



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2201 PINE HILL FARMS LANE COCKEYSVILLE MD 21030
which is presently zoned RC2

Deed Reference: 29693/211 Tax Account # 2100009951

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)

1A01.3.A: TO ALLOW A PROPOSED DWELLING WITH A HEIGHT
OF 39 FEET IN LIEU OF THE MAXIMUM PERMITTED
35 FEET.

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

SEE ATTACHED PAGE

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

Legal Owner(s):

JOHN POWDERLY
Name - Type or Print

Signature

CHRISTINE POWDERLY
Name - Type or Print

Signature

Address

1 QUAIL COVEY COURT
REISTERSTOWN

MD

Telephone No.

21136
Zip Code

Representative to be Contacted:

BRUCE E. DOAK
GERHOLD CROSS & ETZEL, LTD.
Name

320 E. TOWSONTOWN BLVD.
Address

410-823-4470
Telephone No.

TOWSON
City

MD
State

21286
Zip Code

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by JF Date 4/12/11

Case No. 2011-0307-A



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, MD 21286

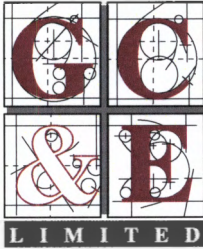
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

Zoning Case 2011-0307-A

Hardship and Practical Difficulty:

The desired height is needed to meet the required pitch of the roof for the design style of the house and the proposed footprint.

The requested addition to the height will not be noticed because the proposed house will set back over 300' from Pine Hill Farm Lane and the proposed house will be located in a large expanse of open area on the 25 acre subject property



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March 21, 2011

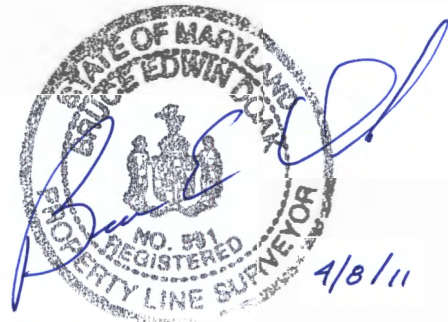
ZONING DESCRIPTION POWDERLY PROPERTY

Beginning for the same at the southwest corner of Pine Hill Farms Lane and Falls Road, being Lot 5 in the subdivision of "Pine Hill Farms", as recorded in Baltimore County Plat Book S.M. No. 58 folio 86.

Containing 25.057 Acres of land, more or less.

Also known as #2201 Pine Hill Farms Lane and located in the 8th Election District, 3rd Councilmanic District.

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



2011-0307-A

RE: PETITION FOR VARIANCE * BEFORE THE
2201 Pine Hill Farms Lane; * ZONING COMMISSIONER
SW corner of Pine Hill Farm Lane * FOR
and Falls Road * BALTIMORE COUNTY
3rdth Councilmanic Districts *
Legal Owner: John and Christine Powderly *
Petitioner(s) * 2011-0307-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

APR 14 2011

mw

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 14th day of April, 2011, a copy of the foregoing Entry of Appearance was mailed to John and Christine Powderly, 1 Quail Covey Court, Reisterstown, Maryland 21136, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ZONING NOTICE

CASE #:2011-0307-A

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

PLACE: Room 205 Jefferson Building
105 West Chesapeake Avenue, Towson, MD

DATE : 10:00 am Wednesday June 1, 2011

Variance to allow a proposed dwelling
with a height of 39 feet in lieu of the
maximum permitted height of 35 feet.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING
CALL 410 887-8301 THE DAY BEFORE THE SCHEDULED HEARING DATE

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

ZONING NOTICE

CASE #: 2011-0307-A

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

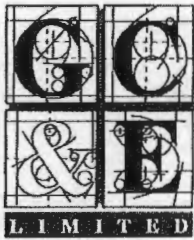
PLACE: Room 205, Jefferson Building

TIME & DATE: 10:00 am Wednesday June 1, 2011

Variance to allow a proposed dwelling
with a height of 39 feet in lieu of the
maximum permitted height of 35 feet.

Notwithstanding to what may appear on this notice, the actual zoning ordinance and the actual hearing notice shall govern. If there is a discrepancy between this notice and the actual ordinance or hearing notice, the actual ordinance and hearing notice shall govern.

HEARINGS ARE HANDICAPPED ACCESSIBLE



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May 27, 2011

Lawrence M. Stahl, Esq.
Managing Administrative Law Judge
105 West Chesapeake Avenue
Towson, MD 21204

RECEIVED

MAY 27 2011

OFFICE OF ADMINISTRATIVE HEARINGS

Re: Case #2011-0307-A

Dear Mr. Stahl,

My clients, John and Christine Powderly, no longer wish to pursue a variance in this case. Therefore, I respectfully request the withdraw of this case.

With regards,

Bruce E. Doak
Principal

May 24, 2011

Baltimore County Zoning Review Office

111 West Chesapeake Avenue

Room #111

Towson, Maryland 21204

RE: Case #2011-0307-A

2201 Pine Hill Farms Lane

Hearing Date: June 1, 2011 10:00am

To Whom It May Concern,

We are writing as representatives of the Pine Hill Farms Homeowners Association regarding the above mentioned upcoming Zoning Review Hearing.

The PHFHA met on Monday, May 23^d, 2011 to discuss the Powderly proposed residence and all members were present other than Bill and Carolyn Fleischer. The Fleischer's expressed their concerns in a separate letter which is included.

Members included:

John and Debra Carey #2208

John and Amy Chay #2200

BJ Surhoff #2205

Bill and Diane Donohue #2203

Mike and Kathy McGonigle #2204

(All addresses are Pine Hill Farms Lane, Cockeysville, Maryland 21030)

All members reviewed the Powderly residence plans and all agreed that the design and proposed materials used were attractive and would complement

the existing dwellings. The members then discussed and reviewed the request to build the home with a height (39') that would exceed the Baltimore County height restrictions of 35'. The group UNANIMOUSLY agreed that the Baltimore County height restrictions be adhered to for the following reasons:

- 1) The proposed home would set a precedence if the new owners would be granted the right to exceed County mandates*
- 2) The Powderly home would be higher than all of the other dwellings on Pine Hill Farms Lane (as a point of reference, the Carey residence is 35', the Chay residence is 32', the Chay barns are 27' and 28' respectively, the McGonigles house is 28', existing Dudley house is 30')*

Thank you for your consideration of our combined suggestion and please do not hesitate to contact us if there are any further questions or concerns.

Sincerely,

All Members of the Pine Hill Farms Homeowners Association

If there are any questions or concerns, please feel free to call :

John Chay (410) 785-1558.

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New | Reply Reply all Forward | Delete Junk Sweep ▾ Mark as ▾ Move to ▾ |

Inbox (28)

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Junk

Drafts

Sent

Deleted

allegis

baseball

caves valley

chc

debbie

jack-wake forest (1)

john

maryland redbirds

myrtle beach

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Office docs (4)

Shipping updates

Messenger

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Fwd: Fw:

[Back to message](#)John Chay [Add to contacts](#)

To john Carey, Bee Jay, Diane Donohue, Cathy Mgonigle

We've added this sender to your safe list. That way you can always see what they've ser

Sent from my iPad

Begin forwarded message:

From: "amy chay" <amychay@aol.com>**Date:** May 23, 2011 5:08:25 PM EDT**To:** chayharvest@aol.com**Subject:** Fw:

Sent via DROID on Verizon Wireless

-----Original message-----

From: carolyn fleischer <carolynfleischer@hotmail.com>**To:** amychay@aol.com**Sent:** Mon, May 23, 2011 13:21:04 GMT+00:00**Subject:**

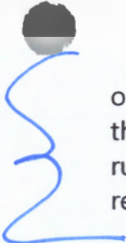
Dear John:

Thank you for the update. We regret that due to personal matters we can not attend the meeting.

First, I want to thank you for the work that you do - it has made living at Pine Hill Farms - now 21 plus years - a pleasure and is very much appreciated.

As you know, we all live here in privacy with no interference from the outside world and especially the HOA - thanks in large measure to you. This is the major reason we call Pine Hill our home.

I believe our neighbors would agree. I understand that a new residence seeks a height variance. While we would not impose our wishes on



others - and generally people should be able to design and build what they want - we recognize that this is a sensitive issue - especially in our rural setting and where neighbors have made a conscience effort to respect the privacy of each other.



Accordingly, we oppose the variance - for the reasons you explained in your e mail.

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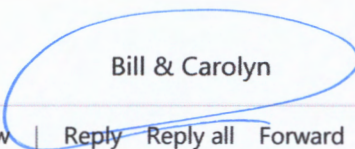
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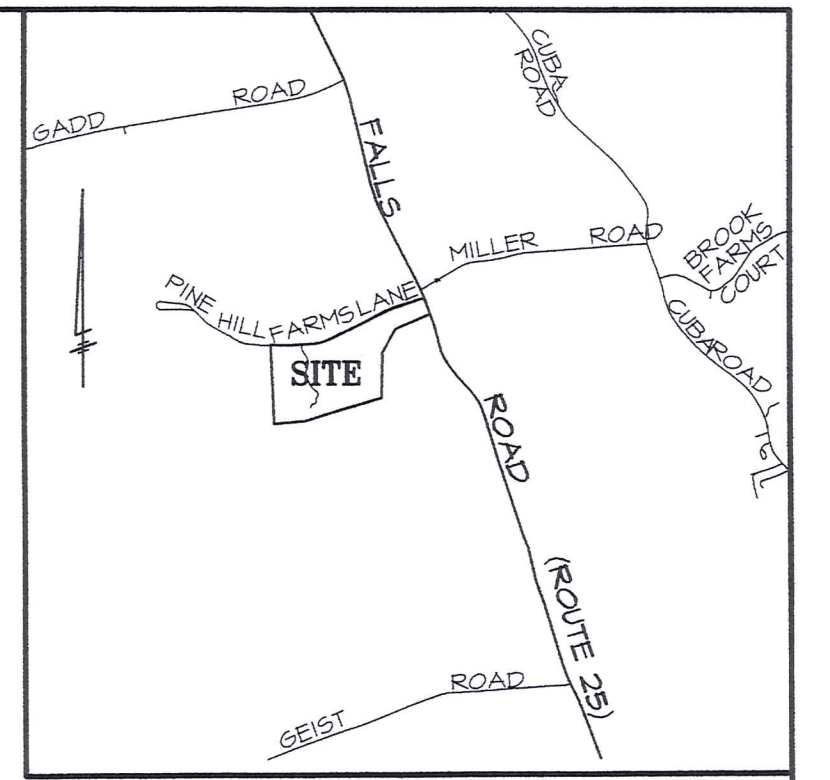
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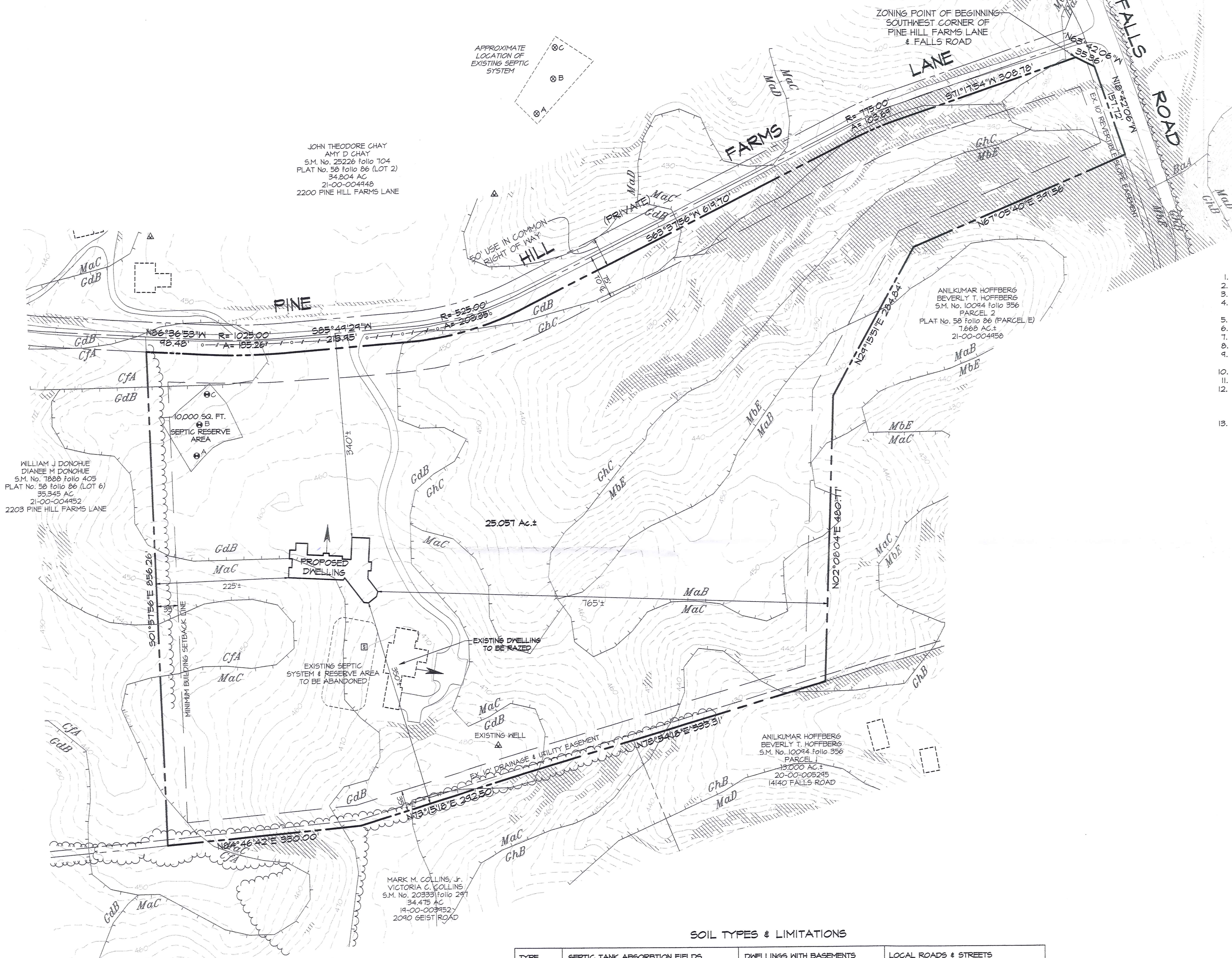


Bill & Carolyn

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VICINITY MAP
1" = 2000'



GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM THE RECORDED SUBDIVISION PLAT "PINE HILL FARMS".
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 041-B1.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM THE NRCS WEB SOIL SURVEY.
4. LOT 5 IS SUBJECT TO THE CONDITIONS OF THE ORDER RENDERED IN CASE #1998-0347-SPH CONCERNING DENSITY UNITS.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
7. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
8. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
9. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE SHOWN BASED ON RECORDS PROVIDED BY D.E.P.S.
10. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
11. NO GRADINGS IS TO BE DONE IN THE SEPTIC RESERVE AREAS.
12. THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
13. THERE ARE NO ZONING LINES WITHIN 200 FEET OF THE SUBJECT PROPERTY.

OWNER

JOHN POWDERLY & CHRISTINE POWDERLY
2201 PINE HILL FARMS LANE
COCKEYSVILLE, MARYLAND 21030

PETITION FOR VARIANCE

FOR A VARIANCE FROM SECTION 1A01.3.A TO ALLOW
A PROPOSED DWELLING WITH A HEIGHT OF 34 FEET
IN LIEU OF THE MAXIMUM PERMITTED 35 FEET.

CASE #2011-0307-A
PLAT TO ACCOMPANY
A PETITION FOR
A ZONING VARIANCE
POWDERLY PROPERTY

2201 PINE HILL FARMS LANE
Deed Ref: S.M. No. 29643 folio 211
Lot 5 "Pine Hill Farms" Plat Book S.M. No. 58 folio 86
Tax Account No.: 21-00-004951
Zoned R.C.- 2; GIS Tile 041B1
Tax Map 33; Grid 20; Parcel 101
8th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=100' Date: APRIL 12, 2011

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

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



SOIL TYPES & LIMITATIONS

TYPE	SEPTIC TANK ABSORPTION FIELDS	DWELLINGS WITH BASEMENTS	LOCAL ROADS & STREETS
BaA	Very Limited: Slow Water Movement (1.00); Ponding (1.00); Depth to Saturated Zone (1.00); Depth to Cemented Pan (1.00); Slow Water Movement (0.72)	Very Limited: Depth to thick cemented pan (1.00); Depth to saturated zone (1.00); Ponding (1.00); Depth to thin cemented pan (0.46)	Very Limited: Ponding (1.00); Frost action (1.00); Low Strength (0.78); Shrink-swell (0.50); Depth to saturated zone (1.00); Depth to thick cemented pan (0.46)
Cfa	Very Limited: Flooding (1.00); Depth to Saturated Zone (1.00); Slow Water Movement (0.50); Slow Water Movement (1.00); Ponding (1.00); Seepage, bottom layer (1.00)	Very Limited: Flooding (1.00); Depth to Saturated Zone (1.00); Ponding (1.00)	Very Limited: Frost action (1.00); Flooding (1.00); Ponding (1.00); Depth to saturated zone (0.78); Depth to saturated zone (1.00)
edB	Somewhat Limited: Slow Water Movement (0.68)	Not Limited	Somewhat Limited: Frost action (0.50); Low strength (0.78)
ehB	Very Limited: Depth to Cemented Pan (1.00); Depth to Saturated Zone (1.00); Slow Water Movement (0.72); Ponding (1.00)	Very Limited: Depth to thick cemented pan (1.00); Depth to saturated zone (1.00); Ponding (1.00); Depth to thin cemented pan (0.46)	Very Limited: Frost action (1.00); Low Strength (0.78); Shrink-swell (0.50); Depth to thick cemented pan (0.46); Ponding (1.00); Depth to saturated zone (1.00)
ghC	Very Limited: Depth to cemented pan (1.00); Depth to Saturated Zone (1.00); Slow Water Movement (0.72); Slope (0.63)	Very Limited: Depth to thick cemented pan (1.00); Depth to Saturated zone (0.44); Slope (0.63); Depth to thin cemented pan (0.46)	Very Limited: Frost action (1.00); Depth to thick cemented pan (0.46); Slope (0.63)
MaB	Very Limited: Seepage bottom layer (1.00)	Not Limited	Somewhat Limited: Frost action (0.50); Low Strength (0.78);
MaC	Very Limited: Seepage bottom layer (1.00); Slope (0.63); Depth to bedrock (1.00)	Somewhat Limited: Slope (0.63)	Somewhat Limited: Frost action (0.50); Slope (0.63)
MaD	Very Limited: Too steep (1.00); Seepage bottom layer (1.00); Depth to bedrock (1.00)	Very Limited: Too steep (1.00); Depth to hard bedrock (1.00); Depth to soft bedrock (1.00)	Very Limited: Too steep (1.00); Frost action (0.50); Low Strength (1.00); Depth to hard bedrock (1.00)

LEGEND

- EXISTING WELL
- EXISTING SEPTIC LID
- PROPOSED PERC TEST
- PASSED PERC TEST
- FAILED PERC TEST
- PROPOSED DWELLING
- EXISTING BUILDING
- SOIL LINE
- WOODS LINE
- EXISTING PAVING
- PROPERTY LINE
- CONTOURS
- SLOPES > 25%