IN RE:

PETITION FOR ADMIN. VARIANCE N/S Sweet Air Road, 314.19' W

of the c/l of Glen High Road

(5330 Sweet Air Road) 11th Election District 6th Councilmanic District

Frederick R. Deily, et ux

Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 97-517-A

*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance for that property known as 5330 Sweet Air Road, located in the vicinity of Patterson Farm Road in Baldwin. The Petition was filed by the owners of the property, Frederick R. and Angela P. Deily. The Petitioners seek relief from Section 100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 2.25 acres in lieu of the required 3 acre minimum for the accessory stabling and pasturing of animals on land that is not used as a commercial agricultural operation. The subject property and relief sought are more particularly described on the site plan submitted which was accepted as evidence and marked as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the surrounding community. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the

SAIDER RECEIVED FOR FILING

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 B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of June, 1997 that the Petition for Administrative Variance seeking relief from Section 100.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 2.25 acres in lieu of the required 3 acre minimum for accessory stabling and pasturing of animals on land that is not used as a commercial agricultural operation, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

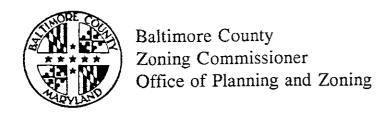
1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs



Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

June 18, 1997

Mr. & Mrs. Frederick R. Deily 5330 Sweet Air Road Baldwin, Maryland 21013

RE: PETITION FOR ADMINISTRATIVE VARIANCE

N/S Sweet Air Road, 314.19' W of the c/l of Glen High Road

(5330 Sweet Air Road)

11th Election District - 6th Councilmanic District

Frederick R. Deily, et ux - Petitioners

Case No. 97-517-A

Dear Mr. & Mrs. Deily:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance 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 Permits and Development Management Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: Mr. David M. Huber 14002 Glen High Road, Baldwin, Md. 21013

People's Counsel

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

5330 SWEET AIR ROAD BALDWIN, MD. 21013

97-517-A

which is presently zoned

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(s) 160. 6 To Pulpus 2.25 Pares in Utan OF THE REQUIRED 3 ACRE MINIMUM TEX ACCESSORY STABLING AND PASTURING OF AN IMPAS ON LAND THAT IS NOT USED AS A Commercian AGRICULTURAN OPORATION.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHMENT "A"

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.

and affirm, under the penalties of perjury, that I/we are the ty which is the subject of this Petition.
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P. Drily
R D. J
C. Derly
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TA, R.A. 410-592-7905 Phone No.
V. MD. 21013
State Zipcode number of representative to be contacted
Huser
1101 P = 502-2022
WORLK 332-1352

Laning Commissioner of Baltimore County



DATE 3-14 97 ESTIMATED POSTING DATE 5-25 97



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Affidavit in support of 97-517-A 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) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	5330 AMEET	AIR ROMS	
_	BALDWIN	MD.	21013
_	City	State	Zip Code
That based upon personal knowledge, the follow ariance at the above address: (indicate hardship or p		vhich I/we base the req	uest for an Administrative
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	•	· · · · · · · · · · · · · · · · · · ·	
That Affiant(s) acknowledge(s) that if a protest nay be required to provide additional information of the sequence of the sequ			Sosting and advertising fee and
STATE OF MARYLAND, COUNTY OF BALT	IMORE, to wit:	_	
I HEREBY CERTIFY, this 22 nd day of _ of Maryland, in and for the County aforesaid, pe	rsonally appeared	, 19 <u>97</u> , before	me, a Notary Public of the State
angela C. Deily and	Frederick A	2. Deily	
the Affiants(s) herein, personally known or satisfible the matters and facts hereinabove set forth a			
AS WITNESS my hand and Notarial Seal. 4/22/97	NOTARY	ant M. C	hilcoat
anna.	17	ssion Expires: 3 -	1-00

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) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

97-517-A

That the Affiant(s) does/do presently residual	de at <u>5330 SWEET</u>	AIR RUAD	
	address		····
	BALOWIN	<u>/γδ.</u>	21013
Thereto	₩.	State	Zip Co
That based upon personal knowledge, the Variance at the above address: (indicate hards	fellowing are the facts upon v hip or practical difficulty)	which I/we base the reque	st for an Administr
<u> ১</u> ৫ছ	ATTACHMENT "A"		
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7	A MUNICK K	(signature) (signature) (type or grint name) 1997, before me.	B. Derlander Der Der Der Der Der Der Der Der Der D
the Affiants(s) herein, personally known or sa that the matters and facts hereinabove set for	ausfactorily identified to me a th are true and correct to the	is such Affiantt(s), and m best of his/her/their know	ade oath in due for wledge and belief.
AS WITNESS my hand and Notarral Seal.	NOTARIX PU	ner M. Chi	coat
	V	BETC.	
	My Commissi	on Expures: ンコーひ	V

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

5330 SWEET AIR ROAD BALDWIN, MD. 21013

97-517-A

ESTIMATED POSTING DATE: 5-25-97.

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(s) 100.6 To Pulca 2.25 Acres In Lieu OF THE TEQUIRED 3 ACRE TINUM FOR ACCESSON S-LABOURGE PASTURING AGRICULTURAL OPORATION. NOT USED AS A COMMERCIAN

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHYOUT "A"

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.

			We do solemnly declare and affirm, under the penatties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition
ontract Purchaser/Lessee			Legal Owner(s).
Ottigot ordinasti/activate			
Control of the contro		····	FREDERICK A DEICY
ype or Print Name)			(Type or Print Name)
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ignature			Signature
			ANGELA P. DE, LY (Type of Print Name)
ddress			
			Signature G. Seily
ty	State	Zipcode	
ttomey for Petitioner			5330 SWELT AIR Rd Address Phone No. 10-592
ype or Print Name)			Address Phone No A
764			
			City ND. 2(013
gnature		····	Name, Address and phone number of representative to be contacted
idiæss	Phone	šla.	Davis M. Husen
Micas	Filore	NO.	14062 GLESHICH RD. 592-2920
ty	State	Zipcode	Address Phone No.
			Address Phone No. WORK 332-1352
Ablic Hearing having been	requested and/or found	to be required, it is orde	red by the Zoning Commissioner of Baltimore County, this day of
ial the subject matter of this production throughout Boltima	petition be set for a pub	lic hearing , advertised, o	as required by the Zoning Regulations of Baltimore County, in two newspapers of genera
	and the state of	Employed and appropriate	
			Zoning Commissioner of Baltimore County
			Zoning Commissioner of Baltimore County

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5330 SWEET AIR ROAD - PRACTICAL DIFFICULTY ATTACHMENT A 5/2/97

97-517-A

We request an administrative variance for the property at 5330 Sweet Air Road in order to be able to graze and board, no more than two, horses there.

Based on the placement of the house, on the SW corner of the property, there are approximately two acres of open field available for pasture. There are farms all around this property. This parcel is a remaining part of the original farm which was subdivided in 1976, at which time this parcel became too small for animals. The property, however, has always been used to exercise horses.

The current zoning presents practical difficulty because the property is \$2.25 acres, and is only \$2.75 acres short of the current Baltimore County minimum of 3 acres needed to house horses. Strict compliance with the requirement would unreasonably prevent the use of the property for this purpose. Conformance with the requirement is impossible since there is no other adjoining acreage available for purchase, to add to the parcel to come up with the needed amount.

The granting of the requested variance would not be an injustice to any of the property owners in the area, as the neighbors directly affected are in favor of having horse(s) on the property, and there are numerous farms, both large and small, in the immediate area.

If a variance is granted, public safety and welfare would not be jeopardized in any way. The horse area would be properly fenced and, the neighbors have no problems with the requested use of this land. This use will be similar to other properties abutting this one, as well as others in close proximity.



ZONING DESCRIPTION

97-517-A

ZONING DESCRIPTION FOR 5330 SWEET AIR ROAD

Beginning at a point on the North side of Sweet Air Road, which is 30 feet wide, at the distance of 314.19 feet West of the centerline of the nearest improved intersecting street, Glen High Road, which is 24 feet wide.

As recorded in Deed Liber 5372, Folio 939 Liber 4772, Folio 194 Liber 5641, Folio 81

S. 31° 16' 00" E 362 ft., N. 58° 40' 00" E 240.06 ft., S. 45° 35' 07" E 154.08 ft., Cord banding to right 8849' Radius 355', S. 31° 16' 00" E 79.85 ft., S. 13° 42' 00" W 35.38 ft., S. 58° 40' 00" W 84.19 ft., S. 31° 16' 00" E 20 ft., S. 58° 40' 00" W 180 ft to beginning,

Containing 2 2354 acres. Also known as 5330 Sweet Air Road and located in the 11th Election District 6th Councilmanic District.

14/97 01 5 JNR R 4731 10. 03586.1 250.00 CK P-A-I-D CASHIER'S VALIDATION Mattimore County Naryland Office Of Rudget & Finance inter the contraction was traditionally the passed the same of the 035561 97-517 A. R.001-615C Š PHOM: The DESUCK 5 / SNCCLD B YELLOW - CUSTOMER ACCOUNT __ AMOUNT \$ BALTIMORE COUNTY, MARYLAND Popular CAR OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT PINK - AGENCY 2.14.97 CTOL deline to the second section of the second s DISTRIBUTION WHITE - CASHIER FOR: į

CERTIFICATE OF OSTING

	RE: Case No.: 97-517 - A
	Petitioner/Developer:
	FRED DEILY
	Date of Hearing/Closing: 6/9/97
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	D E G E I V E C
Attention: Ms. Gwendolyn Stephens	PDM
Ladies and Gentlemen:	
This letter is to certify under the penalties of were posted conspicuously on the property I	
The sign(s) were posted on	5/25/97 (Month, Day, Year)
330 SWEET AIR RE	Sincerely, (Signature of Sign Poster and Date) RICHARD E. HOFFMAN (Printed Name) 904 DEZLWOOD DR, (Address) FALLSTON, MO. Z1047 (City, State, Zip Code) (410) 875-3122 (Telephone Number)

RE:	Case No.: 97-517-A
	Petitioner/Developer:
	FRED DENY
	Date of Hearing/Closing: 6/9/97
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perjury to were posted conspicuously on the property located at 5330 Sweeze	
	25/97 h, Day, Year)
S330 SWEET AIR R	Sincerely, Signature of Sign Poster and Date) Signature of Sign Poster and Date) (Printed Name) (Printed Name) (Address) FALLSTOW, MO 71047 (City, State, Zip Code) (410) 879-3122 (Telephone Number)

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 5 * 25 - 9.7.

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE

ADMINISTRATIVE VARIANCE

Case No.: 97-517-1

PEQUENCE TO ALLOW 2.25 ACRES IN LIEW OF

REQUIRED 3 ACRES AS A TLININ MAN ARCO TO

ALTERNATION TON THE STABLING OF 2

HORSET.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE. AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON * G-9-9-7

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County Department of Permits and Development Management

Development Pro County Office B 111 West Chesapeake 3 Towson, Maryland 2120-

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for Legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

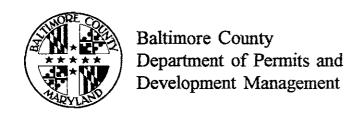
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

	ARNOLD JABLON, DIRECTOR
For newspaper advertising:	
Item No.: 517.	•
Petitioner: FROMERK + ANGERA DE	24
Location: 5330 Sweet Air Rues	BALDUIN MD. 21013
PLEASE FORWARD ADVERTISING BILL TO:	
NAME: FREDERICK + ANGEZA DEILY	
ADDRESS: 5330 JUNET AIR ROAD	
BALDWIN MD. 21013	
PHONE NUMBER: 410-592-7905	

Printed with Soybean Int

AJ:ggs

(Revised 09/24/96)



May 22, 1997

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204



ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-517-A
5330 Sweet Air Road

N/S Sweet Air Road, 314.19'+/- W of c/l Glen High Road

11th Election District - 6th Councilmanic
Legal Owner(s): Frederick and Angela Deily

Post by Date: 05/25/97

Closing Date: 06/09/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon Director

cc: Frederick and Angela Deily David M. Huber



rinted with Soybean Ink on Recycled Paper



David L. Winstead Secretary Parker F. Williams Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

5.23.97

Item No.

3-17

JRA

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US / 4 c are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief

Engineering Access Permits

Division

LG

97-517-A April 21, 1997 To Whom it May Concern, This is in response to the zoning proposal at 5330 Sweet Air Road. I live at 5340 Sweet Air Road, and feel that having horses on that property would enhance the country Yatmosphere of the neighborhood. There are already two other properties with horses in the neighborhood and neither poses any problem. Please feel free to contact me if you need to ask any questions. Sincerely Kellie Dailey (410) 817-4838

97-512-A

Roning Commission Baltimere County Gout. Towson, MD 21014

Linda C. Fabiszalz 5344 Sweet Air Rd. Baldwin, MD 21013

Dear Sir,

This letter is to acknowledge my support of a zoning change to permit horses at the property at 5330 Sweet Air Road. As a horse owner, maintaining animials here since 1973, I feel this property is suited for horses and would help to maintain the rural quality of this area.

Sincerely, Linda C. Fabiszah

97-517-A

To: Zoning Commissioner of Baltimore County 111 West Chesapeake Avenue Towson, Maryland 21204

> I do not oppose the zoning Administrative Variance requested for the property located at 5330 Sweet Air Road, making it possible to have horses on the premises.

Signed _	Ochu	de O	la:
_	fat	Prano	70
Address_	13904	Colen,	High Rd
<u></u>	Baldus		_
		21013	?

97-517-A

I do not oppose the zoning Administrative Variance requested for the property located at 5330 Sweet Air Road, making it possible to have horses on the premises.

Signed Nickelese Sottle p

Address 13905 GLEN HIGH RD

BALDWIN, MD 21013 April 25, 1997

97-517-A

I do not oppose the zoning Administrative Variance requested for the property located at 5330 Sweet Air Road, making it possible to have horses on the premises.

Signed	Havey Wheeley	apr 22, 1997
_	NANCY J. WHEELEY	
Address	5-324 SWEET AIR ROAD	
_	BALDUM MD. 21013	
		

97-517-A

I do not oppose the zoning Administrative Variance requested for the property located at 5330 Sweet Air Road, making it possible to have horses on the premises.

Signed

Address 533/

517

97-517-A

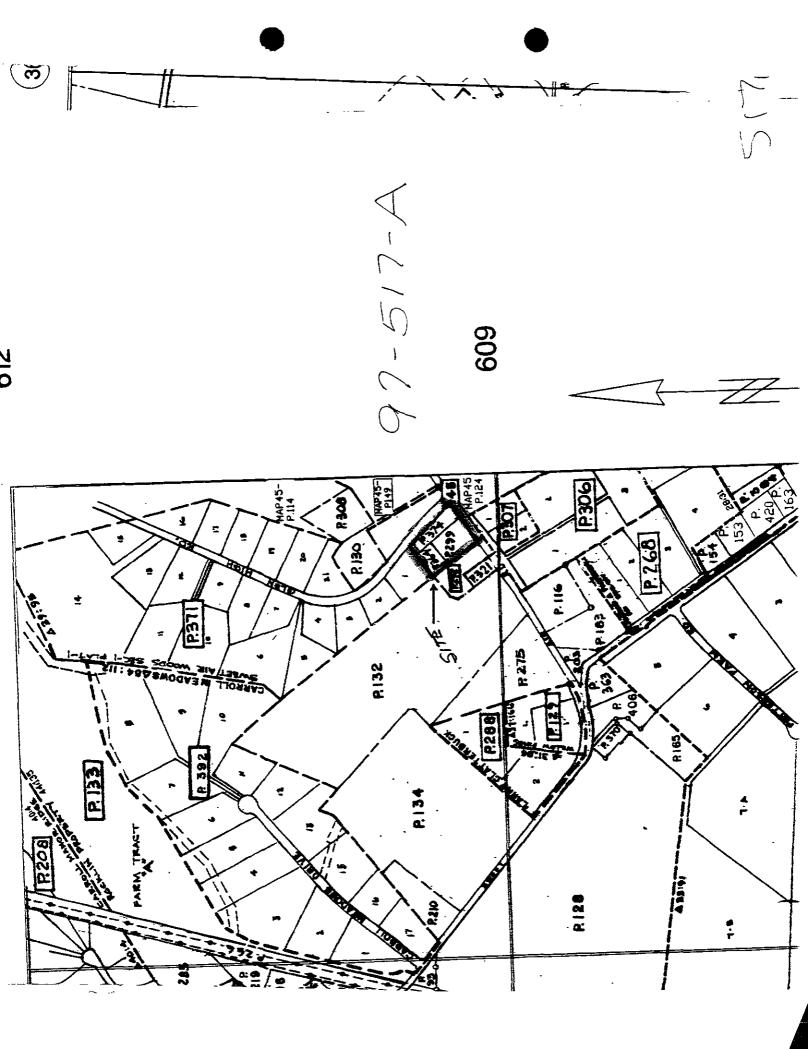
I do not oppose the zoning Administrative Variance requested for the property located at 5330 Sweet Air Road, making it possible to have horses on the premises.

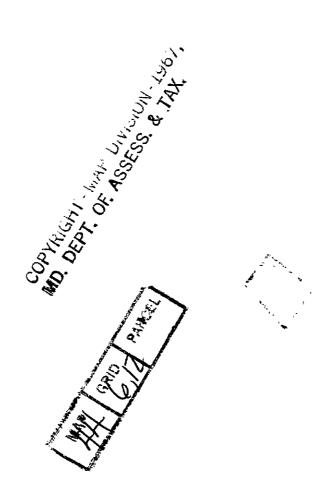
Signed _	Symm M	Salin
Address	5 346 <	west Air Rd
_	Doldwin	MD 21013

97-517-A

I do not oppose the zoning Administrative Variance requested for the property located at 5330 Sweet Air Road, making it possible to have horses on the premises.

Address 13908 Men High Rd.

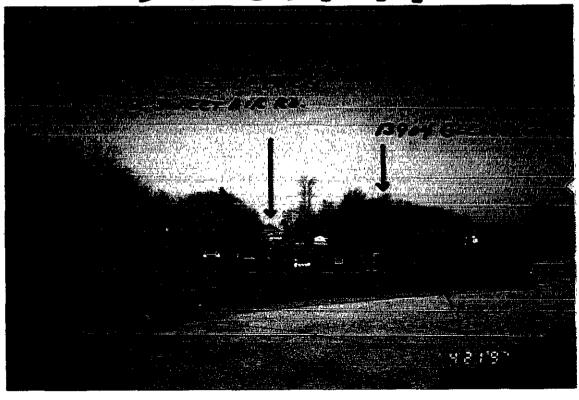






5330 SWEET AIR ROAD WEST TOWARD JACKSONVILLE. ABJOINING RESIDENCE AT STORY SWEET AIR RUAD (NOT FULLY VISIBLE BEHIND LIRGE TREES).

97-517-A



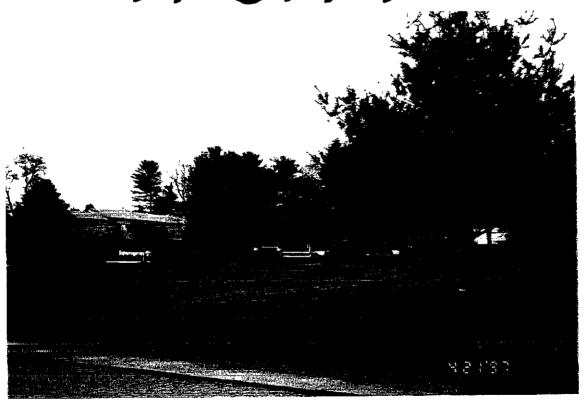
STANDING AT INTERSECTION OF SWEET AIR & GLOW HIGH ROADS (LOOKING NORTH)
SHOWS ADJACENT PROPERTY AT 13904 GLEN HIGH ROAD AND OUTBUILDINGS OF FARY
AT 5322 SWEET AIR ROAD ALSO ILLUSTRATES CURRENT HORSE EXERCISING AREA
ON 5330 SWEET AIR ROAD PROPERTY.

517.



FROM CORNOR OF SWEET AIR AND GLOW HIGH RUADS, SHOWS AVAILABLE SIDE AND BACK FIEZDS.

97-517-A



FROM REAR OF 5330 SWEET AIR ROAD PROPERTY, SHOWS REAR FIELD OF PARCEL, AND ROAR OF ADJACENT PROPERTY AT 5324 SWEET AIR ROAD (THROUGH TREET).