

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Old York Road, 1820' S of the c/l
Markoe Road
(16306 Old York Road)
10th Election District
3rd Council District

George R. Gabell, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-028-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, George R. Gabell and his wife, Linda E. Gabell. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 26 feet in lieu of the maximum allowed 15 feet for a proposed detached garage. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the documentation contained therein,

ORDER RECEIVED FOR FILING
Date 8/24/04
By [Signature]

garage was necessary in order to provide needed storage space above the first floor. There were no adverse comments from any County reviewing agency and there is apparently no opposition from any of the neighbors. Thus, relief will be granted subject to certain conditions to insure compliance with the use regulations. However, pursuant to the Zoning Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (copy attached), an evaluation of the well and septic systems may be required prior to building permit approval. Thus, the Petitioners will be required to resolve this issue as a condition of the relief granted herein. Additionally, the Office of Planning requested that building elevation drawings of the proposed addition be submitted for their review and approval to insure compatibility with the existing dwelling. Therefore relief will be granted conditioned upon the Petitioners' compliance with the above.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of August 2004 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 26 feet in lieu of the maximum allowed 15 feet for a proposed detached garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

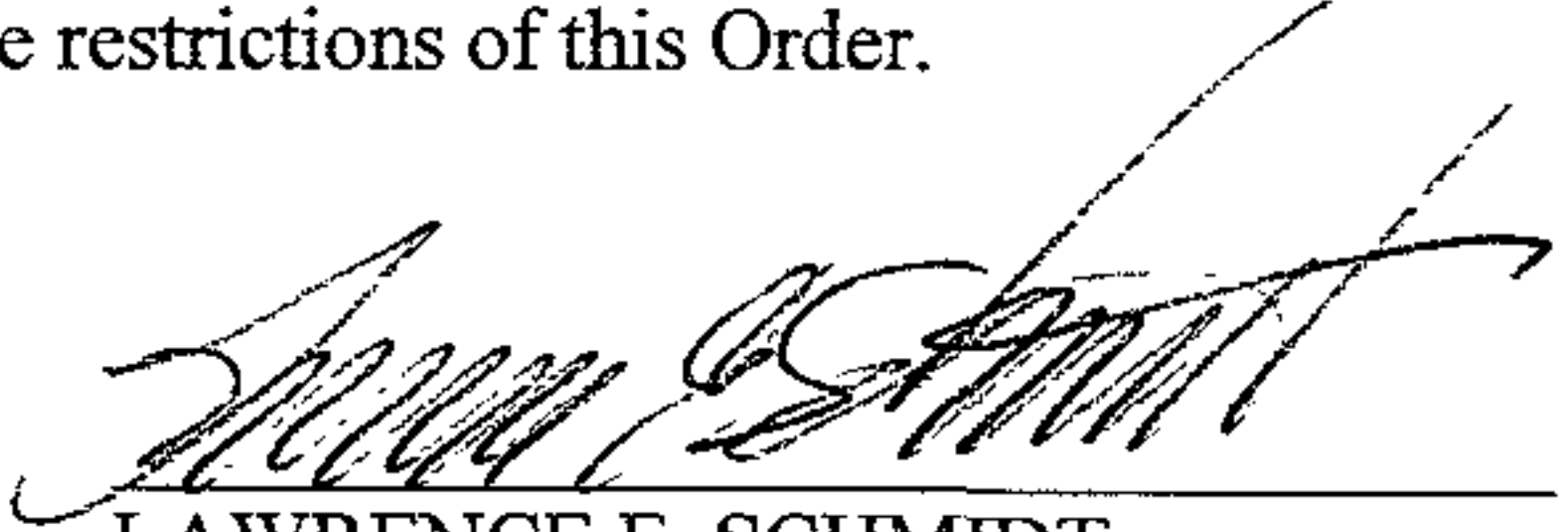
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioners shall submit building elevation drawings of the proposed garage to the Office of Planning for review and approval prior to the issuance of any permits.

ORDER RECEIVED FOR FILING

Date

By

- 3) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 4) Compliance with any recommendations made by DEPRM to comply with groundwater management regulations as set forth in their comments dated August 4, 2004, a copy of which is attached hereto and made a part hereof.
- 5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 8/24/04
By [Signature]

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

August 23, 2004

Mr. & Mrs. George R. Gabell
16306 Old York Road
Monkton, Maryland 21111

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Old York Road, 1820' S of the c/l Markoe Road
(16306 Old York Road)
10th Election District – 3rd Councilmanic District
George R. Gabell, et ux - Petitioners
Case No. 05-028-A

Dear Mr. & Mrs. Gabell:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: DEPRM; Office of Planning; People's Counsel; Case File





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 16306 Old York Road, Monkton
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 (DCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 26-FEET
IN LIEU OF THE PERMITTED 15-FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

Comp

Address Telephone No.

City State Zip Code

Legal Owner(s):

GEORGE R. GABELL

Name - Type or Print

Signature

LINDA E. GABELL

Name - Type or Print

Signature

16306 Old York Road 410-472-9033
Address Telephone No.

Monkton, Maryland 21111
City State Zip Code

Representative to be Contacted:

RICK (G.R.) GABELL

Name 410-628-4000 (W)

16306 Old York Road 410-472-9033 (H)

Address Telephone No.

Monkton, Maryland 21111
City State Zip Code

A public hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Reviewed By D. THOMPSON Date 7/13/04

Estimated Posting Date 7/25/04

CASE NO. 05-028-A

REV 10/25/01

Affidavit in Support of Administrative Variance

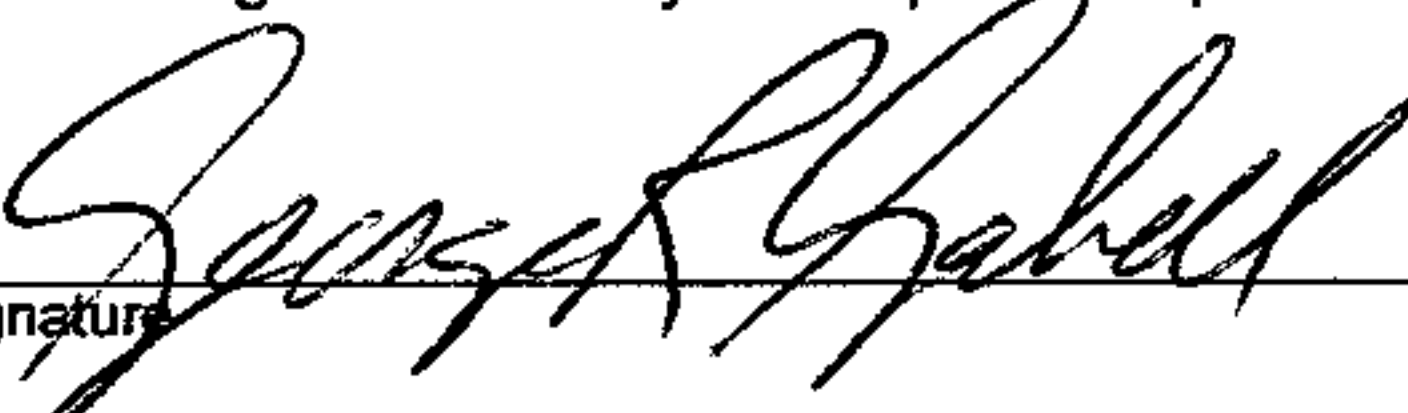
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

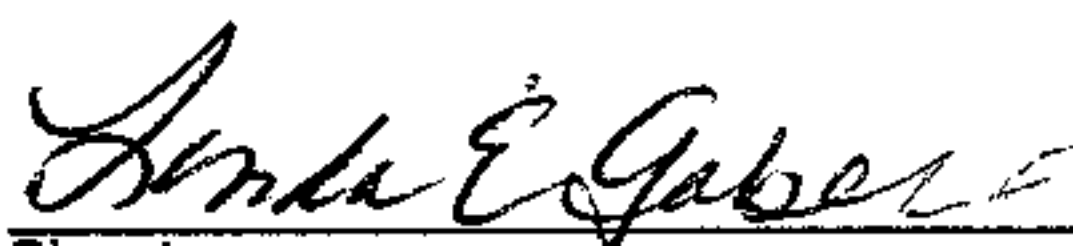
That the Affiant(s) does/do presently reside at 16306 Old York Road
Address
Monkton, Maryland 21111
City State Zip Code

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

SEE ATTACHED

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


Signature
George R. Gabell
Name - Type or Print

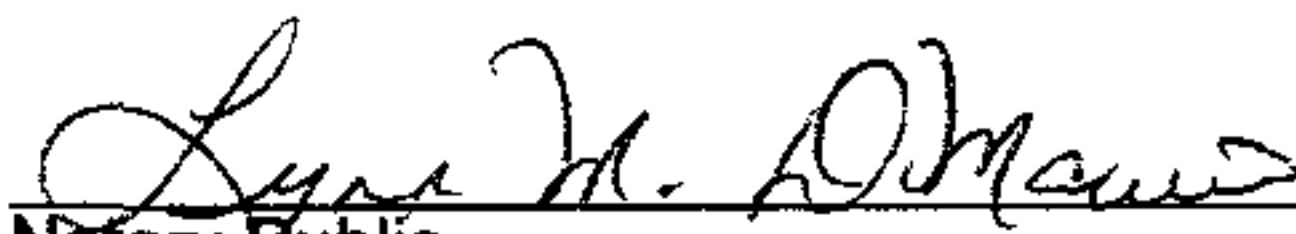

Signature
Linda E. Gabell
Name - Type or Print

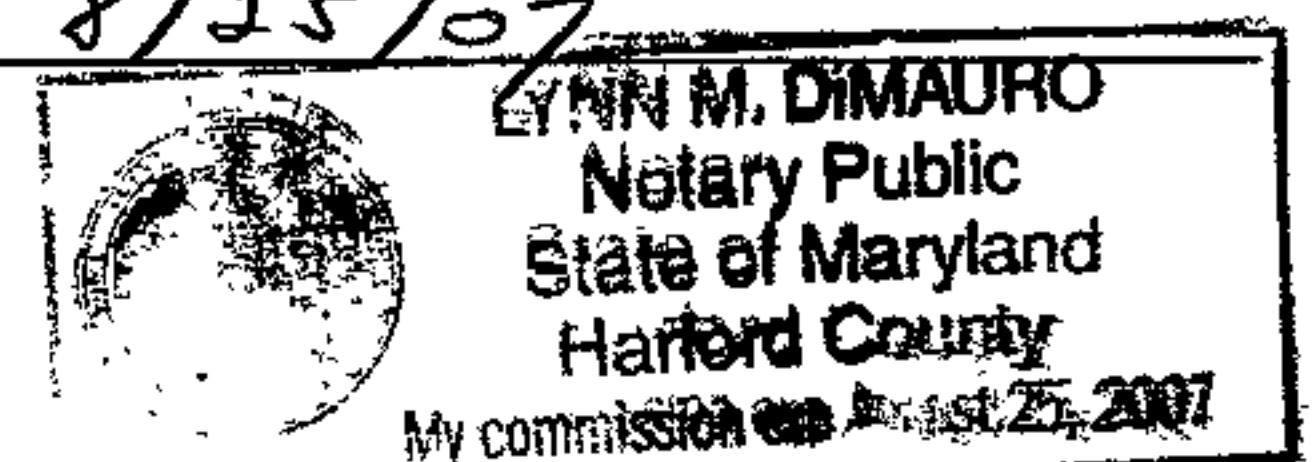
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of July, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

George R. Gabell and Linda E. Gabell
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public
My Commission Expires 8/25/07



Affidavit in Support of Administrative Variance

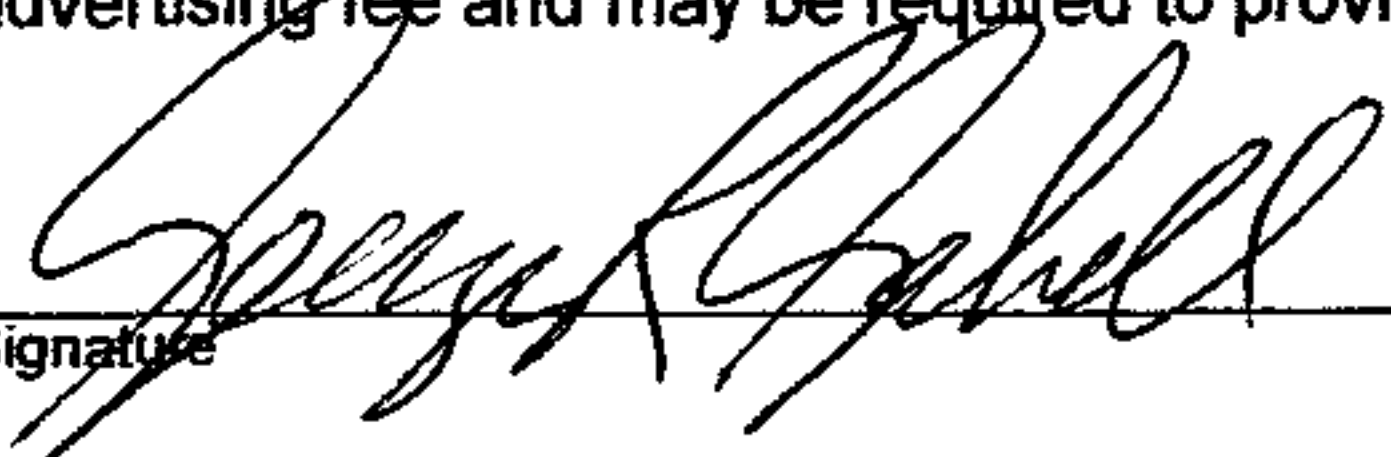
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 16306 Old York Road
Address
Monkton, Maryland 21111
City State Zip Code

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

SEE ATTACHED

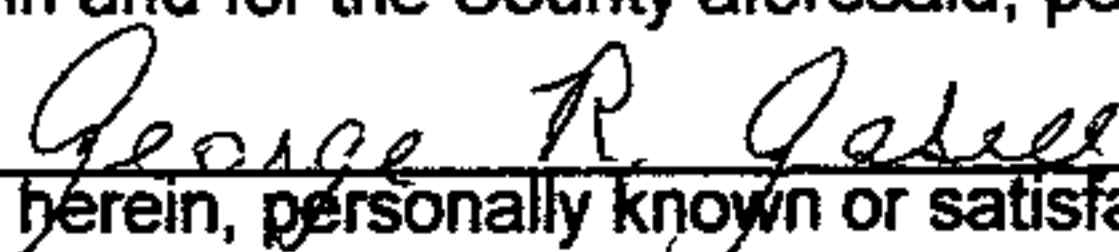
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.


Signature
George R. Gabell
Name - Type or Print


Signature
Linda E. Gabell
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

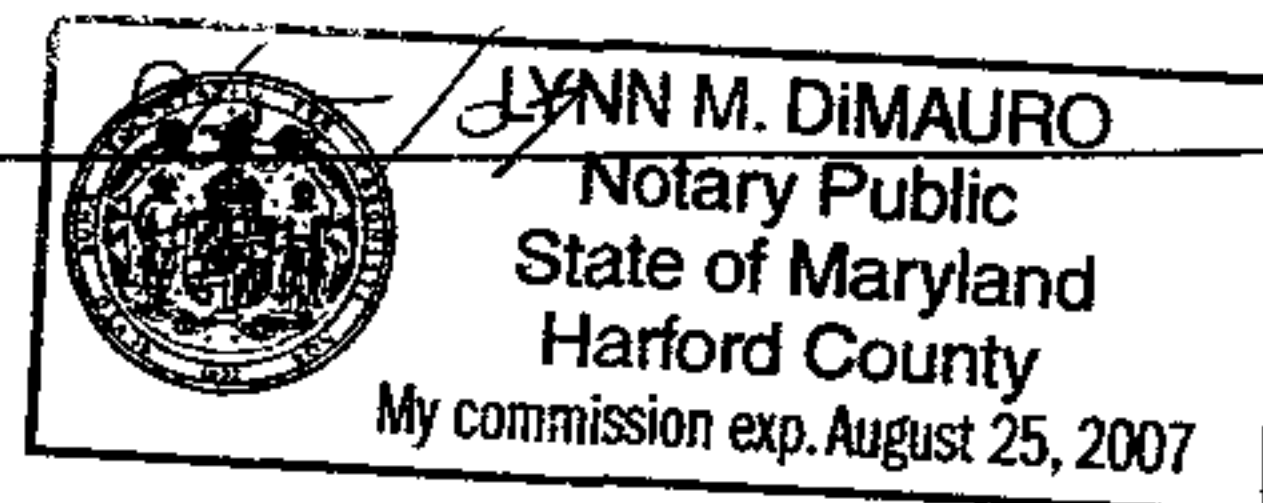
I HEREBY CERTIFY, this 13th day of July, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

 and 
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public

My Commission Expires





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 16306 Old York Road, Monkton
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 (RCZR)

TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT OF 26-FEET
IN LIEU OF THE PERMITTED 15-FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print

GEORGE R. GABELL
Name - Type or Print

Signature

Signature

Address

Telephone No.

LINDA E. GABELL
Name - Type or Print

Signature

City

State

Zip Code

Signature

16306 Old York Road 410-472-9033
Address Telephone No

Monkton, Maryland 21111
City State Zip Code

Attorney For Petitioner:

Representative to be Contacted:

Name - Type or Print

Signature

Company

Address

Telephone No

City

State

Zip Code

RICK (G.R.) GABELL

Name 410-628-4000 (1)

16306 Old York Road 410-472-9033 (1)

Address Telephone No

Monkton, Maryland 21111
City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted

Zoning Commissioner of Baltimore County

CASE NO. 05-028-A

Reviewed By D. THOMPSON Date 7/13/04

REV 10/25/01

Estimated Posting Date 7/25/04

Basis for Request of Administrative Variance

1. Uniqueness: The subject property is unique in several ways. The original circa 1911 farm house, barn and working 200 plus acre farm, previously known as the Lone Fox Farm was parceled off through time and currently consists of only one (1) acre and now restored farm house. The property is contiguous to and bordered on the north, south and west side by one (1) 71.23 acre property and one (1) 0.912 acre property each owned by Tom and Andrea Simons. The eastern property boundary is centerline of Old York Road.
2. Impracticality: The adjacent property owned by Tom and Andrea Simons is currently in the "agricultural trust." Mr. and Mrs. Simons maintain a manicured property and approximately one third of the land is still farmed to this day. The proposed garage is adjacent to the farmland and pasture. Upon our purchase of the subject property in 1998, we held an option to purchase the adjacent contiguous 0.912 acres. Unfortunately, we were unable to make this purchase as we had invested a substantial sum of money restoring and improving the subject property. Thankfully, this parcel was again purchased by Tom and Andrea Simons. The above discussion is relevant as the need for a variance to construct a garage would be moot had we purchased the land. As it is, the location of the house and the property lines established by the previous owner(s) have created a condition where our ability to construct a garage without violating the BCZR is impractical if not impossible when considering the other mitigating circumstances.
3. Other Mitigating Circumstances:
Moving the garage away from the north property line to south in order to satisfy the side yard set back would:
 - a) Require the removal of the remaining mature shade trees. The current proposal unfortunately requires the removal of one mature tree.
 - b) Require the relocation of the five (5) year old septic system and drain field installed by the 1998 "seller" at the direction of Baltimore County Groundwater Management Engineers. The original system was located on Parcel 255.
 - c) Less importantly to the outsider, but of preeminent importance to us is the loss of sight line into the western sky, the Simon's agriculture trusted pasture and farm lands.
 - d) As illustrated by the attached photographs the construction of the proposed garage is not visible to any neighbor with the exception of the Simons. We have reviewed our plans with the Simons and they pose no objection to our requested variance(s). The Simons are currently permitting us to use the "original barn" to store our yard equipment, tools, ladders, hoses, lumber, etc.
 - e) No other residence exists within 1000 feet of the subject property.
4. Harmony: Great care and thought have been given to the architectural planning of the garage to ensure its harmony with the rural setting and the "original barn." Intentions of this architectural plan are to design a structure that compliments the "original barn," which ultimately creates a link between the two properties, in order to give the impression of the original two hundred (200) acre farm layout. Ironically, the 1911 farm house had a chicken coop in close proximity to the proposed structure.

05-028-A

ZONING DESCRIPTION FOR 16306 OLD YORK ROAD

Beginning at a point on the west side of Old York Road which is 40 feet (right of way width) wide at the distance of 1820 feet south of the centerline of the nearest improved intersecting street Markoe Road (right way width N/A). As recorded in Deed Liber 6464, Folio 541, containing 1.0 acre and defined by the metes and bounds of:

N. $68^{\circ} 25' 40''$ W. 284.35 ft., S. $16^{\circ} 34' 40''$ W. 158.84',
S. $68^{\circ} 25' 40''$ E. 270.52 ft. and N. $21^{\circ} 34' 20''$ E. 158.24 ft.
to the place of the beginning.

Also known as 16306 Old York Road and located in the 10th Election District and 3rd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39164

DATE 7/13/04 ACCOUNT 0010066150

AMOUNT \$ 65.00

RECEIVED FROM GEORGE R. SABELL

FOR ITEM # 028 04-028-A

16306 YORK RD. BY D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	FROM
7/14/2004	7/13/2004	15:25:45	3

FILE NO. 883 WALKER LPET LMP

RECEIPT # 273011 7/14/2004

Dept. S 528 JUDGE VERIFICATION

TX NO. 039164

Receipt Tot \$65.00

\$65.00 TX \$65.00 CA

\$65.00 CB

Baltimore County, Maryland

CASHIER'S VALIDATION

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 05-028-A

Petitioner: GABELL

Address or Location: 16306 OLD YORK RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. & MRS. GEORGE R. GABELL

Address: 16306 OLD YORK RD.

MONKTON, MD 21111

Telephone Number: 410-472-9033

Revised 2/20/98 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 028 -A

Address 16306 OLD YORK RD.

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 7/13/04

Posting Date: 7/25/04

Closing Date: 8/9/04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05- 028 -A

Address 16306 OLD YORK RD.

Petitioner's Name GABELL

Telephone 410-412-9033

Posting Date: 7/25/04

Closing Date: 8/9/04

Wording for Sign: To Permit AN ACCESSORY STRUCTURE (GARAGE) WITH A HEIGHT
OF 26-FEET IN NEU OF THE PERMITTED 15-FEET.

**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*

August 9, 2004

George Gabell
Linda E. Gabell
16306 Old York Road
Monkton, Maryland 21111

Dear Mr. and Mrs. Gabell:

RE: Case Number: 05-028-A, 16306 Old York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 13, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Rick (G.R.) Gabell 16306 Old York Road Monkton 21111

Visit the County's Website at www.baltimorecountyonline.info



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

July 22, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: July 26, 2004

Item No.: 017-035

Dear Ms. Mathews:

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.

6. 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

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



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

Maryland Department of Transportation

Date: 7.23.04

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

RE: Baltimore County
Item No. 028 DT

Dear Ms. Matthews:

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,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

AN
6/19

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

AUG 11 2004

ZONING COMMISSIONER

TO: Tim Kotroco
FROM: John D. Oltman, Jr *JDO*
DATE: August 4, 2004
SUBJECT: Zoning Item # 05- 028
Address 16306 York Road

Zoning Advisory Committee Meeting of July 26, 2004.

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Groundwater Management Comments:

An evaluation of the well and septic systems may be required prior to building permit approval. Exact locations of septic trenches must be determined.

Reviewer: Sue Farinetti

Date: August 4, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

ORDER RECEIVED FOR FILING

Date

By

8/24/04
[Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 28, 2004

RECEIVED

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

AUG - 2 2004

SUBJECT: Zoning Advisory Petitions – Administrative Variances

ZONING COMMISSIONER

Case #: 5-028

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 26 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. Submit elevations of the proposed structure to this office for review and approval. The structure should be compatible with the existing principal structure.
2. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Mark Cunningham at 410-887-3480.

Prepared by:

Mark Cunningham

Section Chief:

Lynne L. Mac

AFK/LL: MAC

ORDER RECEIVED FOR FILING

Date

By

1. [Signature]
Zoning

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 4, 2004

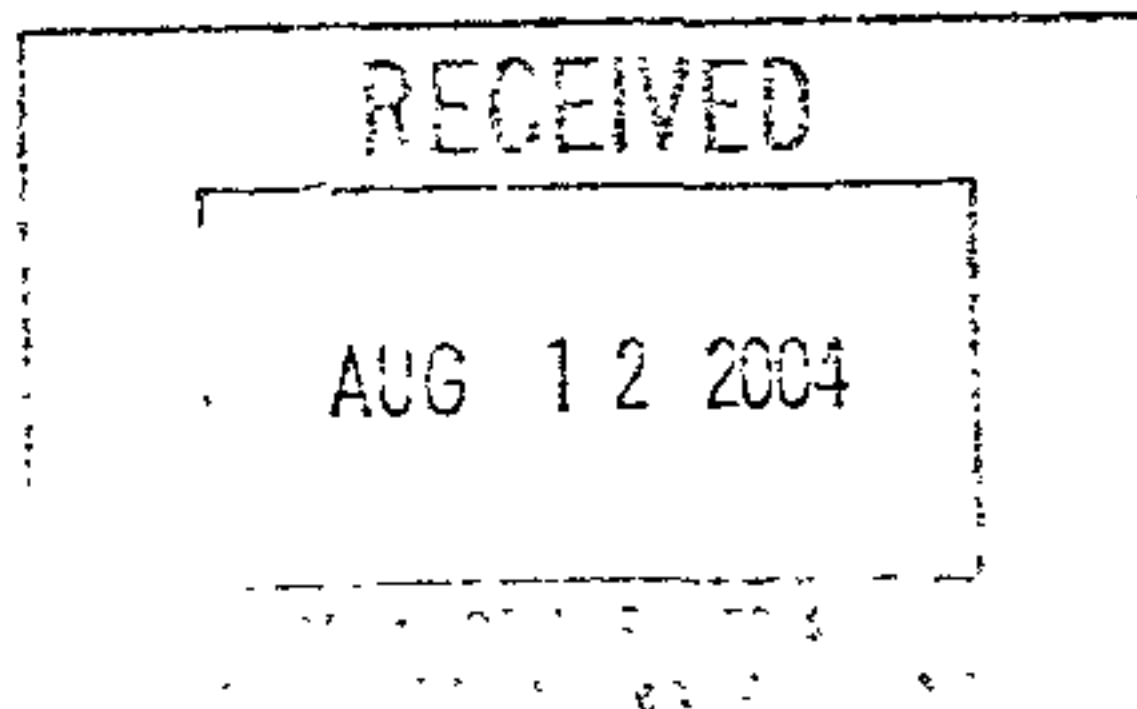
FROM: *[Signature]* Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For August 2, 2004
Item Nos. 017, 020, 022, 024, 025,
026, 027, 028, 029, 030, 033, 034,
and 035

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

DATE: July 14, 2004
TO: Zoning Commissioner and File
FROM: Donna Thompson, Planner II, Zoning Review
SUBJECT: Petition for Administrative Variance, Item 028,
Case No. 05-028-A
16306 Old York Rd

Attached to this memo is a statement from the adjacent property owner regarding the proposed variance.

DT

I, Talmadge Simons, who currently reside at 16312 Old York Road, have reviewed Mr. and Mrs. Gabell's application for Side Set Back & Height Variances and have no reservations and/or objections to the proposed structure.

Subscribed and sworn to before me this 13th day of July, 2004. Signature: [Signature]

My Commission Expires: 8/25/07 Notary Public: Lynn M. Dimauro

LYNN M. DIMAURO
Notary Public
State of Maryland
Harford County
My Commission exp. August 25, 2007

PARTIAL
ZONING MAP
NE 26 C

PARTIAL
ZONING MAP
NE 25 C

E 13,500 E 13,500

R. C. 2

1000 FT.

1000 FT.

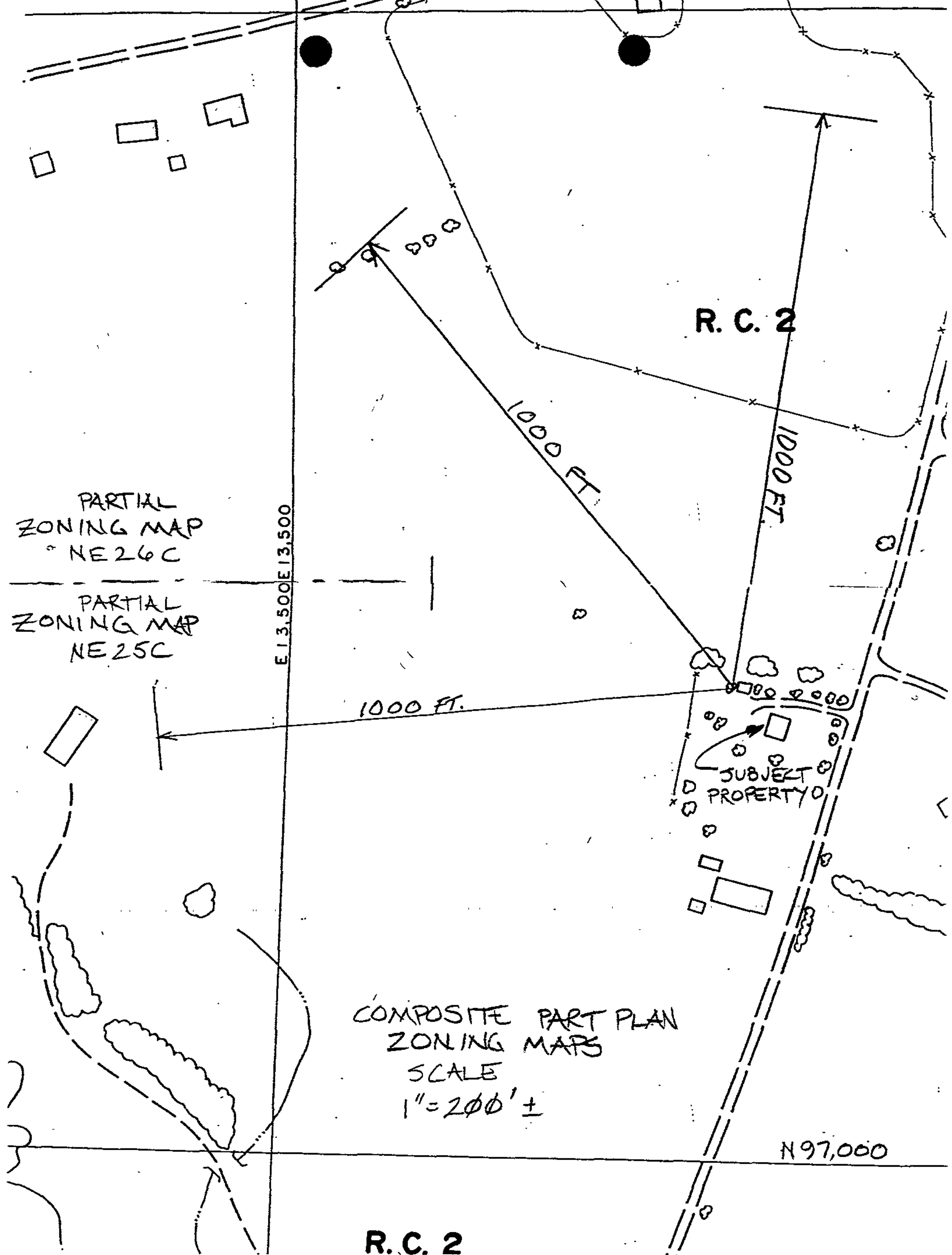
1000 FT.

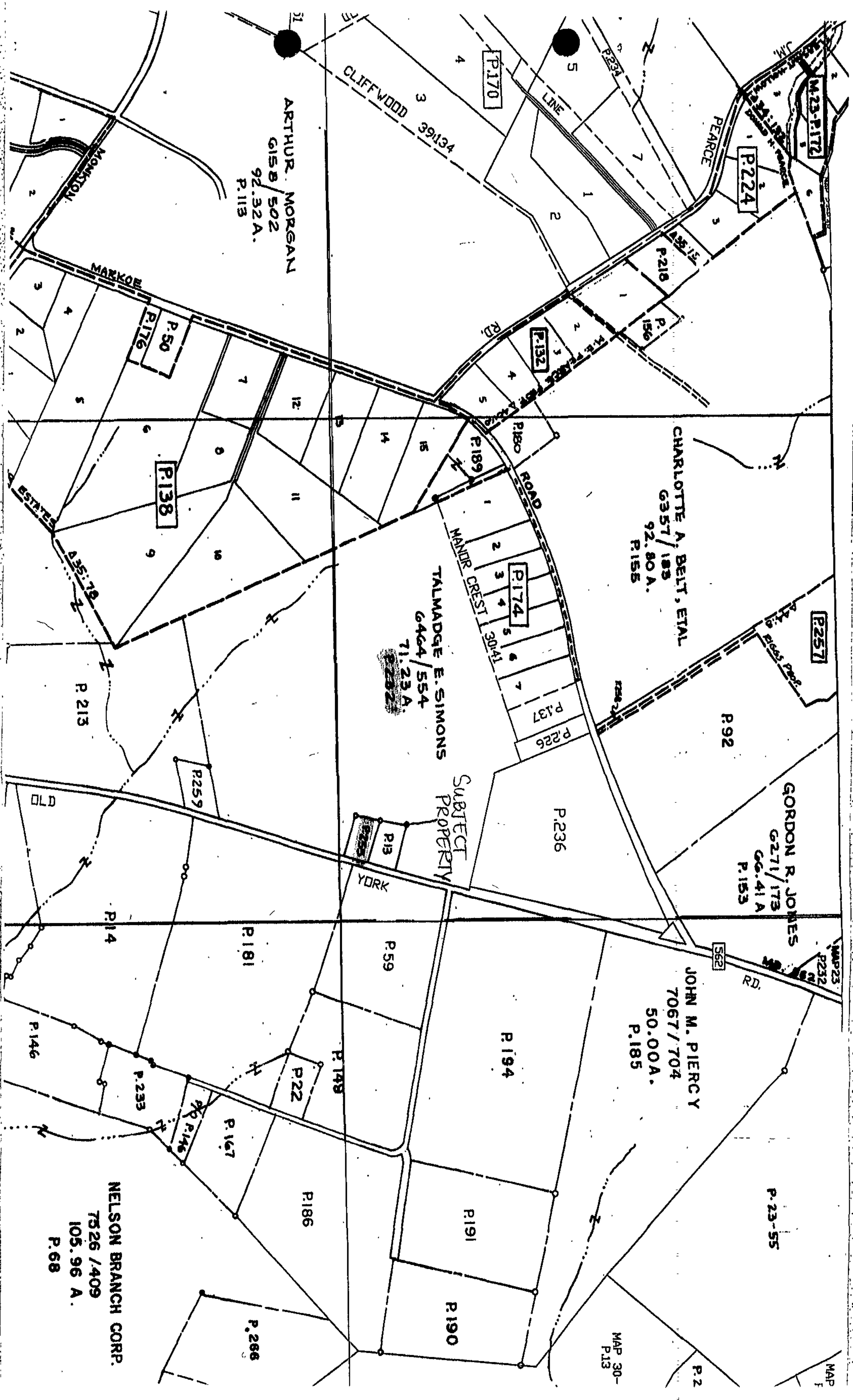
SUBJECT
PROPERTY

COMPOSITE PART PLAN
ZONING MAPS
SCALE
1" = 200' ±

N 97,000

R. C. 2





M-23-P.172

P.224

PEARCE

P.218

CHARLOTTE A. BELT, ETAL
6357/185
92.80 A.
P.155

P.257

P.92

GORDON R. JONES
6271/173
66.41 A
P.153

JOHN M. PIERCY
7067/704
50.00 A.
P.185

P.23-55

P.2

MAP 30-
P.13

P.170

LINE

CLIFFWOOD 39.134

ARTHUR MORGAN
6158/502
92.32 A.
P.113

MARKOE

P.50

P.138

ESTER

P.213

OLD

P.14

P.146

P.233

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P.167

P.22

P.186

P.266

SUBJECT
PROPERTY

P.13

YORK

P.59

P.149

P.194

P.191

P.190

NELSON BRANCH CORP.
7526/409
105.96 A.
P.68

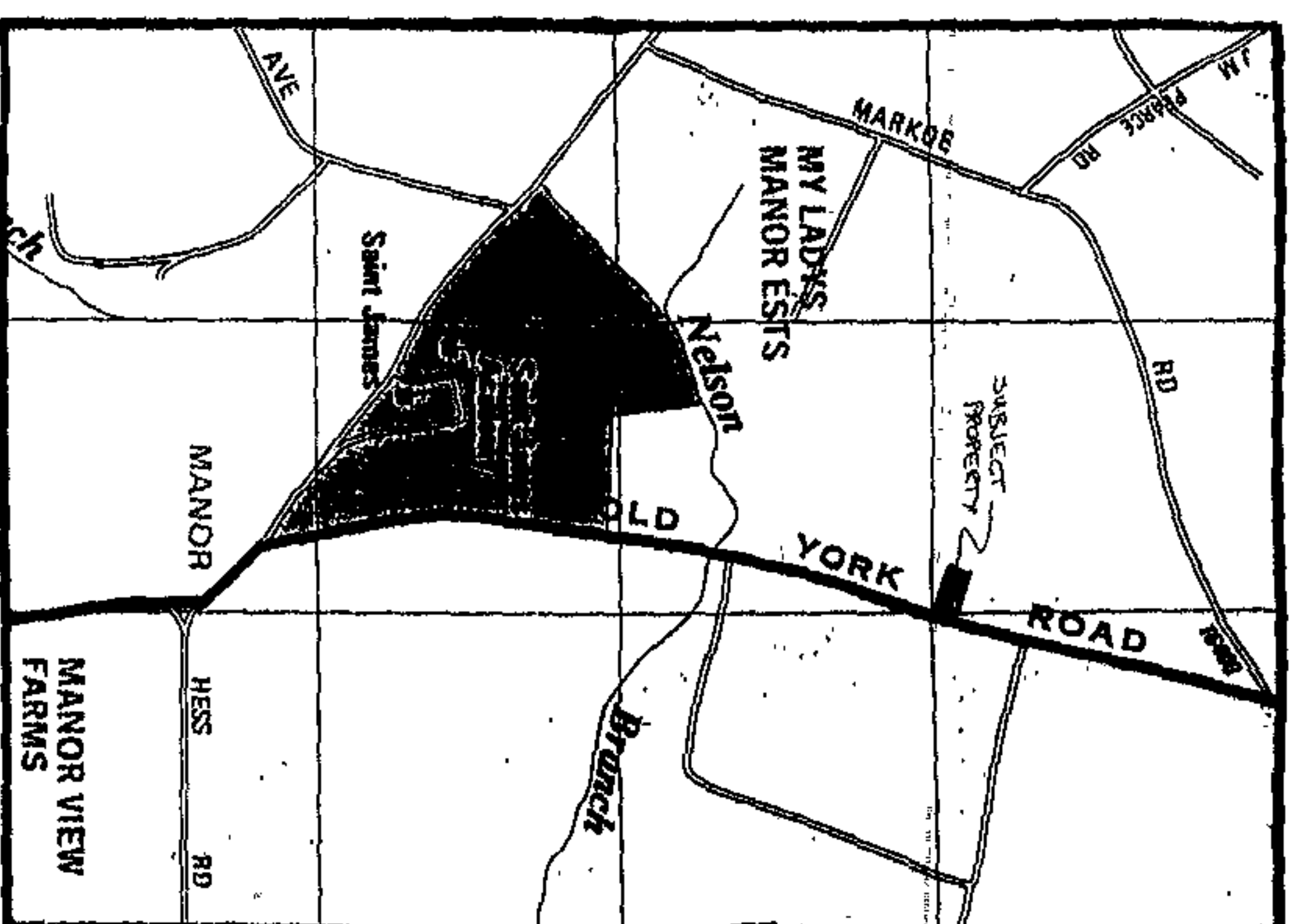
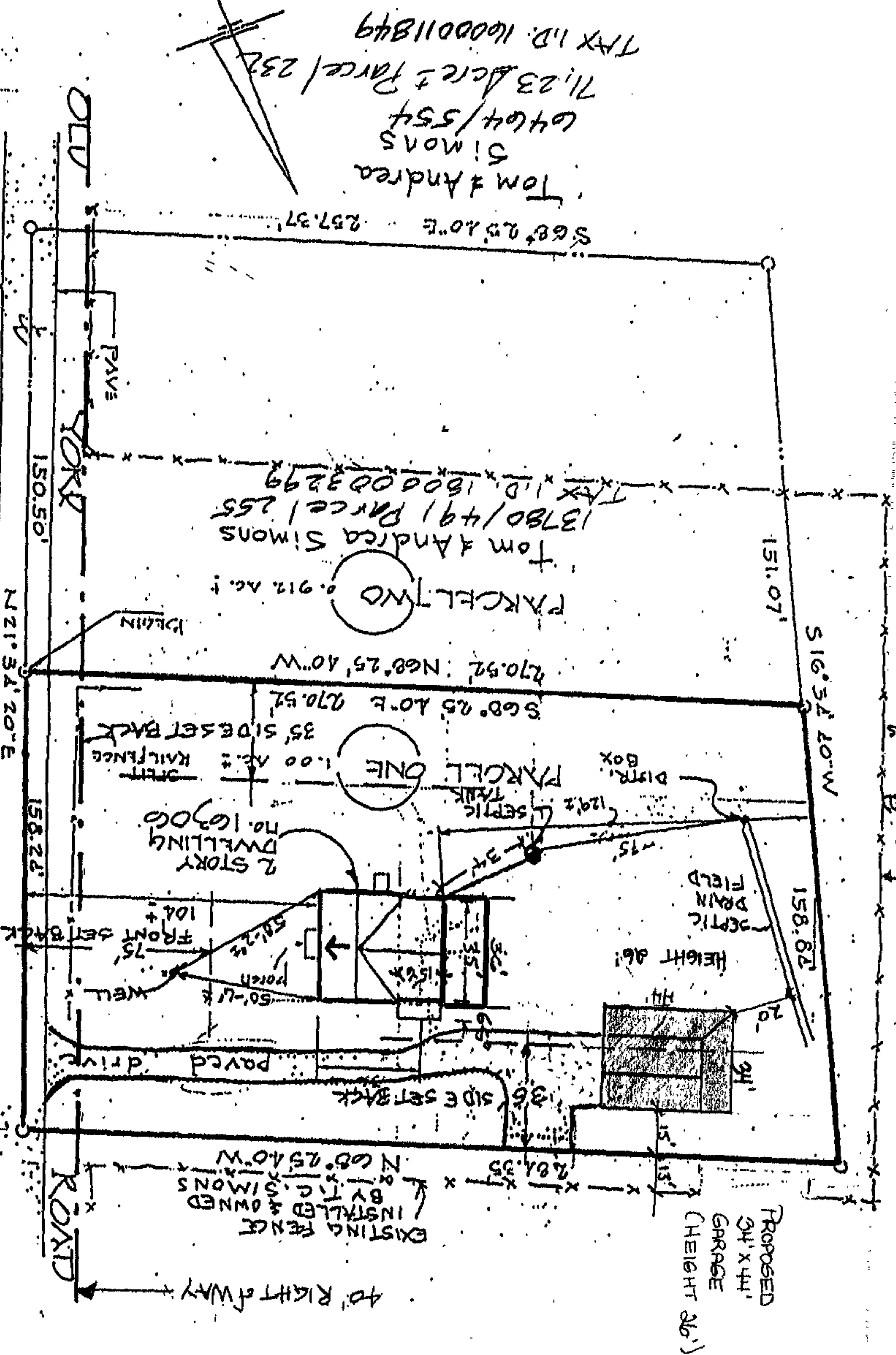
PROPERTY ADDRESS 16306 Old York Rd.

SUBDIVISION NAME

PLAT BOOK # FOLIO # LOT # SECTION #

OWNER GEORGE + LINDA GAGEL

EXISTING
FENCE
IN STALL
OWNED
BY
T.C. SIMONS

**LOCATION INFORMATION**

ELECTION DISTRICT	10
COUNCILMANIC DISTRICT	3
1"=200' SCALE MAP # NE 26 C	
ZONING	R. C. 2
LOT SIZE	<u>1.9 ACRES</u>
SEWER:	PRIVATE SEPTIC
WATER:	PRIVATE WELL
CHESAPEAKE BAY CRITICAL AREA	YES ☐ NO ☒
100 YEAR FLOOD PLAIN	☐
HISTORIC PROPERTY/ BUILDING	☐ ☒
PRIOR ZONING HEARING	NONE

2005

50

D.T. 05-033-A





