

IN RE: PETITION FOR SPECIAL HEARING

W side of Jarrettsville Pike; 680' NE
of the c/l Hillendale Heights Road
10th Election District
3rd Council District
(14120 Jarrettsville Pike)

Robert A. Penoyer, Jr.
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2012-0173-SPH**

* * * * *

IN RE: PETITION FOR SPECIAL HEARING

W side of Jarrettsville Pike; 780' NW
of the c/l of Hillendale Heights Road
10th Election District
3rd Council District
(14200 Jarrettsville Pike)

Robert A. Penoyer, Jr.
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2012-0174-SPH**

OPINION AND ORDER

These matters come before the Office of Administrative Hearings for Baltimore County for consideration of two companion Petitions for Special Hearing. In the first case, No. 2012-0173-SPH, Petitioner is requesting Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- To permit the alteration of the lot size requirement of 1.5 acres to an area of .0838 acres per Section 1A04.381b of the B.C.Z.R.; and
- To permit a front yard setback of 100 feet from the centerline of a collector road in lieu of the required 150 feet per Section 1A04.382b of B.C.Z.R.; and
- To permit a side yard setback of 20 feet on both sides in lieu of the required 50 feet per Section 1A04.382b of B.C.Z.R.

In the second case, No. 2012-0174-SPH, Petitioner is requesting Special Hearing relief as follows:

ORDER RECEIVED FOR FILING

Date 5-9-12

By PM

- To permit the alteration of the lot size requirement of 1.5 acres to an area of 0.822 acres per Section 1A04.381b of B.C.Z.R.; and
- To permit a front yard setback of 100 feet from the centerline of a collector road in lieu of the required 150 feet per Section 1A04.382b of B.C.Z.R.; and
- To permit a side yard setback of 20 feet on both sides in lieu of the required 50 feet per Section 1A04.382b of B.C.Z.R.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received as to both cases and are made a part of the record of each case. Comments were received from the Department of Environmental Protection and Sustainability dated February 15, 2012, which state:

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Comments were received from the Department of Planning dated February 13, 2012, which state:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's request, as the proposed lot configuration is consistent with the existing lots along this portion of Jarrettsville Pike. However, this office is required to provide a statement of finding to the Administrative Law Judge indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.

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Date 5-9-18

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By pm

3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.

Provide landscaping along the public road, if consistent with the existing streetscape.

Additional comments were received from the Department of Planning dated March 12, 2012, which state:

The Department of Planning reviewed the petitioner's request, accompanying site plan and provided a recommendation not opposing the petitioner's request to the Administrative Law Judge on February 13, 2012. As part of the aforementioned recommendation this department requested a list of items to be submitted for review and approval that demonstrated how the subject proposal would meet the performance standards set forth in Section 1A04.4 of the Baltimore County Zoning Regulations.

This department has reviewed typical elevation drawings of the proposed dwelling and photographs of the surrounding community and finds the proposal to be in accordance with the spirit and intent of the performance standards listed within Section 1A04.4 of the Baltimore County Zoning Regulations. In sum, this office does not oppose the subject request.

The above noted cases were scheduled for hearing before me on Monday, February 27, 2012. Pursuant to the February 13, 2012, comment from the Department of Planning, a statement of "statement of finding" required to be presented was not complete. Petitioner could not therefore proceed and the matter was continued in order that Petitioner might provide the Department of Planning with the necessary information for it to issue its "finding." As noted above, the Department of Planning did in fact submit the required document on March 12, 2012.

Appearing at the requisite public hearing held on Monday, April 23, 2012, was Petitioner Robert A. Penoyer, Jr. and Bruce E. Doak with Gerhold, Cross & Etzel, Ltd., the professional land surveyors who prepared the site plan. Glen Kukucka, Lesley Wilkerson and John Disney appeared

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Date

5-9-12

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as Protestants. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

Mr. Doak proffered the Petitioner's case. Petitioner owns the two subject unimproved side by side lots, zoned RC 5 and fronting on Jarrettsville Pike. He stated that Petitioner's family created a number of lots in the late 1950s (Petitioner's Exhibit 5). All are now developed with homes except for the two which are the subject of the present cases. He further related that in those early years no subdivision process was required; a survey divided the home sites which were then simply deeded. At the time of deeding, the subject lots were sufficient in size to construct a lawful dwelling. It was only when zoning regulations were imposed on the sites in the 1970s that the size of the two subject lots were rendered below the minimum 1.5 acre requirement that exists today. Petitioner wishes now to market and sell the subject lots for development.

The Petitioner requests the subject special hearing as to the lot sizes of the two sites in recognition of their status as buildable lots when they were created prior to the imposition of the present zoning regulations; as well as their configuration with the existing lots along the affected section of Jarrettsville Pike. The front yard setback of 100 feet in lieu of the required 150 feet is requested in order to align a subsequent structure built on each lot to the fronts of the existing homes already on the street. Mr. Doak observed that the side yard setbacks of the adjacent lots are 10 feet or less; the requested 20 feet in lieu of the presently required 50 feet, therefore, if granted, will be twice that which exists presently in the adjacent area.

Mr. Doak then addressed the requirements set forth in Section 502.1 of the B.C.Z.R as they relate to these two sites. Those requirements state that a request such as that made by the Petitioner will not be approved unless there is a showing that the request will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;

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Date

5-9-12

By

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- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

The above requirements were responded in order: A) Petitioner's request is consistent with that which already exists in the immediate area; B) That the creation of one home on each lot would add, according to the State Highway Administration, approximately five additional trips per day to the area, minimizing any detrimental effects; C) The Jacksonville Volunteer Fire Department is located approximately one-quarter mile away from the subject sites; D) Two single family homes will not over crowd a street of similar one family homes; E) Each site will need to be perced and will be serviced by an individual well and septic system. The septic area will remain wooded. F) Homes to be built will be 35 feet high, similar to the other already existing structures predominantly in the area; G) The present zoning requirements of the two subject lots are in fact the subject of the special hearing requests in this case; H) When permits are requested, forest conservation issues, pursuant to the comment issued by the Department of Environmental Protection and Sustainability will be satisfied; I) No streams or wetlands will be affected in any way and perced wells will have to be

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By PM

approved before permits are issued.

Mr. Glen Kukucka, a neighbor, appeared and testified in opposition to Petitioner's request. He takes issue with Petitioner's allegation that there are actually two lots involved in this matter. He notes that his research of the State Department of Assessments and Taxation records show only one lot. (In response, Petitioner submitted separate real property tax bills, with separate account numbers for the subject sites, which were marked as Petitioner's Exhibits 9A and 9B. He is concerned that two more septic systems and wells will further deteriorate that which already exists in the area. He stated that his yield was chronically low and that similar problems existed at other neighboring homes. He did not, however, provide any data or testimony supporting these allegations; nor did any other neighboring residents do so. He is also concerned about additional traffic generated by the construction of two additional homes and fears that, given the side yard setbacks requested, a fire could conceivably travel from one structure to its neighbor. He is also wary of the quality of the local volunteer fire department. Finally, he questions the viability of the underlying aquifer as a "potential" cause of concern especially if two new homes are added. No additional submissions or expert testimony were presented by Protestants regarding this concern.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and after considering the testimony and evidence offered by Petitioner, I find that the special hearing requests should be granted, respectively.

THEREFORE, IT IS ORDERED, this 9 day of May, 2012 by this Administrative Law Judge that Petitioner's Special Hearing request in Case No. 2012-0173-SPH for relief filed under Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

ORDER RECEIVED FOR FILING

Date 5-9-12 6

By PM -

- To permit the alteration of the lot size requirement of 1.5 acres to an area of .0838 acres per Section 1A04.381b of the B.C.Z.R.; and
- To permit a front yard setback of 100 feet from the centerline of a collector road in lieu of the required 150 feet per Section 1A04.382b of B.C.Z.R.; and

To permit a side yard setback of 20 feet on both sides in lieu of the required 50 feet per Section 1A04.382b of B.C.Z.R.,

be and are hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's Special Hearing request in Case No. 2012-0174-SPH as follows:

- To permit the alteration of the lot size requirement of 1.5 acres to an area of 0.822 acres per Section 1A04.381b of B.C.Z.R.; and
- To permit a front yard setback of 100 feet from the centerline of a collector road in lieu of the required 150 feet per Section 1A04.382b of B.C.Z.R.; and
- To permit a side yard setback of 20 feet on both sides in lieu of the required 50 feet per Section 1A04.382b of B.C.Z.R.,

be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for his building permit and may be granted same upon receipt of this Order; however the Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner will be required to return and be responsible for returning said property to its original condition.
2. Development of the property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

ORDER RECEIVED FOR FILING

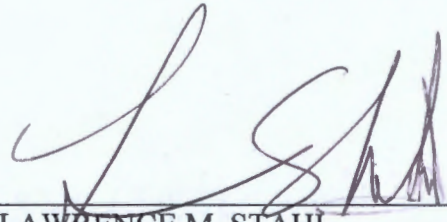
Date 5-9-12

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By pm

3. Compliance with the ZAC comments made by the Department of Planning dated February 13, 2012, a copy of which is attached hereto and made a part hereof.

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



LAWRENCE M. STAHL
Managing Administrative Law Judge for
Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 5-9-12

By ym



KEVIN KAMENETZ
County Executive

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

May, 9, 2012

ROBERT A. PENOYER, JR.
PO BOX 51
PHOENIX MD 21131

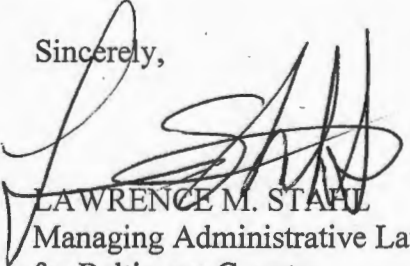
RE: Petitions for Special Hearing
Case No. 2012-0173-SPH and 2012-0174-SPH
14120 Jarrettsville Pike and 14200 Jarrettsville Pike

Dear Mr. Penoyer:

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 410-887-3868.

Sincerely,


LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

Enclosure

c: Bruce Doak, Gerhold Cross & Etzel, Ltd., 320 East Towsontown Blvd. #100, Towson MD 21286
Glen Kukucka, 14203 Robcaste Road, Phoenix MD 21131
Lesley Wilkerson, 11 Bally Bunion Court, Timonium MD 21093
John Disney, 2903 Manns Avenue, Parkville MD 21234



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 14120 JARRETTVILLE PIKE which is presently zoned RC5
 Deed References: 28950/104 (PARCEL I) 10 Digit Tax Account # 1016015570 (SEE ADDITIONAL PARCEL ABOVE)
 Property Owner(s) Printed Name(s) ROBERT A. PENoyer, Jr.

(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. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED SHEET

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)

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

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

ROBERT A. PENoyer, Jr.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

P.O. Box 51 PHOENIX MO
 Mailing Address City State

21131 410-666-0925
 Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
GERALD CROSS & ETZEL, LTD.

Name - Type or Print

Signature

320 E. TOWSONTOWN BLD. TOWSON MO
 Mailing Address City State

21206 410-823-4470 BDDOAK@GCELIMITED.COM
 Zip Code Telephone # Email Address

CASE NUMBER 2012-0173-JPH Filing Date 1/25/12 Do Not Schedule Dates: Reviewer JF

SPECIAL HEARING REQUESTED

PARCEL I

To permit the alteration of the lot size requirement
of 1½ Acres to an area of 0.838 Acres per Section
1A04.3B1b BCZR

To permit a front yard setback of 100 feet from the
centerline of a collector road in lieu of the required
150 feet per Section 1A04.3B2b BCZR

To permit a side yard setback of 20 feet on both sides
in lieu of the required 50 feet per Section 1A04.3B2b BCZR

And any relief deemed necessary by the Administrative Law Judge



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

January 19, 2012

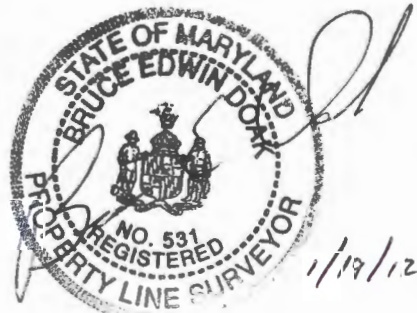
ZONING DESCRIPTION Property of Robert A. Penoyer, Jr. Parcel I- Jarrettsville Pike

14120 JARRETTSVILLE PIKE

Beginning for the same in the center of Jarrettsville Pike, 680 feet, more or less, northeast of the center of Hillendale Heights Road, thence running in the center of Jarrettsville Pike and on the outlines of the subject property, 1) North 21 degrees 40 minutes 30 seconds East 100.00 feet, thence leaving Jarrettsville Pike and continuing to run on the outlines of the subject property 2) North 67 degrees 13 minutes 00 seconds West 361.74 feet, 3) South 25 degrees 45 minutes 00 seconds West 100.00 feet and 4) South 67 degrees 12 minutes 00 seconds East 368.85 feet to the point of beginning.

Containing 0.838 of an acre of land, more or less.

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



*LICENSURE EXP. / RENEWS
2/22/13*



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# 2012-0173-SPH

PETITIONER: Robert Penoyer, Jr.

DATE OF HEARING: February 27,
2012

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:

14120 Jarrettsville Pike

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: 02/09/12

ZONING NOTICE

CASE #2012-0173-SPH

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

PLACE: Room 205, Jefferson Building
105 West Chesapeake Avenue, Towson 21204

TIME:
DATE : Monday, February 27, 2012 at 1:30 PM

Special Hearing

To permit the alteration of the lot size requirement of 1 1/2 acres to an area of 0.838 acres per section 1A04.3B3b BCZR

To permit a front yard setback of 100 feet from the centerline of a collector road in lieu of the required 150 feet per section 1A04.3B2b BCZR

Variance to permit a side yard setback of 20 feet on both sides in lieu of the required 50 feet per section 1A04.3B2b BCZR

And any relief deemed necessary by the Administrative Law Judge

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 THE DAY OF HEARING, UNDER PENALTY OF LAW
THIS SIGN IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE #2012-0173-SPH

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

PLACE:

Room 206
The



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# 2012-0173-SPH

PETITIONER: Robert Penoyer, Jr.

DATE OF HEARING: April 23, 2012

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:
14120 Jarrettsville Pike

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: April 5, 2012

ZONING NOTICE

CASE #2012-0173-SPH

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

PLACE:

Room 205, Jefferson Building
105 West Chesapeake Avenue, Towson 21204

TIME:

DATE : Monday, April 23, 2012 at 10:00 AM

Special Hearing

To permit the alteration of the lot size requirement of 1 1/2 acres to an area of 0.838 acres per section 1A04.3B3b BCZR

To permit a front yard setback of 100 feet from the centerline of a collector road in lieu of the required 150 feet per section 1A04.3B2b BCZR

Variance to permit a side yard setback of 20 feet on both sides in lieu of the required 50 feet per section 1A04.3B2b BCZR

And to confirm the non-conforming use of the subject property

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TO CONFIRM HEARING. CALL 410-887-3331 THE DAY BEFORE THE SCHEDULED HEARING DATE. HEARING WILL BE HANDICAPPED ACCESSIBLE



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

No. **78285**

Date: **1-25-12**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	206	0000		6150				75.00

Total: **75.00**

Rec
From:

Gerald Gross & Etzel

For:

Dakota E. SPH

14120 JoppoHoville Pike

Case # 2012-0173-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: # 2012-0173-SPH

14120 Jarrettsville Pike

W/side of Jarrettsville Pike at the distance of 680 ft. n/east of center of Hillendale Heights Rd.

10th Election District - 3rd Councilmanic District

Legal Owner(s): Robert Penover, Jr.

Special Hearing: to permit the alteration of the lot size requirement of 1 1/2 acres to an area of 0.838 per Section 1A04.3B3b BCZR; to permit a front yard setback of 100 feet from the centerline of a collector road in lieu of the required 150 feet per Section 1A04.3B2b. **Variance:** permit a side yard setback of 20 feet on both sides in lieu of the required 50 feet per Section 1A04.3B2b BCZR; and any relief deemed necessary by the Administrative Law Judge.

Hearing: Monday, February 27, 2012 at 1:30 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 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) 887-3399.
2/081 Feb. 9 296398

CERTIFICATE OF PUBLICATION

2/10/, 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 2/9/, 2012.

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

J. Wilkinson

LEGAL ADVERTISING

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: # 2012-0173-SPH

14120 Jarrettsville Pike

W/side of Jarrettsville Pike at the distance of 680 ft. n/east of center of Hillendale Heights Rd.

10th Election District - 3rd Councilmanic District

Legal Owner(s): Robert Penover, Jr.

Special Hearing: to permit the alteration of the lot size requirement of 1 1/2 acres to an area of 0.838 per Section 1A04.3B3b BCZR; to permit a front yard setback of 100 feet from the centerline of a collector road in lieu of the required 150 feet per Section 1A04.3B2b BCZR. **Variance:** permit a side yard setback of 20 feet on both sides in lieu of the required 50 feet per Section 1A04.3B2b BCZR; and to confirm the non-conforming use of the subject property.

Hearing: Monday, April 23, 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.

04/03/12 April 5

2012-0173-SPH

CERTIFICATE OF PUBLICATION

4/5/2012

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 4/5/2012.

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

S. Wilkinson

LEGAL ADVERTISING

**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: 2012-0173-SPH

Petitioner: ROBERT A. PENoyer, Jr.

Address or Location: 14120 JARRETTSVILLE PIKE

PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERT A. PENoyer, Jr.

Address: P.O. Box 51
PHOENIX, MD 21131

Telephone Number: 410-666-0925

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 9, 2012 Issue - Jeffersonian

Please forward billing to:
Robert Penover, Jr.
P.O. Box 51
Phoenix, MD 21131

410-666-0925

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2012-0173-SPH

14120 Jarrettsville Pike

W/side of Jarrettsville Pike at the distance of 680 ft n/east of the center of Hillendale Heights Rd.

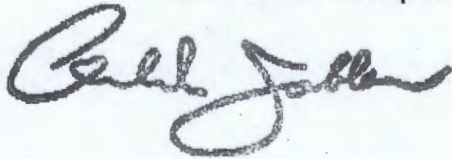
10th Election District – 3rd Councilmanic District

Legal Owners: Robert Penover, Jr.

Special Hearing to permit the alteration of the lot size requirement of 1 ½ acres to an area of 0.838 acres per Section 1A04.3B3b BCZR; to permit a front yard setback of 100 feet from the centerline of a collector road in lieu of the required 150 feet per Section 1A04.3B2b BCZR.

Variance to permit a side yard setback of 20 feet on both sides in lieu of the required 50 feet per Section 1A04.3B2b BCZR; and any relief deemed necessary by the Administrative Law Judge.

Hearing: Monday, February 27, 2012 at 1:30 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 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.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
January 31, 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: 2012-0173-SPH

14120 Jarrettsville Pike

W/side of Jarrettsville Pike at the distance of 680 ft n/east of the center of Hillendale Heights Rd.
10th Election District – 3rd Councilmanic District

Legal Owners: Robert Penover, Jr.

Special Hearing to permit the alteration of the lot size requirement of 1 ½ acres to an area of 0.838 acres per Section 1A04.3B3b BCZR; to permit a front yard setback of 100 feet from the centerline of a collector road in lieu of the required 150 feet per Section 1A04.3B2b BCZR. Variance to permit a side yard setback of 20 feet on both sides in lieu of the required 50 feet per Section 1A04.3B2b BCZR; and any relief deemed necessary by the Administrative Law Judge.

Hearing: Monday, February 27, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Robert Penover, Jr., P.O. Box 51, Phoenix 21131
Bruce Doak, GC&E, 320 E. Towsontown Blvd., Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., FEBRUARY 11, 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.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections
March 28, 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: 2012-0173-SPH

14120 Jarrettsville Pike

W/side of Jarrettsville Pike at the distance of 680 ft n/east of the center of Hillendale Heights Rd.

10th Election District – 3rd Councilmanic District

Legal Owners: Robert Penover, Jr.

Special Hearing to permit the alteration of the lot size requirement of 1 ½ acres to an area of 0.838 acres per Section 1A04.3B3b BCZR; to permit a front yard setback of 100 feet from the centerline of a collector road in lieu of the required 150 feet per Section 1A04.3B2b BCZR. Variance to permit a side yard setback of 20 feet on both sides in lieu of the required 50 feet per Section 1A04.3B2b BCZR; and to confirm the non-conforming use of the subject property.

Hearing: Monday, April 23, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Robert Penover, Jr., P.O. Box 51, Phoenix 21131
Bruce Doak, GC&E, 320 E. Towsontown Blvd., Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 7, 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.**



KEVIN KAMENETZ
County Executive

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

February 22, 2012

Robert A Penover
P O Box 51
Phoenix MD 21131

RE: Case Number 2012-0173 SPH, 14120 Jarrettsville Pike

Dear Mr. Penover:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 25, 2012. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Bruce E. Doak, Gerhold Cross & Etzel LTD, 320 E Towsontown Blvd, Towson, MD 21286



State Highway
Administration

Maryland Department of Transportation

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

Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 2-1-12

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

RE: Baltimore County
Item No. 2012-0173-SPH
Special Hearing
Robert A. Penoyer, Jr.
14120 Jarrettsville Road
MD 146

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 1-30-12. A field inspection and internal review reveals that an entrance onto MD146 consistent with current State Highway Administration Special Hearing guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing. Case Number 2012-0173-SPH.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

for Steven D. Foster, Chief
Access Management Division

SDF/raz

* When property develops, a residential access permit will be required for a use-in-common driveway with 14200 Jarrettsville Road.

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
INTEROFFICE CORRESPONDENCE

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

DATE: February 06, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For February 13, 2012
Item Nos. 2012-166,167,168,169,170,171,172,173,174,175,176
And 177.

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-02132012-NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: February 15, 2012

SUBJECT: DEPS Comment for Zoning Item # 0173-SPH
Address 14120 Jarrettsville Pike
(Robert A. Penoyer, Jr. Property)

Zoning Advisory Committee Meeting of January 30, 2012.

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

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Reviewer: *Glenn Shaffer; Environmental Impact Review*

RECEIVED

FEB 15 2012

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 13, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 14120 Jarrettsville Pike

FEB 15 2012

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 12-173 and 12-174

Petitioner: Robert Penoyer, Jr.

Zoning: RC 5

Requested Action: Special Hearing

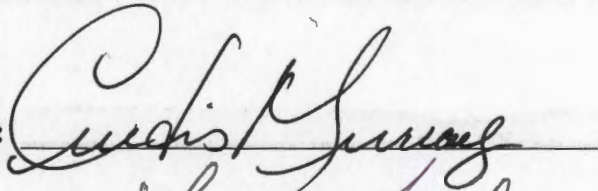
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. This department does not oppose the petitioner's request, as the proposed lot configuration is consistent with the existing lots along this portion of Jarrettsville Pike. However, this office is required to provide a statement of finding to the Administrative Law Judge indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

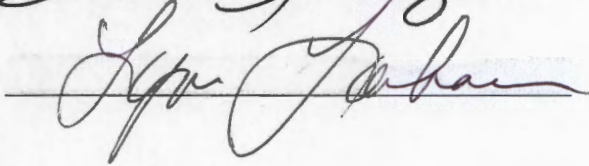
1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared by:

A handwritten signature in black ink, appearing to read "Curtis J. Gurnea", written over a horizontal line.

Division Chief:
AVA/LL: CM

A handwritten signature in black ink, appearing to read "Lynn T. Pahan", written over a horizontal line.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 12, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 14120 Jarrettsville Pike

INFORMATION:

Item Number: 12-173 and 12-174

Petitioner: Robert Penoyer, Jr.

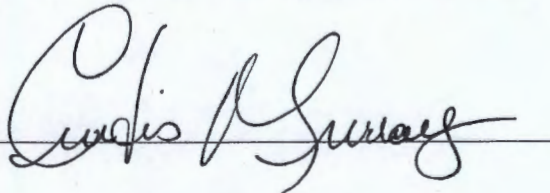
Zoning: RC 5

Requested Action: Special Hearing

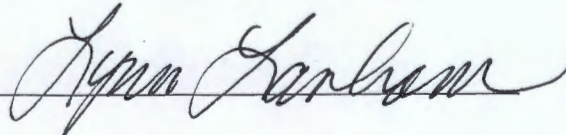
The Department of Planning reviewed the petitioner's request, accompanying site plan and provided a recommendation not opposing the petitioner's request to the Administrative Law Judge on February 13, 2012. As part of the aforementioned recommendation this department requested a list of items to be submitted for review and approval that demonstrated how the subject proposal would meet the performance standards set forth in Section 1A04.4 of the Baltimore County Zoning Regulations.

This department has reviewed typical elevation drawings of the proposed dwelling and photographs of the surrounding community and finds the proposal to be in accordance with the spirit and intent of the performance standards listed within Section 1A04.4 of the Baltimore County Zoning Regulations. In sum, this office does not oppose the subject request.

Prepared By:



Division Chief:



CM/LL

LS 3-26 10 AM
4-23 @ 10 AM
Ren. 205

M E M O R A N D U M

TO: Kristen Lewis
Office of Zoning Review

FROM: Lawrence M. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings

DATE: February 28, 2012

SUBJECT: Case Nos. 2012-0173-SPH and 2012-0174-SPH

The above-referenced cases were scheduled before the undersigned on Monday, February 27, 2012 at 1:30 PM in Room 205 of the Jefferson Building. The cases had been properly posted and advertised prior to the hearing. Bruce Doak of Gerhold Cross & Etzel, Ltd., attended on behalf of the Petitioner. In response to the Department of Planning's Zoning Advisory Committee (ZAC) comment pertaining to a statement of finding and compliance with RC 5 requirements, the hearing was opened and continued. In addition, Mr. Doak will be amending the Petition to add wording relating to "non-conforming use." Mr. Doak was advised that the Petitioner shall re-post and re-advertise the hearing.

The following citizens attended and would like notification when this matter is rescheduled. Please send a copy of the hearing notice to:

Glenn Kukucka
14203 Robcaste Road
Phoenix MD 21131

Lesley Wilkerson
11 Bally Bunion Court
Timonium MD 21093

I am therefore returning the case file for rescheduling and processing. Thank you.

LMS:pz

c: File

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
14120 Jarrettsville Pike; W/S Jarrettsville Pike,	*	OF ADMINSTRATIVE
680' NE of c/line Hillendale Heights Road	*	HEARINGS FOR
10 th Election & 3 rd Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Robert A. Penoyer, Jr.	*	2012-173-SPH
Petitioner(s)		

* * * * *

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

FEB 06 2012

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 6th day of February, 2012, a copy of the foregoing Entry of Appearance was mailed to Bruce 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

MEMORANDUM

DATE: June 11, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case Nos. 2012-0173-SPH AND 2012-0174-SPH
Appeal Period Expired

The appeal period for the above-referenced case expired on June 8, 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

Debra Wiley - ZAC Comments - Distribution Mtg. of 1/30/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 1/30/2012 3:40 PM
Subject: ZAC Comments - Distribution Mtg. of 1/30/12

Good Afternoon,

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.

2012-0166-A - 825 W. Padonia Rd.
(Administrative Variance - Closing Date: 2/13/12)

2012-0167-A - 6901 Copperbend Lane
(Administrative Variance - Closing Date: 2/13/12)

2012-0168-A - 3901 Schroeder Avenue
(Administrative Variance - Closing Date: 2/20/12)

2012-0169-X - 3 Harko Circle
(No hearing date assigned)

2012-0170-A - 8322 Bletzer Road - CBCA
(Administrative Variance - Closing Date: 2/20/12)

2012-0171-A - 3402 Hiss Avenue
(Administrative Variance - Closing Date: 2/20/12)

2012-0172-A - 7312 Wenig Avenue
(Administrative Variance - Closing Date: 2/20/12)

2012-0173-SPH - 14120 Jarrettsville Pike
(No hearing date assigned)

2012-0174-SPH - 14200 Jarrettsville Pike
(No hearing date assigned)

2012-0175-A - 10501 Falls Road
(No hearing date assigned)

2012-0176-SPHA - 5661 Gunpowder Road
(No hearing date assigned)

2012-0177-A - 56 W. Timonium Road
(No hearing date assigned)

4/20 + 4/200 Janet's wife
Pake

CASE NAME Pen10102
CASE NUMBER 2012-0173-SP4
DATE 2/27/12 2012-0174-SP4

[illegible]

PLEASE PRINT CLEARLY

14120 + 14200
CASE NAME Jarrett's view Pike
CASE NUMBER 2012-0174-SPH
DATE 27-Feb. 2012

CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME PENNYOYE
CASE NUMBER 2012-0173-SP4
DATE 4/23/12 2012-0174-SP4

CASE NAME PENNYOYE
CASE NUMBER 2012-0173-SP4
DATE 4/23/12 2012-0174-SP4

[illegible]

Case No.:

2012-0174 SPA / 2012-0173 SPA

Exhibit Sheet

Petitioner/Developer

Protestant

5/11/12

JW 6/11/12

No. 1	PLAN TO ACCOMPANY SP 116 REQUESTS	
No. 2	FILE MAP OF SITES + AREA	
No. 3	DEED DATED 11-23-09	
No. 4	DEED DATED 6-14-58	
No. 5	AERIAL MAP OF SITE & SURROUNDING AREA	
No. 6	CZMP 2012 MAP	
No. 7	DEPT. OF PLANNING COMMENT DATED 3-12-12	
No. 8	A } SDAT OF SITES B }	
No. 9	A } REAL PROP. TAX BILLS B }	
No. 10		
No. 11		
No. 12		



Find Tile Map

Created By
Baltimore County
My Neighborhood



PETITIONER'S

EXHIBIT NO. 2

This information is for informational purposes only. This data may be used for legal purposes. This data does not constitute a warranty, express or implied, or damages, or result in any other action.

PETITIONER' S

AFTER RECORDING PLEASE RETURN TO:

JUDITH L. HARCLERODE, ESQUIRE
 MOORE, CARNEY, RYAN & LATTANZI, L.L.C.
 4111 E. Joppa Road; Suite No. 201
 Baltimore, Maryland 21236
 (410) 529-4600

EXHIBIT NO. 3

THIS DEED, Made this 23rd day of November, 2009, by and between ROBERT A. PENOYER, JR., Personal Representative of the Estate of Marian E. Penoyer, party of the first part, Grantor, and ROBERT A. PENOYER, JR., party of the second part, Grantee.

WHEREAS, That Marian E. Penoyer departed this life on or about June 15, 2009, being vested with title in and to the lots of ground hereinafter described and, by her Last Will and Testament duly probated in the Office of the Register of Wills for Baltimore County, Maryland, Estate No. 154373, the said Robert A. Penoyer, Jr. was appointed Personal Representative of the Estate of Marian E. Penoyer on or about July 1, 2009; and

WHEREAS, by the provisions of ITEM THREE of the Last Will and Testament of Marian E. Penoyer, the rest, residue and remainder of the Estate of Marian E. Penoyer, of which the within described property is a part, was devised and bequeathed to Robert A. Penoyer, Jr., and distribution of the property to Robert A. Penoyer, Jr. was made on the First Administration Account approved by the Orphans' Court for Baltimore County, Maryland on November 23, 2009;

NOW, THEREFORE, THIS DEED WITNESSETH: That for and in consideration of the premises and in faithful performance of his duties as required by law, the actual consideration being ZERO AND 0/100THS DOLLARS (\$0.00), and pursuant to the Last Will and Testament of Marian E. Penoyer, the party of the first part, Grantor, does hereby grant and convey unto Robert A. Penoyer, Jr., Grantee, party of the second part, in fee simple, all those lots or parcels of ground situate, lying and being in Baltimore County, in the State of Maryland, and described as follows, that is to say:

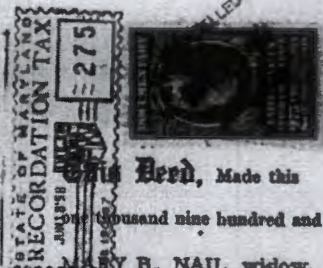
PARCEL NO. 1: BEGINNING for the first thereof at a point in the center of the Jarrettsville Road distant North 21 degrees 40 minutes 30 seconds East 100 feet measured along the center of said road from the end of the first line of a parcel of land which by a deed dated September 30, 1955, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2788, Folio 186, was conveyed by Charles E. Nau and wife to Everett Homer Sammis and wife; and running thence and binding in the center of the Jarrettsville Road, North 21 degrees 40 minutes 30 seconds East 100 feet; thence leaving said road and running for a line of division, North 67 degrees 13 minutes West 361.74 feet to an iron pipe now set in the second or South 22 degrees West 85.8 perches line of a parcel of land which by a deed dated February 20, 1943, and recorded among the Land Records of Baltimore County in Liber R.J.S. No. 1281, Folio 60, was conveyed by Harriet S. Hann to C. Elmer Nau and wife; thence running with and binding on a part of said second line, South 25 degrees 45 minutes West 100 feet to a pipe now set; and thence leaving said outline and running for a line of division, South 67 degrees 12 minutes East 368.85 feet to the place of beginning. Containing 0.838 of an acre of land, more or less.

PETITIONER'S

EXHIBIT NO.

4

LIBER 3366 PAGE 300



Beed, Made this 14th day of June, in the year
thousand nine hundred and fifty-eight, by and between

JERRY B. NAU, widow, party of the first part, Grantor, and ROBERT A.

PENOYER and MARIAN E. PENOYER, his wife, parties of the second part,

Grantees, all of Baltimore County, in the State of Maryland

WITNESSETH: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, Grantor does hereby grant, convey, and assign unto Robert A. Penoyer and Marian E. Penoyer, his wife, as tenants by the entireties, their assigns, the survivor of them, and the survivor's heirs and assigns, in fee simple, all those two

lot(s) of ground

situate in the Tenth Election District of Baltimore County,

in the State of Maryland, and described as follows, according to a survey by Dollenberg Brothers on or about November 16, 1955:

BEGINNING for the first thereof at a point in the center of the Jarrettsville Road distant North 21 degrees 40 minutes 30 seconds East 100 feet measured along the center of said road from the end of the first line of a parcel of land which by a deed dated September 30, 1955, and recorded among the Land Records of Baltimore County in Liber G. L. B. No. 2788, Folio 186, was conveyed by Charles E. Nau and wife to Everett Homer Sammis and wife; and running thence and binding in the center of the Jarrettsville Road, North 21 degrees 40 minutes 30 seconds East 100 feet; thence leaving said road and running for a line of division, North 67 degrees 13 minutes West 361.74 feet to an iron pipe now set in the second or South 22 degrees West 85.8 perches line of a parcel of land which by a deed dated February 20, 1943, and recorded among the Land Records of Baltimore County in Liber R. J. S. No. 1281, Folio 60, was conveyed by Harriet S. Hann to C. Elmer Nau and wife; thence running with and binding on a part of said second line, South 25 degrees 45 minutes West 100 feet to a pipe now set; and thence leaving said outline and running for a line of division, South 67 degrees 12 minutes East 368.85 feet to the place of beginning.

Containing 0.838 of an acre of land, more or less.

BEGINNING for the second thereof at a point in the center of the Jarrettsville Road distant North 21 degrees 40 minutes 30 seconds East 200 feet measured along the center of said road from the end of the first line of a parcel of land which by a deed dated September 30, 1955, and recorded among the Land Records of Baltimore County in Liber G. L. B. No. 2788, Folio 186, was conveyed by Charles E. Nau and wife to Everett Homer Sammis and wife; and running thence and binding in the center of the Jarrettsville Road, North 21 degrees 40 minutes 30 seconds East 100 feet; thence leaving said road and running for a line of division, North 67 degrees 14 minutes West 354.63 feet to an iron pipe now set in the second or South 22 degrees West 85.8 perches line of a parcel of land which by a deed dated February 20, 1943, and recorded among the Land Records of Baltimore County in Liber R. J. S. No. 1281, Folio 60, was conveyed by Harriet S. Hann to C. Elmer Nau and wife; thence running with and binding on a part of said second line, South 25 degrees 45 minutes



Economic Map

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Baltimore County
My Neighborhood

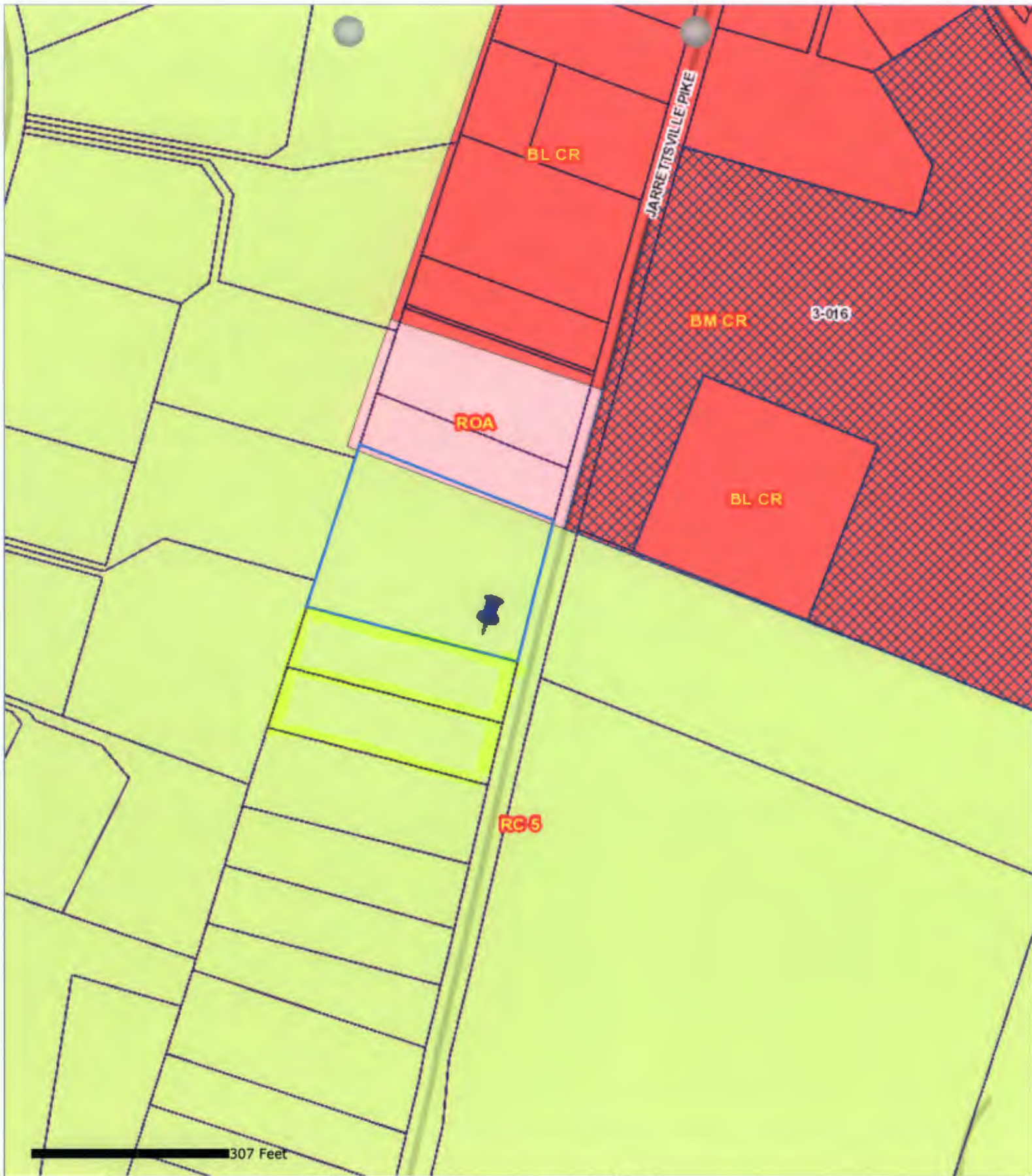


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PETITIONER'S

EXHIBIT NO. 5

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CZMP 2012 Map

Created By
Baltimore County
My Neighborhood



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PETITIONER'S

EXHIBIT NO.

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3-26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 12, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 14120 Jarrettsville Pike

MAR 16 2012

INFORMATION:

OFFICE OF ADMINISTRATIVE HEARINGS

Item Number: 12-173 and 12-174

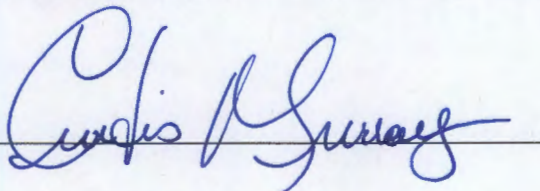
Petitioner: Robert Penoyer, Jr.

Zoning: RC 5

Requested Action: Special Hearing

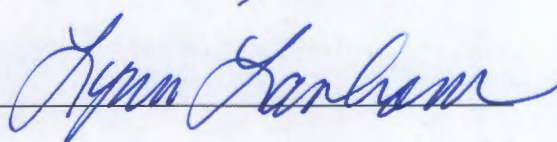
The Department of Planning reviewed the petitioner's request, accompanying site plan and provided a recommendation not opposing the petitioner's request to the Administrative Law Judge on February 13, 2012. As part of the aforementioned recommendation this department requested a list of items to be submitted for review and approval that demonstrated how the subject proposal would meet the performance standards set forth in Section 1A04.4 of the Baltimore County Zoning Regulations.

This department has reviewed typical elevation drawings of the proposed dwelling and photographs of the surrounding community and finds the proposal to be in accordance with the spirit and intent of the performance standards listed within Section 1A04.4 of the Baltimore County Zoning Regulations. In sum, this office does not oppose the subject request.

Prepared By: 

PETITIONER'S

EXHIBIT NO. 7

Division Chief: 

CM/LL

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
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[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier: District - 10 Account Number - 1016015571

Owner Information

Owner Name: PENOYER ROBERT A JR **Use:** RESIDENTIAL
Principal Residence: NO
Mailing Address: PO BOX 51 **Deed Reference:** 1) /28950/ 00104 P. II
PHOENIX MD 21131-0051 2)

Location & Structure Information

Premises Address **Legal Description**
JARRETTSVILLE PIKE 0.822 AC WS
PHOENIX 21131-0000 JARRETTSVILLE PIKE
1400 FT S SWEET AIR RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0035	0024	0161		0000				2	Plat Ref:

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		35,806 SF	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2011	07/01/2012
Land	147,950	117,900		
Improvements:	0	0		
Total:	147,950	117,900	117,900	117,900
Preferential Land:	0			0

Transfer Information

Seller: PENOYER ROBERT A	Date: 12/09/2009	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /28950/ 00104	Deed2:
Seller: NAU C ELMER	Date: 06/18/1958	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /03366/ 00300	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	0.00
State	000	0.00	0.00
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class:

PETITIONER' S

EXHIBIT NO. 8 A

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
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[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier: District - 10 Account Number - 1016015570

Owner Information

Owner Name: PENOYER ROBERT A JR Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: PO BOX 51 Deed Reference: 1) /28950/ 00104 P.I.
PHOENIX MD 21131-0051 2)

Location & Structure Information

Premises Address Legal Description
JARRETTSVILLE PIKE .838 AC
PHOENIX 21131-0000 WS JARRETTSVILLE PIKE
1500FT S SWEET AIR RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0035	0024	0161		0000				2	Plat Ref:

Special Tax Areas Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		36,503 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2011	07/01/2012
Land	148,120	118,100		
Improvements:	0	0		
Total:	148,120	118,100	118,100	118,100
Preferential Land:	0			0

Transfer Information

Seller:	PENOYER ROBERT A	Date:	12/09/2009	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/28950/ 00104	Deed2:	
Seller:	NAU C ELMER	Date:	06/18/1958	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/03366/ 00300	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	0.00
State	000	0.00	0.00
Municipal	000	0.00	0.00
Tax Exempt:		Special Tax Recapture:	
Exempt Class:			

PETITIONER' S

EXHIBIT NO.

8 B

REAL PROPERTY TAX BILL
IMPORTANT INFORMATION FOR PROPERTY OWNERS

You may pay this bill at the Office of Budget & Finance, 400 Washington Ave, Court House, Room 150, Towson, Maryland 21204, Monday thru Friday between the hours of 8:00 a.m. and 4:30 p.m.

For tax bills dated July 1, a discount of 1% of the Baltimore County tax will be allowed for July payment or a 1/2% discount for an August payment. The gross amount is payable during the month of September. This bill becomes delinquent on October 1 and is subject to interest at the rate of 1% per month, until paid. For Full Year bills dated other than July 1, a discount of 1% of the county tax will be allowed, provided the net bill is paid within 30 days from the billing date. After 30 days, interest at the rate of 1% per month will be added until paid. Discounts, interest and penalties are calculated on the net amount of the bill after any credits have been applied.

A returned check charge of \$35.00 will be assessed on each bill which is paid with a check that is returned by the bank or financial institution on which it is drawn.

If you have a mortgage on your property, it is your responsibility to send or deliver this bill to your bank, building association or other lending institution if that organization pays your taxes.

Failure to receive a bill does not excuse the payment of taxes, interest or penalties. Properties are subject to sale for delinquent taxes if taxes remain unpaid at the time of the annual tax sale held in May or June each year.

This bill is due when rendered. If you have appealed your assessment and the appeal is still pending, you must pay this bill in order to avoid interest and penalties. Should your appeal result in a reduction in the amount of tax due, the overpayment will be refunded to you.

Taxes can be paid by check using our Interactive Voice Response system (410-887-2403). You will be giving your authorization to debit your checking account by entering the tax account number and selecting the 'pay by check' option. Your checking account will be debited for the payment amount selected within two business days from the date of the transaction.

**MAKE CHECKS
PAYABLE TO:
BALTIMORE COUNTY, MD.**

**BALTIMORE COUNTY, MARYLAND
STATE AND COUNTY REAL PROPERTY TAXES**

**TAXPAYER'S COPY
DETACH AND RETAIN
TELEPHONE: 410-887-2403**

LEVY PERIOD
JULY 1 2011-JUNE 30 2012

ELECTION DISTRICT	BILLING CYCLE	ASSESSMENT
10	FY	117,900

PARCEL NUMBER	YEAR	BILL DATE
10-16-015571	2012	07 01 2011

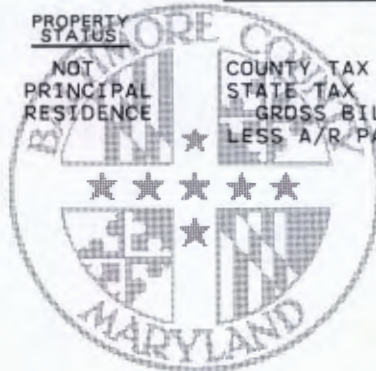
METROPOLITAN CHARGES

SEWER BENEFIT
SEWER SERVICE
WATER BENEFIT
WATER DISTRIBUTION
TOTAL METROPOLITAN

PROPERTY STATUS	RATE PER \$100	CHARGES
NOT COUNTY TAX	1.10000	1,296.90
PRINCIPAL STATE TAX	0.11200	132.05
RESIDENCE GROSS BILL BEFORE PYMTS		1,428.95
LESS A/R PAYMENTS		1,428.95

OWNER'S NAME AND ADDRESS

PENOYER ROBERT A JR
PO BOX 51
PHOENIX, MD. 21131



PROPERTY DESCRIPTION
000000 JARRETTSVILLE PIKE
0.822 AC WS

LOT BLOCK SEC PLAT

GROSS BILL .00

INTEREST/
DISCOUNT

NET
TOTAL

**BALTIMORE COUNTY, MARYLAND
STATE AND COUNTY REAL PROPERTY TAXES**

**PLEASE RETURN THIS
PART WITH YOUR PAYMENT**

**MAIL TO: OFFICE OF BUDGET AND FINANCE
400 WASHINGTON AVE, ROOM 150
TOWSON, MD. 21204-4665**

LEVY PERIOD
JULY 1 2011-JUNE 30 2012

ELECTION DISTRICT	BILLING CYCLE	ASSESSMENT
10	FY	117,900

PARCEL NUMBER	YEAR	BILL DATE
10-16-015571	2012	07 01 2011

OWNER'S NAME AND ADDRESS

CHARGES

COTAX	1,296.90
STTAX	132.05
PYMTS	1,428.95

IF PAID IN	DISCOUNT OR INTEREST	PAY THIS AMOUNT
APR-2012		

PENOYER ROBERT A JR
PO BOX 51
PHOENIX, MD. 21131

PETITIONER'S

EXHIBIT NO.

9A

GROSS

04/23/2012

REAL PROPERTY TAX BILL IMPORTANT INFORMATION FOR PROPERTY OWNERS

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**MAKE CHECKS
PAYABLE TO:
BALTIMORE COUNTY, MD.**

BALTIMORE COUNTY, MARYLAND STATE AND COUNTY REAL PROPERTY TAXES

**TAXPAYER'S COPY
DETACH AND RETAIN
TELEPHONE: 410-887-2403**

LEVY PERIOD JULY 1 2011-JUNE 30 2012

ELECTION DISTRICT 10	BILLING CYCLE FY	ASSESSMENT 118,100	PARCEL NUMBER 10-16-015570	YEAR 2012	BILL DATE 07 01 2011
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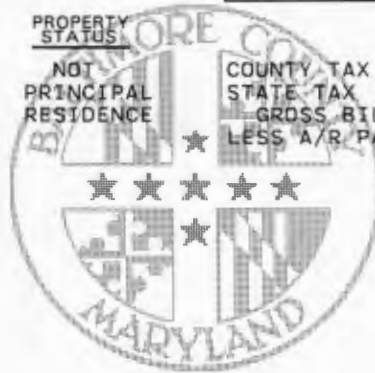
METROPOLITAN CHARGES

SEWER BENEFIT
SEWER SERVICE
WATER BENEFIT
WATER DISTRIBUTION
TOTAL METROPOLITAN

PROPERTY STATUS	RATE PER \$100	CHARGES
NOT COUNTY TAX	1.10000	1,299.10
PRINCIPAL STATE TAX	0.11200	132.27
RESIDENCE		1,431.37
		1,431.37
		LESS A/R PAYMENTS

OWNER'S NAME AND ADDRESS

PENOYER ROBERT A JR
PO BOX 51
PHOENIX, MD. 21131



PROPERTY DESCRIPTION
000000 JARRETTVILLE PIKE
.838 AC

LOT BLOCK SEC PLAT

GROSS BILL .00

INTEREST/
DISCOUNT

NET
TOTAL

**BALTIMORE COUNTY, MARYLAND
STATE AND COUNTY REAL PROPERTY TAXES**

**PLEASE RETURN THIS
PART WITH YOUR PAYMENT**

**MAIL TO: OFFICE OF BUDGET AND FINANCE
400 WASHINGTON AVE, ROOM 150
TOWSON, MD. 21204-4665**

LEVY PERIOD JULY 1 2011-JUNE 30 2012

ELECTION DISTRICT 10	BILLING CYCLE FY	ASSESSMENT 118,100	PARCEL NUMBER 10-16-015570	YEAR 2012	BILL DATE 07 01 2011
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OWNER'S NAME AND ADDRESS

PENOYER ROBERT A JR
PO BOX 51
PHOENIX, MD. 21131

CHARGES

COTAX	1,299.10
STTAX	132.27
PYMTS	1,431.37

IF PAID IN	DISCOUNT OR INTEREST	PAY THIS AMOUNT
APR-2012		

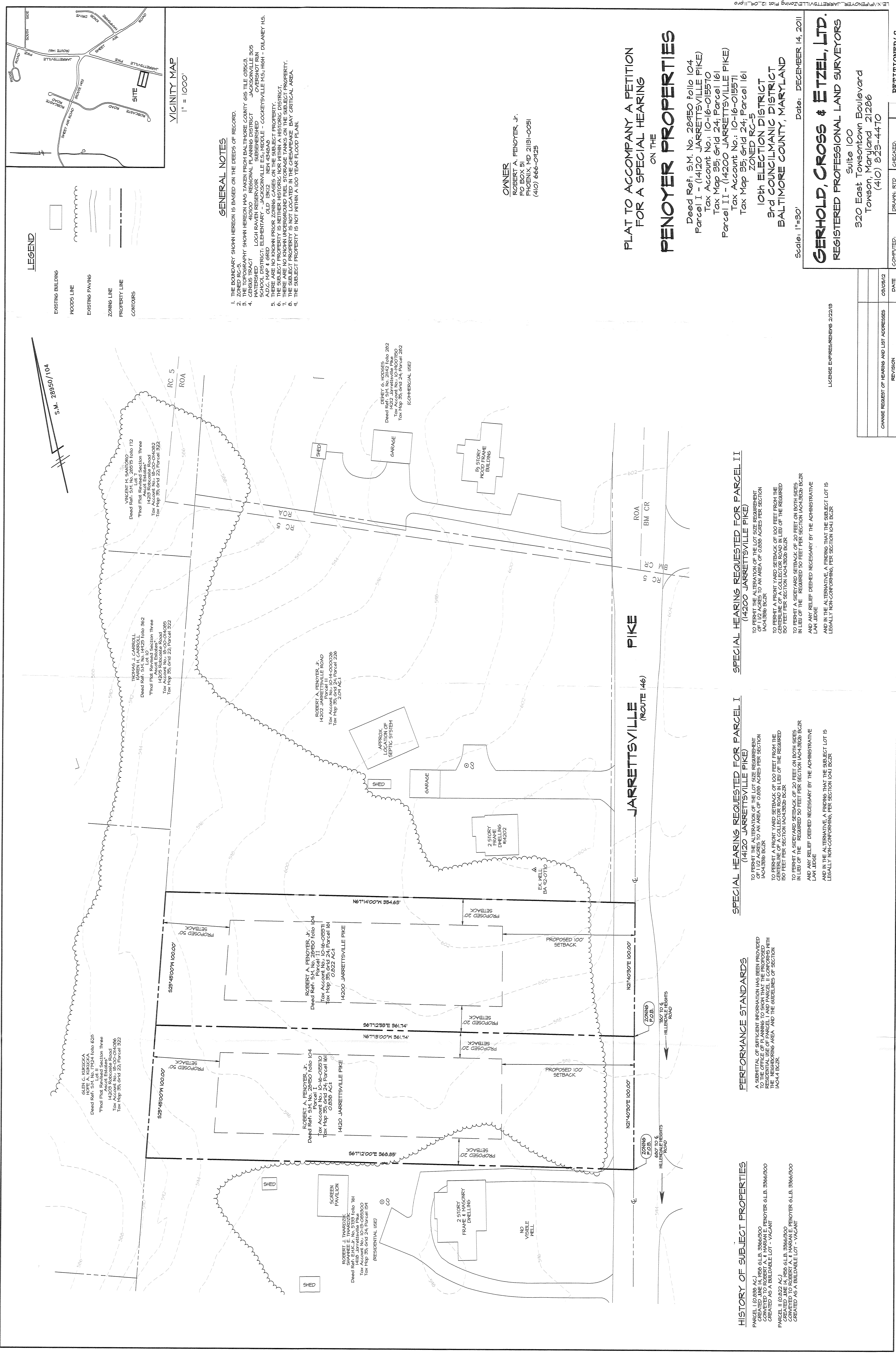
PETITIONER'S

EXHIBIT NO.

Handwritten signature/initials

GROSS

04/23/2012



LEGEND

- EXISTING BUILDING
- WOODS LINE
- EXISTING PAVING
- ZONING LINE
- PROPERTY LINE
- CONTOURS

VICINITY MAP
1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS BASED ON THE DEEDS OF RECORD.
2. ZONED RC-5.
3. THE PROPERTY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 08K43.
4. 40000' - REGIONAL PLANNING DISTRICT - JARRETTVILLE PIKE OVERSHOT RUN WATERSHED
5. LOCH RAVEN RESERVOIR
6. SIEBERSHED
7. SCHOOL DISTRICT - ELEMENTARY - JACKSONVILLE ES, MIDDLE - COCKEYSVILLE MS, HIGH - DILANEY HS.
8. THERE ARE NO KNOWN PRIOR ZONING CHANGES ON THE SUBJECT PROPERTY.
9. THE SUBJECT PROPERTY IS NOT LOCATED IN THE GREYHARE BAY CRITICAL AREA.

OWNER
ROBERT A. PENoyer, Jr.
PO BOX 51
PHOENIX, MD 21131-0051
(410) 666-0925

PLAT TO ACCOMPANY A PETITION
FOR A SPECIAL HEARING

ON THE

PENoyer PROPERTIES

Deed Ref: S.M. No. 20950 folio 104
Parcel I - (14120 JARRETTVILLE PIKE)
Tax Account No.: 10-16-015570
Parcel II - (14200 JARRETTVILLE PIKE)
Tax Account No.: 10-16-015571
Tax Map 35, Grid 24, Parcel 161
ZONED RC-5

10th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30'

Date: DECEMBER 14, 2011

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

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

PETITIONER'S

SPECIAL HEARING REQUESTED FOR PARCEL I
(14120 JARRETTVILLE PIKE)

- TO PERMIT THE ALTERATION OF THE LOT SIZE REQUIREMENT FROM 100 FEET TO AN AREA OF 0.885 ACRES PER SECTION 1A04.3B26 B.C.Z.
- TO PERMIT A FRONT YARD SETBACK OF 100 FEET FROM THE CENTERLINE OF A COLLECTOR ROAD IN LIEU OF THE REQUIRED 150 FEET PER SECTION 1A04.3B26 B.C.Z.
- TO PERMIT A SIDEYARD SETBACK OF 20 FEET ON BOTH SIDES IN LIEU OF THE REQUIRED 50 FEET PER SECTION 1A04.3B26 B.C.Z.
- AND ANY RELIEF DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE
- AND IN THE ALTERNATIVE, A FINDING THAT THE SUBJECT LOT IS LEGALLY NON-CONFORMING, PER SECTION 1041 B.C.Z.

PERFORMANCE STANDARDS

A SUBMITTAL OF SUFFICIENT INFORMATION HAS BEEN PROVIDED TO THE OFFICE OF PLANNING TO SHOW THAT THE PROPOSED ALTERATION OF THE LOT SIZE REQUIREMENT FOR PARCEL I AND PARCEL II CONFORMS WITH THE NEIGHBORING AREA AND THE GUIDELINES OF SECTION 1A04.4 B.C.Z.

HISTORY OF SUBJECT PROPERTIES

PARCEL I (0.836 AC.)
CREATED BY DEED, S.M. No. 20950 folio 104, 3566/300
CREATED THIS PROPERTY FROM PARCEL I AND PARCEL II
CREATED AS A BUILDABLE LOT - VACANT
PARCEL II (0.222 AC.)
CREATED JUNE 14, 1959 6.L.B. 3566/300
CREATED TO ROBERT A. & MARIAN E. PENoyer
CREATED AS A BUILDABLE LOT - VACANT

LICENSE EXPIRES/RENEW 2/22/19

CHANGE REQUEST OF HEARING AND LIST ADDRESSES	DATE
03/05/12	
REVISION	CHECKED

EXHIBIT NO. 1

