

IN RE: PETITION FOR SPECIAL HEARING *
SE side of Worthington Road, 400' NE from
Greenspring Avenue *
(12202 Worthington Road) *
4th Election District *
2nd Council District *

Wayne L. and Valerie M. Rogers
Petitioners

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2012-0147-SPH

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by the legal owners of the property, Wayne L. and Valerie M. Rogers. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the construction of an accessory structure (tennis court) and related appurtenances without a principal dwelling on the same lot. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing held for this case was Petitioner Valerie M. Rogers, and James D. Grammer with Polaris Land Consultants, who prepared the site plan for the Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest. In fact, the Petitioners submitted letters of support from the Worthington Valley Homeowner's Association, Inc. (Exhibit 8) and their immediate neighbor, Parker Rockefeller (Exhibit 7).

The ZAC comments were received and made a part of the file. A comment was received from the Department of Planning, dated January 9, 2012 indicating the following:

ORDER RECEIVED FOR FILING

Date

1-30-12

By

027

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's request provided the following conditions are met:

1. Submit and landscape plan to the Department of Planning and Avery Harden, Baltimore County Landscape Architect for review and approval. Retain the existing vegetation on the south side of the lot.
2. Provide a plan that shows or includes in the landscape plan details of fencing and lighting. Lighting should be directed away from any neighboring properties and should be equipped with cut-off devices.

Mr. Grammer indicated the lights would have timer/cut-off mechanisms, and the Petitioners have engaged a landscape architect (McHale Landscape and Design, Inc.) who has prepared a preliminary plan for the property (Exhibit 6). Thus, it appears both of the concerns raised by the Department of Planning will be addressed. There were no other ZAC comments received from any of the County reviewing agencies.

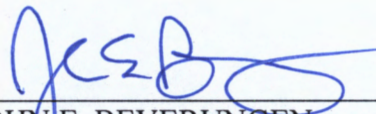
Testimony and evidence revealed that the subject property is 56,454 square feet (1.296 acres) and is split-zoned RC 5 and RC 4. The lot (shown as Lot 1 on the site plan, Exhibits 1 and 2) is vacant, and is located directly across the street from Petitioners' home on Lot 23 of the subdivision, known as 12205 Worthington Road. The Petitioners and their children are avid tennis players, and the lot on which their home is situated is too narrow to accommodate a tennis court, as shown on the Final Plat of Worthington Valley (Exhibit 3). In these circumstances, the construction of a tennis court and pavilion, as shown on Exhibit 2, will be a positive and attractive addition to the neighborhood, and will in no way negatively impact the community's health, safety and welfare.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 30 day of January, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve the construction of an accessory structure (tennis court) and related appurtenances without a principal dwelling on the same lot, be and is hereby GRANTED.

The relief granted herein shall be conditioned upon the following:

1. The Petitioners may apply for their building permit and may be granted same upon receipt of this Order, however the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.
2. The Petitioners must comply with the ZAC comment received from the Department of Planning, dated January 9, 2012.
3. The "tennis pavilion" shown on Exhibit 2 shall not be used as a dwelling or for overnight habitation of any sort.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date

1-30-12

By

DLW



KEVIN KAMENETZ
County Executive

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

January 30, 2012

Wayne L. Rogers
Valerie M. Rogers
12205 Worthington Road
Owings Mills, Maryland 21117

RE: Petition for Special Hearing
Case No.: 2012-0147-SPH
Property: 12202 Worthington Road

Dear Mr. and Mrs. Rogers:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 887-3868.

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

JEB:dlw
Enclosure

c: James D. Grammer, Polaris Land Consultants, 10 Gerard Avenue, Suite 101,
Timonium, MD 21093



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 12202 WORTHINGTON ROAD which is presently zoned RC-5, RC-4
 Deed References: 30777/0246 10 Digit Tax Account # 2500001498
 Property Owner(s) Printed Name(s) WAYNE L. ROGERS, VALERIE M. ROGERS

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the construction of an accessory structure (tennis court) and related appurtenances without a principal dwelling on the same lot.
2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Date

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

WAYNE L. ROGERS

VALERIE M. ROGERS

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

12205 WORTHINGTON ROAD OWINGS MILLS, MD

Mailing Address

City

State

21117-1039 410 279-3591

n/a

Zip Code

Telephone #

Email Address

Representative to be contacted:

JAMES D. GRAMMETT, POLARIS LAND CONSULTANTS

Name - Type or Print

Signature

10 GERARD AVENUE, STE 101 TIMONUM, MD

Mailing Address

City

State

21093 410 252-1444

jgrammett@polarisc.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-01475PH Filing Date 12/19/11

Do Not Schedule Dates: _____

Reviewed JCM



10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
(410) 252-4444 (o)
(410) 252-4493 (f)
www.polarisl.com

**ZONING DESCRIPTION FOR SPECIAL HEARING
12202 WORTHINGTON ROAD
4TH ELECTION DISTRICT, 2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD**

BEGINNING at a point on the Southeast side of Worthington Road, having a variable width, said point being situated 400' northeasterly from the north side of Greenspring Avenue. Being known and designated as Lot 1 as shown on Plat of Worthington Valley, which plat is recorded among the Land Records of Baltimore County in Plat Book S.M. 78, page 166. Containing 56,454 square feet or 1.296 acres of land, more or less. Also being known as 12202 Worthington Road and lying in the 4th Election District, 2nd Councilmanic District.

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

No. **73617**

Date: **12/14/11**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	200	2000		2000				75.00

Total: **75.00**

Rec From: **W. ROGERS**

For: **2012-0147-SPH**

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2012-0147-SPH

12202 Worthington Road

SE/side of Worthington Road, 400 feet NE from Greenspring Avenue

4th Election District — 2nd Councilmanic District

Legal Owner(s): Wayne & Valerie Rogers

Special Hearing: to approve the construction of an accessory structure (tennis court) and related appurtenances without a principal dwelling on the same lot.

Hearing: Wednesday, January 25, 2012 at 10:00 a.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 accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 1/6/47 January 10

294451

CERTIFICATE OF PUBLICATION

1/12/2012

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 1/10/2012.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE:CASE NO: 2012-047-SPH

PETITIONER/DEVELOPER _____

POLARS LAND CONSULTANTS

DATE OF HEARING/CLOSING: _____

1/25/12

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 THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 12202 WORTHINGTON RD

THIS SIGN(S) WERE POSTED ON _____

January 8, 2012
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 1/8/12
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2012-0147-SPH
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER

IN TOWSON, MD

PLACE: ROOM 205 STEPHENSON BUILDING 105

WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: WEDNESDAY, JANUARY 25, 2012
AT 10:00 A.M.

REQUEST:

SPECIAL PERMIT TO APPROVE THE CONSTRUCTION
OF AN ACCESSORY STRUCTURE (TRAVIS COVER) AND
RELATE'S APPLICANT'S WISHES WITHOUT A PRELIMINARY DECISION
ON THE SAME LOT

NOTICE: THIS NOTICE IS REQUIRED BY THE ZONING COMMISSIONER TO BE POSTED IN THE PUBLIC PLACE OF THE PROPERTY TO BE CONSIDERED FOR THE PUBLIC HEARING. THE NOTICE MUST BE POSTED AT LEAST 10 DAYS BEFORE THE PUBLIC HEARING. THE NOTICE MUST BE POSTED IN THE PUBLIC PLACE OF THE PROPERTY TO BE CONSIDERED FOR THE PUBLIC HEARING.

METTING IS MANDATORY AT THE PUBLIC HEARING.

01/08/2012

Metcalfe 1/8/12



10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
(410) 252-4444 (o)
(410) 252-4493 (f)
www.polarisl.com

TO: Baltimore County
Office of Administrative Hearings

DATE: Jan 25, 2012

RE: 2012-0147-SPH
Revised Exhibit

ATTENTION: John E. Beverungen

- ☒ We are submitting ☐ We are returning ☐ We are forwarding
☒ Herewith ☐ Under separate cover
☐

RECEIVED
JAN 25 2012
OFFICE OF ADMINISTRATIVE HEARINGS

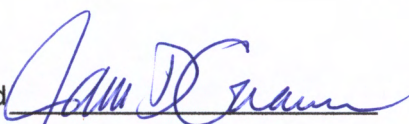
No.	Description
1	Revised Petitioner's Exhibit 2

These are submitted for:

- ☐ For processing ☒ For your use ☐ For your review ☐ For your approval
☐ Please call when ready ☐ Please return to this office ☒ In accordance with your request

Comments:

Signed


James D. Grammer

cc:



KEVIN KAMENETZ
County Executive

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

January 13, 2012

Mr. & Mrs. Rogers
12205 Worthington Road
Owings, Mills 21117

RE: Case Number 2012-0147-SPH, 12202 Worthington Road

Dear Mr. Hassan,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 14, 2011. This letter not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
James Grammar, Polaris Land Consultants, 10 Gerard Ave., Ste. 101, Timonium, MD 21093

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



Beverley K. Swain-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-28-2011

Ms. Kristen Matthews
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

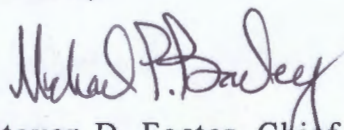
RE: Baltimore County
Item No. 2012-0147-SPH
12202 WORTHINGTON RD
ROGERS PROPERTY
SPECIAL HEARING -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2012-0147-SPH.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at rzeller@sha.state.md.us. Thank you for your cooperation.

Sincerely,


For Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: January 9, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 12202 Worthington Road

INFORMATION:

Item Number: 12-147

Petitioner: Wayne and Valerie Rogers

Zoning: RC 5/ RC 4

Requested Action: Special Hearing

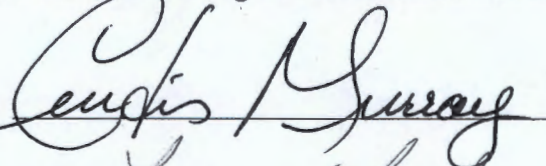
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's request provided the following conditions are met:

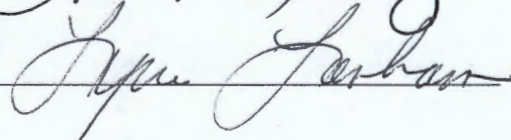
1. Submit and landscape plan to the Department of Planning and Avery Harden, Baltimore County Landscape Architect for review and approval. Retain the existing vegetation on the south side of the lot.
2. Provide a plan that shows or includes in the landscape plan details of fencing and lighting. Lighting should be directed away from any neighboring properties and should be equipped with cut-off devices.

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

Prepared by:



Division Chief:
AVA/LL: CM



JB 1/25 @
10 AM
205

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: January 9, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

JAN 11 2011

OFFICE OF ADMINISTRATIVE HEARINGS

SUBJECT: 12202 Worthington Road
INFORMATION:

Item Number: 12-147

Petitioner: Wayne and Valerie Rogers

Zoning: RC 5/ RC 4

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's request provided the following conditions are met:

1. Submit and landscape plan to the Department of Planning and Avery Harden, Baltimore County Landscape Architect for review and approval. Retain the existing vegetation on the south side of the lot.
2. Provide a plan that shows or includes in the landscape plan details of fencing and lighting. Lighting should be directed away from any neighboring properties and should be equipped with cut-off devices.

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

Prepared by:

Cecilia Murray

Division Chief:
AVA/LL: CM

Laurie Hay

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For January 9, 2012
Item Nos. 2012-080, 145, 146, 147, 149,
150 and 151

DATE: January 4, 2012

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

DAK:CEN
cc: File



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
January 4, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0147-SPH

12202 Worthington Road
SE/side of Worthington Road, 400 feet NE from Greenspring Avenue
4th Election District – 2nd Councilmanic District
Legal Owners: Wayne & Valerie Rogers

Special Hearing to approve the construction of an accessory structure (tennis court) and related appurtenances without a principal dwelling on the same lot.

Hearing: Wednesday, January 25, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Rogers, 12205 Worthington Road, Owings Mills 21117
James Grammar, Polaris Land Consultants, 10 Gerard Ave., Ste. 101, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 10, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

M E M O R A N D U M

DATE: March 1, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0147-SPH – Appeal Period Expired

The appeal period for the above-referenced case expired on February 29, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

Patricia Zook - 2012-0147-SPH - Appeal Due

From: Debra Wiley
To: Adams, Sarah; Wiley, Debra; Zook, Patricia
Date: 2/29/2012
Due: 2/29/2012
Subject: 2012-0147-SPH - Appeal Due

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

CHECKLIST

**Support/Oppose/
Conditions/
Comments/
No Comment**

**Comment
Received**

Department

1-4

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

NC

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

1-9

PLANNING
(if not received, date e-mail sent _____)

Comments

12-28

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 1-10-12

SIGN POSTING Date: 1-8-12 by Ogle

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 10, 2012 Issue - Jeffersonian

Please forward billing to:

Valerie Rogers
12205 Worthington Road
Owings Mills, MD 21117

410-279-3591

NOTICE OF ZONING HEARING

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12202 Worthington Road

SE/side of Worthington Road, 400 feet NE from Greenspring Avenue

4th Election District – 2nd Councilmanic District

Legal Owners: Wayne & Valerie Rogers

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Hearing: Wednesday, January 25, 2012 at 10:00 a.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 ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING
12202 Worthington Road; SE/S Worthington
Road, 400' NE from Greenspring Avenue
4th Election & 2nd Councilmanic Districts
Legal Owner(s): Wayne & Valerie Rogers
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-147-SPH

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

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

JAN 05 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of January, 2012, a copy of the foregoing Entry of Appearance was mailed to James Grammer, Polaris Land Consultants, 10 Gerard Avenue, Suite 101, Timonium, MD 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: 2012 - 0147 - SPH

Petitioner: WAYNE L. ROGERS, VALERIE M. ROGERS

Address or Location: 12202 WORTHINGTON ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: VALERIE M. ROGERS

Address: 12205 WORTHINGTON ROAD

OWINGS MILLS, MD 21117-1039

Telephone Number: (410) 279-3591

JB 1/25

10am

Debra Wiley - ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/26/11

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 12/27/2011 8:19 AM
Subject: ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/26/11

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0145-A - 9020 Simms Avenue
(Administrative Variance - Closing Date: 1/9/12)

2012-0146-SPHA - 5210 Wilkens Avenue
(No hearing date in data base as of 12/27)

2012-0147-SPH - 12202 Worthington Road
(No hearing date in data base as of 12/27)

2012-0148-A - 3213 Woodvalley Drive
(Administrative Variance - Closing Date: 1/9/12)

2012-0149-SPHXA - 300 Eastern Blvd. - **Critical Area**
(No hearing date in data base as of 12/27)

2012-0150-SPH - 10111, 10126 & 10131 York Road
(No hearing date in data base as of 12/27)

2012-0151-A - 8207 Daren Ct.
(No hearing date in data base as of 12/27)

Thanks and have a great day !

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

From: Dennis Kennedy
To: dwiley@baltimorecountymd.gov
Date: 12/27/2011 8:19 AM
Subject: Re: ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/26/11 (next year)

I will be out of the office until Jan. 3, 2012. Contact Mike Viscara at mviscara@baltimorecountymd.gov or Geoff Rice at grice@baltimorecountymd.gov or call 410-887-3751 for assistance.

>>> Debra Wiley 12/27/11 08:19 >>>

Good Morning,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Subject: Fwd: Re: ZAC Comments - ZAC Agenda - Distribution Mtg. of 12/26/11 (next year)
Created By: dwiley@baltimorecountymd.gov
Scheduled Date:
Creation Date: 12/27/2011 8:20 AM
From: Debra Wiley

Recipient	Action	Date & Time	Comment
To: Geoff Rice (grice@baltimorecountymd.gov)	Delivered	12/27/2011 8:20 AM	
To: Michael Viscarra (mviscarra@baltimorecountymd.gov)	Delivered	12/27/2011 8:20 AM	

1/25/2012

Case No.: 2012-0147-SAN

Exhibit Sheet

Petitioner/Developer

Protestants

DO 1/30/12
3/1/12
P3

No. 1	Site Plan	
No. 2	Revised Site Plan	
No. 3	Plat Worthington Valley	
No. 4	FDP - Worthington Valley	
No. 5 A-J	Photos	
No. 6	Landscape Schematic	
No. 7	Letter - Rockefeller	
No. 8	Letter - Armiller - Homeowners Assn.	
No. 9		
No. 10		
No. 11		
No. 12		



FROM NW CORNER LOOKING NORTHEASTERLY ALONG STREET

A



FROM NE CORNER LOOKING SOUTHWESTERLY ALONG STREET

B

PICTURE EXHIBITS
12202 WORTHINGTON ROAD
CASE No. 2012-147-SPH



FROM NE CORNER LOOKING SOUTHEASTERLY TOWARDS REAR PROPERTY LINE C



FROM NE CORNER LOOKING SOUTHWESTERLY TOWARDS PROPOSED TENNIS COURT D

PICTURE EXHIBITS
12202 WORTHINGTON ROAD
CASE No. 2012-147-SPH



FROM NE CORNER LOOKING SOUTHWESTERLY TOWARDS REAR PROPERTY LINE

E



FROM SE CORNER LOOKING TOWARDS PROPOSED TENNIS COURT

F

NW 16-F

2500001547

Lot # 22

Pt. Bk. 78, Folio 167

20070393

2500001525

RC 4

2500001527

2500001500

Lot # 23 12205

Pt. Bk./Folio # 078166

PDM # 040614

Lot # 24
2500001501

20110371

WORTHINGTON VALLEY - NEW SUBMITTAL (PDM File/Project # 4-614)

WORTHINGTON RD

4 ED
2 CD

050A2

NW 15-F

Lot # 1

Pt. Bk. 71, Folio 166
2500001498

2500001499 Lot # 2

SITE

Pt. Bk./Folio # 078167

2500001528
Lot # 3

RC 5

Lot # 42

Pt. Bk./Folio # 079011
Pt. Bk. 12200 Folio 11
2500006164

PDM # 040007

Pt. Bk. 19, Folio 52
0404075475 Lot # 2

Pt. Bk./Folio # 019052

0412074340 Lot # 3

Lot # 4

Pt. Bk. 19, Folio 53
0407059940
Pt. Bk./Folio # 019053A

12401

12381

12379

EXISTING DRIVEWAY WITHIN
THE AREA SHOWN AS
HOA OPEN SPACE SHALL
BE REMOVED BY THE
DEVELOPER.

-FOREST BUFFER

~~HOA OPEN SPACE~~

BALTIMORE
COUNTYBALTIMORE
COUNTY

Septic Reserve Area →

EX. STRUCTURE
TO BE RAZED

GREENSPR

DECELERATING LANE
240' LENGTH

4

PARKER B. ROCKEFELLER

~~981 STORINGTON DRIVE~~

~~ARNOLD, MARYLAND 21012~~

12203 WORTHINGTON (2D)

OWINGS MILLS, MD 21117

1/23/12

TO : COUNTY ADMIN, LAW JUDGE
JEFFERSON BUILDING
105 W. CHESAPEAKE AVE
TOWSON, MD 21204

TO WHOM IT MAY CONCERN,

I AM WRITING TO SUPPORT
THE VARIANCE THAT MY NEIGHBORS,
MR. + MRS. WAYNE ROGERS, ARE APPLYING
FOR TO BUILD A TENNIS COURT.
I FULLY SUPPORT THIS PROJECT.

SINCERELY,

PARKER ROCKEFELLER

**Worthington Valley
Homeowners Association, Inc.**
2328 W. Joppa Road, Suite 200
Lutherville, MD 21093
410-494-4883

January 23, 2012

County Administrative Law Judge
Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Variance Request – Lot 1 in Worthington Valley

Dear Sir:

I am writing this letter in support of a variance to allow a tennis court on lot 1 in the Worthington Valley subdivision, commonly called Worthington Green.

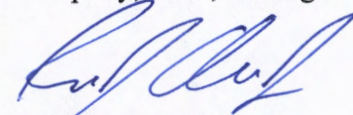
The applicant has requested I provide this letter as I own the two lots adjacent to lot 1 (lots 42 and 2) and I serve as President of the community's homeowners association. In these dual roles, I have reviewed and discussed the plans with the applicant and I believe that the variance, if granted, will benefit all owners in the community, including me, by creating a very attractive tennis court on a lot which could otherwise contain a house. This will result in less density and more privacy and spacing between neighboring houses.

Additionally, as president of our homeowners association, I can assure you that our community's architectural review committee has also reviewed the plans and is pleased with the design. With your approval of the variance, this committee will continue working with the applicant to issue a formal approve which meets the high architectural standards we have established in our community.

Please know that you have my support of the requested variance and I hope you grant it. Should you have any questions for me, please don't hesitate to call me at 410-494-4883.

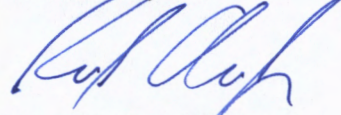
Very truly yours,

Owner of Adjacent Lots (2 and 42)
Worthington C.C., LLC
By: MacKenzie Development
Company, LLC, Manager

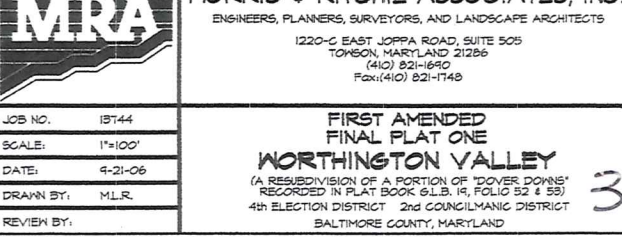
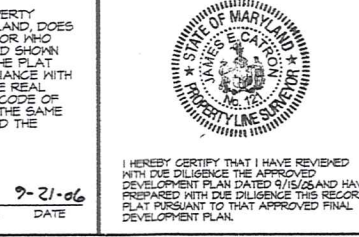
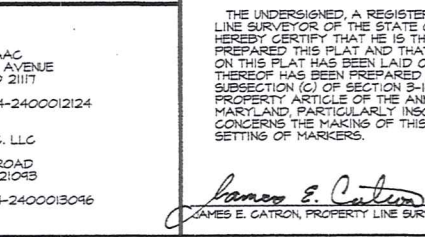
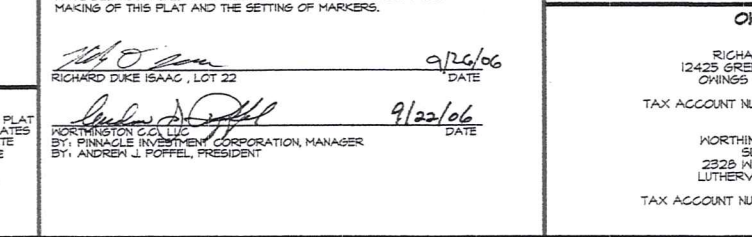
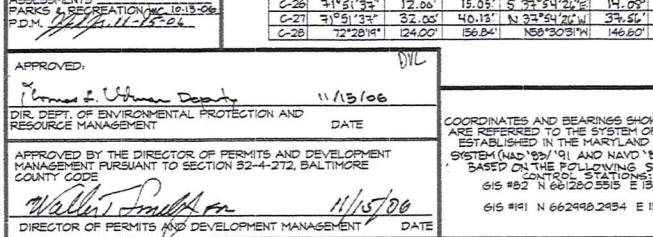
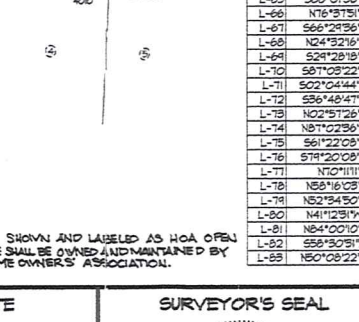
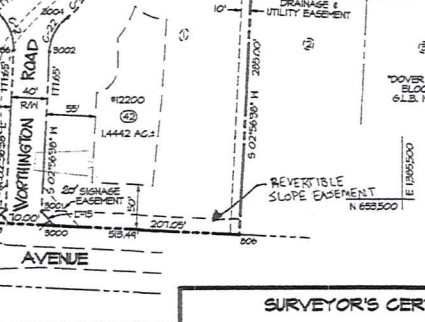
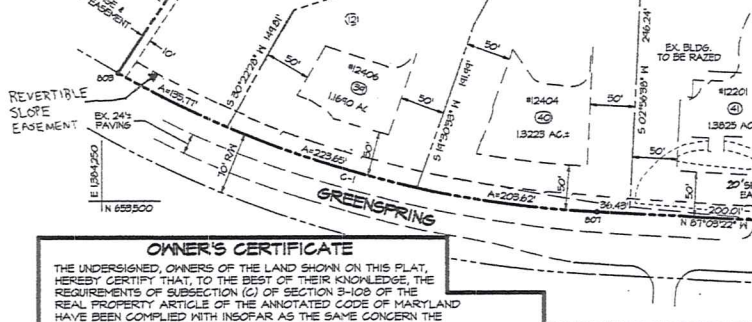
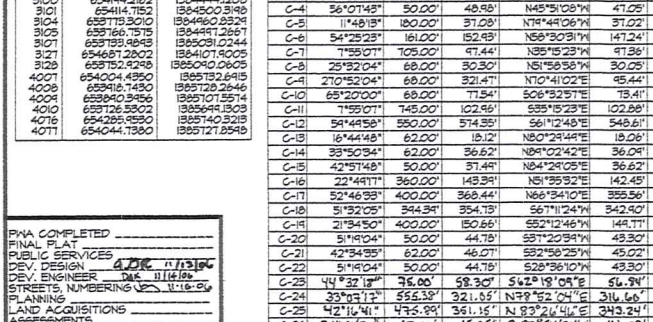
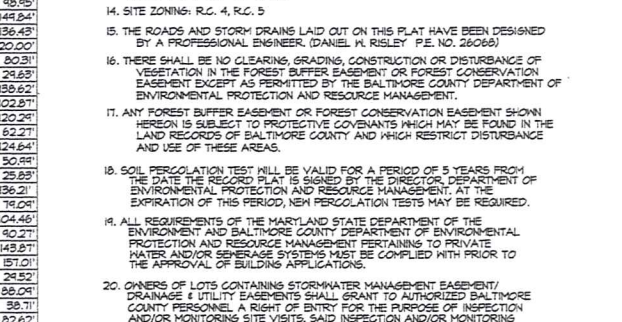
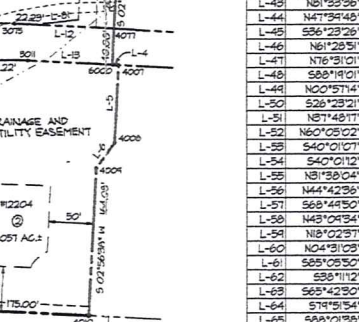
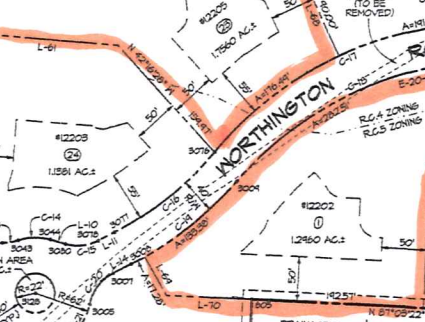
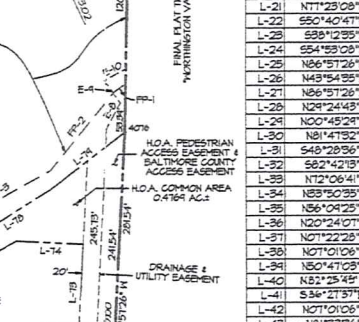
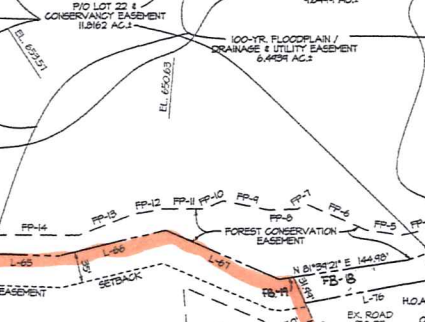
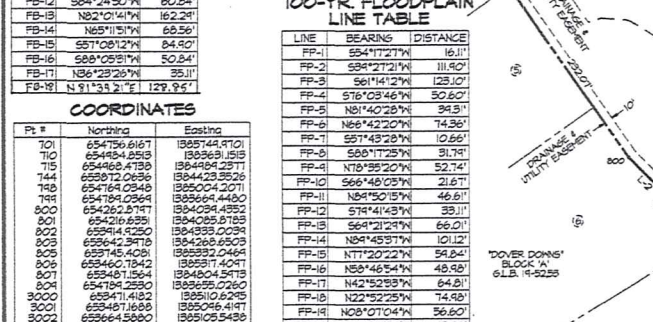
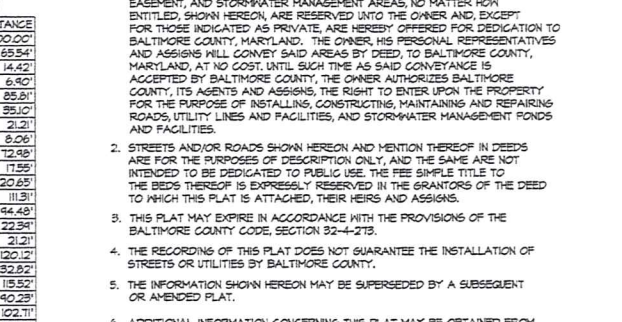
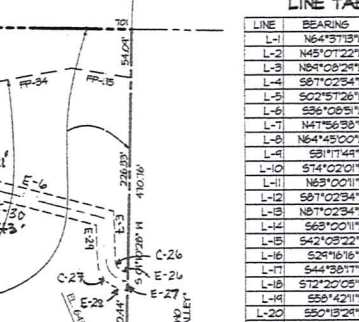
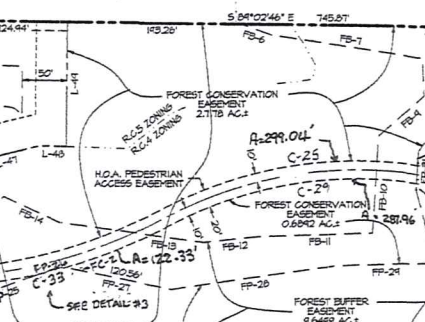
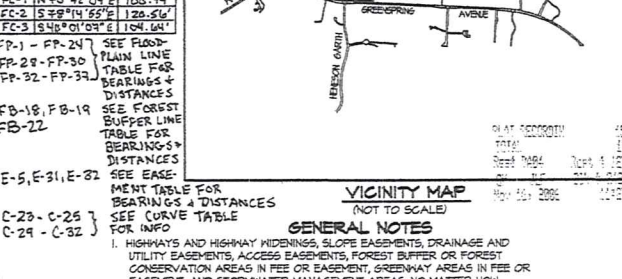
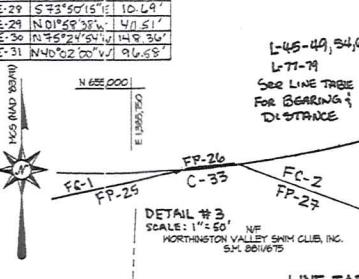
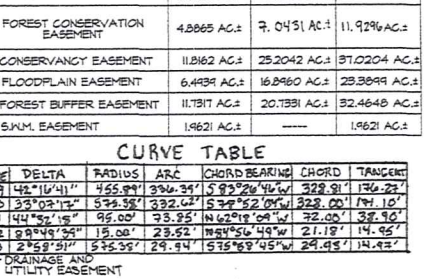
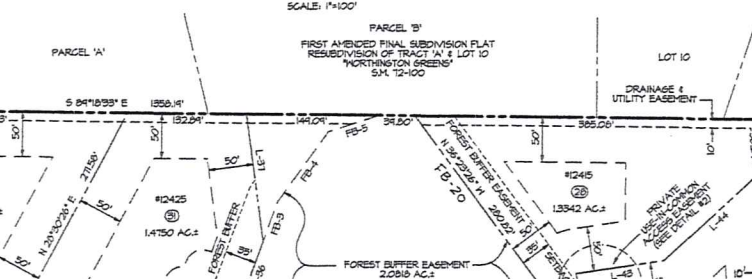
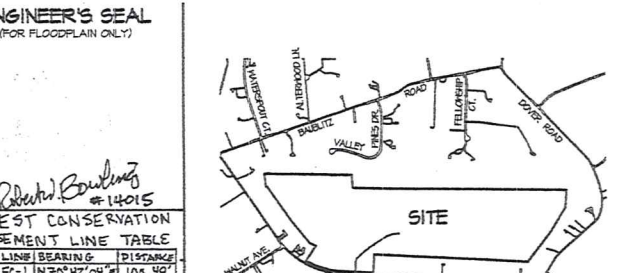
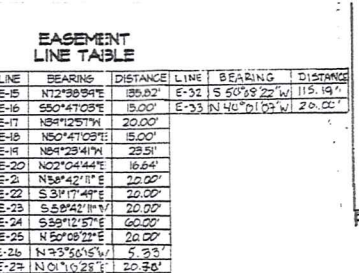
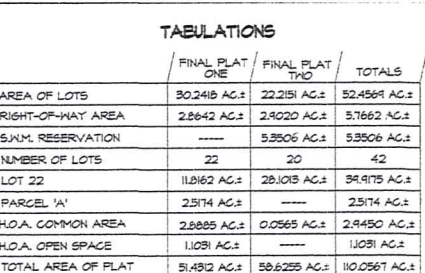
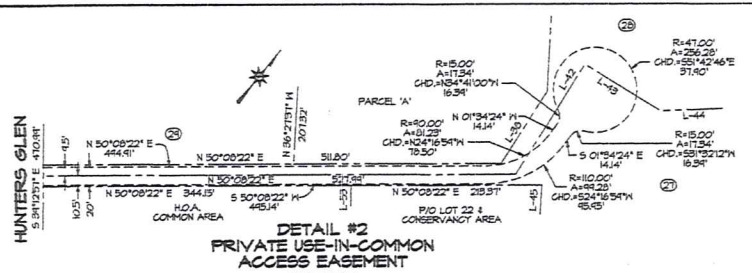
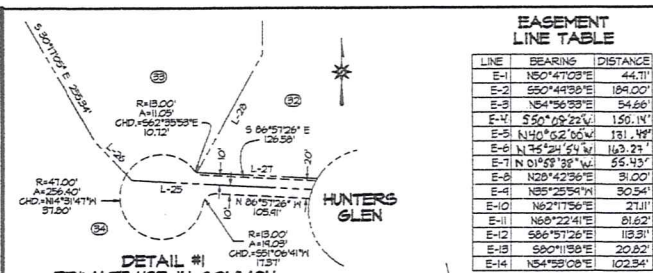


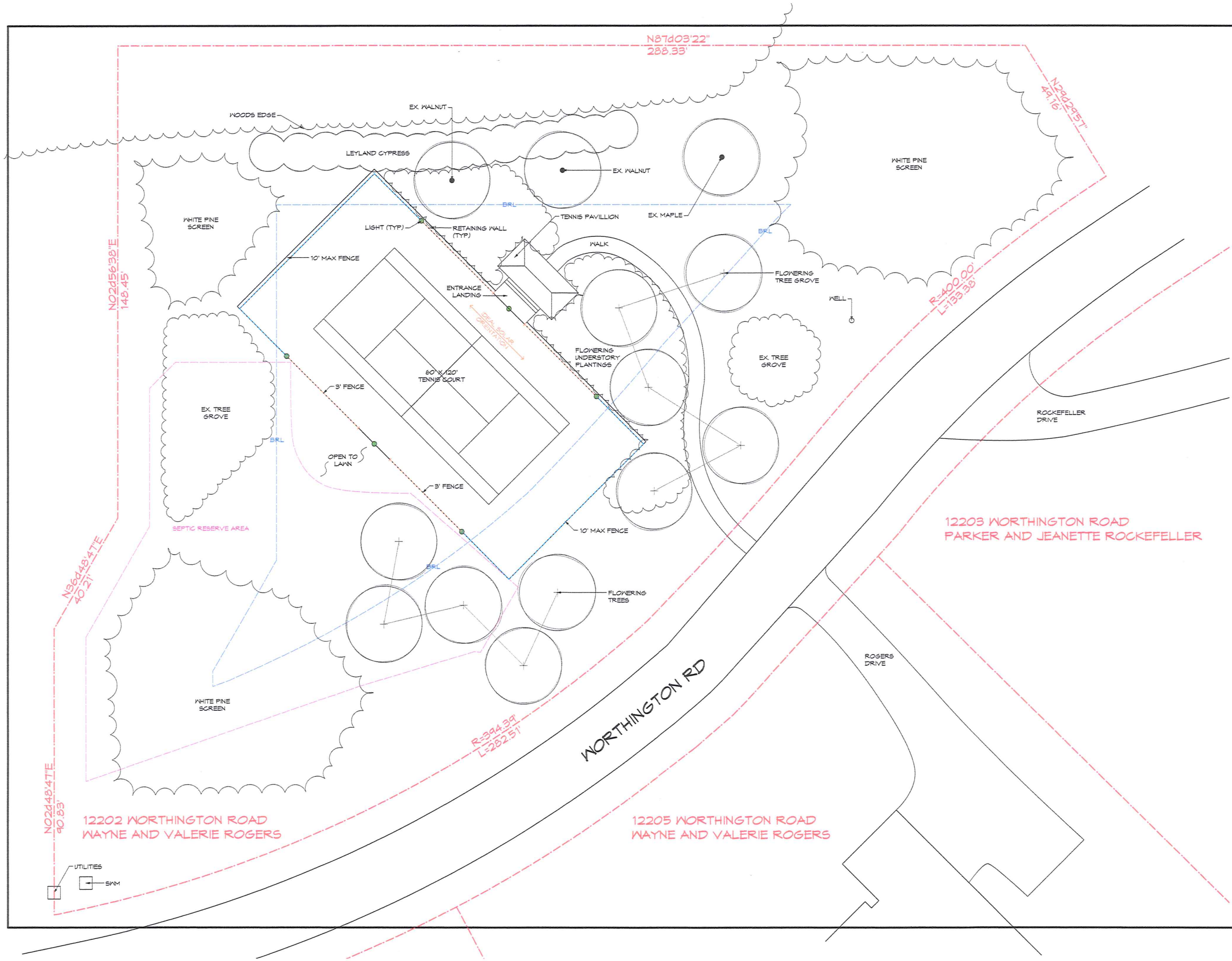
Robert J. Aumiller, Jr.
Vice President

Worthington Valley Homeowner's
Association, Inc.



Robert J. Aumiller, Jr.
President and Director





McHALE
LANDSCAPE
DESIGN, INC.
12202 WORTHINGTON ROAD
OWINGS MILLS, MD 21117
TEL: 410-959-0907
WWW.MCHALELANDSCAPE.COM

SCALE: 1" = 100'

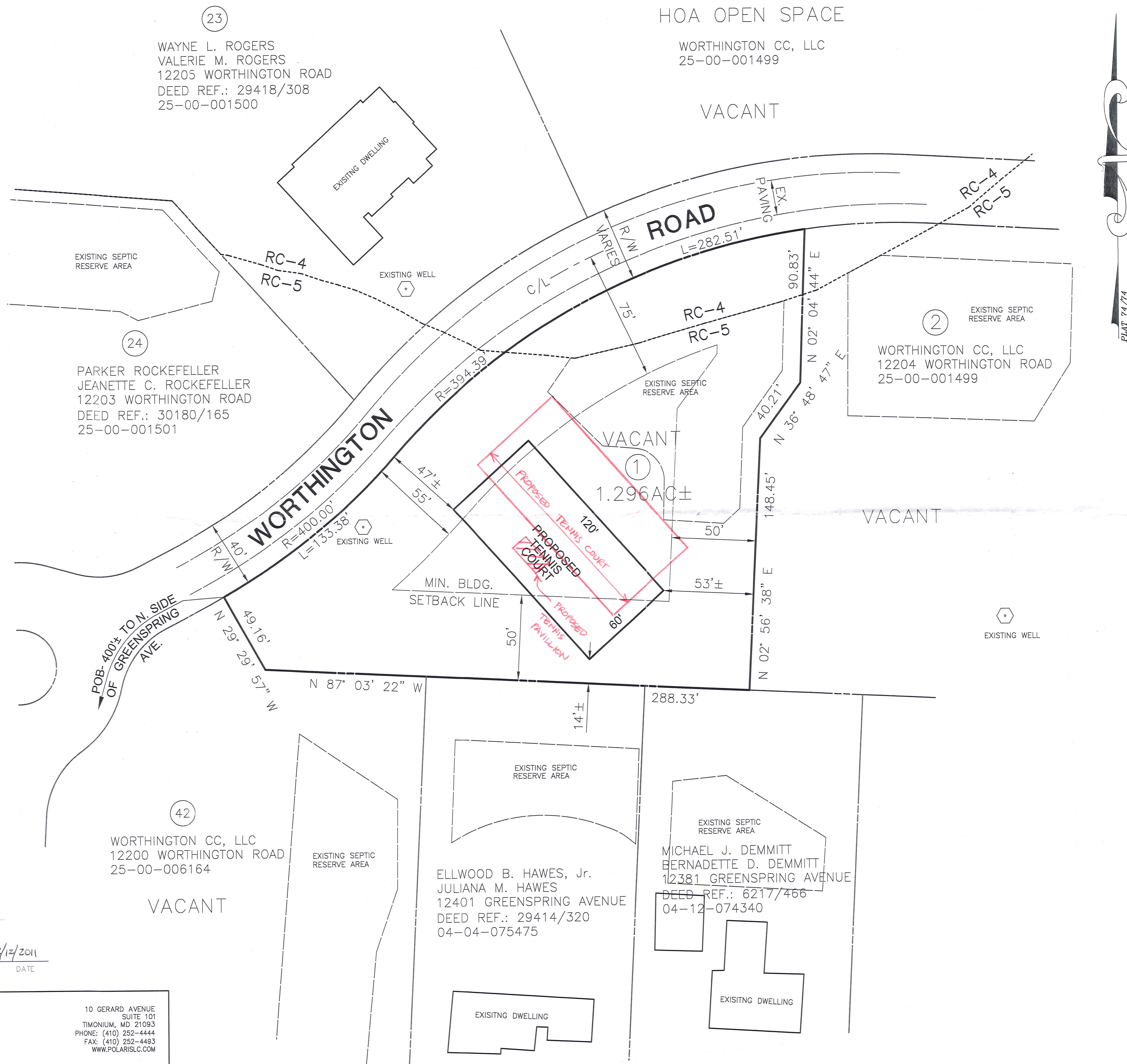
PRELIMINARY TENNIS COURT
LAYOUT PLAN

ROGERS PROPERTY
12202 WORTHINGTON ROAD
OWINGS MILLS, MD 21117

SHEET NO.: 1 OF 2
DATE: JAN 16, 2011
REVISION DATE:



VICINITY MAP
SCALE: 1" = 1000'



GENERAL NOTES

1. EXISTING ZONING IS RC-5 AND RC-4.
2. BEING KNOWN AS LOT 1 AS SHOWN ON PLAT OF WORTHINGTON VALLEY RECORDED AMONG THE LAND RECORDS IN PLAT BOOK S.M. 78/166.
3. DEED REFERENCE: J.L.E. 30777/246.
4. PROPERTY TAX ACCOUNT No.: 25-00-001498.
5. AREA OF PROPERTY - 56,454sf OR 1.296 ac±.
6. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
7. THIS SITE IS NOT LOCATED WITHIN A 100-YEAR FLOOD PLAIN.
8. THIS SITE IS SERVED BY PRIVATE WELL AND SEPTIC SYSTEMS.
9. THERE ARE NO ZONING LINES WITHIN 200-FEET OF THIS PROPERTY, UNLESS OTHERWISE SHOWN.
10. THIS SITE IS NOT HISTORIC OR LOCATED WITHIN AN HISTORIC DISTRICT.

PRIOR ZONING HISTORY

1. FINAL DEVELOPMENT PLAN, WORTHINGTON VALLEY (PDM No. IV-G14) APPROVED NOVEMBER 11, 2007.
2. PRIOR ZONING HEARINGS: NONE

REQUESTED ZONING RELIEF:

1. REQUESTING A SPECIAL HEARING TO PERMIT AN ACCESSORY STRUCTURE (TENNIS COURT AND APPURTENANCES) TO BE CONSTRUCTED WITHOUT A PRINCIPAL DWELLING ON THE SAME LOT.
2. THERE ARE NO CURRENT OR OUTSTANDING ZONING VIOLATIONS FOR THE SUBJECT SITE.

REDLINED

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING

#12202 WORTHINGTON ROAD

4TH ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30' DATE: NOVEMBER 22, 2011

OWNER

WAYNE L. ROGERS
VALERIE M. ROGERS
12205 WORTHINGTON ROAD
OWINGS MILLS, MD 21117-1039
(410) 279-3591

PETITIONERS EXHIBIT 2

2012-0197-SPH



GEOFFREY C. SCHULTZ
PROFESSIONAL LAND SURVEYOR #21154
LICENSE EXPIRATION - 01-23-2013

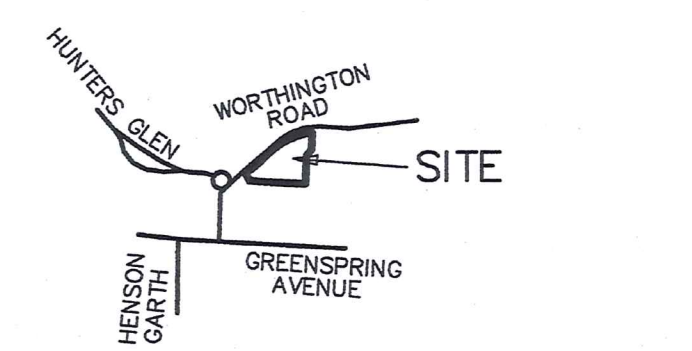
12/12/2011
DATE

Polaris
LAND CONSULTANTS

10 GERARD AVENUE
SUITE 101
TIMONIUM, MD 21093
PHONE: (410) 252-4444
FAX: (410) 252-4493
WWW.POLARISLC.COM

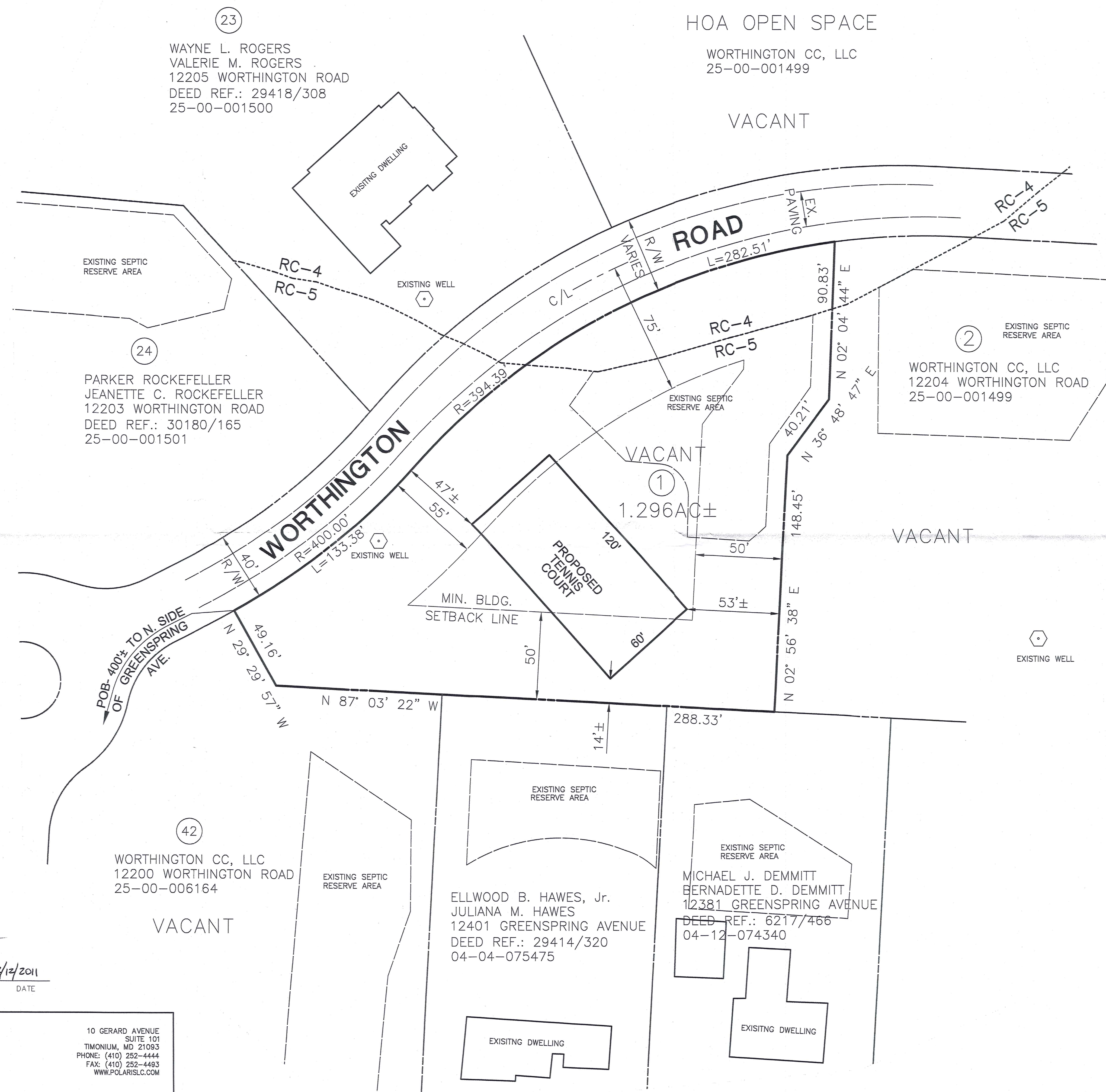
LAND SURVEYING • SUBDIVISION DESIGN • COMMERCIAL SITE DESIGN • LAND USE & PLANNING
STORM WATER MANAGEMENT • CONSTRUCTION SURVEYING • PROJECT MANAGEMENT • ZONING MATTERS

COMPUTED BY: JDG DRAWN BY: JDG CHECKED BY: JDG JOB NO. 11-130



VICINITY MAP
SCALE: 1"= 1000'

PLAT 74/74



GENERAL NOTES

1. EXISTING ZONING IS RC-5 AND RC-4.
 2. BEING KNOWN AS LOT 1 AS SHOWN ON PLAT OF WORTHINGTON VALLEY RECORDED AMONG THE LAND RECORDS IN PLAT BOOK S.M. 78/166.
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- PRIOR ZONING HISTORY**
1. FINAL DEVELOPMENT PLAN, WORTHINGTON VALLEY (PDM No. IV-614) APPROVED NOVEMBER 11, 2007.
 2. PRIOR ZONING HEARINGS: NONE

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*12202 WORTHINGTON ROAD

4TH ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 30' DATE: NOVEMBER 22, 2011

OWNER

WAYNE L. ROGERS
VALERIE M. ROGERS
12205 WORTHINGTON ROAD
OWINGS MILLS, MD 21117-1039
(410) 279-3591



12/12/2011
DATE
GEOFFREY C. SCHULTZ
PROFESSIONAL LAND SURVEYOR #21154
LICENSE EXPIRATION - 01-23-2013

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LAND SURVEYING • SUBDIVISION DESIGN • COMMERCIAL SITE DESIGN • LAND USE & PLANNING
STORM WATER MANAGEMENT • CONSTRUCTION SURVEYING • PROJECT MANAGEMENT • ZONING MATTERS

COMPUTED BY: JDG DRAWN BY: JDG CHECKED BY: JDG JOB NO. 11-130