

JOHN A. OLSZEWSKI, JR. County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

May 8, 2024

Edwin and Linda Wolfe – <u>eflow44@yahoo.com</u> 3103 Benson Mill Road Upperco, MD 21155

RE:

Petition for Administrative Variance

Case No. 2024-0098-A

Property: 3103 Benson Mill Road

Dear Mr. and Mrs. Wolfe:

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

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

ANDREW M. BELT Administrative Law Judge for Baltimore County

AMB:dlw Enclosure

c: Maureen Kelly, 10404 Stevenson Road, Stevenson, MD 21153

IN RE: PETITION FOR ADMIN. VARIANCE
(3103 Benson Mill Road)

5<sup>th</sup> Election District
3<sup>rd</sup> Council District
Edwin & Linda Wolfe

Petitioners

\* BEFORE THE

\* OFFICE OF ADMINISTRATIVE

\* HEARINGS FOR

\* BALTIMORE COUNTY

\* CASE NO. 2024-0098-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 Edwin and Linda Wolfe ("Petitioners") for the property located at 3103 Benson Mill Road, Upperco, Maryland (the "Property"). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR"), Section 400.3, to permit an accessory building (detached pole building) with a height of 21 ft. in lieu of the maximum allowed 15 ft. The Property is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1. Street view photographs showing the area of the proposed pole barn were provided. (Pet. Exhibit 2). The property is 02.48 acres and is Agricultural (RC 2) which contemplates the proposed type of pole barn. A Zoning Advisory Committee ("ZAC") comment was received from the Department of Environmental Protection and Sustainability ("DEPS"), dated April 30, 2024, indicating that comments regarding ground water management, floodplains, forest conservation regulations, wetlands and a Single Lot Declaration of Intent will need to be addressed during the permitting process.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted, 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 Section 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 Site Plan, proposed elevations, and affidavit submitted provide sufficient facts that comply with the requirements of BCZR, Section 307.1. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the proposed accessory structure (detached pole building) height or location, I will impose conditions that the detached pole building shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, will not have separate electric or utility connections, or 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 <u>8<sup>th</sup></u> day of **May**, **2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Baltimore County Zoning Regulations ("BCZR"), Section 400.3, to permit an accessory building (detached pole building) with a height of 21 ft. in lieu of the maximum allowed 15 ft., be, and they are each hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. 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.

- 2. Petitioners and/or subsequent owners shall not convert the detached pole building into a dwelling unit or apartment. The detached pole building shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- 3. The detached pole building shall not have a separate utility/electric meter; it shall connect to the utility and electric in the house.
- 4. The detached pole building shall be used to store farm equipment and farm materials/supplies. The pole building shall not be used for commercial or industrial purposes. The pole building shall not be used to sell products on a wholesale or retail basis. The pole building shall not be used as a service garage to repair or service vehicles or equipment.
- 5. Petitioners and/or subsequent owners shall comply with the DEPS ZAC Comment, dated April 30, 2024; a copy of which is 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.

ANDREW M. BELT

Administrative Law Judge for

**Baltimore County** 

AMB:dlw



#### BALTIMORE COUNTY, MARYLAND

#### **Inter-Office Correspondence**

RECEIVED

ADMINISTRATIVE HEARINGS

TO:

Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

April 26, 2024

SUBJECT:

DEPS Comment for Zoning Item

# 2024-0098-A

Address:

3103 BENSON MILL RD

Legal Owner: Edwin & Linda Wolfe

Zoning Advisory Committee Meeting of April 26, 2024.

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
  - 'Ground Water Management approval must be obtained prior to approval of the building permit. Requirements for approval will include submission of a site plan that meets GWM site plan requirements, and an OSDS inspection report locating all septic system components.

#### Additional Comments:

Reviewer: Rochelle V. Underwood

- 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).
- $\mathbf{X}$ 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:

Streams and possible wetlands exist in in the vicinity of the proposed pole barn. Any building or construction must be a minimum of 100 feet from any stream and 25 feet from any nontidal wetland.

Forest Conservation Regulations for this development activity (i.e. permit) may be addressed by filing a Single Lot Declaration of Intent.

Reviewer: Glenn Shaffer



#### **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 2402 Dances Mill Dd	Currently Zanad DC3
Address 3103 Benson Mill Rd	Currently Zoned RC2
Deed Reference 40079 / 00487	10 Digit Tax Account # <u>2200002045</u>
Owner(s) Printed Name(s) Wolfe. Linda M Wolfe Edwin K	
(SELECT THE HEARING(S) BY MARKING X AT TH	HE 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 B hereof, hereby petition for an:	Baltimore County and which is described in the plan/plat attached hereto and made a part
1X ADMINISTRATIVE VARIANCE from Section(s) Section 400.3 height requirement of 15 ft on accessory building.	
of the zoning regulations of Baltimore County, to the zoning law	of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to approve a work in this space: i.e., to raze, alter or construct addition to but	waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of illding)
of the zoning regulations of Baltimore County, to the zoning law	of Baltimore County.
Baltimore County adopted pursuant to the zoning law for Baltimore Edwin K Wolfe/Line	osting, etc. and further agree to be bound by the zoning regulations and restrictions of
Signature #1	Signature # 2
3103_Benson Mill RdUpper Mailing Address City	
	eflow44@yahoo.com
Zip Code Telephone #'s (Cell and Home)	Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be Contacted:
Name - Type or Print	Name - Type or Print Kelly
Signature	Signature 10404 Stevenson Road Stevenson
Mailing Address City Sta	,
Zip Code Telephone # Email Address	
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
	r found to be required, it is ordered by the Office of Administrative Hearings for
advertised, and re-posted as required by the zoning regulations	of Baltimore County. that the subject matter of this petition be set for a public hearing,
	Administrative Law Judge for Baltimore County
Case Number 2 24-098- A Filing Date 4	Losing Stimated Posting Date 4 121 124 Reviewer All

## 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: 3103 Benson Mill Rd	Upperco	MD	21155
Print or Type Address of Property	City	State	Zip Code
Based upon personal knowledge, the follow Variance at the above address. (Clearly s			for an <b>Administrative</b>
I am requesting a variance on the height of 400.3 restricts the height to 15 ft., I am as		to accommodate a second	floor. Zoning section
The cost of building material has risen so r 32ft to fit within my budget. To make up for and work space.			
The pole building will be located on 92 acr located behind our main house below the			ad. The building will be
(If additional space for the petition requ	est or the above stateme	ent is needed, label and a	ttach it to this Form)
Signature of Owner (Affiant)  Column K Wolfe  Name - Print or Type	K wolfe	gnature of Owner (Affiant) fulle U. Wolfe Linda M. Wolfe	Name - Print or Type
The following information is	to be completed by a	Notary Public of the St	ate of Maryland
STATE OF MARYLAND, COUNTY OF BA	LTIMORE, to wit:		
I HEREBY CERTIFY, this day and for the County aforesaid, personally ap	peared:	,	ne a Notary of Maryland, in
Print name(s) here:	WOLFE, LINDI	4 MINOUFE	
the Affiant(s) herein, personally known or s	atisfactorily identified to m	ne as such Affiant(s).	
AS WITNESS my hand and Notaries Seal	July Strains Solow	JONES EN SE	
Pùblic 05-27-25	The August	O Z	

Commission Expires

# **Zoning Property Description to Accompany Variance Submission for Maximum Height of 21-feet**

Baltimore County Office Building 111 West Chesapeake Avenue Towson, MD 21204 Attention: Zoning, Room 124 410-887-3391

To Baltimore County Zoning,

Part A

Zoning Property Description For, 3103 Benson Mill Road, Upperco, MD 21155

Beginning at a point on the South East side of Benson Mill Rd which is 15 ft wide at the distance of 530 ft South West of the centerline of the nearest improved intersecting street of Falls Road which is 30 ft wide.

Part B Land Description of property per Deed.

BEGINNING for the same at a stone found planted and marked No. 11 at the beginning of that parcel of land secondly described in a deed dated December 7, 1895 recorded among the Land Records of Baltimore County, Maryland in Liber L.M.B. No. 214 at Folio 192, which was conveyed by William H. Burke to J. Milton Benson, said point being also the end of the first line of that parcel of land firstly described in the above mentioned deed, and running thence binding reversely along the first line of that parcel of land firstly described in the above mentioned deed and along part of the last line of that parcel of land which by deed dated August 8, 1911 recorded among the aforesaid Land Records in Liber W.P.C. No. 383 at Folio 174, was conveyed by Elizabeth A. Naylor, Trustee, to J. Milton Benson, as now surveyed, south 09 degrees 47 minutes 30 seconds west 1132.92 feet to a stone found planted at the end of the fourteenth or north 56 degrees 46 minutes 40 seconds east 296.36 feet line of that parcel of land which by deed dated May 9, 1954 recorded among the aforesaid Land Records in Liber G.L.B. No. 2481 at Folio 571, was conveyed by Howard R. Cole and Marie P. Cole, his wife, to Robert E. Lee and Dorothy R. Lee, his wife, thence binding reversely along the fourteenth, thirteenth, twelfth, eleventh, tenth and ninth lines of that parcel of land described in the above last mentioned deed, as now surveyed the six following courses and distances, viz: (1) south 65 degrees 16 minutes 15 seconds west 296.36 feet, (2) south 37 degrees 26 minutes 35 seconds west 460.07 feet to a stone found planted, (3) south 19 degrees 17 minutes 30 seconds east 404.60 feet to a stone found planted, (4) south 08 degrees 05 minutes 20 seconds west 277.17 feet to a stone found planted, (5) south 73 degrees 14 minutes 40 seconds east 103.71 feet to a stone found planted, and south 21 degrees 43 minutes 12 seconds west 392.25 feet to a stone found planted at the beginning of the fourth line of that parcel of land described in the above second mentioned deed, thence binding along said fourth line and reversely along the eighth line of that parcel of land firstly described in the above first mentioned deed, as now surveyed, north 54 degrees 21 minutes 26 seconds west 920.13 feet to a stone found planted at the beginning of the third line of that parcel of land which by deed dated December 22, 1953 recorded among the aforesaid Land Records in Liber G.L.B. No. 2409 at Folio 303 was conveyed by William Ward Wortman and Bonnie Wortman, his wife, to Watson J. Perry and Edward J. Perry and Marian J. Perry, thence binding along the third and fourth lines of said deed and reversely along the seventh and sixth lines of that parcel of land firstly described in the above first mentioned deed, and along the fence line there existing as now surveyed, the two following courses and distances, viz: (1) north 82 degrees 27 minutes 08 seconds west 889.30 feet to a stone found planted, and (2) north 67 degrees 27 minutes 35 seconds west 498.37 feet to a stone found planted, thence binding along the fifth and sixth lines of that parcel of land described in the above last mentioned deed and along the fence line there existing, as now surveyed, the two following courses and distances, viz: (1) north 50 degrees 45 minutes 00 seconds west 18.65 feet to an iron pipe found planted, and (2) north 13 degrees 38 minutes 08 seconds cast 910.50 feet to a point in the center line of Benson Mill Road at the beginning of the fourteenth line of that parcel of land which by deed dated August 11, 1965 recorded among the aforesaid Land Records in Liber O.T.G. No. 4501 at Folio 304 was conveyed by Nina Hoyt Scruton and husband to Alfred L. Mathias and wife, thence binding along the fourteenth and fifteenth lines of said deed and along the center line of Benson Mill Road, as now surveyed, the two following courses and distances, viz: (1) north 86 degrees 50 minutes 58 seconds east 229.11 feet, and (2) north 69 degrees 17 minutes 09 seconds east 234.54 feet to the end thereof, thence binding along the sixteenth line of that parcel of land described in the above last mentioned deed and along the tenth line of that parcel of land which by deed dated August 20, 1953 recorded among the aforesaid Land Records in Liber G.L.B. No. 2346, at Folio 499 was conveyed by Henry J. Schnorbus and Nellie Schnorbus, his wife, to Edward W. Stockhausen and Thelma W. Stockhausen, his wife, and along the aforesaid center line of Benson Mill Road north 66 degrees 21 minutes 00 seconds east 325.00 feet, thence binding along the eleventh, twelfth, thirteenth and fourteenth lines of that parcel of land described in the above last mentioned deed and along the aforesaid center line of Benson Mill Road, the four following courses and distances, viz: (1) north 64 degrees 09 minutes 52 seconds east 141.93 feet, (2) north 58 degrees 18 minutes 00 seconds east 265 feet, (3) north 53 degrees 56 minutes 00 seconds east 524.00 feet, and (4) north 66 degrees 31 minutes 59 seconds east 458.34 feet to the end thereof and to the beginning of the fourth line of that parcel of land secondly described in the above first mentioned deed, thence binding along the fourth and fifth lines of said parcel of land and along the aforesaid center line of Benson Mill Road, as now surveyed, the two following courses and distances, viz: (1) north 77 degrees 04 minutes 00 seconds east 144.72 feet, and (2) south 82 degrees 59 minutes 20

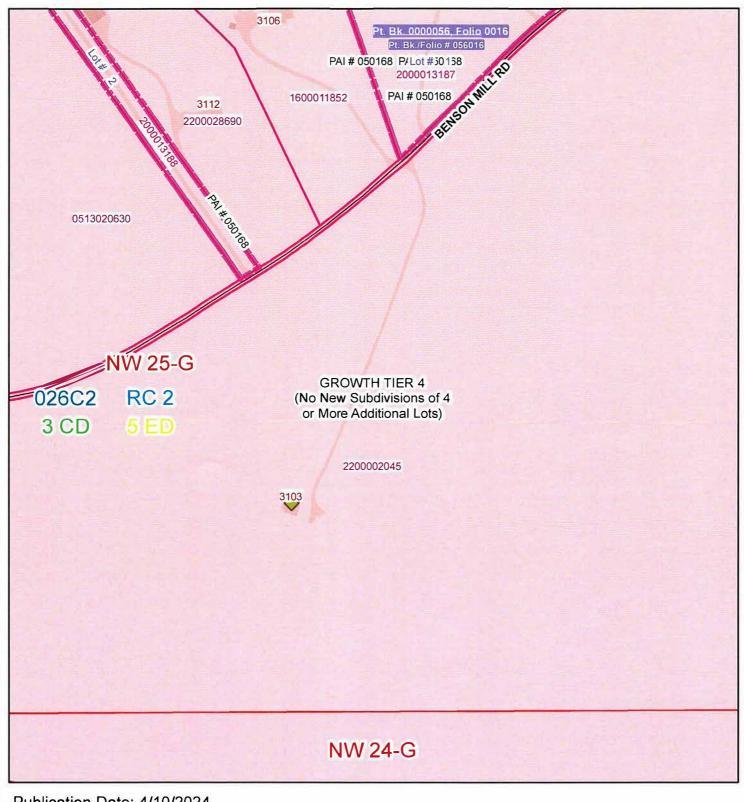
seconds east 222.75 feet to the end thereof, thence binding along the sixth line of the aforesaid parcel of land secondly described in the above first mentioned deed and along the bed of Benson Mill Road north 62 degrees 30 minutes 40 seconds east 247.50 feet to the end thereof and to a point on the south edge of paving of the Benson Mill Road, thence binding along the seventh or last line of the aforesaid parcel of land secondly described in the above first mentioned deed, as now surveyed, south 25 degrees 14 minutes 20 seconds east 134.75 feet to the place of beginning, containing 92.49 acres of land more or less.

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

## **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case N	lumber: 2024	- 0098	-A	Address	3103 BENSON MILL RD	
Contac	ct Person:	Planner, Please Jesse Krout	Print Your	Name	Phone Nu	ımber: 410-887-3391
Filing I	Date: 4/10/24	Posti	ng Date:	4/21/24	Closing Date:	5/6/24
		this office regard ) using the case n		tatus of the	administrative variance s	should be through the
1.	petitioner is resp sign posters on zoning notice si	oonsible for all pri the approved list	nting/pos and the p e on the	sting costs. petitioner is property c	ne sign posters on the a Any reposting must be do again responsible for all on or before the posting	one only by one of the associated costs. The
2.	file a formal requ		earing. P	lease under	ghbor (occupant or ownerstand that even if there is sing date.	
3.	may: (a) grant to for a public hea notification as to	he requested relie ring. If all Count o whether the pet usually made with	f; (b) den cy/State a tition has	y the reque agencies' co been grant	ed by the Administrative ested relief; or (c) order the emments are received, you ded, denied, or will proceed on the written of the written	at the matter be set in u will receive written ed to a public hearing.
4.	to a neighbor's forwarded to yo and location. As	formal request on the sign on the	or by ord e propert as origina	ler of the a ty must be ally posted,	s that must go to a public Administrative Law Judge changed giving notice of t certification of this change	), notification will be the hearing date, time
Petitio	oner: This Part of	the Form is for th	ne Sign Po	ster Only (	Detach Along Dotted Line)	
		USE THE ADN	/IINISTRA	TIVE VARIA	NCE SIGN FORMAT	
Case N	lumber:	-A Add	lress			
Petitio	ner's Name:					
Postin	g Date:		Closing E	Date:		
Wordi	ng for Sign: To Pe	ermit				
-						
<del>( )</del>						
-						

## 3103 Benson Rd



Publication Date: 4/10/2024



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



0 65 130 260 390 520 Feet

1 inch = 230.166246 feet

#### Real Property Data Search () Search Result for BALTIMORE COUNTY

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: AGRICULTURAL TRANSFER TAX FCMA PENALTY

Account Identifier:

District - 05 Account Number - 2200002045

**Owner Information** 

Owner Name:

WOLFE LINDAM WOLFE EDWIN K Use:

AGRICULTURAL

3103 BENSON MILL RD

Principal Residence: Deed Reference:

/40079/ 00487

YES

Mailing Address:

UPPERCO MD 21155-9310

**Location & Structure Information** 

3103 BENSON MILL RD UPPERCO 21155-9315

Legal Description:

92.486 AC SES BENSON MILL RD

400 SW FALLS RD

Premises Address:

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:

Plat Ref:

0026 0012 0030 5050006.04

0000

2023

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

1901 3,316 SF

92.4800 AC

StoriesBasementType

ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements

2 NO STANDARD UNITSIDING/3 2 full/ 2 half 1 Attached

#### Value Information

	Base Value	Value	Phase-in Asses	sments
		As of 01/01/2023	As of 07/01/2023	As of 07/01/2024
Land:	121,300	125,800		
Improvements	321,100	390,400		
Total:	442,400	516,200	467,000	491,600
Preferential Land:	26,800	26,800		

#### **Transfer Information**

Seller: WOLFE LINDA M	Date: 03/27/2018	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /40079/ 00487	Deed2:
Seller: MATHIAS MICHAEL B	Date: 09/17/2014	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /35371/ 00475	Deed2:
Seller: MATHIAS MICHAEL B	Date: 09/30/1992	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /09386/ 00541	Deed2:

#### **Exemption Information**

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

FCMA PENALTY

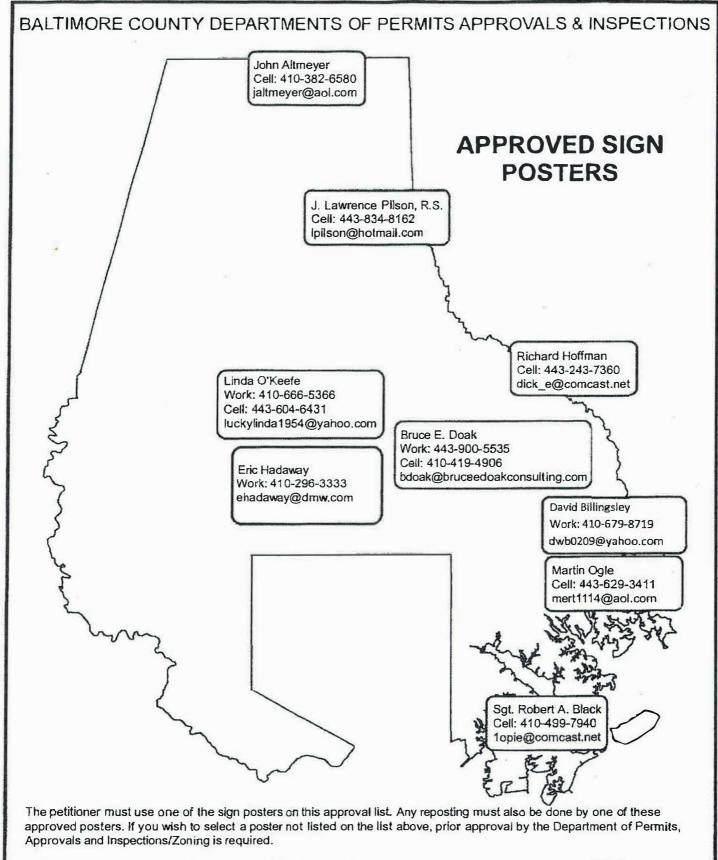
#### **Homestead Application Information**

Homestead Application Status: Application received 03/14/2023

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:



This department is not associated with any of the above posters, nor do we recommend any specific one. We do suggest that you contact a number of them to compare prices, since their charges may vary.

Rev 9/22/2022



# Permits, Approvals and Inspections

111 W CHESAPEAKE AVE TOWSON, MD 21204 4108873353 WWW.BALTIMORECOUNTYMD.GO V

Cashier: Jason S. 15-Mar-2024 2:29:33P

Transaction 102198
1 Revised Peition

\$75.00

Documents

Total \$75.00

CREDIT CARD SALE

\$75.00

VISA 2973

Retain this copy for statement validation

Station: Permit Processing - Mini

15-Mar-2024 2:29:40P \$75.00 | Method: EMV VISA CREDIT

XXXXXXXXXXXX2973

MAUREEN KELLY

Reference ID: 407500557729

Auth ID: 015130 MID: \*\*\*\*\*\*\*2995 AID: A0000000031010 AthNtwkNm: VISA SIGNATURE

Clover ID: VT51E0EG4VSYW



#### **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 2402 Dances Mill Dd	Currently Zanad DC3
Address 3103 Benson Mill Rd	Currently Zoned RC2
Deed Reference 40079 / 00487	10 Digit Tax Account # <u>2200002045</u>
Owner(s) Printed Name(s) Wolfe. Linda M Wolfe Edwin K	
(SELECT THE HEARING(S) BY MARKING X AT TH	HE 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 B hereof, hereby petition for an:	Baltimore County and which is described in the plan/plat attached hereto and made a part
1X ADMINISTRATIVE VARIANCE from Section(s) Section 400.3 height requirement of 15 ft on accessory building.	
of the zoning regulations of Baltimore County, to the zoning law	of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to approve a work in this space: i.e., to raze, alter or construct addition to but	waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of illding)
of the zoning regulations of Baltimore County, to the zoning law	of Baltimore County.
Baltimore County adopted pursuant to the zoning law for Baltimore Edwin K Wolfe/Line	osting, etc. and further agree to be bound by the zoning regulations and restrictions of
Signature #1	Signature # 2
3103_Benson Mill RdUpper Mailing Address City	
	eflow44@yahoo.com
Zip Code Telephone #'s (Cell and Home)	Email Address
Attorney for Owner(s)/Petitioner(s):	Representative to be Contacted:
Name - Type or Print	Name - Type or Print Kelly
Signature	Signature 10404 Stevenson Road Stevenson
Mailing Address City Sta	,
Zip Code Telephone # Email Address	
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
	r found to be required, it is ordered by the Office of Administrative Hearings for
advertised, and re-posted as required by the zoning regulations	of Baltimore County. that the subject matter of this petition be set for a public hearing,
	Administrative Law Judge for Baltimore County
Case Number 2 24-098- A Filing Date 4	Losing Stimated Posting Date 4 121 124 Reviewer All

## 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: 3103 Benson Mill Rd	Upperco	MD	21155
Print or Type Address of Property	City	State	Zip Code
Based upon personal knowledge, the follow Variance at the above address. (Clearly s			for an <b>Administrative</b>
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(If additional space for the petition requ	est or the above stateme	ent is needed, label and a	ttach it to this Form)
Signature of Owner (Affiant)  Column K Wolfe  Name - Print or Type	K wolfe	gnature of Owner (Affiant) fulle U. Wolfe Linda M. Wolfe	Name - Print or Type
The following information is	to be completed by a	Notary Public of the St	ate of Maryland
STATE OF MARYLAND, COUNTY OF BA	LTIMORE, to wit:		
I HEREBY CERTIFY, this day and for the County aforesaid, personally ap	peared:	,	ne a Notary of Maryland, in
Print name(s) here:	WOLFE, LINDI	4 MINOUFE	
the Affiant(s) herein, personally known or s	atisfactorily identified to m	ne as such Affiant(s).	
AS WITNESS my hand and Notaries Seal	July Strains Solow	JONES STATES	
Pùblic 05-27-25	The August	O Z	

Commission Expires

# **Zoning Property Description to Accompany Variance Submission for Maximum Height of 21-feet**

Baltimore County Office Building 111 West Chesapeake Avenue Towson, MD 21204 Attention: Zoning, Room 124 410-887-3391

To Baltimore County Zoning,

Part A

Zoning Property Description For, 3103 Benson Mill Road, Upperco, MD 21155

Beginning at a point on the South East side of Benson Mill Rd which is 15 ft wide at the distance of 530 ft South West of the centerline of the nearest improved intersecting street of Falls Road which is 30 ft wide.

Part B Land Description of property per Deed.

BEGINNING for the same at a stone found planted and marked No. 11 at the beginning of that parcel of land secondly described in a deed dated December 7, 1895 recorded among the Land Records of Baltimore County, Maryland in Liber L.M.B. No. 214 at Folio 192, which was conveyed by William H. Burke to J. Milton Benson, said point being also the end of the first line of that parcel of land firstly described in the above mentioned deed, and running thence binding reversely along the first line of that parcel of land firstly described in the above mentioned deed and along part of the last line of that parcel of land which by deed dated August 8, 1911 recorded among the aforesaid Land Records in Liber W.P.C. No. 383 at Folio 174, was conveyed by Elizabeth A. Naylor, Trustee, to J. Milton Benson, as now surveyed, south 09 degrees 47 minutes 30 seconds west 1132.92 feet to a stone found planted at the end of the fourteenth or north 56 degrees 46 minutes 40 seconds east 296.36 feet line of that parcel of land which by deed dated May 9, 1954 recorded among the aforesaid Land Records in Liber G.L.B. No. 2481 at Folio 571, was conveyed by Howard R. Cole and Marie P. Cole, his wife, to Robert E. Lee and Dorothy R. Lee, his wife, thence binding reversely along the fourteenth, thirteenth, twelfth, eleventh, tenth and ninth lines of that parcel of land described in the above last mentioned deed, as now surveyed the six following courses and distances, viz: (1) south 65 degrees 16 minutes 15 seconds west 296.36 feet, (2) south 37 degrees 26 minutes 35 seconds west 460.07 feet to a stone found planted, (3) south 19 degrees 17 minutes 30 seconds east 404.60 feet to a stone found planted, (4) south 08 degrees 05 minutes 20 seconds west 277.17 feet to a stone found planted, (5) south 73 degrees 14 minutes 40 seconds east 103.71 feet to a stone found planted, and south 21 degrees 43 minutes 12 seconds west 392.25 feet to a stone found planted at the beginning of the fourth line of that parcel of land described in the above second mentioned deed, thence binding along said fourth line and reversely along the eighth line of that parcel of land firstly described in the above first mentioned deed, as now surveyed, north 54 degrees 21 minutes 26 seconds west 920.13 feet to a stone found planted at the beginning of the third line of that parcel of land which by deed dated December 22, 1953 recorded among the aforesaid Land Records in Liber G.L.B. No. 2409 at Folio 303 was conveyed by William Ward Wortman and Bonnie Wortman, his wife, to Watson J. Perry and Edward J. Perry and Marian J. Perry, thence binding along the third and fourth lines of said deed and reversely along the seventh and sixth lines of that parcel of land firstly described in the above first mentioned deed, and along the fence line there existing as now surveyed, the two following courses and distances, viz: (1) north 82 degrees 27 minutes 08 seconds west 889.30 feet to a stone found planted, and (2) north 67 degrees 27 minutes 35 seconds west 498.37 feet to a stone found planted, thence binding along the fifth and sixth lines of that parcel of land described in the above last mentioned deed and along the fence line there existing, as now surveyed, the two following courses and distances, viz: (1) north 50 degrees 45 minutes 00 seconds west 18.65 feet to an iron pipe found planted, and (2) north 13 degrees 38 minutes 08 seconds cast 910.50 feet to a point in the center line of Benson Mill Road at the beginning of the fourteenth line of that parcel of land which by deed dated August 11, 1965 recorded among the aforesaid Land Records in Liber O.T.G. No. 4501 at Folio 304 was conveyed by Nina Hoyt Scruton and husband to Alfred L. Mathias and wife, thence binding along the fourteenth and fifteenth lines of said deed and along the center line of Benson Mill Road, as now surveyed, the two following courses and distances, viz: (1) north 86 degrees 50 minutes 58 seconds east 229.11 feet, and (2) north 69 degrees 17 minutes 09 seconds east 234.54 feet to the end thereof, thence binding along the sixteenth line of that parcel of land described in the above last mentioned deed and along the tenth line of that parcel of land which by deed dated August 20, 1953 recorded among the aforesaid Land Records in Liber G.L.B. No. 2346, at Folio 499 was conveyed by Henry J. Schnorbus and Nellie Schnorbus, his wife, to Edward W. Stockhausen and Thelma W. Stockhausen, his wife, and along the aforesaid center line of Benson Mill Road north 66 degrees 21 minutes 00 seconds east 325.00 feet, thence binding along the eleventh, twelfth, thirteenth and fourteenth lines of that parcel of land described in the above last mentioned deed and along the aforesaid center line of Benson Mill Road, the four following courses and distances, viz: (1) north 64 degrees 09 minutes 52 seconds east 141.93 feet, (2) north 58 degrees 18 minutes 00 seconds east 265 feet, (3) north 53 degrees 56 minutes 00 seconds east 524.00 feet, and (4) north 66 degrees 31 minutes 59 seconds east 458.34 feet to the end thereof and to the beginning of the fourth line of that parcel of land secondly described in the above first mentioned deed, thence binding along the fourth and fifth lines of said parcel of land and along the aforesaid center line of Benson Mill Road, as now surveyed, the two following courses and distances, viz: (1) north 77 degrees 04 minutes 00 seconds east 144.72 feet, and (2) south 82 degrees 59 minutes 20

seconds east 222.75 feet to the end thereof, thence binding along the sixth line of the aforesaid parcel of land secondly described in the above first mentioned deed and along the bed of Benson Mill Road north 62 degrees 30 minutes 40 seconds east 247.50 feet to the end thereof and to a point on the south edge of paving of the Benson Mill Road, thence binding along the seventh or last line of the aforesaid parcel of land secondly described in the above first mentioned deed, as now surveyed, south 25 degrees 14 minutes 20 seconds east 134.75 feet to the place of beginning, containing 92.49 acres of land more or less.

# CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 4/21/2024

Case Number: 2024-0098-A

Petitioner / Developer: RATCLIFFE ARCHITECTS ~ LINDA & EDWIN

<u>WOLFE</u>

Date of Closing: MAY 6, 2024

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: 3103 BENSON MILL ROAD

The sign(s) were posted on: APRIL 21, 2024



Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, MD 21030

(City, State, Zip of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE: April 26, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0098-A

Address: 3103 BENSON MILL RD Legal Owner: Edwin & Linda Wolfe

Zoning Advisory Committee Meeting of April 26, 2024.

- $\underline{X}$  The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
  - 'Ground Water Management approval must be obtained prior to approval of the building permit. Requirements for approval will include submission of a site plan that meets GWM site plan requirements, and an OSDS inspection report locating all septic system components.

#### Additional Comments:

Reviewer: Rochelle V. Underwood

- <u>X</u> 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).
- <u>X</u> 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:

Streams and possible wetlands exist in in the vicinity of the proposed pole barn. Any building or construction must be a minimum of 100 feet from any stream and 25 feet from any nontidal wetland.

Forest Conservation Regulations for this development activity (i.e. permit) may be addressed by filing a Single Lot Declaration of Intent.

Reviewer: Glenn Shaffer

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: April 22, 2024

Department of Permits, Approvals

**FROM:** Vishnu Desai, Supervisor

Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting

Case 2024-0098-A

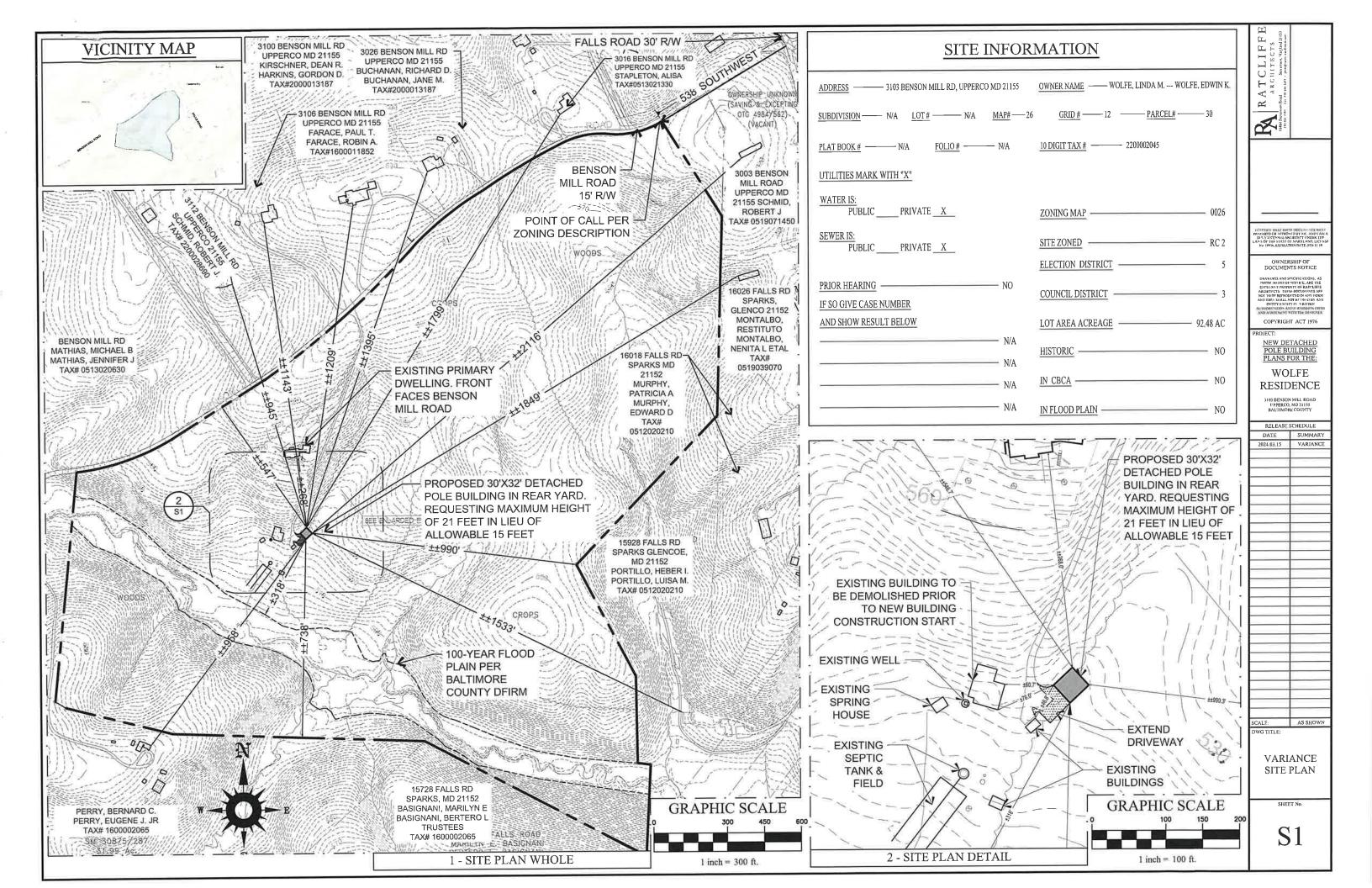
The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

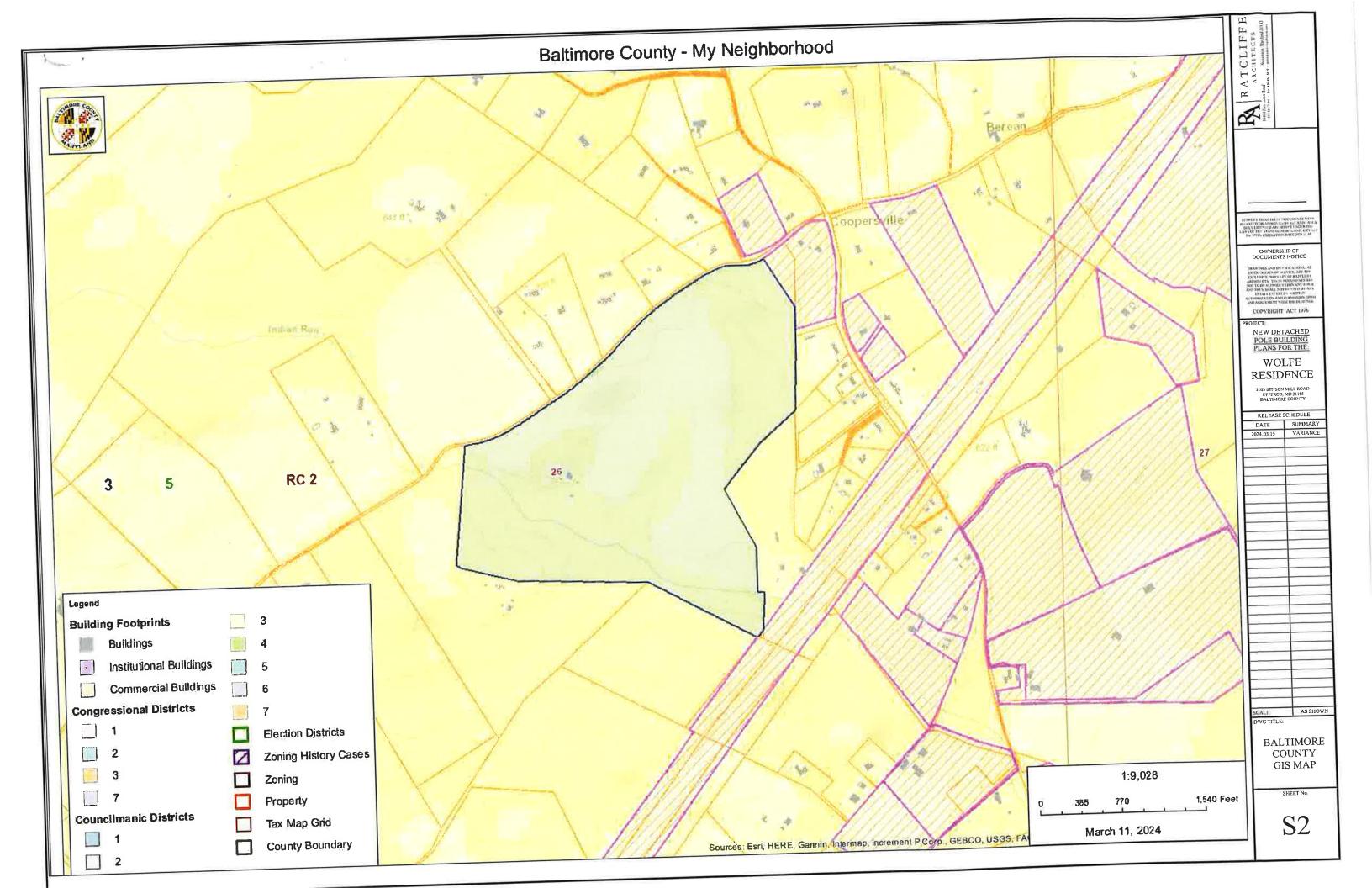
**DPR:** No comment.

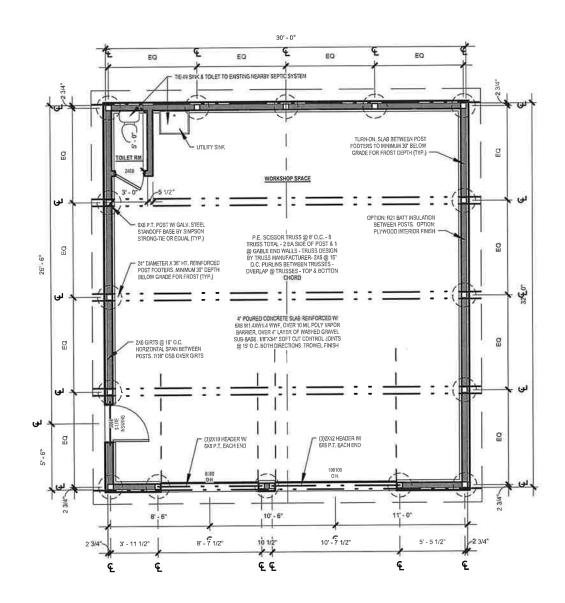
**DPW-T:** No Exception taken.

Landscaping: No comment.

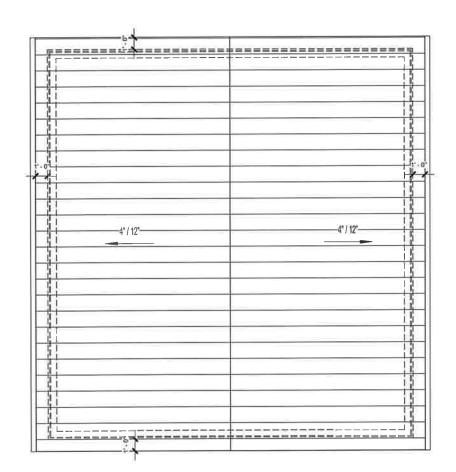
Recreations & Parks: No Greenways affected.







1/8" = 1'-0"



2 PROPOSED ROOF PLAN
1/8" = 1'-0"

RATCLIFF luttle Stave And 44 p.

OWNERSHIP OF DOCUMENTS NOTICE

NEW DETACHED POLE BUILDING PLANS FOR THE: WOLFE

RESIDENCE

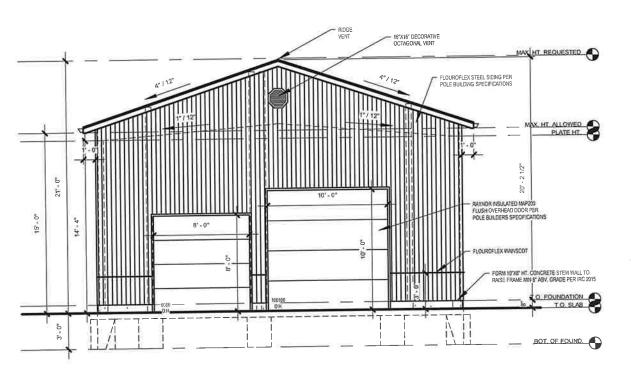
RELEASE SCHEDULE 03.15.2024 VARIANCE

SCALE: 1/8" = 1'-0"

DWG TITLE:

PROPOSED PLANS

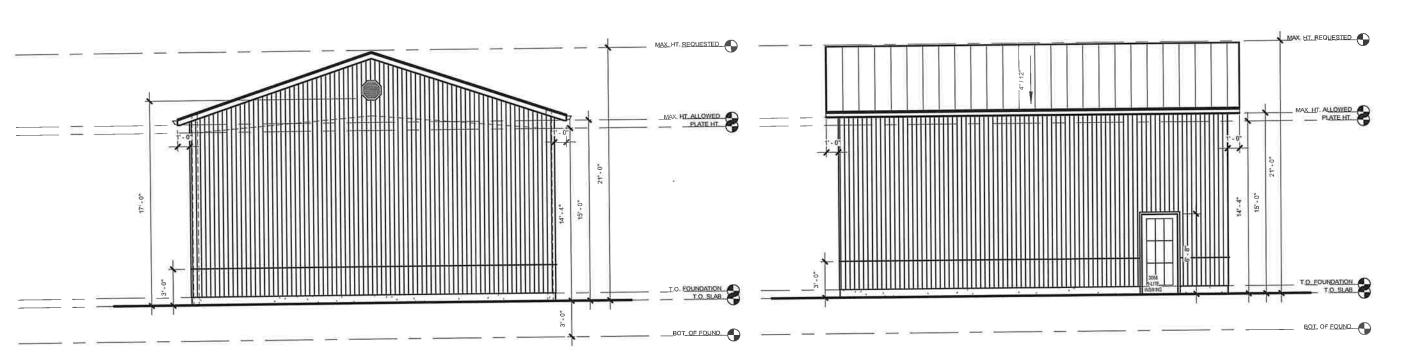
**A**1



MAX HT. REQUESTED MAX. HT. ALLOWED PLATE HT. T.O. FOUNDATION T.O. SLAB BOT, OF FOUND.

1-FRONT ELEVATION 1/8" = 1'-0"

2-RIGHT SIDE ELEVATION 1/8" = 1'-0"



3 3-REAR ELEVATION 1/8" = 1'-0"

4-LEFT SIDE ELEVATION 1/8" = 1'-0"

RATCLIFFE ARCHITECTS

OWNERSHIP OF DOCUMENTS NOTICE

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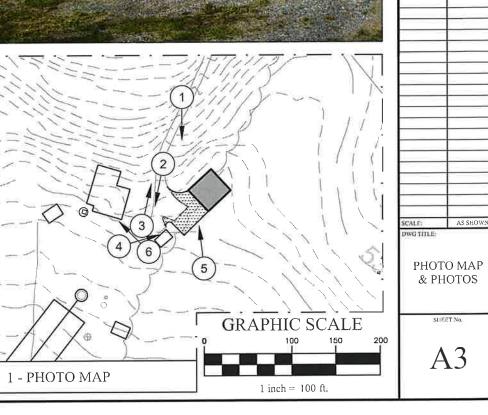
NEW DETACHED POLE BUILDING PLANS FOR THE:

WOLFE RESIDENCE

DWG TITLE:

PROPOSED ELEVATIONS





WOLFE RESIDENCE

3103 DENSON MILL, ROAD UPPERCO, MD 21155 BALTIMORE COUNTY

RELEASE SCHEDULE		
DATE	SUMMARY	
2024,03,15	VARIANCE	
SCALE:	AS SHOWN	
DWG TITLE:		

A3