

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
W/S Berrymans Lane, 480 ft. N of Sungold Road
818 Berrymans Lane
3rd Election District
3rd Councilmanic District
Robert L. Jones, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-378-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure 19 ft. in height, in lieu of the required 15 ft. (accessory structure larger than the principal dwelling), as more particularly described on Petitioners' Exhibit No. 1.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

ORDER RECEIVED FOR FILING
Date 5/18/92
By [Signature]

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of May, 1992 that the Petition for a Zoning Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure 19 ft. in height, in lieu of the required 15 ft. (accessory structure larger than the principal dwelling), in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

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Date 5/18/92
By [Signature]

LES:mmm

Suite 113, Centilious
400 Washington Avenue
Towson, MD 21284

(410) 887-1396

May 18, 1992

Mr. and Mrs. Robert L. Jones
818 Berrymans Lane
Reisterstown, Maryland 21136

RE: Petition for Residential Zoning Variance
Case No. 92-378-A

Dear Mr. and Mrs. Jones:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

92-378-A
The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 400.3
To Allow Accessory Structure of 19 FT Height
IN LIEU OF THE REQUIRED 15 FT HEIGHT AND ACCESSORY
STRUCTURE FROM THE PRINCIPAL DWELLING
Need 2nd story loft for storage space

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and 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:

(Type or print name)

(Signature)

Address

City State Zip Code

Attorney for Petitioner:

(Type or print name)

(Signature)

Address

City State Zip Code

Legal Owner(s):

(Type or print name)

(Signature)

Address

City State Zip Code

Attorney for Petitioner:

(Type or print name)

(Signature)

Address

City State Zip Code

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19 day of May, 1992, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.



REVIEWED BY: [Signature] DATE: 5/18/92
ESTIMATED POSTING DATE: [] ESTIMATED CLOSING DATE: [] ITEM # 203

LEGAL DESCRIPTION 92-378-A

BEGINNING FOR THE FIRST PARCEL of ground at a stone at the end of the North 35 degrees West 40.8 perches line in a deed from Edward H. Bigelow Attorney to J. Leland Hanna dated January 18, 1909 and running thence with the land of J. D. Royer now C. Frank Esmart North 46 degrees 17 minutes East 457 feet to an iron pipe set at a corner of the A A Dyer tract of land at the end of the North 12 degrees 15 minutes East 644.3 feet line of said tract thence reversely along said line South 12 degrees and 15 minutes West 644.3 feet to a point in the centre of Berrymans Lane on the above said 40.8 perches line thence with said line North 31 degrees 30 minutes West 368 feet to the beginning Containing 1.88 acres of land more or less.

BEGINNING FOR THE SECOND PARCEL of land at an iron pipe South 31 degrees and 30 minutes East 72.3 feet from the beginning point of the first parcel of land herein described and in the fifth or North 34 degrees and 45 minutes West 22.6 perches line of the land which by deed dated April 11th 1913 and recorded among the Land Records of Baltimore County in Liber WPC No. 410, folio 322 etc was conveyed by Bruce H. Bailey and wife to John B. Landis and wife said point being at the end of the third or North 54 degrees 50 minutes East 577.5 feet line of the land excepted in said deed running thence and binding reversely on said third line of the said excepted land South 54 degrees and 26 minutes West 243.8 feet thence South 70 degrees and 8 minutes East 390.3 feet to the East side of Berrymans Lane at the end of the second line of the land which by deed dated April 19th 1915 and recorded among the Land Records of Baltimore County in Liber WPC No. 452, folio 468, etc. was conveyed by John T. Landis et al to Henry J. Mumert running thence and binding on the outlines of the land which by deed dated August 8th 1911 and recorded among the Land Records of Baltimore County in Liber WPC No. 383 folio 102 etc. was conveyed by Frank Renisch and wife to John B. Landis and wife and on the part of the fifth line from Bailey to Landis first above mentioned North 31 degrees and 30 minutes West 318.2 feet to the place of beginning. Containing in all 88/100 of an acre of land more or less.

BEGINNING FOR THE THIRD PARCEL at an old iron pipe at the corner of Vagnoni, Burke and Winter lands and running thence (1) North thirty-one degrees West one hundred feet to a pipe (2) North fifty-nine degrees East one hundred fifty-three feet to a pipe (3) South seventy-three and one-half degrees East seventy-seven feet to an iron pipe (4) South forty-seven degrees West two hundred and six feet to the beginning containing fourteen thousand two hundred and fifty square feet of land more or less and being a part of the same land described and conveyed in the deed of Edward H. Burke and wife unto the said Charles S. Knight, Arthur W. Sents and John N. Pohlman Trustees for the Reisterstown Congregation of the Church of the Brethren bearing dated March 29, 1939 and intended to be recorded among the Land Records of Baltimore County prior hereto.

SAVING AND EXCEPTING, However, out of said tracts the land which by deed dated September 13th 1924 and recorded among the Land Records of Baltimore County in Liber WPC No. 606, folio 400 etc was conveyed by Max Bosttcher to Thomas C. Jackson being a strip of land 10 feet wide.

SAVING AND EXCEPTING, However, all that land which by Deed dated May 6, 1939 and recorded among the Land Records of Baltimore County in Liber 1074, folio 326, was granted and conveyed by Ernesto Vagnoni and Jannel Vagnoni, his wife unto Reisterstown Savings Bank.

SAVING AND EXCEPTING, However, all that land which by Deed dated October 15, 1953 and recorded among the Land Records of Baltimore County in Liber 2374, folio 188, was granted and conveyed by Ernesto Vagnoni and Jennie Vagnoni, his wife unto The Reisterstown Evergreen Church of the Brethren.

92-378-A

ZONING DESCRIPTION FOR 818 Berrymans Lane

Beginning at a point on the West side of Berrymans Lane which is 22' wide at the distance of 480' North of the centerline of the nearest intersecting street Sungold Rd. which is 22' wide. "As recorded in Deed Liber (878), "Polio (331)?"

Beginning at a point on the West side of Berrymans Lane 480' North from the centerline of Sungold Rd. thence

- S 12' 15"W-330.2'
- N 73' 30"W-303.25'
- N 59'E-17.37'
- N 31' 30"W-172.3'
- S 54' 26"W-243.8'
- S 70' 8"E-390.2'

AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE VARIANCE 92-378-A

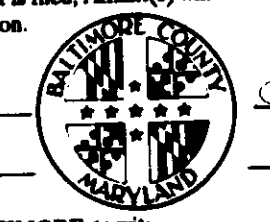
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 818 Berrymans Lane, Reisterstown, MD 21136

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (include hearings or similar affidavits)
Height of shed to be 19' for second story loft storage space

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.



STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 19 day of May, 1992, before me, a Notary Public of the State of Maryland, as and for the County aforesaid, personally appeared Robert L. Jones & Laurie Kim Jones

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.
[Signature]

My Commission Expires: MY COMMISSION EXPIRES NOV. 30, 1994

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

District: [] Date of Posting: 5/18/92
Posted for: []
Petitioner: []
Location of property: []
Location of Signs: []
Remarks: []
Posted by: [] Date of return: []
Number of Signs: []

BER 00007

DESCRIPTION	QTY	PRICE
POSTING	1 X	\$35.00
ADVERTISING	1 X	\$25.00
TOTAL:		\$60.00

Account: 80014150
Number: H9200403
Please Make Check Payable to: BALTIMORE COUNTY
BA 001202903-11

Mr. & Mrs. Robert L. Jones
818 Berrymans Lane
Reisterstown, MD 21136

RE: Item No. 403, Case No. 92-378-A
Petitioner: Robert L. Jones, et ux
Petition for Administrative Variance

Dear Mr. & Mrs. Jones:

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 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.

Your petition has been received and accepted for filing this 19th day of April, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Robert L. Jones, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: April 14, 1992
TO: Arnold Jablon, Director
Zoning Administration & Development Management
FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning
SUBJECT: PETITIONS FROM ZONING
ADVISORY COMMITTEE - APRIL 13, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Paul R. Rochlin	-	Item No. 392
Ronald W. Chapman	-	Item No. 394
Rose L. Mroy	-	Item No. 396
Rose L. Mroy	-	Item No. 397
Charles G. Scherr	-	Item No. 398
Charles G. Scherr	-	Item No. 399
Louis H. Young	-	Item No. 400
Robert L. Jones	-	Item No. 403
S. Edward Hargest	-	Item No. 404
Gary W. Hohne	-	Item No. 406
George F. Nixon	-	Item No. 408
Steven R. Goff	-	Item No. 413

JM
PETITNS1.ZON

RECEIVED
APR 21 1992
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: April 16, 1992
TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Stephen E. Weber
SUBJECT: W.A.C. Comments
W.A.C. MEETING DATE: April 13, 1992
ITEM NUMBER: 403

There should only be one point of access from the property to Berrymans Lane.

Stephen E. Weber
STEPHEN E. WEBER, P.E.
Assistant Traffic Engineer

RECEIVED
APR 21 1992
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

April 15, 1992

TO: Arnold Jablon, Director
Zoning Administration and Development Management
FROM: DIVISION OF GROUND WATER MANAGEMENT
SUBJECT: Zoning Item #403, Zoning Advisory Committee Meeting of April 13, 1992, Robert L. Jones and Laurie Kim Jones, W/S Berrymans Lane, 480' N of Sungold Road (#818 Berrymans Lane), D-3, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

Any permanent building structure must be a minimum of 20 feet from the septic system and 30 feet from the well.

SSP:rmp

ZON.403/GWRMP

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APR 16 1992
ZONING OFFICE

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

RE: Property Owner: ROBERT L. JONES AND LAURIE KIM JONES
Location: #818 BERRYMANS LANE
Item No.: 403 (RT) Zoning Agenda: APRIL 13, 1992

Gentlemen:

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 J. Keenan* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
By

BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

TO: Arnold Jablon, Director DATE: April 24, 1992
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
SUBJECT: Zoning Advisory Committee Meeting for April 15, 1992

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for the following items:

No. 392
No. 396
No. 397
No. 398
No. 399
No. 400
No. 403
No. 404
No. 406
No. 407
No. 408
No. 413
No. 417
No. 418
No. 419

BWB:s

Robert L. and Laurie K. Jones
818 Berrymans Lane
Reisterstown, Maryland 21136

Re: CASE NUMBER: 92-378-A
LOCATION: W/S Berrymans Lane, 480' N of Sungold Road
818 Berrymans Lane
3rd Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 19, 1992. The closing date is May 4, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

Dear Mr. Schmidt

I have applied for a zoning variance on my property because we have built a shed over 15' in height that was within 50' of the corner of another property line. This new shed is 14' high & 30' to the corner of property Parcel #3 on the plat.

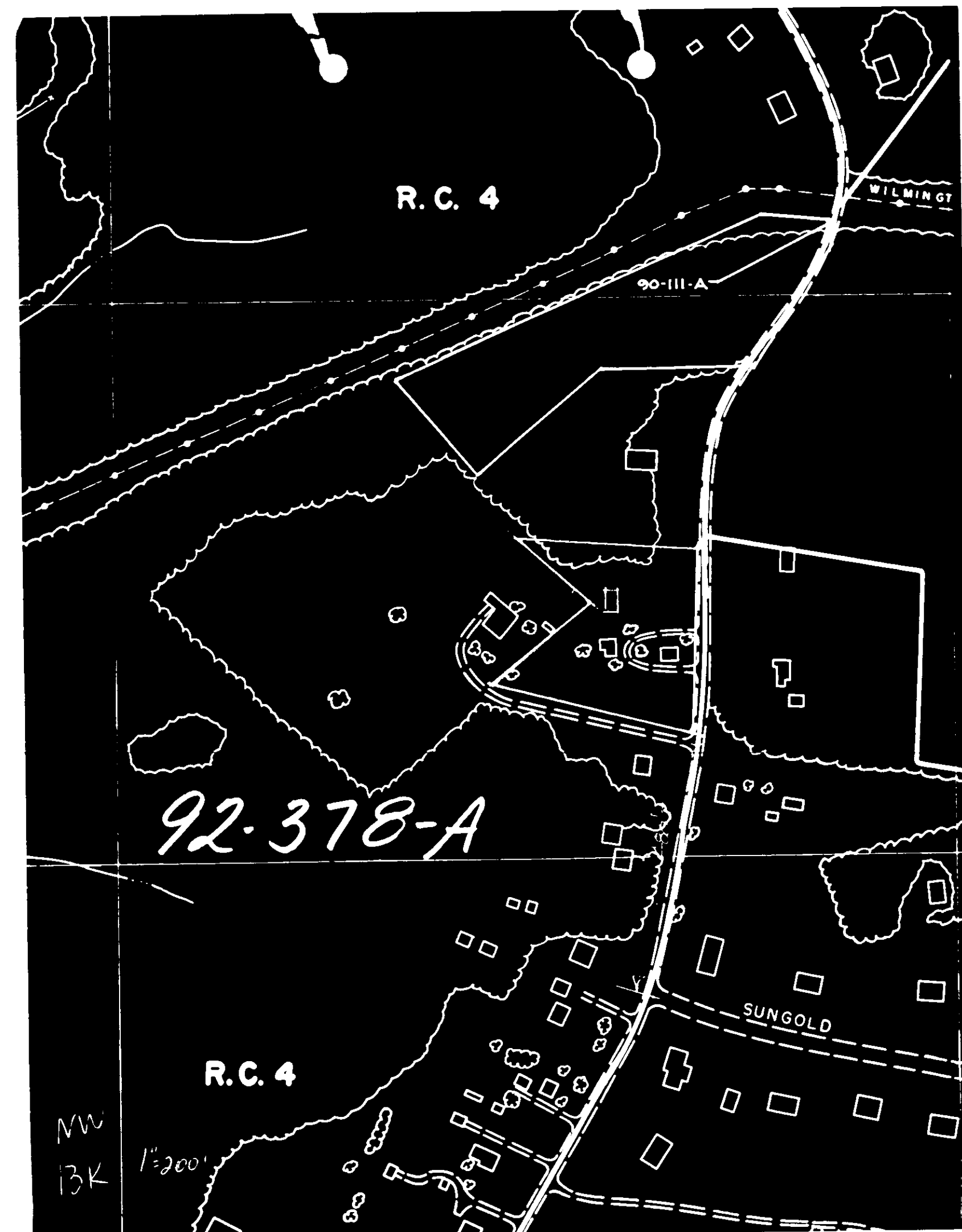
This shed is stone only and was constructed because our house is so small 24'x26' and we purchased the property with a shed already on it. The old shed was so deteriorated that we decided to tear it down and construct the new one at a much more attractive site on the property.

I applied for the variance and set up an appointment for help in filling out the application papers. The man who helped me missed the items you listed in your comments and I would like to remedy the situation ASAP. to finish my shed.

The items you listed are listed below with proper measurements

- ① Distance from shed to septic is 51'
- ② Distance " " to well is 114'
- ③ " " " driveway is 60' however we will not be putting in driveway to shed

5/12/92 Robert Jones



Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 2322 BERRYMAN LANE
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: N/A
plat book # 211
date 5/12/92
sections 1

OWNER: Robert Jones
Robert Jones Exhibit #1

Subject Property: 92-378-A
BERRYMAN LANE
FRANKLIN BLDG

Vicinity Map scale: 1"=1000'

LOCATION INFORMATION

Councilmanic District: 5
Election District: 5
1"=200' scale map: NW 13-K
Zoning: R.C. 4
Lot size: 200.0 square feet

SEWER:
WATER:
Chesapeake Bay Critical Area:
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: [] ITEM #: [] CASE#: []
R.J.

① Distance from shed to septic is 51'
② Distance from shed to well is 114'
③ Distance from shed to driveway is 60'
Scale of Drawing: 1"=100'

North
date: 5/12/92
prepared by: []