



KEVIN KAMENETZ
County Executive

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

June 7, 2013

Bruce E. Doak
3801 Baker Schoolhouse Road
Freeland, Maryland 21053

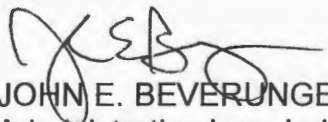
RE: Petitions for Special Hearing and Variance
Case No.: 2013-0240- SPHA
Property: 12240 Greenspring Avenue

Dear Mr. Doak:

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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Joanne Henderson, 4322 Mt. Zion Road, Upperco, Maryland 21155

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(12240 Greenspring Avenue) *
4th Election District
2nd Councilmanic District *
Joanne Henderson (Trustee)
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2013-0240-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 Bruce Doak, on behalf of the Petitioner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to allow a combined property area of less than 1.5 acres and a density less than 0.5 for existing lots (zoned RC 5) that were created prior to 1979. The Variance petition seeks relief from B.C.Z.R. § 1A04.3B2b, (1) to allow a set back of 120 ft. in lieu of the required 150 ft. from the c/line of Greenspring Avenue which is a collector road; and (2) to allow a setback of 30 ft. in lieu of the required 50 ft. from any lot line other than a street. 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.

Appearing at the public hearing in support of the requests was Joanne Henderson and Bruce E. Doak. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

Zoning Advisory Committee (ZAC) comments were received and are included in the file. The only substantive comment was submitted by the Department of Planning (DOP), dated June

ORDER RECEIVED FOR FILING

Date

6/7/13

By

Sen

5, 2013. The Department indicated Petitioner had supplied for its review (in response to a memorandum dated May 7, 2013) elevation drawings and other materials that enabled it to make the requisite findings under the RC 5 performance standards, and to express support for the petition.

The subject property consists of two lots, which total 1.26 acres and are zoned RC 5. The lots were created in 1937 (Parcel 1 shown on Plan, 0.59 acres +/-) and 1949 (Parcel 2, 0.67 Ac +/-), long before the present day RC 5 regulations. The Petitioner proposes to combine the lots and construct a single family dwelling thereon, but to do so requires zoning relief.

With regard to the petition for Special Hearing, the relief sought is relatively modest, and the equities appear to be in the Petitioner's favor. Her family has owned those lots for many years, and they also own a large farm (approximately 30 Ac +/-) situated directly across Greenspring Avenue from the subject property. As seen on the aerial photo (Exhibit 3), the area has many other modest homes on lots less than 1.25 acres and this proposal is therefore compatible with the existing neighborhood.

Based upon the testimony and evidence presented, I will also 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 Petitioner has met this test. As seen on the plan, the lots are of irregular dimensions, roughly approximating an inverted triangle. In addition, the lots were created many years before Baltimore County enacted its zoning regulations. As such, the property is unique. The Petitioner

ORDER RECEIVED FOR FILING

Date 6/7/13
By sln

would experience a practical difficulty if the regulations were strictly enforced, since she would be unable to construct a dwelling on these lots.

Finally, I do not believe the grant of variance relief would endanger the public's health, safety and welfare.

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

THEREFORE, IT IS ORDERED this 7th day of June 2013, by this Administrative Law Judge, that Petitioner's request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to allow a combined property area (resulting from a combination of parcels 1 & 2 as shown on the siteplan, Exhibit 1) of less than 1.5 acres and a density less than 0.5 for existing lots that were created prior to 1979, be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioner's request for Variance pursuant to B.C.Z.R. § 1A04.3B2b, (1) to allow a set back of 120 ft. in lieu of the required 150 ft. from the c/line of Greenspring Avenue which is a collector road; and (2) to allow a setback of 30 ft. in lieu of the required 50 ft. from any lot line other than a street, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

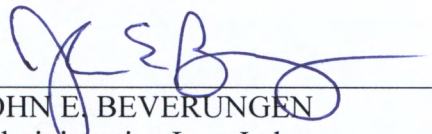
Date

6/7/13

By

Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 6/7/13
By 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 12290 GREENSPRING AVENUE which is presently zoned RCS
Deed References: SM 8390/717 10 Digit Tax Account # 0919051975
Property Owner(s) Printed Name(s) RUTH S. KOPP (DECEASED)

(SELECT THE HEARING(S) BY MARKING ☒ 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)

SEE ATTACHED SHEET

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

TO BE PRESENTED AT THE HEARING

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

JOANNE HENDERSON (TRUSTEE)

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

4322 Mt Zion Road Upperco MD

Mailing Address

City

State

21155 / 410-429-5008 /

Zip Code

Telephone #

Email Address

JOANNEUPPERCO@aol.com

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. CONSULTING L.L.C.

Name - Type or Print

Signature

3801 BAKER SCHOOLHOUSE ROAD

Mailing Address

City

State MD

21063 / 410-419-9906 /

Zip Code

Telephone #

Email Address

CASE NUMBER 2013-0240-SPHA Filing Date 4/19/13

Do Not Schedule Dates: _____

Reviewer BZ

Variances Requested:

- 1) To allow a setback of 120 feet in lieu of the required 150 feet from the center line of Greenspring Avenue which is a collector road per Section 1A04.3B2b BCZR
- 2) To allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street per Section 1A04.3B2b BCZR

Special Hearing Requested:

- 1) To allow a combined property area of less than 1 ½ acres and a density less than 0.5 for existing lots that were created prior to 1979 as required in Section 1A04.3B1a BCZR

Item # 0240

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

Zoning Description

12240 Greenspring Avenue- 1.26 Acre Parcel
Fourth Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point north of Greenspring Avenue and east of Dover Road, thence running north of Greenspring Avenue and running with and binding on the outlines of the subject property, the following course and distance, viz 1) South 48 degrees 14 minutes East 72.60 feet, thence crossing the bed of Greenspring Avenue and continuing to run and bind on the outlines of the subject property, the following course and distance, viz. 2) South 32 degrees 00 minutes West 36.50 feet, thence running on the south side of Greenspring Avenue and continuing to run and bind on the outlines of the subject property, the following course and distance, viz. 3) South 51 degrees 43 minutes East 186.80 feet, thence continuing to run and bind on the outlines of the subject property, the three following courses and distances, viz. 4) South 64 degrees 24 minutes West 346.10 feet, 5) North 48 degrees 14 minutes West 75.25 feet and 6) North 32 degrees 00 minutes East 349.00 feet to the point of beginning.

Containing 1.26 acres of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Land Use Expert and Surveyor

Item # 0240

**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: 2013-0240-SPHA

Petitioner: JOANNE HENDERSON

Address or Location: 12240 GREENSPRING AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOANNE HENDERSON

Address: 4322 Mt Zion Road
Upperco, Mo 21155

Telephone Number: 410-429-5008

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

No. **098539**

Date: **4/10/13**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 1/18/2013 4/10/2013 11:11:45 2

REG MS05 MAIL 0001 000
 >>RECEIPT # 662405 4/10/2013 07LW
 5 528 ZONING VERIFICATION
 CR NO. 098539

Receipt Tot \$150.00
 \$150.00 CR 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	306	0000		6150				\$150.00

Total: **\$150.00**

Rec From:

For: **zoning hearing - case # 2013-0240-SPHA**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

May 16, 2013

Re:

Case Number: 2013- 0240-SPHA

Petitioner / Owner: Joanne Henderson (Trustee)

Date of Hearing: June 7, 2013

**Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204**

Attention: Kristen Lewis

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 **12240 Greenspring Avenue.**

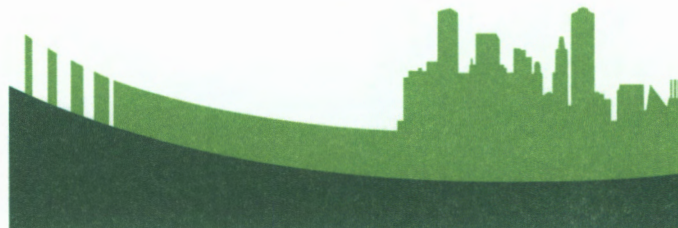
The sign(s) were posted on **May 15, 2013.**

Sincerely,



**Bruce E. Doak
MD Property Line Surveyor #531**

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2013-0240-SPHA

**A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE IN TOWSON
MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204**

DATE&TIME: Friday June 7, 2013 11:00AM

**SPECIAL HEARING TO ALLOW A COMBINED PROPERTY AREA OF LESS
THAN 1 1/2 ACRES AND A DENSITY LESS THAN 0.5 FOR EXISTING
LOTS THAT WERE CREATED PRIOR TO 1979.**

**VARIANCE TO ALLOW A SETBACK OF 120 FEET IN LIEU OF THE
REQUIRED 150 FEET FROM THE CENTERLINE OF GREENSPRING
AVENUE WHICH IS A COLLECTOR ROAD; TO ALLOW A SETBACK OF 30
FEET IN LIEU OF THE REQUIRED 50 FEET FROM ANY LOT LINE OTHER
THAN A STREET.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CAUSES SHALL BE FOR THE
NECESSARY TO CONFIRM THE HEARING DATE AND TIME. PLEASE
HANDS AND DATES**





THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

May 16, 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 May 16, 2013

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

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2013-0240-SPHA
12240 Greenspring Avenue
SW/s Greenspring Avenue, 20 ft. SE of centerline of Dover Road
4th Election District - 2nd Councilmanic District
Legal Owner(s): Joanne Henderson (Trustee)

Special Hearing: to allow a combined property area of less than 1 1/2 acres and a density less than 0.5 for existing lots that were created prior to 1979. **Variance:** to allow a setback of 120 feet in lieu of the required 150 feet from the centerline of Greenspring Avenue which is a collector road; to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street.

Hearing: Friday, June 7, 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.
5/284 May 16

922083



KEVIN KAMENETZ
County Executive

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

May 7, 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: 2013-0240-SPHA

12240 Greenspring Avenue

SW/s Greenspring Avenue, 20 ft. SE of centerline of Dover Road

4th Election District – 2nd Councilmanic District

Legal Owners: Joanne Henderson (Trustee)

Special Hearing to allow a combined property area of less than 1 ½ acres and a density less than 0.5 for existing lots that were created prior to 1979. **Variance** to allow a setback of 120 feet in lieu of the required 150 feet from the centerline of Greenspring Avenue which is a collector road; to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street.

Hearing: Friday, June 7, 2013 at 11:00 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: Joanne Henderson, 4322 Mt. Zion Road, Upperco 21155
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 18, 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, May 16, 2013 Issue - Jeffersonian

Please forward billing to:
Joanne Henderson
4322 Mt. Zion Road
Upperco, MD 21155

410-429-5008

NOTICE OF ZONING HEARING

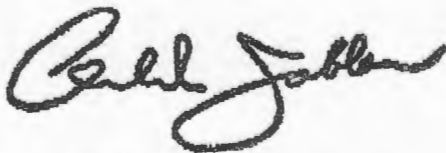
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12240 Greenspring Avenue
SW/s Greenspring Avenue, 20 ft. SE of centerline of Dover Road
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Special Hearing to allow a combined property area of less than 1 ½ acres and a density less than 0.5 for existing lots that were created prior to 1979. **Variance** to allow a setback of 120 feet in lieu of the required 150 feet from the centerline of Greenspring Avenue which is a collector road; to allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street.

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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.

MEMORANDUM

DATE: July 10, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0240-SPHA - Appeal Period Expired

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
12240 Greenspring Avenue; SW/S Greenspring* OF ADMINISTRATIVE
Avenue; 20' SE c/line of Dover Road *
4th Election & 2nd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Joanne Henderson (Trustee) * BALTIMORE COUNTY
Petitioner(s) *
* 2013-240-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.

RECEIVED

APR 30 2013



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 30th day of April, 2013, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2013-

0240-
SPHACHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

4/25/13

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

N/C

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

FIRE DEPARTMENT

6/5/13

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

C

4/29/13

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/16/13

SIGN POSTING

Date:

5/15/13

by

Doak

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 25, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For April 29, 2013
Item Nos. 2013-0211,0224, 0233,0234,0235,0237,0238,0239 and 0240.

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

DAK:CEN
Cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 7, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 12240 Greenspring Avenue

Item Number: 13-240

Petitioner: Joanne Henderson (Trustee)

Zoning: RC 5

Requested Action: Variance

RECEIVED

MAY 10 2013

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request, as the proposed dwelling is consistent with the established pattern of development in the area. However, this department is required to provide a statement of finding to the Administrative Law Judge indicating how the proposed construction complies with the current RC 5 performance standard requirements. To prepare the statement of finding, the following information must be submitted to this department:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this department 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. Retain existing forested buffer along Greenspring Avenue.

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

Prepared By:

Division Chief:
AVA/LL:cjm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 5, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: 12240 Greenspring Avenue

JUN 05 2013

INFORMATION:

Item Number: 13-240

OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner: Joanne Henderson (Trustee)

Zoning: RC 5

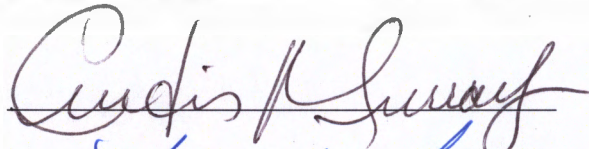
Requested Action: Special Hearing and Variance

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 dated May 7, 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.

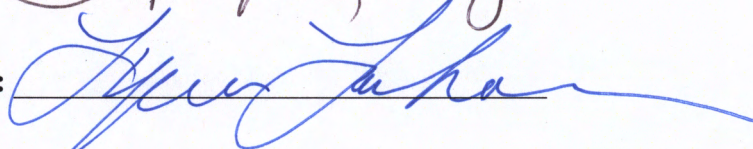
This department has reviewed typical elevation drawings of the proposed dwelling and photographs of the surrounding community and finds the proposal to be in accordance with the spirit and intent of the performance standards listed within Section 1A04.4 of the Baltimore County Zoning Regulations. In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

Should you have questions concerning the matters stated herein, please contact Curtis Murray (410) 887-3480 or cjmurray@baltimorecountymd.gov

Prepared By:



Division Chief:



CM/LL

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4-29-13

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

RE: Baltimore County
Item No 2013-0240-SPHA
Special Hearing Variance
Joanne Henderson, Trustee
12240 Greenspring Avenue.

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. 2013-0240-SPHA.

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 black ink, appearing to read "Richard Zeller".

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



KEVIN KAMENETZ
County Executive

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

May 30, 2013

Joanne Henderson (Trustee)
4322 Mt. Zion Road
Upperco MD 21155

RE: Case Number: 2013-0240 SPHA, Address: 12240 Greenspring Avenue

Dear Ms. Henderson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 18, 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.", is written over a circular embossed seal.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Bruce Doak, Bruce Doak Contracting LLC, 3801 Baker Schoolhouse Road, Freeland MD 21053

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 04 Account Number - 0419051475

Owner Information

Owner Name: KOPP RUTH S **Use:** RESIDENTIAL
Mailing Address: 12311 DOVER RD **Principal Residence:** NO
REISTERSTOWN MD 21136-5605 **Deed Reference:** 1) /08340/ 00717
2)

Location & Structure Information

Premises Address **Legal Description**
GREENSPRING AVE .544 AC WS
LUTHERVILLE 21093-1410 GREENSPRING RD
500 N MANTAN MILL RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0050	0014	0031		0000				1	Plat Ref:

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		23,696 SF	04

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	11,800	11,800		
Improvements:	0	0		
Total:	11,800	11,800	11,800	11,800
Preferential Land:	0			0

Transfer Information

Seller: SMITH ADELLA O	Date: 12/04/1989	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08340/ 00717	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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: **Special Tax Recapture:**
Exempt Class: 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 - 04 Account Number - 0419051475



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.

6-7-13

Case No.: 2013-0240-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

Aln
6-7-13

No. 1	Site plan	
No. 2	Site plan w/ highlighting	
No. 3	Aerial photo	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

EW
7-10-13



My Neighborhood Map

Created By
Baltimore County
My Neighborhood

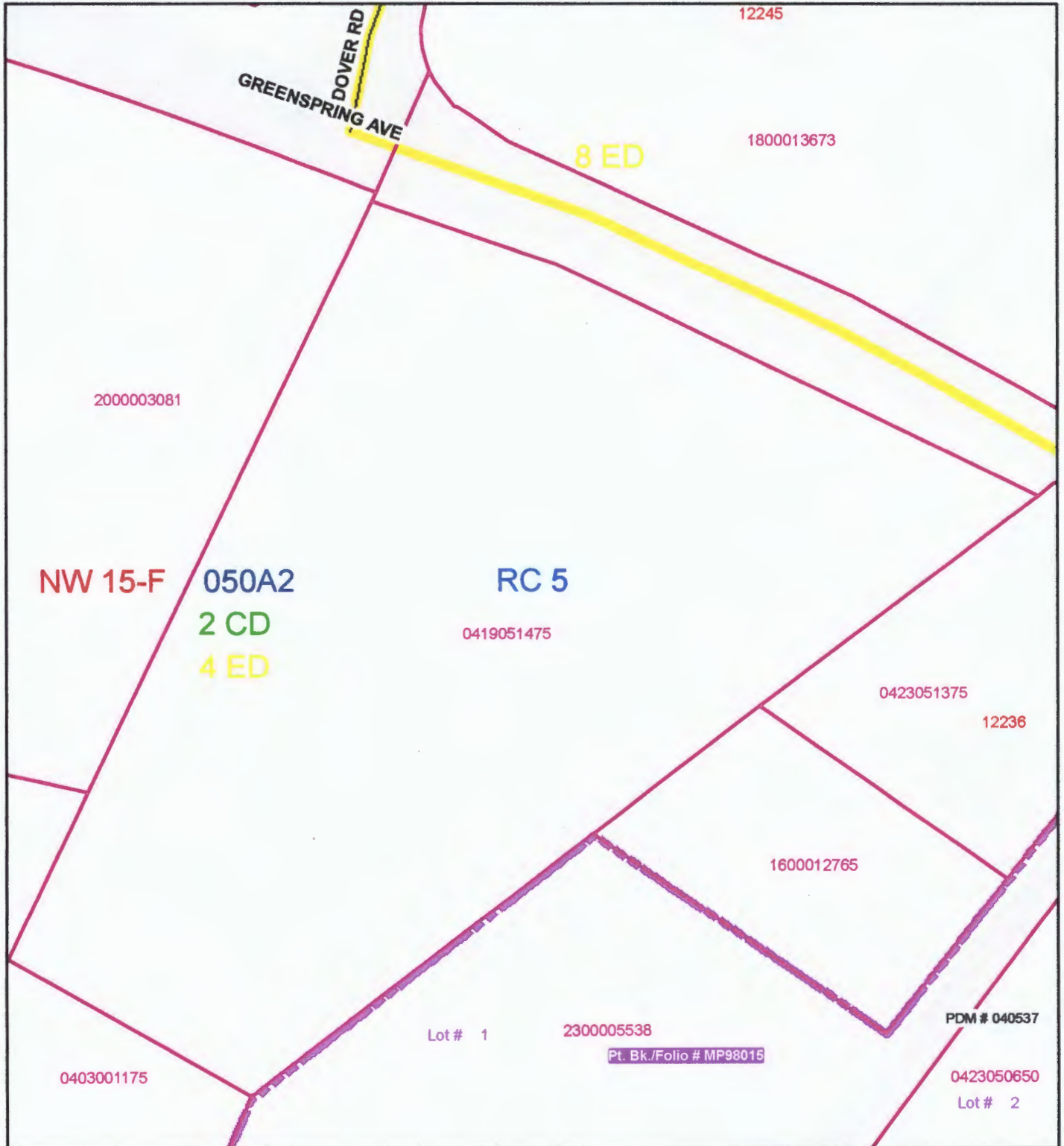


This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant or imply any liability for the use of this data. This data is not to be used for legal purposes. Baltimore County, Maryland does not warrant or imply any liability for the use of this data.

PETITIONER' S

EXHIBIT NO. 3

12240 Greenspring Avenue



Publication Date: 4/18/2013



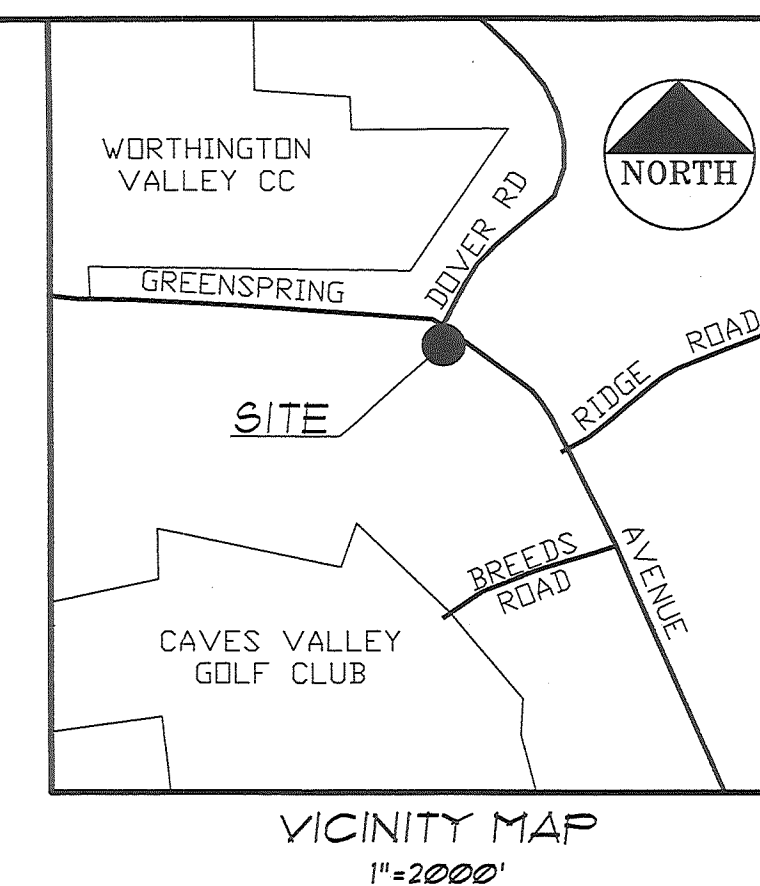
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Item #0240



GENERAL NOTES:

1. Ownership: Ruth S. Kopp
2. Address: 12240 Greenspring Avenue
3. Deed references: SM 8340 / 717 (Parcel No. 1 0.59 acre)
SM 8340 / 717 (Parcel No. 2 0.67 acre)
4. Tax Map / Parcel / Tax account #: 50 / 31 / 04-19-051475 (Parcel No. 1 0.59 acre)
Note: Parcel No. 2 does not have an individual tax assessment parcel or tax account number.
5. History: Parcel No. 1 has been held intact since 1937 (CWB, Jr 1068 / 68)
Parcel No. 2 has been held intact since 1949 (TBS 1807 / 337)
6. The courses shown hereon are based on a 1938 survey performed by William Whitney
7. Zoning: R.C. 5 There are no previous zoning cases on the subject parcels
8. Proposed development: One single family dwelling on the consolidation of the two existing lots
9. The boundary shown hereon is from deeds recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS files and the information provided by Baltimore County on the internet.
10. Improvements: None
11. None of the subject parcels are historic or in a historic district
12. The proposed dwelling will be served by private well and septic system
13. The septic reserve area shown was approved by Baltimore County in 2013
14. There are no underground storage tanks on the subject parcels
15. The subject property will be subject to the Forest Conservation regulations when a building permit for a dwelling is applied for
16. The subject property is not in the Chesapeake Bay Critical Area
17. The subject parcels are not located within a 100 year flood plain
18. The subject property will be subject to the Storm Water Management when a building permit for a dwelling is applied for

DENSITY CALCULATIONS FOR R.C. 5

Gross area:	1.26 acres (calculated)
Highway widening:	0 acres (None required)
Net area:	1.26 acres
Lots permitted:	1 (per Special Hearing approval)
Lots proposed:	1

R.C. 5 SETBACKS FOR RESIDENTIAL SINGLE FAMILY DWELLINGS

- 150' from the center line of any collector road, or any scenic route.
- 100' from this center line of any road that leads to or connects with a collector road.
- At least 75' from the center line of any other street or road.
- At least 50' from any lot line other than a street line.

VARIANCES REQUESTED

- 1) To allow a setback of 120 feet in lieu of the required 150 feet from the center line of Greenspring Avenue which is a collector road per Section 1A04.3B2b BCZR
- 2) To allow a setback of 30 feet in lieu of the required 50 feet from any lot line other than a street per Section 1A04.3B2b BCZR

SPECIAL HEARING REQUESTED

- 1) To allow a combined property area of less than 1 1/2 acres and a density less than 0.5 for existing lots that were created prior to 1979 as required in Section 1A04.3B1a BCZR
Note: The RC 5 performance standards will be met prior to the issuance of the building permit on the subject property per Section 1A04.4 BCZR

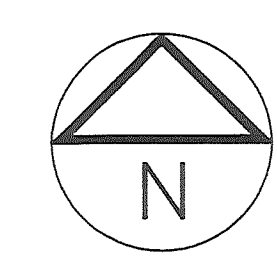
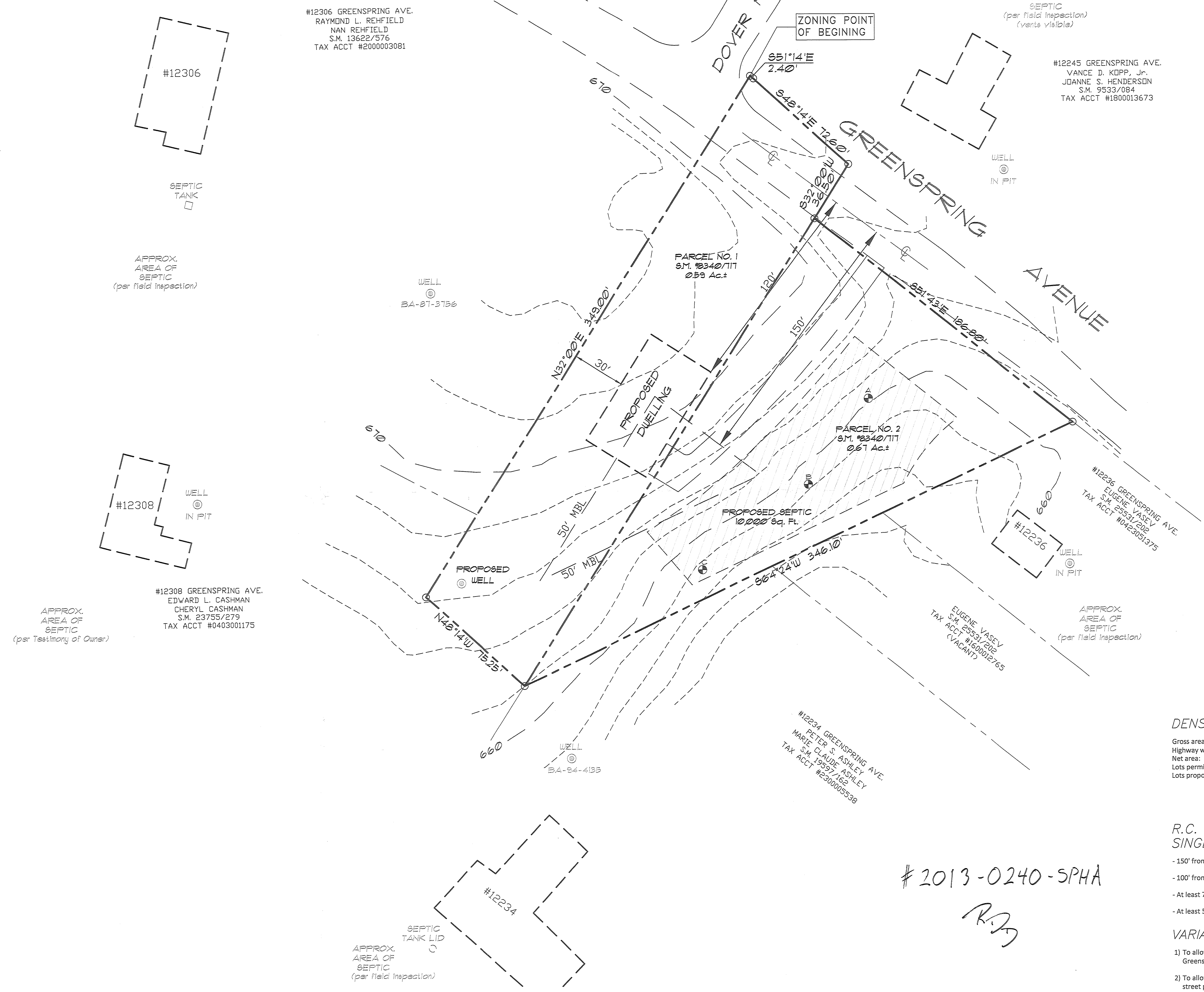
Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

DRAFTED BY: **Tesseract**
Tesseract Sites, Inc.
400 Washington Ave. Suite 303
Towson, MD 21204
o 410-521-7600
o 410-521-1400

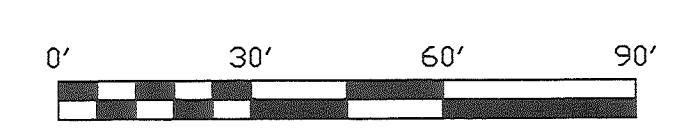
PLAN TO ACCOMPANY A PETITION
ON THE PROPERTIES OF
RUTH S. KOPP
#12240 GREENSPRING AVENUE
4th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

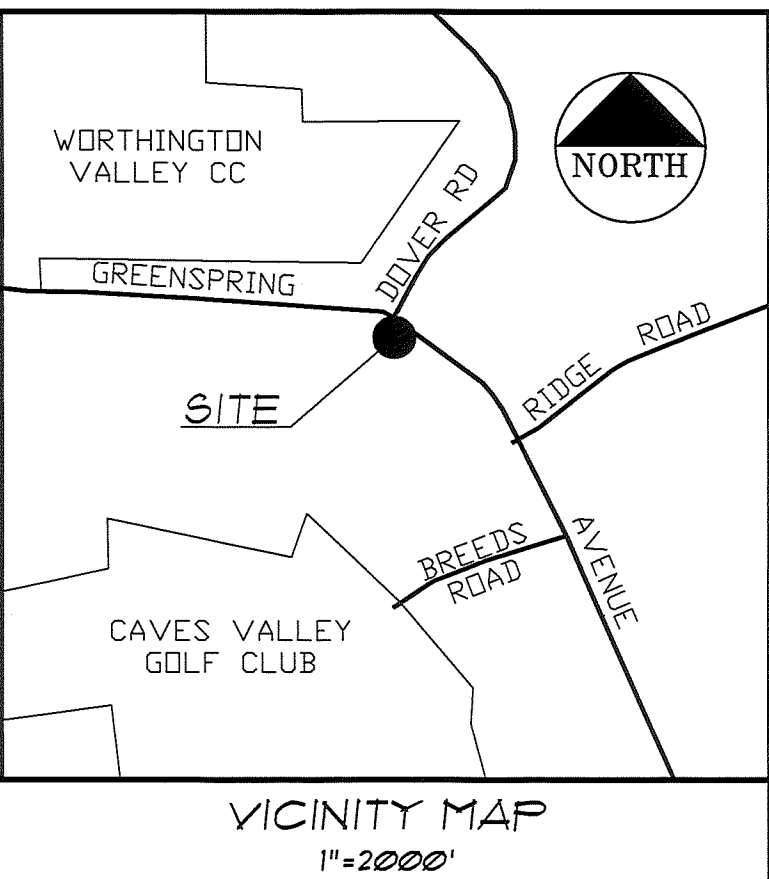
Date: **4/11/2013**
Scale: **1"=30'**

APPROVED WITH GOOD FAITH
BALTIMORE COUNTY
PROPERTY LINE SURVEYOR
4/18/13



PLAN
SCALE: 1"=30'





GENERAL NOTES:

- Ownership: Ruth S. Kopp
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- Improvements: None
- None of the subject parcels are historic or in a historic district
- The proposed dwelling will be served by private well and septic system
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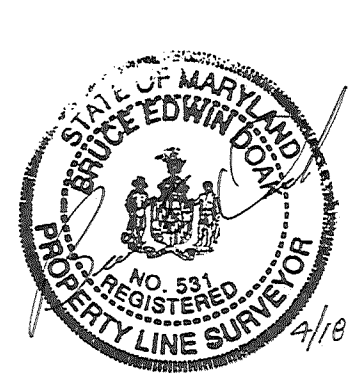
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Note: The RC 5 performance standards will be met prior to the issuance of the building permit on the subject property per Section 1A04.4 BCZR

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@brucedoakconsulting.com

DRAFTED BY: **Tesseract**
Tesseract Sites, Inc.
443 Washington Ave. Suite 303
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@brucedoakconsulting.com

PLAN TO ACCOMPANY A PETITION
ON THE PROPERTIES OF
RUTH S. KOPP
#12240 GREENSPRING AVENUE

4th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Date: 4/11/2013
Scale: 1"=30'

Petition #1

#12306 GREENSPRING AVE.
RAYMOND L. REHFELD
NAN REHFELD
S.M. 13622/576
TAX ACCT #2000003081

#12306

SEPTIC TANK

APPROX. AREA OF SEPTIC (per field inspection)

#12308

WELL IN PIT

#12308 GREENSPRING AVE.
EDWARD L. CASHMAN
CHERYL CASHMAN
S.M. 23755/279
TAX ACCT #0403001175

APPROX. AREA OF SEPTIC (per Testimony of Owner)

ZONING POINT OF BEGINNING

APPROX. AREA OF SEPTIC (per field inspection) (vents visible)

#12245 GREENSPRING AVE.
VANCE D. KOPP, JR.
JOANNE S. HENDERSON
S.M. 9533/084
TAX ACCT #1800013673

WELL IN PIT

PARCEL NO. 1
S.M. #8340/717
0.59 Ac.±

PARCEL NO. 2
S.M. #8340/717
0.67 Ac.±

PROPOSED SEPTIC
10,000 Sq. Ft.

#12236 GREENSPRING AVE.
EUGENE VASEV
S.M. 25531/202
TAX ACCT #042051375

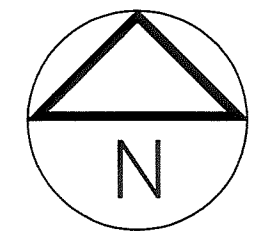
APPROX. AREA OF SEPTIC (per field inspection)

EUGENE VASEV
S.M. 25531/202
TAX ACCT #1800012765

#12224 GREENSPRING AVE.
PETER S. ASHLEY
MARIE CLAUDE ASHLEY
S.M. 19937/162
TAX ACCT #230005538

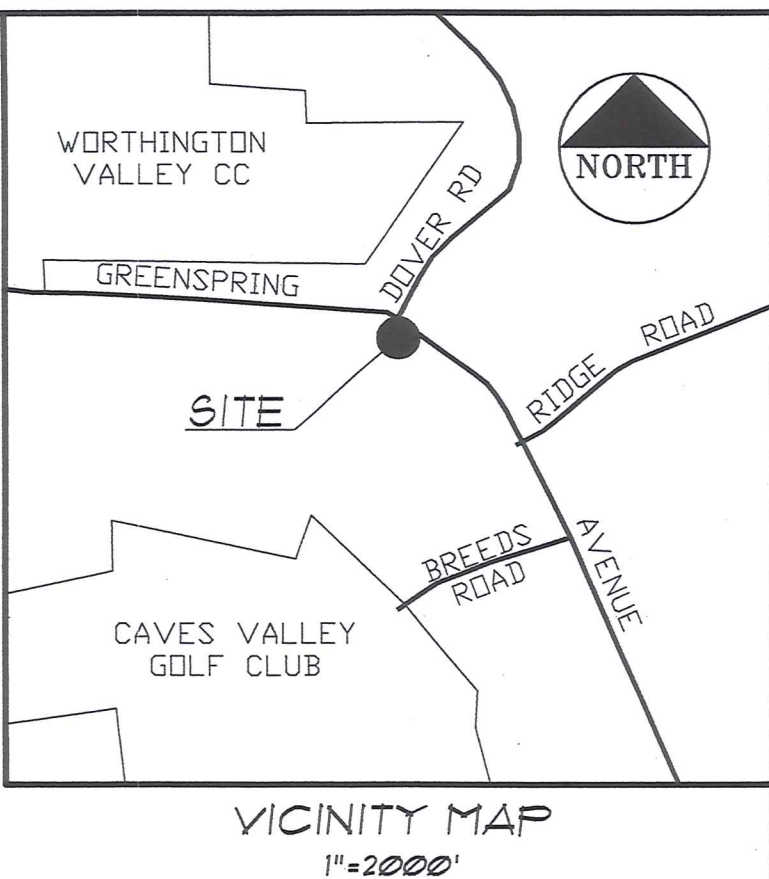
#12234

SEPTIC TANK LID
APPROX. AREA OF SEPTIC (per field inspection)



PLAN
SCALE: 1"=30'





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bdoak@bruceedoakconsulting.com

DRAFTED BY: **Tesseract**
Tesseract Sites, Inc.
402 Washington Ave., Suite 303
Crown Heights, MD 21032
P 410-582-7660
F 410-582-7661

PLAN TO ACCOMPANY A PETITION
ON THE PROPERTIES OF
RUTH S. KOPP
#12240 GREENSPRING AVENUE

4th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND



Date: 4/11/2013
Scale: 1"=30'

PETITIONER'S

EXHIBIT NO. 2