

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
N/S Gadd Road, 2261 ft. W of c/l Falls Road
2110 Gadd Road
8th Election District
3rd Councilmanic District
Clark MacKenzie, et ux
Petitioners

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 92-503-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a setback of 62 ft. between principal structures in lieu of the required 70 ft.; and a variance from Section 400.3 of the B.C.Z.R. to allow a height of 22 ft., in lieu of the required 15 ft., for an accessory pavilion structure, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, 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 affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore,

strict compliance with the B.C.Z.R. 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 Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of August, 1992 that the Petition for a Zoning Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a setback of 62 ft. between principal structures, in lieu of the required 70 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.3 of the B.C.Z.R. to allow a height of 22 ft., in lieu of the required 15 ft., for an accessory pavilion structure, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:mmm

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

-2-

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 29, 1992

Mr. and Mrs. Clark F. MacKenzie
2404 Gadd Road
Cockeysville, Maryland 21030

RE: Petition for Residential Zoning Variance
Case No. 92-503-A

Dear Mr. and Mrs. MacKenzie:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2310 Gadd Road

which is presently zoned R-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate 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 1A01.3.B.3 to allow a setback of 62 feet between principal structures in lieu of the required 70 feet, 400.3 to allow a height of 22 feet in lieu of the required 15 feet for an accessory pavilion structure.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: Indicate hardship or practical difficulty. For the garden shed to be used as a barn for animals as well as storage. Site constraints of topography, slopes, streams and forest buffers favor the proposed location. For the pavilion to allow the pitch of the roof to match that of the main dwelling and the use of innovative heating and cooling techniques which require higher ceilings and a higher roof line.

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.

Corrected Purchaser/Owner

(Type or Print Name)

Signature

Address

City State Zip Code

Attorney for Petitioner

(Type or Print Name)

Address

City State Zip Code

Phone No.

State Zip Code

Public Hearing having been requested and held as required, it is ordered, by the Zoning Commissioner of Baltimore County, this 29th day of July, 1992, that the subject matter of this petition be set for a public hearing, to be held on August 1, 1992, at 10:00 AM, in the Zoning Commission of Baltimore County, at the location, throughout Baltimore County, and that the property be posted.

By: Clark F. MacKenzie
Date: 7/29/92

ESTIMATED POSTING DATE: 7/29/92

ITEM # 536

ORDER RECEIVED FOR FILING
Date 7/29/92
By Clark F. MacKenzie

ORDER RECEIVED FOR FILING
Date 7/29/92
By Clark F. MacKenzie

ORDER RECEIVED FOR FILING
Date 7/29/92
By Clark F. MacKenzie

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) here competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at
2404 Gadd Road
Cockeysville Maryland 21030
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

For the garden shed to be used as a barn for animals as well as storage.
Site constraints of topography, slope, streams and forest buffer favor the proposed location. For the pavilion, to allow the pitch of the roof to match that of the main dwelling and the use of innovative heating and cooling techniques which require higher ceilings and a higher roof line.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Clark F. MacKenzie
Signature
Ann Shaeffer MacKenzie
Signature

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of July, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Clark F. MacKenzie and Ann Shaeffer MacKenzie
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 24, 1992
Notary Public

My Commission Expires: October 1, 1995

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

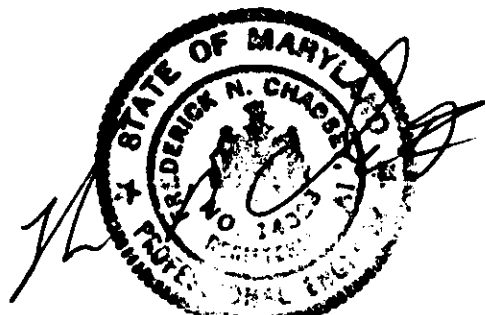
Description to accompany Zoning Petition,
CLARK F. MACKENZIE property. 92-503-A June 24, 1992

Beginning for the same at a point on the northern side of Gadd Road, 40 feet wide, said point of beginning being 2261 feet from the centerline intersection of Falls Road and said Gadd Road, running thence leaving said point of beginning binding reversely on lines of that parcel of land described in a Deed dated November 30, 1977 between JOHN D. GADD and CLARK F. MACKENZIE et ux, recorded among the Land Records of Baltimore County, Maryland in Liber E.H.K., Jr. 5832 folio 935 and bind on the northern side of said Gadd Road, the three following courses:

- 1) North 88 degrees 09 minutes 00 seconds West 212.55 feet.
- 2) South 88 degrees 57 minutes 00 seconds West 771.62 feet and
- 3) northwesterly by a curve to the right having a radius of 25.00 feet for a distance of 42.92 feet, said curve being subtended by a chord bearing North 43 degrees 52 minutes 10 seconds West 37.84 feet, running thence continuing to bind reversely on the lines of said Deed, the three following courses:
- 4) North 05 degrees 18 minutes 40 seconds East 803.39 feet,
- 5) North 88 degrees 24 minutes 00 seconds East 1011.32 feet and
- 6) South 05 degrees 18 minutes 40 seconds West 821.09 feet to the point of beginning.

Containing 18.917 acres of land more or less.

(NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED FOR CONVEYANCES OR AGREEMENTS)



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 8th Date of Posting 7-7-92

Posted for: Residential Variance

Petitioner: Clark F. MacKenzie and Ann Shaeffer MacKenzie

Location of property: N/S of Gadd Road, 2261' W of the

c/l of Falls Road, 2310 Gadd Road

Location of signs: Along front of 2310 Gadd Road

Remarks:

Posted by: A. J. Gault Date of return: 7-10-92

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Number of Signs: 1

Mr. Lawrence E. Schmidt, Zoning Commissioner
Baltimore County
Office of Planning and Zoning
July 27, 1992
Page -2-

buffers favor the proposed building locations with the reduction of setback between buildings to 62 feet in lieu of the required 70 feet.

The pavilion located 515 feet north of Gadd Road will be used as a cottage to provide a garden and park-like atmosphere to the back portion of the property. The height variance will allow the pitch of the roof to match that of the existing dwelling, its addition and that of the proposed garden shed. It will also allow the use of innovative cooling and heating techniques which require a higher ceiling and thereby a higher roof.

Granting of these variances will be in harmony with the Baltimore County Zoning Regulations and will not impact public health, safety and general welfare of the area. In fact, due to the rural nature of this property and the surrounding properties, the variances proposed in this petition will be isolated to areas of the improvements.

Should you have any questions or require further clarification of the petition, please contact my office.

Very truly yours,
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
Rick Chadsey, P.E.

RC:knh
cc: Mr. Clark Mackenzie

LARRY, THE OWNER IS VERY ANXIOUS TO OBTAIN THE RESULTS OF THIS PETITION. VARIOUS PORTIONS OF THE SITE IMPROVEMENT ARE ALREADY UNDER CONSTRUCTION. THE OWNER MUST TAKE OCCUPANCY BY AUGUST 15, 1992.

Rick

111 West Chesapeake Avenue
Towson, MD 21204

July 1, 1992

(410) 887-3353

Clark and Ann Mackenzie
2404 Gadd Road
Cockeysville, Maryland 21030

Re: CASE NUMBER: 92-503-A
LOCATION: 8/8 Gadd Road, 2281' W of c/l Falls Road
2310 Gadd Road
6th Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 12, 1992. The closing date is July 27, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

cc: Rick Chadsey

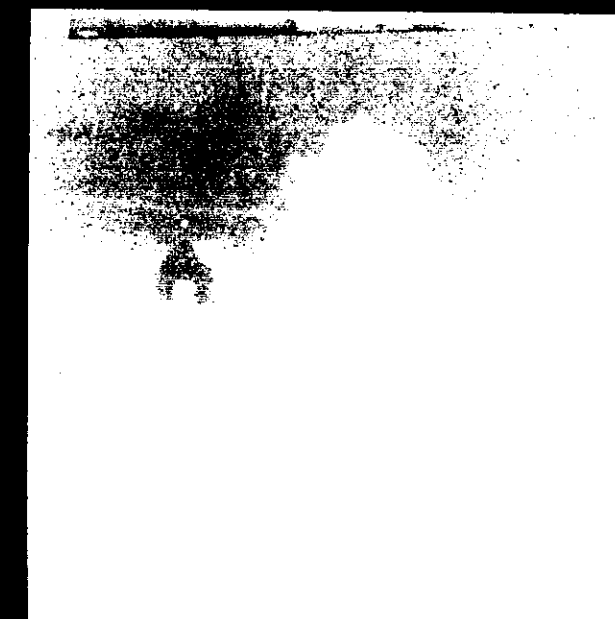
Printed on Recycled Paper



FRONT OF EX. HOUSE

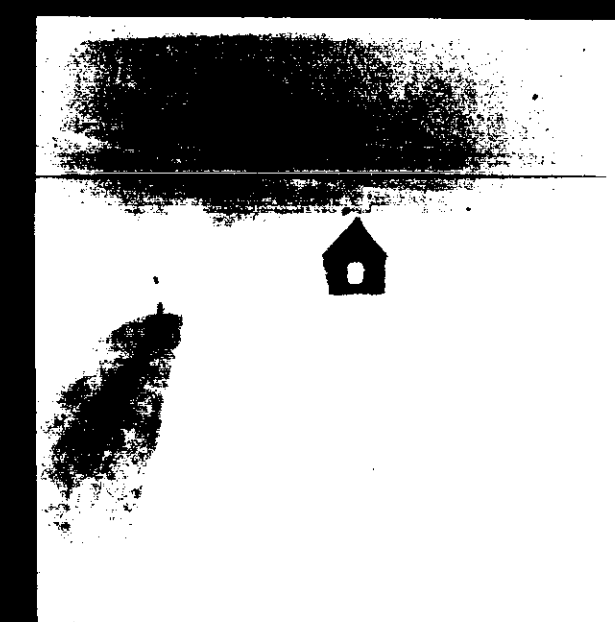


BACK OF EXISTING HOUSE



EX. HOUSE & SHED

92-503-A

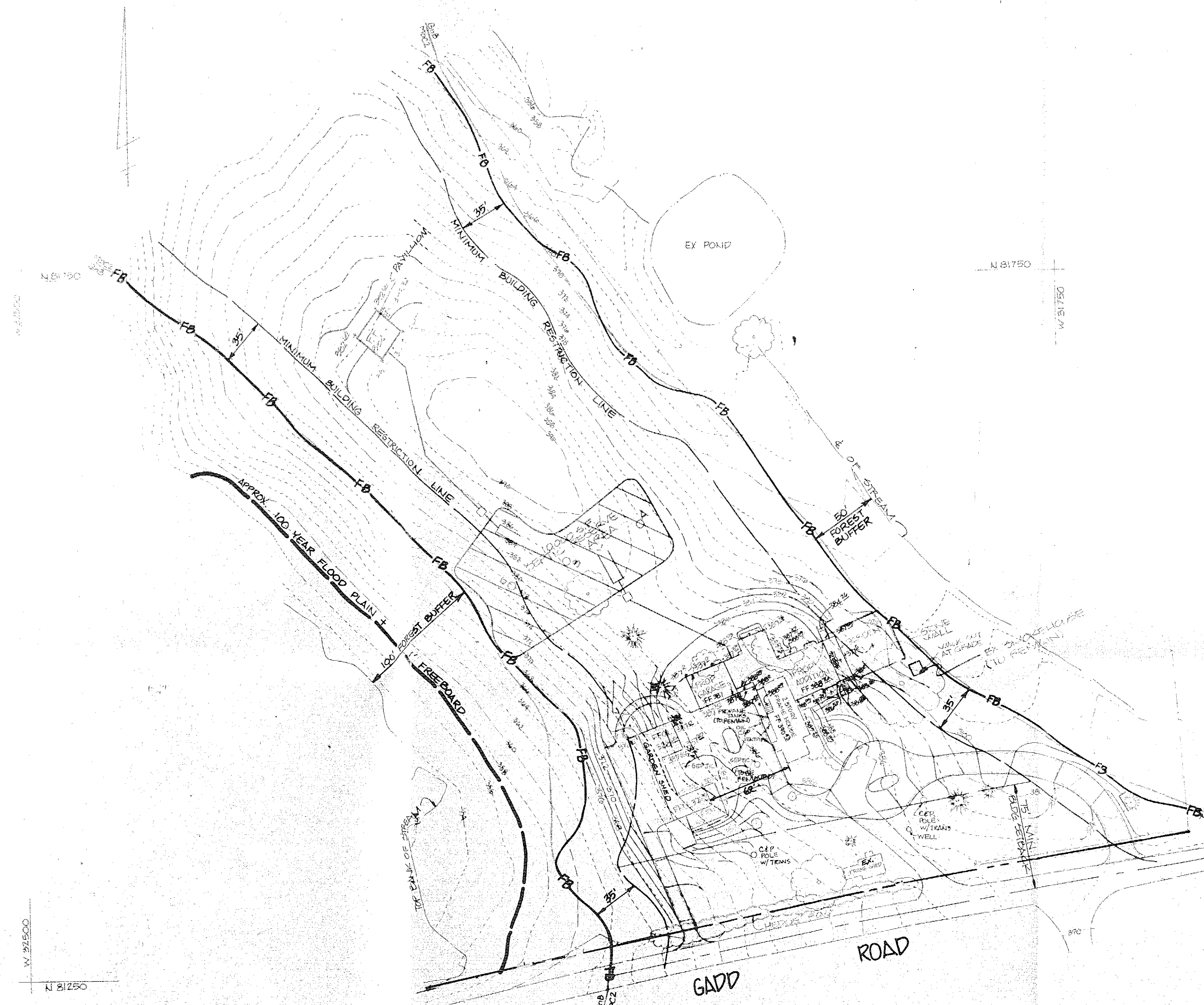


BACK OF SHED

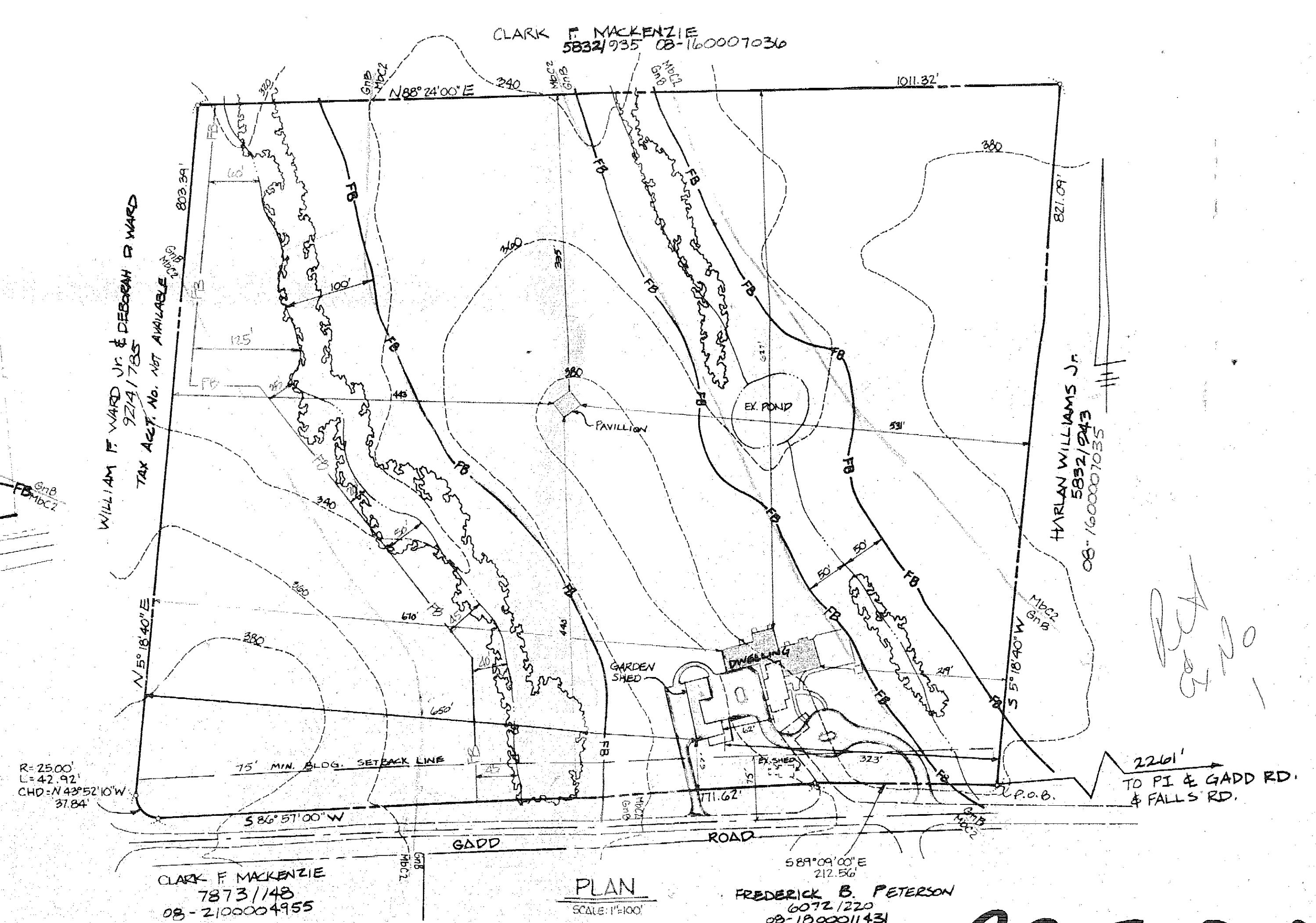


FRONT EX. HOUSE

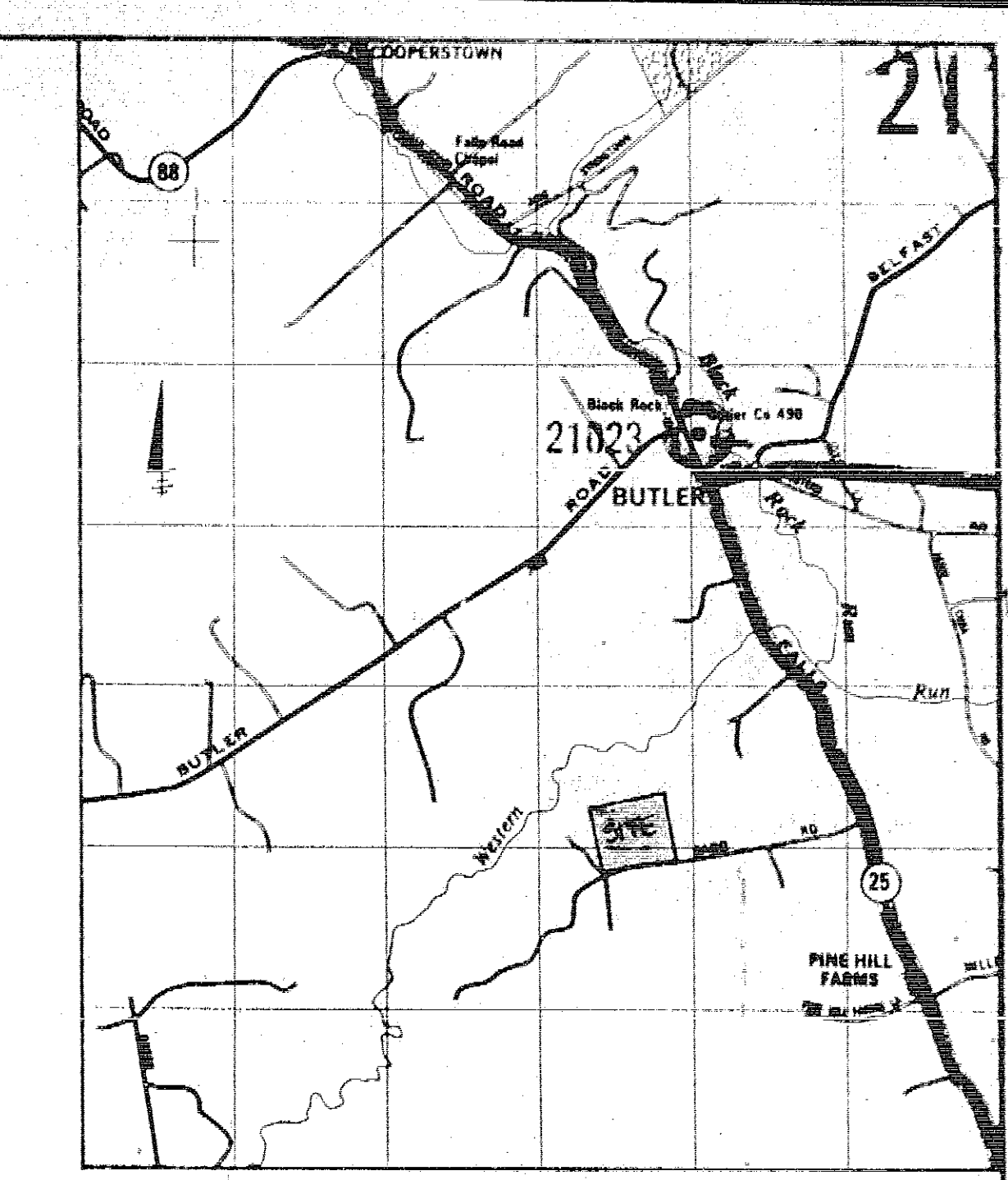
92-503-A



PLAN
SCALE: 1"=50'



PLAN
SCALE: 1"=100'



VICINITY MAP SCALE: 1"=7000'

92-503-A

PRIOR ZONING HEARINGS - NONE
PROPERTY NOT WITHIN THE CBCA
COUNCILMANIC DISTRICT - B
1"=220' MAP - NW 21 F
ZONINGS: RC-2
PRIVATE SEWER/WATER
LOT SIZE: 18.917 AC ± / 824,024.52 S.F. ±

PLAT TO ACCOMPANY VARIANCE PETITION

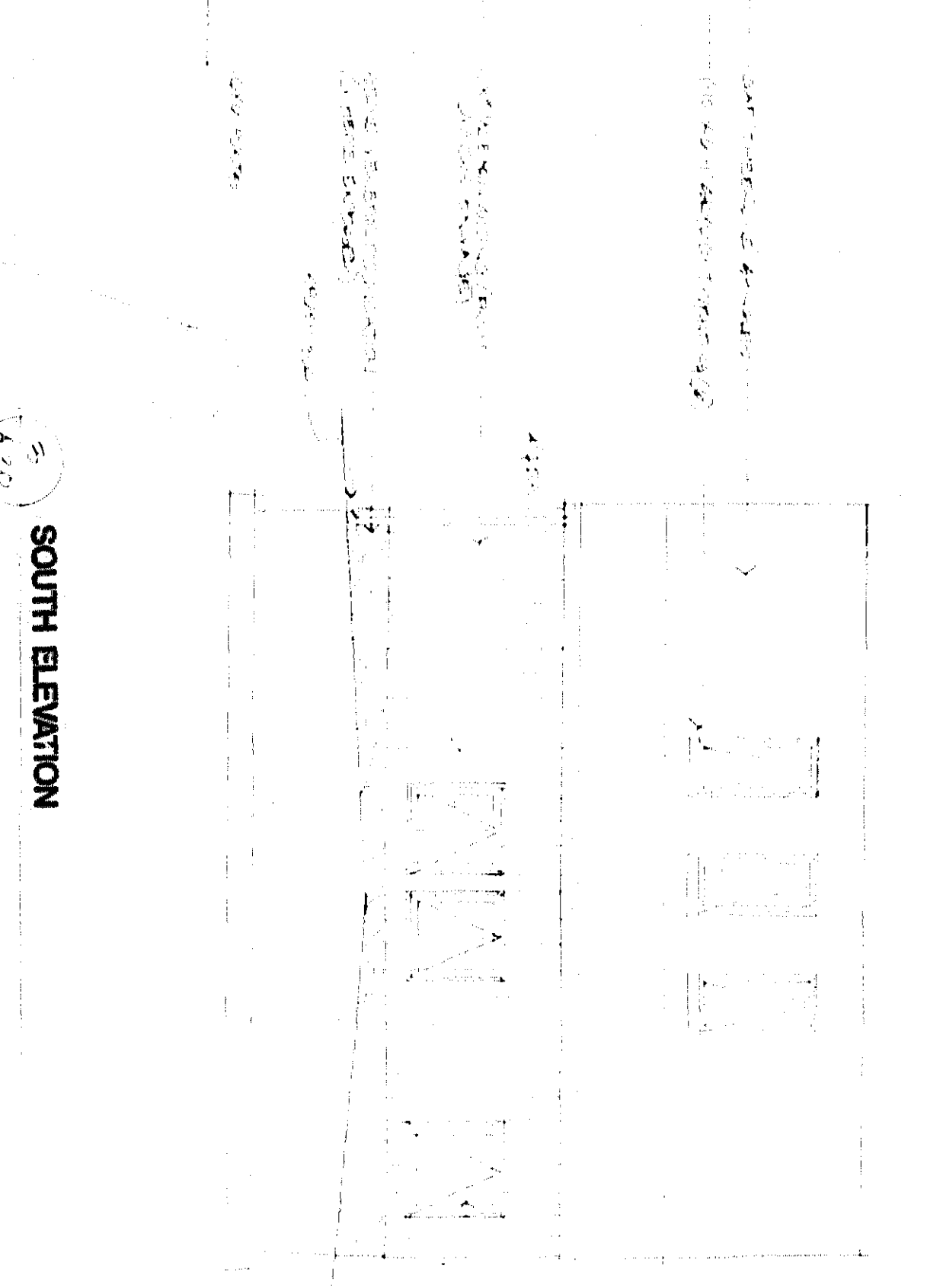
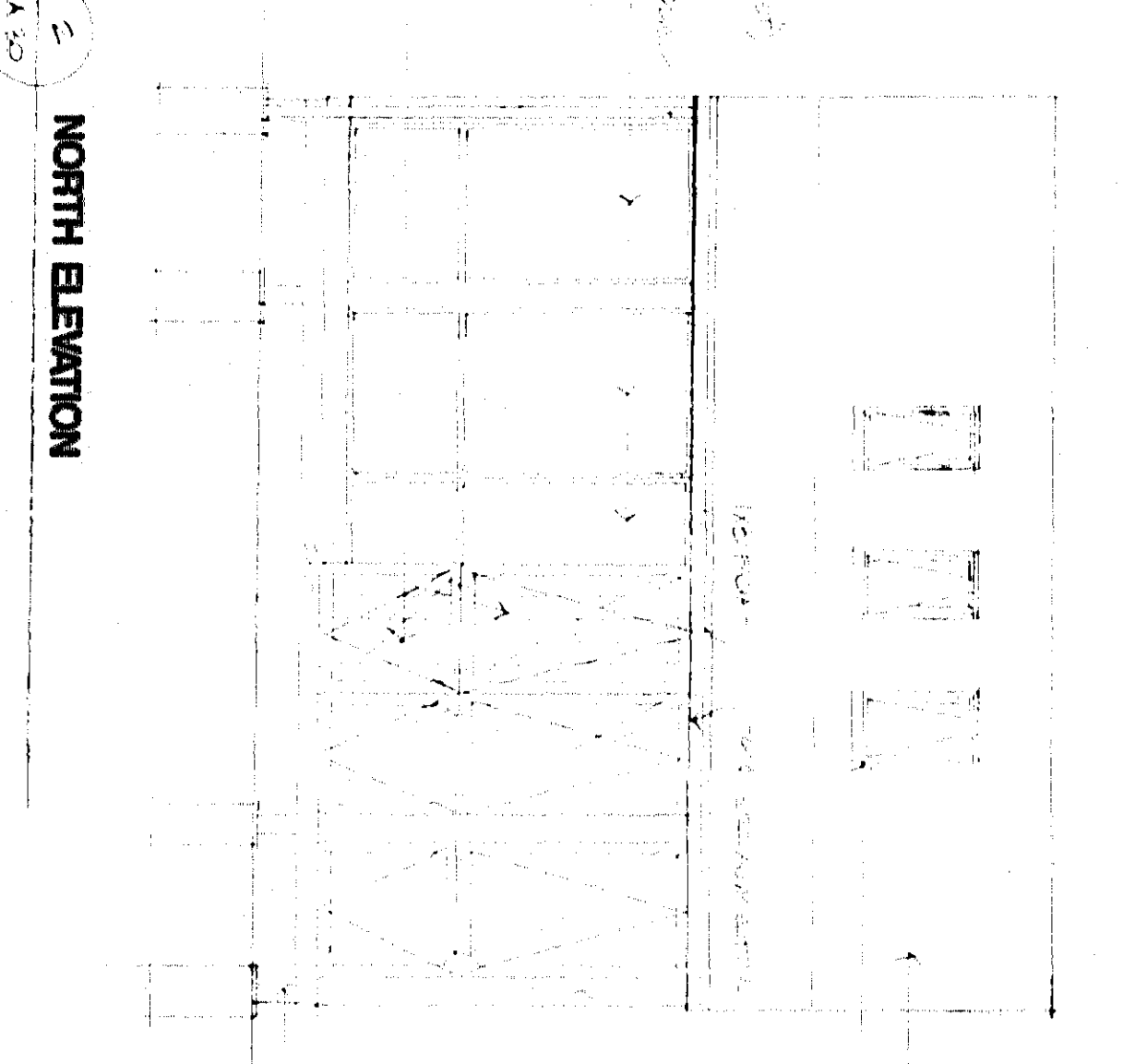
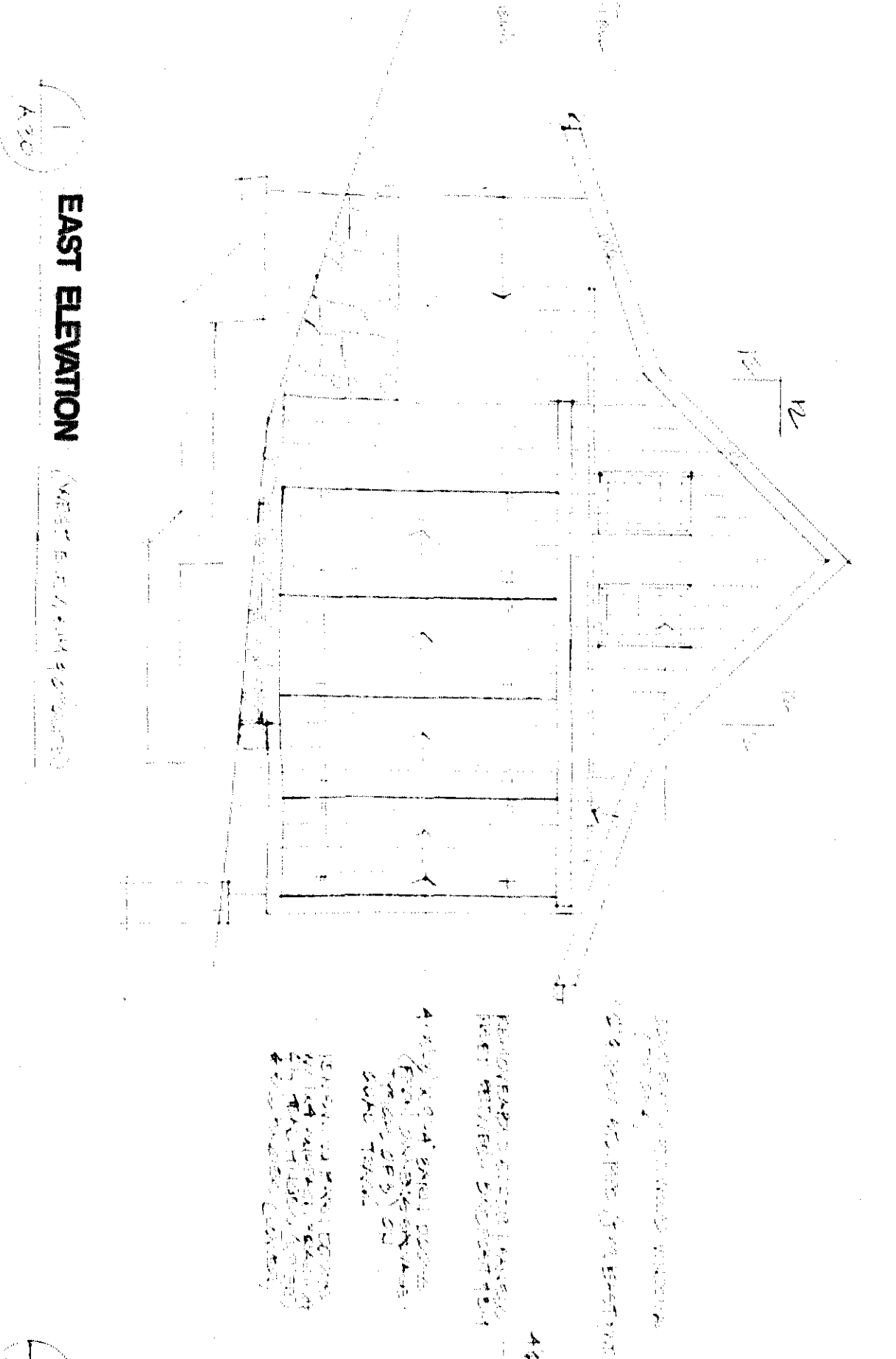
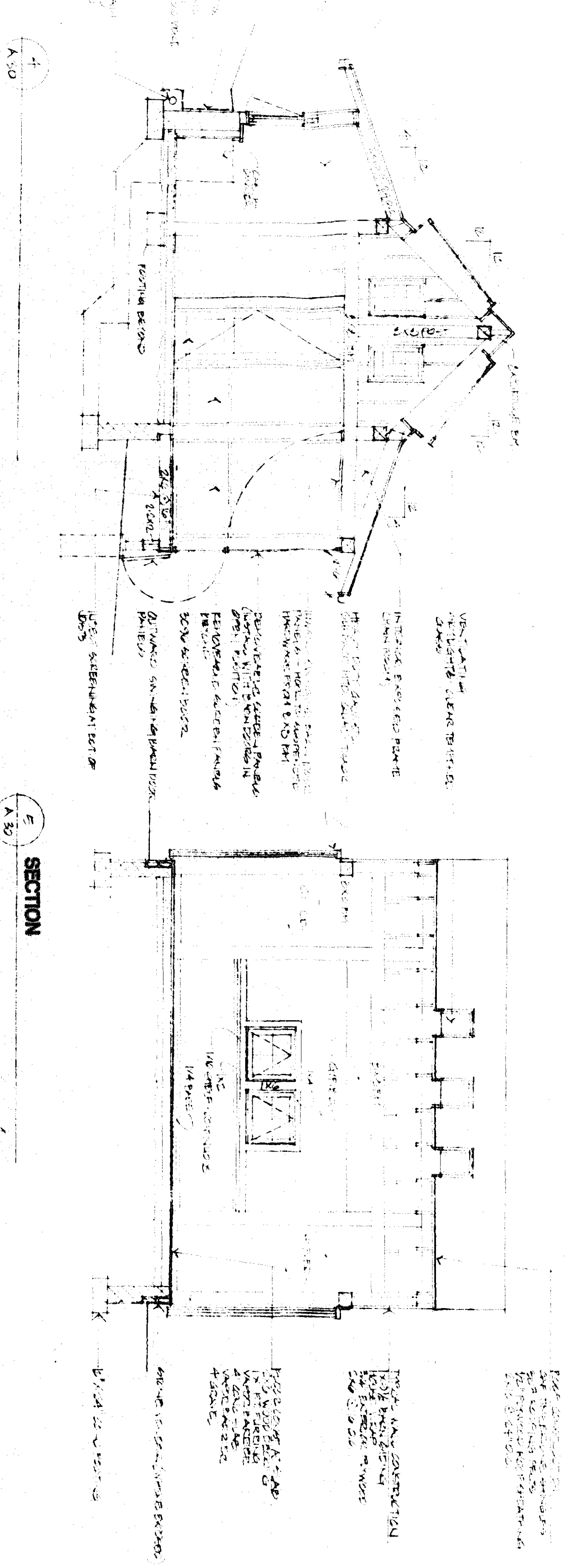
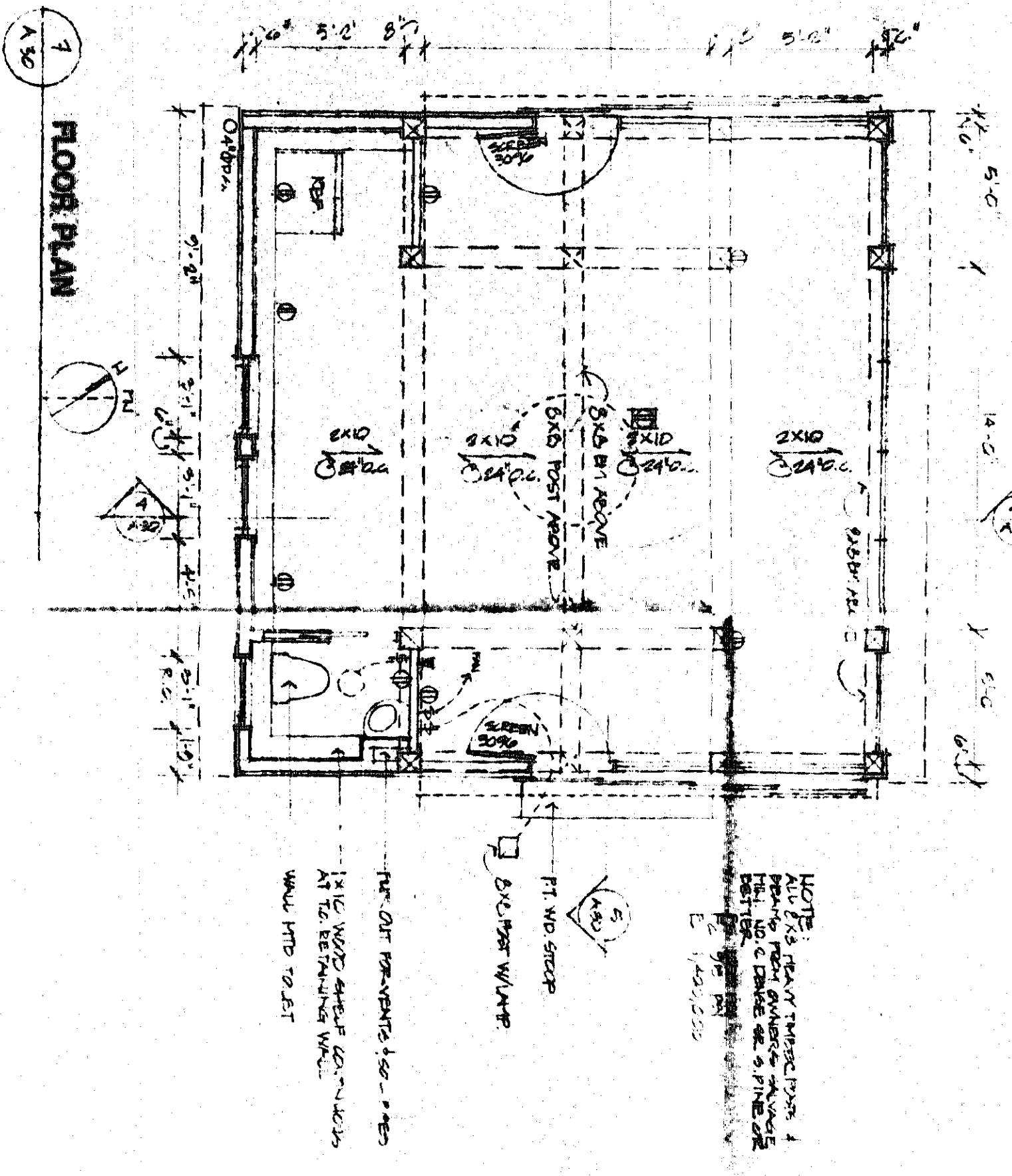
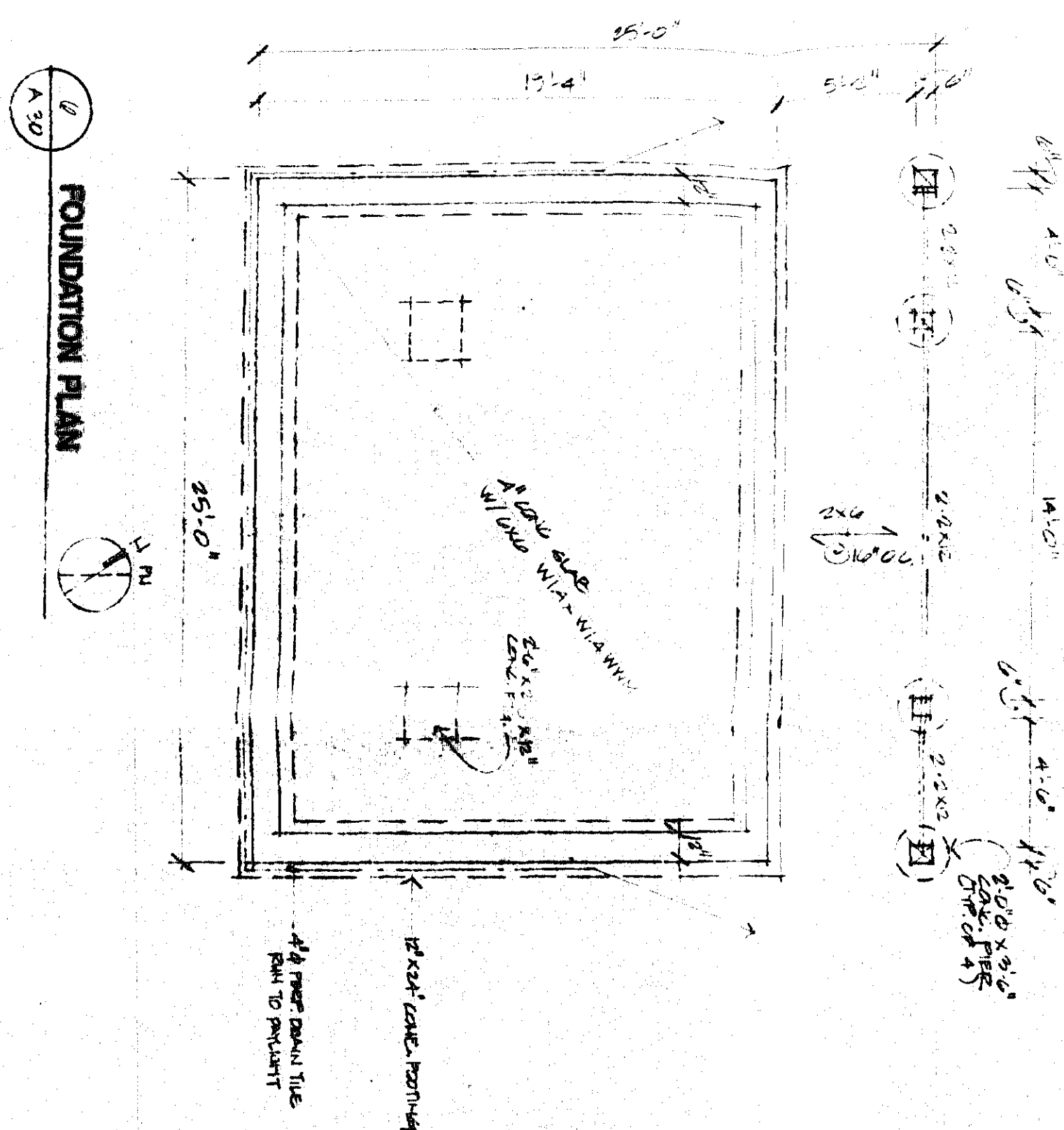
DENWOOD

2310 GADD ROAD, COCKEYSVILLE, MD 21030
BALTIMORE COUNTY, MARYLAND
TAX ACCOUNT #: 08-1700014660
SCALE: AS SHOWN
TOPOGRAPHY: 4/27/72
CH1142

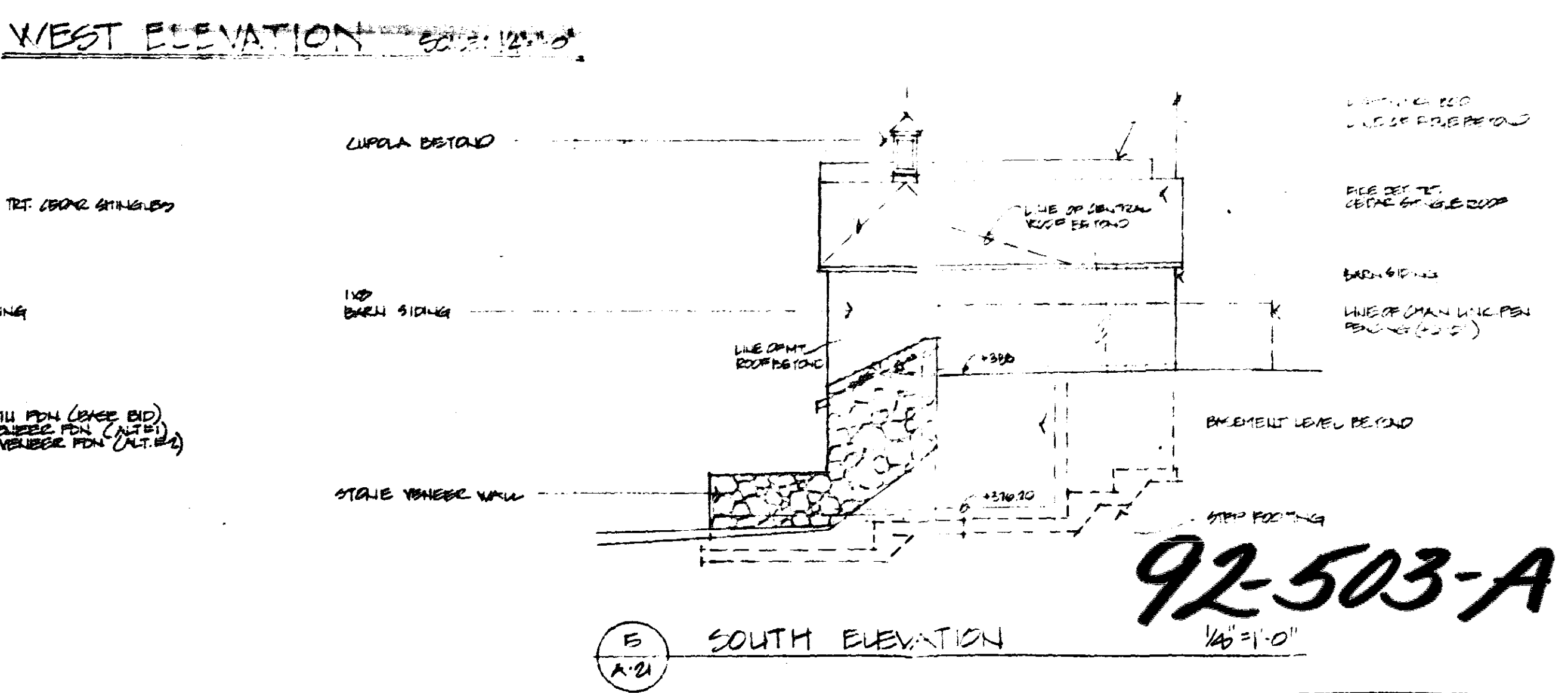
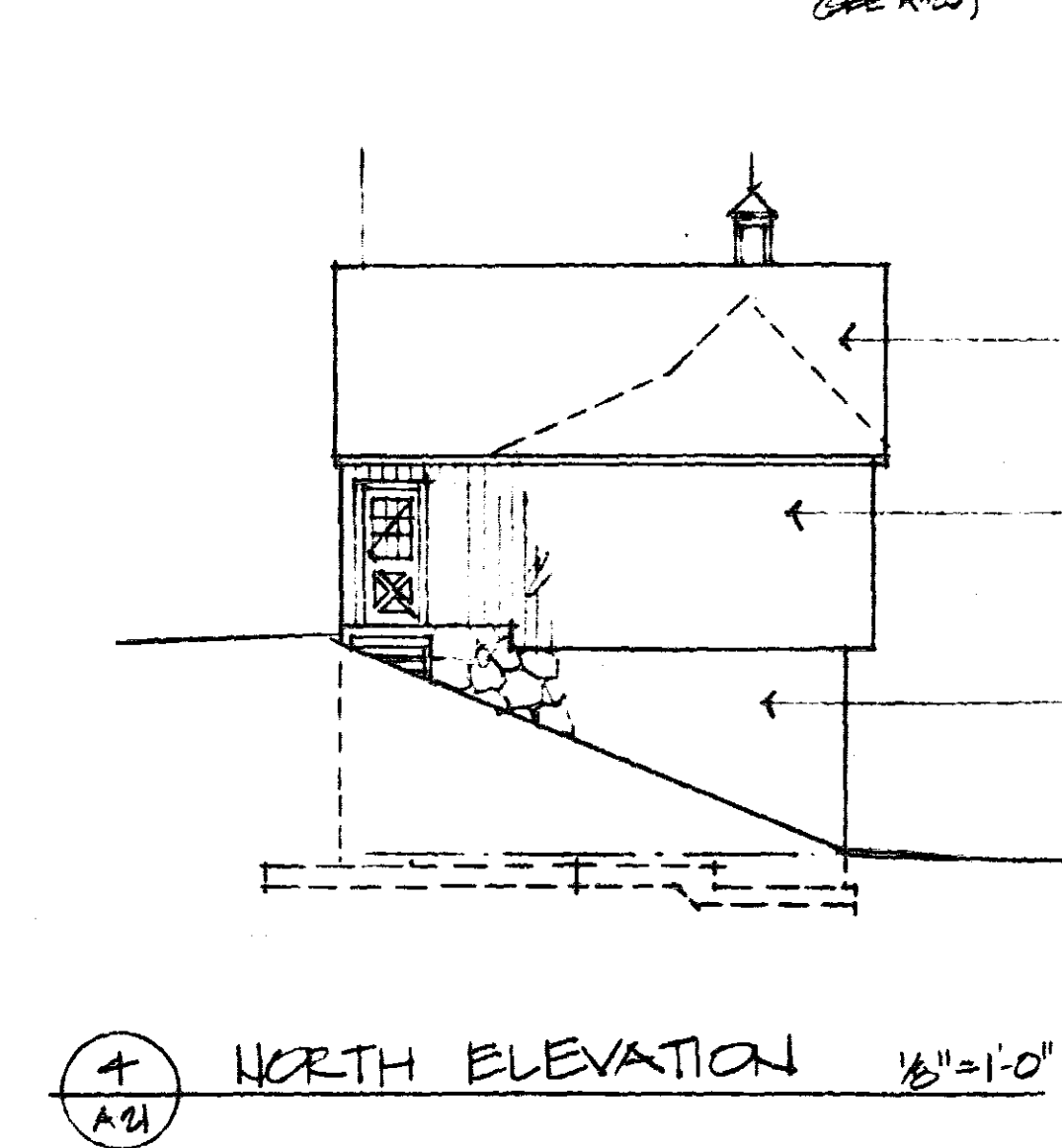
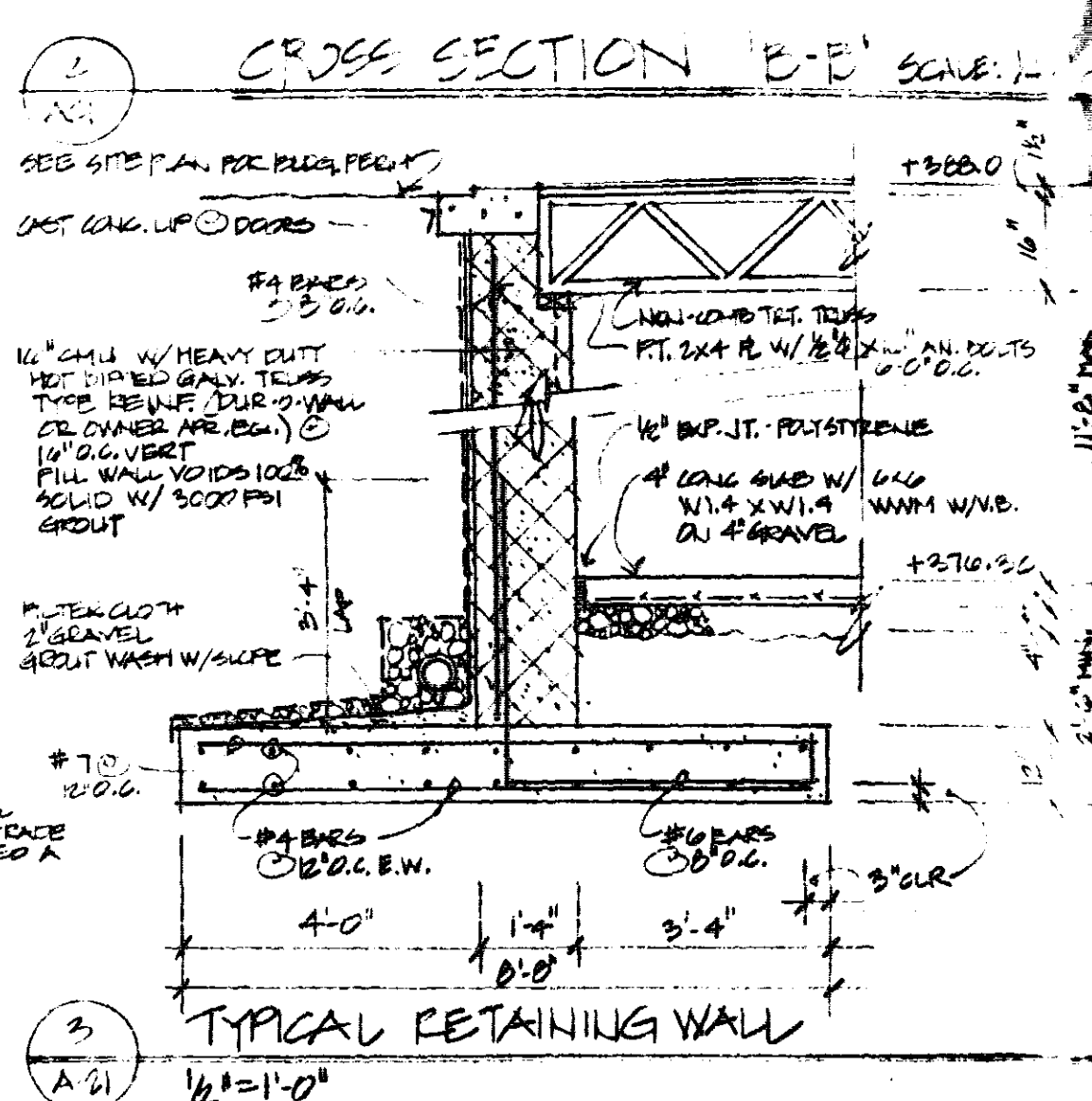
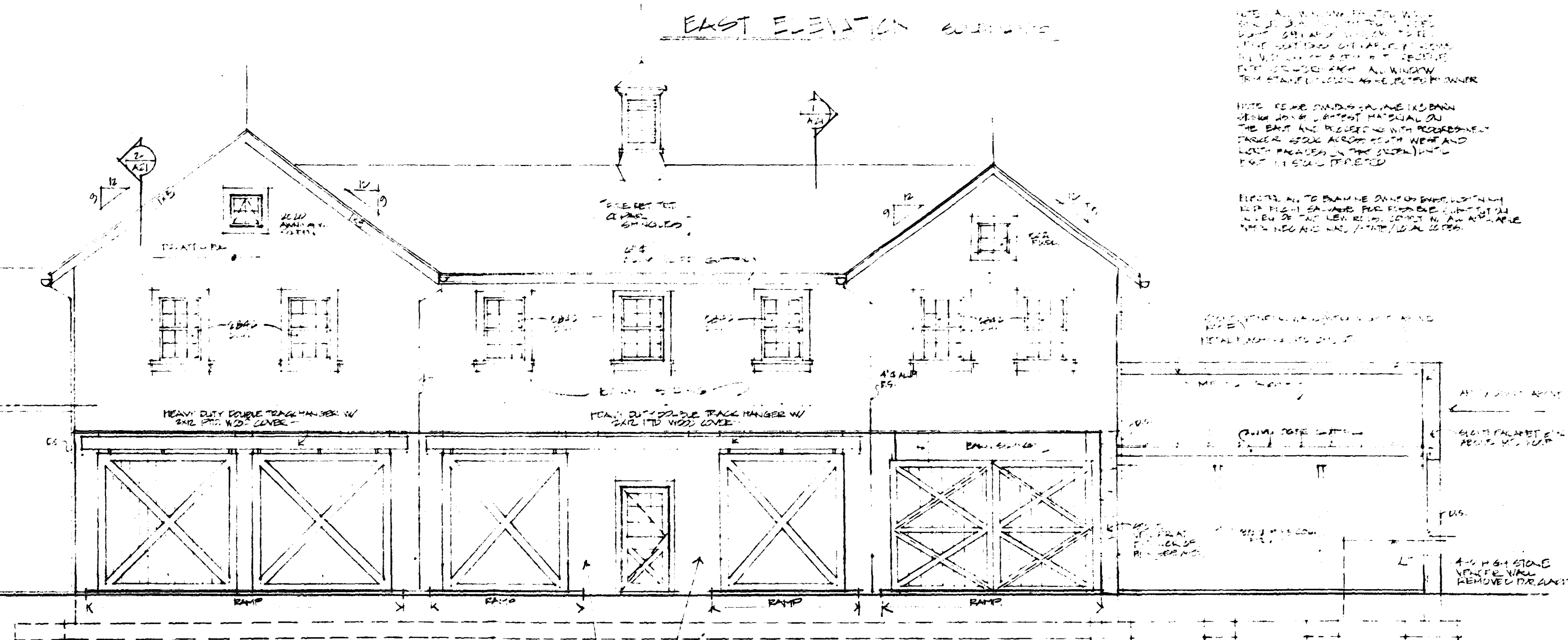
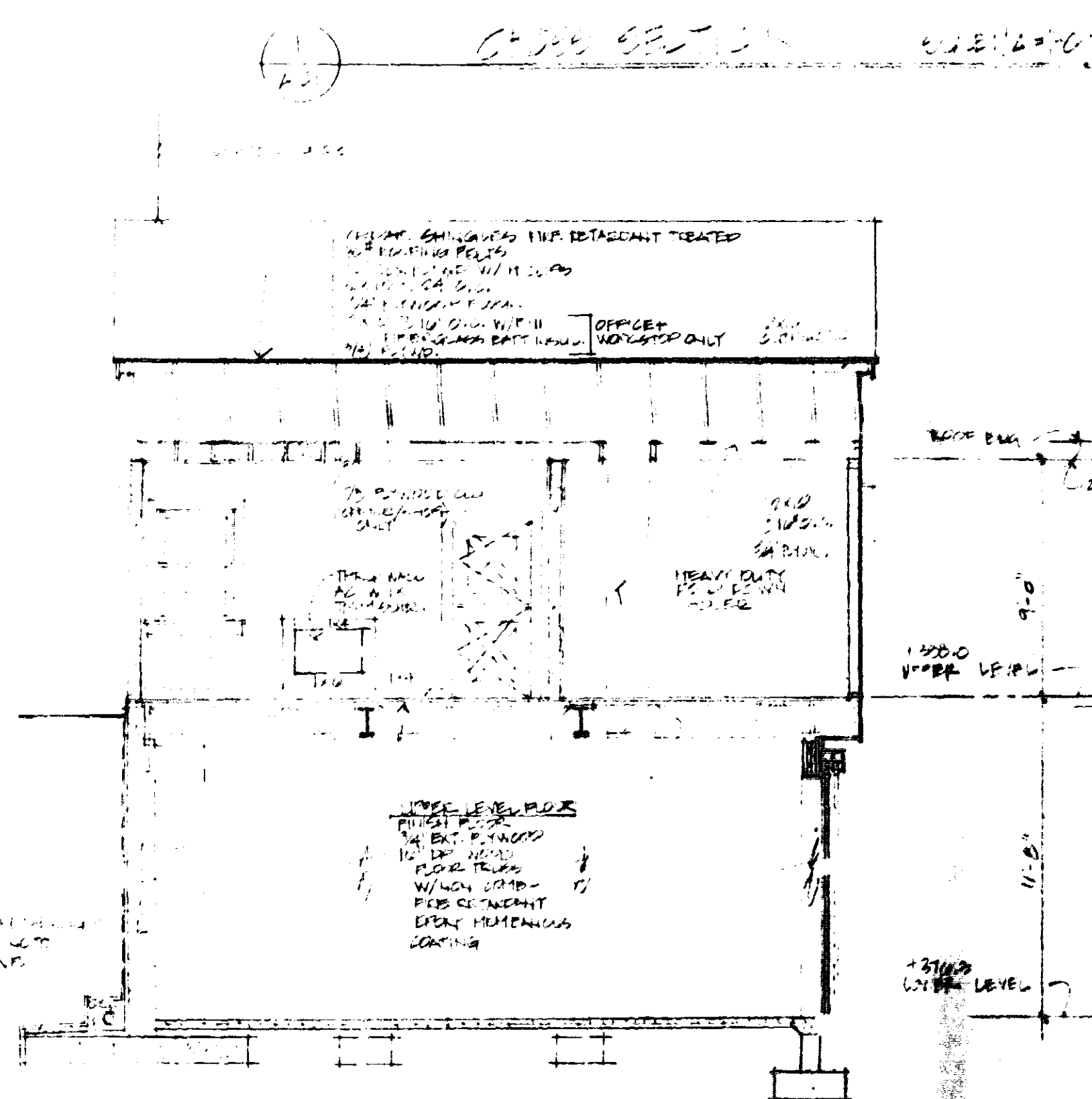
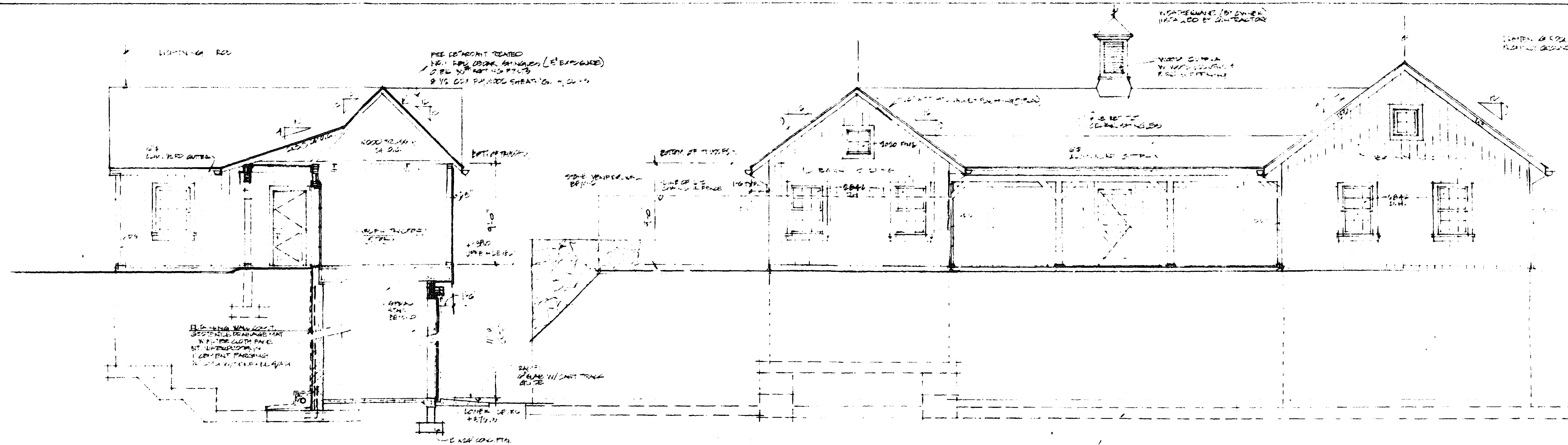
GWS
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

OWNER
CLARK F. MACKENZIE &
ANN SHAEFFER MACKENZIE
2928 W. JOPPA ROAD, SUITE 200
LUTHERVILLE, MD. 21093
(410) 821-8585





92-503-A



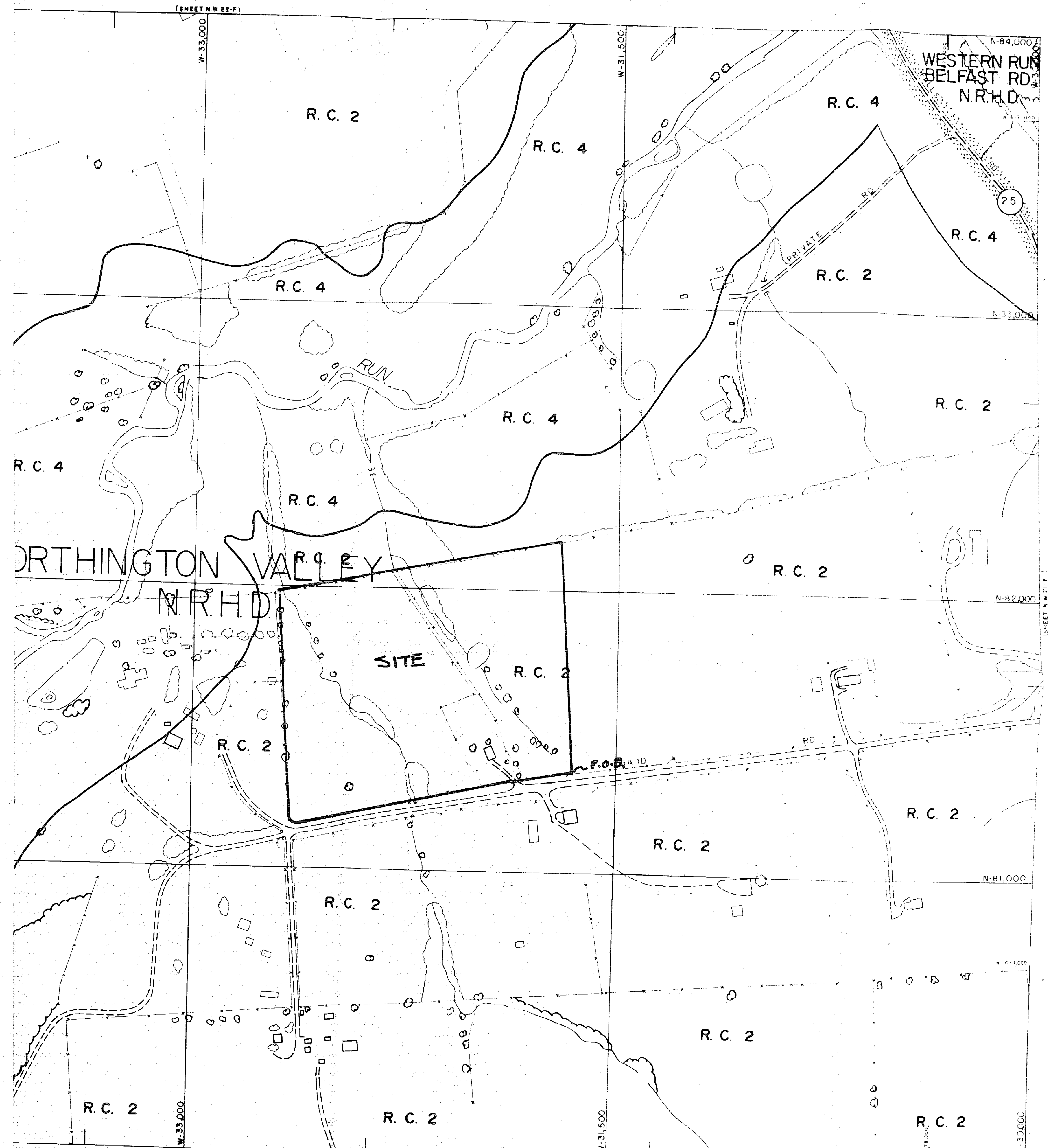
92-503-A

DENWOOD
CALIFORNIA COUNTY, CALIF.



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

SCALE 1" = 200' ±	LOCATION SOUTH OF BUTLER	SHEET N.W. 21-F
DATE OF PHOTOGRAPHY JANUARY 1986	92-503-A	536 MICROFILMED



SCALE 1" = 200' ±	LOCATION SOUTH OF BUTLER	SHEET N.W. 21-F
DATE OF PHOTOGRAPHY JANUARY 1986		

92-503-A

Your petition has been received and accepted for filing this
25th day of June, 1992

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Clark F. MacKenzie, et ux
Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature *Dianne A. Kennedy* Date *7/13/92*

Project Name: Stonegate at Patapsco (Azeal Property)
File Number: 90476 Waiver Number: TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 1
Baltimore County - Southwestern Bell Mobile Systems
DED STP 533 4-29-92

COUNT 1
✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester 528 7-6-92 NC
DED DEPRM RP STP TE
✓ Mark M. Dunn And Darlene Dunn 534 NC
DED DEPRM RP STP TE
✓ Philip E. English And Deborah B. English 535 NC
DED DEPRM RP STP TE
✓ Clark F. And Ann S. MacKenzie 536 NC
DED DEPRM RP STP TE
✓ Charles J. And E. Mae Sinay 537 NC
DED DEPRM RP STP TE
✓ Amoco Oil Company 538 NC
DED DEPRM RP STP TE
✓ John And Judy Hasler 539 NC
DED DEPRM RP STP TE
✓ Paul J. And Marlene A. Leono 540 NC
DED DEPRM RP STP TE
✓ W. Claymore And Carol H. Sieck 541 NC
DED DEPRM RP STP TE

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

DATE: July 7, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - July 6, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Mark M. Dunn - Item 534
Clark F. MacKenzie - Item 536
John Hasler - Item 539
W. Claymore Sieck - Item 541

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

7.06.92.txt
Petitns.txt

RECEIVED
JUL 14 1992
ZONING OFFICE

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature *Kahel* Date *7/10/92*

Project Name: Stonegate at Patapsco (Azeal Property)
File Number: 90476 Waiver Number: TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 1
✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester 528 N/C 7-6-92
DED DEPRM RP STP TE
✓ Mark M. Dunn And Darlene Dunn 534 N/C
DED DEPRM RP STP TE
✓ Philip E. English And Deborah B. English 535 N/C
DED DEPRM RP STP TE
✓ Clark F. And Ann S. MacKenzie 536 N/C
DED DEPRM RP STP TE
✓ Charles J. And E. Mae Sinay 537 N/C
DED DEPRM RP STP TE
✓ Amoco Oil Company 538 N/C
DED DEPRM RP STP TE
✓ John And Judy Hasler 539 N/C
DED DEPRM RP STP TE
✓ Paul J. And Marlene A. Leono 540 N/C
DED DEPRM RP STP TE
✓ W. Claymore And Carol H. Sieck 541 W/C
DED DEPRM RP STP TE

COUNT 9
FINAL TOTALS
COUNT 10

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CLARK F. MACKENZIE AND ANN SCHAEFFER MACKENZIE
Location: #2404 GADD ROAD
Item No.: *536 (LJG) Zoning Agenda: JULY 6, 1992

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: *Carl J. Smith* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
JUL 14 1992
ZONING OFFICE

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature *John A. Smith* Date *7/14/92*

Project Name: Stonegate at Patapsco (Azeal Property)
File Number: 90476 Waiver Number: TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 1
Baltimore County - Southwestern Bell Mobile Systems
DED STP 533 4-29-92

COUNT 1
✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester 528 No Comments
DED DEPRM RP STP TE
✓ Mark M. Dunn And Darlene Dunn 534 No Comments
DED DEPRM RP STP TE
✓ Philip E. English And Deborah B. English 535 No Comments
DED DEPRM RP STP TE
✓ Clark F. And Ann S. MacKenzie 536 No Comments
DED DEPRM RP STP TE
✓ Charles J. And E. Mae Sinay 537 No Comments
DED DEPRM RP STP TE
✓ Amoco Oil Company 538 No Comments
DED DEPRM RP STP TE
✓ John And Judy Hasler 539 No Comments
DED DEPRM RP STP TE
✓ Paul J. And Marlene A. Leono 540 No Comments
DED DEPRM RP STP TE
✓ W. Claymore And Carol H. Sieck 541 No Comments
DED DEPRM RP STP TE

COUNT 9
FINAL TOTALS
COUNT 9
*** END OF REPORT ***

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 20, 1992

FROM: J. Lawrence Pilsen
Development Coordinator, DEPRM

SUBJECT: Zoning Item 536
#2404 Gadd Road
Zoning Advisory Committee Meeting of July 6, 1992

The Department of Environmental protection and Resource Management offers the following comments on the above referenced zoning item.

The developer has been working with DEPRM to adhere to our buffer requirements. The plan can be approved and our requirements addressed at the time of recordation.

If plumbing is planned in the proposed pavilion, soil evaluations must be conducted in order to provide an adequate septic area.

JLP:sp

JABLON/S/TXTSBP

RECEIVED
JUL 14 1992
ZONING OFFICE

Mr. Lawrence E. Schmidt, Zoning Commissioner
Baltimore County
Office of Planning and Zoning
400 Washington Avenue
Suite 113
Towson, Maryland 21204

RE: Administrative Variance
Denwood - MacKenzie
Property - 2310 Gadd Road

Dear Mr. Schmidt,

As you are aware, an administrative variance has been submitted on the above referenced project. The petition requests variances from Sections 11A01.3.8.3 to allow the reduction of the setback between principal structures and 400.3 to height the increase in height of an accessory structure.

The subject property, located on Gadd Road, consists of approximately 18 acres and is surrounded by similar large parcels. There is an existing home located on the site which dates back to the early 1900s. It is the intent of the Owner to retrofit the existing home with a building addition. The Owner also plans to construct a garden shed/barn to continue the farming operations which exist on this and adjoining sites. The Owner also proposes the construction of a pavilion past the ridge north of the proposed addition.

The Owner has enrolled the property in the "Acres for Wildlife Program" which is sanctioned by the Maryland Department of Natural Resources. As a part of this program the Owner raises pheasant and quail and releases them on the property. For this reason the garden shed is to be used as a barn for the birds as well as the storage of farm equipment and supplies. The site constraints of topography, slopes, streams and the forest buffers required forest

Mr. Lawrence E. Schmidt, Zoning Commissioner
Baltimore County
Office of Planning and Zoning
July 27, 1992
Page -2-

buffers favor the proposed building locations with the reduction of setback between buildings to 62 feet in lieu of the required 70 feet.

The pavilion located 515 feet north of Gadd Road will be used as a cottage to provide a garden and park-like atmosphere to the back portion of the property. The height variance will allow the pitch of the roof to match that of the existing dwelling, its addition and that of the proposed garden shed. It will also allow the use of innovative cooling and heating techniques which require a higher ceiling and thereby a higher roof.

Granting of these variances will be in harmony with the Baltimore County Zoning Regulations and will not impact public health, safety and general welfare of the area. In fact, due to the rural nature of this property and the surrounding properties, the variances proposed in this petition will be isolated to areas of the improvements.

Should you have any questions or require further clarification of the petition, please contact my office.

Very truly yours,
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
Rick Chadsey, P.E.

RC:knh
cc: Mr. Clark Mackenzie

LARRY, THE OWNER IS VERY ANXIOUS TO OBTAIN THE RESULTS OF THIS PETITION. VARIOUS PORTIONS OF THE SITE IMPROVEMENT ARE ALREADY UNDER CONSTRUCTION. THE OWNER MUST TAKE OCCUPANCY BY AUGUST 15, 1992.

Rick

111 West Chesapeake Avenue
Towson, MD 21204

July 1, 1992

(410) 887-3353

Clark and Ann Mackenzie
2404 Gadd Road
Cockeysville, Maryland 21030

Re: CASE NUMBER: 92-503-A
LOCATION: 8/8 Gadd Road, 2281' W of c/l Falls Road
2310 Gadd Road
6th Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 12, 1992. The closing date is July 27, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

cc: Rick Chadsey

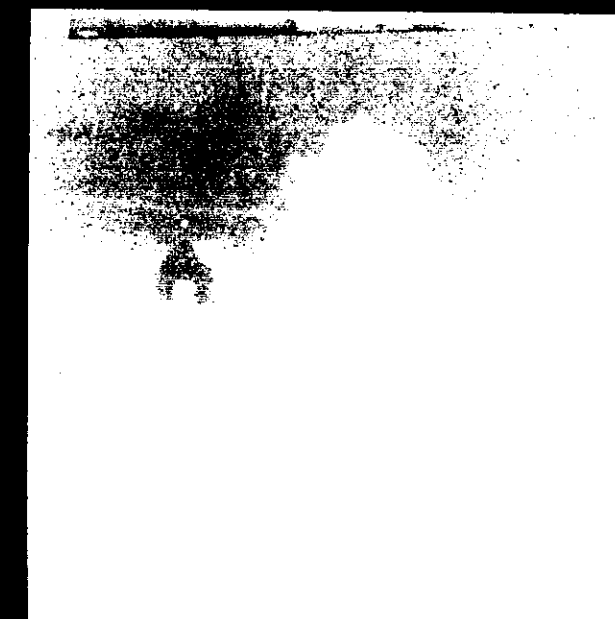
Printed on Recycled Paper



FRONT OF EX. HOUSE

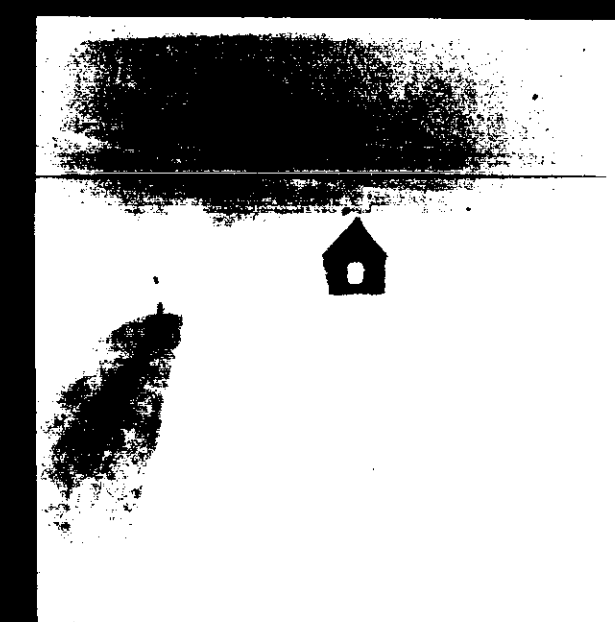


BACK OF EXISTING HOUSE



EX. HOUSE & SHED

92-503-A

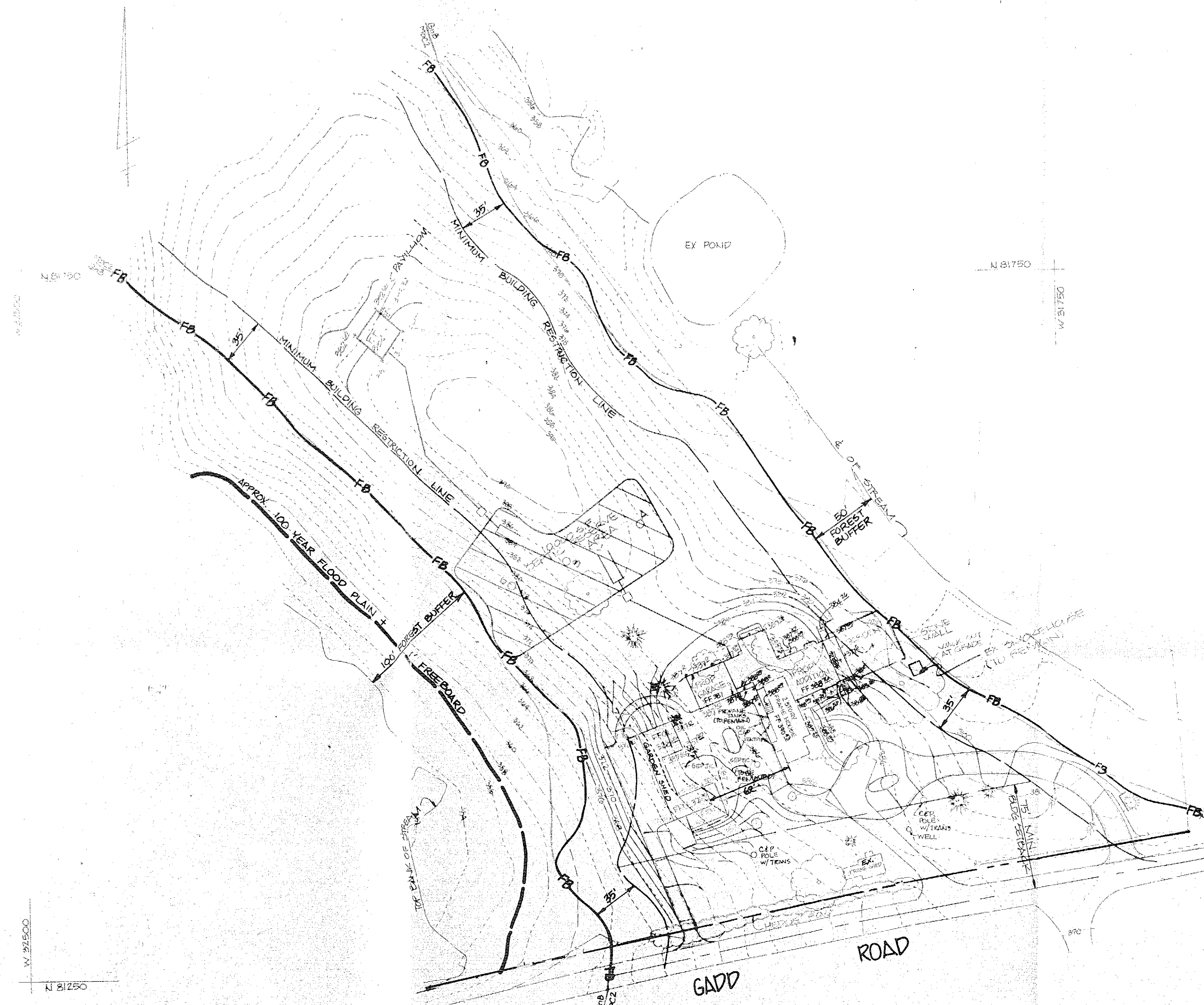


BACK OF EXISTING HOUSE

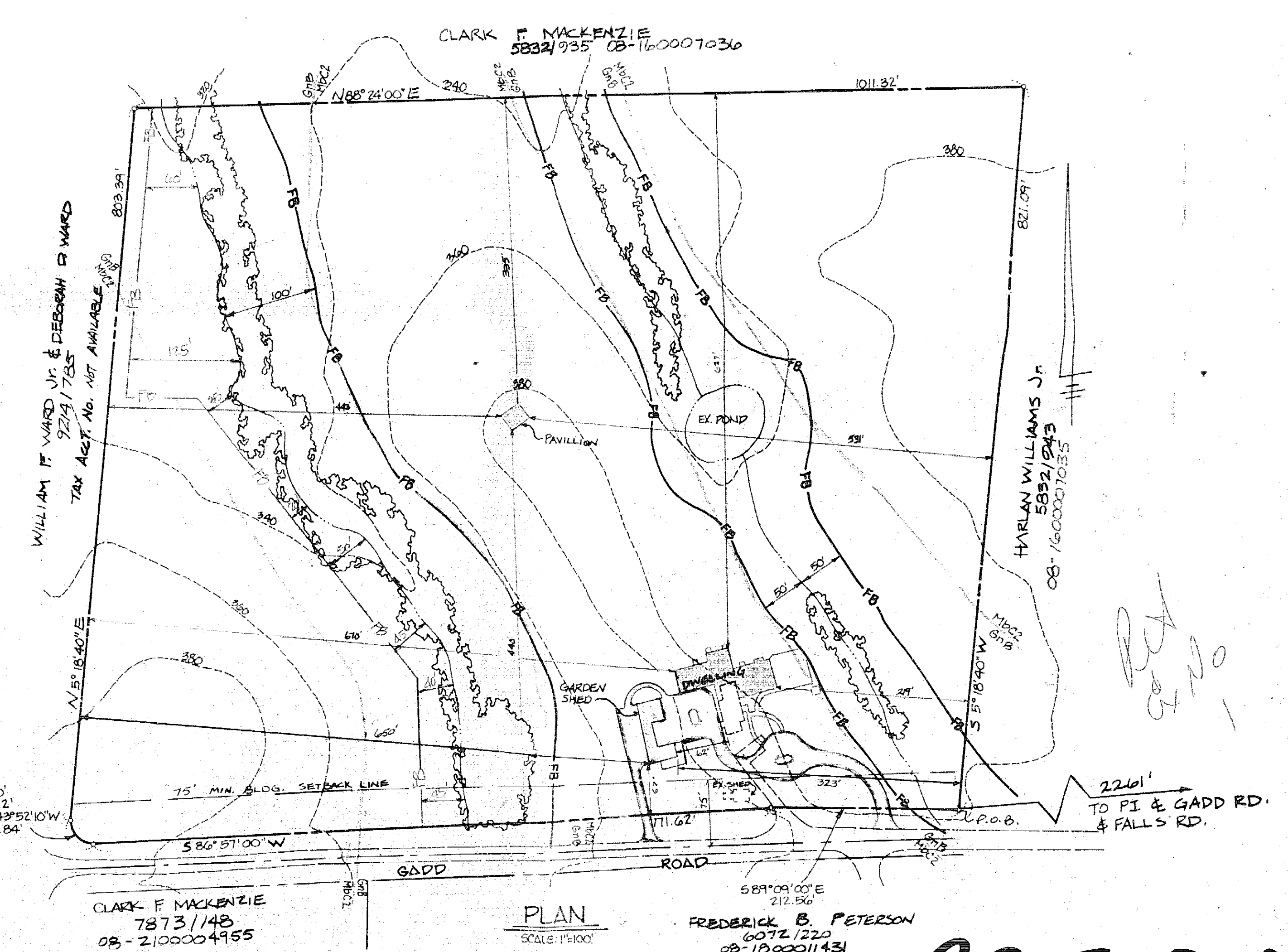


FRONT EX. HOUSE

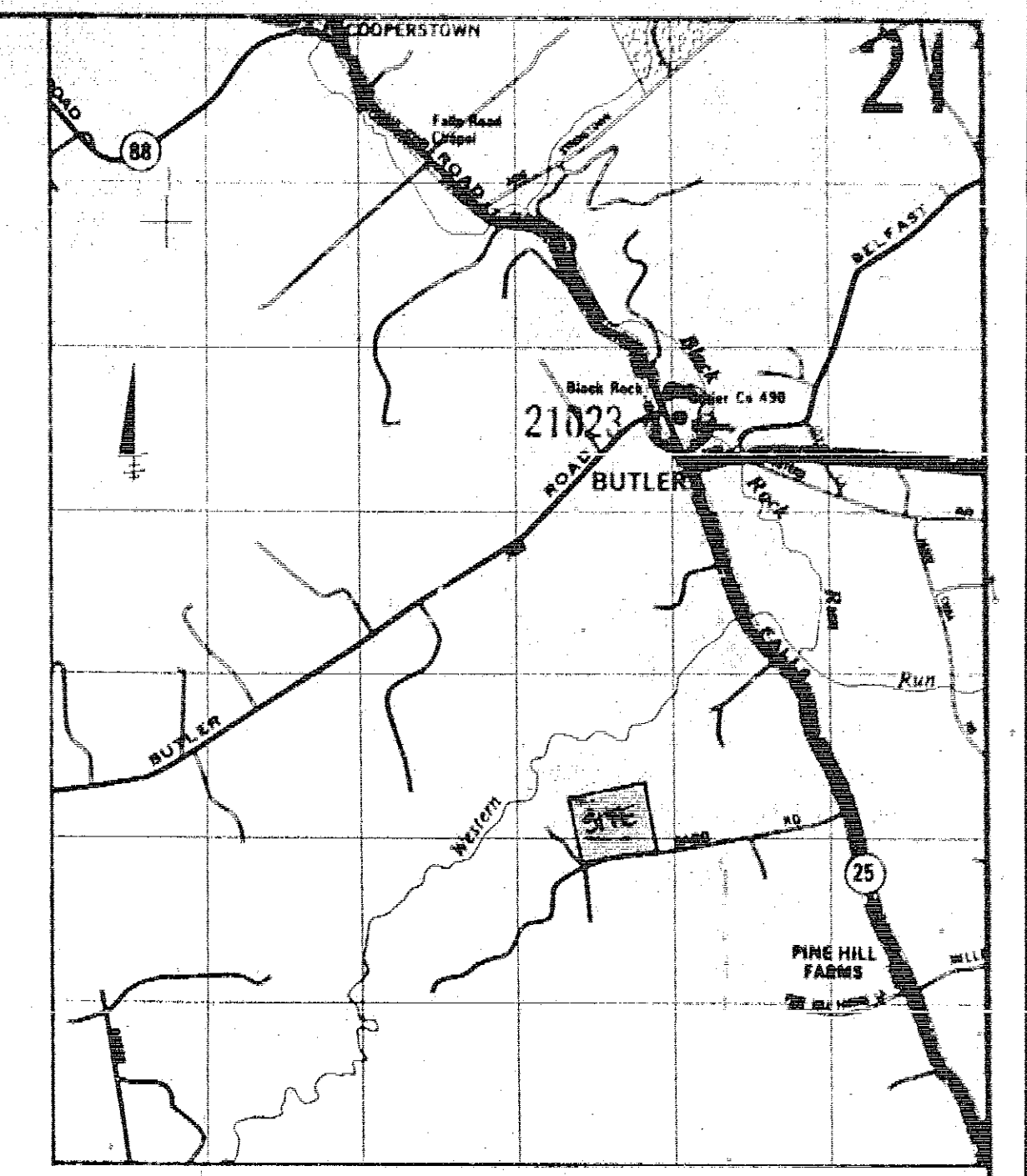
92-503-A



PLAN
SCALE: 1"=50'



PLAN
SCALE: 1"=100'



VICINITY MAP SCALE: 1"=7000'

92-503-A

PRIOR ZONING HEARINGS - NONE
PROPERTY NOT WITHIN THE CBCA
COUNCILMANIC DISTRICT - B
1"=220' MAP - NW 21 F
ZONINGS: RC-2
PRIVATE SEWER/WATER
LOT SIZE: 18.917 AC ± / 824,024.52 S.F. ±

PLAT TO ACCOMPANY VARIANCE PETITION

DENWOOD

2310 GADD ROAD, COCKEYSVILLE, MD 21030
BALTIMORE COUNTY, MARYLAND
TAX ACCOUNT #: 08-1700014660
SCALE: AS SHOWN
TOPOGRAPHY: 4/12/72
CH1142

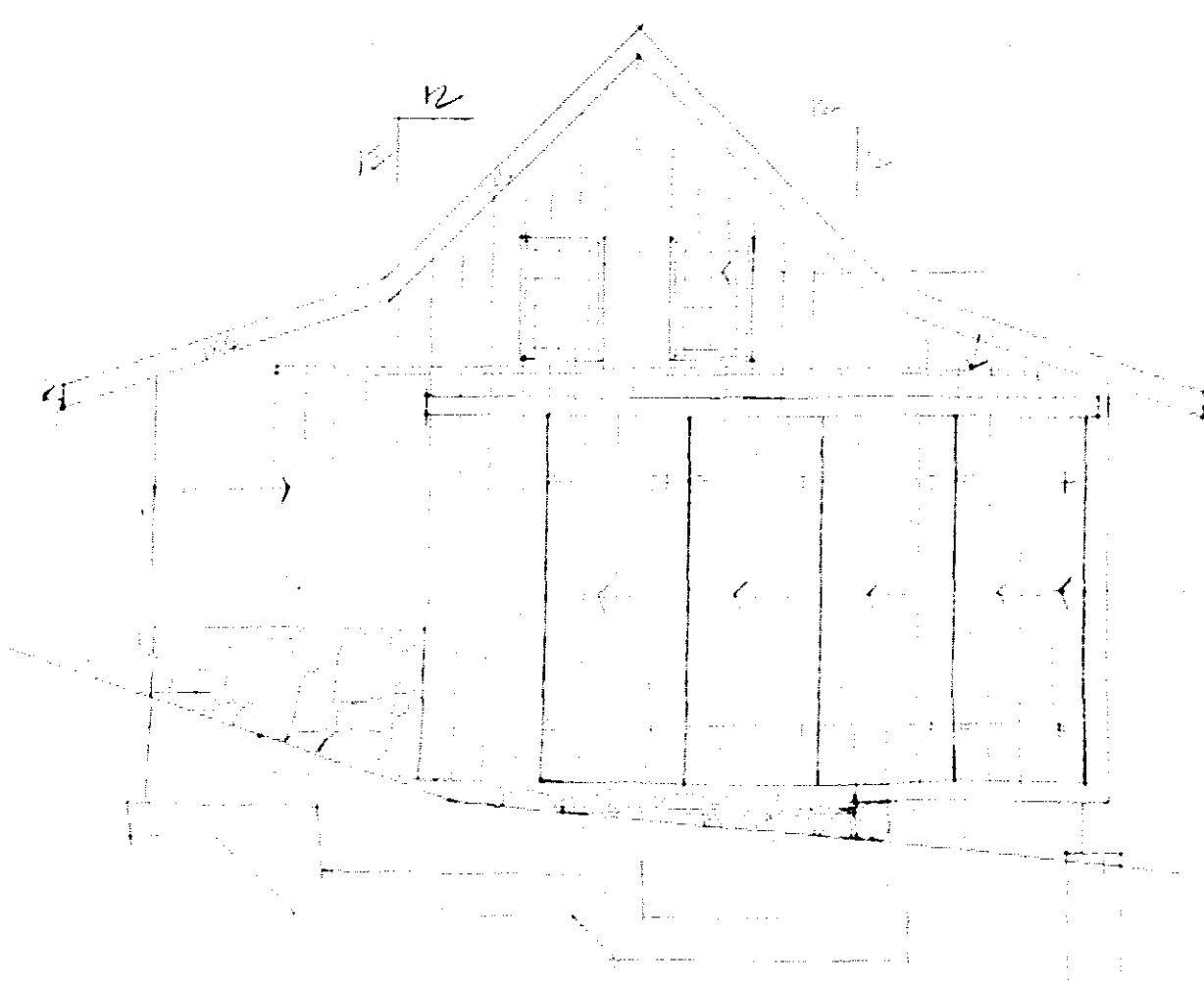


GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

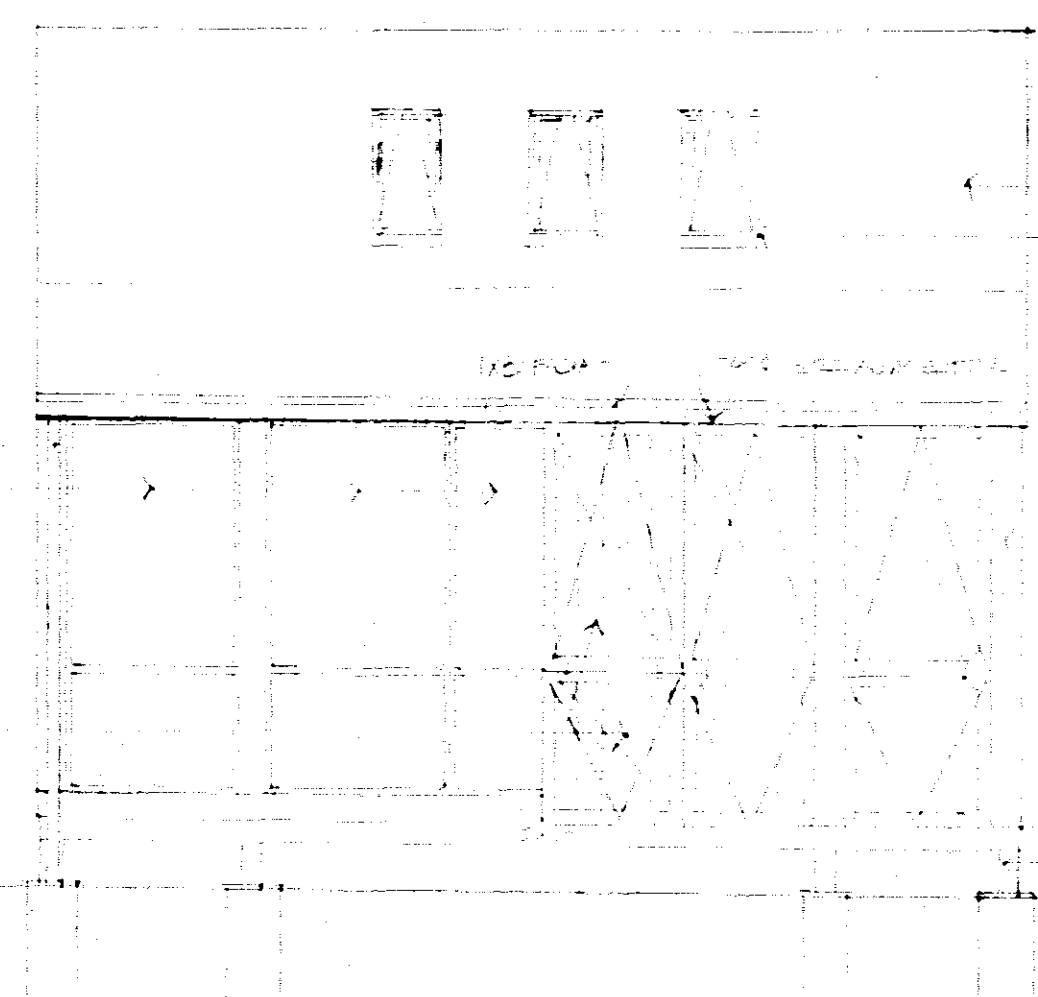
OWNER
CLARK F. MACKENZIE &
ANN SHAEFFER MACKENZIE
2928 W. JOPPA ROAD, SUITE 200
LUTHERVILLE, MD. 21093
(410) 821-8585

DONALD B. RATCLIFFE & ASSOC.
Architects and Planners
19204 Sheridan Road, Skokie, Illinois 60076
Tel. 431-1000

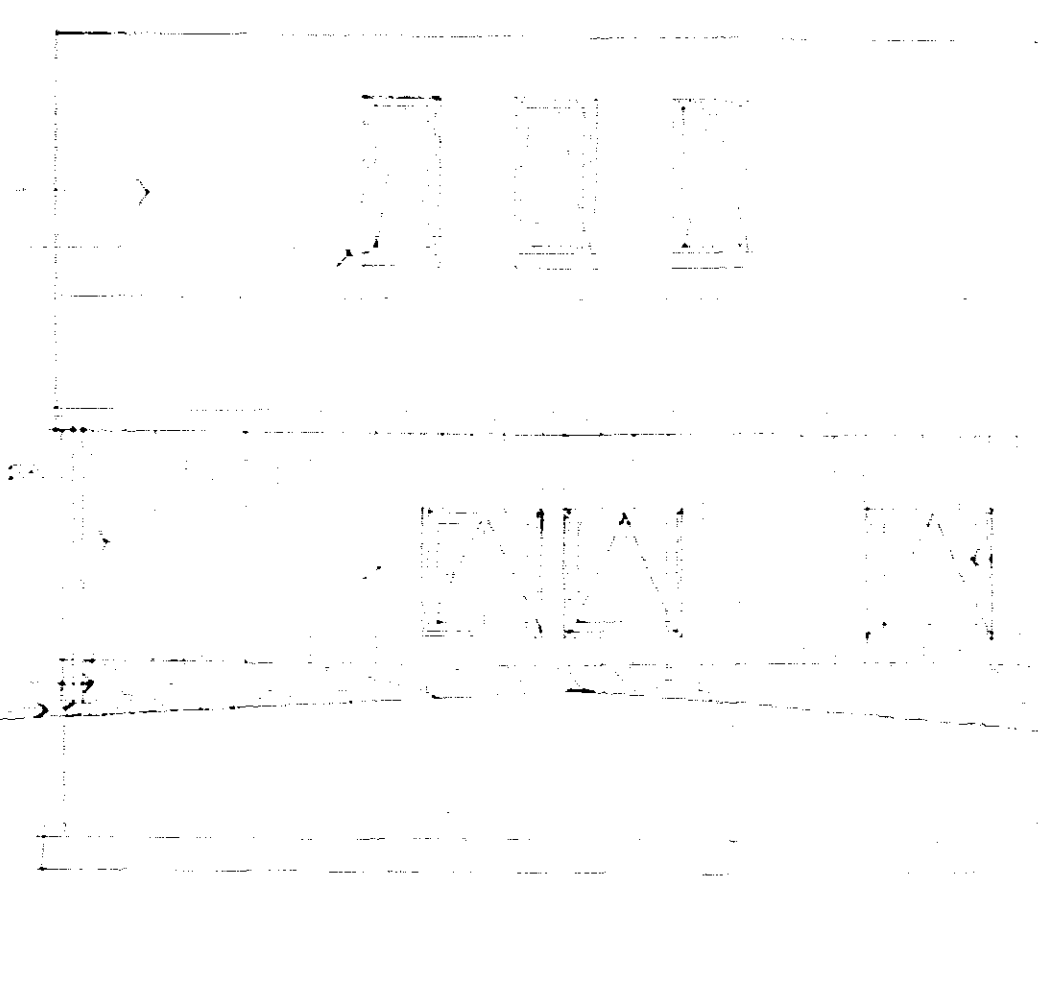
DENWOOD



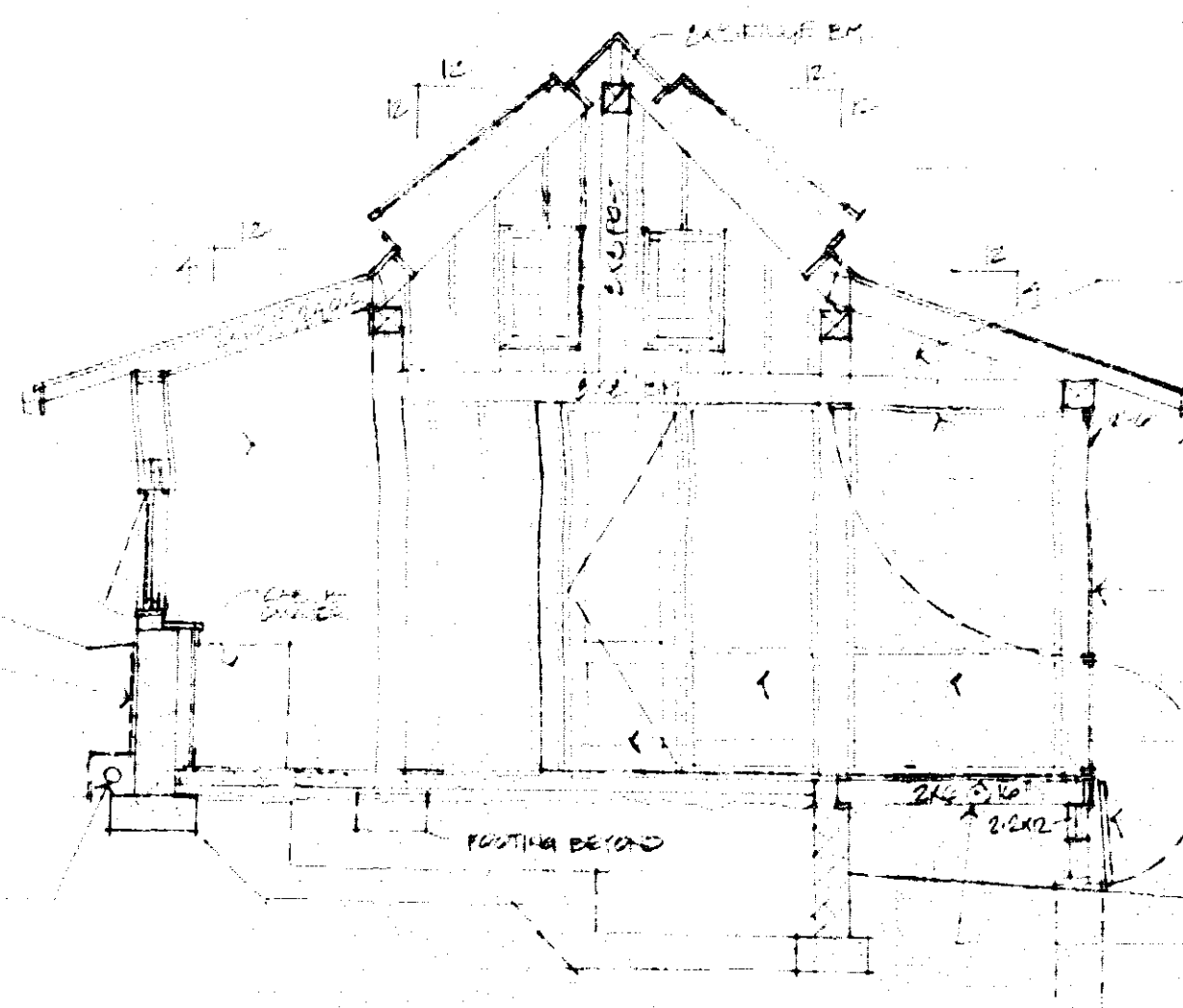
1 EAST ELEVATION (WEST SIDE VIEW)



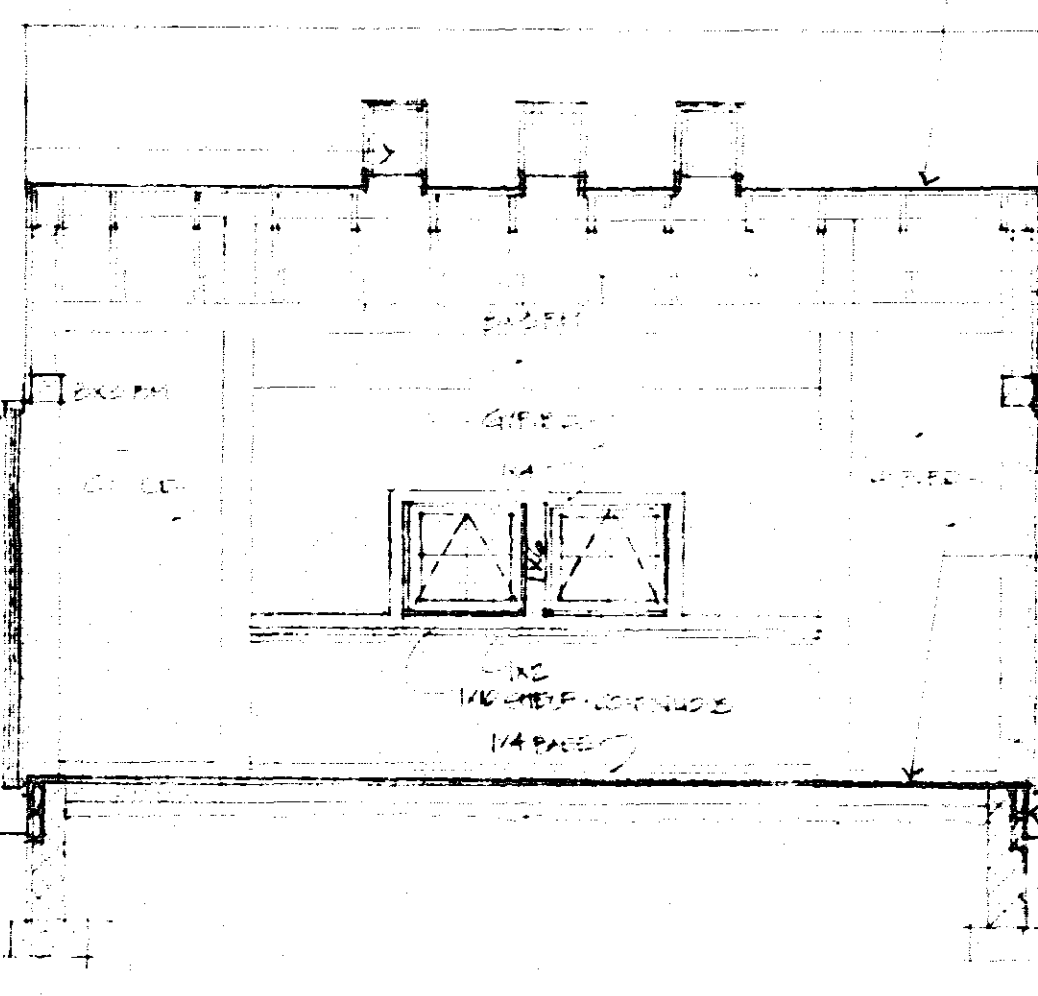
2 NORTH ELEVATION



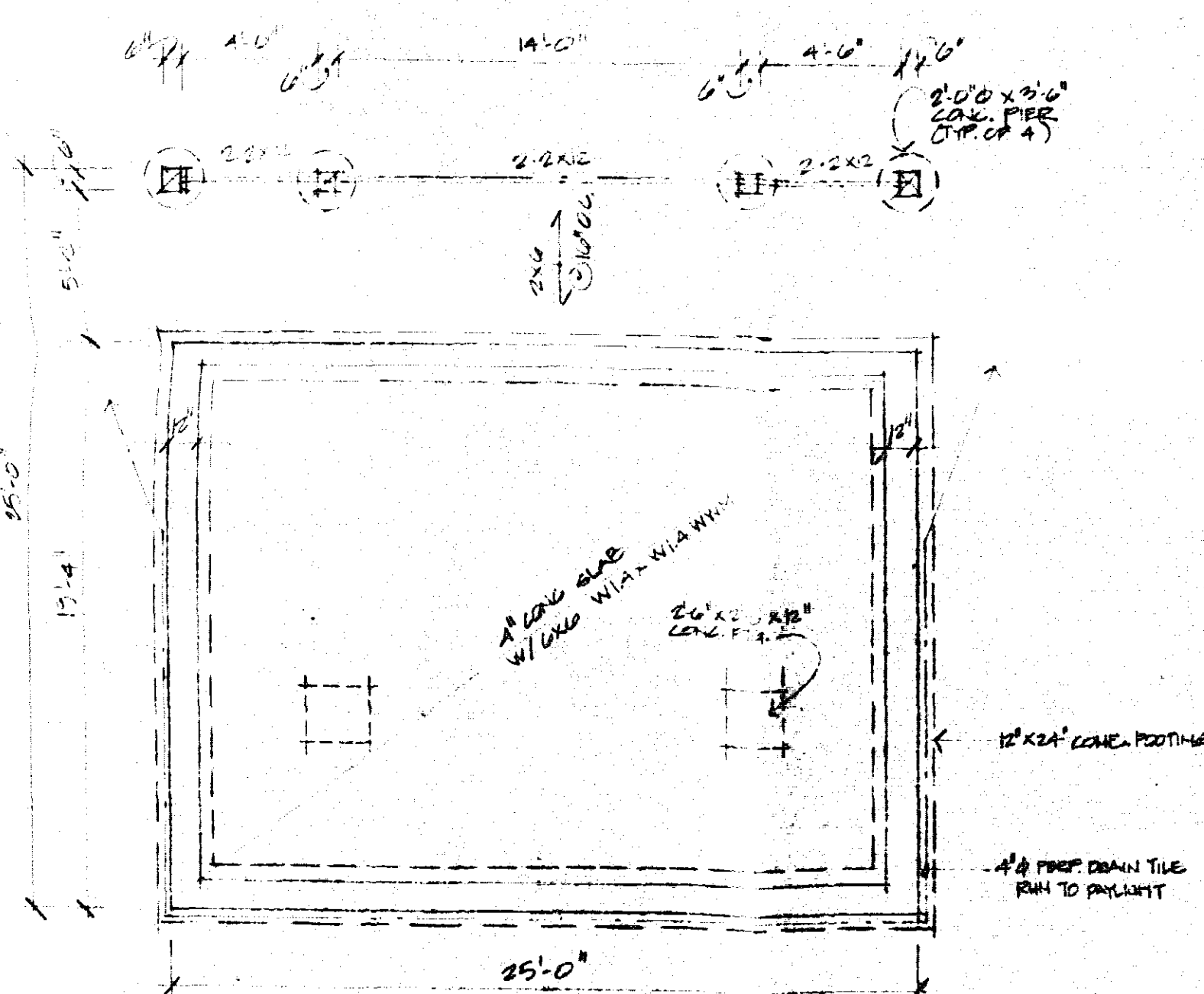
3 SOUTH ELEVATION



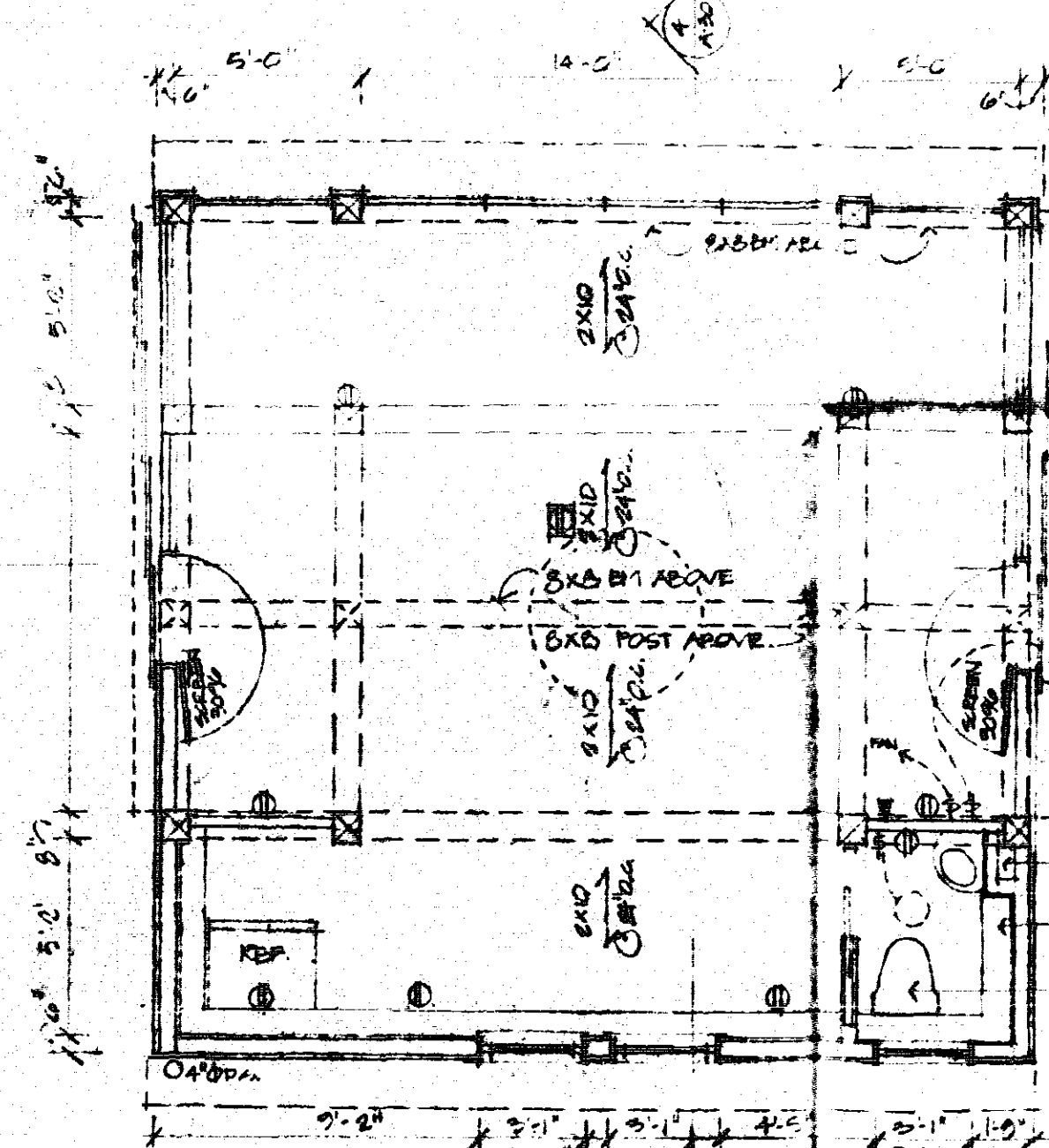
4 SECTION



5 SECTION

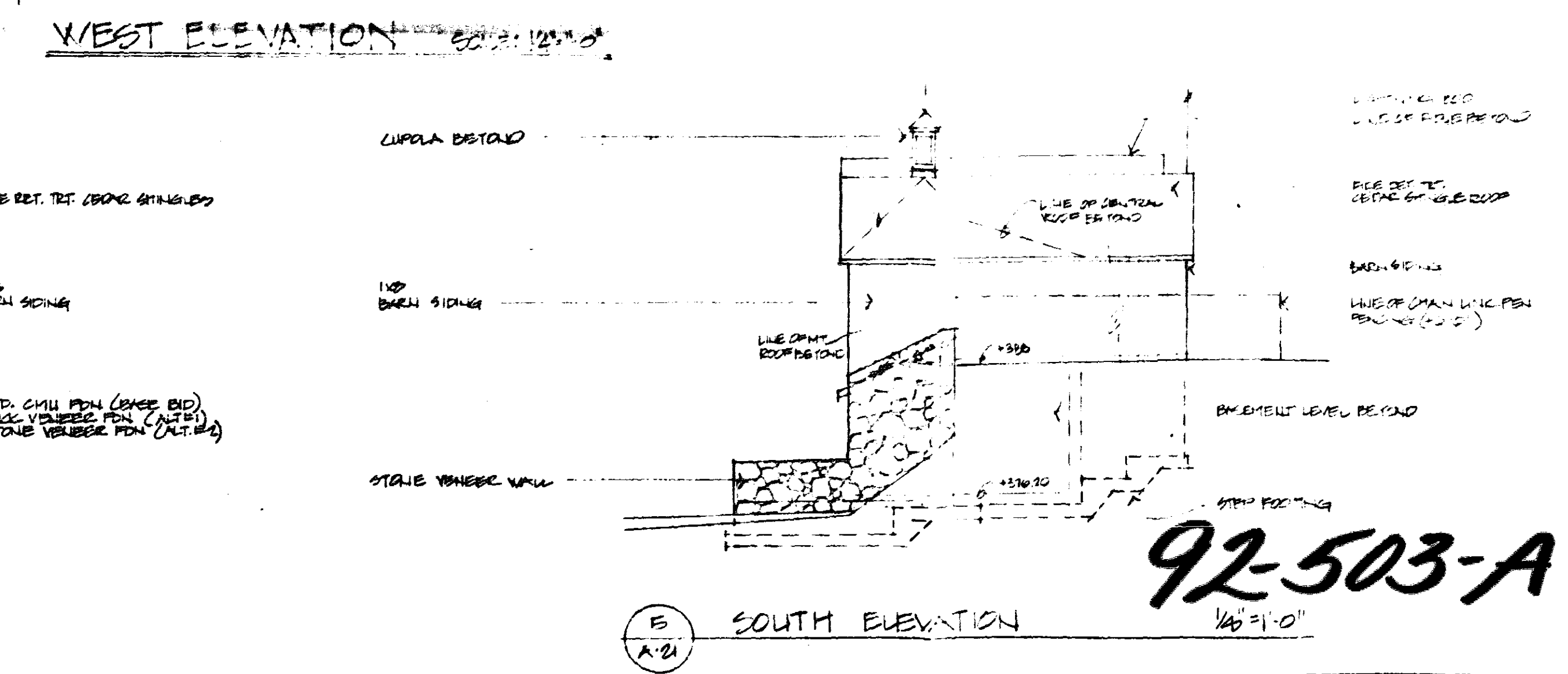
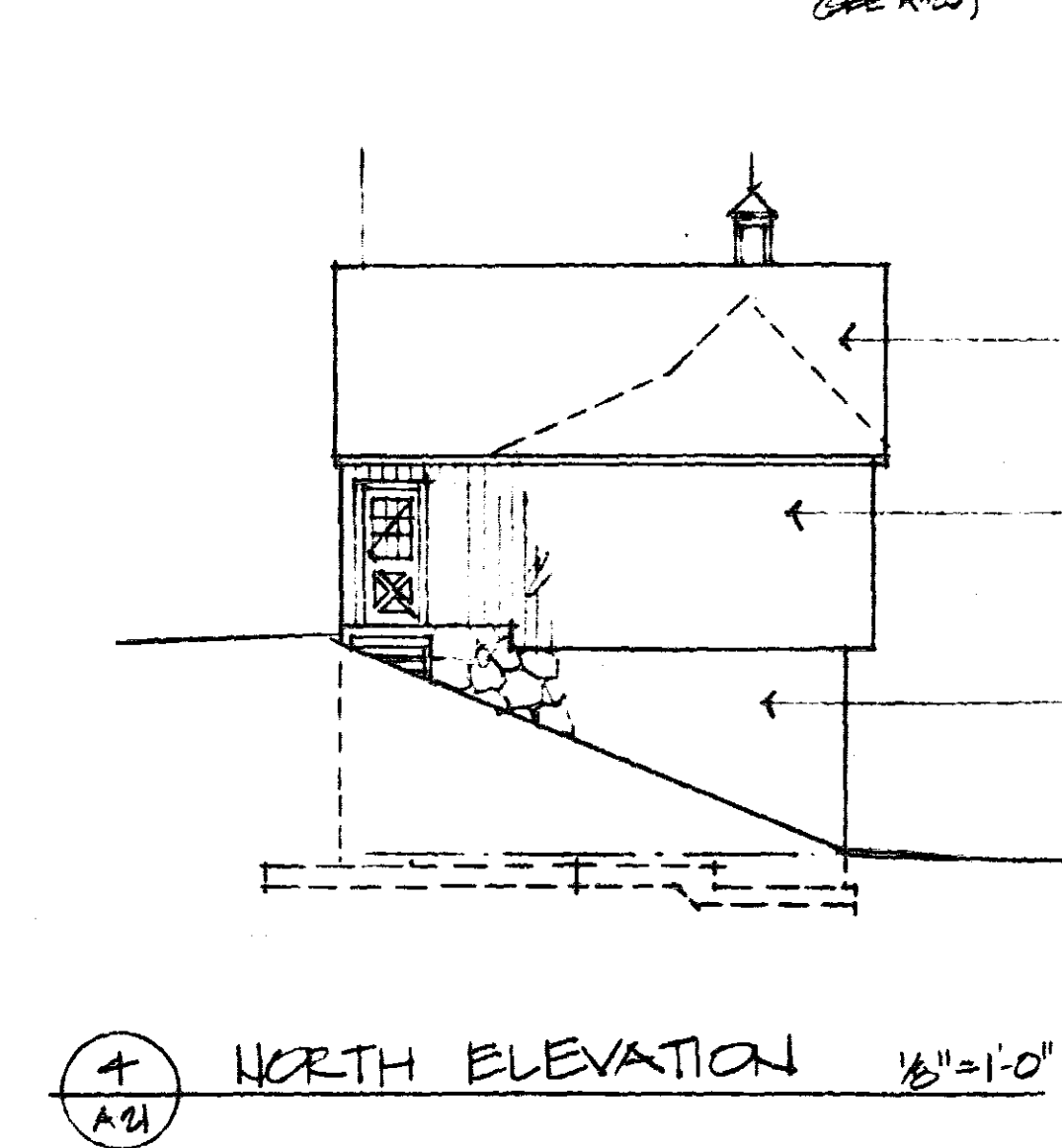
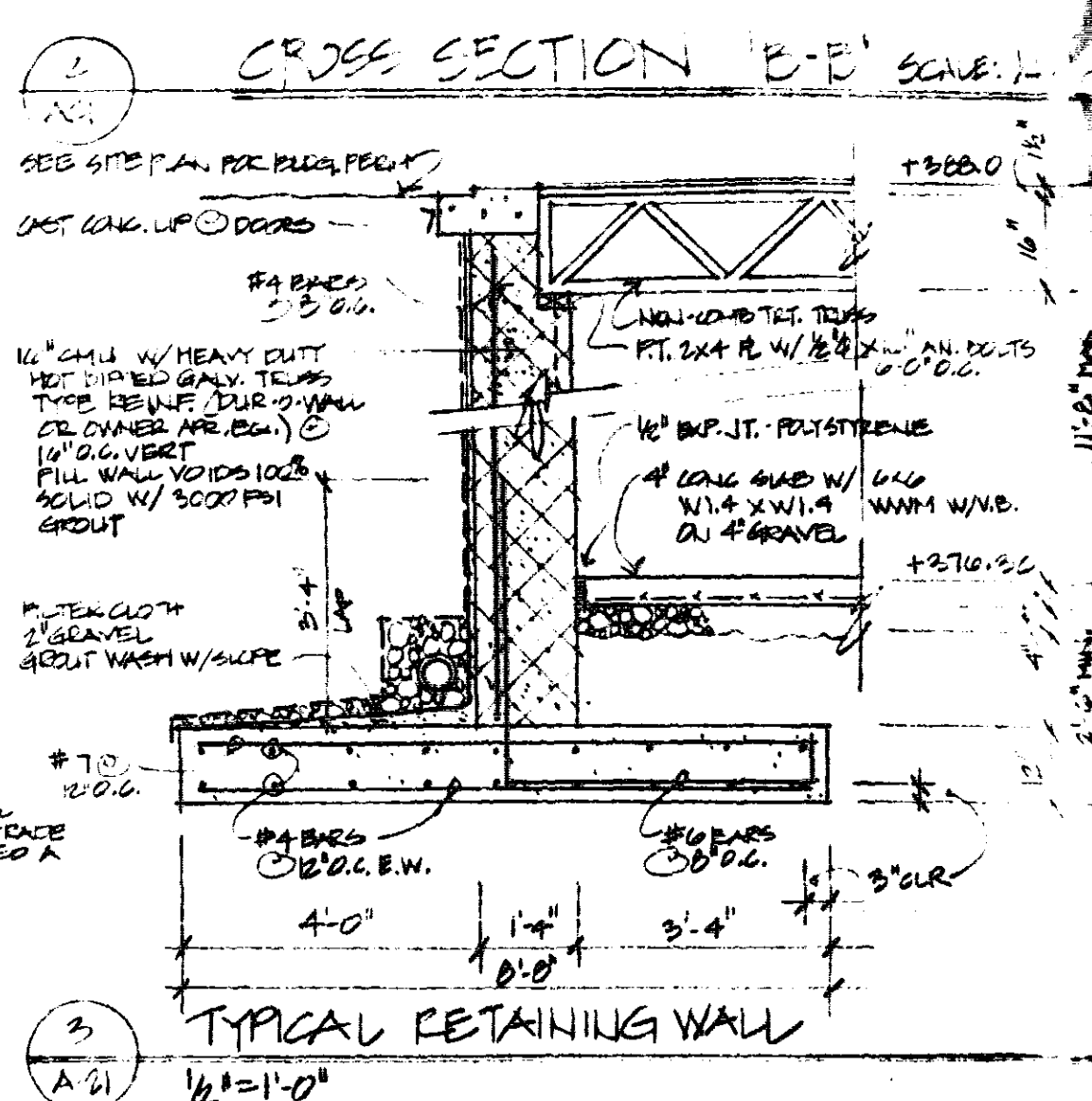
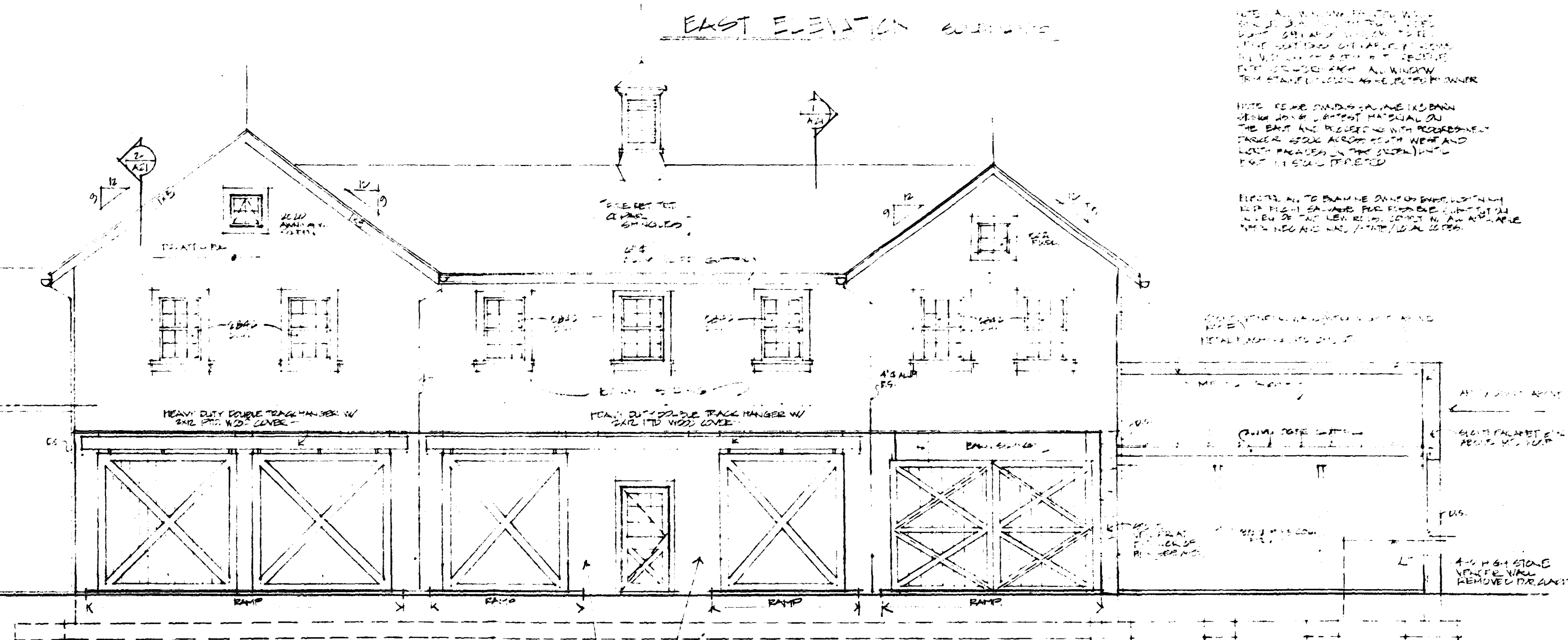
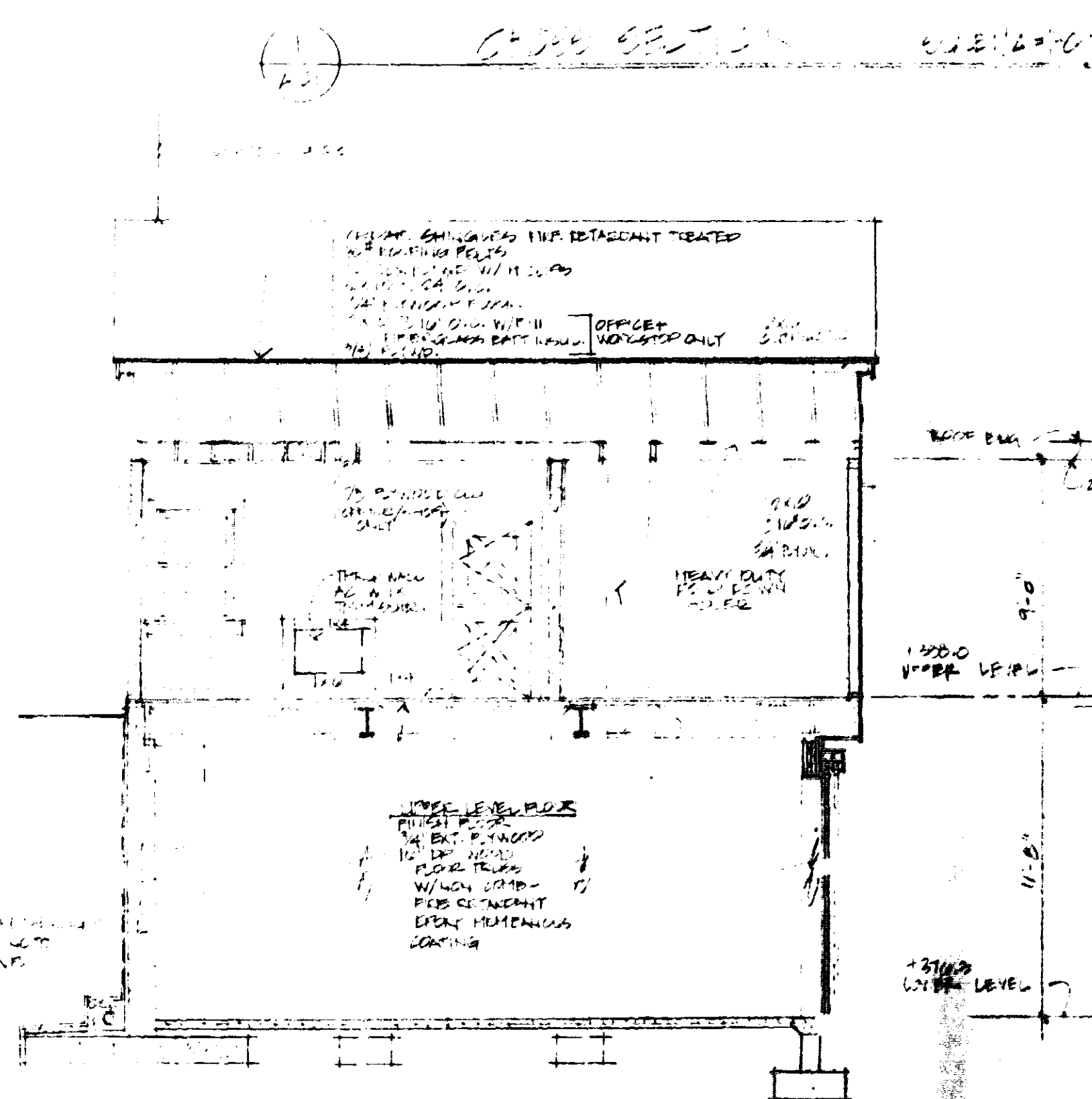
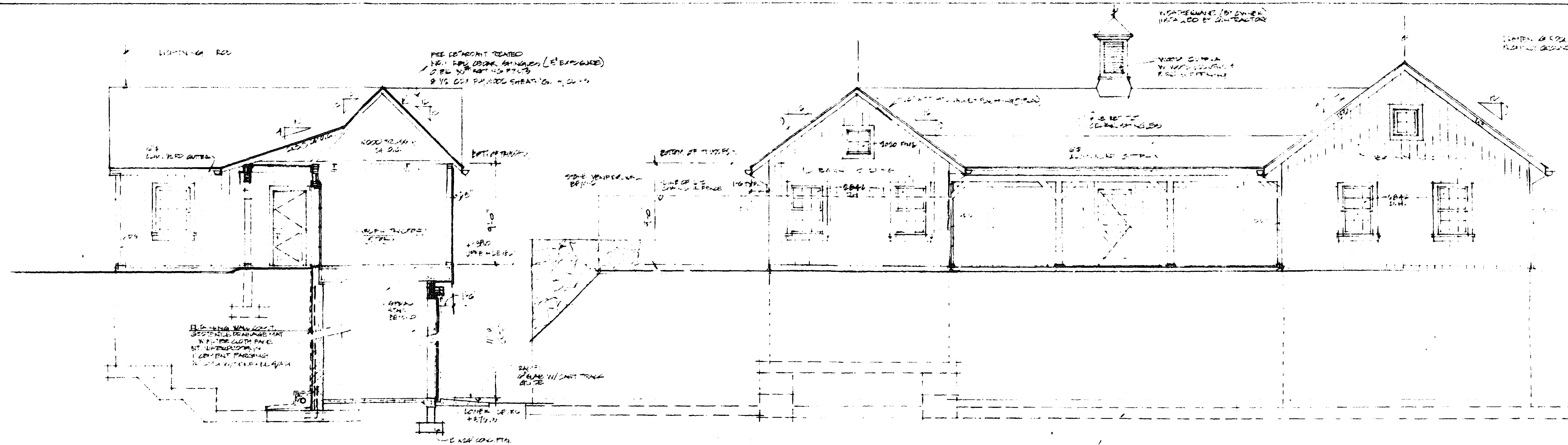


6 FOUNDATION PLAN



7 FLOOR PLAN

92-503-A



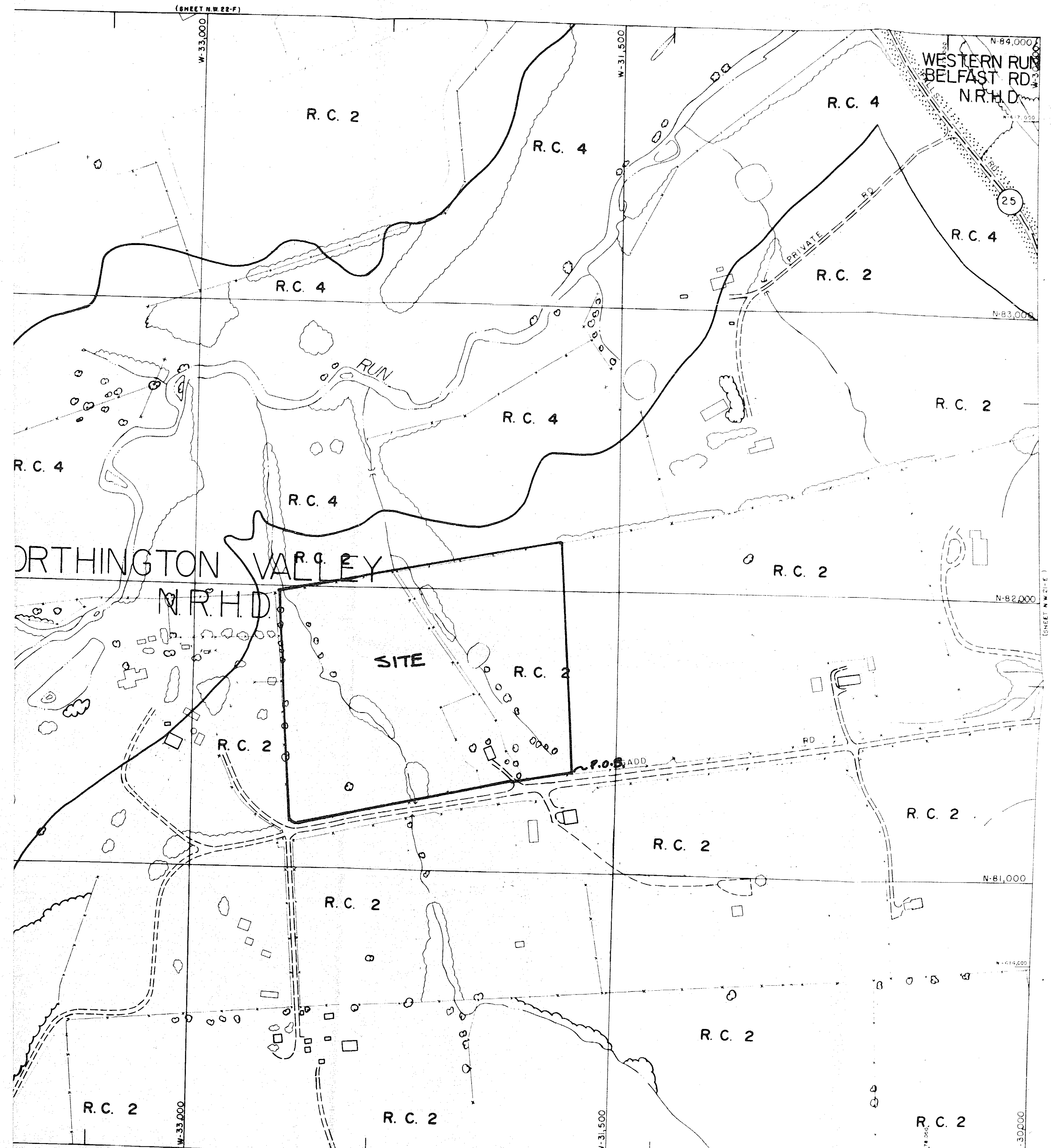
92-503-A

DENWOOD
CALIFORNIA COUNTY, CALIF.



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

SCALE 1" = 200' ±	LOCATION SOUTH OF BUTLER	SHEET N.W. 21-F
DATE OF PHOTOGRAPHY JANUARY 1986	92-503-A	536 MICROFILMED



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

SCALE 1" = 200' ±	LOCATION SOUTH OF BUTLER	SHEET N.W. 21-F
DATE OF PHOTOGRAPHY JANUARY 1986		

92-503-A

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
N/S Gadd Road, 2261 ft. W
of c/l Falls Road
2110 Gadd Road
8th Election District
3rd Councilmanic District
Clark MacKenzie, et ux
Petitioners

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 92-503-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a setback of 62 ft. between principal structures in lieu of the required 70 ft.; and a variance from Section 400.3 of the B.C.Z.R. to allow a height of 22 ft., in lieu of the required 15 ft., for an accessory pavilion structure, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, 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 affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore,

strict compliance with the B.C.Z.R. 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 Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of August, 1992 that the Petition for a Zoning Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a setback of 62 ft. between principal structures, in lieu of the required 70 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.3 of the B.C.Z.R. to allow a height of 22 ft., in lieu of the required 15 ft., for an accessory pavilion structure, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LES:mmm

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

-2-

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 29, 1992

Mr. and Mrs. Clark F. MacKenzie
2404 Gadd Road
Cockeysville, Maryland 21030

RE: Petition for Residential Zoning Variance
Case No. 92-503-A

Dear Mr. and Mrs. MacKenzie:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2310 Gadd Road

which is presently zoned R-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate 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 1A01.3.B.3 to allow a setback of 62 feet between principal structures in lieu of the required 70 feet, 400.3 to allow a height of 22 feet in lieu of the required 15 feet for an accessory pavilion structure.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: Indicate hardship or practical difficulty. For the garden shed to be used as a barn for animals as well as storage. Site constraints of topography, slopes, streams and forest buffers favor the proposed location. For the pavilion to allow the pitch of the roof to match that of the main dwelling and the use of innovative heating and cooling techniques which require higher ceilings and a higher roof line.

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.

Corrected Purchaser/Owner

(Type or Print Name)

Signature

Address

City

State

Zip Code

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zip Code

Phone No.

ESTIMATED POSTING DATE

With this petition, the owner(s) agree(s) to the payment of a fee to the legal owner(s) of the property which is the subject of this petition.

Legal Comments:

Clark F. MacKenzie

Ann Shaeffer MacKenzie

2404 Gadd Road

Cockeysville, Maryland 21030

658 Kenilworth Drive

MD 21204

821-8585

825-8120

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

7/26/92

Your petition has been received and accepted for filing this
25th day of June, 1992

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Clark F. MacKenzie, et ux
Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature *Dianne A. Kennedy* Date *7/13/92*

Project Name: Stonegate at Patapsco (Azeal Property)
File Number: 90476 Waiver Number: TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 1
Baltimore County - Southwestern Bell Mobile Systems
DED STP 533 4-29-92

COUNT 1
✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester 528 7-6-92 NC
DED DEPRM RP STP TE
✓ Mark M. Dunn And Darlene Dunn 534 NC
DED DEPRM RP STP TE
✓ Philip E. English And Deborah B. English 535 NC
DED DEPRM RP STP TE
✓ Clark F. And Ann S. MacKenzie 536 NC
DED DEPRM RP STP TE
✓ Charles J. And E. Mae Sinay 537 NC
DED DEPRM RP STP TE
✓ Amoco Oil Company 538 NC
DED DEPRM RP STP TE
✓ John And Judy Hasler 539 NC
DED DEPRM RP STP TE
✓ Paul J. And Marlene A. Leono 540 NC
DED DEPRM RP STP TE
✓ W. Claymore And Carol H. Sieck 541 NC
DED DEPRM RP STP TE

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

DATE: July 7, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - July 6, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Mark M. Dunn - Item 534
Clark F. MacKenzie - Item 536
John Hasler - Item 539
W. Claymore Sieck - Item 541

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

7.06.92.txt
Petitns.txt

RECEIVED
JUL 14 1992
ZONING OFFICE

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature *Kahel* Date *7/10/92*

Project Name: Stonegate at Patapsco (Azeal Property)
File Number: 90476 Waiver Number: TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 1
✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester 528 N/C 7-6-92
DED DEPRM RP STP TE
✓ Mark M. Dunn And Darlene Dunn 534 N/C
DED DEPRM RP STP TE
✓ Philip E. English And Deborah B. English 535 N/C
DED DEPRM RP STP TE
✓ Clark F. And Ann S. MacKenzie 536 N/C
DED DEPRM RP STP TE
✓ Charles J. And E. Mae Sinay 537 N/C
DED DEPRM RP STP TE
✓ Amoco Oil Company 538 N/C
DED DEPRM RP STP TE
✓ John And Judy Hasler 539 N/C
DED DEPRM RP STP TE
✓ Paul J. And Marlene A. Leono 540 N/C
DED DEPRM RP STP TE
✓ W. Claymore And Carol H. Sieck 541 W/C
DED DEPRM RP STP TE

COUNT 9
FINAL TOTALS
COUNT 10

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CLARK F. MACKENZIE AND ANN SCHAEFFER MACKENZIE
Location: #2404 GADD ROAD
Item No.: *536 (LJG) Zoning Agenda: JULY 6, 1992

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: *Carl J. Smith* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
JUL 14 1992
ZONING OFFICE

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature *John A. Smith* Date *7/14/92*

Project Name: Stonegate at Patapsco (Azeal Property)
File Number: 90476 Waiver Number: TE (Waiting for developer to submit plans first) Meeting Date: 6-1-92

COUNT 1
Baltimore County - Southwestern Bell Mobile Systems
DED STP 533 4-29-92

COUNT 1
✓ Ralph P. And Dianne L. Stern And Karen And Linda Forrester 528 No Comments
DED DEPRM RP STP TE
✓ Mark M. Dunn And Darlene Dunn 534 No Comments
DED DEPRM RP STP TE
✓ Philip E. English And Deborah B. English 535 No Comments
DED DEPRM RP STP TE
✓ Clark F. And Ann S. MacKenzie 536 No Comments
DED DEPRM RP STP TE
✓ Charles J. And E. Mae Sinay 537 No Comments
DED DEPRM RP STP TE
✓ Amoco Oil Company 538 No Comments
DED DEPRM RP STP TE
✓ John And Judy Hasler 539 No Comments
DED DEPRM RP STP TE
✓ Paul J. And Marlene A. Leono 540 No Comments
DED DEPRM RP STP TE
✓ W. Claymore And Carol H. Sieck 541 No Comments
DED DEPRM RP STP TE

COUNT 9
FINAL TOTALS
COUNT 9
*** END OF REPORT ***

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 20, 1992

FROM: J. Lawrence Pilsen
Development Coordinator, DEPRM

SUBJECT: Zoning Item 536
#2404 Gadd Road
Zoning Advisory Committee Meeting of July 6, 1992

The Department of Environmental protection and Resource Management offers the following comments on the above referenced zoning item.

The developer has been working with DEPRM to adhere to our buffer requirements. The plan can be approved and our requirements addressed at the time of recordation.

If plumbing is planned in the proposed pavilion, soil evaluations must be conducted in order to provide an adequate septic area.

JLP:sp

JABLON/S/TXTSBP

RECEIVED
JUL 14 1992
ZONING OFFICE

Mr. Lawrence E. Schmidt, Zoning Commissioner
Baltimore County
Office of Planning and Zoning
400 Washington Avenue
Suite 113
Towson, Maryland 21204

RE: Administrative Variance
Denwood - MacKenzie
Property - 2310 Gadd Road

Dear Mr. Schmidt,

As you are aware, an administrative variance has been submitted on the above referenced project. The petition requests variances from Sections 11A01.3.8.3 to allow the reduction of the setback between principal structures and 400.3 to height the increase in height of an accessory structure.

The subject property, located on Gadd Road, consists of approximately 18 acres and is surrounded by similar large parcels. There is an existing home located on the site which dates back to the early 1900s. It is the intent of the Owner to retrofit the existing home with a building addition. The Owner also plans to construct a garden shed/barn to continue the farming operations which exist on this and adjoining sites. The Owner also proposes the construction of a pavilion past the ridge north of the proposed addition.

The Owner has enrolled the property in the "Acres for Wildlife Program" which is sanctioned by the Maryland Department of Natural Resources. As a part of this program the Owner raises pheasant and quail and releases them on the property. For this reason the garden shed is to be used as a barn for the birds as well as the storage of farm equipment and supplies. The site constraints of topography, slopes, streams and the forest buffers required forest