

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 N/S Forge Road, 70 ft. W *
 of Cross Road * ZONING COMMISSIONER
 9900 Hidden Valley Road *
 11th Election District * OF BALTIMORE COUNTY
 5th Councilmanic District *
 Roger K. Butt, Petitioner * Case No. 98-270-A
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 9900 Hidden Valley Road in Perry Hall. The Petition was filed by Roger K. Butt, property owner. Variance relief is requested from Section 431.A of the Baltimore County Zoning Regulations (BCZR), to allow two commercial vehicles in excess of 10,000 pounds gross vehicle weight each to be parked on a residential lot in lieu of the zero vehicles allowed. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case was Roger K. Butt, property owner/Petitioner. Mr. Butt was unrepresented by counsel and presented no other witnesses in support of the Petition. Appearing in opposition to the request were Samuel A. Laxton, Jr. and Mary Laxton, his wife, who reside across the street from the subject property at 9909 Hidden Valley Road. They were represented by Newton A. Williams, Esquire. Others who appeared in opposition were Saffia Sakinedzad, Leonard B. Butt, Philip Butt, Sr., and Joseph H. Butt.

Testimony and evidence offered by the Petitioner was that the subject property is approximately 1.98 acres in area, split zoned D.R.2 and D.R.3.5. The property was formerly part of a large tract which was, at one time, owned by the Butt family. Over the years, the property has been subdivided and the subject parcel was acquired by the Petitioner. Other members of the Butt family live nearby, including Mr. Butt's sister, who

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 Date 3/10/98
 By [Signature]

resides immediately next door. Several members of the Butt family who appeared as Protestants live in the neighborhood.

Vehicular access to the site is by way of a private drive, known as Hidden Valley Road. This private road accesses Forge Road, a public street. Hidden Valley Road provides vehicular access to not only Mr. Butt's property, but his sister's property, the lot owned by Mr. and Mrs. Laxton, and the lot owned by Mr. Sakinedzad.

Mr. Butt testified that he resides on the subject property in a single family dwelling which has been constructed thereon. Apparently, Mr. Butt is a contractor by trade and personally built this dwelling. Photographs were submitted at the site which depict the dwelling. Mr. Butt lives on the premises with his daughter who is a student at the Perry Hall High School. He is divorced from the child's mother.

Overwhelming testimony and evidence presented was that Mr. Butt has used the property as a construction equipment storage yard and/or contractor's equipment yard. Section 101 of the BCZR defines construction equipment storage yard as "The use of any space, whether inside or outside of a building, for the storage of construction equipment and machinery, including landscaping and associated materials." A contractor's equipment storage yard is defined in Section 101 as "The use of any space, whether inside or outside of a building, for the storage or keeping of contractor's equipment and machinery, including building materials, storage, construction equipment, landscaping equipment and associated materials." Photographs of the site taken in the recent past show construction equipment on the property. Mr. Butt, in fact, admitted he owns a loader, several bobcats, trucks and trailers in association with his business. The neighbors are rightly upset about the use of the property in this manner and have complained to the Code Enforcement Section of the Depart-

ORDER RECEIVED FOR FILING

Date

3/19/98

By

ment of Permits and Development Management. In this regard, a violation citation is presently pending.

Apparently, in advance of the hearing before me, Mr. Butt has cleared the property of much of this equipment. As noted above, his Petition for Variance seeks relief to permit two commercial vehicles on the subject property. However, in open hearing, Mr. Butt amended his Petition. Specifically, he now requests approval to store only one truck and its associated flat bed trailer on the property.

As justification for his request, Mr. Butt indicated that he cannot afford to rent offsite property to store this vehicle. Interestingly, however, he admitted that some of his other equipment had been moved to another property. He also indicated that it would be inconvenient for him to store his vehicle offsite. In this regard, he testified that he had to transport his daughter to school daily and that it would be more convenient if the truck and trailer were stored on his property.

The neighbors testified as to their objections. They noted that the neighborhood is residential in character and that Mr. Butt's storage of construction equipment on his property is inconsistent with the surrounding lots. They are also concerned over the safety of small children in the area and note that Hidden Valley Road is a narrow drive incapable of safely accommodating trucks and large construction equipment.

The above is but a summary of the testimony and evidence offered. The record of this case will reflect the full testimony and evidence given. Additionally, it is to be noted that a Zoning Plans Advisory Committee (ZAC) comment recommending denial of the Petition was received from the Office of Planning.

Based upon the testimony and evidence offered, I easily find that the Petition for Variance should be denied. It is clear that Mr. Butt has

ORDER RECEIVED FOR FILING

Date

By

little regard for his neighbors and is using his property unlawfully. Moreover, it was only immediately prior to the date of this hearing and subsequent to the issuance of the violation notice that any efforts were made to clean up the property and bring same into compliance with the zoning regulations. Moreover, Mr. Butt's justification for variance relief is legally insufficient. Matters of personal preference cannot support the grant of the zoning variance. Moreover, I do not find his financial circumstances or need to transport his daughter to school as sufficient reasons to grant the variance. For all of these reasons, the Petition for Variance must be denied. In sum, the Petitioner has failed to produce sufficient evidence to meet the burden to obtain variance relief, pursuant to Section 307 of the BCZR and the case law.

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 denied.

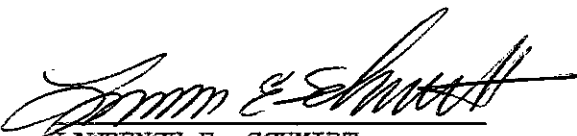
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of March 1998, that a variance, from Section 431.A of the Baltimore County Zoning Regulations (BCZR), to allow two commercial vehicles in excess of 10,000 pounds each gross vehicle weight to be parked on a residential lot, in lieu of the zero vehicles allowed, be and is hereby DENIED.

ORDER RECEIVED FOR FILING

Date

By

LES/mm


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning

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

March 9, 1998

Mr. Roger K. Butt
9900 Hidden Valley Road
Perry Hall, Maryland 21128

RE: Case No. 98-270-A
Petition for Zoning Variance
Location: 9900 Hidden Valley Road
Roger K. Butt, Petitioner

Dear Mr. Butt:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, 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,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

- c: Newton A. Williams, Esquire, Nolan, Plumbhoff and Williams
Suite 700, Nottingham Center
502 Washington Avenue
Towson, Maryland 21204
Attorney for Mr. and Mrs. Laxton
- c: Mr. Saffia Sakinedzad, 9913 Hidden Valley Road, 21128
Mr. Leonard B. Butt, 4506 Forge Road, 21128
Mr. Philip Butt, Sr., 4514 Forge Road, 21128
Mr. Joseph H. Butt, 4504 Forge Road, 21128



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9900 Hidden Valley Rd.
which is presently zoned DR2 & DR35

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) 431. A To allow

two (2) commercial vehicles in excess of 10,000 pounds gross vehicle weight to be parked on a residential lot in lieu of the zero (0) Allowed

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

To be discussed at the hearing.

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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.

Legal Owner(s):

ROGER K. BUTT

(Type or Print Name)

Roger K. Butt

Signature

(Type or Print Name)

Signature

9900 Hidden Valley Rd 410-578-7453 Daytime

Address

Phone No

Perry Hall

MD

21128

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

SAME

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1 hr

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: CAM

DATE

21 Jan 98



Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

98-270-A

270

-- Zoning Description

ZONING DESCRIPTION FOR 9900 Hidden Valley RD
(address)

Beginning at a point on the North side of
(north, south, east or west)
Forge Rd. which is 70'
name of street on which property fronts (number of feet of right-of-way width)
wide at the distance of 70' West of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street Cross Rd
(name of street)
which is 50' wide. *Being Lot # 1
(number of feet of right-of-way width)
Block ---, Section # --- in the subdivision of EDWARD + ALMA BUTT
(name of subdivision)
95-048MP
as recorded in Baltimore County Plat Book # ---, Folio # ---,
containing 1.954 Also known as 9900 Hidden Valley RD
(square feet or acres) (property address)
and located in the 11 Election District, 5 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

98-270-A

270

BALTIMORE COUNTY, MD
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 044509

DATE

21 Jan 94

ACCOUNT

R-001-6150

270

AMOUNT

\$ 50.00

RECEIVED FROM:

Roger Butt

FOR:

9900 Hudson Avenue Rd

Release

98-270-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESSED

ACTUAL

108

1/22/1998

1/23/1998

15:28:30

PER MISC

CASHIER 1301 LXS

DRB/BLK

5 MISC

1301 LXS

DRB/BLK

DR NO.

044509

07/10/94

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-12, 1998

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 2-12, 1998

NOTICE OF ZONING HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #98-270-A
9800 Hidden Valley Road
MS Forge Road, 70' W Cross Road

11th Election District
5th Councilman District
Legal Owner(s):
Robert K. Butt

Variance: to allow two commercial vehicles in excess of 10,000 pounds gross vehicle weight to be parked on a residential lot in lieu of the two allowed.

Hearing: Tuesday, March 3, 1998 at 9:00 a.m. in Room 407, County Courts Bldg., 401 Bayley Avenue.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call (410) 887-3383.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

2/13/98-PD-12 (2206941)

THE JEFFERSONIAN,

A. H. Enid
LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case No.: 98-270 A

Petitioner/Developer: _____

ROGER BUTT

Date of Hearing/Closing: 3/3/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

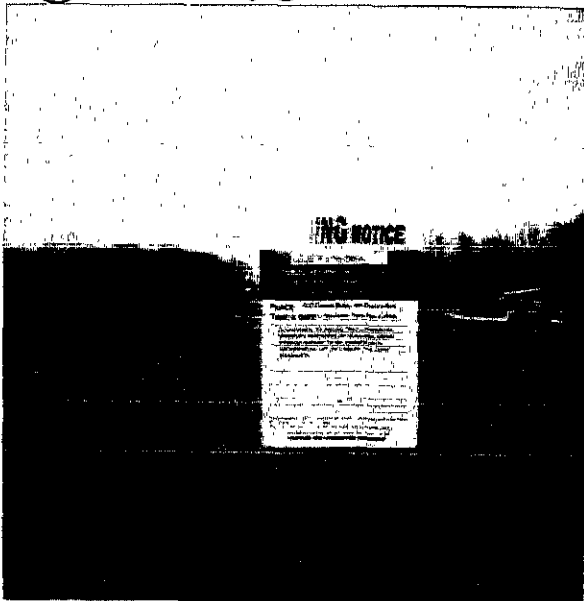
Ladies and Gentlemen:

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 _____

9900 HIDDEN VALLEY RD.

The sign(s) were posted on 2/15/98
(Month, Day, Year)

CASE # 98-270 A



Sincerely,

Richard E. Hoffman 2/15/98
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELWOOD DR
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

9900 HIDDEN VALLEY RD.

POSTED 2/15/98

Richard E. Hoffman 2/15/98

Request for Zoning: Variance, 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.: 98-270-A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Variance to Allow two commercial
vehicles in excess of 10,000 pounds gross vehicle
weight to be parked on a residential
lot in lieu of the allowed zero (0).

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



Baltimore County
Department of Permits and
Development Management

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 (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.: 270

Petitioner: Roger Butt

Location: 9900 Hedges Valley Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Roger Butt

ADDRESS: 9900 Hedges Valley Rd

Perry Hall MD 21128

PHONE NUMBER: 4-538-7453

AJ:ggs

98-270-A

(Revised 09/24/96)



Baltimore County
Department of Permits and
Development Management

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

January 29, 1998

NOTICE OF ZONING HEARING

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9900 Hidden Valley Road
N/S Forge Road, 70' W Cross Road
11th Election District - 5th Councilmanic District
Legal Owner: Robert K. Butt

Variance to allow two commercial vehicles in excess of 10,000 pounds gross vehicle weight to be parked on a residential lot in lieu of the zero allowed.

HEARING: Tuesday, March 3, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Robert K. Butt

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY FEBRUARY 15, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
February 12, 1998 Issue - Jeffersonian

Please forward billing to:

Roger Butt 410-538-7453
9900 Hidden Valley Road
Perry Hall, MD 21128

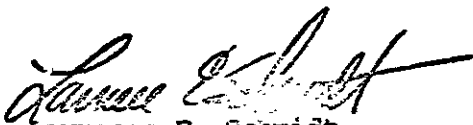
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HEARING: Tuesday, March 3, 1998 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue


Lawrence E. Schmidt scj

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR 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.



Baltimore County
Department of Permits and
Development Management

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

February 18, 1998

Mr. Roger K. Butt
9900 Hidden Valley Road
Perry Hall, MD 21128

RE: Item No.: 270
Case No.: 98-270-A
Petitioner: Roger Butt

Dear Mr. Butt:

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 January 21, 1998.

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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

Date: February 10, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 9900 Hidden Valley Road

INFORMATION

Item Number: 270
Petitioner: Roger K. Butt
Zoning: DR 2
Requested Action: Variance

Summary of Recommendations:

The applicant requests a variance from Section 431.1A of the Baltimore County Zoning Regulations to allow two commercial vehicles in excess of 10,000 pounds gross vehicle weight. Section 431A states the following: "A commercial vehicle exceeding 10,000 pounds gross weight or gross combined weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle. {Bill No. 70, 1988.}" This portion of the legislation is found in the use section of the regulation and not in the height and area section. Therefore, this Petition for Variance has been unnecessarily filed since no action can be taken to remedy the owner's situation under the intended and current restrictions of this particular regulation.

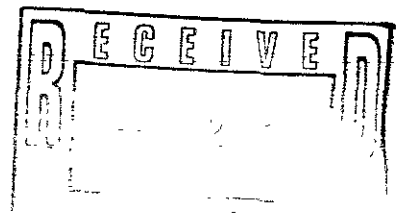
Prepared by:

Jeffrey M. Jory

Division Chief:

Gary L. Kerns

AFK/JL





Maryland Department of Transportation
State Highway Administration

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 1/30/98
Item No. 270 CAM

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,

Ronald Burns, Chief
Engineering Access Permits
Division

for

LG

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

TO: POM

DATE:

1/29/98

FROM: R. Bruce Seeley. RBS/98
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: FEB 2, 98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

98-156

267

269

270

272

273

274

275

RBS:sp

BRUCE2/DEPRM/TXTS8P

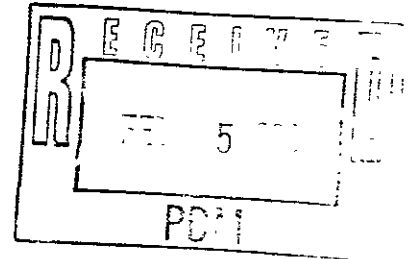


Baltimore County
Fire Department

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

February 4, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105



RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 2, 1998

Item No.: See Below

Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

247. R-98-150. (270.) 271, 276, 277, and 278

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881. MS-1102F

cc: File



B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: February 10, 1998

FROM: *rd* Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for February 9, 1998
 Item Nos. 247, 269, 270, 271, 274,
 277, and CASE NUMBER R-98-150

 The Bureau of Developer's Plans Review has reviewed the subject
zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

RE: PETITION FOR VARIANCE
9900 Hidden Valley Road, N/S Forge Rd,
70' W Cross Rd, 11th Election District,
5th Councilmanic

Robert K. Butt
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 98-270-A

* * * * *

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 February, 1998, a copy of the foregoing Entry of Appearance was mailed to Robert K. Butt, 9900 Hidden Valley Road, Perry Hall, MD 21128, Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Les Signe
3/3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

Date: February 10, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

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Prepared by: *Jeffrey W. Fay*

Division Chief: *Gary L. Keene*

AFK/JL

Roger Bull -
Newton Williams - M & M

Roger - 1.98 acres

zoned DR 3.5. H - DR 2.
property.

father - Edward Bull
sister south of NW
NW is north

Deep Truck - now sold
Flat Bed Truck -

Variance to allow 1 Truck
Flat Bed

Flat bed - 40,000 lb -

Truck 12 feet - 14 feet long

equipment - 18 feet

Lived on the property - moved
away
built house 1 year -
lived here about 1 year

Demolition burner

self employed-

Hidden Valley Rd - was a
gravel road
now black top

private road -
not a county

Monon for Varner

- 1) ~~Self employed~~ Self employed
Demolition burner
- 2) ~~is~~ takes child to
school -
single parent
- 3) can't afford
- 4) Has conducted ~~the~~
~~from~~ 4 feet high
burn

can't afford garage

truck used ^{to} move equipment from
one place to another

bobcat or loader

this equipment stay on job site -
bobcat stored on site 7

counts to keep

- ahmed has crab trucks etc in his yard
 - ahmed selling used cars & has restaurant equipment stored there
- He's a victim of nasty neighbors

Cross - been in excavating business for 25 years
demolition for 2 1/2 years
worked for Balto Co for 15 years

he commercialized crab

Coastal Excavating Inc. -

business on ⁴⁰¹ Chesaco -
superintendent

small company - 6
employees

own 2 bobcats, loader &
Truck & trailer, & Bobcat Trailer

Truck, Trailer

only wants Truck & Trailer
there

one bobcat leaving today
one bobcat leaving tomorrow

Nte 7 - private piece of private
homestead construction

Nte 7 storage

No room for tractor trailer
on Nte 7

no rent paid for Nte

No Room for ~~the~~ subject truck
at premises

* Will not store equipment
just one truck

Got no grading permit

- daughter goes to Perry Hall Senior High
how disabled ~~is~~ is she? not very

no claim of uniqueness

Leonard Butt -

~~Wagon~~ Causen -
here all his life -

zoned DM 2 - DM 3.5.

~~that~~ would be equipment

- he owns 12 acres

~~Wagon~~ objects to noise

farm house rented

- value of 12 acres

- noise

Ahmed -
8 years -

~~of~~

- he has 3 children -

- he ~~sees~~ sees a lot of
trucks

children

- drive fast down

- not enough room on road

- Noise, operates construction
equipment storage yard

Tractor Trailer -
maintenance on yard

2000 foot driveway
no maintenance
7' 6" wide driveway

~~3rd~~

Mr. Coxton

3 1/2 years 2 acres in home

3 acres undeveloped

eyesore - doesn't want to
see

equipment should not be
allowed

zoning codes -

impact - on his property
property values

Road 11 feet wide 3" thick
5 children on road -

opens Pandora's Box -

Violation Code Enforcement

Butt ignores Shapiro's
order

supplies + support materials
are there - tires, steel rods,

opens Pandora's Box

+ Wants to run business from
Hidden Valley Rd -

Newton -

- nothing is unique -

no ~~is~~ practical difficulty or
unreasonable hardship

- only for his convenience -

Perry Hall Improvement Association, Inc.
P.O. Box 63
Perry Hall, MD 21128-0063

Pratt 3

January 5, 1998

Mr. S. Arthur Laxton
9909 Hidden Valley Road
Perry Hall, MD 21128

Dear Mr. Laxton:

Since 1945, the Perry Hall Improvement Association has worked to improve the quality of life for our residents. While our efforts frequently involve infrastructure and the construction of schools, parks, and roads to benefit our growing community, we have also taken a very proactive position regarding the need to maintain housing codes and community liveability statutes.

That is why the Board of Directors for the Perry Hall Improvement Association supports you and other interested parties in the case against Kevin Roger Butt (9900 Hidden Valley Road, Perry Hall, MD 21128), who has been issued a citation for violating code sections 101 and 102.1 pertaining to the storage of commercial vehicles in a residential zone. **This is citation #97-8356** and the hearing is scheduled for January 7, 1998 at 9:00 a.m. in Room 106 of the County Courthouse.

We believe very strongly that the integrity of residential zones must be carefully monitored in Baltimore County and hope that this action results in a better living environment for you and your neighbors.

Cordially:

Al Thompson

Al Thompson
President

Perry Hall Improvement Association

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

*Newton
Williams*

NAME

ADDRESS

MARY LAXTON

S. A. LAXTON

Sofia SAKINEDZAD

Leonard B BUTT

Philip Butt Jr

Joe. N Butt

9909 Hoses Valley Rd Reynold

"

9913 HIDDEN valley Rd

4386 Forge Rd. 21128

4514 Forge Rd 21128

4504 Forge Rd. 21128

PETITIONER(S) SIGN-IN SHEET

ADDRESS

ROGER PUTT

ADDRESS
9900 Hudson Valley RD
Perry Hall MD 21228



Printed with Soybean Ink
on Recycled Paper

THE ROGER K. BUTT PROPERTY
9200 HIDDEN VALLEY
9 ROAD

CASE NO. 98-270-A

THE PROPERTY OWNER , MR. BUTT, IS ASKING FOR A VARIANCE TO ALLOW TWO [2] COMMERCIAL VEHICLES OVER 10,000 POUNDS ON HIS 6.93 ACRE SITE TO STORE HIS GRADING AND EXCAVATING EQUIPMENT.

THE BUTT PROPERTY IS SURROUNDED BY RESIDENTIAL ZONES AND USES , INCLUDING:

1. TO THE NORTH — DR 3.5 , RICHLYN MANOR ;
- 2, TO THE SOUTH— DR2 AND 3.5 HIDDEN VALLEY ROAD — LARGER ACREAGE HOMES ;
3. TO THE EAST— LARGE DR 2 PARCELS AND THE GUNPOWDER STATE PARK;
4. FORGE ROAD AND DR 3.5 AND DR 3.5 -H ZONES WITH HOMES .

THE VARIANCE SHOULD NOT BE GRANTED BECAUSE:

A. THE SITE IS NOW A CONTRACTOR'S STOR WAS FOUND IN VIOLATION ON JANUARY 7TH DESPITE FAILURE TO APPEAR. AGE YARD, AN ILLEGAL USE IN THE DR ZONES. IN CITATION 97-8336. MR. BUTT WAS FOUND IN VIOLATION DESPITE HIS FAILURE TO APPEAR.

B. SECTION 101 DEFINES A "CONSTRUCTION EQUIPMENT STORAGE YARD" 'as: the use of any space , wether inside or outside a building for the storage of construction equipment or machinery, including landscaping equipment and associated materials.'

C. SUCH A USE IS NOT ALLOWED AT ALL IN ANY DR ZONE.

D. MR. BUTT CANNOT SHOW ANY VALID BASIS TO SO USE HIS DR PROPERTY.

E. THE VIOLATION PROCESS SHOULD NOT BE SUBVERTED BY A CASE AS HERE WHICH CANNOT BE GRANTED.

F. THE REQUEST DOES NOT MEET THE REQUIREMENTS OF SECTION 431. B. AS TO VISIBLE EQUIPMENT, NO ADVERTISING AND NUMBER OF TRUCKS.

FOR ALL OF THESE REASONS WE REQUEST THAT THE VARIANCE BE DENIED.

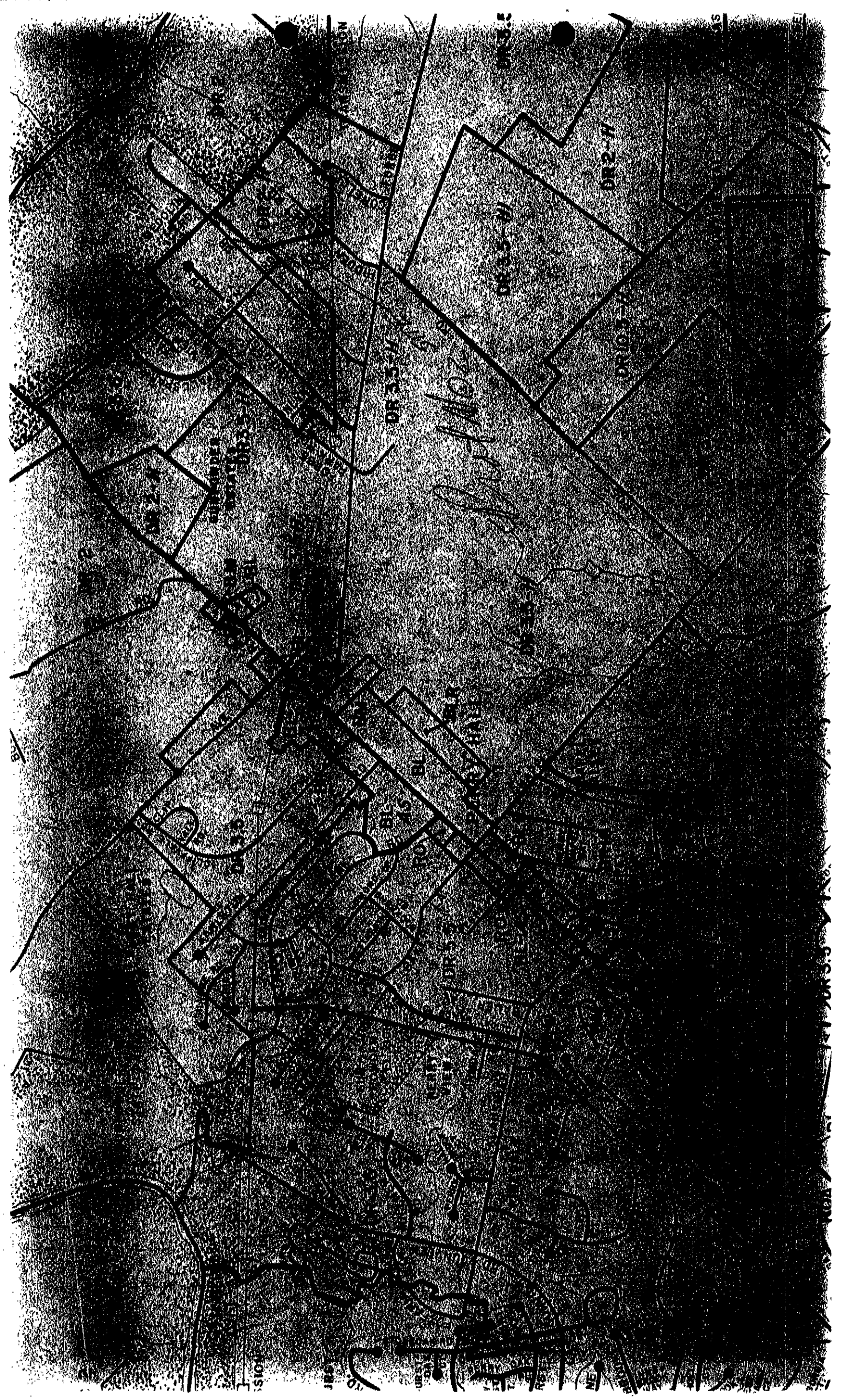
IT IS FURTHER REQUESTED THAT THIS DENIAL BE PROMPTLY CONVEYED TO
ENFORCEMENT SECTION AND THE SITUATION BE REMEDIED.

RESPECTFULLY SUBMITTED,

NEWTON A. WILLIAMS
NOLAN , PLUMHOFF AND
WILLIAMS
502 WASHINGTON AVE.
TOWSON, MD. 21204
410 823 7800

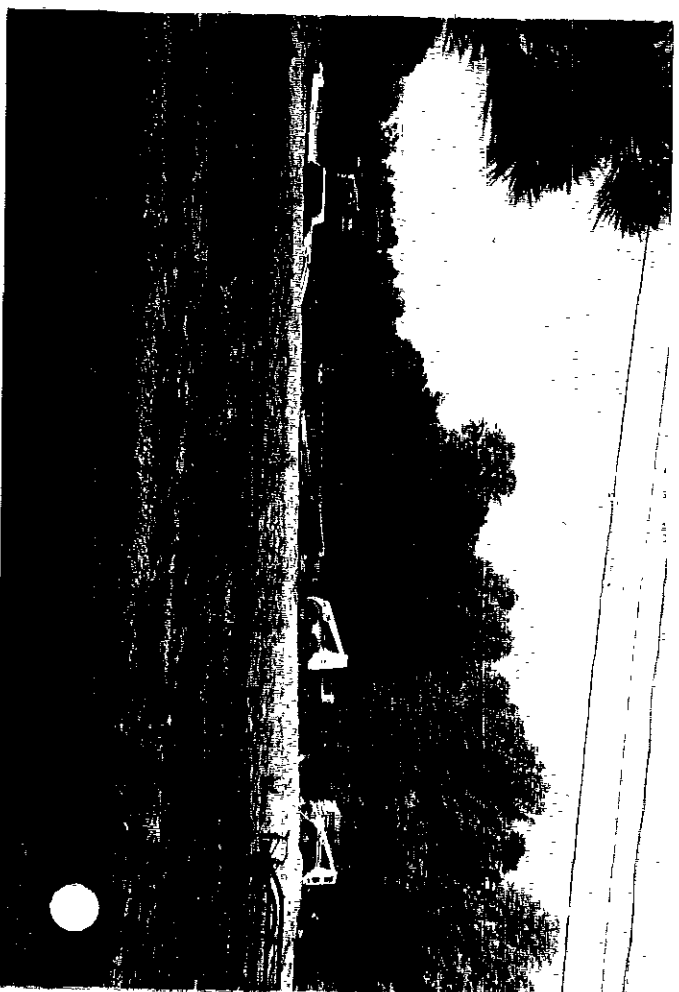
Section 431.--PARKING OF COMMERCIAL VEHICLES ON RESIDENTIAL
PROPERTY. [Bill No. 70, 1988.]

- A. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle. [Bill No. 70, 1988.]
- B. One commercial vehicle per dwelling unit may be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle subject to the following conditions: [Bill No. 70, 1988.]
1. The gross vehicle weight or gross combination weight shall not exceed 10,000 pounds. [Bill No. 70, 1988.]
 2. The owner or operator of the vehicle shall reside on the lot. [Bill No. 70, 1988.]
 3. The vehicle shall be parked within a fully enclosed structure or, alternatively, if not within a fully enclosed structure: [Bill No. 70, 1988.]
 - a. No materials, products, freight, or equipment shall be visible; [Bill No. 70, 1988.]
 - b. The vehicle shall display no advertising other than lettering, figures or designs located on the driver's door or front seat passenger's door; and [Bill No. 70, 1988.]
 - c. The vehicle shall be parked in a side or rear yard. [Bill No. 70, 1988.]





E. Cucumber run access -



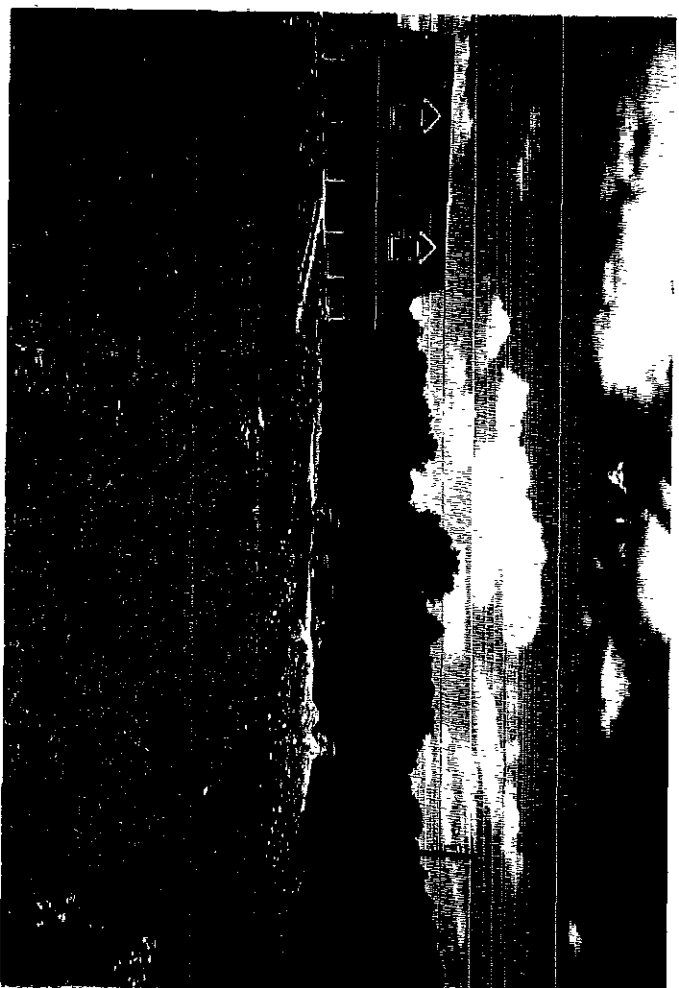
F. Farm road & construction equipment.



C, Butte Property looking down
Hudson Valley Rd.



D, Boat and landing on Butte
Property



Post 1

G, Butt House and Yard.



H, Butt
Equipment