

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE
(542 Back River Neck Road)
15th Election District
6th Councilmanic District
Henry John & Donna Marie Nooft
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2014-0009-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 Henry John & Donna Marie Nooft, legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an accessory structure (pole-barn) larger than the principal building (single family dwelling). The Variance petition seeks relief from B.C.Z.R. §§400.1 and 400.3 to permit an accessory structure (pole-barn) to be located in the side yard in lieu of the required rear yard, with a height of 22 ft. in lieu of the maximum permitted 15 ft. 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 Norbert M. Porter, the contractor hired by the Petitioners. The file reveals that the Petition was advertised and the site was posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance.

The only substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Sustainability indicating that the property is located within the Chesapeake Bay Critical Area. As such, the Petitioners must comply with the Critical Area regulations.

ORDER RECEIVED FOR FILING

Date

9-9-13

By

Den

The subject property is approximately 0.7 acres in size and is improved with a single family dwelling constructed in 1985. The Petitioner owns heavy equipment and trailers he uses for business and pleasure. He would like to construct a pole barn (70' x 30') to store this equipment, but needs zoning relief to do so.

As explained by Mr. Porter, the State Highway Administration (SHA) acquired through condemnation a large portion of the property that once belonged to the Petitioners, and constructed Md. Rt. 702, as shown on the plan. The Petitioners' property, situated at the end of a private gravel drive, abuts this highway. In these circumstances, I do not believe that the size of the pole barn (relative to the Petitioners' home) would negatively impact any of the surrounding neighbors. As such, the Special Hearing relief will be granted

Based upon the testimony and evidence presented, I will also grant the petition for variance. 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 parcel is of irregular dimensions, and is therefore unique. If the regulations were strictly interpreted the Petitioners would experience a practical difficulty given they would be unable to construct the accessory building in the location proposed.

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.

ORDER RECEIVED FOR FILING

Date 9-9-13

By Sen

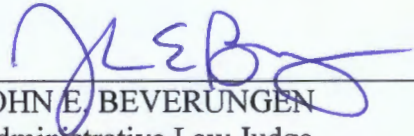
THEREFORE, IT IS ORDERED this 9th day of September 2013, by this Administrative Law Judge, that Petitioners' request for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit an accessory structure (pole-barn) larger than the principal building (single family dwelling), be and is hereby GRANTED.

IT IS FURTHER ORDERED that Petitioners' request for Variance relief to permit an accessory structure, (pole-barn) to be located in the side yard in lieu of the required rear yard, with a height of 22 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 accessory building may not be used for commercial purposes.
3. Petitioner 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.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 9-9-13

By sen



KEVIN KAMENETZ
County Executive

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

September 9, 2013

Mr. and Mrs. Nooft
542 Back River Neck Road
Baltimore, Maryland 21221

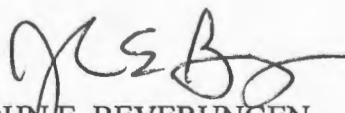
RE: Petitions for Special Hearing and Variance
Property: 542 Back River Neck Road
Case No.: 2014-0009-SPHA

Dear Mr. and Mrs. Nooft:

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:sln
Enclosure

c: Norbert Porter, 1999 Rocky Point Road, Baltimore, Maryland 21221



CBCA

PETITION FOR ZONING HEARING(S)

FLOOD

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 542 BACK RIVER NECK which is presently zoned _____
Deed References: _____ 10 Digit Tax Account # 15-14-650250
Property Owner(s) Printed Name(s) HENRY JOHN NOOFT JR, DONNA MARIE NOOFT

(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

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

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):

HENRY JOHN NOOFT JR DONNA MARIE NOOFT
Name #1- Type or Print Name #2 - Type or Print

Henry J. Nooft Jr. Donna Marie Nooft
Signature #1 Signature #2

538 BACK RIVER NECK RD BALT. MD
Mailing Address City State

21221 410-6863363 PURPLESETTER@
Zip Code Telephone # Email Address
COMCAST.NET

Representative to be contacted:

Redhead Construction LLC
Name - Type or Print

Norbert M. Porter
Signature

1009 ROCKY POINT BALTO MD
Mailing Address City State

21221 410-682-9032 Redhead
Zip Code Telephone # Email Address
const. @aol.com

CASE NUMBER 2014-0009-SPMA

Filing Date 7/9/13

Do Not Schedule Dates: _____

Reviewer JS

Petition for Special Hearing & Variance

542 Back River Neck Road

2014-0009-SPHA

Special Hearing: To permit an accessory structure (pole-barn) larger than the principal building.

Variances: BCZR: 400.1 & 400.3 → To permit an accessory structure (pole-barn) to be located in the side yard in lieu of the required rear yard, with a height of 22 feet in lieu of the maximum permitted 15 feet.

ZONING PROPERTY DESCRIPTION

542 BACK RIVER NECK ROAD

BALTIMORE, MARYLAND 21221

1. BEGINNING FOR THE FIRST AT A STAKE HEREOFRE SET UP IN THE GROUND
IN A LINE OF PLANTERS PARADISE SAID STAKE BEING THE NORTH OR
NORTHEAST CORNER OF A LOT OR PARCEL OF LAND
2. RUNNING THENCE BOUNDING ON SAID LINE OF PLANTERS PARADISE
SOUTH THIRTY-FOUR AND A QUARTER DEGREES
3. EAST TWENTY AND THREE TENTHS PERCHES TO A STONE HEREOFRE SET
UP IN THE GROUND
4. THENCE RUNNING WITH AND BOUNDING ON PART OF PART OF SAID LAST
MENTIONED LINE SOUTH FORTY-NORTHWESTERLY BOUNDING ON THE
EASTERLY SIDE OF SAID MARSH THIRTY PERCHESMORE OR LESS TO A STAKE
HEREOFRE SET UP IN THE GROUND
5. SOUTHERN CORNER OF THE ABOVE MENTIONED LOT OR PARCEL OF LAND
6. THENCE RUNNING REVERSELY AND BOUNDING ON THE SECOND LINE OF
SAID LAST MENTIONED PARCEL OF LAND NORTH FORTY-NINE
DEGREESEAST SIXTY-FIVE AND FOUR TENTHS PERCHES (65.4) TO THE
STAKE.

2014-0009-SP4A

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: 2014-0009-SPHA
Petitioner: NDOFT
Address or Location: 542 Back River Neck Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Redhead Constructini LLC
Address: 1999 Rocky Point Rd.
Baltimore Md 21221
Telephone Number: 443-834-4814

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

No. **101413**

Date: **7/9/13**

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
 7/10/2013 7/09/2013 11:01:39 5

REC: NS05 WALKIN T005 LRD
 RECEIPT N 672480 7/09/2013 OFUN

Dept: 5 529 ZONING VERIFICATION
 CR NO. 101413

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

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	506	0000		6150						\$150.00

Total: **\$150.00**

Rec From: **NOOFT**

For: **2014-0009-SPHA**

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2014-0009-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Henry & Donna Nooft

September 6, 2013

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: 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: _____

542 Back River Neck

August 15, 2013

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

August 15, 2013

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 15, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on August 15, 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: #2014-0009-SPHA

542 Back River Neck

S/end of Nooft Road, 564 ft. SW of Back River Neck Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Henry & Donna Nooft

Special Hearing: to permit an accessory structure (pole-barn) larger than the principal building. **Variance:** to permit an accessory structure (pole-barn) to be located in the side yard in lieu of the required rear yard, with a height of 22 ft. in lieu of the maximum permitted 15 ft.

Hearing: Friday, September 6, 2013 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.

8/232 Aug. 15

940574



KEVIN KAMENETZ
County Executive

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

August 1, 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: 2014-0009-SPHA

542 Back River Neck

S/end of Nooft Road, 564 ft. SW of Back River Neck Road

15th Election District – 6th Councilmanic District

Legal Owners: Henry & Donna Nooft

Special Hearing to permit an accessory structure (pole-barn) larger than the principal building.
Variance to permit an accessory structure (pole-barn) to be located in the side yard in lieu of the required rear yard, with a height of 22 ft. in lieu of the maximum permitted 15 ft.

Hearing: Friday, September 6, 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: Henry & Donna Nooft, 538 Back River Neck Rd., Baltimore 21221
Redhead Construction, LLC, 1999 Rocky Point, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 17, 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, August 15, 2013 Issue - Jeffersonian

Please forward billing to:

Redhead Construction, LLC
1999 Rocky Point Road
Baltimore, MD 21221

443-834-4814

NOTICE OF ZONING HEARING

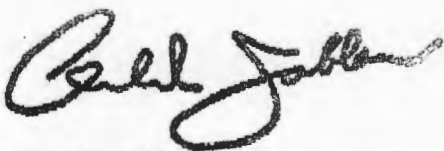
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0009-SPHA

542 Back River Neck
S/end of Nooft Road, 564 ft. SW of Back River Neck Road
15th Election District – 6th Councilmanic District
Legal Owners: Henry & Donna Nooft

Special Hearing to permit an accessory structure (pole-barn) larger than the principal building.
Variance to permit an accessory structure (pole-barn) to be located in the side yard in lieu of the required rear yard, with a height of 22 ft. in lieu of the maximum permitted 15 ft.

Hearing: Friday, September 6, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

M E M O R A N D U M

DATE: October 10, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0009-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on October 9, 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

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
-------------------------	-------------------	---

7/18/13DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)N/C8/6/13DEPS
(if not received, date e-mail sent _____)C

FIRE DEPARTMENT

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

STATE HIGHWAY ADMINISTRATION

N/A

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

8/15/13

SIGN POSTING

Date:

8/15/13by Black

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
542 Back River Neck Road; Southend Nooft	*	OF ADMINSTRATIVE
Road, 564' SW of Back River Neck Road		
15 th Election & 6 th Councilmanic Districts	*	HEARINGS FOR
Legal Owners: Henry John & Donna Marie Nooft		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2014-009-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

JUL 18 2013

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 2013, a copy of the foregoing Entry of Appearance was mailed to Redhead Construction, LLC, 1999 Rocky Point Road, Baltimore, MD 21221, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

August 29, 2013

Henry John & Donna Marie Nooft
542 Back River Neck Road
Baltimore MD 21221

RE: Case Number: 2014-0009 SPHA, Address: 542 Back River Neck Road

Dear Mr. & Ms. Nooft:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 9, 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 that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Redhead Construction LLC, 1999 Rocky Point Road, Baltimore MD 21221

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 18, 2013

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For July 22, 2013
Item Nos. 2013- 0306, 0320, 2014-0001,0002,
0003,0005,0006,0007,0008 and 0009.

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

DAK:CEN
Cc: file

JBS 9-6 11 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

AUG 06 2013



OFFICE OF ADMINISTRATIVE HEARINGS

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

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

DATE: August 6, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0009-SPHA
Address 542 Back River Neck Road
(Nooft Property)

Zoning Advisory Committee Meeting of July 15, 2013.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area and is subject to Critical Area lot coverage requirements. The applicant is proposing to construct a pole barn in the side yard that is larger than the home, and is 22-feet in height. Based on the size of this property, lot coverage is limited to a maximum of 15% of the area of the property. If the lot coverage requirements can be met for the entire property, the relief requested by the applicant will result in minimal impacts to water quality. Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). The plans need to show all existing and proposed lot coverage including any stone areas.

2. Conserve fish, wildlife, and plant habitat; and

This property is open field with many trees, most of which are located in the southeastern part of the property. The applicant's plan accompanying this zoning petition shows that the proposed pole barn and the limits of disturbance may impact one or more trees. Provided that all Critical Area requirements are met, including replacement of any impacted trees and any other required mitigation as determined by EPS, existing water quality impacts can be minimized, and

Page 2

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal to construct the proposed pole barn in the side yard is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicants meet the requirements stated above.

Reviewer: Paul Dennis – Environmental Impact Review (EIR)

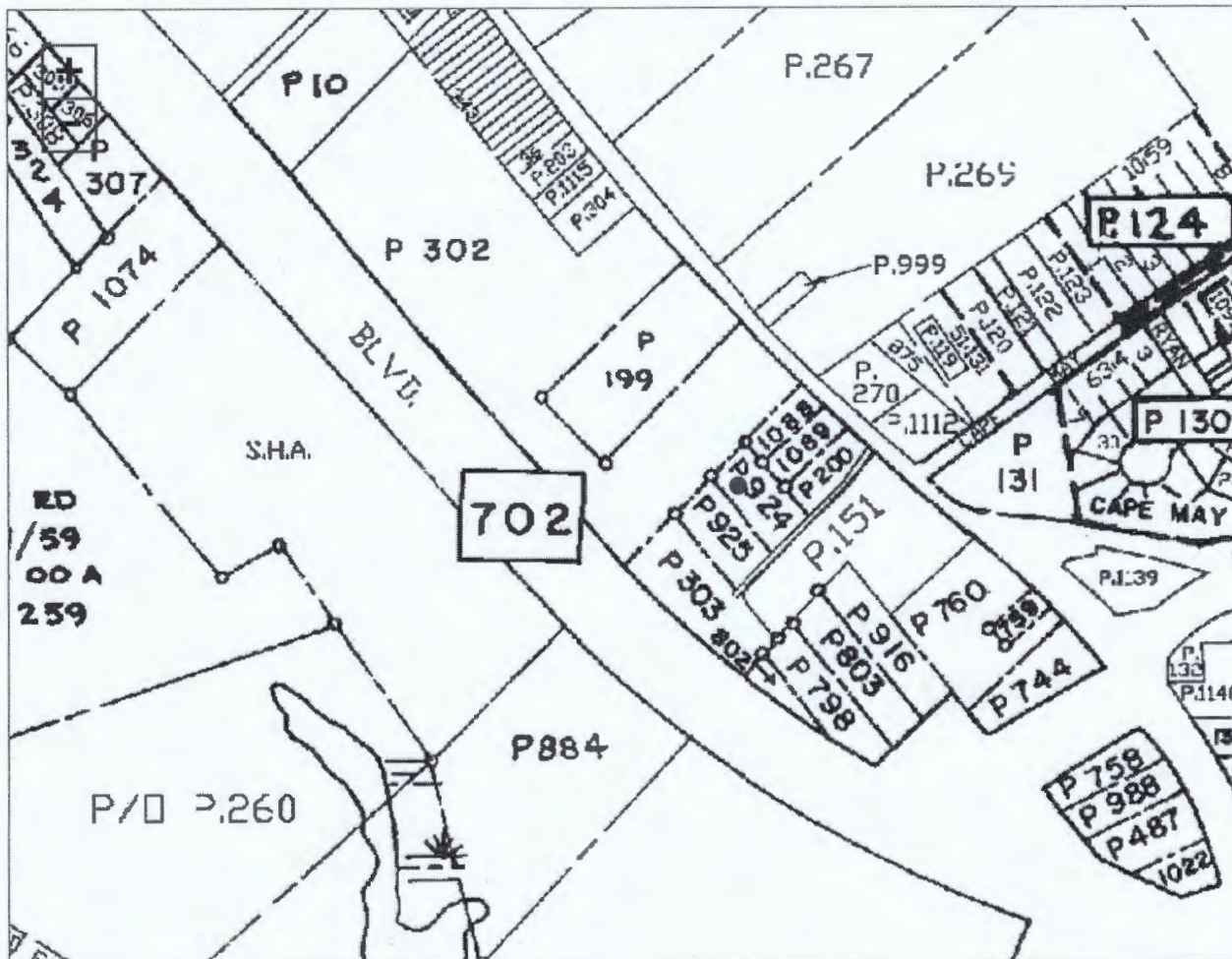
Real Property Data Search (w3)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1700002170		
Owner Information		
Owner Name:	NOOFT HENRY JOHN NOOFT DONNA MARIE	Use: RESIDENTIAL Principal Residence: NO
Mailing Address:	538 BACK RIVER NECK RD BALTIMORE MD 21221-4604	Deed Reference: 1) /05529/ 00218 2)
Location & Structure Information		
Premises Address:	542 BACK RIVER NECK RD 0-0000	Legal Description: .659 AC WSR 201 FT BACK RIVER NECK CAPE MAY RD
Map: 0097	Grid: 0018	Parcel: 0924
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2012
Plat No:	Plat Ref:	
Special Tax Areas:		Town: NONE
		Ad Valorem:
		Tax Class:
Primary Structure Built 1985	Above Grade Enclosed Area 1,248 SF	Finished Basement Area
		Property Land Area 28,750 SF
County Use 04		
Stories 1.000000	Basement YES	Type STANDARD UNIT
Exterior SIDING	Full/Half Bath 1 full/ 1 half	Garage 1 Detached
Last Major Renovation		
Value Information		
	Base Value	Value
		Phase-in Assessments
		As of
		As of
		As of
Land:	55,100	55,100
Improvements	217,800	140,100
Total:	272,900	195,200
Preferential Land:	0	195,200
		0
Transfer Information		
Seller: NOOFT HENRY	Date: 05/15/1975	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05529/ 00218	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	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		

Baltimore County

[New Search](#)District: **15** Account Number: **1700002170**

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.

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml.



☒ Loading... Please Wait. Loading... Please Wait.

→

Case No.: 2014-0009-SPHA

Exhibit Sheet

19w
10-10-13

9-9-13
Sen

Petitioner/Developer

Protestant

No. 1	Survey/site plan	
No. 2	Aerial GIS photo	
No. 3	Color photos	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO.

2

2014-0009-SPMA



Copy



Handwritten notes in the bottom left corner, including "Can", "500", and "000".



10/1/13

10/1/13



Reston Construction LLC

1000 Rock Road
Reston, VA 20190
703.791.1234
www.restonva.com

DR 3.5
SE 1-I
097C2
1600007294
15 ED

RC 20
7 CD
2100005923

6 CD

DRIVEWAY

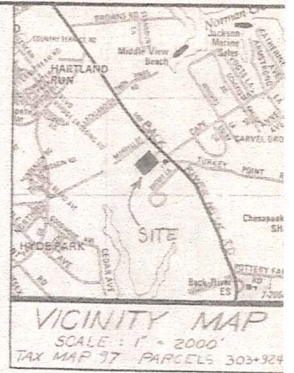
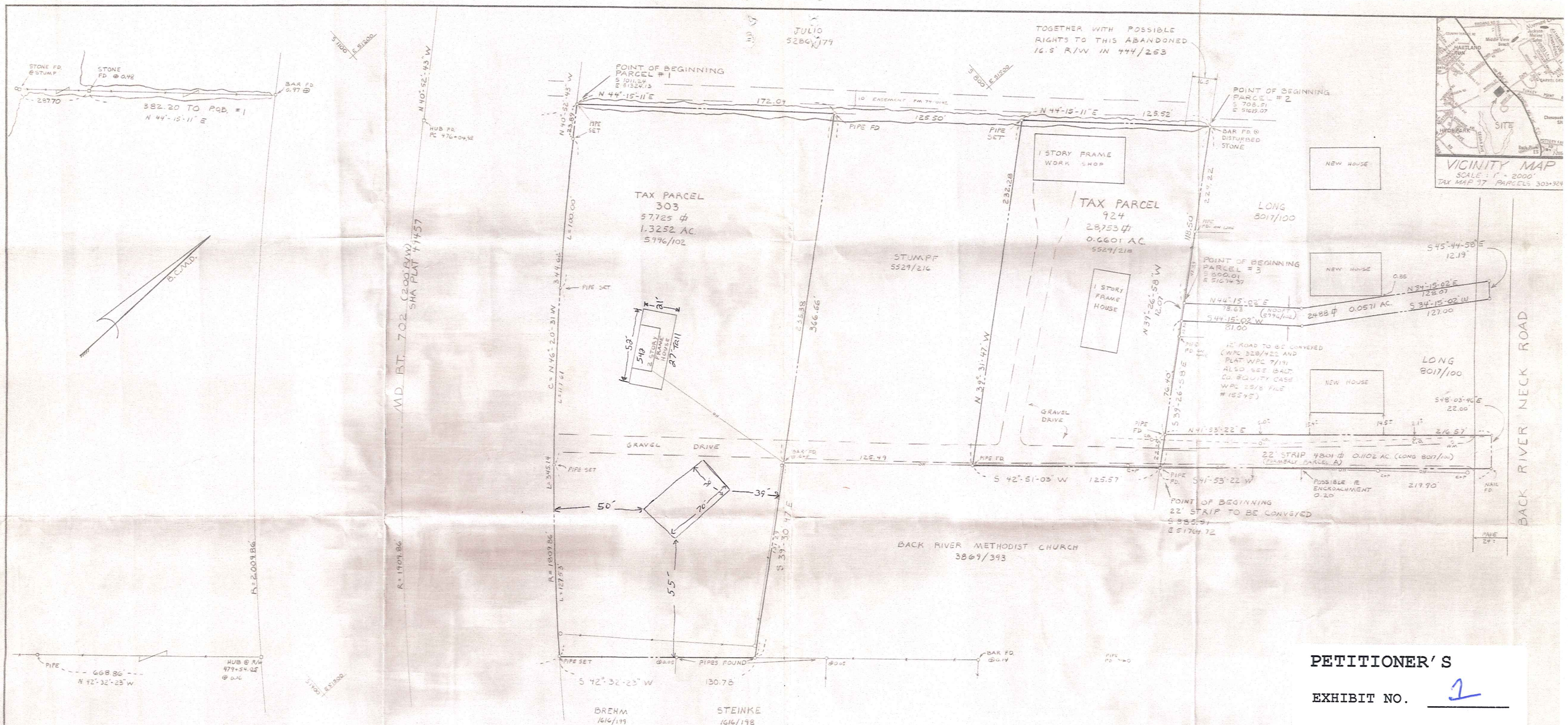
*
SITE

BACK RIVER NECK RD

50752 - 1957

50751 - 20010078

2014-0009-SPHA



I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT:

- 1) THE BOUNDARY WAS ESTABLISHED BY A FIELD RUN SURVEY ACTUALLY MADE ON THE GROUND PURSUANT TO THE INSTRUMENTS OF RECORD IN BALTIMORE COUNTY, MARYLAND.
- 2) PARCEL #1 IS THE REMAINDER OF THE FIRST PARCEL OF LAND CONVEYED FROM HENRY AND MARIE NOOFT TO HENRIETTA DONNA NOOFT BY DEED DATED MARCH 5, 1979 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIEBER BKS 5986/102. PARCEL #2 IS A PARCEL OF LAND CONVEYED FROM HENRY AND MARIE NOOFT TO HENRIETTA DONNA NOOFT BY DEED DATED MARCH 12, 1979 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIEBER BKS 5986/102. PARCEL #3 IS THE 22' STRIP OF LAND CONVEYED FROM HENRY AND MARIE NOOFT TO HENRIETTA DONNA NOOFT BY DEED DATED MARCH 12, 1979 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIEBER BKS 5986/102. NO CONVEYANCE WAS FOUND FOR ROAD AT THE LOCATION OF THE 22' STRIP PARCEL.
- 3) THERE ARE NO VISIBLE ENCROACHMENTS FOUND EXCEPT THOSE SHOWN HEREON.
- 4) PROPERTY CORNERS HAVE BEEN SET AS SHOWN HEREON.
- 5) THE SURVEY WAS RUN FROM BALTIMORE COUNTY CONTROL STATIONS:
1-7890 S 491.21 E 8888.89
X-7921 S 374.54 E 1396.15
- 6) THE TOTAL ACRES OF PARCELS 1, 2 AND 3 IS 2.0424 ACRES.
- 7) THE SURVEY SHOWN HEREON HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT, THEREFORE AS A SURVEYOR I AM NOT A TITLE ABSTRACTOR, OTHER RECORDS OR UNRECORDED DOCUMENTS MAY EXIST THAT CHALLENGE THE SURVEY.
- 8) THE SURVEY SIMPLY SHOWS TO GROSS DIFFERENCE BETWEEN MR. NOOFT'S TITLE LINES LOCATED AT PARCEL 3 AND WHAT HE POSSESSES LOCATED AT THE 22' STRIP PARCEL. TO CORRECT THE DIFFERENCE, MR. NOOFT SHOULD CONSULT AN ATTORNEY TO CONVEY OR QUIT CLAIM THE ROAD OF 22' WIDE IN EXCHANGE FOR A CONVEYANCE OVER PARCEL 3 WITH AN EASEMENT FOR HIS SHED LINE.



C. Allen Paugh
REGISTERED PROPERTY LINE SURVEYOR
MARYLAND LICENSE # 475

BOUNDARY OF SURVEY HENRY & DONNA NOOFT PROPERTY 15th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

JUNE 29, 1989
1\"/>

PETITIONER'S
EXHIBIT NO. 1

2014-0009-SPHA

Baftis & Associates

Civil Engineers / Land Planners / Surveyors
1249 Englebert Rd. Baltimore, Md. 21221

BOUNDARY AND TOPOGRAPHIC SURVEYS

C. ALLEN PAUGH
Registered Property Line Surveyor

William N. Baftis, P.E.
301-391-2336