



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

August 28, 2024

Lawrence E. Schmidt, Esquire – lschmidt@sgs-law.com
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petition for Administrative Variance
Case No. 2024-0109-A – FORMAL DEMAND FILED
Property: 2223 Corbett Road

Dear Mr. Schmidt:

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,

A handwritten signature in blue ink, appearing to read "Derek J. Baumgardner", is written over a blue circular stamp that matches the Baltimore County seal.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure

c: Michael McCann, Esquire – michael@mmccannlaw.net
Shannon J. Posner - sjposner@posner-law.com
Dwight Hanna - dwighthanna2@gmail.com
KariAnn Lynne - k-allynne@comcast.net
Kirsten Burger - kirstenaburger@gmail.com
Marge Day - jday3241@aol.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(2223 Corbett Road)		
10 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Shannon & Emily Posner	*	HEARINGS FOR
<i>Legal Owners</i>		
	*	BALTIMORE COUNTY
Petitioners		
	*	CASE NO. 2024-0109-A

* * * * *

OPINION AND ORDER

This matter came before the Office of Administrative Hearings for Baltimore County (“OAH”) for consideration of a Petition for Administrative Variance filed by Shannon and Emily Posner (“Petitioners”), owners of the property known as 2223 Corbett Road, Monkton, Baltimore, County, Maryland (“the Property”). Petitioners are requesting Variance relief pursuant to Baltimore County Zoning Regulations (“BCZR”) §§ 400.1 and 400.3, to permit an accessory building with a height of 24 ft. in lieu of the maximum height for accessory buildings of 15 ft., and to locate that accessory building in the front yard in lieu of the required rear yard.

The property was properly posted with a Notice setting forth the requested variance relief and a Formal Hearing Demand was requested by adjacent neighboring property owners. The unsigned request for public hearing contains the names and addresses of fifteen (15) community members.

A public hearing was held on August 22, 2024, using the virtual platform WebEx in lieu of an in-person hearing. Petitioner, Mr. Posner, appeared at the hearing in support of his Petition. Patrick Richardson of Richardson Engineering, a licensed civil engineer, prepared the Site Plan. Lawrence Schmidt, Esq. represented the Petitioners. Michael McCann, Esq. represented neighboring property owners Margaret and Jack Day, Nina and Dan Booth, and Gordy French.

Although originally opposing the relief requested, certain neighboring property owners came to an agreement with Petitioners regarding the size and location of the proposed accessory building, among other terms. *See* Joint Exhibit 1. Other community members appeared at the hearing but did not testify.

The file contains a letter in opposition filed by the Sparks-Glencoe Community Planning Council dated and received August 19, 2024, which was considered herein. The file contains written comments and photographs from neighboring property owner, Dwight Hanna, in opposition to the Petition. While included in the file, these comments were not considered as they were received after the conclusion of the hearing and the closing of the record. Mr. Hanna did not participate in the hearing and Petitioners did not have the opportunity to respond to the written comments.

The following exhibits were submitted by Petitioners and admitted into the record: (1) Revised Site Plan; (2) Subdivision Plan; (3) Site photographs; (4) Aerial photographs 4a-4c; and (5) 2223 Corbett Road Zoning Case (Case No. 2010-0163-A). The following Zoning Advisory Committee (“ZAC”) comments were submitted by county agencies and admitted in the record: (1) Department of Planning (“DOP”); (2) Department of Environmental Protection and Sustainability (“DEPS”); and (3) Development Plans Review (“DPR”)/Department of Public Works (“DPWT”). Agency comments do not indicate any objection to the granting of the proposed relief. Lastly, recommended conditions of approval were submitted jointly by counsel for the Petitioners and counsel for adjacent property owners/interested persons, marked and admitted as Joint Exhibit 1.

Findings of Fact

The Property is approximately 7.988 acres in land area and is zoned RC-2. The lot was platted by subdivision in 1977 (“Corbett Hill Farms”) and is improved with a detached single-

family dwelling containing 3,997 sq. ft. of above-grade living area originally constructed in 1987. *See* Pet. Exhibit 2; SDAT report. The property slopes significantly from the northeast at Corbett Road to the southwest towards the rear of the lot where the detached single-family home is located. *See* Pet. Exhibit 1. The Property also contains a pond along its western boundary and an underground gas pipeline with associated easement in the southwest corner adjacent to the home in what constitutes the side yard. *Id.* The lot itself is large in size at nearly 8 acres and has the shape of a baseball diamond with the detached single-family dwelling located at “home plate” resulting in a substantial front yard.

The Property has two prior zoning cases in which variance relief was granted for an in-ground pool (2008-0046-A) and an accessory building (2010-0163-A). Both entitlements were granted to predecessors in title with only the pool vesting, as the pool was constructed while the accessory building was not. The subject Petition requests variance relief similar in size, scale, and location to the accessory building approved in 2010-0163-A.

Neighboring property owners had originally contested the Petition and retained counsel. The parties came to agreement regarding the size, scale, and siting of the proposed accessory building (e.g., garage). Petitioners submitted a revised Site Plan (“Redlined Site Plan”) which reduced the size of the proposed garage (50' x 30') and relocated the siting of the building several hundred feet back from Corbett Road. *See* Pet. Exhibit 1. The parties also agreed to certain recommended conditions in the event that the Petition were approved. *See* Joint Exhibit 1. Subject to the revised Site Plan and these conditions, protestants withdrew their opposition.

Mr. Schmidt proceeded by way of modified proffer. Mr. Schmidt described the physical location and contours of the property including the existing improvements, pond, gas pipeline and associated easement, as well as the slope of the land, the orientation of the home, and the purpose

and design of the proposed accessory building (e.g., garage). Mr. Schmidt further described the agreed to terms with neighboring property owners resulting in the revised Site Plan. *See* Pet. Exhibit 1. Mr. Schmidt also contends that principles of collateral estoppel apply to the variance relief requested in the Petition, as similar relief was afforded to prior owners under OAH Case No. 2010-0163-A, specifically in regards to the uniqueness of the property and the practical difficulty imposed by BCZR.

Mr. Posner testified that the proposed garage was to be used for storage of a boat and trailer, tractor, various other yard equipment including personal recreational vehicles, and a recreation area for his family. The height of 24 feet in lieu of the maximum permitted height of 15 feet is proposed to accommodate the boat and other equipment. Photographs of the property were submitted showing the property to be rural residential in character with significant mature vegetation and landscaped buffers, and included some of the items to be stored in the proposed garage. *See* Pet. Exhibit 3a-3af.

Mr. McCann, representing the affected neighboring property owners, stated that the terms articulated by Mr. Schmidt on behalf of Petitioners were accurate, correct, and constitute the full understanding of the parties, and called no additional witnesses. Kirsten Burger, a neighboring property owner, asked questions of the Petitioner. No further testimony was offered in opposition to the Petition.

Conclusions of Law

Pursuant to BCZR § 307.1, "...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with

the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare..." 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).

Principles of collateral estoppel aside, I find that the Property is unique due to its slope, shape, and the siting of the single-family home at the rear of the lot. Constructing the single-family home at the rear of the property in 1987 left only a small portion of rear yard in which to locate additional permitted structures without variance relief, necessitating the two prior zoning cases referred to above. Further, the lot itself is large in size at nearly 8 acres and uniquely shaped in the shape of a baseball diamond with the home located at "home plate" resulting in a substantial front yard for most future improvements. The resulting rear yard restricts the available buildable space for otherwise permitted by right accessory structures. Further, an underground gas pipeline and associated easement precludes construction in much of the side yard further limiting the buildable space to the front yard. The negative slope of the land from northeast to southwest creates a condition in which the height of structures viewed from Corbett Road will appear lower in elevation thus mitigating the minimal height variance requested. This slope is also a unique inherent feature of the land. For these reasons, I find that special circumstances or conditions exist that are peculiar to this property and strict compliance with the Zoning Regulations for Baltimore

County with respect to siting and maximum building height would result in practical difficulty. I further find that the requested variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare as the accessory building will have little impact on the viewshed from Corbett Road or neighboring properties especially given existing vegetative buffers and tree cover enhanced by the condition to maintain these visual buffers as provided below as a condition of approval. In sum, the evidence adduced at the hearing satisfies the requirements under BCZR § 307.1 and the factors articulated under *Cromwell v. Ward*, 102 Md. App. 691 (1995).

THEREFORE, IT IS ORDERED, this 28th day of **August, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Baltimore County Zoning Regulations (“BCZR”) §§ 400.1 and 400.3 to permit an accessory building with a height of 24 ft. to be located in the front yard in lieu of the required rear yard, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

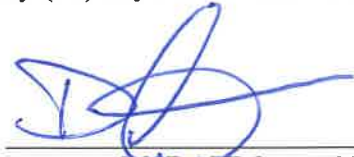
1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition;
2. Petitioners and subsequent owners shall not convert the accessory building into a dwelling unit or apartment except under proper permit. The accessory building shall not contain any sleeping quarters, living area, or kitchen facilities;
3. The accessory building shall not have separate utility or electric connections or meters and shall connect all utilities, electric, or other services to the home unless for reasons of capacity, safety, or other similar reasons separate connections or meters are required or recommended by a utility or service provider;

4. The accessory building shall not be used for commercial or industrial purposes and shall remain accessory to the single-family dwelling;
5. Petitioners shall comply with DEPS ZAC comment attached hereto;

And, pursuant to the agreement of the parties and incorporated herein:

6. The proposed building will be located in the area depicted on the Redlined Site Plan (Petitioner's Exhibit No. 1) and shall not exceed the dimensions/configuration (i.e., length, width, height) as shown on the Plan;
7. The proposed building will not be enlarged or relocated without Petitioners re-filing a zoning petition and seeking approval from the Office of Administrative Hearings ("OAH");
8. The trees located between the building and Corbett Road shall not be removed, except if they become diseased or die, or are in danger of falling or pose a risk to life or property; and
9. Petitioners shall make reasonable efforts in the foreseeable future to repair the fence and remove any dead trees along the property's frontage on Corbett Road.

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



DEREK M. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DMB/dlm



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 Law of Baltimore County for the property located at:

Address 2223 Corbett Road

Currently Zoned RC-2

Deed Reference 40784/342

10 Digit Tax Account # 1700013736

Owner(s) Printed Name(s) Shannon J. Posner and Emily Posner

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

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

1. ☒ **ADMINISTRATIVE VARIANCE** from section(s)

BCZR: 400.1 & 400.3 → To permit an accessory building with a height of 24 feet to be located in the front yard in lieu of the required rear yard placement and maximum height of 15 feet.

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

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

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

Shannon J. Posner / Emily Posner

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature #2

2223 Corbett Road Monkton MD
Mailing Address City State

21111-2033 / 410-790-4624 / sjposner@campustitle.com

Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC Rick Richardson

Name – Type or Print

Signature

7 Deneison Street Timonium MD
Mailing Address City State

21093 / 410-560-1502 / rick@richardsonengineering.net
Zip Code Telephone # Email Address

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

Administrative Law Judge of Baltimore County

CASE NUMBER 2024-0109-A Filing Date 4/22/24 Estimated Posting Date 5/5/24 Reviewer JS

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 to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident **home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:**

Address: 2223 Corbett Road Monkton MD 21111
Print or Type Address of property City State Zip Code

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

The practical difficulty with the garage is that the existing shape and location of the current house being located in the very rear of the property. As with the previous variance granted the hardship is that a garage cannot be located in the rear yard. The size of the garage is going to be sufficient to store various vehicles into it along with having some storage area. The height is necessary to accommodate the size of farm vehicles and is the minimum necessary to accommodate these vehicles. The garage will not have a second story and will not be used for living area.
The location of the garage in the front yard is due to the odd triangular shape of the property, the location of the existing house being in the rear of the property and the Transcontinental Gas Easement through the middle of the property

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

Shannon J. Posner
Signature of Affiant

Shannon J. Posner
Name- Print or Type

Emily Posner
Signature of Affiant

Emily Posner
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 2nd day of April, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Shannon J. Posner & Emily Posner
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) **(Print name(s) here)**

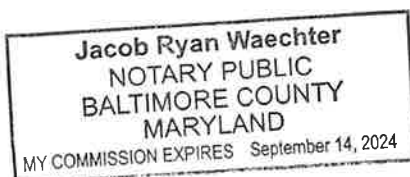
AS WITNESS my hand and Notaries Seal

[Signature]

Notary Public

9/14/2024

My Commission Expires





Richardson
ENGINEERING

CIVIL | COMMERCIAL
RESIDENTIAL
INDUSTRIAL

RICHARDSON ENGINEERING, LLC.
7 DENEISON ST. | TIMONIUM, MD 21093
410-560-1502 | RICHARDSONENGINEERING.NET

**ZONING PROPERTY DESCRIPTION FOR
2223 CORBETT ROAD
3rd ELECTION DISTRICT
10th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning at the point on the South side of Corbett Road which is 70' wide at the distance of 375' west of the centerline of the nearest improved intersecting street Carroll Road which is 70' wide. Being lot #3, in the subdivision of Corbett Hill Farms as recorded in the Baltimore County Plat Book # 41, folio # 118, containing 7.988 acres. Also known as 2223 Corbett Road, Monkton Maryland 21111.

Containing a net area of 347,949 square feet or 7.99 acres +/-.



PROFESSIONAL CERTIFICATION:

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2021

2024-0109-A

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

No. 229546

Date: 4/22/24

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 75.00

Total: \$ 75.00

Rec
From: POSNER

For: 2024-0109-A

2223 CORBETT ROAD

JSS 24-0362

CASHIER'S
VALIDATION

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

8501

SHANNON J. POSNER, P.A.

913 RIDGEBROOK RD., SUITE 308
SPARKS, MD 21152
PH. (410) 472-4000

Bank of America.



ACH R/T 052001633

7-163/520



Seventy Five Dollars & 00/100

DATE

04/02/2024

AMOUNT

\$75.00

PAY
TO THE
ORDER
OF

Baltimore County, Maryland



Shannon J. Posner
AUTHORIZED SIGNATURE

⑈008501⑈ ⑆052001633⑆ 446017689337⑈

Security features. Details on back.

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024 - 0109 -A Address 2223 CORBETT ROAD

Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/22/24 Posting Date: 5/5/24 Closing Date: 5/20/24

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.

Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2024 - 0109 -A Address 2223 CORBETT ROAD

Petitioner's Name: SHANNON + EMILY POSNER Telephone (Cell) RICK RICHARDSON 410-560-1502

Posting Date: 5/5/24 Closing Date: 5/20/24

Wording for Sign: To Permit _____

To permit an accessory building with a height of 24 feet to be located in the front yard in lieu of the required rear yard placement and maximum height of 15 feet.

Revised 1/2022

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/ neighboring 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: 2024-0109-A

Property Address: 2223 CORBETT ROAD

Legal Owners (Petitioners): SHANNON + EMILY POSNER

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): RICHARDSON ENGINEERING

Address: 7 DEWEISON STREET
TIMONIUM, MD 21093

Telephone Number: 410-560-1502

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

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 - 1700013736

Owner Information

Owner Name:	POSNER SHANNON J POSNER EMILY	Use:	RESIDENTIAL
Mailing Address:	2223 CORBETT RD MONKTON MD 21111-2033	Principal Residence:	YES
		Deed Reference:	/40784/ 00342

Location & Structure Information

Premises Address:	2223 CORBETT RD MONKTON 21111-2033	Legal Description:	7.988 AC 2223 CORBETT RD CORBETT HILL FARMS
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Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0029 0014 0111 10020031.04 0000 3 2023 Plat Ref: 0041/ 0118

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1987	3,997 SF	1600 SF	7.9800 AC	04

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	YES	STANDARD UNIT	FRAME/6	4 full/ 1 half	1 Attached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	209,100	340,700		
Improvements	512,900	605,200		
Total:	722,000	945,900	796,633	871,267
Preferential Land:	0	0		

Transfer Information

Seller: POSNER SHANNON J	Date: 10/16/2018	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /40784/ 00342	Deed2:
Seller: COPE TODD M	Date: 03/24/2015	Price: \$998,000
Type: ARMS LENGTH IMPROVED	Deed1: /35968/ 00321	Deed2:
Seller: COPE TODD M	Date: 04/29/2011	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /30759/ 00022	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

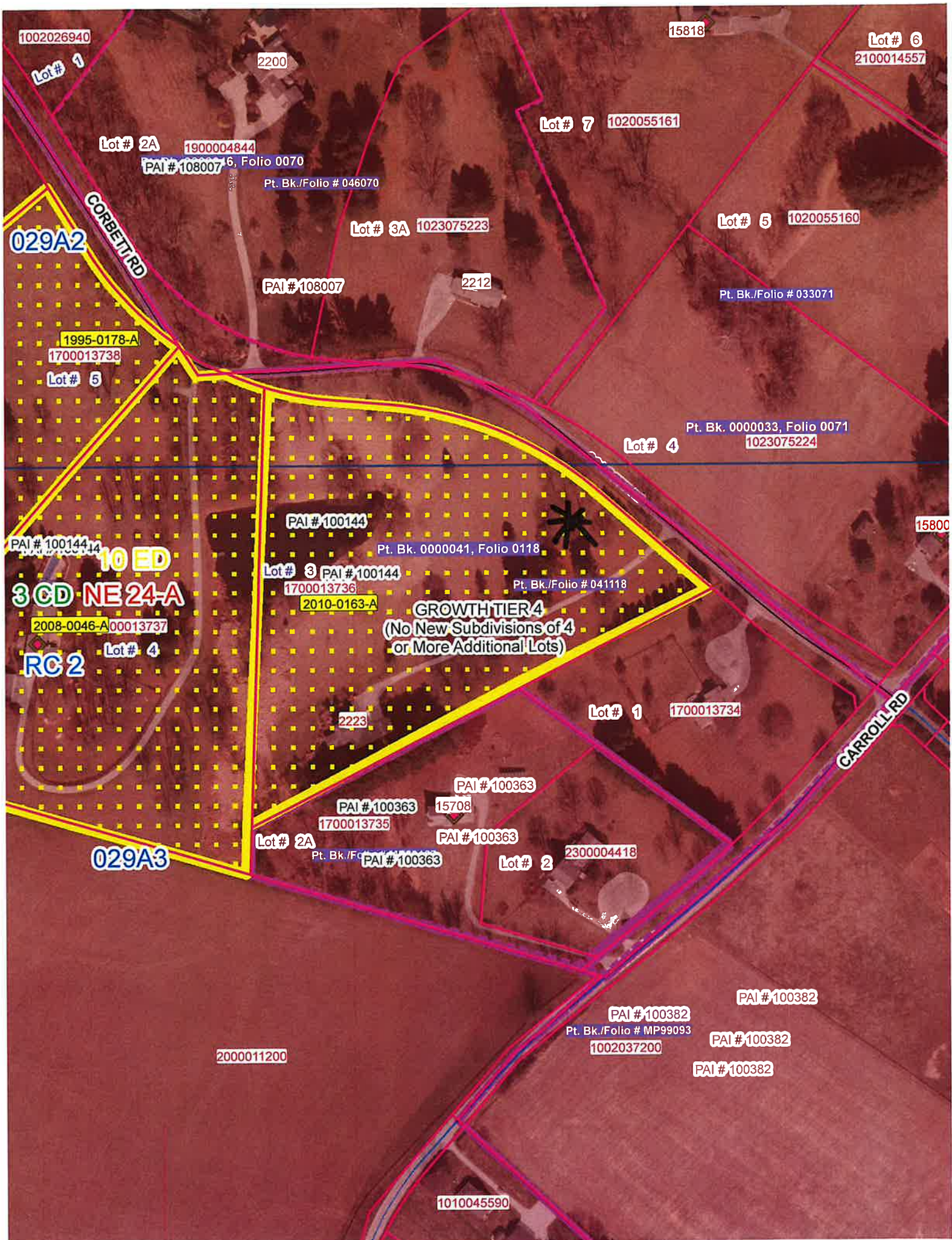
Special Tax Recapture: None

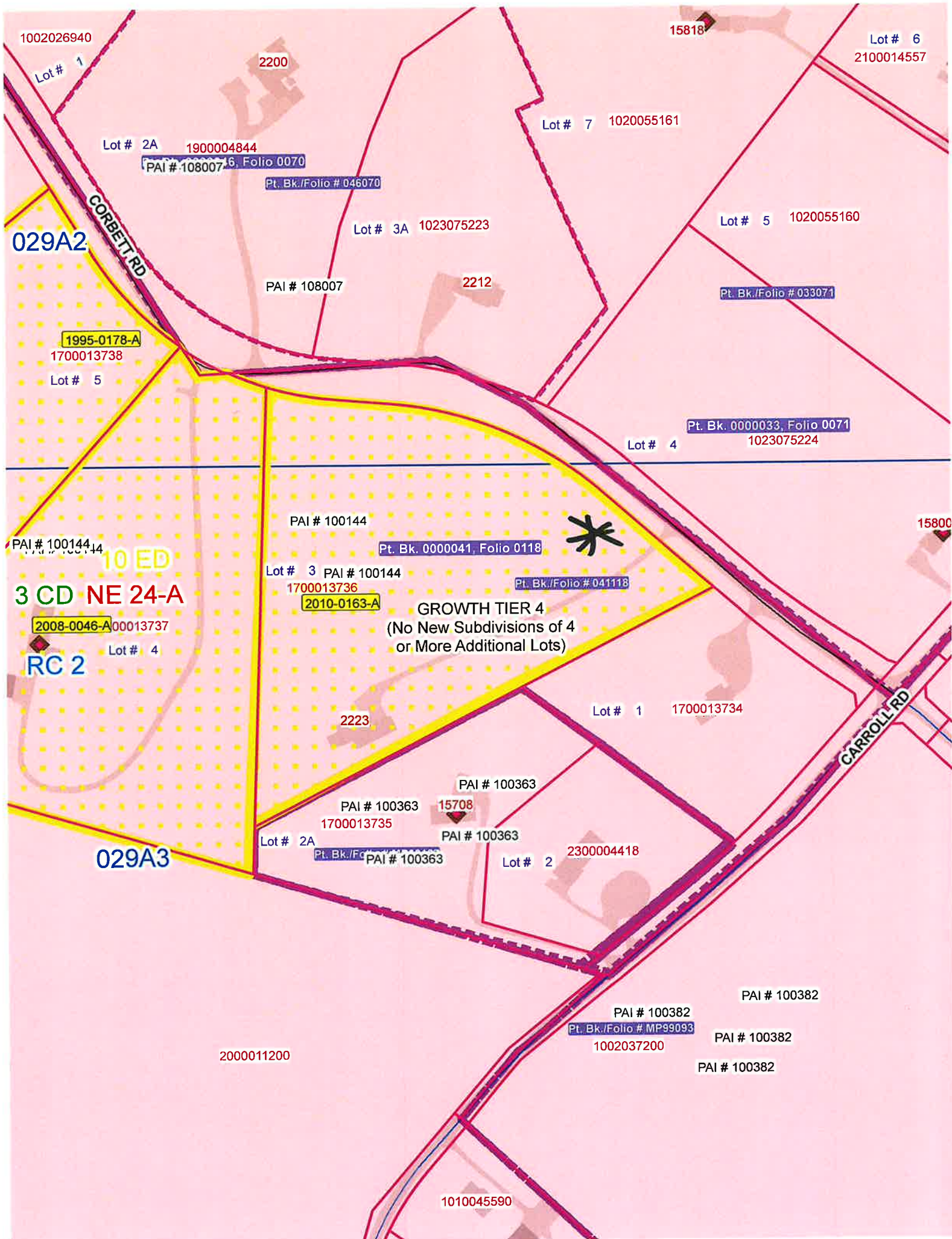
Homestead Application Information

Homestead Application Status: Approved 05/05/2015

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:







FROM BASIN FACING TOWARD CORBETT ROAD

2024-0109-A



BARN LOCATION FACING WEST

2024-0109-A



BARN LOCATION FACING BACK TOWARD OUR
HOUSE ALONG DRIVEWAY

2024-0109-A



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 Law of Baltimore County for the property located at:

Address 2223 Corbett Road Currently Zoned RC-2

Deed Reference 40784/342 10 Digit Tax Account # 1700013736

Owner(s) Printed Name(s) Shannon J. Posner and Emily Posner

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

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

1. **X** **ADMINISTRATIVE VARIANCE** from section(s)

BCZR: 400.1 & 400.3 → To permit an accessory building with a height of 24 feet to be located in the front yard in lieu of the required rear yard placement and maximum height of 15 feet.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

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

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners:

Shannon J. Posner / Emily Posner

Name #1 – Type or Print Name #2 – Type or Print

Signature #1

Signature # 2

2223 Corbett Road Monkton MD

Mailing Address City State

21111-2033 / 410-790-4624 / siposner@campustitle.com

Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC Rick Richardson

Name – Type or Print

Signature

7 Deneison Street Timonium MD

Mailing Address City State

21093 / 410-560-1502 / rick@richardsonengineering.net

Zip Code Telephone # Email Address

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

Administrative Law Judge of Baltimore County

CASE NUMBER 2024-0109-A Filing Date 4/22/24 Estimated Posting Date 5/5/24 Reviewer JS

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 to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident **home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:**

Address: 2223 Corbett Road Monkton MD 21111
Print or Type Address of property City State Zip Code

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

The practical difficulty with the garage is that the existing shape and location of the current house being located in the very rear of the property. As with the previous variance granted the hardship is that a garage cannot be located in the rear yard. The size of the garage is going to be sufficient to store various vehicles into it along with having some storage area. The height is necessary to accommodate the size of farm vehicles and is the minimum necessary to accommodate these vehicles. The garage will not have a second story and will not be used for living area.
The location of the garage in the front yard is due to the odd triangular shape of the property, the location of the existing house being in the rear of the property and the Transcontinental Gas Easement through the middle of the property

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

Shannon J. Posner
Signature of Affiant

Shannon J. Posner
Name- Print or Type

Emily Posner
Signature of Affiant

Emily Posner
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 2nd day of April, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Shannon J. Posner & Emily Posner
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) **(Print name(s) here)**

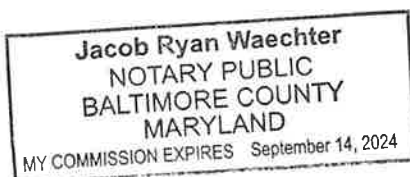
AS WITNESS my hand and Notaries Seal

[Signature]

Notary Public

9/14/2024

My Commission Expires





**ZONING PROPERTY DESCRIPTION FOR
2223 CORBETT ROAD
3rd ELECTION DISTRICT
10th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning at the point on the South side of Corbett Road which is 70' wide at the distance of 375' west of the centerline of the nearest improved intersecting street Carroll Road which is 70' wide. Being lot #3, in the subdivision of Corbett Hill Farms as recorded in the Baltimore County Plat Book # 41, folio # 118, containing 7.988 acres. Also known as 2223 Corbett Road, Monkton Maryland 21111.

Containing a net area of 347,949 square feet or 7.99 acres +/-.



PROFESSIONAL CERTIFICATION:

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2021

2024-0109-A

FORMAL DEMAND FOR HEARING
(ADMINISTRATIVE VARIANCE, USE PERMITS AND USE APPROVALS)

Case Number: 2024-6109-A

Property Address: 2223 Corbett Road Monkton Md 21111

Legal Owners (Petitioners): Shannon J. Posner / Emily Posner

TO THE ADMINISTRATIVE LAW JUDGE OF BALTIMORE COUNTY:

Protestant #1 George R. French Jr. 410-409-2311
Protestant Name(s) - Type or Print Telephone # (Cell) Alternate Phone #
frenchman21111@icloud.com
Email Address

the (☒ Owner(s) or () Occupant(s) of
15800 Carroll Road Monkton Md. 21111
Address City State Zip Code

Protestant #2 Kirby Nelson French 410-409-9877
Protestant Name(s) - Type or Print Telephone # (Cell) Alternate Phone #
Kirbala21111@gmail.com
Email Address

the (☒ Owner(s) or () Occupant(s) of
15800 Carroll Road Monkton, Md. 21111
Address City State Zip Code

which is located approximately 15 feet from the property (must be within 1,000 ft. of subject property),
which is the subject of the above petition, **do hereby submit a formal demand for a public hearing regarding this matter.***

I/WE HAVE SUBMITTED THE REQUIRED PROCESSING FEE FOR THIS DEMAND AND REQUEST THAT A HEARING BE SCHEDULED FOR THE SUBJECT PETITION.

*Failure to accept two proposed Hearing dates will result in the Demand request being dismissed and the Hearing will be held and/or a review by the Hearing Officer will take place without the protestants input. It is the responsibility of the protestant to verify the location, or web address, date and time of the hearing.

George R. French Jr. 5/17/2024
Signature Date
Kirby Nelson French 5/17/2024
Signature Date

May 17, 2024

The Department of Permits, Approvals and Inspections
Baltimore, County
131 West Chesapeake Avenue
Towson, MD 21204

Re: Case # 2024-0109-A

Dear Zoning Review Bureau,

Thank you for posting a zoning notice regarding the above case number and building permit request for the property at 2223 Corbett Road in Monkton, MD. The notice has given members of the neighborhood and surrounding community an opportunity to inquire about the details of the proposed project. Having done so, several serious concerns have been raised for which the community needs clarification. Those concerns include, but are not limited to: 2 significant violations of current zoning laws (size and placement of the proposed structure); degradation of the rural character and scenic view along Corbett Road; and concerns about the present owner's lax upkeep of the property currently (long stretches of broken fence, many dead trees, and falling trees which present an ever present hazard to vehicular and pedestrian traffic). With that in mind, we, the undersigned, request a public hearing on the matter before the project can be permitted to go forward.

Thank you very much for your attention to this matter. Please address any response to this letter to all of the concerned neighbors listed below.

Sincerely,

Margaret Day
2139 Corbett Road
Monkton, MD 21111
410-375-7909
Jday3241@aol.com

John Day
2139 Corbett Road
Monkton, MD 21111
410-627-2986
jday3241@aol.com

Kirsten Burger
1906 Corbridge Lane
Monkton, MD 21111
410-409-3961
kirstenaburger@gmail.com

Claire T. Hartman
1902 Corbridge Lane
Monkton, MD 21111
410-336-6380
clairethartman@gmail.com

Janet Mockard
1902 Corbridge Lane
Monkton, MD 21111
410-746-1121
jmockard@me.com

John Robinson
2131 Corbett Rd.
Monkton, MD 21111
410-382-5446
JJR5856@gmail.com

Mark Lynne
2097 Corbett Rd.
Monkton, MD 21111
410-472-9076
Marklynne09@comcast.net

Kari-Ann Lynne
2097 Corbett Rd.
Monkton, MD 21111
410-472-9076
k-allynne@comcast.net

Paul Ort
2115 Corbett Rd.
Monkton, MD 21111
410-458-5245
pauldevekort@gmail.com

Kelly Ort
2115 Corbett Rd.
Monkton, MD 21111
410-615-4437
kelort@gmail.com

Richard Chisholm
2119 Corbett Rd.
Monkton, MD 21111
410-340-5308
Chisholmcamera@gmail.com

Marv Stuart Kilner
2131 Corbett Rd.
Monkton, MD 21111
401-862-4707
mskilner@gmail.com

William Berndt
2110 Corbett Rd.
Monkton, MD 21111
410-472-2357
Businesscoach39@gmail.com

Daniel & Nina Booth
2200 Corbett Rd.
Monkton, MD 21111
410-427-1724
dboothcomegahealcare.com

Kirby & George R. French Jr.
15800 Carroll Rd.
Monkton, MD 21111
410-409-2311
frenchman21111@icloud.com

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/24/2024

Case Number: 2024-0109-A (FORMAL DEMAND)

Petitioner / Developer: SMITH, GILDEA & SCHMIDT, LLC ~
SHANNON J. POSNER, ESQUIRE

Date of Hearing: AUGUST 22, 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:
2223 CORBETT ROAD

The sign(s) were posted on: JULY 24, 2024

ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

CASE # 2024-0109-A
(FORMAL DEMAND)
2223 CORBETT ROAD
S/Ws of Corbett Rd., 365 ft. N/W of Carroll Rd.
Council District 3, Election District 10
Legal Owners: Shannon & Emily Posner

ADMINISTRATIVE VARIANCE: From the Baltimore County Zoning Regulations ("BCZR"), Sections 400.1 and 400.3, to permit an accessory building with a height of 24 ft. to be located in the front yard in lieu of the required rear yard placement and maximum height of 15 ft.

WebEx Hearing: Thursday, August 22, 2024 at 1:30 PM

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext.0
Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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

CERTIFICATE OF POSTING

2024-0109-A

RE: Case No.: _____

Petitioner/Developer: _____

Shannon & Emily Posner

May 20, 2024

Date of Hearing/Closing: _____

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

Attn: Jeff Perlow:

Ladies and Gentlemen:

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

2223 Corbett Road

SIGN 1

May 5, 2024

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster)

May 5, 2024

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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: May 7, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0109-A
Address: 2223 CORBETT RD
Legal Owner: Shannon & Emily Posner

Zoning Advisory Committee Meeting of May 7, 2024.

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

1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
 - a. 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.

Additional Comments:

Reviewer: Mia Lowery, L.E.H.S.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: May 2, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0109-A

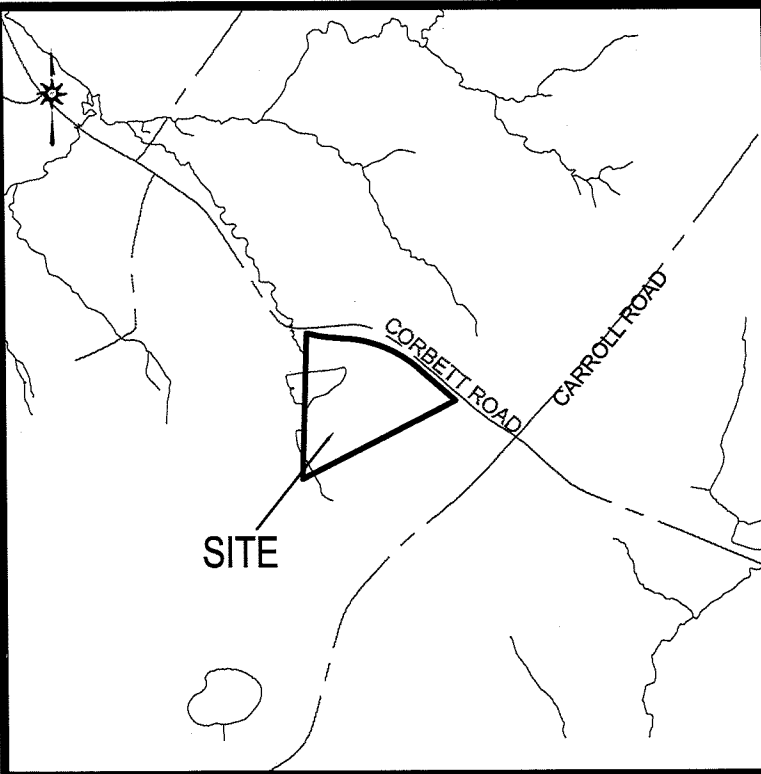
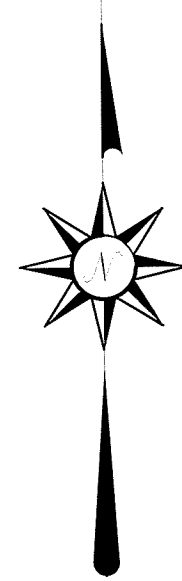
The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: No exception taken.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.



VICINITY MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER
SHANNON J POSNER
EMILY POSNER
2223 CORBETT RD
MONKTON MD 21111-2033
- SITE AREA
NET 347,949 SF or 7.99 Ac.±
GROSS 374,233 SF OR 8.59 AC.±
- USES:
EXISTING: 1 RESIDENTIAL DWELLING
PROPOSED: 1 RESIDENTIAL DWELLING AND GARAGE
- UTILITIES:
PRIVATE WATER & SEPTIC
- DEED REFERENCE: 40784/342
- TAX ACCOUNT #1700013736
- COUNCILMANIC DISTRICT: 3RD
- ELECTION DISTRICT: 10TH
- CENSUS TRACT: 410100
- ZONING: RC 2 (PER 200 SCALE GIS TILE 029A3)
- TAX MAP #29, GRID #14, PARCEL #111
- PLAT: 41/118 CORBETT HILL FARMS LOT #3
- WATERSHED: LOCH RAVEN RESERVOIR
- PRIOR PERMITS ON FILE- NONE ON FILE
- PRIOR ZONING CASES ON FILE- 2010-0163-A ADMINISTRATIVE VARIANCE TO PERMIT AN ACCESSORY STRUCTURE (SHE) BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD. GRANTED JANUARY 5, 2010.
- THE PROPERTY AND STRUCTURES ARE NOT HISTORIC
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SITE DOES NOT LIE WITHIN A FLOOD ZONE ACCORDING TO FEMA MAP #24001001406 NOVEMBER 2, 2023.
- THE SITE DOES NOT LIE WITHIN A TRAFFIC DEFICIENT AREA.
- BASIC SERVICE MAPS
TYPE DEFICIENT (Y/N) NOTE
SEWER N
WATER N
TRANSPORTATION N
- SETBACKS FOR RC 2
TYPE REQUIRED PROVIDED
FRONT 50' 53'±
SIDE 35' 120'±
REAR 35' 40'±

2024-0109-A



Richardson
ENGINEERING

7 Deneison Street
Timonium, Maryland 21093
Phone: 410-560-1502, info@richardsonengineering.net

rick@richardsonengineering.net

PLAN TO ACCOMPANY ZONING PETITION
FOR
POSNER RESIDENCE
GARAGE

2223 CORBETT ROAD

BALTIMORE COUNTY MARYLAND
10TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY: LNR	CHECKED BY: PCR	SCALE: 1" = 50'
DATE: 03-29-24	JOB NO.: 24033	SHEET NO.: 1 OF 1	

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE
NUMBER 16597, EXPIRATION DATE: 06-15-2025

