

IN RE: PETITION FOR VARIANCE

SE side of Old Valley Road, 538' SW of
c/line of Stevenson Road
3rd Election District
3rd Councilmanic District
(1931 Old Valley Road)

Stevenson Railroad, LLC, *Legal Owner*
Jason and Tammi Smith, *Contract Purchaser*
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

CASE NO. 2011-0198-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by the legal owners of the subject property, Stevenson Railroad, LLC, and the contract purchaser, Jason and Tammi Smith. Petitioners are requesting Variance relief from Section 1A04.3.B.2.C of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a principal building to be constructed in an R.C.5 zone which is contiguous to an R.C.2 zone at a distance of zero (0) feet from the zone line in lieu of the required 150 feet. 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 variance request was Bruce E. Doak with Gerhold, Cross & Etzel, Ltd., the professional land surveyor who prepared the site plan and who is assisting the Petitioners in the permit process.

Testimony and evidence offered revealed that the subject property is approximately 2.3 acres in size, and is "split-zoned" R.C.2 and R.C.5. The site is an existing lot of record, having been created in a 2004 minor subdivision, as reflected on Petitioners' Exhibit 4. As such, the lot – and Petitioners' right to construct a dwelling on same – arguably vested upon the 2004 plan

ORDER RECEIVED FOR FILING

Date 2-7-11

By 

approval, per Baltimore County Code Section 32-4-264. Even so, Petitioners have sought variance relief and that request is discussed below.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Office of Planning, dated January 13, 2011, indicate it does not oppose Petitioners' request provided architectural drawings for the proposed single-family dwelling are submitted to the Office of Planning.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners. Indeed, the subject property is split-zoned, which is certainly a unique and unusual circumstance. More importantly, the lot – and the location of the dwelling on the lot – was approved in a 2004 minor subdivision, and subsequently the zoning provision in question (B.C.Z.R. 1A04.3.B.2.c) was enacted, which required the 150 feet distance when an R.C. 5 zone adjoined an R.C. 2 zone. This provision was added to the B.C.Z.R. at or about the time the minor subdivision was approved, and in my opinion this fact along with the split zoning render the property unique. Petitioners have met the hardship prong as well, given that without variance relief the lot would be unbuildable, as reflected on Exhibit 1.

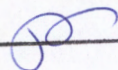
Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. No letters of protest or opposition were received, and no protestants or opponents attended the public hearing. Moreover, the construction of one single family dwelling on the

ORDER RECEIVED FOR FILING

Date

2-7-11

By



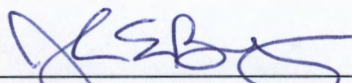
property appears to have been contemplated by the Restrictive Covenant Agreement (Petitioners' Exhibit 6) entered into between Petitioners and the Valleys Planning Council.

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 granted.

THEREFORE, IT IS ORDERED this 7th day of February, 2011 by this Administrative Law Judge that Petitioners' Variance request from Section 1A04.3.B.2.C of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow a principal building to be constructed in an R.C.5 zone which is contiguous to an R.C.2 zone at a distance of zero (0) feet from the zone line in lieu of the required 150 feet, be and is hereby GRANTED, subject to the following:

1. Petitioners may apply for 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.
2. Petitioners must submit architectural drawings of the proposed single-family dwelling to the Office of Planning for review and approval prior to seeking a building permit.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz

ORDER RECEIVED FOR FILING

Date 2-7-11

By [signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

February 7, 2011

STEVENSON RAILROAD, LLC
PO BOX 400
PHOENIX MD 21131

Re: Petition for Variance
Case No. 2011-0198-A
Property: 1931 Old Valley Road

Dear Sir:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. 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 "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

THB:pz

Enclosure

c: Jason and Tammi Smith, 5219 Downing Road, Baltimore MD 21212
Bruce Doak, Gerhold Cross & Etzel, Ltd., 320 East Towsontown Blvd., Towson MD 21286



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 1931 OLD VALLEY ROAD, STEVENSON, MD 21153
which is presently zoned RC 2 & RCS

Deed Reference: 26121153 Tax Account # 2500003152

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)

1A04.3.B.2.C

TO ALLOW A PRINCIPAL BUILDING TO BE CONSTRUCTED IN AN
RCS ZONE WHICH IS CONTIGUOUS TO AN RC 2 ZONE AT A
DISTANCE OF 0 FEET FROM THE ZONE LINE IN LIEU OF
THE REQUIRED 150 FEET.

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

COMPLIANCE TO THE 150' SETBACK TO THE RC2 ZONE LINE WILL NOT
ALLOW A DWELLING TO BE CONSTRUCTED ON THE PROPERTY.

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:

JASON & TAMMI SMITH
Name - Type or Print
Jason Smith
Signature
5219 DOWNING ROAD 410-215-6144
Address Telephone No.
BALTIMORE MARYLAND 21212
City State Zip Code

Legal Owner(s):

STEVENSON RAILROAD LLC
Name - Type or Print
Stephen R. Smith
Signature
G.M.
Name - Type or Print POSITION IN LLC.
Signature
P.O. Box 400
Address Telephone No.
PHOENIX MARYLAND 21131
City State Zip Code

Attorney For Petitioner:

Name - Type or Print
Signature
Date 2-7-11
Company
Address By [Signature] Telephone No.
City State Zip Code

Representative to be Contacted:

BRUCE E. DOAK
Name
GERHOLD, CROSS & ETZEL, LTD
Name
SUITE 100
Address
320 E. TOWSONTOWN BLVD 410-823-4470
Address Telephone No.
TOWSON MARYLAND 21286
City State Zip Code

Office Use Only

Case No. 2011-0198-A

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by [Signature] Date 12/20/10



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

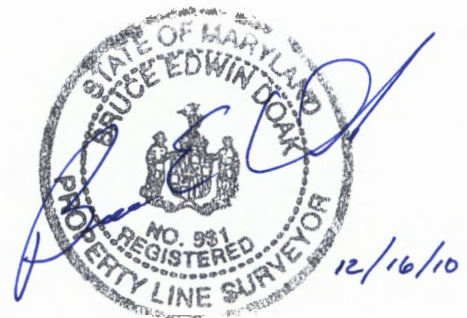
December 15, 2010

ZONING DESCRIPTION #1931 OLD VALLEY ROAD

Beginning for the same on the southeast side of Old Valley Road, 538 feet southwesterly from the centerline of Stevenson Road, thence leaving Old Valley Road and binding on the outlines of the subject property, (1) South 21 degrees 40 minutes 04 seconds East 196.74 feet, (2) South 68 degrees 19 minutes 56 seconds West 10.00 feet, (3) South 21 degrees 40 minutes 04 seconds East 89.93 feet, (4) North 68 degrees 45 minutes 14 seconds East 267.93 feet, (5) North 21 degrees 14 minutes 46 seconds West 10.00 feet, (6) North 68 degrees 45 minutes 14 seconds East 118.78 feet, (7) South 19 degrees 40 minutes 01 second East 39.30 feet, (8) South 73 degrees 31 minutes 06 seconds West 78.94 feet, (9) South 69 degrees 21 minutes 06 seconds West 231.91 feet, (10) South 65 degrees 32 minutes 46 seconds West 285.01 feet, (11) South 67 degrees 15 minutes 46 seconds West 54.06 feet, (12) North 27 degrees 46 minutes 59 seconds West 311.50 feet, to the southeast side of Old Valley Road, thence binding on the southeast side of said road, the two following lines, viz: (13) Northeasterly by a line curving to the right, having a radius of 2068.00 feet, for an arc distance of 221.24 feet (the chord of said arc bearing North 65 degrees 06 minutes 37 seconds East 221.13 feet), and (14) North 68 degrees 10 minutes 30 seconds East 86.22 feet, to the point of beginning.

Containing 2.30 Acres of land, more or less.

This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.



2011-0198-A

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

No. **62289**

Date: **12/20/10**

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
 12/22/2010 12/20/2010 15:39:00 2

REG #005 WALKIN DOL END
 >>RECEIPT # 558333 12/20/2010 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Dep: 5 528 ZONING VERIFICATION
 CR #0. 062289

Recpt Tot 175.00
 -175.00 CR 4.00 CA
 Baltimore County, Maryland

Total: **75.00**

Rec From: **Bruce Dook**

For: **Jason & Toni Smith**
1931 Old Valley Rd
21212

2011-0198-A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION:**

2011-0198 2/3/11

**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: # 2011-0198-A
1931 Old Valley Road
S/east side of Old Valley Road, 538 feet southwest-
erly from the centerline of
Stevenson Road
3rd Election District
3rd Councilmanic District
Legal Owner(s): Stevenson
Railroad, LLC
Contract Purchaser: Jason &
Tammi Smith

Variance: to allow a princi-
pal building to be construct-
ed in an RC5 zone which is
contiguous to an RC2 zone
at a distance of 0 feet from
the zone line in lieu of the
required 150 feet.

Hearing: Thursday, Febru-
ary 3, 2011 at 2:00 p.m. in
Room 205, Jefferson
Building, 105 West Chesa-
apeake Avenue, Towson
21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS 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/1/670 Jan. 18 265200

CERTIFICATE OF PUBLICATION

1/20/, 2011

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 1/18/, 2011.

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

S. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: Case #2011-0198-A

PETITIONER: Jason & Tammi Smith

DATE OF HEARING: 2/03/2011

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

(see page 2 for full size photo)

LOCATION:
1931 Old Valley Road

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 1/17/11

ZONING NOTICE

CASE #:2011-0198-A

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

PLACE: Room 205 Jefferson Building
TIME & 105 West Chesapeake Avenue, Towson, MD
DATE : 2:00 pm Thursday February 3, 2011

Variance to allow a principal building to be constructed in an RC5 zone which is contiguous to an RC2 zone at a distance of 0 feet from the zone line in lieu of the required 150 feet.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING
CALL 410-887 3391 THE DAY BEFORE THE SCHEDULED HEARING DATE

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

YERMAN WITTMAN
GAINES & CONKLIN
410-667-0801
www.ywgcrealty.com

ZONING NOTICE
CASE # 2011-0198-A
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.
PLACE: 195 West Chesapeake Avenue, Towson, MD
TIME: 8:00 PM - 9:00 PM
DATE: 2:00 PM Thursday, February 3, 2011
Variance to allow a precast building to be
constructed in an RCS zone which is con-
sistent to an RCS zone at a distance of 8
feet from the zone line to the line of the
lot line.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 18, 2011 Issue - Jeffersonian

Please forward billing to:
Jason & Tammi Smith
5219 Downing Road
Baltimore, MD 21212

410-215-6144

NOTICE OF ZONING HEARING

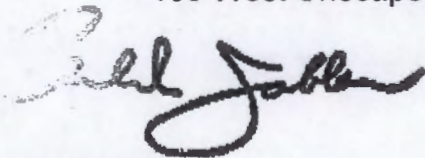
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2011-0198-A

1931 Old Valley Road
S/east side of Old Valley Road, 538 feet southwesterly from the centerline of Stevenson Road
3rd Election District – 3rd Councilmanic District
Legal Owners: Stevenson Railroad, LLC
Contract Purchaser: Jason & Tammi Smith

Variance to allow a principal building to be constructed in an RC5 zone which is contiguous to an RC2 zone at a distance of 0 feet from the zone line in lieu of the required 150 feet.

Hearing: Thursday, February 3, 2011 at 2:00 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

NOTICE OF ZONING HEARING

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Contract Purchaser: Jason & Tammi Smith

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105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Bruce Doak, GC&E, 320 E. Towsontown Blvd., Ste. 100, Towson 21286
Mr. & Mrs. Smith, 5219 Downing Road, Baltimore 21212
Stevenson Railroad, LLC, P.O. Box 400, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 18, 2011.**
- (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.

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: 2011-0198-A

Petitioner: JASON & TAMMI SMITH

Address or Location: 1931 OLD VALLEY ROAD, STEVENSON, MD 21153

PLEASE FORWARD ADVERTISING BILL TO:

Name: JASON & TAMMI SMITH

Address: 5219 DOWNING ROAD

BALTIMORE, MD 21212

Telephone Number: 410-215-6144



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 26, 2011

Stevenson Railroad, LLC
Stephen R. Smith
P.O. Box 400
Phoenix, Maryland 21131

Dear Mr. Smith:

RE: Case Number 2011-0198-A Address 1931 Old Valley Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 20, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c: People's Counsel
Gerhold, Cross & Etzel, LTd. Bruce E. Doak 320 E. Towsontown Blvd. Ste 100 Towson MD 21204
Jason & Tammi Smith 5219 Downing Road Baltimore MD 21212



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

State Highway
Administration

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

Maryland Department of Transportation

Date: JAN. 03, 2011

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

RE: Baltimore County
Item No. 2011-0198-A
1931 OLD VALLEY RD
SMITH 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. 2011-0198-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

for Steven D. Foster, Chief
Access Management Division

SDF/mb

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 January 17, 2011
Item Nos. 2011- 198, 199, 200 and
201

DATE: December 28, 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-01172011 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: George Klunk, Interim Director
Department of Permits and
Development Management

DATE: January 13, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

RECEIVED

SUBJECT: 1931 Old Valley road

JAN 19 2011

INFORMATION:

Item Number: 11-198

ZONING COMMISSIONER

Petitioner: Stevenson Railroad LLC

Zoning: RC 2 and RC 5

Requested Action: Variance

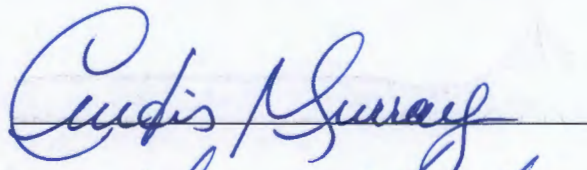
The petitioner requests a setback variance of 0 feet from an RC2 zone line in lieu of the required 150 feet on a lot owned by Stevenson Railroad LLC, a split zoned lot that has 1.06 acres in the RC2 zone and 1.24 acres in the RC5 zone. The lot was the subject of a request for limited exemption 060903E and 092004C. Since the former was filed prior to June 7, 2004, the 1-½ acre minimum lot size requirement and architectural performance standards do not apply.

SUMMARY OF RECOMMENDATIONS:

Provided the Zoning Commissioner grant the subject variance, the Office of Planning requests review and approval of architectural elevation drawings for the proposed single-family dwelling.

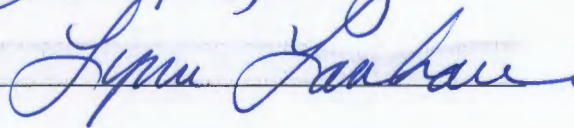
For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:



Division Chief:

JM/LL: CM



RE: PETITION FOR VARIANCE * BEFORE THE
1931 Old Valley Rd; SE side of Old Valley *
538 Ft. SW of Stevenson Rd. * ZONING COMMISSIONER
3rd Election & 3rd Councilmanic Dists. *
Legal Owners: Stevenson Railroad, LLC, * FOR
Petitioners. * BALTIMORE COUNTY
* 2011-198-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.

RECEIVED
105 W. CHESAPEAKE
KE

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 22nd day of December, 2010, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, 320 E Towsontowne Boulevard, Suite 100, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

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

Account Identifier: District - 03 Account Number - 2500003152

Owner Information

Owner Name: STEVENSON RAILROAD LLC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: PO BOX 400 Deed Reference: 1) /26121/ 153
PHOENIX MD 21131-0400 2)

Location & Structure Information

Premises Address Legal Description
STEVENSON RD 2.30AC
WS/R STEVENSON RD
COR VALLEY RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
68	3	620						1	Plat Ref:

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		2.30 AC	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2010	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	228,000	228,000		
Improvements:	0	0		
Total:	228,000	228,000	228,000	228,000
Preferential Land:	0	0	0	0

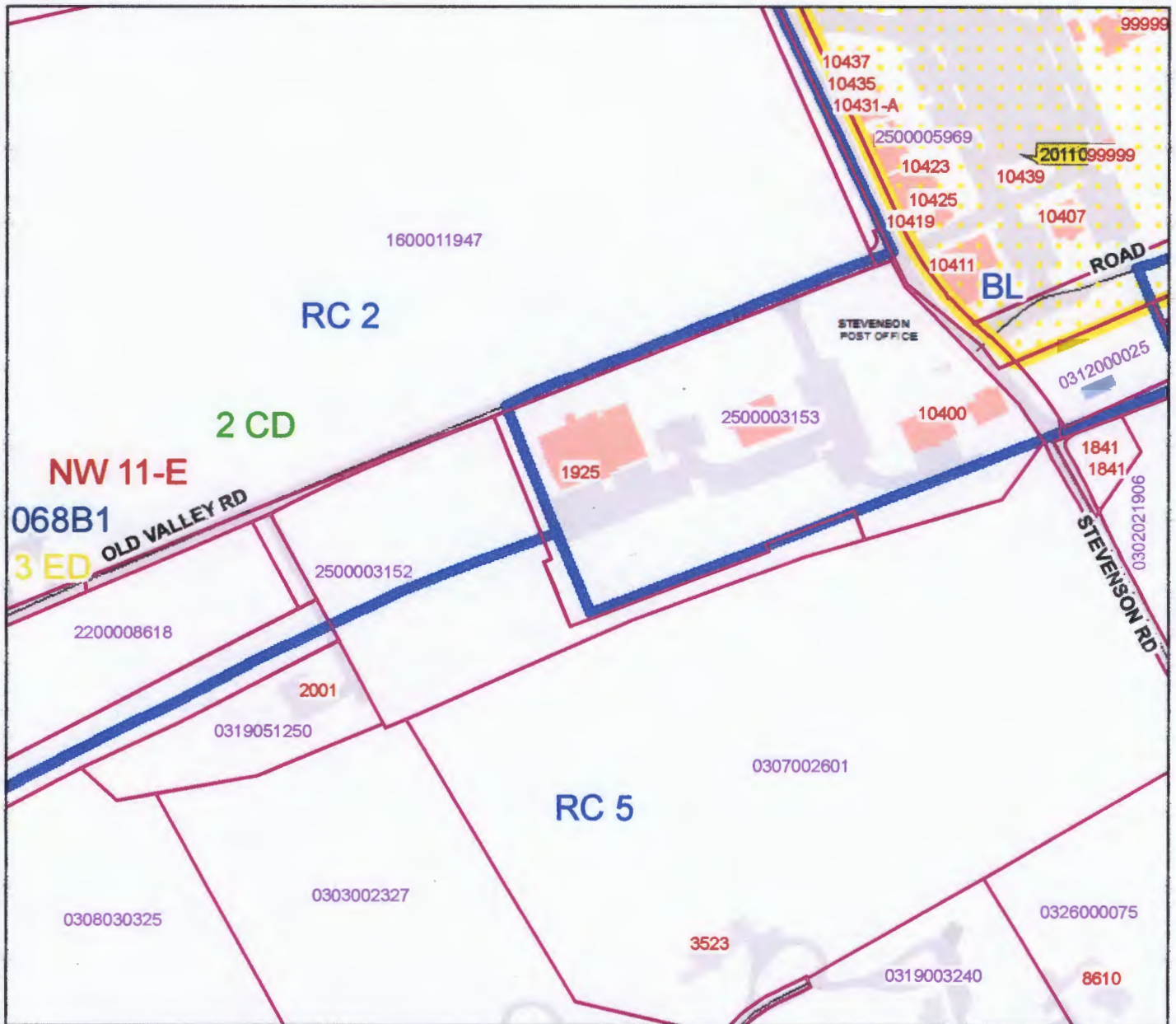
Transfer Information

Seller:	STEVENSON RAILROAD LLC	Date:	09/04/2007	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/26121/ 153	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

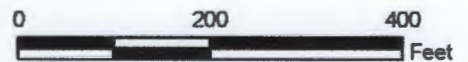
Exemption Information

Partial Exempt Assessments	Class	07/01/2010	07/01/2011

1931 Old Valley Road 2011-0198-A



DQ Map Notes



1 inch = 200 feet



Publication Date: December 20, 2010
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

Case No.: 2011-198A 1931 Old Valley Rd.

Exhibit Sheet

Petitioner/Developer

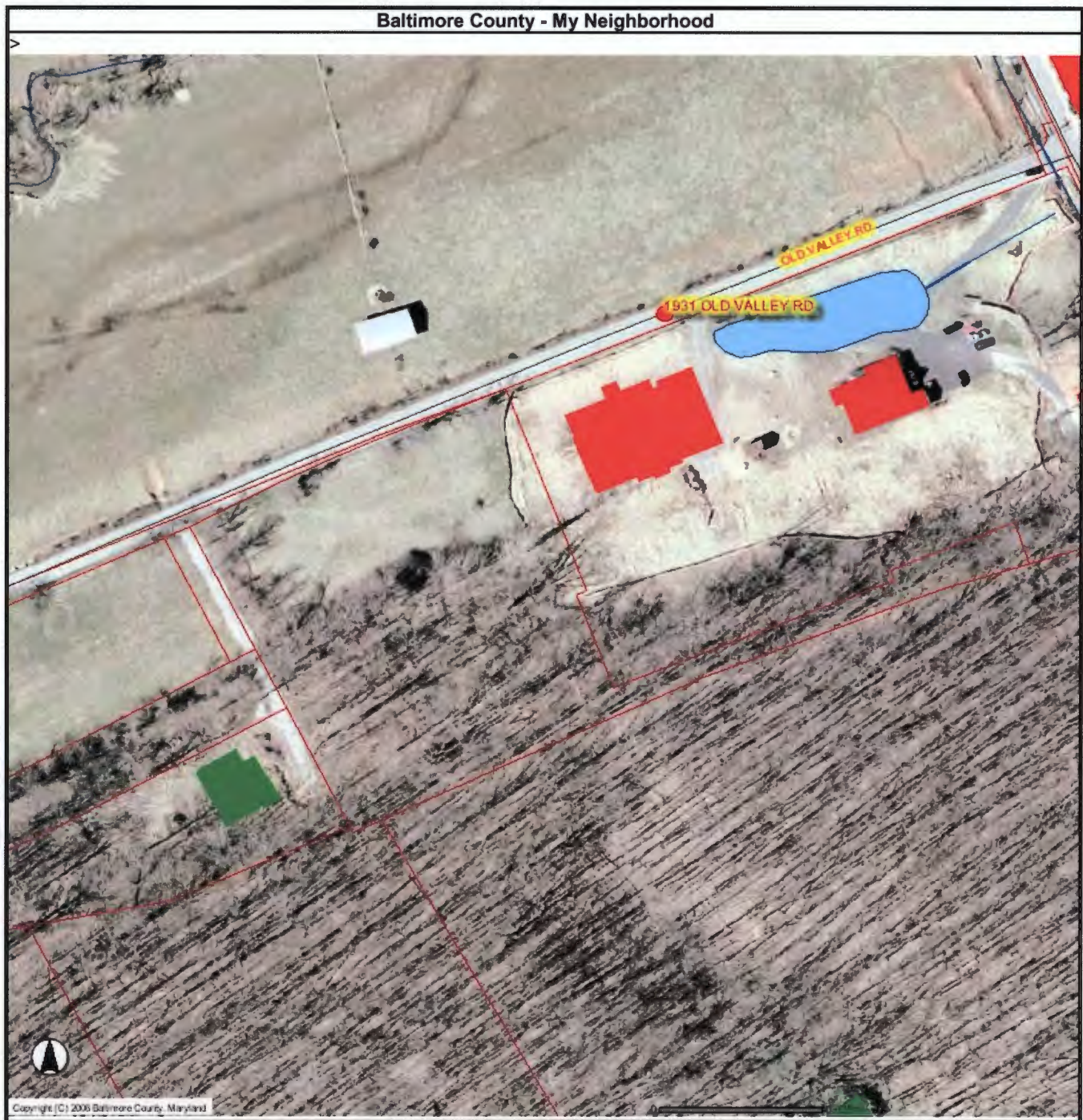
Protestant

No. 1	Site Plan	
No. 2	"My Zoning" Page	
No. 3	"My Zoning" Page	
No. 4	Minor Subdivision Plan - 2004	
No. 5	Architectural Renderings	
No. 6	VPC Covenant Agmt.	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 2



PETITIONER' S

EXHIBIT NO. 3

Architectural Designs ...selling quality house plans for over 30 years.

Photo



PETITIONER' S

EXHIBIT NO. 5

RESTRICTIVE COVENANT AGREEMENT

THIS AGREEMENT is entered into, this 21 day of November, 2003, by and between STEVENSON RAILROAD LLC ("STEVENSON"), THE VALLEYS PLANNING COUNCIL, INC. ("VPC"), a Maryland nonprofit corporation, the GREENSPRING VALLEY ASSOCIATION, INC. ("GVA"), a local community association, STEVENSON RIDGE HALCYN ASSOCIATION ("SRHA"), a local community association, GAYLORD CLARK and MARGERY CLARK.

RECITALS:

WHEREAS, STEVENSON owns certain property located at the southwest corner of Stevenson Road and Old Valley Road in the Second Councilmanic District of Baltimore County, Maryland. The property is more particularly described in deed(s) recorded among the land records of Baltimore County at deed number 18309, folio 365, and illustrated on the Schematic Site Plan (the "Site Plan") attached hereto as Exhibit A (the "Land");

WHEREAS, the Land is presently zoned BL, RC 2 and RC 5 and has been used primarily for light commercial and residential purposes;

WHEREAS, the Land is located within the Greenspring Valley National Register Historic District, and two of the existing structures on the Land, known as the Riggs Country Store (formerly Flowers and Fancies) and the Stevenson Railroad Station (including the accessory baggage shed), have historical significance and have been placed on the Baltimore County Landmarks List and the Maryland Historical Trust Inventory;

WHEREAS, STEVENSON proposes, as more specifically described and restricted hereunder, to (1) construct a two-story office building on the Land (the "Office Building") that will be designed in such a manner so as to blend architecturally with the Riggs Country Store and the Stevenson Railroad Station; (2) restore the Riggs Country Store and lease it for retail and/or office use; (3) maintain the Stevenson Railroad Station in its present condition and retain the existing office use; (4) raze the existing single story ranch house on the Land; and (5) construct a single family detached dwelling (the "Single Family Home") on the approximate one (1) acre of property zoned RC 5;

WHEREAS, VPC, GVA and SRHA are established associations in Baltimore County that represent the interests of area residents in achieving, among other things, preservation of the Greenspring Valley and the surrounding land and protecting it from intrusive and inappropriate types of land uses;

WHEREAS, VPC, GVA, SRHA, and Gaylord and Margery Clark have reviewed the Site Plan and other drawings and documents regarding this project and desire to place certain restrictions upon the Land and the development and use of the Land in order to ensure that the Land is forever used and maintained in a manner consistent with the plans as proposed and to

PETITIONER'S

EXHIBIT NO. 6

MARYLAND COORDINATE SYSTEM
NAD83(1991)

CONTRACT PURCHASERS

JASON & TAMMI SMITH
5219 DOWNING ROAD
BALTIMORE, MARYLAND 21212
410-215-6144

OWNER

STEVENSON RAILROAD LLC
P.O. BOX 400
PHOENIX, MARYLAND 21131

GERALD W. BERG
ELAYNE J. BERG
OLD VALLEY ROAD
SM 26482/524
29.302 Ac.±
(AGRICULTURAL &
RESIDENTIAL USE)

VICINITY MAP

1" = 1000'

FOREST BUFFER
EASEMENT AREA
SM 28654/205
RW 09-083-03

STEVENSON RAILROAD LLC
10404 STEVENSON ROAD
SM 26121/153
EXHIBIT "C"
4.076 Ac.±
(COMMERCIAL USE)

PRIVATE UTILITY EASEMENT
SM 26121/165

PRIVATE UTILITY
EASEMENT
SM 26121/176

FOREST CONSERVATION EASEMENT AREA
SM 28654/215 - RW 09-083-03

MORRIS L. GARTEN
ALICE MATSAS GARTEN
3523 ENGLEMEADE ROAD
SM 28148/317
9.45 Ac.±
(RESIDENTIAL USE)

PETITIONER'S

EXHIBIT NO. 1

CASE #2011-0198-A PLAT TO ACCOMPANY A PETITION FOR ZONING VARIANCE #1931 OLD VALLEY ROAD

Deed Ref: S.M. No. 26121 folio 153
EXHIBIT "B"

Tax Account No.: 25-00-003152
Zoned RC 2 & RC 5; GIS Tile 068B1
Tax Map 68; Grid 3; Parcel 620
3rd ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=50'

Date: December 15, 2010

GERHOLD, CROSS & ETZEL, LTD.

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

VARIANCE REQUESTED

SECTION 1A04.3.B.2.c
TO ALLOW A PRINCIPAL BUILDING TO BE
CONSTRUCTED IN AN RC 5 ZONE WHICH IS
CONTIGUOUS TO AN RC 2 ZONE AT A
DISTANCE OF 0 FEET FROM THE ZONE
LINE IN LIEU OF THE REQUIRED 150 FEET.

GENERAL NOTES

1. TOTAL AREA OF SUBJECT PROPERTY 2.30 Acres±.
2. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
3. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD FLAIN.
4. THE SUBJECT PROPERTY IS LOCATED WITHIN THE GREENSPRING VALLEY NATIONAL REGISTER HISTORIC DISTRICT.

ZONING POINT OF BEGINNING & ZONING CASE NUMBER ADDED	12/20/10
REVISION	DATE

COMPUTED: DMN DRAWN: SAL CHECKED: BED FILE:X:\S\Smith Old Valley\zoning.pro