IN RE: PETITION FOR VARIANCE
NE/S Harris Mill Road, 6,000' W
centerline of Lentz Road
7th Election District
3rd Councilmanic District
(1020 Harris Mill Road)

Mary Granger & Joseph W. Ayres, Jr. Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 03-244-A

* * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Mary and Joseph W. Ayres, Jr. The variance request involves property located at 1020 Harris Mill Road, located in northern Baltimore County, just south of the Pennsylvania line. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure to be located in the front yard of the Petitioners' property in lieu of the required rear yard and to amend the latest Final Development Plan of "Harris Mill".

Appearing at the hearing on behalf of the request were the Petitioners, Mary Granger and Joseph Ayres, Jr., along with Geoffrey Schultz, representing the engineering firm who prepared the site plan of the property. There were no protestants or others in attendance.

Testimony and evidence indicated that the Petitioners' own 12.6123 acres of land, zoned R.C.2., located on the north side of Harris Mill Road, adjacent to the Pennsylvania line. The Petitioners have a single-family residential dwelling on the property and a barn. They are interested in constructing a 12 ft. x 48 ft. run-in shed, which will be used in conjunction with horses that they hope to bring to the property. As a result of the run-in shed being located in the front yard, the variance request is necessary. The Petitioners submitted into evidence photographs of the their farm. As is demonstrated by the photographs submitted, the property

1 Solo 3

owners are meticulous in the care and maintenance of their property. The run-in shed will be a nice addition to the Petitioners' farm. Also, the property owners indicated that they have discussed this matter with their neighbors, none of whom have any opposition to their plans to construct this run-in shed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to 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).

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 property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief 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 after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this $17\sqrt{1}$ day of January, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the B.C.Z.R., to allow an accessory structure to be located in the front yard of the Petitioners' property in lieu of the required rear yard and to amend the latest Final Development Plan of "Harris Mill", be and is hereby GRANTED.

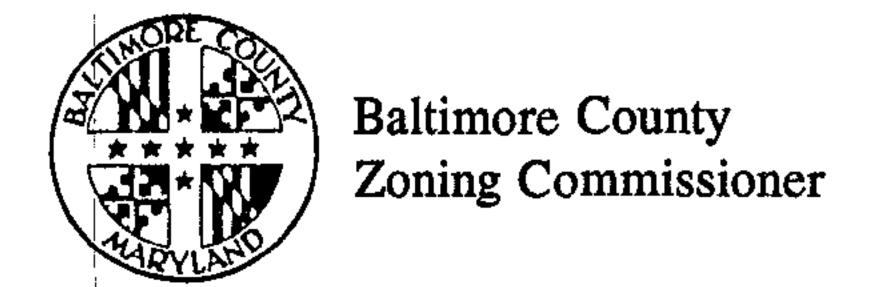
IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

January 17, 2003

Ms. Mary Granger Mr. Joseph W. Ayres, Jr. P. O. Box 419 Parkton, Maryland 21120-0419

> Re: Petition for Variance Case No. 03-244-A

> > Property: 1020 Harris Mill Road

Dear Ms. Granger & Mr. Ayres:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has 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,

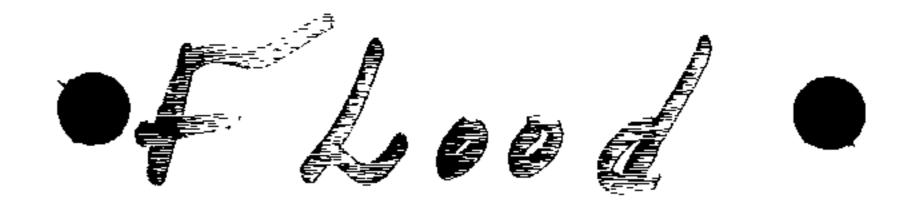
Muthy lotroes

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Geoffrey C. Schultz McKee & Associates, Inc. 5 Shawan Road Cockeysville, MD 21030





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1020 Harris Mill Road which is presently zoned RC-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) 400.1 to allow an accessory structure (run-in shed) to be located in the front yard in-lieu-of the required rear yard location, and to a wend the latest Final Development Plan of Harris Mill.

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

For reasons to be discussed at the zoning hearing.

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:

<u>Legal Owner(s):</u>

			Joseph W. Ayres, Jr.
Name - Type or Print		Nam	ne - Type or Pfint
			x Joseph w Hatras I
Signature			Signature
			Mary Lange
Address		Telephone No.	Name Type or Pfint
			Mary Granger
City	State	Zip Code	Signature
Attorney For Petitioner:			P.O. Box 419 (410) 842-1170
			Address Telephone No.
			Parkton, Maryland 21120-0419
Name - Type or Print		City	State Zip Code
			Representative to be Contacted:
Signature		<u> </u>	Geoffrey C. Schultz
			McKee and Associates, Inc.
Company			Name
. \			5 Shawan Road, Suite (410) 527-1555
Address		Telephone No.	Address Telephone No.
K.			Cockeysville, MD 21030
Chix.	State	Zip Code	City State Zip Code
			OFFICE USE ONLY
Case No	244-A		ESTIMATED LENGTH OF HEARING
)			UNAVAILABLE FOR HEARING
DCU 0/15/00		Reviewed By _	JNP Date 1/19/02
REV 9/15/98			•

Engineering • Surveying • Environmental Planning
Real Estate Development

November 18, 2002

ZONING DESCRIPTION OF 1020 HARRIS MILL ROAD 7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND



BEGINNING at a point on the northeast side of Harris Mill Road (60 feet wide R/W), said point being 6,000 feet west of the centerline of Lentz Road, and being known and designated as Lot 4 on a Final Subdivision Plat of "Harris Mill" as recorded in Plat Book 60, Page 97.

CONTAINING 12.6123 acres as recorded in Deed Liber 16887, folio 69.

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030 Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

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 <u>Towson</u>. Maryland on the property identified herein as follows:

Case: #03-244-A

1020 Harris Mill Road

N/east side of Harris Mill Road, 6000 feet west of Lentz Road

7th Election District-3rd Councilmanic District

Legal Owner(s): Joseph Ayres, Jr. and Mary Granger

Variance: to permit an accessory structure (run-in shed)

to be located in the front yard in lieu of the required rear

yard location, and to amend the latest Final Development Plan of Harris Mill.

Hearing: Wednesday, Janury 15, 2003 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenus.

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.

<u>0580556</u> JT 12/840 Dec 31

CERTIFICATE OF PUBLICATION

1/2,2003				
THIS IS TO CERTIFY, that the annexed advertisement was published				
n the following weekly newspaper published in Baltimore County, Md.,				
once in each ofsuccessive weeks, the first publication appearing				
on $\frac{12 3i }{3002}$.				
The Jeffersonian				
Arbutus Times				
☐ Catonsville Times				
☐ Towson Times				
☐ Owings Mills Times				
☐ NE Booster/Reporter				
☐ North County News				
S. Wilkings				

LEGAL ADVERTISING

OFFICE OF BU	COUNTY, MADGET & FINANCEOUS RECEIP	E	No.19212*
DATE	19/02	ACCOUNT R - 0	01-006-6150
mark are		AMOUNT \$ (0)	0.00
RECEIVED O	seph W. A	mes in &	Mary Grover
FOR: 1020	Holvis	Mill Road	((03-244-A)
Adin	. Vav. 2	Amend FO	P
DISTRIBUTION WHITE - CASHIER	PINK - AGENCY	YELLOW - CUSTOMER	•

PATTO RECEIPT
FUSINESS ACTUAL TIME
1 /20/2002 11/19/2002 13:50:03
REG WS02 WALKIN JEWA JEE DRAWER 2
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Dept 5 528 ZINING VERIFICATION
CR #0. 019212
Recpt Tot \$100.00
100.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CENTICATE OF POSTING

Pennoner Developer AMPES

Pennoner Developer AMPES

Date of Hearing Closing 1/5/03

Lon ING COMM Co.

1. EE7.34 C. Far.

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

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 # 102 HALLS

The sign(s) were posted on 17/31/07

(Month, Day, Year)

ZONNG NOTICE

Case #: 03 244-A

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

PLACE: HI WEST CHESAPEAKE AVENUE

TIME & DATE WEDNESDAY STRUCTURE AND MESON
VARIANCE TO PERMIT AN ACCESSORY STRUCTURE AND MESON
VARIANCE TO PERMIT AN ACCESSORY STRUCTURE AND MESON
TO BE LOCATED BY THE PROOF YARD IN LIEU OF THE BENDUNCH
TO BE LOCATED BY THE ARBIT DAMAGE THE LATEST FINE PROOF
TO BE LOCATED BY THE ARBIT DAMAGE THE LATEST FINE STRUCTURE
PLAN OF HARRIS MILL (MISSIS HARRIS MILL ED ATRES)

102-HARRIS MILLER AYRED/1.1K 115/02 Signature of Sign Poster and Date 3

PATRICK M. O'KEEFE

(Printed Name)
523 PENNY LANE

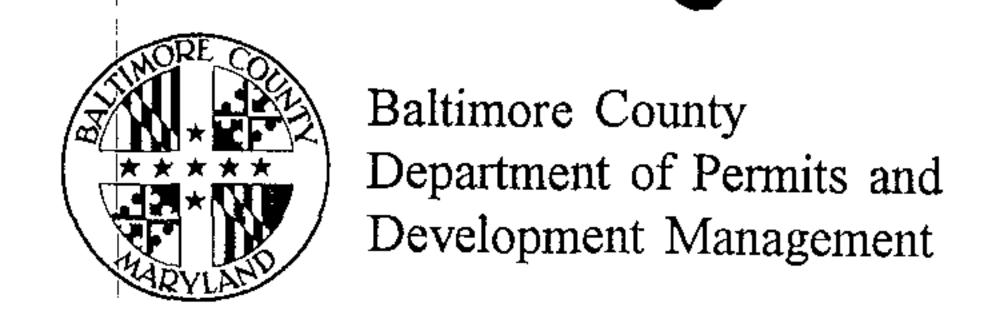
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666:5366; CELL-410-905-8571

(Telephone Number)



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

Fax: 410-887-5708

December 18, 2002

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: 03-244-A

1020 Harris Mill Road

N/east side of Harris Mill Road, 6,000 feet west of Lentz Road

7th Election District – 3rd Councilmanic District

Legal Owner: Joseph Ayres, Jr. and Mary Granger

<u>Variance</u> to permit an accessory structure (run-in shed) to be located in the front yard in lieu of the required rear yard location, and to amend the latest Final Development Plan of Harris Mill.

Hearings:

Wednesday, January 15, 2003 at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Arnold Jablon

Director

AJ:rlh

C: Joseph Ayres, Jr. and Mary Granger, P.O. Box 419, Parkton 21120-1170 Geoffrey Schultz, McKee & Associates, 5 Shawan Road, Cockeysville 21030

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 31, 2002.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, December 31, 2002 Issue - Jeffersonian

Please forward billing to:

Mary Granger P.O. Box 19

Parkton, MD 21120-0419

410-842-1170

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: 03-244-A

1020 Harris Mill Road

N/east side of Harris Mill Road, 6,000 feet west of Lentz Road

7th Election District – 3rd Councilmanic District

Legal Owner: Joseph Ayres, Jr. and Mary Granger

<u>Variance</u> to permit an accessory structure (run-in shed) to be located in the front yard in lieu of the required rear yard location, and to amend the latest Final Development Plan of Harris Mill.

Hearings:

Wednesday, January 15, 2003 at 11:00 a.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

Lawrence E. Schmidt

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 <u>Baltimore County Zoning Regulations</u> (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: 03-244-A Petitioner: Many Granger / Joseph Ayres Address or Location: 1020 Harres Mill Road
· · ·
PLEASE FORWARD ADVERTISING BILL TO:
Name: Mary Granger
Address: P.O. Box 419
Parkton, MD 21120-04-19
Telephone Number: 410-842-1170

Revised 2/20/98 - SCJ



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

January 10, 2003

Mr. Joseph W. Ayres, Jr. Ms. Mary Granger PO Box 419 Parkton, MD 21120-0419

Dear Mr. Ayres and Ms. Granger:

RE: Case Number: 03-244-A, 1020 Harris Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 9, 2002.

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.

Supervisor, Zoning Review

U. Callibal)

WCR:rlh

Enclosures

c: People's Counsel Geoffrey Schultz, McKee & Associates, Inc., 5 Shawan Rd., Suite 1, Cockeysville 21030



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: /2.17.07

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE: Baltimore County

Item No. 244 JAP

Dear. Mr. Zahner:

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,

L. L. McDonald Jr., Chief Engineering Access Permits Division



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

December 19, 2002

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

ATTENTION: George Zahner

Distribution Meeting of 12/23/02

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

242-249, 251-269

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

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley 735

DATE:

January 27, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of <u>December 16, 2002</u>

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

)44 241-248, 251, 252, 256, 259

Jun 11/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: January 13, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

MI 4 03

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-244

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:

Section Chief:

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: January 17, 2003

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 23, 2002 Item Nos. 241, 243, 244, 245, 246, 248, 249, 250, 251, 252, 253, 254, 255, 256,

and 269

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE

BEFORE THE

1020 Harris Mill Rd; NE side Harris Mill Rd,

6,000ft W Lentz Rd

ZONING COMMISSIONER

7th Election District

3rd Councilmanic District

FOR

Legal Owner(s): Joseph W. Ayres, Jr. &

Mary Granger

BALTIMORE COUNTY

Petitioner(s)

03-244-A

* * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 ____ day of December, 2002, a copy of the foregoing Entry of Appearance was mailed to, Geoffrey C. Schultz, McKee and Associates, Inc, 5 Shawan Road, Suite 1, Cockeysville, MD 21030, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County



Parris N. Glendening
Governor
Kathleen Kennedy Townsend
'L.t. Governor

Roy W. Kiemtz Secretary Mary Abrams Deputy Secretary

December 20, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 12/23/02 re: case numbers 03-241-SPHXA, 03-242-SPH, 03-243-A, 03-244-A, 03-245-A, 03-246-SPHX, 03-247-A, 03-248-SPHA, 03-249-A, 03-250-SPHXA, 03-251-A, 03-252-A, 03-253-A, 03-254-A, 03-255-SPH, 03-256-A, 03-269-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 12/19/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

