

IN THE MATTER OF
THE APPLICATION OF
JAMES L. COOK -LEGAL OWNER
/PETITIONER FOR VARIANCE ON
PROPERTY LOCATED ON THE N/S
JACOB LEE CT, 125' E OF C/L NEW
AVENUE (4 JACOB LEE COURT)
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 01-058-A

* * * * *

OPINION

This case comes to the Baltimore County Board of Appeals based on the granting of a variance (Case No. 01-058-A) by the Zoning Commissioner. A public hearing before this Board was held on March 8, 2001. A public deliberation was also held on March 8, 2001.

The Petitioner, Mr. James L. Cook, was present. The Appellants /Protestants, Mr. & Mrs. C. Randall Kilgore, were not present. Prior communication with Mrs. Kilgore did make note that she was aware of the hearing date and time.

Mr. Cook is seeking relief from § 1B02.3.A.1 and § 208.3 of the *Baltimore County Zoning Regulations* (BCZR) to permit a side yard setback of 7 feet in lieu of the required 10 feet for a proposed garage addition to an existing dwelling.

Section 307 of the BCZR permits granting of a variance upon certain terms and conditions, which in pertinent part allows a variance where special circumstances or conditions exist that are peculiar to the land that is the subject of the variance requested, and where strict compliance with the zoning regulations would result in practical

difficulty or unreasonable hardship.

Under the Court of Special Appeals decision in *Cromwell v. Ward*, 102 Md.App. 691 (1995), which sets forth the legal standards under which a variance may be granted, the Board of Appeals, hearing the case *de novo*, is given the task of interpreting regulations and statutes where issues are debatable in the light of the law. The first burden on the Petitioner for variance is to prove that the property is unique. This standard must be met before other parts of the variance requirement can be properly considered.

Mr. Cook testified as to the uniqueness of his property. He stated that the property in question has a higher water table because it sits lower than adjacent properties. There is a County-protected streambed in the rear that has a 25-foot setback. There are also some large mature trees that would need to be removed, if possible, to make room for a garage. The resulting impact this would have is unknown and, therefore, looked at as risky.

All exhibits from the Zoning Commissioner's file were entered into this case. Letters from the Department of Permits & Development Management, Department of Environmental Protection & Resource Management, Baltimore County Fire Marshal, and the Maryland Department of Transportation all stated they either had no objection or no comment regarding approval of this variance. Mr. Cook also offered photographs of the site (Petitioner's Exhibit #2A-2S) as evidence toward the property's uniqueness.

Upon consideration of the testimony and evidence offered, the Board finds that the subject property is unique because of its water table, the 25-foot setback due to a stream

in the rear, the large mature trees that would have to come down, and the possible environmental impact if the trees were removed.

Having established that the subject property is unique, the Board finds that the application of the zoning ordinance imposes a practical difficulty and/or undue hardship on the Petitioner. As testified to, it would be difficult from an engineering standpoint to place the garage in the rear yard due to environmental constraints and impacts.

As to the spirit and intent of the zoning regulations, photographs showed that various other homes have similar type garages/carports. The Petitioner's addition would not be changing the character of the neighborhood; nor would there be an adverse impact on neighbors or the neighborhood. There would be no injury to public safety and welfare by granting the variance request.

In conclusion, the Board is unanimous in granting the Petition for Variance seeking relief from § 1B02.3.A.1 and § 208.3 of the BCZR to permit a side yard setback of 7 feet in lieu of the required 10 feet for a proposed garage addition to an existing dwelling as shown in Petitioner's Exhibit #1.

ORDER

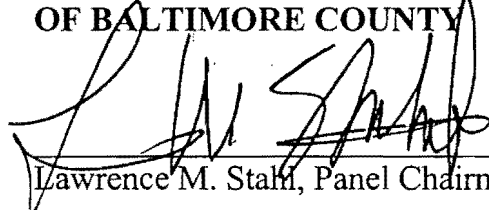
THEREFORE, IT IS THIS 10th day of April, 2001 by the
County Board of Appeals of Baltimore County

ORDERED that the Petition for Variance seeking relief from § 1B02.3.A.1 and § 208.3 of the *Baltimore County Zoning Regulations* to permit a side yard setback of 7 feet

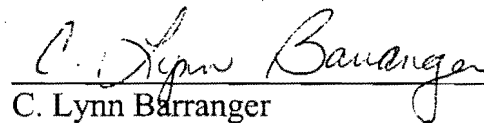
in lieu of the required 10 feet for a proposed garage addition to an existing dwelling as shown in Petitioner's Exhibit #1 be and the same is hereby **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence M. Stahl, Panel Chairman



C. Lynn Barranger

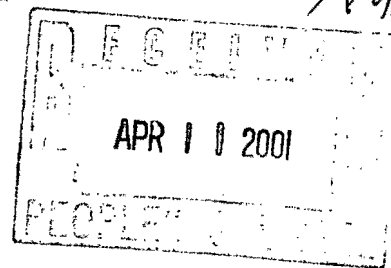


Richard K. Irish



County Board of Appeals of Baltimore County

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



GRANTED

CHO / per

April 10, 2001

Mr. James L. Cook
4 Jacob Lee Court
Reisterstown, MD 21136

RE: *In the Matter of: James L. Cook -*
Legal Owner /Petitioner / Case No. 01-058-A

Dear Mr. Cook:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules of Procedure*, with a **photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same Circuit Court Civil Action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Mr. & Mrs. C. Randall Kilgore
✓ People's Counsel for Baltimore County
Pat Keller /Planning Director
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



IN RE: PETITION FOR ADMIN. VARIANCE
N/S Jacob Lee Court, 125' E of the c/l
New Avenue
(4 Jacob Lee Court)
3rd Election District
4th Council District

James L. Cook
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-058-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, James L. Cook. The Petitioner seeks relief from Sections 1B02.3.A.1 and 208.3 (1969) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet in lieu of the required 10 feet for a proposed garage addition to an existing dwelling. 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.

It is to be noted that the Petition was filed through the administrative variance process as set out in Section 26-127 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. In this case, Mr. Cook applied for an administrative variance on or about August 8, 2000. On August 20, 2000, the property was duly posted and advertised giving public notice of the requested relief. Under the Code, any property owner residing within 1,000 feet of the property in question can request a public hearing within 15 days of the sign posting, if that person objects to the relief requested. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner, upon review of the case file, can schedule the matter for a hearing.

Date

By

11/16/00
[Signature]

In this case, the adjacent property owners, Charles and Barbara Kilgore, submitted a letter voicing their opposition to this request. In view of this objection, Deputy Zoning Commissioner Timothy M. Kotroco determined that the matter should be scheduled for a public hearing. A hearing was originally scheduled for October 13, 2000. Pursuant to County Code requirements, the property was re-posted with notice of that hearing on September 29, 2000, 15 days prior to the scheduled hearing date. Both the original posting on August 20, 2000 and the posting for the hearing on October 13, 2000 were arranged and paid for by the applicant, James L. Cook. Following the posting of the second sign on the property, notice was received from Mr. & Mrs. Kilgore that they were unavailable for the October 13, 2000 hearing and requested that the matter be postponed. The postponement was granted and the matter was rescheduled for October 23, 2000. The Kilgores were notified of the rescheduled hearing date by letter of October 11, 2000. In addition, the Kilgores were advised that they would be required to pay for the re-posting of the property in that the postponement was at their request. Apparently, the Kilgores declined to pay for the re-posting of the property, and, although they were notified of the rescheduled hearing date, failed to appear.

In any event, testimony and evidence was received from Mr. Cook at the hearing on October 23, 2000. He submitted photographs of his property and the surrounding neighborhood. Those photographs show that his property is attractive and well-maintained. The site plan shows that the property consists of a gross area of .25 acres, more or less, zoned D.R.3.5 and is improved with a single family dwelling. Mr. Cook indicated that he has owned and resided on the property with his daughter for approximately 5 years. Presently, the property does not have a garage, and an existing driveway/parking pad on the front/east side of the house provides off-street parking. Mr. Cook proposes constructing a 14' x 24' garage addition on the east side of the dwelling, at the

Date 11/16/00
By [Signature]

end of the existing driveway. Clearly, the proposed location for this garage is the most practical and efficient, in view of the location of the existing curb cut and driveway. Moreover, Mr. Cook indicated that he could not construct the garage in the rear yard due to environmental constraints associated therewith. Specifically, a stream is located to the rear of this lot. Moreover, construction of a garage on the west side of the dwelling would mandate the relocation of the existing driveway and would not be consistent with the layout of the dwelling. Finally, testimony indicated that storm water runoff from the subject property does not drain towards the Kilgore property. Thus, it is not expected that the proposed construction would result in increased water runoff onto the neighbor's property.

Based upon the testimony and evidence presented, I am persuaded to grant the relief requested. I am satisfied that the Petitioner has met the burden set out in Section 307 of the B.C.Z.R. for variance relief to be granted. I do not believe that the proposed garage addition would cause detrimental impacts to the adjacent or surrounding properties. Moreover, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any Baltimore County reviewing agency. Finally, it is to be noted that following the hearing, the undersigned received a telephone call from Mrs. Kilgore, claiming that she was unaware that the hearing was rescheduled for October 23, 2000. I asked her if she wanted another public hearing to be scheduled and she said, "no." She then directed me to the previous letter from her and her husband. I have reviewed that letter, as well as of the documentation submitted at the hearing and contained within the case file. The decision to grant this variance is based upon the cumulative record of this case.

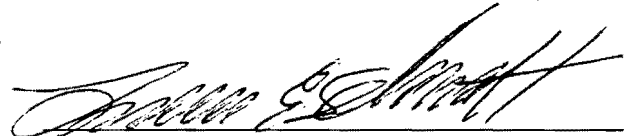
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

Date

By

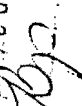
THEREFORE, IT IS ORDERED by the zoning Commissioner for Baltimore County this 6th day of November, 2000 that the Petition for Variance seeking relief from Sections 1B02.3.A.1 and 208.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 7 feet in lieu of the required 10 feet for a proposed garage addition to an existing dwelling, in accordance with Petitioner's Exhibit 1, 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 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

11/6/00
By 



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4 JACOB LEE CT., REISTERSTOWN, MD.

which is presently zoned 21136

This Petition shall be filed with the Dept. 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) 1802.3.A.1 (BCZR), 208.3 (1969)
TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION (GARAGE) TO HAVE A SIDE YARD OF 7 FEET BCZR.
Section 22-26(b)1, Baltimore County Code IN LIEU OF THE REQUIRED 10 FEET.

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

It is my desire to construct a one-car garage, attached to the dwelling at 4 Jacob Lee Court. To accomplish this I will need a variance to the zoning code. Current zoning requires a 10-foot clearance between structure and property line. To add a 14' garage, the clearance on the west side of my house will be reduced to 7± feet.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

Legal Owner(s):

(Type or Print Name)

James L. Cook
(Type or Print Name)

Signature

James L. Cook
Signature

Address

(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner:

4 Jacob Lee Court (410) 833-6546

(Type or Print Name)

Address Phone No

Reisterstown, Maryland 21136

Signature

City State Zipcode
Name, Address and phone number of representative to be contacted

Address Phone No.

SAME AS
Name

City State Zipcode

ABOVE
Address Phone No.

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

Zoning Commissioner of Baltimore County

REVIEWED BY: CTM

DATE: 8/8/00

ESTIMATED POSTING DATE: 8/20/00

Printed with Soybean Ink
on Recycled Paper

ITEM #: 058

Affidavit in support of Administrative Variance

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

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

That the Affiant(s) does/do presently reside at 4 Jacob Lee Court

address

Reisterstown, Maryland 21136

City

State

Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

It is my desire to construct a one-car garage attached to the dwelling
at 4 Jacob Lee Court. To accomplish this, I will need a variance to the
Baltimore County zoning code. Current zoning requires a 10' clearance
between structure and property line. To add a 14' garage will reduce
the clearance to 7'±.

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

(signature)

James L. Cook
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of July, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal.

7/24/00

date

Stephena Michel
NOTARY PUBLIC

My Commission Expires: 8/103



County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

February 14, 2001

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: 01-058-ADMIN, IN THE MATTER OF: JAMES L. COOK –Petitioner /Owner
4 Jacob Lee Court 4th Election District; 3rd Councilmanic

11/06/00 – Petition for Variance GRANTED by Zoning Commissioner.

which was scheduled to be heard on 2/22/01 has been **POSTPONED** at the request of Appellant /Protestant due to schedule conflict (out of town business trip); and has been

REASSIGNED FOR: THURSDAY, MARCH 8, 2001 at 10:00 a.m.

THE BOARD WILL CONVENE ON THE ABOVE DATE FOR HEARING; NO FURTHER POSTPONEMENTS TO BE GRANTED.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellants /Protestants : Mr. & Mrs. C. Randall Kilgore
Petitioner : James L. Cook

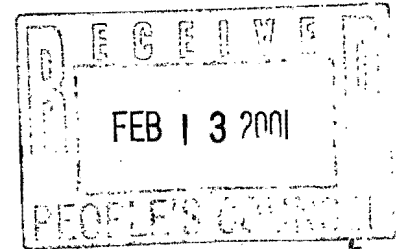
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





County Board of Appeals of Baltimore County

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



Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

February 13, 2001

*we don't want
to be in this
bitter dispute
C & D*

AMENDED NOTICE OF ASSIGNMENT / as to Day of Week Only

CASE #: 01-058-ADMIN, IN THE MATTER OF: JAMES L. COOK –Petitioner /Owner
4 Jacob Lee Court 4th Election District; 3rd Councilmanic

11/06/00 – Petition for Variance GRANTED by Zoning Commissioner.

Notice previously sent is corrected this date to reflect “Thursday” as scheduled day for hearing. Date of 2/22/01 is correct and remains unchanged:

ASSIGNED FOR: **THURSDAY, FEBRUARY 22, 2001 at 10:00 a.m.**

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board’s Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board’s Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellants /Protestants : Mr. & Mrs. C. Randall Kilgore
Petitioner : James L. Cook

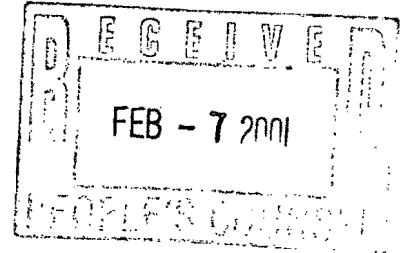
People’s Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





County Board of Appeals of Baltimore County

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



Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

February 6, 2001

NOTICE OF ASSIGNMENT

CASE #: 01-058-A

IN THE MATTER OF: JAMES L. COOK –Petitioner /Owner
4 Jacob Lee Court 4th Election District; 3rd Councilmanic

11/06/00 – Petition for Variance GRANTED by Zoning Commissioner.

ASSIGNED FOR:

~~THURS.~~
TUESDAY, FEBRUARY 22, 2001 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

c: Appellants /Protestants : Mr. & Mrs. C. Randall Kilgore
Petitioner : James L. Cook

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





Baltimore County
Department of Permits and
Development Management

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

October 6, 2000

James L. Cook
4 Jacob Lee Court
Reisterstown, MD 21136

Dear Mr. Cook:

RE: Case Number: 01-058-A, 4 Jacob Lee Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 8, 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. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 21, 2000

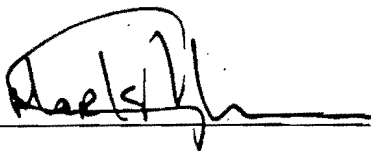
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 01-058, 01-059, 01-060, 01-062 and 01-066

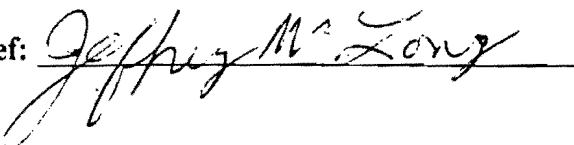
The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:



Section Chief:



AFK/JL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 30, 2000

FROM: *RWB* 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, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RL/RBS*

DATE: September 11, 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of August 21, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
057	2601 Old Court Road
058	4 Jacob Lee Court
059	Priceville Road/Hunt Farms Court
061	Tartan Hill Road
063	3737 Courtleigh Drive
064	7820 Ellenham Avenue
065	4 Silver Maple Court
066	5533 Emory Road
067	1007 Chesaco Avenue
068	6715 Ransome Drive



Baltimore County
Fire Department

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

August 22, 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 AUGUST 21, 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.

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

058, 059, 060, 061, 064, 065, 066, 067, 068, 069,

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

cc: File

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



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. 058 LTM

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,

✓ 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



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

December 14, 2000

Mr. James L. Cook
4 Jacob Lee Court
Reisterstown, MD 21136

Dear Mr. Cook:

RE: Case No. 01-58-A, 4 Jacob Lee Court

Please be advised that an appeal of the above-referenced case was filed in this office on December 6, 2000 by Mr. & Mrs. Randy Kilgore. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Jablon".

GDZ

Arnold Jablon
Director

AJ: gdz

C: Mr. & Mrs. Randy Kilgore, 2 Jacob Lee Court, Reisterstown 21136
People's Counsel

James L. Cook
4 Jacob Lee Court
Reisterstown, Maryland 21136
(410) 833-6546

December 29, 2000

Chairman,
Baltimore County Board of Appeals
Room 49
400 Washington Avenue
Towson, Maryland 21204

Subject: Case # 01-58A, 4 Jacob Lee Court

Honorable Sir:

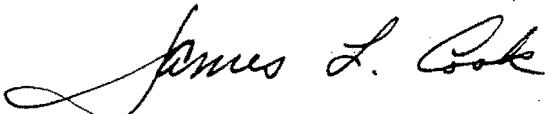
Baltimore County letter dated December 14, 2000 officially notified me of an appeal of the subject case and that the case was forwarded to your Board for a public hearing. It is most regrettable that such a simple matter must occupy your time; however, I respect the fact that County rules must be followed.

A Variance Appeal sign was installed in my yard this morning prompting me to ascertain a hearing date from your office and was informed by your staff that a hearing has not been scheduled. It was indicated that a hearing might not be scheduled for as much as six months. If so, it becomes a financial burden for me since I have negotiated a 90-day firm price contract with a contractor that has an anticipated start date of March 1, 2001. This variance process began last August with an affirmative decision by the Zoning Commissioner on November 6, 2000. The decision came after what was perceived as delaying tactics by the appellant. Again, waiting until the last day of the appeal process before presenting their appeal, causes more delay and continues to impact me financially.

If your calendar will permit, please accept this letter as my request for an expedited hearing so that I may avoid the inflationary costs of construction, should you find in my favor at the hearing.

Thanking you in advance for a favorable hearing schedule.

Sincerely yours,



James L. Cook

November 5, 2000

*Hand delivered to BC
Zoning Office

Arnold Jablon, Director
Dept. of Permits & Development Management
for Baltimore County
111 West Chesapeake Avenue
Towson, MD 21204

RE: Case No 01-058-A
Request for Appeal - submitted by
Bobbi and Randy Kilgore

We are requesting that the above case be set for an Appeal Hearing with the Board of Appeals for Baltimore County.

We are in receipt of the decision rendered by Lawrence E. Schmidt, Zoning Commissioner for Baltimore County, dated November 6, 2000 granting the Administrative Variance to James L. Cook Petitioner. Our property at 2 Jacob Lee Court, adjoins that of Mr. Cook and will be negatively affected by this variance approval.

We disagree with Mr. Schmidt's decision in this matter as we feel the necessary requirement of presenting a "unique situation" involving "extreme hardship" and/or "difficulty" has not been proven or clearly defined in this case.

It is our understanding that we will be notified in writing by the Board of Appeals for Baltimore County when a hearing date has been assigned.

We have submitted the required fees in the amount of \$210.00 to the Zoning Office to cover our costs for the Appeal Request and Posting of Mr. Cook's property, as required by Baltimore County.

Please note that any mail sent to us must be addressed to our post office box listed below.

Sincerely,

Bobbi Kilgore

Bobbi Kilgore

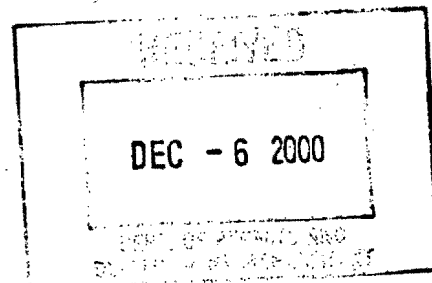
Randy Kilgore

Randy Kilgore

P.O. Box 452

2 Jacob Lee Court

Reisterstown, Maryland 21136



Page 1 of 3

TO: Mr. Tim Kotroco

Office of the Zoning Commissioner of Baltimore County

From: The Kilgores - 2 Jacob Lee Court

Re: Application for Zoning Variance: Case No. 01-058-A

As residents of 2 Jacob Lee Court, Reisterstown, Maryland since 1977, our property is adjacent to and abuts the East side of the property of James Cook at 4 Jacob Lee Court. We are writing to request that you consider the facts contained in this Letter of Objection and deny the petition for a variance based on the following.

- Negative affect on our property value and aesthetics
- Potential Fire Hazard-our back and side yards are enclosed by a wooden fence that attaches to our house (the garage would be within 7 feet of the fence)
- Possible alteration or restriction of future plans to make changes, additions (i.e., alternate entrance, deck with ramp, etc.) as future needs may dictate.

Since we received Mr. Cook's July 15 letter (copy attached) and a copy of his Affidavit, we have contacted the following County offices. Zoning (Mr. Lewis, Mr. Kellman, Mr. Perlo); Land Records & Acquisition (Eric Rokel); Environmental Protection Impact Division (Paul Dennis, John Russo.)

After receiving a copy of the Affidavit, on August 28, submitted by Mr. Cook, an attempt was made to substantiate the facts stated where he presents a unique situation involving "extreme hardship and difficulty."

Mr. Dennis and Mr. Russo (Environmental Protection Impact Division) researched their files extensively and were unable to provide us with any evidence or supportive information regarding the "hardship" issues mentioned in the Affidavit pertaining to a high water table..and a protected Baltimore County stream area. They reported no unusual restrictions pertaining to Mr. Cook's property that would prevent him from erecting a detached garage.

In his Affidavit, Mr. Cook describes the protection of his "personal property from elements, i.e., weather, bird droppings, tree sap, and leaves" as justification for an Administrative Variance. It should be noted that the trees that overhang his driveway are located on his property. It seems to us that his references are inconveniences as opposed to the requisite "hardship or practical difficulty."

Please note that the date Mr. Cook filed his application with Zoning was August 8, 2000, (information gained from the Zoning Office).Also note that the Affidavit that is on file is signed by Mr. Cook with a Notary as witness...and that is dated August 21, 2000.

We appreciate your consideration in this matter and request that you notify us personally of your decision.

Sincerely,



Barbara and Charles Kilgore

Attachments (2)

Attachment - Zoning VARIANCE - CASE # 01-058 - A
#1

Page 2 of 3

James L. Cook
4 Jacob Lee Court
Reisterstown, Maryland 21136-1713

July 15, 2000

Mr. & Mrs. C. Randall Kilgore
2 Jacob Lee Court
Reisterstown, MD. 21136

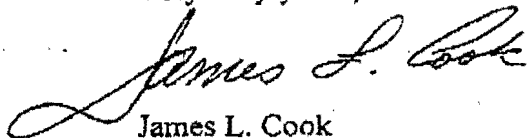
Dear Mr. & Mrs. Kilgore:

It is my desire to construct a one-car garage, attached to the dwelling at 4 Jacob Lee Court. To accomplish this, I will need a variance to the Baltimore County zoning code. With current zoning, dwellings with no side windows require 10-feet of clearance between structure and property line. For me to add a one-car garage, the clearance on the west side of my house will be reduced to 7-feet $\pm$.

As a property owner, contiguous to the property captioned above, you are requested to advise me within 15-days of receipt of this letter, if you have any objections in the County granting me a variance to the zoning code.

Please feel free to contact me at (410) 833-6546 if you have any questions concerning the above.

Very truly yours,


James L. Cook

July 25, 2000

To: James Cook
4 Jacob Lee Court
Reisterstown, MD 21136

From: Bobbi and Randy Kilgore
2 Jacob Lee Court
Reisterstown, MD 21136

Regarding: Garage/Variance Issue

As you know, we have received your certified letter regarding your desire to construct a garage and the need for a variance to be granted.

We most definitely object to the County granting you a variance to the zoning code, enabling this structure to be built.

We realize we are under no obligation to respond to the above mentioned note but have done so as a courtesy.

If you would like to discuss the above issue with us, please feel free to do so.

Sincerely,



Bobbi Kilgore



Randy Kilgore