

MEMORANDUM

DATE: October 5, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0326-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 4, 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

(8116 Redstone Road)

11th Election District

5th Council District

Joseph Esposito

Legal Owner

Petitioner

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0326-A

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Petitioner in the above case. By order dated July 31, 2018 a variance was granted permitting construction of a garage in the front yard of the proposed dwelling in lieu of the required rear yard location. The lot is unimproved and Petitioner explained that the front yard was the only possible location for the garage since the rear yard of the proposed single family dwelling has environmental features which would restrict construction in that area.

In the Motion for Reconsideration Petitioner states he failed to include in the original petition an additional variance request for a garage height of 23 ft. in lieu of the maximum 15 ft. Petitioner notes the garage will be designed to match the pitch and style of the proposed dwelling, which necessitates a building height of 23 ft.

While I am ordinarily loathe to grant a request for relief not included in the original petition, I do not believe doing so in this instance would be problematic. The lot is nearly two acres in size and the proposed garage will be located a significant distance from any existing dwellings. In addition, the height variance will allow the pitch of the garage roof to mimic and complement the pitch of the roof on the proposed single family dwelling. As Petitioner states in his motion, the garage will “appear to be an extension of the home as opposed to an unmatched structure.” I

ORDER RECEIVED FOR FILING

Date 9/14/18

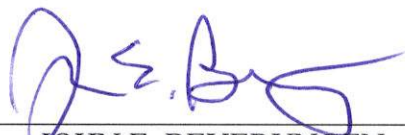
By Den

concur and the motion will therefore be granted.

THEREFORE, IT IS ORDERED, this 4th day of **September, 2018**, by the Administrative Law Judge for Baltimore County, that the Motion for Reconsideration be and is hereby GRANTED.

IT IS FURTHER ORDERED that the request for additional variance relief permitting an accessory structure with a height of 23 ft. in lieu of the maximum 15 ft., be and is hereby GRANTED

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 9/14/18

By sen

IN RE: PETITION FOR VARIANCE

(8116 Redstone Road)

11th Election District

5th Council District

Joseph Esposito

Legal Owner

Petitioner

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0326-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Joseph Esposito, legal owner of the subject property ("Petitioner"). The Petition seeks variance relief from Section 400.1 of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed detached accessory structure (garage) to be locate in the front yard in lieu of the required rear yard; and to amend the Final Development Plan ("FDP") of Fox Creek Farm, 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. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee ("ZAC") comments were received from any of the reviewing county agencies.

The site is approximately 1.92 acres in size and zoned RC-5. The property is unimproved and is shown as Lot No. 5 on the plat of Fox Creek Farm. Petitioner proposes to construct a dwelling on the lot but zoning relief is required before he can 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 Ben

- 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 a forest conservation easement and floodplain occupy almost the entire rear yard, which prevents the garage from being constructed in that location. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to construct a detached garage. 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 400.1 of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed detached accessory structure (garage) to be locate in the front yard in lieu of the required rear yard; and to amend the Final Development Plan ("FDP") of Fox Creek Farm, Lot 5 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

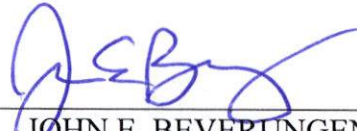
1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with the ZAC comment submitted by the Department of Planning, a copy of which is attached.

ORDER RECEIVED FOR FILING

Date 7/31/18

By sln

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 7/31/18

By Sen



PETITION FOR ZONING HEARING(S)

Flood

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

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

Address 8116 Redstone Road

which is presently zoned RC5

Deed References: 39829/280

10 Digit Tax Account # 2500008274

Property Owner(s) Printed Name(s) Joseph A. Esposito

(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)

Section 400.1 – to permit a proposed detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard; and to amend the Final Development Plan of FOX CREEK FARM, lot 5 only.

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

THE LOT CONFIGURATION, TOPOGRAPHY AND CONSERVATION EASEMENT IMPACT THE LOCATIONS OF THE STRUCTURES AND FOR OTHER REASONS TO BE PRESENTED AT THE HEARING.

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

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

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

Contract Purchaser/Lessee:

N/A

Name – Type or Print

Signature

Mailing Address

Date

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

Legal Owners (Petitioners):

Joseph Esposito

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

10 Chestnut Woods Drive, Bel Air, Maryland

Mailing Address

City

State

21014

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 2018-0326-A Filing Date 5, 24, 18

Do Not Schedule Dates: _____

Reviewer RB

REV. 10/4/11

ZONING PROPERTY DESCRIPTION

FOX CREEK FARM

Beginning at a point on the east side of Redstone Road with a right of way that's 40' wide at a distance of 547' west of the centerline of the nearest improved intersecting street Yellowstone Road which has a 50' right of way.

Being Lot #5 in the subdivision of Fox Creek Farm as recorded in Baltimore County Plat Book #49, Folio 145, containing 1.92 Acres and/or 83,693 Square Feet. Located in the Eleventh Election District and Fifth Council District.



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 5666128

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: # 2018-0326-A
8116 Redstone Road
E/s Redstone Road, 547 ft. W/f of Yellowstone Road
11th Election District - 5th Councilmanic District
Legal Owner(s) Joseph Esposito

Variance: to permit a proposed detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard; and to amend the Final Development Plan of Fox Creek Farm, Lot 5 only.

Hearing: Monday, July 30, 2018 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.

07/10/18 5666128

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Thursday, July 26, 2018 4:10 PM
To: Administrative Hearings
Subject: 8116 Redstone Rd.
Attachments: IMG_0674.jpg; ATT00001.txt; IMG_0673.jpg; ATT00002.txt

2nd set of certificates



CERTIFICATE OF POSTING

CASE NO. 2018-0226-A
PETITIONER/DEVELOPER
WHITTEDD TAYLOR & FRESTON 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) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

8116 REDSTONE ZONE

SIGN #2

THIS SIGN(S) POSTED ON

July 5, 2018
(MONTH, DAY, YEAR)

July 25, 2018

SINCERELY,

[Signature]

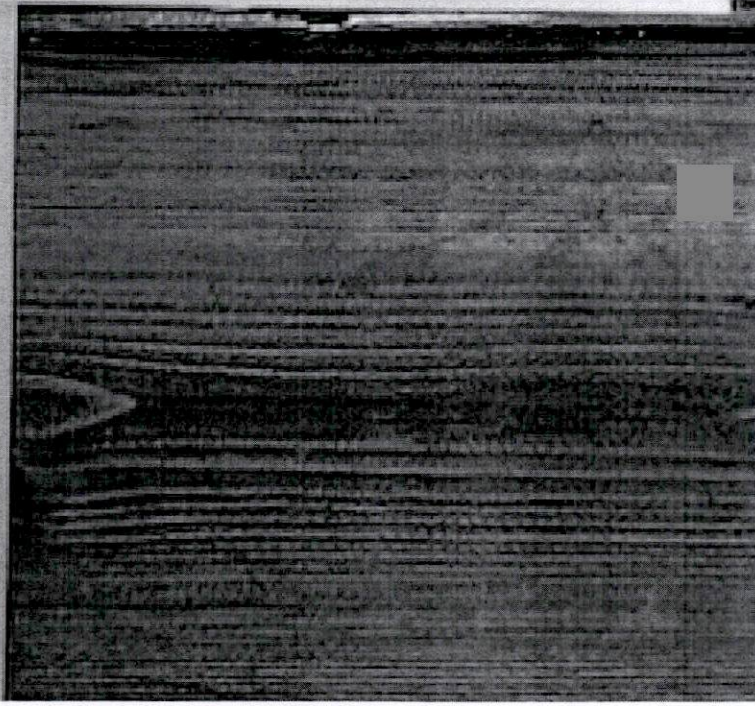
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-1411

RECEIVED
JUL 27 2018
OFFICE OF
ADMINISTRATIVE HEARINGS



regarding 7/25/18 SIGN #2



CERTIFICATE OF POSTING

CASE NO. 2018-0326-A
PETITIONER/DEVELOPER
WHITEHORN TAYLOR & PESTON LLP

DATE OF HEARING/CLOSING
7/30/18

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

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THE PROPERTY LOCATED AT

8116 REDSTONE ROAD

SIGN #1

THIS SIGN(S) POSTED ON

July 5, 2018
(MONTH, DAY, YEAR)

July 25, 2018

SINCERELY,

Martin Ogle 7/1/18
SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD
PARKVILLE, MD, 21234
443-629-3411



Martin Ogle 7/25/18 SIGN #1

RECEIVED
JUL 27 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

CASE NO. 2018-0326-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 :

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SIGN # 2

THIS SIGN(S) POSTED ON

July 5, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 7/5/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

CERTIFICATE OF POSTING

CASE NO. 2018-0326-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 :

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SIGN #1

THIS SIGN(S) POSTED ON

July 5, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 7/5/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

ZONING NOTICE

CASE # 2018-0326-A

A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: ROOM 205, JEFFERSON BUILDING 105
WEST CHESAPEAKE AVENUE, TOWSON 21204
DATE AND TIME: MONDAY, JULY 30, 2018 AT 11:00 A.M.

REQUEST:
VARIANCE TO PERMIT A PROPOSED DETACHED ACCESSORY STRUCTURE
(GARAGE) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE
REQUIRED REAR YARD; AND TO AMEND THE FINAL DEVELOPMENT
PLAN OF FOX CREEK FARM, LOT 5 ONLY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 443-3391

DO NOT REMOVE THIS SIGN AND POSTER OR RISK FINE OR PENALTY OF LAW.
HANDICAPPED ACCESSIBLE

maugh 7/5/18
SIGN #2

ZONING NOTICE

CASE # 2018-0326-A

A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: ROOM 205, JEFFERSON BUILDING 105
WEST CHESAPEAKE AVENUE, TOWSON 21204
DATE AND TIME: MONDAY, JULY 30, 2018 AT 11:00 A.M.

REQUEST:
VARIANCE TO PERMIT A PROPOSED DETACHED ACCESSORY STRUCTURE
(GARAGE) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE
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TO CONFIRM HEARING CALL 443-3391

DO NOT REMOVE THIS SIGN AND POSTER OR RISK FINE OR PENALTY OF LAW.
HANDICAPPED ACCESSIBLE

maugh 7/5/18
SIGN #1



DONALD I. MOHLER III
County Executive

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

September 4, 2018

John B. Gontrum, Esquire
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Suite 300
Towson, Maryland 21204

RE: Petition for Variance (**Motion for Reconsideration**)
Case No. 2018-0326-A
Property: 8116 Redstone Road

Dear Mr. Gontrum:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a stylized flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

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

No. **168831**

Date: **5/24/18**

PAID RECEIPT

BUSINESS: ACTUAL: 5/24/2018
7/24/2018 - 5/24/2018
RECEIPT: 7/24/2018
5/24/2018
RECEIPT: 7/24/2018
5/24/2018
RECEIPT: 7/24/2018
5/24/2018

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				8175

Total: **8175**

Rec From: **J.D. Goutrun**

For: **zoning hearing case # 2018-0326-A**

DISTRIBUTION

WHITE CASHIER PINK AGENCY YELLOW CUSTOMER GOLD ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 28, 2018 Issue - Jeffersonian

Please forward billing to:

Ben Battaglia
Battaglia Homes, LLC
14333 Jarrettsville Pike
Phoenix, MD 21131

443-987-5804

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: 2018-0326-A

8116 Redstone Road
E/s Redstone Road, 547 ft. W/f of Yellowstone Road
11th Election District – 5th Councilmanic District
Legal Owners: Joseph Esposito

Variance to permit a proposed detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard; and to amend the Final Development Plan of Fox Creek Farm, Lot 5 only.

Hearing: Friday, July 20, 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.



KEVIN KAMENETZ
County Executive

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

June 12, 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 NUMBER: 2018-0326-A

8116 Redstone Road
E/s Redstone Road, 547 ft. W/f of Yellowstone Road
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Hearing: Friday, July 20, 2018 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: John Gontrum, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Joseph Esposito, 10 Chestnut Woods Drive, Bel Air 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 30, 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.



KEVIN KAMENETZ
County Executive

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

June 14, 2018

NEW 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: 2018-0326-A

8116 Redstone Road
E/s Redstone Road, 547 ft. W/f of Yellowstone Road
11th Election District – 5th Councilmanic District
Legal Owners: Joseph Esposito

Variance to permit a proposed detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard; and to amend the Final Development Plan of Fox Creek Farm, Lot 5 only.

Hearing: Monday, July 30, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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Arnold Jablon
Director

AJ:kl

C: John Gontrum, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Joseph Esposito, 10 Chestnut Woods Drive, Bel Air 21014

- 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
Battaglia Homes, LLC
14333 Jarrettsville Pike
Phoenix, MD 21131

443-987-5804

CORRECTED 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: 2018-0326-A

8116 Redstone Road
E/s Redstone Road, 547 ft. W/f of Yellowstone Road
11th Election District – 5th Councilmanic District
Legal Owners: Joseph Esposito

Variance to permit a proposed detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard; and to amend the Final Development Plan of Fox Creek Farm, Lot 5 only.

Hearing: Monday, July 30, 2018 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.

RE: PETITION FOR VARIANCE
8116 Redstone Road; E/S Redstone Road,
547' W of c/line of Yellowstone Road
11th Election & 5th Councilmanic Districts
Legal Owner(s): Joseph Esposito
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-326-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAY 31 2018

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 31st day of May, 2018, a copy of the foregoing Entry of Appearance was mailed to John Gontrum, Esquire, 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: 2018-0326-A
Property Address: 8116 Redstone Road
Property Description: LOT 5 Fox Creek Farm

Legal Owners (Petitioners): Joseph Esposito
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Bar BATTLIN
Company/Firm (if applicable): BATTLIN Homes, LLC
Address: 14333 Harrodsville Pike
Phoenix, md 21131

Telephone Number: 443-587-5804



DONALD I. MOHLER III
County Executive

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

July 26, 2018

Joseph Esposito
10 Chestnut Woods drive
Bel Air MD 21014

RE: Case Number: 2018-0326 A, Address: 8116 Redstone Road

Dear Mr. Esposito:

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,

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

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



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 5/25/18

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. 2018-0326-A

Variance
Joseph Esposito
8116 Redstone 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,

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

WW/RAZ

7-30

BALTIMORE COUNTY, MARYLAND

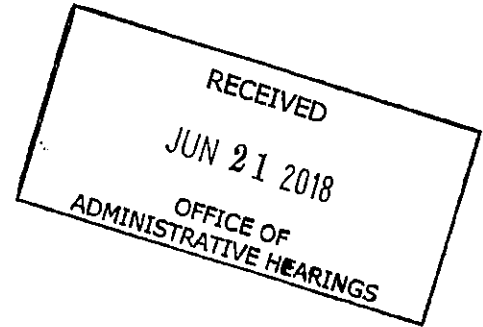
INTER-OFFICE MEMORANDUM

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

DATE: 6/15/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-326



INFORMATION:

Property Address: 8116 Redstone Road
Petitioner: Joseph Esposito
Zoning: RC 5
Requested Action: Variance

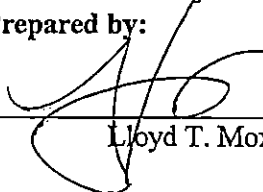
The Department of Planning has reviewed the petition for a variance to permit a proposed detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard and to amend the final development plan of Fox Creek Farm, Lot 5 only.

A site visit was conducted on 6/6/2018. The property is located in the Kingsville Community Plan which sets protection of the Gunpowder River watershed as a goal. The Department recommends the subject accessory structure be of comparable materials as the principal structure proposed to be built.

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

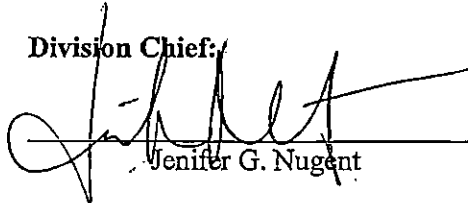
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

AVA/JGN/LTM/

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

ORDER RECEIVED FOR FILING

Date 7/31/18
By Sen

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/15/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-326



INFORMATION:

Property Address: 8116 Redstone Road
Petitioner: Joseph Esposito
Zoning: RC 5
Requested Action: Variance

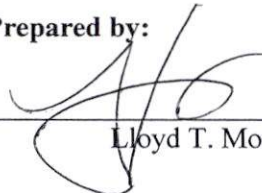
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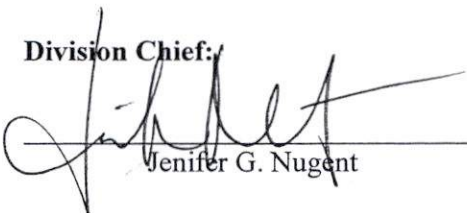
The Department has no objection to granting the petitioned zoning relief.

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

Prepared by:

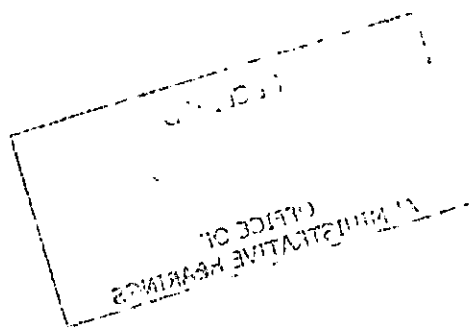

Lloyd T. Moxley

Division Chief:


Jennifer G. Nugent

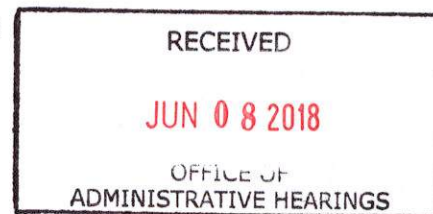
AVA/JGN/LTM/

c: Joseph Wiley
John B. Gontrum, Esquire
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: June 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0326-A
Address 8116 Redstone Road
(Esposito Property)

Zoning Advisory Committee Meeting of **June 4, 2018**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
me
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For June 4, 2018
Item No. 2018-0320-A, 0323-SPHA and 0326-A

DATE: June 21, 2018

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

* * * * *

VKD: cen
cc: file

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: June 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0326-A
Address 8116 Redstone Road
(Esposito Property)

Zoning Advisory Committee Meeting of **June 4, 2018**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Case No.:

2018-0326-A

Exhibit Sheet

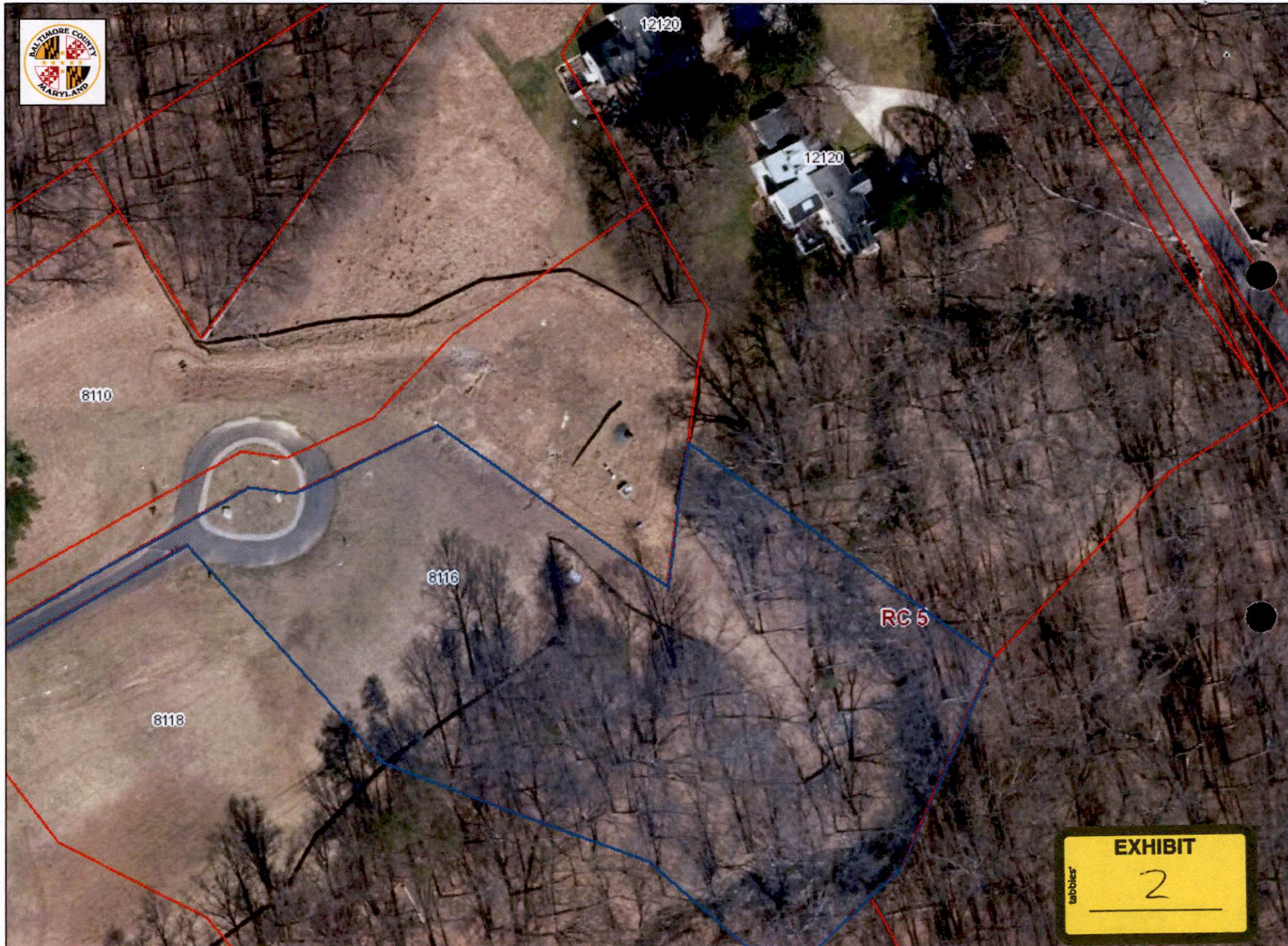
Petitioner/Developer

DW 10-5-18

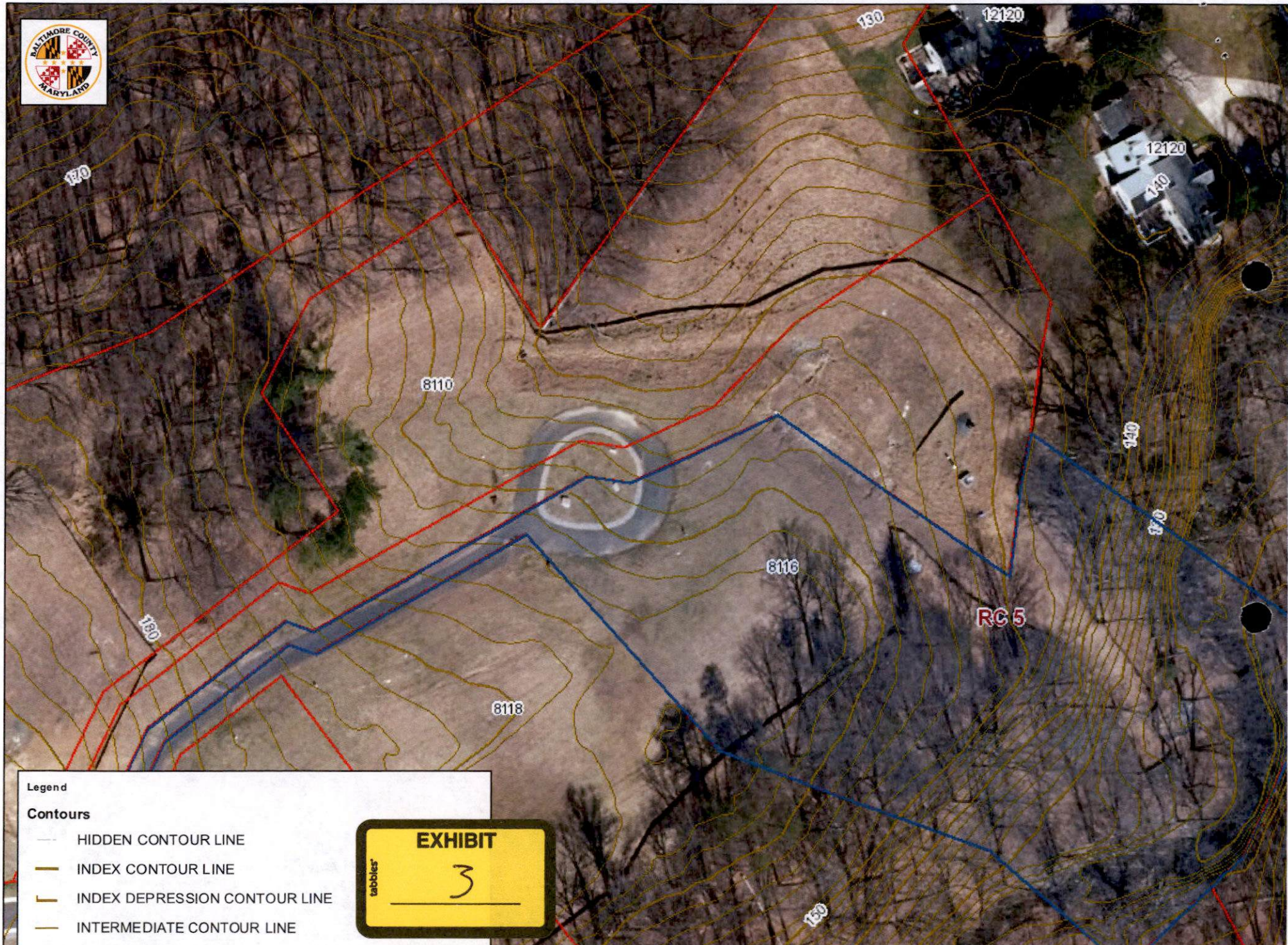
Protestant

Sen
7/30/18

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		



Baltimore County - My Neighborhood



Legend

Contours

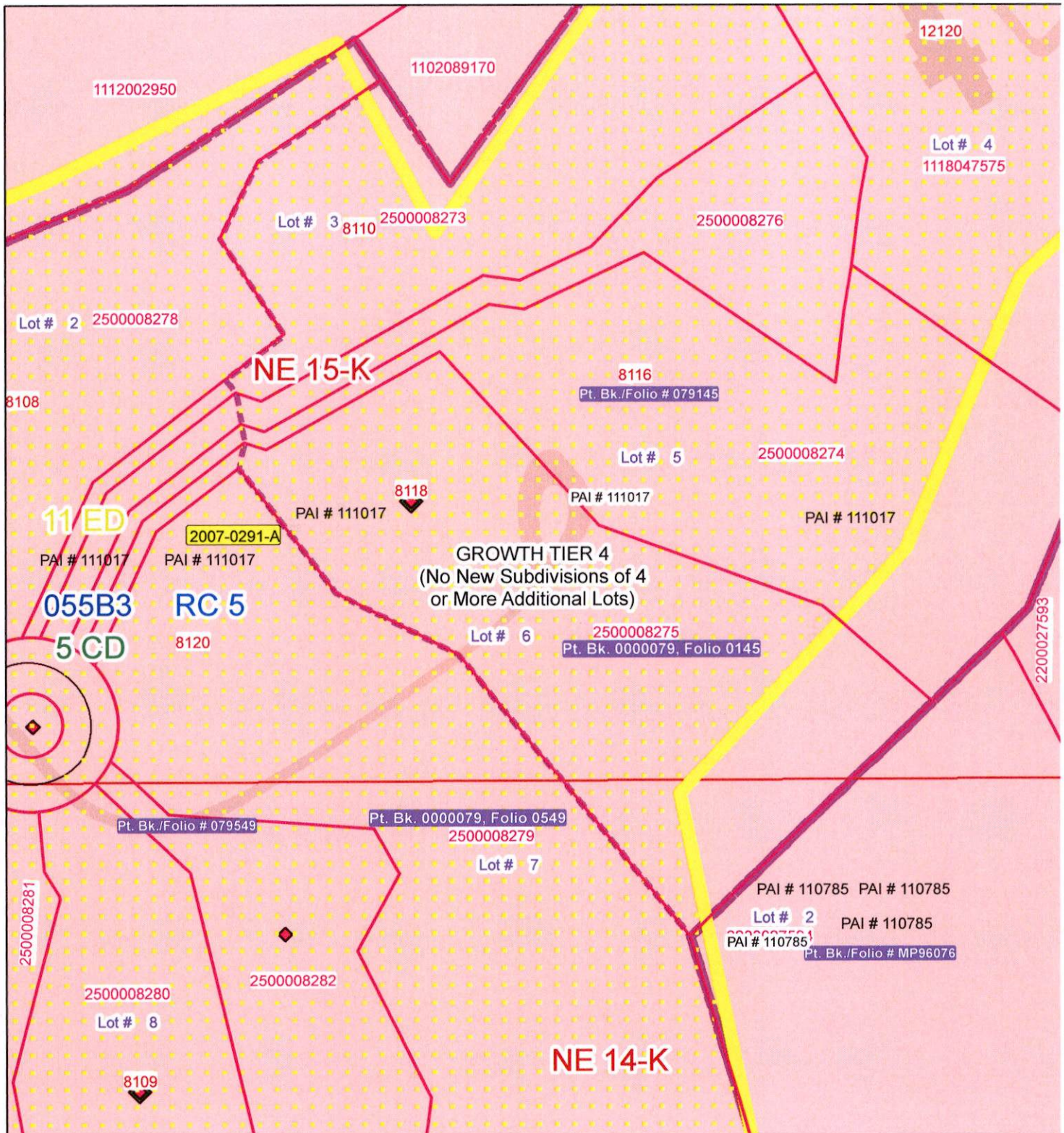
- HIDDEN CONTOUR LINE
- INDEX CONTOUR LINE
- INDEX DEPRESSION CONTOUR LINE
- INTERMEDIATE CONTOUR LINE

EXHIBIT

3

tabbles

3116 Redstone Road



Publication Date: 5/11/2018



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

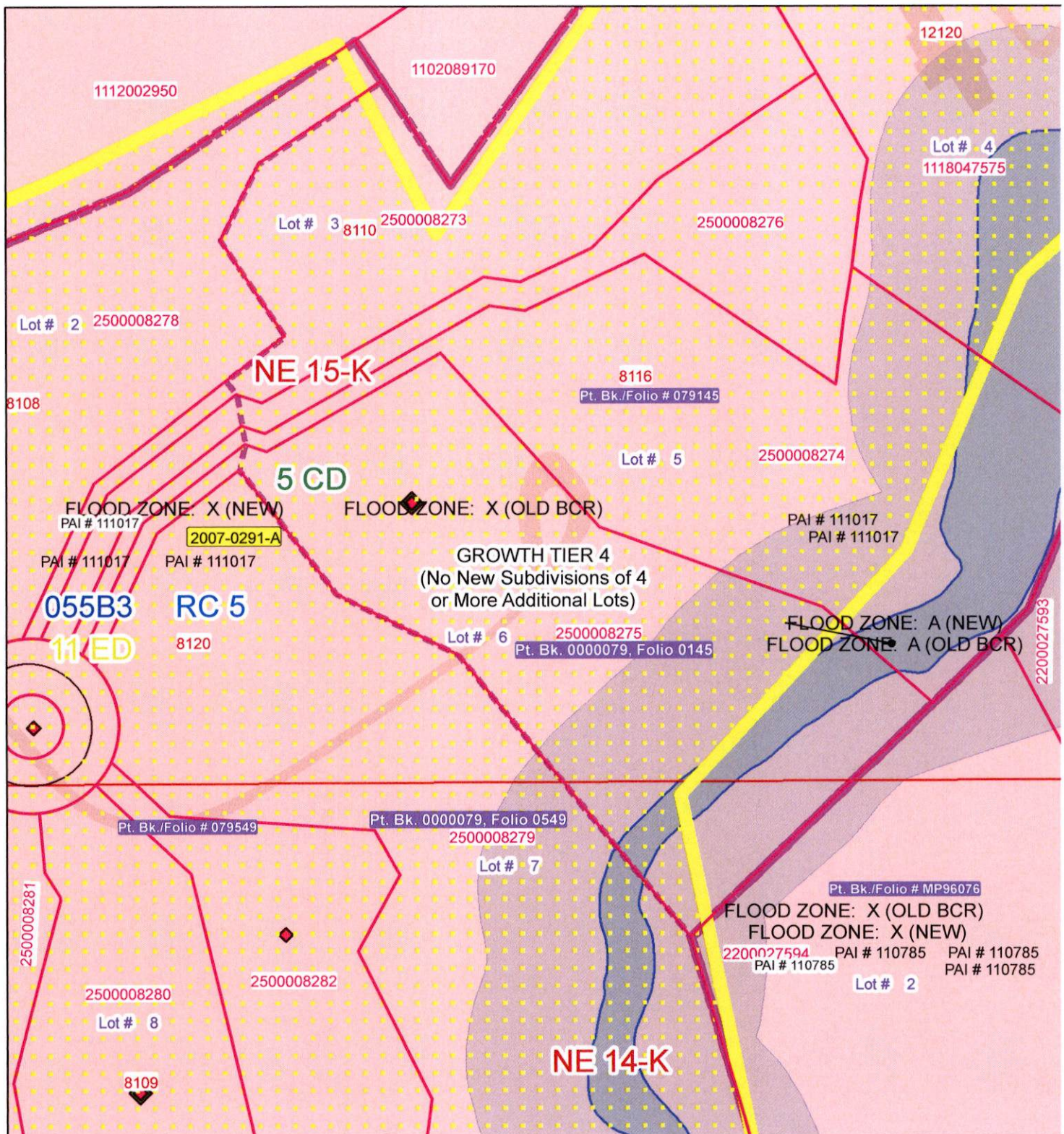


0 25 50 100 150 200 Feet

1 inch = 100 feet

Item # 0326

Flood Hazard Areas



Publication Date: 5/11/2018



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



0 25 50 100 150 200 Feet

1 inch = 100 feet

Item #0326

WHITEFORD, TAYLOR & PRESTON L.L.P.

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

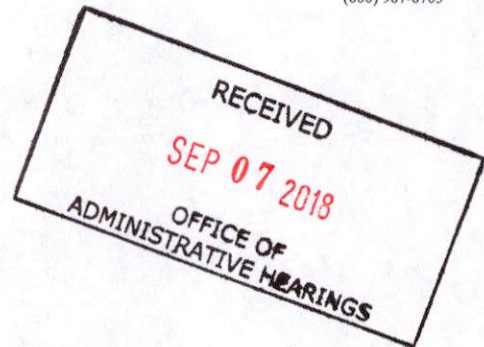
JOHN B. GONTRUM
DIRECT LINE (410) 832-2055
DIRECT FAX (410) 339-4058
JGontrum@wtplaw.com

9-7 D. Wiley Spoke to
Mr. Gontrum. A-7
Beverungen already
prepared Order on
DELAWARE* MFR;
DISTRICT OF COLUMBIA
KENTUCKY
MARYLAND
MICHIGAN
NEW YORK
PENNSYLVANIA
VIRGINIA
Crossed
in
mail.

WWW.WTPLAW.COM
(800) 987-8705

September 7, 2018

John E. Beverungen, Esquire
Administrative Law Judge for Baltimore County
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204



Re: Case No. 2018-0326-A
Property: 8116 Redstone Road

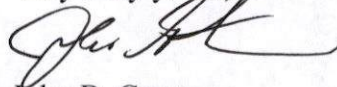
Dear Mr. Beverungen:

You may recall that in July we came before you on a variance to allow a garage in the front yard of a lot as opposed to the rear yard. The lot is on the end of a private cul-de-sac away from any neighboring properties, and indeed the garage side of the lot is against a storm water management reservation.

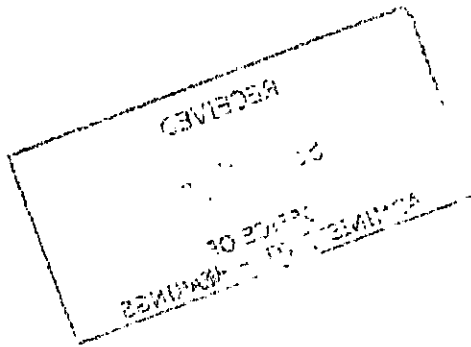
My client has asked me to raise an issue which never occurred to him at the time of the filing of the garage – the height issue. Apparently, it never dawned on him or on the engineer drawing the plan that the height of the structure, which is planned to be 23' in height would need a variance. At the hearing it was even mentioned that had the garage been connected by a breezeway it would still have needed a building setback variance in the R.C. 5 zone. Of course, in that event there would not have been a height issue.

My client would like to inquire, given the lack of opposition to the variance, on whether granting a variance to the height allowed of 15' or alternatively allow a side yard variance of 18' in lieu of the required 50' would be within the spirit and intent of allowing the garage as permitted within the order.

Very truly yours,


John B. Gontrum

JBG:jg
cc: People's Counsel for Baltimore County



Debra Wiley

From: Tom McCord <tom@battagliahomesllc.com>
Sent: Friday, August 24, 2018 2:23 PM
To: Administrative Hearings
Cc: Ben Battaglia
Subject: 8116 Redstone Road; Case #2018-0326-A

ATTN: John Beverungen

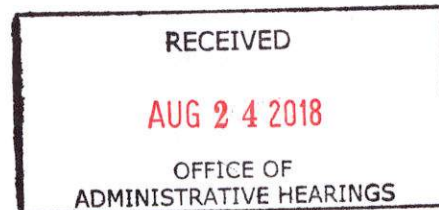
I am writing on behalf of Ben Battaglia, owner and operator of Battaglia Homes.

I would like to file a request for motion for reconsideration for a garage height of 23' that was not included in the hearing request. We would like this detail added to the variance, as it was not noted on the original variance.

The roof of the main house is a 12/12 pitch, and in order insure that the garage matches/mirrors the house we need permission to build it to the 23' height. This will make the structures look identail and appear to be an extension of the home as opposed to an unmatched structure.

Thank you for your consideration in the matter, and please feel free to contact me with any questions or concerns. Ben Battaglia's phone number is 443-987-5804, and I check this email regularly and will respond accordingly.

Tom McCord
Purchasing Manager
Battaglia Homes, LLC
14333 Jarrettsville Pike,
Phoenix MD, 21131
Office: 410-628-2525
Fax: 410-628-2526
Email: Tom@battagliahomesllc.com



"Put Your Home In Our Hands"



Debra Wiley

From: Debra Wiley
Sent: Friday, August 24, 2018 3:11 PM
To: 'John Beverungen'
Subject: RE: Motion for Reconsideration - Case No. 2018-0326-A

I did tell him that it could possibly be an Administrative Variance but since his appeal date is fast approaching (8/30) I thought this couldn't hurt, especially when he started over in Zoning.

Thanks again.

From: John Beverungen [mailto:johnbeverungen@gmail.com]
Sent: Friday, August 24, 2018 3:09 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Re: Motion for Reconsideration - Case No. 2018-0326-A

Okay thanks Deb. I will review the attachments you sent, but it may be that he will have to again post the property and file a new petition since this is in fact an entirely different variance than the yard location requested in the first case. But in any event I will take a look at it. John

On Fri, Aug 24, 2018, 2:49 PM Debra Wiley <dwiley@baltimorecountymd.gov> wrote:

John,

Please see attached.

A gentleman stopped by today to see you (he was sent over from the Zoning Office) in hopes that you could help him with a concern. Apparently, at the hearing on July 30th, the initial request was to permit a garage in the front yard in lieu of the required rear yard. However, it appears he neglected to request relief for the height (23 ft.) of the garage. It sounds like he found this out today as he was applying for permits, but I advised him since you weren't in to speak with him, he should file the Motion so that you had something in writing and it could be addressed.

Since I may not see you until Thursday/Friday, thought I'd give you a heads up.

I've attached relevant paperwork for your convenience. Thanks.

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Friday, August 24, 2018 2:39 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

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

Scan Date: 08.24.2018 14:38:42 (-0400)

Queries to: adminhearingscpr@baltimorecountymd.gov

[http://www.baltimorecountymd.gov/sebin/n/n/county_seal.jpg] <<http://www.baltimorecountymd.gov>>

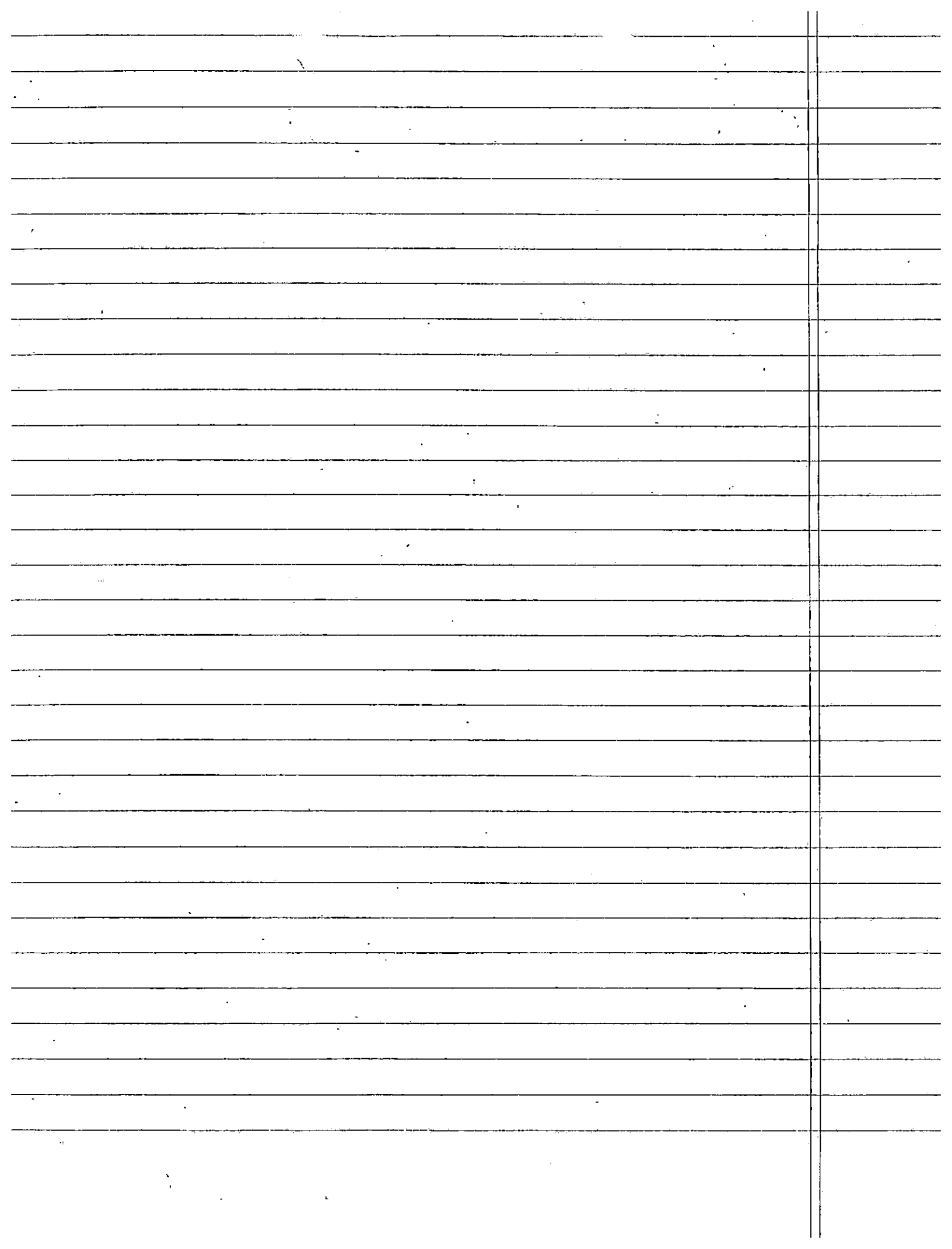
6/24/18

2018-326

I wish to request a postponement
of the hearing on July 20, as I will
be out of town that week.

It is my understanding that it
will be rescheduled the week of July 30

John Anton



DATE _____

2018-0326-A

July 30, 2018

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

CIDLEY CAMPBELL
Ben Battaglia

P.O. Box 853

14333 Jarvattsville Pike

Bellevue, MD 21041
Phoenix MD 21131

Phoenix MD 21131

Dudley C Bay STATE LAND SERVICE
Battaglia homes @ five.com

Battagliahomes@live.com

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

6/21

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

No Comment

6/7

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

No Comment

FIRE DEPARTMENT

6/15

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

No Objection

5/25

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2007-0291-A)

NEWSPAPER ADVERTISEMENT Date: 7/10/18

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

by Ogile

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

by Ogile

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 - 11 Account Number - 2500008274			
Owner Information					
Owner Name:		ESPOSITO JOSEPH A		Use: RESIDENTIAL	
				Principal Residence: NO	
Mailing Address:		10 CHESTNUT WOODS DR BEL AIR MD 21014-		Deed Reference: /39829/ 00280	
Location & Structure Information					
Premises Address:		8116 REDSTONE RD KINGSVILLE MD 21087-		Legal Description: 1.9214 AC 8116 REDSTONE RD SS FOX CREEK FARM	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0055	0022	0042		9145	5 2018 79/145
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area: 1.9200 AC	
				County Use: 04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value		Value	
				As of 01/01/2018	
Land:		72,100		72,100	
Improvements		14,900		14,000	
Total:		87,000		86,100	
Preferential Land:		0		87,000 86,100	
Phase-in Assessments					
				As of 07/01/2017	
				As of 07/01/2018	
Transfer Information					
Seller: FCF KINGSVILLE LLC		Date: 01/09/2018		Price: \$255,000	
Type: ARMS LENGTH IMPROVED		Deed1: /39829/ 00280		Deed2:	
Seller: JOHNSON ROBERT K		Date: 07/15/2014		Price: \$450,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /35154/ 00285		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					

JM AV
1-22-07

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W Jericho Road, 1300 feet E		
Greenhouse Lane		
11 th Election District	*	DEPUTY ZONING COMMISSIONER
3 rd Councilmanic District		
(12120 Jericho Road)	*	BALTIMORE COUNTY
Robert and Paula Johnson		
<i>Petitioners</i>	*	CASE NO. 07-291-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Robert and Paula Johnson. The variance request is for property located at 12120 Jericho Road. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (garage) with a height of 20 feet +/- in lieu of permitted 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners and their attorney, Jennifer R. Busse, Esquire, believe that the structure was constructed prior to the enactment of the zoning regulations for the property. The structure's height is due to the roof pitch which, along with the rest of the structure's architectural features, allows it to be architecturally consistent with the main structure of the property. The age of the structure contributes to its uniqueness, along with its conversion from a farm building to a garage serving a residential property. The roof would have to be modified to lower the structure's height, resulting in a less attractive structure which would not be as architecturally consistent with the main structure on the property.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of

Planning dated January 4, 2007 which contains restrictions, and a copy of which is incorporated herein and make a part hereof the file.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 7, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

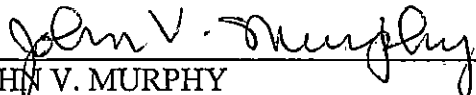
The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 31st day of January, 2007 that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing detached accessory structure (garage) with a height of 20 feet +/- in lieu of permitted 15 feet be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building 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.
2. The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory structure shall not be used for commercial purposes.

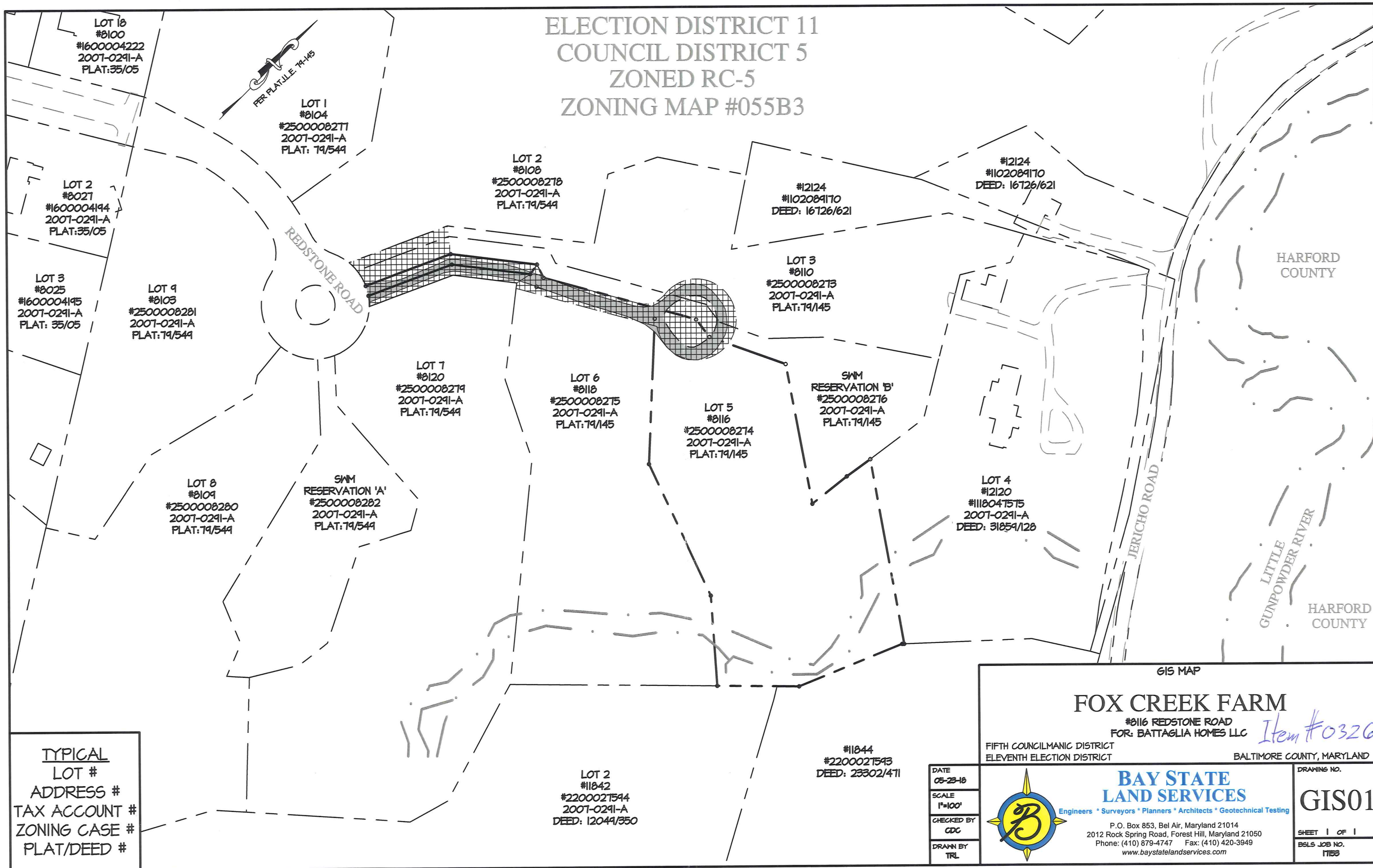
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

ELECTION DISTRICT 11 COUNCIL DISTRICT 5 ZONED RC-5 ZONING MAP #055B3



GIS MAP

FOX CREEK FARM

#8116 REDSTONE ROAD
FOR: BATTAGLIA HOMES LLC

Item #0326

FIFTH COUNCILMANIC DISTRICT
ELEVENTH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

DATE
05-23-18
SCALE
1"=100'
CHECKED BY
CDC
DRAWN BY
TRL



**BAY STATE
LAND SERVICES**

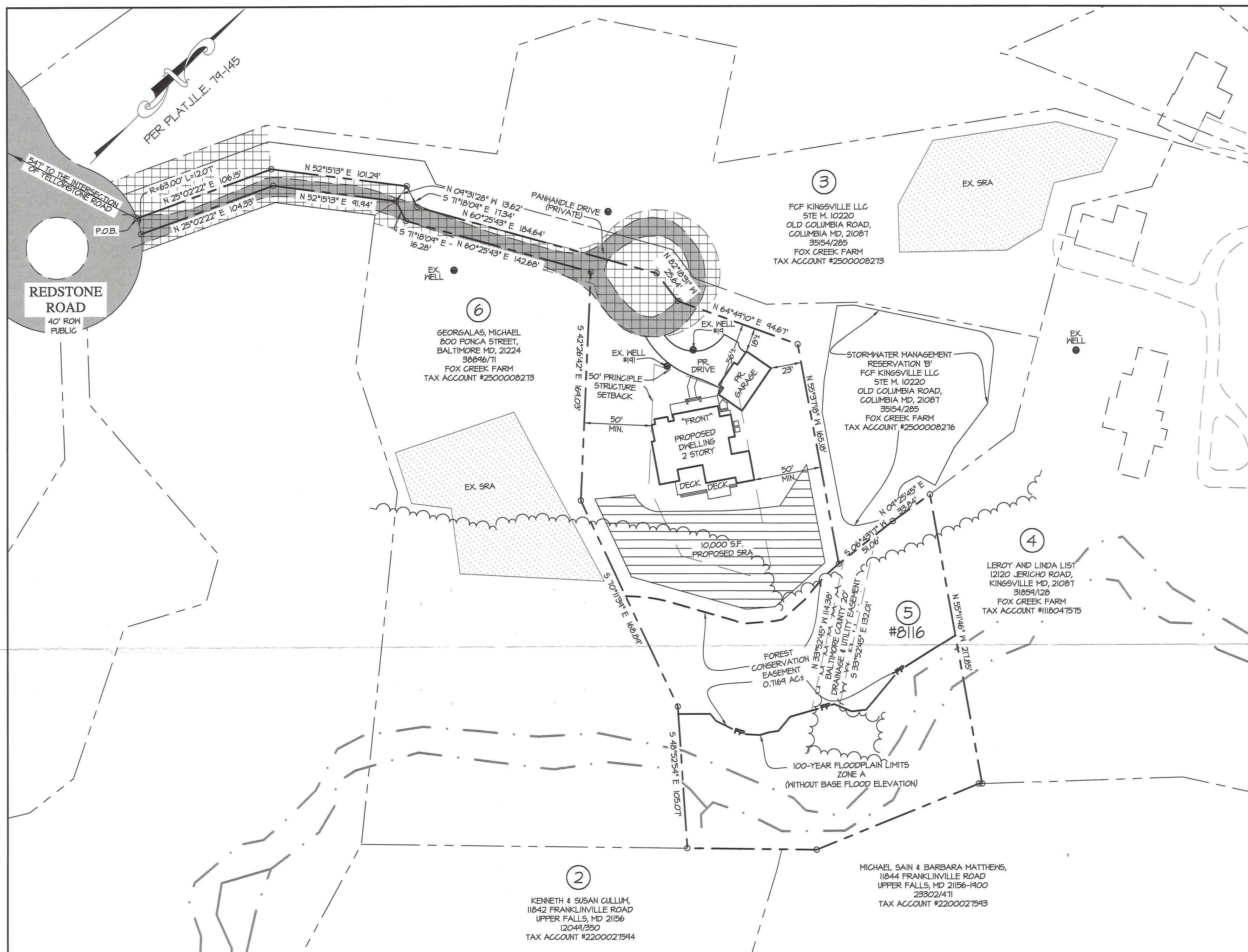
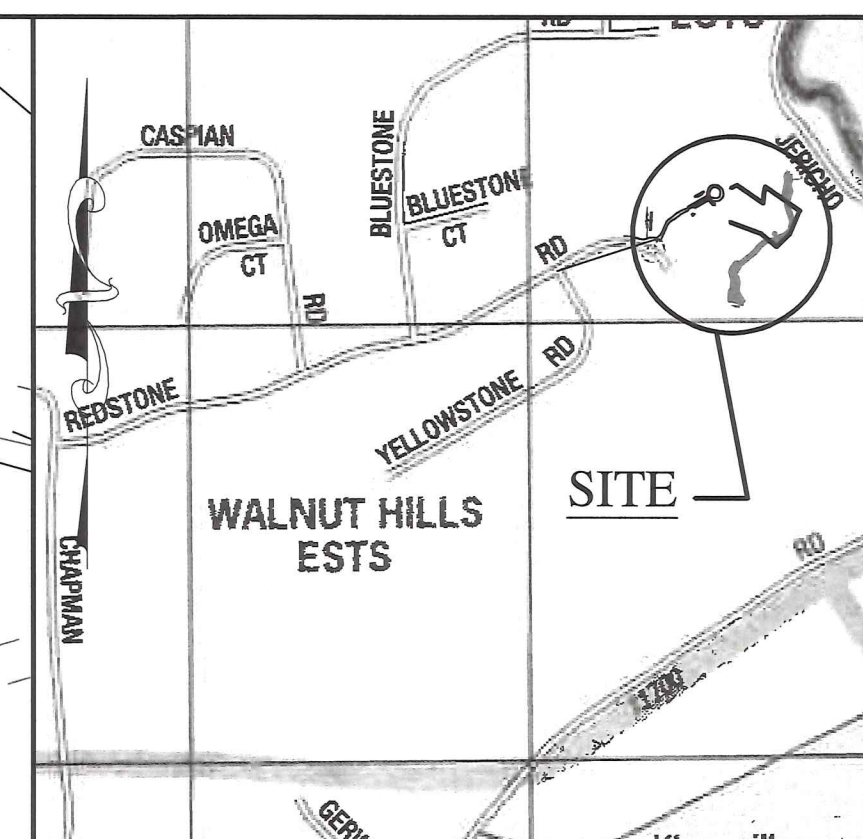
Engineers * Surveyors * Planners * Architects * Geotechnical Testing
P.O. Box 853, Bel Air, Maryland 21014
2012 Rock Spring Road, Forest Hill, Maryland 21050
Phone: (410) 879-4747 Fax: (410) 420-3949
www.baystatelandservices.com

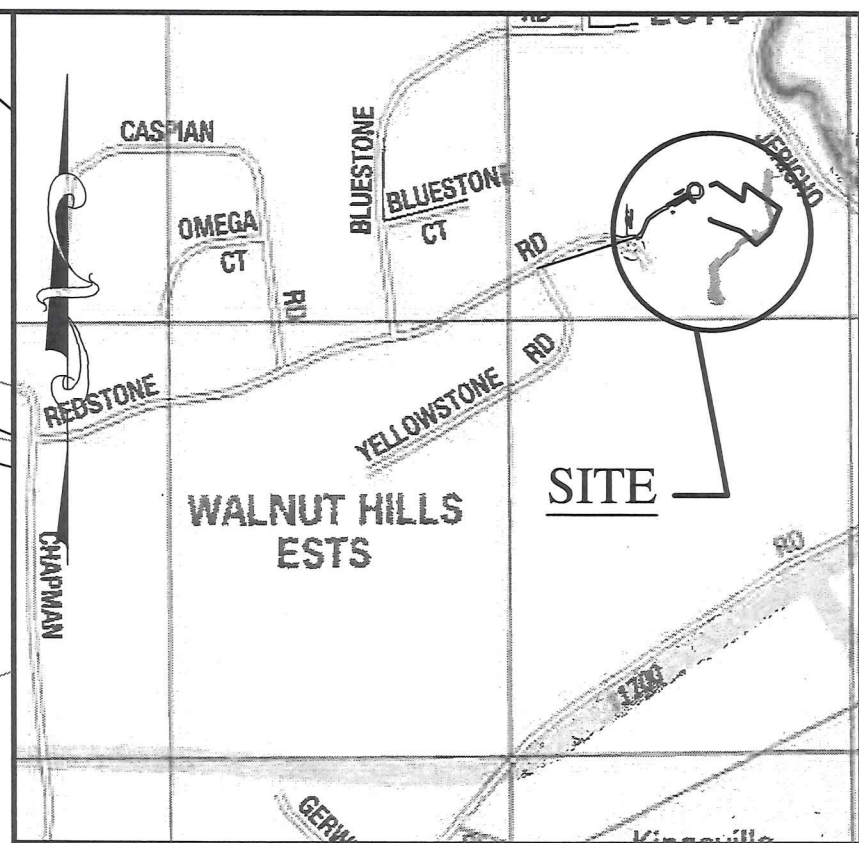
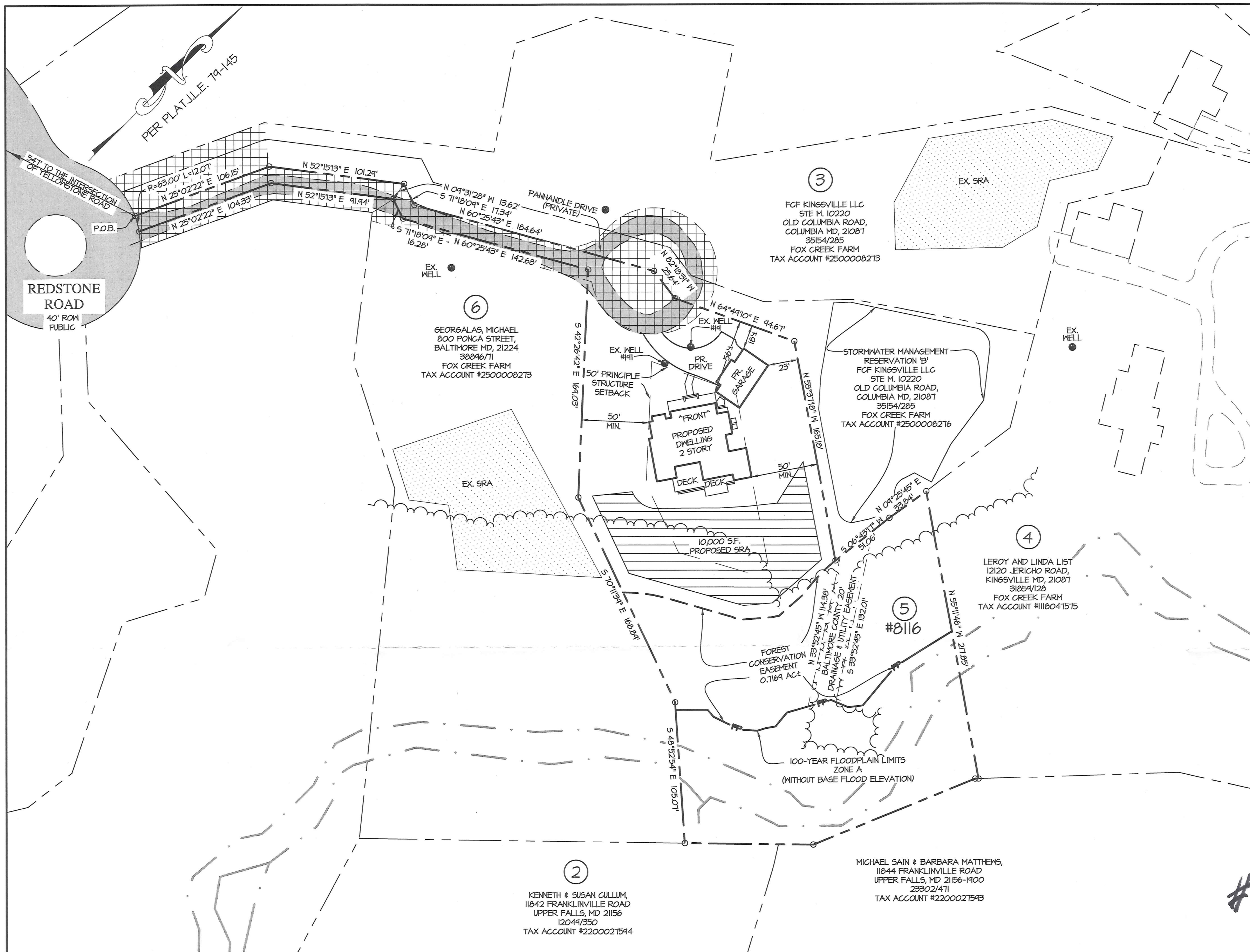
DRAWING NO.

GIS01

SHEET 1 OF 1

BELS JOB NO.
1753





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LOCATION MAP

1" = 1000'

NOTES

1. ZONING PLAN IS FOR: VARIANCE.
2. ADDRESS: #8116 REDSTONE ROAD, KINGSVILLE MD 21087
3. OWNER: JOSEPH A. ESPOSITO
4. SUBDIVISION NAME: FOX CREEK FARM.
5. LOT #: 5
6. PLAT BOOK #: J.L.E. 79-145
7. 10 DIGIT TAX #: 2500008274
8. DEED REF. #: J.L.E. 34829-280
9. ZONING MAP #: 055B3
10. SITE ZONED: RC-5 (RURAL RESIDENTIAL)
11. ELECTION DISTRICT: ELEVENTH ELECTION DISTRICT
12. COUNCIL DISTRICT: FIFTH COUNCILMANIC DISTRICT
13. LOT AREA ACREAGE: 1.92 AC.± (83,693 SQ.FT.)
14. THIS PROPERTY IS NOT A BALTIMORE COUNTY LANDMARK OR IN A HISTORIC DISTRICT.
15. THIS SITE IS LOCATED IN A FLOODPLAIN PER FEMA MAP #2400100285F (1/26/2008) AS DEPICTED
16. WATER: PRIVATE
17. SEWER: PRIVATE
18. PRIOR ZONING CASE: #2007-0291-A. (APPLIES TO ANOTHER LOT IN THE SUBDIVISION)
19. THERE ARE NO ZONING VIOLATIONS ON RECORD.

PLAN

SCALE 1"=50'

OWNER

JOSEPH A. ESPOSITO
10 CHESTNUT WOODS DR.
BEL AIR, MD 21014

#2018-0326-A

RJD

LEGEND

- INGRESS/EGRESS EASEMENT
- EXISTING PAVING

PLAT REF.: J.L.E. 79/145

ZONING HEARING PLAN FOR VARIANCE
LOT 5

FOX CREEK FARM

#8116 REDSTONE ROAD
FOR: BATTAGLIA HOMES LLC

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VP01

SHEET 1 OF 1

BSLS JOB NO.
17153