

IN RE: PETITION FOR SPECIAL HEARING
AND VARIANCE

N/S Marriottsville Road, 900' E
centerline of Powells Run Road
2nd Election District
3rd Councilmanic District
(10712 Marriottsville Road)

Donald W. and Rayrai J. Stinnett
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-143-SPHA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing and Variance filed by the legal owners of the subject property, Donald and Rayrai Stinnett. The Petitioners are requesting zoning relief for property they own at 10712 Marriottsville Road. The special hearing request is from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend variances that were previously granted in Case No. 92-161-A. The new variances requested are as follows: (1) 4 ft. in lieu of the required 50 ft. – zoning use div. Area #1; (2) 23 ft. in lieu of the required 50 ft. – zoning use div. Area #1 and (3) 23 ft. in lieu of the required 50 ft. – zoning use div. Area #2.

Appearing at the hearing on behalf of the requests were Donald Stinnett, owner of the property, Richard Matz, professional engineer who prepared the site plan of the property and Deborah Dopkin, attorney at law. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this request, Consists of 5.213 acres, more or less, zoned RC 5. The subject property is utilized by the Petitioners as the Kingsway Academy, which is a school for the learning disabled. The school itself is located in the larger building shown on Petitioners' Exhibit NO.1 , the site plan of the property. In addition, Mr. Stinnett, as headmaster of the school, lives in the two-story

ONCE RECEIVED FOR FILING

Date 11/14/00
By R. J. G. [Signature]

dwelling also shown on the site plan. Recently, the school has begun renovating a garage on the property for the purpose of utilizing the garage as part of the school. As a result of the conversion of the garage into the school use, the variances become necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

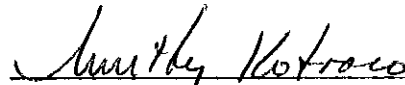
Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED this 14th day of November, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for special hearing from Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to amend variances that were previously granted in Case No. 92-161-A and Petitioners' request for four (4) new variances as follows: (1) 4 ft. in lieu of the required 50 ft. – zoning use div. Area #1; (2) 23 ft. in lieu of the required 50 ft. – zoning use div. Area #1 and (3) 23 ft. in lieu of the required 50 ft. –

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NOV 14 2000
P. J. G. [Signature]

zoning use div. Area #2, be and they are hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their 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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Zoning Plans Advisory Committee (ZAC) comment submitted by the Office of Planning dated November 8, 2000, wherein they recommend that any exterior alterations to the detached 2-story garage shall be in accordance with the architectural drawings prepared by R.E.M. Remodeling dated September 5, 2000.
3. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

0903-11/14/00 FOR PLANS
2005 11/14/00
R. P. J. J. J.



Baltimore County
Zoning Commissioner

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

November 14, 2000

Deborah C. Dopkin, Esquire
409 Washington Avenue, Suite 920
Towson, Maryland 21204

Re: Petition for Special Hearing & Variance
Case No 01-143-SPHA
Property: 10712 Marriottsville Road

Dear Ms. Dopkin:

Enclosed please find the decision rendered in the above-captioned case. The Requests for Special Hearing and Variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

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

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. & Mrs. Donald W. Stinnett
10712 Marriottsville Road
Randallstown, MD 21133

Richard E. Matz, P.E.
Colbert, Matz, Rosenfelt, Inc.
2835 Smith Avenue, Suite G
Baltimore, MD 21209

Census 2000

For You, For Baltimore County

Census 2000



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on Recycled Paper

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: 10712 Marriottsville Road
which is presently zoned R.C. - 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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

An amendment to the Variances granted in Case No. 92-161-A.

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

I, or we, agree to pay expenses of above Special Hearing, 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:

Deborah C. Dopkin, Esq.

Name - Type or Print

Signature

Deborah C. Dopkin, P.A.

Company

409 Washington Avenue, Suite 920

410-494-8080

Address

Telephone No.

Towson

MD 21204

City

State Zip Code

Legal Owner(s):

Donald W. Stinnett

Name - Type or Print

Signature

Rayrai J. Stinnett

Name - Type or Print

Signature

10712 Marriottsville Road

410-521-7700

Address

Telephone No.

Randallstown

MD 21133

City

State Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By LTm

Date 9/28/00

Case No. 01-143-SPHA

ORDER RECEIVED FOR FILING
DATE 11/16/00
BY R. J. JONES



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 10712 Marriottsville Road

which is presently zoned R.C.-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 of thereof, hereby petition for a Variance from Section(s)

1A04.3.B.2 and 102.2 of the B.C.Z.R., to permit setbacks to a Zoning Use Division Line of 23 ft. and 4 ft., respectively, in lieu of 50 ft. required.

VARIANCE #1 - 4 FT. IN LIEU OF 50 FT. REQ'D. - ZONING USE DIV. AREA #1
VARIANCE #2 - 23 FT. IN LIEU OF 30 FT. REQ'D. - ZONING USE DIV. AREA #1
VARIANCE #3 - 23 FT. IN LIEU OF 50 FT. REQ'D. - ZONING USE DIV. AREA #2

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

Variance is to permit the use of two existing buildings on the site for principal permitted uses. An undue hardship would be imposed to move either of the two existing buildings.

Property 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:

Deborah C. Dopkin, Esq.

Name - Type or Print

Signature

Deborah C. Dopkin, P.A.

Company

409 Washington Avenue, Suite 920

410-494-8080

Address

Telephone No.

Towson

MD 21204

City

State Zip Code

Case No. 01-143-SPHA

Legal Owner(s):

Donald W. Stinnett

Name - Type or Print

Signature

Rayrai J. Stinnett

Name - Type or Print

Signature

10712 Marriottsville Road

410-521-7700

Address.

Telephone No.

Randallstown

MD 21133

City

State Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

OFFICE USE ONLY

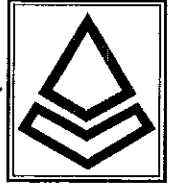
ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By CTM Date 9/28/00

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

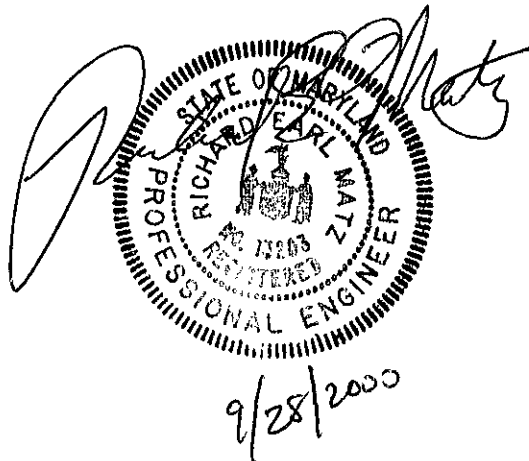


ZONING DESCRIPTION 10712 Marriottsville Road

Beginning at a point on the north side of Marriottsville Road, which is 20 feet wide, at the distance of 900 feet east of the centerline of Powells Run Road, which is of varying width. Thence the following courses and distances:

N 04°38'08" W 181.80 ft.;
N 06°38'08" W 320.00 ft.;
N 22°38'08" W 248.60 ft.;
N 83°32'21" E 399.68 ft.;
S 03°35'06" E 305.41 ft.;
S 39°22'39" W 96.31 ft.;
S 73°47'35" E 175.83 ft.;
S 01°10'17" W 116.15 ft.;
S 13°50'17" W 45.60 ft.;
S 01°10'17" W 149.95 ft.; thence
N 86°37'52" E 367.26 ft. to the point of beginning.

As recorded in Deed Liber 13410, Folio 168 and containing 227,094 sq. ft. (5.213 acres), more or less. Also known as 10712 Marriottsville Road and Lot 1 of Minor Subdivision 97-116-M, and located in the 2nd Election District.



01-143-SPHA

#143

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

6898

DATE 5/12/72 ACCOUNT 7-1-1000

AMOUNT \$ 200.00

RECEIVED FROM: MILITARY AGENCY

FOR: FOR VOUCHER

100 SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAID TO THE CASHIER DATE 5/12/72
FOR \$ 200.00
12 NO. 000000

PAID TO THE CASHIER
FOR \$ 200.00
BALANCE 100.00

01-143-SCHA

CASHIER'S VALIDATION

(Telephone Number)

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: #01-143-SPHA

10712 Marriottsville Road

N/S Marriottsville Road, 900-feet of centerline

Powells Run Road

2nd Election District - 3rd Councilmanic District

Legal Owner(s): Rayrai J. & Donald W. Stinnett

Special Hearing: to amend case number f92-161-A **Variance:** to permit setbacks to a zoning use division line of 23-feet and 4 feet in lieu of the required 50 feet (for 3 locations)
Hearing: Tuesday, November 14, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bostley 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.

10/27/2000 Oct. 26

C429242

CERTIFICATE OF PUBLICATION

TOWSON, MD, 10/26/, 2000

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 10/26/, 2000.

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

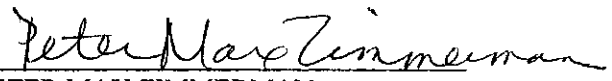
RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
10712 Marriottsville Road, N/S Marriottsville Rd, 900' E	*	ZONING COMMISSIONER
of c/I Powells Run Rd		
2nd Election District, 3rd Councilmanic	*	FOR
Legal Owner: Donald W. & Rayrai J. Stinnett	*	BALTIMORE COUNTY
Petitioner(s)		
	*	Case No. 01-143-SPHA

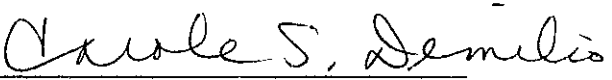
* * * * *

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 or other proceedings in this matter and of the passage of any preliminary or final Order.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


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 16th day of October, 2000 a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esq., 409 Washington Avenue, Suite 920, Towson, MD 21204, attorney for Petitioner(s).


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

October 6, 2000

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: 01-143-SPHA
10712 Marriottsville Road
N/S Marriottsville Road, 900-feet of centerline Powells Run Road
2nd Election District – 3rd Councilmanic District
Legal Owners: Rayrai J. & Donald W. Stinnett

Special Hearing to amend case number f92-161-A. Variance to permit setbacks to a zoning use division line of 23-feet and 4 feet in lieu of the required 50 feet (for 3 locations)

HEARING: Tuesday, November 14, 2000 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: Deborah C. Dopkin, Esquire, 409 Washington Ave., Ste 920, Towson 21204
Rayrai J. & Donald W. Stinnett, 10712 Marriottsville Rd., Randallstown 21133
Richard E. Matz, P.E., Colbert, Matz, Rosenfelt, Inc., 2835 Smith Avenue
Suite G, Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, OCTOBER 27, 2000.**
(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
Thursday, October 26, 2000 Issue – Jeffersonian

Please forward billing to:

Donald Stinnett
Kingsway Academy
10712 Marriottsville Road
Randallstown, MD 21133

410 521-7700

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: 01-143-SPHA

10712 Marriottsville Road

N/S Marriottsville Road, 900-feet of centerline Powells Run Road

2nd Election District – 3rd Councilmanic District

Legal Owners: Rayrai J. & Donald W. Stinnett

Special Hearing to amend case number f92-161-A. Variance to permit setbacks to a zoning use division line of 23-feet and 4 feet in lieu of the required 50 feet (for 3 locations)

HEARING: Tuesday, November 14, 2000 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: 01-143 SPH A.
Petitioner: DONALD W. STINNETT & RAYRAI J. STINNETT
Address or Location: 10712 MARRIOTTSVILLE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DONALD STINNETT / KINGSWAY ACADEMY
Address: 10712 MARRIOTTSVILLE ROAD.
RANDALLSTOWN, MD 21133
Telephone Number: 410-521-7700

Revised 2/20/98 - SCJ

01-143-SPHA



Baltimore County
Department of Permits and
Development Management

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

November 9, 2000

Deborah C. Dopkin, Esquire
409 Washington Avenue
Suite 920
Towson, MD 21204

Dear Ms. Dopkin:

RE: Case Number: 01-143-SPHA, 10712 Marriottsville Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 28, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GJZ
Supervisor, Zoning Review

WCR:

Enclosures

C: Donald W. & Rayrai J. Stinnett, 10712 Marriottsville Road, Randallstown 21133
Richard E. Matz, P.E. Colbert, Matz, Rosenfelt, Inc., 2835 Smith Avenue, Ste. G,
Baltimore 21209
People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: November 9, 2000

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

SUBJECT: Zoning Advisory Committee Meeting
For October 16, 2000
Item Nos. 118, 136, 137, 138, 140, 141,
142, 143, 144, and 145

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

October 12, 2000

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

ATTENTION: Gwen Stephens

RE: Property Owner: GRETTEL WHITE - 148
RAYRAI J. STINNETT & DONALD W. STINNETT - 143
FLOWER COLUMBUS CLUB, INC. - 139
IONNIS KOROLOGOS & TRIANTFILOS KOROLOGOS - 138

Location: DISTRIBUTION MEETING OF OCTOBER 10, 2000

Item No.: 148, 143, 139, & 138

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

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

cc: File

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: October 19, 2000
SUBJECT: Zoning Item #143
10712 Marriottsville Road

Zoning Advisory Committee Meeting of October 10, 2000

- _____ 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:
- X 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 (Section 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).

055

Reviewer: John Russo

Date: October 18, 2000

RECEIVED

OCT 20 2000

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

Jim
11/14

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 8, 2000

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

9

SUBJECT: 10712 Marriotsville Road

INFORMATION:

Item Number: 01-143

Petitioner: Donald and Rayrai Stinnet

Zoning: RC 5

Requested Action: Variance/Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends approval of the requested variance and special hearing provided the following is condition is met:

1. Exterior alterations to the detached 2 story garage should be in accordance with the architectural drawings prepared by R.E.M. Remodeling dated September 5, 2000.

Prepared by: Mark A. Coughlin

Section Chief: Jeffrey W. Long
AFK:MAC:

COPIES RECEIVED FOR FILING
DATE 11/14/00
BY J. P. Jamison



Maryland Department of Transportation
State Highway Administration

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

Date: 10-11-00

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

RE: Baltimore County
Item No. 143 LTM

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

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: October 12, 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 143
Legal Owner/Petitioner: Stinnet, Rayrai & Donald
Contract Purchaser:
Property Address: 10712 Marriottsville Rd.
Location Description: N/S Marriottsville Rd. 900' E centerline Powells Run

VIOLATION INFORMATION: Case No. 00-0506
Defendants: Rayrai & Donald Stinnet

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
------	---------

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- | | | |
|---|-----|---|
| | 1. | Complaint letter/memo/email/fax (if applicable) |
| X | 2. | Complaint Intake Form/Code Enforcement Officer's report and notes |
| X | 3. | State Tax Assessment printout |
| | 4. | State Tax Parcel Map (if applicable) |
| | 5. | MVA Registration printout (if applicable) |
| | 6. | Deed (if applicable) |
| | 7. | Lease-Residential or Commercial (if applicable) |
| | 8. | Photographs including dates taken |
| X | 9. | Correction Notice/Code Violation Notice |
| | 10. | Citation and Proof of Service (if applicable) |
| | 11. | Certified Mail Receipt (if applicable) |
| | 12. | Final Order of the Code Official/Hearing Officer (if applicable) |
| | 13. | Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| | 14. | Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/rr
C: Code Enforcement Officer

CODE ENFORCEMENT REPORT

NO Prev Cases

DATE: 2-1-00 INTAKE BY: MM CASE #: 000506 INSPEC: ROWLS

COMPLAINT LOCATION: 10712 Mannottsville Rd B.I.

ZIP CODE: 21133 DIST: 2

COMPLAINANT NAME: Capt DETIAVIT PHONE #: (H) (W) 4882

ADDRESS: BLFD ZIP CODE:

PROBLEM: Kingsway Academy - Using Garage for Classrooms

OWNER/TENANT INFORMATION: Kingsway Academy Inc

TAX ACCOUNT #: 2300003591 ZONING:

INSPECTION: Although Building was not occupied at time of inspection, it appears that it has been converted into classrooms. Correction notice 116813 issued requiring permits

REINSPECTION: for change of occupancy.

2-1-00 ROWLS

recheck 2-15-00

REINSPECTION:

REINSPECTION:



Baltimore County
Department of Permits and
Development Management

County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351 Extension _____
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE
BALTIMORE COUNTY CODE, ZONING, OR OTHER
CODES, REGULATIONS, AND POLICIES AS
INDICATED BELOW:

Violation Notice No.

116813

Case No.:

Election District 2 Permit No. N/A

Name (s)

KINGSWAY ACADEMY INC

Address

10712 MARRIOTTSVILLE RD

Location of Violation (if different than address)

Vehicle License No.:

Vehicle ID:

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS.

County Code:

§§

§§

Building Code (BOCA):

§§

§§

Investment Property Act (7-66):

§§

Plumbing Code (NSPC):

§§

Other: §§

Zoning Regulations:

§§

§§

Livability Code (18-66):

§§

§§

Electrical Code (NEC):

§§

Dwelling (CABO):

§§

COMMENTS OR OTHER VIOLATIONS:

BUILDING PERMIT REQUIRED FOR
CHANGE OF OCCUPANCY FROM GARAGE
TO SCHOOL

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE
2-15-00 FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON
THE REVERSE SIDE OF THIS VIOLATION NOTICE.
DATE ISSUED: 2-1-2000 INSPECTOR: ROHLFS

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS,
YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER
PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE
INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

DATE ISSUED:

INSPECTOR:

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE
PLEASE READ CAREFULLY

AGENCY

07/01/2000

07/01/2000
AUTOMATED PERMIT TRACKING SYSTEM
GENERAL PERMIT APPLICATION DATA

PANEL BP1003F
LAST UPDATE 11/23/1999
PLQ 13 52 03

PERMIT #: B383298
PROPERTY ADDRESS
10710 MARRIOTTSVILLE RD
SUBDIV: 2250FT E HERNWOOD RD
TAX ACCOUNT #: 2300003591 DISTRICT/PRECINCT 02 21
OWNERS INFORMATION (LAST, FIRST)
NAME: KINGSWAY ACADEMY INC
ADDR: 10712 MARRIOTTSVILLE RD RANDALLSTOWN, MD 21133
FEE: 513.00
PAID: 513.00
PAID BY: APP
DATES
APPLIED: 07/02/1999 NAME: RICHARD E MATZ/JUDITH FLOAM
ISSUED: 11/23/1999 COMPANY: COLBERTY MATZ ROSENFELT
OCCPNY: ADDR1: 2035 G SMITH AVE
ADDR2: BALTIMORE, MD 21209
INSPECTOR: 02C PHONE #: 410-653-3838 LICENSE #:
NOTES: JY/OP

PASSWORD

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQUIRY
TIME: 07:41:21 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 07/02/1999
DATE: 02/01/2000 BUILDING DETAIL 1 PLQ 14:50:17

PERMIT # B383298 PLANS: CONST 2 PLU1 Y PLAT 0 DATE 3 PL 1
BUILDING CODE: 2 CONTR: TBD
IMPRV: 1 ENGR: 1
USE 17 SCHOOL SELLR:

FOUNDATION BASE WORK: CONST 1 STORY + BASEMENT SCHOOL W/ REAR PORCH
& RAMP. 82'8"X44'8"X32'=6,056SF ALSO USING
CONSTRUC FUEL SEWAGE WATER TAX #23-00-003590 LOT 2 VARIANCE
2 2P 2P CASE # 99-182-A. 7 CLASSROOMS. REFER TO
CENTRAL AIR BY03293 FOR GRADING & BY03293 FOR RETAINING
ESTIMATED COST WALL
500,000.00 PROPOSED USE: SCHOOL
OWNERSHIP: 1 EXISTING USE: VACANT LOT
RESIDENTIAL CAT:
#EFF: #1BED: #2BED: #3BED: TOT BED: TOT APIS:
1 FAMILY BEDROOMS: PASSWORD:

ENTER - NEXT DETAIL PF2 - APPROVALS PF7 - PREV. SCREEN PF9 - SAVE
PF1 - GENERAL PERMIT PF3 - INSPECTIONS PF8 - NEXT SCREEN CLEAR
TIME: 07:41:31 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 01/18/2000
DATE: 02/01/2000 INSPECTIONS DETAIL SCREEN FDM 03:25:34

PERMIT #: B383298 CONTROL #:

TYPE OF INSPECTION	DATE INSPECTED	CODE	COMMENTS
FT/2PM	02/01/1999	01	
SLAB/AM	01/14/2000	10	PH
	01/14/2000	01	PH

DATE: 10/12/2000 STANDARD ASSESSMENT INQUIRY (1)
TIME: 09:37:34
PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
23 00 003589 02 1-3 04-00 H NO 04/25/00
STINNETT DONALD W DESC-1.. 1MP55.213 AC
STINNETT RAYRAI J DESC-2.. 2350FT E OF HERNWOOD RD
10712 MARRIOTTSVILLE RD PREMISE. 10712 MARRIOTTSVILLE RD 00000-0000

RANDALLSTOWN MD 21133-1312 FORMER OWNER: MILLER JAMES W

FCV			PHASED IN		
LAND:	PRIOR	PROPOSED	CURR	CURR	PRIOR
IMPV:	56,420	56,420	FCV	ASSESS	ASSESS
TOTL:	150,970	178,340	TOTAL..	234,760	93,900
PREF:	207,390	234,760	PREF...	0	0
CURT:	0	0	CURT...	234,760	93,900
DATE:	207,390	234,760	EXEMPT.	0	0
	12/94	12/97			

----- TAXABLE BASIS ----- FM DATE
00/01 ASSESS: 93,900 08/07/99
99/00 ASSESS: 90,250 06/04/99
98/99 ASSESS: 86,600 08/04/98

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 10/12/2000 STANDARD ASSESSMENT INQUIRY (2) RA1001L
TIME: 09:37:42
PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
23 00 003589 02 1-3 04-00 H NO 04/25/00
LOT.... 1 BOOK.... 0000 MAP..... 0076 LOT WIDTH..... 367.26
BLOCK... FOLIO... 0000 GRID.... 0002 LOT DEPTH..... .00
SECTION.. PARCEL.. 0043 LAND AREA.. 5.210 A
PLAT.. MS YEAR BUILT..... 00

TRANSFER DATA		EXEMPT DATA	
NUMBER.....	156047	STATUS.....	
DATE.....	12/30/98	CLASS CODE.....	000
PURCHASE PRICE.....	340,000	STATE EXEMPT CODE.....	000
GROUND RENT.....	0	COUNTY EXEMPT CODE.....	000
DEED REF LIBER.....	13410	CURR STATE EX ASMT....	0
DEED REF FOLIO.....	0168	PRIOR STATE EX ASMT...	0
CONVEYED IND.....	1	CURR COUNTY EX ASMT...	0
TOT-PART (TRAN IND.....	T	PRIOR COUNTY EX ASMT..	0
GRANTOR ACCT NO..	23-00-003589		

CRITICAL NEW CONST CARD
AREAS CODE YEAR NO CODE SQ. FEET
02212

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 10/12/2000 STANDARD ASSESSMENT INQUIRY (3) RA1001D
TIME: 09:37:53

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC DEL LOAD DATE
23 00 003589 02 1-3 04-00 H NO 04/25/00

-----STATE----- GEO CODE N/A LAND-USE
REC CREATE DATE.. 07/13/98 80 NO R
DELETE CODE.....

DATE DELETED.....
LAST FM DATE..... 08/07/99
LAST FM TYPE..... Z
PREV FM DATE.....
PREV FM TYPE.....

----- COUNTY -----
LAST LOAD DATE... 04/25/00
PRIOR LOAD DATE.. 04/05/00

STATE TAXABLE ASSESS
00/01 ASSESS: 93,900

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 19, 1991

Mr. James W. Miller
Ms. Judith G. Hatfield
10712 Marriottsville Road
Randallstown, Maryland 21133

RE: PETITION FOR RESIDENTIAL VARIANCE
N/S Marriottsville Road, 800' E of Powells Run Road
(10712 Marriottsville Road)
2nd Election District - 3rd Councilmanic District
James W. Miller and Judith G. Hatfield - Petitioners
Case NO. 92-161-A

Dear Mr. Miller & Ms. Hatfield:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential 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 Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
N/S Marlottsville Road, 800' E • ZONING COMMISSIONER
of Powells Run Road • OF BALTIMORE COUNTY
(10713 Marlottsville Road) • Case No. 92-161-A
2nd Election District
3rd Councilmanic District
James W. Miller and
Judith G. Hatfield -
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard with a height of 26 feet in lieu of the maximum permitted 15 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 36-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/19/91 BY [signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of November, 1961 that the Petition for Residential Variance from Sections 400.1 and 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard with a height of 26 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

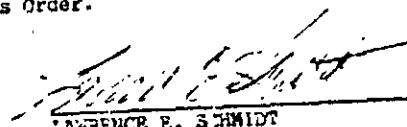
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING

Date

By

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

179

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-161-A

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, petition for a Variance from Section _____

\$400.3
400.1 To allow an accessory structure (detached garage) to be located in the side yard

in lieu of the required rear yard, AND 26' HIGH IN LIEU OF THE REQUIRED

15' IN AN R.C.S. ZONE.

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

The house is a large stone structure built in 1790. The proposed garage was designed by an architect to complement the historic house. As a practical matter, the back yard drops off significantly and is occupied by a 1/4 acre spring fed pond.

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

I, or we, agree to pay expense of the above Variance posting and, if necessary, advertising, 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:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

James W. Miller
(Type or Print Name)

Signature

Judith G. Hatfield
(Type or Print Name)

Signature

10712 Marriottsville Road 922-5815
Address Phone

Randallstown, MD 21133
City/State/Zip Code

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

same as above

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be posted on the property on or before the _____ day of _____, 19____.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County.



REVIEWED BY: JRA DATE: 10-14-91

ORDER RECEIVED FOR FILING
ZONING COMMISSIONER OF BALTIMORE COUNTY
Date 11/19/91

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

92-161-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 10712 Marriottsville Road

Randallstown, Maryland 21133

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

The elevation and pond in rear yard do not permit erection of an accessory structure. An attached side garage would not be in harmony with the historic nature of the property.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

James W. Miller
AFFIANT (Handwritten Signature)

James W. Miller
AFFIANT (Printed Name)

Judith G. Hatfield
AFFIANT (Handwritten Signature)

Judith G. Hatfield
AFFIANT (Printed Name)



STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of October, 19 91, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

James W. Miller and Judith G. Hatfield

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

10/2/91

DATE

Dorothy M. Post
NOTARY PUBLIC

Dorothy M. Post, Notary
My Commission Expires: 5/1/94

179

October 3, 1991

Re: 10712 Marriottsville Road
Randallstown, MD 21133

92-161-A

EXPLANATION OF PRACTICAL DIFFICULTY:

Strict compliance with the requirement that a garage be located behind the house would be unreasonably difficult for the following reasons:

The backyard drops off directly behind the house by approximately 15 feet. The ground below the drop is laden with springs which feed into the pond.

The backyard to the left of the pond area is planted in apple and pear trees and is hilly. Elevation is approximately 3 feet higher than the house and goes up.

The backyard to the right of the house where the springhouse is located is wet and swampy. The closest a garage could be built on this side is approximately 100 feet from the house, not practical for arriving groceries, etc. from the car.

Strict compliance with the requirement that the garage be no higher than 15 feet would diminish the character and nature of the historic property. The house is a massive stone structure, circa 1790 with a frame addition built about 1900. The total area of the house exceeds 400 square feet. The house is very tall, with 10 foot ceilings on the first and second floors, and sits high on the lot. The foundation level of the house is six feet above the ground where the garage is proposed.

Our intention is to build a garage in harmony with the house and to enclose the area with gardens and walls into a colonial type compound. We believe that building a structure limited to 15 feet would detract from the appearance of the whole property and would diminish the value historically. We believe also that the size of the property, (11.43 acres) and the distance from the neighboring property and buildings render any impact of a relaxed height restriction insignificant.

John G. Stiefel
for W. H. H.

EXHIBIT A

92-161-A

EXHIBIT A

BEGINNING for the same at a point in the bed of Marriottsville Road at the end of the third line of the land described in a Deed from Otis W. Blunt to Fred Sadosky, dated April 18, 1940 and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr. No. 1104, folio 24 & c., said point being on the first line of the land described in the Deed from Otis W. Blunt to Joseph Schlee, dated March 18, 1943 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1274, folio 447 & c.; thence running along and in the bed of said road and reversely on a part of said first line of the secondly mentioned Deed, North 85 degrees 45 minutes West 481.85 feet to a point in line with the first line of the land described in a Deed from Joseph Schlee and wife to Anthony M. Schneider dated June 29, 1946 and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1484, folio 2 & c.; thence running to and along the first line of the last mentioned Deed North 2 degrees 59 minutes East 181.8 feet to a pipe heretofore set at the end of said first line; thence running for lines of division now made and agreed upon North 00 degrees 59 minutes East 320 feet to a pipe, and North 15 degrees 01 minutes West 248.6 feet to a pipe set in the 16th line of the land described in a Deed from Joseph Schlee and wife to the Laurel Hill Country Club, Inc.; thence running and binding on a part of said 16th line and on the 17th line of the last mentioned Deed South 85 degrees 51 minutes East 701.36 feet to a pipe, and South 62 degrees 34 minutes East 393.85 feet to a pipe set in the fourth line of the whole tract conveyed in the Deed secondly mentioned above; thence running and binding on a part of said fourth line South 32 degrees 31 minutes West 115.0 feet to a pipe set in the end of the first line of the land described in the first Deed mentioned above; thence running and binding on the second and third lines of the Deed first mentioned above North 83 degrees 52 minutes West 351.0 feet to a pipe, and South 12 degrees 17 minutes West 530.0 feet to the point of beginning. Containing 11.34 acres of land, more or less.

BEING the same lot or parcel of ground which by Deed dated May 16, 1989 and recorded among the Land Records of Baltimore County in Liber S.W. No. 8192, folio 800 was granted and conveyed by Elaine O. McDermott unto the within named Grantor.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

October 16, 1991

24-3553

COPY

Mr. J. Miller and Judith G. Mattfield
10712 Marriottsville Road
Randallstown, MD 21133

Re: CASE NUMBER: 92-161-A
LOCATION: N/S Marriottsville Road, 800' E of Porcous Run Road
10712 Marriottsville Road
2nd Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 27, 1991. The closing date is November 12, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

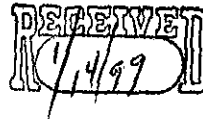
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO / YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.


Lawrence E. Schmidt
Zoning Commissioner, Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning



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

January 7, 1999

Deborah Dopkin, Esquire
409 Washington Avenue, Suite 920
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
N/S Marriottsville Road, 1,267' E of the c/l of Powells Run Road
(10710 and 10714 Marriottsville Road
2nd Election District - 1st Councilmanic District
Kingsway Academy, Inc. - Petitioners
Case No. 99-182-A

Dear Ms. Dopkin:

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,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Donald Stinnett, President, Kingsway Academy, Inc.
17012 Marriottsville Road, Randallstown, Md. 21133

Mr. Richard E. Matz, Colbert Matz Rosenfelt, Inc.
2835 Smith Avenue, Suite G, Baltimore, Md. 21209

People's Counsel; Case File



IN RE: PETITION FOR VARIANCE
N/S Marriottsville Road, 1,267' E of
the c/l Powells Run Road
(10710 and 10714 Marriottsville Road)
2nd Election District
1st Councilmanic District

Kingsway Academy, Inc.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-182-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Kingsway Academy, Inc., by Donald Stinnett, President, through their attorney, Deborah Dopkin, Esquire. The Petitioners seek relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit lot line setbacks of 20 feet and 40 feet in lieu of the required 50 feet each. 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 Donald Stinnett, President of Kingsway Academy, Inc., owners of the property, Richard E. Matz, Professional Engineer who prepared the site plan for this property, and Deborah Dopkin, Esquire, attorney for the Petitioners. Also appearing at the hearing was Diana Itter, who appeared on behalf of the Office of Planning. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 6.072 acres, more or less, zoned R.C.5 and is presently unimproved. The property is located along the north side of Marriottsville Road, between Powells Run Road and Hernwood Road in Granite. The Petitioners propose to develop the property with a one-story private school, as shown on

Petitioner's Exhibit 1, to be known as the Kingsway Academy. Testimony revealed that the Kingsway Academy is an existing private school that currently operates at a location in Carroll County. However, the Petitioners are desirous of relocating to the subject site. Mr. Stinnett testified that the Kingsway Academy is a private school for disabled children who are between 8 and 16 years of age. The maximum number of students proposed at the subject location will be 80. Mr. Stinnett, who is the President of the Academy and also oversees its operation, testified that he lives on an adjacent property, and thus will be readily available and will continue to oversee the school. However, due to the irregular shape of the property, which is heavily wooded to the rear, and the location of septic reserve areas, the requested variances are necessary in order to proceed as proposed.

As noted above, Ms. Diana Itter appeared at the hearing on behalf of the Office of Planning. Ms. Itter appeared to discuss the Zoning Plans Advisory Committee (ZAC) comments submitted by her agency, dated December 15, 1998, and the conditions for approval contained therein. Mr. Stinnett indicated that he was familiar with those comments and had an opportunity to discuss them with Ms. Itter. Mr. Stinnett had no objections to the incorporation of those conditions as restrictions to the granting of this relief, with the exception of one small change relative to additional landscaping. Specifically, Condition No. 1 of those comments was amended to allow the Petitioners the option of providing additional landscaping in lieu of adding additional building articulation to the rear building elevation, as it may be visible from Marriottsville Road. Thus, I shall approve the requested variance, subject to compliance with the conditions contained in the Office of Planning's comments.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208

(1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

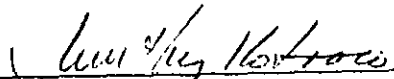
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of January, 1999 that the Petition for Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit lot line setbacks of 20 feet and 40 feet in lieu of the required 50 feet each, for a proposed one-story private school, 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 pro-

ceeding 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) Compliance with all of the conditions set forth in the ZAC comments submitted by the Office of Planning, (as modified) dated December 15, 1998, a copy of which is attached hereto and made a part hereof.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 15, 1998

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

SUBJECT: 10710 and 10714 Marriottsville Road

INFORMATION:

Item Number: 182
Petitioner: Kingsway Academy, Inc.
Property Size: 6.072 acres
Zoning: RC 5
Requested Action: Variance
Hearing Date: December 15, 1998

Kingsway Academy, a private non-profit state approved school for students with learning disabilities, proposes to construct a 1-story, 4725 square foot building on lots 2 and 3 of an approved minor subdivision 97116M. Due to the narrow nature of the front portion of the property, and in order to situate the school in a manner that is compatible with the adjacent historic dwelling, the petitioner is requesting a sideyard setback variance of 20 feet and 40 feet in lieu of the required 50 feet.

The site is situated along Marriottsville Road, designated as a scenic road in the Patapsco/Granite Area Community Plan, adopted by the Baltimore County Planning Board September 1998. The adjacent property, also owned by Donald Stinnett, contains a historic house listed on the Maryland Historic Trust inventory as BA 2292, the Doubleday House, ca.1851-1875. The proposed school plans were referred to the Baltimore County Landmarks Commission for their review; comments have been incorporated with the following recommendations.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends approval of the requested variances subject to the following:

- 1 Due to the scenic nature of Marriottsville Road, the side building elevation facing the road should be modified to include additional building articulation, i.e., additional windows and shutters, dentil molding and a dormer. The rear building elevation should

or additional landscaping
also be modified adding additional building articulation as it may be visible from Marriottsville Road. Elevation drawings should be submitted to the Office of Planning for approval prior to issuance of building permits.

2. Building materials and colors should be compatible with the Doubleday House; neutral colors such as beige or light brown.
3. A landscape plan should be submitted to the county's landscape, showing screening for the parking lot along Marriottsville Road and screening along the eastern property line for the proposed play area.
4. A sign detail should be submitted showing materials and colors of any freestanding sign.

Section Chief: _____

Jeffrey M. Long

AFK:DI:lsn

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Donald Stinnett

10712 Marriottville Rd. Randallstown Md.

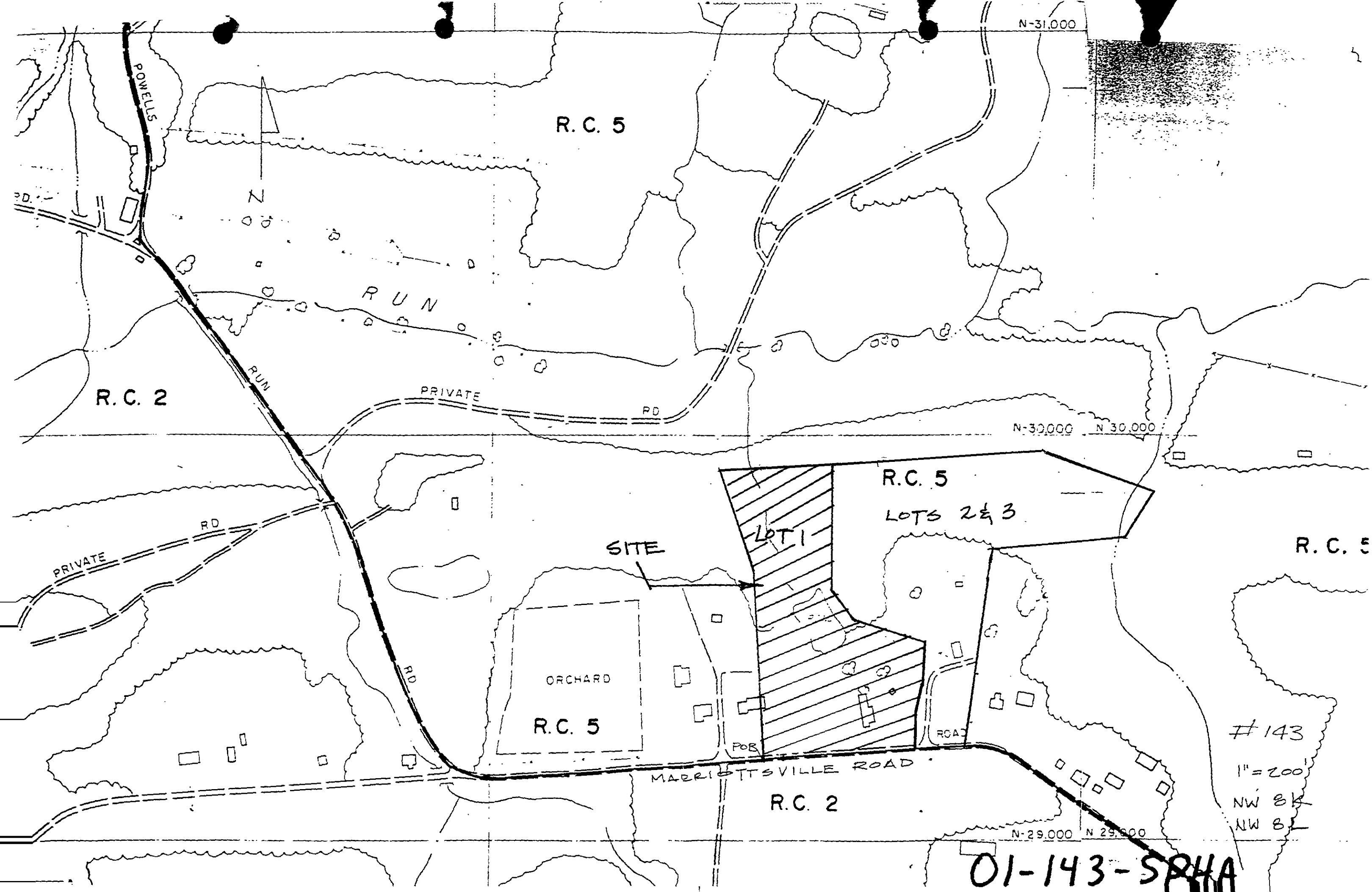
Deborah Dopkin

St 920 - 409 Washington Ave 21204

RICHARD E. MATZ

2835 SMITH AVE, SUITE G. 21209





R.C. 5

N-31,000

N

RUN

R.C. 2

PRIVATE

RD

N-30,000

N 30,000

R.C. 5

LOTS 2 & 3

LOT 1

SITE

ORCHARD

R.C. 5

POB

ROAD

MARRISTTSVILLE ROAD

R.C. 2

N-29,000

N 29,000

#143

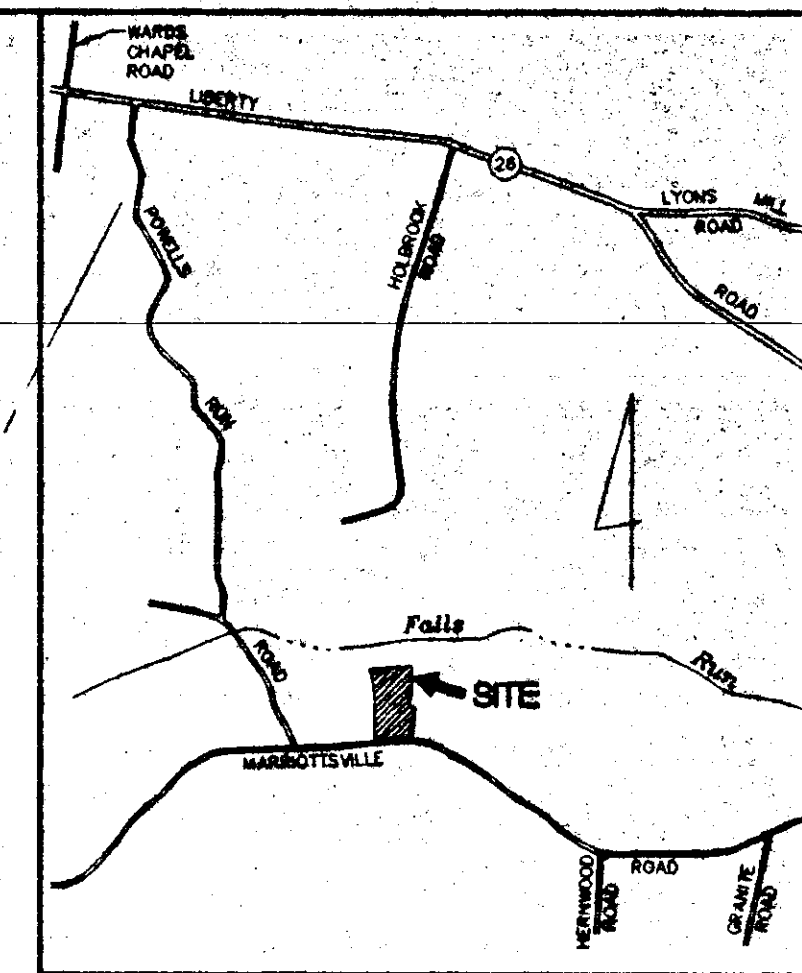
1"=200'

NW 8k

NW 8k

01-143-SRHA

TYPE	CLASS	HOMESITES W/BASE	HOMESITES W/O BASE	STREETS/PKG
GC2	B	SLIGHT	SLIGHT	MOD. SLOPE
GC2	B	SLIGHT	SLIGHT	MOD. SLOPE
GC2	B	SLIGHT	SLIGHT	MOD. SLOPE
GC2	B	MOD. SLOPE	MOD. SLOPE	SEV. SLOPE
GC4	C	SEV. H.W. TABLE	MOD. H.W. TABLE	SEV. H.W. TABLE
MD2	B	SLIGHT	SLIGHT	MOD. SLOPE
MD2	B	MOD. SLOPE	MOD. SLOPE	SEV. SLOPE
MD3	B	MOD. SLOPE	MOD. SLOPE	SEV. SLOPE



VICINITY MAP

SCALE: 1" = 200'

SITE NOTES:

- PREPARED BY: COLBERT MATZ ROSENFELT, INC.
2835 SMITH AVENUE, SUITE G
BALTIMORE, MD. 21209
(410) 653-3838
- OWNER: DONALD W. AND RAYRAI J. STINNETT
10712 MARRIOTTVILLE ROAD
RANDALLSTOWN, MD. 21133
410-521-7700
- TAX ACCOUNT: 2300003589
- DEED REFERENCE: 13410/168
- EXISTING ZONING: R.C. 5
- SITE AREA: 5.213 ACRES
- 200 SCALE ZONING MAP: NW BK & BL
- TAX MAP: 78 GRID: 2,3 PARCEL: 43
- B.C. SOIL SURVEY MAP: 32
- EXISTING USE: RESIDENCE
PROPOSED USE: RESIDENCE AND SCHOOL
- PROPOSED STAFF: 4
REQUIRED PARKING: 4 SPACES
PROPOSED PARKING: 13 SPACES
- ELECTION DISTRICT: 2
COUNCILMANIC DISTRICT: 3
CENSUS TRACT: 4022.01
- WATERSHED: 32 SUBWATERSHED: 81
- THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON THIS SITE.
- ZONING HISTORY:
IN CASE NO. 92-161-A, THE ZONING COMMISSIONER APPROVED A VARIANCE TO ALLOW AN ACCESSORY STRUCTURE (DETACHED GARAGE), TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE REQUIRED REAR YARD AND 26 FT. HIGH IN LIEU OF THE REQUIRED 15 FT. IN AN R.C.-5 ZONE.
IN CASE NO. 99-182-A, ON JANUARY 7, 1999, THE ZONING COMMISSIONER APPROVED LOT LINE SETBACKS OF 20 FT. AND 40 FT. IN LIEU OF THE REQUIRED 50 FT. FOR THE PROPOSED SCHOOL BUILDING ON LOTS 2 AND 3 (10714 MARRIOTTVILLE ROAD).

ZONING REQUESTS

- VARIANCES FOR USE DIVISION AREA #1:
- VARIANCE #1 - 4 FT. BUILDING SETBACK TO USE DIVISION LINE IN LIEU OF 50 FT. REQUIRED.
 - VARIANCE #2 - 23 FT. BUILDING SETBACK TO USE DIVISION LINE IN LIEU OF 50 FT. REQUIRED.
- VARIANCES FOR USE DIVISION AREA #2:
- VARIANCE #3 - 23 FT. BUILDING SETBACK TO USE DIVISION LINE IN LIEU OF 50 FT. REQUIRED.
- SPECIAL HEARING REQUESTED TO AMEND THE VARIANCES GRANTED IN CASE NO. 92-161-A.

PLAN TO ACCOMPANY VARIANCE AND SPECIAL HEARING AND ZONING USE PLAN
KINGSWAY ACADEMY
LOT 1 OF MINOR SUBDIVISION 97116-M
10712 MARRIOTTVILLE ROAD

2nd ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS	BY	SHEET 1 OF 1

01-143-SPHA