IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
NW/S of Trenton Road, 125 ft. NE
Centerline of Trenton Church Road
5th Election District
3rd Councilmanic District

3rd Councilmanic District
(16604 Trenton Road)

BEFORE THE

DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 05-191-SPHA

Matthews/Shelley Properties, LLC By: Randolph H. Shelley, Member *Petitioners*

*

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Matthews/Shelley Properties, LLC, by Randolph H. Shelley, member. The special hearing and variance requests are for property located at 16604 Trenton Road in the Monkton area of Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for the approval of an accessory structure (existing barn), which is not subordinate or customarily incidental to the main building (existing dwelling) or in the alternative that the requested variance for the same is not appropriate or applicable. In addition, a variance is requested from Section 400.3 of the B.C.Z.R., to permit an accessory building (existing barn) with a height of 24 ft. in lieu of the maximum permitted 15 ft. and from Section 101 (Definitions), to permit an accessory building (existing barn) which is not subordinate or customarily incidental to the main building. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The property was posted with Notice of Hearing on November 1, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a

SELECTION FOR FRANCE OF THE SELECTION OF

Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 4, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Department of Environmental Protection & Resource Management (DEPRM) dated November 26, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request was Geoffrey C. Schultz of McKee and Associates, Inc., the firm that prepared the site plan of the property. Jack Dillon appeared in opposition to the requested relief. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property consists of 4.5 acres of land, more or less, zoned RC 2. An existing dwelling and barn improve the site, which are on the Maryland Historic Trust Inventory. The owner would like to subdivide the property into two lots as shown on Petitioner's Exhibit 1. Lot 1 would then contain the historic barn and home on 1.68 acres of land while lot 2 would allow for a new home to be built on 2.89 acres of land which would have access to Trenton Road via a new driveway. Physically the location of the new home on Lot 2 is substantially above the barn and house on Lot 1. In order to subdivide the property, both lots have to meet all RC 2 regulations or have appropriate zoning relief.

The Petitioner presented photographs of the barn that is the subject of the special hearing and variance requests. The existing barn is approximately 24 ft. in height, which violates the 15 ft. height restriction of the regulations. In addition, it is larger than the existing house and therefore not subordinate to the principal dwelling. Mr. Schultz opined that there was nothing the owner could do to make the barn shorter and smaller that would not destroy its historic character. He also noted that that both Lots 1 and 2 meet the RC 2 lot minimum so that there is no danger the density would be increased beyond that allowed by the regulations.

Mr. Dillon, who represented the protestants, noted that the variance was brought on by the act of subdividing the property and therefore was self-imposed. He noted that but for the proposed subdivision, the barn would simply be a nonconforming historic structure. He also

pointed out that the existing lot was over 4.5 acres and has agricultural uses. He opposed the variance and request for special hearing but noted that structures on the MHTI must be preserved by code. Mr. Dillon noted that several residents submitted letters opposing the subdivision.

Mr. Schultz noted that the Office of Planning does not oppose the Petitioners' requests. The Office of Planning indicated that it is satisfied to add notes to the Plat to Accompany that require approval of any exterior modifications to the historic properties and approval of the elevation drawings of the new home by their office prior to the issuance of a building permit.

Findings of Fact and Conclusions of Law

There is obviously nothing anyone could or should do to reduce the height or size of the barn. This structure and the home are apparently on the MHTI and pursuant to Section 32-4-416 a (2) of the BCC must be preserved. On its face, the request to approve the special hearing or in the alternative the variances should not be controversial. The structures exist and the requests simply document the present status.

However, granting the special hearing or the variance allows the minor subdivision and the new home. This new home would be located on the hill high above the historic structures and the old town of Trenton. The prospect of having a modern home gleaming on the hill is not consistent with the requirement to preserve the historic structures below even if neither is on the County Landmark lists. Such would not be consistent with the requirement that the request not be detrimental to the community and not change the character of the neighborhood.

I note that the Office of Planning has requested and the Petitioner has agreed to submit elevations for the new home to their office for approval prior to building permit. Presumably, this would provide some control on the style and size of the home. However, some significant landscaping may also be required between the new home and the edge of the cliff on which it would be built to be sure the new home is not visible from below.

There is some hint by the protestants that agricultural uses of this 4.5 acre lot are possible in its present, not subdivided, form. However, the fact that the existing structures occupy the lower area of the lot, and the steep slope of the hill behind the barn tell me that only a few acres would be available in the best case to farm. Surely that size farm (or farmette) would not need a barn the size shown by the Petitioners' photographs. This would amount to little more than a large garden. Consequently, I do not find that the proposed subdivision, which is the driving force behind the requested relief, would violate the spirit or intent of the RC 2 regulations which have as their primary mission to preserve agricultural uses.

Considering the evidence presented, I will grant the special hearing and deny the variance because I find the request to approve the existing barn which is not subordinate to the principal building most reasonable under the circumstances. I find that it will not in any way be a detriment to the health, safety, or welfare of the community if sufficient safeguards are implemented. Having granted the requested relief via special hearing, the variance request is moot and will be denied.

Those safeguards include review and approval of the design of the new home but also include submitting a landscape plan to the County Landscape Architect for approval to insure that the new home will be effectively screened from the historic structures below and the old town of Trenton.

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' special hearing request should be granted.

THEREFORE, IT IS ORDERED, this ____ day of November, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for special hearing, filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), for the approval of an accessory

structure (existing barn), which is not subordinate or customarily incidental to the main building (existing dwelling), be and it is hereby GRANTED, subject, however, to the following conditions:

- 1. The Petitioner shall submit its plans for the new home to the Office of Planning for review and approval so that the style and size of the new home is compatible with the neighborhood.
- 2. The Petitioner shall submit a landscape plan to the County Landscape Architect for approval to insure that the new home will be effectively screened from adjacent residences.
- 3. The barn shall be limited to uses accessory to the use of the property. It shall not be used to support a business or for commercial purposes. Moreover, the Petitioner shall not allow or cause the barn to be converted to a second dwelling unit and/or apartment. There shall be no living quarters contained therein, and no kitchen or bathroom facilities;
- 4. Compliance with the ZAC comments made by DEPRM dated November 26, 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.

IT IS FURTHER ORDERED, that the Petitioners' request for variance from Section 400.3 of the B.C.Z.R., to permit an accessory building (existing barn) with a height of 24 ft. in lieu of the maximum permitted 15 ft. and from Section 101 (Definitions), to permit an accessory building (existing barn) which is not subordinate or customarily incidental to the main building, be and is hereby DENIED as moot.

Any appeal of this decision must be made within thirty (30) days of the date of this

Order.

John V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

Zoning Commissioner



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





James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

November 29, 2004

Geoffrey C. Schultz, P. E. McKee and Associates, Inc. 5 Shawan Road, Suite 1 Hunt Valley, Maryland 21030

Re: Petitions for Special Hearing & Variance Case No. 05-191-SPHA Property: 16604 Trenton Road

Dear Mr. Schultz:

Enclosed please find the decision rendered in the above-captioned case.

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,

John V. Murphy

Deputy Zoning Commissioner

John V- musphy

JVM:raj Enclosure

c: Mr. Jack Dillon 207 Courtland Avenue Towson, MD 2104



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



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

| for the property located at 16604 | Trenton | Road | |
|-----------------------------------|-------------|------|--|
| which is presen | tly 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An accessory building (existing barn), which is not subordinate or customarily incidential to the main building (existing dwelling) in the alternative that the requested variance for the same is not appropriate or applicable.

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:

<u>Legal Owner(s):</u> Matthews/Shelley Properties, LLC Randolph H. Shelley, Member Name - Type or Print Name - Type or Print Signature Signature Address Telephone No. Name - Type or Print City State Zip Code Signature (410) 329-8040 P.O. Box 356 Attorney For Petitioner: Address Telephone No. Monkton, MD 21111 Name - Type or Print City State Zip Code Representative to be Contacted: Signature Geoffrey C. Schultz McKee and Associates, Inc. Company Name 5 Shawan Road, Suite 1 Telephone No. Address Telephone No. Cockeysville, MD 21030 (410) 527-1555 State Zip Code State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING _____ 05-141-SPHA UNAVAILABLE FOR HEARING



REV 9/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>16604 Trenton Road</u>
which is presently zoned <u>RC-2</u>

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) 400.3 to permit an accessory building (existing barn) with a height of 24 feet in-lieu-of the maximum permitted 15 feet and Section 101 (Definitions) to permit an accessory building (existing barn), which is not subordinate or customarily incidental to the main building.

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

Existing buildings are historic and cannot be razed.

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.

Legal Owner(s): Contract Purchaser/Lessee: Matthews/Shelley Properties, LLC Randolph H. Shelley, Member Name - Type or Print Name - Type or Print Signature Signature Telephone No. Name - Type or Print Address Zip Code Signature State City (410) 329-8040 P.O. Box 356 Attorney For Petitioner: Telephone No. Address 21111 Monkton, MD Zip Code State City Name - Type or Print Representative to be Contacted: Signature Geoffrey C. Schultz McKee and Associates, Inc. Name Company 527-1555 Shawan Road, Suite 1 (410)Telephone No. Address Telephone No. Address Cockeysville, MD 21030 Zip Code State City Zip Code State City OFFICE USE ONLY 05-191-2 SPHA ESTIMATED LENGTH OF HEARING Reviewed By 🔼

Engineering • Surveying • Environmental Planning
Real Estate Development

October 13, 2004

ZONING DESCRIPTION
16604 TRENTON ROAD
5TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



BEGINNING for the same at a point in the center of Trenton Road, said point being 125 feet northeast of the center of Trenton Church Road; thence running, 1) North 29 degrees 30 minutes 20 seconds West, 270.00 feet, 2) North 58 degrees 42 minutes 04 seconds East, 273.00 feet, 3) South 32 degrees 04 minutes 07 seconds East, 252.41 feet, 4) South 53 degrees 45 minutes 00 seconds West, 136.00 feet, and 5) South 56 degrees 30 minutes 00 seconds West, 149.46 feet to the place of beginning.

CONTAINING 1.683 acres of land.

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BEING known and designation as 16604 Trenton Road.

ALSO BEING known as Lot 1, as shown on a Minor Subdivision Plan of the "Eyler Property", Minor Subdivision No. 04-001.

05-191-A

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NOTICE OF ZONING HEARING

The Zoning Cdimissioner 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:

Cass: #05-191-SPHA
16604 Trenton Road
N/west side of Trenton Road, 125 feet n/east of Trenton Church Road
Sth Election District
Standolph Shelley, Member
Variance: to permit an accessory building (existing harn) with a height of 24 feet in-lieu of the maximum permitted 15 feet and Section 101 (Definitions) to permit an accessory building (existing barn) which is not subordinate or customarily incidental to the main building (existing barn), which is not subordinate or customarily incidental to the main building (existing barn), which is not subordinate or customarily incidental to the main building (existing dwelling) in the atternative that the requested variance or the same is not appropriate or applicable.

Hearing: Tuesday, November 16, 2004 at 10:00 a.m. In Room 407, County Courts Building, 461 Bostey

William Wiseman
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) 387-3391.

28592

OF PUBLICATION

11 | 4 | 1, 20 CY

THIS IS TO CERITFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., Ţ once in each

X The Jeffersonian

Arbutus Times

Catonsville Times

Towson Times

mes Owings Mills Ti

NE Booster/Reporter

ews North County N

J. Williams

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case Number:05 191 SPHA

Petitioner/Developer: Matthews/Shelley Properties, LLC

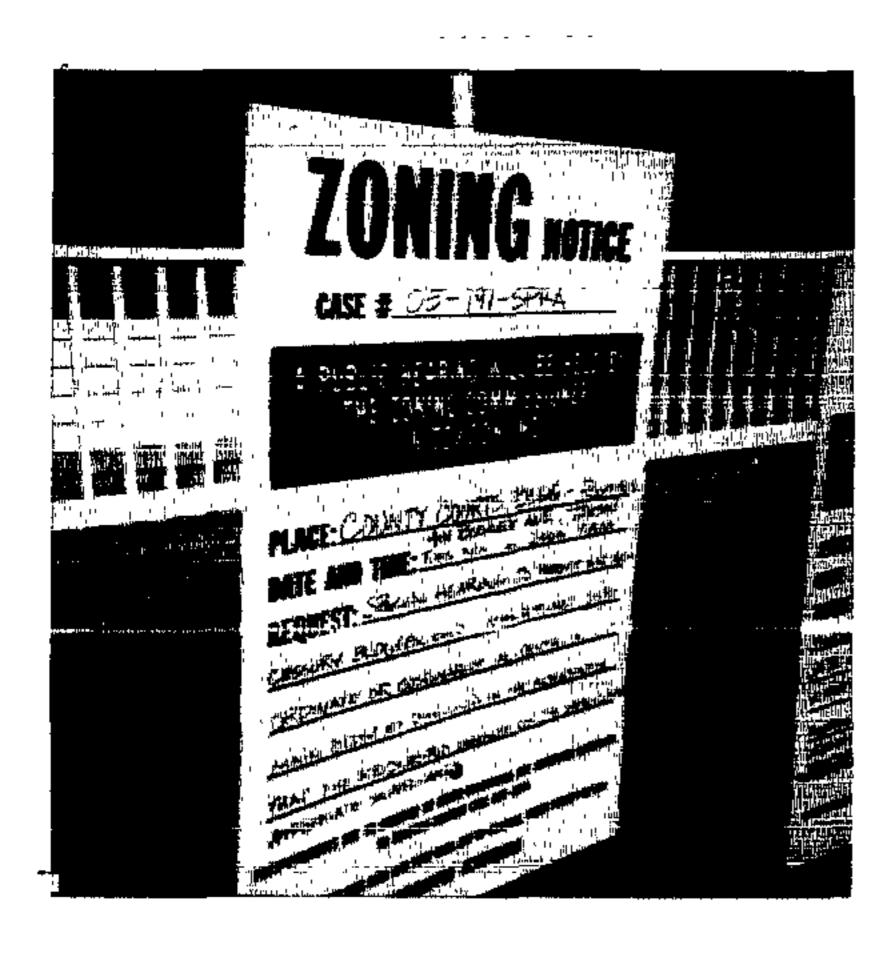
Date of Hearing/Closing: Tuesday, November 16, 2004, 10:00 A.M.

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at <u>Eyler Property</u>, 16604

Trenton Road, N/W side of Trenton Road, 125 feet N/E of Trenton Church Road

The sign(s) were posted on

November 1, 2004 (Month, Day, Year)



(Signature of Sign Poster)

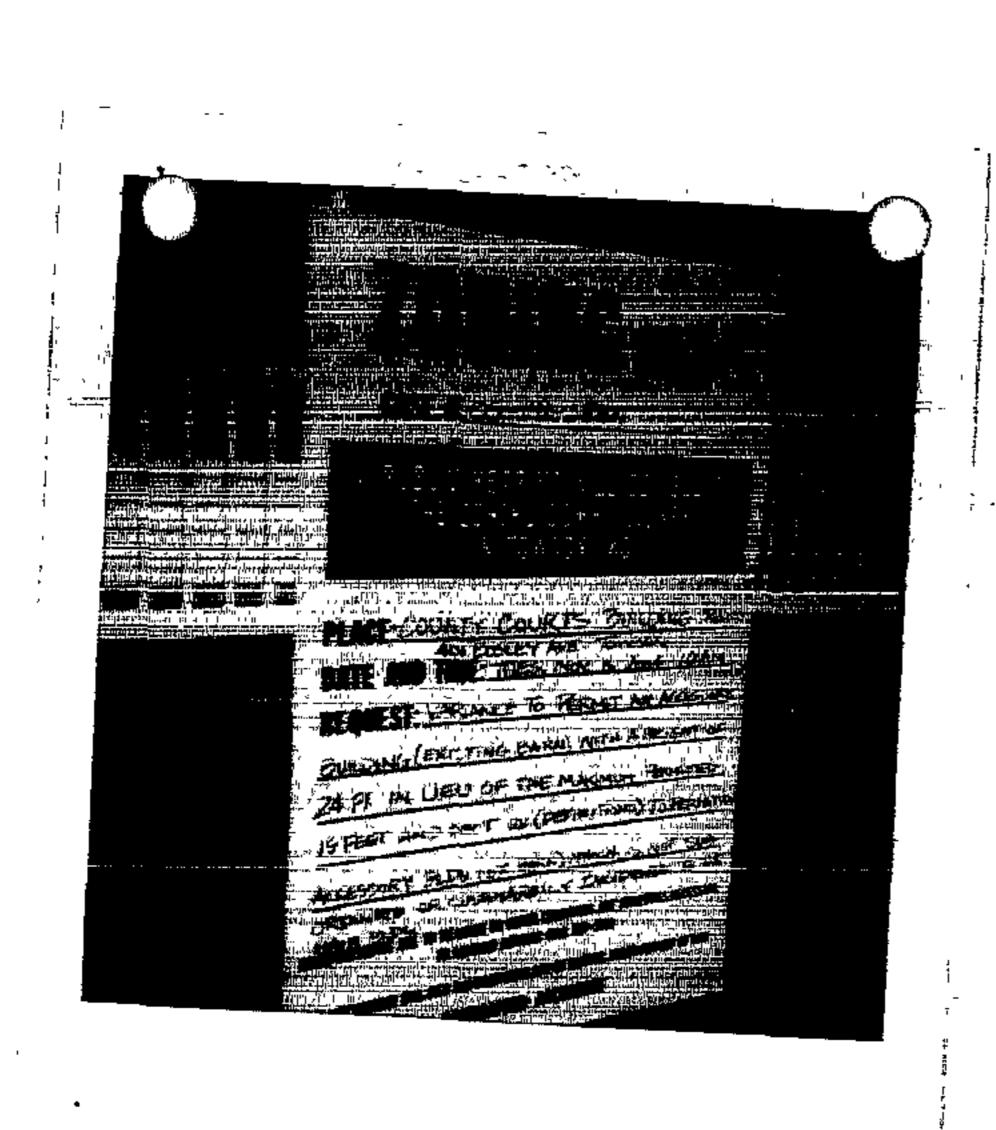
J. Lawrence Pilson (Printed Name of Sign Poster)

5 Shawan Road, Suite 1 (Street Address of Sign Poster)

Cockeysville, MD 21030 (City, State, Zip Code of Sign Poster)

(Telephone Number of Sign Poster)

Revised 3/1/01 - SCJ



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TO: PATUXENT PUBLISHING COMPANY

Thursday, November 4, 2004 Issue - Jeffersonian

Please forward billing to:

Randy Shelley P.O. Box 356 Monkton, MD 21111

410-329-8040

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: 05-191-SPHA

16604 Trenton Road

N/west side of Trenton Road, 125 feet n/east of Trenton Church Road 5th Election District – 3rd Councilmanic District

Legal Owners: Matthews/Shelley Properties, LLC, Randolph Shelley, Member

<u>Variance</u> to permit an accessory building (existing barn) with a height of 24 feet in-lieu of the maximum permitted 15 feet and Section 101 (Definitions) to permit an accessory building (existing barn) which is not subordinate or customarily incidental to the main building. <u>Special Hearing</u> to permit an accessory building (existing barn), which is not subordinate or customarily incidental to the main building (existing dwelling) in the alternative that the requested variance or the same is not appropriate or applicable.

Hearing: Tuesday, November 16, 2004 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN

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

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





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

October 26, 2004

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: 05-191-SPHA

16604 Trenton Road

N/west side of Trenton Road, 125 feet n/east of Trenton Church Road

5th Election District – 3rd Councilmanic District

Legal Owners: Matthews/Shelley Properties, LLC, Randolph Shelley, Member

Variance to permit an accessory building (existing barn) with a height of 24 feet in-lieu of the maximum permitted 15 feet and Section 101 (Definitions) to permit an accessory building (existing barn) which is not subordinate or customarily incidental to the main building. Special Hearing to permit an accessory building (existing barn), which is not subordinate or customarily incidental to the main building (existing dwelling) in the alternative that the requested variance or the same is not appropriate or applicable.

Hearing: Tuesday, November 16, 2004 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

Post-it® Fax Note 7671

To Geoffs ey Schultz

From diskn Watthews

Co /Dept

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Phone # 413 - 527-1563

Phone #

Fax #

Fax #

C: Randolph H. Shelley, P.O. Box 356, Monkton 21111 Geoffrey Schultz, 5 Shawan Rd., Ste. 1, Cockeysville 21030

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



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.

| | er or Case Number: 05-191-A |
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| item inumb | CI OI Odde Hamber. |
| Petitioner: | MAATHEWS / SHELLEY PROPERTIES LLC |
| Address or | Location: 16604 Trenton Rood |
| | ORWARD ADVERTISING BILL TO: |
| Name: | Rondy Shelley |
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| Name: Address: _ | Rondy Shelley |
| | Rondy Shelley Po Box 356 |
| | Rondy Shelley PO BOX 3560 MONKTON MO. 21111 |

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

November 10, 2004

Randolph H. Shelley Matthews/Shelley Properties, LLC P.O. Box 356 Monkton, Maryland 21111

Dear Mr. Shelley:

RE: Case Number: 05-191-SPHA, 16604 Trenton Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 21, 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,

Callinal Ca

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

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



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

Fire Department

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



Baltimore County

James T Smith, Jr, County Executive John J Hohman, Chief

October 27, 2004

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

ATTENTION: Zoning Review planners

Distribution Meeting of: October 25, 2004

Item No.:

172, 174, 177, 183-195

Pursuant to your request, the referenced plan(s) have been reviewed 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



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 4, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 1, 2004

Item Nos. 172, 174, 183, 184, 186, 187, 188, 189, 190, 191, 192, and

193

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 DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

| TO: | Tim Kotroco PDM | | | | | | | | | | | |
|-------------|---|--|--|--|--|--|--|--|--|--|--|--|
| FROM: | John D. Oltman, Jr DEPRM | | | | | | | | | | | |
| DATE: | November 26, 2004 | | | | | | | | | | | |
| SUBJECT: | Zoning Item # 05-191 Address 16604 Trenton Road | | | | | | | | | | | |
| Zoning | Advisory Committee Meeting of October 25, 2004. | | | | | | | | | | | |
| | epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item. | | | | | | | | | | | |
| | epartment of Environmental Protection and Resource Management offers lowing comments on the above-referenced zoning item: | | | | | | | | | | | |
| | Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Section 14-331 through 14-350 of the Baltimore County Code). | | | | | | | | | | | |
| | Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code). | | | | | | | | | | | |
| | Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code). | | | | | | | | | | | |
| Additi | onal Comments: | | | | | | | | | | | |

The septic reserve area must be kept at a minimum of 20 feet from the existing barn.

Reviewer: Sue Farinetti, Wallace Lippincott Date: November 29, 2004

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

72/16

DATE: November 12, 2004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-191 and 5-193

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:

Division Chief:

MAC/LL







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

Robert L Flanagan, Secretary Neil J. Pedersen, Administrator

JMP

Maryland Department of Transportation

Date: 11.9.04

Baltimore County

Item No. 191

RE:

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

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, Chief

f. f. Hoell

Engineering Access Permits Division

RE: PETITION FOR SPECIAL HEARING

AND VARIANCE

*

16604 Trenton Road; NW/side Trenton Road,*

125' NE Trenton Church Road

5th Election & 3rd Councilmanic Districts

Legal Owner(s): Matthres/Shelley Properties,

LLC by Randolph H. Shelley, Member

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

05-191-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

People's Counsel for Baltimore County

RECEIVED

Per....

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 29th day of October, 2004, a copy of the foregoing Entry of Appearance was mailed to Geoffrey C. Schultz, McKee & Associates, Inc, 5 Shawan Road, Suite 1, Cockeysville, MD 21030, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

November 15, 2004

Zoning Commissioners
County Courts Bldg.
Room 407

Zoning Hearings to be heard on November 16, 2004 @ 10:00 AM

Opposing: 05-191-SPHA Petition for Special Hearing to permit another accessory building.

And

Opposing: 05-191-SPHA Petition for Variance to permit another accessory building with a height of 24 feet in-lieu-of the maximum permitted 15 feet.

*Existing buildings are historic and cannot be razed.

This property has already been sub divided in 2004.

Property was sub-divided after several neighbors were assured by telephone calls that this was not likely to happen.

The property left is chopped up so small now that I cannot imagine why another building should even exist on this overcrowded property in this small historical area.

Any more new, higher or modern buildings would ruin the scenic rural beauty of this historic little community and its' rolling countryside.

There are signs reading "scenic route" in our community, if this countryside is to be ruined for no apparent reason, you may as well take down these signs.

Jeanne Kahl

16551 Trenton Rd. Upperco, MD 21155

(410) 239-6263

ZONING NOTICE

05-191-SPHA

Tuesday, November 16th, 2004 County Courts Bldg. Room 407 @ 10 AM

Jeanne Kahl

Special hearing to permit an accessory bldg (ex barn) which is not sub-ordinate or customarily incidental to the main building (ex dwelling) in the alternative that the required variance or the same is not appropriate or applicable.

ZONING NOTICE

05-191-SPHA

Tuesday, November 16th, 2004 County Courts Bldg. Room 407 @ 10AM

Variance to permit an accessory building (existing barn) with a height of 24' ft. in lieu of the maximum permitted 15' feet and sect 101 (definitions) to permit an accessory bldg (ex barn) which is not sub-ordinate or customarily incidental to the main bldg.

Call (410) 887-3391

Randy Shelly - Build of Grand of Matthe 138 - I Still Const Matthe Ch. Jackson & Matthe Ch. Stranger of Commission Engineers of Commission Engineers.

Least Caurens:

PLEASE PRINT CLEARLY

CASE NAME 16604 Trents Road
CASE NUMBER 05-191 SPHA
DATE 11/16/2004

PETITIONER'S SIGN-IN SHEET

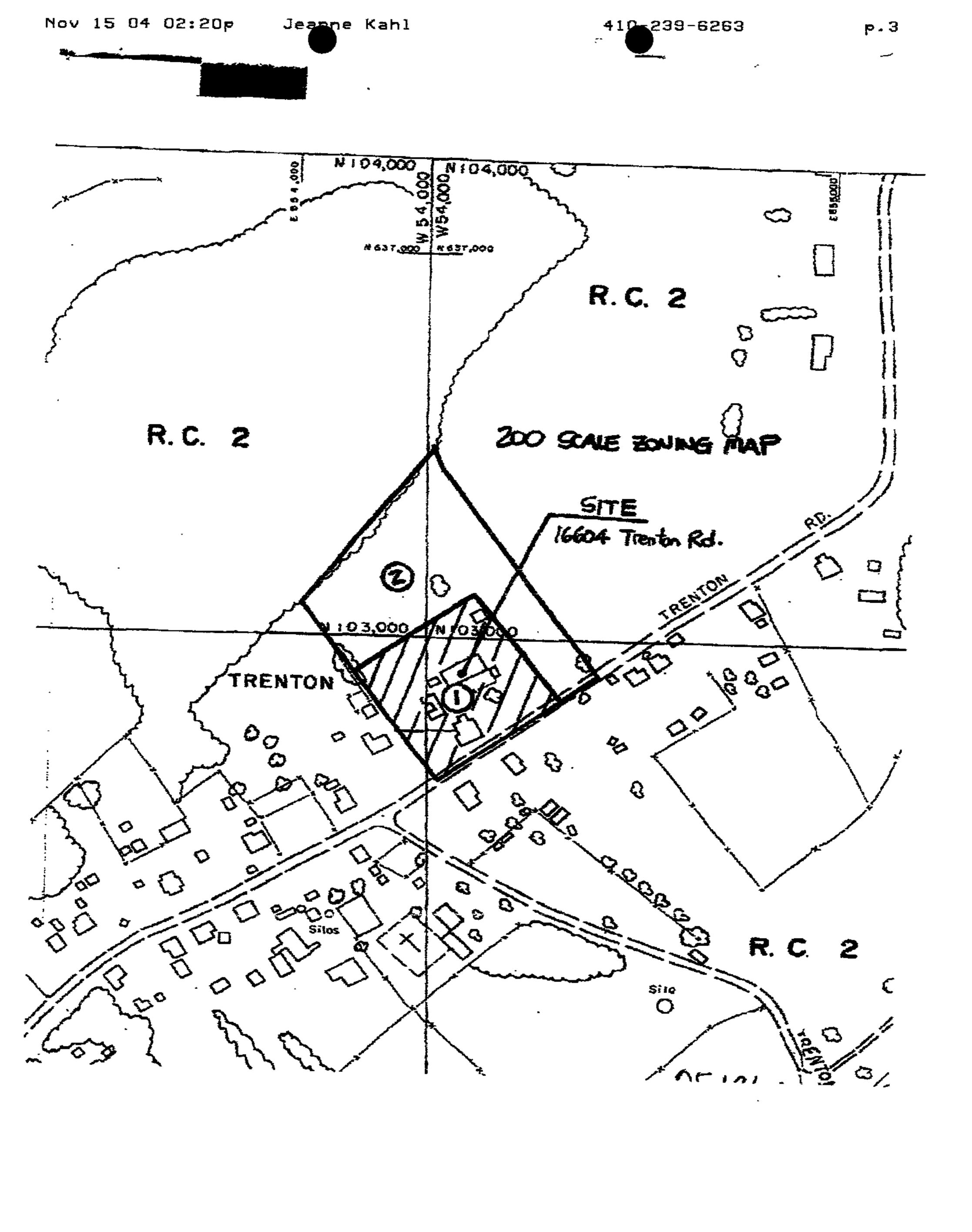
| E-MAIL | | | | | | | | | | |
|------------------|-----------------------|--|--|--|---|--|--|--|--|--|
| CITY, STATE, ZIP | HUST VALLEY MD. 21030 | | | | | | | | | |
| ADDRESS | 5 SHAWAN RD. | | | | - | | | | | |
| NAME | GEOFFRON CHANGE | | | | | | | | | |

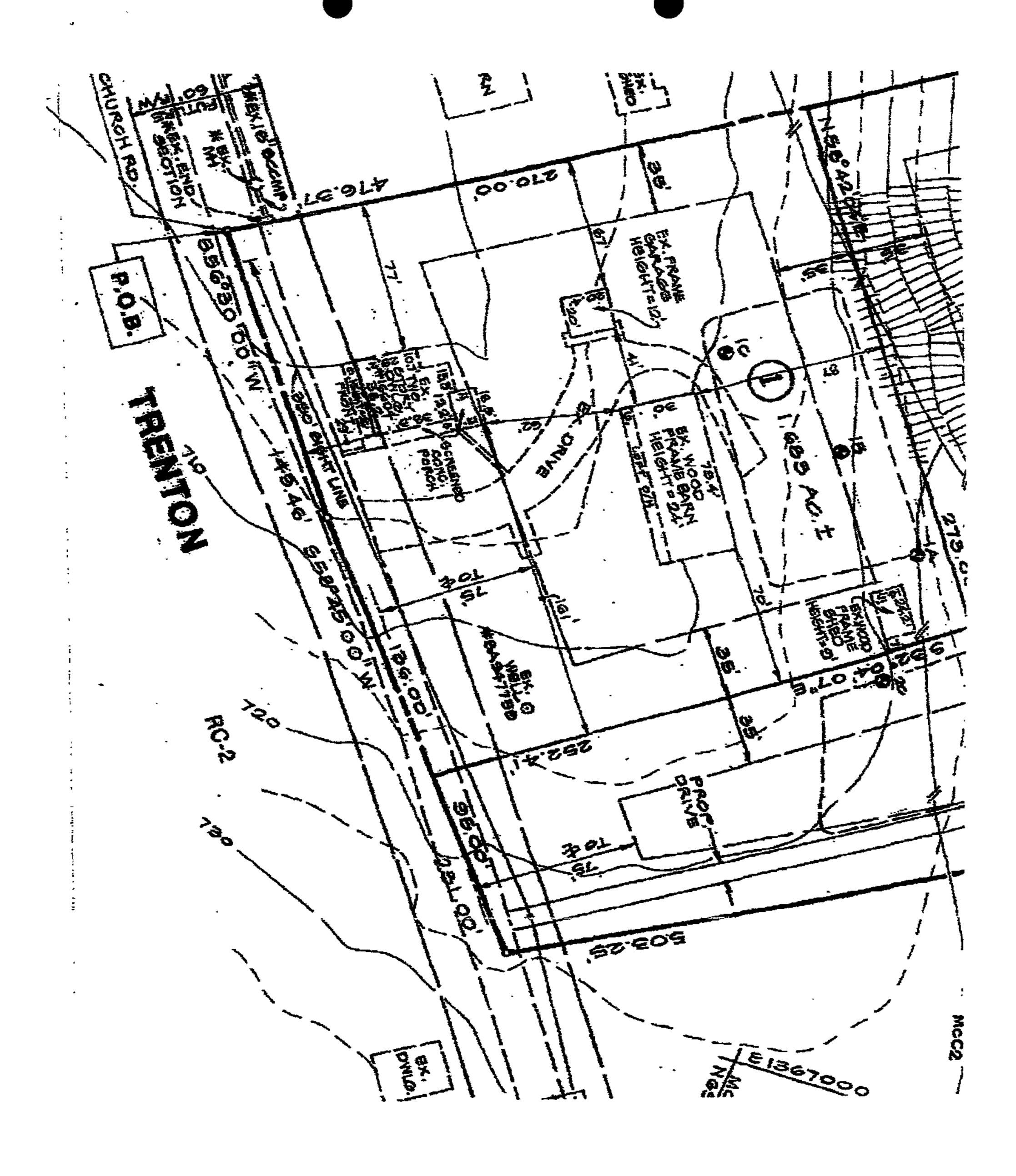
PLEASE PRINT CLEARLY

CASE NAME (6604 Inextor Pac CASE NUMBER 05-191-SPHE) DATE 11/10/04

CITIZEN'S SIGN-IN SHEET

| E-MAIL | atter dulla odmir com | | | | | | | | | | | |
|------------------|-----------------------|------|--|--|--|--|---|--|--|--|--|--|
| CITY, STATE, ZIP | Towsin | | | | | | | | | | | |
| | 202 Coulded No | | | | | | • | | | | | |
| NAME | That Dellan | | | | | | | | | | | |





Zoning Commissioners County Courts Bldg. Room 407

Zoning Hearings to be heard on November 16, 2004 @ 10:00 AM

Opposing: 05-191-SPHA Petition for Special Hearing to permit another accessory building.

And

Opposing: 05-191-SPHA Petition for Variance to permit another accessory building with a height of 24 feet in-lieu-of the maximum permitted 15 feet.

*Existing buildings are historic and cannot be razed.

The village of Tienton Come into existence in The 1800 century and most of the houses, 57.11 Standings were built during That period. It has remained a guite, beatiful cittle village ever since we have no commercial businesses and one Small Church bailt in 1851.

Feppese any structure That detracts from what I have called home For 84 yes if my Life.

Iny Life.

I don't know what The structure is for - if theap Apt's we don't weed the people That may result.

[410] 374-2105 (410) 374-2105 Jeanne Kahl

November 15, 2004

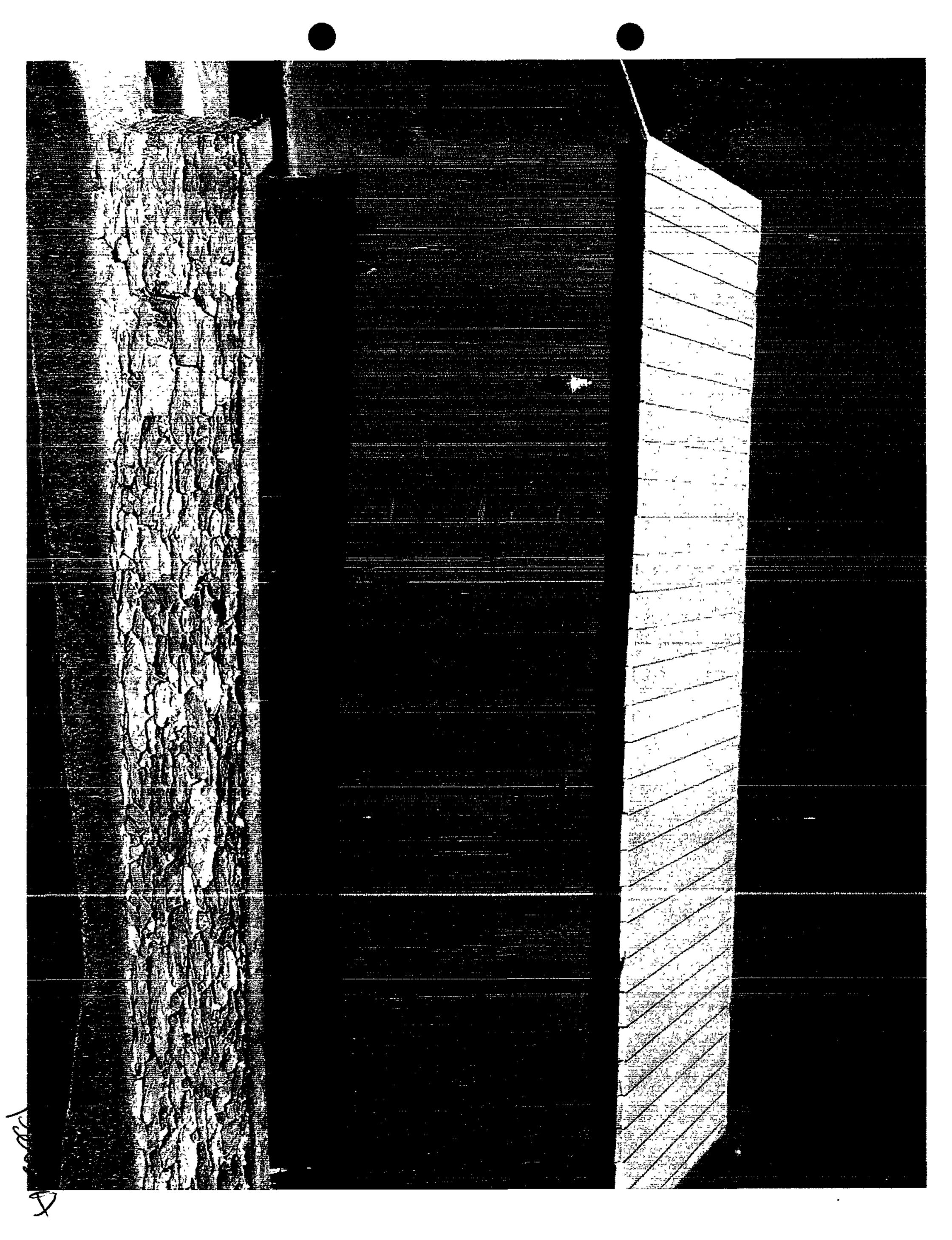
It has been brought to my attention by several neighbors about the zoning notices at 1660 & Trenton Rd.

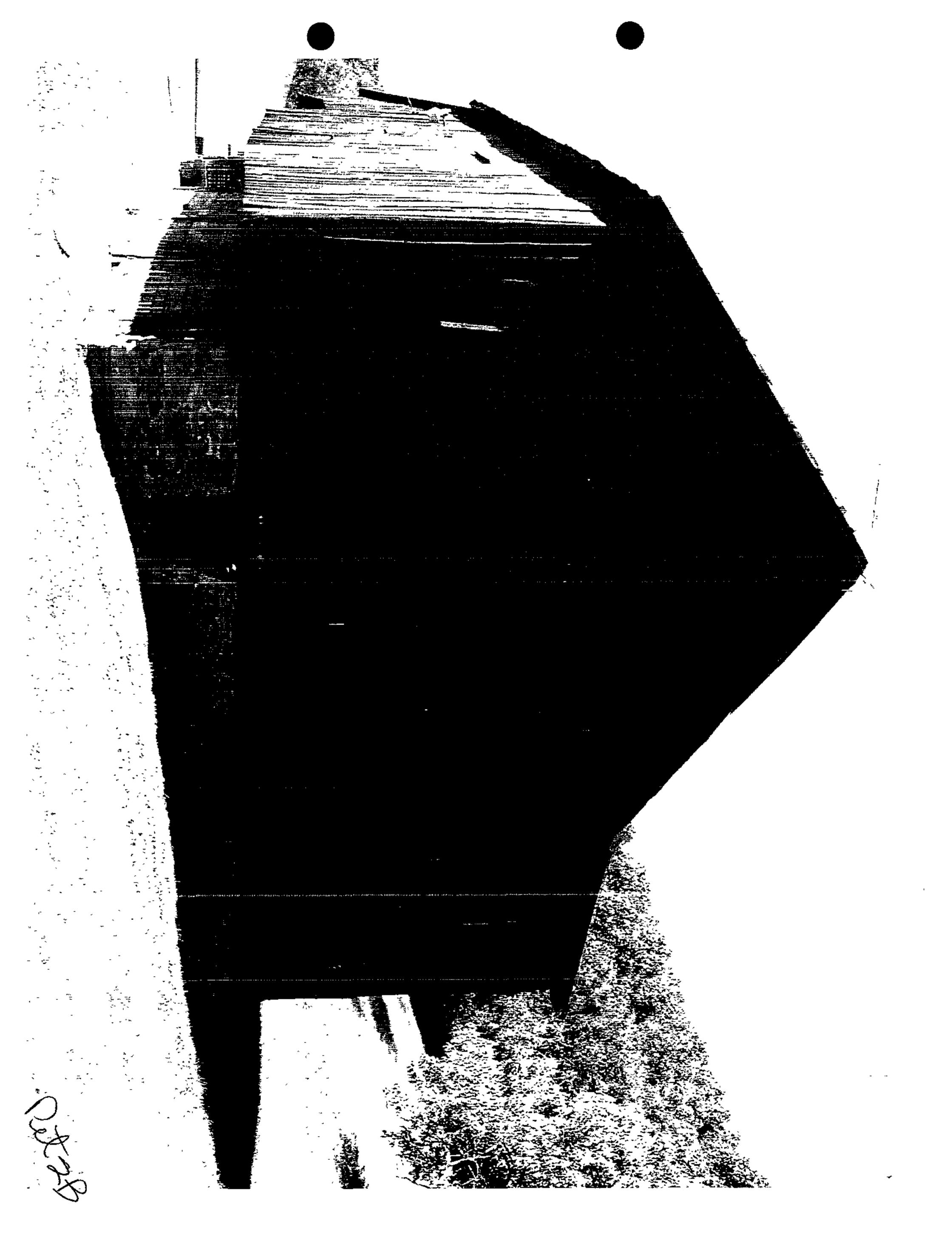
I am opposed to zoning notices.

05-191 St. 21 & Special
05-191 St. 21. a Variance

kearing. Please consider my request.

Thank your Norma Sheffer 16534 Frenton Rd Upperco, Md. 21155 410-374-2411







DATE: January 26, 2004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Joe Chmura

Department of Permits and Development Management

FROM:

Mark A. Cunningham

Development Review Section

Office of Planning

PROJECT NAME: Eyler Property

Amended Comments

PROJECT NO.:

04001 M

1. The site is listed on the Maryland Historic Trust Inventory as BA 469. Section 26-278 of the BCC requires that sites listed on the MHT Inventory "must be preserved." The Office of Planning requests that a note be placed on the plan to protect the historic buildings (the large red barn, the shed, and the main house.)

The note should read as follows:

As a condition of approval of this minor subdivision, for the purpose of compliance with County Code, 1988, Sec. 26-278, all future proposals to alter the exterior of the each of the two existing historic dwellings (both listed under Maryland Historical Trust Inventory #469) are subject to review and approval by the Director of the Office of Planning. requirement to obtain approval pertains to changes from the existing materials and/or design, including but not limited to window and door replacements, exterior wall covering materials, roof replacements, demolitions or partial demolitions, and additions. In reviewing proposals, the Director shall be guided by The Secretary of the Interior's Standards.

For further information concerning this issue, contact Kim Abe at 410-887-7985.

- 2. In order to maintain the scale and character of this rural town, the proposed house elevations for lot 2 will be subject to review by the Office of Planning. Submit elevations that respect the historic character of the area to the Office of Planning prior to the issuance of building permits.
- 3. The applicant should provide devolution of title for Parcel 96.

LL:kma

Retit

(c) Required signatures. The Development Plan shall be signed and sealed by a surveyor, engineer, architect, or landscape architect, as appropriate, indicating that the plan is accurate and has been prepared in compliance with this title and any regulations adopted under the authority in this title. (1988 Code, § 26-203) (Bill No. 18, 1990, §§ 2, 3; Bill No. 1, 1992, § 3; Bill No. 29-95, § 1, 5-21-1995; Bill No. 8-96, § 2, 3-23-1996; Bill No. 89-97, § 2, 10-19-1997; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 12, 7-1-2004)

§ 32-4-223. REQUIRED EXISTING SITE CONDITION INFORMATION.

The Development Plan shall identify the following information concerning existing site conditions:

- (1) Topography, and existing topography for adjacent properties as shown on the county photogrammetric plats or more recent information where available;
 - (2) Streams, springs, seeps, bodies of water, and forest buffers;
- (3) Soil types in accordance with the soil survey, Baltimore County, Maryland, including identification of prime and productive soils;
 - (4) Wooded areas;
 - (5) Buildings on the property;
 - (6) One-hundred-year floodplains or flood areas for both riverine and tidal areas;
 - (7) Nontidal wetlands and tidal wetlands;
- (8) Identification of any building, property, or site within or contiguous to the proposed development that is included in:
 - (i) The Maryland Historical Trust Inventory of Historic Properties;
 - (ii) The county preliminary or final landmarks list;
 - (iii) The National Register of Historic Places;
 - (iv) The Maryland Archeological Survey or identification of any county historic district; or
 - (v) A National Register District covering the proposed development;
- (9) Areas of critical state concern as designated under the procedures of § 5-611 of the State Finance and Procurement Article of the Annotated Code of Maryland;

- (2) The county may not allow encroachment in the floodway causing an increase in the existing base flood elevation.
- (3) In areas where the base flood elevation has not been established, the county shall determine the riverine floodplain and flood elevation by means of a flood study prepared in accordance with the requirements of the Department of Public Works Design Manual and sealed by a registered professional engineer before the issuance of a permit or the recording of a subdivision plat.

(e) Wetlands.

- (1) The county may not permit dredging, filling, or construction in any nontidal wetland or tidal wetland.
- (2) The county shall require adequate protection of nontidal wetlands or tidal wetlands from contamination. (1988 Code, § 26-276) (Bill No. 173-93, § 3, 11-17-1993; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 27, 7-1-2004)

§ 32-4-415. SLOPE PROTECTION AND SOILS.

- (a) Development Plan or plat approval; slope protection required. The county may not approve a Development Plan or plat unless the county finds that the proposed development:
- (1) Includes protective measures adequate to prevent erosion or sloughing of any steep slope or unstable slope; and
- (2) Promotes the preservation of the natural topographic features of the steep slope or unstable slope.
- (b) Same; soil limitation. The county may not approve a Development Plan or plat on soils that present a severe or moderate limitation to development unless the county finds that adequate measures have been taken to mitigate the effects of the limitation.
- (c) Same; prime and productive soils. On prime and productive soils within the RC-2 zone, the county may not approve a Development Plan or plat unless the county finds that construction, excavations, buildings, structures, pavements, grading, clearing, or other disturbances of the soils will be limited or restricted in accordance with policies established by the Department of Environmental Protection and Resource Management to promote agricultural uses and protect the county's soil resources. (1988 Code, § 26-277) (Bill No. 18, 1990, § 2; Bill No. 113, 1992, § 5; Bill No. 79-01, § 2, 7-1-2004)

§ 32-4-416. PRESERVATION OF NATURAL OR HISTORIC FEATURES.

(a) Preservation of features. Each Development Plan shall preserve:

- (1) Natural features, including watercourses, waterfalls, beaches, and significant vegetation; and
- (2) Historic structures or sites identified on any of the lists referred to in § 32-4-223(8) of this title.
- (b) Duty to protect habitats. The county shall require adequate protection of any known habitat of an endangered species. (1988 Code, § 26-278) (Bill No. 29-95, § 1, 5-21-1995; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 27, 7-1-2004)

§ 32-4-417. SCENIC VIEWSHEDS.

The Planning Board shall:

- (1) Provide to the Zoning Commissioner a catalogue of the elements for each scenic viewshed in the Master Plan;
- (2) Identify the scenic route or view, as designated in the Baltimore County Master Plan as either enclosed, expansive, focused or a combination; and
- (3) Identify the aspects of the visual quality, unity of the elements, and integrity of the elements. (1988 Code, § 26-284) (Bill No. 121-01, § 3, 1-29-2002; Bill No. 75-03, § 28, 7-1-2004)

SUBTITLE 5. RECLAMATION OF PROPERTY

§ 32-4-501. RECLAMATION PLAN.

- (a) In general. The owner of reclamation property may provide for the reclamation, use, and development of reclamation property by submitting a reclamation plan in accordance with this section.
- (b) Schematic plan required. The reclamation plan shall set forth a conceptual schematic representation of the proposed use of reclamation property by means of maps, graphs, charts, or other written or drawn documents so as to enable the reviewing body to make a reasonably informed decision regarding the development.
- (c) Where the reclamation plan is filed. The reclamation plan shall be filed with the Office of Planning for review by the Planning Board and the Office of Planning.
 - (d) Contents of reclamation plan. The reclamation plan shall contain the following information:
 - (1) Property and location information, including:

