

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Grace Road, 742 ft. N of *
Blackrock Road * ZONING COMMISSIONER
17218 Grace Road
5th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Richard Merryman, et ux * Case No. 98-357-A
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for a Zoning Variance for the property located at 17218 Grace Road near Hampstead. The Petition was filed by Richard Merryman and Joan Merryman, his wife, property owners. Variance relief is requested from Section 1A01.3 of the Baltimore County Zoning Regulations (BCZR) to allow a 20 ft. side yard setback, in lieu of the required 35 ft. setback. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exh. No. 1.

Appearing at the public hearing held for this case was Joan Merryman, co-Petitioner/property owner. There were no Protestants or other interested persons present.

Public notice of the hearing was provided by way of an advertisement in the April 23, 1998 edition of The Jeffersonian newspaper. Although there was no Certificate of Posting in the file, the Petitioner testified that a sign advising of the hearing was posted on the subject property for at least 15 days in advance of the hearing date. The Petitioner also indicated that she spoke with her neighbor (John K. Elseroad, Jr.) about the Petition and that he has no objection to the variance requested.

Testimony and evidence presented was that the subject property is rectangular in shape, approximately .94 acres in area, zoned R.C.2. The

ORDER RECEIVED FOR FILING

Date

By

5/21/98
J. J. Gorman

Petitioner has owned the property, along with her husband, since approximately 1970. The property is improved with an existing rancher style dwelling, known as 17218 Grace Road. Additionally, the property features a detached garage & shed. The Petitioners reside on the subject property.

Mrs. Merryman also testified that she and her husband proposed adding an addition to the dwelling. The addition will be constructed on the south side of the dwelling and will be 28 ft. x 24 ft. in dimension. As indicated, the addition is necessary to provide additional living space to accommodate Mrs. Merryman's mother. Apparently, Mrs. Merryman's mother is elderly and may come to live with the Petitioners. No kitchen will be added, however, a bedroom, bathroom and den area will be added. As further indicated, the addition cannot be located on the other side of the house due to the driveway, nor in the rear due to the well and septic system.

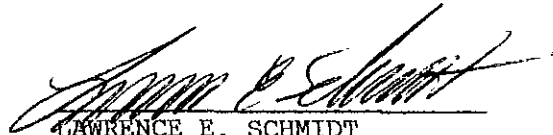
Based upon the testimony and evidence presented, I am persuaded to grant the Petition for Variance. I am satisfied that the Petitioner has presented evidence to comply with the requirements of Section 307 of the BCZR.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of May 1998 that a variance from Section 1A01.3 of the Baltimore County Zoning Regulations (BCZR) to allow a 20 ft. side yard setback, in lieu of the required 35 ft. setback, be and is hereby GRANTED, subject to the following restriction:

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

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.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING
Date 5/21/98
By M. G. [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

May 20, 1998

Mr. and Mrs. Richard Merryman
17218 Grace Road
Hampstead, Maryland 21074

RE: Case No. 98-357-A
Petition for Zoning Variance
Location: 17218 Grace Road

Dear Mr. and Mrs. Merryman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning 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 dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: Mr. Patrick M. O'Keefe
523 Penny Lane
Hunt Valley, Md. 21030





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at #17218 GRACE ROAD

which is presently zoned RC-2

This Petition shall be filed with the Department of Permits & 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) 1A 01.3 TO ALLOW A

20 FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 35 FEET IN AN RC-2 ZONE

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

WE ARE UNABLE TO ADD THE FAMILY ADDITION TO THE FRONT, REAR OR RIGHT SIDE BECAUSE OF EXISTING SEPTIC, WELL AND DRIVEWAY CONSTRAINTS

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.

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

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.

Legal Owner(s):

RICHARD MERRYMAN

(Type or Print Name)

Signature

JOAN MERRYMAN

(Type or Print Name)

Signature

17218 GRACE ROAD 374-6860

Address

Phone No

HAMPSTEAD

UPPERCO, MD.

21074

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

PATRICK M. O'KEEFE

Name

523 PENNY LA.

HUNT VALLEY

21030

410-666-5366

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

3/26/98



Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

98-357-A

357
ZONING DESCRIPTION

FOR RICHARD MERRYMAN, ETAL

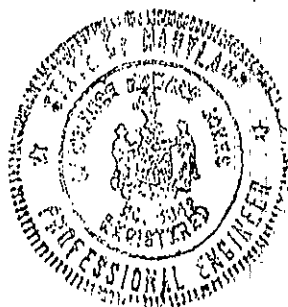
#17218 GRACE ROAD

BEGINNING AT A POINT ON THE WEST SIDE OF
GRACE ROAD WHICH IS 30.0 FEET WIDE R/W
AT A DISTANCE OF 742.0 FEET NORTH OF THE
CENTERLINE OF THE NEAREST IMPROVED INTERSECTING
STREET: BLACK ROCK ROAD WHICH IS 50.0 FEET
WIDE R/W.

BEING LOT-1, IN THE SUBDIVISION OF 'SILAS MARTIN' AS RECORDED
IN BALTIMORE COUNTY PLAT BOOK #30, FOLIO #143
(SEE DEED BOOK 5103 FOLIO 652 FOR TITLES)

CONTAINING: 0.94 ACRES OF LAND MORE OR LESS

ALSO KNOWN AS #17218 GRACE ROAD, HAMPSTEAD, MD. 21074
AND LOCATED IN THE 5TH ELECTION DISTRICT,
3RD COUNCILMANIC DISTRICT.



98-357-A

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #98-357-A
17218 Grace Road
W/S Grace Road, 742' N of

Blackrock Road
5th Election District
3rd Councilmanic District
Legal Owner(s):
Richard Merryman & Joan Merryman

Variance: to allow a 20-foot side yard setback in lieu of the required 35 feet.

Hearing: Tuesday, May 12, 1998 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Ave.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call (410) 887-3363.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3363.

4/394 April 23 C229040

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/23/, 1998

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 4/23/, 1998.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

981840

DATE 3/26/98 ACCOUNT 80016150

AMOUNT \$ 50.00

RECEIVED FROM: PAT O'KEEFE

FOR: RV FILING.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
3/26/1998 3/26/1998 11:53:23

REL M802 CASHIER JRIC JMR DRAWER 5

5 MISCELLANEOUS CASH RECEIPT

Receipt # 037874

OFFN

CR NO. 051840

50.00 CASH

Baltimore County, Maryland

98-357-A

CASHIER'S VALIDATION



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 3, 1998

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Variance to allow a 20-foot side yard setback in lieu of the required 35 feet.

HEARING: Tuesday, May 12, 1998 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with a circled "34" below it.

Arnold Jablon
Director

c: Patrick O'Keefe
Joan & Richard Merryman

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 27, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
April 23, 1998 Issue - Jeffersonian

Please forward billing to:

Richard Merryman
17218 Grace Road
Hampstead, MD 21074

410-374-6860

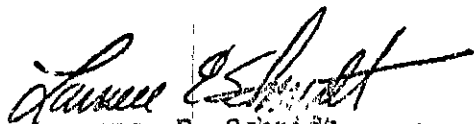
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Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 357

Petitioner: RICHARD MERRYMAN

Location: 17218 GRACE RD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: RICHARD MERRYMAN

ADDRESS: #17218 GRACE ROAD.

HAMPSTEAD, MD. 21074

PHONE NUMBER: 374 6860

AJ:ggs

(Revised 09/24/96)

98-357-A

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than * _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-357-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: * _____

DATE AND TIME: * _____

REQUEST: A VARIANCE TO PERMIT A 20 FT. SIDE YARD SETBACK
OF AS CLOSE AS 20 FT. IN LIEU OF THE REQUIRED 35 FT
FOR A PROPOSED ADDITION

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

RE: PETITION FOR VARIANCE
17218 Grace Road, W/S Grace Rd.,
742' N of Blackrock Rd.
5th Election District, 3rd Councilmanic

Richard and Joan Merryman
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 98-357-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of April, 1998, a copy of the foregoing Entry of Appearance was mailed to Patrick M. O'Keefe, 523 Penny Lane, Hunt Valley, MD 21030, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: April 16, 1998

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for April 13, 1998
Item Nos. 348, 350, 352, 353, 355,
356, 357, 358, 359, and 360

The Development Plans Review Division has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

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

TO: POM
FROM: R. Bruce Seeley *RBS/98*
Permits and Development Review
DEPRM

DATE: *4/16/98*

SUBJECT: Zoning Advisory Committee
Meeting Date: *April 6, 98*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

352

357

RBS:sp

BRUCE2/DEPRM/TXTSBP



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

April 13, 1998

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 APRIL 6, 1998

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

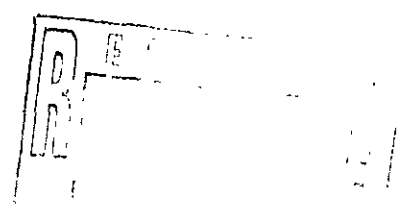
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

351, 355, (357) 358, 359, AND 360

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

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: April 3, 1998

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

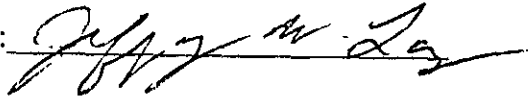
SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

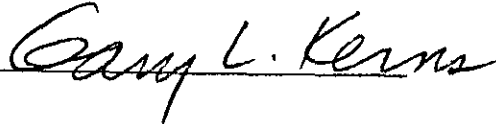
Item No. 320, 347, 356, 357, 358, and 360

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:



Division Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4-3-91
Item No. 357 JLL

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Merrymen, Joan

17218 Grace Road, Hampstead, Md. 21071



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: #17218 GRACE ROAD, HAMPSHIRE, MD

Subdivision name: SILAS MARTIN SUBDIVISION PLAT 21074

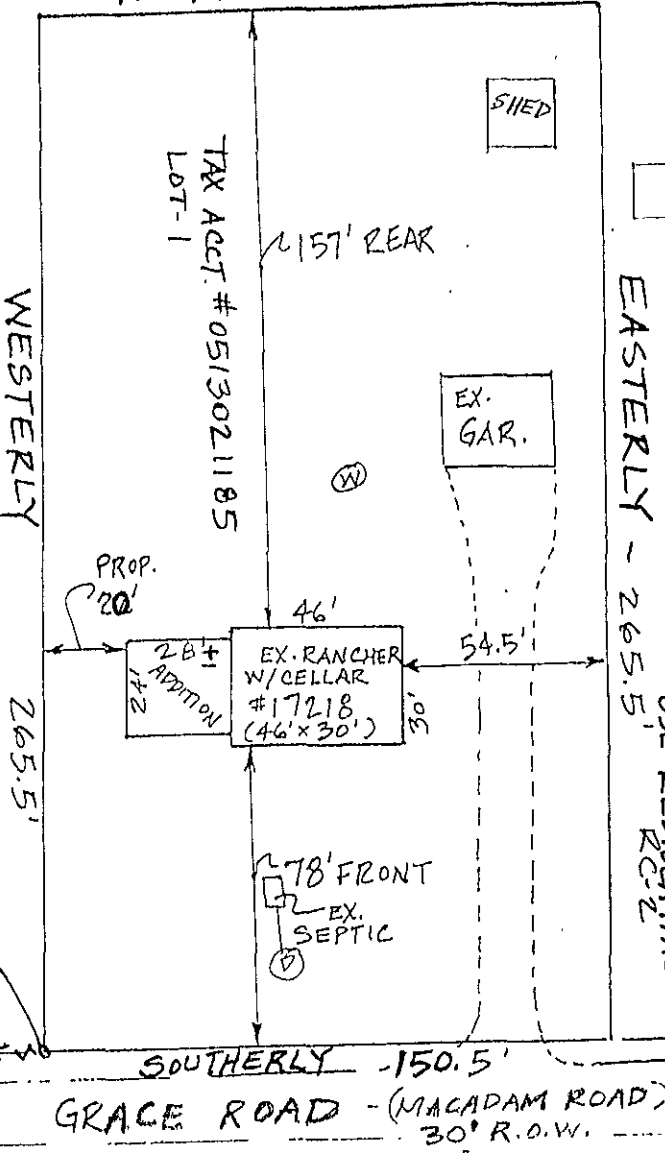
Plat book # 30, folio # 143, lot # 1, section # N/A

OWNER: RICHARD MERRYMAN, ETAL

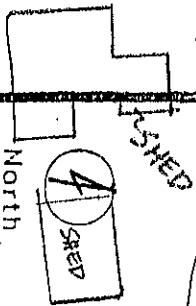
PHONE: 410-374-6860

ADJ. OWNER: EDGAR MERCER, ETAL
#17220
USE: RESIDENTIAL RC-2

CULTIVATED FIELD RC-2
NORTHERLY - 150.5'

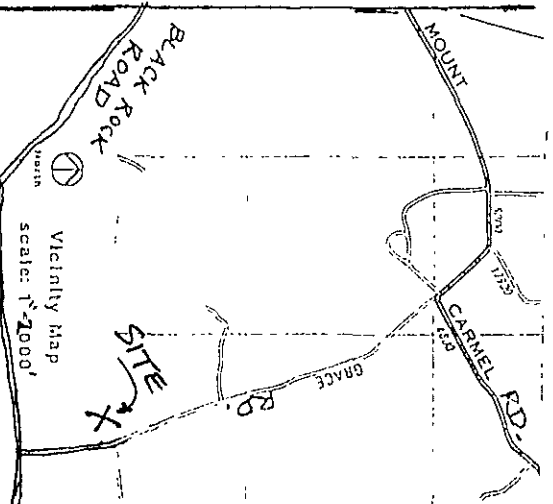


date: 3/11/98 JONES ASSOCIATES
prepared by: PATRICK O'KEEFE Scale of Drawing: 1" = 50'
410-666-5366



ADJ. OWNER: JOHN K. ELBERSON, JR.
USE: RESIDENTIAL
#17212
EX. HOUSE

GRACE ROAD - (MACADAM ROAD)
30' R.O.W.



LOCATION INFORMATION

Election District: 5
Councilmanic District: 3

1"=200' scale map #: NW 28 J

Zoning: RC-2

Lot size: 0.94¹/₂ AC

acreage square feet

PUBLIC UTILITIES
SEWER: ☐ WATER: ☒
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: N/A

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:

357

98-357-A

R. C. 2

357

Silo

R. C. 2

GRACE RD.

R. C. 2

SITE
#17218
GRACE ROAD
NW-28 J

C. 2

BLACKROCK

BLACKROCK RD.

98-357-A

GRACE

R. C. 2