

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
W side of Gent Road, 355 feet W from	*	DEPUTY ZONING
the c/l of Billy Barton Circle		
8 th Election District	*	COMMISSIONER
3 rd Councilmanic District		
(12916 Gent Road)	*	FOR BALTIMORE COUNTY
 JGS, LLC		
<i>Petitioner</i>	*	Case No. 2009-0233-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by James G. Sakellaris on behalf of the legal owner of the subject property, JGS, LLC. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing non-conforming barn to be used as either a barn or otherwise as an accessory structure 26 feet in height, which is larger or equal to the footprint of the existing house, and to remain on Lot 1 of Petitioner's subdivision known as the Waters Property. In the alternative, Petitioner is requesting Variance relief to permit an existing accessory structure (barn), if not subject to Section 300.1 of the B.C.Z.R., to be 26 feet in height in lieu of the permitted 15 feet, and to confirm that the barn may remain on Lot 1 of Petitioner's subdivision known as the Waters Property, although larger or at least equal to the footprint of the existing house. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief on behalf of Petitioner JGS, LLC were Arnold Jablon, Esquire, attorney for Petitioner, and Paul Lee, a professional engineer with Century Engineering, who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

~~NOT RECOMMENDED FOR FILING~~
6-3-09
 PM

Testimony and evidence offered revealed that the subject property is rectangular-shaped and contains approximately 1.219 acres, more or less, zoned R.C.5. The property is located on the west side of Gent Road, near its intersection to the north with Shawan Valley Lane and west of Falls Road, in the Cockeysville-Hunt Valley area of Baltimore County. The property is improved with an existing single-family dwelling situated fairly close to Gent Road, as well as an existing garage and shed. The property is also improved with an existing barn structure located near the rear of the property. There is also a forest conservation easement located to the rear of the property.

The subject property was part of the "Waters Property" development in 2000 that subdivided the property into Lots 1, 3, 4, 5, and 6. As part of the development plan, new homes were to be built on those lots with the exception of the subject property -- Lot 1. Lot 1 would retain its existing improvements. In 2001, the lots were sold and homes constructed on Lots 3, 4, 5, and 6. In 2008, a 3rd Amended Final Development Plan was prepared in order to add Lot 2 back into the plan, as well as a proposed dwelling, well area, and septic reserve area for Lot 2. A copy of the 3rd Amended Final Development Plan was marked and accepted into evidence as Petitioner's Exhibit 2 and shows that each of the nearby lot owners signed off on the Plan.

The relief requested in the instant Petitions seeks to legitimize the existing barn as either legally nonconforming or as an accessory structure and with a 26 foot height that is larger or equal to the footprint of the existing home. As shown on the SDAT printout that was marked and accepted into evidence as Petitioner's Exhibit 3, the home and the barn have been in their present locations since at least 1917. Indeed, the Comprehensive Zoning Maps from 1971 and 2004 that were marked and accepted into evidence as Petitioner's Exhibits 4 and 5, respectively, show the existing dwelling and barn improvements. Photographs of the barn were also marked and accepted into evidence as Petitioner's Exhibits 6A through 6D. The photographs show a rather

aged barn with a brick and block foundation and wood frame and roof shingles. The barn appears to be functional for storage of lawn and maintenance equipment, though it is obvious from the photographs that the barn is in need of some repairs, the extent of which is not completely discernable from the photographs. In any event, Petitioner desires to keep the barn and, based on its degree of structural soundness, use it for storage purposes.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated March 30, 2009 which indicates that the Office of Planning does not oppose the barn remaining provided it is not used as a residence and is not used for commercial purposes. The barn's roof also appears to be in disrepair and should be repaired. Petitioner's counsel, Mr. Jablon, responded that the barn would not be used as a residence or for commercial purposes; rather, it would be used as an accessory structure for the existing home.

Turning first to the Petition for Special Hearing, I am persuaded to grant the relief. Based on the age and appearance of the barn and the records that indicate it has existed on the property since at least 1917 -- far before the adoption of the Zoning Regulations -- I find that the barn as it now exists is legally nonconforming. Hence, I shall allow the 26 foot high barn which is larger or equal to the footprint of the existing home to remain. Petitioner has agreed that the barn has not been used as a residence nor for commercial purposes, and shall not be used for those purposes in the future; the barn shall be used as an accessory structure and I shall impose conditions that reflect such a continued use. As to the variance request, in granting the special hearing, the request for variance relief is now moot.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing request should be granted and the variance request dismissed as moot.

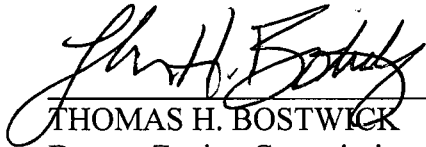
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of June, 2009 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing non-conforming barn to be used as either a barn or otherwise as an accessory structure 26 feet in height, which is larger or equal to the footprint of the existing house, and to remain on Lot 1 of Petitioner's subdivision known as the Waters Property be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Variance requests be DISMISSED as MOOT.

The relief granted herein is subject to the following conditions:

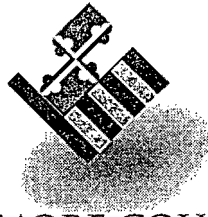
1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner or subsequent owners shall not use the existing non-conforming barn as a dwelling unit or apartment, nor shall it be used for commercial purposes. The barn shall not contain any sleeping quarters, living area, kitchen or bathroom facilities. Such use is limited to that which is permitted as an accessory structure.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILE
6.3.09
pm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 3, 2009

ARNOLD JABLON, ESQUIRE
VENABLE LLP
210 ALLEGHENY AVENUE
TOWSON, MD 21204

Re: Petition for Special Hearing and Variance
Case No. 2009-0233-SPHA
Property: 12916 Gent Road

Dear Mr. Jablon:

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 black ink, appearing to read "Thomas H. Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Paul Lee, Century Engineering, 10710 Gilroy Road, Hunt Valley MD 21031
JGS LLC, James G. Sakellaris, Suite 320, 913 Ridgebrook Road, Sparks MD 21152



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Lot 1 - 12916 GENT ROAD
which is presently zoned RC 5

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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

(This box to be completed by planner)

to permit an existing non-conforming barn to be used as either a barn or otherwise as an accessory structure, 26' in height, which is larger or equal to the foot print of the existing house, to remain on lot 1 of the Petitioner's subdivision, known as the Waters Property, or in alternative,

see Petition for Variance

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 bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Arnold Jablon
Name - Type or Print _____
Signature _____
Company **Venable, LLP**
210 Allegheny Ave. 410 494 6298
Address _____ Telephone No. _____
Towson, Maryland 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

JGS LLC
Name - Type or Print _____
Signature _____
James G. Sakellaris, member
Name - Type or Print _____
Signature _____
Suite 320, 913 Ridgebrook Rd
Address _____ Telephone No. _____
Sparks, Maryland 21152
City _____ State _____ Zip Code _____

Representative to be Contacted:

Arnold Jablon
Name _____
210 Allegheny Ave., 410 494 6298
Address _____ Telephone No. _____
Towson, Maryland 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. **2009-02335PHA**

REV 9/15/98

UNAVAILABLE FOR HEARING _____
Reviewed By **VF** Date **3/6/09**

6-3-09
PM



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at Lot 1 12916 GENT ROAD
which is presently zoned rc 5

Deed Reference: 13797 / 312 Tax Account # 2300010269

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) to permit an existing accessory structure, a barn, if not subject to section 300.1, BCZR, 26' in height in lieu of the permitted 15'; and
- (2) to confirm that it may remain on lot 1 of the Petitioner's subdivision, known as the Waters Property, although larger or at least equal to the foot print of the existing house.

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 determined 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

Attorney For Petitioner:

Arnold Jablon

Name - Type or Print

Signature

Venable, LLP

Company

210 Allegheny Ave 410 494 6298

Address

Telephone No.

Towson, Md 21204

City

State

Zip Code

Legal Owner(s):

JGS LLC

Name - Type or Print

Signature

James G. Sakellaris, member

Name - Type or Print

Signature

Suite 320, 913 Ridgebrook Rd

Address

Telephone No.

Sparks, Maryland 21152

City

State

Zip Code

Representative to be Contacted:

Arnold Jablon

Name

210 Allegheny Ave 410 494 6298

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Case No. 2009-0233 SPHA

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by LF Date 3/6/09

REV 8/20/07

6-3-09
PM

10710 Gilroy Road
Hunt Valley, MD 21031

DESCRIPTION
12916 GENT ROAD
LOT 1 – WATERS PROPERTY (1.219 AC. ±)
PROJECT # 99025.00

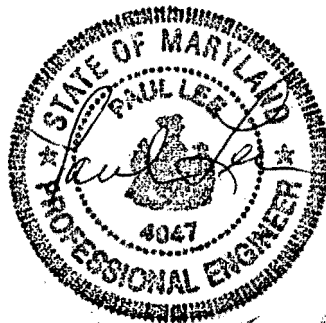
Beginning for the same at a point on the West side of and 40'± from the center of Gent Road, said point also located Southeasterly 355' from the center of Billy Barton Circle and at the intersection of Lots 1 & 2 as shown on the 2nd amended subdivision plat of Waters Property to be recorded; thence running with and binding on the West side of Gent Road to be deeded to Baltimore County.

- 1) South 39° 53' 20" East 54.34, thence
- 2) South 42° 19' 50" East 215.31' to a point on the South property line of Lot 1; thence leaving said point and running the 3 following courses and distances;
- 3) South 46° 30' 36" West 350.07' to the West property line
- 4) North 42° 19' 50" West 249.56' to the North property line of Lot 1, thence running with and binding on said North property line.
- 5) North 43° 16' 05" East for a distance of 63.64' to the Southwest corner of Lot 2, thence continuing along said North property line North 43° 16' 05" East 289.72', for a total of 353.36' to the West side of Gent Road and point of beginning

Containing 1.219 acres of land, more or less.

2009-0233 SPHA

Wfile/login2/ld/ld08/description/Gent Road 12916-pl-3-3-09



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **35296**

Date: **3/6/09**

PAID RECEIPT

BUSINESS ACTUAL TIME
 3/06/2009 3/06/2009 12:32:31

REC: 0003 WALKIN ROOS LAB
 RECEIPT # 307477 3/06/2009 OFFIC

5.500 ZIMING VERIFICATION

000296

REC'D TO: \$130.00

\$130.00 CK 1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	500	0000		6150				\$130.00

Total: **\$130.00**

Rec

From: **Arnold, Felicia**

For:

12916 GEN T Rd

Paid for Special Accounting for Vehicle

Accounting Case # 2009-0233-SP#4

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

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

Case: # 2009-0233-SPHA

12916 Gent Road

W/s Gent Road, at a distance of 355' w/from centerline of Billy Barton Circle

8th Election District -- 3rd Councilmanic District

Legal Owner(s): JGS, LLC

Special Hearing: to permit an existing non-conforming barn to be used as either a barn or otherwise as an accessory structure, 26' in height, which is larger or equal to the foot print of the existing house, to remain on lot 1 of the petitioner's subdivision, known as the Waters Property, or in alternative. **Variance:** to permit an existing accessory structure, a barn, if not subject to Section 300.1, of the BCZR, 26' in height in lieu of the permitted 15' and to confirm that it may remain on lot 1 of the petitioner's subdivision, known as the Waters Property, although larger or at least equal to the foot print of the existing house.

Hearing: Wednesday, May 6, 2009 at 9:00 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 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 4/694 Apr. 21

199271

CERTIFICATE OF PUBLICATION

4/23/2009

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 4/21/2009.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: 2009-0233 SPHA

Petitioner/Developer: _____

JGS, LLC

Date of Hearing/closing May 6, 2009

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

Attn : Kristin Matthews:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at, _____
12916 Gent Road

The sign(s) were posted on _____ April 21 2009
(Month, Day, Year)

Sincerely,

Robert Black April 28, 2009
(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)

ZONING NOTICE

CASE # 2009-0233 SPHA

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

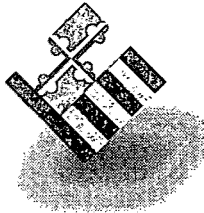
Room 104 JEFFERSON BUILDING
105 W CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME WEDNESDAY, MAY 6, 2009 AT 9:00 A.M.

REQUEST SPECIAL HEARING TO PERMIT AN EXISTING NON-CON
FORMING BARN TO BE USED AS EITHER A BARN OR OTHERWISE AS AN
ACCESSORY STRUCTURE 26' IN HEIGHT, WHICH IS LARGER OR EQUAL
TO THE FOOT PRINT OF THE EXISTING HOUSE TO REMAIN ON LOT 1 OF
OF THE PERTONIS SUBDIVISION, KNOWN AS THE WATERS PROPERTY, OR
IN THE ALTERNATIVE, VARIANCE TO PERMIT AN EXISTING ACCESSORY STRUCTURE
A BARN, IS NOT SUBJECT TO SECTION 300.1, OF THE BC&R 26' IN HEIGHT
IN LIEU OF THE PERMITTED 15' AND IS CHAIRMAN THAT IT MAY REMAIN ON
LOT 1 OF THE PERTONIS SUBDIVISION, KNOWN AS THE WATERS PROPERTY,
ACROSS LOTS 2 & 3 AT LEAST EQUAL TO THE FOOT PRINT OF
THE EXISTING BARN.

RESIDENTS ARE TO WEATHER BY OTHER CONDITIONS ARE SCHEDULED RECAPTURE
TO CONVINCE HEARING CALL 387-2281

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY

M A R Y L A N D

April 7, 2009

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

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: 2009-0233-SPHA

12916 Gent Road

W/s Gent Road, at a distance of 355' w/from centerline of Billy Barton Circle

8th Election District – 3rd Councilmanic District

Legal Owners: JGS, LLC

Special Hearing to permit an existing non-conforming barn to be used as either a barn or otherwise as an accessory structure, 26' in height, which is larger or equal to the foot print of the existing house, to remain on lot 1 of the petitioner's subdivision, known as the Waters Property, or in alternative. Variance to permit an existing accessory structure, a barn, if not subject to Section 300.1, of the BCZR, 26' in height in lieu of the permitted 15' and to confirm that it may remain on lot 1 of the petitioner's subdivision, known as the Waters Property, although larger or at least equal to the foot print of the existing house.

Hearing: Wednesday, May 6, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, Venable, 210 Allegheny Avenue, Towson 21204
JGS, LLC, 913 Ridgebrook Road, Ste. 320, Sparks 21152

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 21, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 21, 2009 Issue - Jeffersonian

Please forward billing to:
Arnold Jablon
210 Allegheny Avenue
Towson, MD 21204

410-494-6298

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: 2009-0233-SPHA

12916 Gent Road

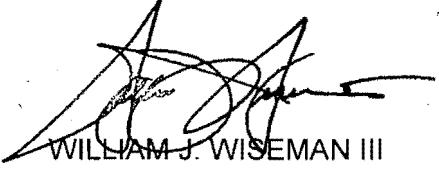
W/s Gent Road, at a distance of 355' w/from centerline of Billy Barton Circle

8th Election District – 3rd Councilmanic District

Legal Owners: JGS, LLC

Special Hearing to permit an existing non-conforming barn to be used as either a barn or otherwise as an accessory structure, 26' in height, which is larger or equal to the foot print of the existing house, to remain on lot 1 of the petitioner's subdivision, known as the Waters Property, or in alternative. Variance to permit an existing accessory structure, a barn, if not subject to Section 300.1, of the BCZR, 26' in height in lieu of the permitted 15' and to confirm that it may remain on lot 1 of the petitioner's subdivision, known as the Waters Property, although larger or at least equal to the foot print of the existing house.

Hearing: Wednesday, May 6, 2009 at 9:00 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.

**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: 2009-0233 SP4A

Petitioner: JGS LLC

Address or Location: Suite 320 913 RIDGEBLANK RD, SPARKS 21152

PLEASE FORWARD ADVERTISING BILL TO:

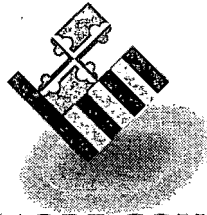
Name: ARNOLD JASON

Address: 210 AUBURN AVE

TOWSON 21204

Telephone Number: 410 494 6298

Revised 2/20/98 - SCJ



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
April 30, 2009

Arnold Jablon
Venable, LLC
210 Allegheny Ave.
Towson, MD 21204

Dear: Arnold Jablon

RE: Case Number 2009-0233-SPHA, 12916 Gent Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 06, 2009. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
JGS, LLC; 913 Ridgebrook Rd.; Sparks, MD 21152

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 30, 2009

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

SUBJECT: 12916 Gent Road

INFORMATION:

Item Number: 9-233

Petitioner: JGS LLC

Zoning: RC 5

Requested Action: **Special Hearing and Variance**

The petitioner requests a special hearing to allow an existing barn to remain on Lot 1 of the Waters Property. There appears to be a discrepancy with regard to the size and configuration of Lot 1. Plat Book S.M.73 Folio 126 as referenced on the plan titled plat to accompany petition for special hearing and variance shows Lot 1 as a 2.3-acre lot and does not show lot 2. The GIS property line layer also does not show a separate Lot 2.

The history of the Waters Property is as follows:

1. Hearing officer Timothy Kotorco approves a five lot major subdivision on June 7, 2000.
2. 1st amendment to FDP approved October 12, 2000 to adjust open space and parking calculations.
3. DRC approves DRC #050304H as a first refinement to revise the septic area for Lot 1 and add Lot 2 on May 3, 2004.
4. Bill 55-04 is adopted by County Council effective date, June 11, 2004. It amends the density factor from .667 dwellings per acre to .5 dwellings per acre in the RC5 zone. It also states that it would not apply to any application for limited exemption accepted for filing prior to June 7, 2004.
5. Project Manager Christine Rorke approves first refinement to a development plan adding Lot 2 on December 17, 2004.
6. Proposed septic for Lot 1 is reconstructed and connected to the existing dwelling. Old septic area is backfilled and soil must be dormant before Lot 2 can be restored.
7. Bill 24-08, vesting, adopted by County Council effective date is May 19, 2008.
8. DRC denies DRC# 060908B, 3rd amended final development plan to restore lot 2. Rationale is it was filed after the effective date of May 19, 2008 and density is insufficient.
9. 3rd amended FDP is under review by PDM. Signatures of lot owners obtained in 2008. PDM awaiting results of the special hearing/variance for the barn.

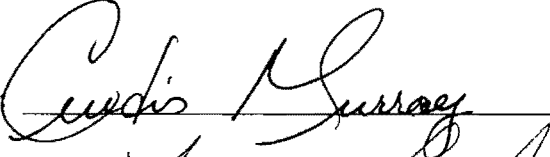
SUMMARY OF RECOMMENDATIONS:

- The Office of Planning does not oppose the barn remaining provided it is not used as a residence and is not used for commercial purposes. The barn's roof appears to be in disrepair and should be repaired

- Zoning Commissioner should determine if Lot 2 is vested pursuant to 55-04 and 24-08. If it is not vested, Lot 2 should be removed from the plan.

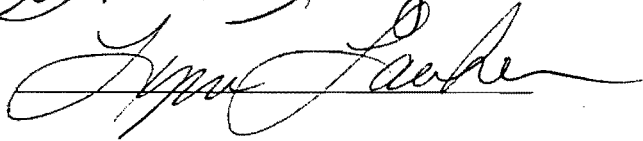
For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by

A handwritten signature in cursive script, appearing to read "Curtis Murray", written over a horizontal line.

Division Chief:

AFK/LL: CM

A handwritten signature in cursive script, appearing to read "Lynn Laake", written over a horizontal line.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

March 26, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 23, 2009

Item Numbers 0232, 0233 and 0239

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director **DATE:** March 25, 2009
Department of Permits &
Development Management

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

SUBJECT: Zoning Advisory Committee Meeting
For March 30, 2009
Item Nos. 2009-0232, 0233, 0234, 0237,
0240, 0241, 0242, 0243, 0245, and 0246

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

DAK:CEN:lrk
cc: File
ZAC-03302009 -NO COMMENTS

TB
5-6-09**BALTIMORE COUNTY, MARYLAND****Inter-Office Correspondence****RECEIVED****MAY 04 2009****ZONING COMMISSIONER**

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: May 4, 2009

SUBJECT: Zoning Item # 09-233-SPHA
Address 12916 Gent Road
(JGS, LLC Property)

Zoning Advisory Committee Meeting of March 23, 2009

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

Reviewer: JWL

Date: 5/4/09



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

State Highway
Administration

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

Maryland Department of Transportation

Date: March 23, 2009

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

RE: Baltimore County
Item No 2009-0233-SPHA
12916 GENT RD
SPECIAL HEARING -
VARIANCE -
JGS, LLC 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. 2009-0233-SPHA

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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
12916 Gent Road ; W/S Gent Road, 355' W	*	ZONING COMMISSIONER
c/line of Billy Barton Circle		
8 th Election & 3 rd Councilmanic Districts	*	FOR
Legal Owner(s): JGS, LLC		
Petitioner(s)	*	BALTIMORE COUNTY
	*	09-233-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/ documentation filed in the case.

RECEIVED

APR 06 2009

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

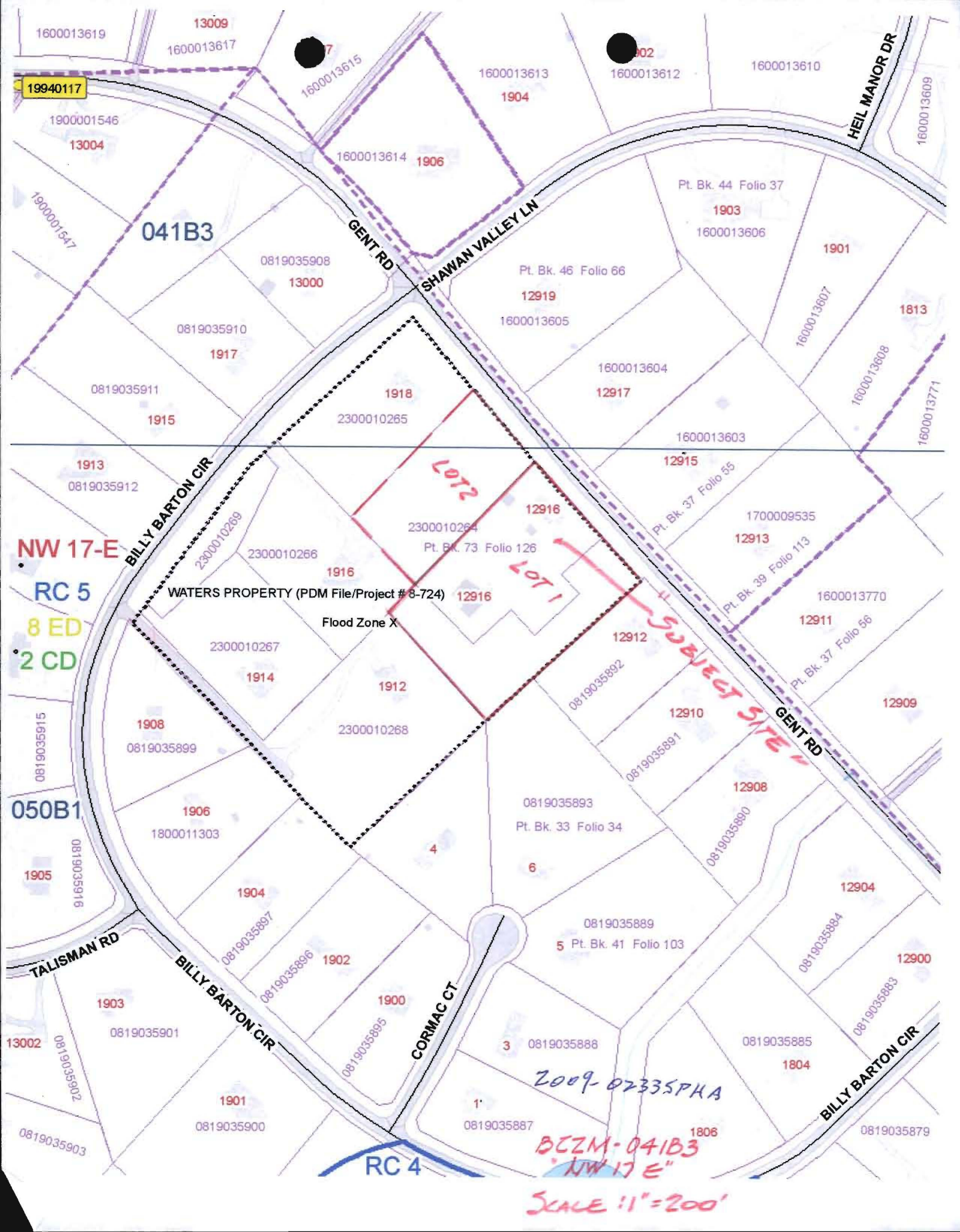
I HEREBY CERTIFY that on this 6th day of April, 2009, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME WATERS PROPERTY
CASE NUMBER 2009-02335 PH 1
DATE 5-6-09

[illegible]



19940117

041B3

NW 17-E
RC 5
8 ED
2 CD

050B1

WATERS PROPERTY (PDM File/Project # 8-724)

Flood Zone X

LOT 2

LOT 1

SUBJECT SITE

2009-02335PHA

BCZM-041B3
NW 17 E

SCALE 1"=200'

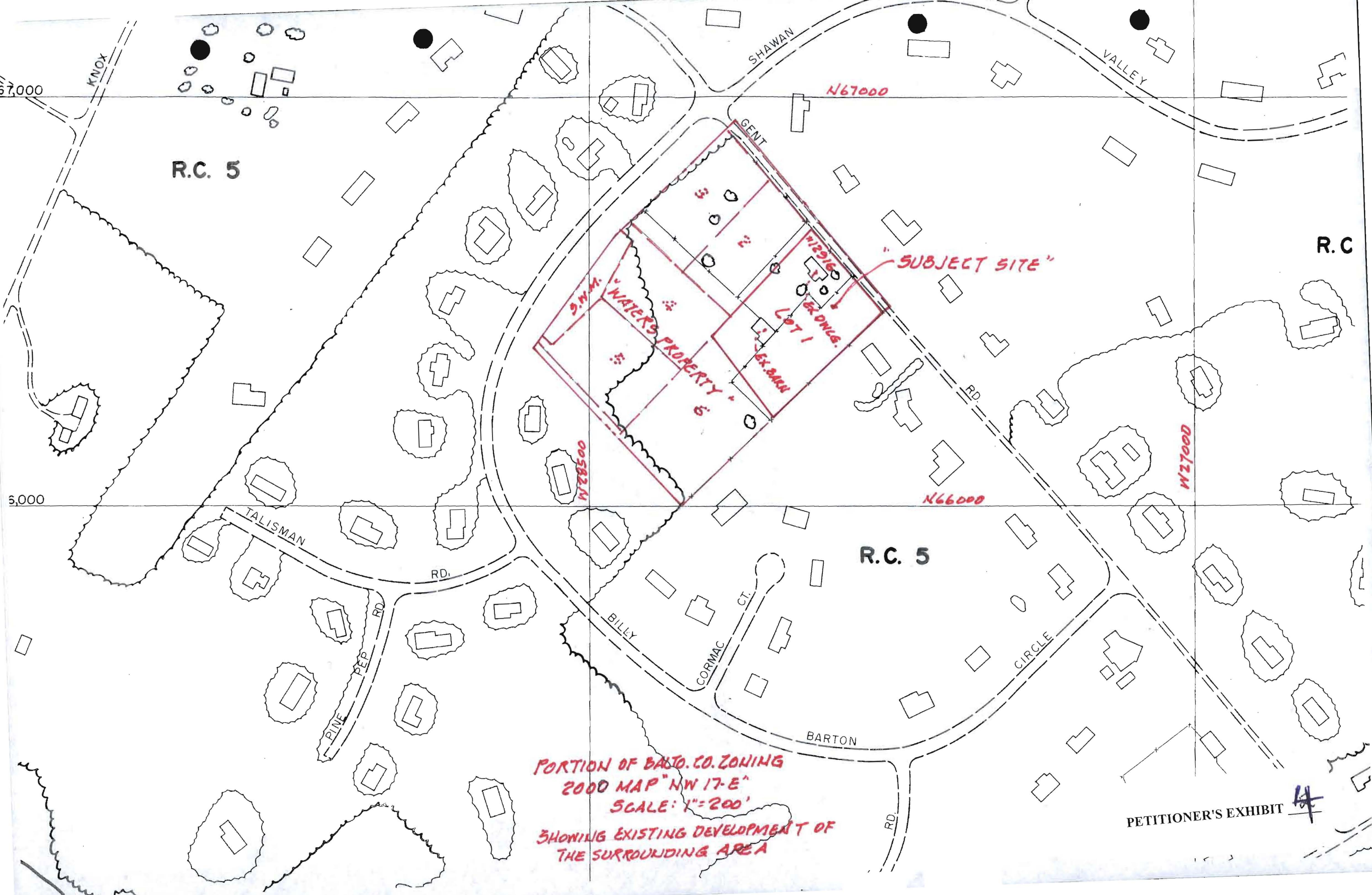
Case No.: 2009 - 0233 - JPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	3rd Amended FDP	
No. 3	SDAL printout	
No. 4	Zoning Map 2009	
No. 5	Zoning Map 1971	
No. 6	photos of barn	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



R.C. 5

R.C.

"SUBJECT SITE"

WATERS PROPERTY

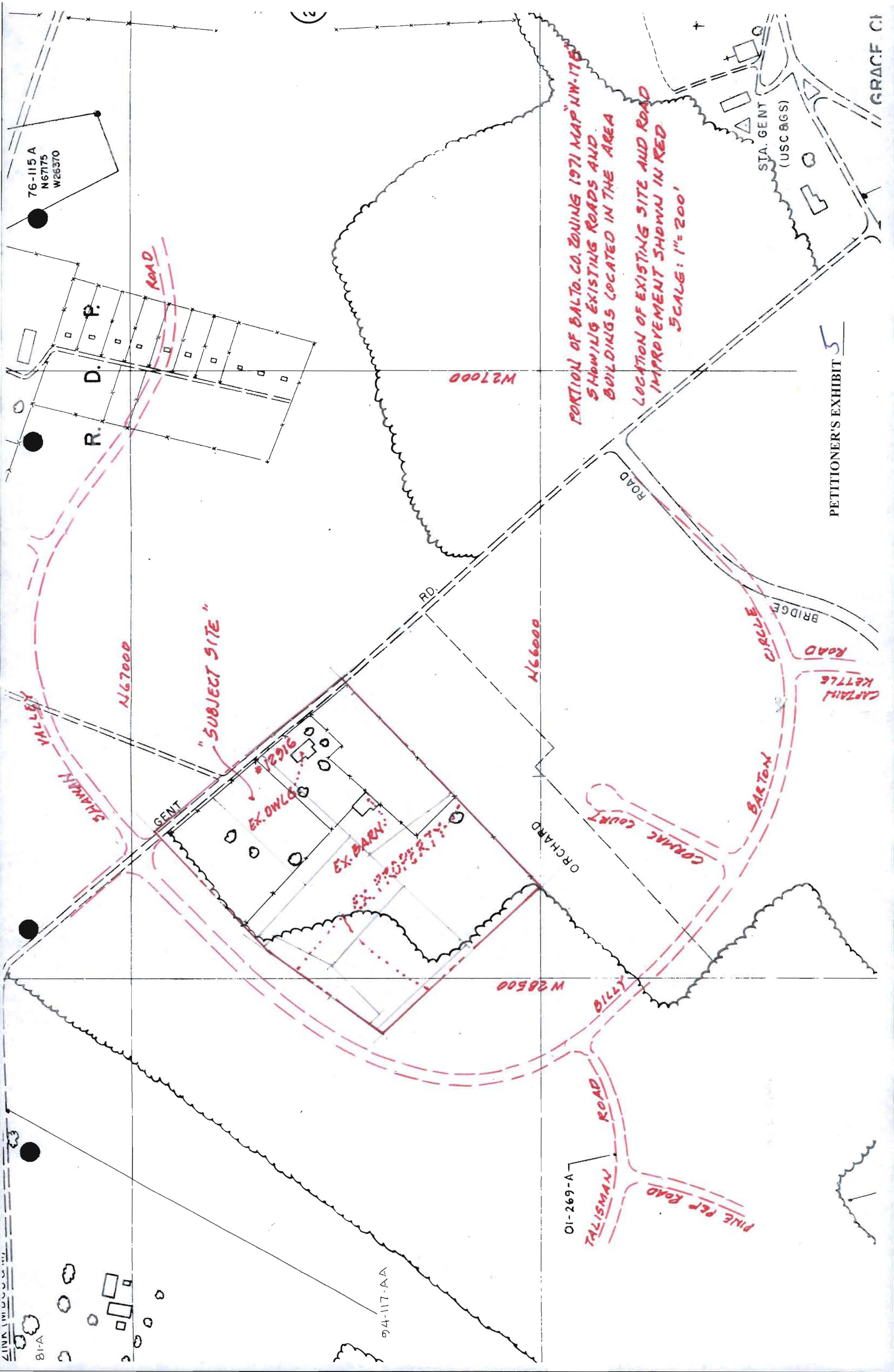
LOT 1

R.C. 5

PORTION OF BALTO. CO. ZONING
2000 MAP "NW 17-E"
SCALE: 1"=200'
SHOWING EXISTING DEVELOPMENT OF
THE SURROUNDING AREA

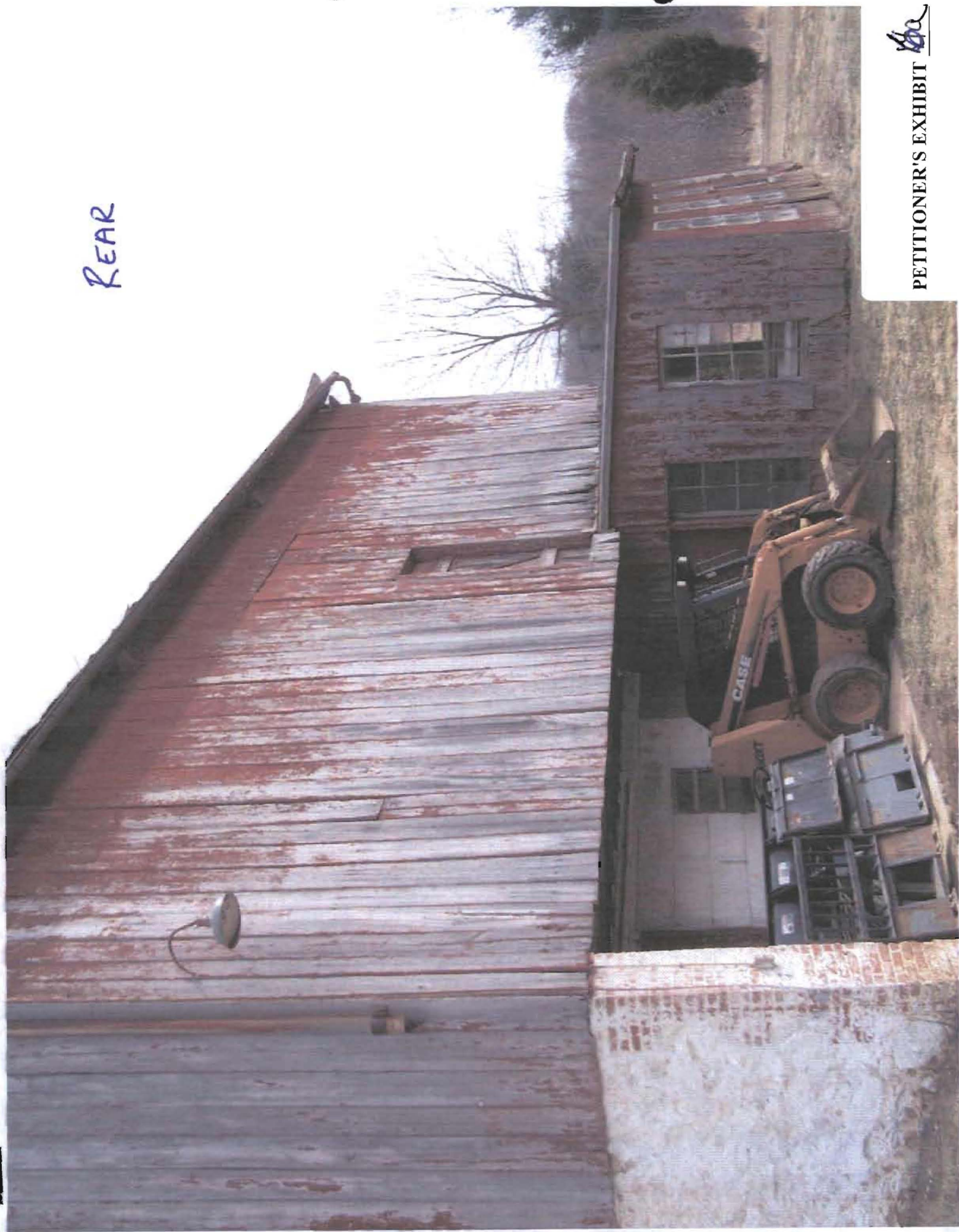
PETITIONER'S EXHIBIT

4



PETITIONER'S EXHIBIT 5

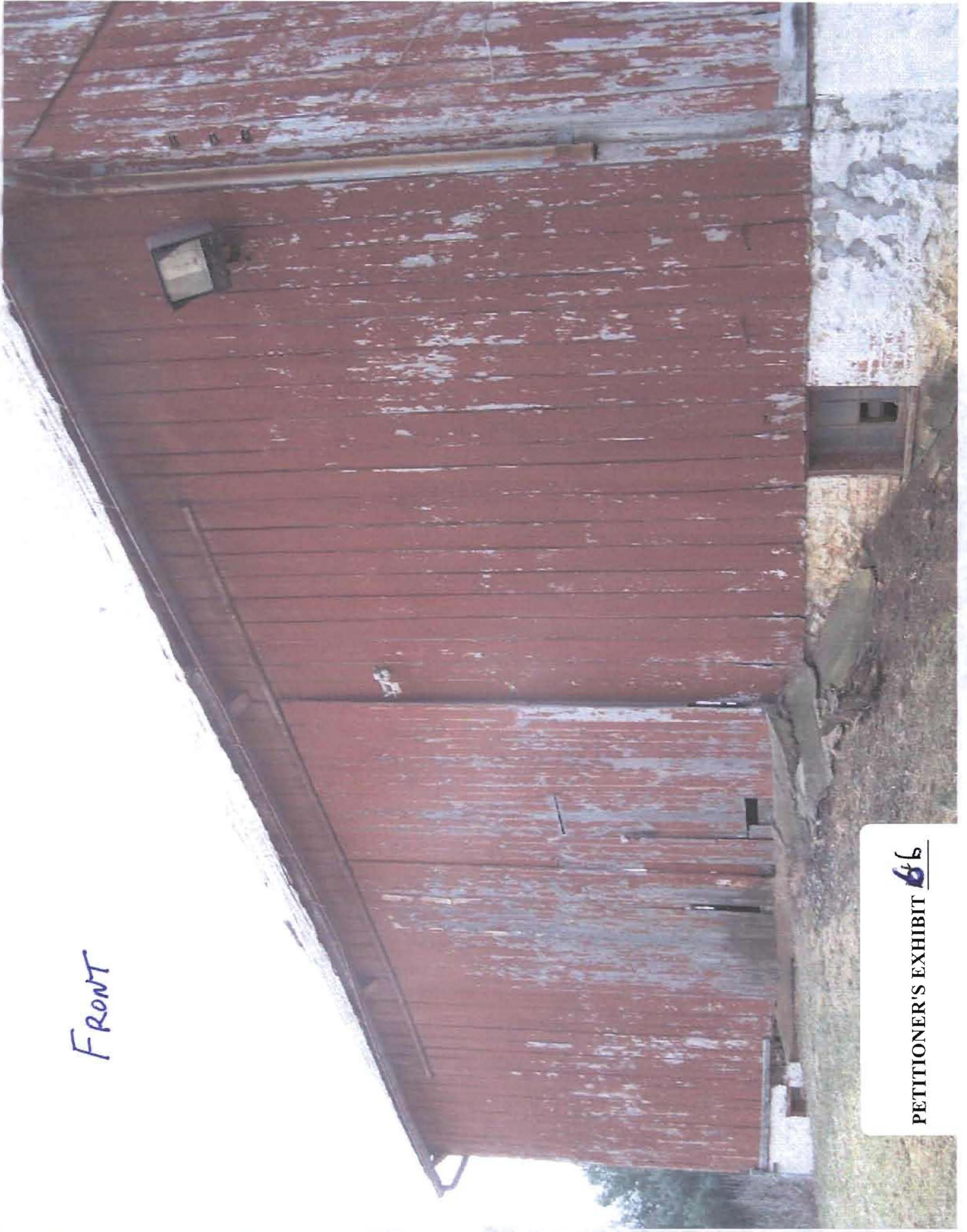
REAR



PETITIONER'S EXHIBIT

Handwritten signature

FRONT



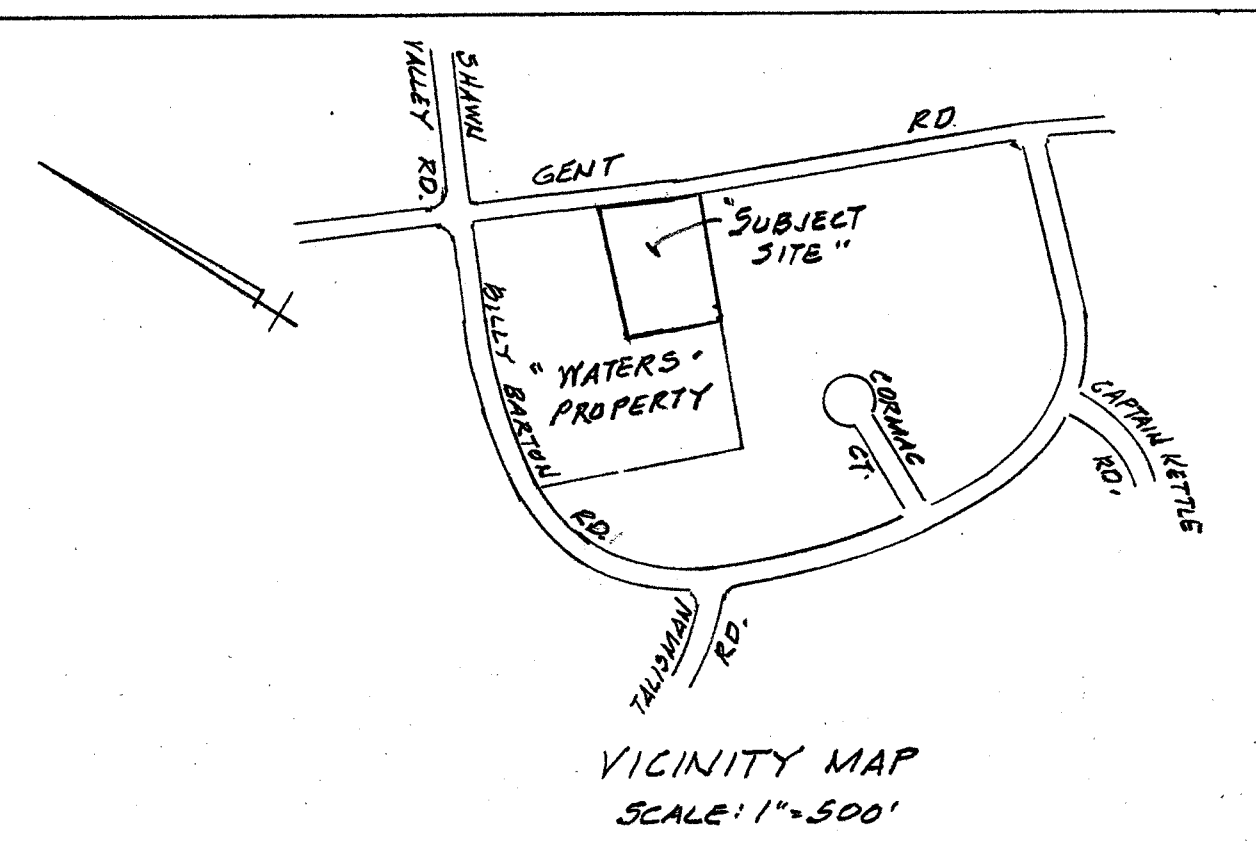
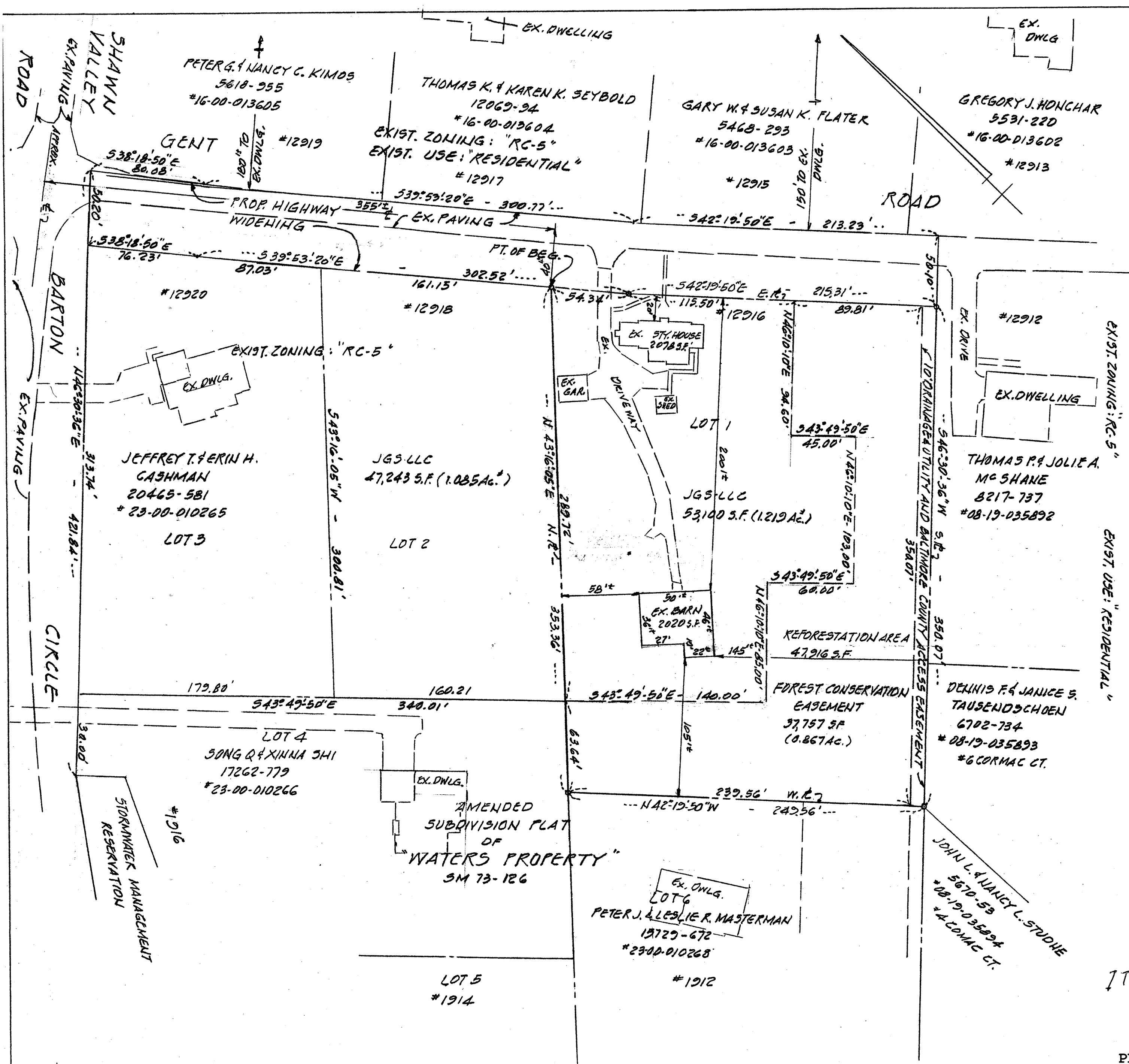
LEFT SIDE



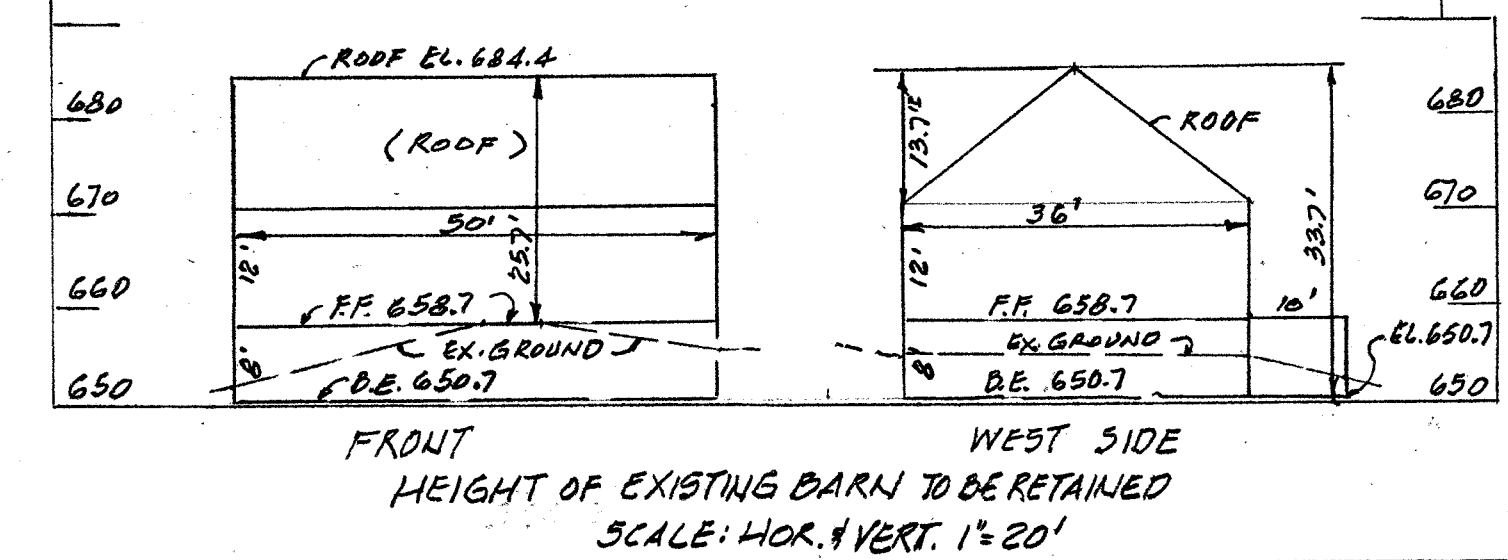
RT. SIDE



PETITIONER'S EXHIBIT 6d



- GENERAL NOTES**
1. AREA OF PROPERTY: LOT 1 = 53,100 S.F. (1.219 AC.) GROSS = 140 AC.
 2. EXISTING ZONING OF PROPERTY = "RC-5"
 3. EXISTING USE OF PROPERTY = "RESIDENTIAL"
 4. PROPOSED ZONING OF PROPERTY = "RC-5"
 5. PROPOSED USE OF PROPERTY = "RESIDENTIAL"
 6. PROPERTY RECORDED ON "AMENDED SUBDIVISION PLAT OF WATERS PROPERTY IN PLAT BOOK 3M.73-126."
 7. TAX ACCOUNT NUMBER 23-00-010264, DEED: 13797-312
 8. JGS, LLC, 2,304 AC. - LOT 1 BEING SUBDIVIDED INTO 2 LOTS - LOT 1 = 1.219 AC. & LOT 2 = 1.085 AC.
 9. PROPERTY SERVED BY PRIVATE WATER & SEWER
 10. PROPERTY LOCATED ON BALTO. CO. ZONING MAP 041B3
 11. PETITIONER REQUESTING A SPECIAL HEARING TO PERMIT: #1 AN EXISTING NON-CONFORMING BARN, TO BE USED AS EITHER A BARN OR OTHERWISE AS AN ACCESSORY STRUCTURE 26' IN HEIGHT, WHICH IS LARGER OR EQUAL TO THE FOOT PRINT OF THE EXISTING HOUSE, TO REMAIN ON LOT 1 OF THE PETITIONER'S SUBDIVISION, OR, IN ALTERNATIVE, #2 A VARIANCE TO PERMIT AN EXISTING ACCESSORY STRUCTURE, A BARN, IF NOT SUBJECT TO SECTION 300.1, 26' IN HEIGHT, IN LIEU OF THE PERMITTED 15' AND TO CONFIRM THAT IT MAY REMAIN ON LOT 1 OF THE PETITIONER'S SUBDIVISION ALTHOUGH LARGER OR AT LEAST EQUAL TO THE FOOT PRINT OF THE EXISTING HOUSE



ITEM # 2009.033 SPHA PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING AND VARIANCE
12916 GENT ROAD - LOT 1, 1.219 AC.
"WATERS PROPERTY" - P.B. 3M 73-126
ELECT. DIST. BC3 BALTIMORE CO., MD.
SCALE: AS SHOWN MAR 3, 2009

PETITIONER'S
EXHIBIT NO. _____

OWNER:
JGS LLC
913 RIDGEBROOK RD. SUITE 320
SPARKS, MD. 21152-9466
TEL: 410-472-6404



CENTURY
ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 GILROY ROAD
HUNT VALLEY, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401

