IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE** (2414 Stockton Road) 10th Election District 3rd Council District Andrew & Lindsay Nixon *Legal Owners*	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY
Petitioners	*	**Case No. 2017-0202-SPHA**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Andrew and Lindsay Nixon, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit an attached accessory apartment to be built and used as an in-law suite. In addition, a Petition for Variance seeks to permit a proposed addition with a rear yard setback of 20 ft. in lieu of the required 35 ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Andrew and Lindsay Nixon appeared in support of the requests. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) and the Department of Planning (DOP). Neither agency opposed the requests.

The subject property is approximately 5.519 acres in size and is zoned RC-2. The property is improved with a large single family dwelling, and the property is adjacent to a large, active farming operation. Petitioners propose to raze and rebuild the existing attached garage and construct a 1,258

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Date 5-9-17
By DW

sq. ft. addition to the north and east side of the rebuilt garage. The addition will be used as an accessory apartment for Edwin and Allyson Pipher, parents of the Petitioners.

SPECIAL HEARING

A special hearing is usually not required when an owner proposes an accessory apartment which would be located in an existing dwelling. B.C.Z.R. § 400.4. In this case, Petitioners will construct an addition to the existing single family dwelling, and that addition will contain the accessory apartment. In these circumstances the Office of Zoning Review believed a special hearing was necessary. The subject property is over 5 ½ acres in size and is located in a rural, sparsely populated area of the county. As such, the accessory apartment use – subject to the Declaration of Understanding which must be filed in the land records – will not have a detrimental impact upon the community.

VARIANCE

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (19915).

Petitioners have met this test. The rural property has irregular dimensions and is therefore unique. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to construct the proposed addition. Finally, as demonstrated by the lack of County and/or community opposition, I do not believe granting the requests would have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED this **9th** day of **May, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County

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By DW

Zoning Regulations ("B.C.Z.R") to permit an attached accessory apartment to be built and used as an in-law suite, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the petition for variance to permit a proposed addition with a rear yard setback of 20 ft. in lieu of the required 35 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

2. Prior to issuance of permits, Petitioners must obtain approval from the Ground Water Management section of DEPS.

3. Petitioners must provide a landscape buffer (satisfactory to the DOP) to screen the accessory apartment from the adjacent farm.

4. Any dwelling may be subject to inconveniences or discomforts arising from agricultural operations, including but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during any 24 hour period (including aircraft), the storage and disposal of manure and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. The County shall not consider an agricultural operation to be a public or private nuisance if the operation complies with these regulations and all federal, state and county health and environmental requirements.

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

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Date 5-9-17

By

KEVIN KAMENETZ
County Executive

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

May 9, 2017

Andrew and Lindsay Nixon
2414 Stockton Road
Phoenix, MD 21131

RE: Petitions for Special Hearing and Variance
Case No. 2017-0202-SPHA
Property: 2414 Stockton Road

Dear Mr. and Mrs. Nixon:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

AD NISTRATIVE ZONING PE 'ION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 2414 Stockton Rd Phoenix MD 21131 **Currently zoned** RC2
Deed Reference 26294 / 00130 10 Digit Tax Account # 1900005714
Owner(s) Printed Name(s) Lindsay and Andrew Nixon

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ✓ **ADMINISTRATIVE VARIANCE** from Section(s)
Section: 1**A01.3.B.3**
To permit a proposed addition with a rear yard setback of 20 feet in lieu of the required 35 feet.
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ✓ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (*indicate type of work in this space: i.e., to raze, alter or construct addition to building*)
To permit an attached accessory apartment to be built and used as an in-law suite. (not in the original house)
of the Baltimore County Code.

Property is to be posted and advertised as prescribed by the zoning regulations.
I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Andrew Nixon / Lindsay Nixon
Name #1 – Type or Print / Name # 2 – Type or Print

/ Lindsay Nixon
Signature #1 / Signature #2

2414 Stockton Rd Phoenix MD
Mailing Address City State

21131 / 410-472-2909 / NIXON393@LIVE.COM
Zip Code / Telephone # / Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address City State

Zip Code / Telephone # / Email Address

Representative to be contacted:

Name – Type or Print

Signature

Mailing Address City State

Zip Code / Telephone # / Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-202-SPHA **Filing Date** 2/2/2017 **Estimated Posting Date** 2/12/17 **Reviewer** JW

Rev 5/5/2016

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 2414 STOCKTON ROAD (Print or Type Address of property) PHOENIX (City) MD (State) 21131 (Zip Code)

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. **(Clearly state practical difficulty or hardship here)**

The accessory apartment is to be located as an L-shaped addition on the east and ~~west~~ north of the garage. Due to structural issues we are demolishing the existing garage and rebuilding it. Because this will be simultaneous with the construction of the accessory apartment, it will be cost effective to construct the accessory apartment at this site.
Additionally, the new construction can not be built in the front (south) of the existing house as our geothermal heat loop is buried in this area. Building to the west side of the house ~~set~~ would be prohibited by the driveway which is used by us and is the only entrance to Stockton Farms (~~an~~ approximately 380 acres of farm land and farm buildings owned by Richard Price). Furthermore, placing the addition further south on the east side of the house would not be possible as our septic system is there.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Signature of Owner (Affiant)

Andrew Nixon
Name- Print or Type

Signature of Owner (Affiant)

Lindsay Nixon
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of February, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Andrew Nixon and Lindsay Nixon

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

MELANIE VOHS
NOTARY
PUBLIC
BALTIMORE COUNTY, MD.

Melanie Vohs
Notary Public

02/08/21
My Commission Expires

REV. 5/5/2016

Affidavit in Support of Administrative Variance
(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 2414 STOCKTON ROAD (Print or Type Address of property) PHOENIX (City) MD (State) 21131 (Zip Code)

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. **(Clearly state practical difficulty or hardship here)**

The accessory apartment is to be located as an L-shaped addition on the east and ~~west~~ north of the garage. Due to structural issues we are demolishing the existing garage and rebuilding it. Because this will be simultaneous with the construction of the accessory apartment, it will be cost effective to construct the accessory apartment at this site.
Additionally, the new construction can not be built in the front (south) of the existing house, as our geothermal heat loop is buried in this area. Building to the west side of the house ~~would~~ would be prohibited by the driveway which is used by us and is the only entrance to Stockton Farms (~~an~~ approximately 380 acres of farmland and farm buildings owned by Richard Price). Furthermore, placing the addition further south on the east side of the house would not be possible as our septic system is there.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Signature of Owner (Affiant)

Andrew Nixon
Name- Print or Type

Signature of Owner (Affiant)

Lindsay Nixon
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of February, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Andrew Nixon and Lindsay Nixon

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

MELANIE VOHS NOTARY PUBLIC BALTIMORE COUNTY, MD.

Melanie Vohs
Notary Public

02/08/21
My Commission Expires

REV. 5/5/2016

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 2414 Stockton Road which is presently zoned RC-2

Deed References: 26294/00130 10 Digit Tax Account # 1900005714

Property Owner(s) Printed Name(s) Lindsay AND Andrew Nixon

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. X **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

   To permit an attached accessory apartment to be built and used as an in-law suite. (not in the original house)

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

3. X **a Variance** from Section: 1A01.3.B.3

   To permit a proposed addition with a rear yard setback of 20 feet in lieu of the required 35 feet.

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

See Attached

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

Legal Owners (Petitioners):

Andrew Nixon / Lindsay Nixon

Name #1 – Type or Print / Name #2 – Type or Print

Signature #1 / Lindsay Nixon Signature # 2

2414 Stockton Rd Phoenix MD

Mailing Address City State

21131 / 410-472-2909 / Nixon393@Live.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

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 2017-0202-SPHA Filing Date 2/12/2017 Do Not Schedule Dates: _____ Reviewer TW

ORDER RECEIVED FOR FILING

Date 5-9-17

By IOW

REV. 10/4/11

2017-0202-SPHA

2414 Stockton Road Phoenix MD 21131

The accessory apartment is to be located as an L-shaped addition on the east and ~~west~~ north of the garage. Due to structural issues we are demolishing the existing garage and rebuilding it. Because this will be simultaneous with the construction of the accessory apartment, it will be cost effective to construct the accessory apartment at this site.
Additionally, the new construction can not be built in the front (south) of the existing house, as our geothermal heat loop is buried in this area. Building to the west side of the house would be prohibited by the driveway which is used by us and is the only entrance to Stockton Farms (~~an~~ approximately 330 acres of farm land and farm buildings owned by Richard Price). Furthermore, placing the addition further south on the east side of the house would not be possible as our septic system is there.

2017-0202-SPHA

Zoning Property Description for 2414 Stockton Rd

Beginning at a point on the North Side of Stockton Rd which is 20 feet wide at a distance of 484 +/- feet west of the centerline of the nearest improved interesting street of Cooper Rd which is 20 feet wide.

Thence the Following courses and distances:
1. N.3 50' 24" E 826'
2. N 86 31' 51" w 474.35"
3. S 3 32'40" w +/- 330'
4. Easterly +/- 265'
5. Southerly +/- 440'
6. S 79 57' 36" E +/- 205'

to the point of the beginning as recorded in the Deed Liber 26294/00130, Folio 338, containing 5.5199 acres. Located in the 10th Election district and 3rd Council District.

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

No 148667

Date: 2/2/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				150.00
							Total:	150.00

Rec From:

For: 2414 Stockton Rd.

2017-0202-SPHA

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
2/03/2017	2/02/2017	10:23:24	1

REG WS01 WALKIN LJR
>>RECEIPT # 705962 2/02/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 148667
Recpt Tot $150.00
$150.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 02/11/2017

RE: Project Name: Administrative Variance

Case Number /PAI Number: 2017-202- SPHA

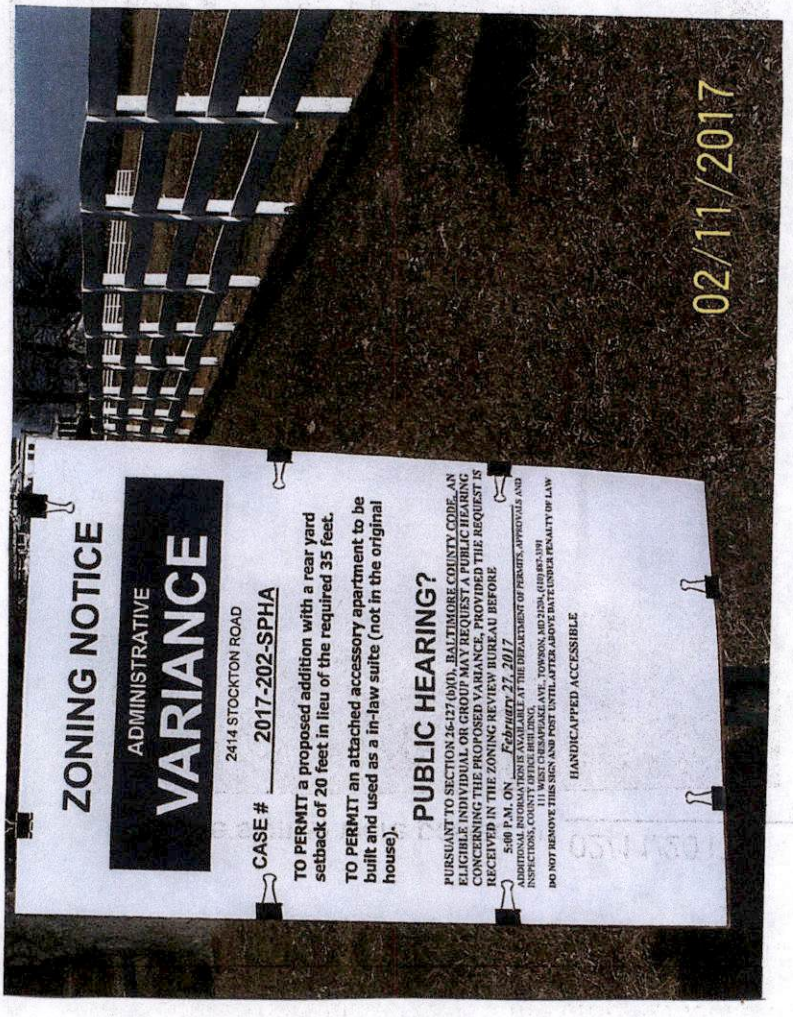
Petitioner/Developer: Andrew & Lindsay Nixon

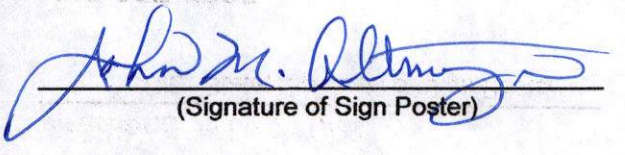
Date of Hearing/Closing: 02/27/17

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 2414 Stockton Rd. Phoenix , MD.21131

The sign(s) were posted on 02/11/2017

(Month, Day, Year)





(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd.

(Street Address of Sign Poster)

Freeland, MD. 21053

(City, State, Zip Code of Sign Poster)

410-357-5205

(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017-202-SPHA Address 2414 Stockton Rd

Contact Person: Leonard Wasilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/2/17 **Posting Date:** 2/12/17 **Closing Date:** 2/27/17

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.

3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.

4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2017-202-SPHA Address 2414 Stockton Rd Phoenix 21131

Petitioner's Name Andrew & Lindsay Nixon Telephone 410-472-2909

Posting Date: 2/12/17 **Closing Date:** 2/27/17

Wording for Sign:

To permit a proposed addition with a rear yard setback of 20 feet in lieu of the required 35 feet.

To permit an attached accessory apartment to be built and used as an in-law suite. (not in the original house)

Revised 7/6/16

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017-202-SPHA Address 2414 Stockton Rd

Contact Person: Leonard Wasilewski Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/2/17 **Posting Date:** 2/12/17 **Closing Date:** 2/27/17

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.

3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.

4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

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USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2017-202-SPHA Address 2414 Stockton Rd

Petitioner's Name Andrew & Lindsay Nixon Telephone 410-472-2909

Posting Date: 2/12/17 **Closing Date:** 2/27/17

Wording for Sign:

To permit a proposed addition with a rear yard setback of 20 feet in lieu of the required 35 feet.

To permit an attached accessory apartment to be built and used as an in-law suite. (not in the original house)

Revised 7/6/16

THE BALTIMORE SUN MEDIA GROUP

501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

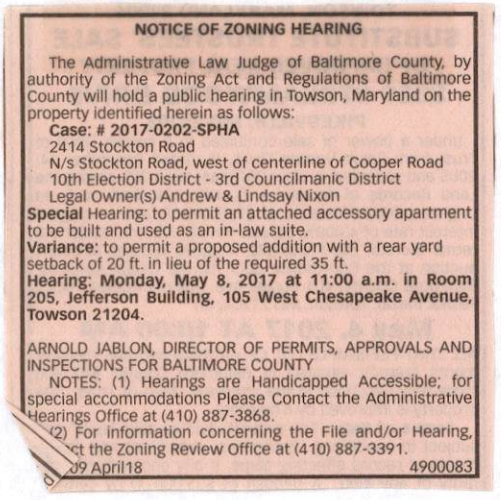
WE HEREBY CERTIFY, that the annexed advertisement of Order No 4900083

Sold To:
Lindsay NIxon - CU00594482
2414 Stockton Rd
Phoenix,MD 21131-1122

Bill To:
Lindsay NIxon - CU00594482
2414 Stockton Rd
Phoenix,MD 21131-1122

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Apr 18, 2017



NOTICE OF ZONING HEARING

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

Case: # 2017-0202-SPHA
2414 Stockton Road
N/s Stockton Road, west of centerline of Cooper Road
10th Election District - 3rd Councilmanic District
Legal Owner(s) Andrew & Lindsay Nixon

Special Hearing: to permit an attached accessory apartment to be built and used as an in-law suite.
Variance: to permit a proposed addition with a rear yard setback of 20 ft. in lieu of the required 35 ft.
Hearing: Monday, May 8, 2017 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.

09 April18 4900083

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

Date: 04/17/2017

RE: Project Name: Public Hearing

Case Number /PAI Number: 2017-0202-SPH

Petitioner/Developer: Andrew & Lindsay Nixon

Date of Hearing/Closing: 05/08/2017

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 2414 Stockton Rd. Phoenix, MD.21131

The sign(s) were posted on 04/17/2017

(Month, Day, Year)

John M. Altmeyer

(Signature of Sign Poster)

John M. Altmeyer

(Printed Name of Sign Poster)

21722 Orwig Rd.

(Street Address of Sign Poster)

Freeland, MD. 21053

(City, State, Zip Code of Sign Poster)

410-382-6580

(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 18, 2017 Issue - Jeffersonian

Please forward billing to:
Lindsay Nixon
2414 Stockton Road
Phoenix, MD 21131

410-472-2909

NOTICE OF ZONING HEARING

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CASE NUMBER: 2017-0202-SPHA
2414 Stockton Road
N/s Stockton Road, west of centerline of Cooper Road
10th Election District – 3rd Councilmanic District
Legal Owners: Andrew & Lindsay Nixon

Special Hearing to permit an attached accessory apartment to be built and used as an in-law suite. **Variance** to permit a proposed addition with a rear yard setback of 20 ft. in lieu of the required 35 ft.

Hearing: Monday, May 8, 2017 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 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

April 11, 2017

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2017-0202-SPH
2414 Stockton Road
N/s Stockton Road, west of centerline of Cooper Road
10th Election District – 3rd Councilmanic District
Legal Owners: Andrew & Lindsay Nixon

Special Hearing to permit an attached accessory apartment to be built and used as an in-law suite. **Variance** to permit a proposed addition with a rear yard setback of 20 ft. in lieu of the required 35 ft.

Hearing: Monday, May 8, 2017 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Andrew & Lindsay Nixon, 2414 Stockton Road, Phoenix 21131

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 18, 2017.**
(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.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0202-SPHA

Property Address: 2414 Stockton Rd

Property Description: _____

_____

Legal Owners (Petitioners): Andrew & Lindsay Nixon

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lindsay Nixon

Company/Firm (if applicable): _____

Address: 2414 Stockton Road

Phoenix, MD 21131

_____

Telephone Number: 410-472-2909

Revised 7/9/2015

KEVIN KAMENETZ
County Executive

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

February 28, 2017

Andrew & Lindsay Nixon
2414 Stockton Road
Phoenix MD 21131

RE: Case Number: 2017-0202 SPHA, Address: 2414 Stockton Road

Dear Mr. & Ms. Nixon:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 2, 2017. 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: jaw

Enclosures

c: People's Counsel

Larry Hogan, *Governor*
Boyd K. Rutherford, *Lt. Governor*

SHA State Highway Administration
Maryland Department of Transportation

Pete K. Rahn, *Secretary*
Gregory C. Johnson, P.E., *Administrator*

Date: 2/6/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0202-A
Administrative Variance
Andrew & Lindsay Nixon
2414 Stockton Road

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Richard A. Zeller

for Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 13, 2017

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

SUBJECT: Zoning Advisory Committee Meeting
For February 13, 2017
Item No. 2017-0113,0195,0196.0197,0198,0199,0200,0202 and 0204

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

DAK:CEN
cc:file
G:\DevPlanRev\ZAC -No Comments\ZAC02132017.doc

2-21

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 2/21/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED
FEB 22 2017
OFFICE OF
ADMINISTRATIVE HEARINGS

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 17-202

INFORMATION:

Property Address:	2414 Stockton Road
Petitioner:	Lindsay Nixon, Andrew Nixon
Zoning:	RC 2
Requested Action:	Administrative Variance, Special Hearing

The Department of Planning has reviewed the petition for an administrative variance to permit a rear yard setback of 20 feet in lieu of required 35 feet and the administrative special hearing to permit an attached accessory apartment to be built and used as an in-law suite.

The subject property is located in a Master Plan designated Agricultural Preservation Priority Area and is surrounded on three sides by an active farm that is under a Maryland Agricultural Land Preservation Foundation (MALPF) easement.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- That the petitioner plant a landscape buffer to screen the in-law apartment from the adjacent farm. The buffer can contain a mix of vegetation but should include evergreen trees to provide some year-long protection from nuisances.

- That the order include the following standard agricultural nuisance note:
Any dwelling may be subject to inconveniences or discomforts arising from agricultural operations, including but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during any 24 hour period (including aircraft), the storage and disposal of manure and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. The County shall not consider an agricultural operation to be a public or private nuisance if the operation complies with these regulations and all federal, state and county health and environmental requirements.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Lindsay Nixon
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: February 8, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0202-A
Address 2414 Stockton Road
(Nixon Property)

Zoning Advisory Committee Meeting of **February 13, 2017**

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Ground Water Management must review any future building permit(s) for addition(s), since this property is served by well and septic.

Reviewer: Dan Esser Date: 2/6/17

KEVIN KAMENETZ
County Executive

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

May 11, 2017

Andrew & Lindsay Nixon
2414 Stockton Road
Phoenix MD 21131

RE: Case Number: 2017-0202 SPHA, Address: 2414 Stockton Road

Dear Mr. & Ms. Nixon:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 12, 2017. 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

MARYLAND DEPARTMENT OF TRANSPORTATION
SHA State Highway Administration

Larry Hogan, **Governor**
Boyd K. Rutherford, **Lt. Governor**
Pete K. Rahn, **Secretary**
Gregory C. Johnson, P.E., **Administrator**

Date: 3/20/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0202-SPHA
Special Hearing Variance
Andrew & Lindsay Nixon
2414 Stockton Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Richard A. Zeller

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

RECEIVED
MAR 28 2017
DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

20BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 21, 2017

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

SUBJECT: Zoning Advisory Committee Meeting
For March 20, 2017
Item No. 2017- 0202, 0223, 0232, 0233, 0235, 0236, 0237, 0238, 0239 and 0240

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

DAK:CEN
cc:file
G:\DevPlanRev\ZAC -No Comments\ZAC03202017.doc

(AV) 2-27
Atty. of Wosleski
rec. file for 3-8.-17
further proceeding

RECEIVED
MAR 17 2017
OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: March 17, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0202-SPHA
Address 2414 Stockton Road
(Nixon Property)

Zoning Advisory Committee Meeting of **March 20, 2017**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. Ground Water Management must review any proposed building permit (for an addition), since the property is served by well and septic.

Reviewer: Dan Esser Date: 3/17/17

C:\Users\snuffer\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WPHS9SSK\ZAC 17-0202-SPHA 2414 Stockton Road.doc

RE: PETITION FOR SPECIAL HEARING AND VARIANCE 2414 Stockton Road; N/s Stockton Road, 484' W of c/line of Cooper Road 10th Election & 3rd Councilmanic Districts Legal Owner(s): Andrew & Lindsay Nixon Petitioner(s)	*	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2017-202-SPHA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
MAR 20 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of March, 2017, a copy of the foregoing Entry of Appearance was mailed to Andrew & Lindsay Nixon, 2414 Stockton Road, Phoenix, Maryland 21131, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: March 8, 2017

TO: Kristen Lewis, Office of Zoning Review
Department of Permits, Approvals & Inspections (PAI)

FROM: John Beverungen, Administrative Law Judge
Office of Administrative Hearings

RE: Petition for Administrative Variance – 2/27/17 Closing Date
Case No. 2017-0202-SPHA – 2424 Stockton Rd., 21131

At the request of Lenny Wasilewski, our office is returning the above-referenced file for further processing.

Thank you.

JEB:dlw

Called 3/8/17 2:50 pm

MEMORANDUM

DATE: June 9, 2017

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2017-0202-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on June 8, 2017. 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

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 24 day of January 2017, and by and between Andrew G and Lindsay R Nixon (hereinafter the "Declarants") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

A. The Declarants who are also the owners of this property have filed an application for a use permit to:

> Construct a one story, 1,258 sq.ft. addition to primary residence to be used as an accessory apartment. The addition will be constructed on the north and east side of the three car garage. (Simultaneously, Declarants will be replacing the existing garage and adding storage space above. The new garage will be the same square footage and shape as the existing garage (960 sq.ft., 30ftx32ft) and will be moved toward the circle driveway (west) two feet. No portion of the addition or the garage will be seen from the front of the house or road.

The property being located at 2414 Stockton Road, Phoenix, MD and is more particularly described by metes and bounds in Exhibit A (The Property) and Exhibit B (The use permit or hearing plans) attached hereto and made a part hereof. The property is zoned RC2 which is the particular zone in which the property is located.

B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities located on this owner-occupied property. The accessory apartment will be the housing for:

> Edwin and Allyson Pipher, father and mother of Lindsay R Nixon

The other residents of the property are:

> Andrew G Nixon and Lindsay R Nixon (Declarants), 2nd floor master bedroom
> Eliza R Nixon (age 12), daughter, 2nd floor bedroom #1
> William E Nixon (age 11), son, 2nd floor bedroom #2
> Abigail M Nixon (age 6), daughter, 2nd floor bedroom #1

The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

As a condition of approval of the Declarants request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to an future owners, subsequent bona fide purchasers or uses of the Property that no part of any improvement or addition on the Property may be used for separate living quarters and that all such improvements shall ony be used as a single-family residence, unless otherwise approved by and at the discretion of PIA.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarants and PIA hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvement or addition shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. the Accessory Apartment shall house only the immediate family member(s) listed in this Declaration and it is not to be used as an independent residential unit, nor is it to be used for compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in Land Records.

2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchasers shall require a new request for a use permit.

3. Upon use permit termination:

A. Use permit termination requires the removal of the second kitchen and the former Accessory Apartment space to be occupied by the Declarants or subsequent purchaser.
B. The Declarants upon termination of the use permit will provide written noticfication to PAI for the closing of the Department file.

4. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the Property.

5. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS: _____

_____

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 24th day of 2017, before the Subscriber, a Notary Public of State of Maryland, personally appeared Andrew Nixon and Lindsay Nixon

The declarants herein, who are also the owners of this property, known to me (or satisfactorily proven) to be the person whose names are subscibed to the within instrument, and who acknowledged that they executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notarial seal.

My Commission Expires: 02/08/21

Melanie Vohs
Notary Public

MELANIE VOHS
NOTARY
PUBLIC
BALTIMORE COUNTY, MD.

EXHIBIT A

BEGINNING FOR THE SAME at a point in the center of Stockton Road and in the twenty-fourth or North 79 degrees 57 minutes 36 seconds West 623.90 foot line of the parcel of land which by a deed dated December 23, 1969 and recorded among the Land Records of Baltimore County in Liber O.T.G No. 5061, folio 554, was conveyed by T. Howard Price and wife to Richard F. Price, said point being distant North 79 degrees 57 minutes 36 seconds West 484.00 feet measured along said line from the beginning thereof (the beginning of said twenty-fourth line being the point of intersection of the center line of Stockton Road with the center line of Cooper Road) and running thence with and binding on a part of said twenty-fourth line and on the twenty-fifth line of said parcel of land and binding in the center of Stockton Road, the two following courses and distance3s, viz: North 79 degrees 57 minutes 36 seconds West 139.90 feet and North 80 degrees 00 minutes 36 seconds West 333.19 feet and thence leaving said Stockton Road and running with and binding on the third, fourth and last lines of the parcel of land containing 8.67 acres described as an exception in the aforesaid deed from T. Howard Price and wife to Richard F. Price, the three following courses and distances, viz: North 3 degrees 32 minutes 40 seconds East 772.98 feet to a pipe, South 86 degrees 31 minutes 51 seconds, East 474.35 feet to a pipe and south 3 degrees 50 minutes 24 seconds West 826.84 feet to the place of beginning. Containing 8.67 Acres of land, more or less, according to a survey made March 17, 1982 by Gerhold, Cross and Etzel, Registered Professional Land Surveyors.

SAVING AND EXCEPTING THEREFROM so much of said property as described in a Deed dated November 16, 1990 and recorded among the Land Records of Baltimore County, Maryland in Liber SM No. 8706, folio 511 between James H Yates, Jr. and Nancy M. Yates, his wife, Grantors: and Central Maryland Farm Credit, ACA, Mortgagee, and Koby F. Porta, Bradley G. Moore, and Gail S. Kimbler, Trustees, and Ellen Whittenberger and Thomas P. McGinly, Substitute Trustees being described as a parcel of land 30 feet wide across the property of the James H. Yates, Jr. and Nancy M. Yates, his wife, to the used for the widening of STOCKTON ROAD, said parcel of land containing 0.3258 acre (14,195 sq. ft.).

FURTHER, SAVING AND EXCEPTING THEREFROM so much of said property as described in a Deed dated February 6, 1991 and recorded among the Land Records of Baltimore County, Maryland in Liber SM No. 8708, folio 694 between James H. Yates Jr. and Nancy M. Yates, Grantors and James H. Yates, Jr. and Nancy M. Yates, Grantees being described as all that land being known and designated as Lot No. 2 comprised of 2.8143 acres more or less on the Exhibit A attached thereto and made a part thereof, and also being known as 2400 Stockton Road.

SUBJECT TO the right and use thereof in common with others entitled thereto of the existing entrance road leading in a northerly direction from Stockton Road thru the 8.67 acres tract herein described for the purpose of ingress and egress, to and from the farm buildings erected on the property conveyed by T. Howard Price and wife to Richard F. Price dated December 23, 1969 and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5061, folio 554.

TOGETHER WITH AND SUBJECT TO terms and conditions set forth in a Deed and Easement Agreement dated January, 1990 by and between Richard F. Price and James H. Yates, Jr. and Nancy M. Yates, recorded among the Land Records of Baltimore County, Maryland, immediately prior hereto.

The improvements thereon being known as No. 2414 Stockton Road, Phoenix, Maryland 21131

Tax I.D. No. 10-1900005714

BEING the same parcel of ground which by deed dated May 11, 1982 and recorded among the Land Records of Baltimore County, Maryland in Liber EHK,JR No. 6393 folio 338 was granted and conveyed by Robert H. Price, George A. Price, Austin W. Brizendine, Jr., Personal Representatives of the Estate of T. Howard Price unto James H. Yates, Jr. and Nancy M. Yates, the Grantors herein.

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Account Identifier: **District** - 10 **Account Number** - 1900005714

Owner Information

Owner Name:	NIXON ANDREW G NIXON LINDSAY R	**Use:** **Principal Residence:**	AGRICULTURAL YES
Mailing Address:	2414 STOCKTON RD PHOENIX MD 21131-1122	**Deed Reference:**	/26294/ 00130

Location & Structure Information

Premises Address:	2414 STOCKTON RD 0-0000	**Legal Description:**	5.5199 AC NS 2414 STOCKTON RD 484 W COOPER RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0035	0015	0330		0000				2017	Plat Ref:

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

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
	4,145 SF		5.5100 AC	33

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2 1/2	NO	STANDARD UNIT	FRAME	3 full/ 1 half	1 Attached	

Value Information

	Base Value	Value As of 01/01/2017	Phase-in Assessments As of 07/01/2016	Phase-in Assessments As of 07/01/2017
Land:	101,600	101,600		
Improvements	333,000	362,400		
Total:	434,600	464,000	434,600	444,400
Preferential Land:	1,600			1,600

Transfer Information

Seller: YATES JAMES H,JR	**Date:** 10/22/2007	**Price:** $885,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /26294/ 00130	**Deed2:**
Seller: PRICE T HOWARD A G USE 83-84	**Date:** 05/11/1982	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /06393/ 00338	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2016	07/01/2017
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

GARAGE

(To be torn down and replaced) (at same sq ft age)

East side of garage

Area of proposed addition ell.

↵

West Side of garage

2017-0202-SPHA

North side of garage

Area of proposed addition ell

↵

Stockton Road

Top: View from east side of garage. Property line is approximately 2 ft past fence pictured in horse/cow pasture, which to our knowledge is in a land trust that can never be developed.

Bottom: View from north side of garage facing north. Property line is approximately 5-6 ft past fence pictured.

2017-0202-SPHA

The other side of fence is unused lawn and adjacent to D. Price unused lawn.

South (front) of existing residence.

West side of existing house.

Part of existing house facing north.

Existing garage attaches at place indicated. The garage replacement will be moved app. 2 ft. west to be in line with existing house.

2017-0202-SPHA

Top: East side of house adjoining to garage showing basement entrance.

Bottom: East side of house showing location of sun room and oak tree.

2017-0202-SPHA

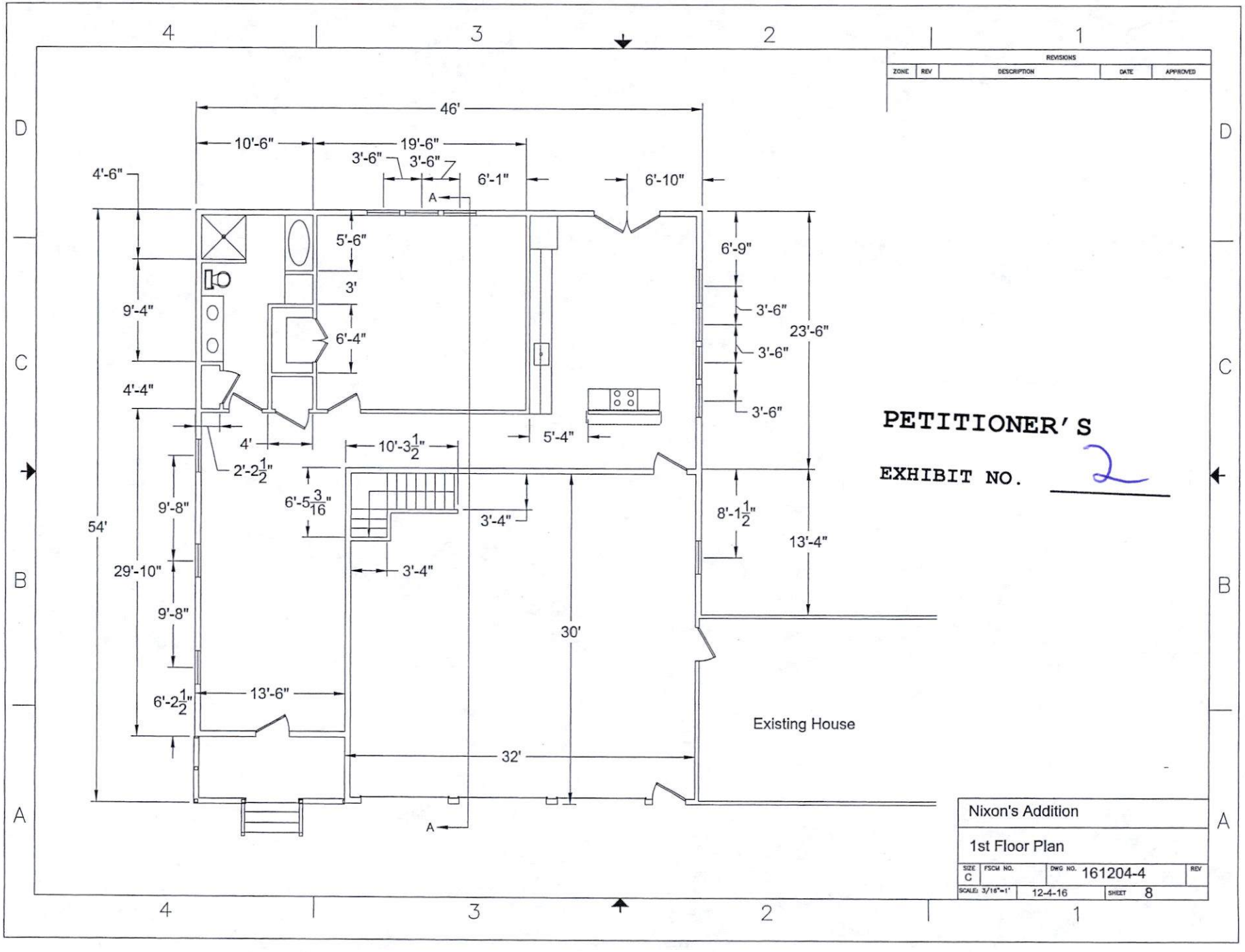
5/8
11 Am

Case No.: 2017-0202-SPHA - 2414 Stockton Rd.

Exhibit Sheet

Petitioner/Developer DW 6-9-17 Protestants DW 5-9-17

No. 1	site plan	
No. 2	Floor plans	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		


4
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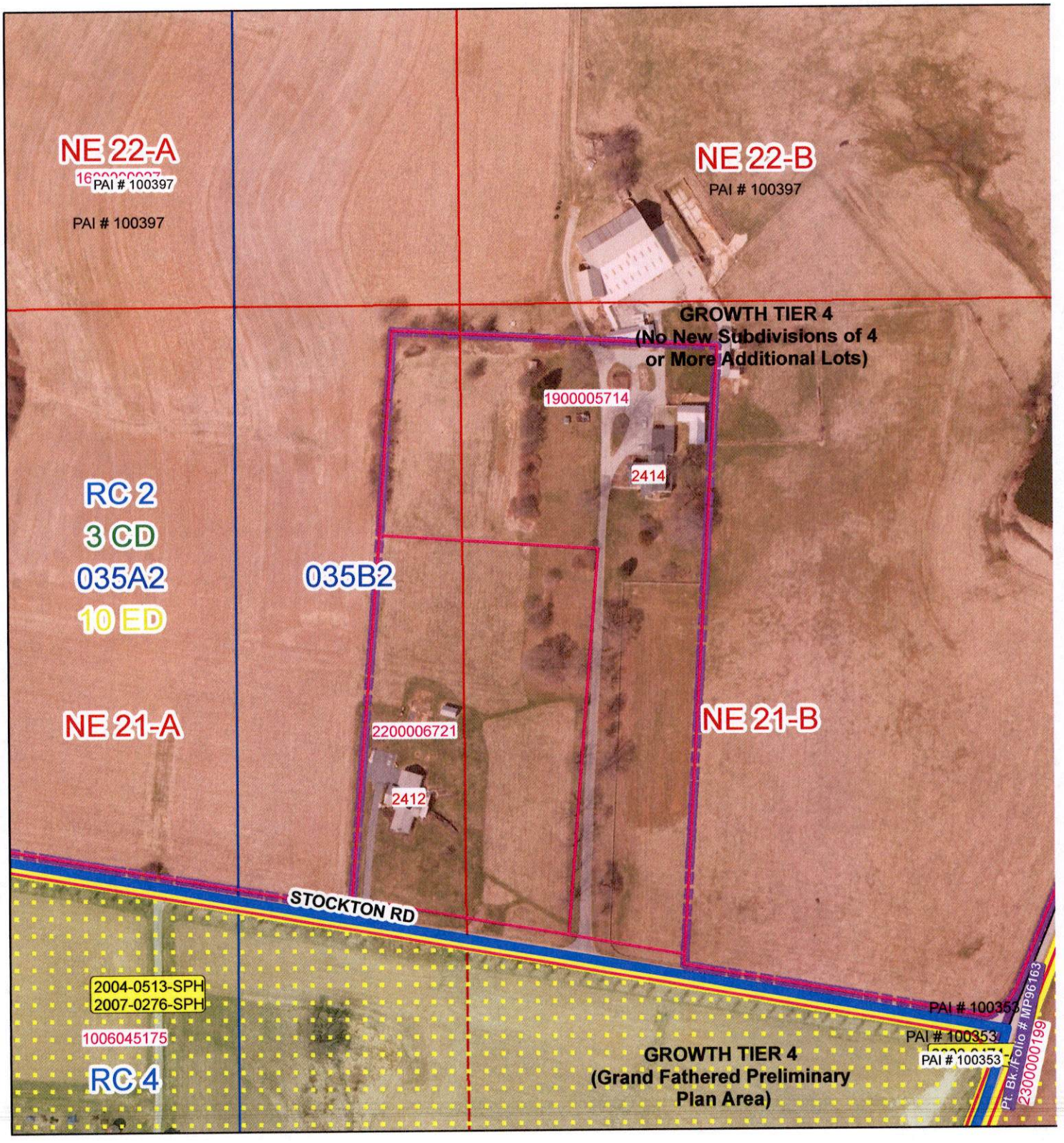
REVISIONS
ZONE
REV
DESCRIPTION
DATE
APPROVED
46'
10'-6"
19'-6"
3'-6"
3'-6"
6'-1"
6'-10"
4'-6"
A
5'-6"
3'
6'-4"
9'-4"
4'-4"
6'-9"
3'-6"
3'-6"
3'-6"
23'-6"
5'-4"
4'
10'-3½"
2'-2½"
6'-5 3/16"
9'-8"
54'
29'-10"
9'-8"
6'-2½"
3'-4"
3'-4"
8'-1½"
13'-4"
30'
13'-6"
32'
Existing House
A
PETITIONER'S
EXHIBIT NO. 2
Nixon's Addition
1st Floor Plan
SIZE C
FSCM NO.
DWG NO. 161204-4
REV
SCALE: 3/16"=1'
12-4-16
SHEET 8

2414 Stockton Road 2017-0202-SPHA



Publication Date: 2/2/2017

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

N
W E
S

0 55 110 220 330 440 Fee

1 inch = 200 feet

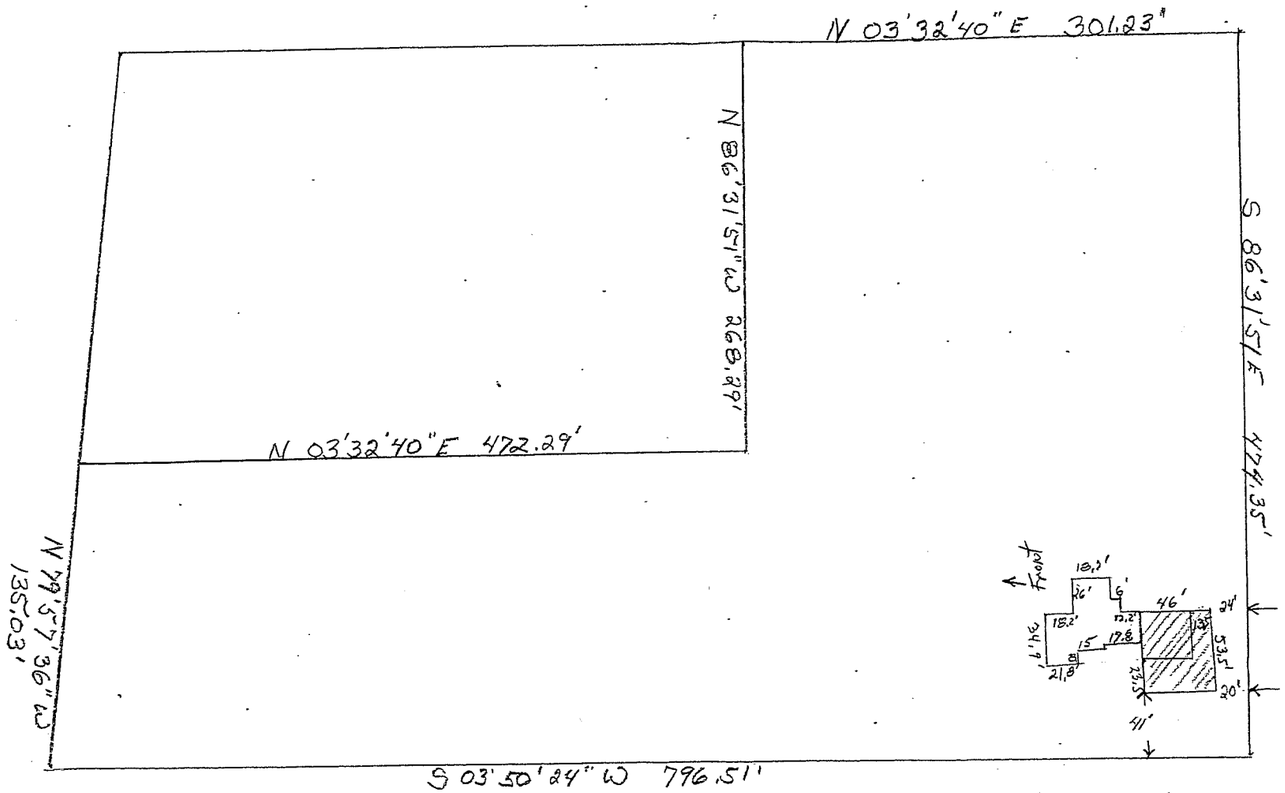
ZONING HEARING PLAN FOR VARIANCE ___ FOR SPECIAL HEARING ✓ (MARK TYPE REQUESTED WITH X)

ADDRESS 2414 Stockton Rd. OWNER(S) NAME(S) Andy & Lindsay Nixon

SUBDIVISION NAME N/A LOT # ___ BLOCK # ___ SECTION # ___

PLAT BOOK # 6393 FOLIO # 338 10 DIGIT TAX # 1900005714 DEED REF. # 26294 / 00130

North →

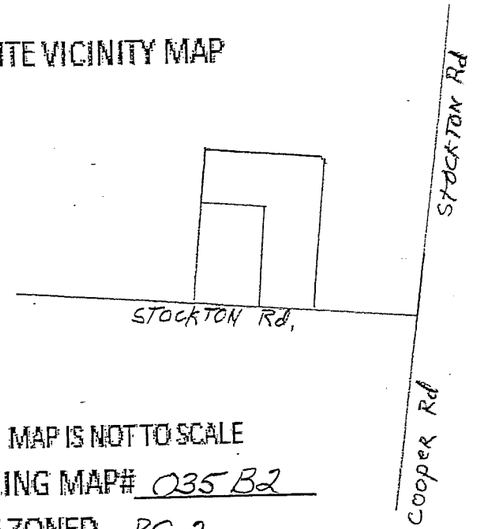


N

PLAN DRAWN BY Jorsey Smith DATE 2/1/17 SCALE: 1 INCH = 100 FEET

2017-0202-SPHA

SITE VICINITY MAP



N

MAP IS NOT TO SCALE

ZONING MAP# 035B2

SITE ZONED RC 2

ELECTION DISTRICT 10th

COUNCIL DISTRICT 3

LOT AREA ACREAGE 5.519

OR SQUARE FEET ___

HISTORIC ? No

IN CBCA ? ___

IN FLOOD PLAIN ? No

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC ___ PRIVATE X

SEWER IS:

PUBLIC ___ PRIVATE X

PRIOR HEARING ? ___

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO:

Pet. Exh. 1