

IN THE MATTER OF

* BEFORE THE

JAMES K. POWELL, JR – LEGAL OWNER
PETITION FOR SPECIAL HEARING ON
THE PROPERTY LOCATED ON S/S BOTTOM
ROAD, 1,700 FT E/ OF C/L OF ECK ROAD
(13663 BOTTOM ROAD)
11th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO.: 14-265-SPH

* * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Peter Max Zimmerman, People's Counsel for Baltimore County, from a decision of the Administrative Law Judge dated August 6, 2014 in which the requested Petition for Special Hearing was granted with conditions.

WHEREAS, the Board is in receipt of a voluntary letter of withdrawal of the Petition for Special Hearing, filed November 24, 2014 and signed by Timothy M. Kotroco, Esquire, Counsel for James K. Powell, Jr., Legal Owner/Petitioner, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioner requests that the Petition for Special Hearing taken in this matter be withdrawn as of November 24, 2014;

IT IS THEREFORE ORDERED this 16th day of December, 20 14
by the Board of Appeals of Baltimore County that the Petition for Special Hearing taken in Case No. 14-265-SPH be and the same is hereby **DISMISSED without prejudice**, thereby rendering the August 6, 2014 Order of the Administrative Law Judge as **null and void** in this matter.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



David L. Thurston, Chairman



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182



December 16, 2014

Timothy M. Kotroco, Esquire
Whiteford, Taylor & Preston, LLP
One West Pennsylvania Avenue
Suite 300
Towson, Maryland 21204

RE: *In the Matter of: James K. Powell, Jr.*
Case No: 14-265-SPH

Dear Mr. Kotroco:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure

c: James K. Powell, Jr.
Bob Wilson
Joyce Colimore
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

IN RE: PETITION FOR SPECIAL HEARING *

(13663 Bottom Road)

11th Election District *

3rd Councilmanic District *

James Kenneth Powell, Jr. *

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0265-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed by James Kenneth Powell, Jr., legal owner. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the continuation of two dwellings, built in 1975, to remain on the same lot.

Appearing at the public hearing in support of the requests was James Kenneth Powell, Jr. Timothy M. Kotroco, Esquire with Whiteford, Taylor & Preston, LLP represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance at the hearing. The only substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP) dated June 30, 2014.

The subject property is 43.364 acres and is zoned R.C. 2. The rural property is situated near the Baltimore/Harford County line, and is improved with two (2) modest single family dwellings. The Petitioner testified that the dwellings were constructed between the years 1972-75, and that before their passing his parents lived in one of the homes and he the other. A portion of the property is also leased for farming/agricultural purposes. The Petitioner is

ORDER RECEIVED FOR FILING

Date 8-6-14

By lwj

processing a minor subdivision with Baltimore County (to create two lots on the property), and that process is on hold pending this case.

The DOP, in its ZAC comment, suggested that although it would support the second dwelling if its use were restricted to an "accessory apartment" (B.C.Z.R. § 400.4), it did not believe that the two dwellings were appropriate otherwise. The regulations provide that "no more than one principal dwelling is permitted on any lot in an R.C. 2 zone." B.C.Z.R. § 1A01.3.B.4. But this provision was enacted in 1979 (Bill 178-1979). The dwellings here were constructed before that date (between 1972-75), and it does not appear that a similar prohibition was included in the B.C.Z.R. prior to 1979. As such, the two dwellings would qualify as lawful nonconforming uses/structures per B.C.Z.R. § 104.3.

THEREFORE, IT IS ORDERED this 6th day of August 2014, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve the continuation of two dwellings, built in 1975, to remain on the same lot, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

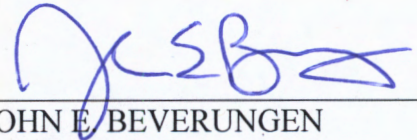
- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed,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

ORDER RECEIVED FOR FILING

Date 8-6-14

By low

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/dlw

ORDER RECEIVED FOR FILING

Date 8-16-14

By rw



KEVIN KAMENETZ
County Executive

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

August 6, 2014

Timothy M. Kotroco, Esquire
Whiteford, Taylor & Preston, LLP
One West Pennsylvania Avenue
Suite 300
Towson, Maryland 21204

RE: Petition for Special Hearing
Property: 13663 Bottom Road
Case No.: 2014-0265-SPH

Dear Mr. Kotroco:

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", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
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 13663 Bottom Road

which is presently zoned RC 2

Deed References: 33065/00470

Digit Tax Account # 1120091075

Property Owner(s) Printed Name(s) James Kenneth Powell, Jr. arriage Hills Business Trust

(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 the continuation of two dwellings, built in 1975, to remain on the same lot; For such other and further relief as the nature of this cause may require.

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

3. ☐ **a Variance** from Section(s)

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Timothy M. Kutroco, Esquire

Name - Type or Print

Signature

One W. Pennsylvania Ave., Suite 300, Towson, MD

Mailing Address

City

State

21204

410-832-2004

tkotroco@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

James Kenneth Powell, Jr.

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

13663 Bottom Road, Hydes, Maryland

Mailing Address

City

State

21082

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER

2014-0265-SPH

Filing Date

6/10/14

Do Not Schedule Dates:

Reviewer

BK

**ZONING PROPERTY DESCRIPTION FOR
13663 BOTTOM ROAD**

Beginning at a point in the centerline of Bottom Road at the distance of 1685' East of the centerline of Eck Road. Thence the following courses and distances,

- 1) North $67^{\circ}33'27''$ East 20.09 feet.
- 2) South $17^{\circ}01'21''$ East 475.74 feet
- 3) North $60^{\circ}47'15''$ East 821.04 feet
- 4) South $17^{\circ}19'44''$ East 568.98 feet
- 5) North $73^{\circ}47'16''$ East 659.03 feet
- 6) North $00^{\circ}32'27''$ West 209.84 feet
- 7) North $75^{\circ}01'20''$ East 646.07 feet
- 8) South $57^{\circ}15'32''$ East 205.31 feet
- 9) South $44^{\circ}50'45''$ East 180.54 feet
- 10) South $70^{\circ}50'45''$ East 115.50 feet
- 11) South $73^{\circ}54'29''$ West 1598.38 feet
- 12) North $46^{\circ}03'14''$ East 240.84 feet
- 13) North $47^{\circ}10'30''$ East 403.40 feet
- 14) North $18^{\circ}29'22''$ West 1288.67 feet
- 15) North $17^{\circ}01'12''$ West 478.16 feet to the point of beginning as recorded in Deed 33065, Folio 470. Containing 43.364 acres of land more or less. Located in the 11th Election District and 3rd Council District.

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

No. **112225**

Date: **6/10/14**

PAID RECEIPT

BUSINESS ACTIVITY TIME
 6/11/2014 6/11/2014 10:59:36

RECEIPT BY WALKIN LINDS LJR

RECEIPT BY 6/11/2014 OFLN

5 528 201406 VERIFICATION

112225

Receipt Tot \$75.00
 \$75.00 CK \$0.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	006	0000		6150				\$ 75.00

Total: **\$ 75.00**

Rec From: **Wahaford Taylor & Prostee LLC**

For: **Special Hearing**
case no 2014-0065-SPH

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

CASE NO: 2014-0265-SPH

PETITIONER/DEVELOPER
WHITEFORD, TAYLOR, PRESTON

DATE OF HEARING/CLOSING:

July 31, 2014

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT _____

13663 BOTTOM ROAD

THIS SIGN(S) WERE POSTED ON July 10, 2014
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 7/10/14

SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411



Mark 7/10/14



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

July 10, 2014

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 July 10, 2014.

- ☒ 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: #2014-0265-SPH

13663 Bottom Road

S/s Bottom Road, 1,700 ft. E/of centerline Eck Road

11th Election District - 3rd Councilmanic District

Legal Owner(s): James Kenneth Powell, Jr.

Special Hearing to determine whether or not the Administrative Law Judge should approve the continuation of two dwellings, built in 1975, to remain on the same lot, and for such other and further relief as the nature of this cause may require.

Hearing: Thursday, July 31, 2014 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.

7/213 July 10

986144

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: 2014-0265-SPH
Petitioner: James Kenneth Powell
Address or Location: 13663 Bottom Road Hydes, MD 21082

PLEASE FORWARD ADVERTISING BILL TO:

Name: Tim Kotroco
Address: Whiteford, Taylor + Preston
One W. Pennsylvania Ave Suite 300
Towson, MD 21204
Telephone Number: 410.299.2943

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 10, 2014 Issue - Jeffersonian

Please forward billing to:

Timothy Kotroco
Whiteford, Taylor & Preston
1 West Pennsylvania Avenue. Ste. 300
Towson, MD 21204

410-832-2004

NOTICE OF ZONING HEARING

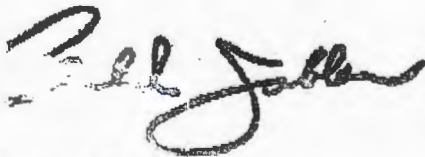
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CASE NUMBER: 2014-0265-SPH

13663 Bottom Road
S/s Bottom Road, 1,700 ft. E/of centerline Eck Road
11th Election District – 3rd Councilmanic District
Legal Owners: James Kenneth Powell, Jr.

Special Hearing to determine whether or not the Administrative Law Judge should approve the continuation of two dwellings, built in 1975, to remain on the same lot, and for such other and further relief as the nature of this cause may require.

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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.



KEVIN KAMENETZ
County Executive

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

July 1, 2014

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: 2014-0265-SPH

13663 Bottom Road

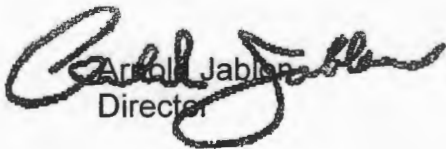
S/s Bottom Road, 1,700 ft. E/of centerline Eck Road

11th Election District – 3rd Councilmanic District

Legal Owners: James Kenneth Powell, Jr.

Special Hearing to determine whether or not the Administrative Law Judge should approve the continuation of two dwellings, built in 1975, to remain on the same lot, and for such other and further relief as the nature of this cause may require.

Hearing: Thursday, July 31, 2014 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Timothy Kotroco, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
James Powell, Jr., 13663 Bottom Road, Hydes 21082

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JULY 11, 2014.**
- (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.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 18, 2014

NOTICE OF ASSIGNMENT

IN THE MATTER OF:

14-265-SPH

James Kenneth Powell, Jr.
13663 Bottom Road
11th E; 3rd C

Re: Petition for Special Hearing pursuant to Section 500.7 of the BCZR to approve the continuation of two dwellings, built in 1975, to remain on the same lot.

8/6/14 Opinion and Order of the Administrative Law Judge wherein the requested Petition for Special Hearing was GRANTED.

ASSIGNED FOR: WEDNESDAY, DECEMBER 3, 2014, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c: Counsel for Petitioner/Legal Owner
Petitioner/Legal Owner

: Timothy M. Kotroco, Esquire
: James K. Powell, Jr.

Appellant

: Office of People's Counsel

Bob Wilson
Joyce Colimore

Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

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

July 24, 2014

James Kenneth Powell Jr
13663 Bottom Road
Hydes MD 21082

RE: Case Number: 2014-0265 SPH, Address: 13663 Bottom Road

Dear Mr. Goldstein:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 10, 2014. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Timothy M. Kotroco, Esquire, One W Pennsylvania Avenue, Suite 300, Towson MD 21204

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



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

Date: 6/16/14

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

RE: Baltimore County
Item No. 2014-0265-SPH.
Special Hearing
James Kenneth Powell, Jr.
13663 Bottom 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. 2014-0265-SPH.

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 dark ink, appearing to read 'Steven D. Foster'.

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

7/31
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 30, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 13663 Bottom Road

RECEIVED

INFORMATION:

JUL 02 2014

Item Number: 14-265

Petitioner: James Powell, Jr.

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: RC 2

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not support the petitioner's request for a special hearing approval of continuation of use of two dwelling, however, does advise the petitioner to apply for an "Accessory Apartment (In-law) for the second dwelling.

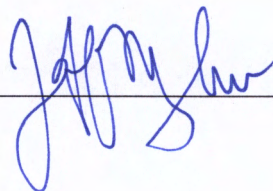
The property is a 43 acre property that is principally wooded with some residual farm fields. The petitioner is subdividing the property into two lots a 29 acre lot and 13 acre lot containing the structures. BCZR 1A01.2 limit's the right to one dwelling on a RC 2 property with the exception of an accessory use of a tenant house of which the occupant is involved in the farming operation of the property. There are two dwellings on the property each very modest. There is limited farming on the property now and after the subdivision the 13 acre lot on which the houses are located will not qualify for a tenant house due to the absence of significant farmland or farming activity.

The applicant indicated that the dwelling is currently being used by an elderly family member which would appear to qualify for an "Accessory Apartment" use (BCZR 400.4). This would resolve the landowner's need without creating a permanent status for a second dwelling which is inconsistent with maintaining low levels of residential use so as to foster conditions suitable for agriculture and limiting sprawl that results in the expense of providing more services in low density areas (BCZR 1A00.1 and 1A00.2).

Therefore it is this Department's opinion that the requested relief is not appropriate for approval of the second dwelling, however, it will support an "Accessory Apartment" use for the petitioner's mother.

For further information concerning the matters stated here in, please contact Wally Lippincott, Jr. at 410-887-3480

Division Chief:
AVA/LL



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 23, 2014

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

SUBJECT: Zoning Advisory Committee Meeting
For June 23, 2014
Item No. 2014-0225, 0265, 0266, 0267, 0268 and 0269

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\ZAC06232014 -.doc

RE: PETITION FOR SPECIAL HEARING
13663 Bottom Road; S/S Bottom Road,
1,7000' E of c/line Eck Road
11th Election & 3rd Councilmanic Districts
Legal Owner(s): James Kenneth Powell
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-265-SPH

* * * * *

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

JUN 20 2014

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of June, 2014, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 1 Pennsylvania Avenue, Suite 300, Towson, Maryland 21204 , Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 27, 2014

RECEIVED

AUG 27 2014

Hand-delivered

Lawrence M. Stahl, Managing Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

OFFICE OF ADMINISTRATIVE HEARINGS

Re: PETITION FOR SPECIAL HEARING
S/S Bottom Road, 1,7000' E c/line Eck Road
(13663 Bottom Road)
11th Election District; 3rd Councilmanic District
James Kenneth Powell – Petitioner(s)
Case No.: 2014-265-SPH

Dear Mr. Stahl:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Opinion and Order dated August 6, 2014 by the Baltimore County Administrative Law Judge in the above entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Timothy Kotroco, Attorney for Petitioner

KEVIN KAMENETZ
County Executive



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

RECEIVED
AUG 29 2014

BALTIMORE COUNTY
BOARD OF APPEALS

August 30, 2014

Timothy M. Kotroco, Esquire
Whiteford, Taylor & Preston, LLP
One West Pennsylvania Avenue
Suite 300
Towson, Maryland 21204

RE: **APPEAL TO BOARD OF APPEALS**
Case No. 2014-0265-SPH
Location: 13663 Bottom Road

Dear Mr. Kotroco:

Please be advised that an appeal of the above-referenced case was filed in this Office on August 27, 2014. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County

APPEAL

**Petitions for Special Hearing
(13663 Bottom Road)
11th Election District – 3rd Councilmanic District
Legal Owner: James Kenneth Powell, Jr.
Case No. 2014-0265-SPH**

RECEIVED

AUG 29 2014

**BALTIMORE COUNTY
BOARD OF APPEALS**

Petition for Special Hearing (June 10, 2014)

Zoning Description of Property

Notice of Zoning Hearing (July 1, 2014)

Certificate of Publication (July 10, 2014)

Certificate of Posting (July 10, 2014) Martin Ogle

Entry of Appearance by People's Counsel (June 20, 2014)

Petitioner(s) Sign-in Sheet – One

Citizen(s) Sign-in Sheet – None

Zoning Advisory Committee Comments

Petitioner(s) Exhibits -

1. Site Plan
2. Minor Sub. Plan-Powell
3. "My Neighborhood" Aerial Photo
4. Color Photos
5. Zoning Map

Protestants' Exhibits – None

Miscellaneous (Not Marked as Exhibits) –e-mails

Administrative Law Judge Order and Letter (GRANTED on August 6, 2014)

Notice of Appeal –August 27, 2014 by People's Counsel for Baltimore County

Address List

Petitioner:

James Kenneth Powell, Jr.
13663 Bottom Road
Hydes, MD 21082

Timothy M. Kotroco, Esquire
Whiteford, Taylor & Preston, LLP
One West Pennsylvania Avenue
Suite 300
Towson, MD 21204

Interested Person:

Bob Wilson
1219 Baldwin Mill Road
Jarrettsville, MD 21084

Joyce Colimore
7844 Westmoreland
Parkville, MD 21234

Protestant/Appellant:

People's Counsel for Baltimore County

Interoffice:

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

WHITEFORD, TAYLOR & PRESTON L.L.P.

TIMOTHY M. KOTROCO
DIRECT LINE (410) 832-2004
DIRECT FAX (410) 339-4050
TKotroco@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

BALTIMORE, MD
BETHANY BEACH, DE*
BETHESDA, MD
COLUMBIA, MD
DEARBORN, MI
FALLS CHURCH, VA
LEXINGTON, KY
ROANOKE, VA
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

November 24, 2014

Via Hand Delivery

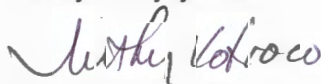
Mr. Arnold Jablon, Director
Permits , Approvals and Inspections
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204

**Re: CASE NUMBER: 2014-0265-SPH
13633 Bottom Road
11th Election District-3rd Councilmanic District
Legal Owner: James Kenneth Powell, Jr.**

Dear Mr. Jablon:

My client, James Kenneth Powell, Jr. wishes to withdraw his Petition for Special Hearing that was filed in the above referenced case. All issues which were the subject of the Special Hearing petition were resolved with Baltimore County and the requested relief is no longer necessary. Please withdraw the Petition for Special Hearing.

Very truly yours,



Timothy M. Kotroco

TMK:tk

cc: Peter Max Zimmerman, Peoples Counsel
James Kenneth Powell, Jr.

RECEIVED
NOV 24 2014

BALTIMORE COUNTY
BOARD OF APPEALS



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182



November 25, 2014

Timothy M. Kotroco, Esquire
Whiteford, Taylor & Preston, LLP
One West Pennsylvania Avenue
Suite 300
Towson, MD 21204

Re: In the matter of: James K. Powell, Jr.
Case No: 14-265-SPH

Dear Mr. Kotroco:

We are in receipt of the request to withdraw the Petition for Special Exception hand delivered to this office on November 24, 2014. This letter is to inform you that the hearing scheduled in this matter has been cancelled and an Order of Dismissal will be issued as soon as possible.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Sunny Cannington
Krysundra "Sunny" Cannington
Administrator

cc: James K. Powell, Jr.
People's Counsel for Baltimore County
Bob Wilson
Joyce Colimore
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

John Beverungen - Powell property, Case No. 2014-0265-SPH; Request fro Reconsideration

From: "Kotroco, Timothy" <TKotroco@wtplaw.com>
To: "John Beverungen (jbeverungen@baltimorecountymd.gov)" <jbeverungen@balti...>
Date: 8/27/2014 11:55 AM
Subject: Powell property, Case No. 2014-0265-SPH; Request fro Reconsideration
CC: "pzimmerman@baltimorecountymd.gov" <pzimmerman@baltimorecountymd.gov>

Dear Judge Beverungen:

I just received a courtesy call from Mr. Pete Zimmerman regarding your decision in the above referenced Powell case. You will recall that relief was granted to allow two houses to remain on the same property as they have since the mid-1970's as a non-conforming use. Your Order approving this matter was dated August 6, 2014.

Mr. Zimmerman has indicated that his office intends to file an appeal of your decision. He was kind enough to provide me with a courtesy call advising me of his intentions and I thank him for that.

In light of this potential appeal, I would ask that you reconsider the relief that you granted in this case. You will recall that we discussed at the hearing three possible avenues of approval for this situation to remain at it has for the past 43 years. We discussed a tenant house situation, an accessory apartment approval and/or non-conforming use approval.

I would like to have an opportunity to discuss the tenant house and/or accessory apartment approval with Mr. Zimmerman's office and ask that you reconsider your decision to entertain that relief. I would also like a chance to discuss this with Mr. Zimmerman and will provide an update to you as soon as possible.

As you know from the testimony provided at the hearing, Mr. Powell has been going through this process with Baltimore County for the past 4 years and has expended close to \$40,000 in engineering fees relating to this minor subdivision. His mother is in poor health and he is hoping to finish this process so that his mother may be able to move into more appropriate living arrangements.

Kindly accept this as a Motion for Reconsideration of your decision. I will update you as soon as I can meet with Mr. Zimmerman.

Thank you for your consideration of this request.

Tim Kotroco

Timothy M. Kotroco
Partner

Whiteford
Taylor|Preston

Whiteford Taylor & Preston LLP

Towson Commons, Suite 300 | One West Pennsylvania Avenue | Towson, MD 21204

t: 410-832-2004 | f: 410 339-4050

John Beverungen - Petition for Special Hearing, James K. Powell property, 13665 Bottom Road, Case No. 2014-0265-SPH

From: Peter Zimmerman
To: Beverungen, John
Date: 8/27/2014 4:39 PM
Subject: Petition for Special Hearing, James K. Powell property, 13665 Bottom Road, Case No. 2014-0265-SPH
CC: TKotroco@wtplaw.com

Dear Judge Beverungen,

This is in reply to the e-mail request for reconsideration from Timothy Kotroco, attorney for the Petitioner James Powell.

Our office filed its appeal this morning, August 27, prior to receiving Mr. Kotroco's e-mail which requests treatment as a motion. If, as appears to be the case, our appeal preceded petitioner's motion for reconsideration, then it also appears that jurisdiction would now be in the County Board of Appeals and no longer at the Office of Administrative Hearings (OAH) level.

Even if it were still within the jurisdiction of the OAH, it should be kept in mind that the petition, as filed, is to "approve the continuation of two dwellings, built in 1975, to remain on the same lot." This sounds like a request for nonconforming use status for two principal dwellings on 1 lot.

The property on Bottom Road is 43-acres in size and is zoned R.C. 2, Agricultural. It is eligible for subdivision into two lots only under the BCZR Sec. 1A01.3.B.1 subdivision lot density standard for lots of record between 2 and 100 acres in size.

Meanwhile, the motion for reconsideration asks for consideration of a "tenant house" (which is allowed in the R.C. 2 Zone as an accessory use or structure under BCZR 1A01.2.B.9.i) or an "accessory apartment" (presumably in-law) approval (subject to special exception and other standards under BCZR 400.4). These are not mentioned or within the framework of the present petition, and would not be covered by the present public notice. So, there is no jurisdiction to review these requests anyway. See Cassidy v. County Board of Appeals 218 Md. 418 (1958).

In this context, we have also reviewed the site plan. The site plan relates to a concurrent minor subdivision plan and divides the 42-acre property into two proposed new lots, Lot 1 and Lot 2.

Concerning new Lot 1, we cannot find any reference on the special hearing zoning site plan to any tenant house or accessory apartment. In the proposed Lot 1 area, we see an "ex. 1-story dwelling, "ex. 1-story office," an "existing aluminum carport," and 2 structures entitled "ex. frame shed." It is hard to find in the site plan any reference to "second dwelling" on Lot 1. The site plan also seems unclear as to the floor area and dimensions of the structures on Lot 1. So, the site plan does not have within its scope any suggestion of a tenant house or accessory apartment request.

The petition's additional request for "such other and further relief as the nature of the cause may require" would not rationalize such distinct forms of special hearing relief. So, the motion for reconsideration is beyond the scope of the petition.

We also note from Mr. Kotroco's e-mail that the current "second dwelling" use is said to be not for a tenant house, but rather for a family member; but the stated desire is for the family member to move. This would seem to eliminate the BCZR Sec. 400.4.C threshold requirement for eligibility to apply for the temporary

accessory apartment use for immediate family members, unless there is some other family member ready to move in on a temporary basis.

Concerning proposed new Lot 2, the site plan and minor subdivision plan show the new dwelling to be placed on this second new lot. The photographic exhibits show a for-sale sign at the entrance, although it is unclear as to whether the intended sale is for the entire property or for one of the newly divided lots. Anyway, the construction of a new dwelling anywhere on the property would be a change of use on this property which would terminate any nonconforming use under BCZR 104.1.

To repeat, the bottom line is that the entire 43-acre site may be subdivided into two lots only. A "second dwelling" on Lot 1, effectively a third dwelling in the context of the new minor subdivision plan, exceeds the BCZR Sec. 1A01.3.B.1 subdivision lot density standards for the R.C. 2 Zone. Likewise, the request for a "second dwelling" on Lot 1 conflicts with BCZR Sec. 1A01.3.B.4, which places a maximum limit of 1 dwelling per lot.

There is no legal justification to avoid these requirements by reference to a purported tenant house or accessory apartment. Moreover, any nonconforming use would be terminated by the addition of the new dwelling.

It is also unclear as to the zoning status of the 1-story office. Presumably, this is for "Phillips Electronics," referred to in the sign at the entrance shown on the photographic exhibit.

There is also a question whether the proposed new panhandle driveway for the new dwelling on Lot 2 satisfies the detailed general and specific criteria under Baltimore County Code Section 32-4-409.

Under these circumstances, it appears that both procedurally and substantively, the case should proceed upon this office's appeal to the County Board of Appeals. All of the above issues may be sorted out in the appellate process.

At this juncture, for all of the above reasons, it appears that this zoning petition does not satisfy the pertinent legal requirements. Our office's position at this time is that, upon appeal *de novo*, the County Board of Appeals will have to deny the petition as a matter of law.

Respectfully, Peter Max Zimmerman, People's Counsel for Baltimore County
410 887-2188

John Beverungen - 2014-265-SPH

From: John Beverungen
To: Peter Zimmerman; Timothy Kotroco
Date: 8/28/2014 10:41 AM
Subject: 2014-265-SPH

Gentlemen,

Based on the exchange of emails, it would appear as if Mr. Zimmerman filed an appeal prior to Petitioner's motion for reconsideration. As such, I do not think there is anything left for me to do at this point, and my Office will send the file up to the CBA for scheduling.

I am sympathetic to the Petitioner's plight, and think it would have been helpful if Mr. Zimmerman had noted his disagreement at an earlier juncture, so that I would have known of his concerns (and, perhaps more importantly) the Petitioner could decide whether to continue with the case. It is unfair for an applicant to learn for the first time that there is opposition to his request nearly 30 days after a public hearing is held. I certainly understand that People's Counsel has the right to file an appeal in those cases he deems important, but I think all concerns should be raised--even if in a cursory fashion--before the OAH hearing rather than by ambush at the CBA.

John Beverungen
ALJ

John Beverungen - 2014-265-SPH

From: John Beverungen
To: Timothy Kotroco
Date: 7/31/2014 2:54 PM
Subject: 2014-265-SPH
CC: Sherry Nuffer

Mr. Kotroco,

I am writing to follow up on today's hearing in the above matter. As we discussed, please forward to this Office a signed/sealed copy of the site plan. In addition, my initial research shows that the BCZR was amended in 1979 to provide that "no more than one principal dwelling is permitted on any lot in an R.C.2 zone." BCZR Sec.

1A01.3.B.4. As such, and as we also discussed, if you can provide evidence that the second home on your client's property was constructed prior to 1979 (i.e., building permits, septic tank records, etc.), I am inclined to believe it would qualify as a nonconforming use.

John Beverungen
ALJ

John Beverungen - RE: 2014-265-SPH

From: "Kotroco, Timothy" <TKotroco@wtplaw.com>
To: 'John Beverungen' <jbeverungen@baltimorecountymd.gov>
Date: 7/31/2014 3:41 PM
Subject: RE: 2014-265-SPH
Attachments: ~WRD000.jpg; image002.jpg

Judge Beverungen:

I have forwarded this information on to Mr. Wilson and my client. My client has already found the building permit issued by Baltimore County for his current home, which replaced his original 1977 home about 6 years ago. He has placed that in today's mail. I will get that to you as soon as it comes to my office. We will also provide to you whatever additional evidence we can find to support the existence of the second house prior to 1979 which will corroborate the uncontradicted testimony of Mr. Powell.

Thank you for allowing us to provide this additional information to you.

Sincerely,

Tim K.

Timothy M. Kotroco
Partner

Whiteford
Taylor|Preston

Whiteford Taylor & Preston LLP

Towson Commons, Suite 300 | One West Pennsylvania Avenue | Towson, MD 21204

t: 410-832-2004 | f: 410 339-4050

tkotroco@wtplaw.com | [Bio](#) | [vCard](#) | www.wtplaw.com

From: John Beverungen [jbeverungen@baltimorecountymd.gov]
Sent: Thursday, July 31, 2014 2:54 PM
To: Kotroco, Timothy
Cc: Sherry Nuffer
Subject: 2014-265-SPH

Mr. Kotroco,

I am writing to follow up on today's hearing in the above matter. As we discussed, please forward to this Office a signed/sealed copy of the site plan. In addition, my initial research shows that the BCZR was amended in 1979 to provide that "no more than one principal dwelling is permitted on any lot in an R.C.2 zone." BCZR Sec.

1A01.3.B.4. As such, and as we also discussed, if you can provide evidence that the second home on your client's property was constructed prior to 1979 (i.e., building permits, septic tank records, etc.), I am inclined to believe it would qualify as a nonconforming use.

John Beverungen
ALJ

CONNECT WITH BALTIMORE COUNTY

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☐

www.baltimorecountymd.gov

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Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 11 Account Number - 1120091076							
Owner Information									
Owner Name:		POWELL JAMES KENNETH JR				Use:		AGRICULTURAL YES	
Mailing Address:		13663 BOTTOM RD HYDES MD 21082-9751				Principal Residence: Deed Reference:		/33065/ 00470	
Location & Structure Information									
Premises Address:		13663 BOTTOM RD 0-0000				Legal Description:		43.50 AC REAR SS BOTTOM ROAD 4865 NE FORK ROAD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0045	0017	0008		0000				2012	
Special Tax Areas:				Town: Ad Valorem: Tax Class:		NONE			
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
1975		2,168 SF		624 SF		43.5000 AC		05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
1.000000	YES	STANDARD UNIT	SIDING	2 full/ 1 half	1 Detached				
Value Information									
			Base Value	Value As of 01/01/2012	Phase-in Assessments As of 07/01/2013		As of 07/01/2014		
Land:			190,100	190,100					
Improvements			273,400	235,100					
Total:			463,500	425,200	425,200		425,200		
Preferential Land:			10,100				10,100		
Transfer Information									
Seller: POWELL BETTY JEAN				Date: 01/16/2013		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /33065/ 00470		Deed2:			
Seller: POWELL JAMES K				Date: 05/08/2009		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /28047/ 00272		Deed2:			
Seller: TWAMLEY ISAAC L AG USE 83-84				Date: 10/29/1971		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /05305/ 00279		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		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		AGRICULTURAL TRANSFER TAX							
Homestead Application Information									
Homestead Application Status: Approved 09/26/2013									

CASE NAME Powell
CASE NUMBER 2014-265-SPH
DATE 7/31/2014

[illegible]

1119075029

NE 19-H

1900005525

13701

1116045400

1114011210

13737

13739

BOTTOM RD

Pt. Bk./Folio # 047068A

PDM # 110370

Pt. Bk./Folio # 041042

Lot # 1
1700014513

Lot # 2
1700014514

Pt. Bk. 0000041, Folio 0042

Pt. Bk. 0000053, Folio 0047

NE 19-I

13663

PDM # 110272

1900008193

Lot # 5

Lot # 6

1900008194

Pt. Bk. 0000050, Folio 0009

Pt. Bk./Folio # 053047

Pt. Bk. 0000065, Folio 0137

RC 5

13743

2200017422
1993-0063-S

Lot # 9

1120091075

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

Lot # 7

1900008195

1900008196

Lot # 8

13763-A

1119076674

Lot # 1

2500003144

Pt. Bk. 0000032
PDM # 111059

Pt. Bk./Folio # 057146

1119009325
PDM # 110553

Lot # 1

Pt. Bk. 0000057, Folio 0146

NE 18-I

NE 18-H

11 ED
045C2

RC 2

1119064050

3 CD

40265

Case No.:

2014-0265-SPH

Exhibit Sheet

8-6-14 PW

Petitioner/Developer

Protestants

No. 1	Site Plan	
No. 2	Minor Sub. Plan - Powell	
No. 3	"My Neighborhood" Aerial photo	
No. 4	Color photos	
No. 5	Zoning Map	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S
EXHIBIT NO. 3



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 the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.



PETITIONER'S

EXHIBIT NO. 4

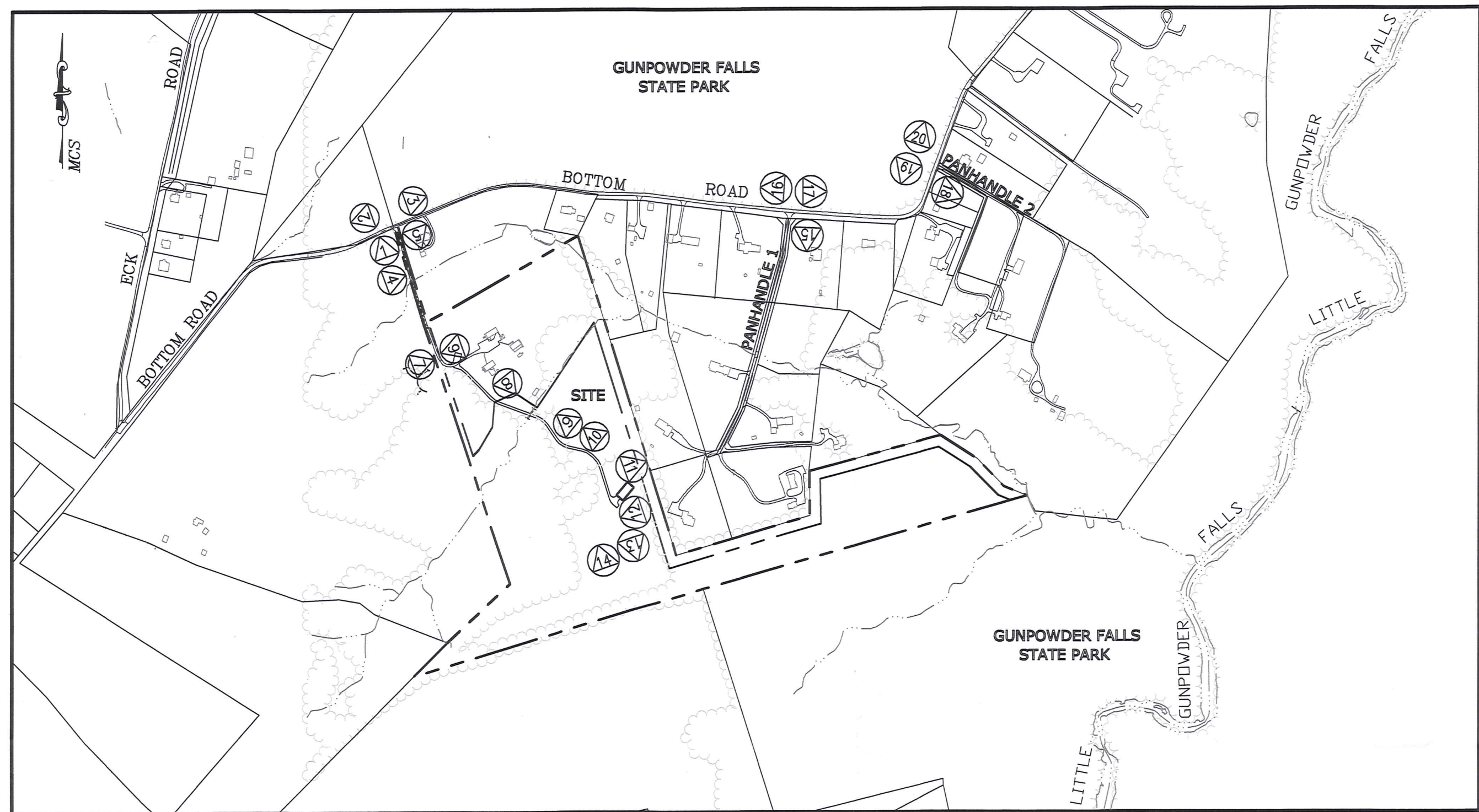












LOCATION PLAN AND NEIGHBORHOOD MAP

SCALE: 1" = 500'



1



2



3



4



5



6



7



8



9



10



11



12



13



14



15



16



17



18



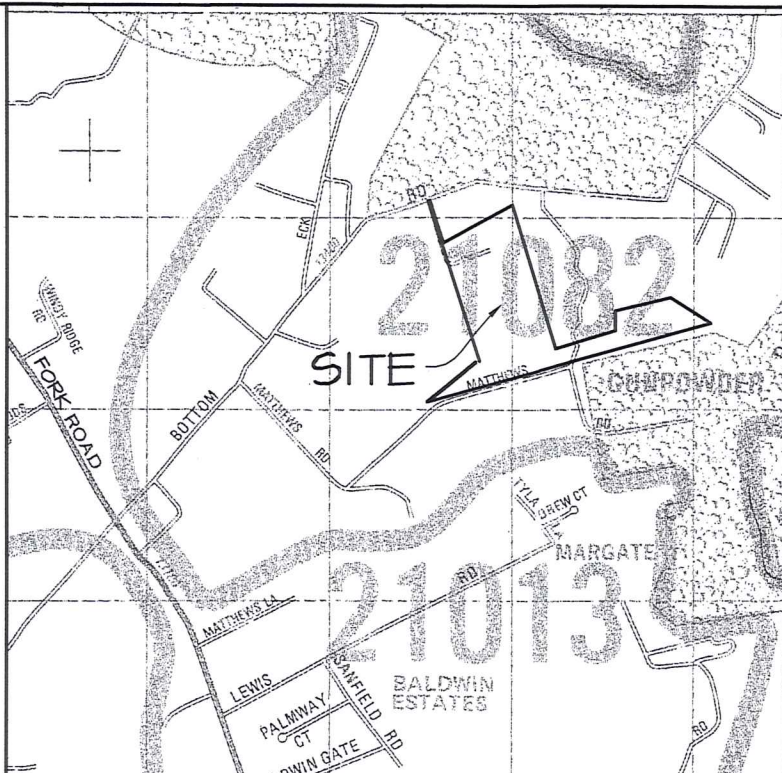
19



20

GENERAL NOTES:

- A. AREA OF TRACT = 1,888,944 SQ. FT. OR 43.364 AC.±
- B. ZONING: RC2 (200 SCALE MAP NO. 045C2)
- C. DENSITY CALCULATIONS
LOTS ALLOWED = 2
LOTS PROPOSED = 2
- D. OWNER:
BETTY JEAN POWELL AND JAMES KENNETH POWELL, JR.
13663 BOTTOM ROAD
HYDES, MARYLAND 21082-4751
- E. TAX ACCOUNT NUMBERS:
SUBJECT PROPERTY 11-20-091075 AND 11-20-091076
- F. PLAT REFERENCE: N/A
- G. DEED REFERENCE: 28047/272
- H. TAX MAP: 45 BLOCK: 17 PARCEL: 8
- I. CENSUS TRACT: 41201
REGIONAL PLANNING DISTRICT: 310
SCHOOL DISTRICT: KINGSVILLE ES, PERRY HALL MS, PERRY HALL HS
WATERSHED: LITTLE GUNPOWDER FALLS
SUB-SECTOR: N/A
- J. PROPERTY USE:
EXISTING USE - RESIDENTIAL
PROPOSED USE - RESIDENTIAL
- K. CONTOURS SHOWN ARE TAKEN FROM BALTIMORE COUNTY 6.1.5. TILE 045C2. SITE IMPROVEMENTS SHOWN ARE FIELD LOCATED.
- L. THERE ARE NO KNOWN CRITICAL AREAS, STREAMS OR OTHER BODIES OF WATER, ENDANGERED SPECIES HABITATS, OR HAZARDOUS WASTE, ARCHEOLOGICAL, OR HISTORIC SITES ON THIS PROPERTY.
- M. THIS SITE IS NOT IN A 100 YEAR FLOODPLAIN PER F.I.R.M. COMMUNITY PANEL NO. 24001002806, DATED 4-26-08 (ZONE C).
- N. LOCAL OPEN SPACE IS NOT A REQUIREMENT OF MINOR SUBDIVISIONS.
- O. TOTAL AREA OF PROPOSED LAND DISTURBANCE = 14873 SQ. FT. OR 1.8336 AC.±
- P. ESD TO THE MEP FOR MSV, Rev. 4 Gpv ARE REQUIRED, AND PROVIDED, THE PRACTICES ARE SHOWN CONCEPTUALLY ON THIS PLAN.
- Q. A FOREST CONSERVATION PLAN (F.C.P.) AND FOREST RETENTION PLAN HAS BEEN PREPARED BY ECO-SCIENCE PROFESSIONALS, INC. AND SUBMITTED TO D.E.P.R.M. FOR APPROVAL.
- R. THE MAXIMUM HEIGHT OF PROPOSED DWELLINGS IS 35 FEET.
- S. ALL PARKING AND MANEUVERING AREAS WILL BE PAVED WITH MACADAM OR CONCRETE AND COMPLY WITH SECTION 409.4 (BCCR).
- T. ENVELOPES OR PROPOSED DWELLINGS AS SHOWN DICTATE A SPECIFIC LOCATION AND ORIENTATION WHICH IS INTENDED TO ALLOW COMPLIANCE WITH BALTIMORE COUNTY ZONING REGULATIONS AND POLICES. SHOULD THE LOCATION OR ORIENTATION CHANGE OR CREATE CONFLICTS WITH THE REGULATIONS OR POLICES, THE LOCATION OR ORIENTATION MUST BE CHANGED TO ALLEVIATE THE CONFLICTS.
- U. THE ENGINEER HEREBY AFFIRMS THAT THE SUBJECT PROPERTY SHOWN HEREON HAS BEEN HELD INTACT SINCE 1975, AND THAT NO PART OF THE SUBJECT TRACT HAS BEEN UTILIZED AS DENSITY FOR OFFSITE DEVELOPMENT.
- V. ALL KNOWN WELLS, SEPTIC SYSTEMS, AND UNDERGROUND FUEL TANKS WITHIN 100 FEET OF THE PROPERTY LINES HAVE BEEN SHOWN.
- W. ALL PERC TESTS SHOWN HEREON HAVE BEEN FIELD LOCATED.
- X. THE SITE HAS NO ZONING CASE HISTORY.
- Y. THE PANHANDLE SHALL BE PAVED WITHIN ONE YEAR OF ISSUANCE OF THE OCCUPANCY PERMIT FOR LOT 2.
- Z. MASTER WATER AND SEWER PLAN DESIGNATION:
M-T NO PLANNED WATER, S-T NO PLANNED SEWER.
- AA. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON OR WITHIN 200' OF THE SITE.
- AB. COORDINATES SHOWN ON THIS CONTRACT REFER TO THE MARYLAND STATE PLANE COORDINATE SYSTEM NAD 83. ELEVATIONS SHOWN HEREON ARE REFERRED NAVD 88.



VICINITY MAP

SCALE: 1" = 1000'

SIGNATURE OF SURVEYOR

ADDRESS

TELEPHONE NO.

EXPIRES: 9/30/14
SEAL

Wilson Deegan & Associates, Inc.
SURVEYORS * ENGINEERS

2309 Belair Road
Fallston, Maryland 21047
PHONE: (410) 893-3700

SCALE: AS SHOWN

JOB NO.: 10032

SHEET: 1 OF 2

DATE: 03/24/2013

DRAWN / DESIGN BY: WLSIFLER

CHECKED BY: WDA

BALTIMORE COUNTY MINOR SUBDIVISION NO.

PROJECT NO.: _____

DEVELOPMENT REGULATIONS

- ☒ Exempt from Article 32, Title 4, Subtitle 2, BCC
- ☒ Panhandle exempt from Sections 32-4-211 and 32-4-217, AND Sections 32-4-226 and 32-4-227, BCC

PDM CERTIFICATION

☐ Approved ☐ Disapproved

By: _____ Date: _____

APPROVED DEPRM

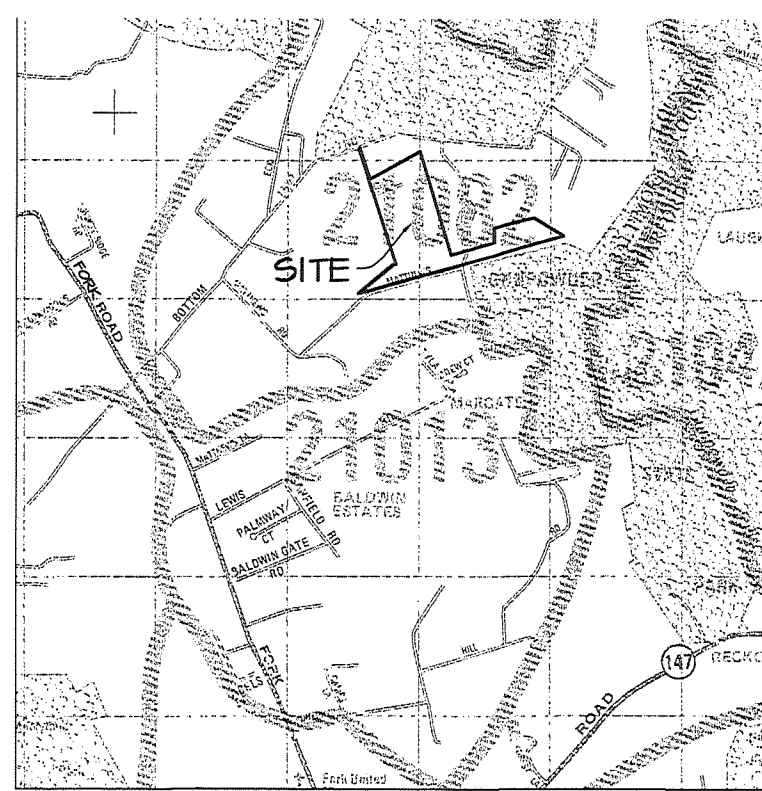
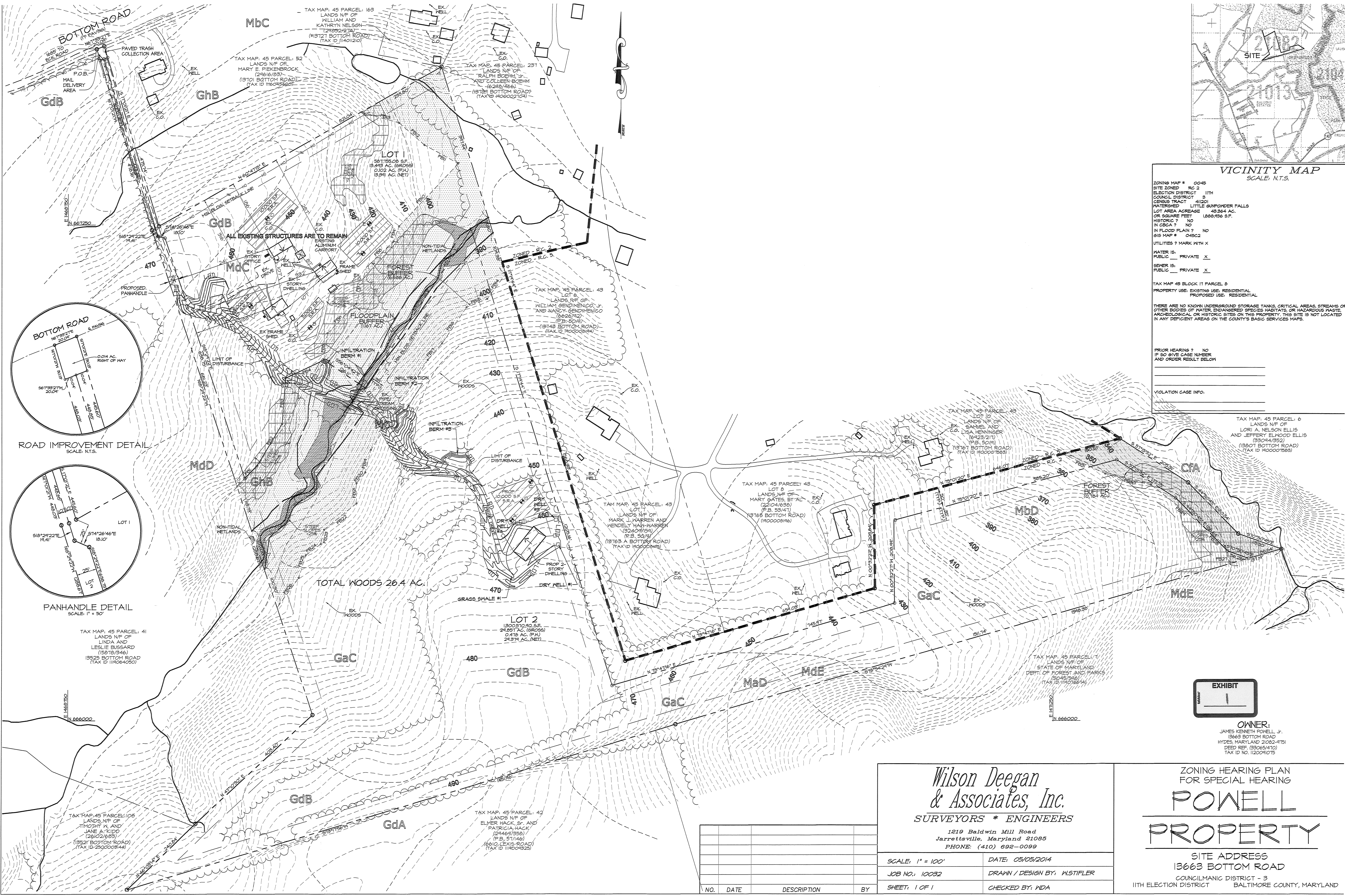
By: _____ Date: _____

MINOR SUBDIVISION OF

POWELL
PROPERTY

SITE ADDRESS
13663 BOTTOM ROAD

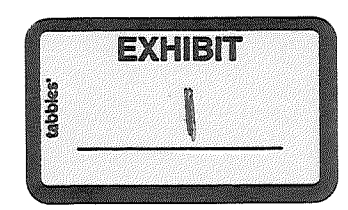
MINOR SUBDIVISION NO.
COUNCILMANIC DISTRICT - 3
11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND



VICINITY MAP
SCALE: N.T.S.

ZONING MAP # 0045
SITE ZONED RC 2
ELECTION DISTRICT 11TH
COUNCIL DISTRICT 4120
WATERSHED LITTLE GUNPOWDER FALLS
LOT AREA ACREAGE 48.564 AC.
OR SQUARE FEET 1,888,936 S.F.
HISTORIC ? NO
IN CSBA ? NO
IN FLOOD PLAIN ? NO
GIS MAP # 04502
UTILITIES ? MARK WITH X
WATER IS:
PUBLIC _____ PRIVATE X
SEWER IS:
PUBLIC _____ PRIVATE X
TAX MAP 45 BLOCK 11 PARCEL 8
PROPERTY USE: EXISTING USE, RESIDENTIAL
PROPOSED USE, RESIDENTIAL
THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS, CRITICAL AREAS, STREAMS OF OTHER BODIES OF WATER, ENDANGERED SPECIES HABITATS, OR HAZARDOUS WASTE, ARCHEOLOGICAL OR HISTORIC SITES ON THIS PROPERTY. THIS SITE IS NOT LOCATED IN ANY DEFICIENT AREAS ON THE COUNTY'S BASIC SERVICES MAPS.
PRIOR HEARINGS ? NO
IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
VIOLATION CASE INFO:

TAX MAP 45 PARCEL 6
LANDS N/F OF
LORI A. NELSON ELLIS
AND JEFFERY ELMOD ELLIS
(33044/552)
(13907 BOTTOM ROAD)
(TAX ID 1800001589)



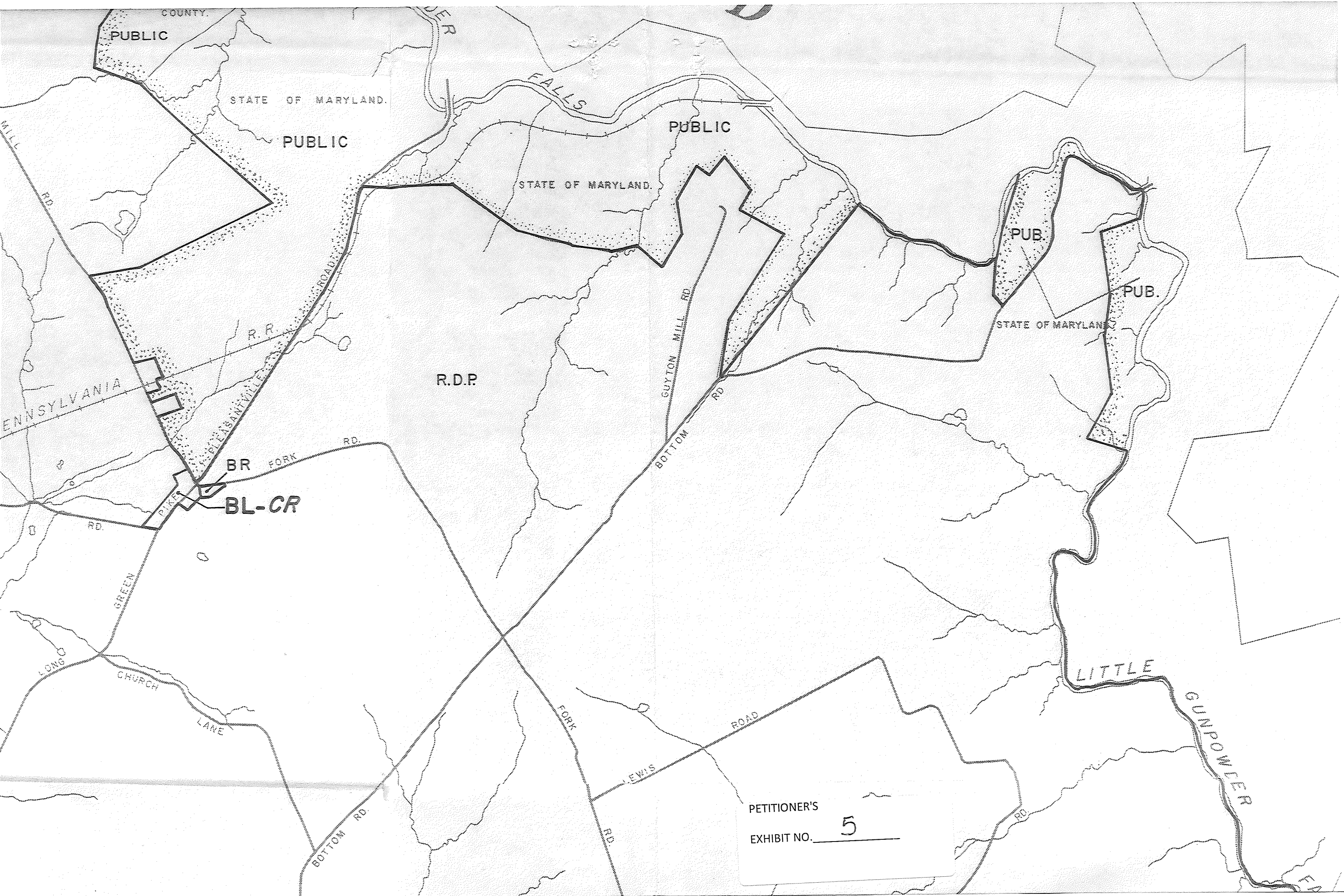
OWNER:
JAMES KENNETH POWELL, JR.
13663 BOTTOM ROAD
HYDES, MARYLAND 21082-4751
DEED REF. (33065/410)
TAX ID NO. 1120091075

Wilson Deegan & Associates, Inc.
SURVEYORS * ENGINEERS
1219 Baldwin Mill Road
Jarrettsville, Maryland 21085
PHONE: (410) 692-0099

SCALE: 1" = 100'	DATE: 05/03/2014
JOB NO.: 10032	DRAWN / DESIGN BY: WJSTIFLER
SHEET: 1 OF 1	CHECKED BY: WDA

ZONING HEARING PLAN
FOR SPECIAL HEARING
POWELL
PROPERTY
SITE ADDRESS
13663 BOTTOM ROAD
COUNCILMANIC DISTRICT - 3
11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

NO.	DATE	DESCRIPTION	BY



PETITIONER'S
EXHIBIT NO. 5