

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF THE	*	COUNTY BOARD OF APPEALS
<u>PAMELA & WILLIAM PARSONS -</u>	*	OF
<u>LEGAL OWNERS /PETITIONERS FOR</u>	*	BALTIMORE COUNTY
ZONING VARIANCE ON PROPERTY	*	CASE NO. 00-035-A
LOCATED ON THE N/S CORBRIDGE	*	* * * * *
LANE, 2100' W OF C/L CORBETT		
ROAD (1910 CORBRIDGE LANE)		
10TH ELECTION DISTRICT		
6TH COUNCILMANIC DISTRICT		
* * * * *		

ORDER OF DISMISSAL

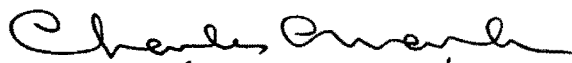
This matter comes to this Board on appeal from a decision of the Zoning Commissioner dated September 28, 1999, in which the subject Petition for Variance was granted subject to restrictions.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed by Peter B. Bell, Appellant /Protestant, dated December 9, 1999 and received December 13, 1999 (a copy of which is attached hereto and made a part hereof); and

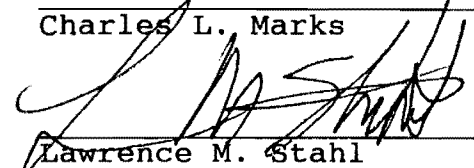
WHEREAS, said Appellant requests that the appeal filed in this matter be withdrawn as of December 9, 1999;

IT IS HEREBY ORDERED this 21st day of December, 1999 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby WITHDRAWN and DISMISSED.

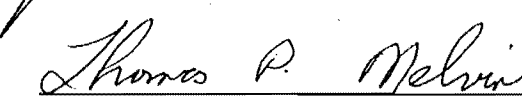
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY



Charles L. Marks



Lawrence M. Stahl



Thomas P. Melvin



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

cd/pmz

December 21, 1999

Mr. Peter Bell
1905 Corbridge Lane
Monkton, MD 21111

RE: In the Matter of Pamela & William Parsons
Case No. 00-035-A Withdrawal of Appeal

Dear Mr. Bell:

Enclosed please find a copy of the Board's Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte E. Rodcliffe for
Kathleen C. Bianco
Administrator

encl.

cc: Pamela and William Parsons
Lise Satterfield, MD
Mr. & Mrs. Thomas Frezise
Richard Huber
Lawrence Duffy
Joseph Hickey
Cornelius Carmody
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
James H. Thompson, Code Enforcement Supervisor /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

December 9, 1999

Baltimore County Board of Appeals
Office of the Zoning Commissioner, Baltimore County Zoning Commission
County Court Building
401 Bosley Avenue
Towson, Maryland 21204

Dear Sirs:

I am writing regarding Zoning Case #00-035-A, request for variance for [Parsons]1910 Corbridge Lane, Monkton, Maryland 21111 which I appealed on October 27, 1999.

I wish to withdraw and dismiss the appeal.

It was due to Parsons' harassment and in fact insistence to involve me that I became involved in this variance issue in the first place. After the Commissioners finding and within the 30 day window of appeal, his harassment continued (2 false allegations to Animal Control about our dog "running at large") and so on the 27th of October an appeal was filed to give me time to research the Zoning Commissioners determination that Parsons property was indeed a unique site, qualifying them for a variance.

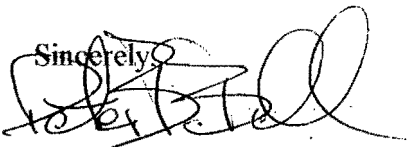
My research concluded that expert testimony would demonstrate that:

- a. The lot in question was a virgin property with no structures.
- b. That Bill Parsons is a degreed architect & engineer.
- c. That Parsons insisted on the placement of his house on its current site (backed to a flood plain etc.).
- d. That Parsons thereby created his own predicament.
- e. Though potentially expensive, there were alternative locations for the structures in question.
- f. That, as a self confessed expert on zoning & code issues, Parsons knowingly and willfully violated the zoning and permit process of Baltimore County.

And so, I could run with that but in the end, I feel that Parsons has created enough turmoil within his household and that removal of his structures would be a shallow victory indeed.

Peace be with you!

Sincerely,



Peter B. Bell

RECEIVED
COUNTY BOARD OF APPEALS
99 DEC 13 PM 1:12

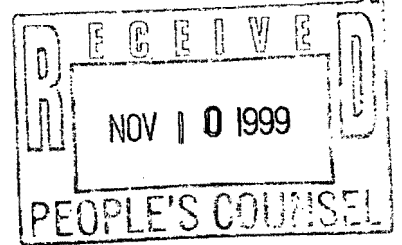
cd 3, PM
Case part granted



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 10, 1999



Mr. and Mrs. William Parsons
1910 Corbridge Lane
Monkton, MD 21111

Dear Mr. and Mrs. Parsons: *WYM. + PAMELA PARSONS*

RE: Petition for Variance, Zoning Case Number 00-035-A, 1910 Corbridge Lane, 10th
Election District:

Please be advised that an appeal of the above referenced case was filed in this
office on October 27, 1999 by Peter B. Bell. All materials relative to the case have
been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call
the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon/scj

Arnold Jablon
Director

AJ:scj

C: Peter B. Bell
People's Counsel

APPEAL

Petition for Variance
1910 Corbridge Lane
N/S Corbridge Lane, 2100' W of centerline Corbett Road
10th Election District – 6th Councilmanic District
Pamela & William Parsons - Legal Owner
Case Number: 00-035-A

Petition for Variance

Description of Property

Notice of Zoning Hearing (8/12/99)

Certificate of Posting (Dan Hauk – 8/27/99)

Certification of Publication (The Jeffersonian – 8/26/99)

Entry of Appearance by People's Counsel (8/19/99)

Petitioner(s) Sign-In Sheet

Protestant(s) Sign-In Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits:

1. Plat of Parsons Residence (dated revised 7/22/99)
2. Photographs & Map of Photograph Locations

Protestants' Exhibits:

1. Photograph

Misc. (Not Marked as Exhibits):

1. Ten Photographs Submitted at Petition Filing (dated 7/26/99)
2. Memo to Larry Schmidt, Zoning Commissioner, from James Thompson, Code Enforcement Supervisor (dated 8/4/99)
3. Letter to Zoning Commissioner from Lawrence & Lezlie Duffy (dated 9/10/99)
4. Letter to Baltimore County Zoning from Richard & Janet Huber (dated 9/12/99)
5. Letter to Larry Schmidt, Zoning Commissioner, from Peter Bell (dated 9/15/99)

Zoning Commissioner's Order dated September 28, 1999 (Granted)

Notice of Appeal received on October 27, 1999 from Peter B. Bell.

c: Pamela & William Parsons, 1910 Corbridge Lane, Monkton 21111
Peter Bell & Lise Satterfield, M.D., 1905 Corbridge Lane, Monkton 21111
Mr. & Mrs. Thomas Frezise, 1900 Corbridge Lane, Monkton 21111
Richard Huber, 1909 Corbridge Lane, Monkton 21111
Lawrence Duffy, 1908 Corbridge Lane, Monkton 21111
Joseph Hickey, 1911 Corbridge Lane, Monkton 21111
Cornelius Carmody, 16940 York Road, Monkton 21111
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

IN RE: PETITION FOR VARIANCE
N/S Corbridge Lane, 2,100' W of the c/l
Corbett Road
(1910 Corbridge Lane)
10th Election District
6th Councilmanic District

William H. Parsons, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-035-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, William H. and Pamela S. Parsons. The Petition was filed in response to a complaint registered with the Code Enforcement Division of the Department of Permits and Development Management (DPDM) from Joseph Hickey, a nearby resident. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit accessory structures (carport/greenhouse and shed), to be located in the front yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing were William H. Parsons, property owner, and his attorney, Cornelius J. Carmody, Esquire. Appearing as Protestants in the matter were Joseph Hickey, Peter Bell, and Lise Satterfield, M.D., nearby property owners. In addition, Messrs. Hickey and Bell presented letters of opposition to the request from other individuals in the neighborhood, including Lawrence Duffy, who resides immediately adjacent to the subject property, and Richard Huber.

Testimony and evidence presented revealed that the subject property is approximately 4.0 acres in area, zoned R.C.4, and is located at the end of a cul-de-sac known as Corbridge Lane in Monkton. The property is a roughly pie-shaped parcel, with narrow frontage on Corbridge Lane

and a greater width across the rear of the lot, which abuts the Gunpowder Falls, an active stream/river. The property is improved with a single family dwelling, known as 1910 Corbridge Lane, and two detached buildings, which are the subject of the variance requests. One building is a carport/greenhouse structure. At grade, this building contains covered parking spaces for the Petitioners' vehicles. Across the roof of the carport, a greenhouse building has been erected. This structure is approximately 28' x 24' in dimension. In addition to this building, the Petitioner has constructed a freestanding shed, which is a smaller structure, 10' x 14' in dimension. The shed is presently used to store gardening tools and other similar equipment.

Apparently, Mr. Parsons is an architect and engineer by trade. He has designed and constructed many of the improvements on the lot himself. In this regard, he indicated that he began construction of the carport/greenhouse approximately 5 years ago; however, the building was not completed for nearly 4 years. The shed was more recently added. Although one would believe Mr. Parsons would be cognizant of the legal requirements, he apparently chose to move forward without first obtaining the requisite building permits and zoning relief. This factor, as indicated at the hearing, does not bear on the issue before me. Just as I cannot reward Mr. Parsons for a hardship that is self-created, I cannot deny the request merely because the relief was applied for after the fact. Rather, the test to be considered is the variance statute codified in Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.). If the applicant complies with the requirements therein, then relief should be granted.

At the request of the parties, I conducted a site visit following the hearing. This visit was persuasive to a finding that the property suffers from significant environmental constraints. Obviously, the existence of the Gunpowder Falls immediately to the rear of the lot prohibits construction in that portion of the property. County, State and Federal laws prohibit construction within the floodplain and drainage and utility easement which occupy a significant portion of the rear of the lot. Additionally, the lot is significantly sloped away from the road. This grade limits the possibilities for improvement.

The neighbors who appeared are opposed to the Petition. One comment raised by these Protestants concerned the fear of an improper precedent being established if relief were granted. This concern should be dismissed. It is well-settled at law that variances are unique to the individual property at issue. The mere granting of a variance for the Parsons' property does not impact other lots in the vicinity. Each case must be adjudged upon its own merits. No matter what the decision here, other property owners could pursue, without impact, variance requests for their respective properties.

Additionally, it appears that there is significant personal animosity between Mr. Parsons and Messrs. Bell and Hickey. Correspondence received from those parties reflect that these individuals simply do not get along. Although that is indeed unfortunate, it also is not a factor for my consideration. Again, I am required to apply the law as set out in Section 307 of the B.C.Z.R. That Section essentially imposes a three-pronged test for the consideration of any variance relief.

As construed by the Court of Special Appeals in Cromwell v. Ward, 102 Md. App. 691 (1995), the property owner must first establish that the site is unique or different from other properties in the vicinity. In this regard, I am persuaded that this is a unique site. The environmental constraints set out above are surely unique factors. These include not only the significant grade of the lot, but also the existence of a floodplain and drainage and utility easement in the rear yard. These factors give rise to the second prong which must be addressed; namely, whether the Petitioners will sustain a practical difficulty if relief were denied. The term "practical difficulty" is well-known at law. Essentially, the Petitioner must show that a permitted use would not be allowed if strict adherence to the regulations were required. In this regard, the accessory buildings are permitted on the lot from a land use perspective; thus, practical difficulty would be sustained if relief were denied. The third test relates to whether there would be any adverse impacts on surrounding properties. In this regard, I walked the subject property and observed the buildings from several different angles. This is a community of large, single family dwellings on substantial lots. It is clearly an upper-class neighborhood, and significant natural features have

remained. The existing trees and grade of this property clearly buffer the site from adjacent properties. Based on these factors, I believe that there will be no adverse impact.

For all of these reasons, I shall grant the Petition for Variance. In my judgment, the applicant has met the burden conferred by Section 307 of the B.C.Z.R. Moreover, I am persuaded that, at law, these property owners are entitled to variance relief. However, in granting the variance, I will impose certain restrictions and limitations. This Zoning Commissioner is empowered to impose appropriate restrictions, pursuant to Section 307.1 of the B.C.Z.R. I am concerned that the buildings were constructed without obtaining County approvals beforehand, particularly in view of Mr. Parsons' occupation.

The first such restriction will be a limitation upon the construction of any additional structures and/or additions to existing buildings on the property without first obtaining special hearing relief (i.e., an amendment to the previously approved site plan through a public hearing), and all necessary permits. The construction of any additional structures/additions would constitute an amendment of the site plan that is being approved in connection with the instant case. Therefore, the Petitioner will be required to amend this site plan prior to the construction of any additional structures on the lot and/or the issuance of any permits for any future improvements to the property. Secondly, Mr. Parsons referred to the structure built above the carport as a greenhouse. Webster's Third New International Dictionary, Unabridged, defines a greenhouse as "A structure enclosed by glass and devoted to the cultivation or protection of tender plants or the production of plants out of season." I will take Mr. Parsons at his word; thus, the structure shall be used for that purpose and no other. It shall not be used as a place for storage of household items, as additional living space, and/or for other purposes. Failure to comply with these restrictions will render the property owner subject to prosecution for a zoning violation.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 28th day of September, 1999, that the Petition for Variance seeking relief from Section 400.1

of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit accessory structures (carport/greenhouse and shed), to be located in the front yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) There shall be no further construction on the subject property of any additional structures and/or additions to any existing buildings without first obtaining the requisite County building and zoning approvals as set forth herein.
- 3) The use of the greenhouse structure shall be limited to "the cultivation or protection of tender plants or the production of plants out of season." The structure shall not be used as a place for storage of household items, as additional living space, and/or for other purposes.
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 28, 1999

Cornelius J. Carmody, Esquire
16940 York Road
Monkton, Maryland 21111

RE: PETITION FOR VARIANCE
N/S Corbridge Lane, 2,100' W of the c/l Corbett Road
(1910 Corbridge Lane)
10th Election District – 6th Councilmanic District
William H. Parsons, et ux - Petitioners
Case No. 00-035-A

Dear Mr. Carmody:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. William H. Parsons
1910 Corbridge Lane, Monkton, Md. 21111
Mr. Joseph Hickey, 1911 Corbridge Lane, Monkton, Md. 21111
Mr. Peter Bell and Dr. Lise Satterfield
1905 Corbridge Lane, Monkton, Md. 21111
Mr. Lawrence Duffy, 1908 Corbridge Lane, Monkton, Md. 21111
Mr. Richard Huber, 1909 Corbridge Lane, Monkton, Md. 21111
Code Enforcement Division, DPDM; DEPRM; People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1910 Corbridge Lane

which is presently zoned RCA

This Petition shall be filed with the Department of Permits and 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 TO PERMIT AN ACCESSORY STRUCTURE(S) (GARPORT, SHED) IN THE FRONT YARD IN LIEU OF THE BCZR REQUIRED REAR YARD

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED

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

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

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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner: TO BE DETERMINED

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Case No. 00-35-A

REV 9/15/98

Legal Owner(s):

William H. Parsons
Name - Type or Print

William H. Parsons
Signature

Pamela S. Parsons
Name - Type or Print

W. Parsons
Signature

1910 Corbridge Lane 410
Address Telephone No.

Monkton MD 21111
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By LTM/JRF Date 7/26/99

Variance Request: Parsons Residence

The Parsons property is wedge shaped and slopes steeply (15% to 20% grade) from the street to the Gunpower Falls. Additionally, a 20' wide drainage and utility easement on the south side of the property makes the wedge shaped property even narrower. The steep slope and the wedge shaped site required the placement of the house at a knoll at the center of the property. This site layout permitted adequate space for parking and a future garage, as shown on the site plan submitted to Baltimore County on 22 December 1988. The variance requested will permit accessory buildings to be placed in the "Front" yard, as placement and access in "Rear" yard is not possible. It should be noted that the adjacent property owner, Duffy property, has a shed located in their rear yard that is immediately adjacent to and in front of my "front" yard. - see attached map. Attached are pictures which indicate the slope of the property and the structure which are the subject of this variance request. The property is heavily wooded and landscaped, providing no visible impact on any of the adjacent property owners.

The residence actually fronts on the Gunpower Falls and was not designed to front on the street, the traditional "Front" yard. The dominate vistas are to the Gunpower Falls. The house is not visible from the Corbridge Lane, the property vehicular access road. The house is not visible from the road, as are all but one of the other houses along Corbridge Lane.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: September 2, 1999
SUBJECT: Zoning Item #035
Parsons Property, 1910 Corbridge Road

Zoning Advisory Committee Meeting of August 9, 1999

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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 (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).



**Maryland Department of Transportation
State Highway Administration**

cd
Parris N. Glendening
Governor
John D. Porcari
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 8.10.99

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

RE: Baltimore County
Item No. 035 JRF/LTM

Dear Ms Stephens:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

P. J. Gredlein
lw Michael M. Lenhart, Chief
Engineering Access Permits Division

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

Date: August 11, 1999

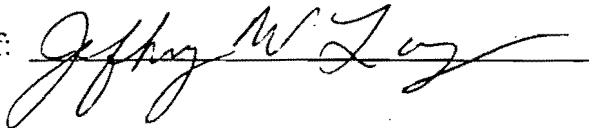
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

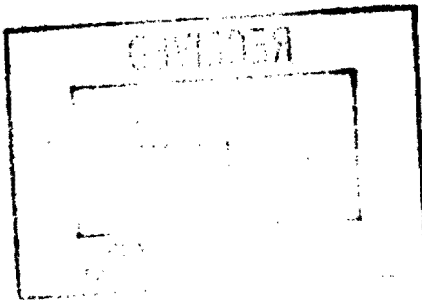
The Office of Planning has no comment on the following petition(s):
Item No(s): 001, 005, 023, 028, 030, 031, 032, 033, 034, 035, 038, 043, and 044

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



RE: PETITION FOR VARIANCE
1910 Corbridge Lane, S/S Corbridge Ln,
2100' W of c/I Corbett Rd
10th Election District, 6th Councilmanic

Legal Owner: William H. and Pamela S. Parsons
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
*
* Case No. 00-35-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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of August, 1999 a copy of the foregoing Entry of Appearance was mailed to William H. and Pamela S. Parsons, 1910 Corbridge Lane, Monkton, MD 21111, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN