

IN RE: PETITION FOR VARIANCE

NE side of Middletown Road; 2640 feet
SE of the c/l of Rayville Road
6th Election District
3rd Councilmanic District
(18929 Middletown Road)

Clarence H. Ford, Jr.

Legal Owner

Deborah L. Ford

Contract Purchaser

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* CASE NO. 2010-0258-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Clarence H. Ford, Jr. and the contract purchaser, Deborah L. Ford. Variance relief is requested from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a dwelling within 53 feet of the center line of the road in lieu of the required 100 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 variance request was the contract purchaser, Petitioner Deborah L. Ford. Also appearing in support of the requested relief was Petitioner's land use and zoning consultant, Bernadette Moskunas with Site Rite Surveying, Inc., the firm that prepared the site plan. There were no Protestants or other interested persons in attendance.

Testimony and evidence offered revealed that the subject property is irregular in shape and contains 0.792 acre, more or less, zoned R.C.4. As shown on the site plan and the zoning map that was marked and accepted into evidence as Petitioner's Exhibit 2, the property is located

on the northeast side of Middletown Road, west of Interstate 83 and southeast of Rayville Road, in the Parkton area of Baltimore County, and is improved with a small, one-story dwelling that, according to Petitioner, was built in the 1940's. There is also an existing detached one car garage. Petitioner testified that her brother, Clarence H. Ford, Jr., purchased the property in the 1970's and lived there for a time and also rented out the dwelling. Approximately three years ago, the dwelling caught fire apparently due to faulty and aged electrical wiring, essentially gutting the interior and causing it to be boarded up. Petitioner has also been looking for a home and her brother recommended that she acquire his property and basically "start over" with a new dwelling.

Petitioner was advised by the County's Zoning Review Office that variance relief would be required from Section 1A03.4.B.2 of the B.C.Z.R. This section states that, "[e]xcept for agricultural buildings, any nonresidential principal building hereafter constructed in an R.C.4 Zone shall be situated at least 100 feet from the center line of any street ..." Although this case appears to involve the proposed construction of a new single-family dwelling to replace an existing dwelling and not a nonresidential principal dwelling, the Zoning Review Office advised Petitioner to seek variance relief as indicated above.

In support of the variance relief, Petitioner and her consultant, Ms. Moskunas, explained that Petitioner desires to purchase the subject property in order to raze the existing dilapidated and uninhabitable dwelling and replace it with a new dwelling. Marked and accepted into evidence collectively as Petitioner's Exhibit 3 were photographs of the property and the existing dwelling. The property fronts Middletown Road and the existing structure is situated fairly close to the road. There is also an existing one car garage toward the east side of the property. This structure has paving leading to Middletown Road. In addition, a great deal of paving also exists

adjacent to the garage along the frontage at Middletown Road, shown as a cross-hatched area on the site plan. A rendering of the proposed replacement dwelling was marked and accepted into evidence as Petitioner's Exhibit 4. The proposed dwelling is also depicted on the site plan overlapping the location of the existing dwelling. The rendering shows an attractive 1½-story Cape Cod style dwelling with a front loading two car attached garage. It is also proposed that the existing cross-hatched paving would be removed and replaced with grass and/or landscaping.¹ Finally, Petitioner submitted a copy of the site plan with signatures of the closest affected neighbors indicating their support of Petitioner's proposal, which was marked and accepted into evidence as Petitioner's Exhibit 5.

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 April 21, 2010 which indicates that the Office does not object to Petitioner's request. It should be noted that this portion of Middletown Road is a designated scenic route in the Master Plan. A number of conditions are suggested including planting vegetation along the front of the property, using indigenous species, complimenting existing vegetation, and submitting building elevations.

Following the hearing, the undersigned reviewed the applicable Zoning Regulations in concert with the evidence presented and I conclude that no variance is needed or legally required in this matter. As earlier indicated, Section 1A03.4.B.2 of the B.C.Z.R. requires that any *nonresidential principal building* constructed in the R.C.4 Zone be situated at least 100 feet from the center line of any street. (emphasis added). In this case, Petitioner and Ms. Moskunas testified that the proposal in this matter is to raze the existing dwelling and replace it with a new

¹ According to Ms. Moskunas, not only will the removal of the paving be more aesthetically pleasing for the property, but is also required by Wallace Lippincott with the Department of Environmental Protection and Resource Management as part of his review and in order to reduce impervious surfaces. It should be noted that only the paving leading from the existing one car garage to Middletown Road would remain, in addition to a new driveway for the proposed new home, as depicted on the site plan.

single-family dwelling -- clearly to be used by Petitioner as a residence. The site plan, the rendering of the proposed new dwelling, and the Office of Planning's ZAC comments are consistent with that understanding. To that end, Section 1A03.4.B.2 of the B.C.Z.R. states that any *residential principal building* shall be set back twenty-five feet from any building face to a public street right-of-way or property line, and an additional 20 feet for buildings located adjacent to arterial roadways. (emphasis added). The evidence plainly indicates the instant matter involves a request for a residential principal building. Even if Middletown Road were an arterial roadway, the maximum setback requirement would be 45 feet. Here, as shown on the site plan, Petitioner proposes to construct a dwelling with a 53 foot setback.

Perhaps the Zoning Review Office advised Petitioner that she would need a variance for a "nonresidential principal building" due to the zoning history of the property. Specifically, in 1987, the same owner of the property, Clarence H. Ford, Jr., requested special hearing relief for approval of a nonconforming use of a portion of the subject property for a service garage. As contained in the current case file, the previous case's site plan showed a 0.231 acre paved parking area fronting on Middletown Road, including the area in front of the existing garage, that was used by the owner to maintain his vehicles as well as three to four additional vehicles per month owned by friends and neighbors. In Case No. 87-317-SPH, the Deputy Zoning Commissioner granted the relief for a service garage use with certain conditions. This nonconforming use with some commercial overtones, combined with the residential use, may have prompted the Zoning Review Office to require the aforementioned variance in this case out of an abundance of caution; however, after hearing the testimony and evidence regarding Petitioner Deborah L. Ford's plans and proposal for a new residence on the property with no further use of the service garage, I find that no such variance is required. Hence, the Petition

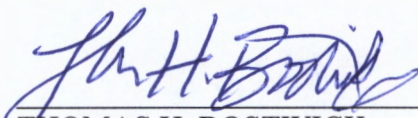
shall be dismissed as moot.²

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioners' variance request should be dismissed.

THEREFORE, IT IS ORDERED this 24th day of June, 2010 by this Deputy Zoning Commissioner, that Petitioner's Variance request from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a dwelling within 53 feet of the center line of the road in lieu of the required 100 feet be and is hereby **DISMISSED AS MOOT**.

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

² Although the Petition is to be dismissed, it is worth noting that based on the testimony and evidence presented at the hearing, I do find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request so as to meet the requirements of Section 307.1 of the B.C.Z.R. The property is certainly unusually shaped and its zoning history and past uses are also unique for the area. I would also find that practical difficulty and undue hardship would befall Petitioner if the variance were not granted, and that the variance relief could be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety, and general welfare.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 24, 2010

CLARENCE H. FORD, JR.
18923 MIDDLETOWN ROAD
PARKTON MD 21120

Re: Petition for Variance
Case No. 2010-0258-A
Property: 18929 Middletown Road

Dear Mr. Ford:

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: Deborah L. Ford, 12 Harding Street, Timonium MD 21093
Bernadette Moskunus, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson
MD 21208



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 18929 Middletown Rd which is presently zoned RCU

Deed Reference: 168111501 Tax Account # 1600002143

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) 1A03.4.B.2; BC22, TO

PERMIT A DWELLING WITHIN 53 ft. OF THE CENTERLINE OF THE ROAD IN LIEU OF THE REQUIRED 100 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

house burned down new zoning needs 100ft setback off of road

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 Deborah L. Ford
Signature Deborah L. Ford
Address 12 Harding St Telephone No. 410-428-7848
City Timonium State MD Zip Code 21093

Attorney For Petitioner:

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

Legal Owner(s):

Name - Type or Print CLARENCE H. FORD JR.
Signature Clarence H. Ford Jr.

Name - Type or Print _____
Signature _____
Address 18923 Middletown Rd. Telephone No. 410 357 8749
City PARKTON State MD. Zip Code 21120

Representative to be Contacted:

Name Deborah L. Ford
Address 12 Harding St Telephone No. 410-428-7848
City Timonium State MD Zip Code 21093

Case No. 2010-0258-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by [Signature] Date 3-31-10

ZONING DESCRIPTION
#18929 MIDDLETOWN ROAD

BEGINNING at a point on the northeast side of Middletown Road which is 40 feet wide at the distance of 2640 feet southeast of Rayville road, containing 0.792 acre, more or less. As recorded in Deed Liber 16811, folio 501 and running thence North 43 degrees 38 minutes East, 189.4 feet; thence South 44 degrees 56 minutes East, 96 feet; thence South 2 degrees 22 minutes West, 249.5 feet to the center of Middletown Road and thence binding along Middletown Road, North 46 degrees 05 minutes West, 260.3 feet to the POINT OF BEGINNING. Also known as #18929 Middletown Road and located in the 6th Election District, 3rd Councilman District.

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: 0258
Petitioner: DEBORAH FORD
Address or Location: 18929 MIDDLETOWN Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Deborah Ford
Address: 12 Harding St
Timonium Md 21093

→ Telephone Number: 410 - 428 - 7848

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

No. 13203

Date: 1-11-13

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
011	506	1000		1000					15.00

Total: 15.00

Rec From: D. F. 20

For: 2-12-13 250-A

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: # 2010-0258-A
18929 Middletown Road
N/east side of Middletown
Road, 2640 feet +/- s/east
of centerline of Rayville
Road
6th Election District
3rd Councilmanic District
Legal Owner(s):
Clarence Ford, Jr.
Contract Purchaser:
Deborah Ford

Variance: to permit a
dwelling within 53 ft. of the
centerline of the road in
lieu of the required 100 ft.

**Hearing: Thursday, May
20, 2010 at 11:00 a.m. in
Room 104, Jefferson
Building, 105 West Chese-
apeake Avenue, Towson
21204.**

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

JT/5/620 May 4 238788

CERTIFICATE OF PUBLICATION

5/6/, 2010

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 5/4/, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 5/4/10

RE: Case Number: 2010-0258-A

Petitioner/Developer: Debbie Ford

Date of Hearing/Closing: Thurs 5/20/10 11AM

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 18929 Middletown Rd

The signs(s) were posted on 5/4/10
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2010-0258-A

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

PLACE: JEFFERSON BUILDING ROOM 104
115 W. CARRINGTON AVE. TOWSON, MD 21204

DATE AND TIME: MAY 20, 2010, 11 AM THURS.

REQUEST: VARIANCE TO PERMIT A
DWELLING WITHIN 53 FEET OF THE

CENTERLINE OF A ROAD IN LIEU OF
THE REQUIRED 100 FEET

NOTIFICATIONS ARE TO BE GIVEN TO ALL ADJACENT
PROPERTY OWNERS AND TO THE ZONING COMMISSIONER
DO NOT REMOVE THIS SIGN ANY



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
April 15, 2010

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: 2010-0258-A

18929 Middletown Road

N/east side of Middletown Road, 2640 feet +/- s/east of centerline of Rayville Road

6th Election District – 3rd Councilmanic District

Legal Owners: Clarence Ford, Jr.

Contract Purchaser: Deborah Ford

Variance to permit a dwelling within 53 ft. of the centerline of the road in lieu of the required 100 ft.

Hearing: Thursday, May 20, 2010 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Deborah Ford, 12 Harding Street, Timonium 21093
Clarence Ford, Jr., 18923 Middletown Road, Parkton 21120

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 5, 2010.**
- (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, May 4, 2010 Issue - Jeffersonian

Please forward billing to:
Deborah Ford
12 Harding Street
Timonium, MD 21093

410-428-7848

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: 2010-0258-A

18929 Middletown Road

N/east side of Middletown Road, 2640 feet +/- s/east of centerline of Rayville Road

6th Election District – 3rd Councilmanic District

Legal Owners: Clarence Ford, Jr.

Contract Purchaser: Deborah Ford

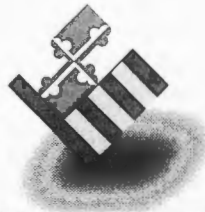
Variance to permit a dwelling within 53 ft. of the centerline of the road in lieu of the required 100 ft.

Hearing: Thursday, May 20, 2010 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

May 12, 2010

Clarence Ford
18923 Middletown Rd.
Parkton, MD 21120

Dear: Clarence Ford

RE: Case Number 2010-0258-A, 18929 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 March 31, 2010. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Deborah Ford; 12 Harding St.; Timonium, MD 21093

TB 5/20
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 21, 2010

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

RECEIVED

SUBJECT:

APR 23 2010

INFORMATION:

ZONING COMMISSIONER

Item Number: 10-258
Petitioner: Deborah L. Ford
Property Size: .792 acres
Zoning: RC 4
Requested Action: Variance
Hearing Date:

The petitioner requests a variance from Section 1A03.4.B.2 of the BCZR to permit a dwelling within 53 feet of the centerline of the road in lieu of the required 100 feet.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not object to the petitioner's request for a variance from Section 1A03.4.B.2 of the BCZR to permit a dwelling within 53 feet of the centerline of the road in lieu of the required 100 feet. It should be noted that this portion of Middletown Road is a designated scenic route in the Master Plan, therefore the Petitioner shall:

- Plant a row of vegetation along the front of the property to provide a visual buffer from the scenic road.
- Design and locate fences and walls to harmonize with the surroundings and to create the least visual impact and that vegetation is used to buffer them as well.
- Use indigenous species or ones commonly found in the area when landscaping. Planting designs should reinforce the character of the site.
- Complement existing vegetation with flowering or evergreen trees and shrubs, wildflowers, etc., for seasonal interest.
- The Office of Planning also requests that building elevations be submitted prior to the application of building permit.

Prepared By:

Jessie Bralle

Section Chief:

Ryan Sanborn

AFK:jb

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 19, 2010
Item Nos. 2010-251, 252, 253, 255,
256, 257, 258 and 260

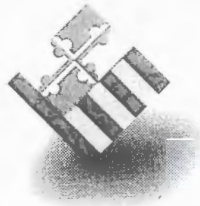
DATE: April 8, 2010

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04192010 -NO COMMENTS.doc



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

April 19, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 19, 2010

Item Numbers: 0250 through 0260
258

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: APRIL 12, 2010

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

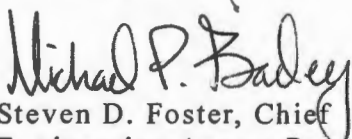
RE: Baltimore County
Item No. 2010-0258-A
18929 MIDDLETOWN RD
FORD PROPERTY
VARIANCE -

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. 2010-0258-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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 VARIANCE * BEFORE THE
18929 Middletown Road; NE/S Middletown *
Road, 2640' SE of c/line Rayville Road * ZONING COMMISSIONER
6th Election & 3rd Councilmanic Districts *
Legal Owner(s): Clarence Ford * FOR
Contract Purchaser(s): Deborah Ford *
Petitioner(s) * BALTIMORE COUNTY
* 10-258-A

* * * * *

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.

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

RECEIVED

APR 12 2010

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of April, 2010, a copy of the foregoing Entry of Appearance was mailed to Deborah Ford, 12 Harding Street, Timonium., MD 21043, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN RE: PETITION FOR SPECIAL HEARING
E/S Middletown Road, 1100' S
to the c/l of Cooper Road
(18929 Middletown Road)
6th Election District

Clarence H. Ford, Jr.

Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-317-SPH

* * * * *

The Petitioner herein requests a special hearing to determine whether or not approval should be given to the non-conforming use of the property described herein for a service garage.

Testimony on behalf of the Petitioner by two long-standing neighbors indicated that the southern corner of the property, as shown on the plan submitted, prepared by Paul Lee Engineering, Inc., revised September 8, 1986, and identified as Petitioner's Exhibit 1, has been used continuously since the early 1940's for service garage work. Motor vehicles and farm and other equipment have been repaired in and around the existing garage building. There has been no dumpster on site. They remember metal signs nailed to the building which advertised products available at the site. The Petitioner, owner of the building since 1978, has continued to use the garage and surrounding area to maintain his own vehicles (approximately two to four) and to service vehicles owned by friends and neighbors. The usual pattern is for the Petitioner to work on three to four vehicles, other than his own, per month, and to have on site no more than two vehicles, other than his own, for service at any one time. The garage is equipped with hand and power tools, torch, welder and a chain hoist but no floor lift. The work performed is mechanical, not body and fender.

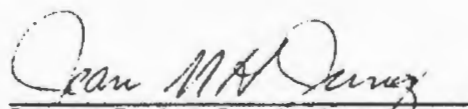
Pursuant to the advertisement, posting of property, and public hearing on the Petition, and after due consideration of the testimony and evidence presented herein, it appears that a service garage has been operated continuously since the early 1940's on that portion of the site described by the engineer as

26452
Bette G. Schuchman

follows: "Beginning for the same at a point, located in or near the center of existing paving Middletown Road, said point being 2800 feet + southeast of the intersection of Rayville and Middletown Roads, thence leaving said center of Middletown Road: (1) N 60 11'28" East - 82.39 feet, (2) S 87 38'00" East 50.00 feet, and (3) S 02 22'00" West - 150.00 feet to the center of paving in Middletown Road; thence binding on or near the center of existing paving in Middletown Road, (4) N 46 05'00" West 160.00 feet to the place of beginning. Containing 0.231 acres of land, more or less..." In recent years, the maximum level of service garage work per month appears to involve no more than eight vehicles plus other occasional repair work. There is no continuous record of painting, body or fender work. There has been no outside dumpster. There have been signs on the property in the past, but their history is not totally clear.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 24th day of February, 1987, that the herein request for the non-conforming use of the subject property for a service garage, in accordance with Petitioner's Exhibit 1 and limited to the herein described 0.231 acres of land, is approved and as such, the Special Hearing is hereby GRANTED, subject, however, to the following limitations reflecting the testimony and evidence presented:

- 1) Garage work shall be limited to service and repair of no more than eight (8) vehicles and occasional farm and other equipment per month.
- 2) There shall be no painting, body or fender work.
- 3) There shall be no outside dumpster.
- 4) Signage shall not exceed one 10 sq.ft. sign attached to the building.


Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING

EX-9

BY

2/24/87

Letter of Solicitation

ORDER RECEIVED FOR FILING

2/24/87

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

Non-Conforming Use - Service Garage

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, 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:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

S. Eric DiNenna, Esquire
(Type or Print Name)

Signature

406 West Pennsylvania Avenue
Address

Towson, Maryland 21204
City and State

Attorney's Telephone No.: 296-6820

Legal Owner(s):

Clarence H. Ford, Jr.
(Type or Print Name)

Signature

(Type or Print Name)

Signature

18929 Middletown Road
Address

Parkton, Maryland 21120
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

S. Eric DiNenna, Esquire
Name

406 W. Pennsylvania Ave. 296-6820
Address Phone No.
Towson, Maryland 21204

MAP NW 32D
2F
E. D. Z
DATE 4/19/87
300
1000
DP

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of December, 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 27th day of January, 1987, at 2:00 o'clock

P. M.

Zoning Commissioner of Baltimore County.

(over)

87-314-SPH
#154

(18929 MIDDLETOWN RD.) 711N REC. DIST.



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1d)

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

Account Identifier: District - 06 **Account Number -** 1600002413

Owner Information

Owner Name: FORD CLARENCE H,JR **Use:** COMMERCIAL
Mailing Address: 18923 MIDDLETOWN RD **Principal Residence:** NO
 PARKTON MD 21120-9085 **Deed Reference:** 1) /16811/ 501
 2)

Location & Structure Information

Premises Address
 18929 MIDDLETOWN RD

Legal Description
 0.792 AC NES
 18929 MIDDLETOWN RD
 2640 S RAYVILLE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
16	7	8						1	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000	600 SF	.79 AC	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010
Land	63,200	63,200		
Improvements:	28,800	32,300		
Total:	92,000	95,500	92,000	93,166
Preferential Land:	0	0	0	0

Transfer Information

Seller: FORD CLARENCE H,JR	Date: 09/11/2002	Price: \$90,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /16811/ 501	Deed2:
Seller: FORD CLARENCE H,JR	Date: 07/19/1991	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 8859/ 492	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

CASE NAME 18929 Middletown Road
CASE NUMBER 2010-0258-A
DATE May 20, 2010

DATE May 20, 2010

[illegible]

Case No.: 2010-0758-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	zoning map	
No. 3	photos of property and nearby properties	
No. 4	rendering of proposed home	
No. 5	site plan w/ approval signatures of adjoining property owners	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		









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Ads by Google**Online 3D Floor Plan Tool**

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PETITIONER' S

EXHIBIT NO. 4

1600000710

011C3

1600000711

18935

1600002413

1600000704

3 CD

19870317, 18929

18929

RC 4

NW 32-D

6 ED 18930

016C1

1600000705

18923

Pt. Bk./Folio # 039016

Pt. Bk. 39, Folio 16

DRIVEWAY
DRIVEWAY

18916

Lot # 1

Pt. Bk. 38, Folio 85

1700003797

PDM # 060048

Pt. Bk./Folio # 038085

1700003798

18914

Lot # 2

DRIVEWAY
DRIVEWAY
Lot # 3

1700003799

RC 7

1800000994

1600000693

20010177

MIDDLETOWN RD

PETITIONER'S

EXHIBIT NO.

2

PLAN TO ACCOMPANY
ZONING VARIANCE
BEING SUBMITTED BY
CONTRACT PURCHASER
MARCH 31, 2010

OWNER
CLARENCE H. FORD, JR.
18923 MIDDLETOWN RD.
PARKTON, MD. 21120
DEED REF. 16811/501
#1600002143

SITE PLAN TO ACCOMPANY PERC TESTS

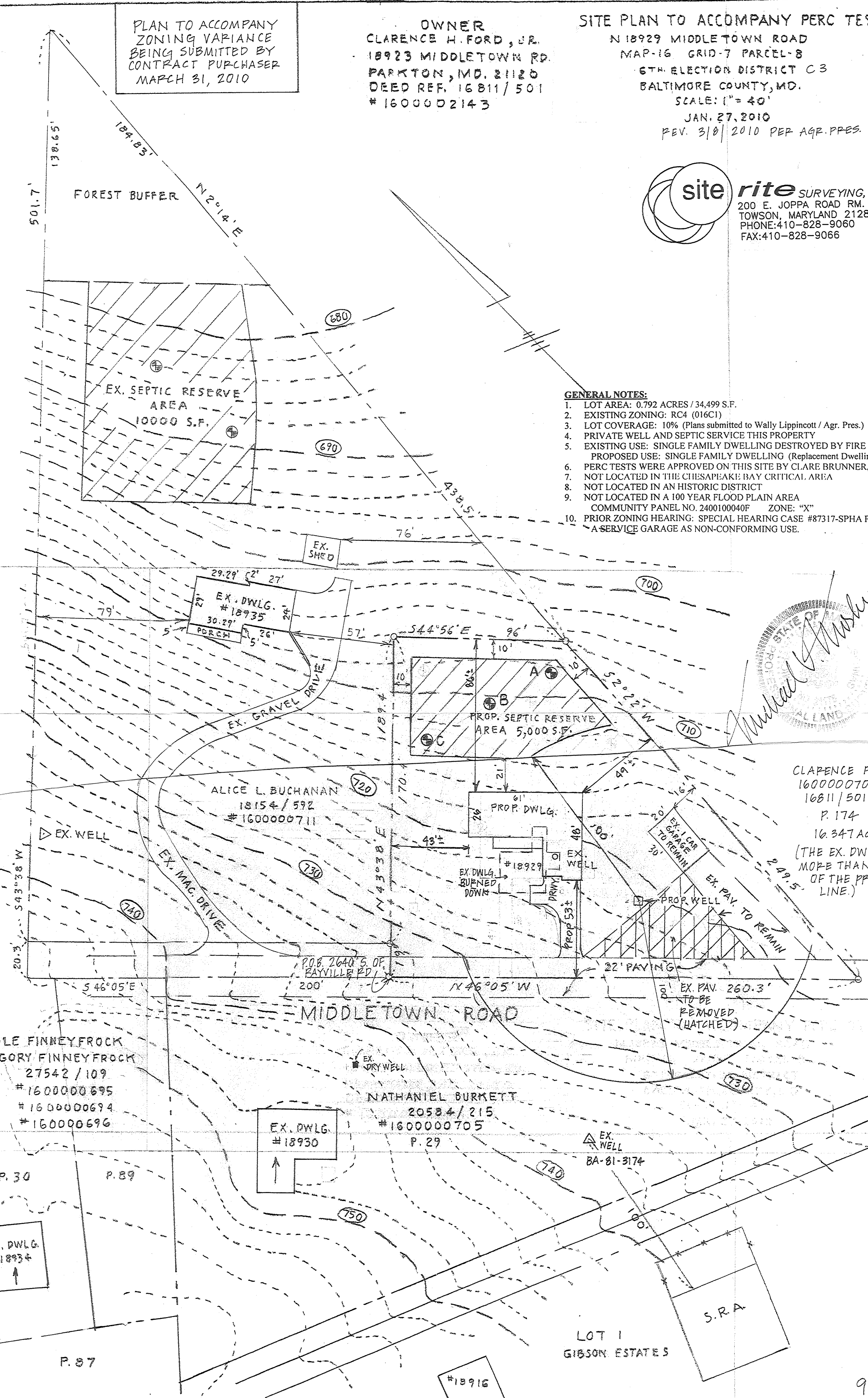
N 18929 MIDDLETOWN ROAD
MAP-16 GRID-7 PARCEL-8
6TH ELECTION DISTRICT C3
BALTIMORE COUNTY, MD.
SCALE: 1" = 40'

JAN. 27, 2010
REV. 3/0/2010 PER AGR. PRES.

site rite SURVEYING,
200 E. JOPPA ROAD RM.
TOWSON, MARYLAND 21286
PHONE: 410-828-9060
FAX: 410-828-9066

GENERAL NOTES:

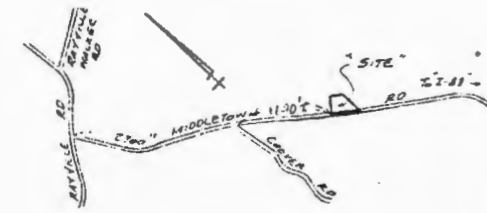
1. LOT AREA: 0.792 ACRES / 34,499 S.F.
2. EXISTING ZONING: RC4 (016C1)
3. LOT COVERAGE: 10% (Plans submitted to Wally Lippincott / Agr. Pres.)
4. PRIVATE WELL AND SEPTIC SERVICE THIS PROPERTY
5. EXISTING USE: SINGLE FAMILY DWELLING DESTROYED BY FIRE
PROPOSED USE: SINGLE FAMILY DWELLING (Replacement Dwelling)
6. PERC TESTS WERE APPROVED ON THIS SITE BY CLARE BRUNNER.
7. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
8. NOT LOCATED IN AN HISTORIC DISTRICT
9. NOT LOCATED IN A 100 YEAR FLOOD PLAIN AREA
COMMUNITY PANEL NO. 2400100040F ZONE: "X"
10. PRIOR ZONING HEARING: SPECIAL HEARING CASE #87317-SPHA
A SERVICE GARAGE AS NON-CONFORMING USE.



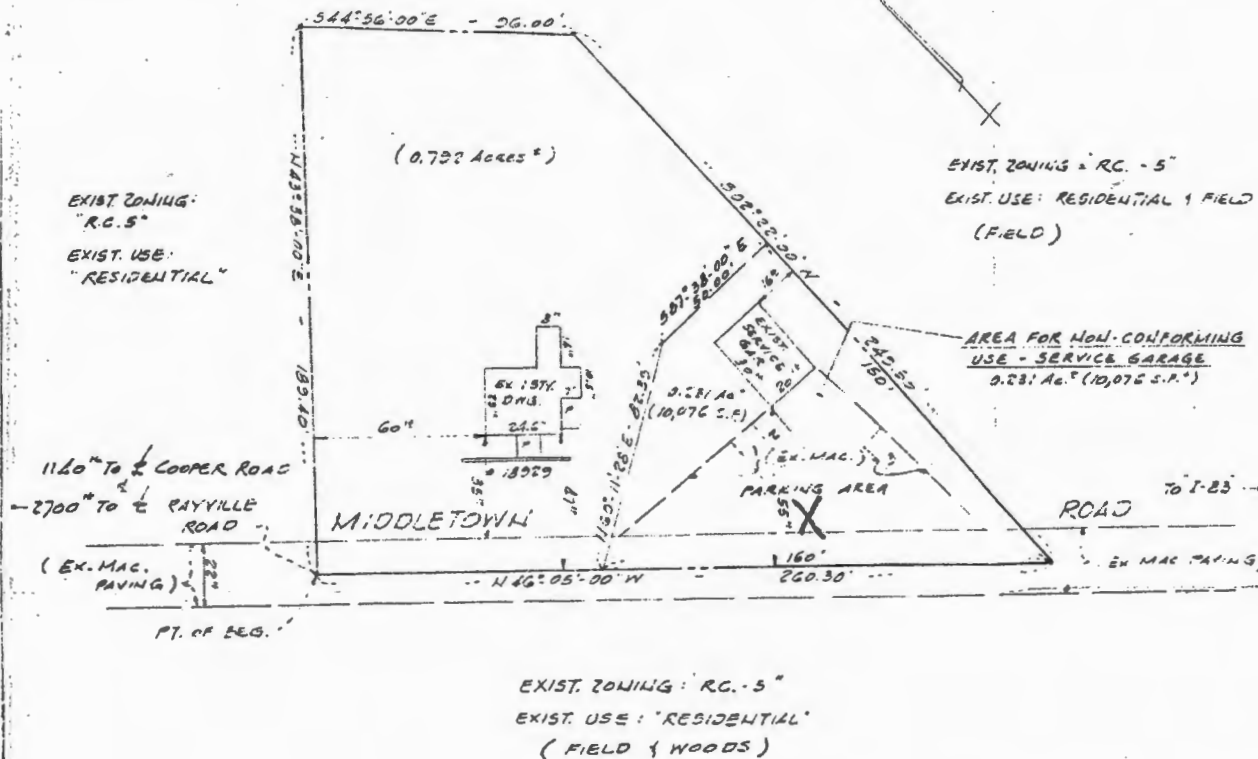
PETITIONER'S

EXHIBIT NO. 1

EXIST. ZONING = "RC - 5"
 EXIST. USE: RESIDENTIAL & WOODS
 (WOODS)



LOCATION PLAN
 SCALE: 1"=300'



EX. DWS.

GENERAL NOTES

1. AREA OF SITE = 0.792 ACRES ±
2. EXIST. ZONING OF PROPERTY = "RC-5"
3. EXIST. USE OF PROPERTY = "RESIDENTIAL & SERVICE GARAGE"
4. PROP. ZONING OF PROPERTY = "RC-5"
5. PROP. USE OF PROPERTY = "RESIDENTIAL & SERVICE GARAGE"
6. OFF STREET PARKING DATA:
 - A. SERVICE GARAGE: 600 S.F. / 300 = 2 P.S.
 - B. RESIDENCE: 2 P.S.
 - TOTAL PARKING REQ'D. = 4 P.S.
7. NO. PARKING SPACES (TYP. CAR) = 4 P.S.
8. PETITIONER REQUESTING A SPECIAL HEARING TO PERM. A SERVICE GARAGE AS A NON CONFORMING USE
9. ALLOWABLE BUILDING COVERAGE = 15% (34,500) = 5,175 S.F.
10. ACTUAL BUILDING COVERAGE = 1,351 S.F.
11. SITE SERVED BY PRIVATE UTILITIES.
12. ALL PARTS OR DAMAGED VEHICLES TO BE STORED INSIDE SERVICE GARAGE.

PETITIONER'S
 EXHIBIT 1

PLAT TO ACCOMPANY PETITION FOR
SPECIAL HEARING
"18929 MIDDLETOWN ROAD"

ELECT. DIST. 7⁶ BALTIMORE COUNTY, MD.

SCALE: 1"=30'

MAR. 31, 1986
 SEPT. 8, 1986

1 Sign
 87-317 SPH
 #157



OWNER
 CLARENCE H. FORD JR.
 18929 MIDDLETOWN RD.
 PARKTON, MD. 21120

PAUL LEE ENGINEERING, INC.
 304 N. PENNSYLVANIA AVENUE
 TOWSON, MARYLAND - 21204

OFFICE COPY

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