

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE	* BEFORE THE
W/S Factory Rd., 1250 ft. (+/-)	* ZONING COMMISSIONER
W of c/l Long Green Pike	* OF BALTIMORE COUNTY
11006 Factory Road	* Case No. 95-141-A
11th Election District	*
6th Councilmanic District	*
Phillip D. Reier, et ux	*
Petitioners	*
* * * * *	* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Phillip D. Reier and Anna M. Reier, his wife, for that property known as 11006 Factory Road in the Glenarm section of Baltimore County. The Petitioner/property owners herein seek a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the side yard in lieu of the rear yard, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

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, 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, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

COPIES RECEIVED FOR FILING
 Date 11/10/94
 By *[Signature]*

MICROFILMED

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.

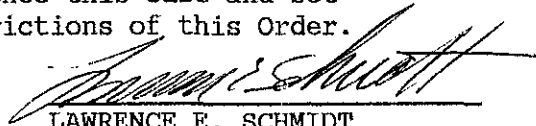
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of November, 1994 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached garage) to be located in the side yard in lieu of the rear yard, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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

2. Compliance with the Baltimore County Zoning Plans Advisory Committee (ZAC) comment from the Department of Environmental Protection and Resource Management (DEPRM) dated October 26, 1994 are adopted in their entirety and made a part of this Order, if applicable.

3. 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.

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 11/18/94
By M. Gorab

LES:mmn

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 10, 1994

Mr. and Mrs. Phillip D. Reier
11006 Factory Road
Glen Arm, Maryland 21057

RE: Petition for Administrative Variance
Case No. 95-141-A
Property: 11006 Factory Road

Dear Mr. and Mrs. Reier:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative 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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.

NOV 15 1994





Petition for Administrative Variance

95-141-A

to the Zoning Commissioner of Baltimore County

for the property located at 11006 Factory Rd.

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 Variance from Section(s) 400.1 RC2R TO PERMIT AN ACCESSORY STRUCTURE TO BE LOCATED IN THE SIDE YARD.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) I do not have 40' to the property line from the side, rear of house. ② It would be practically impossible to put it in the rear of the house. There is a well, six mature shade trees, and a Garage. ③ It would block view of farm causing security and business problems. ④ It would be a hardship connecting the drive-way.

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

I, or we, agree to pay expenses of above Variance 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

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City State Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of _____, 19___ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: Qlm

DATE: 10-12-94

ESTIMATED POSTING DATE: 10-23-94

Printed with Soybean Ink on Recycled Paper

ITEM #: 138

Affidavit in support of Administrative Variance

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) is/are 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 11006 Factory Rd.
address
Glen Arm Md. 21057
City State Zip Code

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: (indicate hardship or practical difficulty)

The building could not be placed in rear of house because of the well, six mature shade trees, and a Gazebo. A building in the rear would also block the view of the farm, and farm buildings. We board horses for a living and need to keep watch on who comes and goes into the farm for business and security reasons. It would also be a hardship to connect the driveway!

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.

Phillip D. Reier
(signature)
Phillip D. Reier
(type or print name)



Anna M. Reier
(signature)
Anna M. Reier
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 27TH day of SEPTEMBER, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

PHILLIP D. + ANNA M. REIER

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

SEP. 27, 1994
date

Robert Samuel Blum
NOTARY PUBLIC

My Commission Expires: July 1, 1997

MICROFILMED

ZONING Description For 11006 Factory Rd. Part

Beginning at a point in Factory Rd. at the end of the last or North 89 degrees 38 minutes East 277.3 Ft. line mentioned in a Deed dated April 11, 1960 from Mary E. Harris to Henry M. and Gladys M. Reier and recorded among the land Records of Baltimore County in Liber 3687 folio 375 etc. and running thence binding on the center line of Factory Rd. North 21 degrees 11 minutes West 85.5 feet thence North 31 degrees 20 minutes 58 seconds West 119.21 feet thence leaving said road and making lines of division South 59 degrees 47 minutes 30 seconds West 229.7 feet thence South 30 degrees 12 minutes 30 seconds East 91.5 feet to intersect the first above mentioned line thence binding there on North 89 degrees 38 minutes East 252.3 feet to the place of beginning. This description was made by Russel M. Herbert, Registered land surveyor dated July 9, 1968.

Deed Liber 4910 Page 592

ZONING Description For 11006 Factory Rd. Part II

Beginning for the same at a point in Factory Rd. located at the end of the last or North 89 degrees 38 minutes East 277.3 Ft. line mentioned in a deed dated April 11, 1960 from Mary E. Harris to Henry M. and Gladys M. Reier and recorded among the land Records of Baltimore Co. in Liber 3687 folio 375 etc. and running thence binding reverse on said line South 89 degrees 38 minutes West 252.3 Ft. thence for lines of division South 30 degrees 12 minutes 30 seconds East 23.5 feet to a stake thence North 59 degrees 47 minutes 30 seconds East 38.85 feet thence South 40 degrees 12 minutes 30 seconds East 65.0 feet to a pipe thence North 68 degrees 04 minutes East 170.47 feet to a place of beginning.

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

95-141-A

District: 11th Date of Posting: 10/23/94

Posted for: Variance

Petitioner: Phillip & Anna Reier

Location of property: 11006 Factory Rd, w/s

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 10/28/94
Signature

Number of Signs: 1

MICROFILMED





111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor 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 and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 138

Petitioner: Phillip D. Reier

Location: 11006 Factory Rd. Glen Arm, Md. 21057

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Phillip D. Reier

ADDRESS: 11006 Factory Rd.

Glen Arm, Md. 21057

PHONE NUMBER: 592-8968

AJ:ggs

(Revised 04/09/93)



CASE NUMBER: 95-141-A (Item 138)

11006 Factory Road

W/S Factory Road, 1250'+/- W of c/l Long Green Pike

11th Election District - 6th Councilmanic

Petitioner(s): Phillip D. Reier and Anna M. Reier

Administrative Variance to permit an accessory structure to be located
in the side yard.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Phillip D. Reier
11006 Factory Road
Glen Arm, Maryland 21057

NOV. 2 1994

RE: Case No. 95-141A, Item No. 138
Petitioner: Phillip and Anna Reier

Dear Mr. and Mrs. Reier :

The Zoning Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on October 12, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following is 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 the Office of Zoning Administration and Development Management has instituted a system whereby 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.
2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Those individuals who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Joyce Watson in the zoning office at 887-3391 or the commenting agency.

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr." with a flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jnw
Enclosure(s)



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: October 31, 1994
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for October 31, 1994
Items 138, 140, 141, 142 and 145

The Developers Engineering Section has reviewed
the subject zoning items and we have no comments.

RWB:sw

10/31/94

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/26/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF 10/24/94

Item No.: SEE BELOW Zoning Agenda:

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.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS 138, 140, 141, 142 AND 145.

RECEIVED

OCT 28 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Robert P. Sauerwald



B A L T I M O R E C O U N T Y , M A R Y L A N D
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

October 26, 1994

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

FROM: J. Lawrence Pilson *JLP*
 Development Coordinator, DEPRM

SUBJECT: Zoning Item #138^A - Reier Property
 11006 Factory Road
 Zoning Advisory Committee Meeting of October 24, 1994

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

Agricultural Preservation Program

If the building is to be used as a tenant structure, approval for such use must be obtained from the Agricultural Preservation Board.

If the applicant has any questions they should contact Wally Lippincott of this Department at 887-2904.

JLP:sp

REIR/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 20, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 138, 141, 142, 145.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol Kern

PK/JL



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

10-21-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: *138 (JCM)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

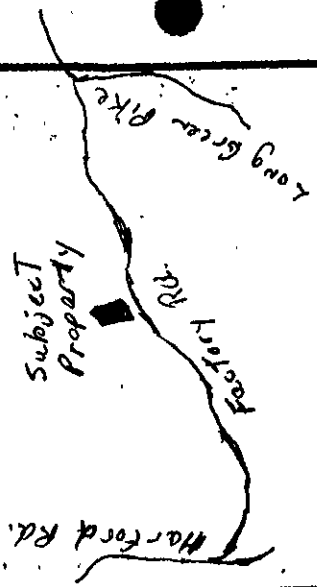
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 11006 Factory Rd. see pages 5 & 6 of the CHECKLIST for additional required information

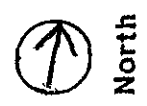
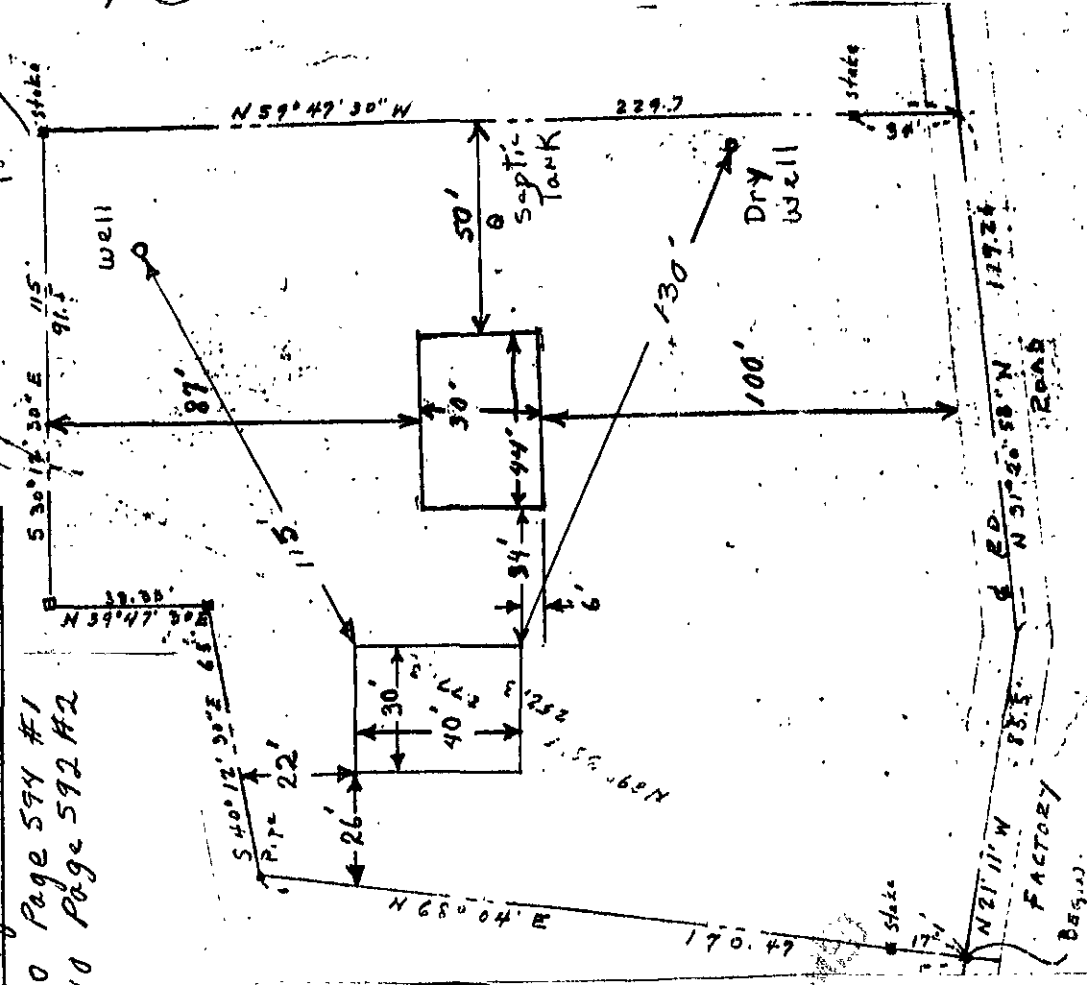
Subdivision name: _____
 plat book# _____, folio# _____, lot# _____, section# _____

OWNER: Phillip & Anna Reier
Liber 4910 Page 594 #1
Liber 4910 Page 592 #2



Vicinity Map
 scale: 1"=1000'

95-141-A



date: _____
 prepared by: Russell M. Herbert Scale of Drawing: 1"= 45'

LOCATION INFORMATION

Election District: 11
 Councilmanic District: 6 NE 12 F
 1"=200' scale map#: NE 12 F
 Zoning: R-2
.792 ac. #1
.185 ac. #2
 Lot size: _____ square feet

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

Zoning Office USE ONLY!

reviewed by: QUM ITEM #: 138 CASE#:

NE 12 F

POOL

PRIVATE ROAD

FACTORY

R.C.2

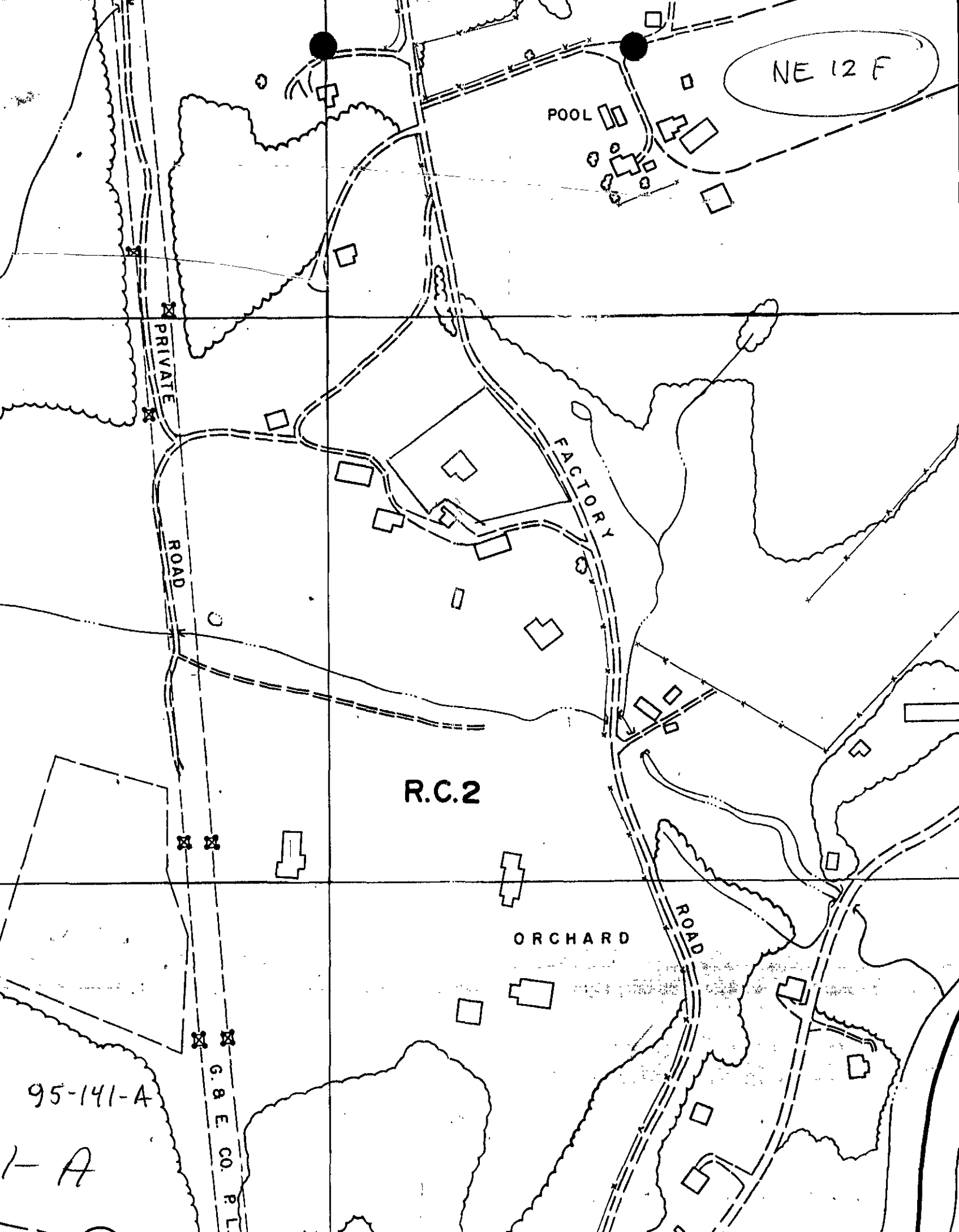
ORCHARD

ROAD

95-141-A

1-A

G. B. E. CO. P. L.





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

128

SCALE	1" = 200'
DATE OF PHOTOGRAPHY	JANUARY 1986
LOCATION	SOUTHEAST OF SUMMERFIELD
SHEET	NE 12-F MICROFILMED

95-141-A