

IN RE: PETITION FOR VARIANCE
(2613 Beckleysville Road)
6th Election District
3rd Councilman District
Roy Litz, *Legal Owner*
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2014-0098-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Lawrence E. Schmidt, Esquire, on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from §1A09.7.B(5)(b)(1)(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a proposed dwelling with a setback of 94 ft. to an adjacent property that is cultivated, in lieu of the required 300 ft. as determined by the Director of Environmental Protection and Sustainability. The subject property and requested relief is more fully depicted on the two-sheet 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 Roy and Susan Litz, and Ken Wells, whose firm prepared the site plan. Lawrence E. Schmidt, Esquire of Smith, Gildea & Schmidt, LLC appeared as counsel and represented the Petitioner. The file reveals that the Petition was properly advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of opposition.

The only substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP) dated November 6, 2013. Under the RC 8 (Environmental

ORDER RECEIVED FOR FILING

Date 12-23-13

By Den

Enhancement) regulations, the Director of DOP is required to make certain findings and certify that the variance request is "consistent with the spirit and intent of the regulations." B.C.Z.R. §1A09.4. The DOP has submitted such a certification in this case, and it was admitted and marked as Petitioner's Exhibit 5.

Testimony and evidence revealed that the subject property is approximately 13 +/- acres and is zoned RC 8. Two lots are permitted on the parcel, per B.C.Z.R. §1A09.7. The property is improved with a dwelling (over 100 years old) and the Petitioner proposes to create a second lot (3 acres in size) on the parcel. Variance relief is needed for the setback from "cultivated" agricultural lands.

Based upon the testimony and evidence presented, I will grant the request.

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).

Petitioner has met this test. Petitioner's counsel notes the property is shaped like an "inverted L". This irregular shape, and the barns and environmental features (including a pond) render the property unique.

If the B.C.Z.R. were strictly interpreted, the Petitioner would indeed suffer a practical difficulty, given he would be unable to construct the proposed dwelling. 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 support of the DOP. Petitioner also met with Mr. Lippincott of the

ORDER RECEIVED FOR FILING
Date 12-23-13
By 2 sen

Department of Environmental Protection and Sustainability (DEPS), and he was also supportive of the plan.

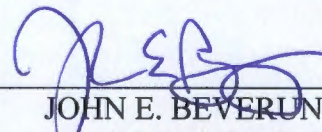
Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 23rd day of December, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") to allow a proposed dwelling with a setback of 94 ft. to an adjacent property that is cultivated, in lieu of the required 300 ft. as determined by the Director of Environmental Protection and Sustainability, 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 his 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.

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:slh

ORDER RECEIVED FOR FILING

Date 12-23-13

3By Den

KEVIN KAMENETZ
County Executive



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

December 23, 2013

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petition for Variance
Property: 2613 Beckleysville Road
Case No.: 2014-0098-A

Dear Mr. Schmidt:

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", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



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 2613 Beckleysville Road

which is presently zoned RC8

Deed References: 17481/612

10 Digit Tax Account # 0616015090

Property Owner(s) Printed Name(s) Roy and Susan Litz

(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

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

3. ✓ a **Variance** from Section(s)

Please see attachment 1.

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

20

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Roy Litz

Susan Litz

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

2613 Beckleysville Rd. Freeland MD

Mailing Address

City

State

21053

1443-491-3165

dogscaatsnfish.comcast.net

Zip Code

Telephone #

Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Avenue, Suite 200

Towson

MD

Mailing Address

City

State

21204

(410) 821-0070

lschmidt@sgs-law.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0098-A

Filing Date 10/17/13

Do Not Schedule Dates:

Reviewer [Signature]

ATTACHMENT 1 TO PETITION FOR ZONING RELIEF

2613 Beckleysville Road
3rd Councilmanic District
6th Election District

Request a variance from BCZR § 1A09.7.B(5)(b)(1)(a):

1. to allow a proposed dwelling with a setback of 94 feet to an adjacent property that is cultivated, in lieu of the required 300 feet as determined by the Director of Environmental Protection and Sustainability; and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Item #0098

kjWellsInc

Land Surveying, Site Planning & Landscape Architecture

Telephone: (410) 592-8800
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

October 8, 2013

**Zoning Description
Litz Property
2613 Beckleysville Road
Baltimore County
Maryland
Sixth Election District
Third Councilmanic District**

Beginning at a point formed by the intersection of Beckleysville Road and Spooks Hill Road thence 1) *South 19 degrees 33 minutes 21 seconds East 891.99 feet*; 2) *South 19 degrees 37 minutes 28 seconds East 102.30*; 3) *South 1 degree 42 minutes 32 seconds East 55.27 feet*; 4) *South 73 degrees 24 minutes 25 seconds West 724.40 feet*; 5) *North 17 degrees 56 minutes 31 seconds West 433.71 feet*; 6) *North 64 degrees 46 minutes 31 seconds East 178.08 feet*; 7) *North 9 degrees 09 minutes 22 seconds West 493.59 feet*; 8) *North 61 degrees 40 minutes 09 seconds East 470.34 feet* to the point of beginning as recorded in a Deed Liber 17481 folio 612. Containing 13.97 acres more or less.



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: 2014-0098-A

Petitioner: Roy & Susan Litz

Address or Location: 2613 Beckleysv

PLEASE FORWARD ADVERTISING BILL TO:

Name: LAURENCE L SCHMIDT

Address: 600 WASHINGTON AVE, STE 200
TOWSON, MD 21204

Telephone Number: 410-821-0070

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

No. **102649**

Date: **10/17/13**

PAID RECEIPT

BUSINESS ACTUAL TIME TERM
 10/17/2013 10/17/2013 13:37:10 8

REC WSDH WALKIN GHEL SAH
 >>RECEIPT # 597169 10/17/2013 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				875

Total: **875**

Rec From: _____
 For: **zoning case - case # 2014-0098-A**

Dept 5 520 ZONING VERIFICATION
 CR NO. 102649

Recpt Tot \$75.00
 \$75.00 CR \$0.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

DISTRIBUTION

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

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/01/2013

Case Number: 2014-0098-A

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ.~MR. & MRS. LITZ

Date of Hearing (Closing): DECEMBER 19, 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:
2613 BECKLEYSVILLE ROAD

The sign(s) were posted on: NOVEMBER 29, 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)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

November 28, 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 November 26, 2013

☐ The Jeffersonian

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: #2014-0098-A

2613 Beckleysville Road

SE/s Beckleysville Road, 10 ft. SW corner of intersection of Spooks Hill Road

6th Election District - 3rd Councilmanic District

Legal Owner(s): Roy & Susan Litz

Variance: to allow a proposed dwelling with a setback of 94 feet4 top an adjacent property that is cultivated, in lieu of the required 300 ft. as determined by the Director of Environmental Protection and Sustainability and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, December 19, 2013 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

JT 11/810 Nov. 26

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KEVIN KAMENETZ
County Executive

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

November 13, 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: 2014-0098-A

2613 Beckleysville Road

SE/s Beckleysville Road, 10 ft. SW corner of intersection of Spooks Hill Road

6th Election District – 3rd Councilmanic District

Legal Owners: Roy & Susan Litz

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105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Mr. & Mrs. Litz, 2613 Beckleysville Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 29, 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
Tuesday, November 26, 2013 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

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CASE NUMBER: 2014-0098-A

2613 Beckleysville Road

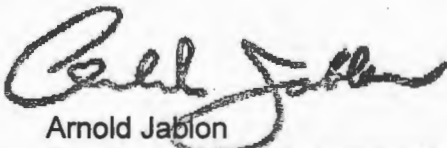
SE/s Beckleysville Road, 10 ft. SW corner of intersection of Spooks Hill Road

6th Election District – 3rd Councilmanic District

Legal Owners: Roy & Susan Litz

Variance to allow a proposed dwelling with a setback of 94 feet to an adjacent property that is cultivated, in lieu of the required 300 ft. as determined by the Director of Environmental Protection and Sustainability and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

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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.

MEMORANDUM

DATE: January 27, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0098-A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 22, 2014. 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 VARIANCE	*	BEFORE THE OFFICE
2613 Beckleysville Rd; SE/S Beckleysville Rd,	*	
10' SW cor of intersection of Spooks Hill Rd	*	OF ADMINSTRATIVE
6 th Election & 3 rd Councilmanic Districts	*	
Legal Owner(s): Roy Litz	*	HEARINGS FOR
Petitioner(s)	*	BALTIMORE COUNTY
	*	2014-098-A

* * * * *

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

28 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 28th day of October, 2013, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, Smith, Gildea & Schmidt, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment

10/23

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

N/C

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

FIRE DEPARTMENT

11/6

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

C

10/22

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: 11/26/13

SIGN POSTING

Date: 11/29/13

by O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐ No ☐

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

December 12, 2013

Roy & Susan Litz
2613 Beckleysville Road
Freeland MD 21053

RE: Case Number: 2014-0098 A, Address: 2613 Beckleysville Road

Dear Mr. & Ms. Litz:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 17, 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." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 10-22-13

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

RE: Baltimore County
Item No 2014-0098-A
Variance
Roy Litz
2613 Beckleysville 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. 2014-0098-A.

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,

Steven D. Foster, Chief/
Development Manager
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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 6, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2613 Beckleysville Road

RECEIVED

INFORMATION:

NOV 13 2013

Item Number: 14-098

Petitioner: Roy and Susan Litz

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: RC 8

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. According to § 1A09.4 of the BCZR, the Director of Planning or the Director's designee must certify in a written finding that the plan, exemption or variance is consistent with the spirit and intent of the RC 8 regulations.

The petitioner is requesting a variance from § 1A09.7.B(5)(b)(1)(a) of the BCZR to allow a proposed dwelling with a setback of 94 feet to an adjacent property that is cultivated, in lieu of the required 300 feet as determined by the Director of Environmental Protection and Sustainability.

The petitioner's property is situated at the corner of Beckleysville Road, which is a Baltimore County designated Scenic Route and Spooks Hill Road. There is an existing dwelling with multiple outbuildings and a pond located in the far southwestern corner of the subject property with access via a long driveway off of Beckleysville Road. The proposed dwelling is to be located on the northeastern side of the property, behind a large and continuous stand of deciduous trees with access off of Spooks Hill Road.

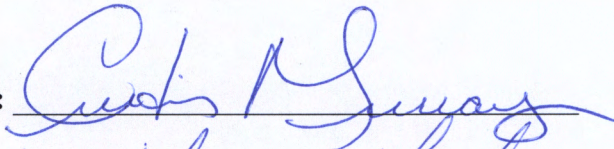
The Department of Planning has reviewed the above referenced petition and the subject property's relation to the surrounding land uses, site conditions, and topography for view shed analysis from the designated scenic road. The Department has also received and reviewed the proposed site plan and building elevations.

Please be advised that the minor subdivision plan should address and show the required 20,000 foot building envelope.

After a thorough review of all of the documentation, the Department of Planning finds and certifies that this variance request is indeed consistent with the spirit and intent of the RC 8 regulations and that this variance is necessary to comply with environmental regulations and to protect resources.

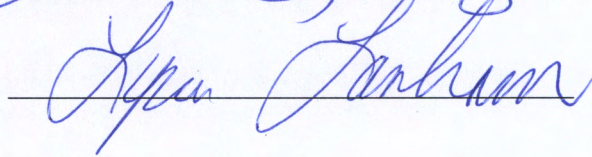
For further information concerning the matters stated here in, please contact Jessie Bialek at 410-887-3480.

Prepared By:

A handwritten signature in blue ink, appearing to read "Curtis M. Guyer", written over a horizontal line.

Division Chief:

AVA/LL:cjm

A handwritten signature in blue ink, appearing to read "Kevin J. Conboy", written over a horizontal line.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 23, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For October 28, 2013
Item No. 2014-0087, 0091, 0092, 0093, 0095, 0096, 0098 and 0099

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

DAK:CEN
Cc: file

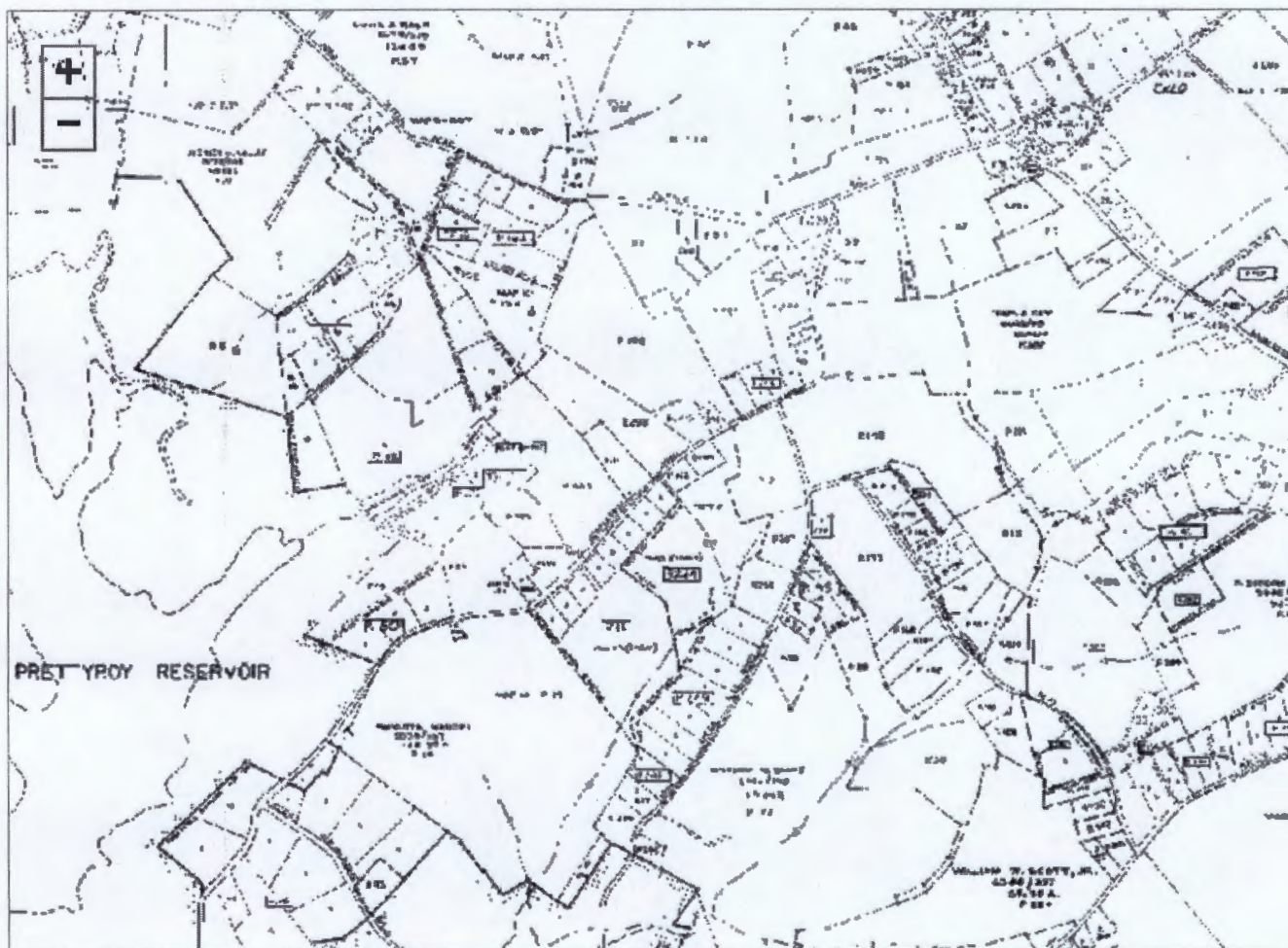
G:\DevPlanRev\ZAC -No Comments\ZAC10282013 -.doc

Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Register
Account Identifier:	District - 06 Account Number - 0616015090	
Owner Information		
Owner Name:	LITZ ROY C LITZ SUSAN L	Use: AGRICULTURAL
Mailing Address:	2613 BECKLEYSVILLE RD FREELAND MD 21053-9430	Principal Residence: YES Deed Reference: 1) /17481/ 00612 2)
Location & Structure Information		
Premises Address:	2613 BECKLEYSVILLE RD FREELAND 21053-9430	Legal Description: 13.8525 AC SPOOK HILL RD WS SW COR BECKLEYS
Map: 0011	Grid: 0007	Parcel: 0012
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2014
Special Tax Areas:	Town: NONE	Ad Valorem:
Primary Structure Built 1893	Above Grade Enclosed Area 4,004 SF	Finished Basement Area
Property Land Area 13.8500 AC	Stories 2.500000	Basement YES
Type STANDARD UNIT	Exterior SIDING	Full/Half Bath 3 full
Garage 1 Detached	Last Major Re	
Value Information		
Base Value	Value	Phase-in Assessments
	As of 01/01/2011	As of 07/01/2013
Land: 116,400	116,400	
Improvements 362,300	362,300	
Total: 478,700	478,700	478,700
Preferential Land: 6,400		
Transfer Information		
Seller: LITZ ROY C	Date: 02/03/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /17481/ 00612	Deed2:
Seller: EUGSTER ELAINE H	Date: 06/09/1994	Price: \$270,000
Type: ARMS LENGTH IMPROVED	Deed1: /10859/ 00680	Deed2:
Seller: EUGSTER HANS P A G USE 83-84	Date: 10/19/1982	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06444/ 00795	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013 07/01/2014
County: 000	0.00	
State: 000	0.00	
Municipal: 000	0.00	0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	AGRICULTURAL TRANSFER TAX	
Homestead Application Information		
Homestead Application Status: Approved 11/03/2009		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **06** Account Number: **0616015090**

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 (<http://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 (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please

Loading... Please Wait.



CASE NAME _____
CASE NUMBER 2014-0098-A
DATE 12/19/2013

[illegible]

Case No.:

2014-0098-A

Exhibit Sheet

Petitioner/Developer

Protestants

SD
1-27-14

SD
12-23-13

No. 1	Plan	
No. 2	2A-2J color photos	
No. 3	BCZR § 1A09.7	
No. 4	BCZR § 1A09.4	
No. 5	ZAC Comments	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



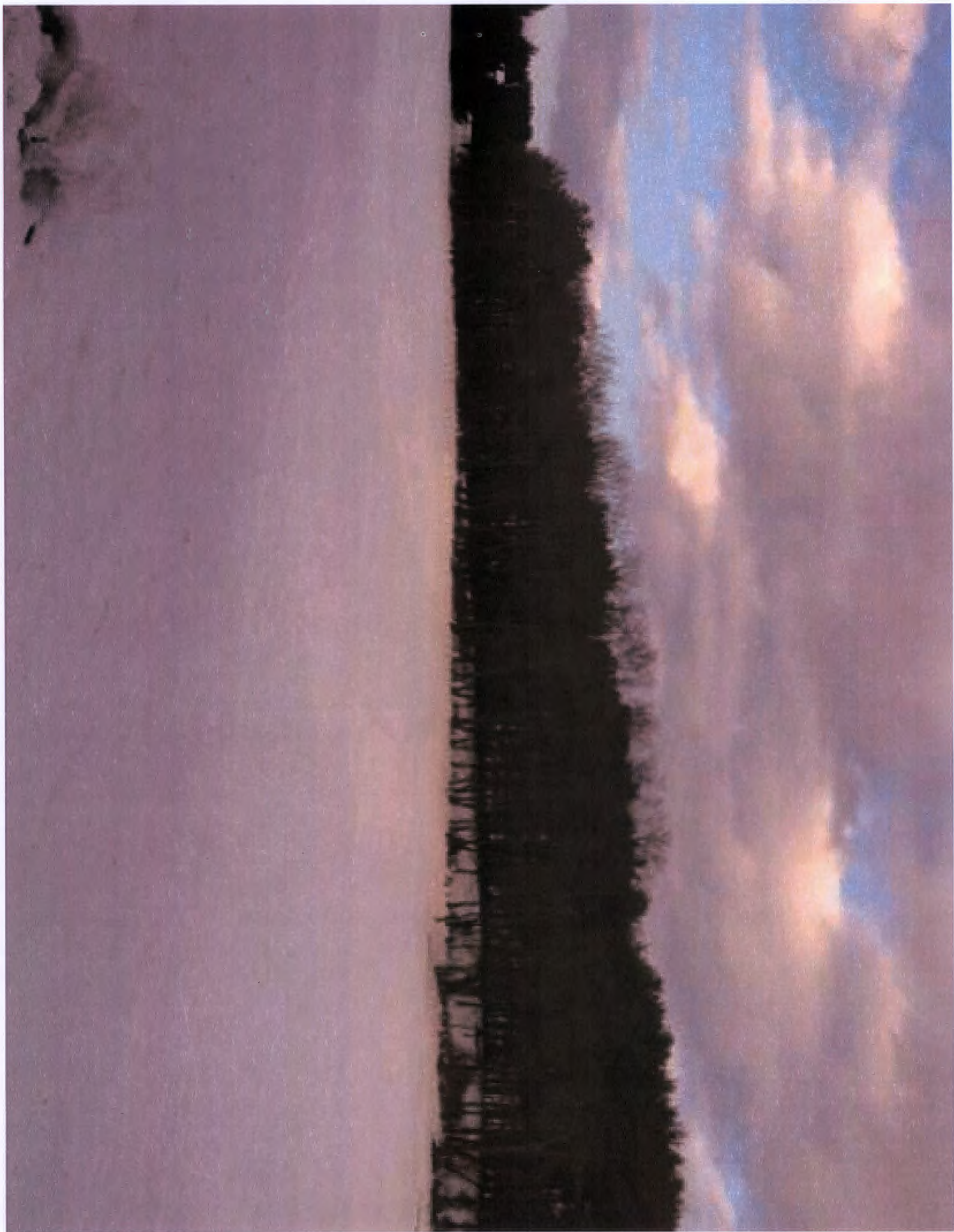




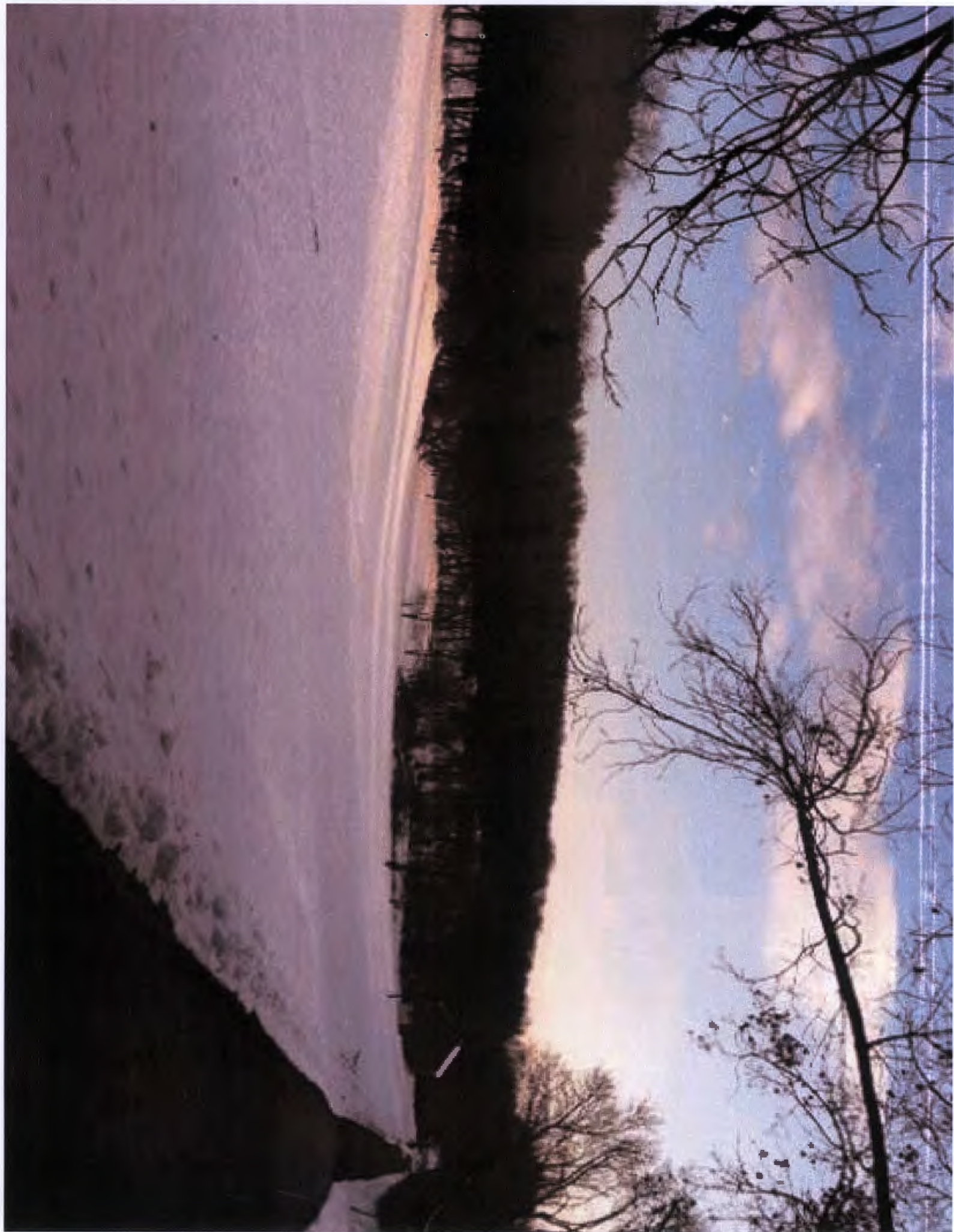












ARTICLE 1A. RESOURCE CONSERVATION ZONES

SECTION 1A09. R.C.8 (Environmental Enhancement) Zone

Ref.
No 3

§ 1A09.7. Development area and standards.

A. Maximum height. No structure with a height greater than 35 feet is permitted, except as otherwise provided under Section 300.

B. Area regulations.

1. Maximum lot density. A contiguous tract of land, whether or not in one or more parcels, not part of an approved subdivision may be developed in an R.C. 8 Zone at the following density:

Number of Acres	Number of Lots
1 to 10	1
10 to 30	2
30 to 50	3
51 acres or more	0.02 lot per acre

2. Lot area. The area of any proposed residential lot in a major or minor subdivision must not be less than three acres.
3. Building envelope. For residential development, the maximum area of the building envelope on any residential lot other than a farm is 20,000 square feet, and no single dwelling, garage or accessory building shall have a building footprint that exceeds 5,000 square feet. The placement of the building envelope is determined on the basis of:
 - a. The goals for the zone; and
 - b. The minimum setbacks for the zone.
4. Minimum development allowance. Any lot of record or parcel of land lawfully existing on August 6, 2004, may be developed with a single dwelling.
5. Setbacks.
 - a. Any principal building constructed in an R.C. 8 Zone shall be situated at least:
 - (1) Thirty-five feet from the right-of-way of public or private interior streets;

- (2) Eighty feet from any principal building; and
- (3) Fifty feet from the rear lot line.

b.

- (1) As determined by the Director of Environmental Protection and Sustainability, any dwelling or accessory residential structure to be constructed shall be located at least 300 feet from an adjacent property that is either:

[Bill No. 122-2010]

- (a) Cultivated or used for pasture, or received preferential agriculture assessment at any time over the past five years;
- (b) Land that is suitable for agriculture production, excluding forestry, that is not in production as part of a federal or state conservation program; or
- (c) Land that is suitable for agriculture production, excluding forestry, and is subject to an agricultural or conservation easement.

- (2) A modification to a residential dwelling in existence prior to August 6, 2004, is exempt from the requirements of this subsection.

6. Impervious surface coverage, nonresidential development. Except for residential lots which are subject to a building envelope restriction, no more than 5% of any lot may be covered by impervious surfaces such as structures or pavement.

7. Historic properties. No building or structure on a development tract which is officially included on the preliminary or final list of the Landmarks Preservation Commission or the National Register of Historic Places, or which is subject to an easement held by the Maryland Historical Trust will be counted as a lot or dwelling for purposes of calculating density, provided that:

- a. There is an area of sufficient size, as determined by the Director of Planning in consultation with the Landmarks Preservation Commission or Maryland Historical Trust, surrounding the building, structure or landmark to preserve the integrity of its historic setting;
- b. An overall photographic and written description of the building, structure or landmark identified has been submitted and is determined to be in compliance with the Secretary of the Interior's standards for the treatment of historic properties;
- c. Documentation of the preservation, restoration and protection for the building, structure or landmark has been approved by the Director of Planning in consultation with the Maryland Historical Trust prior to issuance of any building permit; and
- d. When provisions of this paragraph apply to any development, the conditions for approval must be noted on the concept plan and development plan, or the minor subdivision plan.

C. Performance standards. Conditions for approval pursuant to this section must be noted on the concept plan and development plan, or minor subdivision plan. The following standards are intended to foster creative development that promotes the goals stated in Section 1A09.1.B.

- 1. Stormwater management, Stormwater management facilities shall be integrated into the site design to utilize nonstructural practices unless it is demonstrated that this is not possible.
- 2. Buildings.

- a. Buildings must be located on the least visually prominent portion of the site from the public road, consistent with effective resource protection, except where appropriate to continue an established pattern of development along the edge of the road.
 - b. Buildings should reflect the traditional rural character of the area in architectural form, scale, materials and detailing and in landscaping context.
 - c. Dwellings and other principal use buildings should be front-oriented to public rights-of-way; reverse-fronted lots generally will not be permitted.
 - d. All of the exterior walls of a building must be treated similarly with respect to materials, color and architectural details.
 - e. Structures accessory to residential use, excluding agricultural buildings, but including solar panels, antennas and storage sheds, are not permitted in the front yard of any principal use. Section 400.1 is not applicable in an R.C. 8 Zone; however, the height of accessory structures is subject to the provisions of Section 400.
 - f. If buildings are located in open fields because of site constraints, additional landscaping and berms, or either of them, may be required to soften views.
3. Roads, parking areas and storage areas.
- a. Interior roads must conform to Baltimore County's standards for rural roads, and no paved section of road may exceed a width of 18 feet, except for turnaround areas.
 - b. Curbing must not be used unless required for storm drainage, as determined by the Department of Public Works.
 - c. Perimeter fencing of residential properties must be in keeping with rural character. Fences must be either split rail or board on post, and the type of fence must be consistent throughout the development.
 - d. Off-street parking and vehicle or equipment storage areas, when necessary for nonresidential or non-farm uses, must be visually screened by fencing, buildings or vegetation, or a combination thereof, from the public roads and dwellings.
 - e. Areas for the outside storage of materials or supplies for nonagricultural commercial uses, except merchandise offered for sale by antique shops, must be visually screened by fencing, buildings or vegetation, or a combination thereof, from all public roads and dwellings.
 - f. Lighting, such as streetlights, elevated security lights, floodlights, high-intensity house and barn lights are not permitted. However, low-intensity, low-level accent lights and sensor lights no more than 20 feet above the ground may be requested as part of the development review. The light fixtures should be of a style that diffuses light by use of full cutoffs.
4. Screening. Visual screening for privacy or to block distracting views should be natural in appearance and sensitive to grade relationships. Screens should not disrupt the harmony of the natural landscape or obstruct scenic views.
5. Signs.
- a. Community signs are prohibited. Subdivisions may be identified by street signs.
 - b. A nonresidential principal use may be identified by:
 - (1) An enterprise sign, subject to Section 450; or
 - (2) An identification sign, subject to Section 450.

Ret 4

Baltimore County, MD
Thursday, December 19, 2013

ARTICLE 1A. RESOURCE CONSERVATION ZONES

SECTION 1A09. R.C.8 (Environmental Enhancement) Zone

§ 1A09.4. Plans and permits.

All development must be in accordance with this section and the standards and guidelines for "rural preservation" and "scenic views" adopted pursuant to this section, and published as part of the Comprehensive Manual of Development Policies.

- A. Before the approval of any concept plan, development plan, limited exemption, special exception plan or variance, the Director of Planning or the Director's designee must certify in a written finding that the plan, exemption or variance is consistent with the spirit and intent of these regulations. To support the finding, the Director shall require information such as building elevations, building cross sections or view shed analyses pursuant to Sections 32-4-223 and 32-4-224 of the Baltimore County Code. The Director shall certify that any deviation from this section or the standards and guidelines cited above was necessary to:
 - 1. Meet another standard or guideline;
 - 2. Comply with environmental regulations or otherwise protect resources; or
 - 3. Achieve the best possible site design based on the goals in Section 1A09.1.B.
- B. Before the issuance of any building permit, the Director of Planning or the Director's designee shall certify that the proposed development is in conformance with a plan approved pursuant to these regulations.
- C. A finding pursuant to this section may be appealed to the Baltimore County Board of Appeals within 30 days of the date of the finding by any person aggrieved by the finding.



Ret 5

KEVIN KAMENETZ
County Executive

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

December 12, 2013

Roy & Susan Litz
2613 Beckleysville Road
Freeland MD 21053

RECEIVED

DEC 17 2013

RE: Case Number: 2014-0098 A, Address: 2613 Beckleysville Road

Smith, Gildea & Schmidt

Dear Mr. & Ms. Litz:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 17, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 10-22-13

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

RE: Baltimore County
Item No 2014-0098-A
Variance
Ray Litz
2673 Beckleysville 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. 2014-0098-A.

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", is written over the typed name "Richard Zeller".

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 23, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For October 28, 2013
Item No. 2014-0087, 0091, 0092, 0093, 0095, 0096, 0098 and 0099

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

DAK:CEN
Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC10282013 -.doc



KEVIN KAMENETZ
County Executive

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

December 12, 2013

Roy & Susan Litz
2613 Beckleysville Road
Freeland MD 21053

RECEIVED

DEC 17 2013

RE: Case Number: 2014-0098 A, Address: 2613 Beckleysville Road

Smith, Gildea & Schmidt

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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
Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 10-22-13

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

RE: Baltimore County
Item No 2014-0098-A
Variance
Roy Litz
2693 Beckleysville Road.

Dear Ms. Lewis:

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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/
Development Manager
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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 23, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For October 28, 2013
Item No. 2014-0087, 0091, 0092, 0093, 0095, 0096, 0098 and 0099

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

DAK:CEN
Cc: file

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 6, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 2613 Beckleysville Road

INFORMATION:

Item Number: 14-098

Petitioner: Roy and Susan Litz

Zoning: RC 8

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. According to § 1A09.4 of the BCZR, the Director of Planning or the Director's designee must certify in a written finding that the plan, exemption or variance is consistent with the spirit and intent of the RC 8 regulations.

The petitioner is requesting a variance from § 1A09.7.B(5)(b)(1)(a) of the BCZR to allow a proposed dwelling with a setback of 94 feet to an adjacent property that is cultivated, in lieu of the required 300 feet as determined by the Director of Environmental Protection and Sustainability.

The petitioner's property is situated at the corner of Beckleysville Road, which is a Baltimore County designated Scenic Route and Spooks Hill Road. There is an existing dwelling with multiple outbuildings and a pond located in the far southwestern corner of the subject property with access via a long driveway off of Beckleysville Road. The proposed dwelling is to be located on the northeastern side of the property, behind a large and continuous stand of deciduous trees with access off of Spooks Hill Road.

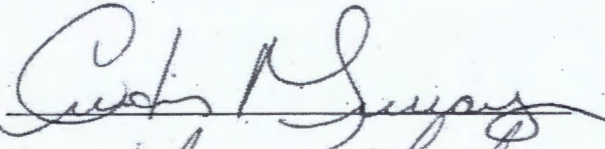
The Department of Planning has reviewed the above referenced petition and the subject property's relation to the surrounding land uses, site conditions, and topography for view shed analysis from the designated scenic road. The Department has also received and reviewed the proposed site plan and building elevations.

Please be advised that the minor subdivision plan should address and show the required 20,000 foot building envelope.

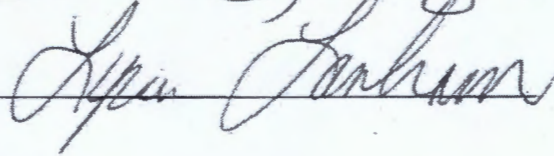
After a thorough review of all of the documentation, the Department of Planning finds and certifies that this variance request is indeed consistent with the spirit and intent of the RC 8 regulations and that this variance is necessary to comply with environmental regulations and to protect resources.

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

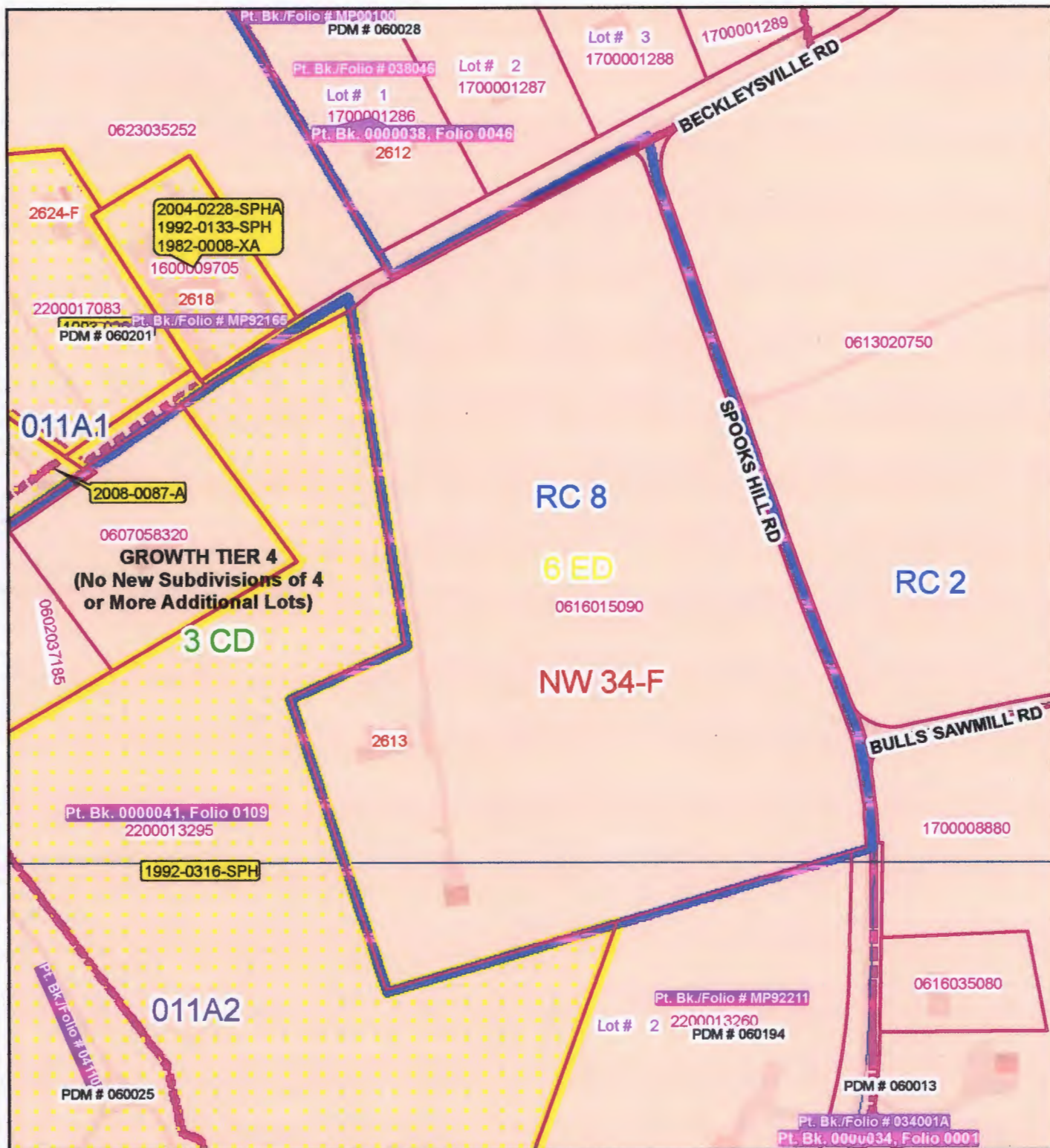
Prepared By:



Division Chief:
AVA/LL:cjm



2613 Beckleysville Road



Publication Date: 10/17/2013



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

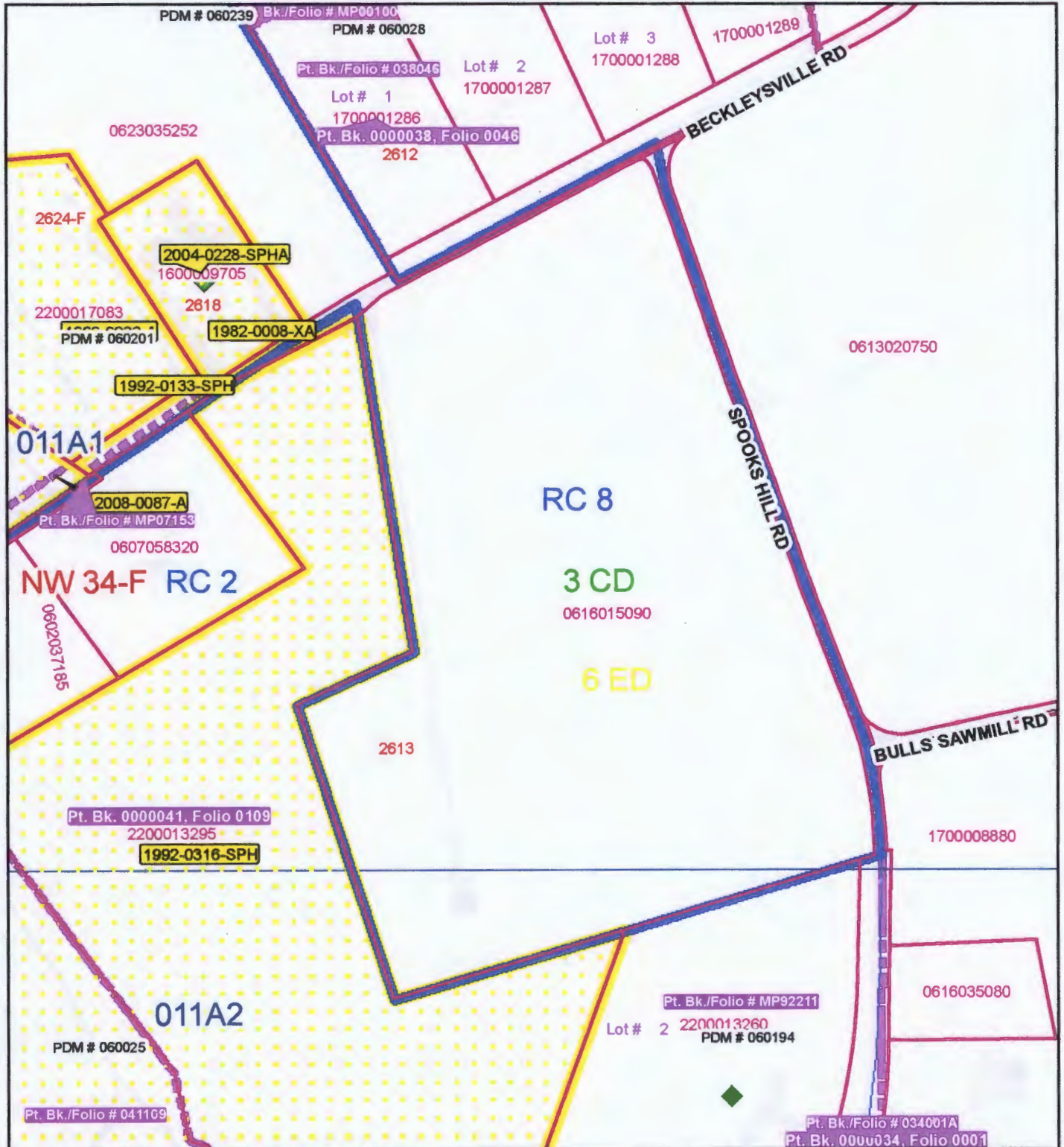


A horizontal scale bar with markings at 0, 50, 100, 200, 300, and 400 feet. The bar is black with white markings and the word "Feet" is written at the right end.

1 inch = 200 feet

Item # 0098

2613 Beckleysville Road



Publication Date: 5/7/2013



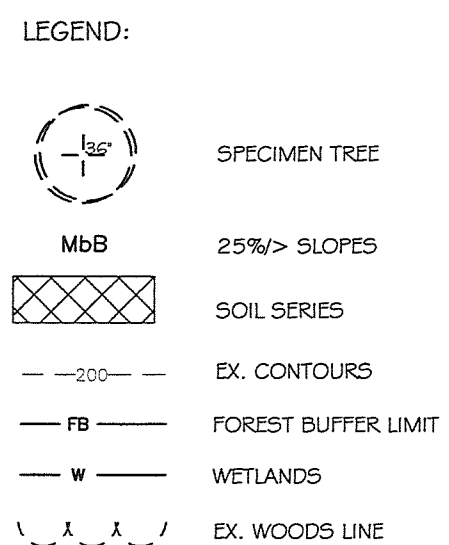
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100 200 300 400 Feet

1 inch = 200 feet

Item #0098

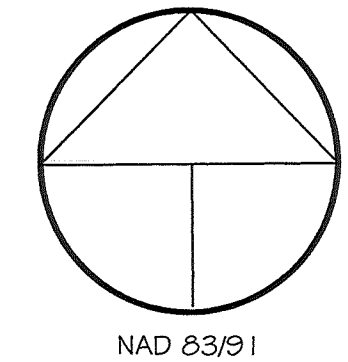


VICINITY MAP
SCALE: 1" = 1,000'

#2014-0098-A

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.

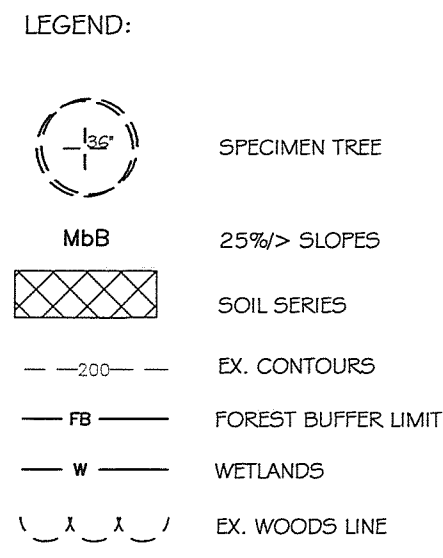


REVISIONS:	
NO.	DATE

ZONING HEARING PLAN FOR VARIANCE
LITZ PROPERTY
2613 BECKLEVILLE ROAD
BALTIMORE COUNTY
MARYLAND

6TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

DRAWN BY: CAV
CHECKED BY: KJW
DATE: 10/08/2013
PROJECT NO.: 2013-020
SHEET 1 OF 1



A vicinity map showing the location of the site. The map includes a north arrow pointing upwards. Major roads shown are "ROAD 600/1000" and "ROAD 1000/1000". The "SITE" is located near the intersection of these roads. Other roads shown are "SPRING RIV. ROAD" and "PAUL SIMON ROAD". The scale is indicated as "SCALE: 1" = 1,000'".

PETITIONER'S
EXHIBIT NO. 1

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

DRAWN BY: CAV
CHECKED BY: KJW
DATE: 10/08/2013
PROJECT NO.: 2013-020
SHEET 1 OF 1