

MEMORANDUM

DATE: January 2, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0140-A - Appeal Period Expired

The appeal period for the above-referenced case expired on December 31, 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(538 Belfast Road)		
8 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Thomas H. & Tamara L. Watson	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0140-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Thomas H. and Tamara L. Watson (“Petitioners”). The Petitioners are requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed accessory building (pool house) to be located in the side yard in lieu of required in the rear yard of the existing single family dwelling, and to permit a proposed height of 22 ft. in lieu of maximum allowed height of 15 ft. respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies. However, it is to be noted that a letter of support was received from adjacent neighbors, Richard and Margaret Stansbury (540 Belfast Road), who have no objections to the Petitioners’ zoning request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 11, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 11-30-18

By 

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code ("BCC"). 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 Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the proposed accessory building (pool house) height and usage, I will impose conditions that the pool house shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

The petition in this case, as was proper, sought relief from the area and height restrictions set forth in BCZR §§ 400.1 and 400.3. That is the extent of the relief permitted in a variance case. The decision to permit (or not) bathroom facilities must be made by the County's zoning, public works and environmental departments.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 30th day of **November, 2018** by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("BCZR") to permit a proposed accessory building (pool house) to be located in the side yard in lieu of required in the rear yard of the existing single family dwelling, and to permit a proposed height of 22 ft. in lieu of maximum allowed height of 15 ft. respectively, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 11-30-18

By [Signature]

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners or subsequent owners shall not convert the accessory structure (pool house) into a dwelling unit or apartment. The accessory structure (pool house) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities. Should the aforementioned agencies permit a powder room (sink and toilet) in this structure, that aspect of Condition No. 3 shall be considered stricken.
3. The accessory structure (pool house) 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 E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 11-30-18

By DLW



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 538 Belfast Road Currently zoned RC-5
 Deed Reference 35421 / 00326 10 Digit Tax Account # 2 5 0 0 0 0 3 7 7 8
 Owner(s) Printed Name(s) THOMAS H. WATSON and TAMARA L. WATSON

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

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

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

- X **ADMINISTRATIVE VARIANCE** from Section(s) 400.1 of BCZR to permit a proposed accessory building (pool house) to be located in the side yard in lieu of required in the rear yard of the existing single family dwelling, and from 400.3 of BCZR to permit a proposed height of 22 feet in lieu of the maximum allowed height of 15 feet respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

- ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

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

Owner(s)/Petitioner(s):

Thomas H. Watson	/	Tamara L. Watson
Name #1 – Type or Print		Name #2 – Type or Print
<i>Thomas H. Watson</i>	/	<i>Tamara L. Watson</i>
Signature #1		Signature #2
538 Belfast Road	Sparks	Maryland
Mailing Address	City	State
21152	(443) 446-2815	tomandtamara@gmail.com
Zip Code	Telephone #	Email Address

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

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Henry Warfield at Warfield Architects
 Name – Type or Print _____
 Signature _____
 P.O Box 76 Butler Maryland
 Mailing Address City State
 21023 (410) 472-4048 henry@warfieldarch.com
 Zip Code Telephone # Email Address

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

Administrative Law Judge for Baltimore County

CASE NUMBER 2019-0140-A Filing Date 10/18/18 Estimated Posting Date 11/14/18 Reviewer AT

~11/26/18

Rev 5/5/2016

Affidavit in Support of Administrative Variance

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

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

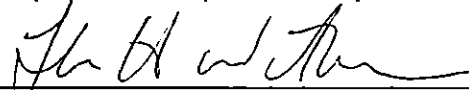
Address: 538 Belfast Road Sparks Maryland 21152
Print or Type Address of property City State Zip Code

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

(POOL HOUSE)

Request permission to locate a detached accessory building in the side yard to be used for farm equipment and general storage plus pool equipment, a small powder room, and changing room to service a pool in the rear yard. The 9.34 acre property borders agricultural fields as well as a horse pasture and forest conservation areas. The building requires close access to the existing driveway and pool. At the proposed location the building is held behind the plane of the front elevation of the house as far as possible while still providing access from the existing driveway that serves the garage. A location in the rear yard would require adding a long extension to the driveway that would detract from the rural nature of the property. The proposed accessory building will look like a traditional barn with wood siding and a 10/12 pitched roof. Request permission for this building to be 22' high in lieu of the required 15' height limit to allow for storage and this steeper roof pitch. No stair and no cooking facilities will be installed. The building will not be insulated. The main footprint of the building will be 22' x 30' with an additional 8' x 26' extension on the north side that has a shed roof less than 15' high. At the proposed location, the building will be 51' from the side property line at its closest point and 175' from the front property line at its closest point.

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


Signature of Owner (Affiant)

Thomas H. Watson
Name- Print or Type


Signature of Owner (Affiant)

Tamara L. Watson
Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

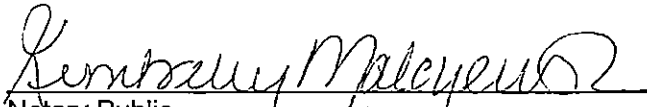
I HEREBY CERTIFY, this 13 day of October, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Thomas H Watson Tamara L Watson

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

AS WITNESS my hand and Notaries Seal




Notary Public
My Commission Expires 09/22/2021

REV. 5/5/2016

2019-0140-A

ZONING PROPERTY DESCRIPTION FOR

538 BELFAST ROAD

SPARKS, MD 21152

Beginning at a point north side of Belfast Road which is 50 feet wide at a distance of 1600 feet southeast of the centerline of the nearest improved intersecting street Ensor Mill Road which is 30 feet wide.

Being Lot #6, in the subdivision of Horner Property as recorded in Baltimore County Plat Book #78, Folio #243, containing 9.34 acres (406,850.40 square feet). Located in the 8th Election District and 3rd Council District.

2019-0140-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/11/2018

Case Number: 2019-0140-A

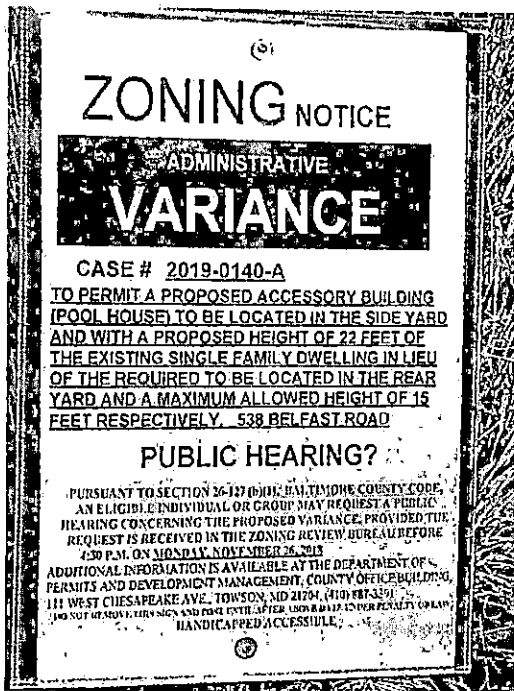
Petitioner / Developer: HENRY WARFIELD, AIA ~ THOMAS WATSON

Date of Closing: NOVEMBER 26, 2018

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

538 BELFAST ROAD

The sign(s) were posted on: **NOVEMBER 11, 2018**



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

WATSON RESIDENCE-538 BELFAST ROAD

PHOTOGRAPHS OF PROPOSED SITE OF DETACHED ACCESSORY BUILDING

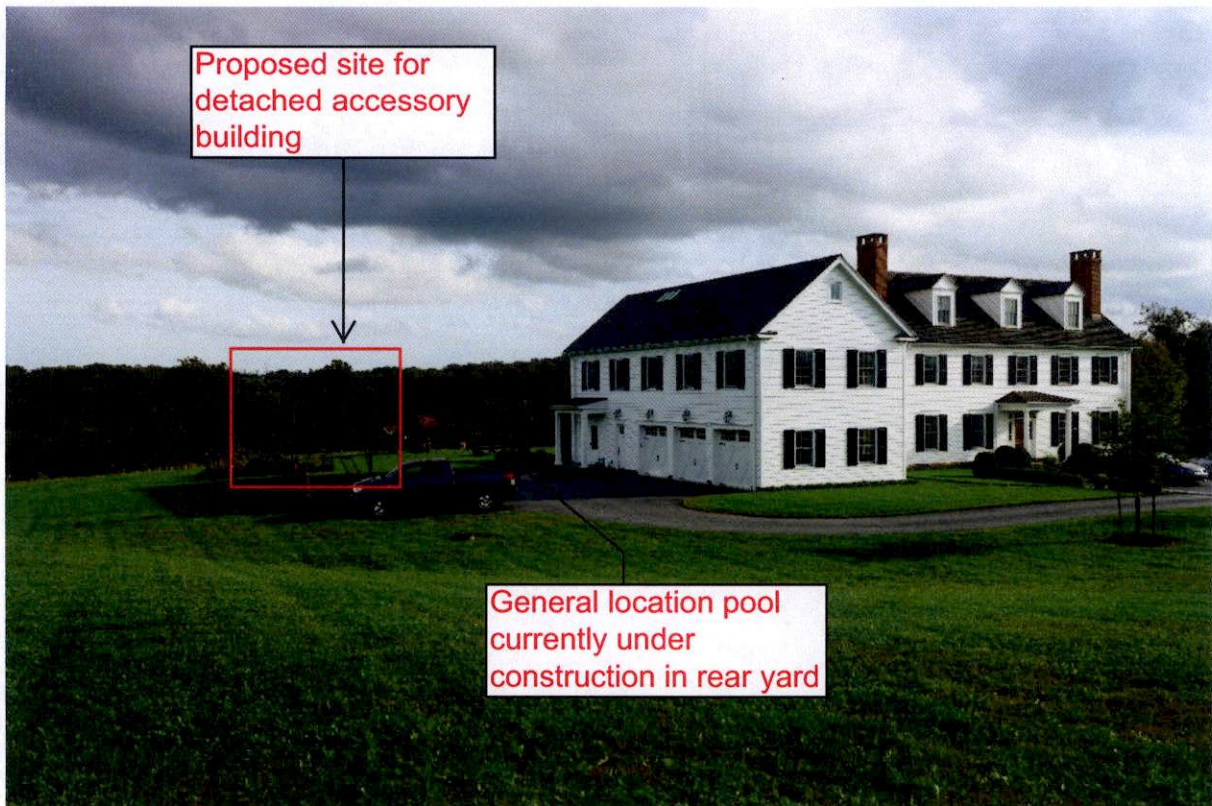


Photograph #1- From driveway entrance towards house

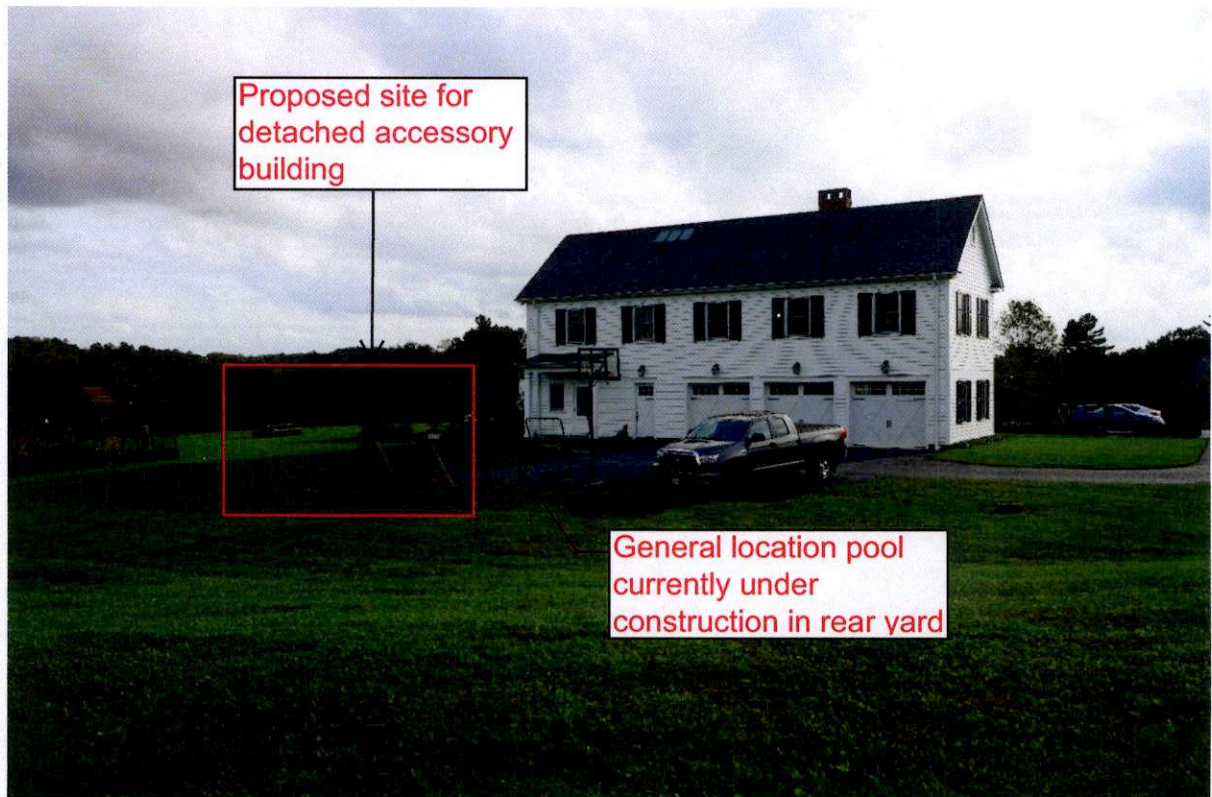


Photograph #2- From driveway towards front door of house

2019-0140-A



Photograph #3- From northwest corner towards Garage

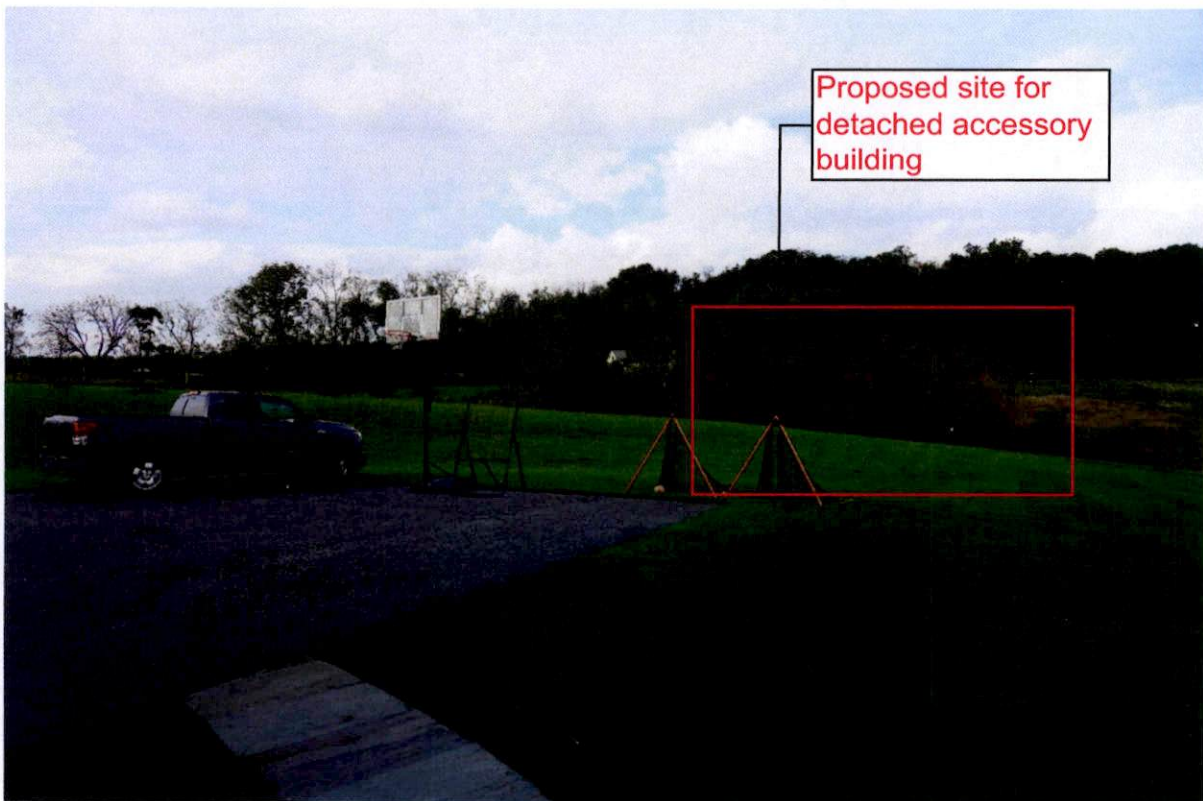


Photograph #4- From north towards Garage

2019-0140-A



Photograph #5- From east towards north end of house



Photograph #6- From corner of Garage towards north proposed site of detached accessory building

2019-0140-A



Photograph #7- From proposed site of detached accessory building south towards Garage



Photograph #8- From proposed site of detached accessory building north

2019-0140-A

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0140 - A Address 538 Belfast Road

Contact Person: Aaron Tsui Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/29/2018 Posting Date: 11/11/18 Closing Date: 11/26/18

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2019- 0140 -A Address: 538 Belfast Road

Petitioner's Name: Thomas Watson Telephone : 443-446-2815

Posting Date: 11/11/18 Closing Date: 11/26/2018

Wording for Sign: To permit a proposed accessory building (pool house) to be located in the side yard and with a proposed height of 22 feet of the existing single family dwelling in lieu of the required to be located in the rear yard and a maximum allowed height of 15 feet respectively.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0140 - A Address 538 Belfast Road

Contact Person: Aaron Tsui Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 10/29/2018 Posting Date: 11/11/18 Closing Date: 11/26/18

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

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

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2019- 0140 -A Address: 538 Belfast Road

Petitioner's Name: Thomas Watson Telephone : 443-446-2815

Posting Date: 11/11/18 Closing Date: 11/26/2018

Wording for Sign: To permit a proposed accessory building (pool house) to be located in the side yard and with a proposed height of 22 feet of the existing single family dwelling in lieu of the required to be located in the rear yard and a maximum allowed height of 15 feet respectively.

END RECEIPT

No. 17710A

Date: _____

10/29/1979

BUSINESS	ACTUAL	TIME	IRMA
10/27/2018	10/27/2018	10:13:55	3

WALKIN CAM

RECEIPT # 795455 10/29/2018 OFLM

Dept - 5 528 ZONING VERIFICATION

unt 77104

Subtotal	175.00
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75.00 CK 5.00 CA

Haltimere County, Maryland

Total:

8/75

Rec

From:

För:

538 BELFAST RD

2019-0140-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



DONALD I. MOHLER III
County Executive

November 27, 2018

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

Thomas Watson
538 Belfast Rd.
Sparks, MD 21152

Dear Mr. Watson:

RE: Case Number: 2019-0140A, Address: 538 Belfast Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 29, 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 dark ink, appearing to read "W. Carl Richards, Jr.", is written over a light, circular, textured background.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

c: People's Counsel
Henry Warfield at Warfield Architects P.O. Box 76 Butler, MD 21023

Date: 11/7/18

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.

2019-0140-A
Administrative Variance
Thomas Watson
538 Belfast Road

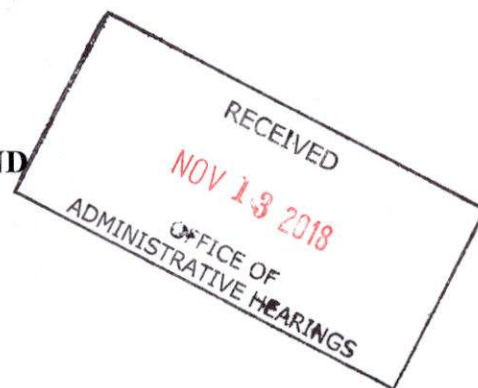
Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



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

WW/RAZ

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: November 13, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0149-A
Address 618 Warren Road
(Cooper Property)

Zoning Advisory Committee Meeting of **November 12, 2018**.

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

Reviewer: Steve Ford

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>11-13</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>11-7</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
<u>11-11</u>	ADJACENT PROPERTY OWNERS <u>(Stanbury, 540 Belfast Rd.)</u>	<u>Support</u>
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>04-512-A (incl. in file)</u>)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING (1 st)	Date: <u>11-11-18</u>	by <u>O'Keefe</u>
SIGN POSTING (2 nd)	Date: _____	by _____
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 - 08 Account Number - 2500003778			
Owner Information					
Owner Name:		WATSON THOMAS H WATSON TAMARA L		Use: RESIDENTIAL Principal Residence: YES	
Mailing Address:		538 BELFAST RD SPARKS MD 21152-		Deed Reference: /35421/ 00326	
Location & Structure Information					
Premises Address:		538 BELFAST RD SPARKS 21152-0000		Legal Description: 9.340AC 538 BELFAST RD NES HORNER PROPERTY	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0034	0003	0437		0000	6 2017 0078/0243
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
2016		9,288 SF		9.3400 AC	
County Use		33			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2 1/2	YES	STANDARD UNIT	SIDING	6 full/ 1 half	1 Attached
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2017		07/01/2018	
				As of	
				07/01/2019	
Land:		293,400		293,400	
Improvements		923,500		914,300	
Total:		1,216,900		1,207,700	
Preferential Land:		0		1,207,700	
				0	
Transfer Information					
Seller: HORNER ANNE E		Date: 10/01/2014		Price: \$365,000	
Type: ARMS LENGTH VACANT		Deed1: /35421/ 00326		Deed2:	
Seller: HORNER RICHARD L/FRANCES COLEMAN		Date: 03/12/2008		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /26766/ 00212		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2018 07/01/2019	
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

Homeowners' Tax Credit Application Status: No Application **Date:**

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
PETITION FOR VARIANCE – W/S * ZONING COMMISSIONER
York Road, N of Belfast Road *
(*Horner Property*) * OF BALTIMORE COUNTY
8th Election District *
3rd Council District * Case Nos. VIII-805 & 04-512-A

The Joshua L. Horner Family L.P. and *
Anne E. Horner, Owners/Developers *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer/Zoning Commissioner for a combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.). That Section permits an applicant to request development plan approval and zoning relief through a single public hearing. Pursuant to the development review regulations codified in Title 26 thereof, the Owners/Developers seek approval of a two-page red-lined development plan, prepared by McKee and Associates, Inc., for the proposed residential development of the subject property with seven (7) single family dwelling units, one of which is existing. In addition, variance relief is requested from Section 26-266.4 of the Baltimore County Code (B.C.C.) to permit a panhandle driveway length in excess of 1,000 feet in an R.C. zone. The proposed subdivision and requested variance relief are more particularly described on the redlined development plan submitted and marked into evidence as Developer's Exhibit 1.

As to the history of this project through the development review process codified in Title 26 of the Baltimore County Code, a concept plan of the proposed development was prepared and a conference held thereon on February 2, 2004. As the name suggests, the concept plan is a schematic representation of the proposed subdivision and is reviewed by and between representatives of the Developer and the reviewing County agencies at the Concept Plan Conference (CPC). Thereafter, as required, a Community Input Meeting (CIM) is scheduled during evening hours at a location near the property to provide residents of the area an opportunity to review and comment on the plan. In this case, the CIM was held on February 25, 2004 at the Hereford High School. Subsequently, a development plan is prepared, based upon

the comments received at the CPC and CIM, and submitted for further review at a Development Plan Conference (DPC) which is again held between the Developer's consultants and reviewing County agencies. In this case, the DPC was held on June 16, 2004. Following the DPC, comments are submitted by the appropriate County reviewing agencies and a revised development plan incorporating these comments is submitted at the Hearing Officer's Hearing, which in this case was held on July 9, 2004.

Appearing at the public hearing required for this project were Rudi Horner on behalf of the Horner Family, property owners; Guy Ward, Professional Engineer with McKee and Associates, Inc., the consultants who prepared the development plan; Todd Morrill, Builder; and Howard Alderman, Jr., Esquire, attorney for the Owners/Developers. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including the following individuals from the Department of Permits and Development Management (DPDM): Christine Rorke, Project Manager; Robert Bowling, Development Plans Review; and, Donna Thompson, Zoning Review. Also appearing on behalf of the County were Lynn Lanham, Office of Planning (OP), and Jan Cook from the Department of Recreation and Parks. No one appeared from the surrounding community. In this regard, a letter was received on June 11, 2004 from G. Macy Nelson, Esquire entering his appearance as Counsel for the Greater Sparks Glencoe Community Council. However, on July 8, 2004, correspondence was received from Mr. Nelson striking his appearance and indicating that neither he nor any members of the Greater Sparks Glencoe Community Council would appear at the hearing or take any position on the proposed subdivision.

The subject property is an irregular shaped parcel located on the west side of York Road, north of Belfast Road in the Sparks area of northern Baltimore County. The property contains a gross area of 51.239 acres, more or less, zoned R.C.5. The property was previously approved for subdivision into three lots, under minor subdivision Case No. 92-190-M. Lot 2 has since been sold; Lot 3 contains the existing single family dwelling, known as 540 Belfast Road. and the balance of the property was retained as Tract A. The Owners now propose a re-

subdivision of Tract A and Lot 3 to create six additional single-family dwelling lots, including Lot 3, or seven lots total. Three of the lots will have frontage on York Road, while the other three are located in the interior of the site and will be served by a panhandle driveway off of Belfast Road. As shown on the plan, an existing panhandle driveway serves the dwelling at 540 Belfast Road, and is nearly 2200 feet in length. That driveway will be extended an additional 125 feet for a total length of approximately 2325 feet to serve the house on Lot 7 to be known as 542 Belfast Road. Another panhandle driveway will provide access to Lot 6 from Belfast Road.

Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, Counsel for the Developer indicated that there were no outstanding issues and that the plan complied with all development plan comments, rules, regulations and standards. The County agency representatives who were present corroborated his representations. Mr. Oltman testified on behalf of DEPRM that there were no outstanding issues; however, he advised that Paul Dennis of the Environmental Impact Review Division would submit an amended comment. Mr. Jan Cook from Recreation and Parks also indicated that he would be forwarding a letter indicating that a waiver of local open space requirements and a fee in lieu thereof had been approved by his agency. Both that letter and the revised comment from DEPRM were to be submitted for inclusion in the case file prior to the issuance of this Order. In addition, both Bob Bowling on behalf of the Department of Public Works, and Lynn Lanham for the Office of Planning indicated that they support the panhandle variance request, in view of the fact that the driveway at issue has existed for many years.

It is also to be noted that Mr. Alderman indicated that his client and their consultants had met with the Greater Sparks Glencoe Community Association and had resolved their concerns relative to this project. He further indicated that they were satisfied with the changes and modifications that had been made to the plan. In this regard, all of the proposed dwellings have been set back at least 150 feet from the front property line as required for development in the

R.C.5 zone, pursuant to Bill No. 55-04, which was recently enacted by the Baltimore County Council.

Pursuant to Section 26-206 of the Baltimore County Code, the Hearing Officer is required to approve a plan when there are no open issues or unresolved comments, and all of the standards, rules and regulations for development in Baltimore County have been met. In that the development plan complies with all of these requirements, it must be approved.

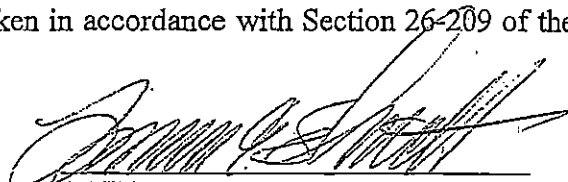
Turning next to the variance request, as noted above, the existing panhandle driveway that serves 540 Belfast Road has existed for many years at its present length of 2200 feet and will only be extended another 125 feet to provide access to three additional lots. I find that the property is unique, given its unusual configuration and shape, and the fact that the panhandle driveway has existed for many years is a compelling factor to support the grant of relief. In sum, the Petitioner has satisfied the requirements of Section 307 of the B.C.Z.R. for variance relief.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the development plan shall be approved and the Petition for Variance granted, consistent with the comments contained herein.

THEREFORE, IT IS ORDERED by this Zoning Commissioner/Hearing Officer for Baltimore County this 20th day of July 2004 that the red-lined development plan for the Horner Property, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 26-266.4 of the Baltimore County Code (B.C.C.) to permit a panhandle driveway length in excess of 1,000 feet in an R.C. zone, in accordance with Developer's Exhibit 1, be and is hereby GRANTED.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.


LAWRENCE E. SCHMIDT

File

Richard T. Stansbury
Margaret H. Stansbury
540 Belfast Road
Sparks, Maryland 21152

November 11, 2018

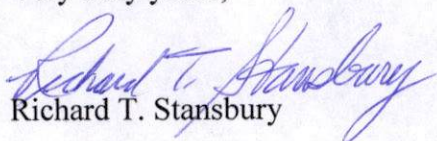
Department of Permits and Development Management
County Office Building
111 W. Chesapeake Ave.
Towson, MD 21204

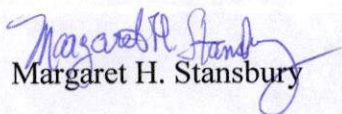
Re: Case number 2019-0140-A
Zoning Notice Administrative Variance for 538 Belfast Road

To whom it may concern:

As the next-door neighbor of Mr. and Mrs. Thomas Watson, 538 Belfast Rd., Sparks, MD, 21152, we support their application for an administrative variance and encourage you to permit the variance.

Very truly yours,


Richard T. Stansbury


Margaret H. Stansbury

cc: Mr. & Mrs. Thomas Watson

15 NOV '18 PM 4:36

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 - 08 Account Number - 2500003775			
Owner Information					
Owner Name:		STANSBURY RICHARD T STANSBURY MARGARET H		Use:	RESIDENTIAL
Mailing Address:		540 BELFAST RD SPARKS GLENCOE MD 21152-		Principal Residence:	YES
				Deed Reference:	/39382/ 00047
Location & Structure Information					
Premises Address:		540 BELFAST RD SPARKS GLENCOE 21152-0000		Legal Description:	2.514AC 540 BELFAST RD NES HORNER PROPERTY
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0034	0003	0437		0000	3 2017 0078/0243
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1993	3,826 SF		2.5100 AC	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	SIDING	3 full/ 1 half	1 Attached
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2017	07/01/2018	07/01/2019	
Land:	201,400	201,400			
Improvements	289,900	302,500			
Total:	491,300	503,900	499,700	503,900	
Preferential Land:	0			0	
Transfer Information					
Seller: GILLS KRISTOFER		Date: 09/12/2017		Price: \$574,875	
Type: ARMS LENGTH IMPROVED		Deed1: /39382/ 00047		Deed2:	
Seller: HORNER ANNE E		Date: 04/24/2013		Price: \$550,000	
Type: ARMS LENGTH IMPROVED		Deed1: /33525/ 00207		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018		07/01/2019	
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: Approved 05/25/2018

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Tax Exempt:		Special Tax Recapture:
Exempt Class:		NONE
Account Identifier:		District - 08 Account Number - 2500003778
Owner Information		
Owner Name:	WATSON THOMAS H WATSON TAMARA L	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	538 BELFAST RD SPARKS MD 21152-	Deed Reference: /35421/ 00326
Location & Structure Information		
Premises Address:	538 BELFAST RD SPARKS 21152-0000	Legal Description: 9.340AC 538 BELFAST RD NES HORNER PROPERTY
Map:	Grid:	Parcel:
0034	0003	0437
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
	6	2017
Plat No:	Plat Ref:	
	0078/ 0243	
Special Tax Areas:		Town: NONE
		Ad Valorem:
		Tax Class:
Primary Structure Built	Above Grade Living Area	Finished Basement Area
2016	9,288 SF	
Property Land Area	County Use	
9.3400 AC	33	
Stories	Basement	Type
2 1/2	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
SIDING	6 full/ 1 half	1 Attached
Last Major Renovation		
Value Information		
	Base Value	Value
		As of 01/01/2017
Land:	293,400	293,400
Improvements	923,500	914,300
Total:	1,216,900	1,207,700
Preferential Land:	0	
		Phase-in Assessments
		As of 07/01/2018
		As of 07/01/2019
		1,207,700
		1,207,700
		0
		0
Transfer Information		
Seller: HORNER ANNE E	Date: 10/01/2014	Price: \$365,000
Type: ARMS LENGTH VACANT	Deed1: /35421/ 00326	Deed2:
Seller: HORNER RICHARD L/FRANCES COLEMAN	Date: 03/12/2008	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /26766/ 00212	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2018
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
07/01/2019		0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

2019-0140-A

11/11 ~ 11/26

4-0410-0105

1900003386
1962-5518-X

RC 2

028B3

Lot # 3 2500003775

540

Pt. Bk. 0000078, Folio 0243

Lot # 7

2500003779

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

PAI # 080805

PAI # 080805

PAI # 080805

PAI # 080805

2004-0512-A

Pt. Bk. 0000078, Folio 0243

PAI # 080805

NW 23-B

538

Lot # 6

2500003778

Lot # 1

2500003774

8
RC 5
3 CD

NW 23-C

534

2500003626

Lot # 1

PAI # 080807

PAI # 080807

Pt. Bk. Folio # MP04010

Lot # 2

2500003627

PAI # 080807

532
PAI # 080807

034B1

Lot # 5 2500003777

Lot # 3 2500003628

530

Pt. Bk. 0000079, Folio 0589

Lot # 4

2500006078

Pt. Bk. 0000079, Folio 0589

PAI # 080804

2100012691

2005-0373-SPH

RC 2

526

Pt. Bk./Folio # 078493

PAI # 080804

1968-0002-X

PAI # 080804

PAI # 080804

PAI # 080804

Lot # 2 0808068170

Pt. Bk. 0000078, Folio 0493

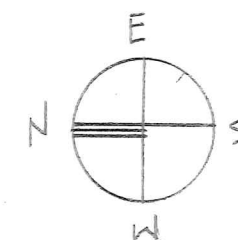
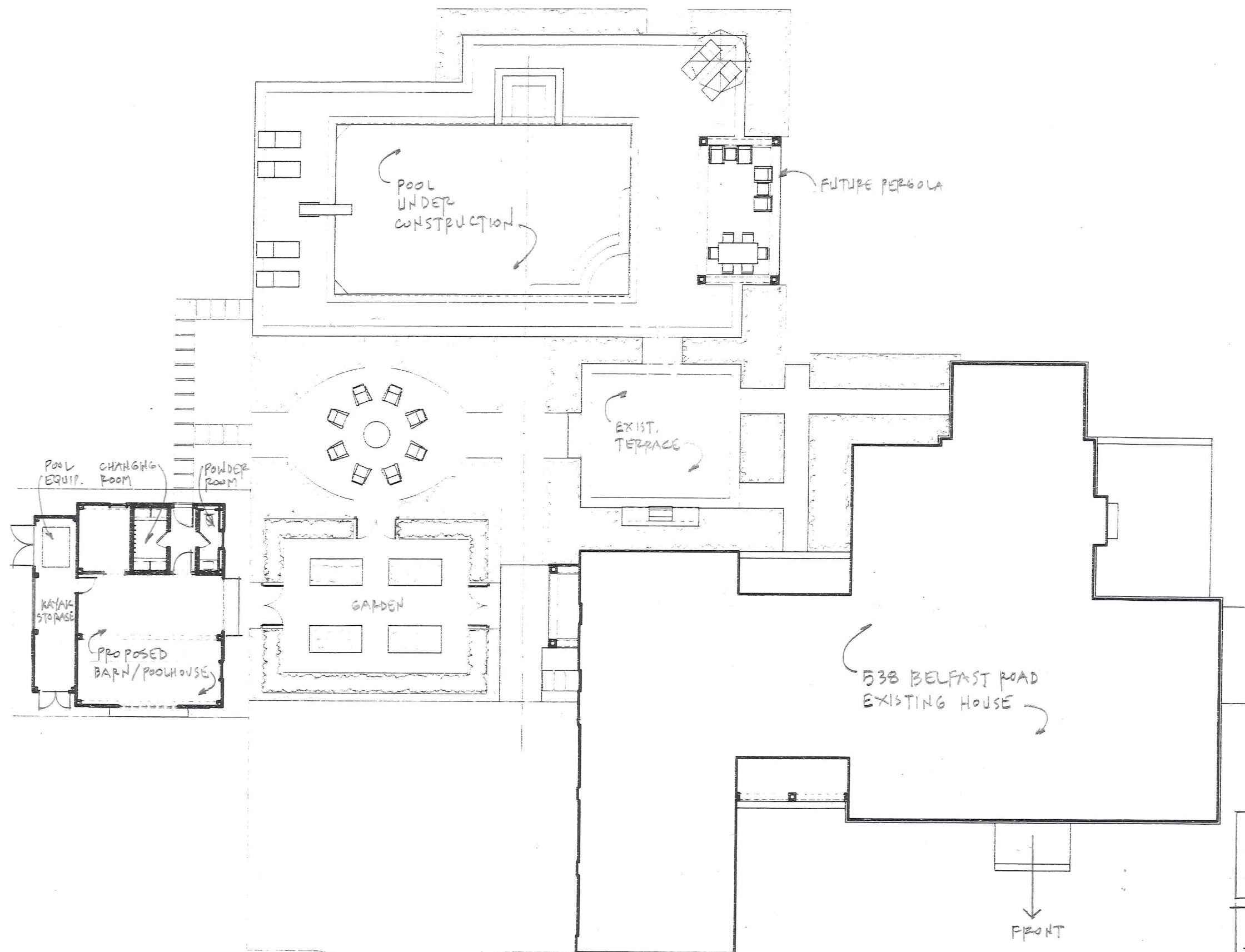
520

2500006077

Lot # 3

2019-0140-A

Pt. Bk./Folio # MP04009

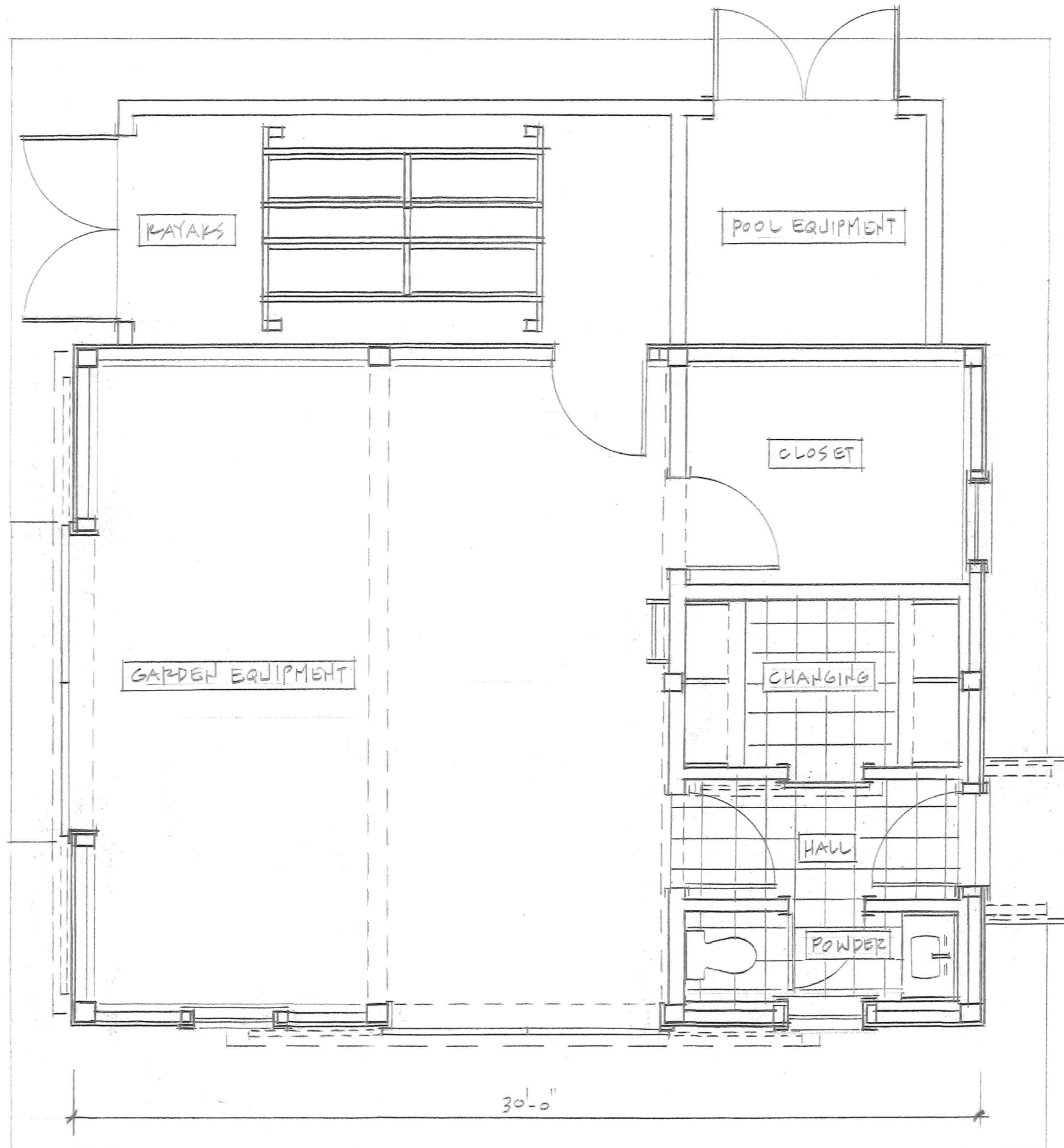


538 BELFAST ROAD
ADMINISTRATIVE VARIANCE
CASE NO. 2019-0140-A

BARN/POOLHOUSE SITE PLAN
WATSON RESIDENCE

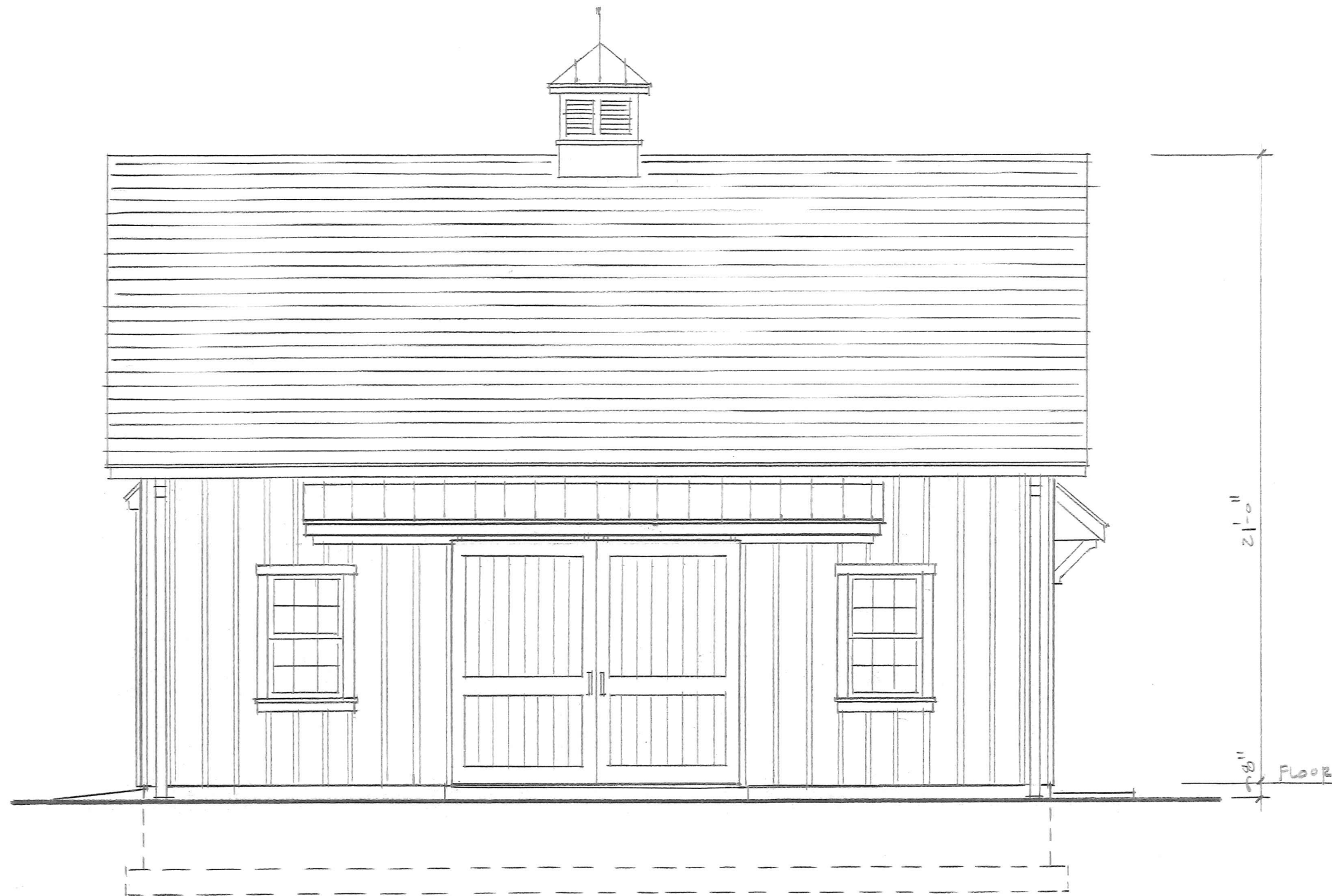
1/4"=1'-0" 1 NOV 2018

2019-0140-A

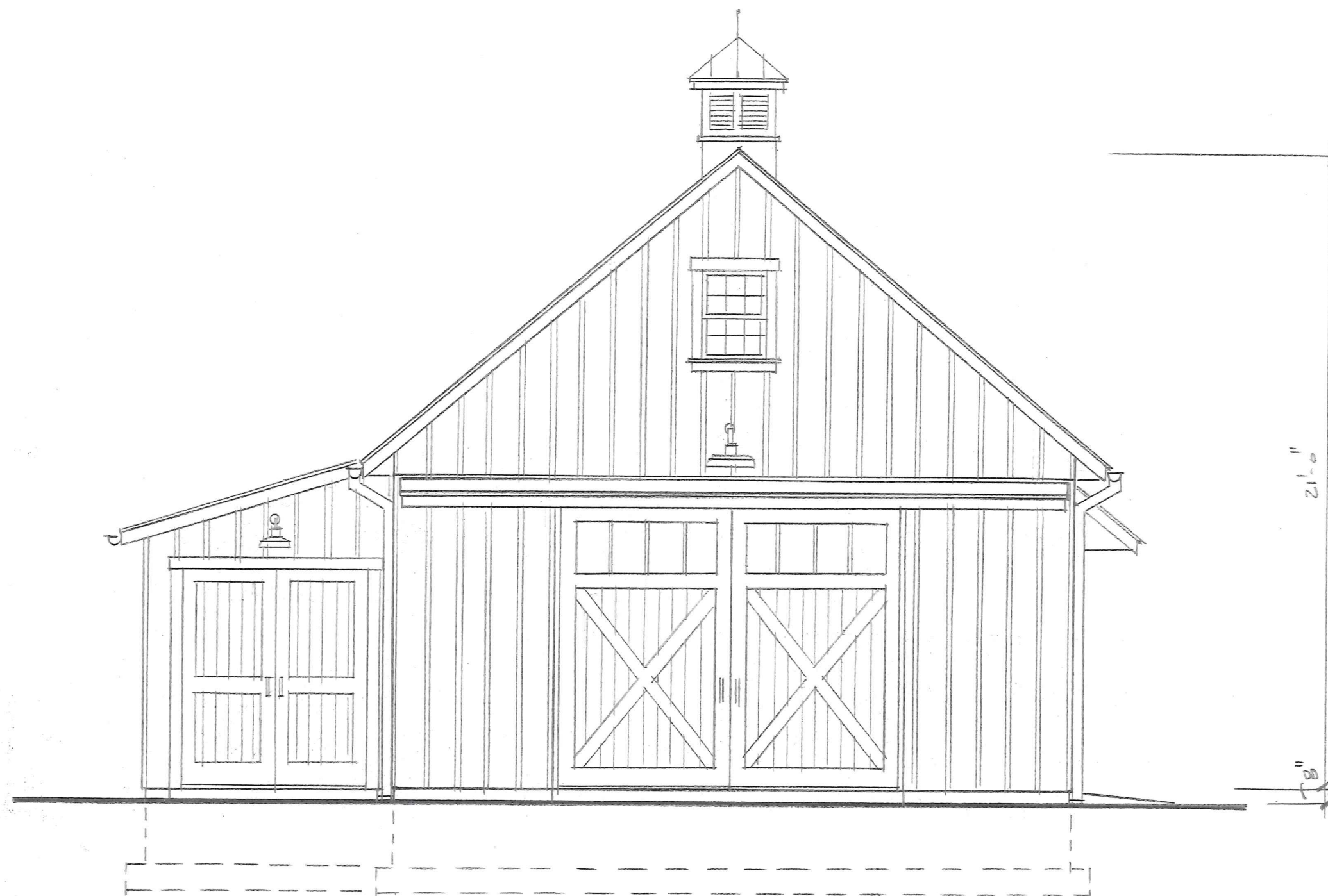


8'-0"
30'-0"
22'-0"

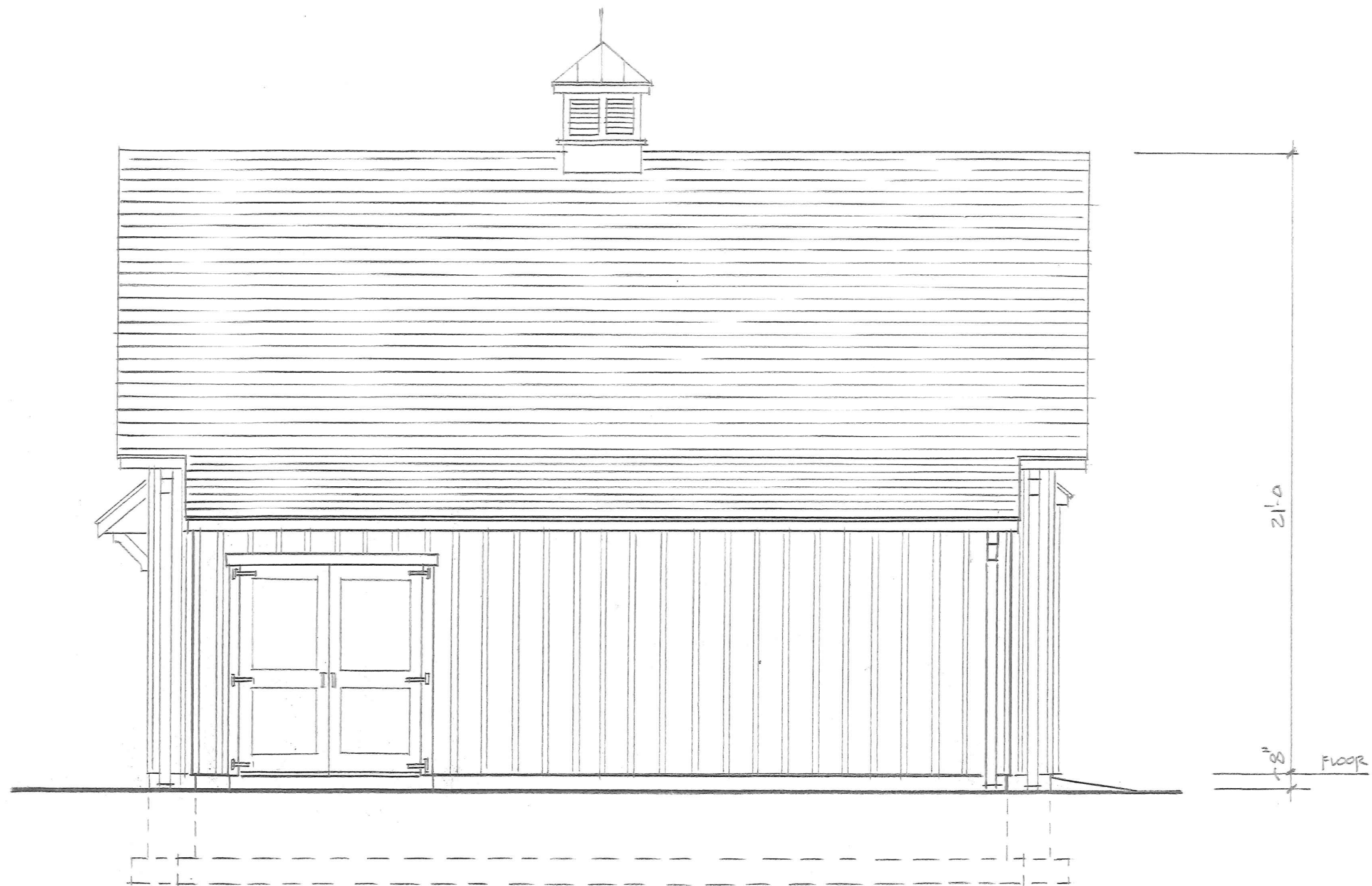
BARN / POOLHOUSE PLAN
WATSON RESIDENCE
1/4" = 1'-0" 1 Nov 2018



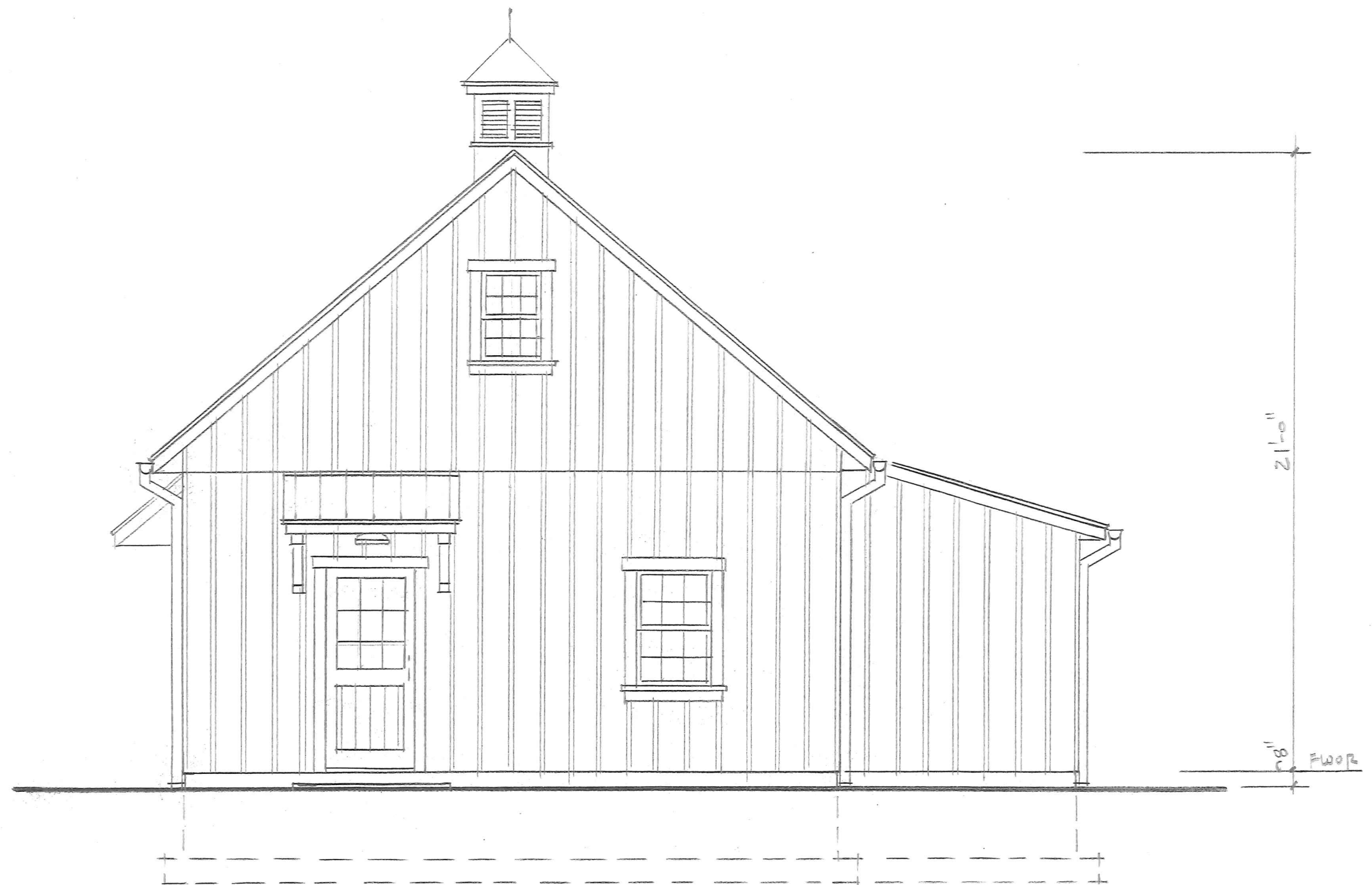
BARN / POOLHOUSE SOUTH ELEVATION	
WATSON RESIDENCE	
1/4" = 1'-0"	1 NOV 2013



BARN/POOLHOUSE WEST ELEVATION	
WATSON RESIDENCE	
1/4" = 1'-0"	1 NOV 2013



BARN/POOLHOUSE NORTH ELEVATION
WATSON RESIDENCE
1/4"=1'-0" 1 NOV 2018



BARN / POOLHOUSE EAST ELEVATION
WATSON RESIDENCE
1/4" = 1'-0" 1 NOV. 2018



BARN/POOLHOUSE SECTION
WATSON RESIDENCE
1/4"=1'-0" 1 NOV 2013

ZONING HEARING PLAN FOR VARIANCE x FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

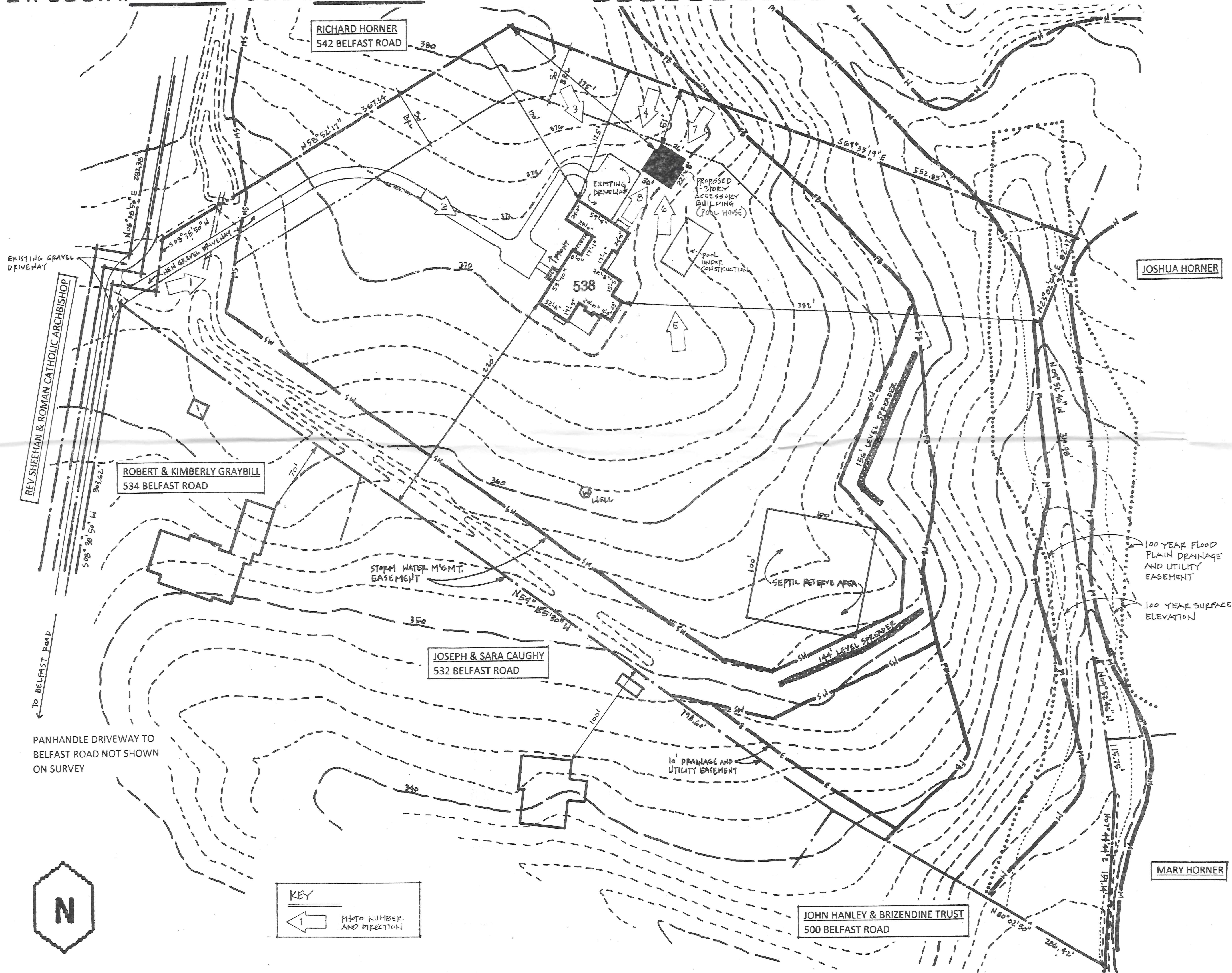
ADDRESS 538 BELFAST ROAD

OWNER(S) NAME(S) THOMAS H. WATSON AND TAMARA L. WATSON

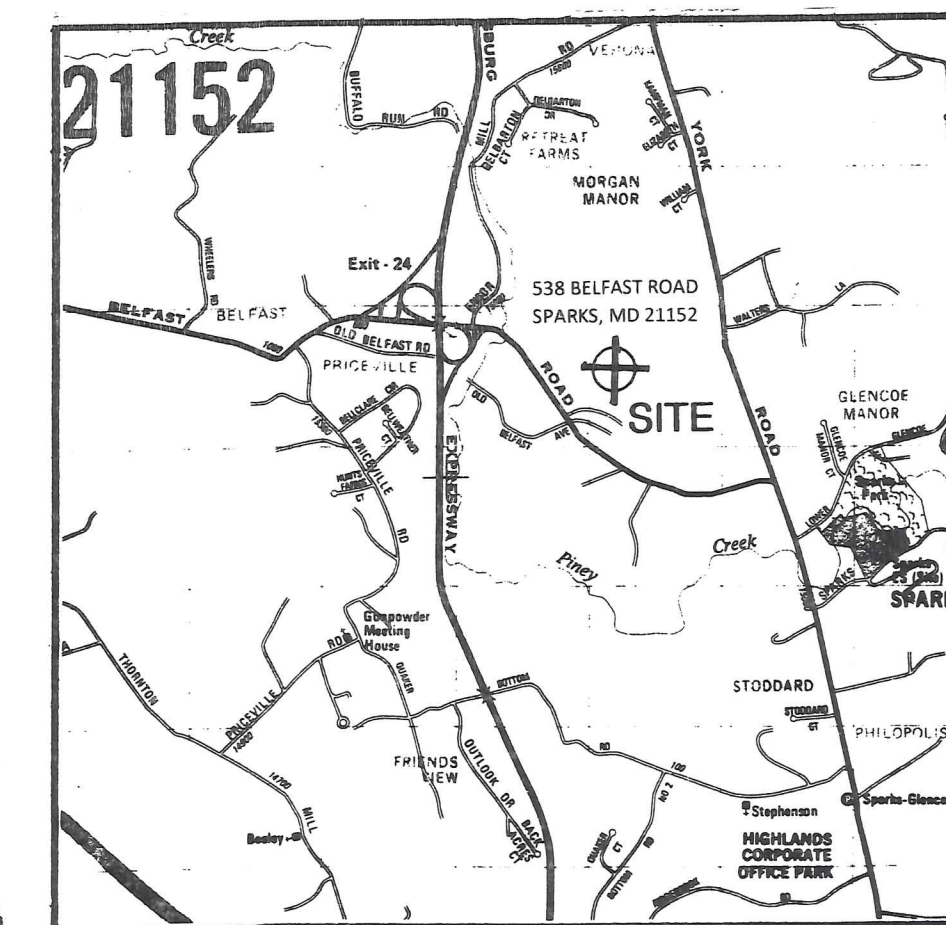
SUBDIVISION NAME HORNER PROPERTY

LOT # 6 BLOCK # N/A SECTION # N/A

PLAT BOOK # 78 FOLIO # 243 10 DIGIT TAX # 2500003778 DEED REF. # 35421/00326



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 0034 B-1

SITE ZONED RC-5

ELECTION DISTRICT 8

COUNCIL DISTRICT 3

LOT AREA ACREAGE 9.34

OR SQUARE FEET 406,850

HISTORIC? No

IN CBCA? _____

IN FLOOD PLAIN? _____

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE x

SEWER IS:

PUBLIC _____ PRIVATE x

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2004-0512-A GRANTED PANHANDLE DRIVEWAY IN EXCESS OF 1,000 FEET IN AN RC-ZONED PROPERTY

VIOLATION CASE INFO:

PLAN DRAWN BY HENRY WARFIELD - WARFIELD ARCHITECTS

DATE OCTOBER 27, 2018

SCALE: 1 INCH = 50 FEET

DATA SOURCES:

Site Plan information taken from Draft McCune Walker Inc drawing
Single Lot Stormwater Management Plan Lot 6 Horner Property dated 8/27/14

2019-0140-A

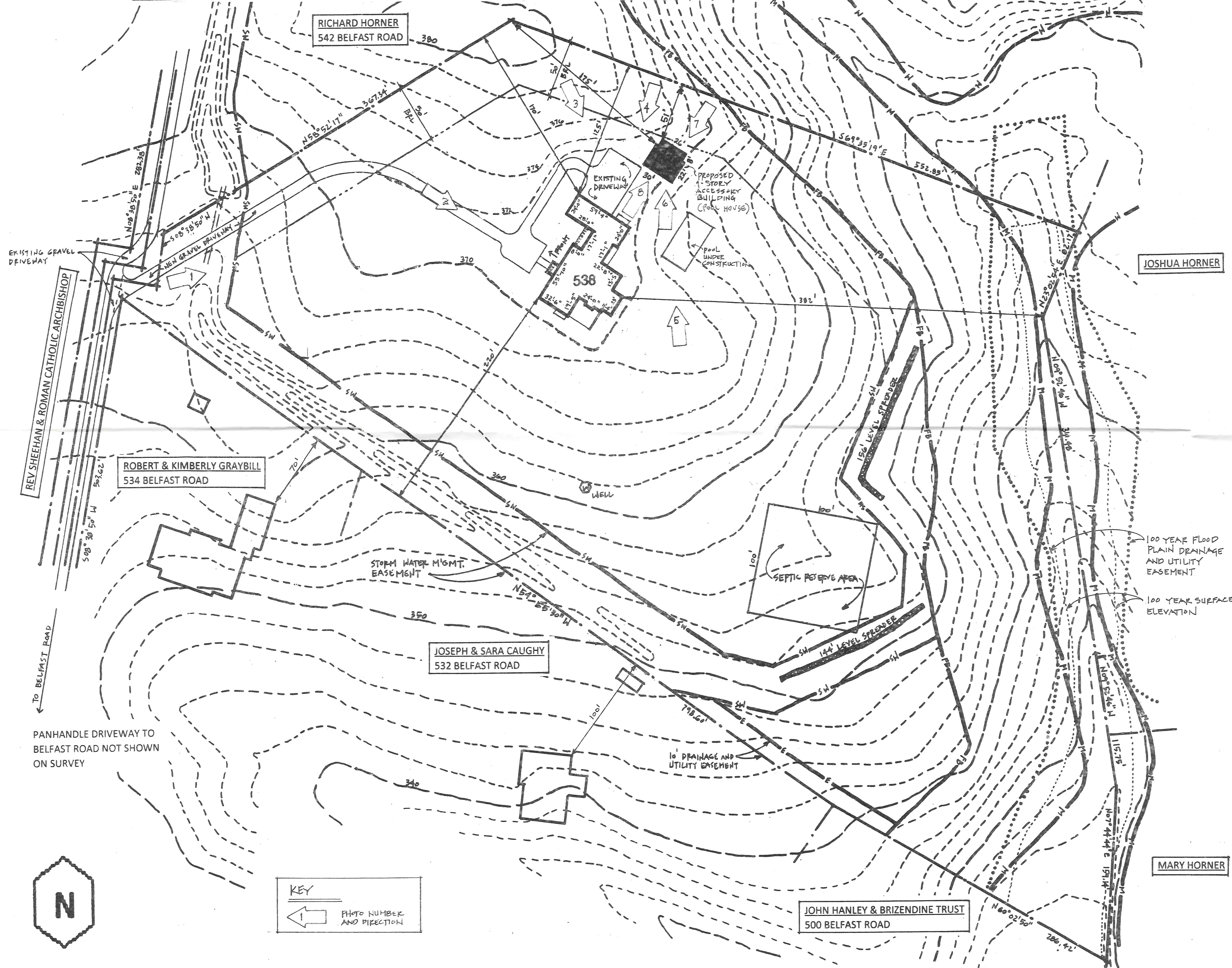
Pet.
Ear.
1

ZONING HEARING PLAN FOR VARIANCE x FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

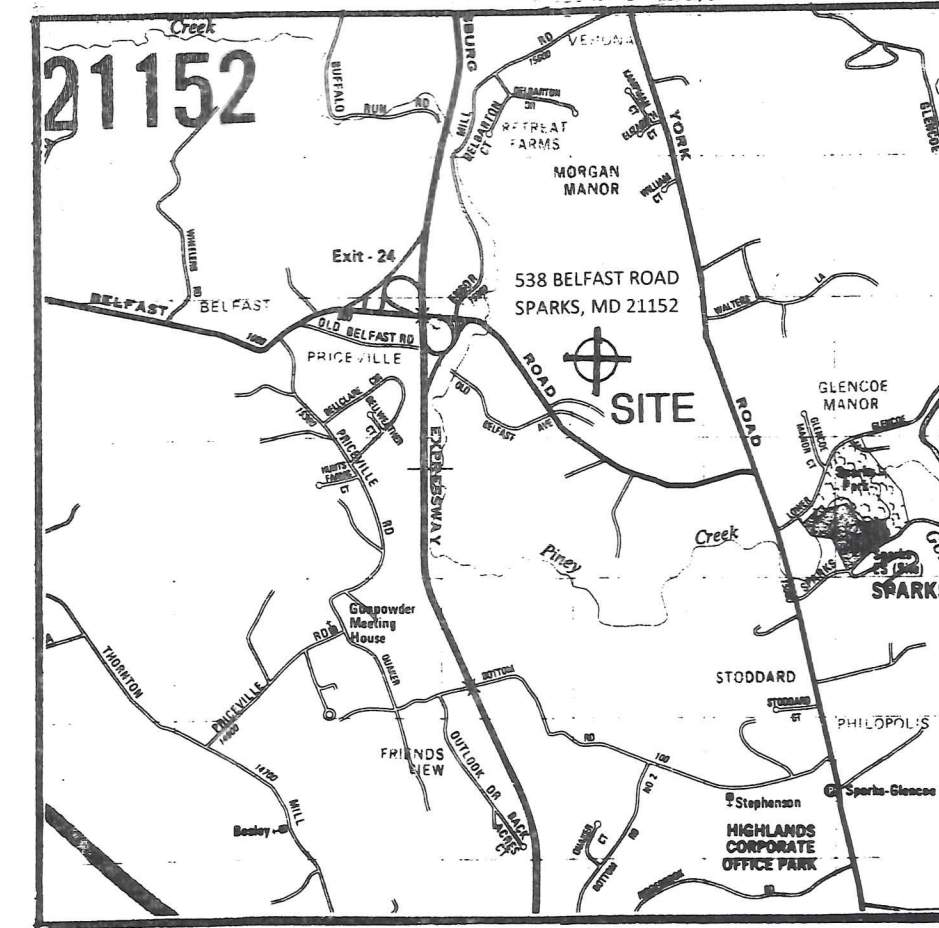
ADDRESS 538 BELFAST ROAD OWNER(S) NAME(S) THOMAS H. WATSON AND TAMARA L. WATSON

SUBDIVISION NAME HORNER PROPERTY LOT # 6 BLOCK # N/A SECTION # N/A

PLAT BOOK # 78 FOLIO # 243 10 DIGIT TAX # 2 5 0 0 0 0 3 7 7 8 DEED REF. # 3 5 4 2 1 / 0 0 3 2 6



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 0034 B-1

SITE ZONED RC-5

ELECTION DISTRICT 8

COUNCIL DISTRICT 3

LOT AREA ACREAGE 9.34

OR SQUARE FEET 406,850

HISTORIC? NO

IN CBCA? _____

IN FLOOD PLAIN? _____

UTILITIES? MARK WITH X

WATER IS:

PUBLIC _____ PRIVATE X

SEWER IS:

PUBLIC _____ PRIVATE X

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2004-0512-A GRANTED PANHANDLE DRIVEWAY IN EXCESS OF 1,000 FEET IN AN RC-ZONED PROPERTY

VIOLATION CASE INFO:

PLAN DRAWN BY HENRY WARFIELD - WARFIELD ARCHITECTS

DATE OCTOBER 29, 2018

SCALE: 1 INCH = 50 FEET

DATA SOURCES:

Site Plan information taken from Draft McCune Walker Inc drawing
Single Lot Stormwater Management Plan Lot 6 Horner Property dated 8/27/14

2019-0140-A