IN RE: PETITION FOR VARIANCE NW/S Beckleysville Road, 1400' SW c/l	*	BEFORE THE
Spook Hill Road	*	ZONING COMMISSIONER
(2634 Beckleysville Road) 6 <sup>th</sup> Election District 3 <sup>rd</sup> Council District	*	OF .
	*	BALTIMORE COUNTY
William E. Pfaff, et ux Petitioners	*	Case No. 08-087-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, William E. Pfaff, and his wife, Margaret E. Pfaff. Petitioners request variance relief from Section 1A09.7.B.5.b.1(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback for a proposed dwelling of 60 feet in lieu of the required 300 foot setback as determined by the Director of the Department of Environmental Protection and Resource Management (DEPRM), from an adjacent property that has received preferential agricultural assessments in the prior five (5) years. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were William E. Pfaff, on behalf of himself and his wife, property owners, and J. Scott Dallas, a consultant and property line surveyor who prepared the site plan for this property. Wally Lippincott, Jr., Land Preservation Manager with DEPRM, also appeared and participated during the hearing and provided direction on the proper location of the proposed building envelope to assure agricultural preservation. There were no Protestants or other interested persons present, however, it is noted that letters of support were received from adjacent neighbors namely, Linda Batzer, John O. Francies, William and Brenda Blevins, Karl and Kimberly Wheeler, and Wade H. Wheeler, Sr. Their letters were received as Petitioners' Exhibit 2.

Date 10 -26-07 FILING

Date By Sales Sales Sales

The subject property under consideration is a narrow, irregularly shaped parcel, environmentally constrained due to a stream and a variety of steep slopes and mature forest located in northern Baltimore County on the north side of Beckleysville Road, just west of Spook Hill Road. The property contains a gross area of 16.082 acres, more or less, zoned R.C.8 and is improved with a two-story, single-family dwelling built in 1982. The Petitioners actually purchased the property in 1977; however, Mr. Pfaff was transferred to California shortly thereafter for a period of five (5) years. The lot has 500 feet of frontage on Beckleysville Road and is over 1,800 feet deep. The size, configuration and dimensions of the parcel are described on Petitioners' Exhibit 1. The Pfaff's now desire to create a new lot to the rear or northwestern portion of the tract for their daughter, Elizabeth Lisiewski, and her husband, Jason. The proposed (Lot 1) will be approximately 5.45 acres in size. The Petitioners will retain and reside on Lot 2 which will be reduced in size to approximately 10.63 acres. Insofar as rights of subdivision, Section 1A09.7.B.1 allows density of a 16-acre contiguous tract of land to have two (2) lots provided the minimal lot area is at least three (3) acres.

As set forth above, the need for variance relief arises by virtue of the adjacent lands (to the southwest owned by Linda Batzer and to the northeast, Marshall and Mildred Whipperman) as their properties are suitable for agricultural production and entitled to agricultural or conservation easements. The regulations require, under these circumstances, that the proposed dwelling be constructed at least 300 feet from the adjacent property lines. As illustrated on the site plan, the need for *two* (2) 300-foot setbacks on a parcel 500 feet wide, a lot of record that was created long ago (prior to 1970) would preclude the Petitioners from any use of this property. There was no dispute that the property is subject to the R.C.8 environmental enhanced provisions of the B.C.Z.R. As set out above, the testimony offered revealed that the subject property is an extremely irregularly shaped parcel. Section 1A09.7.B.3 requires that for residential development (Lot 1), the maximum area of the building envelope not exceed 20,000 square feet in size. The building envelope as shown meets the size requirements of the R.C.8 zone and the new home will be temporarily accessed through the existing driveway from

Date CEIVED FOR FILING

Beckleysville Road. In this regard, Mr. Dallas stated that a private access agreement will be prepared, however, access for this new lot, a 20-foot wide paper strip, is shown giving the required 20 foot frontage on Beckleysville Road. Moreover, the testimony was that except for the relief from the 300 foot setback from adjacent agriculturally assessed property, the lot proposed on the property meets all other requirements of the R.C.8 zoning classification.

The uncontroverted testimony indicated that the location of the dwelling on Lot 1 was dictated by environmental constraints of the property. In its initial Zoning Advisory Committee (ZAC) comment, DEPRM realized that a 300-foot setback was not possible, however, recommended that the dwelling be moved to give a 200-foot setback. Messrs. Pfaff and Dallas demonstrated to the satisfaction of Wally Lippincott that to provide a 200-foot setback, while possible, would require extensive excavation given the steep slopes that run through the central portion of the property and would make driveway access difficult. The home would be moved closer to the stream and in effect be forced into the 15% slope of the land. Given the topographical grades, the proposed location, which is in a relatively flat area, provides the best possible location. In this regard, Ms. Batzer does not now farm her adjoining property, which is also heavily wooded, and she has no objection to the 60-foot setback as proposed from her property line. The testimony that the Petitioners had no role in establishing the perimeter boundary of the subject property and the narrowness of the property in this area available for Lot 1 provides justification for the variance on this proposed lot. After attending the hearing, Mr. Lippincott, in his revised ZAC comment of October 19, 2007, states that, "... it was evident that the location proposed by the landowner would have the least impact on the property because the alternative location that I recommended was steeper than the proposed location. While agricultural protection is one of the goals of R.C. 8 it is not the primary goal that is environmental protection". (Emphasis added) In brief, the layout was designed in a manner to preserve the rural character of the area, preserve scenic views and to not result in disturbance to natural vegetation and steep slopes on the subject property. No portion of the subject property or

any structure or feature thereon is included on the County's Landmarks List or the National Register of historic places.

Based upon the testimony and evidence, it is clear that there will not be any increase in residential density, beyond that otherwise allowable by the B.C.Z.R., if the requested relief is granted; two (2) lots are allowed by the R.C.8 classification and two (2) are proposed. The relief requested is the minimum relief necessary to afford relief to the Petitioners, without impact or affect upon adjoining owners. Given the extensive areas of easements dedicated to Baltimore County in this area, there will be no adverse affects on water quality as a result of the requested relief. From the testimony and evidence, it is clear that the shape, size, configuration and topography of the subject property render it unique to other properties in the area.

Pursuant to the advertising, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted. The existing and proposed use is expressly permitted as of right in the R.C.8 zone and the Petitioners would suffer real practical difficulty if the requested relief were not granted.

- 1. The Petitioners must comply with all requirements of the minor subdivision approval process for this property.
- 2. Development and use of the subject property shall comply with all environmental and forest conservation regulations as set forth in the ZAC comment submitted by DEPRM, dated October 4, 2007.

- 3. Compliance with the ZAC comment submitted by the Office of Planning, dated September 26, 2007, relative to the spirit and intent of Sections 100.1.A.2 and 1A09 of the B.C.Z.R. A copy of this comment has been attached hereto and is made a part hereof.
- 4. The proposed dwelling may be subject to inconveniences or discomforts arising from agricultural operations including but not limited to: noise, odors, fumes, dust, the operations of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure and the application by spraying or otherwise of chemical fertilizers. The County shall not consider an agricultural operation to be a public or private nuisance, if the operation complies with these regulations and all federal, state, or county health or environmental requirements.
- 5. When applying for a building permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

Any appeal of this decision shall be entered within thirty (30) days of the date hereof.

ILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

October 26, 2007

William E. Pfaff Margaret E. Pfaff 2634 Beckleysville Road Millers, Maryland 21102

RE: PETITION FOR VARIANCE

NW/S Beckleysville Road, 1400' SW c/l Spook Hill Road

(2634 Beckleysville Road)

6<sup>th</sup> Election District - 3<sup>rd</sup> Council District

William E. Pfaff, et ux – Petitioners

Case No. 08-087-A

Dear Mr. and Mrs. Pfaff:

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

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

Very July yours,

VILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw Enclosure

c: J. Scott Dallas, P.O. Box 26, Baldwin, MD 21013
People's Counsel; Wally Lippincott, Jr., DEPRM; Office of Planning; File

#### BALTIMORE COUNTY, MARYLAND

#### **Inter-Office Correspondence**





TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

October 4, 2007

SUBJECT:

Zoning Item # ·08-87-A

Address

2634 Beckleysville Road

(Pfaff Property)

Zoning Advisory Committee Meeting of August 27, 2007

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

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

#### Additional Comments:

Recommend moving the dwelling to give a 200 foot setback. While the 300 foot setback is not possible, a 60 foot setback is not acceptable when it appears that the developer could provide for a greater distance. -W. S. Lippincott; Agricultural Preservtion

The proposed lots must conform to COMAR regulations concerning well and septic locations. -S. Farinetti; Ground Water Management

Reviewer:

Jonathan Bowman

Date: 9/27/07

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

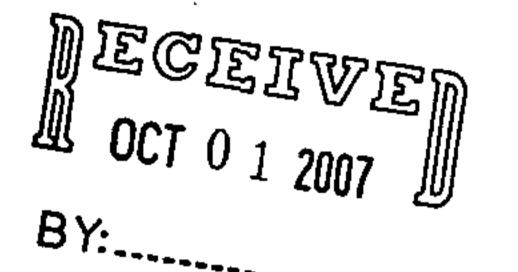
Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**DATE:** September 26, 2007



SUBJECT: Zoning Advisory Petition(s): Case(s) 08-087 Variance

The office of Planning does not oppose the petitioner's request. However, the subject property is zoned RC 8. As such, before the approval of any concept plan, development plan, limited exemption, special exception plan or variance, the Director of Planning or his designee must certify in a written finding that the plan, exemption, or variance is consistent with the spirit and intent of Sections 100.1.A.2 and 1A09 of the Baltimore County Zoning Regulations (BCZR).

To support the finding, the petitioner shall provide the following information to this office for review and approval prior to the issuance of any building permits:

- 1. Cross-section of Beckleysville Road indicate how the proposed dwelling will impact the scenic route.
- 2. Building elevations indicating that the proposed dwelling is compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 3. Orient the front of the proposed dwelling towards Becklysville Road and incorporate prominent entries and porches or stoops in the front building façade.
- 4. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
- 5. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
- 6. Ensure that exterior of all buildings use the same finish materials and architectural details on all front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
- 7. Provide natural and unorganized landscaping along the public road.

- 8. Submit a written analysis that explains how any deviation from the above cited sections, standards was necessary to:
- a. Meet another standard or guideline;
- b. Comply with environmental regulations or otherwise protected resources; or,
- c. Achieve the best possible design based on the goals in Section 1A09.1.B of the BCZR.
- 9. Submit a minor subdivision plan.

For further questions or additional information concerning the matters stated herein, please contact Jessie Bailek in the Office of Planning at 410-887-3480.

Reviewed By:

**Division Chief:** 

CM/LL

#### J. S. DALLAS, INC.

**SURVEYING & ENGINEERING** 

13523 LONG GREEN PIKE P.O. BOX 26 BALDWIN, MD 21013 (410) 817-4600 FAX (410) 817-4602

## ZONING DESCRIPTION PROPOSED LOT 1 (PART OF #2634 BECKLEYSVILLE ROAD) PART OF P. 298

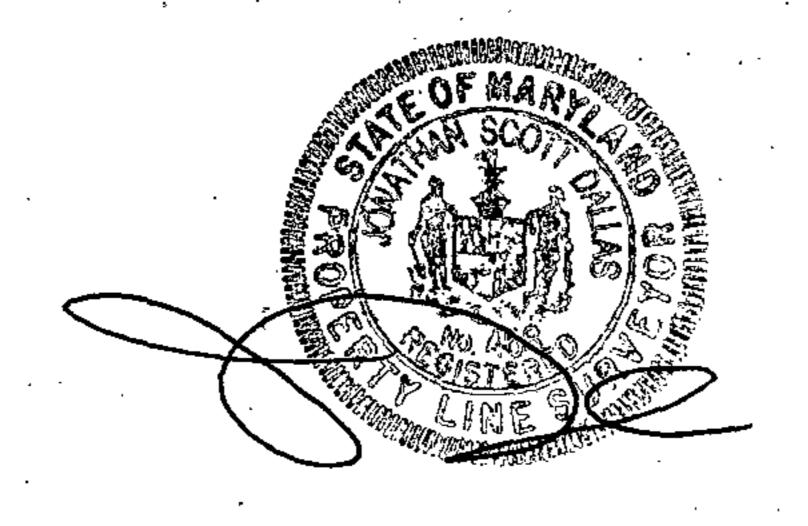
BEGINNING for the same at a point in the center of Beckleysville Road Road, at the distance of 1400', more or less, southwesterly from the center of Spook Hill Road thence the six following courses and distances (1)North 33 degrees 39 minutes 14 seconds West 755.95 feet (2) North 30 degrees 52 minutes 58 seconds West 848.47 feet (3) South 48 degrees 13 minutes 10 seconds West 305.25 feet (4) South 35 degrees 09 minutes 32 seconds East 788.62 feet (5) North 60 degrees 54 minutes 49 seconds East 221.15 and (6) South 33 degrees 39 minutes 14 seconds East 755.95 feet to intersect said center of Beckleysville Road thence running with and binding on said center of Beckleysville Road (7) North 51 degrees 41 minutes 20 seconds East 20.07 feet to the place of beginning.

#### CONTAINING 237254 square feet or 5.45 acres of land, more or less.

**BEING** a part of that parcel which by deed dated April 17, 1975 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5522 folio 610 etc. was conveyed by Joseph F. Stielper and Elva E. Stielper, his wife to William E. Pfaff and Margaret E. Pfaff, his wife.

**ALSO** being a part of # **2634 Beckleysville Road** and located in the 6th Election District 3<sup>rd</sup> Councilmanic District.

Note: above description is for zoning purposes only.



Item#087

						Milliant that, the land							CASHIER'S	VALIDATION	
											-			्रे सुरक्ति स्रोक्ति	
	10		lount				-	1 × 1				1	4	χ.	
2	8/20		Am S		-		Y ar	2 77 8			4-1	1		CUSTOME	•
2	Date:	BS	Acct			**		*			+08		) 4 6	rellow -	*
	,- ,- ,-	Rept	Carg			 #1,		Total:	·	-	F 08				
	· - · .	Sub	L CONTRACT	4 T	1 2 4 4	THE PLANE					050 7				<i>y-</i> .
AND		Rev	300mm			,	· F	, <b>,</b> , , , , , , , , , , , , , , , , ,	-			***		ENCY	_***
MARYL ND FINA		Sub	5	1 1		, 14	री <sub>य</sub> के किंद }		•		CHVING	1		PINK AC	,
OUNTY; DGET AI US REC	~		Olgii	*					•		A. Jun	7			•
OF BUILANEO		Ασσ	000				1 4	,	-11		S. Care	-		ASHIER	
BALTIN OFFICE MISCEL	- T	֖֓֞֞֞֝֟֝֓֞֟֝֓֓֓֟֝֟֝֟ ֖֖֖֖֖֖֖֖֖֓	100	) )-/	- J			- d -	Kec Fom:		For:			DISTRIBU WHITE - C	•
	i .		:	· ·	-	-	. *					•		. •	

•

•

•

•

# NOTICE OF ZONING HEARING

The Zoning Commissioner of Baitimore County, by authority of the Zoning Act and Regulations of Baitimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #08-087-A

2634 Beckleysville Road
N/west side of Beckleysville Road, 1400 feet +/- s/west centerline Spock Hill Road
8th Election District - 3rd Councilmanic District
Legal Owner(s): William E. & Margaret E. Pfaff
Variance: to permit a side yard setback for a proposed dwelling of 60 feet in lieu of the required 300 as determined by the Director of Department of Environmental Protection & Resource Management.

Hearing: Thursday: October 11, 2007 at 11:00 a.m. in Room 106, County Office Building, 111 West Chesa-

# **#** = !

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/9/736 Sept. 18

9/20	
. 200	

in the following weekly newspaper published in Baltimore County, Md., once in each of THIS IS TO CERTIFY, that the annexed advertisement was published 200 successive weeks, the first publication appearing

Willeman

LEGAL ADVERTISING



#### Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at	2634	Beckl	<u>eysvi</u>	lle	Road
which is					-

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) 1A09.7.B.5.b.(1).(a) - to permit a side yard setback for a proposed dwelling of 60 feet in lieu of the required 300 as determined by the Director of the Dept. of Environmental Protection & Resource Mamt. of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

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

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

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

#### Contract Purchaser/Lessee: Legal Owner(s): William E. Pfaff Name - Type or Print Name - Type or Philit Signature -8ignature Pfaff Margaret Address Telephone No. City State Zip Code Signature / C/O Ron Coleman 2634 Beckleys ville Rd. Attorney For Petitioner: 443-392-6053 Address Telephone No. Millers 21102 MD Name - Type or Print City State Zip Code Representative to be Contacted: Signature J. Scott Dallas Company Name P. 0. Box 26 410-817-4600 Address Telephone No. Address Telephone No. Baldwin MD 21013 City State Zip Code City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. 08 - 087- A WHATAILABLE FOR HEARING Reviewed By Date REV 9/15/98

JAIDER RECEIVED FOR FILING

**8**y

#### CERTIFICATE OF POSTING

	•			
		Date:_	9-26-07	
Peti Dat	tioner/Developer:e of Hearing/Closing:s is to certify under the pre posted conspicuously	Act 11, 2007	the necessary sign(s at 2634 Bec	required kleysville
The	e sign(s) were posted on	9-26-0 (Month, E	7 Day, Year)	
\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	CH PHOTOGRAPH OF CH POSTED ON PROPERTY UERE	J. (Pri	Signature of Sign Po AWRENCE Inted Name of Sign For Sign Poly Bar eet Address of Sign State, Zip Code of Sign Poly Poly Poly Poly Poly Poly Poly Poly	Pilson Poster) Poster) Sign Poster)

Revised 3/1/01 - SCJ

### LUNING NOTICE

CASE # <u>08-087-A</u>

#### A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

COUNTY OFFICE BLOG FROM 106

PLACE: III W. CHESAPEAKIE AHE. TOWNON ZIZED

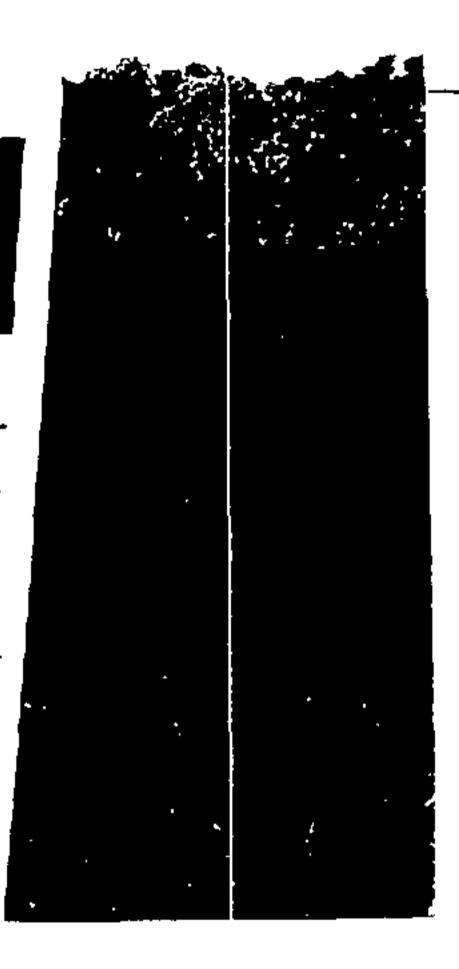
DATE AND TIME: THE SECTION 2007 11 ANT

REQUEST: YARIANCE TO PERMIT 4 SIDEYARD

SETBACK FOR A PROPOSED DIELLIG OF 60 FEET

IN LIEU OF THE PREQUIRED 300 AS DETERMINED BY THE VIRECUR OF ENVIRONMENTAL PROTECTION AND PRODUCE.

AR COMMITONS ARE SOMETIMES RECESSIFIC MARKENTERST



PETITION FOR VARIANCE RE:

2634 Beckeysville Road; NW/S Beckleysville

Rd, 1400' SW c/line Spook Hill Road

6<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s): William & Margaret Pfaff \*

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

**BALTIMORE COUNTY** 

08-087-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

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of September, 2007, a copy of the foregoing Entry of Appearance was mailed to, J. Scott Dallas, P.O. Box 26, Baldwin, MD 21013, Representative for Petitioner(s).

WECEIVED

SEP 1 3 2007

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Subj:

2634 Beckleysville

Date:

7/12/2007 1:31:46 P.M. Eastern Daylight Time

From:

wlippincott@baltimorecountymd.gov

To:

Jsdinc@aol.com

CC:

dlykens@baltimorecountymd.gov

#### Mr. Dallas,

Again I apologize for the delay in responding to your requests on this issue. The materials you submitted upon my request indicate that the property is adjacent on three sides to properties that are currently receiving an Agricultural Preferential Assessment. According to BCZR 1A09.7B5B.1.A any proposed dwelling or accessory structure must be 300 feet from the adjacent agricultural properties.

Wally Lippincott, Jr., DEPRM

Wally Lippincott, Jr. Balto County DEPRM (410)887-3776

Item#087



JAMES T. SMITH, JR.
County Executive

TIBEPHERNDEROTRO2007 irector

Department of Permits and

Development Management

#### **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: 08-087-A** 

2634 Beckleysville Road

N/west side of Beckleysville Road, 1400 feet +/- s/west centerline Spook Hill Road

6<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: William E. & Margaret E. Pfaff

<u>Variance</u> to permit a side yard setback for a proposed dwelling of 60 feet in lieu of the required 300 as determined by the Director of Department of Environmental Protection & Resource Management.

Hearing: Thursday, October 11, 2007 at 11:00 a.m. Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Mr. & Mrs. Pfaff, 2634 Beckleysville Road, Millers 21102 J. Scott Dallas, P.O. Box 26, Baldwin 21013

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, SEPT. 26, 2007.

- (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, September 25, 2007 Issue - Jeffersonian

Please forward billing to:

William & Margaret Pfaff 2634 Beckleysville Road Millers, MD 21102 1-443-392-6053

#### 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: 08-087-A

2634 Beckleysville Road

N/west side of Beckleysville Road, 1400 feet +/- s/west centerline Spook Hill Road 6<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: William E. & Margaret E. Pfaff

<u>Variance</u> to permit a side yard setback for a proposed dwelling of 60 feet in lieu of the required 300 as determined by the Director of Department of Environmental Protection & Resource Management.

Hearing: Thursday, October 11, 2007 at 11:00 a.m. 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.

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

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 08-087-4
Petitioner: William E. and Margaret E. Pfaff
Address or Location: #2634 Beckleysville Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: William E. and Margaret E. Pfaff
Address: # 2634 Beckleysville Road
Millers, MD. 21102
Telephone Number: 40 Ron Coleman 1-443-392-6053



JAMES T. SMITH, JR.
County Executive

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

October 3, 2007

William E. Pfaff Margaret E. Pfaff 2634 Beckeysville Road Millers, Maryland 21102

Dear Mr. and Mrs. Pfaff:

RE: Case Number: 08-087-A, 2634 Beckeysville Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 20, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel

J. Scott Dallas P.O. Box 26 Baldwin 21013

Miscellaneous Permit & License Processing | County Office Building 111 West Chesapeake Avenue, Room 101 | Towson, Maryland 21204 Phone 410-887-3616 | Fax 410-887-4578 | Animal Licenses 410-887-3630 www.baltimorecountymd.gov

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

DATE: September 26, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 08-087 Variance

The office of Planning does not oppose the petitioner's request. However, the subject property is zoned RC 8. As such, before the approval of any concept plan, development plan, limited exemption, special exception plan or variance, the Director of Planning or his designee must certify in a written finding that the plan, exemption, or variance is consistent with the spirit and intent of Sections 100.1.A.2 and 1A09 of the Baltimore County Zoning Regulations (BCZR).

To support the finding, the petitioner shall provide the following information to this office for review and approval prior to the issuance of any building permits:

- 1. Cross-section of Beckleysville Road indicate how the proposed dwelling will impact the scenic route.
- 2. Building elevations indicating that the proposed dwelling is compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 3. Orient the front of the proposed dwelling towards Becklysville Road and incorporate prominent entries and porches or stoops in the front building façade.
- 4. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
- 5. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
- 6. Ensure that exterior of all buildings use the same finish materials and architectural details on all front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
- 7. Provide natural and unorganized landscaping along the public road.

- 8. Submit a written analysis that explains how any deviation from the above cited sections, standards was necessary to:
- a. Meet another standard or guideline;
- b. Comply with environmental regulations or otherwise protected resources; or,
- c. Achieve the best possible design based on the goals in Section 1A09.1.B of the BCZR.
- 9. Submit a minor subdivision plan.

For further questions or additional information concerning the matters stated herein, please contact Jessie Bailek in the Office of Planning at 410-887-3480.

Reviewed By:

**Division Chief:** 

CM/LL



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

#### Maryland Department of Transportation

Date: SEPTEMBER 2, 2007

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

RE:

Baltimore County

Item No. 8-87-A

2634 BECKEYSVILLE ROAD

PFAFF PROPERTY

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. 8-87A.

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,

Lup

Steven D. Foster, Chief U Engineering Access Permits

Division

SDF/MB

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545 0300 · www.marylandroads.com

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 4, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For September 3, 2007 Item Nos. 08-087, 089, 091, 092, 093, 094, 095, 096, 097, 098, 100, 101, and 104

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-08302007.doc

#### 1A09.7 Development area and standards.

A. Maximum height. No structure with a height greater than 35 feet is permitted, except as otherwise provided under Section 300.

#### B. Area regulations.

1. Maximum lot density. A contiguous tract of land, whether or not in one or more parcels, not part of an approved subdivision may be developed in an R.C. 8 Zone at the following density:

Number of Acres	Number of Lots
1 to 10	1
10 to 30	2
30 to 50	3
51 acres or more	.02 lot per acre

- 2. Lot area. The area of any proposed residential lot in a major or minor subdivision must not be less than three acres.
- 3. Building envelope. For residential development, the maximum area of the building envelope on any residential lot other than a farm is 20,000 square feet, and no single dwelling, garage or accessory building shall have a building footprint that exceeds 5,000 square feet. The placement of the building envelope is determined on the basis of:
  - a. The goals for the zone; and
  - The minimum setbacks for the zone.
- 4. Minimum development allowance. Any lot of record or parcel of land lawfully existing on August 6, 2004, may be developed with a single dwelling.
- 5. Setbacks.
  - a. Any principal building constructed in an R.C. 8 Zone shall be situated at least:
    - (1) Thirty-five feet from the right-of-way of public or private interior streets;
    - (2) Eighty feet from any principal building; and
    - (3) Fifty feet from the rear lot line.

Ъ.

(1) As determined by the Director of DEPRM, any dwelling or accessory residential structure to be constructed shall be located at least 300 feet from an adjacent

#### property that is either:

- (a) Cultivated or used for pasture, or received preferential agriculture assessment at any time over the past five years;
- (b) Land that is suitable for agriculture production, excluding forestry, that is not in production as part of a federal or state conservation program; or
- (c) Land that is suitable for agriculture production, excluding forestry, and is subject to an agricultural or conservation easement.
- (2) A modification to a residential dwelling in existence prior to August 6, 2004, is exempt from the requirements of this subsection.
- 6. Impervious surface coverage, nonresidential development. Except for residential lots which are subject to a building envelope restriction, no more than 5% of any lot may be covered by impervious surfaces such as structures or pavement.
- 7. Historic properties. No building or structure on a development tract which is officially included on the preliminary or final list of the Landmarks Preservation Commission or the National Register of Historic Places, or which is subject to an easement held by the Maryland Historical Trust will be counted as a lot or dwelling for purposes of calculating density, provided that:
  - a. There is an area of sufficient size, as determined by the Director of Planning in consultation with the Landmarks Preservation Commission or Maryland Historical Trust, surrounding the building, structure or landmark to preserve the integrity of its historic setting;
  - b. An overall photographic and written description of the building, structure or landmark identified has been submitted and is determined to be in compliance with the Secretary of the Interior's standards for the treatment of historic properties;
  - c. Documentation of the preservation, restoration and protection for the building, structure or landmark has been approved by the Director of Planning in consultation with the Maryland Historical Trust prior to issuance of any building permit; and
  - d. When provisions of this paragraph apply to any development, the conditions for approval must be noted on the concept plan and development plan, or the minor subdivision plan.
- C. Performance standards. Conditions for approval pursuant to this section must be noted on the concept plan and development plan, or minor subdivision plan. The following standards are

intended to foster creative development that promotes the goals stated in Section 1A09.1.B.

 Stormwater management. Stormwater management facilities shall be integrated into the site design to utilize nonstructural practices unless it is demonstrated that this is not possible.

#### 2. Buildings.

- a. Buildings must be located on the least visually prominent portion of the site from the public road, consistent with effective resource protection, except where appropriate to continue an established pattern of development along the edge of the road.
- b. Buildings should reflect the traditional rural character of the area in architectural form, scale, materials and detailing and in landscaping context.
- c. Dwellings and other principal use buildings should be front-oriented to public rights-of-way; reverse-fronted lots generally will not be permitted.
- d. All of the exterior walls of a building must be treated similarly with respect to materials, color and architectural details.
- e. Structures accessory to residential use, excluding agricultural buildings, but including solar panels, antennas and storage sheds, are not permitted in the front yard of any principal use. Section 400.1 is not applicable in an R.C. 8 Zone; however, the height of accessory structures is subject to the provisions of Section 400.
- f. If buildings are located in open fields because of site constraints, additional landscaping and berms, or either of them, may be required to soften views.
- 3. Roads, parking areas and storage areas.
  - a. Interior roads must conform to Baltimore County's standards for rural roads, and no paved section of road may exceed a width of 18 feet, except for turnaround areas.
  - b. Curbing must not be used unless required for storm drainage, as determined by the Department of Public Works.
  - c. Perimeter fencing of residential properties must be in keeping with rural character. Fences must be either split rail or board on post, and the type of fence must be consistent throughout the development.
  - d. Off-street parking and vehicle or equipment storage areas, when necessary for nonresidential or non-farm uses, must be visually screened by fencing, buildings or vegetation, or a combination thereof, from the public roads and dwellings.

- e. Areas for the outside storage of materials or supplies for nonagricultural commercial uses, except merchandise offered for sale by antique shops, must be visually screened by fencing, buildings or vegetation, or a combination thereof, from all public roads and dwellings.
- f. Lighting, such as streetlights, elevated security lights, floodlights, high-intensity house and barn lights are not permitted. However, low-intensity, low-level accent lights and sensor lights no more than 20 feet above the ground may be requested as part of the development review. The light fixtures should be of a style that diffuses light by use of full cutoffs.
- 4. Screening. Visual screening for privacy or to block distracting views should be natural in appearance and sensitive to grade relationships. Screens should not disrupt the harmony of the natural landscape or obstruct scenic views.
- 5. Signs.
  - a. Community signs are prohibited. Subdivisions may be identified by street signs.
  - b. A nonresidential principal use may be identified by:
    - (1) An enterprise sign, subject to Section 450; or
    - (2) An identification sign, subject to Section 450.
- 1A09.8 Inconveniences arising from agricultural operations. Any dwelling in an R.C. 8 or adjacent zone may be subject to inconveniences or discomforts arising from agricultural operations. These may include noise, odors, fumes, dust, the operation of machinery during any twenty-four-hour period, the storage and disposal of manure and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. The County shall not consider an agricultural operation to be a public or private nuisance if the operation complies with these regulations and all federal, state or county health or environmental requirements.

# PLEASE PRINT CLEARLY

CASE NAME D8 - 087.

CASE NUMBER 10 - 11 - 57

# PETITIONER'S SIGN-IN SHEET

E- MAIL	WEPPAFFE GMC487. NE	isdinc@go/.com								
CITY, STATE, ZIP	m. Likees mis 21100	Baldwn Mp. 21013	NIT WESSAGE	Lane 123 A.M.	SI GOD HAMBER EXTENSION	DI EASE CALL	PUSH SPECIAL ATTENTION	W. Allerander		
ADDRESS	26.34 Beekle Knille Ro	R.O. Box 26		DATE LOST	PHONE (10.	AREA CODE TEIPHONED	WANTS TO SEE YOU HET URINED YOUR CALL	MESSAGE	2 munum	SIGNED SIGNED
1 & NAME,	Me Charles	J. Scott Dallas								

From:

Debra Wiley

To:

Lippincott, Wallace

Date:

10/19/07 8:30:25 AM

Subject:

Case 08-087-A - 10/11/07 - 2634 Beckleysville Rd. - (Pfaff)

Good Morning Wally,

Bill asked me to contact you regarding the above-referenced case that was heard on October 11th. He believes you were working on a Revised comment for this case and was asking if he could get that comment today since he'd like to work on the Order over this weekend.

Please advise at your earliest convenience.

Thanks for your usual cooperation and have a great day !!

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

#### BALTIMORE COUNTY, MARYLAND

#### ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

#### **Inter-Office Correspondence**

TO:

Development Coordination DATE: October 19, 2007

FROM:

Wally Lippincott, Jr.

SUBJECT: 2634 Beckleysville Road – 08-87-A – Revised Commnet

Request is for relief for a 60' setback instead of the required 300' setback from the adjacent agricultural property. The 300' setback cannot be achieved in this instance because of the width of the property.

Earlier comment recommended an alternative location to what was shown on the plan. In reviewing the plan at the Special Hearing it was evident that the location proposed by the landowner would have the least impact on the property because the alternative location that I recommended was steeper than the proposed location. While agricultural protection is one of the goals of RC 8 it is not the primary goal that is environmental protection.

If you have any questions, please contact me at Ext. 3776.

From:

Debra Wiley

To:

jsdinc@aol.com

Date:

10/24/07 2:32:30 PM

Subject:

Re: Fwd: Case 08-087-A - 10/11/07 - 2634 Beckleysville Rd. - (Pfaff)

Mr. Dallas,

As promised, please find attached Wally Lippincott's Revised comment, dated October 19th. Thanks.

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

Case No.: 08-087-A 2634 BECKLEYS VILLE RD

#### **Exhibit Sheet**

#### Petitioner/Developer

#### Protestant

No. 1	SITE PLAN	
No. 2	Lettres OF SUADRT	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		
		}

#### William E. Pfaff 2834 BECKLEYSVILLE ROAD MILLERS, MARYLAND 21107

August 22, 2007

Mrs. Linda Batzer 2658 Beckleysville Road Millers, Maryland 21102

#### Dear Linda:

Maggie and I are requesting a subdivision of our property located at 2634 Beckleysville Road. We are requesting this subdivision for our daughter Elizabeth and her husband. We will be breaking off 3.8 acres, in the rear of our property, so that they may build a home. This subdivision will not affect you property taxes in anyway.

If you do not contest this subdivision we would appreciate you signing below and returning this letter to us in the enclosed sell addressed stamped envelope.

Sincerely:

Signature

\*

Maggie & Buil William E. Pfaff Margaret E. Pfaff

The undersigned owner of 2658 Beckleysville Road does not contest the subdivision of 2634 Beckleysville Road.

8-29-07

Date

PETITIONER'S

EXHIBIT NO.

#### William E. Pfaff

2634 BECKLEYSVILLE ROAD MILLERS, MARYLAND 21107

August 22, 2007

Mr. John O. Francies 2631 Beckleysville Road Millers, Maryland 21102

Dear John:

Maggie and I are requesting a subdivision of our property located at 2634 Beckleysville Road. We are requesting this subdivision for our daughter Elizabeth and her husband. We will be breaking off 3.8 acres, in the rear of our property, so that they may build a home. This subdivision will not affect you property taxes in anyway.

If you do not contest this subdivision we would appreciate you signing below and returning this letter to us in the enclosed sell addressed stamped envelope:

Sincerely:

Maggie a Bull William E. Pfaff

Margaret E. Pfaff

The undersigned owner of 2631 Beckleysville Road does not contest the subdivision of 2634 Beckleysville Road.

Antin Co. Francisco / - 8,223 2 a 0 7
ignature Date

#### William E. Pfaff 2634 BECKLEYSVILLE ROAD

MILLERS, MARYLAND 21107

August 22, 2007

Mr. & Mrs. Joseph W. Blevins 2618 Beckleysville Road Freeland, Maryland 21053

Dear Mr. & Mrs. Blevins:

Maggie and I are requesting a subdivision of our property located at 2634 Beckleysville Road. We are requesting this subdivision for our daughter Elizabeth and her husband. We will be breaking off 3.8 acres, in the rear of our property, so that they may build a home. This subdivision will not affect you property taxes in anyway

If you do not contest this subdivision we would appreciate you signing below and returning this letter to us in the enclosed sell addressed stamped envelope. Sincerely:

William E. Pfaff

Margaret E. Pfaff

The undersigned owners of 2618 Beckleysville Road do not contest the subdivision of 2634 Beckleysville Road.

Signature

Date

Signature

Date

#### William E. Pfaff

2634 BECKLEYSVILLE ROAD MILLERS, MARYLAND 21107

August 22, 2007

Mr. Karl R. Wheeler, Sr. + Mrs. Lim wheeler Mr. Wade H. Wheeler, 52. 2641 Beckleysville Road Millers, Maryland 21102

Dear Mr. Wheeler,

Mr. & Mrs. Wade Wheeler:

Maggie and I are requesting a subdivision of our property located at 2634 Beckleysville Road. We are requesting this subdivision for our daughter Elizabeth and her husband. We will be breaking off 3.8 acres, in the rear of our property, so that they may build a home. This subdivision will not affect you property taxes in anyway.

If you do not contest this subdivision we would appreciate you signing below and returning this letter to us in the enclosed sell addressed stamped envelope.

Sincerely:

MarganteBill William E. Pfaff

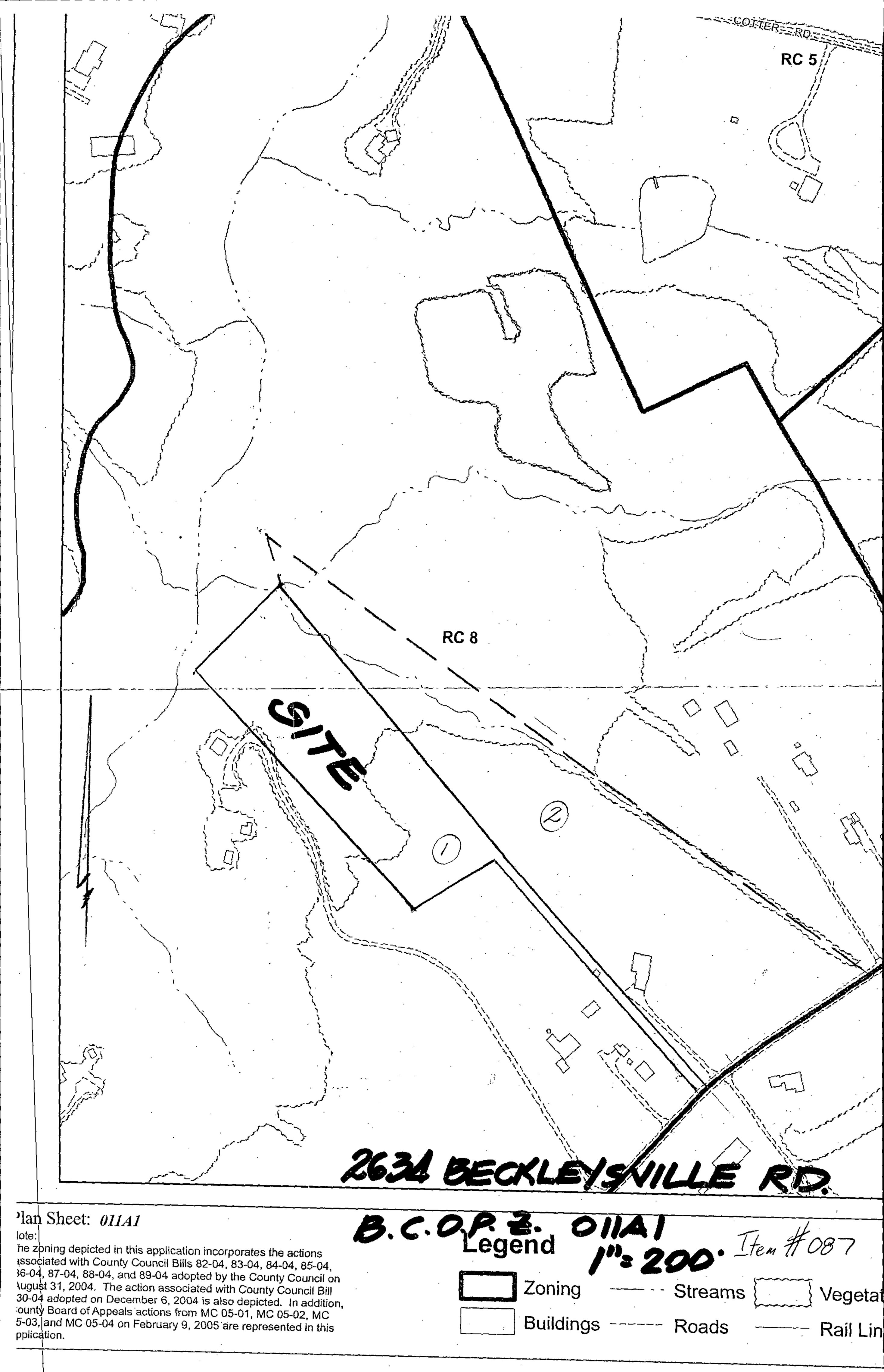
Margaret E. Pfaff

The undersigned owners of 2641 Beckleysville Road do not contest the subdivision of 2634 Beckleysville Road.

Date

Signature

Date



ETITIONER'S

-

14 m # 087