

IN RE: PETITION FOR SPECIAL HEARING
W/S of York Road, 1700 ft. S
centerline of Freeland Road
7th Election District
3rd Councilmanic District
(21428 York Road)

Janie L. & David G. Bennett
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-625-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Janie L. and David G. Bennett. The Petitioners are requesting special hearing relief for property located at 21428 York Road in the northern area of Baltimore County. Special Hearing relief is requested pursuant to Sections 1A04.3.B.1.b, 1A04.3.B.2.b and 1A04.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve side lot setbacks of 23 ft. and 32 ft. for the existing (Historic) dwelling and for the proposed addition on the rear of same.

The property was posted with Notice of Hearing on July 7, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 12, 2005 to notify any interested persons of the scheduled hearing date.

Applicable Law

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

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

RECEIVED FOR FILING
7/29/05
Ray

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated June 7, 2005, a copy of which is attached hereto and made a part hereof. This comment indicated the Planning Office found the Petitioner's request in accord with the spirit and intent of the RC 5 regulations. In addition, a ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated June 28, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance requests were Janie and David Bennett, Petitioners. No Protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The Petitioners propose a 27 ft. x 49 ft. addition to the rear of their historic home on York Road. They indicated that their growing family needed more room than the present three bedroom house provides. They noted that the addition would be in line with the existing house, which is 23 feet from the northern lot line and 32 feet from the southern lot line. The RC 5 regulations require 50 foot side lot setbacks. See Petitioners' Exhibit 1. The addition will meet all other regulations.

The Petitioners were not sure of the historic nature of their home other than it was more than 200 years old. They were given a description of the home by the Planning Office, which indicated that the home was on the Maryland Historic Trust Inventory and known as the "Rutledge Leib House". A copy of the Inventory description is included in the file. They noted,

RECEIVED FOR PLANNING
7/29/05
Ray

however, that since the addition was in line with the existing house there would be no change to the view of the historic structure from York Road.

The Petitioners indicated that the Planning Office and Permits and Development Management Office reviewed the permit application and indicated that no hearing was necessary before the Landmarks Preservation Commission. In addition, the Petitioners submitted elevation drawings and other information to the Planning Office who reviewed and approved the materials and design of the addition and found it in compliance with the regulations. See recommendation of approval by the Planning Office in the file and Planning Office ZAC comments.

Findings of Fact and Conclusions of Law

The Planning Office has reviewed and approved the addition as within the spirit and intent of the RC 5 regulations. In addition, both PDM and the Office of Planning indicate that the request is not subject to a review by the Landmarks Preservation Commission. I have no reason to doubt this conclusion. The only evidence I have as to the historic status of the home is that it is listed on the Maryland Historic Trust Inventory. This is not one of the listed categories given in Subtitle 4, Changes to Structures or Properties, Section 32-7-401 Scope. Consequently, I will not refer the case to the Landmarks Commission.

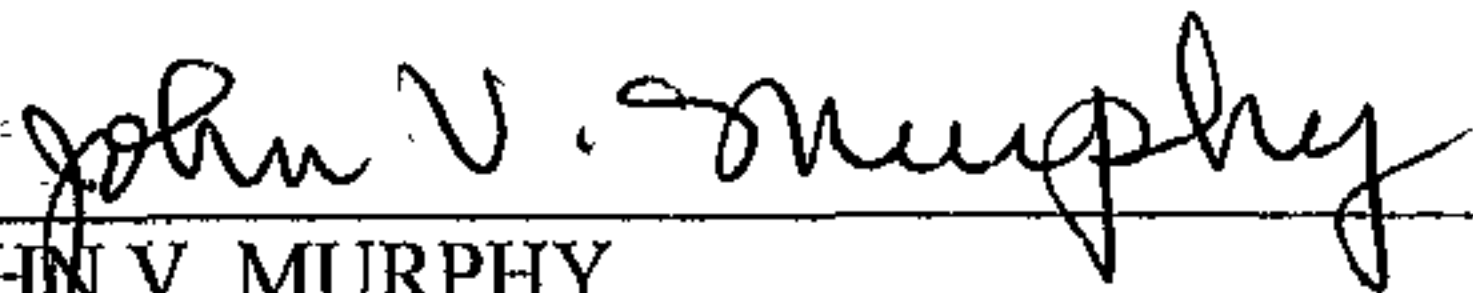
In regard to the zoning issues, the house existed many years before the RC 5 regulations were imposed. It is and has been 23 ft. and 32 ft. from the side lot lines. Obviously, the existing home can not meet the regulations. The lot is approximately 110 ft. wide. This would leave only 10 ft. for the addition, which is impractical. I further find that the addition as reviewed and approved by the Office of Planning meets the spirit and intent of the RC 5 regulations and will not adversely affect either the historic structure or the public's view of same, since the addition is in line with the existing house.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 29 day of July, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for special hearing from Sections 1A04.3.B.1.b, 1A04.3.B.2.b and 1A04.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow side lot setbacks of 23 ft. and 32 ft. for the existing (Historic) dwelling and for the proposed addition on the rear of same, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. Compliance with the ZAC comments submitted by DEPRM dated June 28, 2005, a copy of which is attached hereto and made a part hereof.
3. 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 made within thirty (30) days of the date of this Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
7/29/05
Ray

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

²⁹
July 28, 2005

Mr. & Mrs. David G. Bennett, Jr.
21428 York Road
Maryland Line, Maryland 21105

Re: Petition for Special Hearing
Case No. 05-625-SPH
Property: 21428 York Road

Dear Mr. & Mrs. Bennett:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 21428 York Rd
which is presently zoned RCS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve SIDE LOT LINE SETBACKS OF 23 FT. AND 32 FT. FOR THE EXISTING (HISTORIC) DWELLING AND FOR THE PROPOSED ADDITION ON THE REAR OF SAME. PURSUANT TO SECTIONS 1A04.3.B.1.b, 1A04.3.B.2.b AND 1A04.4 BCCR.

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

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

Contract Purchaser/Lessee:

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):

x David G Bennett Jr
Name - Type or Print

x [Signature]
Signature

x Janiel L. Bennett
Name - Type or Print

x [Signature]
Signature

x 21428 York Rd x 410-557-8041
Address Telephone No.

x Maryland Line, MD x 21105
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 HR

UNAVAILABLE FOR HEARING -

Reviewed By JL Date 5/25/05

LYNN LANHAM OK FOR PERF. STAN.
PER OP + DAVE SWAN
NO HISTORIC HEARING REQD

PLITZ

RECEIVED FOR FILE
7/29/05
9/15/05

Case No. 05-625-SPH

Zoning description for 21428 York Road, Maryland Line, MD

**Being located on the west side of York Road, 1700 feet south from
Freeland Road, containing 0.68 of an acre of land. Known as 21428
York Road and in the 7th election district and councilmatic district 3
Baltimore County**

625

**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: #05-625-SPH
21428 York Road
W/side of York Road, 1,700
feet south of Freeland Road
7th Election District
3rd Councilmanic District
Legal Owner(s): David G. &
Janie Bennett

Special Hearing: to allow
side lot setbacks of 23 feet
and 32 feet for the existing
(historic) dwelling and for
the proposed addition on
the rear of the same.

Hearing: Wednesday, July
27, 2005 at 9:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue, Towson 21204.

WILLIAM J. WISEMAN, III
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) 887-4388.

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

JT/7/633 July 12 58375

CERTIFICATE OF PUBLICATION

7/13/, 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 7/12/, 2005.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 625
6453000

DATE

5/25/05

ACCOUNT

001 006 6150

AMOUNT \$

65.00

RECEIVED
FROM:

Dave BEAUCOURT

FOR:

Res SPH For 21428 York RD

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED

DATE

BY

5/25/2005 5/25/2005 10:28:56

503 WEL. WALKER PARK RD

RECEIVED BY BUDGET 5/25/2005 GRLB

503 WEL. WALKER PARK RD

503 WEL. WALKER PARK RD

Receipt To:

65.00

Receipt To:

65.00

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-625-SPH

Petitioner/Developer: _____

David + Janie Bennett

Date of Hearing/Closing: 7-27-05

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

Attention: Kristen Matthews

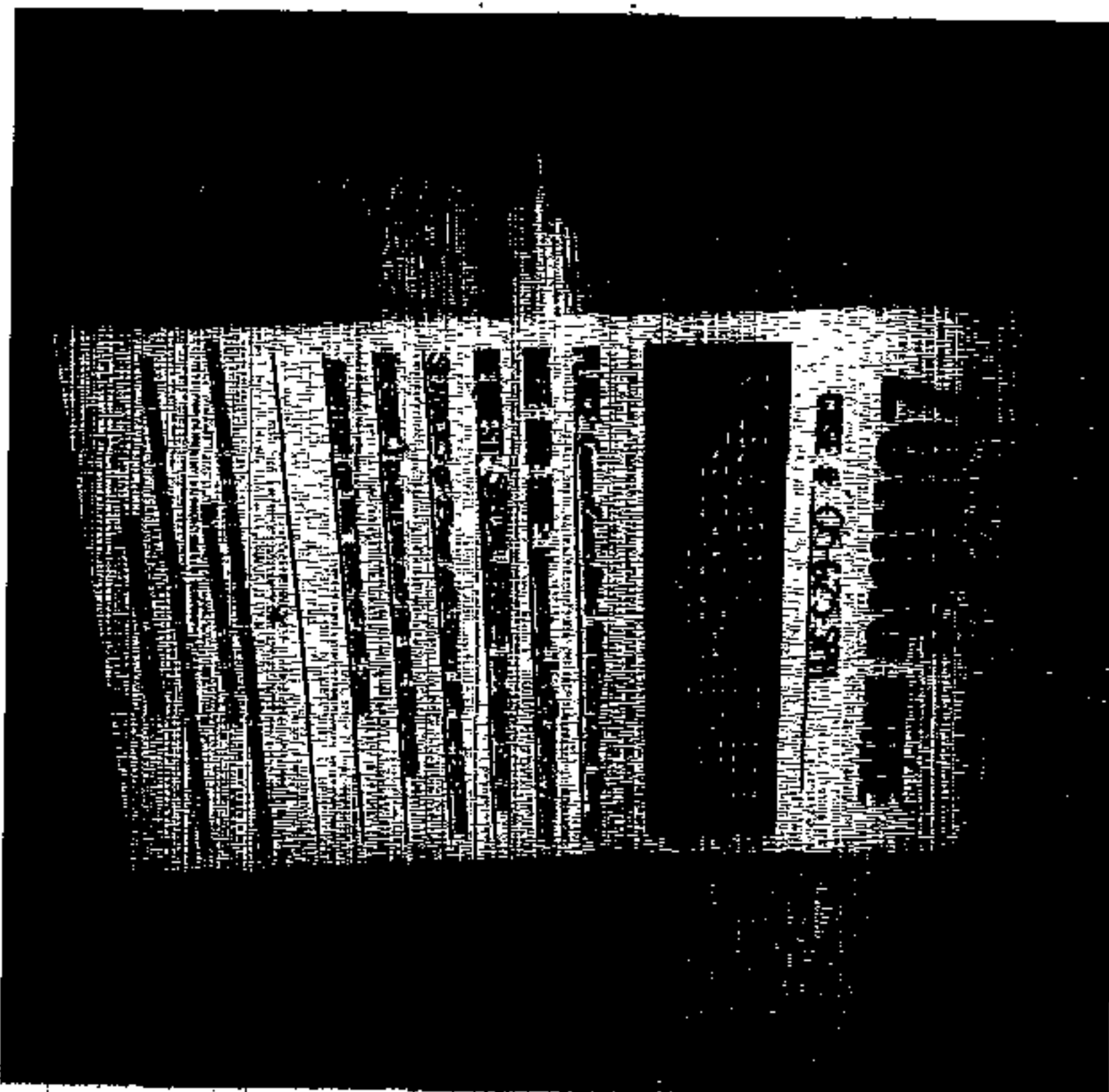
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 21428 York Road
Maryland Line, MD 21105

The sign(s) were posted on

July 7, 2005

Month, Day, Year)



Sincerely,

Stacy Gardner 7/7/05
(Signature of Sign Poster and Date)

Stacy Gardner

SHANNON BATH SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784
(Address)

410-781-4000

RE: PETITION FOR SPECIAL HEARING
21428 York Road; W/side York Road,
1,700' S of Freeland Road
7th Election & 3rd Councilmanic Districts
Legal Owner(s): David G & Janie L Bennett

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 05-625-SPH

* * * * *

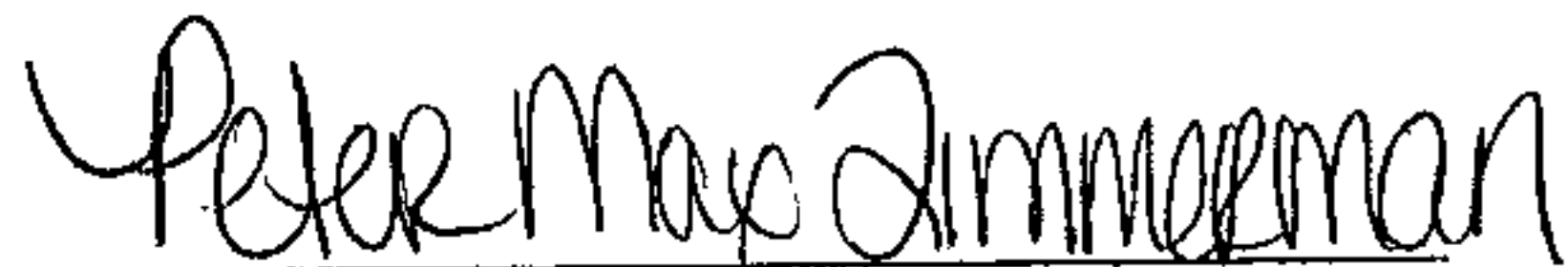
ENTRY OF APPEARANCE

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

RECEIVED

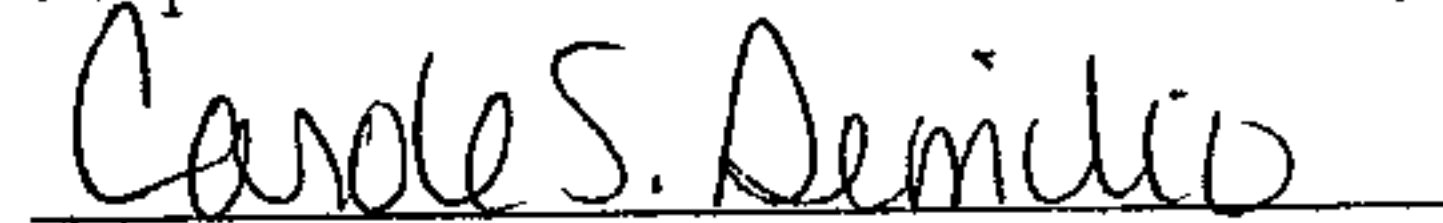
JUN - 2 2005

Per.....



PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

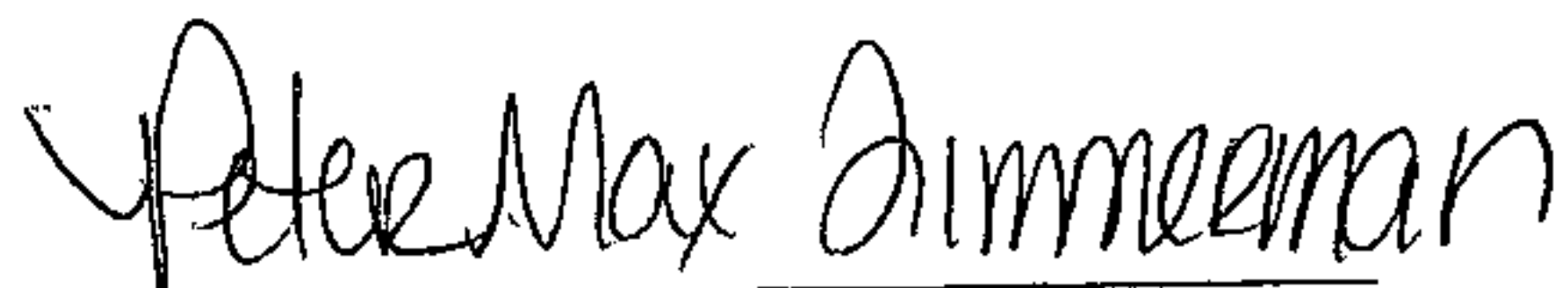


CAROLE S. DEMILIO

Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of June, 2005, a copy of the foregoing Entry of Appearance was mailed to David & Janie Bennett, 21428 York Road, Maryland Line, MD 21105, Petitioner(s).



PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 12, 2005 Issue - Jeffersonian

Please forward billing to:
David Bennett, Jr.
21428 York Road
Maryland Line, MD 21105

410-357-8060

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: 05-625-SPH

21428 York Road

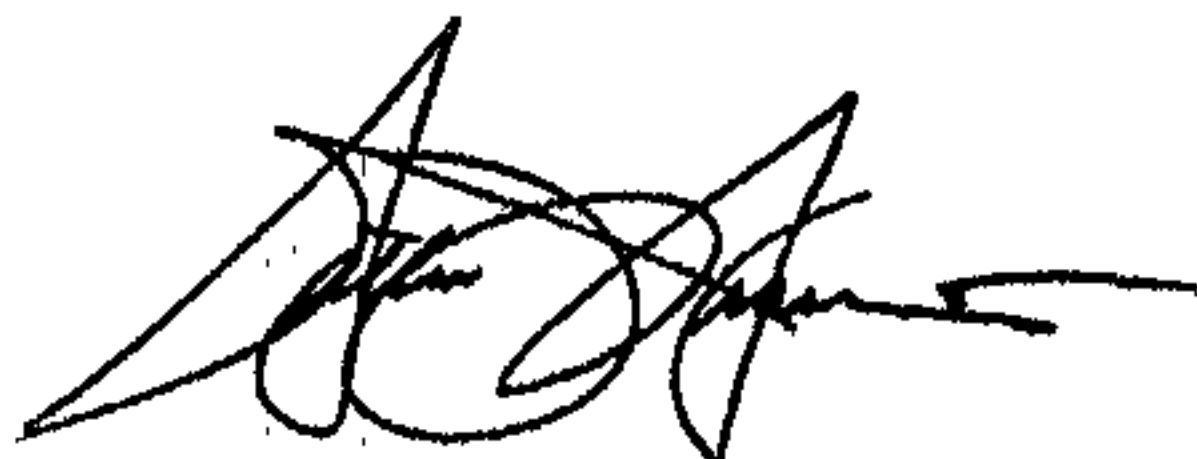
W/side of York Road, 1,700 feet south of Freeland Road

7th Election District – 3rd Councilmanic District

Legal Owners: David G. & Janie Bennett

Special Hearing to allow side lot setbacks of 23 feet and 32 feet for the existing (Historic) dwelling and for the proposed addition on the rear of the same.

Hearing: Wednesday, July 27, 2005 at 9:00 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.



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

June 2, 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: 05-625-SPH

21428 York Road

W/side of York Road, 1,700 feet south of Freeland Road

7th Election District – 3rd Councilmanic District

Legal Owners: David G. & Janie Bennett

Special Hearing to allow side lot setbacks of 23 feet and 32 feet for the existing (Historic) dwelling and for the proposed addition on the rear of the same.

Hearing: Wednesday, July 27, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: David & Janie Bennett, 21428 York Road, Maryland Line 21105

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 12, 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: 05 625 SPH

Petitioner: BENNETT

Address or Location: 21428 YORK RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID BENNETT JR.

Address: 21428 YORK RD.

MARYLAND LINE, MD. 21105

Telephone Number: 410 357 8060

**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*

July 18, 2005

David G. Bennett, Sr.
Janie L. Bennett
21428 York Road
Maryland Line, Maryland 21105

Dear Mr. and Mrs. Bennett:

RE: Case Number: 05-625-SPH, 21428 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 25, 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

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



Fire Department

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



Baltimore County

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

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

June 2, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: **625** June 6, 2005

Item No.: 595, 608, 632

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

Lieutenant J.D. Mezick
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 6, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For June 13, 2005
Item No. 607, 610, 614, 615, 616, 618,
620, 621, 623, 625, 628, 630, 631, 632

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

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-06062005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr. *JDO*
DEPRM

DATE: June 28, 2005

SUBJECT: Zoning Item # 05-625
Address 21428 York Road

Zoning Advisory Committee Meeting of June 6, 2005

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - _____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

An evaluation of the well and septic system may be required prior to building permit approval.

Reviewer: Sue Farrinetti Date: June 28, 2005

7/27

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 7, 2005

RECEIVED

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

JUN - 7 2005

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-625

The Office of Planning reviewed the petitioner's request and accompanying site plan and elevation drawing and finds the proposal to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill 55-04. As such, this office does not oppose the subject request.

Prepared By:

Mac/LL

Division Chief:

John Senhar

MAC/LL

7/29/05
7/29/05
7/29/05

Director, Office of Planning
Attention: Mark A. Cunningham
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. 05 625 SP4

Residential Processing Fee Paid
(\$50.00)

Accepted by: _____
Date: _____

THIS COPY TO O.P. AS P/O ZAC PACK
RC 5 Draft

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

RE: RC 5 Submittal Requirements

Pursuant to Section 1 404.4 (Baltimore County Zoning Regulations effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning prior to this office's approval of

MINIMUM APPLICANT SUPPLIED INFORMATION:

David & Janie Bennett
Print Name of Applicant Address Telephone Number
Lot Address 21428 YORK RD Election District 7 Councilmanic District 3 Square Feet 29,620 SF
Lot Location: N E S W/side, corner of _____ feet from N E S W corner of _____
Land Owner: David & Janie Bennett Street Tax Account Number 07-02-020440 Street
Address: 21428 YORK RD Telephone Number 410-357-8060

CHECKLIST OF MATERIALS - (To be submitted for design review by the Office of Planning)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

PROVIDED?

YES NO

1. This Recommendation Form (3 copies)

✓ _____

2. Permit Application

✓ _____

3. Site Plan
Property (3 copies)

✓ _____

4. Building Elevation Drawings
(All sides with materials)

✓ _____

5. Photographs (Please label all photos clearly)
Adjoining Buildings

✓ _____

6. ~~Aerial Photographs~~

NOT NECESSARY

_____ X

7. Other

_____ X

8. Current Zoning Classification:

~~RC-5~~ RC-5 ✓

RECOMMENDATIONS / COMMENTS:

☒ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendation

HISTORIC & Doug SWAN - OK.

Signed by: Lynn Tawler
for the Director, Office of Planning

5/24/05

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION

I have reviewed & approved listed materials above

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



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

Maryland Department of Transportation

Date: 6.3.05

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

RE: Baltimore County
Item No. 625 JLL

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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

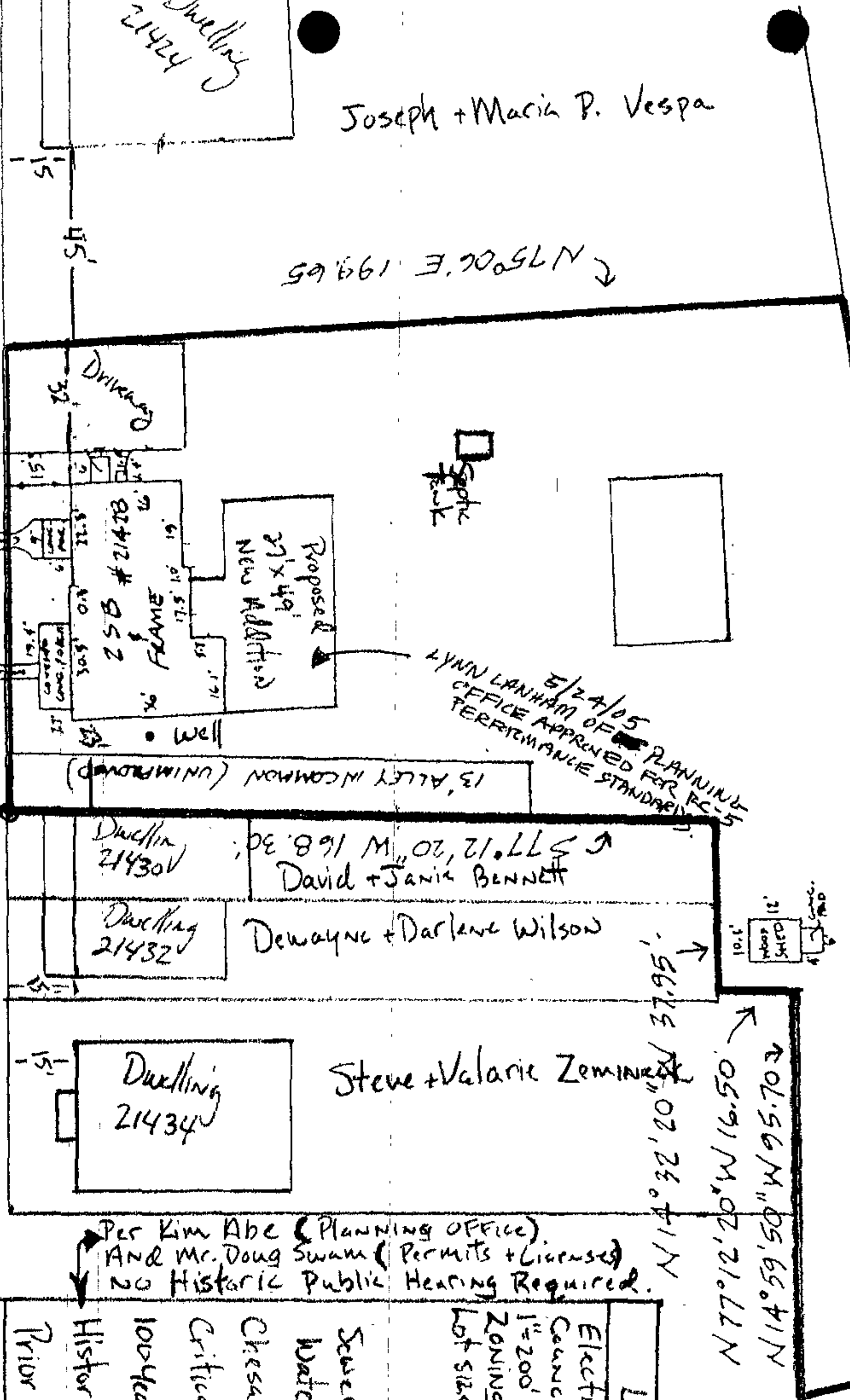
PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

Property Address 21428 York RD
Subdivision Name _____
Plat Book # 8118 Folio # 581 Lot # _____
OWNER David + Janie Bennett Section # 05 M, 91st 99S

Grace Rosier 11.052 E 05.12.22N

Joseph + Maria P. Vespa

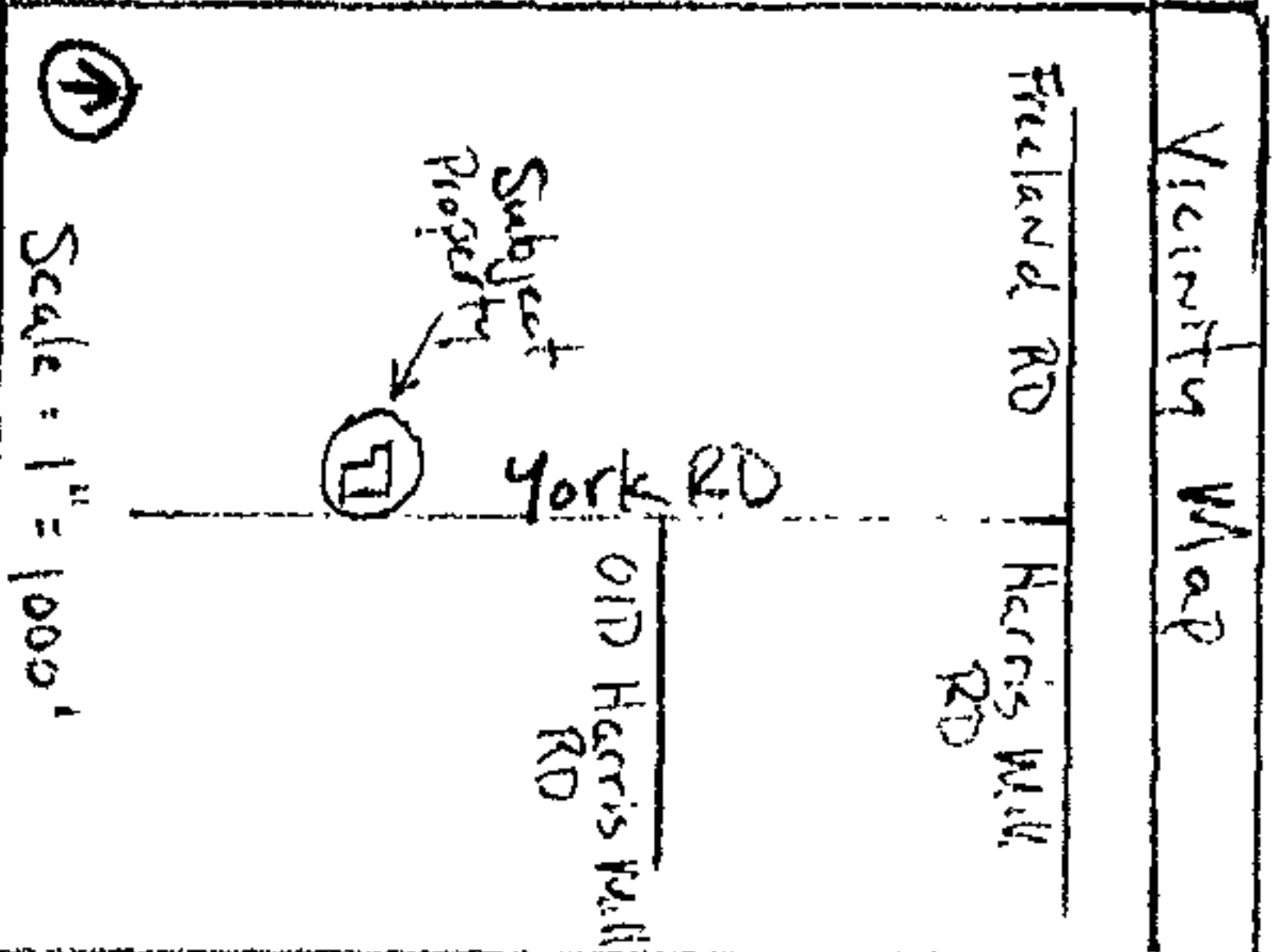
N 75° 00' E 199.65



5/24/05 PLANNING OFFICE APPROVED FOR RC-5 TERRITORY STANDARDS

David + Janie Bennett
Dewayne + Darlene Wilson
Steve + Valerie Zemin

Per Kim Abe (Planning Office) AND Mr. Doug Swann (Permits + Licenses) NO Historic Public Hearing Required.



Location Information

Election District 07
Councilmanic District 3
1" = 200' Scale Map # 003B3
Zoning - RCS
Lot Size 0.68
Average 29,620.8
Square Feet

Public Private

Sewer ☐ ☒
Water ☐ ☒
Chesapeake Bay ☐ ☒
Critical Area ☐ ☒
100 Year Flood Plain ☐ ☒
Historic Property/Building ☐ ☒
Prior Zoning Hearing ☐ ☒

Zoning Office Use only
Reviewed by Item # _____ Case # _____
JL 05-625-SPH

NORTH

Scale of Drawing = 1" = 40'

06.801 M, 65.31 N York RD. 1700' to Ireland RD

MARYLAND HISTORICAL TRUST MAGI 0319715404

INVENTORY FORM FOR STATE HISTORIC SITES SURVEY

1 NAME

HISTORIC RUTLEDGE-LEIB HOUSE

AND/OR COMMON

Bennett House

2 LOCATION

STREET & NUMBER

21,428 York Road

CITY, TOWN

Maryland Line

VICINITY OF

CONGRESSIONAL DISTRICT

2nd

STATE

Maryland

COUNTY

Baltimore County

3 CLASSIFICATION

CATEGORY

☐ DISTRICT☒ BUILDING(S)☐ STRUCTURE☐ SITE☐ OBJECT

OWNERSHIP

☐ PUBLIC☒ PRIVATE☐ BOTH

PUBLIC ACQUISITION

☐ IN PROCESS☐ BEING CONSIDERED

STATUS

☒ OCCUPIED☐ UNOCCUPIED☐ WORK IN PROGRESS

ACCESSIBLE

☒ YES RESTRICTED☐ YES UNRESTRICTED☐ NO

PRESENT USE

☐ AGRICULTURE☐ COMMERCIAL☐ EDUCATIONAL☐ ENTERTAINMENT☐ GOVERNMENT☐ INDUSTRIAL☐ MILITARY☐ MUSEUM☐ PARK☒ PRIVATE RESIDENCE☐ RELIGIOUS☐ SCIENTIFIC☐ TRANSPORTATION☐ OTHER**4 OWNER OF PROPERTY**

NAME

David G. Bennett, et al.

Telephone #: Unlisted

STREET & NUMBER

CITY, TOWN

Parkton

VICINITY OF

STATE, zip code

Maryland 21120

5 LOCATION OF LEGAL DESCRIPTION

COURTHOUSE,

REGISTRY OF DEEDS, ETC. County Courts Building

Liber #: RRG 4345

Folio #: 113

STREET & NUMBER

401 Bosley Avenue

CITY, TOWN

Towson

STATE

Maryland 21204

6 REPRESENTATION IN EXISTING SURVEYS

TITLE

NONE

DATE

☐ FEDERAL ☐ STATE ☐ COUNTY ☐ LOCALDEPOSITORY FOR
SURVEY RECORDS

CITY, TOWN

STATE

DESCRIPTION

CONDITION

☐ EXCELLENT
☒ GOOD
☐ FAIR

☐ DETERIORATED
☐ RUINS
☐ UNEXPOSED

CHECK ONE

☒ UNALTERED
☐ ALTERED

CHECK ONE

☒ ORIGINAL SITE
☐ MOVED DATE _____

DESCRIBE THE PRESENT AND ORIGINAL (IF KNOWN) PHYSICAL APPEARANCE

The Rutledge-Leib House or Bennett House is a two-story brick dwelling of two segments, vernacular in style, almost two houses in a row, each segment with a different height, each with a separate porch.

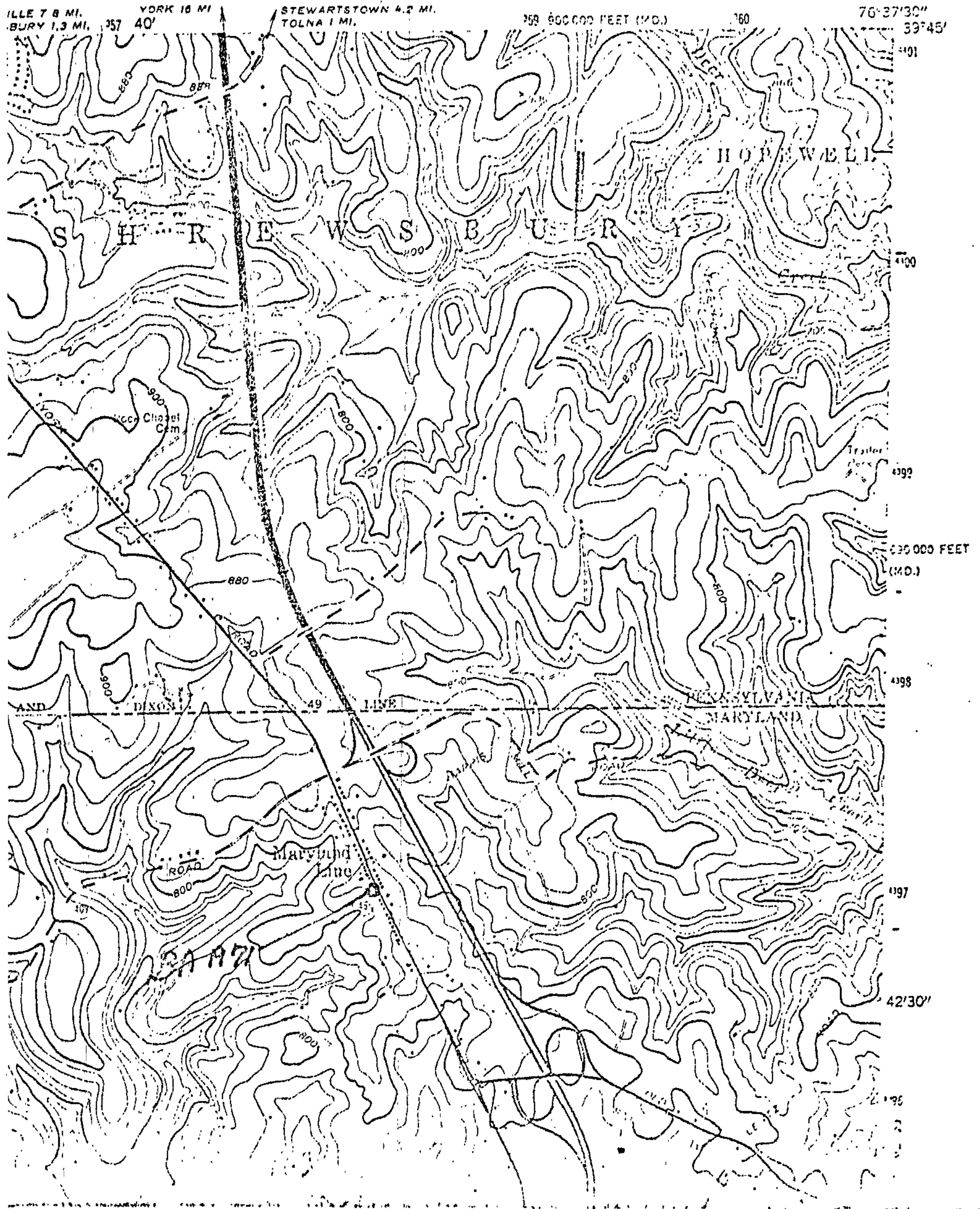
Main Block. The main block is a rectangular house, two stories, gable-roofed, its twin entrance doors set in the inner bays. The south (left) door is paneled with a single large rectangular light. The north (right) door is similar, but is protected by a contemporary glass and frame storm door. The doors are topped by rectangular transoms of three lights each.

The front porch is shed-roofed, three bays across. The four roof support posts are of wood, square in cross section (but probably hollow), tapering from bottom to top in a design found in some Colonial Revival houses. The posts stand on brick piers. The porch is only a low step above grade.

The two windows at first-story level and the four at the second-story level are double-hung sash types, 6-over-6 in layout. Window frames are topped by brick jack arches. There is a modillion cornice across the main facade. The end rafters of the roof are flush with the brick walls. At the north (right) end of the house, there is a broad, rectangular brick inside end chimney; on the south, the chimney is similar, an outside type, but after construction was apparently swallowed up by the house segment tacked on at the south. Foundation is brick.

The South Segment. The south or left addition or house segment is also brick, three bays wide, two stories, about a foot lower than the main block. There is a one-bay centrally located, hip-roofed entrance porch. The outer door is a contemporary glass and frame storm door with eight lights. Windows are found on both sides of the door and in each of the bays of the second floor, their design the same as in the main block. The two porch supports are similar to those on the main block. The roof is gabled and the end rafters on the south are flush with the exterior wall. A narrow cornice extends across the street facade. On the south end of this segment, there is one 6-over-6 window at each story in the only bay. At attic level is a small square window with four lights. Just west of this gable window (going west, away from the street facade) is a square, outside end chimney of concrete block. At the rear of this wing is a one-bay deep, one-story extension topped by an open, railed porch.

CONTINUE ON SEPARATE SHEET IF NECESSARY



SIGNIFICANCE

RUTLEDGE-LEIB HOUSE

PERIOD	AREAS OF SIGNIFICANCE -- CHECK AND JUSTIFY BELOW			
☐ PREHISTORIC	☐ ARCHEOLOGY-PREHISTORIC	☐ COMMUNITY PLANNING	☐ LANDSCAPE ARCHITECTURE	☐ RELIGION
☐ 1400-1499	☐ ARCHEOLOGY-HISTORIC	☐ CONSERVATION	☒ LAW	☐ SCIENCE
☐ 1500-1599	☒ AGRICULTURE	☐ ECONOMICS	☐ LITERATURE	☐ SCULPTURE
☐ 1600-1699	☒ ARCHITECTURE	☐ EDUCATION	☐ MILITARY	☐ SOCIAL/HUMANITARIAN
☐ 1700-1799	☐ ART	☐ ENGINEERING	☐ MUSIC	☐ THEATER
☒ 1800-1899	☐ COMMERCE	☐ EXPLORATION/SETTLEMENT	☐ PHILOSOPHY	☐ TRANSPORTATION
☐ 1900-	☐ COMMUNICATIONS	☐ INDUSTRY	☐ POLITICS/GOVERNMENT	☐ OTHER (SPECIFY)
		☐ INVENTION		

SPECIFIC DATES 1845-50

BUILDER/ARCHITECT

STATEMENT OF SIGNIFICANCE

The present Bennett House stands on a town lot, but until 1964, it was part of a much larger agricultural parcel of which it was apparently the principal residence, giving its owner the advantages of farming space plus a house neatly lined up with the main street of New Market or Maryland Line. (1)

The 39-acre farm parcel to which this house had been attached can be plotted out and shown to lie on the westside of York Road in the rear of the present church and in the rear of the houses in the 21,500 block of York Road, excluding both the present post office and the Maryland Line Hotel. (2)

Title searching proves that Thomas G. Rutledge acquired this 39-acre parcel from Nicholas Day McComas and wife in 1845. (3) We are unable to separate the individual structures owned by Rutledge from the tax ledgers of 1852, where only "Improvements" are evaluated. (4) The 1850 map seems to indicate a structure here, but the scale is too crowded to make a certain match. (5) Rutledge had \$300 worth of improvements in the 1852 tax ledger.

Certainly this was the principal residence of Thomas G. Rutledge, the leading citizen of Maryland Line. The only town history ever written said of him:

Judge Thomas G. Rutledge, a man of calm manner and more than usual worth, heads the list of 19th Century first townsmen. "None knew him but to admire him and none named him but to praise." All matters of every sort received the last word when the judge spoke, and like Pericles of old he did not show himself too often lest people tire of him. His tenure of office was 1867-75. The 33rd degree in Masonry was conferred on him in England. He died in 1883 at the age of 76 years. (6)

CONTINUE ON SEPARATE SHEET IF NECESSARY

The 1876 Tax Ledger showed \$800 worth of "Improvements."
(7) This house is clearly indicated by the 1877 atlas as T. G. Rutledge's.

In a 1916 lawsuit involving a house across the street (Standiford House), T. Wilson Meads testified that his grandfather was Judge Rutledge, "who owned 40 acres and a brick house ... right in New Market." Meads stated further that his uncle, John Rutledge, owned 35 acres with a brick house, "This was right in New Market about opposite the property involved in these proceedings." (8)

The property owned by the witnesses' uncle was the Maryland Line Hotel, which briefly belonged to Judge Rutledge, before he sold it to his son. (9)

Scharf's 1881 county history added that Judge Rutledge was born on September 8, 1828, the son of Thomas Rutledge. He taught school before being elected a judge of the Orphans Court. (10)

The 1896 tax ledger showed the property in the account of the second Thomas G. Rutledge, with an 8-acre residential parcel and a house worth \$1,000; also a barn (\$300), and 32 acres adjoining with only a hay house worth \$30 as its improvements. Another quarter acre in town was improved with \$300 of structures, not specified as houses or barns, etc. (11)

It was still the T. G. Rutledge house on the 1898 Bromley atlas (Plate 31) but in 1901, the executors of Thomas G. Rutledge (2nd) under his will of 1896 sold the 39 acres containing the brick house to John H. Leib. (12) Leib's name appears in the 1915 atlas between the dwellings of "M. S. Cabbin" and "Wilson." The 1911 tax ledger valued the house at \$800 and by 1918, Leib had acquired a second dwelling—across the street, and the house on the agricultural parcel (36 acres plus 3 acres) was entered as:

Dwelling	18 x 22		
	30 x 36	2 stories	\$1,064
Barn	28 x 50 + 16 x 39		415
Outbldg			<u>204</u> (13)

Leib was listed with the notation "blacksmith and carriages" in the 1915 State business directory. His will of 1934 mentioned "my lot containing one-half acre of land more or less on the eastside of the York Road, in the village of New Market, improvements consisting of a black-smith shop and other buildings." (14)

John F. Leib inherited this property from his father, and Mrs. John F. (Margie O.) Leib, widow, conveyed 39 acres plus land across the road to John Edward Yarema in 1952. (15) In 1964, John Edward Yarema and wife sold the small parcel nearest the road, the portion with the house, to David G. Bennett, retaining the agricultural area, which is still theirs on current tax maps. (16)

NOTES:

1. Baltimore County Deeds, GLB 2132:165.
2. Plat made by J. McGrain, 1980, from metes and bounds in deeds of 1952 and 1900.
3. Baltimore City Deeds, AWB 353:384.
4. Assessment, District 7, 1852, Hall of Records, #8256.
5. J. C. Sidney and P. J. Bowne, "Map of the City and County of Baltimore, Maryland, from Original Surveys," (Baltimore, 1850).
6. Chauncey C. Day, "Maryland Line (Originally New Market)," ms., no date, p. 1.
7. Assessor's Field Book, District 7, 1876, n.p.
8. Judicial Records, WPC 281:86-87.
9. B.C. Deeds, JB 103:212.
10. J. Thomas Scharf, History of Baltimore City and County (Philadelphia, 1881), p. 873.
11. Tax Ledger, District 7, 1896, entry #494-111.
12. B.C. Deeds, NBM 249:423.
13. Tax Ledger, District 7, 1918, f. 627.
14. R. L. Polk, Maryland State Gazette and Business Directory (Baltimore, 1915), p. 1075.
15. B.C. Wills, JPC 31:253.
16. B.C. Deeds, RRG 4345:113.

MAJOR BIBLIOGRAPHICAL REFERENCES RUTLEDGE-LEIB HOUSE

Chauncey C. Day, "Maryland Line (Originally New Market)," ms., n.d.

Baltimore County Deeds, Tax Ledgers, atlases.

CONTINUE ON SEPARATE SHEET IF NECESSARY

10 GEOGRAPHICAL DATA

ACREAGE OF NOMINATED PROPERTY 0.68

VERBAL BOUNDARY DESCRIPTION

Beginning on westside of York Road:	S74° 16'W	50 ft.
N13° 39'W 108.90 feet along York Rd.	S22 21'50"E	250.71
S77 12 20"W 168.3	N75° 6'E	199.65
N14 32 20"W 37.95		
S77 12 20"W 16.5		
N14 59 50"W 95.70		

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE NONE COUNTY NONE

STATE NONE COUNTY NONE

11 FORM PREPARED BY

NAME / TITLE

John W. McGrain, Sites Surveyor

ORGANIZATION

Baltimore County Office of Planning & Zoning

DATE

May 13, 1980

STREET & NUMBER

401 Bosley Avenue

TELEPHONE

494-3495

CITY OR TOWN

Towson

STATE

Maryland 21204

The Maryland Historic Sites Inventory was officially created by an Act of the Maryland Legislature, to be found in the Annotated Code of Maryland, Article 41, Section 181 KA, 1974 Supplement.

The Survey and Inventory are being prepared for information and record purposes only and do not constitute any infringement of individual property rights.

RETURN TO: Maryland Historical Trust
The Shaw House, 21 State Circle
Annapolis, Maryland 21401
(301) 267-1438

SUBTITLE 4. CHANGES TO STRUCTURES OR PROPERTIES**§ 32-7-401. SCOPE.**

This subtitle applies only to a structure that is:

- (1) In a proposed or designated historic district;
- (2) On a preliminary landmarks list;
- (3) On a final landmarks list; or
- (4) Any combination of items (1) through (3) of this section.

(Bill No. 112-02, § 2, 7-1-2004)

§ 32-7-402. COUNTY-OWNED STRUCTURES.

(a) *Referral to commission.* The agency having responsibility for the preparation of plans for alteration, demolition, reconstruction, or renovation of any structure that is owned by the county shall refer the plans to the Commission for approval before county action approving or otherwise authorizing the implementation of the plans.

(b) *Commission action.*

(1) If the Commission determines that the proposed plans are inappropriate, it shall promptly provide the requesting agency with a report specifying its reasons.

(2) If the Commission has not approved the plans or provided a report on the plans to the requesting agency within 45 days after receipt of the plans, the plans shall be deemed to be approved by the Commission.

(c) *Agency action.*

(1) If the Commission determines that the proposed plans are inappropriate and notifies the agency as provided in subsection (b)(1) of this section, the requesting agency shall modify its plans in accordance with the Commission's report or refer the plans to the County Administrative Officer for determination.

(2) Appeal from the determination of the County Administrative Officer may be made to the County Council for final determination.

(2) (i) At least 30 days before the hearing, the commission shall notify the owner of each property of the time and place of the hearing.

(ii) The notice to the property owner shall be sent by certified mail, return receipt requested, to the owner.

(iii) If service of the notice is unsuccessful, notice subsequently may be sent by regular mail, postage prepaid.

(3) During the period of notice, the preliminary landmarks list shall be available in the Office of Planning or at another public place as the County Council may designate for public inspection.

(d) *Council action.*

(1) The County Council shall adopt a final landmarks list within 90 days after the public hearing.

(2) A structure may not be deemed to be a landmark unless and until it has been so designated by a law subject to the provisions of Section 308 of the Charter.

(e) *Availability of the list.* The final landmarks list shall be available for public inspection in the Department of Permits and Development Management, the Office of Planning, the Land Records Office of the county, all branches of the county public library, and in the office of the Commission.

(1988 Code, § 26-540) (Bill No. 18, 1990, § 2; Bill No. 6-99, § 1, 3-20-1999; Bill No. 112-02, § 2, 7-1-2004)

§ 32-7-304. SAME — REMOVAL FROM LIST.

(1) The owner of any structure that appears on the final landmarks list may petition the Commission for removal from the list.

(2) The Commission shall then follow the notice and public hearing procedures under § 32-7-302(c) of this subtitle.

(3) If the Commission determines that the structure no longer qualifies as a landmark in accordance with § 32-7-302 of this subtitle, the Commission shall recommend the removal of the structure from the list in accordance with §§32-7-302(e) and 32-7-303 of this subtitle.

(1988 Code, § 26-540) (Bill No. 18, 1990, § 2; Bill No. 6-99, § 1, 3-20-1999; Bill No. 112-02, § 2, 7-1-2004)

(d) *No appeal to the Board of Appeals.* A decision by the commission, the County Administrative Officer, or the County Council under this section is not appealable to the Board of Appeals. (1988 Code, § 26-541) (Bill No. 135-98, § 1, 2-26-1999; Bill No. 112-02, § 2, 7-1-2004)

§ 32-7-403. PERMIT REQUIRED.

A person shall apply for and receive from the Building Engineer a permit before a person may begin any:

(1) Excavation or the construction or erection of any building, fence, wall, or other new structure of any kind in a proposed or designated historic district;

(2) Alteration, demolition, reconstruction, or removal of an exterior architectural feature of any existing structure; or

(3) Demolition of any structure.
(1988 Code, § 26-542) (Bill No. 112-02, § 2, 7-1-2004)

§ 32-7-404. BUILDING ENGINEER TO REFER APPLICATION TO THE COMMISSION.

(a) *Required.* Within 5 days after receipt of an application (excluding Saturdays, Sundays, and legal holidays) for a permit as required under § 32-7-403 of this subtitle, the Building Engineer shall forward to the Commission:

(1) The application; and

(2) All plans and specifications relative to the application.

(b) *Commission requirements.*

(1) All plans, elevations, and other information considered necessary by the commission to determine the appropriateness of the proposed excavation, exterior architectural feature, or demolition of any structure shall be made available to the Commission.

(2) The Commission may not take action on any application until it determines that the application is complete and includes all necessary plans, elevations, and other information as required in this section.

(1988 Code, § 26-544) (Bill No. 112-02, § 2, 7-1-2004)

§ 32-7-405. CERTIFICATE OF APPROPRIATENESS OR NOTICE TO PROCEED REQUIRED.**(a) Required.**

(1) Except as provided in paragraph (2) of this subsection, the Building Engineer may not issue a permit as required under § 32-7-403 of this subtitle until the Commission either:

(i) Issues a certificate of appropriateness or a notice to proceed; or

(ii) Proceeds as provided in this subtitle.

(2) If the Commission does not act on the application for permit within 45 days after receipt of the completed application, the application shall be deemed approved by the commission.

(b) Correction notice.

(1) The Code Official shall send a copy of a correction notice issued under Article 3, Title 6 of the Code to the Commission.

(2) Within the time frame contained in the correction notice, the commission shall issue a certificate of appropriateness or notice to proceed with any necessary repair or correction in a manner consistent with the Commission's preservation guidelines.

(3) This subsection does not authorize any demolition without commission review and approval. (1988 Code, § 26-545) (Bill No. 6-99, § 1, 3-20-1999; Bill No. 112-02, § 2, 7-1-2004)

§ 32-7-406. PUBLIC HEARING AND DETERMINATIONS.

(a) *Considerations.* In passing upon appropriateness, the Commission shall consider, in addition to any other pertinent factors, the historic or architectural value and significance, architectural style, general design, arrangement, texture, and material of the exterior architectural features of other structures in the immediate neighborhood.

(b) Notice.

(1) If the Commission does not issue a certificate of appropriateness or notice to proceed promptly, within 15 days after receipt of a complete application for a permit and the plans and specifications relative to the application, the Commission shall cause a sign to be posted conspicuously located on the property involved, giving notice of a public hearing to be held by the Commission on the application no sooner than 45 days nor later than 60 days after the sign is posted.

(2) The sign shall inform the public of the time and place of the hearing and the nature of the change proposed.

DATE 7/27/85

PETITIONER'S SIGN-IN SHEET

[illegible]