

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
W side Hernwood Road, 328 feet S of		
c/l of Marriotsville Road	*	DEPUTY ZONING
2 nd Election District		
4 th Councilmanic District	*	COMMISSIONER
(3637 Hernwood Road)		
	*	FOR BALTIMORE COUNTY
Charles R. Brown		
<i>Petitioner</i>	*	Case No. 2009-0096-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Charles R. Brown, the legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a 14 foot high pole barn on a lot without a principal dwelling. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing was Petitioner Charles R. Brown. There were no Protestants or other interested citizens in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped lot containing approximately 11,850 square feet or 0.27 acres, more or less, zoned R.C.5. The property is located on the east side of Hernwood Road, south of Marriotsville Road, in the Hernwood area of western Baltimore County. Petitioner submitted an aerial photograph of the subject property, which was marked and accepted into evidence as Petitioner's Exhibit 2. The photograph reveals that the property is essentially a vacant, wooded lot on which Petitioner proposes to construct a 14 foot high pole barn measuring 50 feet by 60 feet.

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Further evidence shed additional light on the nature of the area surrounding the subject property. Petitioner submitted a series of photographs, which were marked and accepted into evidence as Petitioner's Exhibits 3A through 3H. The photographs, along with the testimony of Mr. Brown, revealed that he along with his daughter, Kerry Brown, owns an additional triangular piece of property located off the southeast corner of the vacant lot on which Petitioner proposes to construct the pole barn. That triangular property contains a single-family dwelling with a large deck area located in the southwest corner of the property. Both properties are accessed through a right of way running from Hernwood Road. Directly north of the subject property is an irregular-shaped parcel that is owned by Petitioner's sister and her husband. Two unrelated parties own larger properties to the west and south of the subject property. Although the proposed pole barn is partially shielded by surrounding vegetation, the photograph accepted into evidence as Petitioner's Exhibit 3A reveals that it would be visible from several surrounding homes.

Petitioner testified at the public hearing that he wishes to construct a pole barn to store approximately 20 classic cars, 12 of which he has already restored, and 8 of which are a works in progress. Restoring and owning antique cars is a hobby of Petitioner, and this pole barn would assist him by housing the cars and shielding them from the elements. Petitioner submitted a brochure depicting the type of structure that he proposes to construct. The brochure, which was marked and accepted into evidence as Petitioner's Exhibit 4, shows a two bay barn that is approximately one half of the size of the four bay barn that Petitioner proposes to construct. The look and style, however, would be similar to that which is shown on Petitioner's Exhibit 4.

The Zoning Advisory Committee comments were received and are made part of the record of this case. A comment was received from the Office of Planning dated November 6,

4.3.09 2

2008 indicating that an inspection of the site and discussion with Petitioner revealed that the purpose of the requested pole barn is to store antique cars. The Planning Office goes on to state that storage of antique cars is considered a storage garage when no principal building is involved. The intent of the R.C.5 Zone is to provide for rural residential development in areas of the County where public water and sewer are not anticipated, and it is intended that the placement of this Zone will eliminate encroachment onto productive agricultural and watershed areas. The footprint of the proposed pole barn is larger than most large houses and is proposed for a lot of 0.27 acre -- much smaller than the 1.5 acres required for a single-family residence. In addition, the setbacks proposed for the pole barn are less than the required setbacks for residential uses in an R.C.5 Zone. As such, the Office of Planning recommends denial of the requested special hearing. Comments were received from the Department of Environmental Protection and Resource Management dated November 6, 2008, which indicate that the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, must comply with the Forest Conservation Regulations, and must comply with the Chesapeake Bay Critical Area Regulations.

Based on the testimony and evidence presented, I am not convinced Petitioner's proposed pole barn is an appropriate use at this site and am thus not persuaded to grant Petitioner's special hearing request in this case. As the Office of Planning noted, the proposed use of the subject property is not consistent with the purpose and intent of the R.C.5 Zone. The R.C.5 Zone is dedicated to providing rural residential development in areas of the County where public water and sewer are not anticipated, and is intended that the placement of this Zone will eliminate encroachment onto productive agricultural and watershed areas. Constructing a large,

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uninhabited storage barn on a currently unimproved lot will not further the spirit and intent of the R.C.5 Zone.

The proposed pole barn would also violate several of the specific criteria for development in the R.C.5 Zone. The footprint of the proposed pole barn would be larger than most large houses and is proposed for a lot of 0.27 acre -- much smaller than the minimum 1.5 acres required for a single-family residence. In addition, the setbacks proposed for the pole barn would be less than the required setbacks for residential uses in an R.C.5 Zone.

While it is certainly understandable that Petitioner would desire to make use of this unimproved property for storage of his classic and antique cars with the construction of a large, enclosed structure, in my interpretation of the Zoning Regulations, such a structure and use cannot be permitted in this instance. In short, I do not believe Petitioner's plans are consistent with the property's zoning classification. I also find that the proposed pole barn structure would overcrowd the land, given the relatively small size of the property and the proposed size of the barn.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the parties, I find that Petitioner's request for special hearing should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 3RD day of April, 2009 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a 14 foot high pole barn on a lot without a principal dwelling be and is hereby DENIED.

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4.3.09

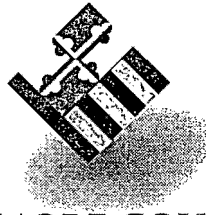

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Thomas H. Bastwick / *up*

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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4.3.09
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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 3, 2009

CHARLES R. BROWN
2732 MELROSE AVENUE
WOODSTOCK MD 21163

Re: Petition for Special Hearing and Variance
Case No. 2009-0096-SPHA
Property: 3637 Hernwood Road

Dear Mr. Banks:

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

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

Very truly yours,

A handwritten signature in cursive script that reads "Thomas H. Bostwick" followed by a stylized monogram.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

TAX ACCT # 0218472270 for the property located at 3637 HERWOOD RD (VACANT LOT)
which is presently zoned RC5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

**TO APPROVE A 14' POLE BARN ON A LOT WITHOUT
A PRINCIPAL DWELLING.**

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

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

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

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No.

Name - Type or Print

City

State

Zip Code

Signature

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

WONE 443-506-0680

2732 MELROSE AVE 410-461-5318

WOODSTOCK MD 21163

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 2009-0096 - SPH

Reviewed By PH Date 10/7/08

REV 9/15/98

RECEIVED FOR PLANNING
4-309
m

ZONING DESCRIPTION 3637 HERNWOOD ROAD (VACANT LOT)
AS RECORDED IN DEED LIBER 26256 FOLIO 733

Beginning for the same at a concrete monument found at the end of the 3rd line of land described in a deed dated June 14, 1937 and recorded among the Land Records of Baltimore County in Liber 1000, folio 436, from Norman M. Dell, et ux. to John T. Skipper, et ux., said concrete monument also being at the end of the 3rd line of land described in a deed dated August 12, 1975 and recorded among the aforesaid Land Records in Liber 5555, folio 983, from Thomas Rogers, et ux. to Charles E. Norris et ux., running thence binding reversely on the 3rd line of land described in first mentioned deed and also binding on the 4th, 5th and part of the 6th lines of land described in second mentioned deed as now surveyed and referring all courses to the magnetic meridian of February, 1977, (1) South 73 degrees 45 minutes 32 seconds East 79.08 feet to a concrete monument found, (2) South 18 degrees 22 minutes 29 seconds West 145.76 feet to a pipe found on the southside of a 12 foot wide right of way with the use thereof in common with others, running thence binding on the southside of said right of way, (3) North 79 degrees 46 minutes 15 seconds West 79.83 feet to a pipe set, running thence for one new line of division, (4) North 18 degrees 22 minutes 29 seconds East 154.13 feet to the place of beginning. Containing 11,849.65 square feet of land, more or less.

No. 234

Date: 4/7/68

SECRET

ADDRESS ACTUAL TIME

10/17/2019 10/17/2019 13:18:45

REG-1005 MARKIN DEAN END

RECEIPT # 4442 12/07/2013 01:11

7. "28 JUNE" VERIFICATION

55-12042

Forest: Not

100-443886-1

Baltimore County - Maryland

**CASHIER'S
VALIDATION**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY.

YELLOW - CUSTOMER.

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**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: #2009-0096-SPH

3637 Fernwood Road
(Vacant Lot)
W/side of Fernwood Road,
328 feet south of centerline
of Marriottsville Road,
2nd Election District
4th Councilmanic District

Legal Owner(s):

Charles Brown

Special Hearing: to approve a 14-foot pole barn on a lot without principal dwelling.

Hearing: Thursday, March 12, 2009 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 2/8/11 Feb. 24 194866

CERTIFICATE OF PUBLICATION

2/26/, 2009

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 2/24/, 2009.

- ☒ 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 2009-0096-SPH

Petitioner/Developer CHARLES BROWN

Date Of Hearing/Closing: 3/12/09

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 3637 HERWOOD RD

This sign(s) were posted on February 24, 2009

Month, Day, Year

Sincerely,

Sincerely,
 2/24/09
Signature of Sign Poster and Date
Martin Ogle

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

Yester 86 2/24/09



02/24/2009

**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: #2009-0096-SPH

3637 Hernwood Road (Vacant Lot)
W/side of Hernwood Road, 328
feet south of centerline of
Marriottsville Road
2nd Election District
4th Councilmanic District
Legal Owner(s): Charles Brown
Special Hearing: to approve a
14 feet pole barn on a lot with-
out principal dwelling.

**Hearing: Wednesday, De-
cember 3, 2008 at 11:00 a.m.**
In Room 104, Jefferson
Building, 105 West Ches-
apeake 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 concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

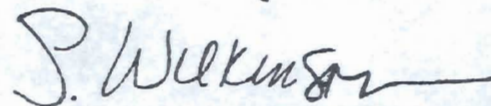
JT/11/696 Nov 18 188812

CERTIFICATE OF PUBLICATION

11/20/, 2008

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 11/18/, 2008.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 2009-0096-SPH

Petitioner/Developer: _____
CHARLES BROWN

Date Of Hearing/Closing: 12/3/08

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 3637 HERWOOD RD

This sign(s) were posted on November 18, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 11/18/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



11/18/2008

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 18, 2008 Issue - Jeffersonian

Please forward billing to:
Charles Brown
2732 Melrose Avenue
Woodstock, MD 21162

410-461-5318

NOTICE OF ZONING HEARING

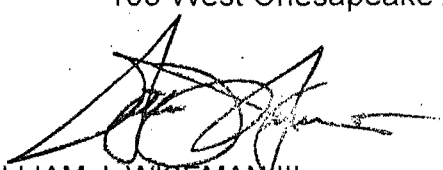
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0096-SPH

3637 Hernwood Road (Vacant Lot)
W/side of Hernwood Road, 328 feet south of centerline of Marriottsville Road
2nd Election District – 4th Councilmanic District
Legal Owners: Charles Brown

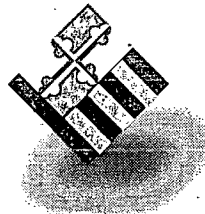
Special Hearing to approve a 14 feet pole barn on a lot without principal dwelling.

Hearing: Wednesday, December 3, 2008 at 11:00 a.m. in Room 104, Jefferson Building,
105 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

October 28, 2008
TIMOTHY M. KOTROCO, *Director*
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: 2009-0096-SPH

3637 Hernwood Road (Vacant Lot)

W/side of Hernwood Road, 328 feet south of centerline of Marriottsville Road

2nd Election District – 4th Councilmanic District

Legal Owners: Charles Brown

Special Hearing to approve a 14 feet pole barn on a lot without principal dwelling.

Hearing: Wednesday, December 3, 2008 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Charles Brown, 2732 Melrose Avenue, Woodstock 21163

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 18, 2008.**
- (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.

MEMORANDUM

DATE: December 4 , 2008

TO: To The File

FROM: Thomas H. Bostwick
Deputy Zoning Commissioner
for Baltimore County

SUBJECT: Case No. 2009-0096-SPH – Charles R. Brown

The above-referenced case was scheduled for a hearing on Wednesday, December 3, 2008 at 11:00 AM. However, the Petitioner was not present for the hearing. I did not open the hearing or take any testimony.

Later in the day, the Petitioner contacted this Office to explain that he had car trouble which prevented him from attending the hearing. Petitioner is to contact Kristen Matthews to have the matter rescheduled in the normal course. The property shall be posted and re-advertised at the Petitioner's expense.

The case file is being returned to the Department of Permits and Development Management.

c: Kristen Matthews, Zoning review Office

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 24 2009 Issue - Jeffersonian

Please forward billing to:
Charles Brown
2732 Melrose Avenue
Woodstock, MD 21162

410-461-5318

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: 2009-0096-SPH

3637 Hernwood Road (Vacant Lot)

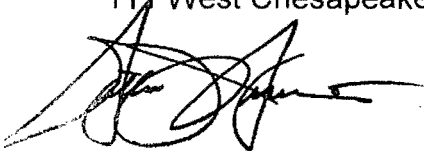
W/side of Hernwood Road, 328 feet south of centerline of Marriottsville Road

2nd Election District – 4th Councilmanic District

Legal Owners: Charles Brown

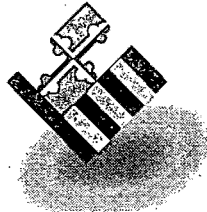
Special Hearing to approve a 14 feet pole barn on a lot without principal dwelling.

Hearing: Thursday, March 12, 2009 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 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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

February 3, 2009
TIMOTHY M. KOTROCO, *Director*
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: 2009-0096-SPH

3637 Hernwood Road (Vacant Lot)

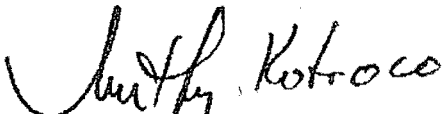
W/side of Hernwood Road, 328 feet south of centerline of Marriottsville Road

2nd Election District – 4th Councilmanic District

Legal Owners: Charles Brown

Special Hearing to approve a 14 feet pole barn on a lot without principal dwelling.

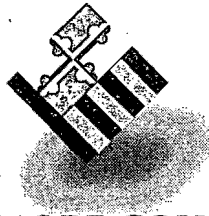
Hearing: Thursday, March 12, 2009 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Charles Brown, 2732 Melrose Avenue, Woodstock 21163

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 25, 2009.**
- (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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
November 26, 2008

Charles R. Brown
2732 Melrose Ave.
Woodstock, MD 21163

Dear: Charles R. Brown

RE: Case Number 2009-0096-SPH, 3637 Hernwood Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 7, 2008. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 6, 2008

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

SUBJECT: 3637 Hernwood Road

INFORMATION:

Item Number: 9-096

Petitioner: Charles Brown

Zoning: RC 5

Requested Action: Special Hearing

RECEIVED
NOV 13 2008

BY:.....

SUMMARY OF RECOMMENDATIONS:

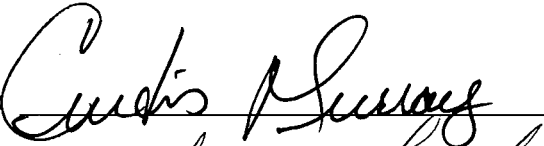
An inspection of the site and subsequent discussion with the petitioner revealed that the purpose of the requested Pole Barn is to store antique cars. Storage of antique cars is considered a storage garage when no principal building is involved.

The intent of the RC 5 Zone is to provide for rural residential development in areas of Baltimore County where public water and sewer are not anticipated. It is intended that the placement of this zone will eliminate encroachment onto productive agricultural and watershed areas. The footprint of proposed pole barn is larger than most large houses and is proposed for a lot (.27 acres) much smaller than the required 1.5 acres for a single family residence. In addition the setbacks proposed for the pole barn are less than the required setbacks for residential uses in an RC 5 zone.

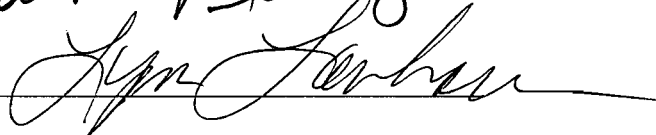
The Office of Planning recommends denial of the requested special hearing.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Reviewed by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 22, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For October 27, 2008
Item Nos. 09-047, 080, 091, 092, 093,
094, 095, ~~096~~ 097, 098 & 099

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

DAK:CEN:cab
cc: File
ZAC-10272008-NO COMMENTS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: 10/23/08

SUBJECT: Zoning Item # 09-096-SPH
Address 3637 Hernwood Road
(Brown Property)

Zoning Advisory Committee Meeting of

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

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

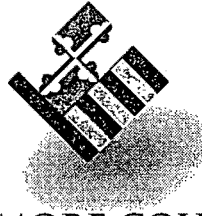
X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

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

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

There appears to be a potential non-tidal wetland located approximately 50-feet east of this proposal that drains into an existing stream system. This non-tidal wetland is not located on this property. There is a required 25-foot State of Maryland buffer that is projected off the edge of the wetland that must not be disturbed. This project does not impact this 25-foot buffer.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 6, 2009

CHARLES R. BROWN
2732 MELROSE AVENUE
WOODSTOCK MD 21163

Re: Petition for Special Hearing and Variance
Case No. 2009-0096-SPHA
Property: 3637 Hernwood Road

Dear Mr. Banks:

It came to my attention that the April 3, 2009 cover letter and Order issued by Deputy Zoning Commissioner Thomas H. Bostwick were not signed. Please find attached said cover letter and Order. Both documents were issued on April 3, 2009 and should have been signed that same day.

I apologize for any inconvenience this may have caused.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Zook".

Patricia Zook, Legal Secretary
for the Deputy Zoning Commissioner
for Baltimore County

Enclosure

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
3637 Hernwood Road; W/S Hernwood Road, *
328' S c/line Marriotsville Road * ZONING COMMISSIONER
2nd Election & 4th Councilmanic Districts *
Legal Owner(s): Charles R. Brown * FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 09-096-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

OCT 28 2008

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

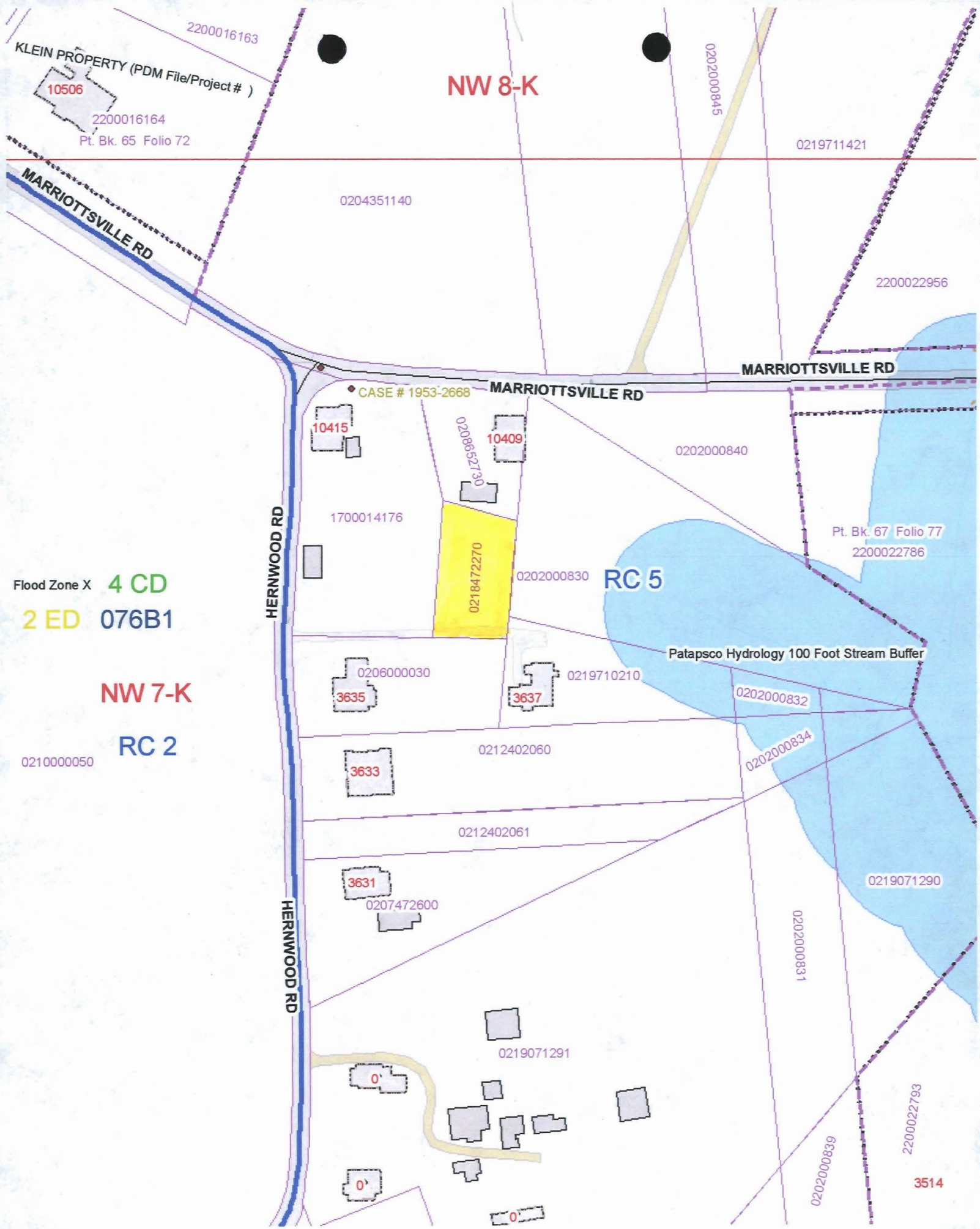
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of October, 2008, a copy of the foregoing Entry of Appearance was mailed to Charles Brown, 2732 Melrose Avenue, Woodstock, MD 21163, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CASE NAME _____
CASE NUMBER 2209-0096-SPH
DATE 3/12/09

[illegible]

Case No.: 2009-0096 SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Aerial Photograph	
No. 3	Photos of property	
No. 4	Brochure of Pole Barn	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

by
 or Sale By Owner
 or Construction
 or Foreclosures
 or Any
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PETITIONER'S

EXHIBIT NO. 2



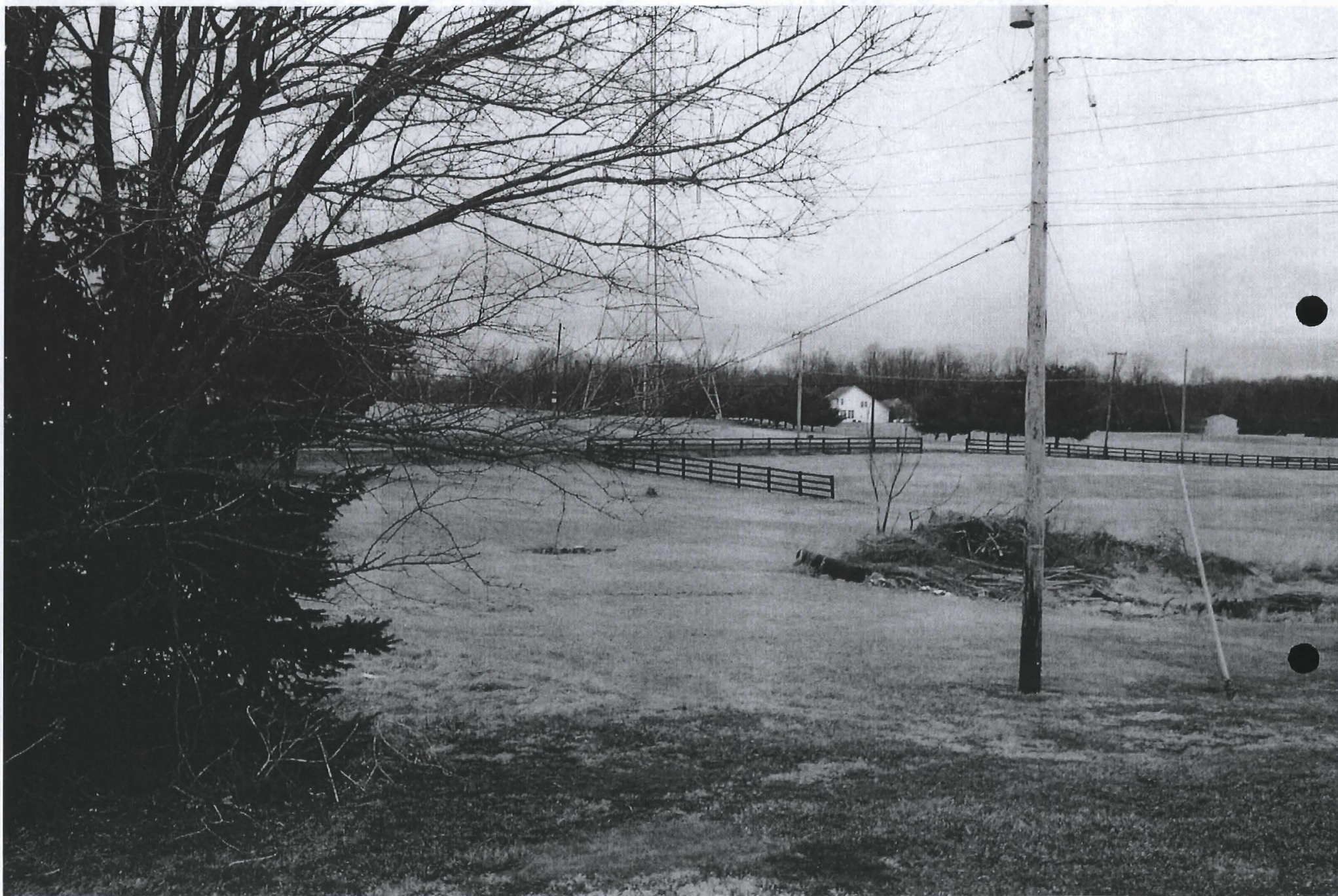
PETITIONER'S
EXHIBIT NO. 3A-H











PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS *3637 HERNWOOD RD (VACANT LOT) SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME WOODSTOCK

PLAT BOOK # FOLIO # LOT # SECTION #

OWNER CHARLES R BROWN

HERNWOOD ROAD (23' PAVING)

MARRIOTTSVILLE

ROAD

#10409
HOWARD LEE HCPWOOD
0208652730

(brother-in-law)

EX. SHED

#10415
DAVID J. HARTMAN
1700014176

BALTIMORE GAS
& ELECTRIC CO.
0202000830

PROPOSED 14'
POLE BARN

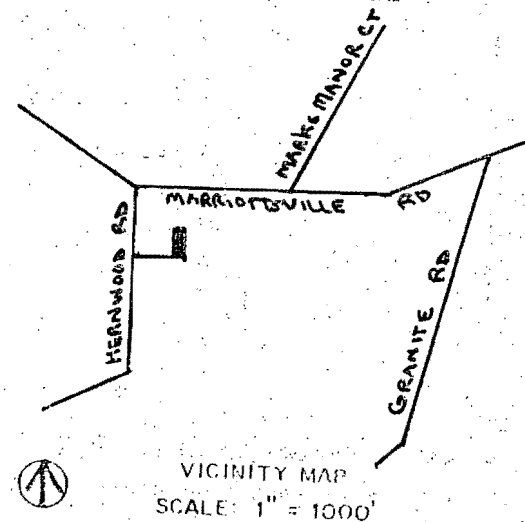
CHARLES R.
BROWN
0218472270

DECK

#3637

CHARLES R. & KERRY BROWN
0219710210

#3635
GEORGE J. & RUTH FARMER
0206000030



LOCATION INFORMATION

ELECTION DISTRICT **2**

COUNCILMANIC DISTRICT **4**

1" = 200' SCALE MAP # **NW BK**

ZONING **RCS**

LOT SIZE **0.27** **11,850**
ACREAGE SQUARE FEET

SEWER ☐ PUBLIC ☒ PRIVATE
WATER ☐ PUBLIC ☒ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

GR | 0096 | 2019-096-SP/1



NORTH

PREPARED BY DBB

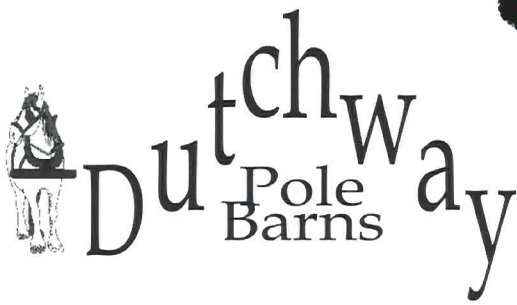
SCALE OF DRAWING: 1" = 50'

PETITIONER'S

EXHIBIT NO.







PETITIONER'S

EXHIBIT NO.

4

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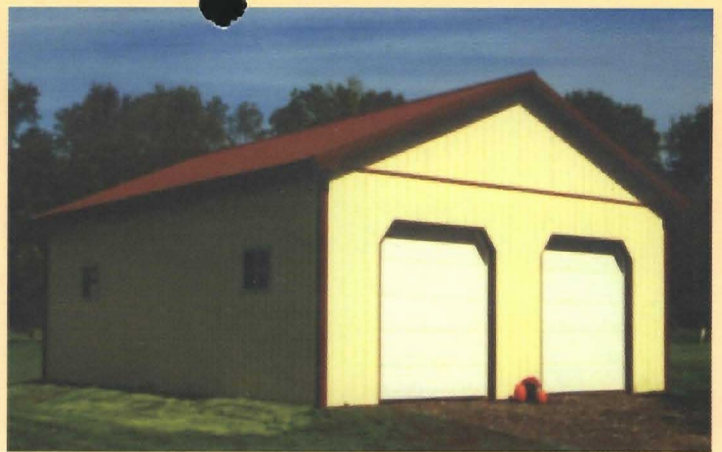
344 East Main Street
Leola, PA 17540

1-877-756-0732

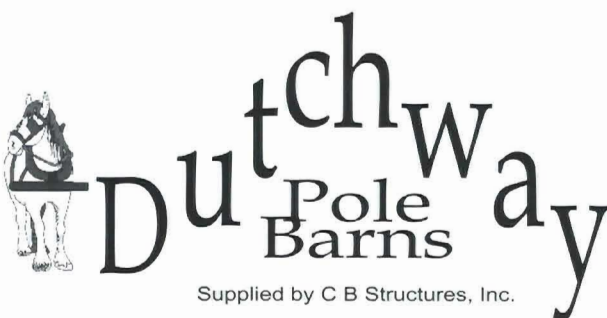
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