

IN RE: PETITION FOR VARIANCE
W/S Wye Road, 600' S of the c/l of
Middleborough Road
(318 Wye Road)
15th Election District
5th Council District

Robert R. Horney, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-551-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Robert R. and Joan C. Horney. The Petitioners seek relief from Sections 1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing accessory structure (open canopy) to be located in the front yard in lieu of the required rear yard, with a front setback of 18 feet in lieu of the required 30 feet and a side setback of 0 feet in lieu of the required 2½ feet. The Petitioners filed the request in response to a zoning violation notice they received from the Code Enforcement Division of the Department of Permits and Development Management (PDM) as to the location of the subject structure. 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 in support of the request were Robert and Joan Horney, property owners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel, 50' wide by 150' deep, located on the southwest side of Wye Road in the community of Middleborough in Essex. The property consists of a gross area of .172 acres, more or less, zoned D.R. 3.5, and is improved with a single family dwelling, and a freestanding canopy, 12' x 20' in dimension, which is the subject of this request. Testimony indicated that the canopy was erected over a portion of the existing driveway in the front yard approximately 4 years ago.

ORDER RECEIVED FOR FILING

Date

By

10/27/00

ABP

Mr. Horney indicated that he contacted Baltimore County at the time and was told that he did not need a permit. In any event, the canopy was erected immediately adjacent to the side property line and covers the entire width of the driveway. It does not cover the entire length of the driveway and is not connected to the house. Thus, it is considered an accessory structure under the zoning regulations. Due to its location in the front yard, within 18 feet of the right-of-way line for Wye Road, and immediately adjacent to the side property line, the requested variance relief is necessary.

Testimony indicated that the Petitioners have resided on the property for 43 years. Also residing on the property is the Petitioners' son who is physically handicapped and wheelchair-bound. Testimony indicated that the canopy was erected to accommodate him and to provide protective cover for him from the elements and inclement weather when he is transferred from his wheelchair to the family's vehicles and the paratransit van. It was also indicated that the younger Mr. Horney frequently sits outside while his mother is gardening to enjoy good weather and the view.

Based upon the testimony and evidence offered, I am persuaded to grant the request. As noted above, no one appeared in opposition to the request. Moreover, the canopy has existed in the front yard for the past 4 years without prior complaint. In addition, there were no adverse zoning advisory committee comments submitted by any Baltimore County reviewing agency. However, it is to be noted that the Department of Environmental Protection and Resource Management (DEPRM) advised within their comment that additional impervious surface cannot be added due to the requirements of the Chesapeake Bay Critical Area regulations. Although the property is located within the Chesapeake Bay Critical Areas, the canopy is situated over an existing impermeable surface (driveway), and thus, does not increase the amount of impervious surface on the property.

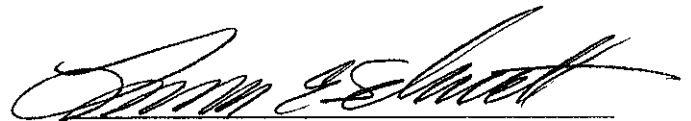
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of October, 2000 that the Petition for Variance seeking relief from Sections

ORDER RECEIVED FOR FILING
Date 10/12/00
By [Signature]

1B02.3.C.1 and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (open canopy) to be located in the front yard in lieu of the required rear yard, with a front setback of 18 feet in lieu of the required 30 feet and a side yard setback of 0 feet in lieu of the minimum required 2½ feet, 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.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 10/2/10
By [Signature]



Baltimore County
Zoning Commissioner

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

October 12, 2000

Mr. & Mrs. Robert R. Horney
318 Wye Road
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
W/S Wye Road, 600' S of the c/l of Middleborough Road
(318 Wye Road)
15th Election District – 5th Councilmanic District
Robert R. Horney, et ux - Petitioners
Case No. 00-551-A

Dear Mr. & Mrs. Horney:

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401
DEPRM; People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 318 WYE ROAD

which is presently zoned D.R. - 3.5

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)

1302.3.C.1 and 400.1 to permit an accessory structure (open canopy) in the front yard in lieu of the rear with an 18-ft front setback in lieu of 30 ft and a 0-ft side setback in lieu of 2 1/2 ft.

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 caring for our wheelchair bound son & need the canopy for cover when we transfer him from his wheelchair to the truck. He also needs it for cover while he waits for the paravaneit van. He also needs them simply for protection from the sun when he is outside.

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:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

ROBERT R. HORNEY

Name - Type or Print

Robert R. Horney

Signature

JOAN C. HORNEY

Name - Type or Print

Joan C. Horney

Signature

318 WYE RD. (410) 686-4624

Address

Telephone No.

BALTO. MD. 21221

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr

UNAVAILABLE FOR HEARING

Reviewed By mmh Date 6/24/06

ORDER RECEIVED FOR FILING

REV 9/15/98

Date By

00-551-A

Case No. END/12/1/06

ZONING DESCRIPTION for 318 Wye Road
(address)

**Beginning at a point on the west side of Wye Road, which is 19 feet wide
(street property faces)**

**at a distance of 600 feet south, of the centerline of the
nearest improved intersecting street Middleborough Road, which is 35 feet wide.**

**Being lot #'s 719-720 in the subdivision of Middleborough Corporation of
Baltimore County, as recorded in Baltimore County Plat Book # 8, Folio # 47,
containing 7500 square feet. Also known as 318 Wye Road and located in the 15th
Election District, 5th Councilmanic District.**

551

00-551-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 005583

DATE 6/26/00 ACCOUNT 601-6150

Item 551
By MK AMOUNT \$ 50.00

RECEIVED FROM: Robt. A. Henry — 318 Wye Road

FOR: 010 - Res Variances — \$ 50.00

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT - ACTUAL TIME
6/26/00 6/26/00 10:10 AM
OFFICE - CASHIER UNIT LIA. DAWES
PAID TO 528 ZIMING CERTIFICATION
DISBURSE # 120701 (FLN)
OF AD. VOUCHER

PAID TO: 50.00
50.00 BY 100.00
Baltimore County, Maryland

00-551-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

**RE: CASE # 00-551-A
PETITIONER/DEVELOPER
(Robert Horney)
DATE OF Hearing
(9-22-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

318 Wye Road Baltimore, Maryland 21221_____

THE SIGN(S) WERE POSTED ON _____ 9-6-00 _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____**THOMAS P. OGLE SR.**_____

_____**325 NICHOLSON ROAD**_____

_____**BALTIMORE, MARYLAND 21221**_____

_____**410-687-8405**_____

(TELEPHONE NUMBER)

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: #00-551-A

318 Wye Road

W/S of Wye Road, 600 feet S of centerline Middleborough Road

15th Election District - 5th Councilmanic District

Legal Owner(s): Robert & Joan Horney

Special Variance: to permit an accessory structure (open canopy) in the front yard in lieu of the rear with an 18 foot front setback in lieu of 30 feet and a zero foot side setback in lieu of 2 1/2 feet.

Hearing: Friday, September 22, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/9/05 Sept. 5

C416636

CERTIFICATE OF PUBLICATION

TOWSON, MD, 9/7/, 2000

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 9/5/, 2000.

THE JEFFERSONIAN,

J. Wilkinson

LEGAL ADVERTISING

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-551-A
Petitioner: ROBERT + JOAN HORNEY
Address or Location: 318 WYE ROAD BALTO. MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERT HORNEY
Address: 318 WYE ROAD
BALTO. MD. 21221
Telephone Number: (410) 686-4624

Revised 2/20/98 - SCJ

00-551-A

ZONING NOTICE

Case # 100-551-A

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

PLACE On the lot at 318 Wye Road, Towson, Md.
TIME & DATE 10th MON FRI SEPT. 22, 2000

SPECIAL VARIANCE TO PERMIT AN ACCESSORY STRUCTURE
(OPEN GARAGE) IN THE FRONT YARD IN REAR OF THE ROAD
WITH AN 18 FOOT FRONT SETBACK IN REAR OF
30 FEET AND A 20 FOOT SIDE SETBACK IN
REAR OF 20 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONSIDER HEARING
CALL 841-2121 THE DAY BEFORE THE SCHEDULED HEARING DATE.
IF YOU REQUEST THIS THE DAY BEFORE THE HEARING DATE, PLEASE CALL THE DAY
BEFORE THE HEARING DATE.
HEARINGS ARE HANDICAPPED ACCESSIBLE

318 Wye Road



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 17, 2000

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 NUMBER: 00-551-A

318 Wye Road

W/S of Wye Road, 600 feet S of centerline Middleborough Road

15th Election District – 5th Councilmanic District

Legal Owners: Robert & Joan Horney

Special Variance to permit an accessory structure (open canopy) in the front yard in lieu of the rear with an 18 foot front setback in lieu of 30 feet and a zero foot side setback in lieu of 2 ½ feet.

HEARING: Friday, September 22, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in dark ink, appearing to read "Arnold Jablon", with the initials "GDZ" written below it.

Arnold Jablon
Director

C: Robert & Joan Horney, 318 Wye Road, Baltimore, MD 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SEPTEMBER 6, 2000.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Wednesday, September 6, 2000 Issue – Jeffersonian

Please forward billing to:
Robert Horney
318 Wye Road
Baltimore, MD 21221

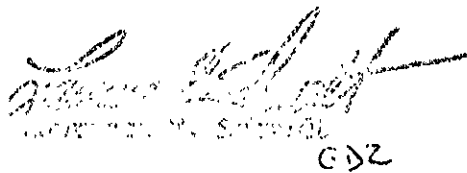
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The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-551-A
318 Wye Road
W/S of Wye Road, 600 feet S of centerline Middleborough Road
15th Election District – 5th Councilmanic District
Legal Owners: Robert & Joan Horney

Special Variance to permit an accessory structure (open canopy) in the front yard in lieu of the rear with an 18 foot front setback in lieu of 30 feet and a zero foot side setback in lieu of 2 ½ feet.

HEARING: Friday, September 22, 2000 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



LAWRENCE E. SCHMIDT
652

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

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

September 15, 2000

Robert & Joan Horney
318 Wye Road
Baltimore, MD 21221

Dear Mr. & Mrs. Horney:

RE: Case Number: 00-551-A, 318 Wye Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 26, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 16, 2000

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 24, 2000
Item Nos. ~~551~~, 552, 553, 554, 555, 556,
557, 558, 559, 560, 561, 562, 563

and

00-336-SPH

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

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 30, 2000

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 28, 2000
Item Nos. 058, 059, 060, 061, 062, 063,
064, 065, 066, 067, 068, 069,

and

Item No. 551 (Zoning Case 00-551-A)
318 Wye Road by TAG

and

Item No. 057 (2601 Old Court Road)

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

July 20, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: See Below

Location: DISTRIBUTION MEETING OF JULY 17, 2000

Item No.: See Below

Dear Ms. Stephens:

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.

THE FIRE MARSHAL'S OFFICE HAS NO COMMENTS AT THIS TIME.

551, 552, 553, 554, 555, 556, 557, 559, AND 562

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *MB*

DATE: July 25, 2000

SUBJECT: Zoning Item #551
318 Wye Road

Zoning Advisory Committee Meeting of July 17, 2000

- _____ 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.
- X 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).
- X 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).

Reviewer: Keith Kelley

Date: July 19, 2000

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: September 8, 2000
SUBJECT: Zoning Item #551 Revised
318 Wye Road

Zoning Advisory Committee Meeting of August 21, 2000

- _____ 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.
- X 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).
- X 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).

Reviewer: Keith Kelley

Date: August 24, 2000

hs
9/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 21, 2000

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

SUBJECT: 318 Wye Road

JUL 21

INFORMATION:

Item Number: 551

Petitioner: Robert R. Harney

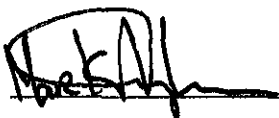
Zoning: DR 3.5

Requested Action: Variance

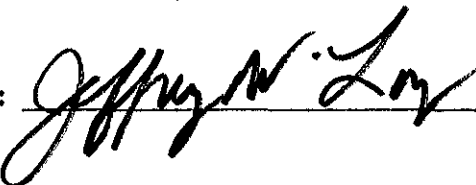
SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit an accessory structure (open canopy) in the front yard in lieu of the rear yard, provided the building materials for the canopy compliment the principal structure to the greatest extent possible.

Prepared by:



Section Chief:



AFK: MAC:



**Maryland Department of Transportation
State Highway Administration**

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

Date: 7.18.00

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

RE: Baltimore County
Item No. 551

MJK

Dear Ms. Jackson:

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,

for Kenneth A. McDonald Jr., 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



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8-21-00

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

RE: Baltimore County
Item No. 551

TAG

Dear Ms. Jackson:

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,

for

Kenneth A. McDonald Jr., 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

RE: PETITION FOR VARIANCE
318 Wye Road, W/S Wye Rd,
600' S of c/l Middleborough Rd
15th Election District, 5th Councilmanic

Legal Owner: Robert R. & Joan C. Horney
Petitioner(s)

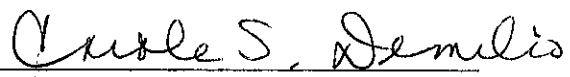
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-551-A

* * * * *

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. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 28th day of July, 2000 a copy of the foregoing Entry of Appearance was mailed to Robert R. & Joan C. Horney, 318 Wye Road, Baltimore, MD 21221, Petitioners.


PETER MAX ZIMMERMAN

Item Number: 551 Case Number: 00-551-A

Type: Residential

Reviewer: MJK

Legal Owner: Robert R. Horney and Joan C. Horney

Contract Purchaser: NA

Critical Area: Yes

Election District: 15th

Councilmanic District: 5th

Property Address: 318 Wye Rd.

Location: W/S of Wye Rd., 600 feet S centerline of Middleborough Rd.

Existing Zoning: D.R.3.5

Area: .172 acre

Proposed Zoning: VARIANCE to permit an accessory structure (open canopy) in the front yard in lieu of the rear with an 18 foot front setback in lieu of 30 feet and a zero foot side setback in lieu of 2 1/2 feet.

381 WYE ROAD

15th ED - 5th CD

Joan C. & Robert R. Horney

Attorney: NA

Miscellaneous: Violation

00-551-A

POST

AD

8-6

Carl

Fri
8-22
10:00 AM

8-15 RUIN 407

does this OK per WCR
8-7-00 mean I can
schedule for hearing.

George

~~Need better drawing~~
~~OK~~
WCR
8/7/00

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE:

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 551 (00 551 A)
Legal Owner/Petitioner: Robert Horney Joan Horney
Contract Purchaser:
Property Address: 318 Wye Ave Baeto MD 21221
Location Description:

VIOLATION INFORMATION: Case No.: 00-2744
Defendants: Robert Horney Joan Horney

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 person(s) regarding the hearing date:

NAME ADDRESS

Anony mous

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☒ 1. Complaint letter memo email fax (if applicable)
- ☐ 2. Complaint Intake Form Code Enforcement Officer's report and notes
- ☒ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☒ 8. Photographs including dates taken
- ☒ 9. Correction Notice Code Violation Notice
- ☒ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☐ 12. Final Order of the Code Official Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).
- ☐ 15. Other: _____

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW
C. Code Enforcement Officer

5/5/00
JT
Y

80-2744

May 3, 2000

Department of PDM

TO WHOM IT MAY CONCERN,

Our neighborhood needs your help in striving for a better place to live, a better place to bring our children up and most of all a cleaner environment. The neighborhood is an old established waterfront community and most of us have been able to maintain our houses in the proper manner with the look of respectability but we do see it faltering day by day by the neglect some of the homeowners. We need to nip this in the bud right now so it does not deteriorate anymore than it has already. There are many of us homeowners and taxpayers that are disturbed about those who live here and do not respect our community by keeping it clean and tidy and keeping it as beautiful as it once was. We need your help and understanding and most of all your zoning laws to help us do just that. Our community is called Middleborough, located in Baltimore County off of Back River Neck Road. There are a couple of houses that we are concerned about, the first is located at 318 Wye Rd. Located on the right side as you make a right turn onto the road, this house has at least 8 to 10 pickup truck caps in the front of the house along with all kinds flea market items that he sells from his front yard many days during the week and it is just piled all around the house. We are extremely concerned about this house for fear that it will create a hiding place for rats not to mention the eyesore it has presented to the neighborhood. The second house is 324 Wye Rd., this house appears to work on cars and Mack trucks and is keeping some sort of car chassis stored at the end of his drive way. We feel sure that some sort of zoning code is being violated and we as concerned citizens and highly taxed taxpayers would appreciate it greatly if your department could do something to rectify this situation that seems to creeping into our neighbor slow but sure. We hope to see a great improvement within the next month or so. We thank you in advance for your time and consideration.

Respectfully Yours,

Concerned Home Owners



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351 Extension _____
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE VIOLATION NOTICE

VIOLATION(S) OF TITLE 3, 7, 18, 24, OR 26 OF THE
BALTIMORE COUNTY CODE, ZONING, OR OTHER
CODES, REGULATIONS, AND POLICIES AS
INDICATED BELOW:

Violation Notice No.

121948

Case No.:

00-2744

Election District _____ Permit No. _____

Name (s) **ROBERT + JOAN HORNEY**

Address **318 WYE RD - BALTO, MD. - 21221**

Location of Violation (if different than address) **SAME**

Vehicle License No.: _____ Vehicle ID: _____

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

County Code:

§§ _____
§§ _____

Zoning Regulations:

§§ **101, 102.1, 1801.1A,**
§§ **500.4**

Building Code (BOCA):

§§ **107.1**
§§ _____

Livability Code (18-66):

§§ _____
§§ _____

Investment Property Act (7-66):

§§ _____

Electrical Code (NEC):

§§ _____

Plumbing Code (NSPC):

§§ _____

Dwelling (CABO):

§§ _____

Other: §§ _____

COMMENTS OR OTHER VIOLATIONS:

- 1) **OBTAIN PERMITS FOR TEMPORARY TENT STRUCTURES**
- 2) **REMOVE ALL JUNK + DEBRIS FROM THE PREMISES**
- 3) **DISCONTINUE ANY BUSINESS ACTIVITY FROM THE PREMISES**
- 4) **DISCONTINUE OPERATION OF A CONTRACTOR STORAGE YARD**

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE
6-10-2000 FAILURE TO COMPLY WILL RESULT IN THE PENALTIES DESCRIBED ON
THE REVERSE SIDE OF THIS VIOLATION NOTICE.

DATE ISSUED: **5-10-00** INSPECTOR: **D. TAYLOR**

STOP WORK NOTICE

PURSUANT TO INSPECTION AND IDENTIFICATION OF THE FOREGOING VIOLATIONS,
YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER
PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE
INSPECTIONS AND ENFORCEMENT.

THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN: _____

DATE ISSUED: _____ INSPECTOR: _____

IMPORTANT INFORMATION ON FINES AND PENALTIES PRINTED ON REVERSE SIDE.
PLEASE READ CAREFULLY.

AGENCY

RA1001B

DATE: 05/09/2000

STANDARD ASSESSMENT INQUIRY (1)

TIME: 08:25:33

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 08 652390	15	3-1	04-00	H	NO		04/25/00

HORNEY ROBERT R

DESC-1.. IMPSLT 719,720

HORNEY JOAN C

DESC-2.. MIDDLEBOROUGH

318 WYE RD

PREMISE. 00318 WYE

RD

00000-0000

BALTIMORE

MD 21221-1546 FORMER OWNER: HORNEY ROBERT E & DOROTHY

----- FCV -----		----- PHASED IN -----				
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	31,500	31,500		FCV	ASSESS	ASSESS
IMPV:	55,740	59,180	TOTAL..	88,386	35,350	34,890
TOTL:	87,240	90,680	PREF...	0	0	0
PREF:	0	0	CURT...	88,386	35,350	34,890
CURT:	87,240	90,680	EXEMPT.		0	0
DATE:	10/96	08/99				

---- TAXABLE BASIS ----		FM DATE
00/01 ASSESS:	35,350	11/21/99
99/00 ASSESS:	34,890	06/04/99
98/99 ASSESS:	34,440	06/05/98

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Inspected 6/1/00 - observed pile of materials behind PK
truck & truck in shelter in front of house; also other building
to left (rear) - Is it same property?? // 6/13 - personal service
on citation; found out Ditz also served 1 year on 5/12 //

6/14 - checked w/ DP & w/ DT - my citation cancelled. *Pl Mon*

DATE: 06/13/2000

AUTOMATED PERMIT TRACKING SYSTEM

BP1072M

TIME: 08:31:26

FULL SCREEN INQUIRY

SEL

STREET ADDRESS

PERMIT NO CONTROL NO

331	WYE RD	B363626	NR
331	WYE RD	B409186	RS
331	WYE RD	B411201	MR
331	WYE RD	E370098	370098
331	WYE RD	E416579	416579
331	WYE RD	P370181	370181
331	WYE RD	P373901	373901
344	WYE RD	E366790	366790
356	WYE RD	B351821	WF
360	WYE RD	B401395	WF
360	WYE RD	B405720	WF
1816	WYECLIFFE RD	E386860	
1816	WYECLIFFE RD	P386862	386862
47	WYEGATE CT	B336894	MR
50	WYEGATE CT	B309963	MC
807	WYNAN'S WAY	E344215	344215
7947	WYNBROOK RD	B348807	MR
7947	WYNBROOK RD	B376022	MR

PAGE SCROLL (F/B) F

CLEAR TO RETURN TO THE MENU

ENTER THE LETTER -X- NEXT TO THE ADDRESS TO RECEIVE PERMIT DETAIL

6/13/00 Computer shows no
permits on # 318 Wye

R. W. [Signature]

CODE ENFORCEMENT REPORT

00 2744

RE-INSPECTION SHEET CONTINUED

Date: 6/14 I visited this property 6/12 and viewed ~~on~~ an accessory structure in the front yard (see photo in envelope). I issued a citation and personally served Mr. Horney. All other issues from correction notices were resolved. Both Mr. & Mrs. Horney said they called years ago and were told no building permits were required. For the type of structure

Date: in their front yard that is true. But a use permit is required from the Zoning Office and the structure is in the front yard. I checked with Mitch Kellman who couldn't recall exactly when use permits for these type of structures were that to be so, in terms of grandfathering the structure, it still is in the front yard. On 6/12 later I called & left

Date: message if their property was waterfront (if so this would be in their back yard). In the meantime Bob Moorefield had also issued a citation which he has since cancelled.

Mr. & Mrs. Horney were in the C.O. Bldg 6/13 and picked up variance papers so their property is not waterfront. I issued them that Mr. Moorefield would cancel his citation and

Date: that I would hold off any hearing while they pursued the variance. R/P

R/P 7/24

Date:



00-2744
R/P

318 Wye
6/12/00



00-2744
R/P

318 Wye
6/12/00



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County C Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Code Enforcement: 410-887-3351, Extension 7291
Building Inspection: 410-887-3953 *is voice mail*
E-Mail: Pdm enforce@co.ba.md.us

Plumbing Inspection: ~~410-887-3620~~
Electrical Inspection: ~~410-887-3960~~
Pdm inspect@co.ba.md.us

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CITATION

SERVE ON RESIDENT AGENT/CORPORATE OFFICER (IF APPLICABLE)

Citation Case No.

80-2744

Name (s)

Robert & Joan Horney

Address

318 Wynd Rd Balto MD 21221

Owner ☒ Occupant ☐ Other ☐

Related Citations

Location and Date (s) of Violation:

SAME May 10 through

June 12, 2000

Vehicle License No.

Vehicle ID:

IT IS FORMALLY CHARGED BY BALTIMORE COUNTY THAT THE ABOVE NAMED PERSON(S)
DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS OR REGULATIONS
(CIRCLE RELEVANT ZONE BELOW, IF APPLICABLE)

1B01(DR)

1A01(RC2)

1A02(RC3)

1A03(RC4)

1A04(RC5)

200(RAE)

202(ROA)

204(RO)

205(OR1)

206(OR2)

207(O3)

210(SE)

216(BMM)

221(BMB)

229(CB)(BLR)

230(BL)

233(BM)

236(BR)

240(MR)

247(MLR)

253(ML)

256(MH)

Failure to obtain use permits

1)

(BCZR 101 102.15) 1B01-1A 5004

2)

6)

3)

7)

4)

8)

(Unless otherwise noted, all references are to zoning regulations.)

IMPORTANT TO READ REVERSE FOR IMPORTANT INFORMATION AND
DIRECTIONS

NOTICE TO DEFENDANT

1. Plaintiff Section 1-3 Baltimore & Quincy 2000 has been assessed as a result of a violation of the amount indicated

\$ 400

2. To not contest this citation, you must pay this penalty by check or money order payable to the Director of Finance, Baltimore County, Maryland, and return a copy of this citation with payment to:

Director of Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

3. If you contest this citation or proposed assessment or penalty, you must file a written request for a quasi-judicial hearing before the code official or designee within fifteen (15) days from the date of service of this citation. A quasi-judicial hearing has been pre-scheduled in Room 126 of the County Office Building on:

DATE July 27, 2000
TIME 9 AM

116

At this hearing, you are entitled to be represented by an attorney, present evidence, call witnesses and cross-examine any witnesses against you. An attorney can be retained by you at your own expense. The hearing will be held at the County Office Building, Room 126, 111 West Chesapeake Avenue, Towson, Maryland 21204.

4. If you fail to appear at the hearing, the code official or designee may, at his/her discretion, assess a penalty for failure to appear. The penalty for failure to appear shall be the same as the penalty for the violation(s) cited in this citation. The penalty for failure to appear shall be assessed in addition to the penalty for the violation(s) cited in this citation.

5. If you fail to pay the penalty for the violation(s) cited in this citation, the code official or designee may, at his/her discretion, institute proceedings to collect the penalty in the same manner and to the same extent as for any other violation(s) cited in this citation.

6/12/00

R. R. Proakis

6/27/00

CASE NO.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

County Office Building, Room 111

111 West Chesapeake Avenue

Towson, Maryland 21204

BALTIMORE COUNTY, Plaintiff, vs. Robert + Joan Horney, Defendant
Hearing Date July 27 Issued Date 6/12/00 Expiration Date 6/27/00

REQUEST FOR SERVICE

Please serve the attached process on the person shown.

ORDER FOR SERVICE

You are hereby commanded to serve the attached process and to make your return promptly on this Order if served, and if you are unable to serve, you are to make your return on this Order and return the original process no later than the last day following the termination of the validity of the process.

PROOF OF SERVICE

I hereby CERTIFY that:

☐ A Citation and all other papers filed with it were served by restricted delivery mail, return card attached.

☒ A Citation and all other papers filed with it were served by personal delivery to Robert Horney
Name

owner on 6/12/00 at 2 pm
Title Date Time

Description of defendant: Race W Sex M Height 5'9

Weight 200 Age late 40s - 50s
early 70s Other

The premises at _____ were posted.

I was unable to serve because _____

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief, and do further affirm that I am a competent person over 18 years of age and not a party to the case.

Debra P. Pappas
Signature

111 W Chesapeake
Address

6/14/00
Date

Code official
Title

410 887 3351
Telephone No.

8 10 am
Time

Shade or Rain Canopy Inc.

335 Sassafras Rd.
Baltimore Md. 21221.
Tel. 410 574 2452

Since 1991 in Md. The better canopy. Ask why before you buy the lookalike

Light duty: 20 gage steel 10x10-\$145.00 10x20-185.00

Medium duty: 17 gage 10x11\$ 165.00 11x16 \$185.00

11x20 \$225.00 20x20 \$295.00 20x30 \$395.00

20x16 \$265.00 18x24 \$335.00 20x40 \$465.00

15x30 \$365.00

ALL ABOVE SIZES ARE TARPAULIN SIZES.

STEEL DIAMETER IS 1 3/8

OTHER FEATURES OF S.R.CANOPY.

Some modified construction on request

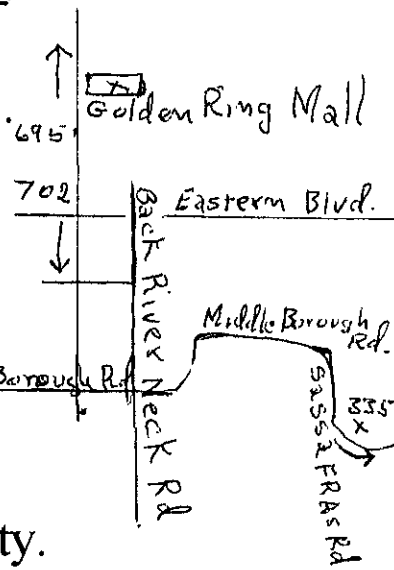
Choices of round or A-Frame roof

Lock system on corners to legs

Replacement parts readily available

Standard Legs are 72" high on medium duty.

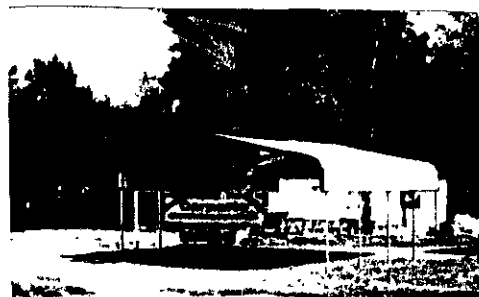
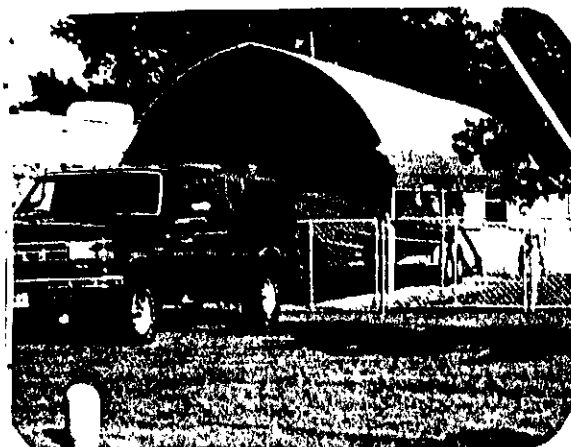
Same as the competition canopy. For Less money.



CONSTRUCTION with 1 5/8 and 2 1/2 diameter steel available with steel or tarpaulin roof.

20' X 20'

MARTIN
STATE
AIRPORT



Steel Top.

11x20. 1997 Price
\$950.00

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

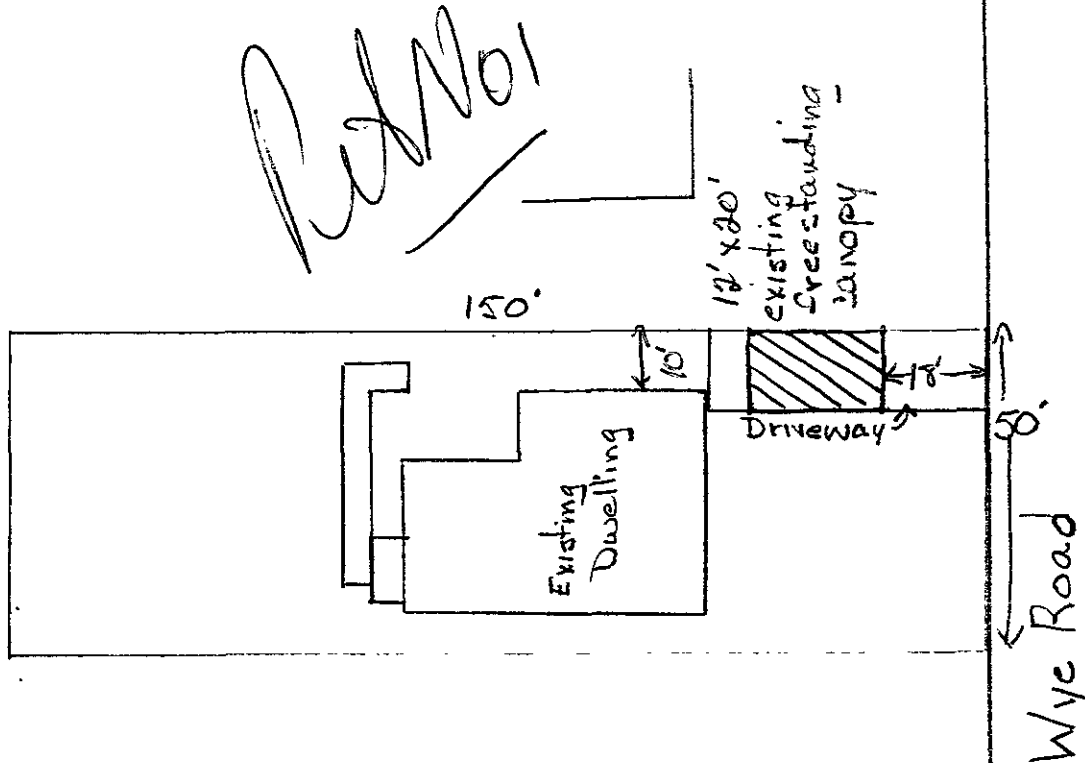
PROPERTY ADDRESS: 318 WYE ROAD

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book# 8, folio# 47, lot# 719 section# 720

OWNER: ROBERT + JOAN HORNEY

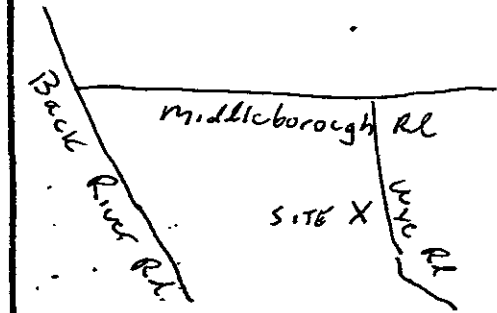


North

date: 8-2-00

prepared by: JOAN HORNEY

Scale of Drawing: 1" = 30'



Vicinity Map
scale: 1" = 1000'

LOCATION INFORMATION

Election District: 15

Councilmanic District: 5

1" = 200' scale map#: NE 1 I

Zoning: DR 3.5

Lot size: .172 acreage 7500 square feet

SEWER: ☒ public ☐ private

WATER: ☒ yes ☐ no

Chesapeake Bay Critical Area: ☒ yes ☐ no

Prior Zoning Hearings:

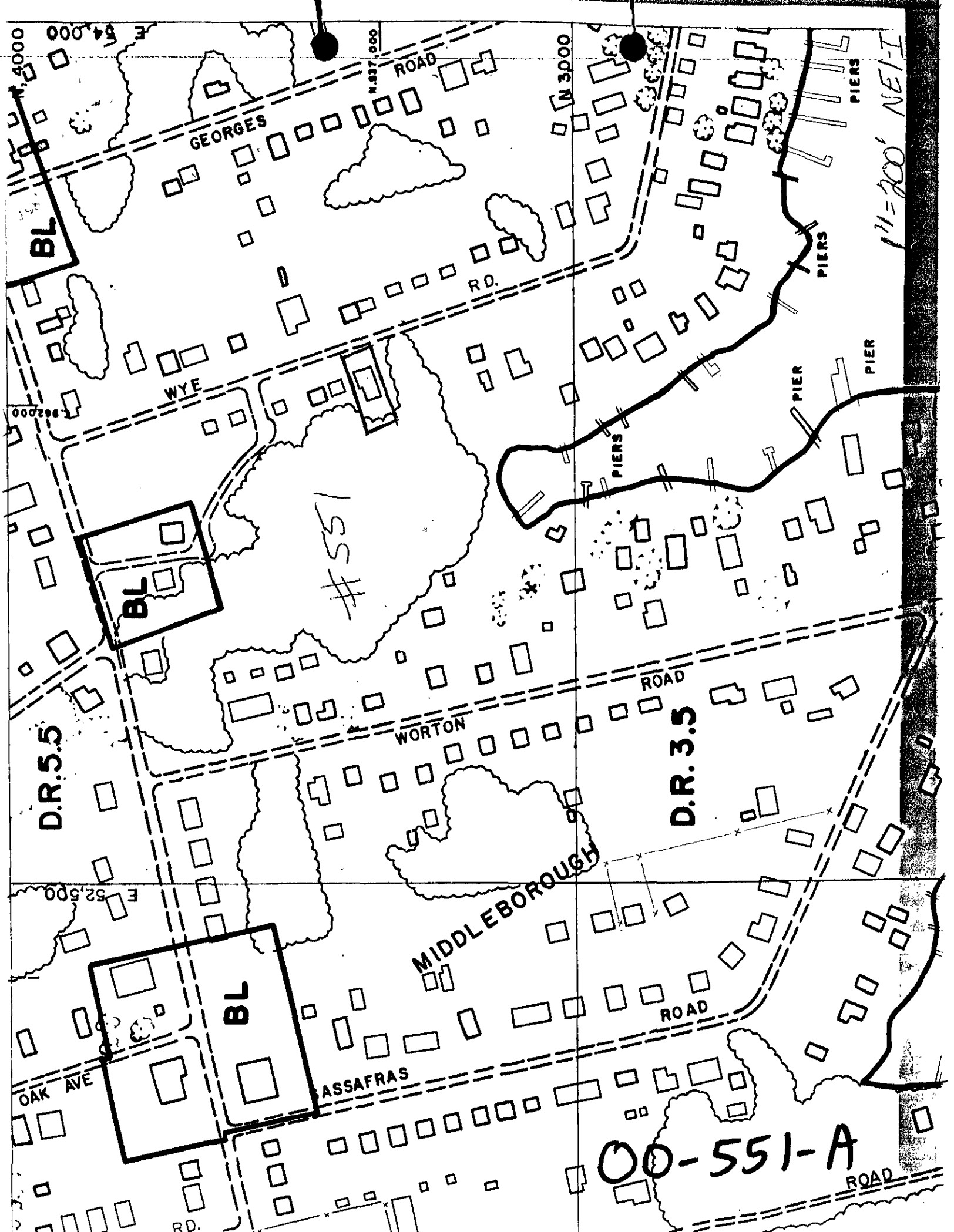
None

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

MJK | 551 | 00-551A

REVISED





BALTIMORE COUNTY AND POPLTAN AREA

PHOTOGRAMMETRIC MAP OF

REVISIONS		SCALE	LOCATION	SHEET
NO.	DATE			
1	11/1/82	1" = 200'	BACK RIVER	NE
2			NECK	I-I

Produced by Photogrammetric
Aerial Survey Corp. Lansing

#551