IN RE: PETITION FOR ZONING VARIANCE

N/S Falls Rd., 210 ft. E of

Prettyboy Dam Road 2018 Falls Road

5th Election District

3rd Councilmanic District

John W. Laufer, et al Petitioners BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 98-22-A

\* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for a Zoning Variance for the property located at 2018 Falls Road in Parkton. The Petition was filed by John W. Laufer and John Matthew Laufer, property owners. Variance relief is requested from Section 404.5 of the Baltimore County Zoning Regulations (BCZR) to permit a shed (for farm use) to be located 20 ft. and 24 ft. from property lines in lieu of the required 50 ft. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case was John W. Laufer, property owner/co-Petitioner. Also present was Vincent J. Moskunas, from M & H Development Engineering, Inc., the preparer of the site plan. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is a rectangularly shaped lot, approximately 2.866 acres in area zoned R.C.4. The property is located near the intersection of Falls Road, Bushland Road and Prettyboy Dam Road, near the Gunpowder Falls State Park in Parkton.

Mr. Laufer testified that he originally owned 56 acres of land in this area, including the subject parcel. However, in 1979, a significant portion of his acreage was sold to the State of Maryland for inclusion into the Gunpowder State Park. Presently, he owns the subject parcel and a second parcel, approximately 1.074 acres which sits immediately adjacent

thereto. The two parcels are used in conjunction with one another. In fact, as shown on the site plan, the smaller parcel contains an existing two story brick and frame dwelling in which Mr. Laufer resides. Additionally, an existing 1-1/2 story frame barn straddles the lot line between the two parcels, and a second metal shed presently sits on the parcel at issue.

Mr. Laufer testified that he proposes building an 80 x 60 ft. shed on the subject property. As shown on the site plan, the proposed shed would be located 24 ft. from one property line and 20 ft. from a second property line, thus the requested variances. Mr. Laufer identified himself as a "custom farmer" by occupation. He indicates that he leases out his equipment and services to other farmers in the area. Although he does not farm any of his own land, the nature of his business is to assist other farmers by working their farms. Thus, he owns a combine, several trucks, a bailer and several trailers. He proposes storing this equipment in the subject shed.

As noted above, the most immediate neighbor is the State of Maryland, Department of Forests and Parks, which owns the Gunpowder Falls State Park. The property also abuts a parcel owned privately by Richard H. Malone. In this regard, a copy of the letter signed by Mr. Malone was submitted at the hearing indicating that he does not oppose the requested relief.

Based upon the testimony and evidence presented, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. It is to be noted that Mr. Laufer does not intend any different use of the property then what has existed before. However, rather than store his equipment and vehicles outside, he proposes storing them inside the proposed shed to protect same from the elements. Clearly, there will be no

adverse impact on the surrounding properties if the variance is granted. Moreover, owing to the State's prior acquisition, I am persuaded that the property is unique in character and thus variance relief is requested. Moreover, the Petitioner would suffer practical difficulty if variance was denied. For all of these reasons, the requested variance shall be granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24 day of September 1997 that a variance from Section 404.5 of the Baltimore County Zoning Regulations (BCZR) to permit a shed (for farm use) to be located 20 ft. and 24 ft. from property lines, in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following restrictions:

- The Market of the State of the
- 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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.
- 2. The subject shed can be used only for the storage of the Petitioner's farm equipment. The shed cannot be used for any commercial purposes, nor can same be rented. The use of the shed is restricted to the storage of the Petitioner's farm equipment and personal items as set forth hereinabove.
- 3. There shall be no major repair or mechanical work of equipment on the premises, so as to prevent detrimental impact on the environmental resources in the vicinity.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES/mmn



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

September 23, 1997

Mr. John W. Laufer 2018 Falls Road Parkton, Maryland 21120

RE: Case No. 98-22-A

Petition for Zoning Variance Property: 2018 Falls Road

Dear Mr. Laufer:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions, 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:mmn att.

c: Mr. V. J. Moskunas
M & H Development Engr.Inc.
200 E. Joppa Road
Towson, Md. 21286



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at

2018 Fulls Road

which is presently zoned

204

This Petition shall be filed with the Department of Permits & 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) 464, 5 BCZR TO PEIZMIT A

SHED (FOR FARM USE) TO BE LOCATED BEFORE JUFT. AND 24 FT. FROM A
PROPERTY LINE IN LIEU OF THE REGIVERED 50 FT.

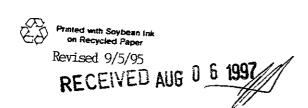
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or parachical xititical ky):

- 1. This is the only level area on the property to construct this type of shed.
- 2. There are other buildings over the lot line, the variance needed to make a singleness of use of Lot 2 with Parcel 160.
- State had condemned his farm so they could acquire it, leaving this area the only location for the shed.

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

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

			I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition
Contract Purchaser/Lessee.			Legai Owner(s):
			John W. Lander
(Type or Print Name)		- <del></del>	(Type on Print Name)
Signature			Signente N Laufer
			John Matthew Lawfer
Address		· · · · · · · · · · · · · · · · · · ·	(Type or Print Name)
City	State	Zipcode	Signature / Malifery - Jufe
Attorney for Petitioner			
(Type or Print Name)			2018 Falls Road (410) 343-0003 Address
			Parkton, MO 21120
Signature			City State Zipcode Name, Address and phone number of representative to be contacted.
			M&H Development Bry. Inc.
Address	Phone N	₩0	Name V
Crty	State	Ziptode	Advisor /
			TOWSON, NO. 2120C Phone No.



ESTIMATED LENGTH OF HEARING UNAVAILABLE Next Two Months

ALL DATE 1/2 2/9 7

### M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD ROOM 101, SHELL BUILDING TOWSON, MARYLAND 21204 Towson Office
Malcolm E. Hudkins
Registered Surveyor
Phone 828-9060

98-22-A

July 16,1997

#### ZONING DESCRIPTION FOR #2018 FALLS ROAD

Beginning at a point on the north side of Falls Road which is to be 60' wide at the distance of 210' east of the centerline of the nearest improved intersecting street Prettyboy Dam Road which is 40' wide. Being Lot #2 in the subdivision of John W. Laufer Property as recorded in Baltimore County Plat Book #46, folio #14, containing 2.866 acres. Also known as #2018 Falls Road and located in the 5th. Election District, 3rd. Councilmanic District.

J. Tilghman Downey, Jr.

# of the Zoong Act and Registrons of Baltimore County will nold a public hearing in Towson Maryland of the property identified herein as follows:

Case: #98-22-A
2018 Fails Road
N/S Fails Road, 210 E of Prettyboy Dam Road
5th Election District
3rd Councilmanic
Legal Owner(s):
John W. Laufer; and John

Matthew Lauter

Variance: to permit a shed

(for farm use) to be located 20

(for farmuse) to be located 20 feet and 24 feet from a property line in lieu of the required 50 feet.

Hearing: Thursday, September, 4, 1997, at 9:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT Zoning Commissioner for Bellimore County

Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

8/146. Aug 14 - C165279

## CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN.

LEGAL AD. - TOWSON

TRIBUTION WHITE CASHIER	FOR:	RECEIVED	MISCELLANEOUS	ALTIMORE (
PINK - AGENCY	RI FILING.	M+H	MISCELLANEOUS RECEIPT	RALTIMORE COUNTY, MARYLAND
YELLOW - CUSTOMER		AMOUNT \$ 50,00	ACCOUNT R036/50	_
CASHIER'S VALIDATION		CR (D. 041075 S0.00 CHECK	S PROJESS ACTUM, TIME 7/22/1997 7/22/1997 10:36:16 REG MSDS CASHIJER DIRV BXT INFAMER 1 MISUELLANGUS COSH RECEIPT	

# CERTIFICATE OF POSTING

RE: Case No.: 98-27-A Petitioner/Developer: John W. LAUFER Date of Hearing/Glosins: 9-497 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 that the necessary sign(s) required by law were posted conspicuously on the property located at \_ 2018 FALLS ROAD BALTO. MD. 21120 The sign(s) were posted on AUG. 20, 1997 (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) THOMAS P. Dale Se (Printed Name) 325 Nichalson Roso (Address) Baltimore, MD 21221
(City, State, Zip Code) (410) 687.8405

(Telephone Number)

98-22-A

Request for Zoning: Variat Special Exception, or Special Hearing	
Date to be Posted: Anytime before but no later than	
Format for Sign Printing, Black Letters on White Background:	

## **ZONING NOTICE**

Case No.: 98-22-A

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

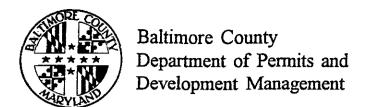
PLACE: _*
DATE AND TIME: *
REQUEST: # AVARIANCE TO PERMIT A SHED (FOR FORM USE) TO BE
LOCATED 20 FT. AND 24 FT. FROM A PROPERTY LINE IN LIEU OF
THE REGUIRED 50 FT.
·
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96 post.4.doc

\*UPON RECEIPT OF THE NOTICE OF HEARING, THE PETITIONER OR HIS AGENT FILLS IN THIS INFORMATION AND THEN FORWARDS THIS FORM TO THE SIGN POSTER.



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

#### 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 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 posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be accessed and paid to this office at the time of filing.
- 2) 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.: 22 Petitioner: 10MN W. & John M. Laufer
Location: 2018 Falls Poad
PLEASE FORWARD ADVERTISING BILL TO:  NAME: JOHN W. LAUFU
ADDRESS: 2018 Falls Poad
PAUKton, MD 21/20  PHONE NUMBER: (410) 343-0003
PHONE NUMBER: \T\0\) \\ \tag{7.000}

TO: PUTUXENT PUBLISHING COMPANY
August 14, 1997 Issue - Jeffersonian

Please foward billing to:

John W. Laufer 2018 Falls Road Parkton, MD 21120 41-343-0003

#### 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 in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

CASE NUMBER: 98-22-A
2018 Falls Road
N/S Falls Road, 210' E of Prettyboy Dam Road
5th Election District - 3rd Councilmanic
Legal Owner(s): John W. Laufer and John Matthew Laufer

Variance to permit a shed (for farm use) to be located 20 feet and 24 feet from a property line in lieu of the required 50 feet.

HEARING: THURSDAY, SEPTEMBER 4, 1997 at 9:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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

August 7, 1997

#### 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 in <u>Towson</u>, <u>Maryland</u> on the property identified herein as follows:

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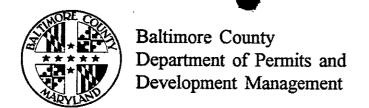
Arnold Jablon

Director

cc: John W. Laufer and John M. Laufer M & H Development Eng., Inc.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 20, 1997.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



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

August 27, 1997

Mr. John W. Laufer 2018 Falls Road Parkton, MD 21120

RE: Item No.: 22

Case No.: 97-22-A

Petitioner: John W. Laufer

Dear Mr. Laufer:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 22, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

> Sincerely, Con Richardy

W. Carl Richards, Jr.

Zoning Supervisor

WCR/re Attachment(s)



То:		Arnold L. Jabion		
From:		R. Bruce Seeley RDS/9p		
Subject:		Zoning Item #22		
	11301 Liberty Road, Owings Mills			
		Zoning Advisory Committee Meeting of: <u>August 4, 1997</u>		
<u></u>	The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.			
		Department of Environmental Protection and Resource Management requests an extension for the review above-referenced zoning item to determine the extent to which environmental regulations apply site.		
<u>X</u>	•	rtment of Environmental Protection and Resource Management offers the following comments on the e-referenced zoning item:		
_		Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).		
		Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).		
_		Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).		
_	X	Agriculture Preservation:		
		RC-4 to protect public water drinking supply. Need to determine proposed use. Any use involving heavy equipment repair or storage or handling or use of chemicals, paints, or motor oil should be		

carefully considered for potential impact on drinking water if spillage or ground water contamination

should occur. If sufficient protection can not be guaranteed, request should be denied.

Date: August 13, 1997

Attach original petition

BS:GP:sp

jablon.doc



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 8.7.57

Item No.

022

166

Dear Ms. Eubanks:

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 affected by any State Highway Administration 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,

100

Ronald Burns, Chief

Engineering Access Permits

P. J. Dredh

Division

LG

BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: August 11, 1997

Department of Permits & Development

Management

FROM

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

for August 11, 1997

Item Nos. 020, 021, 022, 023, 025, 026, 027, 028, 029, 030, & 033

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

DATE: August 12, 1997

TO: Arnold Jablon, Director Department of Permits

and Development Management

FROM: Arnold F. "Pat" Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 20, 22, 26, 27, 28, 29, 33, 38, 39, 40 and 41

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by: John W Kong

Division Chief: Cary C. Kerns

AFK/JL

Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

DATE: 10/07/95

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 2:204
MAIL STOP-1:05

RE: Property Owner: Bee Selow

Location: DISTRIBUTION MEETING OF August 4. 1997

Itam No.: SEE BELOW Zoning

Zoning Agenda:

Gen.lemen:

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

The Fire Morahol's Office has no compente at this time, TH PERFECTION OF THE FOLLOWING STEP NUMBERS:

010, 021, 022, 022, 025, 026, 027, 026, 029, 030, 031, and 033

PEVIEWER: UT. POREST 9 GAUERWALS

Thre derenal Office. PHONE 857-465.. MS-1102F

do: File

NER
YTM
1

#### 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 ZIMMERMÂN

People's Counsel for Baltimore County

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 <u>151</u> day of August, 1997, a copy of the foregoing Entry of Appearance was mailed to M & H Development Eng., Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioner.

Peter Max Zimmennen
PETER MAX ZIMMERMAN

2006 Falls Road Parkton MD 21120 August 10, 1997

Mr. Arnold Jablon
Development Processing
County Office Building
111 West Chesapeake Avenue
Towson MD 21204

SUBJECT: VARIANCE CASE# 98-22-A

Dear Mr. Jablon:

This letter concerns subject variance hearing for a shed to be constructed twenty (20) feet and twenty-four (24) feet from the property line in lieu of the required fifty (50) feet. I own the property at 2006 Falls Road which adjoins the east side of the partial in question known as 2018 Falls Road.

I do not object to John Laufer building an equipment shed closer than fifty (50) feet to my property line as long as it is no closer than twenty (20) feet to my property. Mr. Laufer has shown me the plans and drawings for the shed; he has assured me that when finished he will add landscape plantings and keep said property neat, clean and in good order.

If your office has any questions or I can be of further service to you on this subject, I can be reached at 410-343-3179 or at the above address.

Sincerely,

Richard H Malone

Richard H Malone

#### PETITIONER(S) SIGN-IN SHEET

NAME	MEN DEN. CNG. /NC.			
VINCINITY MOSKUNAS	200 E. JOPPA RO. TOUSON ZIZE			
JOHNWLAUFER	2018 FALLS RO. PARKTON ZIIZO			
·				

