

M E M O R A N D U M

DATE: February 13, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0161-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on February 11, 2019. 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: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

(820 Upper Glencoe Road) *
8th Election District *
3rd Council District *

Christopher Bowers *
Legal Owner *
Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0161-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Christopher Bowers, legal owner (“Petitioner”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit a proposed detached accessory structure on a lot without a principal use dwelling. In addition, a Petition for Variance was filed pursuant to Section 1A08.6.C.2.f of the BCZR, to permit a proposed detached accessory structure (barn) to be located in the front yard of a proposed (permit recently acquired) single family dwelling in lieu of the required rear yard only. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Christopher Bowers and surveyor David Ransone appeared in support of the requests. Several neighbors attended the hearing to obtain additional information regarding the requests. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and the Department of Environmental Protection and Sustainability (“DEPS”).

ORDER RECEIVED FOR FILING

Date 1-11-19

By [Signature]

SPECIAL HEARING

As discussed at the hearing, the Petition for Special Hearing is no longer required. A building permit has been issued for the proposed single family dwelling, and Petitioner indicated construction is underway. As such, the petition will be dismissed.

VARIANCE

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

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

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

The property has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because he would be unable to construct the barn in the proposed location. 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 lack of County and/or community opposition. Although the community opposed the variance for the barn in the location initially proposed, Petitioner agreed to relocate the structure as shown on the redlined site plan and the community no longer opposes the request.

THEREFORE, IT IS ORDERED this 11th day of **January, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing seeking relief from Section 500.7 of the BCZR to permit a proposed detached accessory structure on a lot without a principal use dwelling, be and is hereby DISMISSED with Prejudice.

ORDER RECEIVED FOR FILING

Date 1-11-19

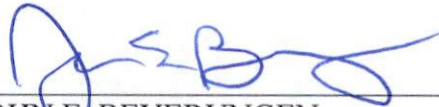
By [Signature]

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A08.6.C.2.f of the BCZR, to permit a proposed detached accessory structure (barn) to be located in the front yard of a proposed (permit recently acquired) single family dwelling in lieu of the required rear yard 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 DEPS; a copy of which is attached hereto.
3. As requested in the DOP's ZAC comment, Petitioner shall within 15 days of the date hereof amend the site plan with a redlined note that the dwelling may be subject to inconveniences arising from agricultural operations, pursuant to BCZR Section 1A08.7.

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



JOHNE. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 1-11-19

By [Signature]



PETITION FOR ZONING HEARING(S)

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

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

Address 820 Upper Glencoe Road which is presently zoned RC-7
 Deed References: JLE No. 40398/483 10 Digit Tax Account # 2 1 00 0 1 3 7 8 3
 Property Owner(s) Printed Name(s) Christopher Bowers

(SELECT THE HEARING(S) BY MARKING ☒ 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 ... in the alternate, if necessary, permit a proposed detached accessory structure on a lot without a principal use dwelling.

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

3. ☒ a **Variance** from Section(s) ... Section 1A08.6.C.2.f – to permit a proposed detached accessory structure (barn) to be located in the front yard of a proposed (permit recently acquired) single family dwelling in lieu of the required rear or side yard only.

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

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

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

Attorney for Petitioner:

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

Legal Owners (Petitioners):

Christopher Bowers
 Name #1 – Type or Print _____ Name #2 – Type or Print _____
 Signature #1 _____ Signature #2 _____
11404 Greenspring Avenue Lutherville
 Mailing Address _____ City _____ State MD
21093
 Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

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

CASE NUMBER 2019-016/SPHA Filing Date 11/13/18

Do Not Schedule Dates: _____ Reviewer [Signature]

REV. 10/4/11

ORDER RECEIVED FOR FILING
 11-11-19
 190

Petition request for Zoning Special Hearing and Variance for -

820 UPPER GLENCOE ROAD

8th Election District

Practical difficulty:

Petitioner desires to erect an accessory structure on his 3.2963 Acre lot. In 1989 petitioner's lot was developed as one of three lots. The access to the lots was by an existing 1904 easement from Upper Glencoe Road. Lots 1 & 2 of the 1989 subdivision, of which petitioner's lot is one, was subsequently purchased by the adjoining owner (Campagna). Mr. Campagna recertified the Septic Reserve Areas and also created a new access easement through his lot to Lots 1 & 2 by a deed dated May 15, 2014. The new access driveway was laid out and constructed at the base of a steep slope, along the existing wooded area of the lots and uphill of petitioner's Septic Reserve Area. The original siting of the fronts of the homes on Lots 1 & 2 was facing west toward the 1904 easement, the change in access resulted in a change in the fronts of the homes to face east toward the new access driveway. The location of petitioner's home is on the flatter more desirable area of his lot and near to the downhill side of his Septic Reserve Area. The proposed accessory building is proposed to be constructed adjacent to the driveway access thus avoiding excessive grading behind the dwelling lessening the impact on an adjoining stream and stream buffer. This proposed location results in the barn lying in the front yard of the petitioner's dwelling.

The practical difficulty is that to take advantage of the location of the shared access driveway, bifurcating petitioners lot, and avoid creating additional impervious area within the lot, the proposed accessory structure could be no where else other than in the front yard of the dwelling.

Item #0161

ZONING DESCRIPTION - 820 UPPER GLENCOE ROAD

3rd Councilmanic District

All the lot or parcel of land lying in the Eighth Election District of Baltimore County, State of Maryland and described as follows:

Beginning for a corner of said parcel at a point situate 680 feet Northwesterly from the right angle bend in Upper Glencoe Road that is located 2,400 feet more or less measured along said road from its intersection with York Road, MD Route 45, and running from said beginning point to embrace the lot of the petitioner herein the 6 following courses and distances: South 80 degrees 23 minutes 58 seconds West 857.63 feet, North 18 degrees 36 minutes 51 seconds West 20.25 feet, North 80 degrees 23 minutes 58 seconds East 428.44 feet, North 2 degrees 30 minutes 19 seconds West 286.16 feet, North 80 degrees 54 minutes 07 seconds East 459.16 feet and South 2 degrees 06 minutes 08 seconds West 306.31 feet to the place of beginning.

Containing 3.2963 Acres of land, more or less.

Item #0161

SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 1/9/2019

Case Number: 2019-0161-SPHA

Petitioner / Developer: CHRISTOPHER BOWERS

Date of Hearing: JANUARY 10, 2019

RECEIVED

JAN 10 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

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:
820 UPPER GLENCOE ROAD

The sign(s) were posted on: DECEMBER 20, 2018

The sign(s) were re-photographed on: JANUARY 9, 2019



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)



Re-Photographed 2nd Sign @ 820 Upper Glencoe Rd. 1/9/2019

CASE # 2019-0161-SPHA

RECEIVED

JAN 10 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

12/21/2018

Order #: 11660477
Case #: 2019-0161-SPHA
Description:

NOTICE OF ZONING HEARING CASE NUMBER:
2019-0161-SPHA



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0161-SPHA

820 Upper Glencoe Road

N side of Upper Glencoe Road, east of York Road

8th Election District - 3rd Councilmanic District

Legal Owner: Christopher Bowers

Varience to permit a proposed detached accessory structure (barn) be located in the front yard of a proposed (permit recently acquired) single family dwelling in lieu of the required rear or side yard only. Special Hearing. In the alternate, if necessary, to permit a proposed detached accessory structure on a lot without a principal use dwelling.

Hearing: Thursday, January 10, 2019 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.

d21.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/20/2018

Case Number: 2019-0161-SPHA

Petitioner / Developer: CHRISTOPHER BOWERS

Date of Hearing: JANUARY 10, 2019

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:
820 UPPER GLENCOE ROAD

The sign(s) were posted on: **DECEMBER 20, 2018**

ZONING NOTICE

CASE # 2019-0161-SPHA

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

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: THURSDAY, JANUARY 10, 2019
AT 11:00 A.M.

VARIANCE TO PERMIT A PROPOSED DETACHED
ACCESSORY STRUCTURE (BARN) TO BE LOCATED IN
THE FRONT YARD OF A PROPOSED (PERMIT RECENTLY
ACQUIRED) SINGLE FAMILY DWELLING IN LIEU OF THE
REQUIRED REAR OR SIDE YARD ONLY. SPECIAL
HEARING, IN THE ALTERNATE, IF NECESSARY, TO
PERMIT A PROPOSED DETACHED ACCESSORY
STRUCTURE ON A LOT WITHOUT A PRINCIPAL USE
DWELLING. 820 UPPER GLENCOE ROAD

POSTING IS SUBJECT TO WEATHER OR OTHER CONDITIONS ARE SOME TIMES NECESSARY
TO COMPLY WITH ZONING CALL 301.301.1234

DO NOT REMOVE THIS SIGN ANYTIME UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

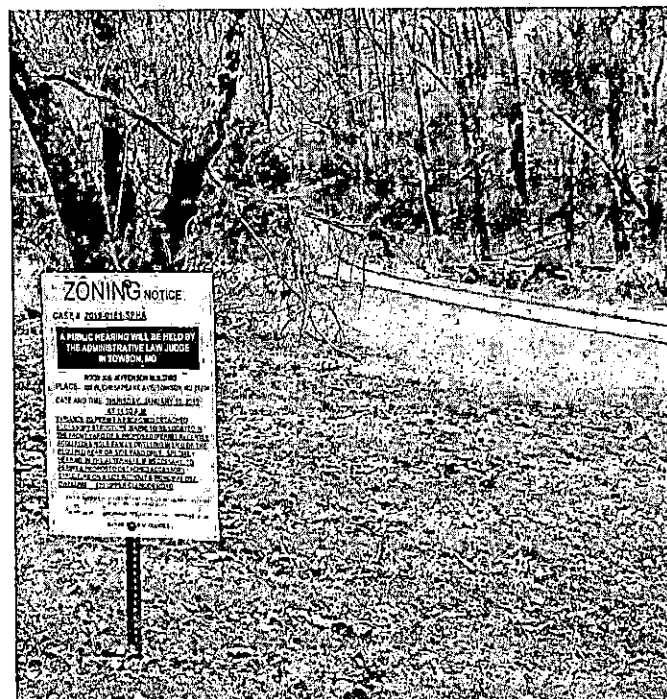
523 Penny Lane
(Street Address of Sign Poster)

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

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



Background Photo 1st Sign @ 820 Upper Glencoe Rd. 12/20/18



Background Photo 2nd Sign @ 820 Upper Glencoe Rd. 12/20/2018
CASE # 2019-0161-SPHA



DONALD I. MOHLER III
County Executive

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

December 3, 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: 2019-0161-SPHA

820 Upper Glencoe Road
N/e side of Upper Glencoe Road, east of York Road
8th Election District – 3rd Councilmanic District
Legal Owner: Christopher Bowers

Variance to permit a proposed detached accessory structure (barn) be located in the front yard of a proposed (permit recently acquired) single family dwelling in lieu of the required rear or side yard only. Special Hearing, in the alternate, if necessary, to permit a proposed detached accessory structure on a lot without a principal use dwelling.

Hearing: Thursday, January 10, 2019 at 11:00 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: Christopher Bowers, 11404 Greenspring Avenue, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 21, 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: THE DAILY RECORD
Friday, December 21, 2018 - Issue

Please forward billing to:
Christopher Bowers
11404 Greenspring Avenue
Lutherville, MD 21093

410-916-6828

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: 2019-0161-SPHA

820 Upper Glencoe Road
N/e side of Upper Glencoe Road, east of York Road
8th Election District – 3rd Councilmanic District
Legal Owner: Christopher Bowers

Variance to permit a proposed detached accessory structure (barn) be located in the front yard of a proposed (permit recently acquired) single family dwelling in lieu of the required rear or side yard only. Special Hearing, in the alternate, if necessary, to permit a proposed detached accessory structure on a lot without a principal use dwelling.

Hearing: Thursday, January 10, 2019 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 SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE * OF ADMINISTRATIVE
820 Upper Glencoe Road; N & E/S Upper *
Glencoe Road, 1400' E of York Road * HEARINGS FOR
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): Christopher Bowers * BALTIMORE COUNTY
Petitioner(s) *
* 2019-161-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED
NOV 20 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 20th day of November, 2018, a copy of the foregoing Entry of Appearance was mailed to Christopher Bowers, 11404 Greenspring Avenue, Lutherville, Maryland 21093, 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/neighbor 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: 2019-0161-SPHA
Property Address: 820 Upper Glencoe Rd
Property Description: north and east of Upper Glencoe Rd,
1/4 - 1400' east of York Rd
Legal Owners (Petitioners): _____
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHRISTOPHER BOWERS
Company/Firm (if applicable): _____
Address: 11404 GREENSPRING AVE.
LUTHERVILLE, MD. 21093
Telephone Number: 410-916-6828

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

No. **177124**

PAID RECEIPT

Date: **11/13/18** BUSINESS ACTUAL TIME **11/14/2018 11/13/2018 10:21:52** **5**

REG-REGS **WALKIN. LTD**
 RECEIPT **903084 11/13/2018** **OFLN**

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount	Rec'd	520 ZONING VERIFICATION
001	806	0000		6150				75	177124	
									Rec'd Tot:	\$75.00
									\$75.00	OK
										\$1.00
										Baltimore County, Maryland

Total: **\$75**

Rec From:

For:

Zoning hearing - case # 2019-0161-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

DIRECTOR
Department of Permits,
Approvals & Inspections

January 3, 2019

Christopher Bowers
11404 Greenspring Avenue
Lutherville, MD 21093

RE: Case Number: 2019-0161-A, Address: 820 Upper Glencoe Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 13, 2018. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,


W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

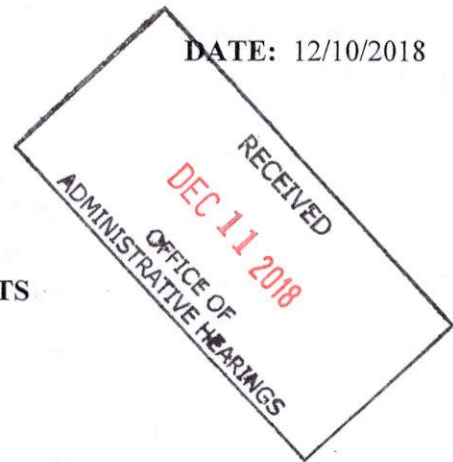
BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-161



INFORMATION:

Property Address: 820 Upper Glencoe Road
Petitioner: Christopher Bowers
Zoning: RC 7
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should approve in the alternative a proposed detached accessory structure on a lot without a principal dwelling. The Department also reviewed the petition for variance to permit a proposed detached accessory structure (barn) to be located in the front yard of a single family dwelling to be built in lieu of the required rear or side yard.

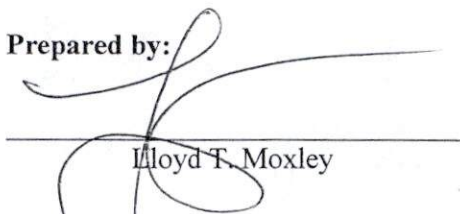
The Department has no opposition to granting the petitioned zoning relief conditioned upon the following:

- Through the hearing process the plan should be amended to demonstrate how the proposal meets the requirements of BCZR § 1A08.6.B.3.
- Through the hearing process the plan should be amended to include note pursuant to BCZR 1A08.7 that the dwelling may be subject to inconveniences arising from agricultural operations.

Conditioned upon the above recommendations being implemented, the Director of Planning or the Director's designee certifies that the variance meets the spirit and intent of these regulations as applicable.

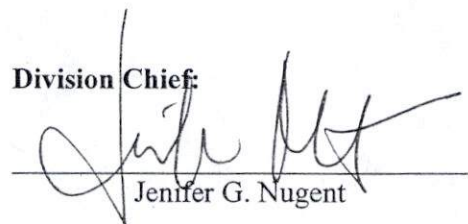
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jennifer G. Nugent

AVA/JGN/LTM/

c: Joseph Wiley
Christopher Bowers
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: December 6, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0161-SPHA
Address 820 Upper Glencoe Road
(Bowers Property)

Zoning Advisory Committee Meeting of **November 26, 2018**.

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

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

The property will require a single lot Declaration of Intent in order to comply with the Forest Conservation Regulations, provided that not more than 20,000 square feet of forest is cleared. The property is in the process of complying with Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Reviewer: Thomas Krispin

ORDER RECEIVED FOR FILING

Date 1-11-19

By [Signature]

1-10

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

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Additional Comments:

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Reviewer: Thomas Krispin

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
MCD

DATE: December 19, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 26, 2018
Item No. 2019-0150-A, 0151-SPHA, 0158-A, 0159-SPHA, 0160-A, 0161-
SPHA and 0162-SPHA

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

* * * * *

VKD: can
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: December 6, 2018

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(Bowers Property)

Zoning Advisory Committee Meeting of **November 26, 2018**.

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

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

The property will require a single lot Declaration of Intent in order to comply with the Forest Conservation Regulations, provided that not more than 20,000 square feet of forest is cleared. The property is in the process of complying with Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Reviewer: Thomas Krispin

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 11/20/18

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

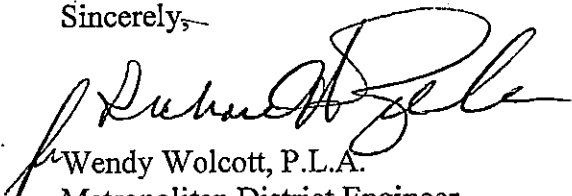
Dear Ms. Lewis:

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. 2019-0161-SHA

*Special Hearing Variance
Christopher Bowers
820 Upper Glencoe 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

Baconsfield Homeowners Association, Inc.

The Administrative Law Judge
Room 205, Jefferson Building
105 West Chesapeake Ave
Towson, Maryland 21204

CASE # 2019-0161-SPHA
820 Upper Glencoe Road
(Bowers Property)

To whom it may concern:

January 10, 2019

The Baconsfield Homeowners Association, Inc. is located at 16008 Baconsfield Lane, Monkton, Maryland 21111. The Association is comprised of 11 properties containing single family homes with approximately 40 residents. The Baconsfield community was fully built and completed in 1998.

Two of our property owners share a common property line with the Bowers property. Simply stated, there is nothing unique about the Bower Lot that warrants the relief requested.

"It is the position of The Baconsfield Homeowners Association, Inc. that the performance standards for this property located in the § 1A08.6 zone do not permit accessory structures in front of any principal use."

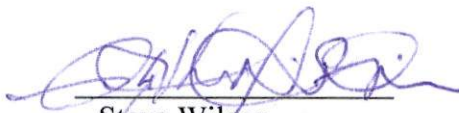
In a special meeting of the Baconsfield Board of Directors held on Jan 5, 2019, a unanimous decision was made by the Board to oppose the following:

1 – Variance Requested To Permit A Proposed Detached Accessory Structure (BARN) To Be Located In The Front Yard Of A Single Family Dwelling In Lieu Of The Required Rear Or Side Yard Only Location.

2 – Special Hearing to permit a "Detached Accessory Structure" based on Baltimore County Zoning Regulations § 1A08.6 stating, "In cases where single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement may not be considered separate parcels for the purpose of calculating the number of lots of record."

Our Association does not object to a detached accessory structure (barn) to be located in a rear or side yard only location of a "Single Family Dwelling".

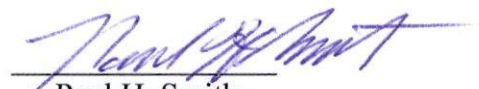
The above has been approved by the Baconsfield Homeowners Association, Inc., Board Members below:



Steve Wilson
16000 Baconsfield Lane



Ben Marcantoni
16005 Baconsfield Lane



Paul H. Smith
16008 Baconsfield Lane

Administrative Law Judge,

May I have a copy of the Order mailed to me so I may keep abreast of the project?

Paul H. Smith
16008 Baconsfield Lane
Monkton, Maryland 21111

Thank you

A handwritten signature in cursive script, appearing to read "Paul H. Smith".

CARLISFORD KIDWELL

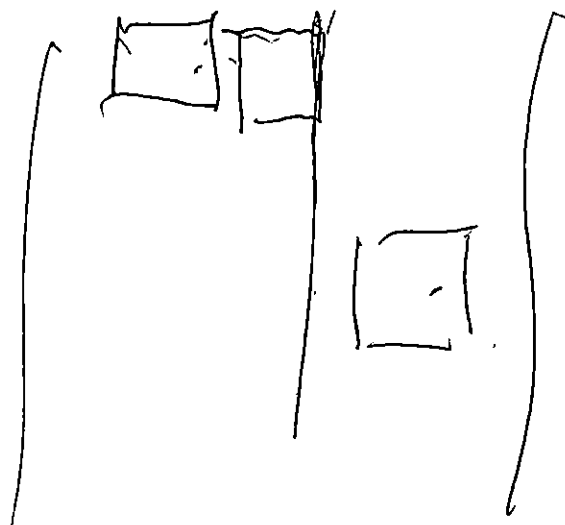
CASE NAME 2019-0161-SPHA
CASE NUMBER 820 UPPER GLENVIEW ROAD
DATE JAN 10, 2019

PETITIONER'S SIGN-IN SHEET

ADDRESS

E - MAIL

[illegible]



CASE NAME Bowers
CASE NUMBER 2019-0161-SHA
DATE 1-10-19

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment12/19DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)N/C12/16DEPS
(if not received, date e-mail sent _____)Comment12/11FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)NO OBJ
w/conditions11/20STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERINGNO OBJ_____

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

12/21/18SIGN POSTING (1st)

Date:

12/20/18

by

O'KeefeSIGN POSTING (2nd)

Date:

1-9-19

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 - 2100013783			
Owner Information					
Owner Name:		BOWERS CHRISTOPHER		Use:	RESIDENTIAL
Mailing Address:		11404 GREENSPRING AVE LUTHERVILLE MD 21093-		Principal Residence:	NO
				Deed Reference:	/40398/ 00483
Location & Structure Information					
Premises Address:		UPPER GLENCOE RD SPARKS 21152-9372		Legal Description:	3.2963 AC NSR UPPER GLENCOE RD 1400 E YORK RD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0028	0009	0308		0000	
Special Tax Areas:				Town:	NONE
				Ad Valorem:	
				Tax Class:	
Primary Structure Built		Above Grade Living Area		Finished Basement Area	Property Land Area
					3.2900 AC
County Use		04			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
Last Major Renovation					
Value Information					
		Base Value	Value	Phase-In Assessments	
			As of	As of	As of
			01/01/2017	07/01/2018	07/01/2019
Land:		172,000	172,000		
Improvements		0	0		
Total:		172,000	172,000	172,000	172,000
Preferential Land:		0			0
Transfer Information					
Seller: CAMPAGNA ANTHONY J		Date: 06/22/2018		Price: \$0	
Type:		Deed1: /40398/ 00483		Deed2:	
Seller: CAMPAGNA ANTHONY J		Date: 03/05/2018		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /40009/ 00413		Deed2:	
Seller: WOODS RICHARD C B		Date: 06/20/1997		Price: \$200,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /12241/ 00162		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:					

JB 1-10-19
11Am

Debra Wiley

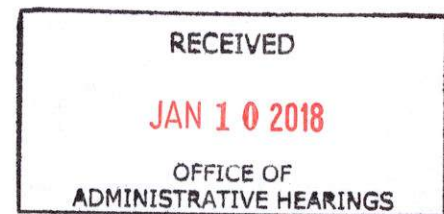
From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Wednesday, January 09, 2019 10:19 PM
To: Administrative Hearings
Cc: Debra Wiley
Subject: 2nd Certification for Case # 2019-0161-A
Attachments: Upper Glencoe Cert. .jpeg; Photo Upper Glencoe Rd. .docx

Hi Debra,

I have attached the Second Certification for Case # 2019-0161-A @ 820 Upper Glencoe Road.
Have a Nice Day,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com



ADDRESS VERIFICATION LETTER

10/29/2018

PANEL BP1003M

TIME: 13:39:03 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 10/29/2018
DATE: 10/29/2018 GENERAL PERMIT APPLICATION DATA TM 13:34:41

PERMIT #: B952937 PROPERTY ADDRESS
RECEIPT #: A786864 820 UPPER GLENCOE RD
CONTROL #: NR SUBDIV: 1400 E YORK RD
XREF #: B952937 TAX ACCOUNT #: 2100013783 DISTRICT/PRECINCT 08 01
OWNERS INFORMATION (LAST, FIRST)

FEE: 265.00 NAME: BOWERS CHRISTOPHER
PAID: 265.00 ADDR: 11404 GREENSPRING AVE, LUTHERVILLE MD 21093
PAID BY: APPL

DATES

EC: APPLICANT INFORMATION

APPLIED: 10/10/2018 NAME: MICHAEL BOWERS
ISSUED: COMPANY: DESIGN ALTERNATIVES INC
OCCPNY: ADDR1: 12420 HAPPY HOLLOW RD
FINAL INSPECT: ADDR2: HUNT VALLEY, MD 21030
INSPECTOR: 08R PHONE #: 410-252-0466 LICENSE #: 328
NOTES: KC/TM...ADDRESS CHANGED FROM 822A TO 820 PER JMC

PASSWORD :

ENTER - PERMIT DETAIL PF3 - INSPECTIONS PF7 - DELETE PF9 - SAVE
PF2 - APPROVALS PF4 - ISSUE PERMIT PF8 - NEXT PERMIT PF10 - INQRY

Item #0161



DONALD I. MOHLER III
County Executive

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

ADDRESS VERIFICATION

DATE: October 30, 2018

ADDRESS: 820 Upper Glencoe Road

PROPERTY ID NO.: 21 00 013783

FROM: Joseph R. Chmura
Department of Permits, Approvals & Inspections
House Numbers & Street Addresses
410-887-3335
JChmura@baltimorecountymd.gov

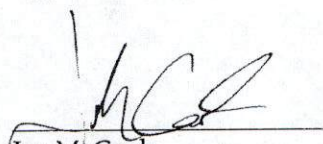
TO: Mr. Christopher Bowers
11404 Greenspring Avenue
Lutherville, MD 21093

The above address, in accordance with Baltimore County House Numbers and Street Addresses is located in the boundaries of Baltimore County. Please make sure you use this address with all your correspondence from this day forward. Identify your residence and/or building by posting the number on it and your mailbox.

This official address is important not only for proper mail deliveries, but also for our Public Safety Agencies to ensure they can locate you in case of an emergency.

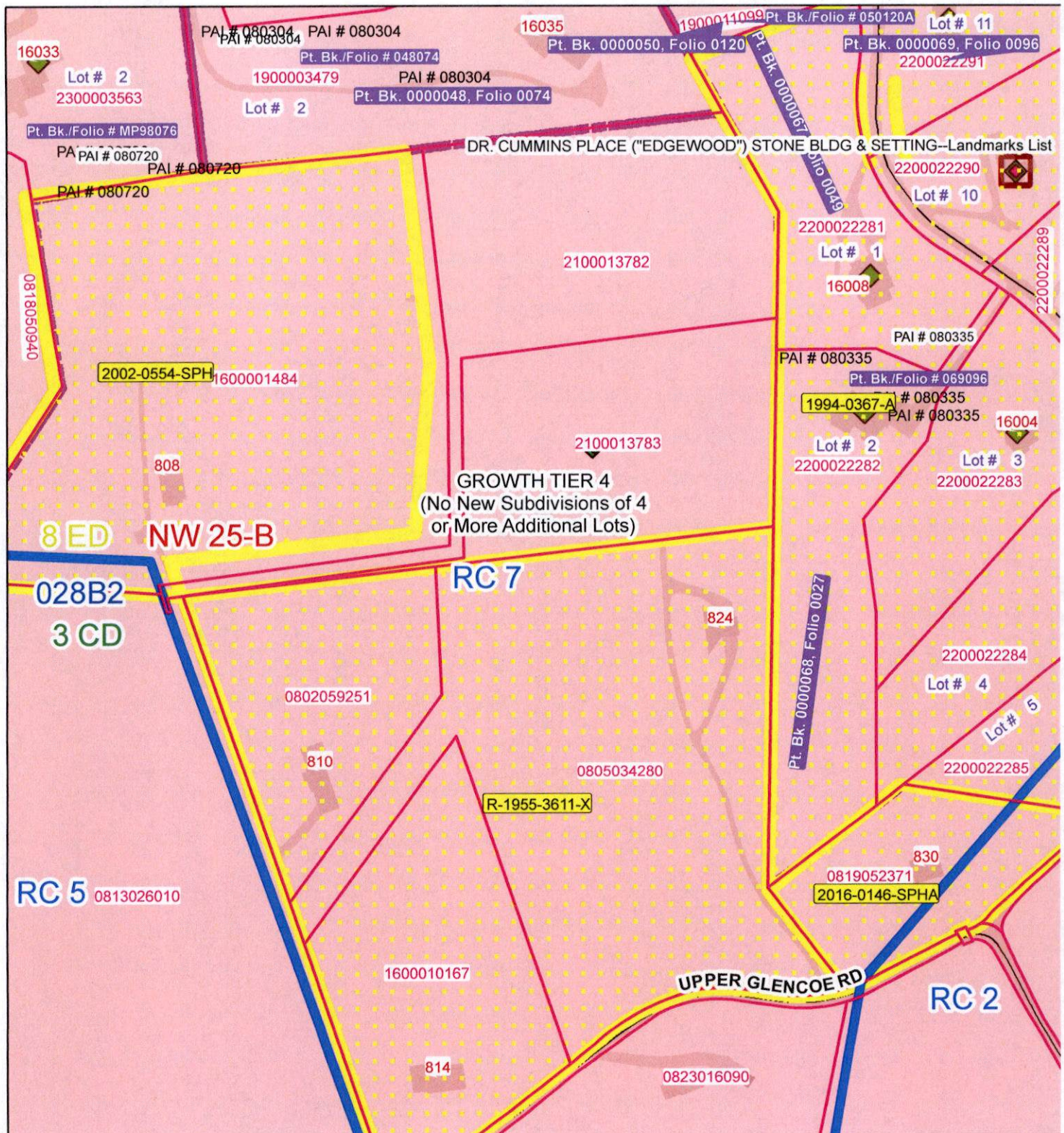
Please contact me if you need anything further.

Approved by:


Jan M. Cook
Development Manager
JMK:jrc

Item #0161

Upper Glencoe Road, Tax #21-00-013-763



Publication Date: 11/9/2018



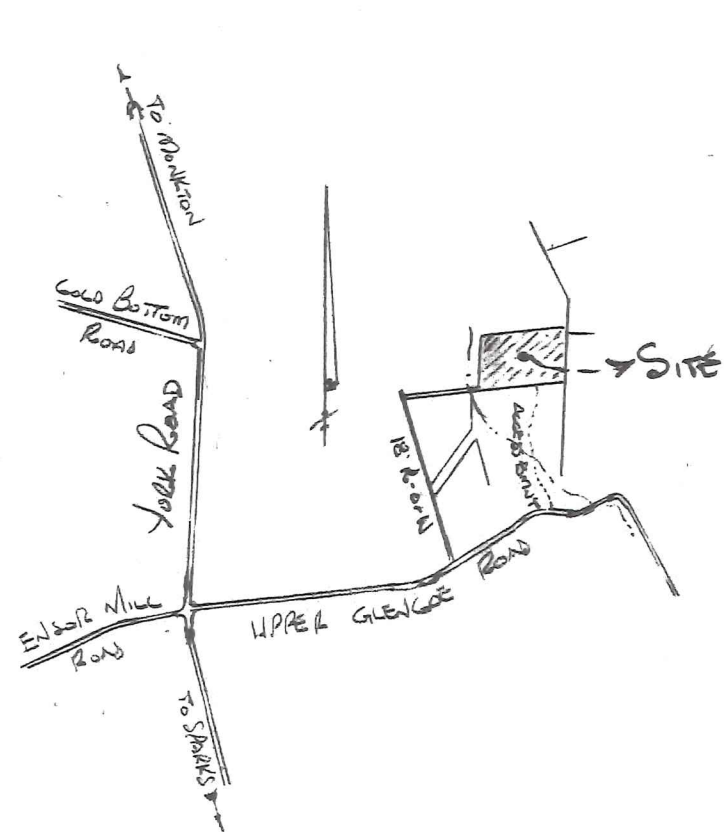
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 55 110 220 330 440 Feet

1 inch = 200 feet

Item # 0161



N:822 UPPER GLENCOE ROAD
THEODORE & TRACIE SADOWSKI
ACCT #: 2100013782

LOT 1
BACONSFIELD
Δ 67/49
PAUL & PATRICIA SMITH
#16008 BACONSFIELD LANE
ACCT #: 2200022281

LOT 2
BACONSFIELD
ALAN GAULT & PAMELA PARSONS
#16006 BACONSFIELD LANE
ACCT #: 2200022282

ANTHONY CAMPAGNA
#824 UPPER GLENCOE RD.
ACCT #: 0805034280

JAY & SUSAN HUSTON
#810 UPPER GLENCOE ROAD
ACCT #: 0802059251

ZONING HEARING PLAN

#820 Upper Glencoe Road
Baltimore County
Sparks, MD 21152

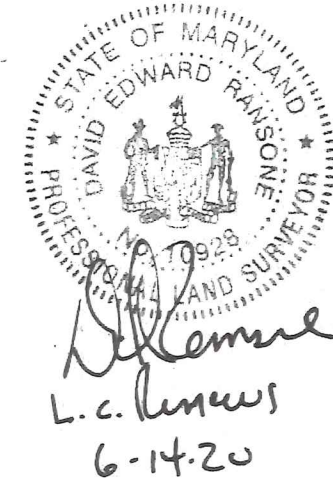
Owner:
Christopher Bowers
11404 Greenspring Avenue
Lutherville, MD 21093
Deed Ref: JLE No. 40398 folio 483.
Acct #: 2100013783

GIS Title: 02882
Zoned: RC-7
Elect. Dist.: 8
Council Dist.: 3
Lot Area: 3.2963 Acres +/-
Historic Area: No
CBCA: No
Flood Area: No
Private water and sewer.
Zoning history: None

Scale: 1" = 50'

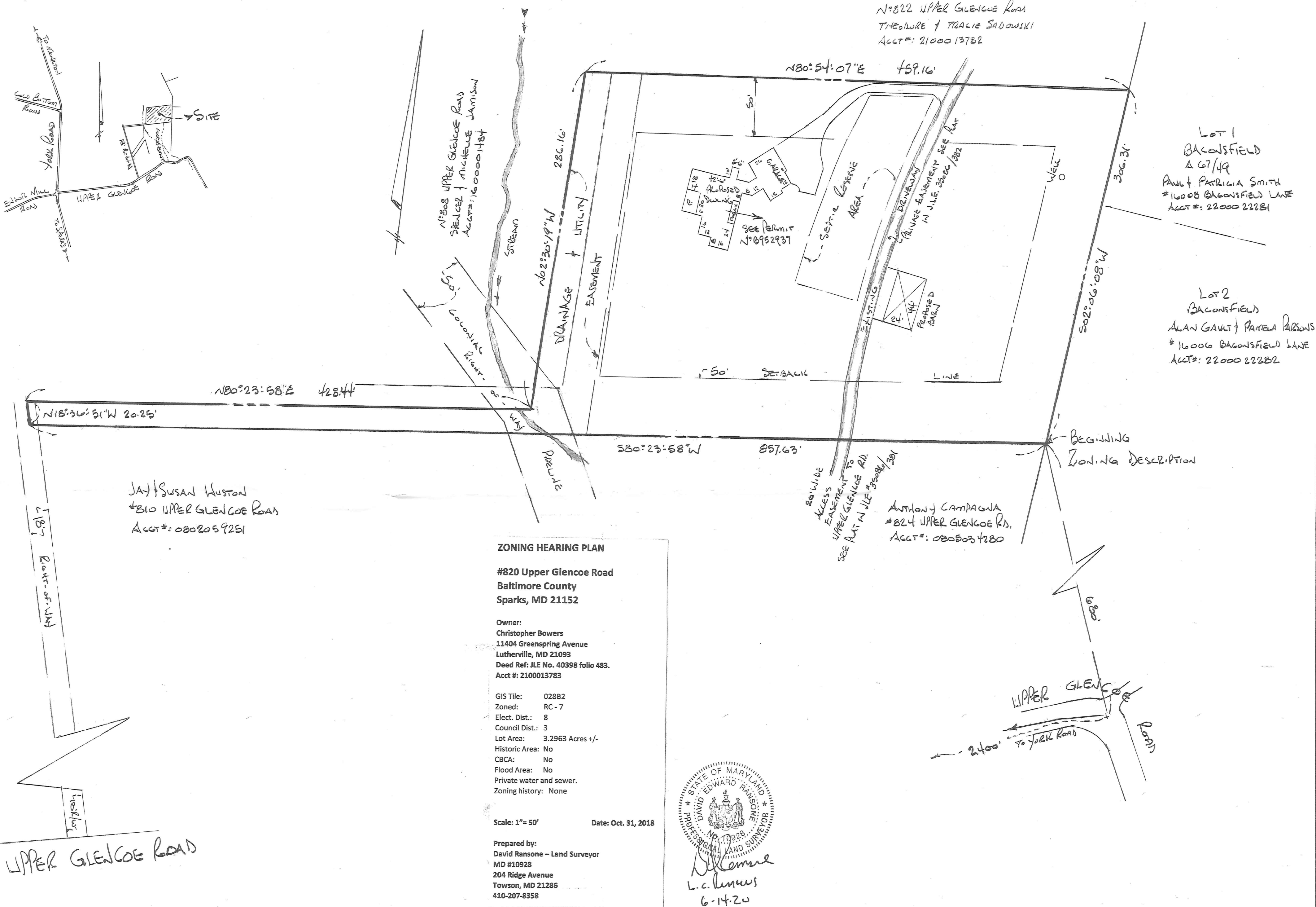
Revisions: Jan. 7, 2019
Date: Oct. 31, 2018

Prepared by:
David Ransone - Land Surveyor
MD #10928
204 Ridge Avenue
Towson, MD 21286
410-207-8358



L.C. Ransone
6-14-20

UPPER GLENCOE ROAD



ZONING HEARING PLAN

**#820 Upper Glencoe Road
Baltimore County
Sparks, MD 21152**

Owner:
Christopher Bowers
11404 Greenspring Avenue
Lutherville, MD 21093
Deed Ref: JLE No. 40398 folio 483.
Acct #: 2100013783

GIS Tile: 02882
Zoned: RC - 7
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Scale: 1" = 50'

Date: Oct. 31, 2018

Prepared by:
David Ransone - Land Surveyor
MD #10928
204 Ridge Avenue
Towson, MD 21286
410-207-8358



L.C. Ransone
6-14-20

#2019-0161-SPHA

RD

