

IN RE: PETITION FOR ADMIN. VARIANCE

E side of Stoney Batter Road, SE corner of
Echo Acres and Strong Batter Road
11th Election District
3rd Councilmanic District
(11923 Stoney Batter Road)

David J. and Gail A. Owens
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2011-0113-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, David J. and Gail A. Owens for property located at 11923 Stoney Batter Road. The variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a garage in the side yard of an existing single family dwelling with a height of 17 feet in lieu of the rear yard and the required 15 feet respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners desire to replace an existing block structure (barn) with a duplicate structure on the same footprint. The barn is to be replaced due to severe structural damage as shown on the photographs submitted with the Petition. The proposed structure cannot easily be relocated toward the rear of the property without a reduction in the proposed size. During construction of the dwelling in 2000 the proposed structure site was developed and fill dirt was utilized to lessen a steep grade which existed around the house site and create a semi-level slope to the outbuilding site. If the proposed structure were to be moved towards the rear of the property it would no longer reside on the prepared site and would encounter a steep slope. This steep slope acts as a natural drainage and retention area which would be to be moved. The proposed size of the outbuilding is required to store a mechanic shop, general storage, storage of three tractors and two trailers (utility trailer and jet ski trailer) as well as

ORDER RECEIVED FOR FILING

Date 10-20-10

a small machine shop. All equipment and activities specified are in support of the Petitioners' farm equipment and not for any commercial endeavor. The property contains 3.63 acres and is served by private well and sewer.

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 October 13, 2010, 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, and not be used for commercial purposes.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 3, 2010 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 20th day of October, 2010 that an Administrative Variance from Sections 400.1 and

ORDER RECEIVED FOR FILING

Date 10-20-10

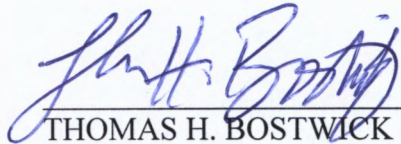
2

By Bj

400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a garage in the side yard of an existing single family dwelling with a height of 17 feet in lieu of the rear yard and the required 15 feet respectively is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners 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 or kitchen facilities.
3. The accessory structure shall not be used for commercial purposes.

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

ORDER RECEIVED FOR FILING

Date 10-20-10

By PJ



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 20, 2010

DAVID J. AND GAIL A. OWENS
11923 STONEY BATTER ROAD
KINGSVILLE MD 21087

Re: Petition for Administrative Variance
Case No. 2011-0113-A
Property: 11923 Stoney Batter Road

Dear Mr. and Mrs. Owens:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

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.

Sincerely,

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



TAX. ACCOUNT # 1114040050

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11923 Stoney Batter Road
which is presently zoned RC 2

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) 400.1; 400.3

To permit a garage in the side yard of an existing single family dwelling with a height of 17 feet in lieu of the rear yard and the required 15 feet respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

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

Contract Purchaser/Lessee:

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

Attorney For Petitioner:

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

ORDER RECEIVED FOR FILING
10-20-10

Legal Owner(s):

David J. Owens
Name - Type or Print _____
Signature _____
Gail A. Owens
Name - Type or Print _____
Signature _____
11923 Stoney Batter Road 410-592-6299
Address _____ Telephone No. _____
Kingsville MD 21087
City _____ State _____ Zip Code _____

Representative to be Contacted:

David J. Owens
Name _____ ext # 410-592-6299
OWNER Day # 410-638-2314
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 2011-0113-A

Reviewed By [Signature] Date 9/23/10

REV 10/25/01

Estimated Posting Date 10/3/10

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 11923 Stoney Batter Road
Address
Kingsville Maryland 21087
City State Zip Code

Homeowner wishes to replace an existing block structure (barn) with a duplicate structure on the same footprint. The barn is to be replaced due to severe structural damage (see photos).

Additionally a new out building block structure is being proposed which will attach to the rear of the previously identified barn structure and extend 112 feet towards the rear of the property, for a total structure length of 134 feet.

The proposed location for the combined structure extends beyond the rear of the house site by 49 feet, but remains behind the front of the house by 19 feet.

The homeowner requests a variance to allow the proposed location of the structure to remain and therefore extend forward beyond the rear of the house site as stated. and to be constructed with a front ht of 17' & rear ht of 19'.

The proposed structure cannot easily be re-located, toward the rear of the property, without creating an economic hardship or a reduction in the proposed size of the structure. During construction of the home dwelling (2000), the proposed out building site was developed as 300(+) truck loads of fill dirt were utilized to soften a steep grade which existed around the house site, and create a semi level (1 ft/ 100) slope to the out building site. If the proposed structure were to be moved towards the rear of the property, it would no longer reside on the prepared site and would immediately encounter a steep (1/2) slope. The steep slope area acts as a natural drainage and retention area which would have to be moved accordingly.

The proposed size of the out building is required to house a mechanic shop, general storage, storage for three tractors and two trailers as well as a small machine shop. All equipment and activities specified are in support of owner owned farm equipment and not for any commercial endeavor.

David J. Owens
Signature
David J. Owens
Name - Type or Print

Gail A. Owens
Signature
GAIL A. Owens
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20th day of August, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

David J. Owens and Gail A. Owens
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Sharon L. Bates
Notary Public

My Commission Expires 6/29/2011

Zoning Description

ZONING DESCRIPTION FOR 11923 STONEY BATTER ROAD, KINGSVILLE, MD

Beginning at a point on the ^{EASTERN}~~Western~~ most side of Stoney Batter Road

which is 20 feet wide at the distance of 180 feet south of the centerline of the nearest improved intersecting street Echo Acres Lane which is 15 feet wide.

Running thence binding on the first or: N.00 45' 00" E. 181.5 ft., N.72 00' 00" E. 526 ft., S.13 44' 00" E. 398.25 ft., N.85 54' 00" W. 596.33 ft., to the place of beginning.

As recorded in the Deed Ref: 14123/330, Liber # 12852, and Folio # 595 containing 3.63 AC. Also known as 11923 Stoney Batter Road and located in the 11th Election District, 3rd Councilmanic District.

2011-0113-A

CERTIFICATE OF POSTING

RE: Case No 2011-0113 - A

Petitioner/Developer DAVID S
GAIL OWENS

Date Of Hearing/Closing: 10/18/10

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 11923 STONEY BATTER RD

This sign(s) were posted on October 3, 2010
Month, Day, Year
Sincerely,

Martin Ogle 10/3/10
Signature of Sign Poster and Date

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



Martin Ogle 10/3/10

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2011-0113-A Address 11923 Stony Batter Rd
Contact Person: LEONARD Wasilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/23/10 Posting Date: 10/3/10 Closing Date: 10/18/10

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2011-0113-A Address 11923 Stony Batter Rd
Petitioner's Name David & Gail Owens Telephone 410-592-6299
Posting Date: 10/3/10 Closing Date: 10/18/10
Wording for Sign: To Permit A GARAGE in the side yard of A single Family Dwelling with A height of 17ft IN lieu of the Rear yard AND 15 ft respectively.

WCR - Revised 7/7/08



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 19, 2010

David & Gail Owens
11923 Stoney Batter Rd.
Kingsville, MD 21087

Dear: David & Gail Owens

RE: Case Number 2011-0113-A, 11923 Stoney Batter Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 23, 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 13, 2010

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

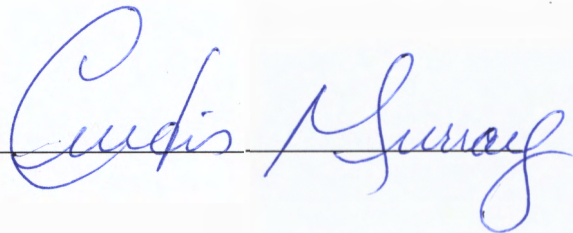
SUBJECT: 11-113 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 17 feet in lieu of the maximum permitted 15 feet and to be located in the side yard in lieu of the required rear yard 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:
AFK/LL: CM



RECEIVED

OCT 14 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 7, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For October 18, 2010
Item Nos. 2011- 103, 106, 107, 108,
109, 110, 111, 112, 113, 115, 116,
117, 118, 119, 120, 121 and 122

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-10182010 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: October 26, 2010
SUBJECT: Zoning Item # 11-113-A
Address 11923 Stony Batter Road
(Owens Property)

RECEIVED

OCT 26 2010

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of October 4, 2010.

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

Land Preservation: The petition raises the following concern: The request letter indicates the rationale for the variance is for uses that include "house a mechanic shop, general storage, storage for three tractors and two trailers as well as a small machine shop. All equip used to support owner operated farm....." BCZR 1A01.2 does permit farm equipment storage and repair but as a Special Exception use. Additionally, not clear that the property is a farm. Does this property have a Special Exception for the stated uses and is this property a farm?

Reviewer: W.Lippincott, Jr.

Date: October 25, 2010

Closing 10/18/10

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



MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: *Oct. 15, 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. 2011-0113-A
11923 STONEY BATTER RD
OWENS PROPERTY
ADMIN. 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. 2011-0113-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,

Michael Bailey
Steven D. Foster, Chief
For ¹ Engineering Access Permits
Division

SDF/mb



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

October 4, 2010

ATTENTION: Kristen Mathews
ZAC Agenda Oct. 18, 2010

The Baltimore County Fire Department has no comments on the following case numbers:

2011-0102-A	Kingston Park La.
2011-0103-SPHA	Harrison Ave.
2011-0106-A	Valleyfield Rd.
2011-0107-SPHA	Emmanuel Ct.
2011-0108-A	Locust Ave.
2011-0110-A	Woodland Dr.
2011-0111-A	Monaghan Ct.
2011-0112-SPHA	Oakleigh Rd.
2011-0113-A	Stoney Batter Rd.
2011-0114-A	New Section Rd.
2011-0115-SPH	Hanover Pike
2011-0116-A	Meandering Dr.
2011-0117-A	Cockeys Mill Rd.
2011-0118-A	Cedarside Dr.
2011-0119-A	Linwood Ave.
2011-0120-A	Sue Grove Rd.
2011-0121	Burnbrae Rd.
2011-0122-A	Mt. Carmel Rd.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info

Maryland Department of Assessments and Taxation
Real Property Data Search (vw6.3)
BALTIMORE COUNTY

Account Identifier:

District - 11 Account Number - 1114040050

Owner Information

Owner Name: OWENS DAVID
OWENS GAIL A
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 11923 STONEY BATTER RD
KINSVILLE MD 21087-1214
Deed Reference: 1) /14123/ 330
2)

Location & Structure Information

Premises Address
11923 STONEY BATTER RD
Legal Description
3.63 AC
11923 STONEY BATTER RD
2640 FT S OF FORK RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area
54	23	260						3

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	Count
2001	4,578 SF	3.63 AC	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT STUCCO	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	189,450	189,450		
Improvements:	745,790	980,060		
Total:	935,240	1,169,510	1,091,420	1,169,510
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
NIEDERWEMMER EDWIN F,JR	11/01/1999	
Type: IMPROVED ARMS-LENGTH	Deed1: /14123/ 330	Deed2:
Seller:	Date:	Price:
NIEDERWEMMER EDWIN F,SR	05/12/1998	
Type: NOT ARMS-LENGTH	Deed1: /12852/ 595	Deed2:
Seller:	Date:	Price:
NIEDERWEMMER EDWIN F,SR	03/27/1992	
Type: NOT ARMS-LENGTH	Deed1: / 9114/ 71	Deed2:

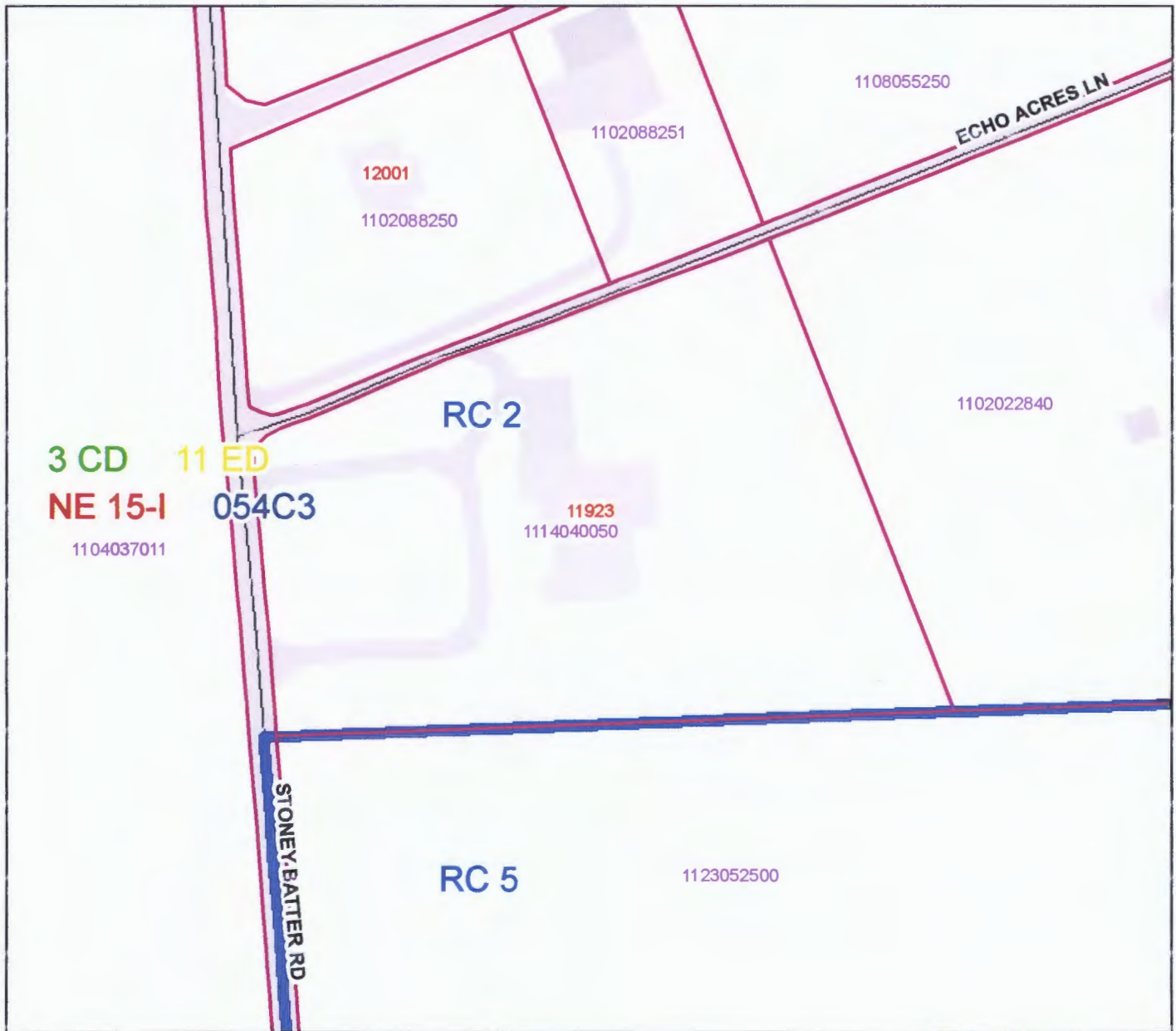
Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

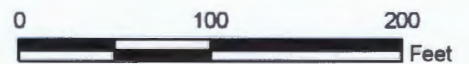
Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

11923 Stoney Batter Road

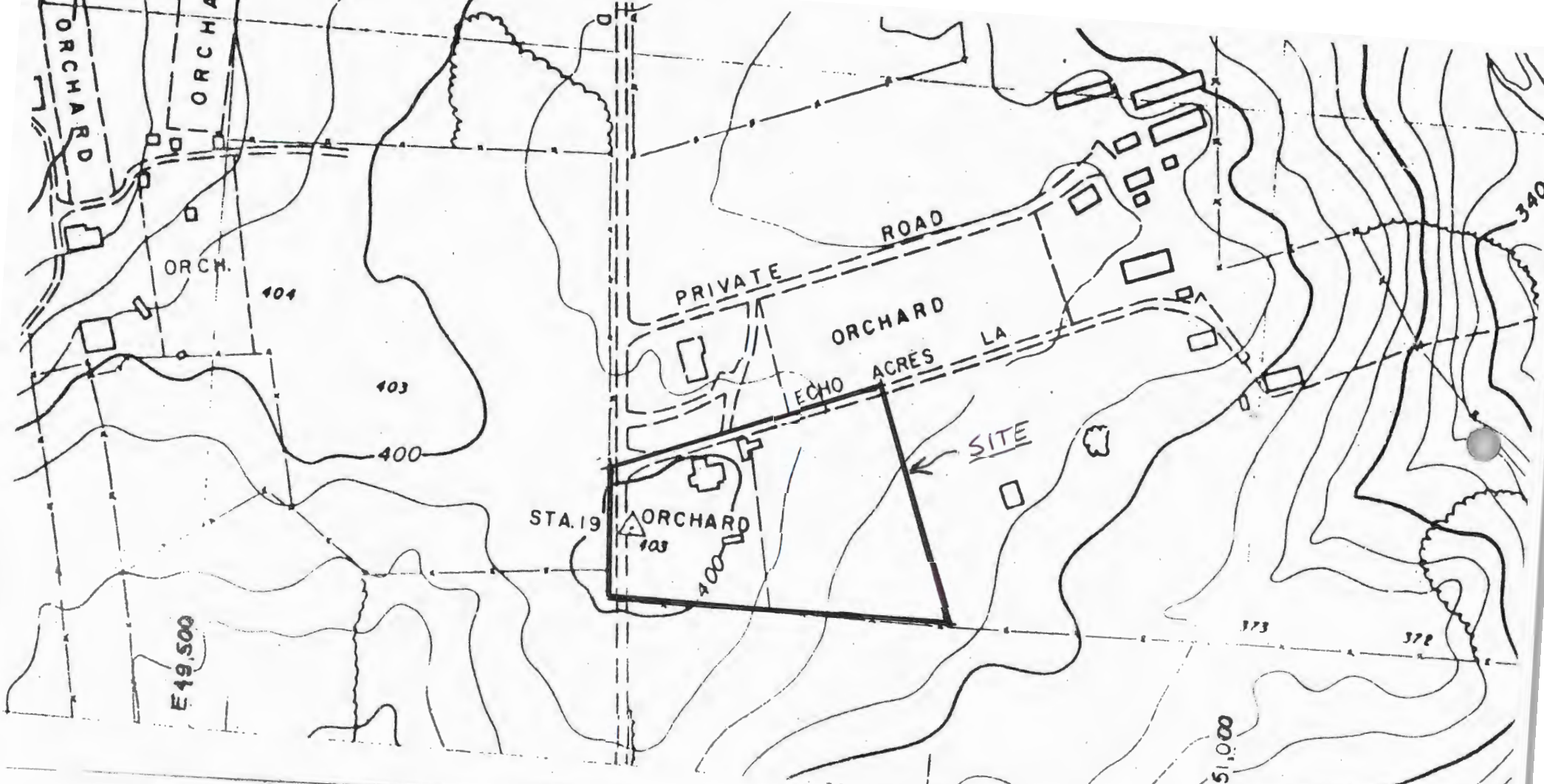


Publication Date: September 16, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



1 inch = 100 feet

2011-0113-A



REVISIONS

BY DATE

SCALE

1" = 200'

LOCATION

SHEET

DATE OF
PHOTOGRAPHY
APRIL 1958

SOUTH OF
FORK

N. E.

15 - 1

Topography Compiled By Photogrammetric Methods
MAPS, INCORPORATED - BALTIMORE 22, MARYLAND

2011-0113-A



1108055250

1102088251

12001

1102088250

ECHO ACRES LN

RC2

1102022640

3 CD

11923

1114040050

054C3

NE 15-I

11 ED 1104037011

STONEY BATTER RD

RC5

1123052500

6815



06/14/2006



06/14/2006



06/14/2006



06/14/2006

Utility Trailer

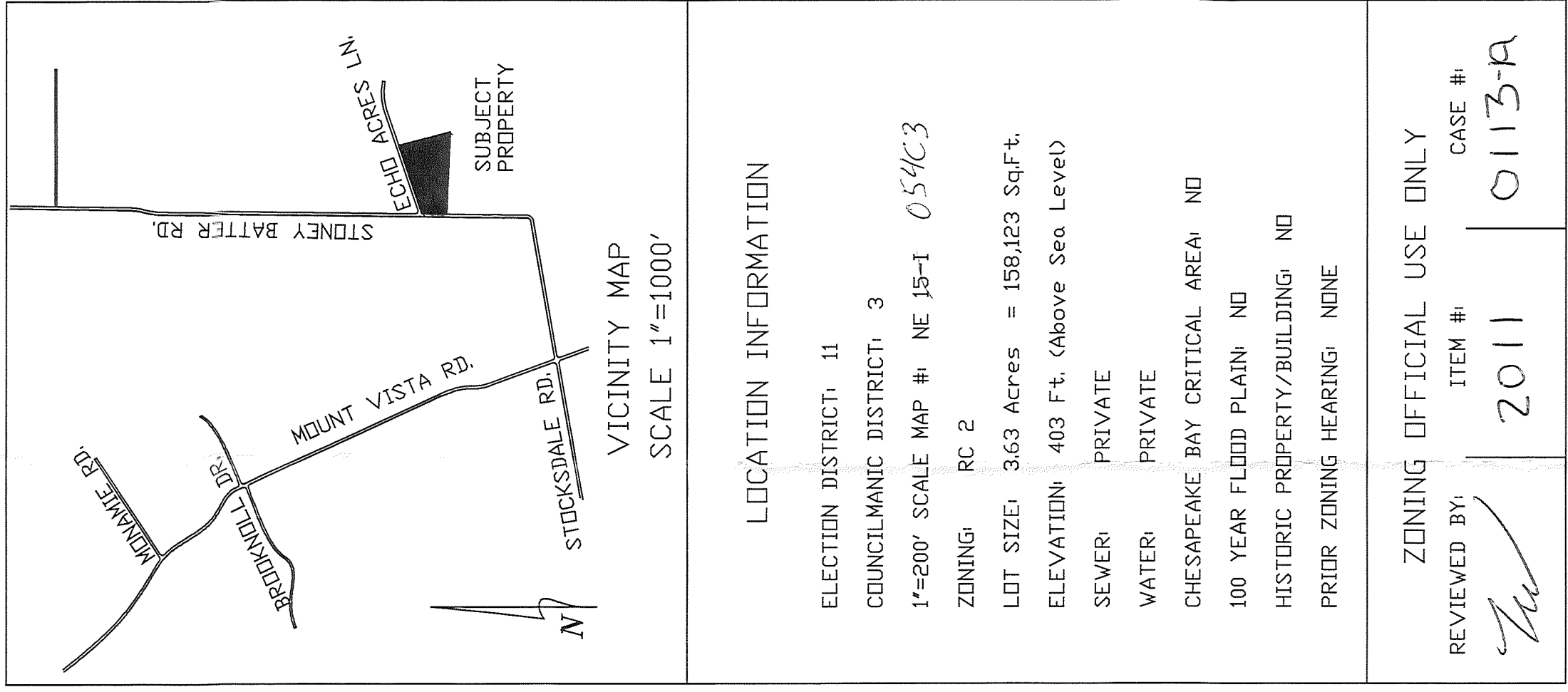
Jet Ski Trailer

2011-0113-14



VARIANCE

Map #: 54 Grid #: 23 Parcel #: 260



SCALE OF DRAWING: