

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - E/S Black Rock Road,
2800' SE of Benson Mill Road * DEPUTY ZONING COMMISSIONER
(3310 Black Rock Road)
5th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 93-479-SPHA

Edward F. Royston, Jr., et ux
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Edward F. Royston, Jr., and his wife, Belinda E. Royston, through their attorney, Edward C. Covahey, Jr., Esquire. The Petitioners seek approval of an amendment to the special exception granted in prior Case No. 93-65-SPHZA to permit the existing former dwelling (now restricted to use as an accessory building) to become the principal dwelling, and to approve the existing trailer (now the primary dwelling) as a tenant farmer dwelling. In addition, the Petitioners request a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street centerline setback of 70 feet in lieu of the required 75 feet for the existing dwelling. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Edward and Belinda Royston, property owners, Bruce Doak, a Registered Land Surveyor with Gerhold, Cross & Etzel, the consulting firm which prepared the site plan for this property, and Michael Pate, Esquire, who appeared on behalf of Mr. Covahey to represent the Petitioners. Appearing as Protes-

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Date 11/2/78

By [Signature]

tants in the matter were James and Jackie Amos, adjoining property owners, and Jack Dillon, Executive Director of the Valleys Planning Council.

Testimony and evidence offered revealed that the subject property consists of a gross area of 21.00 acres, more or less, zoned R.C.2, and is improved with a dwelling, an accessory barn, a mobile home, and two sheds. As noted above, this property was the subject of prior Case No. 93-65-SPHYA in which the then owner, Cheryl Blevins, came before Zoning Commissioner Lawrence E. Schmidt, seeking special hearing, special exception and variance relief to permit the mobile home, which was previously permitted as a tenant dwelling, to be occupied as the principal dwelling, and to permit the original farm dwelling to be used as an accessory building. Commissioner Schmidt granted the relief requested, subject to certain terms and conditions, by his Order dated December 2, 1992. Ms. Blevins subsequently sold the property in 1994 to Mr. & Mrs. Royston, who now come before me seeking essentially a reversal of the previously approved relief.

As noted above, the Petitioners have owned the property since 1994 and have been using the property for boarding horses. Mr. Royston testified that he boards a small number of horses on the property and that his son participates in the boarding operation on a part-time basis as he has a full-time job. Although Mr. & Mrs. Royston do not currently live on the property, they are in the process of renovating the original dwelling and indicated that they intend to occupy same as their principal residence upon completion of the improvements. Testimony indicated that the original farm house was in deplorable condition, was uninhabitable, and an eyesore to the community. Mr. Royston noted that it was because the farm house was uninhabitable that the prior owner located a mobile home on the property to reside therein. Mr. Royston's son has been living in the mobile

home for the past three years and acts as caretaker/overseer of the property and participated in the horse boarding operation. Thus, coincident with the special hearing relief requested, the Petitioners wish to retain the mobile home as a tenant dwelling, which was how it existed prior to the relief granted in Case No. 93-65-SPHXA. It is to be noted that photographs of the property demonstrated that the Roystons have done a beautiful job of renovating the original farm dwelling and have created a lovely home. However, at issue is whether the mobile home satisfies the requirements of a tenant farmer dwelling in order to remain on the property. The Petitioners have requested that if approval of the mobile home as a tenant farmer dwelling is denied, that the use and occupancy permit for same be transferred to the newly renovated original farm house.

The Protestants were opposed to granting the request to maintain the mobile home as a tenant dwelling and expressed concern about an abuse of such a tenant farmer operation. In addition, the Office of Planning recommended by their Zoning Plans Advisory Committee comment, dated July 9, 1998, that this matter be referred to the Agricultural Land Preservation Advisory Board to certify legitimate tenant farm residency for the trailer. Thus, after further discussing the matter with the Petitioners and the Protestants, and based upon the Office of Planning's recommendation, this case was continued and the matter referred to the Agricultural Board for their review and comment as to whether the mobile home satisfied the requirements of a tenant farmer dwelling.

By letter dated October 16, 1998 to Carl Richards, Zoning Review Division of the Department of Permits and Development Management, the Agricultural Board indicated that they did not recommend approval of the mobile home as a tenant farmer dwelling, inasmuch as the horse boarding

operation does not justify the need for a full-time tenant farmer and the fact that the proposed tenant (the Petitioners' son) does not work full time on the farm. I concur with their assessment in that based upon the testimony and evidence presented at the hearing, I was not satisfied that the mobile home met the requirements of a tenant farmer dwelling. Therefore, the relief requested to approve the existing trailer as a tenant farmer dwelling shall be denied. As to the Petitioners' request that the use and occupancy permit for the mobile home be transferred to the newly renovated farm house, I find that approval should be granted. However, in doing so, the ability for any one to reside within the mobile home on the property shall cease and terminate upon the issuance of a use and occupancy permit for the renovated farm house. Mr. Royston indicated at the hearing that he and his wife travel frequently during the year and he is concerned about having a caretaker to oversee his property and maintain the horse boarding operation on the site. His concerns are well-founded and in other similar cases, I have granted permission for a caretaker to reside on the property. However, in none of those cases was the caretaker allowed to reside in a mobile home on a permanent basis. The Petitioners have the option to file a Petition for Special Exception to allow a caretaker's residence on the subject property; however, the facilities within which the caretaker would reside should be in keeping with the overall character and appearance of the property. It is apparent that the Roystons have invested a considerable amount of time, money and effort in renovating the original farm dwelling and that the mobile home is not compatible. Thus, it is incumbent upon the Petitioners to remove this mobile home once occupancy in the newly renovated farm house is established. Therefore,

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11/5/11
BY

upon receipt of the use and occupancy permit for the new dwelling, the Petitioners shall have ninety (90) days to remove the mobile home.

In addition to the special hearing relief sought, the Petitioners requested a variance to allow the existing farm house to remain 70 feet from Black Rock Road. Inasmuch as the house has existed on the property in its present location for over 70 years, strict compliance with the zoning regulations would create a practical difficulty and unreasonable hardship for the Petitioners. 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 and meets the spirit and intent of the zoning regulations.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested shall be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of November, 1998 that the Petition for Special Hearing seeking an amendment to the Special Exception relief granted in prior Case No. 93-65-SPHXA to allow the existing original farm dwelling to become the principal dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street centerline setback of 70 feet in lieu of the required 75 feet for the existing original farm dwelling, 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Upon receipt of a use and occupancy permit for the newly renovated farm dwelling, the Petitioners have ninety (90) days to remove the mobile home from the property.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the existing trailer (now the primary dwelling) as a tenant farmer dwelling, be and is hereby DENIED.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
FILED
11/2/88
BY



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

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

November 5, 1998

Michael Pate, Esquire
Covahey & Boozer
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
E/S Black Rock Road, 2800' SE of Benson Mill Road
(3310 Black Rock Road)
Edward F. Royston, Jr., et ux - Petitioners
Case No. 98-479-SPHA

Dear Mr. Pate:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in part and denied in part, and the Petition for Variance 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,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Edward F. Royston, Jr.
14307 Mount Avenue, Phoenix, Md 21131
Mr. Bruce Doak, Gerhold, Cross & Etzel
320 E. Towsontown Blvd., Towson, Md. 21286
Mr. & Mrs. James Amos, 3230 Black Rock Road, Reisterstown, Md. 21136
Mr. Jack Dillon, Executive Director, Valleys Planning Council
212 Washington Avenue, Towson, Md. 21204

People's Counsel; Case Files





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

3310 Black Rock Road

which is presently zoned

R.C. 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an Amendment to the Special Exception granted under 93-65-SPHXA to allow the existing former dwelling (now restricted to an accessory building use) to become the principal dwelling and to approve the existing trailer (now the primary dwelling) as a tenant farmer dwelling.

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

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

Edward C. Covahey, Jr.

(Type or Print Name)

Signature

614 Bosley Ave.

410-828-9441

Address

Phone No.

Towson, MD

21204

City

State

Zipcode

(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)

Edward F. Royston, Jr.

(Type or Print Name)

Signature

Belinda E. Royston

(Type or Print Name)

Signature

14307 Mount Avenue

410-584-7377

Address

Phone No.

Phoenix, MD

21131

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

(same)

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

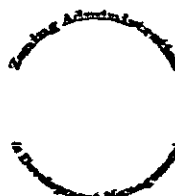
DATE

6-11-98

479

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48-479-SPHA





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

3310 Black Rock Road

which is presently zoned R.C. 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Variance from § 1A01.3.B.3 of the Baltimore County Zoning Regulations to permit a set back of 70' from the center line of Black Rock Road instead of the required 75'

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

- (1) The existing dwelling has been situate on the property in the present location for in excess of 70 years, and undue hardship or practical difficulty would occur if the variance is not granted in that the structure would have to be destroyed or moved.
- (2) The granting of this variance would sanction what would appear to be a non-conforming use.

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

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

Edward C. Covahey, Jr.

(Type or Print Name)

Legal Owner(s)

Edward E. Royston, Jr.

(Type or Print Name)

Signature

Belinda E. Royston

(Type or Print Name)

Signature

14307 Mount Avenue

410-584-7377

Address

Phone No

Phoenix, MD

21131

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

< (same)

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

6.11.98

479

ORDER RECEIVED FOR FILING

DATE

47.479-SPHA

Zoning Administration

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

May 11, 1998

Description
To Accompany Petition for Special Hearing & Variance
21.00 Acre Parcel
Northeast Side of Black Rock Road
Southeast of Benson Mill Road
Fifth Election District, Baltimore County, Maryland

Beginning for the same in the center of Black Rock Road at a point distant 2300 feet more or less, measured southeasterly along the centerline of Black Rock Road, from the centerline of Benson Mill Road, thence running and binding on said centerline of Black Rock 1) South 51 degrees 07 minutes 10 seconds East 86.57 feet and 2) South 54 degrees 20 minutes 25 seconds East 268.90 feet, thence leaving said centerline and running 3) North 25 degrees 04 minutes 09 seconds West 24.62 feet, 4) South 52 degrees 52 minutes 14 seconds East 137.74 feet, 5) North 38 degrees 29 minutes 35 seconds East 178.34 feet, 6) North 50 degrees 09 minutes 00 seconds West 47.00 feet, 7) North 39 degrees 51 minutes 00 seconds East 40 feet, 8) North 58 degrees 11 minutes 37 seconds East 545.44 feet, 9) South 54 degrees 02 minutes 34 seconds East 113.26 feet, 10) North 85 degrees 53 minutes 23 seconds East 1101.16 feet, 11) North 35 degrees 06 minutes 43 seconds West 907.56 feet, 12) South 59 degrees 01 minute 35 seconds West 1715.93 feet and 13) South 59 degrees 01 minutes 35 seconds West 170.39 feet to the point of beginning.

Containing 21.00 Acres of land, more or less.

**THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY
AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.**

c:\descript\brian21a des



98.479-SPHA

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner 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: #98-479-SPHA
3310 Black Rock Road
N/S Black Rock Road, 2300'
+/- from centerline Benson
Mill Road
5th Election District
3rd Councilmanic District
Legal Owner(s): Edward F.
Royston, Jr. & Belinda E.
Royston

Special Hearing: to approve an amendment to the special exception granted under case #93-65-SPHA to allow the existing former dwelling to become the principal dwelling and to approve the existing trailer as a tenant farmer dwelling. **Variance:** to permit a setback of 70 feet from the centerline of Black Rock Road instead of the required 75 feet.

Hearing: Tuesday, July 21,
1998 at 10:00 a.m., in Room
407, County Courts Bldg.,
401 Bostley Avenue.

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 concern-
ing the File and/or Hearing,
Please Call (410) 887-3391.

7/07/98 July 2 C240880

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/21, 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 7/21, 1998

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 056158

DATE 6-11-7P ACCOUNT 2001-6150

AMOUNT \$ 100.00

RECEIVED
FROM:

E. G. FOSTER, JR. 3310 BLK 2

FOR:

(010) VARIANCE
(032) CDN 1+21-

98.479.5PHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Jan

PAID RECEIPT

PROCESS ACTUAL TIME
6/11/1998 6/11/1998 11:50:18

REQ W302 CASHIER JRIC JWR DRAFTER 2

5 MISCELLANEOUS CASH RECEIPT

Receipt # 049031

CR NO. 056158

100.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RF Case No. **98-479-SPHA**To: Permit Developer **BSE ROYSTON**

96 LEE RD. #12 SEVASTOPOL, MD 21154

Date of Posting - Closing **7/21/98****FAX-820-9441**
*copy*Baltimore County Department of
Permits and Development Management
County Office Building Room 11
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stetten

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the sign(s) required by law
were posted conspicuously on the property located at **3310 BLACKROCK RD.**

The sign(s) were posted on _____

Month Day Year

Sincerely,

Patrick M. O'Keefe 7/21/98
(Signature of Sign Poster and Date)**PATRICK M. O'KEEFE**
(Printed Name)**505 PENNY LANE**
(Address)**HUNT VALLEY, MD. 21030**
(City, State, Zip Code)**410-666-5366** ; **CELL 410-905-8571**
(Telephone Number)**98-479-SPHA COVAHEY**
3310 BLACKROCK RD - BSE ROYSTON

P-7198

7/21/98

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
3310 Black Rock Road, N/S Black Rock Rd, 2300'
from c/l Benson Mill Rd, 5th Election District, 3rd
Councilmanic

Legal Owners: Edward F. and Barbara E. Royston, Jr.

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 98-479-SPHA

* * * * *

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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of July, 1998, a copy of the foregoing Entry of Appearance was mailed to Edward C. Covahey, Jr., Esq., Covahey & Boozer, 614 Bosley Avenue, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

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

June 23, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner 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 NUMBER: 98-479-SPHA
3310 Black Rock Road
N/S Black Rock Road, 2300' +/- from centerline Benson Mill Road
5th Election District - 3rd Councilmanic District
Legal Owner: Edward F. Royston, Jr. & Belinda E. Royston

Special Hearing to approve an amendment to the special exception granted under case #93-65-SPHA to allow the existing former dwelling to become the principal dwelling and to approve the existing trailer as a tenant farmer dwelling. Variance to permit a setback of 70 feet from the centerline of Black Rock Road instead of the required 75 feet.

HEARING: Tuesday, July 21, 1998 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with a small "scj" written below it.

Arnold Jablon
Director

c: Edward C. Covahey, Jr.
Belinda & Edward Royston, Jr.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JULY 6, 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
July 3, 1998 Issue - Jeffersonian

Please forward billing to:
Covahey & Boozer
614 Bosley Avenue
Towson, MD 21204

410-828-9441

NOTICE OF ZONING HEARING

The Zoning Commissioner 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 NUMBER: 98-479-SPHA
3310 Black Rock Road
N/S Black Rock Road, 2300' +/- from centerline Benson Mill Road
5th Election District - 3rd Councilmanic District
Legal Owner: Edward F. Royston, Jr. & Belinda E. Royston

Special Hearing to approve an amendment to the special exception granted under case #93-65-SPHA to allow the existing former dwelling to become the principal dwelling and to approve the existing trailer as a tenant farmer dwelling. Variance to permit a setback of 70 feet from the centerline of Black Rock Road instead of the required 75 feet.

HEARING: Tuesday, July 21, 1998 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", with a stylized flourish to the right.

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.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 479

Petitioner: Edward and Belinda Roysson

Address or Location: 3350 Black Rock Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Coushey E Booser

Address: 614 Bosley Ave

Towson MD 21204

Telephone Number: 410 828-9441

Revised 2/20/98 - SCJ

98.479.SPHA

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than 6.21.98

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-479-SPHV

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

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL HEARING TO AMEND CASE 93-95-SAHKA TO PERMIT THE
FORMER DWELLING TO BECOME THE PRINCIPAL DWELLING CURRENTLY
RESTRICTED TO ACCESSORY STRUCTURE USE AND TO PERMIT THE
EXISTING TRAILER TO REMAIN AS A TENANT FARMER DWELLING, AND
A VARIANCE TO PERMIT A SETBACK OF 70FT. FROM THE CENTERLINE
OF BLACK ROCK ROAD IN LIEU OF THE REQUIRED 75FT.

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

July 14, 1998

Edward C. Covahey, Jr., Esq.
614 Bosley Avenue
Towson, MD 21204

RE: Item No.: 479
Case No.: 98-479-SPHA
Petitioner: Edward and
Belinda Royston
Location: 3310 Black Rock Road

Dear Mr. Covahey:

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 June 11, 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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)





Baltimore County
Fire Department

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

July 2, 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 JUNE 22, 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:

476, 477, (479) 481, 484

REVIEWER: LT. ROBERT P. SAUERWALD

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

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: June 26, 1998

FROM:  Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for June 29, 1998
Item Nos. 473, 476, 477, 479, & 484

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

RWB:HJO:jrb

cc: File

ZONE0629.NOC

Tina
7/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

DATE: July 9, 1998

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

SUBJECT: 3310 Black Rock Road

INFORMATION

Item Number: 479

Petitioner: Royston Property

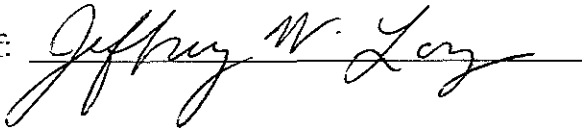
Zoning: RC 2

Requested Action: Special Hearing and Variance

Summary of Recommendations:

The Office of Planning recommends that this matter be referred to the Agricultural Land Preservation Advisory Board in order to certify legitimate tenant farm residency for the trailer.

Section Chief:



AFK/JL

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

DATE: 7/14/98

To: Arnold L. Jablon
From: R. Bruce Seeley *RB Seeley*
Subject: Zoning Item #479

3310 Black Rock Rd

Zoning Advisory Committee Meeting of JUNE 22 1998

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-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 AG PRESERVATION;
- Comments Attached.

BS:sp

BALTIMORE COUNTY, MARYLAND
ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE
887-4488 Ext. 241 Fax 887-4804

To: Development Coordination
From: Wally Lippincott, Jr. *WLL* Date: July 9, 1998
Re: SpH 479 - 3310 Black Rock Road

Recommendation: To deny this petition because there is no evidence that the present farm operation can justify the need for a tenant building and the special conditions that were in existence at the time of the initial approval of a tenant trailer in 1989 no longer exist.

Basis: There is extensive history on the need for a tenant building on this property. In 1989, Mr. & Mrs. Amos sought and received approval from the Baltimore County Agricultural Land Preservation Advisory Board for a tenant trailer for their daughter so that she could help them care for the farm property. In 1991, the Baltimore County Agricultural Land Preservation Advisory Board found (see enclosed letter) that after the death of the elderly couple there was no longer justification for a tenant building. Since that time there has been no evidence to support the need for a tenant building based upon an agricultural operation on the 21 acre property.

c. Mark Daneker
Edward Covahey, Jr.
Jack Dillon

July 24, 1991

Mr. Arnold Jablon
Zoning Administration
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

On September 11, 1989, the Baltimore County Agricultural Land Preservation Advisory Board recommended the approval of an application for a tenant dwelling submitted by James J. and Betty M. Amos of 3300 Black Rock Road, Reisterstown, Maryland 21136. The application was later approved by the Office of Zoning. The tenant dwelling consisted of a trailer and the tenant was their daughter, Cheryl Blevins, who would care for the livestock and perform other farm related tasks. Both Mr. and Mrs. Amos were ill at the time and could not perform the farm operations. It is our understanding that they have since died and willed a substantial portion of the farm to their daughter, including the portion that contains the main house and the tenant dwelling.

The Baltimore County Agricultural Land Preservation Advisory Board believes that clearly the status of the tenant and the tenant dwelling have changed since Ms. Blevins is now the reported owner of the property containing the main house and the tenant dwelling and is no longer the tenant, albeit, she is residing in the tenant dwelling or trailer. Additionally, we have no basis to believe that a tenant is needed on this farm. It is now, therefore, the recommendation of the Baltimore County Agricultural Land Preservation Advisory Board that Ms. Blevins be ordered to remove the tenant dwelling or trailer from the property.

Please call Mr. Paul J. Solomon, Program Administrator, Baltimore County Agricultural Land Preservation Program, at 887-2904 should you have any questions regarding this matter.

Sincerely,

Mark Daneker / PJS/H

Mark J. Daneker
Chairman, Baltimore County Agricultural
Land Preservation Advisory Board

MJD:tjl

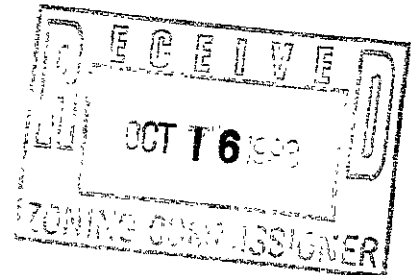
cc: Mr. James J. Amos, 3230 Black Roack Road, Reisterstown, MD 21136
Mr. Robert Ridgley, Baltimore County DEPRM
Mr. Frank DeMeglio, Baltimore County Office of Zoning

BALTIMORE COUNTY, MARYLAND
ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE
887-4488 Ext. 241 Fax 887-4804

To: Carl Richards, Zoning Review Date: October 16, 1998
From: Baltimore County Ag. Board *WJ*
Re: Review of Royson request for tenant building.

The Baltimore County Agricultural Land Preservation Advisory Board reviewed the request by Mr. Royston for a tenant building at the October 16, 1998 meeting. The Board does not recommend approval on the basis that the operation does not justify the need for a full time tenant farmer and the proposed tenant does not work full time on the farm.

c. Tim Kotrocco.





Baltimore County
Zoning Commissioner
Office of Planning

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

August 19, 1998

Michael Pate, Esquire
Covahey & Boozer
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
(3310 Black Rock Road)
Edward F. Royston, Jr., et ux - Petitioners
Case No. 98-479-SPHA

Dear Mr. Pate:

Based upon the testimony and evidence presented at the initial hearing held in the above-captioned case on July 21, 1998, I hereby rule that this matter should be referred to the Agricultural Land Preservation Advisory Board for a determination as to whether the existing mobile home on the subject property meets their requirements for designation as a tenant dwelling.

Therefore, please accept this letter as confirmation that I am continuing this case and will withhold making a decision in this matter until such time as I receive written recommendations from the Board. Upon receipt of those recommendations, this matter shall be scheduled for a continued hearing to allow both sides to present final argument. In the meantime, it is suggested that you contact the Office of Planning at 887-3211 to ascertain the proper procedure for submitting this proposal to the Agricultural Land Preservation Advisory Board.

Should you have any questions, please do not hesitate to call me.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Edward F. Royston, Jr.
14307 Mount Avenue, Phoenix, Md 21131
Mr. Bruce Doak, Gerhold, Cross & Etzel
320 E. Towsontown Blvd., Towson, Md. 21286
Mr. & Mrs. James Amos, 3230 Black Rock Road, Reisterstown, Md. 21136
Mr. Jack Dillon, Executive Director, Valleys Planning Council
212 Washington Avenue, Towson, Md. 21204

People's Counsel; Case Files

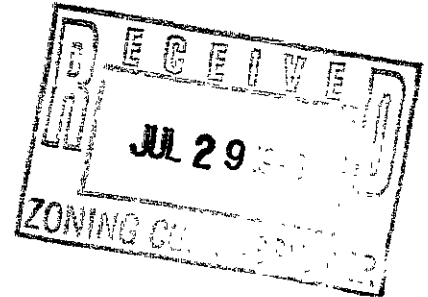




**PINEY RUN PRESERVATION
ASSOCIATION, Inc.**

P.O. Box 146, Upperco, Maryland 21155

July 26, 1998



Mr. Timothy Kotroco,
Zoning Commissioner for Baltimore County
400 Washington Avenue
Towson, Md. 21204

RE: Case No. 93-65-SPHXA, Royston Property, 3310 Black Rock Road

Dear Mr. Kotroco:

I am writing to express our opposition to granting the above amendment. Unfortunately, on the morning of the hearing I had a medical emergency requiring a doctors appointment for one of my children. If possible, I would like this letter to be included in the record.

In addition to speaking as president of the Piney Run Preservation Association, I would like to express the concerns of my husband and myself. We live at 3423 Black Rock Road which is approximately two-hundred yards from the Royston property. We purchased our farm in 1990 due in a large part to our love of the beautiful surrounding countryside. Although we had some questions concerning the condition of the property at 3310, we understood that it was owned by an elderly gentleman who was essentially doing the best that he could. The trailer was there only because of the deteriorating condition of the farm house and would be removed once the house was restored. This was later confirmed by Margaret Worrall who at that time I believe was president of the Valleys Planning Council. Then a decision by the zoning administration in 1992 seemed to put the issue to rest.

My husband and I feel strongly that the presence of trailers in front yards does detract from the scenic value of our neighborhood. We also feel that a fair decision was reached in 1992 that addressed the current need of the owner, but also protected the surrounding neighborhood for the future. In addition, I have a copy of a letter (June 1997) from Mr. Royston written by his previous attorney Mr. Brand stating that "the mobile home is fast deteriorating . . . Mr. Royston would like to see it removed." We agree with Mr. Roystons' original decision and think that for the benefit of the neighborhood the trailer should be removed.

I would also like to state the position of the Piney Run Preservation Association. Our organization represents approximately two-hundred families in and around the Piney Run watershed. This includes all of Black Rock Road. At the time of the first hearing, in late 1991, concerning the above property we were in the midst of reorganizing our association and I had

just become president. As a result we were not directly involved with the negotiations but discussed the possibility of appealing any decision that allowed both the trailer and the farm house to remain as residences thus in effect doubling the density. Likewise, we would appeal if a decision was reached to allow the trailer to remain unconditionally in the front of the property in lieu of zoning regulations requiring it to be in the rear. The decision of December 1992, however convinced us that an appeal would not be necessary. Now however we see the same issue coming back with a different twist. The request for the trailer to remain for tenant purposes does not seem warranted. My husband and I have nearly double the acres and twice the livestock and still consider ours a very small operation. I can point to dozens of other properties in the area triple or quadruple our size. All operate without the need for a tenant dwelling.

Our association believes that allowing a tenant residence on a twenty-one-acre parcel, (much of that non-tillable) runs counter to the spirit and intent of the regulations and will increase the possibility for future abuses. Although this does not create a separate lot, the effect is to double the density of RC2 on this particular lot and any others that wish to follow. Meanwhile, the county and state are spending millions of tax payer's dollars to buy up property rights and *reduce* density. In fact, through the Rural Legacy Program, the Piney Run watershed was recently awarded more than three million for this purpose. Ambiguous or unenforced regulations for tenant properties run contrary to these efforts.

I apologize that because I am wearing two caps, one as president of the local community association and the second as a neighbor to this property, this letter has become quite lengthy. But there is one further issue, I am concerned that since other residents in the area and members of our association knew that I would attend the hearing and speak on their behalf, they decided that it was not necessary for them to attend. Unfortunately, when my plans changed it was too late to arrange for someone else to come. I will encourage them to write and express their concerns and I respectfully request that these letters be included in the record for this case.

I thank you sincerely for your time.



Mary B. Gaines
President Piney Run Preservation Association

File

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER *
MARK S. DEVAN
ANTHONY J. DIPAULA *
THOMAS P. DORE
ROGER J. SULLIVAN
MICHAEL T. PATE

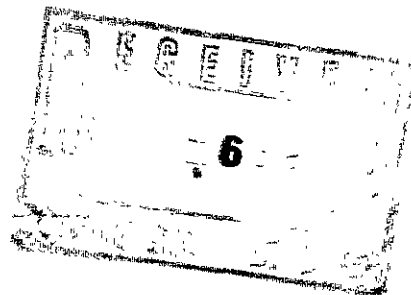
FAX 410-823-7530

ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD. 21204

November 5, 1998

* ALSO ADMITTED TO D. C. BAR

Timothy M. Kotroco
Deputy Zoning Commissioner
County Courts Building, Suite 405
401 Bosley Avenue
Towson, Maryland 21204



RE: Petition for Special Hearing and Variance
Edward F. Royston, Jr.
3310 Black Rock Road
Case #: 98-479-SPHA

Dear Mr. Kotroco:

As you may recall, I represent the Petitioner in the above captioned. At the initial hearing held in the above captioned on July 21, 1998, Your Honor heard argument about (1) an amendment to the Special Exception granted under 93-65-SPHXA to allow the existing former dwelling to become the principle dwelling and to approve the existing trailer as a tenant farmer dwelling; (2) to allow a variance in the setback requirements from the center line of Black Rock Road. Subsequent to the hearing, the Court issued a written correspondence dated August 19, 1998 wherein this matter was referred to the Agricultural Land Preservation Advisory Board for the limited determination as to whether the existing mobile home on the property meets the Board's requirements for designation as a tenant dwelling.

At this time, Mr. Royston withdraws his request that the existing trailer be approved by Your Honor as a tenant farmer dwelling. Mr. Royston awaits your final written decision regarding the setback variance.

If you have any questions, please do not hesitate to contact my office.

Respectfully submitted,


MICHAEL T. PATE

MTP/emh
emh1198044

cc: Edward F. Royston, Jr.
Mr. and Mrs. Jack Amos—
Mr. Jack Dylan, Executive Director

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828-9441

EDWARD C. COVAHEY, JR.
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MICHAEL T. PATE

FAX 410-823-7530

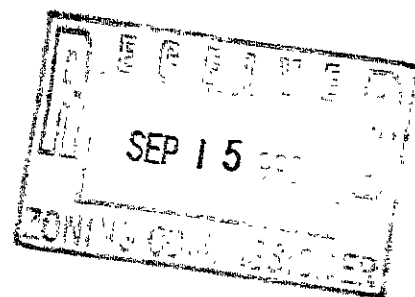
ANNEX OFFICE
SUITE 302
606 BALTIMORE AVE.
TOWSON, MD. 21204

September 11, 1998

* ALSO ADMITTED TO D. C. BAR

Timothy M. Kotroco
Deputy Zoning Commissioner
County Courts Building, Suite 405
401 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing and Variance
Edward F. Royston, Jr. - Petitioner
3310 Black Rock Road
Case #: 98-479-SPHA

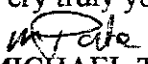


Dear Mr. Kotroco:

As you may recall, I represent the Petitioner in the above captioned. Mr. Royston has recently received telephone calls from the Baltimore County Code Enforcement Office about the status of his building permit on the dwelling at the location. My recollection of your ruling was that you have approved Mr. Royston's petition to allow the existing former dwelling which is now restricted to an accessory building to become the principal dwelling under the zoning laws. You have referred the petition about the existing mobile home to the Agricultural Land Preservation Advisory Board for their position on whether that property meets the requirements for designation as a tenant dwelling.

Based on the telephone calls from the Code Enforcement Office, Mr. Royston would ask whether you would consider a written decision limited to your findings as to the proposed designation of the existing former dwelling.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me.

Very truly yours,

MICHAEL T. PATE

MTP/emh

Emh998077

cc: Edward Royston, Jr.
Jack Dylan
Mr. and Mrs. James Amos

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Edward F Royston

14307 MOUNT AVE PHOENIX

Belinda Royston

14307 MOUNT AVE PHOENIX MD

BRUCE DRAK - GEORGE, CROSS & ETZEL, LTD. 320 E. TOWSON TOWN BLVD TOWSON MD 21286

Michael Pate, Esq

614 Bosley Ave, Towson MD 21204

Rhonda

Jack Dillon

Valley Planning Council
212 Washington Ave Towson

Jim Amos

3230 Blackrock Road

Jackie Amos

" " "



LAW OFFICES
JASON H. BRAND, L.L.C.
1419 FOREST DRIVE
SUITE 205
ANNAPOLIS, MARYLAND 21403

JASON H. BRAND
BAR CERTIFIED IN MD & PA

PHONE - (410) 295-0113
FAX - (410) 544-2147
E-MAIL - jbrand@erols.com

PROTESTANT'S
EXHIBIT NO. 1

June 2, 1997

Mr. Lawrence E. Schmidt,
Zoning Commissioner for Baltimore County
400 Washington Avenue
Towson, MD 21204

RE: Opinion Letter/ Case No: 93-65-SPHXA/ 3310 Black Rock Road (the "Property")

Dear Mr. Schmidt:

I represent Mr. Ed Royston who is the new owner of 3310 Black Rock Road. I have spoken to you on two occasions on the telephone with regard to this Property and I would first like to thank you for the help and direction which you have given to me. I write this letter seeking an opinion as to your Order in the above referenced case. I am enclosing a copy of the Order for your convenience.

In the Order, a mobile home was designated as the primary residence on the Property. Additionally, it was ordered that there shall be no new construction on the site, which was apparently forbidden because of the large amount of debris and various structures which had accumulated under the prior owner.

The current situation under Mr. Royston is as follows: The mobile home which is designated as the primary residence by your Order is fast deteriorating. Mr. Royston would like to remove the mobile home and to build a new home which would replace the mobile home as the primary residence. This would not violate the R.C.2 zoning as there would remain only one principal dwelling, according to Mr. Bruce Doak, the surveyor who appeared on behalf of the prior owner and who is very familiar with this Property. He did however recommended that I request an opinion letter as to how to proceed and to find out specifically, if a new Special Hearing would be required in order for Mr. Royston to remove the mobile home and build a new home as his primary residence. Enclosed, please find a check in the amount of \$40.00. Thank you in advance for your time.

Sincerely,

Jason H. Brand

JUN 9

*Spoke to
Carl Richards
we agreed
that Special
Hearing was
necessary.
I called
Brand,
he'll
file
then
Carl
KGB
7/19/97*

PETITIONER'S
EXHIBIT 3

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE - * ZONING COMMISSIONER
NE/S Black Rock Road, 2000' S * OF BALTIMORE COUNTY
of Benson Mill Road *
(3310 Black Rock Road) *
5th Election District * Case No. 93-65-SPHXA
3rd Councilmanic District *
Cheryl Blevins *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for Baltimore County as Petitions for Special Hearing and Special Exception filed by the legal owner of the subject property, Cheryl Blevins. As to the Petition for Special Hearing, the Petitioner seeks relief from two divergent Sections of the B.C.Z.R. First, the Petitioner requests an interpretation of Section 1A01.2.B.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to designate the use of a mobile home as a principal residence, notwithstanding that said mobile home was previously permitted as a tenant farmer dwelling. The Petitioner also seeks the designation of a dwelling previously used as the principal residence as an accessory use. Second, under the Petition for Special Hearing, the Petitioner seeks variance relief from Sections 400.1 and 400.3 of the B.C.Z.R. to permit an accessory structure to be located in the front yard in lieu of the required rear yard, and to permit said accessory structure with a height which exceeds 15 feet. As to the Petition for Special Exception, the Petitioner seeks approval of a trailer for residential purposes on the subject property, pursuant to Section 415.1.d of the B.C.Z.R. All of the relief requested is more particularly described on Petitioner's Exhibit 1.

It should be noted that the Petitioner also requests within the Petition for Special Hearing, the withdrawal of pending Zoning Violation

Case No. SP-02005-91 and the abatement of the fines assessed therein. Inasmuch as this case is pending in the District Court of Maryland and outside of my jurisdiction, this relief cannot be granted and shall be dismissed as moot.

Appearing at the public hearing on behalf of the Petitions were Cheryl Blevins and her husband, John Blevins. The Blevins were represented by Deborah C. Dopkin, Esquire. Also appearing on behalf of the Petitions was Bruce E. Doak, Registered Professional Land Surveyor. Appearing as Protestants in the matter were numerous individuals who reside in the area, including Mr. & Mrs. James J. Amos, III, Mrs. Blevin's brother and sister-in-law and immediate neighbors. Mr. & Mrs. Amos were represented by Francis X. Borgerding, Jr. Esquire. Also appearing as Protestants in the matter were Robert C. Gerst, Doris Kerlin, Diane Singleton, Dorothy V. Rutkowski, and James and Jennifer Amos. Frank DiMaglio, a Zoning Inspector with the Baltimore County Zoning Administration and Development Management Office, also appeared to testify as to his familiarity with the property.

A synopsis of the relevant testimony is appropriate in order to understand the nature of the relief requested and the history of the subject site. The first witness who testified was Bruce E. Doak, the surveyor who prepared the site plan introduced as Petitioner's Exhibit 1. Mr. Doak presented the plan and described the property. Testimony indicated that the subject property, known as 3310 Black Rock Road, consists of 21.00 acres, more or less, zoned R.C. 2. Said property is located in the rural section of Baltimore County adjacent to Black Rock Road. The lot is best described as a narrow, yet deep parcel which abuts Black Rock Road and widens significantly as it extends northeasterly. In terms of improvements, a mobile home is located on the site, approximately 100 feet from Black

Rock Road. Also present is a 30' x 80' barn which has been in place for many years. A small frame dwelling, 28' x 30' in dimension and approximately 60' from Black Rock Road, is also located on-site. This house is also 50 feet from the side property line which abuts Mr. Amos' property. Lastly, a shed is located towards the rear of the subject site. Mr. Doak testified that there are also two corn cribs and two loafing sheds on the site but were not shown on the plan. He also noted that although there were other outbuildings on the site at one time, they have been removed.

* As to the special exception request, Mr. Doak commented on the language of Section 415.1.d of the B.C.Z.R. This regulation permits a trailer to be used for residential purposes on a tract of from 1 to 25 acres only upon the granting of a special exception. He testified that the Petitioner and her family currently reside in the trailer, pursuant to its prior approval as a tenant farmer dwelling. The trailer has been improved and additions have been made to same. The Petitioners desire to continue to reside therein and have requested the special exception to legitimize the primary residential use character of the trailer. As to the Petition for Special Hearing, Mr. Doak noted that the Petitioner's father, James J. Amos, Jr., resided in the dwelling on the property until his death in July 1990. It was during his occupancy of the property that the elder Mr. Amos permitted his daughter to move her trailer onto the site in 1988. Due to the nature of the uses on the property at that time, the dwelling house was designated as the principal residence and the trailer as an accessory use. However, coupled with the death of the elder Mr. Amos in July 1990 and the continuing occupancy of the trailer by the Petitioner, a reversal of these designations is requested within the Petition for Special Hearing.

Specifically, the Petitioner desires that the trailer be designated as the primary residence and the dwelling be designated as an accessory use. In Mr. Doak's view, redesignation of the structures in this manner is consistent with the actual uses of the property.

In analyzing the applicable law to the facts presented, Mr. Doak reviewed the standards of Section 502.1 of the B.C.Z.R. He believes that approval of the special exception to permit the trailer on the property would not be detrimental in any manner to the health, safety or general welfare of the surrounding locale.

As to the variances noted within the Petition for Special Hearing, Mr. Doak observed that they are necessary due to the redesignation of the structures on the property. The granting of the first prong of the special hearing relief would result in a designation of the dwelling as an accessory use. In that it has a height in excess of 15 feet and is located in the front yard, the variances requested from Sections 400.1 and 400.3 of the B.C.Z.R. are necessary. Inasmuch as these are existing structures, Mr. Doak observed that the Petitioner would suffer a real practical difficulty if the variances were not granted. The existing dwelling would need to be moved and reduced in height if the variances were denied. Lastly, Mr. Doak noted that no new construction is proposed on the property.

Also testifying was Cheryl Blevins, the Petitioner/resident of the trailer. She indicated that she has lived on the property for much of her life and moved back onto the site in 1988 when the trailer was placed on the subject property. At that time, she qualified for occupancy on the site as a tenant farmer. As indicated above, she testified that her father died in July 1990. She noted that she and her family wish to continue to reside in the trailer and that the dwelling house is in a state of disre-

pair. She admitted that certain other family members had resided in the dwelling since her father's death. However, she testified that it was her intention to make the dwelling house uninhabitable and that the tenants have vacated the dwelling as of the date of the public hearing. She wishes to retain the dwelling house but promises same will not be occupied.

On cross-examination, Mrs. Blevins also agreed to restrict the use of the property to only the structures shown on the site plan. She further agreed to complete the clearing and cleaning of the property. Specifically, she agreed to remove certain abandoned vehicles and other junk from the property.

As to the Protestants' testimony, Mr. Amos testified that he moved to the neighboring property in approximately 1978. At that time, his father gifted to him a lot which is shown on the site plan as Lot 1. Shortly thereafter, Mr. Amos constructed the dwelling that exists thereon and now resides there with his wife and family. Following his father's death in July 1990, the entire tract was divided by will and Mr. Amos obtained an additional 17.5 acres which surround his property, and his sister acquired the 21.0 acre parcel which is the subject of this hearing. Mr. Amos testified that he does not object to the special exception and the designation of the trailer as the primary residence. What really concerns him, however, is the deteriorating condition of the Blevins' property. Mr. Amos testified that he is concerned about what he perceives are a great many illegal uses on the site and the volume of junk and debris which has accumulated on the property. Mr. Amos is concerned that if the relief requested is granted, the site will continue to fall into disrepair and the value of his property will be adversely affected.

Mr. Amos' concerns were echoed by his wife, Jacqueline Amos, and Frank DiMeglio, an inspector with the Baltimore County Zoning Administration and Development Management office (2DAM). Mr. DiMeglio testified as to his familiarity with the property and his numerous inspections thereof. He testified that he has observed numerous violations on site, including junked and abandoned vehicles and an intense accumulation of debris.

The above synopsis, although not comprehensive, reflects the major thrust of the testimony presented by the Protestants.

Turning then to the issues presented, consideration is first given to the special exception for a trailer. A special exception is the granting by the Zoning Commissioner of a use upon the showing that said use complies with the guidelines and standards contained in Section 502.1 of the B.C.Z.R. A special exception is a use which has been predetermined by the Baltimore County Council to be conditionally compatible with the uses permitted as of right in a particular zone. In order for the special exception to be granted, a finding must be made that the standards set forth in Section 502.1 of the B.C.Z.R. have been met. See Rockville Fuel and Feed Company, Inc. v. Board of Appeals of the City of Gaithersburg, 257 Md., 183, 262 A2d, 499 (1970).

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner in fact, has shown that the proposed use of the trailer would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated

with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md., 432 A.2d 1319 (1981).

Based on the testimony and evidence presented, I believe that the use of the subject trailer as the primary residence will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification. In my view, the existing trailer should be allowed to remain and its use at this site is not inconsistent with the spirit and intent of the B.C.Z.R.

Having made this determination, the trailer therefore becomes the primary residence on this site and the existing dwelling house becomes the accessory use. In fact, it appears that this designation is appropriate in view of the structural condition of the dwelling. The testimony was clear that the habitability of this house is questionable and that the trailer is a far more appropriate dwelling for the Blevins' family. Thus, based upon these site conditions, I shall also grant that portion of the special hearing seeking a designation of the trailer as the principal residence and the dwelling as an accessory use. In fact, this determination mirrors the actual use of the site since the senior Mr. Amos' death in July 1990.

The reversal of the designation of these improvements having been made, consideration of the second prong of the Petition for Special Hearing must then be considered. In that the dwelling is now to be considered an accessory structure, variances are necessary from Sections 400.1 and 400.3 of the B.C.Z.R. as they relate to the dwelling's location in the front yard rather than the rear yard and its height, which exceeds the permitted 15 feet. In that these are existing conditions, I concur with Mr. Doak's

testimony that the Petitioner would suffer practical difficulty if the variances were denied. In my view, the relief requested sufficiently complies with the requirements of Section 107.1 of the B.C.Z.R. and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety or general welfare of the general public. Further, strict compliance with the B.C.Z.R. would clearly result in practical difficulty for the Petitioner.

Notwithstanding my decision to approve both the Petition for Special Hearing and the Petition for Special Exception, I am appreciative of Mr. Amos' concerns about conditions on the property. The photographs of the property he presented as well as a site visit taken by me reveal that the property has fallen into a state of disrepair. Even after the cleaning and clearing of the property testified to by Mrs. Blevins, conditions remain such that the site might be correctly labeled as an eyesore to this community. Failure to keep the site clean and in compliance with the provisions of the B.C.Z.R. would cause real detriment to the surrounding locale. Thus, to ensure that this does not occur, I shall condition my approval of the special exception and special hearing relief with certain restrictions. The first of these will be to prohibit occupancy of the dwelling house. Mrs. Blevins testified that she and her family prefer to reside in the trailer for reasons which are easily apparent upon inspection of the site. Obviously, the trailer is more livable and not in disrepair as is the dwelling house. Therefore, I shall grant the relief requested, but shall impose as a restriction, a condition prohibiting occupancy of the dwelling house. There may come a time when this property is restored, a tenant farmer resides thereon, etc. But that time is not now. At

present, the property owner shall cap the well and septic system serving the dwelling house to insure that no one lives therein.

Secondly, there shall be no new construction on the property and all improvements on the site shall be removed therefrom except those specifically shown on the site plan and approved herein. As previously stated, the site plan shows the trailer, an existing 30' x 80' barn, the dwelling house and an existing shed to the rear of this site. Further, the Petitioner testified that two corn cribs and two loafing sheds are present. These structures/items may remain. However, everything else must be removed, including all untagged vehicles, other storage sheds/cribs, and other debris which is violative of the zoning regulations. By forwarding a copy of this Order to Mr. DiMeglio, I am instructing him to reinspect the property in no less than thirty (30) days from the date of this Order to insure that there has been compliance with this restriction. Further, access to the site should be provided to employees of the Zoning Office at future times to insure that continuing inspections are permitted without hindrance.

Pursuant to the advertising, posting of the property, and public hearing on these Petitions held, and for the reasons stated above, the relief requested in the Petitions for Special Hearing, Special Exception and Variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of December, 1992 that the Petition for Special Hearing for an interpretation of Section 1A01.2.B.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to designate the use of an existing mobile home previously permitted as a tenant dwelling as the principal residence on the subject property, and the designation of a dwelling which was previ-

ously used as the principal residence as an accessory use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a residential trailer on a tract of from 1 to 25 acres, pursuant to Section 415.1.d of the B.C.Z.R., be and is hereby GRANTED; and,

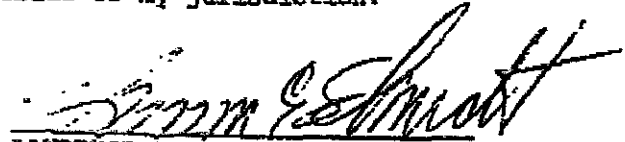
IT IS FURTHER ORDERED that the Petition for Zoning Variances filed under the Petition for Special Hearing seeking relief from Sections 400.1 and 400.3 of the B.C.Z.R. to permit an accessory structure (existing dwelling) to be located in the front yard in lieu of the required rear yard, and to permit said accessory structure with a height exceeding 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners shall not allow the human occupancy of the existing dwelling. The Petitioners shall cap the well and septic system serving the dwelling to ensure that it remains uninhabitable.

2) There shall be no new construction on the site and all improvements, except those specifically shown on the site plan submitted as Petitioner's Exhibit 1 and identified herein, shall be removed. Said plan shows the trailer, an existing 30' x 80' barn, the dwelling and shed to the rear of this site. Further, the two corn cribs and two loafing sheds which exist on the property may remain; however, all untagged vehicles, other storage sheds/cribs, and other debris which is violative of the zoning regulations shall be removed immediately within thirty (30) days of the date of this Order.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint. By copy of this Order to the Zoning Administration and Development Management office, an inspection of the property shall be made in no less than thirty (30) days of the date of this Order to insure compliance with this restriction.

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking the withdrawal of a pending Zoning Violation Case No. SP-02005-91 and the abatement of the fines assessed therein upon approval of the relief requested herein, be and is hereby DISMISSED AS MOOT as this case is pending in the District Court of Maryland and outside of my jurisdiction.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

PETITIONER'S

EXHIBIT

C. J. Jabb
DIRECTOR

John R. [Signature]
BUILDINGS

Part of Building
B330
Approv.

PERMIT #: B330334 CONTROL #: MR DIST: 05 PREC: 01
DATE ISSUED: 02/09/98 TAX ACCOUNT #: 2200012375 CLASS: 05
PLANS: CONST 0 PLOT 1 R PLAT 0 DATA 0 ELCC YES PLUM YES
LOCATION: 3310 BLACK ROCK RD
SUBDIVISION: 2950FT SE BENSON MILL RD

REMARKS: *12*
720 7
B. [Signature]
3. SMOKE
BEN
7-8-98

OWNERS INFORMATION
NAME: ROYSTON, EDWARD AND BELINDA
ADDR: 3310 BLACK ROCK RD. 21136

TENANT:
CONTR: OWNER
ENGR:
SELLR:
WORK: CONSTRUCT 2 STY W/BASMT ADDITION OF
OF SFD: 1ST FLR FOR KITCHEN EXT..
BEDRMS & BATHRM. BASMT FOR STORAGE
30'X24'X30'=2160SF WAIVE PLANS PE

BLDG. CODE: 1 AND 2 FAM. CODE
RESIDENTIAL CATEGORY:

PROPOSED USE: FARM AND ADDIT
EXISTING USE: FARM

TYPE OF IMPRV: ADDITION
USE: ONE FAMILY
FOUNDATION: BLOCK
SEWAGE: PRIV. EXISTS

PLACEMENT: F
WATER: PRIV

LOT SIZE AND SETBACKS

SIZE 21.00AC
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC
SIDE STR SETB:
REAR SETB: 1700



BALTIMORE COUNTY
BUILDING INSPECTION
410-887-3953

Part of Building Inspected: *B330334 #3310*
FOUNDATION

Approved () Disapproved ()

REMARKS:
3/5/98
G. Kidd
DATE BUILDING INSPECTOR



BALTIMORE COUNTY, MARYLAND
BUILDING INSPECTION

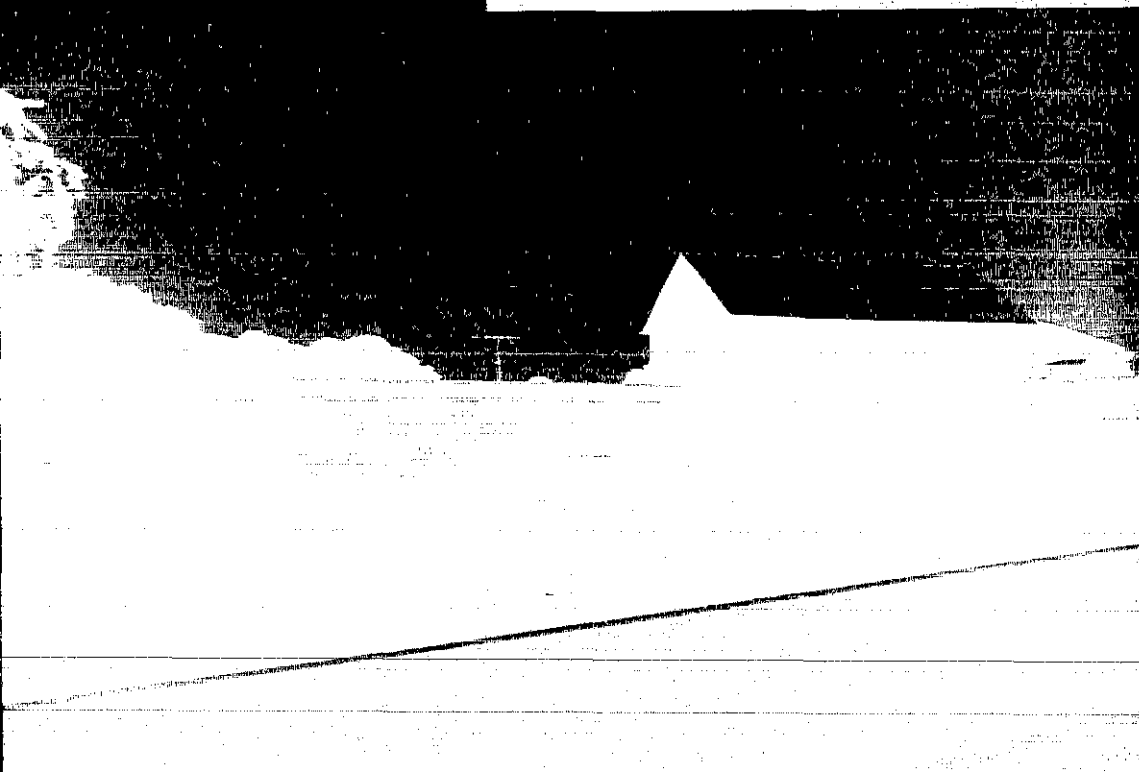
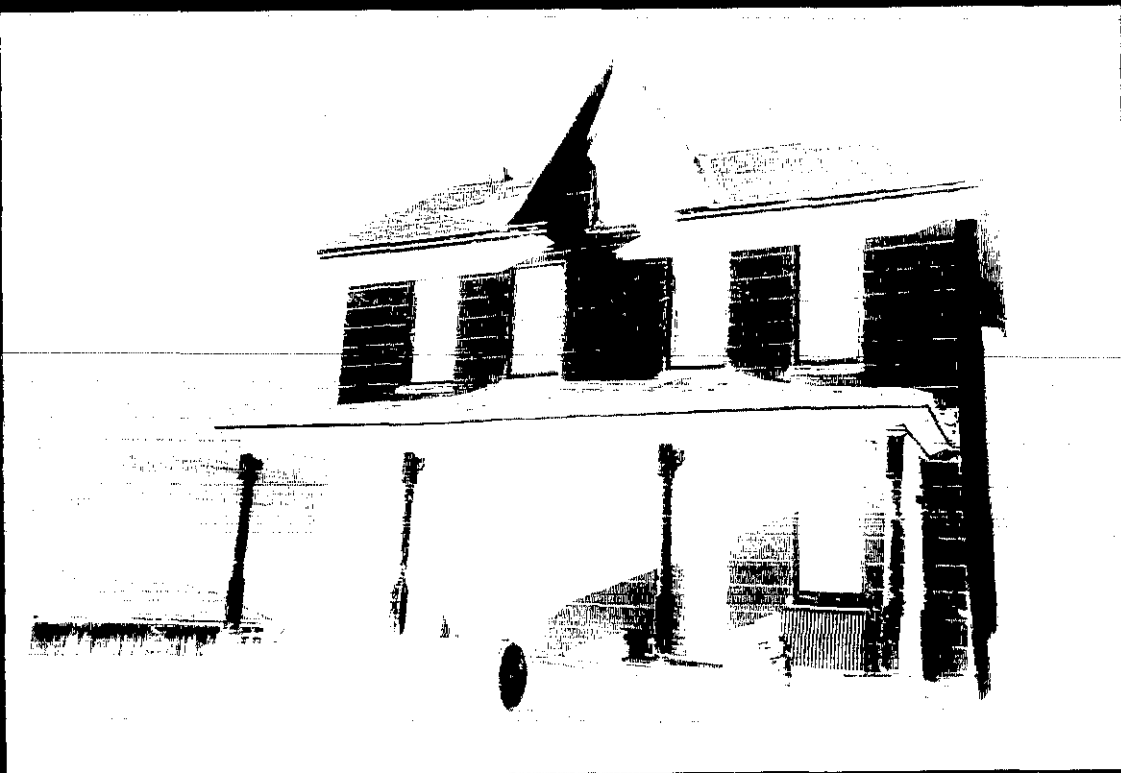
TELEPHONE NO.: 410-887-3953

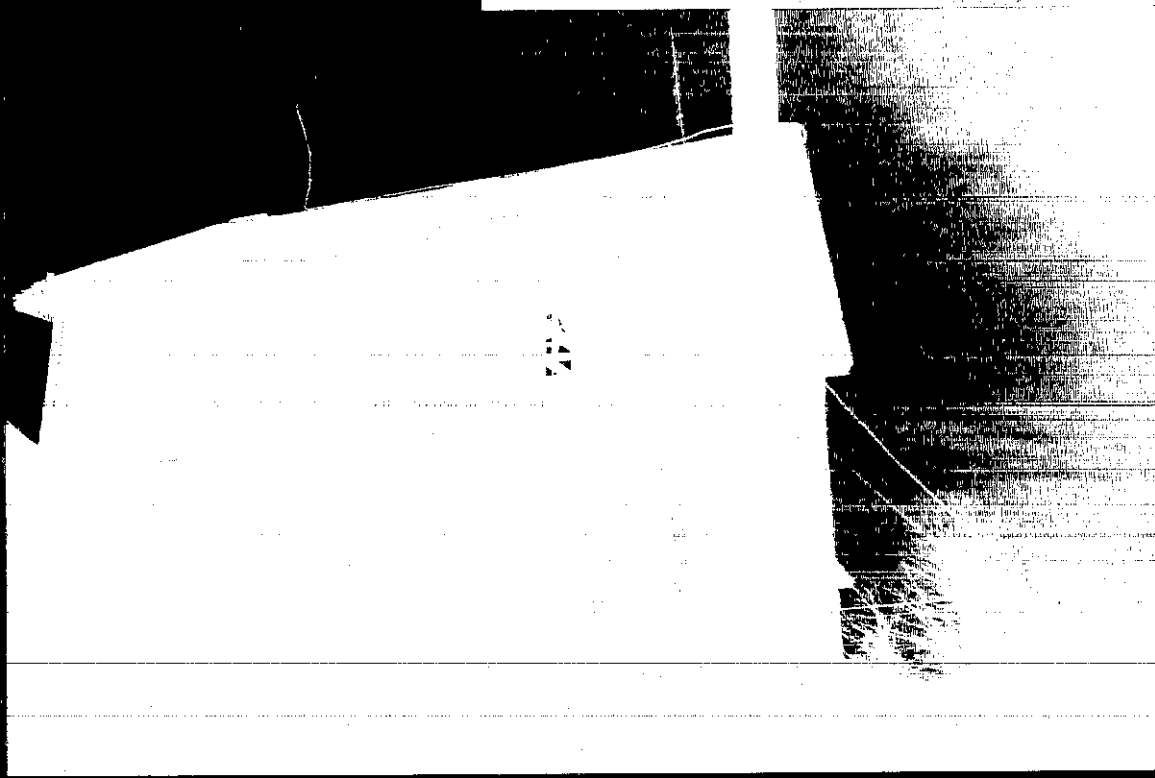
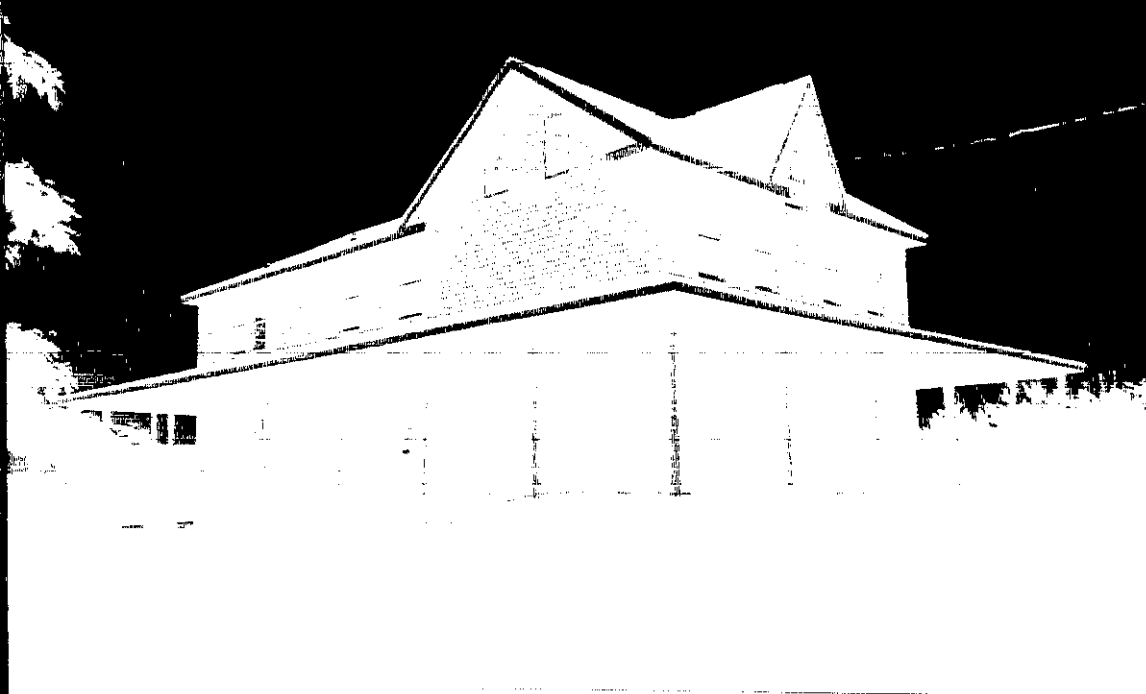
Part of Building Inspected: *FTS* *GROUND NOT READING*

Approved () Disapproved ()

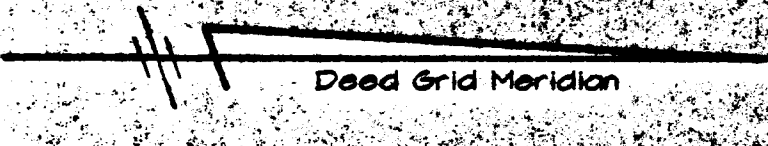
REMARKS:
2/12/98
G. Kidd
DATE BUILDING INSPECTOR

Petitioner's
Exhibit 2
⑧ photographs
98-479-SPNA









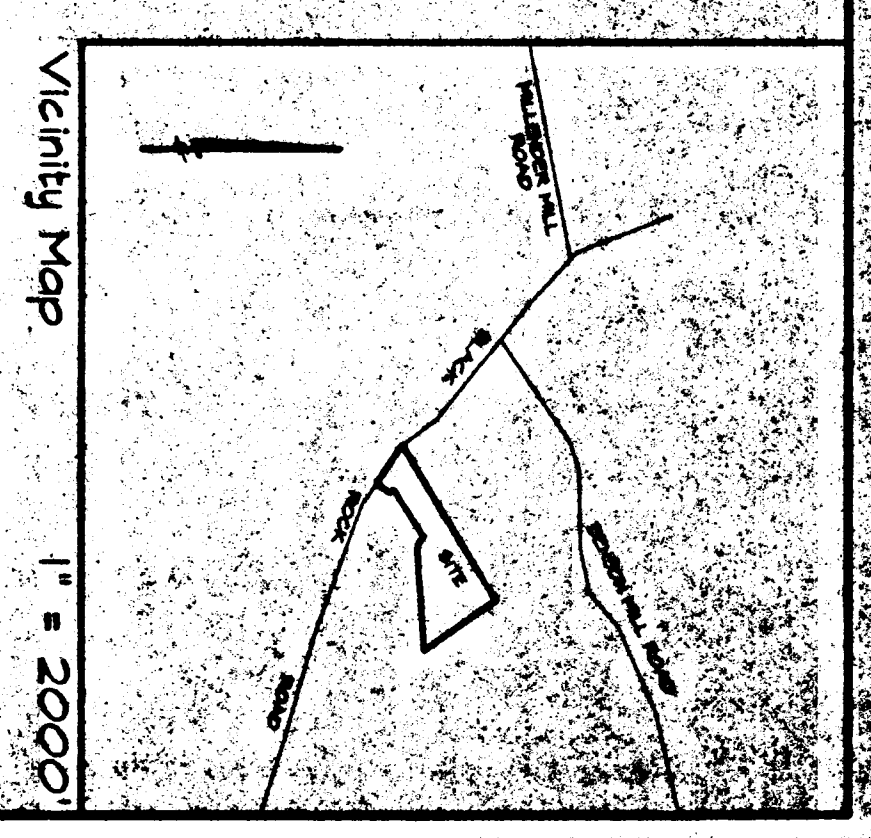
MICHAEL B. MATHIAS &
JENNIFER J. MATHIAS
SH 1455, FOLIO 896
TAX ACCT. 05-B-020621

MARGARET J. MICHAEL
HARRISON
SH 1548/66
TAX ACCT. 05-08-00110

EDWARD F. ROYSTON JR.
SH 1004, FOLIO 814
TAX ACCT. 05-08-00110

JAMES J. & BETTY M. AMOS
SH 4286/445
TAX ACCT. 2100012514

Black Rock Road



Vicinity Map 1" = 2000'

GENERAL NOTES

1. THE BOUNDARY OF THE SUBJECT PROPERTY HAS BEEN TAKEN FROM SH 1004/814.
2. A SPECIAL EXCEPTION HAS GRANTED UNDER 45-45-59(b)(4) TO ALLOW THE EXISTING TRAILER TO BE THE PRIMARY DWELLING, AND THE EXISTING FORMER DWELLING TO BE THE ACCESSORY BUILDING.

PETITION FOR SPECIAL HEARING

TO ATTORNEY AN AFFIDAVIT TO THE SPECIAL EXCEPTION GRANTED UNDER 45-45-59(b)(4) BUILDING USED TO BECOME THE PRIMARY DWELLING AND TO APPROVE THE EXISTING TRAILER (NOW THE PRIMARY DWELLING) AS A TENANT FARMER DWELLING.

PETITION FOR SPECIAL HEARING

TO APPROVE A VARIANCE FROM SECTION 100.03.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A SET BACK OF 10' FROM THE CENTER LINE OF BLACK ROCK ROAD INSTEAD OF THE REQUIRED 15'.

PETITIONER'S
EXHIBIT 1

PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION SPECIAL HEARING & VARIANCE
EDWARD ROYSTON PROPERTY

5510 BLACK ROCK ROAD
REISTERSTOWN, BALTIMORE COUNTY
MARYLAND, 21156
RC-2
5th ELECTION DISTRICT
3rd CONGRESSIONAL DISTRICT
BALTIMORE COUNTY, MARYLAND

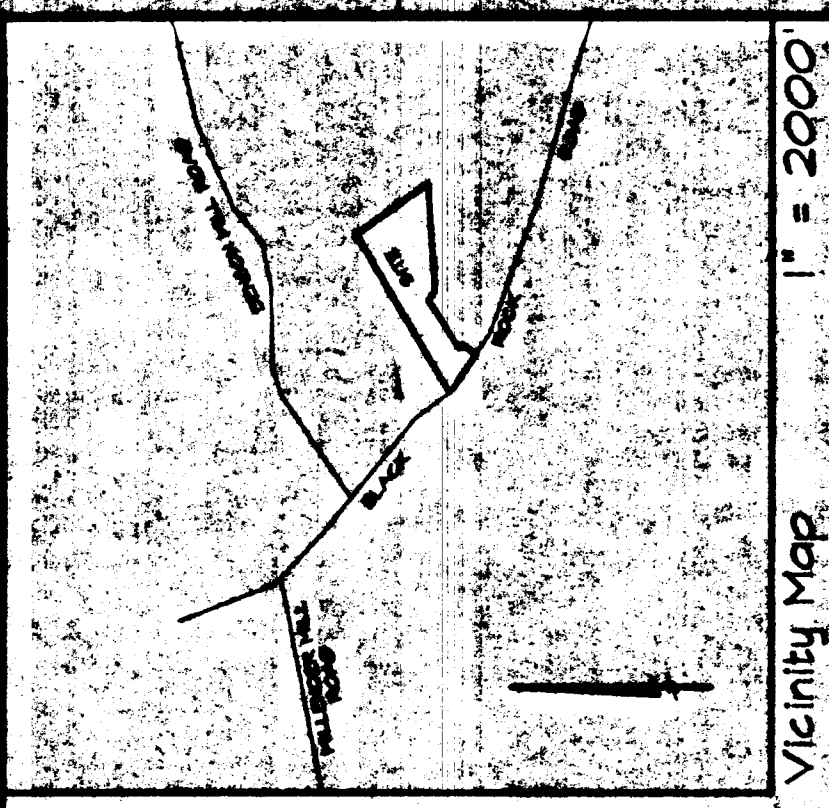
Scale: 1" = 100'

DATE: MAY 11, 1998

GERHOLD, CROSS & ETZEL, LTD
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
820 East Fowerton Boulevard
Towson, Maryland 21286
(410) 823-4470

DATE: 5-1-98
TECHNICALS IS CERT
FILE: 2100012514

98049955PH



Vicinity Map
1" = 2000'

MARGARET J. VIGOR
JANESVILLE
TAX ACCT 05-08-00110

MICHAEL B. WATKINS &
SARAH E. WATKINS
TAX ACCT 05-13-030627

EDWARD M. ROYSTON JR.
BELINDA E. ROYSTON
SHILOH FOLD 514
2100421

JAMES J. & BETTY M. AMOS
SHILOH FOLD 514
TAX ACCT 20001374

GENERAL NOTES

1. The subject property is shown on the 1988 aerial photograph and is located in the 5th Election District, Baltimore County, Maryland. The property is shown on the 1988 aerial photograph and is located in the 5th Election District, Baltimore County, Maryland.

2. The subject property is shown on the 1988 aerial photograph and is located in the 5th Election District, Baltimore County, Maryland. The property is shown on the 1988 aerial photograph and is located in the 5th Election District, Baltimore County, Maryland.

PETITION FOR SPECIAL HEARING

TO ALLOW THE PETITIONER TO SHOW THAT THE PETITIONER'S INTERESTS IN THE PROPERTY ARE SUCH THAT THE PETITIONER IS ENTITLED TO A SPECIAL HEARING.

OWNER

James J. & Betty M. Amos
2100421

Plan To Accompany Petition

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION SPECIAL HEARING & VARIANCE

EDWARD ROYSTON PROPERTY

5910 BLACK ROCK ROAD
REISTERSTOWN, BALTIMORE COUNTY
MARYLAND, 21156
RC-2

PETITIONER'S

5TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 100' DATE: MAY 11, 1988

GERHOLD GROSS & ETZEL, L.P.
REGISTERED PROFESSIONAL LAND SURVEYORS
1100 W. SUITE 100
930 East Tennessee Boulevard
Baltimore, Maryland 21201
(410) 825-4470

33.7M
98.4905P1A
THIS MAP HAS BEEN PREPARED BY SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHANAN-KOHN, INC. BALTIMORE, MD. 21210

Kenneth A. ...
Chairman, County

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

DATE	1986
BY	PLANNING
REVISION	1
DATE	1986
BY	PLANNING
REVISION	1
DATE	1986
BY	PLANNING
REVISION	1

