

IN RE: PETITION FOR ADMIN. VARIANCE
(14017 Foxland Rd.)
10th Election District
3rd Council District
John E. & Michele M. Clifton
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2020-0302-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 subject property, John E. and Michele M. Clifton (“Petitioners”). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) §§ 400.1 and 400.3 (*See* § 400.1.d of the Zoning Commissioner's Policy Manual “ZCPM”)] to permit an accessory use detached garage in the side yard of residential corner lot in lieu of the required rear yard with a height of 23 ft. in lieu of the required 15 ft. max height. 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. It is to be noted that a letter of opposition, dated January 6, 2021, was contained in the case file from Robert and Liane Kropp residing at 4003 Eland Road, who indicated their opposition to Petitioners’ request. However, on March 30, 2021, an email was received by the Office of Zoning Review indicating that the Kropp’s are now fine with the Petitioners’ zoning request, and the file was returned to the Office of Administrative Hearings on April 2, 2021.

ORDER RECEIVED FOR FILING

Date 4-15-21

By [Signature]

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 23, 2020, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits 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 to satisfy the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioners.

Although the Department of Planning did not make any recommendations related to the detached garage height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, shall not contain any sleeping quarters, living area, kitchen or bathroom facilities, and shall not be used for commercial purposes.

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 14th day of **April, 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("BCZR") §§ 400.1 and 400.3 (See § 400.1.d of the Zoning Commissioner's Policy Manual "ZCPM")) to permit an accessory use detached garage in the side yard of residential corner lot in lieu of the required rear yard with a height of 23 ft. in lieu of the required 15 ft. max height, and is hereby GRANTED.

ORDER RECEIVED FOR FILING

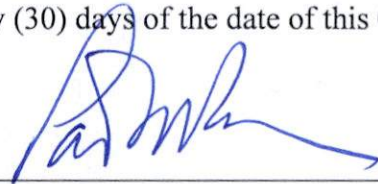
Date 4-15-21

By [Signature]

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners or subsequent owners shall not convert the detached garage into a dwelling unit or apartment. The proposed detached garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- The proposed detached garage 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.



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw

ORDER RECEIVED FOR FILING

Date 4-15-21

By 192



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 14017 FOXLAND RD Currently zoned RC5
Deed Reference 41956 / 029 10 Digit Tax Account # 1600008865
Owner(s) Printed Name(s) JOHN E. and MICHELE M. CLIFTON

(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:

- (see 400.1 d. of Zoning Policy Manual)
1. X ADMINISTRATIVE VARIANCE from Section(s) 400.1 & 400.3 of BCZR TO PERMIT AN ACCESSORY USE DETACHED GARAGE IN THE SIDE YARD OF A RESIDENTIAL CORNER LOT IN LIEU OF THE REQUIRED REAR YARD WITH A HEIGHT OF 23 FT. IN LIEU OF THE REQUIRED 15 FT. MAX. HEIGHT.

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

2. _____ 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):

JOHN E. CLIFTON / MICHELE M. CLIFTON
Name #1 - Type or Print Name #2 - Type or Print

[Signature] / [Signature]
Signature #1 Signature #2

14017 FOXLAND RD. PHOENIX, MD
Mailing Address City State

21131 / 410-852-3473 / jec2115@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:

R. CRAIG RODGERS
Name - Type or Print

[Signature]
Signature

7024 GREENBANK RD. BALTIMORE, MD
Mailing Address City State

21220 / 443-677-2007 / craigrodgers200@gmail.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 11 day of April, 2020 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 2020-0302-A Filing Date 12/16/2020 Estimated Posting Date 12/27/2020 Reviewer RJ

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: 14017 FOXLAND RD PHOENIX MD 21131
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)

RE: SECTION 401. THE ZONING REGULATION WOULD REQUIRE GARAGE TO BE BUILT IN THE RIGHT REAR YARD OF THE LOT. THIS WOULD REQUIRE COMPLETE RELOCATION OF OUR SEPTIC SYSTEM. THE EXISTING SYSTEM IS CONSTRAINED BY AN ADJACENT WELL. RELOCATION WOULD BE LIMITED BY THE FACT THAT OUR LOT IS LESS THAN AN ACRE. WE CONSIDER THIS A MAJOR PRACTICAL DIFFICULTY.
RE: SECTION 403. THE ADDITIONAL REQUESTED IS FOR STORAGE. WITH THE TREND TOWARDS WORKING AT HOME BECOMING MORE PREVALENT, WE FEEL THIS SPACE MAY ALLOW A FUTURE WORK SPACE. THE PLANS REFLECT A FAIRLY ATTRACTIVE APPEARANCE FROM THE ROAD. THE NEIGHBORHOOD SHOULD BE PLEASED WITH BUILDING THAT FITS IN. WITH STORAGE BECOMING A MORE PRESSING NEED THESE DAYS, WE FEEL IT WOULD BE A HARDSHIP TO BUILD THIS GARAGE AND AT THE SAME TIME LIMIT ITS USE.

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

X [Signature]
Signature of Owner (Affiant)

JOHN E. CLIFTON
Name- Print or Type

X [Signature]
Signature of Owner (Affiant)

MICHELE M. CLIFTON
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 3rd day of Dec, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: JOHN E CLIFTON AND MICHELE M. CLIFTON

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

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public
11-30-2024
My Commission Expires

REV. 5/8/2014

2020-0302-A

ZONING DESCRIPTION FOR:

14017 FOXLAND ROAD

BEGINNING AT A POINT ON THE NORTHEAST SIDE OF FOXLAND ROAD
WHICH IS 50 FEET WIDE AT A DISTANCE OF 216 FEET SOUTHEAST OF THE
CENTERLINE OF UPLAND ROAD WHICH IS 50 FEET WIDE. BEING LOT #38 IN
THE SUBDIVISION OF MANOR RIDGE AS RECORDED IN BALTIMORE
COUNTY PLAT BOOK #35, FOLIO #129, CONTAINING 0.9200 ACRES.
LOCATED IN THE TENTH ELECTION DISTRICT AND THIRD COUNCIL
DISTRICT.

2020-0302-A

CERTIFICATE OF POSTING

Date: DECEMBER 23, 2020

RE: Project Name: 14017 FOXLAND ROAD #1
Case Number /PAI Number: 2020-0302-A
Petitioner/Developer: CLIFTON
Date of Hearing/Closing: JANUARY 11, 2021

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 14017 FOXLAND ROAD

The sign(s) were posted on DECEMBER 23, 2020
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

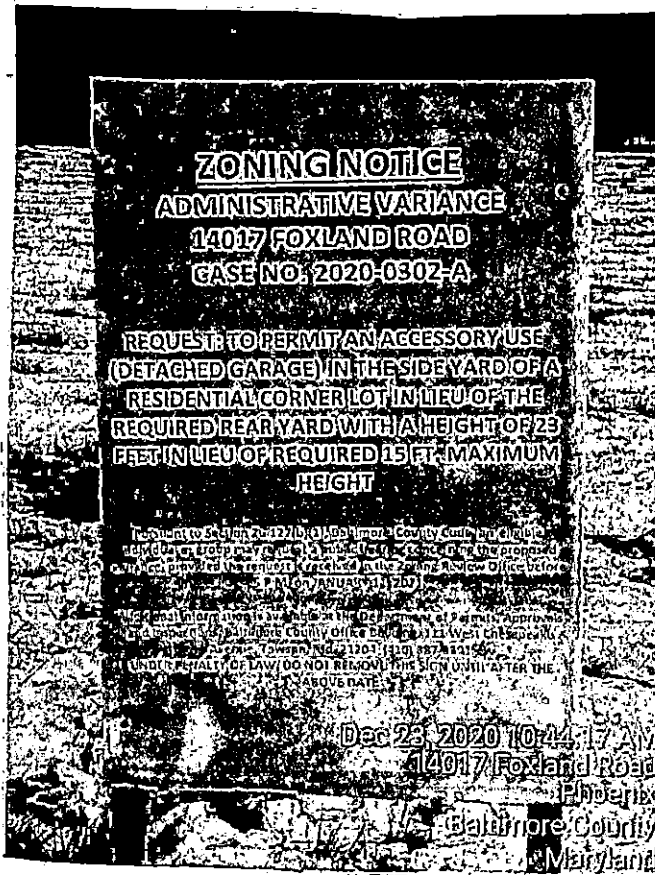
CERTIFICATE OF POSTING

Date: DECEMBER 23, 2020

RE: Project Name: 14017 FOXLAND ROAD #2
Case Number /PAI Number: 2020-0302-A
Petitioner/Developer: CLIFTON
Date of Hearing/Closing: JANUARY 11, 2021

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 14017 FOXLAND ROAD

The sign(s) were posted on DECEMBER 23, 2020
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0302 -A Address 14017 FOXLAND RD.

Contact Person: ROZ JOHNSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/16/2020 Posting Date: 12/27/2020 Closing Date: 1/11/2020

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 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 a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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 2020- 0302 -A Address 14017 FOXLAND ROAD

Petitioner's Name JOHN & MICHELE CLIFTON Telephone 443-677-2007

Posting Date: 12/27/2020 Closing Date: 1/11/2020

Wording for Sign: TO PERMIT AN ACCESSORY USE DETACHED GARAGE IN THE SIDE YARD OF A RESIDENTIAL CORNER LOT IN LIEU OF THE REQUIRED REAR YARD WITH A HEIGHT OF 23 FT. IN LIEU OF THE REQUIRED 15 FT. MAXIMUM HEIGHT.

Revised 2/20/2020



JOHN A. OLSZEWSKI, JR.
County Executive

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

January 11, 2021

R Craig Rodgers
7024 Greenbank Road
Baltimore MD 21220

RE: Case Number: 2020-0302-A, 14017 Foxland Road

Dear: John E. & Michele M. Clifton

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspections (PAI) on December 16, 2020.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

C: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO: Kristen Lewis, Office of Zoning Review
Department of Permits, Approvals & Inspections (PAI)

DATE: January 13, 2021

FROM: Paul M. Mayhew, Managing Administrative Law Judge
Office of Administrative Hearings 

RE: Petition for Administrative Variance – 1/11/2021 Closing Date
Case No. 2020-0302-A – 14017 Foxland Road

After a review of the above-captioned case file, I am requesting that this case be set in for a public hearing.

Please notify Petitioners as well as Protestants Robert and Liane Kropp of the new hearing date once set.

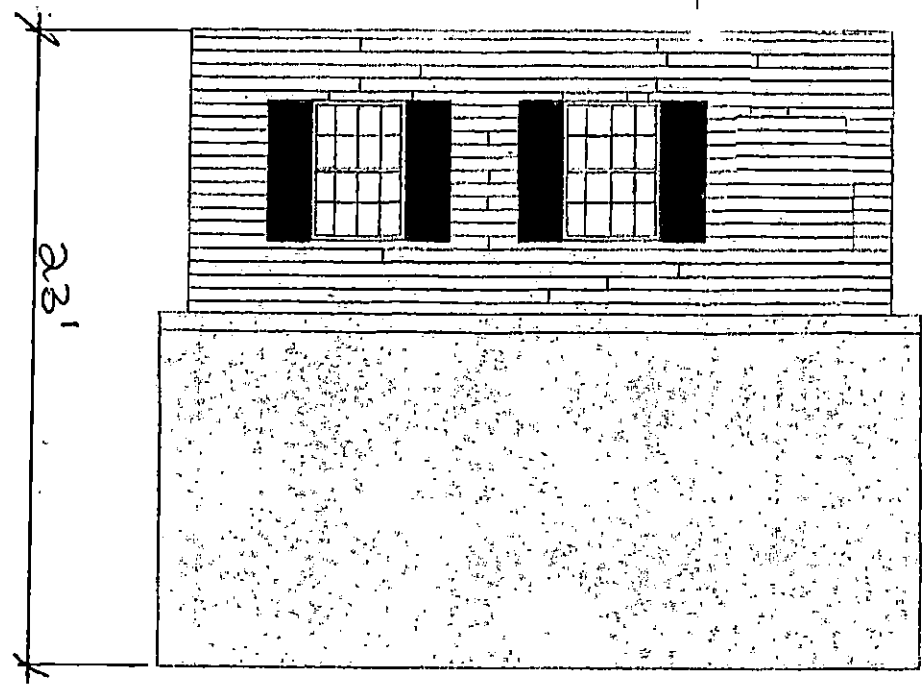
Our office is returning the file to you for further processing, posting and advertising of the hearing notices.

Thank you.

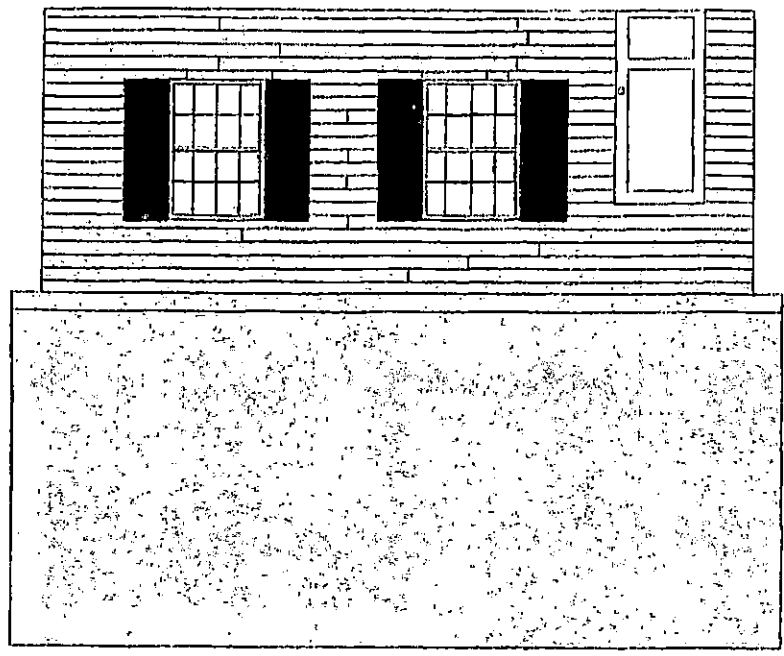
PMM:dlw

2020-0302-A

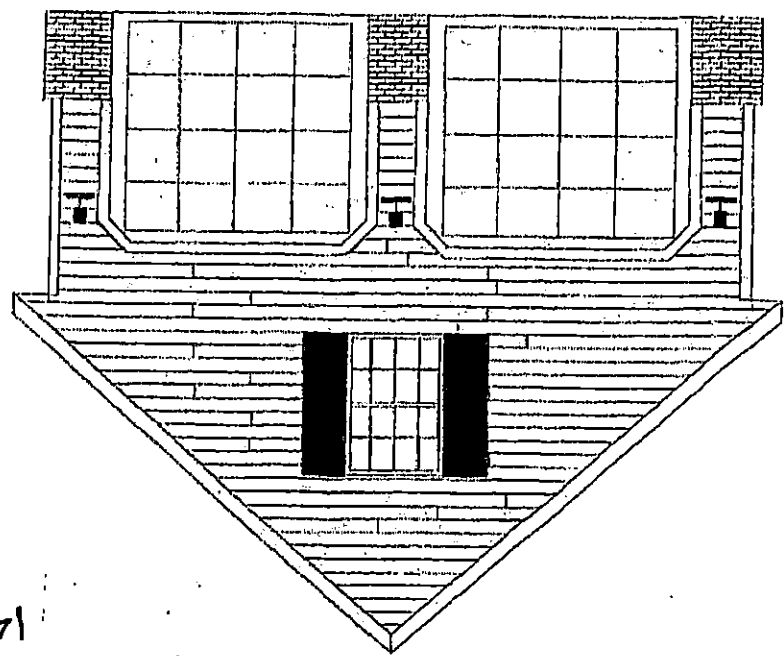
LEFT ELEV.



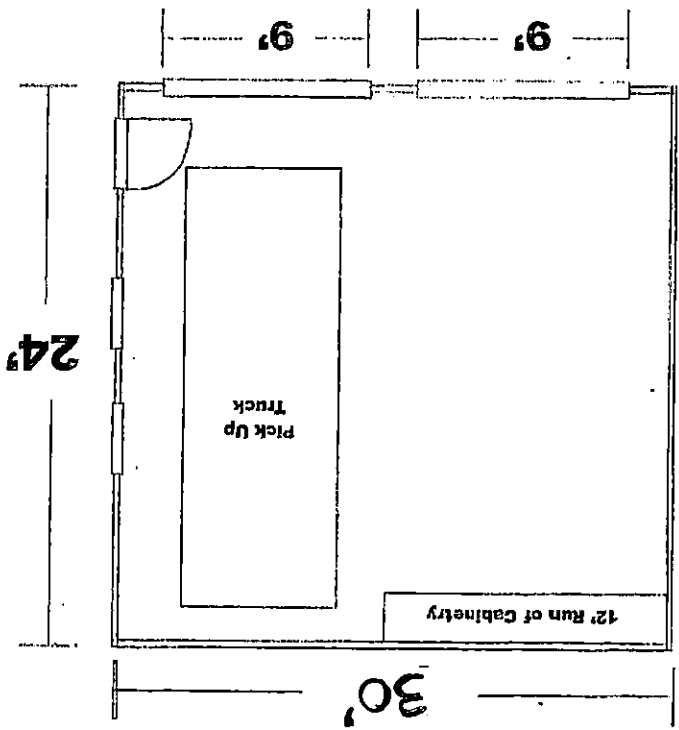
RIGHT ELEV.



FRONT ELEV.



FLOOR PLAN



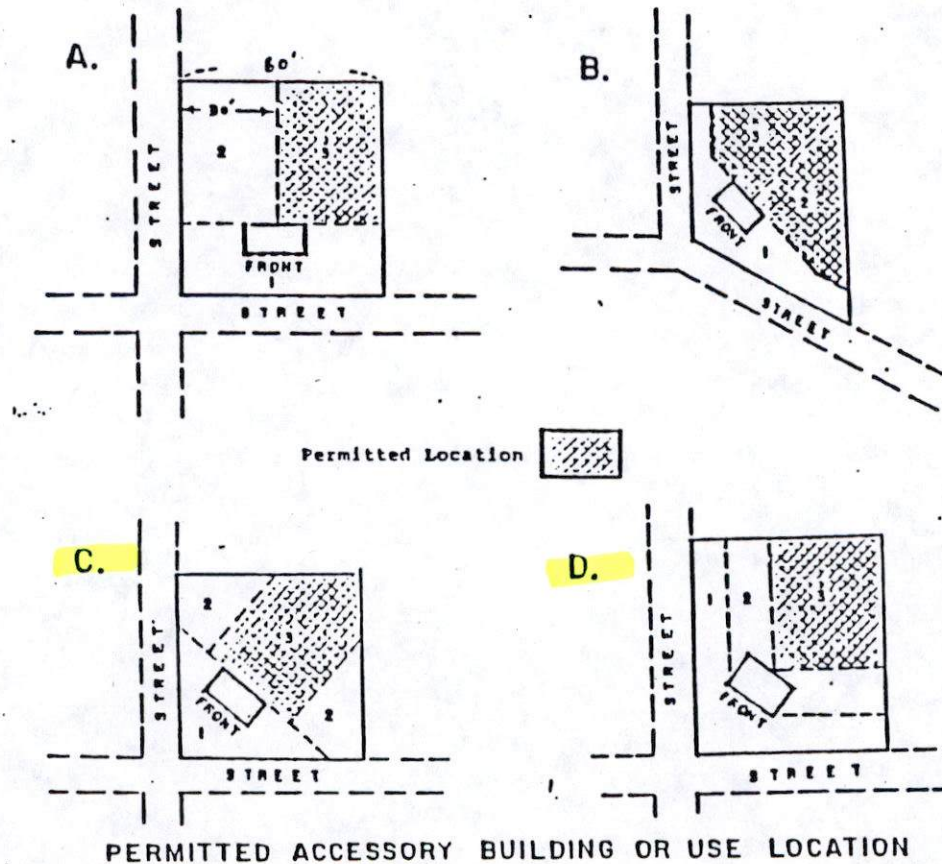
14017 FOXLAND RD.

ZONING COMMISSIONER'S POLICY MANUAL

SECTION

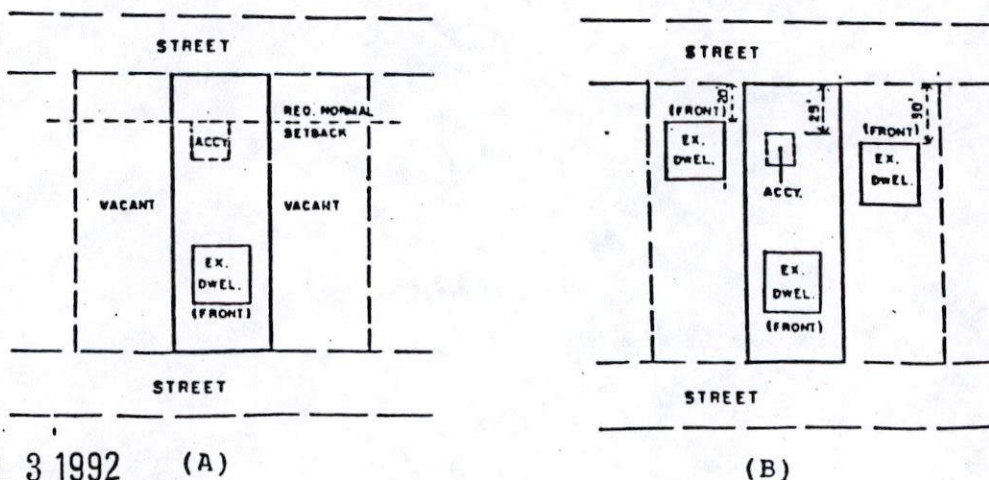
400.1.d ACCESSORY STRUCTURES/USES

(1) Corner Lots - Location Diagrams:



(2) Double Frontage Lots

- (A) Accessory structures/uses on double-frontage lots shall not be closer to a street right-of-way line than the setback required for a principal dwelling.
- (B) Where street setbacks have been established by existing dwellings on adjoining properties, Section 303.1 shall be utilized to determine the average setback.



§ 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.

§ 400.3. - Height.

The height of accessory buildings, except as noted in Section 300, shall not exceed 15 feet.

2020-0302-A

Paul,

1/12/2021

2020-0302-1x

A letter of opposition was contained in the case file but complainant did not pay a fee to file a "formal demand".

Not sure how you want to proceed with Order

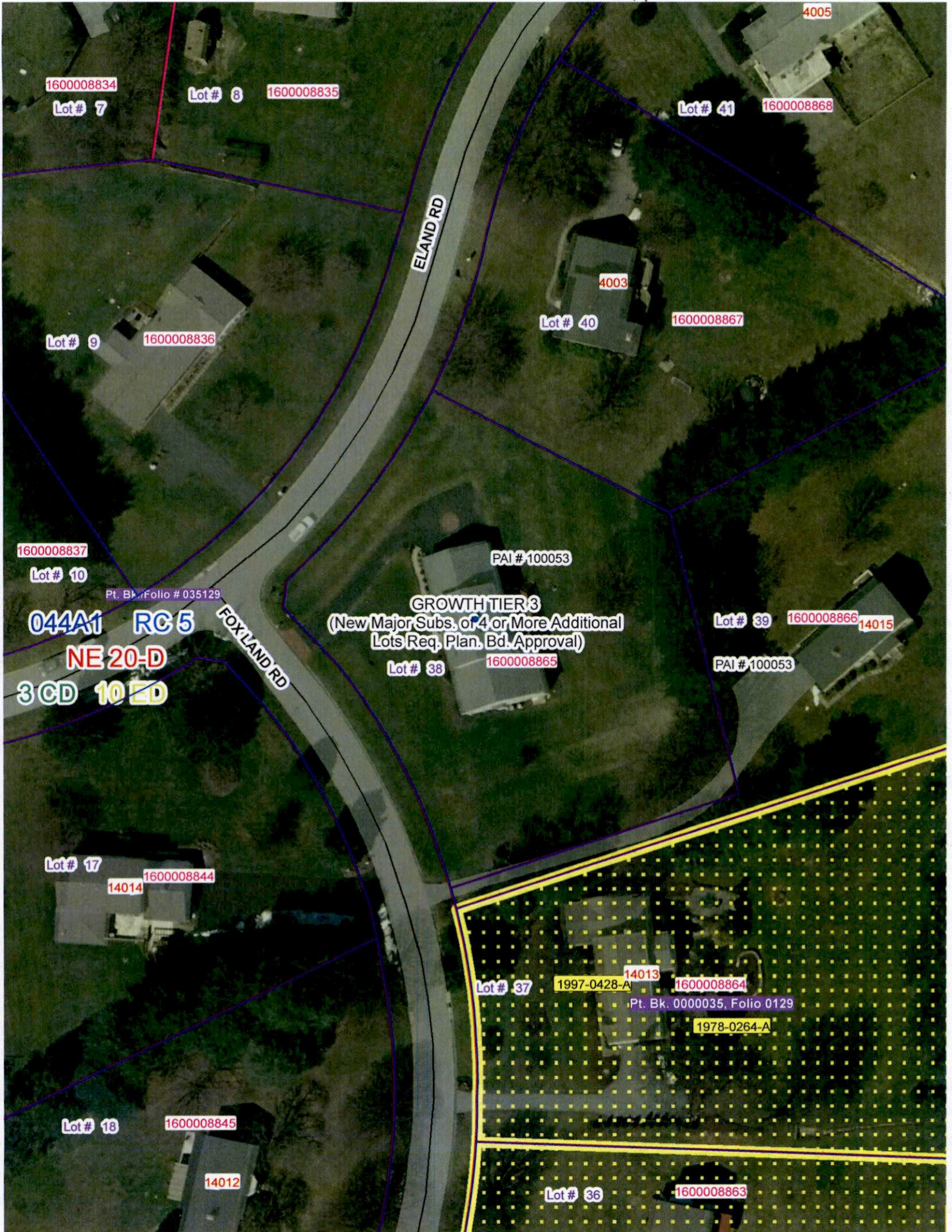
Deb

Please schedule a hearing



14017 FOXLAND RD
SCALE: 1"=50'
2020-0302-A

#1



1600008834

Lot # 7

Lot # 8

1600008835

4005

Lot # 41

1600008868

ELAND RD

4003

Lot # 40

1600008867

Lot # 9

1600008836

1600008837

Lot # 10

Pt. Bk. Folio # 035129

044A1 RC 5

NE 20-D

3 CD 10 ED

FOXLAND RD

PAI # 100053

GROWTH TIER 3
(New Major Subs. of 4 or More Additional
Lots Req. Plan. Bd. Approval)

Lot # 38

1600008865

Lot # 39

1600008866

14015

PAI # 100053

Lot # 17

14014

1600008844

Lot # 17

Lot # 18

1600008845

14012

Lot # 37

1997-0428-A

14013

1600008864

Pt. Bk. 0000035, Folio 0129

1978-0264-A

Lot # 36

1600008863

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 _____)	_____
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
_____	STATE HIGHWAY ADMINISTRATION	_____
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
<u>1-6-21</u>	ADJACENT PROPERTY OWNERS <u>Kroger - 4003 Elan Rd.</u>	<u>Objection</u>
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING (1 st)	Date: <u>12-23-20</u> by <u>Ogle</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 (w3)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 10 Account Number - 1600008865		
Owner Information		
Owner Name:	CLIFTON JOHN E CLIFTON MICHELE M	Use: Principal Residence: RESIDENTIAL YES
Mailing Address:	14017 FOXLAND RD PHOENIX MD 21131-1804	Deed Reference: /41956/ 00029
Location & Structure Information		
Premises Address:	14017 FOX LAND RD PHOENIX 21131-1804	Legal Description: 4001 ELAND RD MANOR RIDGE
Map: 0044	Grid: 0002	Parcel: 0328
Neighborhood: 10030037.04	Subdivision: 0000	Section: 38
Block: 2020	Lot: 38	Assessment Year: 2020
Plat No: 0035/ 0129	Plat Ref: 0035/ 0129	
Town: None		
Primary Structure Built: 1996	Above Grade Living Area: 3,688 SF	Finished Basement Area: 1218 SF
Property Land Area: 0.9200 AC	County Use: 04	
Stories: 2	Basement: YES	Type: STANDARD UNIT
Exterior: SIDING/	Quality: 4	Full/Half Bath: 3 full/ 1 half
Garage: 1 Attached	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of 01/01/2020
		Phase-in Assessments
		As of 07/01/2020
		As of 07/01/2021
Land:	139,800	139,800
Improvements	410,400	484,200
Total:	550,200	624,000
Preferential Land:	0	0
		574,800
		599,400
Transfer Information		
Seller: FOSBRINK TIMOTHY W	Date: 10/07/2019	Price: \$605,000
Type: NON-ARMS LENGTH OTHER	Deed1: /41956/ 00029	Deed2:
Seller: ELAN DEVELOPMENT CORPORATION	Date: 08/30/1996	Price: \$353,000
Type: ARMS LENGTH IMPROVED	Deed1: /11772/ 00689	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

2020-0302-A

ZAC AGENDA

Case Number: 2020-0302-A **Reviewer:** Rosalie Johnson

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: John E & Michele M. Clifton

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 10 **Council Dist:** 3

Property Address: 14017 FOXLAND RD

Location: West of Manor Road at the intersection of Eland Road and Foxland Road.

Existing Zoning: RC 5

Area: .92 AC

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

400.1 & 400.3 of BCZR (See 400.1.d Zoning Commissioner's Policy Manual) To permit an accessory use detached Garage in the side yard of residential corner lot in lieu of the required rear yard with a height of 23 feet in lieu of the required 15 feet max height.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 01/11/2021

Miscellaneous Notes:

Case Number: 2020-0303-A **Reviewer:** Christina Frink

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Michael J. Rekus & P. Yvonne

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 5 **Council Dist:** 3

Property Address: 16901 A GORSUCH MILL RD

Location: E side of Gorsuch Mill Road 2,459 South East of Mt Carmel Road.

Existing Zoning: RC 2

Area: 1.03 AC

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

Section BCZR 400.3 To permit a proposed accessory use detached garage and storage structure with a height of 18' in lieu of the required 15 feet maximum height.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 01/11/2021

Miscellaneous Notes:

January 6, 2021

Department of Permits, Approvals and Inspections
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Robert and Liane Kropp
4003 Eland Rd
Phoenix, MD 21131

Re: Case No. 2020-0302-A

To Whom it May Concern,

In response to the zoning notice posted at 14017 Foxland Road, case no. 2020-0302-A, we would like to submit an objection to both the location and height variance for the proposed detached garage building. Our house is located at 4003 Eland Rd and we are immediate adjoining neighbors to the property in question, sharing a property line that extends to Eland Rd. We purchased our house in August 2012 and were supplied with the recorded development property and building restrictions as well as blueprints to the development properties prior to settlement. These restrictions were relied on when deciding to purchase our home and are important.

Our objection is based on the following:

If the owners are planning to build inside the 50 ft restriction towards Eland Rd, the addition of the building will:

- (1) block our treeline and sunset views from our family room (1st floor window facing property line) and when sitting around our fire pit in the backyard. This was a big attraction for us when buying our home.
- (2) negatively impact the view and curb appeal when approaching our front door along our sidewalk as the approach is parallel with Eland Rd.
- (3) cause a sense of being boxed in when in our back yard or looking out the front and side windows. Since our house is angled slightly toward the property in question, we have a nice view of the openness of trees and woods which would be lost.

With regard to the proposal to exceed the 15 foot height limitation by 8 feet to 23 feet:

- (1) the additional height will block our sky/treeline views and give a sense of being boxed in while in the backyard or looking out our southside windows. Since the structure will be closer to our shared property line than their existing house, any additional height above the 15 ft maximum will have a dramatic negative impact to our views.
- (2) given the relatively small lot sizes (approx 1 acre), we feel that the height restriction is necessary to protect immediate neighbors' aesthetics and maintain the property values.

Please consider our strong objection to the proposal as there is direct impact to our property as detailed above and would result in a decreased market value of our house/property.

Thank you,

Robert and Liane Kropp



Robert J. Kropp
(443-834-4993 cell)

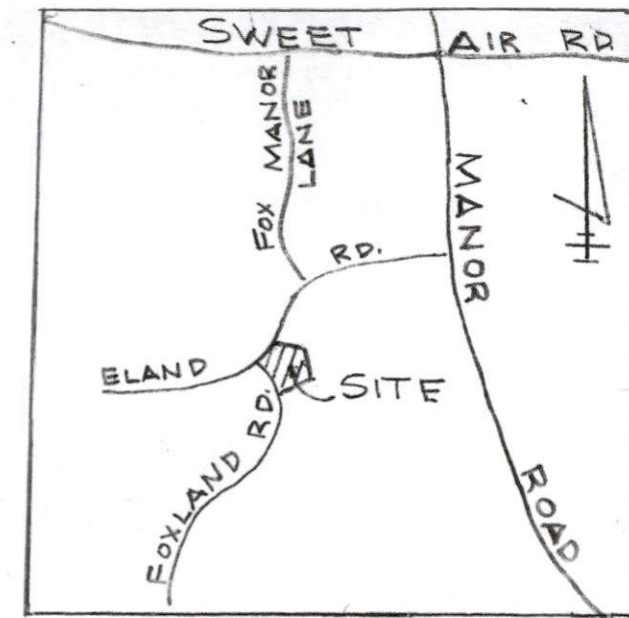


Liane E. Kropp

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 10 Account Number - 1600008867		
Owner Information		
Owner Name:	KROPP ROBERT J KROPP LIANE E	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	4003 ELAND RD PHOENIX MD 21131	Deed Reference: /32505/ 00284
Location & Structure Information		
Premises Address:	4003 ELAND RD PHOENIX 21131-	Legal Description: 4003 ELAND RD MANOR RIDGE
Map: 0044	Grid: 0002	Parcel: 0328
Neighborhood: 10030037.04	Subdivision: 0000	Section: 40
Block: 2020	Lot: 40	Assessment Year: 2020
Plat No: 0035/ 0129	Plat Ref: 0035/ 0129	
Town: None		
Primary Structure Built: 1987	Above Grade Living Area: 2,698 SF	Finished Basement Area: 750 SF
Property Land Area: 1.1100 AC	County Use: 04	
Stories: 2	Basement: YES	Type: STANDARD UNIT
Exterior: SIDING/	Quality: 4	Full/Half Bath: 2 full/ 2 half
Garage: 1 Attached	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of 01/01/2020
		Phase-in Assessments
		As of 07/01/2020
		As of 07/01/2021
Land:	153,600	153,600
Improvements:	364,600	387,200
Total:	518,200	540,800
Preferential Land:	0	0
		525,733
		533,267
Transfer Information		
Seller: DALY STEPHEN R	Date: 09/05/2012	Price: \$490,000
Type: ARMS LENGTH IMPROVED	Deed1: /32505/ 00284	Deed2:
Seller: ELLIOTT MARK W	Date: 10/19/1987	Price: \$220,000
Type: ARMS LENGTH IMPROVED	Deed1: /07701/ 00507	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Approved 11/14/2013		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		



SCALE: 1" = 1000'

2020-0302-A

OWNERS:
JOHN & MICHELE CLIFTON
14017 FOXLAND RD.
PHOENIX, MD 21131

PHOTO EXHIBIT

**ZONING PLAN TO ACCOMPANY
ADMINISTRATIVE VARIANCE FOR:
14017 FOXLAND ROAD**

ELECTION DISTRICT 10C3
BALTIMORE COUNTY, MD
TAX ACCT NO. 1600008865
DEED REF: 41956/029
LOT 38, MANOR RIDGE (PB 35/129)

SCALE: 1"=50' DATE: 9/4/2020

GENERAL NOTES

ZONING MAP# 044A1
SITE ZONED: RC5
ELECTION DISTRICT: 10
COUNCIL DISTRICT: 3
LOT AREA ACREAGE: 0.920 AC±
OR SQUARE FEET: 40,076 S.F.
HISTORIC: NO
IN CBCA: NO
IN FLOOD PLAIN: NO
WATER IS: PRIVATE
SEWER IS: PRIVATE
PRIOR HEARING? NO
PRIOR NO
VIOLATIONS? NO

PREPARED:
CRAIG CONSULTING, LLC
7024 GREENBANK RD.
BALTIMORE, MD 21220



①

2020-0302-A



②

2020-0302-A



③

2020-0302-14



④

2020-0302-A



5

2020-0302-A



⑥

2020-0302-A



⑦

2020-0302-A

Donna Mignon

From: Kristen L Lewis
Sent: Monday, April 5, 2021 8:46 AM
To: Donna Mignon
Cc: Jenae Johnson; Debra Wiley
Subject: RE:

Good morning,

There is an email in the front of the file from the neighbors withdrawing their opposition, and they wanted me to send the file over to be reviewed as an Administrative Variance. They never paid for a formal demand for hearing, they originally just had some concerns and that looks like the reason Debbie had a note to Paul and he was going to have it set in. The issues have been resolved and neither party is wanting a hearing. Thanks,

Kristen Lewis-Coles

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Friday, April 2, 2021 8:13 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: FW:

Hi Kristen,
I was not sure why we received this. Are you getting ready to set this one in?
I hope you are doing well. TGIF!!!!

From: Jenae Johnson <jnjohnson@baltimorecountymd.gov>
Sent: Friday, April 2, 2021 8:10 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: RE:

Good morning,

No Kristen gave me that file to give to yall. I have CC her on this email.

Thanks

From: Donna Mignon
Sent: Thursday, April 01, 2021 3:15 PM
To: Jenae Johnson <jnjohnson@baltimorecountymd.gov>
Subject:

Hi Jenae,
The case of 2020-0302-A was in the file folders you dropped off, we are not sure why we received this.
I see that this is to be scheduled for a hearing.

If it was put in there by mistake, I will put back in the pile to send back over to your office.

Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Kristen L Lewis

From: bob kropp <bkropp11@gmail.com>
Sent: Tuesday, March 30, 2021 11:06 AM
To: Kristen L Lewis
Subject: Fwd: case 2020-0302-A
Attachments: IMG_4844.jpg

CAUTION: This message from bkropp11@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

----- Forwarded message -----

From: Bob K <bkropp11@gmail.com>
Date: Tue, Mar 16, 2021 at 1:18 PM
Subject: case 2020-0302-A
To: <paizoning@baltimorecountymd.gov>

hello,

we had filed an objection to the above referenced case (attached picture of notice). we spoke to the owner last Friday and their plans appear to be fine with us now since they are not extending the garage into the 50ft offset from the road and not blocking the treeline view which we had expressed concerns with in our objection letter back in January 2020. he also explained that the total height would be approximately 17ft at the peak which seems reasonable and not of concern.

i wanted to relay this information to your office so that the owner can proceed with the build. please give me a call at 443-834-4993 if you need to discuss further. i'm sending this email per instructions on the voice recording.

regards,
Bob and Liane Kropp

Debra Wiley

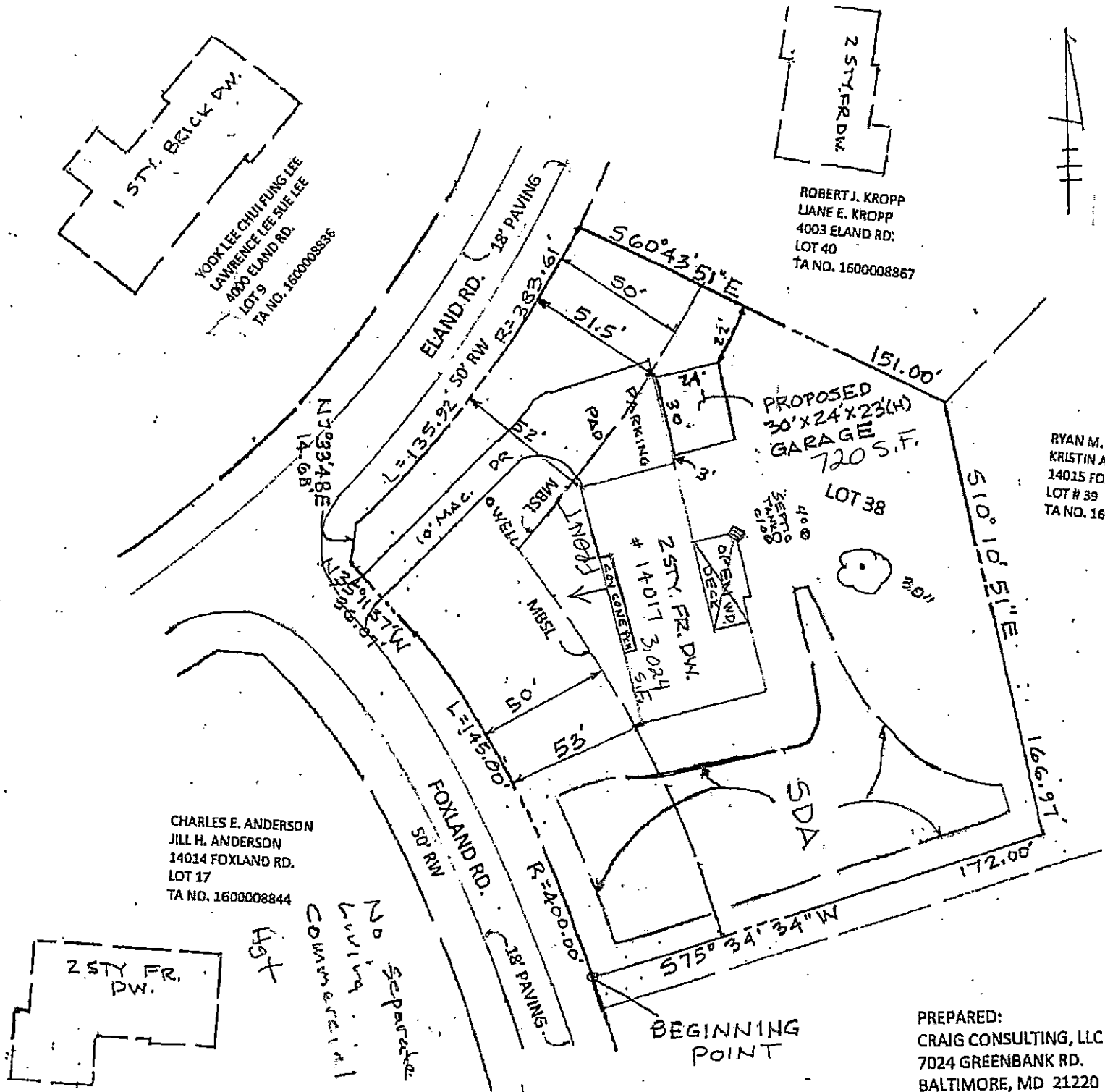
From: Debra Wiley
Sent: Wednesday, January 13, 2021 1:38 PM
To: Kristen L Lewis
Cc: Donna Mignon
Subject: ALJ Formal Demand 2020-0302-A hearing needed
Attachments: IO-Formal Demand 2020-0302-A hearing needed.doc

Hi Kristen,

Just a heads up that ALJ Mayhew is requesting a formal demand for the above-referenced matter.

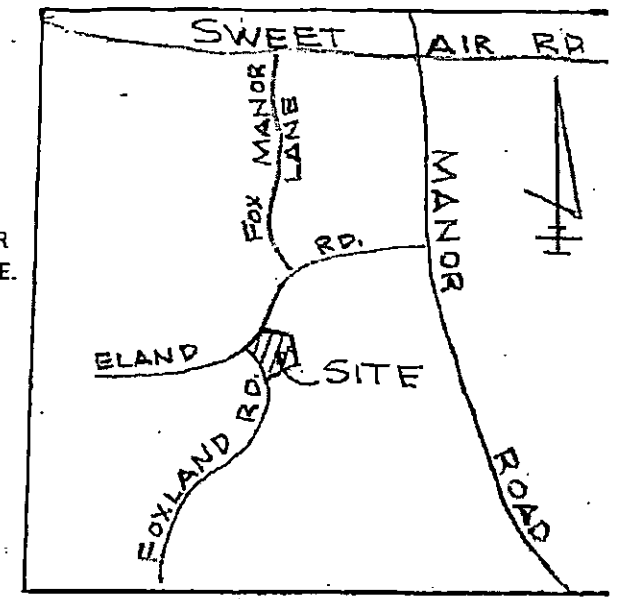
The file will be delivered to the COB lobby tomorrow.

Thanks.



NOTES ADDED 12/16/2020 PER ZONING COMMENTS

1. GARAGE SHALL NOT BE USED AS SEPARATE LIVING QUARTERS OR BE UTILIZED FOR COMMERCIAL USE.
2. HEIGHT OF GARAGE SHALL NOT EXCEED 23 FEET.



VICINITY MAP
SCALE: 1"=1000'

2020-0302-A

OWNERS:
JOHN & MICHELE CLIFTON
14017 FOXLAND RD.
PHOENIX, MD 21131

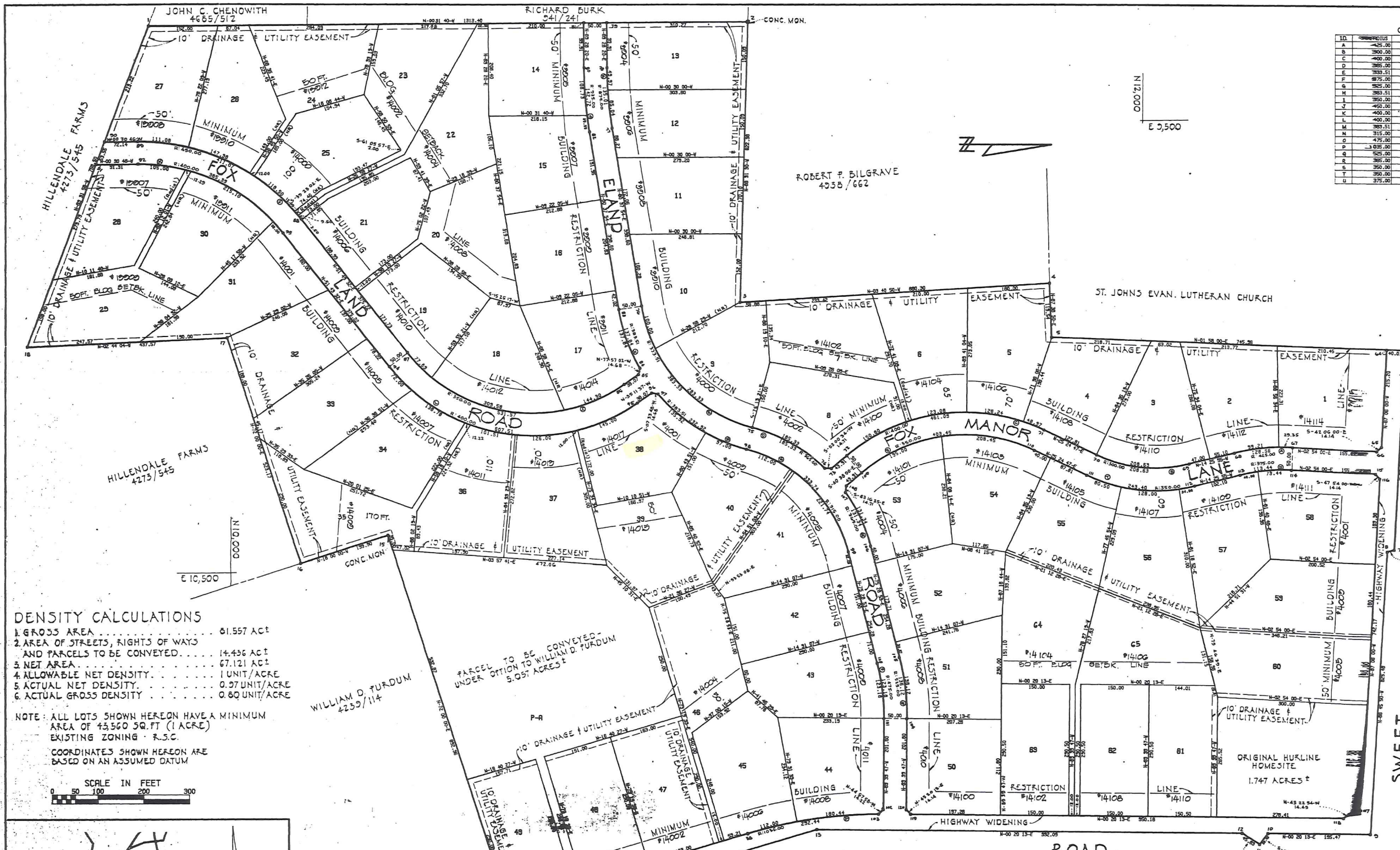
GENERAL NOTES
ZONING MAP# 044A1
SITE ZONED: RCS
ELECTION DISTRICT: 10
COUNCIL DISTRICT: 3
LOT AREA ACREAGE: 0.920 AC±
OR SQUARE FEET: 40,076 S.F.

HISTORIC:	NO
IN CBCA:	NO
IN FLOOD PLAIN:	NO
WATER IS:	PRIVATE
SEWER IS:	PRIVATE
PRIOR HEARING?	NO
PRIOR VIOLATIONS?	NO

PREPARED:
CRAIG CONSULTING, LLC
7024 GREENBANK RD.
BALTIMORE, MD 21220

**ZONING PLAN TO ACCOMPANY
ADMINISTRATIVE VARIANCE FOR:
14017 FOXLAND ROAD**

ELECTION DISTRICT 10C3
BALTIMORE COUNTY, MD
TAX ACCT NO. 1600008865
DEED REF: 41956/029
LOT 38, MANOR RIDGE (PB 35/129)
SCALE: 1"=50' DATE: 9/4/2020



CURVE DATA

STATION	PC	PIC	PT	CHORD
1	425.00	128.58	17-15-55	64.78
2	425.00	200.83	25-50-42	106.73
3	425.00	481.09	65-2-47	253.89
4	425.00	185.33	29-5-31	94.71
5	425.00	363.33	65-51-18	215.98
6	425.00	125.01	8-50-25	87.84
7	425.00	142.72	8-50-25	71.53
8	425.00	137.84	20-35-37	85.87
9	425.00	531.57	87-1-9	332.25
10	425.00	411.07	52-50-10	221.13
11	425.00	365.38	62-50-9	195.61
12	425.00	607.51	87-1-9	378.71
13	425.00	232.52	34-47-51	125.17
14	425.00	333.74	65-52-14	194.40
15	425.00	129.18	14-51-20	81.39
16	425.00	282.44	16-11-19	147.20
17	425.00	138.12	14-51-20	88.44
18	425.00	151.84	20-37-7	85.39
19	425.00	403.45	88-2-47	227.43
20	425.00	243.40	35-50-42	128.85
21	425.00	113.44	17-15-55	57.18

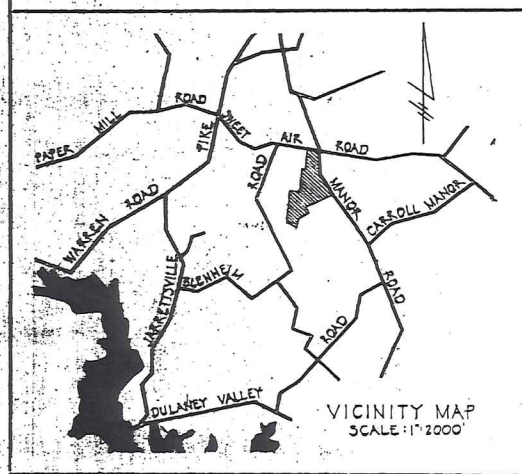
COORDINATES

1	8239.35	8239.54
2	11133.85	8278.44
3	11117.87	8300.00
4	11795.57	8308.25
5	11901.49	8378.35
6	12547.00	10001.28
7	12524.94	10045.40
8	12505.34	10047.25
9	12474.08	10171.75
10	12275.58	10178.85
11	12200.15	11094.85
12	12221.47	11079.78
13	12251.54	11079.80
14	10813.31	11025.83
15	10343.57	10418.07
16	10153.88	10477.84
17	9952.15	9990.28
18	9955.12	10001.18
19	10025.10	11230.50
20	11139.17	11074.18
21	12507.02	10000.53
22	12495.15	10215.51
23	12485.64	10224.55
24	12239.15	10217.12
25	12235.79	10229.38
26	12103.84	10255.43
27	11990.39	10235.87
28	11784.65	10181.02
29	11352.74	10236.78
30	11319.42	10267.35
31	11304.72	10288.64
32	11144.87	10177.65
33	10800.87	9998.88
34	10855.39	9915.57
35	10824.38	9881.20
36	10825.44	9881.30
37	10774.38	9881.88
38	10775.44	9881.78
39	10775.39	9881.81
40	10115.42	9746.88
41	10347.33	10043.25
42	10825.32	10123.25
43	10825.49	10161.38
44	10837.33	10103.28
45	11132.11	10225.39
46	11139.71	10061.00
47	11420.48	10837.18
48	11435.82	10815.64
49	11438.08	10804.63
50	11405.11	10438.47
51	11350.28	10319.51
52	11351.38	10305.50
53	11385.31	10278.70
54	11785.43	10228.18
55	11678.88	10281.05
56	11211.31	10303.85
57	11225.19	10278.40
58	11237.62	10267.05
59	11248.11	10274.93
60	11248.59	10265.42
61	11248.04	11028.64
62	11244.53	11038.57
63	11149.57	11030.58
64	11149.43	11028.55

DENSITY CALCULATIONS

1. GROSS AREA 61.557 AC
2. AREA OF STREETS, RIGHTS OF WAYS AND PARCELS TO BE CONVEYED 14.436 AC
3. NET AREA 47.121 AC
4. ALLOWABLE NET DENSITY 1 UNIT/ACRE
5. ACTUAL NET DENSITY 0.97 UNIT/ACRE
6. ACTUAL GROSS DENSITY 0.80 UNIT/ACRE

NOTE: ALL LOTS SHOWN HEREON HAVE A MINIMUM AREA OF 1/4 AC (10,000 SQ. FT.) EXISTING ZONING - R.S.C. COORDINATES SHOWN HEREON ARE BASED ON AN ASSUMED DATUM



FOR PANHANDLE LOTS, REFUSE COLLECTION, SNOW REMOVAL AND MAINTENANCE ARE PROVIDED TO THE JUNCTION OF THE PANHANDLE AND THE STREET RIGHT OF WAY LINE ONLY AND NOT ONTO THE PANHANDLE LOT DRIVEWAY.

TOTAL NUMBER OF LOTS - 65 & 2 PARCELS

APPROVED, BALTIMORE COUNTY PLANNING BOARD

Acting Director *Albert W. Darity* 8/10/72 Date

APPROVED *Charles D. Manning* 8/10/72 County Roads Engineer Date

APPROVED *Ronald J. Rapp* 8/9/72 Deputy State & County Health Officer Date

10720296

20/4/3/8/10/72

OWNER:

ELAN DEVELOPMENT CORP

507 CHAPELWOOD LANE

LUTHERVILLE, MARYLAND 21005

NOTE

The streets and/or roads as shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

OWNER'S CERTIFICATE

The requirements of Section 72 B, Article 17 of the Annotated Code of Maryland (Plac 1947 Supplement) as far as they relate to the making of this plat have been complied with.

ELAN DEVELOPMENT CORPORATION

By: *Elan Development Corporation* Date

SURVEYOR'S CERTIFICATE

I, Malcolm E. Hudkins, a registered Land Surveyor of the State of Maryland, do hereby certify that the land shown hereon has been laid out and the plat thereof prepared in accordance with the provisions of the law relating to the subdivision of lands known as House Bill 459, Chapter 1016 of the Acts of 1945 and subsequent Acts amendatory thereof.

Malcolm E. Hudkins

Reg. No. 5005 Date

PLAT OF

MANOR RIDGE SUBDIVISION

10TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

JULY 26, 1972

O.T.G. 35 FOLIO 129

Filed for record

Date AUG 10 1972

Test:

Malcolm E. Hudkins Clerk

MALCOLM E. HUDKINS

305 W. CHESAPEAKE AVE.

TOWSON, MARYLAND

21204

2020-0302-A

MSASU 1036-4071