

IN RE: PETITION FOR VARIANCE
N/S Freeland Road, 1553' E of the c/l
Millers Mill Road
(1626 Freeland Road)
6th Election District
3rd Council District

Alan Ballek
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-058-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, Alan Ballek. The Petitioner requests relief from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure height of 23 feet, in lieu of the maximum allowed 15 feet for a proposed garage. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Alan Ballek, property owner, and Vincent Moskunus, a representative of Site Rite Surveying, Inc., the consultants who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel, located with frontage on the north side of Freeland Road, just east of Millers Mill Road in northern Baltimore County. The property is also known as Lot 1 of the Charles W. Jackson Property, which was subdivided in 1999 to create two lots under Minor Subdivision #99-031-M. The subject property contains a gross area of 8.350 acres, more or less, zoned R.C.2 and is improved with a single family dwelling in which Mr. Ballek resides. Testimony revealed that the subject lot was also improved with a 18' x 42' barn/garage which was recently destroyed during a storm. The Petitioner is desirous of constructing a new garage/barn, 38½' by 60' in dimension,

ORDER RECEIVED FOR FILING

Date

By

with a height of 23' as shown on the site plan. In this regard, Mr. Ballek indicated that he stores farm equipment, including tractors and combines, in the barn, and due to the size of these vehicles, needs a greater height than allowed. That is, the door to the proposed barn must be high enough so that those large vehicles can be moved in and out of the structure. The resulting roof line will peak at 23'. Building elevation drawings for the proposed structure were submitted at the hearing and were marked as Petitioner's Exhibit 2.

Based upon the testimony and evidence offered, I am easily persuaded to grant the Petition for Variance. In my judgment, a grant of relief is appropriate here and will not result in any detriment to the surrounding locale. Moreover, it promotes the agricultural activities associated with this property and is consistent with the R.C.2 zoning in the area. I find that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. and that the relief should 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 4th day of October, 2001, that the Petition for Variance seeking relief from Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure height of 23 feet, in lieu of the maximum allowed 15 feet for a proposed garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner may apply for his 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.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



Baltimore County
Zoning Commissioner

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

October 4, 2001

Mr. Alan Ballek
1626 Freeland Road
Freeland, Maryland 21053

RE: PETITION FOR VARIANCE
N/S Freeland Road, 1553' E of the c/l Millers Mill Road
(1626 Freeland Road)
6th Election District – 3rd Council District
Alan Ballek - Petitioner
Case No. 02-058-A

Dear Mr. Ballek:

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Vincent Moskunus
Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson, Md. 21286
People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #1626 Freeland Road

which is presently zoned PC 2

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 BC2R To permit a detached accessory structure with a height of 23 ft., in lieu of 15 feet.

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

1. The size of the proposed building requires a higher slope for the roof, which is a 4:12 pitch.
2. The accessory building is to replace an existing shed, damaged by a fallen tree, that was 42' x 18'. This structure was not structurally sound.
3. The access doors need to be higher than a normal garage door to drive equipment into the building. This requires a height greater than 15'.

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):

Alan Balke

Name - Type or Print

X Alan Balke

Signature

Name - Type or Print

Signature

1626 Freeland Road 410 804-0315

Address

Telephone No.

Freeland, MD 21053

City

State

Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc. Bernadette Moskunas

Name

Towson, MD 21286 410 828-9060

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING

Reviewed By JK

Date 8/03/01

ORDER RECEIVED FOR FILING

Case No. 02 058 A

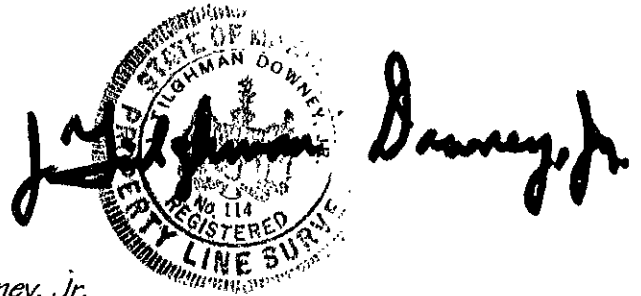
Date 9/15/98

By

058

ZONING DESCRIPTION FOR #1626 FREELAND ROAD

BEGINNING at a point on the north side of Freeland Road which is 70 feet wide at the distance of 1,553 feet east of the centerline of Millers Mill Road which is 50 feet wide. Being lot # 1 in the Minor Subdivision Plan for "Charles W. Jackson Property" 99-031-M as recorded in the Land Records of Baltimore County in Liber 14315, folio 386, containing 8.350 Acres. Also known as #1626 Freeland Road and located in the 6th. Election District, 3rd. Councilmanic District.



J. Tilghman Downey, Jr.

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

No.

4023

058
JLL.

DATE

8/03/01

ACCOUNT

001 006 6150

AMOUNT \$

50.00

RECEIVED

FROM:

ALAN BALLEK

FOR:

RV FILING

02-058

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

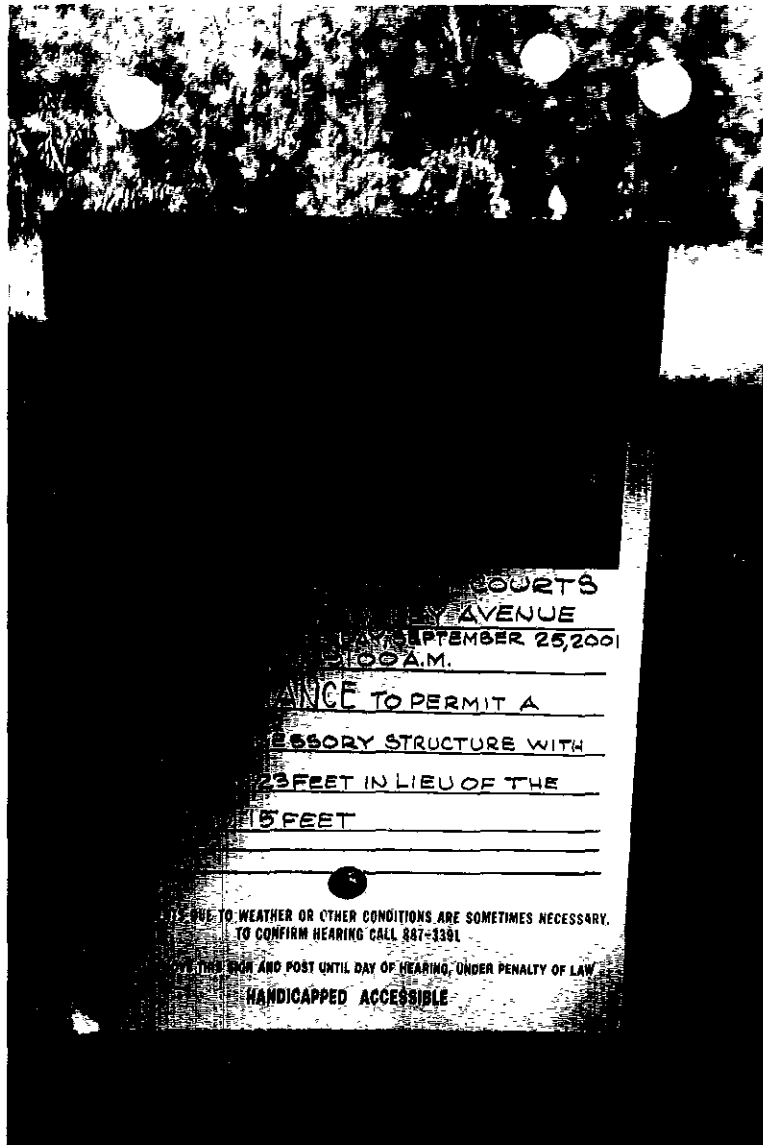
PAYMENT 07/06/2001 ACTUAL 07/03/2001 TIME 09:29:56

BY W503 CASHIER RDOS FRD DRAWER 3 OFLN

RECEIPT # 190255
DATE 8 528 ZONING VERIFICATION
CH NO. 004023

Receipt Tot 50.00
50.00 CR .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION



CERTIFICATE OF POSTING

058-A

RE: Case No.: 02-~~005~~GRH

Petitioner/Developer: _____

ALAN BALLEK

Date of Hearing/Closing: 9-25-2001

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 _____

#1626 FREELAND ROAD

The sign(s) were posted on SEPT. 7, 2001
(Month, Day, Year)

Sincerely,

Garland E. Moore

(Signature of Sign Poster and Date)

GARLAND E. MOORE

(Printed Name)

3225 RYERSON CIRCLE

(Address)

BALTIMORE, MD. 21227

(City, State, Zip Code)

(410) 242-4263

(Telephone Number)

RECEIVED

SEP 10 2001

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

**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/neighbor 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: 058
Petitioner: Allan Baltek
Address or Location: 1626 Freeland Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Allan Baltek
Address: 1626 Freeland Road
Freeland, MD 21053
Telephone Number: (410) 804-0315

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September, 11, 2001 Issue - Jeffersonian

Please forward billing to:
Alan Ballek
1626 Freeland Road
Freeland MD 21053

410 804-0315

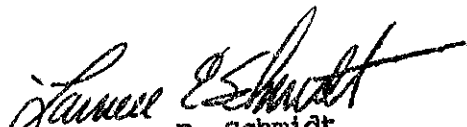
NOTICE OF ZONING HEARING

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: 02-065-SPH
1626 Freeland Road
N/S Freeland Road, 1553' E of Millers Mill Road
6th District – 3rd Councilmanic District
Legal Owner: Alan Ballek

Variance to permit a detached accessory structure with a height of 23 feet in lieu of the required 15 feet.

HEARING: Tuesday, September 25, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDL
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.



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 29, 2001

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: 02-065-SPH
1626 Freeland Road
N/S Freeland Road, 1553' E of Millers Mill Road
6th District – 3rd Councilmanic District
Legal Owner: Alan Ballek

Variance to permit a detached accessory structure with a height of 23 feet in lieu of the required 15 feet.

HEARING: Tuesday, September 25, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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

Arnold Jablon *GDZ*
Director

C: Alan Ballek, 1626 Freeland Road, Freeland 21053
Site Rite Surveying Inc, Bernadette Moskunas, 200 E Joppa Road, Room 101,
Towson MD 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, SEPTEMBER 10, 2001.**
- (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.





Baltimore County
Department of Permits and
Development Management

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

September 21, 2001

Alan Ballek
1626 Freeland Road
Freeland MD 21053

Dear Mr. Ballek:

RE: Case Number: 02-058-A, 1626 Freeland Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 3, 2001.

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. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Bernadette Moskunus, Site Rite Surveying Inc, 200 E Joppa Road, Towson 21286
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 15, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For September 4, 2001
Item Nos. 027, 056, 058, 060, 061,
062, 063, 064, 065, 068

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

September 4, 2001

RECEIVED SEP 5 2001

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: SEE BELOW

Location: DISTRIBUTION MEETING OF August 27, 2001

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:

027, 056, (058), 060, 061, 062, 065, 068, 069

REVIEWER: LIEUTENANT JIM MEZICK, 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
DATE: October 4, 2001, 2001
SUBJECT: Zoning Item 02-058
Address 1626 Freeland Rd

Zoning Advisory Committee Meeting of August 27, 2001

Agricultural Preservation Comments:

This is not a farm property, and there should be no basis for an equipment building instead of a garage. As a result this petition for variance is not recommended.

Reviewer: Wally Lippincott

Date: 10/4/01

hso
9/10/01

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 10, 2001

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 02-016 and 02-058

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Gary Kerns

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 9.5.01

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

RE: Baltimore County
Item No. 1258

JL

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,

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

RE: PETITION FOR VARIANCE
1626 Freeland Road, N/S Freeland Rd,
1553' E of Millers Mill Rd
6th Election District, 3rd Councilmanic

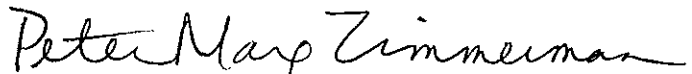
Legal Owner: Alan Ballek
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-58-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. **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

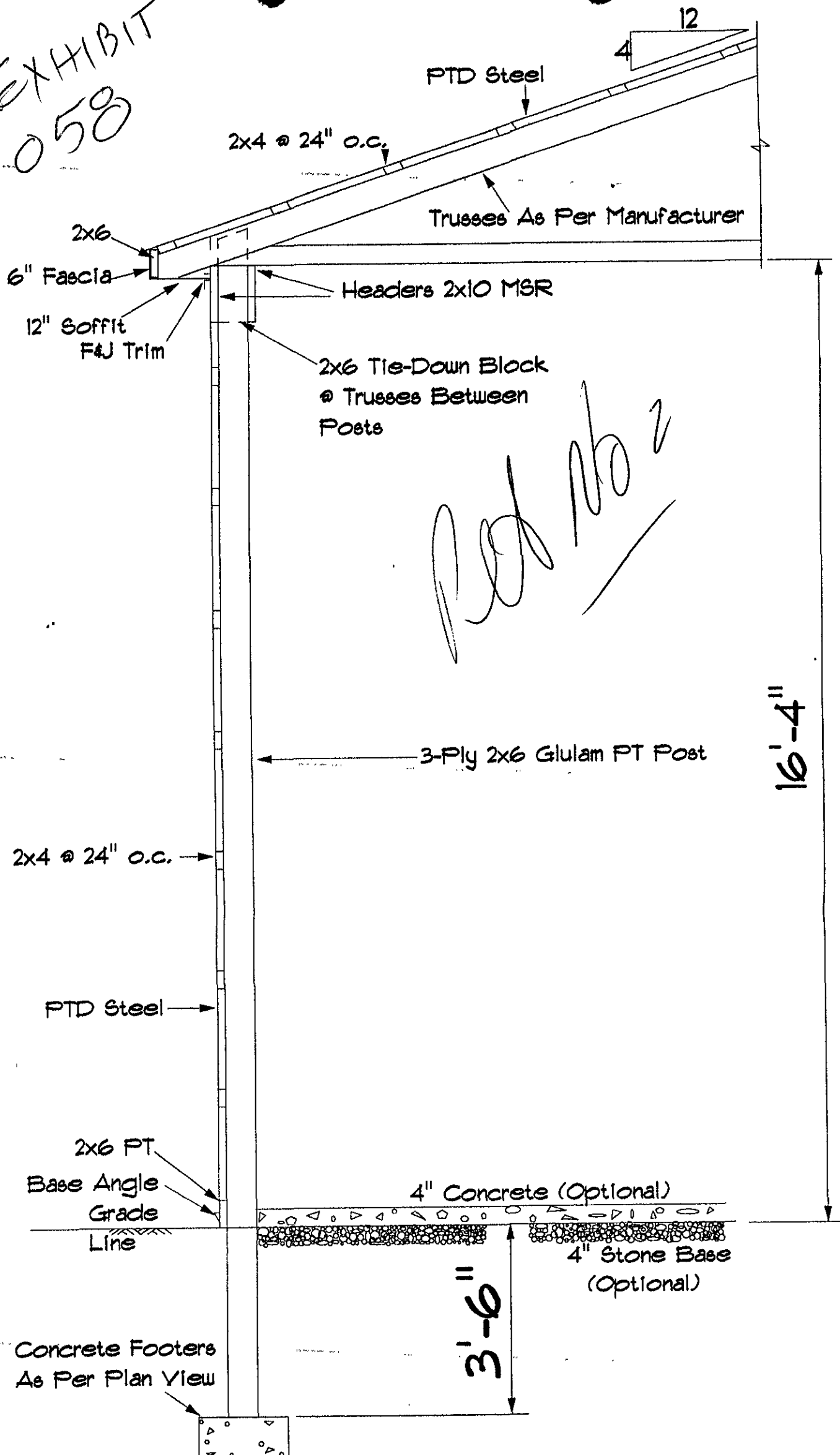
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of September, 2001 a copy of the foregoing Entry of Appearance was mailed to Bernadette L. Moskunus, Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioners.


PETER MAX ZIMMERMAN

Revised 4/17/00

EXHIBIT
058



Typical Wall Section

No Scale

N146,000

#058

NORTH

R. C. 2

R. C. 2

#1626

SITE

LOT 1

R. C. 2

N145,000

LOT 2

P.C. 4

R. C. 2

N678,000

R. C. 2

FREELAND

TO MILLERS MILL ROAD

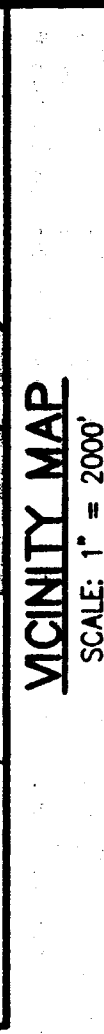
200' SCALE ZONING MAP
#1626 FREELAND ROAD
N.W. 37 E
ZONING: R. C. 2
GRIMESVILLE

R. C. 2

5,500

188,000

24,000



EX. WOODS LINE

LIMIT OF WETLANDS

FOREST CONSERVATION EASEMENT

SOIL TYPES

SEPTIC AREA

WELL

PERC TEST

EXISTING

PROPOSED

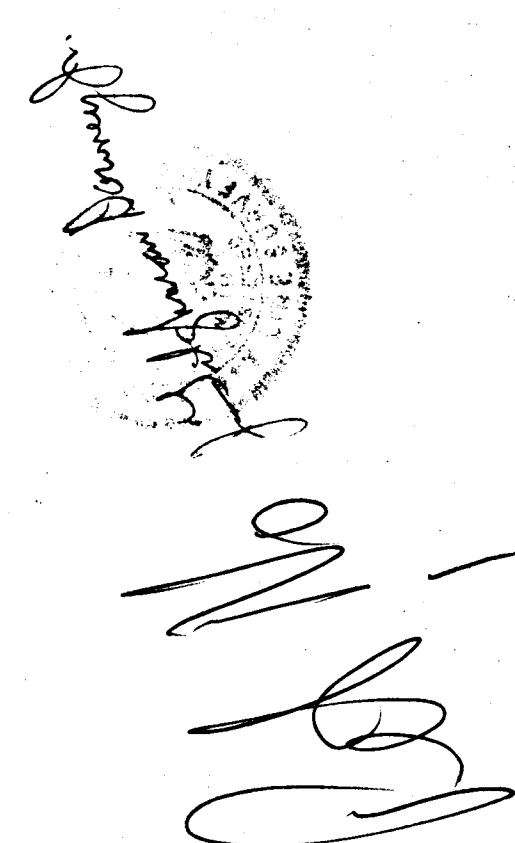
MOT DUG

ST. STREAM

PLAN TO ACCOMPANY PETITION FOR VARIANCE
1626 FREELAND ROAD

"CHARLES W. JACKSON PROPERTY" 99-031-M
ELECTION DISTRICT No 6
BALTIMORE CO, MD
SCALE: 1" = 100'
JULY 30, 2001
01-8551

REVIEWED BY:	ITEM N ^o	CASE N ^o
JL	058	



OWNER: ALLAN BALLEK
1926 FREELAND ROAD
FREELAND, MD 21053
(410) 804-0915
TAX MAP: 6 GRD: 10 PARCEL: 104
TAX ACCT. NO: 2300009033
DEED REF: 14315/300

Site Risk Surveying, Inc.
200 E. Joyce Road
Steel Building, Room 101
Tombon, MD 21288
(410) 325-4060