IN RE: **PETITION FOR VARIANCE**	*	BEFORE THE
SW/S Dover Road, 1000' N of the Centerline of Osborn Road	*	ZONING OMMISSIONER
(14950 Dover Road)		
4th Election District	*	OF
3rd Council District		
	*	BALTIMORE COUNTY
James S. Owings , et ux		
Petitioners	*	**Case No. 07-102-A**

* * * * * * * * * * *

MEMORANDUM AND ORDER

By way of background, this matter came before this Zoning Commissioner for a public hearing in response to a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management (Violation #06-6736) relative to a structure being erected on the property by the owners Nicole S. Owings and James S. Owings, her husband. In this regard, upon investigation of the complaint by a Code Inspector, it was determined that a variance was needed due to the height (28 feet) of the detached garage. Lawrence E. Schmidt, as Counsel for Petitioners asserts the inspector misapplied the zoning regulations and argues that the garage under construction is not subject to the accessory structure requirements contained in Section 400 of the Baltimore County Zoning Regulations (B.C.Z.R.). The Protestants, Edward J. Haviland, III and Helen P. Haviland, his wife, reside beside this new structure being erected and retained J. Carroll Holzer, Esquire, to oppose the variance request(s). Mr. Holzer like the Code Enforcement Inspector believes the subject garage is an accessory building and should not exceed fifteen (15) feet. This Memorandum and Order will briefly address the arguments raised by the parties as well as the agreement reached in resolving their differences.

The subject property is a rectangularly shaped parcel, 630' deep and 109' wide at its frontage on Dover Road and consists of 2.0957 acres of R.C.2 zoned land in Reisterstown. The

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Date 8-22-07
By

property is improved with a two-story single-family dwelling with a rear yard deck. Also existing on the property is a structure, 30' by 30' by 27' in dimension, which is identified on the site plan (Petitioners' Exhibit 1) as a "garage". It is this structure which is the subject of the instant request, which was filed in response to the advice given to the Petitioners by the Code Enforcement official. The variance petition filed in these proceedings reads in pertinent part:

"Variance from Section(s):

(1) 400.3 of the B.C.Z.R. to permit a detached garage height of 28 feet in lieu of the required 15 feet;

(2) 1A01.3.B.3 and 400.1 of the B.C.Z.R. to permit a setback from the property line of 14 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway; and

(3) For such other and further relief as deemed necessary by the Zoning Commissioner."

The issue presented at the onset of the first hearing on January 16, 2007 is what regulation applies to the subject structure. Is it the "Residence Zone" regulation(s) of B.C.Z.R. Section 400.3 – restricting the height of accessory buildings to 15 feet – or the "Agricultural Zone" regulation(s) of Section 1A01.3(a) – restricting the height of structures in an R.C.2 zone to 35 feet. If the agricultural regulations were to be applied, the Petitioners would be permitted to finish building their garage; if the residence zone regulations apply, they cannot. Mr. Holzer provided written support of his contention that accessory buildings should not exceed fifteen (15) feet in height citing to the definition of "Residential Zone" found in B.C.Z.R. Section 101. Mr. Schmidt, in his well-prepared letter of January 25, 2007, addresses at length why the "residential zone" does not include the R.C.2 zone as regards accessory structures. These arguments will not be repeated here and are contained within the file. On January 31, 2007, I issued a letter finding, from a practical standpoint, that the County Council did not intend all R.C.2 development on Resource Conservation land to be agricultural. Accordingly, and for the reasons that will be

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By

made clear below, I found that B.C.Z.R. Section 400 does apply to R.C.2 Agricultural Zones and that variance relief is required for the Petitioners' residentially used accessory structure.[1]

There is little doubt that the County Council intended to exempt large farms such as Sagamore Farms and agricultural industry from the special regulations of B.C.Z.R. Section 400, given their vast pastures and agricultural areas, which reasonably could be scattered over the entire farm. I do not agree, however, with the broad interpretation argued by Petitioners' attorney that the Council intended to release from the regulations a property for which its principal use is that of a dwelling. The Petitioners (or their predecessors in interest) acknowledged the residential use at the time they filed an application for a building permit for a single-family dwelling on the subject property. Further, since 1999, this Commission, acting as Hearing Officer, has approved over 27 recorded and developed subdivisions which now exist in the R.C.2 zone. Certainly, the Residential Regulations for accessory structures need to be applied to them. I am not persuaded that the Council intended to exempt a 2-acre parcel of land devoted primarily to a single-family residence with no associated agricultural uses from the special regulation provisions of Section 400. Thus, I find the Petitioners' garage is subject to B.C.Z.R. Section 400. As a result of this ruling, the case was continued in order to give the parties an opportunity to discuss a settlement of their differences.

As noted above, the relief requested was amended as more particularly shown on the modified Plan for the proposed garage marked as Petitioners' Exhibit 2 and an agreement reached by and between the Petitioners and the opponents. The essential terms of that agreement

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[1] This finding is consistent with the Order issued on this same point in Case 07-218-A and comports with the historical interpretation of the Zoning Review Office. That Office has consistently interpreted that B.C.Z.R. Section 400 would apply to Residential Uses in the R.C.2 Zone. It is noted that while reference to Agricultural Operations is set out as being the preferred use in this zone, it is not the exclusive use. Dwellings (principal residential use) are listed separately and first in front of farms (agricultural) as a permitted use. *See* Section(s) 1A01.2.B.1 and 1A01.2.B.9 listing other permitted uses that are directly related to and associated with residential uses within the zone. Likewise, the wireless telecommunications facilities regulations (Section 426.5) permitted in the zone by special exception, includes the R.C. zones under the heading "Residential Zones".

were set out in open hearing on August 13, 2007 and are: 1) The pitch of the garage roof has been altered to reflect a 2/12 ratio. The effect of the flattening of the roof is to significantly decrease the height of the garage; 2) The new roof trusses when erected will be reoriented or pivoted. The ridge cap will then run from east to west rather than the existing north to south direction; 3) The Petitioners' alternative request to permit the garage structure to be connected to the principal dwelling by a breezeway has been eliminated. The result of these modifications will bring the garage into compliance with the applicable provisions of the Zoning Regulations.

Furthermore, testimony and evidence offered, including a series of photographs produced, depict where the required height of the garage will be measured. Section 101 of the B.C.Z.R. defines "building height" as "the height of the highest point on a building or other structure as measured by the vertical distance from the highest point on the structure to the horizontal projection of the closest point at exterior grade". As noted on the modified garage Plan and photographs, the garage is built into a slight hill/elevation change, which results in a building height on the side facing the Havilands' property of 14' 1" and a height on the opposite side of 16' 4". As interpreted by the Zoning Office, the building height measurement means that distance between the *highest point* of the natural grade to the top of the building. The subject proposed garage structure complies with this B.C.Z.R. height limitation. Thus, the initial first variance request: namely, from Section 400.3 to permit a garage height of 28' was withdrawn and may also be dismissed.

WHEREFORE, the Parties are in agreement, the County is in agreement.

IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 22nd day of August, 2007, that the Petition for Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached garage height of 28 ft. in lieu of the required 15 ft.; and/or from Section 1A01.3.B.3 and 400.1 of the Baltimore County Zoning Regulations

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(B.C.Z.R.), to permit a setback from the property line of 14' in lieu of the required 35' for a garage attached to the principal building by a covered passageway be and are now rendered moot and the same are hereby DISMISSED, and

IT IS FURTHER ORDERED, that the Petitioners shall, within 60 days of the issuance of this Order, remove the existing roof structure and trusses as are more particularly shown on Protestants' Exhibit 1 thereby eliminating the active Code Enforcement Violation (Case No. 06-6736) and the attendant stop work order.

Any appeal of this Order shall be taken in accordance with Baltimore County Code Section 32-3-401.

WJW:pz

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

c: Lawrence E. Schmidt, Esquire, Gildea & Schmidt, LLC, 220 Bosley Avenue, Towson, Md. 21204
James S. and Nicole S. Owings, 14950 Dover Road, Reisterstown, Md. 21136
Gary Owings, 14942 Dover Road, Reisterstown, Md. 21136
Kirsten Owings, 100 Fig Leaf Drive, Hampstead, Md. 21074
Helene and E. Joseph Haviland, 14946 Dover Road, Glyndon, Md. 21071
James W. Rouse, Jr., 4537 Black Road Road, Upperco Md. 21155
J. Carroll Holzer, Esquire, The 508 Building, 508 Fairmount Avenue, Towson, Md. 21286
Code Enforcement Division, Attention : Helen Kehring, Rm. 113
Peter Max Zimmerman, People's Counsel

ORDER RECEIVED FOR FILING
Date 8-22-07
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

October 26, 2006

Jason T. Vettori
Gildea & Schmidt, LLC
300 East Lombard Street, Suite 1440
Baltimore, MD 21202

Dear Mr. Vettori:

RE: Case Number: 07-102-A, 14950 Dover Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 10, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
James S. Owings Nicole S. Owings 14950 Dover Road Reisterstown 21136-3802

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 31, 2007

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, Maryland 21204

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

RE: **PETITION FOR VARIANCE**
SW/S Dover Road, 1000' N of the centerline of Osborn Road
(14950 Dover Road)
4th Election District - 3rd Council District
James S. Owings , et ux - Petitioners
Case No. 07-102-A

Dear Counsel:

As you will recall, at the conclusion of the proceedings on January 16, 2007, I stated on the record that based upon the argument presented by Mr. Schmidt that I was inclined to grant Petitioner's Motion but before doing so, I wanted time to undertake a further review of the appropriate regulations. Subsequently, I received written support for Protestants contention that accessory buildings should not exceed fifteen (15) feet in height citing to the definition of "Residential Zone" found in B.C.Z.R. Section 101. Mr. Schmidt addressed at length why the "Residential Zone" does not include the R.C.2 zone as regards accessory structures in his letter of January 25, 2007. In any event, my review now completed, I find from a practical standpoint that the County Council did not intend all R.C.2 development on resource conservation land to be agricultural. Accordingly, I am striking my verbal order and asking Counsel to communicate with one another and obtain a convenient hearing date and contact Ms. Kristen Matthews so that the Petition for Variance as filed can be rescheduled and heard on the merits.

Should you have any questions or desire any clarification, please do not hesitate to contact me and we will arrange for a conference call. It is my suggestion that any further argument that Counsel may desire to present as to which regulation applies to the subject structure, i.e., is it the "Residential Zone" regulations of B.C.Z.R. Section 400.3 – restricting the height of accessory

buildings to fifteen (15) feet – or the "Agricultural Zone" regulations of Section 1A01.3(a) – restricting the height of structures in an R.C.2 zone to 35 feet can be heard before proceeding on the Variance Petition. I believe judicial economy warrants proceeding in this fashion as I am uncertain how the Board of Appeals would receive an appeal on the Motions ruling without my having heard the case on the merits.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Kristen Matthews, DPDM

MODE = MEMORY TRANSMISSION START=JUL-13 12:06 END=JUL-13 12:07

FILE NO.=206

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	☎	8081	001/001	00:00:28

-ZONING COMMISSIONER OFF M-

********** - - ***** - 410 887 3468- *********

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 13, 2007

WILLIAM J. WISEMAN III
Zoning Commissioner

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21286

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

RE: **PETITION FOR VARIANCE**
SW/Side Dover Road, 1000' N of the c/line of Osborn Road
(14950 Dover Road)
4th Election District - 3rd Council District
James S. Owings, et ux – Petitioners; Edward J. Haviland, III, et ux - Protestants
Case No. 07-102-A

Dear Counsel:

I have now had the above referenced file in my office since December, 2006 and despite the various hearing dates and updates from your office concerning settlement proposals, I have not had an update of meaningful developments since May 9, 2007. I would appreciate a brief response outlining your respective clients' positions so that I may determine whether this matter can be moved forward.

Thanks for your prompt attention.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Inspector Paul Hohne, Code Inspector, DPDM

too copy!

IMPORTANT MESS.

FOR Bill

DATE 5-8 & 5-12 TIME 3:30 A.M. / P.M.

M Paul Hahne 2:00

OF Code enforcement

PHONE x 3953
AREA CODE NUMBER EXTENSION

☐ FAX

☐ MOBILE
AREA CODE NUMBER TIME TO CALL

TELEPHONED	✓	PLEASE CALL	✓
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE Re 07-102-A
Scheduled for 3-20-07
(or Doner Road)

- fines pending
- is another ZC hearing
being scheduled?

SIGNED status?

TOPS FORM 3002P MADE IN U.S.A.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 13, 2007

WILLIAM J. WISEMAN III
Zoning Commissioner

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21286

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

RE: **PETITION FOR VARIANCE**
SW/Side Dover Road, 1000' N of the c/line of Osborn Road
(14950 Dover Road)
4th Election District - 3rd Council District
James S. Owings, et ux – Petitioners; Edward J. Haviland, III, et ux - Protestants
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Thanks for your prompt attention.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Inspector Paul Hohne, Code Inspector, DPDM

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 22, 2007

Lawrence E. Schmidt, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21286

RE: **PETITION FOR VARIANCE**
(14950 Dover Road
James S. Owings, et ux – Petitioners; Edward J. Haviland, III, et ux - Protestants
Case No. 07-102-A

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz

c: J. Carroll Holzer, Esquire, Holzer & Lee, 508 Fairmount Avenue, Towson, MD 21286
James S. and Nicole S. Owings, 14950 Dover Road, Reisterstown MD 21136
James W. Rouse, Jr., 4537 Blackrock Road, Upperco MD 21155
Inspector Paul Hohne, Code Inspector, DPDM

GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE
SUITE 200
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0071
www.gildeallc.com

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MAREK, III
DAMIAN C. O'DOHERTY
JASON T. VETTORI
JOSEPH R. WOOLMAN, III

BALTIMORE, MD OFFICE
300 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-234-0070

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

March 9, 2007

William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson, MD 21204

Re: Owings/14950 Dover Road
Case No.: 07-102-A

Dear Mr. Wiseman:

We regret to inform you that we must request a postponement of the continued hearing scheduled for this matter on Tuesday, March 20, 2007. We have just been notified that our client's wife is due to give birth on or around that date. We will coordinate a rescheduling of this matter with Mr. Holzer and Kristen Matthews.

Should you have any questions, comments or concerns, please do not hesitate to contact the undersigned.

Very truly yours,

Lawrence E. Schmidt

LES/cjp
cc: James and Theresa Owings
J. Carroll Holzer, Esquire
Jason T. Vettori, Esquire

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 14950 Dover Road

which is presently zoned: R.C. 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) 400.3 of the BCZR to permit a detached garage height of 28 feet in lieu of the required 15 feet;
2) 1A01.3.B.3 and 400.1 of the BCZR to permit a setback from the property line of 14 feet in lieu of the required 35 feet for a garage attached to the prinipal building by a covered passageway; and
3) For such other and futher relief as deemed neccessary by the Zoning Commissioner.

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

To be presented at hearing.

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

Legal Owner(s):

James S. Owings
Name - Type or Print

Signature James S. Owings

Nicole S. Owings
Name - Type or Print

Signature Nicole S. Owings

14950 Dover Road
Address — Telephone No.

Reisterstown — MD — 21136-3802
City — State — Zip Code

Attorney For Petitioner:

Jason T. Vettori
Name - Type or Print

Signature Jason T. Vettori

Gildea & Schmidt, LLC
Company

300 East Lombard Street, Suite 1440 — (410) 234-0070
Address — Telephone No.

Baltimore — MD — 21202
City — State — Zip Code

Representative to be Contacted:

Jason T. Vettori
Name

300 East Lombard Street, Suite 1440 — (410) 234-0070
Address — Telephone No.

Baltimore — MD — 21202
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-102-A

Reviewed By _____ Date 10-10-06

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 8-22-07
By _____

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21827

DATE 10-10-06 ACCOUNT 1001006 - 6150

AMOUNT $ 70.00

RECEIVED FROM: JASON VETTORI

FOR: REVISED RTNS & SITE PLANS.
07-102-A Revision

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
10/11/2006	10/10/2006	10:17:25	2

REG WS02 WALKIN JEWA JEE
>>RECEIPT # 483871 10/10/2006 - OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 021827
Recpt tot $70.00
$70.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

Zoning Description for 14950 Dover Road, Reisterstown, MD 21136

Beginning at a point on the West side of Dover Road which is 146.50' wide at the distance of 1000' North of the centerline of the nearest improved intersecting street Osborn Road which is 12' wide. As recorded in Baltimore County Plat Book # 23059. Folio 391, containing 2.0957 acres. Also known as 14950 Dover Road and located in the 4th election district, 3rd Councilmanic District.

Department of Permits and
Development Management

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

Baltimore County

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

October 31, 2006

NEW 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: 06-620-SPHX
13713 Pleasantville Road
Southeast side of Pleasantville Road, 1,886 feet northeast of centerline of Baldwin Mill Road
11th Election District – 3rd Councilmanic District
Legal Owners: Michael & Nancy DiPaula
Contract Purchaser: New Cingular Wireless, PCS, LLC

Special Exception to permit a wireless telecommunications facility to be located at 13713 Pleasantville Road. New Cingular Wireless PCS, LLC, has leased space from the property owners for this purpose. The proposed project consists of a 130 feet AGL stealth Monopine style monopole and an unmanned 11.5' X 20' ground based equipment shelter within a 50' X 50' fenced compound. Cingular antennas will be located at the top of the antenna structure. Construction will be consistent with the accompanying plans. Special Hearing for the continued use of the subject property for agricultural, residential and equestrian purposes. For installation of an unmanned telecommunications facility, and is requesting a Special Exception.

Hearing: Tuesday, December 12, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Karl Nelson, 500 E. Pratt Street, Baltimore 21202
Mr. & Mrs. DiPaula, 13713 Pleasantville 21013
Jack Barber, 7150 Standard Drive, Hanover 21076

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, DECEMBER 27, 2006.**
(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

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

Baltimore County

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

November 1, 2006

NEW 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: 07-102-A
14950 Dover Road
Southwest side Dover Road, 1000 feet +/- north of centerline of Osborn Road
4th Election District – 3rd Councilmanic District
Legal Owner: James S. Owings and Nicole S. Owings

Variance To permit a detached garage height of 28 feet in lieu of the required 15 feet and to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway.

Hearing: Tuesday, December 12, 2006 at 9:00 am in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Jason T. Vettori 300 East Lombard Street, Suite 1440 Baltimore 21202
James S. and Nicole S. Owings 14950 Dover Road Reisterstown 21136-3802
J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286
Mr. & Mrs. Haviland, 14946 Dover Road, Glyndon 21071

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 27, 2006.**
(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

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

Baltimore County

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

November 1, 2006

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Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Jason T. Vettori 300 East Lombard Street, Suite 1440 Baltimore 21202
James S. and Nicole S. Owings 14950 Dover Road Reisterstown 21136-3802
J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286
Mr. & Mrs. Haviland, 14946 Dover Road, Glyndon 21071

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 27, 2006.**
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(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RECEIVED
NOV 8 2006

BW 12/12
9AM
Rm 106

CERTIFICATE OF POSTING

RE: Case No.: 07-102-A

Petitioner/Developer: JAMES S. OWINGS NICOLE S. OWINGS

Date of Hearing/Closing: 12-12-06

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

ATTN: Kristen Matthews {(410) 887-3394}

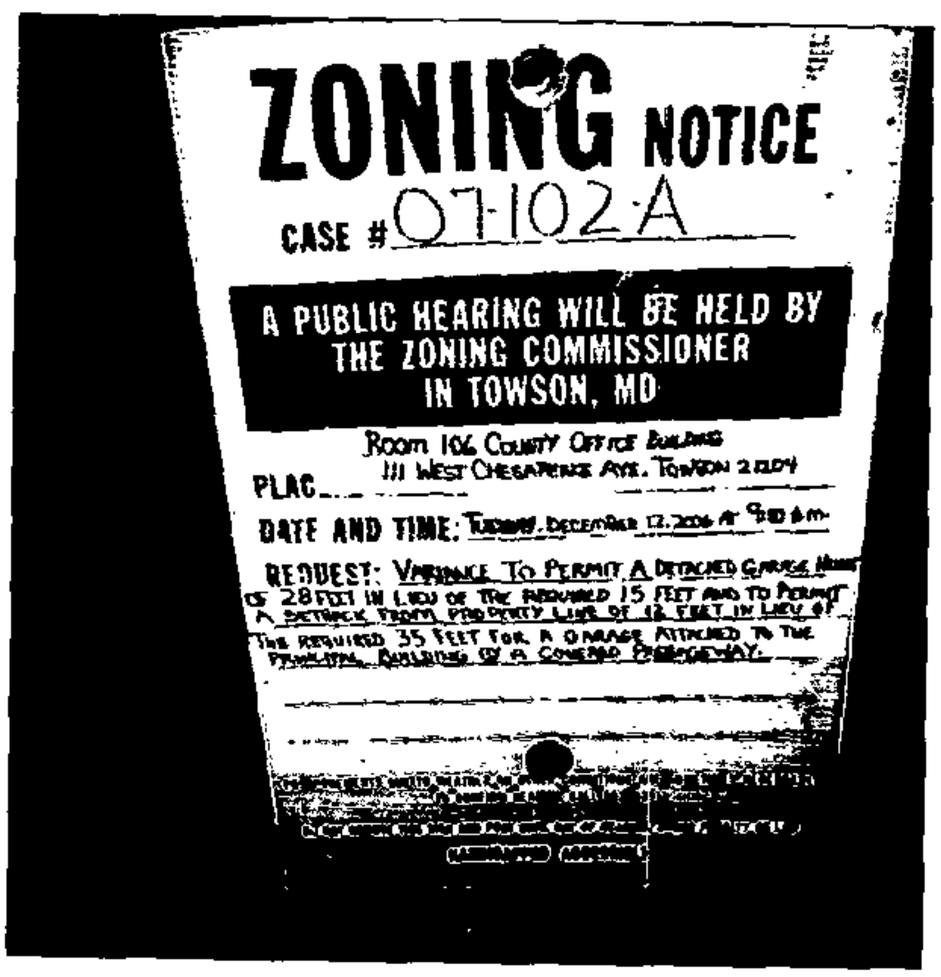
Ladies and Gentlemen:

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:

14950 DOVER RD

The sign(s) were posted on 11-27-06
(Month, Day, Year)

Sincerely,



Robert Black 11-29-06
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

RECEIVED
NOV 30 2006

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 07-102-A

Date Completed/Initials

9-7-06 PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

_____ DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

_____ TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

_____ UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

_____ COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

_____ POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

_____ RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

_____ INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

10/17 10/17

_____ ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

10/26 COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

_____ FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

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: # 07-102-A
14950 Dover Road
Southwest side Dover Road, 1000 feet +/- north of centerline of Osborn Road
4th Election District — 3rd Councilmanic District
Legal Owner(s): James S. Owings and Nicole S. Owings

Variance: *To permit a detached garage height of 28 feet in lieu of the required 15 feet and to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway.*

Hearing: Tuesday, December 12, 2006 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 11/689 Nov. 21 116734

CERTIFICATE OF PUBLICATION

11/22/, 2006

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 11/21/, 2006.

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

S. Wilkinson

LEGAL ADVERTISING

Department of Permits and Development Management

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

Baltimore County

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

November 1, 2006

NEW 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: 07-102-A
14950 Dover Road
Southwest side Dover Road, 1000 feet +/- north of centerline of Osborn Road
4th Election District – 3rd Councilmanic District
Legal Owner: James S. Owings and Nicole S. Owings

Variance To permit a detached garage height of 28 feet in lieu of the required 15 feet and to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway.

Hearing: Tuesday, December 12, 2006 at 9:00 am in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Jason T. Vettori 300 East Lombard Street, Suite 1440 Baltimore 21202
James S. and Nicole S. Owings 14950 Dover Road Reisterstown 21136-3802
J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286
Mr. & Mrs. Haviland, 14946 Dover Road, Glyndon 21071

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 27, 2006.**
(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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 21, 2006 Issue - Jeffersonian

Please forward billing to:
Jason T. Vettori 410-234-0070
Gildea & Schmidt, LLC
300 East Lombard Street, Suite 1440
Baltimore, MD 21202

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: 07-102-A
14950 Dover Road
Southwest side Dover Road, 1000 feet +/- north of centerline of Osborn Road
4th Election District – 3rd Councilmanic District
Legal Owner: James S. Owings and Nicole S. Owings

Variance To permit a detached garage height of 28 feet in lieu of the required 15 feet and to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway.

Hearing: Tuesday, December 12, 2006 at 9:00 am in Room 106, County Office Building, 111 West Chesapeake 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.

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: #07-102-A
14950 Dover Road
Southwest side Dover Road, 1000 feet +/- north of centerline of Osborn Road
4th Election District - 3rd Councilmanic District
Legal Owner(s): James S. Owings and Nicole S. Owings

Variance: To permit a detached garage height of 26 feet in lieu of the required 15 feet and to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway.

Hearing: Wednesday, November 1, 2006 at 10:00 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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/10/705 Oct. 17 113055

CERTIFICATE OF PUBLICATION

10/19/, 20 06

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 10/17/, 20 06.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-102-A

Petitioner/Developer: JAMES & NICOLE S. OWINGS

Date of Hearing/Closing: NOV 1, 2006

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

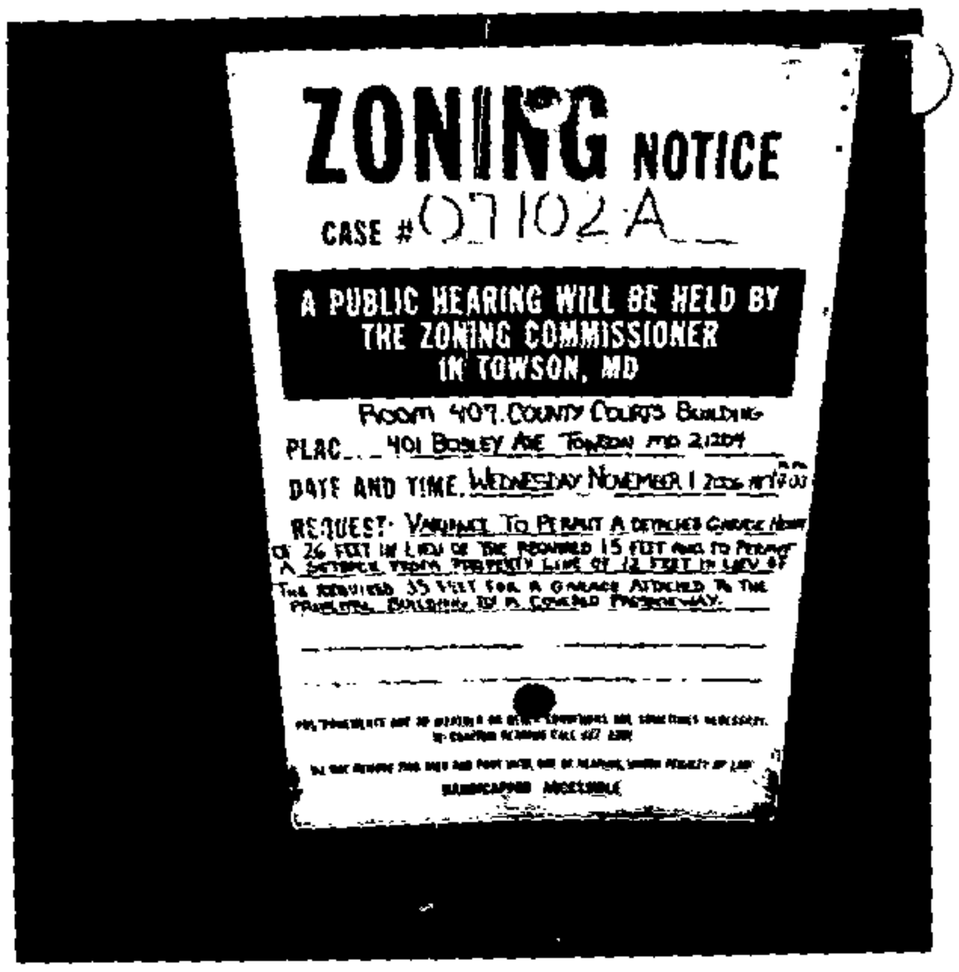
ATTN: Kristen Matthews {(410) 887-3394}

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: 14950 DOVER RD

The sign(s) were posted on 10-12-06
(Month, Day, Year)

Sincerely,



Robert Black 10-20-06
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

NOTE TO HEARING OFFICER
07-102-A
09/07/06

Applicant/Attorney was advised that the Petition relief was in conflict and confusing as requested and that all requested variance relief was not reflected on the site plan. Relief is being requested in the "Alternative" which is not shown on the plan at the filing appointment. This Office recommended amendments to the petition forms and site plan and also advised that if the footprint of the proposed garage was going to be larger than that of the existing house, a Special Hearing would be required for an "Accessory Structure Larger Than the Principal Dwelling". Applicant/Attorney desired to file as-is.

J. MERREY

RE: PETITION FOR VARIANCE 14950 Dover Road; SW/S Dover Road, 1000' N c/line Osborn Road 4th Election & 3rd Councilmanic Districts Legal Owner(s): James & Nicole Owings Petitioner(s)	*	BEFORE THE
	*	ZONING COMMISSIONER
	*	FOR
	*	BALTIMORE COUNTY
	*	07-102-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.

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 18th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed to, Jason T. Vettori Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
SEP 18 2006
Per.....

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

September 21, 2006

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: 07-102-A
14950 Dover Road
Southwest side Dover Road, 1000 feet +/- north of centerline of Osborn Road
4th Election District – 3rd Councilmanic District
Legal Owner: James S. Owings and Nicole S. Owings

Variance To permit a detached garage height of 26 feet in lieu of the required 15 feet and to permit a setback from the property line of 12 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway.

Hearing: Wednesday, November 1, 2006 at 10:00 am in Room 407 of the County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:amf

C: Jason T. Vettori 300 East Lombard Street, Suite 1440 Baltimore 21202
James S. and Nicole S. Owings 14950 Dover Road Reisterstown 21136-3802

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 17, 2006.**
(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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 17, 2006 Issue - Jeffersonian

Please forward billing to:
Jason T. Vettori 410-234-0070
Gildea & Schmidt, LLC
300 East Lombard Street, Suite 1440
Baltimore, MD 21202

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: 07-102-A
14950 Dover Road
Southwest side Dover Road, 1000 feet +/- north of centerline of Osborn Road
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Legal Owner: James S. Owings and Nicole S. Owings

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Hearing: Wednesday, November 1, 2006 at 10:00 am in Room 407 of the County Courts Building, 401 Bosley Avenue, Towson, MD 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.

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: 102

Petitioner: JAMES S. OWINGS

Address or Location: 14950 DOVER ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JASON T. VETTORI

Address: GILDEA & SCHMIDT, LLC

300 EAST LOMBARD STREET, SUITE 1440

BALTIMORE, MD 21202

Telephone Number: (410) 234-0070

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
DAVIDGILDEA@GILDEALLC.COM

LAWRENCE E. SCHMIDT
LSCHMIDT@GILDEALLC.COM

SEBASTIAN A. CROSS
SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

JASON T. VETTORI
JVETTORI@GILDEALLC.COM

300 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-234-0070
FACSIMILE 410-234-0072
www.gildeallc.com

TOWSON, MD OFFICE
220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

October 26, 2006

Sent Via Email Only
Timothy M. Kotroco
Director
Department of Permits and Development Management
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Re: Owings/14950 Dover Road
Case No.: 07-102-A

Dear Mr. Kotroco:

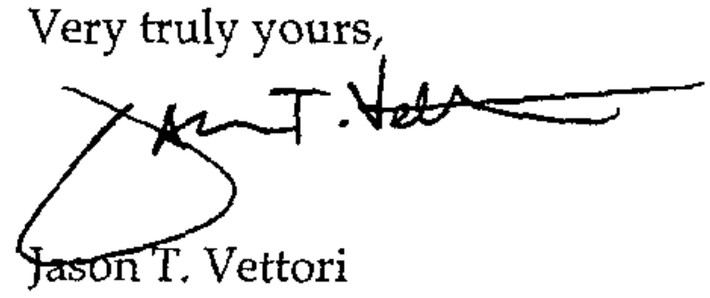
Kristen Matthews forwarded a copy of the letter requesting postponement of the hearing scheduled for November 1, 2006 from Mr. Joseph Haviland, III and Mrs. Helene P. Haviland ("the Havilands") via facsimile on October 25, 2006. Having reviewed this request, we submit the following for your consideration. We object to the granting of the postponement of the above referenced hearing for the following reasons. The Havilands have not demonstrated good cause and the prejudice, which will be suffered by my clients, supercedes the accommodation the Havilands are requesting.

My clients, James and Nicole Owings ("the Owings"), 14950 Dover Road, Reisterstown, Maryland 21136, live next door to the Havilands. They went to the county on various occasions in order to construct a garage. It appears as if there was some confusion after consulting with the zoning office in regard to the height and setback for the proposed garage depending upon the construction of a covered passageway. Thereafter, our clients were issued a permit to construct a garage without a covered passageway with a maximum height of fifteen (15) feet. On or about August 15, 2006, presumably in response to a complaint by the Havilands, Paul Hohne, Building Inspector, issued citation number 06-6736 instructing the Owings to stop work on their proposed garage, which exceeds 15 feet. As a result thereof, we were retained to seek a variance to permit construction of the proposed garage. We asked Mr. Hohne to delay enforcement proceedings so that we might pursue a variance .

As evidenced by our petition, we are seeking, among other things, a height variance to build the garage as planned or a setback variance to build the garage with a covered passageway to the house. At present, approximately Sixteen Thousand Dollars (($16,000.00) worth of lumber is exposed to the elements while we seek to address this issue. The Havilands, as stated in their letter, were aware of the variance request when the sign advertising same was posted at 4:16 p.m. on October 14, 2006. The Havilands request for postponement indicates that they are seeking to obtain an attorney to represent their opposition to the variance request, additional witnesses to oppose the variance and the presence of a neighborhood representative to oppose the variance. In brief, notice was properly given in accordance with the Baltimore County Zoning Regulations ("BCZR") and Baltimore County Code ("BCC"). I have contacted Theresa Moore, Valleys Planning Council, (410) 337-6877, regarding the variance request and the request for postponement. Pursuant to our conversation around 3:30 p.m. on October 26, 2006, she indicated that her association was unlikely to attend this hearing involving a dispute between two neighbors.

Given the time which has passed since the issuance of the citation and requested delay of the hearing regarding said citation, the value of the wood which is presently exposed to the elements, the time of year impacting construction schedules, the support the Owings have initially received from all neighbors other than the Havilands, the uncertainty as to what witnesses or counsel, if any, the Havilands will procure, we request that you deny their request for postponement. The courts have interpreted matters, oftentimes criminal cases, where witnesses were not available to attend a hearing, as rising to the level of good cause. However, in the instant matter, the Havilands have not set forth any grounds which these supposed witnesses will testify to which will further support their opposition to the requested variances. Please feel free to contact the undersigned with any comments, questions or concerns, or additional information I can provide.

Very truly yours,



Jason T. Vettori

JTV: mga
Attachments
CC: Mr. & Mrs. James Stephen Owings
Lawrence E. Schmidt, Esquire

1/16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 26, 2006

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

SUBJECT: **7-102 –Variance**

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard with a height of 22 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

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

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

Reviewed by: _____

Section Chief: _____

AFK/LL: CM

W:\DEVREV\ZAC\7-172.doc

TBW
12/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 26, 2006

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

SUBJECT: 7-102 –Variance

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

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

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

Prepared by: Curtis Murray

Section Chief: Lynn Lanham

RECEIVED
OCT 3 2006
ZAC

AFK/LL: CM

W:\DEVREV\ZAC\Accessory Structures- Height.doc.doc

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

SHA
State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: October 20, 2006

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

RE: Baltimore County
Item No. 07-102-A
14950 Dover Road
James B. Owings Property
Variance Petition

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-102-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

SHA
State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 18, 2006

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

RE: Baltimore County
Item No. 102
7-102-A
JAMES & NICOLE OWINGS
PROPERTY
VARIANCE-DETACHED
GARAGE EXCEED 15' HT
& SETBACK FROM PROPERTY
LINE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 102 .

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 18, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For October 23, 2006
Item Nos. 07-102, 157, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, and 169

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-10182006.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 25, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For September 25, 2006
Item Nos. 07-101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 114, 115, And 116

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-09212006.doc

Baltimore County
Fire Department

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

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

September 24, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 18, 2006

Item Number(s): 100 thru 112, 114,115, 116
(102)

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.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper

12/12

06-620-SPHX

07-102-A

LAW OFFICES
J. CARROLL HOLZER, P.A.
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND 21286
(410) 825-6961
FAX (410) 825-4923 / E-MAIL: JCHOLZER@BCPL.NET

Facsimile Cover Sheet

To: William Wiseman

From: J. Carroll Holzer/Sterling Leese/Peggy Gilley

Date: Nov. 29, 2006 Time: 2:00 a.m./p.m.

Total Number of Pages Including this Cover: 5

Original Will ____ / Will Not X Follow.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

For Sending Office Purposes:

Fax Number: 410- Main Number: 410-

Client & Matter: File Number: #

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C FORMS/Faxcover

HOLZER
AF
& LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

THOMAS J. LEE

THE 508 BUILDING

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

October 30, 2006
#7586

VIA FAX 410-887-3468
William Wiseman, Esquire
Zoning Commissioner
401 Bosley Avenue
Suite 405
Towson, Maryland 21204

RE: Petition for Variance; James S. Owings Property
Case No. 07-102-A

Dear Mr. Wiseman:

Please be advised that I represent Helene and Edward Haviland who reside at 14946 Dover Road, Glyndon, MD 21071. I herewith enter my appearance on their behalf in the above referenced matter. I have been informed that a hearing is scheduled for Wednesday, November 1, 2006 at 10:00 a.m. I must respectfully request a postponement because I have an argument in the Circuit Court for Cecil County, Case No. 07-C-06-235 AA on the same date.

Therefore, I would respectfully request that the case be postponed until a date and time mutually convenient to the Zoning Commissioner, the Petitioner and myself. To reset this case, please call me at 410-825-6961.

I appreciate your cooperation and understanding.

Very truly yours,

J. Carroll Holzer

J. Carroll Holzer

JCH:mlg

cc: Mr. Timothy Kotroco, Esquire
Helene Haviland
James S. Owings

LAW OFFICES
J. CARROLL HOLZER, P.A.
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Facsimile Cover Sheet

To: William Wiseman, Esq.

From: J. Carroll Holzer/Sterling Leese/Peggy Gilley

Date: Oct. 30, 2006 Time: 12:36 a.m./p.m.

Total Number of Pages Including this Cover: 2

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For Sending Office Purposes:

Fax Number: 410- Main Number: 410-

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C FORMS/faxcover

HOLZER

& LEE

LAW OFFICES
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J. HOWARD HOLZER
1907-1989
THOMAS J. LEE
OF COUNSEL

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November 8, 2006
#7606

HAND DELIVERED
Mr. Timothy Kotroco, Director
Permits & Development Management
111 Chesapeake Avenue
Towson, Maryland 21204

RE: Case No. 06-620-SPHX
13713 Pleasantville Rd.; Legal Owners: Michael & Nancy DiPaula
Contract Purchaser: New Cingular Wireless, PCS,LLC

Dear Mr. Kotroco:

Case No. 06-620-SPHX has been scheduled for Tuesday, December 12, 2006 in Room 407, County Courts Building before the Zoning Commissioner. However, on that same day, I have a hearing in the matter of 14950 Dover Road, Case No. 07-102 A in Room 106 of the County Office Building. (see attached Notice of Assignment).

On behalf of my clients, I respectfully request a postponement of Case No. 06-620-SPHX set for December 12, 2006 until a mutually convenient time for the Zoning Commissioner and the parties. If you need to call me, I can be reached at 410-825-6961. I appreciate you understanding and cooperation.

Very truly yours,

J. Carroll Holzer

JCH:mlg

Enclosure
cc: LGVA, Inc.
William Wiseman, Esq.

HOLZER & LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1937-1990

THOMAS J. LEE
[illegible]

THE 508 BUILDING

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TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: [illegible]

November 30, 2006
#7606

JM

VIA FAX 410-887-3468
William Wiseman, Esquire
Zoning Commissioner for Baltimore County
401 Bosley Avenue
Towson, Maryland 21204

RE: Case No. 06-620-SPHX and 07-102-A
Both Hearings set for December 12, 2006

Dear Mr. Wiseman:

On November 8, 2006, I hand delivered a letter to Timothy Kotroco, Director of the Department of Permits and Development Management, requesting that Case No. 06-620-SPHX scheduled for Tuesday, December 12, 2006 in Room 407, County Courts Building be postponed because that hearing occurs on the same date and time as Case No. 07-102-A, which will be held in the County Office Building. (letter and Notices are attached hereto) However, I became aware on Monday, November 28 that the Director of PDM denied my request for a postponement of Case No. 06-620-SPHX.

Because I am unable to professionally and adequately represent both clients at the same time at two different hearings, I respectfully request that you as Zoning Commissioner decide which case will be postponed. My clients are aware of the conflict and would also like to know at which hearing I will appear. I appreciate your understanding.

Very truly yours,

J. Carroll Holzer

JCH:mlg
Enclosures
cc: LGVA, Inc.
Timothy Kotroco, Esq.
John Murphy, Esq.
Mr. & Mrs. Haviland
Karl Nelson, Esq.
Jason Vettori, Esq.

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 5, 2006

Jason T. Vettori, Esquire
Gildea & Schmidt, LLC
300 East Lombard Street, Suite 1440
Baltimore, Maryland 21202

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

Karl Nelson, Esquire
Saul Ewing
500 East Pratt Street
Baltimore, Maryland 21202

RE: **Case No. 06-620-SPHX - PETITION FOR SPECIAL EXCEPTION**
Michael & Nancy DiPaula / New Cingular Wireless, PCS, LLC

Case No. 07-102-A – PETITION FOR VARIANCE
James S. Owings and Nicole S. Owings

Dear Counsel of Record:

This will serve to confirm telephone conversations regarding Mr. Holzer's request for me to decide which case to postpone in view of the scheduling conflict. The decision is easy. Case 06-620-SPHX had previously been postponed on two occasions and reset by agreement of counsel for the December 12, 2006 date. It is most unfortunate that Case 07-102-A, which was also continued at the request of Mr. Holzer, was reset on the same date and scheduled to last all day. It is a policy of this Office, however, to give precedent to the older case which was filed four months prior to the Owings petition.

By this letter, I am requiring counsel in Case 07-102-A to report to Room 106 in the County Office Building on December 12, 2006, at 9:00 a.m. with their calendars in hand. Provided that the posting and notice requirements have been satisfied, the case will be

rescheduled for a prompt hearing at the earliest opportunity and by copy of this letter, I am asking Ms. Kristen Matthews to be present so that a convenient date can be selected and all interested persons notified. Immediately after this case is opened and continued, Mr. Holzer is free to appear in Room 407 in the County Courts Building to represent his client, the Long Green Valley Association, in the telecommunications facility case.

I trust this decision will be accepted by the parties most affected as an attempt by this Office to try and reach an amicable resolution of the conflict.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner for
for Baltimore County

c: Timothy Kotroco, Director, PDM
John V. Murphy, Deputy Zoning Commissioner
Kristen Matthews, PDM

Post-it® Fax Note 7671	Date 10/25/06 # of pages ▶ 1
To Jason Vettori	From Kristen - Zoning
Co./Dept.	Co.
Phone #	Phone # 887-3391
Fax # 234-0672	Fax # 887-3048

To: Kristen
1 time ok
uci

Edward Joseph Haviland III
Helene P. Haviland
14946 Dover Road
Glyndon, Maryland 21071

phone #

October 18, 2006

Mr. Timothy Kotroco
Director of Permits and Development Mgmt.
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Kotroco,

Yesterday, Tuesday October 17, 2006, at 4:16 pm our neighbors posted a sign requesting a hearing for a variance, Case #07-102-A, for height and location of a garage on property adjoining ours. The hearing date is set for November 1, 2006 at 10 am.

We are requesting a postponement of the above hearing. This is a first time request since we only just discovered the date yesterday. It is just two weeks away and we need adequate time to find an attorney to represent us and notify people affected who want to attend the hearing such as witnesses on our behalf and neighborhood association representatives.

One of the above mentioned representatives has a standing Wednesday appointment. We respectfully request, if possible, a hearing date on a Monday, Tuesday or Thursday so that all affected parties will be able to attend.

Thank you in advance for your understanding and cooperation.

Sincerely,

Edward Joseph Haviland III
Helene P. Haviland

Edward Joseph Haviland III
Helene P. Haviland

Please give to Kristin - Thanks!

10/18/06

Dear Kristin,

I need a copy of the file for the property at 1950 Dover Rd. - they have applied for a variance and I need to see a copy of their petition along with the attached site plan. The Variance # is 07-102 + the hearing # is 06-6736.

I understand you will be in tomorrow, Thursday. I will call you in the morning and stop in, if that's ok.

Thank you.

Helene Haviland
443 858-4055 cell

Department of Permits and Development Management

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

Baltimore County

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

November 1, 2006

Jason Vettori
Gildea & Schmidt
300 East Lombard Street, Ste. 1440
Baltimore, MD 21202

Dear Mr. Vettori:

RE: Case Number: 07-102-A, 14950 Dover Road

The above matter, previously scheduled for November 1, 2006, has been postponed. The hearing has been rescheduled and the notice reflecting this change is attached.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Owings, 14950 Dover Road, Reisterstown 21136
J. Carroll Holzer, 508 Fairmount Avenue, Towson 21286
Mr. & Mrs. Haviland, 14946 Dover Road, Glyndon 21071

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J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
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E-MAIL: JCHOLZER@BCPL.NET

January 17, 2007
#7669

William Wiseman, Esquire
Zoning Commissioner
401 Bosley Avenue
Suite 405
Towson, Maryland 21204

RECEIVED
JAN 18 2007
ZONING COMMISSIONER

RE: Case No.: 07-102A

Dear Mr. Wiseman:

At the Zoning Commissioner's Hearing yesterday, (Tuesday, January 16, 2007) concerning the above-captioned case, I indicated that I did not believe the interpretation of the Zoning Regulations as proffered by Mr. Schmidt was correct and that the subject garage as an accessory building should not exceed fifteen (15) feet. My position is consistent with the Zoning Office's interpretation. Attached is the definition of residential zone in Section 101 of the Baltimore County Zoning Regulations. It is clear that RC zones are residential and comply with Section 400.

Very truly yours,

J. Carroll Holzer

JCH:mlg

Enclosure

cc: Larry Schmidt, Esquire

LAW OFFICES
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Facsimile Cover Sheet

To: Debbie

From: J. Carroll Holzer/Sterling Leese/Peggy Gilley

Date: Time: _____ a.m./p.m.

Total Number of Pages Including this Cover: 3

Original Will _____ / Will Not _____ Follow.

★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

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C:FORMS/Faxcover

LAW OFFICES
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J. HOWARD HOLZER
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THOMAS J. LEE
OF COUNSEL

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January 17, 2007
#7669

William Wiseman, Esquire
Zoning Commissioner
401 Bosley Avenue
Suite 405
Towson, Maryland 21204

JAN 1 9 '07

RE: Case No.: 07-102A

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Very truly yours,

J. Carroll Holzer

JCH:mlg

Enclosure

cc: Larry Schmidt, Esquire

C. Used for:

1. Computer and data processing services;

2. Laboratories;

3. The manufacture, assembly, service or repair of any product listed in Section 209.3.A.7;

4. Offices;

5. Research institutes;

6. Warehouses in combination with and physically attached to any of the above uses, if the warehouse accounts for no more than 30% of the total gross floor area;

7. Supporting infrastructure for any of the above uses; or

8. Any combination of such uses.

RESIDENTIAL ART SALON — A portion of a dwelling unit used for the exhibition and sale of original works of art. For the purposes of these regulations, an "original work of art" shall include a numbered reproduction from a series of no more than 50, which reproduction is individually signed by the artist. A "residential art salon" does not include a photographic studio, a tattoo or body piercing establishment, or any place where an indelible mark or figure is placed on a person by needle insertion of pigment under the skin or where the skin is pierced for the purpose of inserting an object. **[Bill Nos. 85-1967; 32-1978; 76-1997]**

RESIDENTIAL ZONE — A zone classified as R.C., D.R., R.O., R-O-A or R.A.E. "Zoned for residential purposes"; within a residential zone. **[Bill Nos. 98-1975; 170-1991; 149-2004]**

RESTAURANT, CARRY-OUT — An establishment whose principal business is the sale of ready-to-consume food and beverages to customers who order their food and beverages over the counter, by telephone or by fax machine and whose principal characteristic is that food and beverages are consumed off the premises. **[Bill No. 110-1993]**

RESTAURANT, FAST-FOOD — An establishment whose principal business is to sell ready-to-consume food and beverages in disposable containers and which is not a drive-in restaurant. A fast-food restaurant has some or all of the following characteristics:

Prepackaged frozen, chilled or sealed food and meals are cooked in advance for immediate sale.

Food and beverages are ordered over the counter or by motorists from within their vehicles.

Food and beverages are consumed on the premises of the restaurant or within a motor vehicle on or off the premises. **[Bill No. 110-1993]**

RESTAURANT, FAST-FOOD, DRIVE-THROUGH ONLY — A fast-food restaurant, as defined in Section 101, except that no customer seating is provided inside the restaurant. Food and beverages are ordered by motorists from a drive-through lane or from a walk-up window on the outside of the building or within a vestibule. Orders are primarily

Jan-19-07 11:24A J Carroll Holzer 410-825-4923 P.03

HOLZER

& LEE

LAW OFFICES

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J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

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E-MAIL: JCHOLZER@BCPL.NET

File

January 17, 2007
#7669

Mr. Timothy Kotroco, Director
Permits & Development Management
111 Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 07-102A

Dear Mr. Kotroco:

Please be advised that in Case No.: 07-102A at a hearing held on Tuesday, January 16, 2007, the Zoning Commissioner indicated his intention to find that a garage could exceed the fifteen (15) foot height limitation imposed by the Baltimore County Zoning Regulations.

You will recall that this case is the subject of a zoning violation for the subject garage exceeding fifteen (15) feet and a Stop Work Order issued in Citation/Case No.: 06-6736.

The Zoning Commissioner's indication that he would determine that a variance was not required for this property if issued will result in an immediate appeal to the County Board of Appeals by my client, the adjacent property owner, Mr. & Mrs. Haviland.

As a result, since a hearing before the Board is *de novo*, I would respectfully request that no permits be issued nor the Stop Work Order withdrawn until such time as the County Board of Appeals has reviewed this matter.

Very truly yours,

J. Carroll Holzer

JCH:mlg

Enclosure

cc: Mr. Carl Richards
Mr. James Thompson
Mr. & Mrs. Joe Haviland

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SEBASTIAN A. CROSS
CHARLES B. MAREK, III
DAMIAN C. O'DOHERTY
JASON T. VETTORI
JOSEPH R. WOOLMAN, III

300 EAST LOMBARD STREET
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TELEPHONE 410-234-0070
FACSIMILE 410-234-0072
www.gildeallc.com

TOWSON, MD OFFICE
220 BOSLEY AVENUE
TOWSON, MARYLAND 21204
TELEPHONE 410-337-7057

January 25, 2007

William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson, MD 21204

Re: Owings/14950 Dover Road
Case No.: 07-102-A
Memorandum Regarding Preliminary Motion about Accessory Structures in the R.C.2 Zone

Dear Mr. Wiseman:

This is in response to Mr. Holzer's letter dated January 17, 2007, which asserted that the definition of "residential zone" as contained in Baltimore County Zoning Regulations (BCZR) Section §101 refutes the argument made by me in open hearing that the garage under construction on the above captioned property is not subject to the accessory structure requirements contained in Section 400 of the BCZR. I will not repeat herein the arguments advanced by me in open hearing that variance relief is not required, rather the following comments are offered to address the specific point made in opposing counsel's letter.

The definition for "residential zone" cited by Mr. Holzer is as follows:

> A zone classified as R.C., D.R., R.O., R-O-A, or R.A.E. "Zoned for residential purposes"; within a residential zone.

It is a well settled rule of statutory construction that the intent of the legislature must be ascertained when construing the meaning of a statute (See e.g. *Privette vs. State*, 320 Md. 738 (1990)). Moreover, all parts of the statute must be considered in relation to one another, so that the statute as a whole is construed in a harmonious fashion. *Gwin vs. Motor Vehicle Administration*, 385Md. 440 (2005). Finally, it is a cardinal rule of statutory construction that all parts of the statute must be considered, so that no language contained therein is rendered surplusage. *MNCPPC vs. Anderson* 395 Md. 102, (2005).

In examining the definition of "residential zone" in Section 101, it need be noted that the first portion of the definition contains a clause (i.e. "zoned for residential purposes"), which modifies the list of the designated zones that are identified therein. The inclusion of this clause is significant; in that the drafters of the statute could have merely listed the zones without further clarification had they intended that each zone so designated was a residential zone. Instead, this clause was added, and its effect must be determined. That is, this clause indicates an intent by the legislative branch to require something in addition to the mere zoning of a property within a general zoning designation.

The general R.C., D.R. and R.A.E. zoning classifications include many zones and not just a single zone. For example, the general D.R. zone includes six different classifications; to wit, D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5, D.R. 10.5 and D.R. 16. The general R.C. classification contains nine separate and distinct zones, ranging from R.C. 2 to R.C. 50. An examination of the purposes of each specific zone is appropriate in order to determine if that specific zone is "zoned for residential purposes" as required by the definition. In this case, consideration of the purposes of the zone of the subject property (R.C. 2) is warranted.

The BCZR outlines the purposes of the R.C. zones in general (§1A00.2) and purposes for the R.C. 2 zone (§1A01.1.B) in particular. The clearly expressed purpose of the R.C. 2 zone is agricultural, not residential. The header for the R.C. 2 zone is labeled as "agricultural" (§§ 100.1.4.2 and 1A01). The uses favored in the R.C. 2 are agricultural in character. Furthermore, the "Purposes" subsection makes no mention of being zoned for residential purposes. Moreover, it is to be noted that there are specific zones within the R.C. general classification that are for residential purposes. Specifically, the R.C. 5 is designated as "rural-residential" zone. Similarly, the R.C. 6 zone is defined as a residential and rural conservation zone. The legislature could have easily defined a "*residential* zone," as a zone classified R.C. and left it at that. However, the clause "zoned for residential purposes" was added. To ignore the clause "zoned for residential purposes" would be to ignore the clearly stated legislative intent.

It can be further pointed out that BCZR § 400 refers to "*residence* zones," while BCZR § 101 provides a definition for "*residential* zones." It does not appear as if the term "*residence* zone" is defined anywhere in the BCZR. The definition for "*residential* zone" was introduced by Bill No. 98-75, revised in Bill No. 170-91, and further revised in Bill No. 149-04. A copy of the referenced legislation is attached hereto for your review. Bill No. 98-75 introduced the definition for "*residential* zone." Bill No. 170-91 added the R-O-A zone to the list of zones to be considered residential zones provided they are "zoned for residential purposes." Bill No. 149-04 replaced a colon with a semi-colon without offering an explanation for the change. The fact that the Council altered the punctuation mark in the definition is further evidence that the language "zoned for residential purposes"; which is immediately after the listing of general zones and not set off or separated by any punctuation mark, was intended to modify the first portion of the definition.

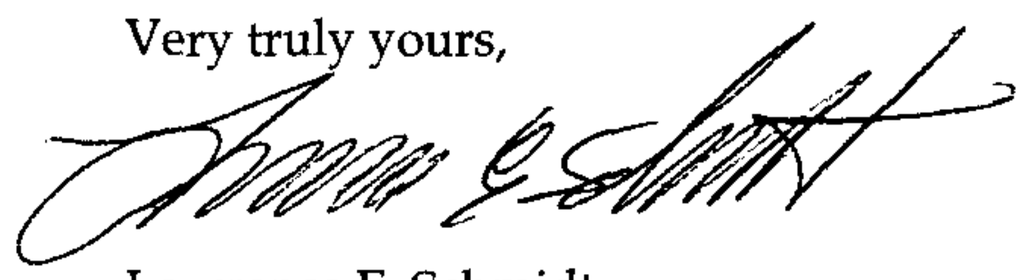
As previously stated, the legislators use the term "*residence* zone" in BCZR § 400 (Accessory Buildings in Residence Zones). BCZR § 400 has changed very little since it first appeared in BCZR 1955. It is noteworthy that the term "*residence* zones" was used in BCZR 1955 to reference the R.40, R.20, R.10, R.6, R.G. and R.A. zones, all of which were characterized as "*residence* zones" in their respective headers. It appears as if the two changes to BCZR § 400 were minor: the setback from the side or rear lot lines in § 400.1 was changed from 5 feet to 2 ½ feet (Bill No. 27-63) and setbacks from alleys for "parking pads" in § 400.2 was added (Bill No. 02-92). It is noteworthy that the term "*residence* zone" has been used since 1955, while the term "*residential*" zone has been used since 1975, almost twenty years later.

In summation, there is a discrepancy between the term "*residence* zone," as used in BCZR § 400 and "*residential* zone," as used in BCZR § 101. Additionally, the definition of "*residential* zone" does not include all R.C. zones. The clearly stated purpose of the R.C. 2 zone is to provide for agricultural purposes. The zoning of the above referenced property, R.C. 2, is not for a residential purpose. The second portion of the definition for "*residential* zone" requires that the property in question be "within a *residential* zone" and offers little insight as to how this applies. It stands to reason that the property at issue must be within one of the zones as indicated in the first portion of the definition. The legislature has shown its ability to delineate which zones BCZR § 400 applies to and it would be improper to presuppose that their intent was other than that which is clearly stated.

Finally, the application of the accessory structure limitations contained in Section 400 to the R.C. 2 zone makes little practical sense. The R.C. 2 zone is predominated by agricultural uses and structures, including barns, silos, etc. To restrict these structures to a fifteen foot height limitation is inappropriate.

Should you have any questions, comments or concerns, please do not hesitate to contact the undersigned.

Very truly yours,



Lawrence E. Schmidt

LES:sf
Enclosure
cc: J. Carroll Holzer, Esquire
James and Theresa Owings
Jason T. Vettori, Esquire

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2004, Legislative Day No. 24

Bill No. 149-04

Councilmembers Moxley, Kamenetz & McIntire

By the County Council, December 20, 2004

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations - Definitions

FOR the purpose of clarifying the definition of a residential zone in the Baltimore County Zoning Regulations; and generally relating to the definition of a residential zone.

BY repealing and re-enacting, with amendments

Section 101, the definition of "residential zone"
Baltimore County Zoning Regulations, as amended

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 101, the definition of "residential zone", of the Baltimore County Zoning Regulations, as amended, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

1 Section 101

2 Definitions

3 Words used in the present tense include the future; words in the singular number include
4 the plural number; the word "shall is mandatory. For the purposes of these regulations, certain
5 terms and words are defined below.

6 Any word or term not defined in this section shall have the ordinarily accepted definition
7 as set forth in the most recent edition of Webster's Third New International Dictionary of the
8 English Language, Unabridged.

9 Residential Zone – A zone classified as R.C., D.R., R.O., R-O-A or R.A.E. "Zoned for
10 residential purposes"[: Within] ; WITHIN a residential zone.

11 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
12 the affirmative vote of five members of the County Council, shall take effect on January 31,
13 2005.

B14904.BIL

10/5/06

W. Carl Richards
PDM-Zoning

Case No. 07-102-A (Hearing Date: 11/1/06 @ 10:00 a.m)
Property address: 14950 Dover Road

Dear Carl:

Please accept the enclosed revised plan and petitions for filing. Joe Merrey accepted the petition and plan at the original filing appointment. Enclosed are three (3) original signed copies of the petition, twelve (12) copies of the revised plan and a check for seventy ($70) dollars. Please replace the [redacted] petition and plan in the file with the attached petition and plan (and copies thereof). The revised plan filing fee of ($70) seventy ~~five~~ dollars is enclosed herein as well. Please feel free to contact the undersigned with any comments questions or concerns.

Very Truly Yours

J. T. Vettori

JASON T. VETTORI
GILDEA & SCHMIDT, LLC
(410) 234-0070

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1991, LEGISLATIVE DAY NO. 18

BILL NO. 170-91

MR. DOUGLAS B. RILEY, COUNCILMAN

BY THE COUNTY COUNCIL, OCTOBER 7, 1991

A BILL ENTITLED

AN ACT concerning

Zoning Regulations - R-O-A Zone

FOR the purpose of creating the R-O-A Zone in the Baltimore County Zoning Regulations which will allow for the conversion of homes into offices; stating findings of the County Council; defining terms; authorizing certain uses in the zone by right or by special exception; providing sign, bulk regulation, and parking requirements for the zone; providing for a review of conversion plans; conforming certain provisions of the development regulations; and generally relating to uses in R-O-A zones.

BY repealing and re-enacting, with amendments,

Section 100.1.A.2 and Section 101, the definitions of "Office Building, Class A" and "Residential Zone"

Baltimore County Zoning Regulations, as amended

BY adding

Section 202

Baltimore County Zoning Regulations, as amended

BY repealing and reenacting, with amendments,

Section 409.7.B.

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

Section 26-282(a)

Title 26 - Planning, Zoning and Subdivision Control

Baltimore County Code, 1988

WHEREAS, the Baltimore County Council has received a final report from the Planning Board, dated July 18, 1991, concerning the subject legislation and held a public hearing on the report on September 26, 1991, now therefore

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 100.1.A.2. and Section 101, the definitions of "Office Building, Class A" and "Residential Zone" of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed and reenacted, with amendments, to read as follows:

Section 100 - Zones and Districts: Boundaries.

100.1--Baltimore County is hereby divided into zones and districts in accordance with this subsection.

A. Zones.

2. Zones are classified as follows:

	R.C.2	(Resource Conservation--agriculture)
	R.C.3	(Resource Conservation--deferral of planning and development)
	R.C.4	(Resource Conservation--watershed protection)
	R.C.5	(Resource Conservation-- rural residential)
	R.C.20	(Resource Conservation--critical area) {Bill No. 6, 1989}
	R.C.50	(Resource Conservation--critical area agricultural) {Bill No. 6, 1989}
	R.C.C.	(Resource Conservation--commercial) {Bill No. 103, 1988}
	D.R.1	(Density Residential, 1.0 dwelling unit per acre)
	D.R.2	(Density Residential, 2.0 dwelling units per acre)
	D.R.3.5	(Density Residential, 3.5 dwelling units per acre)
	D.R.5.5	(Density Residential, 5.5 dwelling units per acre)
	D.R.10.5	(Density Residential, 10.5 dwelling units per acre)
	D.R.16	(Density Residential, 16.0 density units per acre)
	R.A.E.1	(Residential, 40.0 density units per acre)
	R.A.E.2	(Residential, 80.0 density units per acre)
	R-O	(Residential-Office, 5.5 dwelling units per acre)
	R-O-A	(RESIDENTIAL-OFFICE, CLASS A OFFICE)
	O-1	(Office Building)
	O-2	(Office Park)
	O.T.	(Office and Technology)
	B.L.	(Business, Local)
	B.M.	(Business, Major)
	B.R.	(Business, Roadside)
	M.R.	(Manufacturing, Restricted)
	M.L.R.	(Manufacturing, Light, Restricted)
	M.L.	(Manufacturing, Light)
	M.H.	(Manufacturing, Heavy)

Section 101 - Definitions.'

Office Building, Class A: A principal building that was originally constructed as a 1-family or 2-family detached dwelling and that is converted BY PROPER PERMIT to office use without any external enlargement for the purpose of creating the office space or otherwise accommodating the office use. For the purposes of this definition,

enclosure of a porch of a house OR THE ADDITION OF AN EXTERIOR STAIRWAY AT THE SIDE OR REAR OF THE BUILDING does not constitute external enlargement.

Residential Zone: A zone classified as R.C., D.R., R-O-A, or R.A.E. "Zoned for residential purposes": Within a residential zone.

SECTION 2. AND BE IT FURTHER ENACTED, that Section 202 be and it is hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

SECTION 202--RESIDENTIAL-OFFICE, CLASS A OFFICE ZONE (R-O-A) ZONE

202.1 DECLARATION OF FINDINGS.

A. RESIDENTIAL USE OF CERTAIN SITES MAY NOT BE ECONOMICALLY FEASIBLE IN SOME PREDOMINANTLY MODERATE-DENSITY RESIDENTIAL AREAS THAT ARE IMMEDIATELY ADJACENT TO COMMERCIAL OR OTHER NONRESIDENTIAL USES;

B. NEITHER BUSINESS ZONING NOR HIGH-DENSITY RESIDENTIAL ZONING NOR RESIDENTIAL-OFFICE ZONING WHICH PERMITS NEW OFFICE BUILDINGS ON THOSE SITES IS APPROPRIATE; AND

C. WITH APPROPRIATE RESTRICTIONS, HOUSES CONVERTED TO OFFICES ARE SUITABLE, ECONOMICALLY FEASIBLE USES OF SUCH SITES.

202.2--STATEMENT OF LEGISLATIVE POLICY. THE R-O-A ZONING CLASSIFICATION IS ESTABLISHED, PURSUANT TO THE FINDINGS OF SECTION 202.1, TO ACCOMMODATE SINGLE FAMILY, DUPLEX AND TWO FAMILY DETACHED HOUSES CONVERTED TO OFFICE BUILDINGS IN PREDOMINANTLY RESIDENTIAL AREAS ON SITES THAT, BECAUSE OF ADJACENT NONRESIDENTIAL ACTIVITY, HEAVY COMMERCIAL TRAFFIC, OR OTHER SIMILAR FACTORS, CAN NO LONGER REASONABLY BE LIMITED SOLELY TO USES ALLOWABLE IN MODERATE-DENSITY RESIDENTIAL ZONES. IT IS FURTHER THE INTENT OF THE COUNTY COUNCIL THAT THE RESIDENTIAL APPEARANCE OF THE EXISTING STRUCTURE AND THE RESIDENTIAL SETTING OF ANY BUILDING CONVERTED TO OFFICES BE MAINTAINED IN THE R-O-A ZONES SO THAT THE CONVERTED DWELLING WILL BE HIGHLY COMPATIBLE WITH NEIGHBORING RESIDENTIAL PROPERTY. TO MAINTAIN RESIDENTIAL CHARACTER, THE COUNCIL DOES NOT INTEND THAT LOTS BE DEVELOPED OR REDEVELOPED SOLELY FOR THE PURPOSE OF PROVIDING PARKING IN THE R-O-A ZONE. THE R-O-A ZONE SHALL ONLY BE APPLIED TO SITES WHICH ARE LARGE ENOUGH OR DESIGNED IN SUCH A WAY THAT PARKING AND ACCESS CAN BE ACCOMMODATED WITHOUT SACRIFICING THE RESIDENTIAL CHARACTER OF THE SITE AND WHERE THE

CONVERSION FROM RESIDENTIAL TO OFFICE USE WILL NOT CAUSE SERIOUS DISRUPTION IN TRAFFIC FLOW.

202.3--USE REGULATIONS.

A. USES PERMITTED BY RIGHT. THE FOLLOWING USES, ONLY, ARE PERMITTED BY RIGHT IN ANY R-O-A ZONE:

1. USES PERMITTED BY RIGHT AND AS LIMITED IN D.R. 3.5 ZONES.

2. CLASS A OFFICE BUILDINGS CONTAINING OFFICES, AND THEIR ACCESSORY USES INCLUDING SURFACE PARKING, BUT NOT INCLUDING PARKING AS A PRINCIPAL USE , EXCEPT AS PROVIDED UNDER SECTION 409.7.B.2.

3. A SINGLE FAMILY OR TWO FAMILY DETACHED DWELLING IN WHICH A PORTION OF THE BUILDING IS CONVERTED TO OFFICES AND A PORTION IS USED FOR A DWELLING, WITHOUT ANY EXTERNAL ENLARGEMENT , EXCEPT AS PERMITTED AND CONDITIONED BY SECTION 202.5, FOR THE PURPOSE OF CREATING OFFICE SPACE OR OTHERWISE ACCOMMODATING THE OFFICE USE. RESIDENTIAL EXPANSION IS SUBJECT TO THE CONDITIONS OF SECTION 202.3.B. AND 202.5.

4. THE RECONSTRUCTION OF A CLASS A OFFICE BUILDING WHICH IS DESTROYED BY FIRE OR OTHER CASUALTY, SUBJECT TO THE CONDITIONS OF SECTION 202.6.

B. USES PERMITTED BY SPECIAL EXCEPTION. USES PERMITTED BY SPECIAL EXCEPTION AND AS LIMITED IN D.R.3.5 ZONES, ONLY, ARE PERMITTED BY SPECIAL EXCEPTION. ANY DWELLING WHICH IS UNDER APPLICATION FOR EITHER A CHANGE IN ZONING CLASSIFICATION TO R-O-A OR FOR A CONVERSION FROM A RESIDENTIAL USE TO AN OFFICE USE AFTER OBTAINING THE R-O-A ZONING CLASSIFICATION SHALL REQUIRE A SPECIAL EXCEPTION IF THE DWELLING HAS BEEN ENLARGED IN FLOOR AREA BY TEN PERCENT OR MORE WITHIN A PERIOD OF FIVE YEARS PRIOR TO THE DATE OF APPLICATION FOR CHANGE OR CONVERSION.

C. SIGNS AND OFF-STREET PARKING REQUIREMENTS.

1. IN ADDITION TO SIGNS PERMITTED UNDER SUBSECTION 413.1, ONE STATIONARY OUTSIDE IDENTIFICATION SIGN IS PERMITTED, PROVIDED THAT THE SIGN IS NOT ILLUMINATED, IS WALL-MOUNTED OR PROJECTS FROM THE BUILDING AND DOES NOT HAVE A SURFACE AREA EXCEEDING SIX SQUARE FEET ON EACH SIDE. NO OTHER SIGNS OR DISPLAYS OF ANY KIND VISIBLE FROM OUTSIDE THE BUILDING ARE PERMITTED.

2. OFF-STREET PARKING SPACES SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 409, BUT NO STRUCTURED PARKING IS PERMITTED,

EXCEPT FOR A RESIDENTIAL GARAGE, THAT WAS CONSTRUCTED AS AN ACCESSORY USE TO THE DWELLING PRIOR TO ITS CONVERSION TO A CLASS A OFFICE BUILDING.

A. PARKING AREAS SHALL BE SCREENED IN ACCORDANCE WITH THE LANDSCAPE MANUAL;

B. PARKING SHALL BE SETBACK AT LEAST 10 FEET FROM THE PROPERTY LINE EXCEPT THAT IF THE PROPERTY LINE ABUTS AN ALLEY, NO SETBACK IS REQUIRED PROVIDED THAT THE ALLEY DOES NOT ABUT A FRONT OR SIDE YARD OF A RESIDENTIALLY USED PROPERTY;

C. ~~NOTWITHSTANDING THE PROVISIONS OF SECTION 307,~~ PARKING SHALL BE LOCATED IN THE SIDE OR REAR ONLY , UNLESS OTHERWISE APPROVED BY THE ZONING COMMISSIONER PURSUANT TO SECTION 307.

D. NOTWITHSTANDING THE PROVISIONS OF SECTION 307, THE ZONING COMMISSIONER MAY NOT PERMIT A VARIANCE OF MORE THAN ONE PARKING SPACE BELOW THE NUMBER REQUIRED BY THESE REGULATIONS.

202.4--BULK REGULATIONS OF R-O-A ZONES. USES PERMITTED BY RIGHT OR BY SPECIAL EXCEPTION ARE GOVERNED BY THE FOLLOWING BULK REGULATIONS:

A. RESIDENTIAL USES AND NEW STRUCTURES ACCESSORY TO CLASS A OFFICE BUILDINGS ARE GOVERNED BY THE BULK REGULATIONS OF THE D.R. ZONE CLASSIFICATION IN PLACE AT THE TIME WHEN THE R-O-A ZONE WAS APPLIED , SUBJECT TO COMPLIANCE WITH SECTION 202.6. IF A D.R. ZONE WAS NOT IN PLACE AT THE TIME THAT THE R-O-A ZONE WAS APPLIED, THE BULK REGULATIONS OF THE D.R.3.5 ZONE , AS SET FORTH IN SECTION 1B02.3C.1, SHALL GOVERN. THE PROVISIONS OF SUBSECTION 1B01.1.B. (RESIDENTIAL TRANSITION AREAS AND USES PERMITTED THEREIN) SHALL APPLY IN THE R-O-A ZONE TO THE DEVELOPMENT OF ANY USE OTHER THAN A SINGLE FAMILY HOME OR THE CONVERSION OF A HOME TO A CLASS A OFFICE BUILDING.

B. CLASS A OFFICE BUILDING THEMSELVES, WHICH BY DEFINITION MAY NOT BE ENLARGED. ARE NOT SUBJECT TO BULK REGULATIONS, NOR ARE UNENLARGED STRUCTURES ACCESSORY TO THE ORIGINAL BUILDING.

C. THE RECONSTRUCTION OF AN EXISTING CLASS A OFFICE BUILDING WHICH IS DESTROYED BY FIRE OR OTHER CASUALTY MAY NOT INCREASE THE SIZE OR GROSS FLOOR AREA OF THE STRUCTURE OR ALTER THE LOCATION OF THE STRUCTURE, ~~WITHOUT A SPECIAL HEARING~~ SUBJECT TO THE LIMITATIONS CONTAINED IN SECTION 104.2.

202.5--SUBMITTING PLAN FOR CONVERSION. A NEW BUILDING OR PART OF A BUILDING TO BE USED AS A DWELLING MUST BE OCCUPIED AS A

RESIDENTIAL USE FOR FIVE YEARS BEFORE SUBMITTING A PLAN FOR CONVERSION TO A CLASS A OFFICE BUILDING, SUBJECT TO DOCUMENTATION OF COMPLIANCE WITH THE RESIDENTIAL USE REQUIREMENT IN THIS SECTION. THE USE OR DEVELOPMENT OF ANY PROPERTY IN AN R-O-A ZONE MAY NOT BE CHANGED FROM THAT EXISTING ON THE EFFECTIVE DATE OF THE CLASSIFICATION'S APPLICATION TO THAT PROPERTY, EXCEPT IN ACCORDANCE WITH A PLAN APPROVED BY THE COUNTY REVIEW GROUP AS PROVIDED IN TITLE 26, ARTICLE V OF THE BALTIMORE COUNTY CODE, UNLESS THE CHANGE IN USE IS CONFINED TO A CHANGE IN THE NUMBER OF DWELLING UNITS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 402.

202.6--REVIEW FOR COMPATIBILITY. ANY CONVERSION TO A CLASS A OFFICE BUILDING INVOLVING CHANGE TO THE EXTERIOR OF THE DWELLING, ANY NEW BUILDING TO BE USED AS A DWELLING, OR THE RECONSTRUCTION OF ANY CLASS A OFFICE BUILDING WHICH HAS BEEN DESTROYED BY FIRE OR OTHER CASUALTY, IS SUBJECT TO SECTION 26-282 OF THE DEVELOPMENT REGULATIONS. IN ADDITION TO THE STANDARDS OF 26-282, THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING SHALL CONSIDER THE COMPATIBILITY OF PROPOSED WINDOW AND DOOR TREATMENTS IN RELATION TO EXISTING ADJACENT OR SURROUNDING BUILDINGS.

SECTION 3. AND BE IT FURTHER ENACTED, that Section 409.7.B. of the Baltimore County Zoning Regulations, as amended, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

409.7--Location of Parking

All required off-street parking spaces shall be located either on the same lot as the structure or use to which they are accessory or off-site as provided for below.

B. (1) Except in C.T. Districts AND R-O-A and R-O zones, off-site parking spaces for uses other than residential and lodging shall be located within 500 feet walking distance of a building entrance to the use that such spaces serve. In C.T. Districts, such spaces shall be permitted within 1000 feet walking distance of the building entrance. In the C.T. District of Towson, such spaces shall be permitted within 1500 feet walking distance of the building entrance, provided they are located within the town center boundary. {In R-O zones, such spaces shall be provided on the same lot as the structure or use to which they are accessory.}

(2) IN R-O AND R-O-A ZONES ALL REQUIRED OFF-STREET PARKING SPACES SHALL BE PROVIDED ON THE SAME LOT AS THE STRUCTURE OR

USE TO WHICH THEY ARE ACCESSORY EXCEPT THAT IN CASES WHERE ADJACENT DWELLINGS HAVE BEEN CONVERTED TO CLASS A OFFICE BUILDINGS, PARKING SPACES MAY BE PROVIDED ON THE ADJACENT LOTS. THE USE OF AN OFF-SITE PARKING FACILITY WHICH IS ACCESSORY TO A CHURCH OR OTHER EXISTING PRINCIPAL USE MAY SATISFY THE PARKING REQUIREMENT, IF ~~LOCATE~~ LOCATED NO MORE THAN 500 FEET FROM THE LOT.

SECTION 4. AND BE IT FURTHER ENACTED, that Section 26-282(a) of Title 26 - Planning Zoning and Subdivision Control, of the Baltimore County Code, 1988, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

Sec. 26-282. Development in RCC, R-O, R-O-A, O-1, O-2, or OT zone and CR Districts.

(a) (1) Development of property in AN R-O-A ZONE AND an R-O zone shall be appropriate to the specific circumstances of the site, taking into account surrounding uses; tree preservation; protection of watercourses and bodies of water from erosion and siltation; and safety, convenience, and amenity for the neighborhoods.

(2) In determining the appropriateness of A NEW DWELLING, THE RECONSTRUCTION OF A CLASS A OFFICE BUILDING WHICH INVOLVES CHANGES TO THE EXTERIOR OF THE ~~DWELLING~~ BUILDING, OR THE DEVELOPMENT OF class B office buildings, design elements of proposed buildings shall be evaluated in relation to existing adjacent or surrounding buildings. Unless determined otherwise by the director of the office of planning and zoning to be considered appropriate, new buildings shall be similar to existing ones in the following respects:

a. Height;
b. Bulk and general massing;
c. Major divisions or rhythms of the facade;
d. Proportion of openings (window-wall-relation);
e. Roof treatment;
f. Materials, colors, textures;
g. General architectural character:

1. Horizontal or vertical emphasis;
2. Scale;
3. Stylistic features and themes - porches, colonnades, pediments, cupolas, cornices, coins, detail, and ornament;

h. Relation to street;
i. Exterior lighting. Buildings shall not be lighted on the exterior, and any lighting provided for safety reasons should be minimized and directed away from adjoining residential property.

Section 5. And be it further enacted, that this Act shall take effect forty-five days after its enactment.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1975, Legislative Day No. 21

BILL NO. 98-75

Mr. Huddles, Councilman

By the County Council, October 6, 1975

A BILL
ENTITLED

AN ACT to amend the Baltimore County Zoning Regulations to establish four new zoning classifications intended to insure the preservation of Baltimore County's Natural Resources, by repealing subparagraph 100. 1. A. 2 of Section 100 of the Zoning Regulations of Baltimore County and enacting a new subparagraph 100. 1. A. 2 in lieu thereo by adding certain new definitions to Section 101 of said regulations; by adding new subsection 103. 3 to Section 103 of said regulations; and by repealing Article 1A, and Sections 1A00 and 1A01 thereunder, of said regulations and enacting new sections 1A00 through 1A04, under new Article 1A entitled "Resource-Conservation Zones", in lieu thereof.

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED THE FINAL REPORT OF THE PLANNING BOARD, ENTITLED PROPOSED ZONING AMENDMENTS: ZONING CLASSI FICATIONS FOR RESOURCE CONSERVATION, IN ACCORDANCE WITH SECTIONS 22-20 AND 22-21 OF THE BALTIMORE COUNTY CODE (1974 SUPPLEMENT); AND,

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED TESTIMONY AT THE PUBL HEARING HELD IN ACCORDANCE WITH SECTION 22-21 OF THE BALTIMORE COUNTY CODE (1974 SUPPLEMENT); AND,

WHEREAS, THE COUNTY COUNCIL HAS REVIEWED IN WORK SESSION AND LEG-ISLATIVE SESSION THE PLANNING BASIS OF THE FINAL REPORT AS ELABORATED BY THE STAFF OF THE OFFICE OF PLANNING AND ZONING OF BALTIMORE COUNTY; AND

WHEREAS, THE COUNTY COUNCIL HAS CONSIDERED THE COMPREHENSIVE PL FOR BALTIMORE COUNTY APPROVED BY THE PLANNING BOARD OCTOBER 13, 1975.

1. SECTION 1. Be it enacted by the County Council of Baltimore County, Maryland,
2. that subparagraph 100. 1. A. 2, under section 100 of the Baltimore County Zoning Reg
3. lations, be and it is hereby repealed and new subparagraph 100. 1. A. 2 be and it is

hereby enacted in lieu thereof, to read as follows:

2.Zones are classified as follows:

R. C. 2 (Resource Conservation-agriculture)

R. C. 3 (Resource Conservation-deferral of planning and development)

R. C. 4 (Resource Conservation-watershed protection)

R. C. 5 (Resource Conservation-rural-residential)

D. R. 1 (Density Residential, 1. 0 dwelling unit per acre)

D. R. 2 (Density Residential, 2. 0 dwelling units per acre)

D. R. 3. 5 (Density Residential, 3. 5 dwelling units per acre)

D. R. 5. 5 (Density Residential, 5. 5 dwelling units per acre)

D. R. 10. 5 (Density Residential, 10. 5 dwelling units per acre)

D. R. 16 (Density Residential, 16. 0 density units per acre)

R. A. E. 1 (Residential, 40. 0 density units per acre)

R. A. E. 2 (Residential, 80. 0 density units per acre)

B. L. (Business, Local)

B. M. (Business, Major)

B. R. (Business, Roadside)

M. R. (Manufacturing, Restricted)

M. L. R. (Manufacturing, Light, Restricted)

M. L. (Manufacturing, Light)

M. H. (Manufacturing, Heavy)

SECTION 2. Be it further enacted, that Section 101 of said Zoning Regulations be an it is hereby amended by adding the following definitions thereto in alphabetical order:

Commercial fishing, crabbing and shellfishing operation.

Primary-A residential or commercial property fully devoted to commercial fish ing activities and the retail and wholesale sale of fish, crabs and shellfish including faci ities for the repair, storage, launching, berthing, securing, loading and unloading of catches and gear including nets, crab pots, oyster tongs; trout lines and clamming equi ment, also live boxes and the necessary cold storage facilities.

Secondary-A residential property which is the domicile of a person engaged full or part time as a commercial fisherman and who is required under Title 4 of the

Department of Natural Resources to possess a license for the purpose of catching by net, line, trap or tongs, of fish, crabs or shellfish and has limited facilities for the storage and berthing of a commercial fishing boat and the loading or unloading of catches and gear.

Design provisions, adopted: Design provisions adopted by the Planning Board under the authority of Subsection 504.1 of these regulations.

Diametral dimension (of a lot): The diameter of the largest circle that may be inscribed within lot lines.

Environmental Impact Statement-A comprehensive study which accurately discloses the environmental consequences or enhancement of a proposed action. Such a statement ~~may~~- MUST include ~~one or more of~~-the following:

1. A detailed description of the proposed action including information and technical data adequate to permit a careful assessment of environmental impact.

2. Discussion of the probable impact on the environment, including any impact on ecological systems and any direct or indirect consequence that may result from the action.

3. Any adverse environmental effects that cannot be avoided.

4. Alternatives to the proposed action that might avoid some or all of the adverse environmental effects, including analysis of cost and environmental impact of these alternatives.

5. An assessment of the cumulative, long-term effects of the proposed action including its relationship to short-term use of the environment versus the environment's long-term productivity.

6. Any irreversible or irretrievable commitment of resources that might result from the action or which would curtail beneficial use of the environment.

~~[Note: From U. S. Environmental Protection Agency booklet (In Productive Harmony 1972)]~~

Farm: A single tract of land more than ~~5 acres, under one ownership~~ THREE ACRES, primarily devoted to agriculture, including but not limited to raising of crops, dairy, forestry, livestock and poultry farming; horse breeding, training and stabling; grazing; commercial greenhousing, flower farms and nurseries, whether wholesale or

retail, excluding a limited-acreage wholesale flower farm and commercial or non-commercial riding stables.

Farmette: A parcel of land more than 3 acres and less than 10 acres,~~under one ownership~~, devoted primarily to a single-family residence with associated agricultural uses such as commercial or non-commercial raising of farm produce , FLOWERS, NURSERY STOCK, GREENHOUSING and limited livestock, not to exceed the following table:

Type of livestock	Limitation
large livestock	
horses, ~~ponies,~~ burros and cattle	1 animal for each acre of grazing or pasture land
small livestock	
sheep, goats and pigs (see subsection 404.4)	2 animals for each acre of grazing or pasture land
ponies and miniature horses	1 1/2 animals for each acre of grazing or pasture land
fowl or poultry	
chickens, ducks, geese, pigeons, pheasant and quail	1 acre of land; however the number shall not be directly limited.

Farm, Satellite: A tract of land owned by the farmer or another individual or individuals which is more than 5 acres, and is primarily devoted to productive agriculture, including but not limited to the raising of crops, forestry, dairy, or livestock grazing; provided that the products from these areas are processed on the site or are brought to and processed on the principal farm, as defined, or are processed in other appropriate areas.

Farmers' Co-op Roadside Stands: A principal building other than a dwelling which is used by one or more individuals commonly engaged in the sale of mutually grown seasonal produce from their respective farms or satellite farms.

Floodplain, 100-year: The 100-year floodplain includes all of the land that is adjacent to a watercourse and that would be innundated by a flood whose severity is suc

that the probability of its occurring once during a given year is considered to be 1%.

Hereafter: After the effective date of the provision (in which the word occurs).

Open space, common: Local open space, public parks, or other amenity open space reserved for public use and enjoyment, whether privately owned or owned by the County, State, or Federal government or other agencies. Upon the adoption of appropriate standards pursuant to the authority of Section 504, nontidal streams and lakes and other nontidal watercourses or bodies of water lying within, lying partially within, or abutting common-open space land areas are to be considered part of the common open space to the extent permitted under those standards.

Record lot: A lot or parcel of land that has been created in accordance with the provisions of Title 22, Section 32 of the Baltimore County Code, 1968 Edition and recorded among the Land Records of Baltimore County on or before the effective date of these regulations.

Residential zone: A zone classified as R.C., D.R., or R.A.E. "Zoned for residential purposes": Within a residential zone.

SECTION 3. Be it further enacted, that new subsection 103.3 be and it is hereby added to Section 103 of said Zoning Regulations; said new subsection to read as follows:

103.3-In an R.C. 2, R.C. 3, R.C. 4, or R.C. 5 zone, contrary provisions of Subsection 103.1 and any other contrary provisions of or pursuant to these regulations notwithstanding, in the case of property covered by a recorded subdivision plat ~~or tentative approval of a Preliminary Plan and so marked~~ which was approved by the Baltimore County Planning Commission or Board before the effective date of this subsection, and which remains in effect, buildings may be constructed, residential densities and lot line may be established, and yards and other open areas may be laid out in accordance with that plan, subject to any conditions of the approval. Where such a plan has been so approved but does not indicate densities or the situations of buildings or yards or other open spaces, these may be established or situated only in accordance with the standards as prescribed and in force at the time of the lot recordation.

SECTION 4. Be it further enacted, that Article 1A of said Zoning Regulations and Sections 1A00 and 1A01 thereunder be and they are hereby repealed and new Sections 1A00, 1A01, 1A02, 1A03 and 1A04 under new Article 1A be and they are hereby enacted in lieu thereof, said new Sections and Article to read as follows:

ARTICLE 1A--RESOURCE-CONSERVATION ZONES

Section 1A00-GENERAL PROVISIONS: ALL R.C. CLASSIFICATIONS.

1A00.1-Findings. It is found:

a. That development in the rural areas of Baltimore County has in recent years been taking place at an increasing rate;

b. That this development has occurred without the framework of a land use plan or other planning components;

c. That due to this and other factors, this development has formed very undesirable land use patterns;

d. that in general, these patterns are, or can be described as, urban sprawl;

e. that a significant amount of urban sprawl development is occurring as linear development along the various highways of the rural areas of the County as tracts of land immediately fronting along highways are "lotted off"; the utility of the road system is being impaired and future improvements will be frustrated if this process continues;

f. that it has been established that this development carries with it an extremely high cost to the County in a number of respects including:

1. the cost of servicing this pattern of development;

2. the cost with respect to its consumption and use of prime agricultural land, critical watershed areas, mineral extractive sites, as well as of other important natural resource areas;

3. the cost of future development opportunities due to the fact that viable, rational alternatives will be lost totally or comprised significantly by the present form of development;

g. that the aspect of the comprehensive plan that is applicable and which is being considered for rural Baltimore County embodies solutions to the various problems; and

h. that the effective implementation of this plan requires additional zoning classifications.

1A00.2-Purposes. Pursuant to the above findings it is the purpose of the Resource Conservation zones to:

a) discourage present land use patterns of development and to create a framework for planned or orderly development;

b) provide sufficient and adequate areas for rural-suburban and related development in selected and suitable areas;

c) protect both natural and man-made resources from compromising effects of specific forms and densities of development;

d) protect areas desirable for more intensive future development by regulating undesirable forms of development within these areas until such time as intensive development commences.

1A00.3-Rezoning.

A. Filing of rezoning petitions.

1. No petition to reclassify an R.C. zone or part thereof as other than an R.C. zone may be accepted for filing by the Zoning Commissioner unless-

a. The Capital Program, duly adopted Baltimore County master or comprehensive plans, and the "county plan" required under Article 43, Section 387C of the Annotated Code of Maryland 1957, with amendments as codified in the 1971 Replacement Volume and 1974 Cumulative Supplement, show that the property under petition is to be serviced by public sewerage and water-supply systems within ~~six~~ TWO years after the date the petition is submitted;

~~b. That land hereafter classified as an R.C. zone shall not be reclassified until such time as the documents hereinabove noted have been officially changed or replaced in kind and thereby then indicate possible appropriateness of reclassification under the criteria hereinbefore stated; or~~

~~c. The Planning Board, under procedures authorized by amendments to Title 22 of the Baltimore County Code 1968, has submitted the petition upon reaching the opinion that the property was improperly classified as a result of technical error.~~

B. The meeting of criteria established in this article for the filing ~~or granting~~ of zoning reclassification petitions shall not in itself be sufficient grounds to reclassify property.

1A00.4-Plans and Plats.

Development Plans and Final Subdivision Plats shall be required in the manner prescribed under subsection 1B01.3 and for the purpose of this subsection all references to D.R. zones shall include the R.C. zones.

1A00.5-Application to tract divided by zone boundary.

Whenever a single tract is divided by a zone boundary so that portions of such a tract lie within R.C. zones of different classifications, the total number of dwellingS or density units permitted shall apply to each tract individually and for the purpose of these regulations shall be considered as separate parcels.

Section 1A01-R.C.2 (AGRICULTURAL) ZONES

1A01.1-General provisions.

A. Legislative Statement of Findings.

1. Declaration of findings. It is found:

a. that Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;

b. that the agricultural industry is an integral part of the Baltimore County economy and that a continued conversion of agricultural land will continue to undermine this basic industry;

c. that scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land;

d. that continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;

e. that heretofore Baltimore County has been unable to effectively sten the tide of new residential subdivisions in productive agricultural areas of Baltimore County

f. THAT BALTIMORE COUNTY HAS CERTAIN WETLANDS ALONG CHES APEAKE BAY AND ITS TRIBUTARIES WHICH SERVE AS BREEDING GROUNDS AND NURSERY AREAS FOR THE BAY'S BIOTIC LIFE;

~~f~~ G. that Baltimore County possesses numerous areas which are highl suitable for urban development including residential subdivisions which are not located in areas of productive agricultural land.

B. Purposes: The R. C. 2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

1A01.2-Use regulations.

A. PREFERRED USE PERMITTED AS OF RIGHT. AGRICULTURAL OPERATIONS, WHEN CONDUCTED IN ACCORDANCE WITH GOOD AND REASONABLE HUSBANDRY PRACTICES, SHALL BE AFFORDED PREFERENTIAL TREATMENT OVER AND ABOVE ALL OTHER PERMITTED USES IN R. C. 2 ZONES.

A--B. Uses permitted as of right. The following uses, only, are permitted as of right in R. C. 2 zones.

1. Churches or other buildings for religious worship
2. Dwellings, one-family detached
3. Farms, limited-acreage wholesale flower farms, satellite farms
4. Farmettes
5. Open space, common
6. Schools for agricultural training
7. Streets and ways
8. Telephone, telegraph, electrical-power, or other similar lines or cables--all underground; underground gas, water, or sewer mains or storm drains; other underground conduits except underground interstate and intercontinental pipe lines.
9. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of Paragraphs b, c, e, or f of Subsection 415.1 and Subparagraph 415.2.a(1) or 415.3.c(1), as applicable
10. Accessory uses or structures, including, but not limited to, the following:
    a. Excavations, uncontrolled
    b. Farmers roadside stands (subject to the provisions of Section 404.6
    c. Home occupations
    d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professio person's bona fide residence, does not occupy more than 25 per cent of the total floor area of that residence as it existed on the effective date of this provision and does not involve the employment of more than one nonresident professional associate nor two

other nonresident employees.

e. Parking spaces, including recreational vehicles (subject to the provisions of Section 415A)

f. PIERS, WHARVES, DOCKS AND BULKHEADS (SUBJECT TO THE PROVISIONS OF SECTION 417)

~~f~~ G. Swimming pools, tennis courts, garages, utility sheds or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400)

~~B~~ - C. Uses permitted by special exception. The following uses, only, are permitted by special exception in R. C. 2 zones.

1. Airports

2. Animal boarding places (regardless of class), kennels, veterinarians offices, or veterinariums (subject to the provisions of Section 421)

3. Antique shops (subject to the provisions of Section 402 B)

4. Camps, including day camps

5. Cemeteries

6. COMMERCIAL FISHING, CRABBING OR SHELLFISHING OPERATION - PRIMARY OR SECONDARY, EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL OF INTENSITY PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER SECTION 500.4 OF THE ZONING REGULATIONS

~~6~~ 7. Community buildings, swimming pools, or other uses of a civic, social, recreational, or educational nature

~~7~~ 8. Excavations, controlled (subject to the provisions of Section 403)

~~8~~ 9. Farmers Co-op roadside stand

~~9~~ 10. Fish hatcheries

~~10~~ 11. Golf courses, country clubs, or other similar outdoor recreation clubs

~~11~~ 12. Golf driving ranges, miniature-golf courses, or baseball batting ranges

~~12~~ 13. Helistops

~~13~~ 14. Hospitals

~~14~~ 15. Nursing homes and convalescent homes or sanitariums

~~15~~ 16. Offices, for agricultural related uses

~~16~~ 17. Physicians' or dentists' offices (as principal uses)

~~17~~ 18. Public utility uses not permitted as of right including underground interstate and intercontinental pipelines

~~18~~ 19. Railroads or other transportation lines or ways

~~19~~-20. Research institutes (subject to the provisions of Section 418)

~~20~~-21. Residential art salons (subject to the provisions of Section 402C)

~~21~~-22. Restaurants or tea rooms converted from dwellings or other buildings as provided in Subsection 402.3

~~22~~-23. Riding stables (commercial or noncommercial)

~~23~~-24. Sanitary landfills (subject to the provisions of Section 412)

~~24~~-25. Schools, including but not limited to private preparatory schools, colleges business and trade schools, conservatories or other fine arts schools

~~25~~-26. Shooting preserves including hunting and fishing preserves

~~26~~-27. Shooting ranges including but not limited to archery, pistol, skeet, trap, target (~~large and small bore~~ SMALL BORE RIFLE ONLY)EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL, PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER THE NOW EXISTING ZONING REGULATION SECTION 500.4, and turkey shoots

~~27~~-28. Trailers (subject to the provisions of Section 415.1d)

~~28~~-29. Volunteer-fire-company and ambulance-rescue facilities

~~29~~-30. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400; (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line

~~30. Planned Development A more intense subdivision of land than that permitted under Section 1A02.3B1 shall be permitted by Special Exception under this subsection which will permit cluster development not to exceed a density of 0.12 units per acre. The minimum lot size shall be 1 acre and setback standards shall be the same as those standards prescribed under subsection~~

1 1A02.3D1d.

2 A. Purpose. The R.C.2 zoning classification is established

3 in order to protect and foster conditions favorable to continue agricultural

4 productivity in Baltimore County and these regulations have been designed to

5 discourage preempting forms of urban development. However, since some

6 of the land which is included in this classification may not be suitable for

7 agricultural production and that it may be possible to support a slightly more

8 intense residential development when certain standards are met, a planned

9 development may be approved.

10 B. Procedural Steps and Requirements. Any petition sub

11 mitted to the Zoning Commissioner for a special exception under this subsection

12 for a planned development shall be subject to the provisions hereinafter set forth.

13 1. Any petition for such development shall first be submitted

14 to the Zoning Commissioner in accordance with Article 5 of these regulations.

15 For the purpose of this subsection, the filing date of the petition shall be the date

16 the petition is accepted for filing by the Zoning Commissioner's Office.

17 2. By the end of the fifth regular business day after the

18 petition has been accepted for filing, the Zoning Commissioner shall transmit

19 certified copies of the petition and plats to the Director of Planning (as Secretary

20 to the Planning Board) for transmittal to the Planning Board or the appropriate

21 sub-committee of the Planning Board who shall review the proposed development

22 and solicit comments from any agency, group or individual deemed necessary in

23 order to evaluate the proposal.

24 3. Not more than 60 days after receipt of the petition the

25 Planning Board shall complete its review of the proposed development and

26 prepare a report to the Zoning Commissioner.

27 4. The final recommendations submitted by the Planning

28 Board with respect to the petition shall be limited to a resolution effecting one

29 of the following.

30 a. Adoption of a favorable report on the proposed

1. planned development with or without recommended restrictions

b. Modification of such plan and adoption of a

favorable report on the plan as modified with or without recommended restrictions

c. Adoption of an unfavorable report on the plan.

5. A favorable or unfavorable report from the Planning

Board shall be supported in detail.

6. The next regular business day after the Planning Board

has taken action as prescribed above, the Director of Planning shall transmit to

the Zoning Commissioner copies of the Board's report, together with copies of the

resolution whereby the action was taken.

C. Remaining Procedural Steps and Review Requirements.

The following provisions apply only to petitions for planned developments in an

R.C.2 Zone.

1. Upon his receipt of the Planning Board resolution and

report with respect to a petition for a planned development in an R.C.2 zone,

the Zoning Commissioner shall within 90 days schedule a hearing on the petition.

The date of the hearing shall be subject to such postponement or conditions as

circumstances may require, and except that the hearing may be scheduled for a

later date if any day in the interval specified falls within a period for which hearings

on zoning reclassification petitions must be scheduled pursuant to Section 22-22

of the Baltimore County Code 1968 Edition.

2. Upon hearing and reviewing the petition, the Zoning

Commissioner may:

a. Grant the petition, as submitted, or

b. Deny the petition; or

c. Grant the petition as conditioned, restrict or

modify the proposed planned development and grant the petition with the plan modified

3. The Zoning Commissioner may grant the petition only if

he affirmatively finds:

a. That the proposed planned development would have

1. no adverse effect upon the health, safety, general welfare and environment

2. in the vicinal area.

3. b. That the proposed planned development will be

4. in accord with the intent and purpose of this classification and that specifically

5. the proposed development will not be detrimental to any existing or potential

6. agricultural activities on the remainder of the property or on nearby or adjacent

7. land.

8. c. That, in due consideration of the comments or

9. reports submitted by the Planning Board and all other agencies or officials

10. required or requested to submit to him comments on the petition, the proposed

11. development would not create conditions as set forth in Paragraph b, c, d, e, or f

12. of Subsection 502.1; and

13. d. That the development, as approved, would comply

14. with all applicable provisions of the Zoning Regulations and that the resolution

15. of any conflict between other County laws or technical requirements and the

16. proposed development plan is reflected by revisions incorporated into a develop

17. ment plan as finally approved.

18. 4. The Zoning Commissioner in considering the petition shall

19. also give consideration to the following factors:

20. a. The soil condition and type as determined by the

21. Soil Survey for Baltimore County as published by the Soil Conservation Service,

22. U. S. Department of Agriculture.

23. b. Current use and status of the property.

24. 5. A development plan shall be submitted for approval in

25. the manner prescribed under Subsection 1B01.3 of these regulations.

26. 1A01.3-Height and area regulations

27. A. Height regulation. No structure hereafter erected in an R.C. 2 zone

28. shall exceed a height of 35 feet, except as otherwise provided under Section 300.

29. B. Area regulations.

30. 1. Subdivision. Any subdivision of a lot in an R.C. 2 zone must be in

accordance with the provisions of ~~this subparagraph or of Subparagraph 1A02.3B2~~ ----- or Sec. 103.3 or subparagraph 2. below.

a. The maximum number of lots in addition to an existing principal dwelling that may be created shall be based on the gross area of that tract which is to be subdivided and which constitutes the record lot of the effective date of this subparagraph, as follows:

Area of ~~Record Lot~~ LOT OF RECORD at the Time of the Effective Date of this Subparagraph, in Acres	Maximum Number of Lots Permitted
less than 3	1
at least 3 but not more than 10	2
more than 10 but not more than 20	3
more than 20 but not more than ~~40~~ 100	~~4~~ 0.2 LOTS PER ACRE
~~more than 40 but not more than 60~~	~~5~~
~~more than 60 but not more than 100~~	~~6~~
more than 100	~~2~~ 20 lots plus ~~1~~ ONE additional lot for each 25 acres IN EXCESS OF 100 ACRES of THE total tract area.

b. ~~No such lot shall be less than 1 acre in area.~~ THE MINIMUM LOT SIZE SHALL BE 2 ACRES EXCEPT ON THOSE SOIL TYPES WHICH ARE IN CAPABILITY CLASSIFICATIONS I AND II AS RATED BY THE U.S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE, WHEREIN A 1 ACRE MINIMUM LOT SIZE IS REQUIRED. HOWEVER, LOTS LOCATED IN CAPABILITY CLASSIFICATION I AND II SHALL NOT EXCEED 3 ACRES. NOT MORE THAN ONE-THIRD OF THE PERMITTED NUMBER OF LOTS SHALL BE PLACED WITHIN CAPABILITY CLASSIFICATIONS I AND II PROVIDED THAT THIS SUBSECTION SHALL NOT BE CONSTRUED SO AS TO DEPRIVE ANY PROPERTY OWNER OF THE NUMBER OF LOTS PERMITTED UNDER 1A01.3B1a.

c. Width at front setback line - The minimum width at the front setback line shall not be less than 150' and not more than 50% of the permitted number of lots may front on an existing public road, except as provided in subparagraph 103.3, 1A01.3B.2.

d. Setbacks. The minimum setback for any dwelling or principal building shall be not less than 75' from the centerline of any street, and not less than 50' from a future right-of-way line, a minimum of 25' from both side lot lines or a minimum of 50' from any rear lot line.

2. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the Land Records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning ~~or tentative~~ -----

~~approval of a preliminary plan~~ on or before the effective date of these regulations and not part of an approved subdivision, that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the setback standards as prescribed and in force at the time of the lot recordation.

3. DwellingS ~~units~~ per lot. No more than one dwelling ~~unit~~ is permitted on any lot in an R.C. 2 zone but not excluding additional dwellingS ~~units~~ for bona fide tenant farmers.

~~4. Additional development. Any remaining land may be further sub divided under the provisions of Section 1A02.2B-30.~~

Section 1A02-R.C. 3 (DEFERRAL OF PLANNING AND DEVELOPMENT) ZONES

1A02.1-General provisions.

A. Legislative Statement of Findings.

1. Declaration of findings. It is found:

a. That specific areas in Baltimore County are ideally suited for future higher density development due to their favorable geographic location to existing urban areas.

b. That these areas can be most economically provided with metropolitan water and sewer and other services.

c. That these areas are being preempted by scattered large lot development which will effectively destroy their use for future higher density development.

d. That any appreciable amount of preempting development must be deferred until future urban development can proceed.

e. That adequate large lot development areas are available without preempting these areas.

B. Purpose. The RC 3 zoning classification is established pursuant to the legislative findings set forth above, in order to: prevent undesirable, preempting forms of development which will prohibit a desirable higher density development pattern in the future.

C. Location. The R.C. 3 classification may be applied at a given time only to land lying beyond the urban-rural demarcation line at that time.

1A02.2-Use regulations

A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C. 3 zones.

1. Churches or other buildings for religious worship

2. Dwellings, one-family detached

3. Farms, or, limited-acreage wholesale flower farms, satellite farms

4. Farmettes

5. Open space, common

6. Schools, including but not limited to private preparatory schools, colleges, conservatories or other fine arts schools

7. Streets, or ways

8. Telephone, telegraph, electrical-power, or other similar lines or cables - all underground; underground gas, water or sewer mains or storm drains; other underground conduits, except underground intercontinental or interstate pipe lines

9. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of Paragraphs b, c, e, or f of Subsection 415.1 and Subsection 415.2a (1) or 415.3c(1), as applicable

10. Accessory uses or structures including, but not limited to the following:

a. Excavations, uncontrolled

b. Farmers' roadside stands (subject to the provisions of Section 404.6)

c. Home occupations

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona fide residence; does not occupy more than 25 per cent of the total floor area of that residence as it existed on the effective date of this provision; and does not involve the employment of more than one nonresident

professional associate nor two other nonresident employees

e. Parking spaces, including recreational vehicles (subject to the provision of Section 415A)

f. Piers, wharves, docks, and bulkheads (subject to the provisions of Section 417)

g. Swimming pools, tennis courts, garages, utility sheds or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400)

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 3 zones.

1. Airports

2. Animal boarding places (regardless of class), kennels, veterinarians offices, or veterinariums (subject to the provisions of Section 421)

3. Antique shops (subject to the provisions of Section 402B)

4. Boat yards

5. Camps, including day camps

6. Cemeteries

7. Community buildings, swimming pools, or other uses of a civic, social, recreational, or educational nature.

8. Excavations, controlled (subject to the provisions of Section 403)

9. Farmers Co-op roadside stand.

10. Commercial fishing, crabbing and shellfishing operation, Primary or Secondary, EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL OF INTENSITY PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER SECTION 500.4 OF THE ZONING REGULATIONS

11. Fish hatcheries

12. Golf courses, country clubs, or other similar outdoor recreation clubs

13. Golf driving ranges, miniature-golf courses, or baseball batting ranges

14. Helistops

15. Marinas

16. Nursing homes, convalescent homes or sanitariums

17. Physicians' or dentists' offices

18. Public utility uses not permitted as of right, including underground inter-continental and interstate pipe lines

19. Railroads or other transportation lines or ways

20. Research institutes (subject to the provisions of Section 418)

21. Restaurants or tea rooms converted from dwellings or other buildings as provided in Subsection 402.3

22. Riding stables, (Commercial or non-commercial)

23. Sanitary landfills (subject to the provisions of Section 412)

24. Schools not permitted as of right

25. Shooting ranges, including, but not limited to, archery, pistol, skeet, trap, target (~~large or small-bore~~ SMALL BORE RIFLE ONLY) EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL, PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER THE NOW EXISTING ZONING REGULATION SECTION 500.4 and turkey shoots

26. Shooting preserves including hunting and fishing preserves

27. Trailers (subject to the provisions of Subsection 415.1d)

28. Volunteer-fire-company or ambulance-rescue facilities

29. Radio or television transmitting facilities

30. Planned unit developments (subject to the provisions of Section 430.3)

31. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400; (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line.

1A02.3-Height and area regulations.

A. Height regulation. No structure hereafter erected in an R.C. 3 zone

shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area Regulations.

1. Cluster development. Residential development shall be permitted in the R.C.3 zone classification on lots not less than 1 acre in area and clustered in such a manner to allow for future urban density development, except as provided in Subparagraph 103 or Paragraph 6 below.

2. Density Control. The maximum gross density of a record lot of the effective date of this paragraph is 0.3 dwellingS ~~units~~ per acre.

3. Minimum diametral dimension. The minimum diametral dimension of any lot hereafter created in an R.C. 3 zone shall be 150 feet, except as provided in Subparagraph 103 or Paragraph 6 below.

4. Building setbacks. Any principal building hereafter constructed in an R.C. 3 zone shall be situated at least 75' from the centerline of any street, and not less than 50' from the future right-of-way line, 25' from both side lot lines and 50' from any rear lot line.

5. Density application. In keeping with the purpose of this classification, the density as designated shall apply to any development approved under this subsection. The residual land shall not be further developed until public utilities are extended and higher densities are applied.

6. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the Land Records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning ~~or tentative approval of a preliminary plan~~ on or before the effective date of these regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed and in force at the time of the lot recordation.

7. DwellingS ~~units~~ per lot. No more than one dwelling ~~unit~~ is permitted on any lot in an R.C. 3 zone, BUT NOT EXCLUDING ADDITIONAL DWELLINGS FOR BONA FIDE TENANT FARMERS

Section 1A03-R.C.4 (WATERSHED-PROTECTION) ZONES

1A03.1-General Provisions.

A. Legislative Statement of Findings.

1. Declaration of Findings. It is found:

a. that metropolitan Baltimore has an exceptional high quality public water source

b. that within Baltimore County there lie the three major sources of water supply for the entire Baltimore metropolitan area

c. that continuing rural-residential development at current densities in the critical watershed area of the reservoirs and their tributaries is causing increased physical, bacteriological and chemical pollution. In addition, sedimentation, which is increasing, is causing an ever-increasing storage loss in the impoundments.

d. that failure to protect the critical watershed areas will result in increasing levels of pollution in the impoundments and their tributaries.

e. that the continued increases in levels of pollution in the metropolitan Baltimore reservoirs will result in escalation of water-treatment costs.

B. Purpose: The R.C. 4 zoning classification is established pursuant to the legislative findings set forth above, in order to: provide at least minimum protection for our watersheds by establishing certain criteria with regard to development so as to more effectively prevent water contamination and pollution.

1A03.2-Rezoning by petition.

A. No petition for reclassification of an R.C. 4 zone may be accepted for a hearing by the Zoning Commissioner unless a registered professional engineer has certified that-

~~1. the property does not lie within 200 feet of a water course classified as a third order stream[1] or greater which directly or indirectly flows into a public water reservoir and does not lie within 200 feet of any such reservoir property line or within 200 feet of any first or second order stream which discharges directly into a reservoir~~

~~1. Stream Order Classification Based on Playfairs Law, streams have been classified from first order thru sixth order and are designated on the official stream base map in the Office of Planning and Zoning.~~

1. THE PROPERTY DOES NOT LIE WITHIN 200 FEET OF A WATER COURSE CLASSIFIED AS A THIRD ORDER STREAM OR GREATER, AS SHOWN ON A 'MAP OF STREAM CLASSIFICATIONS OF BALTIMORE COUNTY' WHICH SHALL BE OFFICIALLY ADOPTED BY THE BALTIMORE COUNTY PLANNING BOARD WITHIN 180 DAYS OF THE ENACTMENT OF THIS LEGISLATION, AND THEREAFTER FROM TIME TO TIME DULY AMENDED BY SAID BOARD, WHICH DIRECTLY OR INDIRECTLY FLOWS INTO A PUBLIC WATER RESERVOIR AND DOES NOT LIE WITHIN 200 FEET OF ANY SUCH RESERVOIR PROPERTY LINE OR WITHIN 200 FEET OF ANY FIRST OR SECOND ORDE STREAM WHICH DISCHARGES DIRECTLY INTO A RESERVOIR

2. the natural grade of the property generally does not exceed 20 per cent, and

3. that, through an environmental impact statement, the proposed reclassification will not impair the water quality within its watershed.

1A03.3-Use Regulations.

A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C. 4 zones

1. Dwellings, one-family detached

2. ~~Existing Farms—Any existing farm in operation shall, within five years of the adoption of this subsection, have a fully implemented and maintained Soil Conservation Plan and additionally obtain a discharge permit for any point sources of waste as required by the Maryland Water Resources Administration of the Maryland Department of Natural Resources~~ FARMS, LIMITED ACREAGE, WHOLESALE FLOWER FARMS, SATELLITE FARMS, AND FARMETTES

3. Open space, common

4. Telephone, telegraph, electrical-power, or other similar lines or cables all underground; underground gas, water, or sewer mains or storm drains; other underground conduits except underground interstate and intercontinental pipe lines

5. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of Paragraphs b, c, e, or f of Subsection 415.1 and Subsection 415.2a (1), as applicable

6. Accessory uses or structures, including, but not limited to the following:

a. Excavations, uncontrolled

b. Farmers' roadside stands (subject to the provisions of Section 404.6

c. Home occupations

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona fide residence; does not occupy more than 25 per cent of the total floor area of that residence as it existed on the effective date of

this provision; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees.

e. Parking spaces, including recreational vehicles (subject to the provisions of Section 415A)

f. Swimming pools, tennis courts, garages, utility sheds or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400)

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R. C. 4 zones

1. Antique shops (subject to the provisions of Section 402B)

2. Camps, including day camps

3. Community buildings, swimming pools, or other structural or land uses devoted to civic, social, recreational, or educational activities, picnic grounds

4. Dwellings or other buildings converted to tea rooms or restaurants, as provided in Subsection 402. 3

5. Excavations, controlled (subject to the provisions of Section 403) except removal of top soil FROM THE SITE is expressly prohibited

6. Fish hatcheries

7. Golf courses, country clubs, or other outdoor recreation clubs, and game preserves

8. Public utility uses not permitted as of right, including underground interstate and intercontinental pipe lines

9. Riding stables

10. Shooting preserves including hunting and fishing preserves

11. Shooting ranges, including, but not limited to, archery, pistol, skeet, trap, target (~~large or small-bore~~ - SMALL BORE RIFLE ONLY) EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL, PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER THE NOW EXISTING ZONING REGULATION SECTION 500. 4, and turkey shoots

12. Trailers (subject to the provisions of Section 415. 1d)

13. Volunteer-fire-company or ambulance-rescue facilities

14. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident

amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure, or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400: (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line.

1A03.4-Height and Area Regulations.

A. Height. No structure hereafter erected in an R.C. 4 zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area regulations.

1. No lot less than three acres in area may be hereafter created from a larger tract in an R.C. 4 zone, and no detached single-family dwelling may be hereafter erected on any lot of smaller area except as otherwise provided in Subsection 103.3 or in Paragraph 6, below.

2. Density control. The maximum gross density of a record lot of the effective date of this paragraph is 0.2 dwelling units per acre.

3. Minimum diametral dimension. The minimum diametral dimension of any lot hereafter created in an R.C. 4 zone shall be 300 feet except as otherwise provided in Paragraph 6 below.

4. Building setbacks. Any principal building hereafter constructed in an R.C. 4 zone shall be situated at least 100 feet from the centerline of any street and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 6, below.

5. Coverage. No more than 10 percent of any lot in an R.C. 4 zone may be covered by buildings, structures, walks, patios or drives.

6. Exceptions for certain record lots. Any existing lot or parcel of land

with boundaries duly recorded among the Land Records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning ~~or--~~ ~~tentative approval of a preliminary plan~~ on or before the effective date of these zoning regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed and in force at the time of the lot recordation.

7. Dwelling~~s units~~ per lot. No more than one dwelling ~~unit~~ is permitted on any lot in an R.C. 4 zone, BUT NOT EXCLUDING ADDITIONAL DWELLINGS FOR BONA FIDE TENANT FARMERS.

Section 1A04-R.C.5 (RURAL-RESIDENTIAL) ZONE

1A04.1-General Provisions.

A. Legislative Statement of Findings

1. Declaration of findings. It is found:

a. That the rural-residential development that has occurred in Baltimore County heretofore has been of a scattered and generally disorderly nature;

b. That this form of development constitutes a wasteful use of the land and is fiscally expensive to serve with respect to the provision of basic services;

c. That in some cases lot sizes are inadequate to assure long term adequacy of on-lot sewer and water systems;

d. That unless measures are implemented to assure more rational growth patterns, including adequate lot size, undue financial hardships will be placed on Baltimore County and the life, safety and general welfare of the citizens of the County will be adversely affected;

e. That specific areas which are highly suitable for rural-residential development do exist; and

f. That these areas are adequate to accommodate anticipated future growth in the rural area and that future growth should be directed to these areas.

B. Purpose. The R.C. 5 zoning classification is established pursuant to the legislative findings above, in order to:

1. Provide for rural-residential development in suitable areas in which

basic services are not anticipated.

2. Eliminate scattered and generally disorderly patterns of future rural-residential development.

3. Assure that encroachments onto productive or critical natural resource areas will be minimized.

4. Provide a minimum lot size which is sufficient to provide adequate area for the proper functioning of on-lot sewer and water systems.

1A04.2-Use regulations

A. Uses permitted as of right. The following uses, only, are permitted as of right in R.C. 5 zones:

1. Churches or other buildings for religious worship including church schools

2. Dwellings, one-family detached

3. Farms, limited-acreage wholesale flower farms, satellite farms

4. Farmettes

5. Hospitals

6. Open space, common

7. Schools, including but not limited to private preparatory schools, colleges, conservatories or other fine arts schools

8. Streets or ways

9. Telephone, telegraph, electrical-power, or other similar lines or cables-all underground; underground gas, water, or sewer mains or storm drains; other underground conduits except underground interstate and inter-continental pipe lines

10. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of paragraphs b, c, e, or f of Subsection 415.1 and Subsection 415.2a(1) as applicable.

11. Accessory uses or structures, including, but not limited to, the following

a. Excavations, uncontrolled

b. Farmers' roadside stands (subject to the provisions of Section 404.6

c. Home occupations

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's bona fide residence as it existed on the effective date of this provision; and does not involve the employment of more than one nonresident professional associate nor two other nonresident employees

e. Parking spaces including recreational vehicles (subject to the provisions of Section 415A)

f. Piers, wharves, docks, and bulkheads (subject to the provisions of Section 417)

g. Swimming pools, tennis courts, garages, utility sheds or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400)

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 5 zones.

1. Antique shops (subject to the provisions of Section 402B)

2. Boat yards

3. Camps, including day camps

4. Cemeteries

5. Community buildings, swimming pools, or other uses of a civic, social, recreational or educational nature

6. Excavations, controlled

7. Commercial fishing, crabbing or shellfishing operation - Primary or Secondary, EXCEPT THAT ANY SUCH USE EXISTING AT THE TIME OF DATE OF ENACTMENT OF THIS SUBSECTION MAY CONTINUE AT THE SAME LEVEL OF INTENSITY PROVIDED THAT WITHIN 365 DAYS OF THE ENACTMENT DATE OF THIS LEGISLATION, THEY SHALL FILE FOR A USE PERMIT AS PRESCRIBED UNDER SECTION 500.4 OF THE ZONING REGULATIONS

8. Golf courses, country clubs, or other similar outdoor recreation clubs

9. Marinas

10. Office of doctor or dentist

11. Public-utility uses not permitted as of right, including underground interstate and intercontinental pipe lines

12. Research institutes (subject to the provisions of Section 418)

13. Railroads or other transportation lines or ways

14. Residential art salons (subject to the provisions of Section 402C)

15. Restaurants or tea rooms, converted from dwellings or other buildings as provided in Subsection 402.3

16. Riding stables (commercial or non-commercial)

17. Sanitary landfills

18. Schools, not permitted as of right

19. Trailers (subject to the provisions of Section 415.1d)

20. Volunteer-fire-company or ambulance-rescue facilities

21. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure, or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400; (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line.

1A04.3-Height and area regulations.

A. Height regulation. No structure hereafter erected in an R.C. 5 zone shall exceed a height of 35 feet, except as provided under Section 300.

B. Area regulations.

1. Lot area. No lot less than two acres in area may be hereafter created from a larger tract in an R.C. 5 zone and no detached single-family dwelling may be hereafter erected on any lot of smaller area, except as otherwise provided in Subsection 103.3 or in paragraph 5, below.

2. Minimum diametral dimension. The minimum diametral dimension of any lot hereafter created in an R.C. 5 zone shall be 250 feet except as otherwise provided in Paragraph 5, below.

3. Building setbacks. Any principal building hereafter constructed in an R.C. 5 zone shall be situated at least 75 feet from the centerline of any street and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 5, below.

4. Coverage. No more than 15 percent of any lot in an R.C. 5 zone may be covered by buildings, except as otherwise provided in Paragraph 5, below.

5. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the Land Records of Baltimore County with the approval of the Baltimore County Office of Planning and Zoning ~~or tentative approval of a preliminary plan~~ on or before the effective date of these zoning regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed and in force at the time of the lot recordation.

6. Dwelling~~S units~~ per lot. No more than one dwelling ~~unit~~ is permitted on any lot in an R.C. 5 zone, BUT NOT EXCLUDING ADDITIONAL DWELLINGS FOR BONA FIDE TENANT FARMERS.

SECTION 5. AND BE IT FURTHER ENACTED, THAT EVERY PART OF EVERY SECTION AND ZONING REGULATION OF THIS ACT IS ENACTED INDEPENDENTLY AND IS, THEREFORE, SEVERABLE; IF ANY PART IS DECLARED INVALID BY A COURT OF COMPETENT JURISDICTION, THE REST OF THIS ACT REMAINS VALID.

SECTION 6. AND BE IT FURTHER ENACTED, THAT ANY AMENDMENTS HEREIN, OR ANY NEW ZONING CLASSIFICATIONS PROVIDED FOR IN THIS BILL, SHALL NOT BE PROMULGATED AS TO ANY EXISTING ZONING MAPS, BUT SHALL BE EFFECTIVE ONLY UPON THE ADOPTION BY THE COUNTY COUNCIL OF ANY NEW ZONING MAPS ON OR BEFORE OCTOBER 15, 1976.

SECTION ~~5~~ 7. And be it further enacted, that this Act shall take effect forty-five days after its enactment.

READ AND PASSED this 3rd day of November 1975

By Order

Thomas Toporovich
Secretary, Pro Tem

PRESENTED to the County Executive, for his approval this 5th day of November 1975

Thomas Toporovich
Secretary, Pro Tem

APPROVED AND ENACTED:

11/7/75
Date

County Executive

I HEREBY CERTIFY THAT BILL NO. 98 IS TRUE AND CORRECT AND WILL TAKE EFFECT ON Dec 22, 1975.

Chairman, County Council

NAME	NUMBER	Zoning	hohdate
McKAIN PROPERTY	05-253	RC - 2,4,5	4/29/1999
Mathena Property - Sections 1 & 2 (aka PATAPSCO RIDGE)	02-598	RC - 2 RC - 5	1/28/2000
CARROLL COMMUNITY CHURCH	04-556	R C 2 & R C 4	3/15/2001
~~FAIRFIELD RESIDENTIAL (aka RIVERSTONE APTS)~~	~~02-607~~	~~RAE 2~~	~~10/12/2000~~
ST ABRAHAMS VIEW FKA: BECKLEYSVILLE ROAD (4200) - MA	05-265	R C - 2 R C - 4	5/30/2001
TAYLORS GLEN	04-560	R C - 2 R C - 4	3/14/2001
GUNPOWDER FARMS	06-234	R C- 2 R C- 4	3/1/2002
FREDERICK PROPERTY, James	06-238	RC 2	3/1/2002
RUTH ANN WAY PROPERTY - MAJOR SUB	07-368	RC 2	5/16/2002
SPARKS LOOK - RESUB LOT 3 (lts. 3,4)	10-383	RC 2	2/28/2002
PHOENIX BUILDERS PROP. - RESUBMITTAL - RIDGE ROAD	02-628	RC-2	10/16/2003
SATTLERS WOODS 2ND AMENDED - SECT. 2, SITE DEV PLAN	08-650	RC-2	1/9/2004
BISKER PROPERTY	06-247	RC-2 RC-4	6/13/2003
WALKER STATION	06-248	RC-2 RC-4 R	12/20/2002
LYNCH PROPERTY - Carroll Manor Road	10-402	RC-5 RC-2	5/8/2003
CLARK FRANK H PROPERTY	06-110	RC-2	5/29/2003
WHITESCARVER WILLIAM	10-403	RC-2	4/30/2003
LYNCH PROPERTY SWEET AIR RD	10-404	RC-2 RC-5	5/27/2004
~~PORTER NORBERT PROPERTY~~	~~15-798~~	~~RC-20~~	~~8/27/2004~~
~~LOYOLA COLLEGE SPIRITUAL RETREAT CENTER~~	~~07-389~~	~~RC-2~~	~~4/16/2004~~
TRACEY ARTHUR PROPERTY	06-262	RC-2 RC-4	7/2/2004
RASSA PROPERTY NEW SUBMITTAL	11-903	RC-5 RC-20	1/8/2004
HEGGENSTALLER PROPERTY RESUBDIV TRACT A PRETTY T	06-175	RC-5, RC-2 RC	5/26/2004
VERNON WOODS	07-396	RC-2	5/5/2005
THE PRESERVE AT HOLLY NECK	15-821	RC-5 RC-20	5/5/2006
HAUSSNER PROPERTY NEW SUBMITTAL	10-376	RC-2	6/17/2005
Quattro Ville (FKA COOK RONALD G PROPERTY)	10-415	RC-2	10/1/2004
ELSEROAD, GLENN PROPERTY	04-623	RC-2	9/8/2005
PAGE ALEXANDER PROPERTY	07-401	RC-2 RC-4	10/14/2005
WILDASON PROPERTY LOT 3 RESUB	06-135	RC-2	6/10/2005
BANDELIN PROPERTY	06-281	RC-2	11/17/2006
COOK & RACHINSKAS PROPERTY	11-1008	RC-2 RC-5	4/28/2006
~~DULANEY VALLEY APARTMENTS~~	~~09-773~~	~~RAE-2~~	~~10/6/2005~~

NAME	NUMBER	Zoning	hohdate
WALSH JAMES PROPERTY	08-815	RC-2 RC-4	2/24/2006
~~SAMUELS PROPERTY~~	~~02-700~~	~~RAE-2~~	~~6/16/2006~~
SHELLEYS FIELDS	06-263	RC-2 RC-5	12/1/2006
MEYERS PROPERTY	15-864	RC-5 RC-20	8/4/2006
~~TOWSON PROMENADE~~	~~09-638~~	~~RAE-2~~	~~12/7/2006~~

From: "Larry Schmidt" <lschmidt@gildeallc.com>
To: "'Debra Wiley'" <dwiley@baltimorecountymd.gov>
Date: 05/09/07 9:25:53 AM
Subject: RE: James S. Owings, et ux - Case No. 07-102-A - 3/20

Hi Debbie: Carroll Holzer and I have been trading some proposals and I hope that we can get this settled. One offer is to change the pitch of the roof significantly and thus reduce the height.
I have been off since last Thursday (back in the office this morning) and I think that Jason Vettori may have/or will be in the near future, meeting with Mr. Owings in an effort to try to get this settled. I'll touch base with him today and let you know.
Thanks.
Larry

Lawrence E. Schmidt
Gildea & Schmidt, LLC
300 E. Lombard Street, Suite 1440
Baltimore, MD 21202
Phone: (410) 234-0070
Facsimile: (410) 234-0072

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-----Original Message-----
From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Wednesday, May 09, 2007 9:14 AM
To: lschmidt@gildeallc.com
Subject: James S. Owings, et ux - Case No. 07-102-A - 3/20

Hi Larry,

Bill asked me to make you aware of the following:

As you recall, the March 20th hearing did not go as scheduled. We're receiving some pressure from Paul Hohne, Building Inspector w/Code Enforcement, that he'd like to either cite or pursue a hearing, however, Bill spoke to Paul and asked him to hold off pending whether you're planning to go forward or not with this case.

Could you please advise at your earliest convenience.

Thanks and have a great day!

CC: "'Jason Vettori (E-mail)'" <jvettori@gildeallc.com>

Bill Wiseman - yesterday's hearing (Owings)

From: "Larry Schmidt" <lschmidt@gildeallc.com>
To: "'William Wiseman'" <wwiseman@co.ba.md.us>
Date: 03/21/07 10:38 AM
Subject: yesterday's hearing (Owings)
CC: "'Debra Wiley'" <dwiley@co.ba.md.us>, <jcholzer@bcpl.net>

Bill (and Debbi): Just a note to again apologize for the snafu surrounding yesterday's hearing. The blame lies here. Apparently, Cristen in my office had talked to Debbi in early March about a postponement due to the fact that my client's wife is nine months pregnant and due at any time. The decision was left open for us to confirm in writing. We have a copy of a letter that we allegedly mailed to you (and Carroll Holzer) on March 9 confirming the postponement but the fact that neither you nor he received it (although my client said he got a copy?!?) leads me to believe that it didn't get mailed. In any event, sorry for any confusion and inconvenience!
Carroll was very gracious. Actually, the fact that we didn't go forward may work to everyone's advantage as Carroll and I talked about settlement yesterday and I've presented him a proposal that he is taking back to his client. He's also going to provide me with continued dates. Maybe we can come back to put a settlement on the record!! I am sure he or I will be getting back to you regarding rescheduling.
Larry

Lawrence E. Schmidt
Gildea & Schmidt, LLC
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Towson, MD 21204
(410) 821-0070
(410) 821-0071 - fax

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March 9, 2007

William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson, MD 21204

Re: Owings/14950 Dover Road
Case No.: 07-102-A

Dear Mr. Wiseman:

We regret to inform you that we must request a postponement of the continued hearing scheduled for this matter on Tuesday, March 20, 2007. We have just been notified that our client's wife is due to give birth on or around that date. We will coordinate a rescheduling of this matter with Mr. Holzer and Kristen Matthews.

Should you have any questions, comments or concerns, please do not hesitate to contact the undersigned.

Very truly yours,

Lawrence E. Schmidt

LES/cjp
cc: James and Theresa Owings
J. Carroll Holzer, Esquire
Jason T. Vettori, Esquire

GILDEA & SCHMIDT, LLC

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February 16, 2007

William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson, MD 21204

Re: Owings/14950 Dover Road
Case No.: 07-102-A

Dear Mr. Wiseman:

As per your conversations with this office, this correspondence shall serve to confirm that the second day for the hearing on the matter referenced above has been scheduled for Tuesday, March 20, 2007, at 9:00 a.m. in Room 407 at the County Courts Building. As you know, the first hearing was held on January 16, 2007. Also, in that this is a continuation of that hearing, a second posting of the property and advertisement is not necessary.

Should you have any questions, comments or concerns, please do not hesitate to contact the undersigned.

Very truly yours,

Lawrence E. Schmidt

LES/cjp
cc: James and Theresa Owings
J. Carroll Holzer, Esquire
Jason T. Vettori, Esquire

Debra Wiley - Owings Case 07-102-A

From: "Larry Schmidt" <lschmidt@gildeallc.com>
To: "'Debra Wiley'" <dwiley@baltimorecountymd.gov>
Date: 07/17/07 11:58 AM
Subject: Owings Case 07-102-A
CC: <jcholzer@cavtel.net>

Debbie: I received Commissioner Wiseman's letter of July 13 today; inquiring about the status of the above. It apparently crossed in the mail with my letter, a copy of which is attached. That should answer Bill's comments. Please call me or have him call me if there are any questions or comments.
Thanks.
Larry

Lawrence E. Schmidt
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D. DUSKY HOLMAN

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July 16, 2007

Hon. William J. Wiseman, III
Zoning Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue, Suite 405
County Courts Building
Towson, MD 21204

COPY

Re: Owings/14950 Dover Road
Case No.: 07-102-A

Dear Commissioner Wiseman:

This is in reference to the above matter, which came before you for hearing on January 16, 2007. As you recall, this matter relates to a Petition for Variance for the subject property, located at 14950 Dover Road, owned by James S. Owings and Nicole S. Owings. Variance relief was requested from Section 400.3 of the BCZR to permit a detached garage height of 28 feet in lieu of the required 15 feet and, in the alternative, from Section 1A01.3.B.3 and 400.1 of the BCZR to permit a property line setback of 14 feet in lieu of the required 35 feet for a garage attached to the principal building by a covered passageway. I represent the Petitioners, property owners. You will also recall that at the public hearing, J. Carroll Holzer, Esquire appeared on behalf of his clients, Edward and Helene Haviland. Mr. and Mrs. Havilland appeared in opposition to the request and reside next door.

The case was continued in order to give the parties an opportunity to discuss a settlement of their differences. I am pleased to advise that at this time an agreement has been reached which we request be incorporated in your written decision.

Attached hereto is a modified plan for the proposed garage. Please note that the pitch of the proposed garage roof has been significantly altered to reflect a 2/12 ratio. The effect of the flattening of the roof is to significantly decrease the height of the garage.

Section 101 of the BCZR defines "building height" as "the height of the highest point on a building or other structure as measured by the vertical distance from the highest point on the structure to the horizontal projection of the closest point at exterior grade." As noted on the attached plan, the garage is built into a slight hill/elevation change, which results in a

building height on the one side (facing Mr. and Mrs. Haviland's property) 14 feet 1 inch, and a height on the opposite side of 16 feet 4 inches. As the Zoning Office interprets the building height measurement to mean that distance between the highest point of natural grade to the top of the building, the subject proposed structure complies with the BCZR height limitation. Thus, the first portion of the variance; namely, from Section 400.3 to permit a garage of 28 feet, is hereby withdrawn and may be dismissed.

As noted above, variance relief was requested in the alternative to permit the garage structure to be connected to the principal dwelling by way of a breezeway. In the event of such a connection, the building would become part of the principal structure, as opposed to a "accessory" building, and thus subject the 35 foot height limitation, rather than the 15 foot limitation. In that the garage as altered meets the accessory building height limit, such relief may also be withdrawn. The Petitioners will not connect the garage to their home.

I have also enclosed for your inspection three (3) photographs of the subject garage. Please note that those photographs depict that portion of the garage where the height is measured. Although the area has been slightly graded to accommodate stormwater runoff, the natural grade has not been disturbed.

In view of the fact that this is a contested case and that a stop work order was previously issued by the Code Enforcement Section, I would request that you issue a formal order incorporating the comments herein and dismissing the Petition. I have spoken to Mr. Holzer about this matter and have provided him with a copy of the site plan. Additionally, he has advised that his clients do not object to the modification of the garage, for so long as same complies with the applicable provisions of the Zoning Regulations. A copy of his letter of June 20, 2007 is attached.

Please contact me if you have any questions regarding the above and thank you for your anticipated cooperation.

Very truly yours,

Lawrence E. Schmidt

LES:sf
Enclosure
Cc: J. Carroll Holzer, Esquire
James and Nicole Owings
Jason T. Vettori, Esquire

Job: (3469CWA) OWINGS MISC. HOUSE ACCT. / T-1

THIS DWG. PREPARED FROM COMPUTER INPUT LOADS & DIMENSIONS SUBMITTED BY TRUSS MFR.

Top chord 2x8 SPF 2100F-1.8E *1D2 2x8 SPF #2:
Bot chord 2x8 SPF 2100F-1.8E
Webs 2x4 SPF #2

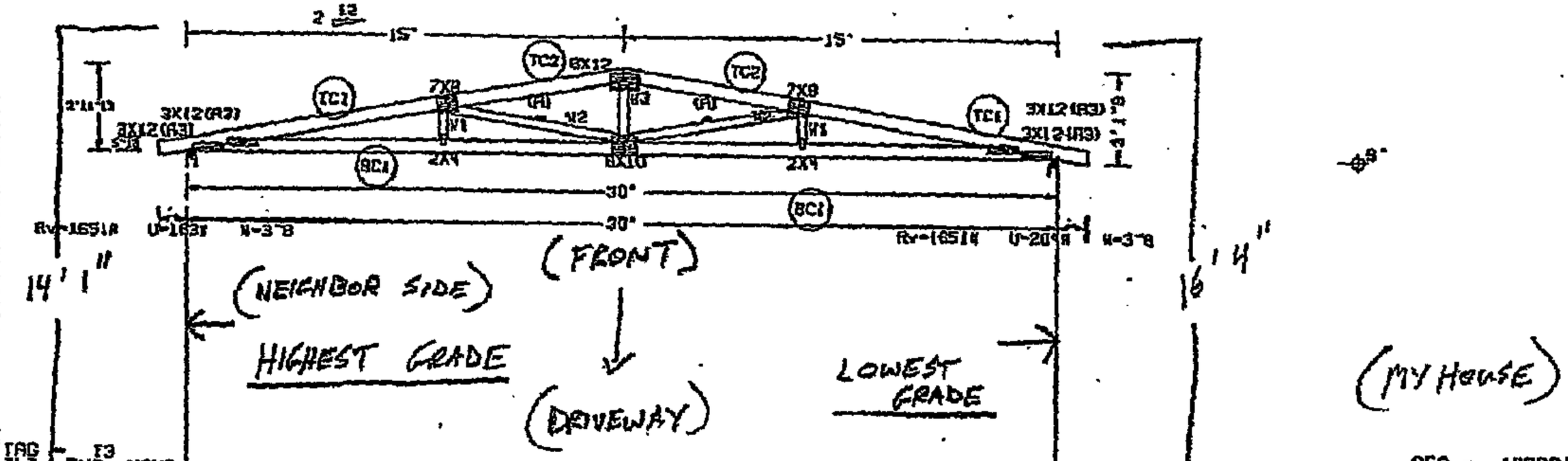
(R) Continuous lateral bracing equally spaced on member.

Wind reactions based on MWFRS pressures.

Differences meets 1/240 live and 1/180 total load.

FLOOR TO GROUND 11'2"
2 12 PITCH 2'11"
14'1"

FLOOR TO GROUND 13'5"
2 12 PITCH 2'11"
16'4"



TAG F3
PLT. TYP.-WAVE

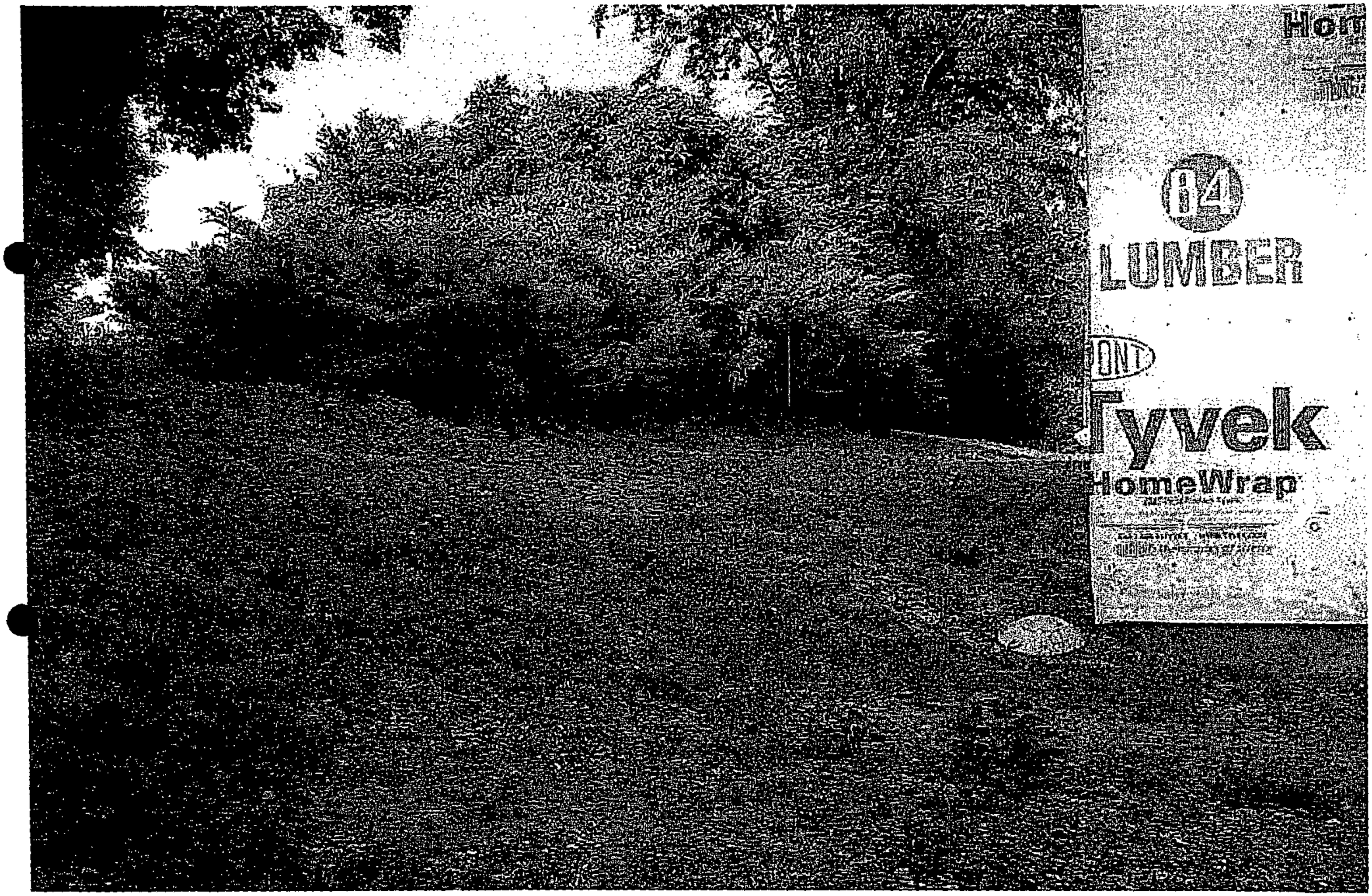
TP(2002STD) Co/AT-1.00(1.00)/10(4) QTY= 1 TOTAL= 1

REV. 7.34.0204.19 SEQ = 143921 SCALE =0.1875

WARNING TRUSSES REQUIRE EXTREME CARE IN FABRICATING, HANDLING, SHIPPING, INSTALLING AND BRACING. REFER TO HIB-91, HANDLING INSTALLING AND BRACING, PUBLISHED BY TPI (TRUSS PLATE INSTITUTE, 583 D'ONOFRIO DR., SUITE 200, MADISON, WI. 53719) FOR SAFETY PRACTICES PRIOR TO PERFORMING THESE FUNCTIONS. UNLESS OTHERWISE INDICATED, TOP CHORD SHALL HAVE PROPERLY ATTACHED STRUCTURAL PANELS AND BOTTOM CHORD SHALL HAVE A PROPERLY ATTACHED RIGID CEILING. **IMPORTANT** FURNISH COPY OF THIS DESIGN TO INSTALLATION CONTRACTOR. ALPINE ENGINEERED PRODUCTS, INC., SHALL NOT BE RESPONSIBLE FOR ANY DEVIATION FROM THIS DESIGN; ANY FAILURE TO BUILD THE TRUSS IN CONFORMANCE WITH TPI1 ON FABRICATING, HANDLING, SHIPPING, INSTALLING & BRACING OF TRUSSES. DESIGN CONFORMS WITH APPLICABLE PROVISIONS OF NDS (NATIONAL DESIGN SPEC. BY AF&PA) AND TPI. ALPINE CONNECTOR PLATES ARE MADE OF 20/18/16GA (0.20MS/18MS/24MS) ASTM A653 GRADE 40/50 GV.(A/MS) GALV. STEEL. APPLY PLATES TO EACH FACE OF TRUSS AND, UNLESS OTHERWISE LOCATED ON THIS DESIGN, POSITION PER DRAWINGS 1600-2. ANY INSPECTION OF PLATES REQUIRED BY TPI SHALL BE PER ANSI/TPI 1-2002 SEC. 3. A SEAL ON THIS DRAWING INDICATES ACCEPTANCE OF PROFESSIONAL ENGINEERING RESPONSIBILITY SOLELY FOR THE TRUSS COMPONENT DESIGN SHOWN. THE SUITABILITY AND USE OF THIS COMPONENT FOR ANY BUILDING IS THE RESPONSIBILITY OF THE BUILDING DESIGNER, PER ANSI/TPI 1 SEC. 2.

TC LL	35.0psf	REF	
TC DL	7.0psf	DATE	05-10-2007
BC DL	10.0psf	DRWG	
BC LL	0.0psf		CWA
TOT.LD.	52.0psf	O/A LEN.	30
DUR.FAC.	1.00	JOB #:	3469CWA
SPACING	24.0"	TYPE	COMN

Tyvek
HomeWrap
Tyvek
HomeWrap


Hom
84
LUMBER
DNT
Tyvek
HomeWrap

HOLZER

& LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
~~E-MAIL: JCHOLZER@BCPI.NET~~
jcholzer@cavtel.net

June 20, 2007
#7669

Mr. Jason Vettori
Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, Maryland 21204

RE: Mr. & Mrs. Joe Haviland

Dear Jason:

My clients have reviewed the drawings and have stated the following:

> "As long as the roof trusses are a 12/2 pitch and sit directly on the deck of what was to be the second floor in their original plans, then that proposal is acceptable to them as long as the height will be no more than 15 feet at any point."

Please advise as to whether you propose to draft a written Agreement and/or resolve the matter before the Zoning Commissioner. I am sure your clients and my clients as well would like to get this matter behind them.

Very truly yours,

J. Carroll Holzer

JCH:mlg

HOLZER

& LEE

LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER
1907-1989

THOMAS J. LEE
OF COUNSEL

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TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-MAIL: JCHOLZER@CAVTEL.NET
xxxxxxxxxxxxxxxxxx
jcholzer@cavtel.net

July 19, 2007
#7669

SENT VIA FAX

William Wiseman, Esquire
Zoning Commissioner for Baltimore County
401 Bosley Avenue
Suite 405
Towson, Maryland 21204

RE: Haviland/Owings
Case No. 07-102-A

Dear Mr. Wiseman:

I have received both your and Mr. Schmidt's letters on the Haviland/Owings matter and believe since this case has been opened up before you as a public hearing,we should schedule another hearing to put on the record any Agreement between the parties that should be incorporated in your Order.

I do not think it is appropriate, nor in the best interest of my clients, if we continue to discuss a settlement and not conclude this matter in a final hearing which, we hope, would result in a decision incorporating the Agreement between the parties. I would be glad to discuss with Mr. Schmidt and Kristen Matthews available dates for the hearing. I do not believe we will need more than and hour since much of the preliminary work has already been accomplished.

Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Mr. & Mrs. Joe Haviland

Post-it® Fax Note 7671	Date 7-20	# of pages ▸ 1
To Jason Vettori	From Bill Wiseman	
Co./Dept. Esq	Co.	
Phone # Larry Schmidt	Phone #	
Fax #	Fax #	

MODE = MEMORY TRANSMISSION START=JUL-20 08:51 END=JUL-20 08:52

FILE NO.=218

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	94108210071	001/001	00:00:27

-ZONING COMMISSIONER OFF M-

********** - - ***** - 410 887 3468- **********

HOLZER & LEE

LAW OFFICES
J. CARROLL HOLZER, PA
J. HOWARD HOLZER
1907-2989
THOMAS J. LEE
OF COUNSEL

THE 506 BUILDING
508 FAIRMOUNT AVE.
TOWSON, MD 21286
(410) 825-6961
FAX: (410) 825-4923
E-Mail: [redacted]
jcholzer@cavtel.net

July 19, 2007
#7669

SENT VIA FAX

William Wiseman, Esquire
Zoning Commissioner for Baltimore County
401 Bosley Avenue
Suite 405
Towson, Maryland 21204

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Very truly yours,

J. Carroll Holzer

JCH:mlg

cc: Mr. & Mrs. Joe Haviland

Post-it® Fax Note 7671	Date 7-20	# of pages ▸ 1
To Jason Vettori	From Bill Wiseman	
Co./Dept.	Co.	
Phone # Gary Schmidt	Phone #	
Fax #	Fax #	

From: Debra Wiley
To: lschmidt@gildeallc.com
Date: 07/20/07 9:03:25 AM
Subject: Haviland / Owings - Case No. 07-102-A

Mr. Schmidt,

Bill wanted me to acknowledge your letter of July 16, 2007 which outlines the basis of a settlement agreement between the captioned parties. It was Bill's intention, since no zoning relief is necessary in view of the settlement, to issue an Order of Dismissal and incorporate the pertinent points of the settlement which this office deems appropriate. Bill received a letter from J. Carroll Holzer, Esq. on July 19, 2007 requesting a rescheduled hearing date to put the agreement of the parties on the record. I have faxed a copy of the letter to you for your review and Bill asks that upon the return from your vacation that you discuss the matter with Mr. Holzer and give him the benefit of your advice. Bill certainly would be available for a conference call if that would assist counsel.

Thanks and have a great day!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

CC: jcholzer@cavtel.net

PLEASE PRINT CLEARLY

CASE NAME_____
CASE NUMBER_____
DATE_____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Helene Haviland	14946 Dover Rd	Glyndon Md 21071	hpht vision@aol.com
E. Joseph Haviland	" "	" "	
J. Carroll Holzer Pa.			

PLEASE PRINT CLEARLY

CASE NAME OWINGS
CASE NUMBER 07-102-A
DATE 1/16/06

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Lawrence E Schmidt	220 Bosley Ave	Towson MD 21204	
James S Owings	14950 Dover Rd	Reisterstown, MD 21136	
Nicole S Owings	14950 Dover Rd	Reist. MD 21136	
Gary Owings	14942 Dover Road	Reisterstown, MD 21136	
Kirsten Owings	100 Fig Leaf Dr.	Hampstead, MD 21074	

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER
DATE 3/20/07

CITIZEN'S SIGN-IN SHEET

Petitioner failed to appear!

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
James W Rouse Jr.	4537 BLACKROCK RD.	UPPERCO, MD 21155	—
Helene Heinlein	14946 Power Rd	Glyndon MD 21071	hphtvision@aol.com
Joseph Hartman	" "	" "	
J. Carroll Holzer			

Case No.: 07-102-A

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site Plan	Photo - Existing Construction
No. 2	Revised Garage Elevation "Reduced roof Pitch and change in Ridge position	
No. 3	Photographs - Ground Elevation	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Case No.: 07-102-A

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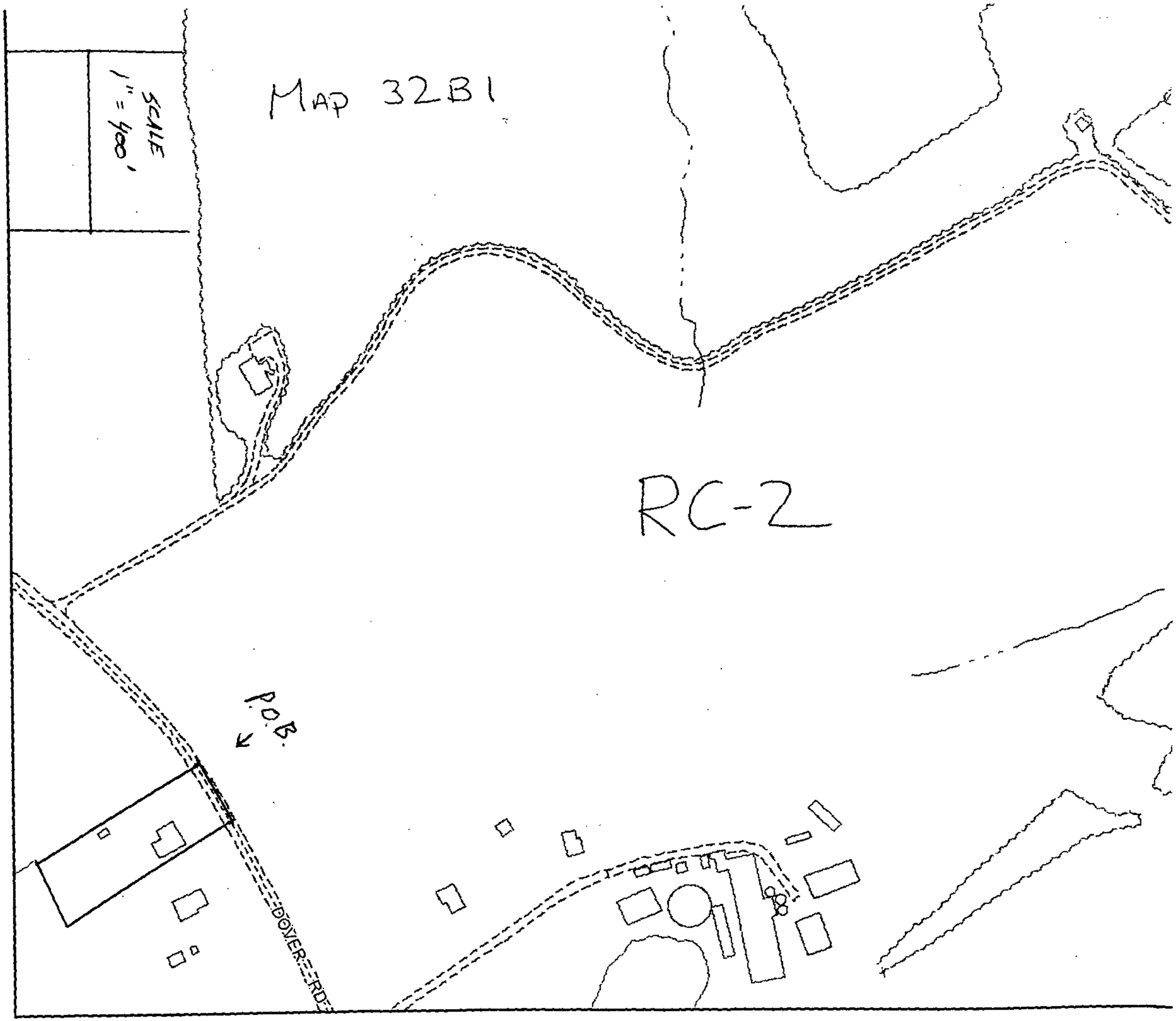
No. 9		
No. 10		
No. 11		
No. 12		


SCALE
1" = 400'
MAP 32B1
RC-2
P.O.B.
DOVER RD.

Job: (3469CWA) DWINGS MISC. HOUSE ACCT. / T-1

THIS DWG. PREPARED FROM COMPUTER INPUT (LOADS & DIMENSIONS) SUBMITTED BY TRUSS MFR.

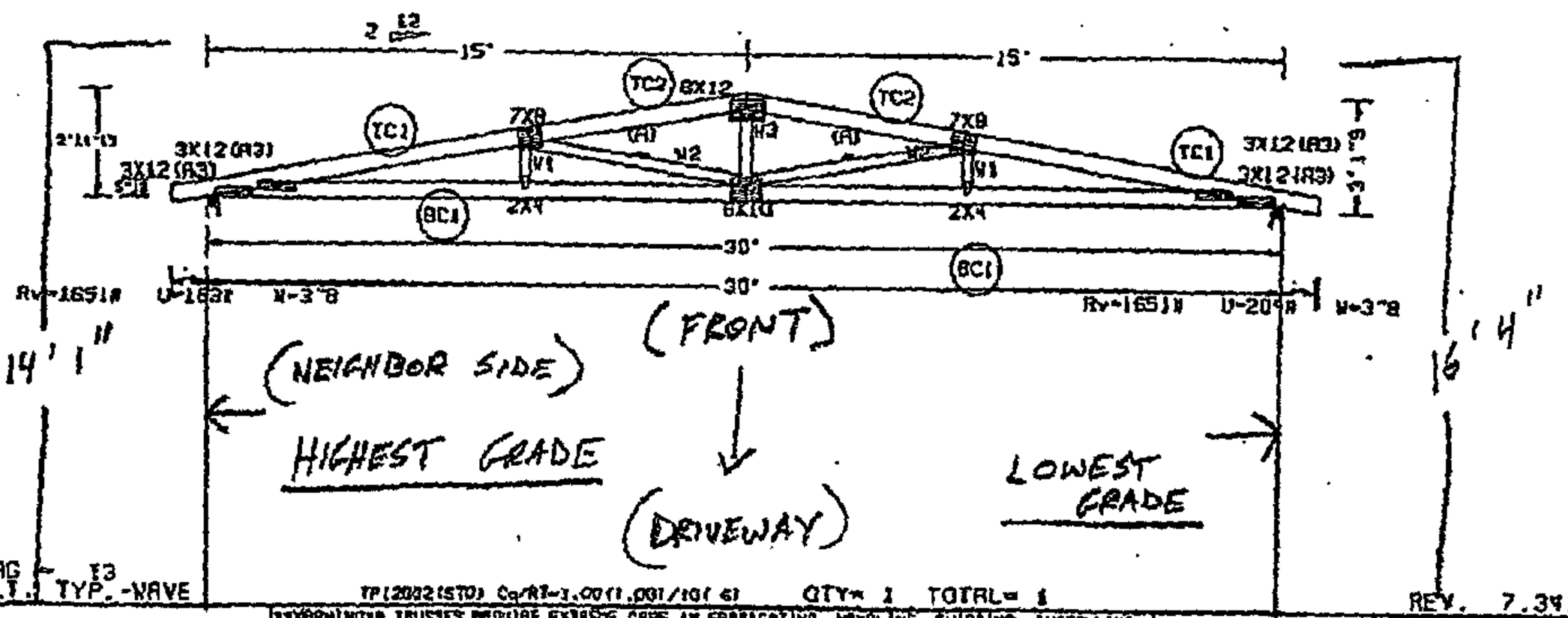
Top chord 2x8 SPF 2100F-1.8E *1:12 2x8 SPF#1 (2)
Bot chord 2x4 SPF 2100F-1.8E
Webs 2x4 SPF#1 (2)

(A) Continuous lateral bracing equally spaced on member.

30 psf wind, 15.00 ft mean hgt, RDGE 7:12, CLOSED bldg, located anywhere in ENGC, CAT II, EXP C, wind-
C-Cn=0.5 per wind (C-C=0.0 psf).
Wind conditions based on PNTRS procedures.
Deflection meets L/240 live and L/180 total load.

FLOOR TO GROUND 11'2"
2 12 PITCH 2'11"
14'1"

FLOOR TO GROUND 13'5"
2 12 PITCH 2'11"
16'4"



PROTESTANT'S EXHIBIT NO. 8

TAG - T3
PLT. TYP. -WAVE

TP(2002(STD) Cq/RT-1.00(1.00)/10(6) QTY= 1 TOTAL= 1

REV. 7.34.0204.19 SEQ = 143921 SCALE =0.1875

WARNING TRUSSES REQUIRE EXTREME CARE IN FABRICATING, HANDLING, SHIPPING, INSTALLING AND BRACING. REFER TO HIB-91 HANDLING INSTALLING AND BRACING, PUBLISHED BY TPI (TRUSS PLATE INSTITUTE, 583 D'ONOFRIO DR., SUITE 200, MADISON, WI. 53719) FOR SAFETY PRACTICES PRIOR TO PERFORMING THESE FUNCTIONS. UNLESS OTHERWISE INDICATED, TOP CHORD SHALL HAVE PROPERLY ATTACHED STRUCTURAL PANELS AND BOTTOM CHORD SHALL HAVE A PROPERLY ATTACHED RIGID CEILING. **IMPORTANT** FURNISH COPY OF THIS DESIGN TO INSTALLATION CONTRACTOR. ALPINE ENGINEERED PRODUCTS, INC., SHALL NOT BE RESPONSIBLE FOR ANY DEVIATION FROM THIS DESIGN; ANY FAILURE TO BUILD THE TRUSS IN CONFORMANCE WITH TPI1 OR FABRICATING, HANDLING SHIPPING, INSTALLING & BRACING OF TRUSSES. DESIGN CONFORMS WITH APPLICABLE PROVISIONS OF NDS (NATIONAL DESIGN SPEC. BY AF&PA AND TPI. ALPINE CONNECTOR PLATES ARE MADE OF 20/18/16GA TK,20HS/18HS/HS ASTM A653 GRADE 40/60 (K,A/HS) ONLY. STEEL. APPLY PLATES TO EACH FACE OF TRUSS AND, UNLESS OTHERWISE LOCATED ON THIS DESIGN, POSITION PER DRAWINGS 160A-Z. ANY INSPECTION OF PLATES FOLLOWED BY (1) SHALL BE PER ANNEX A1 OF TPI 1-2002 SEC. 2. A SEAL ON THIS DRAWING INDICATES ACCEPTANCE OF PROFESSIONAL ENGINEERING RESPONSIBILITY SOLELY FOR THE TRUSS COMPONENT DESIGN SHOWN. THE SUITABILITY AND USE OF THIS COMPONENT FOR ANY BUILDING IS THE RESPONSIBILITY OF THE BUILDING DESIGNER. PER ANSI/TPI 1 SEC. 2.

TC LL	35.0psf	REF
TC DL	7.0psf	DATE 05-10-2007
BC DL	10.0psf	DRWG
BC LL	0.0psf	CWA
TOT.LD.	52.0psf	O/A LEN. 30
DUR.FAC.	1.00	JOB #: 3469CWA
SPACING	24.0"	TYPE COMN

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: October 3, 2006

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT:	Item No.:	102
	Legal Owner/Petitioner	Owings, James & Nicole
	Contract Purchaser:	N/A
	Property Address:	14950 Dover Rd
	Location Description:	WE/side Dover Rd, 1000' N/centerline Osborn Rd

VIIOLATION INFORMATION:	Case No.	06-6736
	Defendants:	Owings, James & Nicole

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME ADDRESS

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☐ 1. Complaint letter/memo/email/fax (if applicable)
- X 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- X 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☐ 8. Photographs including dates taken
- X 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/ph
C: Code Enforcement Officer

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Build
111 West Chesapeake Avenue
Towson, MD 21204

4

Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 06-6736
Property No. 160000879
Zoning:

Name(s): Owings James S
Owings Nicole S

Address: 14950 Dewey Rd

Violation Location: Sam l

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

IRBC Sec 105 - Non compliance with permit. Garage exceeds 15 ft max height as stated on permit. Revise permit to reflect true height of garage. Zoning Variance required.

Stop Work!

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before: 8/31/6
Date Issued: 8/15/6

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: Paul Hohne

INSPECTOR: [signature]

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

On or Before: 8/31/6
Date Issued: 8/15/6

INSPECTOR: [signature]

CB

Code Enforcement - Daily Workshe

Inspector -

Area	Case #	Location	Apt	Zip	Date Rec	Reinsp Dt
017	06-6736	14950 DOVER RD		21136	8/14/2006	

Tax Acct #: 1600008791

Owner: OWINGS, JAMES & NICOLE

Complainant Name: (Last) HAVILAND (First) EDWARD
Addr:
Str # Dir Street Name Type Apt
City ST Zip
Phone: (Home) 410/429-5122 (Work)

Problem: BLDG HOUSE ON GAR. PERMIT, 25' HIGH (B626757)

8/15/6- issued stop work order to revise permit
garage exceeds 15' by 5-7 ft (20-22'). Garage
is still being Framed, not under roof yet
Recheck 8/31/6

GB

entered KH

CODE ENFORCEMENT REPORT

DATE: 8 / 14 / 06 INTAKE BY: Hopkins, K CASE #: 06-6736 INSPEC: _____

COMPLAINT LOCATION: 14950 Dover Rd

ZIP CODE: _____ DIST: _____

COMPLAINANT NAME: Edward Haviland PHONE #: (H) 410 429-5122 (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: bldg. house on garage permit (25' high)
B626757

IS THIS A RENTAL UNIT? YES _____ NO _____

IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION:

REINSPECTION:

REINSPECTION:

REINSPECTION:

RA1001B

DATE: 08/14/2006 STANDARD ASSESSMENT INQUIRY

TIME: 09:00:42

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
16-00-008791	04	1-3	04-00	H	NO		01/18/06

OWINGS JAMES S
OWINGS NICOLE S
14950 DOVER RD

DESC-1.. IMPS
DESC-2.. 1 MI SE FROM PLEA
PREMISE. 14950 DOVER RD
00000-0000

REISTERSTOWN MD 21136-3802 FORMER OWNER: OWINGS JAMES S

FCV	PRIOR	PROPOSED	PHASED IN	CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	55,000	66,000				
IMPV:	92,470	119,650	TOTAL..	185,650	185,650	172,922
TOTL:	147,470	185,650	PREF...	0	0	0
PREF:	0	0	CURT...	185,650	185,650	172,922
CURT:	147,470	185,650	EXEMPT.		0	0

DATE:	07/00	05/03
TAXABLE BASIS		FM DATE
00/01 ASSESS:	185,650	01/17/06
ASSESS:	172,922	
ASSESS:	0	

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

ARTICLE 4

SPECIAL REGULATIONS

Section A400
Purpose
[Bill Nos. 40-1967; 18-1976]

Certain uses, whether permitted as of right or by special exception, have singular, individual characteristics which make it necessary, in the public interest, to specify regulations in greater detail than would be feasible in the individual use regulations for each or any of the zones or districts. This article, therefore, provides such regulations.

Section B400
Application of This Article's Provisions
[Bill No. 18-1976]

The provisions of this article apply only to principal uses except as otherwise specified (as in Item 405.4.D.7) or unless the provision implicitly relates to accessory usage (as in Section 405A).

Section 400
Accessory Buildings in Residence Zones
[BCZR 1955; Bill No. 27-1963]

Not a residence Zone - but Agriculture Zone

400.1 Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2½ feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

400.2 Accessory buildings, including parking pads, shall be set back not less than 15 feet from the center line of any alley on which the lot abuts. **[Bill No. 2-1992]**

400.3 The height of accessory buildings, except as noted in Section 300 shall not exceed 15 feet.

distinguished from Agricultural Zone and ~~Do~~ not apply to Agricultural Zones

404.9 Firewood operations require special exception approval in R.C.2, R.C.20 and R.C.50 Zones and are subject to the following standards:

A. The loading and unloading of vehicles for the purpose of shipping and receiving goods shall take place at least 100 feet from any property line adjacent to a residentially zoned or used property.

B. Timber and firewood placed for the purpose of drying, seasoning or storage less than 100 feet from residentially zoned or used properties shall be screened with plantings that provide a year-round visual screen upon maturity. Firewood which for marketing purposes is stored in the front yard of a firewood operation is not subject to the screening requirements.

C. The location and storage of vehicle parking and equipment storage shall be compatible with surrounding uses and shall be screened from residentially zoned or used properties as specified in Subsection B above.

D. Firewood operations abutting residential properties which exceed the decibel levels permitted under COMAR 26.02.03 are subject to the provisions described in that regulation. **[Bill No. 151-1992]**

404.10 Farms located in R.C.5 and D.R. Zones are subject to the following requirements:

A. Internal permanent roadways which provide access to and from farm structures shall be located at least 25 feet from any property line other than a street right-of-way line.

B. Environmentally controlled structures such as greenhouses, potting sheds and accessory agricultural structures shall be located at least 50 feet from any neighboring property line, including any right-of-way line. **[Bill No. 51-1993]**

404.11. Setbacks for agricultural buildings and structures in RC Zones. **[Bill No. 74-1999[1]]**

A. Except as provided in Subsection B of this section, notwithstanding the provisions of Section 102.2, the minimum setbacks for any commercial agricultural building, structure or use in an RC Zone shall be as required by the Baltimore County Building Codes. [Fire]

B. This section does not apply to:

1. Controlled-environment structures and accessory use structures subject to the provisions of Section 404.1; and

2. Dwellings.

C. In applying the requirements of this section, the county shall consider written recommendations of the Baltimore County Agricultural Land Preservation Board.

404.12 All zoning violation cases concerning commercial agricultural operations shall be forwarded to the Baltimore County Agricultural Land Preservation Advisory Board

---

1 **Editor's Note: This bill also provided for the renumbering of former Section 404.11 as Section 404.12.**

Section 1A01
R.C.2 (Agricultural) Zone

1A01.1 General provisions.

A. Legislative statement of findings.

1. Declaration of findings. It is found:

a. That Baltimore County is fortunate in that it is endowed with a variety of very productive agricultural soil types which should not be lost unnecessarily to urbanized development;

b. That the agricultural industry is an integral part of the Baltimore economy and that a continued conversion of agricultural land will continue to undermine this basic industry;

c. That scattered development is occurring in a sporadic fashion in areas of Baltimore County containing productive agricultural land;

d. That continued urban intrusion into productive agricultural areas not only destroys the specific area upon which the development occurs but is incompatible with the agricultural use of the surrounding area;

e. That heretofore Baltimore County has been unable to effectively stem the tide of new residential subdivisions in productive agricultural areas of Baltimore County;

f. That Baltimore County has certain wetlands along Chesapeake Bay and its tributaries which serve as breeding grounds and nursery areas for the bay's biotic life; and

g. That Baltimore County possesses numerous areas which are highly suitable for urban development, including residential subdivisions which are not located in areas of productive agricultural land.

B. Purposes. The R.C.2 zoning classification is established pursuant to the legislative findings above in order to foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County by preventing incompatible forms and degrees of urban uses.

1A01.2 Use regulations.

A. Preferred use permitted as of right. Agricultural operations, when conducted in accordance with good and reasonable husbandry practices, shall be afforded preferential treatment over and above all other permitted uses in R.C.2 Zones.

B. Uses permitted as of right.[1] The following uses only are permitted as of right in all R.C.2 Zones: **[Bill No. 178-1979]**

1. Dwellings, one-family detached. **[Bill No. 178-1979]** 98-1975

---

[1] **Editor's Note: "Churches and schools for agriculture training," originally included in this section by Bill No. 98-1975, were moved to Section 1A01.2.C by Bill No. 178-1979.**

f. Spirits manufacture, including the manufacture of alcohol to be used in gasoline/alcohol mixtures, but excluding the production of these mixtures. **[Bill Nos. 178-1979; 51-1993]**

g. Firewood operations. **[Bill No. 151-1992]**

h. Winery, including accessory retail and wholesale distribution of wine produced on-premises. Temporary promotional events, such as wine tastings or public gatherings associated with the winery, are permitted, within any limits set by the special exception. **[Bill No. 51-1993]**

i. Bottled water plant, if the source of the water is located on the same site as the plant, and provided that the Director of Environmental Protection and Resource Management makes a recommendation that the proposed facility will not adversely affect the quality or capacity of surface water or groundwater. **[Bill No. 51-1993]**

1A01.3 Height and area regulations.

A. Height regulation. No structure hereafter erected in an R.C.2 Zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area regulations. **[Bill No. 178-1979]**

1. Subdivision lot density. No lot of record lying within an R.C.2 Zone and having a gross area of less than two acres may be subdivided. No such lot having a gross area between two and 100 acres may be subdivided into more than two lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of one lot for each 50 acres of gross area. In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right- of-way or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record. **[Bill Nos. 199-1990; 125-2005]**

2. Lot size. A lot having an area less than one acre may not be created in an R.C.2 Zone.

3. Setback requirements. No principal structure or dwelling (whether or not it is a principal structure) in an R.C.2 Zone may be situated within 75 feet of the center line of any street or within 35 feet of any lot line other than a street line.

4. Principal dwellings per lot. No more than one principal dwelling is permitted on any lot in an R.C.2 Zone.

1A01.4 Maryland Agricultural Land Preservation Program. The use or development of land in an agricultural district established in accordance with Title 2, Subtitle 5 of the Agriculture Article of the Annotated Code of Maryland shall be governed by agricultural land preservation provisions enacted by the County Council pursuant to § 2-513 of the Agriculture Article in the case of any conflict between those provisions and these regulations. **[Bill Nos. 178-1979; 137-2004]**

Section 102
General Requirements
[BCZR 1955]

102.1 No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use.

102.2 No yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use.

102.3 No portion of an alley shall be considered as any part of a side or rear yard.

102.4 No dwelling, other than a multifamily building, shall be built on a lot containing less than 20,000 square feet which does not abut on a right-of-way at least 30 feet wide over which the public has an easement of travel, except as provided for panhandle lots in § 32-4-409 of the Baltimore County Code. **[Bill Nos. 172-1989; 2-1992; 137-2004]**

102.5 On a corner lot in any residential zone, no planting, fence, wall, building or other obstruction to vision more than three feet in height shall be placed or maintained within the triangular area bounded on two sides by the front and side street property lines, or by projections of said lines to their point of intersection, and on the third side by a straight line connecting points on said lot lines (or their projections), each of which points is 25 feet distant from the point of intersection. At the intersection of a street and an alley, the dimension corresponding to the 25 feet noted above shall be 15 feet and 10 feet at the intersection of two alleys. Poles, posts and guys for streetlights and for other utility services shall not be considered obstructions to vision within the meaning of this section. **[Resolution, November 21, 1956]**

102.6 No building permit shall be issued for any commercial, industrial or apartment development until the proposed plan for vehicular access thereto shall have been first approved by the Baltimore County Department of Permits and Development Management. **[Resolution, November 21, 1956]**

102.7 Where development of a property includes both a special exception and a residential subdivision, the area allocated for use as a special exception shall not be included in the calculation of residential density. **[Bill No. 74-2000]**

Section 103
Application of Zoning Regulations
[BCZR 1955]

103.1 These regulations shall apply as of the date of their adoption but the provisions pertaining to use, height, area and density of population shall not apply to any development, subdivision or parcel of land, the preliminary plan for which was originally submitted to the (then) Baltimore County Planning Commission (now Planning Board) and approved or tentatively approved (including any approval made subject to any condition or conditions) under the then existing official procedure in Baltimore County, prior to the adoption of these regulations.[28] The Zoning

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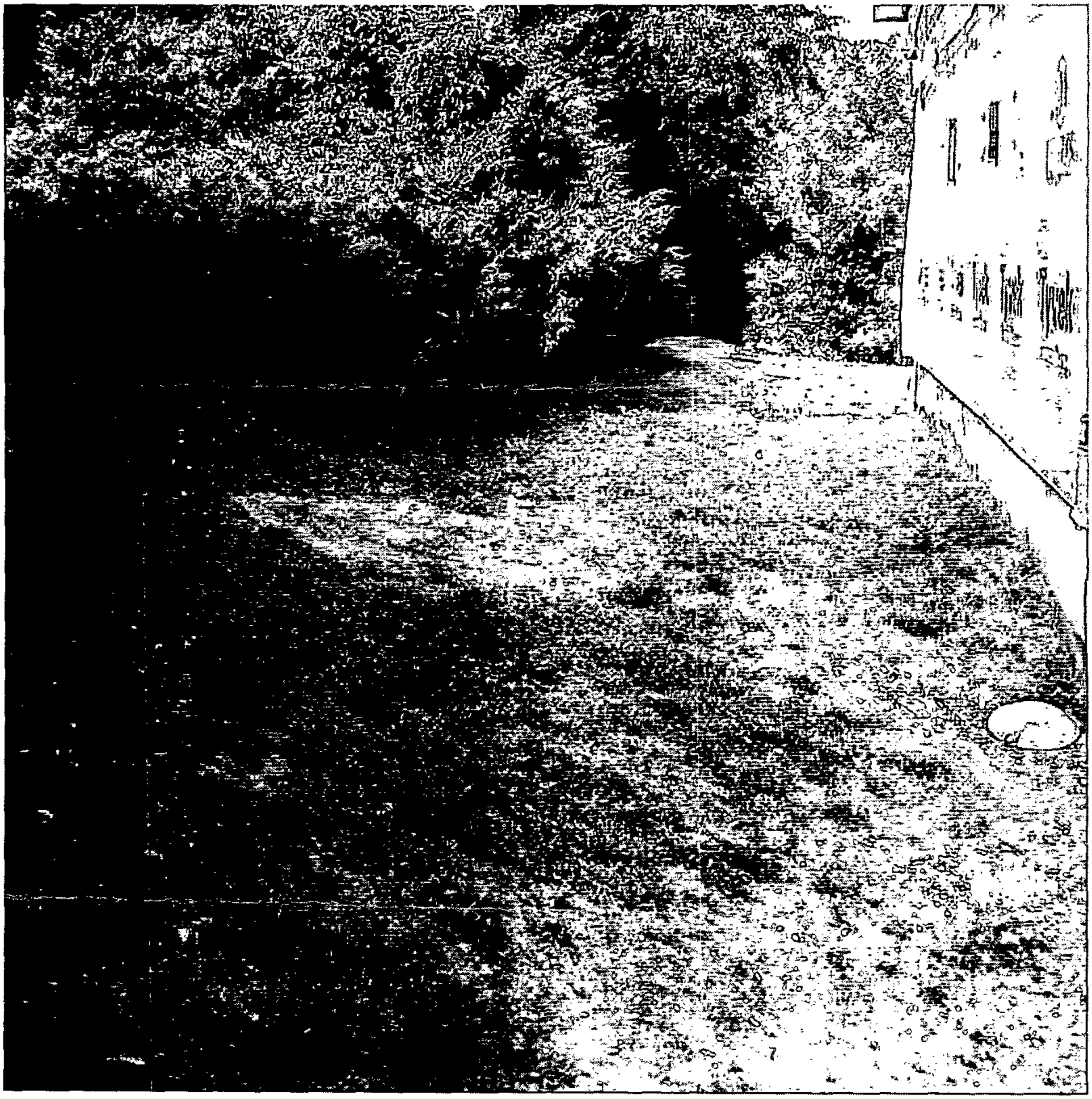
28 **Editor's Note: Refers to the Baltimore County Zoning Regulations (BCZR) adopted March 30, 1955.**

struc·ture \'strəkchə(r), -ksh-\ *n* -s [illegible]E, fr. L *structura*, fr. *structus* (past part. of *struere* to pile u[illegible]arrange, build) + *-ura* -ure; akin to L *strues* heap, *sternere* to spread out, throw down — more at STREW] **1 :** the action of building **:** CONSTRUCTION **2 a :** something constructed or built ⟨a laboratory housed in a temporary wooden ~⟩ ⟨the dam is a massive ~⟩ ⟨demolish any building, highway, road, railroad, excavation, or other ~ —T.W.Arnold⟩ ⟨a ~ of posts or stakes across a stream —F.W. Bradley⟩ ⟨~*s* experimented with . . .: oxygen-pressure suits, oxygen-pressure balloon gondolas and pressure cabin airplanes —H.G.Armstrong⟩ ⟨all vegetable fibrous ~*s* felted from a water suspension on a wire screen —*Paper & Paperboard*⟩; *esp* **:** a building of imposing size **:** EDIFICE ⟨the civic auditorium . . . is the city's most important public ~ —*Amer. Guide Series: Mich.*⟩ **b :** something made up of more or less interdependent elements or parts **:** something having a definite or fixed pattern of organization ⟨leaves and other complex plant ~*s*⟩ ⟨a glandular ~ at the base of the brain⟩ ⟨light provided by a fluorescent ~⟩ ⟨collapse the delicate, incomplete ~ of agreement —Kenneth Love⟩ ⟨the Nazi ~ of falsified facts and perverted history —Alfred Frankfurter⟩ ⟨any object which is in some sense an organized whole is said to have, or to be characterized by, ~ —W.C.Clement⟩ ⟨the political and institutional ~ of the Commonwealth has been built, and continues to develop, round this living core of tradition and culture —H.D.Hall⟩ ⟨events, or material objects, whose mutual spatial relationships are regarded as constant, constitute a ~ —L.A.White⟩ **3 :** the manner of construction **:** the way in which the parts of something are put together or organized **:** FORM, MAKEUP ⟨a rambling country house, basically Gothic in plan, ~, and mass —H.S.Morrison⟩ ⟨~ means the ways in which the stars are organized into clusters and other multiple systems —G.W.Gray b. 1886⟩ ⟨primitive societies are . . . pretty rigid and uniform in ~ —J.D.Adams⟩ ⟨the ~ of a novel⟩ **4 :** the arrangement of particles or parts in a substance or body ⟨the ~ of soil⟩ ⟨the ~ of a plant⟩ ⟨the ~ of an animal⟩: as **a :** the arrangement and mode of union of the atoms in a molecule — compare CONSTITUTION 4 **b :** the attitude and relative positions of rock masses consequent upon deformative processes (as folding, faulting, and igneous intrusion) ⟨an anticlinal ~⟩ ⟨a basin-and-range ~⟩ ⟨an alpine ~⟩ **c :** the arrangement of a rock mass with respect to the larger features (as jointing, columnar and platy parting, bedding) — compare TEXTURE **5 :** the interrelation of parts as dominated by the general character of the whole ⟨economic ~⟩ ⟨financial ~⟩ ⟨personality ~⟩ ⟨political ~⟩ ⟨symphonic ~⟩ ⟨tax ~⟩ — see SOCIAL STRUCTURE **6 :** the elements or parts of an entity or the position of such elements or parts in their external relationships to each other: as **a** (1) **:** the components of a language (as phonemes, morphemes) and the way in which they are related — compare PHONEMICS, MORPHOPHONEMICS, MORPHOLOGY, SYNTAX (2) **:** the finite system of such components and their relations **b** (1) **:** the composition of conscious experience with its elements and their combinations (2) **:** GESTALT (3) **:** the anatomical basis of behavior consisting esp. of nerve and muscle tissue **7 :** the element that is common to all true interpretations of a logical or mathematical calculus

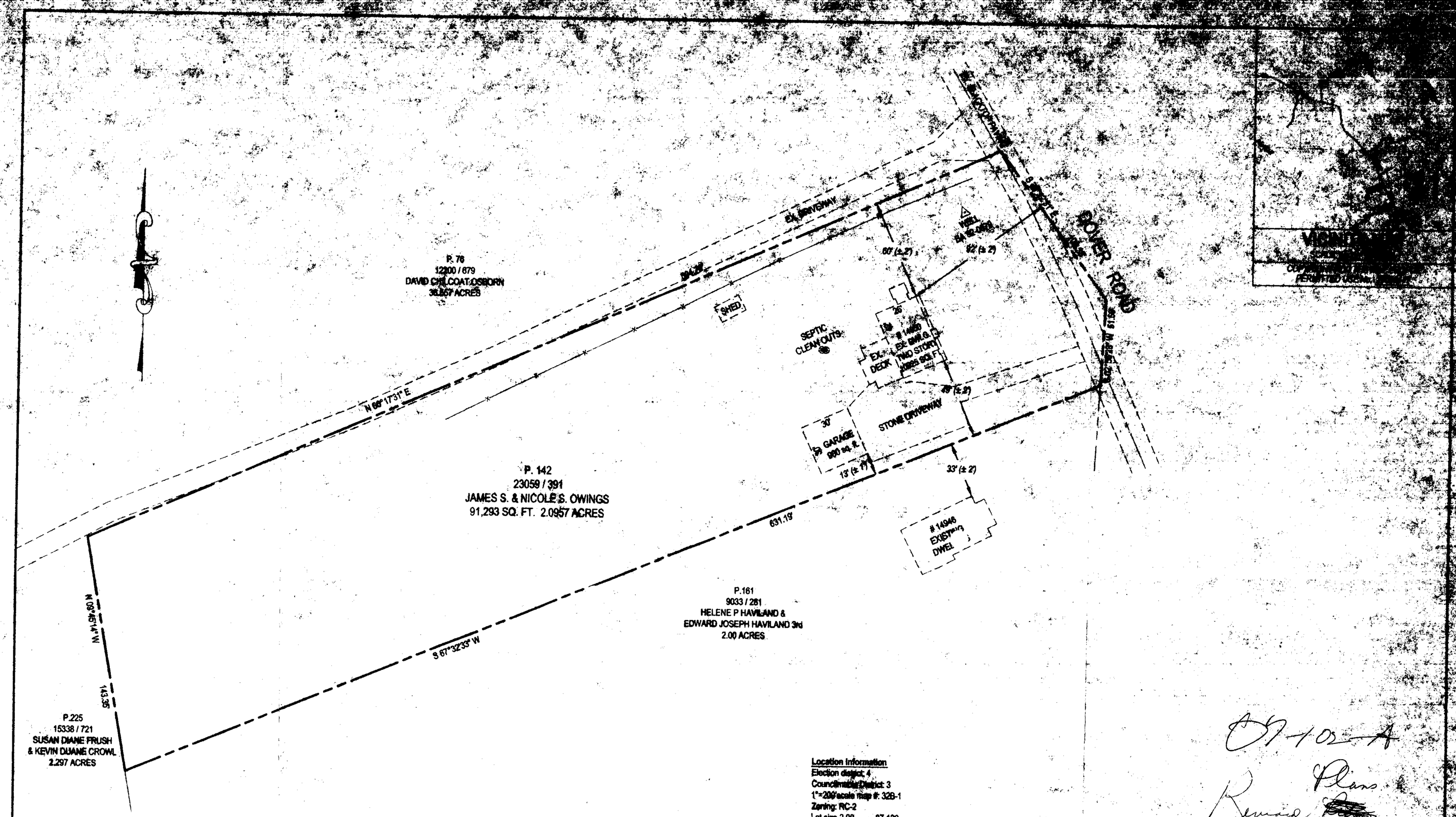
²structure \"\ *vb* **structured; structured; structuring** \-kchər, -ksh(ə)r + *-ing*\ **structures** *vt* **1 :** to form into an organized structure **:** BUILD, ORGANIZE ⟨the author has *structured* his book as a simple chronology —E.B.Pettet⟩ ⟨this book succeeds in *structuring* an admirable vantage point —J.G. Brin⟩ ⟨the male in the old-style mammal was largely *structured* for aggressive competition —Weston La Barre⟩ ⟨the way in which our collegiate education is *structured* —E.A.Walker⟩: as **a** (1) **:** STRUCTURALIZE (2) **:** to put into a meaningful frame of reference ⟨a theory to ~ empirical research⟩ ⟨the part of television in *structuring* public events⟩ **b :** to establish the relationship between components of: as (1) **:** to define the psychological relationships in ⟨~ a situation⟩ ⟨~ the perceptual field⟩ (2) **:** to formalize the role of (as a psychotherapist or a patient) (3) **:** to set up the rules or the agenda to be followed in (as an interview or a test) with respect to interpersonal conduct **2 :** to assign (a linguistic element) to a function or a relation within a system ~ *vi* **:** to function or become related — used of a linguistic element

Ret 3A

let 3B



Pd 3c



Location Information
Election district: 4
Councilmanic District: 3
1"=200' scale map #: 32B-1
Zoning: RC-2
Lot size 2.00 Acreage 87,120 Square feet

General Notes
The current Owner James S. Owings and Nicole S. Owings his wife
The current deed reference is Book 0023059 Page 0391
The existing house is a (1092 square foot) two story.
The garage is 30 x 30 (900 square feet) and is 20 feet tall.
There are no streams, stormwater management systems, drainage pipe systems on or within 50 feet of the property, and there is no 100 year floodplain.
The property is located in the 3rd Councilmanic District
The current Zoning is RC-2.
The building to the best of our belief and knowledge meets all building and fire codes.

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒
PRIOR ZONING HEARING	☐	☒

OWNER / DEVELOPER
James Owings
14950 Dover Road
Reisterstown, MD 21136
(410) 526-5601

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

JAMES S. OWINGS PROPERTY

4th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND
TAX MAP 32 GRID - 9 PARCEL 142

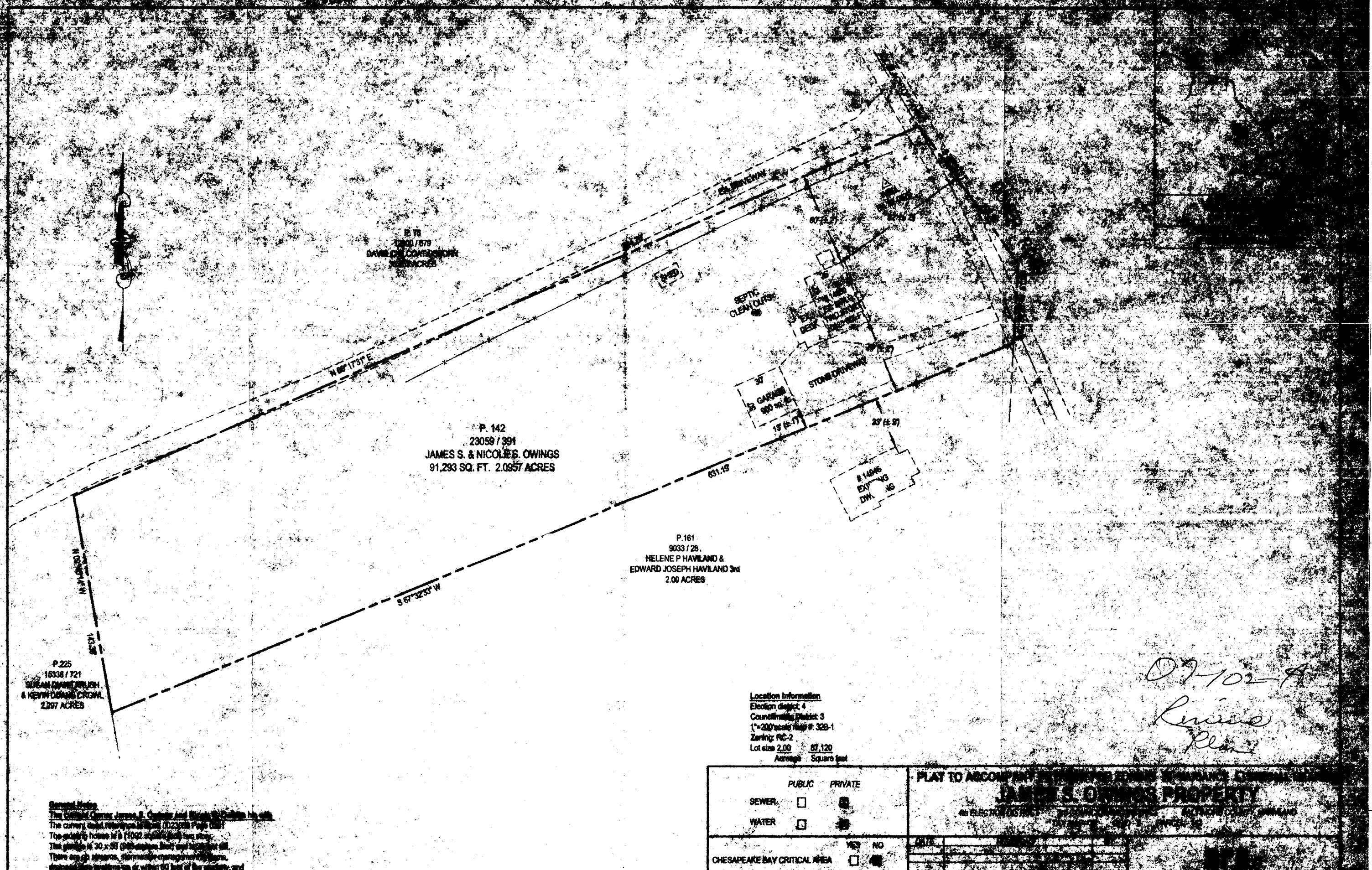
DATE	REVISION	BY

BPB Inc
SURVEYORS - LAND PLANNERS
100 Aldrich Drive
Suite 1
Westminster, Maryland 21157
Phone: (410) 857-8820
or (410) 876-0333
Fax (410) 876-1932

Date: February 1, 2006 Scale: 1"=50'

07-102-A
Plans
Revised

PETITIONER'S
EXHIBIT NO. 1



Location Information
Election district: 4
Councilmanic District: 3
1"=200'scale map #: 32B-1
Zoning: RC-2
Lot size 2.00 acreage / 87,120 Square feet

General Notes
The owner/ Owner, James S. Owings and Nicole S. Owings hereby
The current deed reference is [illegible]
The existing house is a [illegible] two story.
The garage is 30 x 30 [illegible]
There are no streams, stormwater management facilities, [illegible] or within 50 feet of the property, and there is no 100 year floodplain.
The property is located in the 3rd Councilmanic District.
The current zoning is RC-2.
The building to the best of our belief and knowledge meets all building and fire codes.

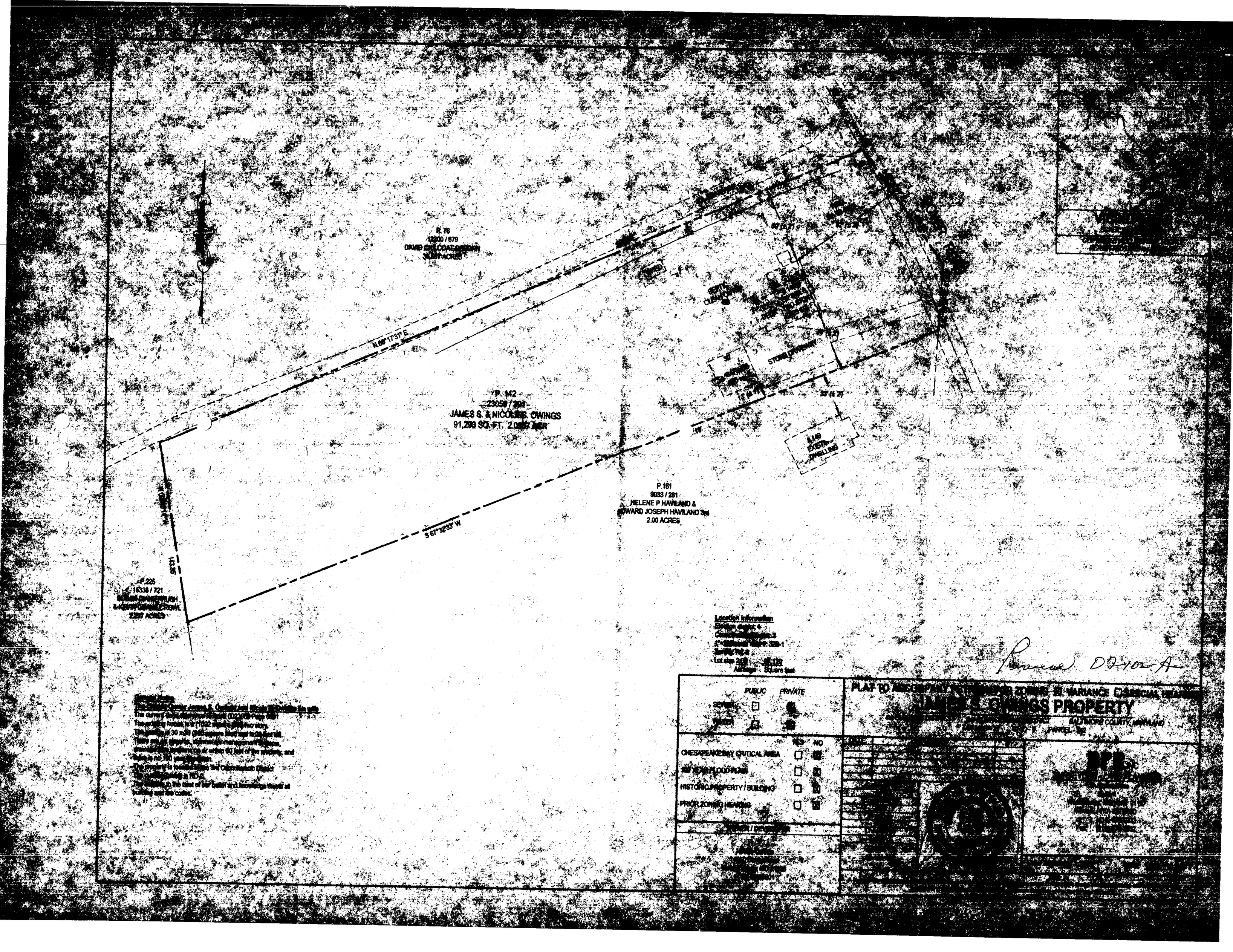
	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒
PRIOR ZONING HEARING	☐	☒

OWNER / DEVELOPER
[illegible]
14601 [illegible]
Baltimore, MD 21230
([illegible]) 5601

PLAT TO ACCOMPANY [illegible]
JAMES S. OWINGS PROPERTY
4th ELECTION DISTRICT [illegible] BALTIMORE COUNTY, MARYLAND
SCALE: 1" = [illegible]

DATE	REVISIONS


P. 76
12200 / 679
N 66°17'31" E
P. 142
23059 / 391
JAMES S. & NICOLE S. OWINGS
91,293 SQ. FT. 2.0957 ACRE
STONE DRIVEWAY
23' (± 2')
EXISTING DWELLING
P.161
9033 / 281
HELENE P HAVILAND &
EDWARD JOSEPH HAVILAND 3rd
2.00 ACRES
S 67°32'33" W
123.38'
P 225
16338 / 721
2.207 ACRES
Location Information
Square feet
PUBLIC PRIVATE
SEWER
WATER
YES NO
CHESAPEAKE BAY CRITICAL AREA
100 YEAR FLOOD PLAIN
HISTORIC PROPERTY / BUILDING
PRIOR ZONING HEARING
PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING
JAMES S. OWINGS PROPERTY
BALTIMORE COUNTY, MARYLAND
PARCEL "B"
DATE

BALTIMORE COUNTY, MARYLAND 1C2
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 20362

DATE 9/7/06 ACCOUNT R.1-006-6150

AMOUNT $ 65.00

RECEIVED FROM: J. CWINES — 14950 DARCY RD.

FOR: VARIANCE.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
9/08/2006	9/07/2006	15:11:12	2

REG MSC2 MAIL JEVA JEE
>>RECEIPT # 476348 9/07/2006 18-LH
Dept 5 528 ZONING VERIFICATION
CR NO. 020362
Recpt Tot $65.00
$65.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION