IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – SW/Corner Pepper Hill Road and Perry Hall Road **(3995 Perry Hall Road)** 11th Election District 5th Council District	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	OF BALTIMORE COUNTY
	*	Case No. 04-258-SPHA
Thomas S. Shockley, II, et ux Petitioners	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, Thomas S. Shockley, II, and his wife, Mary Ann Shockley. The Petitioners request a special hearing, pursuant to Sections 500.6 and 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), seeking a determination that the building utilized as a garage is a nonconforming use, pursuant to Section 104 of the B.C.Z.R.; that the proposed use of the upper floor of the garage is not in violation of the B.C.Z.R; that the garage is an accessory use, as defined in Section 101 of the B.C.Z.R.; that the use of the subject site is for private residential use and does not support a commercial use; and such other relief as may be determined by the Zoning Commissioner. In addition, the Petitioners request alternate variance relief from Section 400.3 of the B.C.Z.R. to permit a height of 20 feet in lieu of the maximum 15 feet for the subject garage in the event said building is determined not to be nonconforming. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Thomas Shockley, property owner, and J. Carroll Holzer, Esquire, attorney for the Petitioners. Appearing as an interested citizen was Dennis Eckard, a community activist and nearby resident of the area. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING
Date 2/24/04
By

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the south side of Perry Hall Road, across from its intersection with Pepper Hill Road in Perry Hall. The subject property contains a gross area of 2.8506 acres, more or less, zoned D.R.2, and is improved with a 1½-story dwelling and a 1½-story frame structure, identified on the site plan as a garage. It is this structure that is the subject of the instant requests. Other improvements on the property include an extensive macadam driveway that leads into the site from Perry Hall Road and extends to the rear of the property and the garage.

Testimony indicated that the subject property was originally part of a large farm and that the subject structure was originally constructed as a barn, 38' x 25' in dimension. Immediately abutting the barn was a tack room, 37' x 25' in dimension. The combination of the two structures resulted in a building, 75' x 25' in dimension with a gross area of 1875 sq.ft. The Petitioners purchased the property in 2002 and have made substantial improvements since that time, including additions to the existing house and renovations to the barn/tack room structure; however, the improvements made to the barn structure were done without benefit of a building permit. Apparently this violation was discovered during a routine inspection of the home improvements and the Petitioners were advised to file the instant Petition to legitimize existing conditions.

Essentially the barn building has been reconstructed and is now 54' x 25' in dimension, and approximately 525 sq.ft. less in total area than the original structure. Testimony indicated that the Petitioner is a member of several car clubs and collects classic vehicles as a hobby and that the first floor of the subject structure is used to store his antique car collection. The second floor is used to provide a recreational room and to display items related to the Petitioner's hobby.

Testimony also revealed that Mr. Shockley owns a car leasing business. There was some concern expressed at the hearing by Mr. Eckard that the garage was being used for commercial purposes. However, Mr. Shockley testified that he does not use the property for his business and in fact, has a separate office located off-site.

Turning first to the Petition for Special Hearing, I am persuaded that the subject building is an accessory use; however, I do not find that it is nonconforming in that it is no longer

ORDER RECEIVED FOR FILING
Date 4/21/04
By

the same structure. An accessory building is defined in the B.C.Z.R. as a building that is customarily incidental to and serves the principle use or structure on the property. Moreover, the size of the structure is subordinate in area to the principle use or structure on the property and is located on the same lot as the dwelling. Lastly, it contributes to the comfort, convenience and necessity of the occupants of the principle structure. It is clear that the subject building meets those four requirements and as such, is an accessory structure, which is permitted by right.

As to the use of the second floor, photographs were submitted at the hearing which show that the room is used for recreational purposes and to display items in connection with Mr. Shockley's hobby. For so long as the second floor of the building is not converted for use as an apartment or to provide living quarters, it shall be permitted to remain. Additionally, it is clear that the primary use of the property is for residential purposes and that the subject structure does not support a commercial use. Based on all of these factors, I am persuaded to allow the structure to remain; however, as a condition to the relief granted, I will impose certain restrictions. First, the garage must be used for purposes accessory to the residential use of the property. That is, there shall be no commercial or business use of the structure, including service garage work, or to support the Petitioner's car leasing business. The Petitioner may store vehicles owned by him or other members of his family therein, provided they are not associated with his vehicle-leasing business. Moreover, the structure cannot be used as an apartment or to provide living quarters.

Turning to the variance request, photographs submitted show that the grade of the property falls away from Perry Hall Road in the front so that the garage sits below grade and thus, is shielded from the road and adjacent properties. Also, the lot is heavily landscaped and mature trees and shrubs surround the building. Based on these factors, I am persuaded to grant the height variance requested.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of February 2004 that the Petition for Special Hearing seeking a determination

ORDER RECEIVED FOR FILING
Date 2/24/04
By

that the proposed use of the upper floor of the garage is not in violation of the B.C.Z.R; that the garage is an accessory use, as defined in Section 101 of the B.C.Z.R.; that the use of the subject site is for private residential use and does not support a commercial use; and for such other relief as may be determined by the Zoning Commissioner, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking alternate relief from Section 400.3 of the B.C.Z.R. to permit a height of 20 feet in lieu of the maximum 15 feet for the subject garage, in the event said building is determined not to be nonconforming, 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, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) Use of the garage shall be limited to purposes accessory to the residential use of the property and cannot be used for any commercial purpose, including as a service garage or to support the Petitioner's car leasing business. The Petitioner may store vehicles owned by him or other members of his family therein, provided that such vehicles are not associated with the vehicle-leasing corporation. No vehicle related to the Petitioner's car leasing business shall be stored on the subject property.

3) The garage cannot be converted for use as an apartment or to provide living quarters.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing for a finding that the building utilized as a garage on the subject property is a nonconforming use, pursuant to Section 104 of the B.C.Z.R. be and is hereby DENIED.

ORDER RECEIVED FOR FILING
Date 12/4/04
By

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

February 24, 2004

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, Maryland 21286

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
SW/corner Pepper Hill Road and Perry Hall Road
(3995 Perry Hall Road)
11th Election District – 5th Council District
Thomas S. Shockley, II, et ux - Petitioners
Case No. 04-258-SPHA

Dear Mr. Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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. & Mrs. Thomas S. Shockley
3995 Perry Hall Road, Perry Hall, Md. 21128
Mr. Dennis Eckard, 39 Bangert Avenue, Perry Hall, Md. 21128
People's Counsel; Case File

Printed on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3995 Perry Hall Road 21128
which is presently zoned DR 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(See Supplemental Sheet)

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:

N/A
Name - Type or Print

Signature

Address — Telephone No

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

J. Carroll Holzer, P.A.
508 Fairmount Ave.
Towson, MD 21286

410-825-6961
Telephone No

City — State — Zip Code

ORDER RECEIVED FOR FILING
Date 11/24/03
By

Legal Owner(s):

Thomas S. Shockley
Name - Type or Print

Signature

Mary Ann Shockley
Name - Type or Print

Mary Ann Shockley
Signature

3995 Perry Hall Rd — 529-3995
Address — Telephone No

Perry Hall MD 21128
City — State — Zip Code

Representative to be Contacted:

J. Carroll Holzer
Name

508 Fairmount Ave. 410-825-6961
Address — Telephone No

TOWSON MD 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK Date 11/24/03

Case No. 04-258-SPHA

SUPPLEMENTAL SHEET: PETITION FOR SPECIAL HEARING

LEGAL OWNER: THOMAS S. SHOCKLEY

1. Under Section 500.6 and 500.7 of the BCZR, Petitioner requests the Zoning Commissioner to determine that the building utilized as a garage as described on the accompanying plat is a nonconforming use under Section 104 of the BCZR.
2. Also under 500.6 and 500.7 of the BCZR, Petitioner requests that the Zoning Commissioner determine that the proposed use of the upper floor of the garage is not in violation of the BCZR.
3. The legal owner of the property subject to this Petition for Special Hearing situated in Baltimore County as described by the accompanying plat and property description, hereby petitions to determine that the garage on the subject property, and as depicted in the accompanying plat, is an accessory use as defined in Section 101 of the BCZR.
4. The Petitioner requests the Zoning Commissioner to determine that the use of the subject site is for private residential use and does not support commercial use.
5. Petitioner requests such other relief as may be determined before the Zoning Commissioner.

ORDER RECEIVED FOR FILING
Date 2/24/14
By

#252

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3995 Perryhall Rd. 21128

which is presently zoned DR 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)

(See Supplemental Sheet)

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

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:

N/A

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

J. Carroll Holzer, P.A.
508 Fairmount Ave.
Towson, MD 21286

410-825-6961
Telephone No.

Zip Code

Legal Owner(s):

Thomas S. Shockley II

Name - Type or Print

Signature

Mary Ann Shockley

Name - Type or Print

Mary Ann Shockley

Signature

3995 Perry Hall Rd. 529-3995

Address — Telephone No.

Perry Hall md 21128

City — State — Zip Code

Representative to be Contacted:

J. Carroll Holzer

Name

508 Fairmount Ave. 410-825-6961

Address — Telephone No.

Towson MD 21286

City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BR Date 11/24/03

ORDER RECEIVED FOR FILING

Date 11/24/03

By

Case No. 04-258-SPHA

ZEV 9/15/98

SUPPLEMENTAL SHEET: PETITION FOR VARIANCE

LEGAL OWNER: THOMAS S. SHOCKLEY

1. The legal owner of the property subject to this Petition for Variance situated in Baltimore County as described by the accompanying plat and property description, hereby petitions the Zoning Commissioner to grant a variance to permit the subject building utilized as an accessory garage to have a maximum height of 20 feet in lieu of 15 feet as permitted under Section 307 and 400.3 of the BCZR if said building is determined not to be a nonconforming use pursuant to the Petition for Special Hearing.

ORDER RECEIVED FOR FILING
Date 2/24/14
By

#258

CLSI
Carroll Land Services
Incorporated

This description is based on deeds of records only and does not constitute an actual boundary survey by CLSI.

November 03, 2003

STATE OF MARYLAND
GARY JAMES GANJON
No. 11168
REGISTERED
PROFESSIONAL LAND SURVEYOR

Metes and Bounds Description
to accompany petition for
Special Hearing and Zoning Variance
SHOCKLEY

Description of a 2.8506 acre parcel of land located at the southwest corner of Pepper Hill Road and Perry Hall Road in the 11th Election District of Baltimore County, Maryland and being more particularly described as follows to wit:

Beginning for the same at the beginning of a conveyance by Walter Thomas Brown and Kathleen M. Brown, unto Thomas S. Shockley and Mary Ann Shockley, his wife, by deed dated the 27th of September, 2002 and recorded among the Land Records of Baltimore County, Maryland in Liber 16941, folio 130, said beginning point having a Maryland Coordinate System (NAD83-91) coordinate of N: 641,130.7 feet, E:1,465,177.3 feet; thence running with said conveyance with bearings rotated to the Maryland Coordinate System:

1. North 61 degrees 01 minutes 58 seconds East, 172.19 feet to a point; thence,
2. North 51 degrees 10 minutes 18 seconds East, 54.11 feet to a point; thence,
3. South 18 degrees 07 minutes 42 seconds East, 367.33 feet to a point; thence,
4. South 47 degrees 44 minutes 42 seconds East, 65.95 feet to a point; thence,
5. South 51 degrees 31 minutes 42 seconds East, 58.53 feet to a point; thence,
6. South 63 degrees 30 minutes 38 seconds West, 6.11 feet to a point; thence,
7. South 63 degrees 30 minutes 38 seconds West, 360.05 feet to a point; thence,
8. North 08 degrees 29 minutes 22 seconds West, 482.66 feet to the point of beginning and containing 2.8506 acres of land more or less.

Being the same property in a conveyance by Walter Thomas Brown and Kathleen M. Brown, unto Thomas S. Shockley and Mary Ann Shockley, his wife, by deed dated the 27th of September, 2002 and recorded among the Land Records of Baltimore County, Maryland in Liber 16941, folio 130.

I:\Wfiles\JOB\2003\2003143\DESC\SHOCKLEY.doc

439 East Main Street, Westminster, MD 21157-5539 (410) 876-2017 (410) 848-1790 FAX (410) 876-0009 Email: clsi@pobox.com
Engineers ▲ Surveyors ▲ Land Development Consultants ▲ Landscape Architects ▲ Environmental Specialists

#258

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 30435

DATE 11/24/03 ACCOUNT R001 006 6150

AMOUNT $ 130.00

RECEIVED FROM: Carroll Holzer

FOR: Special Hearing & Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item #258

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
11/25/2003 11/24/2003 12:25:12 2
ITEM CODE BALANCE ITEM DEP
>>RECEIPT # 300846 11/24/2003 DFLR
ACCT 5 528 ZONING VERIFICATION
CR REF. 030435
Receipt Total $130.00
$130.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

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: #04-258-SPHA
3995 Perry Hall Road
W/side of Perry Hall Road, 250 feet south of centerline of Pepper Hill Road
11th Election District - 5th Councilmanic District
Legal Owner(s): Thomas and Mary Ann Shockley

Special Hearing: to determine whether the garage on the subject site is non-conforming, accessory private residential use which does not support any commercial activity.
Variance: to permit the accessory garage to have a maximum height of 20 feet in lieu of 15 feet.
Hearing: Wednesday, February 4, 2004 at 10:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake 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.
JT/1/707 Jan. 20 C645713

CERTIFICATE OF PUBLICATION

1/21, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/20/, 2004.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE NO. 04-258-SPHA
PETITIONER/DEVELOPER:
Thomas and Mary Ann Shockley
DATE OF HEARING:
February 4, 2004

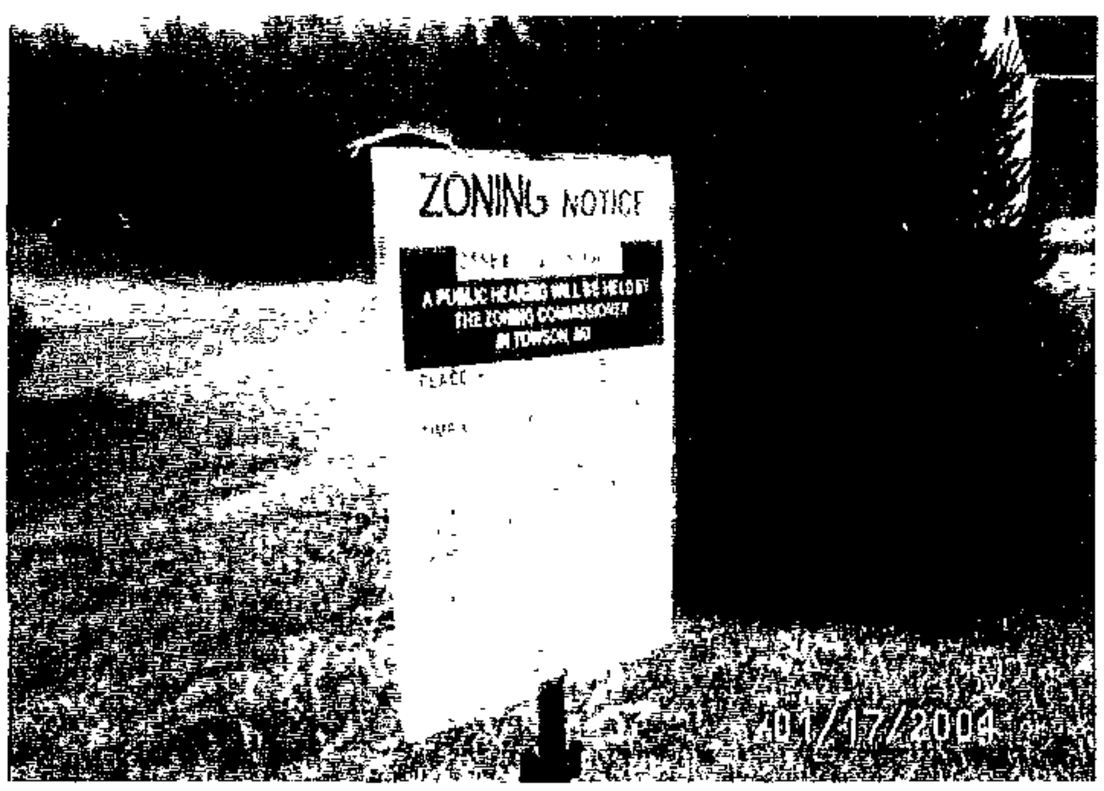
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

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

LOCATION:
3995 Perry Hall Road
W/side of Perry Hall Road,
250 feet south of centerline of Pepper Hill Road



POSTED ON: January 17, 2004

DATE:
January 20, 2004

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

Department of Permits and Development Management

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

December 23, 2003

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: 04-258-SPHA
3995 Perry Hall Road
W/side of Perry Hall Road, 250 feet south of centerline of Pepper Hill Road
11th Election District – 5th Councilmanic District
Legal Owner: Thomas and Mary Ann Shockley

Special Hearing to determine whether the garage on the subject site is non-conforming, accessory private residential use which does not support any commercial activity. Variance to permit the accessory garage to have a maximum height of 20 feet in lieu of 15 feet.

Hearing: Wednesday, February 4, 2004, at 10:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286
Thomas and Mary Ann Shockley, 3995 Perry Hall Road, Perry Hall 21128

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JANUARY 20, 2004.**
(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.

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 20, 2004 Issue - Jeffersonian

Please forward billing to:
J. Carroll Holzer
508 Fairmount Avenue
Towson, MD 21286

410-825-6961

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: 04-258-SPHA
3995 Perry Hall Road
W/side of Perry Hall Road, 250 feet south of centerline of Pepper Hill Road
11th Election District – 5th Councilmanic District
Legal Owner: Thomas and Mary Ann Shockley

Special Hearing to determine whether the garage on the subject site is non-conforming, accessory private residential use which does not support any commercial activity. Variance to permit the accessory garage to have a maximum height of 20 feet in lieu of 15 feet.

Hearing: Wednesday, February 4, 2004, at 10:00 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

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

Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

January 30, 2004

J. Carroll Holzer, PA
508 Fairmount Avenue
Towson, Maryland 21286

Dear Mr.Holzer:

RE: Case Number:04-258-SPHA, 3995 Perry Hall Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 24, 2004 .

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

WCR:clb

Enclosures

c: People's Counsel
Thomas and MaryAnn Shockley 3995 Perry Hall Road Perry Hall 21128

Printed on Recycled Paper

Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 9, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: December 8, 2003

Item No: 249, 256-266

Dear Ms. Hart:

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.

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

cc: File

Printed with Soybean Ink
on Recycled Paper

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

State Highway Administration
Driven to Excel

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12.9.03

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

RE: Baltimore County
Item No. 258 BPR

Dear. Ms. Hart:

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

2/4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 18, 2003

RECEIVED

DEC 22 2003

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petitions - **Case 04-258**

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities; and,
2. The accessory structure shall not be used for commercial purposes.

Should there be any further questions, or if this office can provide any 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: Lyn Lanham

AFK/LL: MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: December 24, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 15, 2003
Item Nos. 249, 256, 257, 258, 260,
261, 262, 264, 265, and 266

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
Interoffice Memorandum

Memo to File:	John Lewis
Address	3995 Perry Hall Road
Permit Number:	B5237000
Violation Case:	03-467-0
Letter File:	03-2844 Received Zoning Review 8/12/03 No Money Phone contact with Attorney J. Carroll Holzer

Need Variance or Special Hearing Gary Freund of Code Enforcement and Joe Merrey, Zoning Review put advisory memo that this is possible service garage and apartment use. The construction was not approved under building permit. An OK to file was given by Mr. Merrey with notes that an inspector must visit site and that the height exceeded 15 feet. On 7/3/03, Mr. Merrey noted on computer log for permit that approval would be pending resolution of variances and code violations. A conditional approval is not possible.

c: Gary Freund, Code Enforcement
Joseph Merry, Zoning Review

rjc

258

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	3995 Perry Hall Rd; W/side Perry Hall Rd, 250' S c/line of Pepper Hill Rd	*	ZONING COMMISSIONER
	11th Election & 5th Councilmanic Districts	*	FOR
	Legal Owner(s):Thomas S, III & Mary Ann Shockley	*	BALTIMORE COUNTY
	Petitioner(s)	*	04-258-SPHA

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

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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 12th day of December, 2003, a copy of the foregoing Entry of Appearance was mailed to J Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
DEC 1 2 2003
Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN THE MATTER OF	*	BEFORE THE ZONING
3995 Perry Hall Road		
W/Side of Perry Hall Road	*	COMMISSIONER OF
250 ft. south of centerline of Pepper Hill Rd.		
(Shockley Property)	*	BALTIMORE COUNTY
11th Election District		
5th Councilmanic District	*	Case No. 04-258-SPH

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

SUBPOENA

Please process in accordance with Zoning Commissioner Rule IV (c).

TO: J. Wayne Watkins
Carroll Land Services
439 E. Main Street
Westminster, MD 21157-5539

will not appear at hearing because owner failed to pay for services (per JW) 2/2/04

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and or objects only; ( ) Personally appear and produce documents or objects;

at Room 106, County Office Bldg., Towson
(Place where attendance is required)

on Wednesday the 4th day of February, 2004 at 10:00 a.m. for such witness' testimony and continuing thereafter as determined by the Zoning Commissioner.

YOU ARE COMMANDED TO produce the following documents or objects:

Personal Appearance only required

J. Carroll Holzer, 508 Fairmount Ave., Towson, Maryland 21286, 410-825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date:

Zoning Commissioner

SHERIFF'S RETURN

( )- Served and copy delivered on date indicated below.
( )- Unserved, by reason of

Date: _____ Fee: $

SHERIFF

C:SUBPOENA.Airey Property

Ann E. Palrang
4003 Perry Hall Road
Perry Hall, Maryland 21128

Thomas and Mary Ann Shockley
3995 Perry Hall Road
Perry Hall, Maryland 21128

January 20, 2004

Re: New and Improved Barn

Dear Tom and Mary Ann,

Thank you for allowing me to 'voice' my opinion regarding your improvements to your barn.

You have turned an otherwise plain and ordinary garage into an attractive and seemingly well-constructed barn. Not only is it functional, it is much more appealing than the original building. It is non-obtrusive and, in my opinion, contributes to the charm and character of your property.

I am delighted to have neighbors such as you, who are caring and considerate of the impact of home improvements on the people who live nearby.

Yours Truly,

Ann E. Palrang

Ann E. Palrang
Senior Mortgage Officer

410-933-9696 ext 223
Office Fax 410-933-1699

MERCANTILE
CLASSIC MORTGAGE

7939 Honeygo Blvd
Building II, Suite 116
Baltimore, Maryland 21236

Cell Phone 410-336-2667
Residence 410-529-1830
Home Fax 410-529-1831
www.annpalrang.com

HOLZER

& LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@BCPL.NET

November 12, 2003
 # 7426

HAND DELIVERED
Carl Richards
Department of Permits &
Development Management
Towson, MD 21204

Re: In the Matter of Petitions for Special Hearing and Variance, 3995 Perry Hall Road; Petitioners: Thomas and Mary Ann Shockley

Dear Mr. Richards:

Attached are three (3) original Petitions for Special Hearing and three (3) three original Petitions for Variance. Also attached are three (3) sealed property descriptions for each petition, 12 sets of plats and a zoning map of the subject site with the subject site hatched. Petitioners own the property subject of the Special Hearing and variance. Petitioners raise at least six issues relating to the use of the property as a trucking facility.

The County has filed with the owner a Uniform Code Enforcement/Correction Notice listing issues involving the height and use of the barn and a resulting stop work order.

For advertising purposes, of the five issues we raised in our Petition for Special Hearing, the following is the language to be used for posting and advertising purposes only:

> *"To determine whether the garage on the subject site is nonconforming, accessory private residential use which does not support any commercial activity."*

For advertising purposes, the issue we raised in our Petition for Variance can be stated as follows:

> *"Petitioner seeks a variance to permit the accessory garage to have a maximum height of 20 feet in lieu of 15 feet."*

#258

I appreciate your assistance in this matter and if you need to call, I can be reached at 410-825-6961

Very truly yours,

J. Carroll Holzer

J. Carroll Holzer

Attachments

JCH:clh

cc: Tom Shockley

258

BPR
Intake Planner

11/13/03
Date Assigned

DROP-OFF PETITIONS
PROCESSING CHECK-OFF

☑ **Two Questions Answered on Cover Sheet:**
Any previous reviews in the zoning office?
Any current building or zoning violations on site? Violation 03-467-0

☑ **Petition Form Matches Plat in these areas:**
Address
Zoning
Legal Owner(s)
Contract Purchaser(s)
Request (if listed on plat)

☑ **Petition Form (must be current PDM form) is Complete:**
Request:
Section Numbers
Correct Wording (must relate to the code, especially floodplain and historical standard wording. Variances must include the request in lieu of the required code quantities.
Hardship/Practical Difficulty Reasons
Legal Owner/Contract Purchaser:
Signatures (originals)
Printed/Typed Name and Title (if company)
Attorney (if incorporated)
Signature/Address/Telephone Number of Attorney

☑ **Correct Number of Petition Forms, Descriptions and Plats**

☑ **200 Scale Zoning Map**

☑ **Check:** Amount Correct? Signed?

☐ **ZAC Plat Information:**
Location (by Carl) SW + SE/S Penny Hall Rd. 250' S. Pepper Rd (3995 Penny Hall Rd.)
Zoning: _____ Acreage: _____ Previous Hearing Listed With Decision
Election District ____ Councilmanic District _____ Case # _____
Check to See if the Subject Site or Request is:
CBCA
Floodplain
Elderly
Historical
Pawn Shop
Helicopter
*If Yes, Print Special Handling Category Here
*If No, Print No

258
Item Number Assigned

11/24/03
Date Accepted for Filing

MEMO

TO: The File
FROM: Bruno Rudaitis
DATE: November 19, 2003
RE: Petition application for 3995 Perry Hall Road

The following seven pages have been added to the file to clarify the County's perspective of the issues at the subject location.

#258

copy to J.C. Holzer, Jr.

3995 PERRY HALL ROAD

07/09/03

WHEN THIS PROPERTY COMES IN FOR HEIGHT VARIANCE FOR ACCESSORY STRUCTURE, SEE JOE MERREY OR GARY FREUND RE: POSSIBLE SERVICE GARAGE AND APARTMENT USE.

#258

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

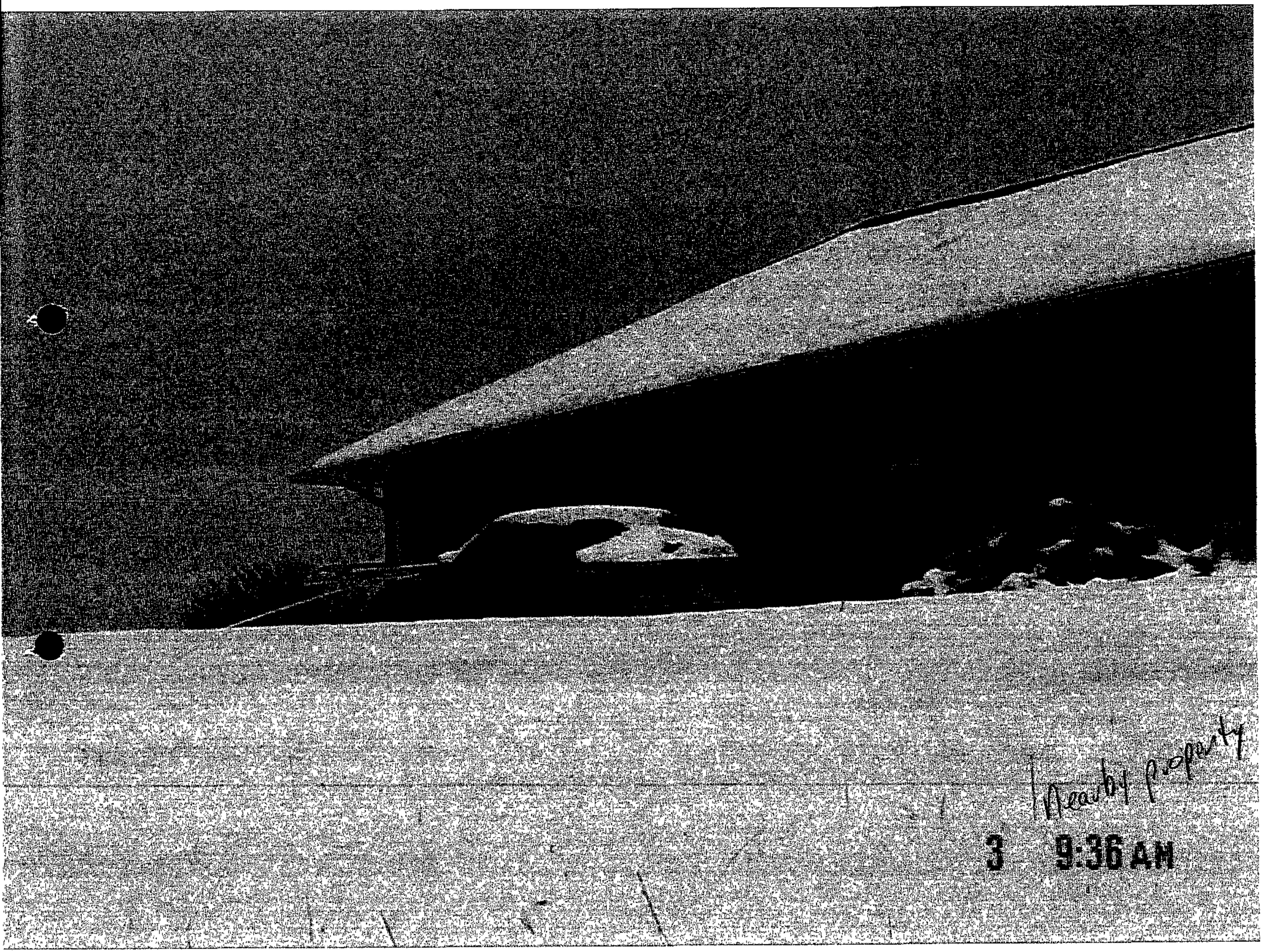
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DENNIS ECKARD	39 BANGERT AVE	PERRY HALL MD 21128	

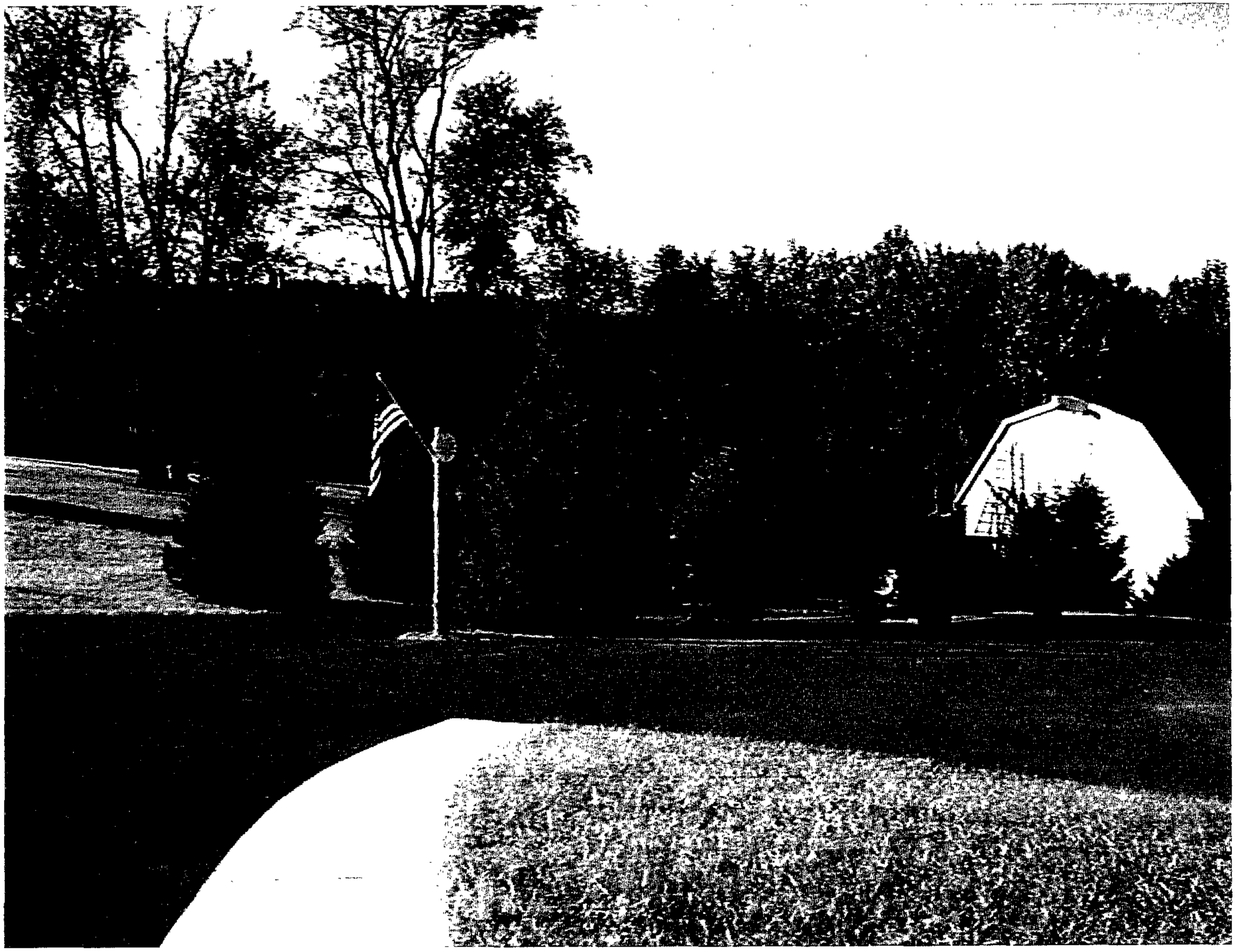
PLEASE PRINT CLEARLY

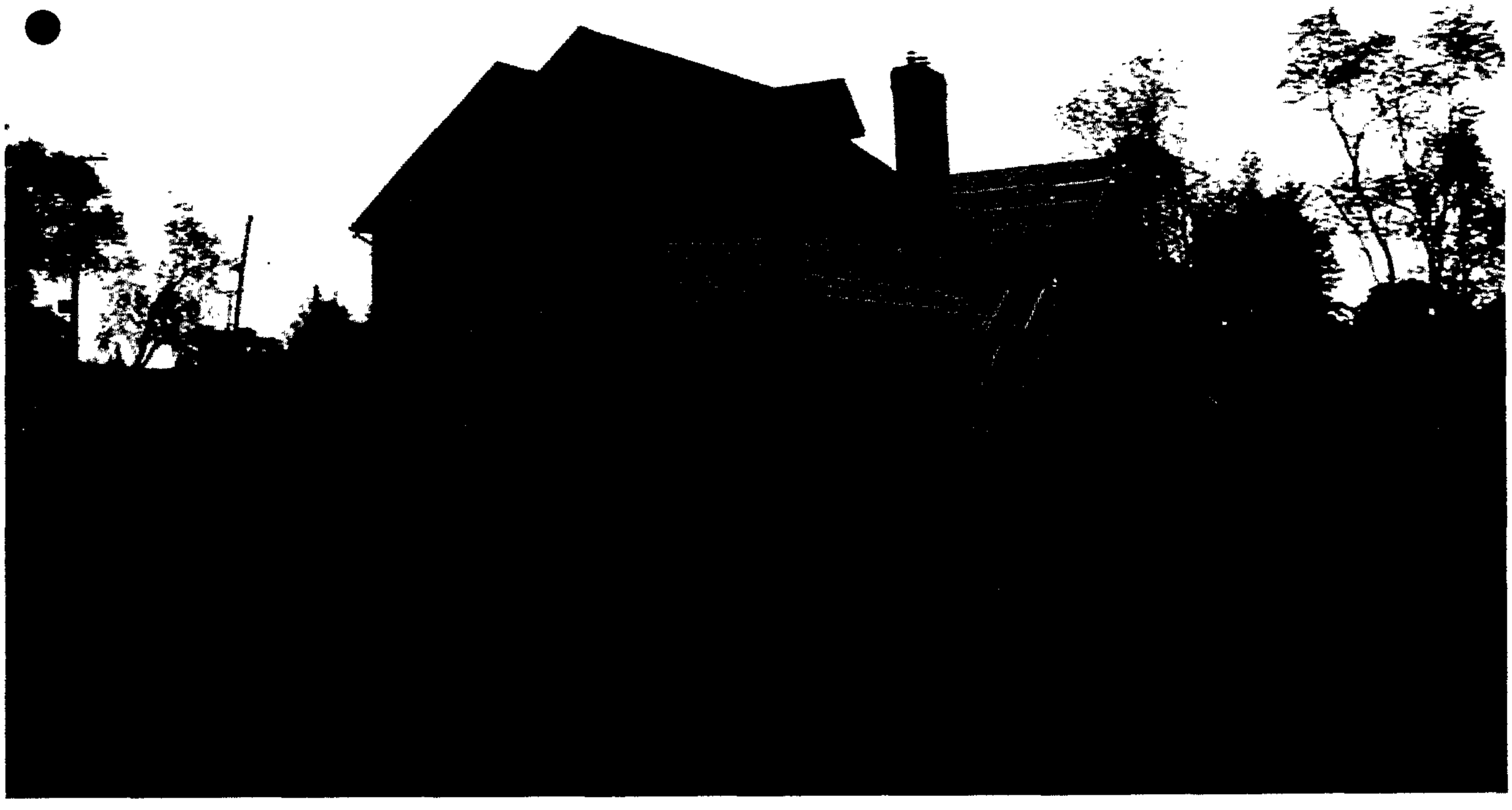
CASE NAME_____
CASE NUMBER_____
DATE_____

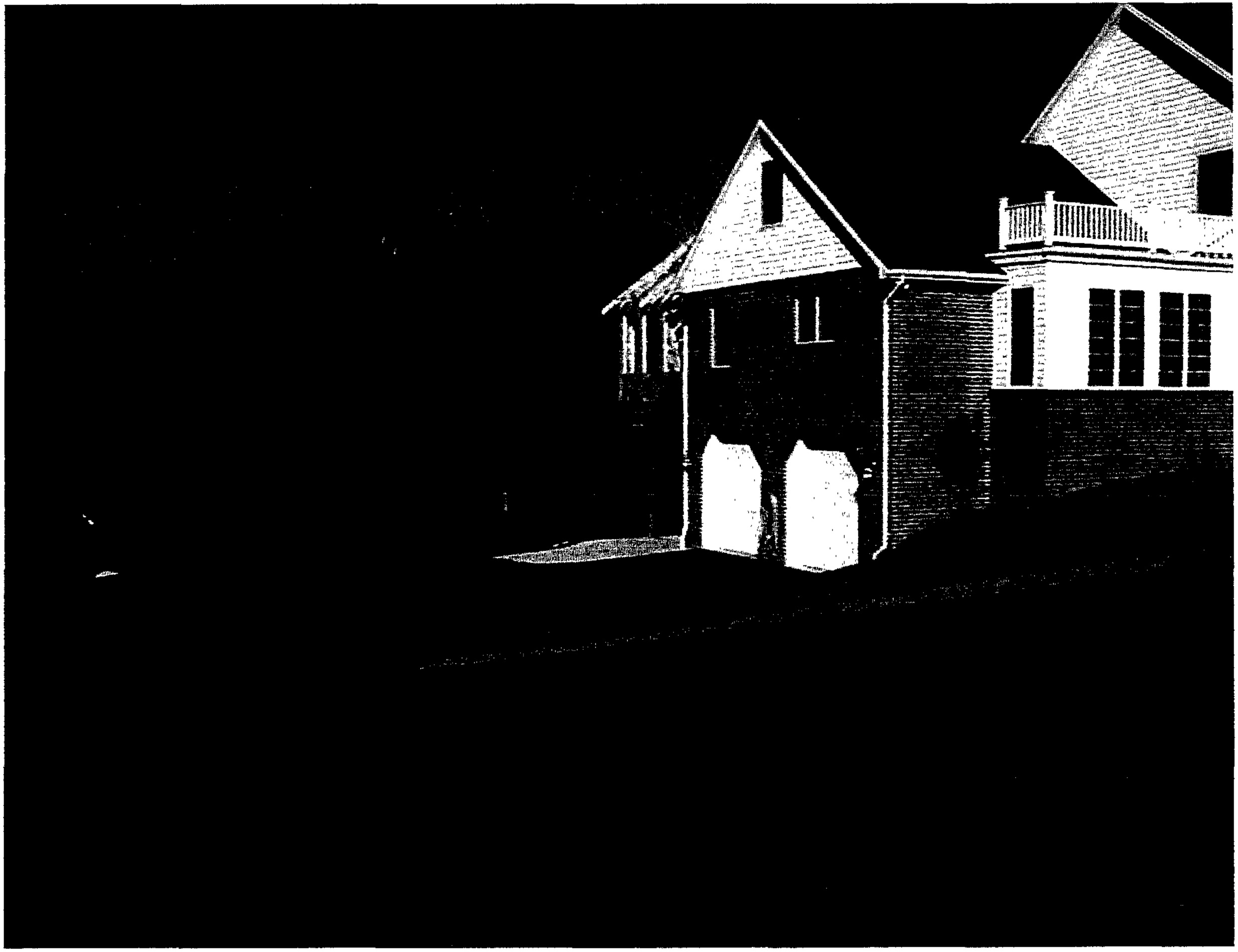
PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Tom Shockley	3955 Perry Hall Rd	Perry Hall MD 21128	
J Carroll Holzer			

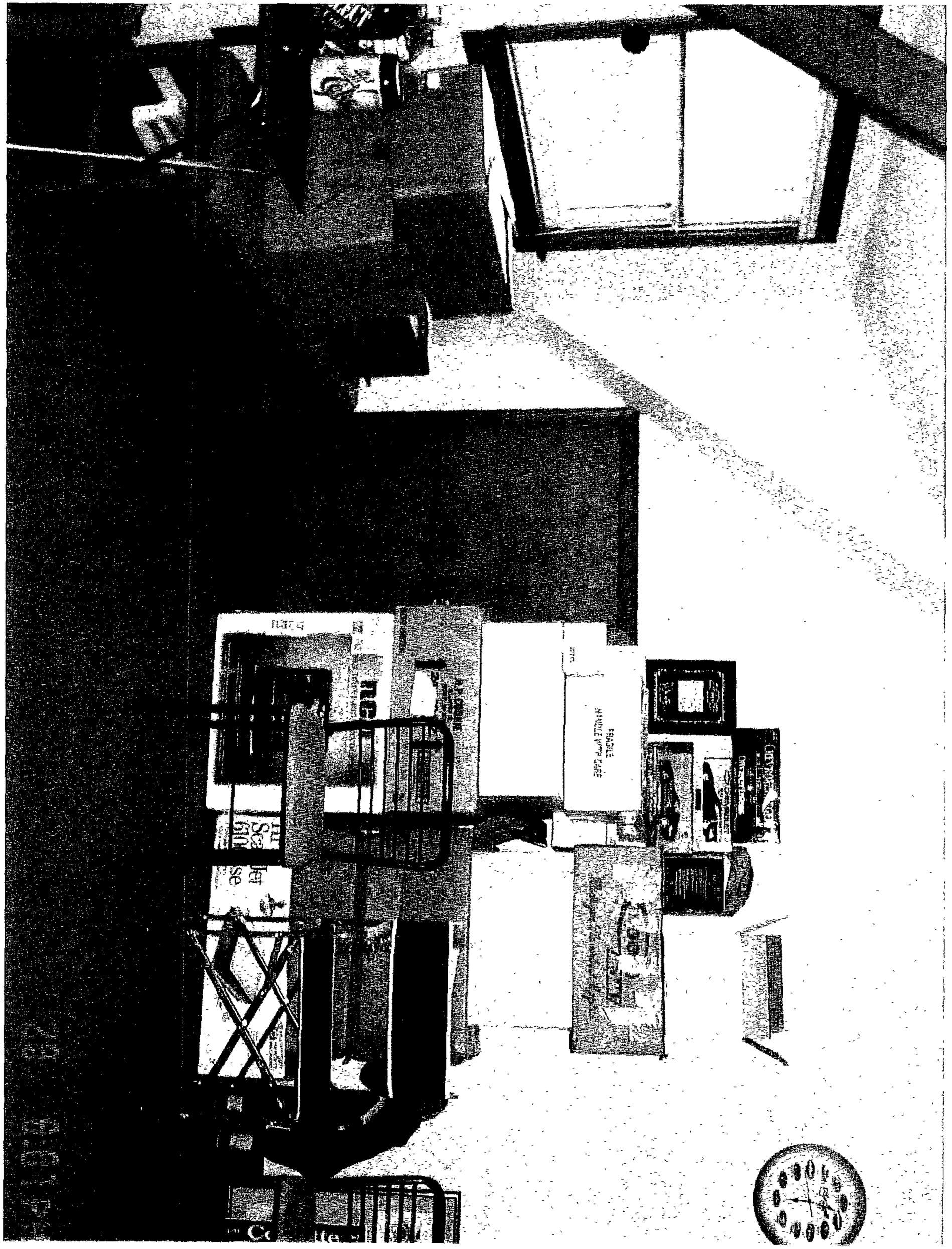

Nearby Property
3 9:36 AM







SHOCKLEY 2003143.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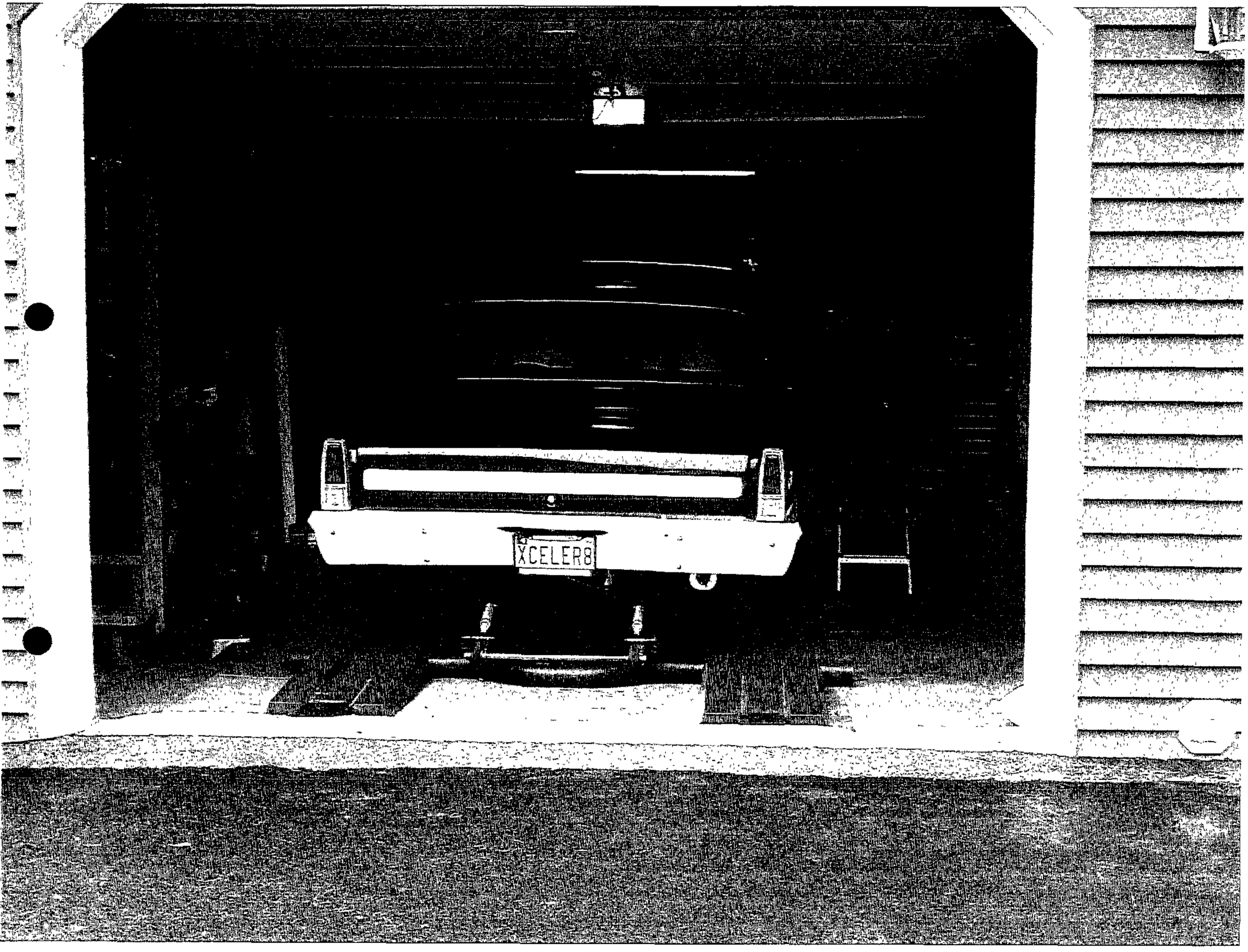
HANDLE WITH CARE

28 6:01 PM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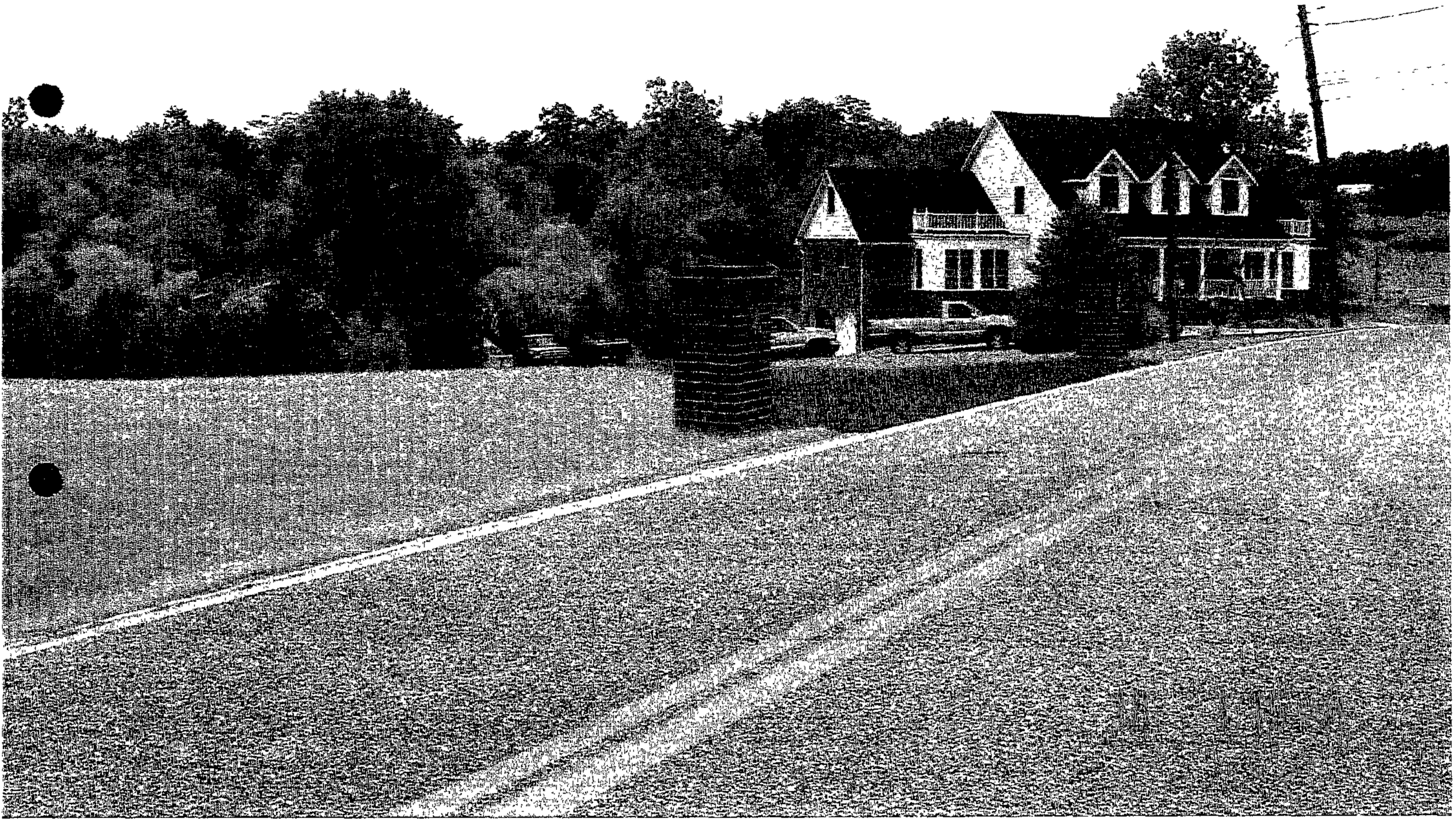
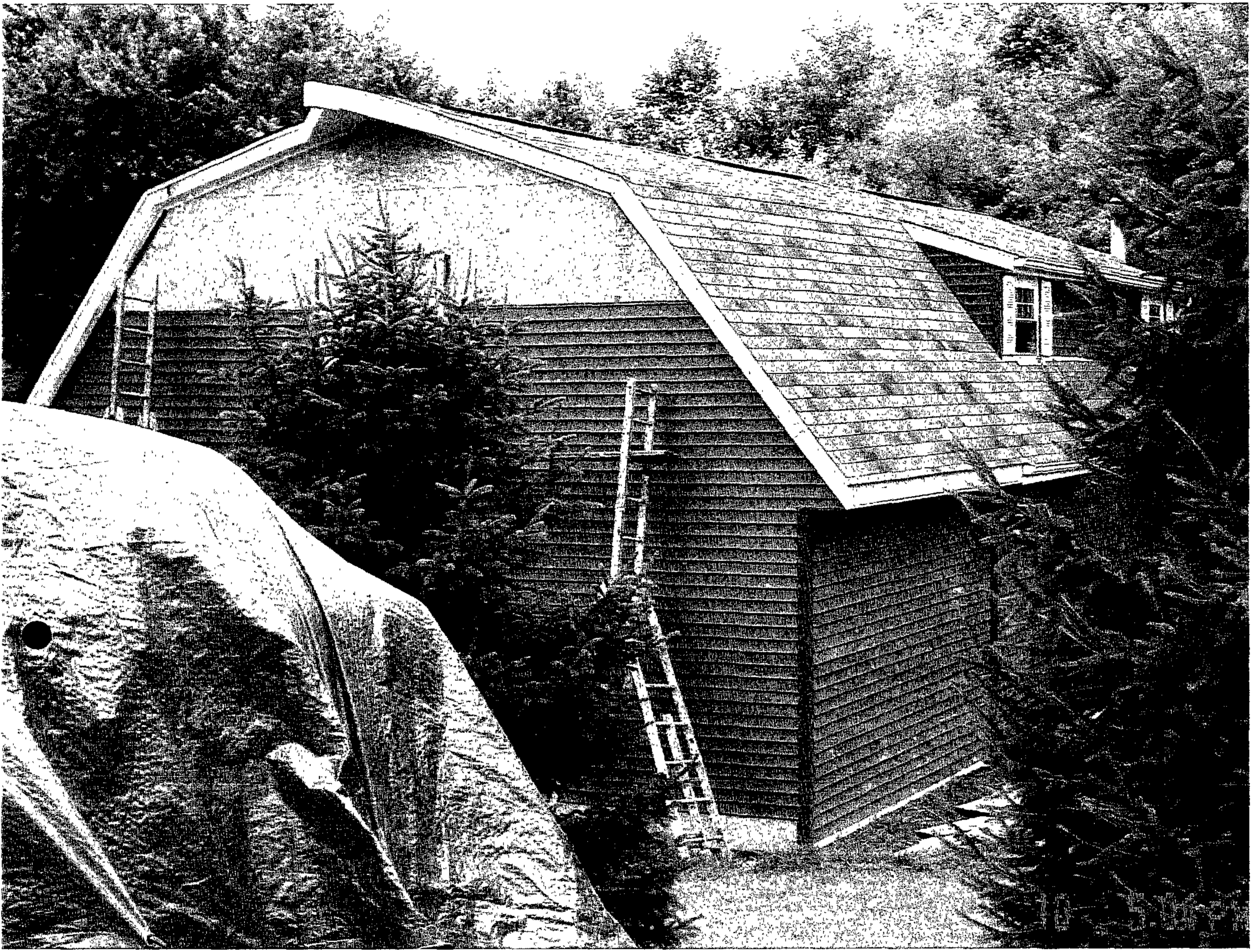
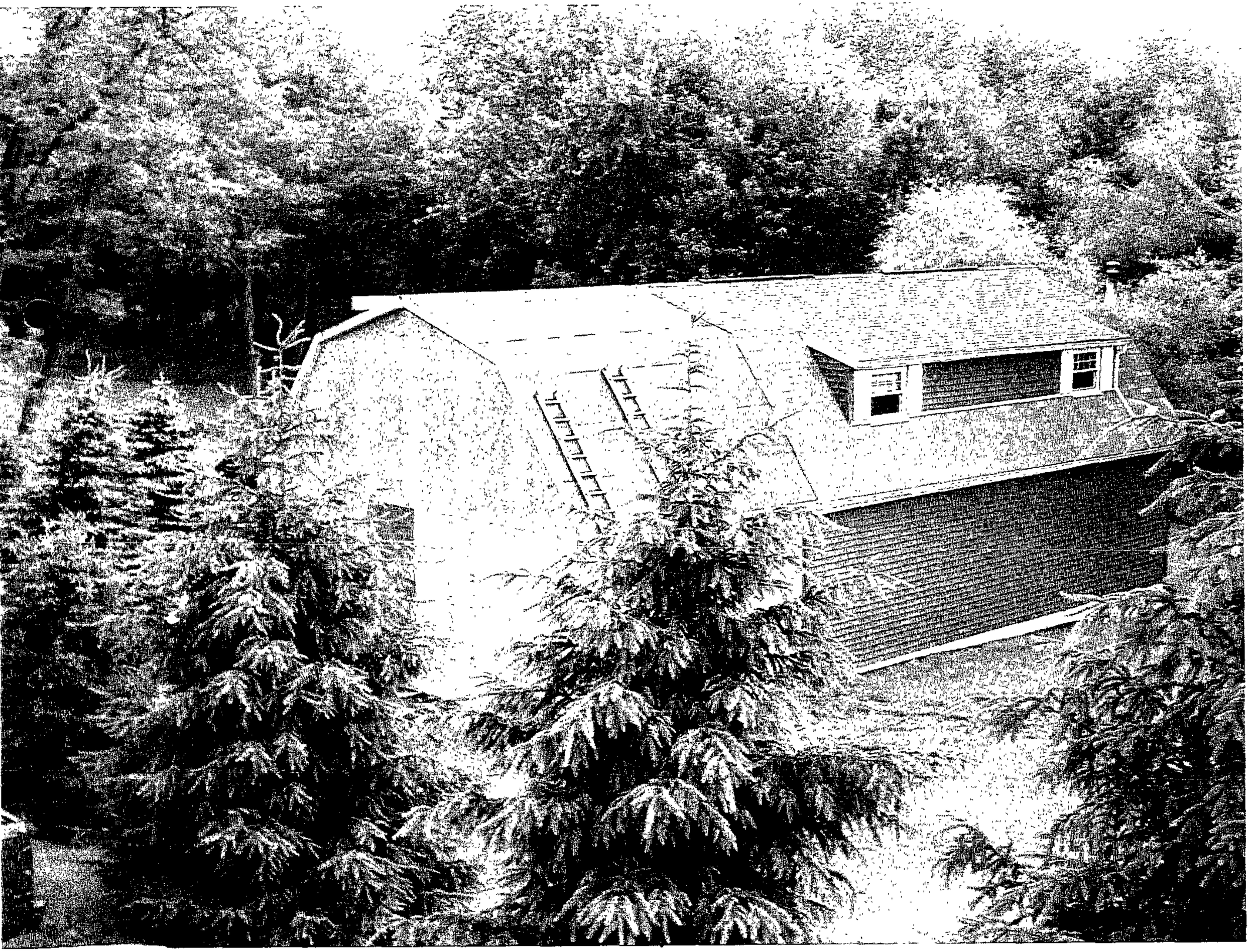
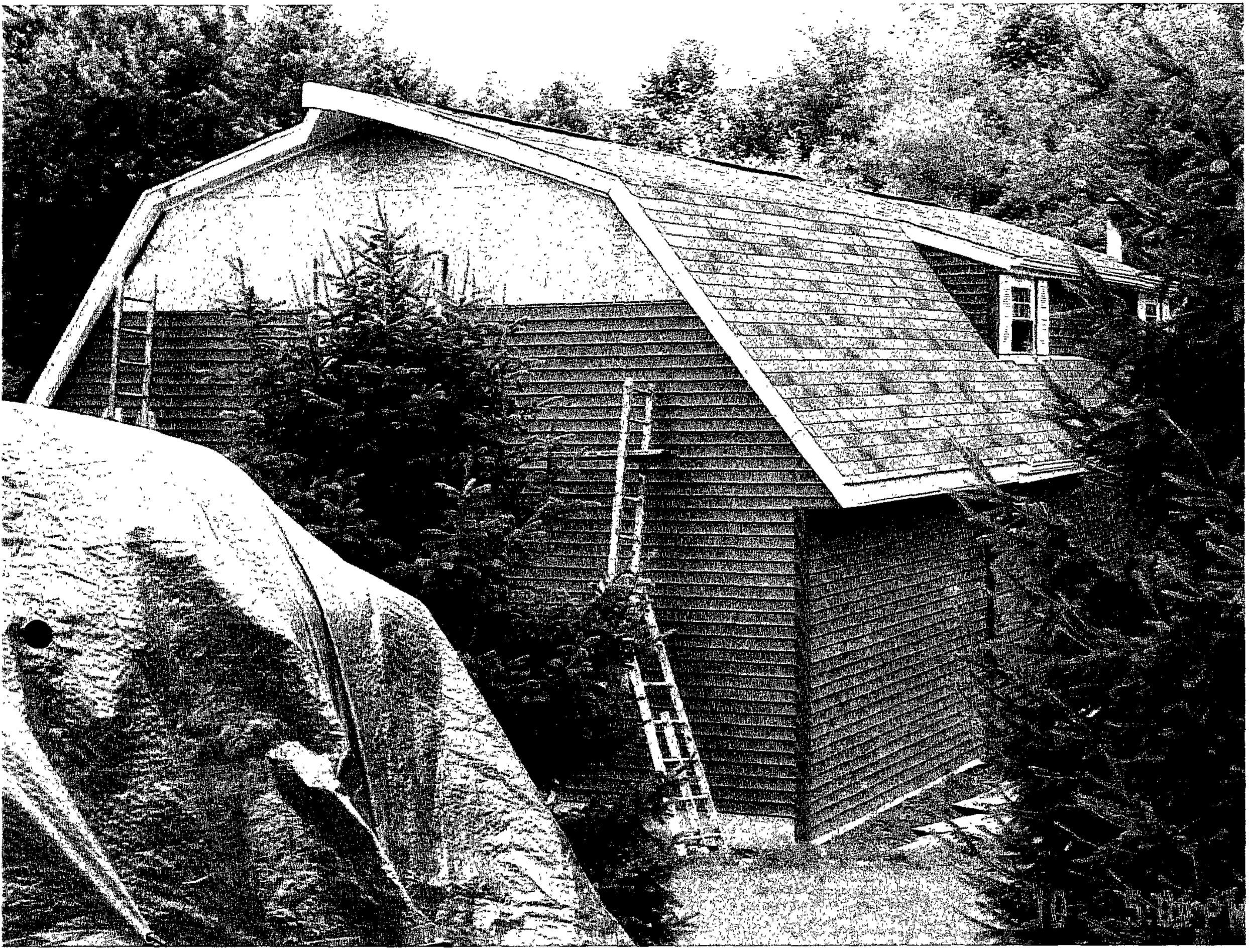
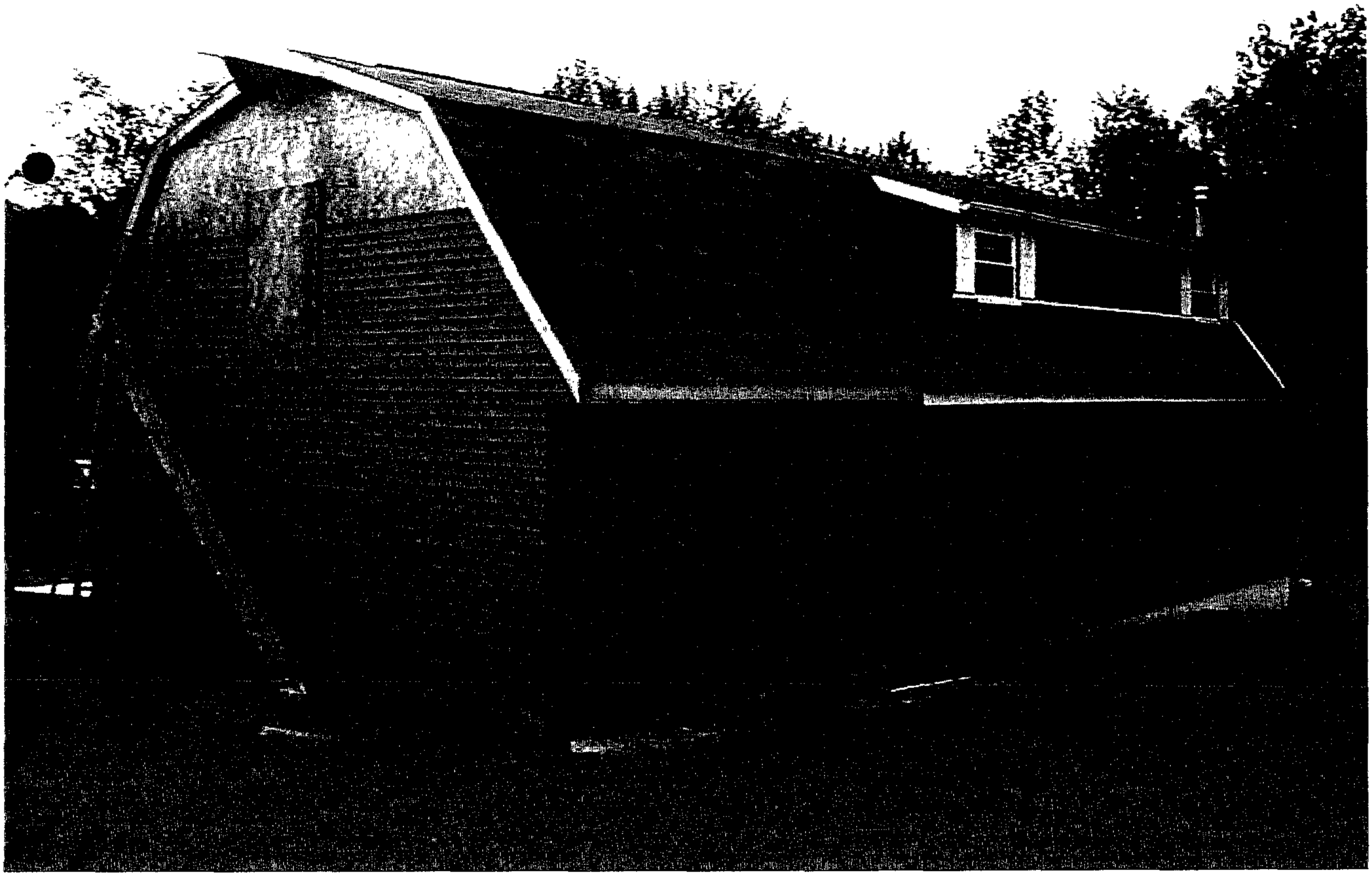
18 1:14PM





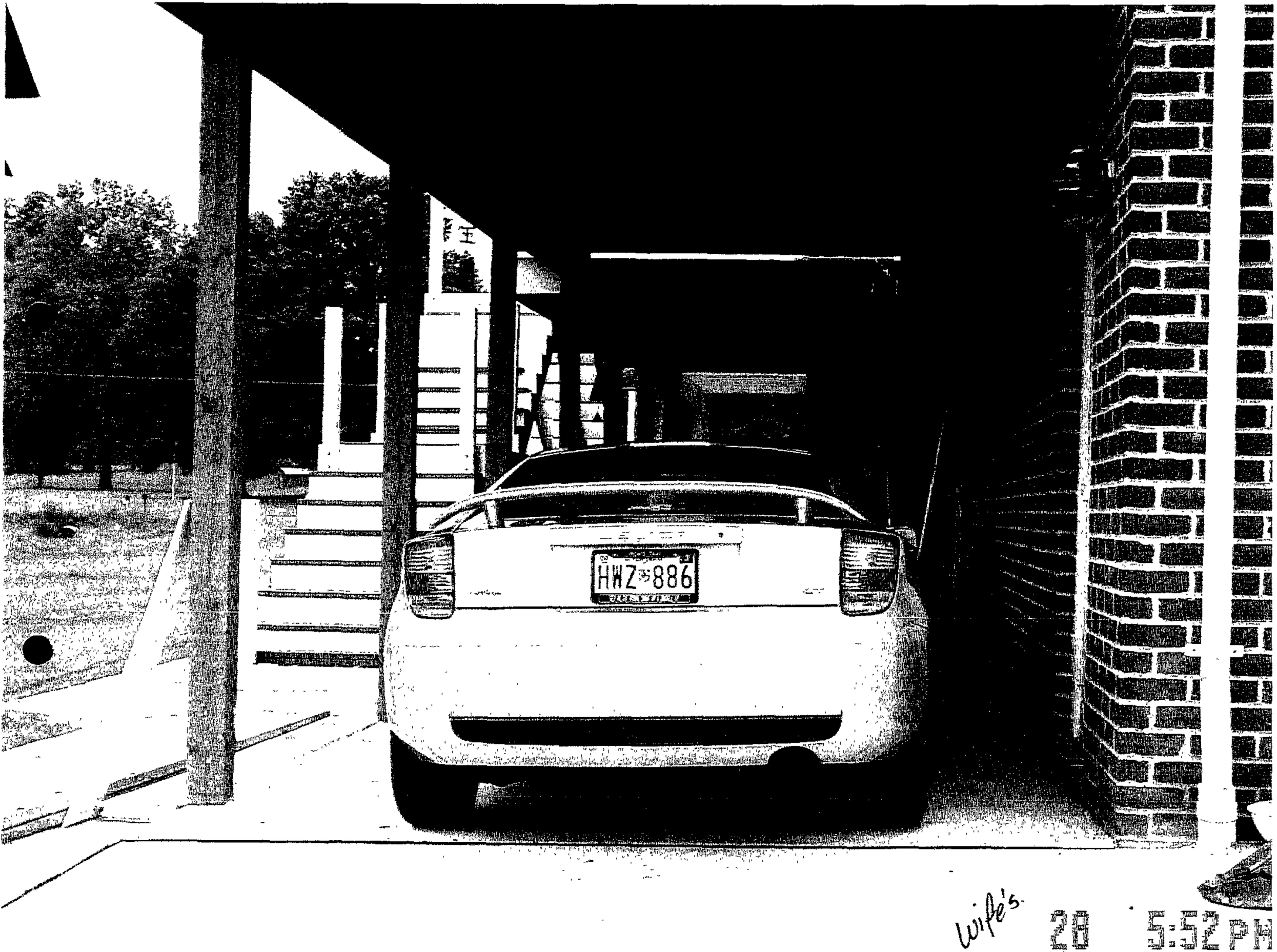






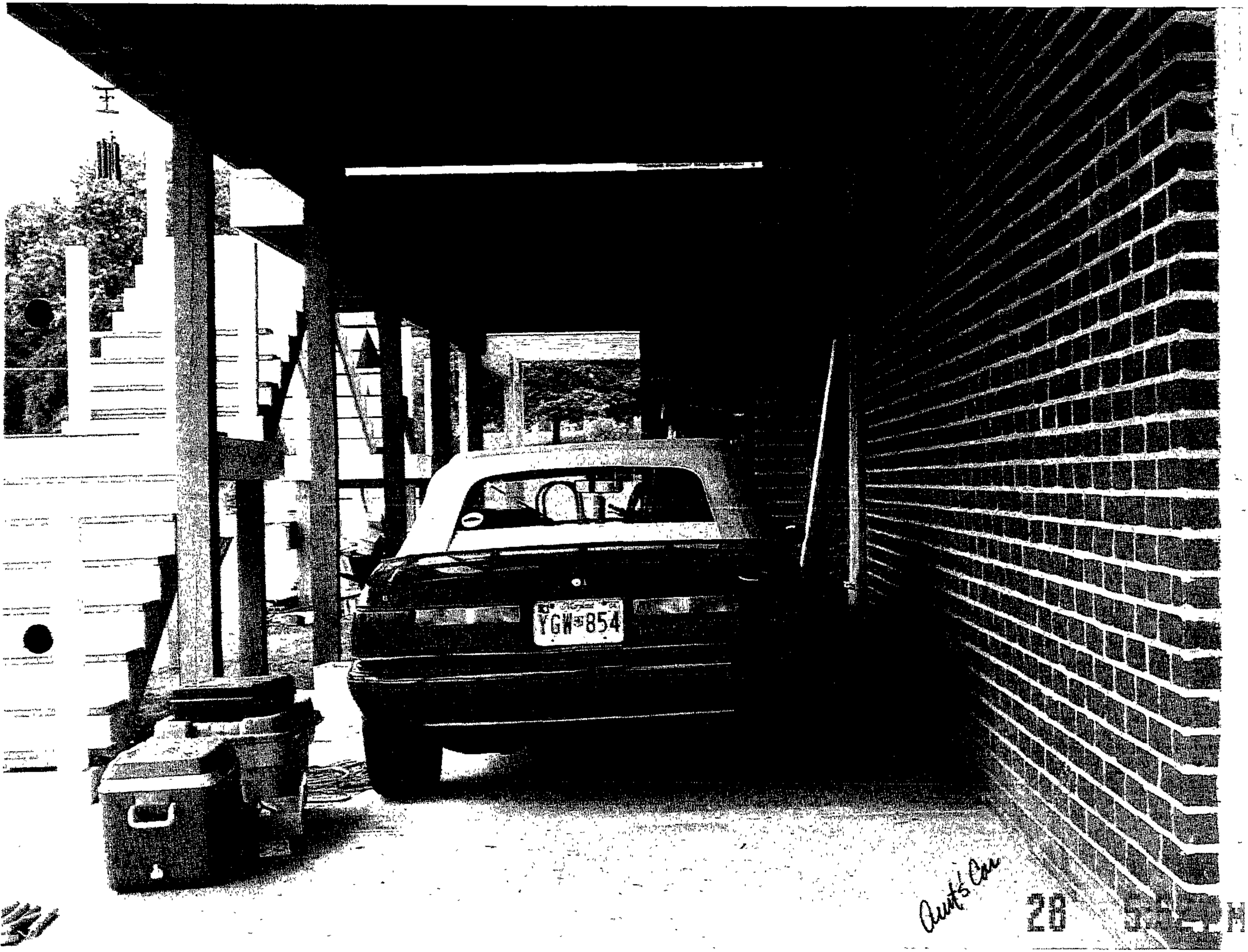
06D 236
MONTANA

M693612
HERITAGE


HWZ 886
wife's
28
5:52 PM

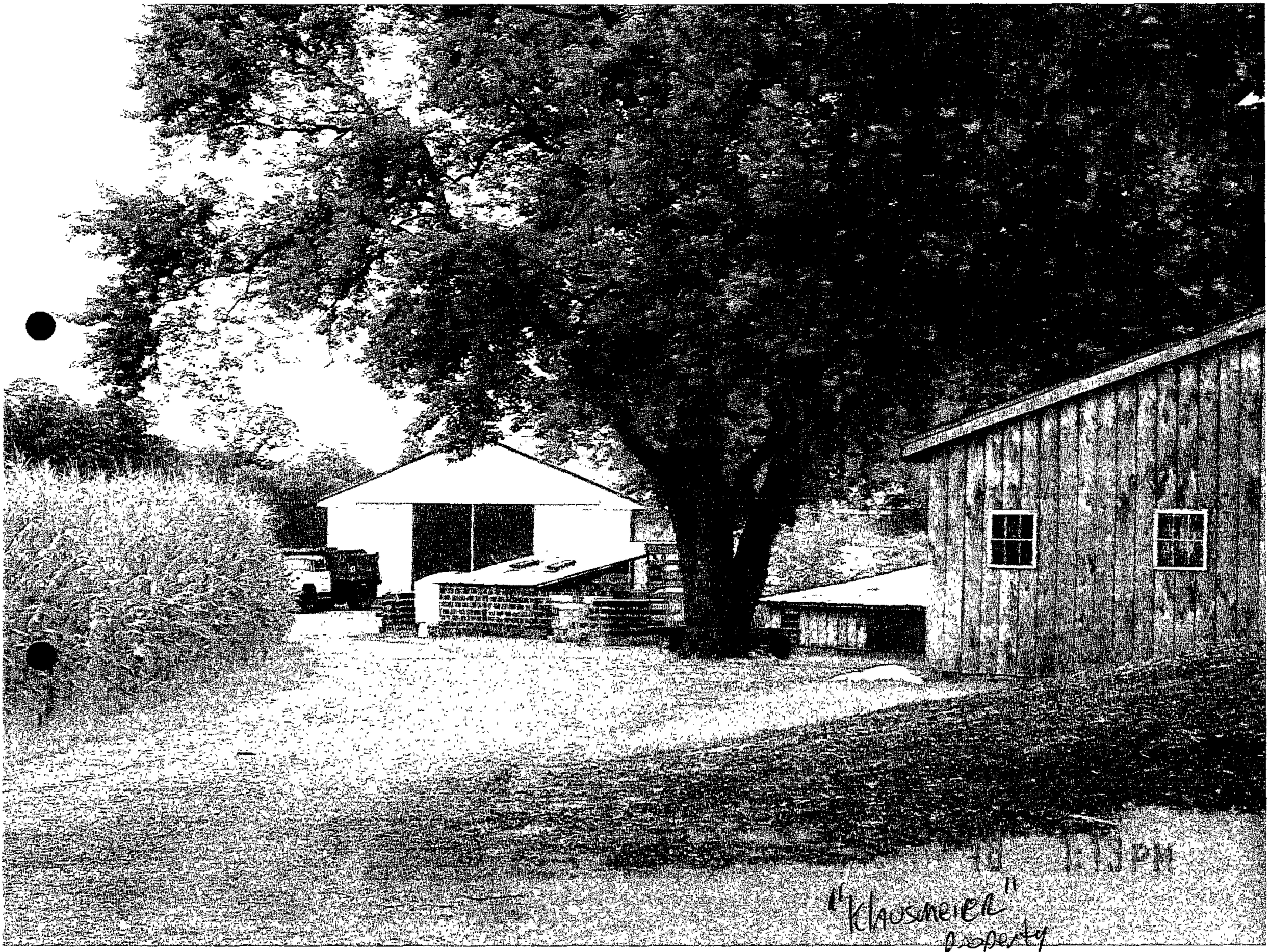
Seris car

20 5.60


YGW 854
Aunt's Car
28

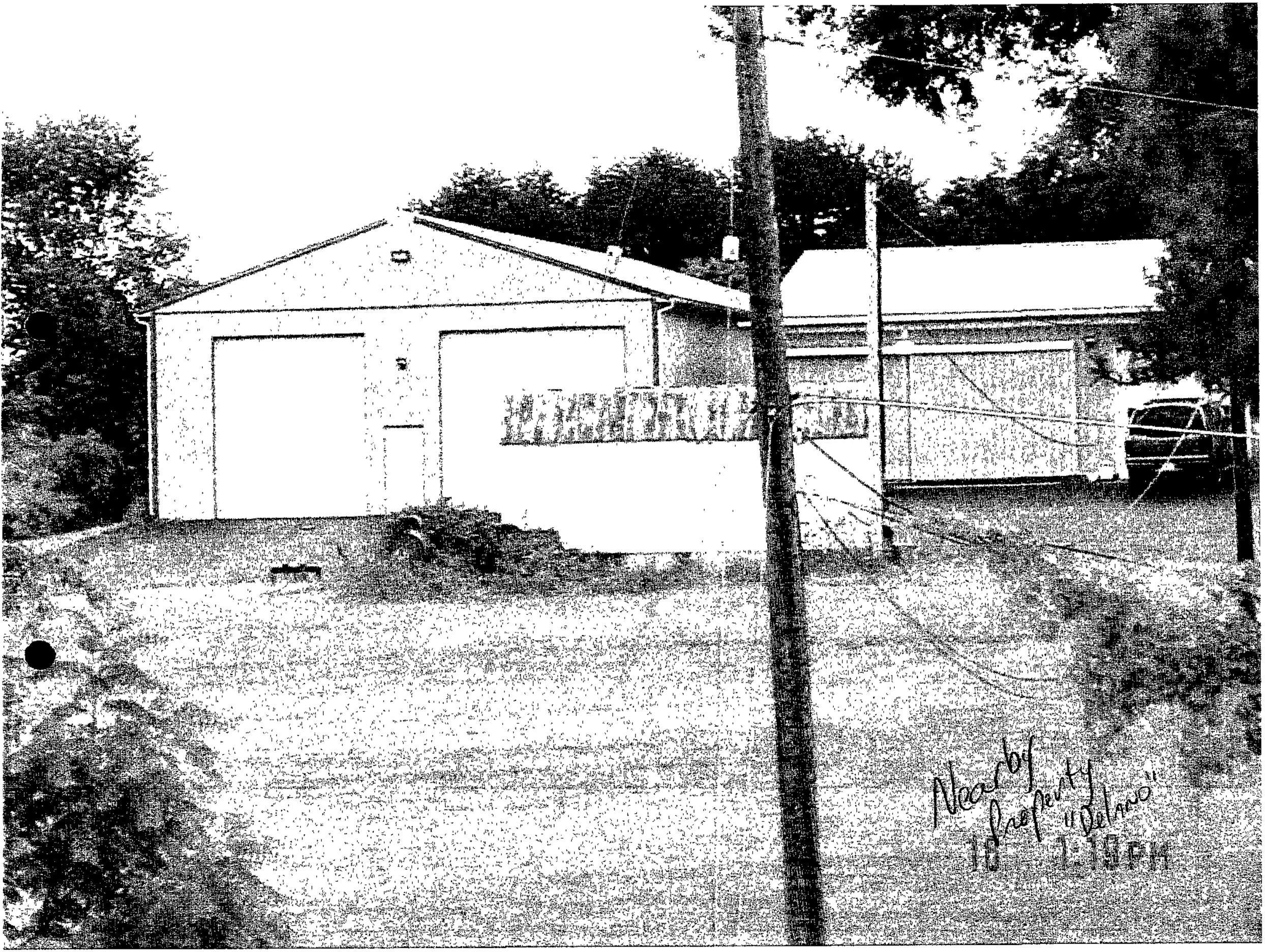
nearby property

nearby property
3 9:32AM



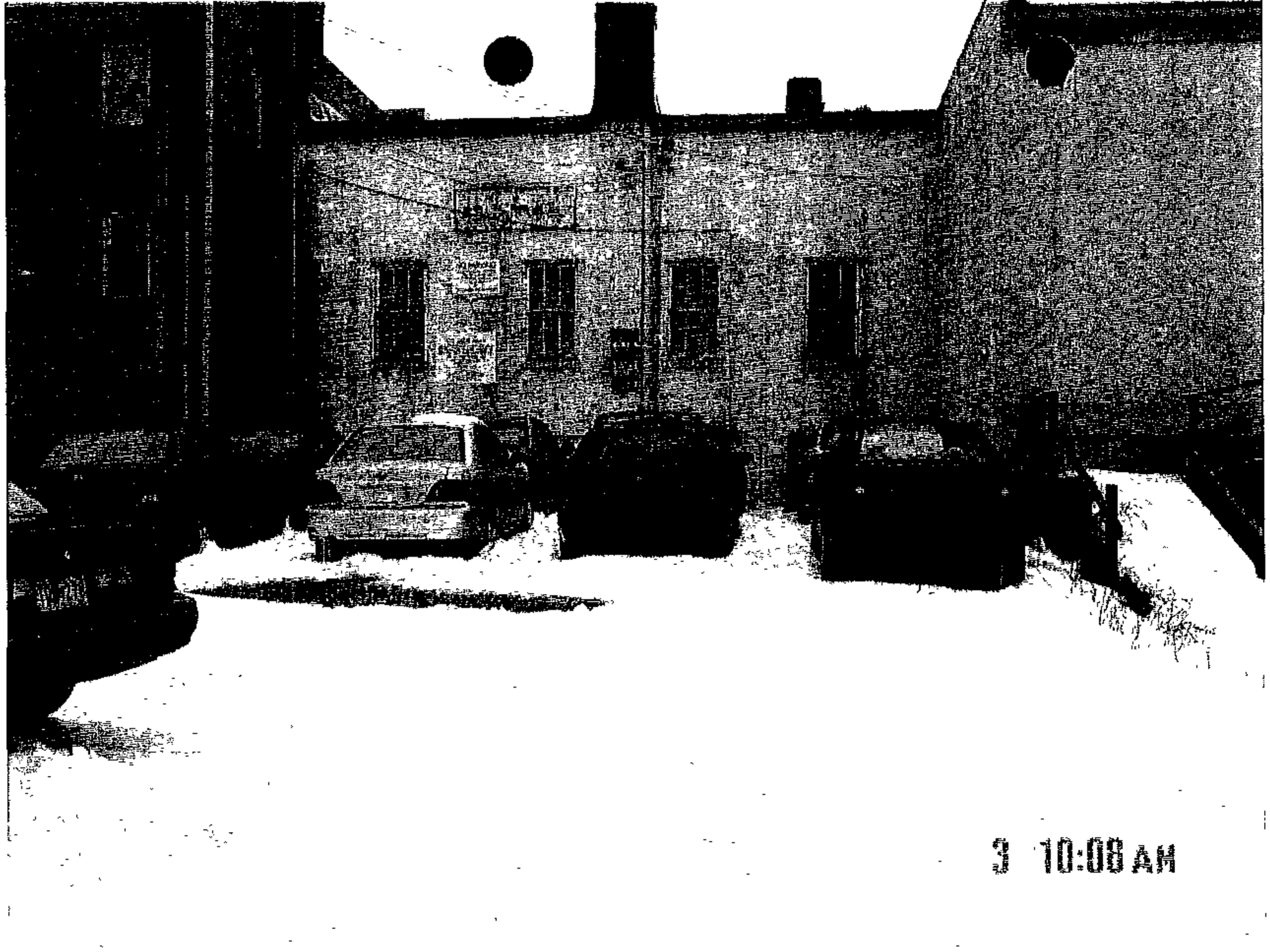
"Klausmeier" property

"Delano"
1 2 Pt. 11
18 1:19PM


Nearby property "Delano"
10 7-19-84

EAGLE REALTY
Business & Commercial Brokers
(410) 426-2700
EAST COAST FUNDING
Vehicles & Equipment
(410) 254-0700

3 10:13AM



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#258

3-87

18 1:14PM

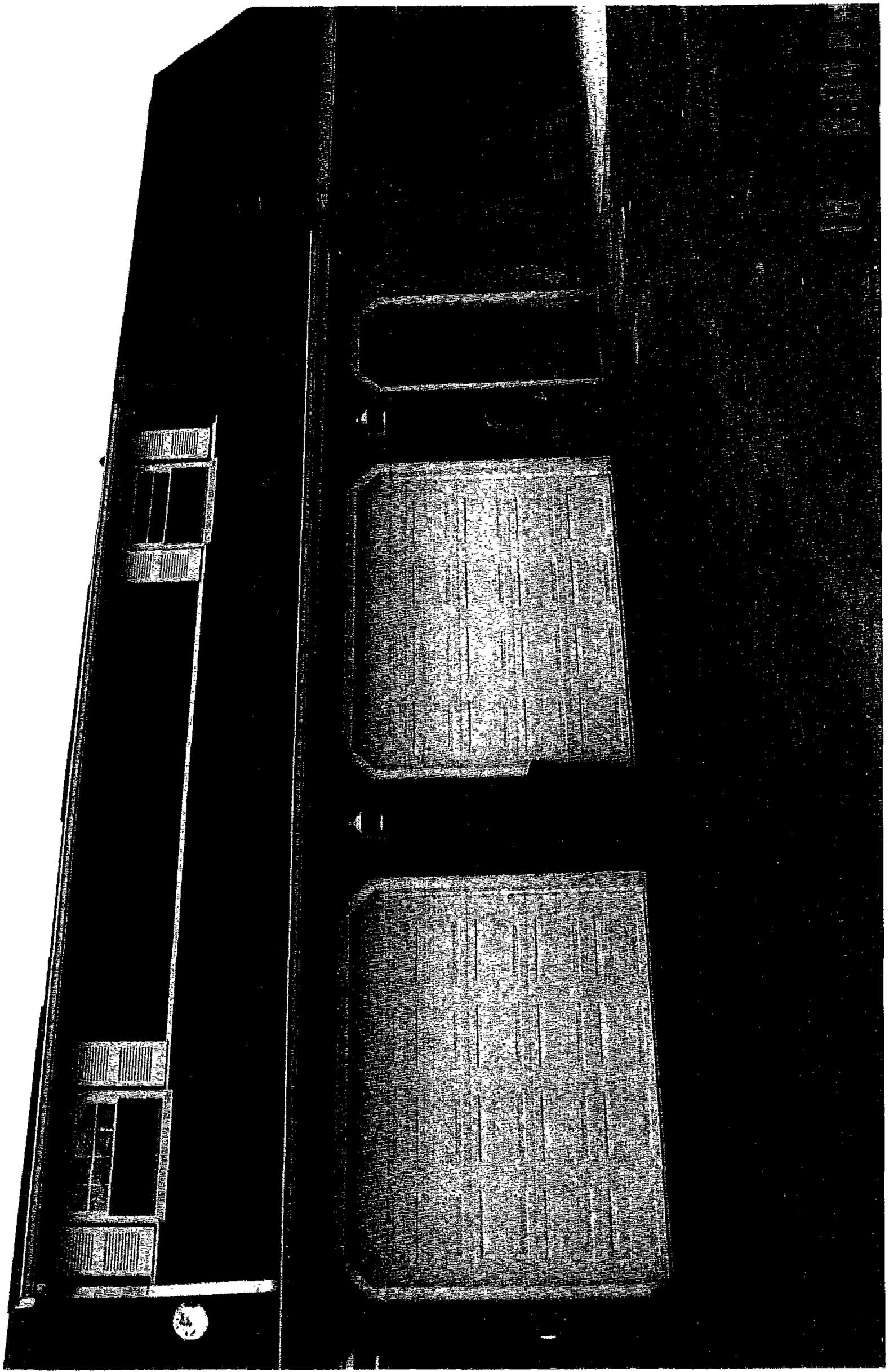
#2528 7 of 7

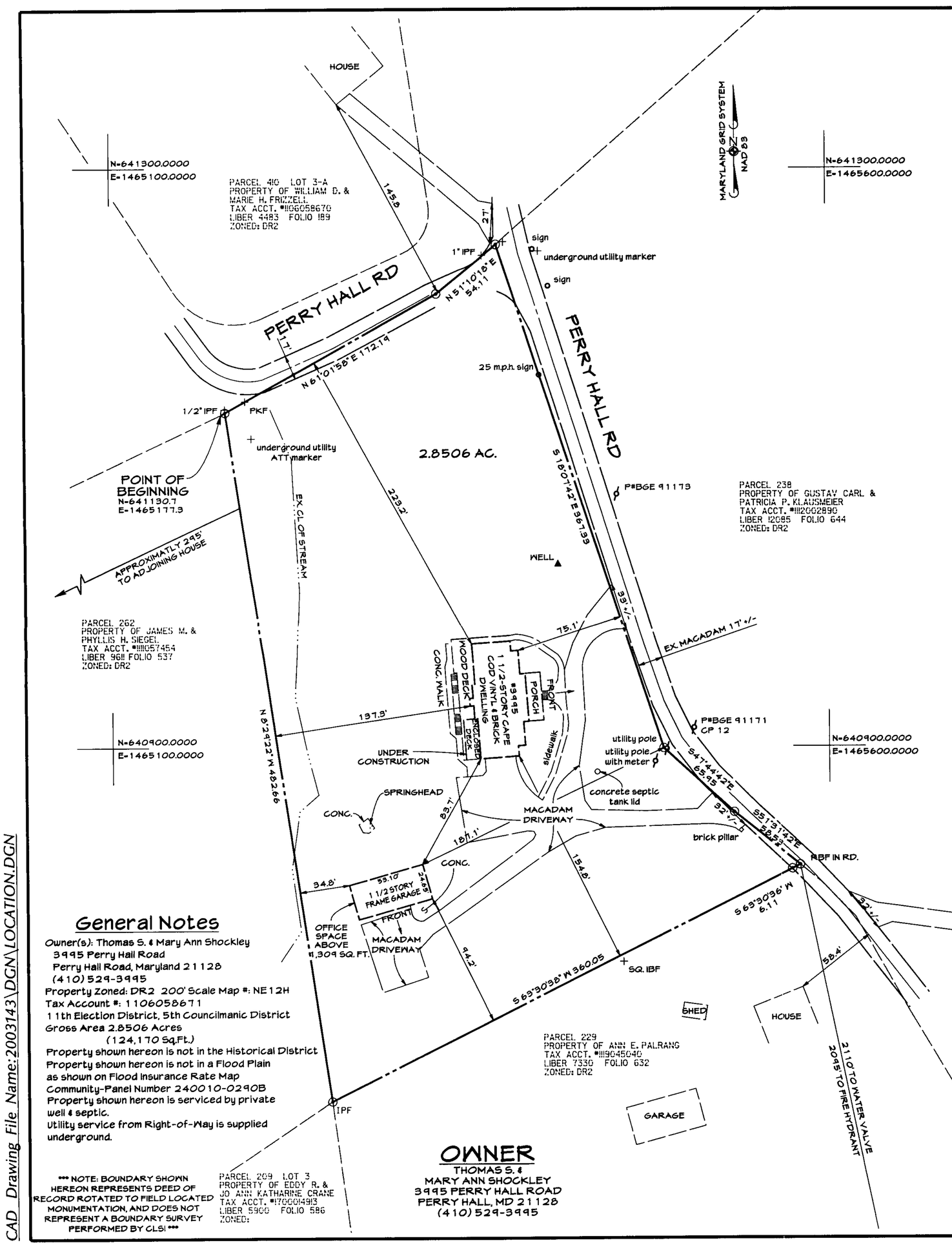
#258

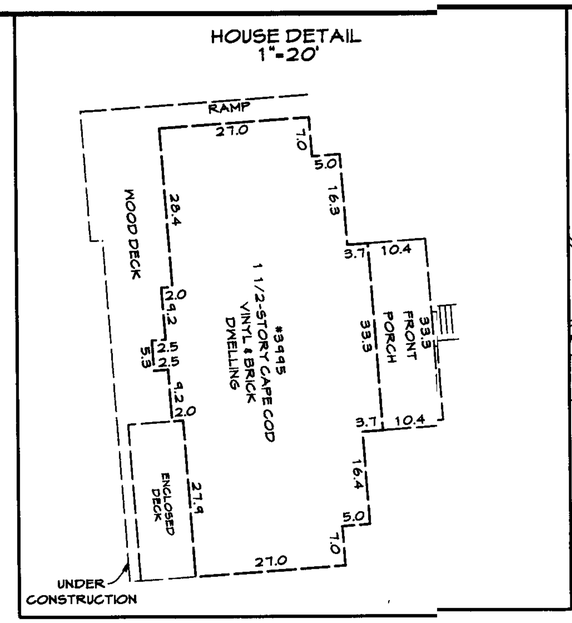
5 of 7

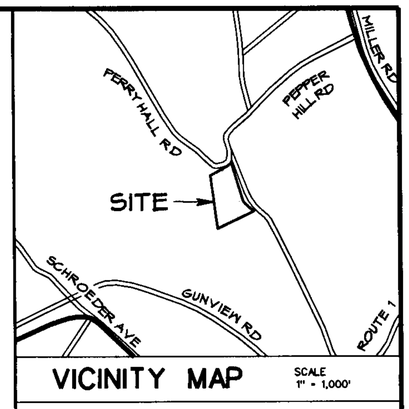
1 of 1
L of 9

#550









SUPPLEMENTAL SHEET: PETITION FOR SPECIAL HEARING

1. Under Section 500.6 and 500.7 of the BCZR, Petioner requests the Zoning Commissioner to determine that the building utilized as a garage as described on the accompanying plat is nonconforming use under Section 104 of the BCZR.
2. Also under 500.6 and 500.7 of the BCZR, Petitioner requests that the Zoning Commissioner determine that the proposed use of the upper floor of the garage is not in violation of the BCZR.
3. The legal owner of the property, subject to this Petition for Special Hearing situated in Baltimore County as described by the accompanying plat and property description, hereby petitions to determine that the garage on the subject property, and as depicted in the accompanying plat, is an accessory use as defined in Section 101 of the BCZR.
4. The Petitioner requests the Zoning Commissioner to determine that the use of the subject site is for private residential use and does not support commercial use.
5. Petitioner requests such other relief as may be determined before the Zoning Commissioner.

SUPPLEMENTAL SHEET: PETITION FOR VARIANCE

1. The legal owner of the property subject to this Petition of Variance situated in Baltimore County as described by the accompanying plat and property description, hereby pettions the Zoning Commissioner to grant a variance to permit the subject building utilized as an accessory garage to have a maximum height of 20 feet in lieu of 15 feet as permitted under Section 307 of the BCZR if said building is determined not to be a nonconforming use pursuant to the Pettion for Special Hearing.

Plan To Accompany Petitions For Special Hearing and Zoning Variance of

SHOCKLEY PROPERTY

BALTIMORE COUNTY, MARYLAND

3995 PERRY HALL ROAD

PERRY HALL, MARYLAND 21128

Pet No 1

General Notes

Owner(s): Thomas S. & Mary Ann Shockley
3995 Perry Hall Road
Perry Hall Road, Maryland 21128
(410) 529-3995
Property Zoned: DR2 200' Scale Map #: NE 12H
Tax Account #: 1106058671
11th Election District, 5th Councilmanic District
Gross Area 2.8506 Acres
(124,170 Sq.Ft.)
Property shown hereon is not in the Historical District
Property shown hereon is not in a Flood Plain
as shown on Flood Insurance Rate Map
Community-Panel Number 240010-0290B
Property shown hereon is serviced by private
well & septic.
Utility service from Right-of-Way is supplied
underground.

*** NOTE: BOUNDARY SHOWN HEREON REPRESENTS DEED OF RECORD ROTATED TO FIELD LOCATED MONUMENTATION, AND DOES NOT REPRESENT A BOUNDARY SURVEY PERFORMED BY CLSI ***

OWNER

THOMAS S. &
MARY ANN SHOCKLEY
3995 PERRY HALL ROAD
PERRY HALL, MD 21128
(410) 529-3995

Date	Revision	By
11/4/03	VAF REVISE PER COMMENTS	

Scale: 1"=50'
50' 0 50'

Surveyed By: CLSI
Computed By: VAF
Drawn By: VAF
Checked By:

CLSI
Carroll Land Services
Incorporated
Engineers * Surveyors * Land Development Consultants
Landscape Architects * Environmental Specialists
439 East Main Street Westminster, MD 21157-5539
(410) 876-2017 FAX (410) 876-0009

STATE OF MARYLAND
GARY JAMES GANJON
No. 21168
REGISTERED
PROFESSIONAL LAND SURVEYOR

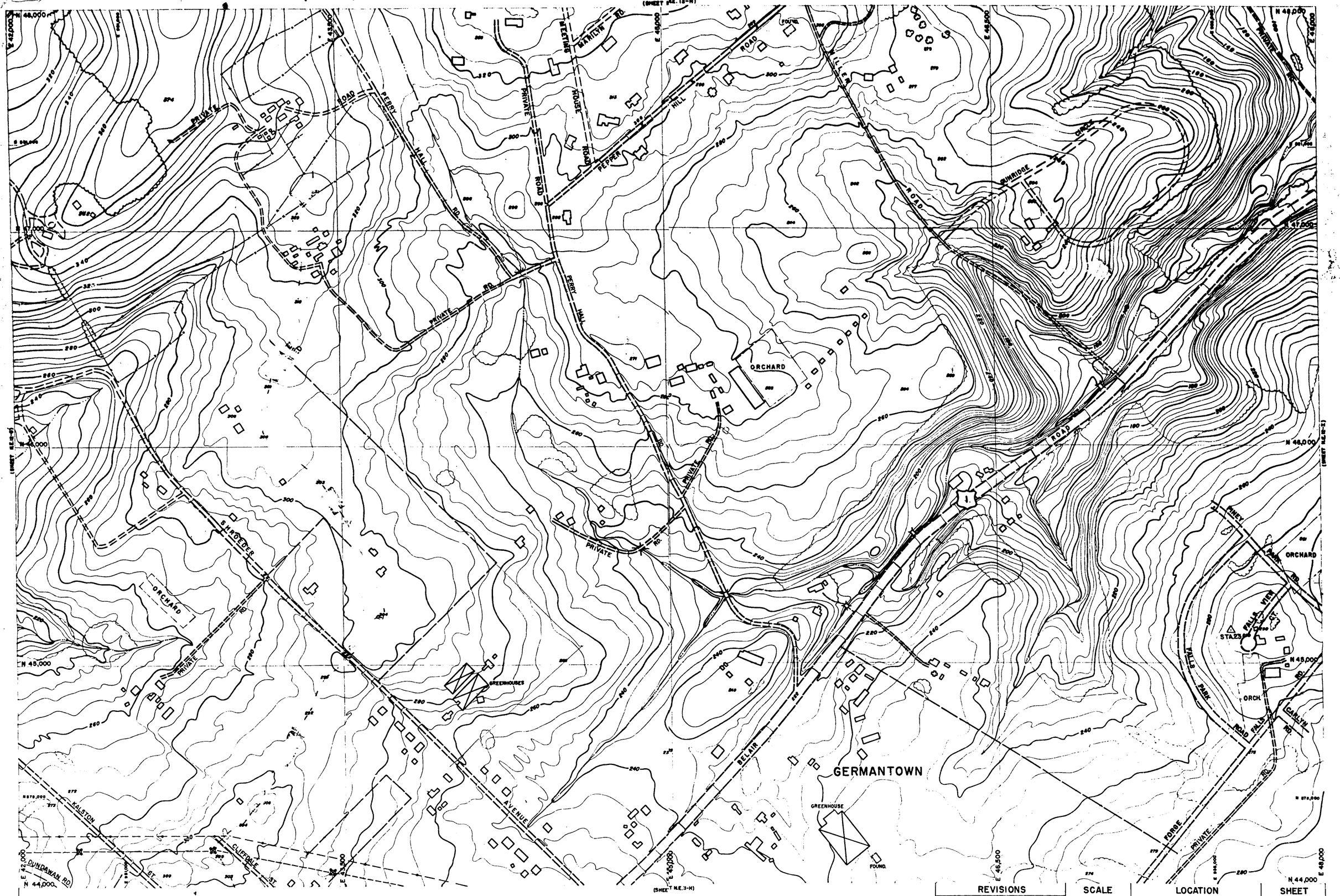
Gary James Ganjon
Professional Line Surveyor
Registration No. 21168

Date: 10/16/03
Drawing No.: 2003143
County File No.:

#258

CAD Drawing File Name: 2003143\DGN\LOCATION.DGN

...\2003\2003143\dgn\location.dgn Nov. 05, 2003 15:11:49

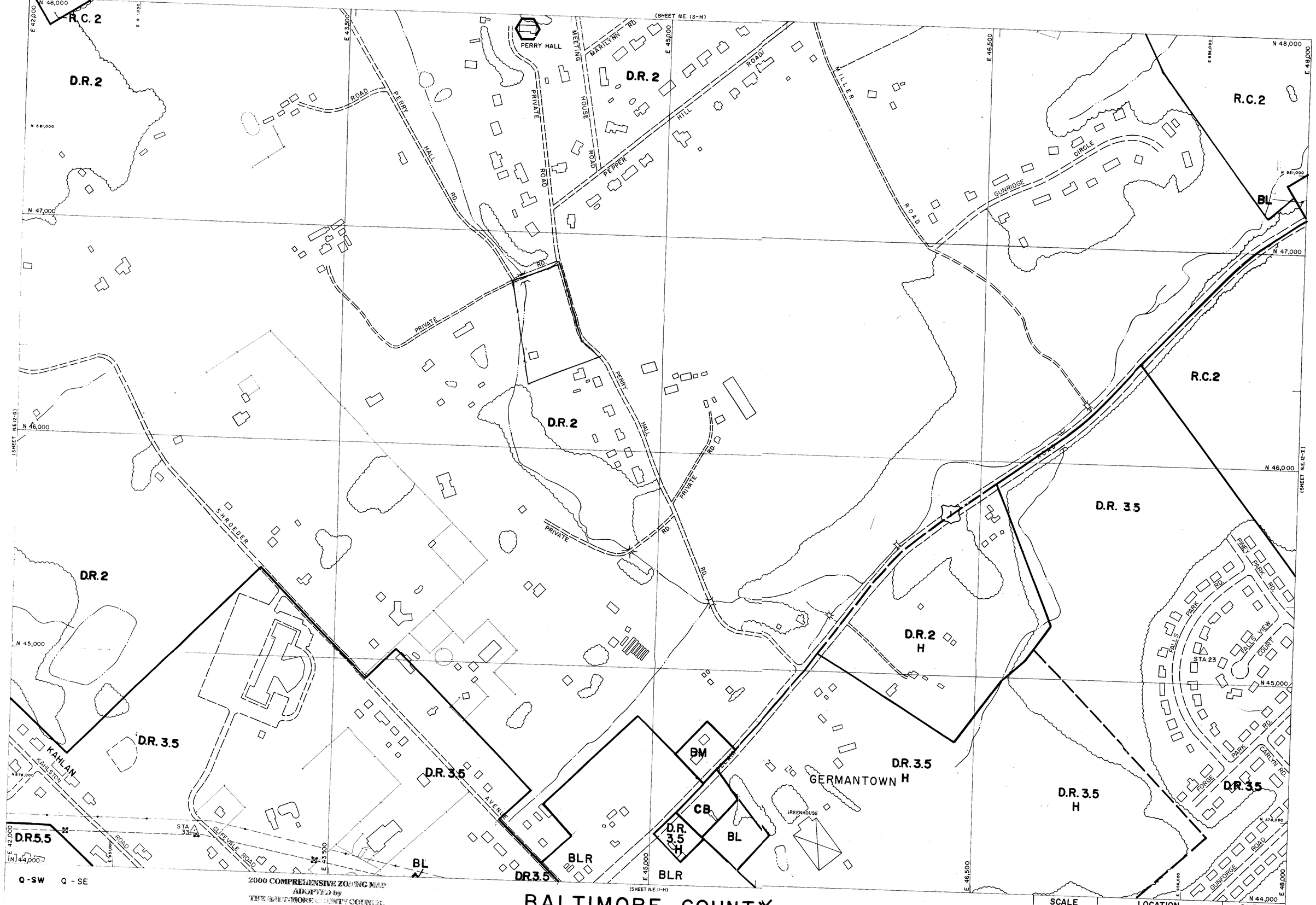


Q-SW Q-SE

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS			SCALE	LOCATION	SHEET
	BY	DATE	1" = 200'	GERMANTOWN	N.E.
			DATE OF PHOTOGRAPHY APRIL 1953	Pet No 2	12-H

Topography Compiled By Photogrammetric Methods
AERO SERVICE CORPORATION-PHILADELPHIA, PA.



Q-SW Q-SE

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

2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, [illegible] 90-91-00, [illegible] 93-00

Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	GERMANTOWN	N.E. 12-H
DATE OF PHOTOGRAPHY JANUARY 1986		

NE 12 H

#258

#258