IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - NE/S Black Rock Road, 2000' S of Benson Mill Road (3310 Black Rock Road) 5th Election District 3rd Councilmanic District

Cheryl Blevins
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-65-SPHXA

* * * * * * * * * * *

AMENDED ORDER

WHEREAS, this matter came before the Zoning Commissioner for Baltimore County as Petitions for Special Hearing and Special Exception filed by the legal owner of the subject property, Cheryl Blevins, seeking relief as to the use of a dwelling and mobile home on the subject property and the withdrawal of a pending zoning violation case; and,

WHEREAS, by Order issued December 2, 1992, the relief requested was granted, subject to restrictions, but for that portion of the Petition for Special Hearing seeking withdrawal of the zoning violation case, said portion of that Petition being dismissed as moot; and,

WHEREAS, communications have been received from both the Petitioner and the Protestants seeking a clarification of the Order issued and the restrictions contained therein; and,

WHEREAS, the Petitioner seeks an amendment of Restriction No. 1 of the prior order, requesting a deletion of the requirement that the well serving the existing dwelling and barn be capped. Particularly, the Petitioners note that the aforementioned well serves both the dwelling and barn structure, and although agreeable to severing the connection between the well and dwelling unit, the Petitioner wishes to continue to have the well serve the barn; and,

ORDER RECEIVED FOR FILING
Date 12/9/92
By

WHEREAS, the Protestants have filed a Motion for Reconsideration requesting a modification of the restrictions previously set forth and/or a reconsideration of the relief granted in the Order issued December 2, 1992;

WHERRAS, upon reconsideration of the testimony and evidence presented, including the modifications requested herein, certain amendments to the prior order shall be made.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of December, 1992 that Restriction No. 1 of the Order issued December 2, 1992 shall be deleted in its entirety and replaced with the following:

> 1) The Petitioner shall not allow the human occupancy of the existing dwelling. To ensure that it remains uninhabitable, the Petitioners shall cap the well and septic system serving the dwelling; however, water service to the barn shall be permitted to remain. Notwithstanding the uninhabitability of the dwelling, the Petitioner shall maintain the dwelling in an appropriate state of repair, both cosmetically and structurally. It is the intent of this restriction to require the Petitioner to maintain the appearance of the dwelling and its structural viability to prevent the dwelling from becoming a danger to the Petitioner and the public and to prevent same from becoming an eyesore to the community and a detriment both economically and aesthetically to the surrounding locale.

IT IS FURTHER ORDERED that all other provisions, restrictions and conditions of the Order issued December 2, 1992, shall be readopted herein and remain in full force and effect.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Deborah C. Dopkin, Esquire
Francis X. Borgerding, Jr., Esquire
Mr. & Mrs. James J. Amos, III
People's Counsel; File

ORDER RECEIVED FOR FILING
Date 12/31/92
By

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - NE/S Black Rock Road, 2000' S of Benson Mill Road (3310 Black Rock Road) 5th Election District 3rd Councilmanic District

Cheryl Blevins
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-65-SPHXA

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for Baltimore County as Petitions for Special Hearing and Special Exception filed by the legal owner of the subject property, Cheryl Blevins. As to the Petition for Special Hearing, the Petitioner seeks relief from two divergent Sections of the B.C.Z.R. First, the Petitioner requests an interpretation of Section 1A01.2.B.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to designate the use of a mobile home as a principal residence, notwithstanding that said mobile home was previously permitted as a tenant farmer dwelling. The Petitioner also seeks the designation of a dwelling previously used as the principal residence as an accessory use. Second, under the Petition for Special Hearing, the Petitioner seeks variance relief from Sections 400.1 and 400.3 of the B.C.Z.R. to permit an accessory structure to be located in the front yard in lieu of the required rear yard, and to permit said accessory structure with a height which exceeds 15 feet. As to the Petition for Special Exception, the Petitioner seeks approval of a trailer for residential purposes on the subject property, pursuant to Section 415.1.d of the B.C.Z.R. All of the relief requested is more particularly described on Petitioner's Exhibit 1.

It should be noted that the Petitioner also requests within the Petition for Special Hearing, the withdrawal of pending Zoning Violation

ORDER RECEIVED FOR FILING
Date 12/9/92
By

Case No. SP-02005-91 and the abatement of the fines assessed therein. Inasmuch as this case is pending in the District Court of Maryland and outside of my jurisdiction, this relief cannot be granted and shall be dismissed as moot.

Appearing at the public hearing on behalf of the Petitions were Cheryl Blevins and her husband, John Blevins. The Blevins were represented by Deborah C. Dopkin, Esquire. Also appearing on behalf of the Petitions was Bruce E. Doak, Registered Professional Land Surveyor. Appearing as Protestants in the matter were numerous individuals who reside in the area, including Mr. & Mrs. James J. Amos, III, Mrs. Blevin's brother and sister-in-law and immediate neighbors. Mr. & Mrs. Amos were represented by Francis X. Borgerding, Jr. Esquire. Also appearing as Protestants in the matter were Robert C. Gerst, Doris Kerlin, Diane Singleton, Dorothy V. Rutkowski, and James and Jennifer Amos. Frank DiMeglio, a Zoning Inspector with the Baltimore County Zoning Administration and Development Management office, also appeared to testify as to his familiarity with the property.

A synopsis of the relevant testimony is appropriate in order to understand the nature of the relief requested and the history of the subject site. The first witness who testified was Bruce E. Doak, the surveyor who prepared the site plan introduced as Petitioner's Exhibit 1. Mr. Doak presented the plan and described the property. Testimony indicated that the subject property, known as 3310 Black Rock Road, consists of 21.00 acres, more or less, zoned R.C. 2. Said property is located in the rural section of Baltimore County adjacent to Black Rock Road. The lot is best described as a narrow, yet deep parcel which abuts Black Rock Road and widens significantly as it extends northeasterly. In terms of improvements, a mobile home is located on the site, approximately 100 feet from Black

ORDER RECEIVED FOR FILING
Date 12/9/92
By

Rock Road. Also present is a 30' x 80' barn which has been in place for many years. A small frame dwelling, 28' x 30' in dimension and approximately 60' from Black Rock Road, is also located on-site. This house is also 50 feet from the side property line which abuts Mr. Amos' property. Lastly, a shed is located towards the rear of the subject site. Mr. Doak testified that there are also two corn cribs and two loafing sheds on the site but were not shown on the plan. He also noted that although there were other outbuildings on the site at one time, they have been removed.

As to the special exception request, Mr. Doak commented on the language of Section 415.1.d of the B.C.Z.R. This regulation permits a trailer to be used for residential purposes on a tract of from 1 to 25 acres only upon the granting of a special exception. He testified that the Petitioner and her family currently reside in the trailer, pursuant to its prior approval as a tenant farmer dwelling. The trailer has been improved and additions have been made to same. The Petitioners desire to continue to reside therein and have requested the special exception to legitimize the primary residential use character of the trailer. As to the Petition for Special Hearing, Mr. Doak noted that the Petitioner's father, James J. Amos, Jr., resided in the dwelling on the property until his death in July 1990. It was during his occupancy of the property that the elder Mr. Amos permitted his daughter to move her trailer onto the site in 1988. Due to the nature of the uses on the property at that time, the dwelling house was designated as the principal residence and the trailer as an accessory use. However, coupled with the death of the elder Mr. Amos in July 1990 and the continuing occupancy of the trailer by the Petitioner, a reversal of these designations is requested within the Petition for Special Hearing.

ORDER RECEIVED FOR FILING
Date 12/9/92
By

Specifically, the Petitioner desires that the trailer be designated as the primary residence and the dwelling be designated as an accessory use. In Mr. Doak's view, redesignation of the structures in this manner is consistent with the actual uses of the property.

In analyzing the applicable law to the facts presented, Mr. Doak reviewed the standards of Section 502.1 of the B.C.Z.R. He believes that approval of the special exception to permit the trailer on the property would not be detrimental in any manner to the health, safety or general welfare of the surrounding locale.

As to the variances noted within the Petition for Special Hearing, Mr. Doak observed that they are necessary due to the redesignation of the structures on the property. The granting of the first prong of the special hearing relief would result in a designation of the dwelling as an accessory use. In that it has a height in excess of 15 feet and is located in the front yard, the variances requested from Sections 400.1 and 400.3 of the B.C.Z.R. are necessary. Inasmuch as these are existing structures, Mr. Doak observed that the Petitioner would suffer a real practical difficulty if the variances were not granted. The existing dwelling would need to be moved and reduced in height if the variances were denied. Lastly, Mr. Doak noted that no new construction is proposed on the property.

Also testifying was Cheryl Blevins, the Petitioner/resident of the trailer. She indicated that she has lived on the property for much of her life and moved back onto the site in 1988 when the trailer was placed on the subject property. At that time, she qualified for occupancy on the site as a tenant farmer. As indicated above, she testified that her father died in July 1990. She noted that she and her family wish to continue to reside in the trailer and that the dwelling house is in a state of disre-

ORDER RECEIVED FOR FILING
Date 12/9/92
By

pair. She admitted that certain other family members had resided in the dwelling since her father's death. However, she testified that it was her intention to make the dwelling house uninhabitable and that the tenants have vacated the dwelling as of the date of the public hearing. She wishes to retain the dwelling house but promises same will not be occupied.

On cross-examination, Mrs. Blevins also agreed to restrict the use of the property to only the structures shown on the site plan. She further agreed to complete the clearing and cleaning of the property. Specifically, she agreed to remove certain abandoned vehicles and other junk from the property.

As to the Protestants' testimony, Mr. Amos testified that he moved to the neighboring property in approximately 1978. At that time, his father gifted to him a lot which is shown on the site plan as Lot 1. Shortly thereafter, Mr. Amos constructed the dwelling that exists thereon and now resides there with his wife and family. Following his father's death in July 1990, the entire tract was divided by will and Mr. Amos obtained an additional 17.5 acres which surround his property, and his sister acquired the 21.0 acre parcel which is the subject of this hearing. Mr. Amos testified that he does not object to the special exception and the designation of the trailer as the primary residence. What really concerns him, however, is the deteriorating condition of the Blevins' property. Mr. Amos testified that he is concerned about what he perceives are a great many illegal uses on the site and the volume of junk and debris which has accummulated on the property. Mr. Amos is concerned that if the relief requested is granted, the site will continue to fall into disrepair and the value of his property will be adversely affected.

ORDER RECEIVED FOR FILING
Date 12/9/92
By

Mr. Amos' concerns were echoed by his wife, Jacqueline Amos, and Frank DiMeglio, an inspector with the Baltimore County Zoning Administration and Development Management office (ZDAM). Mr. DiMeglio testified as to his familiarity with the property and his numerous inspections thereof. He testified that he has observed numerous violations on site, including junked and abandoned vehicles and an intense accummulation of debris.

The above synopsis, although not comprehensive, reflects the major thrust of the testimony presented by the Protestants.

Turning then to the issues presented, consideration is first given to the special exception for a trailer. A special exception is the granting by the Zoning Commissioner of a use upon the showing that said use complies with the guidelines and standards contained in Section 502.1 of the B.C.Z.R. A special exception is a use which has been predetermined by the Baltimore County Council to be conditionally compatible with the uses permitted as of right in a particular zone. In order for the special exception to be granted, a finding must be made that the standards set forth in Section 502.1 of the B.C.Z.R. have been met. See Rockville Fuel and Feed Company, Inc. v. Board of Appeals of the City of Gaithersburg, 257 Md., 183, 262 A2d, 499 (1970).

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner in fact, has shown that the proposed use of the trailer would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated

ORDER RECEIVED FOR FILING
Date 12/9/92
By

with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md., 432 A.2d 1319 (1981).

Based on the testimony and evidence presented, I believe that the use of the subject trailer as the primary residence will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification. In my view, the existing trailer should be allowed to remain and its use at this site is not inconsistent with the spirit and intent of the B.C.Z.R.

Having made this determination, the trailer therefore becomes the primary residence on this site and the existing dwelling house becomes the accessory use. In fact, it appears that this designation is appropriate in view of the structural condition of the dwelling. The testimony was clear that the habitability of this house is questionable and that the trailer is a far more appropriate dwelling for the Blevins' family. Thus, based upon these site conditions, I shall also grant that portion of the special hearing seeking a designation of the trailer as the principal residence and the dwelling as an accessory use. In fact, this determination mirrors the actual use of the site since the senior Mr. Amos' death in July 1990.

The reversal of the designation of these improvements having been made, consideration of the second prong of the Petition for Special Hearing must then be considered. In that the dwelling is now to be considered an accessory structure, variances are necessary from Sections 400.1 and 400.3 of the B.C.Z.R. as they relate to the dwelling's location in the front yard rather than the rear yard and its height, which exceeds the permitted 15 feet. In that these are existing conditions, I concur with Mr. Doak's

ORDER RECEIVED FOR FILING
Date ____
By ____

testimony that the Petitioner would suffer practical difficulty if the variances were denied. In my view, the relief requested sufficiently complies with the requirements of Section 307.1 of the B.C.Z.R. and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety or general welfare of the general public. Further, strict compliance with the B.C.Z.R. would clearly result in practical difficulty for the Petitioner.

Notwithstanding my decision to approve both the Petition for Special Hearing and the Petition for Special Exception, I am appreciative of Mr. Amos' concerns about conditions on the property. The photographs of the property he presented as well as a site visit taken by me reveal that the property has fallen into a state of disrepair. Even after the cleaning and clearing of the property testified to by Mrs. Blevins, conditions remain such that the site might be correctly labled as an eyesore to this community. Failure to keep the site clean and in compliance with the provisions of the B.C.Z.R. would cause real detriment to the surrounding locale. Thus, to ensure that this does not occur, I shall condition my approval of the special exception and special hearing relief with certain restrictions. The first of these will be to prohibit occupancy of the dwelling house. Mrs. Blevins testified that she and her family prefer to reside in the trailer for reasons which are easily apparent upon inspection of the site. Obviously, the trailer is more livable and not in disrepair as is the dwelling house. Therefore, I shall grant the relief requested, but shall impose as a restriction, a condition prohibiting occupancy of the dwelling house. There may come a time when this property is restored, a tenant farmer resides thereon, etc. But that time is not now. At

ORDER RECEIVED FOR FILING
Date ____
By ____

present, the property owner shall cap the well and septic system serving the dwelling house to insure that no one lives therein.

Secondly, there shall be no new construction on the property and all improvements on the site shall be removed therefrom except those specifically shown on the site plan and approved herein. As previously stated, the site plan shows the trailer, an existing 30' x 80' barn, the dwelling house and an existing shed to the rear of this site. Further, the Petitioner testified that two corn cribs and two loafing sheds are present. These structures/items may remain. However, everything else must be removed, including all untagged vehicles, other storage sheds/cribs, and other debris which is violative of the zoning regulations. By forwarding a copy of this Order to Mr. DiMeglio, I am instructing him to reinspect the property in no less than thirty (30) days from the date of this Order to insure that there has been compliance with this restriction. Further, access to the site should be provided to employees of the Zoning Office at future times to insure that continuing inspections are permitted without hindrance.

Pursuant to the advertising, posting of the property, and public hearing on these Petitions held, and for the reasons stated above, the relief requested in the Petitions for Special Hearing, Special Exception and Variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of December, 1992 that the Petition for Special Hearing for an interpretation of Section 1A01.2.B.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to designate the use of an existing mobile home previously permitted as a tenant dwelling as the principal residence on the subject property, and the designation of a dwelling which was previ-

ORDER RECEIVED FOR FILING
Date ____
By ____

ously used as the principal residence as an accessory use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a residential trailer on a tract of from 1 to 25 acres, pursuant to Section 415.1.d of the B.C.Z.R., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variances filed under the Petition for Special Hearing seeking relief from Sections 400.1 and 400.3 of the B.C.Z.R. to permit an accessory structure (existing dwelling) to be located in the front yard in lieu of the required rear yard, and to permit said accessory structure with a height exceeding 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners shall not allow the human occupancy of the existing dwelling. The Petitioners shall cap the well and septic system serving the dwelling to ensure that it remains uninhabitable.

2) There shall be no new construction on the site and all improvements, except those specifically shown on the site plan submitted as Petitioner's Exhibit 1 and identified herein, shall be removed. Said plan shows the trailer, an existing 30' x 80' barn, the dwelling and shed to the rear of this site. Further, the two corn cribs and two loafing sheds which exist on the property may remain; however, all untagged vehicles, other storage sheds/cribs, and other debris which is violative of the zoning regulations shall be removed immediately within thirty (30) days of the date of this Order.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint. By copy of this Order to the Zoning Administration and Development Management office, an inspection of the property shall be made in no less than thirty (30) days of the date of this Order to insure compliance with this restriction.

ORDER RECEIVED FOR FILING
Date ____
By ____

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking the withdrawal of a pending Zoning Violation Case No. SP-02005-91 and the abatement of the fines assessed therein upon approval of the relief requested herein, be and is hereby DISMISSED AS MOOT as this case is pending in the District Court of Maryland and outside of my jurisdiction.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date ____
By ____

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 2, 1992

Deborah C. Dopkin, Esquire
Rosolio and Silverman
502 Washington Avenue, Suite 220
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & ZONING VARIANCE
NE/S Black Rock Road, 2000' S of Benson Mill Road
(3610 Black Rock Road)
5th Election District - 3rd Councilmanic District
Cheryl Blevins - Petitioner
Case No. 93-65-SPHXA

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600, Towson, Md. 21204

Mr. & Mrs. James J. Amos, III
3230 Black Rock Road, Reisterstown, Md. 21136

People's Counsel

File

ORDER RECEIVED FOR FILING
Date ____
By ____

Petition for Special Hearing
AND VARIANCES 93-65-SPHXA
to the Zoning Commissioner of Baltimore County

for the property located at 3310 Black Rock Road, Reisterstown, MD 21136
which is presently zoned RC 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

See attached description of request.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do 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 Petition.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Legal Owner(s):
Cheryl Blevins
(Type or Print Name)
Cheryl Blevins
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
Deborah C. Dopkin
(Type or Print Name)
Deborah C. Dopkin
Signature
Rosolio and Silverman, P.A.
502 Washington Avenue, #220
Towson, Maryland 21204
City State Zipcode

3310 Black Rock Road
Address Phone No.
Reisterstown, Maryland 21136
City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
Deborah C. Dopkin, Esquire
Name
502 Washington Avenue, #220, Towson,MD
Address Phone No.
(410) 339-7100 21204
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING
Date ____
By ____

kmc\blevins.pet

PETITION FOR SPECIAL HEARING
CHERYL BLEVINS, PETITIONER 93-65-SPHXA

Petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations

1. For an interpretation of Section 1A01.2.B.7 of those regulations to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve:

a. the use of a mobile home previously permitted as a tenant dwelling to be designated as the principal residence;

b. the use of a building previously used as a principal residence to be modified and thereafter designated as an accessory use.

2. For the approval of variances from

a. Section B400.1 to permit an accessory structure to be located in the front rather than the rear yard; and

b. Section B400.3 to permit the height of an accessory building to exceed fifteen feet (15');

3. The ~~dismissal~~ withdrawal of case number SP02005-91 and the abatement of the fines assessed therein upon approval as herein requested.

Petition for Special Exception

93-65-SPHXA

to the Zoning Commissioner of Baltimore County

for the property located at 3310 Black Rock Road, Reisterstown, MD 21136
which is presently zoned RC2

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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 Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property to permit a trailer for residential use on a tract of from one to twenty-five acres pursuant to Section 415.1.d.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do 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 Petition.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode

Legal Owner(s):
Cheryl Blevins
(Type or Print Name)
Cheryl Blevins
Signature
(Type or Print Name)
Signature
3310 Black Rock Road
Address Phone No.
Reisterstown, Maryland 21136
City State Zipcode

Attorney for Petitioner:
Deborah C. Dopkin
(Type or Print Name)
Deborah C. Dopkin
Signature
Rosolio and Silverman, P.A.
502 Washington Avenue, #220
Address Phone No.
Towson, Maryland 21204
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
Deborah C. Dopkin, Esquire
Name
502 Washington Avenue, #220, Towson, MD 21204
Address (410) 339-7100 Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates Next Two Months
ALL OTHER
REVIEWED BY: DATE

ORDER RECEIVED FOR FILING
Date 8/20/92
By

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

GORDON T. LANGDON
DENNIS M. MILLER
EDWARD F. DELAGO-LAHR
BRUCE E. DOAK

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
JOHN F. ETZEL
WILLIAM G. ULRICH

93-65-SPHXA

August 7, 1992

Description
To Accompany Petition for Special Hearing
21.00 Acre Parcel
Northeast Side of Black Rock Road
Southeast of Benson Mill Road
Fifth Election District, Baltimore County, Maryland

Beginning for the same in the center of Black Rock Road at a point distant 1100 feet more or less, measured southeasterly along the centerline of Black Rock Road, from the centerline of Benson Mill Road, thence running and binding on said centerline of Black Rock Road (1) South 51 degrees 07 minutes 10 seconds East 86.57 feet and (2) South 54 degrees 20 minutes 25 seconds East 268.90 feet, thence leaving said centerline and running (3) North 25 degrees 04 minutes 09 seconds West 24.62 feet, (4) South 2 degrees 52 minutes 14 seconds East 137.74 feet, (5) North 38 degrees 29 minutes 35 seconds East 178.34 feet, (6) North 50 degrees 09 minutes 00 seconds West 47.00 feet, (7) North 39 degrees 51 minutes 00 seconds East 40 feet, (8) North 58 degrees 11 minutes 37 seconds East 545.44 feet, (9) South 54 degrees 02 minutes 34 seconds East 113.26 feet, (10) North 85 degrees 53 minutes 23 seconds East 1101.16 feet, (11) North 35 degrees 06 minutes 43 seconds West 907.56 feet, (12) South 59 degrees 01 minutes 35 seconds West 1715.93 feet and (13) South 59 degrees 01 minutes 35 seconds West 170.39 feet to the point of beginning.

Containing 21.00 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 93-65-SPHXA
Towson, Maryland

District: 5th
Date of Posting: 9/1/92
Posted for: Special Exception + Hearing + Variance
Petitioner: Cheryl Blevins
Location of property: N/S Black Rock Rd. (3310) 1100' SE/ Benson Mill Rd.
Location of Signs: Facing roadway on property of Petitioner
Remarks:
Posted by: [signature] Signature
Date of return: 9/25/92
Number of Signs: 3

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/10, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/10, 1992.

THE JEFFERSONIAN,

S. Zeke Orlinsky
Publisher

Case: #93-65-SPHA
Centerline N of Black Rock Road, 1100 SEly Benson Mill Road
3310 Black Rock Road
5th Election District
3rd Councilmanic
Petitioner(s): Cheryl Blevins
Hearing: Friday, October 9, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse.

Special Exception to permit a trailer for residential use. Special Hearing for an interpretation to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve (a) the use of a mobile home previously permitted as a tenant dwelling to be designated as the principal residence; (b) the use of a building previously used as a principal residence to be modified and thereafter designated as an accessory use; and the withdrawal of case number SP02005-91 and the abatement of the fines assessed therein upon approval as herein requested. Variance to permit an accessory structure to be located in the front rather than rear yard; to permit the height of an accessory building to exceed 15 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
9/092 Sept. 10.

Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

93-65-SPHXA

Account: R-001-6150
Number

Date: PAID PER HAND WRITTEN RECEIPT DATED 8/20/92

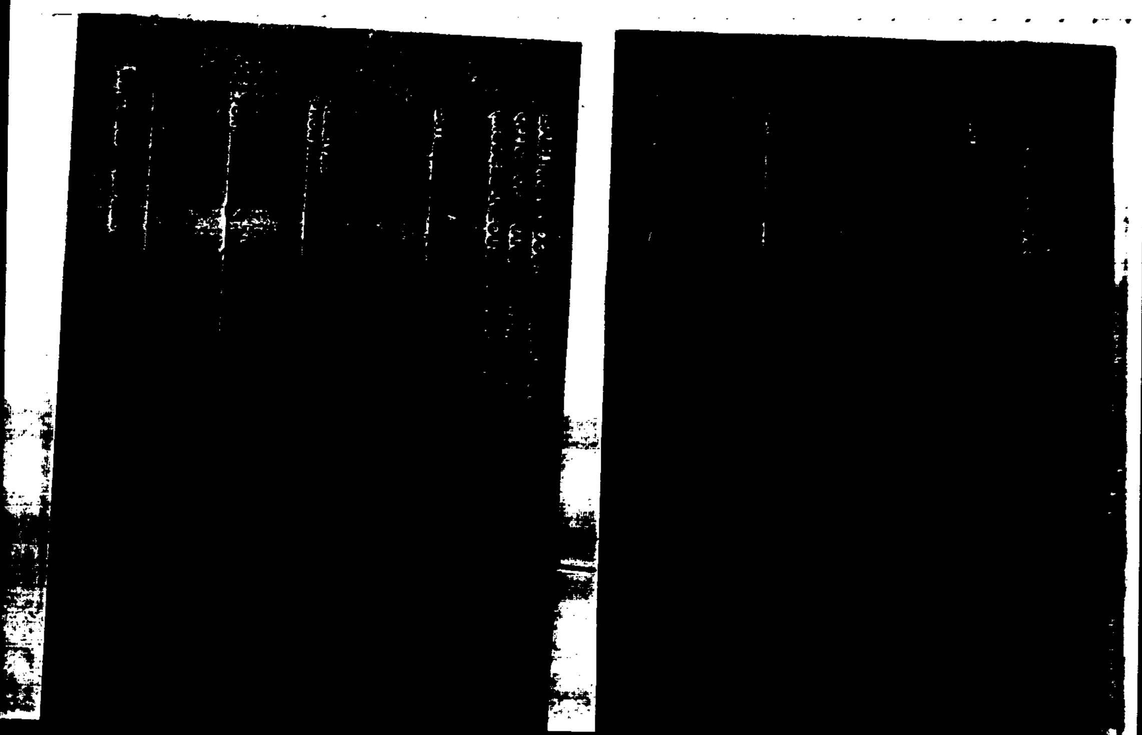
8/28/92 H9300073

PUBLIC HEARING FEES	QTY	PRICE
010 -ZONING VARIANCE (IRL)	1 X	$50.00
030 -SPECIAL HEARING (IRL)	1 X	$50.00
050 -SPECIAL EXCEPTION	1 X	$300.00
	TOTAL:	$400.00

LAST NAME OF OWNER: BLEVINS

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

DATE: 9/14/92

Cheryl Blevins
3310 Black Rock Road
Reisterstown, Maryland 21136

RE:
CASE NUMBER: 93-65-SPHA
centerline N of Black Rock Road, 1100 SEly Benson Mill Road
3310 Black Rock Road
5th Election District - 3rd Councilmanic
Petitioner(s): Cheryl Blevins
HEARING: FRIDAY, OCTOBER 9, 1992 at 2:00 p.m. in Room 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that $134.33 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON
DIRECTOR

cc: Deborah C. Dopkin, Esq.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

AUGUST 28, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-65-SPHA
centerline N of Black Rock Road, 1100 SEly Benson Mill Road
3310 Black Rock Road
5th Election District - 3rd Councilmanic
Petitioner(s): Cheryl Blevins
HEARING: FRIDAY, OCTOBER 9, 1992 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception to permit a trailer for residential use.
Special Hearing for an interpretation to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve (a) the use of a mobile home previously permitted as a tenant dwelling to be designated as the principal residence; (b) the use of a building previously used as a principal residence to be modified and thereafter designated as an accessory use; and the withdrawal of case number SP02005-91 and the abatement of the fines assessed therein upon approval as herein requested.
Variance to permit an accessory structure to be located in the front rather than rear yard; to permit the height of an accessory building to exceed 15 feet.

Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Cheryl Blevins
Deborah C. Dopkin, Esq.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

October 2, 1992

Deborah C. Dopkin, Esquire
Rosolio and Silverman, P.A.
502 Washington Avenue, #220
Towson, Md 21204

RE: Item No. 73, Case No. 93-65-SPHXA
Petitioner: Cheryl Blevins
Petition for Special Exception

Dear Ms. Dopkin:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

Your petition has been received and accepted for filing this 20th day of August, 1992

ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards, Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Cheryl Blevins

Petitioner's Attorney: Deborah C. Dopkin

Printed on Recycled Paper

93-65-SPH

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

DATE: September 18, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Cheryl Blevins Property

INFORMATION:
Item Number: 73

Petitioner: Cheryl Blevins

Property Size: 21 acres

Zoning: RC 2

Requested Action:

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:
This petitioner is requesting a special exception to permit a trailer for residential use. A special hearing to determine if the use of a mobile home previously permitted as a tenant dwelling can be designated as the principal residence; whether the use of a previous principal residence can be modified to an accessory use and the withdrawal of case number SP02005-91 and the abatement of fines assessed. The petitioner is also requesting a variance to permit an accessory structure to be located in the front rather than rear yard; to permit the height of an accessory structure to be located in the front rather than rear yard to exceed 15 feet.

The Office of Planning and Zoning offers no comment on this particular petition but has the following recommendations.

The Office of Planning and Zoning's area planner made a site inspection and found several unlicensed (untaged) vehicles on site along with other junk and debris. Therefore, this office recommends that all untaged vehicles be removed from the site and the remainer of the property be cleared of junk and debris.

Also, if the existing home becomes the accessory structure then the exterior of that home should remain residential in character. The porch should be retained and the remainder of the house should not be allowed to deteriorate.

Prepared by: Jeanie Trionfo

Division Chief: Eric McDaniel

FM/PK/EMcD:rdn

73.ZAC/ZAC1 Rec'd jpw 9/29/92

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 22, 1992

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #73
3310 Black Rock Road
Zoning Advisory Committee Meeting of August 31, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

The existing well serving the farmhouse must be properly abandoned and sealed. A well abandonment form must be submitted to this office. It is recommended that the septic system be pumped out and removed or backfilled.

The Baltimore County Agricultural Land Preservation board reaffirmed on December 17, 1992 that the tenant dwelling was no longer permissible due to the scale and type of farming operation on the property.

LP:sp

BLEVINS/TXTSBP

Baltimore County Government
Fire Department

9/8/92 7871-92

700 East Joppa Road Suite 901
Towson, MD 21204-5500

SEPTEMBER 1, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CHERYL BLEVINS

Location: #3310 BLACK ROAD ROAD

Item No.: ~~WORK~~ 820 (CAM) Zoning Agenda: AUGUST 31, 1992

Gentlemen: #73

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. James Hunter Noted and Approved
Planning Group
Special Inspection Division

Fire Prevention Bureau

JP/KEK

RECEIVED
SEP 8 1992
ZONING OFFICE

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature _____ Date _____

09/08/92

Project Name File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Donald E. and Mary Bell Grempler	69	N/C	8/31/92
DED DEPRM RP STP TE			
Gordon E. Sugar	70	W/C	
DED DEPRM RP STP TE			
Michael and Patricia Perholtz	71	W/C	
DED DEPRM RP STP TE			
✓ Dr. Edward and Ann Mishner	72	N/C	
DED DEPRM RP STP TE			
✓ Cheryl Blevins	73	N/C	
DED DEPRM RP STP TE			
✓ Trvin R. and Judith B. Zeigenfuse	74	N/C	
DED DEPRM RP STP TE			

COUNT 14

FINAL TOTALS
COUNT 17

* * * E N D O F R E P O R T * * *

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature _____ Date 9/8/92

Project Name File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Cheryl Blevins			
DED DEPRM RP STP TE	73	No Comment	8/31/92
✓ Trvin R. and Judith B. Zeigenfuse			
DED DEPRM RP STP TE	74	No Comment	

COUNT 14

FINAL TOTALS
COUNT 14

* * * E N D O F R E P O R T * * *

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature _____ Date 9/8/92

09/08/92

Project Name File Number	Waiver Number	Zoning Issue	Meeting Date
Dr. Edward and Ann Mishner			
DED DEPRM RP STP TE	72		8/31/92 NC
Cheryl Blevins			
DED DEPRM RP STP TE	73		NC
Trvin R. and Judith B. Zeigenfuse			
DED DEPRM RP STP TE	74		NC

COUNT 14

FINAL TOTALS
COUNT 15

* * * E N D O F R E P O R T * * *

DiNENNA AND BRESCHI
ATTORNEYS AT LAW

GEORGE A. BRESCHI
FRANCIS X. BORGERDING, JR.†
ROBERT A. BRESCHI
†ALSO MEMBER OF DISTRICT OF COLUMBIA BAR

MERCANTILE BLDG. - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-0030
FAX (410) 296-6884

S. ERIC DiNENNA
(1938-1991)

OF COUNSEL
JENKINS & AWALT

December 18, 1992

Honorable Lawrence E. Schmidt
Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing,
Special Exception and Zoning
Variance
3610 Black Rock Road
Petitioner: Cheryl Blevins
Case No.: 93-65-SPHXA

Dear Commissioner Schmidt:

Enclosed herewith please find the Motion for Reconsideration regarding the above-captioned matter.

Thank you.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr.bjk
Enclosure

RECEIVED
2 1 1992
ZONING COMMISSIONER

IN RE: Petition for Special Hearing, Special Exception and Zoning Variance 3610 Black Rock Road Petitioner: Cheryl Blevins	* * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No.: 93-65-SPHXA

* * * * * * * * * * * *

MOTION FOR RECONSIDERATION

James Amos, III and Jackie Amos, his wife, Protestants, move that the Zoning Commissioner reconsider his Findings of Fact and Conclusions of Law dated December 2, 1992 and as reasons therefore state:

1. That the Zoning Commissioner misconstrued the applicable law and facts in this case and erroneously granted the Petitioner's Petitions for Special Hearing, Special Exception and Zoning Variance filed herein.

2. Protestants assert that the Zoning Commissioner misconstrued the applicable law and facts specifically with regard to approving the designation of the dwelling previously used as the principal residence as an accessory use in light of the testimony and evidence presented at the hearing of the matter concerning the:

a. Poor condition of the dwelling and Petitioner's property overall; and

b. testimony of Protestant, Jim Amos, regarding termite and/or bat infestation of dwelling;

c. history of zoning violations on the property; and

c. close proximity of Protestants' property and residence; and

e. good condition of Protestants' property and residence; and

f. potential impact on the Protestants' property and

surrounding locality.

3. In light of the testimony and evidence produced, the Zoning Commissioner should have denied Petitioner's request to designate the dwelling previously used as the principal residence as an accessory use and ordered its removal or in the alternative conditioned the requested relief upon the requirement that the Petitioner maintain said dwelling in appropriate condition both cosmetically and structurally so as not to be an eyesore or present an unsafe condition for the Protestants and the surrounding locality.

WHEREFORE, the Protestants request:

a. That the Zoning Commissioner reconsider his decision as reflected within his Order of December 2, 1992;

b. That the Zoning Commissioner deny Petitioner's request to designate the dwelling previously used as the principal residence as an accessory use and order its removal or in the alternative condition the requested relief upon the requirement that the Petitioner maintain said dwelling in appropriate condition both cosmetically and structurally;

c. For such other and further relief as the nature of the cause may require.

FRANCIS X. BORGERDING, JR.
DiNENNA AND BRESCHI
409 Washington Avenue, Suite 600
Towson, Maryland 21204
(410) 296-6820
Attorneys for Protestants

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 18th day of December, 1992, a copy of the aforegoing Motion for Reconsideration was mailed, postage prepaid, to Deborah C. Dopkin, Esquire, Rosolio and Silverman, P.A.,

Suite 220, Nottingham Centre, 502 Washington Avenue, Towson, Maryland 21204-4513, attorney for Cheryl Blevins.

FRANCIS X. BORGERDING, JR.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

October 23, 1992

Ms. Dorothy V. Rutkowski
4207 Soth Avenue
Baltimore, Maryland 21236

RE: Case No. 93-65-SPHXA
(Item No. 73)
3310 Black Rock Road
5th Election District
Cheryl Blevins - Petitioner

Dear Ms. Rutkowski:

Your letter of October 14, 1992, concerning the above-referenced matter, has been forwarded to me by County Executive Roger B. Hayden.

As you know, a public hearing was held on October 9, 1992, and I have been advised that a decision has not been rendered at this time.

Since zoning hearings are quasi-judicial in nature and the zoning commissioner's office is an independent body, the county executive cannot intervene in this process. The process must remain free of interference if it is to successfully protect the interests of all our citizens. However, the concerns outlined in your letter do deserve consideration, which I am sure they will be given before a decision is rendered.

By copy of this letter, I am forwarding your letter to Lawrence E. Schmidt, Zoning Commissioner, so that a copy of the decision can be forwarded to you when a decision is reached.

Sincerely,

ARNOLD JABLON
Director

AJ/srl

cc: The Honorable Roger B. Hayden
County Executive

Lawrence E. Schmidt
Zoning Commissioner

Printed on Recycled Paper

93-65-SPHA

October 14, 1992

RECEIVED
OCT 26 1992
ZONING COMMISSIONER

Mr. Larry E. Haines
James Senate Office Building
Room 403
Annapolis, Maryland 21401

Dear Mr. Haines,

I am a resident of Baltimore County and attended a zoning hearing on October 9, 1992 at 2:00 p.m. in Room 118 in the Old Court House in Towson. This matter regarded a request for a main residence to be used as a shed, to allow a trailer to be a main residence and to abate the fines on the trailer which have been accruing since October 1991 of $450.00 a day. The reason for the fines are the violations imposed by Mr. Paul Solomon of the Agricultural Department of Baltimore County that the trailer was illegal.

Last year Mr. Bob Ridgely from the Environmental Department visited the property at 3300 Black Rock Road in May 1991, the property which if this zoning is granted will become a shed but is now rented out as a residence. At that time he told the tenants they could not use the washer because the septic was running over on the property next door, creating a hazard. This was ignored. Ms. Denise Rohl from the same department visited the property on September 7, 1992 at which time she was told the tenants were in the process of moving and they would not be using the washer. She returned in October 1992 and the house was still occupied and citations were to be issued if the property was not vacated by October 7, 1992. The house is still occupied.

Mr. Frank DeMeglio from the Zoning Department has visited the property and issued citations for numerous cars and trailers that were untagged. Please check his file. Mr. Haines please check the Commissioner's file and look at the pictures of this property. The petitioner testified at the hearing that if the house was to remain it would be used to store feed. There is a barn that is about to collapse and two loafing sheds why does she need another shed when there is a grainery in the existing barn? The day before the hearing two buildings were torn down why then when the petitioner has had the property for two years? The debris was thrown in the meadow creating another dump.

This house sits just 60 foot off the road in front of two residences. Would you want a 16 foot high shed in your front yard? The trailer which the petitioner is requesting to be the main residence does not even sit on a foundation, is this legal?

Can anyone have a trailer on twenty one acres in Baltimore County? Can anyone apply for a permit to put an addition on an illegal trailer when you don't own the ground? This was issued. According to the law you need twenty five acres to have a trailer and you can only have one dwelling. Mrs. Blevins stated she wanted the house for sentimental reasons. If she was so sentimental she should have taken the $29,000 she received and made the necessary improvements and resided there. She has no intention of using this house as a shed. It will continue to be her rental property as it has for two years. This building should be razed.

Mr. Haines, the Blevins' do not live by the law and if these things are granted by Zoning with exceptions, they will continue to do just as they please. Thank you for your cooperation and consideration in this matter.

Sincerely,

Dorothy V. Rutkowski

Dorothy V. Rutkowski
4207 Soth Avenue
Baltimore, MD 21236

cc: Mr. Roger Haden
Mr. Vincent J. Gardina
Mr. Lawrence E. Schmidt

IN RE: PETITION FOR
Special Hearing
Centerline N of Black Rock Road, 1100 SEly Benson Mill Road
3310 Black Rock Road
5th Election District - 3rd Councilmanic
Petitioner: Cheryl Blevins

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-65-SPHA

* * * * * * * * * * *

SUBPORNA

TO: Frank DiMeglio, Zoning Enforcement
111 W. Chesapeake Avenue
Towson, MD 21204

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 118, Old Courthouse, Towson, MD 21204

and to bring all documents in your possession, custody or control relating to 3310 Black Rock Road, Reisterstown, MD 21136

on the 9th day of October 1992 *at 2:00 P.M., regarding the above captioned case, for the purpose of testifying at the request of Francis X. Borgerding, Jr., Esquire.

Francis X. Borgerding, Jr.

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: 10/7/92

DiNENNA AND BRESCHI
ATTORNEYS AT LAW

GEORGE A. BRESCHI
FRANCIS X. BORGERDING, JR.‡
ROBERT A. BRESCHI
‡ ALSO MEMBER OF DISTRICT OF COLUMBIA BAR

MERCANTILE BLDG. - SUITE 600
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 296-6820
FAX (410) 296-2884

S. ERIC DiNENNA
(1938-1991)

OF COUNSEL
JENKINS & AWALT

October 7, 1992

RECEIVED
OCT 1 1992
ZONING COMMISSIONER

Mr. Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 93-65-SPHA
Petitioner: Cheryl Blevins
Petition for Special Hearing

Dear Mr. Commissioner:

Please enter my appearance on behalf of Mr. and Mrs. James Amos of 3230 Black Rock Road, Baltimore, Maryland 21136, Protestants in the above-referenced action.

Thank you very much for your cooperation in this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk
cc: Deborah C. Dopkin

ZONING ENFORCEMENT
Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner
~~March 23, 1993~~ 9-11-92

FROM: James H. Thompson
Zoning Enforcement Coordinator

SUBJECT: ~~Case No.:~~ Case No.: 93-65-SPHA
~~Item No.:~~
PETITIONER: Cheryl Blevins

VIOLATION CASE: ~~A-000~~ 93-000-AC

LOCATION OF VIOLATION: 3310 Black Rock Rd

DEFENDANT: Cheryl Blevins

ADDRESS: 3310 Black Rock Rd, Reisterstown, Md 21136

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME	ADDRESS
Jim Amos	3300 Black Rock Rd, Reisterstown, Md 21136
James J. Amos, Jr	3230 Black Rock Rd, Reisterstown, Md 21136

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

Frank DiMeglio

JHT/ /cer

EXHIBIT A

DESCRIPTION PROVIDED BY GRANTOR

LIBER 9286 PAGE 482

NO TITLE SEARCH REQUESTED OR PERFORMED
DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

93-65-SPHXA

This Deed, MADE THIS 17th day of June

in the year one thousand nine hundred and ninety-two by and between

Estate of JAMES J. AMOS, JR., by JAMES J. AMOS, III, Personal Representative

of Baltimore County, Maryland of the first part, and

CHERYL BLEVINS

of the second part.

WITNESSETH, That in consideration of the sum of no monetary consideration ($0.00), but pursuant to disposition set forth in the Last Will and Testament and filed under Estate No.

the said JAMES J. AMOS, III, Personal Representative

does grant and convey to the said CHERYL BLEVINS, her

personal representatives/successors and assigns, in fee simple, all

that lot of ground situate in Baltimore County, Maryland

and described as follows, that is to say:

D RCDF
DC INF

(SEE ATTACHED "EXHIBIT A")

DEED
SM CLERK
#20441 D002 R

BEING a portion of the same lot of ground which by Deed dated 06/18/57 and recorded among the Land Records of Baltimore Countu in Liber G.L.B. No. 3177, folio 7, was granted and conveyed by Ruth E. Brown, widow, unto James J. Amos and Betty M. Amos, his wife, as Tenants by the Entireties.

The said Betty M. Amos having departed this life on May 7, 1990

The said James J. Amos having departed this life on July 10, 1990

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

TRANSFER TAX NOT REQUIRED
Director of Finance
BALTIMORE COUNTY, MARYLAND

Petitioner's

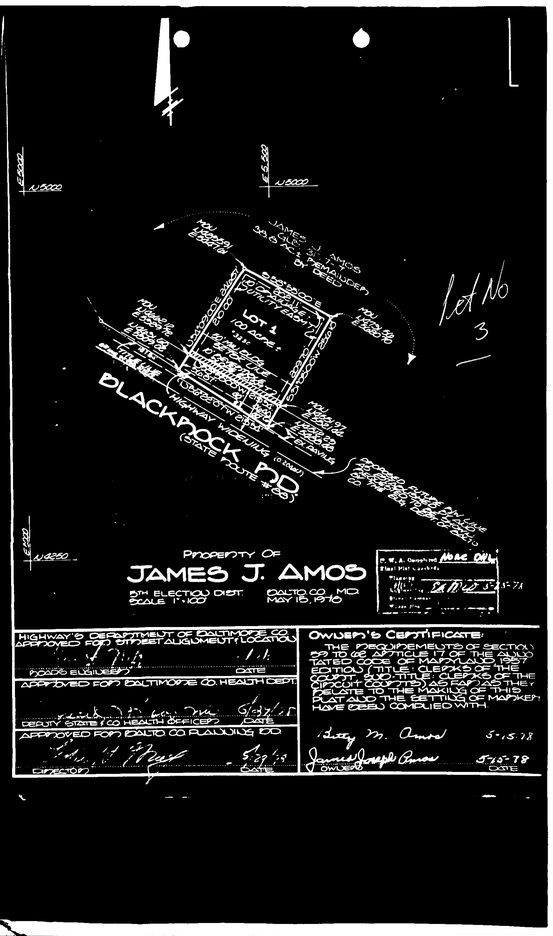
PLEASE PRINT CLEARLY ~~BALTIMORE COUNTY REPRESENTATIVES~~
SIGN-IN SHEET

NAME	ADDRESS
FOR PETITIONERS - BRUCE E. DORK - GROSHOLD CARTS - ETCH.	3205 TOWSONTOWN BLVD TOWSON 21280
Cheryl Blevins	3310 Black Rock Rd 21136
John Blevins	3310 Black Rock Rd 21136
Frank DiMeglio (Zoning Inspector)	111 W. Chesapeake Ave 21204
Deborah Dopkin	502 Washington Ave

PLEASE PRINT CLEARLY BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME	ADDRESS
James J. Amos III	3230 Black Rock Rd.
Jacqueline Amos	3230 Black Rock Rd
Robert Gardner	3230 Black Rock Rd.
Nora [illegible]	1534 Lake Avon Rd.
[illegible]	3236 Black Rock Rd
Dorothy [illegible]	[illegible]
Jennifer Amos	3230 Black Rock Road
James Amos	3230 Black Rock Rd.
Frank DiMeglio	111 W. Chesapeake Ave

Petitioner's Exhibits
2A - VF +
4A
photographs
93-65-SPHXA



7/25/91 TO F D

Protest No 1

Mark 35-3-92

July 24, 1991

RECEIVED
JUL 25 1991
ZONING OFFICE

Mr. Arnold Jablon
Zoning Administration
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

On September 11, 1989, the Baltimore County Agricultural Land Preservation Advisory Board recommended the approval of an application for a tenant dwelling submitted by James J. and Betty M. Amos of 3300 Black Rock Road, Reisterstown, Maryland 21136. The application was later approved by the Office of Zoning. The tenant dwelling consisted of a trailer and the tenant was their daughter, Cheryl Blevins, who would care for the livestock and perform other farm related tasks. Both Mr. and Mrs. Amos were ill at the time and could not perform the farm operations. It is our understanding that they have since died and willed a substantial portion of the farm to their daughter, including the portion that contains the main house and the tenant dwelling.

The Baltimore County Agricultural Land Preservation Advisory Board believes that clearly the status of the tenant and the tenant dwelling have changed since Ms. Blevins is now the reported owner of the property containing the main house and the tenant dwelling and is no longer the tenant, albeit, she is residing in the tenant dwelling or trailer. Additionally, we have no basis to believe that a tenant is needed on this farm. It is now, therefore, the recommendation of the Baltimore County Agricultural Land Preservation Advisory Board that Ms. Blevins be ordered to remove the tenant dwelling or trailer from the property.

Please call Mr. Paul J. Solomon, Program Administrator, Baltimore County Agricultural Land Preservation Program, at 887-2904 should you have any questions regarding this matter.

Sincerely,

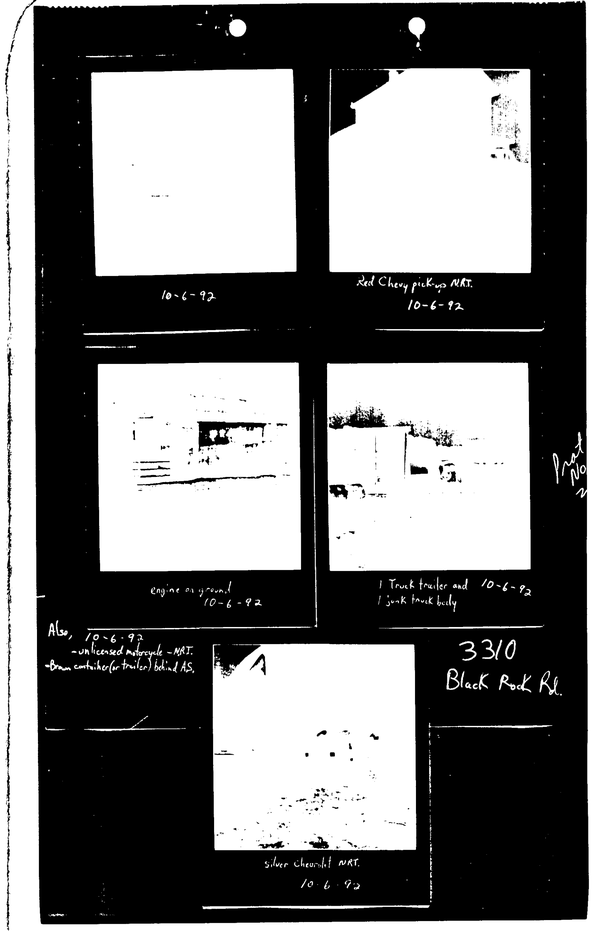
Mark Daneker /PSL

Mark J. Daneker
Chairman, Baltimore County Agricultural
Land Preservation Advisory Board

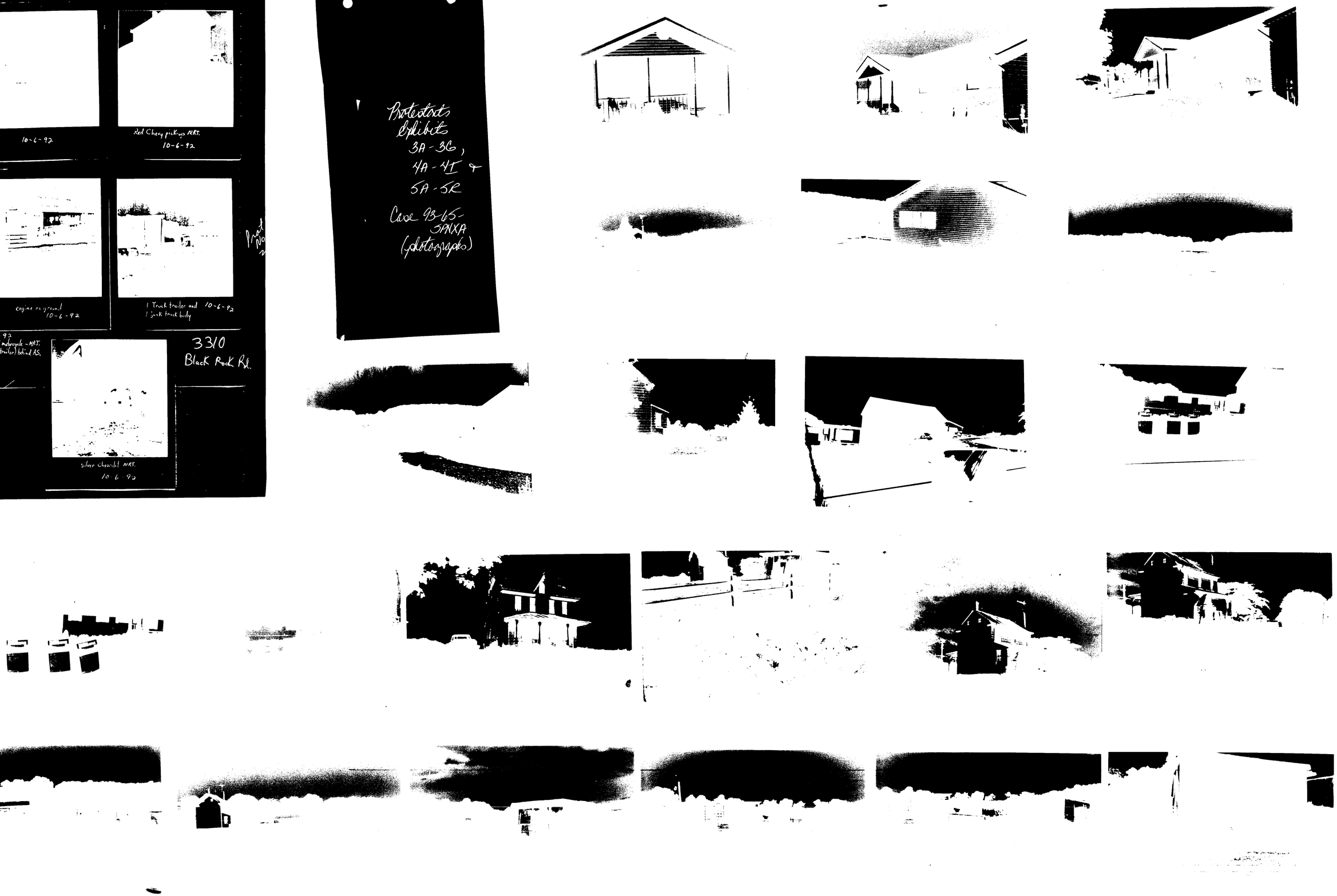
MJD:tjl

cc: Mr. James J. Amos, III, 3230 Black Roack Road, Reisterstown, MD 21136
Mr. Robert Ridgley, Baltimore County DEPRM
Mr. Frank DeMeglio, Baltimore County Office of Zoning

Update Paul Solomon 2904

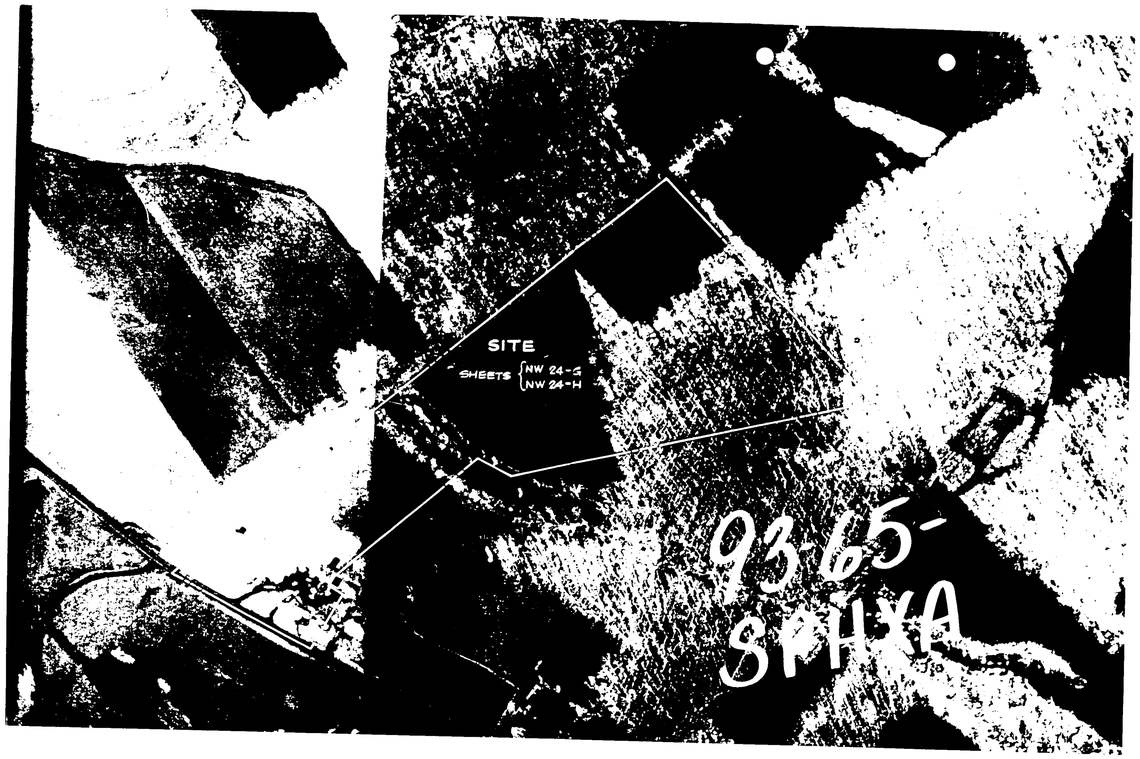

10-6-92
Red Chevy pick-up MRT.
10-6-92
engine on ground
10-6-92
1 Truck trailer and
1 junk truck body
10-6-92
Also, 10-6-92
-unlicensed motorcycle - MRT.
-trash container (or trailer) behind AS.
3310
Black Rock Rd.
Silver Chevrolet MRT.
10-6-92

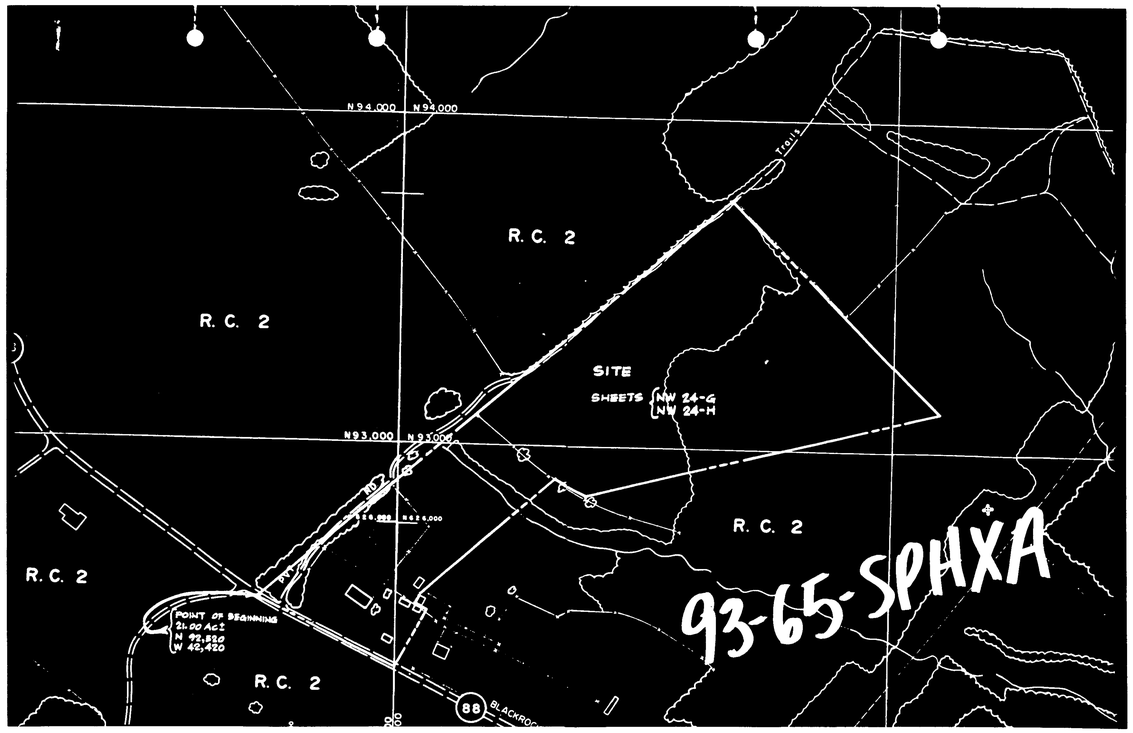
Protestors
Exhibits
3A - 3G,
4A - 4I &
5A - 5R
Case 93-65-
SPNXA
(photographs)

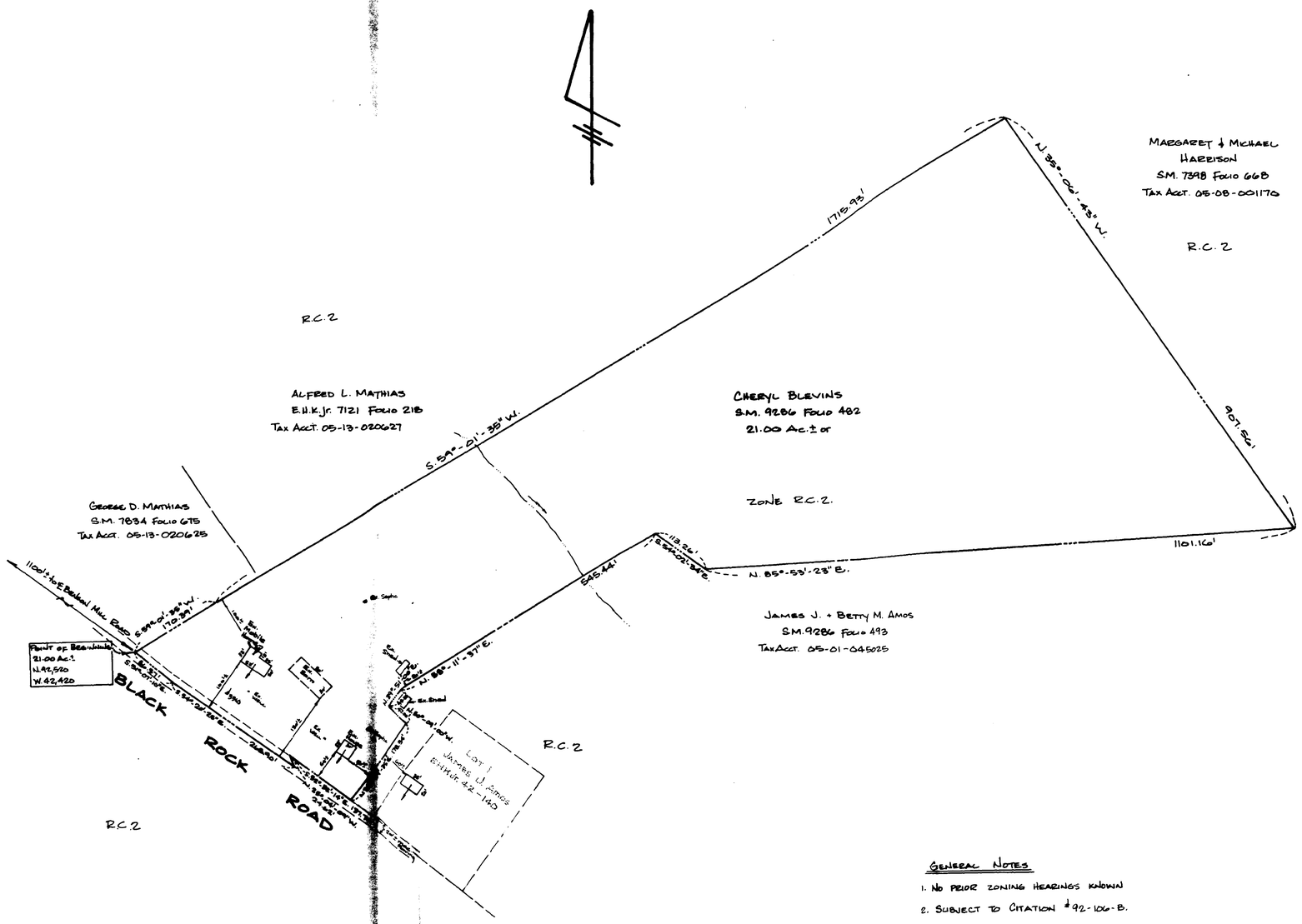


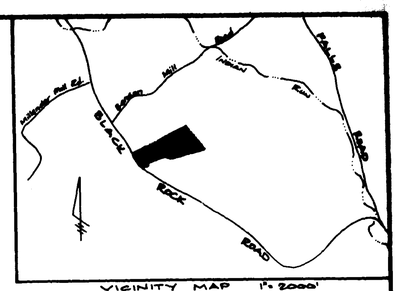
Protestants Exhibits
3A - 3G,
4A - 4I &
5A - 5R

Case 93-65-SPHXA
(photographs)









VICINITY MAP 1" = 2000'

PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCES
CHERYL BLEVINS, PETITIONER

Petition for a Special Exception to permit a trailer for residential use pursuant to Section 415.1.d of the Baltimore County Zoning Regulations.

Petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations

1. For an interpretation of Section 1A01.2.B.7 of those regulations to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve:

   a. the use of a mobile home previously permitted as a tenant dwelling to be designated as the principal residence;

   b. the use of a building previously used as a principal residence to be modified and thereafter designated as an accessory use.

2. For the approval of variances from

   a. Section 400.1 to permit an accessory structure to be located in the front rather than the rear yard; and

   b. Section 400.3 to permit the height of an accessory building to exceed fifteen feet (15');

3. For the withdrawal of case number SP02005-91 and the abatement of the fines assessed therein upon approval as herein requested.

PETITIONER'S EXHIBIT No 1

GENERAL NOTES

1. NO PRIOR ZONING HEARINGS KNOWN
2. SUBJECT TO CITATION #92-106-B.

PLAN TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION,
SPECIAL HEARING & VARIANCES

CHERYL BLEVINS PROPERTY
3310 BLACK ROCK ROAD
REISTERSTOWN, BALTIMORE COUNTY
MARYLAND, 21136

5th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
SCALE: 1" = 100' ZONE R.C.2
AUGUST 6, 1992

No Tax Acct. No. assigned as of this date.
Previous Acct No. 05-01-045025

GERHOLD, CROSS & ETZEL
320 EAST TOWSONTOWN BLVD. SUITE 100
TOWSON, MARYLAND 21286
(410) 823-4470