



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 1, 2013

Ronald Cassett, Jr.
8038 Bradshaw Road
Kingsville, Maryland 21087

RE: Petition for Special Hearing and Variance
Case No.: 2013-0152
Property: 8038 Bradshaw Road

Dear Mr. Cassett:

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,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Scott A. Lindgren, 320 E. Towsontown Blvd., Suite 100, Towson, Maryland 21286

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE *
(8038 Bradshaw Road) *
11th Election District *
3rd Councilmanic District *
Roland Benjamin Sr. & *
Roland Benjamin Jr. Cassett *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0152-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Robert Benjamin, Sr. and Robert Benjamin, Jr. Cassett, legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to determine whether or not the Zoning Commissioner should approve an accessory structure (garage) to have a larger footprint (1500 sq. ft.) than the existing dwelling (1280 sq. ft.). The variance relief sought to permit a garage 18' in height, in lieu of the required 15'. 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 in support of the requests was Robert Cassett, Jr. and Scott A. Lindgren from Gerhold, Cross & Etzel, LTD., the firm that prepared the site plan and who is assisting the Petitioners through the permitting process. 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 in attendance, and the file does not contain any letters of protest or opposition.

ORDER RECEIVED FOR FILING

Date

3/1/13

By

Sen

No substantive Zoning Advisory Committee (ZAC) comments were received from any County agencies.

The subject property is 1 acre in size and is zoned RC-5. The site is improved with a single family dwelling and a garage. The garage is in extreme disrepair and the Petitioner proposes to raze that structure and replace it with a new garage (30' x 50'). The single family dwelling on the property is modest in size (1280 sq. ft.) and the proposed garage is only slightly larger (1500 sq. ft.). In fact, as noted by Mr. Lindgren, there is a large covered porch off the rear of the dwelling (which is not included in the area calculation) and thus in reality the buildings will appear to be similarly sized. The new garage will greatly enhance the appearance of the property, and the Special Hearing relief will be granted.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. people's Counsel, 407 Md. 53, 80 (2008).

The Petitioners have met this test. The property is narrow and deep, as shown on the site plan. Thus, it is unique for zoning purposes. The Petitioners would experience a practical difficulty if the regulations were strictly enforced, because they would be unable to construct the garage roof with an appropriate pitch, compromising the appearance and functionality of the structure.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the absence of opposition from the community and County reviewing agencies.

ORDER RECEIVED FOR FILING

Date

3/1/13

By

Sen

Pursuant to the advertisement, posting of the property, and the public hearing, and after considering the testimony and evidence offered, I find that Petitioners' Special Hearing and Variance requests should be granted.

THEREFORE, IT IS ORDERED this 1st day of March 2013, by this Administrative Law Judge, that Petitioners' request for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to approve an accessory structure (garage) to have a larger footprint (1500 sq. ft.) than the existing dwelling (1280 sq. ft.), be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioners' Variance request from § 400.3 of the B.C.Z.R., to allow an accessory structure (garage) to have a height of 18 ft. in lieu of the maximum permitted 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

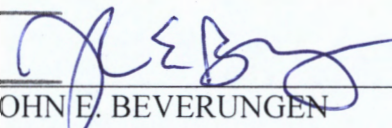
1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

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

ORDER RECEIVED FOR FILING

Date 3/1/13

By sln


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln



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 8038 Bradshaw Road which is presently zoned RC-5

Deed References: 26429 f.d. 116 10 Digit Tax Account # 1119074601

Property Owner(s) Printed Name(s) Ronald Benjamin Cassett Jr. Ronald Benjamin Cassett Sr.
RONALD BENJAMIN CASSETT, JR. & RONALD BENJAMIN CASSETT, 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. 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 AN ACCESSORY STRUCTURE (GARAGE) TO HAVE A LARGER FOOTPRINT (1500 SQ. FT.) THAN THE EXISTING DWELLING (1280 SQ. FT.)

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s) 400.3

TO ALLOW AN ACCESSORY STRUCTURE (GARAGE) TO HAVE A HEIGHT OF 18 FEET IN LIEU OF THE MAXIMUM PERMITTED 15 FEET.

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 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:

Date

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Ronald Benjamin Cassett Jr. / Ronald Benjamin Cassett Sr.
Name #1 - Type or Print Name #2 - Type or Print

Ronald B. Cassett Jr. / Ronald B. Cassett Sr.
Signature #1 Signature #2

8038 Bradshaw Rd. Kingville MD
Mailing Address City State

21087 / 410-829-5588 / RCASSETT@gmail.com
Zip Code Telephone # Email Address

Representative to be contacted:

SCOTT A. LINDGREN
GERHOLD, CROSS & EITZEL, LTD
Name - Type or Print

Scott A. Lindgren
Signature SUITE 100

320 E. TOWSON TOWN ALVA TOWSON MD
Mailing Address City State

21286 / 410-823-4470 / slindgren@gcelimited.com
Zip Code Telephone # Email Address

CASE NUMBER 2013-0152-SPHA Filing Date 1/3/2013

Do Not Schedule Dates: Reviewer TW

TB
12-8-08

IN RE: PETITION FOR VARIANCE

NE side of Bradshaw Road, NE of Dowell
Lane and Pfeffers Road
11th Election District
3rd Councilmanic District
(8038 Bradshaw Road)

Ronald Cassett and Ronald Cassett Jr.
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2009-0098-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Ronald Cassett and Ronald Cassett Jr. Petitioners are requesting variance relief from Section 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed open projection (porch) to have a side yard setback of 25 feet in lieu of the required 37½ feet. The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Ronald Cassett Jr.; and Bruce Doak with Gerhold Cross & Etzel, Ltd., the property line surveyor who prepared the site plan. There were no Protestants or other interested citizens in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a long, narrow property, rectangular in shape, consisting of approximately one acre, more or less, zoned R.C.5. The property is located on the northeast side of Bradshaw road, opposite the intersection of Dowell Lane and Pfeffers Road, and northwest of Interstate 95 in the Kingsville area of Baltimore County. The property is improved with a two-story single-family frame dwelling and

as the existing home. Hence, as shown on the site plan, the only variance needed would be for that part of the proposed porch to be located around the southeast side (side yard) of the property.

In support of the variance request, Mr. Doak presented a letter dated October 6, 2008 from Jerry Knoedler, Jr. with JJK Contracting, Inc. in Kingsville, MD. This letter was marked and accepted into evidence as Petitioner's Exhibit 4. Mr. Knoedler indicated that he met with Petitioner and conducted a walk-through inspection of the existing home. His inspection revealed dated galvanized plumbing, asbestos siding, non-grounded electrical wiring, various areas of rotting wood, and signs of severe settlement through the years as evidenced by foundation cracking and the unleveling of floors. He also commented that a house of this age would typically contain lead-based paint on the walls as well. Because of these factors, Mr. Knoedler believes the existing home is structurally unsound, and would be cost prohibitive to repair. In his opinion, the home should be razed and replaced with a new home on the same footprint.

Mr. Doak indicated that the limitations of the lot itself and the requirements of the current zoning regulations drive the need for the variance in this R.C.5 Zone. In particular, the lot is very long and narrow, thereby limiting the options on improvements and new construction. In addition, the subject property and existing dwelling predate the adoption of the Zoning Regulations, and in particular, the R.C.5 Zoning classification. Indeed, the existing home does not meet the minimum area and side yard setback requirement and is, therefore, nonconforming. For example, the R.C.5 Zone requires lot sizes of at least 1.5 acres and side yard setbacks to property lines of 50 feet. As shown on the site plan, even the existing home does not meet those area and setback requirements.

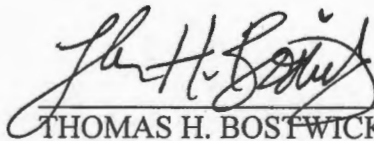
working order. Finally, Mr. Doak also submitted letters of support dated October 20, 2008 from nearby neighbors, Kari-Ann Scavuzzo-Knoedler of 8042 Bradshaw Road and Charles and Margaret Felbinger of 8044 Bradshaw Road, which were marked and accepted into evidence as Petitioner's Exhibits 6A and 6B, respectively.

Considering of all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. In particular, the property's shape, which is very long and narrow, poses limitations on Petitioner's ability to make needed improvements or replace the existing home altogether as planned by Petitioner. In addition, the site plan also has a topographical overlay that depicts the slopes and terrain of the property. It shows that the property slopes gradually upward from Bradshaw Road, but is then more pronounced from the garage location to the rear of the property, again limiting Petitioner's options for improvements. Finally, the age of the dwelling presents perhaps the most compelling characteristic in favor of Petitioner's request -- from a zoning perspective. In short, the property predates any zoning regulations and the current R.C.5 regulations place restrictions on the existing dwelling -- and on a subsequent replacement dwelling -- that could not be met without severely limiting the improvement options for the property. Hence, the imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district.

Finally, I find this variance request for the open projection porch can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The wrap-around porch will provide an attractive architectural feature that gives the new home a styled look.

- e. Landscaping shall be provided along the public road, if it is consistent with the existing streetscape.

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



THOMAS H. BOSCHWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ZONING DESCRIPTION
Roland Benjamin Cassett property
8038 Bradshaw Road
Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Eleventh Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point on north side of Bradshaw Road being across from the intersection between Bradshaw Road, Dowell Lane and Peffers Road and running thence,

- 1) South 49 degrees 30 minutes East 6 perches and 17 links,
- 2) North 50 degrees 30 minutes East 29 perches,
- 3) North 42 degrees West 4 perches,
- 4) Thence binding to the place of beginning.

Containing 1 Acres of land, more or less.

2013-0152-SPHA

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: 2013 - 0152-SPHA

Petitioner: Ronald Casett

Address or Location: 8038 Brendshaw Rd Kingsville, MD 21087

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ronald Casett

Address: 8038 Brendshaw Rd.

Kingsville MD 21087

Telephone Number: 413 829 5988

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

No. **92767**

Date: **1/3/13**

DUPLICATE DATA RECEIPT

BUSINESS ACTUAL TIME 9PM

1/03/2013 1/03/2013 11:13:15

REG 0506 WALKER 7741 TOT

RECEIPT # 92767 1/03/2013 OFLH

Dept 5 528 ZENITH VERIFICATION

CR #0. 092767

Receipt Tot. \$150.00

\$150.00 CR 4.00 CR

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				150.00

Total: **150.00**

Rec From: **RONALD B. CASSETT, Jr.**

For: **8038 Bradshaw Rd. 2013-0152-SPHA**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 02/08/2013

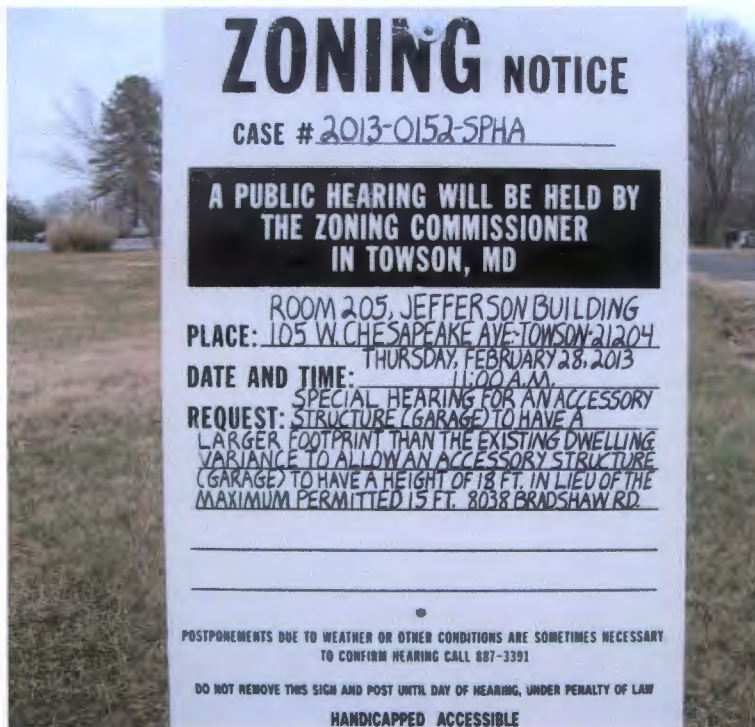
Case Number: 2013-0152-SPHA

Petitioner / Developer: MR. CASSETT~SCOTT LINDGREN of
GERHOLD, CROSS & ETZEL LTD.

Date of Hearing (Closing): FEBRUARY 28, 2013

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
8038 BRADSHAW ROAD

The sign(s) were posted on: FEBRUARY 5, 2013



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

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: # 2013-0152-SPHA

8038 Bradshaw Road

N/e side of Bradshaw Road, 15 ft. NE of centerline of Dowell Ln., and Pfeffers Road

7th Election District - 7th Councilmanic District

Legal Owner(s): Roland Cassett, Sr., Roland Cassett, Jr.

Special Hearing: for an accessory structure (garage) to have a larger footprint than the existing dwelling. **Variance:** to allow an accessory structure (garage) to have a height of 18 ft. in lieu of the maximum permitted 15 ft.

Hearing: Thursday, February 28, 2013 at 11:00 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.
2/010 Feb. 7 902812



501 N. Calvert Street, Baltimore, MD 21278

February 7, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on February 7, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson



KEVIN KAMENETZ
County Executive

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

January 14, 2013

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: 2013-0152-SPHA

8038 Bradshaw Road

N/e side of Bradshaw Road, 15 ft. NE of centerline of Dowell Ln., and Pfeffers Road

7th Election District – 7th Councilmanic District

Legal Owners: Roland Cassett, Sr., Roland Cassett, Jr.

Special Hearing for an accessory structure (garage) to have a larger footprint than the existing dwelling. Variance to allow an accessory structure (garage) to have a height of 18 ft. in lieu of the maximum permitted 15 ft.

Hearing: Thursday, February 28, 2013 at 11:00 a.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: Mr. Cassett, 8038 Bradshaw Road, Kingsville 21087
Scott Lindgren, 320 E. Towsontown Blvd., Ste. 100, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 8, 2013.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 7, 2013 Issue - Jeffersonian

Please forward billing to:
Ronald Cassett
8038 Bradshaw Road
Kingsville, MD 21087

443-829-5988

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: 2013-0152-SPHA

8038 Bradshaw Road

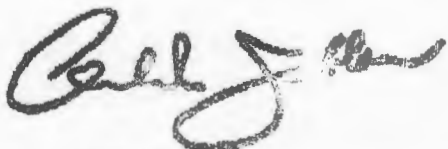
N/e side of Bradshaw Road, 15 ft. NE of centerline of Dowell Ln., and Pfeffers Road

7th Election District – 7th Councilmanic District

Legal Owners: Roland Cassett, Sr., Roland Cassett, Jr.

Special Hearing for an accessory structure (garage) to have a larger footprint than the existing dwelling. Variance to allow an accessory structure (garage) to have a height of 18 ft. in lieu of the maximum permitted 15 ft.

Hearing: Thursday, February 28, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
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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

February 20, 2013

Roland Benjamin Cassett, Sr.
Roland Benjamin Cassett, Jr.
8038 Bradshaw Road
Kingsville, MD 21087

RE: Case Number: 2013-0152 SPHA, Address: 8038 Bradshaw Road, 21087

Dear Mssrs. Cassett:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 3, 2013. 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Scott Lindgren, Gerhold, Cross & Etzel Ltd, 320 E. Towsontown Boulevard, Towson MD 21286

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



MARYLAND DEPARTMENT OF TRANSPORTATION

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

Date: 1-11-13

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

RE: Baltimore County
Item No 2013-0152-SPHM.
Special Hearing Variance
Roland Benjamin Sr. &
Roland Benjamin Jr.
Cussett
8038 Bradshaw Road.

Dear Ms. Lewis:

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. 2013-0152-SPHM.

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).

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".
Steven D. Foster, Chief
Access Management Division

SDF/raz

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

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
8038 Bradshaw Rd; NE/S Bradshaw Rd, 15' NE*		OF ADMINSTRATIVE
c/line Dowell Ln, Pfeffers Rd & Bradshaw Rd		
7 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Roland Benjamin Sr, &		
Roland Benjamin, Jr. Cassett	*	BALTIMORE COUNTY
Petitioner(s)	*	2013-152-SPHA

* * * * *

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 08 2013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of January, 2013, a copy of the foregoing Entry of Appearance was mailed to Scott Lingren, Gerhold, Cross & Etzel, Ltd, 320 E. Towsontown Boulevard, Suite 100, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.1A)
BALTIMORE COUNTY

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

Account Identifier:

District - 11 Account Number - 1119074601

Owner Information

Owner Name: CASSETT RONALD BENJAMIN
CASSETT RONALD BENJAMIN JR
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 8038 BRADSHAW RD
KINGSVILLE MD 21087-1839
Deed Reference: 1) /30052/ 00407
2)

Location & Structure Information

Premises Address
8038 BRADSHAW RD
KINGSVILLE 21087-1839
Legal Description
1 AC
8038 BRADSHAW RD NES
2235FT SE FRANKLINVILLE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
0064	0010	0612		0000				3	

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2010	2,560 SF	1.0000 AC	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	95,000	95,000		
Improvements:	354,000	290,200		
Total:	449,000	385,200	385,200	385,200
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
CASSETT RONALD BENJAMIN	10/26/2010	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /30052/ 00407	Deed2:
CASSETT RONALD BENJAMIN	11/29/2007	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /26429/ 00116	Deed2:
CASSETT MARY STREETT	10/31/1972	\$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05311/ 00319	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class:
Special Tax Recapture: NONE

Homestead Application Information

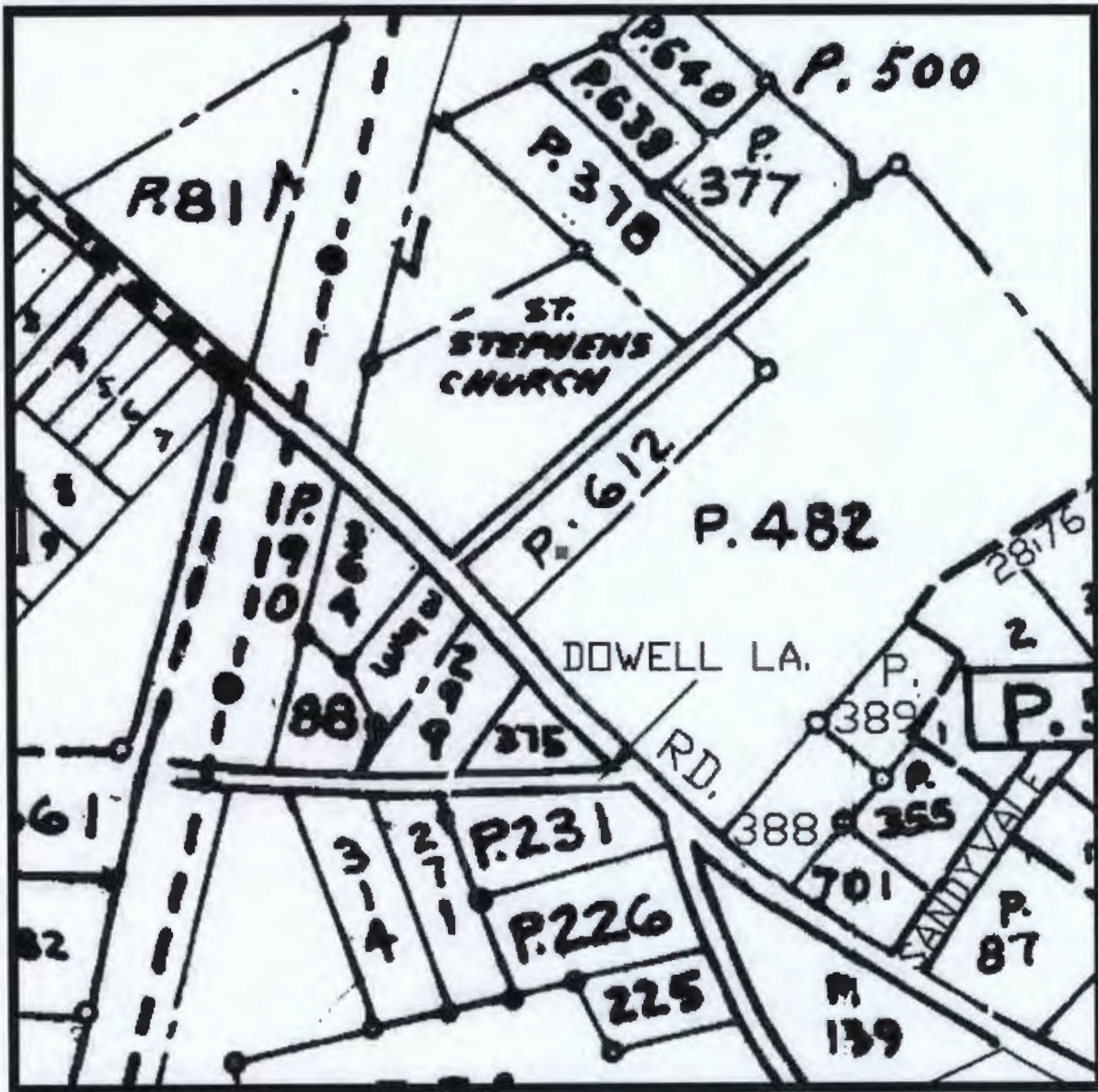
Homestead Application Status: No Application



**Maryland Department of Assessments and
Taxation
BALTIMORE COUNTY
Real Property Data Search**

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

District - 11 Account Number - 1119074601



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 14, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For January 21, 2013
Item Nos. 2013-0146, 0148 and 0152.

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

DAK:CEN
Cc: file

M E M O R A N D U M

DATE: April 3, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0152-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on April 1, 2013. 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

CASE NAME 8038 BRADSHAW ROAD
CASE NUMBER 2013-0152-5PHA
DATE 2/28/2013

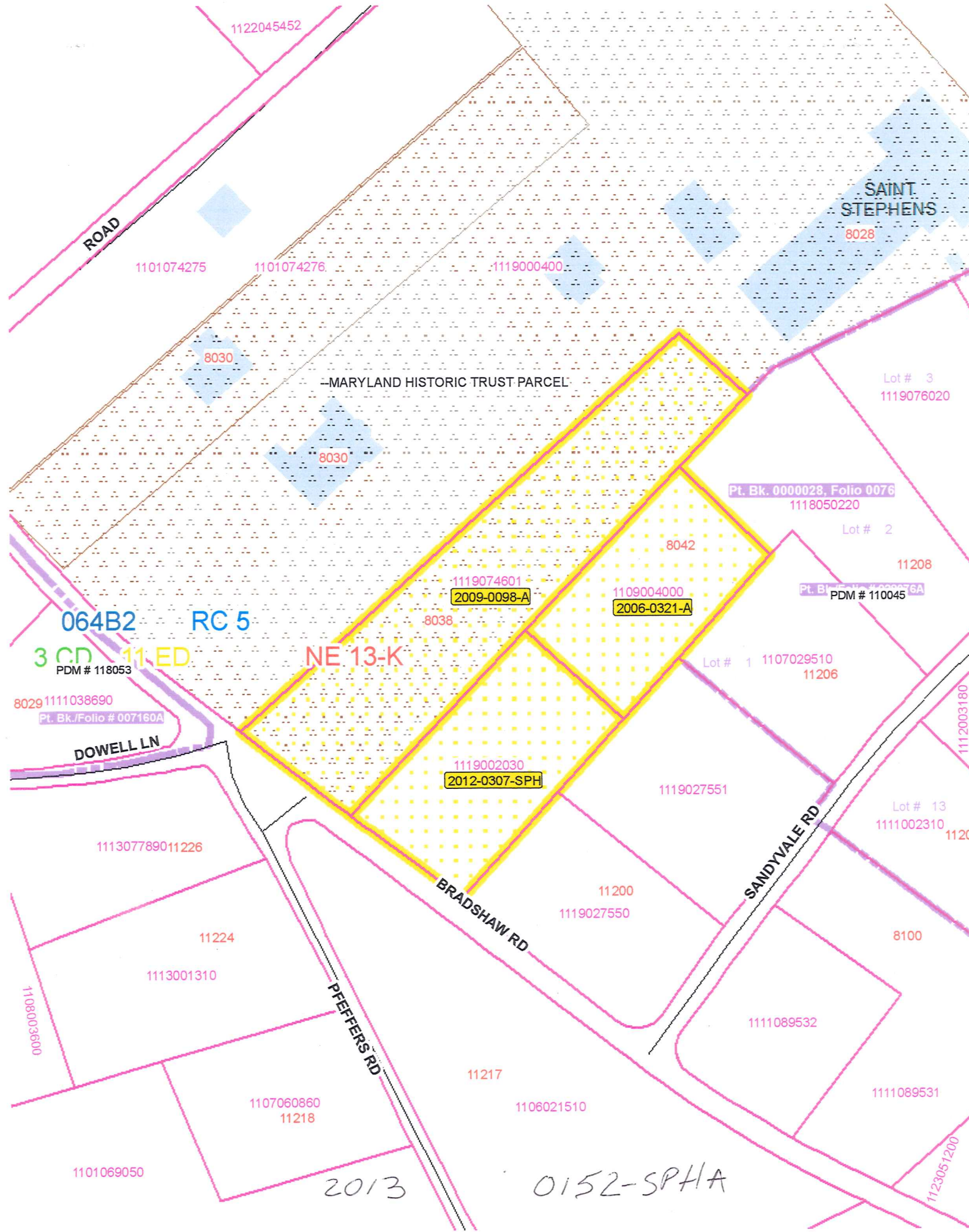
[illegible]

CASE NO. 2013-0152-SPHQ

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
1/14/13	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	NO C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
1/11/13	STATE HIGHWAY ADMINISTRATION	NO Objections
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 1/7/13	
SIGN POSTING	Date: 2/5/13	by O'Keefe
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



1122045452

ROAD

1101074275

1101074276

1119000400

SAINT STEPHENS

8028

8030

MARYLAND HISTORIC TRUST PARCEL

8030

Lot # 3
1119076020

Pt. Bk. 0000028, Folio 0076
1118050220

Lot # 2

11208

Pt. Bk. 0000028, Folio 0076A
PDM # 110045

064B2 RC 5

3 CD 11 ED
PDM # 118053

NE 13-K

1119074601
2009-0098-A

1109004000
2006-0321-A

8038

Lot # 1 1107029510
11206

8029 1111038690
Pt. Bk./Folio # 007160A

DOWELL LN

1119002030
2012-0307-SPH

1119027551

1113077890 11226

Lot # 13
1111002310
11205

11224

1113001310

1108003600

PFEFFERS RD

BRADSHAW RD

11200
1119027550

SANDYVALE RD

8100

1111089532

1111089531

11217

1106021510

1107060860
11218

1101069050

2013

0152-SPHA

1123051200

Case No.: 2013-152-SPHA

Exhibit Sheet

19W
2-23-13

Petitioner/Developer

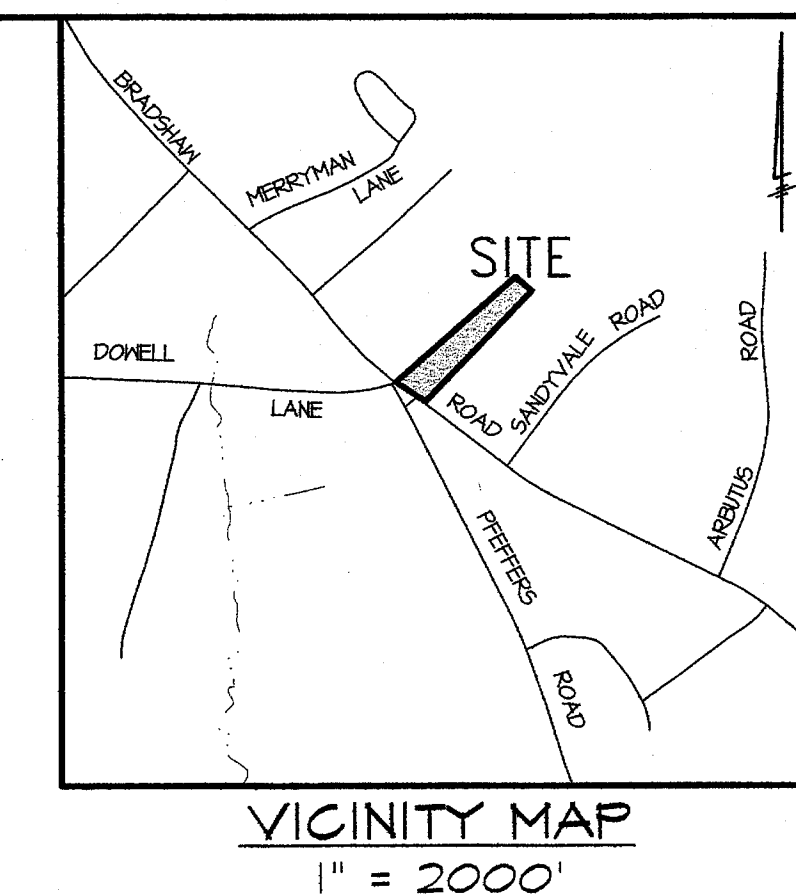
Protestant

No. 1	<i>Site plan</i>	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

LEGEND

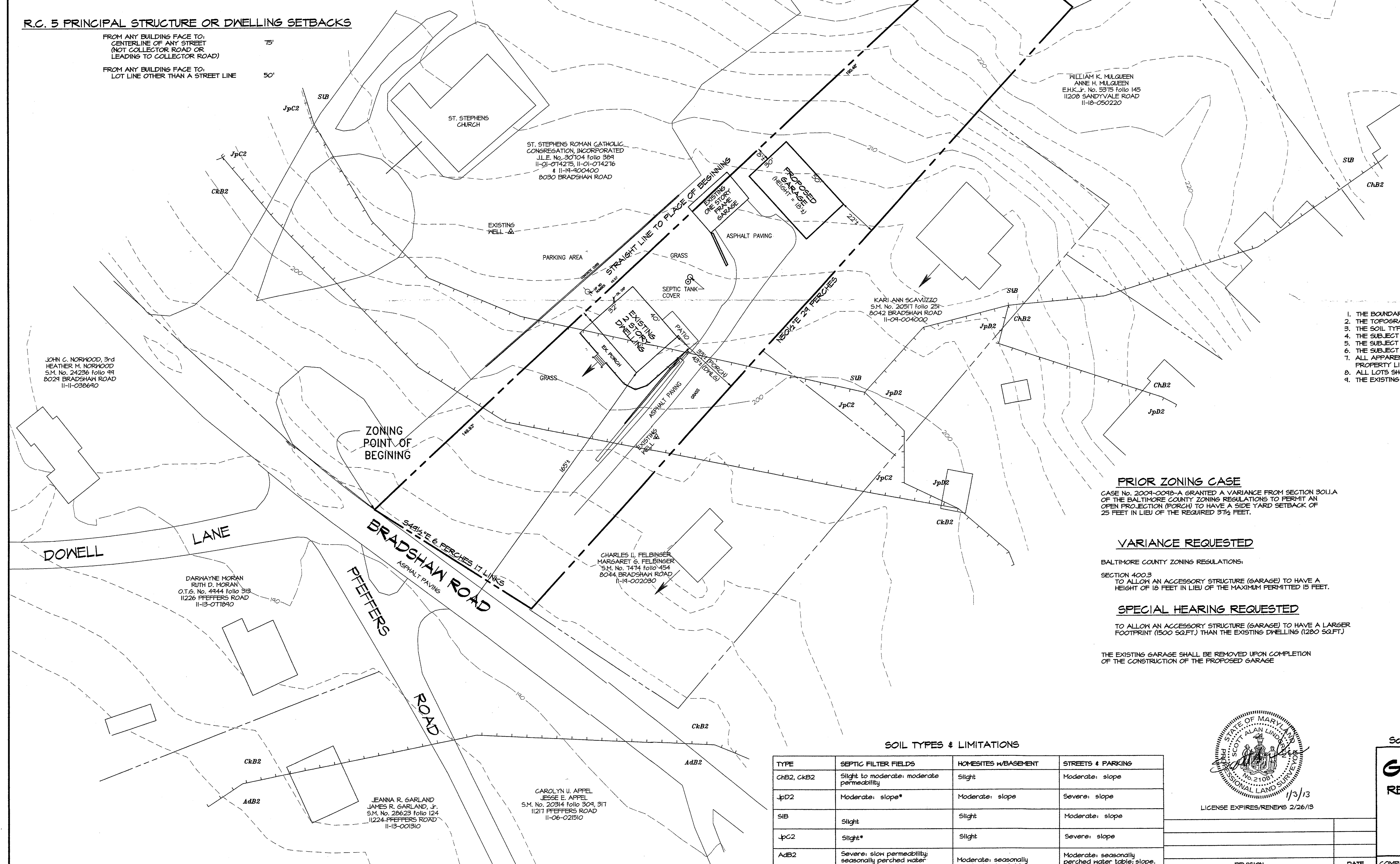
- EXISTING WELL
- EXISTING CLEANOUT
- PROPOSED DWELLING
- EXISTING BUILDING
- SOIL LINE
- WOODS LINE
- EXISTING PAVING
- PROPERTY LINE
- CONTOURS PER GIS
- CONTOURS PER FIELD SURVEY

DEED MERIDIAN



R.C. 5 PRINCIPAL STRUCTURE OR DWELLING SETBACKS

- FROM ANY BUILDING FACE TO:
CENTERLINE OF ANY STREET
(NOT COLLECTOR ROAD OR
LEADING TO COLLECTOR ROAD) 75'
- FROM ANY BUILDING FACE TO:
LOT LINE OTHER THAN A STREET LINE 50'



GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 064B1.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 31.
4. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
6. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
7. ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
8. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
9. THE EXISTING DWELLING WAS CONSTRUCTED ON THE SAME FOOT PRINT AS THE ORIGINAL HOUSE.

OWNER/DEVELOPER

ROLAND BENJAMIN CASSETT
ROLAND BENJAMIN CASSETT, JR.
8038 BRADSHAW ROAD
KINGSVILLE, MARYLAND 21087-1839
443-824-5988

2013-0152-SPHA

PLAN TO ACCOMPANY
A PETITION FOR A
VARIANCE &
SPECIAL HEARING
FOR THE

CASSETT PROPERTY

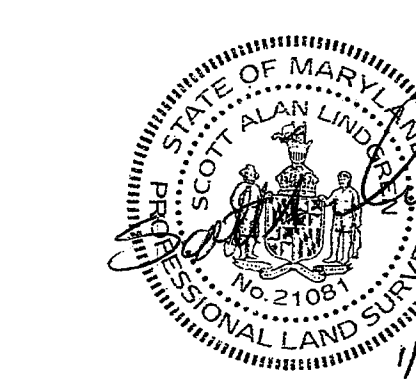
8038 BRADSHAW ROAD
Deed Ref: R.D.A., Jr. No. 30052 folio 407
Tax Account No.: 11-19-074601
Zoned RC-5; GIS Tile 064B2
Tax Map 64; Grid 10; Parcel 612
11th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30'

Date: DECEMBER 14, 2012

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

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



PRIOR ZONING CASE

CASE No. 2004-0098-A GRANTED A VARIANCE FROM SECTION 301.4 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT AN OPEN PROJECTION (PORCH) TO HAVE A SIDE YARD SETBACK OF 25 FEET IN LIEU OF THE REQUIRED 31 1/2 FEET.

VARIANCE REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS:

SECTION 400.3
TO ALLOW AN ACCESSORY STRUCTURE (GARAGE) TO HAVE A HEIGHT OF 18 FEET IN LIEU OF THE MAXIMUM PERMITTED 15 FEET.

SPECIAL HEARING REQUESTED

TO ALLOW AN ACCESSORY STRUCTURE (GARAGE) TO HAVE A LARGER FOOTPRINT (1500 SQ.FT.) THAN THE EXISTING DWELLING (1280 SQ.FT.)

THE EXISTING GARAGE SHALL BE REMOVED UPON COMPLETION OF THE CONSTRUCTION OF THE PROPOSED GARAGE

SOIL TYPES & LIMITATIONS

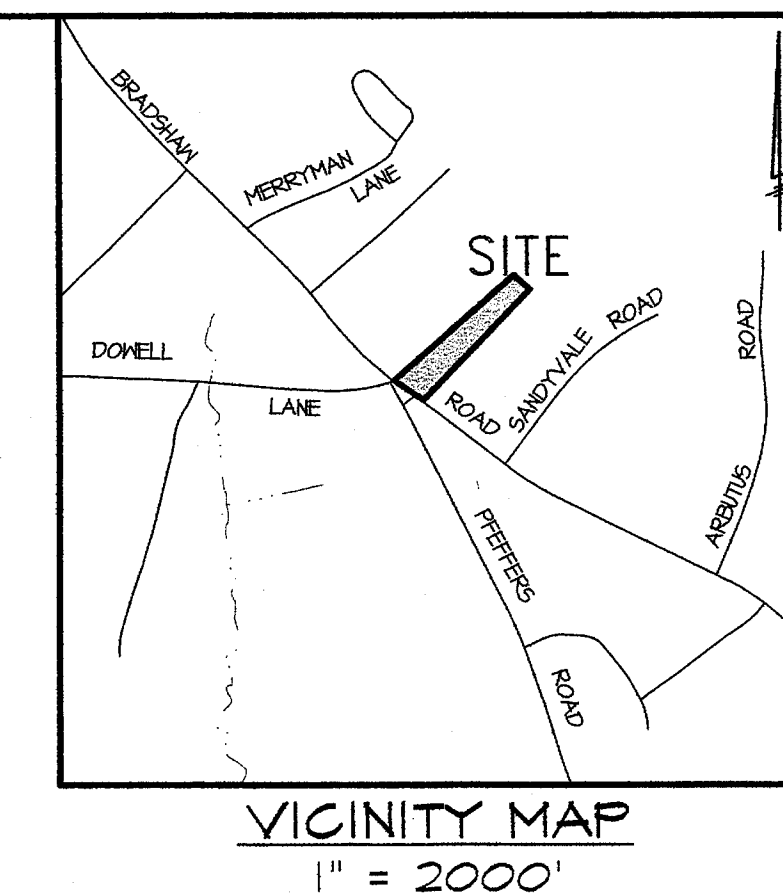
TYPE	SEPTIC FILTER FIELDS	HOMESITE WEASEMENT	STREETS & PARKING
ChB2, CkB2	Slight to moderate; moderate permeability	Slight	Moderate; slope
JpD2	Moderate; slope*	Moderate; slope	Severe; slope
SlB	Slight	Slight	Moderate; slope
JpC2	Slight*	Slight	Severe; slope
AdB2	Severe; slow permeability; seasonally perched water table	Moderate; seasonally perched water table	Moderate; seasonally perched water table; slope.

REVISION	DATE	COMPUTED	DRAWN	CHECKED	FILE
					X:\C\CASSETT\ZONING 12-04-12.p

LEGEND

EXISTING WELL
 EXISTING CLEANOUT
 PROPOSED DWELLING
 EXISTING BUILDING
 SOIL LINE
 WOODS LINE
 EXISTING PAVING
 PROPERTY LINE
 CONTOURS PER GIS
 CONTOURS PER FIELD SURVEY

DEED MERIDIAN



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2013-0152-SPHA

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LICENSE EXPIRES/RENEWS 2/26/13

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SlB	Slight	Slight	Moderate: slope
JpC2	Slight*	Slight	Severe: slope
AzB2	Severe: slow permeability; seasonally perched water table	Moderate: seasonally perched water table	Moderate: seasonally perched water table; slope.

REVISION DATE COMPUTED: DRAWN: CLM CHECKED: FILE: X:\C\CASSETT\ZONING 12-04-12.prp