

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

David S. Ruby
John A. Staley

2217 Stockton Rd. P.O. Box 21085
102 N. MAIN ST. Bel Air Md 21014

H.O.

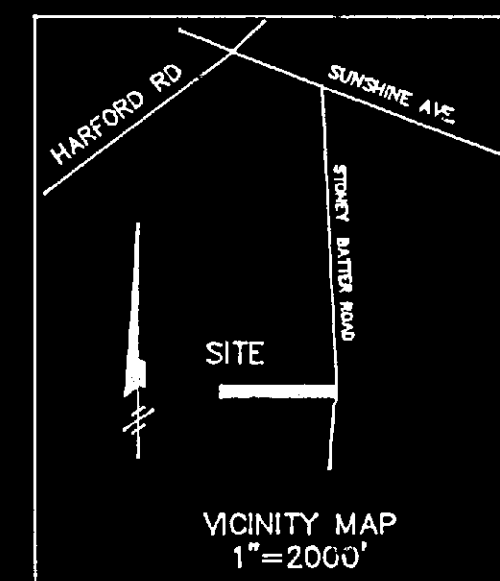
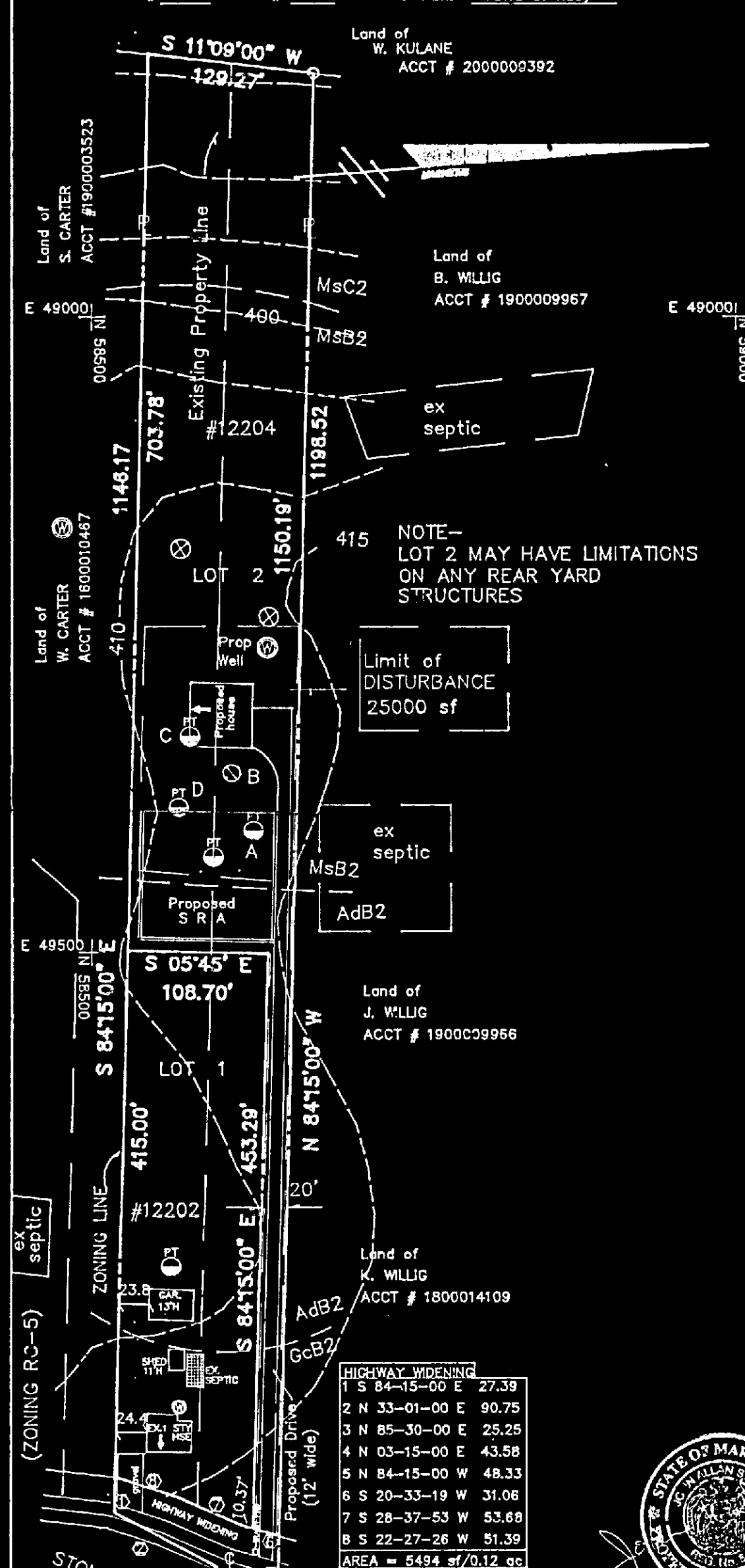
This minor sub
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(No subdivision potential) I
wanted it to be clear
that when proposed lot
2 was increased in size
to 2.32 acres it was not
allowed a subdivision right.
This is in essence a
non density transfer.
ktr

Printed with Synchro Ink
on Recycled Paper

Plat to accompany Petition for Zoning Special Hearing

PROPERTY ADDRESS: 12202 STONEY BATTER ROAD

PLAT BOOK # 6738 FOLIO # 735 OWNER: David S. Ruby



LOCATION INFORMATION

Council District 6
Election District 11
Zoning R.C.2
Map # D4 Grid 1 15
LOT SIZE: acres sq ft
Lot 1 = 3.52 1,08
Lot 2 = 2.32 794
Rd. widening = 0.12 5494
SEWER: PRIVATE
WATER: PRIVATE
Chesapeake Bay Critical Area: NO
Prior Zoning Hearings: NONE

DENSITY: EXISTING 2
PROPOSED 2

OWNER: David S. Ruby
2217 Stockton Rd.
Joppa MD, 21085
877-9716

TAX ACCT # 1106000125
111-955025

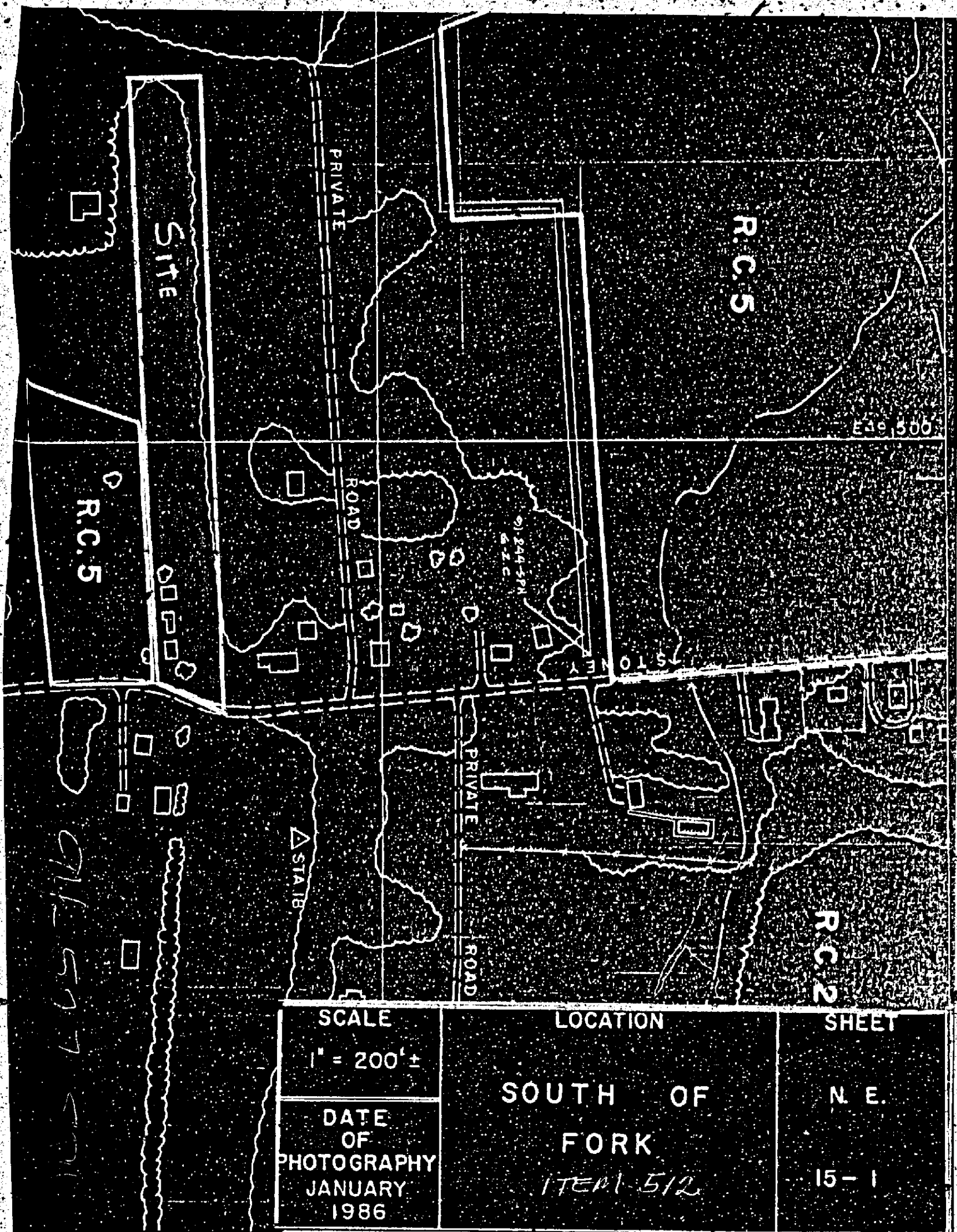
Map No. 54 BLOCK 17
Parcels 177 & 227
Census Tract 4111.01
Regional Planning District 318
School District 85
Watershed 5
Single Family Dwellings 2

This property as shown on the plan
has been intact since 1950.
The Developer's Engineer has confirmed
that no part of this gross area of this
property as shown on the plan has ever
been utilized, recorded or represented
as density or area to support any
offsite dwellings.



PETITIONER'S
EXHIBIT 1

DATE 06/03/94 SCALE 1"=100'
prepared by: ENGINEER/SURVEYOR
K.L.S. CONSULTANTS, INC.
102 NORTH MAIN STREET
BEL AIR, MARYLAND 21014
(410) 825-1441
94-010-MP
MINOR SUBDIVISION OF
LAND OF
DAVID S. RUBY
12202 STONEY BATTER ROAD
PROJ. NO. 93-22
ZONING OFFICE USE ONLY
reviewed by: ITEM # CASE #
R/T 512





111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations 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 and placement of a notice in at least one newspaper of general circulation in the County.

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- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 512

Petitioner: DAVID S. RUBY

Location: 12202 STONEY BATTER ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: DAVID S. RUBY

ADDRESS: 2217 STOCKTON ROAD

JOPPA, MD 21085

PHONE NUMBER: 877-9716

AJ:ggg

(Revised 04/09/93)

TO: PUTNEM PUBLISHING COMPANY
July 14, 1994 Issue - Jeffersonian

Please forward billing to:

Mr. David S. Ruby
2217 Stockton Road
Joppa, Maryland 21085
877-9716

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-527-SPH (Item 512)
12202 Stoney Batter Road
E/S Stoney Batter Road, 3,000 +/- S of c/l Sunshine Avenue
11th Election District - 6th Councilmanic
Petitioner(s): David S. Ruby
HEARING: MONDAY, AUGUST 1, 1994 at 9:00 a.m. in Rm. 118 Old Courthouse

Special Hearing to approve a minor parcelling subdivision which will increase the size of one lot to more than 2 acres.

LAWRENCE E. SCHMITT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 7, 1994

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Arnold Jablon
Director

cc: David S. Ruby
John A. Staley

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on Recycled Paper



11 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 22, 1994

Mr. David S. Ruby
2217 Stockton Road
Joppa, MD 21085

RE: Case No. 94-527-SPH, Item No. 512
Petition for Special Hearing
Petitioner: David S. Ruby

Dear Mr. Ruby:

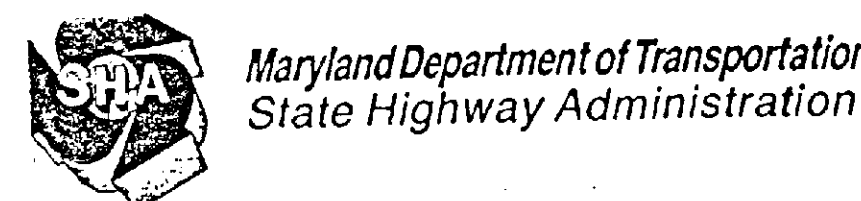
The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 28, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

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on Recycled Paper



James Lighthizer
Secretary
Hal Kassoff
Administrator

Re: Baltimore County
Item No.: 94-527-SPH

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
BOB SMALL, DEPUTY ASSISTANT CHIEF
John Cassoff, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

July 22, 1994

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

FROM: J. Lawrence Pilson, DEPRM
Development Coordinator, DEPRM

SUBJECT: Zoning Item #512 - Ruby Property,
12202 Stoney Batter Road
Zoning Advisory Committee Meeting of July 11, 1994

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

Ground Water Management

A well meeting the minimum Baltimore County Standards must be drilled prior to building permit.

JLP:TE:sp

RUBY/DEPRM/TXTSPB



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 25, 1994

Mr. David S. Ruby
2217 Stockton Road
Joppa, Maryland 21085

RE: Case No. 94-527-SPH, Item No. 512
Petition for Special Hearing

Dear Mr. Ruby:

Enclosed are copies of comments received from the Department of Environmental Protection and Resource Management on July 22, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Charlotte Minton
Charlotte Minton

Enclosure

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on Recycled Paper

RE: PETITION FOR SPECIAL HEARING
12202 Stoney Batter Road, E/S Stoney
Batter Road, 3,000 +/- S of c/l
Sunshine Avenue, 11th Election Dist.,
6th Councilmanic
David S. Ruby
Petitioner

BEFORE THE
ZONING COMMISSIONER
FOR BALTIMORE COUNTY
CASE NO.: 94-527-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of July, 1994, a copy of the foregoing Entry of Appearance was mailed to John A. Staley, K.I.S. Consultants, Inc., 102 N. Main Street, Bel Air, MD 21014, representative for Petitioner.

RECEIVED
JUL 21 1994

ZADM

Peter Max Zimmerman
PETER MAX ZIMMERMAN

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
E/S Stoney Batter Road, 3,000' +/- S of the c/l of Sunshine Avenue * DEPUTY ZONING COMMISSIONER
(12202 Stoney Batter Road) * OF BALTIMORE COUNTY
11th Election District * Case No. 94-527-SPH
6th Councilmanic District
David S. Ruby
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 12202 Stoney Batter Road, located near Fork in northeastern Baltimore County. The Petition was filed by the owner of the property, David S. Ruby. The Petitioner seeks a special hearing to approve a minor panhandle subdivision to increase the size of proposed Lot 2 to more than two acres for a proposed dwelling, with no further subdivision potential. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were David Ruby, property owner, and John A. Staley, Registered Property Line Surveyor, with K.L.S. Consultants, Inc. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 3.52 acres, zoned R.C.2 and is improved with a one-story dwelling and detached garage. The property is long and narrow with a depth of approximately 1199 feet at its longest point and a width of approximately 130 feet. The Petitioner is desirous of subdividing the property and creating a new lot to the rear of the site for a proposed dwelling. Access to Proposed Lot 2 would be via a panhandle driveway along the north side of the subject property. Proposed Lot 1 would con-

tain the existing improvements and comprise approximately 1.08 acres, while proposed Lot 2 would consist of approximately 2.32 acres. Although Lot 2 would contain over 2 acres, this lot is prohibited from further subdivision pursuant to the special hearing relief sought herein.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of August, 1994 that the Petition for Special Hearing seeking approval of a minor panhandle subdivision to increase the size of proposed Lot 2 to more than two acres for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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 relief granted herein shall be rescinded.
- 2) The Petitioner is prohibited from any further subdivision of either Lot 1 or Lot 2 as those lots are shown on Petitioner's Exhibit 1.
- 3) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the

- 2 -

restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Commissioner for inclusion in the case file.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/3/94
By [Signature]

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 3, 1994

(410) 887-4386

Mr. David S. Ruby
2217 Stockton Road
Joppa, Maryland 21085

RE: PETITION FOR SPECIAL HEARING
E/S Stoney Batter Road, 3,000' +/- S of the c/l of Sunshine Avenue
(12202 Stoney Batter Road)
11th Election District - 6th Councilmanic District
David S. Ruby - Petitioner
Case No. 94-527-SPH

Dear Mr. Ruby:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

cc: Mr. John A. Staley
K.L.S. Consultants, Inc., 102 N. Main Street, Bel Air, Md. 21014
People's Counsel
File

TMK:bjs

Printed with Soybean Ink
on Recycled Paper

Petition for Special Hearing to the Zoning Commissioner of Baltimore County for the property located at 12202 Stoney Batter Road

which is presently zoned RC-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 make a part thereof, hereby petition for a Special Hearing under Section 502.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A minor panhandle subdivision which will increase the size of one (1) lot to more than 2 acres. This lot is to have no further subdivision potential.

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

I, or we, agree to pay expenses of above Special Hearing 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.

Contract Purchaser/Lessee

Name (Print Name)

Signature

Address

City State Zip Code

Attorney for Petitioner

Name (Print Name)

Signature

Address

City State Zip Code

Legal Owner

Name (Print Name)

Signature

Address

City State Zip Code

Legal Owner

Name (Print Name)

Signature

Address

City State Zip Code

Legal Owner

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ZONING DESCRIPTION

FOR

12202 STONEY BATTER ROAD

ELECTION DISTRICT 11

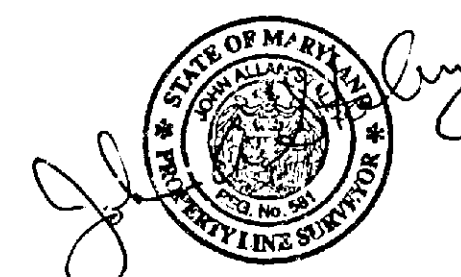
COUNCILMANIC DISTRICT 6

Beginning at a point on the EAST SIDE OF STONEY BATTER ROAD
(which is paved 18' wide) at a distance of 300.0 feet more or less
South of the centerline of Sunshine Avenue (which is paved
20' wide). As recorded in Deed Liber E.H.K. Jr. 6738 Folio 735

running thence and crossing over Stoney Batter Road North 84
degrees 15 minutes 00 seconds West 1198.52 feet,

S 11°09'00" W 129.27'
S 84°15'00" E 1146.17'
N 33°01'00" E 90.75'
N 85°30'00" E 25.25'
N 03°15'00" E 43.58'

To the point of beginning CONTAINING 3.52 ACRES MORE OR LESS



ITEM # 512

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 94-527-SPH
Towson, Maryland

District 11th Date of Posting 7/14/94

Posted for: Special Hearing

Petitioner: David S. Ruby

Location of property: 12202 Stoney Batter Rd., E/S

Location of Signs: Along driveway on property being zoned

Remarks: M. Staley

Posted by: M. Staley Date of return: 7/15/94

Number of Signs: 7

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/14, 1994.

THE JEFFERSONIAN
A. Henrichsen
LEGAL AD. - TOWSON

NOTICE OF HEARING

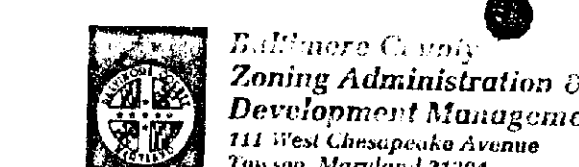
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Case: 94-527-SPH, 1st-2nd (from 512)
12202 Stoney Batter Road
E/S Stoney Batter Road
3,000 +/- S of Sunshine Avenue
11th Election District
6th Councilmanic District
David S. Ruby
Hearing Monday
August 1, 1994 at 9:00 a.m. in Room 116, Old Courthouse

Special Hearing to approve a minor panhandle subdivision which will increase the size of one lot to more than 2 acres.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (Hearings are held on Tuesdays, unless otherwise specified. Please call 887-3391 for more information concerning the hearing. Please call 887-3391 for more information concerning the hearing. Please call 887-3391 for more information concerning the hearing.)



Date 6-28-94

12202 STONEY BATTER RD.

030 - SPECIAL HEARING (TWO LOTS) - \$100.00

050 - SIGN - \$35.00

TOTAL - \$135.00

ACCOUNT: 1818181818
BA 1010-116006-28-94 \$135.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

ORDER RECEIVED FOR FILING
Date 8/3/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/3/94
By [Signature]

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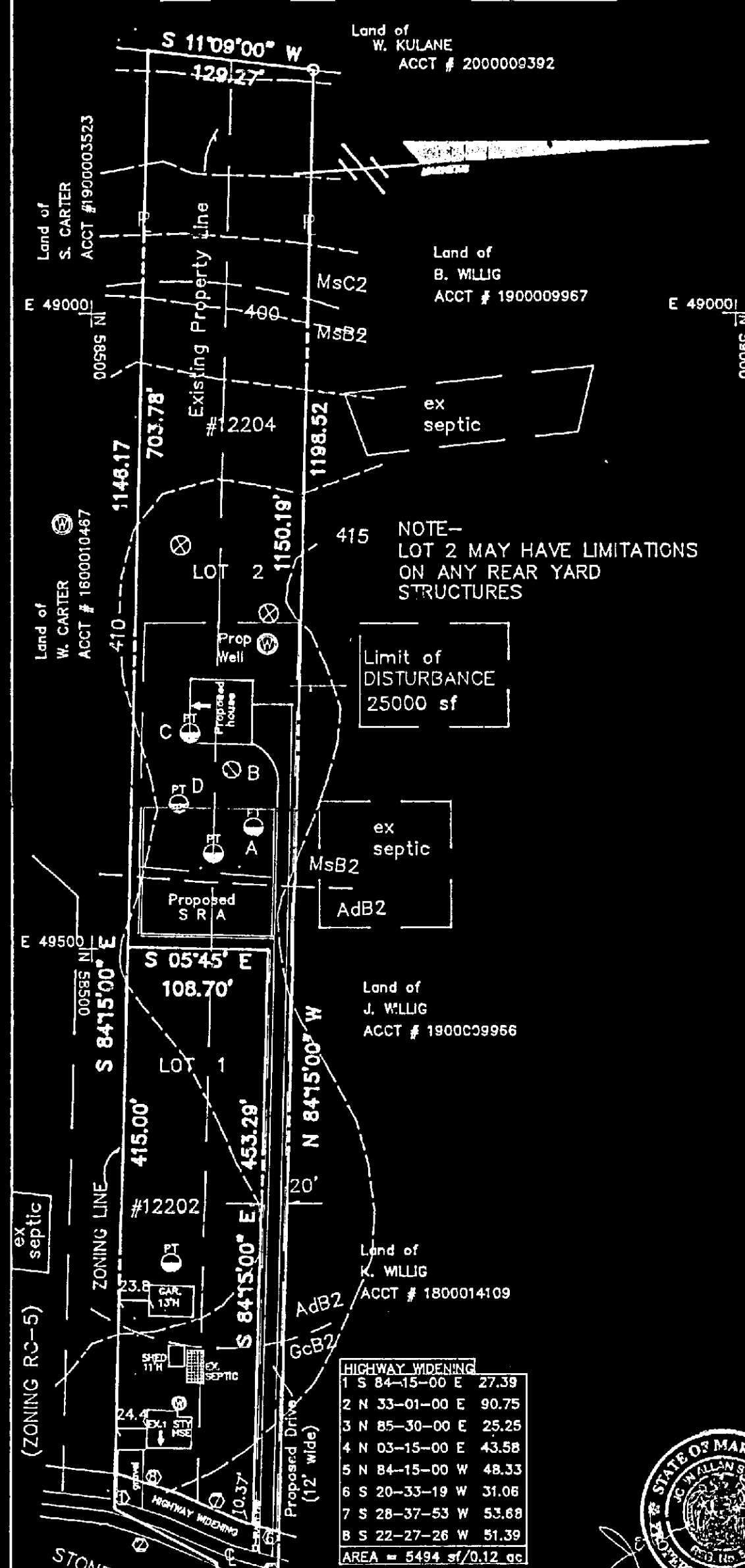
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 Joppa MD, 21085
 877-9716
 TAX ACCT # 1106000125
 111-955025

Map No. 54 BLOCK 17
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 Regional Planning District 318
 School District 85
 Watershed 5
 Single Family Dwellings 2

This property as shown on the plan has been intact since 1950. The Developer's Engineer has confirmed that no part of this gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any offsite dwellings.



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 EXHIBIT 1

DATE 06/03/94 SCALE 1"=100'
 prepared by: ENGINEER/SURVEYOR K.L.S. CONSULTANTS, INC. 102 NORTH MAIN STREET BEL AIR, MARYLAND 21014 (410) 825-1441
 MINOR SUBDIVISION OF LAND OF DAVID S. RUBY 12202 STONEY BATTER ROAD PROJ. NO. 93-22
 ZONING OFFICE USE ONLY reviewed by: ITEM # CASE # R.F. 512





111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

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NAME: DAVID S. RUBY

ADDRESS: 2217 STOCKTON ROAD

JOPPA, MD 21085

PHONE NUMBER: 877-9716

AJ:ggg

(Revised 04/09/93)

TO: PUTNEM PUBLISHING COMPANY
July 14, 1994 Issue - Jeffersonian

Please forward billing to:

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LAWRENCE E. SCHMITT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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Arnold Jablon
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cc: David S. Ruby
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on Recycled Paper



11 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 22, 1994

Mr. David S. Ruby
2217 Stockton Road
Joppa, MD 21085

RE: Case No. 94-527-SPH, Item No. 512
Petition for Special Hearing
Petitioner: David S. Ruby

Dear Mr. Ruby:

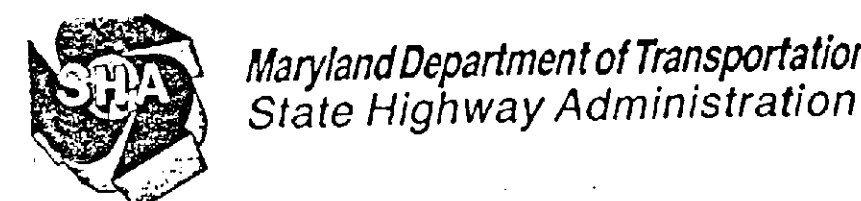
The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 28, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

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on Recycled Paper



James L. Lighner
Secretary
Hal Kassoff
Administrator

Re: Baltimore County
Item No.: 94-527-SPH

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
BOB SMALL, DEPUTY ASSISTANT CHIEF
John Cassoff, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

July 22, 1994

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

FROM: J. Lawrence Pilson, DEPRM
Development Coordinator, DEPRM

SUBJECT: Zoning Item #512 - Ruby Property,
12202 Stoney Batter Road
Zoning Advisory Committee Meeting of July 11, 1994

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

Ground Water Management

A well meeting the minimum Baltimore County Standards must be drilled prior to building permit.

JLP:TE:sp

RUBY/DEPRM/TXTSPB



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 25, 1994

Mr. David S. Ruby
2217 Stockton Road
Joppa, Maryland 21085

RE: Case No. 94-527-SPH, Item No. 512
Petition for Special Hearing

Dear Mr. Ruby:

Enclosed are copies of comments received from the Department of Environmental Protection and Resource Management on July 22, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

Charlotte Minton
Charlotte Minton

Enclosure

RE: PETITION FOR SPECIAL HEARING
12202 Stoney Batter Road, E/S Stoney
Batter Road, 3,000 +/- S of c/l
Sunshine Avenue, 11th Election Dist.,
6th Councilmanic
David S. Ruby
Petitioner

BEFORE THE
ZONING COMMISSIONER
FOR BALTIMORE COUNTY
CASE NO.: 94-527-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of July, 1994, a copy of the foregoing Entry of Appearance was mailed to John A. Staley, K.I.S. Consultants, Inc., 102 N. Main Street, Bel Air, MD 21014, representative for Petitioner.

RECEIVED
JUL 21 1994
ZADM

Peter Max Zimmerman
PETER MAX ZIMMERMAN

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
E/S Stoney Batter Road, 3,000' +/- S of the c/l of Sunshine Avenue * DEPUTY ZONING COMMISSIONER
(12202 Stoney Batter Road) * OF BALTIMORE COUNTY
11th Election District * Case No. 94-527-SPH
6th Councilmanic District
David S. Ruby
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 12202 Stoney Batter Road, located near Fork in northeastern Baltimore County. The Petition was filed by the owner of the property, David S. Ruby. The Petitioner seeks a special hearing to approve a minor panhandle subdivision to increase the size of proposed Lot 2 to more than two acres for a proposed dwelling, with no further subdivision potential. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were David Ruby, property owner, and John A. Staley, Registered Property Line Surveyor, with K.L.S. Consultants, Inc. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 3.52 acres, zoned R.C.2 and is improved with a one-story dwelling and detached garage. The property is long and narrow with a depth of approximately 1199 feet at its longest point and a width of approximately 130 feet. The Petitioner is desirous of subdividing the property and creating a new lot to the rear of the site for a proposed dwelling. Access to Proposed Lot 2 would be via a panhandle driveway along the north side of the subject property. Proposed Lot 1 would con-

tain the existing improvements and comprise approximately 1.08 acres, while proposed Lot 2 would consist of approximately 2.32 acres. Although Lot 2 would contain over 2 acres, this lot is prohibited from further subdivision pursuant to the special hearing relief sought herein.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of August, 1994 that the Petition for Special Hearing seeking approval of a minor panhandle subdivision to increase the size of proposed Lot 2 to more than two acres for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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 relief granted herein shall be rescinded.
- 2) The Petitioner is prohibited from any further subdivision of either Lot 1 or Lot 2 as those lots are shown on Petitioner's Exhibit 1.
- 3) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the

- 2 -

restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order and a copy of the recorded deed shall be forwarded to the Zoning Commissioner for inclusion in the case file.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 8/3/94
By [Signature]

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 3, 1994

(410) 887-4386

Mr. David S. Ruby
2217 Stockton Road
Joppa, Maryland 21085

RE: PETITION FOR SPECIAL HEARING
E/S Stoney Batter Road, 3,000' +/- S of the c/l of Sunshine Avenue
(12202 Stoney Batter Road)
11th Election District - 6th Councilmanic District
David S. Ruby - Petitioner
Case No. 94-527-SPH

Dear Mr. Ruby:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. John A. Staley
K.L.S. Consultants, Inc., 102 N. Main Street, Bel Air, Md. 21014
People's Counsel

File

Printed with Soybean Ink
on Recycled Paper



Petition for Special Hearing to the Zoning Commissioner of Baltimore County for the property located at 12202 Stoney Batter Road which is presently zoned RC-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 make a part thereof, hereby petition for a Special Hearing under Section 502.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A minor panhandle subdivision which will increase the size of one (1) lot to more than 2 acres. This lot is to have no further subdivision potential.

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

I, or we, agree to pay expenses of above Special Hearing 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.

Consent Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner

(Type or Print Name)

Signature

Address

City State Zipcode

John A. Staley, K.L.S. Consultants, Inc.

102 N. Main St., Bel Air, MD 21014 838-1141

OFFICE ONLY

ESTIMATED LENGTH OF HEARING

ALL OTHER

REVIEWED BY: RJC DATE: 8/2/94

ITEM # 512

ZONING DESCRIPTION

FOR

12202 STONEY BATTER ROAD

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 6

Beginning at a point on the EAST SIDE OF STONEY BATTER ROAD
(which is paved 18' wide) at a distance of 3000 feet more or less
South of the centerline of Sunshine Avenue (which is paved
20' wide). As recorded in Deed Liber E.H.K. Jr. 6738 Folio 735

running thence and crossing over Stoney Batter Road North 84
degrees 15 minutes 00 seconds West 1198.52 feet,

S 11°09'00" W 129.27'
S 84°15'00" E 1146.17'
N 33°01'00" E 90.75'
N 85°30'00" E 25.25'
N 03°15'00" E 43.58'

To the point of beginning CONTAINING 3.52 ACRES MORE OR LESS

John A. Staley
J. A. STALEY
K.L.S. CONSULTANTS, INC.

ITEM 512

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 94-527-SPH Towson, Maryland

District 11th Date of Posting 7/14/94

Posted for: Special Hearing

Petitioner: David S. Ruby

Location of property: 12202 Stoney Batter Rd., E/S

Location of Signs: Revised Tuesday as property being zoned

Remarks: M. Ruby

Posted by: [Signature] Date of return: 7/15/94

Number of Signs: 7

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/14, 1994.

THE JEFFERSONIAN
A. Henrichsen
LEGAL AD. - TOWSON

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 described herein at Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland, on August 1, 1994 at 9:00 a.m. in Room 116, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 94-527-SPH, 1st-2nd (from 512)
12202 Stoney Batter Road
E/S Stoney Batter Road
3,000 +/- S of Sunshine Avenue
11th Election District
6th Councilmanic District
David S. Ruby
Hearing Monday
August 1, 1994 at 9:00 a.m. in Room 116, Old Courthouse

Special Hearing to approve a minor panhandle subdivision which will increase the size of one lot to more than 2 acres.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (Hearings are held on Tuesdays for special accommodations. Please call 887-3391 for more information concerning the hearing. Please call 887-3391 for more information concerning the hearing. Please call 887-3391 for more information concerning the hearing.)



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R001-6150

Number 512

R.T.

Date 6-28-94

12202 STONEY BATTER RD.

030 - SPECIAL HEARING (TWO LOTS) - \$100.00

050 - SIGN - \$35.00

TOTAL - \$135.00

RECEIVED 18 AUG 1994

BA 1010-116006-28-94

\$135.00

Please Make Checks Payable To: Baltimore County

Cashier Validation