

IN RE: **PETITION FOR VARIANCE**

NW/S Mt. Zion Road, 393' SW of the c/l
Morris Road
(20704 Mt. Zion Road)
6th Election District
3rd Council District

Fred D. Tate
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-502-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes again before this Zoning Commissioner for consideration of an **amended** Petition for Variance filed by the owner of the subject property, Fred D. Tate. As filed, variance relief is requested from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 12 feet (north) and 8 feet (south), and a rear yard setback of 32 feet, in lieu of the required 35 feet for all, for a proposed dwelling. However, at the hearing, and as explained below, the Petition was amended to reverse the side yard setbacks requested. That is, the Petitioners now request a side yard setback of 12 feet on the south side and an 8-foot setback on the north side. 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 Revised Exhibit 1.

By way of background, the Petitioner came before me at a public hearing on May 28, 2005 seeking similar relief to allow side yard setbacks of 12 feet on each side and a rear yard setback of 32 feet. The site plan submitted in that case showed that the subject property contains a gross area of 22,624 sq.ft. (0.51 acres), more or less, zoned R.C.2, and is approximately 100 feet wide and 268 feet deep. In addition, a 15-foot right-of-way exists along the southern boundary line. Immediately west of the subject property is the "Morris Meadows Recreation Farm," which has been owned and operated by Mr. Clyde Morris since 1963. Apparently, Mr. Tate has used this 15-foot right-of-way in conjunction with his use of the subject property since 1956.

ORDER RECEIVED FOR FILING

Date 11/12/05

By [Signature]

The Petitioner wants to convey the subject property to his daughter for the purpose of building a single family dwelling for herself and her husband as their retirement home. However, due to the narrow width and configuration of the lot, variance relief was necessary to accommodate the proposed dwelling. Building elevation drawings submitted at the original hearing showed the proposed dwelling as a 1½-story structure, 60 feet wide by 35 feet deep in dimension, with all living quarters and amenities on one level. In that the lot measured 100 feet wide at the building line, variance relief was requested to allow 12-foot side yard setbacks on each side, assuming the Petitioner owned the 15-foot wide right-of-way. While the title search had not been completed, the Petitioners were optimistic that a "quit claim deed" of the 15-foot right-of-way would ultimately be forthcoming and that the width of the lot at the building line would be sufficient to accommodate the proposed structure. Suffice it to say, this did not occur.

In any event, I granted the requested relief by Order dated June 15, 2005, subject to certain terms and conditions. Subsequent to the issuance of said Order, the title search was completed and the Petitioners learned that they were unable to claim ownership of the 15-foot right-of-way as anticipated. In this regard, Messrs. Robert Schleigh and Wallace Lippincott with the Department of Environmental Protection and Resource Management confirmed that the right-of-way area belonged to Clyde Morris and had been placed into an Agricultural Land Preservation Easement along with some other property owned by him. Thus, the right-of-way area was not eligible for use by the Petitioner. As a result of these developments, the Petitioners were forced to amend their request and submitted a revised site plan and Petition on September 9, 2005.

A hearing on the revised plan was held on November 9, 2005. At that hearing, Bernadette L. Moskunas, with Site Rite Surveying, Inc., the consultants who prepared the site plan for this property, appeared on behalf of Fred D. Tate, property owner, and his daughter Marsha Clayton. Appearing as Protestants/interested citizens were Robert Morris, who resides nearby and assists his father, Clyde Morris, in the operation of the adjacent Morris Meadows Recreation Farm, and Ronald L. Billet, the adjacent property owner who resides on the other side of the 15-foot

right-of-way. In addition, a letter was received from Frank L. Purdum, Jr., President of the Freeland Community Association, questioning the appropriateness of the variance relief.

At the hearing, the Petitioner submitted an amended plan, which showed Ms. Clayton now proposes a slightly larger dwelling, 64 feet by 42 feet in dimension, with side yard setbacks of 12 feet to the north and 8 feet to the south. In addition, given the sharp angle of the property, the rear, northwest corner of the proposed house will be located 32 feet from the rear property line. Testimony indicated that the Petitioner originally chose a pre-fabricated house off the Internet as opposed to a stick-built home to minimize construction costs. However, the actual plans call for a 64-foot wide home and the standard architectural package cannot be altered to meet the previously approved setbacks without employing a custom builder to reconfigure the home.

As noted above, Robert Morris and Ronald Billet appeared in opposition to the request. Mr. Morris testified that his farm equipment currently extends beyond the 15-foot width of the right-of-way and he is concerned that placement of the new home 8 feet from that property line would further exacerbate the problem. Moreover, Mr. Billet has fenced his property to the edge of this 15-foot right-of-way. After discussing these concerns, the Petitioner agreed to further amend the Petition to reverse the setbacks requested so as to allow the 12-foot setback on the south side and the 8-foot setback to the north. In this regard, the house on the neighboring property is located approximately 100 feet from the common property line, and thus, will not be impacted by the proposal.

Based upon the testimony and evidence offered, I am persuaded to grant the amended variance. In my judgment, the Petitioner has complied with the requirements of Section 307 of the B.C.Z.R. for relief to be granted and strict compliance with the regulations would result in a practical difficulty and unreasonable hardship. There were no adverse Zoning Advisory Committee comments submitted by any County reviewing agency and the neighbors support the revised proposal. I find that the proposed development is consistent with the character of development in the neighborhood and will not adversely impact the surrounding locale. Thus, I am persuaded that the relief requested is appropriate in this instance and should be granted.

ORDER RECEIVED FOR FILING

Date

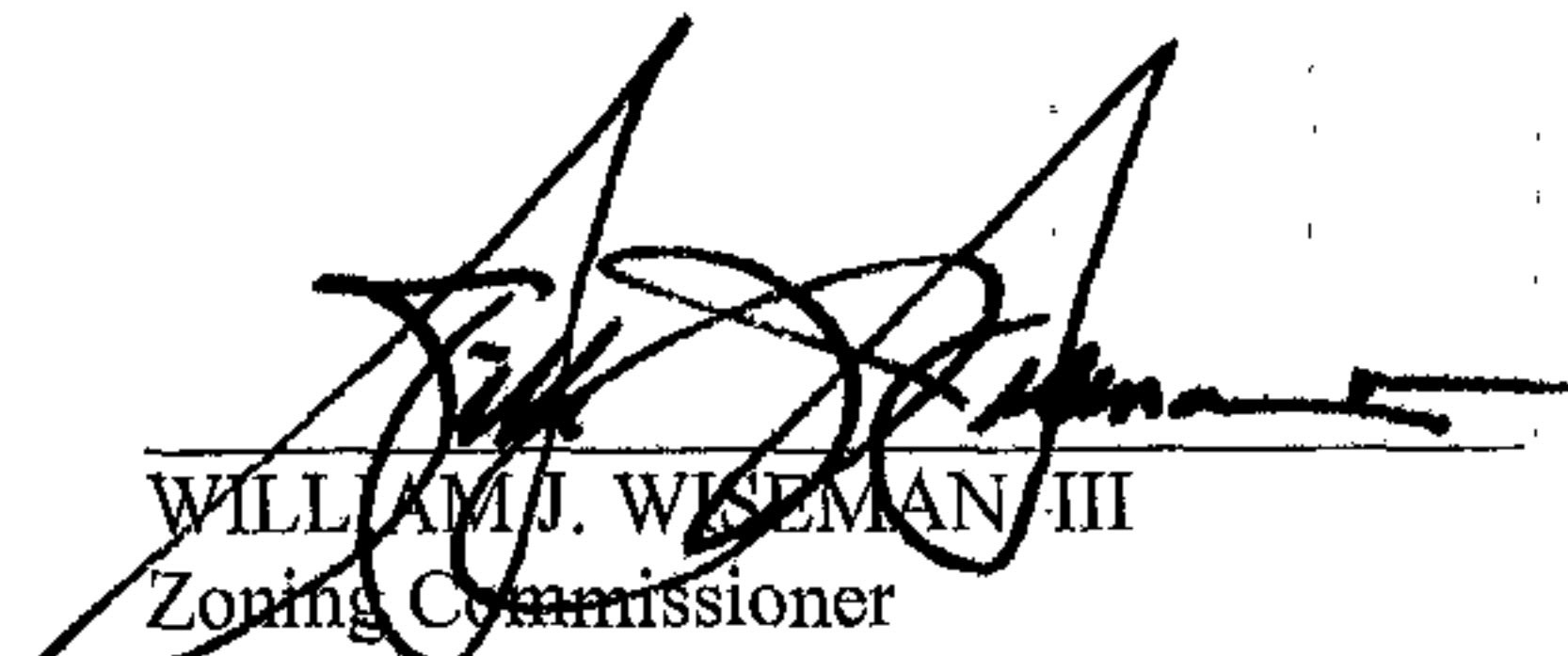
By

Pursuant to the advertisement, posting of the property and public hearing on this Petition 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 17th day of November 2005 that the amended Petition for Variance seeking relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 12 feet (**south**) and 8 feet (**north**) and a rear yard setback of 32 feet in lieu of the required 35 feet for all, for a proposed 64' x 42' dwelling in accordance with Petitioner's Revised Exhibit 1, be and the same is hereby GRANTED; and,

IT IS FURTHER ORDERED that but for the amended relief granted herein, the terms and conditions of the Order issued May 28, 2005 shall remain in full force and effect.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.


WILLIAM J. WISEMAN III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Fred D. Tate
29 Clipper Road, Baltimore, Md. 21221
Ms. Marsha Clayton
104 Creek View Court, Street, Md. 21154
Ms. Bernadette Moskunas, Site Rite Surveying, Inc.
200 E. Joppa Road, Towson, Md. 21286
Mr. Ronald L. Billet, 20700 Mt. Zion Road, Freeland, Md. 21053
Mr. Robert Morris, 1400 Morris Road, Freeland, Md. 21053
Office of Planning; DEPRM; People's Counsel; Case File

ORDER RECEIVED FOR FILING

Date 11/17/05

By [Signature]

IN RE: PETITION FOR VARIANCE
NW/S Mt. Zion Road, 393' SW of the c/l
Morris Road
(20704 Mt. Zion Road)
6th Election District
3rd Council District

Fred D. Tate
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-502-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Fred D. Tate. The Petitioner requests a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 12 feet each and a rear yard setback of 32 feet in lieu of the minimum required 35 feet for all. 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 were Fred D. Tate, property owner, his daughter Marsha Clayton, and Vincent Moskunas, a representative of Site Rite Surveying, Inc. the consultants who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an unimproved, rectangular/parallelogram-shaped parcel located on the west side of Mt. Zion Road, just south of Morris Road in the Freeland area of northern Baltimore County. The property contains a gross area of 22,624 sq.ft. (0.51 acres), more or less, zoned R.C.2, and is approximately 100 feet wide and 268 feet deep. The Petitioner has owned the property for many years (since 1957) and now wishes to have his daughter build a single family dwelling for herself as her retirement home. Mr. Tate has been involved in agricultural programs in the locale, having owned the 93-acre "Morris Meadows Recreation Farm" which borders the subject property to the west for many years. Building elevation drawings of the proposed 1½ story structure show that the new dwelling will be 60 feet wide and 35 feet deep in dimension. It was indicated that the proposed dwelling has been designed so that all living quarters and amenities are on one level. Testimony indicated that Ms. Clayton's husband has bad knees and that climbing steps is becoming increasingly

ORDER RECEIVED FOR FILING

Date

By

difficult. Thus, they have no desire for a second floor. Moreover, there will be no basement, only crawl space, and the ½ story proposed will be utilized solely for storage purposes.

Variance relief is necessary given the narrow width and configuration of the lot. In this regard, the R.C.2 zoning regulations require a minimum setback of 35 feet to any property line. Due to the location of the required septic reserve area in the front portion of the lot, the house will be setback a distance of 150 feet from Mt. Zion Road; however, a rear yard setback of 32 feet will be provided, given the sharp angle of the rear property line. Moreover, due to the narrow width of the lot, side setbacks of 12 feet each will be provided.

In support of the requested relief, testimony indicated that the Petitioner met with representatives of the Department of Environmental Protection and Resource Management (DEPRM) relative to placement of the structure and septic requirements. Due to other characteristics of this property, including its small size and topography, and close proximity of neighboring wells and septic, DEPRM also approved the location of the proposed well in the rear (western) portion of the property and adjacent to the existing previously identified farm, which is in a Maryland Agricultural Land Preservation Easement area. As depicted on the County GIS Services Map, a copy of which was submitted into evidence as Petitioner's Exhibit 6, there exists a drainage line ridge (Hillcrest) between the subject property and the preservation easement that directs the flow of water runoff and fertilizers to the west rather than towards the Petitioner's well. Moreover, the Petitioners have discussed their proposal with the adjacent property owners on either side who have indicated they have no objections to the Petitioner's daughter building a home on the lot. Further testimony indicated that the proposed dwelling and lot size is consistent with other development in the area. The neighboring property to the north, 20706 Mt. Zion Road, is 0.694 acres in area and is comparable to the subject lot. The property to the south at 20700 Mt. Zion Road is approximately 3/10 larger in size and the home thereon was built in 2001.

Based upon the testimony and evidence offered, I am persuaded to grant the variance. In my judgment, the Petitioner has complied with the requirements of Section 307 of the B.C.Z.R. for relief to be granted and that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship. The relief requested is appropriate in this instance and will not adversely impact

ORDER RECEIVED FOR FILING
Date 11/5/15
By [Signature]

adjacent properties or the surrounding locale. No one appeared in opposition to the request and there were no adverse Zoning Advisory Committee comments submitted by any County reviewing agency. Moreover, the proposed development will be consistent with the character of development in the area.

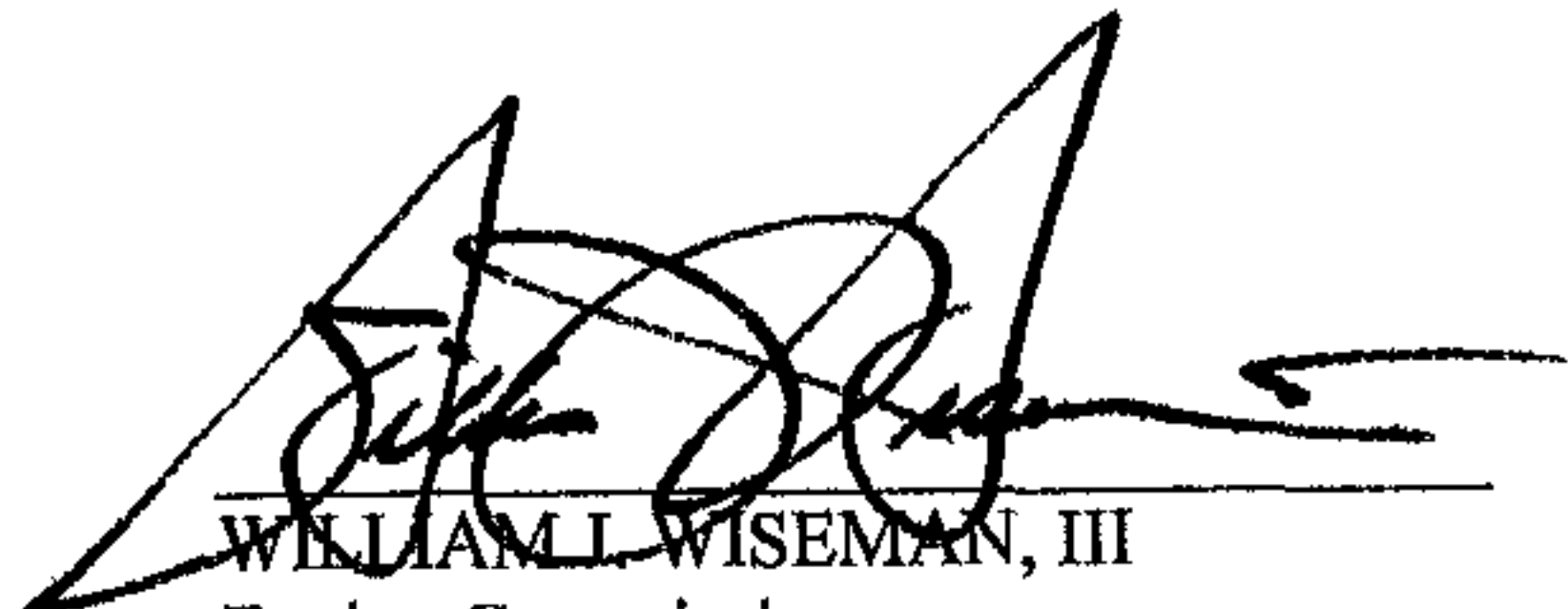
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

15th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of June 2005 that the Petition for Variance seeking relief from Sections 1B01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 12 feet each and a rear yard setback of 32 feet in lieu of the required 35 feet for all, for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and the same 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) Prior to the issuance of a use and occupancy permit, the Petitioner shall record a new deed referencing this case and incorporating the restriction set forth in the ZAC comment submitted by DEPRM, dated May 18, 2005, a copy of which is attached hereto and made a part hereof.
- 3) The proposed dwelling shall be built substantially in accordance with the building elevation drawings submitted at the hearing and marked into evidence as Petitioner's Exhibit 5.
- 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.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WJW:bjs


WILLIAM L. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6/15/05
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
William J. Wiseman III, Zoning Commissioner

June 15, 2005

Mr. Fred D. Tate
29 Clipper Road
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
NW/S Mt. Zion Road, 393' SW of the c/l Morris Road
(20704 Mt. Zion Road)
6th Election District – 3rd Council District
Fred D. Tate - Petitioner
Case No. 05-502-A

Dear Mr. Tate:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", is written over a circular stamp.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Ms. Martha Clayton
104 Creek View Court, Street, Md. 21154
Mr. Vince Moskunas, Site Rite Surveying, Inc.
200 E. Joppa Road, Towson, Md. 21286
DEPRM; People's Counsel; Case File

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





Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at #20704 Mount Zion Road
which is presently zoned PC2

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) 1A01-3B.3. TO PERMITSIDE YARD.

SETBACKS OF 12 FT. & REAR YARD OF 32 FT. IN VIEW OF 35 FT.

272

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

See attached

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

State Zip Code

Legal Owner(s):

FRED D. TATE

Name - Type or Print

X Fred D Tate

Signature

Name - Type or Print

Signature

29 CLIPPER RD 410687-6554

Address

Telephone No.

BALTIMORE MD 21221

City

State

Zip Code

Representative to be Contacted:

Sate Rite Surveying, Inc

Name

200 E. Joppa Road Room 101 4108289060

Address

Telephone No.

Towson, MD 21206

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

SCA

Date 04-01-05

ORDER RECEIVED FOR FILING
6/15/08
DAB
BY

Case No. 05-502-A

RECEIVED 6/15/08

**REASONS FOR PETITION FOR VARIANCE
#20704 MOUNT ZION ROAD**

1. This property has been a recorded lot per deed Liber 1633, folio 53 dated December 1947. There is no contiguous ownership of property.
2. This petition is within the spirit and intent of the B.C.Z.R. and the permitted use of the property. The lot area is consistent with adjacent properties. The configuration of the property restricts the ability to meet the required setbacks.
3. Granting relief for this request will not adversely affect the safety or welfare of the community and will allow use of the property as intended.

OS. 502- A



REVISION

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 20704 Mount Zion Road
which is presently zoned RC 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 A 01.3 B 3. To Permit.

SIDE YARD SETBACKS OF 12 FT. & 8 FT. AND A REAR YARD SETBACK OF 32 FT. IN LIEU OF THE REQUIRED 55 FT.

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

Original Case No. 05-502-A being revised per new house size

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Fred D. Tate

Name - Type or Print

Signature

Name - Type or Print

Signature

29 Clipper Road

(410) 687-6554

Address

Telephone No.

Baltimore

MD

21221

State

Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc.

Name

200 E. Joppa Rd, Room 101

(410) 828-9060

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By 000 Date 10-14-05.

ORDER RECEIVED FOR FILING
Date 11/15/05
By [Signature]
REV 9/15/98

Case No. 05-502-D



REV 10W. FEES 6

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #20704 Mount Zion Road

which is presently zoned PC 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1701.3B.3. to Permit Side YD
SE-TRACKS OF 12 FT AN REAR YD. OF 32 FT IN LIEU OF
THE REQUIRED 35 FT

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

See attached

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

FRED D. TATE
Name - Type or Print

* Fred D Tate
Signature

Name - Type or Print

Signature

29 CLIPPER RD 410687-6534
Address Telephone No.

BALTIMORE MD 21221
City State Zip Code

Representative to be Contacted:

Site Rate Surveying Inc. BEA WATTE
Name

200 E. Joppa Road Room 410 828-9060
Address Telephone No.

TOWSON, MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By SMT Date 04-09-05

MAYBE
DOWNSIZING
& NOT NEED VAR.

Case No. 045 502 A

**REASONS FOR PETITION FOR VARIANCE
#20704 MOUNT ZION ROAD**

1. This property has been a recorded lot per deed Liber 1633, folio 53 dated December 1947. There is no contiguous ownership of property.
2. This petition is within the spirit and intent of the B.C.Z.R. and the permitted use of the property. The lot area is consistent with adjacent properties. The configuration of the property restricts the ability to meet the required setbacks.
3. Granting relief for this request will not adversely affect the safety or welfare of the community and will allow use of the property as intended.

ZONING DESCRIPTION
20704 MOUNT ZION ROAD

Beginning at a point on the northwest side of Mount Zion Road which is 30 feet wide at the distance of 393 feet southwest of the centerline of Morris Road which is 30 feet wide. As recorded in Deed Liber 3061, folio 371 and running thence the following courses and distances, viz: (1) S13°50'W, 100 feet; (2) S43°45'W, 268.50 feet; (3) N13°50'E, 100 feet and (4) N43°45'E, 268 feet, containing 0.519 acres, more or less. Also known as #20704 Mount Zion Road and located in the 6th Election District, 3rd Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1101

DATE 10-14-05 ACCOUNT R.O.O.C. COLLECT

AMOUNT \$ 65.00

RECEIVED FROM Y.E. THOMPSON (ATC)

Re: DAA (Pension Plan)

ACCTGALTY - ZIND B.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER 05-502-11

PAID RECEIPT

SERIES 0114 LINE 001

DATE 10/14/2005 10:56:00

BY 102 JENNIFER VERTEGATIA

DEPT - 001701

DEPT - 001701

DEPT - 001701

DEPT - 001701

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DEPT - 001701

DEPT - 001701

CASHER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

03502-A

No. 443634

DATE 04/01/05 ACCOUNT 2001-006-6156

AMOUNT \$ 65.00

RECEIVED
FROM:

Thomas C. Carter

FOR:

Res. Uba

20704 Homeowner Rpt

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

5702

PAID RECEIPT

BUSINESS ACTUAL TIME
4/04/2005 4/01/2005 11:27:21

EG WSU6 WALKTH KICK KXN

RECEIPT # 348703 4/01/2005

Dept 5 020 ZONING VERIFICATION

R NO. 443634

Recpt Tot \$85.00

1.00 CK \$85.00 CB

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: #05-502-A
20704 Mt. Zion Road
N/west side of Mt. Zion
Road; 393 feet s/west of
centerline of Morris Road
6th Election District
3rd Councilmanic District
Legal Owner(s): Fred D. Tate
Variance: to permit side
yard setbacks of 12 feet
and rear yard setbacks 32
feet both in lieu of the re-
quired 35 feet.
Hearing: Wednesday, May
18, 2005 at 11:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue, Towson 21204.

WILLIAM WISEMAN
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

JT 5/609 May 3 49412

CERTIFICATE OF PUBLICATION

5/5/, 2005

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 5/3/, 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

Allen Harris
410-337-
2400
914 3418

- 410-397-2455
Nancy
3415

CERTIFICATE OF POSTING

RE:Case No. 05-502-A

Petitioner/Developer: FRED D.

TATE

Date of Closing/Hearing: 4/10/05

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

Attention:

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
at 20704 MT. ZION ROAD

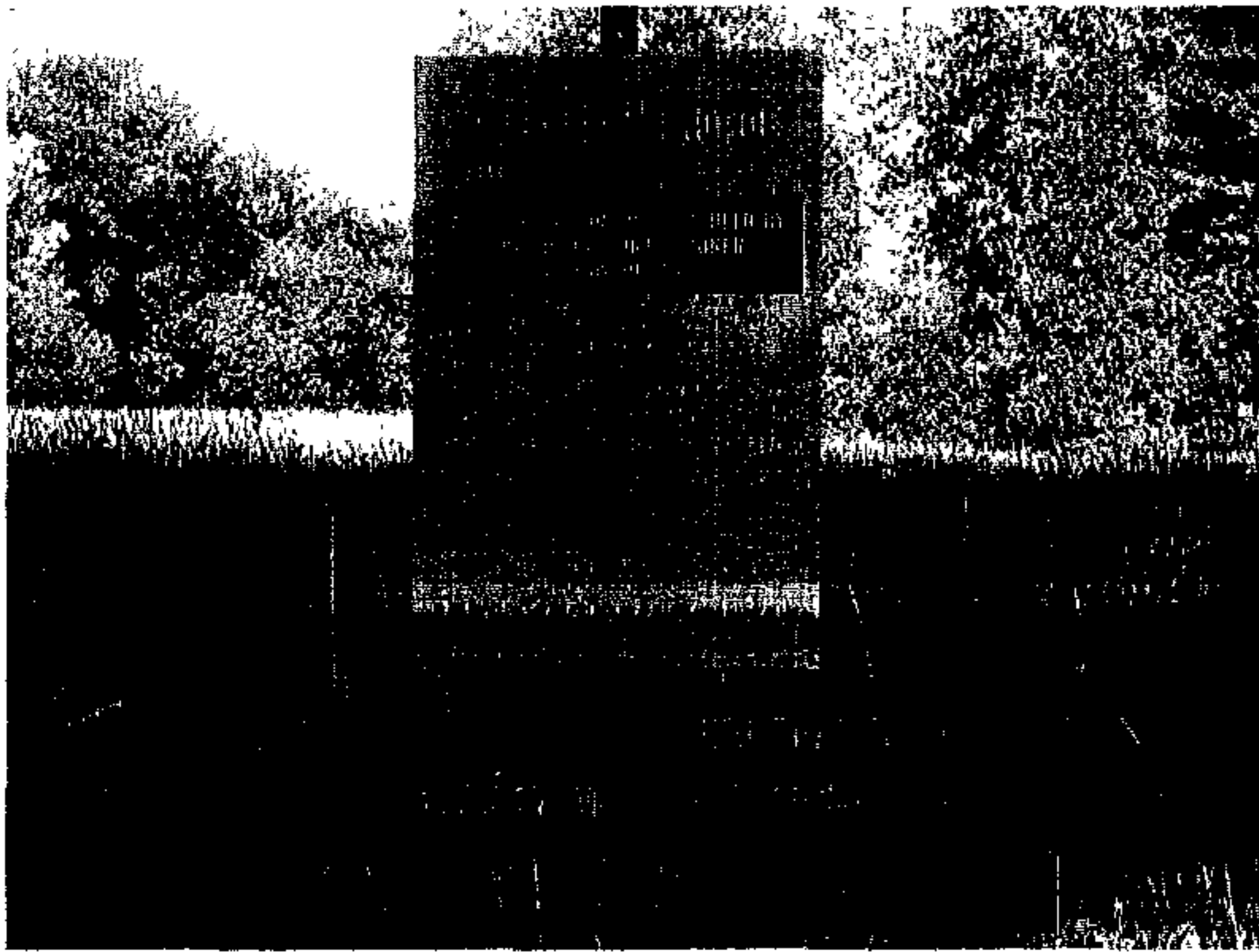
This sign(s) were posted on May 23, 2005
Month, Day, Year

Sincerely,

Martin Ogle 5/23/05
Sign Poster and Date

Martin Ogle
5016 Castlestone Drive
Baltimore Maryland 21237
(443-629-3411)

im000310 (576x432x256 jpeg)



Myantia Isle May 23, 2005

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 3, 2005 Issue - Jeffersonian

Please forward billing to:
Marsha Clayton
104 Creekview Court
Street, MD 21154

410-879-4958

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: 05-502-A

20704 Mt. Zion Road

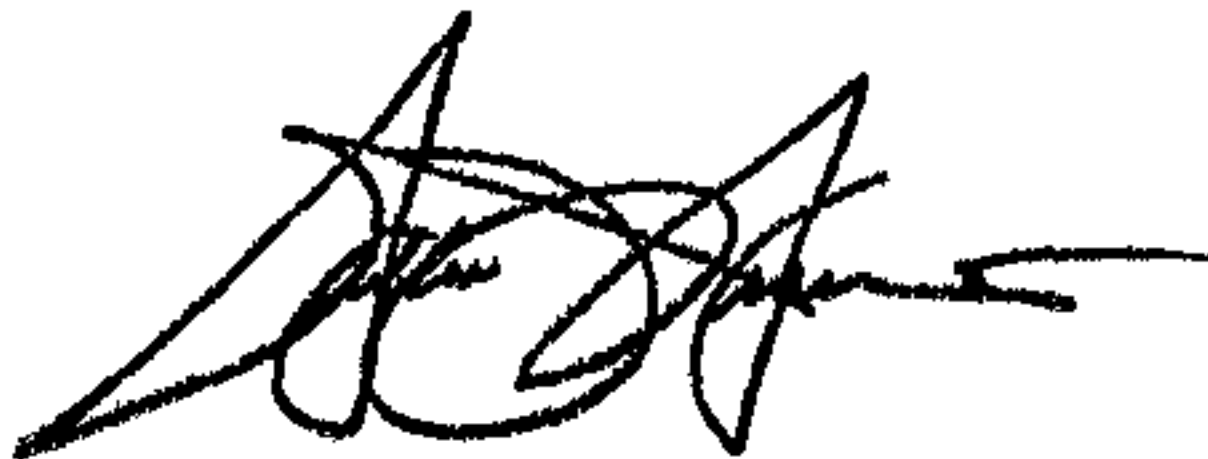
N/west side of Mt. Zion Road, 393 feet s/west of centerline of Morris Road

6th Election District – 3rd Councilmanic District

Legal Owner: Fred D. Tate

Variance to permit side yard setbacks of 12 feet and rear yard setbacks 32 feet both in lieu of the required 35 feet.

Hearing: Wednesday, May 18, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J WISEMAN III
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.



April 11, 2005

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: 05-502-A

20704 Mt. Zion Road

N/west side of Mt. Zion Road, 393 feet s/west of centerline of Morris Road

6th Election District – 3rd Councilmanic District

Legal Owner: Fred D. Tate

Variance to permit side yard setbacks of 12 feet and rear yard setbacks 32 feet both in lieu of the required 35 feet.

Hearing: Wednesday, May 18, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204.

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Fred Tate, 29 Clipper Road, Baltimore 21221

Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 3, 2005.**
- (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 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: 05-502-A
Petitioner: Marsha Clayton (contact for Fred Tate)
Address or Location: 20704 Mount Zion Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Marsha Clayton
Address: 104 Creekview Court
Street, MD 21154
Telephone Number: 410 879-4958

05-502-A

REPOSTING
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 05-502-A -A Address 20704 Mt. Zion Rd
Contact Person: Soun R Alexander Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 10-14-05 Posting Date: 10-23-05 Closing Date: 11-07-05

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 05 502 -A Address 20704 Mt. Zion Rd
Petitioner's Name Fred D. Tate Telephone _____
Posting Date: 10-23-05 Closing Date: 11-07-05
Wording for Sign: To Permit REAR YARD SETBACK OF 32 FT. &
SIDE YARDS OF 12 FT & 8 FT. ALL IN LIEU OF 35 FT
(Per Sect. 1A01.5b3 BC.ZR.)

WCR - Revised 6/25/04

**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*

May 9, 2005

Fred D. Tate
29 Clipper Road
Baltimore, Maryland 21221

Dear Mr. Tate:

RE: Case Number: 05-502-A, 20704 Mount Zion Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 1, 2005.

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 the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Site Rite Surveying, Inc. 200 E. Joppa Road Rm. 101 Towson 21286

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



April 14, 2005

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

ATTENTION: Zoning Review planners

Distribution Meeting of: April 11, 2005

Item No.: 487, 488, 489, 490, 491, 493, 493, 495, 496, 497, 502, 503

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lieutenant William F Connolly, Jr.
Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: April 8, 2005
Department of Permits & Development
Management

FROM: Dennis A. Kennedy, ^{DAK} Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 28, 2005
Item No. 502

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right-of-way for all public roads in Baltimore County is 40-foot. Set backs shall be modified accordingly.

DAK:CEN:clw
Cc: file
ZAC-ITEM NO 502-04182005.doc

BW
11/9

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 18, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting Revised Information for case 05-502A
For March 28, 2005
Item No. 502

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Our previous comments dated April 8, 2005 have not been addressed.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 502-04182005.doc

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

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

Oct. 6, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No.: 167 thru 174 176 thru 184 Also case # 05-502-A

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.

1. The Fire Marshal's Office has no comments at this time.

Acting Lieutenant David S. Heath
Fire Marshal's Office
(O) 410-887-4681
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: May 18, 2005

TO: William Wiseman
Zoning Commissioner

FROM: R. Bruce Seeley *for DEPRM*
DEPRM

SUBJECT: ZAC Petition 05-502 (20704 Mount Zion Road)

RECEIVED

MAY 18 2005

ZONING COMMISSIONER

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

This Department requests that a restriction be placed within the deed reading as follows:

“This property may be subject to inconveniences or discomforts arising from Agricultural operations including but not limited to, noise, odors, fumes, dust, the operations of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. The County shall not consider an Agricultural Operation to be a public or private nuisance, if the operation complies with Federal, State, or County health or environmental requirements. Furthermore, the owner of this Lot has chosen to locate the well adjacent to the existing farm that is in a Maryland Agricultural Land Preservation Easement rather than elsewhere on the property.”

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



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

Maryland Department of Transportation

Date: 4.8.05

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

RE: Baltimore County
Item No. 502 JRA

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
Engineering Access Permits Division

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



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

Maryland Department of Transportation

Date: 11.4.05

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

RE: Baltimore County
Item No. 05-502-A
20704 Mt. Zion Rd

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
Engineering Access Permits Division

RE: PETITION FOR VARIANCE
20704 Mt. Zion Road; NW/side Mt. Zion
Road, 393' SW c/line Morris Road
6th Election & 3rd Councilmanic Districts
Legal Owner(s): Fred D. Tate
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 05-502-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

Per.....

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 11th day of April, 2005, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

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

Bill Wiseman - Right To Farm Notice Required In Real Estate Contracts

From: "Stuart D. Kaplow, Esquire" <skaplow@stuartkaplow.com>
To: "William J Wiseman, Esquire" <wwiseman@co.ba.md.us>
Date: 6/16/2005 9:59:37 AM
Subject: Right To Farm Notice Required In Real Estate Contracts

My E-Real Estate Brief was stopped by the County government Spam Filter today ... the E-Brief is below, however, so that future E-Briefs reach you, may I request you go to the County Spam Filter and un-block the email ... Thank you, Stuart

E-Real Estate Brief:

'RIGHT TO FARM' NOTICE REQUIRED IN REAL ESTATE CONTRACTS IN MOST MARYLAND COUNTIES

By Stuart D. Kaplow, Esquire

With the aim of preserving agriculture in an environment of ever encroaching housing on farm land, most counties in the State of Maryland require that a statutorily prescribed Right To Farm Notice be included in agreements of sale for real estate. The Notice warns buyers of land that the county has determined inconveniences and discomforts occasioned by nearby farm operations (i.e., noise, odors, fumes, low flying aircraft, etc.) are not considered interference with use and enjoyment of the land.

Many Maryland counties also require that the Notice be included in leases.

Accepting that real estate is one of the most heavily regulated industries, there are federal, state, and local government requirements for language that must be contained within an agreement for the sale for real property, and in particular in a contract involving residential property. This article considers only the requirements imposed by Maryland counties with respect to Right To Farm Notices.

Recognizing that preserving agriculture is an admirable aim, local governments throughout the country have enacted ordinances limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance, trespass or other interference with non-farm uses. As a component part of those ordinances, most Maryland counties require a Notice be given.

The List of Counties

Calvert County Code, Chapter 99, Sec. 99-5; Caroline County Code, Part III, Chapter 194, Sec. 149-6; Carroll County Code, Sec. 173-5; Cecil County Zoning Ordinance, Chapter 270, Sec. 270-4; Charles County Code, Sec. 235-5(a); Dorchester County Code, Chapter 127-5; Frederick County Code, Part I, Article V, Sec. 1-6-66(a); St. Mary's County Code, Chapter A-286; Talbot County Code, Chapter 128, Sec. 128-6; Wicomico County Code, Sec. 186-7; and, Worcester County, Code of Public Laws, Zoning and Subdivision Article, Title I, subtitle III, Sec. 1-346, all require a similar or the same Notice. (Note, Baltimore County has a very different requirement, described below.)

The relevant county code should be consulted for the specific language mandated in each particular jurisdiction.

Each of those Maryland counties require "[u]pon any transfer of real property by any means, the transferor shall provide the purchaser or lessee a statement specifically advising the purchaser or lessee of the existence of this chapter which shall be in substantially the form set forth" below:

" _____ COUNTY RIGHT TO FARM NOTICE

_____ County recognizes and supports the right to farm agricultural lands in a manner consistent with generally accepted agricultural management practices. Residents of property on or near agricultural land should be prepared to accept the inconveniences or discomforts associated with agricultural operations including but not limited to noise, odors, flies, fumes dust, the operation of machinery of any kind during any 24-hour period (including aircraft), vibration, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. _____ County has determined that

inconveniences or discomforts associated with such agricultural management operations shall not be considered to be an interference with reasonable use and enjoyment of land, if such operations are conducted in accordance with generally accepted agricultural management practices. _____ County has established an agricultural reconciliation committee to assist in the resolution of disputes which might arise between persons in this county regarding whether agricultural operations conducted on agricultural lands are causing an interference with the reasonable use and enjoyment of land or personal well being and whether those operations are being conducted in accordance with generally accepted agricultural practices. If you have any questions concerning this policy or the reconciliation committee, please contact the Planning Department.

Seller _____ Date: _____
 Seller _____ Date: _____

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT:

Buyer _____ Date: _____
 Buyer _____ Date: _____

IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY."

Of import, this right to farm real estate transfer disclosure must also be made in every lease (i.e., residential and commercial) in these counties.

While penalties vary from county to county, in most jurisdictions, any person who violates any provision of this right to farm real estate transfer disclosure provision "is guilty of an infraction punishable by a civil penalty not exceeding \$100.00." In all counties, failure to comply with any provision of this disclosure requirement "does not prevent the recording of any document, or the title to real property or any mortgage or deed of trust made in good faith or for value, and it shall not affect the application of this chapter."

Baltimore County

As noted, Baltimore County has addressed the right to farm issue very differently and in a limited fashion. A property owner in that jurisdiction must, as required by Baltimore County Code Sec. 35-3-303(b), include the following notice, as applicable, in a contract for the sale of real estate in or within 500 feet of any RC 4 zoning district:

"(a) The property may be subject to inconveniences or discomforts arising from agricultural operations, including: (i) Operation of machinery of any kind including aircraft, during any 24-hour period; (ii) The storage and disposal of manure; and (iii) The application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides; and
 (b) The county will not consider an agricultural operation to be a public or private nuisance if the operation: (i) Complies with all federal, state, or county health and zoning requirements; and (ii) Is not being conducted in a negligent manner."

In Baltimore County, a person who violates this may be "guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 30 days or both."

Conclusion

Beyond the scope of this consideration of the local government Right To Farm Notice, be aware there are federal notices on the thickness of insulation in a new house, federal and state lead paint disclosures and warnings, state disclaimers or disclosures with respect to the condition of a property, state forest conservation notices, and a host of other provisions that may be required to be contained within a particular contract of sale for real estate or the parties risk that the contract may be voidable or worse.

Also, while the Right To Farm Notice is the single matter required by more local governments than any other statutory mandate, most jurisdictions within Maryland impose other and additional requirements on sellers of real estate, including other mandates to incorporate specific language within an agreement of sale. In fact, the article Checklist of Required Real Estate Contract Provisions in Baltimore County, Maryland is among the most popular articles on this firm's website.

This article identifies one of the issues that must be considered by a seller or purchaser of real estate (and

Bob Katz -

Variance - Freeland Md - underpaid lot

Marsha Clayton →

- grandfather to father

- contiguous with 15' strip []

- Bob Shlay →

Bob Shlay }
Bruce Seely } →

Agriculture Preservation
Land preservation

~~Ch~~ Carl Pachard -

To: Kristin M.
From: DPR

BW
11-9

**REVISED INFORMATION FOR CASE
05-502-A**

20704 MOUNT ZION ROAD

**REQUEST: TO PERMIT A REAR
YARD SETBACK OF 32 FEET AND
SIDE YARDS OF 12 FEET AND 8
FEET. ALL IN LIEU OF 35 FEET.**

10/17/05
CEN u

Our previous comment, ^{dated April 8, 2005} has not been
addressed.

Case No.:

05-502-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED PLAN to REFLECT A 64' HOUSE	FREELAND Community Assoc. OPPOSITION
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Case No.:

05-502 A "5/15/05 HEARING"

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Freeland Community Assoc
No. 2	DEPRM Comment	
No. 3	DESD	
No. 4	Overhead - SIMILAR lots	
No. 5	Floor Plan	
No. 6	Drainage Ridge	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Freeland Community Association

P.O. Box 52, Freeland, MD. 21053-0052

William J. Wiseman
Zoning Commissioner
Baltimore County

07 November 2005

RE: Case 05-502-A

Mr. Wiseman

As President of the Freeland Community Association I would like to voice our opposition to the variances requested in case 05-502-A. At the request of residents on Mt Zion Rd I walked the property in question and found a long narrow lot that is approximately one half acre in size. The east side of the property faces Mt Zion Rd the west side of the property faces land that is farmed and currently is a standing cornfield. On the north and south sides are lots, which contain small single-family homes of a bungalow style. From the requested side yard set backs being requested it would appear that the structure to be erected would cover the property from property line to property line. The community feels that a structure of the size requiring such a side yard set back variance would be completely out of character for the surrounding area.

While walking the property there appeared to be a right of way leading from Mt Zion Rd back to the farmland behind the subject property. Upon review of a plat provided by a neighbor, what appears to be a right of way is shown on the south side of this property. Which would match what I saw on the property. Premised on this I would have to ask, whether the requested side yard set back would start with the edge of the right-of-way or with the neighbor's property line to the south?

Thank you for your consideration with this matter.

Sincerely



Frank L. Purdum Jr.
President Freeland Community Association.
1503 Walker Rd.
Freeland, Md. 21053

PROTESTANT' S

EXHIBIT NO.

1

Fax 410 828-906

BALTIMORE COUNTY, MARYLAND
ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Memorandum

TO: Bernadette Site Rite DATE: May 17, 2005
FROM: Wally Lippincott, Jr.
SUBJECT: Marsha Clayton

In order to resolve this given all the other circumstances involving this property- small lot size, proximity of neighbors, and topography, I suggest the attachment of the following restriction to the plot plan as a condition for the development. This will at least put owners on notice about the adjacent agricultural use and hopefully avoid potential conflicts between the property owner and the agricultural uses of the neighboring property. I would also prefer to have a vegetative buffer between the properties, but given the description of the topography that does not seem reasonable.

Please advise if this condition is acceptable to the landowner.

PETITIONER' S

EXHIBIT NO.

2

Agricultural Note

This property

~~ANY DWELLING~~ MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO, NOISE, ODORS, FUMES, DUST, THE OPERATIONS OF MACHINERY OF ANY KIND DURING ANY 24 HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES. THE COUNTY SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE, IF THE OPERATION COMPLIES WITH ~~THESE REQUIREMENTS~~ ALL FEDERAL, STATE, OR COUNTY HEALTH OR ENVIRONMENTAL REQUIREMENTS. *Furthermore, THE OWNER OF THIS LOT HAS CHOSEN TO LOCATE the WELL adjacent to the existing FARM THAT IS IN A MARYLAND AGRICULTURAL LAND PRESERVATION EASEMENT RATHER THAN ELSEWHERE ON THE PROPERTY.*

*PLACE ON SITE PLAN
EXHIBIT 2*

Notary Public

Recorded Dec 2 1947 at 1 P M & Exd per

John W Bishop - Clerk

(Rec MP

(Exd By AJ&V)

Grandparents

36911 : This Deed made this 1st day of December 1947
 James L Pugh et al : by James L Pugh and Floy May Pugh his wife parties
 Deed to : of the first part Grantors to Albert Henry Schuler
 Albert Henry Schuler et al : and Mary L Schuler his wife parties of the second
 ----- part Grantees of Baltimore County State of Maryland

Witnesseth that in consideration of five dollars and other good and valuable considerations receipt whereof by the first parties is acknowledged the sa id first parties do hereby grant and convey unto the said second parties as tenants by the entireties their assigns the survivor of them and the heirs and assigns of such survivor in fee simple all that lot of ground situate in the Sixth Election District of Baltimore County State of Maryland described as follows

Beginning for the same at a point in the centre line of the Freeland Road 30 feet wide distant North 13 degrees 50 minutes West 17.50 feet along said centre line from the point of intersection of said centre line with the south 43 degrees 45 minutes West 32 perches line of the property described in a deed from Franklin J Zeller et al to James L Pugh and wife and recorded among the Land Records of Baltimore County in Liber CWB Jr No 1110 folio 132 said point of intersection being 155.3 feet from the beginning of said South 43 degrees 45 minutes West 32 perches line and running thence from said place of beginning and binding on the centre of said Freeland Road North 13 degrees 50 minutes West 100.00 feet thence south 43 degrees 45 minutes West 268.00 feet thence parallel with Freeland Road south 13 degrees 50 minutes East 100.00 feet to the northwest side of a 15.0 foot road thence binding on the northwest side of said 15.0 foot road and parallel to the outline of the whole tract in the deed above referred to North 43 degrees 45 minutes East 268.50 feet to the point of beginning

Being a part of the first parcel of ground which by deed dated May 31st 1940 and recorded among the Land Records of Baltimore County in Liber CWB Jr No 1110 folio 132 was granted and conveyed by Frank J Zeller et al to the said James L Pugh and Floy May Pugh his wife

Together with the buildings and improvements thereon and all the rights and appurtenances thereunto belonging or in any wise appertaining

To have and to Hold said land and premises unto the ~~said~~^{second} parties as tenants by the entireties their assigns the survivor of them and the heirs and assigns of such survivor forever in fee simple

And the first parties covenant to warrant specially the land and premises intended hereby to be conveyed and to execute such other or further assurances thereof as may be requisite

As Witness the hands and seals of the Grantors

Witness:

R. Parks Plowman

James L Pugh (Seal)

Floy May Pugh (Seal)

PETITIONER'S

EXHIBIT NO.

3



PETITIONER'S

EXHIBIT NO. 4



Variance Petition
#20704 Mount Zion Road
Zoning Map

RITZ-CRAFT 50TH ANNIVERSARY EDITION

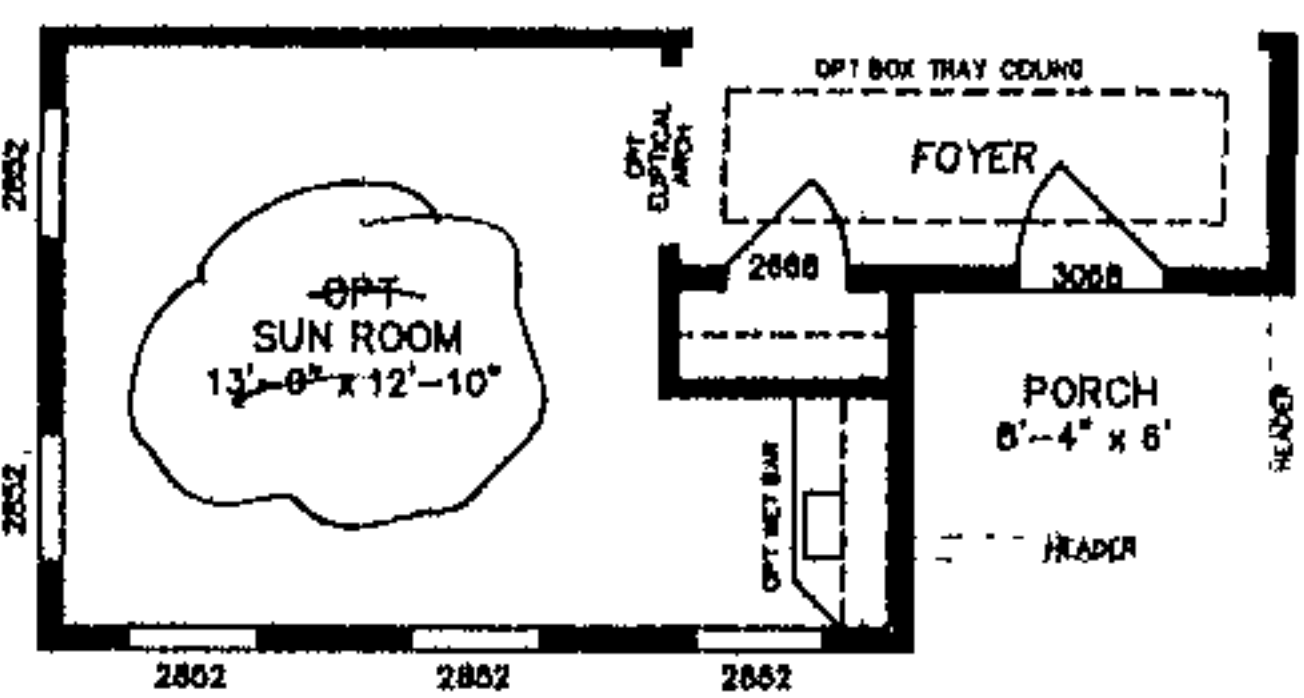
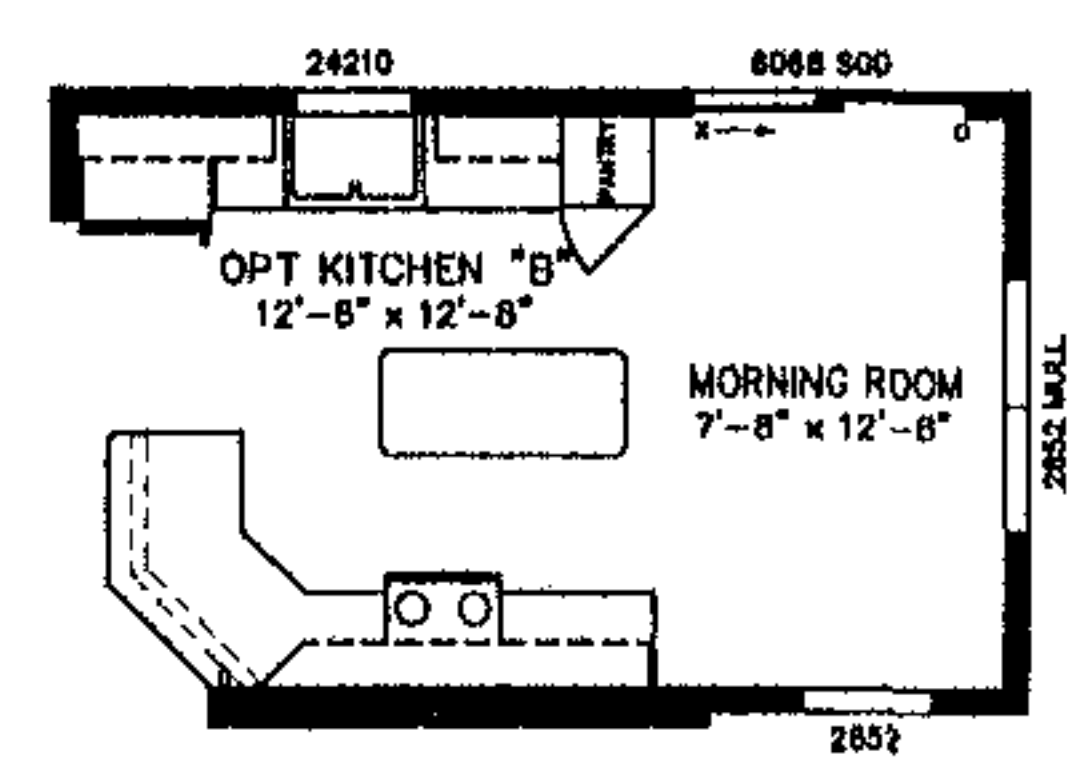
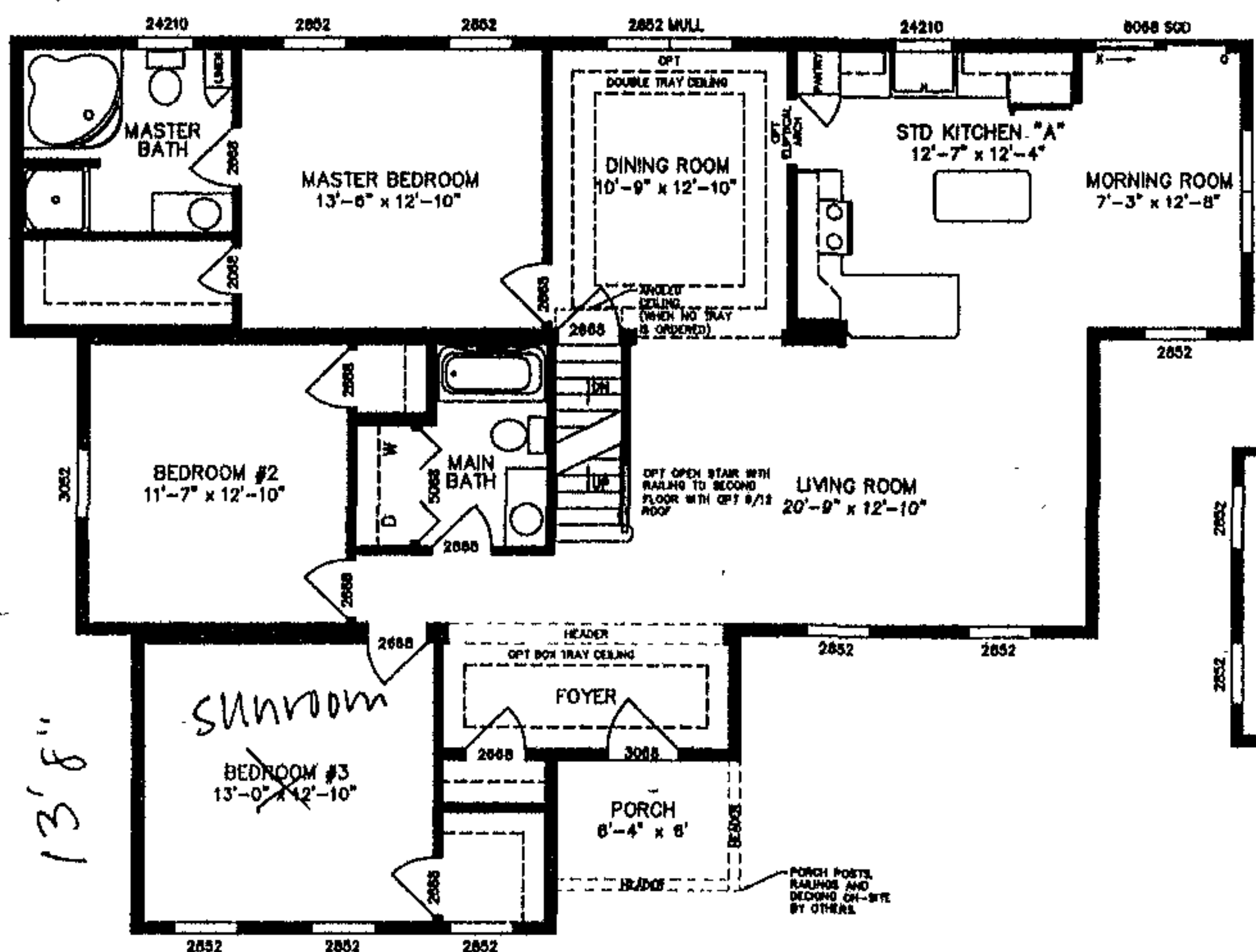


60' max.

56'

27'4"

13'8"



Anniversary #0001
27'4" x 56/46"
13'8" x 27'4"
1703 sq. ft.

Slab on grade

April 05 27'4"



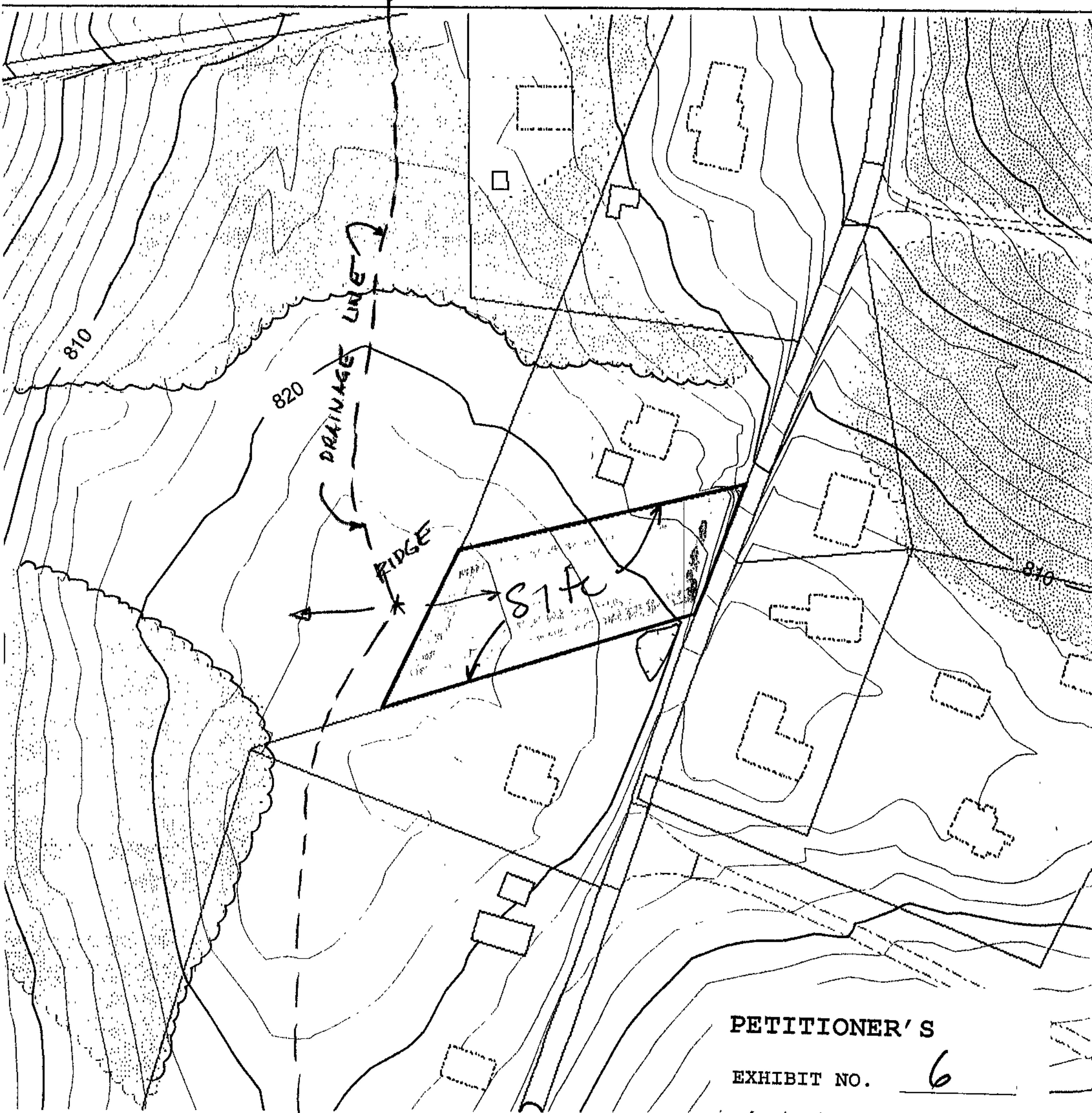
PETITIONER'S

EXHIBIT NO. 5

OS-502-A

7C

TOPO MAP FOR MT ZION ROAD



PETITIONER'S

EXHIBIT NO. 6

For internal use only.
The cadastral information on this plot was compiled
from existing deed information.
This information is not to be considered authoritative.
This survey information was not field checked
and certified by a licensed land surveyor.

Baltimore County, MD
Department of Public Works
GIS Services



20764 #

GENERAL NOTES:

1. EXISTING ZONING: RC2
2. LOT AREA: 0.51 Acres $\pm$ or 22,624 S.F. $\pm$
3. NOT LOCATED IN A 100 YEAR FLOOD PLAIN AREA
COMMUNITY PANEL NO. 240010 0050 ZONE: "C"
4. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
5. NOT LOCATED IN AN HISTORIC AREA
6. PRIVATE WATER AND SEPTIC
7. NO PRIOR ZONING HISTORY
8. THIS PROPERTY HAS BEEN A RECORDED LOT SINCE
DECEMBER 1, 1947 IN THE LAND RECORDS LIBER JWB NO.
1633, FOLIO 53.
9. EXISTING USE VACANT
10. PROPOSED USE: SINGLE FAMILY DWELLING
11. VARIANCE PETITION FOR SIDEYARD SETBACKS & REAR YARD

11 ALL DWELLINGS WITHIN 200' OF SITE ARE SHOWN.

15th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of June 2005 that the Petition for Variance seeking relief from Sections 1B01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 12 feet each and a rear yard setback of 32 feet in lieu of the required 35 feet for all, for a proposed dwelling, in accordance with Petitioner's Exhibit I, be and the same is hereby GRANTED, subject to the following restrictions:

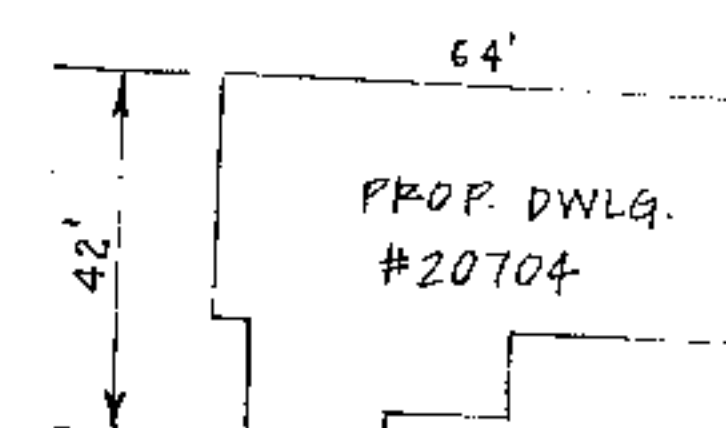
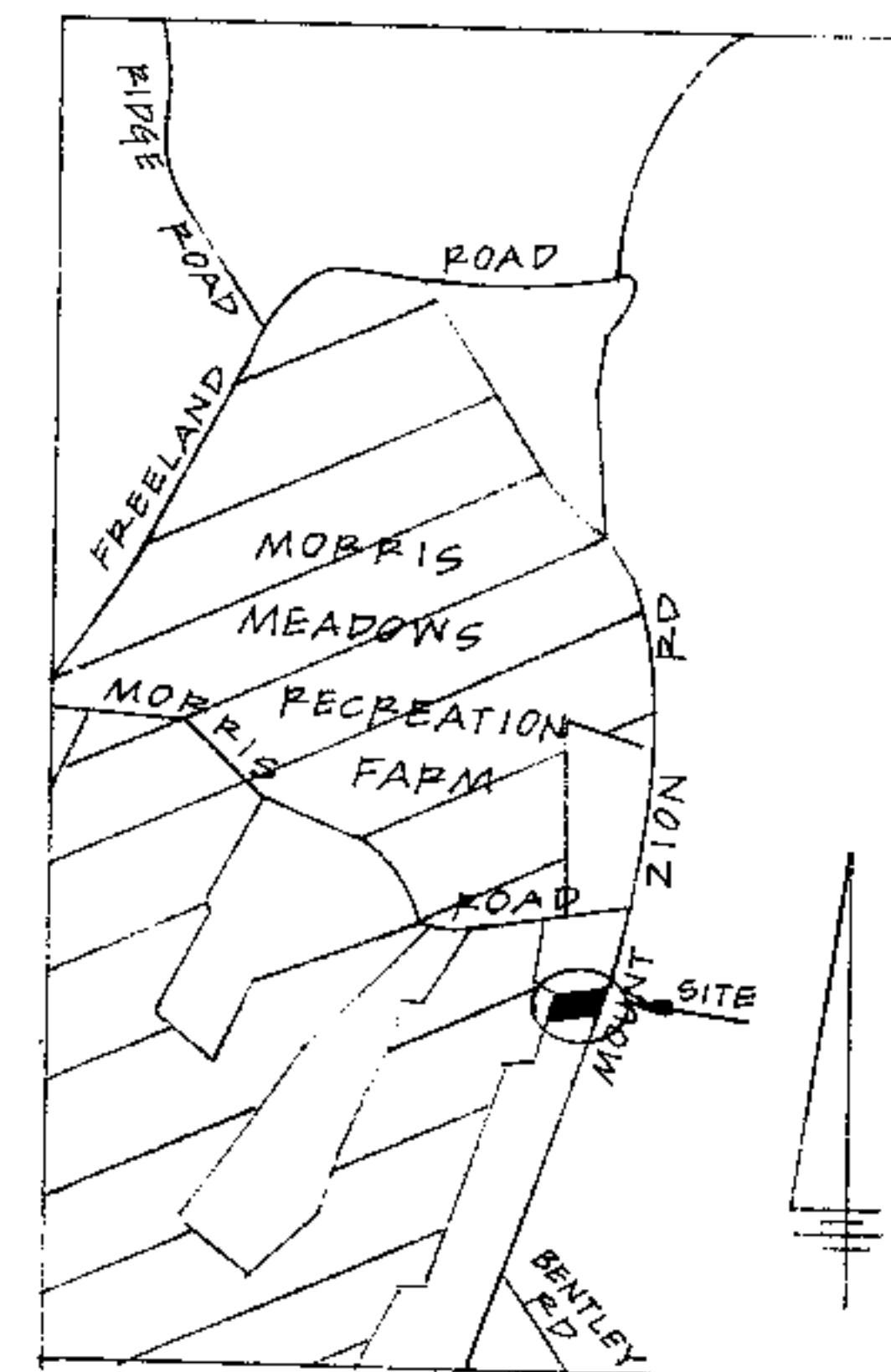
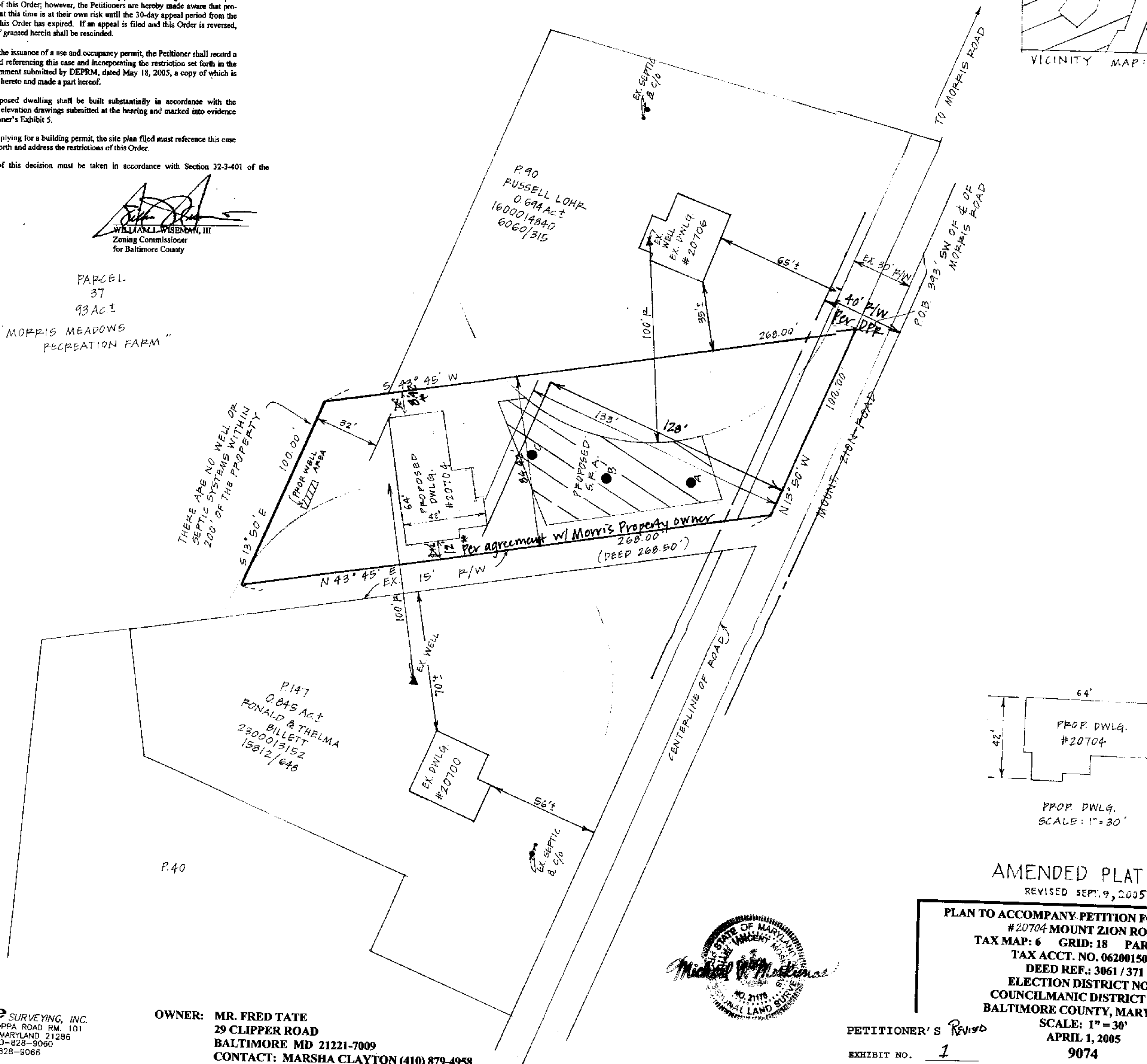
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of a use and occupancy permit, the Petitioner shall record a new deed referencing this case and incorporating the restriction set forth in the ZAC comment submitted by DEPRM, dated May 18, 2005, a copy of which is attached hereto and made a part hereof.
- 3) The proposed dwelling shall be built substantially in accordance with the building elevation drawings submitted at the hearing and marked into evidence as Petitioner's Exhibit 5.
- 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.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WILLIAM L. WISEMAN, III
Zoning Commissioner
for Baltimore County

WIW:bjs

PARCEL
37
93 AC. $\pm$
"MORRIS MEADOWS
RECREATION FARM"



PROP. DWLG.
SCALE: 1"=30'

AMENDED PLAT
REVISED SEPT. 9, 2005

PLAN TO ACCOMPANY PETITION FOR VARIANCE
#20704 MOUNT ZION ROAD
TAX MAP: 6 GRID: 18 PARCEL: 119
TAX ACCT. NO. 0620015010
DEED REF.: 3061/371
ELECTION DISTRICT NO. 6
COUNCILMANIC DISTRICT NO. 3
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30'
APRIL 1, 2005
9074

PETITIONER'S *Revised*
EXHIBIT NO. 1

OWNER: MR. FRED TATE
29 CLIPPER ROAD
BALTIMORE MD 21221-7009
CONTACT: MARSHA CLAYTON (410) 879-4958

site rite SURVEYING, INC.
200 E. JOPPA ROAD RM. 101
TOWSON, MARYLAND 21286
PHONE: 410-828-9060
FAX: 410-828-9066



IN RE: **PETITION FOR VARIANCE**

NW/S Mt. Zion Road, 393' SW of the c/l
Morris Road
(20704 Mt. Zion Road)
6th Election District
3rd Council District

Fred D. Tate
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-502-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes again before this Zoning Commissioner for consideration of an **amended** Petition for Variance filed by the owner of the subject property, Fred D. Tate. As filed, variance relief is requested from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 12 feet (north) and 8 feet (south), and a rear yard setback of 32 feet, in lieu of the required 35 feet for all, for a proposed dwelling. However, at the hearing, and as explained below, the Petition was amended to reverse the side yard setbacks requested. That is, the Petitioners now request a side yard setback of 12 feet on the south side and an 8-foot setback on the north side. 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 Revised Exhibit 1.

By way of background, the Petitioner came before me at a public hearing on May 28, 2005 seeking similar relief to allow side yard setbacks of 12 feet on each side and a rear yard setback of 32 feet. The site plan submitted in that case showed that the subject property contains a gross area of 22,624 sq.ft. (0.51 acres), more or less, zoned R.C.2, and is approximately 100 feet wide and 268 feet deep. In addition, a 15-foot right-of-way exists along the southern boundary line. Immediately west of the subject property is the "Morris Meadows Recreation Farm," which has been owned and operated by Mr. Clyde Morris since 1963. Apparently, Mr. Tate has used this 15-foot right-of-way in conjunction with his use of the subject property since 1956.

ORDER RECEIVED FOR FILING

Date 11/12/05

By [Signature]

The Petitioner wants to convey the subject property to his daughter for the purpose of building a single family dwelling for herself and her husband as their retirement home. However, due to the narrow width and configuration of the lot, variance relief was necessary to accommodate the proposed dwelling. Building elevation drawings submitted at the original hearing showed the proposed dwelling as a 1½-story structure, 60 feet wide by 35 feet deep in dimension, with all living quarters and amenities on one level. In that the lot measured 100 feet wide at the building line, variance relief was requested to allow 12-foot side yard setbacks on each side, assuming the Petitioner owned the 15-foot wide right-of-way. While the title search had not been completed, the Petitioners were optimistic that a "quit claim deed" of the 15-foot right-of-way would ultimately be forthcoming and that the width of the lot at the building line would be sufficient to accommodate the proposed structure. Suffice it to say, this did not occur.

In any event, I granted the requested relief by Order dated June 15, 2005, subject to certain terms and conditions. Subsequent to the issuance of said Order, the title search was completed and the Petitioners learned that they were unable to claim ownership of the 15-foot right-of-way as anticipated. In this regard, Messrs. Robert Schleigh and Wallace Lippincott with the Department of Environmental Protection and Resource Management confirmed that the right-of-way area belonged to Clyde Morris and had been placed into an Agricultural Land Preservation Easement along with some other property owned by him. Thus, the right-of-way area was not eligible for use by the Petitioner. As a result of these developments, the Petitioners were forced to amend their request and submitted a revised site plan and Petition on September 9, 2005.

A hearing on the revised plan was held on November 9, 2005. At that hearing, Bernadette L. Moskunas, with Site Rite Surveying, Inc., the consultants who prepared the site plan for this property, appeared on behalf of Fred D. Tate, property owner, and his daughter Marsha Clayton. Appearing as Protestants/interested citizens were Robert Morris, who resides nearby and assists his father, Clyde Morris, in the operation of the adjacent Morris Meadows Recreation Farm, and Ronald L. Billet, the adjacent property owner who resides on the other side of the 15-foot

ORDER RECEIVED FOR FILING

Date

11/12/05

By

gop

right-of-way. In addition, a letter was received from Frank L. Purdum, Jr., President of the Freeland Community Association, questioning the appropriateness of the variance relief.

At the hearing, the Petitioner submitted an amended plan, which showed Ms. Clayton now proposes a slightly larger dwelling, 64 feet by 42 feet in dimension, with side yard setbacks of 12 feet to the north and 8 feet to the south. In addition, given the sharp angle of the property, the rear, northwest corner of the proposed house will be located 32 feet from the rear property line. Testimony indicated that the Petitioner originally chose a pre-fabricated house off the Internet as opposed to a stick-built home to minimize construction costs. However, the actual plans call for a 64-foot wide home and the standard architectural package cannot be altered to meet the previously approved setbacks without employing a custom builder to reconfigure the home.

As noted above, Robert Morris and Ronald Billet appeared in opposition to the request. Mr. Morris testified that his farm equipment currently extends beyond the 15-foot width of the right-of-way and he is concerned that placement of the new home 8 feet from that property line would further exacerbate the problem. Moreover, Mr. Billet has fenced his property to the edge of this 15-foot right-of-way. After discussing these concerns, the Petitioner agreed to further amend the Petition to reverse the setbacks requested so as to allow the 12-foot setback on the south side and the 8-foot setback to the north. In this regard, the house on the neighboring property is located approximately 100 feet from the common property line, and thus, will not be impacted by the proposal.

Based upon the testimony and evidence offered, I am persuaded to grant the amended variance. In my judgment, the Petitioner has complied with the requirements of Section 307 of the B.C.Z.R. for relief to be granted and strict compliance with the regulations would result in a practical difficulty and unreasonable hardship. There were no adverse Zoning Advisory Committee comments submitted by any County reviewing agency and the neighbors support the revised proposal. I find that the proposed development is consistent with the character of development in the neighborhood and will not adversely impact the surrounding locale. Thus, I am persuaded that the relief requested is appropriate in this instance and should be granted.

ORDER RECEIVED FOR FILING

Date

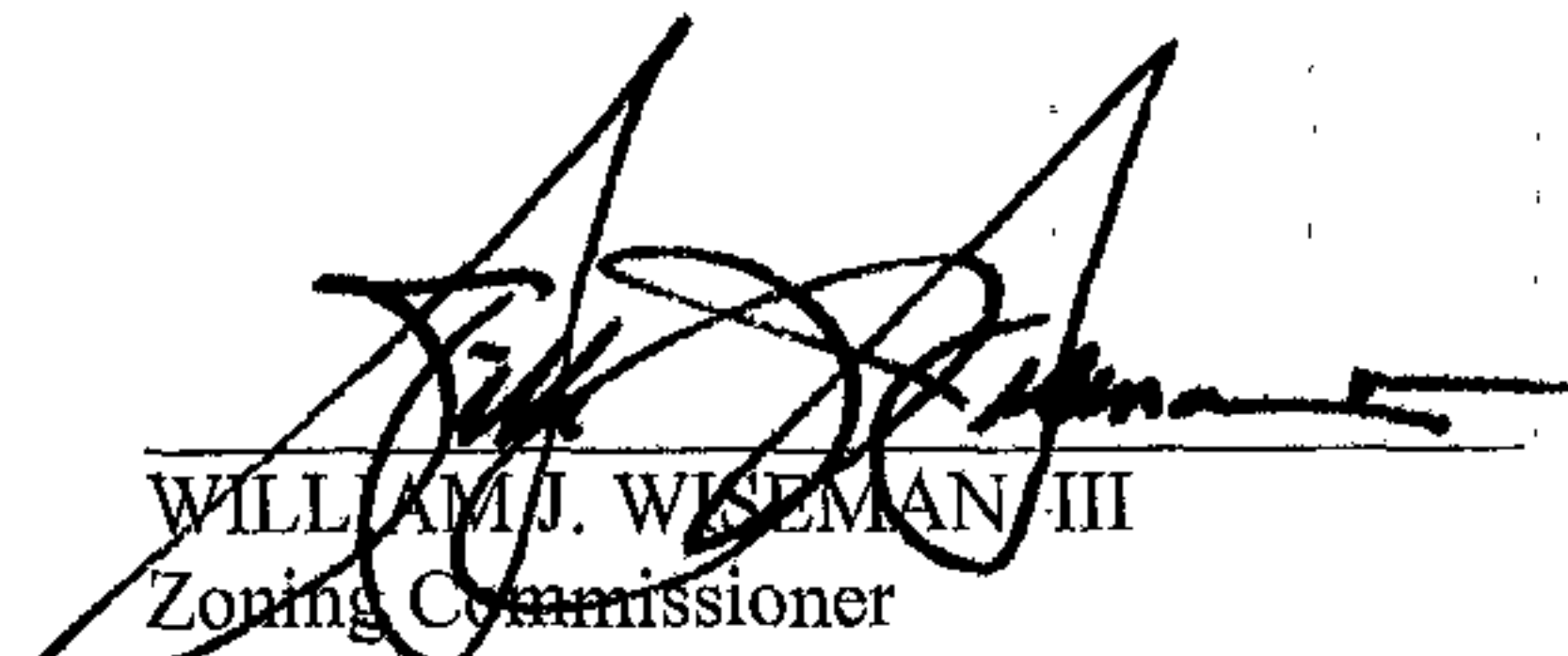
By

Pursuant to the advertisement, posting of the property and public hearing on this Petition 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 17th day of November 2005 that the amended Petition for Variance seeking relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 12 feet (**south**) and 8 feet (**north**) and a rear yard setback of 32 feet in lieu of the required 35 feet for all, for a proposed 64' x 42' dwelling in accordance with Petitioner's Revised Exhibit 1, be and the same is hereby GRANTED; and,

IT IS FURTHER ORDERED that but for the amended relief granted herein, the terms and conditions of the Order issued May 28, 2005 shall remain in full force and effect.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.


WILLIAM J. WISEMAN III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Fred D. Tate
29 Clipper Road, Baltimore, Md. 21221
Ms. Marsha Clayton
104 Creek View Court, Street, Md. 21154
Ms. Bernadette Moskunas, Site Rite Surveying, Inc.
200 E. Joppa Road, Towson, Md. 21286
Mr. Ronald L. Billet, 20700 Mt. Zion Road, Freeland, Md. 21053
Mr. Robert Morris, 1400 Morris Road, Freeland, Md. 21053
Office of Planning; DEPRM; People's Counsel; Case File

ORDER RECEIVED FOR FILING

Date 11/17/05

By [Signature]

IN RE: PETITION FOR VARIANCE
NW/S Mt. Zion Road, 393' SW of the c/l
Morris Road
(20704 Mt. Zion Road)
6th Election District
3rd Council District

Fred D. Tate
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-502-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Fred D. Tate. The Petitioner requests a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 12 feet each and a rear yard setback of 32 feet in lieu of the minimum required 35 feet for all. 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 were Fred D. Tate, property owner, his daughter Marsha Clayton, and Vincent Moskunus, a representative of Site Rite Surveying, Inc. the consultants who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an unimproved, rectangular/parallelogram-shaped parcel located on the west side of Mt. Zion Road, just south of Morris Road in the Freeland area of northern Baltimore County. The property contains a gross area of 22,624 sq.ft. (0.51 acres), more or less, zoned R.C.2, and is approximately 100 feet wide and 268 feet deep. The Petitioner has owned the property for many years (since 1957) and now wishes to have his daughter build a single family dwelling for herself as her retirement home. Mr. Tate has been involved in agricultural programs in the locale, having owned the 93-acre "Morris Meadows Recreation Farm" which borders the subject property to the west for many years. Building elevation drawings of the proposed 1½ story structure show that the new dwelling will be 60 feet wide and 35 feet deep in dimension. It was indicated that the proposed dwelling has been designed so that all living quarters and amenities are on one level. Testimony indicated that Ms. Clayton's husband has bad knees and that climbing steps is becoming increasingly

ORDER RECEIVED FOR FILING

Date

By

difficult. Thus, they have no desire for a second floor. Moreover, there will be no basement, only crawl space, and the ½ story proposed will be utilized solely for storage purposes.

Variance relief is necessary given the narrow width and configuration of the lot. In this regard, the R.C.2 zoning regulations require a minimum setback of 35 feet to any property line. Due to the location of the required septic reserve area in the front portion of the lot, the house will be setback a distance of 150 feet from Mt. Zion Road; however, a rear yard setback of 32 feet will be provided, given the sharp angle of the rear property line. Moreover, due to the narrow width of the lot, side setbacks of 12 feet each will be provided.

In support of the requested relief, testimony indicated that the Petitioner met with representatives of the Department of Environmental Protection and Resource Management (DEPRM) relative to placement of the structure and septic requirements. Due to other characteristics of this property, including its small size and topography, and close proximity of neighboring wells and septic, DEPRM also approved the location of the proposed well in the rear (western) portion of the property and adjacent to the existing previously identified farm, which is in a Maryland Agricultural Land Preservation Easement area. As depicted on the County GIS Services Map, a copy of which was submitted into evidence as Petitioner's Exhibit 6, there exists a drainage line ridge (Hillcrest) between the subject property and the preservation easement that directs the flow of water runoff and fertilizers to the west rather than towards the Petitioner's well. Moreover, the Petitioners have discussed their proposal with the adjacent property owners on either side who have indicated they have no objections to the Petitioner's daughter building a home on the lot. Further testimony indicated that the proposed dwelling and lot size is consistent with other development in the area. The neighboring property to the north, 20706 Mt. Zion Road, is 0.694 acres in area and is comparable to the subject lot. The property to the south at 20700 Mt. Zion Road is approximately 3/10 larger in size and the home thereon was built in 2001.

Based upon the testimony and evidence offered, I am persuaded to grant the variance. In my judgment, the Petitioner has complied with the requirements of Section 307 of the B.C.Z.R. for relief to be granted and that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship. The relief requested is appropriate in this instance and will not adversely impact

ORDER RECEIVED FOR FILING
Date 11/5/15
By [Signature]

adjacent properties or the surrounding locale. No one appeared in opposition to the request and there were no adverse Zoning Advisory Committee comments submitted by any County reviewing agency. Moreover, the proposed development will be consistent with the character of development in the area.

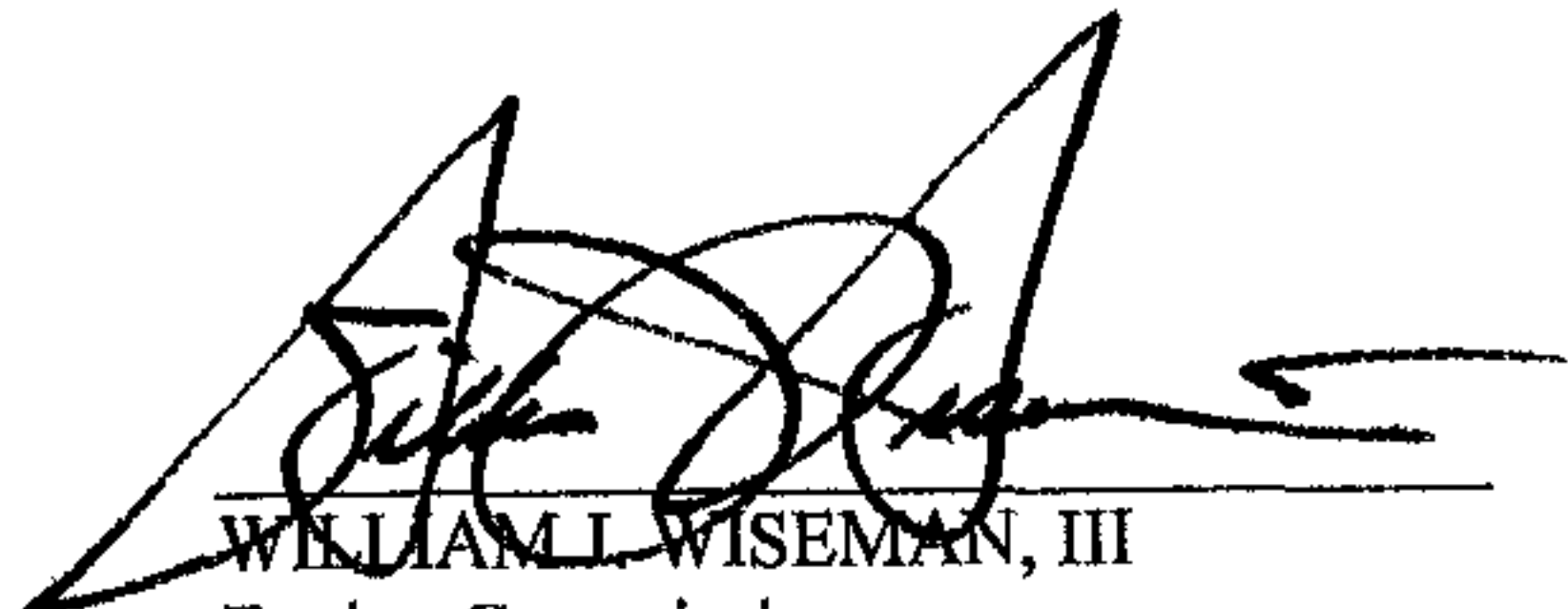
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

15th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of June 2005 that the Petition for Variance seeking relief from Sections 1B01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 12 feet each and a rear yard setback of 32 feet in lieu of the required 35 feet for all, for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and the same 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) Prior to the issuance of a use and occupancy permit, the Petitioner shall record a new deed referencing this case and incorporating the restriction set forth in the ZAC comment submitted by DEPRM, dated May 18, 2005, a copy of which is attached hereto and made a part hereof.
- 3) The proposed dwelling shall be built substantially in accordance with the building elevation drawings submitted at the hearing and marked into evidence as Petitioner's Exhibit 5.
- 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.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WJW:bjs


WILLIAM L. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 6/15/05
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
William J. Wiseman III, Zoning Commissioner

June 15, 2005

Mr. Fred D. Tate
29 Clipper Road
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
NW/S Mt. Zion Road, 393' SW of the c/l Morris Road
(20704 Mt. Zion Road)
6th Election District – 3rd Council District
Fred D. Tate - Petitioner
Case No. 05-502-A

Dear Mr. Tate:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", is written over a circular stamp.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Ms. Martha Clayton
104 Creek View Court, Street, Md. 21154
Mr. Vince Moskunas, Site Rite Surveying, Inc.
200 E. Joppa Road, Towson, Md. 21286
DEPRM; People's Counsel; Case File

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





Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at #20704 Mount Zion Road
which is presently zoned PC2

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) 1A01-3B.3. TO PERMITSIDE YARD.

SETBACKS OF 12 FT. & REAR YARD OF 32 FT. IN VIEW OF 35 FT.

27.2

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

See attached

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

State Zip Code

Legal Owner(s):

FRED D. TATE

Name - Type or Print

X Fred D Tate

Signature

Name - Type or Print

Signature

29 CLIPPER RD 410687-6554

Address

Telephone No.

BALTIMORE MD 21221

City

State

Zip Code

Representative to be Contacted:

Sate Rite Surveying, Inc

Name

200 E. Joppa Road Room 101 4108289060

Address

Telephone No.

Towson, MD 21206

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

SCA

Date 04-01-05

ORDER RECEIVED FOR FILING
6/15/08
DAB
BY

Case No. 05-502-A

RECEIVED 6/15/08

**REASONS FOR PETITION FOR VARIANCE
#20704 MOUNT ZION ROAD**

1. This property has been a recorded lot per deed Liber 1633, folio 53 dated December 1947. There is no contiguous ownership of property.
2. This petition is within the spirit and intent of the B.C.Z.R. and the permitted use of the property. The lot area is consistent with adjacent properties. The configuration of the property restricts the ability to meet the required setbacks.
3. Granting relief for this request will not adversely affect the safety or welfare of the community and will allow use of the property as intended.

OS. 502- A



REVISION

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 20704 Mount Zion Road
which is presently zoned RC 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 A 01.3 B 3. To Permit.

SIDE YARD SETBACKS OF 12 FT. & 8 FT. AND A REAR YARD SETBACK OF 32 FT. IN LIEU OF THE REQUIRED 55 FT.

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

Original Case No. 05-502-A being revised per new house size

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Fred D. Tate

Name - Type or Print

Signature

Name - Type or Print

Signature

29 Clipper Road

(410) 687-6554

Address

Telephone No.

Baltimore

MD

21221

State

Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc.

Name

200 E. Joppa Rd, Room 101

(410) 828-9060

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By 000 Date 10-14-05.

ORDER RECEIVED FOR FILING
Date 11/15/05
By [Signature]
REV 9/15/98

Case No. 05-502-D



REV 10W. FEES 6

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #20704 Mount Zion Road

which is presently zoned PC 2

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1701.3B.3. to Permit Side YD
SE-TRACKS OF 12 FT AN REAR YD. OF 32 FT IN LIEU OF
THE REQUIRED 35 FT

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

See attached

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

FRED D. TATE
Name - Type or Print

* Fred D Tate
Signature

Name - Type or Print

Signature

29 CLIPPER RD 410687-6534
Address Telephone No.

BALTIMORE MD 21221
City State Zip Code

Representative to be Contacted:

Site Rate Surveying Inc. BEA WATTE
Name

200 E. Joppa Road Room 410 828-9060
Address Telephone No.

TOWSON, MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By SMT Date 04-09-05

MAYBE
DOWNSIZING
& NOT NEED VAR.

**REASONS FOR PETITION FOR VARIANCE
#20704 MOUNT ZION ROAD**

1. This property has been a recorded lot per deed Liber 1633, folio 53 dated December 1947. There is no contiguous ownership of property.
2. This petition is within the spirit and intent of the B.C.Z.R. and the permitted use of the property. The lot area is consistent with adjacent properties. The configuration of the property restricts the ability to meet the required setbacks.
3. Granting relief for this request will not adversely affect the safety or welfare of the community and will allow use of the property as intended.

ZONING DESCRIPTION
20704 MOUNT ZION ROAD

Beginning at a point on the northwest side of Mount Zion Road which is 30 feet wide at the distance of 393 feet southwest of the centerline of Morris Road which is 30 feet wide. As recorded in Deed Liber 3061, folio 371 and running thence the following courses and distances, viz: (1) S13°50'W, 100 feet; (2) S43°45'W, 268.50 feet; (3) N13°50'E, 100 feet and (4) N43°45'E, 268 feet, containing 0.519 acres, more or less. Also known as #20704 Mount Zion Road and located in the 6th Election District, 3rd Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1101

DATE 10-14-05 ACCOUNT R.O.D. COLLECT

AMOUNT \$ 65.00

RECEIVED FROM Y.E. HIGGINS (ATC)

Re: DAA (Pension Plan)

ACCTGALTY - ZIND B.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER 05-502-11

PAID RECEIPT

SERIAL 0114 LINE 001

DATE 10/14/2005 10:56:00

BY 102 JENNIFER VERTEGATIA

DEPT - 001701

DEPT - 001701

DEPT - 001701

DEPT - 001701

DEPT - 001701

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DEPT - 001701

DEPT - 001701

CASHER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

03502-A

No. 443634

DATE 04/01/05 ACCOUNT 2001-006-6156

AMOUNT \$ 65.00

RECEIVED
FROM:

Thomas C. Carter

FOR:

Res. Uba

20704 Homeowner Rpt

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

5702

PAID RECEIPT

DATE	ACTUAL	TIME	BY
4/04/2005	4/01/2005	11:27:21	A
EG: NSU6	WALKIN	KICK KXN	
RECEIPT #	348703	4/01/2005	OFLN
Dept	5	020 ZONING VERIFICATION	
R NO	443634		
Recpt Tot		\$65.00	
1.00	CK	\$65.00	CS
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: #05-502-A
20704 Mt. Zion Road
N/west side of Mt. Zion
Road; 393 feet s/west of
centerline of Morris Road
6th Election District
3rd Councilmanic District
Legal Owner(s): Fred D. Tate
Variances: to permit side
yard setbacks of 12 feet
and rear yard setbacks 32
feet both in lieu of the re-
quired 35 feet.
Hearing: Wednesday, May
18, 2005 at 11:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue, Towson 21204.

WILLIAM WISEMAN
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

JT 5/609 May 3 49412

CERTIFICATE OF PUBLICATION

5/5/, 2005

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 5/3/, 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

Allen Harris
410-337-2400
914 3418
410-397-2455
Nancy
3415

CERTIFICATE OF POSTING

RE:Case No. 05-502-A

Petitioner/Developer: FRED D.

TATE

Date of Closing/Hearing: 4/10/05

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

Attention:

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
at 20704 MT. ZION ROAD

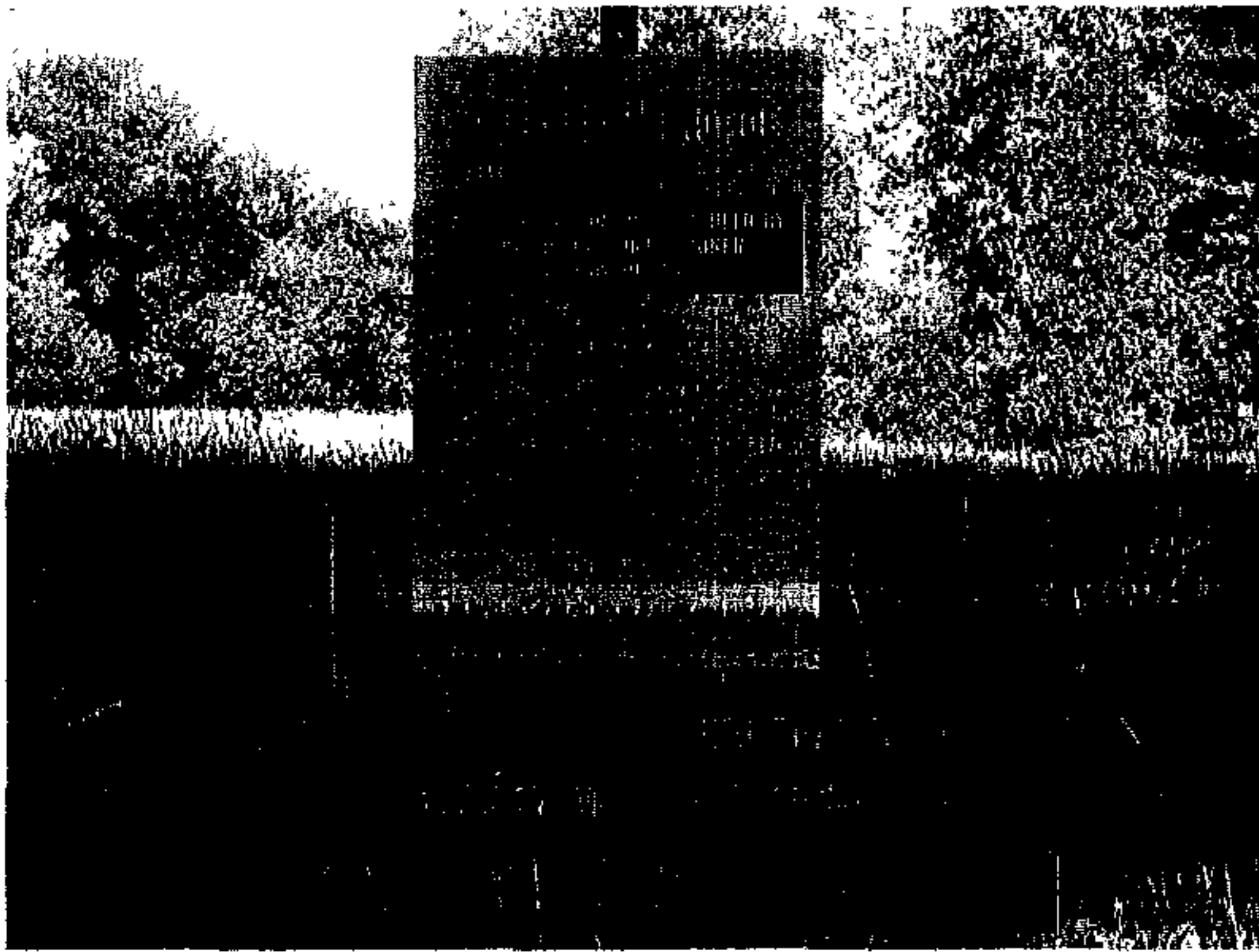
This sign(s) were posted on May 23, 2005
Month, Day, Year

Sincerely,

Martin Ogle 5/23/05
Sign Poster and Date

Martin Ogle
5016 Castlestone Drive
Baltimore Maryland 21237
(443-629-3411)

im000310 (576x432x256 jpeg)



Martin Ogle May 23, 2005

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 3, 2005 Issue - Jeffersonian

Please forward billing to:
Marsha Clayton
104 Creekview Court
Street, MD 21154

410-879-4958

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: 05-502-A

20704 Mt. Zion Road

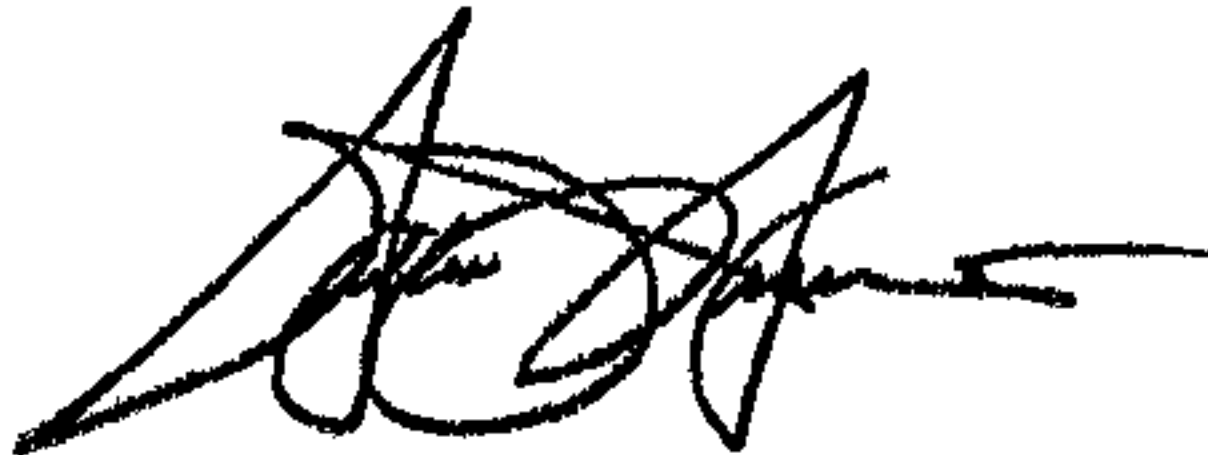
N/west side of Mt. Zion Road, 393 feet s/west of centerline of Morris Road

6th Election District – 3rd Councilmanic District

Legal Owner: Fred D. Tate

Variance to permit side yard setbacks of 12 feet and rear yard setbacks 32 feet both in lieu of the required 35 feet.

Hearing: Wednesday, May 18, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J WISEMAN III
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.



April 11, 2005

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: 05-502-A

20704 Mt. Zion Road

N/west side of Mt. Zion Road, 393 feet s/west of centerline of Morris Road

6th Election District – 3rd Councilmanic District

Legal Owner: Fred D. Tate

Variance to permit side yard setbacks of 12 feet and rear yard setbacks 32 feet both in lieu of the required 35 feet.

Hearing: Wednesday, May 18, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204.

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Fred Tate, 29 Clipper Road, Baltimore 21221

Site Rite Surveying, Inc., 200 E. Joppa Rd., Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 3, 2005.**
- (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 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: 05-502-A
Petitioner: Marsha Clayton (contact for Fred Tate)
Address or Location: 20704 Mount Zion Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Marsha Clayton
Address: 104 Creekview Court
Street, MD 21154
Telephone Number: 410 879-4958

05-502-A

REPOST
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 05-502-A -A Address 20704 Mt. Zion Rd
Contact Person: Soun R Alexander Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 10-14-05 Posting Date: 10-23-05 Closing Date: 11-07-05

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 05 502 -A Address 20704 Mt. Zion Rd
Petitioner's Name Fred D. Tate Telephone _____
Posting Date: 10-23-05 Closing Date: 11-07-05
Wording for Sign: To Permit REAR YARD SETBACK OF 32 FT. &
SIDE YARDS OF 12 FT & 8 FT. ALL IN LIEU OF 35 FT
(Per Sect. 1A01.5b3 BC.ZR.)

WCR - Revised 6/25/04

**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*

May 9, 2005

Fred D. Tate
29 Clipper Road
Baltimore, Maryland 21221

Dear Mr. Tate:

RE: Case Number: 05-502-A, 20704 Mount Zion Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 1, 2005.

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." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Site Rite Surveying, Inc. 200 E. Joppa Road Rm. 101 Towson 21286

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



April 14, 2005

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

ATTENTION: Zoning Review planners

Distribution Meeting of: April 11, 2005

Item No.: 487, 488, 489, 490, 491, 493, 493, 495, 496, 497, 502, 503

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lieutenant William F Connolly, Jr.
Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: April 8, 2005
Department of Permits & Development
Management

FROM: Dennis A. Kennedy, ^{DAK} Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 28, 2005
Item No. 502

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right-of-way for all public roads in Baltimore County is 40-foot. Set backs shall be modified accordingly.

DAK:CEN:clw
Cc: file
ZAC-ITEM NO 502-04182005.doc

BW
11/9

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 18, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting Revised Information for case 05-502A
For March 28, 2005
Item No. 502

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

Our previous comments dated April 8, 2005 have not been addressed.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 502-04182005.doc

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

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

Oct. 6, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No.: 167 thru 174 176 thru 184 Also case # 05-502-A

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.

1. The Fire Marshal's Office has no comments at this time.

Acting Lieutenant David S. Heath
Fire Marshal's Office
(O) 410-887-4681
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: May 18, 2005

TO: William Wiseman
Zoning Commissioner

FROM: R. Bruce Seeley *for DEPRM*
DEPRM

SUBJECT: ZAC Petition 05-502 (20704 Mount Zion Road)

RECEIVED

MAY 18 2005

ZONING COMMISSIONER

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

This Department requests that a restriction be placed within the deed reading as follows:

"This property may be subject to inconveniences or discomforts arising from Agricultural operations including but not limited to, noise, odors, fumes, dust, the operations of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. The County shall not consider an Agricultural Operation to be a public or private nuisance, if the operation complies with Federal, State, or County health or environmental requirements. Furthermore, the owner of this Lot has chosen to locate the well adjacent to the existing farm that is in a Maryland Agricultural Land Preservation Easement rather than elsewhere on the property."

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



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

Maryland Department of Transportation

Date: 4.8.05

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

RE: Baltimore County
Item No. 502 JRA

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
Engineering Access Permits Division

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



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

Maryland Department of Transportation

Date: 11.4.05

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

RE: Baltimore County
Item No. 05-502-A
20704 Mt. Zion Rd

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
Engineering Access Permits Division

RE: PETITION FOR VARIANCE
20704 Mt. Zion Road; NW/side Mt. Zion
Road, 393' SW c/line Morris Road
6th Election & 3rd Councilmanic Districts
Legal Owner(s): Fred D. Tate
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 05-502-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

Per.....

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 11th day of April, 2005, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

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

Bill Wiseman - Right To Farm Notice Required In Real Estate Contracts

From: "Stuart D. Kaplow, Esquire" <skaplow@stuartkaplow.com>
To: "William J Wiseman, Esquire" <wwiseman@co.ba.md.us>
Date: 6/16/2005 9:59:37 AM
Subject: Right To Farm Notice Required In Real Estate Contracts

My E-Real Estate Brief was stopped by the County government Spam Filter today ... the E-Brief is below, however, so that future E-Briefs reach you, may I request you go to the County Spam Filter and un-block the email ... Thank you, Stuart

E-Real Estate Brief:

'RIGHT TO FARM' NOTICE REQUIRED IN REAL ESTATE CONTRACTS IN MOST MARYLAND COUNTIES

By Stuart D. Kaplow, Esquire

With the aim of preserving agriculture in an environment of ever encroaching housing on farm land, most counties in the State of Maryland require that a statutorily prescribed Right To Farm Notice be included in agreements of sale for real estate. The Notice warns buyers of land that the county has determined inconveniences and discomforts occasioned by nearby farm operations (i.e., noise, odors, fumes, low flying aircraft, etc.) are not considered interference with use and enjoyment of the land.

Many Maryland counties also require that the Notice be included in leases.

Accepting that real estate is one of the most heavily regulated industries, there are federal, state, and local government requirements for language that must be contained within an agreement for the sale for real property, and in particular in a contract involving residential property. This article considers only the requirements imposed by Maryland counties with respect to Right To Farm Notices.

Recognizing that preserving agriculture is an admirable aim, local governments throughout the country have enacted ordinances limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance, trespass or other interference with non-farm uses. As a component part of those ordinances, most Maryland counties require a Notice be given.

The List of Counties

Calvert County Code, Chapter 99, Sec. 99-5; Caroline County Code, Part III, Chapter 194, Sec. 149-6; Carroll County Code, Sec. 173-5; Cecil County Zoning Ordinance, Chapter 270, Sec. 270-4; Charles County Code, Sec. 235-5(a); Dorchester County Code, Chapter 127-5; Frederick County Code, Part I, Article V, Sec. 1-6-66(a); St. Mary's County Code, Chapter A-286; Talbot County Code, Chapter 128, Sec. 128-6; Wicomico County Code, Sec. 186-7; and, Worcester County, Code of Public Laws, Zoning and Subdivision Article, Title I, subtitle III, Sec. 1-346, all require a similar or the same Notice. (Note, Baltimore County has a very different requirement, described below.)

The relevant county code should be consulted for the specific language mandated in each particular jurisdiction.

Each of those Maryland counties require "[u]pon any transfer of real property by any means, the transferor shall provide the purchaser or lessee a statement specifically advising the purchaser or lessee of the existence of this chapter which shall be in substantially the form set forth" below:

" _____ COUNTY RIGHT TO FARM NOTICE

_____ County recognizes and supports the right to farm agricultural lands in a manner consistent with generally accepted agricultural management practices. Residents of property on or near agricultural land should be prepared to accept the inconveniences or discomforts associated with agricultural operations including but not limited to noise, odors, flies, fumes dust, the operation of machinery of any kind during any 24-hour period (including aircraft), vibration, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. _____ County has determined that

inconveniences or discomforts associated with such agricultural management operations shall not be considered to be an interference with reasonable use and enjoyment of land, if such operations are conducted in accordance with generally accepted agricultural management practices. _____ County has established an agricultural reconciliation committee to assist in the resolution of disputes which might arise between persons in this county regarding whether agricultural operations conducted on agricultural lands are causing an interference with the reasonable use and enjoyment of land or personal well being and whether those operations are being conducted in accordance with generally accepted agricultural practices. If you have any questions concerning this policy or the reconciliation committee, please contact the Planning Department.

Seller _____ Date: _____
 Seller _____ Date: _____

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT:

Buyer _____ Date: _____
 Buyer _____ Date: _____

IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY."

Of import, this right to farm real estate transfer disclosure must also be made in every lease (i.e., residential and commercial) in these counties.

While penalties vary from county to county, in most jurisdictions, any person who violates any provision of this right to farm real estate transfer disclosure provision "is guilty of an infraction punishable by a civil penalty not exceeding \$100.00." In all counties, failure to comply with any provision of this disclosure requirement "does not prevent the recording of any document, or the title to real property or any mortgage or deed of trust made in good faith or for value, and it shall not affect the application of this chapter."

Baltimore County

As noted, Baltimore County has addressed the right to farm issue very differently and in a limited fashion. A property owner in that jurisdiction must, as required by Baltimore County Code Sec. 35-3-303(b), include the following notice, as applicable, in a contract for the sale of real estate in or within 500 feet of any RC 4 zoning district:

"(a) The property may be subject to inconveniences or discomforts arising from agricultural operations, including: (i) Operation of machinery of any kind including aircraft, during any 24-hour period; (ii) The storage and disposal of manure; and (iii) The application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides; and
 (b) The county will not consider an agricultural operation to be a public or private nuisance if the operation: (i) Complies with all federal, state, or county health and zoning requirements; and (ii) Is not being conducted in a negligent manner."

In Baltimore County, a person who violates this may be "guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 30 days or both."

Conclusion

Beyond the scope of this consideration of the local government Right To Farm Notice, be aware there are federal notices on the thickness of insulation in a new house, federal and state lead paint disclosures and warnings, state disclaimers or disclosures with respect to the condition of a property, state forest conservation notices, and a host of other provisions that may be required to be contained within a particular contract of sale for real estate or the parties risk that the contract may be voidable or worse.

Also, while the Right To Farm Notice is the single matter required by more local governments than any other statutory mandate, most jurisdictions within Maryland impose other and additional requirements on sellers of real estate, including other mandates to incorporate specific language within an agreement of sale. In fact, the article Checklist of Required Real Estate Contract Provisions in Baltimore County, Maryland is among the most popular articles on this firm's website.

This article identifies one of the issues that must be considered by a seller or purchaser of real estate (and

Bob Katz -

Variance - Freeland Md - underpaid lot

Marsha Clayton →

- grandfather to father

- contiguous with 15' strip []

- Bob Shlay →

Bob Shlay }
Bruce Seely } →

Agriculture Preservation
Land preservation

~~Ch~~ Carl Pachard -

To: Kristin M.
From: DPR

BW
11-9

**REVISED INFORMATION FOR CASE
05-502-A**

20704 MOUNT ZION ROAD

**REQUEST: TO PERMIT A REAR
YARD SETBACK OF 32 FEET AND
SIDE YARDS OF 12 FEET AND 8
FEET. ALL IN LIEU OF 35 FEET.**

10/17/05
CEN u

Our previous comment, ^{dated April 8, 2005} has not been
addressed.

Case No.:

05-502-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED PLAN to REFLECT A 64' HOUSE	FREELAND Community Assoc. OPPOSITION
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Case No.:

05-502 A "5/15/05 HEARING"

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Freeland Community Assoc
No. 2	DEPRM Comment	
No. 3	DESD	
No. 4	Overhead - SIMILAR lots	
No. 5	Floor Plan	
No. 6	Drainage Ridge	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Freeland Community Association

P.O. Box 52, Freeland, MD. 21053-0052

William J. Wiseman
Zoning Commissioner
Baltimore County

07 November 2005

RE: Case 05-502-A

Mr. Wiseman

As President of the Freeland Community Association I would like to voice our opposition to the variances requested in case 05-502-A. At the request of residents on Mt Zion Rd I walked the property in question and found a long narrow lot that is approximately one half acre in size. The east side of the property faces Mt Zion Rd the west side of the property faces land that is farmed and currently is a standing cornfield. On the north and south sides are lots, which contain small single-family homes of a bungalow style. From the requested side yard set backs being requested it would appear that the structure to be erected would cover the property from property line to property line. The community feels that a structure of the size requiring such a side yard set back variance would be completely out of character for the surrounding area.

While walking the property there appeared to be a right of way leading from Mt Zion Rd back to the farmland behind the subject property. Upon review of a plat provided by a neighbor, what appears to be a right of way is shown on the south side of this property. Which would match what I saw on the property. Premised on this I would have to ask, whether the requested side yard set back would start with the edge of the right-of-way or with the neighbor's property line to the south?

Thank you for your consideration with this matter.

Sincerely



Frank L. Purdum Jr.
President Freeland Community Association.
1503 Walker Rd.
Freeland, Md. 21053

PROTESTANT' S

EXHIBIT NO.

1

Fax 410 828-906

BALTIMORE COUNTY, MARYLAND
ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Memorandum

TO: Bernadette Site Rite DATE: May 17, 2005
FROM: Wally Lippincott, Jr.
SUBJECT: Marsha Clayton

In order to resolve this given all the other circumstances involving this property- small lot size, proximity of neighbors, and topography, I suggest the attachment of the following restriction to the plot plan as a condition for the development. This will at least put owners on notice about the adjacent agricultural use and hopefully avoid potential conflicts between the property owner and the agricultural uses of the neighboring property. I would also prefer to have a vegetative buffer between the properties, but given the description of the topography that does not seem reasonable.

Please advise if this condition is acceptable to the landowner.

PETITIONER' S

EXHIBIT NO. 2

Agricultural Note

This property

~~ANY DWELLING~~ MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORTS ARISING FROM AGRICULTURAL OPERATIONS, INCLUDING BUT NOT LIMITED TO, NOISE, ODORS, FUMES, DUST, THE OPERATIONS OF MACHINERY OF ANY KIND DURING ANY 24 HOUR PERIOD (INCLUDING AIRCRAFT), THE STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION BY SPRAYING OR OTHERWISE OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES AND PESTICIDES. THE COUNTY SHALL NOT CONSIDER AN AGRICULTURAL OPERATION TO BE A PUBLIC OR PRIVATE NUISANCE, IF THE OPERATION COMPLIES WITH ~~THESE REQUIREMENTS~~ ALL FEDERAL, STATE, OR COUNTY HEALTH OR ENVIRONMENTAL REQUIREMENTS. *Furthermore, THE OWNER OF THIS LOT HAS CHOSEN TO LOCATE the WELL adjacent to the existing FARM THAT IS IN A MARYLAND AGRICULTURAL LAND PRESERVATION EASEMENT RATHER THAN ELSEWHERE ON THE PROPERTY.*

*PLACE ON SITE PLAN
EXHIBIT 2*

Notary Public

Recorded Dec 2 1947 at 1 P M & Exd per

John W Bishop - Clerk

(Rec MP

(Exd By AJ&V)

Grandparents

36911 : This Deed made this 1st day of December 1947
 James L Pugh et al : by James L Pugh and Floy May Pugh his wife parties
 Deed to : of the first part Grantors to Albert Henry Schuler
 Albert Henry Schuler et al : and Mary L Schuler his wife parties of the second
 ----- part Grantees of Baltimore County State of Maryland

Witnesseth that in consideration of five dollars and other good and valuable considerations receipt whereof by the first parties is acknowledged the sa id first parties do hereby grant and convey unto the said second parties as tenants by the entireties their assigns the survivor of them and the heirs and assigns of such survivor in fee simple all that lot of ground situate in the Sixth Election District of Baltimore County State of Maryland described as follows

Beginning for the same at a point in the centre line of the Freeland Road 30 feet wide distant North 13 degrees 50 minutes West 17.50 feet along said centre line from the point of intersection of said centre line with the south 43 degrees 45 minutes West 32 perches line of the property described in a deed from Franklin J Zeller et al to James L Pugh and wife and recorded among the Land Records of Baltimore County in Liber CWB Jr No 1110 folio 132 said point of intersection being 155.3 feet from the beginning of said South 43 degrees 45 minutes West 32 perches line and running thence from said place of beginning and binding on the centre of said Freeland Road North 13 degrees 50 minutes West 100.00 feet thence south 43 degrees 45 minutes West 268.00 feet thence parallel with Freeland Road south 13 degrees 50 minutes East 100.00 feet to the northwest side of a 15.0 foot road thence binding on the northwest side of said 15.0 foot road and parallel to the outline of the whole tract in the deed above referred to North 43 degrees 45 minutes East 268.50 feet to the point of beginning

Being a part of the first parcel of ground which by deed dated May 31st 1940 and recorded among the Land Records of Baltimore County in Liber CWB Jr No 1110 folio 132 was granted and conveyed by Frank J Zeller et al to the said James L Pugh and Floy May Pugh his wife

Together with the buildings and improvements thereon and all the rights and appurtenances thereunto belonging or in any wise appertaining

To have and to Hold said land and premises unto the ~~said~~^{second} parties as tenants by the entireties their assigns the survivor of them and the heirs and assigns of such survivor forever in fee simple

And the first parties covenant to warrant specially the land and premises intended hereby to be conveyed and to execute such other or further assurances thereof as may be requisite

As Witness the hands and seals of the Grantors

Witness:

R. Parks Plowman

James L Pugh (Seal)

Floy May Pugh (Seal)

PETITIONER'S

EXHIBIT NO.

3



PETITIONER'S

EXHIBIT NO. 4



Variance Petition
#20704 Mount Zion Road
Zoning Map

RITZ-CRAFT 50TH ANNIVERSARY EDITION

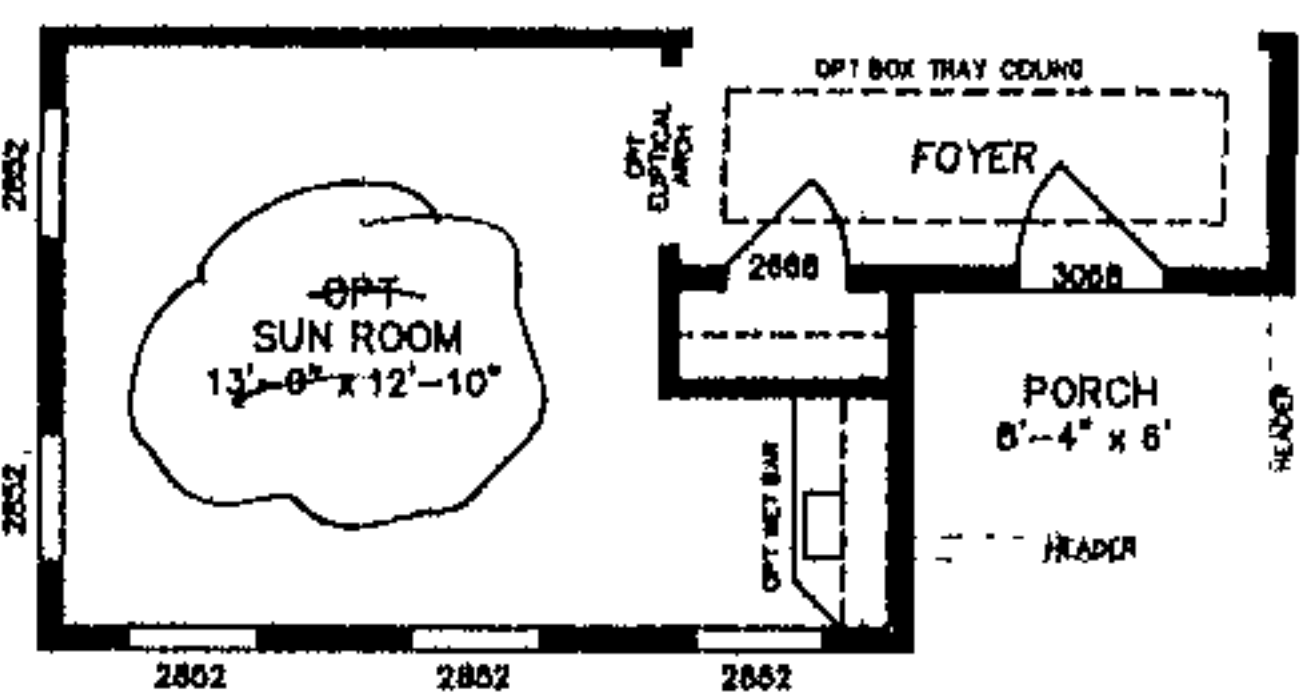
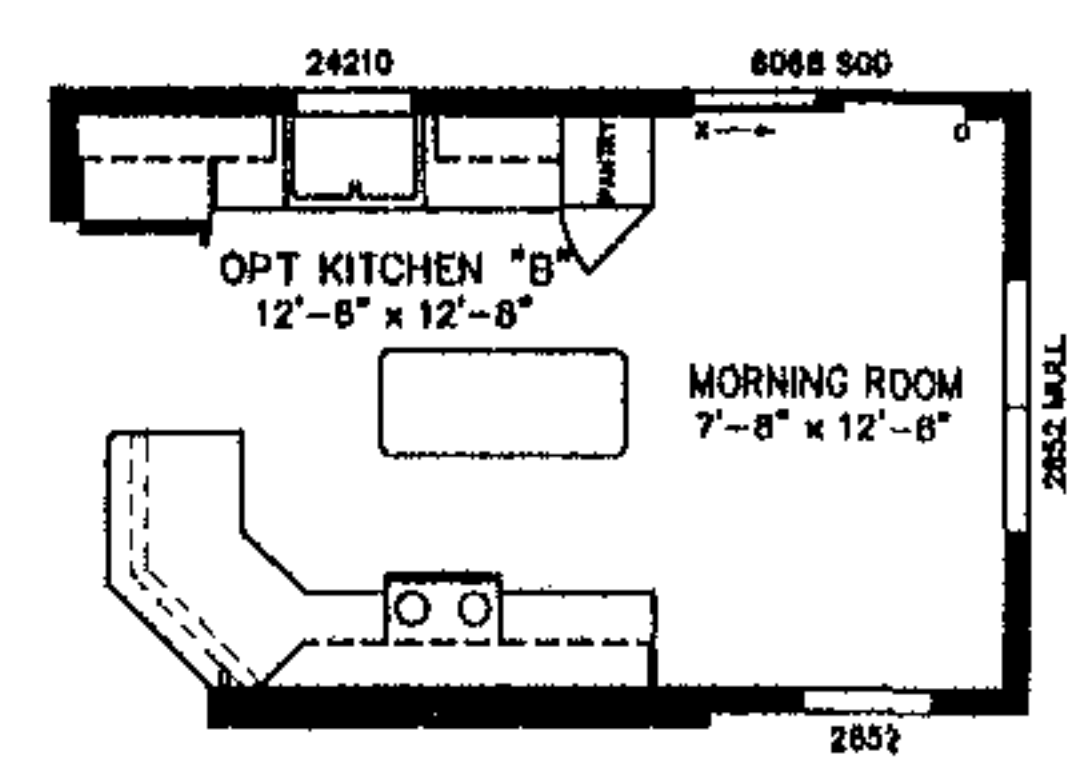
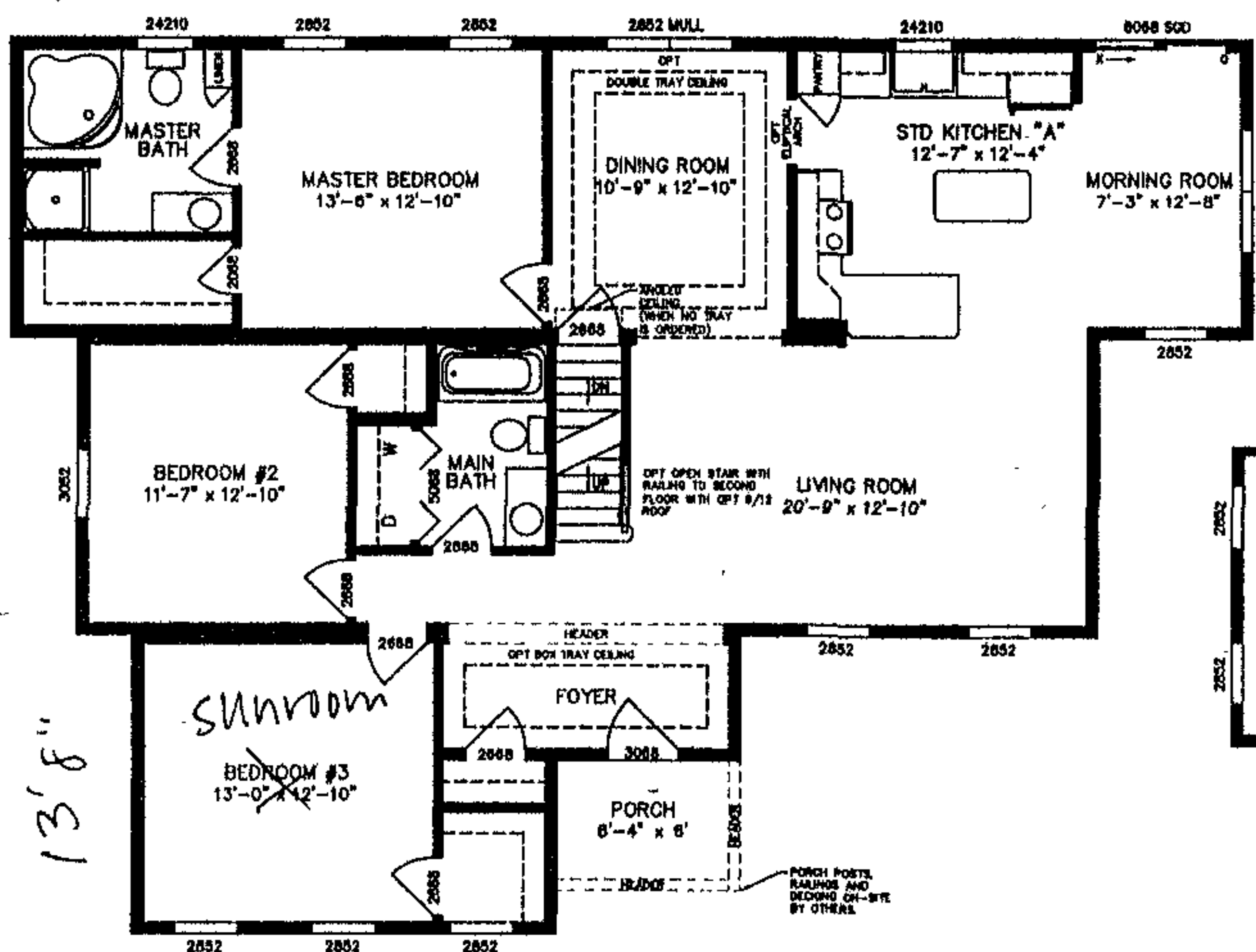


60' max h.

56'

27'4"

13'8"



Anniversary #0001
27'4" x 56/46"
13'8" x 27'4"
1703 sq. ft.

Slab on grade

April 1, 05 27'4"



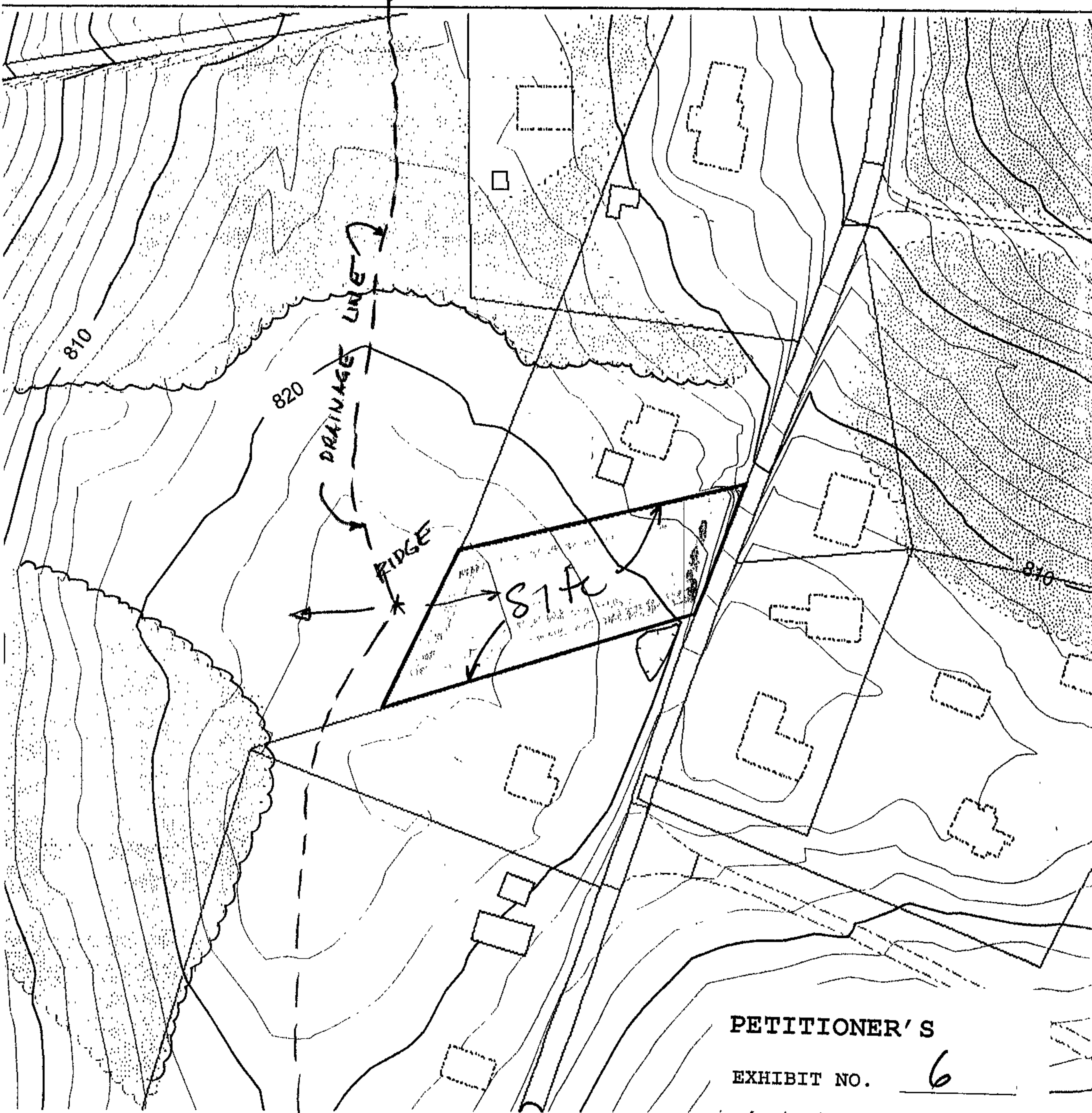
PETITIONER'S

EXHIBIT NO. 5

OS-502-A

7C

TOPO MAP FOR MT ZION ROAD



PETITIONER'S

EXHIBIT NO. 6

For internal use only.
The cadastral information on this plot was compiled
from existing deed information.
This information is not to be considered authoritative.
This survey information was not field checked
and certified by a licensed land surveyor.

Baltimore County, MD
Department of Public Works
GIS Services



20764 #

GENERAL NOTES:

1. EXISTING ZONING: RC2
2. LOT AREA: 0.51 Acres $\pm$ or 22,624 S.F. $\pm$
3. NOT LOCATED IN A 100 YEAR FLOOD PLAIN AREA
COMMUNITY PANEL NO. 240010 0050 ZONE: "C"
4. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
5. NOT LOCATED IN AN HISTORIC AREA
6. PRIVATE WATER AND SEPTIC
7. NO PRIOR ZONING HISTORY
8. THIS PROPERTY HAS BEEN A RECORDED LOT SINCE
DECEMBER 1, 1947 IN THE LAND RECORDS LIBER JWB NO.
1633, FOLIO 53.
9. EXISTING USE VACANT
10. PROPOSED USE: SINGLE FAMILY DWELLING
11. VARIANCE PETITION FOR SIDEYARD SETBACKS & REAR YARD
12. ALL DWELLINGS WITHIN 200' OF SITE ARE SHOWN.

15th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of June 2005 that the Petition for Variance seeking relief from Sections 1B01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 12 feet each and a rear yard setback of 32 feet in lieu of the required 35 feet for all, for a proposed dwelling, in accordance with Petitioner's Exhibit I, be and the same is hereby GRANTED, subject to the following restrictions:

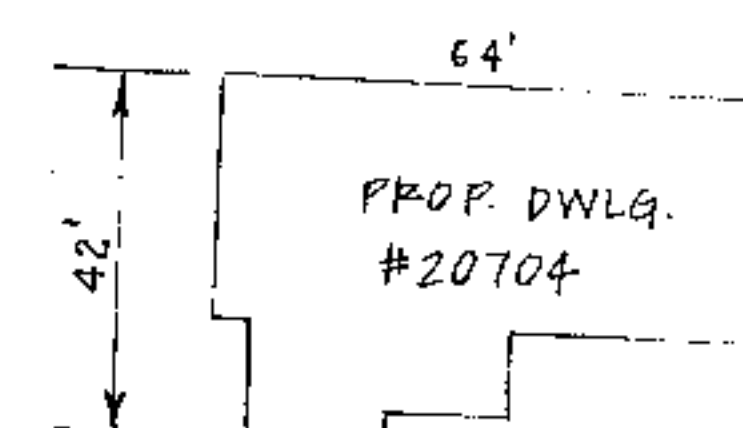
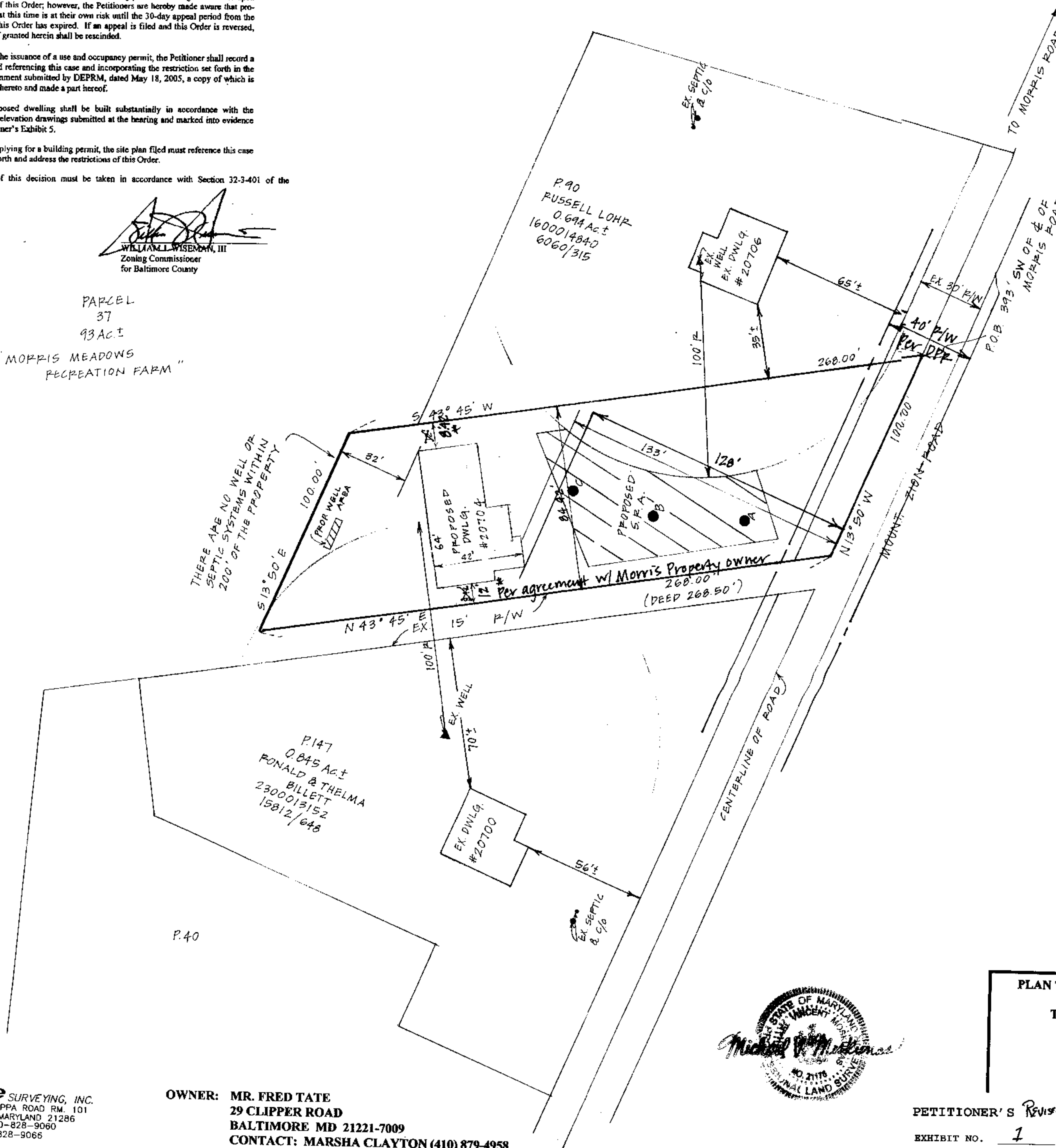
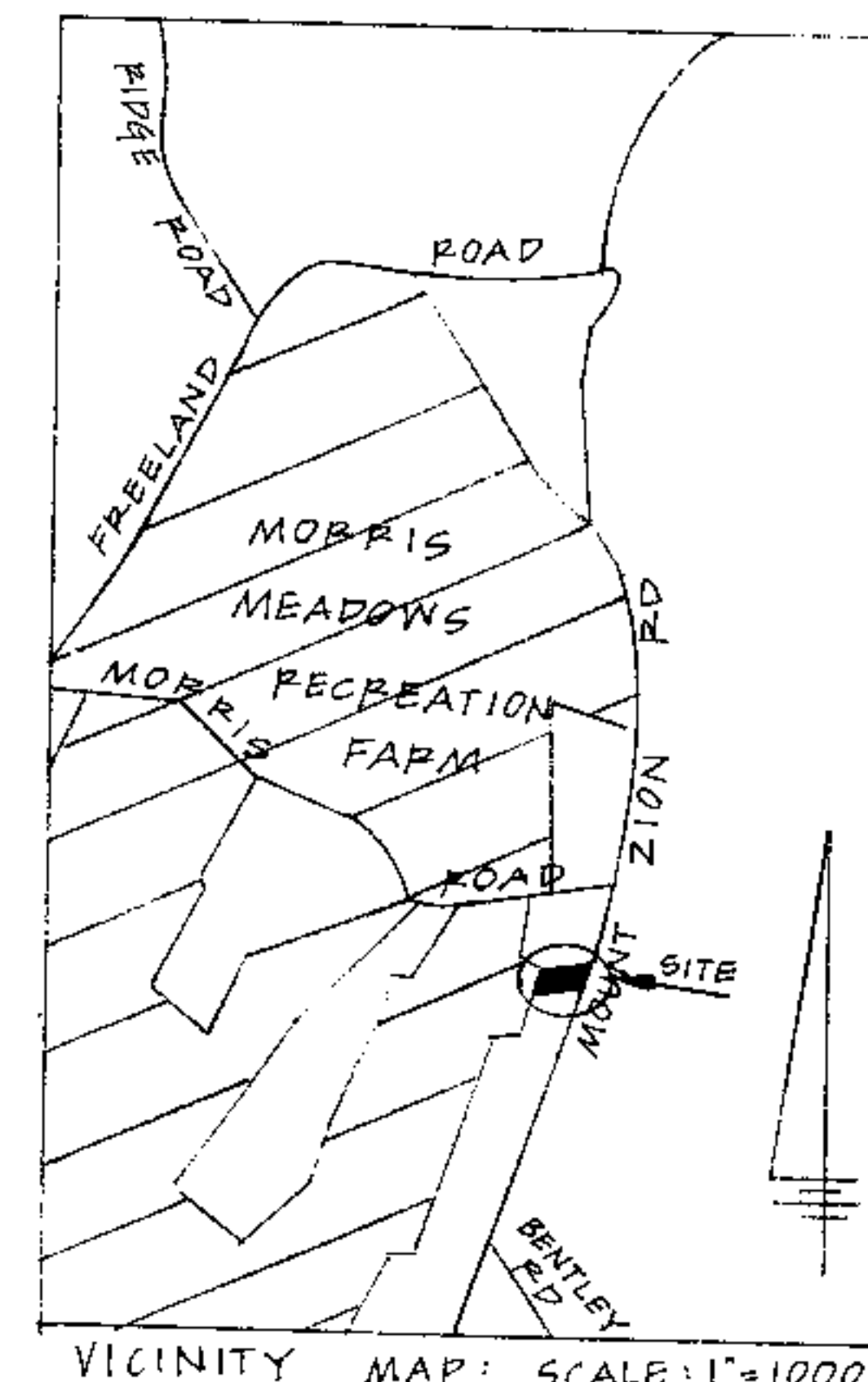
- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of a use and occupancy permit, the Petitioner shall record a new deed referencing this case and incorporating the restriction set forth in the ZAC comment submitted by DEPRM, dated May 18, 2005, a copy of which is attached hereto and made a part hereof.
- 3) The proposed dwelling shall be built substantially in accordance with the building elevation drawings submitted at the hearing and marked into evidence as Petitioner's Exhibit 5.
- 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.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WILLIAM L. WISEMAN, III
Zoning Commissioner
for Baltimore County

WIW:bjs

PARCEL
37
93 AC. $\pm$
"MORRIS MEADOWS
RECREATION FARM"



PROP. DWLG.
SCALE: 1" = 30'

AMENDED PLAT
REVISED SEPT. 9, 2005

PLAN TO ACCOMPANY PETITION FOR VARIANCE
#20704 MOUNT ZION ROAD
TAX MAP: 6 GRID: 18 PARCEL: 119
TAX ACCT. NO. 0620015010
DEED REF.: 3061/371
ELECTION DISTRICT NO. 6
COUNCILMANIC DISTRICT NO. 3
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30'
APRIL 1, 2005
9074

PETITIONER'S *Revised*
EXHIBIT NO. 1

OWNER: MR. FRED TATE
29 CLIPPER ROAD
BALTIMORE MD 21221-7009
CONTACT: MARSHA CLAYTON (410) 879-4958

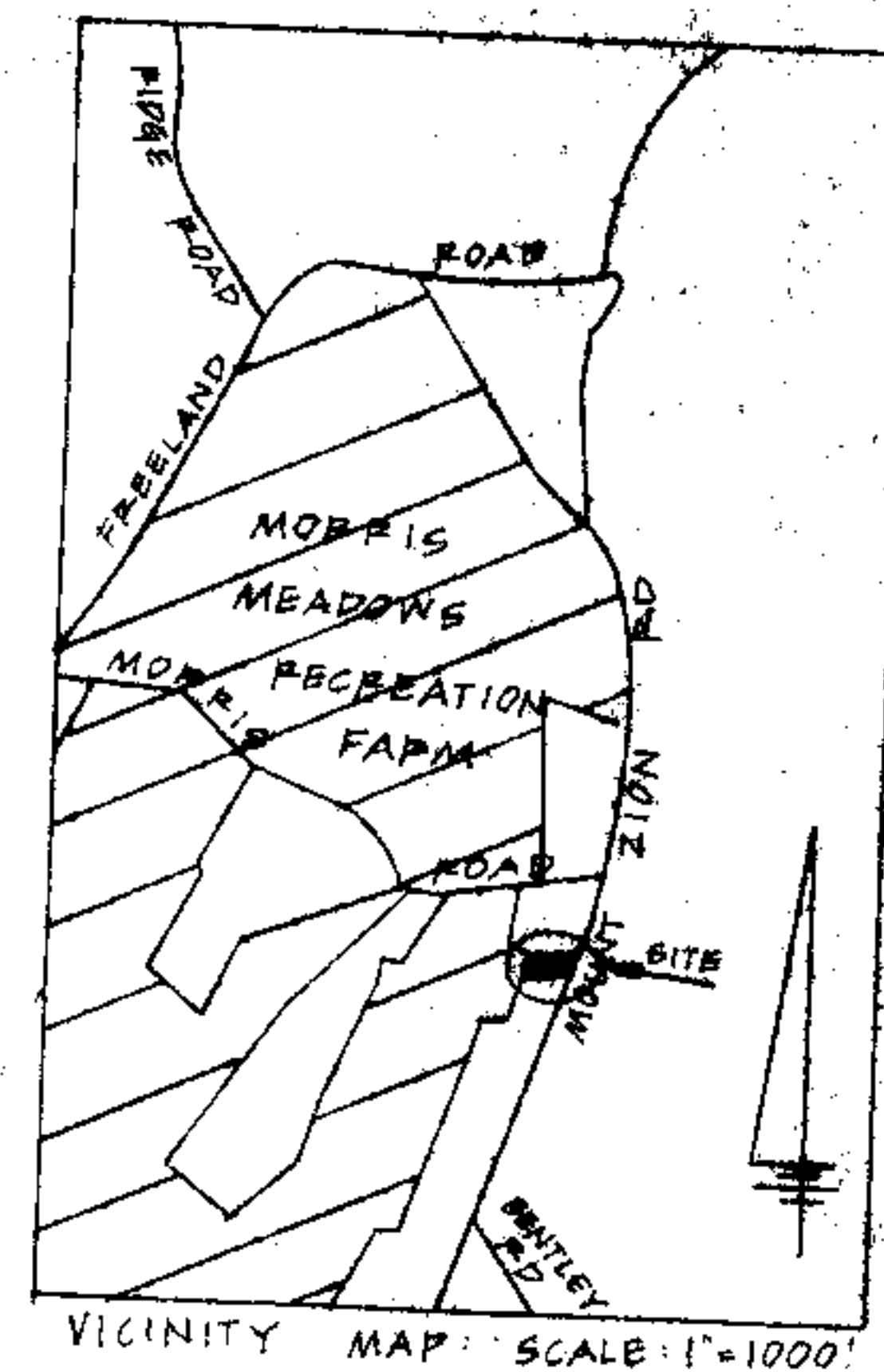


GENERAL NOTES:

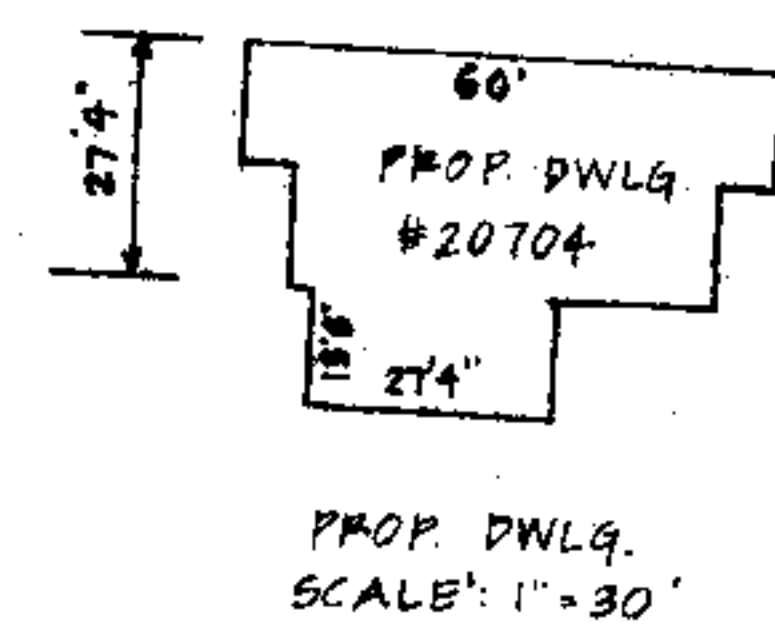
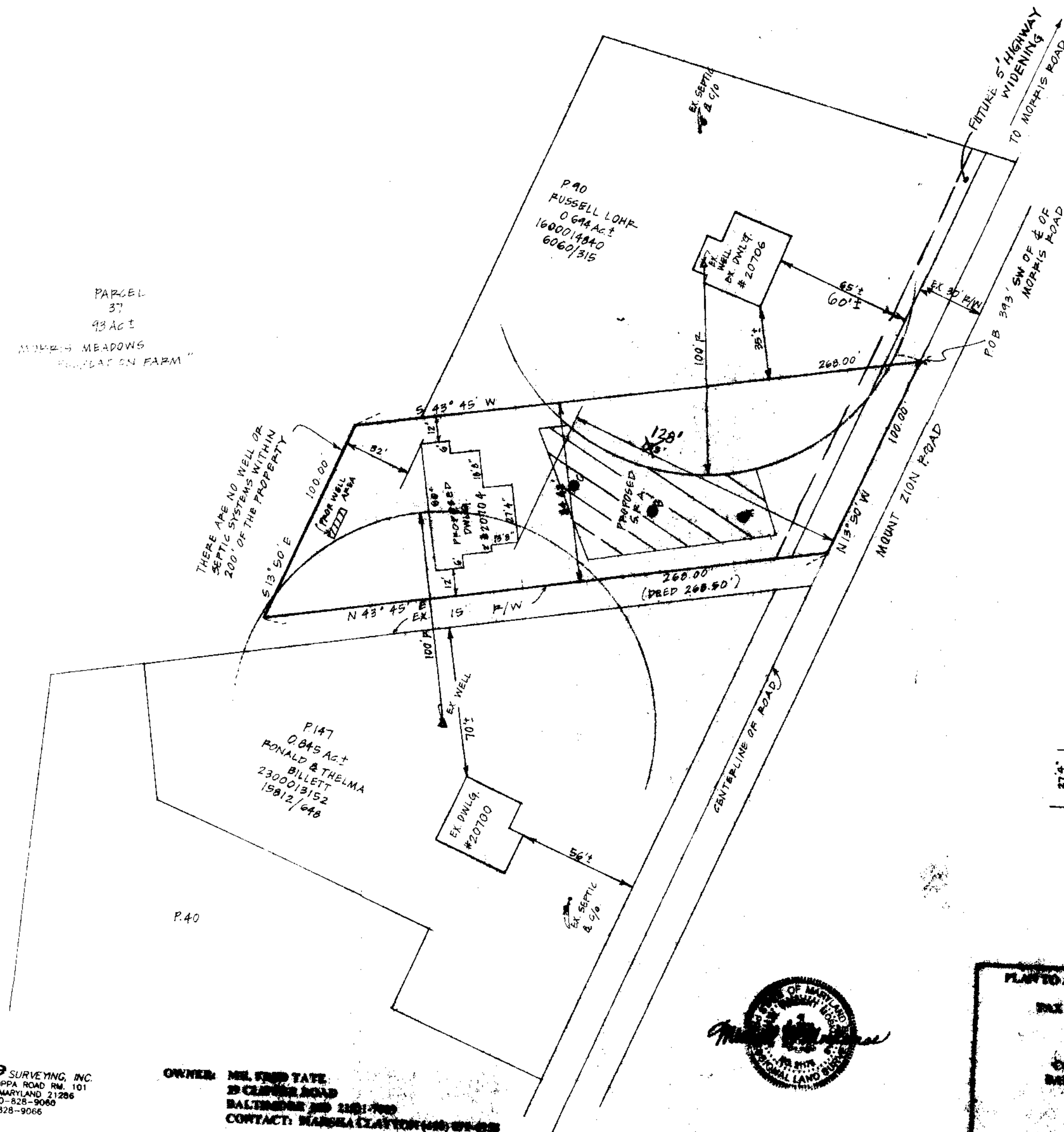
1. EXISTING ZONING: RC2
2. LOT AREA: 0.51 Acres $\pm$ or 22,424 S.F. $\pm$
3. NOT LOCATED IN A 100 YEAR FLOOD PLAIN AREA
COMMUNITY PANEL NO. 240019 0000 ZONE: "C"
4. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
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ALL DWELLINGS WITHIN 200' OF SITE ARE SHOWN.

P.90
#20714

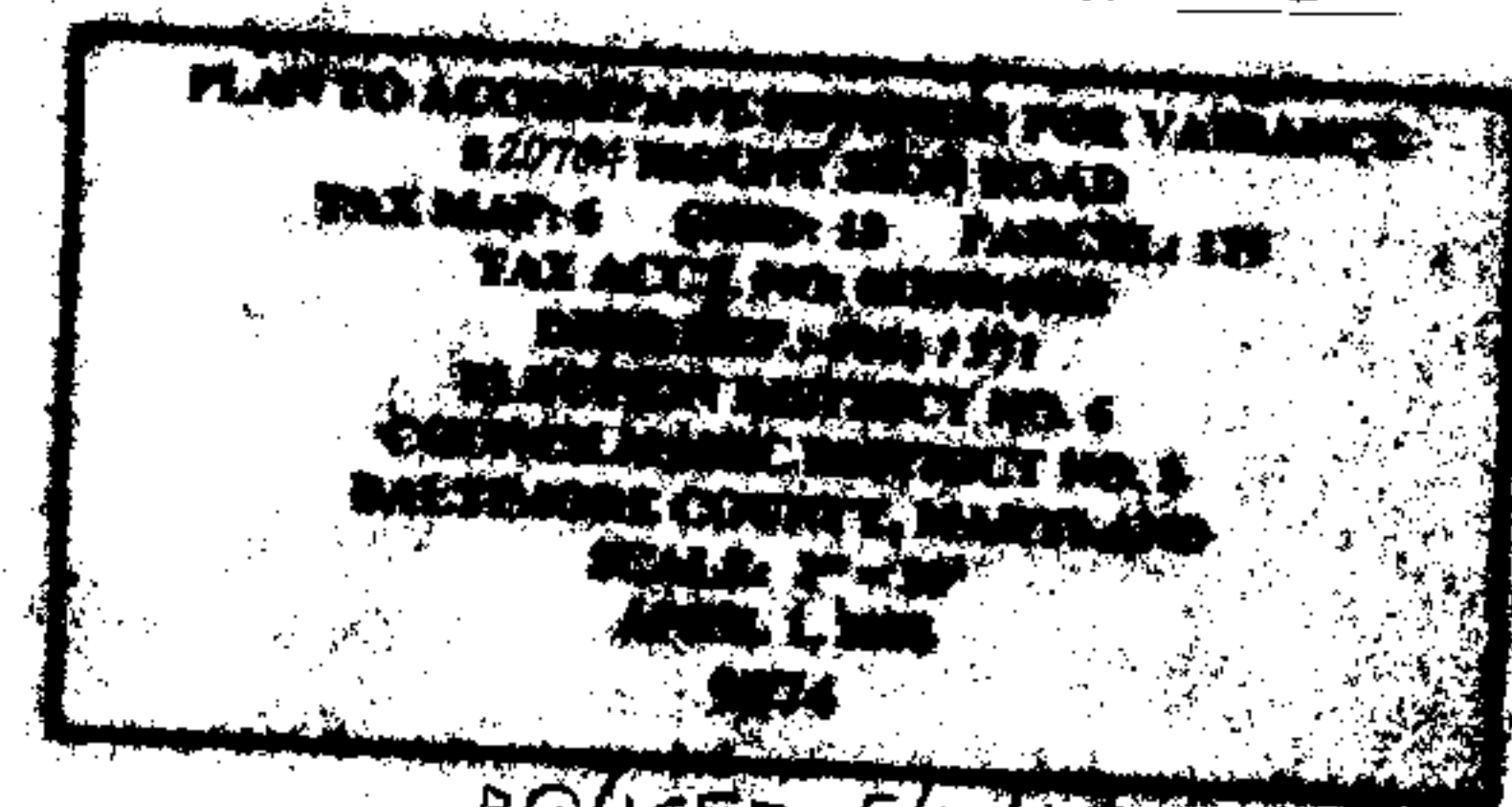


PARCEL
37
93 AC
MORRIS MEADOWS
RECREATION FARM

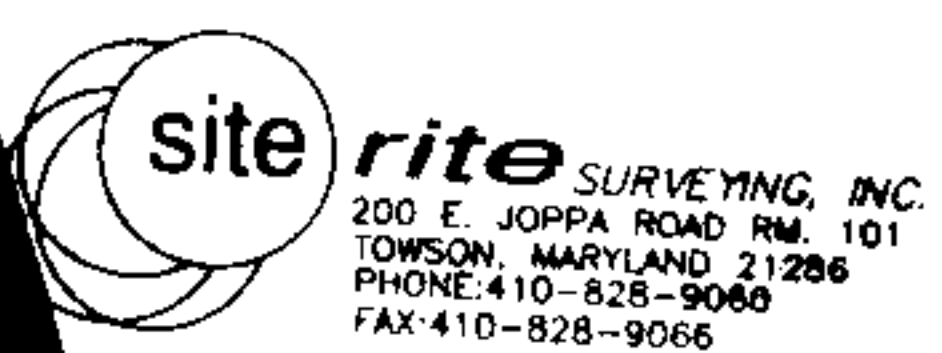


PROPOSED DWLG.
SCALE: 1"=30'

PETITIONER'S
EXHIBIT NO. 1



REVISED 5/12/05



OWNER: MEL FRID TATE
29 CLAYTON ROAD
BALTIMORE MD 21211-7000
CONTACT: MARSHA CLAYTON (410) 871-0225