

M E M O R A N D U M

DATE: January 22, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0505-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 21, 2020. 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 VARIANCE

(12525 Garrison Forest Road)

4th Election District

2nd Council District

Henry H. Jenkins, III, et al

Legal Owners

Petitioners

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0505-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Henry H. Jenkins, III, et al, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from § 400.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit an accessory use garage on a corner lot outside of the third of the lot farthest from both streets. A site plan was marked as Petitioners’ Exhibit 1.

Henry Jenkins appeared in support of the petition. David Ransone, the land surveyor who prepared the site plan also attended. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”) and from the Department of Planning (“DOP”). Neither agency opposed the requested relief. At the hearing the Petitioner asked to amend the Petition to allow for adjustments that his builder wishes to make to the structure. Namely, to alter the dimensions of the structure so that it will be 30 feet wide (rather than 24 feet) and 24 feet deep (rather than 25); and further, to allow a maximum height of 18 feet in lieu of 15 feet. Mr. Jenkins explained that he has contracted with an Amish builder and that this builder uses the more traditional steeper pitched roof line, which results in a slightly taller structure. This slight increase

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Date 12/20/19

By Sen

in height will bring the roof pitch more into line with that of the existing residence. The site is approximately 35,588 sq. ft. in size and is zoned RC-5. There is a stream running across the rear of the property. The DOP comments recognize that this necessitates the siting of the proposed structure closer to the road.

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).

Again, as noted by DOP, because of the stream the property, "is environmentally constrained as to where the garage can be located." As such the property is unique. Further, as also noted by DOP, "if the BCZR were strictly followed, the building would have to be built directly next to the stream in the third of the lot furthest from the road." This would not be environmentally or aesthetically sound. Also, as noted above, due to their choice of builder the Petitioners would experience a practical difficulty if the height restrictions were strictly enforced. Finally, I find that the variances 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 20th day of **December, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("BCZR") to permit an accessory use garage on a corner lot outside of the third of the lot farthest from both streets, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Amended Petition for Variance Seeking relief from

ORDER RECEIVED FOR FILING

2

Date 12/20/19
By Sen

§ 400.3 of the BCZR allowing a building height of 18 feet in lieu of 15 feet, be and is hereby GRANTED.

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. Prior to issuance of Permits, Petitioners must comply with THE ZAC comments of DOP and DEPS, copies of which are attached hereto and made a part hereof.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
For Baltimore County

PMM: sln

ORDER RECEIVED FOR FILING

Date 12/20/19
By sln



PETITION FOR ZONING HEARING(S)

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

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

Address 12925 GARRISON FOREST ROAD which is presently zoned RC-5
 Deed References: S.M.N. 27319 C 46 10 Digit Tax Account # 0406048852
 Property Owner(s) Printed Name(s) HENRY H. JENKINS III, TIMOTHY JENKINS, BENJAMIN JENKINS

(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) 400.1 OF THE BCZR TO PERMIT AN ACCESSORY USE GARAGE OF A CORNER LOT IN THE 1/3 OF THE LOT'S REAR YARD THAT IS CLOSER TO THE STREET.

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)

TO BE PRESENTED AT 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).

~~Legal Owner(s)~~ **LEGAL OWNER**

BENJAMIN JENKINS

Name - Type or Print #3

Signature BH Jenkins

Mailing Address 1919 14TH ST. N.W., WASHINGTON D.C. City WASHINGTON State D.C.

Zip Code 20009 Telephone # 443-841-9776 Email Address jenkinsb12@gmail.com

Attorney for Petitioner:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

HENRY H. JENKINS III TIMOTHY JENKINS

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1 Henry H. Jenkins III

Signature #2 T.B. Jenkins

Mailing Address 12427 Park Heights Ave Owings Mills MD City OWINGS MILLS State MD

Zip Code 21117 Telephone # 410 804 5967 Email Address henryhjenkins@gmail.com

Representative to be contacted:

DAVID DRANSONE

Name - Type or Print

Signature David Dransone

Mailing Address 204 RIDGE AVENUE TOWSON MD City TOWSON State MD

Zip Code 21286 Telephone # 410-207-8358 Email Address dransone@yahoo.com

CASE NUMBER 2019-0505-A Filing Date 11/15/2019 Do Not Schedule Dates: Reviewer RJ

REV. 10/4/11

§ 400.1. - Location; lot coverage.

Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40 percent thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50 percent of such third. In no case shall they be located less than 2½ feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

ZONING DESCRIPTION FOR #12525 GARRISON FOREST ROAD

All that lot situate in the Fourth Election District of Baltimore County, State of Maryland and described as follows:

Beginning for the same at the intersection of the Southeast side of Garrison Forest Road and the Southwest side of Park Heights Avenue at a point distant 20 feet measured Southerly from the intersection of the centerlines of said road and avenue, running thence and binding on the Southeast side of Garrison Forest Road South 22 degrees 22 minutes 30 seconds West 127.65 feet, thence leaving said road and running South 49 degrees 35 minutes 29 seconds East 239.09 feet and North 25 degrees 17 minutes 42 seconds East 177.48 feet to the Southwest side of Park Heights Avenue, thence binding on the Southwest side of said Avenue, North 61 degrees 43 minutes 41 seconds West 237.64 feet to the place of beginning.

Containing 0.817 of an acre of land, more or less.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
12525 Garrison Forest Road; At SE corner *
Of Garrison Forest Road & Park Heights Ave. * OF ADMINISTRATIVE
4th Election & 2nd Councilmanic Districts *
Legal Owner(s): Henry, III, Timothy * HEARINGS FOR
& Benjamin Jenkins *
Petitioner(s) * BALTIMORE COUNTY
* 2019-505-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

NOV 14 2019

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 14th day of November, 2019, a copy of the foregoing Entry of Appearance was mailed to David Ransone, 204 Ridge Avenue, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

File 12-19
10 km

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Saturday, December 14, 2019 11:40 PM
To: Administrative Hearings
Subject: Certifications Case # 2019-0505-A & 2019-0512-SPHA
Attachments: Garrison Forest Rd. Cert. .jpeg; Garrison Forest Rd. Photos.docx; Putty Hill Ave. Cert..jpeg; Putty Hill Ave. Photos.docx

CAUTION: This message from luckylinda1954@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Hi Debbie,

I have a couple of Certs for you of Case # 2019-0505-A @ Garrison Forest Rd. & Case # 2019-0512-A @ Putty Hill Avenue along with photos for your records.
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

SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 12/14/2019

Case Number: 2019-0512-SPHA

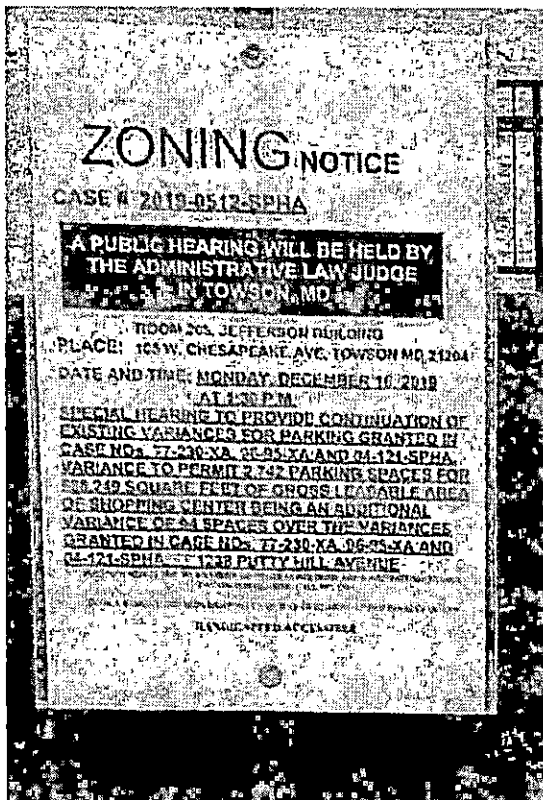
Petitioner / Developer: ADAM BAKER, ESQ. ~ KIMCO REALTY CORP.

Date of Hearing: DECEMBER 16, 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:
1238 PUTTY HILL AVENUE

The sign(s) were posted on: **NOVEMBER 26, 2019**

The sign(s) were re-photographed on: **DECEMBER 14, 2019**



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

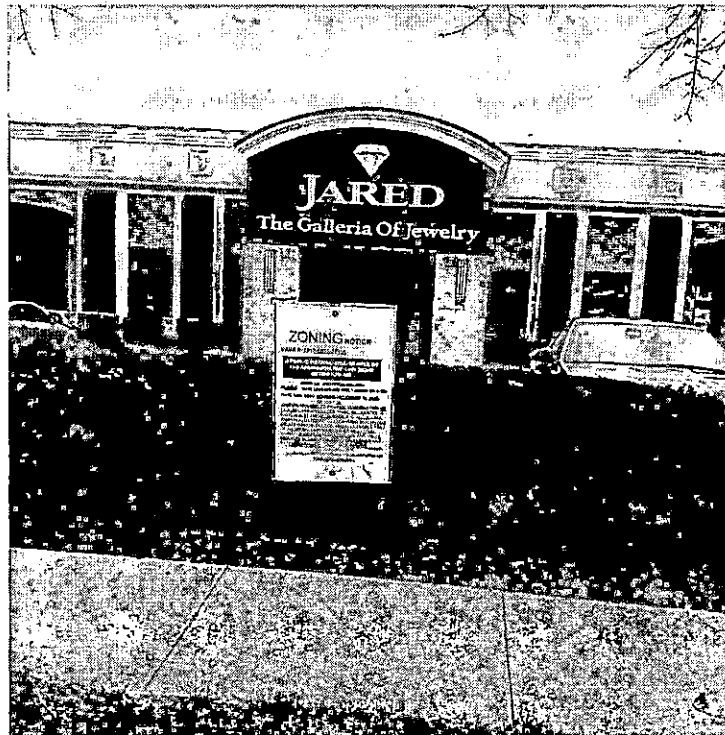
523 Penny Lane
(Street Address of Sign Poster)

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

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



Re-Photographed 1st Sign @ 1238 Putty Hill Ave. ~ 12/14/2019



Re-Photographed 2nd Sign @ 1238 Putty Hill Ave. ~ 12/14/2019

CASE # 2019-0512-SPHA

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/29/2019

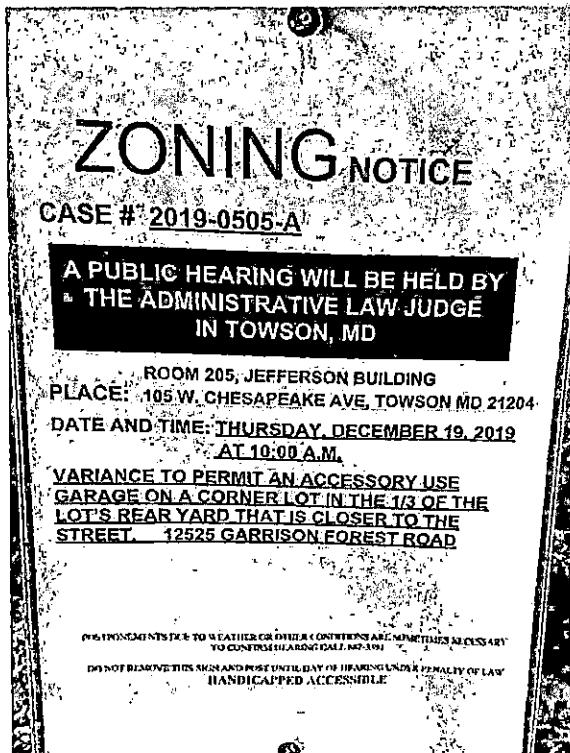
Case Number: 2019-0505-A

Petitioner / Developer: DAVID RANSONE ~ BENJAMIN JENKINS ~
HENRY & TIMOTHY JENKINS

Date of Hearing: DECEMBER 19, 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:
12525 GARRISON FOREST ROAD

The sign(s) were posted on: **NOVEMBER 29, 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)



Background Photo 1st Sign @ 12525 Garrison Forest Road ~ 11/29/19



Background Photo 2nd Sign @ Park Heights Ave. side of
12525 Garrison Forest Road
CASE # 2019-0505-A

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

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:

11/29/2019

Order #: 11817967
Case #: 2019-0505-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0505-A



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: 2019-0505-A 12525 Garrison Forest Road Southeast corner of Garrison Forest Road and Park Heights Avenue 4th Election District - 2nd Councilmanic District Legal Owners: Henry Jenkins, III, Timothy Jenkins, Benjamin Jenkins Variance to permit an accessory use garage on a corner lot in the 1/3 of the lot's rear yard that is closer to the street. Hearing: Thursday, December 19, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204 Michael Mallinoff 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. n29



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections.

November 18, 2019

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: 2019-0505-A

12525 Garrison Forest Road

Southeast corner of Garrison Forest Road and Park Heights Avenue

4th Election District – 2nd Councilmanic District

Legal Owners: Henry Jenkins, III, Timothy Jenkins, Benjamin Jenkins

Variance to permit an accessory use garage on a corner lot in the 1/3 of the lot's rear yard that is closer to the street.

Hearing: Thursday, December 19, 2019 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 "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Benjamin Jenkins, 1919 14th Street, N.W., Ste. 403, Washington DC 2009
Henry & Timothy Jenkins, 12427 Park Heights Avenue, Owings Mills 21117
David Ransone, 204 Ridge Avenue, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 29, 2019**
- (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, November 29, 2019 – Issue

Please forward billing to:
David Ransone
204 Ridge Avenue
Towson, MD 21286

410-207-8358

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: 2019-0505-A

12525 Garrison Forest Road

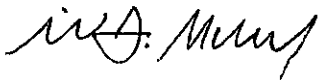
Southeast corner of Garrison Forest Road and Park Heights Avenue

4th Election District – 2nd Councilmanic District

Legal Owners: Henry Jenkins, III, Timothy Jenkins, Benjamin Jenkins

Variance to permit an accessory use garage on a corner lot in the 1/3 of the lot's rear yard that is closer to the street.

Hearing: Thursday, December 19, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff

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.

**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: 2019-0505-A

Property Address: 12525 GARRISON FOREST RD.

Property Description: _____

Legal Owners (Petitioners): HENRY/TIMOTHY JENKINS

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID RANSONE

Company/Firm (if applicable): _____

Address: 204 RIDGE AVENUE
TOWSON, MD 21286

Telephone Number: 410/207-8358

Revised 7/9/2015

**Permits, Approvals & Inspections**111 W. Chesapeake Avenue
Towson, MD 21204Report Generated On:
11/4/2019**Permit Processing Residential Permit & Development Report**

Page 1 of 1

Property Information

Tax Account Number: 0406045552

Election District: 4

Owner Name(s): JENKINS HENRY H 3RD and JENKINS BENJAMIN ET AL

PDM # :

Address: 12427 PARK HEIGHTS AVE

Zoning District(s): RC 5

OWINGS MILLS, MD 21117

Elevation Range: 486ft - 492ft

Premise Address: GARRISON AVE

Affected Overlays	Instructions: Begin review process with Zoning Review, Room 111.	New Homes	Internal Alts.	Add / Ext. Alts.	Access. Struct.	Open Decks	Piers/Pilings	Grading/SW	Tanks	Ret. Walls/Bulk	Razing	Elec. & Plumb	High Rise Apts.	Agency Acknowledgment Initial & Date
Contact Agency	Potential Overlay Issues													
	Growth Tier 4:													
Planning Jefferson Building Room 101 Phone: 410-887-3211	Zoning Class - RC 5, RC 6, RC 7, RC 8 (Except Decks)	X												
PAI-Public Services County Office Building Room 119 Phone: 410-887-3751	InFill Lot Review	X												OK To File



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

December 10, 2019

David Ransone,
204 Ridge Avenue
Towson MD 21286

RE: Case Number: 2019-0505-A, 12525 Garrison Forest 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 05, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Henry H Jenkins 12427 Park Heights Ave Owings Mills MD 21117

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 12/13/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-505

INFORMATION:

Property Address: 12525 Garrison Forest Road
Petitioner: Henry H. Jenkins, III
Zoning: RC 5
Requested Action: Variance

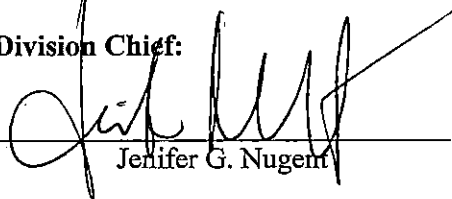
The Department of Planning has reviewed the petition for a variance from section 400.1 of the Baltimore County Zoning Regulations (BCZR), to permit an accessory use garage of a corner lot in the 1/3 of the lot's rear yard that is close to the street.

A site visit was conducted on 11/21/2019. The property is located on the corner of Garrison Forest Road and Park Heights Avenue. The area is agricultural to the north and rural residential to the south. Both Garrison Forest Road and Park Heights Avenue are Baltimore County Master Plan 2020 Scenic Roads.

The Department of Planning does not object to this request as the property is environmentally constrained as to where the garage can be located. The southern boundary of the property is a stream, and if the BCZR was strictly followed, the building would have to be built directly next to the stream in the third of the lot furthest from the road. Since both of these are scenic, the sides and rear of the garage should include details, such as windows, shutters, or other architectural details as to keep the rural characteristic of the area and to relieve the visual impact of the garage closer to the street.

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

Division Chief:



Jerifer G. Nugent

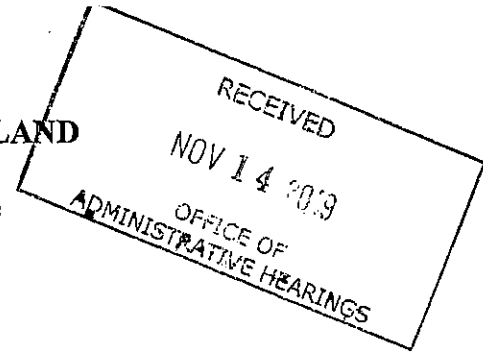
CPG/JGN/LTM/

c: Joseph Wiley
David Ransone
Office of the Administrative Hearings
People's Counsel for Baltimore County

10-14-19

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 14, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0505-A
Address 12525 Garrison Forest Road
(Jenkins Property)

Zoning Advisory Committee Meeting of November 8, 2019.

X The Department of Environmental Protection and Sustainability (EPS) 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).

Additional Comments:

Prior to EPS approval of any permit, a variance to Section 33-3-112 of the above referenced regulations will be required both for the garage to be built in the Forest Buffer Easement and to continue existing residential land uses within this buffer area.

Reviewer: Glenn Shaffer 11/13/19

Ground Water Management will need to review any proposed building permit for a garage, since the property is served by well and septic.

Reviewer: Dan Esser 11/13/19

ORDER RECEIVED FOR FILING

Date

12/20/19

By

sln

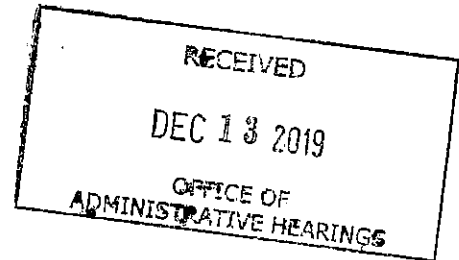
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 12/13/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-505



INFORMATION:

Property Address: 12525 Garrison Forest Road
Petitioner: Henry H. Jenkins, III
Zoning: RC 5
Requested Action: Variance

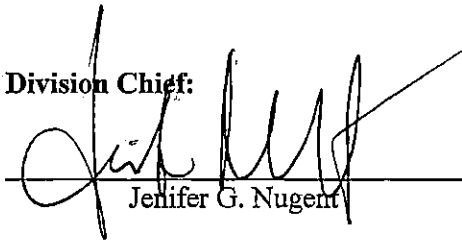
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The Department of Planning does not object to this request as the property is environmentally constrained as to where the garage can be located. The southern boundary of the property is a stream, and if the BCZR was strictly followed, the building would have to be built directly next to the stream in the third of the lot furthest from the road. Since both of these are scenic, the sides and rear of the garage should include details, such as windows, shutters, or other architectural details as to keep the rural characteristic of the area and to relieve the visual impact of the garage closer to the street.

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

Division Chief:


Jennifer G. Nugent

CPG/JGN/LTM/

c: Joseph Wiley
David Ransone
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date 12/20/19

By sen

Date: 11/12/19

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

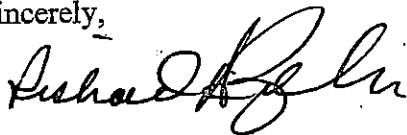
Dear Ms. Lewis:

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. 2019-0505-A

*Varon Le
Henry H. Jenkins III, Timothy Jenkins
12525 Garrison Forest 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 MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 12/13/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-505



INFORMATION:

Property Address: 12525 Garrison Forest Road
Petitioner: Henry H. Jenkins, III
Zoning: RC 5
Requested Action: Variance

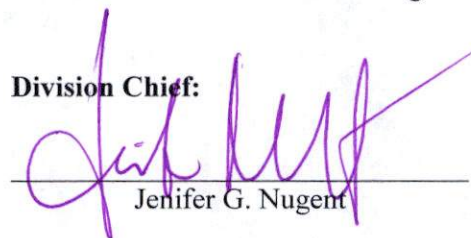
The Department of Planning has reviewed the petition for a variance from section 400.1 of the Baltimore County Zoning Regulations (BCZR), to permit an accessory use garage of a corner lot in the 1/3 of the lot's rear yard that is close to the street.

A site visit was conducted on 11/21/2019. The property is located on the corner of Garrison Forest Road and Park Heights Avenue. The area is agricultural to the north and rural residential to the south. Both Garrison Forest Road and Park Heights Avenue are Baltimore County Master Plan 2020 Scenic Roads.

The Department of Planning does not object to this request as the property is environmentally constrained as to where the garage can be located. The southern boundary of the property is a stream, and if the BCZR was strictly followed, the building would have to be built directly next to the stream in the third of the lot furthest from the road. Since both of these are scenic, the sides and rear of the garage should include details, such as windows, shutters, or other architectural details as to keep the rural characteristic of the area and to relieve the visual impact of the garage closer to the street.

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

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Joseph Wiley
David Ransone
Office of the Administrative Hearings
People's Counsel for Baltimore County

Date: [Click here to enter a date.](#)

Subject: ZAC # 19-505

Page 2

12-19-19

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 14, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0505-A
Address 12525 Garrison Forest Road
(Jenkins Property)

Zoning Advisory Committee Meeting of **November 8, 2019.**

X The Department of Environmental Protection and Sustainability (EPS) 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).

Additional Comments:

Prior to EPS approval of any permit, a variance to Section 33-3-112 of the above referenced regulations will be required both for the garage to be built in the Forest Buffer Easement and to continue existing residential land uses within this buffer area.

Reviewer: Glenn Shaffer 11/13/19

Ground Water Management will need to review any proposed building permit for a garage, since the property is served by well and septic.

Reviewer: Dan Esser 11/13/19

HENRY JENKINS IV
CASE NAME 12525 GARRISON FOREST RD
CASE NUMBER 2019-0505-A
DATE DEC. 19, 2019

[illegible]

CHECKLIST

<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>11/14</u>	DEPS (if not received, date e-mail sent _____)	<u>Comment</u>
_____	FIRE DEPARTMENT	_____
<u>12/13</u>	PLANNING (if not received, date e-mail sent _____)	<u>no objection</u>
<u>11/12</u>	STATE HIGHWAY ADMINISTRATION	<u>no objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>11/29/19</u>	
SIGN POSTING (1 st)	Date: <u>11/29/19</u>	by <u>O'Keefe</u>
SIGN POSTING (2 nd)	Date: <u>12/14/19</u>	by <u>O'Keefe</u>
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: None		Special Tax Recapture: None							
Exempt Class: None									
Account Identifier:		District - 04 Account Number - 0406045552							
Owner Information									
Owner Name:	JENKINS HENRY H 3RD JENKINS BENJAMIN ET AL				Use:	RESIDENTIAL			
Mailing Address:	12427 PARK HEIGHTS AVE OWINGS MILLS MD 21117-1017				Principal Residence:	NO			
					Deed Reference:	/41320/ 00029			
Location & Structure Information									
Premises Address:	GARRISON AVE 0-0000				Legal Description:	.817AC GARRISON AVE SS SW COR PARK HGHTS AV			
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0049	0011	0014	4020022.04	0000				2019	Plat Ref:
Special Tax Areas: None					Town:	None			
					Ad Valorem:	None			
					Tax Class:	None			
Primary Structure Built	Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1885	1,308 SF				35,588 SF		04		
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements		
2	NO	STANDARD UNIT	FRAME/	3	1 full/ 1 half				
Value Information									
	Base Value		Value		Phase-in Assessments				
			As of		As of		As of		
			01/01/2019		07/01/2019		07/01/2020		
Land:	75,400		75,400						
Improvements	54,700		70,900						
Total:	130,100		146,300		135,500		140,900		
Preferential Land:	0						0		
Transfer Information									
Seller: JENKINS HENRY H 3RD				Date: 04/16/2019			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /41320/ 00029			Deed2:		
Seller: JENKINS HENRY H 3RD				Date: 04/16/2019			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /41320/ 00023			Deed2:		
Seller: THE UPPER MELINDA LIMITED				Date: 09/11/2008			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /27319/ 00046			Deed2:		
Exemption Information									
Partial Exempt Assessments:	Class		07/01/2019		07/01/2020				
County:	000		0.00						
State:	000		0.00						
Municipal:	000		0.00 0.00		0.00 0.00				
Tax Exempt: None		Special Tax Recapture: None							
Exempt Class: None									

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

2019-0505-A

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption			View GroundRent Registration			
Tax Exempt: None			Special Tax Recapture: None						
Exempt Class: None									
Account Identifier:			District - 04 Account Number - 0406045552						
Owner Information									
Owner Name:			JENKINS HENRY H 3RD JENKINS BENJAMIN ET AL			Use: Principal Residence:		RESIDENTIAL NO	
Mailing Address:			12427 PARK HEIGHTS AVE OWINGS MILLS MD 21117-1017			Deed Reference:		/41320/ 00029	
Location & Structure Information									
Premises Address:			GARRISON AVE 0-0000			Legal Description:		.817AC GARRISON AVE SS SW COR PARK HGHTS AV	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0049	0011	0014	4020022.04	0000				2019	Plat Ref:
Special Tax Areas: None						Town:		None	
						Ad Valorem:		None	
						Tax Class:		None	
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1885		1,308 SF				35,588 SF		04	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements		
2	NO	STANDARD UNIT	FRAME/	3	1 full/ 1 half				
Value Information									
			Base Value		Value		Phase-in Assessments		
					As of		As of		
					01/01/2019		07/01/2019		
							As of		
							07/01/2020		
Land:			75,400		75,400				
Improvements			54,700		70,900				
Total:			130,100		146,300		135,500		
Preferential Land:			0				140,900		
							0		
Transfer Information									
Seller: JENKINS HENRY H 3RD				Date: 04/16/2019				Price: \$0	
Type: NON-ARMS LENGTH OTHER				Deed1: /41320/ 00029				Deed2:	
Seller: JENKINS HENRY H 3RD				Date: 04/16/2019				Price: \$0	
Type: NON-ARMS LENGTH OTHER				Deed1: /41320/ 00023				Deed2:	
Seller: THE UPPER MELINDA LIMITED				Date: 09/11/2008				Price: \$0	
Type: NON-ARMS LENGTH OTHER				Deed1: /27319/ 00046				Deed2:	
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2019		07/01/2020			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt: None			Special Tax Recapture: None						
Exempt Class: None									
Homestead Application Information									
Homestead Application Status: No Application									

0410025321

ROAD

049C1

RC2

GARRISON FOREST RD

0419095025

2500004797

4 ED NW 16-H

FLOOD ZONE: X (OLD BCR)

GROWTH TIER 4

(No New Subdivisions of 4
or More Additional Lots)

FLOOD ZONE: X (NEW)

2 CD 049C2

12525

0406045552

PARK HEIGHTS AVE

NW 16-G

12520

0412059426

0423035250

RC5

2200025676

1997-0383-A

12509

0406045675

PETITIONER'S

EXHIBIT NO.

3

049C1

RC2

0410025321

ROAD

GARRISON FOREST RD

0419095025

2500004797

4 ED NW 16-H

FLOOD ZONE: X (OLD BCR)

GROWTH TIER 4

(No New Subdivisions of 4
or More Additional Lots)

FLOOD ZONE: X (NEW)

2 CD 049C2

12525

0406045552

NW 16-G

PARK HEIGHTS AVE

12520

0412059426

0423035250

RC5

2200025676

1997-0383-A

12509

0406045675



PETITIONER'S

EXHIBIT NO. 2

Plans of
House
from

Conallison forest house



STANDS AT
INTERSECTION OF
GARLSON FOREST ROAD
AND
PARK HEIGHTS AVE



Stations and
April 18/1915
At Newbury
Entrance



Looking North
TOWARDS PARK HEIGHTS AVE
REAR YARD



Looking NW
from Fossilburg

P.402
 THE ANNIELAND LAND CO. LLC
 ACCT#: 2500004797
 #12606 GARRISON FOREST RD
 DEED BOOK #35419 PAGE 98

GARRISON FOREST ROAD

RC-2

RC-5

P.15

HENRY & ANNE JENKINS
 #12509 GARRISON FOREST RD
 BOOK #11427 PAGE 29
 ACCT# 2200025676

NEW EASEMENT

STREAM

COUNTESS RUN

54°-35:29"E

239.09

EX. FENCE

2 S.F.
FR. DWING

127.68

S22°22:30"W

2605.5

PROPOSED GAR.

PROPOSED GAR.

PROPOSED GAR.

PROPOSED GAR.

PROPOSED GAR.

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PROPOSED GAR.

PARK HEIGHTS AVENUE

PARK HEIGHTS AVENUE

PARK HEIGHTS AVENUE

PARK HEIGHTS AVENUE

HENRY & ANNE B. JENKINS

ACCT# 019095025

12427 PARK HEIGHTS AVENUE

DEED BOOK #31672 PAGE 73

PAGE 13

N25°17:42"E

177.48

PARCEL 13

RC-5

ZONING HEARING PLAN

12525 Garrison Forest Road

Owings Mills, MD 21117

Henry H. Jenkins III, Timothy Jenkins, Benjamin Jenkins

Acct #: 0406045552

DEED: SM N#27319-46

GIS Tile: 049C2

Zoned: RC 5

Elect. Dist.: 4

Council Dist.: 2

Lot Area: 0.817 Acres +/-

Historic Area: Worthington Valley

CBCA: No

Flood Area: No

Private water and sewer.

Prior zoning hearings: None

Scale: 1" = 40'

Date: 10-30-19

Prepared by:

David Ransone - Land Surveyor

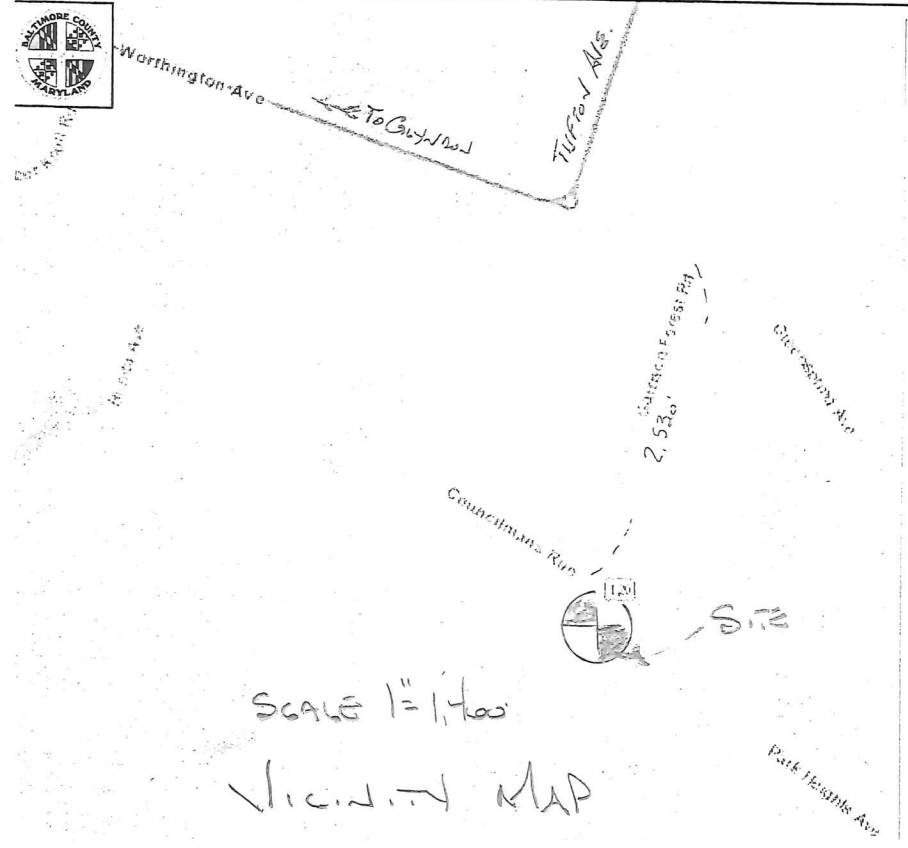
204 Ridge Avenue

Towson, MD 21286

410-207-8358

[Signature]

CASE No. 2019-0505-A



P. 402
 THE ANNIELEIGH LAND CO. LLC
 Acct #: 2500004797
 # 12606 GARRISON FOREST RD
 DEED BOOK # 35419 PAGE 98

GARRISON FOREST ROAD

RC-2

RC-5

P. 15

HENRY & ANNE JENKINS
 # 12509 GARRISON FOREST RD
 BOOK # 11427 PAGE 29
 ACCT # 2200025676

WELL EASEMENT

STREAM

COUNTESS RUN

54°-35:29"E

239.09

S22°22:30"W

127.65'

EX. FENCE

2 S.F. FR. DWELLING

P 796 S.F.

SEPTIC

55

PROPOSED CAR PORCH

220 S.F.

PROPOSED GAR.

600 S.F.

24

25

30

15

30

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30

AVENUE

HEIGHTS

PARK

RC-2

HENRY H. & ANNE B. JENKINS

ACCT # 019095025

12427 PARK HEIGHTS AVENUE

DEED BOOK # 31672 PAGE 73

PARCEL 13

N25°17:42"E

177.48'

PARCEL 13

RC-5

PETITIONER'S

EXHIBIT NO. 1

ZONING HEARING PLAN

12525 Garrison Forest Road

Owings Mills, MD 21117

Henry H. Jenkins III, Timothy Jenkins, Benjamin Jenkins

Acct #: 0406045552

DEED: SM N# 27319-46

GIS Tile: 049C2

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Flood Area: No

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Prepared by:

David Ransone - Land Surveyor

204 Ridge Avenue

Towson, MD 21286

410-207-8358

[Signature]

CASE No. 2019-0505-A

