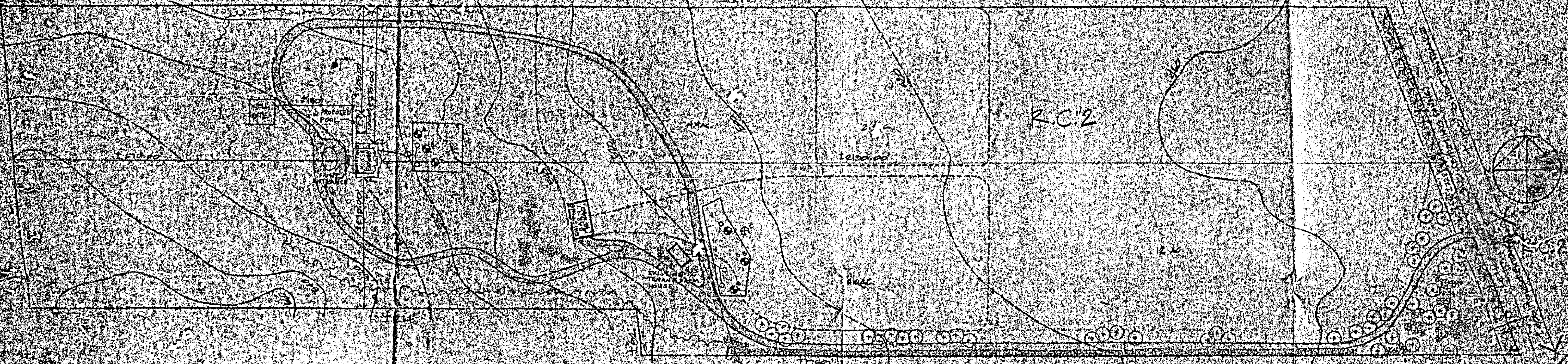
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: CH. McLaughlin-Nastarowicz  
Planning Group  
Special Inspection Division

Noted and Approved  
Fire Prevention Bureau

JK/kek

MICROFILMED



VICINITY MAP  
1" = 2,000'

| LEGEND                                                                                                                                                                                                             | NOTES                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| WELL SITE                                                                                                                                                                                                          | NO EXISTING WELLS OR EXISTING SEPTIC SYSTEMS OR SEPTIC AREAS ARE WITHIN 100' OF PROPERTY LINE OF THE PROPOSED SITE |
| SEPTIC TANK DISTRIBUTION OR SEPTIC LINE                                                                                                                                                                            | NO DRILLINGS EXIST WITHIN 100' OF PROPERTY LINE OF THIS PROPERTY                                                   |
| LOCATION TEST PIT                                                                                                                                                                                                  | WELL LOCATED AT 21071 R.C.2 BLVD EUN HARBOR                                                                        |
| NOTE: PRELIMINARY LOCATION AS SHOWN IN SCHEMATIC. CHECK ALIGNMENT WITH CURVE TO DETERMINE SITE CLEARING. CHECK WITH ARCHITECT FOR DIVERGENT RELATIONSHIP TO HOUSE & EXIST LOCATIONS. NOTE ACTUAL LOCATION OF WELL. |                                                                                                                    |
| NOTE: PROPERTY ADDRESS: 13304 LONGNECKER ROAD, REISTERSTOWN, MD 21136                                                                                                                                              |                                                                                                                    |

**PETITIONER'S EXHIBIT 1**

UNIVERSITY OF MARYLAND  
SCHOOL OF ENVIRONMENTAL & FORESTRY  
1000 TRINITY CHURCH RD  
P.O. BOX 38  
PACERSVILLE, MD 21126

APPROVED FOR  
SUBMITTAL TO  
JANUARY 2008

APPROVED FOR  
SUBMITTAL TO  
JANUARY 2008