

IN RE: PETITION FOR SPECIAL HEARING

NE side of Pot Spring Road; 3,175 feet S
of Old Bosley Road
8th Election District
3rd Councilmanic District
(2619 Pot Spring Road)

James and Heidi Johnston
Legal Owners

Aimee and Christopher Smith
Petitioners

BEFORE THE
DEPUTY ZONING
COMMISSIONER
FOR BALTIMORE COUNTY

CASE NO. 2009-0321-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 Petitioners Aimee and Christopher Smith, who reside at 2615 Pot Spring Road. The legal owners of the subject property at 2619 Pot Spring Road are James and Heidi Johnston. Petitioners have requested Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to deny the approval of Building Permit B-678820 which was issued for the construction of a garage attached to a residential dwelling by a connecting breezeway. Petitioners contend that the breezeway does not meet the requirements of the B.C.Z.R. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing relief were Petitioners Aimee Smith and Christopher Smith. Appearing as the legal owners of the subject property opposed to the requested relief were James Johnston and Heidi Johnston. There were no other Protestants or interested persons in attendance at the hearing.

UNDER RECEIVED FOR FILING
Date 9-14-09
By [Signature]

Testimony and evidence offered revealed that the subject property is an irregular-shaped property consisting of approximately 0.86 acre, more or less, zoned R.C.6. The property is located on the east side of Pot Spring Road, approximately one quarter mile south of Old Bosley Road, in the Lutherville area of Baltimore County. Access to the property is by way of a driveway leading from Pot Spring Road. The property is improved with an existing 1½-story single-family dwelling situated to the left of the driveway. The dwelling is set back from the road and placed perpendicular to the road, facing the driveway. As shown on the site plan, there is also an existing three car garage situated next to the dwelling to the east, in the same building line as the dwelling. The structures are connected with a breezeway. It is this garage and connecting breezeway that is the subject of the special hearing request.

This case is somewhat unusual in that Petitioners in this matter, Mr. and Mrs. Smith, are adjacent neighbors that are actually, in effect, the "Protestants" opposed to the location of the garage that was recently constructed; conversely, Protestants, Mr. and Mrs. Johnston, are the legal owners of the subject property and believe the garage location is proper and the relief requested in the Petition should be denied.

By way of brief background, the Smiths own the property at 2615 Pot Spring Road immediately south of the subject property. They have resided there since 2007 in a historic home known as Henry's Delight. Their property consists of approximately 1.84 acres and is also irregular-shaped. Their stately home was built in 1836 and is one of the historic homes recognized in Baltimore County's historic annals. Like the Johnston's home, their home is also set back from the road and placed perpendicular to the road, facing their driveway. As shown on the zoning map that was marked and accepted into evidence as Petitioners' Exhibit 2, the Smith's home is located in front of the Johnston's home, with both homes facing south.

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Date 9-4-07
BY [Signature]

Mr. Johnston has owned and resided on the subject property since 2000. The dwelling was built in 1893, originally as a caretaker house. Mr. Johnston indicated that after his marriage in 2007, he desired to make some much needed improvements to the home, which included updating the exterior and adding a garage. The exterior improvements were completed but the garage was still in the planning stages. Initially, the Johnston's wanted their garage in the front yard, facing the end of their driveway, perpendicular to the home. This would have necessitated a variance from the Zoning Regulations. Mr. Johnston approached the Smith's about this plan, but they were not supportive. They felt a garage in the front yard of the Johnston's property would intrude too close to the rear yard of their property and would have a negative impact on the overall appearance of the properties. As a result, Mr. Johnston did not pursue the planned garage in that location; instead, he altered the plan in order to construct the garage in the side yard on the same front building line as the existing dwelling, and attached via a breezeway. This plan did not require any zoning relief and Mr. Johnston filed for a building permit in October, 2007.

Mr. Johnston obtained the building permit on October 10, 2007 but did not construct the garage in 2007 or 2008, though he did renew the building permit in 2008. Both the Smith's and the Johnston's provided extensive testimony as to the discussions that took place regarding the possible location of the garage during the ensuing period before construction began on the garage in May/June, 2009. Without reiterating the testimony back and forth in its entirety, suffice it to say that a breakdown in these communications took place at some point and what were once friendly discussions took a decidedly negative turn.

After the garage was completed in June, 2009 and not satisfied with the location of the garage, the Smith's filed the instant Petition for Special Hearing. They claim that the permit was

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Date 9-4-09
BY [signature]

improperly issued because the garage as constructed, with the breezeway that attaches the garage to the home, does not meet the requirements of the B.C.Z.R. Although there is a roofline that connects the structures, as well as a doorway to the garage at one end of the roofline, the other end of the roofline connects to the front porch of the home leading to the front doorway about 10 feet away. Because the end of the roofline connected to the front porch does not immediately lead to a doorway, the Smith's contend this does not constitute a valid "breezeway" connecting the two structures; hence the garage and the permit issued to construct it are in violation of the B.C.Z.R., which requires accessory buildings to be located in the rear yard.

In response, the Johnston's contend that their placement of the garage in the side yard connected with a breezeway is in compliance with the Zoning Regulations. Mr. Johnston in particular recounted his navigation through the building permit and zoning process in Baltimore County. He indicated that he was very transparent in what his plans were for the three car garage and how that mirrors the structure that was eventually built. At every step in the process, Mr. Johnston stated he was informed by County zoning and permit officials that his garage plan was in compliance with applicable rules and regulations, resulting in the issuance of a building permit by the Bureau of Building Permit Processing.

In support of his position that the breezeway is compliant with the B.C.Z.R., Mr. Johnston submitted a number of photographs that were marked and accepted into evidence as Protestants' Exhibits 2 and 4A through 4D. These photographs show a very attractive and well-maintained home and landscaping, with yellow shingle-style siding, dormers on the roof, and a front porch with white columns. The three car garage is equally attractive and sits on the same front building line as the home, with carriage style garage doors, dormers on the roof similar to the home, and an open roofline connecting the two structures. There are also columns supporting the roofline

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Date 9-1-09
BY [signature]

that are identical to the columns supporting the front porch. Mr. Johnston also submitted a copy of the building permit for the garage, which was marked and accepted into evidence as Protestants' Exhibit 5. In short, Mr. Johnston believes a "picture is worth a thousand words" and that the photographs showing the home and garage structures and the connecting roofline tell the story of his compliance with the Zoning Regulations.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. The comments generally indicate no opposition or other recommendations concerning the requested relief.

It is generally a no-win situation when once friendly neighbors are pitted against one another, and it is also unfortunate that their differences come to a head in a public hearing such as this. Nonetheless, as to the instant matter, I am easily persuaded that the roofline connecting the home and three car garage constitutes a "breezeway" and that the garage was constructed pursuant to a validly issued permit. Section 400.1 of the B.C.Z.R. requires that accessory buildings in residence zones other than farm buildings be located only in the rear yard. That section also states that this limitation does not apply to a structure which is attached to the principal building by a covered passageway; such a structure is considered part of the principal building. Petitioners contend that the roofline in question does not constitute a breezeway or covered passageway due to the location of the front door in relation to the attached roofline. I disagree.

Neither the terms "covered passageway" nor "breezeway" are specifically defined in the B.C.Z.R. Section 101.1 of the B.C.Z.R. states that "[a]ny word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged." A

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Date 9-4-89
By [signature]

breezeway is defined therein as "a roofed open-air passage or porch connecting two buildings (as a house and garage) or forming a corridor between two halves of a building (as of a cabin)." A passageway is defined as "a way that allows passage to or from a place or between two points; a corridor, path." In my view, based on the testimony and evidence adduced at the hearing, the open roofline that connects the Johnston's home with their recently constructed three car garage is undoubtedly a "breezeway" or "covered passageway" which allows the garage to be situated in the side yard, next to the dwelling, as provided by Section 400.1 of the B.C.Z.R. The relevant question here in determining its validity is not so much whether there is a door immediately on either side of the breezeway, as advanced by the Smith's; rather the issue is whether the breezeway is in fact an open air passage or porch that connects the home and garage and provides access to and from the home and the garage. If the breezeway was attached to the Johnston's home but provided no area for entry or exit, perhaps the Smith's position would be more tenable. But such is not the case here. As well depicted in the photographs submitted as evidence by Mr. Johnston, there is access under cover of the breezeway to the door at the side of the garage, and there is also access to the home via the front door by way of the breezeway attached to the covered front porch -- in short, it is one continuous covered passage from the garage to the front door, which is the very essence of a breezeway or covered passageway.

Finally, it is also worth noting in this case that the results of the Johnston's efforts -- their three car garage attached to the home by the breezeway and on the same front building line as the home -- is a structure that is very well done and aesthetically appealing. The garage, with its matching roofline, dormers, siding, columns, windows, and trim, looks as if it was part of the original home built over 100 years ago. As such, I do not believe the garage will have any detrimental effects or impacts on the surrounding area; on the contrary, it appears to be an

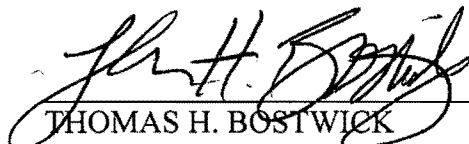
COPIES RECEIVED FOR FILING
Date 9-4-09
BY [signature]

enhancement to the subject property and should add to the historic character of these two impressive properties.

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 the Johnston's building permit for their three car garage attached to the home by a breezeway was validly and legally issued, and that Petitioners' request for special hearing should be denied.

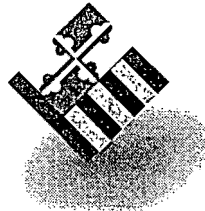
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of September, 2009 that Petitioners' request for Special Hearing relief to deny the approval of Building Permit B-678820, which was issued for the construction of a garage attached to a residential dwelling by a connecting breezeway, because the breezeway does not meet the requirements of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED.

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

UNDER RECORDED FOR FILING
Date 9-4-09
By 103



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 4, 2009

Aimee Nelson Smith
Christopher Porter Smith
2615 Pot Spring Road
Lutherville, Maryland 21093

Re: PETITION FOR SPECIAL HEARING

NE side of Pot Spring Road; 3,175 feet S of Old Bosley Road
8th Election District - 3rd Councilmanic District

(2619 Pot Spring Road)

James and Heidi Johnston - *Legal Owners*; Aimee and Christopher Smith - *Petitioners*

Case No. 2009-0321-SPH

Dear Mr. and Mrs. Smith:

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 "Th. H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:dlw
Enclosure

c: James and Heidi Johnston, 2619 Pot Spring Road, Lutherville, MD 21093
People's Counsel; File



Deed Ref: 26277/333
Acct. # 08-04-050810

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2619 Pot Spring Road
which is presently zoned RC6

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~~ deny the approval of Building Permit B678820 which was issued for the construction of a garage attached to a residential dwelling by a connecting breezeway. Petitioner contends that the breezeway does not meet the requirements of the Baltimore County Zoning regulations.

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.

Petitioner:

~~Contract Purchaser/Lessee:~~

Aimee Nelson Smith and Christopher Porter Smith

Name - Type or Print

Signature

2615 Pot Spring Road

Address

Lutherville

City

MD

State

(443) 275-1476

Telephone No.

21093

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

City

State

Telephone No.

Zip Code

Legal Owner(s):

B.
James Johnston and Heidi Lyn Johnston

Name - Type or Print

Signature

Name - Type or Print

Signature

2619 Pot Spring Road

Address

Lutherville

City

(410) 252-5606

Telephone No.

21093

Zip Code

Representative to be Contacted:

Christopher Porter Smith

Name

2615 Pot Spring Road

Address

Lutherville

City

(410) 290-1430

or (443) 275-1476

Telephone No.

21093

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 2009-0326-SPH

REV 9/15/98

Reviewed By JNP Date 6/11/09

ORDER RECEIVED FOR FILING

Date 9-4-09

By [Signature]

Zoning Description

ZONING DESCRIPTION FOR 2619 Pot Spring Road, Lutherville, MD 21093

Beginning at a point on the northeast side of
(north, south, east or west)

Pot Spring Road which is 22 feet
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 3175 feet south of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Old Bosley Road
(name of street)

which is 22 feet wide containing .86 acres,
(number of feet of right-of-way width) (square feet of acres)

as shown in Deed dated 10/16/2007 and recorded in Liber 26277 at folio 333.

BEGINNING FOR THE SAME at a point in the bed of Pot Spring Road (formerly Overshot Road) in the 9th or South 21 degrees East 40 perch line of land which by Deed dated February 14, 1957 and recorded among the Land Records of Baltimore County in Liber GLB No. 3106, folio 397, was conveyed by Frederick Fink, Jr. and wife to John W. Parrish *et al.*, at a distance of 429.94 feet from the beginning of said line, said point being also the beginning of land which by Deed dated October 28, 1957 and recorded among the Land Records of Baltimore County in Liber GLB No. 3258, folio 392, was conveyed by John W. Parrish, *et al.* to Thomas B. Cox and wife, thence leaving Pot Spring Road and the 9th in the first mentioned Deed, Fink to Parrish *et al.*, and binding on the south side of a 12 foot road (with the use in common with others entitled thereto) and reversely on the last or North 82 degrees 56 minutes West 171.05 foot line in second mentioned Deed, Parrish, *et al.* to Cox, South 82 degrees 56 minutes 00 seconds East 171.05 feet, thence leaving the south side of the aforesaid 12 foot road and binding reversely on the 6th and 7th lines in the aforesaid Deed, Parrish *et al.* to Cox, the two following courses and distances South 75 degrees 17 minutes 10 seconds East 121.34 feet and North 12 degrees 20 minutes 00 seconds East 102.50 feet, running thence for lines of division the following courses and distances: North 12 degrees 20 minutes 00 seconds East 85.00 feet and South 30 degrees 18 minutes 30 seconds West 354.03 feet to a point in the bed of Pot Spring Road and to intersect the 9th line in Deed, Fink to Parrish *et al.*, running thence and binding on part of the 9th line in aforesaid Deed, Fink to Parrish *et al.*, as now surveyed South 16 degrees 37 minutes 30 seconds East 78.00 feet to the place of beginning. Containing 0.910 acres of land, more or less; now known as 2619 Pot Spring Road.

BEING the same lot of ground which by Deed dated January 30, 2002 and recorded among the Land Records of Baltimore County in Liber No. 16214, folio 342, was granted and conveyed from James B. Johnston and Corinne S. Williams unto James B. Johnston.

Also known as 2619 Pot Spring Road, Lutherville, MD 21093
(property address)

And located in the 8th Election District, 3rd Councilmanic District.

2009-0321-SPH

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: # 2009-0321-SPH

2619 Pot Spring Road

N/east side of Pot Spring Road, 3175 feet south of Old Bosley Road

8th Election District — 3rd Councilmanic District

Legal Owner(s): James B. & Heidi Lyn Johnston

Petitioner: Aimee Nelson Smith & Christopher Porter Smith

Special Hearing: to deny the approval of building permit B678820 which was issued for the construction of a garage attached to a residential dwelling by a connecting breezeway. Petitioner contends that the breezeway does not meet the requirements of the Baltimore County Zoning Regulations.

Hearing: Monday, August 17, 2009 at 10:00 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.

7/559 July 30

206863

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

J. Wilkinson

LEGAL ADVERTISING

RE: Case No 2009-0321-SPH

Petitioner/Developer AIMEE N. SMITH & CHRISTOPHER PETER SMITH

Date Of Hearing/Closing: 8/17/09

Attention:

This letter is to certify under penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 2619 POT SPRING ROAD

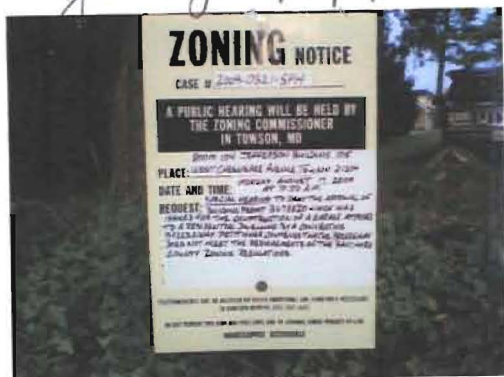
This sign(s) were posted on July 30, 2009

Month, Day, Year

Sincerely,

Signature of Sign Poster and Date

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



07/30/2009

**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: Z 009-0321-SPH

Petitioners: AIMEE NELSON SMITH & CHRISTOPHER PORTER SMITH

Address or Location: 2619 POT SPRING ROAD (James B. Johnston & Heidi Lynn Johnston, Legal Owners)

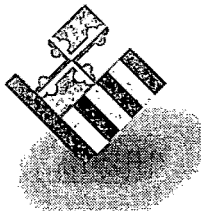
PLEASE FORWARD ADVERTISING BILL TO:

Name: Aimee Nelson Smith & Christopher Porter Smith, Petitioners

Address: 2615 Pot Spring Road
Lutherville, MD 21093

Telephone Number: 443-275-1476

Revised 7/11/05 - SCJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 15, 2009
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NOTICE OF ZONING HEARING

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CASE NUMBER: 2009-0321-SPH

2619 Pot Spring Road

N/east side of Pot Spring Road, 3175 feet south of Old Bosley Road

8th Election District – 3rd Councilmanic District

Legal Owners: James B. & Heidi Lyn Johnston

Petitioner: Aimee Nelson Smith & Christopher Porter Smith

Special Hearing to deny the approval of building permit B678820 which was issued for the construction of a garage attached to a residential dwelling by a connecting breezeway. Petitioner contends that the breezeway does not meet the requirements of the Baltimore County Zoning Regulations.

Hearing: Monday, August 17, 2009 at 10:00 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: Mr. & Mrs. Smith, 2615 Pot Spring Road, Lutherville 21093
Mr. & Mrs. Johnston, 2619 Pot Spring Road, Lutherville 21093

- 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:

Mr. & Mrs. Christopher Smith
2615 Pot Spring Road
Lutherville, MD 21093

443-275-1476

NOTICE OF ZONING HEARING

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CASE NUMBER: 2009-0321-SPH

2619 Pot Spring Road

N/east side of Pot Spring Road, 3175 feet south of Old Bosley Road

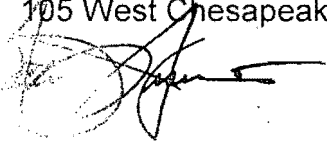
8th Election District – 3rd Councilmanic District

Legal Owners: James B. & Heidi Lyn Johnston

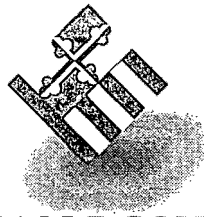
Petitioner: Aimee Nelson Smith & Christopher Porter Smith

Special Hearing to deny the approval of building permit B678820 which was issued for the construction of a garage attached to a residential dwelling by a connecting breezeway. Petitioner contends that the breezeway does not meet the requirements of the Baltimore County Zoning Regulations.

Hearing: Monday, August 17, 2009 at 10:00 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

James and Heidi Johnston
2619 Pot Spring Rd.
Lutherville, MD 21093

Dear: James and Heidi Johnston

RE: Case Number 2009-0321-SPH, 2619 Pot Spring 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 11, 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
Aimee and Christopher Smith; 2619 Pot Spring Rd.; Lutherville, MD 21093

TB 8-17
10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 6, 2009

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-321- Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:

Curtis M. Surraef

Division Chief:
CM/LL

Arnold F. Keller, III

RECEIVED

JUL 09 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TB 8-17 10am
RECEIVED

JUL 14 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: July 13, 2009
SUBJECT: Zoning Item # 09-321-SPH
Address 2619 Pot Spring Road
(Johnston Property)

Zoning Advisory Committee Meeting of June 22, 2009

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

Reviewer: JWL

Date: 7/13/09

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 6, 2009

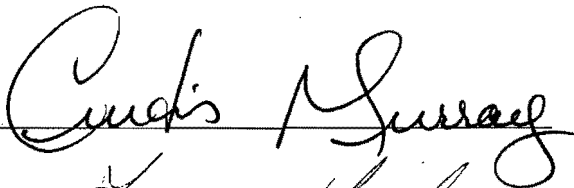
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

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Prepared By:



Division Chief:
CM/LL



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 29, 2009
Item Nos. 2009-202, 321, 322, 323,
324, 325 and 327

DATE: July 2, 2009

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

DAK:CEN:cab
cc: File
ZAC-060292009 -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 22, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 22.2009

Item Numbers 0321,0322,0323,0324,0325,0327

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

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

Maryland Department of Transportation

Date: JUNE 25, 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 2009-0321-SPH
2619 Pot Spring Rd
JOHNSTON PROPERTY
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. 2009-0321-SPH.

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,

For¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
2619 Pot Spring Road; NE/S of Pot Spring * ZONING COMMISSIONER
Road, 3175' S of Old Bosley Road *
8th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): James & Heidi Johnston *
Petitioners: Aimee & Christopher Smith * BALTIMORE COUNTY
* 09-321-SPH

* * * * *

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 Christopher Smith, 2615 Pot Spring Road, Lutherville, MD 21093, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME Smith / Johnston
CASE NUMBER 2009-0321-SPH
DATE MONDAY, AUGUST 15, 2009

[illegible]

CASE NAME 2009-0321-SPH:
CASE NUMBER Smith/Johnston
DATE 8-17-09

[illegible]

MAPQUEST

Sorry! When printing directly from the browser your directions or map may not print correctly. For best results, try clicking the Printer-Friendly button.

★ 2619 Pot Spring Rd [Edit](#)
Lutherville Timonium, MD 21093-2733

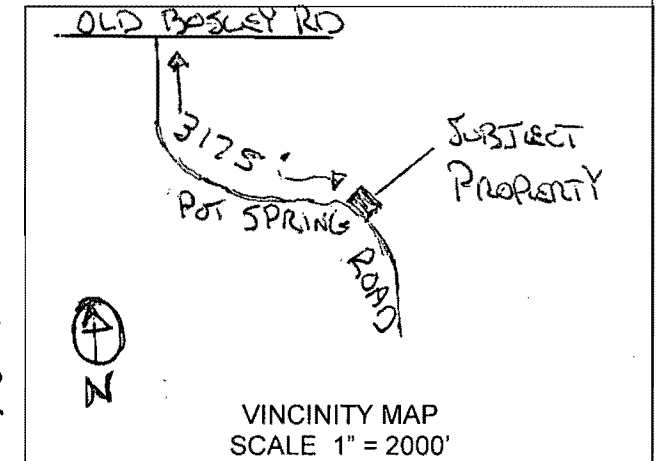
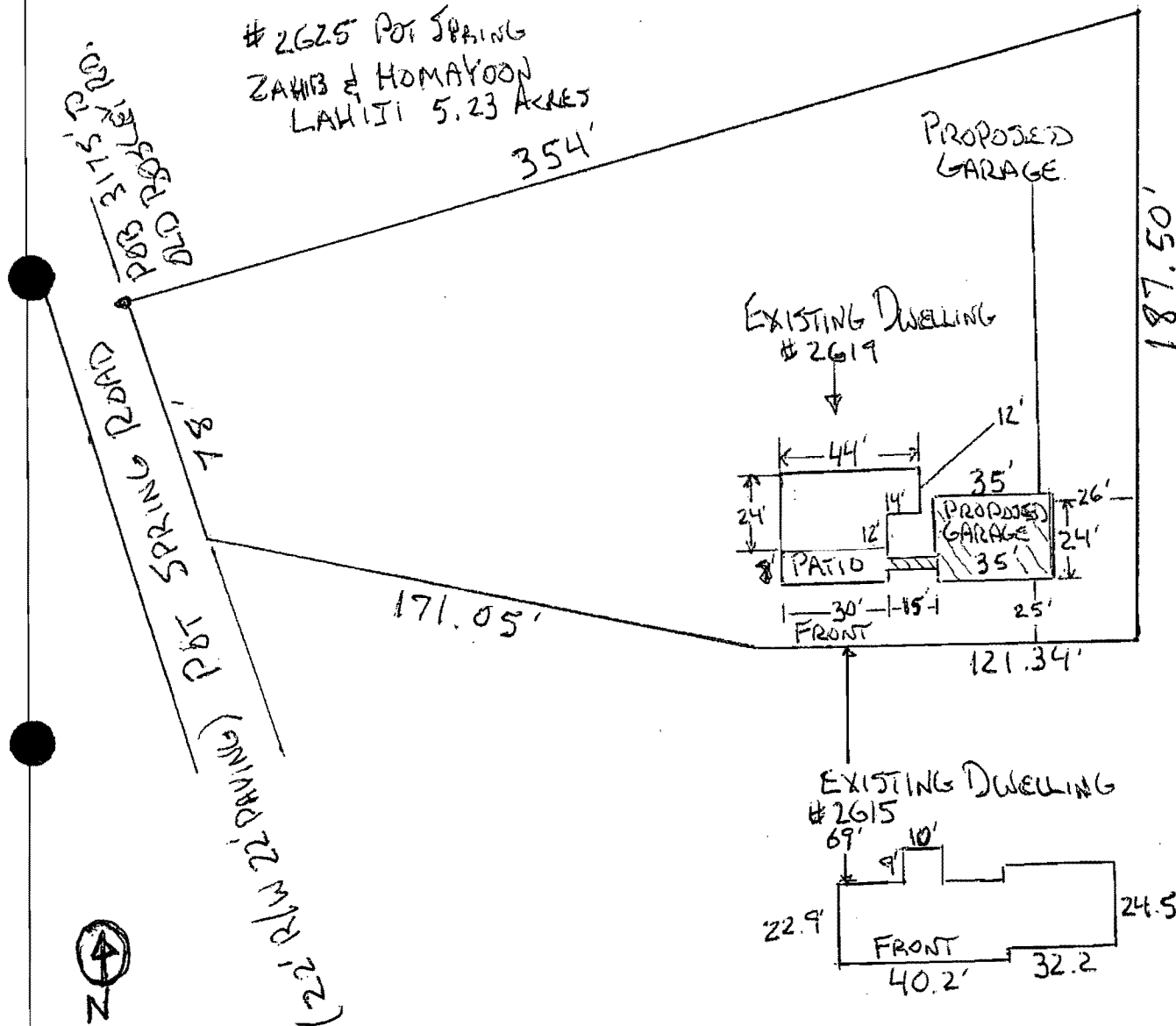


All rights reserved. Use subject to License/Copyright Map Legend

Directions and maps are informational only. We make no warranties on the accuracy of their content, road conditions or route usability or expeditiousness. You assume all risk of use. MapQuest and its suppliers shall not be liable to you for any loss or delay resulting from your use of MapQuest. Your use of MapQuest means you agree to our [Terms of Use](#)

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS: 2619 Pot Spring Road, Lutherville, MD 21093 SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION
OWNER JAMES B. JOHNSTON & HEIDI LYN JOHNSTON



LOCATION INFORMATION

ELECTION DISTRICT 8th

COUNCILMANIC DISTRICT 3rd

1" = 2000' SCALE MAP # 052A2

ZONING RC6

LOT SIZE 0.86 ACREAGE 37.461 SQUARE FEET

SEWER PUBLIC PRIVATE

WATER

CHESAPEAKE BAY CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/BUILDING

PRIOR ZONING HEARING : None

ZONING OFFICE USE ONLY

REVIEWED BY JNP

ITEM# 0321

CASE # 2009-0321-SPH

Case No.: 2009-0321-SPH

Exhibit Sheet

Petitioner/Developer

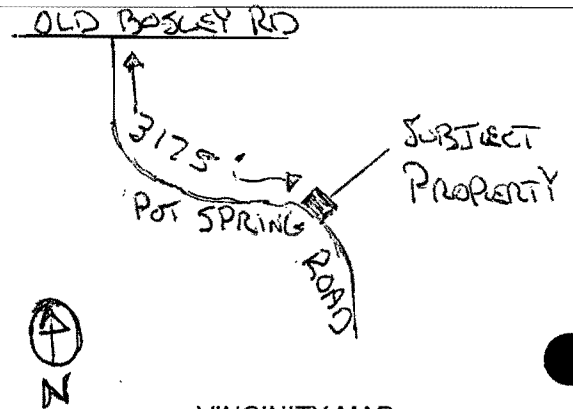
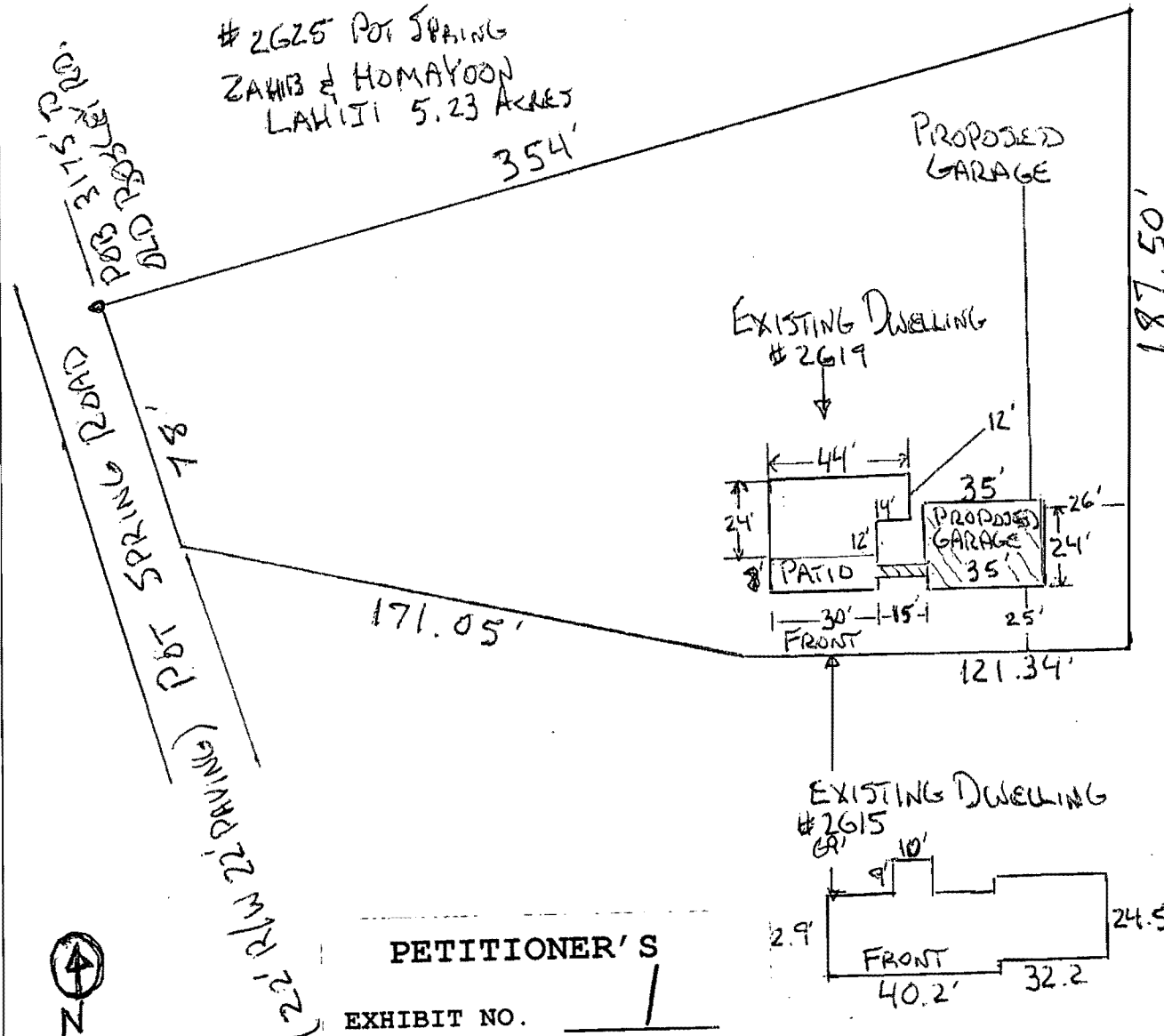
Protestant

No. 1	Site Plan	SDAT Printout for Mr. + Mrs. Johnston's property
No. 2	Zoning Map	photo of driveway entrance b/t two properties
No. 3	SDAT Printout of Mr. + Mrs. Smith's property	photos show tree buffer b/t Smith + Johnston properties
No. 4		Photos of subject home, new garage, and breezeway
No. 5		Johnston's Building Permit
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PROPERTY ADDRESS: 2619 Pot Spring Road, Lutherville, MD 21093 SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION
OWNER JAMES B. JOHNSTON & HEIDI LYN JOHNSTON

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

OWNER JAMES B. JOHNSTON & HEIDI LYN JOHNSTON



VINCINITY MAP
SCALE 1" = 2000'

ELECTION DISTRICT 8th

COUNCILMANIC DISTRICT 3rd

1" = 2000' SCALE MAP # 052A2

ZONING RC6

LOT SIZE 0.86 37.461
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE	YES	NO
SEWER	☐	☒		
WATER	☐	☒		

CHESAPEAKE BAY CRITICAL AREA ☐ ☒

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/BUILDING ☐ ☒

PRIOR ZONING HEARING : None

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM#	CASE #
-------------	-------	--------

JNP | 0321 | 2009-
0321-SPH

PREPARED BY: CHRISTOPHER D. SMITH - SCALE OF DRAWING: 1" = 50'

2000014681

ZONING MAP

MARIS RD

MARIS RD

NE 16-A

SADDLEBROOK FARM (PDM File/Project #)

2627

2000014684

Pt. Bk. 57 Folio 40

2000014694

RC 6

2619

SITE

0804050810

8 ED

3 CD

0803050490

2615

0803050491

052A2

20030204

POT SPRING RD

0801085690

NE 15-A

RC 4

DR 2

ROAD

POT SPRING RD

Pt. Bk. 72 Folio 59

2300008163

STELLA MARIS HOSPICE ADDITION (PDM File/Project #)

PDM # 080589

MERCY RIDGE (PDM File/Project # 8-589)

PETITIONER'S

EXHIBIT NO.

2

2300008162

DR 10.5

2300008160

19960084

2009-0321-SPH



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 08 Account Number - 0803050490

Owner Information

Owner Name: SMITH, CHRISTOPHER P.
 SMITH, AIMEE N.
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 2615 POT SPRING RD
 LUTH-TIMONIUM MD 21093-2733
Deed Reference: 1) /25875/ 536
 2)

Location & Structure Information

Premises Address
 2615 POT SPRING RD
Legal Description
 1.8468 AC
 2615 POT SPRING RD ES
 3000FT S BOSLEY RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
52	14	15						2	Plat Ref:

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1836	3,586 SF	1.84 AC	04
Stories	Basement	Type	Exterior
2 1/2	YES	STANDARD UNIT	STONE

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2008	07/01/2008	07/01/2009	
Land	189,700	216,800			
Improvements:	182,590	569,870			
Total:	372,290	786,670	526,386	648,542	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: FINK ROGER W	Date: 06/29/2007	Price: \$900,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /25875/ 536	Deed2:
Seller: OSTERMAN BARBARA G	Date: 02/24/1994	Price: \$1
Type: NOT ARMS-LENGTH	Deed1: /10365/ 353	Deed2:
Seller: OSTERMAN FLOYD A, JR	Date: 03/30/1990	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 8440/ 108	Deed2:

Exemption Information

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

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

PETITIONER'S

EXHIBIT NO.

3

Case No.: 2009-0321-SPH

Exhibit Sheet

Petitioner/Developer

Protestant

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



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 08 Account Number - 0804050810

Owner Information

Owner Name: JOHNSTON JAMES B
 JOHNSTON HEIDI LYN
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 2619 POT SPRING RD
 LUTH-TIMONIUM MD 21093-2733
Deed Reference: 1) /26277/ 333
 2)

Location & Structure Information

Premises Address
 2619 POT SPRING RD

Legal Description

2619 POT SPRING RD NES
 2900 FT S OF BOSLEY RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
52	14	49						2	Plat Ref:

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1893	1,816 SF	.86 AC	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments		
		As Of	As Of	As Of	
		01/01/2008	07/01/2008	07/01/2009	
Land	150,500	172,000			
Improvements:	106,660	165,060			
Total:	257,160	337,060	283,793	310,426	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: JOHNSTON JAMES B	Date: 10/16/2007	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /26277/ 333	Deed2:
Seller: JOHNSTON JAMES B	Date: 03/19/2002	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /16214/ 342	Deed2:
Seller: DOWNES KENNETH V	Date: 08/23/2000	Price: \$206,000
Type: IMPROVED ARMS-LENGTH	Deed1: /14654/ 667	Deed2:

Exemption Information

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

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

PROTESTANT'S
EXHIBIT NO. 1

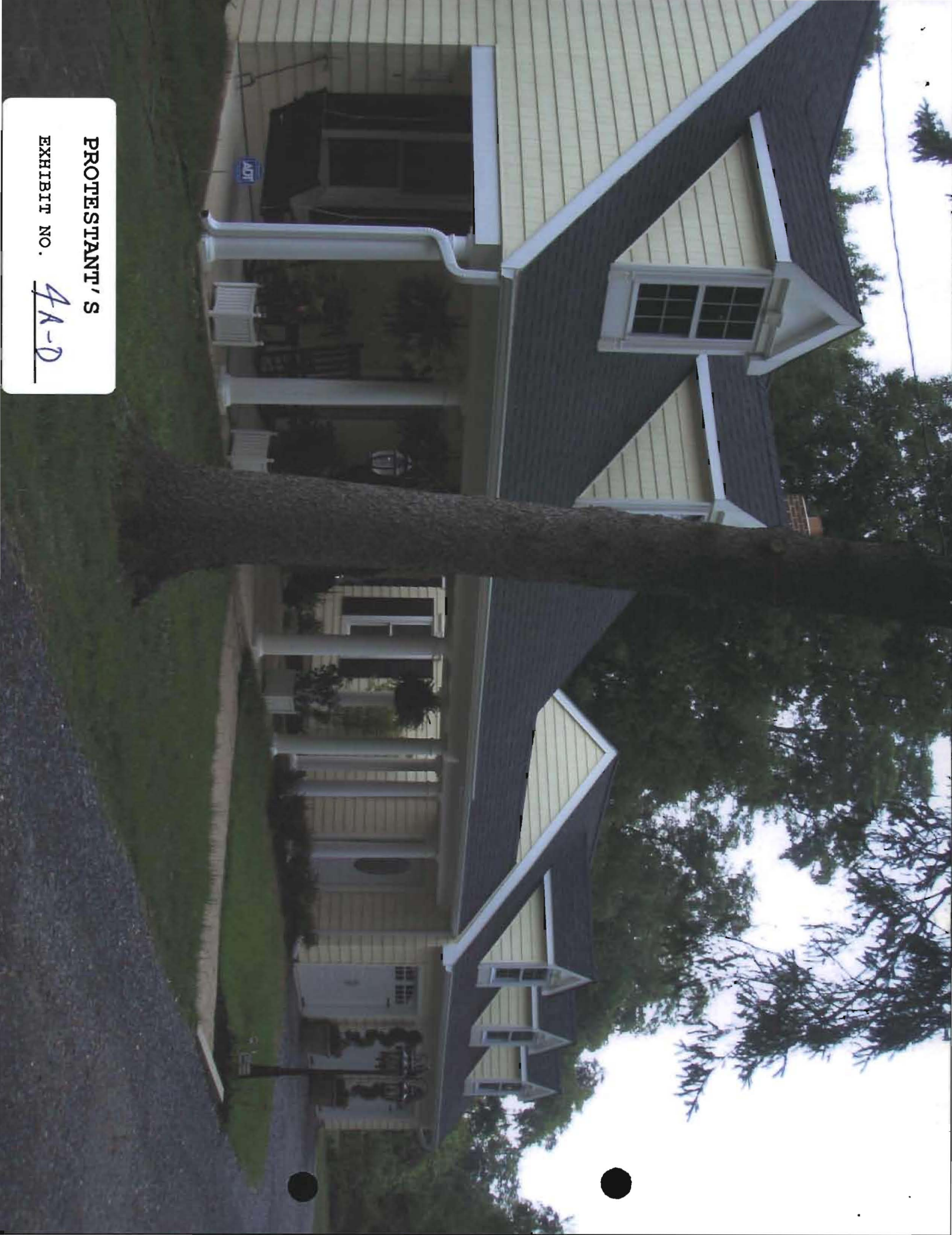




PROTESTANT'S

EXHIBIT NO.

3A+G



PROTESTANT'S

EXHIBIT NO.

4A-D







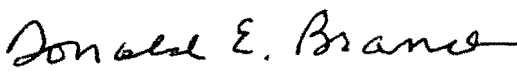


BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT


TIMOTHY M. KOTROCO, Director




DONALD E. BRAND, Buildings Engineer

BUILDING PERMIT

PERMIT #: B678820 CONTROL #: MR DIST: 08 PREC: 01
DATE ISSUED: 10/10/2007 TAX ACCOUNT #: 0804050810 CLASS: 04

PLANS: CONST 02 PLOT 2 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 2619 POT SPRING RD
SUBDIVISION: 2900 FT S OF BOSLEY RD

OWNERS INFORMATION

NAME: JOHNSTON, JAMES
ADDR: 2619 POT SPRING RD

TENANT:

CONTR: WILDT HOME IMPROVEMENTS

ENGR:

SELLR:

WORK: CONSTR. ATTACHED GARAGE ON SIDE YARD OF EX SFD
35'X24'X24=840SF. (FRONT LOAD)**FOOTERS REQ**
FRNT DOOR FACES SIDE LOT.*CONST.DRWGS ON SITE*
NO FARM LAND OR DWELLINGS SIDE & REAR MORE THAN
100FT TO HOUSE#2615 PER APPL PLANS ON SITE
****GARAGE ATTACHED VIA BREEZEWAY*****

BLDG. CODE:

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD W/GARAGE

EXISTING USE: SFD

TYPE OF IMPRV: NEW BUILDING CONTRUCTION

USE: ONE FAMILY

FOUNDATION: BLOCK

BASEMENT:

SEWAGE: PRIV. EXISTS

WATER: PRIV. EXISTS

LOT SIZE AND SETBACKS

SIZE: .86A

FRONT STREET:

SIDE STREET:

FRONT SETB: 25

SIDE SETB: NC/26

SIDE STR SETB:

REAR SETB: NC

PROTESTANT'S

EXHIBIT NO. 5

08R INSPECTOR COPY

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.