

**IN RE: PETITIONS FOR SPECIAL HEARING  
AND VARIANCE**

S side of Middletown Road; 542 feet NW  
of Gores Mill Road  
6<sup>th</sup> Election District  
3<sup>rd</sup> Councilmanic District  
(19912 Middletown Road)

**Mario A. De La Rosa**  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
  
\* Case No. 2009-0318-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 the legal owner of the subject property, Mario A. De La Rosa. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for a proposed accessory building (storage barn) with a building footprint that is greater than the principal use dwelling. Petitioner is also requesting Variance relief from Section 400.3 of the B.C.Z.R. to permit a proposed accessory building (storage barn) with a height of 29 feet in lieu of the maximum permitted 15 feet. 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 relief was Petitioner Mario A. De La Rosa and Leonard T. Bohager, L.S., P.E., the professional engineer who prepared the site plan. There were no Protestants or interested citizens in attendance at the hearing.

Leonard T. Bohager, L.S., P.E., the professional engineer who prepared the site plan submitted into evidence as Petitioner's Exhibit 1, was accepted as an expert in engineering, site planning, and the Baltimore County Zoning Regulations. Mr. Bohager presented testimony and evidence revealing that the subject property, 19912 Middletown Road, is located on the south side

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of Middletown Road, approximately 4.5 miles west of Interstate 83 and approximately 4 miles south of the Maryland-Pennsylvania line in the Parkton area of Baltimore County. The subject property contains approximately 1.06 acres, more or less, zoned R.C.4. The property is currently improved with a two-story dwelling that has a footprint of approximately 600 square feet and a macadam drive with ingress/egress access off of Middletown Road. The stucco façade of the home and the aforementioned ingress/egress for the property are shown on the photographs marked and accepted into evidence as Petitioner's Exhibits 4A through 4C. Petitioner noted that the area surrounding the subject property is largely rural-residential in character containing mostly farms and large acreage residences as seen on the zoning map aerial photograph marked and accepted into evidence as Petitioner's Exhibit 2.

Further testimony revealed that the primary structure was built in 1890 as a farmhouse and since renovated to serve as a single-family dwelling. The dwelling, built on a rock and mortar foundation, has two stories and an unfinished basement. Petitioner indicated that the basement, containing a dirt floor, remains unfinished due to extremely damp conditions. Evidence also indicated that the subject property is most likely the last remaining parcel of a large farm that had been subdivided through the years. Moreover, Mr. Bohager indicated that due to a series of road improvements to Middletown Road, originally a rural dirt road, the subject property is deprived of a usable front yard as seen in the photograph accepted into evidence as Petitioner's Exhibit 4A.

Mr. Bohager indicated that Petitioner proposes to construct an accessory structure/storage barn in the rear of the subject property. The proposed location for the accessory structure in the rear yard, as seen in the photos accepted into evidence collectively as Petitioner's Exhibits 5A and 5B, is relatively clear and would not require any additional grading or disturbance. The proposed barn would serve residential purposes by providing storage for Petitioner's lawn equipment,

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vehicles, and general household items. The storage barn (32' x 28') would contain garage door style bays and be equipped with a loft for extra storage. Petitioner indicates that the barn would be approximately 29 feet in height and contain 1,120 square feet. Architectural elevations and renderings for the proposed barn were marked and accepted into evidence as Petitioner's Exhibit 3. This proposed building footprint would be larger than that of the principal use dwelling. Mr. Bohager stated that, pursuant to Petitioner's wishes, the storage barn would to be consistent in appearance and materials with other accessory structures in the surrounding area. Most notable of these structures is the horse barn located on 19904 Middletown Road to the east of the subject property. This horse barn can be seen in the photograph accepted into evidence as Petitioner's Exhibit 6A. Much like the adjacent neighbor's horse barn, the proposed structure would resemble a farmhouse barn with similar color siding and roofing. A gravel drive would provide access from Petitioner's macadam driveway to the storage barn.

In support of the requested special hearing, Petitioner indicated that the proposed footprint is necessary due to the lack of storage space available within the dwelling. As a result of the extremely close proximity of the home to the road, a garage attached to the home is impractical and not feasible. Moreover, the extremely damp conditions in the basement render the space unusable for storage. Therefore, there is insufficient storage space in the principal dwelling and on the subject property for Petitioner's residential storage.

In support of the variance request, Petitioner indicated that due to the aforementioned unusual characteristics and conditions of the subject property, strict compliance with the zoning regulations would result in practical difficulty and undue hardship. The primary dwelling was constructed in 1890, approximately 120 years ago. The materials used in constructing the structure over a century ago, a rock and mortar foundation and dirt basement floor, are not

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conducive to a finished basement and storage of household items. Further these materials contribute to the extremely damp conditions in the unfinished basement. Storage in the dirt-floor basement would be impractical and probably result in damage to the items being stored. Moreover, the close proximity of the home to the road constrains development of the subject property. Due to this proximity, a detached or front-loading garage to serve the property's storage needs would be impractical and very difficult to design and implement.

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 July 9, 2009, which recommends that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, nor be used for commercial purposes. Comments were received from the Department of Environmental Protection and Resource Management dated July 13, 2009 indicating that the property must comply with the Forest Conservation Regulations. Prior to building permit approval, the location of the well and septic system must be shown on the plan. Furthermore, Wallace S. Lippincott, Agricultural Preservation Specialist with DEPRM, comments that the requested relief raises concerns. He indicates that the property is zoned R.C.4 and the purpose of the Zone is to reduce impacts on the reservoirs through retaining natural vegetation and limiting impervious surfaces. He believes the request may increase the impervious surface area through buildings, roads and potentially a parking pad. He recommends that Petitioner determine with the Zoning Office if the use is permitted, and also states that Petitioner must supply the percentage of impervious surfaces proposed and that impervious cover should not exceed 10% of the site.

In response to the Zoning Advisory Committee (ZAC) comments delineated above, Petitioner's engineer, Mr. Bohager, noted that the storage barn will not be used as a dwelling or

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contain dwelling related amenities. The proposed barn is to be used for residential storage purposes, not for commercial activities or as a dwelling. Such a structure is permitted in the R.C.4 Zone. Further, Mr. Bohager notes that although the addition of the proposed accessory structure would increase the current impervious surface area on the subject property, this increase would still be less than 10% of the total acreage of the property. Based upon the testimony and evidence presented, I am satisfied that Petitioner has adequately addressed the concerns of DEPRM and the Office of Planning.

Turning first to the Petition for Special Hearing, I am persuaded to grant the requested relief. Initially, it should be noted that Section 101.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) defines an accessory use or structure as:

“a use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure.”

In this case, Petitioner requests that the undersigned determine that despite the fact that the accessory structure (storage barn) would no longer be subordinate in area to the principal structure, that it nonetheless is still an accessory structure. In my view, despite the proposed footprint of the storage barn being larger than that of the principal structure, the storage barn is and will remain as an accessory structure, subordinate to the principal structure. No one would reside in the storage barn nor would any commercial enterprise be conducted there. The addition of the storage barn and its proposed dimensions are only desired in order to provide a specific location for the storage of lawn equipment, vehicles, and general household items that Petitioner owns, and to improve the aesthetics of the property. Currently, there is insufficient space to adequately store these items. Thus, the storage barn serves the principal structure as an accessory use and structure in the spirit and intent of the definition enumerated in Section 101.1 of the B.C.Z.R.

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As to the variance request, considering all of the testimony and evidence presented, I am convinced that the request should be granted. First, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The principal dwelling was constructed in 1890, approximately 120 years ago and the existing unfinished basement is extremely damp and unsuitable for storage purposes. Further, the proximity of the home to Middletown Road eliminates the possibility of a garage being attached near the front of the dwelling. Hence, I find the property to be unique in a zoning sense. Moreover, if the requested relief was to be refused and strict compliance with the zoning regulations mandated, Petitioner would suffer practical difficulty and unreasonable hardship.

In addition, I find that the variance request can be granted in strict harmony with the spirit and intent of said zoning regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The proposed storage barn will be compatible with the rural-residential character of the Parkton-Freeland area of northern Baltimore County and will allow Petitioner to provide adequate storage for the subject property. Thus, I find that this variance request can be granted as to meet the requirements of Section 307.1 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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 and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20<sup>th</sup> day of August, 2009 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a proposed

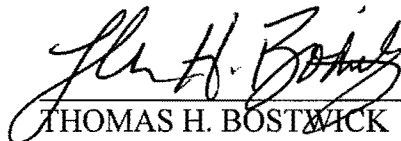
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accessory building (storage barn) with a building footprint that is greater than the principal use dwelling be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Variance request from Section 400.3 of the B.C.Z.R. to permit a proposed accessory building (storage barn) with a height of 29 feet in lieu of the maximum permitted 15 feet be and is hereby GRANTED, subject to the following:

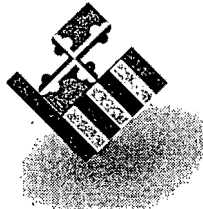
1. Petitioner is advised that he may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.
4. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
5. Prior to building permit approval, the location of the well and septic system must be shown on the plan and approved by Ground Water Management.

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

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**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

August 20, 2009

MARIO A. DE LA ROSA  
19912 MIDDLETOWN ROAD  
FREELAND MD 21055

Re: Petition for Special Hearing and Variance  
Case No. 2009-0318-SPHA  
Property: 19912 Middletown Road

Dear Mr. De La Rosa :

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,

Handwritten signature of Thomas H. Bostwick in black ink.

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

Enclosure

c: Leonard T. Bohager, L.S., P.E., 2741 Ebbvale Road, Manchester MD 21102





Tax Acct# 06-07-058200  
Deed Ref 20805/160

# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 19912 Middletown Rd.  
which is presently zoned RC-4

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 a proposed accessory building (storage barn) with a building footprint that is greater than the principal use 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:**

N/A  
Name - Type or Print  
  
Signature  
  
Address Telephone No.  
  
City State Zip Code

**Attorney For Petitioner:**

N/A  
Name - Type or Print  
  
Signature  
  
Company  
  
Address Telephone No.  
  
City State Zip Code

**Legal Owner(s):**

Mario A. De La Rosa  
Name - Type or Print  
  
x [Signature]  
Signature  
  
Name - Type or Print

19912 Middletown Rd. 410-982-2869  
Address Telephone No.  
Freeband Md 21055  
City State Zip Code

**Representative to be Contacted:**

Leonard T. Bohager, L.S., P.E.  
Name  
2741 Ebbvale Rd. 410-374-8463  
Address Telephone No.  
Manchester Md. 21102  
City State Zip Code

**OFFICE USE ONLY**

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_

Case No. 2009-0318-5PHA

Reviewed By JNP Date 6/8/09

REV 9/15/98

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8-20-09  
[Signature]



# Petition for Variance

to the Zoning Commissioner of Baltimore County  
for the property located at 19912 Middletown Rd.  
which is presently zoned RC-4

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) 400.3, BCZR, to permit a proposed accessory building (storage barn) with a height of 29 feet in lieu of the maximum permitted 15 feet.

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

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

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

**Contract Purchaser/Lessee:**

N/A  
Name - Type or Print  
  
Signature  
  
Address Telephone No.  
  
City State Zip Code

**Attorney For Petitioner:**

N/A  
Name - Type or Print  
  
Signature  
  
Company  
  
Address Telephone No.  
  
City State Zip Code

**Legal Owner(s):**

Mario A. De La Rosa  
Name - Type or Print  
  
x [Signature]  
Signature  
  
Name - Type or Print  
  
Signature

19912 Middletown Rd 410-982-2869  
Address Telephone No.  
Freeland Md. 21053  
City State Zip Code

**Representative to be Contacted:**

Leonard T. Bohager, L.S., P.E.  
Name  
2741 Ebbvale Rd 410-374-8463  
Address Telephone No.  
Manchester Md. 21102  
City State Zip Code

**OFFICE USE ONLY**

Case No. 2009-0318-SPHA

ESTIMATED LENGTH OF HEARING \_\_\_\_\_

UNAVAILABLE FOR HEARING \_\_\_\_\_  
Date 6/8/09

**ZONING DESCRIPTION FOR  
19912 MIDDLETOWN ROAD, FREELAND, MD. 21053**

*L.T.B.*

which is 24 feet wide at a distance of 542 feet northwest of  
Gores Mill Road

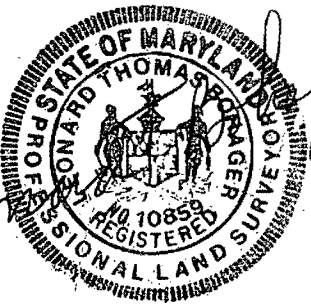
Beginning on the south side of Middletown Road and running therealong,

1.) S 35 degrees 33' 10" E 126.54', thence leaving road, 2.) S 36 degrees 50' 15" W  
386.75', 3.) N 41 degrees 32' 36" W 117.41', 4.) N 36 degrees 02' 15" E 401.42'

*L.T.B.*

to the place of beginning. Containing 1.06 acres of land. 6th Election District, 3rd Councilmanic  
District. As Recorded in Deed Liber 20805, Folio 160.

*[Signature]*



6-8-09



**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: # 2009-0318-SPHA**

19912 Middletown Road

S/Slide of Middletown Road; 542 feet n/west of Gores Mill Road

6th Election District — 3rd Councilmanic District

Legal Owner(s): Marlo De La Rosa

**Special Hearing:** for a proposed accessory building (storage barn) with a building footprint that is greater than the principal using dwelling. **Variance:** to permit a proposed accessory building (storage barn) with a height of 29 feet in lieu of the maximum permitted 15 feet.

**Hearing: Monday, August 17, 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.

7/558 July 30

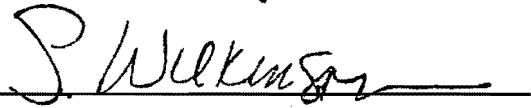
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# CERTIFICATE OF PUBLICATION

7/30/2009

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 7/30/2009.

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



LEGAL ADVERTISING

# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN MATHHEWS

**DATE:** 08/02/09

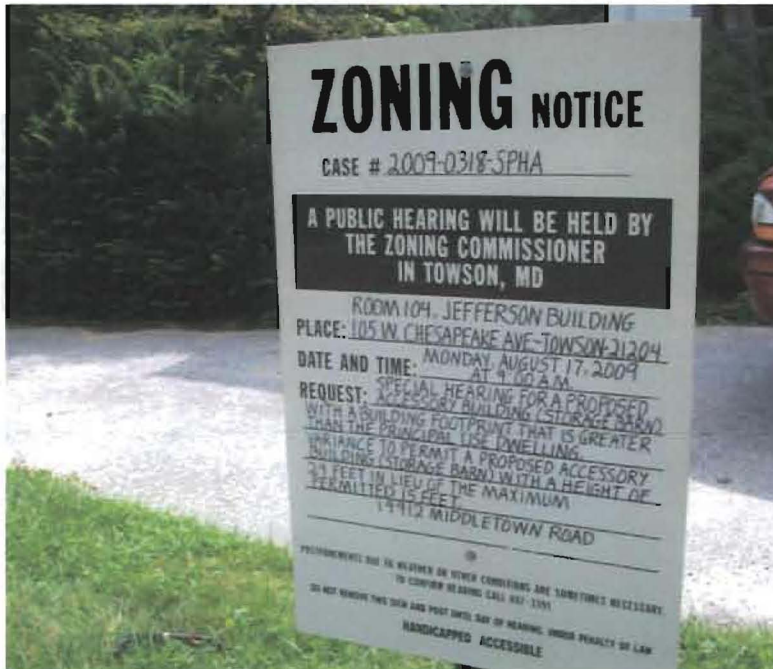
**Case Number:** 2009-0318-SPHA

**Petitioner / Developer:** MARIO DE LA ROSA~LEONARD BOHAGER

**Date of Hearing (Closing):** AUGUST 17, 2009

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:  
19912 MIDDLETOWN ROAD

**The sign(s) were posted on:** AUGUST 1, 2009



*Linda O'Keefe*  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030  
(City, State, Zip of Sign Poster)

410 - 666 - 5366  
(Telephone Number of Sign Poster)

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/neighbor 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.**

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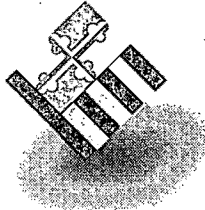
**For Newspaper Advertising:**

Item Number or Case Number: 2009-0318-SPHA  
Petitioner: De La Rosa  
Address or Location: 19912 Middletown Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mario De La Rosa  
Address: 19912 Middletown Road  
Freeland, Md 21053  
Telephone Number: 410-982-2869

Revised 7/11/05 - SCJ



**BALTIMORE COUNTY**

M A R Y L A N D

JAMES T. SMITH, JR.  
County Executive

July 14, 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: 2009-0318-SPHA**

19912 Middletown Road  
S/side of Middletown Road, 542 feet n/west of Gores Mill Road  
6<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
Legal Owners: Mario De La Rosa

Special Hearing for a proposed accessory building (storage barn) with a building footprint that is greater than the principal use dwelling. Variance to permit a proposed accessory building (storage barn) with a height of 29 feet in lieu of the maximum permitted 15 feet.

Hearing: Monday, August 17, 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: Mario De La Rosa, 19912 Middletown Road, Freeland 21055  
Leonard Bohager, 2741 Ebbvale Road, Manchester 21102

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 1, 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  
Thursday, July 30, 2009 Issue - Jeffersonian

Please forward billing to:  
Mario De La Rosa  
19915 Middletown Road  
Freeland, MD 21053

410-982-2869

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## NOTICE OF ZONING HEARING

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**CASE NUMBER: 2009-0318-SPHA**

19912 Middletown Road  
S/side of Middletown Road, 542 feet n/west of Gores Mill Road  
6<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
Legal Owners: Mario De La Rosa

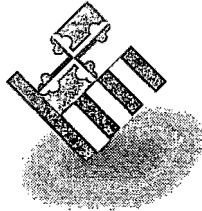
Special Hearing for a proposed accessory building (storage barn) with a building footprint that is greater than the principal use dwelling. Variance to permit a proposed accessory building (storage barn) with a height of 29 feet in lieu of the maximum permitted 15 feet.

Hearing: Monday, August 17, 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.



**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*

August 14, 2009

Mario A. De La Rosa  
19912 Middletown Rd.  
Freeland, MD 21055

Dear: Mario A. De La Rosa

RE: Case Number 2009-0318-SPHA, 19912 Middletown Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 08, 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel  
Leonard Bohager, L.S., P.E.; 2741 Ebbvale Rd.; Manchester, MD 21102

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** July 9, 2009

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

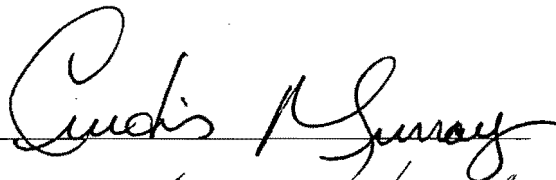
**SUBJECT:** 9-318 – Special Hearing and Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (storage barn) with a height of 29 feet in lieu of the maximum permitted 15 feet and to have a building footprint larger than that of the principle dwelling which it serves provided the following conditions are met:

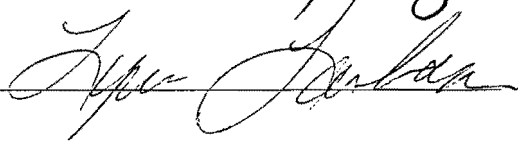
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

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

Prepared by:



Division Chief:



AFK/LL: CM

TB

8-17  
9Am

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** July 9, 2009

RECEIVED

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

JUL 16 2009

ZONING COMMISSIONER

**SUBJECT:** 9-318 – Special Hearing and Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (storage barn) with a height of 29 feet in lieu of the maximum permitted 15 feet and to have a building footprint larger than that of the principle dwelling which it serves provided the following conditions are met:

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

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

Prepared by: *Curtis R. Murray*

Division Chief: *John J. ...*

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

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

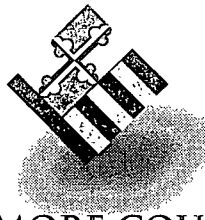
**DATE:** June 17, 2009

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For June 22, 2009  
Item Nos. 2009-299, 315, 316,  
317, and 318, 319

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

DAK:CEN:dak  
cc: File  
ZAC-06172009 -NO COMMENTS



**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

June 4, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 22.2009

Item Numbers 299,0315,0316,0317,0318,0319,0320

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.

1. The Fire Marshal's Office has no comments at this time.

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

cc: File



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

State Highway Administration

Beverly K. Swaim-Staley, Acting Secretary | Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JUNE 17, 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. 2009-0318-SPHA
19912 MIDDLETON RD
DE LA ROSA PROPERTY
VARIANCE -
SPECIAL HEARING

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. 2009-0318-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,

Handwritten signature of Michael Bailey

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

TB 8-17  
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUL 14 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco  
FROM: Dave Lykens, DEPRM - Development Coordination  
DATE: July 13, 2009  
SUBJECT: Zoning Item # 09-318-SPHA  
Address 19912 Middletown Road  
(De La Rosa Property)

Zoning Advisory Committee Meeting of June 15, 2009

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

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). – *Gris Batchelder; Environmental Impact Review*

Additional Comments:

1. Prior to building permit approval, the locations of the well and septic system must be shown on the plan. Contact GWM for more information. – *S. Farinetti; Groundwater Management*
2. This request raises concerns. The property is zoned RC-4 and the purpose of the zone is to reduce impacts on the reservoirs through retaining natural vegetation and limiting impervious surfaces. The request is for what appears to be an equipment storage yard, which is not permitted in the RC-4 zone. The request increases the impervious surface area through buildings, roads and potentially a parking pad.
  - A.) Petitioner should determine with the Zoning Office if the use is permitted.
  - B.) Petitioner must supply the percentage of impervious surfaces proposed and note if any there is an approval of the zoning request that impervious cover should not exceed 10 percent of the site. – *W.S. Lippincott; Agricultural Preservation*



RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
AND VARIANCE \* ZONING COMMISSIONER  
19912 Middletown Road; S/S Middletown \*  
Road, 542' NW of Gores Mill Road \*  
6<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts \* FOR  
Legal Owner(s): Mario De La Rosa \*  
Petitioner(s) \* BALTIMORE COUNTY  
\* 09-318-SPHA

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People’s Counsel for Baltimore County as an interested party 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

JUN 29 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 29th day of June, 2009, a copy of the foregoing Entry of Appearance was mailed to Leonard T. Bohager, LS, PE, 2741 Ebbvale Road, Manchester, MD 21102, Representative for Petitioner(s).

*Peter Max Zimmerman*  
\_\_\_\_\_  
PETER MAX ZIMMERMAN  
People’s Counsel for Baltimore County



Case No.: 2009-0318-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Zoning Map w/ Aerial Photos	
No. 3	Elevation Drawings	
No. 4 A-C	Photos of front of Pet's Property	
No. 5 A+B	Photos of rear of property (building will be at left)	
No. 6 A-F	Photos of nearby properties that have similar structures	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



19925

BANDELIN PROPERTY (PDM File/Project # 6-281)  
PDM # 060281 0608000350  
BANDELIN PROPERTY (PDM File/Project # LIM 05069)

19926

2200015408

2200013275

RC 2

0605008000

19916

PDM # 060175

2300004419

19912

19909

NW 34-E  
3 CD

011B1  
6 ED

19901

RCC

19904

0607058200

SITE

RC 4 *long*

MIDDLETOWN RD

GORE MILL RD

1700010118

19800141

19900

19860

0613075300

MIDDLETOWN RD

GORE MILL RD

2200020736

1600001664

0602057475

0620030290

PETITIONER'S

EXHIBIT NO.

*2*

1" = 100'

PETITIONER'S

EXHIBIT NO.

4A-C

FRONT  
#19912

FRONT # 19912





SNOW  
BALLS





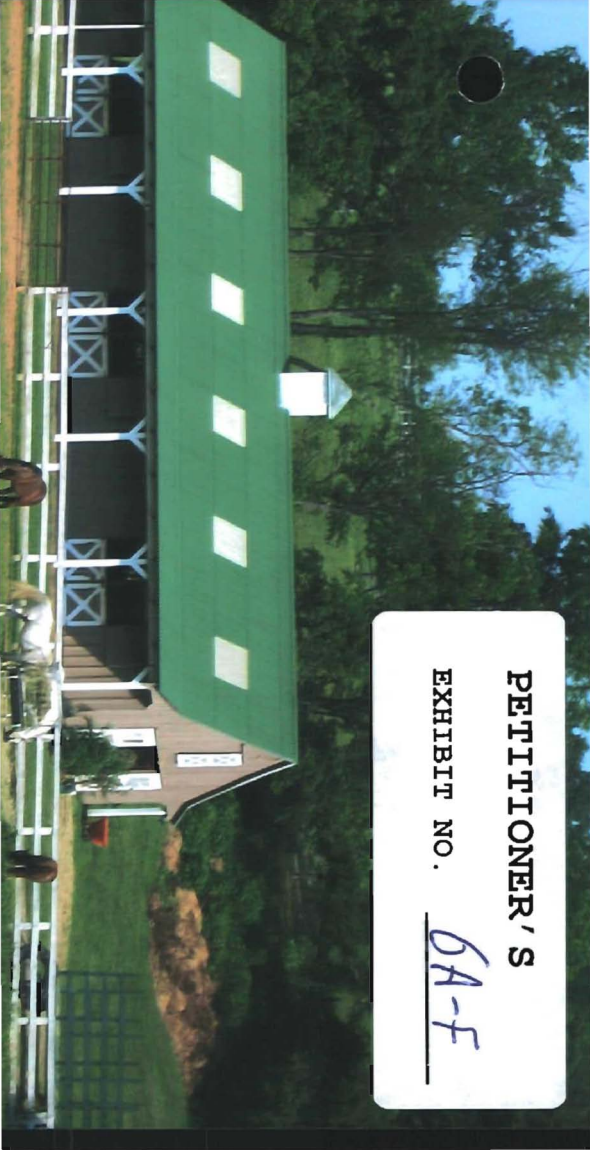
EXHIBIT



PETITIONER'S

EXHIBIT NO.

6A-F











	<b>Maryland Department of Assessments and Taxation</b> <b>BALTIMORE COUNTY</b> Real Property Data Search (2007 vw4.3)	Go Back View Map New Search
---	---	-----------------------------------

**Account Identifier:** District - 06 Account Number - 0607058200

**Owner Information**

<b>Owner Name:</b>	DE LA ROSA MARIO ALBERTO	<b>Use:</b>	RESIDENTIAL
		<b>Principal Residence:</b>	YES
<b>Mailing Address:</b>	19912 MIDDLETOWN RD FREELAND MD 21053-9421	<b>Deed Reference:</b>	1) /20805/ 160 2)

**Location & Structure Information**

<b>Premises Address</b> 19912 MIDDLETOWN RD	<b>Legal Description</b> 1 AC 19912 MIDDLETOWN RD WS 415FT W GOES MILL RD
--	--

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
11	9	18						2	Plat Ref:

<b>Special Tax Areas</b>	<b>Town Ad Valorem Tax Class</b>
--------------------------	----------------------------------

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1890	1,208 SF	1.06 AC	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	STUCCO

**Value Information**

	Base Value	Value Phase-in Assessments		
		Value As Of 01/01/2008	Value As Of 07/01/2008	Value As Of 07/01/2009
<b>Land</b>	80,480	140,840		
<b>Improvements:</b>	70,650	104,120		
<b>Total:</b>	151,130	244,960	182,406	213,682
<b>Preferential Land:</b>	0	0	0	0

**Transfer Information**

<b>Seller:</b> KAHL MARIAN A	<b>Date:</b> 10/08/2004	<b>Price:</b> \$200,000
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b> /20805/ 160	<b>Deed2:</b>
<b>Seller:</b> KAHL RANDALL D,SR	<b>Date:</b> 08/29/2002	<b>Price:</b> \$0
<b>Type:</b> NOT ARMS-LENGTH	<b>Deed1:</b> /16762/ 707	<b>Deed2:</b>
<b>Seller:</b> GRANDINETTI ANGELO	<b>Date:</b> 01/18/1983	<b>Price:</b> \$10,750
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b> / 6477/ 14	<b>Deed2:</b>

**Exemption Information**

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

<b>Tax Exempt:</b> NO	<b>Special Tax Recapture:</b>
<b>Exempt Class:</b>	* NONE *



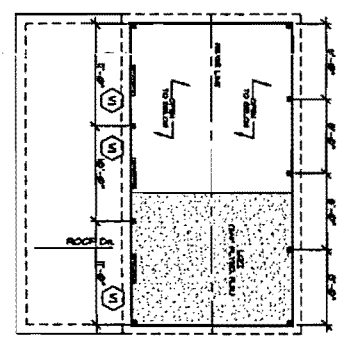
CODE INFORMATION		
MUNICIPALITY: PARSON PA, BALTIMORE CO		
OFFICE: 1000 WOODBURN DR, BALTIMORE, MD 21204		
GENERAL DESCRIPTION	PROJECT NO.	DATE
CONTRACT TYPE	4-201	APR 10
CONTRACTOR	J&N	CDM
ARCHITECT	ENG	CDM
ALTA BUILDING NO.	1000	CDM
ALTA BUILDING NO.	1000	CDM

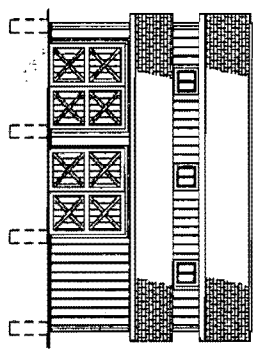
CODE INFO ON STRUCTURES:	
1. FOUNDATION DESIGN FOR ALL STRUCTURES SHALL BE PERFORMED BY A LICENSED PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF PENNSYLVANIA.	
2. DESIGN LIVE LOADS SHALL BE PERFORMED BY A LICENSED PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF PENNSYLVANIA.	
3. DESIGN WIND LOADS SHALL BE PERFORMED BY A LICENSED PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF PENNSYLVANIA.	
4. ALL STRUCTURAL STEEL TO BE FABRICATED BY A LICENSED FABRICATOR REGISTERED IN THE STATE OF PENNSYLVANIA.	
5. ALL STRUCTURAL WOOD TO BE DRY-KILLED AND APPROVED BY THE ARCHITECT.	
6. ALL STRUCTURAL WOOD TO BE TREATED WITH AN APPROVED PRESERVATIVE.	
7. ALL STRUCTURAL WOOD TO BE KILN DRIED TO A MAXIMUM MOISTURE CONTENT OF 19%.	
8. ALL STRUCTURAL WOOD TO BE APPROVED BY THE ARCHITECT.	
9. ALL STRUCTURAL WOOD TO BE APPROVED BY THE ARCHITECT.	
10. ALL STRUCTURAL WOOD TO BE APPROVED BY THE ARCHITECT.	
11. ALL STRUCTURAL WOOD TO BE APPROVED BY THE ARCHITECT.	
12. ALL STRUCTURAL WOOD TO BE APPROVED BY THE ARCHITECT.	
13. ALL STRUCTURAL WOOD TO BE APPROVED BY THE ARCHITECT.	
14. ALL STRUCTURAL WOOD TO BE APPROVED BY THE ARCHITECT.	
15. ALL STRUCTURAL WOOD TO BE APPROVED BY THE ARCHITECT.	
16. ALL STRUCTURAL WOOD TO BE APPROVED BY THE ARCHITECT.	
17. ALL STRUCTURAL WOOD TO BE APPROVED BY THE ARCHITECT.	
18. ALL STRUCTURAL WOOD TO BE APPROVED BY THE ARCHITECT.	
19. ALL STRUCTURAL WOOD TO BE APPROVED BY THE ARCHITECT.	
20. ALL STRUCTURAL WOOD TO BE APPROVED BY THE ARCHITECT.	



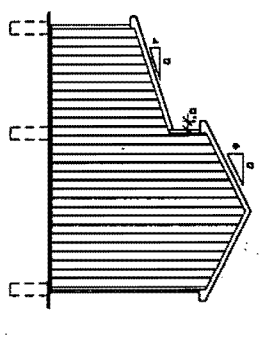
1 FLOOR PLAN  
SCALE: 1/8" = 1'-0"



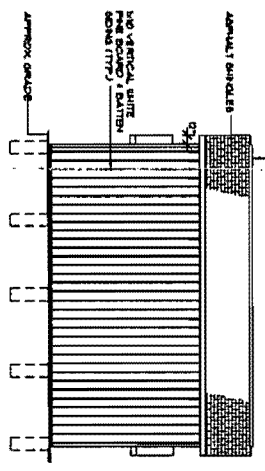
2 LOFT PLAN  
SCALE: 1/8" = 1'-0"



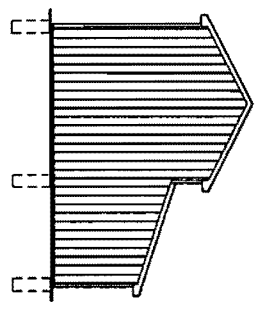
3 FRONT ELEVATION  
SCALE: 1/8" = 1'-0"



4 RIGHT SIDE ELEV.  
SCALE: 1/8" = 1'-0"

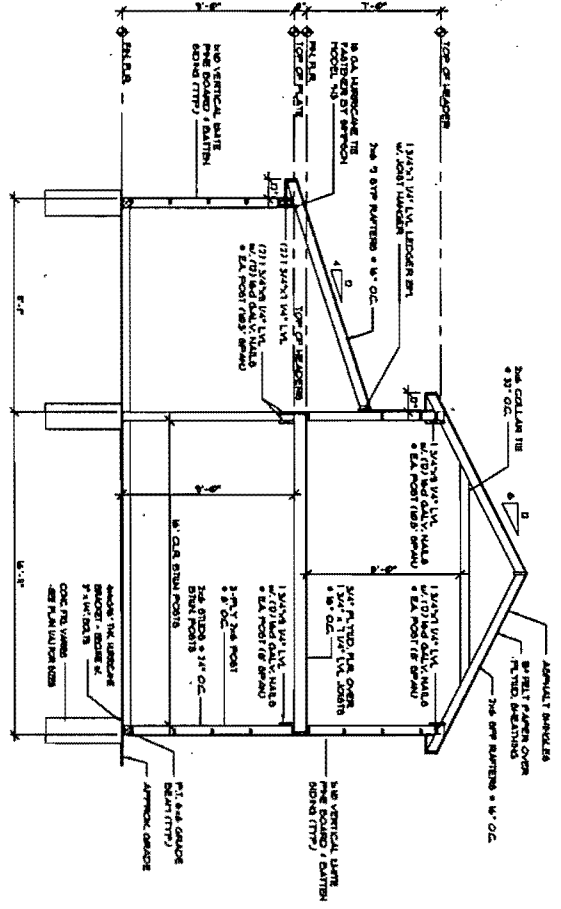


5 REAR ELEVATION  
SCALE: 1/8" = 1'-0"

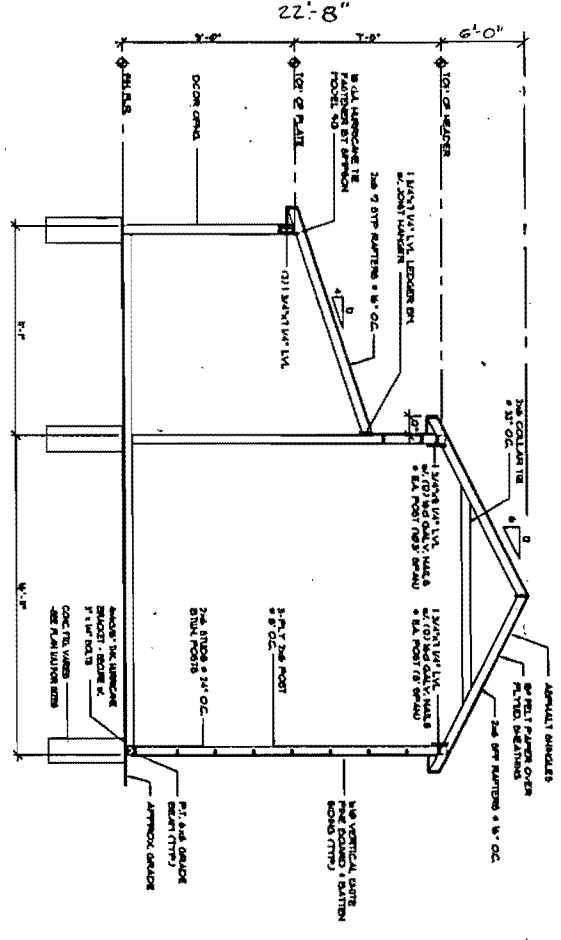


6 LEFT SIDE ELEV.  
SCALE: 1/8" = 1'-0"

SYMBOL LEGEND	
(1)	1/4" x 4" x 8'-0" UNIDIR. DOOR
(VI)	3/4" x 6" x 8'-0" UNIDIR. DOOR
(II)	SECTION NUMBER SHEET SECTION IS LOCATED.
(III)	SECTION NUMBER SHEET SECTION IS LOCATED.
(IV)	ELEVATION SHEET



1 BUILDING SECTION  
SCALE: 1/4" = 1'-0"



2 BUILDING SECTION  
SCALE: 1/4" = 1'-0"

1" = 10'

PRELIMINARY - NOT FOR CONSTRUCTION

DATE: FEBRUARY 15, 2009 DRAWING TITLE: FLOOR PLAN EXTERIOR ELEVATIONS SHEET NO. A.1	PROJECT NO. 09020 MANAGED BY: D. KILNA DRAWN BY: R. BENEY REVISIONS:	CONTRACTOR: Penn Dutch Str. LLC. 12025 Susquehanna Trail Glen Rock, Pa. 17327 PH. # (717) 227-3841	ARCHITECT: Eng Architects 1854 Lincoln Highway East Lancaster, PA 17602 (717) 392-8021, fax 392-7140	CONTRACTOR: J&N STRUCTURES 520 Stauffer Road Lititz, Pa. 17543 JAKE BEILER - (717) 627-5020
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