

IN RE: PETITION FOR VARIANCE
W/S Old Landing Road, 840' S of the
c/1 Juniper Road
(11000 Old Landing Road)
11th Election District
5th Councilmanic District

Stanley M. Newton
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-019-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Stanley M. Newton. The Petitioner seeks relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 101 to permit an accessory building (64' x 34' in dimension) with a footprint larger than the current (principal) dwelling; from Section 400.1 to permit an accessory building to be partially located in the side yard in lieu of the required rear yard; and from Section 400.3 to permit an accessory building height of 22 feet in lieu of the maximum allowed 15 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Stanley Newton, owner of the property, and Walter Daniels, Architect. Appearing as Protestants in the matter were Linda Martin and Ted Dahlstrom, nearby residents of the area. Also present in opposition, both in a representative capacity and as a resident of the locale, was Howard L. Alderman, Jr., Esquire, who appeared on behalf of Dr. & Mrs. Carl Johnson, who also reside nearby.

Testimony and evidence offered revealed that the subject property is approximately 2.44 acres in area, zoned R.C.5 and is located on the west side of Old Landing Road, not far from Mt. Vista Road in Kingsville. This area of Old Landing Road is very narrow and features an exceptionally sharp curve near the north corner of the subject site. The property is roughly

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Date

By

triangular in shape and is improved with a small dwelling in which the Petitioner resides. The house is apparently quite old and small with a footprint totaling 875 sq.ft. in area. Mr. Newton has owned the property for approximately 9 years and resides there alone.

The subject of the variance request concerns an accessory building that Mr. Newton proposes to construct. As shown on the site plan, the proposed building will be a large, two-story structure, 64' x 34' in dimension. Testimony indicated that the building will be built into a slope on the property and from the point of the highest grade, the roof line will be 22 feet high. Variance relief is requested to permit the building, which is larger than the principal structure, to also be located in the side yard (partially) and with a height greater than that allowed.

The neighbors who appeared presented pictures of the site which show that the property is in a run-down condition. Apparently when Mr. Newton acquired the site, it was in a deteriorated state. Although he has made certain improvements, the photographs presented show that the property could be considered an eyesore, particularly given the attractive single family homes in the surrounding community. The bushes, grass and landscaping are all overgrown and unkept. Additionally, the house appears to be in a state of disrepair. More importantly, there are up to eight (8) motor vehicles strewn about the property and there are numerous items of junk and debris on the porch of the dwelling and scattered throughout the yard.

Mr. Newton apparently builds cabinets by trade and owns a cabinet-making business in Baltimore City. When asked to explain the purpose of the proposed structure, he indicated that he intended on building a small, personal workshop in the proposed building. He also indicated that the building would be used to house several of the vehicles presently on the site and provide necessary storage space. In this regard, he noted that the dwelling has little room for storage. He also attributes his failure to maintain the property due to the lack of storage space within the dwelling.

The neighbors are rightfully concerned. Although the case before me is not a zoning violation matter, they fear that the additional building will provide an area for the storage of more

junk and debris. Their concerns are well set out in a series of letters that were received from other neighbors unavailable to attend the hearing.

From a legal perspective, it is clear that the Petitioner has failed to meet the requirements of Section 307 of the B.C.Z.R. That Section, and the decisions of the appellate courts which have construed it, require that the Petitioner demonstrate the existence of three factors in order for variance relief to be granted. First, the Petitioner must establish that the property is unique in some fashion, thereby driving the need for the variance. Secondly, it must be shown that the applicant would suffer a practical difficulty, as defined by law, if the variance were not granted. Third, it must be shown that there would be no adverse impact on the surrounding locale.

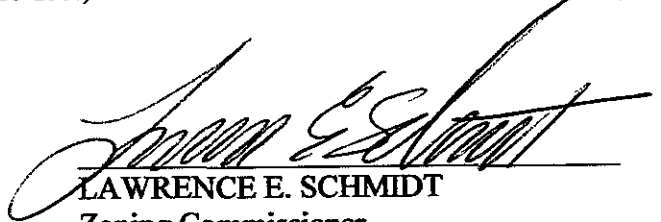
By the Petitioner's own testimony, there is nothing unique about this property. There are site constraints which would limit the location of the proposed building, but these impacts are somewhat reduced by the fact that Mr. Newton stated that he would ultimately raze the existing house and build a new dwelling elsewhere on the property. Moreover, I do not find that the Petitioner would suffer a practical difficulty if the relief requested were denied. I also believe that the granting of the variances would result in an adverse impact on neighboring properties.

From a practical standpoint, the credibility of Mr. Newton's testimony is strained. The clear facts are that this is an individual who lives alone in a single family dwelling. He is a cabinet maker by occupation and proposes to construct a huge accessory building. He also admits that a woodworking shop would be in part of that building. It is not difficult to conclude from this testimony that the Petitioner actually intends on ultimately relocating his business to this location. His property is zoned R.C.5 and that use would not be permitted under the B.C.Z.R. For all of these reasons, the Petition for Variance should and must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of September, 1999 that the Petition for Variance seeking relief from the

Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 101 to permit an accessory building (64' x 34' in dimension) with a footprint larger than the current (principal) dwelling; from Section 400.1 to permit an accessory building to be partially located in the side yard in lieu of the required rear yard; and from Section 400.3 to permit an accessory building height of 22 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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Date 8/21/04

By [Signature]



Baltimore County
Zoning Commissioner

September 17, 1999

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Mr. Stanley M. Newton
11000 Old Landing Road
Kingsville, Maryland 21087

RE: PETITION FOR VARIANCE
W/S Old Landing Road, 840' S of the c/l Juniper Road
(11000 Old Landing Road)
11th Election District – 5th Councilmanic District
Stanley M. Newton - Petitioner
Case No. 00-019-A

Dear Mr. Newton:

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Walter Daniels
1426 Broadway Road, Timonium, Md. 21093
Ms. Linda Martin, 11007 Old Landing Road, Kingsville, Md. 21087
Mr. Ted Dahlstrom, 10919 Old Landing Road, Kingsville, Md. 21087
Howard L. Alderman, Jr., Esquire
305 West Chesapeake Avenue, Suite 113, Towson, Md. 21204
Dr. & Mrs. Carl Johnson, 11016 Old Landing Road, Kingsville, Md. 21087
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11000 Old Landing Road

which is presently zoned RC 5

This Petition shall be filed with the Department of Permits and 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)

400 To allow a 64' x 34' accessory building with a foot print larger than the current house. (EXCEEDS THE LIMITS OF AN ACCESSORY STRUCTURE DEFINITION)
400.1 TO PERMIT AN ACCESSORY BUILDING IN SIDE YARD (PARTIALLY) IN LIEU OF REAR YARD
400.3 To allow an accessory building of 22' in height, in lieu of the required 15'.

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

The owner wishes to have a detached three car garage and hobby shop that requires the size shown. The owner wishes to have a two story garage to accommodate storage and a recreation room on the second floor. The existing house is very small, (20' x 36'). This larger size shall be built within the setback allowable for an attached garage in this zoning district. If attached the height and area would not be restricted.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

11000 OLD LANDING ROAD 410 542-5554

Address

Telephone No.

KINGSVILLE

MD

21087

City

State

Zip Code

Representative to be Contacted:

WALTER DANIELS, ARCHITECT

Name

1426 BROADWAY RD 410 560-3580

Address

Telephone No.

TIMONIUM

MD

21093

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING

Reviewed By JL

Date 7/15/99

Case No. 00-19-A

Date 9/15/98

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19

ZONING DESCRIPTION for 11000 Old Landing Road, Kingsville, MD 21087

Beginning at a point on the west side of Old Landing Road which is 20 feet wide at the distance of 840 feet south of the nearest improved intersections street, Juniper Road which is 20 feet wide. As recorded in Deed Liber 8944, Page 566.

Metes and bounds: S.32 12' 20" W 538.32 feet, S.55 41' 30" E 343 feet, N.07 08' 00" E. 371.73 feet, N.08 38' 40" W 283.22 feet, to the place of beginning. Containing 2.44 acres or 106,286.4 s.f. know as 11000 Old Landing Road.

Located in Councilmanic District 5 and Election District 11.

00-019-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANC.
MISCELLANEOUS RECEIPT

✓ #19

No. 070452

DATE

7/15/99

ACCOUNT

80016150

AMOUNT \$

50.00

RECEIVED

FROM:

DAWEL & ASSOC. PRODUCTS LTD.

FOR:

RES. VARIANCE FILLING

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL

TIME

7/15/1999 7/15/1999 10:58:08

REC. 0504 CASHIER JAKR JIK DRAFTER

Dept 5 528 ZONING VERIFICATION

Receipt # 090092

DEFN

CR NO. 070452

Receipt Tot

50.00

50.00

Baltimore County, Maryland

CASHIER'S VALIDATION

80.019-A

CERTIFICATE OF POSTING

RE Case No. 00-019-A
 Petitioner/Developer: O'KEEFE, ETAL

Date of Hearing/Closing: 9/8/99

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 #11000 OLD LANDING RD.

The sign(s) were posted on 8/24/99
 (Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 8/31/99
 (Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
 (Printed Name)

523 PENNY LANE

(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571
 (Telephone Number)

ZONING NOTICE
 Case # 00-019-A
 A PUBLIC HEARING WILL BE HELD BY
 THE ZONING COMMISSIONER
 IN TOWSON, MD.
 FROM: BALTIMORE COUNTY COURTS BUILDING
 PLACE: 1401 BOSLEY AVE., TOWSON, MD.
 TIME & DATE: WEDNESDAY, SEPTEMBER 8, 1999 9:00AM
 VARIANCE TO ALLOW AN
 ACCESSORY BUILDING WITH A
 FOOTPRINT LARGER THAN CURRENT
 BUILDING IN THE SIDE YARD (ALLEY)
 IN LIEU OF THE SIDE YARD (ALLEY)
 ALLOW AN ACCESSORY BUILDING 22 FEET
 IN HEIGHT IN LIEU OF THE PERMITTED
 15 FEET (4100 OLD LANDING RD.)

Post-it® Fax Note	7671	Date	# of pages ▶ 1
To	Z. SCHMIDT	From	O'KEEFE
Co./Dept.	ZONING	Co.	
Phone #		Phone #	512-4621
Fax #	887-3468	Fax #	324-4100

Post-it® Fax Note	7671	Date	# of pages ▶
To		From	
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

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: #00-019-A
11000 Old Landing Road, 840' S
W/S Old Landing Road, 840' S
of Juniper Road
11th Election District
5th Councilmanic District
Legal Owner: Stanley M.
Newton

Variance: to allow an accessory building with a footprint larger than the current house; to permit an accessory building in the side yard (partially) in lieu of the rear yard; and to allow an accessory building of 22 feet in height in lieu of the permitted 15 feet.
Hearing: Wednesday, September 8, 1999 at 8:30 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 contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, contact the Zoning Review Office at (410) 887-3391.
JUL87/19 Aug 24 C334103

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/26, 1999

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 8/24, 1999.

THE JEFFERSONIAN,

S. Williams

LEGAL ADVERTISING

RE: PETITION FOR VARIANCE
11000 Old Landing Road,
W/S Old Landing Rd, 840' S of Juniper Rd
11th Election District, 5th Councilmanic

Legal Owner: Stanley M. Newton
Petitioner(s)

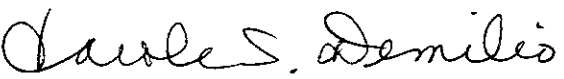
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-19-A

* * * * *

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
People's Counsel for Baltimore County


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 19th day of August, 1999 a copy of the foregoing Entry of Appearance was mailed to Walter J. Danieus, 1426 Broadway, Timonium, MD 21093, representative for Petitioners.


PETER MAX ZIMMERMAN

pm

**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 Room 407, County Courts Building, 401 Brasley Avenue, on the property identified herein as follows:

Case: 00-019-A
11000 Old Landing Road
W/S Old Landing Road, 840 S
of Juniper Road
11th Election District
5th Councilmanic District
Legal Owner: Stanley M.
Newton

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Hearing: Wednesday, September 8, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Brasley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are Handicapped Accessible, for special accommodations please contact the Zoning Commissioner's Office at (410) 867-4386.
(2) For information concerning the file and/or hearing, contact the Zoning Review Office at (410) 867-3391.
JTU/8/774 Sept. 7 0337257

CERTIFICATE OF PUBLICATION

See 9/8
File

TOWSON, MD., 9/9/1999

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 Tues 9/7/1999.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 11, 1999

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: 00-019-A
11000 Old Landing Road
W/S Old Landing Road, 840' S of Juniper Road
11th Election District – 5th Councilmanic District
Legal Owner: Stanley M. Newton

Variance to allow an accessory building with a footprint larger than the current house; to permit an accessory building in the side yard (partially) in lieu of the rear yard; and to allow an accessory building of 22 feet in height in lieu of the permitted 15 feet.

HEARING: Wednesday, September 8, 1999 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", with a small mark below it.

Arnold Jablon
Director

c: Stanley M. Newton, 11000 Old Landing Road, Kingsville 21087
Walter Daniels, 1426 Broadway Road, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 24, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 24, 1999 Issue – Jeffersonian

Please forward billing to:

Stanley M. Newton 410-542-5554
11000 Old Landing Road
Kingsville, MD 21087

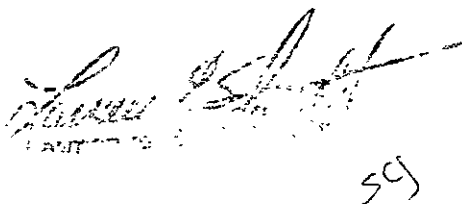
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CASE NUMBER: 00-019-A
11000 Old Landing Road
W/S Old Landing Road, 840' S of Juniper Road
11th Election District – 5th Councilmanic District
Legal Owner: Stanley M. Newton

Variance to allow an accessory building with a footprint larger than the current house; to permit an accessory building in the side yard (partially) in lieu of the rear yard; and to allow an accessory building of 22 feet in height in lieu of the permitted 15 feet.

HEARING: Wednesday, September 8, 1999 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 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: CO-19-A

Petitioner: STANLEY M. NEWTON

Address or Location: 11000 OLD LANDING ROAD, KINGSVILLE MD
21087

PLEASE FORWARD ADVERTISING BILL TO:

Name: ~~STANLEY~~ STANLEY M. NEWTON

Address: 11000 OLD LANDING ROAD
KINGSVILLE MD 21087

Telephone Number: 410-542-5554



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 3, 1999

Mr. Stanley M. Newton
1100 Old Landing Road
Kingsville, MD 21087

Dear Mr. Newton:

RE: Case No.: 00-19-A, Petitioner: Stanley M. Newton,
Location: 11000 Old Landing Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 15, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

August 26, 1999

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 AUGUST 9, 1999

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:

015, 016, 017, 019, 022, 023, 024, 025, 026, 027,
028, 029, 030, 031, 032, 033, 034, 035, 036, 038,
039, 040, 043, 044,

REVIEWER: LT. HERB TAYLOR

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

cc: File

Come visit the County's Website at www.co.ba.md.us



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: August 16, 1999

FROM: *fwb* Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for August 16, 1999
 Item Nos. 016, 017, 018, 019, 020,
 021, 022, 023, 024, 026, 028, 030,
 031, 032, 033, 034, 035, 042, 043,
 044

and

Case Number 99-200-SPHXA
1010 Eastern Avenue and
1017 Eastern Boulevard

Item #37 (commercial)
Radcliffe Shopping Center
1017 York Road

Item #38 (residential)
OXEYE ROAD - Greengate
2208 OXEYE ROAD

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

RWB:HJO:jrb

cc: File

ZAC08169.NOC

file
9/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 13, 1999

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

SUBJECT: 11000 Old Landing Road

INFORMATION:

Item Number: 019

Petitioner: Stanley M. Newton

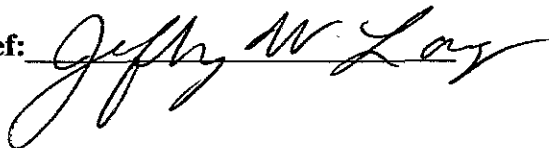
Zoning: RC-5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided and a site inspection of the subject property, the Office of Planning recommends that the proposed accessory building be used to house the junk currently stored on the front porch.

Section Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8.10.99

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

RE: Baltimore County
Item No. 019

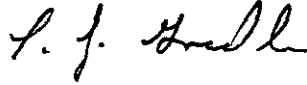
JLL

Dear Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


for Michael M. Lenhart, Chief
Engineering Access Permits Division

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



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 7.24.00

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

RE: Baltimore County
Item No. 019 JA

Dear Ms. Jackson:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

PETITIONER(S) SIGN-IN SHEET

NAME**ADDRESS**

NAME	ADDRESS
~~Linda Martin~~	~~11007 Old Landing Rd.~~
~~Ed Danstrom~~	~~10919 Old Landing Rd.~~
Walter Danos (Architect)	1426 Broadway Rd.
Stan Newton	11,000 Old Landing Rd



Printed with Soybean Ink
on Recycled Paper

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

Linda Martin

TED DAHLSTROM

HOWARD L. ALDERMAN, Jr

AND REPRESENTING Dr. AMYs

ADDRESS

11007 Old Landing Rd.

10919 OLD LANDING RD

7505 MT VISTA ROAD 21067

Carl Johnson, residents at
11016 Old Landing Road

11016 Old Landing Road
Kingsville, MD 21087
September 5, 1999

Lawrence E. Schmidt, Zoning Commissioner
Baltimore County
401 Bosley Avenue, Room 405
Towson, MD 21204

re: Petition for Variance
Case No. 00-019-A

Dear Mr. Schmidt:

It is the purpose of this letter to bring to your attention information pertinent to the Petition for Variance, Case No. 00-019-A, submitted by Mr. Stanley M. Newton for the property located at 11000 Old Landing Road in Kingsville, Maryland, and to request that the petition be **denied**.

For the past 15 years we have resided in the neighborhood which includes the Newton property. With the singular exception of the Newton property, the homes and the properties in this neighborhood are well-maintained residential properties, and contribute to the atmosphere of a residential community. This is in distinct contrast to the Newton property, the condition of which is an embarrassment to the remainder of the neighborhood, and which detracts significantly from the value of the other properties in its vicinity.

During the tenure of the previous owner, an accumulation of trash, and wanton neglect of the property and structures created not only an eyesore, but also a health and safety hazard. To his credit, Mr. Newton did expend significant energy to remove much of the trash shortly after he acquired the property. Unfortunately, his efforts to improve the

condition of the property beyond this ceased shortly thereafter. The house remains an eyesore, the condition of which appears incompatible with residence, with an accumulation of junk completely filling the front porch. No fewer than 6 vehicles have apparently taken up permanent residence in the yard, several of which do not have current registration tags. Furthermore, one of the large trucks parked (hidden) near the rear of the lot is a commercial truck bearing the signage "Modern Laminates" on its doors. A large accumulation of concrete blocks and other apparent supplies resembling a contractor's supply yard is also located adjacent to this.

The above information can only begin to illustrate the negative impact of the Newton property on our community. Although the other residents were unanimously thankful for the work Mr. Newton did to clean up the property, his lack of regard for others in the neighborhood even during that early time period was evident. On more than one occasion, his outdoor burning of trash and brush created such putrid smoke that we had to seek refuge indoors with our windows and doors closed to escape the smell, even after I had informed him of the problem. There is still a barrel for the purpose of burning located near the rear of the property.

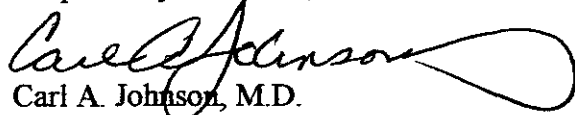
According to information from the Maryland Department of Assessments and Taxation, the property at 11000 Old Landing Road is **not** Mr. Stanley's place of principal residence. This would offer at least partial explanation for his apparent disregard for the neighborhood as a whole, and for his desire to erect a structure which would not only be incompatible with this neighborhood, but would serve to further negatively impact the values of the other properties. I would seriously question his intentions, since he is proposing to construct such a large accessory building, yet he has made virtually no effort to improve the existing main structure, which is in obvious need of repair.

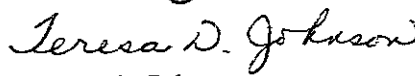
Furthermore, we have great concern about his **alleged** intended use of the structure as a three-car garage and "hobby shop" with "storage" and a "recreation room on the second floor". Aside from our previously expressed concern that such a structure is incompatible with the neighborhood in general, we suspect quite strongly that Mr. Newton's

unexpressed, yet intended, purpose for the structure is to relocate a portion of his cabinet-making business to this site. We would respectfully submit that such activity would **not** appropriately be considered his "hobby", but rather would represent a business, which should not be permitted in this neighborhood. The noise associated with such activity, and any increase in traffic to and from the site would be unacceptable. Old Landing Road, which provides the sole means of access to the property, is extremely narrow, with blind curves and limited visibility. Any increase in traffic on this road would be intolerable. In addition, the proposed new drive is at the end of a blind horizontal curve, affording no visibility to those using the roadway or exiting the Newton property. There are no provisions for turning around on Old Landing Road, such that use of the road by large trucks is unsafe. As further evidence of this, please note that the County Trash trucks refuse to pick up the trash from the houses located along Old Landing Road, and that the residents must take their trash and recyclable waste to Mt. Vista road twice each week to be collected. Needless to say, the collection of garbage at the entrance of our neighborhood is unsightly, and would be an even greater nuisance if additional industrial waste from a cabinetry business were added.

We are deeply concerned that the structure proposed by Mr. Newton, would not only be incompatible with the remainder of the neighborhood, but also would seriously and negatively impact the value of the other properties. The **only unique feature** of Mr. Newton's property is the **deplorable** condition of the buildings located thereon. We implore you to **reject** the petition for variance. Thank you very much in advance for your understanding and kind assistance.

Respectfully submitted,


Carl A. Johnson, M.D.


Teresa D. Johnson

10909 Old Landing Road
Kingsville, MD 21087
410-592-5808
September 1, 1999

To whom this concerns,

As across the street neighbors to Stan Newton, we are very concerned about the size, appearance and use of the building he is proposing. Since Stan has been our neighbor, he has been very quiet. He leaves early for work and comes home very late. We rarely see him on weekends. Our concerns stem from the appearance of his property.

- The front porch is crammed with junk.
- There are at least 8 old cars on his property and they are filled with stuff.
- He started an addition to his house a few years ago and only laid a few rows of block and stopped.
- He has only mowed his lawn three times so far this summer.
- The hedge which goes the length of our shared property line is grossly overgrown and is trimmed by various neighbors because it scratches their vehicles. This hedge is an eye sore but also a great blessing since it hides the view of the unkept yard.

We have refrained from complaining about this situation in the past but now we are concerned about the future.

- Is Stan planning to live in the new building and use the old house to store more stuff?
- Is Stan planning to run his carpentry business from this new building instead of paying to rent his present workshop?
- Is this going to be another project that he begins and does not finish?
- Will items left over from various projects created in this new building be left to litter the yard?
- Will there be noxious fumes or loud noise from the projects in this building?
- Will the trucks coming and going with raw materials and the finished projects even fit on our little one lane winding road? Garbage trucks do not even come down?
- What will the appearance of this building be? Will it quickly deteriorate or look more like a business workshop than a residence?

Stan Newton seems to be a very quiet and nice person but what he has shown us to be his concept of a responsible property owner leaves us with many doubts as to the future of our peaceful little neighborhood if he is allowed to build this building without any constraints as to its real use, purpose, and appearance.

Sincerely,

Phyllis and Ray Fullem

Raymond L. Fullem

Phyllis Fullem

Raymond L. Fullem
NOTARY EXP 4/1/03

Thomas L. Schulten
11012 Old Landing Road
Kingville, MD 21087
September 5, 1999

County Courts Building
401 Bosley Avenue
Towson, MD

To Whom It May Concern,

I am writing this letter in opposition to the proposed variance (Case number 00-019-A) at 11000 Old Landing Road, Kingsville, MD 21087, residence of Stanley M. Newton. While I have nothing personal against Mr. Newton, my wife and I are opposed to the construction of such a structure.

The reasons for our opposition are:

1. This is a quiet residential neighborhood. We purchased our property here in order to escape a noisy neighbor situation in Baltimore City. The construction of a building of this size will in itself create a great deal of noise. In addition, we fear that the proposed accessory building will become a workshop for Mr. Newton's custom cabinet business, which will create considerable noise which accompanies the use of power tools and equipment.

2. Old Landing Road is a one-lane road. Two cars cannot pass each other without pulling off the road. The county trash collection agency will not come down our road because of its' narrow size. We fear that Mr. Newton will have trucks and machinery using Old Landing Road, creating a hazard for cars and pedestrians, especially the neighborhood children.

3. The proposed structure would be adjacent to our property line, creating an eyesore. We are concerned that this would lower our own property value as well as that of the entire neighborhood.

4. If approved, Mr. Newton's building would be larger than the existing residence on the property and nearly 50% higher than the permitted 15 feet.

Thank you for your attention to and consideration of this matter.

Sincerely,

Thomas L. Schulten

KAZYS & ANN SVABAS
11009 OLD LANDING RD
KINGSVILLE MD 21087-1706

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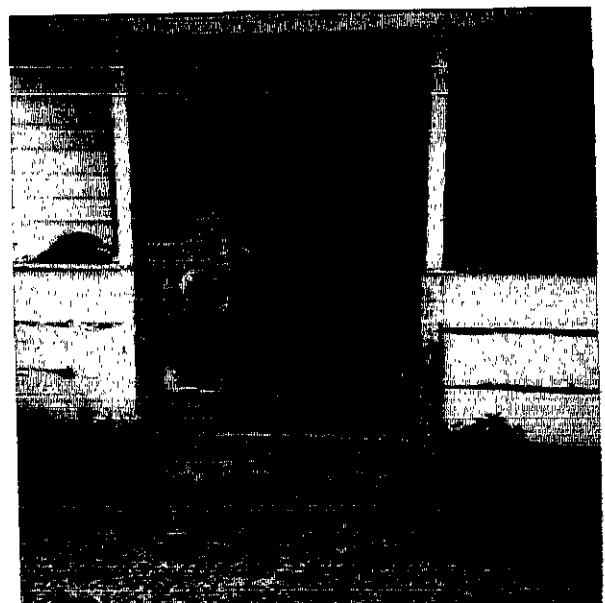
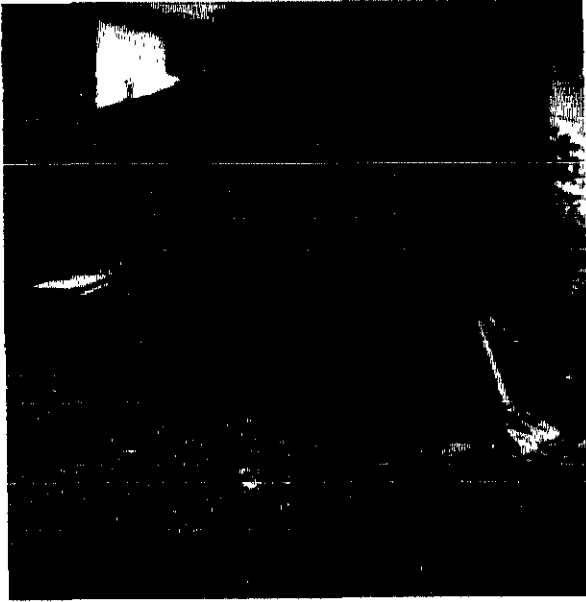
Sincerely,

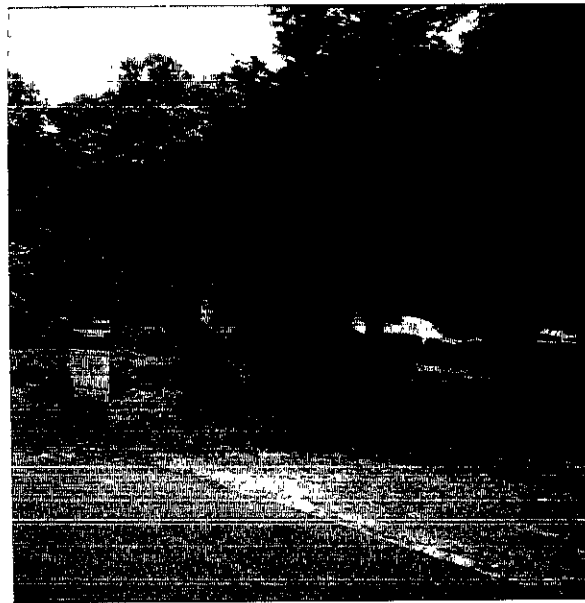
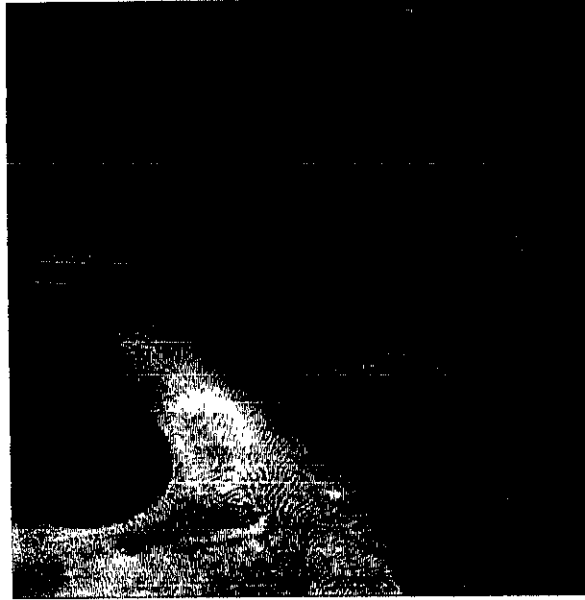
Kazys Svabas
Ann Svabas

We have no Transportation to have
these Letter Notarized -
So, I Hand Deliver the Letter
to: MS. LINDA MARTIN,
11007 OLD LANDING RD.
KINGSVILLE, MD, 21087

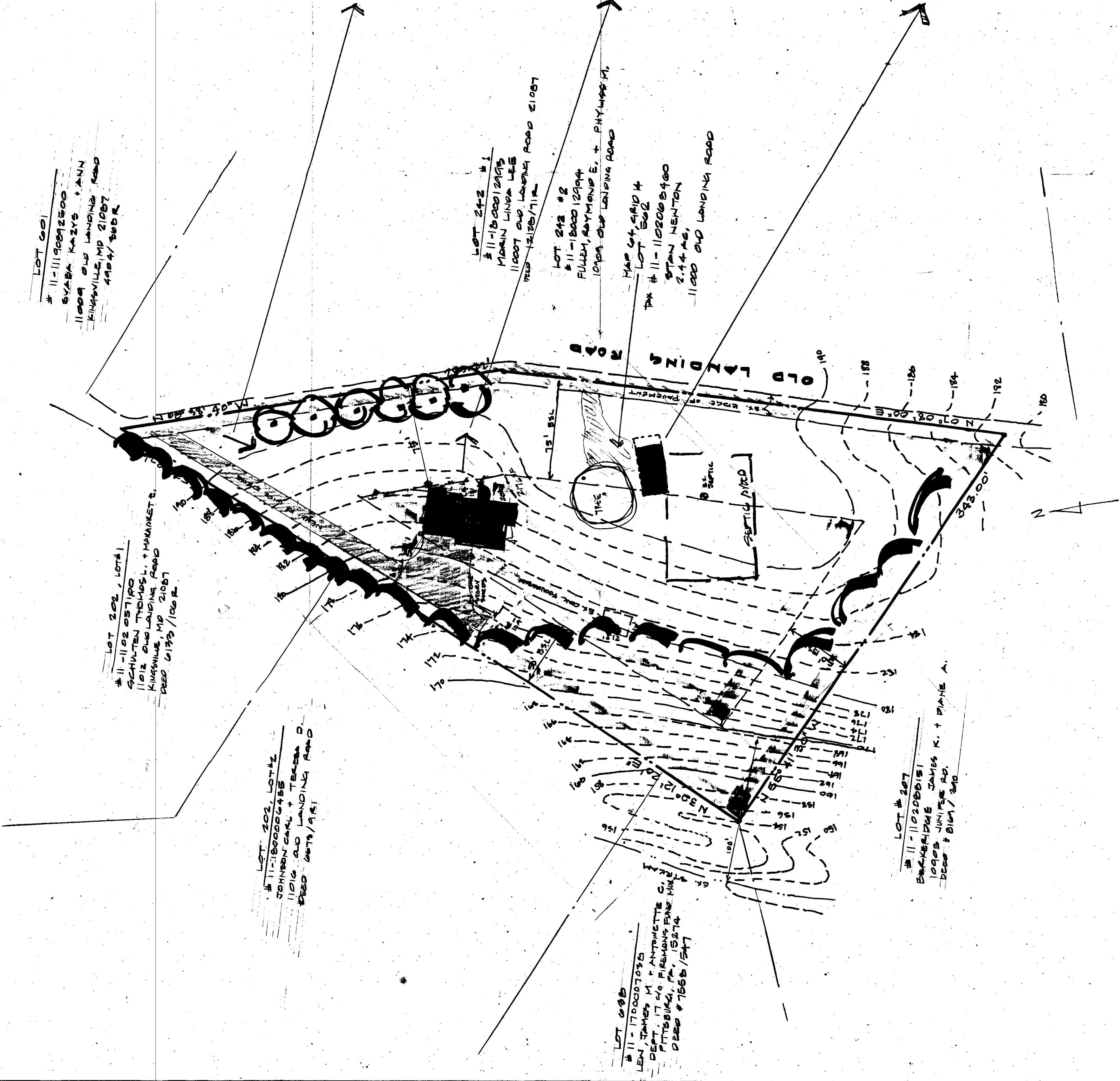
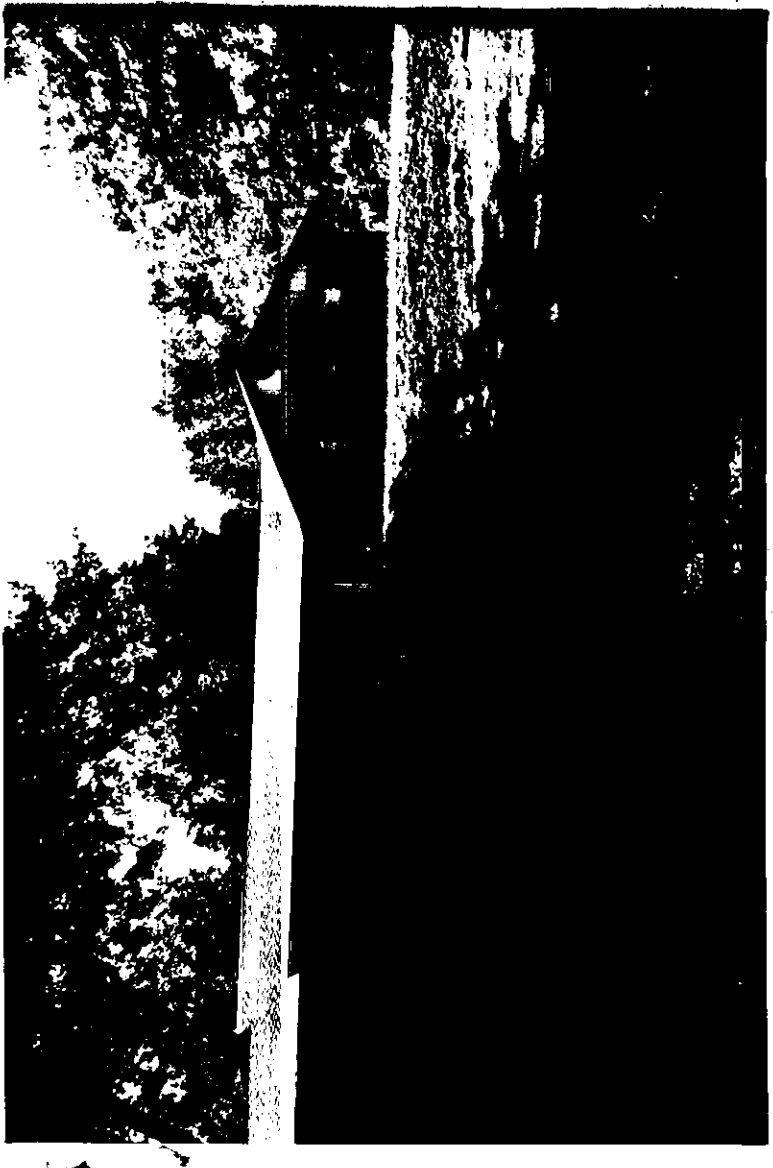
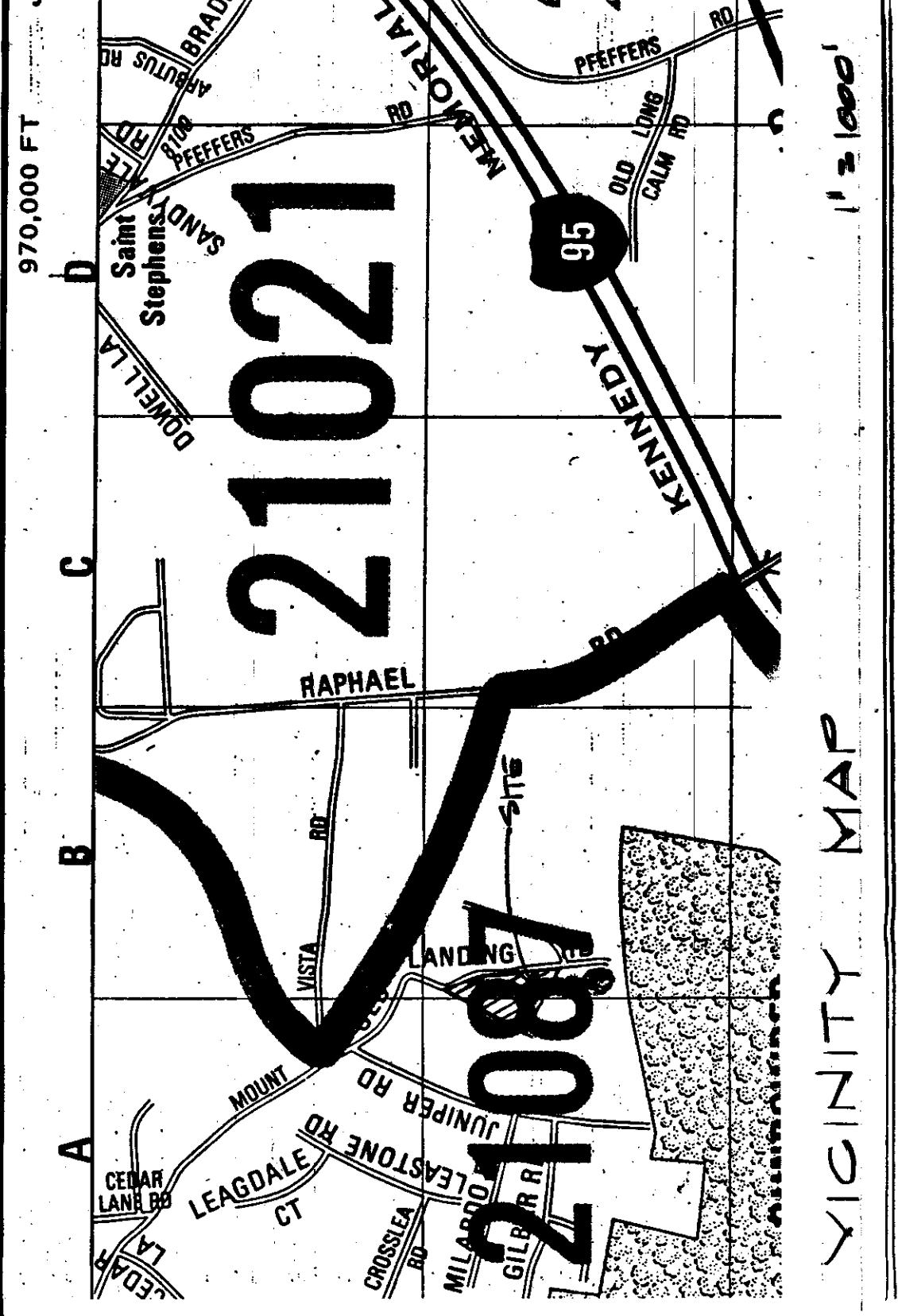
Dr. & Mrs. Carl A. Johnson
11016 Old Landing Road
Kingsville MD 21087

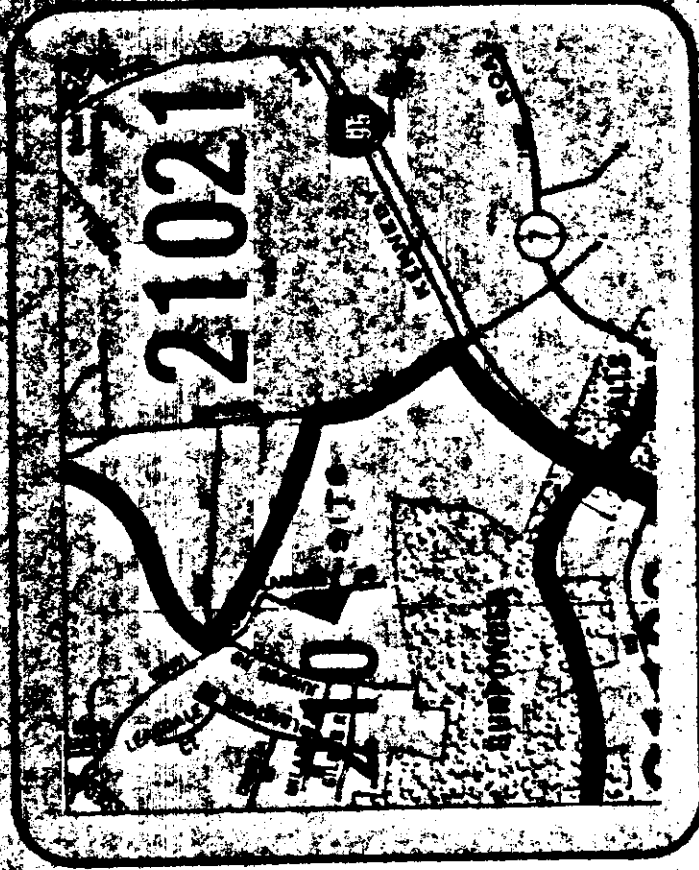
MR. LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
BALTIMORE COUNTY
401 BOSLEY AVE. - Room 405
TOWSON, MD 21204





PLAT TO ACCOMPANY PETITION FOR VARIANCE OWNER: MR. STANLEY NEWTON PROPERTY ADDRESS: 11000 OLD LANDING ROAD, KINGSVILLE, MD 21087		DANIELS/JONES & ASSOCIATES ARCHITECTS 1436 Broadway Road Timonium, Maryland Suite #100 (410) 560-3588	
Drawing Number Drawing Title Date Revisions No Date Ref		21021 21087 21087	





VICINITY MAP
SCALE: 1" = 500'

DANIELS/JONES & ASSOCIATES
ARCHITECTS
1426 Broadway Road
Timonium, Maryland
Suite #100
(410) 560-1568

PROPERTY ADDRESS: 11000 OLD LANDING ROAD, KINGVILLE, MD 21087
OWNER: MR. STANLEY NEWTON
PLAT TO ACCOMPANY PETITION FOR VARIANCE

Drawing Title
Drawing Number

ZONING DESCRIPTION for 11000 Old Landing Road, Kingville, MD 21087

Beginning at a point on the west side of Old Landing Road which is 20 feet wide at the distance of 940 feet south of the nearest improved intersection street, Juniper Road which is 20 feet wide. As recorded in Deed Liber 8844, Page 366.

North and South: S. 32.12° W. 538.32 feet; S. 53.41° W. 543 feet; N. 07.08° W. 531.73 feet; N. 08.30° W. 253.22 feet, to the place of beginning. Containing 2.44 acres or 106,286.4 s.f. more or less in 11000 Old Landing Road.

Located in Councilman's District 5 and Election District 11.

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

Property Address: 11000 Old Landing Road

Tax Map 664 Grid #14 Lot #552

Owner: Stanley Newton
11000 Old Landing Road
Kingville, MD 21087

Date: 6/12/99

Zoning Classification: RC 5

Lot Coverage: House 875 s.f.
Proposed garage 2176 s.f.
3 sheds to be removed
Total area 3051 s.f.

only 2.9% proposed lot coverage (15 % max. allowable)

LOCATION INFORMATION:

Councilman's District: 5

Election District: 11

1" = 200' Scale Map: NB 12.1

Lot Size: 2.44 ac. 106,286.4 s.f.

sewer: private
water: private

Closest Bay Critical Area: no

Prior Zoning: Heritage zone

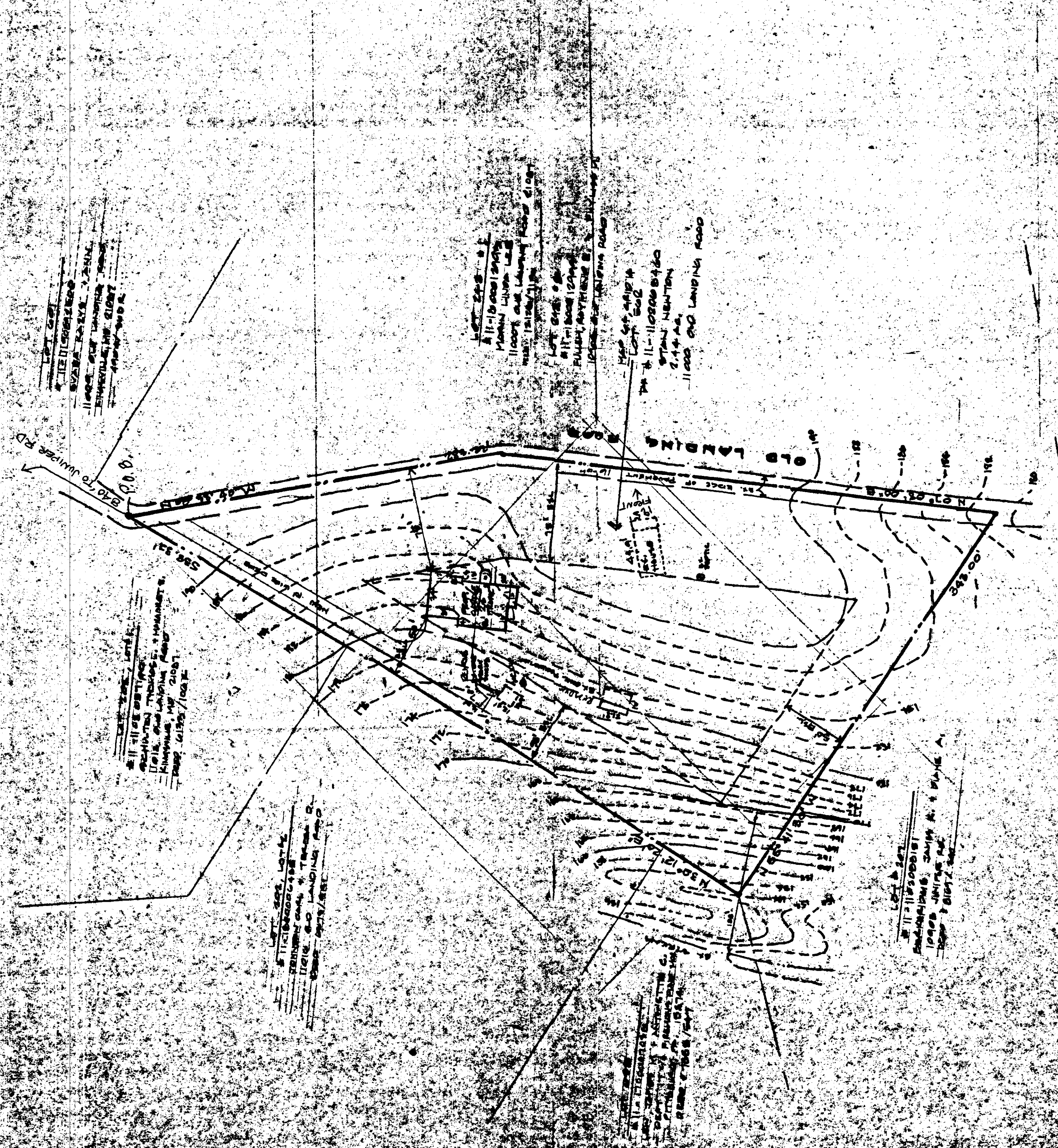
NOT IN 100 YEAR FLOODPLAIN

ZONING OFFICIAL USE ONLY

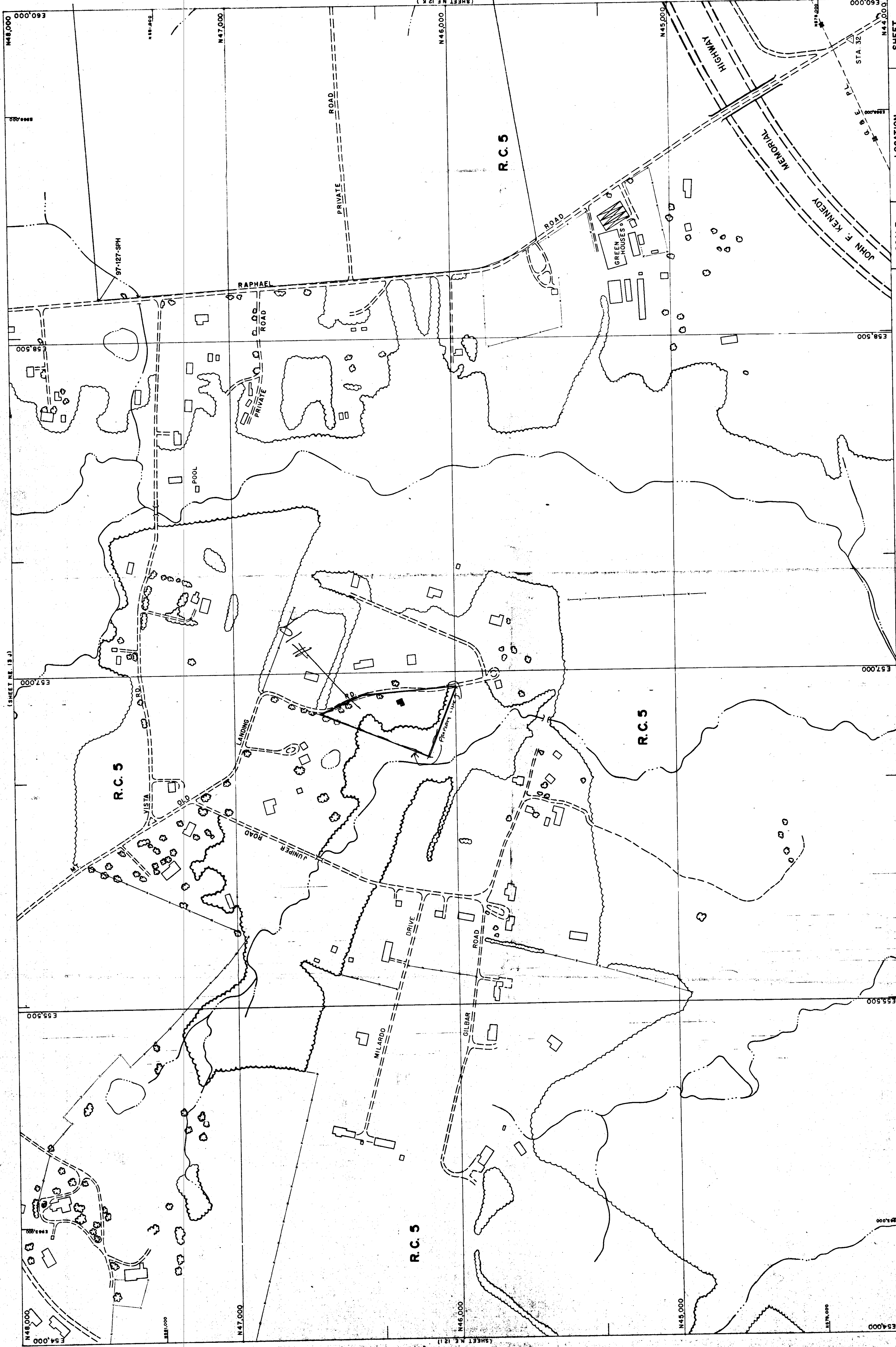
Reviewed by: _____ Date: _____

Case #

00-019-A



SITE PLAN



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

SCALE	LOCATION	SHEET
1" = 200' ±	NORTHWEST OF GUNPOWDER	N. E.
DATE OF PHOTOGRAPHY JANUARY 1986		12 - J

1986 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1986
Bills Nos. 128-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

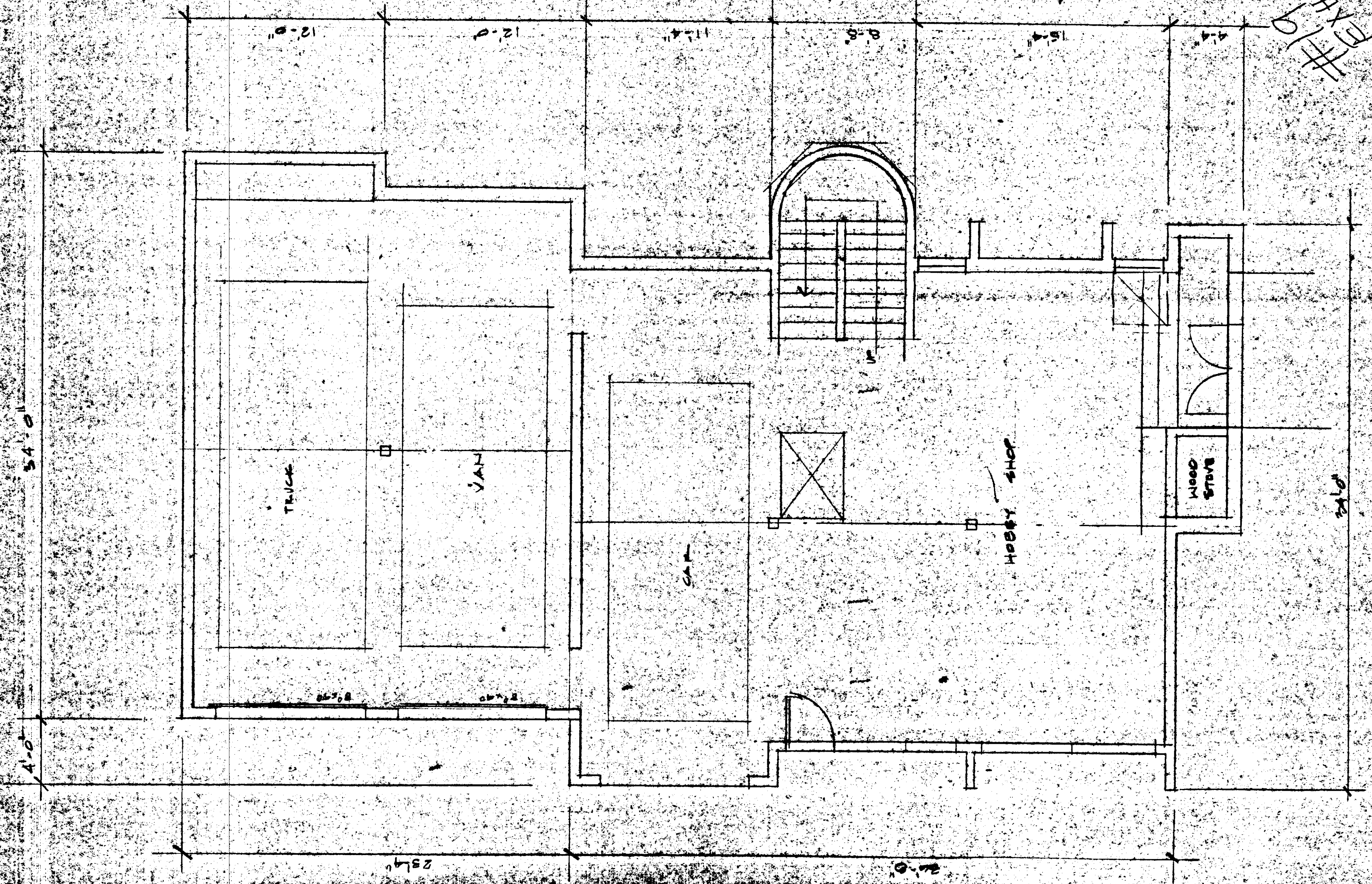
Kevin Kameny
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

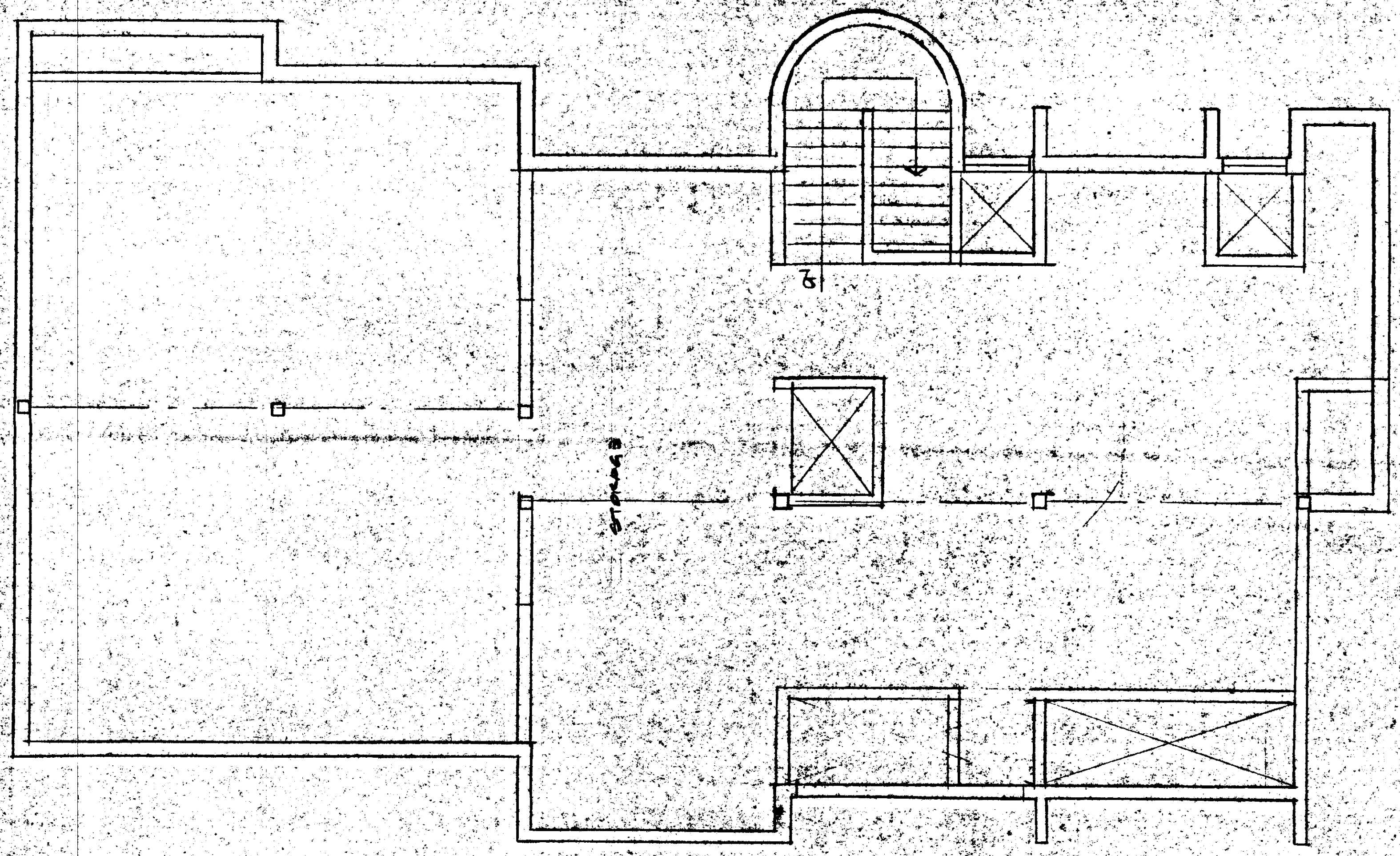
00-019-A

PROJECT ADDRESS: 1400 CLIFTON ROAD, KINGSVILLE AND MARYLAND PROJECT: 40-01 STAIRS REVISION DATE: 10/10/01		ARCHITECTS: DANIELS/JONES & ASSOCIATES 1426 Rockaway Road Timonium, Maryland (410) 560-3588 Suite #100		Date Revision No. Date Ref.	Drawing Title Drawing Number
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EXHIBIT #19

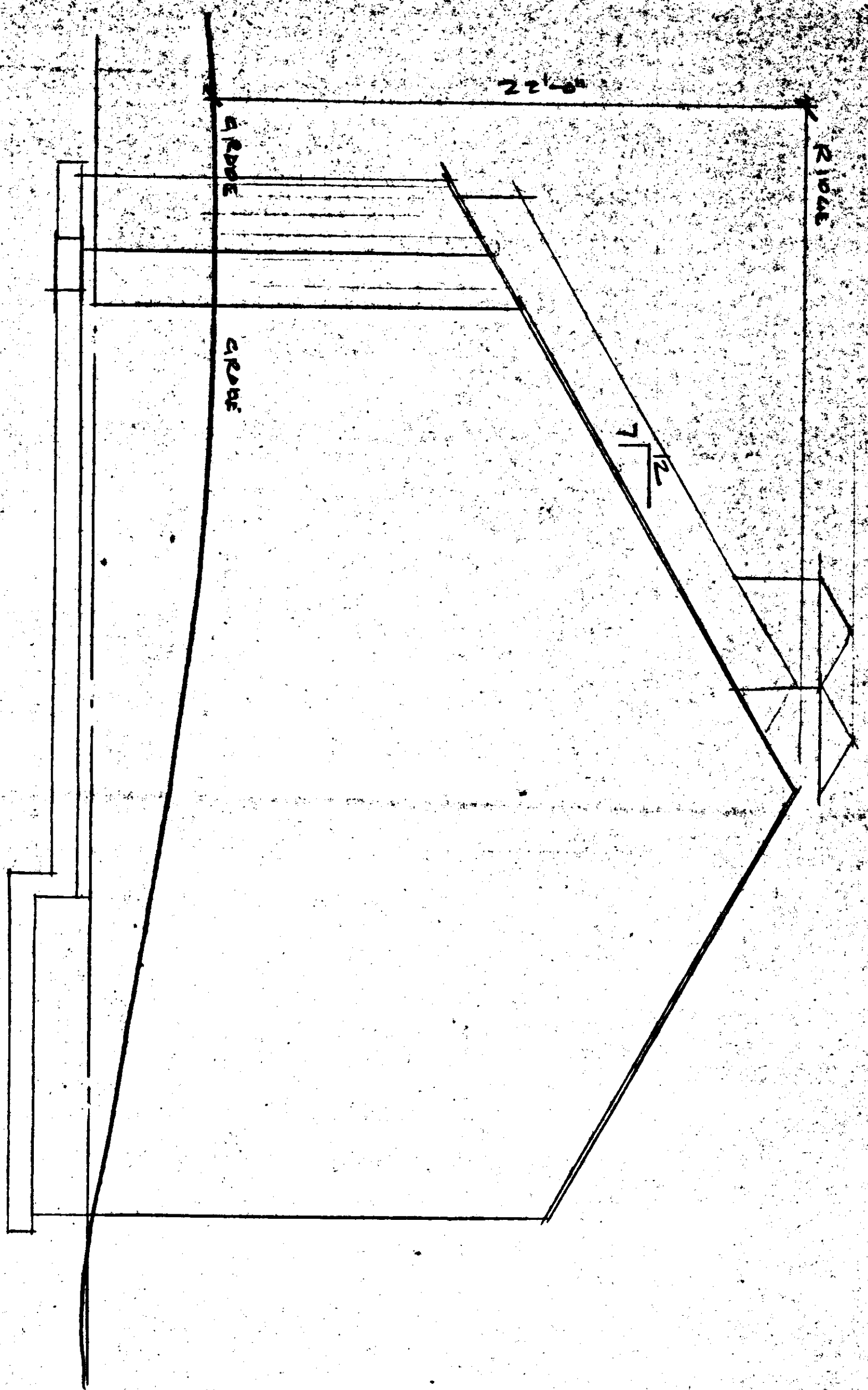


FIRST FLOOR

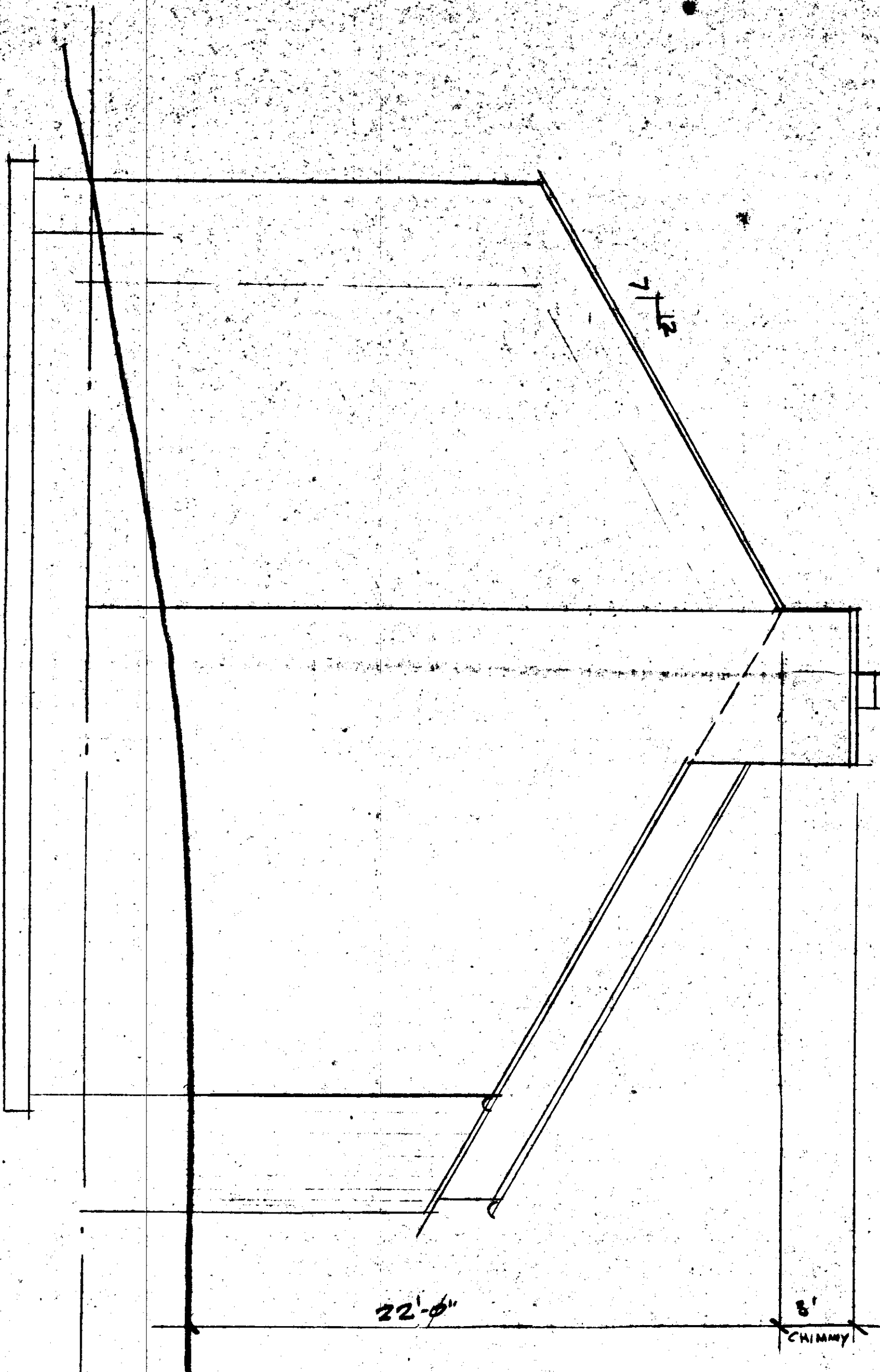


SECOND FLOOR

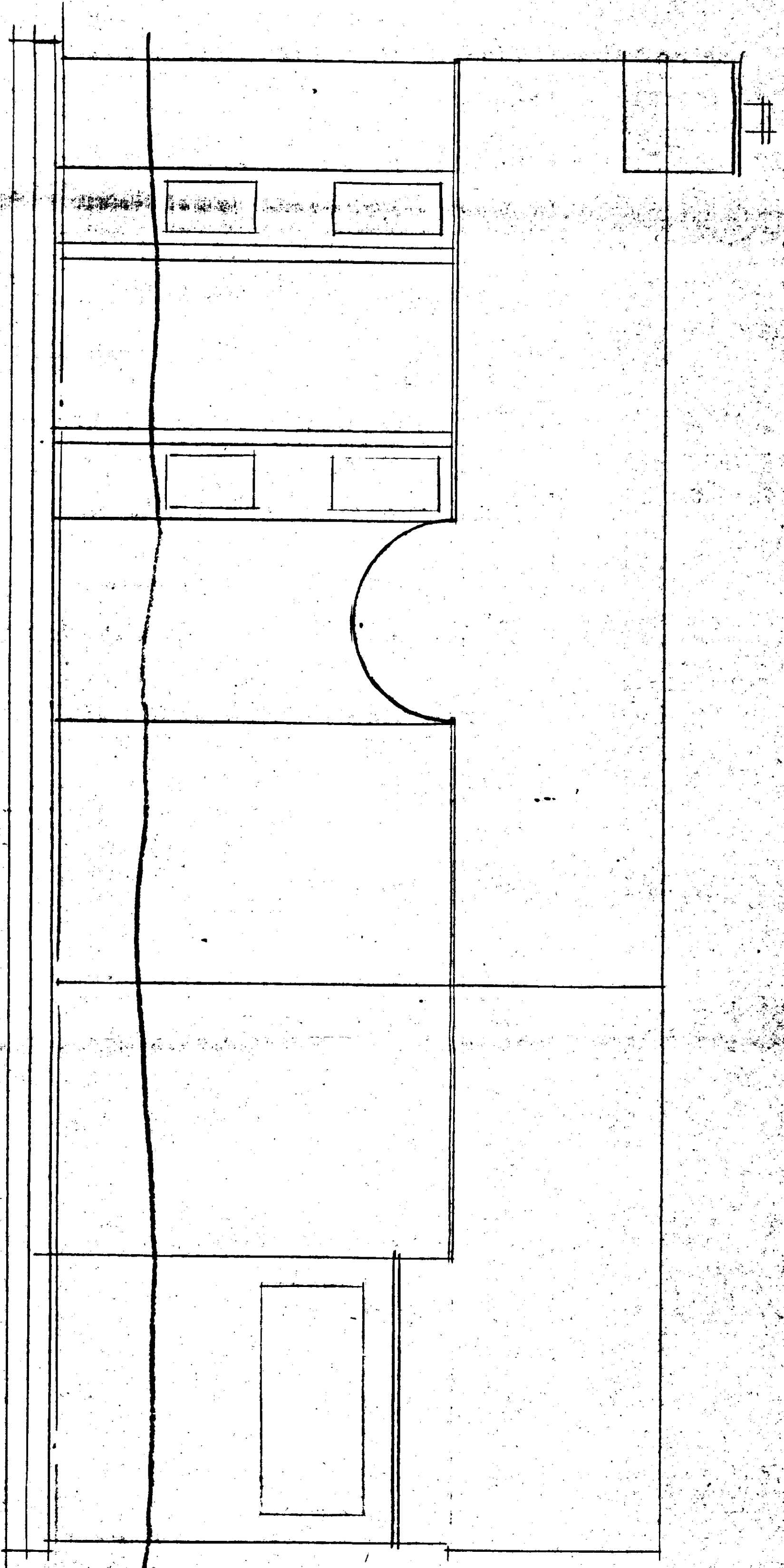
14'-0"



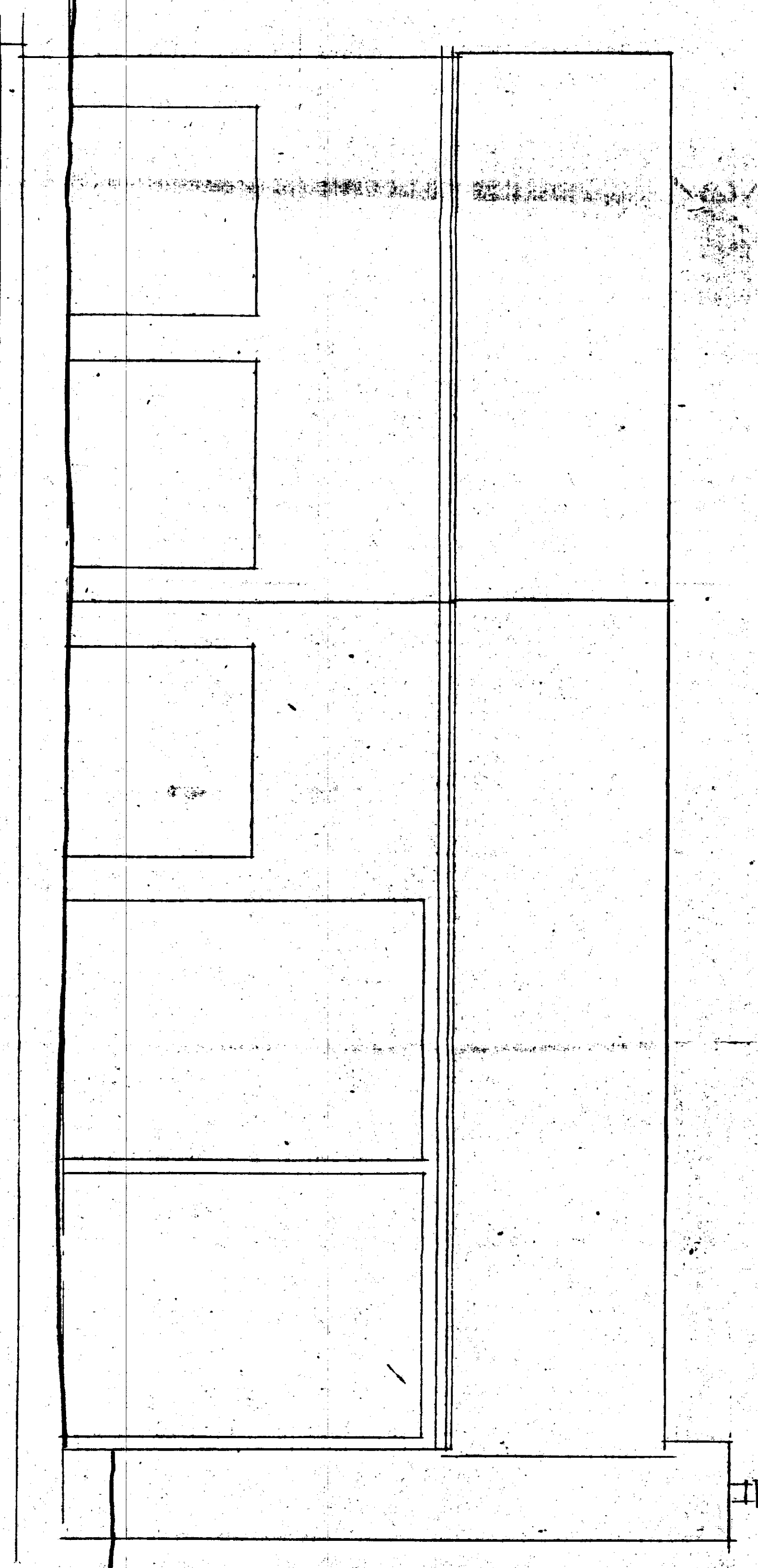
NORTH ELEVATION - 1411-0



SOUTH ELEVATION



EAST ELEVATION - FRANK OLD LANDING ROAD



WEST ELEVATION

#19
EXHIBIT

PLAN TO ACCOMPANY PETITION FOR VARIANCE

OWNER: MR. STANLEY NEWTON

PROPERTY ADDRESS: 11000 OLD LANDING ROAD, KINGSVILLE, MD 21087

DANIELS/JONES & ASSOCIATES

ARCHITECTS

1426 Broadway Road
Timonium, Maryland

Suite #100
(410) 560-3588

Date

Revisions

No

Date

Ref

Drawing Title

Drawing Number