

IN RE: PETITION FOR VARIANCE
W/S Cloverland Drive, 1750' SW of
Dance Mill Road
(4017 Cloverland Drive)
10th Election District
6th Councilmanic District

Timothy L. Rhode, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-204-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 owners of the subject property, Timothy L. and Elizabeth S. Rhode. The Petitioners seek relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 28 feet in lieu of the maximum allowed 15 feet for a proposed barn. 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 requisite public hearing held in support of this request were Timothy and Elizabeth Rhode, property owners, and Nick Commodari, zoning consultant. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel containing a gross area of 6.25 acres, more or less, zoned R.C.4. The property is also known as Lot 23 of Cloverland Farms, a residential subdivision of substantial single family dwellings on large lots, in Dulaney Valley. The Petitioners are presently developing the property with a single family dwelling, which features an attached garage, open deck, and other similar amenities, and a swimming pool. The Petitioners also propose to construct a large, freestanding structure, 40' x 40' in dimension, identified on the plan as a barn. It is this building which is the

ORDER RECEIVED FOR FILING

Date

By

subject of the instant Petition. A building elevation drawing of the barn was submitted which shows that the structure will be 28 feet in height, which exceeds the 15-foot maximum allowed by Section 400.3 of the B.C.Z.R. for accessory (non-residential) structures.

Mr. Rhode testified that the increased height was necessary for several reasons. First, he pointed out that the proposed barn has been designed to be architecturally compatible with the dwelling in terms of its scale, roof pitch and other design characteristics. He also indicated that the size of the proposed barn is necessary to accommodate his family's storage needs and will also contain a private workshop for Mr. Rhode. Apparently, Mr. Rhode works with wood as a hobby and a large area of the barn will be dedicated for this purpose. Mr. Rhode further testified that the barn will not be used for commercial/business purposes, nor will it be used to provide additional living quarters.

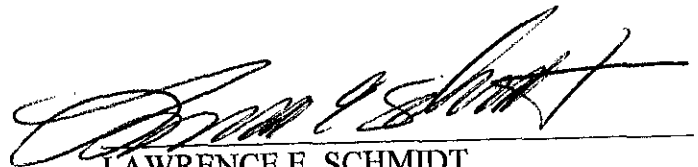
The location of the barn on the property is also a significant factor. As shown on the site plan, the barn will be situated within the interior of the site and will not be visible from adjacent properties. Moreover, the barn is located immediately adjacent to an area of forest conservation and in excess of 50 feet from the side property line. These factors are convincing to a conclusion that the proposed location and height of the structure will not be detrimental to surrounding properties.

Based upon the testimony and evidence offered, I am persuaded to grant the variance. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the B.C.Z.R. for variance relief to be granted. Moreover, it is clear that the relief requested will not be detrimental to the surrounding locale. Thus, the Petition shall be granted.

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of January, 2000 that the Petition for Variance seeking relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (barn) height of 28 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, 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) The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The addition (garage, barn, etc.) shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) The proposed building shall not be used for commercial/business purposes and shall be utilized only as an accessory structure to the single family dwelling.
- 4) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 1/3/00
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4017 CLOVERLAND DR

which is presently zoned RC-4

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)

400.3 to permit an accessory structure to be 28 ft in height in lieu of the permitted 15-ft.

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

(SEE ATTACHED)

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:

Legal Owner(s):

Name - Type or Print

ELIZABETH S. RHODE
Name - Type or Print

Signature

Elizabeth S. Rhode X
Signature

Address

Telephone No

TIMOTHY L. RHODE
Name - Type or Print

City

State

Zip Code

T. Rhode
Signature

Attorney For Petitioner:

431 CHURCH RD 410 526-0427
Address Telephone No

REISTERSTOWN MD 21136
City State Zip Code

Representative to be Contacted:

NICK COMMODARI
Name
3410 WOODSTOCK AVE 410-262-6812
Address Telephone No
BALTO. MD - 21213
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr

UNAVAILABLE FOR HEARING

Reviewed By MCC Date 11/10/99

ORDER RECEIVED FOR FILING

Case No. 66-204-A

201 911/198

November 1, 1999

To: Zoning Commissioner of Baltimore County

Re: **Petition for Variance – 4017 Cloverland Drive, Phoenix, MD**

(Attachment)

To whom it may concern,

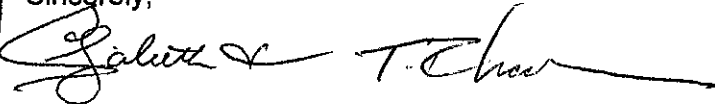
The subject Property is completely wooded and not visible from any street. The accessory structure will be located behind the house, sheltered by forest buffer, within the permitted building envelope and at least 50' from the side property line.

This accessory structure has been professionally designed to match the approved custom home in both massing and scale. It features a raised center aisle and loft to be used for storage and private workshop,.

A lower structure with flatter roof does not comply with the design covenants of the Cloverland Subdivision and would be aesthetically incompatible with the neighborhood and with the design of the house.

In view of the above, it would create undue hardship and practical difficulty if the requested variance for height is not granted. Therefore, we respectfully request that this variance be granted.

Sincerely,



Elizabeth and Timothy Rhode

ORDER RECEIVED FOR FILING
Date 1/3/00
By [Signature]

VARIANCE DESCRIPTION

Located on the west side of Cloverland Drive approximately 1750' southwest of Dance Mill Road and known as lot 23 as shown on Plat 2 of Cloverland Farms, which is recorded in the land records of Baltimore County in Book 64 Folio 84. Also known as #4017 Cloverland Drive and containing 6.25 acres.

204

TIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **075707**

DATE 11/10/99 ACCOUNT 01-615

Init. (204)
Rpt. MMR

AMOUNT \$ 50.⁰⁰

RECEIVED FROM: Timotee Rink - 4017 Chestnut Dr.

FOR: 010- Rink - \$ 50.⁰⁰

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS	ACTUAL	TIME
11/10/99	11/10/99	19:28:50
REG 4905	CASHIER FINES PLAN	DRIVER
Dept 5	620 TOWING VERIFICATION	
Receipt #	105818	0101
OR NO.	075707	

Receipt Tot. 50.00
50.00 OK OK
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

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: #00-204-A
4017 Cloverland Drive
W/S Cloverland Drive, 1750'
+/- SW of Dance Mill Road
10th Election District
6th Councilmanic District
Legal Owner(s): Elizabeth
and Timothy Rhode

Variance: to permit an accessory structure to be 28 feet in height in lieu of the permitted 15 feet

Hearing: Monday, December 20, 1999 at 2:00 p.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 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

11/316 Nov.25 C355863

TOWSON, MD, 11-26, 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 11-25, 1999.

S. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: CASE # 00-204-A
PETITIONER/DEVELOPER
(Timothy Rhode)
DATE OF Hearing
(Dec. 20, 1999)

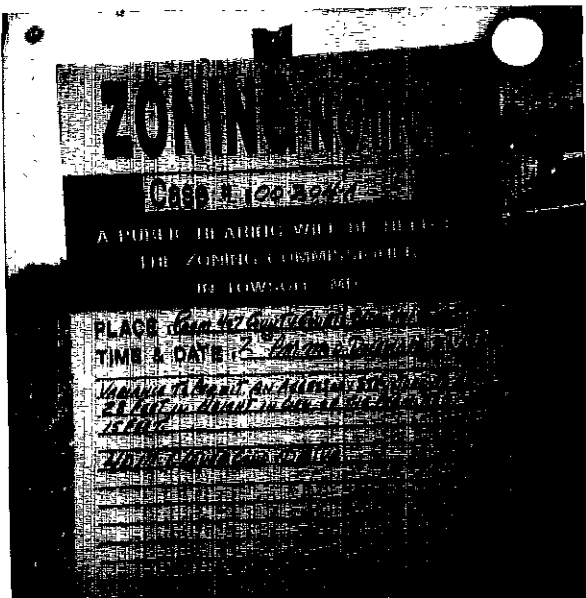
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

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
4017 Cloverland Drive Baltimore, Maryland 21131—

The sign(s) were posted on 12-3-99
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. ____

____ 325 Nicholson Road ____

____ Baltimore, Maryland 21221 ____

____ (410)-687-8405 ____
(Telephone Number)

RE: PETITION FOR VARIANCE
4017 Cloverland Drive, W/S Cloverland Dr,
1750' SW of c/l Dance Mill Rd
9th Election District, 4th Councilmanic

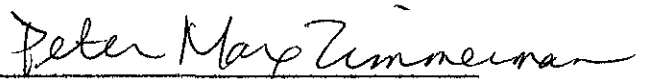
Legal Owner: Timothy L. & Elizabeth S. Rhode
Petitioner(s)

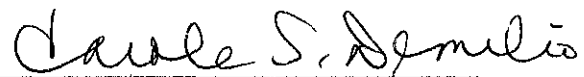
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-204-A

* * * * *

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 24th day of November, 1999 a copy of the foregoing Entry of Appearance was mailed to Nicholas Commodari, 3410 Woodstock Avenue, Baltimore, MD 21213, representative for Petitioners.


PETER MAX ZIMMERMAN



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

November 19, 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: 00-204-A
4017 Cloverland Drive
W/S Cloverland Drive, 1750'+/- SW of Dance Mill Road
10th Election District - 6th Councilmanic District
Legal Owner(s): Elizabeth and Timothy Rhode

Variance to permit an accessory structure to be 28 feet in height in lieu of the permitted 15 feet.

HEARING: MONDAY, DECEMBER 20, 1999 at 2:00 P.M. IN ROOM 407 COUNTY COURTS BUILDING,
401 BOSLEY AVENUE.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Timothy and Elizabeth Rhode
Nick Commodari

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY DECEMBER 5, 1999.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CONTACT 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
November 25, 1999 Issue - Jeffersonian

Please forward billing to:

Elizabeth and Timothy Rhode
431 Church Road
Reisterstown, MD 21136
410-526-0427

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: 00-204-A
4017 Cloverland Drive
W/S Cloverland Drive, 1750'+/- SW of Dance Mill Road
10th Election District - 6th Councilmanic District
Legal Owner(s): Elizabeth and Timothy Rhode

Variance to permit an accessory structure to be 28 feet in height in lieu of the permitted 15 feet.

HEARING: MONDAY, DECEMBER 20, 1999 at 2:00 P.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 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.

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: 00-204-A

Petitioner: Elizabeth + Timothy Rhode

Address or Location: 4017 Cloverland ~~Road~~ Drive

PLEASE FORWARD ADVERTISING BILL TO:

Name: Elizabeth + Timothy Rhode

Address: 431 Church Rd.

Reisterstown MD 21136

Telephone Number: (410) 526-0427

Revised 2/20/98 - SCJ

#204



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

December 17, 1999

Mr. Nick Commodari
3410 Woodstock Avenue
Baltimore, Maryland 21213

Dear Mr. Commodari:

RE: Case Number 00-204-A , 4017 Cloverland Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 11/10/99.

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, please do not hesitate to contact the commenting agency.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:rsj

Enclosure

c: Elizabeth Rhode



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

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



Baltimore County
Fire Department

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

December 29, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED JAN 14 2000

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 22, 1999

Item No.: See Below

Dear Ms. Stephens:

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:

199, 203, 204, 202,

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



Lo
12/20

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: December 3, 1999

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

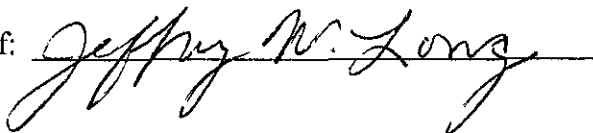
SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):

Item No(s): 189, 204, and 217

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Tim Rhode

ELIZABETH S. RHODE

Nick Commodari

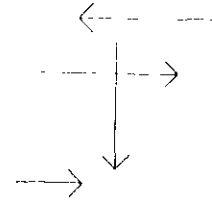
c/o MAC

110 W. TIMONIUM RD

TIMONIUM, MD 21093



DONALD B. RATCLIFFE / AIA



November 2, 1999

Mr. Timothy L. Rhode
431 Church Road
Reisterstown, Maryland 21136

Re: 4017 Cloverland Farms

Dear Mr. Rhode:

This is to advise you that we have reviewed the plans for the above residence together with the site and landscape plans and wish to advise you that they are acceptable and in compliance with Cloverland Farms Design Review Guidelines.

Please make certain that you comply with all of the other declarations and covenants relative to Cloverland Farms.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Donald B. Ratcliffe', with a long horizontal flourish extending to the right.

Donald B. Ratcliffe, AIA
Architect

DBR:jsa

PROPOSED

ACCESSORY

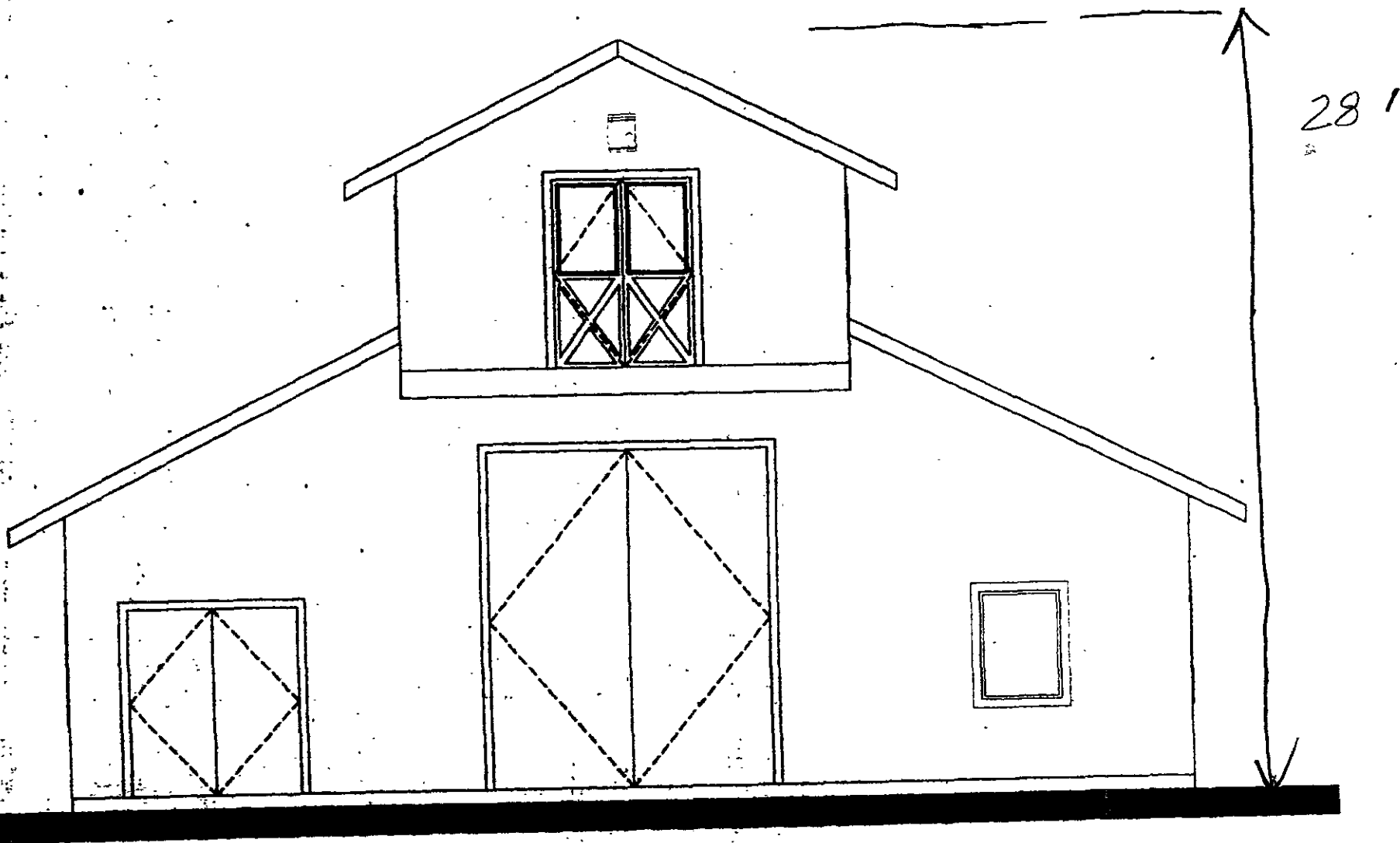
STRUCTURE

3

FRONT ELEVATION

A17

SCALE: 3/16"=1'-0"







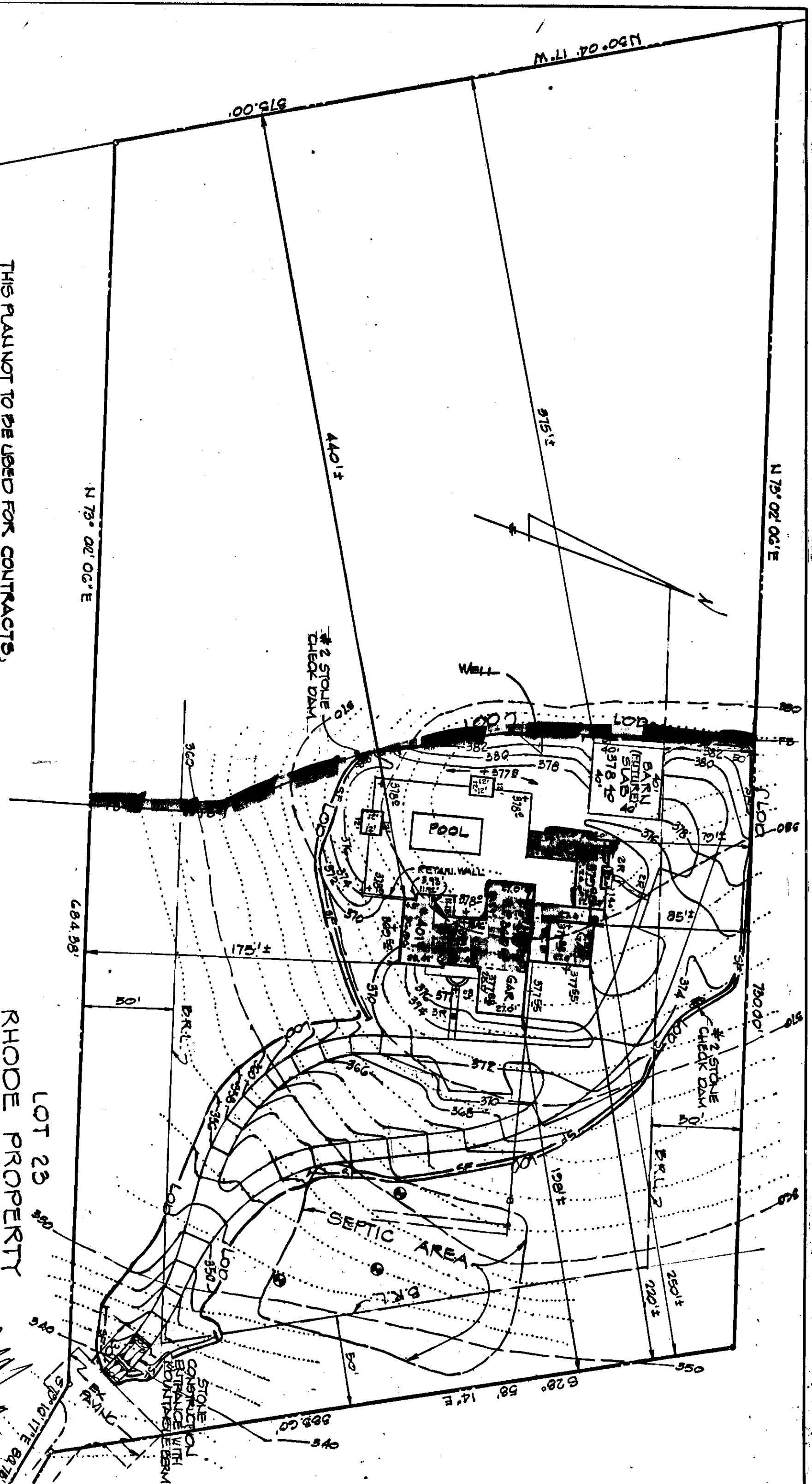
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

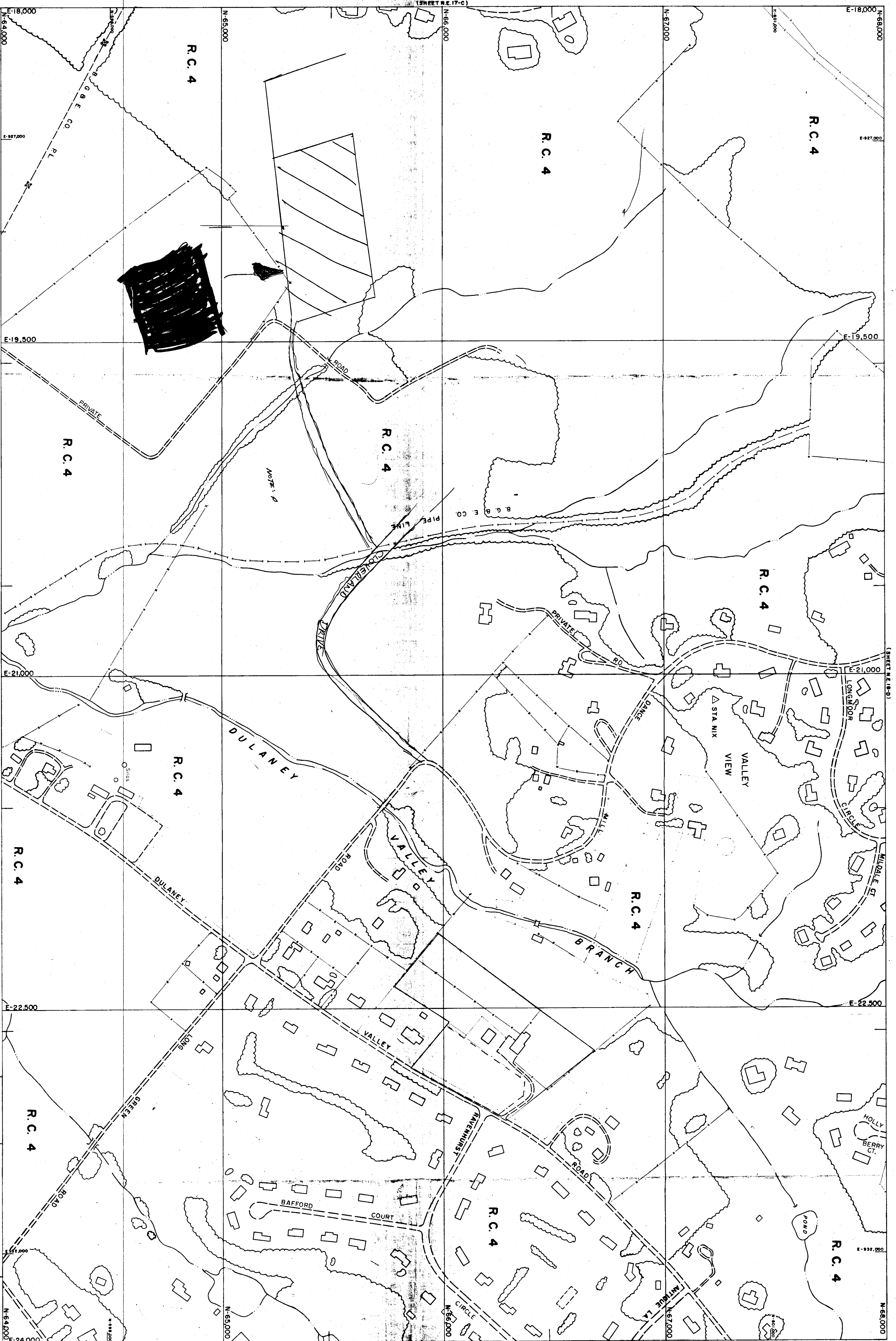
SCALE		LOCATION	SHEET
1" = 200' ±			
DATE OF PHOTOGRAPHY JANUARY 1986		DULANEY VALLEY AND DANCE MILL ROADS	N.E. 17-D
		00-# 204-A	

NOTE: FOR SEEDING SPECIFICATIONS AND SOILMENT CONTROL DETAILS, SEE 1994 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SOILMENT CONTROL.

LIMIT OF DISTURBANCE SHOWN THUS -LOD-

LOT 23
RHODE PROPERTY
CLOVERLAND FARMS
PLAT 2
BALTO. CO MD
ELECT DIST #10
SEPT. 22, 1999
REV. 10/14/99 ADDED SED CONTROL MEASURES





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

U - SE
1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96
THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

SCALE	LOCATION	SHEET
1" = 200'	DULANEY VALLEY	N.E.
DATE OF PHOTOGRAPHY	DANCE MILL ROADS	17-D
JANUARY 1986		

00# 904-A



Baltimore County
Zoning Commissioner

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

January 3, 2000

Mr. & Mrs. Timothy L. Rhode
431 Church Road
Reisterstown, Maryland 21136

RE: PETITION FOR VARIANCE
W/S Cloverland Drive, 1750' SW of Dance Mill Road
(4017 Cloverland Drive)
10th Election District - 6th Councilmanic District
Timothy L. Rhode, et ux - Petitioners
Case No. 00-204-A

Dear Mr. & Mrs. Rhode:

Enclosed please find a copy of the decision rendered in the above-captioned matter.
The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Nick Commodari
3410 Woodstock Avenue, Baltimore, Md. 21213

People's Counsel; Case File

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



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on Recycled Paper