MEMORANDUM

DATE: September 5, 2018

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2018-0325-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 30, 2018. 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

IN RE: PETITION FOR VARIANCE (2909 Raintree Court) 4th Election District 2nd Council District Battaglia Homes, LLC *Legal Owner* Petitioner	* * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2018-0325-A**

* * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Battaglia Homes, LLC, legal owner of the subject property ("Petitioner"). The Petition seeks variance relief from Section 1A04.3.2.B of the Baltimore County Zoning Regulations ("BCZR") to allow a side yard setback of 35 ft. in lieu of the required 50 ft. and to amend the Final Development Plan ("FDP") for Raintree Farm, for Lot 5 only. A site plan was marked as Petitioner's Exhibit 1.

Surveyor C. Dudley Campbell and Ben Battaglia appeared in support of the petition. John B. Gontrum, Esq. represented Petitioner. One neighbor attended the hearing to obtain additional information regarding the request. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee ("ZAC") comments were received from any county agencies.

The site is approximately 1.608 acres in size and zoned RC-5. The property is unimproved and is shown as Lot No. 5 on the plat of Raintree Farms. Petitioner proposes to construct a dwelling on the lot but requires variance relief to do so.

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

ORDER RECEIVED FOR FILING
Date 7/31/18
By Den

variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property has an irregular shape and is subject to a drainage and utility easement which bisects the lot and greatly constrains the building envelope. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct a dwelling on the lot. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this **31st** day of **July, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to Section 1A04.3.2.B of the Baltimore County Zoning Regulations ("BCZR") to allow a side yard setback of 35 ft. in lieu of the required 50 ft. and to amend the Final Development Plan ("FDP") for Raintree Farm, for Lot 5 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its 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, Petitioner would be required to return the subject property to its original condition.

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Date 7/31/18

By Sen

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING
Date 7/31/18
By Sln

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

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

Address 2909 Raintree Court **which is presently zoned** RC5

Deed References: 39114/470 10 Digit Tax Account # 2500002479

Property Owner(s) Printed Name(s) Battaglia Homes LLC

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

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

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

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

3. X **a Variance** from Section(s)

PETITION FOR VARIANCE FROM SECTION(S) 1A04.3.2.B. TO ALLOW A SIDE YARD SETBACK OF 35' IN LIEU OF REQUIRED 50'.

AND TO AMEND THE FINAL DEVELOPMENT PLAN FOR RAINTREE FARM for Lots 5 and 6

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:

LOT CONFIGURATION AND LOCATION OF SEPTIC AREA PUSH RESIDENCE TO NARROW POINT OF LOT. SETBACK IS TO A COUNTY STORMWATER FACLITY AND FOR SUCH OTHER REASONS AS MAY BE PRESENTED AT HEARING.

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

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).

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Date 7/31/18
By DEN

Contract Purchaser/Lessee:

N/A

Name – Type or Print

Signature

Mailing Address / City / State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Battaglia Homes, LLC

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

Signature #1 / Signature # 2

14333 Jarrettsville Pike, Phoenix, MD

Mailing Address City State

21131 443-987-5804

Zip Code Telephone # Email Address

Attorney for Petitioner:

John B. Gontrum, Esquire

Name – Type or Print

Signature Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address City State

21204 410-832-2055 jgontrum@wtplaw.com

Zip Code Telephone # Email Address

Representative to be contacted:

John B. Gontrum, Esquire

Name — Type or Print

Signature Whiteford, Taylor & Preston

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

Mailing Address City State

21204 410-832-2055 jgontrum@wtplaw.com

Zip Code Telephone # Email Address

CASE NUMBER 2018-0325-A **Filing Date** 5/24/2018 **Do Not Schedule Dates:** _____ **Reviewer** _____

REV. 10/4/11

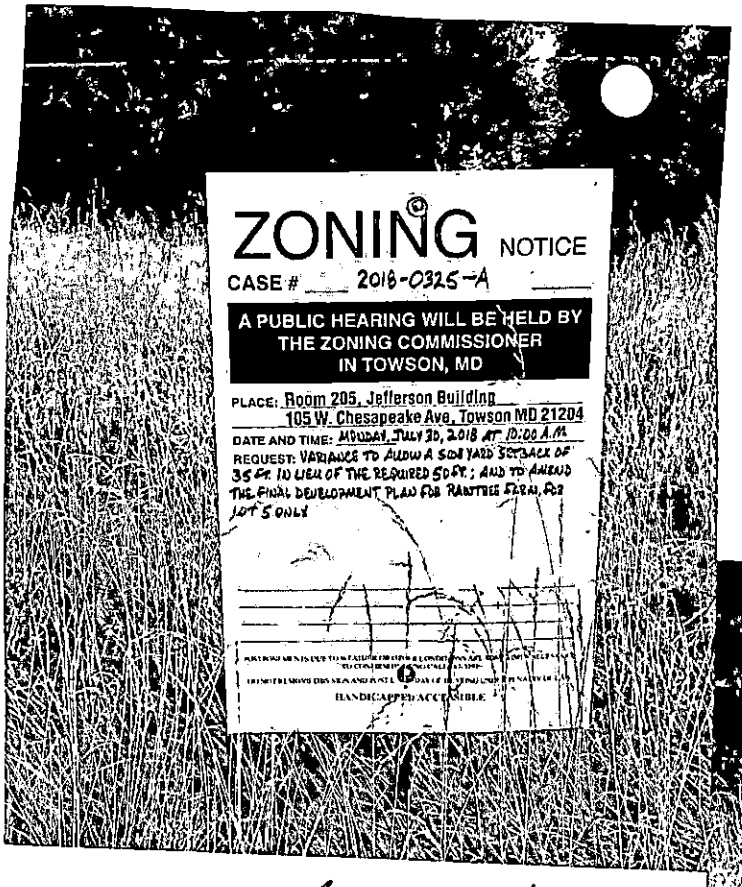
ZONING PROPERTY DESCRIPTION

RAINTREE FARM

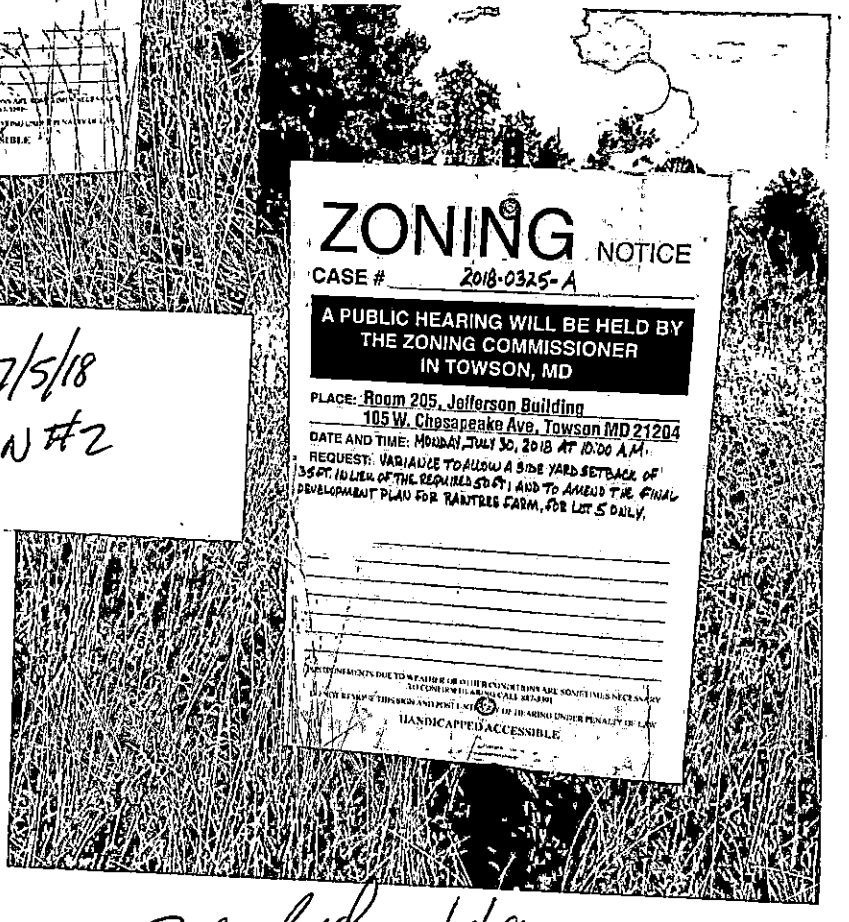
Beginning at a point on the south side of Raintree Court with a right of way that's 40' wide at a distance of 780' west of the centerline of the nearest improved intersecting street Greenspring Avenue which has a 70' right of way.

Being Lot #5 in the subdivision of Raintree Farm as recorded in Baltimore County Plat Book #48, Folio 194, containing 1.608 Acres and/or 70044 Square Feet. Located in the Fourth Election District and Second Council District.

2018-0325-A



7/5/18
SIGN #2



7/5/18
SIGN #1

Debra Wiley

From: Debra Wiley
Sent: Friday, December 14, 2018 3:12 PM
To: 'Jay West'; 'michael@mmccannlaw.net'
Cc: Mike Ruby (mildmanneredcomm@aol.com)
Subject: Case No. 2018-0324-XA (19919 Cameron Mill Road)
Attachments: 20181214150740186.pdf

Good Afternoon Counsel,

Please find attached ALJ Beverungen's Opinion and Order in reference to the above matter.

A copy has also been placed in the US mail.

Thanks and have a great weekend.

-----Original Message-----
From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Friday, December 14, 2018 3:08 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 12.14.2018 15:07:40 (-0500)
Queries to: adminhearingscpr@baltimorecountymd.gov

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 5666138

Sold To:
Battaglia Homes LLC - CU00615692
14333 Jarrettsville Pike
Phoenix,MD 21131-1767

Bill To:
Battaglia Homes LLC - CU00615692
14333 Jarrettsville Pike
Phoenix,MD 21131-1767

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

Jul 10, 2018

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: # 2018-0325-A
2909 Raintree Court
S/s Raintree Court, 780 ft. W/of centerline of Greenspring Avenue
4th Election District - 2nd Councilmanic District
Legal Owner(s) Battaglia Homes, LLC

Variance: to allow a side yard setback of 35 ft. in lieu of required 50 ft.: and amend the Final Development Plan for Raintree Farm, for Lots 5 only.

Hearing: Monday, July 30, 2018 at 10:00 a.m in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

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

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

07/10/18 5666138

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

3 7-30-18
10 Am

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Thursday, July 26, 2018 4:12 PM
To: Administrative Hearings
Subject: 2909 Raintree Court
Attachments: IMG_0672.jpg; ATT00001.txt; IMG_0671.jpg; ATT00002.txt

2nd set of certificates

CERTIFICATE OF POSTING

ASE NO: 2018-0335-A

ETITIONER/DEVELOPER

WHITE FORD TAYLOR & PRESTON LLP

DATE OF HEARING/CLOSING

7/30/18

ALTIMORE COUNTY DEPARTMENT OF

ERMITS AND DEVELOPMENT MANAGEMENT

OUNTY OFFICE BUILDING ROOM 111

11 WEST CHESAPEAKE AVENUE

TTENTION:

ADIES AND GENTLEMAN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE

ECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON

THE PROPERTY LOCATED AT

3909 Rantoul Court

SIGN #1

THIS SIGN(S) POSTED ON July 5, 2018 July 25, 2018

(MONTH, DAY, YEAR)

SINCERELY,

7/5/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

RECEIVED

JUL 27 2018

OFFICE OF ADMINISTRATIVE HEARINGS

7/5/18 SIGN #1

CERTIFICATE OF POSTING

ASE NO. 2018-0325-A

ETITIONER/DEVELOPER

WHITE FORD TAYLOR & PRESTON LLP

DATE OF HEARING/CLOSING

7/30/18

BALTIMORE COUNTY DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

11 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMAN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

2809 Renting Court

SLW #2

THIS SIGN(S) POSTED ON July 5, 2018 July 25, 2018

(MONTH, DAY, YEAR)

SINCERELY:

7/5/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

RECEIVED

JUL 27 2018

OFFICE OF ADMINISTRATIVE HEARINGS

7/25/18 SLW #2

CERTIFICATE OF POSTING

CASE NO. 2018-0325-A

PETITIONER/DEVELOPER

WHITEFORD TAYLOR & PRESTON LLP

DATE OF HEARING/CLOSING

7/30/18

BALTIMORE COUNTY DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

2909 RAINTREE COURT

SIGN #2

THIS SIGN(S) POSTED ON July 5, 2018

(MONTH, DAY, YEAR)

SINCERELY,

7/5/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

CERTIFICATE OF POSTING

CASE NO. 2018-0325-A

PETITIONER/DEVELOPER

WHITEFORD TAYLOR & PRESTON LLP

DATE OF HEARING/CLOSING

7/30/18

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

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

2909 RAINTREE COURT

S/6W #1

THIS SIGN(S) POSTED ON July 5, 2018
(MONTH, DAY, YEAR)

SINCERELY,

7/5/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411

KEVIN KAMENETZ
County Executive

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

June 14, 2018

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:

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2909 Raintree Court
S/s Raintree Court, 780 ft. W/of centerline of Greenspring Avenue
4th Election District -2nd Councilmanic District
Legal Owners: Battaglia Homes, LLC

Variance to allow a side yard setback of 35 ft. in lieu of the required 50 ft.; and to amend the Final Development Plan for Raintree Farm, for Lot 5 only.

Hearing: Monday, July 30, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: John Gontrum, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Battaglia Homes, LLC, 14333 Jarrettsville Pike, Phoenix 21131

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 10, 2018.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 10, 2018 Issue - Jeffersonian

Please forward billing to:
Ben Battaglia 443-987-5804
Battaglia Homes, LLC
14333 Jarrettsville Pike
Phoenix, MD 21131

NOTICE OF ZONING HEARING

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Variance to allow a side yard setback of 35 ft. in lieu of the required 50 ft.; and to amend the Final Development Plan for Raintree Farm, for Lot 5 only.

Hearing: Monday, July 30, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

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

RE: PETITION FOR VARIANCE 2909 Raintree Court; S/S Raintree Court, 780' W of Greenspring Avenue 4th Election & 2nd Councilmanic Districts Legal Owner(s): Battaglia Homes, LLC Petitioner(s)	*	BEFORE THE OFFICE
	*	OF ADMINSTRATIVE
	*	HEARINGS FOR
	*	BALTIMORE COUNTY
	*	2018-325-A

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

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of June, 2018, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, Whiteford, Taylor & Preston, 1 West Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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: 2018-0325-A

Property Address: 2509 RAINTREE COURT

Property Description: LOT 5 RAINTREE FARM

Legal Owners (Petitioners): BATTAGLIA HOMES, LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: BEN BATTAGLIA

Company/Firm (if applicable): BATTAGLIA HOMES, LLC

Address: 14333 YARRETTSVILLE PIKE
PHOENIX, MD. 21131

Telephone Number: 443-987-5804

Revised 7/9/2015

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

Vanity

No. 168830

Date: 5/24/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	Hub	0000		6150				175.00
							Total:	175.00

Rec. From: Whiteford, Taylor & Preston

For: 2909 Kenwood Rd

2018-0325-A

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

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
5/24/2018	5/24/2018	10:45:17	3

WS03 WALKIN CAM
RECEIPT # 773039 5/24/2018 OFLN
5 523 ZONING VERIFICATION
ID. 168830
Recpt Tot $175.00
$175.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

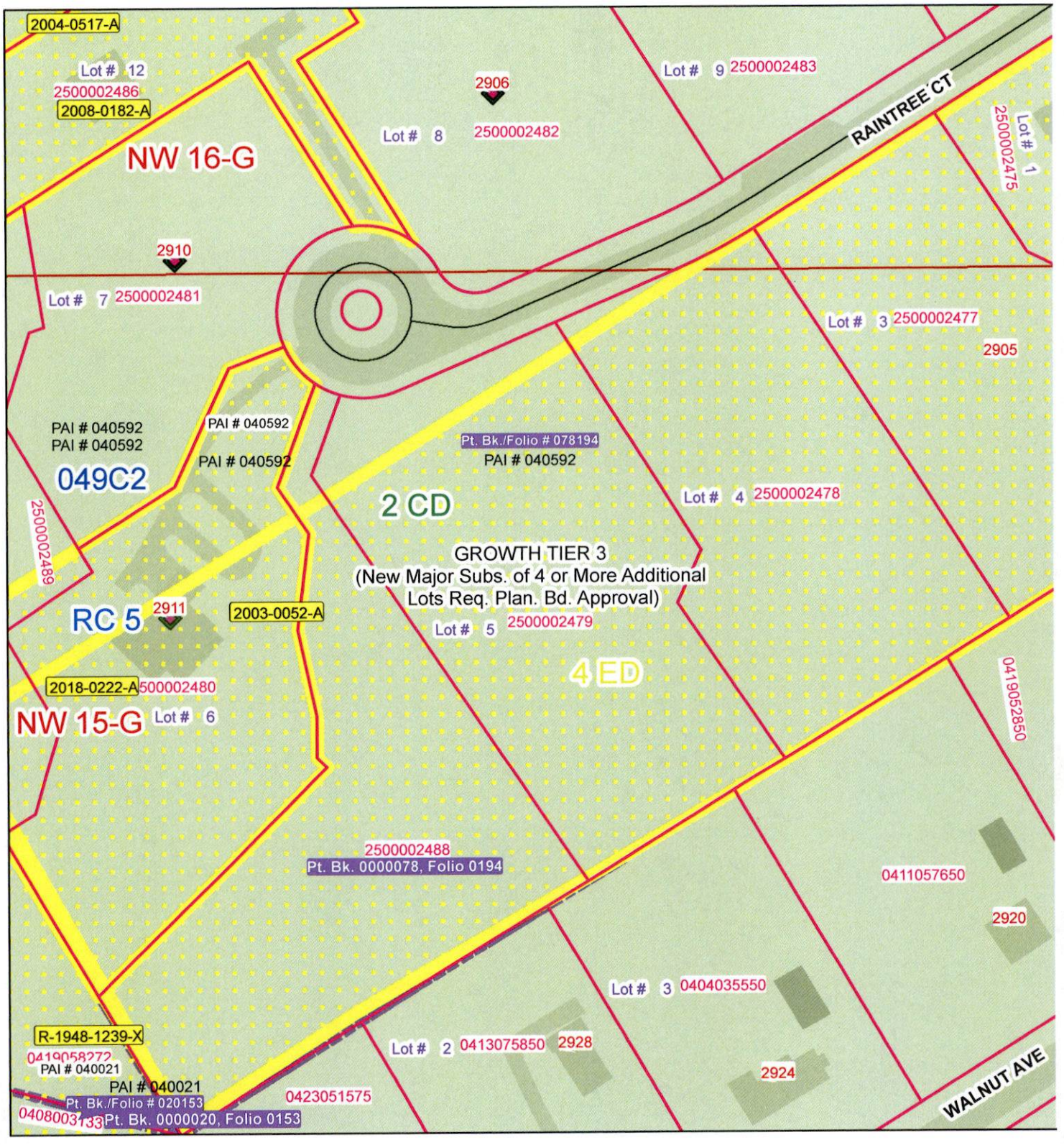
Case No.: 2018-0325-A

Exhibit Sheet

Petitioner/Developer DW 9-5-18 Protestant Sln 7/31/18

No. 1	Plan	
No. 2	Aerial photo	
No. 3	Aerial photo	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

2909 Raintree Court 2018-0325-A



Publication Date: 5/24/2018

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

N W E S

0 25 50 100 150 200 Feet

1 inch = 100 feet

PLEASE PRINT CLEARLY

CASE NAME 2018-0325-A
CASE NUMBER
DATE July 30, 2018

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
C. Dudley Campbell	BSLS P.O. Box 853	Bel Air, MD 21014	Dudley@BayStateLandServices.com
Ben Battaglia	14333 Jarrettsville Pike	Phoenix MD 21131	Battagliahomes@live.com

PLEASE PRINT CLEARLY

CASE NAME 2018-0325-A
CASE NUMBER
DATE July 30, 2018

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Carolyn Horich	2981 Raintree Ct.	Owings Mills,	canescjc@aol.com

CASE NO. 2018-0325-A

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
7/12	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	No Comment
	DEPS (if not received, date e-mail sent _____)	
	FIRE DEPARTMENT	
6/14	PLANNING (if not received, date e-mail sent _____)	No obj
6/6	STATE HIGHWAY ADMINISTRATION	No Objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2003-0052-A)

NEWSPAPER ADVERTISEMENT Date: 7/10/18

SIGN POSTING (1st) Date: 7/5/18 by Cole

SIGN POSTING (2nd) Date: 7/25/18 by Cole

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Tax Exempt:		**Special Tax Recapture:**	
Exempt Class:		NONE	
Account Identifier:	**District - 04 Account Number -** 2500002479		

Owner Information

Owner Name:	BATTAGLIA HOMES LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	14333 JARRETTSVILLE PIKE PHOENIX MD 21131-	**Deed Reference:**	/39114/ 00470

Location & Structure Information

Premises Address:	2909 RAINTREE CT OWINGS MILLS 21117-	**Legal Description:**	1.608 AC 2909 RAINTREE CT SS RAINTREE FARM

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0049	0018	0153		0000			5	2016	Plat Ref:	0078/ 0194

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

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			1.6100 AC	04

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

Value Information

	Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2017	As of 07/01/2018
Land:	74,600	74,600		
Improvements	0	0		
Total:	74,600	74,600	74,600	74,600
Preferential Land:	0			0

Transfer Information

Seller: THE OAKS AT RAINTREE LLC	**Date:** 06/21/2017	**Price:** $400,000
Type: ARMS LENGTH MULTIPLE	**Deed1:** /39114/ 00470	**Deed2:**
Seller: 12520 GREENSPRING AVE LLC	**Date:** 08/23/2013	**Price:** $210,000
Type: ARMS LENGTH VACANT	**Deed1:** /34122/ 00496	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2017	07/01/2018
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:		NONE	

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

IN RE: PETITION FOR VARIANCE W/S of Greenspring Avenue, 305' N of Walnut Avenue 4th Election District 3rd Councilmanic District (12508 Greenspring Avenue) Dorothy E. & Guy L. Shaneybrook Petitioners	* * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 03-052-A

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Dorothy E. & Guy L. Shaneybrook. The Petitioners are requesting a variance for property they own at 12508 Greenspring Avenue, which property is located in Greenspring Valley. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow side yard setbacks of 35 ft. and 45 ft. in lieu of the required 50 ft. for a single-family residential dwelling.

Appearing at the hearing on behalf of the variance request were Guy and Dorothy Shaneybrook, owners of the property, David Billingsley, the engineer who prepared the site plan of the property, and Buck Jones, the contractor hired to build the dwelling in question.

Testimony and evidence indicated that the property, which is the subject of this variance request, has been owned by the Shaneybrook's for many years. The property in question has proceeded through the minor subdivision process. The Shaneybrooks are interested in subdividing their property to create a 1.2402-acre parcel of property upon which they intend to construct a one-story single-family dwelling. The house in which they live at this time will remain on the 8.9464-acre parcel of property, as shown on the site plan. The purpose of constructing the new single-family dwelling is to provide more appropriate accommodations to the Shaneybrooks as they grow older. The new house to be constructed will provide living conditions on one floor which better

suits their needs at this time and in the future. In order to proceed with the construction of a dwelling, as proposed, the variance request is necessary.

After considering the testimony and evidence offered at the hearing, I find that the variance requests necessary to allow the Petitioners to construct this new single-family residential dwelling should be approved.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 19th day of September, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow side yard setbacks of 35 ft. and 45 ft. in lieu of the required 50 ft. for a single-family residential dwelling., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

DONALD I. MOHLER III
County Executive

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

July 26, 2018

Battaglia Homes LLC
14333 Jarrettsville Pike
Phoenix MD 21131

RE: Case Number: 2018-0325 A, Address: 2909 Raintree Court

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 24, 2018. 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
John B Gontrum, Esquire, 1 W Pennsylvania Avenue, Suite 300, Towson MD 21204

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 6/6/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
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. 2018-0325-A
Variance
Battaglia Homes, LLC
2909 Raintree Court

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, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 12 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 11, 2018
Item No. 2018-0325-A, 0328-A and 0330-A

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

* * * * *

VKD: cen
cc: file

7-30

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 6/14/2018

RECEIVED
JUN 15 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 18-325

INFORMATION:
Property Address: 2909 Raintree Court
Petitioner: Battaglia Homes, LLC
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance from Section 1A04.3.2.B to allow a side yard setback of 35 feet in lieu of the required 50 feet and to amend the final development plan for Raintree Farm.

A site visit was conducted on June 6, 2018. The subject property is a residential lot located at the end of a cul-de-sac in a rural residential subdivision. The property adjoins a stormwater management facility on the west. To the east is an open area of an undeveloped lot in the subdivision.

This property is within a rural residential area as designated in the Baltimore County Master Plan 2020. "The rural residential areas are a mix of single-family residential development and woodlands, farm field [that] accommodate the bulk of residential development in the rural areas (MP2020 pg.93). This project is consistent with the rural residential area designation.

The Department has no objection to granting the petitioned zoning relief.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

AVA/JGN/LTM/

c: Wally Lippincott
John B. Gontrum, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 6/14/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

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John B. Gontrum, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

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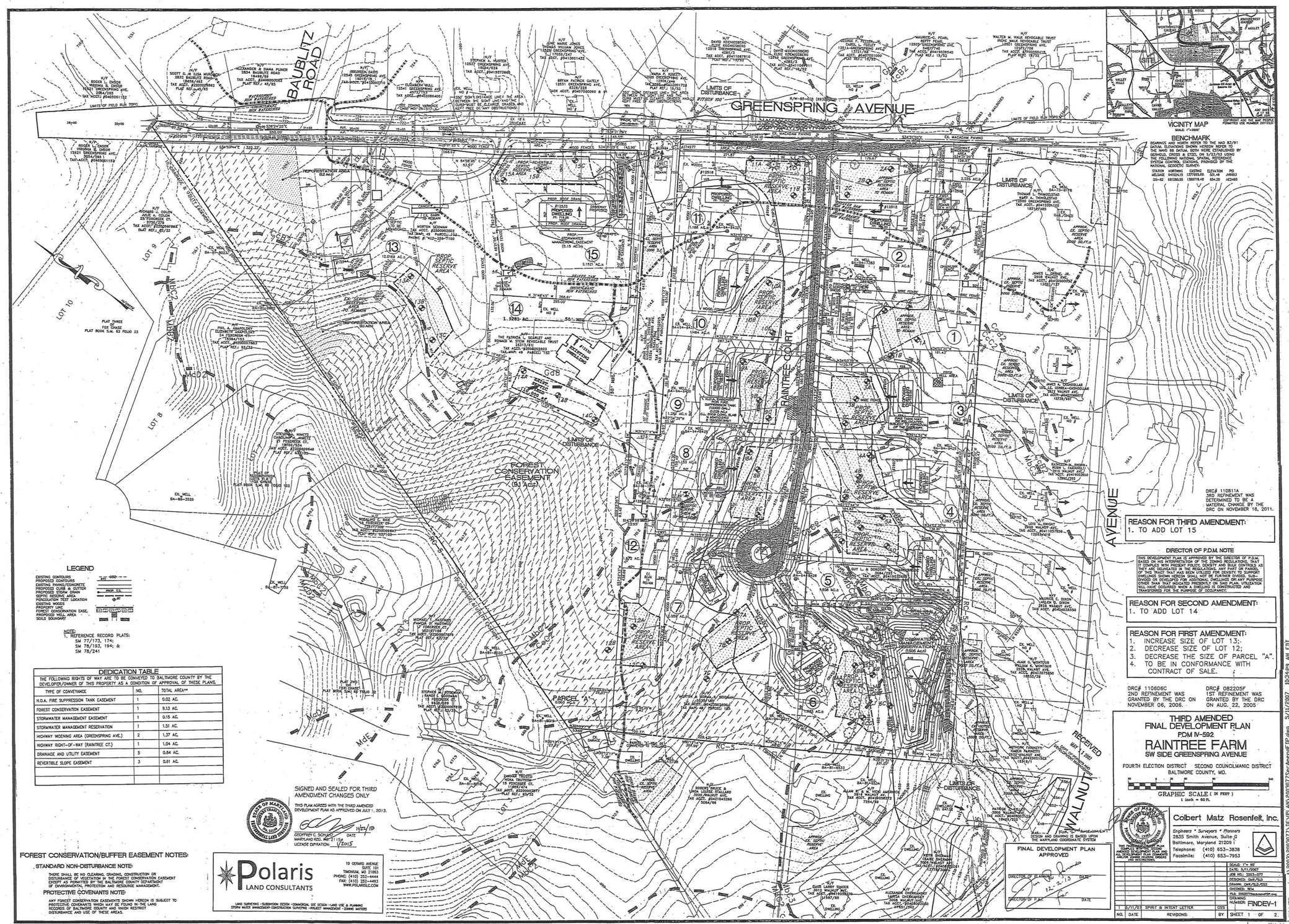


2018-0325-A

MICRO

RECEIVED JUL 17 2018

ELECTION DISTRICT 4
COUNCIL DISTRICT 2
ZONED RC-5
ZONING MAP #049C2

LOT 12
#12520
#2500002486
2003-0052-A
PLAT:78/194

#12524
#0418010225
DEED:27404/451

LOT 1
#12525
#0412001720
PLAT:19/52

LOT 2
#12519
#0411067910
2007-0291-A
PLAT:19/52

LOT 3
#12519
#0411067911
PLAT:19/52

LOT 4
#12511
#0407001000
PLAT:19/52

LOT 5
#12507
#0419039540
PLAT:19/52

PER PLAT: S.H. FARM

#2500002489
2018-0222-A
2003-0052-A
R-1948-1239-X
PLAT:78/194

LOT 7
#2910
#2500002481
PLAT:78/194

LOT 8
#2906
#2500008482
PLAT:78/194

LOT 9
#2904
#2500002483
PLAT:78/194

LOT 10
#2902
#2500002484
PLAT:78/194

LOT 11
#2900
#2500002485
PLAT:78/194

GREENSPRING AVENUE

RAINTREE COURT

40' ROW

TRACE TO THE INTERSECTION OF GREENSPRING AVENUE

POB

20' PU EASM.

LOT 6
#2911
#2500002480
2018-0222-A
2003-0052-A
R-1948-1239-X
PLAT:78/194

LOT 5
#2909
#2500002479
2003-0052-A
PLAT:78/194

LOT 4
#2907
#2500008275
2003-0052-A
PLAT:78/194

LOT 3
#2905
#2500002477
2003-0052-A
PLAT:78/194

LOT 1
#12508
#2500002475
2003-0052-A
PLAT:78/194

LOT 2
#12512
#2500002476
2003-0052-A
PLAT:78/194

#2500002488
2003-0052-A
R-1948-1239-X
PLAT:78/194

#2932
#0423051575
R-1948-1239-X
DEED:15318/01

LOT 2
#2928
#0413075850
DEED:16533/33

LOT 3
#2924
#0404035550
2003-0052-A
DEED:40049/86

#2920
#0411057650
2003-0052-A
DEED:22892/193

#2916
#0419052850
2003-0052-A
DEED:35878/303

#2912
#0402066675
2003-0052-A
DEED:38222/273

#2908
#0410000027
2003-0052-A
DEED:13041/137

GIS MAP
2018-0325-A

RAINTREE FARM

#2909 RAINTREE COURT
FOR: BATTAGLIA HOMES LLC

SECOND COUNCILMANIC DISTRICT
FOURTH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

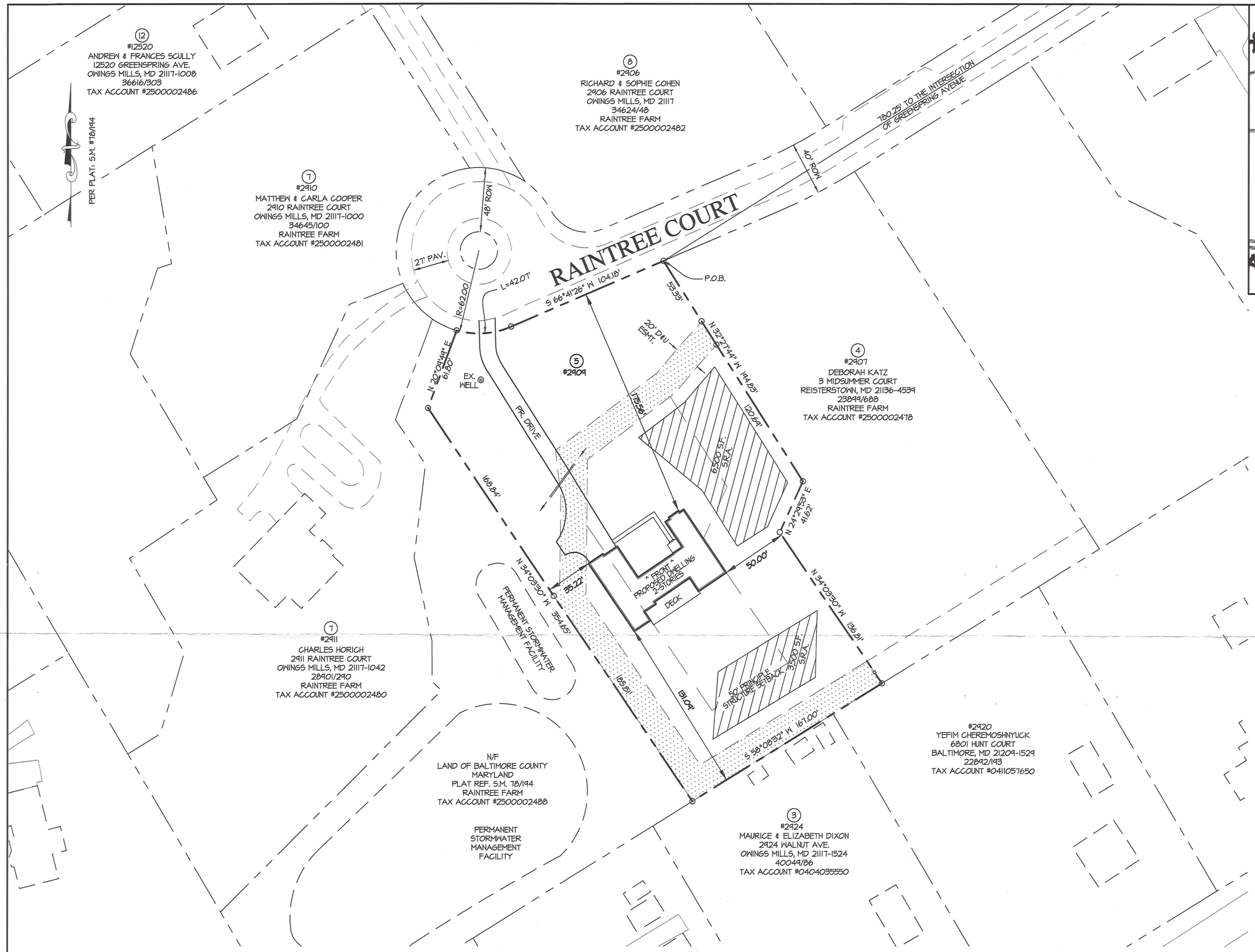
DATE	05-24-18
SCALE	1"=100'
CHECKED BY	CDC
DRAWN BY	TRL

BAY STATE
LAND SERVICES
Engineers * Surveyors * Planners * Architects * Geotechnical Testing
P.O. Box 853, Bel Air, Maryland 21014
2012 Rock Spring Road, Forest Hill, Maryland 21050
Phone: (410) 879-4747 Fax: (410) 420-3949
www.baystatelandservices.com

DRAWING NO.
GIS01

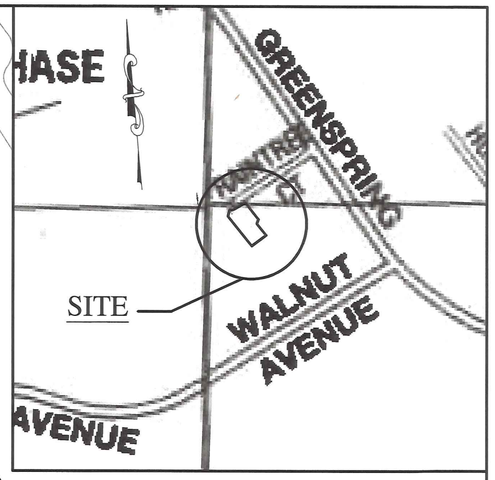
SHEET 1 OF 1

BSLS JOB NO.
18026



PLAN

SCALE 1"=50'



LOCATION MAP

1" = 1000'

NOTES

1. ZONING PLAN IS FOR: VARIANCE.
2. ADDRESS: #2909 RAINTREE COURT OWINGS MILLS, MD 21117
3. OWNER: BATTAGLIA HOMES LLC.
4. SUBDIVISION NAME: RAINTREE FARM
5. LOT #: 5
6. PLAT BOOK #: S.M. 78-194
7. 10 DIGIT TAX #: 2500002479
8. DEED REF. #: J.L.E. 39114-470
9. ZONING MAP #:049C2
10. SITE ZONED: RC-5 (RURAL RESIDENTIAL)
11. ELECTION DISTRICT: FOURTH ELECTION DISTRICT
12. COUNCIL DISTRICT: SECOND COUNCILMANIC DISTRICT
13. LOT AREA ACREAGE: 1.608 AC.± (70,044 SQ.FT.)
14. THIS PROPERTY IS NOT A BALTIMORE COUNTY LANDMARK OR IN A HISTORIC DISTRICT.
15. THIS SITE IS NOT LOCATED IN A FLOODPLAIN.
16. WATER: PRIVATE
17. SEWER: PRIVATE
18. PRIOR ZONING CASE: #2003-0052-A. (APPLIES TO ANOTHER LOT INSUBDIVISION.)
19. THERE ARE NO ZONING VIOLATIONS ON RECORD.

OWNER

BATTAGLIA HOMES LLC.
14333 JARRETTSVILLE PIKE
PHOENIX, MD 21131

LEGEND

: INGRESS/EGRESS EASEMENT

PLAT REF.: #S.M.78/194

ZONING HEARING PLAN FOR VARIANCE
LOT 5

RAINTREE FARM

#2909 RAINTREE COURT
FOR: BATTAGLIA HOMES LLC

SECOND COUNCILMANIC DISTRICT
FOURTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	05-23-18
SCALE	1"=50'
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VP01
SHEET 1 OF 1
BSLS JOB NO.
18026

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Baltimore County - My Neighborhood

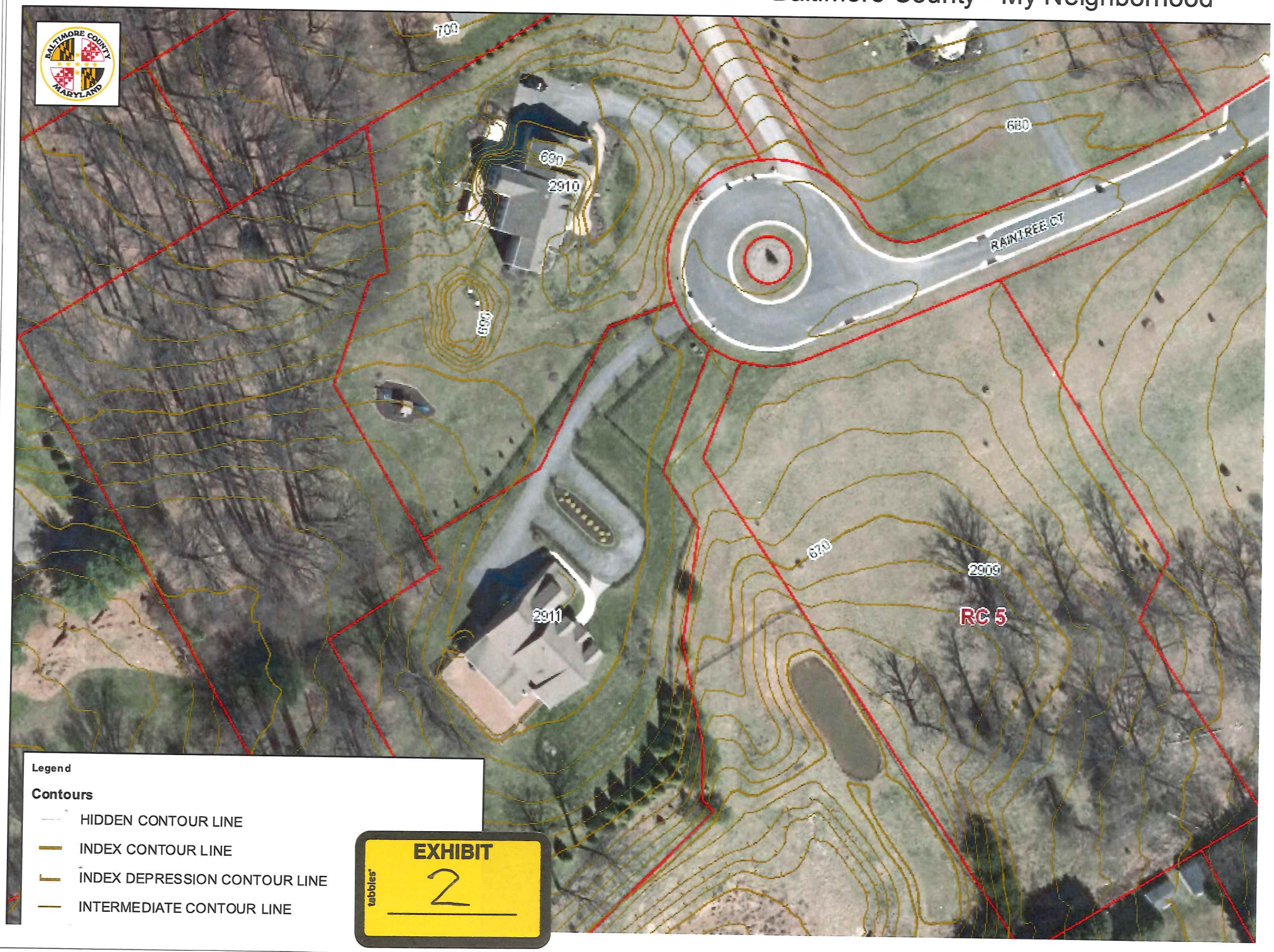
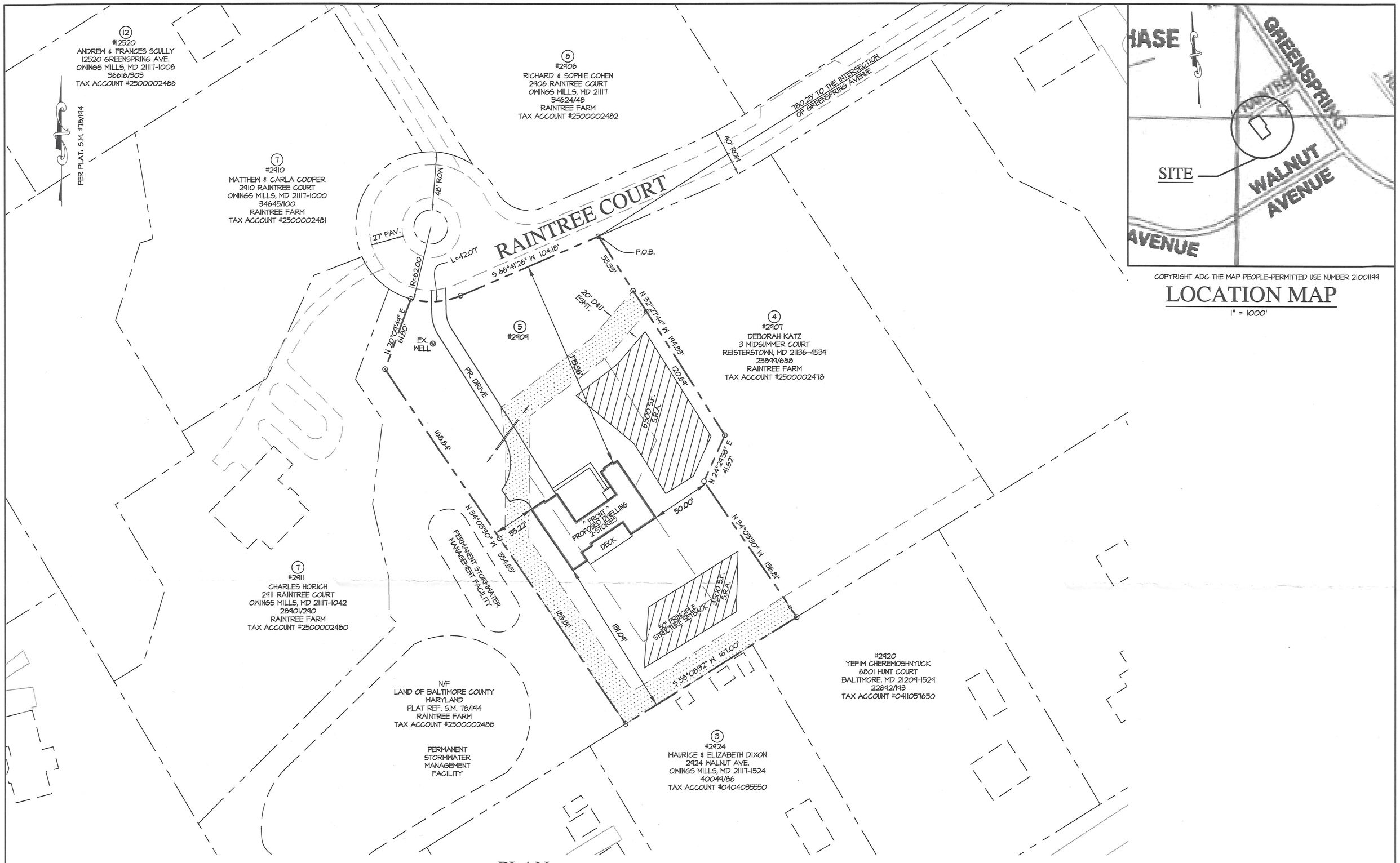


EXHIBIT 2

Baltimore County - My Neighborhood

EXHIBIT
3



COPYRIGHT ADC THE MAP PEOPLE-PERMITTED USE NUMBER 21001199

LOCATION MAP

1" = 1000'

PLAN

SCALE 1"=50'

NOTES

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: INGRESS/EGRESS EASEMENT

PLAT REF.: #S.M.78/194

2018-0325-A

ZONING HEARING PLAN FOR VARIANCE
LOT 5

RAINTREE FARM

#2909 RAINTREE COURT
FOR: BATTAGLIA HOMES LLC

SECOND COUNCILMANIC DISTRICT
FOURTH ELECTION DISTRICT
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